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TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

[Amdt. 5]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—ORANGE AND GRAPEFRUIT EXPORT PAYMENT PROGRAM UMX 135a (FISCAL YEAR 1954)

PROCESSED PRODUCT SPECIFICATIONS

Section 517.424 (b) (9) is hereby amended to read as follows:

(9) Canned (hot-pack) or preserved concentrated grapefruit juices shall meet the following requirements:

(i) General: The product shall be prepared from the unfermented juice obtained from sound, mature fruit of the grapefruit tree (Citrus paradisi); shall be prepared and processed under sanitary conditions and in accordance with good commercial practice; and, the product, including any labeling, shall conform in every respect with the provisions of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder. Canned concentrated juices shall be sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. Preserved concentrated grapefruit juice shall be prepared with the addition of suitable chemical preservatives as specified. All containers shall be sound and clean. Cans shall be free from rust and serious dents.

(ii) Canned concentrated grapefruit juice (55° Brix or more) shall meet the requirements of "Tentative United States Standards for Grades of Canned Concentrated Grapefruit Juice," effective November 15, 1945.

(iii) Preserved concentrated grapefruit juice (55° Brix or more): (*a*) The concentrated grapefruit juice, prior to the addition of chemical preservatives, shall meet the requirements of subdivision (ii) of this subparagraph.

(*b*) Sulphur dioxide alone or sodium benzoate or benzoic acid or any combination of sodium benzoate and benzoic acid shall be added within the following ranges but only in a quantity necessary as a preservative for the respective concentrations:

Sulphur dioxide 350 p. p. m. to 750 p. p. m. Sodium benzoate and or benzoic acid equal 1 percent to ¼ of 1 percent.

(iv) Chemical methods. Chemical analyses shall be made in accordance with the methods of the Association of the Official Agricultural Chemists or in accordance with methods that give equivalent result.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Effective date. This amendment shall become effective at 12:01 a. m., e. d. t., September 1, 1954.

Dated this 27th day of August 1954.

[SEAL] FLOYD F. HEDLUND,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 54-6880; Filed, Aug. 31, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 1]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

COUNTY COMMITTEEMEN, COMMUNITY COMMITTEEMEN, DELEGATES, AND COMMUNITY ELECTION BOARD MEMBERS; ALL OTHER PERSONNEL

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the following amendment to the regulations in this subpart published at 19 F. R. 3637 is hereby prescribed.

1. Section 7.15 (e) is rescinded in its entirety effective on August 30, 1954.

2. Section 7.15 (f) is amended effective on August 30, 1954, to read as follows:

(f) If the office is that of community committeeman, not have served on the

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same committee during part or all of each of the three immediately preceding terms of office of such committee other than as an alternate acting in the temporary absence of a regular committeeman: *Provided*, That this paragraph shall not apply in any county where there is only one community;

3. A new paragraph (e) is added to § 7.15 effective upon publication in the FEDERAL REGISTER, to read as follows:

(e) If the office is that of county or community committeeman in a county or community where the committee participates in any way in the administration of the Sugar Act of 1948, not, during his term of office, have a stock or membership interest in any organization engaged in producing or manufacturing sugar or liquid sugar, or invest or speculate in sugar or liquid sugar or contracts relating thereto;

4. A new paragraph (c) is added to § 7.16 effective upon publication in the FEDERAL REGISTER to read as follows:

(c) The county office manager and other county office employees in any county office which participates in any way in the administration of the Sugar Act of 1948 must not, during their period of employment, have a stock or membership interest in any organization engaged in producing or manufacturing sugar or liquid sugar, or invest or speculate in sugar or liquid sugar or contracts relating thereto.

(Sec. 4, 49 Stat. 164, as amended; 16 U. S. C. 590d. Interpret or apply sec. 1, 49 Stat. 1149, as amended; 16 U. S. C. 590h.)

Done at Washington, D. C., this 27th day of August 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54-6883; Filed, Aug. 31, 1954; 8:51 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[Sugar Reg. 814.30]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1954

Basis and purpose. This order is issued under section 205 (a) of the Sugar Act of 1948, as amended (7 U. S. C. 1100 et. seq., hereinafter called the "act"), for the purpose of revising Sugar Regulation 814.30 (19 F. R. 4704) which allots the 1954 sugar quota for the domestic beet sugar area.

Revision of Sugar Regulation 814.30 is made to give effect to a stipulation and petition by all the allottees under said regulation that the allotment of the 1954 sugar quota for the domestic beet sugar area as set forth in said stipulation and petition and as hereinafter set forth in this order will provide an allotment of such quota in conformity with section 205 (a) of the act.

Accordingly, I hereby find that the allotment of the 1954 sugar quota for the domestic beet sugar area as hereinafter set forth in this order constitutes a fair, efficient and equitable distribution of said quota.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, § 814.30 is hereby revised as follows:

§ 814.30 *Allotment of the 1954 sugar quota for domestic beet sugar area*—(a) *Allotments.* The 1954 sugar quota for the domestic beet sugar area is hereby allotted to the following persons in the amounts which appear opposite their respective names:

Processors	Allotment: Short tons raw value (1)	Allotment: 100-pound bags beet sugar (2)
Amalgamated Sugar Co., The	220,963	4,288,752
American Crystal Sugar Co.	239,756	4,481,420
Buckeye Sugar Co., The	6,634	124,000
Franklin County Sugar Co.	10,224	191,112
Garden City Co., The	5,767	107,764
Great Lakes Sugar Co.	21,440	400,757
Great Western Sugar Co., The	454,788	8,500,907
Gunnison Sugar, Inc.	12,158	227,243
Holly Sugar Corp.	277,594	5,188,673
Lake Shore Sugar Co.	9,748	182,196
Layton Sugar Co.	6,166	115,292
Menominee Sugar Co.	5,688	106,318
Michigan Sugar Co.	64,989	1,214,757
Monitor Sugar Division of Robert Gage Coal Co.	20,917	390,963
National Sugar Manufacturing Co., The	7,556	141,227
Spreckels Sugar Co.	189,610	3,544,112
Superior Sugar Refining Co.	7,601	142,058
Union Sugar Division of Consolidated Grocers Corp.	70,290	1,313,832
Utah-Idaho Sugar Co.	159,241	2,976,467
Total	1,800,000	33,644,860

(b) *Proration of area or processor deficits.* The allotments provided for in paragraph (a) of this section shall be revised by the Secretary for the purpose of allotting any additional quota resulting from proration of area deficits or any deficit in the allotment for any allottee by allotting any such additional quota or deficit to processors, who are able to supply the additional sugar, in the proportion that the respective allotments of such processors as set forth in paragraph (a) of this section bear to the total of the allotments of such processors as set forth in said paragraph (a).

(c) *Restrictions on shipment and marketings.* Each person named in paragraph (a) of this section is hereby prohibited from shipping, transporting or marketing in interstate commerce or in competition with sugar or liquid sugar in interstate commerce, any sugar or liquid sugar produced from sugar beets grown in the domestic beet sugar area in excess of the allotments established in this section.

In view of the limited time remaining in the quota year to which the allotments apply and the fact that all of said allottees under said sugar regulation have agreed to the allotments to them as set forth in this order, it is imperative that this order become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 27th day of August 1954.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Judicial Officer.

[F. R. Doc. 54-6882; Filed, Aug. 31, 1954; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 907—MILK IN THE MILWAUKEE, WISCONSIN, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective on and after September 1, 1954. This action is necessary in the public interest in order to reflect the current marketing conditions and to facilitate the orderly marketing of milk produced for the Milwaukee, Wisconsin, marketing area. Any delay beyond September 1, 1954, in the effective date of this order amending the order, as amended, will tend to impair the orderly marketing of milk produced for the Milwaukee, Wisconsin, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order amending the order, as amended, effective September 1, 1954 (see sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Milwaukee, Wisconsin, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In the proviso in § 907.51 (a), delete the word "August" and substitute the word "November."

2. Delete § 907.51 (b) and substitute therefor the following:

(b) The price for Class II milk shall be the basic formula price plus the following amounts as indicated: May and June, $0.40; July through November, inclusive, $0.70; all other months, $0.50, *Provided*, That for the months of September, October, and November, 1954, $0.50 shall be used in lieu of $0.70 as indicated above: *And provided further*, That such Class II price differentials shall be adjusted by the amount of any adjustment made in the Class I price differential for the same month pursuant to the proviso of paragraph (a) of this section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of August to be effective on and after the 1st day of September 1954.

[SEAL] J. EARL COKE,
Acting Secretary.

[F. R. Doc. 54-6855: Filed, Aug. 31, 1954; 8:45 a. m.]

PART 909—ALMONDS GROWN IN CALIFORNIA

SALABLE AND SURPLUS PERCENTAGES

Notice of proposed rule making with respect to the fixing of salable and surplus percentages of almonds for the crop year beginning July 1, 1954, was published in the FEDERAL REGISTER of August 10, 1954 (19 F. R. 5020), pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR, 1953 Rev., Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C., 601 et seq.). In said notice, in which it was proposed to fix the salable and surplus percentages of almonds at 70 percent and 30 percent, respectively, for the crop year beginning July 1, 1954, opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule fixing the percentages.

Four communications objecting to the proposed percentages were received. They did not contain specific data as to changes which should be made in estimates used in arriving at the proposed percentages. The views submitted would not justify changing the proposed rule.

It is hereby found and determined that good cause exists for making this administrative rule effective upon its publication in the FEDERAL REGISTER, instead of waiting 30 days after publication, for the reasons that (1) it is desirable that the percentages be fixed prior to or as soon as practicable after growers begin to deliver 1954 crop almonds to handlers, (2) such deliveries of 1954 crop almonds are about to begin, and (3) compliance with this administrative rule will not require handlers to make any advance preparation of a special nature.

Therefore, after consideration of all relevant matters, the administrative rule is as follows:

§ 909.204 *Salable and surplus percentages for almonds during the crop year beginning July 1, 1954.* The salable and surplus percentages during the crop year beginning July 1, 1954, applicable to almonds, edible kernel weight basis, received by handlers for their own accounts, shall be 70 percent and 30 percent respectively.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of August 1954, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 54-6875: Filed, Aug. 31, 1954; 8:49 a. m.]

PART 967—MILK IN THE SOUTH BEND-LA PORTE, INDIANA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than September 1, 1954. Any delay beyond September 1, 1954, in the effective date of this order amending the order, as amended, will tend to disrupt the orderly marketing of milk for the South Bend-La Porte, Indiana, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective September 1, 1954 (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the South Bend-LaPorte, Indiana, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1954), were engaged in the production of milk for sale in the said marketing area; and

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the South Bend-La Porte, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Insert as § 967.15 the following:

§ 967.15 *Base, base milk and excess milk*—(a) *Base.* "Base" means a quantity of milk expressed in pounds per day computed pursuant to § 967.63.

(b) *Base milk.* "Base milk" means a quantity of producer milk received by a handler during each of the months of April, May, June, and July which is not

in excess of such producer's base multiplied by the number of days such milk was produced.

(c) *Excess milk.* "Excess milk" means producer milk received by a handler during each of the months of April, May, June, and July which is in excess of the base milk received from such producer.

2. In § 967.30 (a) add the following: "and (4) for the delivery periods of April through July, the total amount of base milk and the total amount of excess milk received from producers;".

3. In § 967.31 (b) change the period at the end of the sentence to a semicolon and add the following: "and (4) for the delivery periods of September through December, the number of days on which milk was received from each producer, and for the delivery periods of April through July, for each producer the number of days on which milk was received and the amount of base milk and excess milk."

4. In the proviso of § 967.51 (a) delete the word "August" and substitute the word "November".

5. Insert as § 967.63 the following:

§ 967.63 *Computation of base.* Subject to the conditions set forth in § 967.64, the market administrator shall compute for each of the months of April, May, June, and July a base for each producer, as follows:

(a) Divide the total pounds of milk received by a handler from each producer during the months of September, October, November and December immediately preceding, by the number of days such milk was produced (not to be less than 90 days): *Provided*, That any producer for whom a base has been computed, may, upon written notice to the market administrator postmarked not later than January 31 preceding relinquish his base and be allotted a base computed pursuant to paragraph (b) of this section.

(b) Any producer who has not established a base or who elects to relinquish his base pursuant to the provisions of paragraph (a) of this section shall be assigned a base for each of the months of April, May, June, and July computed as follows:

(1) From the total quantity of producer milk received by handlers during the same month of the previous year, subtract the total receipts from producers who did not establish bases or who had relinquished their bases.

(2) Determine the percentage that base milk was of the remaining pounds, and subtract 10, except that for the months of April, May, June and July 1955 the percentages computed pursuant to this subparagraph shall be as follows:

Month:	Percentage
April 1955	70
May 1955	60
June 1955	60
July 1955	65

(3) Multiply the resulting percentage by the total pounds of milk received by a handler from the producer during the applicable month and divide the result by the number of days such milk was produced.

6. Insert as § 967.64 the following:

§ 967.64 *Base rules.* Any base computed pursuant to § 967.63 (a) shall be subject to the following rules:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned, and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) If a producer operates more than one farm he must establish a base with respect to the milk from each farm, and in the event such producer chooses to relinquish the base earned for one farm he must do so for all farms.

7. In § 967.22 delete the last word, "and" from paragraph (i) (2); change the period at the end of paragraph (j) to a semicolon, and add the word "and"; and add paragraph (k) as follows:

(k) On or before April 1 each year notify each producer of the amount of his base, and notify each handler of the amount of the base of each producer delivering milk to any of the handler's plants.

8. In § 967.71 delete paragraphs (d) and (e) and insert a new paragraph (d) as follows:

(d) For the delivery periods of August through March compute the uniform price by dividing the result computed pursuant to paragraph (c) of this section by the hundredweight of producer milk included in the computations pursuant to paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent).

9. In § 967.71 insert a new paragraph (e) as follows:

(e) For each of the delivery periods of April through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, received from producers as follows:

(1) Compute the total value on a 3.5 percent butterfat basis of excess milk included in the computations pursuant to paragraph (a) of this section by multiplying the hundredweight of such excess milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.5 percent butterfat content, and multiplying the hundredweight of such excess milk in excess of such Class II milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts.

(2) Compute the uniform price for excess milk of 3.5 percent butterfat content by dividing the total value of excess milk obtained in subparagraph (1) of this paragraph by the total hundredweight of such milk, and adjusting to the nearest cent;

(3) Multiply the hundredweight of excess milk included in the computations pursuant to subparagraph (2) of this paragraph by the uniform price for excess milk computed pursuant to said subparagraph (2);

(4) Subtract the value computed pursuant to subparagraph (3) of this paragraph from the value computed pursuant to paragraph (c) of this section and divide the result by the total hundredweight of base milk included in these computations;

(5) Compute the uniform price for base milk of 3.5 percent butterfat content by subtracting not less than 4 cents nor more than 5 cents from the result computed pursuant to subparagraph (4) of this paragraph.

10. Delete § 967.80 (a) and substitute:

(a) On or before the 18th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for the delivery periods of August through March and the uniform prices for base milk and excess milk for the delivery periods of April through July calculated pursuant to § 967.71 and adjusted by the producer butterfat differential pursuant to § 967.81 for all milk received from such producer during such delivery period and less payment to such producer made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

11. Delete § 967.80 (c) and substitute the following:

(c) On or before the 4th day after the end of each delivery period, each handler shall pay to each producer, or to a cooperative association authorized to collect payment, a payment which for the delivery periods of September through April shall be at not less than the uniform price announced by the market administrator for the preceding delivery period, and for the delivery periods of May through August at not less than the uniform price announced by the market administrator for base milk for the preceding delivery period such payment to be for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any

delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of August 1954 to be effective on and after the 1st day of September 1954.

[SEAL] J. EARL COKE,
Acting Secretary.

[F. R. Doc. 54-6857; Filed, Aug. 31, 1954; 8:45 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1954, Supp. 11]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1954

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1954, the 1954 National Agricultural Conservation Program, approved August 3, 1953 (18 F. R. 4643), as amended August 3, 1953 (18 F. R. 4761), November 4, 1953 (18 F. R. 7024), January 6, 1954 (19 F. R. 160), February 15, 1954 (19 F. R. 972), March 3, 1954 (19 F. R. 1267), March 22, 1954 (19 F. R. 1639), March 26, 1954 (19 F. R. 1791), May 14, 1954 (19 F. R. 2894), June 17, 1954 (19 F. R. 3793), and July 8, 1954 (19 F. R. 4298), is further amended as follows:

1. Section 1101.515 is amended by adding paragraph (i) as follows:

§ 1101.515 *Conservation practices and maximum rates of cost-sharing.* • • •

(i) Notwithstanding other provisions of this subpart, costs may be shared for the practices contained in §§ 1101.516 to 1101.519, 1101.526, 1101.527, 1101.539, 1101.540, and 1101.558 to 1101.561 for the performance actually rendered even though the minimum requirements with regard to the rate of seeding or the application of liming materials or commercial fertilizers are not met, if the farmer establishes to the satisfaction of the county committee and the State committee or its designee (1) that he made every reasonable effort to meet the minimum requirements, and (2) that the practice as performed adequately meets the conservation problem.

2. Section 1101.561 is amended to read as follows:

§ 1101.561 *Practice D-4: Establishment of a vegetative cover in the fall of 1954 to protect cropland which will be shifted from crop production in 1955.* Eligible seedings may consist of grasses, legumes, or small grains. This practice is applicable only to cropland which will be shifted for the entire 1955 crop year from crop production. Pasturing consistent with good management may be permitted. Cost-shares paid under this practice shall be refunded if the land is not devoted throughout the 1955 crop year to green manure or cover crops, except in areas where it is determined by the State committee that lack of moisture makes it impracticable to obtain additional green manure or cover crops in 1955 on the same land. No crop may be harvested for seed in 1955. No crop may be harvested for hay in 1955, except in areas where the State committee determines that a serious shortage of forage exists due to drought.

Maximum Federal cost-share. 50 percent of the average cost of establishing the vegetative cover, including seedbed preparation, plus 50 percent of the average cost of the minimum required application of approved liming materials and commercial fertilizers for establishment of the cover.

3. Section 1101.580 is amended to read as follows:

§ 1101.580 *Cost to farmer or rancher.* The farmer or rancher will pay that part of the cost of the material or service, as established under instructions issued by the Administrator, ACPS, which is in excess of the Federal cost-share attributable to the use of the material or service or, upon request by the farmer or rancher and approval by the county committee, the farmer or rancher will pay that part of the cost of the material or service which is in excess of the farmer's or rancher's Federal cost-share for all components of the practice which will likely be completed during the program year. The Federal cost-share increase on the amount of the Federal cost-share so determined may be advanced as a credit against that part of the cost of the material or service required to be paid by the farmer or rancher.

4. Section 1101.581 (a) is amended to read as follows:

§ 1101.581 *Discharge of responsibility for materials and services.* (a) The person to whom a material or service is furnished under the 1954 program will be relieved of responsibility for the material or service upon determination by the county committee that the material or service was used for the purpose for which it was furnished and that any other components of the practice, on which the amount of the Federal cost-share advance toward the cost of the material or service was determined, have been carried out in accordance with all applicable specifications and program provisions. If the person uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the material or service borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 67 Stat. 205; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 26th day of August 1954.

[SEAL] J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-6873; Filed, Aug. 31, 1954; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6160]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

TOPCO ASSOCIATES, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage or other compensation under 2 (c): § 3.800 *Buyers' agents;* § 3.820 *Direct buyers.* In connection with the purchase of food products or any other merchandise in interstate commerce, receiving or accepting from any seller, directly or indirectly, anything of value as a commission, brokerage, or other compensation, reflected in a lower price, or otherwise, or any allowance, or discount in lieu thereof, on or in connection with purchases made for respondent's own account or for the account of any of its members, or while acting for or in behalf of a purchaser as an intermediate agent, or subject to the direct or indirect control of such purchaser; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Topco Associates, Inc., Chicago, Ill., Docket 6160, Aug. 17, 1954]

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission, which charged respondent with violating the provisions of subsection (c) of section 2 of the Clayton Act, as amended, through accepting unlawfully commissions or brokerage in connection with its purchases, and upon an agreement of counsel and stipulation for consent order submitted pursuant thereto.

By the terms of said stipulation, respondent admitted all the jurisdictional allegations set forth in the complaint and stipulated that the record in the instant matter might be taken as if the Commission had made findings on the jurisdictional facts in accordance with such allegations; waived the filing of an answer to the complaint and all further procedure before the hearing examiner and the Commission; and agreed that the order to be entered should have the same force and effect as if made after full hearing, presentation of evidence, and findings and conclusions thereon, and specifically waived all right, power, or privilege to contest the validity of said order.

Said stipulation recited that it was executed for settlement purposes only; that its execution did not constitute an admission by respondent of the violation of law alleged in the complaint; that said complaint might be used in construing the terms of the order in the matter; that said order might hereafter be altered, modified, or set aside in the manner prescribed by law; and that said stipulation for consent order, together with the complaint, should constitute the entire record of the instant proceeding, and that the order contained therein might be entered upon the record, in disposition of the proceeding, without further notice.

Thereafter said examiner, having concluded, in view of the provisions of said stipulation, that the order contained therein would resolve all the issues arising by reason of the complaint in the proceeding and would safeguard the public interest to the same extent as could be accomplished by full hearing and other adjudicative procedure waived in said stipulation, made his initial decision setting forth the aforesaid matters and, in consonance with the terms of said agreement, accepting the stipulation for consent order submitted in the matter, and issuing the order therein contained.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 17, 1954.

Said order is as follows:

It is ordered, That the respondent, Topco Associates, Inc., a corporation, and its officers, directors, associates or employees, directly or through any corporate or any other device, in connection with the purchase of food products or any other merchandise in interstate commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting from any seller, directly or indirectly, anything of value as a commission, brokerage, or other compensation, reflected in a lower price, or otherwise, or any allowance, or discount in lieu thereof, on or in connection with purchases made for respondent's own account or for the account of any of its members, or while acting for or in behalf of a purchaser as an intermediate agent, or subject to the direct or indirect control of such purchaser.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of notification that this order has become the decision of the Commission, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6160, August 17, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That respondent Topco Associates, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 17, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-6879; Filed, Aug. 31, 1954; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6097]

[Regs. 4]

PART 183—PRODUCTION OF DISTILLED SPIRITS

[Regs. 5]

PART 184—PRODUCTION OF BRANDY

[Regs. 10]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

[Regs. 11]

PART 189—BOTTLING OF TAX-PAID DISTILLED SPIRITS

[Regs. 15]

PART 190—RECTIFICATION OF SPIRITS AND WINES

SUPERVISION OF ACTIVITIES, RESPONSIBILITY FOR OPERATIONS AND PREPARATION OF VARIOUS RECORDS AT RECTIFYING PLANTS AND TAX-PAID BOTTLING HOUSES

On July 28, 1954, notice of proposed rule-making with respect to amendments to Regulations 4 (26 CFR Part 183), Regulations 5 (26 CFR Part 184), Regulations 10 (26 CFR Part 185), Regulations 11 (26 CFR Part 189), and Regulations 15 (26 CFR Part 190), (a) to eliminate from the regulations the requirements for Government locks and seals on various tanks and pipe lines, (b) to permit proprietors to give notice of their intention to dump spirits for rectification or for bottling, in lieu of filing an application for such authority, (c) to modify the requirements to permit the dumping of spirits, certain acts of rectification, bottling, packaging, stamping, labeling and marking containers in the absence of Government officers, (d) to transfer to proprietors the custody of and accountability for red strip stamps, (e) to permit the bulk gauging of distilled spirits dumped for rectification, (f) to revise the requirements for maintenance and disposition of reports covering transfers of spirits, (g) to modify the requirement for the verification of labeling and proof of finished products, (h) to provide for the alternate use of tanks in rectifying plants either as dumping and reducing tanks or as processing tanks, (i) to liberalize the requirements governing rectification under trade names, (j) to waive the requirement for Government locks on outside doors of tax-paid bottling houses in instances where such bottling houses are in buildings which are separate and apart from any other building used in connection with the internal revenue bonded warehouse, and (k) to correct an inconsistency between §§ 190.575 and 190.589 on one side and §§ 190.691 and 190.693 on the other and to conform all four sections to the reorganization procedures, was published in the FEDERAL REGISTER (19 F. R. 4639). No comments having been received during the 15-day period prescribed in such notice, the following amendments are hereby adopted:

PARAGRAPH 1. Wherever the term "supervisor", "district supervisor" or "Assistant District Commissioner" appears in the sections of the regulations revised by this Treasury decision, such term is hereby amended to read "Assistant Regional Commissioner". Similarly, the term "collector" or "director" is hereby amended to read "District Director of Internal Revenue". "Assistant Regional Commissioner" means the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the Regional Commissioner.

PAR. 2. Regulations 4 (26 CFR Part 183) are amended as follows:

(A) Section 183.552, as amended by Treasury Decision 5919, approved July 16, 1952, is further amended by striking out the words "proprietor of" in the last sentence and inserting in lieu thereof the words "storekeeper-gauger in".

(B) Section 183.553, as amended by Treasury Decision 5919, is further amended by striking out the word "vendee" in the last sentence and inserting in lieu thereof the words "storekeeper-gauger at the vendee premises".

(C) Section 183.554k, as added by Treasury Decision 5919, is amended as follows:

(1) By striking out the word "vendee" in the third sentence which begins "The distiller" and inserting in lieu thereof the words "storekeeper-gauger at the vendee premises".

(2) By striking out the words "supervisory district" in the last sentence and inserting in lieu thereof the word "region".

(3) By striking out the word "district" in the last sentence and inserting in lieu thereof the word "region".

PAR. 3. Regulations 5 (26 CFR Part 184) are amended as follows:

(A) Section 184.593, as amended by Treasury Decision 5919, is further amended by striking out the words "proprietor of" in the last sentence and inserting in lieu thereof the words "storekeeper-gauger at".

(B) Section 184.594, as amended by Treasury Decision 5919, is further amended by striking out the word "vendee" in the eighth sentence which begins "The distiller" and inserting in lieu thereof the words "storekeeper-gauger at the vendee premises".

(C) Section 184.594k, as added by Treasury Decision 5919, is amended as follows:

(1) By striking out the word "vendee" in the third sentence which begins "The distiller" and inserting in lieu thereof the words "storekeeper-gauger at the vendee premises".

(2) By striking out the words "supervisory district" in the last sentence and inserting in lieu thereof the word "region".

(3) By striking out the word "district" in the last sentence and inserting in lieu thereof the word "region".

PAR. 4. Regulations 10 (26 CFR Part 185) are amended as follows:

(A) Section 185.272, as amended by Treasury Decision 6050, approved November 6, 1953, is amended as follows: (1) By striking out the final period of paragraph (c) and adding "*Provided*, That such requirement may be waived in instances where the bottling house is located in a building which is separate and apart from any other building used in connection with the internal revenue bonded warehouse".

(B) Section 185.626, as amended by Treasury Decision 5919, is further amended by striking out the word "vendee" in the fourth sentence which begins "If the spirits" and inserting in lieu thereof the words "storekeeper-gauger at the vendee premises".

(C) Section 185.635 is amended by striking out the period at the end of the last sentence and adding ": *Provided*, That where liquors are to be consigned to tax-paid bottling houses or rectifying plants the warehouseman will forward one copy of Form 92 to the storekeeper-gauger at the vendee premises who will deliver such copy to the vendee".

(D) Section 185.657, as amended by Treasury Decision 5919, is further amended as follows:

(1) By striking out the word "vendee" in the second sentence which begins "The storekeeper-gauger" and inserting in lieu thereof the words "storekeeper-gauger at the vendee premises".

(2) By striking out the words "supervisory district" in the last sentence and inserting in lieu thereof the word "region".

(3) By striking out the word "district" in the last sentence and inserting in lieu thereof the word "region".

PAR. 5. Regulations 11 (26 CFR Part 189) are amended as follows:

(A) Section 189.45 is amended by striking out the words "and stamps" in the second sentence which begins "There shall also".

(B) Section 189.58 is amended by striking out the fifth and sixth sentences, which begin "Stopcocks must be" and "Manheads, inlets, and", respectively, and inserting in lieu thereof the following sentences: "Stopcocks must be provided and so arranged as to control completely the flow of spirits into the tank: *Provided*, That where spirits are received by pipe line from contiguous premises and the pipe line is equipped with a valve in the contiguous premises, which may be locked with a Government lock, the inlet valve in the receiving tax-paid bottling house is not required to be locked. Manheads and inlets of the storage tank must be provided with facilities for locking with Government locks. However, storage tanks to be used exclusively for the storage of wine and labeled 'Wine Storage Tank' need not be secured as provided by this section. A closed manifold system, not equipped for locking with Government locks, may be installed which will permit the transfer of spirits between storage tanks."

(C) Section 189.60 is amended by striking out the words "closed and secured by a Government lock or seal" in the fourth sentence which begins "Each bottling tank" and inserting in lieu thereof the words "provided with facilities for closing which may be secured by a Government lock or otherwise fastened and sealed".

(D) Section 189.61 is amended by striking from the last sentence the words "and such outlet is equipped for locking with a Government lock when not in use".

(E) Section 189.62 is amended as follows:

(1) By striking out the second sentence which begins "Such tank must".

(2) By striking from the third sentence which begins "The capacity of" the phrase ", and the manheads, if any, shall be equipped for locking with a Government lock".

(F) Section 189.63 is amended by striking out the last sentence.

(G) Section 189.65 is amended by striking out the third sentence which begins "Where distilled water".

(H) Section 189.66 is amended as follows:

(1) By striking out the period at the end of the fifth sentence which begins "Such pipe lines" and adding ": *Provided*, That where the pipe line leading from the contiguous premises is equipped with a valve on such contiguous premises which may be locked with a Government lock, so as to control the flow of spirits, such valve in the receiving tax-paid bottling house is not required".

(2) By striking out the sixth sentence which begins "If detachable hose".

(3) By amending the seventh sentence which begins "Filters may be" to read: "Filters may be installed in such pipe lines connected with bottling tanks."

(I) Section 189.155 is amended to read as follows:

§ 189.155 *Restrictions.* No operations pertaining to transferring of spirits by pipeline from adjoining premises or from tank cars or tank trucks to storage or bottling tanks or other operations required by this part to be conducted under the supervision of a Government officer shall be carried on at a tax-paid bottling house during other than regular business hours, unless special permission (including provision for supervision) is first obtained therefor from the Assistant Regional Commissioner. Operations which may be conducted in the absence of the Government officer may not however be carried on at a tax-paid bottling house during other than regular business hours unless notice of such operations is first given, in writing, to the storekeeper-gauger.

(J) Section 189.156 is amended as follows:

(1) By inserting in the first sentence after the words "restrict operations" the following words "requiring the supervision of a Government officer".

(2) By striking out the last sentence and inserting in lieu thereof the following sentences: "Where bona fide emergencies exist, Assistant Regional Commissioners will assign officers to duty outside of regular hours only after thorough investigation of the facts in each case and only in the event the necessary personnel can be assigned without undue interference with other activities. Where the proprietor needs to dump, filter or bottle spirits or perform such other operations which may be conducted in the absence of a Government officer, after regular hours, he shall first give notice thereof, in writing, to the storekeeper-gauger. The storekeeper-gauger shall forward a copy of the notice to the Assistant Regional Commissioner."

(K) Section 189.166 is amended as follows:

(1) By striking out the second sentence which begins "When spirits are received in a railroad tank car" and inserting in lieu thereof the following sentence: "When spirits are received in a railroad tank car, in a tank truck, or by pipeline, they must be transferred or conveyed into storage tanks or into bottling tanks: *Provided*, That such transfers of distilled spirits must be under the supervision of a Government officer in order that he may determine that only lawful tax-paid spirits are received."

(2) By striking from the third sentence which begins "When spirits are transferred" the words "or out of".

(3) By striking out the fourth sentence which begins "The Government officer" and inserting in lieu thereof the following sentence: "Upon completion of the transfer of the spirits to storage or bottling tanks, the report of gauge, Forms 92, 1440 or 1520, as the case may be, delivered to the storekeeper-gauger from the consignor premises, shall be delivered by him to the proprietor."

(L) Section 189.170 is amended by striking out the first sentence and inserting in lieu thereof the following sentence: "When spirits received in a railroad tank car, in a tank truck, or by a pipeline are run into a storage tank, the report of gauge, Form 1520, in the case of distilled spirits other than alcohol, and Form 1440 in the case of alcohol, delivered to the proprietor of the tax-paid bottling house by the storekeeper-gauger, or Form 703–A in the case of wine, delivered by the shipper, shall be attached to such storage tank."

(M) Section 189.185 is amended as follows:

(1) By amending the heading thereof to read "*Notice, Form 230*".

(2) By striking from the first sentence the words "execute application" and inserting in lieu thereof the words "give notice".

(3) By inserting after the first sentence the following new sentence: "A copy of the label which is to be affixed to the bottles of such spirits shall be attached to each copy of Form 230."

(4) By striking out the seventh sentence which begins "The proof in".

(N) Section 189.191 is revoked.

(O) Section 189.192 and heading are amended to read as follows:

§ 189.192 *Submission to officer.* After preparation of the notice the proprietor will place the original of Form 230 on the storekeeper-gauger's desk and thereupon will proceed with the bottling. Where packages of spirits are to be dumped for bottling, or where spirits are received by pipeline from contiguous premises (other than rectifying plants) and are conveyed directly into bottling tanks, the withdrawal gauge, Forms 703–A, 1440, or 1520, will be submitted with the original of Form 230. Where spirits are received by pipeline from contiguous rectifying plants, the serial number of the copy of Form 230, or Form 237, received from the rectifier will be noted by the proprietor on Form 230 prepared by him. The storekeeper-gauger will return the Form 230 to the proprietor after noting the operation covered thereby.

(P) Section 189.193 is revoked.

(Q) Section 189.194 is amended by striking out the words "approval of Form 230 by the storekeeper-gauger, as provided in § 189.192" and inserting in lieu thereof the words "placing the original of Form 230 on the storekeeper-gauger's desk".

(R) Section 189.195 is amended by striking out the phrase ", and before they are released by the Government officer for bottling,".

(S) Section 189.206 is amended by striking out the last sentence and inserting in lieu thereof the following sentence: "Upon completion of the bottling the bottler will remove Form 230 from the bottling tank and complete the execution of his certificate on all copies."

(T) Section 189.213 is amended by striking out the seventh sentence which begins "Such rebottling" and inserting in lieu thereof the sentence "Such rebottling, relabeling, and restamping operations may be performed in the absence of the Government officer".

(U) Section 189.229 is amended by striking out the last four sentences and inserting in lieu thereof the following sentences: "The District Director of Internal Revenue will enter the serial numbers of the stamps issued and stamp the date of sale on all copies of Form 428, and will retain one copy and send the original to the Assistant Regional Commissioner and one copy to the proprietor. The District Director of Internal Revenue will forward the stamps to the proprietor. The proprietor will deliver the stamps and corresponding Form 428 to the Government officer for verification of receipt. Upon such verification the proprietor will enter receipt of the stamps on Form 182."

(V) Section 189.230 is amended as follows:

(1) By striking from the first sentence the words "Government officer" and inserting in lieu thereof the word "proprietor".

(2) By striking from the last sentence the words "for immediate delivery to the Government officer in accordance with § 189.229".

(W) Sections 189.231 and 189.232 are revoked.

(X) Section 189.233 is amended to read as follows:

§ 189.233 *Requisitions to be filed.* Proprietors will retain copies of Form 428 returned by the District Director of Internal Revenue at the plant as a record available for inspection by Government officers and will file them in chronological order.

(Y) Section 189.234 and heading are amended to read as follows:

§ 189.234 *Proprietor's responsibility.* Proprietors will be held strictly responsible for the proper control and accounting of all stamps received, used, and on hand. They shall be held responsible for the proper affixing of the stamps to bottles of tax-paid spirits and for making a proper accounting for all stamps reported mutilated.

(Z) Section 189.235 is revoked.

(AA) Section 189.240 is amended by striking out the last sentence and inserting in lieu thereof the following sentences: "Unless eligible and intended for exchange or refund as provided in § 189.241, red strip stamps that have been mutilated should be destroyed by the proprietor under the supervision of the Government officer. The proprietor will then enter appropriate credit on Form 182 for the number of each denomination of stamps so destroyed."

(BB) Sections 189.242 and 189.243 are revoked.

(CC) There is inserted immediately following § 189.256 the following new section:

§ 189.256a *Samples.* Government officers assigned to tax-paid bottling houses will secure samples of finished labeled products from the bottling line at irregular intervals for submission to the Government chemist.

(DD) Sections 189.257 and 189.258 are revoked.

(EE) Section 189.259 is amended as follows:

(1) By striking out the first sentence and inserting in lieu thereof the following sentence: "Government officers assigned to tax-paid bottling houses will, at irregular intervals during the process of bottling, test and examine the bottled spirits to determine whether the label attached is identical with the label affixed to Form 230 attached to the bottling tank and with the certificate of label approval or label exemption; whether the bottled spirits agree in proof with the data on the label; and whether the quantity agrees with the data on the label, stamp or bottle, subject to the limitation prescribed by § 189.209."

(2) By striking from the fifth sentence which begins "If the contents" the words "withhold the release of the bottled spirits and".

(FF) Section 189.261 is amended to read as follows:

§ 189.261 *Proprietor's responsibility.* Full responsibility rests upon the proprietor to see that the labeling of all spirits bottled at his plant is in conformity with requirements of Regulations 4 and 5 (27 CFR Parts 4 and 5) issued pursuant to the Federal Alcohol Administration Act, and Regulations 13 (26 CFR Part 175).

(Sec. 5, 49 Stat. 981, as amended, 53 Stat. 331; 27 U. S. C. 205; 26 U. S. C. 2871)

(GG) The headnote to Subpart X is amended to read as follows: "Subpart X—Safeguarding of Government Property".

(HH) Section 189.290 is amended to read as follows:

§ 189.290 *Storage in Government room, vault or cabinet.* The seals, and the records and other Government property when not in use, shall be kept in a securely constructed Government room, vault or cabinet, which shall be locked with a Government seal lock, the key to which shall remain at all times in the possession of the storekeeper-gauger.

(II) There is inserted immediately following § 189.302 the following new sections:

§ 189.302a *Record, Part 1, Form 182.* Every proprietor who has in his possession red strip stamps will keep a record of such stamps received and used on Part 1 of Form 182. Entries will be made on Form 182 daily, as indicated by the headings of the various columns and lines on the form, and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The record will be kept in bound form, available for inspection by Government officers.

§ 189.302b *Monthly report, Part 2, Form 182.* The proprietor shall prepare a monthly summary report on Part 2 of Form 182, in duplicate. He shall deliver Part 2 of Form 182 to the Government officer for verification of the monthly inventories of stamps on hand. After such verification the Government officer will return both copies to the proprietor who will, on or before the 5th day of the month succeeding the month in which the transactions occurred, forward the original to the Assistant Regional Commissioner, and retain the remaining copy, available for inspection by Government officers.

(JJ) Section 189.305 is amended by inserting in the first sentence after the phrase "(and Record 52 and Form 52–F if required)" the words "and Form 182".

(KK) Subpart Z is revoked.

(LL) Section 189.335 is amended as follows:

(1) By striking from the second sentence which begins "Where the proprietor" the words "his application to dump and bottle,".

(2) By striking from the last sentence the words "Upon approval of the form in the usual manner, he may" and inserting in lieu thereof the words "He may".

(MM) Section 189.336 is amended by striking from the last sentence the phrase ", submit them to the storekeeper-gauger for verification,".

(NN) Section 189.337 is amended as follows:

(1) By inserting after the words "on Form 52–D" in the two places in which they appear in the first sentence the words "and Form 182".

(2) By striking out the last sentence.

(OO) Section 189.346 is amended by striking from the third sentence which begins "Upon completion" the phrase ", submit them to the storekeeper-gauger for verification,".

(PP) Section 189.347 is amended as follows:

(1) By striking from the last sentence the words "in the custody of the storekeeper-gauger".

(2) By adding at the end thereof the following new sentence: "The proprietor will submit a monthly report on Part 2 of Form 182 of such stamps."

(QQ) Section 189.357 is amended to read as follows:

§ 189.357 *Disposition of strip stamps.* All unused red strip stamps, if any, belonging to the proprietor at the time of permanent discontinuance of business will be inventoried by denomination, serial number, and quantity, and the inventory will be verified by the storekeeper-gauger or other officer designated by the Assistant Regional Commissioner to perform such duty. The value of the stamps, if in quantities of the value of $5 or more, may be refunded, provided that a claim for such refund on Form 843, establishing the lawful issuance and ownership of the stamps, is filed by the proprietor with the District Director of Internal Revenue who issued the stamps within 2 years after the date on which such stamps were lawfully issued. Such unused stamps may be destroyed in the presence of the Government officer and the proprietor thereby relieved from further accountability for the stamps. If the stamps are not surrendered to the District Director of Internal Revenue for refund of their value or are not destroyed, the proprietor must account for the stamps each month by rendering Part 2 of Form 182 to the Assistant Regional Commissioner.

(RR) Section 189.366 is amended to read as follows:

§ 189.366 *Where locks are required.* Government locks are required upon the door of the Government room, vault or cabinet provided in accordance with § 189.290, and the entrance door of the export storage room, if any; upon the manheads and inlets of storage tanks; upon the valves in pipelines which convey spirits into the tax-paid bottling house from contiguous premises if such pipelines are not locked in the contiguous premises; and upon such other valves, stopcocks, and openings in equipment and apparatus as are required by this part or deemed necessary by the Assistant Regional Commissioner to be secured with Government locks.

(SS) Subpart GG is revoked.

PAR. 6. Regulations 15 (26 CFR Part 190) are amended as follows:

(A) Section 190.98 is amended by striking out the word "locked" in the first sentence.

(B) Section 190.118 is amended to read as follows:

§ 190.118 *Storage tanks.* If spirits are received in tank cars, or by pipeline, or if wines are received in tank trucks, suitable storage tanks must be provided within which to store such spirits, except that such storage tanks will not be required in the case of spirits which are transferred directly to processing and bottling tanks in accordance with §§ 190.407 to 190.408. Each storage tank shall be constructed of metal or other suitable material and shall be equipped with a suitable device, or mounted on accurate scales, whereby the contents can be accurately determined. There shall be painted on each tank the words, "Storage Tank", followed by its serial number and capacity in gallons. A suitable board shall be provided on each storage tank for the attachment of Forms 703–A, 1520, or 1440, as provided in this part. Manheads and inlets of the tanks must be provided with facilities for locking with Government locks. Stopcocks must be provided and so arranged as to control completely the flow of spirits into the tank: *Provided*, That where spirits are received by pipeline from contiguous premises and the pipeline is equipped with a valve on the contiguous premises, which may be locked with a Government lock, the inlet valve in the receiving rectifying plant is not required to be locked. The construction of the valves must be such that they can be secured with Government locks. However, storage tanks to be used exclusively for the storage of wine and labeled "Wine Storage Tank" need not be secured as provided by this section. A closed manifold system, not equipped for locking with Government locks, may be installed which will permit the transfer of spirits between storage tanks. Storage tanks may be permanently connected with pipelines for the conveyance thereto of air and distilled water, but the distilled water pipeline must be affixed to the top of the tank. Other pipelines, except those used for the conveyance of spirits, may not be permanently connected with such tanks.

(53 Stat. 318, 335, as amended; 26 U. S. C. 2829, 2883)

(C) Section 190.119 is amended by striking out the period at the end of the last sentence and adding ": *Provided*, That where a tank is to be used alternately as a dumping and reducing tank or as a processing tank the tank shall have plainly and legibly painted thereon the words, 'Dumping and Reducing Tank or Processing Tank,' followed by its serial number and capacity in gallons, and a suitable board shall be provided for the attachment of Form 122".

(D) Section 190.120 is amended by striking out the period at the end of the third sentence which begins "Each such tank" and adding ": *Provided*, That where a tank is to be used alternately as a processing tank or as a dumping and reducing tank the tank shall have plainly and legibly painted thereon the words, 'Processing Tank or Dumping and Reducing Tank,' followed by its serial number and capacity in gallons. A suitable board shall be provided for the attachment of Form 122".

(E) Section 190.121 is amended by inserting immediately following the second sentence which begins "Such receptacles" the following sentence: "Provision shall be made on each processing receptacle for the attachment of Form 122."

(F) Section 190.122, as last amended by Treasury Decision 5996, approved February 26, 1953, is further amended by striking out the fourth sentence which begins "Manheads, inlets," and inserting in lieu thereof "Manheads and inlets of such tanks must be provided with facilities for locking with Government locks".

(G) Section 190.124 is amended by striking out the word "will" in the fourth sentence which begins "Each bottling tank" and inserting in lieu thereof the word "may".

(H) Section 190.126 is amended by striking from the last sentence the words "and such outlet is equipped for locking with a Government lock when not in use".

(I) Section 190.127 is amended by striking out the second and fourth sentences which begin "Such tank must" and "The manhead," respectively.

(J) Section 190.128 is amended by striking out the word "system" in the fourth sentence which begins "The return of" and inserting in lieu thereof the phrase ", if such spirits are being bottled pursuant to a Form 237,".

(K) Section 190.131 is amended by striking out the third sentence which begins "Where distilled water".

(L) Section 190.132 is amended to read as follows:

§ 190.132 *Pipelines connecting bottling tanks and bottling machine.* The bottling tanks may be connected with the bottling machine either by a fixed pipeline or by a detachable hose exposed to view throughout its entire length.

(53 Stat. 318; 26 U. S. C. 2829)

(M) Section 190.133 is amended by striking out from the sixth sentence which begins "Where the tank" the words "if the end of the pipeline is equipped with a valve which may be locked with a Government lock".

(N) Section 190.134 is amended as follows:

(1) By striking out the period at the end of the third sentence which begins "When the storage," and adding ": *Provided*, That where the pipeline leading from the contiguous premises is equipped with a valve on such contiguous premises which may be locked with a Government lock, so as to control the flow of spirits, such valve in the receiving rectifying plant is not required to be locked".

(2) By striking from the sixth sentence which begins "Filters may be" the phrase ", if inlet and outlet lines to be attached to filters are equipped with valves which may be locked with Government locks".

(O) Section 190.137 is amended by inserting after the words "connections in pipelines" the phrase ", required to be sealed by this part,".

(P) Section 190.158 is amended by inserting after the first sentence the following sentence: "Tanks used either as dumping and reducing tanks or as processing tanks shall be so described on Form 27–B."

(Q) Section 190.385 is amended to read as follows:

§ 190.385 *Restrictions.* No operations pertaining to transferring spirits by pipeline from adjoining premises or from tank cars or tank trucks to storage tanks or other operations required by this part to be conducted under the supervision of a Government officer shall be carried on at a rectifying plant during other than regular business hours, unless special permission is first obtained therefor from the Assistant Regional Commissioner. Operations which may be conducted in the absence of the Government officer may not however be carried on at a rectifying plant during other than regular business hours unless notice of such operations is first given, in writing, to the storekeeper-gauger. However, these provisions shall not apply to rectifying processes that are automatic and continuous, and do not require any personal handling or other manipulation during such restricted hours. The removal of any package of spirits containing more than 10 gallons is prohibited between sundown and sunrise.

(53 Stat. 331; 26 U. S. C. 2870)

(R) Section 190.386 is amended to read as follows:

§ 190.386 *Operations after regular hours.* Where the rectifier needs to dump, filter, or bottle spirits or perform such other operations which may be conducted in the absence of a Government officer, after regular business hours, he shall first give notice thereof, in writing, to the storekeeper-gauger. The storekeeper-gauger shall forward a copy of the notice to the Assistant Regional Commissioner.

(S) Section 190.406 is amended by striking out the last sentence and inserting in lieu thereof the following sentences: "The spirits must remain in the receiving room (or storage tank located in the rectifying room) until notice is given on Form 122 that the same will be removed to the rectifying room for dumping and rectification, or on Form 230 that the same will be removed to the bottling room, or to the rectifying room where no separate bottling room is provided, for dumping and bottling without rectification, except that unrectified bulk spirits may be shipped or removed from the receiving room without giving notice."

(T) Section 190.407 and heading are amended to read as follows:

§ 190.407 *Receipt by tank car, tank truck, or tank.* Where distilled spirits are received in tank cars or tank trucks or wines are received in tank cars, tanks, or tank trucks, they must be transferred directly from such containers into storage, processing or bottling tanks: *Provided*, That such transfers of distilled spirits must be under the supervision of a Government officer. When such spirits are transferred directly into processing or bottling tanks, the rectifier must give notice on Form 122 or Form 230, as the case may be, immediately after the tank cars, tanks, or tank trucks are emptied. Distilled spirits may be received in railroad tank cars only if the premises of the rectifier are equipped with suitable railroad siding facilities. Before permitting spirits to be transferred from a tank car or tank truck into storage, processing, or bottling tanks, the Government officer will see that the seals are intact on the tank car or tank truck and that the tank car or tank truck bears evidence of proper taxpayment. When spirits are transferred into storage tanks, the Government officer shall open and close the Government locks, but it shall be the duty of the proprietor to manipulate the stopcocks or valves controlling the flow of the spirits. Upon completion of the transfer of the spirits to storage, processing, or bottling tanks the report of gauge, Forms 92, 1440 or 1520, as the case may be, delivered to the storekeeper-gauger from the consignor premises shall be delivered by him to the rectifier.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

(U) Section 190.408 is amended as follows:

(1) By striking out the first sentence and inserting in lieu thereof the following sentence: "Where spirits are received at a rectifying plant by pipeline from a contiguous distillery, internal revenue bonded warehouse, industrial alcohol plant or warehouse, or a bonded winery, they shall be conveyed directly into one or more storage tanks, unless the quantity of spirits so transferred is to be conveyed directly into one or more bottling tanks for bottling without rectification, or into one or more processing tanks if the inlets to such tank or tanks are equipped for locking with Government locks: *Provided*, That where the pipeline is equipped with a valve in the contiguous premises, which may be locked with a Government lock, such processing tanks in the receiving rectifying plant need not be equipped for locking."

(2) By striking from the last sentence the words "or out of".

(V) Section 190.411 is amended as follows:

(1) By adding the words, "or tank truck" to the heading and

(2) By striking out the first sentence and inserting in lieu thereof the following sentence: "When distilled spirits received in a railroad tank car or tank truck are run into a storage tank, the report of gauge, Form 1520 in the case of spirits other than alcohol, and Form 1440 in the case of alcohol, delivered to the rectifier by the storekeeper-gauger, shall be attached to such storage tank."

(W) Section 190.412 is amended by striking out the first sentence and inserting in lieu thereof the following sentence: "When spirits received by pipeline are run into a storage tank, the report of gauge, Form 1520 or Form 1440, delivered to the rectifier by the storekeeper-gauger, or Form 703–A delivered by the vendor, shall be attached to the storage tank."

(X) The headnote to Subpart X is amended to read as follows: "Subpart X—Gauging and Dumping Spirits and Record of Rectification".

(Y) Section 190.425 and heading are amended to read as follows:

§ 190.425 *Notice of dumping, Form 122.* When the rectifier desires to dump spirits for rectification and the spirits are not to be used immediately in their entirety in preparing a batch of rectified spirits or wines, he will prepare Form 122, in triplicate, giving all applicable information in accordance with the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto and as required by this part. The rectifier will carefully gauge each package of spirits and where the spirits are of the same composition and have been produced by the same distiller at the same distillery and were filled on the same date and withdrawn on the same date, he will make a consolidated entry on Form 122 for all such packages. Several lots may be reported on one Form 122. Where practicable, in lieu of making an individual gauge of each package of a lot of like spirits, as described herein, the spirits may be dumped into a tank mounted on scales or otherwise equipped with a suitable device whereby the actual contents can be accurately determined and gauged and the details thereof entered on Form 122. Where packages are transferred to the rectifying plant directly upon taxpayment from a contiguous distillery or internal revenue bonded warehouse or a distillery or internal revenue bonded warehouse located in the immediate vicinity of the rectifying plant and owned by the proprietor of the rectifying plant or a subsidiary and dumped for rectification within 30 days after receipt, the withdrawal gauge will be considered as satisfying the requirement that the spirits shall be gauged when dumped for rectification and the rectifier will make a consolidated entry for each lot of such like spirits. The Assistant Regional Commissioner will determine from all circumstances in each case whether the distillery or warehouse and the rectifying plant are in the immediate vicinity. Where the spirits are so dumped on the withdrawal gauge, if the rectifying plant is equipped with processing tanks mounted on scales, the spirits may be dumped and gauged by weight in such processing tanks. In such case, the proof gallons determined by such gauge shall also be reported on Form 122. The difference in proof gallons between the withdrawal (taxpayment regauge) and such tank gauge shall also be reported on Form 122. If the spirits are to be drawn from the storage tank, the rectifier will likewise execute Form 122 giving all the information applicable. When spirits are received by pipe line or withdrawn from storage tanks and run into one or more processing tanks, or when spirits are received by tank car and run into one or more processing tanks, the rectifier will execute Form 122 giving all applicable information. Each Form 122 will be given a serial number beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive.

(53 Stat. 310, 335, as amended; 26 U. S. C. 2813, 2883)

(Z) There is inserted after § 190.425 the following new sections:

§ 190.425a *Batch record, Form 122.* When the rectifier desires to compound a batch of rectified spirits, he will prepare Form 122 as a batch record, in

triplicate, giving a description of the spirits in accordance with the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereof and as required by this part. Form 122 will be so used (a) to report the dumping of spirits which are to be used immediately and in their entirety in preparing a batch of a rectified product, (b) to report the use of spirits dumped pursuant to earlier Forms 122 and retained in processing tanks or receptacles, in preparing a batch of a rectified product, and (c) to report any combination of (a) and (b) used in preparing a batch of a rectified product. Each package of spirits, withdrawal from storage tank, or receipt by pipeline which is to be used immediately in its entirely in preparing a batch of a rectified product shall be gauged in accordance with the provisions of § 190.425.

§ 190.425b *Records of coloring, flavoring, and blending materials.* The proprietor will record, on Form 122 (batch record) the use of alcoholic flavors or flavoring extracts manufactured on premises other than a rectifying plant. Commercial records will be maintained by the proprietor for recording the use of non-alcoholic blending, coloring or flavoring materials used in a rectified product.

§ 190.425c *New or changed composition of products.* Whenever the rectifier desires to manufacture a new product, or to change the composition of a product to be manufactured under a previously used formula, he shall notify the Government officer in writing prior to beginning the process of rectification.

(AA) Section 190.433 is revoked.

(BB) Section 190.434 and heading are amended to read as follows:

§ 190.434 *Submission to officer.* The rectifier, after preparation of part 1 of Form 122, and after completion of his certificate in part 2, will place the original and one copy of Form 122 on the storekeeper-gauger's desk and thereupon proceed with the operation covered by such notice: *Provided*, That where straight whiskies and pure fruit brandies are to be blended exempt from tax all copies of Form 122 must be presented to the Government officer for verification prior to the dumping of such spirits in the manner provided in §§ 190.479–190.488. The storekeeper-gauger, after endorsing the copies, will return them to the rectifier.

(CC) Section 190.435 is revoked.

(DD) Section 190.436 is amended to read as follows:

§ 190.436 *Marking processing tanks.* In every case the rectifier will attach the copy of Form 122 not submitted to the storekeeper-gauger to the processing tank or receptacle in which the spirits covered by such form were deposited. Where the entire quantity of spirits covered by one Form 122 is deposited in more than one processing tank or receptacle the rectifier will attach such Form 122 to one of the tanks or receptacles and show on Form 122 the serial numbers of the other tanks or receptacles in which the spirits were deposited. Such other tanks or receptacles will be marked by the rectifier to show the serial number of the Form 122 pursuant to which the contents thereof were dumped or rectified.

(EE) Section 190.437 and heading are amended to read as follows:

§ 190.437 *Disposition of Form 122.* The rectifier, upon return of the two copies of Form 122 from the storekeeper-gauger, will enter the balance of the information in part 1, on all copies of Form 122 and will forward the original immediately to the Assistant Regional Commissioner. In those instances where the Form 122 covers the dumping of spirits the slip bearing the cut-out portions of the stamps, or affidavits, in lieu thereof, shall be attached to the original. When the form is used as a notice of dumping only, the rectifier will enter, in part 4 of the copies retained by him, the quantity dumped for rectification, as reported in part 1, as the quantity to be accounted for and such quantity will be subsequently balanced by the entry of totals from one or more later Forms 122, prepared as rectification batch records, adjusted as necessary by gain or loss. When the form is used as a rectification batch record the rectifier will enter, in part 4 of the copies retained by him, the batch total, as reported in part 1, as the quantity to be accounted for and such quantity will be subsequently balanced by the entry of totals from one or more Forms 122 or 237, adjusted as necessary by gain or loss. After completion of part 4 the rectifier will file the copy of Form 122, endorsed by the storekeeper-gauger, at the rectifying plant available for inspection by Government officers. The third copy of each Form 122, which is attached to the processing tank or receptacle in which the spirits covered thereby were deposited, will be destroyed upon the emptying of the tank.

(FF) Section 190.438 is amended by striking out the third sentence which begins "The first processing tank" and inserting in lieu thereof the following sentence: "The rectifier shall attach to the first processing tank or receptacle, into which the full package was dumped, a copy of the Form 122 pursuant to which such spirits were dumped."

(GG) Section 190.445 is amended by striking out the word "approved" and inserting in lieu thereof the words "notice on".

(HH) Sections 190.447 through 190.449 are revoked.

(II) Section 190.480 is amended by striking out in the last sentence the word "duplicate" and inserting in lieu thereof the word "triplicate".

(JJ) Section 190.482 is amended to read as follows:

§ 190.482 *Approval by officer.* The Government officer will make the examination prescribed in § 190.483, and, if satisfied that the whiskies or brandies may be blended free of tax, he will verify Form 122, and return all copies to the rectifier.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

(KK) Section 190.484 is amended by striking out the last sentence and inserting in lieu thereof the following sentence: "The Government officer will then deliver both copies of the application to the rectifier, who will attach a copy to the original of the Form 122 covering the gauge of the spirits which will be forwarded immediately to the Assistant Regional Commissoner and the other copy to the Form 122 which he will retain for his files at the rectifying plant."

(LL) Section 190.508 is amended to read as follows:

§ 190.508 *Dumping of still wine.* When the rectifier desires to dump still wine for bottling for champagne manufacture or for the manufacture of a sparkling wine of the champagne type by fermentation in bulk, he will give notice on Form 122, and the same procedure will be followed as in the case of the dumping of wines for rectification by other processes.

(MM) Section 190.566 is amended by striking out the last sentence and inserting in lieu thereof the following sentence: "The Government officer shall verify the proof by use of a standard hydrometer in each instance where the rectified product contains not more than 0.6 gram of solids per 100 milliliters (as reported by the rectifier). Where an obscuration correction factor has been determined by the rectifier, as provided in § 190.570, such factor will be added to the apparent proof as determined by use of a standard hydrometer. The proof of rectified products containing more than 0.6 gram of solids per 100 milliliters will be verified by the Government chemist through the submission from time to time of samples to him by the storekeeper-gauger as provided by § 190.781a."

(NN) Section 190.567 is amended as follows:

(1) By striking out the fourth sentence which begins "The storekeeper-gauger".

(2) By adding at the end thereof the following new sentence: "The Government officer will secure samples from representative packages from time to time for submission to the Government chemist for analysis."

(OO) Section 190.568 is amended by striking out the last two sentences and inserting in lieu thereof the following sentence: "Such statement shall be signed by the rectifier and forwarded to the purchaser of the spirits for delivery to the bottler or to the proprietor of the premises where the spirits are to be bottled."

(PP) Section 190.573 is amended as follows:

(1) By inserting in the third sentence, which begins "When rectified spirits", after the words "alcoholic content" the following phrase ", as provided in § 190.566,".

(2) By striking out the last sentence.

(QQ) Section 190.575 is amended by striking out the word "Commissioner" and inserting in lieu thereof the words "Assistant Regional Commissioner".

(RR) Section 190.579 is amended by inserting after the second sentence the following new sentence: "Where rectified spirits are to be bottled on the premises of the taxpayer a copy of the label which is to be affixed to the bottles of such spirits shall be attached to each copy of Form 237."

(SS) Section 190.580 is amended by striking out the second sentence which begins "If, after inspection" and inserting in lieu thereof the following sentence: "After inspection of the rectified spirits and ascertaining from the approved formula the rate of tax applicable, the officer will note his approval on each copy of the form and the tax rate and the amount of tax to which the spirits are subject based on the details as set forth by the rectifier in part 2."

(TT) Section 190.582 is amended as follows:

(1) By inserting immediately before the third sentence which begins "The rectifier will" the following new sentence: "The rectifier will submit the stamps to the Government officer who will verify that such stamps were issued in the proper amount."

(2) By striking out the fourth sentence which begins "The Government officer".

(3) By striking out in the fifth sentence which begins "When the packages" the following words: "and submit them to the Government officer, who will, after proper verification, sign and date the verification in the space provided therefor and return both copies to the rectifier".

(UU) Section 190.586 is amended to read as follows:

§ 190.586 *Disposition of Form 237 and stamps.* Upon the completion of the bottling, the rectifier will execute the certificate of cases filled on all copies of Form 237, sign each copy and in the case of rectified products taxable under section 3030 (a) (2), I. R. C., and of products bottled under the provisions of § 190.578 submit each copy to the Government officer, who will, after proper verification, sign and date the verification in the space provided therefor. In such instances the Government officer will immediately return both copies of Form 237 to the rectifier. In all instances the bottling tank or wine bottling room copy of the form will be retained in the rectifying plant available for inspection by Government officers. The rectifier will immediately forward the completed original and stamps to the Assistant Regional Commissioner.

(VV) Section 190.588 is amended by striking out the second sentence which begins "After execution".

(WW) Section 190.589 is amended by striking out the word "Commissioner" in the first sentence and inserting in lieu thereof the words "Assistant Regional Commissioner".

(XX) Section 190.593 is amended by striking out in the first sentence the word "approved".

(YY) Section 190.653 is amended by striking out in the first sentence the words "and to supervise the transfer of the spirits".

(ZZ) Section 190.654 is amended by striking out in the first sentence the words "under his supervision".

(AAA) Section 190.685 is amended as follows:

(1) By striking out the word "Application" in the heading and inserting in lieu thereof the word "Notice".

(2) By striking out the words "execute application" in the first sentence and inserting in lieu thereof the words "give notice".

(3) By inserting immediately after the first sentence the following new sentence: "Where the spirits are to be bottled on the premises a copy of the label which is to be affixed to the bottles of such spirits shall be attached to each copy of Form 230."

(BBB) Section 190.687 is amended by striking out in the first sentence the figure "190.433" and inserting in lieu thereof the figure "190.432".

(CCC) Section 190.688 and heading are amended to read as follows:

§ 190.688 *Submission to officer.* After preparation of the notice the rectifier will place the original of Form 230 on the storekeeper-gauger's desk and thereupon will proceed with the bottling. Where packages of spirits are to be dumped for bottling, or where spirits are received by pipe line from contiguous premises (other than rectifying plants) and are conveyed directly into bottling tanks, the withdrawal gauge, Forms 703–A, 1440 or 1520, will be submitted with the original of Form 230. When spirits are received by pipe line from contiguous rectifying plants, the serial number of the copy of Form 230, or Form 237, received from the rectifier will be noted by the proprietor on Form 230 prepared by him. The storekeeper-gauger will return the Form 230 to the proprietor after noting the operation covered thereby.

(53 Stat. 335, as amended; 26 U. S. C. 2883)

(DDD) Section 190.689 is amended by striking out the words "Upon approval of Form 230 by the storekeeper-gauger, as provided in § 190.688," and inserting in lieu thereof the following words: "Upon placing the original of Form 230 on the storekeeper-gauger's desk,".

(EEE) Section 190.690 is amended as follows:

(1) By striking from the first sentence the phrase ", and before they are released by the Government officer for bottling".

(2) By striking out the fifth sentence which begins "The proof".

(FFF) Section 190.692 is revoked.

(GGG) Section 190.693 is amended to read as follows:

§ 190.693 *Transfer of products to wine bottling room.* Where the rectifier desires to bottle from the original package wines, cordials, or liqueurs authorized by the Assistant Regional Commissioner to be so bottled, such packages will be placed in the wine bottling room and Form 230 will be prepared and the original thereof placed on the storekeeper-gauger's desk. When wines, cordials, or liqueurs are to be bottled in the wine bottling room, the rectifier will attach one copy of the Form 230 to the door of such room.

(HHH) Section 190.694 is amended as follows:

(1) By striking out the second sentence which begins "After execution of".

(2) By striking out the first two words "The rectifier" of the last sentence and inserting in lieu thereof the words "After execution of such statement, the rectifier".

(III) Section 190.695 is amended by striking out the last two sentences and inserting in lieu thereof the following sentence: "Such statement shall be signed by the rectifier and delivered to the purchaser of the spirits for delivery to the bottler or to the proprietor of the premises where the spirits are to be bottled."

(JJJ) Section 190.701 is amended by striking out the last sentence and inserting in lieu thereof the following sentence: "Upon completion of the bottling the rectifier will remove Form 230 from the bottling tank and complete the execution of his certificate on all copies."

(KKK) Section 190.703 is amended by striking out in the first sentence the words "and statement".

(LLL) Section 190.706 is amended by striking out the sixth sentence which begins "Such rebottling, relabeling" and inserting in lieu thereof the following sentence: "Such rebottling, relabeling, and restamping operations may be performed in the absence of the Government officer."

(MMM) Section 190.738 is amended by striking out in the first sentence the words "under the supervision of the Government officer".

(NNN) Section 190.739 is amended by striking out the last two sentences and inserting in lieu thereof the following sentence: "Such statement shall be signed by the rectifier and forwarded to the purchaser of the spirits for delivery to the bottler or to the proprietor of the premises where the spirits are to be bottled."

(OOO) Section 190.746 is amended by striking out in the first sentence the words "under the supervision of the Government officer".

(PPP) Section 190.753 is amended by striking out the last four sentences and inserting in lieu thereof the following sentences: "The District Director of Internal Revenue will enter the serial numbers of the stamps issued and stamp the date of sale on all copies of Form 428, and will retain one copy and send the original to the Assistant Regional Commissioner and one copy to the rectifier. The District Director of Internal Revenue will forward the stamps to the rectifier. The rectifier will deliver the stamps and corresponding Form 428 to the Government officer for verification of receipt. Upon such verification the rectifier will enter receipt of the stamps on Form 182."

(QQQ) Section 190.754 is amended as follows:

(1) By striking from the first sentence the words "Government officer" and inserting in lieu thereof the word "rectifier".

(2) By striking from the last sentence the words "for immediate delivery to the Government officer in accordance with § 190.753".

(RRR) Sections 190.755 and 190.756 are revoked.

(SSS) Section 190.757 is amended to read as follows:

§ 190.757 *Requisitions to be filed.* Rectifiers will retain copies of Form 428 returned by the District Director of Internal Revenue at the plant as a record available for inspection by Government officers and will file them in chronological order.

(TTT) Section 190.758 and heading are amended to read as follows:

§ 190.758 *Rectifier's responsibility.* Rectifiers who have custody of red strip stamps will be held strictly responsible for the proper control and accounting of all stamps received, used, and on hand. They shall be held responsible for the proper affixing of the stamps to bottles of tax-paid spirits and for making a proper accounting for all stamps reported mutilated.

(UUU) Section 190.759 is revoked.

(VVV) Section 190.764 is amended by striking out the last sentence and inserting in lieu thereof the following sentences: "Unless eligible and intended for exchange or refund, as provided in § 190.765, red strip stamps that have been mutilated should be destroyed by the rectifier under the supervision of the Government officer. The rectifier will then enter appropriate credit on Form 182 for the number of each denomination so destroyed."

(WWW) Sections 190.766 and 190.767 are revoked.

(XXX) There is inserted immediately following § 190.781 the following new section:

§ 190.781a *Samples.* Officers assigned to rectifying plants will secure samples of finished labeled products from the bottling line at irregular intervals for submission to the Government chemist.

(YYY) Sections 190.782 and 190.783 are revoked.

(ZZZ) Section 190.784 is amended as follows:

(1) By striking out the first sentence and inserting in lieu thereof the following sentence: "Officers assigned to rectifying plants will, at irregular intervals during the process of bottling, test and examine the bottled spirits to determine whether the label attached is identical with the label affixed to Form 230 or 237, as the case may be, attached to the bottling tank and with the certificate of label approval or label exemption; whether the bottled spirits agree in proof with the data on the label; and whether the quantity agrees with the data on the label, stamp or bottle, subject to the limitation prescribed by § 190.628."

(2) By striking from the fifth sentence which begins "If the contents" the words "withhold release of the bottled spirits and".

(AAAA) Section 190.785 is amended to read as follows:

§ 190.785 *Rectifier's responsibility.* Full responsibility rests upon the rectifier to see that the labeling of all distilled spirits and wines bottled or packaged at his plant is in conformity with the requirements of Regulations 4 and 5 (27 CFR Parts 4 and 5) issued pursuant to the Federal Alcohol Administration Act, and Regulations 13 (26 CFR Part 175).

(BBBB) There is inserted immediately after § 190.837 the following new undesignated center heading and sections:

REPORT OF RED STRIP STAMPS

§ 190.837a *Record, Part 1, Form 182.* Every rectifier who has in his possession red strip stamps will keep a record of such stamps received and used on Part 1 of Form 182. Entries will be made on Form 182 daily, as indicated by the headings of the various columns and lines on the form, and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The record will be kept in bound form, available for inspection by Government officers.

§ 190.837b *Monthly report, Part 2, Form 182.* The rectifier shall prepare a monthly summary report on Part 2 of Form 182, in duplicate. He shall deliver Part 2 of Form 182 to the Government officer for verification of the monthly inventories of stamps on hand. After such verification the Government officer will return both copies to the rectifier who will, on or before the 5th day of the month succeeding the month in which the transactions occurred, forward the original to the Assistant Regional Commissioner and retain the remaining copy, available for inspection by Government officers.

(CCCC) Section 190.838 is amended by inserting after the figure "45" in the two places it appears a comma and the figure "182".

(DDDD) Section 190.839 is amended by striking out the word "Form 45" and inserting in lieu thereof the words "Forms 45 and 182".

(EEEE) Section 190.842 is amended by inserting in the first sentence after the phrase "(and Record 52 and Form 52–F, if required)" the words "and Form 182".

(FFFF) Subpart LL is revoked.

(GGGG) The headnote to Subpart MM is amended by striking out the words "RED STRIP".

(HHHH) Section 190.895 is amended as follows:

(1) By striking from the first sentence the phrase "The rectifier's supply of red strip stamps," and inserting in lieu thereof the phrase "The supply of wholesale liquor dealer's stamps,".

(2) By striking out the last two sentences.

(IIII) Section 190.900a, as added by Treasury Decision 5995, effective March 3, 1953, is amended to read as follows:

§ 190.900a *Trade name rectification.* Where the rectifier desires to rectify particular spirits under a trade name or style other than the name in which the rectifying plant is qualified and operated, and such trade name or style has been specified on an approved Form 27–B and on the rectifier's Federal Alcohol Administration Act permit, he may rectify such spirits under such approved trade name without filing an amended notice on Form 27–B or changing the name under which the rectifying plant is then qualified and operated. The rectifier shall indicate in Part 2 of Form 122, covering the batch record of such particular spirits, the trade name or style under which they were rectified. When the rectified spirits are transferred to packages or to a bottling tank for bottling the rectifier shall state on Part 1 of Form 237 the trade name or style under which the spirits were rectified. The spirits so rectified may be labeled "blended by," "made by," "prepared by," "Manufactured by," or "produced by" (whichever may be appropriate to the act of rectification involved), followed by the trade name or style under which the spirits were rectified, and the address (or addresses) of the rectifier, in accordance with Regulations 5 (27 CFR Part 5) issued under the Federal Alcohol Administration Act.

(JJJJ) Section 190.900b, as added by Treasury Decision 5995, is amended as follows:

(1) By striking out in the first sentence the words "pursuant to Form 122—Supplemental,".

(2) By striking out in the last sentence the words "Upon approval of the form in the usual manner, he may" and inserting in lieu thereof "He may".

(KKKK) Section 190.902 is amended by striking out in the third sentence which begins "Upon completion of" the phrase ", after submitting them to the Government officer for verification,".

(LLLL) Section 190.904, as amended by Treasury Decision 5995, is further amended as follows:

(1) By inserting in the second sentence which begins "The rectifier" after the words "on Form 45" the following words "and Form 182".

(2) By striking out the third sentence which begins "The storekeeper-gauger".

(MMMM) Section 190.920 is amended by striking out the phrase ", after approval by the Government officer,".

(NNNN) Section 190.921 is amended as follows:

(1) By striking out in the first sentence the words "and submit".

(2) By striking out in the second sentence which begins "The form will" the words "and submitted".

(OOOO) Section 190.922 is amended by striking out the words "and submit".

(PPPP) Section 190.925 is amended as follows:

(1) By striking from the last sentence the words "in the custody of the storekeeper-gauger".

(2) By adding at the end thereof the following new sentence: "The rectifier will submit a monthly report on Part 2 of Form 182 of such stamps."

(QQQQ) Section 190.927 is amended by striking out the last sentence.

(RRRR) Section 190.928 is amended by striking out in the last sentence the word "storekeeper-gauger" and inserting in lieu thereof the word "fiduciary".

(SSSS) Section 190.942 is amended to read as follows:

§ 190.942 *Disposition of red strip stamps.* All unused red strip stamps, if any, belonging to the proprietor at the time of permanent discontinuance of business will be inventoried by denomination, serial number, and quantity and the inventory will be verified by the storekeeper-gauger or other officer designated by the Assistant Regional Commissioner to perform such duty. The value of the stamps, if in quantities of the value of $5 or more, may be refunded, provided that a claim for such refund on Form 843, establishing the lawful issuance and ownership of the stamps, is filed by the rectifier with the District Director of Internal Revenue who issued the stamps within two years after the date on which such stamps were lawfully issued. Such unused stamps may be destroyed in the presence of the Government officer and the proprietor thereby relieved from further accountability for the stamps. If the stamps are not surrendered to the District Director of Internal Revenue for refund of their value or are not destroyed, the proprietor must account for the stamps each month by rendering Part 2 of Form 182 to the Assistant Regional Commissioner.

(53 Stat. 303, as amended; 26 U. S. C. 2303)

(TTTT) Section 190.966 is amended to read as follows:

§ 190.966 *Where locks are required.* Government locks are required upon the door of the Government room, vault or cabinet, provided in accordance with § 190.895; upon the entrance door of the wine bottling and export storage rooms, if any; upon the manheads and inlets of storage tanks and receiving tanks; upon the manheads, inlets, and outlets of bottling tanks (except where the bottling is pursuant to Form 230); upon the valves in pipelines which convey spirits from rectifying stills to receiving tanks where the pipelines are equipped for refluxing the spirits to the stills or for by-passing the berry basket in the case of gin stills; upon valves in pipelines which convey spirits into the rectifying plant from contiguous premises if such pipelines are not locked in the contiguous premises; and upon such other valves, stopcocks, and openings in equipment and apparatus as are required by this part or deemed necessary by the Assistant Regional Commissioner to be secured with Government locks.

This Treasury decision shall be effective upon the date of publication in the FEDERAL REGISTER.

(R. S. 161, 53 Stat. 375; 5 U. S. C. 22, 26 U. S. C. 3176)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: August 24, 1954.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-6801; Filed, Aug. 31, 1954; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1879]

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

SUBPART I—RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR OIL AND NATURAL GAS PIPELINES AND PUMPING PLANT SITES UNDER THE MINERAL LEASING ACT

APPROVAL OF RIGHT-OF-WAY

Section 244.65 is amended to read as follows:

§ 244.65 *Approval of right-of-way.* The approval of such right-of-way shall be subject to the express conditions that the use of the pipeline for the transportation of oil, gas, or other similar products, shall be limited to such products produced in conformity with State and Federal laws, including laws prohibiting waste.

(Sec. 28, 49 Stat. 678; 30 U. S. C. 185)

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 26, 1954.

[F. R. Doc. 54-6859; Filed, Aug. 31, 1954; 8:46 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1000]

WASHINGTON

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY AS AN ARTILLERY AND ANTIAIRCRAFT FIRING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Washington are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army as an artillery and antiaircraft firing range.

WILLAMETTE MERIDIAN

T. 12 N., R. 22 E.,
Sec. 2, Lots 1, 2 and 3, SE¼NW¼;
Sec. 4, SE¼SW¼.
T. 12 N., R. 23 E.,
Sec. 4, All.
T. 13 N., R. 20 E.,
Sec. 26, All.
T. 13 N., R. 21 E.,
Sec. 30, N½, SW¼, E½SE¼.
T. 13 N., R. 22 E.,
Sec. 22, SE¼NW¼, S½;
Sec. 24, S½S½;
Sec. 26, All;
Sec. 28, All;
Sec. 34, E½.
T. 13 N., R. 23 E.,
Sec. 18, Lots 2 & 4, SE¼NE¼, SE¼SW¼;
Sec. 28, E½NE¼, NW¼NE¼, NE¼NW¼, S½;
Sec. 30, Lots 1, 3 & 4, NE¼, E½NW¼, SE¼SW¼, S½SE¼;
Sec. 32, N½, N½S½, SE¼;
Sec. 34, All.
T. 14 N., R. 23 E.,
Sec. 6, Lots 1, 2, 3 & 4;
Sec. 20, W½, W½E½, E½SE¼;
Sec. 28, W½SW¼.
T. 15 N., R. 20 E.,
Sec. 2, Lots 1, 2, 3 & 4, S½S½.
T. 15 N., R. 22 E.,
Sec. 24, NE¼NE¼, S½N½, N½SW¼, NW¼SE¼.
T. 15 N., R. 23 E.,
Sec. 4, W½, W½SE¼;
Sec. 8, All;
Sec. 20, W½E½, W½ (excepting that portion lying easterly of the westerly line of the right-of-way of Chicago, Milwaukee, St. Paul and Pacific Railroad Company).
T. 16 N., R. 20 E.,
Sec. 24, N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 26, S½N½, S½;
Sec. 34, SW¼SW¼.
T. 16 N., R. 21 E.,
Sec. 20, All.
T. 16 N., R. 22 E.,
Sec. 26, SW¼, W½SE¼;
Sec. 28, S½;
Sec. 32, All;
Sec. 34, All.
T. 16 N., R. 23 E.,
Sec. 30, Lots 3 & 4, E½SW¼, SE¼;
Sec. 32, SW¼NE¼, W½, SE¼.

The areas described aggregate 13,298.84 acres of public land.

2. This withdrawal is subject to the condition that the Department of the Army will permit the use of such lands, either public domain or acquired, within the artillery and anti-aircraft firing range as may be necessary to permit crossing of the range by livestock during the spring and fall of each year. The Commanding General, Fort Lewis, may limit such movement across the range to not less than three consecutive weeks during each of the aforementioned seasons, may prescribe such terms and conditions as may be necessary for the protection of life and property and for the security of the range, and may require advance notice in writing of proposed use by stockmen of the range for stock driveway purposes.

3. This order shall take precedence over but not otherwise affect existing withdrawals of the lands for stock driveway purposes and shall be subject to existing withdrawals of the lands for power and public water purposes.

ORME LEWIS,
Assistant Secretary of the Interior.

AUGUST 26, 1954.

[F. R. Doc. 54-6860; Filed, Aug. 31, 1954; 8:46 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SWEETWATER AND ATHENS, TENN., TOBACCO MARKETS

PROPOSED DISTRIBUTION OF INSPECTION SERVICE

Notice is hereby given that the United States Department of Agriculture has under consideration the distribution of inspection service between the Sweetwater, Tennessee, and Athens, Tennessee, tobacco markets, pursuant to the provisions of the Tobacco Inspection Act (49 Stat. 731, 7 U. S. C. 511 et seq.). Among the factors that will be considered in distributing the inspection service on an equitable basis so as to render service to the greatest number of grow-

ers are the quantity of tobacco available for inspection, facilities, and the relative amounts of tobacco marketed in prior years by each market.

All persons who desire to submit written data, views, or arguments with respect to the above-mentioned matter should file the same, in duplicate, with the Director, Tobacco Division, Agricultural Marketing Service, Washington 25, D. C., not later than the close of business on October 1, 1954.

Done at Washington, D. C., this 26th day of August 1954.

[SEAL] STEPHEN E. WRATHER,
Director, Tobacco Division,
Agricultural Marketing Service.

[F. R. Doc. 54-6881; Filed, Aug. 31, 1954; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 57-51, between the Member Lines of the Pacific Westbound Conference, modifies the appendix to the basic agreement of that conference (No. 57) by amending the rule governing the chartering of vessels for the purpose of clarifying the wording, and by adding to such rule a provision that member lines may also charter vessels on lump sum F. I. O., or other standard forms of charter.

(2) Agreement No. 7995, between Iino Kaiun Kaisha, Ltd., Mitsubishi Kaiun Kaisha, Ltd., and Nissan Kisen Kaisha, Ltd., provides for the establishment and maintenance of a joint cargo service (with limited passenger accommodations) under the trade name Kokusai Line, in various world-wide trades. This agreement will supersede and cancel Agreement No. 7816, between Iino Kaiun Kaisha, Ltd., Mitsubishi Kaiun Kaisha, Ltd., Nissan Kisen Kaisha, Ltd., Toho Kaiun Kaisha, Ltd., and Kokusai Kaiun Kaisha, Ltd., covering the same trading area.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 27, 1954.

By order of the Federal Maritime Board.

[SEAL] THOMAS E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 54-6885; Filed, Aug. 31, 1954; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1626]

ACF INDUSTRIES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in ACF Industries, Incorporated, Common Stock, $25 Par Value; File No. 7-1626.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of August A. D. 1954.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $25 Par Value, of ACF Industries, Incorporated, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 14, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 54-6870; Filed, Aug. 31, 1954; 8:48 a. m.]

MISSION OIL CO. ET AL.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

AUGUST 26, 1954.

In the matter of the Mission Oil Company, Southwestern Development Company and subsidiaries and Sinclair Oil Corporation, File Nos. 54-196, 59-97; Albert R. Jones, et al., File No. 70-2681; Southwestern Development Company, Amarillo Gas Company, Amarillo Oil Company, Clayton Gas Company, Dalhart Gas Company, Red River Gas Company, West Texas Gas Company, File No. 70-3156.

The Commission having on December 24, 1953, granted and permitted to become effective an application-declaration filed pursuant to sections 7, 10, and 12 of the Public Utility Holding Company Act of 1935, by Southwestern Development Company ("Southwestern"), a registered holding company, and its subsidiary companies, Amarillo Gas Company, Amarillo Oil Company, Clayton Gas Company, Dalhart Gas Company, Red River Gas Company and West Texas Gas Company, regarding transactions resulting in the placing of the assets of the Southwestern holding company system in said Amarillo Gas Company, the name of which was to be changed to Pioneer Natural Gas Company ("Pioneer"), and in said Amarillo Oil Company, which was to be a subsidiary company of Pioneer, the elimination of Southwestern as a holding company, and its dissolution; and

The Commission having reserved jurisdiction over all fees and expenses incurred or to be incurred in connection with the proposed transactions and the consummation thereof; and

Applications having been filed for approval of the payment by Southwestern and by Pioneer, its successor corporation, of compensation for services and reimbursement of expenses, rendered or incurred from February 1, 1952, to date, as follows:

(A) FEES AND EXPENSES PREVIOUSLY PAID IN CONNECTION WITH THE PLAN FROM FEBRUARY 1, 1952 TO MAY 31, 1954

	Southwestern Development Company	Pioneer Natural Gas Company	Total
Purcell & Nelson:			
Fees	$5,300.00	$16,000.00	$21,300.00
Expenses	119.87	540.15	660.02
Total	5,419.87	16,540.15	21,960.02
Root, Ballantine, Harlan, Bushby & Palmer:			
Fees		7,500.00	7,500.00
Expenses		104.81	104.81
Total		7,604.81	7,604.81
Baker, Botts, Andrews & Shepherd:			
Fees		25,000.00	25,000.00
Expenses	925.27	456.21	1,381.48
Total	925.27	25,456.21	26,381.48
Akolt, Campbell, Turnquist & Shepherd:			
Fees		3,750.00	3,750.00
Expenses		85.76	85.76
Total		3,835.76	3,835.76
Arthur Young & Company:			
Fees		1,650.00	1,650.00
Expenses		59.49	59.49
Total		1,709.49	1,709.49
Total of items 1 to 5 inclusive:			
Fees	5,300.00	53,900.00	59,200.00
Expenses	1,045.14	1,246.42	2,291.56
Total	6,345.14	55,146.42	61,491.56

(B) ESTIMATES OF FEES AND EXPENSES WHICH IT IS ANTICIPATED WILL BE INCURRED AND PAID IN THE FUTURE

Purcell & Nelson:			
Fees		$3,500.00	$3,500.00
Expenses		230.00	230.00
Total		3,730.00	3,730.00

The Commission having considered said applications and finding that the amounts set forth above are not unreasonable, and that the jurisdiction heretofore reserved over such fees and expenses should be released:

It is ordered, That the jurisdiction heretofore reserved be, and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 54-6872; Filed, Aug. 31, 1954; 8:49 a. m.]

[File No. 70-3289]

NORTHERN STATES POWER CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS BY REGISTERED HOLDING COMPANY

AUGUST 26, 1954.

Notice is hereby given that Northern States Power Company, a Minnesota Corporation ("Northern States"), a registered holding company, and a public-utility company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a) and 7 of said act and Rules U-23, U-24, and U-50 promulgated thereunder regarding certain proposed transactions which are summarized as follows:

Northern States proposes to issue and sell at competitive bidding $20,000,000 principal amount of first mortgage bonds to be designated "First Mortgage Bonds, Series due October 1, 1984" (herein sometimes referred to as the "New Bonds"). The coupon rate of the New Bonds (which shall be a multiple of ⅛ of 1 percent), and the price (exclusive of accrued interest) to be paid to Northern States (which price shall be expressed as a percentage of the principal amount of the Bonds and shall be not less than 100 percent and not more than 102¾ percent of the principal amount thereof) will be determined by the bidders. The New Bonds will be issued under the provisions of the Company's existing Indenture, dated February 1, 1937, as supplemented and as to be supplemented by a Supplemental Trust Indenture to be dated as of October 1, 1954.

The proceeds from the sale of the New Bonds will be added to the general funds of the Company. It is estimated that general funds of the Company and its subsidiaries, when augmented by such proceeds and funds available from reserves and earnings, will be sufficient to provide the cash required for expenditures of the Company and its subsidiaries under the construction program for the balance of 1954 and the early months of 1955.

The declaration further states that no State commission, other than the Public Service Commission of North Dakota, and no Federal commission, other than this Commission, has jurisdiction over the transaction proposed by Northern States.

Northern States requests that this Commission's Order become effective upon issuance.

Notice is further given that any interested person may, not later than September 16, 1954, at 5:30 p. m., e. d. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended hereafter, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 54-6871; Filed, Aug. 31, 1954; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6574]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF COMMON STOCK

AUGUST 25, 1954.

Notice is hereby given that on August 19, 1954, the Federal Power Commission issued its order adopted August 18, 1954, authorizing issuance of common stock in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6863; Filed, Aug. 31, 1954; 8:47 a. m.]

[Docket No. G-2278]

ROANOKE PIPE LINE CO.

NOTICE OF ORDER APPROVING PROPOSED SETTLEMENT AND TERMINATING PROCEEDING

AUGUST 25, 1954.

Notice is hereby given that on August 20, 1954, the Federal Power Commission issued its order adopted August 18, 1954, approving proposed settlement and terminating proceeding in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6864; Filed, Aug. 31, 1954; 8:47 a. m.]

[Docket No. G-2298]

MONTANA-DAKOTA UTILITIES CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application filed on November 2, 1953, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate facilities, as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 26, 1953 (18 F. R. 7573).

The Commission, on July 2, 1954, issued temporary authorization for the construction and operation of the requested facilities.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 27, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: August 25, 1954.

Issued: August 26, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6861; Filed, Aug. 31, 1954; 8:46 a. m.]

[Docket No. G-2426]

MONTANA-DAKOTA UTILITIES CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application, filed May 10, 1954, and supplemented June 28, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, provided that no request to be heard, protest or petition is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 22, 1954 (19 F. R. 2990).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction

conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 10, 1954, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: August 25, 1954.

Issued: August 26, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-6862; Filed, Aug. 31, 1954; 8:46 a. m.]

[Docket No. G-2576]

COLORADO INTERSTATE GAS CO.

ORDER SUSPENDING REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

On July 30, 1954, Colorado Interstate Gas Company (Colorado Interstate) tendered for filing Second Revised Sheets Nos. 5, 8, 11, 13, and First Revised Sheet No. 13g (superseding First Revised Sheets Nos. 5, 8, 11, 13, and Original Sheet No. 13g) to its FPC Gas Tariff, Original Volume No. 1; Fourth Revised Sheet No. 2 (superseding Third Revised Sheet No. 2) to its FPC Gas Tariff, Original Volume No. 2; and First Revised Sheet No. 2 (superseding Original Sheet No. 2) to its FPC Gas Tariff, Original Volume No. 3, proposed to take effect on September 1, 1954. Second Revised Sheets Nos. 11 and 13 and First Revised Sheet No. 13g, and the tariff sheets they are to supersede, relate to sales of natural gas for resale for industrial use only.

By virtue of such filing, Colorado Interstate proposes an increase in rates and charges of $10,269,000, or 42.2 percent, based on sales for the 12-months ended March 31, 1954, as adjusted for the "test period." The proposed rate increase is in addition to the increased rates in effect subject to refund in Docket No. G-2260.

The increased rates and charges proposed in Second Revised Sheets Nos. 5, 8, 11, and 13, and First Revised Sheet No. 13g to FPC Gas Tariff, Original Volume No. 1, Fourth Revised Sheet No. 2 to FPC Gas Tariff, Original Volume No. 2, and First Revised Sheet No. 2 to FPC Gas Tariff, Original Volume No. 3, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of the rates, charges, classifications and services of Colorado Interstate's FPC Gas Tariffs and contracts related thereto, as proposed to be amended by said Second Revised Sheets Nos. 5, 8, 11, and 13, and First Revised Sheet No. 13g, Fourth Revised Sheet No. 2, and First Revised Sheet No. 2 and that said tariff sheets, excepting Second Revised Sheets Nos. 11 and 13 and First Revised Sheet No. 13g, be suspended as hereinafter ordered and the use thereof be deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, classifications and services contained in Colorado Interstate's FPC Gas Tariffs and contracts relating thereto, as proposed to be amended by Second Revised Sheets Nos. 5, 8, 11, and 13 and First Revised Sheet No. 13g to FPC Gas Tariff, Original Volume No. 1; Fourth Revised Sheet No. 2 to FPC Gas Tariff, Original Volume No. 2; and First Revised Sheet No. 2 to FPC Gas Tariff, Original Volume No. 3.

(B) Pending such hearing and decision thereon, Colorado Interstate's proposed Second Revised Sheets Nos. 5 and 8 to FPC Gas Tariff, Original Volume No. 1, Fourth Revised Sheet No. 2 to FPC Gas Tariff, Original Volume No. 2, and First Revised Sheet No. 2 to FPC Gas Tariff, Original Volume No. 3, be and the same are hereby suspended and the use thereof deferred until February 1, 1955, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: August 25, 1954.

Issued: August 26, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-6869; Filed, Aug. 31, 1954; 8:48 a. m.]

[Project No. 943]

PUGET SOUND POWER & LIGHT CO. AND PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

AUGUST 25, 1954.

Notice is hereby given that on August 23, 1954, the Federal Power Commission issued its order adopted August 18, 1954, further amending license (Major) in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-6865; Filed, Aug. 31, 1954; 8:47 a. m.]

[Project No. 2150]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

AUGUST 25, 1954.

Notice is hereby given that on August 20, 1954, the Federal Power Commission issued its order adopted August 18, 1954, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-6866; Filed, Aug. 31, 1954; 8:47 a. m.]

[Project No. 2165]

ALABAMA POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

AUGUST 25, 1954.

Public notice is hereby given that Alabama Power Company, of Birmingham, Alabama, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for preliminary permit for proposed waterpower Project No. 2165 to be located on the Black Warrior River and on Sipsey Fork of Black Warrior River in Cullman, Jefferson, Tuscaloosa, Walker, and Winston Counties, Alabama, and to consist of a power plant at existing United States Lock and Dam No. 17 on the Black Warrior River with an initial installed capacity of 25,000 horsepower operating under a gross head of about 69 feet, and a power plant with initial installed capacity of 95,000 horsepower at the proposed New Hope Dam on Sipsey Fork of Black Warrior River, part of a proposed multiple-purpose project described in an interim report dated February 26, 1954, from the Chief of Engineers to the Secretary of the Army. The project as proposed in the Army report includes the construction by the United States of the New Hope Dam, reservoir and power plant, and a power plant at Lock and Dam No. 17. In the event the Army plan is not authorized by Congress and if the applicant is successful in working out an arrangement with the United States and local municipalities, the applicant's project would consist of a high dam, storage reservoir, and power plant at the Upper New Hope site and the power plant at Lock and Dam No. 17. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is October 8, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-6867; Filed, Aug. 31, 1954; 8:47 a. m.]

WORCESTER COUNTY ELECTRIC CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS

AUGUST 25, 1954.

Notice is hereby given that on August 19, 1954, the Federal Power Commission issued its order adopted August 18, 1954, approving and directing disposition of amounts classified in Account 107, electric plant adjustments in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-6868; Filed, Aug. 31, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29617]

LUMBER FROM SOUTH PACIFIC COAST TO WISCONSIN

APPLICATION FOR RELIEF

AUGUST 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff I. C. C. No. 1556.

Commodities involved: Lumber, shingles, and related articles, carloads.

From: Points in South Pacific Coast territory.

To: Chicago, Burlington & Quincy Railroad Company stations Potosi, Wis., through Trempealeau, Wis.

Grounds for relief: Rail competition, circuity and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6776; Filed, Aug. 31, 1954; 8:49 a. m.]

[4th Sec. Application 29618]

CLASS AND COMMODITY RATES BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

AUGUST 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. F. Brown, Agent, for carriers parties to his tariff I. C. C. 807.

Commodities involved: Class and commodity rates.

Territory: From, to, and between points in Texas.

Grounds for relief: Competition with rail carriers and to meet intrastate rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6877; Filed, Aug. 31, 1954; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2870]

REOPENED WESTERN-INLAND MAIL RATE CASE

POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled proceeding, assigned to be held on August 31, 1954, is reassigned to be held on September 2, 1954, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., August 27, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-6884; Filed, Aug. 31, 1954; 8:51 a. m.]

Rec'd 9/3/54

FEDERAL REGISTER

VOLUME 19 NUMBER 171

Washington, Thursday, September 2, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP CORN RESEAL LOAN PROGRAM

AREA OF AVAILABILITY

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service, published in 18 F. R. 5359, 6983 and 19 F. R. 1595 and 2712 and containing the specific requirements for the 1953-Crop Corn Reseal Loan Program, are hereby amended as follows:

Section 421.63 (a) is changed to extend the area of availability of 1953-crop reseal loans so that the amended paragraph reads as follows:

§ 421.63 *Availability*—(a) *Area.* The reseal program will be available wherever corn is grown in the continental United States except in designated angoumois moth areas. Under this program, 1953-crop farm-storage loans will be extended and farm-storage loans will be made on 1953-crop corn covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 30th day of August 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-6900; Filed, Sept. 1, 1954; 8:45 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1627, 2562, 3993, 4256, 4399 and 5079, and containing the specific requirements for the 1954-Crop Wheat Price Support Program are hereby amended as follows:

1. Section 421.433 (c) is amended by changing the designation of subparagraph (3) to (4), inserting a new subparagraph (3), and providing for a reference to the new subparagraph (3) in subparagraph (4), so that the amended paragraph (c) reads as follows:

§ 421.433 *Eligible wheat.* * * *

(c) Such wheat must be:

(1) Wheat of any class grading No. 3 or better; or

(2) Wheat of any class grading No. 4 or 5 on the factor of "test weight" and/or because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; or

(3) Wheat of any class grading Sample on the factor of test weight only but otherwise meeting the requirements of subparagraph (1) or (2) of this paragraph and having a test weight of not less than 40 pounds per bushel; or

(4) Wheat of the class Mixed Wheat, consisting of mixtures of grades of eligible wheat as stated in subparagraph (1), (2), or (3) of this paragraph provided such mixtures are the natural products of the field.

* * * * *

2. Section 421.435 (c) is amended by extending the schedule therein to apply to wheat testing as low as 40 pounds per bushel so that the amended paragraph reads as follows:

§ 421.435 *Determination of quantity.*
* * *

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 7: Parts 210–899 ($2.25)

Title 19, Revised 1953 ($5.00)

Title 32A, Revised Dec. 31, 1953 ($1.50)

Title 46: Part 146 to end ($6.50)

Previously announced: Title 3, 1953 Supp. ($1.50); Titles 4–5 ($0.60); Title 6 ($2.00); Title 7: Parts 1–209, Revised 1953 ($7.75); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.50); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($1.25); Part 400 to end ($0.50); Title 15 ($1.25); Title 16 ($1.00); Title 17 ($0.50); Title 18 ($0.45); Title 20 ($0.70); Title 21 ($1.50); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Title 26: Parts 1–79, Revised 1953 ($7.75); Parts 80–169 ($0.50); Parts 170–182 ($0.75); Parts 183–299, Revised 1953 ($5.50); Part 300 to end, and Title 27 ($1.00); Titles 28–29 ($1.25); Titles 30–31 ($1.00); Title 32: Parts 1–699 ($1.75); Part 700 to end ($2.25); Title 33 ($1.25); Titles 35–37 ($0.70); Title 38 ($2.00); Title 39 ($2.00); Titles 40–42 ($0.50); Title 43 ($1.75); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.35); Titles 47–48, Revised 1953 ($7.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.65); Parts 91–164 ($0.45); Part 165 to end ($0.60); Title 50 ($0.55)

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For wheat testing:

	Percent
47 pounds or over, but less than 48 pounds	78
46 pounds or over, but less than 47 pounds	77
45 pounds or over, but less than 46 pounds	75
44 pounds or over, but less than 45 pounds	73
43 pounds or over, but less than 44 pounds	72
42 pounds or over, but less than 43 pounds	70
41 pounds or over, but less than 42 pounds	68
40 pounds or over, but less than 41 pounds	67

3. Section 421.438 (a) (3) is amended by adding Stockton, California, to the list of port terminals where no deduction is made from the terminal support rate because of lack of billing to guarantee outbound movement at the minimum proportional domestic interstate freight rate for wheat shipped by rail, water or truck and stored in such terminals so that the amended subparagraph reads as follows:

§ 421.438 *Determination of support rates.* • • •

(a) *Support rates at designated terminal markets.* • • •

(3) (i) Wheat shipped by rail or water and stored at any of the following terminal markets and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal rate:

Los Angeles, San Francisco, Stockton, and Oakland, Calif.
New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N. Y.
Philadelphia, Pa.
Galveston and Houston, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma and Vancouver, Wash.
Superior, Wis.

(ii) For wheat received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal:	Amount of deduction (cents per bushel)
Los Angeles, San Francisco, Stockton, and Oakland, Calif.; Duluth, Minn.; Portland and Astoria, Oreg.; Seattle, Longview, Tacoma, and Vancouver, Wash.; Superior, Wis	4½
New Orleans, La.; Baltimore, Md.; Philadelphia, Pa.; Galveston and Houston, Tex.; Norfolk, Va.; Albany and New York, N. Y.	6

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C., 1441, 1421)

Issued this 30th day of August 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54-6899; Filed, Sept. 1, 1954; 8:45 a. m.]

(c) When the quantity of wheat is determined by measurement, a bushel shall be 1.25 cubic feet of wheat testing 60 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 60-pound wheat:

For wheat testing:	Percent
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83
49 pounds or over, but less than 50 pounds	82
48 pounds or over, but less than 49 pounds	80

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954—CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1627, 2562, 3993, 4256, 4399, and 5079, and containing the specific requirements for the 1954-crop wheat price support program are hereby amended as follows:

Section 421.438 (d) is amended by adding the following subparagraph (4) at the end thereof to provide special discounts for eligible wheat grading sample on factor of test weight only:

§ 421.438 *Determination of support rates.* • • •

(d) *Support rates.* • • •

(4) *Special discounts for wheat grading sample on factor of test weight only.*[1]

Test weight	Discount for hard red spring wheat	Discount for wheat of all other classes
Pounds	*Cents per bushel*	*Cents per bushel*
50	0	4
49	4	8
48	8	12
47	12	16
46	16	20
45	20	24
44	24	28
43	28	32
42	32	36
41	36	40
40	40	44

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 30th day of August 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54-6903; Filed, Sept. 1, 1954; 8:46 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 3540 and 4591 and containing the specific requirements for the 1954-Crop Rice Loan and Purchase Agreement Program are hereby amended as follows:

In § 421.583 *Support rates*, paragraph (a) is amended to include the value factors for head and broken rice in the table bearing the heading "Value Factors for Head and Broken Rice" so that the table will read as follows:

Group	Rough rice class or variety	Head rice	Broken rice
I	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark).	0.0962	0.0400
II	Blue Bonnet, Mira, Rexark and Century Patna.	.0930	.0400
III	Fortuna, R. N., and Edith	.0900	.0400
IV	Blue Rose (including varieties Improved Blue Rose, Greater Blue Rose, Kanrose and Arkrose), Magnolia, Zenith, Prelude and Lady Wright.	.0805	.0400
V	Pearl, Calrose, Early Prolific, Cahady, and other varieties.	.0745	.0400

[1] These discounts are in addition to the discount of 9 cents per bushel for wheat grading No. 5 on the basis of test weight only and in addtion to any other applicable discounts.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 30th day of August 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54-6904; Filed, Sept. 1, 1954; 8:46 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

ELIGIBLE RYE; DETERMINATION OF QUANTITY

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 967, 1810, 3124, 4178, 4399 and 5079, and containing the specific requirements for the 1954-crop rye price support program are amended by changing two sections to provide price support for rye grading No. 4 or "Sample" on the basis of test weight, but otherwise grading No. 2 or better and having a test weight of not less than 40 pounds per bushel.

1. Section 421.603 (c) is amended to read as follows:

(c) Such rye must be rye grading No. 2 or better, or rye grading No. 3, No. 4, or "Sample" on the factor of "test weight" only, but otherwise grading No. 2 or better and having a test weight of not less than 40 pounds per bushel.

2. Section 421.605 (c) is amended to read as follows:

(c) When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound rye:

For rye testing:	Percent
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95

For rye testing:	Percent
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87
48 pounds or over, but less than 49 pounds	86
47 pounds or over, but less than 48 pounds	84
46 pounds or over, but less than 47 pounds	82
45 pounds or over, but less than 46 pounds	80
44 pounds or over, but less than 45 pounds	79
43 pounds or over, but less than 44 pounds	77
42 pounds or over, but less than 43 pounds	75
41 pounds or over, but less than 42 pounds	73
40 pounds or over, but less than 41 pounds	71

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421)

Issued this 30th day of August 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-6905; Filed, Sept. 1, 1954; 8:46 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 2, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 967, 1810, 3124, 4178, 4399, and 5079 and containing the specific requirements of the 1954-crop rye price support program are hereby amended by adding a subparagraph (4) to § 421.608 (d) to provide the rate of discount for rye grading No. 4 or "Sample."

(4) *Discount for rye grading No. 4 or "Sample."* In addition to any other discount that may be applied to rye grading No. 4 or "Sample," a discount of 4 cents per bushel shall be applied for each pound by which the "test weight" falls below 52 pounds per bushel, the minimum "test weight" for rye grading No. 3.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 30th day of August 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-6901; Filed, Sept. 1, 1954; 8:45 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 524—HONEY

SUBPART—HONEY EXPORT PROGRAM VMX 66a (1954 MARKETING SEASON)

DEFINITIONS; TERMINATION OF PROGRAM

The "Honey Export Program VMX 66a (1954 Marketing Season)," 19 F. R. 4491, is hereby amended in the manner provided below:

Paragraph (l) of § 524.387 *Definitions* is hereby amended by deleting the entire paragraph and inserting in lieu thereof the following:

§ 524.387 *Definitions.* • • •

(l) "Filed." Applications are deemed to be filed when received by the appropriate United States Department of Agriculture office or postmarked by any United States Post Office. Claims and related documents are deemed to be filed when received by the appropriate United States Department of Agriculture office.

Notice of termination. Pursuant to § 524.38Z, this program is hereby terminated as of 11:59 p. m., August 30, 1954, but such termination shall not apply to any application filed prior to such time.

Issued this 30th day of August 1954.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

[SEAL] FLOYD F. HEDLUND,
Representative of the
Secretary of Agriculture.

[F. R. Doc. 54-6898; Filed, Sept. 1, 1954; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 878—DECORATIONS AND AWARDS

FOREIGN DECORATIONS; COMMENDATION RIBBON

1. Paragraph (a) of § 878.9 is changed as follows:

§ 878.9 *Foreign decorations.* (a) Decorations tendered by a foreign government to members of the Air Force may not be accepted or worn without the express consent of Congress (Clause 8, Section 9, Article I, of the Constitution).

(1) Authority to accept and wear World War II awards tendered by governments of cobelligerent nations, neutral nations, or other American Republics was expressly delegated by law. That authority terminated as of July 24, 1948, and all awards for World War II or peacetime service made after that date must be forwarded in accordance with paragraph (e) of this section.

(2) Authority to approve the acceptance and wearing of awards tendered by coparticipant nations for services in the Berlin airlift, June 26, 1948 to September 30, 1949, was delegated to the Secretary of the Air Force only for the period from May 5, 1950, to September 30, 1951.

(3) Authority to accept and wear awards tendered by governments of foreign nations whose personnel participated with or under the United Nations Command in Korea was expressly granted by law (Pub. Law 354, 83d Cong.; 68 Stat. 79). Such awards, in recognition of heroism, achievement or service, performed after June 26, 1950, while assigned or attached to a unit credited with participation in the Korean Campaign, may be accepted until July 27, 1955. To qualify, awards must be those conferred by such governments upon members of their own military forces. Persons tendered awards under these provisions will forward all elements of the awards as indicated in paragraph (e) of this section for evaluation. Those awards which meet the requirements of the law will be returned to the recipients with authorization for acceptance and wear. The Commander, Far East Air Forces, is delegated authority to approve the acceptance and wear of awards tendered to persons under his command as prescribed by this paragraph.

• • • • • •

(Interprets or applies 40 Stat. 870; 10 U. S. C. 1403)

2. Section 878.22 is changed to read as follows:

§ 878.22 *Commendation Ribbon.* (a) The Commendation Ribbon consists of a ribbon and medallion. The medallion is a bronze hexagon bearing the eagle, shield, and arrows from the seal of the Department of Defense. The ribbon is medium green with white edges and five white lines in the center.

(b) The Commendation Ribbon, established by the Secretary of War, December 18, 1945, is awarded to members of the Armed Forces of the United States who, while serving in any capacity with the Air Force, distinguish themselves by meritorious achievement or meritorious service. The degree of merit need not be unique but it must be distinctive. Acts of courage which do not meet the risk of life requirements for award of the Soldier's Medal may be considered as evidence of a meritorious achievement warranting award of a Commendation Ribbon.

(c) Authority to award the Commendation Ribbon to personnel below the grade of brigadier general is delegated to commanders of major air commands. In wartime, authority may be delegated down to include commanders of air divisions.

(Interprets or applies sec. 2, 56 Stat. 662; 10 U. S. C. 1408b; E. O. 9637, 10 F. R. 12543; 3 CFR, 1945 Supp., as amended by E. O. 9857A, 12 F. R. 3583; 3 CFR, 1947 Supp.)

[AFR 30-14B] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-6886; Filed, Sept. 1, 1954; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 40-9]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PROPELLER REVERSE PITCH INDICATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of August 1954.

The currently effective provisions of Part 40 of the Civil Air Regulations contain no requirements for a propeller reverse pitch indicator to indicate to the pilot when a propeller is in reverse pitch. The need for such an indicator has been under consideration for some time and this amendment requires that all airplanes operated under the provisions of this part be equipped with such an indicator after September 1, 1955.

On September 1, 1953, the Board published a notice of proposed rule making in the FEDERAL REGISTER, which was also circulated as Civil Air Regulations Draft Release 53-17, in which it was proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations to require the installation, on airplanes equipped with reversing propellers, of means to indicate to the pilots when the propeller is in reverse pitch. It was intended that such means be permitted to indicate to the pilots when the propeller blade angle is below the normal low pitch position. It was also proposed that the source of indication be actuated by propeller blade angle or be directly responsive to propeller blade angle.

As a result of the comments received, the Board has determined that certain modifications should be accomplished to the proposed rule. Interested persons have recommended that the reverse pitch indicators should not be permitted to give any indication except when the propeller blade angle is below the low pitch stop, in order that no confusion arise as to the action to be taken by the flight crew when such an indication occurs. This recommendation is consistent with the objective sought and the Board is of the opinion that such a change is desirable. This amendment, therefore, makes it clear that no indication may be given at or above the normal low pitch stop position.

In Draft Release 53-17, the Board also proposed that propeller reverse pitch indicators be required to be actuated during the entire period the propeller is in reverse pitch; i. e., below zero degree geometric pitch, and that actuation be permitted at the operator's option in the portion of the reversing cycle between the low pitch stop and zero degree geometric pitch. It appears that there is considerable difference of opinion among interested parties as to the point or range in the reversing cycle where actuation of the reverse pitch indicator would be most advantageous from an operational point of view. In considering the case of unwanted reversal in flight, it appears that actuation early in the cycle might be more desirable. However, from the viewpoint of normal reversing operations during the landing ground run, it appears that actuation late in the cycle might be more desirable. It is believed that from an overall operational point of view, the point of actuation of the reverse pitch indicator in the reversing cycle is not critical. It has also become apparent that the requirement proposed in the Draft Release for early indication may be too restrictive, since it might require other functions of the propeller hub assembly to be unduly compromised. Therefore, this amendment permits actuation of the indicator at any point in the reversing cycle between the low pitch stop position and full reverse pitch.

The Board envisages that considerable operational benefit will result from the incorporation of propeller reverse pitch indicators. Accordingly, it is expected that air carriers will include in the appropriate manuals and other documents used for crew training and indoctrination, suitable information concerning the use of such indicators.

A recommendation has been received for further amendment of this proposal to ensure that certain alternative techniques for indicating reverse thrust may be employed. The Board is of the opinion that the language set forth in this amendment adequately defines the objectives sought, and does not unduly limit the type of indicating means that may be used.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective October 1, 1954:

By amending § 40.172 by adding thereto a new paragraph (l) to read as follows:

§ 40.172 *Engine instruments for all operations.* • • •

(l) Effective September 1, 1955, a means shall be provided for each reversible propeller on airplanes equipped with reversible propellers, which will indicate to the pilots when the propeller is in reverse pitch. Such means may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch. No indication shall be given at or above the normal low pitch stop position. The source of indication shall be actuated by the propeller blade angle or be directly responsive to the propeller blade angle.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-6908; Filed, Sept. 1, 1954; 8:47 a. m.]

[Civil Air Regs., Amdt. 41-16]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PROPELLER REVERSE PITCH INDICATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of August 1954.

The currently effective provisions of Part 41 of the Civil Air Regulations contain no requirements for a propeller reverse pitch indicator to indicate to the pilot when a propeller is in reverse pitch. The need for such an indicator has been under consideration for some time and this amendment requires that all airplanes operated under the provisions of this part be equipped with such an indicator after September 1, 1955.

On September 1, 1953, the Board published a notice of proposed rule making in the FEDERAL REGISTER, which was also circulated as Civil Air Regulations Draft Release 53-17, in which it was proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations to require the installation, on airplanes equipped with reversing propellers, of means to indicate to the pilots when the propeller is in reverse pitch. It was intended that such means be permitted to indicate to the pilots when the propeller blade angle is below the normal low pitch position. It was also proposed that the source of indication be actuated by propeller blade angle or be directly responsive to propeller blade angle.

As a result of the comments received, the Board has determined that certain modifications should be accomplished to the proposed rule. Interested persons have recommended that the reverse pitch indicators should not be permitted to give any indication except when the propeller blade angle is below the low pitch stop, in order that no confusion arise as to the action to be taken by the flight crew when such an indication occurs. This recommendation is consistent with the objective sought and the Board is of the opinion that such a change is desirable. This amendment, therefore, makes it clear that no indication may be given at or above the normal low pitch stop position.

In Draft Release 53-17, the Board also proposed that propeller reverse pitch indicators be required to be actuated during the entire period the propeller is in reverse pitch; i. e., below zero degree geometric pitch, and that actuation be permitted at the operator's option in the portion of the reversing cycle between the low pitch stop and zero degree geometric pitch. It appears that there is considerable difference of opinion among interested parties as to the point or range in the reversing cycle where actuation of the reverse pitch indicator would be most advantageous from an operational point of view. In considering the case of unwanted reversal in flight, it appears that actuation early in the cycle

might be more desirable. However, from the viewpoint of normal reversing operations during the landing ground run, it appears that actuation late in the cycle might be more desirable. It is believed that from an overall operational point of view, the point of actuation of the reverse pitch indicator in the reversing cycle is not critical. It has also become apparent that the requirement proposed in the Draft Release for early indication may be too restrictive, since it might require other functions of the propeller hub assembly to be unduly compromised. Therefore, this amendment permits actuation of the indicator at any point in the reversing cycle between the low pitch stop position and full reverse pitch.

The Board envisages that considerable operational benefit will result from the incorporation of propeller reverse pitch indicators. Accordingly, it is expected that air carriers will include in the appropriate manuals and other documents used for crew training and indoctrination, suitable information concerning the use of such indicators.

A recommendation has been received for further amendment of this proposal to ensure that certain alternative techniques for indicating reverse thrust may be employed. The Board is of the opinion that the language set forth in this amendment adequately defines the objectives sought, and does not unduly limit the type of indicating means that may be used.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective October 1, 1954:

By amending § 41.25 by adding thereto a new paragraph (r) to read as follows:

§ 41.25 *Instruments and equipment required for continuance of flight.* • • •

(r) Effective September 1, 1955, a means shall be provided for each reversible propeller on airplanes equipped with reversible propellers, which will indicate to the pilots when the propeller is in reverse pitch. Such means may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch. No indication shall be given at or above the normal low pitch stop position. The source of indication shall be actuated by the propeller blade angle or be directly responsive to the propeller blade angle.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-6909; Filed, Sept. 1, 1954; 8:47 a. m.]

[Civil Air Regs., Amdt. 42-26]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PROPELLER REVERSE PITCH INDICATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of August 1954.

The currently effective provisions of Part 42 of the Civil Air Regulations contain no requirements for a propeller reverse pitch indicator to indicate to the pilot when a propeller is in reverse pitch. The need for such an indicator has been under consideration for some time and this amendment requires that all airplanes operated under the provisions of this part be equipped with such an indicator after September 1, 1955.

On September 1, 1953, the Board published a notice of proposed rule making in the FEDERAL REGISTER, which was also circulated as Civil Air Regulations Draft Release 53-17, in which it was proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations to require the installation, on airplanes equipped with reversing propellers, of means to indicate to the pilots when the propeller is in reverse pitch. It was intended that such means be permitted to indicate to the pilots when the propeller blade angle is below the normal low pitch position. It was also proposed that the source of indication be actuated by propeller blade angle or be directly responsive to propeller blade angle.

As a result of the comments received, the Board has determined that certain modifications should be accomplished to the proposed rule. Interested persons have recommended that the reverse pitch indicators should not be permitted to give any indication except when the propeller blade angle is below the low pitch stop, in order that no confusion arise as to the action to be taken by the flight crew when such an indication occurs. This recommendation is consistent with the objective sought and the Board is of the opinion that such a change is desirable. This amendment, therefore, makes it clear that no indication may be given at or above the normal low pitch stop position.

In Draft Release 53-17, the Board also proposed that propeller reverse pitch indicators be required to be actuated during the entire period the propeller is in reverse pitch; i. e., below zero degree geometric pitch, and that actuation be permitted at the operator's option in the portion of the reversing cycle between the low pitch stop and zero degree geometric pitch. It appears that there is considerable difference of opinion among interested parties as to the point or range in the reversing cycle where actuation of the reverse pitch indicator would be most advantageous from an operational point of view. In considering the case of unwanted reversal in flight, it appears that actuation early in the cycle might be more desirable. However, from the viewpoint of normal reversing operations during the landing ground run, it appears that actuation late in the cycle might be more desirable. It is believed that from an overall operational point of view, the point of actuation of the reverse pitch indicator in the reversing cycle is not critical. It has also become apparent that the requirement proposed in the Draft Release for early indication may be too restrictive, since it might require other functions of the propeller hub assembly to be unduly compromised. Therefore, this amendment permits actuation of the indicator at any point in the reversing cycle between the low pitch stop position and full reverse pitch.

The Board envisages that considerable operational benefit will result from the incorporation of propeller reverse pitch indicators. Accordingly, it is expected that air carriers will include in the appropriate manuals and other documents used for crew training and indoctrination, suitable information concerning the use of such indicators.

A recommendation has been received for further amendment of this proposal to insure that certain alternative techniques for indicating reverse thrust may be employed. The Board is of the opinion that the language set forth in this amendment adequately defines the objective sought, and does not unduly limit the type of indicating means that may be used.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective October 1, 1954:

By amending § 42.21 (a) by adding thereto a new subparagraph (15) to read as follows:

§ 42.21 *Basic required instruments and equipment for aircraft.* • • •

(a) *VFR (day).* • • •

(15) Effective September 1, 1955, a means shall be provided for each reversible propeller on airplanes equipped with reversible propellers, which will indicate to the pilots when the propeller is in reverse pitch. Such means may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch. No indication shall be given at or above the normal low pitch stop position. The source of indication shall be actuated by the propeller blade angle or be directly responsive to the propeller blade angle.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-6910; Filed, Sept. 1, 1954; 8:48 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 103]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. It an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport, name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of course; (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums		
					Condition	Type aircraft	
						75 m. p. h. or less	More than 75 m. p. h.
1	2	3	4	5		6	
LONG BEACH, CALIF. Municipal, 56' LOM-IC Procedure No. 1, 511-A February 11, 1952	SUPERSEDED BY COMBINATION ILS-ADF PROCEDURE DATED SEPTEMBER 1, 1954.						
NEW ORLEANS, LA. Moisant International, 3' LOM-WS August 1, 1950	PROCEDURE CANCELED EFFECTIVE SEPTEMBER 6, 1954. SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE.						
OXNARD, CALIF. Ventura County, 43' SAWZ (Camarillo LFR) Procedure No. 1 September 1, 1954			900	S side of track; 250° outbound, 070° inbound. 1,500' within 20 miles and within 5 miles S of track because of Point Mugu danger area.	200—½ 100—3 200—3	300—1 100—3 200—3	300—1 100—3 200—3
RALEIGH, N. C. Raleigh-Durham, 435' LOM-RD January 5, 1953	PROCEDURE CANCELED EFFECTIVE SEPTEMBER 6, 1954. SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE.						
					T—dn C—dn A—dn	300—1 100—3 200—3	300—1 100—3 200—3

Within 0 mile, turn right (S) and climb to 3,000' on outbound track of 250° within 20 miles of LFR.

If visual contact not established at authorized landing minimums or if passing facility within distance specified, or if landing not accomplished

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The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BAKER, OREG. Baker, 3,368' BVOR-BKE Procedure No. 1 August 31, 1954	BKE LFR	106—2.1	7,000	E side of course:* 297° outbound. 117° inbound. 7,000' within 10 miles. 9,000' within 15 miles. Beyond 15 miles not authorized.	5,100	On airport	T-d T-n C-d C-n A-dn	1,000-1 1,000-2 1,700-1 1,700-2 1,700-2	1,000-1 1,000-2 1,700-1 1,700-2 1,700-2	Within 0 mile, turn left, climb to 9,000' on 297° radial BKE VOR within 15 miles. *Procedure turn E side for more favorable terrain.
BATTLEMOUNTAIN, NEV. Battle Mountain, 4,533' BVOR-BAM Procedure No. 1 August 31, 1954	BAM LFR	272—6.0	9,000	W side of course: 260° outbound. 020° inbound. 9,000' within 25 miles.	6,000	310—2.6	T-dn C-dn A-dn	300-1 1,000-1 1,000-2	300-1 1,000-1½ 1,000-2	Within 2.6 miles, turn left and climb to 12,000' on course 330° within 25 miles of BAM VOR.
CRESCENT CITY, CALIF. Del Norte County, 56' BVOR-DVTJ CEC Procedure No. 1 August 31, 1954				W side of course: 310° outbound. 130° inbound. 1,500' within 25 miles.	600	On airport	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 600-2 800-2	Within 0 mile, climb to 3,000' on course of 160° within 25 miles of CEC VOR.
FORTUNA, CALIF. Rohnerville, 390' BVOR-VDT FOT Procedure No. 1 September 1, 1954	Arcata LFR	179—19.0	2,000	W side of course: 308° outbound. 128° inbound. 1,400' within 25 miles.	1,400	128—9.4	*T-d *T-n C-d C-n A-dn	300-1 500-2 1,000-1 1,000-3 1,500-3	NA NA NA NA NA	Within 0 mile, turn right and climb to 2,000' on course of 308° within 25 miles of FOT VOR. *1,000-1 (day) or 1,000-2 (night) required for takeoff on Runway 11.

The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished.
1	2	3	4	5	6	7	8	9	10	11	12	13
LONG BEACH, CALIF. Municipal, 56' ILS-LGB LOM-LG Procedure No. 1 September 1, 1954	LGB LFR	LOM	135—1.6	1,500	S side SE course: 121° outbound. 301° inbound. 1,500' within 15 miles of LOM. Beyond 15 miles not authorized.	1,400	132—5.4	245—0.7	T-dn C-dn	300-1 500-1	300-1 600-2	Within 5.1 miles after passing LOM (ADF) climb to 800' on NW course LGB LFR then turn left to 250° heading, continuing climb to intersect S course LAX LFR and proceed to San Pedro intersection at a minimum of 2,000'. Deviation from standard criteria authorized in circling and straight-in minimums. CAUTION: 900-foot hill with oil derricks 1 mile S of airport.
	Huntington Beach FM	LOM	295—9.0	1,400			ADF 1,100'		S-dn 30 ILS	400-¾	400-¾	
	San Pedro Intersection	LOM	039—7.0	1,500					ADF	500-1	500-1	
	LGB VOR	LOM	203—2.0	1,500					A-dn	800-2	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
NEW ORLEANS, LA. Moisant International, 3' ILS-IMSY LOM-MS ILS and ADF Procedure No. 1 September 6, 1954	New Orleans LFR	LOM	274—8.0	1,400	S side W course: 279° outbound. 099° inbound. 1,400' within 10 miles. Beyond 10 miles not authorized.	ILS 1,100 ADF 900 over LOM	1,040—3.9	220—0.7	T-dn C-dn	300-1 500-1	300-1 500-1½	Climb to 1,600' on E course of ILS or 3.9 miles after passing LOM (ADF) climb to 1,600' on course of 099° within 25 miles. CAUTION: 486' WWL radio antenna located 2.7 miles N of airport, 449' electric transmission towers 3.9 miles S of LFR or 5.0 miles SE of airport.
	New Orleans VOR	LOM	313—4.5	1,200					S-dn 10 ILS	400-¾	400-¾	
	LaPlace MHW (final)	LOM	106—9.0	900					ADF	500-1	500-1	
									A-dn	800-2	800-2	
RALEIGH, N. C. Raleigh-Durham, 435' ILS-IRDU LOM-RD ILS and ADF Procedure No. 1 September 6, 1954	Raleigh LFR	LOM	262—8.0	2,000	N side of SW course: 229° outbound. 049° inbound. 1,700' within 10 miles. Beyond 10 miles not authorized.	ILS 1,600 ADF over LOM 1,000	1,520—4.4	610—0.6	T-dn C-dn	300-1 500-1	300-1 500-1½	Within 4.4 miles after passing LOM (ADF) climb to 1,800' on NE course (038°) LFR or 033° radial of VOR within 25 miles. When directed by ATC turn left climb to 2,000' on NW course (308°) LFR or 315° radial of VOR.
	Raleigh VOR	OM	307—12.0	2,000					ILS S-dn	400-¾	400-¾	
	Intersection NW course RDU LFR and SW course RDU ILS.	LOM	229—5.0	2,000					ADF 5	500-1	500-1	
									A-dn	800-2	800-2	

The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Precision approach (PAR): 75 m. p. h. or less	Ceiling and visibility minimums: Precision approach (PAR): More than 75 m. p. h.	Ceiling and visibility minimums: Surveillance approach (ASR): 75 m. p. h. or less	Ceiling and visibility minimums: Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
DALLAS, TEX. Love Field, 483' September 5, 1954	2,000' within 20 miles. Radar control must provide 3 mile lateral or 1,000' vertical separation from radio tower 1,230' mean sea level on bearing of 294° at 12 miles from DAL LFR.	13, 18, 31#, 36	C-dn	----------	----------	500-1	500-1½	All runways, climb to 2,000', proceed direct to DAL VOR or LFR. #When approaching runway 31 maintain at least 1,540' mean sea level until within 4 miles of runway.
		13, 18, 31, 36	T-dn	----------	----------	300-1	300-1	
		13, 18, 31#, 36	A-du	----------	----------	800-2	800-2	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-6630; Filed, Sept. 1, 1954; 8:45 a. m.]

[Amdt. 104]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
FORT WORTH, TEX. Meacham, 692' SBRAZ-VDTX FTW Procedure No. 1 September 10, 1954	Intersection N course FTW-LFR and 225° bearing from HTT RBN or 031° radial from FTW-VOR (final).	165—8	1,400	W side N course: 345° outbound. 165° inbound. 1,900' within 15 miles.	1,400	178—2.4	T-dn C-dn #S-dn 17 A-dn	300-1 500-1 500-1 800-2	300-1 600-1½ 500-1 800-2	Within 2.4 miles, climb to 2,000' on S course within 25 miles. #CAUTION: Obstruction 956' mean sea level located 0.6 mile SW of LFR on final approach track. 500 feet per minute descent required at 120 miles per hour.
NEW ORLEANS, LA. Moisant International, 3' SBRAZ-VDT MSY Procedure No. 2 September 10, 1954	Madisonville FM	173—32.0	1,400	S side of W course: 272° outbound. 092° inbound. 1,400' within 15 miles. Beyond 15 miles not authorized.	900 over LOM or OM.	092—3.9	T-dn C-dn S-dn 10 A-dn	300-1 500-1 500-1 800-2	300-1 600-1½ 500-1 800-2	Within 3.9 miles of ILS LOM climb to 1,400' on E course (073°) within 25 miles, or when directed by ATC, turn right, climb to 1,400' on S course (171°) within 25 miles. CAUTION: 409' WWL radio antenna located 2.7 miles north of airport. 449' electric transmission towers 3.9 miles S of LFR or 5.0 miles SE of airport.
	New Orleans VOR	060—6.0	1,400							
	Intersection 360° bearing from La Place MHW (final).	92—9.0 to LOM	900							

The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LUMBERTON, N. C. Lumberton, 126' BMH-LBT Procedure No. 1 September 10, 1954	Intersection S course Raleigh LFR and NE course Florence LFR.	232—6.0	1,400	S side of W course: 270° outbound. 090° inbound. 1,400' within 15 miles.	600	On airport	T-dn C-dn A-dn	300-1 600-1½ 800-2	300-1 600-1½ 800-2	Within 0 mile climb to 1,500' on track of 090° within 25 miles.

The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
AUSTIN, TEX. Mueller, 631' BVOR-AUS Procednre No. 1 September 10, 1954	Austin LFR	014—5.0	2,000	W side of course: 355° outbound. 175° inbound. 2,100' within 15 miles. Beyond 15 miles not authorized.	AUS VOR 1,600. AUS FM or NE course. AUS LFR 1,300.	175—5.6	T-dn C-dn S-dn 16R A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 5.6 miles turn left, climb to 2,000' on course of 104° within 25 miles. (1) Descent below 1,300' authorized after passing AUS FM or NE course AUS LFR. If AUS FM or NE leg of AUS LFR not received descent below 1,300' not authorized. CAUTION: Tank 855' mean sea level 1.2 miles W final approach track approximately 2.3 miles NNW of airport.
NEW ORLEANS, LA. Moisant International, 3' BVOR-MSY Procedure No. 1 September 10, 1954	New Orleans LFR	240—6.0	1,400	S side of course: 215° outbound. 035° inbound. 1,200' within 15 miles.	700	035—2.8	T-dn C-dn S-dn 1 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 2.8 miles climb to 1,400' on course of 035° within 25 miles. CAUTION: 409' WWL radio antenna located 2.7 miles north of airport. 449' electric transmission towers 5 miles SE of airport or 3.9 miles S of LFR.
	LaPlace MHW	118—14.0	1,400							
PITTSBURGH, PA. Allegheny County, 1,252' BVOR-DTV PIT Effective: September 30, 1954 Amendment No. 1 Supersedes amendment originally dated February 15, 1951. Major changes: 1. Initial approaches deleted over established routes. 2. Revises distance from facility to airport in accordance with C. & G. S. charts. 3. Missed approach course revised.	Pittsburgh LFR	218—6	2,500	S side of course: 232° outbound. 052° inbound. 2,500' within 10 miles.	2,000	052—7.5	2 engines or less: T-dn C-dn S-dn A-dn	300-1 600-1 600-1 800-2	300-1 700-1 700-1 800-2	Within 7.5 miles, climb to 3,000' on course of 072° within 10 miles of Pittsburgh VOR.
							More than 2 engines: T-dn C-dn S-dn A-dn	---------- ---------- ---------- ----------	200-1½ 700-1½ 700-1½ 800-2	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-6812; Filed, Sept. 1, 1954; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 415.1 of the above-identified regulations (17 F. R. 8416; 18 F. R. 3631, 6988), the following counties have been designated for insurance for the 1954 crop year.

Iowa:
Osceola.
Minnesota:
Becker.
Big Stone.
Blue Earth.
Brown.
Chippewa.
Clay.
Cottonwood.
Jackson.
Kittson.
Lac qui Parle.
Lincoln.
Lyon.
Mahnomen.
Marshall.
Martin.
Meeker.
Murray.
Nobles.
Norman.
Pennington.
Pipestone.
Polk.
Pope.
Redwood.
Renville.
Rock.
Minnesota—Con.
Roseau.
Traverse.
Watonwan.
Wilkin.
Yellow Medicine.
North Dakota:
Benson.
Bottineau.
Cass.
Eddy.
Foster.
McLean.
Nelson.
Pembina.
Ramsey.
Stutsman.
Traill.
Walsh.
Ward.
South Dakota:
Brookings.
Brown.
Clark.
Codington.
Grant.
Marshall.
Roberts.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507–1509)

[SEAL] C. S. LAIDLAW,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 54-6911; Filed, Sept. 1, 1954; 8:48 a. m.]

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 416.1 of the above-identified regulations (17 F. R. 10531; 18 F. R. 3632, 6989), the following counties have been designated for insurance for the 1954 crop year.

Illinois:
Adams.
Bureau.
Carroll.
Fulton.
Livingston.
McDonough.
Montgomery.
Sangamon.
Tazewell.
Whiteside.
Indiana:
Carroll.
Clinton.
Indiana—Con.
Decatur.
DeKalb.
Delaware.
Huntington.
Jackson.
Marshall.
Miami.
Starke.
Wayne.
Iowa:
Boone.
Buena Vista.
Butler.
Iowa—Con.
Cass.
Cerro Gordo.
Chickasaw.
Clayton.
Crawford.
Fayette.
Floyd.
Fremont.
Hancock.
Jefferson.
Linn.
Lyon.
Madison.
Mitchell.
Osceola.
Pottawattamie.
Poweshiek.
Sioux.
Story.
Washington.
Webster.
Kansas:
Atchison.
Jackson.
Marshall.
Nemaha.
Maryland:
Kent.
Michigan:
Monroe.
Van Buren.
Minnesota.
Blue Earth.
Brown.
Cottonwood.
Jackson.
Martin.
Meeker.
Mower.
Murray.
Nobles.
Pipestone.
Redwood.
Minnesota—Con.
Renville.
Rice.
Rock.
Wabasha.
Watonwan.
Missouri:
Atchison.
Johnson.
Marion.
Nodaway.
Nebraska:
Boone.
Cass.
Cedar.
Cuming.
Pierce.
Richardson.
Saunders.
Ohio:
Champaign.
Hancock.
Medina.
Preble.
Seneca.
Van Wert.
Wayne.
Pennsylvania:
Bucks.
Chester.
South Dakota:
Brookings.
Clay.
Lincoln.
Minnehaha.
Moody.
Wisconsin:
Columbia.
Dane.
Lafayette.
Pierce.
Sauk.
Trempealeau.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507–1509)

[SEAL] C. S. LAIDLAW,
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Federal Crop Insurance Corporation.

[F. R. Doc. 54-6912; Filed, Sept. 1, 1954; 8:48 a. m.]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1954 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 417.1 of the above-identified regulations, as amended (18 F. R. 5703; 19 F. R. 469), the following counties have been designated for insurance for the 1954 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the name of the county.

State and county	*Type(s) of tobacco*
Connecticut:	
Hartford	51, 52
Florida:	
Alachua	14
Columbia	14
Hamilton	14
Lafayette	14
Madison	14
Suwannee	14
Georgia:	
Appling	14
Berrien	14
Bulloch	14
Candler	14
Coffee	14
Colquitt	14
Cook	14
Evans	14
Lowndes	14
Tattnall	14
Kentucky:	
Barren	31
Bourbon	31
Breckinridge	31
Caldwell	22, 31, 35
Calloway	23, 35
Casey	31
Daviess	31, 36
Fleming	31
Graves	23, 31, 35
Hart	31
Henry	31
Jessamine	31
Larue	31
Lewis	31
Logan	22, 31, 35
Mason	31
Montgomery	31
Morgan	31
Nelson	31
Pulaski	31
Russell	31
Simpson	31, 35
Wayne	31
Massachusetts:	
Hampshire	52
North Carolina:	
Alamance	11
Beaufort	12
Buncombe	31
Caswell	11
Columbus	13
Duplin	12
Forsyth	11
Franklin	11
Granville	11
Greene	12
Guilford	11
Jones	12
Lenoir	12
Moore	11
Nash	12
Person	11
Pitt	12
Rockingham	11
Stokes	11
Surry	11
Vance	11
Wake	11
Wilson	12
Yadkin	11
Ohio:	
Brown	31
Pennsylvania:	
Lancaster	41
South Carolina:	
Clarendon	13
Darlington	13
Dillon	13
Florence	13
Horry	13
Marion	13
Williamsburg	13
Tennessee:	
Claiborne	31
De Kalb	31
Dickson	22 31
Greene	31
Hamblen	31
Hawkins	31
Johnson	31
Loudon	31
McMinn	31
Maury	31
Montgomery	22, 31
Putnam	31
Robertson	22, 31, 35
Sevier	31
Smith	31
Sumner	22, 31, 35
Washington	31
Williamson	31
Wilson	31

State and county	*Type(s) of tobacco*
Virginia:	
Appomattox	11, 21
Brunswick	11, 21
Campbell	11, 21
Charlotte	11, 21
Dinwiddie	11, 21
Halifax	11
Lee	31
Lunenburg	11
Mecklenburg	11
Patrick	11
Pittsylvania	11
Washington	31
Wisconsin:	
Dane	54
Vernon	55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507–1509)

[SEAL] C. S. LAIDLAW,
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Federal Crop Insurance Corporation.

[F. R. Doc. 54-6913; Filed, Sept. 1, 1954; 8:48 a. m.]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 418.201 (formerly § 418.151) of the above-identified regulations, as amended (16 F. R. 9628, 11565; 17 F. R. 189, 10537; 18 F. R. 439, 3632, 6990, 7222; 19 F. R. 469, 3017), the following counties have been designated for insurance for the 1954 crop year.

California:
Kern.
Los Angeles.
San Luis Obispo.
Tulare.
Colorado:
Adams.
Arapahoe.
Baca.
Boulder.
Cheyenne.
Elbert.
Kiowa.
Kit Carson.
Larimer.
Lincoln.
Logan.
Phillips.
Prowers.
Sedgwick.
Washington.
Yuma.
Idaho:
Benewah.
Camas.
Idaho.
Kootenai.
Latah.
Lewis.
Nez Perce.
Teton.
Illinois:
Adams.
Bond.
Christian.
Clinton.
Effingham.
Fayette.
Greene.
Jefferson.
Jersey.
Macoupin.
Madison.
Illinois—Con.
Marion.
Mason.
Monroe.
Montgomery.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Vermilion.
Washington.
Indiana:
Allen.
Boone.
Clinton.
Dearborn.
Decatur.
DeKalb.
Howard.
Johnson.
Kosciusko.
Madison.
Montgomery.
Noble.
Parke.
Pulaski.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Wayne.
Whitley.
Kansas:
Atchison.
Barber.
Barton.
Cheyenne.
Clark.
Clay.
Cloud.
Kansas—Con.
Comanche.
Cowley.
Decatur.
Dickinson.
Edwards.
Ellis.
Ellsworth.
Finney.
Ford.
Gove.
Graham.
Grant.
Gray.
Greeley.
Hamilton.
Harper.
Harvey.
Haskell.
Hodgeman.
Kearny.
Kingman.
Kiowa.
Lane.
Lincoln.
Logan.
McPherson.
Marion.
Marshall.
Meade.
Mitchell.
Morris.
Nemaha.
Ness.
Norton.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pratt.
Rawlins.
Reno.
Republic.
Rice.
Rooks.
Rush.
Russell.
Scott.
Seward.
Sheridan.
Sherman.
Smith.
Stafford.
Stanton.
Stevens.
Sumner.
Thomas.
Trego.
Wallace.
Washington.
Wichita.
Maryland:
Kent.
Talbot.
Michigan:
Calhoun.
Clinton.
Eaton.
Hillsdale.
Huron.
Ingham.
Ionic.
Kalamazoo.
Lenawee.
Monroe.
Saginaw.
St. Clair.
Sanilac.
Shiawassee.
Minnesota:
Becker.
Big Stone.
Clay.
Kittson.
Mahnomen.
Marshall.
Norman.
Ottertail.
Polk.
Traverse.
Wilkin.
Missouri:
Bates.
Buchanan.
Carroll.
Cass.
Chariton.
Cooper.
Franklin.
Henry.
Holt.
Jasper.
Lafayette.
Lawrence.
Marion.
Perry.
Pettis.
Pike.
Ray.
St. Charles.
Saline.
Vernon.
Montana:
Blaine.
Cascade.
Chouteau.
Daniels.
Dawson.
Fergus.
Hill.
Judith Basin.
Liberty.
McCone
Petroleum.
Phillips.
Pondera.
Richland.
Roosevelt.
Sheridan.
Teton.
Valley.
Nebraska:
Banner.
Box Butte.
Butler.
Chase.
Cheyenne.
Dawes.
Deuel.
Fillmore.
Furnas.
Gage.
Garden.
Gosper.
Hamilton.
Hayes.
Hitchcock.
Jefferson.
Keith.
Kimball.
Lancaster.
Nuckolls.
Perkins.
Redwillow.
Richardson.
Saline.
Saunders.
Seward.
York.
New Mexico:
Curry.
Quay.
New York:
Onondaga.
Ontario.
Seneca.
North Dakota:
Adams.
Benson.
Billings.
Bottineau.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
North Dakota—Con.
Grant.
Griggs.
Hettinger.
Kidder.
Logan.
McHenry.
McIntosh.
McKenzie.
McLean.
Mercer.
Morton.
Mountrail.
Nelson.
Oliver.
Pembina.
Ramsey.
Renville.
Rolette.
Sheridan.
Sioux.
Slope.
Stark.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.
Ohio:
Allen.
Auglaize.
Clinton.
Erie.
Fayette.
Franklin.
Greene.
Hardin.
Henry.
Highland.
Knox.
Marion.
Mercer.
Montgomery.
Morrow.
Pickaway.
Preble.
Putnam.
Sandusky.
Seneca.
Stark.
Tuscarawas.
Williams.
Oklahoma:
Alfalfa.
Beckham.
Blaine.
Comanche.
Cotton.
Custer.
Dewey.
Ellis.
Garfield.
Grant.
Greer.
Harmon.
Harper.
Kay.
Kingfisher.
Kiowa.
Major.
Noble.
Texas.
Tillman.
Washita.
Woods.
Oregon:
Baker.
Gilliam.
Oregon—Con.
Jefferson.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Pennsylvania:
Berks.
Bucks.
Chester.
Lancaster.
Lycoming.
South Dakota:
Beadle.
Bennett.
Brown.
Campbell.
Clark.
Codington.
Corson.
Dewey.
Edmunds.
Faulk.
Grant.
Hand.
Jones.
Lyman.
McPherson.
Marshall.
Meade.
Mellette.
Perkins.
Potter.
Roberts.
Spink.
Sully.
Tripp.
Walworth.
Texas:
Castro.
Childress.
Collin.
Cooke.
Deaf Smith.
Denton.
Floyd.
Foard.
Gray.
Grayson.
Hale.
Hansford.
Jones.
Knox.
Lipscomb.
Ochiltree.
Potter.
Stonewall.
Utah:
Box Elder.
Utah.
Washington:
Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.
Wyoming:
Campbell.
Goshen
Laramie.
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507–1509)

[SEAL] C. S. LAIDLAW,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 54-6914; Filed, Sept. 1, 1954; 8:49 a. m.]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1952 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 419.1 of the above-identified regulations, as amended (16 F. R. 7975, 11565; 17 F. R. 2110, 5633, 8206, 8471; 18 F. R. 440, 3633, 3994, 6990; 19 F. R. 470), the following counties have been designated for insurance for the 1954 crop year.

Alabama:
Blount.
Cherokee.
Chilton.
Cullman.
De Kalb.
Etowah.
Franklin.
Jackson.
Lauderdale.
Lawrence.
Limestone.
Madison.
Marshall.
Morgan.
Tuscaloosa.
Arizona:
Pinal.
Arkansas:
Chicot.
Craighead.
Crittenden.
Desha.
Jefferson.
Lawrence.
Lincoln.
Mississippi.
Monroe.
Phillips.
Poinsett.
Georgia:
Bartow.
Carroll.
Gordon.
Polk.
Louisiana:
Avoyelles.
Caddo.
Franklin.
Morehouse.
Natchitoches.
Rapides.
Richland.
Washington.
Mississippi:
Alcorn.
Bolivar.
Coahoma.
Covington.
DeSoto.
Holmes.
Humphreys.
Jefferson Davis.
Lee.
Leflore.
Marion.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tunica.
Washington.
Yazoo.
New Mexico:
Chaves.
Dona Ana.
Eddy.
North Carolina:
Cleveland.
Gaston.
Lincoln.
Mecklenburg.
Rutherford.
Oklahoma:
Beckham.
Custer.
South Carolina:
Anderson.
Chesterfield.
Clarendon.
Greenville.
Orangeburg.
Pickens.
Spartanburg.
York.
Tennessee:
Carroll.
Hardeman.
Henderson.
Lauderdale.
McNairy.
Texas:
Bell.
Collin.
Crosby.
Ellis.
Falls.
Fannin.
Floyd.
Grayson.
Hale.
Hill.
Hockley.
Hunt
Lamar.
Lamb.
Lubbock.
Lynn.
McLennan.
Milam.
Navarro.
Nueces.
Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507–1509)

[SEAL] C. S. LAIDLAW,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 54–6915; Filed, Sept. 1, 1954; 8:49 a. m.]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 420.20 of the above-identified regulations, as amended (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271; 16 F. R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671, 5082, 5933, 8206, 10537, 11257, 11379; 18 F. R. 151, 440, 3634, 4418, 6282, 6992, 7222, 8080, 8530; 19 F. R. 470, 509, 2287, 3017), the following counties have been designated for insurance for the 1954 crop year.

Arkansas:
Arkansas.
Colorado:
Conejos.
Las Animas.
Morgan.
Otero.
Weld.
Illinois:
Hamilton.
Jasper.
Saline.
Wayne.
Iowa:
Delaware.
Emmet.
Hamilton.
Howard.
Humboldt.
Ida.
Kossuth.
Tama.
Union.
Warren.
Winnebago.
Worth.
Kansas:
Allen.
Anderson.
Bourbon.
Cherokee.
Franklin.
Linn.
Montgomery.
Louisiana:
St. Martin.
Vermilion.
Michigan:
Allegan.
Gratiot.
Jackson.
Minnesota:
Dakota.
Dodge.
Faribault.
Goodhue.
Kandiyohi.
McLeod.
Nicollet.
Sherburne.
Stearns.
Stevens.
Swift.
Missouri:
Audrain.
Knox.
Lewis.
Nebraska:
Antelope.
Pawnee.
Nebraska—Con.
Washington.
New Jersey:
Monmouth.
New York:
Steuben.
North Dakota:
Barnes.
Dickey.
Grand Forks.
Le Moure.
Pierce.
Ransom.
Richland.
Sargent.
Steele.
Oregon:
Deschutes.
Linn.
Malheur.
Marion.
Polk.
Pennsylvania:
Lebanon.
Somerset.
South Dakota:
Bon Homme.
Day.
Deuel.
Hamlin.
Hanson.
Hutchinson.
Kingsbury.
Lake.
McCook.
Miner.
Tennessee:
Coffee.
Dyer.
Franklin.
Henry.
Lincoln.
Obion.
Warren.
Weakley.
Texas:
Runnels.
Taylor.
Utah:
Duchesne.
Emery.
West Virginia:
Berkeley.
Wisconsin:
Fond du Lac.
Waupaca.
Wyoming:
Fremont.
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507–1509)

[SEAL] C. S. LAIDLAW,
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[F. R. Doc. 54–6916; Filed, Sept. 1, 1954; 8:49 a. m.]

PART 421—DRY EDIBLE BEAN CROP INSURANCE

SUBPART—REGULATIONS FOR 1950 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 421.21 of the above-identified regulations, as amended (14 F. R. 7684; 15 F. R. 2485, 9034; 16 F. R. 3973, 7695, 9302; 17 F. R. 5980, 10537; 18 F. R. 3634, 6992), the following counties have been designated for insurance for the 1954 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

State and county	*Class(es) of beans insured*
Colorado:	
Dolores	Pinto.
Montezuma	Pinto.
San Miguel	Pinto.
Idaho:	
Cassia	Great Northern, Pinto.
Gooding	Great Northern, Pinto, Small Red.
Jerome	Great Northern, Pinto, Small Red.
Minidoka	Great Northern, Pinto, Small Red.
Twin Falls	Great Northern, Pinto, Small Red.
Michigan:	
Bay	Pea and Medium White.
Huron	Pea and Medium White.
St. Clair	Pea and Medium White.
Saginaw	Pea and Medium White.
Sanilac	Pea and Medium White.
Shiawassee	Pea and Medium White.
Nebraska:	
Morrill	Great Northern, Pinto.
Scotts Bluff	Great Northern, Pinto.
New York:	
Cayuga	Red Kidney.
Genesee	Pea and Medium White, Red Kidney, and White Marrow.
Livingston	Pea and Medium White, Red Kidney, and White Marrow.
Onondaga	Red Kidney.
Wayne	Red Kidney.
Yates	Pea and Medium White, Red Kidney, and White Marrow.
Wyoming:	
Big Horn	Great Northern, Pinto.
Goshen	Great Northern, Pinto.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507–1509)

[SEAL] C. S. LAIDLAW,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 54–6917; Filed, Sept. 1, 1954; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 35]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 5207), which contains a notice of the areas in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines such areas because of said disease, is hereby further amended in the following respects:

1. Subparagraph (9) of paragraph (a), relating to Modoc County in California, is deleted.

2. Subparagraph (2) of paragraph (a), relating to California, is amended to read:

(2) That area lying north of Humboldt Road, south of Eighth Avenue and Big Chico Creek, west of Ponderosa Way, and east of Forest Avenue, in Butte County.

3. Subdivision (xii) of subparagraph (8) of paragraph (d), relating to Worcester County in Massachusetts, is deleted.

4. Subdivisions (vii), (xi), and (xvii) of subparagraph (8) of paragraph (d), relating to Worcester County in Massachusetts, are amended to read:

(vii) That part of the Town of Holden lying north of Malden Street, south of Paul Street, east of the junction of Harris and Bullard Streets, and west of Malden Brook.

* * * * *

(xi) That part of the Town of Oxford lying north of Dand Road, south of Federal Hill Road, east of Brown Street, and west of Hudson Street; that part of the Town of Oxford lying north of Federal Hill Road, south of Depot Road, east of State Route No. 12, and west of Millbury Street; and that part of the Town of Oxford lying north of Rocky Hill Road, south of the junction of State Route No. 12 and the Boston and Albany Railroad, east of the Boston and Albany Railroad, and west of State Route No. 12.

* * * * *

(xvii) That part of the Town of Sutton lying north of the Hartford Turnpike, south of McClellan Road, east of the Worcester and Providence Turnpike, and west of Hill Road.

5. Subparagraph (1) of paragraph (e), relating to New Jersey, is amended to read:

(1) Bergen, Camden, Gloucester, and Hunterdon Counties.

6. A new subparagraph (8) is added to paragraph (c), relating to Morris County in New Jersey, to read:

(8) All of Morris County except that part of Parsippany-Troy Hills Township north of U. S. Route No. 46, east of Baldwin Road, south of Vail Road, and west of North Beverwyck Road.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California, Massachusetts, and New Jersey from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1953 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 27th day of August 1954.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54–6906; Filed, Sept. 1, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 13]

[Bureau of Mines Schedule 14F]

GAS MASKS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Director of the Bureau of Mines, with the approval of the Secretary of the Interior, proposes to amend the regulations in this part governing the testing of gas masks, as indicated below. Interested persons may submit written data, views, or arguments in regard to the proposed regulations to the Director, Bureau of Mines, Department of the Interior, Washington 25, D. C. All communications shall be in triplicate. All relevant material received not later than 30 days after the publication of this notice in the FEDERAL REGISTER will be considered in connection with the issuance of amendments to this part.

Part 13 would be revised as follows:

Sec.
13.1 Definition of a permissible gas mask.
13.2 Type of gas masks.
13.3 Purpose of testing for permissibility.
13.4 Range of concentrations within which gas masks will be approved.
13.5 Conditions under which gas masks will be tested.
13.6 Requirements for Bureau of Mines approval.
13.7 Changing details of test.
13.8 Notification of approval or disapproval.
13.9 Approval markings.
13.10 Material required for Bureau of Mines record.
13.11 Changes subsequent to approval.
13.12 Withdrawal of approval.

AUTHORITY: §§ 13.1 to 13.12 issued under sec. 5, 36 Stat. 370, as amended 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended 30 U. S. C. 3, 5.

§ 13.1 *Definition of a permissible gas mask.* (a) A gas mask is permissible for use in air containing limited percentages of certain irrespirable gases and vapors with or without particulate contaminants (dusts, fumes, mists, fogs, and smokes),[1] if all the materials and details of construction and the chemical and physical properties of the absorbents are the same in all respects as those of the gas masks that met the requirements and passed the inspection and tests of the Bureau of Mines as hereinafter described.

(b) Bureau of Mines approval applies only to a complete gas mask and not to integral parts thereof.

[1] This part does not provide for the approval of respirators designed for protection against particulate contaminants alone. Such is done by part 14 of this subchapter.

§ 13.2 *Types of gas masks.* For the purpose of the regulations in this part gas masks are classified as follows:

(a) *Type A.* For protection against acid gases such as chlorine, formic acid, hydrogen chloride, hydrogen cyanide, hydrogen sulfide, phosgene, and sulfur dioxide.

(b) *Type B.* For protection against organic vapors such as acetone, alcohol, aniline, benzene, carbon disulfide, carbon tetrachloride, chloroform, ether, formaldehyde, gasoline and petroleum distillates, toluene, and similar volatile organic compounds.

(c) *Type C.* For protection against ammonia.

(d) *Type D.* For protection against carbon monoxide. In addition to the type designed for regular service, a special self-rescue device will be approved. This special device is to enable the wearer to escape if dangerous concentrations of carbon monoxide should occur, as in a mine fire or explosion.

(e) *Types AB, ABC, etc.* For protection against combinations of gases and vapors as indicated by type letters.

(f) *Types AE, BE, CE, DE, etc.* For protection against the gases and vapors indicated by the first type letter, and dusts, fumes, mists, fogs, and smokes. The type letter E is used to indicate protection against particulate contaminants.

(g) *Type N.* For protection against all of the contaminants listed under the preceding types.

§ 13.3 *Purpose of testing for permissibility.* (a) The Bureau of Mines conducts tests of gas masks for the purpose of determining their permissibility for use in air containing certain gases, vapors, and particulate matter.

(b) This part is for the information and guidance of those who may desire to submit gas masks for approval and also to inform consumers and other interested persons regarding qualities the Bureau believes such devices should have.

§ 13.4 *Range of concentrations within which gas masks will be approved.* (a) The maximum concentration for which approval will be granted is 2 percent of acid gases, 2 percent of organic vapors, 2 percent of carbon monoxide, 3 percent of ammonia, or a total of 2 percent of toxic gases or vapors when more than one is present at a time.

(b) The minimum concentration for which approval will be granted is 1 percent of acid gases, 2 percent of organic vapors, 2 percent of carbon monoxide, and 3 percent of ammonia. Gas masks approved for these minimum concentrations will afford approved respiratory protection for lower concentrations.

(c) The maximum concentration for which any particular type of gas mask has been approved shall become the minimum requirement and no subsequent approval will be granted to any applicant on a gas mask of this type for a maximum concentration lower than this. For example, if approval has been granted on a type C gas mask for protection against a maximum concentration of 3 percent ammonia, no subsequent approval will be granted to any applicant on a type C gas mask for protection against a maximum concentration of less than 3 percent ammonia.

§ 13.5 *Conditions under which gas masks will be tested*—(a) *Consultation.* Manufacturers or their representatives may visit or communicate with the Chief, Health Branch, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, to obtain criticism of proposed designs or to discuss the requirements or regulations in this part in connection with a device to be submitted. No charge is made for this consultation and no written report will be made to the manufacturer.

(b) *Application.* An application for investigation under this part shall be in the form of a letter (in duplicate) addressed to the Chief, Health Branch, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, which contains: (1) Duplicate descriptions and complete drawings of the device (supplemented by available printed matter); (2) a statement that the device is completely developed and of the design and materials which the applicant believes suitable for a finished marketable device; (3) a statement that the device has been subjected to inspections and tests of the nature described in this part and that it has met these requirements when tested by the applicant or his testing agency; (4) two copies of the results of the applicant's inspection and tests; (5) a statement describing the nature, adequacy, and continuity of control of the quality of the gas mask (see paragraph (e) of this section); (6) a request that the necessary inspections and tests leading to approval be made; and (7) a check, draft, or money order, payable to the Treasurer of the United States, to cover the fee for inspection and tests. The fee will be placed on special deposit in the Treasury of the United States, pending disposal as hereinafter specified. No gas mask will be accepted for permissibility tests unless it is substantially in the completed form in which it is to be marketed. Application for tests shall be indicative of this understanding by the applicant. One complete specimen of the device for which approval is desired shall be sent to the Chief, Health Branch. On receipt of this application, fee, descriptive material, test data, and specimen to be tested, the applicant will be notified by the Bureau of its action on the application, the material required for test, and any additional information or specifications that are deemed necessary.

(c) *Fees for testing gas masks.* (1) The following fees are charged for testing gas masks under this part:

1. Type A—Acid gases, complete mask	$765
2. Type B—Organic vapors, complete mask	410
3. Type C—Ammonia, complete mask	410
4. Type D—Carbon monoxide self-rescuer	390
5. Type AE, BE, etc.—Dusts, fumes, mists, fogs, and smokes in combination with any of the above types. Fee in addition to that required for tests with gases or vapors	175
6. Type AB—Acid gases and organic vapors, complete mask	975
7. Complete mask with canister designed for a single gas or vapor	410
8. Facepiece, complete	60
9. Canister alone, fee for complete mask minus fee for facepiece.	
10. Extension of approval to another gas or vapor, or complete retesting with a gas or vapor in case of failure	350
11. Type N—Universal gas mask for all gases and vapors ordinarily encountered in industry, including filters for dusts, fumes, mists, fogs, and smokes	1,300
12. Additional examination and tests in connection with other tests, per man-day required	30
13. Fees for tests of unusually complicated apparatus or for unusual tests or other tests not included in this list or for portions of tests that may be required for extensions of approval will be based on the actual costs of testing, which shall be determined by the Bureau, and the applicant will be notified of the fee before the tests are begun.	

(2) If a gas mask fails to pass any of the specified tests and the applicant notifies the Bureau to terminate further consideration of the device, the Bureau will return the fee to the applicant, less such portion of the fee as the Bureau determines is sufficient to cover the work done. If the applicant resubmits the gas mask for approval after the necessary improvements have been made, an additional fee will be required. The amount of fee charged will be proportional to the additional tests that must be made and will be specified in writing to the applicant in advance of further testing of the gas mask.

(d) *Drawings and specifications required.* (1) Masks submitted for approval will not be inspected or tested until a complete description and two full sets of drawings showing all the details of construction have been delivered to the Chief, Health Branch, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The description of the mask shall include a statement of the chemical composition of the absorbent, which will be kept confidential by the Bureau if so requested in writing by the applicant.

(2) The Bureau of Mines will not be responsible for any disclosure of ideas, principles, or patentable features apparent from visual inspection, because under the terms of the application for tests it is understood that the device is ready for release to public market. Caution will be exercised to prevent disclosure of details of the device to the public during approval testing.

(e) *Chemical control of absorbents.* The capacities of absorbents for gases or vapors may vary over wide limits, depending on the materials used and the condition under which each lot is manufactured. To maintain the quality of protection equal to that of devices which were submitted for permissibility tests and to which approval may be granted, each lot of absorbent produced or obtained by a manufacturer must have been adequately sampled and tested for capacity before being used in approved gas masks. Each application for permissibility tests shall be accompanied by a statement showing the nature, adequacy, and continuity of control provided by the applicant. Upon request of the Bureau, the applicant shall grant permission for a representative of the Bureau to inspect the control-test equipment and control-test records and to interview the personnel conducting the control tests. Tests for approval will be made only after the Bureau is satisfied that such control is effective, and approvals once granted will remain in force only while the control is sustained.

(f) *Material required for approval testing.* The number of complete gas masks, canisters, and other parts required will depend on the type and design of the device. After application for tests is received, the applicant will be notified concerning the material that it will be necessary for him to submit. All materials for tests shall be delivered gratis, with transportation charges prepaid by the applicant, to the Chief, Health Branch, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The Bureau of Mines may retain as its own property any or all material submitted by the applicant that may be required for record. Material not required for record will be available to the applicant and will be returned at his expense on shipping instructions made in writing to the Chief, Health Branch.

(g) *Where investigations will be conducted.* All investigations are conducted at the Bureau of Mines Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania.

(h) *Date for conducting tests.* Tests will be made in the order of fulfillment of pretest conditions. The applicant will be notified of the date on which tests will be begun. If a device fails to meet any of the requirements it shall lose its order of precedence. Tests will be resumed following completion of other approval work which is in progress at the time both the request and materials for retesting are received. Exceptions may be made only for minor tests and inspections that may be performed simultaneously with other work in the laboratory.

(i) *Witnesses.* (1) No one shall be present during any part of the formal investigation conducted at the Bureau which leads to permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as the Director, Bureau of Mines, grants permission to attend. Requests for permission to attend any specific part of the investigation conducted at the Bureau shall be in writing and such permission will be granted only in the discretion of the Director, Bureau of Mines. Among the criteria to be viewed by the Director in determining whether to grant such permission is whether the person seeking such permission has an appropriate interest in the application of the results of such investigation to promote safety in the mineral industries. No person will be granted permission to attend any part of the investigation who has a direct or indirect financial interest in the manufacture of a device that is in competition with the one being tested. Except where the public interest requires immediate testing of a particular item, the Bureau shall issue public notice of intention to conduct a test or tests leading to approval for permissibility, including the mailing of notices to such persons and organizations as have requested the Bureau to place their names on the Bureau's mailing list to receive such notices. Those who receive permission to attend any part of the investigation may be present solely as observers; the conduct of the investigation shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material, and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

(2) The Director, Bureau of Mines, may, by notice published in the FEDERAL REGISTER, delegate his authority under this section to any official of the Bureau of Mines.

§ 13.6 *Requirements for Bureau of Mines approval.* To obtain the approval of the Bureau of Mines a gas mask must pass the following inspection and tests:

(a) *Color and markings.* (1) Distinctive colors and markings to indicate the purpose of each canister are required to safeguard wearers. Table 1 contains a list of the required colors.

TABLE 1—COLOR OF GAS MASK CANISTERS

Canister, type letter	Contaminants protected against	Colors [1]
A	Acid gases	White.[2]
A	Hydrocyanic acid gas	White with ½-inch green stripe around the canister near the bottom.
A	Chlorine gas	White with ½-inch yellow stripe around the canister near the bottom.
B	Organic vapors	Black.[2]
C	Ammonia	Green.
D	Carbon monoxide	Blue.
AE, etc.	Dusts, fumes, mists, fogs, and smokes in combination with any of the above gases or vapors.	One-half inch contrasting black or white stripe around the canister near the top.
AB	Acid gases and organic vapors	Yellow.
ABC	Acid gases, organic vapors, and ammonia	Brown.
N	All of the above atmospheric contaminants	Red. Filters are included in this canister, but stripes to indicate them are unnecessary.

[1] Grey will not be assigned as the color of any gas mask canister.
[2] Canisters for a single gas or vapor other than ammonia or carbon monoxide shall have a ½-inch colored stripe around the canister near the bottom. The color of the stripe will be assigned.

(2) All colors used shall be clearly identifiable by the user and clearly distinguishable from one another. The color coating used shall offer a high degree of resistance to chipping, scaling, peeling, blistering, and fading and to the effects of the ordinary atmospheres to which they may be exposed under normal conditions of storage and use.

(b) *Materials.* The gas mask shall be constructed in all of its parts of materials suitable for the purpose they must serve; this applies to the fabric, rubber, metal, chemical, and other parts. All parts (especially rubber) that come into contact with the skin must be of nonirritating composition. All materials used in the construction of facepieces and breathing tubes shall be of a composition that will withstand repeated disinfection by methods recommended by the applicant and approved by the Bureau of Mines. These approved methods for disinfection shall be described in the instructions for use of the device supplied by the manufacturer.

(c) *Design and construction.* (1) Design, mechanical construction, durability, and workmanship shall be satisfactory from the standpoint of safety of the wearer, freedom of movement, field and clearness of vision, fit of the facepiece, and comfort under all conditions of use. Canisters and other parts of necessarily short life or period of use shall be easily replaceable by new or reconditioned parts, and the tightness of the whole apparatus shall be such as to assure the wearer against leaks of contaminated air both before and after such changes have been made.

(2) The gas mask case shall be made of materials suitable for the purpose and shall be designed so that the mask is properly protected and may be removed from the case readily in an emergency.

(d) *Requirements and tests for facepiece*—(1) *General requirements.* (i) The facepiece shall be so constructed as to assure a quick, gastight fit on persons of widely varying facial shapes and sizes.

(ii) The eyepieces shall be of the nonshatter type and so located as to provide a satisfactory field of vision for persons of widely varying facial shapes and sizes. Air shall enter the facepiece in a manner that will inhibit the accumulation of moisture on the eyepieces.

(iii) The exhalation valve shall be guarded to prevent distortion and injury.

(iv) The elastic headbands shall be adjustable and replaceable.

(2) *Tightness test.* (i) Two men, each wearing a facepiece attached to an ammonia canister and canister harness, will enter air containing 1 percent by volume [3] of ammonia. Ten minutes will be spent in work designed to provide observation on freedom from leaks and freedom of movement and comfort allowed the wearers. The time will be divided as follows:

5 minutes—Walking, turning head, dipping chin.
5 minutes—Pumping air with a hand-operated tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square-inch gage, or equivalent work.

(ii) To meet the requirements of this test no ammonia shall be detected in the air breathed, and undue encumbrance and discomfort shall not be experienced because of the fit or other features of the gas mask.

(e) *Requirements and tests for breathing tube.* The flexible rubber breathing tube shall extend from the facepiece to the canister connection. The tube shall permit free hand movement and shall not close off by kinking or by chin or arm pressure, or unduly disturb the wearer.

(f) *Requirements and tests for canister harness.* The canister harness shall be constructed so that it will hold the canister securely and comfortably in place against the body of the wearer. It shall permit canisters to be replaced readily, and shall provide for holding the facepiece in the "ready" position when the facepiece is not being used.

(g) *Requirements and tests for canister*—(1) *Resistance to air flow.* Resistance of the canisters to air flowing at a rate of 85 liters (3 cubic feet) per minute before and after the following machine tests shall not exceed 3 inches (3.25 for Type N or canisters with special mechanical filters) of water-column height at any time.

(2) *Machine tests.* Canisters separated from the facepiece and harness shall meet the requirements of the machine tests as set forth in the following sections. These tests are made on an

[3] All concentrations given in this part have been calculated on a basis of 25° C. and 760 mm. mercury pressure.

apparatus constructed to allow the test atmosphere to enter the canister continuously at predetermined concentrations and rates of flow and that has means for determining the life of the canisters.

(i) *Low-concentration and low-rate-of-flow tests.* (*a*) Tests are made on canisters against low concentrations and at low rates of flow of the appropriate gases or vapors to determine primarily the chemical characteristics of the canisters.

(*b*) Table 2 below lists the conditions for the low-concentration and low-rate-of-flow tests.

TABLE 2—LOW CONCENTRATION AND LOW-RATE-OF-FLOW TESTS

[Relative humidity of test atmosphere: 50 percent. Temperature: Room temperature (approximately 25° C). Rate of flow of test atmosphere: 32 liters per minute continuous flow. Number of canisters: 3 for each test atmosphere.]

Type of canister and gas or vapor	Concentration, percent	Maximum leakage allowed	Minimum life, minutes [1]
A:			
Chlorine	0.5	5 p. p. m.	[2] 72
Hydrogen cyanide	.5	5 p. p. m.	[2] 72
Sulfur dioxide	.5	5 p. p. m.	[2] 72
B:			
Carbon tetrachloride	.5	5 p. p. m.	[2] 72
C:			
Ammonia	2.0	100 p. p. m.	27
D:			
For regular service—Carbon monoxide	1.0	Total: 770 cc. [3]	240
	.5	Total: 770 cc. [3]	60
For self-rescue—Carbon monoxide	1.0	Total: 770 cc. [3]	60
	.5	Total: 770 cc. [3] [4]	30
AB, AC, BC, ABC			(5)
N:			
Chlorine	.5	5 p. p. m.	40
Hydrogen cyanide	.5	5 p. p. m.	40
Sulfur dioxide	.5	5 p. p. m.	40
Carbon tetrachloride	.5	5 p. p. m.	40
Ammonia	2.0	100 p. p. m.	15
Carbon monoxide	1.0	Total: 770 cc. [3]	240
	.5	Total: 770 cc. [3] [4]	60

[1] Tests should be continued until maximum allowable leakage occurs.

[2] This value is for canisters on which approval for the maximum permissible concentration is desired. It should be reduced proportionately for canisters on which approval for a lower concentration is desired. For example, the minimum life would be 36 minutes for canisters on which approval for a concentration of 1 percent is desired.

[3] This represents total carbon monoxide leakage for entire minimum life period shown in next column. In terms of concentration it is equivalent to a uniform flow of 0.01 percent carbon monoxide for 1 hour at 32 liters per minute. Maximum leakage shall not exceed 1,000 p. p. m.

[4] This test is made to determine the activity of the catalyst, which effects the oxidation of carbon monoxide to carbon dioxide, under the adverse condition of a low temperature. The canister and a precooling coil for the entering test atmosphere are immersed in an ice-water bath. The relative humidity of the test atmosphere is 100 percent at 0° C.

[5] These combination gas canisters must meet the life requirements for each type of contaminant against which they are designed to protect.

(ii) *Chemical stability.* (*a*) To determine the chemical stability of the canister under dry and moist conditions, four canisters (for each type of gas) will be treated as follows:

(*1*) Two canisters will be individually equilibrated at room temperature [2] by passing through them carbon dioxide-free air of 25 percent relative humidity at a rate of 64 liters per minute for 6 hours.

(*2*) Two canisters will be individually equilibrated at room temperature by passing through them carbon dioxide-free air of 85 percent relative humidity at a rate of 64 liters per minute for 6 hours.

(*3*) After equilibration, these canisters will be tested within 18 hours against gases or vapors as described in subdivision (i) of this subparagraph. If not tested immediately, the canisters will be resealed and kept in an upright position at room temperature. The gases or vapors against which the equilibrated canisters will be tested are as follows:

Acid gas canister: Chlorine or specific acid gas for which approval is requested.

Organic vapor canister: Carbon Tetrachloride.

Ammonia canister: Ammonia.

Carbon monoxide canister: No test.

Combination gas canister, types AB, AC, BC, or ABC: Two or more of the above gases or vapors.

(*4*) To meet the requirements of these chemical-stability tests, the life of each canister shall be at least one-half of the minimum life requirement as given in Table 2, in subdivision (i) of this subparagraph.

(*b*) (*1*) In canisters designed to protect against carbon monoxide as one of a combination of gases or vapors, the life of a canister for protection against carbon monoxide is directly related to the ability of the drying agent or agents in the canister to remove water vapor from the air passed through it. Such containers should contain enough drying agent to protect the catalyst adequately from water vapor during a 2-hour period of use. Hence, air of 85 percent relative humidity will be passed through two of the canisters individually at a rate of 25 liters per minute for 2 hours. They will be allowed to cool to room temperature and then will be tested within 18 hours against carbon monoxide as described in subdivision (iii) of this subparagraph.

(*2*) To meet the requirements of this test, the life of each canister shall be at least 15 minutes to a leakage of 770 cc. of carbon monoxide, and during this period leakage shall not exceed 1,500 p. p. m. of carbon monoxide at any time.

(iii) *High-concentration and high-rate-of-flow tests.* (*a*) Tests are made on the canister at high concentrations and high rates of flow of the appropriate gases or vapors as a measure of the protection afforded the wearer in high concentrations of these gases or vapors at high rates of breathing. The minimum life requirements of these tests has been chosen so that canisters that meet the requirements should meet the life requirements of the man tests.

(*b*) Table 3 below lists the conditions for the high-concentration and high-rate-of-flow tests.

TABLE 3—HIGH-CONCENTRATION AND HIGH-RATE-OF-FLOW TESTS

[Relative humidity of test atmosphere: 50 percent. Temperature: Room temperature (approximately 25° C). Concentration of gas or vapor: Concentration for which approval is requested. [1] Rate of flow of test atmosphere: 64 liters per minute, continuous flow. Number of canisters: 2 for each test atmosphere.]

Type of canister and gas or vapor	Maximum approval concentration, percent	Maximum leakage allowed	Minimum life, minutes
A:			
Chlorine	2.0	5 p. p. m.	9
Hydrogen cyanide	2.0	5 p. p. m.	9
Phosgene	2.0	5 p. p. m.	9
Sulfur dioxide	2.0	5 p. p. m.	9
B:			
Carbon tetrachloride	2.0	5 p. p. m.	9
C:			
Ammonia	3.0	100 p. p. m.	9
D:			
For regular service—Carbon monoxide	2.0	Total: 770 cc. [2]	15
For self-rescue—Carbon monoxide			No test
AB, AC, BC, ABC			(3)
N:			
Chlorine	2.0	5 p. p. m.	5
Hydrogen cyanide	2.0	5 p. p. m.	5
Sulfur dioxide	2.0	5 p. p. m.	5
Carbon tetrachloride	2.0	5 p. p. m.	5
Ammonia	3.0	100 p. p. m.	5
Carbon monoxide	2.0	Total: 770 cc. [2]	15

[1] See § 13.4.

[2] Maximum leakage shall not exceed 1,000 p. p. m.

[3] These combination gas canisters must meet the life requirements for each type of contaminant against which they are designed to protect.

(iv) *Tests on filters for protection against particulate matter.* (*a*) Gas-mask canisters containing filters for protection against dust, fumes, mists, fogs, and smokes in combination with gases or vapors will be tested to determine the adequacy of the protection afforded in emergencies. No canister will be tested under the regulations in this part for use in dusts, fumes, mists, fogs, and smokes alone. All filters designed for this purpose will be tested under Part 14, Filter-Type Dust, Fume, and Mist Respirators, of this subchapter.

(*b*) Three canisters containing the filters will be tested as follows: Air containing specially prepared tobacco smoke [4] will be admitted to the canister at a rate of 85 liters per minute. The minimum filtering efficiency shall be 50 percent. Efficiency will be determined during the first 5 (approximately) minutes of test.

(*3*) *Indicator for service-life of canister.* Gas masks for protection against carbon monoxide must have a suitable means of indicating when the protection afforded by the canister against carbon monoxide has ended. Tests of such indicators will be arranged by the Bureau to suit the particular case. This requirement does not pertain to the self-rescue devices.

[2] For uniformity of test conditions, this temperature should be between 23° and 27° C.

[4] Katz, S. H., Smith, G. W., and Meiter, E. G., Dust Respirators, Their Construction and Filtering Efficiency: Bureau of Mines Tech. Paper 394, 1926, 52 pp.

(h) *Requirements and tests for complete gas masks.*—(1) *Resistance to air flow.* The maximum resistance requirements of the complete gas mask, including facepiece, breathing tube, and canister, to a continuous flow of air at a rate of 85 liters per minute are as follows: Inhalation, 3.5 inches of water (3.75 for Type N); exhalation, 1.25 inches of water.

(2) *Man tests.* The final criterion for judging a gas mask for approval will be the protection afforded by the complete gas mask when worn by men.

(i) *Gases and vapors.* (*a*) The complete gas mask will be tested against each of the gases or vapors at the concentration for which approval is requested. Self-rescue devices for protection against carbon monoxide will be tested against 1 percent of carbon monoxide. These tests will be made in duplicate, starting with unused canisters for testing against each gas or vapor. If the test atmosphere does not cause marked discomfort through irritation of the skin or poisoning by absorption through the skin, as by hydrocyanic acid gas,[5] two men will wear the complete masks in the test atmosphere. Otherwise the men will wear the mask for 2 minutes (1 minute in hydrocyanic acid gas) in the test atmosphere; and immediately following this the test will be continued with the canister of the mask attached to a source of the test atmosphere, so that the men are in uncontaminated air.

(*b*) During these tests the men will perform the schedule of exercise listed in table 4 below.

TABLE 4—SCHEDULE OF EXERCISE FOR MAN TESTS

Schedule	Time, minutes			
	Type N			
	Carbon monoxide	Organic vapors	Acid gases and ammonia	All other types
Walking vigorously	5	5	5	5
Sitting at rest	5	5	5	5
Stationary running and calisthenic arm movements	10	5	5	10
Sitting at rest	5	5	------	5
Pumping air with a hand-operated tire pump into a 1-cubic foot cylinder to a pressure of 25 lb./sq. in. gage, or equivalent work	5	5	------	5

(c) The average breathing rate of each man while wearing the gas mask and performing the above schedule of exercise will be about 25 liters per minute.

(*d*) To meet the requirements of this test the gas masks shall give complete respiratory protection to wearers for 30 minutes for all types except Type N, which shall give complete respiratory protection against carbon monoxide for 30 minutes, organic vapors for 25 minutes, acid gases for 15 minutes, and ammonia for 15 minutes. Excessive fogging of the eyepieces must not occur, and undue discomfort must not be experienced because of fit or other physical or mechanical features of the gas mask.

(ii) *Particular matter.* Gas masks designed for protection against dusts, fumes, mists, fogs, and smokes will be tested by two men wearing them under the conditions set forth below:

(*a*) *Cotton smoke.* (*1*) Two men will wear the gas masks for 10 minutes in a room of about 1,000 cubic feet capacity filled with the smoke from the smudge-burning of 1 pound of cotton waste.

(*2*) To meet the requirements of this test, the gas masks must afford such protection to the wearers that they will experience no ill effects, such as discomforting irritation of the eyes or respiratory system during or after the test period.

(*b*) *Tin tetrachloride.* (*1*) Two men will wear the gas masks for 20 minutes with the canister connected to a room of about 1,000 cubic feet capacity in which is an atmosphere prepared by vaporizing enough tin tetrachloride to give a calculated concentration of 500 p. p. m. by volume of tin tetrachloride in the air. (Vaporized tin tetrachloride hydrolyses rapidly in moist air to form hydrogen chloride and a dense cloud of stannic hydroxide.)

(*2*) To meet the requirements of this test, the gas masks must afford such protection to the wearers that they will experience no ill effects, such as discomforting irritation of the eyes or respiratory system, during or after the test period.

§ 13.7 *Changing details of tests.* If it is advisable to omit any of the tests or part of a test previously described or to perform accessory tests, the Bureau may modify the test in such manner as to obtain substantially the same information and degree of safety as is provided by the tests described. The applicant will be notified of any changes that may be necessary.

§ 13.8 *Notification of approval or disapproval.* (a) After the Bureau has considered the results of the inspection and tests, a formal written notification of approval or disapproval of the gas mask will be supplied to the applicant by the Bureau. If the device meets all requirements of this part, the notification will not be accompanied by test data or detailed results of tests. If the device fails to meet any of the requirements of this part, notification of such failure will be accompanied by details of the failure with a view to possible remedy of the defect or defects in gas masks submitted in the future. Otherwise, results of tests of gas masks that fail to meet the requirements will not be made public by the Bureau.

(b) No verbal reports of the Bureau's decisions concerning the investigations will be given, and no informal approvals will be granted.

§ 13.9 *Approval markings.* (a) With formal notification of approval the applicant will receive photographs of designs of the official approval labels, one for the complete gas mask and one for the canister. These labels will bear the seal of the Bureau of Mines and be inscribed substantially as follows:

Permissible gas mask or permissible canister for _____
(Name of atmospheric contaminant)
U. S. Bureau of Mines Approval No. _____
Issued to _____
(Name of manufacturer)
Approved for respiratory protection in atmospheres containing not more than ____ percent by volume of _____
(Name of atmospheric contaminant)

(b) Appropriate instruction and caution statements on the use and limitations of the gas mask will be included in these labels.

(c) One label shall be reproduced on the outside of the container of the gas mask. It shall be attached securely and, if a paper label is used, be waterproofed.

(d) The approval label for the canisters shall be suitably reproduced on each canister. If a paper label is used it must be attached to the canister with heat-proofed cement. Should the approval label for the canister not be plainly visible when the latter is attached to the canister harness, it may be necessary to attach a similar label to the canister harness.

(e) The main parts of the gas mask, such as the facepiece, canister harness, and canister, shall be marked by stamping, stenciling, or labeling in a legible and permanent manner with the appropriate approval number in letters and figures at least ⅛ inch high placed in a position plainly visible.

(f) Full-scale designs or reproductions of approval labels and markings and a sketch or description of their position shall be submitted to the Chief, Health Branch, for approval before final adoption.

(g) Permission to place the Bureau's marks of approval on his gas mask obligates a manufacturer to maintain the quality of his product and to have each mask, and all parts thereof, strictly according to the drawings and records that have been accepted by the Bureau for that mask and are in the Bureau's files. Gas masks that exhibit changes in design or include parts that have not been approved for use with the gas mask are not permissible gas masks and must not bear the Bureau's approval label.

§ 13.10 *Material required for Bureau of Mines record.* In order that the Bureau may know exactly what it has tested and approved, detailed records of each investigation are kept. These include drawings and actual equipment, as follows:

(a) *Drawings and specifications.* Drawings and specifications submitted with application for tests and final drawings and specifications that the applicant must submit to the Bureau before approval is granted to show the details of the gas mask as approved, will be retained by the Bureau. The company receiving the approval shall keep an exact duplicate of the set of drawings and specifications that are in the Bureau's records. These are to be ad-

[5] With 2 percent of hydrocyanic acid gas in the air, absorption of the gas through the skin is rapid enough so that poisoning may occur after 3 minutes' exposure; 1 percent may be dangerous after 10 minutes; 0.5 percent may produce symptoms after 30 minutes.

hered to in commercial production of the approved device.

(b) *Actual equipment.* (1) Parts of the gas mask or a complete mask used in the tests may be retained by the Bureau as a permanent record of the investigation and of the mask submitted. Material not required for record will be returned to the applicant at his expense on written shipping instructions to the Chief, Health Branch.

(2) If the gas mask is approved, the applicant shall deliver to the Chief, Health Branch, gratis, one complete gas mask in the form in which it is to be sold, to serve as a record of the commercial product.

§ 13.11 *Changes subsequent to approval.* All approvals are granted with the understanding that the manufacturer will make his gas mask according to final drawings and specifications submitted to the Bureau. Therefore, before making any change in an approved gas mask the manufacturer shall first obtain the Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall write to the Chief, Health Branch, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, requesting an extension of his original approval and stating the change or changes desired. He shall send two sets of revised drawings and specifications showing the changes in detail, and one each of the gas mask parts affected to the Chief, Health Branch.

(b) The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make tests.

(c) If tests are unnecessary, the applicant will be advised formally by the Bureau of the approval or disapproval of the change.

(d) If tests are necessary, the applicant will be advised of the fee and material required.

§ 13.12 *Withdrawal of approval.* The Bureau reserves the right to rescind for cause any approval granted under the regulations of this part.

J. J. FORBES,
Director.

Approved: August 24, 1954.

F. E. WORMSER,
Assistant Secretary of the Interior.

[F. R. Doc. 54-6818; Filed, Sept. 1, 1954; 8:45 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF FLAXSEED AT FIXED PRICES

AUGUST 1954 EXPORT PRICE LIST

Pursuant to the pricing policy of Commodity Credit Corporation issued March 22, 1950, as amended January 9, 1953 (15 F. R. 1583, 18 F. R. 176) and subject to the conditions stated therein, the offering of flaxseed on the export price list for August 1954 (19 F. R. 5235) is hereby withdrawn, effective August 12, 1954, and the following is inserted in lieu thereof:

AUGUST 1954 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Flaxseed.....	Competitive bid basis in quantities, locations and terms as announced by the Minneapolis Commodity office. Offers will be considered basis U. S. Grade No. 1 flax in-store or f. o. b. track at point of storage, or f. o. b. vessel, Duluth. Any offer in excess of 500,000 bushels from any individual, firm, or principal will not be considered. CCC reserves the option of delivering Grade No. 2 at five cents discount, and makes no guarantee regarding dockage. CCC also reserves the right to reject any or all offers.

This change was made necessary because current CCC stocks of flaxseed have been found insufficient to meet the requests by buyers under the prior announcement, and all offers received have been rejected.

(Sec. 407, 63 Stat. 1055, 7 U. S. C. 1427)

Issued: August 30, 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54-6902; Filed, Sept. 1, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6578]

SOUTHERN CALIFORNIA EDISON CO. AND PACIFIC GAS AND ELECTRIC CO.

ORDER INSTITUTING AN INVESTIGATION

Southern California Edison Company owns and operates the Borel and Kern River No. 1 hydroelectric developments at miles 58 and 37.5, respectively, on the Kern River, California, designated as Projects Nos. 382 and 1930, and Pacific Gas and Electric Company owns and operates at mile 35.5 on the same river the Kern Canyon hydroelectric development, designated as Project No. 178. These projects are located downstream from the Isabella reservoir project constructed by the Corps of Engineers, Department of the Army, for flood control, irrigation, and other related purposes.

Pursuant to the provisions of section 10 (f) of the Federal Power Act, we are required to determine and assess headwater improvement benefit charges against the owner of any project directly benefited by headwater improvements constructed by the United States. A preliminary study by the Commission's staff indicates that the above-designated projects of Southern Edison Company and Pacific Gas and Electric Company on the Kern River may be directly benefited by reason of the construction and operation by the United States of its upstream Isabella reservoir project. Further study and investigation will be required before it can be determined whether any of the above-designated projects is directly benefited by the upstream Isabella reservoir project and, if so, the amount to be paid to the United States for the benefits so provided.

The Commission finds: It is appropriate and in the public interest that an investigation be instituted by the Commission as hereinafter provided.

The Commission orders: An investigation is hereby instituted pursuant to the provisions of the Federal Power Act, particularly section 10 (f) thereof, for the purpose of enabling the Commission to determine whether any of the above-designated projects of Southern California Electric Company and Pacific Gas and Electric Company on the Kern River is directly benefited by the construction and operation of the upstream Isabella reservoir project of the United States and, if it so finds, to assess against Southern California Electric Company and Pacific Gas and Electric Company the equitable proportion of the annual charges for interest, maintenance and depreciation on the Isabella reservoir project.

Adopted: August 25, 1954.

Issued: August 27, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6888; Filed, Sept. 1, 1954; 8:46 a. m.]

[Docket No. E-6579]

PENNSYLVANIA ELECTRIC CO.

ORDER INSTITUTING AN INVESTIGATION

Pennsylvania Electric Company owns and operates the Piney Plant hydroelectric development at about mile 25 on the Clarion River, Pennsylvania, designated as Project No. 309. This project is located downstream from the East Branch Reservoir under construction by the Corps of Engineers, Department of the Army, and to be operated both for flood control and low-water regulation.

Pursuant to the provisions of section 10 (f) of the Federal Power Act, we are required to determine and assess headwater improvement benefit charges against the owner of any project directly benefited by headwater improvements constructed by the United States. A preliminary study by the Commission's staff indicates that the above-designated project of Pennsylvania Electric Company on the Clarion River may be directly benefited by reason of the construction and operation by the United States of its upstream East Branch Reservoir. Further study and investigation will be required before it can be determined whether the Piney Plant is directly benefited by the upstream East Branch Reservoir and, if so, the amount to be paid to the United States for the benefits so provided.

The Commission finds: It is appropriate and in the public interest that an investigation be instituted by the Commission as hereinafter provided.

The Commission orders: An investigation is hereby instituted pursuant to the provisions of the Federal Power Act, particularly section 10 (f) thereof, for the purpose of enabling the Commission to determine whether the above-designated project of Pennsylvania Electric Company on the Clarion River is directly benefited by the construction and operation of the upstream East Branch Reservoir of the United States and, if it so finds, to assess against Pennsylvania Electric Company the equitable proportion of the annual charges for interest, maintenance and depreciation on the East Branch Reservoir.

Adopted: August 25, 1954.

Issued: August 27, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6889; Filed, Sept. 1, 1954; 8:46 a. m.]

[Docket No. G-2404]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER FIXING DATE OF HEARING

By order issued on April 8, 1954, the Commission, pursuant to authority contained in section 4 of the Natural Gas Act, ordered that a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, services and classifications contained in FPC Gas Tariff, Original Volume No. 1, filed on March 8, 1954, by Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska). Kansas-Nebraska proposed, among other things, in said Volume No. 1, an annual rate increase of $694,000, or 31 percent, to its five wholesale customers, based on sales for the 12-month period ended November 30, 1953. The order also provided that, pending the hearing and decision thereon, said tariff be suspended until September 8, 1954, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR, Chapter I), a public hearing be held commencing on September 15, 1954, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, services and classifications contained in the above-described tariff.

(B) At the hearing Kansas-Nebraska shall first present and complete its case-in-chief before cross-examination is undertaken.

(C) Kansas-Nebraska shall serve upon all parties, not later than September 10, 1954, copies of the testimony and exhibits proposed to be offered at the hearing, including five (5) copies upon Commission staff counsel.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: August 25, 1954.

Issued: August 27, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6890; Filed, Sept. 1, 1954; 8:46 a. m.]

[Docket Nos. G-2409, G-2491]

NORTHERN NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

Northern Natural Gas Company (Applicant), a Delaware corporation with its principal office at Omaha, Nebraska, filed, on April 19, 1954, an application in Docket No. G-2409, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate a certain branch line with measuring and regulating facilities to enable it to provide natural gas service to the Black Dog Lake Power Generating Station of Northern States Power Company, located near St. Paul, Minnesota, as more fully described in said application, which is on file with the Commission and open to public inspection. On August 12, 1954, the Commission issued its order fixing date of hearing in Docket No. G-2409, to commence on September 13, 1954, at 10:00 a. m., e. d. s. t.

Applicant filed another application on July 16, 1954, in Docket No. G-2491, for a certificate of public convenience and necessity authorizing the construction and operation of 1.7 miles of 4-inch pipe line from its Ogden-Waterloo 20-inch line presently under construction, for the sale of natural gas on an interruptible basis to the municipally owned power plant at Grundy Center, Iowa.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to hold a public hearing in Docket No. G-2491, as hereinafter provided and ordered.

(2) Good cause exists for consolidation of the above-entitled proceedings for purposes of hearing.

The Commission orders:

(A) The proceedings in Docket Nos. G-2409 and G-2491 be and are hereby consolidated for purposes of hearing.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's rules and regulations, including its rules of practice and procedure (18 CFR, Chapter I), the public hearing to commence September 13, 1954, in Docket No. G-2409, at the time and place specified in the order of August 12, 1954, shall include hearing with respect to the matters and issues presented by the application in Docket No. G-2491.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: August 25, 1954.

Issued: August 27, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6891; Filed, Sept. 1, 1954; 8:46 a. m.]

[Docket No. G-2523]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Algonquin Gas Transmission Company (Algonquin), a Delaware corporation with its principal place of business in Boston, Massachusetts, filed, on August 4, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing increased delivery and sale of natural gas to The Connecticut Power Company (Connecticut).

Algonquin proposes to increase deliveries of gas to Connecticut from the presently authorized maximum of 1,940 Mcf per day to a maximum daily contract quantity of 2,600 Mcf. Delivery is proposed to be made through the existing facilities connecting the two companies authorized in Docket No. G-1319.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act that due notice of the application, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on August 4, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 15, 1954, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before September 10, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: August 25, 1954.

Issued: August 27, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-6842; Filed, Sept. 1, 1954; 8:47 a. m.]

[Docket Nos. G-2526, 2546]

DELTA DRILLING CO. AND SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Delta Drilling Company, Docket No. G-2526; Southern Natural Gas Company, Docket No. G-2546.

Take notice that there have been filed with the Federal Power Commission interrelated applications as hereinafter specified, each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act.

Delta Drilling Company (Delta), a Texas corporation with its principal place of business in Tyler, Texas, filed, on August 4, 1954, as operator, for itself and H. L. Hawkins, Sr., H. L. Hawkins, Jr., and F. S. Kelly, Jr., non-operators, an application for a certificate of public convenience and necessity authorizing the sale to Southern Natural Gas Company of natural gas to be produced from the Epps Field in East and West Carroll Parishes, Louisiana.

Southern Natural Gas Company (Southern), a Delaware corporation with its principal place of business in Birmingham, Alabama, filed, on August 16, 1954, its application for a certificate of public convenience and necessity authorizing the construction and operation of a metering station and line tap at a point of interconnection between its main transmission line and Delta's gathering system located in West Carroll Parish, Louisiana. Southern proposes to use the facilities for the measurement of natural gas to be purchased and received by it from Delta in quantities from a minimum of 5,100 Mcf per day to a maximum of 24,481 Mcf per day (14.73 psia).

Both Delta and Southern have requested that their applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The applications are on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the applications herein, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the above proceedings in Docket Nos. G-2526 and G-2546 for purposes of hearing, and to hold a public hearing in the above-entitled proceedings as hereinafter ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The aforesaid proceedings in Docket Nos. G-2526 and G-2546 be and the same hereby are consolidated for purposes of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 14, 1954, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before September 10, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: August 25, 1954.

Issued: August 27, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-6893; Filed, Sept. 1, 1954; 8:47 a. m.]

[Docket No. G-2543]

BARNHART HYDROCARBON CORP. ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that the Barnhart Hydrocarbon Corporation (Applicant), a Delaware corporation having its principal place of business at Big Lake, Texas, filed, on August 13, 1954, an application for itself, and in behalf of all of the independent producers producing natural gas in the Barnhart Field, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the several sales of natural gas as hereinafter described.

Applicant presently purchases casinghead gas produced in the Barnhart Field, 10 miles southeast of Big Lake, in Reagan County, Texas. All such gas is purchased at the separators at the wells and is gathered by Applicant in pipelines varying in diameter from 4 to 22 inches, processed in a gasoline plant and the residue consumed in a carbon black plant. Commencing September 1, 1954, Applicant proposes to sell such residue gas to the El Paso Natural Gas Company at the tail gate of its gasoline plant in average volumes of 20,000 Mcf a day at an initial price of 10 cents per Mcf. El Paso Natural Gas Company was authorized to construct and operate facilities enabling it to purchase gas from Applicant by order issued May 20, 1954, in Docket No. G-2356.

Amerada Petroleum Corporation, having its principal place of business in Tulsa, Oklahoma, Paul F. Barnhart, et al, having their principal place of business in Houston, Texas, General American Oil Company of Texas, having its principal place of business in Dallas, Texas, Lamar Fleming, Jr., having his principal place of business in Houston, Texas, Lowe Petroleum Company, having its principal place of business in Midland, Texas, Sharples Oil Company, having its principal place of business in Denver, Colorado, Skelly Oil Company, having its principal place of business in Tulsa, Oklahoma, Southern Production Company, having its principal place of business in Fort Worth, Texas, Superior Oil Company, having its principal place of business in Houston, Texas, and Texas Gulf Producing Company, having its principal place of business in Houston, Texas, sell all the casinghead gas produced in the Barnhart Field, and not used in the field, to Applicant under identical contracts. Applicant states that it represents the aforementioned independent producers for the purpose of obtaining authorization pursuant to section 7 (c) of the Natural Gas Act required to render the sales of natural gas to Applicant as heretofore set forth.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of September 1954. The application is on file with the Commission for public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

(2) This proceeding, absent proper protest or petition to intervene in opposition to the application, is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 14, 1954, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Adopted: August 25, 1954.

Issued: August 27, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-6894; Filed, Sept. 1, 1954; 8:47 a. m.]

[Docket No. G-2548]

M. L. MAYFIELD

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that M. L. Mayfield (Applicant), an independent producer of natural gas with his principal place of business in Easton, Louisiana, filed, on August 16, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described.

Applicant proposes to produce gas from acreage located in Pine Prairie field, Evangeline Parish, Louisiana, and to sell a minimum of 2,500 Mcf per day of said gas to United Fuel Gas Company (United) at a price of 16 cents per Mcf for the first year from date of first delivery. The gas is to be delivered to Gulf Interstate Gas Company's (Gulf Interstate) existing line at Ville Platte, Louisiana, for transportation by Gulf Interstate for the account of United. The proposed sale is to be made at the point of interconnection of Applicant's facilities with those of Gulf Interstate. Gulf Interstate states that the facilities required to enable it to take such gas have been certificated by the Commission under Docket No. G-2058.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before the 15th day of September 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 20, 1954, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: August 25, 1954.

Issued: August 27, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-6895; Filed, Sept. 1, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 23]

MOTOR CARRIER APPLICATIONS

AUGUST 27, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city, and State address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 49 CFR 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 629 Sub 6, HELM'S NEW YORK-PITTSBURGH MOTOR EXPRESS, INC., 2700 Smallman Street, Pittsburgh 22, Pa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Circleville, Ohio, and Columbus, Ohio, over Ohio Highway 23, serving no intermediate points, and (2) between Lancaster, Ohio, and Columbus, Ohio, over Ohio Highway 33, serving no intermediate points, as alternate or connecting routes in connection with carrier's authorized regular route operations between Cincinnati, Ohio, and Pittsburgh, Pa., (a) over U. S. Highway 22, and (b) over U. S. Highway 40. Applicant is authorized to conduct operations in New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

No. MC 730 Sub 46, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline St., Oakland, Calif. Applicant's attorney: A. S. Glikbarg, 155 Sansome St., San Francisco 4, Calif. For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A and B explosives, commodities of unusual value*, and *commodities in bulk*, but excluding livestock, household goods as defined by the Commission, and commodities requiring special equipment, serving the Aerojet General Corporation Plant near Nimbus, Calif., as an off-route point, in connection with regular route operations between Salt Lake City, Utah, and San Francisco, Calif., over U. S. Highways 40, 50, 95, and 101, California Highway 4, and an unnumbered California Highway. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Indiana, Kansas, Missouri, Nevada, Utah, and Wyoming.

No. MC 954 Sub 46, MID-STATES FREIGHT LINES, INC., 5200 South Pulaski Road, Chicago 32, Ill. Applicant's attorney: Lee Reeder, Reeder, Gisler & Griffin, Suite 1010, 1012 Baltimore Ave., Kansas City 5, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill.,

and the United States-Canada International Boundary line at or near Detroit, Mich., operating (1) from Chicago over presently authorized route (U. S. Highway 20) to South Bend, Ind., thence over Indiana Highway 23 to the Indiana-Michigan State line, thence over Michigan Highway 62 to junction U. S. Highway 112, near Adamsville, Mich., thence over U. S. Highway 112 to Detroit, and (2) from Chicago over U. S. Highway 41 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U. S. Highway 12, thence over U. S. Highway 12 to junction U. S. Highway 112, thence over U. S. Highway 112 to junction by-pass U. S. Highway 112, thence over U. S. Highway 112 to junction by-pass U. S. Highway 112, thence over by-pass U. S. Highway 112 to junction Michigan Highway 112, thence over Michigan Highway 112 to Detroit, Mich., thence over city streets and through the tunnel under, or by way of, the bridge over the Detroit River to the United States-Canada International Boundary line, and return over the same routes, serving no intermediate points, restricted to shipments originating at or destined for points in Canada. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

No. MC 1300 Sub 1, ALBERT GOLDBERG, doing business as BERWIN TRUCKING CO., 59 Cody St., Ridgewood, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Box springs, cots, couches, matresses, double decker bunks*, with metal or wood ends, *metal tables* (bedside or overbed) for hospitals, *metal beds* and *metal bed springs* for hospitals, uncrated, from Bayonne, N. J., to points in New Jersey, Connecticut, Rhode Island, Massachusetts, Philadelphia, Pa., and points in Pennsylvania within 15 miles of Philadelphia, those in Warren, Washington, Saratoga, Schenectady, and Rensselaer Counties, N. Y., and those in that part of New York, on, south and east of New York Highway 7. *Used and damaged shipments* of above commodities from the above-specified destination points to Bayonne, N. J. Applicant is authorized to conduct operations in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, and Pennsylvania.

No. MC 2002, Sub 3, PHILIPP TRANSIT LINES, INC., Hy. 100 East, P. O. Box 441, Washington, Mo. Applicant's attorney: J. R. Rose, Rose and Rose, Jefferson Bldg., Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Hannibal, Mo., and St. Clair, Mo., operating from Hannibal over U. S. Highway 61 to Troy, Mo., thence over Missouri Highway 47 to St. Clair, and return over the same route, serving the intermediate points of Marthasville, Dutzow, Union, Warrenton and Washington, Mo., (2) between Warrenton, Mo., and Kansas City, Kans., over U. S. Highway 40, serving points within the Kansas City, Mo.–Kans. Commercial Zone as defined by the Commission, (3) between Washington, Mo., and Hermann, Mo., over Missouri Highway 100, serving the intermediate point of New Haven, Mo., (4) between Kansas City, Kans., and Drake, Mo., over U. S. Highway 50, serving points within the Kansas City, Mo.-Kans., Commercial Zone as defined by the Commission, (5) between Drake, Mo., and junction U. S. Highway 40 and Missouri Highway 19, near New Florence, Mo., over Missouri Highway 19, serving the intermediate point of Hermann, Mo., and (6) between New Haven, Mo., and junction Missouri Supplemental Highway "E" and Missouri Highway 19, near Swiss, Mo., over Missouri Supplemental Highway "E," serving no intermediate points. NOTE: No service is sought between Hannibal and Washington, Mo., on the one hand, and, on the other, points in the Kansas City, Mo.–Kans., Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Illinois and Missouri.

NO. MC 2202 Sub 124, ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, Turney & Turney, 2001 Massachusetts Avenue, N. W., Washington, 6, D. C. For authority to operate as a *common carrier*, transporting *General commodities*, except livestock, commodities of unusual value, Class A and B explosives, commodities in bulk, those requiring special equipment, and household goods as defined by the Commission, between junction U. S. Highway 60 and Alternate U. S. Highway 71 near Neosho, Mo., and junction U. S. Highway 60 and U. S. Highway 166, southwest of Springfield, Mo., over U. S. Highway 60, serving no intermediate points (service at both junction points for the purpose of joinder only), in connection with applicant's regular route operations between Springfield, Mo., and Joplin, Mo., and between junction U. S. Highway 166 and Alternate U. S. Highway 71 and junction U. S. Highway 60 and 66 south of Miami, Okla. Applicant is authorized to conduct operations in Alabama, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

No. MC 2229 Sub 57, RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex. Applicant's attorney: Scott P. Sayers, Rawlings, Sayers, Scurlock & Eidson, Century Life Building, Fort Worth, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk serving Swan, Tex., and the site of Tyler Pipe & Foundry Co. thereat in connection with carrier's regular route operations. Applicant is authorized in Certificate No. MC 2229, dated March 6, 1951, to conduct the above-named commodities between Athens, Tex., and Kilgore, Tex., between Tyler, Tex., and Henderson, Tex., and between Jacksonville, Tex., and Gladewater, Tex. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 2230 Sub 6, MACK'S TRANSPORT SERVICE, INC., 1215 North 17th Street, Lincoln, Nebr. Applicant's attorney: George S. Dixon, Matheson, Dixon & Brady, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, trucks, chassis, bodies, cabs* and *parts and accessories*, in initial movements, in truckaway service, from Kenosha, Wis. to Billings, Mont., and points in Nebraska, and those in Carter County, Mont., Lawrence, Custer, Meade, Pennington, Butte and Fall River Counties, S. Dak., Crook County, Wyo., and Ada, Boise, Gem, Canyon, Elmore, Owyhee and Idaho Counties, Idaho. RESTRICTION: Authority applied for herein to be restricted to the transportation of vehicles manufactured by the Hudson Motor Car Division of American Motors, Inc. Applicant is authorized to conduct operations in Idaho, Illinois, Indiana, Iowa, Michigan, Montana, Nebraska, South Dakota, and Wyoming.

No. MC 3468 Sub 135, F. J. BOUTELL DRIVEWAY CO., INC., 705 South Dort Highway, Flint 7, Mich. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *New automobiles, new trucks, new bodies, new cabs*, and *new chassis*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Connecticut, Delaware, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia, and (2) *New automobiles, new trucks, new cabs*, and *new chassis*, in initial movements, in driveaway service, from Kenosha, Wis., to Chicago, Ill., and points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

No. MC 5903 Sub 13, WEST PENN FORWARDING COMPANY, a corporation, 1610 Babcock Boulevard, Pittsburgh 9, Pa. Applicant's attorney: Henry M. Wick, Jr., Delisi and Wick, 1211 Berger Building, P. O. Box 5159 East Liberty, Pittsburgh 19, Pa. For authority to operate as a *common carrier* over regular routes, transporting: (1) *New and used automobiles, trucks, chassis and parts and accessories therefor*, by the truckaway method, restricted to secondary movements, Between points in Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, West Virginia, Maryland, New Jersey, New York, and the District of Columbia, as follows: From points on applicant's presently certificated regular routes in Wisconsin, Indiana, Ohio, Pennsylvania, West Virginia, Maryland, the District of Columbia, Cook County, Ill., and Wayne County, Mich., over applicant's presently certificated regular routes to the Pennsylvania-New York State line, thence over New York Highway 5 to Buffalo, N. Y.; From points on applicant's presently certificated regular routes in Wisconsin, Indiana, Ohio, Pennsylvania, West Virginia, Maryland, The District of Columbia, Cook County, Ill., and Wayne County, Mich., over applicant's presently certificated regular routes to the Pennsylvania-New Jersey State line, thence over U. S. Highway 22 to junction New Jersey 24, thence over New Jersey Highway 24 to Newark, N. J., and thence over city streets via Jersey City, N. J., and the Holland Tunnel to New York, N. Y.; From points on applicant's presently certificated regular routes in Wisconsin, Indiana, Ohio, Pennsylvania, West Virginia, Maryland, The District of Columbia, Cook County, Ill., and Wayne County, Mich., over applicant's presently certificated regular routes to Richmond, Ind., thence over U. S. Highway 40 to Cambridge City, Ind., and thence over Indiana Highway 1 to Connersville, Ind.; and return over these routes to the above-specified origin points; serving all intermediate points on the above routes in Wisconsin, Indiana, Ohio, Pennsylvania, West Virginia, Maryland, New Jersey, New York, the District of Columbia, Cook County, Ill., and Wayne County, Mich.; serving the following off-routed points in Pennsylvania: Wilmerding, Coraopolis, Clairton, Braddock, McKeesport, Carnegie, Sharpsburg, Homestead, New Kensington and Aliquippa; and (2) *New Automobiles, trucks, chassis, and parts and accessories therefor*, when accompanying the automobiles, trucks, or chassis, by the truckaway method, restricted to initial movements, From factories or assembly plants at South Bend, Ind., and Kenosha and Racine, Wis., to Pittsburgh, Pa., as follows: From South Bend over U. S. Highway 33 to Elkhart, Ind., thence over Indiana Highway 19 to the Indiana-Michigan State Line thence over Michigan Highway 205 to junction U. S. Highway 112, thence over U. S. Highway 112 to Detroit, Mich., and thence over applicant's presently certificated routes to Pittsburgh; From South Bend over U. S. Highway 20 to Toledo, Ohio, thence over applicant's presently certificated routes to Pittsburgh; From Kenosha over Wisconsin Highway 42 to the Wisconsin-Illinois State line, thence over Illinois Highway 42 to Chicago, Ill., thence over U. S. Highway 41 to junction U. S. Highway 6, thence over U. S. Highway 6 to Fremont, Ohio, and thence over applicant's presently certificated routes to Pittsburgh; From Kenosha to Chicago, Ill., as specified above, thence over U. S. Highway 20 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., and thence as specified above to Pittsburgh; and From Racine over Wisconsin Highway 42 to Kenosha, thence as specified above to Pittsburgh; serving no intermediate points.

No. MC 19201 Sub 79, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney; Gilbert Nurick McNees, Wallace & Nurick, Commerce Building, Harrisburg, Pa. For authority to operate as a *common carrier*, transporting: *General commodities, including commodities of unusual value, commodities in bulk, and commodities requiring special equipment*, but excepting Class A and B explosives, and household goods as defined by the Commission, in service auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company, (1) Between West Chester, Pa., and junction Pennsylvania Highway 29 and U. S. Highway 30 near Glenlock, Pa., over Pennsylvania Highway 29, serving no intermediate points, and (2) Between West Chester, Pa., and junction U. S. Highways 202 and 30 west of Paoli, Pa., over U. S. Highway 202, serving no intermediate points, as alternate or connecting routes in connection with carrier's regular route operations between Philadelphia, Pa., and West Chester, Pa., and between Philadelphia, Pa., and Whitford, Pa.

No. MC 27063 Sub 2, LIBERTY TRANSFER COMPANY, INC., 5262 Nelson Avenue, Baltimore, Md. Applicant's attorney: S. Harrison Kahn, 726-34 Investment Bldg., Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paperboard*, from Baltimore, Md. to Patton, Pa., and *scrap paper*, on return movement. Applicant is authorized to conduct operations in Maryland, Delaware, New York, Pennsylvania, New Jersey, and the District of Columbia.

No. MC 29886 Sub 73, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend 21, Inc. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sweepers* and *accessories* used with self-propelled sweepers, and *eductors* unmounted and mounted on trailers or self-propelled units, from Elgin, Ill., to points in the United States, including the District of Columbia.

No. MC 31024 Sub 20 (Reopened-further Hearing) NEPTUNE STORAGE, INC., 369 Hugenot St., New Rochelle, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tabulating machines*, uncrated, between points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Oklahoma, South Dakota, Texas, Utah, Washington, and Wyoming.

No. MC 44055 Sub 49, BOS TRUCK LINES, INCORPORATED, 508 South Twelfth Avenue, Marshalltown, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration), and those injurious or contaminating to other lading, between junction U. S. Highway 30 and U. S. Highway 169 and junction U. S. Highway 169 and U. S. Highway 6 at Adel, Iowa, over U. S. Highway 169, serving no intermediate points, as a connecting route in connection with carrier's regular route operations between Chicago, Ill., and Kearney and Hastings, Nebr., and between Waterloo, Iowa, and Denison, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, Nebraska, and Indiana.

No. MC 47142 Sub 54, as amended, C. I. WHITTEN TRANSFER COMPANY, a corporation, 200 19th Street, Huntington, W. Va. Applicant's attorney: Chas T. Dodrill, Dodrill, Barrett & Dunbar, West Virginia Building, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A, B and C explosives, blasting supplies and used empty containers for explosives, blasting supplies and powder*, from and to points on U. S. Highway 31–E within eight miles of Jeffersonville, Ind., for the purpose of interchanging traffic with the other motor carriers which traffic originates or terminates at the following designated points: (1) between Burlington, Iowa, and Fort Knox, Ky., (2) between Indiana Arsenal, Ind. (located at or near Jeffersonville, Ind.), on the one hand, and, on the other, Sandusky and Ravenna, Ohio, Picatinny, N. J., Joliet and Savanna, Ill., Fort Estill, Ky., Bristol, Pa., Hingham, Mass., Talladega, Ala., and Aberdeen, Md., (3) between Crane, Ind., on the one hand, and, on the other Hingham, Mass., Parris Island, S. C., Letterkenny Ordnance Depot (located near Gettysburg), Fort Mifflin and Bristol, Pa., Earle and Raritan, N. J., Cherry Point, Camp LeJeune and Fort Bragg, N. C., and Dahlgren, Va., (4) between Kingsbury, Ind., on the one hand, and, on the other, Dahlgren and Quantico, Va., Dayton and Lacarne, Ohio, Dover and Pedricktown, N. J., Akron, N. Y., Letterkenny Ordnance Dept., Pa., Fort Knox and Fort Estill, Ky., (5) between Fort Knox, Ky., on the one hand, and, on the other, Camp Pickett, Va., Picatinny, N. J., and Fort Meade, Md., (6) between Mechanicsville, Md., and Crane, Ind., (7) between Raritan, N. J., and Fort Knox, Ky., (8) between Picatinny, N. J., on the one hand, and, on the other, Jefferson Proving Ground, Ind. (at or near Madison, Ind.), Fallbrook, Calif., McAlester, Okla., and Las Cruces, N. Mex., (9) between Vineland, N. J., and Crane, Ind., (10) between Romulus, N. Y., and Fort Knox, Ky., (11) between Westerville, Ohio, and McAlester, Okla., (12) between Ravenna, Ohio, on the one hand, and, on the other, Indiana Arsenal and Jefferson Proving Ground, Ind., and Defense, Tex., (13) between Cincinnati, Ohio, and Crane, Ind., (14) between Ravenna, Ohio, and Kingsbury, Ind., (15) between McAlester, Okla., on the one hand, and, on the other, Yorktown, Dahlgren, Portsmouth, Va., and Fort Estill, Ky., (16) between Saltsburg, Pa., and Crane, Ind., (17) between Letterkenny Ordnance Depot, Pa., on the one

hand, and, on the other, Indiana Arsenal and Crane, Ind., and Fort Knox, Ky., (18) between Hillside Junction, Pa., and Indiana Arsenal, Ind. (19) between Cannonsburg, Pa., and Crane, Ind., (20) between Bristol, Pa., and Jefferson Proving Ground, Ind., (21) between Moosic, Pa., and Kingsbury, Ind., (22) between Tyner, Tenn., and Indiana Arsenal, Ind., (23) between Kingsport, Tenn., and Kingsbury, Ind., (24) between Radford, Va., on the one hand, and on the other, Indiana Arsenal and Jefferson Proving Ground, Ind., and (25) between Pinto, W. Va., and Crane, Ind. Applicant is authorized to conduct operations in Illinois, Kentucky, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia.

No. MC 50002 Sub 21, T. CLARENCE BRIDGE AND HENRY W. BRIDGE, doing business as BRIDGE BROTHERS, 610 West Elm Street P. O. Box 588, Lamar, Colo. Applicant's attorney: C. Zimmerman, 308 Schweiter Building, Wichita, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank trucks, from North Platte and Sidney, Nebr., and points within 15 miles of each, to points in Colorado on and north of U. S. Highway 36 and on and east of U. S. Highway 85, points in Kansas on and north of U. S. Highway 50 and U. S. Highway 50S, those in South Dakota, and points in Nebraska on and south of U. S. Highway 30, and to Pine Bluffs, Egbert, Burns, and Hillsdale, Wyo. Applicant is authorized to conduct operations in Colorado, Kansas, Texas, Oklahoma, and Nebraska.

NO. MC 50034 Sub 21, COURIER EXPRESS, INC., 115 Montgomery Street, Logansport, Ind. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, (1) serving the intermediate and off-route points of Willow Run, Mich. (on Michigan Highway 112 near Ypsilanti), Wyandotte and Trenton, Mich. (on U. S. Highway 25), and those within five miles of Detroit, in connection with the carrier's regular route operations; (2) between Kokomo, Ind., and Peru, Ind., over U. S. Highway 31; (3) between Kokomo, Ind., and South Bend, Ind., operating from Kokomo over U. S. Highway 35 to Logansport, Ind., thence over Indiana Highway 25 to Rochester, Ind., and thence over U. S. Highway 31 to South Bend, and return over the same route; (4) between Indianapolis, Ind., and La Porte, Ind., operating from Indianapolis over Indiana Highway 29 to Logansport, Ind., thence over U. S. Highway 35 to La Porte, and return over the same route, serving the off-route points of Zionsville, Bringhurst, Flora, Camden, Sheridan, Culver, Union Center, and Tracy, Ind.; (5) between Logansport, Ind., and Effner, Ind., over U. S. Highway 24; (6) between Lafayette, Ind., and Reynolds, Ind., over Indiana Highway 43, serving the off-route points of Ash Grove and Battle Ground, Ind.; (7) between Remington, Ind., and Rensselaer, Ind., over Indiana Highway 53, serving all intermediate points on routes 2 to 7, inclusive; (8) between Rensselaer, Ind., and Oxford, Ind., operating from Rensselaer over Indiana Highway 114 to Morocco, Ind., thence southward over U. S. Highway 41 to junction U. S. Highway 52, thence over U. S. Highway 52 to junction Indiana Highway 352, thence over Indiana Highway 352 to Oxford, and return over the same route, serving all intermediate points; (9) between junction Indiana Highways 53 and 16 and junction Indiana Highway 16 and U. S. Highway 41, over Indiana Highway 16, serving all intermediate points; (10) between junction U. S. Highway 52 and Indiana Highway 352 and Lafayette, Ind., over U. S. Highway 52, serving all intermediate points; (11) between Indianapolis, Ind., and Lafayette, Ind., over U. S. Highway 52, serving no intermediate points; (12) serving points within five miles of Fort Wayne, Ind., and Baer Field, Ind., as intermediate or off-route points in connection with regular route operations to and from Fort Wayne; (13) between junction U. S. Highway 52 and Indiana Highway 53 and junction U. S. Highway 24 and Indiana Highway 53, over Indiana Highway 53; (14) between junction Indiana Highway 18 and U. S. Highway 52 and junction Indiana Highways 29 and 18, over Indiana Highway 18; (15) between junction Indiana Highways 18 and 39, and Monticello, Ind., over Indiana Highway 39, with service at junction Indiana Highways 18 and 39 for purposes of joinder only of this route with route 14 above; (16) between Lafayette, Ind., and junction Indiana Highways 29 and 26, over Indiana Highway 26; (17) between Fowler, Ind., and junction Indiana Highways 16 and 55, over Indiana Highway 55; (18) between Peru, Ind., and Rochester, Ind., over U. S. Highway 31; (19) between Indianapolis, Ind., and Huntington, Ind., over Indiana Highway 37; (20) between Fort Wayne, Ind., and Auburn, Ind., over Indiana Highway 427, with service at Auburn for purposes of joinder only; (21) between Reynolds, Ind., and La Porte, Ind., operating from Reynolds over Indiana Highway 43 to junction Indiana Highway 2, thence over Indiana Highway 2 to La Porte, and return over the same route; (22) between Rensselaer, Ind., and junction Indiana Highways 114 and 43, over Indiana Highway 114, with service at junction Indiana Highways 114 and 43, limited to the joinder of this route with route above; (23) between Monticello, Ind., and Winamac, Ind., operating from Monticello over Indiana Highway 39 to Buffalo, Ind., thence over Indiana Highway 119 to Winamac, and return over the same route; (24) between Logansport, Ind., and Culver, Ind., over Indiana Highway 17; (25) between Culver, Ind., and Plymouth, Ind., over Indiana Highway 17, routes 13 through 25 inclusive are alternate routes and no service is proposed at intermediate points on said routes; (26) serving points in Marion County, Ind., as off-route points in connection with regular route operations to and from Indianapolis, Ind., (27) serving points within five miles of Lafayette, Ind., as intermediate and off-route points in connection with carrier's regular route operations to and from Lafayette, Ind.; and (28) between Fort Wayne, Ind., and Plymouth, Ind., over U. S. Highway 30, serving no intermediate points, as an alternate route for operating convenience only, restricted to the transportation of shipments originating at Plymouth, Ind., and destined to Detroit, Mich., and originating at Detroit, Mich., and destined to Plymouth and Rochester, Ind.

NO. MC 59105 Sub 2, ANDREW J. VORRO, JR., doing business as VORRO'S EXPRESS, 38 Forest Road, Bristol, R. I. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Providence, R. I., and Boston, Mass., over U. S. Highway 1, serving no intermediate points, as an alternate route, in connection with the carrier's regular route operations (1) between Bristol and Providence, R. I., and (2) between Bristol, R. I., and Boston, Mass. Applicant is authorized to conduct operations in Rhode Island and Massachusetts.

NO. MC 65419 SUB 4, ARMORED CAR COMPANY, INC., 1031 South 6th St., Louisville, Ky. Applicant's attorney: Earl C. Frankenberger, 1104 Kentucky Home Life Bldg., Louisville, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Money*, including but not limited to *currency, silver coin, minor coin, bullion, securities, bonds and other articles and commodities of unusual value*, and *empty containers*, or *other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between all points in the United States, including the District of Columbia. Applicant is authorized to conduct operations in Kentucky and Indiana.

NO. MC 65916 Sub 8, WARD TRUCKING CORP., 200 Seventh Ave. (Ward Tower), Altoona, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between the Pennsylvania Turnpike at Interchange #20 (junction Pennsylvania Highway 72) and junction U. S. Highway 22 and Pennsylvania Highway 72 over Pennsylvania Highway 72, serving no intermediate points, and (2) between the Pennsylvania Turnpike at Interchange #21 (junction Pennsylvania Highway 222) and junction U. S. Highways 22 and 222 over Pennsylvania Highway 222, serving no intermediate points, as connecting routes for operating convenience only in connection with applicant's authorized regular-route operations (a) between Blairsville, Pa., and New York, N. Y., and (b) between Cumberland, Md., and New York, N. Y. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, and Pennsylvania.

NO. MC 66900 Sub 14, HOUFF TRANSFER, INCORPORATED, Post Office Box 61, Weyers Cave, Va. Applicant's attorney: Glenn F. Morgan, 404–406 International Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A, B, and C explosives* and *blasting supplies*, between points in Virginia and West Virginia. Applicant is authorized to conduct operations in Maryland, Pennsylvania, Virginia, and West Virginia.

NO. MC 68909 Sub 44, DECATUR CARTAGE CO., a corporation, 1934 S. Wentworth Ave., Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over alternate or connecting routes, transporting: *General commodities*, except livestock, Class A and B explosives, inflammables, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between (1) Kenton, Ohio, and Marysville, Ohio, over Ohio Highway 31, and (2) Marysville, Ohio, and Columbus, Ohio, over U. S. Highway 33; serving no intermediate points, for operating convenience only, in connection with (1) regular route operations between (a) Cleveland, Ohio, and Indianapolis, Ind., (b) Marion, Ohio, and Lafayette, Ohio, (c) Sandusky, Ohio, and Springfield, Ohio, and (d) Mansfield, Ohio, and Lima, Ohio, and (2) alternate route operations between Springfield, Ohio, and Toledo, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, and Ohio.

NO. MC 68909 Sub 45, DECATUR CARTAGE CO., a corporation, 1934 South Wentworth Ave., Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *those of unusual value*, but excluding livestock, Class A and B explosives, inflammables, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and junction of U. S. Highways 6 and 41 and Indiana Highway 152, over presently authorized alternate route (Alternate U. S. Highway 30) from Chicago to junction 130th Street and the Calumet Expressway, thence over presently authorized alternate route (Alternate U. S. Highway 30 also known as the Calumet Expressway) to junction the Tri-State Expressway near Lansing, Ill., thence over the Tri-State Expressway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U. S. Highways 6 and 41, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, and Ohio.

NO. MC 74846 Sub 36, (amended) LOUIS G. JOHNSON, West Union Extension, Newark, N. J. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cereal food preparation*, and *teething biscuits*, (1) from points in Wayne, Ontario and Yates Counties, N. Y., to points in Bergen, Essex, Hudson, Union, and Middlesex Counties, N. J., Luzerne, Wyoming, and Lackawanna Counties, Pa., and those in New York, N. Y., Commercial Zone, as defined by the Commission, (2) from Newark, N. Y., to Boston, Mass., (3) from Penn Yan, Geneva, Newark, Holley, Hamlin, East Rochester, Rochester, Williamson, Ontario, Alton, Sodus, Red Creek, Phelps, Manchester, Canandaigua, Rushville, Hilton, Ontario Center, and Marion, N. Y., to Harrisburg, Philadelphia, and Scranton, Pa., Baltimore, Md., and the District of Columbia, (4) from Walcott, Hall, and Shortsville, N. Y., to Harrisburg, Pa., (5) from Egypt, Lyons, Bellona Station, Wolcott, and Hall, N. Y., to the District of Columbia, (6) from Wolcott and Egypt, N. Y., to Baltimore, Md., (7) from Hall and Bellona Station, N. Y., to Baltimore, Md., (8) from Wolcott, Shortsville, and Gorham, N. Y., to points in the Philadelphia, Pa., Commercial Zone as defined by the Commission, and (9) from Fredonia and Oswego, N. Y., to Philadelphia, Pa. *Empty containers, or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement.

NO. MC 80430 Sub 71, GATEWAY TRANSPORTATION CO., a corporation, 2130–2150 South Ave., La Crosse, Wis. Applicant's attorney: David Axelrod, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over alternate routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between (1) Dubuque, Iowa, and Cedar Rapids, Iowa, over U. S. Highway 151, (2) Dubuque, Iowa, and Jacksonville, Ill., over U. S. Highway 61 from Dubuque to junction U. S. Highway 67, thence over U. S. Highway 67 to Jacksonville, and return over the same route, and (3) Alton, Ill., and St. Louis, Mo., over Alternate U. S. Highway 67; serving no intermediate points, for operating convenience only solely for the purpose of transporting traffic moving between Dubuque, Iowa, on the one hand, and points in the St. Louis Commercial Zone, Jacksonville, Ill., and points intermediate between St. Louis and Jacksonville, on the other hand, which in effect is a request for removal of a portion of the restrictions applicable against alternate route operations presently being conducted by the carrier over the above-specified alternate routes under authority in Certificate issued on August 17, 1950, in Docket No. MC 80430 Sub 39. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Minnesota, Ohio, and Wisconsin.

NO. MC 87674 Sub 2, BERNERD EDWARD RICE, doing business as RICE TRANSFER AND STORAGE, 117 Lancaster Avenue, Rock Hill, S. C. Applicant's attorney: Frank A. Graham, Jr., 406–7 Palmetto Building, Columbia 1, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products* and *meat by-products* and *dairy products*, as defined by the Commission in Ex Parte No. MC 45, from Charlotte, N. C., and Rock Hill, S. C., to points in South Carolina, and those in that part of North Carolina bounded by a line beginning at a point on the North Carolina-South Carolina State line and extending north along North Carolina Highway 77 to Hamlet, thence west along U. S. Highway 74 to Rockingham, thence north along U. S. Highway 220 to Asheboro, thence west along U. S. Highway 64, via Lexington, Mocksville, and Statesville, to Conover, thence west along Alternate U. S. Highway 70 via Hickory, to Hildebran, thence west along U. S. Highway 70 to Morganton, thence south along U. S. Highway 64 to Rutherfordton, thence west along U. S. Highway 64 to Bat Cave, thence southwesterly along U. S. Highway 64 to Hendersonville, thence south along U. S. Highway 25 to the North Carolina-South Carolina State line, and thence east along the North Carolina-South Carolina State line to point of beginning, including points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in North Carolina and South Carolina.

NO. MC 92983 Sub 103 (Amended), ELDON MILLER, INC., 1030 Riverside Drive, Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, between points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma (except that no authority is sought to transport liquid chemicals, in bulk, in tank vehicles, (1) from St. Louis, Mo., to points in Iowa and Missouri; and (2) from Military, Kans., to Des Moines, Iowa). Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

NO. MC 93682 Sub 4, COLE'S EXPRESS, a corporation, 76 Dutton Street, Bangor, Maine. Applicant's attorney: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A, B and C explosives*, between Kittery, Maine, and Portland, Maine, over U. S. Highway 1, serving no intermediate points. The carrier is also seeking to remove the exception of Class A and B explosives in its authorized operations and to transport Class A, B, and C explosives between the points and over the regular routes it is authorized to serve in the transportation of general commodities (with exceptions) in the State of Maine.

NO. MC 93903 Sub 4, ANDERSON'S TRUCKING CORPORATION, 93 Marcy Ave., East Orange, N. J. Applicant's attorney: Herman B. J. Weckstein, 1080 Broad Street, Newark 2, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Concrete pipe*, and *fittings, forms, moulds*, and *equipment* for the manufacture of concrete pipe, between Kennett Square, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New

Jersey, New York, Pennsylvania, and Rhode Island.

NO. MC 98438 Sub 1, TRUMAN HOLLINSWORTH, doing business as TOMPKINSVILLE TRANSFER COMPANY, Tompkinsville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading between (1) Louisville, Ky., and the Kentucky-Tennessee State line, over U. S. Highway 31W from Louisville to junction Kentucky Highway 61, thence over Kentucky Highway 61 to Hodgenville, Ky., thence over U. S. Highway 31E to Glasgow, Ky., thence over Kentucky Highway 63 to the Kentucky-Tennessee State line and return over the same route, serving all intermediate points between Glasgow, Ky., and the Kentucky-Tennessee State line, (2) Tompkinsville, Ky., and Center Point, Ky., over Kentucky Highway 100, serving all intermediate points, (3) Gamaliel, Ky., and Fountain Run, Ky., over Kentucky Highway 100, serving all intermediate points, (4) Nashville, Tenn., and Glasgow, Ky., over U. S. Highway 70N from Nashville to junction Tennessee Highway 80, thence over Tennessee Highway 80 to junction Tennessee Highway 52, thence over Tennessee Highway 52 to junction Tennessee Highway 56, thence over Tennessee Highway 56 to the Kentucky-Tennessee State line, thence over route (Kentucky Highway 63) specified under (1) above to Glasgow, and return over the same route, serving all intermediate points between the Kentucky-Tennessee State line and Glasgow, Ky., but no service to be rendered to or from Glasgow, Ky., and (5) Nashville, Tenn., and Campbellsville, Ky., over route specified under (4) above (U. S. Highway 70N from Nashville to junction Tennessee Highway 80, thence Tennessee Highway 80 to junction Tennessee Highway 52, thence Tennessee Highway 52 to junction Tennessee Highway 56, thence Tennessee Highway 56 to the Kentucky-Tennessee State line), thence over routes (Kentucky Highway 63) specified under (1) and (4) above to Tompkinsville, Ky., thence over Kentucky Highway 163 to Edmonton, Ky., thence over U. S. Highway 68 to Campbellsville, and return over the same route, serving all intermediate points between Tompkinsville, Ky., and Campbellsville, Ky. Operations under the requested authority shall be subject to the condition that no service shall be rendered between Louisville, Ky., on the one hand, and, on the other, Nashville, Tenn. Applicant is conducting operation in interstate or foreign commerce in Kentucky under the second proviso of Section 206 (a) (1) of the Interstate Commerce Act.

NO. MC 99022 Sub 1, ROY E. PRATT, Spearfish, S. Dak. Applicant's attorney: R. A. Smiley, Smiley and Clark, Belle Fourche, S. Dak. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *commodities of unusual value, class A and B explosives, household goods* as defined by the Commission, *commodities in bulk*, and *commodities requiring special equipment*, (1) between Deadwood, S. Dak., and Spearfish, S. Dak., over U. S. Highway 85; and (2) between Redwater Spur, S. Dak., and Spearfish, S. Dak., over U. S. Highway 85; service is proposed to and from all intermediate points on the above-described routes. Applicant is authorized to conduct operations in South Dakota under the second proviso of Section 206 (a) (1) of the Interstate Commerce Act.

NO. MC 100463 Sub 15, SMITH TRANSPORT LIMITED, A CORPORATION, 637 Simcoe Street South, Oshawa, Ontario, Canada. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Newsprint*, from Rouses Point, Rooseveltown and Alexandria Bay, N. Y., to points in Vermont, New Hampshire, Massachusetts, New York, and New Jersey. RESTRICTION: The authority applied for herein to be restricted to traffic originating at points in Canada. Applicant is authorized to conduct operations in New York and New Jersey.

NO. MC 100542 Sub 3, ALTA WHITAKER, doing business as C. B. TRUCK LINE, 719 South Ochoa, El Paso, Texas. Applicant's attorney: Joe T. Lanham, Perry Brooks Building, Austin, Texas. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Tornillo, Tex., and Esperanza, Tex., over U. S. Highway 80, serving all intermediate points and the off-route points of Alamo Alto and Acala, Tex. Applicant is authorized to conduct operations in Texas and New Mexico.

NO. MC 101472 Sub 13, L. E. BOLING, 317 South Adams St., Kewanee, Ill. Applicant's attorney: Carl L. Steiner, Axelrod, Goodman and Steiner, 29 South LaSalle St., Chicago 3, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from La Crosse, Wis., to Peoria, Ill., and *empty containers or other such incidental facilities*, (not specified) used in transporting the commodities specified in this application, on return movement. Applicant is authorized to conduct operations in Wisconsin, Illinois, and Missouri.

NO. MC 103248 Sub 16, PETROLEUM TRANSPORT, INC., 1 South Pinckney Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products and all derivatives*, in bulk, in tank vehicles, from Amboy, Ill. and points within 10 miles thereof, to points in Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, and Wisconsin.

NO. MC 103248 Sub 17, PETROLEUM TRANSPORT, INC., 1 South Pinckney Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products and all derivatives*, in bulk, in tank vehicles, from the site of the U. S. Air Force storage installation near Hastings, Minn. to military installations in Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, and Wisconsin.

NO. MC 103654 Sub 32, SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Boulevard, St. Paul, Minn. Applicant's attorney: Donald A. Morken, Mackall, Crounse, Moore, Helmey & Palmer, 1100 First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) between points in Minnesota; (2) between points in Wisconsin; (3) between points in the Minneapolis-St. Paul, Minn. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Duluth, Minn.; and (4) between Wrenshall, Minn. and Duluth, Minn. Applicant is authorized to conduct operations in Minnesota, Wisconsin, Indiana, Illinois, and Michigan.

NO. MC 104155 Sub 3, P. A. K. TRANSPORT, INC., Post Office Box 187, 28 Maple Street, Newport, N. H. Applicant's representative: Oliver C. Peterson, 795 Elm Street, Manchester, N. H. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Aviation fuel*, in bulk, in tank vehicles, from Fall River, Mass., to the Claremont Municipal Airport (located near Claremont, N. H.), the Newport Municipal Airport (located near Newport, N. H.), and the Springfield Municipal Airport (located near Springfield, Vt.). Applicant is authorized to conduct operations in Massachusetts, New Hampshire, and Vermont.

NO. MC 105957 Sub 34, DELTA MOTOR LINE, INC., 1243 South Gallatin St., Jackson, Miss. For authority to operate as a *common carrier*, over an alternate or connecting route, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Natchez, Miss., and New Orleans, La., over U. S. Highway 61 from Natchez to junction U. S. Highway 51, thence over presently authorized route (U. S. Highway 61) to New Orleans, and return over the same route, serving no intermediate points, for operating convenience only, in connection with regular route operations between Natchez, Miss., and New Orleans, La., through combination of (1) regular routes between (a) Jackson, Miss., and New Orleans, La., and (b) Brookhaven, Miss., and Natchez, Miss., and (2) alternate routes between (a) Jackson, Miss., and New Orleans, La., and (b) Summit, Miss., and the junction Mississippi Highway 44 and U. S. Highway 84 near Bude, Miss. Applicant is authorized to conduct operations in Louisiana, Mississippi, and Tennessee.

NO. MC 106953 Sub 1, MARVIN M. SEEGERT, doing business as SEEGERT TRUCK LINE, Bissfield, Mich. Applicant's attorney: L. F. Richardson, Richardson and Burwell, Olds Tower Bldg., Lansing 8, Mich. *Petition for Amendment of Certificate No. 106953 Sub 1*, dated June 20, 1947, authorizing in part, the transportation as a *common carrier*, over irregular routes, of *stone* and *building blocks*, from points in Lucas County, Ohio, to points in Riga, Blissfield, Ogden, Deerfield, and Palmyra Townships, Lenawee County, Mich., and those in Whiteford, Bedford, Erie, and Summerfield Townships, Monroe County, Mich., to also include the transportation of *stone* and *building blocks*, over irregular routes, from points in Lucas County, Ohio, to Adrian, Mich.

NO. MC 107064 SUB 9, FERGUSON-STEERE MOTOR COMPANY, a corporation, 2110 Bryan Street, P. O. Box 2998, Dallas, Tex. Applicant's attorney: Warren Whitham, Callaway, Reed, Kidwell & Brooks, Empire Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Helium gas*, in bulk, in shipper-owned tank vehicles, between Soncy, Tex., adjacent to Amarillo, Tex., and Holloman Air Force Base, at or near Alamogordo, N. Mex. Transportation will be for the United States Government on government bills of lading.

NO. MC 107272 SUB 10, MONKEM COMPANY, INC., 601 North High St., Joplin, Mo. Applicant's attorney: Stanley P. Clay, 209 First National Bank Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ammonia nitrate fertilizer* (fertilizer compound) manufactured (not otherwise identified by name) in bags, between the plant of the Spencer Chemical Company at or near Military, Kans., and points within 10 miles thereof, on the one hand, and, on the other, points in Missouri, Kansas, Oklahoma, Arkansas, Nebraska, and Iowa. Applicant is authorized to conduct operations in Arkansas, Kansas, Iowa, Missouri, Nebraska, and Oklahoma.

NO. MC 107496 SUB 50, RUAN TRANSPORT CORPORATION, 408 Southeast 30th St., Des Moines, Iowa. Applicant's attorney: Rex H. Fowler, Bradshaw, Fowler, Proctor and Fairgrave, Suite 510 Central National Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products, including chemicals derived from petroleum and compounded oils having a petroleum base*, in bulk, in tank vehicles, from the site of the Great Northern Oil Company's refinery at or near Pine Bend, Minn., and points within one mile thereof, to points in Iowa. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Minnesota, Missouri, and Nebraska.

NO. MC 108651 SUB 6, ROY B. MOORE, 1121 Wateree Street, P. O. Box 628, Kingsport, Tenn. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cereal preparations*, dry, and *teething biscuits*, from Hamlin, Hilton, Holley, Rochester and Williamson, N. Y., to points in Virginia. Applicant is authorized to conduct operations in New York.

NO. MC 108678 SUB 9, LIQUID TRANSPORT CORP., 450 West Troy Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, Boyce, Guenther, Harrison and Moberly, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicle from points in Illinois (except Decatur, Bloomington and Chicago, Ill.), to Louisville, Ky. Applicant is authorized to conduct operations in Indiana, Ohio, Illinois, Kentucky and Michigan.

NO. MC 109451 SUB 34, ECOFF TRUCKING, INC., 117 McCarty St., Fortville, Ind. Applicant's attorney: Taylor C. Burneson, 3510 Leveque Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *contract carrier* over irregular routes, transporting: *Silicate of soda*, in bulk, in tank vehicles, from Fortville, Ind., to points in Ohio except Troy, Dayton, Lockland, Middletown, and Van Wert. Applicant is authorized to conduct operations in Indiana, Missouri, Michigan, Illinois, Ohio, and Wisconsin.

NO. MC 109451 SUB 35, ECOFF TRUCKING, INC., 117 McCarty Street, Fortville, Ind. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sulphate soap skimmings*, in bulk, in tank vehicles, from Rome and Macon, Ga., Monroe, La., Port Joe and Palatka, Fla., and Calhoun, Tenn., to Tuscaloosa, Ala., and points within five miles thereof, and *tall oil*, from Tuscaloosa, Ala., and points within five miles thereof, to Louisville, Ky., and Chattanooga, Tenn.

NO. MC 109637 SUB 22, GASOLINE TRANSPORT CO., a corporation, 4500 Bells Lane, Louisville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products*, in bulk, in tank vehicles, from West Point, Ky., and points within 10 miles thereof, to points in Indiana on and south of U. S. Highway 40. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, and Tennessee.

NO. MC 109682 SUB 19, BOLIN DRIVE-A-WAY CO., a corporation, 26400 Lakeland Blvd., Cleveland 23, Ohio. Applicant's attorney: James W. Wrape, Wrape and Hernly, Sterick Bldg., Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial vehicles*, in initial movements, in truck-away service, from Kent, Ohio, to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

NO. MC 109713 SUB 2, DEMAR MEYER, 605—4th Ave., S. W., Valley City, N. Dak. Applicant's attorney: Lee F. Brooks, 405 First National Bank Building, Fargo, N. Dak. For authority to operate as a *contract carrier*, over a regular route, transporting: *Milk*, in containers, and *cottage cheese* in refrigerated vehicles, from Moorhead, Minn., to Devils Lake, N. Dak., over presently authorized route (U. S. Highway 10) from Moorhead to Valley City, N. Dak., thence over U. S. Highway 10 to junction U. S. Highway 281, thence over U. S. Highway 281 to junction North Dakota Highway 57, thence over North Dakota Highway 57 to junction North Dakota Highway 20, thence over North Dakota Highway 20 to Devils Lake, and return over same route from Devils Lake, N. Dak., to Moorhead, Minn., with *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, serving the intermediate point of Carrington, N. Dak. Applicant is authorized to conduct operations in Minnesota and North Dakota.

NO. MC 110098 SUB 11, ZERO REFRIGERATED LINES, a corporation, P. O. Box 4064 Station "A", 306 Media St., San Antonio 7, Tex. Applicant's attorney: Charles D. Mathews, 1020 Brown Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh meats*, in refrigerated equipment, from San Antonio, Tex., to Chicago, Ill., Kansas City, Kans., and Kansas City, Mo. Applicant is authorized to conduct operations in California, Iowa, Louisiana, Minnesota, Oregon, Texas, Washington, and Wisconsin.

NO. MC 110799 SUB 2, ANNA CARLSTEDT, RAYMOND CARLSTEDT, JOHN CARLSTEDT AND THEODORE CARLSTEDT, doing business as CARLSTEDT MOTOR SERVICE, 336 Webster Street, Batavia, Ill. Applicant's attorney: Franklin R. Overmyer, Petit, Olin, Overmyer & Fazio, Harris Trust Building, 111 West Monroe Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between points in Illinois within 50 miles of Batavia, Ill., and (2) between points in the Chicago, Ill., Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Illinois, and also conducts operations in Illinois under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

NO. MC 110878 SUB 8, GRADY ALBERTSON, doing business as ARGO TRUCKING COMPANY, 24 Burch Street, Elberton, Ga. Applicant's attorney: E. Overton Kemp, 9 Ridgeway Drive, Woodfield, Greenville, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Granite* and *marble*, from Elberton, Ga., and points within 15 miles thereof, and Tate, Ga., and points within 20 miles thereof, to all points in Kansas and Oklahoma, and *damaged and defective shipments of granite and marble* on return; *alfalfa*, chopped dehydrated (animal and poultry feed), from points in Arkansas and Missouri, and Brenhan, Bryan and Sugar Land, Tex., and points within 10 miles of each, to points in that part of Alabama east and north of a line commencing at the northwest boundary line

of Alabama, Mississippi, and Tennessee and thence south along the Alabama-Mississippi State line to junction U. S. Highway 78, thence southeast along U. S. Highway 78 to Birmingham, thence along Alabama Highway 91 to Sylacauga, thence along U. S. Highway 241 to the Alabama-Georgia State line at Phenix City, those points in Georgia north of a line commencing at the Alabama-Georgia State line at Columbus, thence along U. S. Highway 80 to Geneva, thence along Georgia Highway 96, through Butler and Reynolds, to Ft. Valley, thence along Georgia Highway 49 to junction U. S. Highway 41, thence along U. S. Highway 41 to Macon, thence along U. S. Highway 129 to Gray, thence along Georgia Highway 22 to Sparta, thence along Georgia Highway 16 to Warrenton, thence along Georgia Highway 12 to Thomson, thence along U. S. Highway 78 to the Georgia-South Carolina State line at Augusta, and those in South Carolina, north, west, and south of a line commencing at the Georgia-South Carolina State line at N. Augusta, S. C., thence along U. S. Highway 1 to Columbia, thence along U. S. Highway 176 to Spartanburg, thence along U. S. Highway 29 to Greenville, thence along U. S. Highway 123 to the Georgia-South Carolina State line, including all points on the indicated portions of the highways specified; *rice and rice by-products*, in boxes, cartons and bags, from points in Arkansas and Louisiana to those points in Alabama, Georgia and South Carolina within the destination territory described above; *citrus pulp* (animal feed) in bags, from Haines City, Fla., and points within 20 miles thereof, to those points in Georgia and South Carolina within the destination territory described above; and *coffee beans*, green, chicory, cereal, in bags, from New Orleans, La., and points within 20 miles thereof, to Augusta, Ga. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Texas.

NO. MC 111379 SUB 10, WADE E. DAVIS, doing business as DAVIS TRANSPORT, 2812 Kentucky Avenue, Paducah, Ky. Applicant's attorney: Rudy Yessin, Smith, Reed & Leary, Sixth Floor McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from West Memphis, Ark., and points within 10 miles thereof, to points in Missouri beginning at a point on the Mississippi River at the Missouri-Arkansas State line, following the Missouri-Arkansas State line to junction U. S. Highway 67, all points on and east of U.S. Highway 67 running north to a point on the Mississippi River at Herculaneum, following shores of the Mississippi River back to the point of beginning; (2) From West Memphis, Ark., and points within 10 miles thereof, to points in Kentucky on and west of U. S. Highway 231, beginning on the north at Owensboro, Ky., running south to Kentucky-Tennessee State line near Adolphus, Ky.; (3) From West Memphis, Ark., and points within 10 miles thereof, to points in Tennessee on and west of U. S. Highway 231, beginning on the north at Tennessee-Kentucky State line and running south to a point at the Tennessee-Alabama State line; (4) From Cape Girardeau, Mo., and points within 10 miles thereof, to points in Kentucky on and west of U. S. Highway 231; and (5) from Paducah, Ky., and points within 10 miles thereof, to points in Illinois on and south of U. S. Highway 50. Applicant is authorized to conduct operations in Kentucky, Tennessee, Missouri, and Illinois.

NO. MC 111758 Sub 9, (amended) LIQUID CARRIERS, INC., P. O. Box 241, Bay Minette, Alabama. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Black sulphate liquor skimmings*, in bulk, in tank vehicles, from Foley, Fla., to Bay Minette, Ala.; *Muriatic acid*, in bulk, in tank vehicles, from Houston, Tex., to Marrero and New Orleans, La.; and *Liquid neutral salts*, in bulk, in tank vehicles, from Bay Minette, Ala., to Cantonment, Fla. Applicant is authorized to conduct operations in Florida and Alabama.

NO. MC 112712 Sub 55, YELLOW TRANSIT FREIGHT LINES, INC., 18 East 17th Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting *General commodities*, except those of unusual value, livestock, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Houston, Tex., and Bloomington, Ill., from Houston, Tex., over U. S. Highway 59 to Texarkana, Tex., thence over U. S. Highway 67 to Poplar Bluff, Mo., thence over U. S. Highway 60 to junction U. S. Highway 51 (near Cairo, Ill.), and thence over U. S. Highway 51 to Bloomington, Ill., and return over the same route, serving no intermediate points, but serving the termini for joinder only, and serving (a) the junction of U. S. Highways 51 and 460 (near Ashley, Ill.); (b) the junction of U. S. Highways 51 and 50 (at or near Sandoval, Ill.); (c) the junction of U. S. Highways 51 and 40 (near Vandalia, Ill.); (d) the junction of U. S. Highway 51 and Illinois Highway 16 (at or near Pana, Ill.); and (e) the junction of U. S. Highways 51 and 36 (at Decatur, Ill.), for purpose of joinder only with existing regular routes, as an alternate or connecting route, in connection with the carrier's regular route operations (1) between Kansas City, Mo., and Houston, Tex.; (2) between Houston and Beaumont, Tex., which is a portion of the regular route between San Antonio and Beaumont, Tex.; (3) St. Louis, Mo., and Chicago, Ill., (4) between Mattoon and Bloomington, Ill.; (5) Peoria and Bloomington, Ill. (which is a portion of the regular route between Mattoon and Peoria, Ill.); and between Litchfield and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Oklahoma, and Texas.

NO. MC 112893 SUB 3, BULK TRANSPORT COMPANY, Calumet St., Burlington, Wis. Applicant's attorney: Glenn W. Stephens, Stephens, Bieberstein and Cooper, 121 West Doty St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Madison, Wis., and points within 15 miles thereof, to points in that part of Illinois on and north of U. S. Highway 6, points in that part of Iowa on and north of U. S. Highway 6 to Des Moines, Iowa, and on and east of U. S. Highway 69 between Des Moines and the Iowa-Minnesota State line, points in that part of Minnesota on and east of Minnesota Highway 15 between the Minnesota-Iowa State line and St. Cloud, and on and east and south of Minnesota Highway 23 to junction U. S. Highway 61, thence on and east of U. S. Highway 61 to Duluth, Minn. Applicant is authorized to conduct operations in Indiana, Wisconsin, and Illinois.

NO. MC 113866 SUB 3, WINGERT, INC., 115 East Diamond Street, Butler, Pa. Applicant's attorney: Marshall G. Matheny, Matthews and Matheny, 14 North Mercer Street, New Castle, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid and compressed gases* (except liquefied petroleum gases), in cylinders and in shipper-owned trailers and cylinder cradles, and *empty cylinders* and *shipper-owned trailers*, between Butler, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, Virginia, Maryland, New York, Maine, New Hampshire, Connecticut, Rhode Island, Massachusetts, Vermont, New Jersey, Delaware, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Indiana, Illinois, Michigan, Wisconsin, Iowa, Missouri, Alabama, and the District of Columbia, within 600 miles of Butler, Pa. Applicant is authorized to conduct operations in Pennsylvania, Ohio, West Virginia, Virginia, Maryland, New York, and the District of Columbia.

NO. MC 113895 SUB 2, VESTLE TRUMAN MINCHEY, doing business as MINCHEY TRANSFER CO., 215 South Water St., Gallatin, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Granulated stemmed leaf tobacco*, in sheets or bags, and *leaf tobacco stems*, in hogsheads, from Gallatin, Tenn., to Lancaster, Pa., and Hellmetta, N. J., together with *Petition for determination* as to whether commodities sought to be transported by instant application are exempt agricultural commodities.

NO. MC 114364 SUB 13, WRIGHT MOTOR LINES, INC., 16th and Elm, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, from Hutchinson and Lyons, Kans., to points in that part of Texas on and west of U. S. Highway 183 and on and north of U. S. Highway 180, and those in that part of New Mexico on and north of U. S. Highway 60 and on and east of U. S. Highway 85 from the junction with U. S. Highway 60 to junction U. S. Highway 84, and thence on and east of U. S. Highway 84 to the New Mexico-Colorado State line.

Applicant is authorized to conduct operations in Kansas and Colorado.

NO. MC 114581, AIRFIELD SERVICE COMPANY, INCORPORATED, 338 Asylum Street, Hartford, Conn. Applicant's attorney: Reubin Kaminsky, Joseloff & Kaminsky, 410 Asylum Street, Hartford, Conn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *General commodities*, including *commodities of unusual value*, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Bradley Field in Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut and Massachusetts within 35 miles thereof. Restricted to shipments having an immediate prior or subsequent movement by aircraft. *Together with Motion to Dismiss* on the grounds that applicant is subject to the partial exemption provisions of section 203 (b) (7a) of Part II of the Interstate Commerce Act.

NO. MC 114725 SUB 1, W. F. WYNNE, doing business as WYNNE TRANSPORT SERVICE, 11th & Seward Streets, Omaha, Nebr. Applicant's attorney: Samuel Zacharia, Kaplan & Zacharia, Suite 339 Omaha National Bank Bldg., Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, and *fertilizer*, in bulk, *including nitrogen fertilizer solutions, mixed fertilizers, and fertilizer materials*, in bulk, in tank vehicles, from the site of the Spencer Chemical Plant at or near Military, Kans., the site of the Consumer's Cooperative Association Plant at or near Lawrence, Kans., and the site of the Schrock Fertilizer Company Plant at or near Bern, Kans., to points in Iowa and Nebraska, with *damaged shipments* on return.

NO. MC 114808 SUB 1, W. C. MOORHEAD, JR., doing business as MOORHEAD FREIGHT LINE, North Highway 666, Gallup, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in McKinley County, N. Mex., points in Arizona on and east of U. S. Highway 89 and those on and north of U. S. Highway 66, except no service is proposed to those points located within five miles north of U. S. Highway 66.

NO. MC 114827, ALBERT J. SCHUMAKER, 1806 Jermain Drive, Toledo, Ohio. For authority to operate as a *Common carrier*, over irregular routes, transporting: *Used house trailers*, by towaway method, between Toledo, Ohio, on the one hand, and, on the other, points in Ohio, Michigan, and Indiana.

NO. MC 114881, SOUTHERN TRANSPORT, INC., 1200 West Hillsboro St., El Dorado, Ark. Applicant's attorney: J. Hugh Wharton, El Dorado, Ark. For authority to operate as a *contract carrier*, over regular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank trucks, (1) From Greenville, Miss., to Little Rock, Ark., over U. S. Highway 82 from Greenville to junction of U. S. Highway 65, thence over U. S. Highway 65 to Little Rock, and thence return from Little Rock, Ark., to Greenville, Miss., over U. S. Highway 167 from Little Rock to El Dorado, Ark., thence over U. S. Highway 82 to junction of U. S. Highway 65, and thence over above-described outbound route (U. S. Highway 82) to Greenville, with *empty containers or other such incidental facilities* (not specified) used in transporting petroleum and petroleum products, serving the intermediate points of McGehee, and Pine Bluff, Ark., and (2) from Greenville, Miss., to Hot Springs, and Malvern, Ark., over above-described return movement route (U. S. Highway 82 from Greenville to El Dorado, Ark.), thence over Arkansas Highway 7 to Camden, Ark., thence over Arkansas Highway 24 to junction Arkansas Highway 53, thence over Arkansas Highway 53 to Gurdon, Ark., thence over U. S. Highway 67 to Arkadelphia, Ark., thence from Arkadelphia over Arkansas Highway 7 to Hot Springs, and also over U. S. Highway 67 to Malvern, and thence return from Hot Springs, and Malvern, Ark., to Greenville, Miss., over the same highways, with *empty containers or other such incidental facilities* (not specified) used in transporting petroleum and petroleum products, serving the intermediate points of El Dorado, Camden, Gurdon, Crossett, and Arkadelphia, Ark.

NO. MC 114896, ARMORED MOTOR SERVICE, INC., Commercial Standard Building, Fort Worth, Tex. Applicant's attorney: Joe T. Lanham, Brooks Building, Austin, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Currency, bullion, minor coin, silver coin* and *associated money transfers*, (1) Between Denver, Colo., Philadelphia, Pa., and Washington, D. C., on the one hand, and, on the other, El Paso, San Antonio, Dallas, and Houston, Tex., Oklahoma City, Okla., Kansas City and St. Louis, Mo., Louisville, Ky., Nashville and Memphis, Tenn., Birmingham, Ala., Little Rock, Ark., and New Orleans, La., and (2) between El Paso, Dallas, Houston, and San Antonio, Tex., Oklahoma City, Okla., Little Rock, Ark., Memphis, Tenn., New Orleans, La., Nashville and Memphis, Tenn. (Carrier proposes to coordinate the service to be rendered by interchange with any other certificated carriers.)

NO. MC 114900, LUTHER M. ANDERSON, doing business as ANDERSON TRUCK LINES, P. O. Box 372, Grand Saline, Tex. Applicant's attorney: T. S. Christopher, Continental Life Building, Fort Worth 2, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Salt*, in bulk, blocks, sacks, and packages, in straight or mixed loads, and for delivering to not more than three consignees on any single load and not less than 7,000 pounds to be delivered to a single consignee, from Grand Saline, Tex., and points within 10 miles thereof, to points in New Mexico, with *damaged shipments* on return movements.

NO. MC 114901, AUGUST VAROLI and RAYMOND F. VAROLI, doing business as VAROLI AND SON, 973 Ridge Road, Bridgeville, Pa. Applicant's attorney: William S. Yard, Washington Trust Building, Washington, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Concrete products* from the plant of the Universal Concrete Pipe Company located in Collier Township, Allegheny County, Pa., to points in Hancock, Brooke, Ohio, Marshall, Wetsel, Monongalia, Preston, Marion, Harrison, Taylor, Wood, Tyler, and Pleasant Counties, W. Va., and Ashtabula, Lake, Geauga, Summit, Cuyahoga, Lorain, Medina, Wayne, Holmes, Trumbull, Portage, Mahoning, Stark, Columbiana, Noble, Monroe, Washington, Vinton, Jackson, Carroll, Jefferson, Harrison, Tuscarawas, Guernsey, Belmont, Morgan, Athens, and Meigs Counties, Ohio, and (2) *Returned shipments* of concrete products, and *materials* and *equipment* used in the manufacture of concrete products, from points in the above-specified West Virginia and Ohio Counties, to the plant of the Universal Concrete Pipe Company located in Collier Township, Allegheny County, Pa.

NO. MC 114903, HARRY F. BRISCOE, doing business as MOBILE HOME MOVING SERVICE, 3680 Jefferson Street, Kansas City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used house trailers*, and *accessories* and *equipment* when moving with such trailers, between points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone as defined by the Commission, on the one hand, and, on the other, all points in the United States and the District of Columbia.

NO. MC 114904, BURTON W. ROHLWING, doing business as ROHLWING TRAILER SALES, 240 West Huntington Drive, Monrovia, Calif. Applicant's attorney: Virgil J. Butler, 11212 E. Live Oak Ave., Arcadia, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in towaway and truckaway service, in initial and secondary movement, between points in the United States.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

NO. MC 7257 SUB 6, PROVINCIAL TRANSPORT COMPANY, a corporation, 1188 Dorchester St., West, Montreal, Quebec, Canada. Applicant's attorney: Jack R. Turney, Jr., Turney & Turney, 2001 Massachusetts Avenue, NW., Washington 6, D. C. For authority to operate as *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, from ports of entry on the United States-Canada International Boundary line in New York between Rooseveltown, N. Y., and the New York-Vermont State line and all ports of entry located on said International Boundary line in Vermont to points in New York, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, and Maine, and return to point of origin.

NO. MC 28395 SUB 2, LESTER I. CREIGHTON, doing business as CAPI-

TCL STAGE LINES, 6801 Van Dorn, Lincoln, Nebr. Applicant's attorney: J. Max Harding, 901 South 13th Street, Lincoln, Nebr. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Fremont, Nebr., and Oakland, Nebr., over U. S. Highway 77, serving the intermediate points of Winslow and Uehling, Nebr. Applicant is authorized to conduct operations in Nebraska.

NO. MC 29861 SUB 1, GRAY COACH LINES, LIMITED, a corporation, 35 Yonge Street, Toronto, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Bldg., Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at the Boundary of the United States and Canada and extending through the ports of entry in Maine, New Hampshire, Vermont, New York, and Michigan (except the ports of entry of Buffalo and Niagara Falls, N. Y., and Detroit, Mich.), to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NO. MC 61616 SUB 57, MISSOURI PACIFIC TRANSPORTATION COMPANY, A Corporation, 1601 Missouri Pacific Bldg., St. Louis, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between specified points in Nebraska, as follows: (1) From Lincoln over U. S. Highway 34 to Union, Nebr.; (2) From junction U. S. Highway 34 and unnumbered highway, over unnumbered highway to Walton, Nebr.; (3) From junction U. S. Highway 34 and unnumbered highway, over unnumbered highway to Eagle, Nebr.; (4) From junction U. S. Highway 34 and Nebraska Highway 1, over Nebraska Highway 1 to Elmwood, Nebr.; (5) From junction U. S. Highway 34 and Nebraska Highway 50, over Nebraska Highway 50 to Weeping Water, Nebr.; (6) From junction U. S. Highway 34 and unnumbered highway, over unnumbered highway to Nehawka, Nebr. Return over the same routes to the above-specified origin points. Service is proposed to and from all intermediate points on the above-described routes. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Tennessee, and Texas.

NO. MC 114340 SUB 3, THOMAS PARRAN, JR., doing business as SILVER SPRING TRANSIT CO., 11339 Elkins Drive, Wheaton, Md. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, (1) Between Washington, D. C., and Rockville, Md., operating from Washington over Maryland Highway 190 to junction Maryland Highway 189, thence over Maryland Highway 189 to Rockville, and return over the same route, serving all intermediate points, and (2) Between junction Maryland Highways 190 and 614, and the Maryland-District of Columbia boundary line, operating from junction Maryland Highways 190 and 614 over Maryland Highway 614 to junction Maryland Highway 396 (Massachusetts Avenue Extended), and thence over Maryland Highway 396 to the District of Columbia, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maryland and the District of Columbia.

NO. MC 114646 SUB 1 (Amended), SOL'S LAKEWOOD LINE, INC., 131 Norfolk St., New York, N. Y. Applicant's attorney: Sol Paseltiner, 20 South Broadway, Yonkers 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations in nonscheduled door-to-door service, limited to the transportation of not more than six passengers in one vehicle, not including the driver thereof nor children under 10 years of age who do not occupy a separate seat or seats, between New York, N. Y., on the one hand, and, on the other, Asbury Park, N. J., and points within 20 miles thereof. Applicant is authorized to conduct operations in New Jersey and New York.

CORRECTIONS

Application of Federal Express, Inc., Indianapolis, Ind., Docket No. MC 40302 Sub 15, is the correct docket number assigned to instant application, published on page 5242, issue of Wednesday, August 18, 1954, in lieu of Docket No. MC 40304 Sub 15 as published.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

NO. MC–F–5745. Authority sought for purchase by SOUTHERN-PLAZA EXPRESS, INC., 1209 Washington Ave., St. Louis, Mo., of the operating rights of ENGLISH FREIGHT COMPANY, P. O. Box 514, Dallas, Tex., and for acquisition by FIELDING CHILDRESS and COLUMBIA TERMINALS COMPANY, St. Louis, Mo., of control of the operating rights through the purchase. Applicants' attorney: Clarence D. Todd, 944 Washington Bldg., Washington, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions, as a *common carrier*, over regular routes, principally between Fort Worth and Houston, Tex.; between Dallas and San Antonio, Tex.; between Houston and El Paso, Tex.; between Fort Worth, Tex., and Oklahoma City, Okla.; and between Dallas, Tex., and Tulsa, Okla., serving numerous intermediate and off-route points. Vendee presently may operate said rights as lessee. Vendee is authorized to operate in Texas, Oklahoma, Arkansas, Kansas, Missouri, and Illinois. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5747. Authority sought for purchase by THE ANDREWS MOVING AND STORAGE COMPANY, 6802 Lexington Ave., Cleveland, Ohio, of the operating rights of THE ANDREWS FURNITURE STORAGE COMPANY, 6802 Lexington Ave., Cleveland, Ohio, and for acquisition by R. H. WOODRUFF, N. F. FRERICK, E. R. DOUGLAS, JOHN F. MARSHALL and WILLIAM SCATES, all of Cleveland, Ohio, of control of the operating rights through the purchase. Applicants' attorney: John P. McMahon, 44 East Broad St., Columbus 15, Ohio. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over irregular routes, between points in Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Tennessee, Wisconsin, and the District of Columbia. Vendee does not hold authority from the Interstate Commerce Commission. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5756. Authority sought for purchase by BELL LINES, INC., 6414 McCorkel Ave., S. E., Charleston, W. Va., of the operating rights of LOWTHER TRUCKING COMPANY, Charlotte, N. C., and for acquisition by JOHN E. AMOS and FRED SCLAVI, Charleston, W. Va., of control of the operating rights through the purchase. Applicants' attorney: Francis W. McInerny, 1625 K St., N. W., Washington 6, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions, as a *common carrier*, over regular routes, between Charlotte, N. C., and Rock Hill, S. C., serving all intermediate points; between junction U. S. Highway 21 and unnumbered highway (north of Rock Hill, S. C.) and Red River Mills (Red River, S. C.), serving all intermediate points; between Rock Hill and Great Falls, S. C., between Rock Hill and Clover, S. C., between Rock Hill and Lancaster, S. C., and between Bascomville and Great Falls, S. C., serving all intermediate points; *general commodities*, with certain exceptions, over irregular routes, from Charlotte, N. C., to points in North Carolina and South Carolina; from Wilmington, N. C., and points in South Carolina, to Charlotte, N. C.; *tires, tire accessories, batteries, paint, lacquers, varnishes, painters supplies*, and *lumber*, from, to and between points in North Carolina and South Carolina. Vendee is authorized to operate in Indiana, Ohio, Pennsylvania, North Carolina, South Carolina, Kentucky, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5757. Authority sought for control and merger by THE GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago, Ill., of the operating rights and property of THE SOUTHERN LIMITED, INC., 1619 South State St., Chicago, Ill. Applicants' attorney: Jack R. Turney, Jr., 2001 Massachusetts Ave., NW., Washington 6, D. C. Operating rights sought to be controlled and merged: *Passengers and their baggage*, as a *common carrier*, over regular routes, between Chicago, Ill., and Paducah, Ky., and between Paris, Ill., and Evansville, Ind., serving all intermediate points. Applicant is authorized to operate in Ohio, Indiana, Michigan, Illinois, Missouri, Iowa, Massachusetts, Maine, New Hampshire, California, Nebraska, New York, New Jersey, Wyoming, Pennsylvania, Utah, Kentucky, South Dakota, West Virginia, Kansas, Georgia, Louisiana, Nevada, Alabama, Florida, Mississippi, Tennessee, Arizona, Arkansas, Colorado, Washington, Oregon, Idaho, Minnesota, and Montana. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5766. Authority sought for purchase by SPEEDWAY TRANSPORTS, INC., 3548 S. Grand Ave., St. Louis 18, Mo., of the operating rights of AUTOMOBILE CONVOY COMPANY, 6110 Natural Bridge Rd., St. Louis 20, Mo., and for acquisition by EDGAR S. IDOL, St. Louis, Mo., of control of the operating rights through the purchase. Person to whom correspondence should be addressed: Edgar S. Idol, 3548 S. Grand Ave., St. Louis 18, Mo. Operating rights sought to be transferred: *Automobiles, trucks, bodies, automobile parts, trailers, tractors, chassis, cabs, and related articles, automobile show equipment and paraphernalia*, as a *common carrier*, over irregular routes, from, to and between points in Missouri, Illinois, Indiana, and Michigan. Vendee is authorized to operate in Wisconsin, Illinois, Missouri, Kentucky, Arkansas, and Indiana. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5770. Authority sought for purchase by SAFEWAY TRUCK LINES, INC., 4125 So. Emerald Ave., Chicago, Ill., of a portion of the operating rights of LEE BROTHERS, INC., 601 W. 51st St., Chicago, Ill., and for acquisition by W. S. HARRINGTON and JOHN T. BOYKE, Chicago, Ill., of control of the operating rights through the purchase. Applicants' attorney: Joseph M. Scanlan, 111 W. Washington St., Chicago 2, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions, as a *common carrier*, over irregular routes, from points in the Chicago Commercial Zone to points in Indiana; from points in New York to points in Ohio and Indiana; between points in the Chicago, Ill., Commercial Zone and points in Ohio, New York and Pennsylvania; *fruit juices, jams, jellies and preserves*, from Westfield and Silver Creek, N. Y., to Lawton, Mattawan, and Detroit, Mich., and from North East, Pa., to Lawton and Mattawan, Mich.; *butter* from Bay City, Mich., to Syracuse, Rochester, Utica, Amsterdam, Schenectady, Albany, Troy and Binghamton, N. Y.; *dairy products*, between Pine Camp, N. Y., on the one hand, and, on the other, Detroit, Mich., Erie, Pa., Cleveland, Ohio, and Indianapolis, Ind.; *cocoa, chocolate and confectionery*, between Syracuse, Fulton, and Oswego, N. Y., on the one hand, and, on the other, Detroit, Mich., and Indianapolis, Ind. Vendee is authorized to operate in Kansas, Nebraska, Missouri, New Jersey, Connecticut, Massachusetts, Rhode Island, Colorado, Iowa, Kentucky, Minnesota, Maryland, Delaware, West Virginia, Maine, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5772. Authority sought for control and merger by DEALERS TRANSIT, INC., 3401 North Dort, Flint, Mich., of the operating rights and property of DEALER'S TRANSPORT COMPANY, 12933 S. Stoney Island Ave., Chicago 33, Ill., and for acquisition by W. F. CAREY and BERT B. BEVERIDGE, Flint, Mich., of control of said operating rights and property through the transaction. Applicants' attorney: James W. Wrape, Sterick Bldg., Memphis, Tenn. Operating rights sought to be controlled and merged: *Automobiles, trucks, trailers, bodies, cabs, chassis, tractors, commercial automotive vehicles, buses, automotive show displays and equipment, automotive parts and equipment*, as a *common carrier*, over irregular routes, from, to and between points in the United States. Applicant is not a motor carrier but is affiliated with Automobile Carriers, Inc., and C & J Commercial Driveaway Co., Inc. One or both of said affiliates are authorized to operate in Michigan, Nebraska, Alabama, Illinois, Georgia, Indiana, Iowa, Missouri, Tennessee, Ohio, Wisconsin, Kentucky, Minnesota, New Jersey, New York, Pennsylvania, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–6878; Filed, Aug. 31, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1627]

OWENS-ILLINOIS GLASS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of August A. D. 1954.

The Boston Stock Exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, $12.50 Par Value, of Owens-Illinois Glass Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 17, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 54–6897; Filed, Sept. 1, 1954; 8:47 a. m.]

Room

FEDERAL REGISTER

VOLUME 19 NUMBER 172

Washington, Friday, September 3, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3065

FIRST INTERNATIONAL INSTRUMENT CONGRESS AND EXPOSITION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the First International Instrument Congress and Exposition is to be held at Philadelphia, Pennsylvania, from September 13 to 25, 1954, inclusive, for the purpose of exhibiting various kinds of scientific instruments and devices and the promotion of foreign and domestic trade and commerce in such products; and

WHEREAS the Congress, by a joint resolution approved August 28, 1954, authorized the President of the United States of America, by proclamation or in such other manner as he may deem proper, to invite the States of the Union and foreign countries to participate in such International Congress and Exposition; and

WHEREAS the participation by the States of the Union and foreign countries in the First International Instrument Congress and Exposition will advance the arts and sciences connected with the theory, design, manufacture, and use of instruments in the various sciences and technologies, and further foreign and domestic commerce in these articles:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby invite the States of the Union and all countries of the free world to participate in the First International Instrument Congress to be held at Philadelphia, Pennsylvania, from September 13 to September 25, 1954, inclusive.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-eighth day of August in the year of our Lord nineteen hundred [SEAL] and fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:

WALTER B. SMITH,
Acting Secretary of State.

[F. R. Doc. 54-6956; Filed, Sept. 1, 1954; 3:06 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 728—WHEAT

SUBPART—1955-56 MARKETING YEAR

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDUM

Section 728.508 is issued to announce the results of the wheat marketing quota referendum for the marketing year July 1, 1955, through June 30, 1956, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for wheat for the 1955-56 marketing year (19 F. R. 3863). The Secretary announced (19 F. R. 3899) that a referendum would be held on July 23, 1954, to determine whether wheat producers were in favor of or opposed to marketing quotas for the marketing year July 1, 1955, through June 30, 1956. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 728.508 *Proclamation of the results of the wheat marketing quota referendum for the marketing year 1955-56.* In a referendum of farmers engaged in the production of wheat for the 1955 crop

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FEDERAL REGISTER

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held on July 23, 1954, 284,646 farmers voted. Of those voting 208,623 or 73.3 percent favored quotas for the marketing year beginning July 1, 1955. Therefore, wheat marketing quotas will be in effect for the 1955–56 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Issued this 31st day of August 1954.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 54–6946; Filed, Sept. 2, 1954; 8:51 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.11, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1954

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of revising Sugar Regulation 814.11 (19 F. R. 2006) which allots the 1954 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1954 sugar quota for local consumption in Puerto Rico among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments," respectively.

Revision of Sugar Regulation 814.11 is necessary to substitute in the determination of allotments the final data on processings of sugar from 1953–54 crop cane, and January 1, 1954, carryover of sugar.

The allotments established by the initial order were based upon certification to the allottees as of January 27, 1954 of the quantities of sugar that might be produced from 1953–54 crop sugarcane to which proportionate shares pertained and estimates of the quantity of carryover sugar of each allottee on hand January 1, 1954, whether in Puerto Rico, afloat, or in bond in the continental United States. Therefore, in order to prevent any allottee from marketing sugar in excess of the allotment established therefor on the basis of the final data, marketings were limited to 80 percent of the allotments. Final data on 1953–54 crop processings and January 1, 1954 inventories of sugar are now available and are set forth in the following table together with the measures of the three factors "processings • • • from proportionate shares • • • ," past marketings," and "ability to market":

Processor	Sugar produced from 1953–54 crop sugarcane	Average annual marketings of sugar 1949–53	Jan. 1, 1954, carryover of sugar	Sugar produced from 1953–54 crop cane plus Jan. 1, 1954, carryover of sugar
	(1)	(2)	(3)	(4)
		(short tons, raw value)		
Antonio Roig, Sucesores, S. en C	49,866	46,261	4,631	53,897
Arturo Lluberas (Estate of) y Sobrinos (San Francisco)	7,724	6,337	1,279	9,003
Asociacion Azucarera Cooperativa (Lafayette)	35,360	33,135		35,360
Central Coloso, Inc	113,745	113,268	8,136	121,881
Central Eureka, Inc	58,217	52,477	8,545	66,762
Central Guanmani, Inc	41,939	33,454	4,948	46,887
Central Igualdad, Inc	12,493	10,417	927	13,420
Central Juanita, Inc	43,606	42,238	7,209	50,815
Central Mercedita, Inc	43,846	34,179	13,762	57,608
Central Monserrate, Inc	79,362	73,712	1,705	81,067
Central San Vicente	27,577	25,066	2,197	29,774
Compania Azucarera del Camuy, Inc. (Rio Llano)	67,633	53,541	13,053	80,686
Compania Azucarera del Toa	15,183	14,489	608	15,791
Cooperativa Azucarera Los Canos	35,366	29,902	9,748	45,114
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	40,103	34,574	4,255	44,358
Eastern Sugar Associates, a trust	12,159	11,716	1,480	13,639
Fajardo Sugar Co	120,372	127,026	17,715	138,087
Land Authority of Puerto Rico	112,688	115,888	23,943	136,631
Mario Mercado e Hijos (Rufina)	73,999	71,065		73,999
Mayaguez Sugar Co., Inc. (Rochelaise)	35,805	30,573	1,644	37,449
Plata Sugar Company	10,709	10,366		10,709
Soller Sugar Company	53,891	44,865	6,495	60,386
So. Porto Rico Sugar Co. of P. R	13,220	12,703		13,220
All other persons	99,106	99,761	7,014	106,120
Total	1,203,969	1,126,953	138,694	1,342,663

Each allottee under § 814.11 has agreed to waive its right to a public hearing prior to the revision of the order to give effect to final 1953–54 crop production and January 1, 1954 carryover data. This agreement was conditioned upon the use of the same allotment formula as was used in the initial order. The revised allotments are based on the same formula used in the initial order. This amendment allots the full amount of both quotas.

Since a number of allottees have already brought in or marketed a large portion of their initial allotments, it is imperative that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this order shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraphs (a) and (c) of § 814.11[1] are hereby amended to read as follows:

§ 814.11 *Allotment of 1954 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1954 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the 1954 sugar quota for local consumption in Puerto Rico are hereby allotted to the following processors in quantities which appear in columns (1) and (2) opposite their respective names:

Processor	Mainland allotment	Local allotment
	(1)	(2)
	(short tons, raw value)	
Antonio Roig, Sucesores, S. en C	26,950	21,584
Arturo Lluberas (Estate of) y Sobrinos (San Francisco)	5,914	1,638
Asociacion Azucarera Cooperativa (Lafayette)	33,809	140
Central Aguirre Sugar Co., a trust	109,702	1,607
Central Coloso, Inc	56,770	401
Central Eureka, Inc	39,571	938
Central Guanmani, Inc	10,748	1,276
Central Igualdad, Inc	26,517	16,754
Central Juanita, Inc	41,987	1,893
Central Mercedita, Inc	55,279	21,138
Central Monserrate, Inc	26,644	118
Central San Vicente	65,966	232
Compania Azucarera del Camuy, Inc. (Rio Llano)	14,703	-------
Compania Azucarera del Toa	35,317	-------
Cooperativa Azucarera Los Canos	38,928	-------
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	10,681	1,284
Eastern Sugar Associates, a trust	106,107	14,652
Fajardo Sugar Company	113,469	-------
Land Authority of Puerto Rico	71,213	-------
Mario Mercado e Hijos (Rufina)	33,486	864
Mayaguez Sugar Company, Inc. (Rochelaise)	10,190	123
Plata Sugar Company	51,926	360
Soller Sugar Company	12,721	-------
South Porto Rico Sugar Company of Puerto Rico	81,402	15,688
All other persons	0	0
Total	1,680,000	100,000

• • • • • •

(c) *Restrictions on marketing.* (1) During the calendar year 1954 each processor named in paragraph (a) of this section, together with the producers with whom it shares its allotments under paragraph (b) of this section, is hereby prohibited from bringing into the continental United States for consumption therein, or marketing to a local refiner or any other person for that purpose, and from marketing for local consumption in Puerto Rico, any sugar in excess of the applicable quantities established in columns (1) and (2) of the table in paragraph (a) of this section.

(2) During the calendar year 1954 all persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing sugar for local consumption in Puerto Rico in excess of the sum of (i) the quantity of sugar acquired for such purpose under the limitations

[1] In Federal Register Document Number 54–2637, filed April 7, 1954, published in FEDERAL REGISTER for April 8, 1954 (19 F. R. 2006), § 814.9 was in error and is hereby corrected to read § 814.11.

specified in § 814.9, as amended (18 F. R. 2493, 5053, 7510), and held in inventory on December 31, 1953, and (ii) the quantity of sugar acquired for such purpose within the limits specified in this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 31st day of August 1954. Witness my hand and seal of the Department of Agriculture.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 54-6947; Filed, Sept. 2, 1954; 8:51 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (3) of § 6.311 is amended as set out below.

§ 6.311 *Department of Agriculture.*

• • •

(h) *Farmers Home Administration.*

• • •

(3) Two Assistants to the Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823; 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-6929; Filed, Sept. 2, 1954; 8:48 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

CONTINUATION IN EFFECT OF EXISTING CONTROLS CONSISTENT WITH ATOMIC ENERGY ACT, 1954

Pursuant to the Atomic Energy Act of 1954 (Public Law 703, 83d Congress) and section 4 (a) of the Administrative Procedure Act of 1946, as amended (Public Law 404, 79th Congress), the following note affecting Title 10, Chapter I, Code of Federal Regulations, entitled "Atomic Energy Commission", is promulgated as a rule of the Atomic Energy Commission.

NOTE: Until further order of the Atomic Energy Commission, all provisions of rules, regulations, and notices, published by the Atomic Energy Commission in the FEDERAL REGISTER under the authority of the Atomic Energy Act of 1946, and in effect immediately prior to the effective date of the Atomic Energy Act of 1954, are continued in force and effect to the extent that they are not inconsistent with the Atomic Energy Act of 1954. The term "fissionable material", as used in such rules, regulations, and notices, means special nuclear material as defined in the Atomic Energy Act of 1954.

Effective date. This rule is effective as of the effective date of the Atomic Energy Act of 1954. Notice and public procedure is omitted for good cause found by the Atomic Energy Commission on the ground that such would be contrary to the public interest by reason of the fact that the public health and safety and the national defense necessitate the uninterrupted continuation of the effectiveness of all existing controls. However, the provisions hereof are considered as interim provisions by the Commission and comments by all interested parties are invited.

Dated at Washington, D. C., this 30th day of August 1954.

K. D. NICHOLS,
General Manager.

[F. R. Doc. 54-6920; Filed, Sept. 2, 1954; 8:45 a. m.]

PART 50—CONTROL OF FACILITIES FOR THE PRODUCTION OF FISSIONABLE MATERIAL

DEFINITION OF PRODUCTION FACILITY

Pursuant to the Atomic Energy Act of 1954 (Public Law 703, 83d Congress) and section 4 (a) of the Administrative Procedure Act of 1946, as amended, Public Law 404, 79th Congress, Title 10, Chapter I, Part 50, Code of Federal Regulations, entitled "Control of Facilities for the Production of Fissionable Material", is amended as set forth hereunder.

1. Amend § 50.2 by adding the following new paragraph (g).

(g) The Commission has determined pursuant to section 11 p of the Atomic Energy Act of 1954 that the term "production facility" includes all facilities for the production of fissionable material as defined in this part. The Commission has also determined that the general licensing of items in Schedule B pursuant to § 50.12 (b) will not constitute an unreasonable risk to the common defense and security.

2. Amend § 50.12 by deleting paragraph (c) thereof.

(Pub. Law 703, 83d Cong.)

Effective date. This order is effective as of the effective date of the Atomic Energy Act of 1954. Notice and public procedure is omitted for good cause found by the Commission on the ground that such are impracticable by reason of the fact that due and timely execution of the Commission's functions in giving effect to the Atomic Energy Act of 1954 would be impeded by such notice and procedure. However, the provisions hereof are considered as interim provisions by the Commission and comments by all interested parties are invited.

Dated at Washington, D. C., this 30th day of August 1954.

K. D. NICHOLS,
General Manager.

[F. R. Doc. 54-6921; Filed, Sept. 2, 1954; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 47 (AGE-4, Amdt. 6)]

AGE-4—COMPENSATION PAYABLE TO AGENTS, GENERAL AGENTS AND BERTH AGENTS

COMPENSATION OF GENERAL AGENTS FOR HUSBANDING SERVICES, ETC.

Paragraph (a) of section 2 *Compensation of General Agents for husbanding services, etc.* of NSA Order No. 47 (AGE-4), as amended by Amendment 1 (16 F. R. 12019), Amendment 4 (18 F. R. 2174), and Amendment 5 (19 F. R. 1410), is hereby further amended by adding a new subparagraph designated "(4)" following subparagraph "(3)" to read as follows:

(4) *Tankers assigned for deactivation and layup.* $75.00 per day per tanker for the period the tanker is assigned for deactivation and layup: *Provided*, That such compensation shall be reduced to $25.00 per day for each full day the tanker is not being substantially serviced by the General Agent under NSA Order No. 66 (OPR-6) or is not moving or being moved in connection with such services, as determined by the Coast Director, effective July 15, 1954. (The Director has found that the activities of General Agents performing services for tankers are not within the scope of sections 3 and 7 of NSA Order No. 47 (AGE-4), and pursuant to section 8 (d) of said order, has exempted said activities from the provisions of said sections and has determined that the rates prescribed in this subparagraph constitute fair and reasonable compensation for all services required to be performed by the General Agents.)

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Approved: August 25, 1954.

C. H. MCGUIRE,
Director, Office of National Shipping Authority and Government Aid.

[F. R. Doc. 54-6974; Filed, Sept. 2, 1954; 10:17 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 134—SIGNAL FAILURE REPORTS

MONTHLY REPORT OF FAILURE OF BLOCK SIGNAL SYSTEMS, INTERLOCKING, AUTOMATIC TRAIN STOP, TRAIN CONTROL, AND CAB SIGNAL DEVICES, AND OTHER SIMILAR APPLIANCES, METHODS, AND SYSTEMS TO INDICATE OR FUNCTION AS INTENDED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of May A. D. 1954.

The matter of revising Forms 1, 2, and 3 entitled "Signal Failure Report" and the method embodied in the instructions therein set forth being under consideration:

It appearing that carriers are presently required to furnish information on Forms 1 and 2, some of which is no longer needed or necessary, and in order that such information no longer required may be eliminated from said forms and related instructions.

It is ordered, That the said Forms 1, 2, and 3 be and they are hereby consolidated and revised in the matter indicated by the following accompanying forms: [1]

§ 134.1 *List of forms.*

1. Signal failure report.
2. Instructions.

And it is further ordered, That this order shall become effective on the first day of October A. D. 1954.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 441, 41 Stat. 498, as amended; 49 U. S. C. 26)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-6942; Filed, Sept. 2, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 913]

[Docket No. AO-23-A13]

HANDLING OF MILK IN THE GREATER KANSAS CITY MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City, marketing area, which was issued August 20, 1954 (19 F. R. 5403), is hereby extended to September 10, 1954.

Dated: August 30, 1954.

[SEAL] ORIS V. WELLS,
Administrator.

[F. R. Doc. 54-6944; Filed, Sept. 2, 1954; 8:51 a. m.]

[7 CFR Part 924]

[Docket No. AO-225-A5]

HANDLING OF MILK IN THE DETROIT, MICHIGAN, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Detroit, Michigan, on April 20, 1954 pursuant to notice thereof which was issued on April 5, 1954 (19 F. R. 2019).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on July 30, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in the proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 4, 1954 (19 F. R. 4877).

Preliminary statement. The material issues considered on the record of the hearing related to two aspects of the definition of a handler as the operator of a "country" supply plant.

(1) The quantities of milk to be supplied by a country plant to a city plant, the period of such supply, and other conditions applicable to such supplies; and

(2) The sanitary requirements applicable to a country supply plant.

Findings and conclusions. Upon the basis of the evidence adduced at the hearing and on the record thereof it is hereby found and concluded that:

(1) *Country plant shipping requirements.* The order now provides two principal qualifications for "country" plants. These are the plants which assemble milk from producers for bulk shipment to the "city" plants, i. e., those in which milk is bottled and from which it is distributed on routes in the marketing area. One qualification is that the country plant supply of milk be approved by one of four health authorities designated in the order. The second is that the country plant make shipments to city plants in an amount equal to 10 percent of the total quantities received from producers at the country plant during the months of November and December. Any plant making such shipment remains qualified as a pool plant during the succeeding 10 months.

At the hearing the producers testified that these standards did not constitute an adequate measure of a country plant's contribution to the fluid milk requirements of the Detroit market.

They proposed that country supply plants be qualified only by city plants which required the milk for Class I purposes and that half of the total receipts of milk at the country plant be so utilized in specified fall and winter months. The Class I needs of city plants would be measured by adding a 15 percent operating reserve to their Class I sales. Only to the extent that their present supply of producer milk was less than such Class I needs would there be any reserve supply credit available for qualifying a new plant. The new plant would be required to ship 50 percent of its total supply of milk to city plants with reserve supply credit. Presumably, 50 percent of the supply at existing country plants (singly or in groups) also would have to be shipped to city plants for Class I use in the specified months. However, the proposal was not clear on this point. Milk from the presently qualified country plants would be deducted from Class I needs at city plants in determining whether any reserve supply credit existed for new country plants but would not itself qualify for reserve credit or otherwise be required to be used for Class I purposes.

In the recommended decision it was pointed out that the plant definitions cannot appropriately be relied upon as a means of keeping the number of country supply plants adjusted to the Class I needs of handlers. Rather, the price levels established by the order should be relied upon as the primary regulator of supply and demand. The Class I price and the proportion of mills sold in Class I determine the amount by which the blend price exceeds manufacturing values and thereby directly affects producers' decisions on production. The Class II price also has an important effect on supply. It affects a plant's profit or loss on the handling of milk not used for fluid purposes and thereby determines the eagerness or reluctance of the management to sign on new producers.

In the recommended decision it was proposed that country plant qualifications depend upon two principal elements. One was the extent to which a city plant had any Class I needs for country plant sources of supply. This was to be measured by deducting from Class I sales 85 percent of the quantity of milk delivered directly from farms to the city plant. Only 85 percent of direct receipts were to be deducted in recognition of the need for an operating reserve. The second major qualification requirement was that a country plant (or group of such plants) furnish 30 percent of its total receipts to city plants having reserve supply credit. If a country plant supplied milk to the market in specified Fall months, it could maintain pool status during the ensuing flush-production season. The requirements would be the same to new and old country plants and would be based on present service to the market.

All the exceptions filed by interested parties, including the proponent cooperative association, were critical of that

[1] Forms filed as part of the original document.

feature of the computation of a city plant's reserve supply credit which calls for the subtraction from Class I sales of 85 percent of the direct-delivered milk. It was pointed out that only 20 percent of the Detroit milk supply is shipped directly from farms to city plants. The comparatively few handlers who receive substantially all their milk directly from producers would not be able to qualify additional country plant sources of supply, whereas a similar plant relying on country plant sources could qualify as many country plants as could ship the minimum percentage of total receipts within the city plant's reserve supply credit.

It must be recognized, however, that the requirements of the two city plants for country plant supplies are substantially different; a city plant with a full supply of direct-delivered milk needs no country plant sources, while one with little or no direct receipts will necessarily depend on country plant milk. Also, the recommended definition of a country plant was designed to eliminate the back hauling of milk as a means of meeting qualification. This was to be accomplished by giving credit only to such shipments of country plant milk as were usable by a city plant for Class I purposes, within the definition of reserve supply credit. All of the direct-delivered milk at a city plant, with the exception of an operating reserve, was to be subtracted from Class I sales in order to determine the net Class I requirements which are to be met by country plant shipments. If reserve credit were to be determined by deducting only a small portion (or none) of the direct-delivered milk, a city plant with a full supply of direct-delivered milk could qualify a country plant only by manufacturing the country plant milk or by directing an equal quantity of milk to a manufacturing plant. In neither event could the country plant milk be properly considered as having been shipped to the city in order to meet Class I requirements. The incentive to maintain pool qualification through more shipment of milk to city plants, without regard to their ability to use it for Class I purposes, would be enhanced.

In view of the widespread objection to the recommended changes in the definition of a handler as the operator of a country supply plant and the grave defects in the proposed change in the method of computing reserve supply credit, it is concluded that no changes should be made in the currently effective provisions of the order.

(2) *Inspection requirements.* A handler proposed that the Wayne County Department of Health be re-established as one of the health authorities whose approval is one element in the qualification of a country plant. He testified that the requirements of the Wayne County department are fully equal to those imposed by the other named health authorities and that the proponent had no source of supply available except those which could be qualified by the Wayne County authorities.

Other testimony revealed that the Wayne County inspection standards were not comparable with those enforced by the health authorities named in the order. Only a few weeks prior to the hearing, the Detroit health authorities had inspected a plant and the farms supplying milk thereto which previously had been approved by the Wayne County authorities. Substantial changes were required in the plant facilities and only a fraction of the producers were approved until changes in their facilities could be accomplished and one or more reinspections made.

Also, the proponent made no showing that he is unable to obtain sufficient supplies of milk either from the producers who ship directly to his plant or from the country plants inspected by the named health authorities. In the case of shipments to his city plant, the approval of health authorities is not specified. Instead, the order relies upon the fact that milk distributed in any part of the marketing area must be approved by the health authority having jurisdiction in the particular area of distribution. Milk is distributed by the proponent and several other handlers from plants which serve marketing area territory in which the Wayne County department is the applicable health authority.

Country plant supplies are also available; in fact, as mentioned above, the country plant supply of the Otsego Sanitary Milk Producers which was originally approved by the Wayne County health authorities, is now in the pool on the basis of Detroit approval. It appears that adequate supplies from country plants operated by cooperative associations of producers or by independent proprietors are also available to any handler in the area.

Rulings. Within the period reserved for filing exceptions to the recommended decision exceptions were filed by interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions are at variance with the exceptions, such exceptions are hereby overruled.

It is hereby ordered that all of this decision be published in the FEDERAL REGISTER.

This decision filed at Washington, D. C., this 31st day of August 1954.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 54-6943; Filed, Sept. 2, 1954; 8:51 a. m.]

[7 CFR Part 980]

[Docket No. AO-182-A4]

HANDLING OF MILK IN THE TOPEKA, KANSAS, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area, which was issued August 20, 1954 (19 F. R. 5406), is hereby extended to September 10, 1954.

Dated: August 30, 1954.

[SEAL] ORIS V. WELLS,
Administrator.

[F. R. Doc. 54-6945; Filed, Sept. 2, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. R-129]

ANNUAL CHARGES

ORDER GRANTING REHEARING AND STAY

In the matter of amendment to Part 11 of Subchapter B of the regulations relating to annual charges prescribed for licensees under the provisions of the Federal Power Act.

Pursuant to Public Law 278, approved August 15, 1953 (67 Stat. 587), the Commission by its Order No. 172 issued April 28, 1954, amended Part 11 of Subchapter B of its regulations under the Federal Power Act (18 CFR Part 11) by the addition of § 11.28 thereunder so as to entitle a state or municipal licensee to a reduction in the amount of the annual charges fixed under a license heretofore or hereafter issued for a major project to the extent of thirty percent of the net amount of the charges assessed for the purpose of reimbursing the United States for the cost of administration of Part I of the Federal Power Act as reduced by any exemption that may be granted pursuant to section 10 (e) of the act. The amendment was made retroactively effective from and after January 1, 1954.

In response to public notice of the proposed rule making, protests, suggestions, and requests for oral argument were submitted by interested persons respecting the proposed amendment, and oral argument thereon was heard before the entire Commission on March 30, 1954, pursuant to its order fixing same issued February 12, 1954. Argument was made by counsel for South Carolina Public Service Authority and for American Public Power Association, and, of course, by Commission Staff Counsel.

On May 19, 1954, South Carolina Public Service Authority filed a timely application for rehearing on the Commission's Order No. 172, praying that the said order be vacated and set aside, or if not, that it be modified in accordance with the specifications of error set forth in the application for rehearing, the recital of which in this order would serve no useful purpose.

Through inadvertence the application for rehearing has not previously been presented by the staff to us for consideration, and pursuant to the provisions of section 313 of the Federal Power Act, South Carolina Public Service Authority, on August 14, 1954, filed a petition with

the United States Court of Appeals for the Fourth Circuit for review of the Commission's Order No. 172 (S. C. Pub. Ser. Auth. v. FPC, No. 6879).

In its application for rehearing, the Authority complained that, among other things, the Commission should have made available to it such cost studies and other data upon which the Commission based its decision to grant a 30 percent reduction and that the Authority was deprived of its right of cross-examination with respect to such data.

Under these circumstances the Staff has recommended that we set the matter down for hearing, and we think that this should be done.

The Commission finds:

(1) The South Carolina Public Service Authority should be given an opportunity to present evidence in support of its application for rehearing and the staff should be given an opportunity to present such evidence as may be appropriate.

(2) The said order should be stayed as hereinafter provided.

The Commission orders:

(A) The petition for rehearing on the Commission's Order No. 172 issued April 28, 1954, is hereby granted and the rehearing shall be fixed at such time as may later be found convenient.

(B) Order No. 172 is hereby stayed until further order of the Commission.

Adopted: August 25, 1954.

Issued: August 30, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6931; Filed, Sept. 2, 1954; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T. D. 53566]

HARDBOARD FROM FINLAND

ANTIDUMPING

AUGUST 26, 1954.

The Acting Secretary of the Treasury finds that the issuance of a finding of dumping with respect to hardboard from Finland is not justified.

Reference is made to the instructions issued on May 12, 1954 (C. I. E. 164/54), that appraisements be withheld with respect to importations of hardboard from Finland because of a suspicion that such hardboard was subject to the provisions of the Antidumping Act, 1921.

After investigation and careful consideration of the evidence presented, I have reached the conclusion that a finding of dumping with respect to hardboard from Finland is not presently justified.

Appraising officers who have been withholding appraisements of hardboard from Finland because of the instructions mentioned above are hereby authorized to proceed with such appraisements without regard to any question of dumping.

(Sec. 201, 42 Stat. 11; 19 U. S. C. 160)

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-6918; Filed, Sept. 2, 1954; 8:45 a. m.]

[T. D. 53567]

HARDBOARD FROM SWEDEN

ANTIDUMPING

AUGUST 26, 1954.

The Acting Secretary of the Treasury makes a finding of dumping with respect to hardboard from Sweden.

After due investigation, in accordance with the provisions of section 201 of the Antidumping Act, 1921 (19 U. S. C. 160), I find that the industry manufacturing hardboard in the United States is likely to be injured by reason of the importation into the United States of hardboard from Sweden, and that hardboard from Sweden is being sold and is likely to be sold in the United States at less than its fair value.

(Sec. 201, 42 Stat. 11; 19 U. S. C. 160)

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-6919; Filed, Sept. 2, 1954; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARKANSAS

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 30, 1954.

An application, serial number BLM 038002, for the withdrawal from all forms of appropriation under the public land laws, except oil and gas leasing under certain conditions of the lands described below was filed on April 6, 1951, by Forest Service. The purposes of the proposed withdrawal: Recreation and Administrative Areas.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Supervisor, Eastern States Office, Bureau of Land Management, Department of the Interior at Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN

T. 15 N., R. 11 W.,
Sec. 4, NW¼NW¼, W½SW¼;
Sec. 5, SW¼NE¼, SE¼SE¼.
T. 16 N., R. 11 W.,
Sec. 32, S½SE¼.
T. 17 N., R. 11 W.,
Sec. 29, NE¼NE¼.
T. 16 N., R. 12 W.,
Sec. 13, E½NE¼, SE¼NW¼;
Sec. 15, SE¼NW¼, E½SW¼.
T. 17 N., R. 13 W.,
Sec. 28, E½SW¼.
T. 11 N., R. 17 W.,
Sec. 35, SE¼NW¼.
T. 10 N., R. 18 W.,
Sec. 7, N½NW¼SE¼SW¼, NE¼SW¼SE¼SW¼, S½S½SE¼SW¼, NW¼SW¼SE¼SW¼.
T. 12 N., R. 18 W.,
Sec. 24, SE¼NW¼.
T. 14 N., R. 18 W.,
Sec. 19, SW¼SE¼;
Sec. 30, NE¼NW¼.
T. 10 N., R. 20 W.,
Sec. 6, NW¼SE¼, SW¼NE¼.
T. 12 N., R. 20 W.,
Sec. 25, SE¼NW¼;
Sec. 26, NE¼NE¼.
T. 11 N., R. 21 W.,
Sec. 20, SE¼SW¼.
T. 12 N., R. 21 W.,
Sec. 20, SE¼NW¼, NE¼SW¼.
T. 12 N., R. 23 W.,
Sec. 2, SW¼NE¼, SE¼NE¼.
T. 12 N., R. 27 W.,
Sec. 24, NE¼NW¼;
Sec. 32, N½NW¼SE¼, N½NE¼SW¼.
T. 13 N., R. 27 W.,
Sec. 36, SW¼SE¼.
T. 11 N., R. 28 W.,
Sec. 2, W½SW¼;
Sec. 10, W½W½, NE¼NE¼.
T. 12 N., R. 28 W.,
Sec. 22;
Sec. 24, N½SE¼.

C. R. DREXILIUS,
Acting Supervisor.

[F. R. Doc. 54-6922; Filed, Sept. 2, 1954; 8:46 a. m.]

FLORIDA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 30, 1954.

An application, serial number BLM 038000, for the withdrawal from all forms of appropriation under the public

land laws, except oil and gas leasing under certain conditions of the lands described below was filed on April 4, 1951, by the Forest Service. The purposes of the proposed withdrawal: Recreation and Administrative Areas.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Supervisor, Eastern States Office, Bureau of Land Management, Department of the Interior at Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

TALLAHASSEE MERIDIAN

T. 12 S., R. 24 E.,
Sec. 2, SE¼SE¼SE¼.
T. 15 S., R. 24 E.,
Sec. 24, SW¼NW¼.
T. 15 S., R. 25 E.,
Sec. 8, NW¼SW¼;
Sec. 24, SW¼NW¼.
T. 17 S., R. 25 E.,
Sec. 4, N½SW¼, SE¼NE¼, NW¼SE¼.
T. 13 S., R. 26 E.,
Sec. 18, S½ lot 3.
T. 16 S., R. 26 E.,
Sec. 36, N½SE¼SE¼.
T. 15 S., R. 27 E.,
Sec. 28, lot 5.

C. R. DREXILIUS,
Acting Supervisor.

[F. R. Doc. 54-6924; Filed, Sept. 2, 1954; 8:46 a. m.]

[Misc. 55975]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM RIVERTON PROJECT

AUGUST 27, 1954.

An order of the Bureau of Reclamation dated February 2, 1950, concurred in by the Director, Bureau of Land Management, March 27, 1950, revoked the Departmental order of September 27, 1918, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described lands in connection with the Riverton Project, Wyoming, and provided that such revocation should not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

WIND RIVER MERIDIAN

T. 3 N., R. 2 E.,
Sec. 7, lots 1 and 2.

The areas described aggregate 52.36 acres.

The topography of the lands is rolling, with sandstone outcroppings. The soil is sandy, with some sagebrush and grass. The lands are suitable for disposal by public sale, exchange, or State selection.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, may be filed on or before 10:00 a. m., of the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., of the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

EARL G. HARRINGTON,
Acting Associate Director.

[F. R. Doc. 54-6923; Filed, Sept. 2, 1954; 8:46 a. m.]

Bureau of Reclamation

CARLSBAD, NEW MEXICO

ORDER OF REVOCATION

AUGUST 13, 1953.

Pursuant to authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental order of April 14, 1903, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing the land hereinafter described:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 25 E.,
Tract 37, Sec. 3.

The above aggregates approximately 4.41 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 65329]

AUGUST 27, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands released from withdrawal by this order shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a 91-day preference right period for filing such applications by Veterans of World War II and the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

EARL G. HARRINGTON,
Acting Associate Director,
Bureau of Land Management.

[F. R. Doc. 54-6926; Filed, Sept. 2, 1954; 8:47 a. m.]

National Park Service

[Order 12]

SUPERINTENDENT, HAWAII NATIONAL PARK

DELEGATIONS OF AUTHORITY

AUGUST 24, 1954.

SECTION 1. The Superintendent, Hawaii National Park, in the administration, operation, and development of the area under his supervision, is authorized to exercise all of the authority vested in the Director, except with respect to the following matters:

(a) Approval of changes in policies and establishment of new policies.

(b) Approval of construction programs and major changes therein.

(c) Location of new roads.

(d) Appointments and status changes involving personnel in grade GS–10 and higher grades.

(e) Acquisition of lands, acceptance of donations of personal property valued in excess of $10,000, acceptance of donations of money in excess of $10,000, and acceptance of deeds or other instruments of title relating thereto.

(f) Acceptance of offers in settlement of timber trespasses.

(g) Sales of timber pursuant to section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1952 ed., sec. 3), in excess of $10,000 for any one transaction.

(h) Functions relating to surplus land pursuant to the Surplus Property Act, as amended (50 U. S. C., App., 1952 ed., sec. 1622 (h)).

(i) Execution of concession contracts and permits in excess of 5 years and approval of transfers of corporate stock.

(j) Execution of permits for the use of national park lands, except revocable special use permits.

(k) Approval of programs for destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.

(l) Execution and approval of contracts for construction, supplies, or services in excess of $50,000.

(m) Disposition of lands or interests therein.

(n) Approval of and signing of correspondence to the Attorney General concerning pleadings, awards, or judgments in condemnation proceedings.

(o) Requests to the Attorney General to render opinions concerning the validity of title pursuant to section 355, Revised Statutes (40 U. S. C., 1952 ed., sec. 255).

(p) Authorization or approval of the attendance of officers or employees at meetings or conventions of members of societies or associations concerned with the work of the National Park Service.

(q) Approval of the use of a Government-owned motor vehicle between the domicile and place of employment of an officer or employee.

(r) Authorization or approval of the payment of dues for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

(s) Authority to issue general travel authorizations.

SEC. 2. *Appeal.* Any party aggrieved by any action or decision of the Superintendent, Hawaii National Park, shall have a right of appeal to the Director. Any such appeal shall be in writing and shall be submitted to the Director within 30 days after receipt by the aggrieved party of notice of the action taken or decision by the Superintendent, Hawaii National Park.

(Secretary's Orders Nos. 2586, 2587, 2590, 2621, and Secretary's Orders Nos. 2509, 2512, 2617, 2619, 2635, 2640, 2642, 2696, 2735, as amended; 39 Stat. 535, 16 U. S. C., 1952 ed., sec. 2)

[SEAL] RONALD F. LEE,
Acting Director.

[F. R. Doc. 54-6925; Filed, Sept. 2, 1954; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH CAROLINA

DESIGNATION OF ADDITIONAL AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, 12 U. S. C. 1148a—2 (a), it is found that in the following named counties in the State of South Carolina, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Aiken.	Horry.
Barnwell.	Lee.
Berkeley.	McCormick.
Charleston.	Orangeburg.
Edgefield.	Pickens.
Greenwood.	Sumter.
Hampton.	

After December 31, 1955, such loans will not be made in the above named counties except to borrowers who previously received such assistance.

The period for making initial production emergency loans authorized on January 18, 1954, and March 10, 1954, in all of the other counties in South Carolina (19 F. R. 1444; 19 F. R. 1524) is hereby extended to December 31, 1955.

Done at Washington, D. C., this 31st day of August 1954.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 54-6948; Filed, Sept. 2, 1954; 8:52 a. m.]

TRANSFER OF FUNCTIONS WITH RESPECT TO THE SOIL AND WATER CONSERVATION LOAN PROGRAM TO THE FARMERS HOME ADMINISTRATION

Pursuant to the authority contained in section 161, Revised Statutes (5 U. S. C. 22), section 6 (3), 50 Stat. 870, 16 U. S. C. 590w (3), section 10 (a) (7), Public Law 597, 83d Congress, and Reorganization Plan No. 2 of 1953, paragraph c of section 1400 of the Secretary's order of December 24, 1953 (19 F. R. 74) is amended so as to assign to the Farmers Home Administration the functions and responsibilities with respect to the Soil and Water Conservation Loan Program authorized to be administered throughout the United States, including the Territories of Alaska and Hawaii and Puerto Rico and the Virgin Islands, by said Public Law 597, 83d Congress, and to read as follows:

SEC. 1400. *Assignment of functions.* • • •

c. The Soil and Water Conservation Loan Program (16 U. S. C. 590r-z, P. L. 597, 83d Congress).

Done at Washington, D. C., this 31st day of August 1954.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 54-6949; Filed, Sept. 2, 1954; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 183]

STEVEN STEIN

ORDER CONDITIONALLY RESTORING EXPORT PRIVILEGES

In the matter of Steven Stein, 110–37 64th Avenue, Forest Hills, New York; respondent; Case No. 183.

Steven Stein having complied with the provisions of paragraph VI of the Order Denying License Privileges, Case No. 183 (19 F. R. 4429) by submitting to the Director of the Investigation Staff, Bureau of Foreign Commerce, an affidavit that he has fully and fairly complied with all terms thereof during the period from July 14, 1954, until August 15, 1954, the date of the making of said affidavit, and that he has not during such period knowingly violated any provision of the Export Control Act of 1949, as amended, or any regulation issued thereunder; and no facts having been brought to the attention of the Bureau of Foreign Commerce demonstrating the contrary; all export privileges are hereby restored to him, and the remaining period of suspension under the said order shall be held in abeyance subject to the terms and conditions of paragraph VI of the said order.

Dated: August 31, 1954.

WALLACE S. THOMAS,
Acting Director,
Office of Export Supply.

[F. R. Doc. 54-6928; Filed, Sept. 2, 1954; 8:48 a. m.]

Civil Aeronautics Administration

[Amdt. 2]

ORGANIZATION AND FUNCTIONS

OFFICE OF THE ADMINISTRATOR; PERSONNEL OFFICE

In accordance with the public information requirements of the Administrative Procedure Act, the description of the Organization and Functions of the Civil Aeronautics Administration, published on April 10, 1954, in 19 F. R. 2098, is hereby amended by (1) adding the Assistant Administrator for Operations as a principal officer of the Office of the Administrator of Civil Aeronautics, (2) redefining the functions of the principal officers of the Office of the Administrator, and (3) effecting an organizational change in the Personnel Office.

1. Section 11 (b) (1) is amended to read:

(1) Office of the Administrator, which includes the:

Administrator.
Assistant Administrator for Administration.
Assistant Administrator for Operations.
Assistant Administrator for Program Coordination.
Executive Assistant.

2. Section 14 is amended to read:

SEC. 14. *Functions of the Office of the Administrator.* The functions of the principal officers of the Office of the Administrator are as follows:

(a) The Administrator, in conformity with the policies and directives of the Secretary of Commerce and other legal requirements, determines the policies of the Civil Aeronautics Administration; and directs the development of and controls the execution of its programs.

(b) The Assistant Administrator for Administration acts as principal assistant to the Administrator in the management planning, coordination, and control of CAA programs and activities, including budgetary management, per-

sonnel administration, organization planning, and general administrative services; directs the formulation of management policies to ensure economy of organization and operations and balanced programing of activities, and evaluates the Administration's progress toward the accomplishment of the objectives to which it is committed, including economy and efficiency in the execution of its programs; and exercises direction and control over the administration of the Aeronautical Center.

(c) The Assistant Administrator for Operations acts as principal assistant to the Administrator in directing the development of the safety, airways, airports, and other technical programs of the Administration, and in coordinating and controlling their execution; exercises direction and control over the administration of the Washington National Airport; and evaluates technical operational requirements of CAA programs and approves proposed courses of action in conformity with the Administrator's basic policies and plans.

(d) The Assistant Administrator for Program Coordination acts as principal assistant to the Administrator on technical program planning matters, domestic and international, with particular reference to the coordination and evaluation of technical planning activities and the conduct of special studies; plans, directs, coordinates, and controls the program planning, liaison and special activities of the Office of the Assistant Administrator for Program Coordination and provides general direction to the work of that Office; and exercises direction and control over the administration of Technical Development and Evaluation Center.

(e) The Executive Assistant assists the Administrator in matters that require his personal attention; and represents the Administrator in negotiations and contacts with members of Congress, other government agencies, and the aviation industry on problems in which the Administrator is personally concerned.

3. Section 15 (e) is amended by deleting: "Employee Relations Division".

This amendment is effective August 17, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

Approved:

WALTER WILLIAMS,
Acting Secretary of Commerce.

[F. R. Doc. 54-6927; Filed, Sept. 2, 1954; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Vocational Rehabilitation

PROMULGATION OF STATE ALLOTMENT PERCENTAGES

Pursuant to section 11 (h) of the Vocational Rehabilitation Act, as amended (68 Stat. 652, 661) and having found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to the per capita incomes of States and of the continental United States are the years 1951, 1952, and 1953, the following allotment percentages for the several States, Alaska, Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands, as determined pursuant to said act and on the basis of said income data, are hereby promulgated for the three fiscal years in the period ending June 30, 1957:

Alabama	69.76	New Mexico	59.85
Arizona	55.27	New York	36.94
Arkansas	71.32	North Carolina	67.59
California	39.82	North Dakota	60.44
Colorado	50.72	Ohio	42.44
Connecticut	36.46	Oklahoma	61.33
Delaware	33.33	Oregon	48.25
Florida	59.45	Pennsylvania	47.11
Georgia	65.30	Rhode Island	48.50
Idaho	56.74	South Carolina	67.92
Illinois	39.15	South Dakota	58.83
Indiana	47.92	Tennessee	65.73
Iowa	53.31	Texas	56.19
Kansas	53.07	Utah	55.33
Kentucky	65.89	Vermont	58.97
Louisiana	63.42	Virginia	59.75
Maine	59.63	Washington	44.93
Maryland	45.96	West Virginia	62.76
Massachusetts	46.42	Wisconsin	49.18
Michigan	43.44	Wyoming	48.97
Minnesota	54.22	Alaska	75.00
Mississippi	75.00	Hawaii	50.00
Missouri	51.41	Puerto Rico	75.00
Montana	48.15	District of Columbia	35.35
Nebraska	53.13	Virgin Islands	75.00
Nevada	33.97		
New Hampshire	52.88		
New Jersey	39.60		

[SEAL] RUSSELL R. LARMON,
Acting Secretary.

AUGUST 31, 1954.

[F. R. Doc. 54-6896; Filed, Sept. 2, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2469]

NORTH CENTRAL GAS CO.

ORDER RESCINDING IN PART THE ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

North Central Gas Company (Applicant), a Wyoming corporation, having its principal place of business at Casper, Wyoming, filed an application with the Federal Power Commission on June 28, 1954, which was supplemented on July 13, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities for the purpose of selling and delivering natural gas to military installations of the U. S. Army near Sidney, Nebraska, subject to the jurisdiction of the Commission, as fully described in the application on file with the Commission and open to public inspection.

The Commission, on July 28, 1954, without prejudice to future action, granted Applicant temporary authorization to construct and operate requested facilities subject to Commission jurisdiction.

Applicant requested that its application be disposed of pursuant to the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, which the Commission by its order issued herein on August 6, 1954, denied.

The Commission finds:

(1) Good cause has been shown for rescinding the order of the Commission issued August 6, 1954, denying Applicant's request for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

(2) This proceeding is now a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The request that the proceeding be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure be and the same hereby is granted, and the order of the Commission issued August 6, 1954, so far as it denies the request of Applicant that its application be disposed of pursuant to the provisions of § 1.32 (b), be and the same is hereby rescinded.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on September 13, 1954, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application as heretofore provided by the order of the Commission issued August 6, 1954: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Adopted: August 25, 1954.

Issued: August 30, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6930; Filed, Sept. 2, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3043]

C. BASCOM SLEMP, III

ORDER GRANTING APPLICATION REGARDING ACQUISITION OF COMMON STOCK OF PUBLIC-UTILITY HOLDING COMPANY

AUGUST 30, 1954.

C. Bascom Slemp, III ("Applicant") has filed an application and an amendment thereto with this Commission pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act"), regarding his acquisition of outstanding shares of the common stock of Gibson Oil Corporation ("Gibson"), an exempt holding company.

Applicant has, over a period of years, acquired shares of the outstanding common stock of Gibson, a Texas corporation, which is engaged in the production of petroleum and natural gas and in the contract drilling of oil and gas wells in

the State of Texas. On December 31, 1953, it had outstanding 48,403.8 shares of no par value common stock of which applicant owned 22,499.6 shares, or 46.5 percent, of such stock.

Gibson owns all of the outstanding securities of Producers Utilities Corporation ("Producers"), consisting of 400,000 shares of common stock, par value $1.00 per share. Producers, a Texas corporation, is engaged in the production, purchase, transmission and distribution at retail of natural gas in the towns of Claude, Goodnight and Groom, Texas, in which State it carries on all of its operations.

Due notice having been given of the filing of said application and amendment thereto, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied; and the Commission deeming it appropriate in the public interest and in the interests of investors and consumers that said application should be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-6907; Filed, Sept. 2, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29619]

LIMESTONE FROM FRANKLIN, TENN., TO TENNESSEE POINTS

APPLICATION FOR RELIEF

AUGUST 31, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Louisville and Nashville Railroad Company.

Commodities involved: Ground or pulverized limestone or marble, limestone or marble dust, and granulated or ground agricultural slag, carloads.

From: Franklin, Tenn.

To: Louisville and Nashville Railroad Company stations St. Bethlehem to Memphis, Tenn., inclusive.

Grounds for relief: Rail competition, circuity, and to meet intrastate rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-6932; Filed, Sept. 2, 1954; 8:48 a. m.]

[4th Sec. Application 29620]

COMMODITY RATES FROM AND TO ROCKLAND, TENN., AND BETWEEN POINTS IN THE UNITED STATES AND CANADA

APPLICATION FOR RELIEF

AUGUST 31, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., for the Louisville and Nashville Railroad Company and other carriers.

Commodities involved: Commodities (other than coal and coke), carload and less-than-carload.

Between: Rockland, Tenn., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Rail competition, circuity, grouping, and new station.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-6933; Filed, Sept. 2, 1954; 8:49 a. m.]

[4th Sec. Application 29621]

ANHYDROUS AMMONIA FROM LULING AND BOUTTE, LA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

AUGUST 31, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia in tank-car loads.

From: Luling and Boutte, La.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, market competition, grouping, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4112, supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-6934; Filed, Sept. 2, 1954; 8:49 a. m.]

[4th Sec. Application 29623]

DRIED BEANS, PEAS AND LENTILS FROM THE WEST TO W. T. L. AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

AUGUST 31, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Beans, lentils and peas, dried, carloads.

From: Points in Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, South Dakota, Utah, and Wyoming.

To: Points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

Grounds for relief: Rail competition, circuity, and competition with motor carriers.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3885, supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary

relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6936; Filed, Sept. 2, 1954; 8:49 a. m.]

[4th Sec. Application 29625]

PHOSPHATIC FEED SUPPLEMENTS FROM NEW YORK, N. Y., AND PHILADELPHIA, PA., TO POINTS IN OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

AUGUST 31, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphatic feed supplements, viz.: defluorinated phosphate and superphosphate, phosphate di-calcium and bone meal, carloads.

From: New York, N. Y., and Philadelphia, Pa.

To: Specified points in Official and Illinois territories.

Grounds for relief: Rail competition, circuity, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4620; H. R. Hinsch, Agent, I. C. C. No. 4565, supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6938; Filed, Sept. 2, 1954; 8:49 a. m.]

[4th Sec. Application 29626]

GRAIN FROM MISSOURI, IOWA, KANSAS, AND NEBRASKA TO MOBILE, ALA.

APPLICATION FOR RELIEF

AUGUST 31, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago, Rock Island and Pacific Railroad Company, for itself and on behalf of the St. Louis-San Francisco Railway Company and the Alabama, Tennessee and Northern Railroad Company.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Missouri, Iowa, Kansas, and Nebraska.

To: Mobile, Ala. (for export).

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Schedules filed containing proposed rates: Chicago, Rock Island and Pacific Railroad Company, I. C. C. No. C-13346, supp. 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6939; Filed, Sept. 2, 1954; 8:50 a. m.]

[4th Sec. Application 29627]

CEMENT AND RELATED ARTICLES BETWEEN POINTS IN SOUTHERN TERRITORY, LOUISIANA, MISSISSIPPI, ARKANSAS, AND MARYLAND

APPLICATION FOR RELIEF

AUGUST 31, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cement and related articles, carloads.

Between: Points in Louisiana and Mississippi, also Helena, Ark., on the one hand, and points in southern territory, on the other, and from Hagerstown (Security), Md., to Helena, Ark., and points in Louisiana and Mississippi.

Grounds for relief: Rail competition, circuity, grouping, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1447, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6940; Filed, Sept. 2, 1954; 8:50 a. m.]

[4th Sec. Application 29628]

MOTOR-RAIL-MOTOR RATES BETWEEN KANSAS CITY, KANS., AND OKLAHOMA CITY, OKLA.; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

AUGUST 31, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for the Missouri-Kansas-Texas Railroad Company, Checker Transit Company and other motor carriers.

Commodities involved: Highway trailers, loaded or empty, on flat cars.

Between: Kansas City, Kans., and Oklahoma City, Okla.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, MF-I. C. C. No. 223, supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6941; Filed, Sept. 2, 1954; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 173

Washington, Saturday, September 4, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10556

AUTHORIZING REGULATIONS FOR THE PERMANENT PROMOTION AND REASSIGNMENT OF FEDERAL EMPLOYEES

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403) and by section 1753 of the Revised Statutes (5 U. S. C. 631), and in effectuation of the purposes of section 1310 of the Supplemental Appropriation Act, 1952 (65 Stat. 757), as amended, it is ordered as follows:

Notwithstanding the provisions of section 1 (b) of Executive Order No. 10180 of November 13, 1950, and to the extent consistent with law, the Civil Service Commission, with respect to positions in the competitive service, and the heads of executive departments and agencies, with respect to positions excepted from the competitive service, are hereby authorized to issue regulations or instructions governing the permanency of promotions and reassignments of permanent employees.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 1, 1954.

[F. R. Doc. 54-6999; Filed, Sept. 2, 1954; 2:26 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 20]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.320 *Valencia Orange Regulation 20*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 2, 1954, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 7: Parts 210–899 ($2.25)

Title 19, Revised 1953 ($5.00)

Title 32A, Revised Dec. 31, 1953 ($1.50)

Title 46: Part 146 to end ($6.50)

Previously announced: Title 3, 1953 Supp. ($1.50); Titles 4–5 ($0.60); Title 6 ($2.00); Title 7: Parts 1–209, Revised 1953 ($7.75); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.50); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($1.25); Part 400 to end ($0.50); Title 15 ($1.25); Title 16 ($1.00); Title 17 ($0.50); Title 18 ($0.45); Title 20 ($0.70); Title 21 ($1.50); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Title 26: Parts 1–79, Revised 1953 ($7.75); Parts 80–169 ($0.50); Parts 170–182 ($0.75); Parts 183–299, Revised 1953 ($5.50); Part 300 to end, and Title 27 ($1.00); Titles 28–29 ($1.25); Titles 30–31 ($1.00); Title 32: Parts 1–699 ($1.75); Part 700 to end ($2.25); Title 33 ($1.25); Titles 35–37 ($0.70); Title 38 ($2.00); Title 39 ($2.00); Titles 40–42 ($0.50); Title 43 ($1.75); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.35); Titles 47–48, Revised 1953 ($7.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.65); Parts 91–164 ($0.45); Part 165 to end ($0.60); Title 50 ($0.55)

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Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 5, 1954, and ending at 12:01 a. m., P. s. t., September 12, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 438,900 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified in this section.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 3, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–7024; Filed, Sept. 3, 1954; 11:29 a. m.]

[Lemon Reg. 553]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.660 *Lemon Regulation 553*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 1, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 5, 1954, and ending at 12:01 a. m., P. s. t., September 12, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 275 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 2, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

Storage date: August 29, 1954.

[12:01 a. m. Sept. 5, 1954, to 12:01 a. m. Sept. 19, 1954]

Handler	*Prorate base (percent)*
Total	100.000
American National Foods, Inc., Corona	.039
American National Foods, Inc., Fullerton	.263
American National Foods, Inc., Upland	.242
Buenaventura Lemon Co	1.734
Consolidated Lemon & Orange Co	.877
Ventura Pacific Co	3.396
Chula Vista Mutual Lemon Association	.593
Euclid Lemon Association	.837
Index Mutual Association	.165
La Verne Cooperative Citrus Association	1.094
Ventura Coastal Lemon Co	2.212
Ventura Processors	2.460
Glendora Lemon Growers Association	1.414
La Verne Lemon Association	.411
La Habra Citrus Association	.549
Yorba Linda Citrus Association	.383
Escondido Lemon Association	2.281
Cucamonga Mesa Growers	.443
Etiwanda Citrus Fruit Association	.141
San Dimas Lemon Association	1.211
Upland Lemon Growers Association	3.807
Central Lemon Association	.713
Irvine Citrus Association, The	.582
Placentia Mutual Orange Association	.352
Corona Citrus Association	.089
Corona Foothill Lemon Co	1.236
Jameson Co	.674
Arlington Heights Citrus Co	.650
College Heights Orange & Lemon Association	2.598
Chula Vista Citrus Association	.869
Escondido Cooperative Citrus Association	.108
Fallbrook Citrus Association	1.426
Lemon Grove Association	.329
Carpinteria Lemon Associaton	3.448
Carpinteria Mutual Citrus Association	3.248
Goleta Lemon Association	5.496
Johnston Fruit Co	6.433
Briggs Lemon Association	2.959
Fillmore Lemon Association	1.704
Oxnard Citrus Association	7.161
Rancho Sespe	.635
San Fernando Heights Lemon Association	.589
Santa Clara Lemon Association	4.867
Santa Paula Citrus Fruit Association	4.549
Saticoy Lemon Association	5.209
Seaboard Lemon Association	6.257
Somis Lemon Association	4.266
Ventura Citrus Association	1.631
Ventura County Citrus Association	.251
Limoneira Co	3.846
Teague-McKevett Association	.925
East Whittier Citrus Association	.130
Murphy Ranch Co	.723
North Whittier Heights Citrus Association	.375

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	*Prorate base (percent)*
Sierra Madre-Lamanda Citrus Association	0.186
Far West Produce Distributors	.033
Paramount Citrus Association, Inc	.712
Santa Rosa Lemon Co	.089

[F. R. Doc. 54–7002; Filed, Sept. 3, 1954; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5735]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

KAY WINDSOR FROCKS, INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for Services or Facilities for Processing, or Sale, under 2 (d): § 3.825 *Allowances for services or facilities.* In connection with the sale of any of respondents' dresses in commerce, and on the part of respondents, Kay Windsor Frocks, Inc., Aaron Shapiro, individually and as president and as treasurer thereof, Winnie Peck, Inc., and Lou Swartz, individually and as president and treasurer thereof, and on the part of their representatives, etc., jointly or severally, directly or through any corporate or other device, paying or contracting to pay, or granting or contracting to grant, or allowing anything of value, including credits for advertising services, to or for the benefit of any customer as compensation or in consideration of any newspaper advertising or other services or facilities furnished by or through said customer in connection with the sale or offering for sale of respondents' dresses, unless such payments, credits, or allowances are available on proportionally equal terms to all other customers competing in the distribution of such dresses; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 790, as amended; 15 U. S. C. 13) [Cease and desist order, Kay Windsor Frocks, Inc. (Boston, Mass.) et al., Docket 5735, August 18, 1954]

This proceeding was heard by Clyde M. Hadley, hearing examiner, upon the complaint of the Commission, charging respondents with violation of subsection (d) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, respondents' answer, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to the allegations of the complaint were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel, oral argument not having been requested;

and said examiner, having duly considered the record in the matter, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

Thereafter, following respondents appeal from said initial decision, the matter was disposed of by "Order Adopting Initial Decision as the Decision of the Commission and Order to File Report of Compliance", Docket 5735, August 18, 1954, which denied respondents' appeal and adopted as the decision of the Commission the initial decision of the hearing examiner, as follows:

This case having come on for hearing before the Commission upon the appeal filed by the respondents from the initial decision of the hearing examiner; and

The Commission, for reasons stated in its opinion which is separately issuing herein,[1] having determined that the appeal should be denied and that the findings as to the facts,[1] conclusion and order contained in the initial decision[1] are appropriate:

It is ordered, That the respondents' appeal be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondents, Kay Windsor Frocks, Inc., Aaron Shapiro, individually and as president and treasurer thereof, Winnie Peck, Inc., and Lou Swartz, individually and as president and treasurer thereof, their representatives, agents, and employees, jointly or severally, directly or through any corporate or other device, in connection with the sale of any of respondents' dresses in commerce, as "commerce" is defined in the Clayton Act as amended, do forthwith cease and desist: From paying or contracting to pay, or granting or contracting to grant, or allowing anything of value, including credits for advertising services, to or for the benefit of any customer as compensation or in consideration of any newspaper advertising or other services or facilities furnished by or through said customer in connection with the sale or offering for sale of respondents' dresses, unless such payments, credits, or allowances are available on proportionally equal terms to all other customers competing in the distribution of such dresses.

Issued: August 18, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-6951; Filed, Sept. 3, 1954; 8:46 a. m.]

[1] Filed as part of original document.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

CONDITION OF PROPERTY WHEN TRANSFERRED; DELIVERY OF DEBENTURES AND CERTIFICATES OF CLAIM

Section 222.13 (a) (1) is hereby amended to read as follows:

§ 222.13 *Condition of property when transferred; delivery of debentures and certificates of claim.* (a) • • •

(1) Debentures of the Mutual Mortgage Insurance Fund as set forth in section 204 of the act, issued as of the date foreclosure proceedings were instituted or the property was otherwise acquired by the mortgagee after default, bearing interest at the rate of 2¾ percent per annum if issued in exchange for property accepted for insurance pursuant to commitments issued by the Commissioner on or ofter August 9, 1954, and prior to September 1, 1954, and at the rate of 2½ percent per annum if issued in exchange for property accepted for insurance pursuant to commitments issued by the Commissioner on or after September 1, 1954, payable semiannually on the first day of January and the first day of July of each year, and having a total face value equal to the value of the mortgage as defined in section 204 (a) of the act. Such value shall be determined by adding to original principal of the mortgage, as increased by the amount of advances made by the mortgagee and approved by the Commissioner for the improvement or repair of the property pursuant to an "open-end" provision in the mortgage, which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments which have been made by the mortgagee for taxes, ground rent and water rates, which are liens prior to the mortgage, special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance on the property mortgaged, any mortgage insurance premium or insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default, any taxes imposed by the United States upon deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner and foreclosure costs actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such cost or $75, whichever is the greater, and by deducting from such total any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property: Provided, however, That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Relief Act of 1940, as amended, apply, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter. Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed, at the option of the Commissioner, with the approval of the Secretary of the Treasury, at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe. Such debentures shall mature 20 years after the date thereof.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., August 30, 1954.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 54-6950; Filed, Sept. 3, 1954; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 7-4]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the desirability of making certain editorial changes in Part 7 of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

It is ordered, This 31st day of August 1954, that effective September 2, 1954, Part 7 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: September 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 7, Stations on Land in the Maritime Services, is amended as follows:

1. In § 7.24, delete the reference "7.36" from the next to the last sentence in this section.

2. In § 7.104 (b) (1), delete "*Provided*, That with respect to such stations outside the Great Lakes area, this requirement shall be effective on and after July 1, 1954." from the end of this section.

3. In § 7.104 (b) (2), delete "Effective on and after July 1, 1954".

4. In § 7.106 (b), delete "Effective on and after January 1, 1952".

5. In § 7.106 (c), delete "Effective on and after January 1, 1952".

6. In § 7.106 (d), delete "Effective on and after January 1, 1952".

7. In § 7.106 (e), delete "Effective on and after January 1, 1952".

8. In § 7.106 (f), delete "Effective on and after January 1, 1953".

9. In § 7.106 (g), delete "Effective on and after the dates hereinafter designated in this paragraph,".

10. In § 7.106 (g) (1), delete "effective on and after January 1, 1953;".

11. In § 7.106 (g) (2), delete "; effective on and after January 1, 1952".

12. In § 7.189 (c) (1), delete "*Provided*, That with respect to such stations outside the Great Lakes area, this requirement shall be effective on and after July 1, 1954:". Delete the word "*further*" from the second proviso in this section.

13. In § 7.189 (c) (2), delete "Effective on and after July 1, 1954.".

14. Amend § 7.213 to read as follows:

§ 7.213 *Station documents.* (a) All public coast stations using telegraphy shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 7.102;

(2) The necessary operator license or licenses, available in accordance with the provisions of § 7.155;

(3) The station log required by this part;

(4) The Alphabetical List of Call Signs;

(5) The List of Coast Stations and Ship Stations;

(6) The List of Stations performing Special Services;

(7) Such provisions of the International Radio Regulations (Atlantic City, 1947), including Articles 29, 30, 31, 32, 35, 37, 38, 39, 40 and 41, as are necessary for the operation of the radiocommunication service rendered by the coast station;

(8) This part and Part 8 of this chapter.

(b) All limited coast stations using telegraphy shall be provided with the documents prescribed by paragraph (a) (1), (2), (3), (7), and (8) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

15. In § 7.304 (a), delete "4162.5—Mississippi River System only" from the table and delete footnote 1.

16. In § 7.304 (d) (1), delete the last sentence of subparagraph (1).

17. Amend § 7.304 (d) (3) to read as follows:

(3) The frequency 4067 kc is authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes); such use of this frequency is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

18. Amend § 7.304 (d) (5) to read as follows:

(5) Use of the frequencies 4372.4 kc and 8205.5 kc is authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes) upon the express condition that transmission on these frequencies during the period 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

19. In § 7.308 (a), in the list of ports, amend "Takoma, Wash." to read "Tacoma, Wash.".

20. In § 7.313, delete "prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938)" from the last two entries in the table.

[F. R. Doc. 54-6970; Filed, Sept. 3, 1954; 8:49 a. m.]

[Rules Amdt. 8-6]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the desirability of making certain editorial changes in Part 8 of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

It is ordered, This 31st day of August 1954, that effective September 2, 1954, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: September 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 8, Stations on Shipboard in the Maritime Service, is amended as follows:

1. In § 8.2 (j), change eighth word "vaiid" to read "valid".

2. Amend § 8.47 to read as follows:

§ 8.47 *Application for certificate of compliance with Safety Convention.* Whenever a Safety Certificate, Safety Radiotelegraphy Certificate, or a Safety Radiotelephony Certificate, or a modification or renewal thereof, is required by reason of the applicability to a ship of the radio provisions of the Safety Convention, an application, FCC Form 801, "Application for Ship Radio Inspection", for a required inspection of the radio installation on board and certification of the result of such inspection to the United States Coast Guard for the issuance of a Convention Certificate, shall be filed with the Commission's engineer in charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative (who holds the proper class of radio operator license) of the ship station licensee and (unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise the antenna(s) and to launch any required radio-equipped lifeboat(s), shall be available at the ship at the time inspection is to be conducted. Such application shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster; and, when appropriate, may be combined with the application for annual inspection prescribed by § 8.46.

3. In § 8.48, change "Pursuant to section 4 (f) (2)" to read "Pursuant to section 4 (f) (3)".

4. In § 8.104 (a), delete "effective on and after January 1, 1953,".

5. In § 8.104 (b), delete "Effective on and after January 1, 1952,".

6. In § 8.104 (d), delete " Effective on and after January 1, 1952,".

7. In § 8.105 (c), delete "effective June 3, 1954,".

8. Amend § 8.106 (a) to read as follows:

§ 8.106 *Required radio-channels for telephony.* (a) Each of the following ship stations shall be capable of transmitting and receiving (and shall be licensed to transmit) class A3 omission (modulation by voice frequencies) on the radio-channel of which 2182 kc is the authorized carrier frequency:

(1) Ship stations first licensed after January 1, 1954, for telephony on any radio-channel within the band 1600 kc to 3500 kc; ship stations authorized by license modification granted after January 1, 1954, to use additional or substitute radio apparatus for telephony on any radio-channel within the band 1600 kc to 3500 kc; ship stations authorized by

license renewal granted after January 1, 1955, for telephony on any radio-channel within the band 1600 to 3500 kc.

(2) Ship stations licensed for telephony on any radio-channel within the band 1600 kc to 3500 kc, and located on board a ship navigated on the Great Lakes.

9. In § 8.223 (b), delete "Except as provided in paragraph (c) of this section and".

10. In § 8.223, delete paragraph (c).

11. Amend § 8.261 to read as follows:

§ 8.261 *Inspection of station.* Pursuant to section 303 (n) of the Communications Act, and subject to the provisions of Article 23 of the International Radio Regulations, Atlantic City ,1947; Regulations 16, 18 and 19 of Chapter I of the Safety Convention, London, 1948; and Articles 11, 12 and 14 of the Great Lakes Agreement, the radio installation on board any foreign ship within the territorial jurisdiction of the United States, which installation is subject to the provisions of any act, treaty, or convention binding on the United States, shall be available, at any reasonable time, in any harbor, port, or place in the United States, for inspection by duly authorized representatives of the Commission at such frequent intervals as, within the discretion of the Commission, will insure compliance with applicable rules, regulations, laws, and treaties.

12. In § 8.324 (e) (2), delete footnote designator 2 and footnote 2 from the table in this section.

13. In § 8.351 (a), delete the frequencies "2174" and "4182.5 [2] Mississippi River System only" and footnote 2 from the table.

14. In § 8.351 (d) (4), delete the last sentence.

15. Amend § 8.351 (d) (7) to read as follows:

(7) Use of the frequency 4067 kc in the Mississippi River system is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

16. In § 8.351 (d) (9), delete "Beyond September 1, 1954".

17. In § 8.360 (d) (3), change the frequency "156.6 Mc" to read "156.5 Mc".

18. In § 8.366 (b) (2), delete the proviso.

19. In § 8.366 (b) (3), delete the first proviso and the word "further" from the second proviso.

20. In § 8.405 (d), delete "Effective on and after January 2, 1951,".

21. Amend § 8.508, to read as follows:

§ 8.508 *Automatic-alarm-signal keying device.* Each ship of the United States, which is subject to Title III, Part II, of the Communications Act shall be fitted with one or more automatic-alarm-signal keying devices of a type approved by the Commission in accordance with § 8.555.

22. In § 8.803, Appendix III, Table 3, insert the frequency "4067.0 [2]" under the 4 mc "coast" and "ship" columns.

[F. R. Doc. 54-6971; Filed, Sept. 3, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

LETTUCE

U. S. STANDARDS [1]

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Lettuce pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.
51.2510 U. S. No. 1.
51.2511 U. S. No. 2.

UNCLASSIFIED

51.2512 Unclassified.

APPLICATION OF TOLERANCES

51.2513 Application of tolerances.

STANDARD PACK

51.2514 Standard pack.

SOLIDITY

51.2515 Solidity.

DEFINITIONS

51.2516 Similar varietal characteristics.
51.2517 Fresh.
51.2518 Burst.
51.2519 Doubles.
51.2520 Damage.
51.2521 Fairly well trimmed.
51.2522 Closely trimmed.
51.2523 Serious damage.
51.2524 Fairly uniform in size.

AUTHORITY: §§ 51.2510 to 51.2524 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624.

GRADES

§ 51.2510 *U. S. No. 1.* "U. S. No. 1" consists of heads of lettuce of similar varietal characteristics which are fresh, which are not soft, split, or burst, and which are free from decay, doubles, and from damage caused by tipburn, opening, seedstems, broken midribs, freezing, dirt, sunburn, discoloration, disease, aphis or other insects, or mechanical or other means. Each head shall be fairly well trimmed unless specified as closely trimmed. Not less than 75 percent of the heads of Iceburg type lettuce shall be hard or firm, unless a lower percentage is specified in connection with the grade statement. Heads of Big Boston type lettuce shall be fairly firm. (See § 51.2515.)

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent by count, of the heads in any lot may fail to meet the requirements of this grade, including therein not more than one-fifth of this amount, or 2 percent, for decay affecting any portion of the head exclusive of wrapper leaves. No part of any tolerance shall be allowed to reduce the percentage of hard or firm heads required in the grade.

§ 51.2511 *U. S. No. 2.* "U. S. No. 2" consists of heads of lettuce of similar varietal characteristics which are not split or burst and which are free from decay, and from serious damage caused by seedstems, wilting, tipburn, freezing, disease, insects, or mechanical or other means. There are no solidity requirements in this grade for Big Boston type lettuce, but heads of Iceberg type lettuce which are distinctly open and leafy with practically no head formation shall not be permitted.

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the heads in any lot may fail to meet the requirements of this grade, including therein not more than one-half of this amount, or 5 percent, for decay affecting any portion of the head exclusive of wrapper leaves.

UNCLASSIFIED

§ 51.2512 *Unclassified.* "Unclassified" consists of heads of lettuce which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2513 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 30 specimens or less, individual packages may contain not more than double the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective specimen may be permitted in any package.

STANDARD PACK

§ 51.2514 *Standard pack.* Heads of lettuce shall be fairly uniform in size, and tightly packed in uniform layers according to the approved and recognized methods, except that a "bridge" may be used with sizes smaller than 5-dozen count.

(a) In order to allow for variations incident to proper packing, not more than a total of 15 percent of the containers in any lot may not meet the requirements for Standard Pack, but no part of this allowance shall be permitted for packs which are excessively loose in the layers.

SOLIDITY

§ 51.2515 *Solidity.* (a) The following terms are used in describing the solidity of lettuce:

(1) *Hard.* "Hard" means that the head is compact and solid. This term represents the highest degree of solidity.

(2) *Firm.* "Firm" means that the head is compact, but may yield slightly to moderate pressure.

(3) *Fairly firm.* "Fairly firm" means that although the head is not firm, it is not soft and spongy. A fairly firm head has good head formation and edible content.

(4) *Soft.* "Soft" means that the head is easily compressed or spongy.

DEFINITIONS

§ 51.2516 *Similar varietal characteristics.* "Similar varietal characteristics" means that the heads in any container have the same characteristic leaf growth. For example, lettuce of the Iceberg and Big Boston types shall not be mixed.

§ 51.2517 *Fresh.* "Fresh" means that the head as a whole has normal succulence but the wrapper leaves and the outermost head leaves may be slightly wilted.

§ 51.2518 *Burst.* "Burst" means that the head is broken open.

§ 51.2519 *Doubles.* "Doubles" means two heads on the same stem.

§ 51.2520 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the lettuce except defects affecting wrapper leaves as restricted under definitions of "fairly well trimmed", and "closely trimmed". Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Tipburn when more than one spot is present, or when the area of any spot exceeds that of a rectangle one-fourth inch in length and one-eighth inch in width;

(b) Opening in a hard or firm head which has one-fourth or more of the head separated from the remainder, or any degree of opening in a fairly firm head;

(c) Seedstems which are apparent upon external examination of the head;

(d) Broken midribs when more than 2 of the outer head leaves have midribs broken;

(e) Freezing when the head leaves show a brown discoloration over more than half of the crown, or when more than 3 of the head leaves are materially blistered or show appreciable injury by freezing;

(f) Dirt when the head is smeared with mud, or when wrapper leaves are badly smeared with mud, or when the basal portion of the head is caked with mud or dry dirt;

(g) Sunburn when the head leaves show a brown discoloration over more than half of the crown of the head; and

(h) Aphis when the head proper is infested, or when the wrapper leaves are badly infested.

§ 51.2521 *Fairly well trimmed.* "Fairly well trimmed" means that the butt is trimmed off close to the point of attachment of the outer leaves; that wrapper leaves are free from serious injury by any cause; that, on a head of Iceberg type lettuce, wrapper leaves do not exceed 8 in number, not more than 6 of which may be excessively large and coarse, and, that the outermost leaves of the head show some shade of green color on a part of the leaves. "Wrapper leaves" means all leaves which do not fairly closely enfold the compact portion of the head. A head shall not be considered fairly well trimmed when the wrapper leaves show yellow or brown discoloration or brown margins to an extent that the head is seriously injured. Any blistering except that causing yellow or brown discoloration which seriously affects the appearance of the wrapper leaves or any tearing of wrapper leaves shall not be considered as serious injury.

§ 51.2522 *Closely trimmed.* "Closely trimmed" means that the head meets all requirements of "fairly well trimmed" except that the wrapper leaves shall be not more than 3 in number, none of which may be excessively large and coarse.

§ 51.2523 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the lettuce. The loss of crispness due to freezing shall not be considered serious damage. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Seedstems which have caused the head to split or which are protruding through the outer head leaves; and,

(b) Tipburn when any spot is more than 1½ inches in length or three-fourths inch in width.

§ 51.2524 *Fairly uniform in size.* "Fairly uniform in size" means that not more than 10 percent, by count, of the heads in any one container may be one standard size smaller than the standard size head for the count packed.

(a) *Example of standard size head.* The standard size head for a 4-dozen pack is that size which will pack tightly 4 rows with 4 heads of uniform size in each row in a layer in a standard crate, assuming that the head has the average number of wrapper leaves found on all the heads in the crate.

Dated: August 31, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-6952; Filed, Sept. 3, 1954; 8:46 a. m.]

[7 CFR Part 918]

[Docket No. AO 219-A4]

HANDLING OF MILK IN MEMPHIS, TENN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Memphis, Tennessee, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the following findings and conclusions were formulated, was conducted at Memphis, Tennessee on June 30, 1954 (19 F. R. 3914). The material issues of record related to:

1. Provision of an additional limitation on the maximum amount of Class I milk which may be distributed in the marketing area before a plant becomes subject to regulation.

2. Extension of regulation to supply plants not subject to the routine inspection of a marketing area health authority.

Findings and conclusions. The following findings and conclusions of the material issues are based upon the evidence introduced at the hearing and the record thereof:

1. The fluid milk plant definition of the order should be amended to provide that any plant from which as much as 1,000 pounds or more per day of Class I milk is disposed of during the month on routes to retail or wholesale outlets in

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

the marketing area shall be considered a fluid milk plant and subject to full regulation under the order.

The present provisions of the Memphis order permit a plant to dispose of less than 5 percent of its Class I sales in the marketing area as Class I milk without becoming fully subject to regulation. Sale of unpriced milk (milk not paid for in accordance with its utilization) in substantial volumes in the marketing area tends to jeopardize the stability of the market and of the pricing system. An unregulated handler who is able to purchase milk on other than a utilization basis may enjoy a competitive advantage over handlers who buy milk on a utilization basis. Regulated handlers under the Memphis order must pay full class prices for all producer milk they receive.

The present order provision allowing a plant to sell 5 percent of its Class I sales in the marketing area without incurring regulation, was adopted to avoid any unnecessary extension of regulation to plants doing business primarily outside the marketing area. It was concluded on the basis of a previous hearing (19 F. R. 2848) that 5 percent of the Class I sales of any plant in the general area of Memphis would not be likely to represent an unstabilizing force of sufficient proportions to justify full regulation of such plant.

Evidence in the present hearing record discloses that a plant doing a large volume of business in Little Rock, Arkansas, has recently been increasing its sales in the Memphis marketing area. Because of the large total volume of business conducted at such plant it has been able to acquire a few sizable outlets for milk in the Memphis marketing area without incurring regulation. While these sales do not represent an important share of the overall business of the Memphis market, they were largely served by one or two handlers and their loss to these handlers has created a substantial disturbance so far as that portion of the market is concerned.

The handlers affected testified that loss of the sale of Class I milk forced them to curtail immediately their purchase of milk from producers under the order and that milk so displaced had to be marketed by a cooperative association for Class II use. The loss of substantial volumes in one or two plants, it was contended, resulted in a decrease in operating efficiency for such plants and impaired their ability to compete in the market for the sale of Class I milk.

It is concluded that additional protection is required to insure market stability in the Memphis market and that to accomplish this, no plant should be allowed to sell an average of more than 1,000 pounds of Class I milk per day in the marketing area without becoming subject to regulation. Under the amendment proposed herein a plant could sell up to 5 percent of its Class I milk to outlets located in the marketing area without becoming subject to full regulation only so long as the total of such sales did not equal the 1,000-pound-per-day limit.

2. The order language should be revised so as to bring under regulation any plant which furnishes Grade A milk or skim milk to a regulated distributing plant during the months of January through August regardless of the type of health approval held by such plant.

The record discloses that under the provisions of the order presently in effect, it is possible for a supply plant not under the routine inspection of a marketing area health authority to furnish milk to a regulated distributing plant and not come under the classification and the pricing provisions of the order. Such milk is classified as "other source" milk and allocated first to any Class II utilization in the distributing plant. Thus, if a distributing plant so chose it could operate so as to depend primarily on other source milk.

When the Memphis order was originally issued, the Memphis and Jackson health authorities issued permits to all producers who furnished milk regularly to the market. At that time, permits were issued on a temporary basis to plants which supplied milk during so-called emergency periods. The record indicates that during the last two years, the Memphis Board of Health has changed its policy, and has issued permits on a reciprocal basis to handlers outside the marketing area to sell milk in Memphis. This policy may render the present provision of the order based on producer inspection, ineffective in controlling all regular milk supplies for the Memphis city portion of the market.

Effective June 1, 1954, the order was amended to extend the marketing area to additional areas where other health authorities have jurisdiction. These areas are now served by plants qualified under the order. However, not all of these authorities inspect and issue permits to all plants and producers supplying the outlets under their jurisdiction. The proposed amendment is necessary therefore to insure that the plants serving these sections of the market regularly will be fully subject to the order.

The only supply plants not routinely inspected by a marketing area health authority which are now supplying the Memphis marketing area furnish only seasonal reserve milk. Record evidence does not indicate that the plants which provide milk seasonally to supplement local supplies during periods of low production need to be subject to the pricing provisions of the order to insure market stability. Special health department permits are normally issued during low production periods when supplies from outside the marketing area were needed to supplement producer milk. It has not been necessary up to this time to make any provision in the definition of a supply plant to regulate such plants. For these reasons an exception covering the months of September through December is included in the recommended amendment, so that during these periods only supply plants under routine inspection will be regulated. If plants not under routine inspection should begin serving the market in additional months they would be regulated pursuant to the proposed amendment.

It is concluded that the proposed amendment is necessary to recognize changes in circumstances under which health department approvals may be obtained to avoid possible circumvention of the pricing provisions of the order.

The proposed extension of regulation to supply plants not under the routine inspection of a marketing area health authority raises the question whether plants subject to other Federal orders might be brought under the regulation of the Memphis order. It would not be appropriate to extend regulation under the Memphis order to such plants. The order should be amended therefore to provide that in case a plant not under the routine inspection of a marketing area health authority and not regularly associated with the Memphis marketing area is qualified as a fully regulated plant under another order, it should be exempt from the classification and pricing provisions of the Memphis order.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carfully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

Recommended marketing agreement and amendment to the order. The following order amending the order, as amended, regulating the handling of milk in the Memphis marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 918.7 and substitute therefor the following:

§ 918.7 *Fluid milk plant.* "Fluid milk plant" means (a) any milk processing or bottling plant from which a volume of Class I milk equal to an average of 1,000 pounds or more per day, or not less than 5.0 percent of the Class I milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area, (b) any plant which during the months of January through August ships Grade A milk, skim milk or cream to a plant qualified pursuant to paragraph (a) of this section, or (c) any plant which during the months of September through December receives milk from farmers holding dairy farm permits for the production of Grade A milk issued my a health authority having jurisdiction in the marketing area, and from which milk, skim milk or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section.

2. Delete § 918.61 and substitute therefor the following:

§ 918.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be considered a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, in lieu of the reports required pursuant to § 918.30, and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 918.7 (a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except fluid milk plants) in the Memphis, Tennessee, marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 918.7 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant was qualified as a fluid milk plant pursuant to § 918.7 (c) during each of the preceding months of September through December.

Issued at Washington, D. C., this 1st day of September 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-6972; Filed, Sept. 3, 1954; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 41]

[Draft Release No. 54-20]

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulations, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Part 41 as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by November 4, 1954. Copies of such communications will be available after November 8, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The Bureau has received recommendations from various interested persons for the adoption of certain amendments to Part 41 consistent with similar provisions recently incorporated into the scheduled domestic regulations contained in revised Part 40 of the Civil Air Regulations. Since the amendments described below will result in a particular benefit in operations conducted under Part 41 or in the administration of these rules, the Bureau considers it advisable to proceed with the amendment of Part 41 at this time rather than to await the complete revision of the part.

Currently effective § 41.52 of the Civil Air Regulations requires in part that pilots in command and second in command, in order to maintain pilot technique in any aircraft of a particular type in which they are to serve in air transportation at night, shall have made at least one take-off and landing at night in that particular type of aircraft within the preceding ninety days. Section 40.301 of Part 40, "Pilot recent experience," does not contain any requirement for night landings and take-offs within the preceding ninety days. Section 40.282, "Initial pilot flight training," does require, however, training for pilots in night operation in each type of airplane to be flown by them in scheduled operations. Part 41 on the other hand contains only the generalization in § 41.53, "Periodic flight checks and instruction," that pilots in command must receive training under certain specified conditions. It is to be noted that night operations are not specifically required.

In order to insure the same level of proficiency of pilots operating under Part 40 and Part 41, it will be necessary, if the recent experience requirements are to be made identical, to include in Part 41 a provision for pilots to receive initial training in night operations in each type of airplane in which they are to serve.

Therefore, it is proposed to amend § 41.52 to incorporate into Part 41 the basic provisions of §§ 40.301 and 40.282 (a) to bring the recent experience and initial pilot flight training requirements of Part 41 and Part 40 into closer conformity.

Attention has been directed to the fact that currently effective Part 41 contains no duty time limitations for aircraft dispatchers. Part 61 prior to April 1, 1954, and Part 40 subsequent to that date have, however, contained specific duty time limitation for aircraft dispatchers. In view of this situation and in order to insure the same level of safety in domestic and international) operations, the Administrator of Civil Aeronautics has incorporated similar duty time limitations in the Operations Specifications for each Part 41 operator. However, it is agreed that basic duty time limitations are more properly the subject of regulatory action by the Board. It is considered desirable, therefore, that the duty time limitations of revised Part 40 be incorporated in Part 41.

Attention has also been drawn to the fact that Part 40 provides that a scheduled domestic air carrier under specified conditions may conduct over-the-top operations by day below the established minimum en route altitude. It also provides, to cover the situation created by an over-the-top operation below the minimum en route altitude, for an entry into an instrument approach procedure below the altitude specified by the Administrator for such procedure. The Administrator of Civil Aeronautics has recommended that similar provisions be incorporated in Part 41 in the interest of standardizing operational rules and effecting the same relief for United States scheduled international air carriers as provided for scheduled domestic air carriers.

It is noted that § 41.119 currently contains provisions similar to § 40.406, "Take-off and landing weather minimums; IFR." However, Part 41 does not contain the provisions of § 40.406 (c) enabling a pilot to execute an instrument approach procedure when the weather report indicates that the ceiling or visibility is less than the approved minimum for a landing, if an airport is served by ILS and GCA in operative condition, and if both are used by the pilot. Generally, the Board endeavors to apply rules of this nature uniformly to both the domestic and international carriers where operational requirements are the same. It seems advisable therefore to amend § 41.119 to include the provisions of § 40.406 (c).

In view of the foregoing, notice is hereby given that it is proposed to amend Part 41 of the Civil Air Regulations as follows:

1. By amending § 41.52 to read as follows:

§ 41.52 *Initial pilot flight training and recent experience.* (a) Flight training for all pilots shall include at least take-offs and landings, during day and night, and normal and emergency flight

maneuvers in each type of airplane to be flown by him in scheduled operations, and flight under simulated instrument flight conditions.

(b) No air carrier shall schedule a pilot in command or second in command to serve as such in scheduled air transportation unless within the preceding 90 days he has made at least three take-offs and three landings in an aircraft of the particular type on which he is to serve.

2. By adding a new § 41.89 to read as follows:

§ 41.89 *Aircraft dispatcher daily duty time limitations.* (a) The daily duty period for aircraft dispatchers shall commence at such time as will permit him to become thoroughly familiar with existing and anticipated weather conditions along the route prior to the dispatch of any aircraft. He shall remain on duty until all aircraft dispatched by him have completed their flights, or have proceeded beyond his jurisdiction, or until he is relieved by another qualified aircraft dispatcher.

(b) The following rules will govern the hours of duty for aircraft dispatchers, except when circumstances or emergency conditions beyond the control of the air carrier require otherwise:

(1) *Maximum consecutive hours of duty.* No dispatcher shall be scheduled for duty as such for a period of more than 10 consecutive hours.

(2) *Maximum scheduled hours of duty in 24 consecutive hours.* If a dispatcher is scheduled for duty as such for more than 10 hours in a period of 24 hours, he shall be given a rest period of not less than 8 hours at or before the termination of 10 hours of dispatcher duty.

(3) *Dispatcher's time off.* Each aircraft dispatcher shall be relieved from all duty with the air carrier for a period of at least 24 consecutive hours during any 7 consecutive days or the equivalent thereof within any one month.

3. By amending the title of § 41.114 (b) to read as follows:

§ 41.114 *Flight altitude rules.* • • •

(b) *Night VFR or IFR operations (including over-the-top).* • • •

4. By adding a new paragraph (c) to § 41.114 to read as follows:

§ 41.114 *Flight altitude rules.* • • •

(c) *Day time over-the-top operations below minimum en route altitudes.* Over-the-top operations may be conducted at flight altitudes lower than the minimum en route IFR altitudes by day only and in accordance with the following provisions:

(1) Such operations shall be conducted at least 1,000 feet above the top of lower broken or overcast cloud cover;

(2) The top of the lower cloud cover shall be generally uniform and level;

(3) Flight visibility shall be at least five miles;

(4) The base of any higher broken or overcast cloud cover shall be generally uniform and level and shall be at least 1,000 feet above the minimum en route IFR altitude for the route segment.

5. By amending § 41.117 to read as follows:

§ 41.117 *Altitude on initial approach.* (a) When making an initial approach to a radio navigational facility on instruments or on top of overcast (excluding over-the-top conducted in accordance with the provisions of § 41.114 (c)), an airplane shall not descend below the pertinent minimum altitude for initial approach specified by the Administrator for such facility until arrival over the radio facility has been definitely established;

(b) When making an initial approach on a flight being conducted in accordance with the provisions of § 41.114 (c), a pilot shall not commence an instrument approach until arrival over the radio facility has definitely been established. In executing an instrument approach procedure under such circumstances, the airplane shall not be flown at an altitude lower than 1,000 feet above the top of the lower cloud or the minimum altitude specified by the Administrator for that portion of the instrument approach procedure being flown, whichever is the lower.

6. By amending § 41.118 to read as follows:

§ 41.118 *Instrument approach procedures.* When an instrument approach is necessary, the instrument approach procedures and weather minimums authorized in the operations specifications shall be adhered to.

7. By amending § 41.119 to read as follows:

§ 41.119 *Approach and landing limitations.* (a) Except as provided in paragraphs (b) and (c) of this section, no instrument approach procedure shall be executed or landing made at an airport when the latest U. S. Weather Bureau report for that airport indicates the ceiling or visibility to be less than that prescribed by the Administrator for landing at such airport.

(b) An instrument approach procedure may be executed when the weather report indicates that the ceiling or visibility is less than approved minimum for landing, if the airport is served by ILS and GCA in operative condition and both are used by the pilot, and thereafter a landing may be made, if weather conditions equal to or better than the prescribed minimums are found to exist by the pilot in command upon reaching the authorized landing minimum altitude.

(c) If an instrument approach procedure is initiated when the current U. S. Weather Bureau report indicates that the prescribed ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the aircraft (1) is on an ILS final approach and has passed the outer marker, or (2) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude, or (3) is on GCA final approach and has been turned over to the final approach controller, such approach may be continued and a landing may be made in the event weather conditions equal to or better than the prescribed minimums for the airport are found to exist by the pilot in command of the flight upon reaching the authorized landing minimum altitude.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. These proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated: August 26, 1954, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 54–6955; Filed, Sept. 3, 1954; 8:47 a. m.]

[14 CFR Part 49]

[Draft Release No. 54–21]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

DEVIATION FROM LIMITATIONS FOR ATOMIC ENERGY COMMISSION SHIPMENTS OF RADIOACTIVE MATERIALS

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Part 49 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by October 8, 1954. Copies of such communications will be available after October 12, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The program of the Atomic Energy Commission requires the use of civil aircraft to transport radioactive materials, the movement of which is subject to the requirements and limitations as set forth in Part 49 of the Civil Air Regulations. The Civil Air Regulations applicable to radioactive materials are identical in substance with the ICC Regulations.

Generally, the United States Atomic Energy Commission finds no difficulty in complying with the regulations of Part 49 for air shipments. In certain instances, however, because of the chemical nature of a particular material, the quantity needed to be transported which is required for laboratory or medical use exceeds the 2,000 millicurie limitation prescribed by Part 49. The useful life span of certain materials also becomes an important factor in that it is of such short duration that the fastest means of transportation is needed to provide sufficient time for the efficient use of such materials.

In order to facilitate the movement of these materials in surface transportation, a simplified system has been approved by ICC for rail express shipments which provides for the use of deviation authority directly by the Atomic Energy Commission with respect to the quantity of radioactive material that can be carried in one package. This system provides that the Atomic Energy Commission may utilize a special permit by virtue of which it can ship greater quantities of radioactive materials in a package in rail express transportation provided that, in addition to making notification and using approved containers, the outside radiation of the package does not exceed the present limit. This has replaced the procedure which required an individual authorization from ICC for each shipment. The Civil Air Regulations presently require that deviation authority for each individual shipment shall be obtained from the Administrator, and in some instances this procedure could cause delay in the transportation of materials where time is a most important factor.

From a safety standpoint, since the surface radiation of the package containing the additional units must not exceed 10 milliroentgens in 24 hours, which is the normal rate prescribed by Part 49, there is adequate provision for the safety of those handling the package and those who occupy positions of close proximity to the package. The packaging is secure in strength and fire-resistant inasmuch as the lead shield required to control radiation is also required to be enclosed in a steel container so that it will not flow away in case of fire. A means must be provided for applying an outside seal so that the container cannot be opened without destroying the seal. Each such shipment must be accompanied by a permit issued by the Atomic Energy Commission.

The Atomic Energy Commission will certify that the package offered for shipment by air meets all the requirements prescribed by Part 49 except the maximum quantity limitations, in which case the quantity shall be stated on the permit unless the package is personally escorted by Atomic Energy Commission personnel. Notification prior to each shipment must be given by the Atomic Energy Commission to the Civil Aeronautics Administration in the form and manner prescribed by the Administrator.

It is noted that in § 49.18 the numbered references to the ICC Regulations are no longer correct. They have been changed and therefore we propose to substitute the new numbers.

In order to accomplish the foregoing, it is proposed to amend Part 49 of the Civil Air Regulations as follows:

1. By amending § 49.71 to read as follows:

§ 49.71 *Special authority.* In emergency situations or where other forms of transportation are impracticable:

(a) Deviations from any of the provisions of this part for a particular flight may be authorized by the Administrator where he finds that the conditions under which the articles are to be carried are such as to permit the safe carriage of persons and cargo.

(b) Deviations from the 2,000 millicurie quantity limitation prescribed for radioactive materials by § 49.18 may be authorized by the Atomic Energy Commission for Atomic Energy Commission shipments provided that such shipments are made in accordance with the requirements approved by the Interstate Commerce Commission for shipment by rail express and prior notification of each shipment is given by the Atomic Energy Commission in the form and manner prescribed by the Administrator.

2. By deleting from § 49.18 the reference "§§ 73.368 through 73.369" and inserting in lieu thereof "§§ 73.391 through 73.394".

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated August 30, 1954, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 54–6958; Filed, Sept. 3, 1954; 8:47 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGAR BEETS IN CERTAIN AREAS

NOTICE OF HEARING ON WAGES AND PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), notice is hereby given that a public hearing will be held as follows:

At Berkeley, California, in the Board Room of the California Farm Bureau Federation Building, 2223 Fulton Street, on October 6, 1954, at 10:00 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the production, cultivation or harvesting of sugar beets in California, southwestern Arizona, western Nevada, and southern Oregon, during the crop year 1955 on farms with respect to which applications for payments under the said act are made, and (2) pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1955 crop of sugar beets in California, southwestern Arizona, western Nevada, and southern Oregon, to be paid, under either purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the said act.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matters.

A. A. Greenwood and Larry F. Diehl are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 1st day of September 1954.

[SEAL] A. A. GREENWOOD, *Acting Director, Sugar Division.*

[F. R. Doc. 54–6973; Filed, Sept. 3, 1954; 8:50 a. m.]

Office of the Secretary

ARKANSAS

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President on August 7, 1954, determined that a major disaster occasioned by drought existed in the State of Arkansas.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148), as further amended on July 30, 1954, and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress certain counties in the State of Arkansas were on August 19, 1954 (19 F. R. 5388), determined to be the area affected by the major disaster by drought.

Pursuant to the aforesaid delegation the Delineation and Certification of Counties Contained in Drought Areas, dated August 19, 1954 (19 F. R. 5388) is herewith amended by adding the counties set forth below, on the date indicated, to the major disaster area in the designated State.

ARKANSAS

AUGUST 19, 1954

Garland.	Pike.
Grant.	Polk.
Hot Spring.	Saline.
Howard.	Sevier.
Montgomery.	

Done this 31st day of August 1954.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 54-6953; Filed, Sept. 3, 1954; 8:46 a. m.]

COLORADO

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President on July 1, 1953 determined that a major disaster occasioned by drought existed in the State of Colorado.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148), as further amended on July 30, 1954, and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, certain counties in the State of Colorado were on August 10, 1954 (19 F. R. 5155) determined to be the area affected by the major disaster by drought.

Pursuant to the aforesaid delegation the Delineation and Certification of Counties Contained in Drought Areas, dated August 10, 1954 (19 F. R. 5155) is herewith amended by adding the county set forth below, on the date indicated, to the major disaster area in the designated State.

COLORADO

AUGUST 24, 1954

Huerfarno County.

Done this 31st day of August 1954.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 54-6954; Filed, Sept. 3, 1954; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. II—California State Office]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

AUGUST 25, 1954.

Pursuant to the following listed determinations of the Federal Power Commission and in accordance with authority delegated to me by the Director, Bureau of Land Management, by section 2.5 of Order No. 541, dated April 21, 1954 (19 F. R. 2473, 2476) it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and as to DA-757, DA-767, DA-768, DA-776, DA-777, DA-784, DA-785, DA-787, DA-790, DA-797, DA-800, DA-815, subject to the stipulation that if and when the lands are required wholly or in part for any purpose or purposes of power development, including the location of roads, power lines, and conduits over, under, or across said land that all structures, machinery, or improvements placed thereon which shall be found to interfere with such power development shall be removed or so relocated as may be necessary to eliminate interference with power development without cost or expense to the United States or its permittees or licensees, as to DA-768, DA-773, DA-787, DA-797, DA-801, DA-812, subject to the stipulation that if and when the land is required, in whole or in part, for purposes of power development, the United States, its permittees or licensees, shall not be held liable for any damage to workings, operations, structures, machinery, or improvements placed thereon resulting from the construction, operation, or maintenance of any power project authorized by the United States; as to DA-730, DA-766 subject to the prior rights of the United States, its transferees or assigns, to use any or all portions of the land required for the relocation, construction, and maintenance of any highways made necessary by the construction of the Isabella Dam and Reservoir; as to DA-799 subject to the stipulation that the United States, its permittees or licensees, shall not be liable for any damages to any improvements or workings located thereon below the 2,300-foot elevation (North American Datum) by the locator or entryman, and all structures, machinery, or improvements which shall be found to interfere with any power development by the United States, its permittees or licensees, shall be removed or relocated without expense to the United States, its permittees or licensees; as to DA-801 subject to the stipulation that the locators shall agree to operate the mining or milling to be conducted on the land so as to confine all waste, debris, tailings, and harmful chemicals, by means of substantial dikes or other adequate structures, from being carried by storm water or otherwise into the Middle Fork Feather River; as to DA-804 subject to the stipulation that the locator, its successors and assigns, shall by means of substantial dikes or other adequate structures confine all their tailings and other debris in such manner that they shall not be carried by storm water or otherwise into Hottentot Creek or Middle Fork Feather River; and subject to the further stipulation that the United States, its permittees or licensees, shall not be held liable for any damage to the improvements or workings of the locator, its successors or assigns, located below the 4,100-foot elevation resulting from construction, operation, or maintenance of hydroelectric power facilities authorized by the United States; as to DA-812 subject to the stipulation that these lands shall be occupied and used exclusively for mineral exploration and development, and for no other purpose, until such time as full compliance with the requirements of the mining laws have been made and patent issued; as to DA-836 subject to the stipulation that the proposed highway and bridge at the Rancheria Creek Crossing shall be constructed so as not to conflict with the power-development plan of the Southern California Edison Company.

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
DA-111-California...	Power Site Classification No. 55 of June 22, 1923.	Under applicable public land laws.	California: T. 11 N., R. 21 E., S. B. M., sec. 13, lot 1, sec. 24, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, $SW\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$; sec. 25, lots 2, 10, 11, $NE\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$; in Fort Mojave Indian Reservation. T. 9 N., R. 22 E., S. B. M., sec. 11, $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$; sec. 12, $W\frac{1}{2}$, sec. 13, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, sec. 24, $SW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$. T. 10 N., R. 22 E., S. B. M., sec. 10 (reserved portion); sec. 15 (reserved portion); sec. 22 (reserved portion), sec. 26, lots 1, 2, 3, 4 $SE\frac{1}{4}NE\frac{1}{4}$, sec. 35, lot 4, $E\frac{1}{2}NW\frac{1}{4}$. T. 7 N., R. 23 E., S. B. M., sec. 2, lots 1, 2, 3, 4, $S\frac{1}{2}N\frac{1}{2}$, $NE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$; sec. 12, $N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$. T. 8 N., R. 23 E., S. B. M., sec. 4, lot 4, $SW\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$; sec. 16, $E\frac{1}{2}E\frac{1}{2}$; sec. 26, $NW\frac{1}{4}NW\frac{1}{4}$; sec. 27, $E\frac{1}{2}NE\frac{1}{4}$; sec. 35, $NE\frac{1}{4}NE\frac{1}{4}$; sec. 36, $NE\frac{1}{4}SW\frac{1}{4}$. T. 9 N., R. 23 E., S. B. M., sec. 19, lot 8, $SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$; sec. 30, lot 1, $SE\frac{1}{4}NW\frac{1}{4}$, sec. 32, $SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$. T. 6 N., R. 24 E., S. B. M., sec. 10, $E\frac{1}{2}E\frac{1}{2}$; sec. 14, $N\frac{1}{2}SW\frac{1}{4}$; sec. 15, $E\frac{1}{2}NE\frac{1}{4}$. T. 7 N., R. 24 E., S. B. M., sec. 8, $E\frac{1}{2}SW\frac{1}{4}$, sec. 16, $NW\frac{1}{4}SE\frac{1}{4}$. T. 8 N., R. 24 E., S. B. M. (All).
DA-718-California...	Power Site Reserve No. 655 of Sept. 7, 1917.	Under applicable public land laws.	California: T. 27 S., R. 32 E., M. D. M., sec. 12, $NW\frac{1}{4}SW\frac{1}{4}$.
DA-730-California...	Proposed Water-Power Project No. 564 of Oct. 21, 1929.	Under applicable public land laws.	California: T. 25 S., R. 33 E., M. D. M., sec. 15, $E\frac{1}{2}NE\frac{1}{4}$.
DA-753-California...	Power Site Reserve No. 436 of May 21, 1914; Project No. 525 of Aug. 9, 1924.	Under applicable public land laws.	California: T. 6 N., R. 12 E., M. D. M., sec. 11, $W\frac{1}{2}SE\frac{1}{4}$.
DA-754-California...	Power Site Reserve No. 87 of July 2, 1910.	Under applicable public land laws.	California: T. 6 N., R. 12 E., M. D. M., sec. 11, $SE\frac{1}{4}SE\frac{1}{4}$.
DA-757-California...	Power Site Classification No. 45 of July 7, 1922.	Under applicable public land laws.	California: T. 27 S., R. 32 E., M. D. M., sec. 15, $S\frac{1}{2}SW\frac{1}{4}$; sec. 22, $NE\frac{1}{4}NW\frac{1}{4}$; in Sequoia National Forest.
DA-760-California...	Power Site Reserve No. 261 of Apr. 19, 1912.	For mining purposes only.	California: T. 6 N., R. 12 E., M. D. M., sec. 28, $S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$.
DA-766-California...	Power Site Reserve No. 655 of Sept. 7, 1917; Proposed Project No. 564 of Oct. 21, 1929.	Under applicable public land laws.	California: T. 25 S., R. 33 E., M. D. M., sec. 15, $NE\frac{1}{4}NW\frac{1}{4}$.
DA-767-California...	Proposed Project No. 175 of Feb. 4, 1921.	For mining purposes only.	California: T. 10 S., R. 26 E., M. D. M., sec. 21, $S\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}$; sec. 28, $N\frac{1}{2}N\frac{1}{2}$; in the Sierra National Forest.
DA-768-California...	Power Site Classification No. 115 of Sept. 21, 1925.	For mining purposes only.	California: T. 5 N., R. 7 W., H. M., sec. 21, $NE\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, in the Trinity National Forest.
DA-769-California...	Power Site Reserve No. 87 of July 2, 1910.	Under applicable public land laws.	California: T. 6 N., R. 13 E., M. D. M., sec. 17, $NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$.
DA-772-California...	Project No. 187 of Mar. 14, 1921, and Apr. 17, 1924.	For mining purposes only.	California: T. 10 N., R. 8 E., M. D. M., sec. 9, $E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$, in Tahoe and Plumas National Forest.
DA-773-California...	Power Site Classification No. 168 of Feb. 9, 1927.	For mining purposes only.	California: T. 15 N., R. 11 E., M. D. M., sec. 6, lots 8, 12, 28, 29, 30, 31; in Tahoe National Forest.
DA-776-California...	Power Site Classification No. 85 of Nov. 5, 1924.	Under applicable public land laws.	California: T. 37 N., R. 8 W., M. D. M., sec. 2, $SW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$; in Shasta National Forest Reserve.
DA-777-California...	Proposed Project No. 334 of Aug. 3, 1922.	Under applicable public land laws.	California: T. 15 N., R. 9 E., M. D. M., sec. 36, $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$.
DA-784-California...	Power Site Classification No. 116 of Sept. 19, 1925.	Under applicable public land laws.	California: T. 10 N., R. 4 E., H. M., sec. 19, lots 3, 4,; in Klamath National Forest and Hoopa Indian Reservation.
DA-785-California and DA-786-California.	Power Site Classification No. 13 of Oct. 27, 1921; Federal Power Project No. 247.	Under applicable public land laws.	California: T. 32 N., R. 6 W., M. D. M., sec. 15, $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$; sec. 22, all.
DA-787-California...	Power Site Reserve No. 88 of Dec. 20, 1909.	For mining purposes only.	California: T. 18 N., R. 8 E., M. D. M., sec. 28, $NE\frac{1}{4}SE\frac{1}{4}$; in Tahoe National Forest.
DA-788-California...	Power Site Classification No. 179 of May 13, 1927.	For mining purposes only.	California: T. 28 N., R. 9 E., M. D. M., sec. 18, $NW\frac{1}{4}SE\frac{1}{4}$, in Plumas National Forest.
DA-790-California...	Power Site Reserve No. 258 of Apr. 13, 1912.	Under applicable public land laws.	California: T. 46 M., R. 6 W., M. D. M., sec. 5, $E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$.
DA-793-California...	Power Site Classification No. 256 of July 9, 1930; Power Project No. 1008 of Apr. 17, 1922.	For Water pipeline right-of-way.	California: T. 3 S., R. 3 E., S. B. M., sec. 14, $SE\frac{1}{4}SE\frac{1}{4}$; sec. 24, $NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$.
DA-795-California...	Power Site Reserve No. 560 of Oct. 30, 1916.	Under applicable public land laws.	California: T. 12 N., R. 9 W., M. D. M., sec. 14, $SW\frac{1}{4}SW\frac{1}{4}$.
DA-797-California...	Power Site Reserve No. 88 of July 2, 1910.	For mining purposes only.	California: T. 18 N., R. 8 E., M. D. M., sec. 32, $NE\frac{1}{4}$; in Tahoe National Forest.
DA-798-California...	Power Site Reserve No. 232.	For highway right-of-way.	California: T. 32 N., R. 10 W., M. D. M., sec. 12, $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}$ of lot 1.
DA-799-California...	Power Site Reserve No. 267 of Apr. 29, 1912.	Under applicable public land laws.	California: T. 15 N., R. 9 E., M. D. M., sec. 12, lots 1, 2, 3, 4, 5, 6, 7, 8, $NW\frac{1}{4}SW\frac{1}{4}$.
DA-800-California...	Power Site Reserve No. 268 of Apr. 29, 1912.	Under applicable public land laws.	California: T. 11 N., R. 11 E., M. D. M., sec. 30, lots 3, 4.
DA-801-California...	Power Site Classification No. 163 of Jan. 14, 1927.	For mining purposes only.	California: T. 23 N., R. 12 E., M. D. M., sec. 32, $W\frac{1}{2}NW\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$.
DA-804-California...	Power Projects Nos. 249, 2121, 2134, 2135, of Sept. 14, 1921, Jan. 9, 1953, May 20, 1953, May 28, 1953, respectively.	For mining purposes only.	California: T. 23 N., R. 10 E., M. D. M., sec. 20, $N\frac{1}{2}$; in Plumas National Forest.
DA-812-California...	Power Project No. 187 of Mar. 14, 1921; Power Project No. 1323 of July 24, 1925.	For mining purposes only.	California: T. 20 N., R. 11 E., M. D. M., sec. 25, $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$.
DA-815-California...	Power Site Classification No. 115 of Sept. 21, 1925.	For mining purposes only.	California: T. 6 N., R. 6 E., H. M., sec. 13, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$; in Six Rivers National Forest.
DA-821-California...	Power Site Classification No. 116 of Sept. 19, 1925.	For highway right-of-way.	California: T. 16 N., R. 8 E., H. M., sec. 5, $W\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$; sec. 6, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$; sec. 7, $W\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$; in Klamath National Forest.
DA-836-California...	Power Site Classification No. 138, Power Projects Nos. 67, 105, 110 of Apr. 7, 1928; Nov. 26, 1926, respectively.	For highway right-of-way.	California: T. 8 S., R. 26 E., M. D. M., sec. 5, $S\frac{1}{2}SW\frac{1}{4}$; sec. 8, $E\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$; sec. 18, $SW\frac{1}{4}NE\frac{1}{4}$; in Sierra National Forest.
DA-839-California...	Power Project No. 187 of Mar. 14, 1921.	Under applicable public land laws.	California: T. 20 N., R. 12 E., M. D. M., sec. 9, $S\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$; in Tahoe National Forest.

The lands described shall be subject to application by the State of California for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m., P. s. t., on the 91st day after the date of publication. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

L. T. HOFFMAN,
State Supervisor.

[F. R. Doc. 54-6887; Filed, Sept. 3, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9009, 10909; FCC 54M-1082]

KFAB BROADCASTING CO. AND HERALD CORP.

ORDER CONTINUING HEARING

In re applications of KFAB Broadcasting Company, Omaha, Nebraska, Docket No. 9009, File No. BPCT-390; Herald Corporation, Omaha, Nebraska, Docket No. 10909, File No. BPCT-1663; for construction permits for new television stations.

In view of the duration of the hearing in a previously-scheduled proceeding beyond the period originally contemplated: *It is hereby ordered*, This 1st day of September 1954, on the Examiner's own motion, that the date for the commencement of the taking of testimony in the above-entitled proceeding is postponed from September 8, 1954, to September 13, 1954, at 10:00 a. m., in the Commission's offices at Washington, D. C.

Released: September 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6959; Filed, Sept. 3, 1954; 8:47 a. m.]

[Docket Nos. 10931, 10933, 11096; FCC 54-1057]

MERCER BROADCASTING CO. ET. AL.

CANCELLATION OF HEARING AND STATEMENT OF REQUIREMENTS TO COVER FUTURE PROCEEDINGS

In re applications of Mercer Broadcasting Company, Trenton, New Jersey, Docket No. 10931, File No. BP-8714; Drew J. T. O'Keefe, Jack J. Dash and William F. Waterbury, Levittown-Fairless Hills, Pennsylvania, Docket No. 10933, File No. BP-8964; William A. Brewer, Albert W. Eastburn and Theresa Rose, a partnership, d/b as Levittown-Fairless Hills Broadcasters, Levittown, Pennsylvania, Docket No. 11096, File No. BP-9193; for construction permits.

1. By order, dated July 30, 1954, all parties or their attorneys were directed to appear on August 9, 1954 for a prehearing conference pursuant to § 1.813 of the Commission's rules. A further session of the conference was held on August 18, 1954. The following parties

were represented at both sessions of the conference: Mercer Broadcasting Company (Mercer); Drew J. T. O'Keefe, Jack J. Dash, and William F. Waterbury (O'Keefe); William A. Brewer, Albert W. Eastburn, and Theresa Rose, a partnership, d/b as Levittown-Fairless Hills Broadcasters (Brewer); Max M. Leon, Inc. (WDAS); Atlantic City Broadcasting Company (WLDB); and Chief of the Commission's Broadcast Bureau (Commission Counsel). No appearance was entered on behalf of Greenwich Broadcasting Company or Press-Union Publishing Company, and no written appearance has been filed for either company pursuant to § 1.387 (b) (4) of the Commission's rules. Accordingly, these two companies appear to have forfeited their hearing rights and are hereby held to be in default.

2. The following agreements among the parties were found to be acceptable and approved by the Hearing Examiner:

(a) The balance of the hearing shall be conducted under the revised hearing procedures adopted by the Commission on July 14, 1954 (FCC 54–900).

(b) The direct cases, in written form, shall be prepared as follows:

(1) The testimony of each witness shall be prepared in narrative form and shall be submitted under the affidavit of the particular witness.

(2) All narrative statements shall be prepared in double-spaced form.

(3) Parties shall be designated by the abbreviated names shown in paragraph 1, above.

(4) Each party shall mark its exhibits with its name and a number. Narrative statements shall be numbered in series, beginning with one. An exhibit connected with a narrative statement shall be given the same number as the narrative statement, plus an identifying letter in series, such as "Mercer No. 1–A."

(c) The "direct case" will include the affirmative proposals of each of the parties with respect to its own application, i. e., all data desired to be submitted by the applicant in connection with his qualifications and proposals, and will not include testimony or exhibits in the nature of rebuttal with respect to the proposals of the other parties.[1]

(d) Where the direct case in written form contains testimony of witnesses whose direct testimony appropriately could have been taken by deposition, parties will not object to taking cross-examination of such witnesses through deposition procedures rather than requiring those witnesses to be brought to Washington.

(e) A mere letter from a person, stating willingness to cooperate in the production of programs, will not be admissible for the purpose of establishing as a fact that he is willing to cooperate without having the person available for cross-examination.

[1] In this connection the Examiner ruled that the direct written cases under the section 307 (b) issue should include the facts regarding the proposal of the particular applicant and should not include comparative facts regarding the proposals of the other two applicants.

(f) Parties will confer informally and attempt to reach a stipulation concerning the engineering phases of the case, and the values in the Commission's new conductivity map may be used in place of those in the old conductivity map without amendment of the applications.

(g) Insofar as possible, parties will attempt to reach stipulations on other factual matters.

(h) Stipulations of facts agreed to by all parties, including Commission Counsel, will be considered prima facie acceptable to the Examiner, and the direct cases, in written form, may be prepared on the assumption that such stipulations will be acceptable to the Examiner. If, on examination, such stipulations are not acceptable, an appropriate opportunity will be afforded so that such matters can be covered in the direct cases in written form.

(i) With reference to program proposals, each applicant will submit, as a minimum: (1) Complete program schedule of programs, including the classification of each program by type and source, (2) program descriptions, (3) analyses of proposed typical week by type and by source, together with information on spot announcements as required by FCC Form 301.

3. After discussion as to whether the hearing should be held in abeyance pending action by the Commission upon pending petitions to enlarge the issues, the Examiner ruled that the hearing should proceed at least to the point of exchanging direct cases in writing and holding a § 1.841 conference upon the issues as presently constituted, and that such further action as seemed appropriate would be taken subsequently, if the Commission enlarged the issues. Counsel for O'Keefe agreed to prepare and submit new information on a specified site basis if the Commission should require that applicant to specify a site.

4. After discussion, the Examiner ruled that evidence on the matter of diversification of media of mass communications would be relevant under issue 5 (a). See Radio Fort Wayne, Inc., 9 Pike & Fischer, R. R. 167, 170.

5. After discussion, the Examiner ruled that issue No. 3 puts in issue only the matter referred to with particularity, i. e., providing the recommended minimum of interference-free service within the proposed station's normally protected daytime contour (0.5 mv/m).

6. Exceptions were taken to some of the Examiner's rulings, as recorded in the transcript of the conference.

It is ordered, This 26th day of August 1954, that the foregoing requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Examiner for cause or by the Commission upon review of the Examiner's ruling.

It is further ordered, That (1) the hearing, heretofore scheduled for September 16, 1954, is canceled; (2) exhibits comprising the full direct case of each applicant shall be exchanged on September 13, 1954, in accordance with the provisions of § 1.841 of the Commission's rules; and (3) parties are directed to appear for a further pre-hearing conference, pursuant to the provisions of § 1.841 of the Commission's rules, on September 20, 1954, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6960; Filed, Sept. 3, 1954; 8:47 a. m.]

[Docket Nos. 10980, 10981; FCC 54M-1083]

KFJI BROADCASTERS AND KLAMATH FALLS TELEVISION, INC.

ORDER CONTINUING HEARING

In re applications of KFJI Broadcasters, Klamath Falls, Oregon, Docket No. 10980, File No. BPCT-1299; Klamath Falls Television, Inc., Klamath Falls, Oregon, Docket No. 10981, File No. BPCT-1620; for construction permits for new television stations.

It appearing that the commencement of the taking of testimony in another proceeding before this Commission (Channel 7 in Omaha, Nebraska) is scheduled for September 13, 1954;

It is ordered, This 1st day of September 1954, that the date for the commencement of the taking of testimony in the above-entitled proceeding is postponed from September 13, 1954, to October 11, 1954, at 10:00 a. m. in the Commission offices at Washington, D. C.; and

It is further ordered, That the date for the exchange of exhibits by counsel for KFJI Broadcasters and for the filing of exhibits by counsel for Klamath Falls Television, Inc. with the Examiner is postponed to Wednesday, October 6, 1954.

Released: September 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6961; Filed, Sept. 3, 1954; 8:48 a. m.]

[Docket No. 11002; FCC 54M-1055]

TUPELO BROADCASTING CO., INC. (WELO)

ORDER SCHEDULING CONFERENCE

In re application of Tupelo Broadcasting Co., Inc. (WELO), Tupelo, Mississippi, for construction permit; Docket No. 11002, File No. BP-8939.

It is ordered, This 25th day of August 1954, that counsel for all parties in the above-entitled proceeding are directed to appear for a pre-hearing conference, pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 9 a. m., September 9, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6962; Filed, Sept. 3, 1954; 8:48 a. m.]

[Docket No. 11148]

AMOS B. COLLINS

CORRECTED ORDER TO SHOW CAUSE

In the matter of Amos B. Collins, Cheverly, Maryland, order to show cause why the license for Amateur Radio Station W3FVX should not be revoked; Docket No. 11148.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation Amateur Radio Station W3FVX licensed to Amos B. Collins, 6008 Euclid Street, Cheverly, Maryland; and

It appearing that said licensee, while operating his amateur radio station W3FVX, on or about July 23 and July 24, 1954 with apparent wilfulness violated § 12.157 of the Commission's rules by transmitting obscene, indecent or profane language:

It is ordered, This 23d day of August 1954, pursuant to the provisions of section 312 (a) and (c) of the Communications Act of 1934, as amended, that the said Amos B. Collins of Cheverly, Maryland, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 22d day of November 1954; and

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Amos B. Collins, 6008 Euclid Street, Cheverly, Maryland.

Released: August 30, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6963; Filed, Sept. 3, 1954; 8:48 a. m.]

[Docket No. 11149]

S. B. CRAYTON, JR.

ORDER TO SHOW CAUSE

In the matter of S. B. Crayton, Jr., Georgetown, South Carolina, order to show cause why the license for Radiotelephone Station WE–7498 should not be revoked; Docket No. 11149.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WE–7498 licensed to S. B. Crayton, Jr., Georgetown, South Carolina, aboard the vessel "Miss May".

It appearing that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated February 9, 1954, specifying that at 2:53 p. m., e. s. t., on December 30, 1953, while engaged in radio communication, the operator of radio station WE–7498 failed to properly identify the station by transmitting the call sign thereof as required by § 8.364 of the Commission's rules. (Station call sign was not announced during each transmission.)

It further appearing that, despite a further notice dated March 23, 1954, calling attention to the foregoing notice of violation and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules no explanation or other response has been received from the licensee:

It is ordered, This 25th day of August 1954, pursuant to the provisions of section 312 (c) of the Communication Act of 1934, as amended, that the said S. B. Crayton, Jr., Georgetown, South Carolina, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 1st day of November, 1954.

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said S. B. Crayton, Jr., Georgetown, South Carolina.

Released: August 27, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6964; Filed, Sept. 3, 1954; 8:48 a. m.]

[Docket No. 11150]

T. L. BISHOP AND V. J. SCOGIN

ORDER TO SHOW CAUSE

In the matter of T. L. Bishop and V. J. Scogin, Aransas Pass, Texas; Order to Show Cause why the license for Radiotelephone Station WB–2311 should not be revoked; Docket No. 11150.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WB–2311 licensed to T. L. Bishop and V. J. Scogin, Aransas Pass, Texas, aboard the vessel "Sabine Fish Co. No. I."

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated March 5, 1954, specifying that at 2035 GMT, on March 4, 1954, the transmitter of radio station WB–2311 radiated a strong second harmonic which was a potential source of interference to aeronautical radio communications on the frequency 5476.5 kc and a violation of § 8.108 of the Commission's rules.

It further appearing, that, despite a further notice dated April 22, 1954, calling attention to the foregoing notice of violation and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 25th day of August 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said T. L. Bishop and V. J. Scogin, Aransas Pass, Texas, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 1st day of November, 1954.

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said T. L. Bishop and V. J. Scogin, P. O. Box 1283, Aransas Pass, Texas.

Released: August 27, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6965; Filed, Sept. 3, 1954; 8:48 a. m.]

[Docket No. 11151]

GENERAL SEAFOODS, INC.

ORDER TO SHOW CAUSE

In the matter of General Seafoods, Inc., New Orleans, Louisiana; Order to Show Cause why the license for Radiotelephone Station WD–8367 should not be revoked; Docket No. 11151.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WD–8367 licensed to General Seafoods, Inc., New Orleans, Louisiana, aboard the vessel "40 Fathom No. I."

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated January 29, 1954, specifying that at 1926 GMT, on January 27, 1954, the operator of radio station WD–8367, while engaged in radio communication on the frequency 2638 kc, failed to properly identify the station by transmitting the call sign as required by § 8.364 of the Commission's rules.

It further appearing that, despite a further notice dated March 2, 1954, calling attention to the foregoing notice of violation and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 25th day of August 1954, pursuant to the provisions of sec-

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, the licensee shall within thirty (30) days from the date of the receipt of the order submit a written statement informing the Commission whether said licensee will appear at the hearing and present evidence upon the matters specified, or whether the rights to a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to the order within the specified thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

tion 312 (c) of the Communications Act of 1934, as amended, that the said General Seafoods, Inc., New Orleans, Louisiana, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 3d day of November 1954.

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said General Seafoods, Inc., 923 Tchouptulas Street, New Orleans, Louisiana.

Released: August 27, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6966; Filed, Sept. 3, 1954; 8:48 a. m.]

[Docket No. 11152]

ANDREW TIPICH

ORDER TO SHOW CAUSE

In the matter of Andrew Tipich, San Pedro, California; Order to Show Cause why the license for Radiotelephone Station WB-2748 should not be revoked; Docket No. 11152.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WB-2748 licensed to Andrew Tipich, San Pedro, California, aboard the vessel "Sea Pride."

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated May 10, 1954, specifying that at 1954 GMT, on May 3, 1954, the transmitter of radio station WB-2748 radiated a strong second harmonic on the frequency 5276 kc in violation of § 8.108 of the Commission's rules.

It further appearing, that, despite a further notice dated June 15, 1954, calling attention to the foregoing notice of violation and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 25th day of August 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Andrew Tipich, San Pedro, California, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 3d day of November 1954.

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Andrew Tipich, 1449 Sunnyside Terrace, San Pedro, California.

Released: August 27, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6967; Filed, Sept. 3, 1954; 8:48 a. m.]

[Docket No. 11153]

ALTON T. HUDGINS

ORDER TO SHOW CAUSE

In the matter of Alton T. Hudgins, Hampton, Virginia; Order to Show Cause why the license for Radiotelephone Station WB-4471 should not be revoked; Docket No. 11153.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WB-4471 licensed to Alton T. Hudgins, 107 Worden Avenue, Hampton, Virginia, aboard the vessel "Whitestone."

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated April 28, 1954, specifying that at 1430 GMT, on April 21, 1954, the transmitter of radio station WB-4471 radiated a strong second harmonic which was a potential source of interference to aeronautical radio communications on the frequency 5476.4 kc and a violation of § 8.108 of the Commission's rules.

It further appearing, that, despite further notices dated May 10, 1954, and June 2, 1954, calling attention to the foregoing notice of violation and the failure to submit a satisfactory reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 25th day of August 1954 pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Alton T. Hudgins, Hampton, Virginia, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 5th day of November 1954.

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Alton T. Hudgins, 107 Worden Avenue, Hampton, Virginia.

Released: August 27, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6968; Filed, Sept. 3, 1954; 8:49 a. m.]

[Docket No. 11154]

DUNCAN CAMERON AND C. F. GREEN

ORDER TO SHOW CAUSE

In the matter of Duncan Cameron and C. F. Green, Ft. Myers Beach, Florida; Order to Show Cause why the license for Radiotelephone Station WF-2956 should not be revoked; Docket No. 11154.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WF-2956 licensed to Duncan Cameron and C. F. Green, Ft. Myers Beach, Florida, aboard the vessel "Marian."

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated February 9, 1954, specifying that at 11:52 p. m., e. s. t., on December 30, 1953, while engaged in radio communication, the operator of radio station WF-2956 failed to properly identify the station by transmitting the call sign thereof as required by § 8.364 of the Commission's rules. (Station call sign was not announced during each transmission.)

It further appearing, that, despite a further notice dated March 23, 1954, calling attention to the foregoing notice of violation and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 25th day of August 1954 pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Duncan Cameron and C. F. Green, Ft. Meyers Beach, Florida, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 5th day of November 1954.

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Duncan Cameron and C. F. Green, General Delivery, Ft. Myers Beach, Florida.

Released: August 27, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6969; Filed, Sept. 3, 1954; 8:49 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

FEDERAL POWER COMMISSION

[Docket No. G-2471]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed on July 1, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 20, 1954 (19 F. R. 4486-87).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 16, 1954, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: August 31, 1954.

Issued: September 1, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6643; Filed, Sept. 3, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29622]

CEMENT FROM GIANT, S. C., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

AUGUST 31, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cement, hydraulic, natural or portland, also masonry cement, mortar cement or dry building mortar, carloads.

From: Giant, S. C.

To: Specified points in trunk-line and New England territories.

Grounds for relief: Rail competition, circuity, and rates constructed on the basis of the short line distance formula.

Schedules filed contained proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1173, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-6935; Filed, Sept. 2, 1954; 8:49 a. m.]

[4th Sec. Application 29624]

CRUDE PHOSPHATE ROCK FROM NASHVILLE TO HALLS, TENN.

APPLICATION FOR RELIEF

AUGUST 31, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Illinois Central Railroad Company and the Tennessee Central Railway Company.

Commodities involved: Phosphate rock, crude, acidulated, rough, unscreened, in bulk, carloads.

From: Nashville, Tenn.

To: Halls, Tenn.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1221, supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-6937; Filed, Sept. 2, 1954; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7914, Amdt.]

WILLIAM ARNDT

In re: Estate of William Arndt, deceased. File No. D-28-11054; E. T. sec. 15478.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, Vesting Order 7914 is hereby amended to read as follows:

1. That Wilhelm Arndt, Paul Arndt, Ernst Arndt, and Gertrude Kruse, also known as Gertrude Kouse, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and of each of them in and to the Estate of William Arndt, deceased,

is property which is, and prior to January 1, 1947, was, within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John W. Patterson, as administrator, acting under the judicial supervision of the Circuit Court of the State of Oregon for the County of Multnomah;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as persons who are, and prior to January 1,

1947 were, nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C., on September 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-6957; Filed, Sept. 3, 1954; 8:47 a. m.]

ce Room

FEDERAL REGISTER

VOLUME 19 NUMBER 174

Washington, Wednesday, September 8, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10557

APPROVING THE REVISED PROVISION IN GOVERNMENT CONTRACTS RELATING TO NONDISCRIMINATION IN EMPLOYMENT

WHEREAS the contracting agencies of the United States Government are required by existing Executive orders to include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and obligating the contractor to include a similar clause in all subcontracts, and

WHEREAS the Committee on Government Contracts is authorized by Executive Order 10479, as amended, to make recommendations to the contracting agencies for improving and making more effective the nondiscrimination provision of Government contracts, and

WHEREAS the Committee on Government Contracts, in consultation with the principal contracting agencies of the Government, has recommended that in the future the contracting agencies of the Government include in place of, and as a means of better explaining, the present nondiscrimination provision of Government contracts, the following provision:

> In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the non-discrimination clause.
>
> The contractor further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and in order to clarify the provisions of the existing orders, it is ordered as follows:

SECTION 1. The contract provision relating to nondiscriminatin in employment, recommended by the Committee on Government Contracts, is hereby approved.

SEC. 2. The contracting agencies of the Government shall hereafter include the approved nondiscrimination provision in all contracts executed by them on and after a date 90 days subsequent to the date of this order, except:

a. Contracts and subcontracts to be performed outside the United States where no recruitment of workers within the limits of the United States is involved; and

b. Contracts and subcontracts to meet other special requirements or emergencies, if recommended by the Committee on Government Contracts.

SEC. 3. The General Services Administration shall take appropriate action to revise the standard Government contract forms to accord with the provisions of this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 3, 1954.

[F. R. Doc. 54-7057; Filed, Sept. 7, 1954; 10:36 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 CCC Cotton Bulletin 1, Amdt. 3]

PART 427—COTTON

SUBPART—1954 COTTON LOAN PROGRAM

LOANS ON COTTON TO BE RECONCENTRATED

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FEDERAL REGISTER

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1954–55 Edition
(Revised through July 1)

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tions and requirements with respect to the 1954 Cotton Loan Program are hereby amended by adding § 427.534 to read as follows:

§ 427.534 *Loans on cotton to be reconcentrated.* Loans on cotton to be reconcentrated will be available only on cotton stored at warehouses approved by the New Orleans office in areas where there is congestion and lack of storage space. The warehousemen will enter into Reconcentration Agreements (CCC Cotton Form 29, hereinafter referred to as "Reconcentration Agreements") with CCC. Warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must be in a form acceptable to CCC and must provide for delivery of the cotton to the order of CCC. Notwithstanding the provisions of § 427.519, block warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement will be accepted. A producer who desires to obtain a loan in this manner should request the warehouseman to issue a warehouse receipt to him in the form specified above and must furnish written authorization to the warehouseman for the reconcentration of his cotton, after which the warehouseman will ship the cotton. The Forms A and warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must show the reconcentration order number under which the cotton will be shipped. The producer will obtain a loan on these documents in the usual manner, and after receipt of the loan documents, CCC will surrender the warehouse receipts to the warehouseman.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 2d day of September 1954.

[SEAL] J. A. MCCONNELL,
Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54-7006; Filed, Sept. 7, 1954; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[958.315, Amdt. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the administrative committee for Area No. 3, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date, and (4) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order as amended. The provisions of § 958.315 (b) (1) and (2) (FEDERAL REGISTER July 17, 1954, 19 F. R. 4404) are hereby amended to read as follows:

(b) *Order.* (1) During the period September 6, 1954, to May 31, 1955, both dates inclusive, no handler shall ship potatoes of any variety grown in Area No. 3, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the requirements of the U. S. No. 2, or better grade, and which are less than 2 inches minimum diameter for all round varieties including, but not limited to, Irish Cobblers, Katahdins, Kennebecs, Pontiacs, and Bliss Triumphs, and which are less than 2 inches minimum diameter or 4 ounces in weight for all long varieties, including, but not limited to, Russet Burbank, and White Rose types.

(2) During the period September 6, 1954, to October 31, 1954, both dates inclusive, no handler shall ship potatoes grown in Area No. 3, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not comply with the aforesaid grade and size requirements and which are more than "slightly skinned" as such term is defined in the U. S. Standards for Potatoes (7 CFR 51.1540 to 51.1559), which means that not more than 10 percent of the potatoes in any lot have more than one-fourth of the skin missing or feathered: *Provided*, That during such period not to exceed 100 hundredweight of such potatoes may be handled for any producer without regard to the aforesaid maturity requirements if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 1st day of September 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7003; Filed, Sept. 7, 1954; 8:48 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES OF PRUNE ADMINISTRATIVE COMMITTEE FOR 1954–55 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH YEAR

Notice was published in the August 6, 1954, issue of the FEDERAL REGISTER (19 F. R. 4966) that the Secretary of Agriculture was considering a proposed rule to approve a budget of expenses for the Prune Administrative Committee for the 1954–55 crop year, and fix a rate of assessment for such year, as hereinafter set forth, which were recommended by said committee in accordance with the provisions of Marketing Agreement No. 110, as further amended, and Order No. 93, as further amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data, views or arguments were filed, and the time for doing so has expired.

After consideration of all matters pertaining thereto, including the recommendations of the Prune Administrative Committee, it is hereby found and determined, and it is, therefore, ordered, that the budget of expenses for the Prune Administrative Committee, and the rate of assessment for the crop year beginning August 1, 1954, shall be as follows:

§ 993.305 *Budget of expenses of the Prune Administrative Committee and rate of assessment for the 1954-55 crop year*—(a) *Budget of expenses.* Expenses in the amount of $89,284.80 are reasonable and are likely to be incurred by the Prune Administrative Committee for its maintenance and functioning for the crop year beginning August 1, 1954, and ending July 31, 1955.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee in accordance with provisions of § 993.81 (a) of the marketing agreement, as further amended, and order, as further amended, an assessment of 60 cents for each ton of salable tonnage prunes handled by him as the first handler thereof and on each ton of prunes sold to him from surplus tonnage for resale to other than Federal governmental agencies, during the crop year beginning August 1, 1954, and ending July 31, 1955, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found and determined that good cause exists for not postponing the effective time of the order with respect to the aforesaid budget of expenses and rate of assessment for 30 days, or any lesser period, after publication of it in the FEDERAL REGISTER (see sec. 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) The rate of assessment hereby fixed is applicable to all dried prunes handled by each handler as the first handler thereof during the current crop year; (2) handlers usually begin about August 15 to receive deliveries of dried prunes from producers and dehydrators which receipts are, by the terms of the further amended marketing agreement and further amended order subject to the assessment set forth hereinabove; (3) the Prune Administrative Committee should be enabled to obtain assessment funds promptly to defray expenses of administering the program; and (4) compliance with this section will not require any special preparation on the part of handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 2d day of September 1954, to become effective on the date of publication hereof in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-7004; Filed, Sept. 7, 1954; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp 11]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

AIRPLANE PERFORMANCE LIMITATIONS NONTRANSPORT CATEGORY

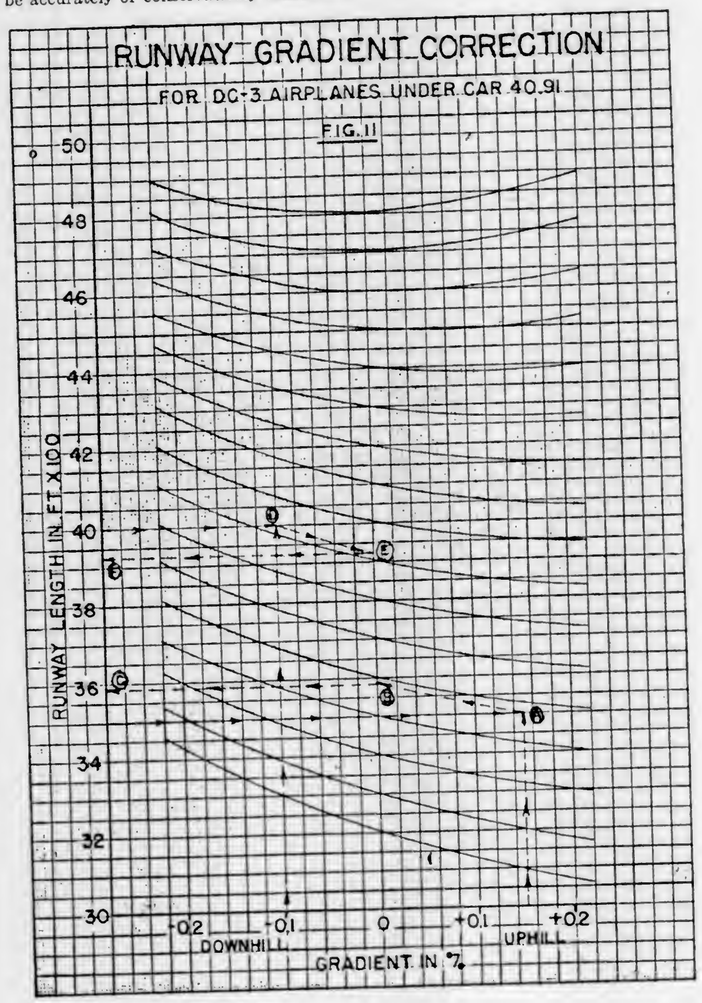
This supplement sets forth CAA rules respecting performance data for nontransport category airplanes operated under Part 40. Section 40.94–1 prescribes landing distance performance data at alternate airports under § 40.94 (19 F. R. 1455) recently adopted by the Board. The performance data for takeoff limitations as prescribed in § 40.91–1 have been revised in order to correct the procedures used in computing the effects of runway gradient.

The proposed rules were published on June 8, 1954, in 19 F. R. 3359–3361. Interested persons were afforded an opportunity to submit written views, data, or argument. Consideration has been given to all relevant data presented.

1. Sections 40.91–1 (a) and (b) as published in 18 F. R. 8679 on December 24, 1953, are revised to read as follows:

§ 40.91–1 *Takeoff limitations (CAA rules which apply to § 40.91).* (a) Figures 1, 2, 3, 4, 8, 9, and 10 shall be used in determining takeoff limitations. The weight of de-icing equipment, when installed, must be included in the computations of allowable takeoff weights.

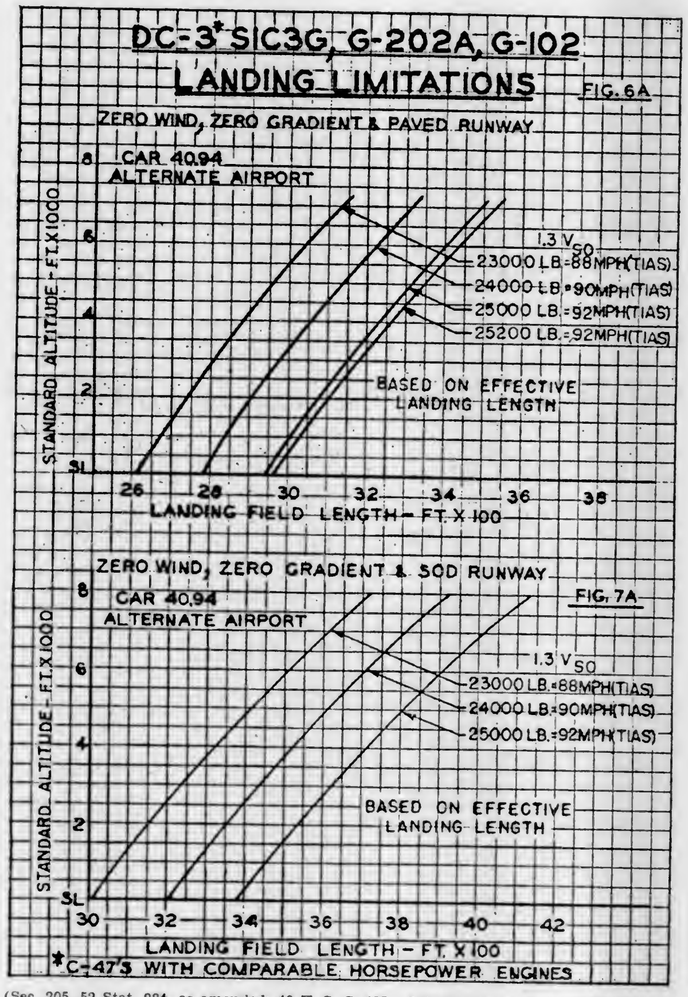
(b) If the gradient of the runway exceeds ½ percent, the effect of the total average gradient shall be accounted for. The effect of gradient shall be calculated as shown in figure 11 or by any other method by which the effect of gradient may be accurately or conservatively computed.



2. The following new section is added:

§ 40.94–1 *Landing distance limitations; alternate airports (CAA rules which apply to § 40.94).* (a) Figures 6A, 8, 9 and 10 shall be used in determining landing distance limitations on paved runways.

(b) Figures 7A, 8, 9 and 10 shall be used in determining landing distance limitations on sod runways.



(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425, Interpret or apply sec. 601, 52 Stat. 1007, as amended by 62 Stat. 1216, 49 U. S. C. 551)

This supplement shall become effective October 1, 1954.

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54–6976; Filed, Sept. 7, 1954; 8:49 a. m.]

[Supp. 26]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

EN ROUTE LIMITATIONS

The purpose of this supplement is to establish en route limitations for the Beech C18S, Beech 18A, and Cessna T–50 aircraft. The proposed rules were published in 19 F. R. 4376 on July 16, 1954; interested persons were afforded an opportunity to submit data, views, or argument; and consideration has been given to all relevant matter presented. The following rules are hereby adopted. Section 42.80–6 is amended to read as follows:

§ 42.80–6 *En route limitations on multi-engine aircraft with maximum allowable take-off weights below 12,500 pounds (CAA rules which apply to § 42.80).* The following en route limitations data, applicable to Aero Commander 520, Beech 18A, Beech AT–11, Beech C18S, Beech D18C, Beech D18S, Beech 50, Cessna T–50, Grumman G–21, Lockheed 10A, Lockheed 10E, and Lockheed 12A aircraft, shall be used in determining compliance with § 42.80. These data are presented in Table 1 and Figures 1 thru 9. En route performance data on other aircraft weighing less than 12,500 pounds and operated under § 42.16 will be made available upon application to the Administrator.

TABLE 1—EN ROUTE LIMITATIONS

BEECH C18S AND BEECH 18A

Airplane	Weight (in pounds)	Terrain clearance[1] in feet and climb speed in m. p. h. TIAS	
		Feet	M. p. h.
Beech C18S	7,850	6,200	102.5
	7,500	7,620	98.7
	7,000	9,630	93.3
Beech 18A	7,200	4,760	91.7
	7,000	5,540	90.8
	6,500	7,460	88.9
	6,000	9,400	86.9

[1] Highest altitude of terrain over which airplane may be operated in compliance with CAR 42.82.

CESSNA T–50 (WITH LYCOMING R–680–E3 ENGINES AND MAXIMUM GROSS WEIGHT OF 5,700 POUNDS)

Weight[1] (in pounds)	Terrain clearance[2] in feet and climb speed in m. p. h. (TIAS)			
	6135A–15 propeller		6135A–9 propeller	
	Feet[3]	M. p. h.	Feet[3]	M. p. h.
5,700	----	----	(450)	87.4
5,500	(920)	87.2	(1,540)	87.0
5,250	(2,280)	86.6	(2,890)	86.4
5,000	(3,740)	86.0	4,320	85.7
4,750	5,120	85.3	5,730	85.2

[1] Highest altitude of terrain over which airplane may be operated in compliance with CAR 42.82.

[2] The "terrain clearances" in parenthesis are not usable under § 42.16 and § 42.82 because minimum terrain altitude is 4,000 feet under § 42.82.

[3] Maximum permissible weights under § 42.16 and § 42.82 are 4,950 pounds with 6135A–15 propeller, 5,050 pounds with 6135A–9 propeller.

NOTE: Inoperative propeller windmilling. No leading edge de-icers installed.

FIGURE 7—EN ROUTE LIMITATIONS

BEECH C18S

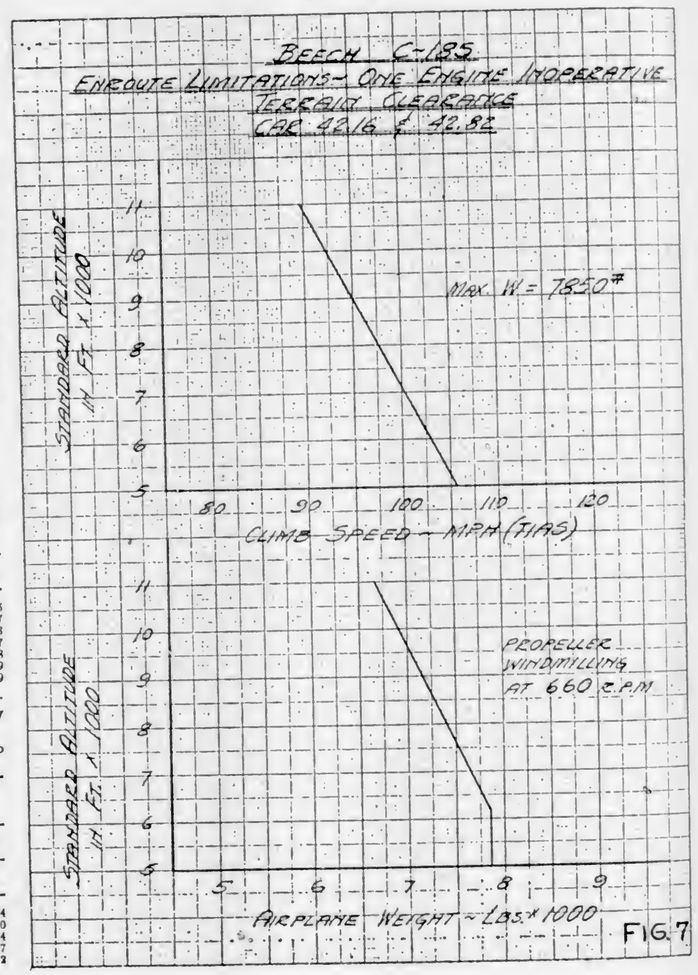


FIGURE 8—EN ROUTE LIMITATIONS

BEECH 18A

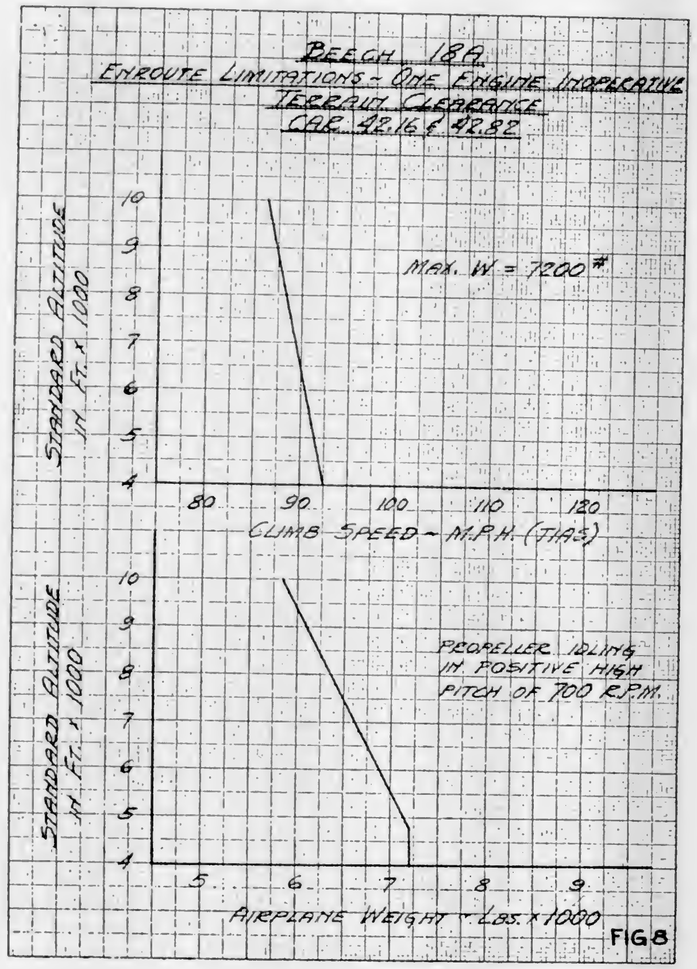
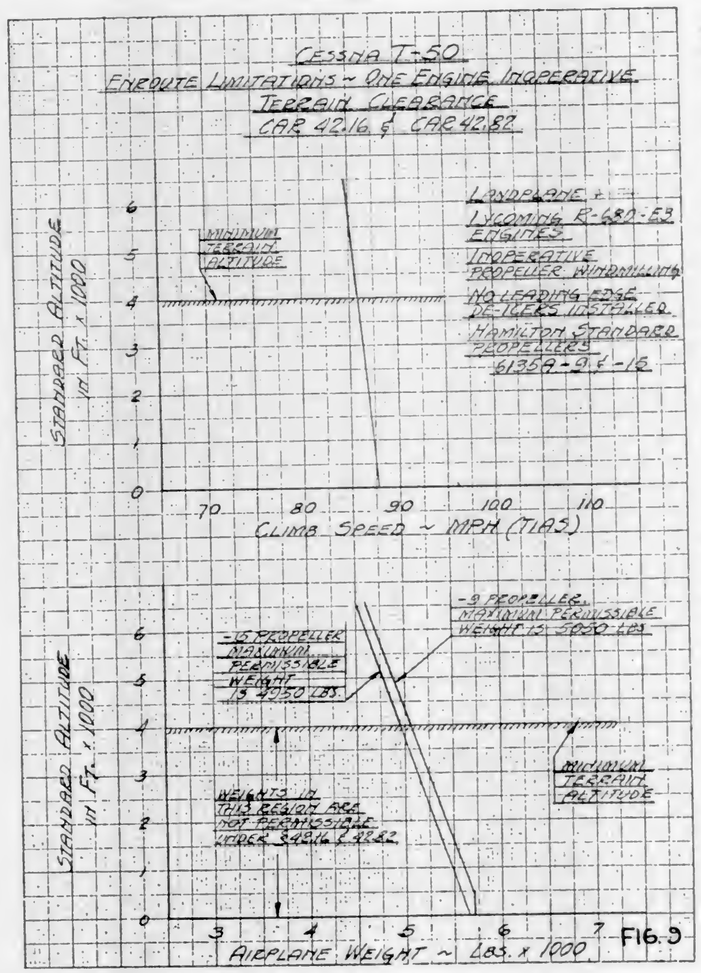


FIGURE 9—EN ROUTE LIMITATIONS
CESSNA T-50



(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, as amended by 62 Stat. 1216, 1010; 49 U. S. C. 551, 554)

This supplement shall become effective October 1, 1954.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-6977; Filed, Sept. 7, 1954; 8:49 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 105]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SHREVEPORT, LA. Downtown, 179' SBRAZ-DTV SHV Procedure No. 1 Amendment M-6 Effective date: July 6, 1952	Shreveport VOR	159—14.0	1,700	E side of NW course.* 328° outbound. 148° inbound. 1,700' within 10 miles. Beyond 10 miles not authorized.	1,200	152—1.5	Two-engine or less T-4n C-4 C-n A-4n	300-1 500-1 500-1½ NA	300-1 600-1½ NA	Within 1.8 miles climb to 1,500' on S course (172°) within 25 miles. •Turn nonstandard due ATC. No weather or communication available at this airport. CAUTION: 480' mean sea level TV tower elevated 1.8 miles S. of airport. Air Carriers: Air Carriers not authorized use of this procedure.
	Dixie MHW (final)	146—10.0	1,100				More than 2-engine T-4n C-4n A-4n	---------- ---------- NA	300-1 600-1½ NA	
Major changes: Deletes reference to Dixie FM. Raises final approach altitude from Dixie MHW to 1,100', raises final approach altitude over SHV LFR to 1,200'. Revises ceiling minimums for 4-engine aircraft and for 2-engine over 75 m. p. h. stall. Adds caution note. October 9, 1954										

The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BERLIN, N. H. Berlin Municipal, 1,158' NHW-BAU. Procedure No. 1 Effective date: September 28, 1954 Amendment No. 2 Supersedes amendment No. 1 dated April 1, 1954	North Conway MHW	012—38	8,900	E side of course. 338° outbound. 178° inbound. 5,000' within 10 miles. Nonstandard procedure turn to the E to avoid high terrain to the W.	3,500	Facility on airport	All types aircraft T-4 C-4 A	2,300-2 2,300-2 NA		Within 0 mile, immediately make a right turn, climb to 5,000' on course of 351°, within 10 miles of Berlin "H" facility. •Items 4 and 5 shuttle from 5,000' to 5,000' on track of 351° from facility within 10 miles all turns to the E. IFR-climb out procedure: Climb N of facility shuttle on course of 351° from facility within 10 miles all turns to the E, proceed on course at 5,000'. Facility must be monitored aurally during this procedure. AIR CARRIER NOTES: Operations specifications paragraphs 26, 27, and 28 not applicable.
Major changes: Procedure published for public use. Transition altitude from North Conway reduced to 8,000'.										
Facility owned and operated by State of New Hampshire.										

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
SHREVEPORT, LA. Greater Municipal, 251' LOM-SH Procedure No. 1 April 23, 1953	PROCEDURE CANCELED, EFFECTIVE OCTOBER 9, 1954.									

The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
SHREVEPORT, LA. Downtown, 179' BVOR-SHV Procedure No. 1 Amendment M-2 Supersedes Amendment RM-1 dated July 6, 1952	Shreveport LFR	339—14.0	1,700	E side of course:* 339° outbound. 159° inbound. 1,700' within 10 miles. Beyond 10 miles not authorized.	1,200	158—16.0	2-engine or less			Climb to 1,500' on course of 169° within 25 miles. *Turn nonstandard due ATC. No weather or communications available at this airport. CAUTION: 480' mean sea level TV tower located 1.6 miles S of airport. AIR CARRIER NOTES: Air carriers not authorized use of this procedure.
							T-dn	300-1	300-1	
							C-d	1,000-1	1,000-1	
							C-n	1,000-1½	1,000-1½	
							A-dn	NA	NA	
Major changes: Raises altitude and limits procedure turn to 10 miles. Raises altitude over SHV VOR on final. Changes missed approach course. Adds caution note. October 9, 1954.							More than 2-engine			
							T-dn	----------	300-1	
							C-dn	----------	1,000-1½	
							S-13	----------	1,000-1	
							D	----------	1,000-1½	
							N	----------	NA	
							A-dn	----------		

The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. When ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	Type aircraft		
										75 m.p.h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11	12	13
SHREVEPORT, LA. Greater Shreveport, 251' ILS-I SHV LOM-SH ILS and ADF Procedure No. 1 Amendment M-3 Supersedes Amendment ILS M-2 April 23, 1953 and ADF M-1 April 23, 1953.	Shreveport LFR	LOM	227—8.0	1,500	W side of NW course: 315° outbound. 135° inbound. 1,400' within 10 miles.	ILS 1,400 ADF over LOM 900	1,400—4.3	455—0.6	2-engine or less			Climb to 1,400' on SE course ILS 4.3 miles after passing LOM (ADF) climb to 1,400' on course of 135°. When directed by ATC climb to 1,500' intercept and proceed SW on SW course BAD LFR or climb to 1,500' on course of 209° from VOR within 25 miles. *400-¾ required when G/S not utilized.
	Shreveport VOR	OM	183-19.0	1,700					T-dn	300-1	300-1	
	Dixie MHW	LOM	182—14.0	1,600					C-dn	400-1	500-1	
	Intersection W course LFR and NW course ILS (final).	LOM	135—8.0	1,400					S-13	(*)	(*)	
									ILS-dn	200-½	200-½	
									ADF-dn	400-1	400-1	
	Forbing Intersection	LOM	315—12.0	1,400					More than 2-engine			
	Intersection 349° course to SHV VOR and SE course ILS.	OM	315—8.0	1,400					T-dn	----------	200-1½	
									C-dn	----------	500-1½	
	Intersection 087° course to SHV VOR and NW course ILS.	OM	135—25.0	1,400					S-dn 13 ILS	(*)	200-½	
Major changes: Raises transition altitudes from SHV LFR and SHV VOR. Revises Intersection of SHV VOR and SE course of ILS. Lowers final approach altitude over LOM on ADF procedure. October 9, 1954.									ADF	----------	400-1	
									All aircraft			
									A-dn ILS ADF	---------- ----------	600-2 800-2	
TYLER, TEXAS Pounds Field, 544' ILS-1TYR LOM-TY ILS-ADF Procedure No. 1 Original October 9, 1954	Tyler—LFR	LOM	313—3.5	1,600	W side NW course. 306° outbound. 126° inbound. 1,800' within 10 miles. Beyond 10 miles not authorized.	ILS 1,800 ADF 1,300 over LOM	1,800—5.3	730—0.7	2-engines or less			Climb to 2,000' on SE course ILS within 5.3 miles after passing LOM (ADF) climb to 2,000' on course 126° within 25 miles. *400-¾ required when G/S not utilized. No approach lights.
									T-dn	300-1	300-1	
									C-dn	400-1	500-1	
									S-13	(*)	(*)	
									ILS-dn	300-¾	300-¾	
									ADF-dn	400-1	400-1	
									More than 2-engines			
									T-dn	----------	200-½	
									C-dn	----------	500-1½	
									S-13	----------	NA	
									All aircraft			
									A-dn ILS ADF	600-2 800-2	---------- ----------	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-6975; Filed, Sept. 7, 1954; 9:53 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.228]

PART 44—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER REFUGEE RELIEF ACT OF 1953

AMENDMENTS TO REFUGEE REGULATIONS

Part 44, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respects:

1. Paragraph (b) of § 44.1 *Definitions*, is amended to read as follows:

(b) "Act" means the Refugee Relief Act of 1953, as amended (Public Law 203, 83d Congress; Public Law 751, 83d Congress).

2. Paragraph (u) of § 44.1 *Definitions*, is amended to read as follows:

(u) "Sponsor" means a United States citizen who gives an assurance required by the act on behalf of an alien seeking to enter the United States under the act. In the case of an alien who qualifies under the preference specified in paragraph (2), (3), or (4) of section 203 (a) of the Immigration and Nationality Act and who is issued a visa under the allotment of special nonquota immigrant visas provided in section 4 (a) (5), or section 4 (a) (7), or section 4 (a) (9), of the Refugee Relief Act of 1953, as amended, the term "sponsor" means a United States citizen or an alien lawfully admitted into the United States for permanent residence who gives a certificate of employment and housing on behalf of an alien qualifying under any such preference.

3. Subparagraph (2) of paragraph (c) *Assurance of employment*, of § 44.3 *Assurance of employment, housing, and against becoming a public charge*, is amended to read as follows:

(2) In the case of an alien who has reached his tenth birthday anniversary and who is under twenty-one years of age at the time of issuance of an immigrant visa to him, who has no dependents, and for whom an assurance of employment is required by the act, or for whom a certificate of employment and housing is required in the case of an alien beneficiary of a relative petition approved by the Attorney General, assurance that such alien will, as his principal activity, pursue a full course of study at an established institution of learning or other place of study in the United States, particularly designated by the assurer or the alien, and that he will undertake studies commensurate with his age and prior scholastic attainment without displacing some other student from his place of study, shall be deemed to be an assurance that the alien will be suitably employed without displacing some other person from his employment: *Provided*, That the Administrator may, upon recommendation of a consular officer, waive the twenty-one year limitation in an exceptionally meritorious case.

4. Paragraph (b) *Statement by social welfare agency* of § 44.4 *Eligible orphans*, is amended to read as follows:

(b) *Statement by social welfare agency.* Every assurance of adoption and proper care given for an eligible orphan shall be a named assurance and shall be accompanied by a statement, signed by a responsible officer of an appropriate social welfare agency, confirming the fact that satisfactory arrangements have been made for the support, supervision, and proper care of the orphan pending his legal adoption, and, in the event the adoption petition should be disapproved by the official child welfare or child placement authorities, or denied by the court, for the assumption by such agency of responsibility for the support, proper care and resettlement of the orphan. The United States citizen and spouse who execute an assurance of adoption and proper care shall designate therein the agency which has agreed to provide the aforesaid statement. It shall be incumbent upon such agency to make any required report to the proper child welfare or child placement authorities in a State whenever an eligible orphan is to be placed in a home within the State, and, if applicable, to indicate in the report what local branch of such agency will assume responsibility for the support, supervision, and proper care of the orphan pending his or her legal adoption. As used in this paragraph, an appropriate social welfare agency means either a national voluntary social agency which has been recognized by the Administrator for participation in the orphan program under section 5 of the act, or a State or local social welfare agency licensed under the State law to place children.

5. Paragraph (i) of § 44.7 *Ineligibility to receive visas*, is amended to read as follows:

(i) The applicant is not in possession of (1) a valid unexpired passport or other suitable travel document, or a document of identity or nationality, or other documentary evidence that he will be assured of readmission to the country of his nationality, foreign residence, or in which he obtains a visa under the act, and (2) a certificate of readmission to the country in which he obtains a visa except in the case of an eligible orphan as defined in section 5 (b) of the act;

6. Paragrah (c) *Referral for investigation* of § 44.8 *Procedure in applying for visas*, is amended to read as follows:

(c) *Referral for investigation.* Consular officers shall not refer a case for investigation until such time as a favorable preliminary determination has been made with respect to the applicant's eligibility to receive an immigrant visa. Any such determination shall include a preliminary approval of the required assurance or certificate submitted in a particular case, which approval shall be contingent, so far as concerns the assurance of employment or the certificate of employment, upon the receipt of a certification from the United States Employment Service's representative abroad concerning the applicant's occupational qualifications.

7. Section 44.10 *Numerical limitations on issuance of visas.* (a) In accordance with the provisions of section 4 and section 5 of the act, a total of two hundred nine thousand numbers may be made available for the issuance of special nonquota immigrant visas as follows:

(1) Not more than fifty-five thousand visas to German expellees, as described in section 4 (a) (1) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(2) Not more than thirty-five thousand visas to escapees, as described in section 4 (a) (2) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(3) Not more than ten thousand visas to escapees, as described in section 4 (a) (3) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(4) Not more than two thousand visas to British war veterans in the British Isles, as described in section 4 (a) (4) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(5) Not more than sixty thousand visas to be made available bilaterally to Italian refugees as described in section 4 (a) (5) of the act, and to Italian relatives as described in section 4 (a) (6) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(6) Not more than seventeen thousand visas to be made available bilaterally to Greek refugees as described in section 4 (a) (7) of the act, and to Greek relatives as described in section 4 (a) (8) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(7) Not more than seventeen thousand visas to be made available bilaterally to Netherlands refugees as described in section 4 (a) (9) of the act, and to Netherlands relatives as described in section 4 (a) (10) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(8) Not more than two thousand visas to non-Asian refugees in the Far East, as described in section 4 (a) (11) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(9) Not more than three thousand visas to Asian refugees in the Far East, as described in section 4 (a) (12) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(10) Not more than two thousand visas to Chinese refugees, as described in section 4 (a) (13) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(11) Not more than two thousand visas to Palestinian refugees, as described in section 4 (a) (14) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(12) Not more than four thousand visas to eligible orphans as defined in section 5 (b) of the act.

(b) In the event the numbers used for the issuance of visas do not exhaust the total authorized for a particular class of refugees or other persons as referred to in paragraph (a) of this section, the unused portion, except as provided in section 4 (c) of the act, shall not be made available to increase the total of visas issued beyond the numerical limitation specified for any other class.

8. Part 44, Chapter I, Title 22 of the Code of Federal Regulations, is amended by the addition of the following section at the end thereof:

§ 44.11 *Certificate of employment and housing in relative preference cases.* (a) The satisfactory evidence of suitable employment and housing required by section 7 (a) of the act in the cases of aliens who qualify for second, third, or fourth preference status under paragraph (2), (3), or (4), respectively, of section 203 (a) of the Immigration and Nationality Act, and who apply for visas under the allotment of special nonquota immigrant visas authorized by section 4 (a) (5), or section 4 (a) (7), or section 4 (a) (9), of the Refugee Relief Act of 1953, as amended, shall be submitted by the sponsor on Form DSR–11 "Certificate by an individual sponsor for an alien entitled to preference status under the Immigration and Nationality Act," or Form DSR–12 "Certificate by individual sponsor with endorsement by an organization recognized by the Administrator," directly to the United States consular office where the alien beneficiary is applying for a visa, and shall be subject to acceptance and verification by the responsible consular officer and to approval by the immigration officer abroad.

(b) A sponsor who desires to submit a certificate of employment and housing on behalf of an alien described in paragraph (a) of this section, and who does not desire the endorsement of an organization recognized for such purpose, shall use Form DSR–11 "Certificate by an individual sponsor for an alien entitled to preference status under the Immigration and Nationality Act," in accordance with the instructions printed thereon, including the attachment of a job clearance order from the United States Employment Service as provided in § 44.3 (c), and a statement with respect to the availability of housing as provided in § 44.3 (d), and forward the completed Form DSR–11 in duplicate, with attachments, directly to the appropriate consular office abroad.

(c) A sponsor who desires to have his certificate of employment and housing underwritten by an organization recognized in accordance with the provisions of § 44.3 (g) (2) shall use Form DSR–12 "Certificate by individual sponsor with endorsement by an organization recognized by the Administrator," in accordance with the instructions printed thereon, including the attachment of a job clearance order from the United States Employment Service as provided in § 44.3 (c).

(d) Consular officers are authorized to authorized to verify the certificates of employment and housing submitted in conformity with the provisions of this section. A certificate of employment and housing, when verified by the responsible consular officer and approved by the immigration officer, shall constitute satisfactory evidence that the alien beneficiary, if admitted into the United States, will have suitable employment and housing without displacing some other person from his employment and housing. A verified certificate of employment and housing may be considered satisfactory evidence that the alien, and members of his family who shall accompany him and who propose to live with him will not become public charges after their arrival in the United States: *Provided*, That the consular officer or the immigration officer may, in his discretion, require additional evidence or impose additional safeguards as may be necessary to establish that the alien and the members of his family will not become public charges after their arrival in the United States. A certificate of employment and housing given in pursuance of the provisions of this section shall be the personal obligation of the individual citizen or citizens, or of the alien lawfully admitted for permanent residence, who sign such certificate.

(e) Nothing in this section shall be construed to apply in the case of an alien who is issued a visa under the allotment of 15,000 special nonquota immigrant visas made available by section 4 (a) (6) of the act to relatives in Italy and the Free Territory of Trieste, or under the allotment of 2,000 special nonquota immigrant visas made available by section 4 (a) (8) of the act to relatives in Greece, or under the allotment of 2,000 special nonquota immigrant visas made available by section 4 (a) (10) of the act to relatives in the continental Netherlands.

(Sec. 4, 63 Stat. 111; 5 U. S. C. 151c)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: September 1, 1954.

ROBERT F. CARTWRIGHT,
Acting Administrator, Bureau of Inspection, Security and Consular Affairs.

[F. R. Doc. 54–7058; Filed, Sept. 7, 1954; 11:17 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

ANNOUNCEMENT OF REFERENDUM IN CONNECTION WITH PROPOSED DESIGNATION UNDER TOBACCO INSPECTION ACT OF TOBACCO AUCTION MARKET OF NEWPORT, TENN.

Pursuant to the provisions of the Tobacco Inspection Act (7 U. S. C. 511 et seq.) and in accordance with the applicable regulations (7 CFR 29.74) issued thereunder by the Secretary, notice is given that a referendum of tobacco growers will be conducted from October 7 through October 9, 1954, to determine whether growers favor the designation of the Newport, Tennessee, tobacco auction market for free and mandatory inspection of tobacco sold thereon.

Growers who sold tobacco on the aforesaid market during the 1953–54 marketing season shall be eligible to vote in said referendum. Ballots for use in said referendum will be mailed to all eligible voters insofar as their names and addresses are known. Eligible voters who do not receive ballots by mail may obtain them from the county agent or the office of the county ASC committee at Newport.

All completed ballots shall be mailed to the Tobacco Division, Agricultural Marketing Service, United States Department of Agricultural, Room 3, 620 South Broadway, Lexington, Kentucky, and, in order to be counted in said referendum, must be postmarked not later than midnight, October 9, 1954.

Done at Washington, D. C., this 2d day of September 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54–7005; Filed, Sept. 7, 1954; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARKANSAS

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 31, 1954.

An application, serial number BLM 038003, for the withdrawal from all forms of appropriation under the public land laws, except oil and gas leasing under certain conditions of the lands described below was filed on April 4, 1951, by the Forest Service. The purposes of the proposed withdrawal: Recreation and Administrative Areas.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Supervisor, Eastern States Office, Bureau of Land Management, Department of the Interior, at Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN

T. 3 N., R. 17 W.,
Sec. 31, SW¼NW¼SE¼.
T. 1 N., R. 19 W.,
Sec. 6, S½N½SE¼NW¼SW¼, S½SE¼NW¼SW¼;
Sec. 30, E½NW¼SE¼.
T. 1 N., R. 21 W.,
Sec. 15, SE¼SE¼SW¼.
T. 1 N., R. 22 W.,
Sec. 4, NE¼SW¼NE¼.
T. 2 S., R. 22 W.,
Sec. 32, E½NW¼SW¼SW¼, NE¼SW¼SW¼, NW¼SE¼SW¼, N½SW¼SE¼SW¼, N½SE¼SW¼SW¼, NE¼SW¼SW¼SW¼.
T. 2 N., R. 23 W.,
Sec. 5, N½NW¼SE¼, S½SW¼NE¼.
T. 1 S., R. 23 W.,
Sec. 18, NW¼SW¼SW¼.
T. 2 S., R. 23 W.,
Sec. 14, SE¼SE¼SE¼.
T. 4 N., R. 24 W.,
Sec. 27, SE¼SW¼SE¼.
T. 3 S., R. 24 W.,
Sec. 17, W½SE¼NW¼;
Sec. 19, S½NW¼NE¼.
T. 1 N., R. 25 W.,
Sec. 14, NW¼SW¼SW¼.
T. 3 S., R. 25 W.,
Sec. 22, NE¼SW¼.
T. 4 N., R. 26 W.,
Sec. 28, NW¼NW¼NW¼;
Sec. 30, SW¼NE¼.
T. 1 S., R. 26 W.,
Sec. 4, SW¼SW¼;
Sec. 29, SW¼SW¼.
T. 4 N., R. 27 W.,
Sec. 2, lot 8;
Sec. 10, That portion of the W½SW¼NW¼NW¼ south of Sugar Creek;
Sec. 31, SW¼NE¼.
T. 4 S., R. 27 W.,
Sec. 5, NE¼NE¼NE¼;
Sec. 35, SW¼SW¼SE¼.
T. 4 N., R. 28 W.,
Sec. 26, NE¼NE¼NW¼.
T. 4 S., R. 28 W.,
Sec. 20, E½NE¼NW¼, W½NW¼NE¼.
T. 1 S., R. 29 W.,
Sec. 5, SW¼SW¼NW¼.
T. 3 S., R. 29 W.,
Sec. 30, SW¼SE¼NE¼, S½SW¼SW¼.
T. 4 S., R. 29 W.,
Sec. 24, NE¼NE¼SE¼.
T. 1 N., R. 31 W.,
Sec. 29, SE¼NE¼.
T. 3 S., R. 31 W.,
Sec. 13, SW¼NW¼SE¼.
T. 4 N., R. 32 W.,
Sec. 34, NW¼SE¼SE¼.

C. R. DREXILIUS,
Acting Supervisor.

[F. R. Doc. 54-6978; Filed, Sept. 7, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4770 et al.]

SLICK AIRWAYS, INC., ET AL.; AIR FREIGHT RENEWAL CASE

POSTPONEMENT OF HEARING

In the matter of the application of Slick Airways, Inc., and others for the transportation of air express, parcel post, and airmail.

Notice is hereby given that the hearing in the above-entitled proceeding, now assigned to be held on September 8, 1954, at 10:00 a. m., e. d. s. t., in Room 7852, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith, is postponed to October 12, 1954, at 10:00 a .m., e. s. t., in Room 2631, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C.

Dated at Washington, D. C., September 3, 1954.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 54-7055; Filed, Sept. 7, 1954; 9:05 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6567]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING MERGER OR CONSOLIDATION OF FACILITIES

SEPTEMBER 1, 1954.

Notice is hereby given that on August 26, 1954, the Federal Power Commission issued its order adopted August 25, 1954, authorizing merger or consolidation of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6995; Filed, Sept. 7, 1954; 8:47 a. m.]

[Docket No. E-6573]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF COMMON STOCK

SEPTEMBER 1, 1954.

Notice is hereby given that on August 26, 1954, the Federal Power Commission issued it order adopted August 25, 1954, authorizing issuance of common stock in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6996; Filed, Sept. 7, 1951; 8:47 a. m.]

[Docket Nos. G-1793, G-1794, G-2022, G-2489]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF DECLARATION OF EXEMPTION AND ORDER DISMISSING APPLICATIONS

SEPTEMBER 1, 1954.

Notice is hereby given that on August 27, 1954, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act in Docket No. G-2489, and order dismissing applications in Docket Nos. G-1793, G-1794, and G-2022 adopted August 25, 1954, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6979; Filed, Sept. 7, 1954; 8:45 a. m.]

[Docket Nos. G-1851, G-1863, G-2494]

COAST COUNTIES GAS AND ELECTRIC CO.

NOTICE OF DECLARATION OF EXEMPTION AND ORDER DISMISSING APPLICATIONS

SEPTEMBER 1, 1954.

Notice is hereby given that on August 27, 1954, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act in Docket No. G-2494, and order dismissing applications in Docket Nos. G-1851 and G-1863 adopted August 25, 1954, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6980; Filed, Sept. 7, 1954; 8:45 a. m.]

[Docket No. G-1994]

NORTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 1, 1954.

Notice is hereby given that on August 27, 1954, the Federal Power Commission issued its findings and order adopted August 25, 1954, issuing a certificate of public convenience and necessity and

permitting and approving abandonment of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6997; Filed, Sept. 7, 1954; 8:47 a. m.]

[Docket Nos. G-2296, G-2492]

ARIZONA PUBLIC SERVICE CO.

NOTICE OF DECLARATION OF EXEMPTION AND ORDER DISMISSING APPLICATION

SEPTEMBER 1, 1954.

Notice is hereby given that on August 27, 1954, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act in Docket No. G-2492, and order dismissing application in Docket No. G-2296 adopted August 25, 1954, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6981; Filed, Sept. 7, 1954; 8:45 a. m.]

[Docket Nos. G-2460, G-2467]

NORTHERN NATURAL GAS CO. AND EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS

SEPTEMBER 1, 1954.

Notice is hereby given that on August 27, 1954, the Federal Power Commission issued its findings and orders adopted August 25, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6998; Filed, Sept. 7, 1954; 8:47 a. m.]

[Docket Nos. G-2484, G-2485, G-2490, G-2496, G-2515]

BROCKTON TAUNTON GAS CO. ET AL.

NOTICE OF DECLARATIONS OF EXEMPTIONS

SEPTEMBER 1, 1954.

In the matters of Brockton Taunton Gas Company, Docket No. G-2484; Roanoke Pipe Line Company, Docket No. G-2485; Public Service Electric and Gas Company, Docket No. G-2490; Gas Lateral Company, Docket No. G-2496; Republic Light, Heat and Power Company, Inc., Docket No. G-2515.

Notice is hereby given that on August 27, 1954, the Federal Power Commission issued its declarations of exemptions from the provisions of the Natural Gas Act adopted August 25, 1954, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6982; Filed, Sept. 7, 1954; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3290]

PHILADELPHIA CO. AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF PROPOSED RENEWAL OF PROMISSORY NOTE

SEPTEMBER 3, 1954.

Notice is hereby given that Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard Gas") and Standard Power and Light Corporation, also registered holding companies, and its parent Standard Gas have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 6 (a), 7, 9 and 10 thereof as applicable to the proposed transaction, which is summarized as follows:

The companies propose that Philadelphia will issue and deliver to Standard Gas a renewal promissory note in replacement of a promissory note in the principal amount of $2,500,000 which matures September 10, 1954, and which bears interest at the rate of 3¼ percent per annum payable monthly. The renewal note, in the same principal amount, will be dated September 10, 1954, will bear interest, payable monthly, at the prime interest rate prevailing for short-term commercial bank loans at the date of its issuance, and will mature September 10, 1955, with the right in the issuer to anticipate at any time the payment of all or any part of the principal thereof.

It is represented that the expenses, if any, in connection with the proposed transaction will be nominal in amount.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than September 10, 1954, at 12:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration as filed or as amended may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-7045; Filed, Sept. 7, 1954; 8:53 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 28]

MASSACHUSETTS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about August 31, 1954, because of the disastrous effects of hurricane, floods and excessive rainfall, damage resulted to residences and business property located in certain areas in the State of Massachusetts; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the office below indicated from persons or firms whose property situated in the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Essex, Suffolk, Middlesex, Norfolk, Plymouth, Bristol, Barnstable, Duke, Nantucket, Worcester; Small Business Administration Regional Office, 40 Broad Street, Boston 9, Mass.

2. Special field offices to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to March 31, 1955.

Dated: September 1, 1954.

W. NORBERT ENGLES,
Acting Administrator.

[F. R. Doc. 54-6983; Filed, Sept. 7, 1954; 8:45 a. m.]

[Declaration of Disaster Area 29]

NEW HAMPSHIRE

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about August 31, 1954, because of the disastrous effects of hurricane, floods and excessive rainfall, damage resulted to residences and business property located in a certain area in the State of New Hampshire; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a

catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the office below indicated from persons or firms whose property situated in the following county (hereinafter referred to as "the disaster area") suffered damage or other destruction as a result of the catastrophe above referred to:

County of: Strafford; Small Business Administration Regional Office, 40 Broad Street, Boston 9, Mass.

2. A special field office will be established in Portsmouth, New Hampshire, to receive and process applications.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to March 31, 1955.

Dated: September 1, 1954.

W. NORBERT ENGLES,
Acting Administrator.

[F. R. Doc. 54-6984; Filed, Sept. 7, 1954; 8:45 a. m.]

[Declaration of Disaster Area 29, Amdt. 1]

NEW HAMPSHIRE

DECLARATION OF DISASTER AREA; AMENDMENT

Declaration of Disaster Area 29 for the State of New Hampshire, dated September 1, 1954, is hereby amended as follows:

Paragraph numbered 1 of said Declaration of Disaster Area 29 is amended by the addition thereto of the following county:

Rockingham.

Dated: September 2, 1954.

W. NORBERT ENGLES,
Acting Administrator.

[F. R. Doc. 54-7000; Filed, Sept. 7, 1954; 8:48 a. m.]

[Declaration of Disaster Area 30]

MAINE

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about August 31, 1954, because of the disastrous effects of hurricane, floods and excessive rainfall, damage resulted to residences and business property located in certain areas in the State of Maine; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the office below indicated from persons or firms whose property situated in the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: York, Cumberland, Sagadahoc, Lincoln, Knox, Waldo; Small Business Administration Regional Office, 40 Broad Street, Boston 9, Mass.

2. A special field office will be established in Portland, Maine, to receive and process applications, and additional field offices will be established if required.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to March 31, 1955.

Dated: September 1, 1955.

W. NORBERT ENGLES,
Acting Administrator.

[F. R. Doc. 54-6985; Filed, Sept. 7, 1954; 8:46 a. m.]

[Declaration of Disaster Area 31]

CONNECTICUT

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about August 31, 1954, because of the disastrous effects of hurricane, floods and excessive rainfall, damage resulted to residence and business property located in certain areas in the State of Connecticut; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953:

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by either of the offices below indicated from persons or firms whose property situated in the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: New London, Middlesex, New Haven; Small Business Administration Regional Office, 40 Broad Street, Boston 9, Mass.; Small Business Administration Branch Office, 70 Arch Street, Hartford, Conn.

2. A special field office will be established in New London, Connecticut, to receive and process applications.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to March 31, 1955.

Dated: September 1, 1954.

W. NORBERT ENGLES,
Acting Administrator.

[F. R. Doc. 54-6986; Filed, Sept. 7, 1954; 8:46 a. m.]

[Declaration of Disaster Area 32]

RHODE ISLAND

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about August 31, 1954, because of the disastrous effects of hurricane, floods and excessive rainfall, damage resulted to residences and business property located in certain areas in the State of Rhode Island; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the office below indicated from persons or firms whose property situated in the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Washington, Bristol, Newport, Providence, Kent; Small Business Administration Regional Office, 40 Broad Street, Boston 9, Mass.

2. A special field office will be established in Providence, Rhode Island, to receive and process applications.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to March 31, 1955.

Dated: September 1, 1954.

W. NORBERT ENGLES,
Acting Administrator.

[F. R. Doc. 54-6987; Filed, Sept. 7, 1954; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 38]

COCONUTS

NOTICE OF INVESTIGATION INSTITUTED

Upon application of the Coconut Growers Association of Rio Grande and Loiza, Puerto Rico, received August 27, 1954, the United States Tariff Commission, on the 1st day of September 1954, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether coconuts provided for in paragraph 758 of the Tariff Act of 1930 are, as a result, in whole or in part, of the duty or other customs treatment reflecting any of the concessions granted thereon in the General Agreement on Tariffs and Trade, and in the exclusive trade agreement with Cuba signed October 30, 1947, being imported into the United States in such

increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Inspection of application. The application filed with the Commission is available for public inspection at the office of the Secretary, U. S. Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 1st day of September 1954.

Issued September 2, 1954.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 54-7001; Filed, Sept. 7, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29629]

MOTOR-RAIL-MOTOR RATES BETWEEN KANSAS CITY, KANS., AND TULSA, OKLA.; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

SEPTEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for the Missouri-Kansas-Texas Railroad Company, The Chief Freight Lines Comany, Lee Way Motor Freight, Inc., Luper Transportation Company of Oklahoma, Southwest Freight Lines, Inc., Yellow Transit Freight Lines, Inc., and other motor carriers.

Commodities involved: Highway trailers, loaded or empty, on flat cars.

Between: Kansas City, Kans., and Tulsa, Okla.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, MF-I. C. C. No. 223, supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-6988; Filed, Sept. 7, 1954; 8:46 a. m.]

[4th Sec. Application 29630]

MOTOR-RAIL-MOTOR RATES BETWEEN KANSAS CITY, KANS., AND DALLAS, TEX.; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

SEPTEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for Missouri-Kansas-Texas Railroad Company, Missouri-Kansas-Texas Railroad Company of Texas, The Chief Freight Lines Company, Lee Way Motor Freight, Inc., Luper Transportation Company of Oklahoma, Yellow Transit Freight Lines, Inc., and other motor carriers.

Commodities involved: Highway trailers, loaded or empty, on flat cars.

Between: Kansas City, Kans., and Dallas, Tex.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, MF-I. C. C. No. 223, supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-6989; Filed, Sept. 7, 1954; 8:46 a. m.]

[4th Sec. Application 29631]

CRUSHED STONE FROM GEORGIA, IND., TO EVANSVILLE, IND.

APPLICATION FOR RELIEF

SEPTEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Baltimore and Ohio Railroad Company for itself and on behalf of the New York Central Railroad Company.

Commodities involved: Crushed stone, carloads.

From: Georgia, Ind.

To: Evansville, Ind.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: The Baltimore and Ohio Railroad Company, I. C. C. No. 23949, supp. 57.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-6990; Filed, Sept. 7, 1954; 8:46 a. m.]

[4th Sec. Application 29632]

COFFEE, EXTRACT OF, FROM NORTH ATLANTIC PORTS AND RELATED POINTS TO ILLINOIS, IOWA AND WISCONSIN

APPLICATION FOR RELIEF

SEPTEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and C. R. Goldrich, Agents, for carriers parties to schedules listed below.

Commodities involved: Coffee, extract of (condensed or instant coffee).

From: North Atlantic ports and points taking same rates, Freehold, N. J., and Newport, N. Y.

To: Points in Illinois, Iowa, and Wisconsin.

Grounds for relief: Rail competition, circuity, grouping, and additional destinations.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A986, supp. 5; C. R. Goldrich, Agent, I. C. C. No. 597, supp. 11; R. B. LeGrande, Agent, I. C. C. No. 255, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Com-

mission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6991; Filed, Sept. 7, 1954; 8:46 a. m.]

[4th Sec. Application 29633]

MALT LIQUORS FROM CERTAIN POINTS TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Malt liquors, carloads.

From: Belleville, Ill., Cincinnati, Ohio, Chicago, Ill., Evansville, Ind., Louisville, Ky., Milwaukee, and Waukesha, Wis., Peoria, Ill., and St. Louis, Mo.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 820.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6992; Filed, Sept. 7, 1954; 8:47 a. m.]

[4th Sec. Application 29634]

RETURNED PETROLEUM PRODUCTS IN TANK-CAR LOADS FROM, TO AND BETWEEN POINTS IN THE SOUTHWEST

APPLICATION FOR RELIEF

SEPTEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum products, in tank-car loads, which after reaching destination are returned to original shipping point (for reasons other than carriers error).

Territory: From, to, and between points in southwestern territory.

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4086, supp. 35; F. C. Kratzmeir, Agent, I. C. C. No. 4102, supp. 12; F. C. Kratzmeir, Agent, I. C. C. No. 4118, supp. 1; F. C. Kratzmeir, Agent, I. C. C. No. 3825, supp. 214; F. C. Kratzmeir, Agent, I. C. C. No. 3651, supp. 342; F. C. Kratzmeir, Agent, I. C. C. No. 4056, supp. 28; F. C. Kratzmeir, Agent, I. C. C. No. 4113, supp. 4; F. C. Kratzmeir, Agent, I. C. C. No. 4066, supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6993; Filed, Sept. 7, 1954 8:47 a. m.]

[4th Sec. Application 29635]

SALT FROM TEXAS AND LOUISIANA TO LAWRENCE, MASS.

APPLICATION FOR RELIEF

SEPTEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt, carloads.

From: Points in Texas and Louisiana.

To: Lawrence, Mass.

Grounds for relief: Rail competition, circuity, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3668, supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6994; Filed, Sept. 7, 1954; 8:47 a. m.]

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FEDERAL REGISTER

VOLUME 19 NUMBER 175

Washington, Thursday, September 9, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (i) (1) of § 6.123 is added as set out below.

§ 6.123 *Department of Health, Education, and Welfare.* • • •

(i) *Office of Education.* (1) Ten professional positions in the field of education required in connection with the 1955 White House Conference on Education. Employment under this authority shall not extend beyond June 30, 1956.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7046; Filed, Sept. 8, 1954; 8:54 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.227]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

PAYMENT OF DIFFERENTIAL

1. Section 325.5 (a) and (d) (18 F. R. 2817) is amended to read as follows:

(a) Payment to eligible persons assigned to a differential post shall begin as of the date of arrival at the post, the date of entrance on duty in the case of eligible personnel appointed locally, or the date of assignment, whichever is latest. Payment shall cease, in the case of separation, as of the close of business on the day of departure from the post or on the last day of employment, whichever is earlier. Payment shall cease, in the case of transfer or detail, as of the close of business:

(1) On the day of departure from the post when the employee is under transfer, whether combined with or unrelated to leave orders (for transfer during leave see paragraph (c) (2) of this section).

(2) On the day of departure from the post when the employee leaves for detail as defined in § 325.1 (g) under orders returning him thereafter directly to his post of assignment. (See also paragraph (d) of this section.)[1]

(3) On the day of departure for detail, as defined in § 325.1 (g) from the post of assignment or his last temporary duty station enroute, whichever is later. (See also paragraph (d) of this section.)[1]

(d) Payment at the rate currently authorized to the employee for the post of assignment shall continue during periods of round-trip official travel involving no detail as defined in § 325.1 (g) away from such post.[1]

2. Section 325.5 is further amended by the addition of the following paragraph (h):

(h) Where the employee is on duty or leave at two differential posts for portions of the same day, payment for that day shall be made at the rate last previously authorized.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

These amendments shall be effective as of the beginning of the first pay period following September 11, 1954.

For the Secretary of State.

[SEAL] E. B. WILBER,
Assistant Secretary.

AUGUST 27, 1954.

[F. R. Doc. 54-7048; Filed, Sept. 8, 1954; 8:54 a. m.]

[1] Where an employee is issued round-trip orders for travel from and to a post of detail, rather than a post of assignment, the same principle will prevail, i. e., the post of detail where the travel begins and ceases will be construed as the post of assignment in applying § 325.5 (a) (2) and (3) and (d), whichever is pertinent, and the definitions in § 325.1 (g).

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 7: Parts 210–899 ($2.25)

Title 19, Revised 1953 ($5.00)

Title 32A, Revised Dec. 31, 1953 ($1.50)

Title 46: Part 146 to end ($6.50)

Previously announced: Title 3, 1953 Supp. ($1.50); Titles 4–5 ($0.60); Title 6 ($2.00); Title 7: Parts 1–209, Revised 1953 ($7.75); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.50); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($1.25); Part 400 to end ($0.50); Title 15 ($1.25); Title 16 ($1.00); Title 17 ($0.50); Title 18 ($0.45); Title 20 ($0.70); Title 21 ($1.50); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Title 26: Parts 1–79, Revised 1953 ($7.75); Parts 80–169 ($0.50); Parts 170–182 ($0.75); Parts 183–299, Revised 1953 ($5.50); Part 300 to end, and Title 27 ($1.00); Titles 28–29 ($1.25); Titles 30–31 ($1.00); Title 32: Parts 1–699 ($1.75); Part 700 to end ($2.25); Title 33 ($1.25); Titles 35–37 ($0.70); Title 38 ($2.00); Title 39 ($2.00); Titles 40–42 ($0.50); Title 43 ($1.75); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.35); Titles 47–48, Revised 1953 ($7.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.65); Parts 91–164 ($0.45); Part 165 to end ($0.60); Title 50 ($0.55)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

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PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

ADMINISTRATIVE INSTRUCTIONS AUTHORIZING MOVEMENT FROM REGULATED AREAS UNDER CERTIFICATION OF FUMIGATED OR TREATED GIN TRASH

Pursuant to the second proviso of the pink bollworm quarantine (Notice of Quarantine No. 52, 7 CFR Supp. 301.52; 18 F. R. 6348, 19 F. R. 1787) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and section 3 of the Insect Pest Act of March 3, 1905 (7 U. S. C. 143), administrative instructions are hereby issued authorizing the movement of gin trash from any pink bollworm regulated area to any destination after certification that it has been fumigated or given approved treatment under the supervision of an inspector. The administrative instructions shall appear as § 301.52b in Title 7, Chapter III, Part 301, of the Code of Federal Regulations, as follows:

§ 301.52b *Administrative instructions authorizing movement from regulated areas under certification of fumigated or treated gin trash.* (a) Section 301.52–3 prohibits the movement of gin trash (all of the material produced during the cleaning and ginning of seed cotton, bollies, or snapped cotton except the lint, cottonseed, and gin waste), except as authorized in § 301.52–14 relating to shipments for scientific purposes.

(b) The Chief of the Plant Pest Control Branch hereby finds that facts exist as to the pest risk involved in the movement of gin trash to which § 301.-52–3 applies, making it safe to modify by making less stringent the requirements of § 301.52–3. Hereafter, in addition to movement authorized under § 301.52–14, gin trash may be moved from any pink bollworm regulated area to any destination under certificate to be issued when the gin trash has been given an approved fumigation or other approved treatment under the supervision of an inspector, and has been subsequently protected from contamination; and gin trash may be removed from a gin yard within any pink bollworm regulated area to a processing plant that may be designated by the Chief of the Branch for purposes of such fumigation or other treatment prior to certification, if it is passed through approved fans or is given other approved treatment at such gin yard before such removal.

The purpose of these instructions is to make gin trash available for processing into stock feed or mulch, and for industrial uses, under appropriate safeguards to prevent spread of the pink bollworm. The results of recent research have proved the value of gin trash for these purposes.

These instructions shall be effective on and after the 9th of September 1954, when they shall supersede administrative instructions now appearing as 7 CFR Supp. 301.52b (19 F. R. 325), effective January 19, 1954.

These instructions must be made effective promptly to be of maximum benefit to users of gin trash. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and they should be made effective less than 30 days after their publication in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 2d day of September, 1954.

[SEAL] W. L. POPHAM,
Chief, Plant Pest Control Branch.

[F. R. Doc. 54–7053; Filed, Sept. 8, 1954; 8:56 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

AUSTRIA

In Part 127, *International Postal Service: Postage Rates, Service Available and Instructions for Mailing*, 39 CFR Part 127, make the following changes:

a. In § 127.74 *Sealing*, amend the list of countries in paragraph (a) by inserting in proper alphabetical order the following:

Austria (insured).

b. In § 127.140 *Service available*, insert "Austria" in proper alphabetical order.

c. In § 127.210 *Austria*, make the following changes:

1. In paragraph (b) (1) make the following changes in the tabulated information appearing under the table of rates in subdivision (ii):

a. Amend the information opposite "Sealing" to read as follows:

Sealing: Insured parcels must, and ordinary parcels may, be sealed.

b. Change "Insurance: No" to read "Insurance: Yes."

2. Amend paragraph (b) (2) as follows:

(2) *Indemnity.* See subparagraph (4) of this paragraph.

3. In paragraph (b), redesignate subparagraphs (4), (5), and (6) as subparagraphs (5), (6), and (7), and insert new subparagraph (4) to read as follows:

(4) *Insurance.* (i) Parcel post packages (surface or air) may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable, in addition to the insurance fees mentioned hereunder:

Limit of Indemnity:	Fees (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $200	60
From $200.01 to $300	65
From $300.01 to $330	70

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-Five Dollars and Seventy-Five Cents
77.25 Gold Francs
Seventy-Seven Gold Francs and Twenty-Five Centimes

(iii) The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

(iv) See § 127.143 (b), as to method of converting United States currency into gold francs.

(v) Parcels containing gold or silver, whether manufactured or unmanufactured; precious stones, jewelry or other precious articles must be insured.

(vi) For general information concerning insurance service see §§ 127.140 to 127.148, inclusive.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54–7015; Filed, Sept. 8, 1954; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

REVISION OF ARMY PROCUREMENT PROCEDURES

Preface. 1. This revision of the Army Procurement Procedure supersedes the March 1951 issue of the Army Procurement Procedure, Sections I through XIV, as revised by the material contained in Changes No. 1 through 10 thereto, and so much of Army Procurement Circulars through Procurement Circular 32, 1953, as amended the 1951 edition.

2. Changes in content in this edition have been limited, in general, to editing and codification. Minor revisions have been made to conform to new laws, Executive orders, and ASPR changes. Changes in format, transfer of subparts to new parts and within parts of the APP, have been made to conform to the corresponding provisions of ASPR and to clearly separate supplemental Department of the Army policy not specifically covered or related to paragraphs, parts, and sections in ASPR.

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591 Procurement by formal advertising.
592 Procurement by negotiation.
593 Coordinated procurement.
594 Interdepartmental procurement.
595 Foreign purchases.
596 Contract clauses.
597 Termination of contracts.
598 Patents and copyrights.
599 Bonds and insurance.
600 Federal, State, and local taxes.
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§ 590.000 *Scope of part.* This part sets forth (a) introductory information, (b) definitions, (c) basic policies, (d) procurement responsibility and authority, (e) contingent or other fees, and (f) debarred, ineligible, and suspended bidders.

SUBPART A—INTRODUCTION

§ 590.101 *Purpose of procedure* (Parts 590–606 of this chapter). This procedure, issued by the Department of the Army, pursuant to § 400.106 of this title, establishes for the Army Establishment uniform policies and procedures, consistent with and supplementary to Subchapter A, Chapter IV of this title, relating to the procurement of supplies and services under the authority of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Cong.; 41 U. S. Code 151–161; Sec. II, JAAF Bul. 4, 1948) or under other statutory authorization.

§ 590.102 *Applicability of procedure*—(a) *General applicability.* This procedure shall apply to all purchases and procurement contracts made by any Procuring Activity or Contracting Officer of the Army Establishment which obligate appropriated funds (whether direct appropriations, allocations of appropriated funds, or contract authorizations) for the procurement of supplies and services and which are entered into as of a date on or after the effective date of this procedure. This procedure is supplementary to, and does not in any way supersede Subchapter A, Chapter IV of this title. This procedure is not intended to cover the detailed implementing instructions of the respective Procuring Activities of the Army Establishment, all of which instructions may be prescribed as provided in § 590.107.

(b) *Oversea commands, attachés, and foreign missions.* Procurement outside the United States, its Territories and possessions, and construction work outside the continental United States, including procurement effected under the jurisdiction of major oversea commanders, military attachés, and foreign missions, will be made in accordance with Subchapter A, Chapter IV of this title, and this procedure. Authority to deviate from prescribed provisions, in those specific cases which are inapplicable to procurement outside the United States, its Territories and possessions, will be specifically set forth in this Procedure. If such authority is not contained herein, requests will be processed as prescribed in § 590.108.

(c) *Combat areas.* Major tactical commanders are authorized to waive the provisions of Subchapter A, Chapter IV of this title, and this procedure in the immediate areas engaged in active combat, subject to any instructions which may be issued by the Head of the Procuring Activity involved.

(d) *Government and relief in occupied areas.* Subchapter A, Chapter IV of this title, and this procedure are applicable to procurement in oversea areas for Government and Relief in Occupied Areas (GARIOA) chargeable to annual appropriations for such purposes. As stated in paragraph (b) of this section, authority to deviate will be expressly stated or request for authority to deviate will be processed as prescribed in § 590.108.

(e) *Civil works, Corps of Engineers.* Procurement of supplies and services for civil works, Corps of Engineers, will be made in accordance with Subchapter A, Chapter IV of this title, and, rather than this procedure, such instructions as may be issued by the Chief of Engineers, pursuant to authority granted by the Secretary of the Army.

§ 590.104 *Arrangement of procedure.*

§ 590.104–1 *General plan.* This procedure is intended to cover the general policies and procedures of the Army Establishment with respect to procurement; it implements and is supplementary to Subchapter A, Chapter IV of this title. The Procedure is divided into parts, each one of which deals with a separate aspect of procurement; each part is further subdivided into subparts and sections. In general, the parts, subparts, and sections conform to the parallel provisions of Subchapter A, Chapter IV of this title. Additional paragraphs, parts, and sections have been or may be added to cover subjects not treated in Subchapter A, Chapter IV of this title. Since material published in Subchapter A, Chapter IV of this title is not duplicated in this procedure, both publications must be reviewed to obtain full coverage on most subjects.

§ 590.104–4 *Citation.* This procedure shall be referred to as the Army Procurement Procedure (Parts 590–606 of this chapter) and cited by appropriate part or section of the Code of Federal Regulations.

§ 590.105 *Amendments.* Recommendations for amendment of Subchapter A, Chapter IV of this title and this procedure shall be submitted through channels to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch.

§ 590.106 *Department procedures under regulation.* Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation) is a statement of uniform procurement policies which are in effect throughout the Department of Defense. Parts 590–606 of this chapter (Army Procurement Procedure) constitute an implementation of Subchapter A, Chapter IV of this title and set forth uniform procurement policies and procedures which are in effect throughout the Army Establishment.

§ 590.107 *Procuring Activity Instructions Under Army Procurement Procedure.* The Head of any Procuring Activity may implement this Procedure by prescribing for his Activity (and for any field installations thereof) detailed procurement operating instructions which are not inconsistent with Subchapter A, Chapter IV of this title and this procedure. One consolidated, current, up-to-date copy of such detailed procurement operating instructions issued, shall be forwarded to the Assistant Chief of Staff, G–4, Department of the Army, Attn.: Chief, Purchases Branch, on a semiannual basis, 31 December and 30 June.

§ 590.108 *Deviations from Armed Services Procurement Regulation and Army Procurement Procedure*—(a) *Deviations from Armed Services Procurement Regulation.* Requests for deviations from the provisions of Armed Services Procurement Regulation shall be submitted to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch. The Assistant Chief of Staff, G–4, Department of the Army (Chief, Purchases Branch) is authorized to grant any such deviation in any individual case in which special circumstances justify the deviation or deviations and will make a report thereof to the Departments of the Navy and Air Force. The Assistant Chief of Staff, G–4, Department of the Army (Chief, Purchases Branch) is authorized to grant class deviations from Armed Services Procurement Regulation with the concurrence of duly authorized representatives of the Departments of the Navy and Air Force.

(b) *Deviations from Army Procurement Procedure.* Requests for deviations from this Procedure shall be submitted to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch. Deviations from this Procedure will be made only by and with the approval of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Purchases Branch).

§ 590.109 *Administration and interpretation.* (a) The administration of Armed Services Procurement Regulation and this procedure will be the responsibility of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Purchases Branch).

(b) It will be the responsibility of the Heads of Procuring Activities to determine whether or not instructions and interpretations issued by their Activities in implementation of Armed Services Procurement Regulation and this Procedure properly reflect and are consistent with the policies of the Department of Defense and the Department of the Army.

§ 590.110 *Periodic report of purchases and contracts.* Reports in connection with § 400.110 of this title will be made in accordance with the requirements of Subpart C, Part 606 of this chapter.

§ 590.111 *Reports of suspected criminal conduct.* Reports of possible violations of Federal criminal statutes in connection with procurement and related matters, including reports of possible fraud, will be made in accordance with the requirements of Subpart F of this subchapter.

§ 590.150 *Distribution of Department of the Army procurement publications.*

§ 590.150–1 *Printed procurement publications.* (a) Distribution of the three printed procurement publications, viz., the Armed Services Procurement Regulation (ASPR), the Army Procurement Procedure (APP), and Army Procurement Circulars (APC), will be in accordance with pertinent special regulations.

(b) Copies of the Armed Services Procurement Regulation or the Army Procurement Procedure are not available for distribution to private firms or individuals since these publications may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C., either as printed in the FEDERAL REGISTER or in separate pamphlet form.

SUBPART B—DEFINITIONS OF TERMS

§ 590.201 *Definitions.* As used throughout subchapter A, chapter IV of this title and this procedure, the following terms shall have the meanings set forth below.

§ 590.201–2 *Secretary.* The term "Secretary" means the Secretary of the Army, or the Under or Assistant Secretary of the Army responsible for procurement and industrial matters for the Army Establishment.

§ 590.201–5 *Contracting Officer.* The term "Contracting Officer," when used in subchapter A, chapter IV of this title and this Procedure is construed to include his duly appointed successor or authorized representative acting within the limits of his authority. (See §§ 590.402 and 590.450 through 590.453.)

§ 590.201–9 *Sources of Supplies.* (a) Within the geographic limits of the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia, the term "sources of supplies" shall include only (1) manufacturers of or (2) regular dealers in the supplies to be procured, as defined in § 400.201–9 of this title.

(b) Outside the geographic limits of the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia, the term "sources of supplies" shall include (1) manufacturers, (2) regular dealers, as defined in § 400.201–9 of this title, and (3) intermediaries, provided such sources are not prohibited by local foreign law. An "intermediary" shall be deemed to be any one of the following:

(i) A person (or firm) who owns, operates, or maintains a place of business, regularly engaged in performing certain services which directly or indirectly increase the value of the materials, supplies, articles, or equipment being procured (services to consist of such functions as the recovery from consignees and redistribution to manufacturers and producers of containers and packing materials; the receiving, storing, repacking, and reshipping of items being procured; the collection, consolidation, assembling, packing, and shipping of items being procured, etc.; and *not* the functions of mere soliciting of business, taking of orders, rendering assistance to manufacturers or producers by the preparation of receiving and payment documents, arranging for transportation facilities, etc.).

(ii) A person (or firm) who owns, operates, or maintains a place of business, regularly engaged in the importing

and exporting business, provided that the items procured are not being imported from within the geographical limits of the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia.

(iii) Agencies or instrumentalities of a foreign government.

§ 590.250 *Chief officer responsible for procurement.* The term "chief officer responsible for procurement" when used in Subchapter A, Chapter IV of this title and this Procedure is construed to mean the Head of any Procuring Activity.

§ 590.251 *Appropriated funds.* The term "appropriated funds" comprises all funds available to Army Establishment installations and agencies by allotment to or authorization to obligate appropriated funds irrespective of the governmental department or agency administering the appropriation. Welfare, organizational, unit, or similar funds are not included under the definition.

§ 590.252 *Change orders and supplemental agreements.* Change orders and supplemental agreements are types of contract modifications. A change order is ordinarily the proper medium for effecting changes under a contract containing provisions permitting such changes under specified circumstances similar to the Changes Clause in § 406.103–2 of this title. Such change orders are confined to changes which the contract authorized the Government to make, and since the contract authorizes such changes to be made and since the Contractor has agreed that the Government can make such changes (including, under certain circumstances, an equitable adjustment in price), change orders may be issued without the consent of the Contractor. Conversely, a supplemental agreement is the proper medium for effecting changes to a contract which the contract does not authorize the Government to make (i. e., changes not covered by the Changes Clause or other clause of the contract) and which accordingly cannot be made without the consent of the Contractor. A supplemental agreement, is therefore, in effect a new contract which, being with the same Contractor and for performance under substantially the same terms and conditions is, for convenience, added as a supplement to an existing contract. Regardless of the form of contract employed, the distinction as to whether a supplemental agreement or a change order is required, therefore, rests upon whether the Contractor is bound by existing contract to perform the proposed change or whether such change cannot be required of him without his consent and acceptance. In connection with change orders and supplemental agreements, it is a requirement that contracts can be modified only in the interests of the United States.

§ 590.253 *Purchasing offices.*

§ 590.253–1 *Purchasing office.* A purchasing office is any class II installation or activity, or a division, office, branch, section, or unit of a class I or class II installation or activity, charged with a purchasing or procurement function, including post, camp, and station purchasing and contracting offices (sections, etc.).

§ 590.253–2 *Principal purchasing offices.* The following are designated as the principal purchasing offices of the Army Establishment:

CHEMICAL CORPS

Atlantic Chemical Procurement District, Atlanta, Ga.
Boston Sub-Office New York Chemical Procurement District, Boston, Mass.
Chemical Corps Research Procurement Agency, Army Chemical Center, Md.
Rocky Mountain Arsenal Procurement Office, Chicago, Ill.
New York Chemical Procurement District, New York, N. Y.
San Francisco Chemical Procurement District, Oakland Army Base, Oakland, Calif.
Pine Bluff Arsenal Procurement Office, Dallas, Tex.

CORPS OF ENGINEERS

Chicago Procurement Office, Corps of Engineers, Chicago, Ill.
District Engineer Office, New York District, Corps of Engineers, New York, N. Y.
District Engineer Office, Philadelphia District, Corps of Engineers, Philadelphia, Pa.
District Engineer Office, Pittsburgh District, Corps of Engineers, Pittsburgh, Pa.
District Engineer Office, St. Louis District, Corps of Engineers, St. Louis, Mo.
Division Engineer Office, South Atlantic Division, Lumber Branch, Corps of Engineers, Atlanta, Ga.
District Engineer Office, Portland District, Lumber Branch, Corps of Engineers, Portland, Oreg.

ARMY MEDICAL SERVICE

Armed Services Medical Procurement Agency, Brooklyn, N. Y.

ORDNANCE CORPS

Aberdeen Proving Ground, Aberdeen Proving Ground, Md.
Ordnance Tank-Automotive Center, Detroit, Mich.
Ordnance Ammunition Center, Joliet, Ill.
Ordnance Small Arms Ammunition Center, St. Louis, Mo.
Detroit Arsenal, Center Line, Mich.
Frankford Arsenal, Philadelphia, Pa.
Picatinny Arsenal, Dover, N. J.
Raritan Arsenal, Metuchen, N. J.
Rock Island Arsenal, Rock Island, Ill.
Springfield Armory, Springfield, Mass.
Watertown Arsenal, Watertown, Mass.
Watervliet Arsenal, Watervliet, N. Y.
Rossford Ordnance Depot, Toledo, Ohio.
Birmingham Ordnance District, Birmingham, Ala.
Boston Ordnance District, Boston Army Supply Base, Boston, Mass.
Chicago Ordnance District, Chicago, Ill.
Cincinnati Ordnance District, Cincinnati, Ohio.
Cleveland Ordnance District, Cleveland, Ohio.
Detroit Ordnance District, Detroit, Mich.
Los Angeles Ordnance District, Pasadena, Calif.
New York Ordnance District, New York, N. Y.
Philadelphia Ordnance District, Philadelphia, Pa.
Pittsburgh Ordnance District, Pittsburgh, Pa.
Rochester Ordnance District, Rochester, N. Y.
St. Louis Ordnance District, St. Louis, Mo.
San Francisco Ordnance District, Oakland Army Base, Oakland, Calif.
Springfield Ordnance District, Springfield Armory, Springfield, Mass.

QUARTERMASTER CORPS

New York Quartermaster Purchasing Agency, New York, N. Y.
Quartermaster Supply Section, Columbus General Depot, United States Army, Columbus, Ohio.
Chicago Quartermaster Depot, Chicago, Ill.
Headquarters, QM Market Center System, Chicago, Ill.

SIGNAL CORPS

Signal Corps Supply Agency, Philadelphia, Pa.
Laboratory Procurement Office, Signal Corps Supply Agency, Fort Monmouth, N. J.
NSA Procurement Office, Procurement and Distribution Division, OCSigO, Washington, D. C.

TRANSPORTATION CORPS

Transportation Corps Central Procurement Agency, Marietta TC Depot, Marietta, Pa.

SUBPART C—BASIC POLICIES

§ 590.301 *Methods of procurement.* (a) Department of the Army policies with respect to procurement by formal advertising or by negotiation are set forth in §§ 591.102 and 592.101 of this subchapter. In connection with the placement of contracts during a period of national emergency, it is essential that contracts be spread across industry as widely as possible in order to broaden the industrial base of the procurement program. All Procuring Activities and agencies will give particular attention to the following in effecting procurement:

(1) The greatest possible integration of current procurement contracts with the industrial mobilization program and the accepted schedules of production.

(2) The equitable distribution of procurement contracts among the maximum number of competent suppliers. The concentration of contracts with a few leader suppliers is to be avoided unless the necessity therefor is clear.

(3) The utilization of existing open industrial capacity to the maximum. Expansion of facilities should not be authorized when open capacity can be found. Whenever time permits, and in order to broaden the mobilization base, additional contractors should be utilized in lieu of multi-shift or overtime operation.

(4) The fullest possible use of small business concerns.

(5) The utilization in negotiation of competition and multiple awards, whenever possible.

(6) The aggressive encouragement or requirement of subcontracting by prime contractors.

(7) The provision of maximum incentive to the producer for the reduction of his costs.

(8) The placement of contracts with a view to economies in the use of transportation facilities.

(9) The availability of manpower in distressed employment areas or in areas of manpower shortages.

(10) The reservation of special skills and abilities for the more difficult production tasks.

(b) Procurements and procurement actions affected under Title II of the First War Powers Act, 1941, as amended, Executive Order 10210, 2 February 1951, and regulations issued thereunder will be governed by basic policies and procedures set forth in Subpart C, Part 606 of this subchapter.

§ 590.302 *Sources of supply.*

§ 590.302–2 *Sources outside the government*—(a) *Sources of supply for foods of animal origin.* Procurement of foods of animal origin, including meat and meat food products, poultry and poultry products, milk and dairy products, fish and fishery food products, fats and cooking oils, game, and all food supplies of which any of the foregoing foods of animal origin form a significant part, will be made from only those sources which are approved with respect to sanitation in accordance with standards and procedures prescribed in Part 608 of this subchapter.

§ 590.305 *Specifications; general.* Every item procured either on an invitation for bids or by negotiation shall be described by referencing the applicable specifications or, in lieu thereof, shall contain a description when authorized as prescribed in paragraph (c) of this section; except that no specification in accordance with this paragraph is required in connection with the purchase of items for authorized resale when, to satisfy customer preference, the purchase is being made upon the basis of a brand-name; or the procurement falls within the provisions of § 402.210–2 (m) of this title.

(a) *Specifications authorized for procurement.* The following types of specifications are authorized for use in procurement, in the order of preference as listed:

(1) Federal specifications.
(2) Military (MIL, JAN) specifications.
(3) Air Force-Navy Aeronautical specifications.
(4) Uncoordinated Military (MIL) specifications.
(5) United States Army specifications.
(6) United States Air Force specifications.
(7) Navy specifications.
(8) Tentative specifications.
(9) Other Government departmental specifications.
(10) Purchase descriptions.

(b) *Use of tentative specifications.* Tentative specifications are authorized for purchase of items, materials, processes, or services as follows:

(1) Those required for research and development projects, including experimental, engineering, user (service), and troop tests, provided the technical and quantity requirements of the items are approved for these purposes by appropriate technical committee action.

(2) Those required for the current military procurement program, provided the applicable tentative specification is actually in process of conversion to a Military or Federal specification.

(3) Those required for components, spare parts, or materials required for maintenance of existing stocks of materiel or for items required for maintenance and operation of established installations.

(4) Requests for authority to use tentative specifications for purposes other than those listed above shall be made to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Standards Branch, and shall fully justify the necessity for making an exception. Normally, approval will be given only for purchases required to meet emergency or special requirements.

(c) *Description in lieu of specifications.* (1) A Federal or Military Specification or Standard will not be prepared when it is not in the best interest of the Government to do so. Instances where such a determination may be economically sound occur when the volume of procurement is not sufficient to justify the preparation of a specification or standard; when the character of the item is of minor significance and purchasing offers no problems; or for spare parts, components, or materials required for repair or maintenance of existing equipment; or for similar items required for maintenance and operation of existing facilities or installations.

(2) The exceptions outlined in subparagraph (1) of this paragraph may be described in proposals or contracts by use of a purchase description, providing it adequately specifies all of the essential requirements of the item or items. When the product cannot be adequately described because of its technically involved construction or composition, the name of one or preferably more commercial products may be used, followed by the words "or equal," so as not to limit competition to the particular make or makes specified. Such references to manufacturers' brand names and numbers are intended to be descriptive, but not restrictive and are for the sole purpose of indicating to prospective bidders the requirements that must be met.

(3) Heads of Procuring Activities will insure that necessary discretion is exercised in preparation of purchase descriptions, evaluation of bids, and award of contracts when such descriptions are used. Repeated use of a purchase description for large dollar volume purchases of any item other than one of minor significance indicates a need for a specification. In these instances, necessary action will be taken to provide for issuance of adequate Military or Federal Specifications as appropriate. Special precaution will be exercised to prevent the phrase "or equal" being used to procure proprietary products under the guise of competitive bidding procedures, to the exclusion of other similar products at least of equal quality and performance that meet the actual needs. Use of the phrase "or equal" is not intended as a device to substantiate a determination that no other product is equal in quality and performance to the product or products specifically listed in the Invitation for Bids or Request for Proposal. In instances where a proper determination has been made that one, and only one, supplier can furnish the required item or items, procurement should be accomplished by negotiation in accordance with Part 402 of this title and Part 592 of this subchapter. In any case of rejection of low bidder offering products "as equal" to the specific product or products listed in an Invitation for Bids or Request for Proposals followed by "or equal," determination of "equality" will be based on factual data.

(d) *Oversea purchases.* Contracting Officers are authorized to deviate from this section, subject to any instructions which may be issued by the Head of the Procuring Activity involved, for procurement effected outside the United States, its Territories, and possessions, to the extent of using where necessary such specifications, standards, and purchase descriptions of foreign governments and foreign trade associations, which will be readily understood by foreign vendors, provided that adequate measures are taken to insure satisfactory and acceptable products, including standard and interchangeable items, where required. Reports prescribed by this section will not be required for such procurement.

(e) *Supply of specifications to activities outside the Government.* A liberal attitude shall be taken in complying with requests for specifications from prospective bidders and possible manufacturers of supplies, whether for the purpose of broadening the peacetime market or for establishing new sources of supply in case of emergency.

(f) *Options permitted by specifications.* Many adopted specifications cover several grades or types and provide for several optional methods of inspections, packaging, etc. When such specifications are used in conformity with paragraph (a) of this section, the invitation or request for proposal shall specifically state the grade, type, or method of inspection, etc., on which bids or quotations are to be based.

§ 590.306 *Place of delivery.*

§ 590.306–1 *Domestic shipments.* (a) Bids and proposals will be evaluated on the basis of overall cost to the Government. In connection with bids or proposals submitted on an f. o. b. origin basis, transportation costs between the source of supply and the designated destination point or points will be considered in determining the lowest estimated cost to the Government.

(b) To facilitate the evaluation of bids and proposals and to assure accurate analyses, Contracting Officers will request the advisory services of local transportation officers to assist in determining the lowest possible transportation costs to a given point.

(c) When it has been determined that shipments will be made on the basis of all transportation charges paid to destination (Contractor's Account), care will be exercised in designating exact receiving points. An example of an exact designation is "F. O. B. Receiving Dock, ---------- General Depot, X City, Y State." Exact designation of the receiving point precludes unnecessary additional drayage and handling charges accruing to the Government.

§ 590.306–50 *Furnishing of freight rates.* (a) The functions of furnishing freight rates for use by Contracting Officers for the evaluation of bids and proposals as required by § 590.306–1 has been assigned to zone transportation officers.

(b) Purchasing offices will obtain freight rates from the zone transporta-

tion officer within whose geographical limits the purchasing offices are located regardless of the origin and destination points of the intended purchases, except that a rate quoting service will be provided in the Office of the Chief of Transportation for purchasing offices assigned within the Military District of Washington.

§ 590.306–51. *Oversea purchases.* Subject to any instructions which may be issued by the Head of the Procuring Activity involved, Contracting Officers are authorized to deviate from § 590.306 and § 400.306 of this title in effecting procurement outside the continental United States.

§ 590.350 *F. o. b. purchasing policy.* See § 400.306 of this title and § 590.306.

§ 590.351 *Procurement of spare parts.* Certain restrictions and procedures have been prescribed with respect to the procurement of spare parts. Such restrictions and procedures are set forth in pertinent Army Regulations.

§ 590.352 *Limitation on purchase and maintenance of motor vehicles or aircraft.* Section 16 of the act approved 2 August 1946 (60 Stat. 810; 5 U. S. C. 78; sec. II, WD Bul. 26, 1946) includes definite restrictions on the purchase of passenger motor vehicles (exclusive of buses, ambulances, and station wagons) or aircraft, and their maintenance, operation, and repair. Since such restrictions also cover matters other than purchase, the restrictions and prescribed procedures to be followed, including the certificate to be placed on procuring instruments, are published from time to time in Special Regulations.

§ 590.353 *Public release of long-range procurement estimates.* To assist industry to plan its production and to better serve the requirements of the Armed Services, from time to time it may be necessary to announce publicly unclassified long-range (9-month or over) procurement estimates on certain items, groups, or types of items or materials procured by the Armed Services.

(a) Public releases of long-range procurement estimates may be made by technical services when the head of technical service determines that—

(1) The information to be released will, in fact, actually assist industry in its planning and facilitate the meeting of the procurement requirements of the Armed Services.

(2) The announcement will not adversely affect procurement of Armed Services requirements by encouraging such malpractices as attempts to corner the market or the hoarding of industrial materials.

(3) The information to be released will not indicate the extent of industrial mobilization of the industry as a whole or its potential mobilization capacity.

(b) The procedures set forth below will be followed in the preparation and making of public releases of long-range procurement estimates:

(1) The head of technical service concerned will be responsible for the determination of the need for, and the preparation of, the proposed announcements.

(2) Only unclassified information will be released.

(3) The information will be publicized as widely as possible, consistent with the needs of the individual case, and will be so released as to reach all potential suppliers as nearly simultaneously as possible.

(4) In each release a statement will be made that the forecast is based on the best information available at the time of publication, but is always subject to modification.

(5) Each release will contain information as to the names and addresses of the purchasing offices that should be contacted by prospective suppliers regarding the forthcoming procurements.

(6) Major modifications in the original announced estimate will be publicized as expeditiously as possible and in the same manner as the original.

(7) Proposed announcements will be addressed to the Chief of Information (Public Information Division, Department of the Army).

(8) No actual releases will be made by the head of technical service unless authorized by the Chief of Information, Department of the Army.

§ 590.354 *Synopses of proposed procurements.*

§ 590.354–1 *Statement of policy.* (a) It is the policy of the Military Departments that all unclassified, negotiated, and advertised procurements exceeding $10,000 made in the continental United States will be publicized, except—

(1) Research and Development projects which are not susceptible of accomplishment by small business.

(2) Procurements for studies or surveys.

(3) Major items of equipment such as tanks, engines, airframes, ships, etc., when it can be demonstrated clearly that the item can only be manufactured, produced or developed by large firms.

(4) Other items which small business firms could not supply because of patent rights, copyrights, or secret processes.

(5) Purchases which must be made too quickly to permit prospective contractors, dependent on the synopses for information, to obtain invitations for bids or requests for proposals and to prepare and submit them.

(b) Synopses of Proposed Procurements, which are designed to furnish potential suppliers with sufficient information to determine whether they will be interested in bidding or quoting, will be prepared in accordance with the instructions set forth in §§ 590.354 to 590.354–6.

(c) Policies with respect to dissemination of information to unsuccessful bidders and offerers concernings awards are set forth in § 401.407 of this title and §§ 591.407 and 592.150 of this subchapter. Instructions pertaining to synopses of awards are set forth in § 590.355.

§ 590.354–2 *Applicability.* In accordance with the policy stated in § 590.354–1, instructions in this section shall apply to all proposed procurements (including procurements for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property), whether negotiated or formally advertised, when—

(a) The estimated amount exceeds $10,000;

(b) The procurement is unclassified;

(c) The procurement is effected by any purchasing office in the continental United States, including (1) principal purchasing offices listed in § 590.253–2 and (2) all other field purchasing offices and activities located in the continental United States.

(d) None of the exceptions set forth in § 590.354–1 (a) (1) to (5) are applicable to the procurement.

§ 590.354–3 *Action by purchasing offices.* (a) Procurement directives and similar documents which authorize or direct the initiation of purchase actions will be made available to the Small Business Specialist, simultaneously with receipt thereof by Contracting Officers, for examination and determination as to whether the proposed procurement is required to be publicized in accordance with §§ 590.354 to 590.354–6.

(b) Purchasing offices will prepare and forward synopses of proposed procurements at the earliest practicable time prior to issuance of invitations for bids or requests for proposals (quotations), or prior to commencement of negotiations in any form; and, in any event, immediately upon completion of final drafts of any written solicitation. Reports Control Symbol DD–MB(D)–294 (R1) has been assigned to this report.

(c) Synopses will be teletyped at the end of each day (or as they occur), in accordance with instructions contained in § 590.354–4 to the following address:

Synopsis,
Commerce Department,
Field Service,
Chicago, Illinois.

(d) Where access to the Army Command and Administrative Network (ACAN) is not available, synopses will be dispatched via air mail to the following address:

Field Service, Administrative Office,
U. S. Department of Commerce,
Room 1014, 610 South Canal Street,
Chicago 7, Illinois.

(e) A copy of each synopsis forwarded will be made available at purchasing offices for examination by interested persons. Such copies will contain columnar headings and a statement to the effect that further information will be supplied upon request, if available. A copy of the synopsis will be forwarded also to Procurement Information Center, Office of the Under Secretary of the Army, Old Post Office Building, Twelfth and Pennsylvania Avenue NW., Washington 25, D. C.

(f) A reasonable number of copies of each Letter of Proposal, Request for Proposal and Invitation for Bids, publicized in the Department of Commerce Synopsis of Proposed Procurements, including data and specifications, will be maintained by each purchasing office for supplying requests of prospective bidders.

(g) The policy governing the relations between the Department of Defense and the Small Business Administration stipulates that competition and widespread publicity will be used to the fullest extent practicable with respect to proposed procurements under joint determinations (joint determinations by assigned representatives of the Small Business Administration and the contracting office to earmark all or part of a specific procurement for exclusive participation by small business concerns) as provided for in section 714 (f) (2) of the Defense Production Act, as amended. The Department of Commerce will publish information with respect to procurements under joint determination under a separate heading in the daily Synopsis. Therefore, in transmitting procurement information to the Department of Commerce for inclusion in the daily Synopsis, a separate transmittal will be made on those procurements which are under joint determination, and the transmittal will state clearly that "the proposed procurement(s) listed herein is (are) under joint determination."

§ 590.354–4 *Instructions for teletyping of synopses.* Synopses teletyped pursuant to § 590.354–3 (b), will be prepared for transmission as follows:

(a) The first line of the text of the message will state the number of the synopsis being sent. Synopses will be numbered consecutively.

(b) The second line of the text of the message will state the name and location of the purchasing office straight across the page (not to exceed 70 typewriter spaces) continuing on the next line if necessary.

(c) The description of the item being procured will be in capital letters, using the dash for commas and will not exceed 31 typewriter spaces. If 31 spaces are insufficient, additional lines may be used. The description will be clear, concise, abbreviated wherever possible, with a minimum number of words for description but sufficient for understanding by interested parties; it will consist of a minimum general description of the item procured and will include, when appropriate, commonly used names of supply items, basic materials from which fabricated, general size or dimensions, etc. Citation to specification and/or drawing numbers or other identifying data will be included, if this information will assist prospective suppliers in determining whether or not they are interested in the procurement.

(d) The column designating the quantity begins on typewriter space 32 and will not exceed 10 spaces. Every effort will be made to center the quantity between spaces 32 and 41. If 10 spaces are insufficient to include desired statement relative to quantity, additional lines may be used. Quantity to be procured will be indicated, except that whenever purchasing offices believe it advisable for security reasons, quantities may be published as "more than _____."

(e) The column designating the invitation or request number begins on typewriter space 42 and will not exceed 16 spaces. Every effort should be made to center the invitation or request number between spaces 42 and 57. Invitation for Bids numbers will be followed by the letter "B." Requests for proposals or quotations will be indicated by the letter "Q" or, if numbered, the number will be followed by the letter "Q." If there is not sufficient space in the column for the distinguishing letter, it may be typed on the succeeding line.

(f) The column designating the opening date (or last date for submission of proposals or quotations) begins on typewriter space 58 and will not exceed 13 spaces. The last digit of the entry in this column should fall in space 70.

(g) Columnar headings will be omitted.

(h) Strict adherence to the above instructions will be required of each reporting office as the receiving machines will automatically cut stencils at the time the message is received. Deviations will cause the format of the synopsis printed by the Department of Commerce to be out of line.

(i) Each reporting office will discuss the instructions contained in this section with its communications office so that the manner in which the message is to be transmitted is thoroughly understood by the office preparing the message and the communications office.

§ 590.354–5 *Contents of synopses when not teletyped.* Synopses air mailed pursuant to § 590.354–3 (d) will contain the same information required for synopses which are teletyped, as prescribed in § 590.354–4, in substantially the same form. In addition to the information prescribed in § 590.354–4, appropriate columnar headings will be used.

§ 590.355 *Synopsis of contract awards.*

§ 590.355–1 *Statement of policy.* It is the policy of the Military Departments that information be disseminated as widely as possible, each week, with respect to awards of unclassified contracts, exceeding $25,000 in amount, whether entered into after formal advertising or negotiation. One objective of this policy is to provide opportunities for small business concerns to learn of and solicit subcontracting work.

§ 590.355–2 *Applicability.* In accordance with the policy stated in § 590.355–1, instructions in §§ 590.355 to 590.355–4 shall apply to all contracts (including contracts for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property), whether entered into after formal advertising or negotiation, when—

(a) The contract amount exceeds $25,000.

(b) The contract is unclassified.

(c) The contract is entered into by any purchasing office in the continental United States, including (1) principal purchasing offices listed in § 590.253–2 and (2) all other field purchasing offices and activities located in the continental United States.

§ 590.355–3 *Action by purchasing offices.* (a) Purchasing offices will obtain all necessary information for inclusion in synopses of contract awards from contract files and, when necessary, direct from Contractors.

(b) Purchasing offices will obtain information, at the earliest possible time, as to whether suppliers are in need of assistance to locate and contact subcontractors. If such assistance is desired, the supplier will be requested to indicate (1) the industry, craft, process, or component item in or for which he desires subcontractors in connection with the contract awarded or to be awarded, (2) any restrictions as to the general area in which subcontractors should be located.

(c) Purchasing offices will prepare and forward single copies of synopses of contract awards to each of the addresses listed below, by air mail, before the close of business at the end of each week. If past experience indicates that ordinary mail will insure Monday delivery to any addressee, ordinary mail will be used. Reports Control Symbol DD–MB (W)–294 (R2) has been assigned to this report.

(d) Addressees to be furnished with synopses of contract awards are—

(1) Procurement Information Center, Office of the Under Secretary of the Army, Old Post Office Building, Twelfth and Pennsylvania Avenue NW., Washington 25, D. C.

(2) Administrative Office, United States Department of Commerce, 433 West Van Buren Street, Chicago 7, Illinois.

§ 590.355–4 *Contents of synopses of contract awards.* Synopses of contract awards will contain the following information:

(a) Name of purchasing office.

(b) Name and address of the Contractor.

(c) Brief description of the commodity or service being procured, followed in parentheses by the applicable Invitation for Bid Number or Request for Proposal Number. Description will be clear, concise and abbreviated wherever possible, with a minimum number of words for description but sufficient for understanding by interested persons. It will consist of a minimum general description of the item or service procured and will include, when appropriate, commonly used names of supply items, basic materials from which fabricated, general size, or dimensions, etc.

(d) Statement of dollar amount.

(e) Quantity of items.

(f) Statement of industries, crafts, processes, or component items in or for which subcontracts are available and subcontractors are desired by prime Contractors, in substantially the following form: "Prime Contractor has subcontracts open for the following: (insert here industries, crafts, processes or component item applicable)," (insert the following clause where applicable) and desires that subcontractors be located in (insert here general area indicated by Prime Contractor, if any, such as: Southeast States, New England, West Coast, etc.).

§ 590.357 *Selection of Contractors.* It is the policy of the Department of the Army to award contracts only to responsible persons and concerns submitting bids or quotations. Persons or concerns considered to be responsible in connection with the awarding of Army contracts are those who (1) are manufacturers or regular dealers as defined in § 400.201–9 of this title and (2) are financially and otherwise able to perform the contracts, and (3) are otherwise qualified

and eligible by law and regulation. In determining responsibility, primary emphasis will be placed upon the prospective Contractor's technical and financial ability to perform the contract successfully. Where a Contractor is not responsible, even though it is anticipated that a future event would make him responsible, an award contingent upon such future event is prohibited. For example, it would be improper to award a supply contract conditioned on the Contractor obtaining adequate financing within 30 days from the date of the award.

(a) A preaward qualification check or survey will be made of the technical and financial capabilities of the prospective Contractor in order to provide the basis for evaluating responsibility. Qualification checks or surveys may be curtailed to the extent the prospective Contractor's qualifications are known to be satisfactory or when not required in the judgment of the Contracting Officer. The contract file of the Contracting Officer will contain a record of his determination of the responsibility of the Contractor in all cases over $1,000, with such supporting evidence as is secured by him through qualification checks or surveys. In the event the Contracting Officer determines that a preaward survey need not be made, a statement to that effect with supporting reasons for the waiver on all contracts over $1,000 will be made a part of the contract file.

(b) In evaluating the responsibility of prospective Contractors, consideration will be given to the following factors, as well as to any others which may be deemed appropriate:

(1) Whether the Contractor qualifies as a "source of supply," as defined in § 490.201–9 of this title and § 590.201–9.

(2) Financial ability to perform the contract, including the availability of necessary working capital and credit, as determined from the following and any other appropriate sources:

(i) Balance sheets and profit and loss statements.

(ii) Credit reports of commercial- and financial-reporting agencies.

(iii) Data available at the prospective Contractor's banks.

(iv) Information concerning other contractual commitments.

(3) Financial aid furnished or required to be furnished by the Government.

(4) Business and financial reputation and integrity of the prospective Contractor, and where its reputation and integrity are not established of the principal executives of the prospective Contractor, as determined by checks of the following sources:

(i) The prospective Contractor's banks.

(ii) Trade creditors.

(iii) Any other source, governmental or private, which has had substantial previous dealings with the prospective Contractor.

(5) Business and manufacturing experience, including length of time in present business, production efficiency, and technical ability.

(6) Types of supplies, equipment, components, material, and services currently being manufactured, performed, or developed.

(7) Similarity between items currently being produced and items required by the proposed contract.

(8) Total amount of business on hand (military and commercial) as affecting the ability of the prospective Contractor to meet deliveries required under the contract.

(9) Prospective Contractor's past record of performance of Government contracts.

(10) Adequacy and availability of facilities, materials, and personnel for performance of the specific contract involved, including, when applicable, consideration of—

(i) Plant space.

(ii) Manufacturing equipment.

(iii) Testing, inspection, and laboratory facilities.

(iv) Training facilities.

(v) Materials and components.

(vi) Trained labor.

(vii) Key production and engineering personnel.

(viii) Subcontractors.

(11) Furnishing of a performance bond.

§ 590.358 *Use of Certificates of Necessity and Expediting Production Funds.* It is the policy of the Department of the Army that Certificates of Necessity and the utilization of Expediting and Production Funds will be recommended for approval only in those instances where no other adequate facilities for the furnishing of the supplies or services exist which can be operated by responsible firms.

SUBPART D—PROCUREMENT RESPONSIBILITY AND AUTHORITY

§ 590.401 *Responsibility of each Procuring Activity.* (a) Heads of Procuring Activities are responsible for the procurement of all supplies and services as assigned in accordance with the policy prescribed in Part 593 of this subchapter.

(b) Purchases will be made only by Contracting Officers duly designated as such. (See §§ 590.402 and 590.450.)

(c) Chief, Purchases Branch, Office of the Assistant Chief of Staff, G–4, Department of the Army, will exercise the functions of Head of a Procuring Activity for all Contracting Officers of the Army Establishment not under the jurisdiction of a Head of a Procuring Activity as listed in § 400.201–4 of this title.

(d) Authority is hereby delegated to the following to make necessary procurement of supplies and services required to carry out their functions:

(1) Attachés.

(2) Chiefs of foreign missions (Army).

(3) Chiefs of Army sections of any joint military mission not operating under the jurisdiction of a major oversea command.

(4) Superintendent, U. S. Military Academy, West Point, N. Y.

(5) Such others as may be specifically designated in writing from time to time.

(e) Responsibilities and authority of Heads of Procuring Activities in connection with applications for relief under Title II of the First War Powers Act, 1941, as amended, etc., are set forth in § 606.403–4 of this subchapter.

§ 590.402 *General authority of Contracting Officers.* Properly designated Contracting Officers are granted all authority conferred by law, the Armed Services Procurement Regulation, this procedure, and by Procuring Activity instructions, but only to the extent as limited therein and as that authority may be limited in the orders designating them as Contracting Officers.

(a) Contracting Officers are agents of the Government and must act in accordance with the law and within their prescribed duties and limited authority. Contracting Officers must insure that their acts are in full accord with their authority. The acts of a Contracting Officer bind the Government only when the action is authorized.

(b) Contracting Officers may enter into, amend, modify, and take other action with respect to contracts provided (1) approval of award has been obtained, if approval is required by this procedure, and the contract embodies the award as approved, (2) the contract is written on a standard or an approved form of contract, (3) the contract is authorized by law and complies with the provisions of the Armed Services Procurement Regulation and this procedure with respect to the use of contract clauses and does not contain any clause or involve matters in conflict with the established policy of higher authority and, (4) compliance has been effected with all other requirements of law, the Armed Services Procurement Regulations, this procedure, and the applicable Procuring Activity instructions.

§ 590.403 *Requirements to be met before entering into contracts.* Irrespective of whether procurement is to be effected by formal advertising or by negotiation, a contract may be entered into by a Contracting Officer only if—

(a) All applicable requirements of law, of the Armed Services Procurement Regulation, of this procedure, and of the appropriate Procuring Activity instructions have been met.

(b) Such business clearances or approvals as are prescribed by this procedure and by applicable Procuring Activity instructions have been obtained.

(c) The contract is written on a standard or an approved form of contract.

(d) The contract does not contain any unauthorized clauses or involve any matter which is inconsistent or in conflict with the established policy of higher authority.

§ 590.450 *Designation of Contracting Officer.* (a) Contracting Officers, as defined in § 400.201–5 of this title, shall be those designated by the persons listed below, or by persons who are authorized by the persons listed below to designate Contracting Officers. When so designated, they shall have the authority set forth in § 590.402 and the general responsibilities set forth in § 590.453.

(1) The Secretary of the Army.

(2) The Under or Assistant Secretary of the Army responsible for procurement.

(3) The Assistant Chief of Staff, G–4, Department of the Army.

(4) Chief, Purchases Branch, Office of the Assistant Chief of Staff, G–4, Department of the Army.

(5) Head of any Procuring Activity.

(6) Attachés.

(7) Chiefs of foreign missions (Army).

(8) Chiefs of Army sections of any joint military mission not operating under the jurisdiction of a major oversea command.

(9) Superintendent, United States Military Academy, West Point, N. Y.

(10) Such others as may be specifically designated in writing from time to time.

(b) The designation of Contracting Officers shall be in writing and may be accomplished by general or special instructions.

§ 590.451 *Designation of representatives.* A Contracting Officer may designate any officer or civilian official to act as his authorized representative. Such designation shall be in writing and shall define the scope and limitations of the authorized representative's authority.

§ 590.452 *Authority of representatives.* A designation authorized by § 590.451 may be made by instructions referring to particular contractual instruments, and may, to the extent not specifically prohibited by the terms of the contractual instrument involved, empower the authorized representative to take any or all action thereunder which could be lawfully taken by the Contracting Officer. In no event, however, shall an authorized representative, by virtue only of his designation as such, be empowered to execute or agree to any contract or modification thereof. Except, however, the Contracting Officer may empower his authorized representatives to issue change orders under the "Changes Article" provided such change orders do not involve a change in unit price, total contract price, quantity, quality, or delivery schedule.

§ 590.453 *General responsibility of Contracting Officers.* (a) Contracting Officers are primarily responsible for the execution and administration of contracts, to safeguard the interests of the United States in contractual relationships, and to determine the facts under contracts.

(b) Contracting Officers shall personally sign all contracts and modifications entered into by them. This authority cannot be delegated to others. (See § 590.452 with respect to change orders.) The signing of contractual documents will not be accomplished by facsimile stamps or by proxy.

(c) Contracting Officers are responsible under law and regulations for their acts as Contracting Officers.

(d) Contracting Officers shall be bound in all their actions to exercise reasonable care, skill, and judgment.

(e) Contracting Officers must assure themselves that the contract is authorized by law, that funds are available, and of their authority to subject the Government or its property to any risk.

(f) Contracting Officers are responsible for maintaining constant cognizance with respect to contract compliance on the part of the Contractor.

(g) Contracting Officers are responsible for the legal, technical, and administrative sufficiency of the contracts they make. They should not hesitate to secure legal and technical advice within the Army Establishment.

(h) Contracting Officers are responsible for performing or having performed any legal or administrative actions necessary to properly assure the satisfactory performance of their contracts.

(i) Contracting Officers are responsible for knowing the scope and limitation of their authority.

§ 590.454 *Delegation of authority.* Authority conferred upon any of the Heads of Procuring Activities under any section of Subchapter A, Chapter IV of this title and in this procedure may be exercised by the Heads of the Procuring Activities, or by redelegation, through such officer or officers or civilian official or officials of the Army Establishment as may be designated by them or by any person authorized by them to make such designation, with such powers of delegation or successive redelegation as they may deem appropriate; subject, however, to any provisions in the particular section of Subchapter A, Chapter IV of this title or this procedure—

(a) Forbidding the assignment or delegation of the authority mentioned in such section, or

(b) Imposing limitations upon the assignment, delegation, or exercise of such authority.

The exercise prior to the date of this procedure of such authority by any such officer or officers or civilian official or officials of the Army Establishment is hereby ratified and confirmed, providing such authority could have been granted in the first instance.

§ 590.455 *Standards of conduct.* In all procurement and related functions, stress shall be placed upon the importance of protection of the interests of the Government and the avoidance of any acts which may tend to compromise both the Department of the Army and the individual member of the Army Establishment, thus impairing public confidence in the integrity of business relations between the Department of the Army and industry.

(a) *Policy.* The Department of the Army policy is contained in the following publications:

(1) AR 600–205. (Standards of Conduct of Personnel Assigned to Procurement and related activities).

(2) AR 600–10. (Military Discipline).

(b) *Responsibility of all personnel.* All individuals concerned, either directly or indirectly, with any phase of procurement, inspection, and contract administration will read and initial a copy of AR 600–205. Such initialed copy shall be retained in the files of the office involved and shall be subject to inspection at all times. Likewise, each such individual shall be furnished a copy of AR 600–205. Further, those individuals referenced in § 590.454 of this subpart and subject to military law shall be fully cognizant of the provisions of AR 600–10.

§ 590.456 *Responsibility for insuring the availability of funds.* Contracting Officers will, prior to the incurrence of an obligation, obtain from the Fiscal Officer a certificate which will contain a citation of the proper funds to be charged and a statement that sufficient funds are available for payment of the contractual obligation to be incurred. The certificate shall be retained in the contract file. The Fiscal Officer who is accounting for the funds will be responsible for determining the proper funds to be charged and the sufficientcy thereof and for reserving in the fiscal accounts an amount sufficient to pay the obligation to be incurred. The Contracting Officer will be responsible for determining that final delivery under the terms of the contract, acceptance, and payment may be made before expiration of the available period for expenditure of the funds concerned.

SUBPART E—CONTINGENT OR OTHER FEES

§ 590.502 *Applicability.* This subpart applies to all contracts except those exempted by § 400.507–2 of this title.

§ 590.502–50 *Definition of contract.* As used throughout this subpart, the term "contract" means any contract for—

(a) The purchase of real property, personal property, or services (except services which are required to be performed by an individual Contractor in person under Government supervision and paid for on a time basis, and except public utilities services by public utility companies);

(b) The construction or repair of public buildings or works;

(c) The lease of real or personal property for Government use; or

(d) The sale or lease of Government-owned real or personal property.

§ 590.503 *Covenant against contingent fees clause.*—(a) *Procurement contracts.* Every contract, defined by paragraphs (a), (b) or (c) of § 590.502–50, is required to contain the "Covenant Against Contingent Fees" clause set out in § 406.103–20 of this title.

(b) *Disposition contracts.* Every contract defined by § 590.502–50 (d) will contain the following clause:

COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to require the Contractor to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

§ 590.508 *Enforcement.*

§ 590.508–1 *Failure or refusal to furnish Standard Form 119.* If the otherwise successful bidder fails or refuses to furnish a completed form or statement upon request of the Contracting Officer, the matter will be referred to the Head of the Procuring Activity concerned or

his duly authorized representatives for instructions.

§ 590.508–2 *Misrepresentations or violations of the covenant against contingent fees.* If the Contracting Officer, after award, believes that the otherwise successful bidder has made misrepresentations or has otherwise acted in a manner inconsistent with the "Covenant Against Contingent Fees" clause, he shall report the matter for determination by the Head of the Procuring Activity concerned or his duly authorized representative.

§ 590.508–50 *Authority of Head of a Procuring Activity.* The Head of a Procuring Activity or his duly authorized representatives, shall, in any case forwarded by a Contracting Officer pursuant to this section, take or cause to be taken one or more of the following actions as appropriate:

(a) If an award has not been made or offer has not been accepted, determine whether the bid or offer should be rejected.

(b) If an award has been made or offer has been accepted, take action to enforce the covenant in accordance with its terms; that is, as the best interest of the Government may appear, annul the contract without liability, or recover the amount of the fee involved.

(c) Determine the future eligibility as a Contractor of the bidder or Contractor, in accordance with Subpart F of this part.

(d) Determine whether the case should be referred in accordance with Subpart F of this part, with respect to determining matters of fraud.

§ 590.550 *Contracts in foreign countries.* In effecting procurement outside the continental United States, its Territories and possessions, mandatory use of the form is not required.

SUBPART F—DEBARRED, INELIGIBLE, AND SUSPENDED BIDDERS

§ 590.600–50 *Authority.* An Assistant Judge Advocate General has been designated as the authorized representative of the Under Secretary of the Army for purpose of administering the provisions of Subpart F of Part 400 of this Title, and this subpart, and to coordinate actions thereunder with The Inspector General, the Department of Justice, and other agencies, when appropriate.

§ 590.601 *Establishment and maintenance of a list of firms or individuals debarred or ineligible.*

§ 590.601–1 *General.* The Under Secretary of the Army (Assistant Judge Advocate General) will publish a consolidated list, together with periodic changes thereto. The classification of this list will be "Confidential." Procurement personnel will comply with the prohibitions contained in this list, together with the additions, modifications, and releases reflected thereon.

§ 590.601–4 *Maintenance and distribution of list.*—(a) *Exchange of list.* The Office of the Under Secretary of the Army (Assistant Judge Advocate General) will furnish the Departments of the Navy and the Air Force with copies of this list, and will, to the extent appropriate, publish information received from those Departments on the list.

(b) *Attempted evasions.* In some instances, firms or individuals have attempted to evade the prohibitions contained in §§ 590.604 and 590.605 by change of address, use of multiple addresses, or by formation of a new company. In such cases where it can be reasonably established that the suspended or debarred firm or individual has the controlling or active interest in a new company, or that the address is the same as that of the suspended or debarred firm or individual, the basic prohibitions will apply, and a report will be submitted through channels to the Office of the Under Secretary of the Army (Assistant Judge Advocate General). Doubtful cases will be referred to the Office of the Under Secretary of the Army (Assistant Judge Advocate General) through channels, for determination.

§ 590.603 *Treatment to be accorded firms or individuals in debarred or ineligible status.*

§ 590.603–1 *Total restrictions.* (a) Debarred Contractors will not be carried on any bidders' mailing list and bids will not be invited from them.

(b) In the event that a bid is tendered by a debarred Contractor, it shall be received and recorded. If the bid is low, it will then be rejected (see paragraph (c) of this section) and the reason therefor shall be stated in the certificate to the General Accounting Office as follows:

> In accordance with the decision of the Comptroller General of the United States contained in his letter to the Secretary of War, dated 23 July 1929, the bid of _____ is rejected because of previous unsatisfactory business dealings with the Department of the Army.

(c) No awards will be made to any debarred Contractor during the period specified for debarment; however, where an award to a debarred bidder is deemed to be essential in the public interest, the procuring activity desiring to make such award will furnish a complete report of the contemplated procurement together with the reasons requiring such award, in accordance with the procedure in § 590.604 (b).

(d) Administration of current contracts is as follows:

(1) In the event there are any current contracts with a firm or individual recommended for debarment, administration of such contracts will be the responsibility of the Head of the Procuring Activity. A report submitted accordance with § 590.604 (b) will contain full information concerning current contracts if any. Administration of contracts with a firm or individual recommended for debarment may continue unless otherwise directed by the Under Secretary of the Army (Assistant Judge Advocate General).

(2) Upon debarment of a firm or individual, administration of current contracts with such debarred firms or individuals may be continued unless otherwise directed by the Office of the Under Secretary of the Army (Assistant Judge Advocate General).

(3) Where current contracts are being administered at the time a report is submitted under § 590.604 (b), or at the time of debarment, payments under such contracts may be continued at the discretion of the Head of the Procuring Activity involved, unless otherwise directed by the Office of the Under Secretary of the Army (Assistant Judge Advocate General).

§ 590.604 *Causes and conditions of debarment.*—(a) *Reports.* Any Procuring Activity may submit reports recommending debarment of a firm or individual for any of the causes set forth in § 400.604–1 of this title.

(b) *Reporting procedure.* Reports requesting debarment will be submitted in triplicate to the Office of the Under Secretary of the Army (Assistant Judge Advocate General), with an information copy to the Office of the Assistant Chief of Staff, G–4. Such reports will contain a complete certified statement of the facts concerning the contractor's dereliction, including affidavits, depositions, records of action, if applicable, and any other relevant data. Names and addresses of all persons having knowledge of the circumstances will be included. Such reports will include the names and addresses of all known affiliates of reported Contractors, together with the nature of such affiliation. Recommedations of the reporting agency and intermediate echelons will be furnished with any request for debarment. The Head of a Procuring Activity will be responsible for the adequacy and propriety of all requests initiated under his command.

§ 590.604–3 *Notice of debarment.* Upon the debarment of a Contractor by the Office of the Under Secretary of the Army (Assistant Judge Advocate General), that office will furnish advice of such action to the Contractor, and to the General Services Administration, in accordance with § 400.604–3 (b) of this title.

§ 590.605 *Suspension of bidders.* The prompt reporting of all matters relating to fraud or criminal conduct in connection with procurement activities is of extreme importance. All persons concerned with Army procurement will be alert for and report the possibility or evidence of fraud or criminal conduct at all times.

(a) *Reporting procedure.* All reports submitted under this section will be classified "Confidential" unless the information contained therein warrants a higher classification. All reports and exhibits, and all supplements thereto, including letters of transmittal and interim correspondence, will be expeditiously transmitted through channels, in sextuplicate, to the Head of the Procuring Activity, who will make the following distribution: 3 copies to the Office of the Under Secretary of the Army (Assistant Judge Advocate General), 1 copy to the Office of the Assistant Chief of Staff, G–4, Department of the Army (Attn: Chief, Purchases Branch), and 1 copy to the Office of The Inspector General. In cases where all the information is not readily available to the reporting agency, preliminary reports will be so forwarded and will be followed as soon as practicable by complete documented reports as herein indicated. All reports should contain a full statement of the pertinent facts indicating alleged criminal conduct, fraudulent activity, or suspicion thereof, and will be supported by appropriate exhibits, including copies of any contracts involved and any assignments of claims thereunder. Names and addresses of all known affiliates of reported Contractors, together with the nature of such affiliation, will be included. All such reports initiated by disposal, inspection, audit, engineering, and other advisory or technical personnel will be addressed to the Contracting Officer concerned and will be adequately documented by initiating personnel. The Contracting Officer will take whatever action he deems necessary and appropriate consistent with the protection of the best interest of the Government. Such reports, accompanied by the comments and recommendations of the Contracting Officer, will then be forwarded through channels for the addition of the comments and recommendations of each successive office. The reporting agency and all intermediate echelons will include their recommendations as to suspension in such reports.

(b) *Suspensions.* The determination to suspend a suspected firm or individual will be the responsibility of the Under Secretary of the Army (Assistant Judge Advocate General). Formal suspension directives will be issued by that office. In addition, a determination will be made whether to refer the matter to the Department of Justice.

(c) *Procurement*—(1) *Current contracts.* It will be the responsibility of the Head of a Procuring Activity reporting a suspicion of fraud or criminal conduct, and administering a current contract, to determine whether it will be in the best interest of the Government (i) to continue contract administration in any of its phases (such as acceptance of deliveries, inspection, issuance of certain instructions), but not including payment except as authorized in subparagraph (2) of this paragraph; or (ii) to exercise any contract right (such as termination for default or convenience, rejection, or recovery due to latent defects). In making such determination, full consideration will be given to the nature of and the circumstances surrounding the suspicion or evidence of fraud or criminal conduct being reported. The basis for each determination will be included in the report required under paragraph (a) of this section. In cases where doubt exists as to the effect of continuation of any phase of administration on the investigation and possible prosecution or civil action against the suspected Contractor, it will be appropriate to refer the matter, together with the recommendations of the Head of the Procuring Activity, to the Office of the Under Secretary of the Army (Assistant Judge Advocate General) for determination.

(2) *Payments.* When a report under paragraph (a) of this section is made by the Head of a Procuring Activity, and such report does not recommend suspension of the Contractor, payments under current contracts may continue at the discretion of the Head of the Procuring Activity unless otherwise directed by the Office of the Under Secretary of the Army (Assistant Judge Advocate General). Where such report recommends suspension, payments will be withheld. No payments of any type will be made to any suspended Contractor either under procurement or termination unless the suspension is modified or removed by the Office of the Under Secretary of the Army (Assistant Judge Advocate General). Upon receipt of a notice of suspension, disbursing officers will promptly forward all administratively approved vouchers in favor of the suspended Contractor to the Office, Chief of Finance, Attn: Receipts and Disbursements Division. Procuring agencies, holding or in receipt of properly certified invoices covering amounts due the suspended Contractor, will prepare and process (administratively approve) the necessary vouchers and will forward the certified vouchers to the aforesaid office, through their assigned Disbursing Officers, inviting attention to the fact that the Contractor concerned is suspended. This procedure will be followed whenever any additional or new amounts become due during the period of suspension. In cases where, in the opinion of the Contracting Officer, the circumstances surrounding either the procurement or the suspicion of fraud or criminal conduct are of such a nature as to permit or require complete or partial release of withheld funds due the suspended Contractor, a recommendation for such release, including a full statement of the particulars supporting such recommendation, will be made by the Contracting Officer, through channels, in accordance with paragraph (a) of this section for determination by the Office of the Under Secretary of the Army (Assistant Judge Advocate General).

(3) *Terminations.* Negotiation toward settlement of terminated contracts will cease with the suspension of a Contractor. Negotiations must likewise cease with respect to terminated subcontracts either let or held by the suspended Contractor. All authorizations granted to such a Contractor under JTR 642 (PR 15) or under Part 407 of this title or part 597 of this subchapter, will be revoked immediately without explanation. In cases where, in the opinion of the Contracting Officer, negotiation toward settlement of a terminated contract would be in the best interest of the Government, a report recommending such action will be made, through channels, in accordance with paragraph (a) of this section, for determination by the Office of the Under Secretary of the Army (Assistant Judge Advocate General).

(4) *New awards.* Contracts shall not be awarded to, nor shall bids or proposals be solicited from, firms or individuals which have been placed in suspension, unless approval for each individual procurement has been obtained. Bids submitted by suspended Contractors will not be rejected by Contracting Officers solely because of the suspension, but will be received, recorded, and retained in accordance with established procedures. In cases where a suspended Contractor is the low bidder (or, in the case of surplus and salvage sales, the high bidder), information relating to (i) the low (or high) bid and the next lowest (or highest) bid; (ii) expirations or options and whether such options may be extended, and (iii) the desirability or necessity of acceptance of the suspended Contractor's bid, will be reported, together with recommended action, in the same manner as set forth in paragraph (a) of this section, for determination as to placement of any awards with the suspended Contractor.

(d) *Responsibility of heads of procuring activities (report on contractual status of suspended contractors, reports control symbol JAG–19).* The Heads of Procuring Activities will be responsible for taking the appropriate administrative actions indicated in paragraph (c) of this section. The Heads of Procuring Activities are authorized to communicate direct with the Office of the Under Secretary of the Army (Assistant Judge Advocate General) as to matters within the purview of this section. As soon as possible after receipt of the notice of suspension, and not later than 30 days thereafter, or concurrent with the reporting of suspicion of fraud or criminal conduct, the Heads of Procuring Activities will submit a brief report on the status of outstanding contracts, if any, either proposed, current, or terminated but unsettled (Report on Contractual Status of Suspended Contractors) (Reports Control Symbol JAG–19). Information relating to current contracts will be reported as outlined in paragraph (c) of this section, with distribution in accordance with paragraph (a) of this section. The extent to which such firms or individuals are considered necessary and essential will be indicated.

(e) *Services receiving notice of suspension.* In cases where a current contract is being administered by a Procuring Activity not the initiating agency of the report of suspected fraud or criminal conduct, a statement of the minimum contract administration immediately required will be included in the report required under paragraph (d) of this section.

(f) *Release from suspension.* After a firm or individual has been placed in suspension, such suspension will not be lifted until so directed by the Office of the Under Secretary of the Army (Assistant Judge Advocate General). Firms and individuals released from suspension and not debarred will be replaced on lists of bidders to whom invitations to bid will be sent, where appropriate.

(g) *Departmental inquiries.* Inquiries by Procuring Activities concerning the status of reported cases will be transmitted, in triplicate, through channels, to the Office of the Under Secretary of the Army (Assistant Judge Advocate General). Procuring Activities will not communicate with the local offices of the Department of Justice, the United States Attorney, or the Federal Bureau of Investigation in such connection.

§ 590.609 *Procurement outside the United States.* A report, in triplicate, setting forth the basis for and the action

taken in any case of suspected fraud or criminal conduct, will be furnished in the manner set out in § 590.605 (a) for information as the incidents occur. A closing report of completed action will be furnished.

§ 590.650 *Inquiries from debarred, ineligible, or suspended firms and individuals*—(a) *Suspended firms or individuals.* Reports submitted in accordance with § 590.605 and all actions accomplished relating thereto are confidential. In the event a suspended Contractor or his representative makes inquiry as to the reason or cause of any of the prohibitions indicated in § 590.605 (c), or for any other reason, no information relating to the suspension or the fact that the Contractor has been suspended will be given to the inquirer. Instead, the Contractor will be informed that consideration is being given his contractual relationship by the Office of the Under Secretary of the Army (Assistant Judge Advocate General), and that all inquiries regarding such matters should be addressed in writing direct to that office.

(b) *Debarred firms and individuals.* All inquiries relating to debarred bidders, including those from a debarred bidder, will be forwarded to the Office of the Under Secretary of the Army (Assistant Judge Advocate General).

(c) *Ineligible or disqualified firms or individuals.* Inquiries from Contractors or individuals listed as ineligible or disqualified by the Comptroller General and the Department of Labor under the Walsh-Healey or Davis-Bacon Acts shall be answered by indicating the nature of the prohibition as indicated on the consolidated list and requesting that the inquirer communicate with—

Wage and Hour and Public Contracts Division,
Department of Labor,
14th Street and Constitution Avenue, NW.,
Washington 25, D. C.

PART 591—PROCUREMENT BY FORMAL ADVERTISING

Sec.
591.000 Scope of part.

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Subpart E—Qualified Products

591.501 Authority for qualified products.
591.504 Qualified products lists.

§ 591.000 *Scope of part.* This part sets forth (a) the basic requirements for the procurement of supplies and services by means of formal advertising, (b) the information to be contained in forms used for the solicitation of bids, (c) methods of soliciting bids, (d) policies with respect to the submission of bids, (e) requirements for the opening and evaluation of bids and for the awarding of contracts, and (f) requirements for the procurement of qualified products.

SUBPART A—USE OF FORMAL ADVERTISING

§ 591.102 *Use of formal advertising.*—(a) *Policy.* During a period of national emergency declared by the President or by the Congress, procurement by formal advertising will continue to be used, as the preferred method of purchasing, except when procurement by negotiation is authorized pursuant to §§ 402.201 of this title and 592.201 of this subchapter. However, as to procurements in the interest of standardization of equipment and interchangeability of parts, see § 591.201 (i).

(b) *Lists of bidders.* Current lists of bidders will be maintained. Requests for inclusion on such lists will receive prompt and courteous attention. Lists of bidders will be maintained in accordance with §§ 401.204 of this title and 591.204 and shall not include the name of any person or firm appearing in the "List of Debarred, Suspended and Ineligible Bidders" (§ 590.601).

(c) *Classified contracts.* Procurements classified as CONFIDENTIAL, or higher, shall not be effected by formal advertising, except when the Head of a Procuring Activity considers this method to be in the interest of the Government.

SUBPART B—SOLICITATION OF BIDS

§ 591.201 *Preparation of forms*—(a) *Prescribed forms.* Forms prescribed for the procurement of supplies by formal advertising are set forth in part 415 of this title and part 605 of this subchapter.

(b) *Invitation for bids number.* Every invitation for bids will be assigned and will contain in the upper right corner (unless otherwise provided for on standard forms)—

(1) The letter symbol of the Procuring Activity followed by a dash.

(2) A number consisting of the station number of the office issuing it, if one has been assigned, a dash.

(3) The last two numerals of the fiscal year in which the invitation is issued, regardless of the fiscal year funds to be expended, a dash.

(4) The serial number of the invitation.

Only one series will be used under any one station number for any Procuring Activity for each fiscal year, and the first invitation issued in each fiscal year will bear 1 as its serial number. Subsequent serial numbers will be assigned consecutively, in their order of issuance. A serial number once assigned to an invitation which has been distributed will not be used in the same fiscal year for any other invitation. For example, the first invitation for bids issued by Philadelphia Quartermaster Depot in the fiscal year 1951 will be numbered QM–36–030–51–1. Other numbers or letters may be prefixed to this number if such action is desired by the Head of a Procuring Activity.

(c) *Discount provisions.* If the discount provisions contained on the prescribed forms are not suitable, the following changes therein may be made:

(1) The discount provision on the bid form relating to "10 calendar days," "20 calendar days," etc., may be deleted whenever it is definitely known that final acceptance cannot be accomplished, or that payment cannot be effected, within the period of time from date of delivery. In order to take advantage of any discounts offered, this authority will be used sparingly. If, for example, commercial practice for a certain class of material is to use a 10-day discount period, the deletion will not be made.

(2) In special cases where a prolonged acceptance test is necessary, and the invitations or specifications set a limiting date for acceptance that is more than 20 days after date of delivery, the provision in the form as to computation of discount time may be changed to read as follows: "Time, in connection with the discount offered, will be computed from the limiting date set herein for final acceptance." When this change is made, the limiting date for final acceptance must be stated in the invitation.

(d) *Place of contract performance.* For the purpose of evaluating bids and for assistance in performing survey, inspection, and expediting functions, every invitation for bids will require bidders to state the location of the manufacturing or processing plant or factory or the warehouse or other establishment from which the supplies are to be furnished. Similarly in the case of services, the location at which the services are to be performed will be shown.

(e) *Delivery clause.* Each Invitation for Bids will contain an appropriate delivery clause suitable to the circumstances involved in the particular procurement.

(f) *Place of delivery.* When transportation costs are important and the exact destination of the supplies being purchased is not known at the time bids are solicited, but the general geographical section in which delivery will be made is known, as East Coast, Middle West, or West Coast, for purposes of evaluation of bids only, a definite place may be designated in the known geographical sector as the point to which transportation costs will be computed in determining the low bidder. In order that prospective bidders may understand the method of evaluation to be used, the following clause should be incorporated in the Schedule:

For the purpose of evaluating bids (and for no other purpose), the final destination(s) for the supplies will be considered to be as follows • • •

(g) *F. o. b. purchase policy.* The policy with respect to the purchase of supplies on an f. o. b. destination or origin basis is set forth in § 400.306 of this title and 590.306 of this subchapter.

(h) *Increase or decrease in specified quantity.* When it is considered necessary, in the interest of the Government, to provide for an increase or decrease in the quantity specified in the invitation, at the option of the Government, the maximum percentage of such increase or decrease shall be specified by the Contracting Officer in the invitation. (See also § 592.158 of this subchapter.)

(i) *Standardization of equipment and interchangeability of parts.* All invitations for bids which contemplate negotiation of future procurements of the same equipment with the successful bidder in the interest of standardization of equipment and interchangeability of parts (see §§ 592.201 and 592.213 of this subchapter) will contain the following additional special provision in the Schedule or on an attached continuation sheet:

STANDARDIZATION OF EQUIPMENT AND INTERCHANGEABILITY OF PARTS

In the event that, after execution of the contract for equipment specified herein, a final determination is made as to the necessity for standardization, the price developed as a result of this procurement will be used as a basis in negotiating subsequent contracts. Such subsequent contracts will contain mutual price protection in the form of standard escalation clauses covering labor and material, OPS ceiling price statement, and equal to best price to any customer warranty.

(j) *Price escalation.* If it is anticipated that some or all of the bidders will respond with bids including escalation provisions, the Invitations for Bids will clearly state the escalation clause (to be selected from those appearing in § 596.151 of this subchapter) which may be used and that will be considered responsive, and will further state that all bids will be evaluated after applying the maximum amount of possible escalation.

§ 591.202 *Methods of soliciting bids*—(a) *Issue of invitations for bids.* Invitations for bids shall be issued by the Contracting Officer charged with the procurement of the supplies involved. When authorized by the Contracting Officer, invitations may be issued by others, but in such cases the award shall be made, and the contract shall be signed by the Contracting Officer.

(b) *Time allowed before opening.* Invitations for bids will, as a rule, allow 30 days to intervene between the date of issuance and the date of opening bids. A shorter period may be allowed, but no period of less than 10 days will be designated, except in case of emergency. The existence of such emergency will be determined by the Contracting Officer, and the copy of the invitation furnished the Procurement Information Center, Office of the Under Secretary of the Army (§ 591.251 (a)), will bear on its face the following certificate and appropriate reasons signed by the Contracting Officer:

I certify that the date shown hereon for the opening of bids cannot be a later date for the following reasons:

§ 591.202–1 *Mailing or delivering to prospective bidders.* (a) The extent of the distribution of invitations for bids to qualified prospective bidders will be determined by the Contracting Officer but must be wide enough to assure full and free competition on all items.

(b) Invitations for bids will not be issued to those firms and persons whose names appear in the "List of Debarred, Suspended, and Ineligible Bidders" (§ 590.601 of this subchapter).

(c) Bidders' lists will contain only the names of persons or firms qualifying as "sources of supply," as defined in § 400.201–9 of this title and § 590.201–9 of this subchapter, and such other persons, firms, and agencies authorized by Subchapter A, Chapter IV of this title, this procedure, or the Assistant Chief of Staff, G–4, Department of the Army (Chief, Purchases Branch).

§ 591.202–4 *Publishing in newspapers.* The publication of essential details of invitations for bids in newspapers as paid advertisements may be authorized, as indicated below, when this is necessary in order to secure effective competition, or in view of the quantity, character, or value of the supplies or services to be procured, and if time will permit.

(a) *Authority.* (1) Authority to approve the publication of paid advertisements in newspapers, magazines, and other periodicals in connection with the dissemination of procurement information (invitations for bids and proposed purchases), recruitment of both military and civilian personnel, and all other forms of advertising authorized by law has been delegated by the Secretary to—

(i) The Under Secretary of the Army.

(ii) The Assistant Chief of Staff, G–4, Department of the Army.

(iii) Chief, Procurement Division, Office of the Assistant Chief of Staff, G–4, Department of the Army.

(iv) Chief, Purchases Branch, Office of the Assistant Chief of Staff, G–4, Department of the Army.

(v) Commanding Generals and their deputies, continental armies, for recruiting purposes only.

(vi) Division Engineers, Corps of Engineers, for civil and military construction only.

Such delegated authority shall not be redelegated.

(2) No advertisement, notice, or proposal shall be published in any newspaper except in pursuance of written authority for such publication from the Secretary or the appropriate official named above, or of a person to whom administrative duties have been duly assigned by the Secretary or the appropriate official named above, and no bill for any such advertising or publication shall be paid unless there be presented, with such bill, a copy of such written authority.

(3) The administrative duties involved in accomplishing such advertising may be assigned by the appropriate official named above to subordinates by name or position (or by name and position, if appropriate) by suitable instruments in writing setting forth the extent of the administrative duties involved and authorized to be performed by or through such subordinates (28 Comp. Gen. 305). Copies of instruments assigning administrative duties hereunder—

(i) Must either be attached to the first voucher submitted for payment and accompany same to the Army Audit Branch, General Accounting Office; or

(ii) Such instruments assigning administrative duties may be forwarded direct to that Branch immediately upon the issuance of same.

(4) Standard Form 1143 (Advertising Order) will be signed by the person to whom authority to advertise has been delegated as indicated in subparagraph (1) of this paragraph, or by the person to whom authority to place the advertising order has been assigned in accordance with subparagraph (3) of this paragraph. When the person signing is acting under an instrument assigning him authority as to administrative duties, reference will be made to the date and number of such instrument of assignment in the box on the standard form to the left of his signature, in addition to the reference to paragraph (a) of this section, delegating authority to advertise by the Secretary in the box in the upper right-hand corner of the form.

(b) *Requests for authority to place advertisements.* (1) Requests for authority to place advertisements in newspapers will be made on DA Form 192 (Request for Authority to Advertise), in accordance with instructions set forth in paragraph (h) (1) of this section, except that in case of emergency, the nature of which will be stated in the request, authority to advertise may be requested directly by telegraph to the proper official, who will, in such cases, secure the necessary coordination with others concerned.

(2) In making application for authority to advertise, those newspapers in which it is deemed advantageous to advertise, will be specified. Due economy will be observed, both as to the number of newspapers and the number of insertions, whether advertising under special or general authority, no greater number being used in any case than may be necessary to give proper and sufficient public notice.

(i) Special authority authorizes the publication of a given advertisement a specified number of times in a designated newspaper or newspapers.

(ii) General authority authorizes the publication during a fiscal year, as designated, of such advertisements for pro-

posals as may be required by the duties of officers engaged in making frequent purchases or contracts.

(3) In all cases, authority to advertise must be secured in advance. Such authority will not be granted retroactively.

(c) *Preparation of advertisements.* (1) Except as provided in subparagraph (2) of this paragraph, all advertisements will be solid line, a sample of which, set up in accordance with usual Government requirements, is shown on Standard Form No. 1143 (Advertising Order).

(2) When advertising to be set other than solid is authorized, care should be exercised to insure that the specifications are definite, clear, and specific since no allowance will be made for paragraphing or for display or leaded or prominent headings, unless specifically ordered, or for additional space required by the use of type other than that specified in the sworn statement of advertising rates on file in the General Accounting Office. Specifications for advertising other than solid will accompany the advertisement copy submitted to the publisher with the advertising order, and copies of both documents will be transmitted to the General Accounting Office with the voucher.

(3) Any unnecessary expense to the Government resulting from failure to observe the requirements of this paragraph may be made a charge against the pay of the officer responsible therefor.

(d) *Insertions and limitations thereon.* (1) Ordinarily advertisements will be given 6 insertions in daily or 4 in weekly papers. When more than 10 days are to intervene between the date of the first publication and the date of opening of bids, those in the daily newspaper inviting bids will be given at once 4 consecutive insertions, and immediately before the date of opening, 2 consecutive insertions. In construction projects, such insertions will be placed in sufficient time prior to the date of opening to allow interested bidders to secure plans and specifications and prepare bids. In case of emergency, advertisements may be given 1 or more insertions, as time and circumstances permit.

(2) No officer will authorize the publication of an advertisement beyond the morning of the day on which the opening of bids is to occur, and no payments will be made for continuing such publication beyond the period authorized.

(e) *Rates.* (1) Advertising may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts.

(2) All advertising in newspapers, however, shall be audited and paid at rates not higher than those charged the general public; but lower prices may be secured whenever the public interest requires it.

(f) *Proof of publication.* (1) Every account for official advertising rendered should be accompanied by a copy of each issue of the publication in which the advertisement appeared. If copies of the publications are not available, however, it will be satisfactory if an affidavit of publication is furnished in lieu thereof.

(2) Copies of newspapers or affidavits in lieu thereof submitted as proof of publication will not be attached to the original voucher, but will be attached to the duplicate voucher and retained in the disbursing office files until settlement of the Disbursing Officer's account has been effected by the General Accounting Office.

(3) This paragraph shall not be construed to preclude the attaching of the tear sheet to the Public Voucher for Advertising (Standard Form 1144), in the designated place.

(g) *Forms.* (1) DA Form 192 (Request for Authority to Advertise).

(2) The following Standard Forms for Government advertising are hereby prescribed and published for general use, in lieu of all other forms of like character previously used for this purpose:

Standard Form 1143 (Advertising Order).
Standard Form 1143a (Advertising Order—Memorandum).
Standard Form 1144 (Public Voucher for Advertising).
Standard Form 1144a (Public Voucher for Advertising—Memorandum).

(h) *Use of forms.* (1) DA Form 192 (Request for Authority to Advertise) will be prepared in triplicate and forwarded through channels to the appropriate official to whom authority has been delegated by the Secretary to authorize such advertising.

(i) The original of the Authority to Advertise must be filed with the first voucher making payment thereunder. A copy will be filed with the duplicate voucher.

(ii) Reference to the Authority to Advertise will be made, in the space provided for that purpose, on all subsequent advertising orders placed during the period embraced in the authorization.

(2) Standard Form 1143, and memorandum therefor, Standard Form 1143a, are the forms used to place advertisements with the publishers. The qualifications set forth in paragraph (c) of this section, with reference to the composition of advertising copy, should be noted in connection wtih the preparation of this form.

(3) The Public Voucher for Advertising (Standard Form 1144) and memorandum therefor (Standard Form 1144a) will be used by publishers to bill their charges against the Department for advertising published in accordance with the advertising order (Standard Form 1143). The original voucher for advertising (Standard Form 1144) is printed on the reverse of the original advertising order (Standard Form 1143). The memorandum voucher for advertising (Standard Form 1144a) is printed on the reverse of the memorandum advertising order (Standard Form 1143a). In no case will separate instruments be used for the ordering of advertising and the payment therefor. In connection with the use of this form instructions as set forth in paragraph (f) of this section should be followed.

(i) *Payment of accounts.* Upon receipt of Standard Forms 1144 and 1144a, supported by proof of publication, rendered by a publisher, the office placing the advertisement will assemble and attach necessary supporting documents as circumstances dictate, certifying to the second certificate on the original Standard Form 1144, and submit the account in duplicate to the local Finance Officer for prompt payment to the publisher.

§ 591.202–5 *Synopses of invitations for bids.* Synopses of invitations for bids will be prepared by purchasing offices located in the continental United States in accordance with the requirements of § 590.354 of this subchapter.

§ 591.203 *Maintenance and retention of records (Office of Permanent Record)—(a) Preaward transaction file.* (1) Each purchasing office or installation which initates of effects procurement by formal advertising will maintain a master file for each procurement initiated. This file will contain the original or a certified copy of each paper related to the procurement, beginning with the procurement directive or other paper initiating the procurement. The purpose of the file is to provide a complete résumé of the transaction prior to and including the award. This master file will be preserved in the office or installation which initiated the procurement for a period of 6 years following final payment on the contract or contracts entered into under the directive. Exceptions to this requirement will be made only if responsibility for the file is transferred to another office, or, if early retirement or destruction is authorized under the provisions of pertinent special regulations.

(2) In the event the resulting contract or contracts are transferred to other offices or installations for administration, only those records that are necessary for the administration of the contract are required to be forwarded to the administering office or installation. The cover sheet for the contract administration files maintained by the office or installation administering the contract (paragraph (b) of this section) will identify the master file and give the name of the installation where the contract was initiated and where all records not transferred are maintained. Original or authenticated copies of correspondence pertinent to the contract and all required determinations and findings with supporting data such as are involved in awards to other than low bidders, mistake in bid cases, preawards surveys, invitations for bids and abstracts of bids, etc., pertaining to a particular contract will accompany such contract at all times.

(b) *Contract administration file.* Each purchasing office or installation which administers contracts awarded by formal advertising will maintain files which will provide a complete résumé of the administration of each contract. Unless these files are set up on an individual contract basis they must be so organized that they will provide an accurate and complete identification and cross-reference to related files. Upon final payment all papers pertaining to the administration of a particular contract will be consolidated into a single file. This file will be preserved in such office or installation for a period of 6 years following the final payment on the contract unless retired under pertinent special regulations.

§ 591.204 *Bidders' mailing list.* (a) Instructions with regard to the establishment and maintenance of bidders' mailing lists are set forth in § 401.204 of this title.

(b) Standard Form 129 (Bidders' Mailing List Application), and DD Form 558–1 (Bidders' Mailing List Application Supplement), are available for supply from adjutant general publications depots.

§ 591.250 *Identification of specifications.* Each Invitation for Bids shall list for each item included therein the applicable specifications as authorized for procurement in § 590.305 (a) of this subchapter, or will contain a description as provided in § 590.305 (c) of this subchapter. Such reference to specifications shall include the title and symbols, with revision letters if any, and dates, including amendments if any, identified by numbers and dates.

§ 591.251 *Distribution of invitation for bids.* In addition to the distribution of invitations for bids to prospective bidders referred to in § 401.202–1 of this title and § 591.202–1, the following distribution shall be made.

(a) *Procurement Information Center.* One copy of every unclassified Invitation for Bids and one copy of every amendment to an unclassified Invitation for Bids shall be sent on the date issued direct to the Procurement Information Center, Office of the Under Secretary of the Army, Old Post Office Building, Twelfth Street and Pennsylvania Avenue NW., Washington 25, D. C. Letters of transmittal are not necessary. If an invitation is canceled or is substantially changed by the issuance of an amendment which affects specifications, quantity requirements, delivery schedules, qualification of bidders, etc., a complete summary of the reasons for such cancellation or change will be furnished with the copy of the amendment forwarded to the Procurement Information Center. This statement should be detachable from the amendment.

(b) *Equal or identical bids.* See § 591.406–4 (b) for distribution of copies of invitations for bids in connection with the procedure on the submission of information on equal or identical bids.

(c) *Classified purchases.* See §§ 505.5 to 505.12 of subchapter A of this chapter AR 380–5 for instructions as to the distribution of classified documents. In such cases, instead of the action indicated in paragraph (a) of this section, a letter will be forwarded to the office named therein, in substance as follows: This office has issued invitation for bids No. ------, dated ----------, bids to be opened on ----------, under Top Secret, Secret, or Confidential Project No. ------.

(d) *Other internal distribution.* Heads of Procuring Activities may direct such additional internal distribution of invitations for bids as may be considered necessary.

§ 591.252 *Amendments to invitations for bids.* (a) Amendments to Invitation for Bids must be distributed to all recipients of the invitation, and such amendments shall provide that bidders are to sign and return the amendments prior to the opening of the bids. The date set for opening of bids shall be postponed when necessary to afford bidders sufficient time to return the amendments.

(b) Any information given to a prospective bidder on an Invitation for Bids shall be furnished promptly to all other prospective bidders as an amendment to the invitation if such information is necessary to bidders in submitting bids on the invitation, or if lack of such information would be prejudicial to uninformed bidders. No awards shall be made on the invitation unless such amendment has been issued in sufficient time to permit all prospective bidders to consider such information in submitting or modifying their bids.

(c) Amendments, if issued, will refer to the number, date of issue, and opening date of the original invitation, will clearly indicate the nature of the changes made therein, and will be numbered serially as issued. For example, the first amendment would be "Amendment 1."

SUBPART C—SUBMISSION OF BIDS

§ 591.303 *Modification or withdrawal of bids.* Where written notice of withdrawal or modification of a bid is received after the time fixed for the opening of bids, proper cases may be processed under the authority of Title II, First War Powers Act, 1941, as amended and Subpart D, Part 606 of this subchapter.

§ 591.350 *Assistance in preparing bids.* Persons employed by or serving with the Army Establishment will not under any circumstance render assistance to bidders in the preparation of bids.

§ 591.351 *Copies of bids required in submission.* Bidders will be required to submit a sufficient number of signed copies of their bids to meet the requirements for distribution of "signed numbers" of contracts as set forth in § 606.206 of this subchapter.

§ 591.352 *Statement of contingent or other fees.* The prescribed procedure with respect to obtaining information concerning contingent or other fees paid by bidders or Contractors for soliciting or securing Government contracts, including the use of Standard Form 119 (Contractor's Statement of Contingent or Other Fees for Soliciting or Securing Contract), is set forth in Subpart E, Part 400 of this title and Subpart E Part 606 of this subchapter.

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACT

§ 591.401 *Opening of bids.* (a) All bids received prior to the time of opening will be kept in a locked safe, locked file cabinet, or locked bid box, and necessary precautions will be taken to insure the security of the receptacle used for this purpose.

(b) The Contracting Officer will decide when the specified time has arrived. He then will personally and publicly open all bids received and, when practicable, read them aloud to the persons present.

(c) The Contracting Officer will personally number one copy of each bid received, serially, in the order in which the bids are read, and will retain these numbered copies in his possession until the accuracy of the abstract has been verified.

(d) The procedure described in paragraphs (b) and (c) of this section may be delegated to an assistant, provided that the Contracting Officer retains full responsibilities for the actions of his subordinates.

(e) Pertinent questions asked at the opening will be fully answered, and the examination of bids by interested persons will be permitted as set forth in § 401.401 of this title, provided such action does not unduly interfere with the conduct of Government business..

(f) The opening of classified bids shall not be accessible to the general public. However, such opening may be witnessed and the results recorded by those suppliers' representatives who have been previously cleared from a security standpoint, if the supplier concerned submitted a bid. The bids shall be made available only to those persons authorized to attend the opening of the bids.

§ 591.402 *Recording of bids—(a) Procedure.* Only approved abstract of bids forms will be used for the recording of bids. For every invitation for bids, an abstract of bids form will be prepared as soon as practicable after bids have been opened or as soon as it is decided to cancel the invitation before opening bids. Since the copy of the abstract furnished to the Office of the Under Secretary of the Army Procurement Information Center, is exhibited to the public, care will be exercised in making the entries on that copy. Information, such as debarment, irresponsibility, or apparent collusion of bidders, will not be entered on the abstract of bids, but will be the subject of a separate classified communication, addressed to the Under Secretary of the Army, Procurement Information Center, through the Assistant Chief of Staff, G–4, Department of the Army.

(b) *Certification of abstract.* (1) The person opening the bids will—

(i) Verify the accuracy of the abstract by comparing it with the numbered copies of the bid retained by him, and

(ii) Sign the certificate on the abstract that he had personally opened and read all bids and that he has verified the abstract and found it correct.

(2) The Contracting Officer canceling the invitation, making the awards, or rejecting the bids will sign the appropriate certificate on the abstract as to the action taken by him.

(c) *Classified bids.* The record made of classified bids shall not be made available to the general public.

§ 591.403 *Rejection of bids.* (a) *Failure to conform to essential requirements of invitation.* Any bid which fails to conform to the essential requirements of the Invitation will be rejected, provided that any such bid may be considered when in the interest of the Government and not prejudicial to the other bidders.

(b) *Insertion of improper restrictions or conditions.* Restrictions or conditions in bids which ordinarily require their rejection are those where the bidder (1)

attempts to protect himself against future changes in conditions, such as increased costs, to the extent that the total possible cost to the Government cannot be determined, or (2) attempts to limit his liability. To allow the bidder to impose such conditions would make the obligation of the Government uncertain or indefinite and would be prejudicial to other bidders. A low bidder may be requested to delete objectionable conditions from his bid, provided the conditions do not go to the substance, as distinguished from the form, of the bid, or work an injustice to other bidders. A deviation goes to the substance of a bid when it affects either the price, quantity, or quality of the articles offered. Deviations which may be deleted are those matters of form or immaterial variations from the exact requirements of the specifications as would not affect either the price, quality, or quantity of the articles offered. If a bid fails to state a price and in lieu thereof states that the price shall be "price in effect at time of delivery," or if a bid states a price but qualifies the stated price as being subject to "price in effect at time of delivery" and does not specifically limit the ultimate price to the Government, it shall be rejected; provided that, if such qualification is caused solely by language on a printed form as described in § 591.404, the bidder may be given the opportunity to state whether or not such qualification was intended. (See § 596.151 of this subchapter and § 591.406 with respect to the use of price escalation in procurements effected by formal advertising.)

(c) *Failure to conform to specifications.* Any bid which does not conform to the specifications shall be rejected unless the supplies offered are similar and equal to those specified in the Invitation. Bids offering supplies not similar and equal to those specified shall be rejected as consideration of such bids would be prejudicial to other bidders. If the results of the bidding indicate that the needs of the Government can be met by a less expensive article with different specifications, all bids for the item should be rejected and the requirement readvertised with appropriately revised specifications.

(d) *Failure to conform to delivery requirements.* A bid will not be rejected for failure to conform to the delivery requirements of the Invitation for Bids unless (1) the Invitation states that time of delivery is an important factor and will be considered in making the award or (2) the Contracting Officer determines that the delivery offered will not meet the needs of the Government or (3) the bid offers an indefinite and uncertain delivery, such as, "60 days after receipt of raw materials."

(e) *When in interest of Government.* All bids for any one item or for all items may be rejected if the Contracting Officer finds that such rejection is in the interest of the Government. Typical cases are those where (1) it is determined, prior to award, that the supplies are no longer required, (2) it appears that the specifications should be revised, or (3) the Invitation did not provide for consideration of all factors of cost to the Government.

(f) *Unreasonable bids.* Bids may be rejected if the Contracting Officer finds in writing that such bids are not reasonable. The Contracting Officer may make partial award to low bidders whose prices are considered reasonable and reject all other bids as unreasonable.

(g) *Collusive bids.* The Contracting Officer may reject all bids when he determines that the bids were not independently arrived at in open competition, or are collusive, or were submitted in bad faith; and he shall report such bids through channels to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch. (See § 591.406–4 (b).)

(h) *Ineligible bidders.* See § 590.601 of this subchapter.

(i) *Not responsible bidders.* (1) The lowest bid as to price may be rejected by the Contracting Officer if the bidder is determined to be not responsible. For the elements to be considered in determining responsibility, see § 590.357 of this subchapter.

(2) Prior to rejecting the lowest bid when it has been received from a firm believed not to be a source of supply, as defined in § 400.201–9 of this title and § 590.201–9 of this subchapter, a request will be submitted to the Head of the Procuring Activity concerned for (i) a review of the facts and (ii) authority to reject the bid on the basis that the bidder does not qualify as a "source of supply." In forwarding such requests, Contracting Officers will be careful to verify all statements contained therein which are given as the basis for rejection, in order that there may be no just cause for complaint.

(j) *Notification of rejection of all bids.* When it has been decided to reject all bids and the lowest bid received is in excess of $25,000, the Contracting Officer will, if otherwise expedient, notify each bidder of the fact that all bids have been rejected and the reason for such action.

§ 591.404 *Minor informalities or irregularities in bids.* (a) Suppliers frequently submit with their bids additional information on letterheads or other forms which incorporate printed terms and conditions used by the supplier in his commercial business. These printed terms and conditions are very often in conflict with the General Provisions or may contain language affecting bid prices. Unless it clearly appears on the face of the bid that such terms and conditions are intended to be a part of the bid, the bidder shall be given an opportunity to state whether or not they are so intended. If the bidder submits a written statement that such terms and conditions were not intended to form a part of the bid, they may be disregarded in considering the bid.

(b) A bidder failing to furnish, (1) information regarding his aggregate number of employees, (2) his status as a source of supply as defined in § 400.201–9 of this title and § 590.201–9 of this subchapter, or (3) the place of manufacture of the supplies being purchased, will be permitted to make such representations after the bid opening but prior to award.

§ 591.405 *Mistakes in bids*—(a) *Submission to higher authority.* (1) Cases referred to in § 401.405–2 of this title will be forwarded direct, without routing through intermediate channels, to the Assistant Chief of Staff, G–4, Department of the Army, Washington 25, D. C., Attn.: Chief, Purchases Branch. Cases referred to in § 401.405–3 of this title will be forwarded through normal channels (except that a direct submission may be made in cases requiring expeditious action), to the Assistant Chief of Staff, G–4, Department of the Army, Attn.: Chief, Purchases Branch.

(2) In cases where a time element is involved with respect to the necessity of immediate purchase, limited time allowed for acceptance of other bids, or other circumstances require such prompt action as to preclude the presentation of the matter by mail, Contracting Officers will use telegraphic, telephonic, or radio means, furnishing so far as possible in the statement of the case the information prescribed in § 401.405–2 of this title.

(3) The Contracting Officer's statement of findings and recommendations required under provisions of § 401.405–2 (b) (iv) of this title will be submitted to reach the Assistant Chief of Staff, G–4, Department of the Army, Washington 25, D. C., Attn.: Chief, Purchases Branch, in duplicate.

(4) The status of contract awards and performance is an essential consideration in determining appropriate action in mistake in bid cases. Accordingly, the Contracting Officer's statement, or other papers in the file, will clearly indicate whether or not an award has been made for the supplies involved in an alleged mistake in bid; and in the event an award has been made, the status of performance and payments under the contract will be shown.

(b) *Instructions to Contracting Officer.* Instructions will be issued by the Assistant Chief of Staff, G–4, to the Head of the Procuring Activity, except that Contracting Officers may be notified direct in cases requiring expeditious action. Where deemed necessary or advisable by the Chief, Purchases Branch, Assistant Chief of Staff, G–4, individual cases, prior to the issuance of instructions, will be referred (through the Chief of Finance) to the Comptroller General for decision. Contracting Officers will not request decisions direct from the Comptroller General or prepare drafts of letters for submission to that official.

(c) *Reports by Contracting Officer*—(1) *To Head of Procuring Activity.* Reports of all actions taken and copies of all papers forwarded to the Assistant Chief of Staff, G–4, will be forwarded to the Head of the Procuring Activity concerned.

(2) *To Disbursing Officer.* The Contracting Officer will furnish a copy of such resulting instructions as he may receive, or copy of the decision of the Comptroller General, if any, to the Disbursing Officer making payments under the contract, in order that such instructions or decisions may be used by the Disbursing Officer in support of any payment made by him. In addition, the decision of the Comptroller General will also be cited by number and date on the copy of Standard Form 1036 or a copy of the decision securely attached to the form.

(3) *Standard Form 1036.* In the event of award involving a mistake in bid, the Statement and Certificate of Award (Standard Form 1036) will contain the information prescribed in § 591.406–5 (a) of this subpart.

(d) *Cases processed under First War Powers Act.* Cases processed under the authority of Title II of the First War Powers Act, 1941, as amended, will be governed by subpart D, Part 606 of this subchapter.

§ 591.406 *Award*—(a) *Making the award.* When a Contracting Officer has invited and received bids, he will make the award and execute the necessary papers, unless all bids are rejected. If an award requires the approval of higher authority, the award will not be made until such approval has been obtained.

(b) *Price escalation.* (1) If the invitation for bids specifies the escalation clause that will be considered responsive, bids containing such provision will be evaluated by applying the maximum amount of escalation, and award will be made to the bidder whose maximum price is lowest to the Government, provided the bid is otherwise responsive to conditions of the invitation.

(2) If the invitation for bids is silent on the matter of escalation, bids may not be rejected solely on the basis of inclusion of an escalation article; evaluation will be performed in the manner prescribed in paragraph (b) (1) of this section. Authority for use of clauses other than those appearing in § 596.151 of this subchapter must be received from Assistant Chief of Staff, G–4. In those instances where bidders respond with different types of escalation clauses and it is impossible to evaluate the bids adequately, the bids should be rejected and readvertisement effected with the invitation for bids containing an escalation article appearing in § 596.151 of this subchapter.

(c) *Delivery a factor.* If time of delivery is an important factor in effecting the procurement of a required item, the invitation for bids will so state and delivery terms quoted in the bids will be considered in making the award. If the invitation for bids specified that delivery would be a factor in making award and if award is made to other than the lowest otherwise acceptable bidder, based on a shorter time for delivery, the formal award will state the successful bidder's delivery time and the price and delivery time of the lowest otherwise acceptable bidder.

§ 591.406–1 *Responsible bidder.* If the low bidder's qualifications to perform the proposed contract are not known to the Contracting Officer, the bidder's qualifications should be checked and if found unsatisfactory, award should not be made. Qualification checks should consist of both financial and technical evaluation of a supplier's capacity to perform the contract successfully. See also in this connection § 590.357 of this subchapter as to the policy of the Department of the Army with respect to the selection of Contractors.

§ 591.406–2 *Discounts.* Even in those cases, as set forth in § 401.406–2 of this title, where the discount is disregarded in the evaluation of bids, the award will state the discount offered as well as the bid price, in order that the Government may take the discount if payment is made within the time specified.

§ 591.406–3 *Other factors to be considered.* When the Contracting Officer determines that an award to other than the lowest responsible bidder would be more advantageous to the Government after a consideration of factors other than price, he will make a full statement in writing of the facts and circumstances and of the reasons for the action taken. The statement made by the Contracting Officer on Standard Form 1036 will ordinarily be considered sufficient for this purpose unless the circumstances of the case indicate that a fuller documentation, complete with all supporting evidence, should be made for the file.

§ 591.406–4 *Equal low bids*—(a) *Witnesses of drawing by lot.* In the event award is made by a drawing by lot, the names and addresses of the three witnesses and the person supervising the drawing shall be placed on all copies of the abstract of bids.

(b) *Submission of information on equal or identical bids.* (1) Whenever identical or equal bids are received pursuant to formal advertising by any purchasing office located within the continental United States, its Territories, and possessions, and, in the opinion of the Contracting Officer, are indicative of collusive bidding, follow-the-leader pricing, related low bids, division of business, uniform estimating systems, or other practices designed to eliminate competition or to restrain trade, one copy of each of the following documents will be furnished to the Office of the Under Secretary of the Army, Attn: Assistant Judge Advocate General: Invitation for Bids; Abstract of Bids; the bid(s) of the Contractor(s) suspected of irregular practices; copies of the notice of award, if any, to any such bidder(s); and any other facts or pertinent information available which might tend to establish possible violation of the antitrust laws.

(2) Reports transmitting the above documents will be in triplicate and will contain a summary of the pertinent facts concerning each case reported.

§ 591.406–5 *Statement and certificate of award.* (a) Where an award involves a mistake in bid and the matter has been resolved by administrative action, Standard Form 1036 will be accompanied by a copy of the resulting instructions as received in the premises, together with other documents as prescribed in § 401.405–2 of this title.

(b) Where an award involves a mistake in bid on which the Comptroller General has rendered a decision, Standard Form 1036 will contain a citation by number and date of the decision or a copy thereof securely attached to the form.

§ 591.407 *Information to bidders*—(a) *Unclassified awards.* In the case of all unclassified formally advertised contracts, the purchasing office will (1) notify unsuccessful bidders of the fact that their bids were not accepted, and (2) extend the appreciation of the purchasing office for the interest the unsuccessful bidder has shown in submitting a bid. Should additional information be sought, purchasing offices will either (3) provide the unsuccessful bidder with the name and address of the successful bidder, together with the contract price, or (4) inform the inquirer that a copy of the Abstract of Bids is available for inspection at the purchasing office or at the Procurement Information Center, Washington, D. C., in the event this latter location is more convenient from a geographical viewpoint than the purchasing office. (See 591.450 (c).)

(b) *Classified awards.* In the case of all classified formally advertised contracts, the purchasing office will (1) notify unsuccessful bidders of the fact that their bids were not accepted, and (2) extend the appreciation of the purchasing office for the interest the unsuccessful bidder has shown in submitting a bid. Information with respect to the name of the successful bidder and the contract price will be furnished only to properly cleared representatives of unsuccessful bidders and then only upon written request. This information may be furnished direct to the bidders concerned. No information regarding a classified opening may be furnished by telephone.

(c) *Limitation.* (1) The procedures set forth above are not intended to apply to requests for general information as to purchases made over extended periods of time, such as one for information as to the number of parachutes purchased during a year and the price paid therefor. Such requests will be returned and the inquirer informed that it is not the policy of the Army Establishment to compile and disseminate such information.

(2) Mailing lists will not be established whereby certain addresses other than those prescribed in this Procedure will receive automatically information on all awards, or all information on awards in certain commodity fields.

(d) *Synopses of awards.* Procedures for the preparation and dissemination of synopses of awards are set forth in § 591.451.

§ 591.450 *Distribution of bids and abstracts*—(a) *Contracting Officer.* The original of all rejected and unsuccessful bids, a copy of the accepted bid, and a copy of the abstract of bids will be retained by the Contracting Officer. All rejected bids will be kept available for inspection by the duly authorized representatives of the General Accounting Office and will be forwarded to that office upon request therefor, when required in individual cases.

(b) *Head of Procuring Activity.* Abstracts and copies of bids will be forwarded to the Head of the Procuring Activity concerned only when specifi-

cally directed by him or when required by the instructions of the Procuring Activity.

(c) *Procurement Information Center.* (1) Within 3 days after bids have been opened and final action taken thereon, a copy of the abstract of bids will be mailed to the Procurement Information Center, Office of the Under Secretary of the Army, Old Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington 25, D. C.

(2) If it is decided to cancel an invitation before the opening of bids, the Procurement Information Center will be advised of the cancellation by letter, amendment to the invitation, or telegram.

(3) If all bids received are rejected, a complete summary of the reasons for such rejection will be furnished with the copy of the abstract of bids forwarded to the Procurement Information Center. This statement will be detachable from the abstract of bids.

(4) In addition, each Abstract of Bids forwarded to the Procurement Information Center will contain: (i) the date of final action in making the award, and (ii) this purchase order or contract number and date resulting from the advertisement.

(5) A postcard delay notice containing the invitation number, opening date, and estimated time delay in final award shall be forwarded to the Procurement Information Center when the purchasing office is certain an award will not be made within 60 days of the opening date.

(d) *General Accounting Office.* (1) The original of the accepted bid will be attached to the signed number of the contract or award intended for the General Accounting Office.

(2) Where the lowest bid as to price is accepted; i. e., where the lowest bidder is determined from the price alone, no offsetting or equalizing elements being for consideration, and when a certificate (on reverse of Standard Form 1034, or Standard Form 1036, as the case may be) to that effect is furnished by a responsible administrative officer having personal knowledge of the facts, neither the rejected bids nor an abstract of the bids need be forwarded to the General Accounting Office with the contract. When the abstract of bids is not furnished to that office, the items accepted on any particular bid will be indicated on the original number of the bid which is to be furnished to that office.

(3) In all cases where other than the lowest bid as to price is accepted, there will be furnished the General Accounting Office on Standard Form 1036 (Statement and Certificate of Award) a detailed statement giving in full the reasons for the acceptance thereof, together with an abstract of all bids lower than the one accepted.

(e) *Extra copies of bids.* (1) Signed copies of bids not needed to comply with the foregoing requirements may be destroyed.

(2) If all bids are rejected, all but one original signed number of each bid may be destroyed.

§ 591.451 *Synopses of awards.* Synopses of awards of formally advertised contracts will be prepared and distributed as required by § 590.355 of this subchapter.

§ 591.452 *Protest.* Protests or objections by bidders, or others having a legitimate interest, to action taken or to be taken by a Contracting Officer in connection with a particular procurement will be settled by the Contracting Officer subject to such limitations as may be imposed by the Head of the Procuring Activity concerned and subject to the following instructions:

(a) Where protest is made prior to making awards, the award will not be made pending resolution of the protest, except that awards may be made in such cases where the items to be procured are urgently required, delivery will be unduly delayed or it is otherwise in the best interests of the Government.

(b) Where in the opinion of the Contracting Officer it is desirable and in the best interests of the Government, the Contracting Officer will submit the protest to higher authority for final resolution.

(c) Where the person making the protest has indicated he intends to carry the protest to a certain higher level of authority, the Contracting Officer will submit the protest through channels to the indicated level of authority for final resolution.

(d) Where a protest affects or involves another bidder or any other person, the Contracting Officer will give prompt notice of the protest to such parties, where feasible or desirable, in order that, if the concerned parties so desire, they may take action or offer a statement or evidence in their own behalf.

(e) Protests submitted for final resolution to levels of authority higher than the Head of a Procuring Activity will be forwarded to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch.

(f) In submitting protests to higher authority, the Contracting Officer will forward a completely documented case, including the following:

(1) A signed statement from the person making the protest setting forth the complete facts on which the protest is based together with any additional supporting evidence.

(2) A signed statement, when relevant, from other persons or bidders affected by or involved in the protest, setting forth the complete facts with respect to their position in the matter, together with any additional supporting evidence.

(3) A copy of the bid of the protesting bidder and a copy of the bid of the bidder to whom award has been made or who is being considered for award, if relevant to the protest.

(4) A copy of the invitation for bids including, where practicable, pertinent specifications, if relevant to the protest.

(5) A copy of the abstract of bids.

(6) Any other documents which are relevant to the protest.

(7) A signed statement from the Contracting Officer setting forth his findings, actions, and recommendations in the matter, together with any additional information and evidence deemed to be necessary in determining the validity of the protest.

(g) Protest cases submitted by Contracting Officers to higher levels of authority for forwarding to the Chief, Purchases Branch, Office of the Assistant Chief of Staff, G–4, Department of the Army will contain the recommendations of such intervening levels of authority through which the protest is transmitted.

§ 591.453 *Cancellation of invitations and readvertisement after opening of bids.* (a) To aid in maintaining the integrity of the competitive bid system in procurement by formal advertising, invitations for bids normally shall not be canceled and readvertised after bids have been opened, since such a procedure discloses the offers of all bidders and may be prejudicial to all bidders, particularly to the low bidder.

(b) Exceptions to this general rule may be made in certain instances, such as, change in specifications after opening of the bids or a determination that a substitute item will best meet the needs of the Government.

(c) As a general rule, invitations for bids should not be canceled and readvertised after the bids have been opened solely because of an increase in the quantity required. In such a case, award should ordinarily be made on the original invitation, and the additional quantity should be treated as a new procurement.

(d) In the event of a change in specifications or conditions of the invitation, prior to the date of opening of bids, the invitation should be amended rather than be canceled with subsequent readvertisement. In such instances, the date of opening of bids should be extended sufficiently so that all bidders may have adequate opportunity to examine the amended requirements and submit their bids.

SUBPART E—QUALIFIED PRODUCTS

§ 591.501 *Authority for qualified products.* Requirements for qualification of products may be established in a specification whenever one or more of the conditions listed in § 401.502 of this title exists.

§ 591.504 *Qualified Products Lists.* Military Qualified Products Lists for items covered by Military Specifications containing qualification testing requirements will be subject to the provisions in Subpart E of Part 401 of this title, and the Military Manual for Qualified Products Lists, except that in the case of Military Qualified Products Lists for products covered by Limited Coordination Military Specifications the following will apply:

(a) *Maintenance, reproduction, and distribution of lists.* The Standards Branch, Assistant Chief of Staff, G–4, Department of the Army, will maintain a file of approved Military Qualified Products Lists for reference and informational purposes. The reproduction and distribution of Military Qualified Products Lists for Military Specifications, including changes thereto, will be made by the activity having custodianship of the specification concerned. Lists of products, amendments, or revisions shall not be distributed until approval has been obtained from the Assistant Chief of Staff, G–4 (Chief, Standards Branch).

(b) *Approval of lists.* The custodian technical service of a Limited Coordination Military Specification containing qualification testing requirements will forward duplicate copies of proposed lists of those products which have been tested and found to meet the qualification requirements of the applicable specifications and amendments or revisions thereof to the Assistant Chief of Staff, G–4, Attn: Chief, Standards Branch, for approval.

PART 592—PROCUREMENT BY NEGOTIATION

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§ 592.000 *Scope of part.* This part sets forth policies and procedures for the procurement of supplies and services by means of negotiation.

SUBPART A—USE OF NEGOTIATION

§ 592.101 *Negotiation as distinguished from formal advertising—*(a) *Competition.* The fact that a procurement is to be negotiated does not relax the requirements for competition. When supplies or services are to be procured by negotiation and when consistent with the accomplishment of procurement objectives, quotations or proposals will be solicited from all such qualified sources of supplies (as defined in § 400.201–9 of this title and § 590.201–9 of this subchapter) or services as are deemed necessary to insure effective competition in order that the procurement be made to the best advantage of the Government, price and other factors considered, in accordance with the basic policies set forth in Subpart C, Part 400, of this title and Subpart C, Part 590, of this subchapter. Competition is not necessary in contracting for personal or professional services.

(b) *Conduct of negotiations.* Procurement by negotiation is less automatic than, and does not have the rigid limitations of, formal advertising bid, and award procedures; it allows to a greater extent than formal advertising the exercise of sound business judgment but in no way decreases the responsibility for properly protecting the interests of the Government.

(1) Contracting Officers should conduct contract negotiations to the best advantage of the Government. They may bargain with any number of interested suppliers at any time prior to the award of a contract, as deemed desirable and practicable. After receipt of the initial proposals, separate negotiations may be conducted with any source of supply submitting an offer. The contract should be placed with the supplier making the best final proposal and who has the requisite ability to perform.

(2) Negotiation in accordance with the provisions of § 592.101 will be accomplished to the end that maximum pricing benefits from all negotiated transactions

may be realized. Benefits are obtainable through complete negotiation of transactions, particularly when one or several of the proposals indicate, or it is otherwise evident, that further negotiation may result in better pricing. During negotiations potential suppliers must be informed of the provisions which will appear in the contract to be executed. (See also § 402.401 of this title and § 592.401.)

(3) During the negotiation of contracts, simultaneous coordination, to the greatest practical extent, shall take place among the contracting, technical, cost analyzing, legal, and industrial planning personnel. Instructions to be followed by negotiating teams will be prepared with full coordination of traffic analysts in procuring offices, and such teams will be directed to seek traffic management advice upon the appearance of new traffic elements (such as change in shipping points, specifications, etc.) in the negotiations.

(4) Approval signatures on contracts or purchase authorizations (e. g., procurement directives, requisitions, etc.). shall be minimized to the greatest practical extent and, in the event that multiple approval signatures are required, they shall, where possible, be obtained concurrently.

(5) Although all matters of substance should be resolved in the contract resulting from a completed negotiation, it may be appropriate, in the course of a protracted negotiation, if production is urgent, to issue a preliminary Letter Contract in accordance with § 592.408, the ultimate complete agreement being incorporated in the resulting definitive contract.

(6) An informal record indicating the firms or persons invited to submit proposals and the quotations offered by those submitting proposals will be retained in the files of the Contracting Officer.

(c) *Requests for proposals.* (1) When a procurement of supplies or services is to be announced in writing to prospective contractors for the purpose of requesting quotations and other terms as a basis for conducting negotiations, Contracting Officers will use DD Form 747 (Request for Quotations) or a request similar to DD Form 746 (Request for Proposals and Proposal). See §§ 415.012 and 415.013 of this title.

(2) Requests for proposals should contain substantially the same information as required for Invitations for Bids as set forth in § 401.201 of this title, except when inapplicable to negotiated procurements. They should also state that the Government reserves the right to reject all quotations received.

(3) Invitation for Bids forms used in formal advertising, such as Standard Forms 30 and 33, will not be used in procurement by negotiation for the purpose of soliciting quotations or proposals.

(4) Each written request for proposals should list for each item included therein the applicable specifications as authorized for procurement in § 590.305 (a) of this subchapter or will contain a description as provided in § 590.305 (c) of this subchapter. Such reference to specifications will include the title and symbols, with revision letters if any, and dates, including amendments if any, identified by numbers and dates.

§ 592.102 *General requirements for negotiation.* No contract shall be entered into as a result of negotiation unless or until the following requirements have been satisfied:

(a) The contemplated procurement comes within one of the circumstances permitting negotiation enumerated in subpart B, Part 402, of this title, or has been approved by the authority required in subpart D, Part 606, of this subchapter.

(b) Any necessary determinations and findings prescribed in subpart C, Part 402 of this title, and, either subpart C, Part 592 or subpart D of Part 606 of this subchapter, have been made.

(c) Such clearances or approvals have been obtained as are prescribed by this Procedure and applicable Procuring Activity instructions. (See § 606.204 of this subchapter.)

(d) The requirements of § 590.403 of this subchapter have been satisfied.

§ 592.103 *Records and reports of negotiated contracts.* Report required by § 402.103 of this title will be made in the form and manner prescribed in subpart C, Part 606, of this subchapter.

§ 592.150 *Release of price information and notification to unsuccessful suppliers.* (a) In the case of all unclassified negotiated contracts, except for procurements of $1,000 or less, the purchasing office will notify unsuccessful suppliers who submitted quotations of the fact their proposals were not accepted and extend the appreciation of the purchasing office for the interest the unsuccessful supplier has shown in submitting a proposal or quotation. Should additional information be sought by suppliers who submitted quotations, purchasing offices will furnish the name and address of the successful supplier and the actual or approximate contract price, if practicable, but, as a general rule, will not reveal the names of other unsuccessful suppliers or the amounts and conditions of their quotations.

(b) In no event shall cost breakdowns or other cost or profit information submitted by any supplier be revealed to any other supplier.

(c) Classified information concerning a negotiated contract will not be furnished by telephone.

§ 592.151 *Synopses of proposed procurements and awards.*

§ 592.151–1 *Synopsis of proposed procurements.* Synopses of proposed negotiated procurements will be prepared by purchasing offices located in the continental United States in accordance with the requirements of § 590.354 of this subchapter.

§ 592.151–2 *Synopsis of awards.* Synopses of contract awards of negotiated contracts will be prepared and distributed as required by § 590.355 of this subchapter.

§ 592.152 *Statement of contingent or other fees.* The prescribed procedure with respect to obtaining information concerning contingent or other fees paid by suppliers or contractors for soliciting or securing Government contracts, including the use of Standard Form 119 (Contractor's Statement of Contingent or Other Fees for Soliciting or Securing Contract) is set forth in Subpart E, Part 590, of this subchapter.

§ 592.153 *F. o. b. purchasing policy.* The policy with respect to purchasing f. o. b. origin or destination is set forth in § 590.350 of this subchapter.

§ 592.154 *Small business.* To the maximum extent possible, restrictions which might prevent small business participation will be eliminated from proposed procurements.

§ 592.155 *Qualified products.* Qualified Products Lists may be used in procurement by negotiation in accordance with the policy and procedures set forth in Subpart E, Part 401 of this title and Subpart E, Part 591 of this subchapter.

§ 592.156 *Awards; selection of contractors.* The policy of the Department of the Army with respect to the selection of contractors is prescribed in § 590.357 of this subchapter.

§ 592.157 *Submission of information on equal or identical bids.* See § 591.406–4 (b) of this subchapter, relating to procurement by formal advertising, the provisions of which are similarly applicable to procurement by negotiation.

§ 592.158 *Increase or decrease in specified quantity.* Negotiated contracts may contain a clause providing for increases or decreases in the quantities specified in the contracts at the option of the Government. The maximum percentage of such increases or decreases will be subject to negotiation.

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATION

§ 592.201 *National emergency.*

§ 592.201–2 *Application.* (a) This authority shall be used only to the extent determined by the Secretary to be necessary in the public interest during a period of national emergency declared by the President or by the Congress. During periods of national emergency when such a determination has been made by the Secretary, all negotiated procurement, except that described in paragraph (g) of this section, will be accomplished under § 402.201 of this title and this section and will cite as authority section 2 (c) (1) of the Armed Services Procurement Act of 1947, as amended (41 U. S. C. 151, et seq.).

(b) A national emergency having been declared by the President on 16 December 1950, the Secretary has made the determination set forth below:

DEPARTMENT OF THE ARMY
DETERMINATION

Authority To Negotiate During Period of National Emergency

18 DEC. 1950.

1. A National Emergency having been declared by the President of the United States on 16 December 1950, I hereby determine in accordance with section 2 (c) (1) of the Armed Services Procurement Act of 1947, that it is necessary in the public interest that, to the extent provided in paragraph 2 hereof, purchases and contracts under said act be negotiated without formal advertising during the period of said National Emergency.

2. Accordingly, I hereby authorize the negotiation of purchases and contracts for supplies and services by the Department of the Army under section 2 (c) (1) of the Armed Services Procurement Act of 1947 during the period of said National Emergency.

(Signed) ARCHIBALD S. ALEXANDER,
Under Secretary of the Army.

(c) Subject to paragraph (d) of this section and instructions issued by the Heads of Procuring Activities, purchases by negotiation under the authority cited in paragraph (b) of this section may be made under any one of the circumstances set forth in Subpart B, Part 402, of this title, and in addition thereto, in the following instances:

(1) When the Head of a Procuring Activity deems negotiation to be necessary for the purpose of implementing procurement policy as announced by the Assistant Chief of Staff, G–4, Department of the Army, and formal advertising will adversely affect accomplishment of that purpose. When negotiation is justified, the maximum practicable and reasonable degree of competition will be developed as a required part of the negotiation.

(2) Emergency procurements of a high priority nature which could not be effected by formal advertising within the time required for delivery. In this connection attention is invited to § 591.202 (b) of this subchapter.

(d) Requests for approval and subsequent approvals of awards of contracts negotiated pursuant to the authority of this section will be in writing. Approvals of awards shall be considered to include the approval of the use of negotiation as well as approval of the award. In those cases where authority to negotiate is obvious from the nature of the items procured, the amount of the procurement or the place of contracting or performance (purchases not in excess of $1,000, medicines or medical supplies, authorized resale, perishable subsistence, purchases outside the United States, and classified purchases), a simple statement to that effect will be placed in the Schedule or other convenient portion of the contract or purchase order.

(e) Standard Form 1036 (Statement and Certificate of Award) will not be used to support contracts negotiated under section 2 (c) (1) of the Armed Services Procurement Act of 1947, as amended.

(f) Paragraph (e) of this section is not applicable to purchases by negotiation specifically authorized by the Secretary to be made under the authority of Title II, First War Powers Act, 1941, as amended by Public Law 921, 81st Congress.

§ 592.202 *Public exigency.* (See § 592.201.)

§ 592.202–2 *Application.*—(a) Section 2 (c) (2) of the Armed Services Procurement Act of 1947 may be used as authority for negotiating a contract if the compelling and urgent need for the supplies or services to be purchased is within the limitations of § 402.202 of this title and this section. In using this authority, Contracting Officers will assure themselves that the need for negotiating is sufficiently compelling and of unusual urgency, and that the emergency situation requires an immediate purchase for which delivery cannot be effected within the time required by means of formal advertising.

(b) When negotiating under this authority, informal competition to the maximum extent practicable within the time allowed will be obtained.

(c) A procurement of material to effect necessary and emergency repairs to a broken water main would be appropriate under § 402.202 of this title and this section, provided that the emergency conditions require immediate replacement of defective materials. This authority could also properly be cited for the emergency procurement of packing material required to effect an emergency air or rail shipment. Also if a procurement is appropriate and proper and is considered an emergency procurement of a high priority nature and which could not otherwise be procured by formal advertising within the time required for delivery, the circumstances involved in the particular procurement, such as for supplies urgently needed to lend military support in connection with a national or international situation or to meet immediately emergency needs of an Army expansion program, may be used to add support to the justification required to be made by the Contracting Officer. The facts bearing on the emergency situation, however, must clearly be shown in the justification in sufficient detail to explain clearly the necessity for purchasing without formal advertising. The Contracting Officer's justification must be supported by the existence of specific emergency circumstances which in themselves relate to the particular purchase being effected.

(d) A short delivery or performance requirement in itself is not a sole justification for the use of section 2 (c) (2) of the Armed Services Procurement Act of 1947. The reasons for effecting delivery or performance by a certain date must be of such a nature that they will fully support the Contracting Officer's action in the event he finds it necessary to use this authority. When delivery requirements are of the utmost importance, officials supervising the issuance of procurement directives to Contracting Officers will be responsible for clearly indicating in the directives the exigent importance for having the supplies delivered by certain dates, including pertinent data as to the reasons therefor. In this connection, Contracting Officers should not be expected or required to negotiate contracts under this authority unless facts sufficient to support their actions can be presented to them in writing by responsible persons in positions of higher authority.

(e) Section 2 (c) (2), Armed Services Procurement Act of 1947, and § 402.202 of this title will not be used as authority to negotiate when the procurement is such that it can be negotiated properly under the provisions of §§ 402.203, 402.205, 402.211, 402.213, 402.214, or 402.215 of this title.

(f) Section 2 (c) (2), Armed Services Procurement Act of 1947, and § 402.202 of this title will not be used as authority to negotiate supplemental agreements to basic contracts supported by a determination and findings signed by the Secretary, except (1) when all the requirements of § 402.202 and this section have been satisfied, and (2) when the supplemental agreement is for the purpose of expediting delivery or performance, such as through the use of overtime or extra-pay shifts.

§ 592.202–3 *Limitation.* A copy of the Contracting Officer's signed statement justifying the use of this authority required by § 402.202–3 of this title will be attached to the request for approval of award, if such approval is required by § 606.204 of this subchapter.

§ 592.203 *Purchases not in excess of $1,000.* (See § 592.201 of this subchapter.)

§ 592.203–2 *Application.* (a) If the aggregate amount required does not exceed $1,000, the Contracting Officer may procure by negotiation under section 2 (c) (3) of the Armed Services Procurement Act of 1947, or he may effect the procurement by formal advertising in accordance with Part 401 of this title and Part 591 of this subchapter.

(b) This authorization does not modify in any respect the fundamental principle that supplies and services will be obtained as the result of competition and, in general, at least two informal quotations of prices will be requested from sources of supply, as defined in § 400.201–9 of this title and § 590.201–9 of this subchapter. When circumstances permit, quotations will be solicited from all such qualified sources as are deemed necessary by the Contracting Officer to assure full and free competition consistent with the procurement. The order then will be placed with that responsible supplier whose quotation, price and other factors considered, will be most advantageous to the Government. The absence of competition in any particular case will be explained fully and made of record in the retained files of the Contracting Officer. Likewise, such a record also will be maintained of any verbal or telephonic quotations that may be received in connection with purchases made under this authority. However, the above requirement may be waived by the Contracting Officer in individual procurement actions having a total value of less than $100 where, in his opinion, the interests of the Government will not suffer from such action and the administrative time and expense of obtaining and recording competitive quotations are expected to be disproportionate to results obtained.

(c) The authorization contained in this section will be used in negotiating purchases aggregating $1,000 or less rather than any of the other authorizations contained in Subpart B, Part 402 of this title and Subpart B of this part, except when section 2 (c) (1) of the Armed Services Procurement Act of 1947 is authorized for use. (See § 592.201.)

(d) The words "aggregate amount involved" do not require that the purchase should be limited to any particular period of time, as a day, month, or year, or limited to purchases made from a single firm. The aggregate should include all supplies which are grouped together properly in a single transaction and which would be included in a single advertisement for bids if formal advertising were resorted to. Purchases arising from the same need of the same articles should not be made more frequently than the necessities of the service require, in order to limit the aggregate in each case to $1,000, and supplies which are usually purchased together should not be divided simply for the purpose of avoiding advertising for the same. If the character of the supplies is such that good administration would require their purchase in quantities sufficient to last a month, purchases should not be made weekly or daily for the purpose of bringing the amount within the limit authorized. Subject to the above considerations, the matter is one depending upon the sound discretion of the Contracting Officer.

(e) The purchase of similar articles at the same time from different firms or on different dates from the same or different firms when the purchases should have been combined and the aggregate is in excess of $1,000 is not authorized. Hence, when the articles purchased or the amounts of purchases are such that, without explanation, it is not readily discernible why the purchases were not combined, a statement that the Contracting Officer could not have foreseen and combined the requirements in sufficient time to permit formal advertising will be retained in the files of the Contracting Officer pertaining to such transactions.

(f) Instructions covering the small purchases procedures by use of DD Form 738 (Order and Voucher for Purchase of Supplies or Services) are contained in subpart F of this part.

§ 592.204 *Personal or professional services.* (See § 592.201.)

§ 592.204–2 *Application*—(a) *Authorization.* Section 2 (c) (4) of the Armed Services Procurement Act of 1947 shall be used as authority to negotiate personal or professional services contracts only when all the conditions set forth in § 402.204–2 of this title have been satisfied.

(b) *Application.* Section 2 (c) (4) does not authorize the making of any contracts. It merely authorizes the award by negotiation, as distinguished from formal advertising, of contracts otherwise authorized by law.

(c) *Approval required.* (1) The requirements for approval of higher authority of contracts involving personal and professional services are set forth in § 606.204–1 (a) of this subchapter.

(2) The requirements for approval of higher authority of contracts containing provisions closely related to personal services contracts are set forth in § 606.204–1 (b) of this subchapter.

§ 592.205 *Services of educational institutions.* (See § 592.201.)

§ 592.205–2 *Application.* (a) For use as a general guide, the phrase "other educational institution," as used in § 402.205 of this title and this section, is defined as follows: Any legal entity in the field of education organized and operated for the purpose of advancement of knowledge through study, training, or investigation, and which is not operated for a profit or no part of the earnings of which inure to the benefit of any individual directly or indirectly, may be considered as an educational institution.

(b) In negotiating a contract under this authority for experimental, developmental, or research work with a prospective contractor who may qualify under the "other educational institution" provision, a statement will be obtained from the prospective Contractor as to whether he can qualify as an educational institution, such statement to be supported by conclusive evidence of his contention. The following are illustrative of supporting evidence which may be furnished.

(1) Acceptance by the Bureau of Internal Revenue as an educational institution.

(2) State recognition as an educational institution.

(3) Charter of the institution.

(4) Other evidence of the nonprofit character of the institution.

(c) Contracts negotiated under this authority will be supported by a Determination and Findings signed by the Secretary, as required by § 592.302 and in the form prescribed by § 592.305 of this part, when the amount involved exceeds $25,000 and is for other than tuition contracts for military students.

(d) All requests for authority to negotiate contracts for experimental, developmental, or research work submitted for approval and signature of the Secretary will be supplemented by the following information:

(1) If the authority to negotiate pertains to an extension of a contract, the date of original contract, together with total funds obligated under previous contracts, will be stated.

(2) A summary will be furnished of what has been completed to date under previous contracts and what is anticipated under the proposed contract.

(3) An estimate of the time necessary to complete the work.

(4) Department of the Army project number and technical objective classification.

(5) In those cases where the work covered by the proposed contract is in a field for which primary cognizance has been assigned to another technical service, a statement will be required that the cognizant service concurs in the proposed contract.

(6) A statement of the maximum current fiscal year obligation approved by Army Research and Development Review Board for the operational category or other controlling element under which the supported project is classified, plus the amount which may be in the process of obligation (i. e., forwarded but not yet approved for negotiation by the Secretary or Head of the Procuring Activity), but exclusive of the instant request.

(8) If Army Research and Development funds are not involved, a statement will be included as to what funds are available and will be obligated for the procurement.

(9) If additional extensions are anticipated, a statement will be furnished as to the amount of the estimated additional expenditure. If extensions are not anticipated, it should be so stated.

§ 592.206 *Purchases outside the United States.* (See § 592.201.)

§ 592.206–2 *Application.* Procurements of the types described in §§ 402.205, 402.211, 402.214 or 402.216 of this title and §§ 592.205, 592.211, 592.214 or 592.216 are not contemplated outside the United States, its Territories and possessions. If, nevertheless, such procurements are effected outside the United States, its Territories and possessions, the limitations and procedures specified in the above mentioned sections will apply and the statutory authority prescribed therein will be used in lieu of the authority prescribed by § 402.206 of this title.

§ 592.207 *Medicines or medical supplies.* (See § 592.201.)

§ 592.207–2 *Application.*—(a) *Competition.* In negotiating under this authority, the Contracting Officer will insure that full and free competition is solicited. In cases when supplies identified by brand or trade names are required (no specification being applicable thereto), and when such supplies cannot be purchased direct from the sole manufacturer, the informal solicitation for proposals should extend to as many known wholesale sources of supply handling the particular brand required as practicable.

(b) *Advance publicity.* In those purchases exceeding $10,000 negotiated under this authority, the form and extent of suitable advance publicity (which will be given for a period of at least 15 days whenever practicable) will be determined in accordance with instructions prescribed by each respective Procuring Activity.

§ 592.208 *Supplies purchased for authorized resale.* (See § 592.201.)

§ 592.208–2 *Application*—(a) *Competition.* In negotiating under this authority, the Contracting Officer shall insure that full and free competition is solicited.

(b) *Advance publicity.* In those purchases exceeding $10,000 negotiated under this authority, the form and extent of suitable advance publicity (which will be given for a period of at least 15 days whenever practicable) will be determined in accordance with instructions prescribed by each respective Procuring Activity.

§ 592.209 *Perishable subsistence supplies.* (See § 592.201.)

§ 592.209–2 *Application.* In negotiating under this authority, "perishable subsistence" shall be construed to mean those items of food determined to be of a perishable nature (as distinguished from nonperishable subsistence) by The Quartermaster General.

§ 592.210 *Supplies or services for which it is impracticable to secure competition by formal advertising.* (See § 592.201.)

§ 592.210–2 *Application.* (a) Section 2 (c) (10) of the Armed Services Procurement Act of 1947 may be used as an authority for negotiating a contract if the circumstances involved in the particular procurement are similar to the examples set forth in § 402.210–2 of this title. Care and sound judgment, however, will be exercised to prevent abusive use of this authority.

(b) The signed statement of justification required by § 402.210–3 of this title need not be in the form of a formal Determination and Findings; a simple narrative statement or certificate signed by the Contracting Officer will fulfill the requirement. A copy of such statement or certificate will be attached to requests for approval of awards, if such approval is required by § 606.204 of this subchapter.

(c) Contracts negotiated under this authority will be supported by a Determination and Findings signed by the Secretary, as required by § 592.302 and in the form prescribed by § 592.305, when for studies or surveys covering Industrial Mobilization Planning Phase I Studies exceeding $12,000 in lieu of the Contracting Officer's signed statement or certificate referred to in paragraph (b) of this section.

§ 592.210–3 *Limitation.* The authority contained in § 402.210 of this title and this section will not be used when the procurement can be negotiated under §§ 402.201, 402.205, 402.211 through 402.216 of this title and §§ 592.201, 592.205, 592.211 through 592.216.

§ 592.211 *Experimental, development, or research work.* (See § 592.201.)

§ 592.211–3 *Limitation.* (a) If the negotiation of a contract pursuant to the authority contained in § 402.211 of this title and this section is supported by a Determination and Findings, signed in good faith by the Head of a Procuring Activity, which necessarily contemplates the entering into a contract obligating $25,000 or less, but, after negotiations are completed, the contract to be entered into will obligate more than $25,000, such contract must be supported by a Determination and Findings signed by the Secretary as required by § 402.302 of this title.

(b) Any supplemental agreement, change order, or modification of a contract negotiated under this authority, which has the effect of increasing the initial contract price so that the total amount exceeds the monetary limitation beyond which the Head of the Procuring Activity is not delegated authority to sign a Determination and Findings, will be supported by a Determination and Findings signed by the Secretary as required by § 402.302 of this title and § 592.302 and in the form prescribed by § 592.302.

(c) Subsequent to the time a research and development project is initially established and approved by the appropriate Technical Committee, the Secretary, pursuant to section 7 (a) of the Armed Services Procurement Act of 1947, will consider for approval and signature those Class Determinations and Findings submitted under this authority which pertain to a single unique problem or device and involve one or more negotiated contracts or purchases directly related to the single unique problem or device. At the time of requesting such a determination, the estimated total cost and number of all the negotiated contracts proposed to be executed under the authority of the class determination will be specified. Such determinations will cover a specified period of time and be prepared and submitted in the manner and form prescribed by § 592.305 (a).

(d) All requests for authority to negotiate contracts for experimental, developmental, or reesarch work submitted for approval and signature of the Secretary will be supplemented by the following information:

(1) If the authority to negotiate pertains to an extension of a contract, the date of original contract, together with total funds obligated under previous contracts, shall be stated.

(2) A summary shall be furnished of what has been completed to date under previous contracts and what is anticipated under the proposed contract.

(3) An estimate of the time necessary to complete the work.

(4) Department of the Army project number and technical objective classification.

(5) In those cases where the work covered by the proposed contract is in a field for which primary cognizance has been assigned to another technical service, a statement will be required that the cognizant service concurs in the proposed contract.

(6) A statement of the maximum current fiscal year obligation approved by Army Research and Development Review Board for the operational category or other controlling element under which the supported project is classified.

(7) The total amount previously obligated in the current fiscal year under the operational category or other controlling element under which the supported project is classified, plus the amount which may be in the process of obligation (i. e., forwarded but not yet approved for negotiation by the Secretary or Head of the Procuring Activity), but exclusive of the instant request.

(8) If Army Research and Development funds are not involved, a statement will be included as to what funds are available and will be obligated for the procurement.

(9) If additional extensions are anticipated, a statement will be furnished as to the amount of the estimated additional expenditure. If extensions are not anticipated, it will be so stated.

§ 592.211–4 *Records and reports.* Reports required by § 402.211–4 of this title shall be made in the form and manner prescribed by Subpart C, Part 606, of this Subchapter.

§ 592.212 *Classified purchases.* (See § 592.201.)

§ 592.212–2 *Application.* (a) As a matter of general procurement policy, Contracting Officers shall negotiate, rather than procure by formal advertising, when the proposed contract or purchase order or the supplies or services being procured are classified CONFIDENTIAL or higher. The authority of section 2 (c) (12) of the Armed Services Procurement Act of 1947 will be used, however, only after the use of other negotiation authorities has been considered and found not applicable, and, where either the contract or purchase order for the supplies or services being procured are classified CONFIDENTIAL or higher.

(b) In addition to the requirements of § 605.1608–4 of this subchapter, DD Form 254 (Security Requirements Check List), will be used in precontract negotiations when it is necessary for proposed contractors and subcontractors to have access to classified matter.

§ 592.213 *Technical equipment requiring standardization and interchangeability of parts.* (See § 592.201.)

§ 592.213–2 *Application.* (a) The term "standardization," as used in connection with this authority, is that uniformity considered necessary to accomplish maximum interchangeability of parts, as distinguished from the general definition of standardization established in pertinent special regulations.

(b) Negotiations under this authority will be limited to purchases of items of technical equipment which must be taken into the field with troops and will not be applied to items of commercial equipment used exclusively in installations in the United States.

(c) Determinations and Findings supporting procurement by negotiation under this authority will be for a stated period of time, which period, in general, will be in ratio to the life of the item being procured.

§ 592.213–3 *Limitation.* Procurements will not be negotiated under this authority unless the supplies to be purchased have been approved for standardization by the Secretary. Requests for standardization shall be submitted to the Advisory Committee On Procurement Without Advertising of Technical Equipment and Components, which committee will act in an advisory capacity to the Secretary. Additional procedures with respect to the standardization of technical equipment may be issued by the committee. In the case of formal advertising contemplating subsequent negotiation of procurements of the same equipment from the successful bidder in the interest of standardization of equipment and interchangeability of parts, see § 591.201 (i) of this subchapter.

§ 592.214 *Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.* (See § 592.201.)

§ 592.214–2 *Application.* The propriety of a proposed negotiation under this authority cannot be adequately judged unless the accompanying justification indicates the relative size of the previous dollar investment compared to

the total of the proposed purchase, what the previous dollar investment or previous preparation consists of (with respect to such factors as facilities, tooling, equipment, training and the like), and what the already accomplished period of preparation is (in years and months). The investment and period of preparation necessary should exclude those costs and preparations such as research and development costs and production preparation, which have already been accomplished as a result of previous Department of Defense or commercial contracts provided those results can be made available to other suppliers. In giving weight to the term "substantial initial investment," justification of "substantial" in this respect must be more than the mere fact that a manufacturer accomplished the initial tooling in a particular instance.

§ 592.214–3 *Limitation.* In submitting a request for approval and signature of the Determination and Findings required by § 402.302 of this title, a justification for the use of this authority will be presented. The following are illustrative of facts to be considered and information to be included in such a justification:

(a) The advantage which will accrue to the Government by avoiding the duplication should be emphasized.

(b) The requirement "may require duplication of investment" should be invoked only when the preceding requirement of "substantial investment" has been substantiated.

(c) The requirement "may require duplication of preparation already made" should be invoked only when the preceding requirement of "requiring an extended period of preparation for manufacture" has been substantiated.

(d) The requirement "will unduly delay procurement" should be substantiated by statements that the supplier being considered can deliver by a certain date, other suppliers cannot deliver before a specified later date, delivery by a designated earlier date is necessary for military or logistical reasons, and therefore, the proposed supplier is the only supplier who can meet the required delivery terms of the proposed contract.

(e) The name of the supplier or suppliers with whom negotiations are to be conducted will be furnished.

§ 592.215 *Negotiation after advertising.* (See § 592.201.)

§ 592.215–2 *Limitation.* (a) The authority of section 2 (c) (15) of the Armed Services Procurement Act of 1947 can be invoked for all of or only a portion of a specific procurement. When invoked, two determinations by the Secretary are required. The first determination, to be submitted before negotiation, should state the range of bid prices received and the prices or range of prices which are considered unreasonable or have not been independently arrived at in open competition. The second determination, to be submitted after negotiation, should (1) prove that, prior to negotiation, the Contracting Officer gave a notice of intention to negotiate and a reasonable opportunity to negotiate to each responsible bidder whose bid was rejected, (2) specifically state the lowest negotiated price and identify the supplier offering it, and (3) determine that the negotiated price is lower than the lowest rejected bid price of a responsible bidder, and is the lowest negotiated price offered by any responsible supplier. If, however, all the facts are available at the time a request for approval and signature of the Secretary is submitted, both of the required determinations may be included in the preparation of a single Determination and Findings.

(b) In the event a Contracting Officer believes that the bid prices have not been independently arrived at in open competition, he shall in all cases submit the information required by § 591.406–4 of this subchapter to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch.

§ 592.216 *Purchases in the interest of national defense or industrial mobilization.* (See § 592.201.)

§ 592.216–2 *Application.* Contracts for Phase II and III Industrial Mobilization Planning Studies shall be negotiated under this authority rather than section 2 (c) (10) of the Armed Services Procurement Act of 1947.

§ 592.216–4 *Records and reports.* Reports required by § 402.216–4 of this title shall be made in the form and manner prescribed by Subpart C, Part 606 of this subchapter.

§ 592.217 *Otherwise authorized by law.* (See § 592.201.)

§ 592.217–2 *Application.* Section 2 (c) (17) of the Armed Services Procurement Act of 1947 preserves the authority to negotiate contracts specifically conferred by statute other than the Armed Services Procurement Act of 1947 and not repealed therein. Contracts will not be negotiated under this authority without the prior approval of the Assistant Chief of Staff, G–4 (Chief, Purchase Branch). Requests for such approvals, with respect to either individual or classes of contracts, will contain a statement of pertinent facts and reasons therefor, including the citation of the applicable statute, and will be submitted through the Head of the Procuring Activity concerned to the Assistant Chief of Staff, G–4, Attn: Chief, Purchases Branch.

§ 592.218 *Construction work.* (See § 592.201.) Since the authority contained in § 402.218 of this title is not completely self-sufficient and can be used only in conjunction with other statutory exceptions to formal advertising, § 402.218 of this title and this section will not be cited as authority for negotiating the procurement of construction work. Only sections 2 (c) (1), (2), (3), (6), (10), (11), (12), or (15) of the Armed Services Procurement Act of 1947 will be used as authority to negotiate construction work.

§ 592.250 *Summary table.* (a) As a convenience to Contracting Officer, the following summary table sets forth (1) the circumstances under which contracts may be entered into as a result of negotiation and without formal advertising, (2) the citation of the applicable sections of Chapters IV and V of this title, (3) the citation of the applicable section of the Armed Services Procurement Act of 1947, and (4) certain other data.

(b) Since the statutory exceptions to formal advertising are not all mutually exclusive, the table lists the exceptions in order of preference to assist Contracting Officers in selecting the preferred authority when a procurement can be negotiated properly under more than one authority.

Order of pref.	Circumstances	Proc. Act 1947 sec.	Sec. of ch. IV of this title	Sec. of ch. V of this title	Remarks
1	National emergency	2 (c) (1)	402.201	592.201	Use only when directed by Secretary.
2	Purchases not in excess $1,000.	2 (c) (3)	402.203	592.203	Purchases not be broken down in order to use this authority.
3	National Defense or Industrial Mobilization.	2 (c) (16)	402.216	592.216	Determination and Findings by Secretary necessary. Copy to GAO.
4	Experimental, developmental, or research work.	2 (c) (11)	402.211	592.211	Determination and Findings by Secretary necessary if over $25,000. Copy to GAO.
5	Standardization and interchangeability.	2 (c) (13)	402.213	592.213	Determination and Findings by Secretary necessary. Copy to GAO.
6	Substantial investment or extended preparation.	2 (c) (14)	402.214	592.214	Determination and Findings by Secretary necessary. Copy to GAO.
7	Services of educational institutions.	2 (c) (5)	402.205	592.205	Determinations and Findings by Secretary necessary except under certain conditions.
8	Personal or professional services.	2 (c) (4)	402.204	592.204	Contract must be approved by Secretary. Additional statutory authority required.
9	Medicines or medical supplies.	2 (c) (7)	402.207	592.207	Special publicity required.
10	Authorized resale	2 (c) (8)	402.208	592.208	Special publicity required.
11	Perishable subsistence	2 (c) (9)	402.209	592.209	Questions as to perishable or nonperishable determined by TQMG.
12	Competition impracticable.	2 (c) (10)	402.210	592.210	Statement of justification by Contracting Officer. Copy to GAO.
13	Purchases outside United States.	2 (c) (6)	402.206	592.206	Applicability dependent upon geographical area.
14	Public exigency	2 (c) (2)	402.202	592.202	Statement of justification by Contracting Officer necessary. Copy to GAO.
15	Negotiation after advertising.	2 (c) (15)	402.215	592.215	Determination and Findings by Secretary necessary. Copy to GAO.
16	Otherwise authorized by law.	2 (c) (17)	402.217	592.217	Use only after approval of Assistant Chief of Staff, G–4. Statement of Contracting Officer required.
17	Classified purchases	2 (c) (12)	402.212	592.212	Determination and Findings by Secretary necessary. Only confidential or higher. Copy to GAO.

§ 592.251 *Title II, First War Powers Act, 1941, as amended.* Negotiation of contracts under this authority will be governed by procedures contained in subpart D, Part 606 of this subchapter.

SUBPART C—DETERMINATIONS AND FINDINGS

§ 592.301 *Nature of determinations and findings.*—(a) *Individual determination and findings.* Each proposed form of an individual determination and findings will be prepared in accordance with § 592.305.

(b) *Class determinations and findings.* Determinations and Findings, referred to throughout Part 402 of this title and Part 592 of this subchapter, may be made with respect to classes of purchases or contracts only by the Secretary. In each such case the proposed form of a Determination and Findings will provide that such class of purchases or contracts may be negotiated during a specified period only. Each proposed form of a class Determination and Findings will be prepared in accordance with § 592.305. It is the policy of the Department to make determinations with respect to the negotiation of classes of purchases or contracts only under special justifiable circumstances.

§ 592.302 *Determinations and Findings by the Secretary.* In addition to the Determinations and Findings required by § 402.302 of this title, the following determinations, and written findings in support thereof, may be made only by the Secretary:

(a) Determination with respect to negotiated contracts for the services of educational institutions when the amount involved exceeds $25,000 and is for other than tuition contracts for military students (§ 592.205–2 (c)).

(b) Determination with respect to negotiated contracts for supplies or services for which it is impracticable to secure competition by formal advertising when for studies or surveys covering Industrial Mobilization Planning Phase I Studies exceeding $12,000 (§ 592.210–2 (c)).

(c) Determination and Findings with respect to procurement actions effected pursuant to Title II, First War Powers Act, 1941, as amended, except as otherwise specifically authorized in subpart D, Part 606 of this subchapter. Action taken by the Army Contract Adjustment Board in this regard is deemed to be the action of the Secretary.

§ 592.303 *Determinations and findings by the Head of a Procuring Activity signing as "a chief officer responsible for procurement."*

(a) In addition to the determinations, and written findings in support thereof, authorized to be made by the Head of a Procuring Activity by § 402.303 of this title, the Head of a Procuring Activity signing as "a chief officer responsible for procurement" may make the determination required by § 592.407 (b) with respect to the use of a Time and Materials Contract.

(b) The Head of a Procuring Activity may delegate authority to make the determinations and written findings required by §§ 402.405 and 402.406 of this title to the Deputy Head, Assistant Head, or Chief of Staff of the Procuring Activity, and to chiefs of principal purchasing offices. Subject to the limitation contained in § 592.304, he also may personally select one alternate for each such delegate: *Provided, however,* That such alternate will be empowered to make the required determination only during periods of official absence of the delegate for whom he has been selected as alternate. Neither delegates nor their alternates may redelegate this authority.

(c) Determinations and Findings which may be made by the Head of a Procuring Activity in connection with procurement actions effected under the authority of Title II of the First War Powers Act, 1941, as amended, are set forth in § 606.403–4 of this subchapter. Such authority may not be redelegated below the level of the Head of a Procuring Activity unless specifically authorized by the Under Secretary of the Army.

§ 592.304 *Determinations and findings by a Contracting Officer.* (a) The determinations required by §§ 402.404, 402.405 and 402.406 of this title with respect to the use of a cost or cost-plus-a fixed-fee contract or an incentive type contract may not be made by a Contracting Officer, except that the chief of a principal purchasing office to whom authority has been delegated, pursuant to § 592.303 (b), may make the determinations required by §§ 402.405 and 402.406 of this title, notwithstanding the fact that he may also have been designated a Contracting Officer. Such determinations will be made by the Head of a Procuring Activity as provided in § 402.303 (b) of this title, or by such officers and individuals to whom authority may be delegated in accordance with § 592.303 (b).

(b) Contracting Officers may make the determination required by § 592.407 (b) with respect to the use of a Time and Materials Contract, if the authority to so do has been delegated by the Head of the Procuring Activity.

§ 592.305 *Forms of determinations an and findings*—(a) *Authority to negotiate an individual contract*—(1) *Form.* Individual Determinations and Findings with respect to the negotiation of contracts under the authority of §§ 402.211 to 402.217 inclusive of this title and as otherwise required by this Procedure shall be prepared for the signature of the Secretary (or where authorized by § 402.211 of this title for the signature of the Head of the Procuring Activity signing as "a chief officer responsible for procurement") substantially in the form set forth below and in the manner prescribed in § 592.306:

DEPARTMENT OF THE ARMY

DETERMINATION AND FINDINGS

Authority To Negotiate an Individual Contract

1. I hereby find that:

a. The (insert name of Procuring Activity) proposes to procure (describe briefly the scope of the work, or the nature of the supplies or services called for).

b. The estimated cost of the proposed procurement is $--------, chargeable to Fiscal Year ------ funds.

c. The procurement of the above described supplies (services) by formal advertising is not feasible because (summarize such pertinent facts as are available and relevant to support the determination to be made in par. 2).

2. Upon the basis of the findings set forth above, I hereby determine that (insert statement of required determination under applicable section of 32 CFR Part 402, Subpart B, or 32 CFR, Part 592, Support B).

3. The above supplies (or services) may, therefore, be procured by negotiation pursuant to section 2 (c) (insert applicable paragraph) of the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.), and section (insert applicable section) of 32 CFR Ch. IV, Subch. A.

(Typed signature)

(Title)

In connection with Determinations and Findings to be signed by the Under Secretary of the Army, the following certificate shall be included on the face of the above form, and such certificate shall be signed by the Head of the Procuring Activity, his Deputy or his Chief of Staff.

I certify that the statements made herein (and in the attachments hereto [1]) are correct to the best of my knowledge and belief. Signature is recommended.

(2) *Scope of determinations and findings.* In general, it is desirable to confine each Determination and Findings to a single page, and in that connection to set forth the necessary findings as briefly as possible and to confine them to only those facts which are necessary and relevant to support the one or more determinations that are being made. It is neither necessary nor desirable to justify the choice of a particular contractor. With respect to the determination or determinations, it is important to set forth only that one (or those) which is responsive to the various findings, and necessarily to confine it to the requirements and the particular language set forth under the applicable exception in the Act; further in this connection, it is important to guard against a determination in the alternative (except possibly for the one relating to "experimental, development, or research work") and to use cumulative language only when more than one determination is in fact supported by the findings (for example, under section 2 (c) (14), "substantial initial investment" and "extended period of preparation for manufacture"). If certain requirements are optional, however, it is desired that the Determination and Findings list only those requirements of the exception which are essential and can be strongly supported. There is no objection, however, if the facts warrant, to substantiating all the requirements. All other pertinent information should be included in the request for approval and signature of the Determination and Findings by the Secretary.

(b) *Authority to negotiate a class of purchases or contracts.* Determinations and Findings with respect to the negotiation of classes of purchases or contracts, as referred to in § 402.301 of this title and § 592.301, shall be prepared as set forth in paragraph (a) of this section,

[1] To be included when applicable.

with appropriate modifications to make it applicable to a class of purchases or contracts. All such class Determinations and Findings shall be prepared for the signature of the Under Secretary of the Army.

(c) *Advance payments.* Determinations and Findings with respect to advance payments as set forth in subpart E, Part 402 of this title, shall be prepared for the signature of the Under Secretary of the Army substantially in the form set forth below and in the manner prescribed in § 592.306:

DEPARTMENT OF THE ARMY

DETERMINATION AND FINDINGS

Authority for Advance Payments

1. I hereby find that:

(a). The (insert the name of Procuring Activity) proposes to procure (describe briefly the scope of the work, or the nature of the supplies or services called for).

b. The estimated cost of the proposed procurement is $------, chargeable to Fiscal Year ---- funds.

c. The name of the contractor (or proposed contractor) is ----------.

d. The contractor (or proposed contractor) cannot finance performance of the proposed contract with its own resources and is unable to secure adequate financing through private sources, and, therefore, it is deemed necessary and appropriate in order to procure the required supplies to authorize advance payments in an amount not exceeding $------.

e. No other contractor is available to furnish the desired supplies (or services), upon terms satisfactory to the Department of the Army, without provision for advance payments.

f. The unliquidated balance of advance payments shall bear interest at the rate of --% and shall be subject to such other terms and conditions as may be imposed by the (Head of Procuring Activity) in accordance with policies now existing or hereafter prescribed.

2. Upon the basis of the findings set forth above, I hereby determine that pursuant to section 5 (a) of the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.) and 32 CFR 402.502, the provision for advance payments is in the public interest or in the interest of national defense, and is necessary and appropriate in order to procure the required supplies (or services) under the contract, and such advance payments not exceeding $------ are hereby authorized.

(Typed signature)

(Title)

The following certificate shall be included on the face of the above form, and such certificate shall be signed by the Head of the Procuring Activity, his Deputy, or his Chief of Staff:

I certify that the statements made herein (and in the attachments hereto [1]) are correct to the best of my knowledge and belief. Signature is recommended.

(d) *Method of contracting.* Determination and Findings with respect to the use of a cost, cost-plus-a-fixed-fee, or incentive type contract, as set forth in Subpart D, Part 402, of this title and Subpart D, Part 592 of this subchapter, will be prepared for the signature of the Head of the Procuring Activity, or the officer or individual to whom authority to sign such a determination and findings has been delegated pursuant to § 592.303 (b), substantially in the following form. (Heads of Procuring Activities and Contracting Officers may use the form set forth below as a guide in making the determination required by § 592.407. If such use is made of the form, change the citation "section 4 (b)" to "section 4 (a)" in paragraph 2):

DEPARTMENT OF THE ARMY

DETERMINATION AND FINDINGS

Method of Contracting

1. I hereby find that:

a. The (insert name of Procuring Activity) proposes to procure (describe briefly the scope of the work, or the nature of the supplies or services called for).

b. The estimated cost of the proposed procurement is $------ (including, when applicable, a statement as to the percentage of proposed fixed fee), chargeable to Fiscal Year ------ funds.

c. The use of a (insert type of a contract to be used) contract is the most practicable and likely to be the least costly method of contracting because (summarize such pertinent facts as are available and relevant to support the determination to be made in par. 2).

2. Upon the basis of the findings set forth above, I hereby determine that pursuant to section 4 (b) of the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.), and section (insert applicable section) of 32 CFR, Ch. IV, that the use of a (insert type of contract) contract (a) is likely to be less costly than other methods of contracting, or (b) that it is impracticable to secure supplies (or services) of the kind or quality required without the use of a (insert type of contract) contract.

(Signature)

(Title)

§ 592.306 *Procedure with respect to determinations and findings.* (a) Requests for approval of Determinations and Findings, referred to throughout Part 402 of this title and Part 592 of this subchapter, and requiring the signature of the Secretary, will contain a complete statement of facts and recommendations and be accompanied by the Determination and Findings prepared for the appropriate signature, as well as supporting data as are necessary to demonstrate the applicability of the cited section of the Armed Services Procurement Act of 1947. In addition, each request will cite the appropriate funds to be used for the procurement.

(b) The Determination and Findings, request for approval and signature, and all supporting documents will be submitted in quadruplicate (if Military Interdepartmental Purchase Requests or similar documents relating to the transfer of funds are being submitted, duplicate copies of such documents will be sufficient) to the Assistant Chief of Staff, G–4, Department of the Army. Attn: Chief, Purchases Branch. In the case of advance payments, requests for approval and signature of Determinations and Findings will be submitted through the Chief of Finance.

(c) Requests for approval and signature by the Secretary in connection with Determinations and Findings authorizing procurement by negotiation may be accompanied by a request for approval of award in those cases requiring such award approval pursuant to § 606.204 of this subchapter.

(d) Determinations and Findings in connection with procurement actions effected under authority of Title II, First War Powers Act, 1941, as amended, will be requested as prescribed in Subpart D, Part 606 of this subchapter.

§ 592.307 *Distribution of copies of determinations and findings.*—(a) *Individual determinations.* One authenticated copy of each Determination and Findings required by Subpart C, Part 402 of this title will be sent to the General Accounting Office with the original signed number of each contract negotiated and executed thereunder. The original signed copy of each Determination and Findings will be filed with the signed copy of the contract retained in the official files of the purchasing office or Procuring Activity concerned. Additional copies may be distributed in accordance with instructions issued by the Head of the Procuring Activity concerned.

(b) *Class determinations.* One authenticated copy of each Determination and Findings made with respect to classes of purchases or contracts will be sent to the General Accounting Office with the original signed number of the first contract negotiated thereunder. Each subsequent contract negotiated thereunder shall refer on its face to the particular class Determination and Findings on file with the General Accounting Office, citing the number of the original contract. The original signed copy of each class Determination and Findings will be filed with the signed copy of the first contract negotiated thereunder retained in the files of the purchasing office or Procurement Activity concerned. Additional copies may be distributed in accordance with instructions issued by the Head of the Procuring Activity concerned.

(c) *National emergency.* The requirements of this section are waived with respect to contracts negotiated under § 402.201 of this title and § 592.201 of this subchapter.

§ 592.308 *Maintenance and retention of records (retention of determinations and findings, and of other records).*—(a) *Preaward Transaction File.* (1) Each purchasing office or installation which initiates or effects procurement by negotiation will maintain a master file for each procurement initiated. This file will contain the original or a certified copy of each paper related to the procurement, beginning with the procurement directive or other paper initiating the procurement. The purpose of the file is to provide a complete résumé of the transaction prior to and including the award. This master file will be preserved in the office or installation which initiated the procurement for a period of 6 years following final payment on the contract or contracts entered into under the directive. As a minimum in negotiated procurement, a memorandum for record, signed by the Contracting Officer briefly setting forth facts, conclusions and actions taken regarding the transaction will be included in the contract file in cases where such facts, conclusions and actions taken are not otherwise reflected in the summary of negotiations and contract award data where such summary is required. Memorandum for record and summary of negotiations as mentioned above are not a mandatory requirement for negotiated purchases under $1,000. Exceptions to the requirement of this section to maintain a master file for each procurement initiated are permitted only if responsibility for the file is transferred to another office, or, if early retirement or destruction is authorized under the provisions of pertinent special regulations.

(2) In the event the resulting contract or contracts are transferred to other offices or installations for administration, only those records that are necessary for the administration of the contract are required to be forwarded to the administering office or installations. The cover sheet for the contract administration file maintained by the office or installation administering the contract (paragraph (b) of this section) will identify the master file and give the name of the installation where the contract was initiated and where all records not transferred are maintained. Original or authenticated copies of correspondence pertinent to the contract and all required determinations and findings with supporting data, such as are involved in mistakes in proposals, preaward surveys, etc., pertaining to a particular contract will accompany such contract at all times.

(3) The file containing the records and documents of negotiations referred to in subparagraph (1) of this paragraph shall be identified by a cover sheet designated as "Summary of Negotiation and Contract Award Data." The Head of each Procuring Activity is authorized to publish an appropriate form of such designation and to delegate authority for local reproduction. The form so published shall include as a minimum a check list and certification substantially as detailed below. Additional items and/or reductions of monetary limits separating Parts I and II of the form, determined by the Head of a Procuring Activity to be necessary or appropriate to its contract procedure or records thereof, may be included in the form promulgated by the Procuring Activity.

SUMMARY OF NEGOTIATION AND CONTRACT AWARD DATA

The purpose of this summary, pursuant to § 592.308, is to present a brief statement of basic data as to which complete detail in narrative or documentary form are contained in the assembled file underlying this cover sheet. Each pertinent item on this form is to be completed either by filling in blanks or by the insertion of data appropriate to the purpose of the item and as to which supporting papers are contained in the file.

Contract date ------- Contract No. -------

Name of Contractor ----------

Part I. Items 1 to 8 below will be completed for all negotiated contracts, except those covering small purchase.

1. (Copy of procurement order, requisition, or document upon which procurement is based, or reference thereto).
2. (Complete justification for negotiation).
3. (Copy of request for proposals, including drawings and specifications or reference thereto).
4. Number of requests for proposals distributed ----------
   Date of distribution -------
   Number of proposals received -------
   Date of awards -------.
5. (Statement relative to contingent fees, signed by the Contractor).
6. (Special contract provisions, or reference thereto).
7. Small business ------ (Yes or No).
8. Regular dealer ------ or manufacturer ------ (Yes or No). ----------

Part II. Items 9 to 14 below will be completed for negotiated contracts which are expected to exceed $25,000 (except that the Head of each Procuring Activity may reduce the dollar value if desired).

9. Labor area classification ----------.
10. Amount of work to be subcontracted $------ ---- percent.
11. (Explanation of any Government financial assistance required by the Contractor).
12. (Detail of survey or other determination of Contractor's ability to consummate the contract).
13. (Justification for this award, and determination if required).
14. (Summary of proposal received, with comparative information on all factors entering into total cost).

I certify that I have this date reviewed this contract file and that it contains papers in support of the above data and is otherwise considered to provide a clear and complete record of the negotiation and award of this contract.

(Signature) ----------

(Contracting Officer, or Contracting Officer's Representative)

(Date)

(b) *Contract administration file.* Each purchasing office or installation administering contracts awarded by negotiation will maintain files which will provide a complete résumé of the administration of each contract. Unless these files are set up on an individual contract basis they must be so organized that they will provide an accurate and complete identification and cross-reference to related files. Upon final payment all papers pertaining to the administration of a particular contract will be consolidated into a single file. This file will be preserved in such office or installation for a period of 6 years following the final payment on the contract unless retired under pertinent special regulations.

SUBPART D—TYPES OF CONTRACTS

§ 592.401 *Authorized types of contracts*—(a) *Basic policy.* In accordance with the basic policy set forth in § 402.401 of this title the fixed-price type of contract generally shall be used for negotiated contracts; other methods of contracting may be used only when the requirements of Subpart D, Part 402 of this title and this subpart have been satisfied.

(b) *Pricing in connection with type of contract selected.* (1) Efficient procurement includes a discriminating use of the various types of authorized contracts. The type of contract selected has an important bearing upon the price to be paid by the Government. When competitive conditions or available cost data are sufficient to indicate reasonableness of the price, the fixed-price type of contract under which the price is not subject to subsequent adjustment affords the most effective means of reducing total cost to the Government. It is under this type of contract that incentives to production efficiency are greatest. It must be recognized, however, that prices under such contracts may include charges for contingencies. Such provisions may be eliminated, at least in part, by the use of price redetermination clauses. Many of the normal risks involved in contract performance are shifted to the Government under the cost-reimbursement type of contract and the fixed-price type of contract under which the price is subject to possible upward adjustment. The relative risk borne by the contractor, the degree of incentive to production efficiency and the administrative cost involved under each type of contract should be given careful consideration in selecting the method of contracting.

(2) It is the policy of the Army to obtain the maximum use of funds, and to secure the largest possible quantities of materials of requisite quality which can be purchased with those funds. To that end, efforts will be directed toward close initial pricing and close pricing on redetermination, rather than to rely on recapture of excessive profit by statutory renegotiation.

(3) It is the policy of the Army to secure "close prices," which will be fair both to the Government and the contractor and which will provide an incentive for efficient performance by establishing an adequate margin of profit and by eliminating allowances for contingencies to the greatest extent possible. The objective of this policy is to keep management alert in an effort to avoid increased costs which would reduce the established profit, and to reduce costs, if possible, in order to increase the opportunity for additional profit.

(4) Profit or fee allowances will be determined separately under each contract, and "across-the-board" agreements with contractors as to rates of profit or fee will not be made. The determination of a fair and reasonable profit or fee is a matter of sound business judgment. There are no conclusive rules or formulas which would be suitable for uniform application; however, in arriving at a fair and reasonable profit or fee, the following factors should be considered:

(i) Type of contract.

(ii) Performance risks.

(iii) Record of efficiency in production.

(iv) Character and extent of subcontracting.

(v) Reliability of contractor's cost estimates.

(vi) Equipment, facilities, or financial assistance furnished by the Government.

(vii) Invested capital.

(viii) Possible present or future benefit to the contractor.

(ix) Value added by the manufacturing processes.

(x) Contingency factors.

§ 592.402 *Fixed-price contract.* (a) The fixed-price contract provides for a firm price or prices for the supplies or services which are being procured. This type of contract may include a provision

[1] To be included when applicable.

for price escalation agreed to at the time of entering into a contract. Authorized price escalation clauses are set forth in § 596.151 of this subchapter. (See also § 402.401 of this title and § 592.401.)

(b) In a fixed-price contract for architectural or engineering services relating to any public work or utility project, the maximum price for such services shall not exceed six per centum of the estimated cost of such project (exclusive of the fixed fee for the project).

(c) Part 414 (Contract Cost Principles) of this title will not be used in negotiating prices under fixed-price contracts other than (1) by auditors for the purpose of preparing advisory reports, (2) by Contracting Officers to the extent they deem it advisable, as a working guide only, and (3) by Contracting Officers when negotiating research and development contracts with educational or nonprofit institutions when no fee or profit is contemplated (see § 407.704 of this title).

§ 592.403 *Fixed-price contract with provision for redetermination of price.* (a) Pursuant to the policies set forth in § 402.403 of this title, an appropriate price redetermination clause, as authorized in § 596.152 of this subchapter, should be used in fixed-price contracts in those instances when—

(1) There are no data to indicate reasonableness of price, such as lack of effective competition or the absence of an independent Government estimate; or

(2) The estimate of the low offeror, or the only offeror, exceeds the independent Government estimate by an unreasonable amount; or

(3) It is necessary or desirable to eliminate charges for contingencies from the contract amount; or

(4) It is necessary or desirable to incorporate incentives to increase production efficiency and to reduce costs; or

(5) Other circumstances require protection of the interests of the Government by use of price redetermination clauses.

(b) In accordance with the above, the forms of price redetermination clauses set forth below may be used in negotiated fixed-price contracts without approval of higher authority, except for those approvals as may be required by the Head of a Procuring Activity. Price redetermination clauses not included in subparagraphs (1) through (3) of this paragraph will not be used without the prior approval of the Chief, Purchases Branch, Assistant Chief of Staff, G–4, Department of the Army.

(1) Form III in any negotiated contract up to amounts not in excess of $100,000.

(2) Form II–B in any negotiated contract where the delivery schedule calls for deliveries over a prolonged period, regardless of contract amount.

(3) Form IV in any negotiated contract, regardless of contract amount.

(c) Upward revision to be allowed in Forms II–B and IV, price redetermination clauses, will be limited to 10 percent in all possible cases and in any event limited to 25 percent. Only the standard price redetermination clauses, without deviation except as authorized herein, will be used under this excepted authority. In view of the protection afforded to the contractor by the use of a price redetermination clause in reduction of the risks to him, careful consideration will be given in determining the rate of profit to be allowed, with due weight being given to the percentage of the contract consisting of material, subcontracting, standard commercial items ("off-the-shelf" items), and purchased parts. It will not be assumed that a contractor who agrees to inclusion of a Form III, price redetermination clause in a proposed contract is assuming appreciable risk, unless it can be determined that the price offered by him does not include contingency provisions. Form IV, price redetermination clause, will be used in lieu of the Form II–B clause in production contracts in all instances, regardless of the contract amount, when the delivery schedule is so short as to preclude completion of price redetermination well in advance of completion of the contract or deliveries thereunder.

(d) Part 414 (Contract Cost Principles) of this title, will not be used in negotiating prices under fixed-price contracts containing price redetermination clauses other than (1) by auditors for the purpose of preparing advisory reports, (2) by Contracting Officers to the extent they deem it advisable, as a working guide only, and (3) by Contracting Officers when negotiating research and development contracts with educational or nonprofit institutions when no fee or profit is contemplated. (See § 407.704 of this title.)

§ 592.405 *Cost contract.* (a) Pursuant to the requirements of § 402.405 of this title, the cost (or cost-sharing) type of contract may be used in those cases where fixed-price (with or without provision for price redetermination) contracts are not suitable, where the contractor's cost recording system facilitates audit, and where close scrutiny by Government representatives during performance of the contract will give reasonable assurance that the contractor is not employing wasteful or extravagant methods.

(b) Standards for the determination and allowance of costs in connection with the performance of cost type contracts are set forth in Part 414 of this title.

§ 592.406 *Cost-plus-a-fixed-fee contract.* (a) Pursuant to the requirements of § 402.406 of this title, the cost-plus-a-fixed-fee type of contract may be used in those cases where fixed-price (with or without provision for price redetermination) contracts are not suitable, where the contractor's cost recording system facilitates audit, and where close scrutiny by Government representatives during performance of the contract will give reasonable assurance that the contractor is not employing wasteful or extravagant methods.

(b) Under a cost-plus-a-fixed-fee type of contract, the contractor is reimbursed for substantially all its costs, and the fixed-fee represents essentially profit without risk. Such fee should be determined not by the amount of the estimated cost, but by the extent and nature of the work supervised or the services to be performed by the contractor. Thus in fixing the fee consideration should be given, among other factors such as those listed in § 592.401 (b) (4), to whether the work or production involved is complicated or simple, the turn-over slow or rapid, how much or little of the work will be subcontracted, and how extensive or difficult the duties of the prime contractor will be in supervising the subcontracted work.

(c) Standards for the determination and allowance of costs in connection with the performance of cost-plus-a-fixed-fee type contracts are set forth in Part 414 of this title.

§ 592.407 *Time and materials contract.*—(a) *General.* It is the policy of the Army that time and materials contracts will be awarded only on the basis of sound business practice, and that the expenditure of funds thereunder shall be supervised and controlled to assure maximum return and benefit to the Government. In such type of contracts, charges for material will be reimbursed at Contractor's cost without allowance for overhead or profit; however, a material handling charge may be allowed if in accordance with the Contractor's established accounting system, and if it is not duplicated in the overhead rate allowed the contractor.

(b) *Limitation on use.* The time and materials type of contract will be used only after a determination by the Head of the Procuring Activity (or by the Contracting Officer, if so delegated in Procuring Activity instructions), that—

(1) Such method of contracting is likely to be less costly than other methods; or

(2) It is impractical to secure supplies or services of the kind or quality required without the use of such type of contract.

(c) *Justification of use.* The official contract file will contain a certificate, accomplished by the Contracting Officer, justifying the use of a time and materials contract, which certificate will include information such as the following:

(1) Hourly rates, including overhead and profit, compared with—

(i) Previous Governmental contracts of this type.

(ii) Rates normally charged on commercial contracts of this type.

(iii) Existing contracts with other agencies.

(2) Complete justification of profit percentages in excess of 10 percent of direct labor and labor overhead.

(d) *Reimbursement for material.* All time and material type contracts will provide that material purchased, manufactured, or otherwise procured thereunder shall be reimbursed by the Government to the contractor at cost. For the purpose of this section, the term "at cost" will be construed to mean:

(1) *Standard commercial parts.* When the Contractor purchases the material furnished, the net cost (cost clear of anything extraneous, i. e., cash discounts trade discounts, rebates, commissions, and any other allowances and credits available to the Contractor) to the Contractor, regardless of date purchased, plus properly identified and supported freight or transportation charges, if any, paid by the Contractor. Other costs, such as material handling expense, which must be included as a part of overhead in the unit labor rate, are not allowable under this section.

(2) *Fabricated special parts.* When the Contractor manufactures the material furnished as a nonstandard item, the net cost, including direct labor expense, direct material expense (clear of all deductions, such as cash discounts, trade discounts, rebates, commissions, and any other allowances and credits available to the Contractor) to the Contractor, plus allocable freight or transportation charges, other direct charges, if any, and related overhead costs but no allowance for profit.

(3) *Fabricated standard parts.* (i) When the Contractor manufactures the parts furnished as a standard item, the net cost (after deducting all discounts, rebates, commissions, and all charges for the contractor's profit) will constitute the charge allowable at date of delivery to the Government; however, (ii) when all or some of the parts furnished appear on a current Federal Supply Schedule the contract will make reference to the applicable schedule(s) and the cost will not exceed the schedule price but will be the lesser price allowed under (i) above.

§ 592.408 *Letter contract.* The primary purpose of authorizing the use of letter contracts preliminary to definitive contracts is to expedite the beginning of production so that deliveries will be obtained in time to meet phased requirements, particularly in support of troops in combat and the expansion of the Armed Forces. It is essential, however, that letter contracts be converted to definitive contracts at the earliest practicable date.

§ 592.408–50 *Approval requirement.* Letter contracts, or any other type of preliminary contract, will not be used without prior approval of the Assistant Chief of Staff, G–4, Department of the Army, Chief, Purchases Branch, except that, subject to limitations imposed by § 592.408–53, heads and acting heads of technical services are authorized to issue letter contracts as indicated below.

(a) *Letter contracts for other than research and development.* Heads and acting heads of technical services are authorized to issue letter contracts for other than research and development in amounts not to exceed $2,500,000 when the total estimated definitive contract amount is $5,000,000. When the total estimated amount of the definitive contract is less than $5,000,000 the maximum amount of any letter contract which the heads of technical services may authorize is 50 percent of such total estimated definitive contract amount. When the total estimated definitive contract amount of any procurement exceeds $5,000,000, or it is desired to award a letter contract for an amount in excess of 50 percent of the total estimated amount of the definitive contract, irrespective of such total, prior approval of the Assistant Chief of Staff, G–4, Department of the Army, Chief, Purchases Branch, is required before issuance of the letter contract. (For instructions as to information to be furnished in requesting authority to issue letter contracts as herein specified, see § 592.408–54.)

(b) *Letter contracts for research and development.* Chiefs and acting chiefs of technical services are authorized to issue letter contracts for research and development within the scope of an authorized research and development project in amounts not to exceed $125,000 when the total estimated definitive contract amount is $250,000. When the total estimated amount of the definitive contract is less than $250,000, the maximum amount of any letter contract which the chiefs of technical services may authorize is 50 percent of such total estimated definitive contract amount. When the total estimated definitive contract amount of any procurement exceeds $250,000, or it is desired to award a letter contract for an amount in excess of 50 percent of the total estimated amount of the definitive contract, irrespective of such total, prior approval of the Assistant Chief of Staff, G–4, Department of the Army, Chief, Purchases Branch, is required before issuance of the letter contract. (For instructions as to information to be furnished in requesting authority to issue letter contracts as herein specified, see § 592.408–54.)

§ 592.408–51 *Redelegation of authority.* The authority delegated in § 592.408–50 (a) and (b) may be redelegated by chiefs of technical services to the extent deemed necessary to personally selected members of their organizations. Such selected members are not authorized to redelegate this authority.

§ 592.408–52 *Supersedure by definitive contract.* (a) Letter contracts will be superseded by definitive contracts at the earliest practicable date. Consequently, definitive contracts will be executed promptly after proper consideration has been given, when possible, to such factors as—

(1) Reasonable assurance that the terms reached are the minimum acceptable to the contractor and are fair both to the Government and the Contractor;

(2) Relationship to precedents as to price redetermination and profit established by similar contracts with Army, Navy, Air Force, or other Government agencies;

(3) The effect on future contract negotiation with the Contractor; and

(4) The primary importance of meeting phased delivery requirements.

(b) Definitive contracts executed after 15 May 1951 will contain the Assignment of Claims clause set forth in § 596.103–8 of this subchapter.

§ 592.408–53 *Conditions for use.* Subject to §§ 592.408–50 and 592.408–51, the authority to issue letter contracts is contingent upon compliance with § 592.408 of this title and the conditions set forth below:

(a) That the definitive contracts will contain all required standard clauses, in addition to such standard optional clauses as are necessary to protect fully the interest of the Government, and that this provision will be made a condition of each letter contract.

(b) That all fixed-price contracts, when there is no information upon which to base reasonableness of price, will contain applicable standard price redetermination clauses with upward limitations thereunder held to a minimum, but in no event to exceed 25 percent, and that this provision shall be made a condition of each applicable letter contract.

(1) Irrespective of total estimated definitive contract amount, a definitive contract or letter contract providing for a price redetermination clause with upward revision exceeding 25 percent must have prior approval of the Assistant Chief of Staff, G–4, Department of the Army, Chief, Purchases Branch.

(2) Independent Government estimate, prepared prior to receiving estimate from the proposed Contractor, may be used to determine reasonableness of price.

(c) That the fixed-fee in a cost-plus-a-fixed-fee type of contract will not exceed the limitations set forth in § 402.406–1 of this title, with further consideration given to the following:

(1) The absence of risk to the Contractor.

(2) The estimated quantity of the following as compared with the total estimated definitive contract price: (i) material, (ii) subcontracting, (iii) purchased parts, and (iv) "Off-the-Shelf" items.

(3) The size of the proposed contract.

(d) That the profit to be paid shall be consistent with the protection afforded to the Contractor in the minimizing or removal of risk to him, with due consideration given to the estimated quantity of the following as compared to the total estimated contract price: (1) material, (2) subcontracting, (3) purchased parts, and (4) "Off-the-Shelf" items.

(e) That the duration of the letter contract will not exceed 120 days from the date of execution. Extensions which increase the duration beyond 120 days will not be made without prior approval of the Assistant Chief of Staff, G–4, Department of the Army, Chief, Purchases Branch.

§ 592.408–54 *Information to be furnished when requesting approval of letter contracts.* Requests for authority to award letter contracts submitted to the Assistant Chief of Staff, G–4, Department of the Army, Chief, Purchases Branch, must indicate that the use will be in accordance with the basic policies set forth in § 402.408 of this title, and will include the following:

(a) Statement as to the necessity and advantage to the Government of the use of the proposed letter contract.

(b) Name and address of proposed Contractor.

(c) Location where contract is to be performed.

(d) Brief description of supplies and quantities to be furnished or services to be rendered.

(e) Duration of letter contract in number of days from date of execution.

(f) Amount of letter contract.

(g) Total estimated definitive contract amount, including estimated cost of (1) facilities, (2) special tooling, equipment, etc., (3) activation or reactivation, (4)

training of personnel, and (5) subcontracting.

(h) Estimated delivery schedule.

(i) Type of definitive contract proposed (fixed-price, cost-plus-a-fixed-fee, etc.).

(j) Statement as to whether the definitive contract will contain all required standard clauses in accordance with Subchapter A, Chapter IV and Subchapter G, Chapter V of this title, and other Department of the Army directives.

(k) List of all standard optional clauses which will be made a part of the definitive contract, including (1) Patent clauses, (2) Copyright clause, (3) Special Tooling clause, (4) Government Property clause, (5) Facility agreement, and (6) Price Redetermination clause (including form number and percentage of upward revision).

(l) Statement that the provisions of paragraphs (j) and (k) of this section will be made a condition of the subject letter contract.

(m) Statement that the minimization of risk, through inclusion of the price redetermination clause, will be given due consideration in determining the rate of profit to be allowed, with further attention given to the amount of each of the following as compared to the total estimated contract amount: (1) material, (2) subcontracting, (3) purchased parts, and (4) "Off-the-Shelf" items.

(n) Source of funds to be used in the proposed procurement, showing—

(1) Total allocated, and

(2) Total obligated to date, exclusive of the proposed letter contract.

(o) Statement that research and development funds will not be used when the work to be covered is not for research and development.

(p) Statement that the definitive contract will be executed with a minimum of delay.

(q) Statement that the Assistant Chief of Staff, G–4, Department of the Army, Chief, Purchases Branch, will be notified through the Head of the respective Procuring Activity, without delay, as to the date of execution of the letter contract.

(r) Statement that request for approval of award, if required, will be forwarded in time to reach the Office of the Assistant Chief of Staff, G–4, Department of the Army, Chief, Purchases Branch, no later than 15 days prior to the expiration of the letter contract.

(s) Statement that the letter contract will be reported on Individual Procurement Action Report (DD Form 350) in the amount of the letter contract; and that subsequent reports will be submitted, when and if changes are made in the amount of obligation of the letter contract, only in the amount of such change, whether plus or minus. Further, that when formal contract is executed, report will be made only in the amount of the definitive contract, less the cumulative obligation under the letter contract and any changes thereto. (See Subpart C, Part 606 of this subchapter.)

§ 592.408–55 *Approval for modification of letter contracts.* Letter contracts approved for issuance by the Assistant Chief of Staff, G–4, will not be extended or amended without prior approval of Assistant Chief of Staff, G–4, Department of the Army, Chief, Purchases Branch. Requests for approval of extensions or increases will be submitted in the following form:

(a) Name and address of Contractor.

(b) Description of work to be performed, showing quantity of items originally approved.

(1) If quantities have been increased subsequent to original approval, show such quantities, authority, and date.

(2) If additional quantities are to be procured, show such quantities and new total.

(c) Date originally approved.

(d) Date letter contract was executed (accepted by Contractor).

(e) Duration originally approved.

(1) If extensions in the duration have been made subsequent to original approval, show such extensions, authority, and dates.

(2) If additional days are required, show number required and new total.

(f) Amount of letter contract originally approved.

(1) If increases have been made subsequent to original approval, show each increase, authority, and dates.

(2) If additional increase is required, show amount and new total, and source of funds, including: (i) total allocated, and (ii) total obligated to date, exclusive of the proposed increase.

(g) Estimated definitive contract total originally approved.

(1) If increases have been made subsequent to original approval, show each increase, authority, and date.

(2) If additional increase is required, show amount and new total.

(h) Complete justification for extension or increase requested, including reasons as to why definitive contract cannot be executed without such amendment.

NOTE. The requirements of this section shall not be construed to restrict Procuring Activities from approving definitive contracts, within the authority of § 606.204 of this subchapter, for which letter contracts were approved by the Assistant Chief of Staff, G–4. Department of the Army, Chief, Purchases Branch, prior to the designation of such authority.

§ 592.409 *Other types of contracts*—(a) *Purchase order.* A Purchase Order is a fixed-price contract, in the form of a written acceptance signed by the Contracting Officer, for the purchase of supplies or services from an established price list or following a written or oral quotation of prices. Purchase Orders shall be used only for negotiated purchases and as prescribed in Part 596 of this subchapter. DD Form 738 is a type of Purchase Order authorized for use for purchases not in excess of $5,000 (see subpart F, part 592 of this subchapter).

(b) *Open-end contract.* An open-end contract is an agreement for supplies or services which contains no or varying limits of time and quantity and which usually involves recurring order and charges in varying degree.

(c) *Informal commitment.* (1) An informal commitment is a verbal order or written communication by a Contracting Officer or his authorized agent, requesting a person or firm to furnish supplies or services to the Government or a defense Contractor.

(2) Informal commitments will be entered into under the circumstances only as authorized by § 606.409–1 (c) of this subchapter, and pursuant to instructions of the Head of a Procuring Activity issued under authority contained in this Procedure.

(3) Informal commitments will not be entered into for specific amounts. The basis of payment will be "fair compensation" as approved by the appropriate approving authority, depending upon the amount involved.

(4) Requests for formalization of informal commitments will be processed pursuant to § 606.409–2 of this subchapter within 10 days after completion of performance thereof.

(5) No payment will be made or certified in connection with an informal commitment until formalization has been approved and accomplished.

SUBPART E—ADVANCE PAYMENTS

§ 592.502 *Authority to make advance payments.* It is the policy of the Army to require Contractors furnishing supplies and services to be able to perform contracts with their own funds or with private financing. In negotiated procurements, Contractors may be assisted in financing needs by providing for expeditious reimbursement for proper expenditures under cost-reimbursement type contracts, and by use of progress payments in connection with fixed-price contracts. The policy with respect to the use of progress payments is set forth in § 596.150–1 of this subchapter. Exceptions to this general policy may be permitted in negotiated procurements in those instances in which the Contractor is particularly adapted to the supplying of items or services to be procured, but who is limited in working capital and is unable to obtain private commercial financing. In such cases, consideration may be given to the use of Government financing through advance payments as prescribed in Subpart E, Part 402 of this title and subpart.

(a) Authority to make advance payments is vested in the Under Secretary of the Army. Requests for such authority will, in each instance, be submitted to the Comptroller of the Army, through the Head of the Procuring Activity concerned and the Chief of Finance. The request including all supporting documents, submitted in original and two copies, will be supported by the following data:

(1) All requests for authority to make advance payments will contain a finding of fact and recommendation substantially as follows, signed by the Chief of the originating office and the Chief of each office through which the request is forwarded:

Based on statements contained in inclosures attached hereto (and preceding indoresements [1]), I find that an Advance Payment of not to exceed -- percent of the total cost of Contract No. ------ referred to herein is proper; is in the interest of national defense and it is recommended that it be approved by the Under Secretary of the Army.

[1] To be included when applicable.

(2) All requests for advance payment authorizations shall be accompanied by the following information attached as inclosures:

(i) Request for advance payment by Contractor.

(ii) Statement of Contractor's financial condition.

(iii) Breakdown of Contractor's estimated working capital requirements necessitating advance payments in the amount requested. (This may be evidenced by flow charts, planned schedules of expenditures, etc.)

(iv) Statement of terms of the proposed advance and method of repayment or liquidation.

(v) An original and two copies of the Determination and Findings required by § 402.302 (g) of this title in the form set forth in § 592.305 (c).

(vi) Advance Payment Clause proposed.

(vii) Other pertinent information (to include but not be limited to)—

(*a*) Date and identifying symbol of the approval of the award, together with citation of the appropriation available.

(*b*) Type of contract (fixed price, CPFF, or cost-reimbursable; if fixed price or CPFF, state percentage rate of profit or fee).

(*c*) Rate of interest to be charged on advance payment.

(*d*) If contract includes fee or profit element and no interest is to be charged on advance payment, statement of justification therefor.

(*e*) Dollar amount of the contract, the items to be supplied and a schedule of deliveries.

(viii) Copy of the Contracting Officer's report on the advance payment request, if any.

(3) Letter or forwarding indorsement from the Head of the Procuring Activity shall also include statements as to the following:

(i) Existence of requirement for the goods or services.

(ii) That no other contractor with other means of financing is available on an equally desirable basis.

(iii) Security proposed to protect the Government against loss, together with definite recommendation as to the adequacy thereof and negative covenants, if any, needed for further protection of the Government against loss.

(iv) That definitive contract will contain an Advance Payment Article in the form inclosed.

(v) General character and responsibility of the Contractor, as well as his technical ability to perform the contract, including statement of prior or existing contracts entered into with contractor. Contracts so listed shall indicate—

(*a*) Whether contract contained provision for advance payments; and if so, the amount thereof and were advances made with or without interest.

(*b*) Type of contract (fixed price with profit, CPFF or cost-reimbursable).

(b) Requests for approval of the authorization of an advance payment may be presented during the negotiation of a contract and prior to completion thereof. If the proposed contract is available, a copy thereof shall be attached to the request. If copy of the contract is not available at the time the request is forwarded, a copy shall be submitted promptly to the Chief of Finance for review and filing subsequent to execution.

§ 592.503 *Limitations on authority to make advance payments.* A request for authorization to make advance payments shall not be forwarded unless it comes within the provisions of § 402.503 of this title. It should be noted that paragraph (b) of § 402.503 of this title makes an exception which permits advance payments in connection with nonprofit research and development contracts with educational institutions.

§ 592.504 *Security provisions.* (a) Advance payments shall be authorized only on the furnishing of adequate security by the Contractor. This security shall be that required under provisions of the contract involved. A guarantee by, or bond of, a parent corporation is desirable if the subsidiary corporation has limited financial responsibility, especially in the case of a newly formed subsidiary corporation. Whether or not guarantees, subordination agreements, or other security devices shall be required in connection with advance payments is within the discretion of the Secretary. Advance payment bonds shall be required only in the most exceptional circumstances.

(b) When contract clause provides for deposit of monies from the advance payment to be placed in a special bank account, the contractor shall obtain, execute, and turn over to the Contracting Officer for transmittal, through the Head of the Procuring Activity concerned and the Chief of Finance, to the Comptroller of the Army two copies of an agreement executed by each bank in which a control bank account is established. Such an agreement shall be prepared substantially in the following form:

AGREEMENT

Agreement entered into this ------ day of -------- 195--, between the United States of America, represented by the Contracting Officer executing this agreement, hereinafter called the Government, ----------,
(Contractor)
a corporation organized and existing under the laws of the State of ----------, hereinafter called the Contractor, and ----------, a banking corporation of the State of ----------, located ----------, hereinafter called the bank.

RECITALS

(a) Under date of ----------, 195--, the Government and the Contractor entered into Contract No. ------, or a supplemental Agreement thereto, providing for the making of certain advance payments to the Contractor.

(b) Said Contract or Supplemental Agreement requires that amounts advanced to the Contractor thereunder be deposited in a Special Bank Account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U. S. C. 264), separate from the Contractor's general or other funds; and, the bank being such a bank, the parties are agreeable to so depositing said amounts with the bank.

(c) It is further agreed that the Government shall have a lien upon the credit balance in said account to secure repayment of all advance payments made to the Contractor, which lien shall be superior to any lien or claim of the bank with respect to such account. In the event of the service of any writ of attachment, levy of execution or commencement of garnishment proceedings with respect to the Special Bank Account, the bank will promptly notify the office administering the advance payment thereof.

Now, therefore, in consideration of the premises and for other good and valuable considerations, the parties hereto agree that the bank will be bound by the provisions of said contract or contracts relating to the deposit and withdrawal of funds in the Army Special Bank Account, but shall not be responsible for the application of funds withdrawn from said account.

In witness whereof the parties hereto have caused this Agreement to be executed as of the day and year first above written.

THE UNITED STATES OF AMERICA,
By ----------
(Official Title)

(Contractor)
By ----------
(Bank Depository)
By ----------

(c) Upon the liquidation of advance payments, releases, and agreements to release mortgages, guarantors in guaranty agreements, sureties on advance payment bonds, and other security devices which may be required in connection with advance payments, will be executed by the Under Secretary of the Army. Requests for such executions, accompanied by a certification of the Contracting Officer that the advance payment has been completely liquidated, will be forwarded to the Under Secretary of the Army (address request to the Comptroller of the Army) through the Head of the Procurement Activity concerned and the Chief of Finance.

§ 592.505 *Interest on advance payments.* Except when specifically authorized by the Under Secretary of the Army to be made without interest, whenever an advance payment is made to a Contractor by the Army, a charge will be made for use of Government money so furnished. The charge will be in the nature of an interest charge, computed on the rate set by the Under Secretary of the Army and figured in accordance with SR 35–225–8 (Fiscal Accounting—Accounting and Reporting for Advance Payments and Recoupments). In the case of a fixed-price contract, the amount of the charge will be deducted from payments under the contract. In the case of a cost-plus-fixed-fee contract, the charge will be deducted from the amount of the fee otherwise payable to the Contractor. In case such fee is not sufficient to take care of such interest, chargeable deduction will be made from any other monies due the Contractor. Such interest will not be an item of reimbursable cost under the contract.

§ 592.506 *Reports.* See SR 35–225–8 (Fiscal Accounting—Accounting and Reporting for Advance Payments and Recoupments).

§ 592.550 *Contract clauses.* Instructions pertaining to the use of contract clauses providing for advance payments are set forth in § 596.150–2 of this subchapter.

§ 592.551 *Uncollected balances.* For action to be taken on uncollected balances on advance payments under contracts, see SR 35–225–8 (Fiscal Accounting—Accounting and Reporting for Advance Payments and Recoupments).

SUBPART F—SMALL PURCHASES

§ 592.601 *Purpose.* (a) With the realization that small purchases comprise a very large percentage (approximately 40 percent) of procurement actions and a very small percentage (less than 1 percent) of the total dollar value, much attention has been centered on simplifying the small purchase procedure. It is believed that a clear understanding of the background and intent of this procedure is necessary for its intelligent use and maintenance of its simplicity. With the knowledge that for many years it has cost the Government more money to effect a very small purchase than the actual value of the purchase, Congressional and other governmental groups and the Department of the Army have been striving to reduce and, if possible, invert this situation.

(b) In order to simplify small purchases, the Department of the Army has established the use of three procedures authorized by the Department of Defense, namely, the use of DD Form 738 (Order and Voucher for Purchase of Supplies or Services), Standard Form 44 (Purchase Order—Invoice—Voucher), and the imprest fund. These forms and procedures are so designed that proper utilization thereof will simplify the small purchase procedure and reduce administrative costs and workload. In addition to these three procedures, negotiated procurements may be made where deemed necessary by the contracting officer by the use of other approved purchase forms not specifically designed for small purchases.

(c) This subpart is to be considered as a general guide in the making of small purchases except where specific action is directed. It is anticipated that procedures at individual installations or commands will vary slightly according to local conditions and to meet specific situations. In this connection audits, inspections, requests for copies of purchase documents, completeness of contract files, and normal procurement safeguards in general must be considered with respect to the objectives to be attained. Only the minimum adequate protection should be established in the small purchase area. Any additions tend to increase the administrative costs and workload. The extent of such protection to the Government is a command decision at each successive echelon.

§ 592.602 *Policy.* (a) Small purchases will be made by negotiation. Written determinations with respect to the method of effecting small purchases are not required, unless specifically directed in this subpart.

(b) Section 2 (c) (3), Armed Services Procurement Act of 1947, authorizes the negotiation of purchases and contracts without advertising if the aggregate amount does not exceed $1,000. Section 2 (c) (1) of the Armed Services Procurement Act of 1947, however, will be cited as authority to negotiate small purchases as defined in § 402.600 of this title, during a period of national emergency declared by the President or by Congress and when the Secretary has made a determination in accordance with § 402.201 of this title and § 592.201 to negotiate under section 2 (c) (1).

(c) The notification of unsuccessful suppliers, required by § 592.150 is not required for small purchases made by negotiation.

(d) The written determination by the Contracting Officer as to the necessity for preaward survey, required by § 590.357 of this subchapter, is not required for small purchases made by negotiation.

(e) Statement of justification for negotiation, required by § 592.201–2 (d), is not required for small purchases made by negotiation.

(f) In requesting quotations (oral quotations are desirable) from vendors, all items in similar categories (such as, small hardware items, spare parts for vehicles, office supplies, etc.) may be grouped on the same purchase order and the lowest aggregate quotation rather than the lowest quotation on each item may be accepted. The vendor will be advised of this when he is requested to quote.

(g) Submission of quotations by vendors incident to small purchases will be made in accordance with § 606.201 (b) of this subchapter.

(h) The overriding consideration in small purchase procedure is to accomplish such procurement as economically, simply, and expeditiously as practicable. Accordingly, administrative requirements not contained in Subchapter G, Chapter V, or Subchapter A, Chapter IV of this title for additional copies or wider distribution of small purchase contracts, delivery orders, or the addition of certificates with regard to the use or purpose of the items being purchased, required for accounting or other purposes, will not be observed by contracting officers. Any exception deemed necessary will be authorized in the future only through issuance of changes to Subchapter G, Chapter V, of this title or in Army Procurement Circulars.

§ 592.604 *Imprest Fund.* (a) The Imprest Fund is the method preferred for accomplishing small purchases when cash payment is contemplated. In addition to the instruction in § 402.604 of this title the details of its operation are contained in SR 35–350–10 (Imprest Funds for Small Purchases). It is the only authorized cash small purchase procedure, except for cash payments by Accountable Disbursing Officers.

(b) The Imprest Fund may be used to pay for items listed on the Federal Supply Schedules if the vendor concurs.

(c) On Standard Form 1165 there is space to list only four items. If more space is necessary in a purchase transaction using the Imprest Fund, a plain sheet of paper may be used as a continuation sheet. The total amount of the transaction must appear on the Standard Form 1165.

§ 592.605 *Order - invoice - voucher method (Standard Form 44).*

§ 592.605–1 *Limitations on use.* Standard Form 44 is authorized for use within and outside the continental limits of the United States.

§ 592.605–2 *Examples of use.* (a) Standard Form 44 (U. S. Government Purchase Order — Invoice — Voucher) which has been promulgated by the Administrator of General Services with the approval of the Comptroller General of the United States, is authorized for accomplishing small purchases of supplies and services other than personal. The primary purpose of the form and the procedure for its use is to permit greater economy and convenience for both the Government and the vendor than that which results from the use of other procedures. It provides in one document a purchase order or delivery orders, a receiving report, a property voucher, and a payment voucher. In addition to the conditions for use cited in § 402.605–2 of this title, it is intended for, but not limited to use in the following general categories of purchasing operations. For—

(1) Small purchases (particularly those less than $10) where vendors are reluctant to honor small orders because of administrative and billing expenses.

(2) Purchasing from small merchants, farmers, truckers, or any other individual not equipped to bill sales in accordance with normal business practices and not well versed in dealing with the Federal Government.

(3) Other transactions where its use will minimize paper work and administrative expense and act as an incentive for the seller to do business with the Government by simplifying purchasing and expediting payment.

(b) The only authorized payment method is by check unless payment is made by an accountable disbursing officer. The general instructions for use and preparation of the form are prescribed in §§ 592.605–50 and 592.605–54. Additional instructions are prescribed in §§ 592.605–52, 592.605–53 and 592.605–54, which are applicable to the check purchase method.

§ 592.605–50 *Instructions for use.* (a) Purchases with this form will be accomplished by the ordering officer as indicated under the space by this designation on Standard Form 44. The ordering officer will be the contracting officer and/or other officers as may be designated by the commanding officer of the installation, if deemed to be practicable. For example, representatives of the post repair shop, post supply offices, organizational units, and other offices may be appointed as ordering officers to facilitate the accomplishment of such purchases for the user. The appointment of such ordering officers should define the scope and limitations of their authority, such as the supplies or services that may be purchased.

(b) All purchases under this procedure will be negotiated under the authority of section 2 (c) (1), Public Law 413, 80th Congress during the period of the National Emergency, otherwise the authority will be under section 2 (c) (3), but the citation of this authority on Standard Form 44 is not necessary. Ordering officers will take advantage of competition whenever practicable to purchase supplies or services at the most favorable price to the Government; however, competition is not required in purchases of $100 or less where the price is known to be reasonably competitive. In any case, the prices paid for supplies or services must be just and reasonable and not above the established price for the quantity of items involved.

(c) Standard Form 44 may be used for the purchase of supplies or services under the following conditions:

(1) No special contract form or clauses are necessary, except as provided in § 592.651.

(2) The items are authorized for purchase by the installation concerned.

(3) To order items from GSA stores depots or the Federal Supply Schedules.

(d) The ordering officer will be responsible for assuring that funds have been made available in the estimate amount of the purchase contemplated, and for entering in the appropriate spaces, on Standard Form 44, the proper accounting classification to be charged. The signature of the ordering officer on Standard Form 44 will constitute the certification that funds are available under the appropriation and allotment cited in the accounting classification. Where purchases occur frequently, the ordering officer may obtain a lump-sum certification of funds from the fiscal officer under each applicable allotment account for a specified period of time. The ordering officer will advise the fiscal officer before the close of each accounting month the amount of all purchases made on Standard Form 44 which have not been submitted to him for recording of the obligation (§ 592.605–53 (c).

(e) The four-part form is printed in book form, with GSA instructions for use printed on the inside front cover. In case of conflict between the GSA instructions, and those contained in this subpart F, the latter will govern.

§ 592.605–51 *Preparation.* (a) Ordering officers will execute Standard Form 44 in quintuplicate at the time of purchase. Entries will be made in the spaces, as outlined below, starting with the space "Date of order" and ending with the space "Appropriation, limitation, project or other accounting classification."

(b) Date of order—appropriate date will be noted.

(c) Following the name of the agency, "Department of the Army," and in the space "Mailing address," there will be inserted the name and address of the issuing officer or organization.

Example: Department of the Army
Ordnance Maintenance Shop
Camp Hood, Texas

(d) In the spaces "Furnish to" and "Address," the name and address of the office organization that is to receive the item will be inserted.

(e) The columns headed "Quantity," "Item," and "Unit" will be filled in by the ordering officer. The column headed "Amount" and the spaces designated "Total" and "Discount" are to be filled in either by the seller or by the ordering officer prior to the form being signed by the ordering officer.

(f) The space "Purpose" may be left blank. The complete accounting classification which is to be charged will be inserted in the space "Appropriation, limitation, project, or other accounting classification."

(g) The signature of the seller must be obtained in the space for certification of the bill or certified vendor's invoice attached to the original Standard Form 44, U. S. Government Purchase Order-Invoice-Voucher (Copy No. 1).

(h) The signature and title of the ordering officer should be inserted in the space "Ordered by."

(i) All copies of the form must be legible. If the form is to be prepared with a pencil, an indelible pencil should be used. If a plain pen instead of a ballpoint pen is used, caution should be taken to see that the writing shows on all copies.

(j) The business or trade name and address of the seller must be printed in the space provided in order to facilitate payment.

(k) The signature of the authorized certifying officer will be inserted in the designated space after the supplies or services have been received, the receiving section of the form has been executed, and all other entries have been made for payment of the bill. To comply with paragraph 2, SR 35–3210–10, copies of the form will be routed so that the person acknowledging receipt of the supplies may also indicate receipt on the reverse side of Copy No. 1. When the voucher covers nonpersonal services, a certificate of satisfactory performance will be inserted and signed on Copy No. 1.

§ 592.605–52 *Record of purchases for the ordering officer.* The ordering officer will maintain a record of purchases for his own use.

§ 592.605–53 *Check purchase method.* (a) When delivery is made to the ordering officer, the section showing receipt of the items will be accomplished by him on appropriate copies.

(b) When delivery is to be made to anyone other than the ordering officer, the copies of Standard Form 44 will be forwarded to the individual authorized to receive the supplies or services for accomplishment of the receiving section and for obtaining the vendor's signature on copy No. 1 (Seller's Invoice) for certification of the bill. After accomplishment of these sections, copy No. 2 (Seller's Copy of Invoice) will be given to the vendor. Copy No. 4 (Memorandum Copy) will be forwarded to the appropriate property officer; copy No. 1, Copy No. 3 (Receiving Report—Accounting Copy), and copy No. 5 (Additional Copy) will be returned to the ordering officer for processing as a voucher.

(c) For the obligation of funds, all vouchers will be transmitted through the fiscal officer to the disbursing officer. See § 592.605–55 for the illustration of the flow of documents.

(d) The disbursing officer will place the order number(s) of Standard Form 44 on the check so that the vendor may identify the transaction.

(e) When Standard Form 1034—Revised (Public Voucher for Purchases and Services Other Than Personal) is not used as a voucher, distribution of copies of Standard Form 44 is as follows (fig.1):

(1) *Copy No. 1 (original), seller's invoice.* Disbursing officer and General Accounting Office.

(2) *Copy No. 2, seller's copy of invoice.* Vendor.

(3) *Copy No. 3, receiving report; accounting copy.* Disbursing officer.

(4) *Copy No. 4, memorandum copy.* Property officer.

(5) *Copy No. 5, additional copy.* Fiscal officer.

(f) When Standard Form 1034 is used as a voucher—

(1) Standard Form 1034 should be prepared as a voucher with Standard Form 44 attached as subvoucher in any one of the following circumstances. When—

(i) The name and address of the vendor on Standard Form 44 are not clearly legible.

(ii) The amount to be paid the vendor is less than the invoiced amount, apart from the discount deduction, Standard Form 1034 will be used, showing thereon the number of the attached order so that information with respect to the differences may be forwarded to the vendor with the check, attached to Standard Form 1034.

(iii) More than one seller's invoice from the same seller are ready for payment, all such invoices should be consolidated and vouchered on a single Standard Form 1034, indicating thereon the order number of each of the seller's invoices attached so that all may be paid by a single check.

(2) The signature of the authorized certifying officer on Standard Form 1034 will be sufficient in lieu of such signature on each Standard Form 44 that is attached as a subvoucher.

(3) Distribution of copies of Standard Form 1034 (fig. 2) will be as follows:

(i) *Copy No. 1 original (with seller's invoice (copy No. 1), Standard Form 44, attached as a subvoucher).* Disbursing officer and General Accounting Office.

(ii) *Copy No. 2 (with receiving report; accounting (copy No. 3), Standard Form 44, attached as a subvoucher).* Disbursing officer.

(iii) *No. 3 (with copy No. 5 (additional copy) of Standard Form 44, attached as a subvoucher).* Disbursing officer and fiscal officer.

(iv) *Copy No. 4.* Ordering officer.

(v) *Copy No. 5.* Disbursing officer (attaching voucher) and vendor.

(4) Distribution of copies of Standard Form 44 (fig. 2).

(i) *Copy No. 1, original, seller's invoice (attached as subvoucher to Standard Form 1034).* Disbursing officer and General Accounting Office.

(ii) *Copy No. 2, seller's copy of invoice.* Vendor.

(iii) *Copy No. 3, receiving report; accounting copy (attached as a subvoucher to Standard Form 1034).* Disbursing officer.

(iv) *Copy No. 4, memorandum copy.* Property officer.

(v) *Copy No. 5, additional copy (attached as a subvoucher to Standard Form 1034).* Fiscal officer.

(g) Consolidation of seller's invoices from the same vendor on one monthly voucher.

(1) When ordering officers anticipate making more than one purchase from the same vendor during a month, the accomplished copies of Standard Form 44 (copies Nos. 1 and 3) may be held until the end of the month for consolidating the invoices and preparing one voucher, Standard Form 1034, for payment of the vendor. However, action should be taken by the ordering officer to see that such a practice is satisfactory to the vendor in order to avoid complaints on delayed payments (§ 592.605–53 (f) (1) (iii)).

(2) When "time payment" discounts are stated on Standard Form 44, the appropriate copies will be processed for payment without delay in order to take advantage of the discount.

§ 592.605–54 *Forms; Standard Form 44.* (a) Standard Form 44 is printed as a carbon interleaved form, five sheets per set.

(b) The requisition and issue of blank forms will be made by one office at each installation for control purposes. Requisitions will be submitted to the appropriate Adjutant General's publications depot for the necessary forms. Issues of blank forms will be made only to authorized ordering officers.

§ 592.605–55 *Flow charts.* Flow charts are indicated as follows:

CHECK PURCHASE METHOD, STANDARD FORM 44
(WHEN STANDARD FORM 1034-REVISED IS NOT USED AS A VOUCHER)

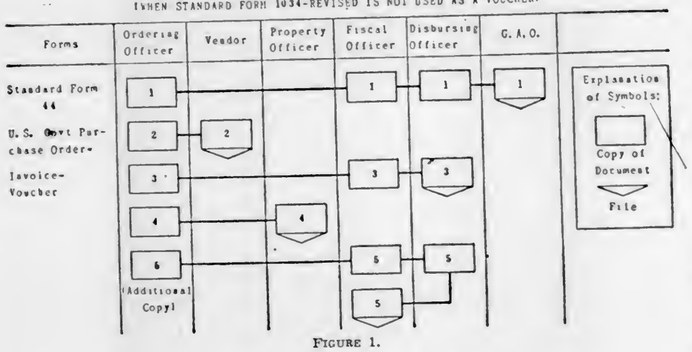


FIGURE 1.

CHECK PURCHASE METHOD, STANDARD FORM 44
(When Standard Form 1034-Revised is Used as a Voucher)
(With Standard Form 44 Attached as a Subvoucher)

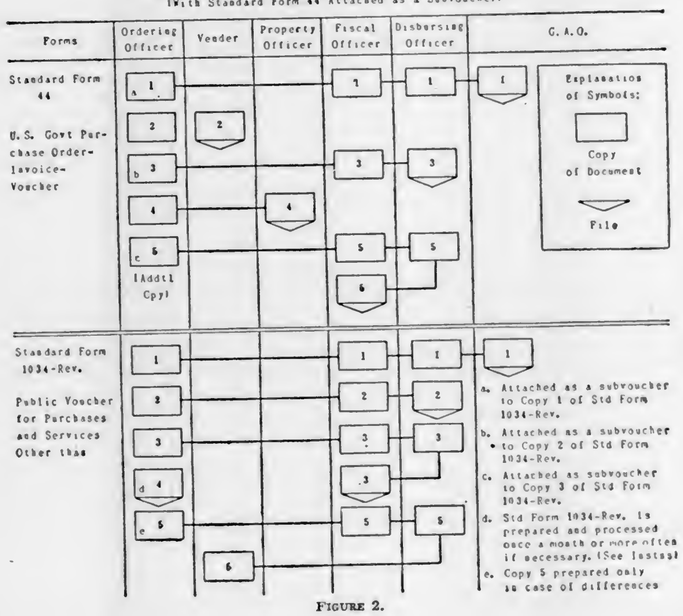


FIGURE 2.

§ 592.606 *Blanket purchase order method.* The blanket purchase order method will be used where practicable.

§ 592.607 *Use of DD or departmental procurement forms.* (a) Small purchases effected by negotiation will be consummated by the use of one of the following methods:

(1) Imprest fund (SR 35–350–10) (Imprest Funds For Small Purchases), use of Standard Form 1165 (Receipt for Cash Subvoucher).

(2) U. S. Government Purchase Order-Invoice-Voucher (Standard Form 44).

(3) Order and Voucher for Purchase of Supplies or Services (DD Form 738).

(4) Other appropriate authorized forms.

(b) It is incumbent upon the Contracting Officer to choose that method which best fits the requirements of any purchase. Individual purchases of $25 or less will be made using the imprest fund, or the check procedures with the Standard Form 44 or DD Form 738. It is the duty of the purchasing officer to make use of the form which will involve the least paper work and the least expense to the United States. Usually imprest funds or Form 44 will be used within a radius of approximately 50 miles from the purchasing office, but the use of these forms is not limited to such use.

§ 592.650 *Order and voucher for purchase of supplies or services (DD Form 738).* (a) The Order and Voucher for Purchase of Supplies or Services Other Than Personal (DD Form 738) is used for—

(1) Small purchases in an amount not exceeding $1,000 (see sec. 2 (c) (3) Armed Services Procurement Act of 1947).

(2) Purchases in an amount not exceeding $5,000 in those cases where authority exists to make procurement by negotiation (see sec. 2 (c) (1) of Armed Services Procurement Act and Decision of Comptroller General B–45102 dated 26 July 1951).

(b) Payments will be made by check except that payment may be made in cash by an accountable disbursing officer in any amount for which the form is authorized.

(c) The purpose of the form is to effect such purchases in the simplest manner. It provides in one document a purchase (or delivery) order, a receiving and inspection report, a property voucher, and when supported by a vendor's invoice, a payment voucher. The use of this DD Form 738 and DD Form 738–1 (continuation sheet) according to the procedure herein will simplify purchasing procedure, will increase efficiency by simple actions, will effect economy in personnel and overhead, will reduce quantities of forms used and attendant paper work, and will expedite payments to vendors.

(d) DD Form 738 (Order and Voucher for Purchase of Supplies or Services) is designed for use where one payment and one delivery are contemplated. Although it may be used where not to exceed five payments are ultimately involved in a single transaction, it is not an entirely satisfactory form under such circumstances. Likewise where more than one delivery or more than one destination is involved it is necessary to provide additional documents for each additional delivery. In view of the limitations of Form 738 where multiple deliveries or payments are known or believed to be probable, DD Form 702 (Order for Purchase of Supplies or Services) (used in conjunction with DD Form 250 (Materiel Inspection and Receiving Report (Domestic)) and Standard Form 1034 (Public Voucher for Purchases and Services Other Than Personal) should be utilized. Contracting Officers should choose the form most suitable for use after consideration of the probable delivery and payment requirements of a proposed procurement.

§ 592.650–1 *Use of DD Form 738 as a purchase order.* Form 738 is authorized for use at stations, depots, and other procuring offices in procuring any supplies or services where the amount of the purchase order does not exceed $5,000; however, the other provisions of Subchapter A, Chapter IV and this Subchapter G apply where purchases are made in excess of $1,000.

§ 592.650–2 *Use of DD Form 738 as a delivery order*—(a) *Monthly charge accounts.* (1) Monthly charge accounts are authorized to be set up by Contracting Officers with vendors when experience has indicated, or when in the judgment of the Contracting Officer, numerous purchases of small amounts are likely to be made from the same vendor.

(2) It is the intent of the charge account procedure that it be used to parallel as closely as possible the use of charge accounts used by business concerns.

(3) A charge account method of doing business with vendors may be established and accounts paid through the use of DD Form 738, provided the total orders placed during an agreed billing period do not exceed $5,000. The charge account procedure, necessarily requires the vendor's consent. This is not meant to limit the use of other authorized purchase order forms if the amount charged in any month exceeds $5,000.

(4) Each separate order placed against a charge account must be placed after conduct of negotiation and justification appropriate to the action, except where the order is for $100 or less, and price is known to be reasonably competitive.

(5) Receiving reports and/or inspection reports, as appropriate to the accounts of the consignee, will be prepared and copy furnished the Contracting Officer within 24 hours after receipt of each separate receipt of supplies or services.

(6) The separate receiving reports will be reconciled with the vendor's billing and will be retained in the Contracting Officer's file as a basis for his executing the Administrative Certificate on the face of the form when processing the periodic billing for payment.

(7) In order to avoid obligation of funds without knowledge of the fiscal officer, the following method may be used:

(i) The Purchasing and Contracting Officer may coordinate with the Fiscal Officer to estimate the amount of purchases to be made each month under each appropriation and project account.

(ii) The Fiscal Officer will record the estimated obligation and will give the Purchasing and Contracting Officer the authority to purchase up to the amount of the obligation. The obligation will be by appropriation and project account.

(8) Each order placed against a charge account will be identified by a purchase order number. One number which is good for the duration of the billing period may be used.

(b) *Consolidation of deliveries into one order.* (1) One order may be accomplished at the end of the month or more often, if necessary, when the total amount approaches $5,000, to cover previous deliveries against procurement methods such as, but not limited to, "open end", "Call type" or "term" contracts or charge accounts under the following conditions:

(i) When, in the judgment of the Contracting Officer, such action is more practical and economical than the making of separate delivery orders.

(ii) When the local Contracting Officer who issues the delivery order has made satisfactory arrangements with the vendor or his authorized representative.

Since the accumulation and consolidation of deliveries into one delivery order at the end of the month may result in a delayed payment, such action must be agreeable to the vendor.

(2) When such practice is to be followed, each delivery of supplies or services will be supported by a signed delivery ticket prepared in triplicate by the vendor. The following information will be shown on the delivery ticket:

(i) Name of Contractor.

(ii) Contract number.

(iii) Nomenclature of supplies or services including stock number, part number, etc., as necessary for proper identification.

(iv) Quantity of supplies or services.

In the event that the vendor does not furnish a delivery ticket, the individual who receives the supplies will prepare DD Form 227 (Receiving Report) showing the essential information thereon.

(3) The quantity listed on the delivery ticket will be verified, exceptions noted, and the three copies of the ticket will be dated and signed by the individual who is authorized to receive the items. Copies will be distributed as follows: Original to the accountable property officer, 1 copy to the Contracting Officer, and 1 copy to the vendor.

(4) The accountable property officer will voucher and post to the stock record account each delivery ticket covering supplies received. A basic voucher number will be assigned to each vendor and as deliveries are received during the current month the individual delivery ticket will be subvouchered against the basic voucher number established for the vendor concerned.

(5) The signed copy of the delivery tickets will be the basis for consolidating the deliveries and preparing one delivery order at the end of the month by the Contracting Officer. The vendor will be instructed to submit one invoice (four copies) for the period concerned.

(6) The accomplishment and processing of DD Form 738 will be as prescribed in this Subchapter G.

§ 592.650–3 *Use DD Form 738 as a receiving and inspection report.* (a) DD Form 738 is designed for use as a tally-in, an inspection report, and a receiving report.

(b) When inspection and/or acceptance is to be other than at destination, the place of such inspection and/or acceptance will be shown in the "Supplies or Services" column on the form. (See clause 1 on reverse of DD Form 738.)

(c) Upon receipt of the items provided for in the order, the accountable property officer or his authorized representative will complete the following on DD Form 738:

(1) Quantity accepted (face of form).
(2) Date received (reverse of form).
(3) Delivered by (reverse of form).
(4) Stock record account voucher number (reverse of form).
(5) Signature with grade and designation (reverse of form).
(6) Account serial number (reverse of form), and
(7) Date signed and signature (reverse of form).

The accountable property officer will request disposition instructions from the contracting officer for nonacceptable items and overages. Errors such as nomenclature stock number, etc., may be corrected manually.

(d) If inspection is made other than at destination, appropriate copies of Form 738 will be furnished to the inspection office. Accomplished inspection reports will be transmitted to the consignee unless otherwise indicated in each specific case by the Contracting Officer.

(e) Receiving reports will be accomplished within the time specified in paragraph 4, SR 715–55–6 (Processing of Receiving Reports):

------, a "target" of two work days and a "minimum service" of six calendar days are established for accomplishing receiving reports indicating inspection and/or acceptance of materiel and forwarding such reports to the appropriate office administering the contract or to designated disbursing office when direct submission of the report is indicated. ------

§ 592.650–4 *Use of DD Form 738 as a vendor's invoice.* (a) Special care will be exercised to have each vendor follow the instructions on DD Form 738 regarding preparation of vendor's invoice.

(b) When it is desired to utilize DD Form 738 as vendor's invoice, the following certificate will be typed or stamped in the "Supplies or Services" column on the original copy for the General Accounting Office, copy for the Disbursing Officer, and copy for the Fiscal Officer: "I certify that the above

bill is correct and just and that payment therefor has not been received." Only the original will be signed by the vendor.

§ 592.650–5 *Use of DD Form 738 as a voucher*—(a) *One payment.* DD Form 738 will be completed and processed as any other payment voucher.

(b) *More than one payment.* (1) Where more than one payment becomes necessary, original DD Form 738 will be completed for those supplies or services accepted and will be processed for payment in the normal manner.

(2) Subsequent payments not to exceed four may be made using one of the following methods:

(i) Prepare additional DD Forms 738 citing same order number as the original and indicating in the "Order No." block of the DD Form 738 the number of the partial shipment (i. e., 1st partial, 2d partial, and 3d and final). Prior to or at the time of processing original DD Form 738 (mentioned in subparagraph (1) of this paragraph) for payment, an additional DD Form 738 will be prepared, setting forth the balance of the undelivered supplies and distributed in the normal manner, except that no copy will be distributed to the vendor. The above procedure will be repeated until final delivery is received. A citation to the name of the Disbursing Officer, period of account, and Disbursing Officer's voucher number will be made to the original and subsequent vouchers on subsequent vouchers respectively. For example, first subsequent voucher will cite original voucher, second subsequent voucher will cite original voucher and first subsequent voucher, etc. Each voucher will be a complete transaction within itself and the cross reference will allow the General Accounting Office to reconcile the entire purchase.

(ii) Prepare Standard Form 1034 (Public Voucher for Purchases and Services other than Personal) with copy of Receiving Report (DD Form 227), covering partial delivery, attached thereto. The standard Form 1034 will cite the same order number as the DD Form 738 and the number of the partial shipment (i. e. 1st partial, 2d partial, and 3d, and final). The above procedure will be repeated until final delivery is received. A citation to the name of the Disbursing Officer, period of account, and Disbursing Officer's voucher number will be made to the original and subsequent vouchers on subsequent vouchers respectively. For example, first subsequent voucher will cite original voucher, second subsequent voucher will cite original voucher and first subsequent voucher, etc. Each voucher will be a complete transaction within itself and the cross reference will allow the General Accounting Office to reconcile the entire purchase.

(iii) Cash payments may be made using an accountable disbursing officer.

§ 592.650–6 *Distribution of copies of DD Form 738.* (a) The copies of DD Form 738, which are numbered 1, 2, 3, 4, 5, 6, 7, and 8 at the bottom of the form, will be distributed as follows and as shown on the flow chart in § 592.650–10.

(1) *Copy 1 (original).* General Accounting Office (white).
(2) *Copy 2.* Finance Officer (yellow).
(3) *Copy 3.* Vendor (yellow).
(4) *Copy 4.* Contracting Officer (yellow).
(5) *Copy 5.* Fiscal Officer (yellow).
(6) *Copy 6.* Fiscal Officer (yellow).
(7) *Copy 7.* Accountable Property Officer (yellow).
(8) *Copy 8.* Receiving report (yellow).

§ 592.650–7 *General instructions.* The following general instructions are applicable whether the form is used as a purchase order or as a delivery order:

(a) When it is certain that more than one payment or one delivery will be made, DD Form 738 will not be used, but the purchase will be effected by the use of other appropriate forms. (See § 592.650 (b).)

(b) DD Form 738 will not be given a contract number under any circumstances. The "order number" space provided is for such local identification as is necessary.

(c) In the event additional contract clauses or deviations are required for specific purposes, prior approval for their use will be obtained from the Assistant Chief of Staff, G–4, Department of the Army, except as provided in § 592.651.

(d) These procedures are deemed sufficient for all purchases accomplished by use of DD Form 738. In the event that additional forms or instructions are necessary for attachment to DD Forms 738 and 738–1, prior approval will be secured from the Assistant Chief of Staff, G–4, Department of the Army, except as authorized elsewhere in this subpart. The attaching of vendor's invoices which are required for payment; specifications, drawings, packaging, and marking instructions, and other similar data which are considered an adjunct or a part of the description of the supplies listed on the face of DD Form 738 are permissible without approval.

(e) Such supplemental operating procedures as may be necessary in connection with routing of copies of DD Form 738 by a purchasing office may be issued by that purchasing office if deemed essential. No additional supplemental operating or similar procedures or instructions other than those contained herein will be issued by Heads of Procuring Activities without prior approval of the Assistant Chief of Staff, G–4, Department of the Army, except as outlined in §§ 592.601 (c) and 592.651.

(f) DD Form 738 will not be utilized for the acceptance of bids after formal advertising.

(g) Supplemental agreements and change orders, other than notice of termination for default, may be issued in connection with a purchase made on DD Form 738.

(h) *Termination for default.* (1) If all of the supplies or services ordered on DD Form 738 are terminated for default, notice of termination for default to the vendor will be by letter and a copy of the letter will be filed with the original (white) copy in the Contracting Officer's file, and copy will be furnished each addressee on the original distribution list.

(2) If any or a part of the supplies or services ordered by use of DD Form 738 are terminated for default, notice of termination for default will be by letter, and a copy will be furnished to each addressee on the original distribution list.

(3) When the second attempt is made to procure the supplies, one of the following procedures will apply:

(i) If the price paid is less or not in excess of the price which was to have been paid under the contracts which was terminated, the DD Form 738 covering the second procurement will be processed in the normal manner, and it is not necessary to refer to the terminated procurement document.

(ii) If the price exceeds that which would have been paid under the defaulted contract, the Contracting Officer will comply with the provisions of § 596.103–11 of this subchapter.

(i) If the purchase is based on a written quotation, the original of the quotation will be processed with the original (white) of DD Form 738 to the General Accounting Office. (See § 592.650–10 of this subchapter.)

(j) Overages and shortages in the quantities called for on an order may be accepted provided the aggregate amount of the order (including any accepted overages and shortages) does not exceed $5,000. When any such overages or shortages are accepted, an adjustment of the total dollar amount for payment will be made in the "Differences" section of DD Forms 738 and 738–1 after the "Quantity Accepted" column has been completed.

(k) The Contracting Officer is responsible for obtaining from the Fiscal Officer a citation of the proper funds to be charged whenever in the opinion of the Contracting Officer, such action is appropriate. The signature of the Contracting Officer on copy No. 1 of DD Form 738 will constitute the certification that funds are available under the appropriation and allotment cited in the accounting classification.

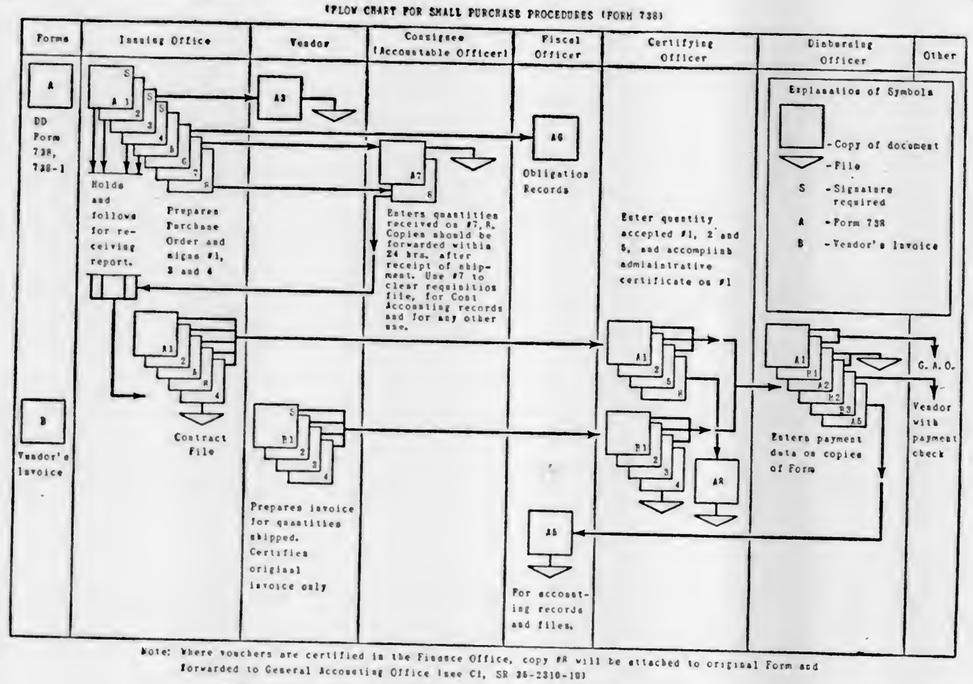
(l) DD Form 738 will not be used in making purchases when shipment of supplies are to be consigned to a water or aerial port of embarkation for transshipment to an oversea destination. In such instances, purchases will be accomplished by use of other appropriate purchase forms in conjunction with the Materiel Inspection and Receiving Report (Oversea) (DD Form 250–4).

§ 592.650–8 *Use of reproducible masters.* Installations which are unable to utilize the 8-part form may utilize reproducible masters only after specific approval is obtained from the Assistant Chief of Staff, G–4. See § 605.1506–3 (e) (2) of this subchapter.

§ 592.650–9 *Additional instructions.* See §§ 415.008 and 402.600 of this title and § 605.008 of this subchapter.

§ 592.650–10 *Flow charts.* Flow charts indicating the processing of copies of DD Form 738 are set forth as follows:

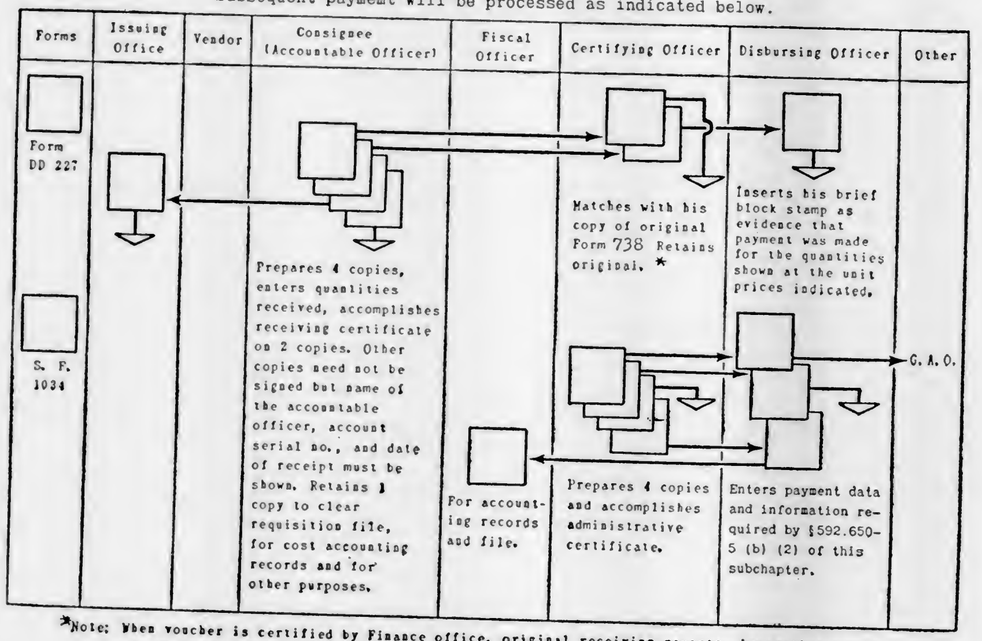
FLOW CHART FOR SMALL PURCHASE PROCEDURES (FORM 738)



Note: Where vouchers are certified in the Finance Office, copy #8 will be attached to original Form and forwarded to General Accounting Office (see C1, SR 35-2310-10)

FLOW CHART FOR PARTIAL DELIVERIES AND PARTIAL PAYMENTS

For first payment Form 738 will be processed as indicated above.
Subsequent payment will be processed as indicated below.



*Note: When voucher is certified by Finance office, original receiving reports, inspection reports, or similar supporting documents will be attached to the original voucher.

§ 592.651 *Applicability to oversea commands.* (a) For the purpose of this subpart, oversea commands will be considered commands outside the continental limits of the United States.

(b) Since these small purchase procedures were designed primarily to meet conditions existing within the continental United States, they may have only limited applicability in oversea commands. In view of this, major oversea commanders are authorized to make such deviations in these procedures as may be deemed necessary to accomplish their procurement missions provided that such deviations do not result in violation of existing laws, Executive orders, decisions of the Comptroller General, or such other rules or regulations which would render the contract illegal.

§ 592.652 *Local procurement.* (a) All Purchasing and Contracting Officers are authorized to effect purchases of $1,000 or less per line item locally for all items except those upon which procurement limitations have been placed by paragraph 3, AR 715–8 (Local Procurement of Items Available from Civilian Economy).

(b) Those instructions in no way affect authority for local purchase of lumber in less than carload lots as provided in SR 715–50–10 (Purchase of Lumber and Allied Products, including Timber Harvesting on Military Reservations).

(c) Requirements aggregating more than $1,000 per line item shall not be broken down into several purchases which are less than $1,000, either for the purpose of gaining authorization to procure or for the purpose of utilizing a simplified procurement procedure.

PART 593—COORDINATED PROCUREMENT

Sec.
593.000 Scope of part.
593.001 Coordinated procurement of items in short supply.

Subpart A—Single Department Procurement

593.102 Execution and administration of contracts.
593.109 Preparation of purchase requests.
593.150 Pertinent regulations and procedures.

Subpart B—Armed Services Petroleum Purchasing Agency

(See Subpart B, Part 403, Subchapter A, Chapter IV, Title 32.)

Subpart C—Armed Services Medical Procurement Agency

(See Subpart C, Part 403, Subchapter A, Chapter IV, Title 32.)

§ 593.000 *Scope of part.* This part sets forth instructions relating to the coordinated procurement of supplies and services.

§ 593.001 *Coordinated procurement of items in short supply.* Reports of shortages in supplies or services requiring coordination with other Departments will be forwarded to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch together with complete information thereon.

SUBPART A—SINGLE DEPARTMENT PROCUREMENT

§ 593.102 *Execution and administration of contracts.* When submitting requests to the Departments of the Navy and Air Force and to joint procuring agencies under the single department procurement program, Department of the Army requirements for contractual instruments will be limited to seven copies.

§ 593.109 *Preparation of purchase requests*—(a) *Responsibility for preparation.* DD Form 448 (Military Interdepartmental Purchase Request) will be initiated by the technical service which has coordination responsibility for procurement of the supply or service concerned. The chief of each technical service who has coordination responsibility for the item concerned may designate offices and/or installations to prepare and submit such purchase requests to the purchasing department (Department of Navy or Department of Air Force).

(b) *Reproduction.* DD Forms 448 and 448–1 may be prepared on reproducible masters and reproduced in the number of copies required for distribution.

(c) *Procurement of forms.* Reproducible masters will be centrally procured by The Adjutant General and distributed through normal publication supply channels. Printed cut sheets will not be stocked by publication depots.

(d) *Instructions for preparation.* (1) Detailed instructions for preparation of DD Form 448 are explained under numbers below, which correspond to the numbers of item headings on the face of the Form.

Item 1. Request No.: The requiring technical service will assign a number to each request for identification and control purposes. The request number will consist of the following parts in sequence: The letter "R" indicating purchase request, the last two digits of the fiscal year, the serial number, the requesting technical service symbol as set forth in § 606.203–4 of this subchapter.

Example: R–51–1–ORD. When necessary, each technical service may prescribe an additional letter, which will be separated from the technical service symbol by a dash to identify separate offices initiating this form within the technical service. For example, the Chief of Ordnance may assign the letter "N" to the New York Ordnance District, in which case the request number on the forms initiated by this Agency would be written as follows: R–51–1–ORD–N. Amendments to basic MIPR will be numbered in sequence starting with the number 1.

Page No.: The number of the particular page.

No. of pages: The total number of pages in each request. When more than one page to any request is necessary, each page will be numbered consecutively in the following sequence: MIPR DD Form 448 (First Sheet), MIPR—Continuation Sheet, DD Form 448–1 (for data on Items 11a through 11f), and any attached sheets giving supplementary information.

Item 2. Property class and control symbol No.: For optional use by requiring department.

Item 3. Date: Date of request.

Item 4. Issued by: Name and address of office issuing the request. When possible, list the name and telephone number of person who may be contacted in the event that the purchasing department has questions about this request.

Item 5. Ship to: Name and address of consignee to which supplies or equipment are to be shipped.

Item 6. To: Name and address of Bureau, Command, or Office of the purchasing department to which the request is being submitted.

Item 7. Distribution of contracts and related documents: Name and address of Office(s) to which copies of contracts and related documents are to be mailed. Also list number of copies desired. § 593.102.

Item 8. Delivery schedule: Date(s) by which delivery of items is desired.

Item 9. Payment will be made by: Name and address of Disbursing Office which will pay invoices.

Item 10. Invoices will be mailed: Name and address of Office(s) to which invoices will be mailed.

Item 11. Request for supplies: Enter an "X" in box preceding appropriate statement. If the purchasing department wishes to furnish the requirements from stock, it may request the approval of the requiring department to do so.

Item 11a. Item No.: The number of the item in sequence as listed thereon.

Item 11b. Description: In addition to the descriptive information indicated for this column, the package size should be stated when there are options for items involved.

Item 11c. Quantity: The quantity of each item requested.

Item 11d. Unit: The unit measure, such as each, pound, gallon, etc., for each item.

Item 11e. Estimated unit cost: The latest cost that is available from catalogs, bulletins, reports, copies of contracts, etc., will be used as the estimated cost.

Item 11f. Estimated total cost: The result of the quantity of the item requested (Column 11c) multiplied by the estimated cost (Column 11e). The sum of this column will be placed in the space for "Total" at bottom of column.

Item 12. Prepare for delivery in accordance with: The specifications, if any, such as JAN–P–658 (2), under which the items are to be preserved, packaged, and packed. If no printed specifications are applicable or if supplementary instructions are to be given, a phrase such as "See attached instructions" should be inserted in the blank space.

Item 13. Funds chargeable for procurement: Appropriation, allotment, project, and object numbers to be charged for procurement of supplies or services.

Item 14. Transportation allotment: Appropriations, allotment, project, and object numbers to be charged for transportation of supplies. This allotment will be used when the procurement allotment does not include transportation charges as in the case of a purchase of items f. o. b. origin.

Item 15. Typed name and grade of authorizing officer: The officer who authorizes the procurement of items listed hereon and certifies that the funds have been committed.

Item 16. Signature: Signature of authorizing officer. (If the authorizing officer is other than one having fiscal responsibility, the ordering department must have on file, as support to the certificate, a written statement by such an officer substantiating the fiscal portion of the certificate.)

(2) If any designated space on this form other than that provided for on Continuation Sheet is insufficient for the purpose of listing all necessary information, the information may be typed on a blank sheet of paper under the appropriate item heading and attached to the form for submission to the purchasing department. When this action is taken, a phrase will be inserted in the designated space on the form, such as "See attached instructions" or "See attached sheet," to indicate that additional information is contained in supplementary sheets. Also, if it is necessary to give instructions or other information, such as method of delivery or place of inspection, for which there is no designated space on the form, such information may be typed on a blank sheet and attached to the form.

§ 593.150 *Pertinent regulations and procedures.* With respect to purchase assignments and transfer of responsibilities for specific items occasioned by such assignments, technical services to which purchase or coordination responsibility has been assigned will prescribe appropriate procedures. These procedures will be formalized and published in Department of the Army directives. Pending publication of official directives, questions regarding procurement of items assigned for single department purchase will be referred to the technical service delegated purchase or coordination responsibility under assignments made to the Army by the Assistant Secretary of Defense (Supply and Logistics).

PART 594—INTERDEPARTMENTAL PROCUREMENT

Sec.
594.000 Scope of part.

Subpart A—Procurement From or Through General Services Administration

594.101 General.
594.102 Procurement through use of Federal Supply Schedule contracts.

Subpart B—Procurement of Printing and Related Supplies

594.250 Printing.
594.251 Envelopes.
594.252 Sources of procurement for paper.
594.253 Related supplies.

Subpart C—Procurement of Prison-Made and Blind-Made Products

594.301 Prison-made products.
594.302 Blind-made products.

Subpart D—Procurement Under the Economy Act From or Through Another Federal Agency

(See Subpart D, Part 404, Subchapter A, Chapter IV, Title 32)

§ 594.000 *Scope of part.* This part sets forth the policy with respect to (a) procurement of supplies and services from or through the Federal Supply Service, (b) procurement of printing and related supplies, and (c) procurement of prison-made and blind-made products.

SUBPART A—PROCUREMENT FROM OR THROUGH GENERAL SERVICES ADMINISTRATION

§ 594.101 *General.*—(a) *Applicability.* The provisions of this section are not applicable to supplies purchased and used outside the continental United States and Alaska.

(b) *Emergency purchase.* When purchase of a mandatory item listed by General Services Administration is not made, the voucher submitted to the Disbursing Officer for payment shall contain a finding that the purchase was justified as the item could not be furnished by General Services Administration by the time such item was required. Such a finding shall be final and conclusive. The authority to make such a finding is vested in the Heads of Procuring Activities with authority to redelegate. In each instance, the finding will set forth the specific reasons why the time element made the purchase necessary.

§ 594.102 *Procurement through use of Federal Supply Schedule contracts.* (a) Delivery orders for supplies listed in the Federal Supply Schedule will be addressed and forwarded direct to the Contractor indicated and shall contain sufficient data to enable prompt identification (by disbursing and auditing agencies) of the correct listing in the proper Federal Supply Schedule. These data will include contract number, item number, and where applicable, supplement, region, or zone number.

(b) All orders issued under contracts of the Federal Supply Service will be effected by "delivery orders."

(c) Each such delivery order will designate the name of the Finance Officer by whom payment is to be made.

(d) Each such delivery order will indicate on its face that prices, if shown, will be subject to the basic contract of the Federal Supply Service.

SUBPART B—PROCUREMENT OF PRINTING AND RELATED SUPPLIES

§ 594.250 *Printing.* See AR 310–5 (Printing, Binding, and Duplicating) and SR 310–5–1 (Procurement and Production).

§ 594.251 *Envelopes.* Envelopes, even though specially printed in the course of manufacture, are supply items (see AR 310–5) (Printing, Binding, and Duplicating). With respect to procurement procedures applying to mailing envelopes and related provisions applying to use of penalty indicia, procuring activities will be guided by SR 340–10–20 (Mailing Envelopes) and SR 340–10–1 (Penalty Mail) respectively.

§ 594.252 *Sources of procurement for paper.* Blank paper for use within the District of Columbia carried in stock by the Government Printing Office shall be purchased from that office.

§ 594.253 *Related supplies.* Ink, glues, and other supplies manufactured or carried in stock by the Government Printing Office shall be purchased from that office if required for use within the District of Columbia.

SUBPART C—PROCUREMENT OF PRISON-MADE AND BLIND-MADE PRODUCTS

§ 594.301 *Prison-made products*—(a) *Applicability.* The provisions of this section are not applicable to supplies purchased and used outside the continental United States and Alaska.

(b) *Requirement.* All items manufactured by, and all services rendered by, Federal Prison Industries, Inc., shall be purchased from that agency, except (1) in those instances in which a general or special clearance for the purchase of the item or service from commercial sources has been granted, or (2) for items being purchased in less than carload lots in accordance with § 404.301 of this title.

(c) *Responsibility.* Heads of Procuring Activities are responsible for advising Contracting Officers as to the terms and conditions of the Schedule of Products made in Federal Penal and Correctional Institutions.

(d) *General clearance.* The Department of the Army, in the following cases, has been granted a general clearance (Clearance No. C–27930) for the procurement from commercial sources of items listed in the schedule of products made in Federal Penal and Correctional Institutions:

(1) By Contractors or Contracting Officers under cost-plus-fixed-fee construction or supply contracts.

(2) By Contracting Officers under fixed-price (lump sum) construction or supply contracts, wherein the Government is required to furnish certain Government materials.

(3) When immediate delivery or performance is required by the public exigency.

(4) When suitable second-hand, used, or surplus property can be procured.

(5) When required in small quantities and for delivery within 10 days.

(e) *Special clearance.* A special clearance must be obtained from Federal Prison Industries, Inc., for the procurement from commercial sources of any supplies or services listed on such Schedule of Products but not covered by the general clearance. Request by any Procuring Activity for special clearances shall be directed to Federal Prison Industries, Inc., Department of Justice, Washington 25, D. C.

(f) *Procurement procedure.* Procurement of items listed in the Schedule of Products made in Federal Penal and Correctional Institutions shall be in accordance with the detailed instructions and ordering procedures prescribed in such schedule. Current copies of the Schedule of Products may be obtained from the Federal Prison Industries, Inc., U. S. Department of Justice, Washington 25, D. C.

(g) *As additional source of supply.* In procuring items listed in the Schedule of Products, but subject to a general clearance, Contracting Officers will nevertheless consider the Federal Prison Industries as an additional source of supply.

(h) *Reference to clearance.* It is not necessary to attach a copy of the general clearance to the contract or voucher. Reference on either the contract or the voucher to general clearance No. C–27930 is sufficient.

§ 594.302 *Blind-made products*—(a) *Applicability.* The provisions of this section are not applicable to supplies purchased and used outside the continental United States and Alaska.

(b) *Exceptions.* Purchases of supplies listed in the Schedule of Blind-Made Products need not be made from nonprofit-making agencies for the blind when (1) a general clearance for the purchase of the items from commercial sources has been granted, (2) the procurement does not exceed a single unit as listed in such Schedule, (3) the supplies are for use outside the continental United States, or (4) purchased from a Federal Supply Service Center.

(c) *General clearance.* A general clearance, dated June 3, 1942, has been granted the Department by the Com-

mittee on Purchases of Blind-Made Products to purchase from commercial sources any item listed in the Schedule of Blind-Made Products when military necessity requires delivery of the article needed within a period of two weeks.

(d) *Special clearance.* The Federal Supply Service, General Services Administration, may grant a special clearance permitting procurement from commercial sources of supplies listed in such Schedule of Blind-Made Products (1) when necessary to meet emergency requirements or (2) when no agency for the blind is in a position to furnish the required supplies.

(e) *Procurement procedure.* Procurement of items listed in the Schedule of Blind-Made Products will be in accordance with the detailed regulations, instructions, and ordering procedures prescribed in such schedule and any amendments or price lists issued in connection therewith. Current copies of such schedule may be obtained from the Federal Supply Service, General Services Administration, Washington 25, D. C.

(f) *Procurement priority.* When supplies manufactured by nonprofit-making agencies for the blind are similar to those manufactured in Federal penitentiaries, procurement priority will be given in the Federal Prison Industries, Inc.

(g) *Clearance reference.* It is not necessary to attach a copy of the general clearance to the procurement contract or voucher. A reference on either the contract or voucher to "General Clearance dated 3 June 1942" is sufficient.

PART 595—FOREIGN PURCHASES

Sec.

595.000 Scope of part.

Subpart A—Buy American Act and Other Statutory Prohibitions on Foreign Purchases

595.103 Applicability of Buy American Act.
595.103–4 Nonavailability of supplies or materials.
595.104 Authority to grant exceptions to Buy American Act.
595.105 Supplies excepted from Buy American Act.
595.105–1 Exceptions based on unreasonable cost.
595.105–50 Foreign books, newspapers, magazines, etc.
595.106 Other statutory prohibitions on foreign purchases.
595.106–1 Prohibition of annual appropriation acts.
595.107 References in contractual documents.
595.108 Violation of Buy American Act provision in construction contracts.

Subpart B—Canadian Purchases

595.201 Purchases from Canadian suppliers.

Subpart E—Duty and Customs

595.502 Emergency purchases of war material abroad.

§ 595.000 *Scope of part.* This part sets forth policies and procedures in connection with (a) statutory prohibitions on foreign purchases, and (b) purchases from Canadian sources.

SUBPART A—BUY AMERICAN ACT AND OTHER STATUTORY PROHIBITIONS ON FOREIGN PURCHASES

§ 595.103 *Applicability of Buy American Act.* When in doubt as to whether a given purchase is or is not restricted by Title III, Section 2, of the Act of 3 March 1933, popularly called the Buy American Act (47 Stat. 1520; 41 U. S. Code 10a–d) or by other statutory prohibitions, Contracting Officers will forward the matter through channels to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, for decision. Each submission will include complete information upon which a decision may be based.

§ 595.103–4 *Nonavailability of supplies or materials.* (a) The Secretary has delegated to the Assistant Chief of Staff, G–4, Department of the Army, authority to make determinations under the provisions of the "Buy American Act," upon a proper showing of facts, that certain articles, materials, or supplies, of the class or kind to be used by the Department of the Army, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; and to authorize the purchase from foreign sources, and use by the Department of the Army of such articles, materials, or supplies, or the articles, materials or supplies from which they are manufactured, as are determined after a proper showing of fact, to be not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(b) This authority has been successively redelegated to (1) the Chief, Procurement Division, Office of the Assistant Chief of Staff, G–4, (2) the Chief, Purchases Branch, Office of the Assistant Chief of Staff, G–4, and (3) the Heads of Procuring Activities as defined in § 400.201–4 of this title with power of redelegation, provided however, that such authority shall not be redelegated below the level of a Deputy to the Head of a Procuring Activity, Chief of Staff, or a General Officer personally selected by the Head of a Procuring Activity and appropriately assigned with respect to the procurement responsibilities involved; except that the Head of a Procuring Activity is hereby authorized to delegate in writing the authority to make such determinations, where the aggregate amount of the purchase does not exceed $10,000, to such Contracting Officers under his command as he may deem appropriate.

(c) Section 405.103–4 of this title will be applied and used only after a determination in writing has been made by such individuals as have been designated in accordance with paragraph (b) of this section. Requests for such determinations shall be forwarded through channels to the appropriate authority and will contain the following information:

(1) Description of the item or items (include unit and quantity).
(2) Estimated cost.
(3) State whether duty is included in estimated cost (if duty is not included but normally would be included therein, give reason for exclusion).
(4) If item is to be procured f. o. b. origin, show transportation costs necessary to deliver to destination.
(5) Country of origin.
(6) Name and address of proposed contractor.
(7) Brief statement as to necessity for procurement.
(8) State what effort was made to procure a similar item of domestic origin (if there is no known domestic item which may be used as a reasonable substitute, so state).
(d) This authority will not be used for exemptions under § 405.104 or § 405.105–1 of this title.
(e) There will be forwarded once a month to the Assistant Chief of Staff, G–4, Department of the Army, ATTN: Chief, Purchases Branch, a copy of all determinations and exemptions made by the Heads of Procuring Activities or their delegates. All determinations and exemptions will be collected and forwarded by the Heads of Procuring Activities once a month, so as to be received in Office, Assistant Chief of Staff, G–4, by the 15th of the month following the month during which exemption was granted.
(f) A determination is prepared in substantially the following form:

CERTIFICATE

Pursuant to the authority contained in Section 2, Title III of the act of 3 March 1933, popularly called the Buy American Act (47 Stat. 1520; 41 U. S. C. 10a–d) and authority delegated to me by ----------
I hereby determine:
a. (Statement of the items to be procured and the necessity for this procurement and basis of nonavailability).

Based upon the above showing of fact it is determined that the above described items are not mined, produced, or manufactured, or the articles, materials or supplies from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

Accordingly, an exception is hereby granted under the provisions of the Buy American Act to the requirement that the above described procurement be made from domestic sources and that it be of domestic origin. Authority is granted to procure the above described item(s) of foreign manufacture (Foreign Country) at an estimated total cost of $ (Total Dollar Cost including transportation and duty).

(g) When a determination has been made to the effect that the provisions of the Buy American Act are not applicable to the purchase, the signed copy of such determination will be attached to the voucher upon which payment is made.

§ 595.104 *Authority to grant exceptions to Buy American Act.* When in the opinion of the Contracting Officer, the conditions cited in § 405.104 of this title are present, a request will be made through channels to the Secretary (address request to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch) for the issuance of a certificate of exemption. Such requests shall be submitted in complete quadruplicate (four copies each of basic, indorsements, and inclosures) and will contain the following information:
(a) Description of the item or items (include unit and quantity).
(b) Estimated cost.
(c) State whether duty is included in estimated cost (if duty is not included but normally would be included therein, give reasons for exclusion).
(d) If item is to be procured f. o. b. origin, show transportation costs necessary to deliver to destination.
(e) Country of origin.
(f) Name and address of proposed Contractor(s), if available.
(g) Brief statement as to necessity for procurement.
(h) Funds which are available and will be obligated for the procurement.
(i) Complete justification for purchase of item of foreign source, such as excessive cost of similar items of domestic origin, loss of identification of foreign component, etc.

Accompanying request will be Certificate of Exemption prepared for the signature of the Secretary.

§ 595.105 *Supplis Excepted From Buy American Act.*

§ 595.105–1 *Exceptions Based on Unreasonable Cost.* In all cases where the differential referred to in § 405.105–1 of this title is more than $5,000 but less than 25 percent and in all cases, where the Contracting Officer considers the differential to be unreasonable, the matter will be submitted in accordance with § 595.104 of this subpart for determination as to unreasonable cost.

§ 595.105–50 *Foreign Books, Newspapers, Magazines, etc.* It has been administratively determined by the Under Secretary of the Army that the application of the Buy American Act to the purchase of trade, text, technical, and/or scientific books, newspapers, magazines, periodicals, and printed briefs, not published in the United States, would be inconsistent with the public interest. Therefore, such supplies and materials are exempted from the provisions of the Buy American Act and may be procured without regard to country of origin.

§ 595.106 *Other Statutory Prohibitions on Foreign Purchases.*

§ 595.106–1 *Prohibition of Annual Appropriation Acts.* It has been administratively determined that all the articles of food and clothing contained in the list set forth at the end of subpart A, Part 405 of this title, are exempt from the general prohibition of the annual appropriation act. In the case of the procurement of other items of food and clothing which the Contracting Officer believes should be excepted, request for a certificate of exemption by the Secretary will be submitted in accordance with the procedure set forth in § 595.104 of this subpart.

§ 595.107 *References in Contractual Documents.*

(a) *General.* The contract clause set forth in § 406.103–14 of this title will be inserted in all contracts for the purchase of supplies to which the Buy American Act applies.

(b) *Food and Clothing.* In all contracts for the procurement of any article of food or clothing, not excepted from the prohibition of annual appropriation acts, the contract clause set forth in § 406.104–13 will be inserted.

(c) *Special Clause for the Construction, Alteration, or Repair of Public Buildings and Public Works.* The specifications accompanying the invitation for bids for the construction, alteration, or repair of public buildings or public works in the United States will contain the following:

Because the materials listed below, or the materials from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, their use in the work herein specified (subject to the requirements of the specifications) is authorized, without regard to the country of origin:

[Insert here the supplies listed in paragraph 2, Armed Services List of Supplies Excepted from Buy American Act, appearing at the end of subpart A, Part 405 of this title.]

§ 595.108 *Violation of Buy American Act Provision in Construction Contracts.* For procedure with respect to placing or removing from the list of ineligible contractors and disqualified bidders the name of any noncomplying contractor or bidder, see subpart F, Part 590 of this subchapter.

SUBPART B—CANADIAN PURCHASES

§ 595.201 *Purchases From Canadian Suppliers.* All Army contracts with suppliers or contractors located in the Dominion of Canada will be made with and administered through the Canadian Commercial Corporation through its Washington Office, except that—

(a) Under circumstances of Public Exigency as described in § 402.202–2 of this title, Procuring Activities are authorized to negotiate direct with suppliers or Contractors domiciled in the Dominion of Canada without reference to the Canadian Commercial Corporation.

(b) Subject to applicable restrictions of §§ 592.205 and 592.211 of this subchapter, Procuring Activities are authorized to negotiate direct for research services to be rendered by any university, college, or educational institution located in the Dominion of Canada without reference to the Canadian Commercial Corporation or other Canadian clearing agency.

(c) When the Canadian Commercial Corporation requests that the procurement be made direct with Canadian suppliers or Contractors.

SUBPART E—DUTY AND CUSTOMS

§ 595.502 *Emergency purchases of war material abroad.* Instructions with regard to customs clearance of emergency purchases of war material made abroad are set forth in SR 715–55–10, (Customs Clearance of Emergency Purchases of War Materials Made Abroad).

PART 596—CONTRACT CLAUSES

Sec.

596.000 Scope of part.
596.050 Applicability.

Subpart A—Clauses for Fixed-Price Supply Contracts

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596.151 Price escalation clauses.
596.151–1 Price escalation (labor and materials).
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596.151–4 Price escalation clause for open-end contracts and indefinite quantity contracts.
596.152 Price redetermination clauses.
596.152–1 Form II–B price redetermination clause.
596.152–2 Form III price redetermination clause.
596.152–3 Form IV price redetermination clause.

§ 596.000 *Scope of part.* This part sets forth uniform contract clauses and standard contract forms for use in connection with the procurement of supplies and services by the Army Establishment. Prescribed standard contract forms are listed in Part 415 of this title and Part 605 of this subchapter.

§ 596.050 *Applicability.* This part is applicable not only to contract clauses but to approved contract forms prescribed in Part 415 of this title and Part 605 of this subchapter.

(a) *General.* Approved contract forms and clauses currently in use in the respective Procuring Activities, which are not prescribed by and which are not inconsistent with the contract forms and clauses prescribed by Subchapter A, Chapter IV, or this subchapter, may be

used by any Procuring Activity in accordance with its instructions. If Subchapter A, Chapter IV, or this subchapter, prescribes a contract form such form must be used in accordance therewith unless the Chief, Purchases Branch, Assistant Chief of Staff, G–4, grants a deviation. If Subchapter A, Chapter IV, or this subchapter, however, prescribes or approves a contract clause for use, even if for use "when applicable" or "when it is desired to cover the subject matter thereof," no contract clause shall be used in substitution therefor unless such substitute clause (1) is within the scope of the variations in the prescribed or approved clause expressly permitted by Subchapter A, Chapter IV, or this subchapter, or (2) is the prescribed or approved clause plus provisions supplementary to and not inconsistent with any prescribed or approved clause. For example, § 408.107–4 of this title approves for use a Foreign Patent Rights Clause, which grants the Government foreign patent rights concerning any invention financed by the contract. If the Contractor and the Contracting Officer agree that the Government should have not only such foreign patent rights but also reproduction rights with respect to certain foreign "background" patents held by the Contractor, the contract must contain the clause set out in § 408.107–4 of this title plus a provision concerning such "background" patents. Since the clause for such "background" patent rights set out in § 408.107–3 of this title is expressly subject to the qualification that "the particular wording of a provision granting such rights to the Government is a matter of negotiation in each case," the clause set out in § 408.107–3 of this title need not be used verbatim as the additional provision but the additional provision must be modeled on such clause and must be consistent with the policy expressed in § 408.107–3 of this title.

(b) *Applicability of contract forms and contract clauses to contracts to be performed in foreign countries.* (1) The contract forms and clauses prescribed or approved by Subchapter A, Chapter IV and this Subchapter will be used in all contracts whether performed in whole or in part in the United States, its Territories or possessions, or in foreign countries. Certain clauses are applicable only in some areas but not in other areas. For each section of Subchapter A, Chapter IV and this Subchapter prescribing or approving the use of a contract form or a contract clause, the corresponding section of this subchapter has been annotated, for use in those areas where the form or clause is not applicable or is not applicable exactly as written, to authorize (i) modification of the form or clause or (ii) the deletion of the form or clause. Where no annotation is made in this subchapter, the modification or deletion is authorized by the section in Subchapter A, Chapter IV of this title the ASPR paragraph or the clause is applicable as written. Care must be exercised in modifying or deleting clauses, where authorized, to insure that proper action is taken as in the following examples:

(a) In view of the provisions of the clauses relating to Inspection and Responsibility for Supplies, appropriate provisions may be necessary for insertion in the Schedule to define or limit the Contractor's responsibility and liability where the items are procured in a foreign country and delivered to an Army activity located in that foreign country for subsequent transshipment to a destination in the United States.

(b) When substituting the clause concerning Federal, State, and local taxes, advantage must be taken of tax exemptions possible in the place of performance.

(c) The deletion of the clause regarding the Buy American Act is authorized where the supplies are procured outside and are used outside the United States, its Territories and possessions. Foreign procurement of supplies which are shipped to the United States, its Territories and possessions, come under the provisions of the Buy American Act unless specifically excepted by the Secretary of the Army, his duly authorized representative, or the provisions of the Act.

(d) Clauses relative to the Eight-Hour Law of 1912, Nondiscrimination in Employment, the Davis-Bacon Act, the Copeland Act, the Walsh-Healey Public Contracts Act, and the Fair Labor Standards Act of 1938 were prescribed by various statutes and executive policies in order to protect American labor from certain abuses. Such clauses obviously are not applicable and should not be included in contracts to be performed in foreign countries so far as native foreign labor is concerned. Note, however, that such clauses may apply to American citizens employed under such contracts in foreign countries.

(2) Determination as to the applicability of a particular contract form or contract clause often can be made only by consulting the various statutes, decisions, and policies which established the requirement and, in many cases, involves obtaining interpretations of various statutes from other executive departments. In those cases where applicability is in doubt, Contracting Officers will forward requests for interpretations to the Assistant Chief of Staff, G–4, Department of the Army Attn: Chief, Purchases Branch through the Head of the Procuring Activity involved.

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

§ 596.102 *Applicability.* § 406.102 of this title is not intended to apply to those purchase orders amounting to $5,000 or less except as otherwise specified (§§ 406.104–15, 406.104–16).

§ 596.103 *Required clauses.* Except as provided in § 596.102, all of the clauses specified in §§ 406.103–1 through 406.103–21 of this title will be inserted in all fixed-price supply contracts subject to the instructions contained in § 406.103 of this title and in this § 596.103 and § 596.050. The additional contract clauses, contained in this section but not contained anywhere in Subchapter A, Chapter IV, of this title will also be inserted in all fixed-price supply contracts as specified in this Subchapter G.

§ 596.103–1 *Definitions.* The "Definitions" clause contained in § 406.103–1 of this title will be inserted, but additional definitions may be included in accordance with the instructions of each Procuring Activity when such additional definitions are not inconsistent with such "Definitions" clause.

§ 596.103–2 *Changes.* (a) The "Changes" clause contained in § 406.103–2 of this title will be inserted but with respect to such clause, in accordance with the instructions of each Procuring Activity, the period of "30 days" within which any claim for adjustment must be asserted may be varied. In special cases the "Changes" clause may be made applicable to changes in provisions other than those relating to drawings, designs, specifications, method of shipment or packing, and place of delivery, so long as such extended applicability of the "Changes" clause would not be inconsistent with the provisions of the clause in § 406.103–2 of this title.

(b) Additional quantities of supplies which were not initially contemplated in the contract will not be ordered under the "Changes" clause since such a practice might be used to defeat the requirements for competitive procurement.

(c) Accelerated deliveries will be provided for by a supplemental agreement modifying the contract rather than through the use of the "Changes" clause. Such a supplemental agreement, however, should not be used to provide additional compensation to the Contractor for accelerated deliveries to meet the delivery schedules prescribed in the contract.

§ 596.103–8 *Assignment of claims*—(a) *Setoff as against assignee.* (1) In time of war or national emergency proclaimed by the President (including the national emergency proclaimed 16 December 1950) or by Act or joint resolution of the Congress, contracts of the Army Establishment, as well as certain other Government agencies, may provide that payment due or to become due under such contracts shall not be subject to reduction or setoff as against an assignee.

(2) Such provision is contained in the last sentence of clause (a) of the Assignment of Claims clause, set forth in § 406.103–8 of this title, which reads as follows:

> Notwithstanding any other provision of this contract, payments to an assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff.

In cases where special circumstances make it advisable in the best interests of the Government, Heads of Procuring Activities may authorize deletion of the above quoted sentence. In any event, the sentence will be deleted from (i) contracts entered into with foreign Contractors, (ii) contracts for transportation of persons or property, and (iii) contracts entered into after a war or national emergency proclaimed by the President or by act or joint resolution of the Congress has been terminated in such manner.

(3) Provisions having the same general effect although not precisely as quoted in subparagraph (2) of this paragraph, such as that previously authorized in § 406.103–8 of this title, as revised 1 June 1950, will nevertheless entitle the assignee to the benefits of Public Law 30—82d Congress.

(4) Reduction of or setoff from payments to be made to an assignee will be effected with respect to liabilities of the assignor to the Government arising out of matters in connection with the contract, or of amounts which may be collected or withheld from the assignor in accordance with, or for failure to comply with, the terms of the contract, except as stated in § 406.103–8 of this title. Examples of cases in which setoff will be made include (but are not limited to)—

(i) Amounts due pursuant to price redetermination clauses.

(ii) Deduction of liquidated damages.

(iii) Excess costs and damages after termination for default.

(iv) Equitable adjustments and rejections under the Changes, Inspection and Guaranty clauses.

(v) Damages resulting from fraud or criminal conduct.

(5) It is the view of the Department of the Army, concurred in by the General Counsel, Office of the Comptroller General and the American Bankers Association, that existing contracts containing the provision against setoff included in § 406.103–8 of this title, need not be amended in order to obtain the benefits of Public Law 30—82d Congress. Accordingly existing contracts will not be amended for the above purpose.

(b) *Refunds, etc., of payments received by assignees.* In any case in which moneys due or to become due under any contract are or have been assigned pursuant to section 1 of the Assignment of Claims Act of 1940, as amended, no liability of any nature of the assignor to the United States or any department or agency thereof, whether arising from or independently of such contract, shall create or impose any liability on the part of the assignee to make restitution, refund, or repayment to the United States of any amount heretofore since 1 July 1950, or hereafter received under the assignment.

(c) *Filing of notice of assignment.* The assignee shall file written notice of the assignment together with a true copy of the instrument of assignment with—

(1) The Contracting Officer.

(2) The surety or sureties upon the bond or bonds, if any in connection with the contract.

(3) The Disbursing Officer, if any, designated in the contract to make payment.

(d) *Acknowledgment of notice of assignment.* Contracting Officers will acknowledge notices of assignment filed by assignees in accordance with paragraph (c) of this section. In cases where a notice of assignment of monies due under a definitive contract, which supersedes a letter contract, is received pursuant to the Assignment of Claims Act of 1940 (54 Stat. 1029), as amended, such notice should be acknowledged regardless of the fact that a notice of assignment of monies due under the letter contract had been previously acknowledged. The two notices of assignment should be considered as one and filed accordingly.

(e) *Assignor's statement.* Where direct payment is made to an assignee, the Contractor will furnish on each voucher, invoice, or other supporting paper, a statement to the effect that he recognizes the assignment, its validity, and the right of the assignee to receive payment.

(f) *Information to be furnished to assignees.* Contracting Officers will, upon request of the Contractor, furnish proposed assignees information regarding the status of the contract at the time of the assignment. In so doing, the Contracting Officer will advise the assignee that the information is so furnished only for confidential use in connection with the assignment.

§ 596.103–10 *Federal, State, and local taxes.* In effecting procurement outside the United States, its Territories and possessions, substitute the clause set forth in § 600.401 of this subchapter in lieu of the clause prescribed in § 410.401 of this title. (See § 596.050 (b) (1) (ii).)

§ 596.103–11 *Default*—(a) *Application.* (1) If the Contractor (i) fails to make delivery of the supplies or to perform the services within the time specified in the contract, or (ii) fails to perform any provision of the contract other than the delivery schedules, or (iii) so fails to make progress as to endanger performance of his contract in accordance with the terms thereof, the Contractor may be said to be in default.

(2) Defaults may be excusable or nonexcusable. Defaults are excusable when they arise out of the causes set forth in clause (b) of the Default article. (See § 406.103–11 of this title.)

(3) Paragraphs (b)–(i) inclusive of this section apply to contracts other than those under the Federal Supply Schedule. Paragraph (j) of this section applies to contracts under the Federal Supply Schedule.

(b) *Termination of contracts by agreement.* When default occurs in the performance of a contract, the contract may be terminated by supplemental agreement with the contractor, provided—

(1) If the default is not excusable, that the Contractor agrees to pay excess costs incurred in repurchase and damages resulting from delay.

(2) In the event the default is determined by the Contracting Officer to be excusable and the Contractor has incurred costs in the performance of the contract and refuses to execute a termination agreement without cost to the Government, the Contracting Officer may terminate the contract under the clause entitled "Termination for Convenience of the Government."

(3) If a performance bond has been filed, that the surety thereon is a party to the supplemental agreement.

(c) *Completion of contract after default.* (1) In the event that default has occurred in a contract by reason of nonexcusable delay, which results in actual damage to the Government, and the Contracting Officer deems it to be in the best interests of the Government to permit the Contractor to complete performance of the contract, a supplemental agreement may be entered into providing for completion of performance notwithstanding such default, if the Contractor assumes liability for the actual damages. The surety, if any, should either be a party to the supplemental agreement or should execute and deliver to the Contracting Officer, simultaneously with the execution of a supplemental agreement with the contractor, a written consent extending the terms of any performance bond to cover such supplemental agreement. The agreement should distinctly state that the Government's rights to accrued damages are not thereby waived.

(2) If a performance bond has been filed in connection with the contract, or otherwise, and action outlined in subparagraph (1) of this paragraph is not deemed to be in the best interests of the Government, an agreement may be entered into with the surety, providing for completion of performance of the contract upon the same terms and conditions as the original contract, less actual damages resulting from delay, and further providing for payment directly to the surety. Such agreement should clearly state that all rights against the Contractor and the surety are reserved so far as the surety does not cure defaults of the Contractor. The Contractor will be furnished promptly with a findings of fact as indicated in paragraph (d) (2) of this section, adapting paragraph (d) (2) (iv) of this section to the action taken.

(d) *Termination pursuant to default article.* (1) (i) Where the Contractor and/or his surety elect not to complete performance of the contract after being afforded an opportunity to do so (see paragraph (c) of this section), or (ii) when the Contracting Officer deems it to be in the best interests of the Government to terminate the contract following default thereof, and the default consists of the failure on the part of the Contractor to make delivery of the supplies or to perform the services within the time specified in the contract or any extension thereof, the procedure set forth in subparagraphs (2) through (4) of this paragraph will be followed.

(2) The Contractor will be given notice in writing which will include the following:

(i) Reference to contract number, date, and portion of contract as to which his right to proceed is terminated.

(ii) That his right to proceed further with performance under the contract is thereby terminated.

(iii) A specific description of the acts or omissions constituting the default.

(iv) That the supplies, services or construction required by the contract will be procured in the open market against his account, and that he will be held liable for any excess costs.

(v) That the Government reserves all rights and remedies provided by law or under the contract, in addition to charging excess costs. (Where liquidated

damages are provided for, substitute a reference thereto.)

(vi) That the notice constitutes a findings of fact pursuant to the Disputes article from which he has the right of appeal as specified therein.

(3) The same distribution will be made of the termination notice as was made of the contractual documents. In addition thereto, a copy will be furnished to the Disbursing Officer who will be advised to withhold further payments to the Contractor pending additional instructions.

(4) Notice of termination of a contract will be furnished to the Contractor within a reasonable time after the default occurs, or after efforts to arrange for compliance with the terms of the contract have resulted in failure. This requirement must be complied with in order to fulfill the Government's obligation to mitigate damages.

(5) If the default consists of the failure to perform any provision of the contract other than as specified in subparagraph (1) of this paragraph, or if the Contractor so fails to make progress as to endanger performance of the contract, a notice of termination will not be issued unless the Contracting Officer has previously notified the Contractor in writing of the specific default or failure, and has by the terms of such notice afforded the Contractor an opportunity to cure such default or failure within a period of time which shall be not less than 10 days from the date of receipt of such notice. The notice of termination in such cases will refer to the notice of default.

(e) *Repurchase against Contractor's account.* (1) In the event of termination of a contract for default, the Government is under a duty to mitigate damages.

(2) Accordingly, where the supplies or services are still required after termination, repurchase will be made against the Contractor's account either from other Contractors or Government facilities (i) as soon as possible after termination, (ii) of supplies or services similar to those called for in the contract, (iii) at as reasonable a price as practicable considering the quantity and quality required by the Government and the time within which the supplies or services are required; (iv) in construction contracts, the work will be let according to the same plans and specifications to such other responsible Contractor who offers the lowest price or it will be completed by Government plant and hired labor.

(f) *Action by Contracting Officer.* (1) If repurchase will not be effected, compute actual or liquidated damages (when clause contained in § 406.105–5 of this title is used), and make written demand upon contractor for the amount thereof.

(2) If repurchase is effected, compute excess costs and actual (or liquidated damages, when clause contained in § 406.105–5 of this title is used), and make written demand upon the contractor for the total amount.

(3) Forward the report required by paragraph (g) of this section, together with any checks, money orders, or funds in any form received from the Contractor. No report is required where the contract is unnumbered and no repurchase, or actual or liquidated damages are involved.

(g) *Report of termination of contract (Reports Control Symbol FIN–51).* Within 30 days after such termination, a letter report, "Subject: Report of Termination of Contract for Default (Reports Control Symbol FIN–51)," will be furnished to the Disbursing Office, in duplicate, setting forth the following information:

(1) Procuring Activity involved.

(2) Fiscal year of procurement involved.

(3) Original appropriation invloved.

(4) With respect to terminated contract:

(i) Name and address of Contractor.

(ii) Contract or purchase order number.

(iii) Date of award or execution.

(iv) Contract item and specification.

(v) Contract quantity.

(vi) Unit price.

(vii) Quantity and/or time payment discount.

(viii) Total contract cost.

(ix) Status of payments and deliveries under contract, including voucher citations.

(x) Statement of amount withheld, if any.

(xi) Statement of actual or liquidated damages accrued, if any (other than excess costs on repurchase).

(xii) Description of default resulting in termination.

(5) Statement as to whether repurchase has been or will be effected. If applicable, a negative reply is desired, together with statement of reasons why repurchase has not been or will not be effected. If repurchase is effected subsequent to date of report, a followup report will be forwarded.

(6) If repurchase is effected, set forth information with respect to repurchase contract, adapting items (subparagraph (4) (i) through (ix) of this paragraph) to such repurchase contract.

(7) State amount of excess cost (item subparagraph (6) minus item subparagraph (4) (viii) of this paragraph).

(8) State total amount of excess cost and actual or liquidated damages.

(9) Whether efforts have been made to collect the amount set forth in subparagraph (8) of this paragraph. If collected, forward the check, money order, or funds to Disbursing Officer with report. If uncollectible, a statement to that effect.

(10) Attach one copy of the following:

(i) Terminated contract.

(ii) Repurchase contract, if any.

(11) Attach two copies of the following:

(i) Notice of termination.

(ii) Notice to cure default, if any. See § 596.103–11 (d) (5) of this section.

(iii) Computation of liquidated or actual damages.

(iv) Correspondence from Contracting Officer to delinquent Contractor relative to the indebtedness.

(12) Attach original and one copy of correspondence from delinquent Contractor to Contracting Officer relative to indebtedness.

(13) Attach two copies of any other papers or documents deemed to be required as evidence for prosecution of claim or litigation against defaulting contractor.

(h) *Amount chargeable against defaulting Contractor.* A purchase or purchases against the account of a defaulting Contractor must not exceed the quantity originally ordered, with consideration given, of course, to the variation clause, if any, in the contract, and must be secured if practicable on the same unit basis, such as each, dozen, pound. This, however, does not preclude the Government from entering into one contract with the completing Contractor which includes additional needed supplies provided that the excess costs to be charged against the account of the defaulting Contractor are determined as provided in the preceding sentence of this paragraph. In any event, actual damages (or liquidated damages, if clause contained in § 406.105–5 of this title is used) resulting from delay, may be assessed in addition to excess costs.

(i) *Action by disbursing officer.* (1) Upon receipt of the Report of Termination of Contract, the Disbursing Officer will proceed, when necessary, to effect collection of excess costs and actual or liquidated damages by deduction of the amount thereof from any funds payable to the defaulting contractor.

(2) If the entire amount is collected by setoff, such action will be indicated by indorsement to the Report of Terminated Contract, together with applicable voucher citations, and a statement of the name of the Disbursing Officer and D. O. Symbol No. The Report and indorsement will be disposed of as follows:

(i) The original will be transmitted to the Chief of Finance, for forwarding to the General Accounting Office.

(ii) The duplicate copy will be filed in the Office of the Disbursing Officer.

(3) In the event that collection of excess cost and/or damages is effected by means of Contractor's check, money order, cash, or any means other than setoff against another account due to the Contractor, the Disbursing Officer will, in addition to taking action required by paragraph (2) of this section, submit together with the Report, the required number of copies of Standard Form No. 1044 (Schedule of Collections), properly completed in accordance with AR 35–3510 (Records of Sales and Collections).

(4) If the Disbursing Officer finds it impracticable to collect the entire amount due, or if no repurchase, excess costs, or damages are involved, he will indicate his action and recommendation by indorsement to the Report of Termination of Contract, and distribute the report and indorsement as follows:

(i) The original to the Chief of Finance, for forwarding to the General Accounting Office.

(ii) The duplicate copy will be filed in the office of the Disbursing Officer.

(iii) The Contracting Officer will be advised in writing of action taken and, where applicable, that the excess costs and/or damages could not be collected and that the matter has been reported to the Chief of Finance, for reference to the General Accounting Office.

(j) *Action in connection with Federal Supply Schedule contracts*—(1) *Action by Contracting Officer*—(i) *Ordering office.* Before declaring a Contractor in default, it is suggested that ordinarily ordering offices should notify the Contractor in writing that unless satisfactory performance occurs by a specified date, which should allow a reasonable time for performance, his right to proceed further under the purchase order will be considered terminated and he will be held liable for any excess costs resulting from purchasing the supplies or services elsewhere. This step would not be taken ordinarily when the default involves an attempted fraud on the United States, or when it obviously would be futile, as for example, when the Contractor has already declined to perform. Where excess costs are anticipated, the ordering office may likewise decide to withhold sufficient funds due the Contractor as offset security. Ordering offices will endeavor to minimize excess costs to be charged against the Contractor and to collect, by check or setoff, excess costs owed. Such collected funds are usually for deposit into the Treasury as miscellaneous receipts.

(ii) *Federal Supply Service.* Where ordering offices are notified by the Federal Supply Service that it has declared the Contractor in default, ordering offices will thereafter refuse to accept further performance by the Contractor or place further purchase orders with him. Ordering officer will thereafter purchase against the account of the Contractor from replacing Contractors designated by the Federal Supply Service or in such other manner as directed by the Federal Supply Service.

(2) *Reports.* Ordering offices will report to the Purchase Branch, Federal Supply Service, Washington 25, D. C., the details concerning all material instances of unsatisfactory performance by the Contractor, whether or not properly adjusted and settled. Ordering offices also will report, as may be directed by the Federal Supply Service, all purchases made against the account of a Contractor placed in default by the Federal Supply Service.

(k) *Excusable delay.* Where, following termination for default, it is subsequently determined that the Contractor's delay was excusable, the procedure outlined in clause (e) of the Default article (see § 406.103–11 of this title) will be followed.

(l) *Applicability to oversea commands.* (1) The default article is applicable to oversea commands except where any of its provisions are inconsistent with or prohibited by local law, in which case the article should be amended to conform to local law. For the purpose of this paragraph, local law is defined as the law of the foreign country or legal entity which is applicable to the execution and performance of contracts therein.

(2) The original of the Report of Termination of Contract, which is required by paragraph (i) of this section to be submitted to the Chief of Finance, will be submitted through the Finance Officer of the oversea command.

§ 596.103–12 *Disputes.* The "Disputes" Clause contained in § 406.103–12 of this title will be inserted as specified, except for contracts entered into by major oversea commanders and to be performed outside the United States (48 States and the District of Columbia) (paragraph (c) of this section). The "Disputes" Clause may be modified to provide for an intermediate appeal to the Head of a Procuring Activity upon approval of the Head of the Procuring Activity concerned.

(a) *Armed Services Board of Contract Appeals.* The charter and rules of the Armed Services Board of Contract Appeals are set forth in Appendix A of §413.008 of this title.

(b) *Procedure for handling disputes.* Disputes arising under Army contracts should be reviewed and screened to insure, so far as practicable and consistent with the rights of contractors, that only those appeals which require consideration and determination by the Armed Services Board of Contract Appeals be forwarded to the Board for disposition.

(1) *Correspondence.* All official correspondence with the Board will be addressed "Board of Contract Appeals, Office of the Secretary of the Army, Washington 25, D. C."

(2) *Time of filing of appeal to be endorsed.* When the appeal has been received by the Contracting Officer or the Head of a Procuring Activity, as the case may be, he will indorse thereon the date of filing and forward the appeal, as hereinafter provided.

(3) *Findings of fact and decisions.* (i) In rendering a decision on any dispute involving a question of fact, the Contracting Officer or the Head of a Procuring Activity, as the case may be, will prepare and sign findings of fact, a true copy of which with his written decision will be promptly furnished the Contractor. The Contracting Officer will include in his decision the following paragraph:

> If in your opinion the findings and decision hereinbefore set forth involve a dispute concerning a question of fact, you are hereby notified that in accordance with the provisions of Clause ------, "Disputes" of the above-numbered contract you may appeal from these findings and decision to the Secretary of the Army. If properly filed, your appeal will be heard by the Armed Services Board of Contract Appeals, the duly authorized representative of the Secretary. The Rules of the Board provide that an appeal may take the form of the notice of appeal. It may be in the form of a letter or any other form which presents the necessary information, including specific facts and argument, complete in reasonable detail, in support of the appeal. A notice of appeal must be addressed to the Secretary of the Army and must be mailed to, or filed with, the undersigned Contracting Officer within 30 days after receipt of these findings and decision. A notice of appeal should indicate that an appeal is intended and should identify the contract (by number), the decision from which the appeal is taken, the date of the decision, the contractual provision concerned in the dispute, the nature of the dispute, and the relief sought by the appeal. The Rules further provide that the notice of appeal should be signed personally by the Contractor taking the appeal or by an officer of the appellant corporation or member of the appellant firm or by the Contractor's duly authorized representative. Three copies of the notice of appeal should be furnished.

(ii) *Forwarding by Contracting Officer.* When an appeal is taken from the decision of a Contracting Officer he will promptly forward to the Head of the Procuring Activity concerned, a true copy of his findings of fact and of his decision; the original written appeal and the required copies thereof; a transcript of any evidence taken by him; and all pertinent papers in the case.

(iii) *Forwarding by Heads of Procuring Activities of appeals from decisions of Contracting Officer.* (a) If the appeal from the Contracting Officer's decision is to the Secretary, the Head of the Procuring Activity receiving the appeal will exercise the utmost care to see that the record is complete; will add to the file, if not already in it, an original duplicate or true copy of the contract, including the plans and specifications and all changes and supplemental agreements; and will promptly forward the complete file to the Board.

(b) If for any reason an appeal cannot be processed by the Procuring Activity in accordance with this section within 10 days from the date appeal is received by the Activity, the Head of the Procuring Activity will report to the Board the date on which the appeal was received in his office and the reason for the delay in accomplishing the processing.

(4) *Forwarding appeals from Heads of Procuring Activities.* The Head of a Procuring Activity, within 10 days after the receipt of a written appeal from his decision, will forward the original written appeal and the required copies thereof to the Board, together with the following papers: a copy of his findings of fact and decision; the advisory report, if there be one, of the contract settlement board in his office; a transcript of any testimony taken during the course of the proceedings; a duplicate original or a certified copy of the contract, including the plans and specifications and all changes and supplemental agreements; the findings of fact and decision of the Contracting Officer; and all papers and correspondence pertaining to the contract, pertinent to the consideration of the appeal. In cases wherein an appeal under the terms of a contract is filed with a Procuring Activity, the Head of the Activity concerned will, prior to forwarding the appeal to the Armed Services Board of Contract Appeals:

(i) Carefully review the "decision" or "findings of fact" from which the appeal is taken to ascertain that all basic "findings of fact" are complete as to all issues bearing upon the matter in dispute. He will also ascertain that all evidence relied upon (whether documentary or oral testimony) in support of the "decision" or "finding of fact" does support the Government's position; and that all essential witnesses and documentary evidence will be available to the Board at the time of the hearing of the appeal. When appropriate, the Head of the Procuring Activity will conduct an investigation to accomplish these objectives.

(ii) Refer the Contracting Officer for supplemental findings cases in which the "decision" does not contain all of the basic findings required to support it, or in which the "findings of fact" are not complete as to all issues bearing upon the matter in dispute.

(iii) Refer to the Contracting Officer for reconsideration all cases wherein a timely appeal has been taken and it is clear from the evidence, contractual provisions and the applicable law, that the Contracting Officer's "decision" or "findings of fact" is erroneous or not supported by competent and available evidence. Attention is invited to the requirement that the Contracting Officer must give his personal and independent consideration to the making of each "decision" or "findings of fact," with the aid of such technical and legal advice as may be available to him, and the exercise of this function can neither be delegated to nor usurped by anyone not authorized by the terms of the contract. Whenever upon such reconsideration the Contracting Officer modifies his "decision" or "findings of fact" so as to eliminate a part or all of issues involved in the appeal, he will request the appellant to furnish, for incorporation in the appeal papers, a statement withdrawing its appeal as to the issues thus eliminated.

(iv) Prepare and forward to the Chief Trial Attorney's office a statement of the factual and legal issues involved in the appeal and a brief summary of the evidence (both documentary and oral testimony) which will be available at the hearing to support the Government's position, together with comments, when pertinent, as to the probable implications on procurement policies of the decision upon the subject appeal.

(v) *Appeals filed with the Secretary or the Board.* In cases wherein an appeal is filed directly with the Office of the Secretary of the Army or the Armed Services Board of Contract Appeals, the Board, pursuant to its rules of procedure, will promptly furnish a copy thereof to the Procuring Activity concerned, through the Chief, Trial Attorney's office. Upon the receipt of such appeal the Procuring Activity will process the same as though it had been initially filed with the Activity.

(vi) *New facts or circumstances.* Upon discovery of new facts or circumstances the Chief Trial Attorney is authorized, in appropriate cases, to return appeals to the Procuring Activity for further reconsideration in the light of the additional facts of circumstances disclosed.

(vii) *Appeals improperly filed.* If any officer or agency of the Department other than the officer or agency designated in the contract, should receive a written appeal, the recipient will, after endorsing thereon the date of its receipt, immediately transmit the appeal to the Head of the Procuring Activity concerned:

(*a*) For appropriate action as provided in subparagraph (4) of this paragraph, if the appeal is from the decision of the Head of a Procuring Activity, or

(*b*) If the appeal is from the decision of a Contracting Officer, then for action as required by subparagraph (3) of this paragraph.

(c) *Major oversea commands.* (1) The following "Disputes" Clause will be inserted in all contracts entered into by major oversea commands and to be performed outside the United States (48 States and the District of Columbia) in lieu of the clause set forth in § 406.103–12 of this title:

DISPUTES

Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. Within 30 days from the date of receipt of such copy, the Contractor may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Commanding General (------[1]) and the decision of the Commanding General (------[1]), or that of his duly authorized representative (other than the Contracting Officer under this contract) for the hearing of such appeals, upon personal approval by the Commanding General (------[1]) or his designated deputy, shall, unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, be final and conclusive upon the parties hereto when the amount involved in the appeal is $50,000 or less; provided that, if no appeal is taken, within the said 30 days, the decision of the Contracting Officer shall be final and conclusive. When the amount involved is more than $50,000 the decision of the Commanding General (------[1]) shall be subject to written appeal within 30 days after the receipt thereof by the Contractor to the Secretary of the Army and the decision of the Secretary or his duly authorized representative for the hearing of such appeals shall, unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, be final and conclusive; provided that, if no such further appeal is taken, within the said 30 days, the decision of the Commanding General (------[1]) shall be final and conclusive. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with Contracting Officer's decision.

(2) Each commanding general of a major oversea command will appoint within his command a Board to be known as "[name of command] Board of Contract Appeals." The Board will consist of three or more members who will be persons trained in the law, one of whom will be designated by the appointing authority as the President of the Board. There also will be appointed a Recorder of the Board who will perform such duties as the Board may prescribe. The Recorder of the Board also may be a member thereof.

(3) The Board, created pursuant to the provisions of paragraph (c) (2) of this section, will be designated by the commanding general as his duly authorized representative to hear, consider, and decide, as fully as he might do, all appeals to him under contracts having such provisions. The Board's final decision, however, will be subject to his personal approval, or that of his deputy designated for such purpose. The Board will be granted all powers necessary and incident to the proper performance of its duties and, with the approval of the appointing authority, will adopt its own methods of procedure, rules, and regulations for its conduct and for the preparation and presentation of appeals and issuance of decisions.

(4) Each commanding general of a major oversea command will designate one or more trial attorneys, who will be qualified attorneys at law, for the preparation and presentation of the contentions of the Procuring Activity in relation to appeals filed with the Board.

[1] Specify name of major oversea command concerned.

§ 596.103–14 *Buy American Act.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted. See § 596.050 (b) (1) (iii).

§ 596.103–16 *Eight-Hour Law of 1912.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted. See § 596.050 (b) (1) (iv).

§ 596.103–17 *Walsh-Healey Public Contracts Act.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted. See § 596.050 (b) (1) (iv).

§ 596.103–18 *Nondiscrimination in employment.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted. See § 596.050 (b) (1) (iv).

§ 596.103–21 *Termination for convenience of the Government.* Insert the contract clause appropriate for use in fixed-price supply contracts as set forth in Part 407, Chapter IV of this title, provided that prior to the issuance and effective date of Part 407, Chapter IV of this title, there shall be inserted such termination clause as is prescribed by Part 597 of this subchapter.

§ 596.104 *Clauses to be used when applicable.* The contract clauses set forth in § 406.104 of this title and in this section shall be used when applicable subject to the instructions contained in § 406.104 of this title and in this section and § 596.050.

§ 596.104–1 *Davis-Bacon Act.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted. See § 596.050 (b) (1) (iv) of this subpart.

§ 596.104–2 *Copeland Act.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted. See § 596.050 (b) (1) (iv) of this subpart.

§ 596.104–3 *Employment of aliens.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted. Contracting Officers will exercise the utmost care in effecting this type procurement to avoid the compromise of classified data.

§ 596.104–4 *Neutrality Act of 1939—*(a) *Basic law.* By section 12 of the act of November 4, 1939 (22 U. S. Code 452), also referred to as the "Neutrality Act of 1939," the National Munitions Control Board was established, upon the recommendation of which the President was authorized to proclaim, from time to time, a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of said act. The Secretary of State promulgates rules and regulations with regard to said act and except where otherwise provided by law, the administration was vested in the Department of State. The Neutrality Act further provides for the registration of persons engaged in manufacturing, exporting, or importing any arms, ammunition, or implements of war listed in the President's Proclamation; and that no purchase of arms, ammunition, or implements of war shall be made on behalf of the United States from any person who shall have failed to register under the provision of said act.

(b) *Proclamation of the President.* (1) The President, in Proclamation 3038, 18 November 1953, has proclaimed the articles which are considered arms, ammunition, and implements of war for purposes of basic law as follows:

CATEGORY I—SMALL ARMS AND MACHINE GUNS

Rifles, carbines, revolvers, pistols, machine pistols, and machine guns using ammunition of caliber .22 or over.

CATEGORY II—ARTILLERY AND PROJECTORS

Guns, howitzers, cannon, mortars, tank destroyers, rocket launchers, military flame throwers, military smoke projectors, and recoilless rifles.

CATEGORY III—AMMUNITION

Ammunition of caliber .22 or over for the arms enumerated in Categories I and II hereof.

CATEGORY IV—BOMBS, TORPEDOES, ROCKETS, AND GUIDED MISSLES

(a) Bombs, torpedoes, grenades (including smoke grenades), smoke canisters, rockets, mines, guided missiles, depth charges, fire bombs, incendiary bombs.

(b) Apparatus and devices for the handling, control, activation, discharge, detonation, or detection of items enumerated in paragraph (a) of this category.

CATEGORY V—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

Fire control, gun tracking, and infrared and other night-sighting equipment; range position and height finders, and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights, gun sights, and periscopes for the arms, ammunition, and implements of war enumerated in this proclamation.

CATEGORY VI—TANKS AND ORDNANCE VEHICLES

Tanks, military type armed or armored vehicles, ammunition trailers, and amphibious vehicles (land vehicles capable of limited endurance in water), military half tracks, military type tank recovery vehicles, and gun carriers.

CATEGORY VII—TOXICOLOGICAL AGENTS

(a) Biological or chemical toxicological agents adapted for use in war to produce casualties or to damage crops.

(b) Equipment for the dissemination, detection, and identification of, and defense against, the items described in paragraph (a) of this category.

CATEGORY VIII—PROPELLANTS AND EXPLOSIVES

Propellants for the articles enumerated in Categories III, IV, and VII hereof; military high explosives.

CATEGORY IX—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships.

(b) Equipment for the laying, detection, detonation, and sweeping of mines.

(c) Submarine nets.

CATEGORY X—AIRCRAFT

Aircraft and airborne equipment.

CATEGORY XI—MISCELLANEOUS EQUIPMENT

(a) Radar of all types, including guidance systems and airborne or ground radio equipment therefor; electronic counter-measure and jamming equipment; underwater sound equipment; all other electronic equipment specially designed for military use; radio-communications equipment bearing a military designaton; electronic navigational aids specially designed for military use such as radio direction finding equipment, radio distance measuring systems such as Shoran, and hyperbolic grid systems such as Raydist, Loran, and Decca.

(b) Aerial and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment.

(c) Armor plate, armored railway trains, military steel helmets, body armor, and flak suits.

(d) Specialized military mobile repair shops specially designed to service military equipment.

(e) Pressurized breathing equipment and partial pressure suits for use in aircraft, anti "G" suits, military crash helmets, parachutes utilized for personnel, cargo, and deceleration purposes, and aircraft liquid oxygen converters.

(f) Military pyrotechnics including projectors therefor.

(g) Specialized military training equipment.

(h) Tear gas and equipment for the dissemination thereof.

CATEGORY XII—CLASSIFIED MATERIAL

All material not enumerated herein which is classified from the standpoint of military security.

This proclamation shall become effective on January 1, 1954, and shall on that date supersede Proclamation No. 2776 of March 26, 1948, entitled "Enumeration of Arms, Ammunition, and Implements of War."

(c) *Interpretation of basic law by department of State.* Munitions Division Bulletin No. 1, Department of State, entitled "New requirements relating to the licensing for export and import of articles defined as arms, ammunition and implements of war," 1 April 1948, indicates the procedure to be followed by those engaged in the business of manufacturing, exporting or importing any of the arms, ammunition, or implements of war enumerated in the President's Proclamation pending issuance of a revised edition of the pamphlet "International Traffic in Arms." Inquires relative to the application of Proclamation 3038 should be submitted to the Munitions Division, Department of State, Washington 25, D. C.

(d) *Invitations for bids, requests for proposals, and negotiated contracts.* If any item being purchased is listed in any current proclamation issued by the President under Section 12 of the Neutrality Act of 1939 (Act of 4 November 1939, 54 Stat. 10; 22 U. S. C. 452) the clause prescribed by § 406.104–4 of this title, Neutrality Act of 1939, will be included in all invitations for bids, or in case of negotiation, in the request for proposals if a request for proposals is used. If a request for proposals is not used, the clause will be brought to the attention of prospective Contractors during negotiation and the clause incorporated in any resultant contract.

(e) *Overseas.* If effecting procurement of arms, ammunition, or implements of war, defined as such by the Neutrality Act of 1939 and subsequent Presidential Proclamations, outside the United States, its Territories and possessions, clearance of the procurement, prior to consummation, will be obtained from, and insertion or deletion of the clause will be as dictated by the Munitions Division, Department of State, except that in the following cases, clearance need not be obtained and the clause will not be inserted:

(1) In areas of military occupation.

(2) In areas outside the United States and its Territories where the Department of State has entered into treaties or other agreements with the countries or authorities concerned with respect to the exporting or importing of arms, ammunition or implements of war.

(3) Those geographical areas or those procurement items in which or for which the Department of State has made a blanket exception or a previous exception to the Act.

(4) When the source of supply is not a national of, or otherwise subject to the laws of, the United States.

§ 596.104–12A *Military security requirements; research and development contracts.* The following clause is approved for use in research and development contracts with educational or nonprofit institutions, as a deviation from subchapter A, chapter IV of this title pending inclusion in a future revision of subchapter A, chapter IV of this title:

MILITARY SECURITY REQUIREMENTS—RESEARCH AND DEVELOPMENT CONTRACTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to security information classified "Top Secret," "Secret," or "Confidential."

(b) The Government shall notify the Contractor of the security classification of this contract, and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254) and Appendage thereto (DD Form 254–1).

(c) To the extent the Government has indicated as of the date of this contract, or thereafter indicates, security classification under this contract as provided in paragraph (b) above, the Contractor, except as otherwise provided in this clause, shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of (i) the Department of Defense Industrial Security Manual for Safeguarding Classified Security Information as in effect on the date of this contract, which Manual is hereby incorporated by reference and made a part of this contract, and (ii) any amendments to said Manual required by the demands of national security as determined by the Government and made after the date of this contract.

notice of which has been furnished to the Contractor by the Contracting Officer.

(d) Designated representatives of the Government responsible for inspection pertaining to industrial security shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the requirements of the terms and conditions of this clause. Should the Government, through its authorized representative, determine that the Contractor has not complied with such requirements, the Government shall inform the Contractor in writing of the proper actions to be taken in order to effect compliance with such requirements.

(e) In the event a change in security requirements, as provided in paragraphs (b) and (c), results (i) in a change in the security classification of this contract or any element thereof from a nonclassified status to a classified status or from a lower classification to a higher classification, or (ii) in more restrictive area controls than previously required, the Contractor shall exert every reasonable effort compatible with its established policies to continue the performance of work under the contract in compliance with such change in security classification or requirements. If, despite such reasonable efforts, the Contractor determines that the continuation of work under this contract is not practicable because of such change in security classification or requirements it shall so notify the Contracting Officer in writing.

(f) After receiving such written notification, the Contracting Officer shall explore the circumstances surrounding the proposed change in security classification or requirements and shall endeavor to work out a mutually satisfactory method whereby the Contractor can continue performance of the work under this contract.

(g) If, upon the expiration of fifteen (15) days after receipt of the notification by the Contracting Officer of the Contractor's stated inability to proceed, (i) the application to this contract of such change in security classification or requirements has not been withdrawn or (ii) a mutually satisfactory method for continuing performance of work under this contract has not been agreed upon, the Contractor may request the Contracting Officer to terminate the contract in whole or in part. Thereupon, the Contracting Officer shall terminate the contract in whole or part, as may be appropriate, and such termination shall be deemed a termination under the provisions of the clause of this contract entitled "Termination for the Convenience of the Government."

(h) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified security information, provisions which shall conform substantially to the language of this clause, including this paragraph (h) but excluding paragraphs (e), (f), and (g) of this clause.

(i) The Contractor also agrees that it shall determine that any subcontractor proposed by it for the furnishing of supplies and services which will involve access to classified security information in the Contractor's custody has been granted an appropriate facility security clearance which is still in effect, prior to being accorded access to such classified security information.

§ 596.104–13 *Domestic food or clothing.* In effecting procurement outside the United States, its Territories and possessions, for any articles of food or clothing excepted from the prohibition of the annual appropriation acts, this clause will be deleted.

§ 596.104–15 *Examination of records clause in utility services contracts.* Contracts or purchase orders for public utility services are exempted from compliance with the requirements of § 406.104–15 of this title when such contracts are at rates not in excess of those established for uniform applicability to the general public, or at such rates plus reasonable connection charges incident to such services.

§ 596.104–50 *Title II, First War Powers Act, 1941, as amended.* All contracts and amendments to contracts made under the authority of the Title II, First War Powers Act, 1941, as amended, will contain the clauses and conform to the requirements prescribed in § 606.409 of this subchapter.

§ 596.105 *Additional clauses.* The clauses set forth in § 406.105 of this title will be inserted in fixed-price supply contracts in accordance with the instructions of each Procuring Activity where necessary or desirable to cover the subject matter contained in such clauses.

§ 596.105–5 *Liquidated damages*—(a) *Contract provision.* If a contract is to provide for liquidated damages, a provision will be inserted in accordance with § 406.105–5 of this title.

(b) *Accrual.* Where a contract provides for liquidated damages in the event of default, and a default occurs, liquidated damages accrue to the Government, in accordance with the terms of the contract.

(c) *Mitigation.* If there is a liquidated-damage provision in a contract for the purchase of ordinary supplies and default should occur, time should not be permitted to run indefinitely, the result of which would make the liquidated damages chargeable exceed the contract price of the supplies to be delivered. The law imposes the duty upon a party subjected to injury by the action of another to mitigate the damages which result from such wrongful action, and that must be as true where liquidated damages run as in the ordinary case of actual damages. Efforts must be made to procure supplies elsewhere if delivery is not forthcoming within a reasonable time after the default occurs. While the course to be followed must depend upon the facts in each case, the rule may be stated that damages to run must be conserved and, as promptly as possible, according to what may be the attitude of the Contractor respecting delivery, administrative action should be taken to procure the supplies elsewhere.

(d) *Remission.* Whenever any contract includes a provision for liquidated damages for delay, the Comptroller General on the recommendation of the Secretary is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable. Recommendations submitted by a Contracting Officer to the Head of a Procuring Activity or to the Secretary will not be furnished the Contractor.

§ 596.150 *Department of the Army clauses.* The following clauses will be inserted in fixed-price supply contracts when applicable and in accordance with the instructions set forth in this section.

§ 596.150–1 *Progress payments*—(a) *Clarification of terms "partial payments" and "progress payments"*—(1) *Partial payments.* The term "partial payments" describes (i) payments made upon completion of the delivery of one or more complete units, or upon completion of one or more distinct items of service, under a contract; or (ii) partial payments on termination claims.

(2) *Progress payments.* The term "progress payments" identifies payments made as work progresses under a contract upon the basis of (i) costs incurred, (ii) percentage of completion accomplished, or (iii) a particular stage of completion.

(b) *Authority for progress payments.* Progress payments are authorized in an amount not to exceed 90 percent of the costs to the Contractor of direct labor and material and/or component parts purchased under the contract. The contract will contain the clause set forth in paragraph (c) of this section. Deviations to this procedure, including approval of 100 percent progress payments, may be made by Chief, Purchases Branch, Office of the Assistant Chief of Staff, G–4, upon the recommendation of Heads of Procuring Activities.

(c) *Progress payments clause.*

PROGRESS PAYMENTS

Progress payments, which are hereby defined as payments made as work progresses under this contract upon the basis of (i) costs incurred, (ii) percentage of completion accomplished, or (iii) a particular stage of completion, may be made upon the following terms and conditions.

(a) The Contracting Officer may, from time to time, authorize progress payments to the Contractor upon property acquired or produced by it for the performance of this contract: *Provided*, that such progress payments shall not exceed 90 percent of the costs to the Contractor of direct labor and material and/or component parts purchased for that property upon which payment is made, which costs shall be determined from evidence submitted by the Contractor and which must be such as is satisfactory to the Contracting Officer: *Provided further*, that in no event shall the total of unliquidated progress payments (see (c) below) and of unliquidated advance payments if any, made under this contract, exceed 80 percent of the total contract price of supplies still to be delivered.

(b) Upon the making of any progress payment under this contract, title to all parts, materials, inventories, work in process and nondurable tools theretofore acquired or produced by the Contractor for the performance of this contract, and properly chargeable thereto under sound accounting practice, shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor for the performance of this contract and properly chargeable thereto as aforesaid shall vest in the Government forthwith upon said acquisition or production: *Provided*, that nothing herein shall deprive the Contractor of any further progress or final payments due or to become due hereunder; or relieve the Contractor or the Government of any of their respective rights or obligations under this contract.

(c) In making payment for the supplies furnished hereunder, there shall be deducted from the contract price therefor a proportionate amount of the progress payments theretofore made to the Contractor, under the authority herein contained.

(d) It is recognized that property (including, without limitation, completed supplies, spare parts, drawings, information, partially completed supplies, work in process, materials, fabricated parts and other things called for herein) title to which is or may hereafter become vested in the Government pursuant to this clause will from time to time be used by or put in the care, custody or possession of the Contractor in connection with the performance of this contract. The Contractor, either before or after receipt of notice of termination at the option of the Government, may acquire or dispose of property to which title is vested in the Government under this clause, upon terms approved by the Contracting Officer: *Provided*, That after receipt of notice of termination, any such property that is a part of termination inventory may be acquired or disposed of only in accordance with the provisions of the clause of this contract entitled Termination for Convenience of the Government and applicable laws and regulations. The agreed price (in case of acquisition by the Contractor) or the proceeds received by the Contractor (in case of any other disposition), shall, to the extent that such price and proceeds do not exceed the unliquidated balance of progress payments hereunder, be paid or credited to the Government as the Contracting Officer shall direct; and such unliquidated balance shall be reduced accordingly. Current production scrap may be sold by the Contractor without approval of the Contracting Officer but the proceeds will be applied as provided in this paragraph (d), provided that any such scrap which is a part of termination inventory may be sold only in accordance with the provisions of the Termination for Convenience of the Government of this contract and applicable laws and regulations. Upon liquidation of all progress payments hereunder or upon completion of deliveries called for by this contract, title to all property (or the proceeds thereof) which has not been delivered to and accepted by the Government under this contract or which has not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this clause shall vest in the Contractor.

(e) The clause of this contract captioned "Liability for Government-Furnished Property" and any other provision of this contract defining liability for Government-Furnished Property shall be inapplicable to property to which the Government shall have acquired title solely by virtue of the provisions of this clause. The provisions of this clause shall not relieve the Contractor from risk of loss or destruction of or damage to property to which title vests in the Government under the provisions hereof.

(f) If this contract (as heretofore or hereafter supplemented or amended) contains provisions for Advance Payments, and in addition if at the time any progress payment is to be made to the Contractor under the provisions of this progress payments clause any unliquidated balance of advance payments is outstanding, then notwithstanding any other provision of the Advance Payments Clause of this contract the net amount, after appropriate deduction for liquidation of the advance payment, of such progress payment shall be deposited in the special bank account or accounts maintained as required by the provisions of the Advance Payments Clause, and shall therefrom be withdrawn only pursuant to such provisions.

§ 596.150–2 *Advance payments.* Whenever advance payments have been authorized in accordance with Subpart E, Part 402 of this title and Subpart E, Part 592 of this subchapter, insert the contract clause appropriate for use in fixed-price supply contracts as set forth in Subpart E, Part 402 of this title, *provided* that prior to the issuance and effective date of such clause in Subpart E, Part 402 of this title, there will be inserted the contract clause authorized for use in the contract concerned at the time the advance payment is approved as provided in Subpart E, Part 402 of this title and Subpart E, Part 592 of this subchapter.

§ 596.150–3 *Plant protection.* In those cases where the Contracting Officer deems it necessary to retain some control as to the plant protective devices in a particular plant, the contract will contain one of the following clauses:

a. Plant protection:

The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage.

b. Plant protection:

The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage. If the Contracting Officer from time to time shall require the installation of plant protective devices or the employment of watchmen, guards or other personnel, or both, in addition to those deemed necessary by him on the date the Contractor shall commence performance of this contract, the cost of any such devices installed or the pay of any such personnel employed, or both, at the written request and upon the written authorization of the Contracting Officer, shall be reimbursed to the Contractor upon submission of vouchers approved by the Contracting Officer, provided that no reimbursement of the cost of any such installation or pay of any such personnel, or both, shall be made in excess of the cost thereof, as estimated in advance and approved in writing by the Contracting Officer.[1]

c. Plant protection (Government-owned contractor operated plants).

(a) The Contractor shall at all times during the performance of the work under this Contract comply with all applicable Federal, State and local statutes, and with such rules and regulations as are furnished to the Contractor by the Contracting Officer, governing the manufacture, storage, loading, handling, or transporting of military explosives, pyrotechnic, and inert materials. The Contractor will maintain such additional safety precautions for its personnel, for facilities staffed and operated by it, and for work in process, as are customary in the industry or in the Contractor's private operations. All personnel having access to the plant, including Government personnel, shall comply with all instructions issued by the Contractor in furtherance of the safety precautions. The Contractor shall install and maintain in and about the plant such plant protective devices and shall employ such guards and other personnel as the Contracting Officer may approve, including such personnel and protective devices for the prevention of espionage, sabotage, and other malicious destruction or damage. The Contractor shall make available such information with respect thereto as the Contracting Officer may request. The use by the Contractor of such Government-owned safety or plant protective equipment as may be located at the plant site is authorized subject to approval by the Contracting Officer.

(b) The Contractor agrees to furnish the authorized Security and Safety personnel of the Army Establishment with a survey of the existing internal security system and explosion-and-fire-prevention system in the portions of the plant staffed and operated by the Contractor. The Contractor agrees to make any changes necessary to cause the existing internal security system and explosion-and-fire-prevention system to comply with all applicable local, State, and Federal laws, rules, and regulations, including such Department of the Army regulations or ---------- instructions as are
(Procuring Activity)
furnished to the Contractor by the Contracting Officer, governing the manufacture, storage, loading, handling, or transporting of military explosives, pyrotechnic, and inert materials.

(c) At any time during the term of this contract, the Contracting Officer or his duly authorized representative may require the Contractor to install and maintain in and about the plant additional protective devices, equipment and personnel. The Contractor shall submit promptly to the Contracting Officer or his duly authorized representative, for prior approval as to estimated cost, detailed inventories, including the estimated cost of each item of protective devices or equipment so required to be installed and of installing the same, and a detailed estimate of the cost of maintaining any such additional protective devices or equipment and personnel.

(d) Title to all plant protective devices and equipment added under paragraph (c) of this clause shall be in the Government. The Contractor, during the term of this contract or any extension thereof, shall maintain and keep in good condition and repair all such protective devices and equipment.

(e) The Contracting Officer and authorized Security and Safety personnel of the Army Establishment, at all times during the performance of this Contract or any extension thereof, shall have access to the portions of the plant staffed and operated by the Contractor in order to inspect, inventory, or remove any of said plant protective devices or equipment, and to inspect the premises with respect to compliance with all regulations and requirements concerning plant protection, safety, and security including any recommendations made by the appropriate Army Establishment personnel.

§ 596.150–4 *Rental of gas cylinders.* Every contract for the rental of gas cylinders will contain a clause similar to one of the following:

Rental of gas cylinders (individual basis):

Cylinders shall remain the property of the Contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the Contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the Contractor, there will be charged and the United States agrees to pay the Contractor a rental at the rate of $------ per cylinder per day for the use of cylinders not returned to the Contractor.

Rental of gas cylinders (quantity basis):

Cylinders shall remain the property of the Contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the Contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the Con-

[1] If desired an additional proviso may be added, reading substantially as follows: *Provided further*, That no reimbursement of the cost of any such installation or pay of any such personnel is being made to the Contractor by other means.

tractor, there will be charged and the United States agrees to pay the Contractor a rental at the rate of $------ per cylinder per day, computed on a quantity basis, as indicated below, for the use of cylinders not returned to the contractor. This rental charge will be computed separately for oxygen and acetylene cylinders and for each point of delivery named in the contract. A credit of 30 cylinder days will accrue for each cylinder shipped. A debit of one cylinder day will accrue for each cylinder for each day held beginning with the day after date of shipment from Contractor's plant to and including the day the cylinder is released to the transportation company for return to the Contractor. At the end of the contract period, in the event the total number of debits exceeds the total number of credits, rental will be charged for the difference. If the total number of credits equals or exceeds the total number of debits, no charge will be made for the use of the cylinders.

All cylinders not returned to the Contractor on or before the expiration of a 90-day rental period or lost or damaged beyond repair while in the possession of the United States Government shall be paid for by the United States to the Contractor at a replacement value of $------ for each oxygen cylinder of 100 to 110 cubic feet capacity, $------ for each oxygen cylinder of 200 to 220 cubic feet capacity, $------ for each acetylene cylinder of 100 to 150 cubic feet capacity, and $------ for each acetylene cylinder of 250 to 300 cubic feet capacity.

Cylinders retained or lost and so paid for shall be considered the property of the United States. But if and when located they may, at the option of the Government, be returned to the Contractor, and, in such event, credit shall be allowed to the Government at the replacement value paid, less rental at the rate of $------ per day beginning at the expiration of the 30-day period as aforesaid to the date upon which cylinders are turned over to carrier for return to Contractor's plant.

§ 596.150–5 *Liability for Government property furnished for repair.* Insert the clause set forth below in contracts for the repair of Government property, possession of which is turned over to the Contractor for that purpose.

Liability for Government property:

(a) The Contractor will be liable for any loss, destruction of or damage to the Government property to be repaired caused by the Contractor's failure to exercise such care and diligence as a reasonably prudent owner of similar property would exercise under similar circumstances.

(b) In addition to such insurance as is normally carried by the Contractor in the course of business the Contractor agrees to maintain such additional insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to Government property, as may, from time to time, be required by the Contracting Officer.

(c) The Contractor shall not be liable for loss or destruction of or damage to the Government property furnished for repair (i) caused by any peril while the property is in transit off the Contractor's premises, or (ii) caused by any of the following perils while the property is on the Contractor's or subcontractor's premises, or on any other premises where such property may properly be located, or by removal therefrom because of any of the following perils:

(A) Fire; lightning; windstorm; cyclone, tornado, hail; explosion; riot, riot attending a strike, civil commotion; vandalism and malicious mischief; sabotage; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the Contractor or any agent or employee of the Contractor; smoke; sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby rising of a body of water; hostile or warlike action, including action in hindering, combating, or defending against an actual, impending or expected attack by any government or sovereign power (de jure or de facto), or by any authority using military, naval or air forces, or by an agent of any such government, power, authority, or forces; or

(B) Other peril, of a type not listed above, if such other peril is customarily covered by insurance (or by a reserve for self-insurance) in accordance with the normal practice of the Contractor, or the prevailing practice in the industry in which the Contractor is engaged with respect to similar property in the same general locality.

(d) The Contractor shall hold the Government harmless and shall indemnify the Government against claims for injury to person or damage to property of the Contractor or others arising from the Contractor's possession, or use of the Government property furnished for repair, or arising from the presence of said property on the premises or property of the Contractor.

§ 596.151 *Price escalation clauses.* Price escalation clauses (as distinguished from price redetermination clauses) may be inserted in contracts entered into after formal advertising or negotiation in accordance with the instructions set forth in this section. (See § 591.406 (b) of this subchapter.)

§ 596.151–1 *Price escalation (labor and materials).* (a) The escalation clause set forth in this section is authorized for use in formally advertised or negotiated contracts for the procurement of supplies under conditions wherein it is desired to effect one or more possible price adjustments, during the life of the contract, solely upon the basis of rates of pay for certain specified types of labor and/or costs of certain specified types of materials. The clause is not to be used in those instances wherein it is desired to adjust contract prices upon the basis of changes in the original estimates of hours of labor or quantities of materials. The clause may be used in the procurement of items other than those of a standard commercial nature in those instances where adequate cost experience has been obtained on previous contracts and where the design of the supplies has been stabilized.

(b) Paragraph (b) of the clause provides that prices may be adjusted only if the change results in an increase or decrease of at least 3 percent of the aggregate contract price. Authority is granted to deviate from this percentage to provide for a lesser percentage if it is deemed that the value of the contract warrants the administration of price adjustments involving a smaller percentage change.

(c) The percentage increase to be specified in paragraph (d) (3) shall not exceed 15 percent.

(d) When it is planned to include this clause in contracts to be awarded as a result of formal advertising, the invitation for bids will clearly so state, and will further state that all bids will be evaluated after applying the maximum amount of escalation. (See §§ 591.201 (j) and 591.406 (b) of this subchapter.)

Price escalation (labor and materials):

(a) The Contractor represents and warrants that the prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increases in either (1) the Contractor's rates of pay for labor or (2) the prices which the Contractor is required to pay for materials, as set forth in detail in paragraph (b) hereunder. The Contractor further represents and warrants that the net price or prices paid or to be paid by the Government under this contract do not and shall not exceed those paid by any other purchaser or consignee for like quantities of the same or similar supplies.

(b) In the event that, at any time during the performance of this contract, the Contractor is required to pay rates of pay for the types of labor specified below, or is required to pay prices for the materials specified below, in excess of, or less than the following rates and/or prices upon which the contract unit price for ----------

(Insert name or reference to end item)

is based:

Type of labor or material	*Unit of measure*
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Rate of pay or price per unit

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then in such event the contract unit price may be adjusted upward or downward in accordance with the provisions of paragraph (c). Such adjustment shall apply to the units completed subsequent to the effective date of any such increase or decrease and shall be by an amount equivalent to the increase or decrease in cost per uncompleted unit occasioned by the increase or decrease in rates of pay for the labor or prices for material specified above. No adjustment shall be made, however, that does not result in an increase or decrease of at least three percent (3%) of the then aggregate contract price of the uncompleted units of the contract.

(c) Not later than twenty (20) days after the effective date of any increase or decrease as referred to in paragraph (b) hereof, the Contractor shall notify the Contracting Officer of any such increase or decrease, and with such notification shall submit a supporting cost breakdown. Such cost breakdown will—

(1) Be prepared in accordance with recognized commercial accounting principles;

(2) Indicate changes in estimated labor and/or material costs resulting from any increase or decrease as referred to in paragraph (b) hereof; and

(3) Be signed by a responsible official of the Contractor.

Upon the basis of such notification and cost breakdown, and such other data as may be available to the Contracting Officer or as shall be furnished to him upon request to the Contractor, a price adjustment to reflect the increase or decrease in costs as referred to in paragraph (b) hereof shall be determined by mutual agreement between the Contractor and the Contracting Officer, and shall be set forth in an amendment to this contract. In the event that the Contractor fails to give notice of any decrease as required herein, a downward adjustment shall be later effected with respect to the units completed subsequent to the effective date of any such decrease. The Contracting Officer or any person authorized by him may examine any or all of the Contractor's records and information available to the Contractor relating to rates paid for labor and prices paid for materials specified in paragraph (b) hereof.

(d) Price adjustments may be agreed upon at any time and from time to time during the performance of this contract in accordance with the provisions of this clause. In no event, however, shall any price adjustment be made—

(1) For any increase or decrease in costs other than those for the types of labor and materials specified in paragraph (b) hereof.

(2) For increased or decreased costs resulting from an increase or decrease as related to the original contract estimates in number of hours of labor or in amounts of materials.

(3) For increases or accumulated increases in unit prices in excess of -- percent (--%) of the original contract unit price.

(4) For rates of pay for labor or prices for materials in excess of those established by the Economic Stabilization Agency or other authorized Government Agency.

(e) Pending a determination of any price adjustment under this clause the Contractor shall continue deliveries hereunder. Failure of the parties to agree upon a price adjustment pursuant to the provisions of this clause shall be deemed to be a dispute as to a question of fact within the meaning of the clause of this contract entitled "Disputes."

(e) In the use of the above escalation article, it is emphasized that considerable latitude is permitted and encouraged in the selection of types of labor and material and rates of pay or price per unit to be negotiated under paragraph (b) of the article. Wherever possible and practicable, costs selected for escalation should be reduced to a type of material price or rate of pay agreement that will require little if any audit review if a price adjustment is called for by either of the contracting parties. The following may be considered as examples of acceptable forms of pricing agreements.

(1) *Materials.* Escalation should be only on the raw material(s) which constitute a major portion of material costs. The market prices of many raw materials are published periodically in accepted trade journals or newspapers. Accordingly, an example material escalation in paragraph (b) of the article could be expressed as follows:

Type of material	*Unit of measure*	*Price per unit*
Steel, Billets, Pittsburg----	Ton ----	$59.00

Cost of steel in this contract represents 25 percent of the total of all costs. The cost of "Steel, billets, Pittsburg" as carried in the "Wall Street Journal" shall be accepted as the basis of increases or decreases in the cost of this material for the purposes of escalation as provided for in paragraph (c), applicable to deliveries made under this contract after the effective date referred to in paragraph (b).

(2) *Labor.* Escalation may be based on particular categories or on average labor costs. Wherever practicable, manufacturing labor should be escalated on an average wage agreed upon as applicable to performance under the contract in question. This average wage must be based on the Contractor's agreement with labor, if such an agreement exists. As an example, labor escalation in paragraph (b) of the article could be expressed as follows:

Type of labor	*Unit of measure*	*Rate of pay per unit*
Manufacturing labor----------	Man hour----------	$1.75

Manufacturing labor costs represent 20 percent of the total of all costs in this contract. The stated rate of $1.75 per manufacturing labor man-hour is a composite rate of manufacturing labor to be utilized in performance of this contract, based upon current union wage agreements of the Contractor. In the event of future increases or decreases in wage scales as the result of changes in such wage agreements for any reason, a new composite rate for manufacturing labor, computed on the same basis as that above, will be used for escalation purposes as provided for in paragraph (c) to the extent of 20 percent of total cost of this contract remaining after the effective date of any increase or decrease.

Escalation of overhead factors is against Department of the Army policy. In fully justified cases involving unusual circumstances, however, deviations will be considered by the Office of the Assistant Chief of Staff, G–4. Submission of such cases on an individual basis will be made through channels to that office.

§ 596.151–2 *Price escalation clauses for standard steel items.* The price escalation clauses set forth in this section are authorized for inclusion in fixed-price contracts for standard steel items, under the following circumstances:

(a) Items being procured are made wholly or in the major part of steel.

(b) Contractor is a producer of steel or an operator of a steel foundry.

(c) That, when it is planned to include the appropriate clause in contracts to be awarded as a result of formal advertising, the invitations for bids will clearly so state, and will further state that all bids will be evaluated after applying the maximum amount of possible escalation.

Price escalation (formal advertising):

(a) The Contractor hereby warrants that the unit prices stated herein on the date set for opening of bids are not in excess of the Contractor's applicable established prices for like quantities of the supplies covered by this contract. The Contractor shall notify the Contracting Officer of each decrease in any of such established prices and each applicable contract unit price shall be decreased accordingly. Any decrease in a unit price shall become effective concurrently with the effective date of each applicable decrease in Contractor's established price and the contract shall be amended accordingly.

(b) The Contractor may at any time, or from time to time, after the date set for opening of bids and during the performance of the contract request in writing an upward adjustment in any of the contract unit prices to be effective as from a date to be specified by the Contractor, subject to the following conditions:

(1) No unit price as adjusted shall exceed the Contractor's applicable established price.

(2) The aggregate of the increases in any unit price made under this paragraph shall not exceed 10 percent (10%) of the original applicable contract unit price.

(3) No adjusted unit price shall be effective earlier than the effective date of any increase in the applicable established price and no increase shall be granted unless the Contractor's applicable established price has increased subsequent to the date set for opening of bids.

(c) In the event the requested adjustment in any contract unit price is acceptable to the Contracting Officer, he shall not later than 20 days after the date of receipt by him of the request so notify the Contractor and the contract shall be modified accordingly. If any such requested adjustment in a unit price is not acceptable to the Contracting Officer, he shall so notify the Contractor in writing within 20 days from the date of receipt by him of the Contractor's said notice; and unless an agreement can be reached as to the amount of increase, the Government may cancel without liability to either party the Contractor's right to proceed with performance of the portion of the contract which is undelivered at the time of such cancellation, except that the Contractor may make delivery of all or any of the supplies which a duly authorized officer of the company shall certify were completed or in the process of manufacture at the time of receipt of notice of such cancellation, and the Government shall pay for all supplies so delivered at the applicable unit price contained in Contractor's said request and the contract shall be modified accordingly, provided, that such certification is made within 10 days after receipt of notice of such cancellation and such requested increase satisfies all of the conditions and does not exceed the limitations of paragraph (b). Supplies shall be deemed to be in the process of manufacture when the steel therefor is in any state of processing after the beginning of the furnace melt.

(d) During the period prior to such cancellation, the Contractor shall continue deliveries according to the terms of the contract and shall be paid therefor at the applicable increase unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

(e) If notice of cancellation is not sent to the Contractor within 10 days after receipt by the Contracting Officer of the Contractor's request, supplies delivered subsequent to the date specified in such request, and prior to the effective date of any subsequent increase or decrease in Contractor's applicable established prices, shall be paid for at the applicable increased unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

Price escalation (negotiated purchases):

(a) The Contractor hereby warrants that the unit prices stated herein at the date hereof are not in excess of the Contractor's applicable established prices for like quantities of the supplies covered by this contract. The Contractor shall notify the Contracting Officer of each decrease in any of such established prices and each applicable contract unit be decreased accordingly. Any decrease in a unit price shall become effective concurrently with the effective date of each applicable decrease in Contractor's established price and the contract shall be amended accordingly.

(b) The Contractor may at any time, or from time to time, during the performance of the contractor request in writing an upward adjustment in any of the contract unit prices to be effective as from a date to be specified by the Contractor, subject to the following conditions:

(1) No unit price as adjusted shall exceed the Contractor's applicable established price.

(2) For deliveries pursuant to the terms of this contract, the aggregate of the increases in any unit price made under this paragraph shall not exceed 10 percent of the original applicable contract unit price.

(3) No adjusted unit price shall be effective earlier than the effective date of any increase in the applicable established price.

(c) In the event the requested adjustment in any contract unit price is acceptable to the Contracting Officer, he shall not later than 20 days after the date of receipt by him of the request so notify the Contractor, and the contract shall be modified accordingly. If any such requested adjustment in a unit price is not acceptable to the Contracting Officer, he shall notify the Contractor in writing within 20 days from the date of receipt by him of the Contractor's said notice; and unless an agreement can be reached as to the amount of increase, the Government may cancel without liability to either party the Contractor's right to proceed with performance of the portion of the contract

which is undelivered at the time of such cancellation, except that the Contractor may make delivery of all or any of the supplies which a duly authorized officer of the company shall certify were completed or in the process of manufacture at the time of receipt of notice of such cancellation, and the Government shall pay for all supplies so delivered at the applicable unit price contained in Contractor's said request and the contract shall be modified accordingly, provided, that such certification is made within 10 days after receipt of notice of such cancellation and such requested increase satisfies all of the conditions and does not exceed the limitations of paragraph (b). Supplies shall be deemed to be in the process of manufacture when the steel therefor is in any state of processing after the beginning of the furnace melt.

(d) During the period prior to such cancellation, the Contractor shall continue deliveries according to the terms of the contract and shall be paid therefor at the applicable increased unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

(e) If notice of cancellation is not sent to the Contractor within 30 days after receipt by the Contracting Officer of the Contractor's request, supplies delivered subsequent to the date specified in such request, and prior to the effective date of any subsequent increase or decrease in Contractor's applicable established prices, shall be paid for at the applicable increased unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

§ 596.151–3 *Price escalation clause for aluminum.* The escalation clause set forth in this section is authorized for inclusion in fixed-price contracts for aluminum, entered into after formal advertising or by negotiation, under the following circumstances:

(a) Contractor is a producer of aluminum.

(b) Items being procured are made wholly or in the major part of aluminum.

(c) That, when it is planned to include this clause in contracts to be awarded as a result of formal advertising, the invitations for bids will clearly so state, and will further state that all bids will be evaluated after applying the maximum amount of possible escalation.

Price escalation (aluminum):

(a) The Contractor hereby warrants that the unit prices stated herein on the date set for opening of bids or offers are not in excess of the Contractor's applicable established prices for like quantities of the supplies covered by this contract. The Contractor shall notify the Contracting Officer of each decrease in any of such established prices and each applicable contract unit price shall be decreased accordingly. Any decrease in a unit price shall become effective concurrently with the effective date of each applicable decrease in Contractor's established price and the contract shall be amended accordingly.

(b) The Contractor may at any time, or from time to time, during the performance of the contract request in writing an upward adjustment in any of the contract unit prices to be effective as from a date to be specified by the Contractor, subject to the following conditions:

(1) No unit price as adjusted shall exceed the Contractor's applicable established price.

(2) The aggregate of the increases in any unit price made under this paragraph shall not exceed 10 percent of the original applicable contract unit price.

(3) No adjusted unit price shall be effective earlier than the effective date of any increase in the applicable established price and no increase shall be granted unless the Contractor's applicable established price has increased subsequent to the date set for opening of bids or offers.

(c) In the event the requested adjustment in any contract unit price is acceptable to the Contracting Officer, he shall not later than 20 days after the date of receipt by him of the request so notify the Contractor and the contract shall be modified accordingly. If any such requested adjustment in a unit price is not acceptable to the Contracting Officer, he shall so notify the Contractor in writing within 20 days from the date of receipt by him of the Contractor's said notice; and unless an agreement can be reached as to the amount of increase, the Government may cancel without liability to either party the Contractor's right to proceed with performance of the portion of the contract which is undelivered at the time of such cancellation, except that the Contractor may make delivery of all or any of the supplies which a duly authorized officer of the company shall certify were completed or in the process of manufacture at the time of receipt of notice of such cancellation, and the Government shall pay for all supplies so delivered at the applicable unit price contained in Contractor's said request and the contract shall be modified accordingly, provided, that such certification is made within 10 days after receipt of notice of such cancellation and such requested increase satisfies all of the conditions and does not exceed the limitations of paragraph (b).

(d) During the period prior to such cancellation, the Contractor shall continue deliveries according to the terms of the contract and shall be paid therefor at the applicable increased unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

(e) If notice of cancellation is not sent to the Contractor within 30 days after receipt by the Contracting Officer of the Contractor's request, supplies delivered subsequent to the date specified in such request, and prior to the effective date of any subsequent increase or decrease in the Contractor's applicable established prices, shall be paid for at the applicable increased unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

§ 596.151–4 *Price escalation clause for open-end contracts and indefinite quantity contracts.* (a) The price escalation clause set forth in this section is authorized for inclusion in open-end and indefinite quantity contracts, entered into after formal advertising or by negotiation, under the following circumstances:

(1) That items being procured are standard "off-the-shelf" items.

(2) That, when it is planned to include this clause in contracts to be awarded as a result of formal advertising, the invitations for bids will clearly so state and will further state that all bids will be evaluated after applying the maximum amount of possible escalation.

Price escalation (open-end or indefinite quantity contract):

(a) The Contractor hereby warrants that the unit prices stated herein at the date hereof are not in excess of the Contractor's applicable established prices for like quantities of the supplies covered by this contract. The Contractor shall notify the Contracting Officer of each decrease in any such established prices and each applicable contract unit price shall be decreased accordingly. Any decrease in a unit price shall become effective concurrently with the effective date of each applicable decrease in Contractor's established price and the contract shall be amended accordingly.

(b) The Contractor may at any time, or from time to time, during the performance of the contract request in writing an upward adjustment in any of the contract unit prices to be effective as from a date to be specified by the Contractor, subject to the following conditions:

(1) No unit price as adjusted shall exceed the contractor's applicable established price.

(2) The aggregate of the increases in any unit price made under this paragraph shall not exceed 10 percent of the original applicable contract unit price.

(3) No adjusted unit price shall be effective earlier than the effective date of any increase in the applicable established price.

(c) In the event the requested adjustment in any contract unit price is acceptable to the Contracting Officer, he shall not later than 20 days after the date of receipt by him of the request so notify the Contractor and the contract shall be modified accordingly. If any such requested adjustment in a unit price is not acceptable to the Contracting Officer, he shall so notify the Contractor in writing within 20 days from the date of receipt by him of the Contractor's said notice; and unless an agreement can be reached as to the amount of increase, the Government may cancel without liability to either party the Contractor's right to proceed with performance of the portion of the contract which is undelivered at the time of such cancellation.

(d) If notice of cancellation is not sent to the Contractor within 30 days after receipt by the Contracting Officer of the Contractor's request, supplies delivered subsequent to the date specified in such request, and prior to the effective date of any subsequent increase or decrease in Contractor's applicable established prices, shall be paid for at the applicable increased unit prices so requested, provided such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

(e) The Contractor also agrees to give the Government any and all discount benefits extended to any company, agency, organization, or individual purchasing or handling like quantities of the supplies covered by this contract.

(b) Paragraphs (d) and (e) of the above clause are optional. Paragraph (d) of the clause clearly provides certain benefits to the Contractor and should not be included unless requested by the Contractor and it is deemed necessary to complete the procurement. Paragraph (e) is a so-called "Preferred Customer" clause and obviously does benefit the Government. Paragraph (e) should be included in all cases; however, authority is granted to delete it in those instances wherein the objections of the Contractor would preclude the possibility of effecting the necessary procurement.

§ 596.152 *Price redetermination clauses.* Price redetermination clauses, as authorized in this section or by the Chief, Purchases Branch, Assistant Chief of Staff, G–4, Department of the Army, may be included in negotiated fixed-price contracts in accordance with the requirements of §§ 402.401 and 402.403 of this title and §§ 592.401 and 592.403 of this subchapter.

§ 596.152–1 *Form II–B price redetermination clause*—(a) *Nature and effect.* The Form II–B, price redetermination clause appearing in paragraph (d) of this section, provides for a negotiated upward or downward redetermination of the prices upon completion of delivery of a specified percentage of the principal items called for by the contract, without a demand by either party. Thereafter there may be upward or downward revision of the price upon written demand of either party, subject to specified limitations on the frequency of the demands. Any redetermination made pursuant to a demand after the initial period has a prospective effect only.

(b) *Conditions for use.* The Form II–B price redetermination clause should be used in instances when the following conditions exist:

(1) The contract is a fixed-price contract for supplies, the quantity being procured is large, no accurate forecast of the cost of production is feasible, and the deliveries cover a period of at least 9 months.

(2) Effective competition is not available to indicate reasonableness of price.

(3) There are no data available to indicate reasonableness of price.

(4) The price (i) is negotiated upon the express understanding that the particular price redetermination clause is to be included in the contract and (ii) is a close price containing substantially no charge or allowance for contingencies.

(5) The Contracting Officer is satisfied that the Contractor employs methods of estimating its costs which accurately reflect current shop and engineering experience and proper quantity and price allowances for material, labor, machine utilization, and other cost elements.

(6) The Contracting Officer is satisfied that the Contractor has a cost accounting system of sufficient accuracy and reliability to show the cost information required by the clause at the time or times provided therein.

(c) *Rules for administration.* In negotiating a price adjustment under the Form II–B, price redetermination clause, the Contracting Officer will adhere to the following rules, in addition to the audit requirements set forth in § 605.207 of this subchapter.

(1) The negotiations to redetermine prices should ordinarily take into account all changes in specifications which have been made up to the time of the negotiations.

(2) Negotiations to redetermine prices will be conducted upon substantially the same basis as the original negotiation of a price when like information on costs and estimates is available. The Contracting Officer ordinarily should not give consideration to an increase in price beyond the amount estimated to be the excess of (i) any increases in cost beyond the Contractor's control over (ii) any offsetting reductions in the Contractor's costs. However, this rule should not be applied to deprive a Contractor of a reasonable reward in the form of an increased estimated profit margin for especially efficient and economical production.

(3) The Contracting Officer should take into consideration the fact that increases in certain costs may be offset by decreases in others. The Contracting Officer also should recognize that increases in wages and in the prices of materials will not necessarily increase, immediately or proportionately, the cost of items to be delivered by the contractor. For example, some of the labor on work in process at the time of a wage increase may have been performed while lower rates of wages were in effect. Again, materials included in work in process may have been bought by the Contractor before the effective date of a price increase. Similarly, the Contractor may have an inventory on hand or materials on order at prices which do not reflect the current increases therein. Also, there may be offsetting savings not attributable to the efficiency of the Contractor.

(4) The Contractor's estimate of future costs will be considered in the light of all available data, including shop, engineering, accounting and other relevant information, which will help to check the accuracy of the estimate. When any component or components of the estimate are in question, the Contracting Officer should inquire into the physical facts, e. g., the number of men actually engaged in a particular operation or process, the quantity of material actually used, etc. Expense and overhead allocation are based upon an estimated amount of expense spread over an anticipated volume to be obtained. Check of the actual rate of expenditures and the actual volume being obtained should be made so that the rates used may be founded on up-to-date forecasts. The aggregate of those charges included in the prices of contracts entered into within the current period should be considered in order to avoid excessive prices through over-absorption of such charges.

(5) In addition to consideration of the Contractor's cost experience under the contract and its estimates of future production costs, the Contracting Officer should make use of comparative prices, comparative costs and the trends of such prices and costs. If, since the making of the contract, prices have become competitive, particular weight shall be given to comparative prices, to the end that the effect of competitive forces may be fully realized for the benefit of the Government.

(6) The Contracting Officer should make such use and verification of the estimate and the supporting cost data submitted by the Contractor as he would make with respect to similar data upon the negotiation of a price under a new contract.

(7) The negotiations will be promptly instituted and concluded in strict accordance with the provisions of the clause. Every effort will be made to come to an agreement as to revised price or prices. The Disputes clause will be invoked only as a last resort.

(8) Upon the conclusion of each negotiation for price revision, the revised price or prices will be evidenced by a supplemental agreement. The supplemental agreement should clearly indicate what costs, if any, of a nonrecurrent nature have been recognized as having been paid for in prices for the preceding period or periods, so as to avoid the possibility of a second payment therefor in the event of termination at the option of the Government.

(9) Wherever a contract containing the Form II–B price redetermination clause is modified by change order or supplemental agreement, so as to affect the rate of deliveries or quantities of items called for, the Contracting Officer will take care to deal with and cover explicitly any modification in the operation of the price redetermination clause which he considers are made necessary by the modification of rates of deliveries or quantities.

(10) Proper administration of the Form II–B clause requires that the Contracting Officer make regular periodic reviews of the contract price to ascertain whether or not a demand should be served. No demand should be made by the Contracting Officer, and the Contractor should be discouraged from making such demand, unless a sound basis exists for believing that a redetermination of price is necessary to protect the interest of the Government or the Contractor. The need for such a demand may be indicated by factors such as the following:

(i) Comparative prices.

(ii) Movements or trends in such prices.

(iii) Movements or trends in the prices asked by other contractors for the same or similar items.

(iv) Information supplied by the Contractor in the ordinary course of business.

(v) Changes in market prices of materials or components.

(vi) Changes in subcontract prices.

(vii) Changes in the Contractor's prices under other Government contracts.

(11) The first revised forward price under the Form II–B clause and prices negotiated pursuant to a demand under the clause should be based on projections extending over the remaining life of the contract and should not take into account possible increases in costs.

(d) *Contract clause.* The following Form II–B price redetermination clause may be used in negotiated fixed-price contracts in accordance with the instructions set forth in the preceding sections and if approved for use in accordance with § 592.403 of this subchapter. In the insertion in appropriate places of a specific number of days in this clause, the minimum number of days consistent with the applicable circumstances will be used.

Price redetermination (Form II–B):

(a) The prices stated herein may be increased or decreased in accordance with this clause. In no event shall the revised price exceed $_____.

(b) *Times for negotiation.* (1) Upon completion of delivery of __ percent of the (here specify the principal items to be furnished under the contract) to be furnished under this contract or upon expenditure of (here specify the percentage of the total contract amount), whichever shall occur last, the parties shall negotiate to revise the prices of all items theretofore and thereafter to be delivered. Within __ (not to exceed 45) days after the completion of delivery or expenditure of funds referred to above, the Contractor shall furnish to the Contracting Officer the statements and data referred to in

paragraph (c) of this clause. At any time and from time to time after the completion of delivery or expenditure of funds referred to above, subject to the limitations specified in this clause, either the Government or the Contractor may deliver to the other a written demand that the parties negotiate to adjust the prices under this contract. No demand shall be made prior to 90 days after completion of delivery or expenditure of funds referred to above, and thereafter neither party shall make a demand having an effective date within 90 days of the effective date of any prior demand. Each demand shall specify a date (identical with or subsequent to the date of the delivery of the demand) as of which the revised prices shall be effective as to the deliveries made thereon and thereafter. This date is hereinafter referred to as "the effective date of the price redetermination." For the purposes of the first negotiation contemplated by this paragraph, the date of execution of this contract shall be deemed to be the effective date of the price redetermination. Any demand under this clause, if made by the Contractor, shall state briefly the ground or grounds therefor and shall be accompanied by the statements and data referred to in paragraph (c) of this clause. If the demand is made by the Government, such statements and data will be furnished by the Contractor within __ (not to exceed 45) days of the delivery of the demand.

(2) In the event all remaining work under this contract, as it may from time to time be amended, shall be terminated pursuant to the clause of this contract entitled "Termination for Convenience of the Government," no demand shall then or thereafter be made and any demand the effective date of which is less than 30 days before the effective date of such termination shall be void and of no effect.

(c) *Submission of data.* (1) At the time or each of the times specified or provided for in paragraph (b) of this clause the Contractor shall submit (i) a new estimate and breakdown of the unit cost and the proposed prices of the items remaining under this contract after the effective date of the price redetermination, itemized so far as is practicable in the manner prescribed by WD Form 105; (ii) an explanation of the differences between the original (or last preceding) estimate and the new estimate; (iii) such relevant shop and engineering data, cost records, overhead absorption reports and accounting statements as may be of assistance in determining the accuracy and reliability of the new estimate; (iv) a statement of experienced costs of production hereunder to the extent that they are available at the time or times of the negotiation of the revision of prices hereunder; and (v) any other relevant data usually furnished in the case of negotiation of prices under a new contract. The Government may make such examination of the Contractor's accounts, records and books as the Contracting Officer may require and may make such audit thereof as the Contracting Officer may deem necessary.

(2) The Contractor further agrees to include in each of his subcontracts which is on a cost or cost-plus-a-fixed-fee or a price redetermination basis a provision to the effect that the subcontractor agrees (i) to submit to the Contracting Officer such cost data, as may be required for price redetermination (ii) to permit the Contracting Officer to make or cause to be made such examination and audits of the books, records and accounts as the Contracting Officer may deem necessary, and (iii) to include a like provision in each of his subcontracts which is on a cost or cost-plus-a-fixed-fee or a price redetermination basis.

(d) *Negotiations.* (1) Upon the filing of the statements and data required by paragraph (c) of this clause, the Contractor and the Contracting Officer will negotiate promptly in good faith to agree upon prices for items to be delivered on and after the effective date of the price redetermination. Negotiations for price redetermination under this clause shall be conducted on the same basis, employing the same types of data (including, without limitations, comparative prices, comparative costs, and trends thereof) as in the negotiation of prices under a new contract.

(2) After each negotiation the agreement reached will be evidenced by a supplemental agreement stating the redetermined prices to be effective with respect to deliveries on and after the effective date of the price redetermination (or such other later date as the parties may fix in such supplemental agreement).

(e) *Disagreements.* If within __ (not to exceed 45) days after the date on which the statements and data are required pursuant to paragraph (b) of this clause to be filed (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to redetermined prices (which term, for the purpose of this clause, shall include direct costs, indirect costs and profit), the failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the prices so fixed shall remain in effect for the balance of the contract notwithstanding any other provision of this clause.

(f) *Payments.* Until new prices shall become effective in accordance with this clause, the prices in force at the effective date of the price redetermination shall be paid upon all deliveries, subject to appropriate later redetermination made pursuant to paragraph (d) or (e) or (g) (2) (B) of this clause. It is mutually understood that where the Contractor fails to submit cost data required by paragraph (b) (1) of this clause within the time specified, payment of all invoices shall be suspended by the Contracting Officer until such time as the required statements and data are furnished by the Contractor.

(g) *Termination provisions.* For any of the purposes of the clause of this contract entitled "Termination for Convenience of the Government" (including, without limitation, the computation of "the total contract price" and "the contract price of work not terminated"), the contract price of delivered articles shall be deemed to be:

(1) For all items delivered prior to the effective date of the price redetermination, the contract price (giving effect to any prior revisions under this clause) applicable to each such item.

(2) For all items delivered on or after the effective date of the price redetermination.

(A) The contract price as revised in accordance with this clause if such revision shall have been agreed upon.

(B) If such revision shall not have been agreed upon, then such estimated prices as the Contractor and the Contracting Officer may agree upon as reasonable under all the circumstances and in the absence of such agreement such reasonable prices as may be determined in accordance with the clause of this contract entitled "Disputes."

(h) *Termination during the initial period.* In the event that this contract is terminated pursuant to the clause of this contract entitled "Termination for Convenience of the Government," or the Contractor's right to deliver is terminated pursuant to the clause of this contract entitled "Default," so that the last delivery under the contract as terminated is made prior to the completion of the initial period as specified in paragraph (b) of this clause, the Contractor within ____ days after such last delivery shall furnish the data required by paragraph (c) of this clause and thereupon the parties shall negotiate in good faith to agree upon revised prices under this contract. The agreement reached shall be evidenced by a supplemental agreement to this contract stating the revised prices under the contract. Any disagreement as to the revised prices will be disposed of as a question of fact in accordance with the clause of this contract entitled "Disputes."

The following is authorized as an optional paragraph (e) in the Form II–B price redetermination clause:

(e) *Disagreements.* (1) If within __ (not to exceed 45) days after the date on which the statements and data are required pursuant to paragraph (b) of this clause to be filed (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to redetermined prices (which term, for the purpose of this clause, shall include direct costs, indirect costs and profit), the Contractor, if he has substantially complied with the requirements of this clause as to the furnishing of statements and data, may give written notice to the Contracting Officer requiring the Government to pay the prices set forth in such notice from the time at which the price redetermination was to be effective under the provisions of this clause.

(2) If the Contracting Officer and the Contractor fail to agree, the Contracting Officer within 30 days after the delivery of the Contractor's notice may serve upon the Contractor a written election by which the Government agrees to pay to the Contractor fair and just compensation from the time at which such price redetermination was to be effective under the provisions of this clause. The written election shall specify the amount which the Contracting Officer deems to be fair and just compensation. If no written election is served upon the Contractor, the prices set forth in the Contractor's notice shall be incorporated in an appropriate supplemental agreement. If a written election is served upon the Contractor as above provided, the contract shall continue in effect as modified by such written election and the Contractor (a) shall be paid currently the amount specified by the Contracting Officer in such written election for all deliveries affected thereby and (b) may recover from the United States, by suit brought within six months after the delivery of such written election or after the completion of deliveries under this contract, whichever shall last occur, the amount, if any, by which such fair and just compensation exceeds the amount so specified.

(3) If the Contracting Officer and the Contractor fail to agree and no notice has been given by the Contractor as contemplated in paragraph (e) (1) of this clause, the Contractor shall be entitled to receive, from the time at which such price redetermination was to be effective under the provisions of this clause, fair and just compensation the amount which shall be determined as a question of fact pursuant to the clause of this contract entitled "Disputes."

§ 596.152–2 *Form III price redetermination clause*—(a) *Nature and effect.* The Form III price redetermination clause provides for retroactive pricing by mutual agreement. It is designed primarily for use in contracts of $100,000 or less for experimental or developmental items or services. This clause, however, should be used also in contracts for the procurement of any item or service, when it is not possible to determine reasonableness of price at the time of negotiation. By its terms the Contracting Officer is empowered, after completion or termination of the contract, to demand that the parties negotiate to reduce the entire contract price. The redetermination of price effected thereunder is wholly retroactive.

(b) *Conditions for use.* The Form III clause should be used in instances when the following conditions exist:

(1) The amount of the negotiated contract is $100,000 or less.

(2) There are no data available to indicate reasonableness of price.

(3) Contractor's estimate is believed to contain substantial allowance for contingencies. (It will not be assumed that a Contractor who agrees to inclusion of this price redetelmination clause is assuming appreciable risk, unless it can be determined that the price offered by him does not include contingency provisions.)

(4) The Contractor's cost accounting system is sufficient to show the costs under the contract.

(5) The price initially fixed in the contract bears a reasonable relationship to the expected final price thereunder.

(c) *Rules for administration.* (1) If the production cost figures indicate that the price was high, the Contracting Officer will make the demand contemplated by the clause and will proceed promptly with and conclude the redetermination of the price in accordance with the clause.

(2) The Contracting Officer should make such use and verification of the cost data as he would make with respect to similar data upon the negotiation of a price under a new contract. The verification may include an examination and audit of the Contractor's books and records.

(3) The profit to be allowed under this contract upon redetermination of price shall be subject to negotiation.

(4) The redetermined price will be evidenced by a supplemental agreement making adequate provision to secure to the Government the benefit of the reduction.

(d) *Contract clause.* The following Form III price redetermination clause may be used in accordance with the instructions set forth in the preceding paragraphs and if approved for use in accordance with § 592.403 of this title:

Price Redetermination (Form III):

(a) Within sixty days after the completion or termination of this contract, the Contractor will submit to the Contracting Officer a detailed statement of the costs of performing this contract. Upon the written demand of the Contracting Officer, made at any time within thirty days after the submission of such statement, the Contractor will negotiate to reduce the contract price to an amount representing fair and reasonable compensation for the performance of the contract. In such negotiations the efficiency of the Contractor in production, buying and management will be given due weight.

(b) The Contractor will furnish to the Contracting Officer such other statements of actual costs of production and such other financial statements, at such times and in such form and detail, as the Contracting Officer may prescribe, and will permit such audits and examination of its books, records and accounts as the Contracting Officer may request.

The Contractor further agrees to include in each of his subcontracts which is on a cost or cost-plus-a-fixed-fee or a price redetermination basis a provision to the effect that the subcontractor agrees (i) to submit to the Contracting Officer such cost data as may be required for price redetermination, (ii) to permit the Contracting Officer to make or cause to be made such examination and audits of the books, records and accounts as the Contracting Officer may deem necessary, and (iii) to include a like provision in each of his subcontracts which is on a cost or cost-plus-a-fixed-fee or a price redetermination basis.

(c) If within thirty (30) days after the making of such demand (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to a redetermined price (which term, for the purpose of this clause, shall include direct costs, indirect costs and profits), the failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(d) The Government shall retain from amounts otherwise due the Contractor, or the Contractor shall repay to the Government if paid to him, any amount by which the contract price is found as a result of the application of this clause to exceed a fair and reasonable price, as the Contracting Officer may direct.

§ 596.152–3 *Form IV price redetermination clause*—(a) *Nature and effect.* The Form IV price redetermination clause provides for retroactive pricing with a limited upward revision. This clause, providing for upward or downward price revision, is authorized for use in negotiated contracts for supplies or services where the quantity being procured is moderate and the period of the contract does not cover an extended period of time. Under the clause a contract price is agreed upon (target price) which it is believed will tend to compel the Contractor to do as efficient a job as possible in the circumstances, and at the same time a maximum price is fixed as a ceiling (normally not to exceed 10 percent of target price) on any upward redetermination under the clause. The redetermination of price takes place after completion or termination of the contract and is wholly retroactive.

(b) *Conditions for use.* The Form IV Clause should be used in instances when the following conditions exist:

(1) The contract is a negotiated fixed-price contract for supplies or services where the quantity being procured is moderate and the period of the contractor does not cover an extended period of time.

(2) Effective competition is not available to indicate reasonableness of price.

(3) There are no data available to indicate reasonableness of price.

(4) The price (i) is negotiated upon the express understanding that the particular price redetermination clause is to be included in the contract and (ii) is a close price containing substantially no charge or allowance for contingencies.

(5) The Contracting Officer is satisfied that the Contractor employs methods of estimating its cost which accurately reflect current shop and engineering experience and proper quantity and price allowances for material, labor, machine utilization, and other cost elements.

(6) The Contracting Officer is satisfied that the Contractor has a cost accounting system of sufficient accuracy and reliability to show the cost information required by the clause at the time provided therein.

(c) *Rules for administration.* (1) The time limitations prescribed in the clause will be strictly followed.

(2) The Contracting Officer should make such use and verification of the cost data submitted by the Contractor as he would make with respect to similar data upon the negotiation of a price under a new contract. The verification may include the examination and audit of the Contractor's books and records.

(3) The negotiations under the clause may result in a redetermined price which is the same as, or higher or lower than, the contract price but never is a redetermined price in excess of the maximum price.

(4) The redetermined price will be evidenced by a supplemental agreement making adequate provision to secure to the Government the benefit of any price reduction negotiated, or for payment to the Contractor of any price increase, as the case may be.

(5) Profit to be paid on costs determined under the Form IV clause shall be subject to negotiation between the Contracting Officer and the Contractor, with due consideration given to the Contractor's efficiency in performing the contract. Failure to agree shall be deemed to be a disagreement as to a question of fact which shall be disposed of in accordance with the "Disputes" clause.

(d) *Contract clause.* The following Form IV price redetermination clause may be used in accordance with the instructions set forth in the preceding paragraphs and if approved for use in accordance with § 592.403 of this subchapter:

Price Redetermination (Form IV):

(a) Because of the nature of the work called for by this contract and the great uncertainty as to the cost of performance hereunder, the parties agree that the contract price fixed in Clause ____ hereof may be increased or decreased in accordance with the provisions of this clause.

(b) Within ____ [not exceeding 60] days after the completion or termination of this contract, the Contractor will file with the Contracting Officer a statement showing, in such form and detail as the Contracting Officer may prescribe, the Contractor's cost of producing the supplies or furnishing the services called for hereunder, together with such other information as may be pertinent in the negotiations for a redetermined price pursuant to this clause. Such statement of cost shall fairly reflect the normal operation of the Contractor's cost system. [First optional alternative to preceding sentence: The Contractor will establish and maintain records of the costs of performing this contract, as follows: • • •] [Second optional alternative: The Contractor will establish and maintain such records of the cost of performing this contract as the Contracting Officer may require in writing.] The Contracting Officer shall have the right at all reasonable times to make or cause to be made such examinations and audits of the Contractor's books, records and accounts as he may request.

The Contractor further agrees to include in each of his subcontracts which is on a cost or cost-plus-a-fixed-fee or a price redetermination basis a provision to the effect that the subcontractor agrees (i) to submit to the Contracting Officer such cost data as may be required for price redetermination, (ii) to permit the Contracting Officer to make or cause to be made such examination

and audits of the books, records and accounts as the Contracting Officer may deem necessary, and (iii) to include a like provision in each of his subcontracts which is on a cost or cost-plus-a-fixed-fee or a price redetermination basis.

(c) Upon the filing of the statement and other pertinent information required by paragraph (b) of this clause, the Contractor and the Contracting Officer will promptly negotiate in good faith to agree upon a reasonable redetermined price for the entire contract which, upon the basis of such statement and other pertinent information, will constitute fair and just compensation to the Contractor for the performance of this contract. In determining the extent of any estimated allowance for profit to be taken into account in fixing such redetermined price, consideration will be given to the extent to which the Contractor has performed the contract with efficiency, economy, and ingenuity. In no event shall the redetermined price exceed the sum of $------. The redetermined price shall be evidenced by a supplemental agreement to this contract.

(d) If within ------ [not exceeding 90] days after the completion or termination of this contract, the parties shall fail to agree upon a redetermined price (which term, for the purpose of this clause, shall include direct costs, indirect costs and profit) in accordance with the provisions of this clause, the failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(e) In the event of a price increase the Government will pay or credit to the Contractor the amount by which the redetermined price shall exceed the contract price aforesaid. In the event of a decrease in price the Contractor will repay or credit the amount of such decrease to the Government in such manner as the Contracting Officer may direct.

(f) For any of the purposes of the clause of this contract entitled "Termination for Convenience of the Government" (including without limitation, computation of "the total contract price" and "the contract price of work not terminated"), the contract price shall be the redetermined contract price agreed upon under paragraph (c) of this clause or determined under paragraph (d) of this clause, as the case may be.

PART 597—TERMINATION OF CONTRACTS

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§ 597.000 *Scope of part.* This part sets forth (a) the policies and methods to be followed in connection with the termination of cntracts for the convenience of the Government; (b) provisions as to settlement of contracts so terminated, including disposition of property incident to termination; and (c) approved forms for use in terminating contracts for the convenience of the Government and in the settlement of such contracts.

SUBPART A—INTRODUCTION

§ 597.101 *Applicability of this part.* (a) Subparts C, D and E of Part 407 of this title, do not apply to lump sum or unit price architect-engineer contracts terminated for the convenience of the Government. Such contracts, which are for professional services, contain a clause which permits termination for the convenience of the Government and the payment of that proportion of the contract consideration which the work actually performed bears to the total work required. The termination and settlement of such contracts is to be in strict accordance with the termination clause contained therein. Any other contracts containing a special type of termination clause will, if terminated, be settled in strict accordance therewith.

(b) While this part does not apply to any modification of a contract pursuant to the provisions of the clause therein entitled "Changes," except as may be prescribed by the Head of the Procuring Activity, any exercise of rights provided in the "Changes" clause is to be restricted to the purposes for which such clause is intended and the policies and procedures established in this part are not to be circumvented by the use of the "Changes" clause in lieu of completely or partially terminating a contract pursuant to the clause "Termination for the Convenience of the Government."

§ 597.104 *Special purpose clauses.* Special purpose clauses will be submitted for approval to the Asssistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch.

SUBPART B—DEFINITION OF TERMS

§ 597.250 *Original cost, original acquisition cost.* The original cost or original acquisition cost of contractor-owned material is the cost to the Contractor as stated in its inventory schedule, provided that such cost is computed upon a reasonably acceptable basis. Generally, such cost will be the actual or estimated cost of raw material, purchased parts, and supplies plus direct labor and the factory overhead costs applicable to work in process and manufactured parts.

SUBPART C—TERMINATION FOR CONVENIENCE

§ 597.302 *Authority of Contracting Officers.* The Head of the Procuring Activity shall prescribe procedures under which Contracting Officers may terminate contracts for the convenience of the Government.

§ 597.310 *Fraud or other criminal conduct.* Reports of allegations or suspicions of fraud or other criminal conduct in connection with the settlement of a terminated contract will be made by Contracting Officers in accordance with the requirements of Part 590, Subpart F, of this subchapter.

§ 597.311 *Settlement of two or more claims jointly.* With the consent of the Contractor, the Contracting Officer or Officers concerned may mutually agree to the joint settlement of two or more termination claims of the Contractor under several contracts with one or more military departments. The Contracting Officer or Officers concerned, as a part of any such undertaking, will agree among themselves as to the division of responsibility for the performance of the audit, inventory, property disposal, and other functions. Copies of each such settlement agreement will be furnished to all Contracting Officers concerned. Each copy will clearly identify the contracts involved and have attached thereto and incorporated therein a schedule showing apportionment of the total amount among the contracts involved.

SUBPART E—SETTLEMENT OF CONTRACTS TERMINATED FOR CONVENIENCE—GENERAL

§ 597.503 *Fixed-price contracts; settlement proposals.*

§ 597.503–2 *Bases for settlement proposals.* The Assistant Chief of Staff, G–4, Department of the Army (Chief, Purchases Branch) is the designated representative of the Secretary of the Army for approving the submission of termination claims on other than the inventory or total cost basis. If a special purpose clause (§ 597.104) has been authorized for use and a termination claim has been submitted in conformity with such clause no further approval is required.

§ 597.503–3 *Forms of settlement proposals.* Contracting Officers will maintain an adequate supply of settlement proposal forms for use by Contractors. Such forms are to be obtained from adjutant general publications depots.

§ 597.512 *Cost-type contracts; negotiated settlements including costs; general provisions for settlement.*

§ 597.512–2 *Costs which may be included.* Claims by the Contractor against the Government for items of cost which are the subject of reclaim vouchers (of other items of cost of the same nature) not waived by the Contractor are to be listed as exclusions to the settlement. Such exclusions may only be removed after approval by the General Accounting Office.

§ 597.515 *Audit of settlement proposals and of subcontract settlements.* (a) Referral of settlement proposals and requests for audit by the Contracting Officer to the Army Audit Agency under this section will be governed by the provisions of § 606.207 of this subchapter.

(b) The Contracting Officer and the prime contractor may agree that any audit or substantiation of subcontractor costs will be undertaken by the Government instead of the prime contractor or higher tier subcontractor.

§ 597.517 *Review of proposed settlements.*

§ 597.517–3 *Jurisdiction of Review Boards.* In addition to the review required by § 407.517–3 of this title, all proposed termination settlements in excess of $2,000,000 will be submitted by the Heads of Procuring Activities to the Office, Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch for approval.

§ 597.517–4 *Submission of information.* All submissions of proposed settlements to the Settlement Review Board by the Contracting Officer shall be in accordance with procedures prescribed by the Head of the Procuring Activity.

§ 597.517–6 *Action by Board.* All determinations of the Settlement Review Board shall be made at duly constituted meetings of such Board and the written opinion of the Board setting forth its approval or disapproval of the proposed settlement shall be signed by each Board member present. Such written opinion approving the proposed settlement need not be a repetition of the Contracting Officer's memorandum but should clearly state that the proposed settlement is reasonable from the standpoint of protecting the Government's interest and that the negotiations have been conducted competently and are based upon adequate information.

§ 597.517–7 *Authority of Contracting Officer to proceed.* The Contracting Officer shall not conclude any proposed termination settlement of $2,000,000 or over until approval of the Office, Assistant Chief of Staff, G–4, has been obtained.

§ 597.518 *Settlement of subcontract claims.*

§ 597.518–10 *Delay in settlement of subcontractor claims.* Where it is necessary to exclude the claim of a subcontractor from the settlement with a prime contractor such exclusions will be reported as an Unassumed Exclusion in the manner prescribed by the Head of the Procuring Activity. Each such settlement agreement will be clearly marked as follows: "This Settlement Agreement contains an Unassumed Exclusion."

§ 597.518–11 *Government assistance in settlement of subcontracts.* When such action is in the interests of the Government the policy set forth in § 597.515 (b), may, by agreement between the parties, be extended to include settlement. Payment to the subcontractor is to be accomplished through the prime contractor as part of the overall settlement with the latter.

§ 597.521 *Payment.*

§ 597.521–2 *Settlement by determination.* The following certificate shall support the invoice or voucher prepared under § 407.521–2 (a) or (b) of this title.

I certify that Contract No. DA ------- has been completely terminated for the convenience of the Government and that the parties thereto have failed to reach a settlement by agreement with respect to the whole amount to be paid to the Contractor by reason of such termination. Therefore, in addition to the sum of $------ previously paid on account of work or services performed or articles delivered under the completed portion of the contract, which sum the Contractor is to retain, I have determined that the Contractor shall be paid the additional sum of $------ less partial or progress payment of $------ and less disposal credits of $------ resulting in a net payment of $------ by reason of the complete termination of said contract. The Contractor has (has not) appealed from this determination.

[S] ----------
(Contracting Officer)

If the contract has been terminated in part appropriate revisions are to be made in the certificate.

§ 597.522 *Partial payments upon termination.*

§ 597.522–4 *Security for partial payments.* Other means of protecting the interests of the Government in connection with partial payments shall be prescribed by the Head of the Procuring Activity.

SUBPART F—TERMINATION INVENTORY

§ 597.603 *Inventory schedules.*

§ 597.603–3 *Inventory descriptions.* All reportable Contractor inventory shall be listed on separate inventory schedules. These schedules plainly marked with the letter "Q" will be forwarded to the Department of Defense Screening Agency. In order to expedite the disposal of this property it shall be screened concurrently with the Department of Defense Screening Agency and with General Services Administration on a regional basis only. Automatic release date will be 75 days after the issue date of the Excess Listing prepared by the Department of Defense Screening Agency from the Inventory schedule and will be specifically set forth therein. The release date will be furnished the holding activity by the Department of Defense Screening Agency.

§ 597.604 *Plant clearance period.* The Contracting Officer shall require the Contractor to designate as "final" any inventory schedule which the latter submits for the purpose of starting the final phase of a plant clearance period, as defined in § 407.217 of this title.

§ 597.604–1 *Rejection of inadequate schedules.* Wherever Government furnished property is involved in connection with the terminated portion of the contract the Contracting Officer will verify the status of such property with the Property Administrator prior to acceptance of the Contractor's inventory schedule to insure the adequacy of such schedules.

§ 597.605 *Scrap and salvage.* The acquisition by the Government of Contractor-acquired property which has been determined to be scrap shall be avoided to the greatest extent consistent with proper settlement of the Contractor's claim, the plant clearance period, the Contractor's rights pursuant to § 407.612–3 of this title, or special laws or regulations governing disposition of critical or hazardous materials.

§ 597.605–1 *Scrap warranty.* There shall be incorporated in the scrap warranty, by appropriate language, adequate identification and description of the material as to which the scrap warranty is applicable. Where advisable for brevity or other reasons, this may be accomplished by reference to appended schedules or to properly identified inventory schedules which cannot conveniently be appended.

§ 597.605–2 *Release of scrap warranty.* (a) The Contracting Officer in acting upon any request for release of a scrap warranty shall observe the requirement of prior review by a Property Disposal Review Board pursuant to § 407.613–2 (b) of this title.

(b) A release of scrap warranty pursuant to § 407.605–2 (c) shall be set forth in writing by the Contracting Officer.

§ 597.608 *Sale or other disposition of termination inventory.*

§ 597.608–2 *Competitive sales.* The Contractor, if desiring to bid, shall submit a bid to the Contracting Officer prior to receipt of other bids.

§ 597.616 *Accounting for termination inventory.* (a) Accounting for Government Property and property title to which has passed to the Government but possession is continued in the Contractor will be subject to applicable provisions of Part 412, Chapter IV of this title.

(b) Property disposed of, in effecting settlement, by transfer of title to the Government through means of a storage agreement will, with respect to applicable accountability provisions of Part 412, Chapter IV of this title, be handled in the following manner:

(1) A conformed copy of the storage agreement, including any schedules thereof, shall be furnished the Property Administrator as the final document for

property so covered for the terminated contract.

(2) A second conformed copy of the storage agreement, including any schedules thereof, shall be furnished the Property Administrator as the initial document for the establishing of a property file for the storage agreement.

SUBPART G—FORMS

§ 597.750 *Fixed-price supply contracts of $1,000 or less.* The short form termination clause, § 407.705–1 of this title, may be inserted in fixed-price supply contracts of $1,000 or less. However, any such contract of $1,000 or less which has within its provisions the Default clause set forth in § 406.103–11 of this title, or one of similar intent the use of which has been authorized, shall include such short form termination clause. The Heads of Procuring Activities are authorized, subject to the condition above stated, to establish limits or minimum contract value, or otherwise, as may be appropriate.

PART 598—PATENTS AND COPYRIGHTS

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598.1706 Contract clauses and forms.
598.1706–1 Mandatory contract clauses.
598.1706–2 The license grant clauses.
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598.1706–7 Assignments.
598.1706–8 Unilateral contract form; gratuitous grant.
598.1706–9 Bilateral contract form.

§ 598.000 *Scope of part.* This part sets forth administrative requirements, procedures, and other pertinent information in connection with (a) securing to the United States Government in various types of contracts appropriate patent rights and adequate protection against patent infringement risks; (b) use of copyright clauses in Army Establishment contracts; (c) adjustment of royalties payable by Army Contractors and included in the cost price of Army contracts; (d) claims asserted by nationals of the indemnifying government for compensation for use or practice of inventions furnished the other Government under the terms of the Patent Interchange Agreement between the United Kingdom Government and the United States; (e) claims arising out of the use by the Army or Army Contractors of adversely owned patented and unpatented inventions and the settlement or other disposition of such claims; and (f) procurement by the Army Establishment of invention and patent rights, except as incident to the settlement of claims.

SUBPART A—PATENTS

§ 598.101 *Definition; Chief, Patents Division, OJAG.* The term "Chief, Patents Division, OJAG" means the Chief, Patents Division, Office of The Judge Advocate General, Department of the Army, Washington 25, D. C.

§ 598.101–1 *Research or development contract.* The term "experimental, developmental, or research work" shall be deemed to include any work for development of an item or method for the Government either as a sole object of the contract or to an extent beyond that normally incident to the performance of a supply contract for the class of item involved.

§ 598.102 *Notice and assistance.* For proper action to be taken by technical services with respect to reports, received by them, of claims of patent infringement asserted against a Contractor, or its subcontractor, see § 598.1605–3.

§ 598.103 *Reporting of royalties.*—(a) *Furnishing copy of reports.* The Contracting Officer shall furnish at least one copy of the royalty information, certificate, or report (whether positive or negative) received under the provisions of § 408.103 of this title to the Chief, Patents Division, OJAG.

(b) *Incomplete reports.* Where a Contractor presents a royalty report which, upon its face, does not comply with the provisions of § 408.103 of this title, the Contracting Officer will make an effort to secure from the Contractor a conforming report prior to forwarding said report as provided in paragraph (a) of this section.

(c) *Additional information to be furnished by Contracting Officer with copy of report.* If the Contractor reports that a royalty has been or is to be paid, the Contracting Officer shall furnish also, at the time of submitting the above referred to copy of the royalty information or report received from the Contractor, the following additional information:

(1) The type of contract, i. e. whether for Research or Development or for Supplies.

(2) The general subject matter of the contract, i. e. nomenclature or brief description of item of supply.

(3) The dollar amount of the contract.

(d) *Responsibility of Contracting Officer after furnishing copy of report.* After a copy of the report or certificate required by § 408.103 of this title and the additional information required by paragraph (c) of this section has been forwarded to the Chief, Patents Division, OJAG, the Contracting Officer has no further duties or responsibilities in the matter unless some particular further action is specifically requested by the Chief, Patents Division, OJAG.

§ 598.104 *Classified contracts.*—(a) *Filing of patent applications.* Any delay in the processing of a request for permission to file a patent application in the United States Patent Office may result in loss of substantial rights of the Contractor. Accordingly, when a Contractor submits a patent application, pursuant to the provisions of § 408.104 (a) of this title, for permission to file this application in the United States Patent Office, the Contracting Officer or his designee is charged with the duty of promptly informing the Contractor whether this application may be so filed. In making such a decision or recommendation the cognizant section or branch shall make a survey of the proposed application to the extent necessary to determine whether or not, for security purposes, the filing in the United States Patent Office of an application should be denied, taking into consideration the fact that only under extraordinary circumstances of national security should the right to file a United States application be denied. The Contractor has the right of appealing this decision direct to the Secretary of the Army. Whether or not a particular patent application should be placed under a Secrecy Order pursuant to Public Law 700, 34 U. S. C. 42, is a separate question which should be deferred until promptly after the application has been filed. In this latter connection, however, the Contracting Officer or his designee has the further duty, in all cases where the filing of an application is authorized, of securing the application serial number and filing date from the Contractor and submitting such information to a proper Department of the Army representative promptly after the filing of the application in order that proper steps may be taken to place the application under a Secrecy Order if such action appears to be advisable.

(b) *Application submitted under contracts classified confidential or lower.* Applications for United States patents submitted to the Contracting Officer pursuant to the provisions of paragraph (c) of § 408.104 of this title should be forwarded promptly to the cognizant Department of the Army representative for the purpose of determining whether or not the application should be placed under a Secrecy Order in accordance with established procedures in this matter.

§ 598.105 *Patent indemnification of Government by Contractor.*—(a) *Standard commercial supplies.* (1) The term "standard commercial supplies" as used in the instructions set forth in § 408.105 of this title means supplies which normally are manufactured or supplied by a manufacturer or dealer for sale to the public in the commercial open market. It is intended to cover commodities which are readily procurable through normal trade channels and includes, by way of description but without limitation, "off the shelf" items, items listed in a manufacturer's standard stock catalog, or supplies for which there is a specified or established commercial price schedule with an offer to supply the same. It does not, as a rule, cover special items that are manufactured solely for the Government unless such items are commercially procurable.

(2) It is intended that, in accordance with the requirements of § 408.105 of this title, the indemnity article shall be used in the procurement of "standard commercial supplies" whether or not such supplies are "standard commercial" with the particular Contractor who is awarded the contract. The determining criterion shall be whether or not the items of supply to be procured are "standard commercial" with any potential supplier (whether a bidder or not).

(b) *Exclusion of items from the operation of the indemnity clause.* (1) One or more of the listed items of a contract may not come within the meaning of the term "standard commercial supplies" although such item or items may contain components which do come within such meaning. If separation of the standard commercial components and nonstandard components of the item is impractical or inexpedient, the item should be excluded in its entirety from the indemnity by listing it under paragraph (b) of § 408.105 of this title, and if all items of a contract come within this category, the entire indemnity clause may be omitted. If such separation is reasonably possible or expedient, however, only those components or parts of the items that are not "standard commercial" should be excluded and, accordingly, in such case, only the nonstandard components of the item should be listed under paragraph (b) of the indemnity clause (§ 408.105 of this title) as items to be excluded from the operation of the indemnity.

(2) When it is to the interest of the Government to do so, devices, mechanisms, or materials other than those in the category of nonstandard commercial supplies may be excluded from the indemnity by and with the approval of the Chief, Purchases Branch, Assistant Chief of Staff, G–4, Department of the Army. Requests for such exclusion should be accompanied by a full statement of facts supporting the request.

(3) When it is in the interest of the Government to do so, specific patents and/or applications for patent may be excluded from the indemnity by and with the approval of the Chief, Purchases Branch, Assistant Chief of Staff, G–4, Department of the Army.

(c) *Indemnification of Contractor by the Government.* No provision whereby the Government expressly agrees to indemnify the Contractor against liability for patent infringement shall be included in any contract. Ordinarily any demands of a Contractor in this respect can be satisfied by the elimination of the patent indemnity clause (when authorized by § 408.105 of this title) and insertion of the authorization and consent clause (§ 408.106 of this title).

§ 598.106 *Authorization and consent.* This clause is intended merely to set forth affirmatively in a contract the authorization and consent of the Government without which the Contractor would, by reason of the law as laid down by Statute and the Court of Claims with regard to patent infringement by or for the Government, be liable to direct suit and injunctive action in the performance of the Government contract. Its use, therefore, is authorized, as set forth in the instructions to § 408.106 of this title, in any contract. Any deviation from the clause as set forth in § 408.106 of this title, or the footnote thereto, however, may enlarge the liability of the Government unless a proper indemnity clause is included in the contract, and strict adherence to § 408.106 of this title is, accordingly, mandatory unless a deviation as provided in § 590.108 of this subchapter is obtained.

§ 598.107 *Patent rights under research or development contracts.*

§ 598.107–1 *License under foreground patents.*—(a) *Exclusion of invention from general license.* Where special circumstances exist (of which representative examples are set forth in the instructions to § 408.107–1 of this title) for the exclusion of any invention or material from a general license to the Government, the Contracting Officer shall submit the proposal to the Assistant Chief of Staff, G–4, Department of the Army.

Attn: Chief, Purchases Branch, with his recommendations and detailed reasons therefor.

(b) *Submission of disclosures.* With respect to technical services which do not maintain patent prosecution facilities, copies of Contractor's reports furnished in accordance with the provisions of paragraph (c) of § 408.107–1 of this title disclosing inventions and electing not to file patent applications thereon, together with a complete disclosure of each such invention, shall be furnished to the Chief, Patents Division, OJAG. A statement shall be furnished by the technical service as to each such invention evaluating the invention from the standpoint of military worth or usefulness and whether it is likely to be used within the Army Establishment.

§ 598.107–2 *Title to foreground patents*—(a) *Use of patent title clause.* The use of the patent title clause is appropriate whenever acquisition of title by the Government is desirable and warranted by special circumstances in accordance with the provisions of § 408.107–2 of this title.

(b) *Processing of material received under § 408.107–2 (c) of this title.* All disclosures, instruments, reports and the like required to be delivered to the Government pursuant to paragraph (c) of the clause set forth in § 408.107–2 of this title should be processed in the manner prescribed in paragraph (a) of § 598.107–1.

§ 598.107–3 *Reproduction rights under background patents*—(a) *General policy.* Reproduction rights (limited royalty-free license) under Contractors background patents, in addition to title or license under foreground patents as provided in §§ 408.107–1 and 408.107–2 of this title should be requested in any research or development contract where in the opinion of the Contracting Officer there are equitable or other circumstances justifying such request.

(b) *Consideration for administration of the general policy.* In applying the foregoing policy with respect to requesting reproduction rights under Contractor's background patents the Contracting Officer shall be governed by the following considerations:

(1) *Under formal advertising.* The reproduction rights clause should not be used in invitations for bids issued under formal advertising in the procurement of supplies normally bought and sold commercially in the open market.

(2) *Negotiated contracts.* In negotiated contracts the question of the acquisition of background rights by the Government is a matter for full and free bargaining between the contracting parties, with the Contracting Officer taking into account the equitable circumstances supporting the Government's request for reproduction rights under the background patents.

§ 598.107–5 *Contracts relating to atomic energy.* The patent rights provision set forth in § 408.107–5 of this title shall be inserted as part of the patent rights clause set forth in § 408.107–1 of this title in all research or development contracts relating to atomic energy.

(a) Disclosures of inventions relating to atomic energy furnished by any contractor shall be forwarded to the Chief, Patents Division, OJAG, for referral to the United States Atomic Energy Commission.

(b) Requests for deviation from the provisions set forth in § 408.107–5 of this title shall be forwarded to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch for referral to the United States Atomic Energy Commission for determination by it as to whether the provision must be included in the contract or whether such provision may be modified.

§ 598.108 *Followup of patent rights.* An appropriate system shall be maintained by each technical service policing the disclosure provisions of the patent rights clauses included in research or development contracts by means of which inventions made under such contracts may be identified, and formal agreements evidencing the Government's rights under such inventions duly obtained. In this connection see the withholding of a portion of the final payment provision contained in § 408.107–1 (e) of this title.

§ 598.109 *Adjustment of royalties.* See subpart O of this part relating to the adjustment of royalties for the use of inventions for the benefit of the United States.

§ 598.110 *Patent interchange agreement and patent problems relating to Mutual Defense Assistance Act of 1949*—(a) *General.* Under the date of 24 August 1942, an agreement was entered into between the United States of America and the United Kingdom with relation to the interchange of patent rights, information, inventions, designs or processes (Executive Agreement Series 268). This agreement, titled "Agreement with the United Kingdom for the Interchange of patent rights and industrial information," was terminated on 8 April 1946, but without prejudice to any liability which then had occurred or which might thereafter arise pursuant to certain continuing obligations undertaken by each Government.

(b) *Terms of agreement.* The following is a summary of the terms of the Agreement remaining in effect:

(1) Each Government agrees to indemnify and save harmless the other Government against claims asserted by nationals of the indemnifying Government for compensation for the use or practice of inventions furnished the other Government under the terms of the Patent Interchange Agreement. The obligations of the United States are limited to claims of which the Government of the United States is notified before 1 July 1949. There is no time limit running to the obligations of the British Government.

(2) Each Government agrees to notify the other Government as soon as practicable after receiving notice of any claim by which the liability might fall upon the other Government.

(3) Each Government will give to the other Government all possible information and other assistance required in connection with computing any payments to be made to nationals of the other Government with respect to the use of their patent rights, information, inventions, designs, or processes.

(c) *Questions of policy or procedure under agreements.* All questions of policy or procedure arising under the Agreement shall be referred to the Chief, Patents Division, OJAG.

(d) *Patent rights as the subject of reciprocal aid by lend-lease beneficiary governments other than the United Kingdom.* (1) Lend-Lease Settlement Agreements have been negotiated by the State Department with France, Belgium, Luxemburg, Norway, and the Netherlands containing provisions generally to the effect that the respective governments will assume the obligations of the United States or its war contractors with respect to claims of patent infringement or other liability for the use of inventions made against the United States by nationals of the respective governments, or to pay royalties to nationals of the respective governments, which claims or royalties are in connection with war production.

(2) Heads of Procuring Activities will report to the Chief, Patents Division, OJAG any patent liability of the United States or its war Contractors to nationals of any other lend-lease beneficiary country in sufficient detail to enable that office to base a request to the State Department to make provisions for the assumption by the Government concerned as an item of reciprocal aid of the patent liability involved.

(3) In no event shall any contract of settlement of patent infringement liability, or of other liability for use of inventions, be made with a national of a lend-lease beneficiary government, nor shall payment be authorized of royalties either by the Department or by Department Contractors to a national of a lend-lease beneficiary government, without first obtaining a written approval of the Chief, Patents Division, OJAG.

(e) *Proprietary rights in connection with the Mutual Defense Assistance Act of 1949.* The bilateral agreements between the United States and MDAP countries contain a clause to the effect that the two contracting governments will negotiate appropriate arrangements respecting responsibility for claims for the use or infringement of inventions and proprietary information. It is anticipated that these arrangements will be similar to the Patent Interchange Agreement with the British Government. These matters have not progressed to a point where definitive rules and regulations have been formulated. In implementation of the program all claims for the use and infringement of such inventions or proprietary information will be referred to the Chief, Patents Division, OJAG.

§ 598.111 *Processing of infringement claims.* See Subpart P of this part relating to investigation and disposition of claims for the use of inventions by or on behalf of the Government, and agreements in settlement of such claims.

§ 598.150 *Procurement of invention and patent rights.* See Subpart Q of this part pertaining to the procurement of invention and patent rights (except as an incident to the settlement of claims for the use of inventions which is provided for in Subpart D of this part), and agreements for the procurement of such rights.

SUBPART B—COPYRIGHTS

§ 598.202 *License under copyrightable material.* No deviation or modification shall be made in the clause set forth in § 408.202 of this title without the approval of the Chief, Purchases Branch, Assistant Chief of Staff, G–4, Department of the Army.

§ 598.204 *Contracts for motion pictures.* (a) The contract clause set forth in § 408.204 of this title shall be used in all contracts for the production of motion pictures, and in all contracts for the preparation (for use in connection with motion pictures) of scripts, translations, sound tracks, musical compositions, or any other copyrightable material. Any request for deviation from this section shall be made as set forth in § 598.202.

(b) In all contracts for the procurement of existing motion pictures, the following instructions apply as to use of the contract clause set forth in § 408.204 of this title.

(1) Paragraph (a) of § 408.204 of this title may be modified or omitted by the Procuring Activity.

(2) Paragraph (b) of § 408.204 of this title may be modified by the technical service concerned only to the extent of limiting the scope of the license granted by this paragraph to that scope which is consistent with the purposes for which the motion picture covered by the contract is being procured. Examples of such restricted rights are—

(i) Limitation as to the type of audience.

(ii) Limitation as to the geographical location.

(iii) Limitation as to time.

(3) Paragraph (c) of § 408.204 of this title should be used in this type of contract. It may, however, be modified to the extent that the coverage of the indemnity is coextensive with the rights acquired under the modification permitted by paragraph (b) (2) of this section.

(c) In all contracts for the procurement of a motion picture which is a modification (through the addition of subject matter specified by the contract and not already in existence) of an existing motion picture, the instructions given in paragraphs (b) (2) and (b) (3) of this section apply. In this type of contract paragraph (a) of the contract clause set forth in § 408.204 of this title shall be used without modification, except that the word "copyrightable" may, at the discretion of the technical service, be inserted before the word "material" in the first line of this paragraph.

SUBPART O—ADJUSTMENT OF ROYALTIES

§ 598.1500 *Scope of subpart.* Although sections 1 and 2 of the Royalty Adjustment Act of 1942, (35 U. S. C. 89–90, 1946 edition), insofar as they relate to authority to initiate new actions, expired on 1 July 1953, those paragraphs of the previous edition of this subpart which pertain to sections 1 and 2 of the Royalty Adjustment Act have been retained in this edition pending completion of all actions initiated thereunder prior to 1 July 1953. Subject to the limitations referred to in the preceding sentence this subpart sets forth pertinent information with respect to the adjustment of royalties for the use of inventions which are charged as an incident of cost in Department of the Army procurement. (See § 598.109 and § 408.109 of this title pertaining to this subject.)

§ 598.1501 *Adjustment of royalties for the use of inventions.*

§ 598.1501–1 *Definitions.* Where used in this subpart, the following terms have the meanings here assigned to them:

(a) "Act" means the Royalty Adjustment Act 1942 (Public Law 768, 77th Congress; 25 U. S. C. 89–96, 1946 edition).

(b) "Delegate" means the offices, boards, agents, and persons specified in § 598.1501–10, together with any other office, board, or individual to whom any of the powers, duties, and authorities of the Secretary of the Army under the Act have been or may be delegated.

§ 598.1501–2 *Basic statute.* The Act makes provision for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes. Sections 598.1501–3 to 598.1501–8, inclusive, contain a summary of the provisions of the Act as applied to the Army Establishment.

§ 598.1501–3 *Applicability and notice.* Whenever an invention, whether patented or unpatented, is manufactured, used, sold, or otherwise disposed of for the United States under the conditions set forth in the Act and the license includes provisions for the payment of royalties, the rates or amounts of which are believed to be unreasonable or excessive by the Secretary of the Army, the Secretary of the Army shall give notice of such fact to the licensor and the licensee. By definition, the manufacture, use, sale, or other disposition of an invention, whether patented or unpatented, by a Contractor, subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government is construed as manufacture, use, sale, or other disposition for the United States.

§ 598.1501–4 *Fixing of rates and order.* The act further provides that within a reasonable time after the effective date of the notice, in no event less than 10 days, the Secretary of the Army shall by order fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production, and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale, or other disposition. Either the licensor or the licensee may, if he so requests within 10 days from the effective date of the notice, present within thirty days from the date of his request, in writing or in person, any facts or circumstances which may in his opinion have a bearing upon the rates or amount of royalties, if any, to be determined, fixed, and specified as aforesaid. Any order fixing the rates and amounts of any royalties shall be issued within a reasonable time after such presentation.

§ 598.1501–5 *Prohibition against payment of excessive royalties.* The licensee shall not after the effective date of the notice (upon receipt of notice, or 5 days after the mailing thereof, whichever date is earlier) pay to the licensor, nor charge directly or indirectly to the United States, a royalty in excess of that subsequently specified in the order. It is provided that, whenever a reduction in the rates or amounts of royalties is effected by order, the reduction shall inure to the benefit of the Government by way of a corresponding reduction in the contract price to be paid directly or indirectly for such manufacture, use, sale, or other disposition of such inventions, or by way of refund if already paid to the licensee.

§ 598.1501–6 *Remedies of licensor.* The act contains certain provisions as to the remedies of the licensor, which, in general, grant him a cause of action against the United States in the Court of Claims or a District Court of the United States.

§ 598.1501–7 *Settlement of claims.* The Secretary of the Army is authorized, before suit has been instituted against the United States, to enter into an agreement with the owner or licensor of an invention, in full settlement and compromise of any claim accruing under the provisions of the act or any other law, and for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of said invention.

§ 598.1501–8 *Authority of Secretary of the Army and Under Secretary of the Army to delegate powers and issue regulations under the Act.* The Secretary of the Army is authorized in his discretion and under such rules and regulations as he may prescribe, to delegate any powers, duties, and authorities conferred by the Act to such qualified and responsible officers, boards, agents or persons as he may designate or appoint. He also is authorized to prescribe such rules and regulations and to require such information as may be necessary and proper to carry out the provisions of the Act. The Secretary of the Army has delegated and assigned his powers, duties, and authorities under the Act to the Under Secretary of the Army including the authority to prescribe such rules and regulations as the Under Secretary of the Army may from time to time deem proper under the Act and the authority to redelegate in whole or in part, such powers, duties, and authorities to such qualified and responsible officers, boards, or employees as he may designate in the Department of the Army, and to authorize such officers, boards, or employees to make or authorize successive redelegations of such powers, duties, and authorities.

§ 598.1501–9 *Powers, duties, and authorities under the Act which have been*

delegated by the Under Secretary of the Army with limited authority of redelegation. The Under Secretary of the Army has delegated to the Assistant Chief of Staff, G–4 (with right of redelegation to the Chief, Procurement Division, Office of Assistant Chief of Staff, G–4, and through him to the Chief, Purchases Branch, Office of Assistant Chief of Staff, G–4) the power and authority to designate, and appoint, and to revoke any designation and appointment of, any commissioned officer of the Army within his command, or any civilian employee of the Department of the Army within his jurisdiction, whom he deems to be responsible and qualified by reason of having had substantial business or legal experience in procurement or patent matters, for the exercise by such officer or employee, either individually or as a member of a Royalty Adjustment Board, of such of the powers, duties and authorities conferred by the Act upon the Secretary of the Army as are set forth in the following paragraphs (a), (b), (c), and (d), the exercise thereof to be pursuant to such rules and regulations under the Act as may from time to time be prescribed by the Under Secretary of the Army:

(a) To determine that notice should be given and to give notice of the fact that the rates or amounts of royalties are believed to be unreasonable or excessive; and to withdraw any such notice previously given by the delegate or by a delegate of lower rank in his service under certain circumstances.

(b) After notice, to receive and hear such facts and circumstances as may be presented by the licensee or licensor, and such other facts and circumstances as are relevant to a determination of a fair and just royalty.

(c) To fix and specify, by order, fair and just rates or amounts of royalties, and to authorize the payment thereof, if any royalty be allowed, by the licensee to the licensor, subject, however, to the approval of such order by the Chief, Purchases Branch, Office, Assistant Chief of Staff, G–4.

(d) To execute contracts on behalf of the United States, before suit against the United States has been instituted, with the owner or licensor of an invention, or of the Letters Patent therefor, effecting a voluntary adjustment of royalties charged or chargeable to the United States, or in settlement and compromise of any claim against the United States accruing to such owner or licensor under the provisions of the Act or any other law by reason of the manufacture, use, sale, or other disposition of an invention or for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of such invention, subject, however, to the approval of the Chief, Purchases Branch, Office, Assistant Chief of Staff, G–4, in each case under certain circumstances, including those stated in § 598.1605–12.

The foregoing power and authority of designation and appointment has been redelegated to the Chief, Procurement Division, Office of the Assistant Chief of Staff, G–4, and through him to the Chief, Purchases Branch, Office, Assistant Chief of Staff, G–4.

§ 598.1501–10 *Existing delegations under § 598.1501–9 (a), (b), (c), and (d).* (a) The powers, duties, and authorities described in paragraphs (a), (b), (c), and (d) of § 598.1501–9 have been delegated by the Under Secretary of the Army or by the Officers designated in § 598.1501–9 to each of the following offices, boards, agents, or persons as indicated in the following tabulation:

Delegate—	Powers, duties, and authorities described in paragraphs—			
	(a)	(b)	(c)	(d)
Chiefs of the Technical Services	X	X	X	X
Royalty Board, Office of the Chief of Ordnance	X	X	X	
The Chief of each Ordnance Procurement District (when such position is filled by a commissioned officer on active duty)				X
The Deputy Chief of each Ordnance Procurement District (when such position is filled by a commissioned officer on active duty and when the position of District Chief is not filled by a commissioned officer on active duty)				X
Commanding General, Ordnance Tank Automotive Center				X
Commanding Officer, Detroit Arsenal				X
Commanding Officer, Frankford Ordnance Arsenal				X
Commanding Officer, Picatinny Ordnance Arsenal				X
Commanding Officer, Rock Island Ordnance Arsenal				X
Commanding Officer, Springfield Ordnance Armory				X
Commanding Officer, Watertown Ordnance Arsenal				X
Commanding Officer, Watervliet Ordnance Arsenal				X
Chief, Legal Division, Office of the Chief Signal Officer	X	X	X	X
Royalty Adjustment Board, Office of the Chief Chemical Officer		X	X	X
Royalty Adjustment Board, Office of the Chief of Engineers	X	X		X
Royalty Adjustment Board, Office of the Quartermaster General	X	X	X	X
Royalty Adjustment Board, Office of the Surgeon General	X	X	X	X
Chief, Legal Division, Office of the Chief of Transportation	X	X		
Chief, Armed Services Medical Procurement Agency [1]				X

[1] Although pursuant to a joint delegation of the Secretaries of the Army, Navy, and Air Force, Army Procurement Procedure is controlling.

(b) If the chief of a technical service desires that any of the powers, duties and authorities set forth in § 598.1501–9 be further delegated to any officer or employee within his command or jurisdiction, or that a board to receive such delegation be created within his service or command, a request to that effect may be transmitted to the appropriate office specified in § 598.1501–9. Such request shall include the name, rank or grade, and a brief statement of qualifications with respect to each officer or employee to whom the delegation is desired.

(c) Where any of the powers, duties, and authorities set forth in § 598.1501–9 have been or are hereafter delegated to a board, the said board shall, unless otherwise provided in the instrument of delegation, consist of three officers or employees of the service or command concerned, who shall be designated and appointed as provided in § 598.1501–9. Unless otherwise provided in the instrument of delegation (1) a majority of said board shall determine its action, (2) any instrument or contract whatsoever evidencing action taken by the board may be signed in its name by any member of the board, and (3) any two members of such board shall constitute a quorum.

§ 598.1501–11 *Duties of the technical services.* Subject to the applicable rules and regulations, the chiefs of the technical services are, in matters properly before them and acting under the direction of the Under Secretary of the Army, under the duty of causing the powers, duties and authorities delegated under the Act to be exercised in such manner and at such times as may be necessary to prevent unreasonable or excessive royalties from being charged to the Department of the Army. This duty may be discharged pursuant to such instructions as may be issued by the heads of the technical services for the guidance of their respective services and delegates therein.

§ 598.1501–12 *Source of information relating to procedure.* Whenever a technical service has reason to believe that the amount of royalties being assessed against any of its procurement is excessive, advice may be obtained as to the procedure to follow in order that the powers and authority of the Act may be utilized, by communicating with the Chief, Patents Division, OJAG.

SUBPART P—PROCESSING OF INFRINGEMENT CLAIMS

§ 598.1600 *Scope of subpart.* This subpart sets forth the policy of the Department, applicable statutes, administrative requirements and procedures, and other pertinent information relative to (a) investigation and disposition, by settlement or otherwise, of actual and potential claims for compensation for the use of adversely owned patented or unpatented inventions, and (b) contracts or agreements in settlement of such claims, including suggested contract forms and mandatory and suggested articles to be used in such contracts. (See § 598.111 and § 408.111 of this title pertaining to this subject.) This subpart relates to claims by both United States and foreign claimants, except claims presented by nationals of the United Kingdom under the Patent Interchange Agreement, of lend-lease beneficiary countries, and of countries whose Governments are within the scope of the Mutual Defense Assistance Program, for which see § 598.110.

§ 598.1601 *Definitions.* As used in this subpart, the following terms have the meanings set forth below:

§ 598.1601–1 *Chief, Patents Division, OJAG.* The term "Chief, Patents Division, OJAG" means the Chief, Patents Division, Office of The Judge Advocate General, Department of the Army, Washington 25, D. C.

§ 598.1601–2 *Delegate.* The term "delegate" means any office, board, agency, or officer to whom the powers, duties, and authorities set forth in § 598.1604–2 have been delegated.

§ 598.1601–3 *Such claim.* The terms "such claim" and "such a claim" mean a claim against the United States which has in fact been asserted or a claim (based upon actual past procurement and not contemplated procurement) which may reasonably be anticipated will be asserted, under any of the applicable statutes (see §§ 598.1602–1, 598.1602–3, and 598.1602–4), for compensation for alleged use of inventions by or for the Army Establishment.

§ 598.1602 *Applicable statutes.*

§ 598.1602–1 *The Act of 1948.* The act of 25 June 1948, as amended (28 U. S. C. 1498) (hereinafter called "the act of 1948") provides that wherever an invention covered by a patent of the United States is without license or other right used or manufactured by the United States, or by any person, firm or corporation for the United States and with its authorization and consent,[1] the patent owner's remedy shall (except as hereinafter stated) be by suit against the United States in the Court of Claims for recovery of his reasonable and entire compensation for such use or manufacture. The foregoing statute provides that a Government employee shall have the right to bring suit against the Government thereunder except where he was in a position to order, influence, or induce use of the invention by the Government. The statute also provides that it shall not confer a right of action on any patentee or any assignee of such patentee with respect to any invention discovered or invented by a person while in the employment or service of the United States, where the invention was related to the official functions of the employee, in cases in which such functions included research and development, or in the making of which Government time, materials, or facilities were used.

§ 598.1602–2 *The Patent Marking Statute.* Section 4900, Revised Statutes, as amended (35 U. S. C. 49) (hereinafter called "the Patent Marking Statute"), precludes the recovery by a patent owner of damages or profits for infringement occurring prior to (a) the date of marking the patented article with the word "Patent" together with the number of the patent, or with the word "Patented" and the day and year the patent was granted or (b) the date on which the patent owner notified the alleged infringer of the claimed infringement (whichever date is earlier), except (1) in the case of a patent exclusively for a process or (2) in the event neither the owner nor any licensee of the owner has made or sold the patented article.

§ 598.1602–3 *The Invention Secrecy Act.* The act of 1 February 1952 (35 U. S. C. 181–188) (hereinafter called "The Invention Secrecy Act") provides for the withholding of the grant of a patent through the issuance of a secrecy order, for such time as the national interest requires, in those cases where the patent application discloses an invention the publication of which would be detrimental to the national security of the United States. The foregoing act also authorizes the Government Department which caused the issuance of the secrecy order to enter into an agreement with the owner of an application, which except for the secrecy order would issue as a patent, either in full settlement for the damage caused by the secrecy order and/or for the use of the invention by the Government, and empowers the owner of such an application to seek relief in the courts for such damage and/or use either initially, or at any time prior to reaching a satisfactory settlement with the Department concerned should be filed in administrative claim.

§ 598.1602–4 *The Air Corps Act.* The act of 2 July 1926, as amended (10 U. S. C. 310 (i)) (hereinafter called "the Air Corps Act"), provides that whenever a design, whether or not inventive in character, relating to aircraft or any components thereof, is used or manufactured by or for any Department of the Government without just compensation, the owner of such design may, within 4 years from the date of such use, file suit against the United States in the Court of Claims for recovery of his reasonable and entire compensation for such use and manufacture.

§ 598.1602–5 *The act requiring reports to the Attorney General.* Section 188, Revised Statutes (5 U. S. C. 91) (hereinafter called "the act requiring reports to the Attorney General"), requires that a department, or the officer or agent of a department, which is authorized to adjust a claim, shall, after suit has been brought in the Court of Claims and upon request by the Attorney General, furnish the Attorney General without delay with a full statement, in writing, of all facts, circumstances, and evidence pertinent to the claim in the possession or knowledge of such department, officer, or agent.

§ 598.1602–6 *The Royalty Adjustment Act.* The act of 31 October 1942, (35 U. S. C. 91, 1946 edition), known as "the Royalty Adjustment Act," provides that the head of any department or agency of the Government, which has ordered, authorized, or consented to the manufacture, use, sale, or other disposition of an invention (whether patented or unpatented) by or for the Government, is authorized to enter into an agreement with the owner thereof, before suit against the United States has been instituted, in full settlement and compromise of any claims against the United States accruing by reason of such manufacture, use, sale, or other disposition of the invention. This statute grants power and authority to settle claims or liabilities arising under the acts referred to in §§ 598.1602–1 and 598.1602–3, and to settle claims or liabilities arising under the act referred to in § 598.1602–4, so far as they are based upon a design which is believed to be inventive in character.

§ 598.1602–7 *Section 3477, Revised Statutes.* Section 3477, Revised Statutes, as amended (31 U. S. C. 203), provides that all transfers and assignments of any claim (except certain contract claims) upon the United States are absolutely null and void unless made, among other things, after the allowance of the claim, the ascertainment of the amount due and the issuing of a warrant for the payment thereof. In view of certain decisions construing the statute, its provisions will, so far only as concerns claims made under the statutes referred to in §§ 598.1602–1, 598.1602–3 and 598.1602–4, be deemed—

(a) Inapplicable to claims arising under the act of 1948 for compensation on account of articles manufactured for the United States, and articles and methods used in production for the United States (except articles made by the United States).

(b) Applicable to all other claims arising under the statutes referred to in §§ 598.1602–1, 598.1602–3 and 598.1602–4, such, for example, as claims under the act of 1948 for compensation on account of articles manufactured by the United States, or claims under the Invention Secrecy Act or the Air Corps Act for compensation on account of articles manufactured by or for the United States.

§ 598.1603 *General policy.* In order to maintain the good will of United States industry, to encourage invention and the development of the scientific arts related to the National Defense, to dispose of past and avoid future infringement of privately owned rights in inventions and under U. S. Letters Patent, and to avoid litigation and attendant nonproductive time, it is the policy of the Department to settle claims for compensation for past infringement of such invention rights, and also to obtain necessary rights with respect to such inventions in view of contemplated future Departmental procurement, where it is in the Government's interest to do so and when such rights can be obtained at not more than their fair value. To this end, an investigation of each such claim shall be made in accordance with the instructions and procedures set forth in §§ 598.1605–3 through 598.1605–7. If any patent upon which such a claim is based is found to be infringed and is believed to be valid and enforceable, and it is deemed advisable by the Delegate, efforts to settle such claim, before suit against the United States has been instituted, shall be made in accordance with the instructions and procedures set forth in §§ 598.1605–8 through 598.1605–14. Coordination with the Departments of the Navy and the Air Force in the processing and final disposition of each such claim will be effected by the Chief, Patents Division, to such extent as is deemed necessary to avoid unnecessary duplication of work on identical claims received in the Military Establishment, and to settle such of said claims as are valid in a manner in keeping with the interests of each of said Departments involved.

[1] See SPJGP 1943/881, 8 Feb. 1943, page 75, Volume II, Bulletin of the Judge Advocate General, February 1943.

§ 598.1604 *Authority and delegation.*

§ 598.1604–1 *Statutory authority of the Secretary of the Army.* The Secretary is authorized by section 5 of the act of 31 October 1942 (the Royalty Adjustment Act), in his discretion and under such rules and regulations as he may prescribe, to delegate any powers, duties, and authorities conferred by the act to such qualified and responsible officers, boards, agents, or persons as he may designate or appoint. He also is authorized to prescribe such rules and regulations and to require such information as may be necessary and proper to carry out the provisions of the act. Pursuant to the foregoing, the Secretary of the Army has prescribed the rules and regulations set forth in subpart O and subpart P of this part.

§ 598.1604–2 *Delegation of authority.* The Secretary of the Army, or the officers to whom he has delegated the authority, has delegated to the chiefs of the technical services and to certain other officers, boards and persons (herein called "delegates"), as identified and listed in § 598.1501–10, the following power and authority under section 3 of the act of 31 October 1942 (the Royalty Adjustment Act):

> To execute contracts on behalf of the United States before suit against the United States has been instituted, with the owner or licensor of an invention, or of the Letters Patent therefor, effecting a voluntary adjustment of royalties charged or chargeable to the United States, or in settlement and compromise of any claim against the United States accruing to such owner or licensor under the provisions of the Act or any other law by reason of the manufacture, use, sale or other disposition of an invention or for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of such invention, • • •

subject, however, to the approval of the Chief, Purchases Branch, Office of the Assistant Chief of Staff, G–4, in each case where that approval is required by § 598.1605–12.

§ 598.1605 *Prescribed regulations.*

§ 598.1605–1 *Appointment and composition of boards.* (a) Where the power and authority set forth in § 598.1604–2 has been or is hereafter delegated to a board, the said board shall, unless otherwise provided in the instrument of delegation, consist of three officers or employees of the Procuring Activity concerned, who shall be designated by name. Unless otherwise provided in the instrument of delegation, (1) a majority of said board shall determine its action, (2) any instrument or contract whatsoever evidencing action taken by the board may be signed in its name by any member of the board, and (3) any two members of such board shall constitute a quorum.

(b) Appointment of all such boards or of new personnel to such boards shall be upon request made to the officer having appointing authority (see § 598.1501–9). Such request shall include the name, rank or grade, and a brief statement of qualifications with respect to each officer or employee to whom the delegation is desired. The appointing officer may appoint any commissioned officer of the Department within his command, or any civilian employee in the Department within his jurisdiction, whom he deems to be responsible and qualified by reason of having had substantial business or legal experience in procurement or patent matters.

(c) The name of the board shall be specified in the request for the appointment, and in the instrument appointing such board.

§ 598.1605–2 *Duties of chiefs of technical services.* (a) The chief of each technical service, or such other delegate within his service as he may designate, is charged with the duty of taking appropriate action with respect to each such claim pertaining to the procurement responsibilities of his service promptly after knowledge thereof is brought to his attention where either such a claim has been made or may be reasonably anticipated. Such action includes the following:

(1) Writing the claimant or his representative acknowledging receipt of the communication in which such claim is asserted. An authorized form of acknowledgment is set forth in § 598.1605–4.

(2) Requiring the representative of the claimant to file in duplicate, a Notice of Appearance in the form prescribed by paragraph (b) of § 583.1 of this title.

(3) Transmitting direct to the Chief, Patents Division, OJAG, a copy of the communication in which any such claim is asserted or reported.

(4) Requesting clearance from the Chief, Patents Division, OJAG, to investigate and settle each such claim pursuant to § 598.1605–5.

(5) Investigating each such claim upon clearance from the Chief, Patents Division, OJAG, and, if deemed appropriate by the Delegate, settling the same pursuant to paragraphs §§ 598.1605–8 through 598.1605–14.

(6) Preparing and transmitting to the Chief, Patents Division, OJAG, pursuant to § 598.1605–6, a report containing the full statements required by the act requiring reports to the Attorney General (see § 598.1602–5) with respect to each such claim in which no settlement is effected.

(7) Making the required distribution of each contract of settlement or partial settlement of such claim pursuant to § 598.1605–14.

(b) The actions as set forth in paragraph (a) of this section, and wherever referred to in these sections, may be performed by an authorized representative of the delegate, except for the execution of contracts entered into pursuant to paragraph (a) (5) of this section, and the execution of reports prepared pursuant to paragraph (a) (6) of this section.

§ 598.1605–3 *Reporting of claims.* The chief of each technical service shall issue necessary instructions to all officers and employees of his service to provide for prompt submission, to the chief legal or patent officer in the headquarters of his service, of (a) all communications received in his service asserting such claims, and (b) all reports received by Contracting Officers in his service from Contractors under § 408.102 of this title of such claims relating to the alleged manufacture, use, sale, or other disposition of inventions by or for the Government. All communications asserting claims received by other agencies of the Department shall be sent to the Chief, Patents Division, OJAG, who will forward the same for processing under these sections, to the chief legal or patent officer of the technical service which appears to have the dominant interest in the claim.

§ 598.1605–4 *Correspondence with claimant.* No delegate shall concede in writing, addressed to any claimant, potential claimant, or the representative of either, the merit or value of such claim, except so far as such concession may be embodied in an agreement executed by the United States in settlement and compromise thereof in compliance with the pertinent sections hereof. This is in keeping with the policy of the Department of the Army to furnish no information which might be used as the basis or in support of a claim against the Government. Upon receipt of a notice of infringement, the delegate shall acknowledge receipt thereof. The following form of letter is authorized for that purpose, subject to such modifications as may be required by the nature of the claim presented:

[Letterhead of Delegate]

[Date]

JOHN DOE,
Title Guarantee Building,
Miami, Florida.

DEAR SIR:

Your letter to _____ dated _____ 19__, stating that United States Letters Patent No. ------, granted (date of patent), to (patentee's full name), of (city and state), for "(title of invention)", is (are) infringed by (item or process) allegedly being used by the Department of the Army, has been referred to this office for necessary action and direct reply.

I am directed by the Secretary of the Army to inform you that the matter presented in your letter will be carefully investigated and that you will be informed of the Department of the Army's conclusions upon completion of such investigation.

To aid in such investigation, it is requested that you furnish this office as promptly as possible the following information and material:

(1) Copy of the file wrapper and contents of the patent(s) in question.

(2) Copies of all patents and publications cited by the Patent Office during the prosecution of the application(s) for such patent(s).

(3) The names and addresses of licensees, if any.

(4) Copies of license agreements.

(5) Brief statement of any litigation in which the patent(s) have been or are now involved.

(6) List of all notices of infringement which you have sent to alleged infringers of the patent (except the alleged infringers included in your statement of litigation), including but not limited to any other departments and agencies of the Government.

Sincerely yours,

[Signature of Delegate]

§ 598.1605–5 *Clearance to investigate.* (a) Promptly after receipt of a notice or report of such a claim the delegate shall request in writing, from the Chief, Patents Division, OJAG, clearance to investigate and to settle the same. So far as practicable, one delegate shall represent the Department in the investigation and settlement of each such claim.

(b) Each request for clearance shall be submitted in eight copies and shall include the following:

(1) The name and address of each claimant or prospective claimant.

(2) The name and address of each Contractor and subcontractor who is believed, to the extent disclosed by a cursory search in the headquarters of the delegate, to have performed the alleged infringing acts.

(3) The number and date of each patent, and the serial number and filing date of each patent application involved.

(4) Description of the alleged infringing subject matter in sufficient detail to permit other procuring services to determine therefrom whether they have an interest in the matter.

(5) A copy of the communication from the claimant, if any.

(6) A copy of the Notice of Appearance required in § 598.1605–2 (a) (2).

(c) The Chief, Patents Division, OJAG, upon receipt of the request for clearance, shall determine (1) from his files, (2) from the Government Register of Patent Rights, U. S. Patent Office (provided for in Executive Order No. 9424, 18 February 1944, 9 F. R. 1959), and (3) from the Department of Justice, whether the Department of the Army or any other department or agency of the Government has investigated or settled, or received a report or notice of, a claim pertaining to the same subject matter, and shall then grant such clearance in writing as appears proper.

(d) Upon granting of the clearance by the Chief, Patents Division, the delegate granted clearance shall, in accordance with § 598.1605–2 (a) (4), proceed on behalf of the Department of the Army to investigate the claim, and, if deemed appropriate by him, to settle the same pursuant to §§ 598.1605–8 through 598.1605–14.

(e) The Chief, Patents Division, OJAG, shall send copies of said request for clearance and of said clearance to the chief patent officer (or the chief legal officer, if there be no chief patent officer) of each of the Procuring Activities of the Department, except those which clearly would have no interest in or information pertinent to the matter. Each such officer to whom said copies are sent shall promptly investigate the procurement in his service and notify the delegate to whom clearance has been issued of the interest, if any, of his service in the matter and of any pertinent information contained in his files. Negative reports should be made when justified by the facts. Where such report by a procuring service to the said delegate refers to procurement of that service which is pertinent to such claim, the report shall include a description (with drawings, where necessary), of the procured matériel sufficient to enable the delegate to determine whether such procurement constitutes infringement under such claim, together with said officer's opinion upon the question of infringement and the reasons therefor. Any chief patent or legal officer notified of the granting of clearance to a delegate, who fails to make the above-mentioned report promptly to such delegate shall be requested in writing by the delegate to render such report. No claim shall be settled by a delegate or a final report upon a nonsettled claim rendered pursuant to § 598.1605–6 until reports are received by said delegate from each chief patent or legal officer notified of the granting of the clearance, unless adequate explanation for the absence of any such report is presented.

§ 598.1650–6 *Final report by delegate where no settlement of claim is made.* A final written report (in duplicate) of the results of the investigation made on behalf of the Department, including recommendations and conclusions of the delegate on behalf of the Department will be made by him to the Chief, Patents Division, OJAG, with respect to each such claim in which (a) settlement is believed to be inadvisable, or (b) the Delegate has been unable to settle upon terms deemed reasonable by him, whether or not such claim is covered by an indemnity agreement. Each such report shall be clearly marked "Legal Memorandum for the Guidance of Administrative Officials," and, in addition, shall bear such military classification marking, if any, as shall be deemed appropriate by the technical service of the delegate in accordance with the provisions of part 505 and part 509 of this title. A copy of such report shall be forwarded by the delegate to the Heads of all the interested Procuring Activities concurrently with transmittal of the original (and duplicate) to the Chief, Patents Division, OJAG. This final report, which is to serve as a basis for compliance with the Act requiring reports to the Attorney General, i. e., Section 188, Revised Statutes (see § 598.1602–5), will include, so far as is relevant and practicable, all of the following information:

(1) Numbers and dates of all contracts and subcontracts for procurement of the item in question, together with the name and address of each Contractor and subcontractor concerned, and the text of each Contractor's agreement, if any, to indemnify the Government against liability for infringement, or a statement that there is no such indemnity agreement. This information is to include contracts of other Procuring Activities and other departments or agencies of the Government involved, if any.

(2) Extent and dates of alleged infringement.

(3) Statement as to whether the Government by a duly authorized agent or official has given its authorization or consent to the manufacture or use of the article, material, design, or process upon which such claim is or will be based.

(4) Statement of effective date of marking or of notice under the Patent Marking Statute, if pertinent. (See § 598.1602–2.)

(5) Copies of patents alleged to be infringed or, in case such claim arises under the Air Corps Act (see § 598.1602–4), claimant's disclosure of his design.

(6) Result of title search, including examination of Government Register of Patent Rights (Executive Order 9424, 18 Feb. 1944).

(7) A full and complete disclosure of the alleged infringing device, material, design, or process (including a detailed description thereof, together with drawings, photographs, and specimens in proper cases) sufficient to determine whether infringement is present.

(8) Report of date and extent of prior art searches in each of the following categories:

(i) Prior art patents and publications.

(ii) Pending applications filed by the service conducting the investigation.

(iii) Prior public uses.

(9) Copies of prior art patents and publications, and full and complete description (and where practicable, a drawing, sketch, photograph, or specimen) of prior uses relied upon by the delegate.

(10) Statement of the extent to which royalties, if any, have been adjusted by the Department under the Royalty Adjustment Act. (See § 598.1602–6.)

(11) Statement as to whether or not the manufacture or use of the invention occurred while the owner of the patent was in the employment or service of the Government.

(12) Statement as to whether or not the patent was based upon an invention made during the time the inventor was in the employment or service of the Government.

(13) Names and addresses of prospective witnesses (fact and expert) and, where pertinent to validity or infringement, signed statements of witnesses. Where a witness refuses to sign a statement, a statement of the interviewing officer setting forth the facts which the witness may be expected to state if called to testify.

(14) Conclusions regarding infringement (with respect to all departmental procurement involved) and reasons therefor.

(15) Conclusions regarding validity and reasons therefor. No conclusions regarding validity need be stated, if the delegate's conclusions given under paragraph (n) of this section are that in his opinion there is clearly no infringement present.

(16) Conclusions regarding Government liability, the estimated money value of the claim, and an estimate of future procurement involving possible increase of the claim.

(17) Summary of unsuccessful negotiations for settlement, if any.

(18) Recommendations.

§ 598.1605–7 *Action and authority of the Chief, Patents Division, OJAG.* (a) The Chief, Patents Division, OJAG, shall coordinate the processing under this subpart of such claims and may request such status reports from the Delegates as are necessary for this purpose.

(b) Upon receipt from a Delegate of a final report under § 598.1605–6, the Chief, Patents Division, OJAG, shall promptly review the same. In each case where a communication has been received in which such a claim is asserted, the Chief, Patents Division, OJAG, shall write a letter to the claimant, or his

representative, stating the final conclusions of the Department with respect to such claim, and shall send copies thereof to the Delegate and the Head of each interested Procuring Activity.

(c) If, upon reviewing the final report, the Chief, Patents Division, OJAG, deems it advisable, he shall make a search of one or more of the following possible sources of additional prior art and, if the results of such search so indicate, he shall make a supplemental report, stating conclusions supplemental to the conclusions stated in the Delegate's final report, and send a copy of such supplemental report to the delegate:

(1) Patent applications which are the subject of secrecy orders under the Invention Secrecy Act (see § 598.1602–3) in which the inventions disclosed therein have been tendered to the Government for its use.

(2) Patent applications filed by procuring services other than the investigating service.

(3) To the extent available, patent applications filed by other departments or agencies of the Government.

(d) If, upon reviewing the Delegate's final report, the Chief, Patents Division, OJAG, disagrees with the conclusions regarding infringement or validity, he shall make a supplemental report stating his supplemental conclusions and send a copy of such supplemental report to the Delegate.

(e) Upon completion of the final report, the Chief, Patents Division, OJAG, shall advise the Attorney General thereof.

§ 598.1605–8 *Available procedure for the settlement of such claims and procurement of invention and patent rights incident thereto.* (a) The Delegate to whom the claim has been cleared may, subject to the availability of appropriations and allotments of funds in his service and subject to such rules and regulations governing the exercise of delegated powers as are or may from time to time be prescribed, settle such claim—

(1) By causing the United States to execute a contract of release, release and license, or release and assignment with the legal and equitable owner(s) providing for a payment or payments aggregating more than $1 to be made by the Government under the provisions of the following sections (see § 598.1606–9 and form suggested therein).

(2) By receiving from the legal and equitable owner(s), or by causing the United States to execute a contract of release, release and license, or release and assignment which does not provide for payments aggregating more than one dollar ($1.00) to be made to the Government. (See § 598.1606–8 and form suggested therein.)

(b) No contract shall be made which includes a release of such a claim, or a license, which will inure to the benefit of a Contractor who has agreed to indemnify the Government (see § 408.105 of this title and § 598.105) by releasing or discharging such Contractor in whole or in part from his obligation of indemnity, unless such Contractor is made a party to the contract and appropriate arrangements are made to the end that the Contractor shall pay all money consideration flowing to the claimant or potential claimant which is attributable to that part of the release or license which benefits the Contractor.

§ 598.1605–9 *Settlement with foreign claimants.* No contract of settlement of patent infringement liability, or other liability for use of inventions, shall be made with a national of lend-lease beneficiary governments, or governments which are within the scope of the Mutual Defense Assistance Program, without first obtaining the written approval of the Chief, Patents Division, OJAG.

§ 598.1605–10 *Fiscal procedures.* (a) An agreement to pay a fixed amount for the purchase of a paid up license and release or an assignment and release, or a release either by way of lump sum payment or an amount determinable at the time of execution of the contract, is subject to the provision that allotment of funds made for supplies will not be exceeded. Officers charged with making contracts will submit, prior to the incurrence of obligations, all proposed contracts to the fiscal officer for verification as to the sufficiency of funds for that purpose. The following statement will be included on the face of the contract:

> The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same.

(b) An agreement to pay running royalties on future procurement proportioned to use is not subject to the provision mentioned in paragraph (a) of this section, nor need the period of payment be limited to the period for which existing appropriations are available. The Comptroller General has ruled (MS. Comp. Gen. A–76676, dated 5 May 1937) that such an agreement takes effect only in connection with, and to the extent of, future procurement under the license, and if such procurement is within appropriations and allotments then existing, they will cover the royalty agreed to be paid in respect thereto.

(c) The annual Military Appropriation Act contains the following provision:

> Appropriations for the military departments available for procurement or manufacture of supplies, equipment, and materials shall hereafter be available for the purchase or other acquisition of (a) copyrights, letters patent, applications for letters patent, (b) licenses under copyrights, under letters patent, and under applications for letters patent, and (c) designs, processes, and manufacturing data; and shall also be available for the purchase or other acquisition of releases, before suit is brought, for past infringement of letters patent. Any such purchase or other acquisition shall pertain to supplies, equipment, materials, or processes produced or used by or for, or useful to, the department concerned.
>
> These funds are available for the payment for releases, licenses, and assignments entered into in accordance with the provisions of these sections: *Provided, however,* That no payment shall be made for the release of such a claim or any portion of such a claim the liability for which is barred by the statute of limitations or by other statute.

(d) In cases where it is determined to be in the interest of the Government to settle such a claim where no funds therefor are available or appropriated, the settlement contract shall be made with the payment being conditioned upon availability of appropriations, and request for appropriations for the purpose shall be made through the appropriate fiscal channels.

§ 598.1605–11 *Disclosure of information to claimants and their representatives.* In order that settlements advantageous to the Government may be secured, any Delegate holding the powers, duties, and authorities of § 598.1604–2, and any authorized representative of such delegate, may, in the performance of his official duties and when he has reason to believe that such action would be to the advantage of the United States, disclose to the claimant, potential claimant, or authorized representative of either, any facts or matter of evidence which appear to bear upon his claim or its value, except as considerations of military security may indicate such disclosure would be inadvisable. (See Judge Advocate General Opinions identified as SPJGA 1944/11256, 25 Oct. 1944 and SPJGA 1945/2553, 9 Mar. 1945.)

§ 598.1605–12 *Contracts requiring approval.* Approval by the Chief, Purchases Branch, Assistant Chief of Staff, G–4, Department of the Army, is required of all contracts made under the provisions of this part whether or not executed by the Government, under the following conditions:

(a) Where the contract provides for total payments by the Government aggregating $25,000 or more.

(b) Where any of the following listed contract clauses are omitted from the class of contract specified for their use, or deviate from the form prescribed or authorized therein:

> "Non-Estoppel" Clause. (See § 598.1606–5.)
> "Protection Against Unjust Payments" Clause (see § 598.1606–6 (f)).
> "Reserved Rights" Clause (see § 598.1606–6 (g)).

(c) The scope of the license with respect to domestic practice is limited to—

(1) A term less than the life of any patent involved.

(2) Any particular governmental purpose.

(3) Less than all governmental agencies on the same terms.

(4) Disposition rights otherwise than according to law.

(d) Where the rights obtained are a release of past information only.

(e) In contracts for payment of running royalties, where no provision for termination by the Government is included, or where the period in which such termination may be made is longer than one year.

(f) If the contract conveys to the Government license rights under an issued patent and does not contain a release of past infringement of substantially the same scope as the contract clause prescribed in § 598.1606–4.

§ 598.1605–13 *Submission of contracts for approval.* (a) When a contract made under the provisions of these sections requires the approval of the Chief, Purchases Branch, Assistant Chief of Staff, G–4, it shall be submitted to that office, with the number of copies desired approved and returned. There shall also be submitted with the contract a memorandum of facts signed by the delegate containing the following:

(1) Identification and brief description of the subject matter of the patent, patent application, or invention involved in the claim being settled.

(2) Date of clearance from the Chief, Patents Division, OJAG, to investigate and to negotiate settlement of the claim, if deemed advisable.

(3) A brief statement of the delegate's conclusions regarding validity and infringement and the reasons therefor.

(4) A statement of the extent of Government use of the invention(s), including the estimated money value of the claim, if any, and an estimate of future procurement, if any, involving possible increase of the amount of the claim.

(5) Specific reference to the sections of this chapter which require the approval of the contract.

(6) Reasons for omission of, or deviation in, any prescribed contract clause, if such be the fact, together with statement of efforts made to obtain inclusion of such contract clause or acceptance thereof in its prescribed form. If there is a deviation in a prescribed contract clause, the deviation shall be pointed out preferably by a composite draft of the clause, showing new material added, by underscoring, and matter deleted, by lining out such deleted matter.

(7) Recommendation that the contract be approved and the reasons therefor.

(b) Concurrently with the above action, there shall be forwarded to the Chief, Patents Division, OJAG, a copy of the contract and said memorandum of facts.

§ 598.1605–14 *Contract numbering and distribution.* (a) The Department will obtain the original and at least one executed duplicate original of each license, assignment, and release made under the provisions of these sections.

(b) Licenses, assignments, and releases which are executed by the Government shall be numbered, if the actual or estimated amount involved is $5,000 or more, or it is contemplated that more than one payment (or receipt) will be involved, regardless of the amount involved.

(c) The original of every license, assignment, and release, except those which do not involve the payment of money to the Contractor, shall be forwarded by the delegate to the Chief, Audit Division, General Accounting Office, Room 506, Old Post Office Building, 12th and Pennsylvania Avenue NW., Washington 25, D. C.

(d) The original or the executed duplicate original of every license, assignment, and release, together with a second copy (photostatic preferred), shall be transmitted without delay by the delegate to the Chief, Patents Division, OJAG, for recording in the United States Patent Office under Executive Order 9424, 18 February 1944 (9 F. R. 1959), and for permanent filing thereafter. In transmitting each such instrument for recording, the delegate will indicate in which of the following three Government registers maintained by the Patent Office, the instrument should be recorded:

(1) The register open to examination by the general public.

(2) The register available for examination and inspection only by duly authorized representatives of the Government.

(3) The secret register, access to which may be had only upon written authority from the head of the department or agency which submitted the instrument and requested secrecy (9 F. R. 4159).

(e) Each instrument shall be forwarded for recording with a memorandum or letter setting forth the following information:

(1) The name of the claimant and the name of the releasor, licensor, or assignor.

(2) The patentee or inventor's name.

(3) The number of the patent or serial number of the patent application involved.

(4) Date of issue of the patent or filing date of the application.

(5) Date of clearance from the Chief, Patents Division, OJAG, to investigate and settle the claim involved. (See § 598.1605–5.)

(6) A statement that the instrument effects settlement of the claim for which the above clearance was granted.

(f) A copy of each license which provides for the payment of running royalties shall be transmitted by the delegate to each of the Heads of the Procuring Activities for the attention of the chief legal or patent officer thereof. Receipt of such copy shall place the recipient Head of a Procuring Activity on notice that future procurement of the licensed subject matter requires the payment of royalties to the licensor. (See § 598.1606–6 (c).) Heads of the Procuring Activities shall notify, or cause to be notified, procurement and price analysis offices affected.

§ 598.1606 *Contract clauses and forms.* The following contract clauses and forms are applicable to contracts for the settlement of infringement claims.

§ 598.1606–1 *Mandatory contract clauses.* The following clauses shall be used in all contracts except as otherwise indicated in the instructions preceding the clause.

(a) The "Officials Not to Benefit" clause (see § 406.103–19 of this title) in every license, assignment, and release which is executed by the Government.

(b) The "Covenant against Contingent Fees" clause (see § 406.103–20 of this title) in every license, assignment, and release which is executed by the Government.

(c) The "Assignment of Claims" clause (see § 406.103–8 of this title) if the contract provides for payments by the Government aggregating $1,000 or more.

(d) The "Nondiscrimination in Employment" clause (see § 406.103–18 of this title) if the performance of the contract involves the employment of persons by the Contractor.

(e) The "Disputes" clause (see § 406.103–12 of this title) if the contract calls for payments by the Government aggregating $20,000. This clause is recommended for inclusion in contracts of smaller amount.

§ 598.1606–2 *The license grant clauses.* The contract clauses set forth in this section are suggested forms for expressing the license grant:

(a) The following clause is suggested for all contracts except those for the payment of running royalties:

> LICENSE
>
> (a) Contractor agrees to and does hereby grant and convey to the Government, an irrevocable, nonexclusive, nontransferable and paid up license under the following patent(s) [and application(s) for patent] to practice and cause to be practiced for the Government any and all of the inventions thereof in the manufacture, use and disposition of any article or material, and in the use of any method, in accordance with law:
>
> U. S. Patent No. ---------- Date ----------
> Application Filing
> Serial No. ---------- Date ----------
>
> [together with corresponding foreign patents and applications for patent, insofar as Contractor has the right to grant licenses thereunder].
>
> (b) Nothing contained herein shall limit any rights which the Government may have obtained by virtue of prior contracts or by operation of law or otherwise.

(b) In contracts requiring the payment of running royalties, the license ordinarily will be limited by licensor to the Department or agency agreeing to pay royalties. The following contract clause is designed for this purpose:

> LICENSE
>
> (a) Contractor agrees to and does hereby grant and convey to the Government, as represented by the Secretary of the Army, an irrevocable, nonexclusive, nontransferable license under the following patent(s) [and application(s) for patent] to practice by the Department of the Army and cause to be practiced for the Department of the Army any and all of the inventions thereof in the manufacture, use and disposition of any article or material, and in the use of any method, in accordance with law:
>
> U. S. Patent No. ---------- Date ----------
> Application Filing
> Serial No. ---------- Date ----------
>
> [together with corresponding foreign patents and applications for patent, so far as Contractor has the right to grant licenses thereunder].
>
> (b) Nothing contained herein shall limit any rights which the Government may have obtained by virtue of prior contracts or by operation of law or otherwise.

§ 598.1606–3 *The license term clauses.* The contract clauses set forth in this section are suggested forms for expressing the license term.

(a) One or the other of the following alternative clauses is suggested for all contracts except those for the payment of running royalties. Alternate A is for the full term of the patent and Alternate B contains provisions necessary for the protection of the Government where there is a right to terminate the license short of the full term of the patent:

[ALTERNATE A]

TERM

The license hereby granted shall remain in full force and effect for the full term(s) of the patent(s) referred to above [and any and all patents hereafter issued on applications for patent referred to above].

[ALTERNATE B]

TERM

The license hereby granted shall terminate on the _____ day of _____, 19__; *Provided, however,* That said termination shall be without prejudice to the completion of any contract entered into by the Government prior to said date of termination or to the use or disposition thereafter of any articles or materials manufactured by or for the Government under this license.

(b) The following clause is for use in contracts for the payment of running royalties which must necessarily include the right to terminate on the part of the Government:

TERM

The license hereby granted shall remain in full force and effect for the full term(s) of the patent(s) referred to above [and any and all patents hereafter issued on applications for patent referred to above] unless sooner terminated as elsewhere herein provided.

§ 598.1606–4 *Release of past infringement clause.* The following clause shall be included in all contracts granting rights to the Government under a patent already issued, made under the provisions of these sections:

RELEASE OF PAST INFRINGEMENT

Contractor agrees to and does hereby release each and every claim and demand which Contractor now has or may hereafter have against the Government, its officers, agents, servants and employees, for infringement by or for the Government of [(1)] any of the patents and applications for patent specifically identified in this contract, [(2) and any other patent or application for patent now owned or hereafter acquired by Contractor, insofar as and to the extent only as such other patent or patent application covers the manufacture, use or disposition of (description of subject matter)], by reason of the manufacture, use, sale, or other disposition of any article or material, or the use of any process covered by said patents or applications for patent, occurring prior to the date of this contract, and by reason of the use, sale, or other disposition thereafter of any article or material manufactured or contracted for prior to the date of this contract.

NOTE. Bracketed portions of the foregoing clause may be omitted when not appropriate or not encompassed by the release as negotiated.

§ 598.1606–5 *Non-estoppel clause.* The following clause shall be included in all contracts made under the provisions of these sections, except that it may be omitted when the consideration payable by the Government for the contract is not more than $1.00 and the contract conveys to the Government (i) a release of not substantially less scope than that contained in § 598.1606–4, and (ii) a license for the full term of the licensed patents and patents issued on the patent applications or an assignment of not substantially less scope (except for foreign rights) than that contained in § 598.1606–7.

NONESTOPPEL

Contractor agrees that the Government shall not be estopped at any time to contest the enforceability, validity or scope of, or the title to, any patent or patent application herein licensed,[1] [but this provision shall not be deemed to modify or avoid the obligation of the Government to pay royalties as elsewhere herein provided].[2]

§ 598.1606–6 *Contracts providing for the payment of a running royalty.* The following instructions and provisions are special to contracts providing for the payment of a running royalty:

(a) Since the license requires the payment of royalties based upon procurement, and is not to be available to other agencies of the Government except upon the conditions specified in paragraph (e) of this section, the license grant is appropriately limited to the practice of the invention by or for the Department. For the appropriate "License Grant" clause, see § 598.1606–2 (b).

(b) The license term shall be made terminable by the Government. It may be terminable on conditions such as specified in the "Reserve Rights" clause (see paragraph (g) of this section), or on giving of a specified period of notice, or at fixed times. In any event, it shall contain the right to the Government to terminate at the expiration of six months. For the appropriate "License Term" clause, see § 598.1606–3 (b).

(c) *Computation of royalties.* The contract clause providing for the computation of royalties may be of varying scope. The following alternative clauses are suggested (Alternate A is based upon a percentage of the cost of the articles or materials; Alternate B is based upon a fixed amount per item):

COMPUTATION OF ROYALTIES

[ALTERNATE A]

Royalties shall accrue under this contract in favor of Contractor, subject to payment thereof at the times and subject to the limitation hereinafter stated on all articles or materials embodying or manufactured by the use of any or all of the inventions licensed herein, upon acceptance thereof by the Department of the Army (whether made by or for the Department of the Army), at the rate of ____ percent of the Cost (as hereinafter defined) of such articles or materials to the Government. "Cost," as used in this paragraph means (1) in respect of articles or materials purchased by or for the Department of the Army, the purchase price of such articles or materials, except that in cost-plus-fixed-fee contracts it means the estimated cost as defined in such contract, and (2) in respect of articles or materials made by the Department of the Army, the actual cost of direct labor and materials without allowance for overhead or supervision.

[ALTERNATE B]

Royalties shall accrue under this contract in favor of Licensor, subject to payment thereof at the times and subject to the limitation hereinafter stated, on all articles and materials embodying or made by the use of any or all of the inventions licensed herein, upon acceptance thereof by the Department of the Army (whether made by or for the Department of the Army), at the rate of ____ (¢) cents per [name of item].

(d) *Reporting and payment of royalties.* (1) The contract must contain a provision designating the chief of the technical service of the Delegate as the officer designated to make reports to the Contractor of the extent of use of the licensed subject matter by the entire Department, and such chief shall be charged with the responsibility of obtaining from all Procuring Activities the information necessary to make the required reports and the corresponding vouchers to make the required payments. The following clause is suggested for this purpose:

REPORTING AND PAYMENT OF ROYALTIES

(a) The [chief of technical service] shall, on or before the 60th day next following the end of each half yearly period ending June 30 and December 31 during which royalties have accrued under this license, deliver to Contractor a report in writing stating the number of articles and the amounts of materials accepted by the Department of the Army during said half yearly period on which royalties have accrued under this contract, and the Cost thereof.

(b) Royalties which have accrued under this contract during each half yearly period ending June 30 and December 31 shall be paid to Contractor, provided appropriations therefor are available, within 60 days next following the end of each such period; provided, however, that the Government shall not be obligated to pay, in respect of any such half yearly period, an amount greater than _____ ($_____) dollars.

(2) In the event military security prohibits the disclosure of the quantity of production by reports or payments to the Licensor the Delegate may negotiate an appropriate substitute for the suggested "Royalties" Clause, for example, agreed lump sum yearly or half yearly payments with final settlement in accordance with actual production to be made within six months after termination of hostilities.

(3) Note § 598.1605–14 (f) for instructions concerning furnishing copy of license to each Procuring Activity.

(e) *License to other Government agencies.* No department other than the Department of the Army shall be committed to such obligation unless the contract has been signed in behalf of each other department or agency of the Government similarly obligated. The following clause may be included in each contract of this type to accomplish the foregoing purpose:

LICENSE TO OTHER GOVERNMENT AGENCIES

(a) Contractor hereby agrees to grant a separate license under the patents, applications for patents, and improvements referred to in Article 1 hereof, on the same terms and conditions as appear in this license, to any department or agency of the Government other than the Department of the Army at any time on receipt of written request for such a license from such department or agency, provided, however, that as to royalties which accrue under such separate licenses, reports and payments will be made by such department or agency directly to Contractor and not by the [Head of Procuring Activity]. Contractor shall notify the [Head of Procuring Activity] promptly upon receipt of any request for license hereunder.

(b) When two or more departments or agencies shall have subscribed to this license, such agencies shall jointly make the report of royalties called for by subparagraph (a) of Article _____. The royalties payable by such departments or agencies shall be combined for the purpose of computing the Government's total half yearly obligation as set forth in subparagraph (b) of Article _____. When such combined royalties exceed the said total half yearly obligation, each Department or agency shall pay the pro rata share of the said total half yearly obligation as determined by the proportion its accrued royalties bear to the combined total of accrued royalties.

(f) *Protection against unjust payments.* The following clause shall be included in each contract providing for the payment of running royalties:

PROTECTION AGAINST UNJUST PAYMENTS

(a) If any license has been or shall hereafter be granted under substantially the same patents and authorizing substantially the same acts which are authorized under this contract within the United States, on royalty terms which are in any respect more favorable to the licensee than those contained herein, the Government shall be entitled to the benefit of such more favorable terms with respect to all royalties accruing under this license after the date such more favorable terms become effective, and Contractor shall promptly notify the Secretary of the Army in writing of the granting of such more favorable terms.

(b) The Government shall have the right, notwithstanding any other provision of this contract, to terminate the within license by giving notice in writing to Contractor specifying a date when such termination is to be effective; termination of said license in the manner aforesaid may, as specified in such notice, take effect either in whole or insofar as said license applies to any specified service or command of the Department of the Army or to any specified article, material or method, or to the extent that rights are granted under any specified patent or the specified claims of any patent; and if any part of the said license is thus terminated the rights of the Government to enjoy or to terminate other parts thereof shall be in no wise prejudiced thereby.

(c) In the event any claim of any patent hereby licensed is construed or held invalid by decision of a court of competent jurisdiction, the requirement to pay royalties under this contract insofar as it arises solely by reason of such claim, and any other claim not materially different therefrom, shall be interpreted in conformity with the court's decision as to the scope or validity of such claims; provided, however, that in the event such decision is modified or reversed on appeal, the requirement to pay royalties under this license shall be interpreted in conformity with the final decision rendered on such appeal.

(g) *Non-estoppel variation.* See § 598.1606–5 for variation in form of this clause for use in contracts providing for the payment of running royalties.

§ 598.1606–7 *Assignments.* The following contract provision and instructions are special to contracts of assignment of patent rights to the Government:

(a) A suggested title-transferring or assignment clause is set forth in this section. The bracketed portions of the clause may be omitted when such portions are not appropriate.

ASSIGNMENT

Contractor agrees to and does hereby sell, assign, and transfer to the Government and its assigns, as represented by the Secretary of the Army, the entire right, title and interest in and to the following patent(s) [and application(s) for patent], in and to the invention(s) thereof, and in and to all claims and demands whatsoever for infringement thereof heretofore occurred, the same to be held and enjoyed by the Government through its duly appointed representatives to the full end of the term of said patent(s) [and to the full end of the term(s) of all patents which may be granted upon said application(s) for patent or upon any division, renewal or continuation thereof] as fully and entirely as the same would have been held by Contractor had this assignment not been made:

U. S. Patent No.

_____

_____

U. S. Application Serial No.

_____

Date	*Name of Inventor*
_____	_____
_____	_____
Filing Date	*Name of Inventor*
_____	_____

[together with corresponding foreign patents and applications for patent, insofar as Contractor has the right to assign the same.]

(b) To facilitate proof of the contract the acknowledgment of each Contractor should preferably be executed by a notary public or other officer to administer oaths under section 1750 of the Revised Statutes (22 U. S. C. 131). (See Rule 331 of the Rules of Practice in the United States Patent Office, 1 March 1949.)

§ 598.1606–8 *Unilateral contract form; gratuitous grants.* (a) Numerous patent owners, for the purpose of assisting national defense, have, voluntarily and also upon the request of the Government, granted and are continuing to grant releases, royalty-free licenses and assignments to the Government to practice the inventions secured by their patents and applications for patent. Under these conditions or when the payment to be made by the Government under the contract do not aggregate more than $1.00, it is unnecessary for the Government to execute the contract, but in the event it is executed by the Government the appropriate mandatory articles must be included. (See § 598.1606–1.)

(b) The following unilateral contract form for such gratuitous grants is suggested:

DEPARTMENT OF THE ARMY

PATENT RELEASE AND LICENSE CONTRACT

This Contract, made this ____ day of _____ 195__, by _____ (hereinafter called Contractor),[1] a corporation organized and existing under the laws of the State of _____[1] a partnership consisting of _____[1] an individual trading as _____ of the City of _____ in the State of _____ in favor of the United States of America (hereinafter called the Government), as Promissee, witnesseth that

"Whereas, to aid the national defense and promote the common welfare, numerous patent owners have, upon request of the Government, granted and are continuing to grant releases and royalty-free licenses to the Government to practice the inventions secured by their patents and applications for patents (hereinafter called 'such inventions'),

"Whereas, the Government has utilized many such inventions for the purposes aforesaid and is desirous of obtaining further releases and royalty-free licenses including this release and license, and

"Whereas, this contract is authorized by Section 3 of the Act of October 31, 1942 (Public Law 768—77th Congress 35 U. S. C. 89–96, 1946 edition),

"Now, therefore, in consideration of the premises and of the grant by other patent owners of like releases and licenses to the Government, Contractor has agreed as follows:"

Article 1. [License] [Assignment].

(*a*) Use the clause set forth in § 598.1606–2 (a) for a license.

(*b*) Use the clause set forth in § 598.1606–7 (a) for an assignment.

Article 2. *Term.* Use the clause set forth in § 598.1606–3 (a) for a license. A separate "Term" clause is not required when using the "Assignment" clause of § 598.1606–7 (a).

Article 3. *Release of Past Infringement.* Use the clause set forth in § 598.1606–4.

Article 4. *Non-Estoppel.* Use the clause set forth in § 598.1606–5.

"Successors and Assigns." This contract shall be binding upon Contractor, its successors[2] and assigns.

In witness whereof, Contractor has executed this contract as of the day and year first above written.

_____
(Name of Contractor)

By _____

Its _____

_____
(Business Address)

[CORPORATE SEAL]

Two witnesses:

_____

_____
(Address)

_____

_____
(Address)

NOTE: Bracketed material may be deleted as appropriate.

§ 598.1606–9 *Bilateral contract form.* The following contract form is suggested for use for licenses, releases, or assignments when a consideration of more than $1.00 is to be paid by the Government:

Contract No. ____
Negotiated

DEPARTMENT OF THE ARMY

PATENT RELEASE AND LICENSE CONTRACT

This Contract, entered into this ____ day of _____, 195__, by the United States of America (hereinafter called the Government), and _____ (hereinafter called Contractor),[1] a corporation organized and existing under the laws of the State of _____[1] a partnership consisting of _____[1] an individual trading as _____ of the City of _____ in the State of _____ witnesseth that

"Whereas, Contractor warrants that it has the right to grant the within license and

[1] The word "licensed" is appropriately changed to "assigned" in assignment contracts.

[2] The bracketed part is to be omitted except in contracts for payment of running royalties.

[1] Delete all lines which do not apply.

[2] When Contractor is an individual, change "successors" to "heirs"; if a partnership, modify appropriately.

release, and the Government desires to procure the same,

"Whereas, this contract is authorized by Section 3 of the Act of October 31, 1942 (Public Law 768, 77th Congress, 35 U. S. C. 89–96, 1946 edition).

"Now, therefore, in consideration of the grant release and agreements hereinafter recited the parties have agreed as follows:"

Article 1. [License Grant] [Release] [Assignment].

(Use the clause set forth in § 598.1606–2 (a) for paid-up license.)

(Use the clause set forth in § 598.1606–2 (b) for a license on a running royalty basis.)

(Use the clause set forth in § 598.1606–4 for a Release only.)

(Use the clause set forth in § 598.1606–7 for an assignment.)

Article 2. *Term.*

(Use the appropriate alternative clause of § 598.1606–3 (a) for a paid-up license.)

(Use the clause of § 598.1606–3 (b) for a license on a running royalty basis.)

(A "Term" provision is never required for a Release. In a Contract of Assignment, the "Term" is set forth in the "Assignment" clause required by § 598.1606–7 (a) of this subpart.)

Article 3. *Release of past infringement.* Use the clause set forth in § 598.1606–4 where this is in addition to a license or an assignment.

Article 4. *Non-Estoppel.* Use the clause set forth in § 598.1606–5.

Article 5. *Payment.*

(1) Use the following clause for a paid-up license, release or assignment:

"Article 5. Payment.

Contractor shall be paid the sum of ------ ($------) Dollars in full compensation for the rights herein granted and agreed to be granted."

(2) For a license on a running royalty basis, use the appropriate alternative clause from § 598.1606–6 (c), and also use the clauses as specified in §§ 598.1606–6 (d) to 598.1606–6 (g).

Article 6. *Officials not to Benefit.* (See § 406.103–19 of this title.)

Article 7. *Covenant Against Contingent Fees.* (See § 406.103–20 of this title.)

Article 8. *Assignment of Claims.* (See § 406.103–8 of this title.)

Article 9. *Non-Discrimination Clause.* (See § 406.103–18 of this title.)

Article 10. *Disputes Clause.* (See § 406.103–12 of this title.)

Article 11. *Successors and Assigns.*

"This agreement shall be binding upon Contractor, its successors[2] and assigns, but nothing contained in this Article shall authorize an assignment of any claim upon the Government otherwise than as permitted by law."

"In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,
By ----------
(Signature (and title) of Delegate)

By ----------

(Business Address)
[CORPORATE SEAL]

Two witnesses:

(Address)

(Address)

[2] When Contractor is an individual, change "successors" to "heirs"; if a partnership, modify appropriately.

[1] The foregoing contract is hereby approved in behalf of the Secretary of the Army.

[1] By direction of the Under Secretary of the Army:

[Leave two lines blank]
Chief, Purchases Branch,
Office of the Assistant Chief of Staff, G–4"

NOTE. Bracketed material may be deleted as appropriate.

[1] Delete all lines which do not apply.

SUBPART Q—PROCUREMENT OF INVENTION AND PATENT RIGHTS

§ 598.1700 *Scope of Subpart.* This subpart sets forth the policy of the Department, applicable statutes, administrative requirements and procedures, and other pertinent information pertaining to the procurement of invention and patent rights, except as an incident to the settlement of claims for the use of inventions which is provided for in Subpart P of this part. This subpart also includes suggested contract forms for the procurement of the aforementioned rights, and mandatory and suggested articles to be used in said contracts. (See § 598.150 pertaining to this subject.)

§ 598.1701 *Definitions.* As used in this subpart, the following terms have the meanings set forth below:

§ 598.1701–1 *Chief, Patents Division, OJAG.* The term "Chief, Patents Division, OJAG" means the Chief, Patents Division, Office of The Judge Advocate General, Department of the Army, Washington 25, D. C.

§ 598.1701–2 *Delegate.* The term "delegate" means any office, board, agency or officer to whom the powers, duties, and authorities set forth in § 598.1604–2 have been delegated.

§ 598.1701–3 *Proffered license or assignment.* "Proffered License or Assignment" means a license or an assignment which is offered to the Department by the owner of an invention.

§ 598.1701–4 *Proposed license or assignment.* "Proposed License or Assignment" means a license or assignment the acquisition of which is initiated or proposed to the owner by the Department.

§ 598.1702 *Applicable statutes.*

§ 598.1702–1 *The Royalty Adjustment Act.* This Act (see § 598.1602–6), among other things, authorizes the head of any department or agency of the Government to enter into an agreement with the owner of an invention (whether patented or unpatented) for compensation to be paid such owner based upon contemplated future manufacture, use, sale, or other disposition of such invention by or for the Government. Such agreements, however, are subject to the approval of the Chief, Purchases Branch, Office, Assistant Chief of Staff, G–4, in each case when that approval is required by § 598.1705–8.

§ 598.1702–2 *Annual National Military Establishment Appropriation Act.* The annual military appropriation act contains the provision quoted in § 598.1605–10 (c) relating to the availability of funds appropriated thereby for the purchase of licenses (with or without a release from liability for any past infringement) and assignments (with or without a release) entered into in accordance with the provisions of this subpart: *Provided, however,* That no part of any such payment shall be made for a release from liability for any past infringement for which recovery is barred by the statute of limitations or other statute.

§ 598.1703 *General policy.* In order to avoid infringement of privately owned rights in inventions and under United States patents and to avoid litigation and attendant nonproductive time, the policy of the Department is to obtain necessary rights under patents and applications for patents which are pertinent to contemplated future procurement activities, in cases where it is in the interest of the Government to do so and the desired rights can be obtained at not more than their fair value. In furtherance of this policy (a) each license or assignment of rights under patents or applications for patents proffered to the Department by the owner thereof, and (b) each license or assignment proposed by the Department, shall be processed for consideration on behalf of the Department in accordance with the instructions contained in such of §§ 598.1705–2 through 598.1705–5 as are applicable to the particular type of license or assignment (proffered or proposed). If, following such consideration, it is believed that any patent included in such license or assignment covers contemplated procurement and is valid and enforceable, and it is deemed advisable by the delegate or the Contracting Officer to whom the matter has been cleared, efforts shall be made to consummate an appropriate license or assignment with said owner pursuant to the instructions and procedures set forth in §§ 598.1705–6 through 598.1705–10.

§ 598.1704 *Authority and delegations.* The statutory authority of the Secretary of the Army to delegate his power to enter into license and assignment agreements, as set forth in §§ 598.1702–1 and 598.1604–2 and to prescribe necessary rules and regulations in this connection, is stated in § 598.1604–1. Section 598.1501–10 lists the offices, boards, agencies; and officers (herein called "delegates") to whom such power has been delegated. The prescribed rules and regulations appear in the following sections.

§ 598.1705 *Prescribed regulations.*

§ 598.1705–1 *Duties of the Chiefs of Technical Services.* (a) The chief of each technical service, or such other delegate within his service as he may designate, is charged with the duty of taking appropriate action with respect to each Proffered or Proposed License or Assignment pertaining to the procurement responsibilities of his service promptly after knowledge thereof has been brought to his attention. Such action includes—

(1) Writing the invention owner or his representative, in the case of a Proffered License or Assignment, acknowledging receipt of the communication in which the license is proffered (a suggested form of acknowledgment appears in § 598.1705–3); In the case of a Proposed License or Assignment, writing the invention owner, at the appropriate time, to ascertain the terms upon which the Proposed License or Assignment may be obtained.

(2) Requesting clearance from the Chief, Patents Division, OJAG, to consider each Proffered or Proposed License or Assignment and to procure such License or Assignment on behalf of the Department, pursuant to § 598.1705–4.

(3) Considering each such Proffered License or Assignment upon clearance from the Chief, Patents Division, OJAG, and, if deemed appropriate by the delegate, procuring such Proffered or Proposed License or Assignment pursuant to §§ 598.1705–6 through 598.1705–10.

(4) Preparing and transmitting to the Chief, Patents Division, OJAG, pursuant to § 598.1705–5, a final report with respect to each such Proffered or Proposed License or Assignment which is not procured.

(5) Effecting the required distribution of each such Proffered or Proposed License or Assignment procured, pursuant to § 598.1705–10.

(b) The actions specified in paragraph (a) of this section and wherever referred to elsewhere in these sections, may be performed by an authorized representative of the delegate, including Contracting Officers.

§ 598.1705–2 *Reporting of proffered and contemplated licenses and assignments.* The chief of each technical service shall issue necessary instructions to all officers and employees of his service to provide for prompt submission to the chief legal or patent officer in the headquarters of his service of (a) all communications received in his service from patent owners proffering licenses and assignments, and (b) all contemplated licenses and assignments initiated in his service which it is proposed be procured from the owners of inventions by the Department. All communications proffering licenses and assignments received by other agencies of the Department (e. g., The Adjutant General's Office, boards and committees not under the jurisdiction of the procuring services, etc.) shall be sent to the Chief, Patents Division, who will forward the same, for processing under these sections, to the chief legal or patent officer of the procuring service appearing to have the principal interest in the license or assignment. Such other agencies shall issue necessary instructions in this connection.

§ 598.1705–3 *Correspondence with invention owner or his representative.* Upon receipt of a communication from an invention owner or his representative, proffering a license or an assignment, the delegate shall acknowledge receipt thereof. The following form of letter is suggested for such purpose, subject to such modifications and additions as may be required by the nature of the license or assignment offered and the desire, if any, of the delegate for additional information to aid in considering the offer, such as the names and addresses of any licensees, copies of their license agreements, etc.:

[Letterhead of Delegate]
[Date]

JOHN DOE,
Title Guarantee Building
Miami, Florida

DEAR SIR:

Your letter to ---------- dated ---------- 19--, offering [to grant a nonexclusive license to (the Department of the Army) under][1] [to assign to the Government the entire right, title, and interest in][1] U. S. Letters Patent No. ------, granted (date of patent), to (patentee's full name), of (city and State), for "(Title of Invention)", at suitable terms to be agreed upon, has been referred to this office for necessary action and direct reply.

I am directed by the Secretary of the Army to inform you that your offer will be carefully considered and that you will be notified of the Department of the Army's conclusions in this connection upon completion of such consideration.

Sincerely yours,
[Signature of Delegate]

§ 598.1705–4 *Clearance to consider and procure licenses and assignments.* (a) Promptly after (1) receipt of a communication proffering a license or an assignment, or (2) a determination has been reached to endeavor to obtain a license or an assignment from a patent owner, the delegate shall request in writing from the Chief, Patents Division, OJAG, clearance to consider and procure such Proffered or Proposed License or Assignment on behalf of the Department.

(b) Each request for clearance shall be submitted in 8 copies and shall include the following:

(1) The name and address of the invention owner.

(2) The number and date of each patent and the serial number and filing date of each patent application involved, and the inventor's name.

(3) A copy of the communication from the patent owner (or his representative) making the offer, if any.

(4) Description of the subject matter of the patent (or application) in such detail to permit other Procuring Activities to determine therefrom whether they have any interest in the matter.

(5) A résumé of the nature and terms of the Proffered or Proposed License or Assignment, and a copy of such License or Assignment, if any.

(6) The names of any other Procuring Activities of the Department which might be interested in the Proffered or Proposed License or Assignment, and a statement as to the probable interest of the Departments of the Navy and the Air Force in the matter.

(7) Any other pertinent information to aid other possibly interested Department of Defense agencies in determining whether they have any interest in the matter.

(c) The Chief, Patents Division, OJAG, upon receipt of the request for clearance, shall determine from his files whether the Government has any license or other interest in the title to any patent or patent application involved, and shall then grant such clearance in writing as appears proper, including therein any pertinent information in his files.

(d) Upon the granting of such clearance to a delegate, the delegate shall in accordance with § 598.1705–1 (a) (3) and on behalf of the Department, proceed to consider the Proffered or Proposed License or Assignment and, if deemed advisable by him, following coordination with any other interested Department of Defense agencies, to procure the same pursuant to the provisions of §§ 598.1705–6 through 598.1705–10.

(e) The Chief, Patents Division, OJAG, shall send copies of said request for clearance and of the clearance to the chief patent officer (or the chief legal officer if there be no chief patent officer) of each of the Procuring Activities of the Department, excepting those which clearly would have no interest in the matter, but including any such services referred to by the delegate in the clearance request. Each such officer to whom said copies are sent shall promptly inform the delegate to whom clearance has been issued of the interest, if any, of his service in the matter and of any pertinent information in his file (negative reports should be made when justified by the facts). The Chief, Patents Division, OJAG, also shall send copies of said clearance request and clearance to the Deputy Chief of Naval Research for Patents, Office of the Chief of Naval Research, Department of the Navy, and to the Chief, Patents Branch, Office of the Judge Advocate General, Department of the Air Force, together with a request that said delegate be informed promptly of the interest, if any, of their Departments in the matter, and of any pertinent information in their files, in order to avoid unnecessary duplication of work on corresponding Proffered and Proposed Licenses and Assignments in the Department of Defense and to endeavor to procure licenses and assignments in keeping with the interests of all of said Departments involved.

(f) Any chief patent or legal officer notified of the granting of clearance to a delegate who fails to make the above-mentioned report promptly to such delegate, shall be requested in writing by the delegate to render such report. The delegate shall make similar requests of the Departments of the Navy and the Air Force in the absence of prompt reports from said Departments. No Proffered or Proposed License or Assignment shall be procured by a delegate or a final report rendered (pursuant to § 598.1705–5) with respect to such License or Assignment which is not procured, until reports are received by said delegate from each chief patent or legal officer notified of the granting of the clearance, unless adequate explanation for the absence of any such report is presented.

§ 598.1705–5 *Final report by delegate where no license or assignment is procured.* A final report (in duplicate) of the results of the consideration on behalf of the Department, including a statement of the final conclusions and the final action of the delegate relative

[1] The applicable bracketed part should be used.

thereto on behalf of the Department, will be made by the delegate to the Chief, Patents Division, OJAG, with respect to each such Proffered or Proposed License or Assignment procurement of which (a) is believed by the delegate to be inadvisable or, (b) the delegate is unable to accomplish upon terms deemed reasonable by him. Copies of such report shall be forwarded by the delegate to the chiefs of all the interested procuring services of the Department and to the Departments of the Navy and the Air Force (i. e. to the officials referred to in § 598.1705–4 (e)) concurrently with transmittal of the original to the Chief, Patents Division, OJAG.

§ 598.1705–6 *Available procedure for the procurement of licenses and assignments.* The Delegate to whom clearance has been granted by the Chief, Patents Division, OJAG, may procure a desired license or assignment, with or without a release of past infringement, as set forth in § 598.1605–8 (a), subject to the restrictions of § 598.1605–8 (b).

§ 598.1705–7 *Fiscal procedures.* The fiscal procedures, provisions, and requirements set forth in § 598.1605–10 are applicable to the procurement of a license (with or without a release) or an assignment (with or without a release).

§ 598.1705–8 *Contracts of license and assignment requiring approval.* The requirements of § 598.1605–12 with respect to approval by the Chief, Purchases Branch, Office of the Assistant Chief of Staff, G–4, of all contracts made under the provisions of Subpart P of this part under said specified conditions, are applicable also to all contracts made under the provisions of this subpart under such conditions.

§ 598.1705–9 *Submission of contracts for approval.* The requirements of § 598.1605–13 relative to the submission for approval of contracts made under the provisions of Subpart P of this part also apply to contracts made under the provisions of this subpart and required to be submitted for approval to the Chief, Purchases Branch, Office of the Assistant Chief of Staff, G–4, including the required memorandum of facts from the Delegate with paragraphs (a) (1) through (a) (4) of § 598.1605–13 changed to read:

(1) Identification and brief description of the subject matter of the patent or patent application involved in the license or assignment.

(2) Date of clearance from the Chief, Patents Division, to consider the license or assignment and to procure the same, if deemed advisable.

(3) Brief statement of the Delegate's conclusions regarding (i) potential infringement of the patent by contemplated future Department of Defense procurement and (ii) of the validity of the patent, including the reasons therefor.

(4) Statement of the estimated extent of contemplated future Department of Defense procurement involving use of the invention, including the estimated money value of a potential claim for infringement of the patent based upon such procurement, broken down according to the Departments of the Army, the Navy and the Air Force.

§ 598.1705–10 *Contract numbering and distribution.* The requirements of § 598.1605–14, pertaining to contracts made under the provisions of Subpart P of this part, apply to contracts of license and assignment made under the provisions of this subpart, including the required memorandum or letter referred to in § 598.1605–14 (e) with the following items changed to read as indicated below:

(1) The name of the licensor or assignor.

(5) Date of clearance from Chief, Patents Division, OJAG, to consider and procure the license or assignment.

(6) A statement that the instrument procured constitutes the license or assignment for which the above clearance was granted.

§ 598.1706 *Contract clauses and forms.* The following contract clauses and forms are applicable to contracts of license and assignment:

§ 598.1706–1 *Mandatory contract clauses.* The clauses listed in § 598.1606–1 shall be used in all contracts, except as otherwise indicated in the instructions preceding the clause.

§ 598.1706–2 *The license grant clauses.* The clauses set forth in § 598.1606–2 are suggested forms for expressing the license grant.

§ 598.1706–3 *The license term clauses.* The clauses set forth in § 598.1606–3 are suggested forms for expressing the license term.

§ 598.1706–4 *Release of past infringement clause.* The clause set forth in § 598.1606–4 shall be included in all contracts granting rights to the Government under a patent already issued, made under the provisions of this subpart unless its omission or modification is approved by the Chief, Purchases Branch, Office, Assistant Chief of Staff, G–4, pursuant to §§ 598.1705–8 and 598.1705–9. Bracketed portions of the clause may be omitted when not appropriate or not encompassed by the release as negotiated.

§ 598.1706–5 *Non-estoppel clause.* The clause set forth in § 598.1606–5 shall be included in all contracts made under the provisions of this subpart, except that it may be omitted under the circumstances stated in said section.

§ 598.1706–6 *Contracts providing for the payment of a running royalty.* Reference is made to § 598.1606–6 for special instructions and contract provisions relative to contracts providing for the payment of a running royalty.

§ 598.1706–7 *Assignments.* Attention is invited to § 598.1606–7 for special instructions and contract provisions pertaining to contracts of assignment of patent rights to the Government.

§ 598.1706–8 *Unilateral contract form; gratuitous grant.* The comments and requirements of § 598.1606–8 (a) with respect to gratuitous grants of licenses and assignments are applicable to gratuitous contracts of license and assignment made under the provisions of this subpart, as is also the suggested unilateral contract form for such gratuitous grants set forth in § 598.1606–8 (b).

§ 598.1706–9 *Bilateral contract form.* The contract form set forth in § 598.1606–9 (a) is suggested for licenses (with or without a release) and assignments (with or without a release) when a consideration of more than $1.00 is to be paid by the Government.

PART 599—BONDS AND INSURANCE

Sec.

599.000 Scope of part.

Subpart A—Bonds

599.101 Definitions.
599.101–50 Annual bid bonds.
599.101–51 Annual performance bond.
599.101–52 Fidelity bond (blanket).
599.101–53 Forgery bond or policy (depositor's form).
599.101–54 License or permit bond.
599.101–55 Consent of surety.
599.103 Performance bonds.
599.103–1 Performance bonds in connection with contracts other than construction contracts.
599.103–2 Performance bonds in connection with construction contracts.
599.103–50 Additional performance bonds.
599.104 Payment bonds.
599.104–1 Payment bonds in connection with contracts other than construction contracts.
599.104–50 Additional payment bonds.
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§ 599.000 *Scope of part.* This part sets forth policies and procedures in connection with (a) bonds, (b) sureties on bonds, and (c) insurance.

SUBPART A—BONDS

§ 599.101 *Definitions.*

§ 599.101–50 *Annual bid bonds.* An annual bid bond is a single bond which secures all bids submitted by a Contractor to a Procuring Activity, or to such Contracting Officers of a Procuring Activity as may be designated by that Activity, during a specific fiscal year in response to formal advertising. Such bond is furnished in lieu of separate bid bonds. It is used only in connection with contracts other than construction contracts.

§ 599.101–51 *Annual performance bond.* An annual performance bond is a single bond which secures the performance and fulfillment of all undertakings, covenants, terms, conditions, and agreements of all contracts of a Contractor entered into with a designated agency, or to such Contracting Officers of a Procuring Activity as may be designated by that Activity, during a specific fiscal year. Such a bond is executed in lieu of executing separate performance bonds for each contract. It is used only in connection with contracts other than construction contracts.

§ 599.101–52 *Fidelity bond (blanket).* A fidelity bond is a bond under which the obligor agrees to indemnify an employer up to an amount stated in the bond for losses caused by dishonesty on the part of all employees except those expressly excluded by written endorsement on the bond.

§ 599.101–53 *Forgery bond or policy (depositor's form).* A forgery bond or policy is a bond or policy under which the obligor agrees to reimburse a purchaser and others named in the bond or policy (the insureds) to an amount stated in the bond or policy:

(a) For losses caused by the forging or altering of a check, draft, or similar instrument issued by or purported to have been issued by any of the insureds named in the bond or policy.

(b) For losses resulting from the fact that a check or draft has been obtained from the insureds through the device of impersonation.

§ 599.101–54 *License or permit bond.* This is a bond which secures to a municipality or other public authority the payment of fines or the amount of any losses sustained as a result of action taken, or omitted to be taken, in violation of the terms of a license or permit. The indemnity sometimes runs to third persons in addition to the municipality.

§ 599.101–55 *Consent of surety.* A consent of surety is an instrument by which the surety on a bond or bonds supporting a contract consents to a supplemental agreement which goes beyond the scope of the contract, or a change order in excess of $25,000, and agrees that the bond or bonds previously given to support the basic contract shall apply to the contract as modified.

§ 599.103 *Performance bonds.*

§ 599.103–1 *Performance bonds in connection with contracts other than construction contracts.* Authority is given to the Head of the Procuring Activity concerned, and to such other person or classes of persons as he shall designate, to determine whether a performance bond shall be required in connection with a contract other than a construction contract.

§ 599.103–2 *Performance bonds in connection with construction contracts.* The penalty of the performance bond required in connection with a construction contract shall be at least in an amount equal to 50 percent of the contract price. Setting forth of a minimum percentage herein shall not be construed as a bar to fixing a penalty in a greater percentage, up to 100 percent of the contract price, in a case where a greater penalty is deemed advisable for the protection of the United States, and fixing such greater penalty will not eliminate small, otherwise potentially acceptable Contractors.

§ 599.103–50 *Additional performance bonds.* (a) If a performance bond has been required in connection with a contract other than a construction contract, and there is executed a change order in excess of $25,000 or a supplemental agreement providing for any increase in the contract price, an additional performance bond to cover the increase shall be furnished, unless it is waived in accordance with law. In lieu of an additional bond, a consent of surety in the form set forth in § 599.203 (a) may be furnished.

(b) When, in connection with a construction contract, there is executed a change order in excess of $25,000 or a supplemental agreement providing for any increase in the contract price, an additional performance bond to cover the increase will be furnished. In lieu of an additional bond, a consent of surety in the form set forth in § 599.203 (a) may be furnished.

§ 599.104 *Payment bonds.*

§ 599.104–1 *Payment bonds in connection with contracts other than construction contracts.* As a general rule, payment bonds shall not be required in connection with contracts other than construction contracts. Authority is granted to the Head of the Procuring Activity concerned, and to such other persons or classes of persons as he may designate, to determine whether a payment bond will be required to support any such contract.

§ 599.104–50 *Additional payment bonds.* (a) If a payment bond has been required in connection with a contract other than a construction contract, and there is executed a change order in excess of $25,000 or a supplemental agreement providing for any increase in the contract price, an additional payment bond to cover the increase shall be furnished, unless it is waived in accordance with law. In lieu of an additional bond, a consent of surety in the form set forth in § 599.203 (a) may be furnished.

(b) When, in connection with a construction contract, there is executed a change order in excess of $25,000 or a supplemental agreement providing for any increase in the contract price, an additional payment bond to cover the increase shall be furnished. In lieu of an additional bond, a consent of surety in the form set forth in § 599.203 (a) may be used.

§ 599.105 *Advance payment bonds.* Section 7b of the Armed Services Procurement Act of 1947 states that the power given to the "agency head" by section 5a thereof to make determinations or decisions with respect to the granting of advance payments shall not be delegable. Therefore, authority to make determinations with respect to advance payment bonds will remain in the Secretary. The Head of the Procuring Activity shall make recommendation to the Secretary as to the type and extent of advance payment bonds when requests for advance payments are under consideration. (See Subpart E, Part 402 of this title and Subpart E, Part 592 of this subchapter.)

§ 599.106 *Patent infringement bonds.* (a) A patent infringement bond will not be required with respect to any contract in connection with which a performance bond has been executed.

(b) Even if a performance bond has not been executed, the requirement of a patent infringement bond will be the exception rather than the rule. Where, however, a supply contract or construction contract contains a patent clause of the type set forth in Part 408 of this title, and the financial responsibility of the Contractor is unknown or doubtful, a patent infringement bond may, in the discretion of the Head of the Procuring Activity concerned, or his delegee, be required.

(c) On such bonds as are required, the penal sum will be the lowest which, in the exercise of sound judgment, is deemed adequate for the protection of the interests of the United States.

§ 599.107 *Other types of bonds*—(a) *Fidelity bonds.* (1) Fidelity bonds will be required in connection with cost or cost-plus-fixed-fee supply contracts, construction contracts, or contracts for the operation of Government-owned plants only in those cases where, in the opinion of the Head of the Procuring Activity concerned, or his delegee, such bonds are considered to be reasonably necessary for the protection of the Contractor or the Government.

(2) When a fidelity bond is required, a Primary Commercial Blanket form of bond providing for retroactive reinstatement for prior losses in the penal sum of $10,000 will be considered sufficient. The Primary Commercial Blanket form of fidelity bond as standardized by the Surety Association of America or its equivalent is the approved form of fidelity bond. There should be attached thereto the following:

(i) A rider excluding any claim on the part of the surety company to be subrogated, on payment of loss or otherwise, to any claim against the United States.

(ii) A rider providing for pro rata refund of premium in event of cancellation by the Insured.

(iii) A rider providing for notice to the Procuring Activity concerned in the

event of any change in or cancellation of the bond.

(iv) A rider providing for investigation of all Class A employees.

(v) A rider providing for investigation of all claims.

There are a variety of discounts which may be applied to blanket fidelity insurance under certain circumstances. Therefore, when blanket fidelity insurance is purchased, carriers should be cautioned to apply all appropriate discounts.

(b) *Forgery bonds.* (1) This type of bond will be required in connection with cost or cost-plus-fixed-fee supply contracts, construction contracts or contracts for the operation of Government-owned plants only in those cases where, in the opinion of the Head of the Procuring Activity concerned, or his delegee, such bonds are considered to be reasonably necessary for the protection of the Contractor or the Government.

(2) If, in such a case, it is determined that a forgery bond or policy is desirable to obtain the investigating and claims facilities of a surety company and is considered reasonably necessary for the protection of the United States or the Contractor, a forgery bond or policy with a retroactive reinstatement rider may be approved in the penal sum of $10,000. This sum is considered sufficient. The depositor's form of forgery bond or policy as standardized by the Surety Association of America or its equivalent is the approved form of forgery bond. There should be attached thereto the following:

(i) A rider excluding any claim on the part of the surety company to be subrogated, on payment of loss or otherwise, to any claim against the United States.

(ii) A rider providing for pro rata refund of premium in event of cancellation by the Insured.

(iii) A rider providing for notice to the Procuring Activity concerned in the event of any change in or cancellation of the bond.

(iv) A rider providing for the investigation of all claims.

(c) *Endorsement excluding subrogation to claims against the United States.* In every case where a contract requires the United States to pay the premium either directly or by way of reimbursement on a bond, the bond will contain an endorsement or other recital excluding by appropriate language any claim on the part of the surety to be subrogated, on payment of a loss or otherwise, to any claim against the United States.

(d) *Riders and endorsements particularly applicable to fidelity and forgery bonds.*

(1) *Retroactive reinstatement rider.* This rider contains a provision which is available for blanket fidelity and forgery bonds whereby after a loss has been sustained, the penalty of the bond is restored to its original amount notwithstanding prior losses. There is contained in the bond itself a provision which automatically restores the penalty of the bond to the original amount with respect to future losses.

(2) *Waiver of restoration premium rider.* This rider contains a provision which is available for blanket fidelity and forgery bonds which has the effect of eliminating the premium charge for restoring the penalty of the bond after a loss has been sustained.

(3) *Endorsement excluding subrogation to claims against the United States.* This endorsement contains a provision which excludes any claim on the part of the surety company to be subrogated on payment of a loss or otherwise to any claim against the United States. It is required to be placed on any fidelity or forgery bond, the premium for which is either paid by the Government directly or is a reimbursable item under cost-plus-a-fixed-fee contract.

(4) *Cancellation or change notice rider.*[1] This rider contains a provision by which a surety agrees to notify certain named interested parties in the event that the bond is cancelled or changed in any other manner.

§ 599.108 *Execution and administration of bonds*—(a) *Execution.* All bonds will be executed in duplicate.

(b) *Filing and examination of bonds and consent of surety*—(1) *Distribution.* (i) The original of all surety bonds required by the various elements of the Department (except as hereinafter provided in paragraph (c) of this section) will be forwarded to The Judge Advocate General, Department of the Army, Washington 25, D. C. If such bond was required in support of a contract or modification thereof, the original signed number of the bond should be attached to the original signed number of the contract or modification thereof, as the case may be, and forwarded to The Judge Advocate General. In the event it is not practicable to forward the original number of the contract or modification, a duplicate signed number or an authenticated copy thereof should be attached to the original bond and forwarded to The Judge Advocate General. The Judge Advocate General will examine bonds as to legal sufficiency and as to form and execution. In the case of corporate sureties he will include examination to ascertain whether the corporate officials who purported to execute the bonds on behalf of the corporate sureties had authority to do so; and in the case of individual sureties he will include examination to ascertain whether the affidavits of justification and the certificates of sufficiency of the sureties are in accordance with § 599.201 (b). The Judge Advocate General then will forward the bond, together with any contract or modification thereof which it supports, to the proper office for filing. The duplicate bond will be retained and filed in the office to which it pertains or which authorized its acceptance.

(ii) Consents of surety will be handled in the same manner as bonds, except that for more expeditious handling they may be forwarded in blank to The Judge Advocate General who will have them executed in Washington under the Expediter Plan and then approve them.

(iii) The following bonds will not be forwarded to The Judge Advocate General:

(a) Bid bonds (except annual bid bonds). The original and duplicate numbers will be retained in the office to which they pertain or which authorized their acceptance.

(b) Blanket fidelity and forgery bonds.

(c) *Authority of The Judge Advocate General as to substitute surety bonds.* The Judge Advocate General is authorized to act for the Secretary in accepting a new surety bond in substitution for a bond previously approved by the Department and covering part or all of the same obligation, and in authorizing the notification of the principal and surety on the bond originally furnished that it will not be considered as security for any default occurring subsequently to the date of approval of the new bond. The Judge Advocate General is authorized to delegate such function to whomsoever he may designate within his office.

(d) *Miscellaneous bond forms.*—(1) *Bid bond.* Standard Form 24 (November 1950 Edition) will be used in accordance with accompanying instructions.

(2) *Annual bid bond.* Standard Form 34 (November 1950 Edition) will be used in accordance with accompanying instructions.

(3) *Performance bond.* Standard Form 25 (November 1950 Edition) will be used in accordance with accompanying instructions.

(4) *Annual performance bond.* Standard Form 35 (November 1950 Edition) will be used in accordance with accompanying instructions.

(5) *Payment bond.* Standard Form 25A (November 1950 Edition) will be used in accordance with accompanying instructions.

(6) *Patent infringement bond.* The appropriate patent infringement bond form is:

Know all men by these present, that we ---------- as Principal, and ---------- as Surety, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of ------ dollars, lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal entered into a certain contract, hereto attached, with the Government, dated ----------, 19--, for ---------- and whereas the said principal has specifically obligated himself in said contract to hold and save the Government, its officers, agents, servants, and employees, harmless from liability of any nature or kind, including cost and expenses, for or on account of any patented or unpatented invention, article, or appliance manufactured or used in the performance of that contract, including their use by the Government of the articles therein contracted for.

Now, therefore, if the principal shall well and truly perform and fulfill the above undertaking and agreement, and shall promptly make payment of any judgment and costs obtained against the United States under the provisions of the Act of June 25, 1910 (36 Stat. 851) as amended by the Act of July 1, 1918 (40 Stat. 705) or expenses incident thereto, then this obligation to be void; otherwise to remain in full force and effect.

In witness whereof, the above-bounded parties have executed this instrument under their several seals this ------ day of ----------, 19--, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

SUBPART B—SURETIES ON BONDS

§ 599.201 *General requirements of sureties*—(a) *Corporate sureties*—(1) *Acceptability.* In order to be acceptable, the corporate surety must have obtained from the Secretary of the Treasury authority to do business under the Act of 13 August 1894 (28 Stat. 279), as amended by the Act of 23 March 1910 (36 Stat. 241); 6 U. S. C. 8. A list of the corporations approved by the Secretary of the Treasury is published semiannually by the Treasury Department as Form No. 356 (Section of Surety Bonds). This list indicates the maximum penal sum in which any corporate surety may underwrite any one obligation. Any corporation whose name is on this list is acceptable within the limits of such approval. The Heads of the Procuring Activities are responsible for distributing copies of the list, and may obtain copies thereof through The Judge Advocate General to whom a requisition for the requirements of each Procuring Activity should be sent semiannually on or before 15 March and 15 September.

(2) *Qualifications of agents and corporate sureties.* Corporate sureties should forward to The Judge Advocate General, Department of the Army, Washington 25, D. C. for filing: powers of attorney or certified copies of resolutions of their Boards of Directors or Trustees authorizing their officers or agents to execute bonds, and certificates evidencing the revocation of authority previously granted to execute bonds.

(3) *Corporate cosureties.* More than one corporate surety may be accepted as surety upon any recognizance, stipulation, bond, or undertaking in connection with either supply or construction contracts, provided that in no case will the liability of any such cosurety exceed the maximum penal sum in which the corporate surety is qualified to underwrite any one obligation. On bonds covering supply contracts where the amount of the bond is greater than the underwriting limitation of the corporate surety, the latter may reinsure with a corporation on the acceptable list of corporate sureties and having the required underwriting capacity. Reinsurance agreements are not acceptable in connection with construction contracts. It is not necessary that corporate cosureties obligate themselves for the full amount of the bond. Each corporate surety may, by setting forth the limit of its liability in the bond as a definite and specified sum, limit such liability. In all cases the liability shall be limited to the maximum penal sum in which the corporate surety is qualified to underwrite any one obligation. As further indicated by the aforementioned forms, the sureties must, however, bind themselves "jointly and severally" for the purpose of allowing a joint action or actions against any or all of them. When the bond is to be executed by two or more corporate sureties, Standard Form 27 (November 1950 Edition) will be used in the case of a performance bond and Standard Form 27A (November 1950 Edition) will be used in the case of a payment bond, each in accordance with the accompanying instructions.

(b) *Individual sureties.*—(1) *Acceptability.* Individual sureties are acceptable for all types of bonds other than fidelity and forgery bonds, provided that they meet the requirements specified in subparagraphs (3) and (5) of this paragraph.

(2) *Number.* If individual sureties are used there shall be at least two responsible individuals on each bond.

(3) *Citizenship.* (i) Except as prescribed in subdivision (ii) of this subparagraph individual sureties will be citizens of the United States.

(ii) Sureties on bonds executed in foreign countries, the Canal Zone, Puerto Rico, Hawaii, Alaska, Guam, or any possession of the United States, to secure the performance of contracts entered into in those places need not be citizens of the United States. However, unless they are citizens of the United States they must be domiciled in the country, territory, or possession where the contract is to be performed.

(4) *Extent of liability.* The liability of each individual surety shall extend to the entire penal amount of the bond.

(5) *Justification.* Individual sureties will each justify in an amount not less than the penal amount of the bond.

(6) *Stockholders as sureties.* In connection with any bond of which a corporation is the principal obligor, a stockholder of that corporation is acceptable as cosurity on the bond: *Provided,* That his net worth exclusive of his stock holdings in the corporation is equal to the amount for which he justified: *And provided further,* That such fact is expressly stated in his affidavit of justification.

(7) *Affidavit of individual surety.* Standard Form 28 (November 1950 Edition) will be used in connection with the justification of an individual surety.

(c) *Partnerships as sureties.* A partnership or other unincorporated association, as such, will not be accepted as a surety. The individual members of the partnership or association may, of course, if they meet the requirements of paragraph (b) of this section qualify as sureties. Individual members of a partnership or association will not, however, be acceptable, as sureties on bonds under which the partnershp or association, or any copartner or member thereof, is the principal obligor.

(d) *Substitution or replacement of a surety.* In case of financial embarrassment, failure, or other disqualifying cause on the part of a surety under a bond, the Head of the Procuring Activity concerned will require the substitution of a new surety satisfactory to him.

§ 599.203 *Consent of surety.* The following forms of consents of surety are authorized for use:

(a) *Consent of surety to a modification providing for an increase in the penal sums of bonds previously given.*

CONSENT OF SURETY

Date ----------

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby. The principal and surety further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by ------ dollars,[1] and the penalty of the aforementioned payment bond or bonds is hereby increased by------- dollars.[1]

[SEAL]

(Individual principal)[2]

In presence of—

(Address)

Attest:

(Business address)

(Corporate principal)[2]

(Business address)

By ---

[Affix Corporate Seal]

(Corporate Surety)

(Business address)

By ---

[Affix Corporate Seal]

(b) *Consent of surety without providing for an increase in the penal sums of bonds previously given.* Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby.

SUBPART C—INSURANCE; GENERAL

§ 599.301 *General policy.* Insurance coverage will be required in connection with Army Establishment contracts where (a) mandatory by law; or (b) it is considered desirable to utilize the organization, facilities or other services of the insurance industry. (The word "coverage" is used here advisedly, since in some jurisdictions self-insurance by the Contractor is permissible in lieu of insurance purchases.) Insurance purchases may be authorized where commingling of property and operations or circumstances of ownership and degree of responsibility imposed by contract make the carrying of insurance reasonably necessary for protection of the several interests concerned.

SUBPART D—INSURANCE UNDER FIXED-PRICE CONTRACTS

§ 599.401 *Policy.* The requirements under applicable laws, such as state laws governing workmen's compensation and employers' liability coverage and Federal laws such as the Federal Longshoremen's and Harbor Workers' Act where applicable, or, in the case of common carriers,

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[1] Here fix an amount of increase at least in the same proportion that the penalty on the original bond bears to the contract price on the original contract. The penalty of the payment bond shall not be increased beyond two million five hundred thousand dollars.

[2] This consent shall be executed concurrently with the execution of the attached modification by the same person who executes the modification.

cargo insurance as required by Interstate Commerce regulations, are sufficient to compel the contractor to comply with such laws. The Contracting Officer will not, therefore, impose insurance requirements other than evidence from the Contractor that such laws have been complied with. Where a performance bond supports the contract such evidence will not be necessary.

§ 599.402 *Government furnished property.* Under the degree of responsibility for Government property established by contract clause the purchase or nonpurchase of property insurance is discretionary with the Contractor and insurance requirements will not be imposed by the Contracting Officer.

§ 599.450 *Insurance in special cases.* In special cases, when it is deemed necessary in connection with the performance of a contract, other types of insurance may be required, to the extent determined to be necessary by the Head of the Procuring Activity.

SUBPART E—INSURANCE UNDER COST-REIMBURSEMENT TYPE CONTRACTS

§ 599.501 *Policy.* (a) The kinds of insurance enumerated in §§ 599.501–1, 599.501–2, and 599.501–3 ordinarily will be required by the Contracting Officer unless the Contractor is relieved by statute from liability and elects to invoke such statutory immunity or has an acceptable program of self-insurance already in effect. In special cases other types of insurance may be required to the extent determined to be necessary by the Head of the Procuring Activity.

(b) The Contracting Officer will ascertain and advise the Head of his Procuring Activity, prior to completing the placement of insurance under the contract, as to whether (and if so, to what extent) the Contractor has cost-reimbursement type contracts with any other agency of the Department of Defense at the proposed location or adjacent thereto. This information should be readily obtainable from the Contractor and will be used by the Head or Heads of the Procuring Activities concerned to determine whether contracts can be combined for the purposes of insurance in order to be eligible for more favorable rate treatment.

§ 599.501–1 *Workmen's compensation and employers' liability insurance.* (a) Workmen's compensation insurance protects the employer against liability imposed by a workmen's compensation law to pay benefits and furnish care to employees injured, and to pay benefits to dependents of employees killed, in the course of and because of their employment. Employers' Liability insurance protects an employer against claims for damages which may arise out of injuries to employees in the course of their work in cases not covered by the compensation law. Such insurance will be required, endorsed to provide—

(1) Occupational disease coverage in jurisdictions where the workmen's compensation law does not cover all occupational diseases, in limits of $50,000 per person in any one case and $100,000 for any one policy year;

(2) In those jurisdictions where there is a "per accident" limitation coverage under paragraph One (b) of the insurance policy, additional limits up to $100,000 for each accident, or, where there is a "per person" limitation under this paragraph, additional limits up to $50,000 per person;

(3) In jurisdictions where workmen's compensation coverage is carried in a State Fund which does not provide the protection afforded by the requirements of subparagraphs (1) and (2) of this paragraph, employers' liability insurance will be purchased, endorsed to provide this coverage.

(b) Where such insurance is purchased for contracts to be performed outside the limits of the United States, its Territories and possessions, the endorsements required by paragraph (a) of this section may be modified in accordance with instructions issued by the Head of the Procuring Activity concerned provided that higher monetary limits are not authorized.

(c) The Longshoremen's and Harbor Workers' Compensation Act, as amended (42 U. S. C. Chapters 11, 12 as amended by 56 Stat. 1035) provides that workmen's compensation benefits are applicable to all United States citizen employees of any Contractor with the United States on any military, air or naval defense base or public work as defined therein other than Contractors or subcontractors engaged exclusively in furnishing materials or supplies. Where it is desired that the benefits under this law be waived with respect to United States citizens employed by such Contractors outside the limits of the United States (48 States and the District of Columbia), the Head of the Procuring Activity will request such waiver by applying to the Bureau of Employees' Compensation, Department of Labor, through Contract Insurance Branch, Special Financial Services Division, Office of the Chief of Finance, Washington 25, D. C.

§ 599.501–2 *General liability insurance.* (a) This insurance protects the insured against loss due to all claims for damages arising from his business premises or operations (except those arising from motor vehicles away from the premises, those covered by any workmen's compensation law, and other exclusions stated in the policy). This insurance will be required with limits of $50,000 per person, $100,000 per accident.

(b) General liability insurance for damage to property of others may be purchased under the general liability policy where, in the opinion of the Contracting Officer, the exposure under the contract operations is such as to warrant obtaining the experienced claims and investigating services of the insurance carrier in the event of extensive damage to property of others. It is contemplated that this form of coverage will be necessary only for Contractors engaged in the handling of high explosives or in extra-hazardous research and development activities. Prior approval for the purchase of this type of insurance will be obtained from the Head of the Procuring Activity and limits of $50,000 per accident with an aggregate limit of $100,000 for each year of policy coverage will be considered adequate. Where commingling of operations, however, permits the Government's protection at a nominal cost under insurance carried by the Contractor in the course of his commercial operations, the participation in such insurance will be deemed in the best interests of the Government.

(c) Products liability insurance protects the insured for damages arising out of the consumption, handling, or use of a product. This insurance will be required where a Contractor under the authority of his contract operates a commissary or other similar facility for dispensing food. Such insurance, when necessary, will be added by endorsement to the general liability policy with limits of $50,000 per person and $100,000 per accident for each year of policy coverage.

(d) Contractual liability insurance protects the Contractor against loss arising under assumption of liability by agreement. This insurance is provided by the comprehensive general liability policy where a Contractor has assumed liability in writing under—

(1) A lease of premises;

(2) An easement agreement;

(3) An agreement required by municipal ordinance;

(4) A sidetrack agreement; or

(5) An elevator or escalator maintenance agreement.

The purchase of insurance for other assumed liability may be approved where assumption of such liability by the Contractor has been authorized and the Head of the Procuring Activity determines that the purchase of such insurance is necessary.

(e) Where insurance prescribed by this section is purchased for contracts to be performed outside the limits of the United States, its Territories and possessions, the Head of the Procuring Activity is authorized to revise downward the monetary limits prescribed in this section.

§ 599.501–3 *Automobile liability insurance.* Automobile public liability and property damage insurance will be required with limits of $50,000 per person and $100,000 per accident for bodily injury liability and $5,000 for property damage liability on the comprehensive policy form covering all owned, nonowned, hired, and Government-furnished motor vehicles which will be used in the contract operations where use will not be limited exclusively to the premises on which the work under such contract is performed. When such insurance is purchased for contracts to be performed outside the limits of the United States, its Territories and possessions, the Head of the Procuring Activity is authorized to revise downward the monetary limits prescribed herein.

§ 599.503 *Government property.* It is the policy of the Department of the Army not to require or approve insurance covering loss of or damage to property, legal title to which is in the United States, used in connection with cost-reimbursement type contracts. This principle of noninsurance rests to a large degree upon savings to the Government obtained by eliminating the cost of insurance which would otherwise be added to the contract cost. Where savings are trivial and the Contractor's existent insurance policies may be utilized to afford protection thereunder for Government property in its care, custody, or control, this policy of noninsurance will not be enforced. Ordinarily, however, the Contractor will be relieved of liability for loss or damage to Government property in accordance with the provisions contained in the Government Property clause of the contract. Such losses are intended to include those caused by any peril while the property is in transit off the Contractor's premises, or caused by any of the following perils while the property is on the Contractor's or a subcontractor's or other premises or by removal therefrom because of any of the following perils:

(a) Fire; lightning; windstorm, cyclone, typhoon, tornado, hail; explosion; riot, riot attending a strike, civil commotion; vandalism and malicious mischief; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the Contractor or any agent or employee of the Contractor; smoke; sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby rising of rivers or streams; enemy attack or any action taken by the military, naval, or air force of the United States or its allies in resisting enemy attack.

(b) Upon the happening of loss or damage to Government property caused by the above-named perils the Contractor shall communicate with the Contracting Officer and shall otherwise proceed in accordance with instructions set forth in the governing contract clause. The Contractor may, upon direction of the Contracting Officer, employ the services of a loss and salvage organization designated by the Contracting Officer. One or more of these organizations will be found listed in the local telephone directory of the nearest city of reasonably large population. They are known variously as the General Adjustment Bureau, Inc., the Underwriters Adjusting Company, and the Western Adjustment and Inspection Company. The services of these organizations are performed for the Government within the continental United States on a cost plus traveling expense basis.

§ 599.503–1 *Liability for loss.* The Contractor's relief from liability for loss of or damage to Government property in his care, custody, or control is intended to place the Contractor in the same position he would occupy if commercial insurance policies providing broad protection were procured by him against the named perils.

§ 599.550 *Boiler and machinery insurance.* (a) This type of insurance protects the Contractor against loss due to accidents arising from boilers, pressure vessels, or machinery. The chief value of this insurance is the inspection service afforded under the insurance policy by qualified insurance personnel. The purchase of such insurance by Army Establishment cost-reimbursement type Contractors is not authorized as an item of reimbursement. The Army maintains within the continental United States for the purpose of obtaining boiler inspection service on certain types of boilers, a contract with a recognized insurance company. Among the types serviced by this contract are the following: "All Government-owned boilers located at military installations operated by private Contractors and all privately owned boilers located at military reservations." Accordingly, where steam boilers are placed in initial operation under the contract, the Contracting Officer will so notify his continental army commander and request that arrangements be made for the boilers to be included for inspection under the Army contract.

(b) In areas outside the continental United States boiler and machinery insurance may be purchased where insurance companies are available and can render adequate inspection service. Where such service is not available, boiler and machinery insurance will not be purchased.

§ 599.551 *Group insurance plans.* Group life insurance plans and such other forms of insurance as are provided voluntarily to employees in order to furnish benefits in the event of death, disability, dismemberment, hospitalization, surgical, or medical care will be subject to review by the Head of the Procuring Activity. The purpose of this requirement is to ascertain that greater benefits are not being extended under the cost-reimbursement type contract than those granted to employees under the Contractor's regular commercial operations. When an existing schedule is being increased, such schedule will also be referred to the Head of the Procuring Activity for the same purpose. Where employees under the cost-reimbursement type contract are added to the Contractor's already existent group life or similar-type insurance policies, provision should be made at contract termination to see that any experience refund due from the last year of contract operation will be credited proportionately to the contract.

§ 599.552 *Employee retirement and pension plans.* The basis for allowability of costs under cost-reimbursement type contracts for such plans is fully set forth in Part 414 of this title, (Contract Cost Principles).

§ 599.553 *General statement.* The required or permitted forms of insurance and instructions set forth in §§ 599.501 through 599.552 are intended as basic principles to be applied in connection with insurance on cost-reimbursement type contracts where the contract operations are separately insured. Where commingling of commercial and Government operations make separate insurance impracticable, the foregoing sections will necessarily not remain applicable.

§ 599.554 *Special rating plans.* For cost-reimbursement type contracts, special retrospective rated plans are available for the purchase of, (a) workmen's compensation and employers' liability, (b) comprehensive general liability and (c) automobile liability and property damage insurance. The provisions of these plans may not be applicable to all cost-reimbursement type contracts, and in arriving at a determination as to their applicability, the Head of the Procuring Activity will give consideration, among other factors, to the following:

(1) Contracts for work within the continental United States:

(i) That at inception of use of Plan, at least 90 percent of estimated payroll arises out of cost-reimbursement type contracts with the United States.

(ii) That the estimated total annual premium is at least $10,000.

(2) Contracts for work outside the continental United States:

(i) Nationality of the employees concerned and the applicability of the Longshoremen's and Harbor Workers' Act as amended, or the propriety of waiving the provisions of that law; (see § 599.501–1 (c)).

(ii) Laws and customs of the country or countries concerned;

(iii) Treaties involved;

(iv) Insurance facilities available;

(v) Medical and hospital facilities available.

§ 599.555 *Insurance carrier.* A cost-reimbursement type Contractor will select his own insurance carrier, subject to approval by the Head of the Procuring Activity as to compliance with the following established Department of Defense minimum standards. These standards may be deviated from by the Head of the Procuring Activity in the case of foreign insurance carriers operating outside the continental United States upon assurance of financial responsibility of such carriers.

(a) The carrier must have an unobligated minimum surplus of $350,000;

(b) In the case of a contract of casualty insurance, other than Workmen's Compensation insurance, the financial responsibility of the insurance carrier must be such that the policy will not expose it in a single accident or occurrence to a loss (1) in the case of a fixed-premium carrier of more than 10 percent of its total capital stock and surplus, or (2) in the case of a dividend-paying carrier of more than 10 percent of its net assets.

(c) In the case of Workmen's Compensation insurance, the insurance carrier shall have (1) in the case of a fixed-premium carrier, a total capital and surplus of at least $1,000,000, or (2) in the case of a dividend-paying carrier, at least $1,000,000 of net assets.

§ 599.556 *Approval required.* All plans, policies, endorsements, and rates for insurance coverages in connection with cost-reimbursement type contracts will be subject to approval by the Head of the Procuring Activity, and it shall be within the authority of such office to require a change of plan if the type selected by the Contractor is not deemed to be that most advantageous to the interests of the Government. Copies of all policies and advisors reports as required by the National Defense Projects Rating Plan will be forwarded by the Head of

the Procuring Activity to the Contract Insurance Branch, Special Financial Services Division, Office of the Chief of Finance, Department of the Army, Washington 25, D. C.

(a) Where the contract operations are separately insured under any form of retrospective rating plan, losses and final premium costs assigned to the policies involved will be subject to review and approval of the Contract Insurance Branch, Special Financial Services Division, Office of the Chief of Finance, Washington 25, D. C. In furtherance thereof copies of all loss reports will be forwarded when due to the Contract Insurance Branch, Special Financial Services Division, Office of the Chief of Finance, Washington 25, D. C.

(b) Where the contract operations are jointly insured with the Contractor's commercial operations, the proportion of Government interest and amount of premium involved will be the governing factors in determining the necessity for maintenance of Government control.

§ 599.557 *Action on termination of contract.* Generally, the contract settlement involved in cost-reimbursement type contracts will have been completed prior to the required lapse of time for final settlement under any form of retrospective rating plan of insurance. Therefore, in such settlement the insurance transactions, where the National Defense Projects Rating Plan or other retrospective plan of insurance is involved, will be excepted and the Contracting Officer will agree that any remaining credits due in connection with the insurance or any outstanding obligations of the Contractor with respect to insurance will be assumed by the United States Government.

§ 599.558 *Assignment to Government of premiums due under policies written under the national defense projects rating plan or other retrospective rating plan of insurance upon termination or completion of cost-reimbursement type contracts.* (a) The following form will be used for accomplishing the action required by § 599.557 of assigning to Government the interest of a cost-reimbursement type Contractor in return premiums, premium refunds, etc., on insurance policies written under the Special Rating Plans (§ 599.554) or other retrospective rating plan upon termination or completion of the contract, when the Government has assumed the payment of the Contractor's obligations for further premium payments under such policies.

ASSIGNMENT TO GOVERNMENT

Under (here name type of contract) Contract No. ------ dated ---------- between the United States of America (hereinafter called the Government) and ---------- (hereinafter called the Contractor).

The Government having assumed and become liable for the obligation of the Contractor for premiums under Policies Nos. ------ issued by the ---------- Insurance Company, the Contractor does hereby assign, transfer, and set over to the Government as of the date hereof, all of his right, title and interest in and to all return premiums, premium refunds, dividends and any other moneys due or to become due the Contractor in connection with such policies.

In witness whereof, the Contractor has executed this Assignment this ------ day of ----------, 195--.

CONTRACTOR

By ---

[CORPORATE SEAL]

Attest:

Secretary

Accepted:

UNITED STATES OF AMERICA

By---

Contracting Officer

(b) This Assignment to Government will be executed in a sufficient number of copies to serve the purposes of the cognizant Procuring Activity, and the Head of the Activity will forward one copy to the Contract Insurance Branch, Special Financial Services Division, Office of the Chief of Finance, Department of the Army, Washington 25, D. C. The Contracting Officer will forward the original by registered mail, return receipt requested, to the home office of the insurance company involved. The letter accompanying this form will specify that all checks to cover return premiums, etc., are to be made payable to the Treasurer of the United States.

§ 599.559 *Overseas.* In those areas outside the United States, its Territories and possessions, where the insurance coverages required herein in connection with cost-reimbursement type contracts are not available because of the lack of competent insurance carriers with acceptable financial responsibility as determined by the Head of the Procuring Activity, the Contracting Officer is authorized to waive such insurance requirements.

PART 600—FEDERAL, STATE, AND LOCAL TAXES

Sec.

600.000 Scope of part.
600.050 Overseas.

Subpart A—Federal Excise Taxes

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600.203 Supplies for ships and aircraft.
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600.301 Applicability.
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600.351 Designation of vesting points for title to property in connection with State and local taxes.

Subpart D—Contract Clauses

600.401 Fixed-price contracts.
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§ 600.000 *Scope of part.* This part sets forth policies and procedures in connection with (a) Federal excise taxes, (b) exemptions from Federal excise taxes, and (c) State and local taxes. References in this part are to Subchapter A Chapter IV of this title, Internal Revenue Code, and Bureau of Internal Revenue regulations. Examples: § 410.101–5 of this title; sec. 3797 (a) IRC; and 26 CFR 316.9 (Regulations 46).

§ 600.050 *Overseas.* Part 410 of this title and this part are applicable in effecting procurement outside the United States, its Territories and possessions, where the articles, materials, and supplies so procured were mined, produced, or manufactured in the United States, its Territories and possessions, and where the cost of such articles, materials, and supplies may include therein Federal, State, and local taxes. Every effort will be made to take advantage of all authorized tax exemptions, credits, and refunds, including such exemptions, credits, and refunds as may be authorized by the laws of the foreign country in which procurement is effected.

SUBPART A—FEDERAL EXCISE TAX

§ 600.101 *Manufacturers' excise taxes (basis and application).* (a) In general, the manufacturers' excise taxes are based on the sales price. Charges for covering, containers, and the like, are included in the sales price for purposes of computing the tax. If the amount of the sales price is adjusted upon return of covering or containers to the seller, the tax should also be adjusted (26 CFR 316.10 (Regulations 46)). The tax imposed, however, is not part of the taxable price of the article (26 CFR 316.11 (Regulations 46)). Charges for transportation, delivery, insurance, installation, and similar charges also are excluded in computing the tax (26 CFR 316.12 (Regulations 46)).

(b) The lease of an article is considered a sale thereof. In the case of leases or installment sales, the tax is paid proportionately upon each payment (26 CFR 316.9 (Regulations 46); 26 CFR 314.4 (Regulations 44)).

(c) The tax in general attaches when title passes from the manufacturer (26 CFR 316.5 (Regulations 46); 26 CFR 314.4 (Regulations 44)). If subsequent reduction is made in the sales price, credit or refund may be obtained by the manufacturer (26 CFR 316.13 (Regulations 46)). Claim by a manufacturer for credit or refund must show, among other things, that the tax has not been collected from the purchaser or has been repaid to him or that his written consent to the allowance of the credit or refund has been obtained (26 CFR 316.204 (Regulations 44); 26 CFR 314.64 (Regulations 44)).

(d) No manufacturers' excise tax is imposed under section 3406, IRC (§§ 410.101–5 to 410.101–9 incl. of this title), with respect to any article subject to the retailers' excise tax on sale of jewelry and other items referred to in § 410.102–1 of this title (sec. 3406, IRC).

§ 600.101–14 *Lubricating oils.* (a) Lubricating oils may be sold tax-free by the manufacturer or producer thereof direct to another such manufacturer or producer for resale, provided the manufacturers are properly registered and bonded and an appropriate certificate in this connection is furnished the seller (26 CFR 314.42 (Regulations 44)).

(b) No tax is attached where lubricating oils are sold direct for nonlubricating uses by the purchaser, provided an appropriate certificate in this connection is furnished the seller (26 CFR 314.43 (Regulations 44)). Exemptions from tax discussed in this paragraph (b) will not be claimed, contract prices will not exclude taxes on the basis of those exemptions, and proof of tax exemptions will not be furnished Contractors.

§ 600.105 *Tax on transportation of property (basis and application).*—(a) *Transportation.* The term "transportation" means the movement of property by a person engaged in the business of transporting property for hire, including inter-State, intra-State, and intracity or other local movements, as well as towing, ferrying, switching, and the like. In general, it includes accessorial service furnished in connection with a transportation movement, such as loading, unloading, blocking and staking, elevation, transfer in transit, ventilation, refrigeration, icing, storage, demurrage, lighterage, trimming of cargo in vessels, wharfage, handling, feeding and watering livestock, and similar services and facilities (26 CFR 143.1 (d) (Regulations 113)).

(b) *Coal.* The term "coal" includes anthracite, bituminous, semibituminous, and lignite coal, coal dust, and coke and briquettes made from coal (26 CFR 143.1 (f) (Regulations 113)).

(c) *Baggage.* An amount paid, in connection with the transportation of persons, for the transportation of baggage, including incidental charges on account of excess weight, excess value, storage, transfer, special delivery, and the like, or an amount so paid for a special baggage or express car or other conveyance is subject to the tax on the transportation of property if separable from the payment for the transportation of persons and separately shown on the records of the carrier. Otherwise, the tax on the transportation of persons applies. (See § 410.104 of this title; 26 CFR 143.14 (c) (Regulations 113).)

SUBPART B—EXEMPTIONS FROM FEDERAL EXCISE TAXES

§ 600.202 *Supplies for exportation.*—(a) *Exemption based upon exportation.* Exemption is available (1) from the manufacturers' excise taxes (§ 410.101, et seq. of this title) and the retailers' excise taxes (§ 410.102, et seq. of this title) with respect to sales for export and (2) from the tax on the transportation of property (§ 600.105) with respect to property in course of exportation (secs. 2406, 2705, 3449, IRC; (26 CFR 314.25–314.27 (Regulations 44); 26 CFR 316.25–316.27 (Regulations 46)). (See paragraph (b) of this section; 26 CFR 320.21, 320.22 (Regulations 51); 26 CFR 143.30–143.35 (Regulations 113).) These exemptions may be claimed under the circumstances set forth in § 410.202 of this title.

(b) *How to claim export exemptions.* 26 CFR 316.25–316.27 (Regulations 46) (see paragraph (a) of this section).

(1) *Sales for export.* (i) To exempt from tax a sale for export it is necessary that two conditions be met, namely (*a*) that the article be identified as having been sold by the manufacturer for export and (*b*) that it be exported in due course.

(ii) An article will be regarded as having been sold by the manufacturer for export if the manufacturer has in his possession at the time title passes or at the time of shipment, whichever is prior (*a*) a written order or contract showing that the manufacturer is to ship the article to a foreign destination; or (*b*) where delivery by the manufacturer is to be made within the United States, a sworn statement from the purchaser showing (*1*) that the article is purchased to fill existing or future orders for delivery to a foreign destination; or that the article is purchased for resale to another person engaged in the business of exporting, who will export the article, and (*2*) that such article will be transported to its foreign destination in due course prior to use or further manufacture and prior to any resale except for export.

(iii) The written order or contract of sale or the sworn statement referred to in subdivision (*a*) and (*b*) of this subparagraph suspends liability for the payment of the tax by the manufacturer on such sales for export for a period of 6 months from the date when title passes or the date of shipment, whichever is prior. If within such period the manufacturer has not received and attached to the order or contract, or sworn statement, proper "proof of exportation" (see subparagraph (2) of this paragraph), then the temporary suspension of the liability for the payment of the tax ceases and the manufacturer shall include the tax on the sale of such article in his return for the month in which such 6-month period expires.

(iv) The exemption provided in this section is limited to sales by the manufacturer for export and is not applicable in cases where sales of taxable articles are made from a dealer's stock for export even though actually exported.

(2) *Proof of exportation.* (i) Exportation may be evidenced by (*a*) a copy of the export bill of lading issued by the delivering carrier, or (b) certificate by the agent or representative of the export carrier showing actual exportation of the article, or (c) a certificate of landing signed by a customs officer of the foreign consignee showing receipt of the article.

(ii) In any case where the manufacturer is not the exporter, such manufacturer must have in his possession an affidavit from the person to whom he sold the article stating that the article was in fact exported in due course by him or was sold to another person who in due course exported the article. This affidavit must state what evidence is available to show that the article was in fact exported in due course prior to use or further manufacture and prior to resale in the United States other than for export. Such evidence must be that described in subdivision (i) of this subparagraph, and the affidavit must show where such evidence is readily available for inspection by Government officers.

(iii) In all cases the sales records together with the evidence of exportation must be preserved by the manufacturer for a period of at least 4 years from the last day of the month following the sale, and must be readily accessible for inspection by internal revenue officers.

(iv) In any case where the manufacturer does not have in his possession within the 6-month period, proof of exportation as outlined herein, the manufacturer must pay the tax involved. If proof of exportation later becomes available, a claim for refund of any tax paid may be filed on Form 843, or a credit may be taken upon any subsequent monthly return, but such action must be taken within the 4-year period of limitation prescribed by sec. 3313, IRC.

(c) *Shipments to possessions of the United States.* (1) Sections 2705 and 3449, IRC, and applicable Treasury regulations authorize an exemption from manufacturers' excise taxes with respect to sales for export or for shipment to a possession of the United States, provided such exportation or shipment is effected within 6 months after title passes to the purchaser. (26 CFR 314.25–314.27 (Regulations 44); 26 CFR 316.25–316.27 (Regulations 46).)

(i) It is the policy of the Department of the Army to purchase from manufacturers, producers, and importers on a tax exclusive basis, as authorized by sections 2705 and 3449, when all of the following conditions are present:

(*a*) The purchase is a substantial one;

(*b*) Exportation or shipment to a possession is intended at the time of purchase, and exportation or shipment will follow immediately after delivery from the manufacturer.

(ii) To exempt from tax a sale for export or shipment to a possession of the United States, it is necessary that two conditions be met—

(*a*) That the article be identified as having been sold by the manufacturer for export or shipment to a possession.

(*b*) That it be exported or shipped to a possession of the United States in due course (26 CFR 314.25 (Regulations 44).)

(iii) With respect to condition in subdivision (ii) (*a*) of this subparagraph, the words "for export or shipment to a possession" stamped on the contract or written purchase order has been approved by the Bureau of Internal Revenue as satisfactory evidence that the manufacturer's sale of the article has been made for export or shipment to a possession of the United States. With respect to condition in subdivision (ii) (*b*) of this subparagraph, the proof of exportation or shipment to a possession of the United States required under 26 CFR 314.26 (Regulations 44), shall be furnished the manufacturer by the Contracting Officer. Such proof shall be in the form of an affidavit stating that the articles have in fact been exported or shipped to a possession of the United States. The affidavit shall state also where a copy of the export bill of lading is available for inspection. The Port of Embarkation shall be required to furnish certification of export to the Contracting Officer together with a statement describing where the applicable export bill of lading is being retained.

(2) The term "possession of the United States" as used in this paragraph includes the Panama Canal Zone, Virgin Islands, Guam, Puerto Rico, American

Samoa, Wake, and the Midway Islands. (26 CFR 316.1 (Regulations 46); 26 CFR 314.1 (Regulations 44).) The exemption does not apply with respect to sales of articles for shipment to the territories of Alaska and Hawaii for the reason that these territories are by statutory definition included in the term "United States." (26 CFR 316.27 (Regulations 46); 26 CFR 314.28 (Regulations 44).)

(3) Following is the form of affidavit to be used as proof of exportation or shipment to a possession:

---------- (Date)

---------- (Contractor)

The undersigned does hereby certify that

---------- (Quantity and description of articles)

which were purchased for export under ---------- were in fact exported to (Contract No.)

a foreign country or possession of the United States (other than Alaska or Hawaii) and a copy of export bill of lading No. ------ or Loading Mainfest No. ------ pursuant to which the articles were shipped, is being retained in the files of ---------- (Indicate office)

---------- (Contracting Officer)

§ 600.203 *Supplies for ships and aircraft.* (a) The term "vessels of war" of the United States or of any foreign nation includes aircraft owned by the United States or by any foreign nation and constituting a part of the armed forces thereof. The terms "fuel supplies," "ships' stores," "legitimate equipment" includes all articles, materials, supplies, and equipment necessary for the navigation, propulsion, and upkeep of vessels (sec. 3451, IRC; 26 CFR 314.28 (Regulations 44); 26 CFR 316.28 (Regulations 46)).

(b) Under Treasury Regulations this exemption, as it relates to aircraft, is available only to purchases made direct from manufacturers or producers, not to purchases from dealers or distributors.

(c) Serious administrative burdens would be imposed if the exemption described in § 410.203 of this title were to be claimed on articles of a character usable either (1) as supplies or legitimate equipment for vessels of war including aircraft, or (2) otherwise.

(d) The exemption will not be claimed, contract prices will not exclude Federal excise taxes on the basis of that exemption, and proof of exemption will not be furnished to Contractors, except that the action above may be taken in connection with purchases of the following items.

(1) Aviation gasoline.

(2) Lubricating oil suitable only for aircraft engines.

(3) Aircraft tires and inner tubes.

(4) Aerial photographic cameras including gun cameras, lenses, apparatus, equipment, and films therefor.

§ 600.206 *Other exemptions.* (a) This section applies only to Federal excise taxes imposed by the following chapters of the Internal Revenue Code: Chapter 19 (Retailers' excise taxes—see § 410.102 et seq. of this title); Chapter 25 (pistols and revolvers—see § 410.103 of this title); Chapter 29 (manufacturers' excise taxes—see § 410.101 et seq. of this title); and Chapter 30 (transportation and communication—see §§ 410.104 and 410.107 of this title).

(b) When any Procuring Activity has responsibility for procurement or purchase of any articles subject to Federal excise taxes under any other chapter of the Internal Revenue Code, that Procuring Activity may prescribe such rules, governing the securing of exemption from those taxes, as it may deem proper, following approval of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Purchases Branch), who is responsible for coordination with The Judge Advocate General.

§ 600.207 *Tax exemption forms.* The forms and procedures described in this section are applicable, as far as exemptions from Federal excise taxes are concerned, only with respect to the exemptions specified in §§ 410.201, 410.203 and 410.205 of this title.

(a) *Standard tax exemption forms.* The following standard tax exemption forms have been prescribed:

	Standard Form No.
U. S. Government Tax Exemption Certificate	1094
Cover of U. S. Government Tax exemption certificate book (front, outside and inside; back, outside)	1094–A
Tabulation sheet (insert)	1094–B
U. S. Government tax exemption identification card	1094–C

(b) *U. S. Government Tax Exemption Certificate, Form 1094.* U. S. Government Tax Exemption Certificate Form 1094 will be issued by the appropriate officer where required by the contract to supply proof of exemption with respect to those taxes which have been excluded from the contract price, as follows:

(1) All Federal excise taxes from which exemption is available on the basis of purchase for the use of the United States. (See § 410.203 of this title, in connection with exemption under section 3451, Internal Revenue Code.)

(2) All State and local taxes, except when a different form is required by the State or local tax authority. (See § 600.301.)

(c) *Supply and control of standard forms.* (1) Standard Forms 1094, 1094–A, 1094–B, and 1094–C will be requisitioned as prescribed in AR 310–90. (Distribution of Department of the Army publications and blank forms.)

(2) Those forms will be subject to special control as prescribed in paragraph 12, AR 310–40 (Forms).

(3) In addition to the special control prescribed by paragraph 12, AR 310–40 (Forms) the following will govern in the situations set forth:

(i) Certificates executed but unused, or erroneously issued, mutilated, or otherwise rendered unserviceable, will be returned to the issuing officer, who will destroy the certificates and account therefor pursuant to paragraph 12*e*, AR 310–40 (Forms).

(ii) The officer who issued a tax exemption certificate which has been lost or destroyed is authorized to issue a replacing certificate to the Contractor or other proper party as follows:

(*a*) Where the certificate is lost or destroyed after it is issued to the Contractor, the Contractor must (1) establish to the satisfaction of the issuing officer that the certificate was lost or destroyed, (2) submit an affidavit setting forth the circumstances, (3) request the issuance of a replacement certificate.

(*b*) Where the tax exemption certificate is lost or destroyed by an Army activity, the replacing certificate will be requested by and issued to the Army activity cognizant of its loss.

(iii) Replacement certificates will bear the following statement, using the words applicable: This certificate is issued to replace No. ------ which has been lost (destroyed).

(d) *Who may execute tax exemption certificates.* (1) Tax exemption certificates will be executed only by those officers and Federal employees who have been supplied with a Standard Form 1094–C (U. S. Government Tax Exemption Identification Card).

(2) The identification card of authorized officers and employees of Procuring Activities responsible for purchasing at an installation will be signed by the commanding officer. Identification cards supplied to other officers and Federal employees will be signed by the officer who furnished such officer or employee with tax exemption certificates.

(e) *Aircraft and vessels of war supplies and equipment tax exemption certificate.* (1) The following form is prescribed by 26 CFR 314.28 (Regulations 44) and 26 CFR 316.28 (Regulations 46):

EXEMPTION CERTIFICATE

(For use by purchasers of articles for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on certain vessels (Sec. 3451, IRC).

----------, 19... (Date)

The undersigned here certifies that he is ((1) or (2), whichever is appropriate)

(1) ---------- (Owner, officer, or charterer)

(2) Agent of ---------- who is (Name of principal)

---------- of ---------- (Owner or charterer) (Name of vessel)

and that article or articles specified in the accompanying order, or as specified below or on the reverse side hereof, will be used only for fuel supplies, ships' stores, sea stores, or legitimate equipment on a vessel belonging to the following class:

(Here state whichever of the following classes enumerated in Section 3451, IRC, is appropriate:

(1) Vessels engaged in foreign trade.

(2) Vessels engaged in trade between the Atlantic and Pacific ports of the United States.

(3) Vessels engaged in trade between the United States and any of its possessions.

(4) Vessels employed in the fisheries or whaling business.

(5) Vessels of war of the United States or a foreign nation.

If the articles are purchased for use on civil aircraft engaged in trade as specified in (1) or (3) above, state the name of the country in which the aircraft is registered.)

The undersigned understands that if the article is used for any purpose other than as stated in this certificate, or is resold or otherwise disposed of, he must report such fact to the manufacturer. It is understood that this certificate may not be used in purchasing articles tax free for use as fuel supplies, and other like items above named, on pleasure vessels, or on any type of aircraft except (1) civil aircraft employed in foreign trade or trade between the United States and any of its possessions, and otherwise entitled to exemptions, and (11) aircraft owned by the United States or any foreign country and constituting a part of the armed forces thereof. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a penalty equivalent to the amount of tax due on the sale of the article and upon conviction to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution. The undersigned also understands that he must be prepared to establish by satisfactory evidence the purpose for which the article was used.

---------- (Name)

---------- (Address)

(2) The form set forth in subparagraph (1) of this paragraph will be issued by the appropriate officer where required by the contract to supply proof of exemption with respect to the Federal excise taxes from which an exemption is available under Section 3451, Internal Revenue Code, such as for fuel supplies, ship stores, and equipment for vessels of war, including aircraft of the Armed Forces. (See § 600.203 as to the policy with respect to claiming this exemption.)

(f) *Preparation and execution of exemption certificates.* (1) In the preparation of tax exemption certificates the typewriter will be used when practicable; otherwise ink or indelible pencil will be used. The use of ordinary lead pencil is prohibited. All blank spaces must be properly filled in or lined out. No exemption certificate, unless fully and properly executed, will be delivered to a Contractor, except that the Bureau of Internal Revenue has advised that it is not necessary to state the amount of Federal Tax upon the exemption certificate. The amount of tax should be stated, however, if readily available. In a case were Federal excise taxes have been excluded from the contract price of articles or supplies purchased, but the exact amount of the tax cannot be determined at that time, a blanket tax exemption certificate may be issued to cover all sales under the contract. The certificate should cover all articles purchased under the contract, including delivery orders placed thereunder by other officers. As to blanket tax exemption certificates covering purchases under contracts of the Federal Supply Schedule, see paragraph (h) of this section.

(2) A separate certificate for each kind of tax (Federal, State, or local) involved will be prepared. In the issuance of these certificates care must be exercised to fill in the blank spaces provided for showing on each certificate the separate amounts of the taxes involved, if known, so that the certificates may be used only for the purpose intended.

(3) Where the supplies or work covered by the contract are not taxable as such and the certificate is to be used for the purpose of obtaining exemption on the articles to be incorporated in the supplies or work covered by the contract, the amount of tax to be shown on the certificate should be stated as "None." No tax should be shown on the certificate except the tax imposed directly upon the supplies or work covered by the contract.

(4) Tax Exemption Certificate Form 1094 may be modified as may be necessary with respect to contracts for construction, alterations, improvements, and repairs. The person issuing a tax exemption certificate will, in addition to his signature and title, insert on the lines provided therefor, his identification card number. (See paragraph (d) of this section.)

(g) *When exemption certificates are issued to Contractors.* At any time after execution of the contract, a tax exemption certificate (Form 1094) will be executed and delivered to the Contractor, upon request, covering Federal excise taxes where supplies are taxable as in this section indicated and are purchased by the Government at a price which is exclusive of tax. In that case, the description of the supplies furnished tax free will be inserted on the tax exemption certificate.

(h) *Blanket tax exemption certificates; contracts under Federal Supply Schedule.* (1) Nothing contained in the regulations in this part will be construed as authorizing the issuance of blanket tax exemption certificates by Heads of Procuring Activities or Contracting Officers covering purchases under contracts of the Federal Supply Schedule. Upon application of the Contractor, the Procurement and Accounting Division, Office of the Secretary, will issue blanket tax exemption certificates as may be necessary to cover all purchases made by Department agencies in Washington, D. C., and in the field under term contracts of the Federal Supply Schedule, Federal Supply Service, General Services Administration.

(2) Contractors are required to indicate the number of the applicable blanket tax exemption certificate on their invoices.

(3) The purchase order need not contain the number of the applicable tax exemption certificate. It is sufficient that it contain a reference to the Federal Supply Schedule contract number.

§ 600.250 *Exemptions from Federal taxes in general.* Exemptions from Federal taxes which are available under present law and regulations are as follows:

(a) Communications (sec. 3465, IRC).

(b) Transportation of persons (when transportation is furnished on Government transportation requests) (sec. 3469, IRC).

(c) Transportation of property (where shipment is on Government bill of lading) (sec. 3475, IRC).

(d) Equipment for use on vessels of war (sec. 3451, IRC).

(e) Purchases for export or shipment to a possession of the United States (sec. 2705 and sec. 3449, IRC).

(f) Supplies sold for further manufacture (sec. 3442, IRC).

(g) Certain petroleum products.

SUBPART C—STATE AND LOCAL TAXES

§ 600.301 *Applicability.* Tax exemption certificates are used also for establishing exemptions from State and local taxes. In applicable cases, certificates should be prepared in accordance with the requirements of the particular State or local tax authority concerned.

§ 600.302 *Tax exemption forms.* (a) In most cases, Form 1094 (see § 600.207 (b)) will be the appropriate form of tax exemption certificate. Except as provided in paragraph (b) of this section, no tax exemption certificate should be issued with respect to a State or local tax unless the contract shows that the price paid by the Government is exclusive of the tax to which the certificate pertains or unless the Contractor consents to the deduction of such tax from the contract price and the acceptance of the tax exemption certificate in lieu thereof.

(b) When impossible for any reason to make a purchase by a contract which excludes the amount of State or local tax for the reason that the tax is deemed to be legally inapplicable to Government purchases, a tax exemption certificate on Form 1094 will be executed and delivered to the disbursing officer to whose accounts the vouchers in the transaction pertain, together with a written statement to the effect that the vendor refused such certificate. Tax exemption certificates executed and delivered as prescribed in this paragraph are for the use of the Office of the Chief of Finance in securing a refund of the amount of the taxes involved. The serial number of the tax exemption certificate will be shown on the payment voucher.

(c) When Form 1094 (or other appropriate certificate) executed under the conditions stated in paragraph (b) of this section is received in the administrative office (Office of the Chief of Finance), the bureau or office number of the payment voucher will be noted on the certificate and the administrative office (Office of the Chief of Finance) will bill the State or local taxing agency for refund of the taxes paid. The amount collected will be transmitted to the Disbursing Officer for credit to the appropriation from which the vouchers were paid, or to miscellaneous receipts accounts, "4326–Refund, State and Local Taxes," if the appropriation cannot be readily identified. Where the administrative office (Office of the Chief of Finance) fails to secure refund of the amount of taxes paid, it will transmit promptly to the General Accounting Office for use in effecting collection as required by section 236, Revised Statutes, as amended by the Budget and Accounting Act, 1921 (43 U. S. Code 99), the following:

(1) The tax exemption certificates, if available.

(2) All related correspondence with the taxing agency.

(3) Disbursing officer's voucher number on which payment for the merchandise was made.

§ 600.350 *Questions of applicability of tax laws; negotiations.* (a) It is desired that uniformity of action on behalf of the Army Establishment in tax matters be maintained. Independent conferences or direct negotiations with State and local tax authorities will not be undertaken by Army Establishment or Contractor personnel for the purpose of obtaining exemption, refund, or for determining the applicability of any tax,

except upon express authority of the Office of The Judge Advocate General. In this connection attention is directed to paragraph 12, AR 27–5, relating to requests for Government representation in legal proceedings of interest to the Department of the Army. The Department of the Army is interested in legal proceedings arising out of the imposition of assessments of taxes upon Contractors in instances where the contracts contain provisions that may form a proper basis for demands by them for reimbursement by the Government in connection with the proceedings. Requests for representation or intervention by the Department of Justice in such proceedings will be made by The Judge Advocate General, if necessary and proper, and will not be made by others in the Army Establishment.

(b) Where a specific tax problem occurs which cannot be readily determined by reference to the information set out in this part and Part 410 of this title, the matter should be transmitted through channels with appropriate comments to the Office of The Judge Advocate General (Attn: Procurement Div.) for advice. Questions so transmitted shall be accompanied by a statement of all pertinent facts, applicable comments, and a copy of the contract(s) involved if practicable. This procedure is important where—

(1) The applicability of the tax is not specifically discussed in this Procedure;

(2) State and local tax authorities have adopted or may adopt a position at variance with that taken by the Department of the Army;

(3) Measures are contemplated to protect the interests of the Army with respect to payment of taxes; or

(4) From a study of this part and Part 410 of this title and applicable regulations it appears that there exists a possibility of obtaining refunds of taxes already paid, the economic burden of which has been borne by the United States. Where authorized, of course, Contractors may apply directly for refunds;

(5) Obtaining of large scale tax exemptions, credits, or refunds in foreign countries where the assistance of other executive departments is necessary.

§ 600.351 *Designation of vesting points for title to property in connection with State and local taxes.* CPFF contracts frequently contain a title clause substantially as follows:

> Title to all materials, tools, machinery, equipment, and supplies for which the Contractor shall be entitled to reimbursement shall vest in the Government at such point or points as the Contracting Officer may designate in writing.

When a contract includes such a title clause, the Contracting Officer is under an affirmative duty to make a written designation of the point or points at which title to the materials and supplies purchased by the Contractor shall vest in the Government. This action should be taken only after careful consideration of the legal effect of the several possible points which might be so designated with respect to the applicability of State or local taxes to such purchases.

SUBPART D—CONTRACT CLAUSES

§ 600.401 *Fixed-price contracts.* (a) The clause in § 410.401 of this title, which is approved for use at the option of the Contracting Officer, in fixed-price contracts, will be inserted by all Contracting Officers in all such fixed-price contracts, except where deletion is specifically authorized or where approved printed forms omit such clause.

(b) Authority is granted in effecting procurement outside the United States, its Territories, and possessions to substitute the following clause for the clause prescribed in § 410.401 of this title:

TAXES

The contract price includes any and all applicable taxes.

(c) The following clauses are applicable only overseas and are are to be included in all fixed-price contracts to be performed in foreign countries in which tax agreements have been executed:

(1) *Clause for use in fixed-price contracts between the Government of the United States and foreign contractors (except foreign governments).*

TAXES

(a) The contractor warrants that the contract prices, including the prices in subcontracts hereunder, do not include any tax or duty which the Government of the United States and the Government of _____ have agreed shall not be applicable to expenditures in _____ by the United States or any tax or duty from which the contractor, or any subcontractor hereunder, is exempt under the laws of _____. If any such tax or duty has been included in the contract prices through error or otherwise, the contract prices shall be correspondingly reduced.

(b) If for any reason after the contract date, the contractor is relieved in whole or in part from the payment or the burden of any tax or duty included in the contract prices, the contract prices shall be correspondingly reduced.

(2) *Clause for use in fixed-price contracts between governments.*

TAXES

(a) The contract prices, including the prices in subcontracts hereunder, do not include any tax or duty which the Government of the United States and the Government of _____ have agreed shall not be applicable to expenditures in _____ by the United States, or any other tax or duty not applicable to this contract under the laws of _____. If any such tax or duty has been included in the contract prices through error or otherwise, the contract prices shall be correspondingly reduced.

(b) If, after the contract date, the Government of the United States and the Government of _____ shall agree that any tax or duty included in the contract prices shall not be applicable to expenditures in _____ by the United States, the contract prices shall be reduced accordingly.

§ 600.402 *Cost-type contracts.* The following clauses are applicable only overseas and are to be included in all cost-type contracts to be performed in foreign countries in which tax agreements have been executed:

(a) *Clause for use in cost-type contracts between the Government of the United States and foreign contractors (except foreign governments).*

TAXES

Any tax or duty from which the United States Government is exempt by agreement with the Government of _____, or from which the contractor or any subcontractor hereunder is exempt under the laws of _____, shall not constitute an allowable cost under this contract.

(b) *Clause for use in cost-type contracts between governments.*

TAXES

Any tax or duty from which the United States Government is exempt by agreement with the Government of _____, or from which any subcontractor hereunder is exempt under the laws of _____, shall not constitute an allowable cost under this contract.

PART 601—LABOR

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§ 601.050 *Applicability.* It will be noted that the applicability of the various subparts, and in some cases, of the various sections of a subpart of this part, vary materially. Guidance in labor matters in those geographical areas for which applicability is not prescribed in this part will be in accordance with labor legislation of the country in which procurement is effected.

SUBPART A—BASIC LABOR POLICIES

§ 601.101 *Labor relations—*(a) *Scope.* All problems arising out of the labor relations of private Contractors vitally affect procurement and are an essential part of procurement responsibility. It is requisite, accordingly, that the disposition of these problems receive staff direction and supervision from one source. The Judge Advocate General (Attn: Chief, Industrial Relations Branch) is the office designated within the Department of the Army to furnish staff direction and supervision of all Contractor labor activities.

(b) *Labor responsibility.* (1) There will be no contacts with national offices of labor organizations or other organizations of the Government in connection with labor matters except after coordination with The Judge Advocate General (Attn: Chief, Industrial Relations Branch). In case of emergency such coordination may be by telephone.

(2) The Head of the Procuring Activity concerned is authorized to communicate with local labor organizations and the local offices of Federal agencies in connection with labor matters of concern to a particular activity but no action which is not mutually acceptable to the Head of the Procuring Activity and the local organization will be taken without requisite coordination.

(3) The Head of the Procuring Activity is authorized to communicate with local labor organizations, and the local offices of State and Federal agencies, for the purpose of removing necessary material from strikebound facilities in accordance with procedures prescribed in Subpart 0, Part 601 of this subchapter.

(4) Where any labor dispute, work stoppage, or threatened work stoppage significantly affects or threatens to affect important procurement, the Head of the Procuring Activity will submit a Report of Labor Disputes, Reports Control Symbol JAG–10, by the most expeditious and practical means available to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) with an informational copy to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Production Branch. Such report will include the following data, to the extent pertinent:

(i) Name, address, and telephone number of manufacturer: name, address, telephone number, and title of company official contacted (if manufacturer is a subcontractor, include the name and location of the prime contractor(s)).

(ii) Items being produced (if a subcontractor is involved identify the prime contract items).

(iii) Name, address, telephone number, and national affiliation of union locals involved; names, addresses, and telephone numbers of local union officials and result of any contacts with same.

(iv) Effect on production of Army materiel.

(v) Detailed description of critical items (if any) which should be removed from plant or continued to be processed there with mutual consent of Contractor and union, if obtainable.

(vi) Date of commencement of the dispute and date of important incidents of the dispute such as notice of strike, strikes, lockouts, settlements, etc.

(vii) Statement of any action taken or contemplated by the manufacturer.

(viii) Contract number(s) and type thereof (fixed-fee, lump-sum, unit price, etc.).

(ix) The issues or probable issues involved.

(x) Estimated number of employees directly and indirectly involved; estimated number who may be involved ultimately, both directly and indirectly; total number of employees at the facility.

(xi) Identity of any cognizant State and/or Federal authority engaged in mediation and conciliation activities.

(xii) Adequacy of plant guards and local police for protection of Government property, indicating whether plant-guard personnel are members of a union and, if so, local number and name, national affiliation, and whether it is expected that they will go on strike.

(xiii) The quantity of services or military items involved, scheduled performance or delivery dates, and the relation of the production affected by the dispute to the total military procurement program with respect to those services or military items.

(xiv) The stocks of the affected items on hand by the Procuring Activity, and the current and anticipated rate of their depletion.

(xv) The existence or nonexistence of alternative facilities to furnish the military items involved within the time required.

(xvi) An appraisal of the degree and extent of emergency which is presented by the threatened or actual stoppage.

(xvii) Additional pertinent information including, when applicable, the effect on care and maintenance of Government-furnished equipment or materiel.

When time considerations do not permit expeditious reporting of all the information in subdivisions (i) through (xvii) of this subparagraph, whatever information is immediately available should be furnished in the initial report. However, in such circumstances the additional information required in subdivisions (i) through (xvii) of this subparagraph, will be submitted by the most expeditious means as soon as possible. Supplemental reports will be submitted as necessary to report important developments following the initial report. In situations of urgency, initial and supplemental reports should be made by telephone to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) or other informal means, but in all such cases the information informally submitted shall be confirmed in writing as soon as possible thereafter.

(5) Where private Contractor employees are engaged in contract work on an installation and labor representatives request permission to enter such installation to conduct union business during working hours, the commanding officer may admit such labor representatives, provided: (i) the presence and activities of the labor representatives will not interfere with the progress of the contract work involved, and (ii) the entry of such representatives to the installation will not violate pertinent safety and security regulations. However, business offices or desk space for labor organizations for solicitation of membership, collection of dues, or other business of the organization not directly connected with the contract work shall not be permitted on the project site, with the specific exception of the routine functions of the working steward whose union duties are incidental to productive work usually performed. In the event that a commanding officer of an installation denies entry to a labor representative, such commanding officer shall, through appropriate channels, submit to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) a Report of Denial of Admission of Labor Representatives, Report Control Symbol JAG–11, which will include—(*a*) names, addresses, and telephone numbers of the labor representatives denied entry; (*b*) the union affiliation, if known, of such representatives; and (*c*) reason for denial of entry.

(c) *Applicability.* § 411.101 of this title and this section are applicable only within the United States, its Territories and possessions.

§ 601.102 *Overtime, extra-pay shifts, and multishift work.* (a) Delivery schedules established in connection with all procurement contracts, particularly those of a cost-reimbursement type, will be predicated upon the Contractor working normal workweeks and shifts without recourse to overtime, extra-pay shifts, or multishifts.

(b) Overtime, extra-pay shift, or multishift deviations may be authorized subject to the following conditions:

(1) The authority for approval of such overtime, extra-pay shift, or multishift deviations as may be required is hereby delegated, with power of redelegation, to Heads of Procuring Activities.

(2) Utilization of approvals for such overtime, extra-pay shift, or multishift deviation as may be given by the Head of a Procuring Activity, or his designated representative, will be confined to the meeting of essential deadlines necessary to the performance of the contract solely in the interests of the Government.

(3) In granting such approvals, it will be the responsibility of the Head of a Procuring Activity and his designated representative to restrict such overtime, extra-pay shift, or multishift work to the minimum required for the accomplishment of the specific work for which the deviation was requested and for which the approval was given.

(c) Any case concerning overtime, extra-pay shifts, or multishifts which may arise and which does not fall within the foregoing authorization including cases involving premium rates other than overtime or extra-pay shifts, will be referred to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, for consideration.

(d) Section 411.102 of this title and this section are applicable world-wide.

§ 601.103 *Federal and State labor requirements*—(a) *Application.* This section is applicable to all Government Contractors within the continental United States, its Territories and possessions, including Contractors of Government-owned facilities, irrespective of whether such facilities are located on private or Government property.

(b) *Definition.* The term "State" as used in this section includes the District of Columbia, Territories, and all political subdivisions of States.

(c) *Requests for relaxation of labor legislation.* It is the policy of the Department of the Army that the State labor standards governing such matters as maximum daily and weekly hours of employment, meals and rest periods, night work, and other conditions of employment, as set forth in State labor laws, regulations, and administrative orders, be observed in the maximum extent possible. In furtherance of this policy, Procuring Activities will not initiate applications to State agencies or officials for suspension or relaxation of labor standards. In addition, Procuring Activities will not, formally or informally, support such applications by Contractors or suppliers, unless approval of such action has been obtained under paragraph (d) of this section. Requests for approval will not be forwarded unless the following circumstances and conditions exist:

(1) The interested contractor or supplier has filed his application for relaxation of the laws, orders, or regulations involved with the appropriate State official charged with the enforcement of such labor standards in the State where the plant of the manufacturer involved is located; and

(2) The products or services involved are in short supply and unless the application is granted there will be a failure to meet production schedules for critically needed military items; and

(3) There are no alternative sources of supply for such products or services reasonably available to furnish the military items contracted for within the period of time delivery is required; and

(4) Available information indicates no practicable possibility of taking remedial action (such as recruiting, training, and more effective utilization of manpower) as an alternative to relaxation of applicable State labor standards; and

(5) The apparent supply of labor and, in particular, of critical skills is limited and it is not practicable to set up new production lines or to use additional facilities as an alternative to the relief requested; and

(6) The granting of the application will not result in an excessive increase in hours of work, an unreasonable curtailment of rest and lunch periods, an undesirable impairment of working conditions, or, otherwise, will not affect adversely the productivity of the facility involved.

(d) *Requests for approval to support Contractor's applications.* Requests for authority to support an application on behalf of a Contractor will be forwarded through the Head of a Procuring Activity to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) and will contain the following information:

(1) The facilities and services involved and affected.

(2) Provision or provisions of law the relaxation of which is required.

(3) Criticalness or relative scarcity of the material.

(4) Circumstances necessitating the relaxation (for example, a shortage in the local supply of skilled labor).

(5) Remedial action being taken by the manufacturer (for example, training, recruiting, and more effective utilization of manpower).

(6) Efforts previously made to obtain the relaxation.

(7) The most limited relaxation of State labor standards necessary for completion of the specific work in conformity with military procurement schedules and programs.

(8) The approximate period of time required for the completion of the work.

(e) *Furnishing information to State officials.* Heads of Procuring Activities may, consistent with limitations of security, furnish information to the appropriate State official, upon his request, as to the fact that an application for relaxation of State labor standards filed with him relates to the execution of a contract with such agency in pursuance of a military procurement program. Such information should not extend to support of such application unless proper authorization under paragraph (d) of this section, has been obtained.

(f) *Monthly reports.* Heads of Procuring Activities will submit, on the 15th day of each month, a letter report, Subject: Support of Applications for Relaxation of State Labor Standards (Reports Control Symbol JAG–13), to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) as to actions taken under this section during the preceding calendar month. Negative reports are not desired. The reports will cover but need not be limited to the following:

(1) Name and address of facility involved and military item being supplied by that facility.

(2) Official to whom representations in support of Contractor's or supplier's application for relaxation of labor standards was made.

(3) Justification or reason given for support of the application.

(4) Labor standards requested to be relaxed, period of time requested therefor, and action taken on the request by the appropriate State official.

SUBPART B—CONVICT LABOR

§ 601.202 *Applicability.* (a) Subpart B, Part 411 of this title and this subpart are applicable only within the continental United States (the 48 States and the District of Columbia).

(b) The prohibition contained in Executive Order 325A does not apply to contracts entered into between the Government and State prisons for the purchase of manufactured items, subject to all of the following limitations:

(1) That such contracts are not prohibited by the law of the State in which the prison is located.

(2) That exemption from the Walsh-Healey Public Contracts Act be obtained, in accordance with procedures prescribed in § 601.651, in cases of contracts exceeding $10,000.

(3) That no purchase from a State prison or other correctional institution will be made of items contrary to the provisions of § 404.301 of this title and § 594.301 of this subchapter.

(4) That the contract is otherwise proper.

The convict labor clause prescribed by §§ 406.104–17 and 411.203 of this title will be omitted from such contracts.

SUBPART C—EIGHT-HOUR LAW OF 1912 (OTHER THAN CONSTRUCTION CONTRACTS)

§ 601.350 *Administration and enforcement.* In investigating allegations of violations of the Eight-Hour Law on other than construction contracts, the same procedures shall be followed and the same reports made as are set forth in §§ 601.404–7 and 601.404–8 for investigating allegations of Eight-Hour Law violations on construction contracts.

SUBPART D—LABOR STANDARDS IN CONSTRUCTION CONTRACTS

§ 601.401 *Statutes and regulations.* To supplement Department of Labor Regulations, Part 5, Title 29, Subtitle A, Code of Federal Regulations (16 F. R. 4430 as amended), the Department of Labor has published an Investigation and Enforcement Manual With Respect to Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction. This Investigation and Enforcement Manual should be used as a guide in the enforcement of labor standards on construction contracts.

§ 601.404 *Administration and enforcement.*

§ 601.404–2 *Wage determinations.* The Secretary of Labor requires a separate request for wage rates for each contract, except where the volume of work

contemplated is sufficient to warrant an "installation" or "area" determination. These determinations may be used for a period not to exceed 90 days and will be applicable to all contracts awarded at the installation within that period. During the 90-day period the Secretary of Labor may review and modify any existing determination. Modifications expire on the expiration date of the original determination.

(a) *Responsibility for obtaining determinations.* The Chief of Engineers is responsible for obtaining from the Secretary of Labor and for furnishing to the Procuring Activity upon request, all determinations of prevailing wage rates under the Davis-Bacon Act required in connection with the awarding of contracts of the Army Establishment.

(b) *Responsibility for requesting determinations.* The office responsible for the preparation of specifications or the negotiation of contracts for projects in excess of $2000 is responsible for requesting the appropriate predetermination of wage rates to be contained in the contract. The preparing office will forward such request to the Chief of Engineers, ATTN: ENGAC, through the appropriate Division Engineer Offices. The Chief of Engineers will obtain the determination of wage rates from the Secretary of Labor, and forward such determination to the requesting office through channels. When contract specifications are prepared, they should include a current wage determination. If the wage determination is not available when invitations for bid are issued, the specifications will contain a statement that wage rates will be supplied by addendum to the specifications. Contracting Officers will not open bids on projects subject to the provisions of the Davis-Bacon Act until the requested determination of wage rates has been incorporated in the specifications. No negotiated contract, either preliminary (letter contract) or definitive, will be executed until the applicable wage determinations have been obtained.

(c) *Manner of requesting determinations.* Requests for determination of wage rates will be made as follows:

(1) Requests will be forwarded in triplicate on Department of Labor Form DB–11 (Rev. 7/52), to the office of the nearest Division Engineer, Corps of Engineers. Copies of the form may be obtained by request to the Division Engineer.

(2) Form DB–11 will be prepared by the Contracting Officer. Only the following items of information will be furnished thereon in the blocks provided:

(i) The estimated value of the contract;

(ii) Description of the work;

(iii) Location of the project (including county and State);

(iv) Crafts needed.

All other blocks are to be left blank. A project map shall be attached to the form showing in more detail the exact location of the work.

(3) When heavy or highway construction wage rates are requested for work located in the States of Arkansas, Colorado, Kansas, Maine, Montana, Nebraska, New Hampshire, North Dakota, Oklahoma, South Dakota, Texas, Vermont, Wyoming, and others that may be added later, the following data shall be furnished as an attachment to the Form DB–11:

(i) Specify whether heavy or highway;

(ii) Whether the proposed work is an integral part of a building construction program;

(iii) Type of work (roads, air strips, taxiways, sidewalks, etc., or utilities, POL lines, storage facilities, etc.):

(*a*) If roads, etc., specify if access or other, material used, length, limits [from (starting point) to (termination point)].

(*b*) If utilities, etc., state type, extent, materials used (cast iron, transite, concrete, and clay pipe, etc., and amounts of each to be used).

(iv) Whether inside or outside of the installation;

(v) Approximate cost;

(vi) Any additional information to distinguish between heavy, highway, and building construction.

(4) All submissions must be prepared using a reverse carbon in order to obtain an impression on the back of the original. The original and one carbon will be needed in the Office, Chief of Engineers.

(5) If the entire schedule of crafts is desired, insert a statement to that effect after "check crafts." If only a part of the classifications are needed, so indicate by placing an (X) on the check line prefixing the required classification.

(6) Should classifications not listed on the Form DB–11 be required, list and forward them in duplicate as an attachment to the Form DB–11. The use of the reverse carbon is not required for the listing of additional classifications needed.

(7) All requests for area or installation type determinations must be indicated by specifying "contract or contracts" in the space for "Description of work" on the DB–11 Form.

(8) Requests for wage determinations must be forwarded to reach the Office, Chief of Engineers, Attn: ENGAC, at least 30 days in advance of the date selected for advertising for bids.

(9) All actions changing or modifying an original wage determination prior to the award of the contract or contracts for which the determination was sought shall be applicable thereto but modifications received by the agency later than 5 days before the opening of the bids shall not be effective if the award is made within 30 days after the opening of the bids or 90 days from the date of the original wage determination whichever is earliest. Prospective bidders shall be informed of these conditions.

(10) In the event emergency conditions arise before receipt of the determination, the work may be advertised with a notice in the invitation that the schedule of minimum wage rates to be paid under the contract will be published as an addendum to the specification. Under no circumstances may bids be opened until the wage rates have been furnished to all bidders.

(11) In cases of extreme urgency, requests for wage determinations may be forwarded to the Office, Chief of Engineers, by telephone or telegraph, and immediate steps will be taken to obtain the necessary wage rates. Reasons for requesting special or priority action must be fully explained. Such requests must include the classifications needed, cost of the work, a brief description thereof, and its location. They must be confirmed by submission of a DB–11 through channels.

§ 601.404–3 *Additional classifications.* When it becomes necessary during the performance of a contract to establish a classification and wage rate for a class of workers not listed in the decision of the Secretary of Labor applicable to the contract, the Contracting Officer shall seek to establish such a classification and wage rate, conformable to the Secretary of Labor's decision, by agreement among the interested parties. Upon such an agreement, a report as hereinafter described shall be forwarded through channels to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) (except that reports concerning Corps of Engineers contracts shall be transmitted in accordance with procedures established by the Office of the Chief of Engineers). In the event that agreement cannot be reached, the Contracting Officer shall forward a report, containing his findings and recommendation as to classification and wage rate, and reason therefor, in the same manner. Whether or not agreement has been reached, the report shall contain—

(a) Contract number, description, dollar amount, and date of prime contract involved.

(b) Copy of portion of the contract setting forth classifications and wage rates.

(c) Identification of Secretary of Labor's wage determination decision used with this contract.

(d) Description of job to be classified.

(e) A discussion, citing examples, of the area practice concerning the job to be classified.

(f) When, prior to the establishment of a new classification as herein outlined, any employee has been used on the contract in a classification not established by the Secretary of Labor's decision, a copy of the payroll records of said employee showing the classification and wage rate used for said employee, and the hours worked (distinguishing regular time from overtime) in said classification and at said wage rate.

(g) Written and signed statements containing opinions of management and labor as to proper classification and wage rate.

§ 601.404–6 *Payrolls and affidavits.* (a) The payrolls and affidavits required by § 411.404–6 (a) of this title shall be submitted to the Contracting Officer, or such other officer as may be designated for such purpose by the Head of the Procuring Activity. The Contracting Officer or other such officer shall examine and retain them as provided in §§ 411.404–6 (b) and 411.404–6 (c) of this title.

(b) The affidavit shall be executed and sworn to by the Contractor or subcontractor or by an authorized officer or employee of the Contractor or subcontractor who supervises the payment of wages, and shall be in the form set forth in § 415.011–1 (c) of this title.

(c) Upon a written finding by the Secretary of the Army, the Secretary of Labor may provide reasonable limitations, variations, tolerances, and exemptions from the requirements set forth in paragraph (a) of this section, subject to such conditions as the Secretary of Labor may specify. Requests for such finding, accompanied by all necessary supporting documents, will be submitted by the Head of the Procuring Activity concerned through the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, and The Judge Advocate General (Attn: Chief, Industrial Relations Branch) in turn, to the Secretary of the Army for action and submission to the Secretary of Labor.

(d) Each weekly affidavit and copy of certified weekly payroll shall be delivered by the Contractor or subcontractor, within 7 days after the regular payment date of the payroll period, to the Contracting Officer or such other officer as may be designated for such purpose by the Head of the Procuring Activity concerned. Each Contractor or subcontractor shall preserve his weekly payroll records for a period of 3 years from date of completion of the contact. The payroll records shall set out accurately and completely the name, occupation, and hourly wage rate of each employee, hours worked by him during the payroll period, the full weekly wages earned by him, any deductions made from such weekly wages, and the actual weekly wages paid to him. Such payroll records shall be made available at all times for inspection by the Contracting Officer or his authorized representative.

(e) Deductions for the following purposes are permissible:

(1) Where required by Federal, State, or local statutes or ordinances to be made by the employer from the wages earned by the employee.

(2) Bona fide prepayment of wages without discount or interest.

(3) Deductions required by court process provided that the Contractor or subcontractor will not be permitted to make such a deduction in favor of the Contractor, subcontractor, or any affiliated person or where collusion or collaboration exists.

(i) Any deduction is also permissible which in fact meets the following standards and with respect to which the Contractor or subcontractor shall have made written application by registered mail to the Secretary of Labor, a copy of which application shall be sent to the contracting agency by the Contractor or subcontractor, setting forth all the pertinent facts indicating that such deductions will meet the following standards:

(*a*) That such deduction is not prohibited by other law.

(*b*) That such deduction is (*1*) voluntarily consented to by the employee in writing and in advance of the period in which the work was done, and that consent to the deduction is not a condition either for the obtaining of or for the continuance of employment; or (2) that such deduction is for the benefit of the employees or their labor organization through which they are represented and is provided for in a bona fide collective bargaining agreement.

(*c*) That from such deduction no payment is made to, nor profit or benefit is obtained directly or indirectly by the Contractor or subcontractor or any affiliated person, and that no portion of the funds, whether in the form of a commission or otherwise, will be returned to the Contractor or subcontractor or to any affiliated person.

(*d*) That the convenience and interest of the employees are served thereby, and that such or similar deductions have been customary in this or comparable situations.

(ii) After application in good faith, the deduction may be made in accordance with the foregoing standards: *Provided, however*, That if the Secretary of Labor, on his own motion, or on the application of any person or agency affected by the granting of the application, shall conclude at any time, after written notice to the applicant and an opportunity for him to present his views in support of the deduction, that the deduction has not met the foregoing standards, such deduction shall cease to be "permissible" 7 days after the applicant and the Federal agency concerned have been notified of the Secretary's decision.

(iii) Upon application to and prior written permission from the Secretary of Labor, and subject to the standards set forth in subdivisions (i) (*a*), (*b*) and (*d*) of this subparagraph, deductions may be made by a Contractor or subcontractor or any affiliated person, for membership fees in group benefit or retirement associations; for board and lodging; or for other purposes where the Secretary of Labor concludes the deduction is required by compelling circumstances: *Provided, however*, The Contractor, subcontractor, or any affiliated person does not make a profit or benefit directly or indirectly from the deduction. A copy of the Secretary's decision shall be sent to the applicant and the Federal agency concerned.

(iv) In accordance with and subject to the standards set forth in subdivisions (i) (*a*) through (i) (*d*) of this subparagraph, general permission is hereby granted to make payroll deductions for—

(*a*) The payment of the purchase price of United States Defense Stamps and Bonds and United States Tax Savings Notes.

(*b*) The repayment of loans to or the purchase of shares in credit unions organized and operated in accordance with District of Columbia, Federal, or State credit union statutes.

(*c*) Contributions to a Federal governmental or quasi-governmental agency.

(*d*) The payment of dues or premiums to unaffiliated insurance companies or associations for medical or hospitalization insurance where the employer is not required by Federal, State, or local laws to supply such insurance or benefits.

(v) In any case in which the employee does not have full and actual freedom of disposition of his wage payment, whether made in cash or by check, any restricted payment made to the employee is considered a deduction under the regulations in this subpart.

(vi) Nothing herein shall be construed to permit any deduction which the Contractor or subcontractor knew, or in the exercise of good faith should have known, did not meet the foregoing standards. In order to insure compliance with this part, the Secretary of Labor may notify the Contractor or subcontractor that the deduction will be permitted only if certain conditions with respect thereto are observed. The Contractor or subcontractor or any affiliated person shall comply also with such general rules and regulations concerning the deductions as the Secretary of Labor shall make from time to time, notice of which shall have been given to the Contractor or subcontractor or any affiliated person making the deduction and to the Federal Agency concerned either directly or through publication in the FEDERAL REGISTER.

§ 601.404–7 *Investigations.* (a) When a complaint comes through the United States Department of Labor, it generally will be sent through the Department of Labor Regional Attorney to the Commanding Officer of the post, camp, station, class II installation, or other command at which the Contracting Officer is stationed. If the complaint is sent elsewhere within the Army, it should be forwarded to said Commanding Officer, or such other officer as shall be designated by the Head of the Procuring Activity concerned. When a complaint received from a Department of Labor Regional Attorney is forwarded in this manner, said Regional Attorney shall be notified to whom it has been forwarded.

(b) An investigation of a complaint alleging violation of labor standards as well as such other information as may be required by regulations established by the Head of the Procuring Activity concerned, must include the following, when applicable:

(1) *All investigations.* (i) Names and addresses of Contractor, of subcontractors involved, and of workers involved.

(ii) Number, date, dollar amount, and nature of contract involved and a copy of the portion of the contract showing classifications and wage rate predeterminations.

(iii) Copies of certified payroll records and affidavits as described in § 411.404–6 of this title.

(iv) Whether posters were displayed as required by § 411.404–2 (d) of this title.

(v) (*a*) Conclusions as to whether a violation has been committed, and (*b*) if it is concluded that a violation has been committed, findings as to whether the violation was caused by wilfulness, negligence, or other cause; what steps have been taken to cure the violation; and what sanctions, if any, are recommended.

(2) *Where a Davis-Bacon Act violation is alleged.*

(i) All cases: (*a*) Kind of work performed by each worker involved, and (*b*) what classification of worker customarily performs such work on contracts in the area.

(ii) When a worker has been classified in a manner contrary to the area practice, (*a*) the number of hours worked in the wrong classification (distinguishing regular time and overtime hours), (*b*) the wage rate actually paid, (*c*) the wage rate required by the predetermination for the proper classification, (*d*) the amount paid the worker, (*e*) the amount he should have been paid if properly classified, and (*f*) the amount of restitution due.

(iii) Where the worker has been placed in a classification not listed in the wage determination, (*a*) the classification and wage rate used, (*b*) the nature of the work performed and conclusions reached as to the proper classification and its wage rate, (c) whether a reclassification has been made or a request made for supplemental determination of classification in accordance with § 601.404–3, and (*d*) total hours worked in the improper classification (distinguishing regular time from overtime).

(iv) When a worker has been properly classified but paid a rate below the predetermination for his classification, (*a*) hours worked at the incorrect rate (distinguishing regular time and overtime hours), (*b*) the wage rate actually paid, (*c*) the wage rate required by the classification, (*d*) the amount he should have been paid at the proper rate, (*e*) the amount he actually was paid, and (*f*) the amount of restitution due.

(v) When an apprentice is involved, (*a*) proof that the apprentice is registered under a bona fide apprenticeship program registered with a State Apprenticeship Council recognized by the Federal Committee on Apprenticeship, United States Department of Labor, or, if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, United States Department of Labor; (*b*) (*1*) if the apprentice is not so registered, the same information as is required for an incorrect classification (see paragraph (b) (2) (ii) of this section); (2) if the apprentice is so registered, the nature of the work being performed by the apprentice as compared with the area practice in the employment of apprentices, and the ratio of apprentices to journeymen on the job as compared with the permissible ratio of apprentices to journeymen, which may be found in the standards under which the registered apprenticeship program operates.

(3) *Where an Eight-Hour Law violation is alleged, for each worker.* (i) A list of each workweek involved in the alleged violation, showing the number of hours worked each day of the workweek, and the hourly rate of pay therefor.

(ii) Total hours for which the worker was improperly compensated.

(iii) Rate actually paid for said hours.

(iv) Rate which should have been paid for said hours.

(v) Amount of restitution due.

(vi) Total number of 5-dollar penalties due the United States under § 411.403–1 (b) of this title and total amount of said penalties. See § 601.404–50.)

(4) *Where a Copeland Act violation is alleged.*

(i) Nature of violation alleged.

(ii) Facts concerning the alleged violation, including: (*a*) the full weekly wages earned by each employee concerned, (*b*) the nature and amount of each deduction made from said weekly wages, (c) the actual weekly wages paid to the employee concerned, (*d*) any limitation, variation, tolerance, and/or exemption from the provisions of § 601.404–6 (b) permitted by the Secretary of Labor, and any conditions attached by the Secretary of Labor to said permission, and (*e*) any rulings by the Secretary of Labor as provided in §§ 601.404–6 (e) (2) through (4).

§ 601.404–8 *Reports of violations.* Where the case investigated can be closed satisfactorily without formal correspondence with the Department of Labor or the Department of Justice (correspondence to ascertain whether an apprentice is properly registered shall not constitute formal correspondence for the purpose of this section), it may be closed by the investigating officer. Where, however, formal correspondence with the Department of Labor or the Department of Justice is required (as, e. g., when the case is one which was initiated by correspondence from the Department of Labor, or which involves more than $200 restitution or which may warrant criminal prosecution, litigation, or placing the Contractor on the Comptroller General's list of ineligible persons or firms), the investigating officer should forward a report of all material gathered by his investigation (including the information, findings, and conclusions set forth in § 601.404–7 (b), and evidence sufficient to support said findings and conclusions) through channels to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) (except that reports of investigations on Corps of Engineers contracts shall be processed in accordance with the procedures established by the Office of the Chief of Engineers). Such findings and recommendations shall not be communicated by the investigating officer to the Regional Attorney, United States Department of Labor.

§ 601.404–9 *Suspensions and deductions of contract payments.* (a) When notified of an alleged violation, the Contracting Officer shall withhold from payments due the Contractor an amount equal to the estimated restitution due the Contractor's employees should the allegation of violation prove to be true. Such an amount shall continue to be withheld until (1) action as set forth in paragraph (b) of this section is taken, or (2) the Contractor voluntarily makes restitution of the full amount that is allegedly due his employees, or (3) the Contracting Officer is informed through channels that the Department of Labor has ruled that the funds withheld may be released to the Contractor.

(b) When investigation reveals that restitution is due the Contractor's employees, the Contracting Officer shall forward to the Disbursing Officer who normally makes disbursement to the Contractor, the forms required by § 411.404–9 of this title, indicating the purpose of same, and listing the name and address of each employee involved and the amount due him. The forms used to achieve such withholding should be separate from those used in withholding the amount of any penalty assessment that may be due the United States. Employees to whom restitution is due should be advised that, upon approval of the withholding by the Department of Labor, they will be paid on application to the General Accounting Office, which will hold funds withheld from the Contractor for restitution to workers in a special account for this purpose. Employee applications for payment may be forwarded with the forms required by § 411.404–9 of this title; such applications should include the employee's name, address, and classification; the name of the employer; and a statement identifying the contract involved. Withholding must be accomplished even though an employee cannot be located in order to complete restitution.

(c) When notified of an alleged violation which would render the Contractor liable to the United States for penalties, the Contracting Officer should withhold from payments due the Contractor a sum sufficient to cover the estimated penalties due the United States should the allegation prove true. Such an amount should continue to be withheld until (1) action as set forth in paragraph (d) of this section is taken, or (2) the Contractor voluntarily pays the full amount of the penalties allegedly due, or (3) the Contracting Officer is informed through channels that the Department of Labor has ruled that the funds may be released to the Contractor.

(d) When investigation discloses that penalties are due the United States, the Contracting Officer shall forward to the Disbursing Officer who normally makes disbursement to the Contractor a voucher indicating the amount due the Contractor, the amount to be paid to the United States as penalties, and sufficient information to make clear the purpose of the withholding. The voucher used should be separate from that used to withhold any restitution that may be due the Contractor's employees. The Contracting Officer should retain complete information concerning the penalties, including justification therefor and method of calculation, to be furnished the Disbursing Officer if requested.

§ 601.404–10 *Restitution.* (a) When it appears that restitution may be due employees of a Contractor, the Contracting Officer and the Investigating Officer shall seek to have the Contractor make restitution voluntarily, except that in cases which may warrant criminal prosecution or placing the Contractor on the Comptroller General's list of ineligible persons or firms, the Contractor should be advised as to the steps he should take to bring himself into compliance, but negotiations may not be undertaken to secure restitution, since such negotiations might adversely affect the possible action involved.

(b) When a Contractor wishes to make voluntary restitution but some worker or workers to whom such restitution is due cannot be located, the Contracting Officer shall collect such restitution and forward it to the Disbursing Officer for forwarding to the General Accounting Office, accompanied by a list of such workers, their last known addresses, and the amount due each one. Voluntary

restitution cannot be considered completed as to workers who cannot be located until this procedure has been followed.

§ 601.404–11 *Contract terminations.* Whenever a contract is terminated for violation of labor standards provisions, a report containing the information set forth in § 411–404–11 of this title shall be forwarded by the Contracting Officer through channels to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) (except that such reports on Corps of Engineers contracts shall be processed in accordance with the procedures established by the Office of the Chief of Engineers). This report shall be accompanied by a report of the investigations of the violations resulting in termination setting forth the information required by § 601.404–7 (b). If such investigation has not been completed, an interim report, setting forth as much of the information required by § 601.-404–7 (b) as is currently available, shall accompany the report of termination, and the complete report shall be forwarded when available.

§ 601.404–12 *Cooperation with the Department of Labor.* In connection with the enforcement of labor standards, either the Contracting Officer or an officer conducting an investigation is free to call upon the Department of Labor Regional Attorney for informal opinions, advice, or assistance, except as otherwise set forth in this part. The addresses of the Regional Attorneys and their geographical jurisdictions are the same as those set forth for the Regional Offices in § 601.653.

§ 601.404–50 *Nonassessment of Eight-Hour Law penalty.* The Department of Labor has announced that in appropriate cases where an employer acting in good faith has failed to pay the daily overtime compensation required by the Eight-Hour Law, and subsequently makes delayed payment of the extra amount due his employees, said employer will be considered in compliance with the Eight-Hour Law and will not be subject to the 5-dollar per day penalty for its violation. A case is appropriate for such nonassessment of the penalty when failure to pay at the regular pay period was inadvertent, but not when it was wilful, negligent, or without reasonable excuse. If the investigating officer believes nonassessment may be appropriate, he shall transmit through channels to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) (except that Corps of Engineers cases shall be processed in accordance with procedures established by the Chief of Engineers), the report called for by § 601.404–7 (b), plus a recommendation as to nonassessment of the penalty, and his reasons therefor, with special reference to whether the original nonpayment was inadvertent and nonnegligent, or whether it was due to carelessness, negligence, wilfulness, or otherwise without reasonable excuse.

§ 601.450 *List of debarred, ineligible, and suspended bidders.* The list of persons and firms found by the Comptroller General to have violated the requirements of statutes relating to labor standards is incorporated by the Office of the Under Secretary of the Army (Assistant Judge Advocate General) in the consolidated list issued in accordance with § 590.601–1 of this subchapter. The list is for the use and guidance of all interested agencies of the Army Establishment. Contracting Officers will comply with the prohibitions contained in the list of such persons and firms published by the Comptroller General, prior to incorporation of such information in the Department of the Army consolidated list.

SUBPART F—WALSH-HEALEY PUBLIC CONTRACTS ACT

§ 601.602 *Applicability.* The publication "Walsh-Healey Public Contracts Act, Rulings and Interpretations No. 3" has been issued with changes and amendments as of 30 April 1953. Copies may be obtained from the United States Department of Labor Regional Offices listed in § 601.653.

§ 601.603 *Responsibilities of Contracting Officers.* (a) Contracting officers are responsible for ascertaining that Contractors are "manufacturers" or "regular dealers" within the meaning of the Walsh-Healey Public Contracts Act when it is applicable. When doubt exists as to whether a bidder is a "manufacturer" or "regular dealer" a request for determination by the Department of Labor may be made through the Head of the Procuring Activity. A determination by the Department of Labor may be made through the Head of the Procuring Activity. A determination by the Department of Labor that a bidder is a "manufacturer" or "regular dealer" is conclusive. Such qualification, however, does not relieve the Contracting Officer of the duty to determine the responsibility of the bidder. (See § 590.357 of this subchapter.)

(b) Contracting Officers, when the Walsh-Healey Act is applicable, will be responsible for forwarding to the Contractor at the place of manufacture Department of Labor Forms PC 12 (Rev. 3/49) and PC 13 (Rev. 1/50). These forms may be requisitioned through normal publication supply channels.

§ 601.650 *Exceptions not stated in the publications furnished Contracting Officers.* Certain of the exceptions stated in the publications furnished Contracting Officers which contain no specific expiration date may have been rescinded by the Secretary of Labor since date of publication. In case of doubt inquiry may be directed to the appropriate Regional Director, Wage and Hour and Public Contracts Divisions, United States Department of Labor, indicated in § 601.653, or to The Judge Advocate General (Attn: Chief, Industrial Relations Branch).

§ 601.651 *Procedure for obtaining exemptions with respect to stipulations required by the act.* Section 6 of the act permits the Secretary of Labor to make exceptions to the requirement that the representations and stipulations of section 1 of the act be included in department proposals or contracts which are subject to the act.

(a) *Requests for exceptions and review thereof.* All requests of present or prospective Contractors for exceptions under section 6 of the act will be addressed to the Head of the Procuring Activity concerned. Such requests will be in writing, and will be transmitted through the appropriate Contracting Officer, and will set forth all pertinent information, including the nature of the requested exception, the need therefor, and any action already taken by the Contractor to avoid the necessity for the exception. The Contracting Officer will review each request received from a Contractor for—

(1) The urgency of the particular procurement.

(2) The relation of existing production schedules to Army requirements.

(3) The relation of present and past deliveries to production schedules.

(4) The extent to which labor supply is a limiting factor in production and the reasons therefor.

(5) The steps, if any, which have been taken either by the Contractor or by any Government agency to resolve the labor supply problem.

(6) The extent to which factors inherent in the production processes involved necessitate the requested exception.

(7) The extent to which the productive capacity of the facility or facilities in question is being utilized for Army procurement; and

(8) Any other pertinent data.

(b) *Consultation with regional directors, Department of Labor, and forwarding requests to heads of procuring activities.* (1) If the Contracting Officer believes that the requested exception is appropriate under the circumstances and necessary to meet vital procurement schedules, he will—

(i) Inform the appropriate regional director of the Wage and Hour and Public Contracts Division, United States Department of Labor, of the request for exception and the necessity therefor (a list of such regional directors is given in § 601.653).

(ii) After joint consideration with such regional director, if still of the opinion that the requested exception is appropriate, transmit the request, together with (a) his written recommendation relative thereto, (b) a statement of all the information upon which the recommendation is based and (c) a recital of the steps taken in compliance with the procedure set forth in subdivision (1) (i) of this paragraph and this subdivision to the Head of the Procuring Activity concerned.

(2) This procedure of consulting with such regional directors will be complied with unless such compliance would result in undue delay. The Contracting Officer, in consulting with appropriate regional director, will furnish the Director any pertinent information in his possession which the Director may require for rendering a report in connection with the need for the exception to the Administrator of the Wage and Hour and Public Contracts Divisions.

(c) *Review and processing of requests by Head of Procuring Activity.* If the Head of the interested Procuring Activity concurs in the recommendation of the Contracting Officer, after review of the request and consideration as to whether the need for an exception can be avoided by utilization of alternative facilities, he will forward the request to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) through the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchase Branch, together with—

(1) A statement of all pertinent data.

(2) His recommendation.

(3) A draft of a letter setting forth the need for the exception, addressed to the Secretary of Labor and prepared for the signature of the Secretary of the Army.

(4) Accompanying draft of a Findings of Fact as required by section 6 of the act, prepared for the signature of the Secretary of the Army.

§ 601.652 *List of debarred, ineligible, and suspended bidders.* (a) The consolidated list issued by the Office of the Under Secretary of the Army (Assistant Judge Advocate General) in accordance with § 590.601 of this subchapter will include the following:

(1) Persons or firms found by the Secretary of Labor to have breached or violated contractual representations and stipulations required by the Walsh-Healey Act, published by the Comptroller General.

(2) Persons and firms which have been held ineligible to be awarded contracts subject to the Walsh-Healey Act, published by the Department of Labor.

(b) This information is published for the use and guidance of all interested agencies of the Department of the Army. Contracting Officers will comply with the prohibitions contained in the list published by the Comptroller General relating to firms and individuals disqualified for the reason stated in paragraph (a) (1) of this section, and the restrictions contained in the Department of Labor Circular Letters relating to firms and individuals disqualified for the reasons stated in paragraph (a) (2) of this section prior to incorporation of such information in the Department of the Army consolidated list.

§ 601.653 *Wage and Hour and Public Contracts Divisions of the United States Department of Labor Regional Offices; geographical jurisdictions and addresses of regional directors.*

Region I: Massachusetts, New Hampshire, Maine, Vermont, Connecticut, Rhode Island—18 Oliver Street, Boston 10, Mass.

Region II: New York and New Jersey—U. S. Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.

Region III: Delaware, Maryland, Pennsylvania—Lafayette Building, 437 Chestnut Street, Philadelphia 6, Pa.

Region IV: Alabama, Florida, Georgia, Mississippi, South Carolina—Comer Building, 2026 Second Avenue, North, Birmingham 3, Ala.

Region V: Michigan, Ohio—Engineers' Building, 1365 Ontario Street, Cleveland 14, Ohio.

Region VI: Illinois, Indiana, Minnesota, Wisconsin—105 West Adams Street, Chicago 3, Ill.

Region VII: Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming—Federal Office Building, 911 Walnut Street, Kansas City 6, Mo.

Region VIII: Arkansas, Louisiana, New Mexico, Oklahoma, Texas—1114 Commerce Street, Dallas 2, Tex.

Region IX: Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington—Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.

Region X: Kentucky, Tennessee, Virginia, West Virginia—U. S. Courthouse Building, 801 Broad Street, Nashville 3, Tenn.

North Carolina: Not included in any region. Information may be obtained through North Carolina Department of Labor, Labor Building, P. O. Box 1151, Salisbury and Edenton Streets, Raleigh, N. C.

Hawaii: Territorial Representative—Federal Building, King and Richard Streets, Honolulu 2, T. H.

Alaska: Territorial Representative—Federal Building, Post Office Box 1030, Juneau, Alaska.

Puerto Rico and Virgin Islands: Territorial Director—Post Office Box 9061, Santurce 29, P. R.

District of Columbia: Department of Labor Building—14th and Constitution Avenue, Washington 25, D. C.

SUBPART G—FAIR LABOR STANDARDS ACT OF 1938

§ 601.701 *Basic statute.* Section 6 (a) of the act requires every employer to pay to each of his employees "who is engaged in commerce or in the production of goods for commerce" not less than 75 cents per hour. Section 7 (a) of the act prohibits every employer from employing any of his employees "who is engaged in commerce or in the production of goods for commerce" for a workweek longer than 40 hours, unless such employee receives compensation for his employment in excess of such 40-hour workweek at a rate not less than one and one-half times the regular rate at which he is employed. The Act is applicable within the United States, its Territories and possessions. The United States Supreme Court has ruled that the act is applicable to the Bermuda defense area leased to this country in 1940. The provisions of sections 6 and 7 of the act, however, do not apply with respect to certain categories of employees enumerated in the act, nor under certain circumstances also enumerated in the act.

§ 601.702 *Suits against Government Contractors.* Cost-plus-a-fixed-fee Contractors and subcontractors should be advised that immediately upon receipt of process in any legal action filed against them they must furnish a copy of all papers to the Contracting Officer. The Contracting Officer will make immediate report of the legal action direct to The Judge Advocate General, Department of the Army, Washington 25, D. C.

§ 601.750 *Regulations of the Administrator.* The act provides that the Administrator shall by regulation define certain terms used in the act and may grant certain exemptions from its provisions. Regulations issued by the Administrator, as revised from time to time, should be consulted in these respects.

§ 601.751 *Reimbursement of cost-plus-a-fixed-fee contractors for payments in accordance with the act.* (a) Any employer who violates the provisions of sections 6 or 7 of the act is liable to the employee or employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation, and may be liable in an additional equal amount as liquidated damages; and in the event the employee institutes suit therefor, the costs of the action and a reasonable attorney's fee as allowed by the court. Violations also may be restrained by injunction and may subject the employer to criminal penalties. In this connection, however, attention is invited to the Portal-to-Portal Act of 1947 (Act of May 14, 1947; 29 U. S. Code 251) which limits the liability of an employer under certain circumstances.

(b) Determinations of the liability of the Government to reimburse Contractors for any amounts paid in settlement of claims under the act will be made by the Head of the Procuring Activity after appropriate coordination with The Judge Advocate General. Attention is invited to the Comptroller General's decision of 15 December 1943 (B–38642, 23 Comp. Gen. 439) to the effect that amounts paid in settlement of such claims may be reimbursed even though the settlements necessitated a compromise of disputed questions of law or fact, provided that such settlements are in amounts less than the total amounts (including liquidated damages, court costs, and attorneys' fees) which would be required to be paid in the event the employee sued and obtained judgment and that it is administratively determined that the settlement in each instance was fully warranted as being in the best interest of the Government. Vouchers covering such payments should be supported by evidence setting forth the basis for such administrative determination and any questions of law with respect to the application of the Act should be determined only after thorough consideration has been given the matter by competent Government attorneys, and a showing to that effect should also be made a part of the evidence submitted with the vouchers.

§ 601.752 *Investigations and inspections.* (a) The act provides that each employer subject to the act must make and preserve certain records of the persons employed by him and of the wages, hours and other conditions and practices of employment maintained by him. The act also provides that the Administrator, or his designated representatives, may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any industry subject to the act, and may enter and inspect such places and such records, question such employees and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of the act, or which may aid in the enforcement of the act.

(b) With respect to cost-plus-a-fixed-fee Contractors, to the extent consistent

with security and other regulations governing admission of visitors to plants and projects, representatives of the Administrator should be accorded access to the facilities and records of Army Contractors for the purpose of making investigations to determine applicability of and compliance with the act. Investigations will be conducted at such time and in such manner as to interrupt or interfere least with operations. They should be confined whenever possible to the inspection of records in the office of the Contractor. Inspections of the areas in the facility where construction or production is in progress will be held to a minimum. Necessary interviewing of employees should, whenever possible, be conducted outside work hours or at such other times as will interfere least with construction or production operations. The Administrator has stated that his investigators will advise cost-plus-a-fixed-fee Contractors approximately 1 week before they plan to arrive at the project to make an investigation under the act.

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

§ 601.801 *Basic requirement.* The requirement is applicable in the United States, its Territories and possessions, except as indicated in § 601.850 (j).

§ 601.850 *Interpretations of Executive Order 9346 by the Committee on Fair Employment Practice.* Pursuant to the authority vested in it by Executive Order 9346 (3 CFR, 1943 Cum. Supp.), the Committee on Fair Employment Practice issued the following interpretations under the Order:

(a) The words "all contracts hereafter negotiated or renegotiated" include all contracts made, amended, or modified.

(b) A nondiscrimination provision is required in leases, grants or easements, rights of way, etc., to the same extent that it is required in other contracts.

(c) The obligation to include the nondiscrimination clause exists even though the contract involves nonwar (or nondefense) activity.

(d) The obligation to include the nondiscrimination clause exists even though the contract is required to be awarded to the lowest bidder.

(e) The obligation to include the nondiscrimination clause exists even though the contract is between a Federal Government agency and a State agency or subdivision of a State.

(f) The obligation to include the nondiscrimination clause does not depend on the amount of money or other consideration involved in the performance of the contract.

(g) The nondiscrimination provision required does not refer to, extend to, or cover the activities or business of the Contractor which are not related to or involved in the performance of the contract entered into.

(h) Inclusion of a nondiscrimination provision is not required in contracts the performance of which does not involve the employment of persons.

(i) Inclusion of a nondiscrimination provision is not required in contracts with foreign contractors for work to be performed outside the continental or territorial limits of the United States where no recruitment of workers within the said limits of the United States is involved.

(j) The nondiscrimination clause is not required in contracts renewed pursuant to an option to renew, in accordance with the terms, conditions, and provisions contained in the original contract.

(k) The requirement that parties to contracts with the Government of the United States (or agencies of said Government) include a nondiscrimination clause "in all subcontracts" is not applicable to lessors of space in buildings except in cases where the Government of the United States (or any agency thereof) is the only tenant involved, or unless a subcontract is entered into solely for the purpose of performing an obligation (or obligations) imposed by the Government lease.

(l) The requirement that parties to contracts with the Government of the United States (or agencies of said Government) include a nondiscrimination clause "in all subcontracts" is applicable only in those cases in which the subcontract is entered into solely for the purpose of enabling the Prime Contractor to fulfill an obligation (or obligations) imposed by the Government contract.

SUBPART I—EMPLOYMENT RESTRICTIONS FOR SECURITY PURPOSES

§ 601.950 *Administration.* Administrative implementation of the policy governing the security clearance of private Contractor employees and industrial facilities is set forth in detail in SR 380-405-6 (Armed Forces Industrial Security Program).

SUBPART O—REMOVAL OF ITEMS FROM FACILITIES AFFECTED BY WORK STOPPAGES

§ 601.1501 *Basic considerations.* Policy and procedure governing the removal of items from facilities affected by work stoppages prescribe that principal reliance with respect to such removals be placed on cooperative arrangements and voluntary concurrence. In this connection, it is emphasized that the Department of Defense Policy Governing Participation in Industrial Labor Relations Matters Affecting Military Procurement, provides that agencies of the Department shall remain impartial in, and shall refrain from taking a position on the merits of, a labor dispute and shall not undertake the mediation of such a dispute. Removal of items by Procuring Activities will be in accordance with that expressed policy.

§ 601.1550 *Determination of urgency.* Before action leading to the removal of any item is initiated, assurance will be secured that the item in question is urgently needed. Among the factors to be considered in determining urgency are—

(a) Whether the product is in such short supply that unless it is removed there will be a failure to meet schedules for urgently needed military items.

(b) Whether there are alternative sources of supply of such products reasonably available to furnish the particular item within the time within which delivery is required.

§ 601.1551 *Administrative procedure.* Where urgency is clearly established, Procuring Activities may seek the removal of military items from facilities affected by a work stoppage in accordance with the following procedures:

(a) An attempt will be made to work out an arrangement with plant management and the local union involved for the removal of the required items by the shipping means normally used by the company.

(b) If the course prescribed in paragraph (a) of this section is not successful, an effort will be made to obtain the concurrence of both parties to the labor dispute for removal of the items by military vehicles and, if necessary, by military personnel.

(c) If the procedures prescribed in paragraphs (a) and (b) of this section, and upon a determination by the Head of the Procuring Activity that additional efforts should be made to accomplish removal of the items in question, the Head of the Procuring Activity will submit the matter to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) with appropriate recommendation and comment to insure effective and coordinated action. Referral of removal cases to The Judge Advocate General will include the following information:

(1) Name, address, and telephone number of company from which items are to be removed.

(2) Name, address, and telephone number of company official who may be contacted for purposes of effectuating removal.

(3) Identification, address, and telephone number of local union.

(4) Name, address, and telephone number of local union official who may be contacted for purposes of effectuating removal.

(5) Brief statement relating to the reasons for the necessity of removing the items in question.

(6) Description of items to be removed: nature of items, amount, approximate weight, purchase order number, and shop order number.

(7) Amount of work required preparatory to shipment of items.

(8) Mode of transportation by which items are to be removed.

(9) Destination of items.

(d) All action taken pursuant to paragraphs (a) and (b) of this section, will be reported, through channels, to The Judge Advocate General (Attn.: Chief, Industrial Relations Branch).

§ 601.1552 *Coordination.* (a) Where two or more Procuring Activities are, or may become, involved in the removal of urgent items from a facility affected by a work stoppage, efforts will be made by the Procuring Activities concerned to agree on a single Procuring Activity, where practicable, to effectuate removal arrangements.

(b) In situations affecting one or both of the other removal military departments, removal arrangements should be similarly coordinated, where practicable, by the Procuring Activities involved, with representatives of other military departments.

§ 601.1553 *Avoidance of detrimental incidents.* It is emphasized that the express policy of the Department of Defense with respect to the removal of items from facilities affected by work stoppages is to avoid the use of force or the appearance of force, and care will be taken to prevent the occurrence of incidents detrimental to harmonious relations with labor and management.

SUBPART P—PROCUREMENT OF STEVEDORING SERVICES DURING LABOR DISPUTES

§ 601.1650 *Basic policy.* It is the policy of the Department of the Army to procure stevedore services by contract with commercial stevedoring firms except where military considerations make it evident that the best interests of the Government will be served by the employment of direct-hire Civil Service workers.

§ 601.1651 *Procedure.* Wherever stevedoring services are furnished by Contractors to an Army installation and the performance under the contract, although urgently required, is delayed through a labor dispute, the following will govern:

(a) Attempt will first be made to have management and labor voluntarily agree to exempt military supplies from the labor dispute by continuing the movement of such material.

(b) If a voluntary arrangement cannot be obtained and diversion of the vessel to another port is impracticable, then the command will consider contracting with reliable alternative sources of supply within the stevedoring industry.

(c) To the extent stevedoring services cannot be secured by the method of alternate Contractors described in paragraph (b) of this section, then Civil Service stevedores will be utilized to perform the work hitherto performed by contract stevedores.

(d) To the extent that methods prescribed in paragraphs (a) (b) and (c) of this section are unsuccessful, then the command will utilize military personnel to handle the cargo which was being handled by contract stevedores prior to the labor dispute. To the maximum extent possible, the use of military personnel will be avoided and such personnel will be used only as a last resort.

§ 601.1652 *Reports.* Where the exigencies of a situation require deviations from the policies outlined above, the command concerned will submit a prompt report of the action taken, with justification therefor, through channels to The Judge Advocate General (Attn.: Chief, Industrial Relations Branch).

PART 602—GOVERNMENT PROPERTY

Sec.
602.000 Scope of part.
602.050 Policy.

Subpart A—General
602.101 Definitions.
602.101–50 Contractor inventory.

Subpart B—Material
See Subpart B, Part 412 of this title.

Subpart C—Special Tooling
See Subpart C, Part 412 of this title.

Subpart D—Industrial Facilities
602.406 Nonseverable industrial facilities.
602.406–50 Cost-type contracts.
602.406–51 Negotiated fixed-price contracts.
602.450 Contractor operated motor vehicles.

Subpart E—Contract Clauses
602.550 Government-furnished property clause for fixed-price construction contracts.
602.551 Government property clause for cost-reimbursement type construction contracts.
602.552 Contractor-furnished special tooling clause for fixed-price construction contracts.
602.553 Government-furnished property (short form).

Subpart O—Sale of Property
602.1501 Sales of materials and special items.
602.1502 Exchange or sale of personal property and application of proceeds to purchase of similar items.
602.1502–1 Scope.
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Subpart P—Research and Development
602.1601 Loan of equipment.

Subpart Q—Implementation of Manual for Control of Government Property in Possession of Contractors
602.1700 Scope of subpart.
602.1701 Definitions.
602.1701–50 Custodial records.
602.1703 Designation of Property Administrator.
602.1704 Sources from which Government property may be furnished or acquired.
602.1704–1 Military installations or other contractor's plants.
602.1705 General.
602.1706 Records to be maintained by Government personnel.
602.1706–1 Records of specific contracts where property is involved.
602.1707 Records to be maintained by the Contractor.
602.1707–1 Records of plant equipment.
602.1708 Numbering property accounts.
602.1709 Contractor's responsibility and liability.
602.1709–1 Contractor liability.
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602.1711–1 Identification marking of Government property.

Subpart R—Audit of Industrial Property Records
602.1801 Responsibility for audits.
602.1801–1 Continental United States.
602.1801–2 Overseas.
602.1802 Purpose of audits.
602.1803 Performance of audits.
602.1803–1 Frequency.
602.1803–2 Scope of audit.
602.1804 Reports of audits.
602.1804–1 Distribution and action on reports.
602.1804–2 Clearance of deficiencies.
602.1805 Accounts not in condition for audit.
602.1805–1 Distribution of reports.
602.1805–2 Action.

§ 602.000 *Scope of part.* This part applies to property provided by the Army Establishment for use by Contractors in connection with military procurement.

§ 602.050 *Policy.* It is the policy of the Department of the Army that Contractors will be required to furnish materials, special tooling, and industrial facilities, except that the Government may furnish such materials and industrial facilities when it is considered essential to meet necessary production or program schedules, or when otherwise considered to be in the best interest of the Government. When determined to be necessary or in the interest of National Defense, the furnishing of materials, special tooling, and industrial facilities may be in the form of (a) Government property for incorporation in an end item, (b) for installation in the Contractor's plant to aid in the production of supplies or services, (c) sales, gifts, and loans by the Army Establishment of property related to national defense, (d) sales of property by Contractors, and (e) sale and/or exchange of property for like items. (a) and (b) of this section will be furnished with appropriate reduction in contract price; (c) and (d) of this section are authorized by appropriate statutes and utilized only when applicable; (e) of this section is authorized by P. L. 152, 81st Congress, and is utilized when in the best interests of the Government for replacement of items obsolete or in an unusable condition. As a general policy, available special tooling shall be furnished contractors only when such furnishing does not interfere with essential production or program schedules.

SUBPART A—GENERAL

§ 602.101 *Definitions.* As used in this subpart, the following terms have the meanings stated below:

§ 602.101–50 *Contractor inventory.* The term "contractor inventory" means (a) any property acquired by and in the possession of a Contractor or subcontractor (including Government-furnished property) under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete full performance under the entire contract; and (b) any property which the Government is obligated or has the option to take over under any type of contract as a result either of any changes in the specifications or plans thereunder or of the termination of such contract (or subcontract) thereunder, prior to completion of the work, for the convenience or at the option of the Government.

SUBPART D—INDUSTRIAL FACILITIES

§ 602.406 *Nonseverable industrial facilities.* The policies and procedures outlined in § 412.406 of this title are applicable to all nonseverable industrial facilities acquired at Government expense, irrespective of whether they are acquired by or installed in the plant of a prime contractor or any tier of subcontractor. As defined in §§ 412.101–6,

and 412.101–7 of this title, nonseverable industrial facilities are inclusive of both separately identifiable items and improvements to existing facilities. Accordingly capital improvements to contractor's plants, such as roads, parking lots, power and lighting systems, etc., which are normally capitalized in commercial accounting are governed by the policies and procedures of § 412,406–1 of this title.

§ 602.406–50 *Cost-type contracts.* Prior to the execution of cost-type contracts, all items of facilities whether set forth separately in the schedules or included in plant rearrangement, rehabilitation, and incidental construction contemplated in the contract and related schedules will be carefully reviewed to identify any capital improvements therein which constitute nonseverable industrial facilities. One of the following actions will be taken with respect to each nonseverable facility, and the contract involved will be submitted through Assistant Chief of Staff, G–4, to the Secretary of the Army for approval.

(a) Contract terms will be negotiated for the contractor to buy facilities back from the Government after completion of the contract(s) for which provided, at cost less specified rates of depreciation. Ordinarily a separate rate will be appropriate for each contract line item. Frequently the principal factor in the depreciation of facilities is their lesser value for the contractor's normal or future operations than for the Government contract(s). This factor, combined with the sometimes indefinite duration of Government contracts may make negotiation of uniform annual rates of depreciation impracticable. In such circumstances it may be more equitable to negotiate a relatively high rate for the first year with a reduced rate per year thereafter.

(b) If it is determined that the useful life of the facilities will not extend beyond the useful life of the contract no special contract terms other than those required by § 412.406–2 of this title will be necessary. Any such determinations will be fully justified in the contract negotiation file. The unsupported assertions of contractors that the facilities are not needed or have no value for future operations, are not of themselves sufficient justification for abandonment of the Government's right therein.

(c) In the event neither of the above actions are feasible or appropriate in the circumstances, the proposed contract together with the recommended alternate terms and justification therefore will be forwarded for approval.

§ 602.406–51 *Negotiated fixed-price contracts.* When the price proposals for negotiated fixed-price contracts provide for any substantial capital improvements whether labeled preproduction expense or otherwise, the items making up such expense will be analyzed to determine whether there is included therein any capital improvements or additions which constitute nonseverable facilities. Where such items are found one of the following actions will be taken:

(a) Under negotiated firm fixed-price contracts, negotiation will be undertaken to determine the residual value of the facilities and the Contractor will be requested to reduce his price proposal in that amount, unless such reduction was made by the Contractor in preparing his proposal.

(b) If the contract is to include provisions for price redetermination, the percentage of residual value for the various nonseverable facilities items will be negotiated, and the Contractor will be requested to show in his first cost statement, submitted for price redetermination, the actual cost of the facilities involved. These costs will then be reduced by application of the negotiated percentage to arrive at the amount to be accepted for price redetermination purposes.

(c) If the useful life of the facilities will not extend beyond the life of the contract a determination to that effect will be made and fully justified in the negotiation record.

(d) If satisfactory negotiations cannot be concluded under paragraphs (a) or (b) of this section, and if paragraph (c) of this section is not applicable, a separate contract for facilities at cost, or such other contractual arrangements as are feasible and appropriate in the circumstances, will be negotiated and submitted to the Assistant Chief of Staff, G–4 for appropriate action, including approval by the Secretary of the Army when required.

§ 602.450 *Contractor operated motor vehicles.* Certain Government installations are being operated by private Contractors who are given full operating control of the plant facilities, including vehicles, by the terms of their contracts with the Government. Vehicles which are thus operated by private Contractors, but are owned by the Government, are classed as "Contractor Vehicles," in order to distinguish them from "Military Vehicles." The operation, maintenance, supply, and control of Contractor vehicles are, by provisions of contract, in the hands of the private Contractor, and fall within the category of Government-furnished property. The term "Contractor Vehicle" as used herein is defined as any vehicles, supplied under written contract to Contractors, for use at class II Contractor-operated installations and other Government-owned Army Establishment controlled industrial facilities, and/or Contractor-owned facilities under contract with the Army Establishment.

(a) It is the basic policy of the Department of the Army that Contractors will, to the greatest extent practicable, procure their vehicles, fuels, lubricants, tires, and repair items in the open market. When motor vehicles, except materials handling equipment, are procured by a contractor for the account of the Government, application on DA Form 9–73 (Data for Registration—Motor Vehicle) for proper registration number will be made through the contracting officer to Department of the Army Motor Vehicle Central Records Office, Rossford Ordnance Depot, Toledo 1, Ohio, in accordance with AR 700–10. (Registration of Motor Vehicles.) However, when necessary, Army Establishment items may be reclassified and supplied as Government-furnished property. Prior to the negotiation of contracts or amendments thereto, Contracting Officers will ascertain through their command channels probable availability of the necessary vehicles within the Army Establishment. Request for the furnishing of any items listed in this section will be made by the Contracting Officer, through channels to the appropriate supply source. Nothing in this section shall preclude a Contractor from being reimbursed for such items which he may procure when properly allocable to the contract.

(b) When a standby-industrial installation is reactivated and operated by a Contractor under a contract, the terms of which require and authorize the furnishing of vehicles by the Government, the army commander shall transfer such vehicles as are on hand at the installation and which have been determined by the technical service concerned as suitable for the functions to be performed by the Contractor. Vehicles transferred will be reclassified as Contractor Vehicles and transferred to the contract account as Government-furnished property. Vehicles which are not authorized under the terms of the contract or are not suitable for use thereunder will be declared excess to the needs of the installation and returned to appropriate supply channels.

(c) When an industrial installation is placed in a standby status the owning technical service shall prepare and furnish the army commander a list of the vehicles at the installation which are necessary to its operational activities and which should not be removed or replaced unless authorized by the technical service concerned. The disposition of all other vehicles which have not been included in the above list will be made in the following order, (1) as requested by the army commander concerned, for use in the maintenance of the installation, (2) as required by the owning technical service for use in the performance of other contracts, (3) turned into appropriate supply channels. Vehicles which have been determined by the army commander as suitable for the purpose of maintaining the installation in a standby status will be reclassified as Military Vehicles and transferred to the appropriate account. Vehicles which the owning technical service requires for use in the performance of other contracts will be transferred to such contract accounts if authorized by the terms thereof. All remaining vehicles will be turned into appropriate supply channels.

(d) Contractor vehicles will not be included in the bulk allowances of administrative vehicles. When applicable, requests for changes in these allowances caused by compliance with paragraphs (a) and (b) of this section will be made by Army Commanders in accordance with SR 57–20–5. (Authorization, distribution and inventory of general transport administrative vehicles—continental United States.)

(e) Military Vehicles transferred to Contractor Vehicle classification and Contractor-procured vehicles registered by the Department of the Army Motor Vehicle Central Records Office are not under the control of the army commander but are the responsibility of the technical service administering the contract. The supervision and accomplishment of all functions and obligations assumed by the Contractor in connection with the operation, utilization of minimum essential vehicles, maintenance, storage, etc., as well as the protection of the Government's interest with respect to Contractor Vehicles rests with the Contracting Officer. For the purpose of distinguishing Contractor Vehicles from vehicles in use by the Army, the Contractor, immediately upon the receipt of a vehicle, either by transfer from the Army Establishment or by procurement in the open market, will immediately remove all Army insignia and/or markings and will paint in a conspicuous place on both sides of the vehicle the following:

Contractor Vehicle
Operated by
[Name and Address of Contractor]

The "U. S. A." registration number will be permanently painted on the face of the dash under the hood. On trailers and semitrailers, the U. S. A. registration number will be stamped into a noncorrosive metal plate of approximately one by three inches in size which will be permanently affixed to the vehicle next to the manufacturer's nameplate.

(f) Whenever license plates are required for Government-owned Contractor-operated vehicles, arrangements will be made through channels to procure United States Government license plates. The requests will be directed to the Commanding Officer, Transportation Materiel Command, Marietta, Pa. Information to be forwarded with the request will include the name of the technical service administering the contract, name and location of project, and or name and address of the Contractor, proper nomenclature of vehicle(s), and the U. S. A. registration number(s) if previously assigned and known.

(g) Statutory restrictions limiting the use of Government-owned vehicles to official business are equally applicable to Contractor vehicles. Information governing the use of such vehicles under Army Establishment control is contained in AR 700–105 (Motor Vehicles). Contractor vehicles including buses will not be used to transport employees or any other personnel between their places of residence and employment. In the absence of adequate public transportation facilities, service can be augmented or inaugurated under AR 55–90, provided the other conditions therein set forth are satisfied.

SUBPART E—CONTRACT CLAUSES

§ 602.550 *Government-furnished property clause for fixed-price construction contracts.* The following clause will be used in fixed-price contracts, for construction, alteration or repair of buildings, bridges, roads or other kinds of real property, under which the Army Establishment is to furnish to the contractor, material, special tooling, or such industrial facilities as is authorized under § 412.402 (b) of this title.

GOVERNMENT-FURNISHED PROPERTY

[1] (a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property which the schedule or the specifications state the Government will furnish (hereinafter referred to as "Government-furnished property"). The completion date of this contract is based upon the expectation that Government-furnished property of a type suitable for use will be delivered to the contractor at the times stated in the schedule or if not so stated in sufficient time to enable the Contractor to meet such completion date. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, if requested by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall grant to the Contractor a reasonable extension of time for completion of performance hereunder. The Government shall not be liable to the Contractor for damages or loss of profit by reason of any delay in delivery of or failure to deliver any or all of the Government-furnished property, except that in case of such delay or failure, upon the written request of the Contractor, an equitable adjustment shall be made in the completion date of this contract, or price, or both, and in any other contractual provision affected thereby, in accordance with the procedures provided for in the clause of this contract entitled "Changes."

[1] [Alternative] (a) The Government shall deliver to the Contractor for use in connection with and under the terms of this contract, the property which the schedule or the specifications state the Government will furnish (hereinafter referred to as "Government-furnished property"). The completion date of this contract is based upon the expectation that Government-furnished property of a type suitable for use will be delivered to the contractor at the times stated in the schedule or if not so stated in sufficient time to enable the contractor to meet such completion date. In the event that Government-furnished property is not delivered to the contractor by such time or times, the Contracting Officer shall, if requested by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall grant to the Contractor a reasonable extension of time for completion of performance hereunder.

(b) By notice in writing the Contracting Office may decrease the property furnished or to be furnished by the Government under this contract. In any such case, upon the written request of the Contractor, an equitable adjustment shall be made in the completion date, or price, or both, and in any other contractual provisions affected by such decrease, in accordance with the procedures provided for in the clause of this contract entitled "Changes."

(c) Title to the Government-furnished property shall remain in the Government. Title to Government-furnished property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-furnished property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor shall maintain adequate property control records of Government-furnished property in accordance with the provisions of the "Manual for the Control of Government Property in the Possession of Contractors" March 1951.

[1] Delete subparagraph (a) not used. If alternative subparagraph (a) is used, delete "[Alternative]" from such clause.

(d) The Government-furnished property shall, unless otherwise provided herein, be used only for the performance of this contract.

(e) The Contractor shall maintain and administer, in accordance with sound construction practice, a program for the maintenance, repair, protection and preservation of Government-furnished property, until disposed of by the Contractor in accordance with this clause. In the event that damaged or defective Government-furnished property is delivered to the Contractor, or any other damage occurs to Government-furnished property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs; provided, however, that if the Contractor cannot effect such repair within the time required, the Contractor may reject such property. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in the contract price for any such repair or replacement of Government-furnished property made at the direction of the Government. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at its own expense.

The following provision (f) is for use in advertised fixed-price contracts:

(f) Unless otherwise provided in this contract, the Contractor, upon delivery to it of any Government-furnished property, assumes the risk of, and shall be responsible for, any loss thereof or damage thereto except for reasonable wear and tear and except to the extent that such property is consumed in the performance of this contract.

The following provision (f) is for use in negotiated fixed-price contracts:

(f) (i) Except for loss, destruction or damage resulting from a failure of the Contractor, due to willful misconduct or lack of good faith of any of the Contractor's managerial personnel as defined herein, to maintain and administer a program for the maintenance, repair, protection and preservation of the Government-furnished property as required by paragraph (e) hereof, and except as specifically provided in clause(s) ____ of this contract or in the clause or clauses of this contract as designated in the Schedule, the Contractor shall not be liable for loss or destruction of or damage to the Government-furnished property (A) caused by any peril while the property is in transit off the Contractor's premises, or (B) caused by any of the following perils while the property is on the Contractor's or subcontractor's premises, or on any other premises where such property may properly be located, or by removal therefrom because of any of the following perils:

(1) Fire; lightning; windstorm, cyclone, tornado, hail; explosion; riot, riot attending a strike, civil commotion; vandalism and malicious mischief; sabotage; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the Contractor or any agent or employee of the Contractor; smoke; sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby rising of a body of water; hostile or warlike action, including action in hindering, combating, or defending against an actual, impending or expected attack by any government or sovereign power (de jure or de facto), or by any authority using military, naval, or air forces, or by an agent of any such government, power, authority, or forces; or (II) Other peril, of a type not listed above, if such other peril is customarily covered by insurance (or by a reserve for self-insurance) in accordance with the normal practice of the Contractor,

or the prevailing practice in the industry in which the Contractor is engaged with respect to similar property in the same general locale.

The perils as set forth in (A) and (B) above are hereinafter called "excepted perils."

The term "Contractor's managerial personnel" as used herein means the contractor's directors, officers and such of its managers, superintendents, or other equivalent representatives who have supervision or direction of (I) all or substantially all of the contractor's business; (II) all or substantially all of the contractor's operation at any one plant or separate location at which the contract is being performed; (III) a separate and complete major construction, alteration or repair operation in connection with the performance of this contract.

(ii) The Contractor represents that it is not including in the price hereunder, and agrees that it will not hereafter include in any price to the Government, any charge or reserve for insurance (including self-insurance funds or reserves) covering loss or destruction of/or damage to the Government-furnished property caused by any excepted peril.

(iii) Upon the happening of loss or destruction of or damage to any Government-furnished property caused by an excepted peril, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has directed that no such organization be employed), shall take all reasonable steps to protect the Government-furnished property from further damage, separate the damaged and undamaged Government-furnished property, put all the Government-furnished property in the best possible order, and furnish to the Contracting Officer a statement of: (A) the lost, destroyed and damaged Government-furnished property, (B) the time and origin of the loss, destruction or damage, (C) all known interests in commingled property of which the Government-furnished property is a part, and (D) the insurance, if any, covering any part of or interest in such commingled property. The Contractor shall be reimbursed for the expenditures made by it in performing its obligations under this subparagraph (iii) (including charges made to the Contractor by the Loss and Salvage Organization, except any of such charges the payment of which the Government has, at its option, assumed directly), to the extent approved by the Contracting Officer and set forth in a Supplemental Agreement.

(iv) With the approval of the Contracting Officer after loss or destruction of or damage to Government-furnished property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government-furnished property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(v) Except to the extent of any loss or destruction of or damage to Government-furnished property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government-furnished property in accordance with the provisions of this contract, the Government-furnished property (other than property permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (e) above.

(vi) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government-furnished property, caused by an excepted peril, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(vii) [Where applicable.] In the event any aircraft are to be furnished under this contract, any loss or destruction of, or damage to, such aircraft or other Government-furnished property occurring in connection with operations of said aircraft will be governed by the clause of this contract captioned "Flight Risks," to the extent such clause is, by its terms, applicable.

(g) The Government shall at all reasonable times have access to the premises wherein any Government-furnished property is located.

(h) Upon the completion of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government-furnished property not consumed in the performance of this contract (including any resulting scrap), or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government-furnished property, as may be directed or authorized by the Contracting Officer. Recoverable scrap from Government-furnished property shall be reported in accordance with a procedure and in such form as the Contracting Officer may direct. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the Contracting Officer may direct.

(i) Directions of the Contracting Officer and communications of the Contractor issued pursuant to this clause shall be in writing.

§ 602.551 *Government property clause for cost-reimbursement type construction contracts.* The following clause will be used in cost-reimbursement type contracts, for construction, alteration or repair of buildings, bridges, roads or other kinds of real property under which the Army Establishment is to furnish to the contractor, material, special tooling, or such industrial facilities as is authorized under § 412.402 (b) of this title.

GOVERNMENT PROPERTY

(a) The Government shall deliver to the contractor the property described in the schedule or the specifications at the times stated therein, or if not so stated, in sufficient time to enable the Contractor to perform this contract. If any of such property is not delivered to the Contractor by such time or times, the Contracting Officer, upon written request of the Contractor, shall equitably adjust the time of completion of this contract. In no event shall the Government be liable to the Contractor for damages or loss of profit by reason of any delay in or failure to deliver any or all of the items set forth in the schedule or specifications.

(b) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, at cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs. All the items to be furnished by the Government, as set forth in Schedule or Specifications, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government Property."

(c) Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor shall maintain adequate property control records of the Government property and shall identify the Government property as such in accordance with the provisions of the "Manual on the Control of Government Property in the Possession of Contractors" dated March 1951, which is incorporated herein by reference.

(d) The Government property provided or furnished pursuant to the terms of this contract shall, unless otherwise provided herein, be used only for the performance of this contract.

(e) The Contractor shall maintain and administer, in accordance with sound construction practice, a program for the maintenance, repair, protection and preservation of Government property, so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of Government property.

(f) (i) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto) (A) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who has supervision or direction of (I) all or substantially all of the Contractor's business, or (II) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (III) a separate and complete major construction, alteration or repair operation in connection with the performance of this contract; or (B) which results from a failure on the part of the contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (A) above, to maintain and administer, in accordance with sound construction practice, the program for maintenance, repair, protection and preservation of Government property as required by paragraph (e) hereof, or reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (e) hereof; or (C) for which the Contractor is otherwise responsible under the express terms of the clause(s) ---- of this contract, or of the clause or clauses designated in the Schedule; or (D) which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or (E) which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement; provided that, if more than one of the above exceptions shall be applicable in any case, the contractor's liability under any one exception shall not be limited by any other exception.

(ii) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of, loss of, or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(iii) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has designated that no such organization be employed), shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of (A) the lost, destroyed and damaged Government property, (B) the time and origin of the loss, destruction or damages (C) all known interests in commingled property of which the Government property is a part, and (D) the insurance, if any, covering any part of or interest in such commingled property. The contractor shall make repairs and renovations of the damaged Government property or take such other action, as the Contracting Officer directs.

(iv) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, it shall use the proceeds to repair, renovate or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

For use where applicable:

(v) In the event any aircraft are to be furnished under this contract, any loss or destruction of, or damage to, such aircraft or other Government property occurring in connection with operations of said aircraft will be governed by the clause of this contract captioned "Flight Risks," to the extent such clause is, by its terms, applicable.

(g) The Government shall at all reasonable times have access to the premises where any of the Government property is located.

(h) The Government property shall remain in the possession of the Contractor for such period of time as is required for the performance of this contract unless the Contracting Officer determines that the interests of the Government require removal of such property. In such case the Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of Government property. In any such instance, the contract may be amended to accomplish an equitable adjustment in the terms and provisions thereof.

(i) Upon the completion of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form acceptable to him, inventory schedules covering all items of the Government property not consumed in the performance of this contract (including any resulting scrap), or not theretofore delivered to the Government, and shall deliver or make such other disposal of the Government property as may be directed by the Contracting Officer. Recoverable scrap shall be reported in accordance with a procedure and in such form as the Contracting Officer may direct. The net proceeds of any such disposal approved by the Contracting Officer shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct.

(j) Directions of the Contracting Officer and communications of the Contractor issued pursuant to this clause shall be in writing.

§ 602.552 *Contractor-furnished special tooling clause for fixed-price construction contracts.* The following clause shall be used in fixed-price contract, for construction, alteration or repair of buildings, bridges, roads, or other kinds of real property under which the Contractor furnishes special tooling, under the conditions set forth in § 412.301 (b) (1), of this title, but is not for use in contracts in which special tooling is called for as a separate item in the Schedule. (*See* § 412.302 (a) of this title.)

CONTRACTOR-FURNISHED SPECIAL TOOLING

(a) The term "special tooling" as used in this clause, includes all jigs, dies, fixtures, molds, patterns, special taps, special gauges, special test equipment, and other special articles of equipment and construction aids acquired or manufactured by the Contractor for use in the performance of this contract, and replacements thereof, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the construction, alteration or repair work called for by this contract, as are peculiar to the needs of the Government. The term does not include: (i) items of tooling or equipment heretofore acquired by the contractor, or replacements thereof, whether or not altered or adapted for use in the performance of this contract; (ii) items of tooling or equipment which are usable in construction, alteration or repair work which is not peculiar to the needs of the Government, or (iii) general or special machine tools or similar capital items.

(b) The Contractor agrees not to use items of special tooling except in the performance of this contract, or except as otherwise provided by the clause, without prior written approval of the Contracting Officer. The Contractor may, with the approval of the Contracting Officer, use the special tooling in the performance of other contracts with the Government, or subcontracts under Government contracts, provided that the Contractor agrees not to include in the prices for any such contracts or subcontracts, involving the use of such special tooling, the cost of such tooling or any allowance or charge to cover depreciation or amortization which has previously been charged against this contract.

(c) As and when any substantial portion of usable special tooling is no longer needed by the contractor for the performance of this contract, and of other Government contracts and subcontracts as to which approval has been obtained under paragraph (b) above, the contractor shall promptly notify the Contracting Officer thereof, and shall furnish to the Contracting Officer a list of the structures, parts of structures, and uses for which such special tooling was designed. Upon completion or termination of all work under this contract, or of this contract and other Government contracts and subcontracts as to which approval has been obtained under paragraph (b) above, the Contractor shall furnish a final list in the same form covering all items not previously reported under this paragraph. Special tooling which has become obsolete as a result of changes in design or specification need not be reported, except as provided for in paragraph (d).

(d) In the event of any changes in design or specifications which affect interchangeability of parts, the Contractor shall, unless otherwise agreed to by the Contracting Officer, give the Contracting Officer notice of any part which is not interchangeable with the new or superseding part and the usable special tooling for each part covered in such notice shall be retained by the contractor subject to the provisions of paragraph (i), pending disposition under paragraph (f).

(e) At the time it furnished any list or notice under (c) or (d) above, the Contractor may designate those items of special tooling (either specifically or by listing the particular construction, alteration or repair work for which such items were used or designed) which it desires to retain, together with a written offer: (i) to retain any or all of such items, free and clear of any Government interest, for an amount designated therein, which should ordinarily not be less than the then fair value of such items (which fair value takes into account, among other things, the value of such items to the contractor for use in further work by it); or (ii) to retain any or all such items for such period of time and subject to such terms and conditions as may be agreed to by the parties hereto, subject to ultimate retention or disposition of such items in accordance with paragraph (f) hereof.

(f) Within 90 days after receipt of any list or notice under paragraph (c) or (d) hereof, or such further period as may be agreed upon by the parties, the Contracting Officer shall furnish to the Contractor: (i) a list specifying the particular structure, parts of structures, or the construction, alteration or repair work performed under the contract for which the Government may require special tooling, together with a request that the Contractor transfer title and deliver to the Government all usable items of special tooling which were used or designed for the construction, alteration or repair of any designated portion of such structure, parts of structures or other construction work and which were on hand when construction of such structures, parts of structures or other construction work ceased; or (ii) an acceptance or rejection of any offer made by the Contractor under paragraph (e) above, or a request for further negotiation with respect thereto; or (iii) subject to the provisions of paragraph (j) hereof, a direction to the contractor to sell, or to dispose of as scrap, for the account of the Government, any or all of the special tooling covered by such list; or (iv) a statement with respect to any or all of the special tooling covered by such list that the Government has no further interest therein and waives its rights therein; or (v) any combination of the foregoing, as the circumstances warrant. The Contractor shall promptly comply with any request by the Contracting Officer under this paragraph to transfer title to any items of special tooling, and shall, subject to the provisions of paragraph (j) hereof, (1) immediately prepare such items for shipment by proper packaging, packing, and marking, in accordance with any instructions which may be issued by the Contracting Officer, and shall promptly de-

liver such items to the Government, as directed by the Contracting Officer, or (2) if a storage agreement has been entered into, prepare such items for storage in accordance therewith, as directed by the Contracting Officer. Any items of special tooling so delivered or stored shall be accompanied by such operation sheets or other appropriate data as are necessary to show the construction operation or processes for which such items were used or designed. If the Contracting Officer has requested further negotiations under (ii) of this paragraph, the contractor agrees that it will enter into such negotiations in good faith with the Contracting Officer. Any items of special tooling which are not disposed of by transfer of title and delivery to the Government under this paragraph, or by acceptance of an offer of the contractor made under paragraph (e), or of such offer as modified in the course of negotiations, shall be disposed of in the manner set forth in (iii) or (iv) of this paragraph.

(g) If the Contracting Officer accepts an offer of the Contractor to retain any items of special tooling, or if any such items are sold to third parties or disposed of as scrap, the net proceeds shall: (i) be deducted from the amounts due to the Contractor under this contract and the contract amended accordingly; or (ii) be otherwise paid as the Contracting Officer may direct.

(h) The Contractor agrees that it will follow its normal construction practice in maintaining property control records on all the special tooling, and that it will make such records available for inspection by the Government at all reasonable times. The Contractor further agrees that, to the extent practicable, it will identify by appropriate stamp, tag or other mark all special tooling subject to this clause.

(i) The Contractor agrees that between the date any usable items of special tooling are no longer needed by it, within the meaning of this clause, and the date of final disposition of such items under this clause, it will take all reasonable steps necessary to maintain the identity and existing condition of such items, unless the Contracting Officer has directed that such items be disposed of as scrap or has given notice under (f) (iii). The Contractor shall not be required to keep any such items in place.

(j) Any preparation of items for shipment required of the Contractor under paragraph (f) of this clause, or any disposal as scrap under paragraph (f) (iii), or any action required of the Contractor under paragraph (i), shall be taken pursuant to written instructions of the Contracting Officer, which shall (i) provide for an equitable adjustment of the contract price to cover any additional cost, to the Contractor, not taken into account in the negotiation of this contract, of complying with such instructions, which adjustment shall be made in accordance with the proceedure set forth in the clause of this contract entitled "Changes," or (ii) otherwise provide for payment to the Contractor of any such additional cost. Any failure of the Contracting Officer to issue the Contractor specific disposition instructions shall be construed as an instruction to the Contractor to take the action required under paragraph (i) with provision for equitable adjustment or payment as provided for above.

The following paragraph relating to subcontracts shall be used in cases where the Contracting Officer deems the use of such paragraph to be necessary in order to protect the Government's interest in special tooling which may be acquired under such subcontracts:

(k) The Contractor agrees that, in placing any subcontracts or purchase orders under this contract which involve the use of special tooling, the full cost of which is charged to such subcontract or purchase order, it will include therein appropriate provisions to obtain rights comparable to those granted to the Government by this clause, and agrees that it will exercise such rights for the benefit of the Government, as the Contracting Officer may direct.

In appropriate cases, the following alternative clause relating to subcontracts may be used:

(k) The Contractor agrees that, in placing any subcontracts or purchase orders under this contract which involve the use of special tooling, the full cost of which is charged to such subcontract or purchase, it will to the extent consistent with its normal business practice include appropriate provisions therein to obtain rights comparable to those granted to the Government by this clause, and agrees that it will exercise such rights for the benefit of the Government, as the Contracting Officer may direct.

§ 602.553 *Government-furnished property (short form).* Where Government-furnished property is involved, the following short form of clause will be used:

(a) In the case of fixed-price contracts, when the amount of the contract is not in excess of $1,000; or

(b) In the case of construction, alterations, or repair of buildings, bridges, roads, or other kinds of real property and appurtenances when the value of the property (estimated, if not known) to be furnished is not in excess of $1,000.

GOVERNMENT-FURNISHED PROPERTY

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property which the schedule or specifications state the Government will furnish (hereinafter referred to as "Government-furnished property").

(b) Title to the Government-furnished property shall remain in the Government. The Contractor shall maintain adequate property control records of Government-furnished property in accordance with the provisions of ASPR—Appendix B "Manual for the Control of Government Property in the Possession of Contractors" dated March 1951.

(c) Except for reasonable wear and tear, depreciation or the utilization of the Government-furnished property in connection with the contract, the contractor shall be liable for any loss or destruction of or damage to such property and shall return any unused residue thereof to the Government.

SUBPART O—SALE OF PROPERTY

§ 602.1501 *Sales of materials and special items.* Heads of Procuring Activities are authorized to approve the sale to employees, both Contractor and governmental, engaged in military production or construction, any uniforms, safety clothing and equipment, plant protective clothing, and other special articles necessary in the production or operation of national defense industries or establishments. Contracts for such sales will be made under the authority cited in § 606.401 of this subchapter; and will comply with the requirements of §§ 606.416, 606.417 and 606.418 of this subchapter, and regulations approved by the Secretary of Defense, dated 17 July 1951.

§ 602.1502 *Exchange or sale of personal property and application of proceeds to purchase of similar items.* This section prescribes rules under which the Army Establishment may exchange or sell similar items and apply the exchange allowance or proceeds of sale in whole or in part payment for the property acquired.

§ 602.1502–1 *Scope.* Exchange of personal property by the Army Establishment and the application of the exchange allowance or proceeds of sale of personal property in the acquisition of personal property by the Army Establishment under section 201 (c), Federal Property and Administrative Services Act of 1949 (63 Stat. 378; 41 U. S. C. 231 (c)), shall be made only in accordance with the provisions of this section.

§ 602.1502–2 *General authorization.* Subject to the provisions of this section, Heads of Procuring Activities are hereby authorized, in acquiring personal property within the United States or elsewhere, to exchange or sell similar items and apply the exchange allowance or the proceeds of sale in such cases, in whole or in part payment for the property acquired. Any transactions carried out under this authorization shall be evidenced in writing.

§ 602.1502–3 *Restrictions and limitations.* (a) This section authorizes the application of exchange allowances or proceeds of sale in whole or part payment for personal property acquired only when—

(1) The items sold or exchanged are similar to the items acquired (see paragraph (b) of this section for clarification of the word "similar");

(2) The items acquired are to be used (whether or not intended for additional uses) in the performance of all or substantially all of the tasks or operations in which the items exchanged or sold would otherwise be used, but the items acquired need not be the same in number nor used in the same location as the items sold or exchanged: *Provided*, That the limitation prescribed in this section shall not apply with respect to parts or containers: *And provided further*, That detailed cross-identification between old and new items will not be required in the absence of specific requirements of law, but in the absence of such cross-identification, there shall be furnished to the General Accounting Office sufficient accounting data to establish that the items acquired were similar to the items exchanged or sold, that any exchange allowances or proceeds of sale applied in whole or part payment of property acquired were in fact available for such application, and that the transaction was otherwise in accordance with the provisions of this subpart; and

(3) There has been at the time of transfer or sale an administrative determination to apply the exchange allowance or proceeds of sale in acquiring property in accordance with this section, which determination shall support each schedule of collections covering such proceeds of sale.

(b) Items shall be deemed "similar" for the purpose of this section when—

(1) They are substantially alike in all material aspects and characteristics, excluding, however, condition, year model, size or capacity, and manufacturer; or

(2) The Head of a Procuring Activity or his representative duly authorized for the purpose, finds in writing that they resemble each other in most materials aspects and characteristics and are adaptable to the same or comparable uses, which finding shall support each purchase document covering property acquired pursuant thereto; or

(3) They constitute parts of or for assembled items, or containers for items, which items are similar within the meaning of paragraph (b) (1) or (b) (2) of this section.

(c) This section shall not be construed to authorize—

(1) The acquisition of personal property by a procuring activity when such acquisition is not otherwise authorized by law;

(2) The acquisition of personal property by a procuring activity in contravention of (i) any restriction upon the procurement of a commodity or commodities, or (ii) any replacement policy or standard, prescribed by the President or by the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 (P. L. 152, 81st Congress) (63 Stat. 378, 41 U. S. C. 231).

(3) The purchase or acquisition of personal property otherwise than under a consolidated purchasing or stores program or Federal Supply Schedule contract where procurement under such program or contract is required by regulations or other directives prescribed by the Administrator: *Provided*, That a procuring activity acquiring an item or items under and in accordance with such program or contract may sell or exchange similar items and apply the exchange allowance or proceeds of sale as provided in this section; or

(4) The sale, transfer, or exchange of excess or surplus property in connection with the purchase or acquisition of personal property; *Provided*, That a procuring activity obtaining items of excess or surplus property as authorized by law may thereafter exchange or sell such items and apply the exchange allowance or proceeds of sales in accordance with this section.

§ 602.1502–4 *Sale.* (a) Heads of Procuring Activities are encouraged to utilize the services of property disposal officers with respect to the sale of oroperty as authorized in paragraph 36, AR 755–5 (Disposition of Excess and Surplus Personal Property Other Than Foreign Excess Personal Property).

(b) Disposition of proceeds of sales will be in accordance with paragraph 52b, SR 755–5–2 (Surplus Personal Property).

§ 602.1502–5 *Books and periodicals.* Notwithstanding any other provisions of this section procuring activities may exchange, without monetary appraisal or detailed listing or reporting, books and periodicals in their libraries not needed for permanent use for other books and periodicals.

§ 602.1503 *Sales, gifts, and loan of drawings and certain other property.* (a) The Heads of Procuring Activities are authorized to sell, give, or lend drawings, manufacturing and other information, and samples of supplies and equipment to be manufactured or furnished, to Contractors and private firms which are or may likely be manufacturers or furnishers of supplies and equipment for the use of the Army, Navy, or Air Force under approved production plans, whenever they determine that such action is necessary in the interest of national defense: *Provided, however*, That no sale or gift of such items shall be made if the item is to be the subject of recurring procurement, and would be suitable for the purpose for which purchased by the Government, and not obsolete, after serving as a sample, pattern, or guide to a manufacturer or supplier.

(b) The Heads of Procuring Activities, or their authorized representatives, are authorized in connection with Off-Shore Procurement, to sell, give, or lend drawings, manufacturing and other information, and samples of supplies and equipment to be manufactured or furnished, to foreign suppliers who are or may likely be manufacturers or furnishers of supplies and equipment, for the use of the Army, Navy, or Air Force under approved Off-Shore Procurement programs, whenever they determine that such action is necessary in the interest of national defense.

(c) Such drawings, manufacturing and other information, and samples of supplies and equipment to be manufactured or furnished shall be sold, given, or loaned by appropriate written agreement, reciting the above determination, pursuant to the act of 27 July 1937, as amended (50 Stat. 535; 10 U. S. C. 1192a).

(d) The foregoing determination and requirement for a written agreement will not be mandatory in the case of Invitations for Bids and Requests for Proposals. Drawings, specifications and data furnished need not be returned unless otherwise directed by Contracting Officer.

(1) The determination to request the return of such specifications, drawings or any other data furnished the Contracting Officer should take into consideration the following factors:

(i) The current or probable future need of the Government for the items.

(ii) The residual value of such items.

(iii) Administrative and other expenses incident to handling and storage of such items.

(iv) The probable cost of reproduction of such items in event of future procurement.

(2) Classified material as a general rule will be required to be returned regardless of the criteria as established in this section.

SUBPART P—RESEARCH AND DEVELOPMENT

§ 602.1601 *Loan of equipment.* Government property acquired for research and development may be loaned to private industrial firms and educational institutions for use in privately financed research and development programs, if such programs are of interest to the Government, and the results of the research will be furnished the Government without cost to the Government. Any such loan should be reflected in a written agreement setting forth the terms of the loan, and the benefits to be derived by the Government.

SUBPART Q—IMPLEMENTATION OF MANUAL FOR CONTROL OF GOVERNMENT PROPERTY IN POSSESSION OF CONTRACTORS

§ 602.1700 *Scope of subpart.* This subpart is devoted to the implementation of the "Manual for Control of Government Property in Possession of Contractors" (Appendix B, Part 413, of this title). The term Manual as hereinafter referred to in this subpart means the "Manual of Control of Government Property in Possession of Contractors." The number in parenthesis after each section indicates the number of the paragraph in the Manual which is being implemented. [101.]

§ 602.1701 *Definitions.* [104.]

§ 602.1701–50 *Custodial records.* Custodial records are written memorandums of any description or type used for the purpose of accounting for items issued to plant employees from tool cribs, toolrooms, stockrooms, etc., such as requisitions, issue slips, receipts, tool receipts, tool checks, stock record books, etc. [304.1 (c).]

§ 602.1703 *Designation of Property Administrator.* Property Administrators serve in the capacity of an authorized representative of the Contracting Officer, and will be designated in accordance with §§ 590.451 and 590.452 of this subchapter. Post, camp, or station supply officers designated property administrators as an additional duty should be familiar with the industrial property control procedure and must be able to devote the time necessary to industrial property matters as part of the Contracting Officers Staff. The Contract Administrator will not perform the duties of the Property Administrator without prior approval of the Head of the Procuring Activity. [202 (a).]

§ 602.1704 *Sources from which Government property may be furnished or acquired.* [205.]

§ 602.1704–1 *Military installations or other contractors' plants.* Property may also be acquired by an operating Contractor as a result of new facility construction by other Contractors under construction contracts with the Department of the Army. [205.1.]

§ 602.1705 *General.* (a) The authority to authorize exceptions is delegated to Heads of Procuring Activities with power of redelegation to the chiefs of field purchasing offices, the acting chiefs of field purchasing offices, or alternates for the chiefs of field purchasing offices, selected personally by Heads of Procuring Activities. Class or group exceptions are not authorized. Each exception must relate to a specific contract; specific invitation for bids, or specific request for proposals, and be covered by a suitable change in the contract clause. [301 (a).]

(b) In connection with the approval of the Contractors' control records and procedures the Contract Administrator will require that all documents or types of documents run in one or more unbroken series and that all unused or destroyed numbers are accounted for or that equivalent controls exist which will

assure that all documents pertinent to any single contract are considered in the property record of that contract. [301 (b).]

(c) Accounting for identical items of plant equipment valued at $500 or less on individual stock record cards or historical record forms in accordance with paragraph 304.3 of the Manual is not required. Individual item accounting is not required for identical items of furniture, office, medical, and cafeteria equipment, regardless of price. [301 (g).]

(d) Departmental deviations:

(1) Property shipped out for repair with no parts or material furnished and/or no significant scrap resulting therefrom, may be accounted for as a suspense item in the Military Property Account from which shipped. Accounting for property under Appendix B, Part 413 of this title, is not required of Contractors covering property shipped out for repair under § 596.150–5 of this subchapter.

(2) (i) Parts or materials furnished to a Contractor on a contract under § 596.150–5 of this subchapter (other than time and material contracts) will be considered as expended at the time of shipment from military accounts, provided such shipments are made only on the basis of specific job requirements. Shipping documents will be used as credit vouchers to the military accounts and will show the name of the officer administering the contract and the contract number in the consignee space. Copies of such documents will be furnished the officer administering the contract. Determination of the amount of any item to constitute a "specific job requirement" and what quantities should be furnished in any single shipment, will be the responsibility of the Contracting Officer.

(ii) The Contracting Officer will establish such controls as he determines expedient, considering the value of such expended items, to insure the proper consumption of the articles furnished. Any residual quantities of Government-furnished parts and materials will be returned to stock. Any consequential scrap shall be handled under appropriate disposal procedures. The Contracting Officer shall maintain in the contract file such record of actions taken as is considered by him to be necessary to protect the interests of the Government.

(3) When a purchase order or contract does not exceed $5,000, jigs, patterns, fixtures, gages, and other manufacturing aids which are furnished to a Contractor from stocks to aid in the performance of work may, at the option of the Contracting Officer, be accounted for as a suspense item in the Military Account from which shipped, provided that the total cost thereof does not exceed $1,000. Accounting for such property under Appendix B, part 413 of this title, is not required. [301 (h).]

(e) Individual item accounting is required for those items which are included in a standard departmental registration numbering system as indicated in § 602.1711–1 (a) (2), regardless of price. [301 (i).]

NOTE. This section is also applicable to 207.1, Appendix C.

§ 602.1706 *Records to be maintained by Government personnel.* [303.]

§ 602.1706–1 *Records of specific contracts where property is involved.* (a) Where the Government maintains property control records, the Property Administrator will maintain such of the records mentioned in paragraph 304 of the Manual, as may be required to maintain effective property control. [303.1.]

(b) The Contracting Officer will require that the Contractor furnish the historical record or other acceptable receipt for contract-or-acquired Government industrial facilities with his claim for reimbursement. If the contract does not contain the records clause prescribed in § 406.203–7 of this title, the historical record or receipts required for the Property Administrator will be in addition to and separate from those required to be attached as supporting documents to the original copy of the public voucher. The receipts will be transmitted to the Property Administrator by the Contracting Officer after his certification of the voucher for payment. [303.1 (c).]

NOTE: Paragraph (b) of this section permits the auditor to verify the Contractor's receipts, prior to submission to the Contracting Officer.

§ 602.1707 *Records to be maintained by the Contractor.*

§ 602.1707–1 *Records of plant equipment.* The form of property records to be maintained for plant equipment shall be prescribed by the respective technical service, giving due consideration to the provisions of SR 715–5–25. In addition to the exceptions provided for in subparagraphs (a) and (b) of the Manual, the following exception also is applicable:

Records of plant equipment priced at $500 or under with the exception provided for in § 602.1705 (g). Items of plant equipment of identical nomenclature and operating performance for which individual item accounting is not required may be recorded on a single record. In the event such items of property listed on a single record have serial numbers and/or manufacturer's number, these numbers will be listed on the appropriate record or on a single supporting list. [304.3.]

§ 602.1708 *Numbering property accounts.* Property account serial numbers specified in paragraph 15b, AR 35–6520, need not be obtained from Army commanders for accounts established under contracts to which appendix B or C of Part 413 of this title, are applicable, but rather the property account will be identified by the contract number and the appropriate regional office of the Army Audit Agency will be advised as specified in § 606.206–8 (c) of this subchapter. For the purposes of paragraph 401.1 of the Manual, the digits which designate the army, technical service, and procurement center in the property identification number specified in paragraphs (a) and (b) of this section will be accepted.

(a) *Technical service code.* The two-digit technical service code symbol established in paragraph 5n, SR 715–5–25, will designate the owning technical service. The two-digit code symbol is as follows:

DEPARTMENT OF THE ARMY

Field Force elements	00
Ordnance Corps	01
Quartermaster Corps	02
Corps of Engineers	03
Transportation Corps	04
Signal Corps	05
Chemical Corps	06
Army Medical Service	07

(b) A two-digit procurement center code symbol established for each of the procurement centers or installations having nation-wide procurement responsibilities within the technical service will designate the center having jurisdiction over the item. For example, the Ordnance Ammunition Center may be designated "01" and the Ordnance Tank Automotive Center may be designated "02," etc. In the case of Corps of Engineers' construction activities, division engineer offices may be designated as procurement centers and assigned procurement center code symbols in accordance with this procedure. [305.]

§ 602.1709 *Contractor's responsibility and liability.* [402.]

§ 602.1709–1 *Contractor liability.* No separate file of letters of advice will be maintained for the property auditors although copies of such letters when questions are raised by auditors may be furnished upon request. Channels through which such letters are reviewed by audit personnel lie within the scope of audit instructions. If such letters, however, are submitted to the Chief, Army Audit Agency, for review and he concludes that further action is desirable, he will so state in writing to the chief of the technical service concerned. Upon review of the above communication, the head of the technical service will initiate such further action as he considers is warranted by the facts. In all cases, he will advise the regional auditor as to the decision reached. [402.2 (e).]

§ 602.1709–2 *Shipment and receipt of Government-furnished property.* (a) It shall be considered adequate for property control purposes and within the scope of the Manual for operating contractors to acknowledge receipt for new facilities constructed under separate construction contracts direct with construction contractors on OCE Form 290, if accompanied with supporting documents. The above shall be considered as a shipment and receipt of Government property under this section.

(b) In the absence of a transportation officer or agent, the Property Administrator must initiate and follow to conclusion necessary action with respect to any discrepancies incident to the shipment or receipt of property made on a Government B/L or on a commercial B/L for conversion to Government B L at destination. For appointment of transportation officer or agent see paragraph 3, AR 55–105. (Transportation by commercial means.) [402.3]

§ 602.1710 *Reports and inspection.* (a) The Property Administrator shall secure from the Contractor (at such intervals and at times appropriate to the particular contract concerned, as determined by the Contract Administrator) reports showing the Contractor's program for the maintenance, repair, protection and preservation of Government Property in the possession of the Contractor and also showing the extent to which the Contractor is following and adhering to said program. Where the Contractor has a well-established maintenance and protection schedule for his own equipment, and such schedule is approved by the Property Administrator, the requirements of this section shall be deemed met by a written statement to the effect that Government Property will receive the same treatment as that received by the Contractor's own equipment.

(b) The Property Administrator shall conduct periodic inspections of the physical condition of such property to determine the adequacy of the Contractor's performance of the scheduled program. He shall report promptly in writing to the Contract Administrator any noncompliance by the Contractor with the requirement that he shall properly care for Government Property. [201.]

§ 602.1711 *Identification of Government property.* Effective immediately, procurement center code symbols will be assigned and all Government property acquired hereafter for Department of the Army account for Contractor use will be identified as prescribed in this section. This identification shall be accomplished prior to delivery as part of the purchase agreement, by the Contractor, or by the procuring service, as applicable. Government property on hand or on order will be identified as prescribed in this section when the equipment is prepared for storage, reactivated, or at any other convenient occasion.

§ 602.1711–1 *Identification marking of Government property.* (a) The identification marking of Government property will be physically affixed to the item in accordance with paragraph 401 of the Manual. The identification markings shall consist of the following as may be applicable for the particular item being identified:

(1) *United States ownership. "U. S."* This identification symbol is applicable to all Government property except as may be exempted in accordance with paragraph 401.1 of the Manual. The letters "U. S." will be permanently affixed to the item to indicate Government ownership. For those items not requiring a registration number or United States Government tag number, the owning technical service code symbol, as prescribed in § 602.1708a, will be permanently affixed immediately following the letters "U. S.", for example, "US–01," etc.

(2) *Registration number.* This number is applicable to those items included within a standard military registration numbering system such as motor vehicles (§ 602.450 (a)), materials handling equipment, railroad equipment, and any other applicable items. For these items, application for a registration number will be made to the appropriate technical service. Assigned registration numbers will be physically affixed to the item in accordance with applicable instructions.

(3) *Government tag number.* This number is applicable to those items for which individual item accounting is required as stipulated in §§ 602.1705 (g) and 602.1707–1, except those items having a registration number as prescribed in subparagraph (2) of this paragraph. This number shall be the Government property identification number assigned in accordance with paragraph 401.1 (c) of the Manual, which is as follows for the Department of the Army:

(i) The first part shall be the letters "U. S." to indicate Government ownership as prescribed in subparagraph (1) of this paragraph.

(ii) The second part shall consist of the code symbols which designate the technical service and procurement center involved. The two-digit code which indicates technical service ownership is given in § 602.1708 (a). The two-digit code which indicates procurement center jurisdiction is given in § 602.1708 (b).

(iii) The third part shall consist of a six-digit serial number. The assignment of serial numbers shall be in numerical sequence beginning with 000,001. Each procurement center having a code symbol as prescribed in § 602.1708 (b) will be assigned six digits beginning with 000,001 or a total of 999,999 numbers for property control purposes.

(4) *Standard commodity classification code.* This code number is applicable to metalworking machinery (SCC codes 3411 through 3419 and 3441 through 3449) included in or subject to inclusion in the Department of Defense publication "The Directory of Metalworking Machinery." This identification marking shall be the expanded 10-digit Standard Commodity Classification Code prescribed in paragraph 5a, SR 715–5–25.

(b) Based upon the above identification marking system, a vertical milling machine purchased from Government funds for production of medium tanks on a procurement program assigned to the Ordnance Tank Automotive Center could have the following identification marking:

US–01–02–000,001
SCC–3417–23–40–42

[401 and 307]

SUBPART R—AUDIT OF INDUSTRIAL PROPERTY RECORDS

§ 602.1801 *Responsibility for audits.*

§ 602.1801–1 *Continental United States.* Within the continental United States, and for contracts administered from the continental United States, the Army Audit Agency, operating as a functional activity of the Comptroller of the Army, is charged with the operational performance of audits of industrial property accounts.

§ 602.1801–2 *Overseas.* Commanders of major oversea commands or similar areas are responsible for the operational performance of audits of industrial property accounts of contracts administered by their commands. The performance of these audits will be through audit agencies established within their commands and in accordance with basic techniques prescribed by the Army Audit Agency.

§ 602.1802 *Purpose of audits.* The purpose of audits of industrial property accounts is to determine and report to those responsible for contract administration and to all echelons of command, whether accounting for and disposition of Government property has been accomplished in accordance with applicable regulations, whether the controls being exercised are adequate and, where the need exists, to make appropriate recommendations for the improvement of controls or the corrections of deficiencies.

§ 602.1803 *Performance of audits.*

§ 602.1803–1 *Frequency.* Audits normally will be performed on an annual basis. Special or more frequent audits may be performed at the discretion of the regional auditor concerned or as directed by the Chief, Army Audit Agency. Requests by installations for special or more frequent audits will be submitted through the Head of the Procuring Activity to the regional auditor. Initial audits normally will be made as soon as practicable after inception of contract activity.

§ 602.1803–2 *Scope of audit.* Selective audit principles will be employed in the performance of audits. A selective audit reflects the overall condition of the account and the adequacy of the accounting controls.

§ 602.1804 *Reports of audits.* The report of audit is a Government administrative report for the information of all echelons of command and operations concerned with contract administration. The report of audit will not be transmitted to the Contractor, but information necessary to form the basis for corrective action may be discussed with or extracted and transmitted to the Contractor by the Contracting Officer, or his authorized representative.

§ 602.1804–1 *Distribution and action on reports.* (a) Distribution of reports will be made as follows:

(1) The original and one copy will be forwarded to the installation commander responsible for the administration of the contract or contracts. When more than one contract is included in an audit report the original will be filed with the contract property control records of the first contract shown on the schedules attached to the report and an entry will be made in the property control records of all other contracts covered by the audit showing the report of audit number, date, period covered, and the contract number under which the report of audit is filed. The copy of the report of audit will be retained at the installation headquarters for administrative use.

(2) One copy will be furnished the Head of the Procuring Activity administering the contract for information, for followup action where required, and for retention in command headquarters. Coordination will be effected by the Head

of the Procuring Activity with other interested services, where necessary.

(b) Upon receipt of a Report of Audit the installation commander will report within 15 days to the Head of the Procuring Activity the action taken or contemplated and target date for completion with respect to any deficiencies or recommendations contained in the Report of Audit. Information copy of this report will be forwarded to the regional auditor by the installation commander.

(c) The Head of the Procuring Activity will review the report of audit and the corrective action reported by the installation commander to determine the propriety and sufficiency of corrective action taken and will notify the regional auditor when any deficiencies reported have been adjusted. If adjustment of deficiencies will be delayed more than 90 days he will furnish the regional auditor an interim advice of progress being made in connection therewith.

§ 602.1804–2 *Clearance of deficiencies.* After verification at account level, deficiencies listed on reports of audit will be cleared by appropriate entry in a subsequent report of audit, or by issuance of supplemental reports of audit which will be given the same distribution as the original reports.

§ 602.1805 *Accounts not in condition for audit.* Accounts will be reported not in condition for audit when audit is found to be impracticable due to missing or incomplete records or an abnormal number of errors.

§ 602.1805–1 *Distribution of reports.* Reports of accounts not in condition for audit will be distributed in the manner prescribed for reports of audit in § 602.1804–1 (a), except that the Chief, Army Audit Agency, will furnish a copy to The Inspector General.

§ 602.1805–2 *Action.* (a) Upon receipt of a report of an account not in condition for audit, the installation commander will immediately take forceful action necessary to have the records placed in an acceptable condition for audit. He will advise the Head of the Procuring Activity within 15 days of the action taken and the probable date of completion.

(b) The Head of the Procuring Activity will review the report of account not in condition for audit and the installation commander's report of corrective action to determine any further action necessary and will advise the regional auditor promptly of the action being taken and the probable date the account will be in condition for audit. In the event corrective action is not completed within 90 days from the date account is reported not in condition for audit, the regional auditor will be advised every 90 days of the progress toward correction until the account is found to be in an acceptable condition for audit.

(c) If the circumstances are such as to justify a waiver of accounting requirements the case will be prepared and submitted in accordance with SR 735–275–15 (Deviations and waivers of industrial contract property accounting requirements).

Part 603—Inspection and Acceptance

Sec.

603.000 Scope of part.

Subpart A—Inspection

603.101 General.
603.102 Responsibility for inspection.
603.102–1 Inspection interchange agreements.
603.103 Inspection requirements.
603.105 Contract clauses.

Subpart B—Acceptance

603.200 General.
603.202 Acceptance of supplies or services not conforming with contract requirements.
603.250 Marking and shipping.
603.251 Joint procedures.
603.252 Rejections.

§ 603.000 *Scope of part.* This part deals with requirements for the inspection and acceptance of supplies and services procured by the technical services and all other authorized procuring activities of the Army Establishment.

SUBPART A—INSPECTION

§ 603.101 *General.* All supplies and services procured by the Army Establishment (including those manufactured in the plants owned and operated by it) shall be inspected and accepted in accordance with the procedures set forth in this Part and in SR 715–20–1 (Procurement Inspection Policies). Supplies and Services shall be inspected and tested by or under the supervision of an inspector representing the Government unless otherwise expressly provided in the contract. All military procurement inspection at a plant shall be conducted by a single military inspection activity unless such single service inspection is determined to be impracticable.

§ 603.102 *Responsibility for inspection.* (a) In instances where inspection is to be performed at destination, arrangements normally will be made to have the receiving activity perform the necessary inspection.

(b) Ports of embarkation will not be required to perform procurement inspection of a technical nature for other activities on supplies received in transit for oversea shipment.

(c) Perishable subsistence destined for oversea shipment will be inspected for condition and quantity at ports of embarkation. The Transportation Corps will call on the Quartermaster Corps to make such arrangements as may be necessary to provide the technical inspection required. Brand name items purchased for authorized resale normally will be inspected and accepted at destination.

(d) Inspection at ports of embarkation of supplies destined for overseas shipment will be accomplished by Contracting Officers or their designated representatives on the basis of tally sheets evidencing receipt of shipment signed by port transportation officers or other designated officials at trans-shipment points.

§ 603.102–1 *Inspection interchange agreements.* In arranging for inspection, consideration will be given to the utilization of the inspection services of other Government agencies. Agreements on the following procedural matter will be included in all interchanges of inspection responsibilities:

(a) Inspection procedures.
(b) Reporting of shipments.
(c) Accomplishment of paper work, including production status reports.
(d) Processing of shipping documents.
(e) Agency to furnish inspection gages, measuring instruments, and laboratory facilities; the location of such facilities as well as the expected delivery date of inspection gages and measuring instruments, if such devices are required.

§ 603.103 *Inspection requirements.* Inspection shall be conducted in accordance with (a) provision of the contract, (b) subchapter A of this title, (c) subchapter G of this title, (d) SR 715–20–1, and (e) instructions issued by the Procuring Activity. Requirements for acceptance, inspection, testing, or other provisions of any contract are not waived by inclusion of items on Qualified Products Lists.

§ 603.105 *Contract clauses.* The contract clauses required for use in connection with inspection and acceptance are set forth in Part 406 of this title.

SUBPART B—ACCEPTANCE

§ 603.200 *General.* Acceptance will be made as promptly as practicable after delivery; however, interests of the Government shall be given primary consideration in this connection. When the contract provides for inspection at source and it has been determined to be in the best interests of the Government to ship prior to inspection, such shipment may be made if the Contractor agrees to bear the costs which may be incurred as a result of a rejection upon completion of the required inspection.

§ 603.202 *Acceptance of supplies or services not conforming with contract requirements.* Each Procuring Activity will clearly define the extent to which its subdivisions are authorized to approve deviations from contract requirements. Such approvals should be made at levels which will provide the utmost rapidity of decision consistent with the best interests of the Government. Where desirable, for reasons of urgency, practicality, or economy, supplies or services which fail to meet all contract requirements may be accepted under special circumstances, subject to equitable adjustments pricewise or otherwise provided for by the contract and which are in the best interests of the Government.

§ 603.250 *Marking and shipping.* (a) At the time supplies are finally accepted by the inspector, Department of Defense stamps will be used as necessary to show evidence of acceptance.

(b) Each Procuring Activity will prepare and distribute to their inspection organizations detailed instructions covering proper handling of shipments at Government expense, Government bills-of-lading, parcel post shipments, shipment by Government-owned transportation, emergency shipments, guarding of shipments containing classified supplies and services, shipments at Contractor's expense, and all other necessary instruction.

§ 603.251 *Joint procedures.* All inspection of supplies and services by Army procuring activities will be consistent with approved standards promulgated by the Department of Defense.

§ 603.252 *Rejections.* (a) Notification of rejections will be given the Contractor and will include the reasons for rejection, and if deemed advisable, any suggestions that might help him in correcting the cause of rejection.

(b) Suitable methods of properly identifying rejected material will be established by the procuring activity and will be employed by inspectors in order to eliminate any possibility of the Contractor's resubmitting rejected supplies on which the deficiencies have not been corrected. Such methods also will include provisions for tagging, marking, or isolating provisionally rejected supplies until accepted or finally rejected.

(c) Each Procuring Activity will clearly define the extent to which its subdivisions are authorized to suspend work on contracts involving the use of Government-furnished property when it appears that considerable spoilage will result. The technical service will prescribe in detail the channels for reporting such conditions. In each case, the Contractor shall be notified in writing to suspend any work on the item which includes or follows the operation responsible for the defect until the dispute is resolved by higher authority.

Part 604—Contract Cost Principles

See Part 414 of this title.

Part 605—Procurement Forms

Sec.

605.000 Scope of part.
605.001 Temporary format of part.
605.004 Forms for formally advertised construction contracts exceeding $10,000.
605.004–3 Instructions for use.
605.004–4 Reproduction of forms.
605.005 Negotiated contract form (DD Forms 351, 351–1, and 351–2).
605.005–1 Conditions for use.
605.006 Negotiated contract form for stevedoring services (DD Form 674).
605.007 Negotiated utility service contract forms.
605.007–1 Short form of utility service contract (DD Form 671).
605.008 Order and voucher for purchase of supplies and services (DD Form 738).
605.009 Master contract for repair and alteration of vessels (DD Form 731).

Subpart O—General Policy (Temporary)

605.1501 Applicability.
605.1502 Contract clauses.
605.1502–1 Incorporation by reference of general provisions (Standard Form 32).
605.1503 Deviations from approved forms.
605.1504 Procuring activity contract forms.
605.1505 Statutory authority.
605.1506 Supply of forms.
605.1506–1 Forms stocked by adjutant general publications depots.
605.1506–2 Forms not stocked by adjutant general publications depots.
605.1506–3 Reproducible masters.
605.1506–4 Preprinted backs.

Subpart P—Additional Approved Contract Forms (Temporary)

Sec.

605.1600 Scope of subpart.
605.1601 Applicability.
605.1602 Long form supply contract.
605.1602–1 Formal advertising (Standard Forms 26, 30, 31, 32, and 1036).
605.1602–2 Negotiated (DD Forms 351, 351–1, and 351–2).
605.1603 Short form supply contract.
605.1603–1 Formal advertising (Standard Forms 33, 32, and 1036).
605.1603–2 Order and voucher for purchase of supplies and services (DD Form 738).
605.1603–3 Order for purchase of supplies or services (DD Form 702).
605.1604 Construction and related contracts.
605.1604–1 Formally advertised construction contracts.
605.1604–2 Engineer construction contract forms.
605.1605 Lease agreement; Government-owned personal property.
605.1606 Letter contract.
605.1606–1 Cost type.
605.1606–2 Fixed price type.
605.1607 Service contracts.
605.1607–1 Negotiated utility service contract (Short Form) (DD Form 671).
605.1607–2 Negotiated utility service contract (Long Form).
605.1607–3 Contract for academic instruction (DA Form 357).
605.1607–4 Order form to contract for academic instruction (DA Form 358).
605.1607–5 Master contract for repair and alteration of vessels (DD Form 731).
605.1607–6 Negotiated contract form for stevedoring services (DD Form 674).
605.1607–7 Contract for off-duty academic instruction (DA Form 588).
605.1607–8 Order form to contract for off-duty academic instruction (DA Form 589).
605.1608 Other forms pertaining to contracts.
605.1608–1 General provisions: cost reimbursement supply contract (DD Form 748).
605.1608–2 Security requirements check list (DD Form 254).
605.1608–3 Abstract of bids.
605.1608–4 Standard forms of bonds for Government contracts.
605.1608–5 Security agreement (DD Form 441).
605.1609 Miscellaneous contracts.
605.1609–1 Contract of sale of property (negotiated sale).

§ 605.000 *Scope of part.* This part sets forth instructions for the use of approved contract forms, Standard Department of Defense, and Department of the Army, which are prescribed for use within the Army Establishment. Although most forms used in procurement appear either in Part 415 of this title or this part, some forms appear in the part covering the subject to which they are related. For example, Part 407 of this title and Part 597 of this subchapter—Termination of Contracts list forms used in connection with termination of contracts. Another example is the coverage of DD Form 448 (Military Interdepartmental Purchase Request) Part 403 of this title and Part 593 of this subchapter—Coordinated Procurement.

§ 605.001 *Temporary format of part.* This part follows the temporary format used in Subchapter A of this title, where applicable. In addition, a temporary Subpart O—General Policy and a temporary Subpart P—Additional Approved Contract Forms of this part are added.

§ 605.004 *Forms for formally-advertised construction contracts exceeding $10,000.* Section 415.004 of this title prescribes forms for mandatory use in formally advertised construction contracts exceeding $10,000. Because the prescribed forms include labor provisions required to be inserted in construction contracts by Part 411 of this title, use of the forms is recommended in formally advertised construction contracts in amounts in excess of $2,000 up to and including $10,000. For related forms, see § 605.1604.

§ 605.004–3 *Instructions for use.* (a) The use of additional contract provisions consistent with those contained in the standard forms is authorized; and, where required elsewhere in Subchapter A of this title or this subchapter, the use of such additional provisions is mandatory. Changes or additional provisions inconsistent with those contained in the standard forms shall be incorporated when required by any other part of Subchapter A of this title or this subchapter, and may be incorporated when authorized on an optional basis by any other part of Subchapter A of this title or this subchapter. In the event that a change or additional provision inconsistent with those contained in the standard forms is neither required nor authorized by any other part of Subchapter A of this title or this subchapter, request for authority to make such change or incorporate such additional provision in any construction contract to be let pursuant to formal advertisement shall be submitted for approval to the Office of the Assistant Chief of Staff, G–4, Department of the Army, Washington 25, D. C., Attn: Chief, Purchases Branch. If approval is granted, a copy of the change or additional provision so approved shall be forwarded by the approving authority to the General Services Administration.

(b) Standard Form 23 (Construction Contract) and Standard Form 23A (General Provisions) also may be utilized for negotiated lump-sum construction contracts.

§ 605.004–4 *Reproduction of forms.* Die-impressed stencils of Standard Forms 20 and 21 are stocked in adjutant general publications depots. To distinguish requisitions for stencils from cut sheet forms, include the word "stencil" in parentheses. For example: Standard Form 21 (Stencil).

§ 605.005 *Negotiated contract form (DD Forms 351, 351–1, and 351–2).*

§ 605.005–1 *Conditions for use.* (a) The form shall be used in conjunction with Standard Form 32 (General Provisions) or such provisions as may be authorized for incorporation in particular classes of contracts. Standard Form 36 (Continuation Sheet) may be used to provide additional space if DD Form 351–1 (Schedule Page) is not sufficient. As to incorporation by reference of

Standard Form 32 (General Provisions), see § 605.1502–1.

(b) Authority is granted in effecting procurement outside the United States, its Territories and possessions, to deviate from the following forms to the extent indicated:

(1) Negotiated Contract (Signature Page)—DD Form 351–2. Delete from the form:

"The Contractor represents that the aggregate number of employees of the Contractor and its affiliates is ☐ 500 or more, ☐ less than 500."

(2) General Provisions—Standard Form 32. Same deviations as prescribed in § 605.1602–1 (e) (2).

§ 605.006 *Negotiated contract form for stevedoring services (DD Form 674).* The text of DD Form 674 (Contract for Stevedoring Services), 1 November 1952, is published in Transportation Corps Procurement Instructions. Since the form will not be printed and stocked, local reproduction is authorized, as required. It is necessary only for those Contracting Officers who have occasion to execute contracts for stevedoring services to be in possession of the text of DD Form 674.

§ 605.007 *Negotiated Utility service contract forms.*

§ 605.007–1 *Short form of utility service contract (DD Form 671).*

(a) Instructions for use of this form are published in SR 420–470–2. (Utility service contracts.)

(b) Multiple Service Locations Clause and Connection Charge Clause are authorized also for use in connection with this short form. See § 605.1607–2.

(c) Authority is granted in effecting procurement outside the United States, its Territories and possessions, to deviate from this form to the extent indicated:

(1) Paragraph 7—Convict Labor: Delete paragraph.

(2) Paragraph 8—Nondiscrimination in employment: Delete paragraph. See § 596.050 (b) (1) (iv) of this subchapter.

(3) Paragraph 9—Disputes: Substitute "Disputes" clause prescribed in § 596.103–12 (c) of this subchapter.

§ 605.008 *Order and voucher for purchase of supplies and services (DD Form 738).* Authority is granted in effecting procurement outside the United States, its Territories and possessions, to deviate from DD Form 738 to the extent indicated:

(a) Clause 1—Disputes: Substitute "Disputes" clause prescribed in § 596.103–12 (c) of this subchapter.

(b) Clause 2—Convict Labor: Delete clause.

(c) Clause 3—Nondiscrimination in Employment: Delete clause. See § 596.050 (b) (1) (iv) of this subchapter.

§ 605.009 *Master contract for repair and alteration of vessels (DD Form 731)*—(a) *Applicability.* DD Form 731 is prescribed for use in ConUS for contracting for the repair and alteration of vessels and other floating equipment, except for minor repairs accomplished while the vessel remains in the possession of the Government.

(b) *Conditions for use.* (1) Provisions of this subchapter such as those that are applicable to approval of awards, pre-award surveys, procurement action reporting, advertising, and authority to negotiate apply to the placement of individual job orders rather than to the master contract itself.

(2) The provisions of DD Form 731 relating to Government property do not conform to Part 412 of this title. Job orders placed under DD Form 731 contracts are exempt from the requirements of Part 412 and Appendix B of Part 413 of this title. However, provisions not in conflict with DD Form 731 may be included in individual job orders making Government property furnished under such job orders subject to specific requirements of Appendix B of Part 413 of this title.

(3) Clause 3 (b) of DD Form 731 is in substance a provision for the placement of letter contracts for vessel repair work. Accordingly, all orders placed under Clause 3 (b) are subject to the provisions of subchapter A, chapter IV and this subchapter relating to letter contracts.

(4) For all contracts entered into by the Department of the Army on DD Form 731, all of Clause 8, paragraph (e), will be deleted except the last sentence.

(5) Clause 23 of DD Form 731 entitled "Walsh-Healey Public Contracts Act" is not applicable to contracts for the repair and alteration of vessels entered into by the Army. The Davis-Bacon Act is not applicable to contracts for the repair or alteration of vessels when the work is placed through competitive bidding and the place of performance is not known at the time when bids are invited or to job orders of $2,000 or less in amount. The following additional clause shall be included in all contracts entered into by the Army on DD Form 731:

Clause 39. Alteration in Contract.

The following alterations have been made in the provisions of this contract:

(a) Clause entitled "Walsh-Healey Public Contracts Act, is deleted.

(b) In each case where the Davis-Bacon Act is applicable to a job order issued under this contract, such job order will have attached thereto, and will incorporate by reference, the standard Davis-Bacon clause prescribed by the Armed Services Procurement Regulation together with the schedule of wage determinations made by the Secretary of Labor for the work covered by such job order.

(6) Contracts entered into on DD Form 731 will be numbered in accordance with § 606.203–4 of this subchapter. Each job order issued under such contracts shall contain a reference to the number of the master contract under which it is issued.

SUBPART O—GENERAL POLICY (TEMPORARY)

§ 605.1501 *Applicability.* See § 596.050 of this subchapter. Use of procurement forms is governed by subchapter A, Chapter IV of this title, this subchapter, Army Procurement Circulars, or such other special regulations or directives as may be indicated for the particular contract concerned.

§ 605.1502 *Contract clauses*—(a) *Incorporation by reference.* Some contract clauses, which are to be included when a particular contract form is used, are not set forth in the form but are incorporated by reference to sections of subchapter A, Chapter IV or this subchapter.

(b) *Modification.* Some of the short contract forms contain shorter or modified versions of contract clauses. In such cases, the use of the shorter or modified versions is authorized notwithstanding the provisions of this subchapter.

§ 605.1502–1 *Incorporation by reference of general provisions (U. S. Standard Form 32).* To facilitate bidding by prospective bidders on formally advertised invitations for bids and requests for proposals, and to eliminate unnecessary distribution of Standard Form 32 (General Provisions (Supply Contract)) and other general provisions normally incorporated into the contracts entered into by the particular purchasing office, Heads of Procuring Activities may authorize the incorporation by reference of Standard Form 32 and such other general provisions as are determined to be desirable and appropriate in invitations for bids and requests for proposals in accordance with the procedure outlined below:

(a) The Standard Form 32 and additional general provisions as determined appropriate may be combined in a single booklet. Such booklet must be identified as Standard Supply Contract Provisions and show the agency responsible for its issuance, the effective date, and the date of latest revision as it is revised from time to time. The provisions of Standard Form 32 incorporated in the booklet must be properly identified as such and printed as a unit. As an alternative, copies of Standard Form 32 may be requisitioned and bound with or attached to additional general provisions authorized by the Head of the Procuring Activity.

(b) The word "attached" will be deleted from the face sheet of Invitations for Bids and Requests for Proposals, and the attached schedule or continuation sheet will contain a statement to the effect that "Standard Contract Provisions (properly identified by title and date), receipt of a copy of which is acknowledged by the bidder, are incorporated herein and made a part hereof with such deletions, additions, and amendments, if any, as are set forth below." Copies of the "Standard Supply Contract Provisions" will not be distributed to all prospective bidders on the agency's mailing list. Instead, one copy will be furnished to each prospective bidder each time such bidder is invited to bid on a particular procurement.

(c) Appropriate steps will be taken to insure proper distribution of the general provisions to all Government agencies and activities concerned with the performance and payment of contracts to which the provisions apply. Once such distribution has been made, no additional copies need be furnished to such agencies and activities, unless specifically requested, until such time as the general provisions are revised.

(d) This procedure is proper for use in formally advertised contracts, requests for proposals, negotiated contracts, and purchase orders.

(e) General provisions developed or approved by the Head of a Procuring Activity may be modified from time to time to increase or limit their scope as determined to be necessary or desirable provided that the requirements of this section are met and provided that any modifications do not deviate from the policies set forth in subchapter A, chapter IV and this subchapter.

§ 605.1503 *Deviations from approved forms*—(a) *General.* Deviations in format, size, or contents of approved forms are prohibited except as authorized by subchapter A, chapter IV of this title or this subchapter unless prior written approval is obtained in each case from the Chief, Purchases Branch, Office of the Assistant Chief of Staff, G–4, Department of the Army.

(b) *Local reproduction.* The fact that authority may have been previously granted for local reproduction, or for procurement of reproducible masters, of certain approved forms does not of itself authorize deviations in the format or size. Separate authority for such deviations is necessary. However, approval of The Adjutant General for the first procurement of a reproducible master will suffice for subsequent procurements of the same master until otherwise notified by The Adjutant General.

(c) *Translations.* To facilitate procurement in foreign countries, authority is granted to reproduce a translation of any form. Either a bilingual form may be utilized, or the translation may be printed as a separate form. When the foreign language translation is printed as a separate form, it will be attached to its corresponding approved form. In either instance both the foreign language translation and the approved English text will contain a statement that in the event of a disagreement in the text of the English and foreign translations, the English text will govern.

§ 605.1504 *Procuring activity contract forms.* Some Procuring Activity forms previously have been approved for particular use by the Chief, Purchases Branch, Office of the Assistant Chief of Staff, G–4, Department of the Army. Because of their special nature, the forms are excluded from the provisions of §§ 605.1501 and 596.050 of this subchapter. Procuring Activities may continue to use such forms provided the forms are not inconsistent with policies of subchapter A, chapter IV of this title or this subchapter. See § 596.050 of this subchapter.

§ 605.1505 *Statutory authority.* During the period of national emergency, negotiation of contracts will be accomplished in accordance with § 402.201 of this title and § 592.201 of this subchapter. The contract document will cite as authority Section 2 (c) (1) of the Armed Services Procurement Act of 1947 and Presidential Proclamation 2914. See § 592.201–2 (a) of this subchapter. When a printed contract form citing some other authority is used to prepare a contract, the outdated authority will be lined out and the correct citation substituted therefor.

§ 605.1506 *Supply of forms.* Quantities of forms requisitioned or procured by using installations will be limited to provide for minimum stocks consistent with economical procurement, necessary to meet current requirements.

§ 605.1506–1 *Forms stocked by adjutant general publications depots.* Unless otherwise stated, the procurement forms listed in this subchapter are procured by The Adjutant General and are stocked in adjutant general publications depots. Requisitions for forms will be submitted through normal publications supply channels. Most procurement forms are printed either as cut sheet forms or as multiple part manifold forms.

(a) *Cut sheet forms.* An example of a cut sheet is Standard Form 30 (Invitation and Bid) which is printed on tissue paper. This weight of paper permits preparation of an original and nine carbon copies at a time. Another example is Standard Form 32 (General Provisions), which also is printed as a cut sheet. In this case, however, because no typing is required and because the form is printed on both sides of the paper, a heavier weight paper is used.

(b) *Multiple part manifold forms.* An example of a multiple part is DD Form 738 (Order and Voucher for Purchase of Supplies or Services). This form is an eight-part, carbon interleaved, manifold form of snap out construction. The first part is the original; each of the other parts is a memorandum copy of the original.

§ 605.1506–2 *Forms not stocked by adjutant general publications depots.* Certain forms of limited application are the responsibility of the principal using service or of an agency having primary interest. For example, DD Form 674 (Contractor for Stevedoring Services) is the responsibility of the Transportation Corps. The form is neither procured nor stocked by The Adjutant General. In this case, the Transportation Corps has printed and distributed the text of the form, authorizing local reproduction as required. See also § 605.1504.

§ 605.1506–3 *Reproducible masters*—(a) *General.* The Adjutant General generally will not stock reproducible masters for procurement forms. He may, however, authorize local procurement of reproducible masters where the Head of a Procuring Activity has approved their use.

(b) *Excessive duplication and distribution of contractual documents prohibited.* It is the policy of the Department of the Army that the number of copies of contractual documents for any particular procurement be kept to a minimum. Copies will be limited to those required for essential administration and transmission of contractual information. Excessive duplication and distribution is prohibited.

(c) *When required.* Some installations may be unable to utilize the multiple part forms or may require more than 10 copies, including the original, of cut sheet forms. Where authorized in such cases, reproducible masters (hectograph, stencil, offset) may be utilized to produce multiple copies.

(d) *Requests and justification.* Except where otherwise provided in this subchapter, requests for the use and local procurement of reproducible masters will be submitted by letter to the Head of the Procuring Activity concerned. Requests will include the proposed distribution list of the form together with the number of copies required for each addressee. The requesting installation must justify the requirement for each copy. The requesting installation will state also the number of procurements for which the form is used in a particular period.

(e) *Approval of requests.* (1) Normally, blanket approval for the use of reproducible masters should not be given. Preferably, requests should be approved on an installation basis. When the Head of the Procuring Activity concerned is satisfied that the requirements of this section have been met, he may approve the use of reproducible masters. However, such approvals must be forwarded to The Adjutant General, Department of the Army, Attn: Chief, Publication Branch for authority for local procurement of reproducible masters in compliance with AR 310–40 (Forms).

(2) Exceptions to the procedure stated in subparagraph (1) of this paragraph are approvals of requests for reproducible masters of DD Forms 738 and 738–1. Requests will be forwarded by the Head of the Procuring Activity to The Adjutant General, Department of the Army, Attn: Chief, Publications Branch, Through: Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch. Generally, requests will be disapproved because the form is used mainly for purchases of $1,000 or less. The purpose of small purchase procedures is to achieve minor procurement with a minimum of administrative time and effort. For the bulk of small purchases, adequate distribution is provided by the multiple part forms. However, unusual local circumstances may require reproducible masters. If in such cases it would be advantageous to the Government, approval may be granted.

(f) *Use.* The Contracting Officer at installations authorized to procure and use reproducible masters will insure that such masters do not deviate from the approved format. See APP § 605.1503 (b). He will be responsible also for their use in accordance with the provisions of this section.

(g) *Quantities procured.* Factors considered by Contracting Officers in determining quantities of reproducible masters to be procured will include: (1) Current operational needs and (2) economical procurement. As a guide, installation stocks normally should not exceed a 6-month supply level.

§ 605.1506–4 *Preprinted backs.* The terms and conditions of the Invitation for Bids which appear as the back of Standard Forms 30 and 33 are identical and have been printed as one standard back. The standards back will be used as runoff paper when reproducing multiple copies of the face of the forms from

reproducible masters. Supplies of the standard backs are available from adjutant general publications depots.

SUBPART P—ADDITIONAL APPROVED CONTRACT FORMS (TEMPORARY)

§ 605.1600 *Scope of subpart*—(a) *General.* This subpart lists and sets forth instructions for additional approved contract forms. The forms listed herein formerly appeared in Subpart E, Part 596 of this subchapter.

(b) *Changes of content.* From time to time Subchapter A, Chapter IV of this title will incorporate Standard Forms listed in this subpart or will announce new forms which replace existing DA Forms. In such cases, instructions pertaining to the forms will be deleted from these sections.

§ 605.1601 *Applicability.* See §§ 596.-050 of this subchapter and 605.1501.

§ 605.1602 *Long form supply contract.*

§ 605.1602–1 *Formal advertising (Standard Forms 26, 30, 31, 32 and 1036).* (a) This form of contract consists of Standard Form 26 (Award), Standard Form 30 (Invitation and Bid), Standard Form 31 (Schedule), and Standard Form 32 (General Provisions). Standard Form 36 (Continuation Sheet) will be used to provide additional space if Standard Form 26 (Award) does not provide sufficient space. Standard Form 1036 (Statement and Certificate of Award) is also required to be executed in connection with formally advertised contracts. (See §§ 591.405 (c) (3), 591.406.5 (a) and 591.450 (d) of this subchapter.) As to incorporation by reference of Standard Form 32 (General Provisions), see 605.1502–1.

(b) The decision as to the use of the long form method or the short form method (§ 605.1603–1) for particular procurements is discretionary with the Contracting Officer subject to such limiting instructions as may be issued by the Head of the Procuring Activity concerned. Heads of Procuring Activities should standardize as much as possible, where practicable, on the use of either the long form method or the short form method. See in this connection § 605.1506–4 as to the separate form of preprinted back of Standard Form 30.

(c) The statement of availability of funds and citation of the appropriation allotment will be inserted in the "Accounting and Appropriation Data" block of Standard Form 31. Invitations for bids which will result in indefinite quantity contracts will contain a statement in the "Accounting and Appropriation Data" block to the effect that certification of availability of funds will be made on delivery orders issued under the contract.

(d) General provisions, in addition to those contained in Standard Form 32 (General Provisions), may be added to the contract as required by Subchapter A, Chapter IV of this title, this subchapter, and directives, with appropriate reference in the Schedule. Any other contract clauses that are approved for use may be added as additional general provisions and incorporated by reference in the Schedule, or may be placed in the Schedule, provided they are not inconsistent with the General Provisions in the Form.

(e) Authority is granted in effecting procurement outside the United States, its Territories and possessions, to deviate from the following forms to the extent indicated:

(1) *Invitation and bid (Standard Form 30).* (i) Delete from face side of form:

That the aggregate number of employees of the bidder and its affiliates is: ☐ 500 or more, ☐ less than 500.

(ii) Insert on face side of form (see § 590.201–9 (b) of this subchapter):

That he is a ☐ regular dealer in, ☐ manufacturer of, the supplies bid upon ☐ intermediary.

(iii) Delete from reverse side of form (see § 596.050 (b) (1) (iv) of this subchapter):

Paragraph 2 of Terms and Conditions—Labor Information.

(2) *General Provisions (Standard Form 32).* (i) Paragraph 10—Federal, State and Local Taxes: Substitute for this paragraph the alternate tax clause prescribed by § 600.401 (b) of this subchapter. See § 596.050 (b) (1) (ii) of this subchapter.

(ii) Paragraph 12—Disputes: Substitute "disputes" clause prescribed by § 596.103–12 (c) of this subchapter.

(iii) Paragraph 14—Buy American Act: Delete paragraph. See § 596.050 (b) (1) (iii) of this subchapter.

(iv) Paragraph 15—Convict Labor: Delete paragraph.

(v) Paragraph 16—Eight-Hour Law of 1912: Delete paragraph. See § 596.050 (b) (1) (iv) of this subchapter.

(vi) Paragraph 17—Walsh-Healey Public Contracts Act: Delete paragraph. See § 596–050 (b) (1) (iv) of this subchapter.

(vii) Paragraph 18—Nondiscrimination in Employment: Delete paragraph. See § 596–050 (b) (1) (iv) of this subchapter.

§ 605.1602–2 *Negotiated (DD Forms 351, 351–1, and 351–2).* See § 415.005 of this title and 605.005.

§ 605.1603 *Short form supply contract.*

§ 605.1603–1 *Formal advertising (Standard Forms 33, 32, and 1036).* (a) This form of contract consists of Standard Form 33 (Invitation, Bid, and Award) and Standard Form 32 (General Provisions). Standard Form 36 (Continuation Sheet) will be used to provide additional space if the award portion of Standard Form 33 is not sufficient. Standard Form 1036 (Statement and Certificate of Award) also is required to be executed in connection with formally advertised contracts. See §§ 591.405 (c) (3), 591.406–5 (a) and 591.450 (d) of this subchapter. As to the incorporation by reference of Standard Form 32 (General Provisions), see § 605.1502–1.

(b) As to the use of this short form method, see § 605.1602–1 (b). See also in this connection § 605.1506–4 as to the separate form of preprinted back of Standard Form 33.

(c) As to statement of availability of funds and citation of the appropriation allotment, see § 605.1602–1 (c).

(d) As to the insertion of additional general provisions, see § 605.1602–1 (d).

(e) Authority is granted in effecting procurement outside the United States, its Territories and possessions, to deviate from the following forms to the extent indicated:

(1) *Invitation, bid, and award (Standard Form 33).* (i) Delete from face side of form:

That the aggregate number of employees of the bidder and its affiliates is ☐ 500 or more, ☐ less than 500.

(ii) Insert on face side of form (see § 590.201–9 (b) of this subchapter):

That he is a ☐ regular dealer in, ☐ manufacturer of, the supplies bid upon ☐ intermediary.

(iii) Delete from reverse side of form (see § 596.050 (b) (1) (iv) of this subchapter):

Paragraph 2 of Terms and Conditions—Labor Information.

(2) *General Provisions (Standard Form 32).* Same deviations as prescribed in § 605.1602–1 (e) (2).

§ 605.1603–2 *Order and voucher for purchase of supplies and services (DD Form 738).* See §§ 415.008 of this title and 592.650 of this subchapter.

§ 605.1603–3 *Order for purchase of supplies or services (DD Form 702).* See § 415.003 of this title.

§ 605.1604 *Construction and related contracts.*

§ 605.1604–1 *Formally advertised construction contracts.* (See §§ 415.004 of this title and 605.004.)

§ 605.1604–2 *Engineer construction contract forms.* The Corps of Engineers is the principal user of the forms listed in this section. The forms bear Engineer form numbers and are authorized for local reproduction.

(a) Cost-Plus-a-Fixed-Fee Construction Contract (T–ENG 5665).

(b) Cost-Plus-a-Fixed-Fee Architect-Engineer Contract with Optional Supervision (T–ENG 5709).

(c) Lump Sum Contract for Architect-Engineer Services with Optional Supervision (T–ENG 077).

(d) Cost-Plus-a-Fixed-Fee Architect-Engineer - Construction Management Services Contract (T–ENG 5710).

(e) Unit Price Schedule (ENG 1618): This form is prescribed for use in the procurement of construction by formal advertising and will be attached to the bid form when required by the invitation for bids. In reproducing this form the Bureau of the Budget approval notation in the upper right corner should be omitted.

(f) Plant and Equipment Schedule (ENG 1619): This form is prescribed for use in the procurement of construction by formal advertising and will be attached to the bid form when required by the invitation for bids. In reproducing this form the Bureau of the Budget approval notation in the upper right corner should be omitted.

§ 605.1605. *Lease agreement: Government-owned personal property.* (a) Authority is granted in effecting procurement outside the United States, its Territories and possessions, to deviate from the form to the extent indicated: Paragraph 17—Disputes—on page 3 of the form: Substitute "disputes" clause prescribed in § 596.103–12 (c) of this subchapter.

(b) Sample of Form [See § 606.204–2 of this subchapter and AR 700–301. (Lease of Personal Property belonging to the United States under control of the Secretary of the Army).

Contract No. ____

LEASE AGREEMENT—GOVERNMENT-OWNED PERSONAL PROPERTY

DEPARTMENT OF THE ARMY

Lessee and address _____

Equipment to be used in connection with project located at _____

PAYMENT

To be made to _____
United States Army, at _____

This lease is authorized by the following laws:

Public Law 364—80th Congress

GOVERNMENT-OWNED PERSONAL PROPERTY LEASE AGREEMENT

This lease agreement, entered into this ____ day of _____ 19__ by and between the United States of America, hereinafter called the Government, represented by the Contracting Officer executing this agreement, and _____[1] a corporation organized and existing under the laws of the State of _____[1] a joint venture consisting of _____[1] a partnership consisting of _____[1] an individual trading as _____ of the City of _____ in the State of _____, hereinafter called the Lessee, Witnesseth That,

1. The Government hereby leases to the Lessee the personal property listed in Schedule A, attached hereto and made a part hereof. This property is owned by the Government and it is now located at _____ Schedule A may be supplemented from time to time whenever property is added to or withdrawn from the scope of this lease. Each such supplement shall be signed on behalf of the Lessee and the Government.

2. Upon notification by the Contracting Officer that the property is ready for delivery, the Lessee agrees to receive the same without delay at the present location thereof, in its present condition, as is, without any warranty, express or implied, on the part of the Government as to condition or serviceability.

3. The term of this lease shall commence on the ____ day of _____ 19__, and shall continue from that date to the ____ day of _____, unless sooner terminated in accordance with the provisions hereof. The term of this lease may be extended by mutual consent from time to time, *provided*, that in no event shall said term including any extensions thereto run for more than three years from the effective date hereof.

4. This lease may be terminated by the Government by giving ____ days' written notice at any time subsequent to the effective date of this lease. The Lessee may terminate this lease by returning the property listed in Schedule A to the Government at _____ or such other place as may be designated by the Contracting Officer.

5. The Lessee shall pay rental during the term of this lease at the rate prescribed in Schedule A. The rental accrued at the end of any calendar month shall be paid to the Government on or before the 10th day of the following month. Upon the expiration or termination of this lease and in the event that the Government shall direct that the property be returned to a place other than _____ the Lessee shall not be obligated to pay rental for any greater period of time than would be required to return said property to _____.

6. The Lessee at its own expense will maintain the property in good condition and repair and make all necessary replacements of components and parts during the term of this lease. All fuel and lubricants will be furnished by the Lessee. The Lessee will make no changes or alterations in the property except with the consent of Contracting Officer.

7. The Lessee shall not mortgage, pledge, assign, transfer, sublet or part with the possession of any of the property in any manner to any third party either directly or indirectly, except that this provision shall not preclude the Lessee from permitting the use of the property by a third party with the prior written approval of the Contracting Officer; and the Lessee shall not do or suffer anything whereby any of the property shall or may be seized, taken in execution, attached, destroyed, or injured.

8. The property shall be returned to the Government upon the expiration or termination of the lease in as good condition as when delivered to Lessee, reasonable wear and tear excepted. If in the opinion of the Contracting Officer, the Lessee shall have failed to comply with the requirements of the lease in this respect, the Lessee shall pay to the Government as damages the amount necessary to place the property in as good condition as when delivered to Lessee, reasonable wear and tear excepted, or if it is determined by the Contracting Officer that such property cannot be placed in such condition. Lessee shall pay the Government an amount equivalent to the value of such property as stipulated in Schedule A, less the sum of the amount determined by the Contracting Officer to represent reasonable wear and tear, and the scrap value of such property.

9. Between the time of delivery of the property to the Lessee and the time of its return to the Government as provided for in this lease, the Lessee shall be solely responsible for any loss, damage or destruction of said property, irrespective of whether such loss, damage or destruction results from the failure of the Lessee to exercise reasonable care. Such responsibility shall be measured by the value of the property as set forth in Schedule A, less the amount determined by the Contracting Officer to represent reasonable wear and tear for the period during which said property was used. The Lessee shall take all necessary steps to protect the interest of the Government in said property and the Contracting Officer may require the Lessee, at its own expense, to take such specific measures, including but not limited to the procurement of insurance, as may be necessary to protect said interest.

10. Upon the expiration or termination of this lease the Lessee agrees to return the property set forth in Schedule A to the Government at _____ or such other place as the Contracting Officer may designate. The Lessee agrees to reimburse the Government immediately, upon presentation of a statement thereof, for all packing, and handling costs incurred by the Government in the performance of this lease. The Lessee further agrees to pay all other necessary packing, handling, and transportation charges, *provided*, that the Lessee's responsibility for return transportation charges shall not exceed the amount required to return said property to the point of delivery above stated.

11. The property is rented without operators. Any operator deemed incompetent by the Contracting Officer shall be removed from the property.

12. Upon request of the Lessee, the Contracting Officer shall furnish without charge, copies of such drawings, specifications or instructions as the Lessee may require for the operation or repair of the property and as may in the discretion of the Contracting Officer be reasonably available.

13. The Government shall not be responsible for damages to property of the Lessee or property of others, or for personal injuries to the Lessee's officers, agents, servants, or employees, or to other persons, arising from or incident to the use of the property herein leased, and the Lessee shall save the Government harmless from any and all such claims: *Provided*, That nothing contained in this Clause 13 shall be deemed to affect any liability of the Government to its own employees.

14. At all times the Contracting Officer shall have access to the job site whereon any of the property is situated, for the purposes of inspecting or inventorying the same, or for the purpose of removing the same in the event of the termination of this lease.

15. Officials not to benefit: No member or delegate to Congress, or resident commissioner, shall be admitted to any share of part of the contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract, if made with a corporation for its general benefit.

16. Covenant against contingent fees: The Lessee warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Lessee for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this lease without liability or in its discretion to require the Lessee to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

17. Disputes: Except as otherwise provided in this lease, any dispute concerning a question of fact arising under this lease which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Lessee. Within 30 days from the date of receipt of such copy, the Lessee may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Secretary, and the decision of the Secretary or his duly authorized representative for the hearing of such appeal shall be final and conclusive: *Provided*, That, if no such appeal is taken, the decision of the Contracting Officer shall be final and conclusive. In connection with any appeal proceeding under this clause, the Lessee shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Lessee shall proceed diligently with the performance of the lease and in accordance with the Contracting Officer's decision.

18. Adjustment of rentals—State or local taxation: Except as may be otherwise provided, the rental rates established in this lease do not include any State or local tax on the property herein leased. If and to the extent that such property is hereafter made taxable by State and local governments by Act of Congress, then in such event the rental rates of this lease shall be equitably adjusted.

[1] Delete all lines which do not apply.

19. All notices to either of the parties to this lease shall be sufficient if mailed in a sealed postpaid envelope addressed as follows:

To the Lessee—

(Name)

(Address)

To the Government—

(Name)

(Title)

(Address)

20. Definitions: as used throughout this lease, the following terms shall have the meanings set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department and the head or any assistant head of the executive agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this lease on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this lease, the authorized representative of a Contracting Officer acting within the limits of his authority.

21. This agreement shall be subject to the written approval of the Secretary of the Army or his duly authorized representative and shall not be binding until so approved.

22. Alterations: The following changes were made in this lease before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this lease as of the day and year first above written.

THE UNITED STATES OF AMERICA,
By ---

(Official Title)

(Lessee)

By ---

(Business Address)

Two witnesses:

(Address)

(Address)

I ---- certify that I am the Secretary of the Corporation named as Lessee herein, that ---- who signed this lease on behalf of the Lessee was then ---- of said corporation; that said lease was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporation powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this ---- day of ----, 1951.

[CORPORATE SEAL]

(Secretary)

§ 605.1606 *Letter contract.*

§ 605.1606–1 *Cost type*—(a) *General.* This is a form of preliminary contract looking to the execution of a cost type formal contract. The appropriate termination clause should be inserted in Exhibit "A" and attached to the form as an inclosure.

(b) *Sample of form.*

(Letterhead)

(Date)

GENTLEMEN:

1. This letter constitutes a contract on the terms set forth herein and signifies the intention of the Department to execute a formal cost type contract with you for the delivery of the supplies and the performance of the services as set forth in the attached enclosure, marked Exhibit "A," upon the terms and conditions therein stated. Said formal contract will be in the form used by the Department for procuring supplies and services of the kind indicated in Exhibit "A." This form will include the clauses required by Federal law, Executive Order, and the procurement regulations and directives applicable to such procurements, which clauses are incorporated herein by reference. Exhibit "A," including the termination clause set forth therein is also made a part hereof.

2. You are directed, upon your acceptance of this letter, to proceed immediately to procure the necessary materials, and to commence the manufacture of the supplies and performance of the services, called for herein, and to pursue such work with all diligence to the end that the supplies may be delivered or services performed within the time specified in Exhibit "A," or if no time is so specified, at the earliest practicable date. In this connection, you shall give advance notification to the Contracting Officer of any proposed subcontract or purchase order hereunder which is either (a) on a cost-plus-a-fixed-fee basis or (b) on a fixed price basis exceeding in dollar amount either $25,000 or five per centum of the amount authorized to be expended hereunder. You shall, in addition, obtain such approvals in respect of commitments hereunder as may be specified in Exhibit "A."

3. You shall enter into negotiation for the execution of the formal contract with the Department without delay. In this connection, you shall submit a quotation of the estimated cost to the Government including fixed fee for the articles and services covered by this letter. Such quotation shall be supported by a cost break-down reflecting the factors outlined in the suggested form enclosed herewith.

4. Unless otherwise provided in Exhibit "A" no payments to you shall be made under this letter except as provided in paragraph 5 below.

5. In the event of a termination of performance of the work or any part thereof under this letter by notice given pursuant to the Termination clause incorporated herein by reference, or in the event that the formal contract is not executed within the time specified in Exhibit "A," or any extension of such time as may be authorized in writing by the Contracting Officer, you shall be paid in accordance with the provisions of such Termination clause, except that no profit will be allowed if the Contracting Officer finds that you have delayed the execution of a formal contract for an unreasonable period; *Provided, however,* That in no event shall the liability of the Government to you hereunder exceed the amount specified in Exhibit "A" or such other amount as may be authorized in writing by the Contracting Officer.

6. Please indicate your acceptance of the foregoing by signing this letter and the enclosed copies thereof. Retain one copy for your files and return the remainder to this office.

This contract is entered into pursuant to the provisions of Section 2 (c) (—) of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Congress) and any required determination and findings have been made.

Sincerely yours,

Contracting Officer.

Accepted, as of the date of this letter:

By ---

(Type above, name and position of officer executing this acceptance)

§ 605.1606–2 *Fixed price type*—(a) *General.* This is a form of preliminary contract looking to the execution of a fixed-price formal contract. The appropriate termination clause should be inserted in Exhibit "A" and attached to the form as an inclosure.

(b) *Sample of form.*

(Letterhead)

(Date)

GENTLEMEN:

1. This letter constitutes a contract on the terms set forth herein and signifies the intention of the Department to execute a formal fixed price contract with you for the delivery of the supplies and the performance of the services as set forth in the attached enclosure, marked Exhibit "A," upon the terms and conditions therein stated. Said formal contract will be in the form used by the Department for procuring supplies and services of the kind indicated in Exhibit "A." This form will include the clauses required by Federal law, Executive Order, and the procurement regulations and directives applicable to such procurements, which clauses are incorporated herein by reference. Exhibit "A," including the termination clause set forth therein, is also made a part hereof.

2. You are directed, upon your acceptance of this letter, to proceed immediately to procure the necessary materials, and to commence the manufacture of the supplies and performance of the services, called for herein, and to pursue such work with all diligence to the end that the supplies may be delivered or services performed within the time specified in Exhibit "A," or if no time is so specified, at the earliest practicable date.

3. You shall enter into negotiation for the execution of the formal contract with the Department without delay. In this connection, you shall submit a firm quotation for the articles and services covered by this letter. Such quotation shall be supported by a cost breakdown reflecting the price factors outlined in the suggested form enclosed herewith.

4. Unless otherwise provided in Exhibit "A" no payments to you shall be made under this letter except as provided in paragraph 5 below.

5. In the event of a termination of performance of the work or any part thereof under this letter by notice given pursuant to the Termination clause incorporated herein by reference, or in the event that the formal contract is not executed within the time specified in Exhibit "A," or any extension of such time as may be authorized in writing by the Contracting Officer, you shall be paid in accordance with the provisions of such Termination clause, except that no profit will be allowed if the Contracting Officer finds that you have delayed the execution of a formal contract for an unreasonable period: *Provided, however,* That in no event shall the liability of the Government to you hereunder exceed the amount specified in Exhibit "A" or such other amount as may be authorized in writing by the Contracting Officer.

6. Please indicate your acceptance of the foregoing by signing this letter and the enclosed copies thereof. Retain one copy for your files and return the remainder to this office.

This contract is entered into pursuant to the provisions of Section 2 (c) (—) of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Congress) and any required determination and findings have been made.

Sincerely yours,

Contracting Officer.

Accepted, as of the date of this letter:

By ---

(Type above, name and position of officer executing this acceptance)

§ 605.1607 *Service contracts.*

§ 605.1607–1 *Negotiated utility service contract (Short Form) (DD Form 671).* (See §§ 415.007–1 of this title and 605.007–1.)

§ 605.1607–2 *Negotiated utility service contract (Long Form).* (a) This long form consists of the following:

(1) Form of Utility Service Contract.
(2) Electric Service Specifications.
(3) Gas Service Specifications.
(4) Water Service Specifications.
(5) Sewage Service Specifications.
(6) Steam Service Specifications.
(7) Multiple Service Locations Clause.
(8) Connection Charge Clause.

(b) These forms and instructions for their use are set forth in SR 420–470–2. (Utility Service Contracts.)

(c) Authority is granted in effecting procurement outside the United States, its Territories and possessions, to deviate from Form of Utility Service Contract to the extent indicated:

(1) Paragraph 9—Convict Labor: Delete paragraph.

(2) Paragraph 10—Nondiscrimination in Employment: Delete paragraph. See § 596.050 (b) (1) (iv) of this subchapter.

(3) Paragraph 11—Disputes: Substitute "Disputes" clause prescribed in § 596.103–12 (c) of this subchapter.

(d) As to the forms listed in this section, additional deviations may be approved by the Head of the Procuring Activity concerned. Heads of Procuring Activities will retain as much of the language of the approved forms as local conditions permit and will approve deviations only to the extent necessary to make the standard forms usable in their areas.

§ 605.1607–3 *Contract for Academic instruction (DA Form 357).* (a) This form consists of DA Form 357. Instructions for its use are contained in SR 350–230–5. (Contracts for Academic Instruction.)

(b) The form is available for supply from The Adjutant General, Department of the Army, Attn: Chief, Career Management Division.

(c) Authority is granted in effecting procurement outside the United States, its Territories and possessions, to deviate from the form to the extent indicated.

(1) Article 8—Disputes—on page 3 of form: Substitute "Disputes" clause prescribed in § 596.103–12 (c) of this subchapter.

(2) Article 12—Antidiscrimination—on page 3 of form: Delete article. See § 596.050 (b) (1) (iv) of this subchapter.

(3) Article 13—Eight-Hour Law of 1912—on page 3 of form: Delete article. See § 596.050 (b) (1) (iv) of this subchapter.

(4) Article 14—Convict Labor—on page 3 of form: Delete article.

§ 605.1607–4 *Order form to contract for academic instruction (DA Form 358).* (a) This form consists of DA Form 358.

(b) The form is available for supply from The Adjutant General, Department of the Army, Attn.: Chief, Career Management Division.

§ 605.1607–5 *Master contract for repair and alteration of vessels (DD Form 731).* See §§ 415.009 of this title and 605.009.

§ 605.1607–6 *Negotiated contract form for stevedoring services (DD Form 674).* See §§ 415.006 of this title and 605.006.

§ 605.1607–7 *Contract for off-duty academic instruction (DA Form 588).* (a) This form consists of DA Form 588.

(b) Authority is granted in effecting procurement outside the United States, its Territories and possessions, to deviate from the form to the extent indicated.

(1) Article 5—Disputes—on page 3 of form: Substitute "Disputes" clause prescribed in § 596.103–12 (c) of this subchapter.

(2) Article 9—Antidiscrimination—on page 3 of form: Delete article. See § 596.050 (b) (1) (iv) of this subchapter.

(3) Article 10—Eight-Hour Law of 1912—on page 3 of form: Delete article. See § 596.050 (b) (1) (iv) of this subchapter.

(4) Article 11—Convict Labor—on page 3 of form. Delete article.

§ 605.1607–8 *Order form to contract for off duty academic instruction. (DA Form 589.)* This form consists of DA Form 589.

§ 605.1608 *Other forms pertaining to contracts.*

§ 605.1608–1 *General provisions; cost reimbursement supply contract (DD Form 748).* See § 415.010 of this title.

§ 605.1608–2 *Security requirements check list (DD Form 254).* This form consists of DD Form 254 and the appendage thereto, DD Form 254–1. For requirements as to use see §§ 406.104–12 of this title and 592.212–2 of this subchapter.

§ 605.1608–3 *Abstract of bids.*—(a) *Short form (DA Form 14).* This form consists of one sheet printed on both sides. In applicable instructions appearing on the reverse side of this form will be disregarded.

(b) *Long form (DA Form 29).* This form consists of one sheet printed on both sides. Inapplicable instructions appearing on the front page of this form will be disregarded.

(c) *Long form continuation sheet (DA Form 29A).* This form consists of one sheet printed on both sides.

§ 605.1608–4 *Standard forms of bonds for Government contracts.* (a) The following standard forms, revised November 1950, have been prescribed for use in connection with Government contracts:

(1) Standard Form 24 (Bid Bond).
(2) Standard Form 25 (Performance Bond).
(3) Standard Form 25A (Payment Bond).
(4) Standard Form 27 (Performance Bond—Corporate Cosurety Form).
(5) Standard Form 27A (Payment Bond—Corporate Cosurety Form).
(6) Standard Form 27B (Continuation Sheet—Corporate Cosurety Bond).
(7) Standard Form 28 (Affidavit of Individual Surety).
(8) Standard Form 34 (Annual Bid Bond).
(9) Standard Form 35 (Annual Performance Bond).

(b) The revised forms are referred to in Part 599 (Bonds and Insurance) of this subchapter.

§ 605.1608–5 *Security agreement (DD Form 441).* For requirements as to the use of the Department of Defense Security Agreement (DD Form 441), see SR 380–405–6 (Armed Forces Security Program). Under the provisions of this form, the Industrial Security Manual for Safeguarding Classified Matter, Department of Defense, is made part of the Security Agreement. (See also § 605.–1608–2.)

§ 605.1609 *Miscellaneous contracts.*

§ 605.1609–1 *Contract of sale of property (negotiated sale).* This form of contract will be prescribed for use in sales to contractors as authorized by the terms of the contract, and other authorized sales incident to or related to procurement. A form for general use has not as yet been approved, however, in the meantime, cases requiring the use of such a form should be submitted to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch.

PART 606—SUPPLEMENTAL PROVISIONS

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§ 606.000 *Scope of part.* This part sets forth general policies of the Department of the Army with respect to procurement which are not specifically covered or related by part or subpart to subchapter A, chapter IV of this title.

SUBPART A—DEPARTMENT OF THE ARMY PROCUREMENT POLICY

§ 606.101 *Purpose.* The purpose of this subpart is to restate in general terms the current policy of the Department of the Army on methods of procurement. It will not be construed as governing in detail any individual procurement action. It is expected that all procurement personnel will exercise sound judgment in contractual matters, including the selection and operation of the best method to accomplish any procurement.

§ 606.102 *Applicability.* The following sections apply to continental United States purchasing, and are for optional application by Purchasing Acitivities of the Department of the Army outside of the continental United States.

§ 606.103 *Methods of procurement.* (a) Wherever practicable and feasible, procurement by formal advertising is preferred. In the purchase of competitive commercial or semicommercial type items, formal advertising will be considered to be the normal method. Negotiation for such items should be used sparingly and only in those cases where advertising is considered to be improper or ineffective. This does not imply, however, that full use should not be made of call and open-end contracts, Federal Supply Schedules, or local purchases where appropriate.

(b) Negotiation may properly be employed in any circumstance authorized by Subpart B, Part 402 of this title and Subpart B, Part 592 of this subchapter. During a period of national emergency it is anticipated that there will be many cases requiring the use of negotiation where, in peacetime, formal advertising normally would be mandatory. Abuse of the broader degree of authority vested in

Contracting Officers to negotiate procurement will, however, inevitably result in a withdrawal of this authority. When negotiation is justified, the maximum practicable and reasonable degree of competition will be developed as a required part of the negotiation.

§ 606.104 *Types of contracts.* (a) Regardless of the method of contracting utilized, the straight fixed-price contract is generally the preferred type to be entered into. Except as indicated in the following sections, the straight fixed-price contract should always be sought by Contracting Officers. First consideration should be given this type of contract because of the ease of administration, relative simplicity, elimination of audit requirements, assumption of full responsibility by the Contractor, and maximum incentive to the Contractor. Only where this type may contain unacceptably large contingencies, or where the nature of the work performed will contain factors of uncertainty, should other forms be regarded as suitable.

(b) Where contract performance may involve contingencies of labor and material costs to an appreciable degree, the use of fixed-price contracts with escalation should be used. Escalation must be on specified materials or types of labor only, and should bo so selected and defined that detailed audit of the contract will not be required. In the majority of cases where only labor or material cost contingencies are involved in production, escalation can be used to better advantage than cost reimbursement or price redetermination types of contracts.

(c) The use of fixed-price contracts containing price redetermination clauses is proper in only a limited number of applications. Conditions for use of price redetermination clauses are covered in § 596.152 of this subchapter. Use of this type of contract should be restricted to supply contracts for military type items involving long production time where no sound estimate of costs can be made, and in some research and development contracting where the scope of work is such that costs cannot be accurately forecast. Price redetermination will not be used as an expedient or substitute for fixed-price contracting (with or without escalation) where it is possible to use this preferred type. Because of overuse in the past of price redetermination clauses, particularly in small contracts and for commercial type items, it is the Department of the Army policy to minimize their employment of price redetermination. Further, the contract administration load, auditing requirements, and length of time such contracts remain open after deliveries have been completed, all tend to make the use of price redetermination clauses inadvisable for wide use.

(d) Cost-plus-fixed-fee or cost-reimbursement contracting, despite the administrative burden involved, may be used properly in many cases where the exact amount or type of work to be performed is not known. In addition to its use in construction contracting, it has a wider application in the research and development field than has been recognized. Wherever close control over expenditures is needed, or where the Government is supplying an abnormal amount of "government-furnished" property or facilities to the Contractor, cost-plus-fixed-fee contracting should be considered. Cost-reimbursement contracting with nonprofit research organizations has the attractive feature of rapid reimbursement capabilities, if so arranged by the Contracting Officer, thereby eliminating the need for large working funds on the part of the Contractor. Use of these types of supply contracts, however, must be viewed with caution since there is no incentive to the Contractor to reduce costs, and the Contracting Officer does not have the intimate contact with work progress necessary to control costs closely. The same administrative disadvantages are incurred in these types as in the use of price redetermination clauses, and the unfavorable factors must be considered prior to employment. This method is adapted also to the initial production phase on large contracts for military type items in lieu of price redetermination, where accurate costs cannot be predicted, to establish sound basic costs and production rates. Further production can then be based on fixed-price contracting, with or without escalation, as circumstances dictate.

(e) Time and material contracting is the most hazardous of all types of contracts available to purchasing offices. The strict controls on its use are necessary and cannot be waived. Inherent dangers in the Time and Materials method of contracting must be recognized. The potential payroll and nonproductive time charge abuses can be prevented only by diligent and continuous administrative vigilance by the Contracting Officer and his staff, working together with the Contractor. Selection of a Contractor for placement of a Time and Materials contract must be made only after a thorough preaward survey. This survey should concern itself with the Contractor's integrity and productive efficiency to a greater degree than in any other type of contracting. This type of contract is the least preferred of all contract types, and will be used only in extreme cases where no other available type will suffice in furnishing the required supplies or services.

§ 606.105 *Open-end contracts.* Open-end contracts provide a simple, efficient means of securing small quantities of supplies as and when needed, over a period of time. Execution of open-end contracts is encouraged where the number of transactions with any concern warrant such action. The more stringent mandatory requirement for use of Federal Supply Schedules and General Services Administration supply services are contained in Part 404 of this title. Attention of all Contracting Officers is directed to those provisions.

§ 606.106 *Call type contracts.* Call contracts will be utilized for commercial type items to effect, wherever practicable, direct shipment of supplies from producer or commercial distributor to the user, avoiding unnecessary receipt, storage, and issue in Army depots. Although similar in many respects to open-end contracts, call contracts enable the immediate obligation of all or part of the funds available for procurement of an item. This form is flexible and can be executed in a variety of forms to accomplish deliveries over a period of time in the manner and at any rate desired. Its use in economical procurement, supply, and distribution operation is encouraged.

§ 606.107 *Simplified local purchase procedure.* Simplified procedures (Standard Form 44 (Purchase Order—Invoice—Voucher) and imprest fund) are available and are to be used on all very small local purchases. Further developments in the small purchase procedure will continue. In conjunction with the Army depot supply system and with the increased use of call contracts, it is anticipated that greater use of local purchase of small quantities of commercially available items will be authorized and required at all posts, camps, and stations in lieu of the requisitioning of such items. In particular, the use of the cash method of small purchases should be reviewed and placed in effect by purchasing offices.

SUBPART B—ADMINISTRATIVE PROCEDURES

§ 606.201 *Documentary evidence of purchases*—(a) *Requirement.* All purchase transactions made by a Contracting Officer will be evidenced by written contracts (§ 400.201–6 of this title) on approved contract forms, as prescribed in Part 415 of this title and Part 605 of this subchapter, and in applicable Procuring Activity instructions, except—

(1) Those in which payments are made coincidentally with receipt of the supplies or services.

(2) As authorized by §§ 606.409–1 and 592.409 (c) of this subchapter.

(b) *Negotiated Purchases not in Excess of $1,000.* Negotiated purchases not exceeding $1,000, which are based on an oral quotation and involve only one payment, shall not require a written agreement, but shall require a written acceptance (Purchase Order) signed by the Contracting Officer. If the purchase order is based upon a written quotation signed by the Contractor, or if the Contractor delivered some written instrument evidencing the Contractor's assent, the original of such written quotation or instrument must be attached to the original purchase order intended for the General Accounting Office. (See Subpart F, Part 592, of this subchapter.)

§ 606.202 *Execution of contracts; requirements*—(a) *Statement as to availability of funds.* The appropriation and allotment chargeable will be cited on all contracts, purchase orders, and delivery orders. The signature of a Contracting Officer on a contract, purchase order, or delivery order constitutes a certification of the availability and sufficiency of the funds cited.

(b) *Contracting Officer's signature.* In the case of formal advertising, the personal signature of the Contracting Officer on the award consummates the contract. In the case of negotiated contracts, the Contracting Officer will per-

sonally sign on behalf of the United States after the Contractor has signed, except where otherwise required by the particular contract form, as for example when DA Form 47 is used. In addition, the Contracting Officer's rank or title will be indicated. Proxy and facsimile signatures are not permissible.

(c) *Signature by agents of Contractors.* Contracts executed on behalf of Contractors by agents must be accompanied by evidence, satisfactory to the Contracting Officer, of the agent's authority so to do. In the case of corporations the amount and type of evidence to be required to determine the authority of a particular agent to bind a corporation is for administrative determination by the Contracting Officer, subject to the limitation that the interest of the Government should be protected. The Contracting Officer need not require that corporations execute a certificate in the form included in DD Form 351–2, provided he obtains other evidence which satisfactorily shows that the agent is empowered to bind the corporation.

(d) *Contracts with partnerships.* Contracts entered into with partnerships will be executed in the partnership name and will enumerate the names of all the partners. The partnership contract need be signed by only one partner, provided the authority of the particular partner to effectively bind the partnership has been established. The Contracting Officer need not require that partnerships execute a certificate of attestation substantially in the form included in DD Form 351–2 provided he obtains other evidence which satisfactorily shows that the partner is empowered to bind the partnership.

§ 606.203 *Numbering of contractual documents.*

§ 606.203–1 *Purpose.* Contracts are numbered with approved letter symbols and serial numbers primarily for use of the General Accounting Office, for identification, audit, and filing.

§ 606.203–2 *Scope.* (a) Documents coming within the purview of this section will include purchase orders, contracts, letter orders, letters of intent, leases, easements, proposal and acceptance documents or other documents evidencing in whole or in part an agreement between the parties, which involves the payment of appropriated funds or collection of funds for credit to the Treasurer of the United States, and hereinafter referred to as contracts.

(b) Purchase agreements utilizing DD Form 738 (Order and Voucher for Purchase of Supplies or Services) do not come within the purview of this section and as such are not subject to any of the provisions contained in this section.

§ 606.203–3 *Contracts required to be numbered.* (a) All contracts involving the payment of $20,000 or more on a single payment voucher shall be numbered and forwarded to the General Accounting Office without delay. (See § 606.206–3.)

(b) All contracts involving the payment of less than $20,000 on a single payment voucher, may or may not be numbered depending upon the needs of the Procuring Activity, and shall be attached to the related voucher upon which payment is made and accompany such voucher in the regular transmission of the Disbursing Officer's account to the General Accounting Office. See § 606.–206–4.

(c) All multiple payment contracts regardless of amount shall be numbered except as authorized in subparagraph (2) of this paragraph. In case of doubt as to whether the amount to be paid under a contract is more or less than $20,000 or whether more than one payment may be necessary, the contract shall be numbered.

(1) When any related supplemental document, required to be deposited with the General Accounting Office, is transmitted in connection with an unnumbered contract, and if such related supplemental document serves to remove the contract from the category of contracts not required to be numbered, a number will be assigned to the original contract and will be shown on such supplemental document in addition to the voucher citation in the event any payments have been made prior to the issuance of the supplemental document.

(2) Where later determination is made that more than one payment and/or collection is involved, payments, not to exceed five in number on any given contract may be made with respect to partial deliveries under unnumbered contracts, provided that the original signed contract is attached to the first payment voucher, and the following information is included on each subsequent payment voucher with respect to all preceding payments under the contract: Name of Disbursing Officer, period of account, voucher number, amount paid.

(3) Where more than five payments and/or collections become necessary, a number must be assigned to such contract.

(4) Where later determination is made that the amount to be paid or collected equals $20,000 or more, a number must also be assigned to such contract.

(d) In instances cited in paragraphs (c) (1), (3) and (4) of this section, in which payments have been made, a citation to the name of the Disbursing Officer, period of account, and number of the disbursement or collection voucher to which the original unnumbered contract was attached will be furnished promptly to the General Accounting Office by the Contracting Officer concerned.

(e) The instructions contained in this section do not apply to DD Form 738 used in connection with the Small Purchases Procedure (Subpart F, Part 592 of this subchapter).

§ 606.203–4 *System of numbering—*(a) *Contracts.* Contract numbers, when required, will be placed in the space provided therefor on the printed contract form, or, if no such space is provided, in the upper right-hand corner of the contract separate from all other information. A typical example of the general scheme of numbering is illustrated below.

DA–09–177 AIII–1

(1) The capital letters "DA" represent the Army Establishment.

(2) "09–177" represents the station number of the contracting installation, SR 35–218–1 (fiscal and disbursing station numbers) contains a list of domestic and foreign station numbers which will be used. Request for assignment of station numbers not included in the publications cited herein will be addressed to the Office, Chief of Finance Attn: Accounting Division.

(3) "AIII" represents letter symbols assigned to the agency (in this case, Third Army) that normally would receive allocations of funds from the Comptroller of the Army and under whose jurisdiction the installation commander has received authority to obligate funds and execute a contract.

(i) Letter symbols for use in numbering contracts must be approved by the Comptroller General of the United States prior to use.

(ii) Requests for assignment of letter symbols to activities not included herein will be by letter addressed to the Office, Chief of Finance Attn: Receipts and Disbursements Division, which will secure the necessary approval from the Comptroller General of the United States.

(iii) The following letter symbols have been approved by the Comptroller General of the United States for use by the agencies indicated below:

Agency	*Symbol*
Finance Corps	FD
Signal Corps	SC
Ordnance Corps	ORD
Quartermaster Corps	QM
Transportation Corps	TC
Adjutant General's Corps	AG
Chief of Staff	CSA
Judge Advocate General's Corps	JAG
National Guard Bureau	NG
Military Attaché	ID
Secretary of the Army	OSA
Budget Office, Department of the Army.	BUD
Military District of Washington	MDW
Chemical Corps	CML
Army Medical Service	MD
Corps of Engineers	ENG
United States Military Academy	MA
National Board for the Promotion of Rifle Practice.	N
Provost Marshal General	PMG
Chief of Chaplains	CH
Information and Education Division	IE
Medical Procurement Agency	MPA
Textile and Apparel Procurement Agency.	TAP
Special Weapons Project	XZ
Army Renegotiation Division, Armed Services Renegotiation Board.	ARD[1]
First Army	AI
Second Army	AII
Third Army	AIII
Fourth Army	AIV
Fifth Army	AV
Sixth Army	AVI
United States Army, Alaska	ASK
United States Army, Caribbean	CAR
Army Advisory Group, China	AGC
Far East Command (U. S. dollar appropriated funds).	FEC
Far East Command (moneys to U. S. by Japanese Government).	YEN

[1] This symbol will not be used to enter into procurement contracts but will be used in connection with contracts for the repayment to the Government of amounts found to be excessive profits under the Renegotiation Act of 1948.

Agency	*Symbol*
United States European Command	EC
United States Army, Europe	EUC
United States Army, Pacific	PAC
Trieste United States Troops	TRC
United States Forces, Austria	USFA
Joint Brazil-United States Military Commission.	BMC
United States Army Group, Turkey	ATK
United States Military Mission, Iranian Army.	MMI

(4) The figure "1" represents the first contract made by the particular installation. Contracts will be numbered by each installation in numerical sequence beginning with number 1 and going through 999,999 without regard to the fiscal year, type of contract, or contracting activity. Contracts issued at each installation beyond 999,999 will be identified by a new series of numbers distinguished by the use of the capital letter "A" at the end thereof. Likewise, any additional series necessary beyond the same symbol will be distinguished by additional capital letters "B," "C," "D," etc. This subparagraph, of itself, does not require that a new series of numbers beginning with No. 1 be instituted.

(b) *Supplemental agreements and change orders.* Supplemental agreements and change orders will bear the same identification as the contract which is modified or amended thereby. In addition thereto, such supplemental agreements and change orders will be identified further by adding the numerals 1, 2, 3, etc., respectively, following the words "Supplemental Agreement" or "Change Order." The same series of consecutive numbers will be used for both supplemental agreements and change orders. Example: 1st Modification—Supplemental Agreement No. 1 to Contract DA–09–177 AIII–1; 2d Modification—Change Order No. 2 to Contract DA–09–177 AIII–1.

(c) *Subcontracts.* Contracting Officers will urge Contractors holding prime contracts with the Army Establishment to include in their subcontracts a reference to the number of the prime contracts involved. Prime contractors will also be asked to urge their subcontractors to include a reference to the number of the applicable prime contract in sub subcontracts, and so on down the line. This practice will materially assist in accounting and auditing and particularly in the settlement of terminated subcontracts of all tiers.

§ 606.203–5 *Determination of numbering agency.*—(a) *General.* Letter symbols are a requirement of the Comptroller General of the United States to indicate command control rather than appropriation chargeable. Contracts which are executed under supervision of a Procuring Activity, regardless of the source of funds used to finance the contracts, are to be regarded and designated by numbering as that Activity's responsibility.

(b) *Commanding officer acting in dual capacity.* Where the commanding officer of an installation is acting in a dual capacity as commanding officer of a class II installation and commanding officer of a class I activity, and the installation has only one station number which is assigned for the Class II installation, a request may be submitted to the Chief of Finance Attn: Accounting Division, in accordance with paragraph 4, SR 35–218–1 (fiscal and disbursing station numbers), for the assignment of a station number to be used in connection with procurement relating to post activities (class I). The request must contain the correct title of the Procuring Activity, which title must be different from the one presently assigned. If desirable, the title may be changed by the addition of the word "Post" to the present title.

§ 606.203–6 *Delivery orders.* Section 606.203–3 is not applicable to delivery orders placed against contracts of another technical service, military department, or Federal agency, or delivery orders not in excess of $1,000 executed on DD Form 702 or DD Form 738. Delivery orders in excess of $1,000 shall not be numbered pursuant to the system described in § 606.203–4, but may be given such other identification as may be prescribed by the Heads of Procuring Activities. When partial payments through unforeseen contingencies later become necessary, the total number of all payments will not exceed four, and similar action will be taken as indicated in § 592.650–5 (b) (2) of this subchapter.

§ 606.203–7 *Assignment, cancellation, or alteration of contract number.* The elements of a contract number (including letter symbol and station number) shall not be altered in any way without the express approval of the Chief of Finance. Requests for assignment, cancellation, or alteration of letter symbols should be addressed to the Office of the Chief of Finance Attn: Receipts and Disbursements Division, which will secure the necessary approval from the Comptroller General of the United States. Generally, only those agencies which receive allocations of funds direct from the Comptroller of the Army will be approved.

§ 606.203–8 *Miscellaneous provisions.* (a) For the purpose of identification and control, a separate numbering system may be established by the installation concerned. This number will not be used as an integral part of, or be in conflict with, the numbering system established herein.

(b) All changes or modifications to contracts now in effect or those hereinafter executed shall be governed, with respect to contract numbering, by regulations in effect at time original contract was executed.

§ 606.204 *Approval of awards of contracts.* Subject to any further instructions which may be issued by the Head of a Procuring Activity, awards of contracts (including supplemental agreements, change orders, and other contract modifications) may be made by Contracting Officers without the approval of the award by higher authority, except as stated in this section. Information to be included with requests for approvals is set forth in § 606.205.

§ 606.204–1 *Personal or professional services—*(a) *Contracts for employment of experts or consultants—*(1) *Statutory authority.* (i) Section 15 of the act approved 2 August 1946 (PL 600, 79th Cong.; 60 Stat. 810; 5 U. S. Code 55a), authorized—

The head of any department, when authorized in an appropriation or other Act, may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases such service shall be without regard to the civil-service and classification laws (but as to agencies subject to the Classification Act at rates not in excess of the per diem equivalent of the highest rate payable under the Classification Act, unless other rates are specifically provided in the appropriation or other law) and, except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended by this Act.

(ii) Section 601 of the Department of Defense Appropriation Act, 1954 (PL 179, 83d Cong.), approved 1 August 1953, provides that—

During the current fiscal year, the Secretary of Defense and the Secretaries of the Air Force, Army, Navy, respectively, if they should deem it advantageous to the national defense, and if in their opinions, the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of $50 per day, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

(2) *Approval required.* The following classes of contracts are authorized by section 15 of the act of 2 August 1946 and section 601 of the Department of Defense Appropriation Act of 1954 and as such require the approval of the Secretary:

(i) Contracts for stenographic reporting services.

(ii) Contracts which provide for performance of personal services by experts or consultants, or organizations thereof, contemplating supervision by Government personnel of the Contractor, and not requiring the Contractor, as an integral part of the contract, to furnish an end item or product.

Each contract for stenographic reporting services or for personal services of experts and consultants negotiated under the above or any other authority, and each supplemental agreement or change order making a material change in such contract, will contain a provision stating that it is subject to the approval of the Secretary and will not be binding until so approved; and the contract or request for award thereof, supplemental agreement, or change order will be forwarded by the Head of the Procuring Activity involved to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, for approval by the Secretary. The request for approval will refer specifically to the above-quoted statutory authorities and will furnish a complete statement of facts supporting the determinations required by statute to be made by the

Secretary. The request for approval will include also the information required by § 606.205 of this subpart, if applicable, and will contain a statement as to availability of funds and a reference to the Project Account Number, Appropriation Symbol, and the statutory authority under which appropriated. The request for approval shall contain also a statement or be accompanied by a certificate personally signed by the Head of the Procuring Activity, his Deputy, or his Chief of Staff, reading substantially as follows:

> The proposed contract is advantageous to and necessary for the national defense; existing facilities of the Army are inadequate to accomplish the required services, and compensation specified therein is considered reasonable.

In submitting contracts for approval, as required by subdivisions (i) and (ii) of this subparagraph, the requesting procuring activity will certify that—

> The employment of _____ will (Name of Contractor)

not be in excess of the civilian personnel authorization established by the Department of the Army for the _____. (Procuring activity)

(3) *Limitation on compensation.* When with an individual, each personal service contract will expressly limit the compensation payable to not more than $50 per day, plus travel expenses, including actual transportation and per diem in lieu of subsistence while traveling from his home or place of business to official duty station and return.

(b) *Contracts for employment of other than experts or consultants which may involve personal or professional services.* Contracts with individuals or organizations containing any one or more of the following elements will be submitted to the level of the Head of the Procuring Activity involved, for review:

(1) Payment to the Contractor will be rendered on a time basis.

(2) The contract calls for no definite end item.

(3) The contract provides for or will require supervision by Government personnel of its performance other than the administrative supervision exercised by a Contracting Officer.

The foregoing shall not apply to time and material contracts as set forth in § 592.407 of this subchapter.

(d) Paragraph (b) of this section does not authorize Heads of Procuring Activities to approve contracts for experts or consultants or organizations thereof or contracts for stenographic reporting services. Such contracts will be submitted in accordance with paragraph (a) of this section for approval by the Secretary.

§ 606.204–2 *Leases of Government personal property.* Leases of Government personal property, regardless of amount, except as heretofore or hereafter may be delegated by the Secretary, will be submitted for approval by the Secretary. Requests for approval will be addressed to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief Purchases Branch.

§ 606.204–3 *Construction and rehabilitation of installations*—(a) *Chief, Purchases Branch.* Awards of negotiated contracts for the construction and rehabilitation of installations for use in connection with the program to expand the United States Armed Forces will be submitted to the Chief, Purchases Branch, Assistant Chief of Staff, G–4, Department of the Army, for approval when (1) entered into by a Contracting Officer under the jurisdiction of the Chief of Engineers and the amount involved exceeds $15,000,000 or (2) entered into by the continental armies or the Military District of Washington and the amount involved exceeds $1,000,000.

(b) *Chief of Engineers.* Awards of negotiated contracts entered into by the Chief of Engineers for construction and rehabilitation of installations for use in connection with the program for expansion of the United States Armed Forces will be approved by the Chief of Engineers, or personally selected members of his organization designated by him so to do, when the amount involved does not exceed $15,000,000. Such selected members are not authorized to redelegate this authority. Subject to any further instructions which may be issued by the Chief of Engineers, awards of contracts included in this paragraph amounting to less than $100,000 do not require approval of higher authority.

(c) *Continental army commanders.* Awards of negotiated contracts entered into by the continental armies or the Military District of Washington for construction and rehabilitation of installations for use in connection with the program for expansion of the United States Armed Forces will be approved personally by continental army commanders or their deputies, or the Commanding General, Military District of Washington, or his Deputy, when the amount involved exceeds $250,000 but does not exceed $1,000,000. Awards of such contracts may be approved personally by subordinate commanders or their deputies, provided that such subordinate commanders or their deputies have been granted such authority personally by the respective army commander or the Commanding General, Military District of Washington, when the amount involved exceeds $100,000 but does not exceed $250,000. Continental army commanders and the Commanding General, Military District of Washington, also may personally select alternates for the subordinate commanders to exercise this authority personally.

(d) *Commanding generals of major oversea commands.* Awards of negotiated contracts entered into by major oversea commands for the construction and rehabilitation of installations for use in connection with the program for expansion of the United States Armed Forces will be submitted to the commanding generals of major oversea commands for approval when the amount exceeds $1,000,000. The authority to approve awards of such contracts amounting to $1,000,000 or less may be delegated by commanding generals of major oversea commands to the extent deemed necessary to selected individuals within their commands. Such selected individuals are not authorized to redelegate this authority.

§ 606.204–4 *Architect-engineer contracts.* (a) Awards of Architect-Engineer contracts under which the Government is to acquire a finished design job of engineering report, including all required drawings, plans, and specifications, and under which there is little, if any, direct Government supervision of the Contractor, and the fee is based upon the results to be accomplished, will be submitted to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, for approval of the Under Secretary of the Army except that the Chief of Engineers and such other officers and individuals as he may personally designate to procure such services may approve such awards when the amount of the fee (inclusive of the Architect-Engineer Contractor's costs) does not exceed $500,000. Approval of the Under Secretary of the Army will be required (1) prior to increasing the Architect-Engineer fee from an amount less than $500,000 to an amount exceeding that, and (2) each time the cumulative total of additional supplements, entered into after the latest required approval by the Under Secretary of the Army, results in an increment of more than $500,000. The following major oversea commanders may approve awards of Architect-Engineer contracts covered by this paragraph, when the contract amount does not exceed $300,000: Commanding General, United States Army, Europe; Commanding General, U. S. Army Forces, Far East; Commanding General, United States Forces, Austria; and such other officers and individuals as each may personally designate to procure such services.

(b) Awards of Architect-Engineer contracts for services other than those described in paragraph (a) of this section will be submitted for approval of the Secretary, except that until 30 June 1954 (1) the Chief of Engineers and such other officers and individuals as he may personally designate to procure such services, under the provisions of Section 15 of the Act of 2 August 1946 (5 U. S. Code 55a), may approve such awards when the contract amount does not exceed $500,000, and (2) the following major oversea commanders: Commanding General, United States Army, Europe; Commanding General, U. S. Army Forces, Far East; Commanding General, United States Forces, Austria; and such other officers and individuals as each may personally designate to procure such services, under the provisions of the Act of 2 August 1946, supra, may approve such awards when the contract amount does not exceed $300,000. Requests for approval, except those which may be approved under subparagraphs (1) and (2) of this paragraph, will be addressed to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch.

(c) The Chief, Armed Forces Special Weapons Project, has been delegated authority, and is authorized, to approve the award of Architect-Engineer contracts in amounts not exceeding $10,000 in connection with repairs and utilities projects under the jurisdiction of that Agency.

§ 606.204–5 *Research and development contracts*—(a) *Chief, Purchases Branch.* Awards of negotiated contracts for research and development approved projects within the research and development program will be submitted to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, for approval when the total amount involved exceeds $250,000.

(b) *Heads of Procuring Activities.* Awards of negotiated contracts for research and development approved projects within the research and development program will be approved personally by the Heads of Procuring Activities or their deputies when the amount of the contract does not exceed $250,000. Further, the Heads of Procuring Activities or their deputies may approve supplements or modifications to contracts for approved research and development projects within the scope of the research and development program, provided that when the cumulative total of the basic contract, supplements, and modifications exceeds $250,000 the latest modification or supplement will be submitted to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, for approval. Subsequent approvals of similar supplements and modifications in increments totaling not to exceed $250,000 may be approved by the Heads of Procuring Activities or their deputies without reference to the Assistant Chief of Staff, G–4. Heads of Procuring Activities may, at their discretion, redelegate all or any part of this authority to personally selected Chiefs or Acting Chiefs of appropriate field purchasing offices or field commanders without power of further redelegation.

§ 606.204–6 *Utility service contracts.* The Chief of Engineers, acting for the Secretary of the Army, is the Department of the Army Power Procurement Officer. The Chief of the Repairs and Utilities Division, Office, Chief of Engineers, is the Deputy Department of the Army Power Procurement Officer. The purchase of utility services is governed by SR 420–470–1 (Utilities contracts). The following utility service contracts and modifications entered into within the United States, its Territories and possessions, shall be submitted for approval to the Department of the Army Power Procurement Officer (Office of the Chief of Engineers), including the information required by § 606.205 (b).

(a) Contracts or modifications of existing contracts for electric service where the service to be procured involves a demand of 500 kilowatts or more.

(b) Modifications of electric service contracts where the basic contract, or as it may have been modified previously, is for 500 kilowatts or more, or where the modification increases the basic contract with any previous modifications thereof to 500 kilowatts or more, or where the basic contract use may have increased automatically to 500 kilowatts or more.

(c) All other utility service contracts where the service to be procured is of an estimated cost of $10,000 per year or more; contract modifications where the basic contract, or as it may have been modified previously, entails an estimated cost of $10,000 a year or more; or where the modification increases the estimated annual cost under the basic contract with any previous modifications thereof to $10,000 a year or more; or where the basic cost may have increased automatically to $10,000 a year or more; or which contain a provision that they are entered into subject to the approval of the Department of the Army Power Procurement Officer and will not be binding until so approved.

(d) Contracts and modifications thereto for utility services which provide that they are entered into subject to the approval of the Department of the Army Power Procurement Officer and will not be binding until so approved.

(e) All utility service contracts which deviate from approved contract forms.

§ 606.204–7 *Negotiated contracts in general.* Award approvals required for all negotiated contracts for supplies, services, or construction, not included in §§ 606.204–1 through 606.204–6, are as indicated below.

(a) *Chief, Purchases Branch.* Awards of negotiated contracts not included in §§ 606.204–1 through 606.204–6, except as otherwise specifically delegated in writing, will be submitted to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, for approval when (1) the amount exceeds $5,000,000 and the contract is being entered into by a Contracting Officer under the jurisdiction of a technical service, or (2) the amount exceeds $100,000 and the contract is being entered into by a Contracting Officer not under the jurisdiction of a technical service.

(b) *Chiefs of technical services.* Chiefs and acting chiefs of technical services are authorized to approve awards of negotiated contracts not included in §§ 606.204–1 through 606.204–6 in amounts not in excess of $5,000,000. This authority may be redelegated by chiefs of technical services to the extent deemed necessary to personally selected members of their organizations. Such selected members are not authorized to redelegate this authority. Subject to any further instructions which may be issued by the chief of a technical service, contracts included in this paragraph amounting to less than $100,000 do not require approval by higher authority.

(c) *Armed Services Medical Procurement Agency.* The Chief, ASMPA, and his Deputy are authorized to approve awards of negotiated contracts that come within the ASMPA Charter as approved by the Department of Defense in amounts not in excess of $1,000,000.

§ 606.204–8 *Major oversea commands.* The authority, set forth in § 606.204–7 (a), of the Chief, Purchases Branch, Office of the Assistant Chief of Staff, G–4, Department of the Army, to grant approval of certain awards of contracts is delegated to, and will be exercised by, commanding generals of major oversea commands for those contracts entered into by Contracting Officers under their jurisdiction. This authority may be redelegated by commanding generals of major oversea commands to the extent deemed necessary to personally selected personnel of their headquarters and subordinate commands or offices. Such selected personnel are not authorized to redelegate this authority.

§ 606.204–9 *Contracts entered into under authority of Title II, First War Powers Act 1941, as amended.* Approval of awards of contracts entered into under the authority of Title II, First War Powers Act, 1941, as amended, will be required and secured in accordance with procedures contained in Subpart D of this part.

§ 606.204–10 *Modifications of contracts.* (a) Heads of Procuring Activities are authorized to approve supplemental agreements to existing supply or nonpersonal contracts, except Utility Service Contracts (§ 606.204–6), regardless of dollar value under the conditions set forth below. This authority may be redelegated at the discretion of the Head of a Procuring Activity, subject to the same conditions.

(1) The proposed supplement pertains to (i) a basic contract previously approved by the Assistant Chief of Staff, G–4, or higher authority; or, (ii) pertains to a basic contract having a previous supplement which has been so approved.

(2) The proposed supplement contains no deviations from procurement regulations which were not authorized for use in the previously approved basic contract or supplement.

(3) The profit or fee does not exceed any limitation imposed on the Head of the Procuring Activity.

(4) Terms and conditions of the proposed supplement are such that there is no statutory requirement for approval by higher authority. Supplements to facilities contracts involving nonseverable facilities will continue to be submitted to the Assistant Chief of Staff, G–4, for approval.

(5) The proposed supplement applies to an approved program for which funds are available.

(6) This authority shall not be applicable to Research and Development Contracts where the proposed supplemental agreement has a dollar value in excess of $250,000.

(b) Any supplemental agreement, change order, or any other type of modification of a contract coming within the purview of § 606.204–9, or otherwise proposed to be entered into pursuant to the authority granted in Title II, First War Powers Act, 1941, as amended, will conform to the requirements of Subpart D of this part.

§ 606.204–11 *Exigency and competition impracticable.* Requests requiring approval of higher authority of contracts or awards of contracts negotiated under the authority of §§ 402.202 of this title and 592.202 of this subchapter (Public Exigency) may be submitted by telegraph or radio. In addition to the information required by § 606.205, requests

for approval of awards of contracts negotiated under the authority of §§ 402.210 of this title and 592.210 of this subchapter will set forth the specific grounds upon which impracticability of competition was based.

§ 606.204–12 *Contract review.* At least one competent person, whether or not presently assigned to such office, will be assigned to the duty of reviewing in an advisory capacity all contracts prior to contract approval by the subordinate commanders or chiefs of field offices. This review will apply to both advertised and negotiated procurements, regardless of the level of procuring authority, and will be for the purpose of insuring that the clauses and conditions of the contract comply with the principles of good procurement and that the interest of the Government is adequately protected. In those instances wherein this is impracticable, this provision may be waived upon determination made to that effect by the army commander, major oversea commander, Commanding General, Military District of Washington, or the chief of a technical service, as appropriate.

§ 606.204–13 *Approval clause.* If approval of a contract, supplemental agreement, or change order by any officer or official of the Army Establishment other than the Contracting Officer is required pursuant to this subchapter (a) the "Approval of Contract" clause set forth in § 406.105–2 of this title will be included, (b) all changes and deletions will have been made before such approval is requested, and (c) the contract will not be valid until such approval has been obtained.

§ 606.205 *Information to be furnished when requesting approval of contracts or awards*—(a) *Information required by the Chief, Purchases Branch.* Requests for approval of contracts or awards of contracts, including supplemental agreements, change orders, or other modifications, referred to in §§ 606.204–1 through 606.204–5 and 606.204–7, will include the following information in accordance with the particular type of contract being entered into, in the order shown and to the extent practicable in the particular procurement. (Requests for approval of contracts or awards, including supplemental agreements, change orders, or other modifications, will be submitted in sufficient copies to assure that they will be received in quadruplicate in the Purchases Branch, Office, Assistant Chief of Staff, G–4, Department of the Army.)

(1) Name and address of Contractor.

(2) Location of plant where contract is to be performed.

(3) Contract number, if assigned. (The number of the supplemental agreement, change order, or modification, in addition to the basic contract number, will be shown, if applicable.)

(4) Supplies or services being procured, showing quantities, unit costs, and total cost. (If request for approval is for a supplemental agreement, change order, or other modification, include the amount of the basic contract and the amount of each change made to date, by whom approved, date of such approval, and the cumulative total.)

(5) Contract placement.

(i) Cite authority under which negotiated.

(ii) If award is being made without competition, state justification therefor.

(iii) Number of companies invited to submit proposals.

(iv) Total number of responsive quotations received, plus number of incomplete or unresponsive quotations.

(v) If it is proposed to make the award to other than the low offeror or offerors, give complete reasons therefor.

(vi) Comparison of all offers received for each item by company, item, quantity, and unit price.

(6) Prices paid on last previous procurement.

(i) Date.

(ii) Quantity.

(iii) Unit price.

(iv) Justification for increase in price, if applicable.

(7) Current market price, if applicable, plus or minus adjustments for packing, changes from commercial article, etc.

(8) Realistic cost breakdown, showing:

(i) Amount of estimated material (including percentage of material handling expense and estimated total amount).

(ii) Amount of estimated labor (estimated number of hours for each class, cost per hour for each class, and total for each class).

(iii) Percentage and amount of labor overhead for each class of labor.

(iv) Estimated total amount for special tools, dies, jigs, etc., and statement as to the special tooling clause to be included in the contract.

(v) Estimated amount of other direct costs, other than facilities, subcontracting, purchased parts, and "off-the-shelf" items. (List separately each item amounting to 5 percent or more of the total estimated cost.)

(vi) Estimated amount of other indirect costs. (List separately each item amounting to 5 percent or more of the total estimated cost.)

(vii) Percent of cost and total general and administrative expense.

(viii) Total (excluding facilities, subcontracting, purchased parts, "off-the-shelf" items, profit or fixed-fee).

(ix) Percent of and total profit on cost or percent of and total fixed-fee.

(x) Names and addresses of all subcontractors and estimated amount to be awarded to each subcontractor when subcontracts are estimated to amount to either $25,000 or more, or 5 percent or more, of the total estimated cost of the prime contract.

(xi) Estimated total amount of purchased parts.

(xii) Estimated total amount of "off-the-shelf" items to be billed at prices which include profit.

(xiii) Percent of and total general and administrative expense on subcontracting, purchased parts, and "off-the-shelf" items.

(xiv) Percent of and total profit or fixed-fee on subcontracting, purchased parts, and "off-the-shelf" items.

(xv) Estimated total amount of facilities to be procured.

(xvi) Total estimated definitive contract amount.

(xvii) Form of price redetermination or escalation clause to be included in the contract.

(xviii) Percent of maximum upward revision under price redetermination or escalation clause.

(9) Amount of Government estimate of costs in form shown in subparagraph (8) of this paragraph.

NOTE. All information listed in subparagraphs (6), (7), (8), and (9) of this paragraph need not be furnished in each case if determined by the Contracting Officer to be inapplicable to the procurement being effected.)

(10) Number of contract form to be used.

(11) List any deviations from standard or approved contract clauses, and reasons for such deviations.

(12) List all Patent and Copyright clauses to be included in the contract.

(13) Brief description of delivery or performance schedule.

(14) List all estimated royalty payments, if any, and to whom to be paid.

(15) Estimated amount of Federal excise tax to be paid per unit.

(16) Description and value of Government property to be furnished Contractor.

(17) Statement as to whether the financial condition of the proposed Contractor is considered satisfactory. If performance bond is to be furnished, state amount.

(18) Statement as to whether past performance record of the proposed Contractor is considered satisfactory. If Contractor is engaged in current contract or contracts with the Procuring Activity concerned, state the estimated contract amount and status of deliveries.

(19) Funds to be expended.

(i) Total allocated.

(ii) Total obligated, exclusive of this contract.

(20) Priority of project or procurement involved.

(21) Statement as to whether the aggregate number of employees of the Contractor, including its affiliates, is less than 500.

(22) Specifications under which procurement is being effected. (If other than authorized specifications, complete justification therefor.)

(23) In addition to the above, any pertinent data in the form of explanations, comparisons, or comments concerning the unusual phases of the procurement.

(24) Requests for approval of personal service contracts will contain the statement or be accompanied by the certificate set forth in § 606.204–1 (a) (2).

(b) *Information required by the Department of the Army Power Procurement Officer.* Requests for approval of utility contracts and modifications referred to in § 606.204–6 will include the following information:

(1) Complete load data.

(2) Estimated maximum demand in kilowatts.

(3) Estimated average monthly demand in kilowatts.

(4) Estimated average monthly usage in kilowatt-hours.

(5) Estimated power factor.

(6) Similar applicable information for estimated usage of water, gas, sewage disposal, and steam contracts.

(7) Any other available pertinent information that will facilitate review, including but not limited to, analysis of available rates and charges, supporting data for estimates of demand and use, and difficulties experienced in negotiation.

(c) *Information required in connection with exercise of authority under Title II, First War Powers Act, 1941, as amended.* Requests for approval of contracts and modifications of contracts under the authority of Title II, First War Powers Act, 1941, as amended, will contain the information required by subpart D of this part.

§ 606.206 *Distribution of contracts.* Contracts will not be distributed until properly signed by all parties, and approved, if approval is required, and Standard Form 1036 (Statement and Certificate of Award) is attached in those cases where required. In the case of those contracts which require approval and such approval does not appear on the contract itself or the cover sheet, there will be attached a statement or certificate by the Contracting Officer that the award or the contract has been approved and the name, title, and office of the person by whom approved, together with a reference to the date thereof and/or to the administrative file containing the original approval. In the case of those contracts (whether numbered or unnumbered) made as a result of formal advertising, Standard Form 1036 will be executed and attached.

§ 606.206–1 *Definitions.* The following terms are used in connection with the distribution of contracts:

(a) *Signed number.* A signed number is the contractual instrument with the required signatures.

(b) *Authenticated copy.* An authenticated copy is a copy of the contractual instrument shown to be authentic by any one of the following:

(1) Certification as a true copy.

(2) Official seal, or

(3) Photostatic process.

The signatures on such copies may be either facsimile, stamped, or typed. In lieu of copying the signature of the parties, signing the contract or supplemental agreement and of the witnesses thereto, and the corporate certification or certificate, if any, as to the authority of the persons who signed the original for the corporate Contractor, the Contracting Officer or his authorized representative may execute the following certificate on the copies furnished the Fiscal Office and the Financing Disbursing Office for their use:

I certify that this is a true copy of the document property signed and witnessed ---------- and that the corporate certification therein was properly executed.
(Date)

(c) *Copy.* A copy is a copy of the contractual instrument, including the names of the contracting parties, but lacking authentication.

§ 606.206–2 *Secret and confidential contracts.* All instructions relating to distribution of contracts are subject to the provisions of AR 380–5 (Safeguarding Security Information), and all other current instructions governing the safeguarding and disclosing of information affecting the national security of the United States. Copies of Secret or Confidential contracts submitted to the General Accounting Office will be transmitted under two covers. Each cover is to be addressed to the United States General Accounting Office, Audit Branch, Indianapolis 49, Indiana. The inner cover only will be marked "Personal Confidential."

§ 606.206–3 *Numbered contracts.* Subject to such special instructions as may be issued by the Head of the Procuring Activity concerned, numbered contracts will be distributed as follows:

(a) The original signed number of each contract will be forwarded to the United States General Accounting Office, Audit Branch, Indianapolis 49, Indiana. If a surety bond or bonds are required in support of a contract whether lump sum or cost-plus-fixed-fee, see § 599.108 of this subchapter. When the contract covers purchases made for one or more of the other military departments of the Department of Defense, with payment to be made by the military department or military departments receiving the supplies or services, there also will be forwarded with the original signed number additional certified or photostatic exact copies of the contract in a number equal to the number of receiving military departments.

(b) The duplicate signed number will be filed with the Contracting Officer or as directed by the Head of the Procuring Activity concerned.

(c) The triplicate signed number will be forwarded to the Contractor.

(d) An authenticated copy will be forwarded to the Disbursing Officer for his files.

(e) Additional authenticated copies or unauthenticated copies will be distributed as directed in appropriate Department of the Army publications or by the Head of the Procuring Activity concerned. Such copies may be distributed prior to the distribution of the signed numbers, provided each is plainly marked as an "Advance Copy," and other adequate safeguards are taken to insure that there will be no improper fiscal charges due to contracts not being carried through to execution.

§ 606.206–4 *Unnumbered contracts.* (a) The original signed number will be furnished the Disbursing Officer and will be attached to the voucher on which payment is made and will accompany such voucher to the United States General Accounting Office, Audit Branch, Indianapolis 49, Indiana. If a surety bond or bonds were required in support of a contract, whether lump sum or cost-plus-fixed-fee, a suitable notation, by rubber stamp or otherwise, that a bond has been executed (e. g., "Performance Bond Executed"; "Payment Bond Executed") will be placed on the contract for the information of the General Accounting Office.

(b) The duplicate signed number will be forwarded to the Contractor.

(c) An authenticated copy will be furnished the Disbursing Officer for his files.

(d) Additional copies will be prepared and distributed as directed in appropriate Department of the Army publications or by the Head of the Procuring Activity concerned. Such copies may be distributed prior to the distribution of the signed numbers, provided each is plainly marked as an "Advance Copy," and other adequate safeguards are taken to insure that there will be no improper fiscal charges because of contracts not being carried through to execution.

§ 606.206–5 *Supplemental agreements and change orders.* Signed numbers and copies of supplemental agreements and change orders will be distributed in the same manner as is prescribed for the contracts to which they pertain and the Contracting Officer will note on his retained copy of the supplemental agreement or change order the date on which the Contractor's number was delivered or mailed to him.

§ 606.206–6 *Purchases under contracts of other Military Departments and other Government agencies.* (a) Delivery orders covering such purchases will be distributed in accordance with § 606.206–4.

(b) The Head of the Procuring Activity concerned will secure compliance with all special instructions of the respective agencies which make the contracts.

(c) Vouchers submitted to the General Accounting Office, Army Audit Branch, may relate to less than all of the items covered by the delivery order. If the original signed number of the delivery order has not already been so submitted, it will be submitted with the first voucher; and when vouchers are submitted covering subsequent payments, a reference will be made to the first voucher. The reference should contain the date on which the invoice covered by the first voucher was paid and the name of the Disbursing Officer by whom such payment was made.

§ 606.206–7 *Distribution to the Army Audit Agency of procurement contracts and other documents.* (a) Contracting Officers of the Department of the Army will distribute authenticated copies of signed contracts and other information as specified below to the regional offices of the Army Audit Agency.

(1) One copy of all cost (or cost sharing), cost-plus-a-fixed-fee, time and material contracts and fixed-price contracts containing cost reimbursement provisions for portions of the contract performance (including letter contracts); also one copy of all changes, amendments, and supplements to such contracts.

(2) One copy of any other type of negotiated contract (including letter contracts), where the total compensation to be paid the Contractor is based, in whole or in part, on the actual costs incurred, the quantity of work or service performed, the time element in performing the work or service, or on other similar variable factors; also one copy of all

changes, amendments, and supplements to such contracts.

(3) One copy of all contracts (including letter contracts) which provide for price redetermination, price escalation, incentive price adjustment, advance payments, or progress payments; also one copy of all changes, amendments, and supplements to such contracts.

(4) One copy of all contracts which have been terminated for convenience and which were not previously forwarded under requirements of subparagraphs (1), (2), or (3) of this paragraph.

(5) When a contract supplement reflecting (i) redetermined prices under a price redetermination type contract or (ii) a termination settlement is forwarded to a regional office of the Army Audit Agency in accordance with the requirements of subparagraph (1), (2), (3) or (4) of this paragraph, one copy of the record of negotiations will be attached to the supplement. This record will be an extra copy of summary of negotiations necessary for proper documentation in the contract file, or for review by a board of awards (if appropriate). No special record is required to be prepared to meet the requirements of this section.

(b) In addition to the contractual documents required by paragraph (a) of this section, the Contracting Officer will forward promptly an original and one copy of all cost statements, settlement proposals in connection with contracts terminated for the convenience of the Government, financial data, termination settlement proposals (including inventory schedules and DD Form 546 (Schedule of Accounting Information)), and other information furnished by the Contractor in accordance with each contract referred to in paragraph (a) of this section, or requested or acquired by the Contracting Officer. The copy of the cost statements and other data furnished will be retained by the Army Audit Agency and filed with the audit work papers, and the original returned at the time of submission of the audit report or at the time the Army Audit Agency determines that an audit is not to be initiated.

(c) For contracts involving industrial property as defined in paragraph 104.4, Appendix B, Part 413 of this title, Contracting Officers will furnish to the regional auditor, Army Audit Agency, of the region in which the official property records are maintained, a letter notification showing contract number, name, and address of Contractor, address of office administering the property records and location of the property records. Notifications may be consolidated and furnished weekly or monthly, depending on volume, but separate letters will be furnished for each location of records. Special arrangements may be made between a purchasing office and the Army Audit Agency in furnishing this information.

(d) Distribution of the above indicated contractual documents and supplementary information will be made by the purchasing office to the Army Audit Agency regional office of the area in which the performance will be accomplished and will include one extra copy when contracts are to be performed outside the continental limits of the United States. Special arrangements may be made by written agreement between a purchasing office and an Army Audit Agency regional office. The addresses and jurisdictional areas of the Army Audit Agency regional offices are as follows:

Name and Address of Regional Office and Regional Jurisdiction

New York Regional Office: Army Audit Agency, 180 Varick Street, New York 14, N. Y. First Army Area.

Philadelphia Regional Office: Army Audit Agency, 2800 South Twentieth Street, Philadelphia 45, Pa. Second Army Area.

Atlanta Regional Office: Army Audit Agency, 745 Peachtree; Seventh Building, 50 Seventh Street NE., Atlanta, Ga. Third Army Area.

San Antonio Regional Office: Army Audit Agency, Fort Sam Houston, San Antonio, Tex. Fourth Army Area.

Chicago Regional Office: Army Audit Agency, 608 South Dearborn Street, Chicago 8, Ill. Fifth Army Area.

San Francisco Regional Office: Army Audit Agency, 1625 Bush Street, San Francisco, Calif. Sixth Army Area.

Washington Regional Office: Army Audit Agency, Guam Building, 23d Place and Oklahoma Avenue NE., Washington 25, D. C. Military District of Washington and designated oversea areas which are not under the jurisdiction of major oversea commanders.

(e) Contracts other than those specified in paragraph (a) of this section will not be distributed to the Army Audit Agency.

§ 606.206–8 *Excessive distribution prohibited.* See § 605.1506–3 (b) of this subchapter.

§ 606.207 *Audits of procurement contracts by the Army Audit Agency.* Requirements and procedures pertaining to audits of procurement contracts are set forth in the following sections.

§ 606.207–1 *Cost-reimbursement type contracts*—(a) *Mandatory Audits.* The Army Audit Agency will schedule and perform audits on the types of contracts included under § 606.206–7 (a) (1), including termination settlement proposals thereunder.

(b) *Differences and disputes.* (1) Where questions arise during the course of an audit of a cost-reimbursement type contract which appear to be in need of either amplification, substantiation, or clarification by the Contracting Officer prior to the submission of the formal report, the Auditor, without delay, will attempt to obtain such amplification, substantiation, or clarification from the Contracting Officer. The Contracting Officer, in turn, will cooperate fully in the prompt resolution of any such problem.

(2) If the audit referred to above discloses any costs which, in the Auditor's opinion, do not appear to be reimbursable under the terms of the contract, or because they appear to be excessive or otherwise unreasonable, the Auditor will recommend such costs for nonacceptance. If the Contracting Officer does not concur in the recommendations, he will, within 5 days after receipt thereof, advise the Regional Auditor in writing of his reasons for nonconcurrence and, pending resolution of differences, will not approve the disputed items for payment in whole or in part. The costs on which the Regional Auditor and the Contracting Officer are in agreement may be paid pending dispostion of the differences. The Regional Auditor will consider the comments of the Contracting Officer and will reappraise his original recommendations in the light thereof. If the Regional Auditor believes that his original recommendations should be changed, he will revise or supplement his recommendations accordingly. However, should the Regional Auditor still believe that his original recommendations are proper, he will prepare and submit to the Contracting Officer any additional information and data in support thereof as he may consider pertinent under the circumstances. In either case the Regional Auditor's written reply will be transmitted within 5 days of receipt of the Contracting Officer's comments.

(3) Generally, any differences in opinion with respect to allowability of costs should be capable of resolution at the Contracting Officer and Regional Auditor level. However, if agreement cannot be reached after the exchange of correspondence required in subparagraph (2) of this paragraph, the Contracting Officer, within 5 days after receiving the Regional Auditor's reply to his previous comments, will transmit the complete file direct to the Head of the Procuring Activity involved, forwarding a copy of the transmittal letter to the Regional Auditor. Upon receipt of copy of the transmittal letter, the Regional Auditor will forward his complete file, including the audit work papers to the Chief, Army Audit Agency, sending a copy of his transmittal letter to the Contracting Officer.

(4) Within 7 days after receipt of the files, the designated representative of the Head of the Procuring Activity concerned and the designated representative of the Chief, Army Audit Agency, acting as an informal board, will make a final decision on the items in dispute and jointly will advise the Contracting Officer direct with respect thereto with an information copy to the Regional Auditor. All decisions of the informal board will have the written approval of the Head of the Procuring Activity concerned and of the Chief, Army Audit Agency.

(5) In the event that the Head of the Procuring Activity and the Chief, Army Audit Agency, are unable to agree, the dispute will be referred direct to the Secretary, who will render a final decision on the issues involved.

(6) Determination reached by the informal board will have the effect of a directive and will be so recognized by both the Contracting Officer and the Regional Auditor. Decisions by the Secretary will also be in the form of a directive and will have the same effect. Payment then will be made in accordance with the decisions reached. Such decisions do not preclude a contractor from seeking redress under any applicable provisions of the contract.

§ 606.207–2 *Fixed-price contracts*—(a) *When audits will be performed.* (1) Audits of cost data submitted by Contractors in connection with the negotiation or revision of prices and settlement proposals of contracts terminated for convenience under fixed-price contracts will be performed—

(i) When requested by the Contracting Officer. As a matter of policy, Contracting Officers should request audits in those cases where in their judgment an audit is desirable to protect the interest of the Government after giving full consideration to the amount involved, the nature and acceptability of the cost data furnished by the contractor, unusual circumstances that might adversely affect the Government's interest, or any other available information that would be of value in arriving at the decision.

(ii) Whenever the Regional Auditor deems it advisable (provided the Government has the right of audit) after giving full consideration to the amount involved, the nature and acceptability of the cost data furnished by the Contractor, knowledge (or lack thereof) of the Contractor's accounting policies and procedures, the adequacy of the Contractor's cost system, unusual circumstances that might adversely affect the Government's interest, or any other available information that would be of value in arriving at the decision.

(2) It is not considered sound policy to arbitrarily exempt from the requirement of audit any contract or group of contracts in which pricing or payment is based on cost information furnished by the Contractor. However, in the application of paragraph (a) (1) (i) and (ii) of this section in those cases where there is adequate knowledge of the Contractor's accounting policies and cost system, and previous favorable experience, both the Contracting Officer and the Regional Auditor should consider the propriety of accepting the Contractor's cost information after a satisfactory review and analysis by qualified personnel in either or both offices. This procedure is particularly adaptable to contracts of limited amounts.

(3) As promptly as possible but not later than 10 days after receipt of the financial data set forth in § 606.206–7 (b), the Contracting Officer will be advised of the decision by the Regional Auditor under paragraph (a) (1) (ii) of this section or of any recommendation in connection with paragraph (a) (2) of this section which might warrant reconsideration of the request for an audit.

(b) *Action required upon receipt of request for or the initiation of an audit.* Promptly upon receipt of the audit request set forth in paragraph (a) (1) (i) of this section or when initiating an audit under paragraph (a) (1) (ii) of this section, but no later than 10 days after receipt of an audit request or receipt of the data set forth in § 606.206–7 (b), the Army Audit Agency will advise the Contracting Officer of the approximate date the audit will be started, and within 5 days after the actual starting date, the Auditor will further advise the Contracting Officer of the estimated date of submission of the audit report. In the event that conditions which arise during the performance of the audit indicate the audit report cannot be completed within the estimated period and in order not to delay unduly any needed payment of acceptable items of cost to the Contractor, the Auditor will promptly advise the Contracting Officer of the cause of the extension of the estimated date of completion and will furnish a brief interim report indicating the amount which, in the Auditor's opinion, and subject to the Contracting Officer's approval may be provisionally paid at that time; in the case of pending *precontract* negotiations, the Contracting Officer may, in his discretion, proceed with negotiations without delay until completion of the audit report, should the situation so warrant.

(c) *Scope of audits.* The scope of each audit requested by a Contracting Officer will be the minimum required in the opinion of the Auditor under the circumstances to justify him in giving an opinion regarding the reasonableness and fairness of the Contractor's claims regarding costs actually incurred or estimated to be incurred, either as a basis for actual contract settlement or for price negotiation, as the case may be. The scope of the audit will depend upon the Auditor's judgment regarding the Contractor's financial and accounting policies and procedures, including the reliability of his cost system and internal controls; in no case will a detailed audit of transactions or price estimates be made beyond the extent necessary under the circumstances. Whenever the Auditor determines to expand the scope of auditing to include extensive detailed work, an explanation of the reasons therefor will be furnished in the audit report.

(d) *Disclosure of audit results to Contractors.* In order to facilitate negotiations and to insure that the audit findings are in keeping with the facts after full consideration has been given to the Contractor's accounting policies and procedures, the Auditor may discuss his audit findings with the Contractor in respect to the costs questioned and the accounting basis therefor. The Auditor will, in each case where the audit results are discussed with the Contractor, inform the Contractor that the audit findings as approved by the Regional Auditor are advisory only and do not restrict the Contracting Officer in his negotiation with the Contractor. Upon completion of the audit report and review thereof, the Regional Auditor should normally furnish the Contractor with copies of the pertinent schedules relating to the costs questioned, at the same time as the audit report is submitted to the Contracting Officer.

(e) *Action of Contracting Officer upon receipt of audit report.* Contracting Officers are primarily responsible for determination of prices negotiated under fixed-price contracts, including those containing price redetermination clauses. Audit reports on negotiated fixed-price contracts, while advisory only, are necessary and important in that they furnish Contracting Officers adequate information with which to negotiate fairly with the Contractor's representatives, and must be fully considered. In accordance with the requirements of § 606.206–7 (a) copies of contractual documents reflecting the determination of prices or settlements must be furnished promptly by the Contracting Officer to appropriate regional officers of the Army Audit Agency.

(f) *Action of Army Audit Agency upon receipt of contractual documents indicating settlement of price redeterminations, etc.* Upon receipt of the contractual documents indicating revision of prices (or final settlements), the Army Audit Agency will evaluate the new prices in the light of the advisory audit report and other available information for overall reasonableness. A reaudit or reexamination of the Contractor's accounts will NOT be performed. In those cases where the new prices appear largely disproportionate to the information available, a report will be submitted through the Chief, Army Audit Agency to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch. The Comptroller of the Army will be furnished with information indicating disposition of the report.

§ 606.207–3 *General*—(a) *Accounting counsel.* Contracting Officers may utilize, and the Army Audit Agency will furnish accounting counsel at the request of the Contracting Officer, whenever the Contracting Officer determines that such counsel is desirable and appropriate in the negotiation of a contract either in its initial pricing stage or during or at the completion of its performance.

(b) *Reports of irregularities.* If the basis for an audit request, or if discovered in the course of an audit, information as to irregularities or unusual matters will be furnished promptly to the Auditor, or to the Contracting Officer, for appropriate consideration. Reports by the Auditor indicating suspicion of fraud will be furnished to the Contracting Officer who will be governed by Subpart F, Part 590 of this subchapter.

§ 606.208 *Vendor's certificate.* The Comptroller General has prescribed the following simplified form of certificate to be used by Contractors and vendors on invoices and bills:

I certify that the above bill is correct and just and that payment therefor has not been received.

SUBPART C—PROCUREMENT ACTION REPORTING

§ 606.301 *General.* To conform with the provisions of Public Law 413, 80th Congress, Armed Services Procurement Act of 1947, and with instructions of the President of the United States, and to provide the Assistant Chief of Staff, G–4, Department of the Army, with management data essential to staff control over Army procurement, procurement action reports will be prepared on the forms and submitted at the times herein prescribed. Heads of Procuring Activities (as defined in § 400.201–4 of this title) may issue implementing instructions, as required to their Contracting Officers. A copy of each such implementation will be forwarded, as issued, to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch.

§ 606.302 *Data to be included.* Data reported will cover all procurement ac-

tions (see § 606.307) transacted under the provisions of subchapter A, Chapter IV of this title and this subchapter by all Contracting Officers of the Army Establishment. Procurement actions for civil functions, such as Engineers Civil Works and Alaskan Communications System, are not included in this reporting requirement.

§ 606.303 *Forms.* Reports will be prepared on DA Form 377 (Monthly Summary of Procurement Actions) (Reports Control Symbol CSGLD–534) and DD Form 350 (Individual Procurement Action Report) (Reports control Symbol CSGLD–525). Supply of forms will be requisitioned through normal publications supply channels.

§ 606.304 *Number of copies and routing.* (a) The original of each DD Form 350 will be forwarded to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, in all cases except where the chief of a technical service requires the original of the report for coding purposes. In cases where the original of the report is forwarded to the chief of the technical service, a copy of the report will be forwarded to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch. Heads of Procuring Activities may require extra copies of DD Form 350 to be furnished by their Contracting Officers. The original of DA Form 377 will be forwarded to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, and a copy of the report will be forwarded to the appropriate Heads of Procuring Activities. DA Form 377 will not be forwarded to the Department of Labor, Wage and Hour and Public Contracts Division. Letters of transmittal will not be used in submitting either individual or monthly reports.

(b) For each unclassified or restricted procurement action having a value of over $10,000 and subject to the Walsh-Healey Public Contracts Act (Subpart F, Part 411, of this title), two additional copies of the top portion of DD Form 350 (first 13 items) will be prepared by the installation which effects the procurement and forwarded direct to Department of Labor, Washington 25, D. C., Attn: Wage, Hour and Public Contracts Division. These additional copies will not be prepared for actions bearing a security classification higher than confidential.

(c) One additional copy of DD Form 350 will be submitted to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, when the dollar value of the action reported is $500,000 or more.

(d) One additional copy of DD Form 350 will be submitted to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, in the case of all oversea procurement actions involving Mutual Security Assistance (MSA) funds.

(e) A supplementary report will be prepared for each contract or amendment of a contract involving new procurement for $1,000,000 or more to be performed in labor shortage areas (those classified in Group I by the Department of Labor). Four copies of this supplementary report will be appended to the four additional copies of DD Form 350 and forwarded to Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch. The supplementary report will contain the following information:

(1) Manpower requirements (on basis of information obtained from contractor).

(i) Current total employment (number of persons) of Contractor at place of manufacture shown in item 6 of DD Form 350. Indicate month.

(ii) Estimated employment at the same facility for work solely on the new contract during peak month of operation on that contract. State month and year.

(iii) Net additional manpower required (actual new hires) at the same facility for work on new contract to attain employment shown in subparagraph (1) (ii) of this paragraph. (This figure cannot be larger than the figures noted in subparagraph (1) (ii) of this paragraph but may in some instances be smaller due to transfer of employees from other military or civilian work which is phasing out.)

(2) If the entry in subparagraph (1) (iii) of this paragraph is 200 or more—

(i) A brief statement of information and advice furnished by local Employment Service Office.

(ii) A brief explanation of the overriding factors which made placement of the contract in the labor shortage area necessary or advisable despite adverse manpower conditions. (In the case of formally advertised procurements, the making of an award, pursuant to existing procurement directives, to a Contractor located in a Group I area will be considered as a sufficient overriding factor for this purpose.)

(f) *Distribution chart.*

DISTRIBUTION CHART—PROCUREMENT ACTION REPORTS—DD FORM 350

	AC of S, G–4 (Attn: Chief, Purchases Branch)	Head of procuring activity	Department of Labor,[1] Washington 25, D. C., Attn: Wage and Hour and Public Contracts Division
DD Form 350:			
Actions over $10,000 but less than $500,000 subject to Walsh-Healey Public Contracts Act. (Unclassified only.)	1 copy	1 copy	2 copies.
Actions over $10,000 but less than $500,000 subject to Walsh-Healey Public Contracts Act. (Classified Confidential and above.)	1 copy	1 copy	None.
Actions over $500,000 subject to Walsh-Healey Public Contracts Act. (Unclassified only.)	2 copies	1 copy	2 copies.
Actions over $500,000 subject to Walsh-Healey Public Contracts Act. (Classified Confidential and above.)	2 copies	1 copy	None.
Actions over $1,000,000 to be performed in Labor Shortage Areas, Group I (with supplemental report).	5 copies	1 copy	None.
All oversea actions involving Mutual Security Assistance Funds (regardless of dollar value).	2 copies	1 copy	None.
All actions for research and development or industrial mobilization (regardless of dollar value).	1 copy	1 copy	None.
Actions over $500,000 for research and development or industrial mobilization.	2 copies	1 copy	None.
All actions for letter contracts (regardless of dollar value)	1 copy	1 copy	None.
Actions over $500,000 for letter contracts	2 copies	1 copy	None.
All actions for definitive contracts superseding letter contracts (regardless of whether additional funds are obligated).	1 copy	1 copy	None.
All actions on amendments involving price redetermination (regardless of dollar value).	1 copy	1 copy	None.

[1] Only top portion of DD Form 350 to be furnished Department of Labor.

§ 606.305 *Frequency and due dates.* The procurement action reporting forms (DD Form 350 and DA Form 377) will be submitted as follows:

(a) Class I installations and activities will forward the original DA Form 377 and the original of each DD Form 350 at the same time. These forms for the completed calendar month will be forwarded not later than the fifth day of the following month.

(b) Class II installations and activities will prepare DD Form 350 for each reportable procurement action and forward this form within four working days after the date an individual action as described in § 606.307 is transacted. DA Form 377 will be forwarded not later than the 10th day of the following month. (See § 606.309 (a).)

(c) Oversea Purchasing Offices will prepare DD Form 350 for each reportable procurement action and forward this form within four working days after the date an individual action as described in paragraph § 606.307 is transacted. DA Form 377 will be forwarded not later than the 10th day of the following month. (See § 606.309 (a).)

(d) As soon as practicable after an individual procurement action is transacted, the additional copies of DD Form 350 with attached four copies of supplementary report required by § 606.304 (e), will be forwarded by procuring installations of the Army establishments in the continental United States to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch. However, submission of these extra copies and the attached report will not be allowed to delay transmission of the other copies of DD Form 350 within the required period.

(e) Negative DA Forms 377 will be submitted by all reporting activities when appropriate.

§ 606.306 *Reporting activities.* The Procurement Action Report (DD Form 350 and DA Form 377) will be prepared by all Contracting Officers of the Army Establishment in the continental United States, its Territories and possessions, major oversea commands, attachés and foreign missions, designated as such pursuant to § 590.450 of this subchapter, transacting purchases, procurements or executing contracts payable from appropriated funds (§ 590.251 of this subchapter).

§ 606.307 *Procurement action to be reported.* (a) A "procurement action" means any type of agreement or order for the procurement of supplies or services which obligates funds as set forth in § 606.306. It includes, by way of description and without limitation, awards; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, exchange, or time and material; delivery orders, job orders, task orders or task letters issued against open end or indefinite quantity contracts; letter orders, letters of intent, and purchase orders. It includes modifications (amendments, change orders, and supplemental agreements) with respect to any of the foregoing. (See Subpart D, Part 402 of this title.) It also includes the purchasing, renting, leasing, or otherwise obtaining supplies or services from either private sources or Governmental agencies outside of the Department of Defense. (For interdepartmental procurement see § 606.308, Item 15.) It excludes requisitions transferring supplies or services within, or between the military departments or the joint procurement agencies of the Department of Defense. (For interservice procurement, see § 606.308, Item 15.) It excludes the renting or leasing of real estate and requisitions transferring supplies or services within, or between the military departments or the joint procurement agencies of the Department of Defense. (For interservice procurement, see § 606.308, Item 15.)

(b) Term contracts, open-end contracts, indefinite quantity contracts, or agreements for obtaining supplies, which dollar value, will not be reported by the activity which executes such contract. Activities which execute individual purchase instruments or orders against such contracts will report each individual action of $10,000 or over on DD Form 350 and will report the sum of all purchases irrespective of dollar value on DA Form 377. Similarly, job orders against Army Establishment manufacturing installations will not be reported, but contracts for materials necessary to do not include specific quantities or total accomplish the job order will be reported.

(c) Except as indicated in paragraph (d) of this section DD Form 350 will be submitted for individual procurement actions where the dollar value is $10,000 or more. Except as indicated in paragraph (d) of this section DD Form 350 will be submitted for each modification (amendment, change order, or supplemental agreement) increasing or decreasing the value of a contract by $10,000 or more, regardless of value of basic contract and regardless of whether basic contract was executed prior to effective date of Public Law 413, 80th Congress (19 May 1948).

(d) The following procurement actions or modifications thereto will be reported in every instance without regard to any dollar value limitation:

(1) Action negotiated under 2 (c) (1) which prior to the declaration of the National Emergency would have been negotiated under sections 2 (c) (11) and 2 (c) (16) of Public Law 413;

(2) All oversea procurement actions involving MSA funds;

(3) All letter contracts;

(4) Definitive contracts superseding letter contracts regardless of whether additional funds are obligated.

(5) All amendments involving price redetermination.

§ 606.308 *Instructions for preparation of DD Form 350 (Individual Procurement Action Report).*

Item 1—Report number. This number will represent the serial number of DD Form 350 submitted by each office, installation, activity, or individual within the current fiscal year, suffixed by the last two digits of the fiscal year. The report covering the first procurement action taken in fiscal year 1954 by each office will bear the number "1–54," and consequently thereafter for subsequent procurement actions. The report covering the first procurement action taken in each succeeding fiscal year, beginning 1 July, will again bear the number "1," followed by the last two digits of the fiscal year. In those instances where more than one activity in a purchasing office utilizes the same station number, blocks of numbers will be assigned to each activity by the purchasing office to avoid duplication of report numbers. The numbering will be in accordance with the date of the report, item 39, and not according to the date of the procurement action, item 11. If the report covers a modification (amendment, change order, or supplemental agreement) with respect to a procurement action previously reported, also enter the number of the most recent procurement action report number related to the contract involved.

If block (3), (4), (5), (6), or (7) of item 8 has been checked, this space should have a previous report number in addition to the number for this report.

Item 2—Department. Enter "Army" if not so preprinted.

Item 3—Bureau, technical service, or command. Enter the name of the Procuring Activity having responsibility for the procurement action; such as Quartermaster Corps, European Command, Third Army, National Guard, etc. (See § 606.309 (d) of this subpart.)

Item 4—Procuring office and address. Enter title, address, and station number in sufficient detail to establish readily the identity of the office, installation, activity, or individual preparing the report.

Item 5a—Contractor name and business address. Enter the name and business address, including street or post office box, of the Contractor or vendor with whom the procurement action was transacted.

Item 5b—Division of. In cases where the Contractor or vendor identifies himself as a division of a parent company, enter the name of the parent company concerned.

Item 6—Place of performance. Enter the actual location of the vendor's place of business from which the items will be supplied or the plant in which the items will be produced. If the items are to be supplied from a vendor or plant to which the Contractor subcontracts the order, or for which the Contractor acts as a broker or factor, the name and location of the vendor or plant from which the items will be supplied will be entered. In case of construction and design contracts, enter actual site of construction and design. If more than one location is entered, and one of the locations is a surplus labor area, the surplus labor area must be listed first. (See item 17.) If the supply or production source is unknown, not available, or identical with item 5a, so indicate.

The place of performance should be carefully checked with item 17 to ascertain that, if this contract has been placed in a labor surplus area, the numerical designation is the same as the place of performance. (See DMP No. 4.) If there is more than one place of performance mentioned in item 6, and only one of the locations is "labor surplus" there should be an entry in "Remarks" to show the actual amount awarded to the "labor surplus area."

Item 7—Contractual instrument number. Enter the complete number of the contract to which this report pertains in accordance with § 606.203.

Item 8—Kind of procurement action. Place an "X" mark in the appropriate box to show whether—

(1) Action is a preliminary instrument such as a letter of intent or letter contract;

(2) Action is a new definitive contract (includes Purchase Order and notice of award);

(3) Action is a definitive contract superseding a preliminary instrument, if this is the case, record under item 10 only the change (debit or credit) from value reported for preliminary instrument; (if there is no change in dollar value from the preliminary instrument, the report must still be prepared and submitted, but no entry will be made in item 10);

(4) Action is an order other than Purchase Order such as Job Order, Task Order, or Delivery Order against open-end contracts;

(5) If action is a modification, place another "X" mark in the appropriate box to show whether it is an amendment,

(6) Change order, or

(7) Supplemental agreement, and enter the number thereof.

If this item is checked in block (3), pull previous report to determine that a letter order *was* previously reported, check "Remarks" (item 24) to see that necessary letter contract information appears.

Item 9a—Item number. For identification of item numbers in block 25 on all procurements involving MSA funds.

Item 9b—Description of commodity or service and end use of commodity. Enter a brief, explicit description of the major items being procured. This description must be in sufficient detail to permit identification of the commodity for determining purchase assignment. In making this determination, the use of the commodity is frequently a deciding factor, especially in the case of spare parts for trucks, for radios, for clocks, etc. Accordingly, the use of the commodity will be indicated, where applicable, in addition to the brief description of the item. In the case of research and development contracts this description must be in sufficient detail to permit identification of the project for the Congressional report required under Public Law 557, 82d Congress. Heads of Procuring Activities may require, by supplemental instructions, detailed lists of all the separate items to be appended. If the description of the item bears a security classification, enter only the word "Classified," except in the case of research and development contracts.

This entry should be checked with items 9f and 9g to determine that correct coding has been accomplished.

Item 9c—Unit. Enter, if practicable, the unit of measure of the item being procured: viz, each, ton, square feet, etc.

Item 9d—Quantity. Enter, if practicable, the quantity of the item being procured. In

case of amendments or supplemental agreements enter only the increase or decrease in quantity.

Item 9e—Unit price. Insert unit price which appears in the contract.

Item 9f—Commodity code or class. Use first two digits of the Standard Commodity Code Classification, Volume No. 1, 1946.

Item 9g—DDCP No. A notation will be made in item 9g showing the Department of Defense Claimant Program Code Number (applicable to use of DO ratings); this may be abbreviated as DDCP A4, etc.

Procurement Program Definitions

These program definitions are published here in order to assist in the uniform compilation of reporting data in the area of funds, materials, end item requirements, and procurement schedules. They will be used in the completion of item 9g of the Individual Procurement Action Report (DD Form 350).

1. Department of Defense Procurement Programs are groupings of items in terms of CMP allocations (materials), dollar value, or end item quantitative requirements.

2. These programs have been developed in order to group for reporting purposes consistent and reconcilable information in terms of materials, funds, and end items.

3. When planned use is known at the time of purchase, each procurement program will include all items pertaining to the following:

a. Crating, packaging materials and dunnage.

b. Conversion, maintenance and repair:

(1) Materials.

(2) Services (performed by civilian contractors).

(3) Operating supplies.

(4) Parts and spares.

c. Related training equipment and devices (including technical manuals and publications).

d. Related research and development and preproduction materials and equipment (but excluding construction of research and development facilities which are included in Program C-2).

When planned use is not known, a and b above will be identified to Program C-3; c and d above to Program C-9.

The subprograms noted in certain programs are for guidance purposes in enabling the military services and other Government agencies to determine more readily and uniformly under which procurement program certain types of equipment should be included. Specific directives concerning the areas of funds, materials, and items of equipment and supplies will specify those instances in which reporting by such subprograms may be required, and any deviations from these general definitions.

Other programs which are not pertinent to overall treatment are included in the Priorities and Allocation Manual, i. e., C-8, W-1, C-4, B-5, etc.

PROCUREMENT PROGRAM DESCRIPTION

A-1 Aircraft Program

This program consists of three subprograms: (a) Airframes and Related Assemblies and Spares; (b) Aircraft Engines and Related Spares and Spare Parts; and (c) Other Aircraft Equipment and Supplies not included in subprograms (a) and (b).

(a) *Airframes and Related Assemblies and Spares.*

Includes	*Excludes*	*Program in which exclusions are included*
Complete aircraft (procured as such, i. e.—helicopters, excludeing GFE).	GFE tires and tubes	A-1c.
Airframe assemblies and spares, such as, tail assemblies, wing assemblies, landing gears, etc.	General purpose production equipment.	B-9.
Special gigs, dies, and fixtures to be used only in the fabrication of a specific airframe model (including variations thereof).	Production facilities	C-2.
Maintenance tools peculiar to the aircraft.		

(b) *Aircraft Engines and Related Spares and Spare Parts.*

Includes	*Excludes*	*Program in which exclusions are included*
Aircraft engines and parts.	Aircraft engines incorporated in aircraft procured as complete aircraft.	A-1a.
Assist takeoff other than droppable units.	Assist takeoff (ATO), droppable units only.	A-6.
Aircraft jet engines and parts used, without major modification, on guided missiles.	General purpose production equipment.	B-9.
Special jigs, dies, and fixtures to be used only in the fabrication of a specific model of aircraft engine, including inspection gages.	Production facilities	C-2.
Maintenance tools peculiar to the engine.		

A-1 Aircraft Program—Continued

(c) *Other Aircraft Equipment and Supplies Not Included in Subprograms (a) and (b).*

Includes	*Excludes*	*Program in which exclusions are included*
Aircraft instruments and parts (except electronic equipment for communication, fire control, and radar).	GFE electronics and communications equipment.	A-7.
Electrical equipment, such as, generators, inverters, starters, alternators, etc.	GFE weapons	A-5.
Aircraft propellers and hubs.	GFE fire control, bomb sights, and related electromechanical devices.	A-5 or A-7.
Mobile training units.	Aircraft weapons	A-5.
Flight simulators.	Photographic equipment	C-9.
Ground handling equipment peculiar to a specific model of aircraft.	Airborne accessories not an operational part of the aircraft, such as life rafts, oxygen masks, parachutes, fire extinguishers, etc.	A-9 or C-9.
Other accessories and parts readily identifiable for aircraft use, such as gun turrets, bomb racks and releases, rocket launchers, fuel tanks, droppable aircraft tanks, GFE tires and tubes, control wires, servo and other control mechanisms, etc.	Organizational equipment, such as general ground or deck handling equipment, ships, hangar, and airfield equipment.	B-9 or C-9.

A-2 Guided Missiles Systems Program

Includes	*Excludes*	*Program in which exclusions are included*
Guided missiles systems.	GFE aircraft jet engines used, without major modification, on guided missiles.	A-1b.
All guided missile parts and related equipment procured from guided missile prime Contractors except items excluded.	Fuels	A-6 or A-8.
CFE electronics equipment for guided missiles systems.	GFE electronic equipment	A-7.
Booster cases for guided missiles.	Guided bombs (Tarzon, Razon, etc.).	A-7.
Ground handling and launching equipment peculiar to a specific model of guided missile.		
Target drones.		
Special jigs, dies, and fixtures which can be used only in producing specific types of guided missiles, including inspection gages.		

A-3 Ships Program

Includes	*Excludes*	*Program in which exclusions are included*
Construction of vessels of all types.	Guns, rocket launchers, torpedo tubes, depth charge projectors, and other weapons.	A-5.
Total cost of services, civilian labor, and ship parts used in conversion, repair, overhaul, and modernization, whether done by private Contractors or in Government shipyards.	Fire control equipment	A-5.
Ship parts (except those excluded).	GFE electronic equipment, e. g., communications, fire control, radar, etc.	A-7.
Ship armor not procured with, or as a part of weapons.	Ship equipage and housekeeping supplies such as, brooms, soap, paint, grease, light bulbs, mess and galley utensils, cleaning rags; office supplies, clothing and other personnel items; recreation equipment and supplies, and similar types of items which are not usually produced as ship parts.	Generally, A-9 or C-9.
Aircraft catapults and arresting gear.		
Assault boats.		
Floating cranes, floating drydocks, and bridge erection boats.		
Production equipment procured as a part of and mounted on floating equipment.		
Tracked amphibious vehicles, such as LVT's.		
Shipborne degerming and degaussing equipment.		
Special jigs, dies, and fixtures, which can be used only in specific shipbuilding operations, including inspection gages.	Pontoons (including propelling units)	B-1.
	Fabric or rubber life rafts	A-9.
	GFE production equipment	B-9.

A-4 Tank-Automotive Program

This program consists of two subprograms: (a) Combat Vehicles and (b) Noncombat Vehicles.

(a) *Combat vehicles.*

Includes	*Excludes*	*Program in which exclusions are included*
Tanks.	Weapons	A-5.
Self-propelled gun motor carriages.	Fire control equipment	A-5.
Other combat vehicles.	GFE electronic equipment, e. g., communication, fire control, etc.	A-7.
Combat vehicle parts.	Tracked amphibious vehicles, such as LVT's.	A-3.
Modification whether done in private or in Government production facilities.	Production facilities	C-2.
Special jigs, dies, and fixtures which can be used only in producing a specific combat vehicle model.	General purpose production equipment.	B-9.

A-4 Tank-Automotive Program—Continued

(b) *Noncombat vehicles.*

Includes	*Excludes*	*Program in which exclusions are included*
Trucks, ambulances, passenger cars, buses, motorcycles, and other motorized vehicles including wheeled amphibious vehicles (except vehicles identifiable to the construction equipment portion of the Miscellaneous Equipment Program C-9).	Weapons	A-5.
	GFE electronic equipment, e. g., communication, fire control, radar, etc.	A-7.
Power-driven trucks, decontaminating.	Fire control equipment	A-5.
Bicycles.	Warehouse, airfield, and industrial tractors.	C-9.
Trailers and semitrailers.	GFE repair, production, and service equipment mounted on noncombat vehicles.	C-9.
Repair, maintenance, and other special purpose noncombat vehicles.		
Prime, Contractor-furnished repair, rebuild, production and service equipment procured as a part of and mounted on noncombat vehicles.		
Other accessories and parts readily identifiable for noncombat vehicle use, such as tires, spark plugs, batteries, etc.		
Modification whether done in private or in Government production facilities (kits).		
Truck tractors.		
Special jigs, dies and fixtures which can be used only in producing a specific noncombat vehicle model, including inspection gages.		

A-5 Weapons Program

Includes	*Excludes*	*Program in which exclusions are included*
Small arms, automatic weapons, mortars, artillery, guns, rocket and grenade launchers, and pyrotechnic projectors, including those mounted on vehicles, ships, and aircraft.	Paravanes	A-3.
	Shipborne degerming and degaussing equipment.	A-3.
Flame throwers.	Rocket launchers readily identifiable for aircraft use and launching equipment peculiar to a specific model of guided missile.	A-1 or A-2
Smoke generators (land).	Electronic fire control equipment such as MK56, MK63, T33, MK101, MK102, etc.	A-7.
Torpedo tubes.		
Harbor protection nets.		
Depth charge projectors.		
Wholly optical, electrical, or mechanical fire control equipment, including binoculars, bomb sights, other optical equipment, stop watches and fire control mounts.		
Nonelectronic portions of electronic fire control equipment if separately procured and if procurement and requirement data are separately maintained.		
Special jigs, dies, and fixtures which can be used only in producing specific types of weapons, including inspection gages.		
Degerming and degaussing equipment (Range Station).		

A-6 Ammunition Program

Includes	*Excludes*	*Program in which exclusions are included*
Ammunition, rockets, bombs, mines, grenades, torpedoes, depth charges, demolition material, and pyrotechnics.	Guided bombs, such as Tarzon and Razon.	A-7.
ATO units (droppable units only) and fuel for ATO units.	Commercial type petroleum products.	A-8.
Rocket and guided missile fuel.	VT Fuzes	A-7.
Machine gun links.	Booster cases for guided missiles	A-2.
Ammunition parts.	Nondroppable propulsion devices installed in aircraft.	A-1.
Chemicals used in bombs, flame throwers, smoke generators, and ammunition.	Droppable aircraft tanks	A-1c.
Special jigs, dies, and fixtures which are used in producing a specific type of ammunition, including inspection gages.		

A-7 Electronics and Communication Equipment Program

Includes	*Excludes*	*Program in which exclusions are included*
Electromagnetic radiating and nonradiating equipment, except that radiating in the visible spectrum, including: Radio equipment including uses for telegraph, telephone, teletype, facsimile, television and IFF signals.	X-ray apparatus	C-9.
	Nonelectrical communication equipment such as pigeons and flags.	A-9 and C-9.
Radar equipment.	Blinker lights and flash lights	C-9.
Electronic and electro-mechanical computors.	Telephone poles	C-9.
Radiation aids to aircraft control and navigation, including control of guided missiles.	Tool repair kits, pole climbing equipment, plows, earth augers, and other tools.	C-9.
Radiation aids to fire control bombing, armament, and related electromechanical types (not otherwise covered).	Photographic equipment	C-9.
Radiation countermeasures, including electronic deception and electronic jamming.	Nonelectronic meteorological equipment such as thermometers, barometers, etc.	C-9.
Radiac.	Shelters, carts winches, rope, boards, maps, tables, stakes, air conditioners, etc.	C-9.
Infrared.		
Meteorological.		

A-7 Electronics and Communication Equipment Program—Continued

Includes	*Excludes*	*Program in which exclusions are included*
Sonar equipment.	Wholly optical, electrical or mechanical fire control equipment, including binoculars, bomb sights, other optical equipment, stop watches and fire control mounts.	A-5.
Magnetic amplifier and detection equipment.		
Equipment used for transmission or reception of intelligence by wires, cables, or coaxial cable, including recorders, reproducers, telegraph, telephone, teletype, facsimile, television, interphone, public address, and telemetering.	Nonelectric portions of electronic fire control equipment if separately procured and if procurement and requirements data are separately maintained.	A-5.
Equipment which is used for the detection of noise and interference in the radio frequency spectrum.		
Radiation and reradiation equipment related to the preceding items.		
Equipment which is ancillary to the preceding items such as antennas, connectors, dynamotors, headsets, microphones, radomes, servoamplifiers, test equipment, wave-guides, cooling, heating and pressurizing equipment.		
VT Fuzes.		
Guided bombs, such as Tarzon and Razon.		
Special jigs, dies, and fixtures which can be used only in producing specific types of electronics and communication equipment, including inspection gages.		
Electronic fire control equipment such as MK 56, MK 63, T33, MK 101, MK 102, etc.		
Sniperscope.		

A-8 Fuels and Lubricants Program

This program consists of three subprograms: (a) Petroleum Products; (b) Other Fuels and Lubricants; (c) Separately Procured Containers.

(a) *Petroleum.*

Includes	*Excludes*	*Program in which exclusions are included*
Residual fuel oils.	Other fuels and lubricants	A-8b.
Lubricating oils.	Separately procured containers for petroleum and petroleum products.	A-8c.
Aviation gasolines	Petroleum handling equipment	A-8a.
Motor gasolines.		
Kerosene.		
Distillate fuels.		
Insulating transformer oils.		
Fog oil.		
Greases.		
Jet fuels.		
Asphalts and road oils.		
Liquefied petroleum gas.		
Solvents and naphthas.		
Containers when provided by the supplier in which petroleum products are delivered to the Government.		
Chemicals which are used directly in the production of petroleum and petroleum products as well as chemicals used in the processing of petroleum and petroleum products which will be consumed or converted into byproducts in the course of processing.		

(b) *Other Fuels and Lubricants.*

Includes	*Excludes*	*Program in which exclusions are included*
Coal and coke.	Fuel for ATO	A-6.
Manufactured gas.		
Natural gas.		
Other nonpetroleum fuel and lubricants.		
Containers when provided by the suppliers in which other fuels and lubricants are delivered to the Government.		

(c) *Separately Procured Containers and Handling Equipment.*

Includes	*Excludes*	*Program in which exclusions are included*
Separately procured containers specifically intended for use with petroleum and petroleum products noted in A-8a such as can, inflammable liquid, steel 5-gallon and drum inflammable liquid, steel, 16-gage, 55-gallon.	Fuel cells	A-1.
Drum cleaning machines, portable petroleum pumps, skid tanks, and petroleum dispensing nozzles.		

B-9 PRODUCTION EQUIPMENT—Continued

(a) *Production Equipment for Government-Owned Facilities*—Continued

Includes	*Excludes*	*Program in which exclusions are included*
All Government-owned production equipment for facilities whose ownership has not been determined will be included in this subprogram.	Special jigs, dies, and fixtures which are chargeable to and will be carried on the books of a military item.	Applicable program.
	Hand tools	C-9.
	Heavy duty materials handling equipment incorporated as an integral part of the industrial facility such as overhead traveling cranes, shipyard cranes, etc.	C-2.

(b) *Production Equipment for Privately Owned Facilities.*

Includes	*Excludes*	*Program in which exclusions are included*
Production equipment as defined in B-9a, to be used in privately owned facilities, procured with Government funds, either the private Contractor or by the Government.	Production equipment to be used in Government-owned facilities or in facilities whose ownership is not yet determined.	B-9a.
	Other items specified in B-9a	Applicable program.

C-2 DEPARTMENT OF DEFENSE CONSTRUCTION PROGRAM

This program consists of all construction, alteration, rehabilitation, or conversion of military Industrial and non Industrial installations, facilities, or portions thereof. It comprises all the construction of facilities financed in whole or in part from appropriated funds, and Wherry Housing funds (funds other than appropriated funds). All machinery and equipment, except production equipment, required to the facility and installed as part of the construction project for the facility will be included. This program consists of four subprograms: (a) Industrial Construction, (b) Non-Industrial Construction, (c) Wherry Housing, (d) National Guard Facilities.

(a) *Industrial Construction.*

Includes	*Excludes*	*Program in which exclusions are included*
Construction of new industrial facilities, and expansion, major alteration or conversion of existing industrial facilities, which are Government financed and will become Government owned, including both Government-operated and contractor-operated facilities financed primarily from appropriations for military equipment, supplies or for the Military Construction Program. It also includes building equipment such as elevators, fire protection systems, electrical power systems, or other equipment organic to an industrial facility, and installation materials therefor.	Production equipment installed in B-9.	B-9.
	Nonindustrial construction projects.	C-2b.

(b) *Nonindustrial Construction.*

Includes	*Excludes*	*Program in which exclusions are included*
Nonindustrial facilities are training, operational, housing, and support facilities or any other facilities necessary for the military forces except industrial facilities utilized primarily for the manufacturing of military equipment, supplies, or materials. Nonindustrial construction will consist of construction of military nonindustrial facilities including construction of new facilities, expansion, major alterations, rehabilitation, or conversion of existing facilities. Installed equipment organic to the facility will be included.	Industrial construction	C-2a.
	Wherry Housing	C-2c.
	National Guard facilities	C-2d.
	Construction equipment and machinery.	C-9.
	Nonindustrial construction financed from other than Public Works Appropriations.	C-2b (2).
	Installed departmental overhead services.	

(1) *Public Works Construction.*

Includes	*Excludes*	*Program in which exclusions are included*
Construction of military nonindustrial facilities financed under Public Works Appropriations (MCA, FW-S, and ACEP-AF).	Industrial construction	C-2a.
	Wherry Housing	C-2c.
	National Guard facilities	C-2d.
	Construction equipment and machinery.	C-9.

(2) *Nonindustrial Construction Other Than Public Works.*

Includes	*Excludes*	*Program in which exclusions are included*
Construction of military nonindustrial facilities financed from appropriations other than Public Works Appropriations.	Wherry Housing	C-2c.
	National Guard facilities	C-2d.
	Construction equipment and machinery.	C-9.

(c) *Wherry Housing.*

Includes	*Excludes*	*Program in which exclusions are included*
Military housing projects constructed under Title VIII of the National Housing Act.	Utilities provided with appropriations for Public Works.	C-2b (1).

A-9 TEXTILES, CLOTHING AND EQUIPAGE PROGRAM (TEXTILES)

Includes	*Excludes*	*Program in which exclusions are included*
All clothing and leather products.	Metal containers of more than 1 qt.	C-9.
All textile products such as tenting, paulins, flags, towels, bedding, canvas cots, packs, etc.	Special jigs, dies, and fixtures which are chargeable to and will be carried on the books of a military item.	Applicable program.
Tents, etc.	Hand tools	C-9.
Flags and accessories.	Light bulbs, paint, etc.	C-9.
Athletic equipment.	General housekeeping equipment such as cooking and heating equipment, refrigeration and air conditioning equipment, garbage cans, furniture, etc.	C-9.
Gas masks (including carrier).		
Items which are generally issued to the individual for his own use, such as clothing, weapons, eating and drinking utensils, etc. (but excluding weapons, ammunition, medical, engineer, and other technical items).	Office, depot, and field warehouse supplies	C-9.
Oxygen masks, parachutes, and drop kits.	Other equipment	C-9.
Life belts and jackets.	Fire extinguishers	A-8c.
Dust respirators.	Steel, 16-gage, 55-gallon	A-8c.
Rubber or fabric life rafts.	Separately procured containers specifically intended for use with petroleum and petroleum products such as can, inflammable liquid, 5-gallon and drum inflammable liquid.	
Shoe laids.		

B-1 MILITARY BUILDING SUPPLIES

Includes	*Excludes*	*Program in which exclusions are included*
Military type bridging (including pontoon bridges).	Construction machinery, such as tractors, power shovels, etc.	C-9.
Landing mats.	Hand tools	C-9.
Barbed wire and metal posts.	Portable heating, refrigerating, and ventilating equipment.	C-9c.
Pipe, and storage tanks for pipeline projects designed especially for temporary use.		A-3.
Prefabricated buildings designed for temporary use.	Bridge erection boats	
Construction materials to be used by military personnel including telephone poles, piling, railway track and ties, lumber, cement, bricks, hardware, millwork, etc.		
Heating, refrigerating, plumbing, and lighting fixtures and other electrical equipment to be incorporated as an integral part of structures erected by military personnel.		
Pontoon and pontoon propelling units.		
Insulated wire and cable, except communication wire.		

B-2 SUBSISTENCE PROGRAM

Includes	*Excludes*	*Program in which exclusions are included*
All food and beverage products for human use, including Water can, 5 gallon		C-9.
operational type rations.		
Materials used for care and preservation of subsistence supplies		
Drums, cans, and other containers and packaging materials required for the delivery of food and beverage products.		
Chemicals which are used directly in the production of food and food products as well as chemicals used in the processing of food and food products which will be consumed or converted into byproducts in the course of processing.		
Forage for animals.		

B-3 TRANSPORTATION EQUIPMENT PROGRAM

Includes	*Excludes*	*Program in which exclusions are included*
Railway rolling stock and parts.	Railway track ties, and accessories.	C-2 and C-3.
Railway engine and parts.		
Railway tools.		
Railway signal equipment.		
Maintenance of way equipment.		

B-9 PRODUCTION EQUIPMENT

This program consists of two subprograms: (a) Production Equipment for Government-Owned Facilities, and (b) Production Equipment for Privately Owned Facilities.

(a) *Production Equipment for Government-Owned Facilities.*

Includes	*Excludes*	*Program in which exclusions are included*
Machine tools and other general purpose cutting, forming, shaping, grinding, abrading, measuring, jointing, testing, heating or treating, production equipment to be used in production facilities but not routine maintenance costs and minor production equipment. Heavy demateriais handling equipment not incorporated as an integral part of the industrial facility such as overhead traveling cranes, shipyard cranes, etc. Production equipment used for repair and maintenance of such equipment is not considered as a part of said mounted on floating equipment or vehicles.	Production equipment to be used in privately owned facilities.	B-9b.
	Materials handling equipment such as conveyor systems installed in warehouses or other nonproduction facilities.	C-9.
	Portable conveyors, fork lift trucks, industrial tractors and trailers.	C-9.
	Nonmechanical processing equipment and incorporated as an integral and permanent part of an industrial facility, such as processing vats, etc.	C-2.

C-2 DEPARTMENT OF DEFENSE CONSTRUCTION PROGRAM—Continued

(d) *National Guard Facilities.*

Includes	*Excludes*	*Program in which exclusions are included*
Air and Army National Guard facilities to be constructed partially or entirely from Federal funds.	Facilities constructed entirely from State funds and for which the title will be vested in the State.	

C-3 DEPARTMENT OF DEFENSE MAINTENANCE, REPAIR, AND OPERATING SUPPLIES

This program includes all maintenance, repair, and operating supply items procured by the Department of Defense which at the time of purchase cannot be identified for use in other Department of Defense Claimant Programs.

C-9 MISCELLANEOUS PROGRAM

This program consists of five subprograms: (a) Construction Equipment; (b) Medical and Dental Supplies and Equipment; (c) Photographic Equipment and Supplies; (d) Material Handling Equipment; (e) All Others not Identifiable to any Other Procurement Program.

(a) *Construction Equipment.*

Includes	*Excludes*	*Program in which exclusions are included*
Power shovels, mobile cranes, bulldozers, concrete mixers, ditching machines, road and airfield construction, and maintenance machinery earth-moving trailers, and similar construction equipment.	Dump trucks	A-4.
Pneumatic drills, welding equipment, paint sprayers, air compressors, and pumps of the type used for construction.	Engineering, drafting and mapping instruments.	C-9c.
Commercial construction type tractors.	Generator sets	C-9c or other applicable program.
Power saws.	Photographic and Reproduction equipment.	C-9c.
Earth augers and well drilling machines.	Water storage, distribution, and purification equipment for field use	C-9c.
	Tractors of a type not usually used for construction, such as artillery prime movers warehouse tractors, etc.	A-4, C-9d.
	Refrigeration and air conditioning equipment.	C-9c.

(b) *Medical and Dental Supplies and Equipment.*

Includes	*Excludes*	*Program in which exclusions are included*
Medical and dental supplies and equipment such as drugs, chemicals, biologicals, surgical dressings, instruments, hospital and dental furniture and equipment, X-ray equipment and film, etc.	Ambulances	A-4.
	Bedding	A-9.
	Pajamas and robes	A-9.
	Towels	A-9.

(c) *Photographic Equipment and Supplies.*

Includes	*Excludes*	*Program in which exclusions are included*
Cameras.	X-ray Cameras and film	C-9b.
Film.		
Photographic projecting, developing, copying and related equipment.		

(d) *Materials Handling Equipment.*

Includes	*Excludes*	*Program in which exclusions are included*
Conveyors.	Conveyors and elevators installed as an integral part of building.	C-2.
Warehouse trucks, tractors, and trailers.		
Fork lift trucks, stackers, etc.		

(e) *All Others Not Identifiable to Any Other Procurement Program.*

Includes	*Excludes*	*Program in which exclusions are included*
Housekeeping supplies such as insecticides, toilet paper, candles, soap, etc.		
Heating, refrigerating, plumbing and lighting fixtures, other electrical equipment, furniture and cooking equipment, except equipment incorporated as an integral part of a building or structure.		
Office supplies and equipment.		
Nonelectronic meteorological equipment.		
Animals.		
Mortuary and grave registration supplies and equipment.		
Training and educational supplies and equipment not included in other programs.		
Laundry and dry cleaning equipment.		
Mess equipment.		
Water storage, distribution and purification equipment field use.		
Field, combat, and troop equipment including water can (5 gal.), heaters (immersion and tent), field range, cooking outfit (one burner), field stove.		

Item 10—Value of procurement action. Enter the total value (in whole dollars only omitting cents) of the procurement action being reported on the form. If the action is a modification (amendment, change order, or supplemental agreement), enter for this item only the value of the specific action being reported. If an increase, indicate by the Symbol DD (for debit). If a decrease, indicate by the symbol CR (for credit). Contracts terminated for any reason will be reported as decreases. The new contract or purchase against a defaulting Contractor then will be reported in the usual manner.

Check items 31 and 32—The difference in dollars between 31 and 32 should be the value of procurement action, item 10.

Item 11—Date of procurement action. Enter the day, month, and year the procurement action (as defined in § 606.307 (a) was taken. This should be the date upon which a binding agreement was reached.

Item 12—Estimated completion date. Enter month and year provided in the contract for the completion of the contract or, if such date is not included in the contract, an estimated date on which performance under the contract is expected to be completed.

Item 13—Contract subject to Walsh-Healey Act. Place an "X" mark in appropriate box to show whether contract is subject to Walsh-Healey Public Contracts Act in accordance with Subpart F, Part 411 of this title. If contract is subject to Walsh-Healey Public Contracts Act, place an "X" in appropriate box to show whether Contractor is manufacturer or regular dealer in accordance with §§ 400.201–9 of this title and 590.201–9 of this subchapter. Generally, the Walsh-Healey Public Contracts Act is not applicable to procurement effected outside the United States, its Territories and possessions. (See § 411.602 of this title.)

Item 14—Appropriation identification. Enter the appropriation identifications limited to the following serial numbers and in the exact order specified below. Enter opposite each appropriation identification the corresponding dollar obligation. Where more than five different appropriation symbols are involved, enter only the five against which the largest obligations are being made. However, all MSAP obligations will be listed regardless of the number of obligations. When there is insufficient space to enter the appropriation identification in item 14, the space provided in item 24, "Remarks," may be used.

(1) Appropriation number.
(2) Project number.
(3) Object class.
(4) Operating agency.

Do not include any other numbers such as special limitations, allotment serial numbers, special codes, etc., unless specifically directed by the Head of the Procuring Activity concerned.

Check dollars appropriated against value of actions, the total amount may be less in those instances when there are more than five appropriations. In the case of Navy or Air Force procurement or procurement for MDAP show only appropriation number.

Item 15—Contract placement. Place an "X" mark in appropriate box to show whether action is—

(1) *Interservice.* The term "interservice" refers to procurements within the Department of Defense only. It covers (i) Orders placed by one military Department against contracts entered into by another military Department. (ii) Orders placed by activities of one military Department against contract entered into by other activities of the same military Department. (iii) Orders placed against contracts entered into by joint procuring agencies, viz: ASPPA, ASMPA.

(2) *Interdepartmental.* The term "interdepartmental" refers to procurements from or through Federal departments, agencies, institutions, and corporations other than those of the Department of Defense. It covers (i) Orders placed by a military Department or agencies thereof, against contracts entered into by any Federal department, agency, institution, or corporation outside the Department of Defense. (ii) Contracts placed by a military Department, or agency thereof, with any Federal department, agency, institution, or corporation outside the Department of Defense. If subitem (1) Interservice or (2) Interdepartmental has been checked in item 15, do not fill out remainder of form except for date of report and signature, item 39.

(3) *Advertised.* Secured on bids as a result of formal advertising. (See § 401.101 of this title.)

(4) *Negotiated.* Negotiated in accordance with the exceptions authorized by Public Law 413, 80th Congress and described in §§ 402.201 through 402.217 of this title and 592.201 through 592.217 of this subchapter.

(5) *Modification authorized by existing contract, which was advertised.*

(6) *Modification authorized by existing contract, which was negotiated.* Unless the modifying action being reported is authorized by the provisions of the basic contract and has been transacted pursuant to such provisions (viz, change order authorized by changes clause), do not check either subitem (5) or (6) above.

If block (1) or (2) has been checked, items 16 through 22 should *not* be filled out, if block (4) has been checked, item 16 should show a check mark in (1).

Item 16—Negotiated under exception P. L. 413. All negotiated procurement for the duration of the present emergency will be accomplished under § 402.201 of this title and contracts will cite as authority 2 (c) (1) Armed Services Procurement Act of 1947 and Presidential Proclamation 2914.

Item 17—Was contract placed for performance in a labor surplus area? The labor

surplus areas referred to are those designated as Group IV areas in the Department of Labor publication "Bimonthly Summary of Labor Market Developments in Major Areas" under the heading "Classification of Labor Market Areas according to Relative Adequacy of Labor Supply." If item 17 (a) (1) is checked, specify the geographical area. If item 17 (a) (1) is checked, the first entry in item 6, "Place of Performance," must be a labor surplus area. If more than one location has been entered in item 6, an entry will be shown in item 24, "Remarks," to show the actual dollar value to be performed in a labor surplus area. If item 17 (b) (1) is checked, one of the following entries will be made including both the geographical area designation and the type of preferential treatment.

(1) Set-Aside.
(2) Tie Bid.

Item 18—Small business.

(a) Check (1) or (2) in accordance with the opinion of the Contracting Officer.

(b) If the Contractor represents that the aggregate number of employees of the Contractor and its subsidiaries and affiliates is more than 500 check (1), if less than 500 check (2).

(c) Check (1) if preferential treatment was given. Check (2) if preferential treatment was not given.

(d) If (c) (1) has been checked, one of the following entries will be made including both the numerical designation and the type of preferential treatment:

(1) Joint Determination.
(2) Set-Aside.
(3) Price Differential.

If entry is block (a) (2), *not* suitable for small business, the next entry must be in block (b) (1). A contract may be suitable to small business and actually awarded to large business but cannot be *not* suitable to small business and awarded to small business.

Item 19—Type of contract. Place an "X" mark in appropriate box to show whether contract is—

(1) Fixed-price, including price escalation clause in accordance with § 596.151 of this subchapter. Indicate the particular clause by appropriate suffix, e. g., Labor and Materials, Standard Steel (Formal Advertising, Aluminum, or Open End and Indefinite Quantity). Where contract includes both a price redetermination clause and a price escalation clause, a referenced remark will be made under item 24.

(2) Fixed-price, including price redetermination clause in accordance with § 596.152–1 or § 596.152–3 of this subchapter. Indicate applicable form number and, in the case of price redetermination clause where upward revision is included, indicate the percentage of upward revision. Example: IIB–10%.

(3) Fixed price, with downward revision only in accordance with § 596.152–2 of this subchapter;

(4) Fixed price;
(5) Incentive Fixed Price (ceiling ------);
(6) Incentive Cost-plus-a-fixed-fee;
(7) Cost;
(8) Cost-Plus-a-Fixed-Fee;
(9) Time and Material.

If block (2) is checked, see that applicable form number and percentage of upward revision is indicated. Example: IIB–10%.

Items 29, 33, 34, 35, and 36 must be filled out for all definitive contracts over $300,000 which are checked (2) in item 19, Type of contract; however, when this type of contract has been redetermined and the action is an amendment or modification an entry must be made in remarks (item 24) to show—

(a) Commodity, quantity, and unit price reported on original DD 350; and

(b) The redetermined quantity and unit price.

Item 20—Contract purpose. Place an "X" mark in the appropriate box to show purpose of contract in accordance with listing. Descriptions of the general purposes of different types of contracts are given below, but such examples are not to be construed as being restrictive to the matter set forth, as they include other purposes than those related to the general classification outlined below. It is left to the discretion of the Contracting Officer to determine and check the most applicable purpose if two or more purposes are involved.

(1) *Supply.* Applies when procurement is for supplies and is accomplished with appropriated funds.

(2) *Architectural—Engineering.* Applies to contracts for the performance of architectural and engineering services.

(3) *Construction (Real Property).* Applies to the construction, alteration, or repair of buildings, bridges, roads, or other real property.

(4) *Lease.* Applies to the lease of personal property which involves the expenditure of appropriated funds.

(5) *Maintenance, Buildings, and Grounds.* Applies to supplies and nonpersonal services involving maintenance of buildings and grounds.

(6) *Maintenance, Equipment.* Applies to maintenance of equipment, munitions, and supplies excluding construction. Also applies to ship repair.

(7) *Industrial Mobilization.* For application, see § 402.216 of this title and 592.216 of this subchapter.

(8) *Research and Development.* For application, see §§ 402.205 and 402.211 of this title and 592.205 and 592.211 of this subchapter.

(9) *Personal Services.* For application see § 402.204 of this title and 592.204 of this subchapter.

(10) *Nonpersonal Services.* Applies to laundry, dry-cleaning, etc.

(11) *Transportation.* Applies to tug services, stevedoring, freight handling, drayage, ocean transportation, motor van services, repair of railroad equipment, towage, lighterage, truck services, salvage services, and lumber handling. Does not apply to Government bills of lading, transportation services procured by transportation request, various forms of transportation agreements which do not involve receipt of or expenditure of funds such as switching agreements, rate and traffic agreements, track and interchange agreements, participation in railroad codes and rules, and acceptance of quotations under section 22 of the Interstate Commerce Act.

(12) *Utilities.* Applies to electric power, water, gas, etc.

(13) *Facilities (Industrial).* Applies to facilities type contract.

(14) *Other (Specify).* Any procurement with appropriated funds which does not fall in any of the above categories will be listed under this purpose and specified.

Check with a commodity description to ascertain that correct entry has been made. A procurement action which in item 9b shows "construction" should show "Construction" in item 20, and for the same reason, R&D should be shown as R&D.

Item 21—Procurement under Buy American Act. Place an "X" mark in appropriate box to show if procurement was or was not made under an exception to the Buy American Act in accordance with Subpart A, Part 405 of this title.

If "place of performance," item 6, is an oversea address, an entry must be made in this item.

Item 22—Contractor estimates that. Approximate percentage will be subcontracted. Subcontract means: any contract, purchase order, or any other document entered into by the prime contractor for the acquisition of supplies, materials, or services used directly in the performance of the prime contract. (To be filled in only on contracts of $25,000 and over.)

Item 23—Security classification of Procurement Action. Place an "X" mark in appropriate box to show the security classification of the contract described. The security classification indicated herein will correspond to the highest classification appearing on the Security Requirement Check List (DD Form 254).

Item 24—Remarks.

(1) When procurement action is effected under Mutual Security Assistance Program, the following information will be entered under this item (a) MSAP Procurements; (b) The dollar value of the MSAP procurement when the total value of the contract being reported (item 10) includes procurement for requirements other than MSAP.

(2) Letter contracts for obligation or payment of funds will be identified in item 24 by a remark showing the approving authority (by title), the estimated contract cost, and the expiration date of the letter contract (day, month, year). Upon formalization of a contract which was initiated by a letter contract, reference to the original DD Form 350 reporting the letter contract will be made in item 24 of the subsequent DD Form 350, as follows: "LTR C $------ previously reported on Report No. ------- dated -------"

(3) Information regarding the approving authority should be reported in item 24 for the following negotiated contracts: (a) Construction and Rehabilitation at Installations: When contract exceeds $100,000 enter remark as follows: "Negotiated Award (CR1) approved by --------" title. (b) Architect-engineer contracts: When such contract is otherwise required to be reported on DD Form 350 enter remark as follows: "Negotiated Award (AE) approved ------" title. (c) Research and Development Contracts: When contract exceeds $25,000 enter remark as follows: "Negotiated Award (R & D) approved by --------" title. (d) Negotiated Contracts in General: When contracts exceed $100,000 enter remark as follows: "Negotiated Award (Gen) approved by ------" title.

(4) Modifications due to price redetermination of fixed price supply contracts over $300,000 will reference the following information in item 24: (a) Commodity, quantity, and unit price reported on original DD Form 350; (b) redetermined quantity and unit price.

(5) Item 24 will be utilized in all reports of modifications to amplify the basis of, or the reason for the modification. This information should be specific in each instance. For example, changes due to price redetermination, voluntary price reductions, or to specification changes.

(6) If action is "call type" or "open-end" contract, note this fact in remarks (item 24).

(7) Enter any other comments to supplement or amplify the information shown in the body of the report which are considered essential to a proper understanding of the report. This space may also be used for additional data when required by Heads of Procuring Activities or major oversea commanders.

Item 25—Delivery schedule. Enter date schedule of first delivery and partial deliveries thereafter through contract completion for all procurement involving MSA funds.

Item 26—Pricing. Includes transportation—self-explanatory.

Item 27—Contractor represents that. Place an "X" mark in appropriate box to show whether contractor represents that he has employed or retained a company or person (other than a full-time employee) to solicit or secure this contract.

Item 28. Omit unless Head of Procuring Activity requires item to be reported.

Item 29. Enter percent of profit or fee charged by the prime Contractor. Applies to negotiated contracts only.

Item 30—Planning status.

(1) *Planned Producer—Planned Item.* (To be used when Contractor is supplying a planned item for which he is the planned producer.)

(3) *Planned Producer—Not Planned Item.* (To be used when item is not a planned item being made by a planned producer.)

(5) *Not Planned Producer—Planned Item.* (To be used when the Contractor is supplying a planned item for which he is not the planned producer.)

(7) *Not Planned Producer—Not Planned Item.* (To be used when item is not a planned item and producer is not a planned producer.)

Item 31—Total prior to this action. Insert total amounts previously obligated on this contract. Applicable only in case of modifications to the contract.

Item 32—Total including this action. Insert total told amount of all funds obligated on the contract including the amount now being reported.

Items 33 through 36 are to be filled in only for those fixed price supply contracts over $300,000 which contain a price redetermination clause, and all reportable modifications thereto. Insert percent of the total amount of the contract that will be used for—

Item 33. Purchase of materials,
Item 34. Payment of direct labor,
Item 35. Payment of overhead.
Item 36. Payment of General and Administrative Expense.
Item 37. Reserved.
Item 38. Reserved.

Item 39—Date of report. Enter the day, month, and year on which the report is prepared.

The form will be signed by the Contracting Officer or his authorized representative and name of signing individual typed in spaces provided therefor.

Security Classification of DD Form 350. DD Form 350 will be stamped in the upper and lower margins with the appropriate security classification in accordance with AR 380–5 (Safeguarding Security Information). The security classification so stamped need not necessarily correspond to the security classification of the contract (item 23) but is rather a matter for the discretion of the preparing officer and is dependent upon the information appearing on the form.

§ 606.309 *Monthly summary of procurement actions (DA Form 377) (Reports Control Symbol CSGLD–534).* (a) This summary will include every new procurement action, as defined in § 606.307, transacted during the month, covered by this report, irrespective of the dollar value of any such action. It will include every modification (amendment, change order, or supplemental agreement) to contracts negotiated under paragraph 2c (11) and 2c (16) of Public Law 413, 80th Congress, irrespective of the dollar value of any such contract or modification thereto. This summary will include also every modification involving an increase or decrease of $10,000 or more. Modifications not pertaining to paragraphs 2c (11) or 2c (16) of Public Law 413 which involve an increase or decrease of less than $10,000 will be completely excluded from this summary.

(b) For the purpose of this summary only those reportable modifications made pursuant to the provisions of the basic contract will be reported in the columns headed "number of modifications." New actions and reportable modifications not made pursuant to the provisions of the basic contract will be reported in the columns headed "number of new actions."

(c) The dollar value entries in this summary will reflect the net total of all debit and credit procurement actions reportable under paragraph (a) of this section. If during the month the credit actions exceed the debit actions for any item, a credit entry will be shown. Such entry will be preceded by the symbol CR (for credit). Dollar value entries will not include cents. (Example: $500 not $500.25 nor $500.00.)

(d) Monthly summaries will be consolidated at the following levels and in the following manner prior to submission to the Assistant Chief of Staff, G–4, Department of the Army. (See § 606.305.)

(1) At class I installations all reportable actions will be consolidated each month on one DA Form 377 regardless of the source of the funds involved in any of the actions. The appropriate army area having responsibility for the class I installation will be indicated in the space for "Technical Service or Command." The original of each DD Form 350 of those actions shown in line 8, columns d and g, will be attached to the DA Form 377.

(2) At class II installations those reportable actions which have been transacted for the purpose of class I activities will be consolidated on one DA Form 377, and the appropriate army area having responsibility for the class I activities will be indicated in the space for "Technical Service or Command." All other reportable actions at class II installations will be consolidated on one DA Form 377, and the technical service having responsibility for the class II installation will be indicated in the space for "Technical Service or Command." The governing factor in the aforementioned breakdown will be whether the action was executed for the purpose of class I activities or for the purpose of class II activities. Where the contractual instrument has been assigned a number pursuant to § 606.203 the letter symbol of this number may be used as a guide. As an exception to the above, general depots will submit one DA Form 377 for each Procuring Activity located at the depot.

(e) In order to present an accurate picture of procurement separate monthly reports on new obligations and on deobligations will be submitted in two parts on separate pages as follows:

(1) Part I of DA Form 377 will show all new procurements entered into by each purchasing office. This will include all new obligations such as letter orders, notices of award, and definitive contracts, as well as additional obligation of funds by modifications to existing contracts. No deobligations will be included in this procurement report.

(2) Part II of DA Form 377 will show all deobligations for the reporting period. Such deobligations will be entered in the appropriate lines and columns of subject form. Do not include new procurement in the deobligation report.

§ 606.310 *Instructions for preparation of DA Form 377 (Monthly Summary of Procurement Actions).*

Date of report: Enter the day, month, and year on which the report is prepared.

From: Enter the title and address of the Procuring Activity in sufficient detail to readily establish the identity of the office, installation, activity, or individual preparing the report.

Station number: Enter the fiscal code station number. Where a class II installation has been assigned a separate station number to identify its class I activities (§ 606.203–5 (b)) this latter station number will be entered on the army area report from this installation (§ 606.309 (e) (1) and (2)).

Month ending: Enter the month covered by the report. Where information for DA Form 377 is obtained from Individual Procurement Action Report (Reports Control Symbol CSGLD–525) (DD Form 350) the date of the report (Item 39, DD Form 350) will be the controlling factor in determining which monthly summary (DA Form 377) will include the action reported. For example, a procurement action executed 28 November but having a "date of report" of 2 December will be reported in the monthly summary of December actions, the only exception being the close of the fiscal year, when all actions taken in the month of June will be reported on the monthly summary regardless of the "date of report."

Technical service or command: Enter the name of the technical service, army area, or command having responsibility for the Procuring Activity: such as Quartermaster Corps, Third Army, Far East, National Guard Bureau, etc. At class I and class II installations the instructions set forth in § 606.309 (e) (1) and (2).

The column headed "Modifications" will be those actions which were made pursuant to the provisions of the basic contract, and is for information purposes only. Such actions will not be included in column a or d. The total of column a will equal columns c and d.

Line 1—Small business total. Enter the total number of actions and dollar amount of procurement (except interdepartmental, interservice, and outside continental United States) from concerns which are classified as Small Business. Entries on this line will equal the totals of entries on lines 1a and 1b. For the purposes of this report, a small business is defined as one in which the aggregate number of employees of the contracting organization and its affiliates is less than 500.

Line 1a—Small business—Advertised. Enter the number of actions and dollar amount of procurement by advertising from concerns classified as Small Business.

Line 1b—Small business—Negotiated. Enter the number of actions and dollar amount of procurement by negotiation in accordance with the provisions of Subchapter A, Chapter IV of this title, from concerns classified as Small Business.

Line 2—Other than small business—Total. Enter the total number of actions and dollar amount of procurement (except interdepartmental, interservice, and outside continental United States) from all concerns which were other than Small Business. Entries on this line will equal the totals of entries on lines 2a and 2b.

Line 2a—Other than small business—Advertised. Enter the number of actions and dollar amount of procurement by advertising from concerns classified as Other than Small Business.

Line 2b—Other than small business—Negotiated. Enter the number of actions and dollar amount of procurement by negotiation in accordance with the provisions of Subchapter A, Chapter IV of this title from concerns classified as Other than Small Business.

Line 3—Total advertised. Enter the total number of actions and dollar amount of advertised procurement. Entries on this line will equal the totals of entries on lines 1a and 2a.

Line 4—Total negotiated. Enter the total number of actions and dollar amount of

negotiated procurement. Entries on this line will equal the totals of entries on lines 1b and 2b.

Line 5—Interdepartmental procurement. Include procurement of supplies or services from other Federal agencies (outside of Department of Defense) or under a contract made by any such department or agency; e. g., purchases made under Bureau of Federal Supply Schedules and purchases made under Schedule of Products issued by Federal Prison Industries, Inc.

Line 6—Interservice procurement. Enter the number of actions and dollar amount covering individual purchase instruments executed against term contracts, open-end contracts, indefinite quantity contracts, or agreements for obtaining supplies or service, which contracts or agreements were originally let by department or agency of Department of Defense other than the Army, and which do not specify quantities or total dollar value; e. g., purchases against open-end contracts of the Armed Services Petroleum Purchasing Agency.

Line 7—Work performed outside continental United States. Enter the total amount of actions and dollar amount of purchase actions where the *place of performance* is outside continental United States. Place of performance applies to place of manufacture or final assembly by the prime Contractor, place of real property construction, and place of service performed.

Line 8—Total. Enter on this line the total number of actions and dollar amount of all types of procurement to be covered by this report. For the report covering offices located within continental United States, entries on this line will equal the totals of entries on lines 3, 4, 5, 6, and 7.

Column a—*Total.* Enter total number of actions reported in columns c and d.

Column b—*Modifications.* Enter number of modifications over $10,000. Such actions will *not* be included in column a or d.

Column c—*Not reported on DD Form 350.* Enter number of actions under $10,000.

Column d—*Reported on DD Form 350.* Enter number of actions over $10,000. Totals of columns c and d will equal the total of column a.

Column e—*Total.* Enter total dollar amount reported in columns f and g.

Column f—*Not reported on DD Form 350.* Enter dollar amount of actions under $10,000.

Column g—*Reported on DD Form 350.* Enter dollar amount of actions over $10,000. Dollar amount of modifications reported in column b will be included. Totals of columns f and g will equal the total of column e.

Line 9—Special category data which have been included in line 4. Enter the total number of actions and total dollar value *only* of those actions negotiated for the following reasons.

Line 9a—Perishable subsistence. (See § 592.209 of this subchapter.)

Line 9b—Small purchases. (See Subpart F, Part 592 of this subchapter.)

Line 9c—Petty cash purchases under imprest fund procedure.

Line 9d—Delivery orders against "open-end" contracts. (See § 415.003 of this title.)

Line 10—Special small business information which is included in lines 1 and 2 above.

Line 10a—Suitable to small business. This entry will include the following:

(a) All actions and dollar values not reported on DD Form 350 (lines 1 and 2—column c for number of actions; column f for dollar value) and,

(b) All actions reported on DD Form 350 and actually awarded to small business (line 1—column d for number of actions; column g for dollar value) and,

(c) The number of the reported actions awarded to large business which was, in fact (in the opinion of the Contracting Officer), suitable to performance by small business firms. (Extract from line 2, column d, the number, and extract from line 2, column g, the dollar value of the individual DD Form 350 which are determined to be suitable for small business.)

(d) Add (a), (b), and (c) above and enter in line 10a.

Line 10a (1)—Suitable to small business—Advertised. Enter the number of actions and dollar amount of procurement considered suitable for small business which was advertised.

Line 10a (2)—Suitable to small business—Negotiated. Enter the number of actions and dollar amount of procurement considered suitable for small business which was negotiated.

Remarks. Enter the DD Form 350 report numbers of the actions which are included in line 8, columns d and g. Enter any other comments to supplement the information shown in the body of the report which are considered essential to a proper understanding of the report.

Signature. The report will be signed by a Contracting Officer or his authorized representative and the appropriate name and title typed in the space provided. Where a consolidated monthly summary is being prepared pursuant to (1) and (2) above, the consolidated report will be prepared and signed by an officer so designated by the commanding officer of the installation concerned.

§ 606.311 *Retention of procurement action reports.* Disposition of Individual Procurement Action Report (DD Form 350) and Monthly Summary of Procurement Actions (DA Form 377) or comparable forms submitted by Contracting Officers to higher headquarters indicating the status of procurement actions will be effected in accordance with the provisions of paragraph 22b, SR 345–250–90 Records Administration—maintenance and disposition of supply administration records).

§ 606.312 *Reports in connection with actions taken under the authority of Title II, First War Powers Act, 1941, as amended.* Reports referred to in headnote will be submitted as required in § 606.418. Such reports are additional to reporting requirements otherwise set forth in this Subpart C.

SUBPART D—TITLE II, FIRST WAR POWERS ACT, AS AMENDED, AND E. O. 10210

§ 606.400 *Scope of subpart.* This subpart sets forth the following matters relative to the exercise of authority under Title II of the First War Powers Act, as amended: (a) Statutory and administrative authority; (b) Limitations on authority to be exercised by the Department of the Army and its procurement activities, agents, and officers; (c) Delegations of Authority; (d) General considerations; (e) Determinations and Findings required; (f) Amendments to contracts without consideration; (g) Correction of mistakes in contracts, other than mutual mistakes and ambiguities; (h) Correction of mutual mistakes and ambiguities; (i) Formalization of informal commitments; (j) Contract clauses required; (k) Records; (l) Reports; and (m) Regulations approved by Department of Defense.

§ 606.401 *Statutory and administrative authority.* (a) Title II of the First War Powers Act, 1941, 50 U. S. Code App. 611, as amended by Public Law 921, 81st Congress, enables the President to issue Executive orders relative to procurement and incidents of the procurement function which shall be applicable without reference to existing law (such as the Armed Services Procurement Act of 1947, P. L. 413, 80th Congress).

(b) Executive Order No. 10210, 2 February 1951, authorized the Secretary of the Army, under such regulations as may be prescribed or approved by the Secretary of Defense, to exercise the authority granted in the Act cited in paragraph (a) of this section.

(c) "Regulations Governing the Exercise of Certain Authority Granted by Title II of the First War Powers Act, as amended, and Executive Order No. 10210, Issued Thereunder," 21 February 1951, have been issued by the Under Secretary of the Army in concert with the Procurement Secretaries of the Navy and the Air Force, and approved by the Deputy Secretary of Defense. The regulations are published in full text in § 606.419–1. Paragraph 3, Part IV, of § 606.419–1 authorizes the issuance of this subpart D.

§ 606.402 *Limitations on authority.* (a) The Regulations referred to in § 606.401 (c) authorize the Department of the Army to exercise the authority granted by the act referred to in § 606.401 (a) and the Executive Order cited in § 606.401 (b) to the actions and extent only as indicated below:

(1) Amendments of contracts without consideration.

(2) Correction of mistakes in contracts.

(3) Formalization of informal commitments.

(b) The Regulations cited in § 606.401 (c) further limit the exercise of the above authority in the following respects:

(1) Approval of requests for amendments of contracts without consideration may not be delegated by the Secretary of the Army below the level of a contract adjustment board.

(2) Approval of requests for correction of mistakes and ambiguities in contracts and for formalization of informal commitments may not be delegated below the level of the Head of a Procuring Activity, without the specific authority of the Under Secretary of the Army.

§ 606.403 *Delegations of authority.*

§ 606.403–1 *To the Under Secretary of the Army.* All of the authority granted to the Secretary of the Army has been delegated to the Under Secretary of the Army.

§ 606.403–2 *To Army Contract Adjustment Board.* The following authority has been delegated to the Army Contract Adjustment Board, heretofore established in the Office of the Under Secretary of the Army:

(a) To approve all requests for amendments of contracts without consideration.

(b) To approve correction of all mistakes in contracts.

(c) To approve correction of mutual mistakes and ambiguities in contracts, and contracts formalizing informal commitments, irrespective of amount.

(d) To consider, adjust, and make final determinations of all requests for relief under this subchapter and the authorities referred to in § 606.401.

(e) All authority not otherwise expressly delegated in this subchapter is reserved to the Board.

§ 606.403–3 *To Assistant Chief of Staff, G–4, Department of the Army.* (a) To approve correction of mutual mistakes (as defined in § 606.408–1 (a)) and ambiguities in contracts when the estimated or actual increase in price granted or to be granted to the Contractor does not exceed $50,000, subject to the limitations contained in § 606.408–1 (b).

(b) To approve contracts formalizing informal commitments when the amount involved does not exceed $50,000.

(c) To redelegate all or part of the authority delegated to the Head of a Procuring Activity, as defined in § 401.201–4 of this title, provided, however, that such authority shall not be delegated below the level of the Head of a Procuring Activity, or Acting Head of a Procuring Activity in the official absence of the Head of a Procuring Activity, without specific approval of the Under or Assistant Secretary for procurement.

§ 606.403–4 *To the Heads of Procuring Activities.* All of the authority delegated to the Assistant Chief of Staff, G–4, Department of the Army, as set forth in § 606.403–3: *Provided, however,* That such delegated authority may not be redelegated without specific approval of the Under Secretary of the Army through the Assistant Chief of Staff, G–4.

§ 606.403–5 *To Contracting Officers and Field Procuring Agencies.* When authorized by heads of procuring activities, the authority to deny applications for relief under the authority hereinabove cited in § 606.401.

§ 606.404 *General considerations.* (a) The authority granted herein is an extraordinary one and its exercise must be carefully administered.

(b) Carelessness and laxity on the part of Contractors should not be encouraged by the practice of granting relief to such Contractors even though denial of relief in a particular case may result in some lack of cooperation on the part of a Contractor.

(c) The exercise of authority hereunder is not intended as an alternative to compliance with the Armed Services Procurement Act of 1947, Public Law 413, 80th Congress. The design of the act, Executive order, and regulations referred to in § 606.401, is to accomplish the actions therein authorized under such authority only when normal procurement procedures are inapplicable.

(d) At all events, no action under the above-described authority should be taken or recommended to higher authority unless the officer or official required to take such action or make such recommendation is firmly and clearly convinced that the action is necessarily and urgently required to facilitate the national defense.

(e) (1) Proper exercise, or recommendation of exercise, of the authority granted under Title II of the First War Powers Act, 1941, as amended, and E. O. 10210, will be facilitated, if it is clearly understood that the basic law is in part substantive, and, in part, procedural.

(2) With respect to amendment of contracts without consideration; elimination of the general requirement of advertisement, competitive bidding and certain bonds; and formalization of informal commitments, the authority is substantive, in that such authority is in derogation of existing substantive law. For example, existing law requires that no official of the Government may amend a contract so as to disburse Government funds or release a vested right of the Government, without consideration. The authority granted herein changes that law as long as this procedure is effective.

(3) With respect to such matters as the correction of mistakes, or remission of liquidated damages in cases where delays are not excusable, the authority granted herein does not change substantive law, but only changes procedure. For example, except for the authority herein granted mistakes in bid, etc., particularly after award, can be corrected only by the Comptroller General; likewise, remission of liquidated damages on an equitable basis; advance payments could be approved by the Secretary only. This authority permits other officials to perform these functions, but does not change the basic law as to the circumstances under which these functions may be performed.

(4) Therefore, when acting, or recommending action in cases which are in derogation of substantive law (such as paragraph (2) of this section), the justification for such action must be clear and convincing because, on one hand, the Contractor has no further recourse to the courts; and on the other hand, the Government would not be in a position to correct errors other than in cases of fraud.

(5) However, when acting, or recommending action in cases where procedure only has been changed (such as paragraph (3) of this section), any doubts as to the propriety of granting relief should be resolved in favor of the Government, because the Contractor is still in a position, after denial of relief, to pursue his normal remedies. And if the official passing on the case is of the opinion that normal channels should be followed, e. g. to the Comptroller General, there is no prohibition against following them.

(6) Even if the applicant appears to be entitled to relief under basic law and regulation, however, it is reiterated and emphasized that such relief cannot be granted under this authority unless a finding can be made to the effect that the granting of such relief will facilitate the national defense.

(f) Applications for relief will be reviewed and passed upon only with full consideration of the provisions of this section.

(g) All determinations and findings required by § 606.405 will be made.

(h) The determination of whether in a particular case a contract amendment to be entered into without consideration, or the correction of a mistake or ambiguity in a contract, or the formalization of an informal commitment will facilitate the national defense is a matter of sound judgment to be made on the basis of all of the facts of such case. Although it is obviously impossible to predict or enumerate all the types of cases with respect to which relief may appropriately be granted, examples of certain cases or types of cases where relief may be proper are set forth below. Such enumeration is not intended to exclude other cases where the circumstances are such as to warrant the granting of relief, and even in the enumerated cases other factors may result in a denial of relief.

§ 606.405 *Determinations and findings.* (a) Any action taken or recommended to higher authority under this subpart, must be based on a written finding that the national defense will be facilitated thereby.

(b) With respect to the correction of mutual mistakes, as defined in § 606.408–1 (a) and ambiguities, and the formalization of informal commitments, the Under Secretary of the Army has made general determinations and findings in paragraphs (2) (b) and (c) respectively, of Part II of the regulation cited above in § 606.401 (c) which may be referred to in contracts, amendments to contracts, and reports and recommendations.

(c) As to all amendments of contracts without consideration and correction of mistakes, other than mutual mistakes as defined in § 606.408–1 (a) each contract and amendment to contracts will contain an individual affirmative finding and each report and recommendation will contain an individual affirmative or negative finding, with respect to the facilitation of the national defense.

§ 606.406 *Amendments to contracts without consideration.*

§ 606.406–1 *Conditions under which relief may be granted or recommended.* (a) Where an actual or threatened loss on a defense contract, however caused, will impair the productive ability of a Contractor whose continued operation as a source of supply is found to be essential to the national defense, the contract generally will be equitably adjusted to the extent necessary to avoid such impairment of the Contractor's productive ability.

(b) Where a Contractor suffers a loss (not merely diminution of anticipated profits) on a defense contract as a result of Government action, the character of the Government action generally will determine whether any adjustment in the contract will be made and its extent.

(1) Where the Government action is directed primarily at the Contractor and is taken by the Government in its capacity as the other contracting party, the contract may be equitably adjusted if fairness so requires. Thus where such Government action, although not creating any liability on its part, increases

the cost of performance, considerations of fairness may make appropriate some equitable adjustment in the contract.

(2) When the action is not taken by the Government in its capacity as the other contracting party, but in its sovereign capacity, relief will generally not be granted. However, exceptional cases, depending on the nature of the action, the circumstances, and the effect on the Contractor, may require an equitable adjustment in the contract when necessary to insure maximum cooperation and production in the national defense effort.

(c) Relief recommended in appropriate cases may include such action as (1) termination of contract without cost to either party, (2) amendment to contract increasing the contract amount, (3) revision of delivery schedules, (4) other actions appropriate in the circumstances.

§ 606.406–2 *Administrative procedures*—(a) *Contractor's application.* (1) Written requests for amendments of contracts without consideration shall be filed by Contractors with the Contracting Officer administering the contract or his properly appointed successor, in quadruplicate.

(2) In the event that such request refers to contracts with more than one Purchasing Office or Procuring Activity, it shall be submitted initially to the Contracting Officer administering the contract or contracts involving the greatest amount (or aggregate amount if administering more than one contract) of the Procuring Activity under which the largest total dollar value of contracts has been awarded as of the date of the application.

(3) The Contractor's request for relief shall be substantially in the form set forth in § 606.406–3 (a), and shall contain, as a minimum requirement, the information requested in such form. Necessary adaptations may be made when required, as in applications involving more than one contract.

(b) *Action by Contracting Officer.* (1) The Contracting Officer will review the application and verify the contents thereof.

(2) If further information is required, request the Contractor to furnish the same, in writing.

(3) If in the opinion of the Contracting Officer the application does not justify the granting of the relief sought after consideration of §§ 606.404 and 606.404–1, a written finding may be furnished to the Contractor in substantially the form indicated in § 606.406–3 (b), providing such action is authorized by Procuring Activity instructions.

(4) If in the opinion of the Contracting Officer, after consideration of the provisions of §§ 606.404 and 606.404–1, the application should be granted, and when otherwise required by Procuring Activity instructions, an indorsement in triplicate, inclosing three copies of the Contractor's application, exhibits, and contractual documents, shall be forwarded to the Head of the Procuring Activity, in accordance with instructions issued by such Head of the Procuring Activity setting forth as a minimum the following information. (See suggested form for indorsement in § 606.406–3 (c)):

(i) That the application has been reviewed and the facts therein stated are certified to be substantially correct except as specifically indicated.

(ii) A brief description of the contract, including reference to any special pricing clauses.

(iii) Whether final payment has been made, or any final administrative determination made of the amount due.

(iv) The importance of the contract or the Contractor to the furtherance of the national defense effort, indicating present or future need for the item.

(v) The quality of performance by the Contractor.

(vi) Present status of deliveries and payments.

(vii) Probable future orders to the Contractor on other national defense work.

(viii) Other available sources of supply in comparison with the Contractor.

(ix) A statement of the factors causing financial distress.

(x) If relief is recommended involving an increase in price, whether appropriated funds are sufficient to cover the proposed or requested additional payment to the Contractor.

(xi) Whether appropriated funds allocated to other Departments are involved; if such funds are involved, name the Department.

(xii) An opinion on the merits as to whether the requested relief should be granted, or to what extent the same or alternative relief should be granted.

(xiii) A specific recommendation as to the nature of, and extent to which relief should be granted.

(xiv) A statement of opinion as to whether the granting of such relief will facilitate the national defense effort.

(5) Contractual documents and invitations to bid or requests for proposals, and abstracts thereof, will be submitted in duplicate.

(6) The Contracting Officer's indorsement will be forwarded through such channels and be reviewed and approved by such intermediate offices and commands as may be required by Procuring Activity instructions.

(c) *Action by intermediate reviewing agencies.* (1) Each echelon reviewing and passing upon such applications subsequent to the Contracting Officer's review and verification will review and verify the contents of the application to the fullest extent practicable: *Provided, however,* That in any case such echelons of review are authorized to rely fully upon the verification made by the Contracting Officer unless unusual circumstances require further verification.

(2) Make specific findings on the merits and specific recommendations with respect to whether, and the extent to which, the application should be approved or denied.

(3) Make a specific finding as to whether the national defense would be facilitated by the granting of the application.

(4) Heads of Procuring Activities are authorized to require all applications to be forwarded and initial determinations *denying* applications to be made in the office of the Head of Procuring Activity or in any lower echelon, including the Contracting Officer.

(d) *Action by Heads of Procuring Activities.* (1) Heads of procuring activities will take appropriate action as required by § 606.406–2 (c).

(2) Heads of Procuring Activities are authorized to deny applications without further reference to the Army Contract Adjustment Board. Appropriate written findings and determinations will be made and furnished to applicants by such agencies as may be designated by the Head of the Procuring Activity for that purpose, including the Contracting Officer.

(3) If in the opinion of the Head of the Procuring Activity, after consideration of the provisions of §§ 606.404 and 606.406–1 the application should be granted, an endorsement in duplicate, enclosing copies in duplicate of the Contractor's application, all indorsements and findings, and attached papers, shall be forwarded direct to the Army Contract Adjustment Board, Office of the Under Secretary of the Army, Washington 25, D. C., recommending approval to the extent noted in such indorsement.

(e) *Action in cases of general public interest or doubt.* (1) In any case where any of the officers abovementioned is of the opinion that the application should not be granted in whole or in part, but when in their judgment there is a serious doubt as to whether the relief should be granted or denied, or when the matter is believed to be of such general public interest that the initial determination denying the application should be made by a higher echelon, such officer may forward such application to the next higher echelon, including the Army Contract Adjustment Board with appropriate findings, recommendations, and determinations.

(2) Cases forwarded under the authority of this paragraph should explain fully the reasons why it is believed that consideration should be given to the application by the higher echelon.

§ 606.406–3 *Forms*—(a) *Contractor's application.*

(Firm Letterhead)

Date_____

CAPT. JOHN DOE,
Contracting Officer,
(Address)

Subject: Request for Relief Under Title II, First War Powers Act, 1941, As Amended.

DEAR SIR:

1. The undersigned hereby makes application for the following relief pursuant to Title II of the First War Powers Act, 1941, As Amended:

_____

(State briefly relief desired including specific amounts claimed, if any)

_____

2. The undersigned believes that he (it) is entitled to the above-mentioned relief by reason of the following facts:_____
(Explain factors causing financial distress)

3. In support of such application the following statements are made.

a. Contract No. _____
b. Item _____
c. Date Executed _____
d. Specification No. _____
e. Unit Price _____ Total amount _____
f. Delivery Schedule

Quantity	Date
_____	_____
_____	_____

Total Quantity

g. Deliveries Made

_____	_____
_____	_____

h. Payments Received

Amount	Date
_____	_____
_____	_____

i. Final payment, or a final administrative determination of the amount due has ☐ has not ☐ been made. (Check appropriate box.)

j. Attached hereto and marked Exhibit "A" is a statement and analysis of the financial condition of the undersigned as of _____ with
(Date not more than 15 days prior to date of application)
comparative balance sheets and profit and loss statements for the preceding twelve-month period, signed by the principal accounting officer of the undersigned ☐ a certified public accountant ☐. (Check appropriate box.)

k. If the relief requested is denied, the effect upon the financial condition of the undersigned will be as follows: _____

l. The rate of production of the contract item up to and including the date of this application has averaged _____ per _____
(Quantity) (Day, week, or other period)

m. To date there have been submitted ____ lots consisting of ____ units per lot, of which ____ lots consisting of a total of ____ units have been rejected upon first submission. Of the rejected lots ____ lots consisting of a total of ____ units were thereafter resubmitted and accepted, and ____ lots consisting of ____ units were again rejected.

n. (1) As of the date of this application the undersigned and/or its subsidiaries have submitted bids and/or proposals on the have as yet not been awarded: I/B or Requests for Proposals, upon which contracts have as yet not been awarded: I/B or Request Nos.; Issuing Office; Item; Price Quoted.

(2) The undersigned and/or its subsidiaries have been awarded the following contracts which are now being performed: Contract Nos.; Issuing Office; Item; Price.

o. Upon information and belief, there are ☐ are not ☐ other sources of supplies for the items furnished by the undersigned. (Check appropriate box.)

p. Attached hereto and marked Exhibit "B" is a statement covering the twelve-month period prior to the date of this application, of salaries, bonuses, dividends (including cash, stock or "in kind"), repayments of loans, and any other property and/or moneys paid or transferred to any officer, stockholder, director, partner or other principal of the undersigned, and a statement of moneys or other property of the undersigned received by or loaned to the aforementioned officials of the undersigned, during said twelve-month period.

q. The increase in amount requested herein will ☐ will not ☐ result in a total payment to the undersigned in excess of the ceiling price for the supplies or services furnished under the contract or contracts above mentioned.

r. Previous application has ☐ has not ☐ been made for the same or similar relief sought herein. (Check appropriate box; if the box marked "has" is checked, complete the following sentence.) Such previous application was made to _____, located
(State agency where application was filed)
at _____ under date of _____, and has been assigned claim Number _____. The nature of the request made therein was: _____. Action taken thereon was as follows: _____

s. This claim has ☐ has not ☐ been assigned. If assigned, such assignment has been made pursuant to the Assignment of Claims Act of 1940, as amended to _____ of _____.
(Name of Assignee) (Address)

t. Additional facts and circumstances believed to justify granting of relief sought _____

4. The undersigned affirms that the statements made above, including those made in exhibits and attachments hereto, are true to the best of his knowledge and belief.

Incls:

_____
Name of firm (print or type)
_____
Signature
_____
Print or type name and title of person signing

(b) *Denial of application.*

Gentlemen (Dear Sir or Madam):

Receipt is acknowledged of your application, dated _____ for relief pursuant to Title III of the First War Powers Act of 1941, As Amended.

After due consideration of your application, the undersigned finds the following facts: (use appropriate findings as required).

By reason of the above, it is determined that the national defense would not be facilitated by the granting of your application.

It is therefore regretted that your application must be, and hereby is, denied.

JOHN DOE,
Captain, Ord,
Contracting Officer.

(c) *Contracting Officer's indorsement recommending approval of application.*

Heading and date
Addressee and Address

1. The foregoing application of _____ has been reviewed, and the facts therein stated are hereby certified to be substantially correct, except as follows:
_____
(State any corrections required)

2. The description of the contract as contained in Contractor's application is correct, except as follows: _____. Special pricing clauses contained therein are as follows: _____.

3. Final payment has[ ] has not [ ] been made, nor has any final administrative determination of the amount due been made.

4. The importance of the contract or Contractor to the furtherance of the national defense effort is _____
(Indicate also present or future need for the item)

5. The quality of performance by the Contractor is found to be _____.

6. Present status of deliveries is as follows:

Delivery Schedule		Deliveries Made	
Quantity	Date	Quantity	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7. Present status of payments is as follows:

Amount	Date
_____	_____
_____	_____
_____	_____

8. Probable future orders to the Contractor on other national defense work consists of _____.

9. Other available sources of supply in comparison with the Contractor are: _____
_____

10. The factors causing financial distress were ☐ were not ☐ caused by an act of the Government in its contracting ☐ sovereign ☐ capacity, to wit: _____.

11. Appropriated funds are ☐ are not ☐ sufficient to cover the proposed additional payment to the Contractor.

12. Appropriated funds allocated to other Departments are ☐ are not ☐ involved. The Department concerned is _____.

13. In the opinion of the undersigned, the requested relief should be granted to the following extent and for the following reasons:
_____
(or state alternative relief recommended)

14. In the opinion of the undersigned the granting of such relief will ☐ will not ☐ facilitate the national defense effort.

JOHN DOE,
Captain, QMC,
Contracting Officer.

§ 606.407 *Correction of mistakes in contracts (other than mutual mistakes and ambiguities).*

§ 606.407–1 *Conditions under which relief may be granted.* Criteria for determination and recommendations with respect to correction of mistakes in contracts (other than mutual mistakes, as defined in § 606.408–1 (a)), and ambiguities, are identical with those contained in § 606.406–1.

§ 606.407–2 *Administrative procedures.* (a) The procedure set forth in § 606.406–2 is applicable to applications for correction of mistakes other than mutual mistakes (as defined in § 606.408–1 (a)) and ambiguities.

(b) In addition to information required by paragraph (a) of this section, the applicant will be required to submit supporting evidence of the alleged mistake such as work sheets or other data used in preparing the bid or proposal, as well as the complete facts on which the allegation of mistake is based.

(c) The Contracting Officer will indicate in his indorsement the date when a notice of the alleged mistake was received and annex copies of any written notice thereof received by him, as well as triplicate copies of (1) the invitation for bids or request for proposals; (2) abstract of bids or summary of proposals; (3) contractual documents.

§ 606.407–3 *Forms.* Forms set forth in § 606.406–3 are applicable.

§ 606.408 *Correction of mutual mistakes and ambiguities.*

§ 606.408–1 *Conditions under which relief may be granted.* (a) For the purpose of exercising authority, under the statutory and administrative authority cited in § 606.401, only, the term "mutual mistake" includes:

(1) A mistake which consists of the failure to express in a written contract the agreement as both parties understood it.

(2) A mistake on the part of the Contractor which is so obvious that it was, or should have been apparent to the Contracting Officer.

(3) A mutual mistake as to a material fact.

(b) Mutual mistakes, as defined in paragraph (a) of this section, and ambiguities may be corrected by the Assist-

ant Chief of Staff, G–4, or at the level of the Head of a Procuring Activity under the authority of the statutory and administrative authorities cited in § 606.401 only if—

(1) The actual or estimated increase in cost to the Government will not, in the opinion of the Head of the Procuring Activity, exceed $50,000. Such opinion must be affirmatively stated as a finding of fact.

(2) The requested correction of mutual mistake or ambiguity must not deal with or directly affect any matter under the contract which has been referred to, or is pending before, or has been decided by, the General Accounting Office.

(3) The Contractor has furnished written notice of the mistake or ambiguity to the Contracting Officer (i) before completion of performance of the contract by the Contractor or (ii) prior to the issuance of a Notice of Termination for Convenience or Default, as the case may be.

(4) Final payment, approval of a final voucher, or a final administrative determination of the amount due has not been made under the contract.

(5) The correction will not result in payment to the Contractor of a sum, which, when added to other payments made under the contract, exceeds the amount of the next lowest responsive bid of a responsible bidder (in the case of contracts entered into after formal advertising).

(6) The correction will not result in payment to the Contractor of a sum, which, when added to other payments made under the contract, exceeds the amount of any other proposal considered in the negotiations (in the case of negotiated contracts). Where the contract was placed on the basis of considerations other than price, this limitation shall not be applicable.

(7) Notice of allegation of mistake, oral or written, has not been furnished to the Contracting Officer (i) before award of a contract entered into after formal advertising or (ii) before award of a negotiated contract upon a form not requiring execution of both contracting parties or (iii) before execution of negotiated contracts entered into on forms requiring signatures of two or more parties.

(c) Mutual mistakes (as defined in § 606.408–1 (a)) and ambiguities, notice or allegation of which has been furnished to the Contracting Officer (1) prior to opening of bids or (2) before award of contracts will be corrected and processed as required by the provisions of §§ 401.405 of this title and 591.405 of this subchapter. Such alleged mistakes will not be processed under the authority of this subpart.

(d) Cases involving an estimated or actual increase in the amount to be paid to the Contractor, exceeding $50,000, or in which final payment or final determination of the amount due has been made, will be processed to the Army Contract Adjustment Board in accordance with § 606.408–2 and procedures issued by the Board.

§ 606.408–2 *Administrative procedure.* (a) This procedure is applicable to the type of mistake and ambiguity only as set forth in § 606.408–1 (a).

(b) Contractor's application: The contractor will submit, in quadruplicate, an application for relief, substantially in the form set forth in § 606.408–3 (a). In addition thereto, he will submit supporting evidence of the alleged mistake such as work sheets used in preparing the bid or proposal or other data, as well as the complete facts on which the allegation of mistake is based.

(c) Action of Contracting Officer:

(1) The Contracting Officer will examine and review the application.

(2) If further information is required request the Contractor to furnish the same in writing.

(3) If, after consideration of the elements set forth in §§ 606.404 and 606.408–1 he determines that the application under this authority should be denied, and provided such action is authorized by Procuring Activity instructions, he will prepare written findings of fact and a determination which will be mailed, or otherwise furnished to the Contractor. The Contractor will be informed that he may, if he so desires, submit a claim to the Comptroller General under existing law and regulation other than Title II of the First War Powers Act, 1941, as amended; and that denial of relief under this authority is not necessarily a determination that the Contractor is not entitled to relief under normal procedures.

(4) If after consideration of the elements set forth in §§ 606.404 and 606.408–1 the Contracting Officer is of the opinion that the application should be granted, or if otherwise required by Procuring Activity instructions, the Contracting Officer will prepare an indorsement in triplicate setting forth as a minimum the following facts:

(i) That the Contractor's application has been examined and reviewed.

(ii) A brief description of the contract including any special pricing clauses.

(iii) That the facts therein stated are certified to be substantially correct except as specifically indicated.

(iv) The date when notice of the alleged mistake was received, annexing copies of any written notice.

(v) The quality of performance by the Contractor.

(vi) Present status of deliveries and payments.

(vii) That final payment has not been made, nor any final administrative determination made of the amount due.

(viii) Other available sources of supply in comparison with the Contractor.

(ix) The importance of the contract or the Contractor to the furtherance of the national defense effort, including present or future need for the item.

(x) An opinion on the merits as to whether the requested relief should be granted, and the extent thereof recommended for approval. In the alternative, a recommendation of what relief should be granted other than that requested by the Contractor.

(xi) If relief is recommended involving an increase in price, whether appropriated funds are sufficient to cover the proposed additional payment to the Contractor.

(xii) Whether appropriated funds allocated to other Departments are involved; if such funds are involved, name the Department.

(xiii) That the granting of such relief will facilitate the national defense effort. Reference may be made to the general finding of the Under Secretary of the Army contained in paragraph (2) (*b*), Part II of the Regulations quoted in § 606.419–1.

(5) The following documents will be inclosed in triplicate:

(i) Invitation for Bids or request for proposals.

(ii) Abstract of bids or summary of proposals.

(iii) Contractual documents.

(6) The Contracting Officer's indorsement and inclosures will be forwarded in triplicate, through such channels and be reviewed and approved by such intermediate offices and commands as may be required by Procuring Activity instructions.

(d) Action by intermediate reviewing agencies:

(1) Each echelon reviewing and passing upon such applications, subsequent to the Contracting Officer's review and verification will review and verify the contents of the application to the fullest extent practicable, provided, however, that in any case such echelons of review are authorized to rely fully upon the verification made by the Contracting Officer unless unusual circumstances require further verification.

(2) Make specific findings on the merits and specific recommendations with respect to whether the application should be approved or denied.

(3) Make a specific finding as to whether the national defense would be facilitated by the granting of the application.

(4) Heads of Procuring Activities are authorized to require all applications to be forwarded and initial determinations denying applications to be made in the office of the Head of the Procuring Activity or in any lower echelon, including the Contracting Officer.

(e) Action by Heads of Procuring Activities: (1) Heads of Procuring Activities will take appropriate action as required by § 606.408–2 (d).

(2) Heads of Procuring Activities are authorized to deny applications without further reference to the Army Contract Adjustment Board. Appropriate written findings and determinations will be made and furnished to applicants by such agencies as may be designated by the Head of the Procuring Activity for that purpose, including the Contracting Officer.

(3) If in the opinion of the Head of Procuring Activity, after consideration of the provisions of §§ 606.404 and 606.408–1 and subject to the limitation contained in § 606.408–1 (d), that the application should be granted, written findings of fact will be prepared and furnished to the Contracting Officer together with proper instructions relative to amendment or termination of the contract.

(4) In cases involving an increase in price in excess of $50,000, if in the opinion of the Head of the Procuring Activity, the application should be granted, an indorsement in duplicate, inclosing two copies of the Contractor's application and all indorsements and findings, shall be forwarded direct to the Army Contract Adjustment Board, Office of the Under Secretary of the Army, Washington 25, D. C., recommending approval to the extent noted in such indorsement.

(f) Action in cases of general public interest or doubt:

(1) In any case where any of the officers above-mentioned is of the opinion that the application should not be granted in whole or in part, but when in their judgment there is a serious doubt as to whether the relief should be granted or denied, or when the matter is believed to be of such general public interest that the initial determination denying the application should be made by a higher echelon, such officer may forward such application to the next higher echelon, including the Army Contract Adjustment Board with appropriate findings, recommendations, and determinations.

(2) Cases forwarded under the authority of this paragraph should explain fully the reason why it is believed that consideration should be given to the application by the higher echelon.

§ 606.408–3 *Forms*—(a) *Contractor's application.*

(1) Application shall be made on a form substantially similar to that set forth in § 606.406–3 (a), except that:

(i) Subject will be referred to as follows:

Subject: Request for Correction of Mistakes Under Title II, First War Powers Act, 1941; as Amended.

(ii) Heads of procuring Activities may authorize omission of replies to items 3*j* and 3*p* of the form.

(2) The applicant will submit satisfactory evidence of the alleged mistake, including, but not limited to, original work sheets.

(b) *Denial of application.* Form set forth in § 606.406–3 (b) may be adapted.

(c) *Contracting officer's indorsement recommending approval of application.* Form suggested in § 606.406–3 (c) may be used and/or adapted.

§ 606.409 *Formalization of informal commitments.*

§ 606.409–1 *Conditions under which relief may be granted.* (a) Where any person has arranged to furnish or has furnished, on or after June 25, 1950, to a contracting agency of the Department of the Army or (at the request of such agency) to a defense Contractor any materials, services, or facilities relating to the national defense, without a formal contract, relying in good faith upon the apparent authority of an officer or agent of such contracting agency, written or oral instructions, or any other request to proceed from a contracting agency, such contracting agency may enter into an appropriate contract providing fair compensation therefor. The formalization of informal commitments may be finally approved at the level of the Head of a Procuring Activity when the amount involved does not exceed $50,000. Where the amount involved exceeds $50,000, the case will be processed to the Army Contract Adjustment Board in accordance with § 606.409–2 (d) and procedures issued by the Board.

(b) The above authority shall not be used (1) as a substitute for modification of existing contracts in accordance with existing regulations or (2) for the purpose of eliminating competition. Where the instruction or request to proceed were of the type which, when given, could properly have been embodied in a change order, supplemental agreement, or other amendment under a then existing contract, this authority will not be exercised if final payment has been made under such contract.

(c) Informal commitments shall be made only in situations where the need therefor is compelling and of unusual urgency, as when the national defense would be seriously impaired or impeded, if the supplies or services were not furnished before the contracting agency has an opportunity to prepare the necessary contractual forms. See also § 592.409 (c) of this subchapter. The following are illustrative of circumstances with respect to which this authority may be used:

(1) Supplies or services needed at once because of a fire, flood, explosion or other disaster.

(2) Essential equipment for or repair to a ship when such equipment or repair is needed at once for compliance with the orders of the ship.

(3) Essential equipment for, or repair to, aircraft grounded or about to be grounded, when such equipment or repair is needed at once for the performance of an operational mission.

(4) Suplies or services needed at once because of requirements of operational missions or emergencies, and so certified in advance by the Head of a Procuring Activity.

(d) Resultant contracts formalizing informal commitments shall contain a finding of fact justifying the informal commitment as well as the action of formalization.

(e) Compensation shall be awarded or recommended in an amount which provides fair compensation for the services or supplies furnished. Fair compensation normally will be the reasonable market value of the supplies or services furnished at the time and place furnished, including such considerations as extra cost involved in immediate compliance with informal commitment or necessary performance and delivery during other than normal business hours.

§ 606.409–2 *Administrative procedure*—(a) *Contractor's application.* Written requests for formalization of informal commitments shall be filed by Contractors with the purchasing office which entered into the commitment, in quadruplicate, within 10 days after completion of performance of the informal commitment. The request shall be substantially in the form set forth in § 606.409–3 (a).

(b) *Action by Contracting Officer.* (1) The Contracting Officer will review the application and verify the contents thereof.

(2) If further information is required, request the Contractor to furnish the same in writing.

(3) If in the opinion of the Contracting Officer (i) an informal commitment was not entered into, or (ii) such informal commitment was made by an unauthorized person, or (iii) the Contractor should not as a reasonably intelligent businessman have relied upon the apparent authority of a person who ordered the supplies, services, or construction, a written finding will be furnished to the Contractor to that effect, setting forth appropriate findings of fact, providing such action is authorized by Procuring Activity instructions.

(4) If in the opinion of the Contracting Officer, after consideration of the provisions of §§ 606.404 and 606.409–1, the application should be granted, an indorsement in triplicate, inclosing three copies of the Contractor's application, shall be forwarded to the Head of the Procuring Activity, in accordance with instructions issued by such Head of Procuring Activity, setting forth as a minimum, the following information (see suggested form in § 606.409–3 (b).

(i) That the application has been reviewed and the facts therein stated are certified to be substantially correct except as specifically indicated.

(ii) That no payments have been made, nor any final administrative determination made of the amount due.

(iii) The importance of the material furnished or work performed to the furtherance of the national defense effort.

(iv) The quality of performance by the Contractor.

(v) Present status of deliveries.

(vi) Whether appropriated funds are sufficient to cover the proposed payment to the Contractor.

(vii) Whether appropriated funds allocated to other Departments are involved; if such funds are involved, name the Department.

(viii) A statement of the reasons why an informal commitment was necessary, and why an authorized form of contract could not have been prepared and processed before the supplies or services involved were furnished to the Government.

(ix) That the informal commitment was entered into by an authorized individual, and, if prior approval was required that such prior approval was obtained from the proper authority.

(x) That the fair compensation for the supplies or services furnished or construction performed is as stated. Justification shall be set forth as to amount by reference to the reasonable market price or other reasonable price at the time and place of delivery or performance.

(xi) A specific recommendation as to the proposed contract or purchase order or modification of a then existing contract to be issued, including unit price (where applicable) and total contract amount. The proposed contract or modification should be annexed.

(xii) A finding that the national defense would be facilitated by granting of the relief requested.

(5) The Contracting Officer's indorsement will be forwarded through such channels and be reviewed and approved by such intermediate offices and commands as may be required by Procuring Activity instructions.

(c) *Action by intermediate reviewing agencies.* (1) Each echelon reviewing and passing upon such applications subsequent to the Contracting Officer's review and verification will review and verify the contents of the application to the fullest extent practicable, provided, however, that in any case such echelons of review are authorized to rely fully upon the verification made by the Contracting Officer unless unusual circumstances require further verification.

(2) Make specific findings on the merits and specific recommendations with respect to whether the application should be approved or denied.

(3) Make a specific finding as to whether the national defense would be facilitated by the granting of the application.

(4) Heads of Procuring Activities are authorized to require all applications to be forwarded and initial determinations denying applications to be made in the office of the Head of the Procuring Activity or in any lower echelon, including the Contracting Officer.

(d) *Action by Heads of Procuring Activities.* (1) Heads of Procuring Activities will take appropriate action as required by § 606.409–2 (d).

(2) Heads of Procuring Activities are authorized to deny applications without further reference to the Army Contract Adjustment Board. Appropriate written findings and determinations will be made and furnished to applicants by such agencies as may be designated by the head of the Procuring Activity for that purpose, including the Contracting Officer.

(3) If in the opinion of the Head of the Procuring Activity, after consideration of the provisions of §§ 606.404 and 606.409–1 and subject to the limitation contained in § 606.409–1, the application should be granted, written findings of fact will be prepared and furnished to the Contracting Officer together with proper instructions as to the form of and required clauses to be inserted in resultant contracts.

(4) In cases involving contracts exceeding $50,000 in amount, if in the opinion of the Head of the Procuring Activity, the application should be granted, an indorsement in duplicate, inclosing two copies of the Contractor's application and all indorsements and findings, shall be forwarded direct to the Army Contract Adjustment Board, Office of the Under Secretary of the Army, Washington 25, D. C., recommending approval to the extent noted in such indorsement.

(e) *Action in cases of general public interest or doubt.* (1) In any case where any of the officers above-mentioned is of the opinion that the application should not be granted in whole or in part, but when in their judgment there is a serious doubt as to whether the relief should be granted or denied, or when the matter is believed to be of such general public interest that the initial determination denying the application should be made by a higher echelon, such officer may forward such application to the next higher echelon, including the Army Contract Adjustment Board with appropriate findings, recommendations and determinations.

(2) Cases forwarded under the authority of this paragraph should explain fully the reason why it is believed that consideration should be given to the application by the higher echelon.

§ 606.409–3 *Forms*—(a) *Contractor's application.*

(Firm Letterhead)

Date _____

CAPT. JOHN DOE,
Contracting Officer,
(Address).

Subject: Request for Formalization of Informal Commitment Under Title II, First War Powers Act, 1941, As Amended.

DEAR SIR:

1. The undersigned hereby makes application for formalization of the hereinafter described informal commitment pursuant to Title II of the First War Powers Act, 1941, as amended.

2. The undersigned was ordered by _____ (Name of individual ordering services or supplies) orally ☐ in writing ☐ to furnish the supplies or services described in paragraph 3, below. Such oral order was given in person ☐ by telephone ☐ by the aforementioned to _____ of this firm on the _____ (Name) _____ day of _____ 195__. A true copy of the written order above-mentioned is attached hereto. (Complete applicable information or attach written order.)

3. Such order required the undersigned to furnish the following supplies or services, at _____ (Place of performance) on _____ (Date or dates of required performance) _____ (Detail supplies or services ordered)

4. The circumstances under which the above-mentioned supplies or services were ordered, to the best of my knowledge and belief were as follows: _____ (State circumstances if known)

5. Pursuant to such order the following supplies or services were furnished at _____ (Place or installation) on _____ (Date or duties of performance) _____ (List supplies and services furnished)

6. *a.* The fair and reasonable value of the supplies and services furnished, at the time and place furnished is _____ (Amount) Attached hereto is analysis of the cost and price of the supplies or services furnished, indicating profit separately. (Attach Cost and Price Analysis.)

b. The above-mentioned amount does ☐ does not ☐ exceed the applicable ceiling price for the supplies or services furnished.

7. The following payments have been received:

Date	Amount

8. Final payment, or a final administrative determination of the amount due has ☐ has not ☐ been made. (Check appropriate box.)

9. Previous application has ☐ has not ☐ been made for the relief sought herein. (Check appropriate box; if the box marked "has" is checked, complete the following sentence.) Such previous application was made to _____ (State agency where application was filed) _____, located at _____ under date of _____. The nature of the request made therein was: _____. Action taken thereon was as follows: _____.

10. This claim has ☐ has not ☐ been assigned. If assigned, such assignment has been made pursuant to the Assignment of Claims of 1940, as amended, to _____ (Name of assignee) _____, of _____ (Address) (Attach three signed copies of assignment and three signed copies of assignee's notice.)

11. Additional facts and circumstances believed to justify granting of relief sought: _____

12. The undersigned affirms that the statements made above, including those made in exhibits and attachments hereto are true to the best of his knowledge and belief.

_____
Name of firm (print or type)

_____
Signature

_____
Print or type name and title of person signing

(b) *Contracting Officer's indorsement recommending approval of application.*

1st Ind.

Heading and date.

Addressee and address.

1. The foregoing application of _____ has been reviewed, and the facts therein stated are hereby certified to be substantially correct, except as follows: _____ (State any corrections required)

2. The informal commitment was entered into substantially as stated by the Contractor in paragraphs ____ and ____ of his application, except as follows: _____

3. The circumstances under which the above-mentioned informal commitment was made, and the reasons why such informal commitment was necessary, are as follows: _____

4. The person who ordered the supplies or services, _____, was duly authorized so to do by _____, (or had (State authorization) apparent authority to issue the order). Strike out inapplicable words.

5. The supplies and/or services furnished to the Government pursuant to such informal commitment related to national defense and were as follows: _____

6. The above supplies and/or services were furnished at _____ on _____ (Location) (Date or dates)

7. The undersigned finds that the fair and reasonable value of the supplies and services furnished, at the time and place furnished, is $_____; and that sum would constitute fair compensation to the applicant.

8. The following payments have been made to the contractor:

Date	Amount

9. Final payment, or a final administrative determination of the amount due has ☐ has not ☐ been made.

10. Appropriated funds are ☐ are not ☐ sufficient to cover the proposed payment to the contractor.

11. Appropriated funds allocated to other Departments are ☐ are not ☐ involved. The Department concerned is _____

12. In the opinion of the undersigned a formal contract (purchase order) (or modification) should be issued formalizing the above-mentioned informal commitment, at a unit price of $_____, total amount $_____ substantially in the form annexed hereto.

13. In the opinion of the undersigned the granting of such relief will ☐ will not ☐ facilitate the national defense effort.

JOHN DOE,
Captain, QMC,
Contracting Officer.

§ 606.416 *Contract clauses required.* All contracts and amendments to contracts made under the authority of this subpart shall—

(a) Make reference to Title II, First War Powers Act, 1941, as amended, and Executive Order No. 10210, 2 February 1951;

(b) Contain a statement of facts and circumstances which justify action;

(c) Include a finding that the national defense is facilitated thereby;

(d) Include the following clause:

EXAMINATION OF RECORDS

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder which may hereafter be made, a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers and records of such subcontractor involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $1,000 and (2) subcontractor purchase orders for public utility services at rates established for uniform applicability to the general public.

(e) Include a statement regarding the approval obtained indicating specifically the office or officer duly authorized to make, and who granted, such final approval.

§ 606.417 *Records.* Complete written data, including, but not limited to memorandum to file of personal conferences and telephone conversations and all approvals or denials of application shall be maintained in the Contracting Officer's files as the office of record. Such data shall be available for inspection by authorized personnel at all times.

§ 606.418 *Reports.*

§ 606.418–1 *Amendments without consideration, correction of mistakes and formalization of informal commitments.* (a) A report will be rendered quarterly by each Head of a Procuring Activity relative to claims received and actions taken pursuant to authority contained in §§ 606.406, 606.407, 606.408 and 606.409.

(b) Heads of Procuring Activities will consolidate information obtained from all purchasing offices (as defined in § 590.253–1 of this subchapter); and forward such report to Assistant Chief of Staff, G–4, Department of the Army, Washington 25, D. C., Attn: Chief, Purchases Branch, in time to reach that office by the 20th day of the month following the quarter covered by the report. Letters of transmittal will not be used in forwarding these reports. Negative reports will be submitted.

(c) The following information will be included:

(i) Type of claim involved (e. g., correction of mistake, etc.).

(ii) Purchasing office concerned.

(iii) Date claim was received.

(iv) Name and address of Contractor.

(v) Contract number or numbers involved.

(vi) Type of contract (formally advertised or negotiated). (This item is not required when the claim is made pursuant to § 606.409.)

(vii) Type of product or service involved.

(viii) Dollar amount involved.

(ix) Changes in conditions or Government action which affected Contractor's costs. (This item is not required when the claim is made pursuant to §§ 606.407, 606.408, or 606.409.)

(x) Disposition or Status of Claim.

(*a*) Finally approved by the Head of Procuring Activity.

(*b*) Finally denied by Head of Procuring Activity (or any intermediate office, including Contracting Officer).

(c) Principal reasons for approval or denial.

(*d*) Pending—

(*1*) In purchasing office.

(2) In office of Head of Procuring Activity.

(3) In Contract Adjustment Board.

(d) After a claim has once been reported as finally approved or denied, or forwarded to the Army Contract Adjustment Board, it need not be reported on succeeding monthly reports.

(e) A numerical summary will be attached to each quarterly report indicating the following information in substantially the following format:

	Type of claim					
	Amendment without consideration §§ 606.406 and 606.407 30–406 and 30–407		Correction of mutual mistakes § 606.408 30–408		Formalization of informal commitments § 606.409 30–409	
	Number	Total dollar value involved	Number	Total dollar value involved	Number	Total dollar value involved
On hand at beginning of quarter						
Received during quarter						
Disposed of during quarter (total)						
Finally approved:						
Amount claimed						
Amount awarded						
Finally denied						
Withdrawn, Returned, etc.[1]						
Forwarded to ACAB						
Pending as of end of quarter (total)						

[1] Should be explained in remarks.

(f) Forms will not be supplied for this report. Reports Control Symbol CSGLD–376 (R1) has been assigned to this report.

§ 606.419 *Regulations issued or approved by Department of Defense.*

§ 606.419–1 *Regulations dated 21 February 1951, as amended 1 January 1954.*

REGULATIONS GOVERNING THE EXERCISE OF CERTAIN AUTHORITY GRANTED BY TITLE II OF THE FIRST WAR POWERS ACT, AS AMENDED, AND EXECUTIVE ORDER NO. 10210, ISSUED THEREUNDER

PART I—GENERAL CONSIDERATIONS

(1) By Title II of the First War Powers Act, 1941, 50 U. S. Code App. Sec. 611, as amended by Public Law 921, 81st Congress (herein referred to as the "Act") and Executive Order No. 10210, dated February 2, 1951, set forth respectively in inclosures (1) and (2) hereto, the Secretaries of Defense, Army, Navy and Air Force have authority, under such regulations as may be prescribed or approved by the Secretary of Defense, to enter into contracts and into amendments or modifications of contracts, heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts.

(2) These regulations set forth the standards governing the exercise of certain of the authority made available by said Act and Executive Order. These regulations do not purport to cover all the authority conferred by the Act and Executive Order, but are confined to (a) amendments of contracts without consideration, (b) correction of mistakes in contracts, and (c) formalization of informal commitments. The exercise of other authority conferred by the Act and Executive Order will await the issuance of supplemental regulations.

(3) The authority granted by the Act and the Executive Order as described herein is an extraordinary one and its exercise must be carefully administered. Carelessness and laxity on the part of contractors should not be encouraged by the practice of granting relief to such contractors even though denial of relief in a particular case may result in some lack of cooperation on the part of a contractor.

PART II—STANDARDS GOVERNING EXERCISE OF AUTHORITY

(1) Any action taken under this Part II must be based on a finding that the national defense will be facilitated thereby.

(2) The determination of whether in a particular case a contract amendment to be entered into without consideration, or the correction of a mistake or ambiguity in a contract, or the formalization of an informal commitment will facilitate the national defense is a matter of sound judgment to be made on the basis of all of the facts of such case. Although it is obviously impossible to predict or enumerate all the types of cases with respect to which relief may appropriately be granted, examples of certain cases or types of cases where relief may be proper are set forth below. Such enumeration is not intended to exclude other cases where the circumstances are such as to warrant the granting of relief, and even in the enumerated cases other factors may result in a denial of relief.

(a) *Amendments without consideration.*

(1) Where an actual or threatened loss on a defense contract, however caused, will impair the productive ability of a contractor whose continued operation as a source of supply is found to be essential to the national defense, the contract will generally be equitably adjusted to the extent necessary to avoid such impairment of the contractor's productive ability.

(2) Where a contractor suffers a loss (not merely diminution of anticipated profits) on a defense contract as a result of Government action, the character of the Government action will generally determine whether any adjustment in the contract will be made and its extent.

(*a*) Where the Government action is directed primarily at the contractor and is taken by the Government in its capacity as the other contracting party, the contract may be equitably adjusted if fairness so requires. Thus, where such Government action, although not creating any liability on its part, increases the cost of performance, considerations of fairness may make appropriate some equitable adjustment in the contract.

(*b*) When the action is not taken by the Government in its capacity as the other contracting party, but in its sovereign capacity, relief will generally not be granted. However, exceptional cases, depending on the nature of the action, the circumstances, and the effect on the contractor, may require an equitable adjustment in the contract when necessary to insure maximum cooperation and production in the national defense effort.

(b) *Correction of mistakes.*

(*1*) Effecting amendments of contracts with the least possible delay to correct mutual mistakes and ambiguities will facilitate the national defense by expediting the procurement program and by giving contractors proper assurance that such mistakes and ambiguities, unavoidable in an expanded defense program, will be corrected expeditiously and fairly. As used herein the term "mutual mistakes" shall include—

(*a*) A mistake which consists of the failure to express in a written contract the agreement as both parties understood it;

(*b*) A mistake on the part of the contractor which is so obvious that it was or should have been apparent to the contracting officer; and

(c) A mutual mistake as to a material fact.

(c) *Formalization of commitments.*

(*1*) Where any person has arranged to furnish or has furnished, on or after June 25, 1950, to a contracting agency of the Department of Defense or to a defense contractor any materials, services or facilities relating to the national defense, without a formal contract, relying in good faith upon the apparent authority of an officer or agent of such contracting agency, written or oral instructions, or any other request to proceed from a contracting agency, such contracting agency may enter into an appropriate contract providing fair compensation therefor. Formalization of such commitments under such circumstances will facilitate the national defense by assuring contractors, who have taken action to expedite performance or delivery without a formal contract, that they will be treated fairly and paid expeditiously.

PART III—CONTRACTUAL PROVISIONS AND RECORD REQUIREMENTS

(1) All contracts and amendments to contracts made under the authority of the foregoing regulations shall—

(i) Make reference to the Act and the Executive Order;

(ii) Contain a statement of the fact and circumstances which justify action;

(iii) Include a finding that the national defense is facilitated thereby; and

(iv) Include the following clause:

"Examination of Records.

"(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor involving transactions related to this contract.

"(b) The Contractor further agrees to include in all his subcontracts hereunder which may hereafter be made, a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers and records of such subcontractor involving transactions related to the subcontract. The term 'subcontract' as used in this clause excludes (i) purchase orders not exceeding $1,000 and (ii) subcontractor purchase orders for public utility services at rates established for uniform applicability to the general public."

(2) Complete data shall be maintained by each Department as to all contracts and amendments to contracts made pursuant to the Act, Executive Order, and this subchapter.

PART IV—EXERCISE OF AUTHORITY

(1) (a) The authority to approve any contractual amendment without consideration which increases the stated contract price or unit price may not be delegated below the level of a contract adjustment board established in each department, except in extraordinary cases or classes of cases as to which the Under or Assistant Secretary for Procurement of the department involved finds that there are special circumstances clearly justifying delegation to a lower level. Any such delegation, including the finding relating thereto, shall be reported promptly to the Secretary of Defense.

(b) The authority to approve all other types of contractual amendments without consideration may be delegated in whole or in part to such lower levels as the Under or Assistant Secretary for Procurement shall deem appropriate without the necessity for the finding required of him in the case of the contractual amendments referred to in subparagraph (1) (i) of this paragraph.

(c) Any delegation of authority with respect to contractual amendments without consideration may include the power of final determination.

(2) The authority to approve requests for correction of mistakes and ambiguities in contracts and for formalization of informal commitments, as referred to in paragraph B of this section will not be delegated below the level of the Head of a Procuring Activity, as defined in § 400.201–4 of this title without specific approval of the Under or Assistant Secretary for Procurement.

(3) The exercise of authority under this section will be in accordance with detailed instructions or directives, which shall be uniform to the extent practicable, issued by each department concerned.

SUBPART E—CONSTRUCTION

§ 606.501 *New construction.* The term "new construction" as used in this subchapter includes the advance, planning, preparation of plans, specifications and estimates, design, erection, budgeting and allocation of funds, issuance of directives and provisions of necessary labor, material, equipment, supplies and transportation necessary for initial erection or installation of any building structure, plant, ground facility, utility system, wharves, airfields, etc., or other real property for the Army built separately or apart from existing facilities.

§ 606.502 *Responsibility.* The Chief of Engineers is charged with the direction of all work pertaining to new construction for the Army Establishment except as otherwise directed. In the execution of new construction he is charged with the application of Army Establishment construction policies including conformance with construction standards, suitability of the project and for technical and engineering accuracy.

§ 606.503 *Authorization.* All work under the supervision of the Corps of Engineers, including new work and modifications to work previously authorized, will be accomplished by formal directive issued by the Chief of Engineers. The following, however, are authorized to accomplish emergency construction and necessary repair work for all activities under their jurisdiction:

(a) Major oversea commanders.

(b) Major commanders in United States Territories and possessions.

(c) Attachés.

(d) Chiefs of foreign missions (Army).

(e) Chiefs of Army sections of any joint military missions not operating under the jurisdiction of a major oversea command.

§ 606.504 *Formal advertising* Unless within the authorizations set forth in Part 402 of this title and Part 592 of this subchapter, or unless authorized by law, all construction contracts shall be entered into after formal advertising on a lump sum or unit price basis.

SUBPART F—REPURCHASE OF FORMER GOVERNMENT SURPLUS PROPERTY

§ 606.601 *Authority.* The authority to approve the repurchase of former Government surplus is delegated to the Heads of Procuring Activities, with power to redelegate, subject to the restrictions below.

(a) That monetary limitations on the authority to approve contracts involving the repurchase of former Government surplus property will not exceed the monetary limitations on authority to approve contracts for purchase of new material as prescribed in current regulations and directives.

(b) That adequate records be maintained on each transaction and that full justification be filed as a part of the permanent record of the particular contract in cases where former surplus is repurchased.

(c) That the former Government surplus must in all respects meet the conditions of the contract, price and all other factors considered.

(d) That the utmost prudence be exercised to insure that the Government will not be subjected to criticism and that in cases where the office making the award feels that criticism may result, that the proposed award with all supporting information regarding the procurement and the necessity for repurchasing surplus be forwarded through channels for approval. Any office in the chain of command has the authority to grant such approval.

SUBPART G—SMALL BUSINESS POLICY AND PROCEDURE

§ 606.701 *Authority.* (a) The desires and intent of the Congress regarding assistance to Small Business by governmental agencies are set forth in section 2 (b), Armed Services Procurement Act of 1947 (Act of 19 February 1948, 62 Stat. 21), sections 202, 213, and 214, Small Business Act of 1953 (Title II, Act of 30 July 1953, 67 Stat. 232) and in section 616, Department of Defense Appropriation Act, 1954 (Act of 1 August 1953, 67 Stat. 352).

(b) The policy, organization, and method of appointment of Small Business Specialists to carry out the policy and functions of the Small Business Organization within the Department of the Army were established by DA Letter to the Heads of Procuring Activities within the Department of the Army, Subject: Small Business Specialists and Target Objectives, file AGAO–S 211 Specialists (10 Apr 51) G4–M AGAO–C, 13 April 1951, which states:

> Heads of procuring activities will appoint Small Business Specialists in each field purchasing office located within the continental limits of the United States and, where suitable, in intermediate headquarters concerned with procurement. Those Specialists assigned to principal purchasing offices of the chiefs of technical services, and such other offices as may be designated by the heads of procuring activities will devote their efforts exclusively on a full time basis to assisting small business concerns in connection with military procurement.
>
> • • • • • •
>
> Small Business Specialists will be appointed by name in writing by heads of procuring activities and will be directly responsible to the appointing authority. Heads of procuring activities will not redelegate the authority to appoint Small Business Specialists.
>
> • • • • • •

A copy of all letters appointing or relieving Small Business Specialists will be forwarded to the Office of the Assistant Chief of Staff, G–4, GSUSA, Washington 25, D. C. (Attn: Chief, Procurement Division). Letters of appointment will indicate the name of the office to which the Specialist is being assigned, whether or not such office is a principal purchasing office, and whether or not the assignment will require full-time duty.

• • • • • •

§ 606.702 *Application of policies within Department of the Army.* This subpart covers the application within the Department of the Army of the policies stated in § 606.701, in the placement of unclassified contracts in excess of $10,000, which are suitable for procurement from small business firms.

§ 606.703 *Definitions*—(a) *Certificate of competency.*

(1) Sec. 212, Small Business Act of 1953 states:

> The administration (of SBA) shall have the power, and it is hereby directed, whenever it determines such action is necessary—
>
> • • • • • •
>
> (d) to certify to Government procurement officers with respect to the competency, as to capacity and credit, of any small-business concern or group of such concerns to perform a specific Government procurement contract;

(2) Sec. 213, Small Business Act of 1953, further states:

> In any case in which a small-business concern or group of such concerns has been certified by or under the authority of the Administration to be a competent Government contractor with respect to capacity and credit as to a specific Government procurement contract, the officers of the Government having procurement powers are directed to accept such certification as conclusive, and are authorized to let such Government procurement contract to such concern or group of concerns without requiring it to meet any other requirement with respect to capacity and credit.

(b) *Contracting Officer.* Section 590.201–5 of this subchapter.

(c) *Head of a Procuring Activity.* Sections 590.250 of this subchapter and 400.201–4 of this title.

(d) *Intermediate Headquarters concerned with procurement.* Intermediate Headquarters concerned with procurement includes all offices below the level of the Secretary of the Army which have as functions the planning, supervision, control, or accomplishment of procurement.

(e) *Methods of procurement.* Section 590.301 of this subchapter.

(f) *Preaward survey.* Section 590.357 of this subchapter.

(g) *Purchasing office.* Section 590.253–1 of this subchapter.

(h) *Representatives of Small Business Administration.* Representatives of Small Business Administration are those authorized persons effecting liaison between the Small Business Administration and the Department of the Army and other Government agencies.

(i) *Secretary.*—Section 590.201–2 of this subchapter.

(j) *Small Business.* A Small Business concern is any concern which, including its affiliates, employs in the aggregate fewer than 500 persons. Section 400.302–3 of this title.

(k) *Small Business Administration.* Section 204, Small Business Act of 1953 states:

> In order to carry out the policies of this title there is hereby created an agency under the name "Small Business Administration" (herein referred to as the Administration), which Administration shall be under the general direction and supervision of the President and shall not be affiliated with or be within any other agency or department of the Federal Government. The principal office of the Administration shall be located in the District of Columbia, but the Administration may establish such branch offices in other places in the United States as may be determined by the Administrator of the Administration.

(l) *Small Business determination.* A determination made by the Small Business Specialist and agreed to by the Contracting Officer that an item to be procured either by formal advertising or by negotiation, can be supplied by Small Business firms, in whole or in part, with due consideration given to records of past procurement and a knowledge of the industry and the item involved. Such a determination, if initiated by request of a Small Business Administration Representative, shall be known as a "Joint Determination."

(m) *Small Business Specialist.* A Small Business Specialist is an individual appointed in accordance with DA letter of 13 April 1951 (cited in § 606.701 (b)) who has been assigned the responsibility for assisting small business concerns to participate in the Defense Procurement Program. In the Department of the Army, Small Business Specialists are appointed by the Head of the Procuring Activity concerned by name, in writing, and are responsible directly to him.

(n) *Sources of supply—Small Business.* § 590.201–9 (a) of this subchapter and 400.302–3 of this title.

(o) *Suitable for procurement from Small Business.* An item or service is considered suitable for procurement from Small Business when the item or service is one which business concerns in the Small Business category presently—

(1) Are technically competent to produce;

(2) Have adequate available facilities and open capacity to produce;

(3) Can produce at competitive prices (quantity and delivery factors considered), as sources of supply as defined in § 590.201–9 of this suchapter;

(4) Are capable of producing to meet the required delivery schedule, and

(5) Are able to produce without overtaxing their financial and technical resources.

(p) *Supplies and services.* (1) *Supplies.* Section 400.201–8 of this title. All items necessary for the equipment, maintenance, and operation of a military command, including food, clothing, equipment, arms, ammunition, fuel, forage, materials, and machinery of all kind.

(2) *Services.* Services, not of a personal nature, such as research and development, transportation, packing and packaging, communications transmission, and repairing and other nonmaterial transactions which may be purchased under contract, or are pertinent to the completion of a contract.

§ 606.704 *Bases for award to small business.* Section 214, Small Business Act of 1953 states:

To effectuate the purpose of this title small business concerns within the meaning of this title shall receive any award or contract or any part thereof as to which it is determined by the Administration and the contracting procurement agency (A) to be in the interest of mobilizing the Nation's full productive capacity, or (B) to be in the interest of war or national defense programs.

§ 606.705 *Methods of procurement.* Items to be secured from industry should be procured in accordance with § 590.301 of this subchapter. The preferred method under Department of the Army policy is by formal advertising, however, final determination as to method is the responsibility of the Purchasing Office. (§ 592.102 of this subchapter.)

§ 606.706 *Small Business procurement activities.* A Small Business office has been established in the Office of the Head of each Procuring Activity to coordinate all activities pertaining to small business participation in the Department of the Army programs, including implementation and dissemination of policies and procedures with regard thereto and the administration and supervision of related business activities at field installations. The Commanding Officer of field establishments engaged in procurement, where Small Business Specialists are appointed, will provide organizational elements to insure that—

(a) Small Business is provided with all available information of the Department of the Army programs in order that they may contact the appropriate procurement offices.

(b) Small Business is provided information on prime contracts in order that it may explore all subcontract possibilities.

(c) Displays and exhibits are made available to assist and guide prospective bidders.

(d) Small Business may obtain advice and counsel with regard to methods of financing, management, and technical assistance.

§ 606.707 *Functions of Small Business Specialists.* The Small Business Specialist—

(a) Serves as a focal point in the procurement office to which small business concerns may make or direct inquiry concerning participation in the military procurement program.

(b) Furnishes counsel and guidance to small business concerns on policy, procedure, and methods involved with which compliance is necessary in order to assure small business firms of an opportunity to become responsive and responsible suppliers on appropriate bidders' lists.

(c) Maintains liaison and exchanges information with respect to both policy and procedure with all other local and Government agencies for the purpose of rendering the maximum amount of assistance to small business.

(d) Institutes programs to discover additional competent small business sources, if required, capable of participating in procurements to meet current and anticipated requirements.

(e) Discusses with and advises representatives of small business concerns, whether it is to the best interests of their concerns to attempt to compete for a prime contract or to adapt their production mainly to subcontracting where many of the risks of a prime Contractor would be eliminated.

(f) Discusses the extent and capacity of equipment, manpower available, and management skill with representatives of small business concerns and appraises their possible use in military procurement programs for the purpose of current procurement or industrial mobilization programs of planned procurement.

(g) Furnishes advice and assistance to small business concerns on problems arising during performance of contracts such as financing, defense order priority and allocation ratings, inspections, and payments, or direct such Contractors to the proper agencies for assistance.

(h) Attends meetings with industry or other Government agencies to explain and describe, when requested, types of items commonly being purchased or to be purchased.

(i) Studies procurement actions and policies, in order to determine whether small business is an importatnt element in procurement planning and industrial mobilization.

(j) Prepares proposals, based upon analysis, for the Assistant Chief of Staff, G–4, with respect to changes in policy and/or procedure which will permit greater participation by small business.

(k) Observes the effect of current procurement policies on the amount of small business participation in the procurement program and recommends to the appointing authority changes in existing policies or the formulation of new policies to increase the amount of such participation.

(l) Serves as the Procuring Activity Small Business Representative on all matters concerning policy, procedure, and practices to be followed to develop and maintain cooperation between the procuring activity and the Small Business Administration in accordance with the provisions of Title II, Sec. 214, of the Small Business Act of 1953.

(m) Supervises the implementation of policies and procedures by the small business specialists at the field purchasing offices.

(n) Reviews each procurement directive issued or to be issued by his office, with value in excess of $10,000, to determine suitability and recommend the application of a small business determination.

(o) Reviews proposed procurements prior to procurement action and determines which items are suitable for procurement from small business, and recommends to Contracting Officers that such items be procured from small business.

(p) Participates in the preparation of directives to the Contracting Officers regarding the policy and procurement procedure to be used when a small business determination action has been made and included in a procurement directive.

(q) Consults with procurement commodity specialists and research and development personnel to insure that, when changes in specifications or deviations therefrom are made or permitted which makes production feasible for small business, they are fully recognized on future procurements.

(r) Makes recommendations to the Contracting Officer with respect to competency, capacity, and credit of a specific small business concern or concerns capable of producing a specific procurement or item thereof.

(s) Participates as a voting member, when both large and small business are involved, in meetings of Boards of Contract Awards where such boards have been or may be established.

§ 606.708 *Responsibilities.* (a) The Senior Small Business Specialist appointed by the Head of the Procuring Activity will be responsible for the functions listed in § 606.707 as (a), (b), (c), (d), (e), (f), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) and (s).

(b) The Small Business Specialists appointed to field installations of the Procuring Activity will be responsible for the functions listed in § 606.707 as (a), (b), (c) (d), (e), (f) (g), (h), (i), (n), (o), (q), (r) and (s).

(c) At installations where no Small Business Specialist is appointed, the Contracting Officer will be responsible for the functions listed in § 606.707 as (a), (b), (c), (d), (e), (f), (g) and (n), in order that the Department of the Army program of assistance to small business may be maintained.

§ 606.709 *Small Business Specialists Council.* (a) There is established by this circular a Council of Senior Small Business Specialists for the Department of the Army, consisting of the Small Business Specialist, Office of the Assistant Chief of Staff, G–4, and the Senior Small Business Specialists appointed by the chiefs of the technical services, within their respective offices. In addition to those functions listed in § 606.706, which may be exercised by the Senior Small Business Specialists, the technical service members of the Council will have the following functions and duties:

(1) Serve as advisors to the Small Business Specialist, Assistant Chief of Staff, G–4, on all small business policy and procedure which may concern their particular technical service in order to assist in developing unity of action on small business matters.

(2) Present special problems of procurement of their particular technical service to Assistant Chief of Staff, G–4, setting forth their impact on small business and relationship with Small Business Administration.

(3) After coordination with the Office of Department Counselor, attend Congressional hearings when requested, which are concerned with small business procurement, prepared to present their technical service small business program, policies, and procedures, and to answer any questions if called upon by the Committee to do so.

(b) The Council shall receive and review appeals of small business determinations forwarded to the Office of the Assistant Chief of Staff, G–4, by the chief of a technical service or by the Washington Office of the Small Business Administration, and make appropriate recommendations to the Office of the Assistant Chief of Staff, G–4.

(c) The Council will carry out such other duties as may properly become a part of the Small Business Program.

§ 606.710 *Relationships between the Procuring Activities and Small Business Administration.* In furtherance of the Small Business Act of 1953 and the Department of the Army program of assistance to small business, Army personnel will cooperate with Small Business Administration representatives to the maximum extent practicable.

§ 606.711 *Dissemination of information.* In addition to distribution required by §§ 590.354 and 590.355 of this subchapter, each purchasing office will furnish copies of invitations for bids, requests for proposals, specifications, and drawings pertinent thereto as follows:

(a) To the principal procuring offices of their procuring activities, for display to interested concerns, in accordance with policy and instructions of the Head of the Procuring Activity concerned.

(b) To such offices of the Small Business Administration as the Small Business Administration may request. This distribution will be limited to proposed procurements in excess of $25,000, which are not classified.

(c) To the Small Business Administration, Washington 25, D. C., when so recommended by the Small Business Specialist, copies of proposed procurements on which a determination for Small Business has been made of a value of $10,000 and above which are not classified.

§ 606.712 *Labor Surplus Areas; Defense Manpower Policy No. 4.* In case of conflict between a small business determination and a request for preferential consideration, procedures set forth in § 400.302–4 of this title will be observed.

§ 606.713 *Continuance of Small Business Committees.* Small Business Committees formed by Armed Forces Regional Councils may be continued on an informal basis. All Small Business Specialists are encouraged to attend and participate in the regular meetings. Representatives of other Government agencies are invited to attend the meetings. The Committees may rotate the Chairmanship among the Military Services, and will conduct their meetings in much the same manner as when they were formally constituted, except that formal minutes will not be maintained.

§ 606.714 *Records to be maintained by Heads of Procuring Activities other than for DA Form 377 reports.* (a) Certificates of Competency received from SBA including date of issue, name of concern, address, IFB or PR number, value of procurement, and action taken as to award, including differential in price effected by award.

(b) Number of procurements screened by Small Business Specialists for determinations for small business.

(c) Determinations for small business made including total number and dollar value made, number and dollar value awarded to small business, and number and dollar value withdrawn.

(d) Procurements originally considered as not suitable for small business but subsequently awarded to small business, by number and dollar value.

§ 606.715 *Appeals procedure; certificates of competency.* (a) In the event that the Purchasing or Contracting Officer questions the issuance of a proposed Certificate of Competency after complete interchange of information, he will so notify the representative of the SBA, stating his reasons, and request that the Administrator, SBA, consider withdrawal or nonissue of the certificate, and that the Purchasing or Contracting Officer be notified in writing of the action taken.

(b) In the further event that withdrawal or nonissue of the certificate is declined by SBA and a certificate is issued, and the Purchasing or Contracting Officer then determines that acceptance would not be in the best interests of the Government the following procedure will be utilized:

(1) The Purchasing or Contracting Officer will withhold award of the contract, pending decision by higher authority.

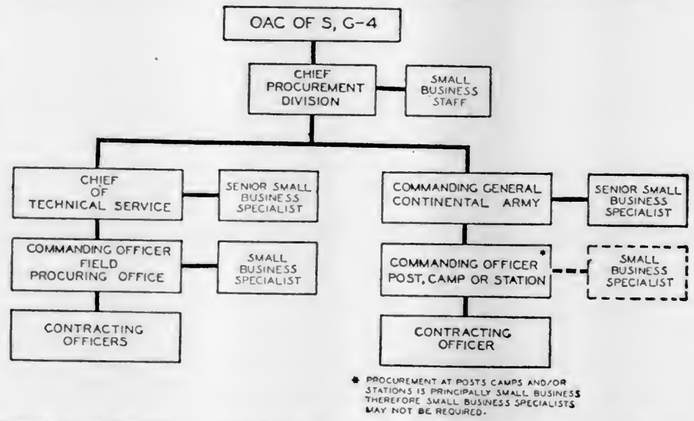
(2) The Purchasing or Contracting Officer will prepare a written request for withdrawal of the certificate, addressed to the Head of the Procuring Activity, for signature. This request shall be supported by a complete statement of the facts leading to the determination that the certificate should not be applied.

(3) The Head of the Procuring Activity may, if desired, refer the request to the Office of the Assistant Chief of Staff, G–4.

(c) Protection of the Government's interest is delineated in DA Circular 69, 1953.

(d) A certificate of competency as to capacity and credit when issued by the Small Business Administration, does not in and of itself assure the certified supplier of an award. A preaward survey is still required and awards can only be made in accordance with § 590.357 of this subchapter "Selection of Contractors."

§ 606.716 *Organization.* In accordance with §§ 606.703 (m) and 606.706, the following organizational chart will be used to assure uniformity in the placement of the Small Business Specialist and the Small Business Office within the Office of the Head of each Procuring Activity and the field installations:



SUBPART H—PROCEDURES TO INTEGRATE CURRENT PROCUREMENT WITH THE PRODUCTION ALLOCATION PROGRAM

§ 606.801 *Statement of policy.* The following procedures are established to integrate current procurement with the Production Allocation Program. They are applicable to all contracts for equipment and supplies in excess of $100,000. As used in these procedures, a producer becomes a "planned producer," and capacity becomes "allocated" when management has accepted a "Tentative Schedule of Production"—MB Form 103 or DD Form 405 or 406 (see Step 11, page 31 of the Production Allocation Manual).

§ 606.802 *Procurement by negotiation.* (a) When it has been determined that procurement shall be by negotiation under any of the applicable Sections of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Congress), the Contracting Officer shall solicit quotations in accordance with Part 402 of this title. He will insure that planned producers of the item are appropriately included. The quotations shall be evaluated on the basis of normal business considerations, giving proper weight to such factors as price, quality, delivery, etc., as prescribed in subchapter A, chapter IV, of this title. The extent to which production allocation planning has progressed and the investment by the Government and the firm in such planning, will be factors for consideration.

(b) Subject to paragraph (a) of this section, the Departments will endeavor to place contracts without requiring the use of capacity planned for use by another Military Department and accepted by management. No Military Department shall place a negotiated contract, having deliveries scheduled for a period in excess of 6 months after date

of award of the contract, in capacity allocated to another Military Department without prior approval of the Department to which the capacity has been allocated. If conflicts arise which can not be settled by mutual agreement, they will be presented to the Department of Defense for resolution.

§ 606.803 *Procurement by formal advertising.* When procurement of any item is to be by formal advertising, the contract may be placed without regard to schedules developed under the Production Allocation Program. However, inclusion of planned firms in bidders' lists is mandatory for planned items.

§ 606.804 *Contracts in production planned facilities.* When any contract, regardless of duration, is placed in a facility for which production planning has been initiated, the ASPPO will be informed and will, in turn keep all affected claimant agencies informed so that they may take, or in the event of an M-Day be prepared to take, appropriate action. He will also notify them when, in his opinion, current procurement is of such nature or volume as to require a revision of production schedules.

§ 606.805 *Requests for production allocations.* For important military type items, the departments will request a production allocation or will initiate a revision to an existing allocation, as appropriate, in the following circumstances:

(a) When contracts are placed with facilities not included in the Production Allocation Program.

(b) When contracts are placed with facilities previously scheduled for other items.

(c) Where contracts are placed with a scheduled facility but the rate of production substantially exceeds the planned rate of production.

SUBPART I—PROCUREMENT OF ITEMS CONTAINING COTTON OR WOOL

§ 606.901 *Purpose.* The purpose of this subpart is to provide Procurement Officers with uniform policies and procedures for use in the procurement of items containing cotton or wool in compliance with the provisions of Section 644, Public Law 179, 83d Congress, Department of Defense Appropriation Act, or an equivalent succeeding statutory requirement.

§ 606.902 *General provisions.* The provisions of this subpart will be complied with by all Procuring Activities in the continental United States and oversea commands when procuring items containing cotton or wool where such procurement involves the expenditure of appropriated funds or the use of foreign credits (including currencies) as provided in Section 1313, Supplemental Appropriation Act of 1954 (P. L. 207, 83d Cong.; D. A. Bul. 14, 1953).

(a) Small purchases in amounts not exceeding $5,000 shall, for the purposes of this subpart, mean a procurement action involving a total dollar amount not in excess of $5,000, as distinguished from a single line item.

(b) Attention is directed to the exception of certain procurements from the statutory requirement, particularly the exception based on nonavailability. Caution shall be exercised in the use of exception for nonavailability. The Quartermaster General will, upon receipt of information as to items, quantities, and delivery time required, advise Procuring Activities as to whether quartermaster type supplies can be furnished from domestic (ConUS) sources as and when needed. Where a statement of nonavailability is made by The Quartermaster General on the basis of inability to meet a needed or specified delivery schedule or date, any determination of emergency resulting therefrom shall clearly state that the need for the supply is compelling and of unusual urgency, and that a delay until available from domestic (ConUS) sources would not be in the public interest. In the making of local procurements attention is directed also to AR 715–8. (Local Procurement of items available from civilian economy.)

(c) To the extent that application of the formulae referred to in this subpart may result in awards of contracts to producers using any percentage of foreign cotton or wool, the provisions of this subpart shall be considered a determination that a satisfactory quality and sufficient quantity of any article of clothing or any form of cotton or wool grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices.

(d) With regard to loan support prices referred to in §§ 606.906 and 606.907, the formula for wool procurement is based on such prices established annually for domestic wool by the Department of Agriculture. Since annual changes may be made in the loan support prices, interested Procuring Activities shall arrange with the Department of Agriculture to obtain the latest loan support prices for use in bid evaluation.

(e) Any questions concerning the interpretation of this subpart will be referred through channels to the Assistant Chief of Staff, G–4, Department of the Army, Washington 25, D. C., Attn.: Chief, Purchases Branch, to reach that office in quadruplicate.

§ 606.903 *Applicability.* The procedures outlined in this subpart shall be applicable to all purchases of products containing cotton or wool and involving the expenditure of funds appropriated by the above act except the following:

(a) Procurements by vessels in foreign waters, procurements outside the United States in support of combat operations, emergency procurements and procurements authorized under a determination by the Under Secretary of the Army as to unavailability of domestic cotton or wool as authorized by the act cited above.

(b) Small purchases in amounts not exceeding $5,000.

(c) Contracts for items of which the value of the cotton or wool component is estimated to be 10 percent or less of the total value or price of the item, where the estimated value of such cotton or wool component does not exceed $10,000 or 3 percent of the item value, whichever is higher.

§ 606.904 *Procurement of items containing upland cotton.* (a) Invitations for bids or requests for proposals for items containing cotton, other than long or extra long staple, in significant amount shall contain the following provision:

Domestic food, clothing, cotton or wool. The Contractor agrees that there will be delivered under this contract only such articles of food, clothing, cotton or wool (whether in the form of fiber or yarn or contained in fabrics, materials or manufactured articles) as have been grown, reprocessed, reused, or produced in the United States or its possessions.

(b) Award will be made to that responsible bidder or prospective supplier who warrants compliance with the above provision, and who would otherwise receive an award under the provision of Parts 401 and 402 of this title.

§ 606.905 *Procurement of items containing significant amounts of cotton of long or extra long staple, other than upland.* (a) Invitations for bids or requests for proposals for items containing significant amounts of cotton of long or extra long staple (other than the upland type mentioned in § 606.904) will be solicited on the following bases:

(1) Manufactured from 100 percent domestic cotton.

(2) Manufactured from 100 percent foreign cotton.

(3) Manufactured from the blending of (__ percent) domestic cotton and (__ percent) foreign cotton.

(b) For the purpose of the evaluation of bids or proposals submitted on the above bases and in order to give preference to the use of domestic cotton, an amount computed in accordance with the following formula will be added to each bid or proposal with any percentage of foreign cotton:

Differential per item: $A \times .1 \times B \times C$.

where:

A is the percent of foreign cotton content per item (expressed as a decimal figure not greater than 1.00).

B is the weight (pound or fraction thereof) of cotton content.

C is the estimated price of foreign cotton of the specified grade, staple, and growth landed in the United States (1) on the day of the bid opening in the case of formally advertised procurements and (2) on the date of final evaluation of the proposals, in the case of negotiated procurements.

(c) In the event of tie bids or proposals after applying the appropriate differential prescribed in paragraph (b) of this section, award will be made to that qualified bidder or prospective supplier who will use the highest percentage of domestic cotton.

§ 606.906 *Procurement of items containing wool.* (a) Invitations for bids or requests for proposals for items in which virgin wool is a component part will be solicited on an alternative basis:

(1) Manufactured from domestic wool.

(2) Manufactured from foreign wool.

(3) Manufactured from the blending of domestic wool (__ percent) and foreign wool (__ percent).

(b) Each invitation for bids or request for proposals will contain the following stipulations:

(1) It is the policy of the Congress as expressed in Section 644, Public Law 179, 83d Congress, Department of Defense Appropriation Act (with such change in statutory reference as may be appropriate), to accord preference for the use of domestic grown wool in the procurement program of the Department of Defense to the extent that such articles containing wool can be procured as and when needed at "United States Market prices."

(2) As a consequence of the policy in subparagraph (1) of this paragraph, the factor of the content of domestic and foreign wool will be considered in the award of the contract, in addition to the otherwise existing factors.

(3) In the event that on the date of bid opening or evaluation of proposals, the average market price of domestic wool of the usable grades (as reported in the four issues of the Department of Agriculture "Market News" immediately preceding the date of bid opening or evaluation of proposals) is not more than 10 percent above the applicable loan support prices, award will be made for production using 100 percent domestic wool, provided that bids or proposals using 100 percent domestic wool are considered otherwise acceptable.

(4) In the event that on the date of bid opening or evaluation of proposals the average market price of domestic wool of the usable grades (as reported in the four issues of the Department of Agriculture "Market News" immediately preceding the date of bid opening or evaluation of proposals) is greater than the loan support price plus 10 percent; or in the event that adequate coverage of requirements has not been achieved by making awards to bidders or prospective suppliers using 100 percent domestic wool under subparagraph (3) of this paragraph, either by reason of unreasonableness of bid or proposal prices or otherwise, then bids or proposals submitted in response to this invitation or request offering 100 percent domestic wools will be considered for award provided such bids or proposals do not exceed those which offer 100 percent foreign wool by more than ____ per yard (or per item). Bids or proposals using blends of domestic and foreign wools shall also be evaluated in competition with those using 100 percent domestic or 100 percent foreign wools. The differential for consideration of bids or proposals using blends in relation to those offering 100 percent foreign wools shall be in proportion to the percentage of the foreign wools to be used.

(5) Although bids or proposals based on the use of foreign wool will be considered and evaluated as set forth in subparagraph (4) of this paragraph, all stages of manufacturing of the foreign wool must be performed in the United States or its possessions, in conformity with the provisions entitled "Domestic Food or Clothing, Cotton or Wool" (subparagraph (6) of this paragraph).

(6) In the event and to the extent that the award of a contract contemplates the use of American wool in the manufacture of the items called for in this subpart, the Contractor warrants that he will comply with the following provision:

Domestic food, clothing, cotton or wool. The Contractor agrees that there will be delivered under this contract only such articles of food, clothing, cotton, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles) as have been grown, reprocessed, reused, or produced in the United States or its possessions.

(7) In the case of items made wholly or partially of wool noils, reprocessed or reused wool, the following explanatory note will be added to subparagraph (6) of this paragraph:

NOTE: If the Contractor uses wool noils, reprocessed or reused wool in compliance with the specifications in production of the items upon which bids or proposals are submitted, the above agreement will be satisfied as to such wool noils, reprocessed or reused wool if the reprocessing, i. e., garnetting or combing and manufacture is done in the United States or its possessions.

§ 606.906–1 *Bid evaluation and award.* (a) In the event that the Procurement Officer finds, in accordance with § 606.906 (b) (3), that the market price of domestic wool of the usable grades is not more than 10 percent above the applicable loan support prices, and that bids or proposals considered reasonable have been received for the advertised quantity using 100 percent domestic wools, the contract will be awarded for production using such domestic wools, and the differential computation prescribed in paragraphs (b), (c), and (d) of this section will be disregarded.

(b) Provision will be made for the application of a differential to bids or proposals based on all or part foreign wool for purposes of bid or proposal evaluation. The differential will be 10 percent of the average of the current loan value of representative types and grades of domestic wools. On the basis of military specification requirements domestic wools may be broken down into three broad categories as follows:

Grades 60s and finer

Category 1. Approximately 75 percent is Staple and Good French (worsted type).

Category 2. 25 percent is Short French Combing and Clothing (woolen type).

Grades 50s–60s

Category 3. Approximately 86 percent is Staple and Good French (worsted).

Category 4. Approximately 14 percent woolen type.

Grades below 50s

Category 5. All Staple and Good French.

For items the specifications for which require use of the above categories, the differential will be 10 percent of the average of the loan value established by the Department of Agriculture determined as follows:

Category 1. The average of the grades listed under classes A–2 and B–1 of Territory Original Bag Wools and A–2 and B–1 of Graded Fleece Wools.

Category 2. The average of the grades listed under classes A–4 and B–2 of Territory Original Bag Wools and A–3 and B–2 of Graded Fleece Wools.

Category 3. The average of the grades listed under classes C–1 and D–1 of Graded Territory and C–1 and D–1 of Graded Fleece Wools.

Category 4. The average of the grades listed under classes C–2 and D–2 of Graded Territory and C–2 and D–2 of Graded Fleece Wools.

Category 5. The average of the grades listed under classes E–1 and F–1 of Low Quarter Blood.

Examples of the determination of the differential for several military items are set forth below.

(c) In the event a bid or proposal using domestic wool is within the range of the differential above computed, award will be made by the Procurement Office to the extent of its otherwise existing authority.

(d) In the event of tie bids or proposals, after price adjustments and based on the use of domestic or foreign wool, award will be made to the bidder or prospective supplier utilizing domestic wool or the highest percentage of domestic wool.

(e) In the event the differential is not sufficient to provide coverage of the entire quantity required through awards to bidder(s) or prospective supplier(s) offering 100 percent domestic wool, a report will be submited through channels to the Department Procurement Secretary after awards. Upon receipt of such report the Secretary may then determine the adequacy of the differential for future purchases.

§ 606.907 *Examples of application of the differential to particular items.*

Category I Item

Cloth, wool, serge, 18 oz.

Minimum Wool Grade 60s (QMC Standard)
Number of pounds required per yard—1.6 lbs.
Loan support prices of representative types and grades listed in the procedure:
1. 58
1. 48
1. 58
1. 46
6. 10—Average $1.525 per lb.
10% of $1.525=$.1525
Differential—$.1525×1.6 lbs.=$.244

Category II Item

Cloth, wool, melton, 16 oz. (Navy)

Minimum Wool Grade 64s
Number of pounds required per yard—1.25 lbs.
Loan support prices of representative types and grades listed in the procedure:
1. 35
1. 38
1. 50
1. 35
5. 58—Average $1.395 per lb.
10% of $1.395=$.1395.
Differential—$.1395×1.25 lbs.=$.174375 per yd.

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54–7023; Filed, Sept. 8, 1954; 8:49 a. m.]

PART 607—ARMY EMERGENCY FACILITIES DEPRECIATION BOARD

REDESIGNATION

EDITORIAL NOTE: Former Part 606 (19 F. R. 95) is redesignated as Part 607, Army Emergency Facilities Depreciation Board.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-16]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PROPELLER REVERSE PITCH INDICATORS; CORRECTION

This amendment (19 F. R. 5595) should have added a new paragraph (s) to § 41.25 of the Civil Air Regulations.

The enacting paragraph of this amendment (19 F. R. 5595) should be corrected to read as follows:

"In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective October 1, 1954:

By amending § 41.25 by adding thereto a new paragraph (s) to read as follows:

§ 41.25 *Instruments and equipment required for continuance of flight.* • • •

(s) Effective September 1, 1955, • • •"

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-7056; Filed, Sept. 8, 1954; 8:56 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[ODM Reg. 2]

ODM REG. 2—PROVIDING FOR THE ISSUANCE OF PAYMENT CERTIFICATES UNDER SECTION 124A (g) OF THE INTERNAL REVENUE CODE

The following regulation is hereby prescribed for the administration of section 124A (g) of the Internal Revenue Code.

Sec.
1. Definitions.
2. Application for Payment Certificate.
3. Responsibility of Certifying Authority.
4. Conclusiveness of Payment Certificate.
5. Referral of application.
6. Amendment or cancellation.
7. Delegation.

AUTHORITY: Sections 1 to 7 issued under sec. 216, 64 Stat. 939; 26 U. S. C. Sup. 124A; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939.

SECTION 1. *Definitions.* As used throughout this regulation:

(a) "Emergency Facility" means any facility, land, building, machinery or equipment or any part thereof the construction, reconstruction, erection, installation or acquisition of which was completed after December 31, 1949, and with respect to which a Necessity Certificate under section 124A (e) of the Internal Revenue Code has been made.

(b) "Certifying Authority" means the Certifying Authority designated by the President for purposes of section 124A (g) of the Internal Revenue Code.

(c) "Contracting Agency" means that agency or department of the United States Government which authorizes payment by the United States for the unamortized cost of an Emergency Facility.

(d) "Payment" means an amount received by a contractor or subcontractor, directly or indirectly from the United States, as compensation for the unamortized cost of an Emergency Facility because (1) a contract with the United States or subcontracts thereunder involving the use of the Emergency Facility have been terminated by the terms thereof or by cancellation, or (2) the taxpayer had reasonable ground (either from provisions of a contract with the United States or subcontracts thereunder involving the use of the Emergency Facility, or from written or oral representations made under the authority of the United States) for anticipating future contracts involving the use of the facility, which future contracts have not been made.

(e) "Payment Certificate" means a certificate made pursuant to section 124A (g) of the Internal Revenue Code certifying that a payment made by the United States to a taxpayer is compensation for the unamortized cost of an Emergency Facility.

SEC. 2. *Application for Payment Certificate.* An application for a Payment Certificate shall conform with the standard form approved by the Certifying Authority and shall be executed in the manner and by the person prescribed by the form. Such form may be obtained from and filed with the Contracting Agency within such time as shall be prescribed.

SEC. 3. *Responsibility of Certifying Authority.* The Certifying Authority shall direct and control the activities of the Contracting Agency and other agencies under section 124A (g) of the Internal Revenue Code and this regulation. The Certifying Authority or his delegate shall make the findings provided for by sections 124A (g) (1) (A) or (B) and 124A (g) (2) of the Internal Revenue Code and by section 1 (d) of this regulation and shall certify to the Commissioner of Internal Revenue pursuant thereto. Such certification shall set forth the payment made for each separate Emergency Facility.

SEC. 4. *Conclusiveness of Payment Certificate.* A Payment Certificate shall be binding upon the Commissioner of Internal Revenue as to the fact of payment. The treatment of amounts received and the amount of the amortization or depreciation deduction allowable by reason of such amounts shall be governed by the applicable provisions of the Internal Revenue Code.

SEC. 5. *Referral of application.* The Certifying Authority or his delegate may request information relevant to the performance of his functions from all other agencies and departments of the United States.

SEC. 6. *Amendment or cancellation.* Any Payment Certificate may be amended or cancelled for fraud, misrepresentation, error or other sufficient cause.

SEC. 7. *Delegation.* The Certifying Authority under section 124A (g) of the Internal Revenue Code in carrying out his functions may provide, by redelegation or otherwise, for their performance, in whole or in part by the appropriate Contracting Agencies.

Effective date: August 31, 1954.

ARTHUR S. FLEMMING,
Director of the Office of Defense Mobilization.

Approved:

DWIGHT D. EISENHOWER,
The White House.

[F. R. Doc. 54-7097; Filed, Sept. 7, 1954; 4:06 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 54-27]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The purpose of the following amendments to the regulations is to:

(a) Elaborate upon existing requirements and to clarify ambiguities found to exist;

(b) Define with greater particularity the procedures to be followed;

(c) Announce the policy of the Coast Guard when handling claims arising in stated situations; and,

(d) Publish tables on costs and charges for the use of Coast Guard property, equipment, and personnel in stated situations. The schedules of rates for costs and charges covering the employment of vessels and materials used were originally estimated. Experience has shown that the presently published rates do not always reflect a fair and equitable basis to support charges for such work, and for settling claims arising from the performance of that work when performed by Coast Guard vessels and personnel. Since the Coast Guard performs this work as an incident to the performance of other statutory operations, it is administratively impossible to determine, in advance, with definite exactness the costs to repair or replace each particular aid to navigation which may be damaged or destroyed.

The statutory requirement in section 642 of Title 14, United States Code, contemplates collection of the costs of replacement of damaged or destroyed aids to navigation in a manner that would not be a greater expense than would be applicable to other property of the Government damaged by tortious acts. Since the functions of the Coast Guard are more than just the establishment, maintenance and repair of aids to navigation it is not possible to compare these schedules with those in private industry performing such work. The schedules of rates for costs and charges herein are based on the average costs and charges taken from available Coast Guard records. In recalculating these schedules of rates and costs, some variation from earlier schedules will be noted. Because of the urgency of fairly and equitably settling current claims arising in the performance of such work, as well as anticipated claims, and in view of other considerations given above, it is hereby found that compliance with the notice of proposed rule making, the public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 167-3 (18 F. R. 2962) to promulgate regulations in accordance with the statutes cited in the regulations below, the following amendments to the regulations are prescribed which shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

PART 62—UNITED STATES AIDS TO NAVIGATION

SUBPART 62.10—RECOMMENDATIONS AND REQUESTS

Section 62.10-5 (c) is amended to read as follows:

§ 62.10-5 *Armed forces.* • • •

(c) Requests and recommendations should be made as far in advance as possible of the time of actual need in order that the funds required may be considered in preparing Coast Guard budget estimates. When such requests and recommendations require work not normally covered by or specifically included in the Coast Guard appropriations, such work will be undertaken on a reimbursable or advance of funds basis. Reimbursements or advances in connection therewith will be arrived at by the determinations made by the Coast Guard District Commander and approved by the Commandant, United States Coast Guard. In minor cases, such as the temporary placement of an aid, charges will be made in accordance with Part 74 of this subchapter when such work is clearly apart from routine operation. Charges are not made by the Coast Guard for the servicing and maintenance of aids to navigation established for the Armed forces except for cost of original establishment as set forth above.

(63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply 63 Stat. 500, 501, 504 as amended; 14 U. S. C. 81, 87, 93)

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

SUBPART 70.05—COLLISION WITH OR DAMAGE TO AIDS TO NAVIGATION

Section 70.05-30 to 70.05-50, inclusive, are cancelled and the following inserted in lieu thereof:

Sec.
70.05-30 Claim for damage or destruction.
70.05-32 Restoration by responsible interests.
70.05-35 Computation of repair costs.
70.05-40 Computation of replacement costs.
70.05-45 Incidental expenses.
70.05-50 Table of charges.
70.05-55 Other tender work.

AUTHORITY: §§ 70.05-30 to 70.05-55 issued under 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply 30 Stat. 1152, 1153; 33 U. S. C. 408, 411, 412.

§ 70.05-30 *Claim for damage or destruction.* (a) When an aid to navigation, fixed or floating, is damaged and can be repaired, or is damaged to the extent that the cost of repair will exceed its value (and thereby it has become a constructive total loss), or is totally destroyed, claim shall be promptly made upon the party responsible for the damage or destruction for the full cost to the Government to make repairs to the aid, or for the cost to make replacement with an identical aid or replacement with a substitute aid acceptable to the Coast Guard, and for all other costs to the Government incident to and directly caused by reason of the damage or destruction. See §§ 70.05-45 and 70.05-50. Claim for cost of replacement with an identical or substitute aid (as prescribed in this paragraph) shall be made whether or not the aid is actually replaced, and whether or not the new aid is established at the same or different location as that of the aid being replaced.

(b) Because of advancement in engineering practices, and fluctuation of capital plant values and maintenance expenses, it is impracticable to announce an inflexible standard applicable to all situations involving repair or replacement of aids to navigation. The policy of the Coast Guard respecting such claims is that it looks to the responsible interests to reimburse the government for all expenses which flow from, or are chargeable to, repair or replacement of aids. The Coast Guard does not wish to derive any pecuniary profit from these incidents; nor does it intend to assume any financial losses therefrom.

§ 70.05-32 *Restoration by responsible interests.* The repair or replacement with an identical, or substitute aid (as prescribed in § 70.05-30) may be accomplished by the responsible interests, or by contractors employed for that purpose provided any normal delay incident thereto is acceptable to the Coast Guard.

§ 70.05-35 *Computation of repair costs.* The cost to make repairs shall be the cost of restoring the damaged aid to operating condition acceptable to the Coast Guard. This shall include the cost of all labor, material, and overhead involved whether furnished by private contract or by the government. Incidental expenses described in § 70.05-45 shall also be added and made a part of the claim.

§ 70.05-40 *Computation of replacement costs.* The cost to make replacement shall be actual, present day cost to reproduce an identical aid or an aid having similar general characteristics and permanence satisfactory to the Coast Guard. Incidental expense described in § 70.05-45 shall also be included as a part of the claim.

§ 70.05-45 *Incidental expenses.* (a) The expenses referred to in this section are in addition to those set forth in §§ 70.05-35 and 70.05-40, and shall be included as a part of the total claim against the responsible party.

(b) Expenses incident to and directly caused by reason of the damage or destruction of an aid to navigation shall include costs of the following items, whichever are applicable:

(1) Cost of placing a replacement aid in operation on station, whether as a permanent substitute or to serve as a temporary or auxiliary aid for that which was damaged or destroyed. Such cost shall be determined in accordance with § 70.05-50;

(2) Cost of removing a replacement aid which was placed in operation on station to serve as a temporary or auxiliary aid for that which was damaged or destroyed. Such cost shall be determined in accordance with § 70.05-50;

(3) Cost of searching for, recovering and removing or attempting to recover and remove the damaged or destroyed aid or any of its component parts which may require recovery or removal. Such costs shall be determined in accordance with § 70.05-50;

(4) Cost of replacing all aids to navigation equipment and material lost or destroyed in the performance of work described in this section, or cost of the labor, materials and overhead incurred if such damaged equipment or material is repaired by the Coast Guard;

(5) Cost or value of time consumed by Government personnel (excluding ship's complement), including such services as inspections, supervision, etc., on projects where necessary to insure that the project is being completed in accordance with prepared plans and/or contract. These costs shall include:

(i) Actual travel expenses incurred and paid all personnel from public funds;

(ii) Actual payroll value of time of all personnel expended upon the project, including travel time during paid status.

(6) Cost or value of time consumed by Government vessel, including ship's complement, employed by reason of and directly attributed to the damage or destruction. In the performance of this work no charge shall be made for the time and expense of Coast Guard vessels, including ship's complement, when the aid can be or is repaired or restored on station by the vessel on routine schedule duty where only minimum interruption of that assignment occurs. If such vessel time is charged, it will be charged in accordance with the type of damaged aid which must be serviced as set forth in § 70.05-50.

§ 70.05-50 *Table of charges.* Charges for preparation of a replacement aid, and charges for vessel time as indicated in § 70.05-45 shall be in accordance with the following table:

Table A—Standard Charges

Type of aid	Preparation of replacement aid	Vessel time per hour according to § 70.05–45
1. Lighted buoy for exposed station, with or without sound	$46.00	$53.00
2. Bell, gong or whistle buoys, unlighted	20.00	53.00
3. Lighted buoy (8 feet or 9 feet) for sheltered station, with or without sound	41.00	53.00
4. Lighted buoy (7 feet or less) for sheltered station with or without sound	37.00	18.00
5. Can or nun buoys (1st and 2d class), except river type	9.00	18.00
6. Can or nun buoys (3d class), except river type	8.00	6.00
7. Wooden spar buoy, any class	7.00	18.00
8. River type buoy	4.00	6.00
9. Lighting apparatus (only)	14.00	6.00
10. Minor structures on submarine sites such as piling, pile clusters, etc.		12.00

§ 70.05–55 *Other tender work.* Where tender work other than servicing the specific type of aid indicated in § 70.05–50 is required in connection with damaged aids, a reasonable equivalent to Table A will be determined, and vessel time charged accordingly and as provided by § 70.05–45.

PART 74—CHARGES FOR PLACEMENT OF TEMPORARY AIDS

SUBPART 74.01—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

Part 74 is cancelled and the following inserted in lieu thereof:

Sec.
74.01–1 Table of charges.
74.01–5 Other work.
74.01–10 Charges for lost, damaged, or destroyed equipment.

AUTHORITY: §§ 74.01–1 to 74.01–10 issued under 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply 63 Stat. 501, 545, 547; 14 U. S. C. 86, 633, 642.

§ 74.01–1 *Table of charges.* Charges for authorized work performed under the provisions of §§ 62.01–10 (b), 62.10–5 (c), 64.15–1, and 64.15–5 of this subchapter, shall be the charge as determined from the table set forth below when performed by the Coast Guard, or the cost incurred by the Coast Guard when having such work performed on contract:

TABLE B—STANDARD CHARGES

Type of aid	Preparation of temporary aid	Service charge per month or major fraction thereof
1. Lighted buoy for exposed station, with or withoutsound	$46.00	$33.00
2. Bell, gong or whistle buoys, unlighted	20.00	7.00
3. Lighted buoy (8 or 9 feet) for sheltered station, with or without sound	41.00	26.00
4. Lighted buoy (7 feet or less) for sheltered station, with or without sound	37.00	17.00
5. Can or nun buoys (1st and 2d class), except river type	9.00	3.00
6. Can or nun buoys (3d class), except river type	8.00	2.00
7. Wooden spar buoy, any class	7.00	1.00
8. River type buoy	4.00	
9. Lighting apparatus (only)	14.00	15.00

§ 74.01–5 *Other work.* Where the placement of temporary aids other than those specified in Table B is made in accordance with § 74.01–1, a reasonable equivalence to Table B will be determined, and charges made accordingly.

§ 74.01–10 *Charges for lost, damaged, or destroyed equipment.* Charges shall be made for the replacement cost of all aids to navigation equipment and material lost or destroyed; or the labor, material, and overhead costs incurred if such equipment or material be damaged and repaired incident to performing work under this section. These charges shall be in addition to the charges specified in § 74.01–1.

Dated: September 2, 1954.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 54–7049; Filed, Sept. 8, 1954; 8:55 a. m.]

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

WILLAMETTE RIVER, OREGON

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.680 governing the use, administration, and navigation of the canal and locks at Willamette Falls, Oregon, is hereby revised to provide for signals for entering and leaving the canal and locks and to provide for the protection of lock structures and other minor changes, as follows:

§ 207.680 *Willamette River, Oregon; use, administration, and navigation of canal and locks at Willamette Falls, Oregon*—(a) *Administration*—(1) *Administrative jurisdiction.* The canal and locks and all appurtenances shall be in charge of the District Engineer, Portland District, Corps of Engineers, Department of the Army, 628 Pittock Block, Portland, Oregon. The representative of the District Engineer at the locality shall be the lock master, who shall receive his orders and instructions from the District Engineer. In case of emergency, however, the lock master shall have authority to take such steps as may be immediately necessary without waiting for instruction from the District Engineer.

(2) *Operational jurisdiction.* The lock master shall be charged with the immediate control and management of the canal and locks and the grounds and public property pertaining thereto. He shall see that all laws, rules and regulations, for the use of the canal and grounds are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the canal and locks or grounds pertaining thereto, whether navigating the canal or not. In case of the absence or disability of the lock master, his duty shall be performed by an assistant or other employee to be designated by the District Engineer.

(b) *Use and navigation*—(1) *Authority of lock master.* The lock master or his assistants shall direct the movement, operation, and moorage of all vessels, boats, rafts, barges, or other floating things using the locks, while they are in the locks, the canal basin, or in either the upstream or downstream lock approaches. Crews of vessels, boats, rafts, barges, or other floating things seeking lockage shall render such assistance as the lock master or his assistants may require.

(2) *Signals.* All vessels desiring lockage shall signal the same by one long and one short blast of the whistle, delivered at a distance of approximately 1,000 feet from the locks. Requests for lockage may also be made by telephoning or otherwise notifying the lock master's office. Notice to vessels desiring lockage will be given by red and green traffic lights. Vessels may enter locks on green lights, but must await green signal when lights are red. Permission to leave the lock will be given in the same manner. In the event a failure occurs and the referenced lights cannot be operated, the lock master will indicate by voice or by hand or lantern signals when vessels may enter or leave the docks.

(3) *Controlling dimensions.* For lockage purposes the maximum length of space available is 175 feet and the maximum clear width available is 37 feet. All vessels, boats, rafts, barges, or other floating things of less size than the foregoing dimensions can pass through the locks. The controlling water depth over the intermediate miter sills throughout the locks is 6:5 feet. However, the depth on the sill of the upstream gate at low water is 7.5 feet and over the downstream sill is 8.4 feet. The elevation of the upstream sill is 43.7 feet and of the downstream sill is 6.4 feet, corresponding to the elevations shown on the gages provided at both the downstream and upstream approaches to the locks. All vessels, boats, rafts, barges, and other floating things of which the dimensions or draft are greater than will permit clearing any of the above indicated elevations shall be prohibited from entering the locks. All vessels, boats, rafts, barges or other floating things entering the locks in violation of the above shall be responsible for all resulting damages.

(4) *Preference at locks.* Ordinarily the vessel, boat, raft, barge, or other floating thing arriving first at the lock will be locked through first. In the event of a simultaneous approach from opposite directions ascending craft will ordinarily be locked through first. When several boats are to be passed through the locks, the order of precedence shall be as follows:

(i) To boats owned by the United States or employed upon river and harbor improvement work.

(ii) To passenger boats.

(iii) To freight and tow boats.

(iv) To rafts.

(v) To small vessels and pleasure craft.

The lock master shall have authority to digress from the above precedence in order to eliminate reversing the flow of traffic through the locks when both upbound and downbound lockages are in waiting.

(5) *Entrance to locks.* The lock master shall decide whether one or more vessels may be locked through at the same time. No one shall attempt to enter the locks with a vessel or attempt to cause a vessel to enter the locks until he is authorized by the lock master to do so. No one shall take a vessel, or cause a vessel to be taken, within the limits of 500 feet above the upper gate and 300 feet below the lower gate, except for the purpose of entering the locks; and not for this purpose until it has been indicated to him by a proper person by signal that the lock is ready to receive the vessel. All vessels within the foregoing limits must be operated under "slow bell" and be kept constantly under control.

(6) *Lockage of small boats.* Pleasure boats, skiffs, fishing boats, and other small craft may be passed through the locks singularly, in groups, or as part of a lockage of other than pleasure craft. A continual flow of traffic in one direction will not be interrupted or reversed to accommodate these small pleasure boats. However, any such small boat will be accommodated at such time as the lock master upon receipt of a request for lockage deems such action will not interfere with other traffic. The decision of the lock master shall be final as to whether craft requesting lockage is defined as a pleasure boat.

(7) *Use of canal and locks.* No person, unless authorized by the lock master or his assistants, shall open or close any bridge, lock gate, wicket gate, or operate any lock machinery, or in any way interfere with any mechanism or appliance connected with the operation of the locks, nor shall anyone interfere with the employees in the discharge of their duties. The lock master or his assistants may call for aid from the persons in charge of any craft, vessel, or raft using the lock, should such aid be necessary. Persons rendering such assistance shall be strictly under the orders of the lockmaster. The Government reserves the right to refuse lockage to any vessel, craft or raft when the persons in charge thereof refuse to give such assistance when it is requested. The persons in charge of vessels with tows or rafts, barges and other craft must provide sufficient personnel, lines and towing equipment of sufficient power to insure at all times full control of such tows, rafts, barges and other craft while moving into and through the locks, unless otherwise prearranged with the lock master. A copy of these regulations shall be kept at all times on board each vessel regularly engaged in navigating the locks. Copies may be obtained without charge from the lock master or from the District Engineer, Corps of Engineers, Department of the Army, 628 Pittock Block, Portland 5, Oregon.

(8) *Petroleum vessels.* All tankers, barges, and other floating equipment, used for transporting inflammable liquids, either with or without cargo, shall be equipped with fixed timber fenders and, if not so equipped, shall have aboard an adequate number of suitable fenders of timber, rubber, or rope which are to be placed between the vessel and unfendered lock structures. All such barges or other vessels navigating without power within the canal or locks must be assisted by one or more tugs of sufficient power to insure full control at all times whether passing upstream or downstream through the locks with or without cargo.

(9) *Mooring in locks.* All boats, barges, rafts, and other craft when in the locks shall be moored by head and spring lines and such other lines as may be necessary to the fastenings provided for that purpose; and the lines shall not be unloosed until the signal is given for the vessel to leave the lock.

(10) *Mooring while waiting for lockage.* The mooring of boats, tows or other craft in the approaches to the locks where such mooring will interfere with navigation or other vessels to or from the locks is prohibited.

(11) *Delays.* Boats, barges, rafts, or other craft must not obstruct navigation by unnecessary delay in entering or leaving the locks. Vessels failing to enter the locks with reasonable promptness, when signaled to do so, and vessels arriving at the locks with their tows in such shape so as to impede lockage shall forfeit their turn.

(12) *Landing of freight.* No freight or baggage shall be unloaded on or over the walls of the canal or locks. Freight and baggage consigned to the Willamette Falls locks shall be unloaded only at such places as may be provided for this purpose or as directed by the lock master.

(13) *Refuse in canal or locks.* No refuse or other material shall be thrown or dumped from vessels into the canal and locks, or deposited in the lock area, or placed on the berm of the canal so that it is liable to be thrown or washed into the waterway. Violations of this subparagraph shall be subject to sections 13 and 16 of the River and Harbor Act of March 3, 1899 (33 U. S. C. 407, 411).

(14) *Damage to locks or other structures.* The regulations contained in this section shall not affect the liability of the owners and operators of vessels for any damage caused by their operations to the locks or other structures. Persons in charge of vessels and log rafts passing through the locks must use great care to prevent the vessels or log rafts from striking any gate or appurtenance thereto. All boats or barges with metal nosings, or projecting irons, or rough surfaces, and log rafts with dragging cables that may damage any part of the lock structures will not be permitted to enter the locks unless said craft are provided with suitable protective buffers and fenders and log rafts are free of loose, dragging cables.

(c) *Statistics.* Masters or pursers of vessels shall, upon each passage through the locks or upon each passage to an intermediate point of terminus within the locks system, furnish the lock master with information concerning the number of passengers, the amount of freight, the net registered tonnage and such other statistics as may be required on the prescribed forms which shall be furnished by the lock master for this purpose. Failure to furnish such information shall be construed as sufficient cause to refuse the offending vessel passage through the locks.

(d) *Trespass.* No one shall trespass on the grounds or buildings, and everyone shall be deemed guilty of trespass within the meaning of this paragraph who shall willfully or carelessly damage or disfigure the canal and locks or any part thereof, or any building or appliance on the grounds, or who shall carry on business or trading of any sort, or shall build any fishing stand or lead, or set any fish net within the limits of the reservation, or do any act to or on the grounds or buildings which would be recognized by law as a trespass.

(e) *Definitions.* Except as otherwise provided in subparagraph (6) of paragraph (b) of this section, whenever such a word as "vessel", "boat", "barge", "raft", or the like is used in this section, it shall include all types of floating things which may be subject to lockage. Failure to refer specifically to a type of floating thing by its name shall not mean exclusion thereof from applicability of this section.

[Regs., Aug. 11, 1954, 800.211 (Willamette River-Willamette Falls L & D)–ENGWO] (40 Stat 266; 33 U. S. C. 1)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54–7007; Filed, Sept. 8, 1954; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1001]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 103 OF MARCH 27, 1943

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 103 of March 27, 1943, (11 F. R. 8364) withdrawing an area of approximately 519,000 acres of public and non-public lands, including small islands and rocks, in Alaska for use of the War Department for military purposes, is hereby revoked, except so far as such order affects the following-described land:

A tract of land on the Alaska Peninsula lying between latitude 55° 06′ N. and Izembek Bay, an arm of Bering Sea; and

between longitudes 162° 40' 30" W. and 162° 50' W., containing approximately 49,070 acres.

This order shall not otherwise become effective to change the status of the released lands until 10:00 a. m. on the 35th day after the signing of this order, at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, be opened to settlement under the homestead laws and if non-mineral, to the homesite act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461), and to those forms of appropriation only by qualified veterans of World War II and the Korean conflict for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such land not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with appropriate laws and regulations.

Veteran's preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, may be filed on or before 10:00 a. m., of the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by non-veterans under the public land laws, filed on or before 10:00 a. m., of the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Of the released lands, and area of 278,630 acres, more or less, is included in an application for withdrawal filed by the Fish and Wildlife Service. With respect to such lands, applications under the public-land laws will be suspended in accordance with 43 CFR 295.10 until final action on the application for withdrawal has been taken.

Applications for the lands, which shall be filed in the Land Office, Bureau of Land Management, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homesite or homestead laws shall be governed by the regulations contained in Parts 64 to 66, inclusive, of Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

SEPTEMBER 2, 1954.

ORME LEWIS,
Assistant Secretary of the Interior.

[F. R. Doc. 54-7008; Filed, Sept. 8, 1954; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10743; FCC 54-1107]

[Rules Amdt. 16-10]

PART 16—LAND TRANSPORTATION RADIO SERVICES

MOTOR CARRIER RADIO SERVICE

In the matter of amendment of Part 16, rules governing Land Transportation Radio Services, to establish a Motor Carrier Radio Service and to make other related changes; Docket No. 10743.

1. This proceeding was commenced on November 4, 1953, by a notice of proposed rule making (18 F. R. 7255). The Commission in this Notice proposed to amend Part 16 of its rules so as to create a Motor Carrier Radio Service which would replace the Highway Truck, Intercity Bus and Urban Transit Radio Services presently set up as three separate services. The proposal sought to satisfy a need of the trucking industry for intracity communication and generally to achieve greater frequency utilization, wider use of radio and simplification of administration by combining the three separate services into one.

2. Interested persons were allowed a two months period for filing comments. This period has now expired. Comments were filed by individual licensees, equipment manufacturers and trade associations. These comments are discussed below.

3. On the basis of the comments and the experience gained from administering the Highway Truck and the other services involved, we have concluded that the objectives which we have been seeking to acomplish will be best achieved by adopting, at this time, the proposed new Motor Carrier Radio Service in part. The new service, as made final herein, will replace the intercity Bus and Urban Transit Radio Services. With respect to the Highway Truck Radio Service, we are initiating further rule making which proposes to include it in the new Motor Carrier Radio Service with changes in the eligibility provisions and frequency allocation.

4. The proposed rules applicable to the use of radio by common and contract carriers of persons (formerly Intercity Bus and Urban Transit Radio Services) contemplated that the same frequencies would be available to both urban transit vehicles and intercity buses. The American Transit Association (ATA) and the National Bus Communications, Inc. (NBCI), objected to this aspect of the proposal. Their opposition may be briefly summarized as follows:

The sharing of frequencies between intercity and urban carriers is impracticable because the functions of the two services and their use of radio differ materially. The former uses radio primarily for communications with buses outside urban areas to insure the safe and efficient conduct of the carriers' highway operation. The latter uses it chiefly within a metropolitan area for communications between the terminals and supervisory and maintenance vehicles. The areas covered by the operations of intercity buses in most cases overlap those of urban transit. Because of this, both comments expressed fear that the proposed sharing of frequencies would lead to serious interference and degradation of service.

5. In the light of these comments we have revised the proposed allocation so as to provide two separate groups of frequencies available for exclusive assignment to urban transits and intercity carriers, respectively.

6. Specifically, we have allocated four frequencies in the 44.46 to 44.58 Mc band for use by urban transits. This number of exclusive frequencies in the 44 Mc band is sufficient to satisfy the requirements of these users.

7. With respect to the frequency requirements of intercity carriers, the National Bus Communications, Inc., requested that these carriers be allocated a minimum of ten frequencies in the 43.90 to 44.26 Mc band, where the present assignments in the Intercity Bus Radio Service are mainly concentrated.

8. As proposed in the notice, intercity and urban carriers would share the eleven frequencies between 44.18 Mc and 44.58 Mc. Since four of these frequencies (44.46 Mc to 44.58 Mc) are being exclusively allocated to urban carriers, we must look elsewhere for three frequencies if the request of the NBCI for ten frequencies is to be satisfied. It is desirable that these additional frequencies be adjacent to the others allocated to intercity carriers. We propose, therefore, to obtain these frequencies by shifting to intercity carriers three of the frequencies (44.06 Mc, 44.10 Mc and 44.14 Mc) proposed in the Notice for use by trucks.[1] Although the NBCI appears to have justified the intercity carriers' need for approximately ten exclusive frequencies in the 44 Mc band, we believe that in the forthcoming further rule making proceeding in this docket,[2] the trucking industry should have an additional opportunity to compete with the buses for the allocation of these frequencies. Accordingly, the ten frequencies between 44.06 Mc and 44.42 Mc are being allocated for use by intercity passenger carriers with a proviso that the frequencies 44.06, 44.10 and 44.14 Mc remain subject to the outcome of the further rule making proceeding hereby instituted and shall not be assigned to any applicant until the conclusion of that proceeding.

9. Those licensees who as a result of the reallocation of frequencies ordered herein will have to shift from one frequency to another are given until 60 days prior to the expiration of their license to accomplish this change. In view of the comparatively small cost involved in such a shift we do not feel that a longer amortization period is indicated. It should be noted that in Dockets 9703 and 10742 we proposed to grant a five year amortization period only to those licensees who would become altogether ineligible under the new Special Industrial rules.

10. We have been requested to provide a pair of frequencies in the 450–460 Mc band for the operational fixed requirements of intercity passenger carriers. This request raises a broad question concerning the utilization of the 450–460 Mc band for fixed operations in the land transportation services. It will be noted that fixed operations have been accommodated in this band on a secondary basis in the industrial services but not in the land transportation services. The question of the desirability of the latter use is beyond the scope of this proceeding. We feel, therefore, that it would be premature now to allocate any frequencies in this band for operational fixed use by intercity passenger carriers.

11. Comments have been filed urging the Commission to adopt a general allocation of frequencies available for assignment to all stations in the Motor Carrier Radio Service without regard to whether they are carriers of property or passengers. For the reasons already discussed and because the communication needs of property and passenger carriers differ, we believe that such a general allocation would be impracticable.

12. It has been recommended that the Commission adopt certain standards for licensing operational fixed stations in the 72–76 Mc band. This matter was the subject of a recently completed rule making proceeding where the criteria for the authorization and use of frequencies within this band have been adopted. (See Report and Order in Docket 10315, FCC 54-814, released July 2, 1954.)

13. Objections have been recorded to the proposed consideration of requests for point-to-point facilities on a case-by-case basis. As stated in the proposed rule (§ 16.253), extensive licensing of these facilities must await further development of the Commission's microwave program. Similarly, it would be premature to allocate the frequencies to the new service on a 20 kc channel separation basis, as recommended in one of the comments.

14. The foregoing disposes of the comments directed to the portion of the proposal applicable to urban transit and intercity passenger carriers which is being adopted herein. The final text of the rules, which includes the changes in the allocation of frequencies discussed above, is set forth below.

15. The remaining comments were addressed to the proposed use of radio by carriers of property, i. e., the trucking industry. We are not adopting this part of the proposal.

16. Presently the use of radio by the trucking industry is governed by the Highway Truck Radio Service. The service is designed primarily to provide communication along intercity highways for trucks operating on a route basis; communications within "a single metropolitan area" are prohibited. (§ 16.301). Both common and contract carriers as well as the private trucks owned by the non-trucking business concerns are eligible in this service.

17. The outstanding proposal, in addition to including this service in the new Motor Carrier Radio Service, proposed (1) to eliminate the restriction on communications within metropolitan areas, in order to accommodate the need of the trucking industry for such communications; and (2) to transfer the trucking operations other than those of common and contract carriers to the Special Industrial Radio Service (Part 11 of the rules) together with six of the seven[3] frequencies now allocated exclusively to the Highway Truck Service (see the notice of proposed rule making in Dockets 9703 and 10742). The transfer was predicated on the theory that, on the basis of the functions performed, the persons who are not engaged in the trucking business as such, but operate trucks only as an adjunct to their regular business, i. e., the private truckers should be licensed in one of the industrial services rather than a land transportation service. The proposed separation of these two types of the trucking functions received favorable comments and we are retaining this concept. These comments, however, which were directed toward the substantive merits of the proposal as it would apply to the private truckers will be considered in connection with the proceeding in Dockets 9703 and 10742 and need not be dealt with here.

18. Our decision not to adopt the outstanding proposal to the extent that it would apply to carriers of property is based on the following considerations: The proposal, by lifting the existing limitation on communications within a single metropolitan area, would permit a host of miscellaneous cartage and delivery vehicles in every city to qualify in the new service. Such widespread use for dispatching, pickups and deliveries would soon result in overloading the frequencies, degrading the service and seriously impairing its usefulness. While the trucking industry presently operating in the Highway Truck Service appears to have a requirement for intracity use of radio and we intended to answer that need in our proposal, we had no evidence of the existence of a similar need on the part of the above-mentioned purely local operators of delivery services. Nor have they shown a need in this proceeding. Similarly, we have no sufficient evidence that such need as the trucking industry may have for intracity use of radio may not be adequately met by something less than a complete removal of the existing metropolitan area restriction. Finally, we are unable on this record to determine which frequencies are best suited for these intracity communication needs. It would appear that these needs could in many cases be met by the use of the frequencies in the 450–460 Mc band, with the 43 Mc frequencies used only for longer range communication.

19. Accordingly, it is ordered that, pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, Part 16 of the Commission's rules is amended, effective October 15, 1954, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303; 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: September 1, 1954.

Released: September 3, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 16, rules governing Land Transportation Radio Services as follows:

1. In § 16.6 *Definition of terms*, delete the present terms and definitions in paragraphs (g), and (u) and substitute therefor the following new definitions and add a new paragraph (x):

(g) *Motor Carrier Radio Service.* A radiocommunication service for use in connection with the operation of a motor carrier. As used in this part, the term "motor carrier" means any streetcar, bus or other land motor vehicle operated by a common or contract carrier and used for the transportation of passengers: *Provided, however,* That motor vehicles used as taxicabs, school buses, or for sightseeing purposes or as livery vehicles are not included within the meaning of this term as used in the Motor Carrier Radio Service.

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(u) *Common carrier.* As used in the Motor Carrier Radio Service any person who holds himself out to the general public to engage in the transportation of passengers by motor carrier for compensation as a regular occupation or business.

• • • • • •

(x) *Contract carrier.* As used in the Motor Carrier Radio Service, any person who under individual contracts or agreements engages in the transportation of passengers by motor carrier for compensation as a regular occupation or business.

2. Delete Subpart J (§§ 16.451 through 16.454) Urban Transit Radio Service.

3. Delete the title and text of Subpart F (§§16.251 through 16.255) Intercity Bus Radio Service, and substitute the following:

SUBPART F—MOTOR CARRIER RADIO SERVICE

Sec.
16.251 Eligibility for license.
16.252 Frequencies available for base and and mobile stations.
16.253 Frequencies available for operational fixed stations.
16.254 Limitation on installation of mobile units.

AUTHORITY: §§ 16.251 to 16.254 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303; 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 16.251 *Eligibility for license.* Authorizations for stations in the Motor Carrier Radio Service will be issued only to:

[1] The 35 Mc frequencies presently utilized by the trucking industry are in the process of being shifted to the Special Industrial Radio Services (see Dockets 9703 and 10742).

[2] See paragraphs 15–18 infra and the Notice of Further Proposed Rule Making adopted today in this docket.

[3] The seventh frequency, 35.98 Mc, has recently been allocated to the Automobile Emergency Radio Service, Docket 10744, FCC 54-556, released April 29, 1954.

(a) Persons regularly engaged in the operation of a common or contract carrier transportation service by motor carrier. For the purpose of establishing eligibility under this paragraph, a certified copy of a certificate of public convenience and necessity issued by the Interstate Commerce Commission, or similar document issued by a state or local regulatory body will be accepted. If such certificate is not available, complete details of applicant's operations, including a satisfactory explanation of why such a certificate is not available, must be submitted.

(b) A non-profit corporation or association organized for the purpose of furnishing a radiocommunication service on a cost-sharing basis solely to persons who are actually engaged in the activities set forth in paragraph (a) of this section.

§ 16.252 *Frequencies available for base and mobile stations.* (a) The following frequencies are available to the Motor Carrier Radio Service for assignment to base stations and mobile stations of common and contract carriers of passengers operating between urban areas.

Mc	*Mc*
44.00 [1]	44.26
44.10 [1]	44.30
44.14 [1]	44.34
44.18	44.38
44.22	44.42

[1] Subject to the outcome of the further rule making proceeding in Docket 10743.

(b) The following frequencies are available to the Motor Carrier Radio Service for assignment to base stations and mobile stations of common and contract carriers of passengers within a single urban area.

Mc	*Mc*
44.46	44.54
44.50	44.58

(c) The following frequencies are available to the Motor Carrier Radio Service on a shared basis with other services, for assignment to base stations and mobile stations of common and contract carriers of passengers within a single urban area.

Mc	*Mc*
30.66	30.94
30.70	30.98
30.74	31.02
30.78	31.06
30.82	31.10
30.86	31.14
30.90	

(d) The following frequencies are available to all persons eligible in the Motor Carrier Radio Service on a shared basis with other services, for assignment to base stations and mobile stations under the terms of a developmental authorization only:

Base and Mobile	*Mobile Only*
Mc	*Mc*
452.65	457.65
452.75	457.75
452.85	457.85
452.95	457.95

§ 16.253 *Frequencies available for operational fixed stations.* (a) Frequencies listed in this Section are available for assignment for fixed service operations in this service on a limited basis; however, extensive licensing of point-to-point systems must await further development of the Commission's microwave program. Accordingly, requests for point-to-point facilities will be considered on a case-by-case basis. In general, requests for such point-to-point facilities should clearly establish either (1) that a number of fixed stations at permanent locations are required to provide communications between isolated establishments or from such establishments to points at which established communication facilities are available, or (2) that the use of a remotely located base station, with which a requested fixed control and fixed relay link is proposed to be used, is necessary to maintain communications with mobile units for the conduct of authorized communications. Point-to-point facilities will not be authorized for the transmission of any type of signal or communication between two locations within the same Standard Metropolitan Area except for the purpose of providing a fixed control and fixed relay link where the remote placement of a base station has been justified.

(b) Subject to the conditions that no harmful interference will be caused to reception of television channel No. 4 or 5, the following frequencies are available for assignment to operational fixed stations in the Motor Carrier Radio Service on a shared basis with other services:

Mc	*Mc*	*Mc*	*Mc*
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(c) Frequencies in the bands listed below are available for assignment to operational fixed stations in the Motor Carrier Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc	*Mc*
952–960	6575–6875
1850–1990	9800–9900
2100–2200	12,200–12,700
2450–2500 [1]	16,000–18,000 [1]
2500–2700	26,000–30,000

[1] Use of frequencies in the bands 2450–2500 and 17,850–18,000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 2450 and 18,000 Mc.

§ 16.254 *Limitation on installation of mobile units.* Mobile units authorized in this service may be installed only in vehicles used for the carriage of passengers and/or property, and in vehicles used to supervise, tow, repair and maintain such vehicles and, in the case of streetcar systems, associated trackage, rights-of-way and electric power facilities, if any.

[F. R. Doc. 54-7051; Filed, Sept. 8, 1954; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

[Docket No. AO 252]

HANDLING OF MILK IN THE CENTRAL MISSISSIPPI MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Jackson, Mississippi, on March 15–19, 1954, pursuant to notice thereof which was issued February 16, 1954 (19 F. R. 978), upon a proposed marketing agreement and order regulating the handling of milk in the Central Mississippi marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 12, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 10, 1954 (19 F. R. 4235).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues of record related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification of milk;

(c) The level and method of determining class prices;

(d) The method to be used in distributing proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* Milk which would be regulated under the proposed marketing agreement and order is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products.

The marketing area specified in the proposed order, hereinafter known as the Central Mississippi marketing area, includes all of the territory within the counties of Claiborne, Copiah, Covington, Forrest, Hinds, Jasper, Jefferson Davis, Jones, Madison, Marion, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren, Wayne, Lamar (except beat 2 thereof), and Lawrence (except beats 1, 2 and 3 thereof). Approximately 800 dairy farmers, located in more than 30 Mississippi counties, supply more than 80 million pounds of milk annually to fluid milk plants primarily for disposition to consumers in this area. This milk is purchased in competition with milk which is marketed outside the State of Mississippi and it is sold in competition with milk and milk products produced in other States.

Some of the Class I milk marketed in the Central Mississippi area comes from out-of-State sources. Handlers who would be regulated under the proposed order find it necessary in order to fill the needs of their fluid or Class I markets to supplement the milk received from producers with milk or products of milk from outside sources. These supplemental supplies are handled in the same plants and commingled with producer milk. The supplemental supplies may, and do, come from sources outside the State of Mississippi.

The record discloses that handlers serving the Central Mississippi marketing area import dry milk solids to supplement local supplies. Such imports are used primarily to produce, or build up the nonfat solids content of, butter-milk and chocolate milk drinks. These two products made up more than 12 percent of the total sales of fluid milk and fluid milk products by handlers. The State Health Regulations require that milk solids used for such purposes be derived from Grade A milk. Plants located in the Chicago and Wisconsin areas have been approved by the Mississippi Health Department as sources of supply. Complete data on the volume of nonfat milk solids used by handlers in the proposed marketing area are not available. The record shows, however, that nearly all the handlers are using supplemental supplies of such solids and that their use is more frequent during the fall and winter months when receipts of milk from farmers are at their lowest point. A comparison of actual data showing receipts and sales in the different sections of the proposed marketing area indicates that substantial quantities of nonfat solids are used. In the Jackson market, for example, during January and the months of October through December of 1951, handlers sold an average of 230,000 pounds monthly of fluid milk and fluid milk products, including cream, in excess of their total receipts of fluid milk from producers and plants both in and out of the State. Fluid sales in the Laurel-Ellisville portion of the marketing area also exceeded fluid receipts during three months of 1951. Under the health regulations, such differences would need be derived from nonfat solids from Grade A sources in the Chicago or Wisconsin areas. Although these comparisons do not reflect the full extent of the use of Grade A nonfat solids, they nevertheless show that substantial quantities of milk sold by handlers are derived from interstate sources.

Approvals to ship Grade A milk into Mississippi have been extended by the State Health Department to plants in several states, including Wisconsin, Indiana and Ohio. Health Department officials testified that Grade A bulk milk shipments have been received in the proposed area in the past from these plants when required.

A milk plant located in New Orleans, Louisiana, bottles milk which is purchased by a retail store chain and hauled to Forrest County, Mississippi, for sale to consumers through stores located in that portion of the proposed marketing area. Milk from this same plant is sold in southwestern Mississippi in competition with milk sold by handlers who would be regulated pursuant to the proposed order. Milk bottled on the gulf coast by a dealer who would be a handler under this proposed order is sold on a milk route in Jones County. Routes from the same plant in which this milk is bottled serve customers in the State of Alabama. One plant located in Washington County, which serves the proposed marketing area, received shipments of special milk from the State of Wisconsin from June to December 1953.

A large portion of the milk purchased within Mississippi for sale as Class I milk in the proposed marketing area is bought in competition with milk purchased for sale in other States. Approximately one-half of the Grade A producers supplying milk to the Central Mississippi market are located in counties that form a Grade A milkshed which serves plants directly engaged in the interstate shipment of milk.

All Mississippi producers of Grade A milk must conform to the health inspection requirements of the State Board of Health, which are uniform throughout the State. It is relatively easy, by virtue of their location and health approval, for farmers having Grade A approval to shift sales of milk between these alternative outlets in response to prices offered. The record shows that there has been shifting of producers between plants in those counties where such alternative outlets are available. Important competition of this nature occurs in the southern portion of the State. Three plants located in the southern portion of the Central Mississippi milkshed supply milk to New Orleans handlers. These plants are regulated under Federal Order No. 42. Another plant located in this same area has been shipping milk to Texas markets for fluid use.

These four plants receive milk from more than a thousand producers, most of whom are located in Mississippi. More than 400 of these producers are located in Walthall, Lincoln, Forrest, Marion, and Lamar Counties. More than 150 Central Mississippi producers are located in these counties.

Gulf coast handlers located in Mississippi who distribute milk on routes in competition with New Orleans and other handlers, and whose routes extend into Alabama, also compete for milk supplies from producers in the southern portion of the milkshed. Central Mississippi handlers sell milk to various outlets, including military installations, in competition with gulf coast distributors and distributors located in Alabama.

A plant located in Newton County sells milk in the current of interstate commerce. Some of its milk is sold to Central Mississippi handlers and much of the remainder goes to distributors in Alabama and Louisiana. This plant receives milk from farmers in four counties where many producers supplying Central Mississippi handlers are located.

At least two other Mississippi plants which sell bulk milk regularly in interstate commerce sell milk from time to time to Central Mississippi handlers. It is evident, therefore, that the prices paid by the plants which would be subject to the proposed order are affected by and have a direct effect upon the prices and quantities of fluid milk which is moved in interstate commerce.

Fluid milk handlers compete for milk supplies with nearby manufacturing plants selling manufactured milk products in interstate commerce. There are three such manufacturing plants located in the general production area from which the Central Mississippi marketing area draws its milk supply. These plants make products such as cheese, dry milk solids, butter, ungraded cream, condensed milk and evaporated milk. These plants purchase ungraded milk from dairy farmers whose farms are located in the same area that supplies Grade A milk for the marketing area. The prod-

ucts manufactured in these plants are disposed of both in and outside the State of Mississippi in competition with such products produced in out-of-State plants.

The record shows that when fluid milk plants serving the proposed marketing area have Grade A milk in excess of their needs for fluid uses, part of such excesses are used in the manufacture of ice cream and ice cream mix, and the remainder of such milk is disposed of to manufacturing plants. Some of this ice cream is sold to outlets outside the State of Mississippi.

Ice cream and ice cream mix are not required to be made from Grade A milk under the regulations of the State Board of Health, and therefore, graded milk used for such purposes is in direct competition with ungraded milk. Handlers disposed of approximately 2.5 million pounds of milk and cream derived from Grade A milk to manufacturing plants during the flush production months of 1951—the most recent data available at the time of the hearing. The volume of excess milk above Class I requirements has increased considerably since that time. The excess Grade A milk from Central Mississippi handlers which is disposed of to manufacturing plants is manufactured into products such as cheese and evaporated milk, and sold in other States and within Mississippi in competition with similar products produced in other States.

It is concluded, therefore, that milk which would be regulated under the proposed marketing agreement and order is in the current of interstate commerce and directly burdens, obstructs and affects interstate commerce in milk and its products.

2. *Marketing conditions.* The issuance of a marketing agreement or order will tend to effectuate the declared policy of the act.

The testimony on marketing conditions and practices in the proposed marketing area was presented at the hearing by three associations representing producer-members in the proposed marketing area. These three associations formed an organization, identified as the Central Sales Committee, in order to coordinate their activities for the purpose of achieving stability of marketing conditions in the area.

The problems of unstable marketing encountered by producers in Central Mississippi are not uncommon in fluid milk markets. The problems, which have resulted in unrest and instability in this area, are similar to those characteristic of the fluid milk industry in the absence of regulations or a well-defined classified pricing plan. Attempts on the part of producers to establish such a plan have been ineffective.

Milk, because of its perishability, must be delivered regularly to the market as it is produced. Farmers cannot retain milk on their farms in order to await favorable price conditions. Production of milk for fluid use, under the sanitary requirements prevailing in the proposed marketing area, requires substantial investment.

A certain amount of reserve milk in excess of actual trade sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production, coupled with a relatively uniform pattern of consumption, necessitates the disposition of some of the Grade A milk produced for the market into manufacturing channels. Such excess milk must be manufactured into products and sold in competition with similar products produced from ungraded milk. Milk marketed in this manner returns considerably less than that marketed for fluid use. Consequently, a well-defined and uniformly applied plan of use classification and the proper pricing of milk in such uses is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful, the classification of milk in accordance with its use and the payments to producers on a use basis, requires full participation and cooperation of those engaged in the industry.

Orderly marketing of the milk produced for fluid consumption requires uniformly dependable methods for determining prices according to the use made of the milk. It also requires uniformity of pricing according to the use made of milk by each handler, and a means whereby lower average returns resulting from surplus may be shared equitably among producers.

The buying practices of handlers in the area are among the several factors causing instability in the marketing of milk. Producers have no means of ascertaining what utilization is made of milk by their handlers. Payment for milk is frequently made on whatever basis a handler may choose to use. Payment at substantially lower surplus prices by handlers for milk, which producers believe was needed for such handlers' fluid sales, is one of the sources of instability and uncertainty in the market. Some handlers who were alleged to be on a classified buying program do not inform producers what class prices are, nor what share of their milk is used in each class.

The record shows that on at least one occasion producers, being notified that a surplus of milk existed in the area, located an outlet which would have taken their excess milk at a price level higher than that prevailing among the local handlers. The producers attempted to make the necessary arrangements to transfer the milk but the handlers refused to make it available. In another instance, additional milk supplies were being sought by one handler who was paying producers for a considerable portion of their milk at excess prices.

The record discloses no overall plan operating in the Central Mississippi area which will assure producers of payment for their milk in accordance with its utilization and proper classification. Some handlers follow a form of the classified price plan. However, the products included in each class vary among handlers. Other handlers do not use a classified pricing plan, but have at times used the base and excess payment plan as a substitute for a classified pricing plan. Use of a base plan in this way does not result in uniformity of milk cost among handlers as a classified price plan does.

There has been little uniformity in the so-called base and surplus payment plans as operated by the various handlers. Handlers in the area differ in their methods of establishing base forming periods. There is lack of uniformity in the base rules of the various handlers as applied to new producers who enter the market or producers who transfer from one handler to another. The methods of operating these plans are solely subject to the decisions of handlers. Plans have been changed without prior consultations or notification of producers. All of these factors contribute to marketing instability and price uncertainty with the effect that returns to producers are reduced and production decisions are affected.

Producers have no voice in the determination of the prices which handlers pay. Attempts by producers to bargain for prices have failed. Generally speaking, producers have been forced to deal with handlers on an individual basis. Handlers have been unwilling to meet with representatives of organized producers for the purpose of discussing prices. Most handlers merely announce a price or prices to be paid, frequently at some time after the milk has been delivered.

Producers have been discouraged from engaging in cooperative marketing activity. Representatives of handlers and haulers have discouraged producers from joining any association which had such a purpose. Many producers have had the understanding that they would be cut off if they were to join a cooperative association or if they were to be active in its affairs. Some producers who have been active in association affairs have had unusual difficulty in marketing their milk. Milk has been returned to some of these producers in such a way that it was impossible for them to determine whether reasons given by the handler for such return were true. In some instances, the milk was held or treated so that it was impossible for the producer to use the milk for any purpose after it was returned to the farmers.

Most handlers in the area refused to make deductions for the associations as authorized by members. One handler who made some deductions discontinued doing so, and failed to remit all money so deducted to the association. One handler made a service charge for making the check-off authorized by producers.

Many producers have shifted to other markets and some have discontinued production because of unsatisfactory conditions in the Central Mississippi area at times when milk supply was inadequate to assure the market of sufficient supplies of pure and wholesome milk. Producers need assurance that their returns for milk will reflect general economic conditions and also be in accordance with local supply and demand conditions. A definite and uniform method of establishing minimum class prices which handlers would be required to pay for milk, in accordance with its use, would give this assurance. Dairy farmers could then plan their production on a long range basis and contribute

to the assurance of an adequate supply of milk for the market.

Fluid milk producers, in general, are dissatisfied with the weights and butterfat tests reported to them by handlers. Check testing programs have not been adequate to give the full assurance that producers feel they need. The producers associations were successful in initiating a check-testing program at only two plants. The failure of the handlers to cooperate with producers in making the check-offs necessitated the discontinuation of the association's testing program.

The record indicates that there is a lack of detailed market information for this area. Such information is essential to the effectuation of orderly marketing. It is essential in achieving a level of Grade A milk production commensurate with consumer demand for Grade A fluid products. There are available in April of each year State Department of Agriculture data on receipts and utilization of milk for fluid and manufatured uses for the previous year. This information, however, is not fully satisfactory to the needs of the market, since current monthly data are required by both handlers and producers to evaluate changes in supply and demand conditions for the purpose of arriving at appropriate prices.

It is concluded that the issuance of a marketing agreement and order for the Central Mississippi marketing area would contribute substantially to the improvement of many of the conditions complained of and tend to effectuate the declared policy of the act; namely, to establish and maintain, by means of the regulatory provisions expressly provided for in the act for such purposes, such orderly marketing conditions in the area as will tend to establish prices to the producers of milk for the marketing area at a level as will reflect the factors set forth in section 8 (c) (18) of the act, insure a sufficient quantity of pure and wholesome milk for the marketing area, and be in the public interest.

3. *Marketing area.* The Central Mississippi marketing area should include all territory within the boundaries of the counties of Claiborne, Copiah, Covington, Forrest, Hinds, Jasper, Jefferson Davis, Jones, Lamar (except beat 2 thereof), Lawrence (except beats 1, 2 and 3 thereof), Madison, Marion, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren and Wayne. The largest urban centers in this area are Vicksburg, Jackson, Hattiesburg, Laurel and Columbia. This area represents a comparatively independent trade area so far as distribution of fluid milk is concerned. A certain amount of milk is carried across these boundaries in packaged form on routes, both into and out of the area.

It is not administratively feasible and is unnecessary to include within the marketing area all of the territory in which handlers may be distributing any portion of their sales of milk or milk products. It would be impossible to define a marketing area where no overlapping of sales areas would be involved. If the marketing area were to be extended to include the entire area in which regulated handlers distribute milk, there would be no practical limit as to how far the area would have to be extended. No possible boundary is recognized among the proposed areas which would result in materially less out-of-area sales by regulated handlers than that proposed herein.

The marketing area should be defined on the basis of counties rather than by cities or towns contained therein, because of the relatively large population adjacent to, but outside of, corporate limits of the cities and towns. Identical State health regulations, with respect to the production and sale of milk, are applied on a county-wide basis throughout the proposed area. All municipal corporations, Federal and State installations and facilities located within these counties should be included as part of the regulated area.

There is a community of competition by handlers for milk sales among and within the counties herein recommended for inclusion in the marketing area. Handlers in Vicksburg and Jackson sell milk in competition with each other throughout the northern portion of this proposed area. Handlers from Columbia, Hattiesburg and Laurel compete throughout the southern portion of the area, and handlers from the northern and southern sections compete with each other throughout the central portion of the area. The Health Department's uniform regulations throughout the State assure that the handlers may compete freely throughout the whole area so far as quality of the product is concerned.

The extension of the marketing area to include Washington, Adams, and other counties in the outlying areas, would serve no material purpose since these counties cannot be considered as being primarily associated with the proposed marketing area. Distribution of milk in any of these counties by Central Mississippi handlers represents a relatively small proportion of the total milk distribution of all handlers serving in the proposed area.

Regulation should not be extended into the southern portion of the proposed area. This would bring gulf coast handlers under the pricing provisions of the order. Historically, gulf coast handlers have paid substantially higher prices for milk than have handlers located in the proposed marketing area. So long as this relationship continues, regulated handlers will not be at a disadvantage, so far as cost of milk is concerned, in competing with such handlers for fluid sales.

4. *Scope of the regulation.* It is necessary to designate clearly what milk and what persons will be subject to the various provisions of the order. This can best be done by providing definitions which set forth the categories of persons, plants, and milk products for purposes of application of order provisions.

The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk in the marketing area which is received from dairy farmers at plants primarily engaged in supplying fluid milk for sale on retail and wholesale routes in the marketing area.

Order prices should not apply to so-called emergency or irregular shipments nor to reserve milk which might be transferred from other plants to a regulated handler during the season of flush production. Nor should classification and pricing be extended to plants only incidentally associated with the marketing area.

Milk sold for fluid consumption in the State of Mississippi must meet the Grade A inspection requirements of the Mississippi State Board of Health. This agency, through its county sanitary supervisors, issues permits to dairy farmers and to milk plants supplying Grade A milk in the State. The State requirements are based on the United States Public Health Ordinance and Code. Fluid milk may be imported into Mississippi for fluid consumption, provided that such milk meets the standards of the United States Public Health Ordinance and originates from a market with a United States Public Health Service rating of 90 or more. A permit to furnish imported milk must be obtained from the Mississippi State Board of Health by the supplier of milk.

Any milk plant or any dairy farmer, in order to qualify under the definitions of the order, should have approval of the appropriate health authority. Since approval to distribute milk in Mississippi may be extended to plants or farmers under the inspection of another health authority, no requirement should be made in the definitions that a qualification must be established on the basis of a permit actually issued by the appropriate health authority.

The record shows that milk plants supplying the Central Mississippi marketing area fall into two categories. These are distributing plants which package Grade A fluid products such as milk, cream, and milk drinks, which products are distributed to consumers, stores, restaurants and so on. The other category is supply plants from which distributing plants draw supplemental milk. Since these two classes of plants engage in different type operations, separate standards should be provided in order to distinguish which plants in each category will be subject to regulation.

The record discloses that the distributing plants which serve the Central Mississippi marketing area are primarily fluid milk operations. With few exceptions, a majority of their milk is distributed to outlets located in the marketing area. All plants which fall in this category should be fully regulated under the order.

Minor quantities of milk are distributed into the marketing area from plants located outside the marketing area. One of the major handlers in the gulf coast area bottles a small volume of milk which is distributed in the proposed area. This milk represents a small share of the total milk of such handler.

It is concluded that it would be inappropriate to extend regulation to any milk plant from which only minor quantities of milk are distributed in the marketing area. Such plants are selling primarily in competition with unregulated handlers outside the marketing area.

Regulation of such plants might place them in an untenable position outside the marketing area. So long as the limits as to the sales such a plant may make in the marketing area are kept low, the volume of unpriced milk in the market would not, under present circumstances, present an unstabilizing force in the market.

It is concluded that this limit should be placed at 5 percent of the Grade A milk received at such plant from all sources or an average of 1000 pounds of Class I milk a day, whichever is less. Any plant from which a volume of Class I milk equal to more than 1000 pounds per day or 5 percent of its receipts of Grade A milk, skim milk or cream is disposed of in the marketing area should be designated as a distributing plant and be fully subject to regulation.

Any plant from which Class I milk is disposed of in the marketing area, but which does not meet the standards for a distributing plant, should be defined as an approved plant and be required to file reports and submit to audits by the market administrator to verify the status of such plants.

There are a number of bulk supply plants in Mississippi which ship supplemental milk to distributing plants. Some of these plants are primarily in the business of furnishing milk to the Central Mississippi marketing area. These plants make year-round shipments to the distributing plants which would be regulated pursuant to the attached order.

In the months of lowest production, these shipments absorb virtually all of the milk received by such plants from producers. Supply plant standards should be provided in the order which will extend full regulation to these plants.

There are other supply plants which furnish limited quantities of seasonal reserve milk to the Central Mississippi market. These plants are primarily engaged in supplying milk to fluid markets in other States. Such plants should not be regulated under the order. To bring these plants under the order would extend regulation unnecessarily and might interfere with the acquisition of needed supplemental milk for the market. It is concluded, therefore, that any plant which ships Grade A milk, skim milk or cream during the months of January through July to a distributing plant, as defined under the order, should be designated as a supply plant and made fully subject to regulation. If such shipments amount to 50 percent of the receipts of Grade A milk from producers during the months of August through December, such plant should be fully regulated. This will exempt from regulation any plant not primarily in the business of supplying the proposed area.

Any plant which ships any Grade A milk, skim milk or cream to a distributing plant should be defined as an approved plant and required to submit reports to the market administrator. These reports should be subject to verification through audit of the handler's records to establish the appropriate status of the plant.

"Handler," to whom any of the regulatory provisions are applicable, should be defined as the operator of any plant from which milk is supplied directly or through another plant to the marketing area. The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and, if the milk is priced, for paying producers minimum prices. In case a person operates more than one plant at which milk is to be priced, he is to be a handler with respect to the combined operations of such plants. In case a handler operates unregulated plants, this definition is not intended to include such person in his capacity as an operator of such plants.

The handler definition should include operators of approved plants which do not qualify as fluid milk plants and producer-handlers to require such persons to report to the market administrator as is needed to determine their status.

"Producer" should be defined as any person, other than a producer-handler, who produces milk under a dairy farm inspection permit issued by a duly constituted health authority and whose milk is permitted to be used as Grade A milk for consumption in the marketing area if such milk is received at a fluid milk plant. Provision should be made so that the milk of producers regularly received at a fluid milk plant may be diverted for the account of a handler to a nonfluid milk plant during the flush production season without such producers losing their status as producers under the order. Diverted milk shall be deemed to have been received at the plant from which it was diverted.

Producers proposed that a cooperative association should be considered as a handler with respect to milk diverted for the account of such association. Under an individual-handler pool, such as is herein recommended, there is no need for such a provision. A cooperative association can pay its members for milk diverted by such association according to its own payment plan. There would be no advantage to the association or to the market to try to apply payment provisions of the order to such milk. All provisions concerning the classification of producer milk should apply also to the milk received from handlers' own herds.

"Other source milk" should be defined as all skim milk and butterfat contained in products utilized by the handler in his operations, except milk from producers and other Class I products received from other fluid milk plants. Thus, other source milk would represent butterfat and skim milk which may not be subject to the pricing provisions of this order.

"Producer-handler"—Persons who are engaged in producing milk and distributing only milk of their own production, should be subject to the order only to the extent that they must submit reports to the market administrator, as required, and maintain and make available to the market administrator accounts, records, and facilities so that the market administrator may verify that such persons are producer-handlers. It would be meaningless to require under the order that a producer-handler pay any particular price for milk produced on his own farm. Since producer-handlers dispose of most of their milk directly to consumers for fluid use, they could not, in any event, be required to pool their milk with other producers under a handler pool.

Classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred by a handler to a producer-handler will be Class I milk. Any supplemental supplies of milk which they obtain from other handlers may, by virtue of the type of operation involved, be presumed to be needed by such handlers for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler. Pursuant to the proposed order, any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the fluid milk plant(s) of a handler after the allocation of shrinkage on producer milk.

5. *Classification of milk.* Milk received by regulated handlers should be classified on the basis of the form in, or the purpose for which it is used, as either Class I milk or Class II milk.

The products which should be included in Class I milk are those required by the Mississippi State Board of Health to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting approved milk produced and delivered to the market in the quantities required makes it necessary to provide a price for milk used in Grade A Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at such a level that it will yield a blend price to producers that will encourage production of enough milk to meet market needs.

Excess milk not needed seasonally or at other times for Class I use must be disposed of for manufactured products. These products are not required to be made from approved milk and must be sold in competition with products made from unapproved milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated or reconstituted nonfat milk solids) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, eggnog, yogurt, cream and any mixture of cream and milk or skim milk (excluding frozen storage cream, ice cream and ice cream mixes); (2) in inventory of Class I products on hand at the end of the month; and (3) not accounted for as Class II milk.

Class I products which contain concentrated skim milk solids, such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, should be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans should not be considered as concentrated milk.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Accounting procedure will be facilitated by providing that month end inventories of all products included in Class I milk, regardless of whether such products are held in bulk or in packages, should be classified in Class I milk. This is done since such products are normally used for Class I disposition the following month. Inventories of such products on hand will then be subtracted from Class I use the following month. If products thus classified as Class I are actually used in Class II during the following month, the milk so used will be offset against current month's receipts which are actually used in Class I.

Inventories of products designated as Class I milk on hand at a fluid milk plant at the beginning of any month during which such plant becomes a fluid milk plant for the first time should likewise be subtracted from the Class I utilization of the plant during the month. This will offset the classification of ending inventories as Class I when a plant loses status as a fluid milk plant. To safeguard against abuse of this method of classifying inventories by building up abnormal holdings, a handler should be assessed the difference between the Class I price and the Class II price on any amount by which inventories of Class I products are artificially built up at the beginning of such regulation and preserve priority for assignment of current receipts of producer milk to Class I use. Also, handlers should be assessed at the rate of such increase on any unusual buildup of inventories of Class I products when seasonal increases in Class I prices occur.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk and butterfat content of milk products, received and disposed of by a handler, can be determined through certain testing procedures. Some of these products, such as ice cream and condensed products, present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of adequate plant records made available to the market administrator or by means of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any condensed skim milk product should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products will be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of products included in Class I milk should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Handlers should be responsible for a full accounting of all their receipts of skim milk or butterfat in any form. A handler who first receives milk from producers should be responsible to the market administrator to establish the classification of, and make payment to producers for, such milk. All skim milk and butterfat which is received, and for which the handler cannot establish utilization, should be classified as Class I milk except for allowable shrinkage in Class II milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use. It is necessary to place the burden of proof on the handler to establish the utilization of any milk as other than Class I.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts and mixes; butter, cheese, including cottage cheese; evaporated and condensed milk (plain and sweetened); nonfat dry milk solids, dry whole milk; condensed or dry buttermilk; and any other products not specified as Class I milk.

Cream which is placed in storage and frozen should be classified as Class II milk. Such cream is intended primarily for use in ice cream and ice cream mixes. Any frozen cream or other Class II products which are used later in a fluid milk plant would be considered as other source milk at the time of such use and assigned to the lowest priced utilization in the plant. Any skim milk which is disposed of and used for livestock feeding should be classified as Class II milk, as should skim milk which is dumped, if the market administrator is notified in advance and allowed to verify such dumping.

Shrinkage should be determined by subtracting from the total pounds of skim milk and butterfat received by the handler his total established utilization of skim milk and butterfat, respectively, in various products. If his total receipts include both producer and other source milk, the total shrinkage should be prorated between producer and other source milk on the basis of the pounds received from each source. None of the shrinkage should be assigned to milk received from other fluid milk plants because shrinkage on such milk will be allowed to the transferring handler. A plant which is operated in a reasonably efficient manner and for which complete and accurate records of receipts and utilization are maintained should have total shrinkage of less than 2 percent of total receipts. It is concluded that shrinkage which is not more than 2 percent of total receipts of producer milk and other source milk should be classified as Class II milk and any shrinkage in excess of this quantity should be classified as Class I milk.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk (except for inventories) should be established when the butterfat or skim milk is disposed of. However, since some of the Class I items may be disposed of to other plants for Class II use, classification of any product so transferred to another plant should be determined according to its utilization in the plant to which transferred.

Milk, skim milk or cream, or other products designated as Class I milk transferred by a handler to the fluid milk plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, sufficient Class II utilization must be available at the transferee-plant for such assignment after prior allocation of shrinkage and other source milk as described below. On the other hand, if the transferring handler had other source milk during the month, the assignment of products transferred to another plant to the Class I utilization of such plant should be limited so that other source milk in the transferring handler's plant will not be allocated to Class I milk while producer milk is allocated to Class II milk in the transferee-handler's plant.

Milk, skim milk and cream disposed of to a nonfluid milk plant, including milk which is diverted (sent directly to the nonfluid milk plant from the producer's farm) should be classified as Class I milk, unless the nonfluid milk plant meets certain conditions. It must have no Class I milk in excess of that which may be assigned to receipts of milk from dairy farmers regularly supplying the plant, and the operator must submit a signed statement to the market administrator agreeing on Class II utilization. In addition, the operator of such nonfluid milk plant, if requested, must make his books and records available to the market administrator for the purpose of verifying the receipt and utilization of milk in such nonfluid milk plant. Provision for verification by the market administrator is reasonable and necessary to assure that producer milk will be paid for in accordance with its utilization. As mentioned heretofore, Class I milk transferred to a producer-handler should not be subject to reclassification.

In view of the fact that the order class prices apply only to producer milk, it is necessary, if a plant has butterfat or skim milk other than that received in milk from producers, to determine the quantities of milk in each class to be assigned to producers. The milk of producers who are primarily engaged in supplying the market should be assigned to Class I utilization first. This is necessary to insure the stability of the clas-

sified pricing program of the order. If the order permitted handlers to obtain other source milk whenever it was advantageous to do so for Class I use while producer milk in the plant was utilized in Class II, it could not be effective in carrying out the purposes of the act. Also, the market would be deprived of a dependable supply of milk. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in § 987.46 of the order set forth below.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month.

6. *Class prices.* Class I prices should be established at a level which, in conjunction with Class II prices hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate but not excessive supply of quality milk to meet the requirements of the marketing area.

The maintenance of stable conditions in the market requires that Class I prices be adjusted whenever the supply of milk is out of line in relationship to sales of fluid milk. If prices remain too low, insufficient milk will be produced to assure that the Class I market will be fully supplied. On the other hand, if prices are too high, production will be overstimulated and consumption curtailed, with the result that more milk will be produced than is needed to satisfy the demand for Class I, and unnecessary and uneconomic surpluses of Grade A milk will develop. Class I prices in the Central Mississippi area should not, in any case, be set at levels which will bring the cost of such milk above the cost of regular milk supplies from other sources.

Because of changing supply and demand conditions for milk in the market, it is necessary, in order to maintain an appropriate balance between supply and sales, to provide a method of flexible Class I pricing. Pricing formulas which cause prices to change automatically with changes in market conditions are in general use for the pricing of milk to farmers in fluid milk markets. Two general types of Class I formulae are employed: One, in which Class I prices are established at a differential over a basic formula price which reflects the value of milk for manufacturing uses; and the other, in which Class I price changes are made in accordance with relative changes in factors which reflect basic supply and demand conditions. The latter is referred to as the "economic type formula."

A basic formula plus differentials should be adopted at this time to establish the Class I price for Central Mississippi. As previously indicated in this decision, there is a substantial overlapping of the supply area of the Central Mississippi marketing area with supply areas of other markets. The record indicates that supply conditions in such other markets have changed materially during the past year. Demand for Grade A milk from Mississippi production areas has changed even more. Milk plants in Mississippi which normally sell their milk to markets located in other States have found that these areas are now more nearly supplied with locally produced milk. This milk has consequently remained in Mississippi. A large share of it has been manufactured. Some of the milk produced for the New Orleans market was not accepted by handlers. The milk not needed in out-of-State markets is approved by the appropriate health authorities, however, and may be sold for distribution in the marketing area. Producers whose milk is marketed primarily in surplus outlets may be expected to seek outlets where their returns may be higher. The record indicates that one handler serving the proposed area, who formerly purchased milk from more than 20 producers, discontinued receiving milk from producers and purchased his entire supply from a plant which formerly sold primarily to out-of-State outlets.

Distributors in the Central Mississippi area have been more fully supplied with Grade A milk during the past year by virtue of increased production. Prices paid producers have generally been lowered somewhat in response to this increase. A majority of the handlers were paying about $5.30 for base milk of 4.0 percent butterfat content at the time of the hearing. This represented a substantial reduction from the previous year.

Increasing volumes of ungraded milk are produced for manufacture in the Central Mississippi area. Prices received by the producers of this milk fluctuate in accordance with the general level of manufacturing milk values. Costs of producing this milk fluctuate to a considerable extent the same as the cost of Grade A milk. Changes in the relationship between the price of milk for manufacture and the prices received by Grade A producers may be expected to have considerable effect upon the level of supplies of Grade A milk.

Supplemental supplies of Grade A milk from outside the State of Mississippi are generally available from the States to the north. Prices of this milk fluctuate to considerable extent with the value of milk produced for manufacture. It is concluded, therefore, that a Class I price established on the basis of a basic formula price with differentials will maintain producer returns more appropriate in view of changing market conditions than a price fixed on any other basis.

The general level of fluid milk prices referred to fluctuates more, however, from flush production to low production seasons than does the price of milk for manufacture. For this reason, the Class I differential should provide some additional degree of automatic seasonal changes in Class I price. In the absence of such seasonal change, prices may be out of line with values of alternative milk and thus lead to displacement of producer milk. A seasonal price change also will provide added incentive for producers to maintain even seasonal production of milk.

The manufacturing milk values to be used as the basic formula price should be those which reflect the value of such milk at a national level. The formula proposed by handlers is based on widely known and accepted quotations. The yield and conversion factors are similar to those contained in other orders.

It is concluded that $1.85 should be added to such price in arriving at the price per hundredweight of Class I milk during the four months of flush production (March through June) and $2.25 during all other months. The price resulting from this formula will be in line with the level of price indicated to be necessary on the basis of production and sales experience, and will be somewhat less than the cost of obtaining regular supplies of bulk milk from surplus producing areas of the north.

Class I prices should be announced by the market administrator by the fifth day of the month. In order to do this, it is necessary to use price quotations for the previous month in calculating the basic formula price.

It was proposed at the hearing that a change be made on unpriced milk distributed for Class I use in the marketing area, and that money so collected be paid to the producers so affected. It was not shown, however, how it would be possible to determine which producer or producers were affected by the sale of such milk, nor how it would be feasible under authority of the act for a market administrator to make such distribution of funds.

Class II milk. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

All products included in Class II milk may be made from unapproved milk. Approved milk which may be used in such products by regulated handlers should be priced at the competitive price paid by local manufacturing plants for unapproved milk. The pricing of Class II milk on the basis of the average of the prices paid for unapproved milk by five manufacturing plants located in Central Mississippi, as proposed, will reflect competitive prices for manufacturing milk in this area.

Ice cream is one of the most important outlets for reserve supplies of milk in the marketing area. Several handlers are engaged in the manufacture of ice cream. The price of Class II milk at the competitive manufacturing price level should provide outlets for a substantial portion of any reserve supplies in this product.

There are a number of manufacturing plants located in or near the Grade A production area which are engaged in manufacturing evaporated milk, cheese, condensed milk, dried milk solids and butter. Some of the reserve milk received by handlers may have to be disposed of to these plants from time to time. The record indicates that during the flush production season handlers sometimes divert milk by having it hauled directly from the farm to such plants.

A proposal was made at the hearing that milk which is received at a fluid milk plant and then transferred to a manufacturing plant be priced 50 cents less than the Class II price. The record fails to support the need for a lower price for such milk. The manufacturing plants on which it is concluded the Class II price should be based may and do use receiving stations at which milk from farmers is dumped and hauled in bulk to the processing plant. Prices paid farmers delivering to such receiving stations are the same as those paid at the manufacturing plants.

The recommended Class II price is an average of prices paid by plants engaged in the production of different manufactured products. Prices paid by manufacturing plants may differ because of changes in the relative prices of the products which they manufacture. Handlers can dispose of reserve milk to the plants which are paying the highest price at the time of such disposal. Because of small volume and inefficient means of handling, it is possible that some handlers may, at times, incur losses in handling their necessary reserve supply of milk. The handling of such surplus milk is incidental, however, to the handling of fluid milk.

Provision is made in the attached order which will permit a handler to divert any milk clearly not needed in his own operations directly to manufacturing plants. Handlers who need and desire the entire output of producers during periods of short supply should assume the responsibility to pay producers at least the competitive manufacturing prices for Class II milk throughout the year.

Butterfat differentials. As pointed out previously herein, it is concluded that butterfat and skim milk should be accounted for separately for classification purposes. It will be necessary, therefore, to adjust Class I and Class II prices of milk in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in value due to variations in the butterfat content of each product. The values resulting from multiplying the average price of 92-score butter at Chicago by 0.120 for Class I milk and by 0.110 for Class II milk will provide an appropriate basis for adjusting such prices in this market, since they will reflect changes in the central market prices of butterfat. The basing point from which such adjustments are made should be 4.0 percent butterfat. This is the basis now used in the Central Mississippi marketing area.

The use of butterfat differentials in this manner follows standard practices in most fluid milk markets for adjusting for butterfat variations. In order that the Class I butterfat differential may be announced early each month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I differential at the same time that the Class I price is announced.

Class II prices and butterfat differentials will not be announced until after the end of the month. Although handlers will not know the cost of such milk as it is utilized, they will know that their cost will follow that of their principal competitors for manufactured outlets.

The butterfat differential used in making payments to producers should be calculated at the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class prices provided in the order. The producer butterfat differential in no way affects the handlers' cost of milk but merely prorates returns among producers whose milk differs in butterfat test.

The record indicates that the average test of producer receipts exceeds that of Class I sales. The butterfat differentials recommended herein for Class I and Class II milk should tend to encourage the production of milk with a fat test more in line with the fat requirements of the market.

Location differentials. It was proposed at the hearing that handlers be allowed a location differential with respect to milk moved from a receiving plant to a processing plant.

The record discloses that some of the milk normally supplied to the marketing area is received by handlers at a distance from the plant which processes and distributes the milk. In addition, some of the milk is brought to the marketing area in packaged form.

The minimum Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. Neither should milk delivered to one point within the proposed marketing area be priced differently than that delivered to any other point in the area. However, to the extent that milk is received elsewhere from producers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by producers. For this reason, the Class I price should be adjusted downward in the case of plants which assume the cost of hauling the milk to the marketing area.

The record discloses that handlers now pay producers delivering milk to receiving stations serving the area 10 cents less per hundredweight than producers delivering directly to bottling plants. To the extent that this represents a lower price because of the location of the milk, such difference in value should be recognized under the order. It is concluded, therefore, that the Class I price should be reduced for those receiving plants which are outside the marketing area by 10 cents. Bottling plants located outside the marketing area and receiving milk at some distance from the principal market should receive the same differential.

Jackson is the primary center of consumption in the proposed area, and is more or less centrally located. It is concluded, therefore, that the location differential should be calculated with respect to the city of Jackson and that any plant located more than 50 miles by nearest hard-surfaced highway from Jackson and outside the marketing area should receive the transportation differential on Class I milk herein found necessary.

Prices paid producers supplying plants to which location differentials apply should likewise be reduced by 10 cents to reflect the lower value of such milk f. o. b. the point to which delivered.

No adjustment should be made in the Class II price for location to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with the location of the plant receiving the milk. This is true because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices shown in the record paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk in the most advantageous possible method. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk, otherwise part of the incentive for keeping handling cost at a minimum is removed. To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that any milk transferred be assigned to any Class II use remaining in the transferee plant after a maximum assignment of 5 percent of the direct producer receipts to Class II milk.

7. *Distribution of the proceeds to producers.* The individual-handler type of pool should be included in the order as a means of distributing to producers the returns from the sale of their milk. Under this type of pool, the minimum prices will be uniform to all producers delivering their milk to the same handler. The "blend," "base" and "excess" prices, as the case may be, will depend on the proportion of the producers' milk used in Class I and Class II milk by the handler. Although each handler will be required to pay minimum uniform prices to all the producers who deliver to him during each month, the prices paid by different handlers may differ because the proportion of milk used in each class may vary.

Under the conditions existing in this area, the individual-handler pool will tend to result in optimum allocation of producer milk among handlers according to Class I needs of the handler and in maximum returns to producers from their milk. The record indicates that no handler in the Central Mississippi area is carrying an undue proportion of excess milk in order to supply other handlers with supplemental milk.

Base and excess plan. A "base and excess" plan of distributing the returns for milk among producers should be employed in connection with the individual-handler pool.

Base and excess plans in one form or another are commonly used within the milkshed area at the present although these programs vary considerably among handlers. The base and excess method of distributing milk returns during the months of flush production has wide support among both producers and handlers and should be continued. Abandonment of such a plan at this time might result in increased seasonality of production to the detriment of the market.

The production of milk in the area shows considerable seasonal variation. Consequently, there is a need for an incentive to maintain production in the fall and winter months relative to spring and summer levels. Some handlers have difficulty in utilizing efficiently all milk delivered to them in the months of seasonally high production. By providing returns related directly to a producer's ability to deliver additional milk in the fall and winter as compared with deliveries during the season of flush production, a production pattern more closely fitted to the sales pattern of fluid milk and fluid milk products will be encouraged.

The base-excess plan proposed by producers would establish for each producer in the market a base equal to his average daily deliveries of milk during the five-month period September through January (total deliveries by such producer to all handlers divided by the number of days in this period). During these months, as well as in January and August all producers would receive the same "blend," or average, price paid by the handler to which they deliver their milk.

For each of the months of March through July, separate uniform prices for "base milk" and "excess milk" would be computed so that Class I sales would first be allotted to "base milk." Base milk would be that quantity of milk delivered by each producer up to his average daily base multiplied by the number of days in the month on which he delivers milk to any fluid milk plant. The "excess milk" price should be the minimum order Class II price, unless the total Class I sales of the handler exceed the total quantity of base milk received from producers in a given month. In this case, the fact that some excess milk was used for Class I sales would be reflected in the price of such milk, or in the excess blend price.

The proposed months for establishing bases (September through January) are normally those of relatively low milk production in relation to fluid milk sales. Producers who enter the market during the fall and early winter months, when additional milk is usually needed, should be permitted to establish a base on deliveries made during a portion of the base forming period. This may be accomplished by determining the base for a new producer on the basis of the total number of days in the base forming period on which he delivers milk, less the number of days in September during which he did not produce milk for sale to a handler.

The base operating period, during which payments are made under the base plan, need not include all months that are not included in the base forming period to achieve the objectives of this plan. By limiting the base operating period or payment for base and excess milk to the months of March through July, a desired degree of flexibility will be provided. Omission of August from the base operating period will permit all producers to adjust their production programs immediately preceding the fall shortage months without being influenced by the base plan operating during this month. Limitation of the base forming period to fewer months gives added incentive to increase production during the months included in such period. The record does not indicate that February is a month of low production.

The order should provide that the market administrator will notify each producer and the handler to whom he is currently selling milk of the amount of his daily base on or before March 1 of each year. The daily base established by each producer will be calculated by the market administrator from handlers' payroll records.

It is necessary to provide certain rules in connection with the establishment and transfer of bases in order to provide reasonable administrative workability of the plan. To accomplish this and to preserve the effectiveness of the base plan, transfers of bases should be limited to the entire bases of producers who retire from farming. In cases of death or dissolution of joint production arrangements, such as landlord-tenant relationships, similar transfers should be permitted. Since the base plan is effective in determining producer payments in only five of the twelve months in each year and since all producers must establish a new base each year, other provisions than those contained herein for the establishment and transfer of bases are unnecessary.

The uniform prices, including uniform base and excess prices, which are required to be paid producers by each handler should be computed for milk containing 4.0 percent butterfat which is in accordance with past and current market practices. In distributing proceeds to producers, a differential should be applied to recognize different values of milk in accordance with its butterfat content. This differential should be determined on the basis of the weighted average value of producer butterfat according to its utilization at the class prices of the order.

Location differentials heretofore discussed should be applied to prices paid producers.

Payment to producers. The order should provide that each handler make final payments to each producer for milk received at the appropriate uniform price(s) on or before the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers bi-monthly, provision has been made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II price per hundredweight for the preceding month. (No adjustment for butterfat content or location is required on such advance payment.) Provision should also be made for the handler, if authorized in writing by the producer, to make proper deductions for goods or services furnished or for payments made on behalf of the producer. At the time the final payment is made, each handler will be required to furnish to each producer a monthly statement. This should show the pounds and butterfat tests of milk received from him, together with the rate or rates of payment for such milk and a description of any deductions claimed by the handler.

8. *Other administrative provisions.* Certain other provisions should be included in the order to carry out administratively the purposes of the regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning. Definitions for base and excess milk are included. Such other terms as are defined in the attached order are common to many other Federal milk orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency.

Records and reports. Provisions should be included in the order for the purpose of requiring handlers to maintain adequate records of their operations and to make certain reports. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must also be established for the announcement of prices by the market administrator. The following schedule will afford interested parties adequate time to perform the indicated function:

Day of Month and Function

6th—Announcement by market administrator of the Class I price and butterfat differential for the current month.

6th—Announcement by the market administrator of Class II price and Class II butterfat differential for preceding month.

6th—Submission by handlers of a monthly report of receipts and utilization for the preceding month.

10th—Announcement by market administrator of uniform prices for each handler and notification to handlers of the value of their producer milk received in the preceding month.

15th—Final payments by handlers to producers for milk received during preceding month and payments for marketing services.

20th—Submission of producer payroll report by handlers for preceding month.

Last—Partial payments to producers for milk received during first 15 days of the month.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

In addition to the regular reports required of handlers, provision is made for handlers to notify the market administrator of their intentions to import other source milk. Such information on a marketwide basis may assist handlers in locating local sources of producer milk and expedite the transfer of such milk among handlers. It is necessary that handlers retain records to prove the utilization of the milk and that proper payments were made to producers. Since the books and records of all handlers cannot be completed or audited immediately after the milk has been delivered to a plant, it therefore becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain such books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Expense of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on (a) producer milk (including such handler's own production), (b) other source milk in a fluid milk plant which is classified as Class I milk, and (c) Class I milk disposed of in the marketing area from a nonfluid milk plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by most handlers to supplement local producer supplies of milk and by a few handlers in their fluid milk plants for ice cream operations which are conducted in the same plant. Some handlers obtain a portion of their milk supply from their own herds. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including handlers' own production) and other source milk allocated to Class I milk.

Plants not subject to the classification and pricing provisions of the order may distribute limited quantities of Class I milk in the marketing area. These plants must be checked to verify their status under the order. Assessment of administrative expense with respect to such milk sold in the marketing area will help to defray the costs of such checks.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 5 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 5 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services A provision should be included in the order for furnishing marketing services to producers, such as verifying of tests and weights and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is a need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program is to furnish producers with current market information. As previously discussed, detailed information regarding market conditions is not now regularly available either to producers or to cooperative associations. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish such services, provision should be made for a maximum deduction of 7 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the extent of the milkshed and the volume of milk involved with that of several other markets now under Federal regulation leads to the conclusion that this will reflect the maximum cost of such services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

Handlers proposed that the marketing service deduction by the market administrator be no more than the deductions made by a cooperative association. However, they failed to show a need for the market administrator to make marketing service deductions, except those which are necessary to perform the services involved. No other standard should be applied in determining the rate of deduction.

General findings. (a) The proposed marketing agreement and the order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER OF THE SECRETARY DIRECTING THE CONDUCT OF A REFERENDUM: DETERMINATION OF A REPRESENTATIVE PERIOD: AND DESIGNATION OF REFERENDUM AGENT

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order set forth below regulating the handling of milk in the Central Mississippi marketing area) who, during the month of August 1954, which month is hereby determined to be the representative period for such referendum, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, to determine whether such producers favor the issuance of the order which is filed herewith.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this decision is filed with the Hearing Clerk, United States Department of Agriculture.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Mississippi Marketing Area," and "Order Regulating the Handling of Milk in the Central Mississippi, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as

amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, which will be published with this decision.

This decision filed at Washington, D. C., this 3d day of September 1954.

[SEAL] EARL L. BUTZ,
Acting Secretary.

Order,[1] Regulating the Handling of Milk in the Central Mississippi Marketing Area

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§ 987.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk, and (c) Class I milk disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonfluid milk plant.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Central Mississippi marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 987.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 987.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 987.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 987.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 987.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 987.6 *Central Mississippi marketing area.* "Central Mississippi marketing area," hereinafter called the "marketing area," means all the territory within the following counties: Claiborne, Copiah, Covington, Forrest, Hinds, Jasper, Jefferson Davis, Jones, Madison, Marion, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren, Wayne, Lamar (except beat 2 thereof), and Lawrence (except beats 1, 2 and 3 thereof).

§ 987.7 *Distributing plant.* "Distributing plant" means any plant from which a volume of Class I milk equal to more than an average of 1,000 pounds per day or 5.0 percent of the Grade A milk and skim milk received from producers and other plants, whichever is less, is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area.

§ 987.8 *Supply plant.* "Supply plant" means (a) any plant from which Grade A milk, skim milk or cream is shipped during the month to a distributing plant in any of the months of January through July, or (b) any plant from which not less than 50 percent of the Grade A milk received from dairy farmers during the month is shipped in such month as milk, skim milk or cream to distributing plants during the months of August through December.

§ 987.9 *Fluid milk plant.* "Fluid milk plant" means a distributing plant or a supply plant.

§ 987.10 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 987.11 *Approved plant.* "Approved plant" means: (a) A fluid milk plant, (b) any milk plant from which Class I milk is disposed of (including delivery by a vendor or sale from a plant store) during the month to retail or wholesale outlets located in the marketing area, or (c) any plant from which milk or skim milk approved by the appropriate health department for distribution as Class I milk in the marketing area is shipped to a distributing plant during the month.

§ 987.12 *Handler.* "Handler" means any person in his capacity as the operator of one or more approved plants.

§ 987.13 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant or (b) diverted for his account by the operator of a fluid milk plant from such plant to a nonfluid milk plant during the months of March through July: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 987.14 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received at the fluid milk plant directly from producers, or diverted from the plant pursuant to § 987.13.

§ 987.15 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 987.41 (a) (1), except (1) such products received from other fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 987.41 (b) (1) from any source (including those from a plant's own production) which are reprocessed or converted to another product during the month.

§ 987.16 *Producer-handler.* "Producer-handler" means any person who operates an approved plant but who receives no milk from other dairy farmers.

§ 987.17 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 987.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 987.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 987.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 987.95 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 987.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 987.30 and 987.31 or payments pursuant to § 987.90;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 987.51 (a) and the Class I butterfat differential computed pursuant to § 987.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 987.51 (b) and the Class II butterfat differential computed pursuant to § 987.52 (b), both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price for each handler computed pursuant to § 987.71 and the butterfat differential computed pursuant to § 987.91; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk for each handler computed pursuant to § 987.72, and the butterfat differential computed pursuant to § 987.92;

(j) On or before the 10th day after the end of each month, mail to each handler at his last known address a statement showing for such handler:

(1) The amount and value of producer milk in each class and the totals thereof;

(2) For the months of March through July, the amounts and value of his base and excess milk, respectively; and

(k) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 987.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk; and for the months of March through July, the total quantity of base milk received;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 987.41 (a) (1) received from fluid milk plants of other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of Class I milk on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 987.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July the total pounds of base and excess milk, (iii) the number of days on which milk was received from such producer if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk, or cream at his fluid milk plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(3) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 987.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 987.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 987.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at fluid milk plants and which is required to be reported pursuant to § 987.30 shall be classified by the market administrator pursuant to the provisions of §§ 987.41 through 987.46.

§ 987.41 *Classes of utilization.* Subject to the conditions set forth in §§ 987.43 and 987.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream), cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, and sterilized products contained in hermetically sealed containers); (2) contained in inventory of milk and milk products designated as Class I milk pursuant to subparagraph (1) of this paragraph, on hand at the end of the month; and (3) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) disposed of and used for livestock feed; (3) contained in skim milk dumped, provided the market administrator is notified in advance and given opportunity to verify such dumping; and (4) in shrinkage not to exceed 2 percent of skim milk and butterfat, respectively, in producer milk and other source milk.

§ 987.42 *Assignment of shrinkage.* The market administrator shall assign shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 987.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 987.44 *Transfers.* Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in §987.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 987.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to §987.46, and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers;

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 987.41 (a) (1);

(c) As Class I milk if transferred or diverted in the form of bulk milk, skim milk, or cream to a nonfluid milk plant, unless the following conditions are met:

(1) The transferring handler claims utilization in a product specified in § 987.41 (b);

(2) The operator of the nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant, and the market administrator is permitted to audit such books and records for the purpose of verification; and

(3) The Class I milk in the nonfluid milk plant does not exceed the receipts of butterfat and skim milk in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply for such plant: *Provided*, That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, cream, or skim milk so transferred or diverted.

§ 987.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 987.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 987.45, the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 987.42 (b);

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided*, That if the pounds of skim milk in other source milk exceed the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk contained in inventory of Class I products on hand at the beginning of the month;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 987.41 (a) (1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 987.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 987.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) Divide the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by 3.5 and multiply by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct five cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, and multiply by 7.5;

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Kraft Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Brookhaven Creamery, Brookhaven, Miss.
Pet Milk Co., Kosciusko, Miss.

§ 987.51 *Class prices.* Subject to the provisions of §§ 987.52 and 987.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.85 during the months of March, April, May and June, and plus $2.25 during all other months.

(b) *Class II milk price.* The price per hundredweight for Class II milk shall be the price determined pursuant to § 987.50 (c).

§ 987.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 987.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 987.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located outside the marketing area and 50 miles or more from the State Capitol Building, Jackson, Mississippi, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 987.41 (a) (1) to another fluid milk plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 987.51 (a) shall be reduced by 10 cents: *Provided*, That for purposes of calculating such location differential, products so designated as Class I milk which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 987.46 (a) (1) and (2) and the comparable steps in § 987.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made first to plants to which the location differential is applicable.

APPLICATION OF PROVISIONS

§ 987.60 *Producer - handlers.* Sections 987.40 through 987.46, 987.50 through 987.53, 987.70 through 987.72, 987.80 through 987.83, and 987.90 through 987.96 shall not apply to a producer-handler.

§ 987.61 *Plants subject to other Federal orders.* The provisions of this order shall not apply to a plant specified in paragraph (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that more Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants) in the Central Mississippi marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant pursuant to the provisions of § 987.8 (b) during each of the preceding months of August through December.

DETERMINATION OF UNIFORM PRICE

§ 987.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; (e) in the case of a handler operating a fluid milk plant which was not a fluid milk plant under this order during each of the preceding 5 months, add an amount calculated by multiplying the difference between the Class I and the Class II prices adjusted by the appropriate butterfat differentials by any figure determined as follows: Any amount by which the hundredweight of skim milk or butterfat in inventory classified for such month, pursuant to § 987.41 (a) (2), is less than the least hundredweight of skim milk or butterfat, respectively, deducted pursuant to § 987.46 (a) (3) and (b) for such handler

for any month since such plant was not a fluid milk plant; (f) add for each month of July an amount calculated by multiplying by 40 cents the hundredweight by which the inventory classified pursuant to § 987.41 (a) (2) for the preceding month exceeds any inventory so classified for the preceding February.

§ 987.71 *Computation of uniform prices for handlers.* For each of the months of August through February, the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 987.70 the total of the location differential deductions to be made pursuant to § 987.90 (b) or (c);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. market.

§ 987.72 *Computation of the uniform price for base milk and for excess milk for handlers.* For each of the months of March through July, the market administrator shall compute for each handler with respect to his producer milk a uniform price for base milk and for excess milk as follows:

(a) Add to the amount computed pursuant to § 987.70 the total of the location differential deductions made pursuant to § 987.90 (b) or (c);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Subject to the conditions set forth in paragraph (e) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(e) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (d) of this section from the value obtained pursuant to paragraph (c) of this section: *Provided,* That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section;

(f) Divide the value obtained pursuant to paragraph (e) of this section by the hundredweight of base milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. market; and

(g) Divide the value obtained pursuant to paragraph (d) of this section by the hundredweight of excess milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 987.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through January by the number of days from the first day milk is received from such producer during said months to the last day of January, inclusive, but not less than 120 days.

§ 987.81 *Computation of base.* The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days such producer's milk was received by such handler during the month.

§ 987.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months of September through January;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be moved from one handler to another handler.

§ 987.83 *Announcement of established bases.* On or before March 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 987.90 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month for milk received during the first 15 days of the month at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of each of the months of August through February for milk received during such month at not less than the uniform price per hundredweight, computed for such handler pursuant to § 987.71, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section and deductions made pursuant to § 987.94;

(c) On or before the 15th day after the end of each of the months of March through July, after allowance for the amount of payment made pursuant to paragraph (a) of this section for deductions made pursuant to § 987.94, and for other proper deductions authorized in writing by such producer, as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 987.72 for the quantity of base milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92;

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 987.72 for the quantity of excess milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92;

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 987.91 *Butterfat differential to producers.* The applicable uniform prices to be paid pursuant to § 987.90 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 987.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest half cent.

§ 987.92 *Location differentials to producers.* In making payment to producers pursuant to § 987.90, the applicable uniform prices to be paid for producer milk received at a fluid milk plant located outside the marketing area and more than 50 miles from the State Capitol Building in Jackson, Mississippi, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced 10 cents per hundredweight.

§ 987.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 987.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 987.90, shall deduct 7 cents per hundredweight, or such amount not exceeding 7 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer. In lieu of such statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 987.90 (d).

§ 987.95 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handler's own production; (b) other source milk at a fluid milk plant which is classified as Class I milk; and (c) Class I milk disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonfluid milk plant.

§ 987.96 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 987.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 987.101.

§ 987.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 987.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 987.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 987.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 987.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such

provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 54-7025; Filed, Sept. 8, 1954; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 16]

[Docket No. 10743; FCC 54-1108]

LAND TRANSPORTATION RADIO SERVICES; MOTOR CARRIER RADIO SERVICE

NOTICE OF FURTHER PROPOSED RULE MAKING

In the matter of amendment of Part 16, rules governing Land Transportation Radio Services, to establish a Motor Carrier Radio Service and to make other related changes; Docket No. 10743.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. The proceeding in this docket was initiated on November 4, 1953, by a notice of proposed rule making (18 F. R. 7255) proposing to create a Motor Carrier Radio Service which would replace the Highway Truck, Intercity Bus and Urban Transit Radio Services. For the reasons stated in the First Report and Order adopted today, the Commission is making final the part of the Notice relating to the carriers of passengers, i. e., the former Intercity Bus and Urban Transit Radio Services and issuing this notice of further rule making with respect to the carriers of property, i. e., the Highway Truck Radio Service.

3. This notice looks toward the adoption of a rule limiting the eligibility of carriers of property to common carriers who would be allowed to use radio within cities for limited purposes, e. g., communications with vehicles for the purpose of routing or rerouting them to various terminals, or dispatching them to points outside the city to deliver a part of their cargo or collect freight to make up their load for further transportation in the same vehicles. Also, applicants desiring to use the frequencies in the 43 Mc band would be required to show a need therefor to justify their assignment.

4. The following nine frequencies are proposed for exclusive use by such carriers: 43.70, 43.74, 43.78, 43.82, 43.86, 43.90, 43.94, 43.98 and 44.02 Mc. The frequencies 44.06, 44.10 and 44.14 Mc have been tentatively allocated for use by intercity passenger carriers subject to the outcome of this proceeding (see paragraph 8 of the First Report and Order herein). The trucking industry is, therefore, having this additional opportunity to demonstrate the need for these three frequencies as against the intercity buses. The frequencies listed in §§ 16.252 (d) and 16.253 of the rules as amended today would become available to the carriers of property on the same basis as they are available to the carriers of passengers.

5. The issues we are seeking to resolve in this proceeding may be stated as follows:

(a) Whether eligibility of carriers of property in the Motor Carrier Radio Service should be limited to common carriers;

(b) Whether and, if so, to what extent contract carriers of property should be eligible in the Motor Carrier Radio Service; and

(c) To what extent should carriers of property eligible in the Motor Carrier Radio Service be permitted to use radio within the city limits of cities, under what conditions or limitations, if any, and on what frequencies.

6. The foregoing proposal, the authority for which is contained in section 4 (i) and 303 of the Communications Act of 1934, as amended, supersedes the part of the initial notice of proposed rule making which has not been made final in the First Report and Order adopted herein. The final rules resulting from this notice will be incorporated into the new rules governing the Motor Carrier Radio Service.

7. Interested persons may file with the Commission on or before October 1, 1954, written statements or briefs in support or in opposition to the foregoing proposal. Within 14 days from that date, comments or briefs in reply to the original comments or briefs may be filed. Equipment manufacturers are specifically invited to submit comments regarding the proposed frequency limitations. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 1, 1954.

Released: September 3, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7050; Filed, Sept. 8, 1954; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

DEFINITIONS OF TERMS USED IN THE ACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend § 230.133 (Rule 133), adopted under the Securities Act of 1933, particularly under sections 2 (3), 5 and 19 (a) thereof. Rule 133, which is in the form of a definition of the terms "sale," "offer to sell," and "offer for sale," serves to make clear that the registration and prospectus requirements of the Securities Act are inapplicable to certain mergers, consolidations, reclassifications of securities and transfers of assets between two corporations.

The proposal now under consideration is to broaden the rule so as also to exclude from the registration and prospectus requirements certain cases involving a parent corporation, a controlled company, and a third corporation, where the assets of the third corporation are transferred to the controlled company in consideration of the issuance of securities of the controlling corporation. Specifically it is proposed to amend Rule 133 to read as follows:

§ 230.133 *Definition for purposes of section 5, of "sale," "offer to sell," and "offer for sale."* For purposes only of section 5 of the act, no "sale," "offer to sell," or "offer for sale" shall be deemed to be involved so far as the stockholders of a corporation are concerned where, pursuant to statutory provisions in the State of incorporation or provisions contained in the certificate of incorporation, there is submitted to the vote of such stockholders a plan or agreement for a statutory merger or consolidation or reclassification of securities, or a proposal for the transfer of assets of such corporation to another person in consideration of the issuance of securities of such other person or voting stock of a corporation which is in control, as defined in section 368 (c) of the Internal Revenue Code, of 1954, of such other person, under such circumstances that the vote of a required favorable majority (a) will operate to authorize the proposed transaction so far as concerns the corporation whose stockholders are voting (except for the taking of action by the directors of the corporation involved and for compliance with such statutory provisions as the filing of the plan or agreement with the appropriate State authority), and (b) will bind all stockholders of such corporation except to the extent that dissenting stockholders may be entitled, under statutory provisions or provisions contained in the certificate of incorporation, to receive the appraised or fair value of their holdings.

The proposal arises from the fact that section 368 (a) (1) (C) of the Internal Revenue Code, which defines tax-free "reorganizations," has just been amended in a somewhat similar manner.

All interested persons are invited to submit their views and comments on the proposed amendment in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before September 30, 1954. Unless the person submitting any such comments or suggestions requests in writing that they be held confidential, they will be public records, available for public inspection.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

AUGUST 27, 1954.

[F. R. Doc. 54-7016; Filed, Sept. 8, 1954; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OIL AND GAS LEASE OFFER

OUTER CONTINENTAL SHELF OFF LOUISIANA

SEPTEMBER 7, 1954.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Director, Bureau of Land Management, Washington 25, D. C., will be received on or before October 13, 1954, at 11 a. m., e. s. t., for the lease of oil and gas in certain areas of the outer Continental Shelf, Gulf of Mexico, adjacent to the State of Louisiana. Bids will be opened in the Department of the Interior auditorium, Eighteenth and C Streets NW. Bids may be delivered in person to the auditorium up to the hour of opening. Bids received by mail or delivered in person after the above-specified time will not be considered.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21, and 201.22. For the purposes of this sale the word "officer" in § 201.22 (a) (1) is interpreted to include a duly authorized attorney in fact or representative of a corporation. Bidders are warned against violation of section 1860, Title 18, U. S. Code, prohibiting unlawful combination or intimidation of bidders. Bidders must submit with each bid one-fifth of the amount bid in cash or by cashier's check, bank draft, certified check, or money order payable to the order of the Treasurer of the United States. The leases will provide for a royalty rate of one-sixth, and a rental or minimum royalty of $3 per acre or fraction thereof.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $15 per acre will be considered. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered. The tract numbers shown are assigned only for the purposes of this sale and are not the same as block numbers designated on the official leasing map. A separate bid in a separate, sealed envelope must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, La. (insert number of tract), not to be opened until 11 a. m., e. s. t., October 13, 1954." The right is reserved to reject any or all bids. The tracts offered for bid are as follows:

WEST CAMERON OFFICIAL LEASING MAP NO. 1

Tract No.	Acreage	Block	Description
La.-1	1,250	25	S½S½.
La.-2	1,250	26	S½S½.
La.-3	2,500	167	S½.
La.-4	2,500	167	N½.
La.-5	2,500	168	S½.
La.-6	2,500	168	N½.
La.-7	5,000	248	All.
La.-8	5,000	249	All.
La.-9	5,000	252	All.
La.-10	5,000	253	All.
La.-11	5,000	254	All.

EAST CAMERON OFFICIAL LEASING MAP NO. 2

Tract No.	Acreage	Block	Description
La.-12	2,500	39	W½.
La.-13	2,500	53	E½.
La.-14	2,500	53	W½.
La.-15	2,500	54	E½.
La.-16	2,500	54	W½.
La.-17	2,500	60	S½.
La.-18	2,500	60	N½.
La.-19	2,500	61	S½.
La.-20	2,500	61	N½.
La.-21	2,500	82	E½.
La.-22	2,500	82	W½.
La.-23	2,500	83	E½.
La.-24	1,250	83	SW¼.
La.-25	5,000	96	All.
La.-26	5,000	97	All.
La.-27	5,000	103	All.
La.-28	5,000	104	All.
La.-29	5,000	105	All.
La.-30	5,000	114	All.
La.-31	5,000	115	All.
La.-32	5,000	116	All.
La.-33	5,000	122	All.
La.-34	5,000	123	All.

VERMILION—OFFICIAL LEASING MAP NO. 3

Tract No.	Acreage	Block	Description
La.-35	2,060.445	21	E½.
La.-36	2,060.445	21	W½.
La.-37	1,250.000	75	SE¼.
La.-38	2,500.000	87	N½.
La.-39	2,500.000	88	S½.
La.-40	2,500.000	88	N½.
La.-41	5,021.16	92	All.
La.-42	5,000.000	93	All.
La.-43	2,500.000	94	E½.
La.-44	2,500.000	94	W½.
La.-45	2,500.000	95	E½.
La.-46	5,000.000	109	All.
La.-47	5,000.000	110	All.
La.-48	4,995.96	111	All.
La.-49	4,958.96	112	All.
La.-50	5,000.000	113	All.
La.-51	5,000.000	114	All.
La.-52	5,000.000	119	All.
La.-53	5,000.000	120	All.
La.-54	5,000.000	121	All.
La.-55	5,000.000	124	All.
La.-56	5,000.000	163	All.
La.-57	5,000.000	164	All.
La.-58	5,000.000	165	All.
La.-59	5,000.000	178	All.
La.-60	5,000.000	179	All.
La.-61	5,000.000	180	All.
La.-62	5,000.000	183	All.
La.-63	5,000.000	184	All.
La.-64	5,000.000	185	All.

EUGENE ISLAND OFFICIAL LEASING MAP NO. 4

Tract No.	Acreage	Block	Description
La.-65	2,500	40	S½.
La.-66	1,250	50	SW¼.
La.-67	1,250	50	SE¼.
La.-68	5,000	53	All.
La.-69	5,000	54	All.
La.-70	5,000	55	All.
La.-71	5,000	62	All.
La.-72	5,000	63	All.
La.-73	5,000	64	All.
La.-74	1,250	66	NE¼.
La.-75	1,250	66	NW¼.
La.-76	1,250	66	SW¼.
La.-77	1,250	66	SE¼.
La.-78	1,250	67	NE¼.
La.-79	1,250	67	NW¼.
La.-80	1,250	67	SW¼.
La.-81	1,250	67	SE¼.
La.-82	1,250	72	NE¼.
La.-83	1,250	72	NW¼.
La.-84	1,250	72	SW¼.
La.-85	1,250	72	SE¼.
La.-86	1,250	73	NE¼.
La.-87	1,250	73	NW¼.
La.-88	1,250	73	SW¼.
La.-89	1,250	73	SE¼.
La.-90	5,000	75	All.
La.-91	5,000	76	All.
La.-92	5,000	77	All.
La.-93	5,000	84	All.
La.-94	5,000	85	All.
La.-95	5,000	86	All.
La.-96	2,500	115	E½.
La.-97	2,500	115	W½.
La.-98	2,500	116	E½.
La.-99	2,500	116	W½.
La.-100	2,500	117	E½.
La.-101	2,500	117	W½.
La.-102	2,500	118	E½.
La.-103	2,500	118	W½.
La.-104	2,500	127	E½.
La.-105	2,500	127	W½.
La.-106	1,573.30	128-A	All.
La.-107	3,824.72	129-A	All.
La.-108	2,500	130	E½.

EUGENE ISLAND OFFICIAL LEASING MAP NO. 4—Con

Tract No.	Acreage	Block	Description
La.-109	2,500	130	W½.
La.-110	2,500	137	E½.
La.-111	2,500	137	W½.
La.-112	2,500	138	E½.
La.-113	2,500	138	W½.
La.-114	2,500	139	E½.
La.-115	2,500	139	W½.
La.-116	2,500	140	E½.
La.-117	2,500	140	W½.
La.-118	2,500	150	E½.
La.-119	2,500	150	W½.
La.-120	2,500	151	E½.
La.-121	2,500	151	W½.
La.-122	2,500	152	E½.
La.-123	2,500	152	W½.
La.-124	5,000	167	All.
La.-125	5,000	168	All.
La.-126	5,000	169	All.
La.-127	5,000	171	All.
La.-128	5,000	172	All.
La.-129	5,000	175	All.
La.-130	5,000	176	All.
La.-131	5,000	179	All.
La.-132	5,000	180	All.
La.-133	5,000	181	All.
La.-134	5,000	184	All.
La.-135	5,000	185	All.
La.-136	5,000	187	All.
La.-137	5,000	188	All.
La.-138	5,000	189	All.
La.-139	5,000	190	All.
La.-140	5,000	191	All.
La.-141	5,000	192	All.
La.-142	5,000	198	All.
La.-143	5,000	199	All.
La.-144	5,000	200	All.
La.-145	5,000	201	All.
La.-146	5,000	202	All.
La.-147	5,000	203	All.
La.-148	5,000	209	All.
La.-149	5,000	210	All.
La.-150	5,000	211	All.

SHIP SHOAL OFFICIAL LEASING MAP NO. 5

Tract No.	Acreage	Block	Description
La.-151	5,000	128	All.
La.-152	5,000	129	All.
La.-153	5,000	130	All.
La.-154	5,000	131	All.
La.-155	5,000	132	All.
La.-156	5,000	147	All.
La.-157	5,000	148	All.
La.-158	5,000	149	All.
La.-159	5,000	150	All.
La.-160	5,000	151	All.
La.-161	5,000	152	All.
La.-162	5,000	153	All.
La.-163	5,000	154	All.
La.-164	5,000	155	All.
La.-165	5,000	156	All.
La.-166	5,000	171	All.
La.-167	5,000	172	All.
La.-168	5,000	173	All.
La.-169	5,000	174	All.
La.-170	5,000	175	All.

SOUTH TIMBALIER OFFICIAL LEASING MAP NO. 6

Tract No.	Acreage	Block	Description
La.-171	2,500	54	N½.
La.-172	2,500	55	N½.
La.-173	5,000	90	All.
La.-174	5,000	91	All.
La.-175	5,000	92	All.
La.-176	5,000	105	All.
La.-177	5,000	106	All.
La.-178	5,000	107	All.
La.-179	5,000	128	All.
La.-180	5,000	129	All.
La.-181	5,000	130	All.
La.-182	2,148.46	131	All.
La.-183	2,148.46	132	All.
La.-184	5,000	133	All.
La.-185	5,000	134	All.
La.-186	5,000	135	All.
La.-187	5,000	137	All.
La.-188	5,000	138	All.
La.-189	5,000	139	All.
La.-190	5,000	151	All.
La.-191	5,000	152	All.

WEST DELTA OFFICIAL LEASING MAP NO. 8

Tract No.	Acreage	Block	Description
La.-192	2,500	77	S½.
La.-193	2,500	77	N½.
La.-194	2,500	78	S½.
La.-195	2,500	78	N½.
La.-196	2,500	79	S½.
La.-197	2,500	79	N½.
La.-198	2,500	80	S½.
La.-199	2,500	80	N½.

Bidders are requested to submit their bids in the following form:

DIRECTOR,
Bureau of Land Management, Department of the Interior, Washington 25, D. C.

OIL AND GAS BID

OUTER CONTINENTAL SHELF

The following bid is submitted for an oil and gas lease on land of the outer Continental Shelf specified below:

Area _____
Official Leasing Map No. _____

Tract No.	Total amount bid	Amount per acre	Amount submitted with bid

_____
Signature

_____
Address

IMPORTANT

The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

E. J. THOMAS,
Acting Director.

[F. R. Doc. 54-7109; Filed, Sept. 8, 1954; 9:05 a. m.]

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 9A VACATING CLASSIFICATION NO. 9

SEPTEMBER 1, 1954.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Area 4, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625 8627), Classification No. 9, covering the following described land for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679, 43 U. S. C. 364a-364e) is hereby vacated:

T. 14 N., R. 2 W., S. M.,
Sec. 11: Lots 57 and 59.

FRED J. WEILER,
Area Lands and Minerals Officer.

[F. R. Doc. 54-7047; Filed, Sept. 8, 1954; 8:54 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 19, 1954.

An application, serial number Fairbanks 010753, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, of the lands described below was filed on January 12, 1954, by the Department of the Army.

The purposes of the proposed withdrawal: Buffer zone for ammunition storage area.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at U. S. C. & G. S. Station "Big Delta Airport"; thence N. 4°55' 47.300" E., 11,997.64 feet; thence East 10,560.00 feet; thence South 18,680.00 feet to the True Point of Beginning; thence East 1,000.00 feet; thence South 7,000.00 feet; thence West 1,000.00 feet; thence North 7,000.00 feet to the point of beginning, containing approximately 160 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-7009; Filed, Sept. 8, 1954; 8:45 a. m.]

[No. 1—(Area III)]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 25, 1954.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPLE MERIDIAN, COLORADO

T. 45 N., R. 4 E., N. M. P. M.,
Sec. 36: NW¼NE¼, NW¼.
T. 46 N., R. 4 E., N. M. P. M.,
Sec. 36: All.
T. 45 N., R. 5 E., N. M. P. M.,
Sec. 16: All.
T. 46 N., R. 6 E., N. M. P. M.,
Sec. 36: All.
T. 44 N., R. 7 E., N. M. P. M.,
Sec. 16: S½.
T. 45 N., R. 7 E., N. M. P. M.,
Sec. 16: All.
Sec. 36: All.
T. 47 N., R. 7 E., N. M. P. M.,
Sec. 36: W½NE¼, SE¼NE¼, NW¼, NE¼SW¼, N½SE¼, SE¼SE¼.
T. 45 N., R. 8 E., N. M. P. M.
Sec. 36: All.
T. 48 N., R. 8 E., N. M. P. M.,
Sec. 16: All.
T. 45 N., R. 9 E., N. M. P. M.,
Sec. 16: N½NE¼.

The area described contains 5,483.18 acres.

These lands lie in the northern portion of the San Luis Valley near Saguache, Colorado. The area is slightly to moderately rolling foothills with a somewhat sandy soil along the base of the hills, grading into rather shallow somewhat rocky soils on the rougher portions. Vegetation is principally sagebrush, with only a fair understory of native forage grasses.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) Ninety-one day period for preference-right filings. For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) Date for non-preference-right filings. Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively of that title.

Inquiries concerning these lands shall be addressed to the Land Office Manager, 437 Post Office Building, Denver, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 54-7010; Filed, Sept. 8, 1954; 8:46 a. m.]

COLORADO

RESTORATION ORDER NO. 2 (AREA III) UNDER FEDERAL POWER ACT

AUGUST 27, 1954.

Pursuant to determination No. DA-327—Colorado, dated September 3, 1952, of the Federal Power Commission, and in accordance with Order No. 541, sections 1.5 (d) and 2.0 (a), of the Director, Bureau of Land Management, dated April 21, 1954, (19 F. R. 2473), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawal, the following described lands, so far as they are withdrawn or reserved for power purposes by Power Project No. 263, are hereby opened to disposition under the public land laws subject to the provisions of section 24 of the Federal Power Act of June 10, 1920, (41 Stat. 1075; 16 U. S. C. 818), as amended; and subject to the stipulation that if and when the lands are required wholly or in part for purposes of power development, any structure, machinery, or improvements placed thereon which interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States or its permittees or licensees, and subject to the stipulation that there is reserved to the United States, its successors or assigns, the prior right to use any and all portions of the land:

6TH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 78 W.,
Sec. 18: S½NE¼.

The area described contains 80 acres.

The lands are not suitable for crop production and will not be classified as suitable for disposal under the homestead or desert-land laws.

The lands described shall be subject to application by the State of Colorado for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 91st day after the date of publication. At that time the above-described land in DA-327-Colorado shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (52 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Bureau of Land Management Land Office, 437 Post Office Building, Denver, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 54-7011; Filed, Sept. 8, 1954; 8:46 a. m.]

COLORADO

RESTORATION ORDER NO. 3 (AREA III) UNDER FEDERAL POWER ACT

AUGUST 27, 1954.

Pursuant to a determination of May 29, 1951, of the Federal Power Commission, Docket No. DA 303-Colorado, and in accordance with Order No. 541, sections 1.5(d) and 2.0(a) of the Director, Bureau of Land Management, approved April 21, 1954, it is ordered as follows:

Subject to valid existing rights and the provision of existing withdrawal, the following described lands, so far as they are withdrawn or reserved for power purposes by Power Site Reserve No. 92, are hereby opened to entry, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended; and subject to the stipulation that if and when the lands are required wholly or in part for purposes of power development, any structure, machinery, or improvements placed thereon which interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States or its permittees or licensees, and subject to the stipulation that there is reserved to the United States, its successors or assigns, the prior right to use any and all portions of the land:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 49 N., R. 10 E.,
Sec. 19: SE¼SE¼.

These lands are not suitable for crop production and will not be classified as suitable for disposal under the homestead or desert-land laws.

The lands described shall be subject to application by the State of Coorado for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER, for rights-of-way, for public highways, or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 91st day after the date of publication. At that time the above described land in DA303, Colorado, shall become subject to application, petition, location, and selection, subject to valid existing rights, the provision of existing withdrawals, the requirements of applicable laws and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944, (58 Stat. 747; 43 U. S. C. 279-284), as amended. Information showing the periods during which, and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Land Office Manager, 437 Post Office Building, Denver, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 54-7012; Filed, Sept. 8, 1954; 8:46 a. m.]

COLORADO

RESTORATION ORDER NO. (R-IV) UNDER FEDERAL POWER ACT; CORRECTION

AUGUST 25, 1954.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 541, section 2.5, dated April 21, 1954 (19 F. R. 2473), Restoration Order No. 9 (R-IV), under Federal Power Act, dated August 14, 1953, (18 F. R. 4968) is corrected to delete the SE¼NE¼ of Section 26, Township 51 North, Range 19 West, New Mexico Principal Meridian, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 54-7013; Filed, Sept. 8, 1954; 8:46 a. m.]

COLORADO

RESTORATION ORDER NO. 23 (R-IV) UNDER FEDERAL POWER ACT; CORRECTION

AUGUST 26, 1954.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by order No. 541, section 2.5, dated April 21, 1954 (19 F. R. 2473), Restoration Order No. 23 (R-IV), under Federal Power Act dated January 28,

1954 (19 F. R. 803), is corrected to read as follows:

Paragraph 2 of Original Order should read: "Power Site Classification No. 92".

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 54-7014; Filed, Sept. 8, 1954; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH DAKOTA

DESIGNATION OF ADDITIONAL AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, 12 U. S. C. 1148a-2 (a), it is found that in the following named counties in the State of South Dakota, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Custer County and Fall River County.

After December 31, 1955 such loans will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 3d day of September 1954.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 54-7054; Filed, Sept. 8, 1954; 8:56 a. m.]

GEORGIA

DESIGNATION OF ADDITIONAL AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, 12 U. S. C. 1148 a-2 (a), it is found that in the following named additional counties in the State of Georgia, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Appling	Cobb
Atkinson	Coffee
Bacon	Columbia
Baker	Coweta
Baldwin	Crisp
Banks	Dade
Barrow	Dawson
Ben Hill	DeKalb
Bleckley	Dodge
Brooks	Dooly
Bryan	Dougherty
Bulloch	Effingham
Burke	Elbert
Butts	Emanuel
Calhoun	Evans
Candler	Fayette
Carroll	Floyd
Chatham	Forsyth
Chattooga	Franklin
Cherokee	Fulton
Clay	Glascock
Clayton	Greene

GEORGIA—Continued

Gwinnett	Pulaski
Hancock	Putnam
Haralson	Randolph
Heard	Richmond
Henry	Rockdale
Irwin	Screven
Jackson	Spaulding
Jasper	Stephens
Jeff Davis	Sumter
Jefferson	Talbot
Jenkins	Taliaferro
Johnson	Tattnall
Jones	Telfair
Lamar	Tift
Laurens	Toombs
Lee	Treutlen
Lincoln	Troup
McDuffie	Turner
Madison	Twiggs
Mitchell	Upson
Monroe	Walker
Montgomery	Warren
Morgan	Washington
Newton	Wayne
Oglethorpe	Webster
Paulding	Wheeler
Peach	Wilcox
Pickens	Wilkes
Pike	Wilkinson
Polk	Worth

After December 31, 1955, such loans will not be made in the above named counties except to borrowers who previously received such assistance.

The period for making initial production emergency loans authorized on April 21, 1954 (19 F. R. 2431) in Bibb, Crawford, Houston and Taylor Counties, State of Georgia, is hereby extended to December 31, 1955.

Done at Washington, D. C. this 3d day of September 1954.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 54-7026; Filed, Sept. 8, 1954; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11155]

SOUTHWESTERN BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Kenneth William Stith and Mary Ester Stith d/b as Maize Telephone Company, Maize, Kansas; Docket No. 11155, File No. P-C-3484.

The Commission having under consideration an application filed by Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by it of certain telephone plant and properties of Kenneth William Stith and Mary Esther Stith d/b as Maize Telephone Company furnishing telephone service in and around Maize, Kansas, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 31st day of August 1954, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 4th day of October 1954, and that a copy of this order shall be served upon Kenneth William Stith and Mary Esther Stith d/b as Maize Telephone Company, Southwestern Bell Telephone Company, the Governor of Kansas, the State Corporation Commission of Kansas and the Postmaster of Maize, Kansas;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Maize, Kansas, and shall furnish proof of such publication at the hearing herein.

Released: September 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7052; Filed, Sept. 8, 1954; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6569]

TEXAS POWER & LIGHT CO. ET AL.

NOTICE OF ORDER APPROVING MAINTENANCE OF PERMANENT CONNECTION FOR EMERGENCY USE

SEPTEMBER 2, 1954.

In the matters of Texas Power & Light Company, Texas Electric Service Company, Dallas Power & Light Company, Southwestern Electric Service Company; Docket No. E-6569.

Notice is hereby given that on August 26, 1954, the Federal Power Commission issued its order adopted August 25, 1954, approving maintenance of permanent connection for emergency use only in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7038; Filed, Sept. 8, 1954; 8:53 a. m.]

[Docket No. E-6572]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF FIRST MORTGAGE BONDS

SEPTEMBER 2, 1954.

Notice is hereby given that on September 1, 1954, the Federal Power Commission issued its order adopted August 31, 1954, authorizing issuance of first mortgage bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7039; Filed, Sept. 8, 1954; 8:53 a. m.]

[Docket No. E-6574]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF COMMON STOCK

SEPTEMBER 2, 1954.

Notice is hereby given that on September 1, 1954, the Federal Power Commission issued its order adopted August 31, 1954, authorizing issuance of common stock in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7040; Filed, Sept. 8, 1954; 8:53 a. m.]

[Docket No. G-2468]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Northern Natural Gas Company (Applicant), a Delaware corporation with its principal office at Omaha, Nebraska, filed, on June 28, 1954, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, as more fully described in said application, through which Applicant proposes to make natural gas available to Iowa Public Service Company on an interruptible basis for general distribution in Independence, Iowa, from its Dubuque, Iowa, 16-inch branch line.

The Commission finds:

(1) This proceeding is not a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to hold a public hearing in the above-entitled proceeding, as hereinafter provided and ordered.

The Commission orders:

(A) The request that this proceeding be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure be and the same hereby is denied.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held, commencing on September 23, 1954, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C, concerning the matters involved in and the issues presented by the application herein.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 1, 1954.

Issued: September 2, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7036; Filed, Sept. 8, 1954; 8:52 a. m.]

[Docket No. G-2554]

WITCO CHEMICAL CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Witco Chemical Company (Applicant), an Illinois corporation and independent producer with its principal place of business in Amarillo, Texas, filed on August 18, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the proposed operations hereinafter described.

Applicant proposes to sell natural gas produced from four wells on acreage located in the West Panhandle Field, Hutchinson County, Texas, to Colorado Interstate Gas Company at an initial price of 15 cents per Mcf, in volumes estimated at 2,000 Mcf a day. Applicant proposes to construct and operate 30,500 feet of 6⅝-inch and 17,200 feet of 4½-inch pipeline to enable it to make deliveries near buyer's Sanford Compressor Station. Colorado Interstate Gas Company was authorized to construct and operate the Sanford Station in Docket No. G-2120, order issued July 3, 1953.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of September 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 21, 1954, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 130 (c) (2) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 1, 1954.

Issued: September 2, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7037; Filed, Sept. 8, 1954; 8:53 a. m.]

[Docket No. ID-789]

RALPH E. TROWER

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

SEPTEMBER 2, 1954.

Notice is hereby given that on August 30, 1954, the Federal Power Commission issued its order adopted August 25, 1954, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7041; Filed, Sept. 8, 1954; 8:53 a. m.]

[Project No. 1097]

JOHN A. ZEHNTBAUER AND LEONARD LUNDGREN

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MAJOR)

SEPTEMBER 2, 1954.

Notice is hereby given that on August 30, 1954, the Federal Power Commission issued its order adopted August 25, 1954, approving transfer of license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7042; Filed, Sept. 8, 1954; 8:53 a. m.]

[Project No. 2138]

HARVEY ALUMINUM, INC.

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

SEPTEMBER 2, 1954.

Notice is hereby given that on August 27, 1954, the Federal Power Commission issued its order adopted August 25, 1954, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7043 Filed, Sept. 8, 1954 8:54 a. m.]

[Project No. 2144]

CITY OF SEATTLE, WASH.

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

SEPTEMBER 2, 1954.

Notice is hereby given that on August 30, 1954, the Federal Power Commission

issued its order adopted August 25, 1954, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-7044; Filed, Sept. 8, 1954; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-968]

BENSON AND HEDGES

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 1, 1954.

The American Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 promulgated thereunder, has made application to strike from listing and registration the common stock, $4.00 par value of Benson and Hedges.

The application alleges that the reasons for striking this security from listing and registration on this exchange are:

(1) By prospectus dated January 27, 1954, issued under the Securities Act of 1933, Philip Morris & Co., Ltd., Inc. offered to issue shares of its common stock, par value $5.00, on a share-for-share basis in exchange for the common stock, par value $4.00, of Benson and Hedges.

(2) Consummation of the Exchange offer was subject to the condition that not less than 355,460 shares of common stock of Benson and Hedges were deposited.

(3) The offer was declared effective on February 5, 1954, by which date 367,829 shares had been deposited.

(4) As of August 4, 1954, a total of 437,786 shares or 98.7 percent of the 443,398 outstanding shares, were owned by Philip Morris & Co. Ltd., Inc., leaving a net "public" distribution of 5,612 shares (1.3 percent of the issue) owned by 40 stockholders of record. There probably are more than 40 beneficial owners of the shares, since some of the stock of record is in brokers' names, but this would not affect the total number of shares available for dealings on the Exchange.

(5) To the present date the Exchange offer has not been terminated and holders of the common stock of Benson and Hedges desiring to tender their stock for exchange into the common stock of Philip Morris & Co. Ltd., Inc., may still do so upon deposit of their certificates with the Guaranty Trust Company of New York, Exchange Agent.

(6) At its meeting held on August 24, 1954, the Committee on Securities of the Exchange concluded that the number of shares of said stock which remained outstanding had become so reduced as to make inadvisable further dealings upon the Exchange.

Upon receipt of a request, prior to September 20, 1954, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7017; Filed, Sept. 8, 1954; 8:47 a. m.]

[File Nos. 7-1628, 7-1629]

W. R. GRACE & CO. AND FAIRCHILD ENGINE AND AIRPLANE CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

In the matter of application by the Philadelphia-Baltimore Stock Exchange for Unlisted Trading Privileges in W. R. Grace & Co., Common Stock, No Par Value, 7-1628; Fairchild Engine and Airplane Corporation, Common Stock, $1 Par Value, 7-1629.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of September, A. D. 1954.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of W. R. Grace & Co., listed and registered on the New York Stock Exchange; and the Common Stock, $1 Par Value, of Fairchild Engine and Airplane Corporation, listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 23, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7021; Filed, Sept. 8, 1954; 8:48 a. m.]

[File No. 70-3281]

GENERAL PUBLIC UTILITIES CORP. AND METROPOLITAN EDISON CO.

ORDER REGARDING ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

AUGUST 31, 1954.

General Public Utilities Corporation ("GPU"), a registered holding company, and Metropolitan Edison Company ("Meted"), its subsidiary public-utility company, having filed an application pursuant to sections 6 (b), 9 (a) (1) and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions, which are summarized as follows:

Meted proposes to issue and sell, and GPU proposes to acquire, 6,500 shares of Meted's no-par value common stock for a purchase price of $100 per share, or an aggregate purchase price of $650,000. The application states that the funds to be derived from the sale of such additional shares of Meted's common stock will be utilized for construction purposes or to reimburse Meted's treasury for its expenditures heretofore made for construction purposes.

It is further stated that the issuance by Meted of its common stock has been expressly authorized by the Pennsylvania Public Utility Commission, the State commission of the State in which Meted is organized and doing business; and that no State or Federal commission other than this Commission has jurisdiction over the proposed acquisition by GPU.

The expenses of GPU in connection with the proposed transactions are estimated to be not in excess of $500. The expenses of Meted (other than Federal issue taxes amounting to $715) in connection with the proposed transactions are estimated to be not in excess of $1,000.

It is requested that the Commission's order herein be effective upon issuance.

Due notice of the filing of said application having been given in the manner prescribed by Rule U-23, and no hearing having been requested of or ordered by the Commission; and

The Commission finding that the applicable provisions of the act and the rules thereunder are satisfied; that the expenses, if they do not exceed the estimates, are not unreasonable; and that the application should be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7018; Filed, Sept. 8, 1954; 8:48 a. m.]

[File No. 70-3287]

OHIO POWER CO.

ORDER REGARDING ACQUISITION OF PUBLIC UTILITY ASSETS BY A PUBLIC UTILITY COMPANY

SEPTEMBER 1, 1954.

Ohio Power Company ("Ohio"), a public-utility subsidiary of American Gas and Electric Company, a registered holding company, having filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to proposed transactions, which are summarized as follows:

Ohio proposes to acquire the electric utility system now owned and operated by the Village of Bluffton, Ohio, for a cash consideration of $466,500. The facilities to be acquired consist principally of a steam generating plant, an electric distribution system and a street lighting system. It is proposed that the facilities to be acquired will be integrated with the existing facilities of Ohio and Central Ohio Light and Power Company, an associate company of Ohio. The properties as now operated serve approximately 1,050 customers with gross billings aggregating approximately $130,000 annually. It is stated that no finder's fees or commissions are to be paid in connection with the proposed acquisition. Other fees and expenses are estimated at not to exceed $1,000.

It is requested that the Commission's order herein be effective upon issuance.

Due notice having been given of the filing of the application and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that the application should be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7020; Filed, Sept. 8, 1954; 8:48 a. m.]

[File No. 70-3256]

STANDARD POWER AND LIGHT CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO ACCOUNTING ENTRIES

AUGUST 31, 1954.

The Commission by order dated June 23, 1954, having permitted to become effective a declaration, as amended, of Standard Power and Light Corporation ("Standard Power"), a registered holding company, with respect to its proposal to pay a dividend of 30 cents per share, which it was represented would be paid out of capital surplus, to the holders of its outstanding common stock; and

The Commission in said order having reserved jurisdiction over the appropriateness of the accounting entries in respect of the proposed distribution, because the record was incomplete in such respect, and the record now having been completed in respect thereof; and

The Commission having considered the proposed accounting entry to charge Capital Surplus in the amount of $429,000 and observing no basis for adverse findings with respect thereto, and deeming it appropriate that the jurisdiction heretofore reserved with respect thereto be released:

It is ordered, That the jurisdiction heretofore reserved in the order of June 23, 1954 with respect to such accounting entries be, and it hereby is, released.

It is further ordered, That the jurisdiction reserved in the order of June 23, 1954 over all other matters be, and it hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7022 Filed, Sept. 8, 1954; 8:49 a. m.]

[File No. 812-891]

INCORPORATED INVESTORS AND PARKER CORP.

NOTICE OF APPLICATION FOR TEMPORARY EXEMPTION FROM PROVISIONS REQUIRING APPROVAL BY STOCKHOLDERS OF INVESTMENT ADVISORY CONTRACT

SEPTEMBER 1, 1954.

Notice is hereby given that Incorporated Investors, Boston, Massachusetts, a registered, open-end, diversified investment company, and The Parker Corporation, the principal underwriter for Incorporated Investors, have filed an application pursuant to section 6 (c) of the act, seeking an exemption from the provisions of section 15 (a) of the act, to the extent that The Parker Corporation may be permitted to serve as investment adviser of Incorporated Investors until the conclusion of the latter's next annual meeting of shareholders under a written investment advisory contract to be executed between the applicants without having been approved by the shareholders of Incorporated Investors.

The present investment adviser of Incorporated Investors is Management Associates, a Massachusetts voluntary association which has transferable shares outstanding, all of which are owned by the same persons who own the outstanding capital stock of The Parker Corporation. Management Associates has acted as investment adviser of Incorporated Investors since 1929 pursuant to various written contracts, the contract now in effect having been executed on March 24, 1954, and approved by a majority of the outstanding shares of Incorporated Investors on that date.

It is proposed that the holders of the outstanding shares of Management Associates contribute their holdings of 100 percent of Management Associates' outstanding shares to The Parker Corporation and that Management Associates thereafter be liquidated. Under the terms of Management Associates' investment advisory contract with Incorporated Investors, the proposed contribution of the shares of Incorporated Investors would constitute an assignment of the investment advisory contract itself and would result in the termination thereof. Therefore, it is proposed that The Parker Corporation enter into a new contract with Incorporated Investors to serve the latter as investment adviser, which contract will be submitted for approval to the stockholders of Incorporated Investors at their next annual meeting expected to be held in March, 1955. The Parker Corporation will continue to act as principal underwriter for Incorporated Investors.

It is stated that the instant proposal involves only a formal change in the investment adviser of Incorporated Investors. In this connection, the application states that Management Associates has five trustees four of whom are officers of The Parker Corporation and constitute the latter company's entire board of directors, and that, as stated above, Management Associates and The Parker Corporation have the same stockholders. In addition, the application shows that each stockholder's proportionate interest in one company is the same as his interest in the other. Management Associates and The Parker Corporation each has outstanding 4,200 shares of capital stock of which 1,800 shares of each (42.8 percent) are owned by William A. Parker, 1,200 shares of each (28.6 percent) by Amory Parker and 1,200 shares of each (28.6 percent) by George D. Aldrich. The application also states that The Parker Corporation does not intend to make any changes in the policies or practices of Management Associates with respect to Incorporated Investors or in the services rendered by Management Associates to Incorporated Investors.

The application further states that it is proposed that shortly after September 1, 1954, Charles Devens, President of Incorporated Investors, The Parker Corporation and Management Associates, will acquire from The Parker Corporation about 600 shares of its capital stock for cash at a price equal to the book value of such stock. Upon such acquisition, the proportionate interest of the present shareholders of The Parker Corporation will be slightly reduced so that the ownership will then be 37½ percent by William A. Parker, 25 percent by Amory Parker, 25 percent by George D. Aldrich and 12½ percent by Charles Devens.

Section 15 (a) of the act provides, among other things, that no person shall serve as investment advisor of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered company. Section 6 (c) of the act provides that the Commission,

upon application, may exempt any person or transaction from any provisions of the act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than September 16, 1954, at 5:30 p. m., submit to the Commission, in writing, any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7019; Filed, Sept. 8, 1954; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 33]

NEW YORK

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about August 31, 1954, because of the disastrous effects of hurricane, floods and excessive rainfall, damage resulted to residences and business property located in certain areas in the State of New York; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the office below indicated from persons or firms whose property situated in the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of Nassau and Suffolk.
Small Business Administration Regional Office, 1790 Broadway, New York 19, N. Y.

2. Special field offices will be established in Mineola and Riverhead, New York, to receive and process applications.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to March 31, 1955.

Dated: September 2, 1954.

W. NORBERT ENGLES, *Acting Administrator.*

[F. R. Doc. 54-7027; Filed, Sept. 8, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 24]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 3, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 49 CFR 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

NO. MC 629 Sub 7, HELM'S NEW YORK-PITTSBURGH MOTOR EXPRESS, INC., 2700 Smallman St., Pittsburgh 22, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the new Ford Motor Company Assembly Plant at Mahwah, N. J., as an off-route point in connection with regular-route operations between Pittsburgh, Pa., and New York, N. Y. Applicant is authorized to conduct operations in New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

NO. MC 665 Sub 40, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a corporation, 1300 West 10th St., Joplin, Mo. For authority to operate as a *common carrier*, over an alternate or connecting route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Fort Smith, Ark., and Muskogee, Okla., over U. S. highway 64, serving no intermediate points, for operating convenience only, in connection with regular route operations between (a) Kansas City, Kans., and Fort Smith, Ark., (b) Carthage, Mo. and Neosho, Mo., (c) Gravette, Ark., and Summers, Ark., (d) Summers, Ark. and Fayetteville, Ark., (e) Fayetteville, Ark. and Muskogee, Okla., (f) Lanagan, Mo. and Bentonville, Ark., and (g) Kansas City, Mo. and Joplin, Mo. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, and Oklahoma.

NO. MC 665 Sub 41, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a corporation, 1300 West 10th St., Joplin, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between junction Kansas Highway 96 and unnumbered Kansas Highway at or near Sexton, Kans., and junction Kansas Highway 105 and U. S. Highway 54 approximately two miles north of Toronto, Kans., over unnumbered Kansas Highway from junction Kansas Highway 96 at or near Sexton to Toronto, Kans., thence over Kansas Highway 105 to junction U. S. Highway 54, and return over the same route, serving all intermediate points excepting Toronto, and serving the termini for joinder purposes only. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, and Oklahoma.

NO. MC 7555 SUB 25, TEXTILE MOTOR FREIGHT, INC., P. O. Box 788, Laurinburg, N. C. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Empty cans*, loose or in packages, in straight shipments or in mixed shipments, with *knocked-down paper containers*, from Englewood, N. J., and Philadelphia and Pittsburgh, Pa., to Lake Alfred, Fla.; *cereal preparations*, dry, (1) from Hamlin, Hilton, Holley, Rochester and Williamson, N. Y., to Florence, Greenville and Sumter, S. C., and points in Alabama, Florida and North Carolina; and (2) from Medina, N. Y., to Florence, Greenville, and Sumter, S. C., Birmingham, Ala., and points in Florida and North Carolina; *dehydrated soup mixes* and *dessert preparations*, other than frozen, from Albion, N. Y., to Florence, Greenville and Sumter, S. C., and points in Alabama, Florida, and North Carolina; and *teething biscuits*, from Rochester, N. Y., to Florence, Greenville and Sumter, S. C., and points in Alabama, Florida and North Carolina. Applicant is authorized to conduct operations in Maryland, New York, New Jersey, North Carolina, Pennsylvania, South Carolina, and Virginia.

NO. MC 18264 Sub 15, HARTFORD TRANSPORTATION CO., INCORPORATED, 2434 Berlin Turnpike, Newington, Conn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Newington, Conn., and junction Massachusetts Highway 15 and U. S. Highway 20, near Sturbridge, Mass., operating from Newington over combined Connecticut Highway 15 and U. S. Highway 5, via Charter Oak Bridge, to East Hartford, Conn., thence over Connecticut Highway 15 (Wilbur Cross Highway) to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 15 to junction U. S. Highway 20, near Sturbridge, Mass., and return over the same route serving no intermediate points, as an alternate route in connection with applicant's regular-route operations (1) between Boston, Mass., and Hartford, Conn., and (2) between junction U. S. Highway 5 and U. S. Highway 5A south of Berlin, Conn., and Hartford, Conn. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

NO. MC 18609 Sub 7, BUCKEYE CARTAGE, INC., 353-359 Hamilton Street, Toledo 2, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plumbing and heating materials*, and *building materials*, from Toledo, Ohio, to points in Defiance, Fulton, Henry, Hancock, Ottawa, Putnam, Sandusky, Seneca, Wood, Erie, Huron, and Lucas (except Toledo proper) Counties, Ohio, and *damaged shipments* on return.

NO. MC 19564 Sub 47, L. C. JONES TRUCKING CO., INC., 4300 S. E. 29th St., P. O. Box 4368, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Braniff Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products and by-products, and *machinery, equipment, materials* and *supplies* used in, or in connection with, irrigation, the drilling of water wells, salt water injection wells, wells for underground reservoir storage, and the drilling of wells for all other purposes, between points in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, and Wyoming; between points in Arkansas, on the one hand, and, on the other, points in Oklahoma and Louisiana; between the Oklahoma-Kansas State line and points in Illinois; between points in Illinois, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, and Wyoming; from points in Illinois, Missouri, Oklahoma, and Texas, to points in Arkansas, Colorado, Kansas, and New Mexico; between points in Missouri, Oklahoma, and Texas; from Memphis, Tenn., to points in Arkansas, Kansas, Oklahoma, and Texas; between points in Oklahoma, on the one hand, and, on the other, points in Mississippi, with the following restriction: Said carrier shall not transport any traffic between points in Colorado, Kansas, Louisiana, New Mexico, Texas, Wyoming, and Arkansas, on the one hand, and, on the other, points in Mississippi; between points in Montana and Utah, on the one hand, and, on the other, points in Kansas, Oklahoma, and Texas; between points in that part of North Dakota on or west of North Dakota Highway 30, that part of South Dakota west of the Missouri River and on or north of U. S. Highway 14, and that part of Montana on or east of a line beginning at Alzada, Mont., and extending along U. S. Highway 212 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence over Montana Highway 19 to the United States-Canada Boundary line; between points in that part of North Dakota on or west of North Dakota Highway 30, that part of South Dakota west of the Missouri River and on and north of U. S. Highway 14, and that part of Montana on or east of a line beginning at Alzada, Mont., and extending along U. S. Highway 212 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence over Montana Highway 19 to the United States-Canada Boundary line, on the one hand, and, on the other, points in Wyoming; between points in Nebraska and those in that part of Colorado on and east of a line beginning at the Colorado-Wyoming State line and extending along U. S. Highway 87 to Wellington, thence along Larimer County Road No. 31 to junction U. S. Highway 287 (about two miles north of Fort Collins), thence along U. S. Highway 287 to Denver, thence along U. S. Highway 85-87 to the Colorado-New Mexico State line; between points in Oklahoma, on the one hand, and on the other, points in Nebraska, North Dakota, and South Dakota; from points in Oklahoma and Texas to points in Pennsylvania and West Virginia; and from points in Pennsylvania to points in Oklahoma and Texas.

NO. MC 19564 Sub 48, L. C. JONES, doing business as L. C. JONES TRUCKING COMPANY, 4300 S. E. 29th Street, Box 4368, Oklahoma City, Okla. Applicant's attorney: Frances G. Smith, Stockton, Linville & Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes transporting: *Machinery, equipment, materials* and *supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main lines, (1) Between points in Nevada, and (2) Between points in Nevada, on the one hand, and, on the other, points in Montana, Wyoming, Utah, Colorado, and New Mexico. Applicant is authorized to conduct operations in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, Wyoming, Arkansas, Mississippi, Utah, Nebraska, North Dakota, South Dakota, Pennsylvania, West Virginia, and Montana.

NO. MC 23939 Sub 78, ASBURY TRANSPORTATION CO., a corporation, 4908 South Alameda, Los Angeles, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *Petroleum products*, in bulk, in tank vehicles, from Tacoma, Wash., and points within four miles thereof, to U. S. Government installations in Oregon, and Idaho. Applicant is authorized to conduct operations in California, Idaho, Oregon, and Washington.

NO. MC 29886 Sub 74, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, Pieroni, Pieroni, Hynes & Dixon, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in initial movements, in driveaway and truckaway service, from Kenosha, Wis., to points in Arizona, Idaho, New Mexico and Nevada. Applicant is authorized to conduct operations in the United States, except Florida.

NO. MC 30319 Sub 43, SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 816 North San Jacinto St., Houston, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between junction U. S. Highway 90 and Texas Highway 131, near Brackettville, Tex., and Marfa, Tex., over U. S. Highway 90, serving the intermediate points of Del Rio, Dryden, Sanderson, Marathon and Alpine, Tex., and the off-route point of Tesnus, Tex., which are also rail stations of the Texas & New Orleans Railroad, and (2) between Marfa, Tex., and Alpine, Tex., operating from Marfa over Texas Highway 17 to Fort Davis, Tex., thence over Texas Highway 118 to Alpine, and return over the same route, serving the off-rail sta-

tion of Fort Davis, Tex., as an intermediate point. Applicant is authorized to conduct operations in Texas and Louisiana.

NO. MC 36473 Sub 52, CENTRAL TRUCK LINES, INC., 1000 Block, Jackson Street, Tampa, Fla. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Jacksonville, Fla. and Greenland, Fla., from Jacksonville over alternate U. S. Highway 1 (also via John E. Mathews Bridge and Florida Highways 10 and 115), and return over the same route, serving no intermediate points, as an alternate route in connection with carrier's regular route operations between Jacksonville and Miami, Fla.; (2) between Perry, Fla. and Quitman, Ga., from Perry over Florida Highway 55 to the Florida-Georgia State line, thence over Georgia Highway 76 to Quitman, and return over the same route, serving no intermediate points, as an alternate route in connection with carrier's regular route operations between Thomasville, Ga. and Tampa, Fla., and between Waycross and Albany, Ga.; (3) between Moultrie, Ga., and Albany, Ga., from Moultrie over Georgia Highway 133 to Albany, and return over the same route, serving no intermediate points, as an alternate route in connection with carrier's regular route operations between Waycross and Albany, Ga.; and (4) between Americus, Ga. and Atlanta, Ga., from Americus over Georgia Highway 30 to junction Georgia Highway 41, thence over Georgia Highway 41 via Buena Vista to Manchester, and thence over Georgia Highway 85 to Atlanta, and return over the same route, serving no intermediate points, as an alternate route in connection with carrier's regular route operations between Atlanta, Ga., and Albany, Ga. Applicant is authorized to conduct operations in Georgia and Florida.

NO. MC 41686 Sub 2, KEYSTONE LAWRENCE TRANSFER & STORAGE COMPANY, A Corporation, 21 West South Street, New Castle, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment (other than those requiring refrigeration), and those injurious or contaminating to other lading, from New Castle, Pa., and points in Pennsylvania within 20 miles of New Castle, to the site of the New Ford Motor Company assembly plant at Mahwah, N. J. Applicant is authorized to conduct operations in Illinois, Indiana, Maryland, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

NO. MC 42426 Sub 3, BEN MOZENTER, 342 Broad Street, Clayton, N. J. Applicant's attorney: Harry Adler, 143 East Commerce Street, Bridgeton, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal and poultry feeds* and *ingredients used in mixing animal and poultry feeds*, between points in Chester and Delaware Counties, Pa., on the one hand, and, on the other, points in Delaware, Maryland and New Jersey; and *chemicals* between Philadelphia, Pa., on the one hand, and, on the other points in Cumberland, Gloucester, Salem and Atlantic Counties, N. J. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey and Pennsylvania.

NO. MC 44015 Sub. 3, COX TRANSIT CO., A Corporation, 1900 North U. S. 66 By Pass, Springfield, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Empty containers*, on return movement, (1) between Morrisonville, Ill., and points within 25 miles thereof, and St. Louis, Mo., and points in the St. Louis Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission: From Morrisonville over Illinois Highway 48 to junction U. S. Highway 66, thence over U. S. Highway 66 to junction City U. S. Highway 66, and thence over City U. S. Highway 66 to St. Louis, Mo., and return over the same route. (2) (a) From St. Louis, Mo. and points in the St. Louis, Mo-East St. Louis, Ill., Commercial Zone as defined by the Commission, to points in Macoupin, Sangamon, Morgan, Montgomery and Christian Counties, Ill.; and (b) from points in Macoupin, Sangamon, and Morgan Counties, Ill. to St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Illinois and Missouri.

NO. MC 50069 Sub 154, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Applicant's attorney: Wilhelmina Boersma, Clark, Klein, Brucker & Waples, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid paint and paint materials*, in bulk, in tank vehicles, from Toledo, Ohio, and points within five miles thereof, to points in Jefferson County, Ky.

NO. MC 52920 Sub 14, PACIFIC HIGHWAY TRANSPORT, INC., Sixth Avenue South & Holgate, Seattle 4, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland, 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A and B and C Explosives*, between Fredrickson, Wash., and points within five miles thereof, on the one hand, and, on the other, points in Oregon. Applicant is authorized to conduct operations in Washington and Oregon.

NO. MC 62276 Sub 3, CARLTON J. EASTMAN, doing business as EASTMAN TRUCKING CO., Footville, Wis. Applicant's attorney: Edward A. Solie, Solie and Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Common lime*, from points in the Chicago, Ill., Commercial Zone as defined by the Commission, to points in Waukesha, Washington, Ozaukee, Milwaukee, Racine, and Kenosha Counties, Wis. Applicant is authorized to conduct operations in Illinois, Iowa, and Wisconsin.

NO. MC 65392 Sub 68, AUTOMOBILE SHIPPERS, INCORPORATED, 9760 Van Dyke, Detroit 13, Mich., Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobile show cars*, and *automobile show car chassis* of special or experimental design and not for sale, and *automobile show equipment and paraphernalia* moving in the same vehicle with automobile show cars and automobile show car chassis, in truckaway service. (1) in initials movements, from points of manufacture and assembly located in Wayne, and Macomb Counties, Mich., to points of disply in the United States, including the District of Columbia, and (2) in secondary movements between points of disply in the United States, including the District of Columbia, and return to original points of origin. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, and West Virginia.

NO. MC 65660 Sub 2, WARNER & SMITH MOTOR FREIGHT, INC., Galena Bldg., Franklin, Pa. Applicant's attorney: Frederick L. Kiger, Grant Building, Pittsburgh, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Cleveland, Ohio, and North Kingsville, Ohio, over U. S. Highway 20, serving all intermediate points; (2) between Union City, Pa., and junction Pennsylvania Highway 97 and U. S. Highway 19 over Pennsylvania Highway 97, serving all intermediate points; (3) serving East Palestine, Ohio, as an off-route point in connection with authorized regular route operations between Pittsburgh, Pa., and Cleveland, Ohio, over Ohio Highway 14; (4) serving Newton Falls, Ohio, as an off-route point in connection with authorized regular route operations between Canfield and Warren, Ohio, over U. S. Highway 5; (5) serving Fredonia, Pa., as an off-route point in connection with authorized regular route operations between Pittsburgh and Erie, Pa., over U. S. Highway 19; (6) serving Slippery Rock, Pa., as an off-route point in connection with authorized regular route operations between Butler and Riceville, Pa., over Pennsylvania Highway 8. Applicant is authorized to conduct operations in Ohio and Pennsylvania.

NO. MC 69116 Sub 25, SPECTOR MOTOR SERVICE, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: Jack Goodman, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over a regular route, tranporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment other than refrigeration between Chicago, Ill., and junction U. S. Highways 41 and 6 and Indiana Highway 152, operating from Chicago over the Calumet-Tri-State Expressway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U. S. Highways 41 and 6, and return over the same route, serving all intermediate points on the expressway and no intermediate points on Indiana Highway 152. Applicant is authorized to conduct operations in Connecticut, District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

NO. MC 75320 Sub 62, CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 E. Mill St., P. O. Box 390, Springfield, Mo. For authority to operate as a *common carrier*, transporting: *General commodities including Class A and B explosives*, but excepting those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Pine Bluff, Ark., and El Dorado, Ark., operating from Pine Bluff, Ark., over U. S. Highway 79 to junction U. S. Highway 167 thence over U. S. Highway 167 to El Dorado, and return over the same route, serving no intermediate points, as an alternate or connecting route in connection with carrier's regular route operations between Greenville, Miss., and Little Rock, Ark., and between Greenville, Miss., and Texarkana, Ark. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

NO. MC 76032 Sub 83, NAVAJO FREIGHT LINES, INC., 381 South Broadway, P. O. Box 5364, Denver, Colo. Applicant's attorney: Paul M. Hupp, Barry and Hupp, Suite 738 Majestic Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Kingman, Ariz., and the site of the U. S. Atomic Energy Commission plant, at or near Mercury, Nev., operating from Kingman over U. S. Highway 93 to Las Vegas, Nev., thence over U. S. Highway 95, via Indiana Springs, Nev., to junction unnumbered highway, thence over unnumbered highway to the site of the U. S. Atomic Energy Commission plant, at or near Mercury, and return over the same route, serving no intermediate points, (2) *Class A, B and C explosives*, between Needles, Calif., and the site of the U. S. Atomic Energy Commission plant, at or near Mercury, operating from Needles over U. S. Highway 66 to junction U. S. Highway 95, thence over U. S. Highway 95, via Indian Springs, to junction unnumbered highway, thence over unnumbered highway to the site of the U. S. Atomic Energy Commission plant, at or near Mercury, and return over the same route, serving no intermediate points, and (3) *empty vehicles* and *equipment* of applicant, between Barstow, Calif., and the site of the U. S. Atomic Energy Commission plant, at or near Mercury, operating from Barstow over U. S. Highway 91 to Las Vegas, Nev., thence over U. S. Highway 95, via Indian Springs, to junction unnumbered highway, thence over unnumbered highway to the site of the U. S. Atomic Energy Commission plant, at or near Mercury, and return over the same route, serving no intermediate points, with authority to tack the above-described authority in either direction to any and all other authority granted to applicant. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, New Mexico, Nevada, and Texas.

NO. MC 83428 Sub 2, J. F. RIEBE, doing business as WACONIA MOTOR EXPRESS, Waconia, Minn. Applicant's attorney: W. R. Glaeser, First National Bank Bldg., Waconia, Minn. For authority to operate as a *common* carrier, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Cologne, Minn., and Waconia, Minn., over Minnesota Highway 284, serving all intermediate points, and the off-route point of Bongards, Minn., and (2) between Cologne, Minn., and St. Paul, Minn., operating from Cologne over U. S. Highway 212 to junction U. S. Highway 169, thence over U. S. Highway 169 to Minneapolis, Minn., thence over city streets to St. Paul, and return over the same route, serving no intermediate points, as an alternate route in connection with (1) applicant's proposed regular routes operations between Cologne, Minn., and Waconia, Minn., and (2) with authorized regular route operations between Waconia, Minn., and St. Paul, Minn. Applicant is authorized to conduct operations in Minnesota.

NO. MC 92983 Sub 107, ELDON MILLER, INC., 1030 Riverside Drive, P. O. Box 1232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats, lards, tallows* and *greases*, in bulk, in tank vehicles, between points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin (except from points in Illinois, Wisconsin, those in that part of Minnesota on and south of a line extending from Moorhead over U. S. Highway 10 to Motley, thence over U. S. Highway 210 to Duluth, those in Nebraska and South Dakota on and east of U. S. Highway 281 to Dubuque, Iowa, and from Omaha, Nebr., to points in Iowa.) Applicant is authorized to conduct operations in Illinois, Iowa, Kansas, Massachusetts, Minnesota, Missouri, Nebraska, New York, Ohio, South Dakota, Tennessee, Texas and Wisconsin.

NO. MC 98243 SUB 1, E. H. (ERNIE) NEFF AND MARIAN NEFF, doing business as NEFF TRUCKING COMPANY, 622 North 2nd St., Sterling, Colo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, material, equipment and supplies* used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between points in Colorado, on the one hand, and, on the other, points in Nebraska. Applicant is authorized to conduct operations in Colorado.

NO. MC 102616 SUB 594, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, Wrape and Hernly, 1624 Eye St., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank trucks, from Nitro, W. Va., and points within five miles thereof, to points in Illinois and Wisconsin, and *damaged shipments* on return. Applicant is authorized to conduct operations in Delaware, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NO. MC 105413 SUB 8, PETROLEUM TRANSPORT SERVICE, INC., 502 26th Avenue, Council Bluffs, Iowa. Applicant's attorney: Loyal G. Kaplan, Suite 339 Omaha National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, and *fertilizer*, in bulk, *including nitrogen fertilizer solutions, mixed fertilizers and fertilizer materials*, in bulk, in tank vehicles, (1) from the Allied Chemical & Dye Corporation plant located at or near LaPlatte, Nebr., to points in Iowa, South Dakota and Kansas, (2) from the site of the fertilizer plant of the Consumer's Cooperative Association located at or near Lawrence, Kans., to points in Nebraska, Iowa and South Dakota, (3) from the fertilizer plant of the Consumer's Cooperative Association located at or near Louisiana, Mo., to points in Iowa, Nebraska and South Dakota, and (4) from the site of the Spencer Chemical Company plant located at or near Military, Kansas, to points in Iowa, Nebraska, and South Dakota.

NO. MC 105813 SUB 22, BELFORD TRUCKING CO., INC., 1289 N. W. 23rd Street, Miami, Fla. Applicant's attorney: Dan R. Schwartz, Kitchen & Schwartz, Suite 716 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Seafoods*, fresh or frozen of all kinds, including but not limited to, *frog legs, crawfish, lobster, fish, fish sticks, fish cakes, shrimp, shrimp steaks, oysters, oyster cakes, crab meat, crab cakes, crab rolls, deviled crabs, turtle meat, turtle steaks,*

cooked, breaded or quick frozen, in packages or loose, from points in Florida and Georgia to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia and Wisconsin. Applicant is authorized to conduct operations in Delaware, District of Columbia, Florida, Illinois, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and Wisconsin.

NO. MC 106943 SUB 49, EASTERN MOTOR EXPRESS, INC., 128 Cherry Street, Terre Haute, Ind. Applicant's attorney: John E. Lesow, Anderson, Lesow & Lesh, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the assembly plant of the Ford Motor Co., at or near Mahwah, N. J., as an off-route point in connection with carrier's regular route operations to and from New York, N. Y. Applicant is authorized in Certificate No. MC 106943, dated November 5, 1946, to transport the above-named commodities between West Springfield, Pa., and New York, N. Y.

NO. MC 109471 SUB 8, R. A. CONYES, doing business as R. A. CONYES TANK LINES, 2884 San Pablo Avenue, San Pablo, Calif. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt, asphalt emulsion* and *road oils*, in bulk, in tank trucks and trailers, from the site of the plant of Blomquist Oil Service, Inc., at Steamboat Springs, Nev., approximately 10 miles south of Reno on U. S. Highway 395, to points in Modoc, Lassen, Poumas, Sierra, Mariposa, Nevada, Placer, Eldorado, Alpine, Amador, Calaveras, Tuolumne, Mono and Inyo Counties, Calif. Applicant is authorized to conduct operations in California and Nevada.

NO. MC 109623 SUB 3, MAURICE GRIESEL, Dole Road, Myrtle Creek, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* (1) between points in Jackson County, Oreg.; and (2) between points in Jackson County, Oreg., on the one hand, and, on the other, points in Coos and Douglas Counties, Oreg. Applicant is authorized to conduct operations in Oregon.

NO. MC 109734 SUB 63, SYSTEM TANK LINES, INC., 2651 East 45th Street, Los Angeles 58, Calif. Applicant's attorney: R. Y. Schureman, Glanz & Russell, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fish oil*, in bulk, in tank vehicles, from Heber, Utah, to Richmond, Calif.

NO. MC 110698 SUB 47, J. FRANK DICKSON, TRUSTEE, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, P. O. Box 475, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt, asphalt products, coal tar, coal tar products* and *road building materials*, in bulk, in tank vehicles, between points in Tennessee, on the one hand, and, on the other, points in Virginia, West Virginia, Kentucky, North Carolina, South Carolina, Georgia, Alabama, Arkansas, Missouri, Mississippi, Illinois, and Indiana, south of U. S. Highway 50. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

NO. MC 111434 SUB 5, VERL HAMILTON, Cortez, Colo. Applicant's attorney: Julian P. Hancock, 17 West Main St., Cortez, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, from Thompson, and Green River, Utah, to Naturita, Durango, and Uravan, Colo., Bluewater, N. Mex., and points in San Juan County, N. Mex., and return with *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity. Applicant is authorized to conduct operations in Colorado, New Mexico, and Utah.

NO. MC 111472 SUB 28, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Frank M. Coyne, Union Trust Building, 1 West Main Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery* and *implements and parts thereof*, from Algoma, Wis., to points in the United States. Applicant is authorized to conduct operations in Iowa, Indiana, Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, Michigan, Kansas, Tennessee, Pennsylvania, Oklahoma, Ohio, Colorado, Georgia, Maryland, Kentucky, Virginia, and West Virginia.

NO. MC 112730 SUB 1, T. S. LOVE, 1409 Kemp Boulevard, Post Office Box 2130, Wichita Falls, Tex. Applicant's attorney: Wallace L. Schubert, Southern Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between Wichita Falls, Tex., and points in Texas within 150 miles thereof, on the one hand, and, on the other, points in Stephens, Carter, Caddo, Murray, Garvin, Pontotoc, Comanche and Tillman Counties, Okla. Applicant is authorized to conduct operations in Oklahoma and Texas.

NO. MC 112893 SUB 2, BULK TRANSPORT COMPANY, a corporation, Calumet St., Burlington, Wis. Applicant's attorney: Glenn W. Stephens, Stephens, Bieberstein and Cooper, 121 West Doty St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Wisconsin. Applicant is authorized to conduct operations in the States of Indiana, Wisconsin, and Illinois.

NO. MC 113410 SUB 1, (amended), DAHLEN TRANSPORT, INC., 875 North Prior, St. Paul 4, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, from points in Anoka, Hennepin, Dakota, Ramsey, Scott and Washington Counties, Minn., except Minneapolis and St. Paul, to points in North Dakota, South Dakota, Iowa, Wisconsin and the upper peninsula of Michigan, and to ports of entry on the International Boundry line between Canada and North Dakota and Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return.

NO. MC 113415 SUB. 1, R. T. NISH, H. R. NISH, AND CECIL H. NISH, doing business as R. T. NISH AND SONS, 180 West 6th South, Logan, Utah. Applicant's attorney: M. C. Harris, Cache Valley Bank Bldg., Logan, Utah. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Flour*, and *wheat products*, such as but not limited to germade, cracked wheat, and bran, from Logan, Utah, to Los Angeles, Compton, Bellflower and Norwalk, Calif., Flagstaff, Phoenix, Tucson, and Douglas and the trading posts of Tuba City, Red Lake, Oraibi, Inscription House, Shonto, Cameron, Navajo Mountain, Bellemont Richardson The Gap, Cedar Ridge, and Gray Mountain, Ariz.

NO. MC 113984 SUB 1, CASMER E. WENGLIKOWSKI AND EDWARD D. WENGLIKOWSKI, doing business as WENGLIKOWSKI BROTHERS, RFD #4, Bay City, Mich. Applicant's attorney: L. F. Richardson, Olds Tower Building, Lansing 8, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Fort Wayne, Ind., to Saginaw and Bay City, Mich.. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return movement. Applicant is authorized to conduct operations in Wisconsin and Michigan.

NO. MC 113984 SUB 2, CASMER E. WENGLIKOWSKI AND EDWARD D. WENGLIKOWSKI, doing business as WENGLIKOWSKI BROTHERS, RFD #4, Bay City, Mich. Applicant's attorney: L. F. Richardson, Olds Tower Building, Lansing 8, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Cleveland, Ohio, to Saginaw and Bay City, Mich. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement. Applicant is authorized to conduct operations in Wisconsin and Michigan.

NO. MC 114012 SUB. 3, B. D. ARMSTRONG AND C. EARL ARMSTRONG, doing business as ARMSTRONG BROTHERS, Corapeake, N. C. Applicant's attorney: James E. Wilson, Roberts & McInnis, Continental Bldg., 14th at K Northwest, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Hay balers, tobacco harvesters* and *cotton harvesters*, from Lewiston, N. C., to ports of entry on the United States-Canada International Boundary line, located at or near Niagara Falls, N. Y., at or near Buffalo, N. Y., and at or near Champlain, N. Y., *and material and supplies used in the manufacture of hay balers, tobacco harvesters and cotton harvesters* on return movements. Applicant is authorized to conduct operations in all points in the United States except Arizona, Arkansas, California, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington and Wyoming.

NO. MC 114178 SUB 1, JOSE RODRIGUEZ Y CASAL, doing business as MEXICO U. S. TRUCK LINE, 133 West Olive St., San Ysidro, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth St., Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk requiring special tank equipment, or commodities requiring special equipment, between San Ysidro, Calif., and the United States-Mexico International Boundary Line.

NO. MC 114282, ARTHUR BLESENER, 605 St. Olaf Avenue, Northfield, Minn. Applicant's attorney: Marvin L. Grundhoefer, Medical Arts Bldg., Northfield, Minn. For authority to operate as a *common carrier*, over regular routes, transporting: *Bulk turkey feed and miscellaneous sack feed*, (1) From New Richmond, Wis., to Northfield and Dundas, Minn., as follows: From New Richmond over Wisconsin Highway 65 to junction U. S. Highway 12, thence over U. S. Highway 12 to junction Minnesota Highway 95, thence over Minnesota Highway 95 to Hastings, Minn., thence southwest on Dakota County Road 3 to Hampton, Minn., thence over Minnesota Highway 56 to junction Minnesota Highway 19, thence over Minnesota Highway 19 to Northfield, thence over Minnesota Highway 218 to Dundas. (2) From New Richmond over Wisconsin Highway 65 to junction U. S. Highway 12, thence over U. S. Highway 12 to St. Paul, Minn., thence over Minnesota Highway 218 to Northfield and/or Dundas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Serving no intermediate points.

NO. MC 114902, JOSEPH S. HANDLOVIC, 5239 Holmes St., Pittsburgh, Pa. Applicant's attorney: Homer W. King, Frick Building, Pittsburgh 19, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fabricated aluminum awnings* and *fitments thereto*, from Pittsburgh, Pa., to points in New York on and west of U. S. Highway 9. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return movement.

NO. MC 114911, CARL GAINER, 855 North 99 Highway, Eugene, Oreg. Applicant's attorney: Frederic A. Yerke, Jr., King, Miller, Anderson, Nash & Yerke, 926 American Bank Bldg., Portland 5, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cottonseed meal* and *cottonseed cake*, from Los Angeles, Kingsburg, Corcoran, Bakersfield, Chowchilla, Richmond, Fresno, Cawelo, Long Beach, and Calexico, Calif., to points in Oregon, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return.

NO. MC 114913, CLAUDE BUTLER, Box 406, Showlow, Ariz. Applicant's attorney: Roland R. Kruse, Snell & Wilmer, Heard Building, Phoenix, Ariz. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, and in containers, from Amarillo, Dalhart, and Pampa, Tex., to Showlow, Ariz.

NO. MC 114918, WAYNE TAYLOR AND WALTER LAMBERT, doing business as TAYLOR & LAMBERT, Esmond, Ill. Applicant's attorney: Ralph H. Haen, 1101 Broadway, Rockford, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial fertilizers*, from Dubuque, Iowa to points in Boone, DeKalb, Kane, Kendall, LaSalle, Lee, McHenry, Ogle and Winnebago Counties, Ill., and *empty containers* on return movements.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

NO. MC 1504 SUB 122, ATLANTIC GREYHOUND CORPORATION, a corporation, 1100 Kanawah Valley Building, Charleston, W. Va. Applicant's attorney: L. C. Major, Jr.; Turney & Turney, 2001 Massachusetts Ave., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Creedmoor, N. C., and junction unnumbered North Carolina Highway and U. S. Highway 15 approximately two and nine tenths miles southwest of Creedmoor, over unnumbered North Carolina Highway through Butner, N. C., serving all intermediate points. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NO. MC 12614, FLOSSIE C. PLEASANTS, O'Henry Hotel, Greensboro, N. C. For authority to conduct operations at Greensboro, N. C., as a broker in arranging for the transportation of *passengers* and their *baggage* in the same vehicle with passengers, from points in North Carolina to points in the United States, and return, in interstate or foreign commerce, by motor vehicle.

NO. MC 84690 SUB 13, NORTHERN PACIFIC TRANSPORT COMPANY, a corporation, 176 East 5th Street, St. Paul 1, Minn. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers*, and *express*, between Auburn, Wash., and Tacoma, Wash. (1) from Auburn over Washington Highway 5 to Stewarts Corner, thence over unnumbered county highway to Knutsens Corner, thence over Washington Highway 1-X to Fife, thence over U. S. Highway 99 to Tacoma, and return over the same route, and (2) from Auburn over Washington Highway 5 to Puyallup, thence over Washington Highway 5-D to Knutsens Corner, thence over Washington Highway 1-X to Fife, thence over U. S. Highway 99 to Tacoma, and return over the same route, serving the intermediate points of Sumner and Puyallup, Wash. Applicant is authorized to conduct operations in Montana and Wyoming.

NO. MC 114915, JOSEPH GAMBY, LOUIS WOHL, AND ALBERT DEITCH, doing business as THE LAS VEGAS-LOS ANGELES LIMOUSINE SERVICE COMPANY, T. W. Patterson Bldg., Rm. 618G, Fresno, Calif. Applicant's attorney: Morris Futlick, T. W. Patterson Building, Fresno 21, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in door to door service, between Los Angeles, Calif., and Las Vegas, Nev.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

NO. MC-F-5670. Authority sought for purchase by GREAT SOUTHERN COACHES, INC., 311 Union St., Jonesboro, Ark., of the operating rights and property of MATHIS BUS LINE, INC., 301 Union St., Jonesboro, Ark., and for acquisition by MRS. MARIE N. JOHNSON, Jonesboro, Ark., of control of said operating rights and property through the purchase. Applicants' attorney: Harvey G. Combs, State House, Little Rock, Ark. Operating rights sought to be transferred: *Passengers*, as a *common carrier*, over regular routes, between Jonesboro and Blytheville, Ark.; between Jonesboro and Newport, Ark., via Waldenburg; and between Jonesboro and Newport, Ark., via Cash. Vendee is authorized to operate in Arkansas and Missouri. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5717. Authority sought for purchase by W. D. BUFFALOE, doing business as OHIO SOUTHERN EXPRESS, 1043 Bankhead Avenue, N. W., Atlanta, Ga., of a portion of the operating rights of GREIG FREIGHT LINE, INC. (KENT W. WOODWARD, TRUSTEE), 550 East South St., Akron, Ohio. Applicants' attorney: Glenn F. Morgan, 404-406 International Bldg., Washington 4, D. C. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in truck-load lots, as a

common carrier, over irregular routes, between points in Washington County, Ohio, on the one hand, and, on the other, points in West Virginia and those in that part of Pennsylvania on and west of U. S. Highway 219. Vendee is authorized to operate in Georgia, West Virginia, and Ohio. Application for temporary authority under section 210a (b) was granted June 9, 1954.

NO. MC–F–5718. Authority sought for purchase by RALPH E. FAYLOR, doing business as TRAVELERS MOTOR FREIGHT, P. O. Box 1037, Wheeling, W. Va., of a portion of the operating rights of GREIG FREIGHT LINE, INC. (KENT W. WOODWARD, TRUSTEE), 550 East South St., Akron, Ohio. Applicants' attorney: Glenn F. Morgan, 404–406 International Bldg., Washington 4, D. C. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between Parkersburg, W. Va., and Spencer, W. Va., between MacFarlan, W. Va., and Grantsville, W. Va., serving all intermediate points; *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, between Parkersburg, W. Va., and Wheeling, W. Va., serving all intermediate points and the off-route point of Steinersville, Ohio; *meat scraps*, over irregular routes, from New York, N. Y., to Punxsutawney and Irwin, Pa.: *tile*, from Wheeling, W. Va., to points in that part of the New York, N. Y., Commercial Zone as defined by the Commission, more than 30 miles from Newark, N. J.; *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes, between points in Marshall, Ohio, Brooke, and Hancock Counties, W. Va., on the one hand, and, on the other, Newark, N. J., and points in New Jersey and New York within 30 miles of Newark; *household goods* as defined by the Commission, over irregular routes, between points in Washington County, Ohio, on the one hand, and, on the other, points in West Virginia and those in that part of Pennsylvania on and west of U. S. Highway 219; *burial chapels, vaults, and monuments*, from Marietta, Ohio, to Williamstown, St. Marys, Sistersville, Little, Pike, and Parkersburg, W. Va., and Pittsburgh and Coraopolis, Pa., from Williamstown, W. Va., to Marietta, Ohio. Vendee is not a motor carrier. Application for temporary authority under section 210a (b) was granted June 9, 1954.

NO. MC–F–5721. Authority sought for purchase by KEYSTONE MOTOR EXPRESS, INC., P. O. Box 514, Huntington, W. Va., of a portion of the operating rights of GREIG FREIGHT LINE, INC. (KENT W. WOODWARD, TRUSTEE), 550 East South St., Akron, Ohio, and for acquisition by H. L. GRUBB, Huntington, W. Va., of control of the operating rights through the purchase. Applicants' attorney: Glenn F. Morgan, 404–406 International Bldg., Washington 4, D. C. Operating rights sought to be transferred: *General commodities*, except articles of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Charleston, W. Va., and Cleveland, Ohio, between Uhrichsville, Ohio, and Cleveland, Ohio, between Dover, Ohio, and Canton, Ohio; from Cadiz, Ohio, to Wheeling, W. Va., serving all intermediate points, and the off-route points of Huntington, W. Va., and Washington, Pa. *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Washington, Pa., and Wooster, Ohio, serving the intermediate point of Burgettstown, Pa., between Lisbon, Ohio, and Norwalk, Ohio, serving the intermediate points of Salem and Cleveland, Ohio, between Canton, Ohio, and Bedford, Ohio, serving the intermediate point of Akron, Ohio, between Strasburg, Ohio, and Cleveland, Ohio, serving the intermediate point of Massillon, Ohio, between Norwalk, Ohio, and Wheeling, W. Va., serving the intermediate points of Ashland, New Philadelphia, Uhrichsville, and Cadiz, Ohio, in addition to the foregoing service, said carrier is also authorized to serve the off-route points in Ohio, east of a line beginning at Sandusky, Ohio, and extending south through Marion, Ohio, to Columbus, Ohio, and thence in a southeasterly direction to Pomeroy, Ohio, including the points specified; between Charleston, W. Va., and Weirton and Ronceverte, W. Va., as follows: From Charleston, over U. S. Highway 21 to Parkersburg, W. Va., thence over West Virginia Highway 2 to Weirton, serving the intermediate and off-route points of Ripley, Parkersburg, St. Marys, Sistersville, Paden City, New Martinsville, Moundsville, Wheeling, Wellsburg, and Follansbee, W. Va., and those within ten miles of Charleston, W. Va.; from Charleston over U. S. Highway 60 to Lewisburg, W. Va., and thence over U. S. Highway 219 to Ronceverte, serving all intermediate points and the off-route points of Quinwood, Clifftop, and Winona, W. Va.; from Charleston over U. S. Highway 60 to Huntington, W. Va., thence over U. S. Highway 52 to Cincinnati, Ohio, serving the intermediate points of Huntington, W. Va., and Portsmouth and Ironton, Ohio. *Gas cylinders* and *rubber tires*, from Cincinnati over the route specified immediately above to Charleston, serving the intermediate points of Huntington, W. Va., and Portsmouth and Ironton, Ohio. *General commodities*, except those of unusual value, and except livestock, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes, between Wheeling, W. Va., on the one hand, and, on the other, Martins Ferry and Bridgeport, Ohio, and Mozart and Bethlehem, W. Va., between Akron, Ohio, on the one hand, and, on the other, points in Summit County, Ohio. Vendee is authorized to operate in Pennsylvania and West Virginia. Application for temporary authority under section 210a (b) was granted on June 9, 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7035; Filed, Sept. 8, 1954; 8:52 a. m.]

[4th Sec. Application 29636]

CANS FROM SAVANNAH, GA., TO CHARLESTON, S. C.

APPLICATION FOR RELIEF

SEPTEMBER 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company.

Commodities involved: Iron, steel or tin cans, carloads.

From: Savannah, Ga.

To: Charleston, S. C.

Grounds for relief: Rail competition, circuity, and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1295, supp. 78.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7028; Filed, Sept. 8, 1954; 8:51 a. m.]

[4th Sec. Application 29637]

VARIOUS COMMODITIES BETWEEN PACIFIC COAST TERRITORY AND CERTAIN STATES

APPLICATION FOR RELIEF

SEPTEMBER 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariffs I. C. C. Nos. 1559 and 1561.

Commodities involved: Various commodities, carloads.

Between: Points in Pacific Coast territory, on the one hand, and, points in Arkansas, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, North Dakota, South Dakota and Tennessee, on the other.

Grounds for relief: Rail competition, circuity, grouping, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7029; Filed, Sept. 8, 1954; 8:51 a. m.]

[4th Sec. Application 29638]

CEMENT INSULATING, ETC., FROM GOOSE LAKE, ILL., TO CEDAR RAPIDS, IOWA

APPLICATION FOR RELIEF

SEPTEMBER 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for the Chicago Great Western Railway Company, Elgin, Joliet, and Eastern Railway Company and Waterloo, Cedar Falls & Northern Railroad.

Commodities involved: Cement, mineral wool (rock or slag), cement, insulating, infusorial earth, minimum weight 36,000 pounds, and mortar, high temperature bonding, in mixed carloads with asbestos cement.

From: Goose Lake, Ill.

To: Cedar Rapids, Iowa.

Grounds for relief: Rail competition, circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3794, supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7030; Filed, Sept. 8, 1954; 8:51 a. m.]

[4th Sec. Application 29639]

ZINC ANODES FROM ARKANSAS, OKLAHOMA AND TEXAS TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Zinc anodes, with or without hooks, carloads.

From: Specified points in Arkansas, Oklahoma and Texas.

To: Points in official territory.

Grounds for relief: Rail competition, circuity, market competition, and additional commodity.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4045, supp. 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7031; Filed, Sept. 8, 1954; 8:51 a. m.]

[4th Sec. Application 29640]

IRON AND STEEL ARTICLES FROM CHICAGO, ILL., AND POINTS TAKING SAME RATES TO ST. IGNACE, MICH.

APPLICATION FOR RELIEF

SEPTEMBER 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to Chicago and North Western Railway Company tariff I. C. C. No. 11132 and other tariffs listed in the application.

Commodities involved: Iron and steel articles, carloads.

From: Chicago, Ill., and points taking same rates.

To: St. Ignace, Mich.

Grounds for relief: Rail competition, circuity, and additional routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7032; Filed, Sept. 8, 1954; 8:51 a. m.]

[4th Sec. Application 29641]

COMMODITY RATES BETWEEN ROSE BLUFF, LA., AND POINTS IN U. S. AND CANADA

APPLICATION FOR RELIEF

SEPTEMBER 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to the application.

Commodity rates.

Between: Rose Bluff, La., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission

in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7033; Filed, Sept. 8, 1954; 8:52 a. m.]

[4th Sec. Application 29642]

LUMBER FROM SOUTHWEST TO FLORIDA

APPLICATION FOR RELIEF

SEPTEMBER 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber and related articles, carloads.

From: Points in the Southwest.

To: Points in Florida.

Grounds for relief: Rail competition, circuity, grouping, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4117, supps. 3 and 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7034; Filed, Sept. 8, 1954; 8:52 a. m.]

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THE NATIONAL ARCHIVES

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VOLUME 19 NUMBER 176

Washington, Friday, September 10, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) is added to § 6.111 (b) as set out below.

§ 6.111 *Department of Agriculture.* • • •

(b) *Office of the Secretary.* • • •

(2) Not to exceed four positions at salaries equivalent to GS–13 or higher, for temporary appointment of not to exceed one year, to render advice or to assist in the administration of critical or emergency programs.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7108; Filed, Sept. 9, 1954; 8:56 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL CIVIL DEFENSE ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (d) of § 6.157 is amended as set out below.

§ 6.157 *Federal Civil Defense Administration.* • • •

(d) Two Labor Specialists GS–13, Industry Office, Technical Advisory Service.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7102; Filed, Sept. 9, 1954; 8:55 a. m.]

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

SUBPART I—ADMINISTRATIVE ORDERS RELIEVING EMPLOYEES FROM DUTY

Effective upon publication in the FEDERAL REGISTER, Subpart I is added as set out below.

Sec.
30.901 Purpose.
30.902 Policy statement.
30.903 Definitions.
30.904 Coverage.
30.905 Standards.
30.906 Supplemental regulations.

AUTHORITY: §§ 30.901 to 30.906 issued under 68 Stat. 249; 5 U. S. C. 86a, E. O. 10552, August 12, 1954, 19 F. R. 5079.

§ 30.901 *Purpose.* The purpose of the regulations in this subpart is to provide uniform and equitable standards under which regular employees compensated at per diem, per hour, or piecework rates may be relieved from duty with pay by administrative order.

§ 30.902 *Policy statement.* The authority in this subpart shall be used only to the extent warranted by good administration for short periods of time not generally exceeding three consecutive work days in any single period of excused absence. This authority shall not be used in situations of extensive duration or for periods of interrupted or suspended operations such as ordinarily would be covered by the scheduling of leave, furlough, or the assignment of other work. Insofar as practicable, administrative orders issued under this subpart shall provide for regular employees compensated at per diem, per hour, or piece-work rates, benefits similar to those granted to per annum employees.

§ 30.903 *Definitions.* (a) "Administrative order" means an order issued by an authorized official of a department or agency relieving an employee or employees from active duty without charge to leave or loss of compensation.

(b) "Regular employees" means those employees compensated at per diem, per hour, or piece-work rates who have a regular tour of duty, and whose appointments are not limited to 90 days or less or who have been currently employed

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FEDERAL REGISTER

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for a continuous period of 90 days under one or more appointments without a break in service.

§ 30.904 *Coverage.* The regulations in this subpart apply to regular employees of the Federal Government compensated at a per diem, per hour, or piece-work rate. The regulations in this subpart do not apply to experts and consultants.

§ 30.905 *Standards.* Administrative orders may be issued under this subpart when: Normal operations of an establishment are interrupted by events beyond the control of management or employees; for managerial reasons when the closing of an establishment or portions thereof is required for short periods of time; it is in the public interest to relieve employees from work to participate in civil activities which the Government is interested in encouraging.

§ 30.906 *Supplemental regulations.* Departments and agencies are authorized to issue supplemental regulations not inconsistent with the regulations in this subpart.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7101; Filed, Sept. 9, 1954; 8:54 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.229]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following September 11, 1954, paragraph (c) is amended by the deletion of the following post:

Fort Churchill, Canada.

2. Effective as of the beginning of the first pay period following September 11, 1954, paragraph (a) is amended by the addition of the following post:

Harar, Ethiopia.

3. Effective as of the beginning of the first pay period following July 3, 1954, paragraph (c) is amended by the addition of the following post:

Camaguey, Cuba.

4. Effective as of the beginning of the first pay period following September 11, 1954, paragraph (d) is amended by the addition of the following post:

Fort Churchill, Canada.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Dated: August 31, 1954.

For the Secretary of State.

EDWARD B. WILBER,
Acting Assistant Secretary.

[F. R. Doc. 54-7059; Filed, Sept. 9, 1954; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[Fair Price Regs., Revision 6]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—FIXING OF FAIR PRICES

FAIR PRICES FOR CONSERVATION MATERIALS AND SERVICES ACQUIRED BY MEANS OF PURCHASE ORDERS

The regulations governing the fixing of fair prices for conservation materials and services acquired by means of purchase orders, as issued by the Acting Secretary of Agriculture (18 F. R. 3635), are revised to read as follows:

§ 1101.0 *Fair prices for conservation materials and services acquired by means of purchase orders*—(a) *Cancellation of existing fair prices.* Fair prices for acquiring conservation materials and services by means of purchase orders heretofore established under preexisting regulations are hereby canceled.

(b) *Conditions under which fair prices shall be established.* A fair price for acquiring a conservation material or service by means of purchase orders shall be established hereafter only where the person or committee designated to establish fair prices determines that the establishing of a fair price for a given material or service is necessary because (1) the supply or availability of the material or service through local commercial channels is inadequate to meet the anticipated demand, and (2) the inadequate supply will result in commercial prices that are excessive in relation to such supply.

(c) *Delegation to the Administrator, Agricultural Conservation Program Service.* The Administrator, Agricultural Conservation Program Service, shall designate the conservation materials and services which may be furnished by means of purchase orders in connection with the Agricultural Conservation Program, the person or committee who shall establish the fair prices, the method of making such determinations, and shall prescribe the procedures under which materials and services may be furnished: *Provided, however,* That (1) if the State ASC Committee is designated to establish the fair prices such committee may redelegate the authority to county ASC committees; (2) any such fair prices shall be established in accordance with the provisions of paragraphs (b), (d), and (e) of this section, and (3) any such fair prices shall be subject to such review as may be required by the person or committee who has delegated the authority to establish fair prices.

(d) *Conservation materials.* A fair price shall be the price at which a vendor agrees to furnish the material at a given time under a given set of conditions, provided it is determined by the person or committee authorized to establish fair prices that the price is not excessive in relation to:

(1) The prices which farmers are currently paying for the same or similar

material under the same or similar conditions.

(2) The prices at which farmers could obtain the same material through other than local channels, and

(3) The actual or estimated cost to the vendor and a reasonable margin for profit.

(e) *Services.* A fair price shall be the price at which a vendor equipped to perform a service agrees to furnish it at a given time and under a given set of conditions, providing it is determined by the person or committee authorized to establish fair prices that the price is not excessive in relation to:

(1) The prices which farmers are currently paying for the same or similar service under the same or similar conditions, and

(2) The actual or estimated cost to the vendor and a reasonable margin for profit.

(f) *Defective materials and services.* A material or service furnished under purchase orders shall be deemed to be defective if it is determined that the material or service does not meet quality specifications. In such case the material or service may be rejected and no payment made therefor by the Government. At the option of the person or committee designated to establish the fair price such materials or services may be accepted subject to a deduction equal to the difference between the price of the material or service of the quality specified and the value of the material or service furnished.

(g) *Inspection and analysis.* Materials and services shall be inspected and samples taken in accordance with instructions issued by the Administrator, Agricultural Conservation Program Service: *Provided, however,* That the inspection and analysis controls exercised by State regulatory authorities may be deemed a sufficient protection to the Government as to the quality standards of any material over which such authority is exercised: *Provided, further,* That this shall not prevent the taking of additional samples nor shall it satisfy the responsibility of the Government for the making of separate inspections of materials in any case where such further action is necessary to adequately protect the interests of the Government.

(Sec. 8, 49 Stat. 1149, as amended, Pub. Law 690, 83d Cong.; 16 U. S. C. 590h)

Done at Washington, D. C., this 2d day of September 1954.

EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7105; Filed, Sept. 9, 1954; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter C—Military Education

PART 543—PROMOTION OF RIFLE PRACTICE

RIFLE AND PISTOL COMPETITIONS IN SCHOOLS AND COLLEGES

In § 543.5, subparagraphs (3) and (4) of paragraph (c) are amended as follows:

§ 543.5 *Rifle and pistol competitions in schools and colleges.* • • •

(c) *Annual indoor rifle matches.* • • •

(3) *Army area intercollegiate and interscholastic matches.* From January 1 to the last day of February, annually, institutions in each group listed in subparagraph (1) of this paragraph, will fire matches with the other institutions of their group in the same army area under such regulations as the army commander may prescribe, the object being to rate the relative standing of the institutions in marksmanship. The institutions should be encouraged to enter as many competitors and teams as may be practicable. The marking of targets, announcing scores, awarding prizes, etc., will be arranged and prescribed by the army commander. Army commanders are authorized to delegate detailed supervision of the matches to the chiefs of military districts. The National Board for the Promotion of Rifle Practice will award badges for army area ROTC rifle championship matches. The course of fire, composition of competing teams, and other conditions will be as prescribed in subparagraph (4) of this paragraph for the national ROTC matches. At the conclusion of the army area ROTC matches, the results will be reported to the National Board for the Promotion of Rifle Practice, which then will forward to the army commanders 10 medals for the winning team in each group in which at least 3 teams complete the match under the conditions prescribed.

(4) *National ROTC intercollegiate and interscholastic matches*—(i) *When fired and report of entries.* Between March 15 and April 15, annually, the national intercollegiate team matches will be conducted under the supervision of the National Board for the Promotion of Rifle Practice for each of the groups listed under subparagraphs (1) of this paragraph. A Report of Teams Selected for National ROTC Intercollegiate Rifle Matches (Reports Control Symbol, SAOUS-3) (formerly Reports Control Symbol WDOUS-03) will be forwarded by army commanders to the executive officer, National Board for the Promotion of Rifle Practice, Department of the Army, Washington 25, D. C., as soon after the completion of the army area matches as practicable, in any case not later than March 1 of each year. This report will be in letter form with the report title and reports control symbol as the subject and will list the teams, with addresses, selected to represent the army area in the National ROTC Intercollegiate Indoor Rifle Matches. The army commanders are authorized to delegate detailed supervision of the matches to chiefs of military districts.

(ii) *Composition of teams.* Each team will consist of a minimum of 10 and a maximum of 15 members who are students regularly enrolled in the ROTC of the institution which they represent, and other students, authorized to pursue the ROTC course. The 10 highest individual aggregate scores will constitute the team score. For this competition, each army commander will designate from each group in his army area the high one-third of the number of teams which competed in that group in the army area ROTC matches. More than one team may be selected from an institution, in which case they will be designated and named accordingly. A student will fire as a member of one team only. The members of a team will be designated prior to record firing and no substitutions will be made for any member after a team has started record firing. Disqualification of a team member automatically disqualifies the entire team.

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(xvi) *Disposition of target.* After completion of the firing of each stage of the national ROTC team match, the record targets for stage, accompanied by the above certificates, will be forwarded for official scoring to the chiefs of military districts or as directed by army commanders. Only targets issued and marked by the National Board for the Promotion of Rifle Practice will be used for record firing in this match. The same number of targets received must be returned to army headquarters. Failure to return the same number of targets as received, whether used or not, will be grounds for disqualification of the team.

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[C5, SR 145-390-5, August 17, 1954] (R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 2, 45 Stat. 786, as amended; 32 U. S. C. 181b)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-7093; Filed, Sept. 9, 1954; 8:53 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1472—CONDUCT OF RENEGOTIATION

PLACE FOR FILING

Section 1472.5 (d) *Place for filing* is amended by deleting the name and address of the Washington Regional Renegotiation Board and by changing the reference to the New York Regional Renegotiation Board to read as follows:

New York Regional Renegotiation Board, 110 East 45th Street, New York 17, N. Y.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: September 3, 1954.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-7095; Filed, Sept. 9, 1954; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 20—PILOT CERTIFICATES

REVISION OF PART

Because of the number of outstanding amendments to Part 20 there follows a revision of Part 20 incorporating all amendments thereto which were in effect on September 1, 1954.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

STUDENT PILOT CERTIFICATE

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20.2 Age.
20.3 Citizenship.
20.4 Education.
20.5 Physical standards.
20.6 Aeronautical knowledge.

PILOT CERTIFICATE AND RATINGS

20.10 Issuance.
20.11 Graduates of certificated flying schools.
20.12 Limited pilot certificate.
20.13 Computation of flight time.

PRIVATE PILOT RATING

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20.21 Citizenship.
20.22 Education.
20.23 Physical standards.
20.24 Aeronautical knowledge.
20.25 Aeronautical experience.
20.26 Aeronautical skill.

COMMERCIAL PILOT RATING

20.30 Age.
20.31 Citizenship.
20.32 Education.
20.33 Physical standards.
20.34 Aeronautical knowledge.
20.35 Aeronautical experience.
20.36 Aeronautical skill.

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20.40a Aircraft category rating.
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20.41 Flight instructor rating.
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DEFINITIONS

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20.83 Authorized representative of the Administrator.

AUTHORITY: §§ 20.1 to 20.83 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552.

CROSS REFERENCE: For regulations with respect to airline transport pilot certificates and lighter-than-air pilot certificates, see Parts 21 and 22 of this subchapter.

STUDENT PILOT CERTIFICATE

§ 20.1 *Issuance.* A student pilot certificate will be issued by the Administrator or his authorized representative to an applicant who meets the applicable requirements.

§ 20.2 *Age.* (a) Powered aircraft: 16 years.

(b) Gliders: 14 years.

If an applicant is less than 21 years of age and is not a regular or reserve member of the armed forces of the United States or enrolled in an established ROTC or other training program of such armed forces at the time of making application, he shall submit with his application the written consent of either parent or of his legal or natural guardian.

§ 20.3 *Citizenship.* An applicant for a student pilot certificate may be a citizen of any country or a person without nationality.

§ 20.4 *Education.* Applicant shall be able to read, write, speak, and understand the English language or an appropriate operation limitation will be placed on the student pilot certificate.

§ 20.5 *Physical standards*—(a) *Powered aircraft.* Applicant shall meet the physical standards of the third class prescribed in Part 29 of this subchapter: *Provided,* That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

(b) *Glider.* Applicant shall have no known physical defect which renders him incompetent to pilot a glider, and shall so certify.

§ 20.6 *Aeronautical knowledge.* None.

PILOT CERTIFICATE AND RATINGS

§ 20.10 *Issuance.* A pilot certificate shall be issued to an applicant who meets the minimum requirements prescribed herein. A private or commercial pilot rating, aircraft category, class, and type ratings, instrument rating, flight instructor rating, and any other necessary special ratings for which the pilot has been found qualified shall be issued in connection with a pilot certificate.

§ 20.11 *Graduates of certificated flying schools.* A graduate of a certificated flying school shall be deemed to have met the aeronautical experience requirements of this part, if he presents an appropriate certificate of graduation within 60 days after graduation date: *Provided,* That an individual who has completed a flight instructor course shall not be eligible for such rating unless he has a commercial pilot rating, or if he holds a private pilot rating he has met the aeronautical experience requirements of § 20.35, and an individual who has completed an instrument flight course shall not be eligible for such rating unless he has a commercial pilot rating, or if he holds a private pilot rating he has had at least 150 hours as pilot in command, of which not less than 50 hours shall be cross-country, in addition to the time acquired in such course.

§ 20.12 *Limited pilot certificate.* A citizen of a foreign government who holds a currently effective pilot certificate or license issued by his government, upon submitting to the Administrator reliable evidence showing his pilot time and aeronautical experience may be issued a Limited Pilot Certificate appropriate to his pilot time and aeronautical experience shown. The holder of such certificate shall be familiar with the air traffic rules and shall not transport passengers or cargo where a charge is made for such transportation. The certificate shall contain such limitations as the Administrator finds necessary for safety, including but not limited to those which may be required by reason of the pilot's inability to speak and understand the English language.

§ 20.13 *Computation of flight time.* Flight time shall be computed as follows:

(a) *Powered aircraft.* Flight time had in powered aircraft shall be computed in hours and minutes.

(b) *Glider.* Flight time had in a glider may be computed either in hours and minutes or by number of glider flights. Ten short-patterned and released glider flights may be counted as one hour of flight time.

PRIVATE PILOT RATING

§ 20.20 *Age.* (a) Powered aircraft: 17 years.

(b) *Glider.* 16 years.

§ 20.21 *Citizenship.* An applicant for a pilot certificate with a private pilot rating may be a citizen of any country or a person without nationality.

§ 20.22 *Education.* Applicant shall be able to read, write, speak, and understand the English language or an appropriate operation limitation will be placed on the pilot certificate.

§ 20.23 *Physical standards*—(a) *Powered aircraft.* Applicant shall meet the physical standards of the third class prescribed in Part 29 of this subchapter: *Provided,* That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

(b) *Glider.* Applicant shall have no known physical defect which renders him incompetent to pilot a glider, and shall so certify.

§ 20.24 *Aeronautical knowledge*—(a) *Powered aircraft.* An applicant for a powered aircraft rating shall have passed within the preceding 24 months a written examination based on Parts 43, 60, and 62 of this subchapter and on practical aspects of cross-country flight planning, weather recognition, pilotage, dead reckoning, and general safety practices in the operation of aircraft.

(b) *Glider.* An applicant for a glider rating shall demonstrate a knowledge of such portions of Parts 43, 60, and 62 of this subchapter as are pertinent to glider operations and of aeronautical charts, meteorology in relation to glider flights, navigation and other instruments used in the operation of gliders, theory of flight, and glider operating limitations.

§ 20.25 *Aeronautical experience*—(a) *Powered aircraft.* Each applicant for a powered aircraft rating, whether he has obtained his flight experience in spinnable, non-spinnable, two-control, or three-control aircraft, shall have not less than 25 hours of solo flight time and 15 hours of dual instruction time given by a rated flight instructor: *Provided,* That if the applicant holds a private or commercial pilot certificate with a glider rating, he may receive credit for not more than 10 hours of the required solo flight time for equal flight time obtained in gliders. Each applicant shall in addition meet the requirements of subparagraphs (1) through (3) of this paragraph.

(1) At least 10 hours of the required solo flight time shall be cross-country flight time. Each solo cross-country flight shall include a landing at a point more than 25 miles from the point of departure, and at least one flight shall include a landing at a point more than 100 miles from the point of departure.

(2) After the applicant's first solo flight, at least 5 hours of dual instruction time shall be given in cross-country flying, of which not less than 3 hours shall be given before his first solo cross-country flight.

(3) Dual instruction time shall include instructions in the prevention of and recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes.

(b) *Glider.* Each applicant for a glider rating shall have made at least 100 glider flights, or have acquired 10 hours of glider flight time including at least 50 glider flights. The total number of required flights shall include at least (1) 25 glider flights during each of which a 360° turn is made; (2) 1 hour of flight instruction in the recovery from stalls entered from all normally anticipated flight attitudes; (3) 2 hours in the aggregate during which the applicant is the sole occupant of the glider; and (4) at least 3 hours in a glider suitable for cross-country flight.

§ 20.26 *Aeronautical skill.* An applicant shall exercise reasonable judgment, coordination, and smoothness in the execution of all flight maneuvers, any of which, however, may be modified or eliminated if not consistent with the characteristics of the aircraft used in the flight test and if appropriate operation limitations are entered on the rating record. If an applicant's medical certificate shows a structural defect or limitation, such additional maneuvers and tests shall be required as may be necessary to demonstrate the competence of the applicant to pilot aircraft safely, and appropriate operation limitations shall be entered on the rating record. Except as thus provided, each applicant shall satisfactorily accomplish a practical examination with respect to the following procedures and maneuvers:

(a) *Airplane.* (1) Preflight inspection, starting, taxying, and run-up check of aircraft before take-off;

(2) Planning of a cross-country flight to a specified destination, reckoning with weather conditions, fuel requirements, check points, estimated time of arrival, and available alternate airports, and accomplishing such portion of the planned flight, including change of course to an alternate airport, as is necessary to demonstrate proficiency in cross-country flying;

(3) Straight and level flight, left and right medium banked turns, left and right climbing and gliding turns at normal and at minimum controllable speeds, and recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes;

(4) Turns while maintaining a constant radius, or track, around a point, or area, including a 720° turn in each direction in a banked attitude of more than 45°;

(5) Normal and cross-wind take-offs and landings following appropriate traffic control procedures of the airport involved, using power, flaps, and slips at the applicant's discretion for assistance in landing;

(6) Simulated emergencies, including one short or soft-field take-off, and one landing, if in single-engine aircraft, with engine throttled and using flaps, slips, or both, for assistance; or, if in multi-engine aircraft, in accordance with proper engine-out procedure.

(b) *Glider.* (1) At least 2 flights, one of which shall include a 360° approach to the right and one to the left, landing each time within 200 feet beyond a designated line or point;

(2) Recovery from stalls entered from all normally anticipated flight attitudes. (Stall maneuvers may be demonstrated in airplanes.)

(c) *Rotorcraft.* As prescribed by the Administrator appropriate to the type of rotorcraft used.

COMMERCIAL PILOT RATING

§ 20.30 *Age.* 18 years.

§ 20.31 *Citizenship.* An applicant for a pilot certificate with a commercial pilot rating may be a citizen of any country or a person without nationality.

§ 20.32 *Education.* Applicant shall be able to read, write, speak, and understand the English language.

§ 20.33 *Physical standards*—(a) *Powered aircraft.* Applicant for a powered aircraft rating shall meet the physical standards of the second class prescribed in Part 29 of this subchapter: *Provided,* That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

(b) *Glider.* Applicant shall have no known physical defect which renders him incompetent to pilot a glider, and shall so certify.

§ 20.34 *Aeronautical knowledge*—(a) *Powered aircraft.* Applicant shall pass a written examination covering such of the provisions of Parts 43 and 60 of this subchapter as are pertinent; meteorology as applied to the recognition of weather conditions while flying, the analyzing of weather maps and sequence reports furnished by the United States Weather Bureau; practical air navigation problems including the use of maps, navigation by terrain and dead reckoning, and the use of navigational instruments and aids; the theory and practice of flight; the maintenance of aircraft and the maintenance and use of aircraft powerplants in common use.

(b) *Glider.* Applicant shall pass a written examination on such of the provisions of Parts 43 and 60 of this subchapter as are pertinent or hold a powered aircraft rating.

§ 20.35 *Aeronautical experience*—(a) *Powered aircraft.* An applicant for a commercial pilot rating shall comply with the following flight experience requirements:

(1) 200 hours of flight time credited in accordance with Part 43 of this subchapter, of which at least 100 hours shall be as pilot in command;

(2) 20 hours of cross-country flight time as pilot in command, which shall include at least one flight of not less than 350 miles in the course of which three full-stop landings are made at different points, one of which shall be not less than 150 miles from the initial point of departure;

(3) 5 hours of night flight time which shall include not less than 10 take-offs and 10 landings as pilot in command and as sole manipulator of the controls; and

(4) 10 hours of instrument flight experience, of which not less than 5 hours shall be instrument flight instruction given by a rated instrument pilot and not more than 5 hours under simulated instrument flight conditions accompanied by a safety pilot, or in a mechanical trainer acceptable to the Administrator.

(5) The requirements for night flight time and instrument flight experience apply only to applicants for airplane category ratings provided for in this part.

(6) An applicant who does not meet the night flight time or instrument flight experience requirements of subparagraphs (3) and (4) of this paragraph, but does meet the other requirements of this paragraph may be issued a pilot certificate with a commercial rating, and in that event the Administrator shall appropriately endorse such certificate to show that the holder thereof does not meet the night flight time or instrument flight experience requirements.[1] At such time as the holder of a certificate so endorsed submits reliable documentary evidence to the Administrator that he has met such night flight time or instrument flight experience requirements, he shall be reissued a certificate without such endorsements or with the endorsements appropriately modified.

(b) *Glider.* An applicant for a glider rating shall have had at least 250 glider flights, or 25 hours of glider flight time including at least 125 glider flights. At least 25 of the required total number of flights shall have included 360° turns. As part of his aeronautical experience an applicant shall have had at least one hour of flight instruction in the recovery from stalls entered from all normally anticipated flight attitudes.

§ 20.36 *Aeronautical skill.* Applicant shall competently perform the following maneuvers:

(a) *Powered aircraft.* (1) A series of 3 landings from an altitude not to exceed 1,000 feet with engine throttled and a 180° change in direction, the aircraft touching the ground in normal landing attitude beyond and within 200 feet of a designated line or point. At least one landing shall be accomplished from a forward slip;

(2) A spiral in each direction of not less than 3 full turns in a banked attitude of not less than 60°, with engine throttled;

(3) 3 shallow oil-pylon figure eights, 3 steep on-pylon figure eights, and one 720° power turn in each direction in a banked attitude of at least 60°. During each of these maneuvers the total variation in altitude shall not exceed 100 feet;

(4) [Reserved]

(5) Straight climbs, climbing turns, slips, maneuvers at minimum controllable speeds, and emergency maneuvers such as simulated forced landings and recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes.

[1] Paragraphs 2.4.1.3 (c) and (d) of Annex 1 (Personnel Licensing Standards) to the Convention on International Civil Aviation provides that an applicant for a commercial pilot certificate shall have 5 hours of night flight time and 10 hours of instrument flight instruction. An individual holding a pilot certificate with a commercial rating issued after October 1, 1951 who does not meet such requirements may not participate in international flight as a commercial pilot unless he receives permission from the State or States whose territory is entered. Further, pursuant to the provisions of Article 39 of the Convention on International Civil Aviation he shall have endorsed on his certificate the particulars in which he does not meet the International Standards. However, such endorsement on a commercial certificate issued by the Administrator does not prohibit the holder thereof from exercising all the privileges of a commercial pilot rating while flying within the United States and its possessions.

Any of the maneuvers required by this section may be modified or eliminated if such action is appropriate to the characteristics of the aircraft used in the test and appropriate operation limitations are entered on the rating record.

(b) *Glider.* (1) At least 2 flights, one of which shall include a 360° approach to the right and one to the left, landing each time within 100 feet beyond a designated line or point;

(2) A spiral in each direction of not less than 3 full turns in a banked attitude of not less than 45°;

(3) A demonstration of satisfactory technique in the performance of glider flight when towed by an automobile or a winch;

(4) A demonstration of satisfactory technique in the performance of glider flight when towed by an airplane during climb, and when above, below, and to one side of the towing airplane slipstream while in level flight; and

(5) Recovery from stalls entered from all normally anticipated flight attitudes. (Stall maneuvers may be demonstrated in airplanes.)

AIRCRAFT, FLIGHT INSTRUCTOR, AND INSTRUMENT RATINGS

§ 20.40 *Aircraft rating competence.* (a) An applicant for any additional aircraft rating subsequent to the original issuance of a pilot certificate shall demonstrate competency in aircraft of the category and class and, if the aircraft has a maximum certificated take-off weight of over 12,500 lbs., of the type for which the rating is sought.

(b) A private pilot limited by his rating to nonspinnable airplanes may have this limitation removed by making application to the Administrator and by showing that he meets the experience requirements of § 20.25. In this case the dual cross-country instruction required need not have been received before any solo cross-country flight.

(c) A pilot limited by his rating to gliders, when applying for a pilot rating in powered aircraft, shall meet the aeronautical knowledge, experience, and skill requirements appropriate to the pilot rating sought.

§ 20.40a *Aircraft category rating.* The following aircraft category ratings are issued:

(a) Airplane.
(b) Glider.
(c) Autogiro.
(d) Helicopter.

§ 20.40b *Airplane class ratings.* The following airplane class ratings are issued:

(a) Single-engine land.
(b) Single-engine sea.
(c) Multiengine land.
(d) Multiengine sea.

§ 20.40c *Aircraft type ratings.* An aircraft type rating shall be issued for each type of aircraft having a maximum certificated take-off weight of over 12,500 lbs.

§ 20.41 *Flight instructor rating.* A flight instructor rating may be issued to an applicant who meets the following requirements:

(a) *Age.* 18 years.

(b) *Knowledge.* An applicant shall pass a theoretical and practical examination on his competency to instruct students in flight.

(c) *Experience.* An applicant shall be a commercial pilot or a private pilot who has met the experience requirements for the issuance of a pilot certificate with a commercial pilot rating.

(d) *Skill.* An applicant shall demonstrate in each category of aircraft in which he desires to give flight instruction his ability to perform with precision and to teach such flight maneuvers as are necessary and appropriate for instruction in the safe piloting of that category of aircraft.

§ 20.42 *Instrument rating*—(a) *Knowledge.* Applicant shall pass a written examination demonstrating his familiarity with the use of such instruments and other navigational aids, both in the aircraft and on the ground as are necessary for the navigation of aircraft by instruments, with instrument flight rules, and with flight planning in relation to air traffic control services and aircraft performance. An applicant who is a private pilot shall, in addition, meet the knowledge requirements of § 20.34 (a), except those pertinent to the maintenance of aircraft and aircraft engines.

(b) *Experience.* An applicant shall hold a private or commercial pilot rating and shall have at least:

(1) 150 hours of flight time as pilot in command, of which not less than 50 hours shall be cross-country flight time; and

(2) 40 hours of instrument time under actual or simulated instrument flight conditions, of which not less than 20 hours shall have been in actual flight.

(c) *Aeronautical skill.* Applicant shall competently perform the following maneuvers solely by reference to instruments:

(1) Straight and level flight,

(2) Moderately banked 180° and 360° turns in both directions,

(3) Straight and level flight at minimum safe speeds, minimum glides, maximum climbs, and approaches to stalled attitudes of flight,

(4) Climbing turns,

(5) Stalls, skids, slips, spirals, banks in excess of 45°, and recovery from unusual positions,

(6) A demonstration of estimating arrival time, taking into account speed, wind, and drift.

(d) *Radio skill.* Applicant shall demonstrate his competence while flying solely by reference to instruments with respect to the following items:

(1) Tuning radio,
(2) Orientation,
(3) Operation along a radio range leg,
(4) Locating cone of silence,
(5) Let-down using approved instrument approach procedure for the particular airport.

(e) *Modified tests.* Any of the maneuvers or procedures required in paragraphs (c) and (d) of this section may be modified or eliminated if such action is appropriate to the characteristics of the aircraft or equipment used in the test and appropriate operation limitations are noted.

CERTIFICATION RULES

§ 20.50 *Application.* Application for a student pilot certificate, pilot certificate, or any rating shall be made on a form furnished by the Administrator.

§ 20.51 *Duration.* (a) A student pilot certificate issued to a United States citizen shall remain in effect for a period no longer than 24 months after the date of issuance.

(b) A pilot certificate with a private or commercial rating issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board.

(c) A student pilot certificate or a pilot certificate with a private or commercial rating issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(d) A limited pilot certificate shall remain in effect for a period no longer than 12 months after date of issuance, but it may be reissued without further demonstration of technical competence.

(e) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(f) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the regulations in this subchapter occurring during the effective period of the certificate.

§ 20.52 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary student pilot certificate or a temporary pilot certificate with a private or commercial rating for a period of not to exeed 90 days, subject to the terms and conditions specified therein by the Administrator.

§ 20.54 *Exchange of certificates.* (a) A private or commercial pilot certificate which was effective on or after January 1, 1942, and which was issued prior to July 1, 1945, will expire on July 1, 1947. Such certificate may be exchanged at any time prior to July 1, 1947, for a pilot certificate and the appropriate ratings provided for in this part.

(b) *Reissuance.* Any person who on June 30, 1947, held a valid private or commercial certificate and who failed to exchange such certificate in accordance with paragraph (a) of this section, may, notwithstanding such failure and without other showing, obtain a pilot certificate with appropriate ratings upon application to the Administrator.

§ 20.55 *Military competence.* Pilot certificates and appropriate ratings granted on the basis of military competence shall be issued in accordance with the provisions of paragraphs (a), (b), (c), and (d) of this section.

(a) *Private pilot rating.* An applicant for a pilot certificate with a private rating shall be deemed to have met the aeronautical knowledge, experience, and skill requirements for the issuance of such certificate, if he passes a written examination on Parts 43 and 60 of this subchapter and presents reliable documentary evidence showing:

(1) That he is a member of the armed forces of the United States or a civilian employee of the ferry or transport services thereof, and either is on solo flying status as a rated pilot or the equivalent or has, within 12 months preceding the date of application, been graduated from and rated as a pilot by a military flying school; or

(2) That he has been honorably discharged or released from such forces and was, at the time of such discharge or release, on solo flying status as a rated pilot or the equivalent or had been graduated from and rated as a pilot by a military flying school: *Provided,* That if he has been honorably discharged or released from such forces for a period longer than 12 months preceding the date of application, he shall pass the flight test prescribed by § 20.26, unless he can show that he has had, within 12 months preceding the date of application, at least 10 hours of flight time as pilot in command in military aircraft.

(b) *Commercial pilot rating.* An applicant for a pilot certificate with a commercial rating shall be deemed to have met the aeronautical knowledge, experience, and skill requirements for the issuance of such certificate, if he passes a written examination on Parts 43 and 60 of this subchapter and presents reliable documentary evidence showing:

(1) That he is a member of the armed forces of the United States or a civilian employee of the ferry or transport services thereof, and has been on active duty on solo flying status as a rated pilot or the equivalent for a period of at least 6 consecutive months prior to the date of application or has, within 12 months preceding the date of application, been graduated from and rated as a pilot by a military flying school; or

(2) That he has been honorably discharged or released from such forces, and had been on active duty on solo flying status as a rated pilot or the equivalent for a period of 6 consecutive months preceding such discharge or release or had been graduated from and rated as a pilot by a military flying school: *Provided,* That if he has been honorably discharged or released from such forces for a period longer than 12 months preceding the date of application, he shall pass the flight test prescribed by § 20.36.

(c) *Aircraft category, class, and type ratings.* An applicant for a particular category, class, and type rating who has applied for or holds a pilot certificate issued on the basis of military competence or otherwise shall be issued appropriate ratings upon the presentation of reliable documentary evidence that he has had, within 12 months preceding the date of application, at least 10 hours of flight time as pilot in command in military aircraft of a category, class, and type for which the rating is sought, or has taken a flight test.

(d) *Instrument rating.* An instrument rating shall be issued to an applicant who holds a currently effective military instrument rating if the requirements for the issuance of such a rating and the privileges authorized by it are not less than those of the regulations in this subchapter with respect to such rating.

§ 20.56 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a student pilot certificate or a pilot certificate with a private or commercial rating, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

§ 20.57 *Termination of certificates.* All student pilot certificates and pilot certificates with private or commercial ratings issued to individuals other than United States citizens prior to September 27, 1950, shall expire on September 26, 1951, but they may be reissued with a duration of 12 months without further demonstration of technical competence.

§ 20.58 *Identification.* The holder of a certificate issued under the provisions of this part shall not, except while engaged in operations conducted by a scheduled air carrier, exercise the privileges conferred by the certificate unless he has in his personal possession a current airman identification card or other identification card acceptable to the Administrator which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

EXAMINATIONS AND TESTS

§ 20.60 *General.* The prescribed examinations and tests shall be given by a person designated by the Administrator.

§ 20.61 *Physical examination.* Prior to taking a flight test for a rating, an applicant shall have met the appropriate physical requirements within the time limitations hereinafter prescribed:

(a) *Private rating.* Within the preceding 24 months.

(b) *Commercial rating.* Within the preceding 12 months.

§ 20.62 *Aircraft used in flight tests—*(a) *Powered aircraft.* Applicant shall furnish a certificated aircraft which must be equipped with complete dual controls and accommodate the applicant and examiner and parachutes for both. In addition, aircraft used for instrument flight tests shall be equipped as specified in § 43.30 (c).

(b) *Glider.* Applicant shall furnish a certificated glider.

§ 20.63 *Time and place.* All examinations and tests will be held at such times and places as the Administrator may designate.

§ 20.64 *Reapplication after failure.* Applicants who have failed in any examination will be subject to the following rules in making application for reexamination:

(a) An applicant for a pilot certificate with a powered aircraft rating or for an additional rating who fails to pass any prescribed theoretical examination may reapply after the expiration of 30 days from the date of such failure or after he has received not less than 5 hours of instruction from a certificated ground instructor in each subject failed.

(b) An applicant who has failed to pass any prescribed practical examination or test on powered aircraft may reapply only after an appropriately rated flight instructor has checked his competency and certified in the applicant's logbook that he considers such applicant qualified for the certificate or rating sought, or after the expiration of 30 days from the date of such failure.

(c) An applicant for a glider rating who has failed to pass any prescribed theoretical examination may reapply at any time after the expiration of 30 days or after he has received not less than 5 hours of instruction on each subject failed from a certificated ground instructor.

(d) An applicant for a glider rating who has failed to pass any prescribed practical examination or test may reapply only after he has made at least 20 additional gliding flights.

DEFINITIONS

§ 20.70 *Definitions.* As used in this part the words listed shall be defined as indicated in §§ 20.71 to 20.83.

§ 20.71 *Category.* Category shall indicate a classification of aircraft such as airplane, helicopter, glider, etc.

§ 20.72 *Class.* Class shall indicate a difference in basic design of aircraft within a category, such as single-engine land, multiengine sea, etc.

§ 20.73 *Copilot.* Copilot shall mean a pilot serving in any piloting capacity other than as pilot in command on aircraft requiring two pilots for normal operations, but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction.

§ 20.74 *Dual instruction time.* Dual instruction time shall mean that portion of the flight time during which a person is receiving flight instruction from a rated flight instructor on board the aircraft.

§ 20.75 *Flight instructor.* Flight instructor means a pilot who is qualified to instruct other pilots and who has received a flight instructor rating.

§ 20.76 *Flight time.* Flight time shall mean the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight.[1]

§ 20.77 *Maximum certificated take-off weight.* Maximum certificated take-off weight shall mean the maximum take-off weight authorized by the terms of the aircraft airworthiness certificate.

§ 20.78 *Night.* Night is the time between the ending of evening twilight and the beginning of morning twilight as published in the Nautical Almanac converted to local time for the locality concerned.[2]

§ 20.79 *Pilot.* A pilot is an individual who manipulates the controls of an aircraft during the time defined as flight time.

§ 20.80 *Pilot in command.* Pilot in command shall mean the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

§ 20.81 *Solo flight time.* Solo flight time shall mean the flight time during which a pilot is the sole occupant of an aircraft.

§ 20.82 *Type.* Type shall mean all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

§ 20.83 *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties imposed upon him by the provisions of this part.

[F. R. Doc. 54-7110; Filed, Sept. 9, 1954; 8:57 a. m.]

[1] For example, a pilot taxies to the warm-up apron and holds there for several minutes before taking off to permit the engine to warm up. Such taxi and warm-up time is not considered flight time. Flight time begins when the aircraft leaves the warm-up apron and ends when the pilot returns to the parking apron and turns the switches off.

[2] The Nautical Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the offices of the Civil Aeronautics Administration or the United States Weather Bureau.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 90]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4, of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.24, the Manhattan, Kansas, area (D-197), published on July 16, 1949, in 14 F. R. 4291 and amended on June 20, 1953, in 18 F. R. 3561, is further amended by changing the "Designated Altitudes" column to read: "Surface to 25,000 feet MSL."

2. In § 608.51, the Del Rio, Texas, Laughlin AFB, area (D-463), published on August 12, 1954, in 19 F. R. 5085, is amended by changing the "Description by Geographical Coordinates" column to read: "Latitude 29°02'00'' N., longitude 100°29'00'' W.; latitude 29°08'00'' N., longitude 100°34'00'' W.; latitude 29°09'00'' N., longitude 100°26'00'' W.; latitude 29°05'30'' N., longitude 100°28'00'' W.; latitude 29°02'00'' N., longitude 100°29'00'' W.;"

3. In § 608.51, the Del Rio, Texas, Laughlin AFB, area (D-464), published on August 12, 1954, in 19 F. R. 5085, is amended by changing the "Description by Geographical Coordinates" column to read: "Latitude 29°37'00'' N., longitude 100°36'30'' W.; latitude 29°37'00'' N., longitude 100°30'00'' W.; latitude 29°30'00'' N., longitude 100°30'00'' W.; latitude 29°30'00'' N., longitude 100°36'30'' W.; latitude 29°37'00'' N., longitude 100°36'30'' W."

4. In § 608.61, the Cook Inlet, Alaska, area (D-347), published on July 21, 1949, in 14 F. R. 1921, and amended on August 11, 1954, in 19 F. R. 5042, is further amended by changing the "Using Agency" column to read: "Alaskan Air Command".

(Sec. 205, Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on September 10, 1954.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-7073; Filed, Sept. 9, 1954; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

PART 203—COSMETIC AND TOILET PREPARATIONS INDUSTRY

SUPERSEDURE

CROSS REFERENCE: For supersedure of the trade practice rules for the Cosmetic and Toilet Preparations Industry contained in Part 203, see Part 221 of this subchapter, infra.

[File No. 21-286]

PART 221—COSMETIC AND TOILET PREPARATIONS INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I, as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of September 10, 1954.

Statement by the Commission. Trade practice rules for the Cosmetic and Toilet Preparations Industry, consisting of 18 Group I rules, were promulgated by the Federal Trade Commission on November 29, 1951. Thereafter, pursuant to industry request, proceedings were instituted by the Commission for consid-

eration of amendment of Rules 6, 11, 14, 16, and 18. The trade practice rules hereinafter set forth consist of 18 Group I rules which, except as to Rules 6, 11, 14, and 18, are identical with those promulgated by the Commission for the industry on November 29, 1951, and the effective date of such rules remains unchanged.

Members of the industry are the persons, firms, corporations and organizations engaged in the business of manufacturing, importing, selling or distributing cosmetics or toilet preparations, or devices or accessories sold in combination therewith. Annual business of the industry, in terms of retail-sales volume, has reached an amount in excess of one billion dollars.

The rules are directed to the elimination and prevention of unfair trade practices to the end that the industry, the trade, and the public may be protected from the harmful effects of such competitive methods, and are designed to provide guidance and assistance to industry members in the maintenance of free and fair competition.

The proceedings for consideration of amendment of Rules 6, 11, 14, 16, and 18 of the trade practice rules promulgated on November 29, 1951, were instituted by the Commission upon application of an industry trade association representing approximately 90 percent by volume of the sales of perfume, cosmetics, and other toilet preparations. In such proceedings a draft of Rules 6, 11, 14, 16, and 18, in proposed amended form, was released by the Commission and, pursuant to notice published in the FEDERAL REGISTER, hearing was scheduled thereon for the purpose of affording opportunity to all interested and affected parties to express their views, suggestions, and objections respecting such proposed amended rules. Following such hearing, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved Rules 6, 11, 14, 16, and 18 in the form in which they appear in the trade practice rules hereinafter set forth.

The rules set out below constitute the complete set for this industry. Rules 6, 11, 14, and 18 thereof become operative thirty (30) days after promulgation, and the other rules, being unchanged, remain in effect as heretofore.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

GROUP I

Sec.

221.1 Prohibited discrimination.
221.2 Misrepresentation in general.
221.3 Deception as to origin.
221.4 Deceptive imitation of trade-marks, trade names, etc.
221.5 Misrepresentation as to character of business.
221.6 Use of the word "free".
221.7 Fictitious prices.
221.8 Passing off an industry product as and for the product of a competitor.
221.9 Defamation of competitors or false disparagement of their products.
221.10 Commercial bribery.
221.11 Procurement of competitors' confidential information by unfair means and wrongful use thereof.
221.12 Inducing breach of contract.
221.13 Use of lottery schemes, etc.
221.14 Prohibited forms of trade restraints (unlawful price fixing, etc.)
221.15 Unfair threats of infringement suits.
221.16 Selling below cost.
221.17 Exclusive deals.
221.18 Push money.

AUTHORITY: §§ 221.1 to 221.18 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

GROUP I

General statement. The unfair trade practices embraced in §§ 221.1 to 221:18 are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 221.1 *Prohibited discrimination—*(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential (whether in the guise of samples, or so-called free deals, or otherwise), where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lesson competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

[1] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered: *And, provided, further,* That when all available purchasers in greater quantities are so few as to render differentials on account thereof unjustly discriminatory or promote of monopoly in any line of commerce,[1] and if and when the Federal Trade Commission shall have established quantity limits pursuant to the provisions of section 2 (a) of the Clayton Act (as amended), the foregoing shall not be construed to permit differentials based on differences in quantities greater than those so established;

(3) That nothing contained in this paragraph shall prevent persons engaged in selling goods, wares, or merchandise in commerce [1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce [1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce [1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing contained in this section shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. (See section 2 (b) Clayton Act.)

(g) *Clarification of requirements for supplying of marketing services, facilities or allowances.* The following is presented for the purpose of clarifying the requirements of paragraphs (c) and (d) of this section with respect to the supplying of marketing services, facilities or allowances by industry members to their customers, but it is not intended to imply by such presentation that other methods which assure of proportional equality of treatment of competing customers may not also be used.

(1) An industry member may simultaneously offer to each of his customers competing in the resale of his products the same kind of promotional service, facility or allowance of a cost value equal to a uniform percentage of the sales (or purchases) of the industry member's products by each customer during a specified and identical period of time: *Provided, however,* That when the service, facility or allowance offered is of a type which under reasonable terms and conditions is not usable or suitable to the facilities and business of all customers, and is offered to any one customer, the member offer each of those customers to whom the service, facility or allowance is not usable or suitable an alternate type of promotional service, facility or allowance which is of equivalent measurable cost, is usable by the customer,

[1] See footnote 1 on p. 5862.

and is suitable to his facilities and business, and promptly inform all competing customers of the kind and amount of services, facilities or allowances which he has offered to each and the respective terms and conditions under which such services, facilities or allowances are to be furnished by the industry member: *And provided, further,* That when the offer of any service, facility or allowance to any customer is conditioned on such customer supplying some reciprocal service, facility or payment, a reciprocal service, facility or payment be required in the offers to all other customers and there be an equality of ratio among all customers as to the measurable cost of that which is supplied by the industry member and the reciprocal service, facility or payment required of any customer. The industry member must take every reasonable precaution to see that services, facilities or allowances which he furnishes to customers are used in accord with the terms of his offer; and upon failure of the customer to perform any obligation on his part the industry member must cease supplying the customer any further service, facility or allowance.

(2) Explanatory analysis: In other words, one, but not the only, method of complying with paragraphs (c) and (d) of this section is as follows:

The industry member may offer, simultaneously, to each competing resale customer, the same kind of:

1. Promotional service, or
2. Facility, or
3. Allowance.

The value of which must be equal to a uniform percentage of dollar volume:

1. Of the sales or purchases by each customer of the industry member's products.
2. Computed for an identical, specified period of time.

However, if the same kind is not usable and suitable under reasonable terms and conditions to all such customers, and is offered to one, the others must be offered an alternate type of:

1. Promotional service, or
2. Facility, or
3. Allowance, and

The alternate type must be:

1. Of equivalent measurable cost, and
2. Usable by the customer and suitable with respect to his facilities and character of business; and

All such customers must be promptly informed of:

(a) The kind,
(b) The amount, and
(c) Terms and conditions of the offer.

Also: When the offer is conditioned upon something reciprocal to be furnished by the customer, the member

1. Must require of all customers the same proportionate reciprocity (equality of ratio as to the measurable cost of that supplied by the customer to that supplied by the member);
2. Must take every reasonable precaution to see that what he pays or furnishes is used in accordance with the terms of his offer; and
3. Must cease furnishing or paying it to the customer when the industry member knows, or has reason to believe, it is not so used.

[Rule 1]

§ 221.2 *Misrepresentation in general.* It is an unfair trade practice to use, or cause or promote the use of, any false, untrue, or deceptive statement, representation, guarantee, warranty, testimonial, or endorsement, by way of advertising (through newspapers, magazines, circulars, booklets, or by radio, or any other medium), oral representation, or otherwise, which has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public with respect to the efficacy, permanency of the effects, medicinal or curative properties, grade, quality, quantity, substance, character, origin, size, preparation, manufacture, or distribution of any product of the industry, or concerning the purported approval or endorsement of such product by State, Federal, medical, or other authority, or in any other material respect.

NOTE: Among the inhibitions of this section is "false advertisement," as defined in section 15 of the Federal Trade Commission Act, of any "cosmetic" as such term is defined in the same section. Furthermore, nothing in the rules in this part is to be construed as relieving anyone of the necessity of complying with the cosmetic labeling requirements of the "Federal Food, Drug and Cosmetic Act" and the general regulations thereunder.

[Rule 2]

§ 221.3 *Deception as to origin.* (a) It is an unfair trade practice to falsely represent, directly or by implication, through any means or device—

(1) The origin of any industry product or the origin of any ingredient thereof; or

(2) The place where any industry product was made, compounded, diluted, mixed, blended, assembled, bottled, or packaged; or

(3) The origin of the bottle or package containing any industry product.

(b) Under this section the use of any foreign words or phrases, or the use of any other terms, words, symbols, or picturizations indicative of foreign origin, which creates a false impression with respect to the origin of any industry product, or of any ingredient thereof, or of the container in which an industry product is sold or offered for sale, is to be considered as being among the practices which are inhibited by this section.

(c) Nothing in this section is to be considered as preventing truthful and nondeceptive representations as to the country of origin of imported products or any ingredient thereof: *Provided, however,* That when the product is composed of several ingredients, one or more of which is of foreign origin or manufacture and the remainder of domestic origin or manufacture, the foreign origin representation shall be clearly confined to the particular ingredients qualifying for such foreign origin representation and shall be accompanied in close conjunction with a statement setting forth clearly, conspicuously, and nondeceptively, the fact that such product was made, compounded, diluted, mixed, blended, or assembled in the United States, as the case may be.

NOTE: Nothing in this section shall be construed as relieving any member of the industry or other party of the necessity of complying with the requirements of the

Customs laws or the "Federal Food, Drug and Cosmetic Act," and regulations thereunder, or other applicable provisions of law or regulations relating to the marking of imported articles.

[Rule 3]

§ 221.4 *Deceptive imitation of trade-marks, trade names, etc.* The imitation of trade-marks, trade names, or other exclusively owned marks of identification of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 4]

§ 221.5 *Misrepresentation as to character of business.* It is an unfair trade practice for any concern, in the course of or in connection with the distribution of industry products, to represent, directly or indirectly, that it is a manufacturer of industry products, or that it owns or controls a factory making such products, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of its business. [Rule 5]

§ 221.6 *Use of the word "free."* In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by the use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 6]

§ 221.7 *Fictitious prices.* Offering merchandise for sale at prices purported to be reduced from what are, in fact, marked-up or fictitious prices, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 7]

§ 221.8 *Passing off an industry product as and for the product of a competitor.* The passing off, or causing to be passed off, of any industry product as and for the product of a competitor through appropriation or simulation of such competitor's trade-marks, labels, or by any other means or device, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 8]

§ 221.9 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade or quality of the goods of competitors, their credit terms, values, policies, services, the nature or form of the business conducted, or in any other material respect, is an unfair trade practice. [Rule 9]

§ 221.10 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 10]

§ 221.11 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade. [Rule 11]

§ 221.12 *Inducing breach of contract.* It is an unfair trade practice to induce or attempt to induce the breach of existing lawful contracts between competitors and their customers, or their suppliers, by any false or deceptive means whatsoever, or to interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business. [Rule 12]

§ 221.13 *Use of lottery schemes, etc.* It is an unfair trade practice to sell, distribute, or promote the sale or distribution of any industry product or other merchandise by means of a game of chance, gift enterprise, or lottery scheme. [Rule 13]

§ 221.14 *Prohibited forms of trade restraints (unlawful price fixing, etc.).*[1] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 14]

§ 221.15 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 15.]

§ 221.16 *Selling below cost.* The practice of selling industry products at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect may be, to injure, suppres, or stifle competition or tend to create a monopoly in the production or sale of such products, is an unfair trade practice. As used in this section the term "cost" means the total cost to the seller of any such transactions of sale, including the costs of acquisition, processing, preparation for marketing, sale, and delivery of such products. [Rule 16]

§ 221.17 *Exclusive deals.* It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 17]

§ 221.18 *Push money.* It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer—

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery or chance; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the understanding or agreement, including its duration, or the attendant circumstances, the effect may be to substantially lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with section 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2 (a) of the Clayton Act.

Promulgated by the Federal Trade Commission September 10, 1954.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-7111; Filed, Sept. 9, 1954; 8:57 a. m.]

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act), which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6097]

[Regs. 15]

PART 190—RECTIFICATION OF SPIRITS AND WINES

SUPERVISION OF ACTIVITIES, RESPONSIBILITY FOR OPERATIONS AND PREPARATION OF VARIOUS RECORDS AT RECTIFYING PLANTS AND TAX-PAID BOTTLING HOUSES

Correction

In F. R. Doc. 54-6801 appearing at page 5577 of the issue for Wednesday, September 1, 1954, the following changes should be made:

1. The proviso at the end of paragraph 6 (U) (1) (§ 190.408) should read as follows: "*Provided*, That where the pipeline is equipped with a valve in the contiguous premises, which may be locked with a Government lock, the inlets to such tank or tanks in the receiving rectifying plant need not be equipped for locking."

2. The citation at the end of § 190.425 of paragraph 6 (Y) should read as follows: "(53 Stat. 310, 329, 335 as amended; 26 U. S. C. 2813, 2861, 2883)".

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

TRENTON DAM AND SWANSON LAKE, REPUBLICAN RIVER, HITCHCOCK COUNTY, NEBRASKA

Pursuant to the applicable provisions of section 7 and 9 of the act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U. S. C. 709), the following regulations are hereby prescribed to govern the use of storage capacity for flood-control purposes in Swanson Lake on the Republican River, Hitchcock County, Nebraska, and the operation of Trenton Dam for flood-control purposes.

§ 208.38 *Trenton Dam and Swanson Lake, Republican River, Hitchcock County, Nebraska.* The Bureau of Reclamation, Department of the Interior, represented by its appropriate Projects Manager, hereinafter referred to as the Projects Manager, shall operate Trenton Dam and Swanson Lake in the interest of flood-control as follows:

(a) The flood-control storage capacity of the Lake or reservoir, which initially amounts to 133,800 acre-feet between elevations 2752.0 and 2773.0 shall be regulated as follows:

(1) For local flood-control on the Republican River below the dam to effect the release of water through the river outlet works (having a capacity of approximately 3,500 c. f. s. with water surface at elevation 2752.0) and supplemented as required by releases through the gated spillway (having a capacity of about 11,000 c. f. s. with water surface at elevation 2752.0) to limit discharges, insofar as practicable, to the highest releases consistent with maintaining stages on the Republican River below the dam not to exceed 6.0 feet on the McCook and Cambridge gages.

(2) For coordination of flood-control regulations in Swanson Lake with existing and potential flood condition and the regulation of other flood-control reservoirs and projects in the Republican, Kansas, and Missouri River Basins, releases from and flood-control operation of the project will be adjusted as required for optimum effectiveness during all flood periods.

(b) The District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, hereinafter referred to as the District Engineer, shall issue instructions to the Projects Manager for achievement of the necessary flood-control below the dam and coordination of flood-control regulation of the reservoir with flood conditions and flood-control operation of other reservoirs and flood-control projects in the Republican, Kansas, and Missouri River Basins during flood periods and whenever the reservoir may contain impounded water in the flood-control storage zone; and the District Engineer shall also issue special directions, if desirable, on the basis of flood conditions at the time, to the Projects Manager for temporary modification of the provisions for local flood-control regulation contained in paragraph (a) (1) of this section. Oral instructions from the District Engineer to the Projects Manager shall be confirmed in writing under date of the day issued.

(c) The discharge characteristics of the gated spillway (capable of discharging 76,000 c. f. s. with reservoir level at elevation 2773.0) and the river regulation outlet works (capable of discharging 4,300 c. f. s. with reservoir level at elevation 2773.0) shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. 3047 as modified by Drawing 328-D-945, dated April 21, 1950).

(d) Flood-control operations shall not restrict releases necessary for irrigation.

(e) Whenever the reservoir level reaches or exceeds elevation 2752.0 or flood discharges appear imminent, the Projects Manager shall report at once to the District Engineer by telephone, telegraph or radio and, as requested thereafter until the reservoir level falls to elevation 2752.0 or below and flood discharges cease.

(f) Proposed schedules of irrigation releases and storage changes, if available, and current operating data shall be provided to the District Engineer by the Projects Manager. These data shall be tabulated daily and furnished periodically as required, and shall include such items as: reservoir elevation, reservoir storage, inflow, discharge, and pertinent available hydrologic data.

(g) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage or inconsistent with safe routing of the inflow spillway design flood.

(h) All elevations stated in this section are at the Trenton Dam and Swanson Lake and are referred to the datum in use at that location.

[Regs., August 11, 1954, ENGWE] (58 Stat. 890; 33 U. S. C. 709)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-7094; Filed, Sept. 9, 1954; 8:53 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PRINCIPLES GOVERNING THE ADJUDICATION OF DISABILITY CLAIMS

A new § 3.1520 is added as follows:

§ 3.1520 *Principles governing the adjudication of disability claims under Public Law 463, 83d Congress.* (a) The provisions of Public Law 463, 83d Congress, attach whenever a person is acting pursuant to an order of his draft board, including an order to report to the board for a preinduction examination. The protection covers any injury or disease which is or was acquired during time spent away from home or en route home in connection with such order and as a result thereof. An injury or disease which is or was suffered on the trip when reporting for active duty or final induction is covered. The injury or disease to be compensable must be attributable to some cause or factor relating to his activity in connection with complying with proper orders. These provisions do not extend to such persons as to disease or injury suffered during the period of inactive duty or period of waiting after passing final physical examination and prior to beginning the trip to report for induction. Such protection also applies to a member of the National Guard after he reports to a designated rendezvous pursuant to proper call.

(b) While as to incurrence of disability, the law is effective June 27, 1950, payments of disability compensation may not be made for any period prior to June 30, 1954. The effective dates of awards will be governed by the provisions of paragraph I, Part I, Veterans Regulation 2 (a), as amended (38 U. S. C. ch. 12). Claims filed and disallowed prior to June 30, 1954 may be reopened upon receipt of new informal applications, without the necessity of formal applications. A claim pending on June 30, 1954 shall be considered a claim under this law. (Instruction 1, Public Law 463, 83d Congress.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective September 10, 1954.

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-7104; Filed, Sept. 9, 1954; 8:55 a. m.]

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

DEATH COMPENSATION OR PENSION CLAIMS

A new § 4.460 is added as follows:

§ 4.460 *Death compensation or pension claims under Public Law 463, 83d Congress; effective date of awards.* The date of commencement of original awards of death compensation or pension payable solely as a result of the provisions of Public Law 463, 83d Congress, shall be the day following the date of death of the veteran or June 30, 1954, whichever is the later, if application is filed within one year from date of death, otherwise the date of filing application, but in no event prior to June 30, 1954. A claim pending on June 30, 1954, shall be considered a claim under this law. (Instruction 2, Public Law 463, 83d Congress.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective September 10, 1954.

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-7103; Filed, Sept. 9, 1954; 8:55 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

EXECUTION OF REGULATIONS

In § 1.8 *Regulations*, amend paragraph (b) to read as follows:

(b) *Execution of.* (1) Rules and regulations of the Post Office Department or amendments thereof shall be executed by each of the following (or by the officer acting as such), with respect to functions under his jurisdiction:

Assistant Postmaster General, Post Office Operations;
Assistant Postmaster General, Transportation;
Assistant Postmaster General, Finance;
Assistant Postmaster General, Facilities;
Assistant Postmaster General, Personnel;
Controller;
Chief Post Office Inspector; and
Solicitor.

(2) The Solicitor (or officer acting as such) shall execute all documents of the Department submitted to the Federal Register Division of the National Archives and Records Service for publication.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-7069; Filed, Sept. 9, 1954; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1000]

WASHINGTON

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY AS AN ARTILLERY AND ANTIAIRCRAFT FIRING RANGE

Correction

In Federal Register Document 54-6860, appearing at page 5585 of the issue for Wednesday, September 1, 1954, the land description for section 32 of T. 13 N., R. 23 E., should read:

Sec. 32, N½, N½S½, S½SE¼;

[Public Land Order 1002]

ALASKA

REVOKING PUBLIC LAND ORDER NO. 879 OF JANUARY 15, 1953

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 879 of January 15, 1953, withdrawing the following-described public lands for use of the Department of the Army for military purposes is hereby revoked:

Beginning at a point on line 10–11, U. S. Survey No. 1726, from which Corner No. 11 bears S. 24° E., 86.45 feet thence
N. 71° 50' E., 275.33 feet parallel to and 100 feet from the center line of the Knik-Wasilla Road.
N. 15° 00' W., 700.78 feet to Corner No. 9, U. S. S. 1726.
S. 39° 30' W., 428.34 feet to Corner No. 10, U. S. S. 1726.
S. 24° 00' E., 473.23 feet to point of beginning.

The tract described contains 4.29 acres.

The lands are included in a shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), and are not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II and the Korean conflict, and others.

ORME LEWIS,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1954.

[F. R. Doc. 54-7062; Filed, Sept. 9, 1954; 8:45 a. m.]

[Public Land Order 1003]

ARKANSAS

RESERVATION OF LANDS WITHIN THE OZARK NATIONAL FOREST FOR USE OF THE FOREST SERVICE AS A RECREATION AREA

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is hereby ordered as follows:

Subject to valid existing rights, the following-described public lands within the Ozark National Forest are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for use by the Forest Service, Department of Agriculture, as a recreation area:

FIFTH PRINCIPAL MERIDIAN

RICHLAND RECREATION AREA

T. 13 N., R. 18 W.,
Sec. 6, S½SW¼SE¼, S½N½SW¼SE¼.

The areas described aggregate 30 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ORME LEWIS,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1954.

[F. R. Doc. 54-7064; Filed, Sept. 9, 1954; 8:46 a. m.]

[Public Land Order 1004]

WASHINGTON

REVOKING PUBLIC LAND ORDER NO. 247 OF OCTOBER 9, 1944

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 247 of October 9, 1944, reserving the public lands in the following-described areas for the use of the Navy Department for naval aviation training purposes, is hereby revoked:

WILLAMETTE MERIDIAN

T. 10 N., R. 31 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive.
T. 11 N., R. 31 E.,
Secs. 25 to 29, inclusive;
Secs. 32 to 36, inclusive.

Within the above-described areas are 5,272.66 acres of public lands.

The public lands affected by this order are withdrawn for reclamation purposes in connection with the Columbia Basin Project and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting a preference right of application to veterans and others.

ORME LEWIS,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1954.

[F. R. Doc. 54-7065; Filed, Sept. 9, 1954; 8:46 a. m.]

[Public Land Order 1005]

CALIFORNIA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 431 OF DECEMBER 19, 1947

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 431 of December 19, 1947, which withdrew the public lands within certain described areas in California for use of the Navy Department as a Naval Ordnance testing center and proving range is hereby revoked so far as it affects the following-described public lands:

MOUNT DIABLO MERIDIAN

T. 20 S., R. 38 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 21 S., R. 38 E.,
Secs. 2, 3, 4, 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, 35.
T. 20 S. R. 42 E.,
Secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32 (unsurveyed).
T. 21 S., R. 42 E.,
Secs. 3, 10, 15, 22, 27, 34.

The areas described aggregate 34,560 acres of public lands.

The lands are principally grazing lands of low productivity and have no value for agriculture. Numerous mineral claims are located on the lands.

The lands in Sections 21, 27, 28, 33, 34 and 35, T. 21 S., R. 38 E., are withdrawn by Executive Order of July 16, 1933, in aid of legislation for the protection of the water supply of the City of Los Angeles.

No application for the restored lands will be allowed under the homestead, desert-land, small-tract or any other non-mineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the lands released from withdrawal by this order until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by non-veterans under the public-land laws, filed on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Los Angeles, California.

ORME LEWIS,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1954.

[F. R. Doc. 54-7066; Filed, Sept. 9, 1954; 8:46 a. m.]

[Public Land Order 1006]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 487 OF JUNE 16, 1948

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 487 of June 16, 1948, withdrawing the public lands within certain described areas in Alaska for classification and examination and in aid of proposed legislation, is hereby revoked so far as it affects the following-described lands:

SEWARD MERIDIAN

T. 3 N., R. 12 W.,
Unit No.
6, sec. 35, NW¼;
9, sec. 27, lots 5, 6, 7, and N½SE¼;
12, sec. 22, N½NE¼;
sec. 15, E½SE¼;
14, sec. 23, N½NE¼;
sec. 14, S½SE¼;
20, sec. 14, N½NW¼;
sec. 11, S½SW¼;
22, sec. 9, E½SE¼;
sec. 10, S½SW¼;
24, sec. 10, NE¼.

The areas described contain 1,135 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 809; 43 U. S. C. 461) as amended, unless the lands shall be classified as valuable or suitable for such type of application upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead laws or the Alaska Homesite Act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461) or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II or the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications

filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations, and applications under the said Alaska Homesite Act of May 26, 1934, and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in §§ 64.6 to 64.10, inclusive, and Part 257, respectively of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ORME LEWIS,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1954.

[F. R. Doc. 54-7067; Filed, Sept. 9, 1954; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Gen. Order 30, Rev., Amdt. 1; Correction]

PART 285—DETERMINATION OF PROFIT IN CONTRACTS AND SUBCONTRACTS FOR CONSTRUCTION, RECONDITIONING OR RECONSTRUCTION OF SHIPS

DEFINITIONS; CORRECTION

In amendatory paragraph 1 of Amendment 1 to General Order 30, Rev., published August 25, 1954, 19 F. R. 5399, the words "of a subcontractor" should read "or a subcontractor."

(Sec. 204, 40 Stat. 1987; 46 U. S. C. 1114)

Dated: September 3, 1954.

[SEAL] THOS. E. STAKEM, Jr.
Acting Secretary.

[F. R. Doc. 54-7107; Filed, Sept. 9, 1954; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

RESTORATION OF RECLAMATION WITHDRAWN LANDS TO MINERAL LOCATION, ENTRY AND PATENT; AMENDMENT

SEPTEMBER 2, 1954.

The order of the State Supervisor of Colorado of August 18, 1954, opening lands in Colorado to mining location, entry, and patent, published in 19 F. R. 5448 on August 26, 1954, as F. R. Doc. 54-6685, is hereby amended to the extent necessary to require that the stipulation referred to in subparagraph (3) of the order, be executed, acknowledged and filed before location is made, in the Land Office, Bureau of Land Management, at Denver, Colorado, and be executed, acknowledged and recorded in the county records concurrently with and as a part of the notice of location.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 54-7061; Filed, Sept. 9, 1954; 8:45 a. m.]

ARIZONA

NOTICE OF FILING OF PLAT OF SURVEY

AUGUST 31, 1954.

Notice is given that the plat of original survey of the following described lands, accepted July 9, 1954, will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:30 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 S., R. 29 E.,
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 4;
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 5;
All Secs. 8, 9, 16, 17 and 20.

The area described aggregates 4,482.72 acres.

Executive Order of August 2, 1916 (Order of Modification and Restoration No. 217), modified the land withdrawn as Power Site Reserve No. 83, in Sec. 20, to the S½SE¼.

Executive Order of August 2, 1916 (Order of Modification and Restoration No. 218), modified the land withdrawn as Power Site Reserve No. 242, in Sec. 16 to the SE¼SE¼.

Power Site Reserve No. 759, Executive Order of November 22, 1924, withdrew for power-site and reservior purposes, San Carlos Irrigation Project, under the act of June 25, 1910 (36 Stat. 847), from settlement, location, sale or entry, all land within one mile of the San Francisco River and Gila River, in Secs. 16, 17 and 20.

Letter "E" of February 10, 1917, withdrew and classified as power site land under the Act of June 20, 1910, the SE¼SE¼, Sec. 16, and S½SE¼, Sec. 20.

Letter of November 16, 1927, from the Federal Power Commission re Arizona Edison Company of Douglas, Arizona, withdrew from September 2, 1927, under Sec. 24, Act of June 10, 1920, the S½SE¼, Sec. 16.

No application for the lands not embraced in the above withdrawals may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

Available data indicates that these lands are rolling and mountainous, and that the soil is rocky and quite sandy.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:30 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:30 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 54-7062; Filed, Sept. 9, 1954; 8:45 a. m.]

FORESTER, COEUR D'ALENE, IDAHO

DELEGATION OF AUTHORITY TO TAKE ACTION WITH RESPECT TO GRAZING LEASES AND DISPOSITION OF FOREST PRODUCTS

AUGUST 19, 1954.

Pursuant to the authority contained in Order No. 541 of April 21, 1954, of the Director, Bureau of Land Management, and subject to the limitations contained therein, the forester, in charge of the Bureau of Land Management office, at Coeur d'Alene, Idaho, is hereby authorized, within the geographical area herewith described: The south boundary being the township line between Tps. 24 and 25 S., Rs. 1, 2, and 3 W., to the Salmon River; thence along the Salmon River to the county line of Lemhi County, Idaho; thence along said county line to the Idaho-Montana State boundary line; thence following said boundary to the Canadian boundary line; thence in a westerly direction to the point where the Idaho State and Washington State boundaries join on to the Dominion of Canada; thence along the Washington-Oregon-Idaho State line, to the point of intersection with the above-described south boundary, to take all actions with respect to the following matters:

Grazing leases. Grazing leases of public lands, under section 15 of the act of June 28, 1934, as amended (43 U. S. C. 315m), and the permits or cooperative agreements to construct and maintain improvements on the lands so leased, and to determine the value of such improvements.

Disposition of forest products. Dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management. This authority shall not include the approval of any sale of timber in excess of 25,000,000 feet, board measure. Sales in excess of 10,000,000 board feet must have prior approval of the Area Administrator or State Supervisor.

J. RUSSEL PENNY,
BLM State Supervisor, State of Idaho.

I concur: August 24, 1954.

H. BYRON MOCK,
Area Administrator, Area 2, BLM.

Approved: September 3, 1954.

EDWARD WOOZLEY,
Director, Bureau of Land Management.

[F. R. Doc. 54-7098; Filed, Sept. 9, 1954; 8:54 a. m.]

[Misc. 66722]

ARIZONA

REVOKING DEPARTMENTAL ORDER OF NOVEMBER 10, 1908, WITHDRAWING PUBLIC LANDS FOR USE OF THE FOREST SERVICE AS AN ADMINISTRATIVE SITE

SEPTEMBER 3, 1954.

Upon recommendation of the Department of Agriculture and in accordance with Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

The order of the First Assistant Secretary of the Interior of November 10, 1908, withdrawing the following-described public lands in the Coconino National Forest in Arizona for use by the Forest Service as an administrative site, is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 15 N., R. 9 E.,
Sec. 13, SE¼SE¼;
Sec. 24, NE¼NE¼.
T. 15 N., R. 10 E.,
Sec. 18, SW¼SW¼;
Sec. 19, NW¼NW¼.

The areas described aggregate 155.99 acres.

The lands, which comprise part of the Coconino National Forest, shall become subject to the public-land laws relating to national forest lands at 10:00 a. m., on the 35th day from the date of this order.

EARL G. HARRINGTON,
Acting Associate Director.

[F. R. Doc. 54-7099; Filed, Sept. 9, 1954; 8:54 a. m.]

Bureau of Reclamation

BELLE FOURCHE PROJECT, SOUTH DAKOTA

ORDER OF REVOCATION

JULY 9, 1954.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of July 18, 1903, March 3 and September 27, 1909, in so far as said orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 10 N., R. 4 E.,
Sec. 32, W½NW¼.
T. 7 N., R. 7 E.,
Sec. 4, Lot 2, S½NE¼.
T. 8 N., R. 7 E.,
Sec. 33, SW¼SE¼.

The above areas aggregate 239.17 acres.

H. B. TALIAFERRO,
Acting Assistant Commissioner.

[Misc. 67631]

SEPTEMBER 3, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in homestead entries, Pierre 022717 and Pierre 022450, and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II, the Korean conflict and others.

EARL G. HARRINGTON,
Acting Associate Director, Bureau of Land Management.

[F. R. Doc. 54-7068; Filed, Sept. 9, 1954; 8:47 a. m.]

MISSOURI RIVER BASIN PROJECT, COLORADO

ORDER OF REVOCATION

OCTOBER 7, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of December 22, 1949, insofar as said order affects the following-described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders

withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 4 N., R. 58 W.,
Sec. 21, SE¼SW¼;
Sec. 28, NE¼NE¼.

The above area aggregates 80 acres.

W. A. DEXHEIMER,
Commissioner.

[Misc. 52750]

SEPTEMBER 3, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are river-bottom lands located adjacent to the South Platte River about four miles northwest of Fort Morgan, Colorado. The soil is sandy. Vegetative cover consists principally of cottonwood, birch, alder, and mesic grasses. The lands have limited value for grazing as the vegetative cover is sparse and part of the land is inaccessible to livestock because of the river channels.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

EARL G. HARRINGTON,
Acting Associate Director,
Bureau of Land Management.

[F. R. Doc. 54-7100; Filed, Sept. 9, 1954; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MOORE-McCORMACK LINES, INC., AND ALCOA STEAMSHIP CO., INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. § 814.

Agreement No. 7991 between Moore-McCormack Lines, Inc., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Brazil, Argentina and Uruguay to the Virgin Islands with transhipment at New York, Baltimore or Norfolk. This agreement supersedes Agreement No. 7756.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

SEPTEMBER 3, 1954.

[F. R. Doc. 54-7106; Filed, Sept. 9, 1954; 8:55 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

STATE ALLOTMENT PERCENTAGES

PROMULGATION UNDER TITLE VI OF THE PUBLIC HEALTH SERVICE ACT

Pursuant to sections 631 (a) and (b) of Title VI of the Public Health Service Act, as amended (60 Stat. 1041, 42 U. S. C. 291 i (a) and (b)),

And having found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce, as to the per capita incomes of States and of the Continental United States, are the years 1951, 1952, and 1953.

The following allotment percentages for the several States, Alaska, Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands, as determined pursuant to said act and on the basis of said income data,

Are hereby promulgated for two fiscal years in the period beginning July 1, 1955:

Alabama	69.76
Arizona	55.27
Arkansas	71.32
California	39.82
Colorado	50.72
Connecticut	36.46
Delaware	33.33
District of Columbia	35.35
Florida	59.45
Georgia	65.30
Idaho	56.74
Illinois	39.15
Indiana	47.92
Iowa	53.31
Kansas	53.07
Kentucky	65.89
Louisiana	63.42
Maine	59.63
Maryland	45.96
Massachusetts	46.42
Michigan	43.44
Minnesota	54.22
Mississippi	75.00
Missouri	51.41
Montana	48.15
Nebraska	53.13
Nevada	33.97
New Hampshire	52.88
New Jersey	39.60
New Mexico	59.85
New York	36.94
North Carolina	67.59
North Dakota	60.44
Ohio	42.44
Oklahoma	61.33
Oregon	48.25
Pennsylvania	47.11
Rhode Island	48.50
South Carolina	67.92
South Dakota	58.83
Tennessee	65.73
Texas	56.19
Utah	55.33
Vermont	58.97
Virginia	59.75
Washington	44.93
West Virginia	62.76
Wisconsin	49.18
Wyoming	48.97
Alaska	50.00
Hawaii	50.00
Puerto Rico	75.00
Virgin Islands	75.00

Dated: August 31, 1954.

[SEAL] DAVID E. PRICE,
Acting Surgeon General.

Approved: August 31, 1954.

RUSSELL R. LARMON,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 54-7092; Filed, Sept. 9, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6581]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION FOR ORDER AUTHORIZING ISSUANCE OF COMMON STOCK AND FIRST MORTGAGE BONDS

SEPTEMBER 3, 1954.

Take notice that on September 1, 1954, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Sierra Pacific Power Company (Applicant), a corporation organized and existing under the laws of the State of Maine and doing business as a foreign corporation in the States of California and Nevada, with its principal place of business in Reno, Nevada, seeking an order authorizing the issuance of 34,807 shares of common stock (par value $15 per share), and $4,000,000, principal amount of first mortgage bonds, series due 1984.

The common stock is proposed to be offered for sale at a price of not less than $30 per share to Applicant's common and preferred stockholders as of October 7, 1954, or such other date as Applicant's Board of Directors shall determine, pursuant to preemptive rights, on the basis of one share for each five shares of Applicant's $100 par value preferred stock held and one share for each ten shares of Applicant's common stock held. The Applicant proposes to enter into an underwriting agreement for the purchase of all such shares of common stock not so subscribed and has requested an exemption from the competitive bidding requirements of the Commission's rules with respect to the issuance and sale of the common stock.

Applicant proposes to issue and sell the $4,000,000, principal amount, of first mortgage bonds in accordance with the competitive bidding requirements set forth in the Commission's rules.

The application states that the total proceeds to be derived from the proposed issuances will be used to repay bank loan obligations, to reimburse its treasury for construction expenditures heretofore made and to redeem $1,500,000, principal amount, of Applicant 3¾ percent First Mortgage Bonds Series due 1982; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 23d day of September 1954, file with the Federal Power Commission, Washington, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7090; Filed, Sept. 9, 1954; 8:52 a. m.]

[Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1725, G-1754, G-2101, G-1152, G-1415, G-1379, G-1457, G-2234, G-1509, G-1616, G-1625, G-1659, G-2057]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER FIXING DATE OF HEARING

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1725, G-1754, G-2101; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, complainant v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G-1379; Northern Indiana Fuel and Light Company, Docket Nos. G-1457, G-2234; Missouri Central Natural Gas Company, Docket No. G-1509; The Central West Utility Company, Docket No. G-1616; Michigan Gas Utilities Company, Docket No. G-1625; City of Auburn, Illinois, Docket No. G-1659; Missouri Public Service Company, Docket No. G-2057.

The Commission, by order issued April 21, 1954, reopened the record in the above proceedings for the purpose of determining what are the just and reasonable and otherwise lawful rates and charges by Panhandle Eastern Pipe Line Company (Panhandle) for sales under the Natural Gas Act for the period from February 20, 1952, through April 30, 1954.

In addition, the Commission ordered that an investigation of the books and records of Panhandle be undertaken by the Commission's staff. Said investigation has been completed, and it now appears that further hearings are required concerning refunds to Panhandle's customers.

The Commission finds:

(1) It is necessary and desirable in the public interest that a public hearing be held at the date, time and place hereinafter designated to determine just and reasonable and otherwise lawful rates and charges by Panhandle for sales under the Natural Gas Act for the period from February 20, 1952, through April 30, 1954.

(2) Panhandle shall bear the burden of proof to show that the rates and charges proposed by it for the period from February 20, 1952 through April 30, 1954, are just and reasonable.

The Commission orders:

(A) A public hearing be held commencing on September 20, 1954, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the just and reasonable and otherwise lawful rates and charges by Panhandle for sales under the Natural Gas Act for the period from February 20, 1952, through April 30, 1954.

(B) At the hearing Panhandle shall go forward first with a presentation of rates and charges proposed by it as just and reasonable for the period from February 20, 1952, through April 30, 1954, and support therefor.

(C) In the interest of expedition, Panhandle shall, not later than September 15, 1954, serve upon all parties to these proceedings, including Commission Staff Counsel, prepared testimony and exhibits proposed to be offered by it at the hearing.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: September 1, 1954.

Issued: September 3, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7089; Filed, Sept. 9, 1954; 8:52 a. m.]

[Docket No. G-1915]

SOUTH GEORGIA NATURAL GAS CO.

NOTICE OF FINAL DECISION

SEPTEMBER 2, 1954.

Notice is hereby given that the Presiding Examiner's Decision issuing a certificate of public convenience and necessity in the above-designated matter was issued and served upon all parties August 3, 1954. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure, said Decision became effective on September 2, 1954, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7091; Filed, Sept. 9, 1954; 8:52 a. m.]

[Docket Nos. G-2306, G-2311, G-2327, G-2328]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

ORDER FIXING DATES FOR ORAL ARGUMENT AND FOR FILING BRIEFS

In the matters of American Louisiana Pipe Line Company, Docket No. G-2306; Texas Gas Transmission Corporation, Docket No. G-2311; Michigan Wisconsin Pipe Line Company, Docket No. G-2327; Michigan Consolidated Gas Company, Docket No. G-2328.

The American Louisiana Pipe Line Company, Michigan Wisconsin Pipe Line Company and Michigan Consolidated Gas Company (hereinafter referred to as Applicants) on August 17, 1954, filed a joint "Application for Rehearing" requesting the Commission to rescind Paragraph (B) of the order issued in these consolidated proceedings on August 2, 1954, and to grant "rehearing" of the Commission's order issued August 13, 1954, denying Applicants" motion to separate the issues in these consolidated proceedings and to complete the hearing and determine the matters of public convenience and necessity insofar as they concern the application of American Louisiana Pipe Line Company.[1]

In the aforesaid joint motion Applicants specifically request that upon rehearing the Commission enter an order:

1. Directing the Presiding Examiner to certify immediately the completed record to the Commission and omitting the intermediate decision procedure.

2. Fixing the time for filing of briefs and the oral argument at the earliest possible dates so that the Commission may consider and determine the merits of the applications of American Louisiana and Texas Gas Transmission Corporation (Texas Gas) prior to October 1, 1954, the date by which American Louisiana must obtain a certificate of public convenience and necessity to prevent termination of its gas purchase contracts.

3. Reserving for subsequent hearing and determination subsidiary issues presented in the consolidated proceedings, such as determination of additional markets to be served by American Louisiana and Michigan Wisconsin and questions involving allocation of gas, rates and related matters which are customarily deferred for subsequent determination in certificate proceedings.

Further, in such application, Applicants represent or state as follows:

In its orders of August 2 and August 12, the Commission relies upon a legal technicality and erroneously concludes that it cannot grant a certificate to American Louisiana until the Commission has received and considered applications for certificates of public

[1] On August 25, 1954, Texas Gas Transmission Corporation filed a separate application for rehearing and joinder in the joint application. Substantially Texas Gas makes the same averments and prays for the same relief as do the joint applicants.

convenience and necessity from American Louisiana's gas suppliers.

• • • • •

Since August 6, 1954, the record of these proceedings has contained all the information necessary for the Commission to reach a determination on the certificate application of American Louisiana.

• • • • •

All evidence which anyone desired to present in opposition to American Louisiana and Texas Gas is now in the record and cross examination on this evidence has been completed.

• • • • •

The Applicants are convinced that they have presented a complete record which proves overwhelmingly that the public interest requires the issuance of a certificate to American Louisiana. If any doubt exists as to whether the facts or the law warrant the issuance of such a certificate, it should be resolved by the Commission only after all parties have had opportunity to present briefs and oral argument.

• • • • •

We will demonstrate (1) that the Commission has the full authority to grant a certificate to American Louisiana at this time, (2) that the Commission erred in its assumption and expectations that the gas producers would file applications for certificates prior to September 13 and (3) that the producers of natural gas are not required to file applications for such certificates at this time.

Further, however, even if the Commission believes that doubt exists as to its ability to grant a certificate to American Louisiana because of the legal status of its gas supply, this is a doubt which can only be resolved in a final decision of the Commission after an opportunity for briefs and oral argument.

In its order of August 12th the Commission said: "Our determination in these consolidated proceedings, will be based on the merits of the applications and the merits of the showing made by the Applicants in support thereof."

That is all the Applicants ask. They merely seek an opportunity to present the merits to the Commission in carefully prepared briefs and upon oral argument. Obviously, the merits include legal questions relating to gas supply as well as factual questions and they require at least consideration of such alternative methods of decision as may be available.

• • • • •

It has been argued during these proceedings that the Commission cannot issue a certificate to American Louisiana because two of its gas purchase contracts with the Gulf Refining Company and Humble Oil and Refining Company contain so-called "escape clauses". Even if this argument were correct, which it most certainly is not, the existence of the two contracts with such clauses does not provide a valid reason for the failure of the Commission to reach a final decision on the American Louisiana application.

This question of the so-called "escape clauses" in the Gulf and Humble contracts was discussed at considerable length in the reply brief (P. 13–14) submitted by the Applicants to the Commission on June 4 on the matter of American Louisiana's gas supply. It is sufficient to state here that these clauses, even if they should become effective, contain provisions which limit the sellers' rights in the event of cancellation and control their subsequent course of action to the extent that they cannot sell their gas to other interstate pipe lines without offering it to American Louisiana.

However, even if we were to assume that this supply would not be available, there are facts in the record which show that American Louisiana would still have an adequate gas supply to permit it to maintain delivery of its full capacity for approximately 16 years with declining deliveries thereafter.

• • • • •

Although it may be necessary for the gas suppliers of American Louisiana to obtain certificates of public convenience and necessity, the Commission can meet this problem merely by granting a certificate to American Louisiana which is conditioned upon its gas suppliers' receiving the necessary authorization from this Commission.

Further in the application, Applicants' counsel withdraws the request for permission to present additional market testimony on behalf of American Louisiana and the other applicants affiliated with that company.

In the application for rehearing the joint Applicants further request as follows:

Wherefore, it is respectfully requested that the Commission modify its orders of August 2 and August 12, 1954 as requested on pages 1 and 2 hereof. In the event the Commission is not prepared to grant this relief it is respectfully requested that in view of the public importance of this matter the Commission schedule immediate oral argument on this Petition.

In view of the foregoing representations and statements made by the joint Applicants in their application for rehearing and the joinder therein by Texas Gas Transmission Corporation, we are of the opinion that it would be in the public interest to hear oral argument and to require the filing of briefs upon the matters of fact and law presented by the applications for certificates of public convenience and necessity filed by American Louisiana Pipe Line Company and Texas Gas Transmission Corporation, and upon the matters of fact and law presented by the joint application for rehearing, and by the separate application for rehearing and joinder filed by Texas Gas Transmission Corporation. Our decision on the portion of the motion which seeks a waiver of the intermediate decision procedure must of necessity be deferred pending the filing of briefs and the hearing of oral argument. We therefore reserve decision on this point.

Wherefore, in view of the foregoing, the Commission orders:

(A) Decision on Applicants' request for omission of the intermediate decision procedure be and the same hereby is deferred without prejudice to such future disposition thereof as may be made after briefs have been received and oral argument has been heard by the Commission.

(B) For the purposes of hearing oral argument on the matters of fact and law presented by the applications filed by American Louisiana Pipe Line Company and Texas Gas Transmission Corporation, and on the matters of fact and law presented by the applications for rehearing filed herein, the Presiding Examiner hereby is directed to certify forthwith to the Commission the record in these proceedings, this certification, however, to be without prejudice to such action as may be taken by the Commission upon the applications of American Louisiana Pipe Line Company and Texas Gas Transmission Corporation and upon the applications for rehearing.

(C) All briefs of all parties shall be filed on or before September 8, 1954.

(D) Oral argument shall be held before the Commission on September 8, 1954, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(E) Each party to the proceedings filing a brief and desiring to participate in the oral argument shall notify the Secretary of the Commission on or before 12:00 o'clock noon September 7, 1954, of such intention and of the amount of time requested for the presentation of such argument.

Adopted: September 2, 1954.

Issued: September 3, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7082; Filed, Sept. 9, 1954; 8:50 a. m.]

[Docket Nos. G–2382, G–2584—G–2590, G–2652]

MONTANA-DAKOTA UTILITIES CO. ET AL.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING HEARING

In the matters of Montana-Dakota Utilities Co., Docket No. G–2382; Mobil Producing Company, Docket No. G–2584; Gulf Oil Corporation, Docket No. G–2585; Mule Creek Oil Company, Docket No. G–2586; Roy E. Rooth, Docket No. G–2587; Sohio Petroleum Company, Docket No. G–2588; G. & N. Oil Company, Docket No. G–2589; Shannon Oil Co., Docket No. G–2590; Stanolind Oil and Gas Company, Docket No. G–2652.

Take notice that Mobil Producing Company (Mobil), Gulf Oil Corporation (Gulf), Mule Creek Oil Company (Mule Creek), Roy E. Rooth (Rooth), Sohio Petroleum Company (Sohio), G. & N. Oil Company (G & N), Shannon Oil Co. (Shannon), and Stanolind Oil and Gas Company (Stanolind), producers of natural gas in Slick Creek and Manderson fields in the Big Horn Basin in Big Horn and Washakie Counties, Wyoming, filed applications[1] for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas to Montana-Dakota Utilities Co. (Montana-Dakota) for resale.

The natural gas which the above producers propose to sell to Montana-Dakota is surplus residue gas from the proposed Big Horn Plant to be operated by producers in Big Horn County, Wyoming, for the recovery of liquid hydrocarbons and residue gas. Montana-Dakota filed an application on March 2, 1954, which was supplemented on June 2 and July 12 (Docket No. G–2382) for a certificate authorizing the construction and operation of facilities, among other things, for the transportation and sale of the gas to be purchased from the aforesaid producers at the Big Horn Plant.

By order issued July 20, 1954, the Commission fixed September 20, 1954, as the date for hearing on the application filed by Montana-Dakota in Docket No. G–2382.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act that due notice of the aforesaid producers' applications, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act and good cause exists that the above-entitled proceedings be consolidated for the purpose of hearing and that they be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The aforesaid proceedings on applications filed in Docket Nos. G–2382 et al. be and the same hereby are consolidated for the purpose of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 20, 1954, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the aforesaid applications.

(D) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before September 15, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 2, 1954.

Issued: September 3, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7088; Filed, Sept. 9, 1954; 8:51 a. m.]

[Docket Nos. G–2386, G–2387, G–2388]

CITY OF SUMMERVILLE, GA. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of City of Summerville, Georgia, Docket No. G–2386; City of LaFayette, Georgia, Docket No. G–2387; and City of Trion, Georgia, Docket No. G–2388.

The Applicants in these proceedings filed applications, pursuant to section 7 (a) of the Natural Gas Act, for orders directing Southern Natural Gas Company to establish physical connection of its facilities with the proposed joint transportation facilities of the Applicants and to sell natural gas to them. The applications were filed on March 8, 1954, and supplementary data was filed on July 26, 1954. The Applicants have requested that their applications be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

The applications involve common issues in that the Applicants propose to construct and operate joint transportation facilities from the point of interconnection with the pipeline of Southern Natural Gas Company to the distribution facilities of the Applicants.

The Commission finds:

(1) It is appropriate and in the public interest that the above-entitled proceedings be consolidated for the purposes of hearing and decision thereon.

(2) It is appropriate in the public interest that these proceedings be disposed of under the provisions of the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

The Commission orders:

(A) The above-entitled proceedings be and the same hereby are consolidated for purposes of hearing and decision.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 24, 1954, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the consolidated proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: September 1, 1954.

Issued: September 3, 1954.

By the Comission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7083; Filed, Sept. 9, 1954; 8:50 a. m.

[Docket No. G–2395]

CITY OF DALTON, GA.

ORDER FIXING DATE OF HEARING

The Applicant in this proceeding has requested that its application for an order directing Southern Natural Gas Company to establish physical connection of its facilities with the proposed facilities of the Applicant and to sell natural gas to it be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application was filed on March 22, 1954, and supplemented on July 19 and 30, 1954, pursuant to section 7 (a) of the Natural Gas Act. No request to be heard, protest or petition to intervene has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 8, 1954 (19 F. R. 2040–2041). In an answer filed April 12, 1954, Southern Natural Gas Company acknowledged its ability to serve the Applicant without impairing its ability to render adequate service to its customers.

The Commission finds: It is appropriate in the public interest that this proceeding be disposed of under the provisions of the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 24, 1954, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: September 1, 1954.

Issued: September 3, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7084; Filed, Sept. 9, 1954; 8:51 a. m.]

[Docket No. G–2463]

TOWN OF RALEIGH, MISS.

ORDER FIXING DATE OF HEARING

The applicant in this proceeding has requested that its application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Southern Natural Gas Company to establish physical connection of its transportation facilities with the proposed facilities of the Applicant and to sell natural gas to the Applicant, as described in its application, be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application was filed on June 21 and supplemented on July 12, 1954, pursuant to section 7 of the Natural Gas Act. No request to be heard, protest or petition has been filed sub-

[1] The Mobil, Gulf, Mule Creek, Rooth and Sohio applications were filed August 27, 1954. Applications by G & N, and Shannon were filed August 30, and the Stanolind application was filed September 2, 1954.

sequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 3, 1954 (19 F. R. 4097). This proceeding is, therefore, a proper one for disposition under the provisions of the aforesaid rule for noncontested proceedings.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 27, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the issues involved in and the matters presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: September 1, 1954.

Issued: September 3, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-7085; Filed, Sept. 9, 1954; 8:51 a. m.]

[Docket No. G-2464]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed June 23, 1954, as supplemented July 23 and August 12, 1954, pursuant to section 7 (c) of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application as supplemented, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 15, 1954 (19 F. R. 4368).

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 24, 1954, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the issues involved in and the matters presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Adopted: September 1, 1954.

Issued: September 3, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-7086; Filed, Sept. 9, 1954; 8:51 a. m.]

[Docket No. G-2541]

LONE STAR GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Lone Star Gas Company (Applicant), a Texas corporation with its principal office in Dallas, Texas, filed, on August 11, 1954, an application for a certificate of public convenience and necessity, pursuant to the provisions of section 7 of the Natural Gas Act, for authorization to construct and operate 1.09 miles of 3-inch pipe line extending from Applicant's 16-inch transmission Line G at a point in Cooke County, Texas, to the plant of the National Supply Company near Gainesville, Cooke County, Texas, together with measuring and regulating facilities for use in connection therewith.

Applicant states the proposed facilities will supply boiler fuel for 4 processing furnaces and 1 steam boiler (heating) in the oil field machinery and supply manufacturing plant of National Supply Company (National) near Gainesville, Texas. Requirements of National are estimated to be: 121.3 Mcf on an average day, 508.8 Mcf in a maximum hour and 44,300 Mcf annually during 1954–1955, 1955–1956, and 1956–1957.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission and open to public inspection.

The Commission finds:

(1) It is appropriate and in the public interest, and good cause exists, that due notice of this application, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate and in the public interest, and good cause exists, that the application filed herein on August 11, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice of this application and order be given, including publication in the FEDERAL REGISTER.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 29, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before September 18, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Adopted: September 1, 1954.

Issued: September 3, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-7087; Filed, Sept. 9, 1954; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-72, 54-173, 53-191, 54-199]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

NOTICE OF AND ORDER POSTPONING HEARING; ORDER FOR ORAL ARGUMENT; AND ORDER GRANTING, IN PART, MOTION OF CERTAIN FEE APPLICANTS

SEPTEMBER 3, 1954.

In the matter of Standard Gas and Electric Company, File No. 54-72; Standard Gas and Electric Company and Philadelphia Company, File Nos. 54-191 and 54-199; Philadelphia Company and Standard Gas and Electric Company, File No. 54-173.

The Commission, on December 23, 1953 (Holding Company Act Release No. 12272), having entered an order in the above-entitled proceedings which directed that Standard Gas and Electric Company ("Standard Gas") and its subsidiary, Philadelphia Company ("Philadelphia"), both of which companies are registered holding companies under the Public Utility Holding Company Act of 1935 ("act"), file a report containing certain information as specifically set forth in said order of December 23, 1953, with respect to the fees and expenses paid or to be paid by the aforesaid companies in connection with services rendered in various proceedings filed pursuant to section 11 (e) of the act to enable Standard Gas and Philadelphia to effectuate compliance with section 11 (b) of the act; and said order having further provided that in certain instances as set forth in the aforesaid order the report to be filed by such companies should be kept confidential unless and until a further order of this Commission shall require otherwise; and

Pursuant to the aforesaid order dated December 23, 1953, Standard Gas having filed a report with respect to, among others, the pending joint application for an allowance of fees and expenses heretofore filed in connection with the above-entitled proceedings by Guggenheimer & Untermyer of New York, New York, Guggenheimer, Untermyer, Goodrich & Amram of Washington, D. C., and Connolly, Cooch & Bove of Wilmington, Delaware (hereinafter referred to collectively as "Guggenheimer & Untermyer"), which report has been held confidential pursuant to the aforesaid order of December 23, 1953; and

Standard Gas having filed on May 5, 1954, a motion requesting that the Commission require separate statements and evaluations of services by Guggenheimer & Untermyer as a supplement to the aforesaid joint application and Standard Gas having requested that oral argument be held on such motion, which motion and request are still pending; and

The Commission on May 14, 1954, having entered an order (Holding Company Act Release No. 12496) directing, among other things, that a hearing be held on June 21, 1954, on the applications for allowances of fees and expenses filed by Claude Pearce and Guggenheimer & Untermyer, which hearing, by order dated June 10, 1954 (Holding Company Act Release No. 12539), was postponed to September 13, 1954; and

Guggenheimer & Untermyer on May 27, 1954, having filed their answer to the aforesaid motion of Standard Gas and a cross-motion requesting that the Commission require the filing by Standard Gas of a detailed responsive pleading and for other relief including the disclosure of the contents of Standard Gas' aforesaid report insofar as it relates to Guggenheimer & Untermyer and having requested that oral argument be held by the Commission on such cross-motion, which cross-motion and request are still pending;

The Commission having considered the aforesaid motion by Standard Gas, the answer thereto, the cross-motion by Guggenheimer & Untermyer, and the briefs filed in support thereof, respectively, and having been advised that Standard Gas has no objection to disclose its aforesaid report to the limited extent requested and deeming it appropriate in the public interest and in the interest of investors that the following action be taken in connection with the aforesaid matters:

Notice is hereby given and it is ordered:

1. That the hearing in respect of the applications for allowances of fees and expenses filed by Claude Pearce and Guggenheimer & Untermyer heretofore scheduled for September 13, 1954, be, and the same hereby is, postponed to October 13, 1954, at 10 a. m., at the office of the Commission, 425 Second Street, Washington, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which the hearing will be held.

2. That the hearing officer heretofore designated to preside at the hearing scheduled to be held on September 13, 1954 shall preside at such postponed hearing.

3. That the Commission will hear oral argument on the aforesaid motion filed by Standard Gas and the answer thereto and the cross-motion filed by Guggenheimer & Untermyer, such oral argument to be held at the office of the Commission in Washington, D. C., on September 13, 1954, commencing at 2 p. m., e. d. s. t.

4. That prior to September 13, 1954 Standard Gas furnish to Guggenheimer & Untermyer a copy of such portion of the confidential report filed by Standard Gas with the Commission pursuant to the aforesaid order dated December 23, 1953, as relates and deals with the joint application filed by Guggenheimer & Untermyer.

5. That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Standard Power and Light Corporation, Standard Gas and Electric Company, Philadelphia Company, Claude Pearce, Guggenheimer & Untermyer, Guggenheimer, Untermyer, Goodrich & Amram, and Connolly, Cooch & Bove; and that notice of the entry of this Notice and Order shall be given to all other persons by general release of the Commission which shall be distributed to the press and mailed to the mailing list for releases under the act and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7070; Filed, Sept. 9, 1954; 8:47 a. m.]

[File No. 70-3282]

COLUMBIA GAS SYSTEM, INC. AND MANUFACTURERS LIGHT AND HEAT CO.

ORDER AUTHORIZING ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT COMPANY

SEPTEMBER 3, 1954.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and the Manufacturers Light and Heat Company ("Manufacturers"), a public utility company which is a wholly owned subsidiary of Columbia, have filed a joint application-declaration pursuant to sections 6 (b), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 thereunder with respect to the following transactions:

Manufacturers proposes to issue and sell, and Columbia proposes to buy, when and as funds are required but not later than March 31, 1955, up to a maximum number of 49,000 shares of Manufacturers' common stock, at the par value of $50 per share. The proceeds of the sales will be used by Manufacturers to complete the financing of its 1954 construction program, involving estimated expenditures of $26,498,620 and requiring $24,100,000 of new money, all of which has heretofore been provided except the amount now proposed to be raised by the sale of additional common stock.

The issue and sale of the additional common stock by Manufacturers have been expressly authorized by the Pennsylvania Public Utility Commission, the State Commission of the State in which the company is organized and doing business.

Due notice of the filing of said joint application-declaration having been given in the manner prescribed by Rule U-23, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the joint application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7071; Filed, Sept. 9, 1954; 8:48 a. m.]

[File No. 24S-1262]

ALASKA GULF OIL AND GAS DEVELOPMENT, INC.

ORDER SUSPENDING EXEMPTION AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 3, 1954.

I. Alaska Gulf Oil and Gas Development, Inc., 326½ Fourth Avenue, Anchorage, Alaska (hereinafter referred to as the issuer), having filed with the Commission on March 22, 1954, a notification on Form 1-A relating to a proposed public offering of 100,000 shares, $1 par value common nonassessable capital stock, at $1 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The issuer having filed with this Commission an amended notification on April 27, 1954, on Form 1-A superseding the prior notification and covering an offering of 230,000 shares of $1 par value common nonassessable capital stock for an aggregate offering price of $230,000; and

II. The Commission having reasonable grounds to believe:

A. That the terms and conditions of Regulation A have not been complied with in that the issuer failed to file, as required by Rule 221 of Regulation A, an advertisement which the issuer caused to be published in the August 6, 1954 issue of the Anchorage Daily Times.

B. That such advertisement contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, with respect to:

(1) The statement that the company's acreage had been proven oil productive by actual oil seepage.

(2) The statement that moneys invested are put toward oil development and to no other purpose.

(3) The statement that the issuer actually has 50,000 acres under exploration lease.

C. That the use of such advertisement would operate as a fraud or deceit upon the purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933 that the exemption under Regulation A be, and it hereby is, suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Alaska Gulf Oil and Gas Development, Inc. personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7072; Filed, Sept. 9, 1954; 8:48 a. m.]

THE RENEGOTIATION BOARD

STATEMENT OF ORGANIZATION

NEW YORK REGIONAL RENEGOTIATION BOARD

The Statement of Organization published in the issue of February 13, 1952, F. R. Doc. 52-1774; 17 F. R. 1400), as heretofore amended, is hereby further amended, effective as of August 9, 1954, as follows:

1. Paragraph 5 of section 3 (b) is deleted in its entirety and the following is inserted in lieu thereof:

(5) New York Regional Renegotiation Board, 110 East 45th Street, New York 17, N. Y.

Dated: September 3, 1954.

GEORGE C. MCCONNAUGHEY, *Chairman.*

[F. R. Doc. 54-7096; Filed, Sept. 9, 1954; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29643]

COAL BETWEEN POINTS IN ALABAMA

APPLICATION FOR RELIEF

SEPTEMBER 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers schedules listed below.

Commodities involved: Coal, in carloads.

From: Mines in Alabama.

To: Points in Alabama.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: Central of Georgia Railway Company, I. C. C. No. 3297, supp. 14; St. Louis-San Francisco Railway Company, I. C. C. No. A-265, supp. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7074; Filed, Sept. 9, 1954; 8:48 a. m.]

[4th Sec. Application 29644]

DI-SODIUM PHOSPHATE AND RELATED ARTICLES FROM FERNALD, OHIO TO TENNESSEE, LOUISIANA, AND ALABAMA

APPLICATION FOR RELIEF

SEPTEMBER 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4367, pursuant to fourth-section order No. 17220.

Commodities involved: Sodium (soda), viz.: di-sodium phosphate, phosphate of sodium and tri-sodium phosphate, carloads.

From: Fernald, Ohio.

To: Memphis, Tenn., Michoud, and New Orleans, La., and Mobile, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7076; Filed, Sept. 9, 1954; 8:49 a. m.]

[4th Sec. Application 29645]

BITUMINOUS FINE COAL FROM ALABAMA, KENTUCKY AND TENNESSEE TO KRANNERT AND YATES, GA.

APPLICATION FOR RELIEF

SEPTEMBER 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Alabama, Kentucky, and Tennessee.

To: Krannert and Yates, Ga.

Grounds for relief: Rail competition, circuity, market competition, competition with motor carriers, and to maintain grouping.

Schedules filed containing proposed rates: Central of Georgia Ry. Co., I. C. C. No. 3297, supp. 14 Louisville and Nashville R. R. Co. I. C. C. No. A-16745, Supp. 46; St. Louis-San Francisco Ry. Co. I. C. C. No. A-265, supp. 36 C. A. Spaninger, Agent, I. C. C. No. 1427, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7075; Filed, Sept. 9, 1954; 8:49 a. m.]

[4th Sec. Application 29646]

GROUND LIMESTONE FROM, TO, AND BETWEEN POINTS IN THE SOUTHWEST

APPLICATION FOR RELIEF

SEPTEMBER 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Ground or pulverized limestone, carloads.

From, to, and between points in the Southwest.

Grounds for relief: Rail competition, circuity, grouping, and additional commodity.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3736, supp. 269.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7077; Filed, Sept. 9, 1954; 8:49 a. m.]

[4th Sec. Application 29647]

LIQUEFIED CHLORINE GAS FROM MEMPHIS, TENN., TO MARSHALL, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Memphis, Tenn.

To: Marshall, Ill.

Grounds for relief: Rail competition, circuity, and operation through higher-rated territory.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1351, supp. 91.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7078; Filed, Sept. 9, 1954; 8:49 a. m.]

[4th Sec. Application 29648]

LIQUID CAUSTIC SODA FROM HUNTSVILLE AND REDSTONE ARSENAL, ALA., TO JACKSONVILLE, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Jacksonville, Ill.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1351, supp. 91.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7079; Filed, Sept. 9, 1954; 8:49 a. m.]

[4th Sec. Application 29649]

BLACKSTRAP MOLASSES FROM GULF PORTS TO OKLAHOMA

APPLICATION FOR RELIEF

SEPTEMBER 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Blackstrap molasses, and distillery molasses residuum, in tank-car loads.

From: Houston, Tex., and other Texas ports and Lake Charles, La.

To: Specified points in Oklahoma.

Grounds for relief: Market competition and port competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3781, supp. 118.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7080; Filed, Sept. 9, 1954; 8:50 a. m.]

[4th Sec. Application 29650]

GRAIN FROM THE SOUTHWEST TO TEXAS

APPLICATION FOR RELIEF

SEPTEMBER 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules indicated below.

Commodities involved: Sorghum grains, viz.: darso, durra, Egyptian wheat, etc., and products thereof, carloads.

From: Points in Oklahoma, Colorado, Kansas and New Mexico and Texas.

To: Points in Texas.

Grounds for relief: Rail competition, circuity, and competition with motor carriers.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 764, supp. 56; F. C. Kratzmeir, Agent, I. C. C. No. 3941, supp. No. 89 and other schedules listed on page 2 of the application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7081; Filed, Sept. 9, 1954; 8:50 a. m.]

ence Room

FEDERAL REGISTER

VOLUME 19 NUMBER 177

Washington, Saturday, September 11, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10558

AMENDMENT OF EXECUTIVE ORDER NO. 10154,[1] DESIGNATING CERTAIN OFFICERS OF THE POST OFFICE DEPARTMENT TO ACT AS POSTMASTER GENERAL

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6), and as President of the United States, it is ordered that Executive Order No. 10154 of August 22, 1950, entitled "Designation of Certain Officers of the Post Office Department To Act as Postmaster General", be, and it is hereby, amended by adding to the list of officers contained therein at the end thereof the following:

"5. Assistant Postmaster General in charge of the Bureau of Personnel."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 8, 1954.

[F. R. Doc. 54-7179; Filed, Sept. 9, 1954; 2:34 p. m.]

EXECUTIVE ORDER 10559

PROVIDING FOR THE ADMINISTRATION OF THE PRESIDENT'S MANAGEMENT IMPROVEMENT APPROPRIATION

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Director of the Bureau of the Budget is hereby authorized and empowered to exercise the authority vested in the President by the paragraph appearing under the heading "Expenses of Management Improvement" in Title I of the Independent Offices Appropriation Act, 1955, 68 Stat. 274, or by any reenactment of the provisions of such paragraph in the same or in a different amount of funds, to allocate to any agency or office of the executive branch (including the Bureau of the Budget) funds appropriated by the said paragraph or by any reenactment thereof as herein stated.

SEC. 2. The Director of the Bureau of the Budget shall from time to time report to the President concerning activities carried on by executive agencies and offices with funds allocated hereunder and shall, consonant with law, exercise such direction and control with respect to the said activities as he shall deem appropriate.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 8, 1954.

[F. R. Doc. 54-7180; Filed, Sept. 9, 1954; 2:34 p. m.]

[1] 15 F. R. 5653; 3 CFR, 1950 Supp., p. 115.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (2), (5) and (6), (b) (1), (2), (3), and (4), (d) (1), (j) (1), (l) (1), (m) (1) of § 6.105, and paragraph (a) of § 6.204 are revoked, and paragraphs (e) (1) and (g) (1) of § 6.105 are amended as set out below.

§ 6.105 *Department of the Army.*

* * *

(e) *Engineer Department.* (1) Land appraisers employed on a temporary basis for a period not to exceed one year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Department are required for successful results.

* * * * *

(g) *Special Services Division.* (1) Until December 31, 1956, positions paid from the appropriation "Welfare of Enlisted Men," which entail responsibility for the direction or supervision of volun-

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 7: Parts 210–899 ($2.25)

Title 19, Revised 1953 ($5.00)

Title 32A, Revised Dec. 31, 1953 ($1.50)

Title 46: Part 146 to end ($6.50)

Previously announced: Title 3, 1953 Supp. ($1.50); Titles 4–5 ($0.60); Title 6 ($2.00); Title 7: Parts 1–209, Revised 1953 ($7.75); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.50); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($1.25); Part 400 to end ($0.50); Title 15 ($1.25); Title 16 ($1.00); Title 17 ($0.50); Title 18 ($0.45); Title 20 ($0.70); Title 21 ($1.50); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Title 26: Parts 1–79, Revised 1953 ($7.75); Parts 80–169 ($0.50); Parts 170–182 ($0.75); Parts 183–299, Revised 1953 ($5.50); Part 300 to end, and Title 27 ($1.00); Titles 28–29 ($1.25); Titles 30–31 ($1.00); Title 32: Parts 1–699 ($1.75); Part 700 to end ($2.25); Title 33 ($1.25); Titles 35–37 ($0.70); Title 38 ($2.00); Title 39 ($2.00); Titles 40–42 ($0.50); Title 43 ($1.75); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.35); Titles 47–48, Revised 1953 ($7.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.65); Parts 91–164 ($0.45); Part 165 to end ($0.60); Title 50 ($0.55)

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tary educational or recreational programs and which, as an integral part of the job, require close working associations with the military personnel for whom such programs are conducted. Positions of librarian, library assistant, recreation leader, and recreation supervisor are included herein.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54–7142; Filed, Sept. 10, 1954; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (1) of § 6.107 is revoked, paragraphs (a) (2) and (d) (2) of § 6.107 are amended, § 6.216 is redesignated as § 6.207, and paragraph (b) is added to § 6.207 as set out below.

§ 6.107 *Department of the Air Force*—(a) *Office of the Secretary.* • • •

(2) Five Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with pilot studies.

• • • • • •

(d) *General.* • • •

(2) Alien Scientists employed under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chief of Staff of the Department of Defense.

§ 6.207 *Department of the Air Force.* • • •

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Base, Dayton, Ohio.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54–7140; Filed, Sept. 10, 1954; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FARM CREDIT ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (c) is added to § 6.165 as set out below.

§ 6.165 *Farm Credit Administration.* • • •

(c) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS–13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided*, That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institu-

tions supervised by the Farm Credit Administration.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7143; Filed, Sept. 10, 1954; 8:51 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (2) of § 6.307 is amended as set out below.

§ 6.307 *Department of the Air Force*—(a) *Office of the Secretary.* • • •

(2) Two Private Secretaries to the Secretary, and one Private Secretary to the Under Secretary, to each Assistant Secretary of the Air Force, and one to each Special Assistant whose appointment is authorized under subparagraph (1) of this paragraph.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7141; Filed, Sept. 10, 1954; 8:50 a. m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

COTTON TECHNOLOGIST

Section 24.120 is added to read as follows:

§ 24.120 *Cotton Technologist, GS-1390-5*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree in cotton technology or related subjects such as physics, chemistry, or mechanical or electrical engineering. This study must have included courses in cotton technology consisting of lectures, recitations and appropriate laboratory work totaling at least 20 hours; or

(2) Courses in cotton technology or related subjects such as physics, chemistry, or mechanical or electrical engineering (in an accredited college or university, consisting of lectures, recitations and laboratory work totaling not less than 20 semester hours) plus additional appropriate experience or education which when combined with the 20 semester hours in cotton technology or related subjects will total four years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(b) *Duties.* Persons appointed to these positions perform the following specific kinds of work:

(1) Cottonseed Technologists at this grade serve in a trainee capacity and assist higher grade Cotton Technologists perform work in connection with the testing and analyzing of cottonseed to ascertain the effect of variety, growth conditions, moisture, trash content, method of conditioning, sorting and handling and other related factors upon the quality and quantity of products obtained from cottonseed. They help interpret the results of these tests and analyses; help study the physical and chemical characteristics of cottonseed to determine those which can be measured at the gin in order to develop practical methods and techniques to grade cottonseed by individual lots as sold by producers; help observe and study present methods of grading cottonseed so these methods may be improved; and render preliminary recommendations and reports for publications on the results of their studies or experiments.

(2) Fiber Technologists at this grade assist higher grade technologists perform the more advanced laboratory studies in connection with testing or measuring the various properties of cotton fibers; assist in research studies and investigations designed to improve equipment and techniques and to develop new laboratory methods for the more precise and expeditious measurement of the various properties of cotton fibers and cotton products; study and observe the interrelationships of various fiber properties and the relationship of such properties to processing performance and product quality; and assist in analyzing and interpreting fiber test results and in the preparation of related reports and publications.

(3) Textile Technologists assist in making scientific investigations and experimental studies to determine the effect of various cotton fiber properties and other elements of quality in raw cotton or processing performance and on the quality of yarns and fabrics; and in helping conduct technical studies of the effect of different processing conditions and machine adjustments on the processing performance of cottons of various types and characteristics, and on product quality. They cooperate with State Agricultural Colleges and Experiment Stations on programs to improve cotton marketing and processing; serve cotton breeders, producers, merchants and manufacturers in testing the manufacturing performance of cottons; attend conferences with representatives of public and private research agencies, cotton manufacturers and other interested parties; and assist in analyzing and interpreting spinning test results and prepare related reports and publications.

(c) *Knowledge and training requisite for performance of duties.* The field of cotton technology is quite complicated and requires an intensive educational background. Cotton Technologists must have a full and complete knowledge of the physical and chemical properties of cotton and cottonseed, the specific properties of cotton fibers and types of cotton fibers, and must also know the methods, techniques and practices involved in the production and marketing of cotton and cottonseed and the manufacture of cotton and cottonseed products. They must be able to design experiments and tests, properly interpret the results of these tests and disseminate the results of such tests or experiments to technical workers in the field and the general public.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7144; Filed, Sept. 10, 1954; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 21]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.321 *Valencia Orange Regulation 21*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 9, 1954, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information

for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s t., September 12, 1954, and ending at 12:01 a. m., P. s. t., September 19, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,450 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 10, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7028; Filed, Sept. 10, 1954; 11:30 a. m.]

[Lemon Reg. 554]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.661 *Lemon Regulation 554*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 8, 1954 such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 12, 1954, and ending at 12:01 a. m., P. s. t., September 19, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 275 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 553 (19 F. R. 5638) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 9th day of September 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7194; Filed, Sept. 10, 1954; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42-27]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

AIRMAN REQUIREMENTS; PILOT TRAINING AND CHECK PROGRAM

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of September 1954.

Part 42 currently contains certain requirements for the training and checking of pilots operating in irregular air transportation. Revised Part 40, which became effective on April 1, 1954, and Part 41 contain similar requirements for scheduled air transportation. The scheduled air carriers conduct most of their operations under Parts 40 and 41 and thus organize their training programs in accordance with the requirements of these parts. However, these air carriers also conduct charter and special flights which they may operate in accordance with Part 42.

While the training requirements of Parts 40 and 41 are complete, there are some differences between them and the requirements of Part 42 which raise administrative problems for scheduled air carriers with respect to checking the qualifications of pilots to be assigned to a charter or special flight. For example, in revised Part 40 there is more flexibility in the requirements pertaining to the periodic checking of pilots. Since the pilots are continuously receiving training and experience in operations, it was believed that more flexibility would permit smoother administration by an air carrier of a program of periodic checks, without adversely affecting safety.

A pilot who may be engaged alternately in scheduled and irregular air carrier operations may be subject both to the applicable scheduled air carrier operating part and to Part 42. In view of the differences in form between the pilot training and qualification requirements of the scheduled and irregular air carrier rules, unnecessary duplication under these requirements results in such a case. The Board believes that the requirements of Parts 40 and 41 adequately fulfill the intent of the provisions of Part 42 even though there may be specific minor differences. Accordingly, this amendment provides that the recent flight experience and crew member proficiency provisions of Part 42 shall not apply to pilots who for the previous six months have been continuously in the employ of an air carrier which has established pilot training and check procedures in accordance with the requirements of Part 40 or Part 41.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended), effective October 13, 1954.

By amending § 42.40 (a) to read as follows:

§ 42.40 *Airman requirements.* (a) No air carrier shall utilize an individual as an airman unless he has met the appropriate requirements of the Civil Air Regulations: *Provided*, That the provisions of §§ 42.44 (a) and 42.45 shall not be applicable to pilots who for the previous six months have been continuously in the employ and participating regularly in the training program of an air carrier which has established pilot training and check procedures in accordance with the requirements of Part 40 or Part 41 of this subchapter.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604; 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-7158; Filed, Sept. 10, 1954; 8:54 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 73]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

1. Section 610.107 *Amber civil airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Miami, Fla. (LFR).....	Bayshore (INT), Fla..	1,400
Bayshore (INT), Fla..	West Palm Beach, Fla. (LFR).	1,500

2. Section 610.320 *Red civil airway No. 20* is amended to read in part:

From—	To—	Minimum altitude
Goodrich (INT), Mich.	Windsor,[1] Ont., Canada (LFR).	2,300

[1] For that airspace over U. S. territory.

3. Section 610.368 *Red civil airway No. 68* is amended to read in part:

From—	To—	Minimum altitude
Tyler, Tex. (LFR).....	Shreveport, La. (LFR).	2,300

4. Section 610.390 *Red civil airway No. 90* is amended to read:

From—	To—	Minimum altitude
Camarillo, Calif. (LFR).	Canoga Park, Calif. (ILS/LOM).	5,000
Canoga Park, Calif. (ILS/LOM).	Burbank, Calif. (LFR): Eastbound.....	8,000
	Westbound.....	5,000

5. Section 610.403 *Red civil airway No. 103* is amended to read in part:

From—	To—	Minimum altitude
Skilak[1] (INT), Alaska	Cleare (INT), Alaska.	9,000
Cleare (INT), Alaska..	Middleton Island, Alaska (LF/RBN).	2,000

[1] 6,100'—Minimum crossing altitude at Skilak (INT), Southeast-bound.

6. Section 610.627 *Blue civil airway No. 27* is amended to read in part:

From—	To—	Minimum altitude
Rocky Point (INT), Alaska.	King Salmon, Alaska (LFR).	8,300

7. Section 610.662 *Blue civil airway No. 62* is amended to read in part:

From—	To—	Minimum altitude
Detroit, Mich. (LFR).	Flint, Mich. (ILS/LOM).	2,500
Flint, Mich. (ILS/LOM).	Saginaw, Mich. (LF/RBM).	2,200

8. Section 610.1001 *Direct routes; United States* is amended by adding:

From—	To—	Minimum altitude
Middleton Island, Alaska (LF/RBM).	Seal (INT), Alaska...	2,000

9. Section 610.6004 *VOR civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Malad City, Idaho (VOR).	Green River (INT), Wyo.	[1] 13,800
Green River (INT), Wyo.	Rock Springs, Wyo. (VOR).	10,000

[1] 12,000'—Minimum terrain clearance altitude.

10. Section 610.6007 *VOR civil airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Miami, Fla. (VOR), via W alters.	Tamiami[1] (INT), Fla. via W alter.	1,200
Tamiami (INT), Fla., via W alter.	Ft. Myers, Fla. (VOR), via W alter.	[2] 2,000

[1] 2,000'—Minimum reception altitude.
[2] 1,200'—Minimum terrain clearance altitude.

11. Section 610.6016 *VOR civil airway No. 16* is amended to read in part:

From—	To—	Minimum altitude
Salt Flat,[1] Tex. (VOR).	Gore (INT), Tex	10,000
Gore[2] (INT), Tex.....	Wink, Tex. (VOR)...	6,000

[1] 8,000'—Minimum crossing altitude at Salt Flat (VOR), eastbound.
[2] 7,200'—Minimum crossing altitude at Gore (INT), westbound.

12. Section 610.6022 *VOR civil airway No. 22* is amended to read in part:

From—	To—	Minimum altitude
Tallahassee, Fla. (VOR).	Greenville (INT), Fla.	1,400
Greenville (INT), Fla.	Genoa[1] (INT), Fla....	[2] 3,000
Genoa[1] (INT), Fla....	Taylor (INT), Fla....	[2] 2,500
Taylor[4] (INT), Fla....	Jacksonville, Fla. (VOR).	1,300

[1] 3,000'—Minimum reception altitude.
[2] 1,500'—Minimum terrain clearance altitude.
[3] 1,300'—Minimum terrain clearance altitude.
[4] 1,500'—Minimum reception altitude.

13. Section 610.6024 *VOR civil airway No. 24* is amended to eliminate:

From—	To—	Minimum altitude
Jamestown, N. D. (VOR).	Aberdeen, S. D. (VOR).	[1] 3,300

[1] 2,800'—Minimum terrain clearance altitude.

14. Section 610.6042 *VOR civil airway No. 42* is amended to read in part:

From—	To—	Minimum altitude
Pullman, Mich. (VOR).	Bedford (INT), Mich.	[1] 3,500

[1] 3,000'—Minimum terrain clearance altitude.

15. Section 610.6111 *VOR civil airway No. 111* is added to read:

From—	To—	Minimum altitude
Salinas, Calif. (VOR)..	Int. 091° rad. San Francisco, Calif. (VOR), and 032° rad. Salinas, Calif. (VOR).	[1] 7,000

[1] 5,500' Minimum terrain clearance altitude.

16. Section 610.6134 *VOR civil airway No. 134* is added to read:

From—	To—	Minimum altitude
Evergreen, Ala. ((VOR.	Columbus, Ga. (VOR)	[1] 3,500
Columbus, Ga. (VOR).	Atlanta, Ga. (VOR)..	2,400

[1] 2,100'—Minimum terrain clearance altitude.

17. Section 610.6164 *VOR civil airway No. 164* is amended to read:

From—	To—	Minimum altitude
Grover (INT), Pa	Wilkes-Barre, Scranton, Pa. (LFR).	4,000
Wilkes-Barre Scranton, Pa. (LFR).	Stillwater[1] (INT), N. J.	[2] 6,000
Stillwater[1] (INT), N. J	Caldwell, N. J. (VOR)	[2] 6,000

[1] 6,000'—Minimum reception altitude.
[2] 4,000'—Minimum terrain clearance altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective September 28, 1954.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-7060; Filed, Sept. 10, 1954; 8:45 a. m.]

[Amdt. 4]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

DESIGNATION OF CALIFORNIA (DOMESTIC) ADIZ

Part 620 is hereby amended for the purpose of deleting the common boundary separating the San Francisco (Domestic) ADIZ and the Los Angeles (Domestic) ADIZ. The single ADIZ formed as a result of this action is designated as the California (Domestic) ADIZ, and its boundaries are defined in subparagraph (b) of § 620.21 Since a military function of the United States is involved, compliance with notices, procedures, and effective date provisions of section 4 of Administrative Procedure Act is not required.

Section 620.21 is amended as follows:

1. Amended paragraph (b) to read:

(b) *California (Domestic) ADIZ.* The area bounded by a line 42° 00' N., 120° 00' W.; due south to 39° 00' N., 120° 00' W.; 35° 00' N., 114° 30' W.; due east to 35° 00' N., 113° 30' W.; due south to 32° 05' 30'' N., 113° 30' W.; westerly along the U. S.-Mexican international boundary to 32° 32' 03'' N., 117° 07' 25'' W.; 32° 30' N., 117° 20' W.; due west to 32° 30' N., 117° 45' W.; 33° 15' N., 118° 30' W.; 34° 00' N., 120° 30' W.; 34° 50' N., 121° 10' W.; 38° 50' N., 124° 00' W.; 40° 00' N., 124° 35' W.; 42° 00' N., 124° 38' 10'' W.; due east to 42° 00' N., 120° 00' W (point of beginning).

2. Delete paragraph (c) designating the Los Angeles (Domestic) ADIZ.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 1201–1204, 64 Stat. 825; 49 U. S. C. Sup. 701–704)

This amendment shall become effective October 1, 1954.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-7118; Filed, Sept. 10, 1954; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulation

PART 403—COORDINATED PROCUREMENT

This part has been revised in its entirety and now collates all applicable material on the subject, except for individual procurement assignments.

Sec.
403.000 Scope of part.
403.001 Interdepartmental procurement.
403.002 Procurement agreements.

SUBPART A—DEFINITION OF TERMS

403.101 Definitions.
403.101–1 Coordinated procurement.
403.101–2 Single procurement.
403.101–3 Requiring Department.
403.101–4 Procuring Department.
403.101–5 Military Interdepartmental Purchase Request.

SUBPART B—POLICIES AND GENERAL PRINCIPLES

403.200 Scope of subpart.
403.201 Application of procurement assignment.
403.202 Responsibilities under single procurement.
403.202–1 Single Department Procurement.
403.202–2 Joint procurement.
403.202–3 Plant cognizance procurement.
403.203 General principles covering implementation of procurement assignments.
403.203–1 Standard format; development and promulgation of implementing procedures.
403.203–2 Relationship between research and development and single procurement.
403.203–3 Small dollar value purchases.
403.203–4 Emergency.
403.203–5 Department of Defense manufacturing establishments.
403.204 Items in short supply.
403.205 Transfer of uncompleted contracts.
403.205–1 Effect of assignment of procurement responsibility.
403.205–2 Disputes under transferred contracts.
403.205–3 Contracting Officers under transferred contracts.
403.206 Purchase authorization.
403.207 Components of end items.
403.207–1 Contractor-furnished components.
403.207–2 Government-furnished components.
403.207–3 Purchase of components over and above those initially purchased with the end item.
403.208 Funds and payments.
403.209 Charges and surcharges.
403.210 Administrative costs.
403.211 Inspection.
403.212 Execution and administration of contracts.
403.213 Status reporting.
403.214 Specifications.
403.215 Transportation of supplies.

AUTHORITY: §§ 403.000 to 403.215 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161.

§ 403.000 *Scope of part.* This part sets forth, on the basis of the provisions of and authority contained in the Armed Services Procurement Act of 1947 (41 U. S. C. 151–161), as amended, and the National Security Act of 1947 (5 U. S. Code 171–172j), as amended, the basic policies and requirements relating to coordinated procurement of supplies and services.

§ 403.001 *Interdepartmental procurement.* Procurement of supplies and services from or through Government departments or agencies outside the Department of Defense shall be accomplished in the manner set forth in Part 404 of this subchapter.

§ 403.002 *Procurement agreements.* Section 10 of the Armed Services Procurement Act provides that Department heads by agreement may make such assignments and delegations of procurement responsibilities from one Department to another or may create such joint or combined Procuring Activities or agencies as they deem necessary or desirable. Nothing set forth in this subchapter shall preclude the Departments from making agreements under said section 10 which do not violate the single procurement policies and procedures set forth in this part or in applicable Department of Defense Directives, Instructions, and regulations.

SUBPART A—DEFINITION OF TERMS

§ 403.101 *Definitions.* As used in this subchapter, the following terms have the meanings set forth in §§ 403.101–1 to 403.101–5.

§ 403.101–1 *Coordinated procurement.* The term "coordinated procurement" refers to procurement (a) of supplies and services pursuant to the authority set forth in § 403.002, and (b) of supplies under single procurement as defined in § 403.101–2.

§ 403.101–2 *Single procurement.* The term "single procurement" refers to procurement of supplies pursuant to assignments of procurement responsibility made by the Secretary of Defense. The following are approved types of single procurement:

(a) "Single department procurement," whereby one Department procures certain supplies to satisfy the requirements of all the Departments.

(b) "Plant cognizance procurement," whereby one Department procures certain supplies from a particular plant to satisfy the requirements of all the Departments. This type of procurement is limited presently to airframes, aircraft engines, and propellers.

(c) "Joint procurement," whereby a jointly staffed and financed agency within the Department of Defense procures certain supplies to satisfy the requirements of all the Departments.

§ 403.101–3 *Requiring Department.* The term "Requiring Department" refers to the Department originating a requisition or purchase request for supplies.

§ 403.101–4 *Procuring Department.* The term "Procuring Department" refers to the Department or agency which is assigned the procurement responsibility for the supplies.

§ 403.101–5 *Military Interdepartmental Purchase Request.* This term, hereinafter referred to as "MIPR," refers to DD Form 448 (Military Interdepartmental Purchase Request) executed by a Requiring Department as a request for supplies to be procured or furnished by the Procuring Department.

SUBPART B—POLICIES AND GENERAL PRINCIPLES

§ 403.200 *Scope of subpart.* This subpart sets forth policies and general principles governing the single procurement of supplies by the Departments.

§ 403.201 *Application of procurement assignment.* Single procurement in the form of single department, joint agency, or plant cognizance procurement shall be effected whenever it will result in net advantages to the Department of Defense as a whole, except so far as it can be demonstrated that use of such a procurement method will adversely affect military operations.

§ 403.202 *Responsibilities under single procurement.*

§ 403.202–1 *Single Department Procurement.* The Procuring Department is generally responsible for the following, under single department procurement (for specific assignment of procurement responsibilities, see DOD publication "Procurement Assignments, List of Commodities"):

(a) Operational phases of procurement planning (phasing the submission of requirements, consolidating requirements, analyzing the market, and determining patterns for the phased placement of orders in such a manner as to assure meeting the needs of the Departments at the lowest possible price to the Government, and at the same time avoiding unnecessary peaks and valleys of production).

(b) Purchasing.

(c) Contract Administration, including arrangements for follow-up and expediting.

(d) Acquisition of licenses under patents or other proprietary rights covering the subject matter of the procurement and the settlement of patent infringement claims arising out of the procurement. Approval of the Department or Departments whose funds are to be charged for the acquisition of licenses or settlement of claims will be obtained.

(e) Arrangement for inspection.

(f) Arrangement for transportation.

(g) Development, under the policies of the Assistant Secretary of Defense (Supply and Logistics), of joint Military or Federal specifications when possible.

(h) Initiation and promotion, under the policies of the Assistant Secretary of Defense (Supply and Logistics), of the maximum degree of standardization.

§ 403.202–2 *Joint procurement.* Responsibilities for procurement by a joint agency are as set forth in the individual agency charter.

§ 403.202–3 *Plant cognizance procurement.* Responsibilities for procurement and mobilization planning are as set forth in the Munitions Board memorandum of 14 February 1949, subject: "Assignment of Procurement Responsibilities and Mobilization Planning Responsibilities in Selected Aviation Plants," and any amendments thereto.

§ 403.203 *General principles governing implementation of procurement assignments.*

§ 403.203–1 *Standard format; development and promulgation of implementing procedures.* Implementation of a procurement assignment shall be accomplished in accordance with Department of Defense Directive 4115.28, July 26, 1952, subject: "Implementation of Procurement Assignments," and any amendments thereto.

§ 403.203–2 *Relationship between research and development and single procurement.* Items are not subject to procurement assignment until they have reached the production stage.

§ 403.203–3 *Small dollar value purchases.* Requirements of small dollar value will be procured in accordance with the provisions of the approved implementing procedures covering the particular assignment.

§ 403.203–4 *Emergency.* In case of emergency, where the exigencies of the situation will not permit of the delay incident to following the normal channels of single procurement, purchases may be made without the prior authorization of the Procuring Department. When such emergency purchases are made, one copy of the contractual instrument, bearing or accompanied by a statement of the emergency, shall be transmitted promptly to the purchasing activity of the Procuring Department.

§ 403.203–5 *Department of Defense manufacturing establishments.* When procurement assignments have been made for items required by manufacturing establishments of the Departments, these items shall be obtained through the facilities of the Procuring Department unless such action will unduly hinder or delay production. When procurements are made other than through the Procuring Department, one copy of the contractual instrument bearing or accompanied by a statement of the circumstances necessitating such procurement shall be transmitted promptly to the purchasing activity of the Procuring Department. This section is not applicable when purchases are made pursuant to § 403.203–3.

§ 403.204 *Items in short supply.* In cases where shortages in supplies develop, the normal procedure will be to resolve the problem on a Departmental level. If mutual agreement cannot be reached, the subject shall be referred to the Joint Munitions Allocations Committee of the Joint Chiefs of Staff for decision.

§ 403.205 *Transfer of uncompleted contracts.*

§ 403.205–1 *Effect of assignment of procurement responsibility.* As a general rule, when the procurement responsibility for a commodity or class of commodities is assigned to one Department, uncompleted contracts of any other Department for any such commodity or class of commodities will not be transferred but will continue to be administered for all purposes by such other Department.

§ 403.205–2 *Disputes under transferred contracts.* In the case of any contract transferred, or to be transferred, from one Department to another Department, which contract refers to either the Navy Department Board of Contract Appeals or the Army Board of Contract Appeals, the contract shall be amended to provide that the Armed Services Board of Contract Appeals will hear and decide all disputes concerning questions of fact which are appealed pursuant to the "disputes" clause of such transferred contract.

§ 403.205–3 *Contracting Officers under transferred contracts.* In the case of any contract transferred, or to be transferred, to any Department, the successor to the Contracting Officer for each such contract shall be the Head of the Procuring Activity (or any Contracting Officer thereof) to which the administration of any such contract is assigned, and any such successor shall have all of the rights and responsibilities of a Contracting Officer under such transferred contract.

§ 403.206 *Purchase authorization.* MIPR's or other authorized procurement requests, when received by the Procuring Department, will be the authority to procure the supplies listed thereon or to furnish from stock, in accordance with agreements between the Departments concerned, subject to the provisions of § 403.208. Although the Procuring Department has no responsibility to determine the validity of a stated requirement in an approved procurement request, it should bring to the attention of the Requiring Department apparent or obvious errors in the requirement. Deviations from provisions of the MIPR or other authorized procurement request shall not be made by the Procuring Department without approval of the Requiring Department.

§ 403.207 *Components of end items.*

§ 403.207–1 *Contractor-furnished components.* In the procurement of end items where the Contractor normally secures all components thereof from his own source (not Government-furnished), the procurement assignment does not apply to the component items required by such Contractor.

§ 403.207–2 *Government-furnished components.* In the procurement of end items where the Government furnishes components which are covered by a procurement assignment, such components shall be procured in accordance with the procurement assignment. However, direct purchase may be made by a Requiring Department in exceptional cases where agreement is reached with the Procuring Department.

§ 403.207–3 *Purchase of components over and above those initially purchased with the end item.* The procurement of components covered by a procurement assignment, over and above those initially purchased with the end item, shall be effected in accordance with the procurement assignment. However, direct purchase may be made by a Requiring Department in exceptional cases where agreement is reached with the Procuring Department.

§ 403.208 *Funds and payments.* [Reserved] (Pending publication of this section, funds to be obligated by a Contracting Officer in response to a MIPR or other authorized procurement request shall not exceed the amounts certified by the requiring activity, in accordance with the provisions of Department of Defense Directive 7200.1, March 20, 1952, subject: "Administrative Control of Appropriations within the Department of Defense, and implementing Departmental regulations").

§ 403.209 *Charges and surcharges.* Items requested by one Department from another Department which are furnished from inventory stocks shall be billed at catalog or book price. However, when items do not fully conform to prescribed specifications or standards, or are considered excess or obsolete stock, the items shall be billed at a price mutually agreeable to both Departments. Items furnished from stocks financed by stock funds shall be handled in accordance with Department of Defense regulations governing the operation of stock funds. Costs of packing, crating, and handling such materials shall not be billed unless approved by the Assistant Secretary of Defense (Comptroller). Administrative costs shall be handled in accordance with § 403.210.

§ 403.210 *Administrative costs.* The Procuring Department shall bear, without reimbursement therefor, the administrative costs incidental to its procurement of supplies for another Department. However, when a procurement responsibility is transferred from one Department to another Department, funds appropriated or to be appropriated for defraying the administrative costs of such procurement responsibility shall be made available to the successor Procuring Department which shall assume budget cognizance at the earliest possible date.

§ 403.211 *Inspection.* Policies and procedures concerning inspection and acceptance for use in conjunction with this part are set forth in Part 413 of this subchapter.

§ 403.212 *Execution and administration of contracts.* Generally, the Procuring Department will execute a single contract where an award embodying the requirements of more than one Department is made to a single Contractor. Administration of contracts shall be in accordance with the procedures developed by the Procuring Department in accordance with § 403.203–1.

§ 403.213 *Status reporting.* Appropriate systems of followup shall be maintained by the Procuring Department in order that contracting personnel may be currently informed as to the performance by a Contractor and to further insure that Requiring Departments are apprised of the status of contracts.

§ 403.214 *Specifications.* The Procuring Department shall have the responsibility for the following specification activities, except as otherwise assigned:

(a) Obtaining from the Requiring Department a list of (or copies of) specifications used in the assigned field;

(b) Reviewing the specifications to determine those which are of such interest that military or Federal specifications should be prepared;

(c) Taking action to have initiated military or Federal specifications projects;

(d) Acting as custodian of military specifications in assigned fields.

Under no circumstances will the Procuring Department direct or authorize deviations from the specifications contained in the MIPR without express authority of the Requiring Department.

§ 403.215 *Transportation of supplies.* Subject to the provisions of § 400.306, every requisition or procurement request shall show the appropriation or fund and accounting classification chargeable for such transportation costs as may be incurred in effecting delivery at Government expense. Government bills of lading, when required, will generally be issued by the Procuring Department. In every instance, the Government bill of lading shall show (a) the Requiring Department as the Department to be billed, and (b) the appropriation or fund designated by that Department as the appropriation chargeable. Where Government bills of lading of the Procuring Department are used to cover shipment of supplies consigned to the Requiring Department, the bill of lading number shall be prefixed by the name of the Requiring Department.

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 54–7112; Filed, Sept. 10, 1954; 8:45 a. m.]

PART 406—CONTRACT CLAUSES AND FORMS

SUBPART A—CLAUSES FOR FIXED PRICE SUPPLY CONTRACTS

REQUIRED CLAUSES

Section 406–103 *Required clauses,* is amended as follows:

1. Section 406–103–8 (b) is amended by deletion of the classification category "Restricted" therefrom, to conform the "Assignment of Claims" clause to Executive Order 10501 (18 F. R. 7049) and DOD Directive 5200.1, November 19, 1953. It now reads as follows:

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret", "Secret", or "Confidential", be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same: *Provided,* That a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

2. Section 406.103–12 has been revised to conform to 68 Stat. 81. It now reads as follows:

§ 406.103–12 *Disputes.*

DISPUTES

Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. Within 30 days from the date of receipt of such copy, the Contractor may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Secretary, and the decision of the Secretary or his duly authorized representative for the hearing of such appeals shall, unless determined by a court of competent jurisdiction to have been fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence, be final and conclusive; provided that, if no such appeal is taken, the decision of the Contracting Officer shall be final and conclusive. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

With respect to inclusion of a "Disputes" clause in construction contracts, see § 415.004–3 (d).

In accordance with Department procedures, the foregoing clause may be modified to provide for intermediate appeal to the Head of the Procuring Activity concerned. The decision of the Contracting Officer referred to in the above clause shall, if mailed, be sent by registered mail, return receipt requested.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 54–7113; Filed, Sept. 10, 1954; 8:45 a. m.]

PART 407—TERMINATION OF CONTRACTS

MISCELLANEOUS AMENDMENTS

Several changes have been made to Part 407 which should result in a considerable measure of expedition of settlement of subcontracts and disposal of termination inventory.

1. Section 407.518–6 has been amended by increasing the monetary authority for settlement by prime and subcontractors of subcontract termination claims without approval by the Contracting Officer from $1,000 to $10,000. It now reads as follows:

§ 407.518–6 *Authorization of settlement under $10,000 of subcontractors' termination proposals without approval or ratification.* (a) The Contracting

Officer may, if satisfied with the adequacy of the procedures used by the Contractor in settling the termination claims (including proposals for retention, sale, or other disposal of termination inventory, of its immediate and lower tier subcontractors, upon the written request by the Contractor, authorize the Contractor to conclude settlements of his terminated subcontracts, which settlements shall thereupon be reimbursable in accordance with this part and the Termination Clause of the contract, without requiring approval or ratification by the Contracting Officer, subject, however, to the following conditions and requirements:

(1) The amount of any such subcontract termination settlement does not exceed $10,000, determined in accordance with § 407.202: *Provided, however,* That the Contracting Officer shall not grant to the Contractor any authority hereunder in respect of subcontract termination settlements between $1,000 and $10,000 without the express written approval of the Head of the Procuring Activity concerned, or of a deputy or principal assistant responsible for contract matters.

(2) Any termination inventory included in the determination of the amount of the settlement has been disposed of in accordance with the procedures set forth in § 407.614, except that the disposition of such inventory shall not (i) be subject to review by the Contracting Officer under the provisions of § 407.614–1 (a) or § 407.614–4, or (ii) be subject to the provisions of § 407.614–5 (a).

(3) Completed articles allocable to the terminated subcontract may also be disposed of without review by the Contracting Officer under § 407.614–1 (a) or § 407.614–4, and without screening under § 407.614–5 (a), provided that the amount thereof (at the subcontract price) when added to the amount of the settlement as determined under subparagraph (1) of this paragraph does not exceed $10,000. Except to this extent, § 407.614 shall apply to any disposal of completed articles allocable to the terminated subcontract.

(4) Each such settlement is accompanied by a certificate in the form set forth in § 407.708.

(b) The Contracting Officer granting the above defined authorization to a Contractor shall be responsible for periodically making a selective review of settlements to determine whether the Contractor is making adequate reviews and fair settlements, and whether such authorization shall remain in effect. Whenever the Contracting Officer determines that the Contractor's procedures are not adequate or that improper settlements are being made, he may revoke the authorization by written notice to the Contractor. The revocation of the authority shall take effect only from the date of receipt of written notice by the Contractor.

(c) Any number of separate settlements of $10,000 or less may be made with a single subcontractor. Claims which would normally be included in a single settlement proposal, such as those based on a series of separate orders for the same item under one contract, should be consolidated wherever possible, and must not be divided in such a way as to bring them within the authorization provided for in this paragraph.

2. Section 407.601–3 has been amended as follows: § 407.601–3, as revised facilitates disposal of Government-furnished property by eliminating the requirement that supplies must be surplus before disposition is authorized. It now reads:

§ 407.601–3 *Government - furnished property.* Government-furnished property which is included in termination inventory, delivery of which has not been required by the Government, may be disposed of in the same manner as other termination inventory after screening in accordance with the requirements of § 407.606, except that § 407.602 does not apply to the disposition of such Government-furnished property. The Contracting Officer is required to approve all such dispositions and may specify methods for preparing and routing inventory schedules covering such property.

3. Section 407.602 as revised authorizes Contractors to return Contractor-acquired property to their suppliers and to secure reimbursement and restocking charges or 15 percent of the cost of returned inventory, whichever is less; where proper use of retained contractor-acquired property requires moving of inventory, a Contractor may now be reimbursed for the reasonable cost of handling and transportation.

§ 407.602 *Retention of contractor-acquired property by contractor; return of property to suppliers.*

§ 407.602–1 *Retention of property by contractors.* Subject to the right of the Government to acquire any item of Contractor-acquired property and to the provisions of § 407.602–3, Contractors are encouraged to retain such property at cost and shall not include any part of the cost of property so retained in settlement proposals, except that in any instance in which a Contractor desires to retain any allocable Contractor-acquired property for the purpose of utilization at another plant location and such retention is deemed to be in the best interest of the Government, reasonable handling and transportation charges with respect to property so retained may be included in the Contractor's settlement proposal as "other costs."

§ 407.602–2 *Return of property to suppliers.* Subject to the right of the Government to acquire any item of Contractor-acquired property and to the provisions of § 407.602–3, Contractors are authorized and encouraged to return allocable quantities of such property to suppliers for full credit less the supplier's normal restocking charge, or 15 percent of cost, whichever is less. Contractors shall not include in their termination settlement proposals the cost of termination inventory returned to suppliers in accordance with this paragraph. The Contractor may include in his settlement proposal as "other costs" the transportation, handling, and restocking charges with respect to the property so returned.

§ 407.602–3 *Cost-reimbursement type contracts.* Whether or not the Government has previously acquired title thereto under the provisions of a cost-reimbursement type contract, the Contractor may, with the approval of the Contracting Officer, upon appropriate adjustment of any previously reimbursed costs retain or return to the supplier any items of Contractor-acquired termination inventory under the provisions of §§ 407.602–1 and 407.602–2.

4. Section 407.603–2 has been amended by the addition of a sentence. It now reads as follows:

§ 407.603–2 *General classifications.* Contractor-acquired property and Government-furnished property shall be listed separately to the extent practicable. Within each of these categories, separate sets of schedules shall be submitted (as set forth in Subpart G of this part) covering the following:

(a) Serviceable aircraft or aircraft components;

(b) Other serviceable or usable materials;

(c) Scrap or salvage.

To the extent that it may be practicable, separate sets of schedules will be submitted for property to be screened and property not to be screened under the provisions of § 407.606. The classification proposed by the Contractor in his schedules shall be subject to the approval of the Contracting Officer.

5. Section 407.606 *Screening of serviceable and useable property* has been amended as follows:

§ 407.606 *Screening of serviceable and useable property.*

§ 407.606–1 *Scope of screening.* (a) Subject to the provisions of paragraphs (b), (c), and (d) of this section serviceable and useable property included in the Contractor's inventory schedules will be screened as follows:

(1) Inventories of aircraft and aircraft components will be screened for possible redistribution within the Air Force and the Navy;

(2) Inventories of other items will be screened to the extent required by the Procuring Activity. Items which are reportable for further screening under applicable regulations will be so reported;

(3) Termination inventory to which the provisions of § 407.518–6 are applicable does not require screening.

(b) If the contractor has been directed by the Notice of Termination to deliver any items of termination inventory to the Government no further screening of those items will be required.

(c) If the total serviceable and usable property included in the Contractor's inventory schedules has an original cost of $500 or less, such property need not be screened unless the Contracting Officer determines that screening is desirable.

(d) Line items included in the Contractor's inventory, having an original cost of $300 ($1,000 in the case of foreign excess) or less, need not be screened (unless the Contracting Officer determines that screening is desirable), provided that such items are listed by the Contractor on a separate schedule or schedules. The term "line item" as used in this paragraph means all substantially similar articles under any one contract at any one location and which should be listed as a single entry in an inventory schedule.

§ 407–606–2 *Screening period.* If screening under § 407–606 has not been completed within 60 calendar days after the date the property involved is reported by the Procuring Activity to the Surplus Materials Division, Department of Defense, and no instructions with respect to such property have been received by the Contracting Officer within such 60-day period, the Contracting Officer shall promptly notify the Contractor and thereafter such property may be sold or otherwise disposed of as hereinafter set forth.

6. Section 407.607 *Acquisition by Government* is amended by deletion of the phrase, "and (c) other agencies of the Government" from the last sentence.

7. The amendments to § 407.608–3 result in substantial enlargement of the authority of Contracting Officers to permit disposition of termination inventory by negotiated sales. The amended section reads as follows:

§ 407.608–3 *Other sales.* (a) Acquisitions or sales, other than those under paragraph (b) of this section, may be authorized without competitive bids whenever in the opinion of the Contracting Officer the use of such method of disposal is essential in the interest of making a fair and prompt settlement (including the expeditious clearance of the Contractor's plant) and provided the interests of the Government are adequately protected. Acquisitions and sales under this paragraph shall be at a price which is (1) fair and reasonable, (2) not less than the proceeds which could reasonably be expected to be obtained if the property were offered for competitive sale at such time, (3) approved by the Contracting Officer, and (4) subject to the provisions of paragraph (c) of this section.

(b) After such appropriate screening as may be provided by the regulations of the various departments, scientific equipment allocated to terminated research and development contracts with educational institutions may be sold to the Contractor in possession for use in educational or research pursuits without obtaining competitive bids. Prices under which such equipment is transferred shall be based upon negotiations between the Contractor and the Contracting Officer: *Provided,* That such prices shall be fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for competitive sale at such time.

(c) Any acquisitions or sales made under paragraph (a) or (b) of this section without competitive bids shall be subject to the prior approval of a Property Disposal Review Board, or other designated reviewing agency, to the extent required by departmental procedures, in addition to the required approval of the Contracting Officer under § 407.608–1 and paragraph (a) (3) of this section: *Provided, however,* That the approval of such a board or other reviewing agency shall be required, as a minimum, in any case hereunder in which the original acquisition cost of the materials involved exceeds $25,000.

8. Section 407.613–2 is amended to read as follows:

§ 407.613–2 *Required review.* The following property disposal matters shall be reviewed by a Property Disposal Review Board prior to approval or ratification by the Contracting Officer:

(a) A determination that material is scrap or salvage, if the original acquisition cost of the material is $25,000 or more.

(b) A release from a scrap warranty, if the original acquisition cost of the material is $10,000 or more.

(c) Any acquisitions or sales made without competitive bids in accordance with § 407.608–2 to the extent required by departmental procedures in accordance with § 407.608–3.

(d) A determination that property is donable in accordance with § 407–609 and a determination to destroy or abandon material in accordance with § 407–610 if the original acquisition cost of the material exceeds $1,000.

(e) Whenever the Contracting Officer deems it appropriate.

9. Section 407.614 as revised, provides authority for direct submission for approval of subcontractors' inventory schedules by their next higher-tier subcontractors to cognizant Contracting Officers. The amended paragraph reads as follows:

§ 407.614 *Subcontractor termination inventory.*

§ 407.614–1 *General policy.* (a) The Prime Contractor and each subcontractor is primarily responsible for disposing of the termination inventory of its next lower-tier subcontractors, but all such disposals shall be subject to review by the Contracting Officer as to reasonableness in connection with the approval or ratification (except as otherwise provided in § 407.518–6) of the Prime Contractor's settlements with its subcontractors under § 407.518–7. The policy relating to methods of disposal, responsibility for sales, and Government-furnished property and the general restrictions on Contractors' authority, as set forth in § 407.601, shall be applicable in the case of subcontractors. Any rights which the Prime Contractor has or acquires in the termination inventory of its first-tier or lower-tier subcontractors shall, to the extent directed by the Contracting Officer, be exercised for the benefit of the Government, in accordance with the provisions of the contract between the Government and the Prime Contractor.

(b) Subcontractors in all tiers will prepare inventory schedules in accordance with the requirements of this part. Normally disposition instructions for termination inventory, except serviceable and usable property, will be furnished by the next higher-tier subcontractor or the Prime Contractor, as the case may be. Each subcontractor may submit its next lower-tier subcontractors' termination inventory schedules of serviceable and usable property directly to the Contracting Officer for review and disposition instructions, unless otherwise directed by the Contracting Officer. In the interest of expediting disposition of termination inventory, the cognizant Contracting Officer will permit such direct submission, unless he determines that the submission of inventory schedules through all intermediate tiers of subcontractors is necessary in the best interest of the Government. When such a determination is made, it must be in writing and a copy submitted to the Head of Procuring Activity concerned for review.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

T. P. PIKE,
Assistant Secretary of Defense
(Supply and Logistics).

[F. R. Doc. 54–7114; Filed, Sept. 10, 1954; 8:46 a. m.]

PART 408—PATENTS AND COPYRIGHTS

MISCELLANEOUS AMENDMENTS

Part 408, *Patents and Copyrights,* has been amended as follows:

1. Section 408.001, *Effective date of part,* has been deleted. In lieu thereof, the following section has been inserted:

§ 408.000 *Scope of part.* This part sets forth policies, instructions and contract clauses pertaining to patents and copyrights in connection with the procurement of supplies and services.

The amendments to §§ 408.102 and 408.105 provide that the clauses entitled "Notice and Assistance Regarding Patent Infringement" and "Patent Indemnity" may be included in contracts for construction on real property and shall be included in every supply contract in excess of $5,000 which calls exclusively for standard commercial supplies. The amendments further provide that the above-mentioned clauses shall not be used in any contract in lesser amounts, except that, as a matter of administrative convenience, the clauses need not be deleted when they are a part of a standard form being used for the contract. The clauses themselves have been revised slightly by prefixing the words "if the amount of this contract is in excess of $5,000".

2. Section 408.102, as amended, reads as follows:

§ 408.102 *Notice and assistance.* In order that the Government may be notified of claims of infringement asserted against a Contractor or its subcontractor in connection with the performance of Government contracts, and in order that the Government may obtain necessary assistance from a contractor in the event of patent infringement litigation, the following clause shall be included in all contracts in excess of $5,000 for supplies, construction on real property, facilities, or experimental, developmental, or research work; and shall not be included in contracts of lesser amounts, except that, as a matter of administrative con-

venience, the clause need not be deleted when it is a part of a standard form being used for the contract:

(a) If the amount of this contract is in excess of $5,000, the Contractor agrees to report to the Contracting Officer, promptly and in reasonable written detail, each claim of patent infringement based on the performance of this contract and asserted against it, or against any of its subcontractors if it has notice thereof.

(b) In the event of litigation against the Government on account of any claim of infringement arising out of the performance of this contract or out of the use of any supplies furnished or construction work performed hereunder, the Contractor agrees that it will furnish to the Government, upon request, all evidence and information in its possession pertaining to the defense of such litigation. Such information shall be furnished at the expense of the Government, except in those cases in which the Contractor has agreed to indemnify the Government against the claim being asserted.

3. Section 408.105 (a) has been amended and, shown with the introductory text of the section, now reads as follows:

§ 408.105 *Patent indemnification of Government by Contractor.* In order that the Government may be protected from liability for patent infringement, a contract clause providing for appropriate indemnification shall be used in accordance with the provisions set forth below:

(a) The following clause may be included in contracts for construction on real property and shall be included in every supply contract in excess of $5,000 which calls exclusively for standard commercial supplies; and shall not be used in any contract of lesser amounts, except that, as a matter of administrative convenience, the clause need not be deleted when it is a part of a standard form being used for the contract:

PATENT INDEMNITY

If the amount of this contract is in excess of $5,000, the Contractor agrees to indemnify the Government and its officers, agents and employees against liability, including costs and expenses, for infringement upon any Letters Patent of the United States (except Letters Patent issued upon an application which is now or may hereafter be, for reasons of national security, ordered by the Government to be kept secret or otherwise withheld from issue) arising out of the performance of this contract or out of the use or disposal by or for the account of the Government of supplies furnished or construction work performed hereunder. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given an opportunity to present recommendations as to the defense thereof; and further such indemnity shall not apply in any one of the following situations: (i) Any infringement resulting from the addition to any such supplies of other supplies not furnished by the Contractor for the purpose of such addition; (ii) any settlement of a claim of infringement made without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction; (iii) any claim of infringement arising from use or disposal outside the scope of any license limitation under which the Contractor is bound, provided that the Contractor has notified the Government of the limitation prior to first delivery under this contract; (iv) any infringement necessarily resulting from changes (other than the substitution of another standard commercial part or component manufactured or supplied by the Contractor) ordered pursuant to this contract, or from specific written instructions given by the Contracting Officer directing a manner of performing the contract not normally utilized by the Contractor.

4. Section 408.104 *Classified contracts* has been amended by deletion of paragraph (b) in the "clause" and insertion, in lieu thereof, of the following paragraph (b):

(b) While and so long as the subject matter of this contract is classified "Confidential", the Contractor agrees to furnish to the Contracting Officer, at the time of or prior to filing or causing to be filed a patent application disclosing any of said subject matter, a copy of such application for determination whether, for reasons of national security, such application should be kept secret or the issuance of a patent thereunder otherwise delayed, under pertinent statutes or regulations; and the Contractor agrees to observe any instructions of the Contracting Officer in this regard.

5. Section 408.203 *Material in which no adverse copyright should be established* has been amended by the deletion of paragraph (c) and insertion of the following paragraph (c) in lieu thereof:

(c) Surveys of Government establishments.

(Sec. 1, 54 Stat. 712, as amended, sec. 201, 55 Stat. 839, 62 Stat. 20; 50 U. S. C. App. 1171, 611, 41 U. S. C. 151–161; E. O. 9001, 6 F. R. 6787, as amended by E. O. 9296, 8 F. R. 1429; 3 CFR, 1943 Cum. Supp.)

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 54-7115; Filed, Sept. 10, 1954; 8:46 a. m.]

PART 410—FEDERAL, STATE AND LOCAL TAXES

MISCELLANEOUS AMENDMENTS

Part 410, Federal, State and Local Taxes, has been amended to conform this subchapter to the Excise Tax Reduction Act of 1954 (68 Stat. 37), as follows:

1. Section 410.001, *Effective date of part* has been deleted and § 410.000, *Scope of part* substituted therefore, as follows:

§ 410.000 *Scope of part.* This part deals with certain Federal Taxes imposed by the Internal Revenue Code upon certain supplies and services procured by any Department; exemptions from such Federal taxes; policy with respect to obtaining exemption from State and local taxes; and contract clauses required or authorized for insertion in contracts.

2. Sections 410.101 through 410.104, 410.107 and 410.108 are amended to read as follows:

§ 410.101 *Manufacturers' excise taxes.* Chapter 29 of the Internal Revenue Code, as implemented by Treasury Regulations 44 and 46, imposes a manufacturers' excise tax upon various types of supplies, enumerated in §§ 410.101–1 to 410.101–14, sold by the manufacturer, producer, or importer. In general, this tax is based in each instance on sales price (including any charges for packaging, but excluding incidental charges such as transportation, installation, etc.) and attaches at the time when title passes from the seller. The lease of supplies is considered a sale for purposes of this tax. Jewelry and luggage subject to a retailers' excise tax covered in § 410.102–1 and § 410.102–4 are not subject to a manufacturers' excise tax.

§ 410.101–1 *Tires and inner tubes.* A tax is imposed with respect to sales of the following supplies at the indicated rates:

(a) Tires wholly or in part of rubber, including synthetic or substitute rubber (exclusive of metal rims or rim bases) 5 cents a pound on total weight;

(b) Inner tubes (for tires) wholly or in part of rubber, including synthetic or substitute rubber—9 cents a pound on total weight.

§ 410.101–2 *Automotive equipment.* A tax is imposed with respect to sales of the following supplies at the indicated rates:

(a) Chassis and bodies (including parts or accessories sold therewith) of the following types of automotive equipment (excluding tractors and motor-driven machines and handling equipment used on premises of factories and railway stations):

(1) Automobile trucks and buses—8 percent through March 31, 1955, 5 percent thereafter;

(2) Truck and bus trailers and semi-trailers—8 percent through March 31, 1955, 5 percent thereafter;

(3) Trailers and semi-trailers suitable for use in connection with passenger automobiles—10 percent through March 31, 1955, 7 percent thereafter;

(4) Other automobiles—10 percent through March 31, 1955, 7 percent thereafter;

(b) Tractors (including parts or accessories sold therewith) of the kind chiefly used for highway transportation in combination with a trailer or semi-trailer—8 percent through March 31, 1955, 5 percent thereafter;

(c) Motorcycles (including parts or accessories sold therewith)—10 percent through March 31, 1955, 7 percent thereafter;

(d) Parts or accessories (such as spark plugs, storage batteries, leaf springs, coils, timers, and tire chains suitable for use in connection with any of the supplies enumerated in paragraphs (a), (b), and (c) of this section; but excluding tires, inner tubes, and automobile radios, and also excluding parts and accessories sold to a manufacturer of any of the supplies enumerated in paragraphs (a), (b), and (c) of this section: *Provided*, That an appropriate certificate of the purchaser is given to the seller stating that the purchaser is a manufacturer of such supplies) sold for any of the supplies enumerated in paragraphs (a), (b), and (c) of this section—8 percent through March 31, 1955, 5 percent thereafter. Where a manufacturer sells tax-paid tires, inner tubes, or automobile radios on or in connection with, or with the sale of, any of the supplies enumerated in paragraphs (a), (b), and (c) of this section, he may take appropriate credit against the tax due on his sale of such automotive equipment.

§ 410.101–3 *Radio, television, and musical equipment.* A tax of 10 percent is imposed with respect to sales of the following supplies (including, except in the case of musical instruments, parts, or accessories sold therewith):

(a) Radio receiving sets, automobile radio receiving sets, television receiving sets, automobile television receiving sets, phonographs, and combinations of any of the foregoing;

(b) Chassis, cabinets, tubes, power supply units, speakers, amplifiers, antennae of the "built-in" type, and phonograph mechanisms, suitable for use in connection with, or as component parts of, any of the supplies enumerated in paragraph (a) of this section, whether or not primarily adapted for such use;

(c) Phonograph records;

(d) Musical instruments.

§ 410.101–4 *Refrigerating, quick-freezing and air-conditioning equipment.* A tax is imposed with respect to sales of the following supplies (including parts or accessories sold therewith) at the indicated rates:

(a) Household type refrigerators (for single or multiple cabinet installations) having, or designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline; household type units for the quick-freezing or frozen storage of foods, operated by electricity, gas, kerosene, or gasoline; and combinations of such household type refrigerators and units—5 percent;

(b) Cabinets, compressors, condensers, condensing units, evaporators, expansion units, absorbers, and controls for, or suitable for use as parts of or with, the supplies described in paragraph (a) of this section, except when sold as component parts of complete refrigerators or refrigerating or cooling apparatus or quick-freeze units—5 percent;

(c) Self-contained air-conditioning units—10 percent.

§ 410.101–5 *Sporting goods.* A tax of 10 percent is imposed with respect to sales of sporting goods and equipment.

§ 410.101–6 *Electric, gas, and oil appliances.* A tax of 5 percent is imposed with respect to sales of electric, gas, and oil appliances such as fans, heaters (other than electric air furnaces), cooking appliances, etc.

§ 410.101–7 *Photographic apparatus.* A tax is imposed with respect to sales of the following supplies at the indicated rates:

(a) Cameras and camera lenses—10 percent. (This tax does not apply to (1) X-ray cameras, (2) cameras weighing more than four pounds exclusive of lenses and accessories, (3) still camera lenses having a focal length of more than one hundred and twenty millimeters, or (4) motion picture camera lenses having a focal length of more than thirty millimeters.)

(b) Unexposed photographic film in rolls, including motion picture film—10 percent. (This tax does not apply to (1) X-ray film (2) film more than one hundred and fifty feet in length, or (3) film more than twenty-five feet in length and more than thirty millimeters in width or (4) unperforated microfilm.)

§ 410.101–8 *Business and store machines.* A tax of 10 percent is imposed with respect to sales of business and store machines, excluding cash registers of the types used in registering over-the-counter retail sales.

§ 410.101–9 *Electric light bulbs and tubes.* A tax of 10 percent is imposed with respect to sales of electric light bulbs and tubes, excluding supplies taxable under any other manufacturers' excise tax.

§ 410.101–10 *Firearms, shells, and cartridges.* A tax of 11 per centum is imposed, with respect to sales of firearms (except pistols and revolvers, as to which see § 410.103), shells and cartridges.

§ 410.101–11 *Matches.* A tax of 2 cents per 1,000 is imposed with respect to sales of matches, but not more than 10 per centum of the price for which sold, except that in the case of fancy wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk, the tax is 5½ cents per 1,000 matches.

§ 410.101–12 *Fountain and ball point pens, mechanical pencils, and mechanical lighters for cigarettes, cigars, and pipes.* A tax of 10 per centum is imposed with respect to sales of fountain and ball point pens, mechanical pencils, and mechanical lighters for cigarettes, cigars, and pipes.

§ 410.101–13. *Gasoline.* A tax of 2 cents a gallon is imposed with respect to sales of gasoline by the producer or importer thereof, or by any producer of gasoline through March 31, 1955; thereafter the applicable tax will be 1½ cents a gallon. The term "gasoline" means all products commonly or commercially known or sold as gasoline (including casing head and natural gasoline). Sales of lubricating oils to a manufacturer or producer for resale by him are exempt from tax. Products taxable as gasoline are not taxable under section 2450 of the Internal Revenue Code described in § 410.108.

§ 410.101–14 *Lubricating oils.* A tax of 6 cents a gallon is imposed with respect to lubricating oils, except that in the case of cutting oils, the tax shall not exceed 10 per centum of the price for which so sold. The term "cutting oils" means oils used primarily in cutting and machining operations (including forging, drawing, rolling, shearing, punching, and stamping) on metals, and known commercially as cutting oils.

§ 410.102 *Retailers' excise taxes.* Chapters 9A and 19 of the Internal Revenue Code, as implemented by Treasury Regulations 51, impose a retailers' excise tax upon various types of supplies, enumerated in the following paragraphs of this § 410.102, sold at retail. Such supplies, when sold to the Government for use or consumption, are considered to be sold at retail. In general, this tax is based in each instance on sales price (including any charges for packaging, but excluding incidental charges such as transportation, installation, etc.) and attaches at the time when title passes from the seller. The lease of supplies is considered a sale for purposes of this tax. In the case of any supplies classifiable under more than one retailers' excise tax, only one tax on such supplies is imposed; and where the tax rates differ, the supplies are subject to tax at the highest rate.

§ 410.102–1 *Jewelry, etc.* A tax of 10 percent is imposed with respect to sales of all supplies commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; supplies made of, or ornamented, mounted or fitted with precious metals or imitations thereof; watches and clocks, and cases and movements therefor; gold, gold-plated, silver or sterling flatware or hollow ware, and silver-plated hollow ware; opera glasses, lorgnettes; marine glasses, field glasses, and similar optical instruments, if portable. The tax does not apply to religious articles, surgical instruments, watches designed especially for use by the blind, frames or mountings for eyeglasses, or devices prescribed for use in connection with the uniforms of the Armed Services.

§ 410.102–2 *Furs.* A tax of 10 percent is imposed with respect to sales of supplies made of fur on the hide or pelt, and sales of supplies of which such fur is the component of chief value—that is, a value three times that of the next most valuable component. The tax applies although the pelt is furnished by the customer.

§ 410.102–3 *Toilet goods.* A tax of 10 percent is imposed with respect to sales of perfumes, cosmetics, hair dressings, and any other similar toilet supplies.

§ 410.102–4 *Luggage.* A tax of 10 percent is imposed with respect to sales of the following supplies (including fittings or accessories sold therewith):

(a) Trunks, suitcases, hat boxes for use of travelers, brief cases made of leather or imitation leather, and any other similar items of luggage;

(b) Purses, handbags, wallets, and card, pass, and key cases;

(c) Toilet cases and other bags and kits (without regard to size, shape, construction, or material) for use in carrying toilet articles or wearing apparel.

§ 410.103 *Excise tax on pistols and revolvers.* Chapter 25A of the Internal Revenue Code, as implemented by Treasury Regulations 47, imposes an excise tax of 10 percent upon pistols and revolvers sold or leased by the manufacturer, producer, or importer.

§ 410.104 *Tax on transportation of persons.* Chapter 30C of the Internal

Revenue Code, as implemented by Treasury Regulations 42F, imposes a tax of 10 percent (a) upon the amount paid within the United States for the transportation of persons by rail, motor vehicle, water, or air, within or without the United States, and (b) upon the amount paid without the United States for the transportation of persons by rail, motor vehicle, water, or air which begins and ends in the United States, and for seating or sleeping accommodations in connection with such transportation under paragraphs (a) and (b) of this section: *Provided*, That this tax shall not apply with respect to any part of such transportation which is outside the northern portion of the Western Hemisphere. In computing such tax, there is excluded (1) separable and itemized charges other than those for transportation of a person, (2) charges for transportation of freight that includes also transportation of caretakers or messengers for which no specific charge as such is made, and (3) charges not exceeding 35 cents, certain commutation tickets, and charges for transportation by motor vehicles with seating capacity of less than 10 persons and not operated on an established line.

. . . . . .

§ 410.107 *Tax on communication facilities.* Chapter 30B of the Internal Revenue Code, as implemented by Treasury Regulations 42E, imposes a tax upon the following types of communication facilities at the indicated rates:

(a) Telephone and radio telephone messages paid for within the United States (excluding any such messages for which the toll charge is 24 cents or less)—10 percent;

(b) Domestic or international telegraph, cable, and radio dispatches and messages paid for within the United States—10 percent;

(c) Leased wire, teletypewriter, or talking circuit special services (excluding any amount paid for such services used exclusively in rendering a service taxable under paragraph (d) of this section)—10 percent;

(d) Wire and equipment service (including stock quotation and information service, burglar alarm or fire alarm service, and all other similar services except services taxable under paragraph (c) of this section)—8 percent;

(e) Local telephone service and other telephone service not taxable under paragraphs (a) to (d) of this section (excluding amounts paid for the installation of instruments, wires, poles, switchboards, apparatus, and equipment)—10 percent.

§ 410.108 *Excise tax on special fuels.* Chapter 20 of the Internal Revenue Code, as implemented by Treasury Regulations 119, imposes an excise tax of 2 cents per gallon through March 31, 1955 and 1½ cents per gallon thereafter on certain special fuels (other than any product taxable under section 3412 of chapter 29 of the Internal Revenue Code and described in § 410.101–13) as indicated:

(a) Diesel Fuel—any liquid—

(1) Sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle, or

(2) Used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid under subparagraph (1) of this paragraph.

(b) Special Motor Fuels—benzol, benzene, naphtha, liquid petroleum gas, or any other liquid (other than kerosene, gas oil, or fuel oil)—

(1) Sold by any person to an owner, lessee, or other operator of a motor vehicle, motorboat, or airplane for use as a fuel for the propulsion of such motor vehicle, motorboat, or airplane; or

(2) Used by any person as a fuel for the propulsion of a motor vehicle, motorboat, or airplane unless there was a taxable sale of such liquid under subparagraph (1) of this paragraph.

3. Section 410.199 *List of supplies and services subject to Federal excise taxes*, is amended to read as follows:

§ 410.199 *List of supplies and services subject to Federal excise taxes.*

Supplies and services	Internal Revenue Code Section (26 U. S. Code)	Treasury Regulations Number and Section	ASPR Paragraph
Automotive equipment	3403	46–316.50	410.101–2
Business and store machines	3406 (a) (6)	46–316.140	410.101–8
Communication facilities	3465	42–130.30	410.107
Electric, gas, and oil appliances	3406 (a) (3)	46–316.110	410.101–6
Electric light bulbs and tubes	3406 (a) (10)	46–316.180	410.101–9
Firearms, shells, and cartridges	3407	46–316.80	410.101–10
Fountain and ball-point pens, mechanical pencils, and lighters	3408	46–316.196	410.101–12
Furs	2401	51–320.40	410.102–2
Gasoline	3412	44–314.30	410.101–13
Jewelry, etc	2400	51–320.30	410.102–1
Luggage	1651	51–320.60	410.102–4
Matches	3409	44–314.50	410.101–11
Oils, lubricating	2413	44–314.40	410.101–14
Photographic apparatus	3406 (a) (4)	46–316.120	410.101–7
Pistols and revolvers	2700	47	410.103
Radio, television, and musical equipment (see also 410.203 and 410.204 for communication, detection, or navigation receivers and components	3404	46–316.16	410.101–3
Refrigerating and air-conditioning equipment	3405	46–316.70	410.101–4
Special fuels	2450	119–321.10	410.108
Sporting goods	3406 (a) (1)	46–316.90	410.101–5
Tires and inner tubes	3400	46–316.30	410.101–1
Toilet goods	2402	51–340.50	410.102–3
Transportation of oil by pipeline	3460	42–130.20	410.106
Transportation of persons	3469	42–130.50	410.104
Transportation of property	3475	113–143.0	410.105

4. Sections 410.204 and 410.205 have been revised to read as follows:

§ 410.204 *Communication, detection, or navigation receivers and components thereof.*

§ 410.204–1 *Receivers.* Pursuant to the authority of section 3404 (a) of the Internal Revenue Code and applicable Treasury Regulations, exemption is available for manufacturers' excise taxes with respect to sales to the United States for its exclusive use of a communication, detection, or navigation receiver of the type used in commercial, military, or marine installation. To establish the right to exemption from tax with respect to such sales, the applicable Treasury Regulation requires that the manufacturer (a) have in his possession a copy of the prime contract, subcontract, or Government purchase order under which the sale to the United States is made by him directly or through the Prime Contractor or (b) in the absence of such contract or purchase order, obtain from the Contracting Officer and retain in his possession a properly executed exemption certificate in the form prescribed by the applicable Treasury Regulation. This exemption shall be made use of by means of purchase on a tax-exclusive basis, only when, and in accordance with procedures prescribed by each respective Department, it is advantageous to make use of such exemption.

§ 410.204–2 *Components.* Pursuant to the authority of section 3404 (b) of the Internal Revenue Code and applicable Treasury Regulations, exemption is available from manufacturers' excise taxes with respect to sales by the manufacturer of any component named in such section for use by his vendee as material in the manufacture or production of or as a component part of a communication, detection, or navigation receiver if such receiver is to be sold by such vendee to the United States for its exclusive use. To establish the right to exemption from the tax with respect to such sales, the manufacturer must obtain from his vendee prior to or at the time of the sale, and retain in his possession, a certificate in the form prescribed by the applicable Treasury Regulation showing that the article is to be used by his vendee for the purpose mentioned above. This exemption shall be made use of by means of purchase on a tax-exclusive basis, only when, and in accordance with procedures prescribed by each respective Department, it is advantageous to make use of such exemption.

§ 410.205 *Supplies sold for further manufacture.* Pursuant to the authority of section 3442 of the Internal Revenue Code and applicable Treasury Regulations, exemption is available from manufacturers' excise taxes with respect to sales of any supplies other than tires, inner tubes, and automobile radios (a) for use in the manufacture or production of taxable supplies or as component parts thereof, or (b) for resale for such use, which exemption is obtainable by the manufacturer and requires no action by the Contracting Officer. The contract price for such supplies purchased by any Department shall not include an amount for any manufacturers' excise tax from which an exemption is available to the manufacturer.

(Sec. 1, 54 Stat. 712, as amended, sec. 201, 55 Stat. 839, 62 Stat. 20; 50 U. S. C. App. 1171, 611, 41 U. S. C. 151–161; E. O. 9001, 6 F. R. 6787, as amended by E. O. 9296, 8 F. R. 1429; 3 CFR, 1943 Cum Supp.)

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 54–7116; Filed, Sept. 10, 1954; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1880]

PART 254—SALE, GRANT, OR LEASE OF PUBLIC LANDS FOR RECREATION AND PUBLIC PURPOSES

Part 254 is completely revised as follows effective 30 days after approval hereof by the Secretary of the Interior:

Sec.
254.1 Statutory authority.
254.2 Who may apply.
254.3 Lands subject to disposition.
254.4 Purposes for which lands may be acquired.
254.5 General limitations and conditions on dispositions.
254.6 Classifications.
254.7 Applications.
254.8 Purchase price and lease rentals.
254.9 Lease provisions.
254.10 Publications; protests; patents; transfers.
254.11 Applications for transfer, change of use, and for renewal of leases.
254.12 Lands patented under prior acts; applications for transfer and change of use.
254.13 Cooperation with the National Park Service.
254.14 Minerals; timber.
254.15 Appeals.

AUTHORITY: §§ 254.1 to 254.14 issued under 44 Stat. 741, 68 Stat. 173; 43 U. S. C. 869.

§ 254.1 *Statutory authority.* The act of June 14, 1926 (44 Stat. 741), as amended by the act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869), authorizes the Secretary of the Interior, under specified conditions, to lease or sell lands for recreational and public purposes. This legislation is referred to as "the act" in these regulations in this part.

§ 254.2 *Who may apply.* The following are qualified to make applications under the act: States and the Territory of Alaska; Federal, State, and Territory of Alaska instrumentalities, and political subdivisions, including counties and municipalities; and nonprofit associations and nonprofit corporations.

§ 254.3 *Lands subject to disposition.* The act is applicable to any public domain lands except (a) lands withdrawn or reserved for national forests, national parks and monuments, and national wildlife refuges; (b) Oregon and California revested railroad grant lands and Coos Bay reconveyed wagon-road grant lands; and (c) Indian lands and lands set aside or held for use by or the benefit of Indians.

§ 254.4 *Purposes for which lands may be acquired.* (a) Qualified applicants are permitted by the act to acquire available lands for use for any public purposes for which they are authorized by their creating authority to hold lands. Nonprofit associations and nonprofit corporations are permitted, in addition, to acquire lands for use for any recreational purpose consistent with their creating authority.

(b) No applicant can secure lands under the act, however, for any use authorized under any other public land law. This restriction does not apply to the use of lands for residence, business, recreation, and community-site purposes authorized by the act of June 1, 1938 (52 Stat. 609; 43 U. S. C., 682a, Part 257 of this chapter) as amended.

§ 254.5 *General limitations and conditions on dispositions.* (a) Applicants will not be granted title to or use of land under the act unless and until (1) the land is first classified as suitable for the purpose sought and not needed for any other public purpose or is not more valuable and suitable for some other use, including the development of power; and, (2) if the land is under the jurisdiction of any agency or instrumentality outside the Department of the Interior, that agency or instrumentality consents to the proposed disposition.

(b) Applicants will not be granted title to or use of land under the act except for an established or definitely proposed project. A definitely proposed project is a project which has been authorized by competent authority irrespective of whether or not it has been financed and otherwise fully implemented, providing that there exists the probability that it will be fully implemented within a reasonable time.

(c) No applicant can receive under the act patent for more than 640 acres in any one calendar year.

(d) No patent will be issued under the act unless and until the land is officially surveyed.

(e) All leases and patents issued under the act will reserve to the United States all minerals, together with the right to mine and remove the same under applicable laws and regulations to be established by the Secretary of the Interior.

(f) Municipal corporations cannot secure land under this act if it is not within convenient access to the municipality and within the same State or Territory as the municipality. Other qualified applicants cannot secure land outside of their political boundaries or other area of jurisdiction.

§ 254.6 *Classifications.* (a) Lands in Alaska classified under the act and lands in the States classified pursuant to the act under section 7 of the act of June 28, 1934 (48 Stat. 1272, 43 U. S. C. 315f), as amended, will be segregated from all appropriations, including locations under the mining laws, except as provided in the order of classification or in any modification or revision thereof.

(b) Classifications made pursuant to the act on the motion of the Government for which no application is filed within 18 months after issuance will be vacated and the land restored to its former status.

§ 254.7 *Applications.* (a) Applicants under the act must submit, in triplicate, to the appropriate office of the Bureau of Land Management an application on Form 4–1267, executed in accordance with the instructions on the form. Each application must be accompanied by (1) three copies of a statement describing the proposed use of the lands, showing that the application involves an established or definitely proposed project, and giving as much detail concerning the plan of development and improvement of the project as is necessary to describe the project and its purpose adequately and the proposed disposition of any revenues to be realized from it and (2) a filing fee of $10.

(b) The acreage applied for in any one application for patent cannot exceed 640 acres and no more than 640 acres will be conveyed to any one grantee in any one calendar year.

§ 254.8 *Purchase price and lease rentals.* (a) Conveyances under the act for historic monument purposes will be made without any monetary consideration.

(b) Sales to nonprofit associations or nonprofit corporations for other than historic monument purposes will be made at prices fixed through appraisal of the fair market value of the land, taking into consideration the purposes for which the lands will be used.

(c) All other sales will be made at prices fixed through (1) appraisal of the fair market value of the lands or otherwise, taking into consideration the purpose for which the land will be used or (2) any method which considers the purpose for which the land will be used.

(d) Annual rentals under leases will be fair and reasonable and will be based on the value of the lands as determined by the requirements of paragraphs (b) and (c) of this section.

(e) A patent applicant, when the land has been appraised, will be required to pay the full purchase price before the patent will be issued. The rental under a lease shall be payable annually in advance. Upon appraisal of the land, a lease applicant will be required to pay the first year's rental before the lease will be issued. Upon the voluntary relinquishment of a lease before the expiration of its term, any rental paid for the unexpired portion of the term will be returned to the lessee upon a proper application for repayment to the extent that the amount paid covers a full lease year or years of the remainder of the term of the original lease.

§ 254.9 *Lease provisions.* (a) The term of leases under the act will be fixed by the authorized official but will not exceed 20 years. Leases will be renewable at the discretion of such official.

(b) Leases will be issued on Form 4–1270 and will contain the usual terms and conditions required by law, public policy, and, insofar as possible, by Department of the Interior procedure.

(c) Leases will contain such terms and conditions which the signing officer or the administering agency considers necessary for the proper development of the land, for the protection of Federal property, and for the protection of the public interests.

(d) Leases will be terminable by the authorized official upon failure of the lessee to comply with the terms of the lease, upon a finding that all or part of the land is being devoted to other than the use authorized by the lease, or upon a finding that the land has not been used by the lessee for the purpose specified in the lease for any consecutive period specified by the authorized official but not more than 5 years or less than 2 years.

(e) Leases will not be transferable except with the consent of the proper official. Transferees must meet all the qualifications of applicants under the act and will be subject to all the terms and conditions of the regulations in this part.

§ 254.10 *Publications: protests: patents: transfers.* (a) Applicants for patents under the act will be required upon demand to publish once a week for four consecutive weeks in accordance with § 106.18 of this chapter, at their expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to file in the appropriate office their objections to the issuance of patent under the applications. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service.

(b) Such applicants must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

(c) All patents under this act will contain a clause providing that if the patentee or its successor attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than that for which the lands were conveyed, without consent of competent authority, title shall revert to the United States. This clause will terminate 25 years after issuance of the patent. Transferees must meet all the qualifications of applicants under the act and will be subject to the terms and conditions of the regulations in this part.

§ 254.11 *Applications for transfer, change of use, and for renewal of leases.* (a) Applications under the act for permission to add to, or to change the use specified in a lease or patent, applications to transfer title or lease to a third party, and applications for renewal of a lease must be filed in triplicate with the appropriate office of the Bureau of Land Management. No form is specified but the matter should be fully explained by the applicant.

(b) Applications for permission to add to or to change use must be accompanied by three copies of the showing required by § 254.7 (a) (1).

(c) Applications for approval of transfers of title or lease must be accompanied by three copies of Form 4–1267 executed by the proposed transferee in accordance with § 254.7.

(d) Applications for removal of leases must be accompanied by three copies of a statement showing, in detail sufficient to describe the situation adequately, the past use of the lands and the proposed use after renewal of the lease.

(e) Each application must be accompanied by a filing fee of $10.

(f) Prior to approval of an application filed under paragraph (b) of this section the land may be reappraised in accordance with § 254.8 and the beneficiary required to make such payments as are found justified by such reappraisal.

§ 254.12 *Lands patented under prior acts: applications for transfer and change of use.* (a) Applications under section 4 of the act for permission to transfer title or to change the use in respect to land covered by any patent issued prior to June 4, 1954, must be submitted in conformance with § 254.11.

(b) The land, however, will not be subject to reappraisal and the beneficiary will not be required to make any payment other than the filing fee.

§ 254.13 *Cooperation with the National Park Service.* In furtherance of the purposes of the act of June 23, 1936 (49 Stat. 1894; 16 U. S. C. 17k), the National Park Service will review and make recommendations on all applications for recreational purposes submitted by States and the Territory of Alaska or their political subdivisions.

§ 254.14 *Minerals; timber.* (a) Any minerals subject to the leasing laws reserved to the United States in the lands patented or leases under the terms of the act may be disposed of to any qualified person under applicable laws and regulations. Until rules and regulations are issued, other minerals are not subject to disposition or to prospecting except by an authorized Federal agency.

(b) A lessee under the act will not be permitted to cut timber from the leased lands without prior permission from the appropriate officer.

§ 254.15 *Appeals.* An appeal pursuant to the rules of practice, Part 221 of this chapter, may be taken from the decision of the authorized officer of the Bureau of Land Management.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

SEPTEMBER 3, 1954.

[F. R. Doc. 54–7122; Filed, Sept. 10, 1954; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10582; FCC 54–1118]

[Rules Amdt. 2–20]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

FREQUENCY ALLOCATIONS

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 4187–4238 kc, 6280.5–6357 kc, 8374–8476 kc, 12561–12714 kc, 16748–16952 kc and 22270–22400 kc; Docket No. 10582.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of September 1954;

The Commission having under consideration its proposal in the above entitled matter to make the bands indicated available only for cargo ship radiotelegraph working purposes in accordance with the Geneva Agreement (1951); and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on July 17, 1953 (18 F. R. 4199) and that the period for the filing of comments has now expired; and

It further appearing, that no comments were filed in this matter; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendment herein ordered, the authority for which is contained in sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective October 11, 1954, Part 2 of the Commission's rules is amended as set forth below.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Delete the present wording of footnote 2 to § 2.104 (a) (3) (i) and (iii) and in lieu thereof substitute new footnote 2 as follows:

² The provisions of this section, except for frequencies authorized to aircraft for communication with foreign stations, do not apply for the authorization of frequencies within the following frequency bands:

Kc	*Kc*
2035–2107	9040–9700
3500–4063	9775–10,005
4177–4238	11,000–11,100
5450–5480	11,700–11,900
5500–5550	12,531–12,714
6000–6200	14,000–15,010
6265.5–6357	15,100–15,350
7000–7300	16,708–16,952
8354–8476	19,990–25,000

[F. R. Doc. 54–7151; Filed, Sept. 10, 1954; 8:52 a. m.]

[Docket No. 11092; FCC 54–1123]

[Rules Amdt. 3–19]

PART 3—RADIO BROADCAST SERVICES

BROADCASTS BY CANDIDATES FOR PUBLIC OFFICE

In the matter of amendment of the rules governing broadcasts by candidates for public office: AM, § 3.190; FM, §3.290; TV, § 3.657; Docket No. 11092.

1. The Commission has under consideration its notice of proposed rule making issued June 25, 1954 (FCC 54–795) proposing to amend §§ 3.190, 3.290 and 3.657 of the Commission's rules and regulations which relate to the rates charged by broadcast stations for broadcasts made by candidates for public office. The purpose of the proposed amendments is to implement section 315 of the Communications Act, as revised, to insure that candidates for public office are afforded the opportunity to use the facilities of broadcast stations at a rate no higher than the stations would charge commercial advertisers under comparable circumstances. Interested parties were invited to submit written comments on the proposal; and in response, the California Inland Broadcasting Company, Fresno, California; the National Association of Radio and Television Broadcasters; the Aiken Electronics Adv. Corporation, Aiken, South Carolina, and 34 other parties set forth below; the Tennessee Valley Broadcasting Co., Decatur, Alabama, and 35 other parties set forth below and the Southern Idaho Broadcasting and Television Company, Twin Falls, Idaho, have filed comments. While none of the parties express opposition to the proposed amendments, they do recommend that they be modified or clarified in some respects. The recommendations of the parties are considered separately below.

2. The comments filed by California Inland Broadcasting Company concern the concept of national, regional and local rates as used in the multiple rate structures of stations in the broadcasting industry. It contends that the type of business of a commercial advertiser, i. e., manufacturer, distributor, r e t a i l e r, rather than the area in which he does business, is, in many cases, the important factor in the determination of which rate shall apply to a particular commercial account and that, consequently, the area encompassed by an advertiser's business may have no bearing on the rate charged. It therefore envisions that stations may have difficulty in carrying out the proposed provisions of paragraph (c) (1), which base the rate to be charged a political condidate upon the rate charged a commercial advertiser whose business is confined to the same area as the particular office for which a candidate is running, and suggests that these provisions be clarified by an amendment or in the accompanying report at the time of adoption. It recommends that paragraph (c) (1) be amended to specify that the national rate shall apply to all political candidates whose names appear on the ballot in more than one county, and the local rate to condidates whose names appear on the ballot in only one county. We cannot concur in California Inland's proposed amendment. For, while it might be advantageous from the standpoint of certainty, this would establish a purely artificial test for determining the applicable rate which in specific cases might result in charging candidates rates not comparable to those charged commercial advertisers. We believe the comment does, however, point out an ambiguity in the existing proposal and to obviate this we have modified paragraph (c) (1) of the rates to provide that a candidate, in each case, shall be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. We believe this revision will enable station licensees to determine which of its commercial rates is generally charged in the area encompassed by the office for which a particular candidate is running and to make a good faith judgment in the case of each individual candidate as to the applicable commercial rate to be charged.

3. The comments of the National Association of Radio and Television Broadcasters (NARTB) and Southern Idaho Broadcasting and Television Company are both directed to the question of how discount rates are to be calculated under the proposed rule in circumstances where time has been purchased by or for one candidate as part of a bulk purchase of time which has resulted in making the cost to such candidate less than if he had purchased the time actually used by him on an individual basis. The NARTB comment is directed to paragraph 5 of the notice of proposed rule making which indicated that where a group of candidates have pooled their resources to purchase a block of time at discount rates, individual opponents of such candidates are entitled to secure the same rates as those charged the individual member of the group against whom they are competing. NARTB urges that this interpretation of the rates be withdrawn as being unrelated to the question of charging candidates rates comparable to those charged other commercial users of time, and because such an interpretation allegedly would disrupt "the historic pattern of purchase and sale of broadcast facilities to qualified candidates." Southern Idaho apparently does not take issue with the Commission's views as to the situation where time has been purchased on a group or pooled basis by several candidates, but raises the question as to the applicability of this principle where the block of time is purchased by a political committee or similar group, and individual candidates using part of this time are only charged a pro rata share of the total cost. It is contended that it would be grossly unfair to stations and purchasers of large segments of time if section 315 and our rules are interpreted as entitling the opponents of the individual candidates to the same reduced rate which they paid by reason of their connection with the committee, in the event such opponents were unwilling to purchase a segment of time to which the same discount given the Committee applies. We believe that the answer to both of these questions becomes apparent when it is recognized that the entire scheme of section 315 of the act is that opposing legally qualified candidates for a particular public office are, as a matter of individual right, entitled to equal opportunities in the use of broadcast facilities. This does not mean that they must be given equal time, or even that they must be charged the same rates if, though the station makes the opportunity available to all, only some of the competing candidates choose to purchase enough time to take advantage of available discount rates. But we think it clear that the individual equality among competing candidates can only be achieved if any one candidate, by doing and spending no more than his individual opponent, can secure equal air time. To provide otherwise, as the NARTB and Southern Idaho Broadcasting and Television have suggested, would substitute equality among groups or political parties for the criterion of individual equality among candidates. Whatever we may think of this as an abstract question of policy, it is not what we understand Congress intended in section 315.

4. Finally, Southern Idaho also suggests that the use of the words "equal terms" in the last sentence of the proposed subparagraph (c) (1) might be misconstrued as requiring equal rates regardless of any differences in the amount of time purchased by individual candidates. It suggests that the language "upon terms comparable to those charged for commercial advertisers" be substituted. However, we do not believe such a misconception is possible. As set forth above, it is clear that while discounts offered to commercial advertisers must be afforded as well to individual candidates for public office, candidates can secure such discounts only by purchase of the requisite amount of time. The suggested substituted language is, in our opinion, less appropriate, since its use might lead to a construction that stations could not afford discounts to political candidates on a nondiscriminatory basis over and beyond those offered commercial advertisers—a prohibition not intended by the enactment of the new section 315 (b) of the act.

5. Tennessee Valley Broadcasting Co. and 35 other broadcast licensees maintain that broadcast stations sell no time or services "comparable" to that sold political candidates since the Communications Act prohibits stations from censoring material broadcast by political candidates and thereby exposes station licensees to liability for slanderous material broadcast by political candidates. It is also argued that nothing in the act expressly requires a station to charge a political candidate the same rate as a commercial advertiser under any circumstances. They urge that if candidates are to be free from all restraint as to their broadcasts, they should be required to indemnify or insure stations against any loss that may be suffered by a station because of their broadcasts, or waive their rights under the law so as to permit stations to censor their program material. They also suggest the proposed rules be revised to state specifically that stations may charge candidates for time used to make recordings, for use of recording machines, equipment, studio facilities, etc. We cannot agree with these suggestions. We believe that the legislative history of section 315 (b) of the Communica-

tions Act makes clear that Congress, although it was fully aware of the fact that licensees could not censor political broadcasts, expressly intended that neither this nor any other factor should be used as an excuse for charging higher rates for political broadcasts than for other commercial programs. With respect to the suggestion that stations should be specifically authorized to charge candidates for making use of recordings, recording apparatus or other equipment, etc., we believe it is clear that Congress intended political candidates may be charged such special fees if, but only if, such charges were also applied to other users of the station's facilities. Nothing in the rule as drafted or here finalized would preclude a station from charging a political candidate additional fees under such circumstances. Nor are we authorized under section 315 of the Communications Act to provide that stations may require candidates to indemnify or insure stations against any loss a station might suffer because of the contents of a candidate's broadcasts, or to waive their rights so as to permit censorship of such broadcasts. In fact, we are extremely doubtful whether it would be lawful under section 315 (b) of the Communications Act for a station to impose upon candidates for public office such an obligation to provide bonds or insurance unless they also require other users of their stations to post similar indemnity bonds or insurance.

6. Aiken Electronics Adv. Corporation and 34 other broadcasting companies filed comments suggesting one change in the last sentence of subparagraph (c) (1) of the proposed rules, which provides that "All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office." They recommend that the sentence be clarified by adding to the end thereof the following proviso: "*Provided, however,* That this regulation shall not be construed as requiring a licensee to allot time in such amount for political broadcasts as would be in excess of that which, in the licensee's judgment, would be consistent with balanced programming."

Without such a proviso, they submit, the sentence might be construed as a directive to licensees to sell enough time to political candidates so that some form of quantity discount rate is brought into play. We do not believe the sentence lends itself to that construction. Whether a quantity discount rate is brought into play is wholly dependent upon a licensee's commercial quantity discount rate structure and the use which a licensee permits of his station by the first candidate for a particular public office who desires to buy time on the air. It is within the licensee's discretion to allot only such time as he believes in keeping with good programming practices to the first candidate for a particular office who desires to buy time. If a licensee provides sufficient time to this candidate to bring into play a discount rate which would apply if the broadcasts were commercial, the rule would require the licensee to make this same commercial discount rate available to the candidate; and equal opportunities must be made available to opposing candidates. But nothing in the rule precludes a station from limiting the total amount of time to be made available to all legally qualified candidates for a particular office as the station licensee determines will best serve the public interest so long as equal opportunity is afforded all such candidates.

7. We conclude that the proposed amendment to §§ 3.190 (c), 3.290 (c) and 3.657 (c), as revised and set forth below, should be adopted.

8. Authority for the adoption of the proposed amendment is contained in sections 4 (i); 301; 303 (b), (j) and (r); and 315 (b) and (c) of the Communications Act of 1934, as amended.

9. Because the imminence of the November elections necessitates putting the proposed amendment to §§ 3.190 (c), 3.290 (c) and 3.657 (c) into effect at the earliest possible date, and in view of the fact that the proposed amendment is interpretative in nature and that it would not be practicable or in the public interest to provide the usual thirty-day period between the adoption of this report and order and the effective date of the amendment to the foregoing rules provided by section 4 (c) of the Administrative Procedure Act, these rule changes may, and should, be made effective immediately.

10. *Therefore, it is ordered,* That, effective immediately, Part 3 of the Commission's Rules is amended to read as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 315, 48 Stat. 1081, 1082, as amended, 1088; 47 U. S. C. 301, 303, 315)

Adopted: September 2, 1954.

Released: September 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. The 34 other parties filing the comment with Aiken Electronics Adv. Corporation are the following:

Roy L. Albertson, Buffalo, N. Y.
W. Gordon Allen, John B. Truhan, Justin H. Clark, Salem, Oreg.
Bankers Life & Casualty Company, Chicago, Ill.
Broadcasters of Burbank, Inc., Burbank, Calif.
Consolidated Broadcasting Co., Pasadena, Calif.
Golden Empire Broadcasting Company, Chico and Redding, Calif.
Gothan Broadcasting Corporation, New York, N. Y.
Grand Island Broadcasting Company, Grand Island, Nebr.
Great Lakes Television Company, Erie, Pa.
Hanford Broadcasting Co. of California, Hanford, Calif.
Hurricane Broadcasting Corporation, Fort Pierce, Fla.
Iron City Broadcasting Co., Ironton, Ohio.
Interstate Corporation, Ogden, Utah.
KCOR, Inc., San Antonio, Tex.
Kiggins & Rollins, Anchorage and Fairbanks, Alaska.
King Broadcasting Company, Seattle, Wash.
KIMN, Inc., Denver, Colo.
KLRC, Lewiston, Idaho.
KOLERO Telecasting Corporation, Milwaukee, Wis.
KOTV, Inc., Tulsa, Okla.
KROY, Inc., Sacramento, Calif.
KVOS, Inc., Bellingham, Wash.
KXRO, Incorporated, Aberdeen, Wash.
Lake Erie Radio & Television Corp., Bellefontaine, Ohio.
Linn County Broadcasters, Inc., Lebanon, Oreg.
Lucille Ross Lansing, Tyler, Tex.
Meredith Engineering Co., Phoenix, Ariz., and Kansas City, Mo.
Meredith Syracuse Radio Corp., Syracuse, N. Y.
Meredith Syracuse, Television Corp., Syracuse, N. Y.
Meredith WOW, Inc., Omaha, Nebr.
Metropolitan Broadcasting & Television, Inc., New York, N. Y.
Mid-America Broadcasting Corp., Louisville, Ky.
Montana Farmer Broadcasting Corp., Great Falls, Mont.
Nevada Radio & Television, Inc., Reno, Nev.
North Pacific Television, Inc., Portland, Oreg.
Northwest Arkansas Radio & Television Co., Springdale, Ark.
Odessa Television Co., a Joint Venture Odessa, Tex.
Okmulgee Broadcasting Corp., Okmulgee, Okla.
Tom Olsen, Olympia, Wash.
Pioneer Broadcasters, Inc., Portland, Oreg.
Post Publishing Co., Boston, Mass.
Prairie Television Co., Decatur, Ill.
Premier Television, Inc., Evansville, Ind.
Pursley Broadcasting Service, Inc., Mobile, Ala.
Radion Broadcasting, Inc., Corona, Calif.
Sacramento Telecasters, Inc., Sacramento, Calif.
Salt Lake City Broadcasting Co., Inc., Salt Lake City, Utah.
The Sandhill Community Broadcasters, Inc., Southern Pines, N. C.
Sir Walter Television Company, Raleigh, N. C.
South Central Kentucky Broadcasting Co., Campbellsville, Ky.
Southern California Broadcasting Co., Pasadena, Calif.
Southwestern Publishing Co., Inc., Henderson, Nev.
Southwestern Radio & Television Co., Fort Smith, Ark.
Television East Bay, Oakland, Calif.
Utah Broadcasting & Television Corp., Salt Lake City, Utah.
Valley Broadcasting Co., San Jose, Calif.
Wabash Valley Broadcasting Corp., Terre Haute, Ind.
Wescoast Broadcasting Co., Wenatchee, Wash.
Wespen Television, Inc., Irwin, Pa.
Western Empire Broadcasters, Inc., San Bernardino, Calif.

2. The other parties signing the comment filed by Tennessee Valley Broadcasting Company are the following:

Anniston Broadcasting Co. (WHMA).
Western Broadcasting Co. (KIFN).
Benton Broadcasting Service (KBBA).
Forrest City Broadcasting Co. (KXJK).
George Basil Anderson (KLIR).
George Basil Anderson (KXJK).
George Basil Anderson (KJRG).
Hillsboro Broadcasting Co. (WEBK).
Robert Hecksher (WMYR).
Walton Broadcasting Co. (WMRE).
Jack Thompson and Nancy Thompson (WJAT).
Belleville Broadcasting Co. (WIBV).
Elgin Broadcasting Co. (WRMN).
La Salle Broadcasting Corp. (WLPO).
Marion Broadcasting Co. (WGGH).
Mattoon Broadcasting Co. (WLBH).
Fort Massac Broadcasting Co. (WMOK).
Pekin Broadcasting Co. (WSIV).
Cornbelt Broadcasting Co. (WHOW).
Parish Broadcasting Co. (KAPK).
Patuxent Radio, Inc. (WPTX).
Furniture City Broadcasting Corp. (WFUR).
Twin Cities Advertising Agency (KPRS).
Union Lake Broadcasters, Inc. (WMLV).
Selma-Smithfield Broadcasting Co. (WMPM).
North Cambria Broadcasters, Inc. (WNCC).
Clearfield Broadcasters (WCPA).
WDAD, Inc. (WDAD).
John M. Norris (WCCB).
Palmett Broadcasting Co. (WDKD).
Aluminum Cities Broadcasting Co. (WGAP).
Air Mart Corp (WOKE).
Gap Broadcasting Co. (WLSD).
Ben L. Parker (KBLP).
Ben L. Parker (KBOP).

3. Section 3.190 (c) is amended to read as follows:

(c) *Rates and practices.* (1) The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall, in each case, be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office.

(2) In making time available to candidates for public office no licensee shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

4. Section 3.290 (c) is amended to read as follows:

(c) *Rates and practices.* (1) The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall, in each case, be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office.

(2) In making time available to candidates for public office no licensee shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

5. Section 3.657 (c) is amended to read as follows:

(c) *Rates and practices.* (1) The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall, in each case, be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office.

(2) In making time available to candidates for public office no licensee shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

[F. R. Doc. 54-7152; Filed, Sept. 10, 1954; 8:52 a. m.]

[Docket Nos. 10377; FCC 54-1111]

[Rules Amdts. 7-5, 8-7]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

USE OF TELEPHONY

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation by coast stations, ship stations and aircraft stations on currently assignable frequencies for telephony within the band 4000 kc to 18000 kc; and to include authority for operation by such stations on other frequencies for telephony within the same band; Docket No. 10377.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of September 1954;

The Commission having under consideration that portion of its proposal in the above-entitled matter embodied in the fourth further notice of proposed rule making which relates to availability and deletion of certain additional high seas frequencies;

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on June 9, 1954 (19 F. R. 3403) and that the period for the filing of comments has now expired; and

It further appearing, that no objections were received to the proposed amendments; and

It further appearing, that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective October 11, 1954, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 of the Commission's rules is amended in the following particulars:

1. Section 7.306 (a) (1) is amended by revising the table of "Working frequencies below 5000 kc" as follows: In the third column under the heading "Coast station receiving carrier frequency (kilocycles)" delete 4457.5 and in lieu thereof insert 4101.5.

2. Section 7.306 (a) (2) is amended by revising the table of "Working frequencies between 5000 kc and 30 Mc" as follows: In the third column under the heading "Coast station receiving carrier frequency (kc)" delete 17610 and in lieu thereof insert 16510.4 for coast station located in the vicinity of San Francisco, Calif.

3. Section 7.306 (b) is amended by revising the table of frequencies as follows:

a. In the fourth column opposite the item concerning New York, New York, and under the heading "Associated coast station receiving carrier frequency" delete 4457.5 and in lieu thereof insert 4101.5.

b. In the fourth column opposite the item concerning Miami, Florida, and under the heading "Associated coast station receiving carrier frequency" delete 4402.5 and in lieu thereof insert 4122.2

B. Part 8 of the Commission's rules is amended in the following particulars:

1. Section 8.351 (a) is amended by deleting from the table of frequencies the frequency 4457.5 kc and by adding thereto the frequencies 4101.5, 4122.2, and 16510.4 kc.

2. Section 8.354 (a) (1) is amended by revising the table of frequencies as follows:

a. In the second column opposite the item concerning New York, New York, and under the heading "Mobile station transmitting carrier frequency" delete 4457.5 and in lieu thereof insert 4101.5.

b. In the second column opposite the item concerning Miami, Florida, and under the heading "Mobile station transmitting carrier frequency" delete 4402.5 and in lieu thereof insert 4122.2.

3. Section 8.355 (a) (1) is amended by adding to the table of frequencies the frequency 16,510.4 with a footnote designator [3]; and by inserting table footnote 3 to read:

[3] For use in communication with public coast stations located in the vicinity of San Francisco, California.

[F. R. Doc. 54-7153; Filed, Sept. 10, 1954; 8:53 a. m.]

[Rules Amdts. 7-6, 8-8, 12-6; FCC 54-1125]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 12—AMATEUR RADIO SERVICE

REGIONAL MANAGERS AND DISTRICT FIELD OFFICE AREAS

In the matter of amendment of Parts 7, 8 and 12 of the Commission's rules and regulations, modification of Part 7, Appendix 1 (§ 7.601), Part 8, Appendix 1 (§ 8.801) and Part 12, Appendix 1, with reference to Regional Managers and District Field Office Areas.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of September 1954;

The Commission having under consideration further reduction in the number of Regional Offices and reorganization of the area embraced by its Seattle, Washington, Regional Office and relocation of its District office in Juneau, Alaska; and

It appearing, that the Anchorage, Alaska Regional office should be eliminated and that the Territory of Alaska should be included within the area embraced by the Seattle, Washington Regional office; and

It further appearing, that the District office presently located at Juneau, Alaska should be transferred to Anchorage, Alaska and that a District Sub-Office be established in Juneau.

It is ordered, Pursuant to section 4 (i) and 303 (r) of the Communications Act, as amended, and section 3 (a) of the Administrative Procedure Act that Parts 7, 8 and 12 of the Commission's rules are hereby amended effective September 15, 1954, as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 7.601 by adding under Region No. 4: District No. 23.

2. Amend § 7.601 by deleting the listing under Regional Managers: "Region No. 6, P. O. Box 644 (Rm. 52 U. S. P. O. and Courthouse), Anchorage, Alaska—To include: District No. 23"

3. Amend § 7.601 by modifying the information contained under Radio District No. 23 to read as follows:

P. O. Box 644,
Room 53,
U. S. P. O. and Courthouse Building,
Anchorage, Alaska.

Sub-Office: P. O. Box 1421, 7-8,
Shattuck Building,
Juneau, Alaska.

4. Amend § 7.601 by renumbering the Regional offices from 1 to 7 as follows:

Region No. 1, 954 Federal Building, 641 Washington Street, New York 14, N. Y.—To include: Districts Nos. 1, 2, 3, 4, 5, and 24.

Region No. 2, 411 Federal Annex, Atlanta, Ga.—To include: Districts Nos. 6, 7, 8, 9, 10 and 22.

Region No. 3, 323-A Customhouse, San Francisco 26, Calif.—To include: Districts Nos. 11, 12, and 15.

Region No. 4, 802 Federal Office Building, Seattle 4, Wash.—To include: Districts Nos. 13, 14 and 23.

Region No. 5, P. O. Box 1142, Lanikai, Oahu, T. H.—To include: District No. 21.

Region No. 6, 832 U. S. Courthouse, Chicago 4, Ill.—To include: Districts Nos. 16, 17 and 18.

Region No. 7, 1029 New Federal Building, Detroit 26, Mich.—To include: Districts Nos. 19 and 20.

5. Amend § 8.801 by adding under Region No. 4: District No. 23.

6. Amend § 8.801 by deleting the listing under Regional Managers: "Region No. 6, P. O. Box 644 (Rm. 52 U. S. P. O. and Courthouse), Anchorage, Alaska—To include: District No. 23".

7. Amend § 8.801 by modifying the information contained under Radio District No. 23 to read as follows:

P. O. Box 644,
Room 53,
U. S. P. O. and Courthouse Building,
Anchorage, Alaska.

Sub-Office: P. O. Box 1421, 7-8,
Shattuck Building,
Juneau, Alaska.

8. Amend § 8.801 by renumbering the Regional offices from 1 to 7 as follows:

Region No. 1, 954 Federal Building, 641 Washington Street, New York 14, N. Y.— To include: Districts Nos. 1, 2, 3, 4, 5, and 24.

Region No. 2, 411 Federal Annex, Atlanta, Ga.—To include: Districts Nos. 6, 7, 8, 9, 10, and 22.

Region No. 3, 323-A Customhouse, San Francisco 26, Calif.—To include: Districts Nos. 11, 12, and 15.

Region No. 4, 802 Federal Office Building, Seattle 4, Wash.—To include: Districts Nos. 13, 14 and 23.

Region No. 5, P. O. Box 1142, Lanikai, Oahu, T. H.—To include: District No. 21.

Region No. 6, 832 U. S. Courthouse, Chicago 4, Ill.—To include: Districts Nos. 16, 17 and 18.

Region No. 7, 1029 New Federal Building, Detroit 26, Mich.—To include: Districts Nos. 19 and 20.

9. Amend Part 12—Appendix 1 by modifying the information contained under Radio District No. 23 to read as follows:

P. O. Box 644,
Room 53,
U. S. P. O. and Courthouse Building,
Anchorage, Alaska.

Sub-Office: P. O. Box 1421, 7-8,
Shattuck Building,
Juneau, Alaska.

[F. R. Doc. 54-7154; Filed, Sept. 10, 1954; 8:53 a. m.]

[Docket 10315]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 9—AVIATION SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

OPERATIONAL FIXED STATIONS AND FIXED STATIONS IN DOMESTIC FIXED PUBLIC SERVICE

In the matter of a new policy to govern the assignment of frequencies in the band 72-76 Mc to operational fixed stations and fixed stations in the Domestic Fixed Public Service; Docket No. 10315.

The Commission having under consideration its report and order [1] released on July 2, 1954, in the above-entitled proceeding which finalized certain amendments to the Commission's rules;

It appearing, that attached to the amended rules were two charts, one for Channel 4 and one for Channel 5, "For Determining Radius From Fixed Station In 72-76 Mc Band To Interference Contour Along Which 10 Percent Of Service From Adjacent Television Station Would Be Destroyed"; and

It further appearing, that in each of those charts an error was made in the position of the "h" line (Height of Fixed Station Antenna) on the chart, and;

It further appearing, that since the effective date of the amendments to the rules was August 9, 1954, and that few, if any, of the applications for fixed stations which have been granted since that date would not have been granted had the charts in question been correct, and that, in any event, all fixed operations in the 72-76 Mc band are subject to the condition of no harmful interference to television reception on Channels 4 and 5, the Commission has determined that it is not necessary to review the applications that have been granted since the amended rules went into effect; and

It further appearing, that the amendment in question is editorial in nature and therefore the provisions of section 4 of the Administrative Procedure Act are not applicable and the amendment may be made effective immediately;

It is ordered, Pursuant to the authority contained in sections 4 (i) and 301 of the Communications Act of 1934, as amended, the nomographs [2] for TV Channel 4 and TV Channel 5 are amended, effective immediately.

Adopted: September 2, 1954.

Released: September 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7148; Filed, Sept. 10, 1954; 8:51 a. m.]

[1] See F. R. Doc. 54-5204, published July 10, 1954 (19 F. R. 4231).

[2] Filed as part of original document.

[Docket No. 10927; FCC 54-1109]

[Rules Amdt. 12-5]

PART 12—AMATEUR RADIO SERVICE

FREQUENCIES AND TYPES OF EMISSION; MODULATION OF CARRIER WAVE

In the matter of petitions of the American Radio Relay League for amendment of Part 12, Amateur Radio Service; Docket No. 10927.

1. As a result of its consideration of petitions for rule making filed by the American Radio Relay League, the Commission adopted the notice of proposed rule making in this proceeding, and it was duly published in the FEDERAL REGISTER on February 27, 1954 (19 F. R. 1121). The notice contained proposed amendments to § 12.111 (d) and (g) to expand the amateur frequency sub-bands 14.20–14.30 and 28.50–29.70 Mc presently available for telephonic emissions to 14.20–14.35 and 28.25–29.70 Mc, respectively. The notice also contained proposed amendments to §§ 12.111 (h) and 12.134 to permit the use of type A0 emission in the 51.0–54.0 Mc portion of the 50.0–54.0 Mc amateur frequency band. The petitioner's request for a mobile-only telephony sub-band in the 3775–3800 kc portion of the 3500–4000 kc amateur frequency band was not proposed, but comment "as to the propriety of subdividing not only this but also other amateur bands and of subdividing the amateur bands for other purposes as well as mobile radiotelephone" was invited. The petitioner's request for provision, on a temporary or trial basis, of additional frequency space in the 50 Mc band for use by Novice Class operators was not proposed on the basis that the Commission believed it unwise to permit such operation because the novice, in general, cannot be expected to have the experience and technique to successfully cope with the serious problems of interference to television reception likely to result from operations in the band.

2. Following publication of the notice, a number of written comments were received from individual amateurs and amateur organizations. In general, the comments supported provision for A0 emission in the 50 Mc band, opposed establishment of a mobile-only subband for telephony at 3775–3800 kc, and opposed the subdivision of the amateur bands for other purposes as well as for mobile radiotelephone. The American Radio Relay League requested "the withdrawal of its petition • • • seeking to establish a mobile voice suballocation in 3775 to 3800 kilocycles" and expressed "itself as in agreement with the general philosophy of the Commission • • • that the setting aside of portions of the amateur frequency bands for the use of special groups would not permit the fullest and most diversified use of all frequencies available for amateur radio operation."

3. The League, in its comment, continued to support its original position that expansion of the 14 and 28 Mc bands for telephony is desirable for the relief of the crowded occupancy thereof. A number of amateurs, including many who prefer telephony, expressed opposition to such expansion. Comment favorable to the retention of the present subdivisions for telephony was on the basis that the primary use of the two frequency bands in question is for international contacts and that the proposed expansion would decrease their usefulness for this purpose for both foreign and domestic amateurs regardless of whether telegraphy or telephony would be used.

4. Additionally, is was pointed out that present occupancy of the 28 Mc band is very light and that when propagation conditions again reach the state where heavy occupancy will be encouraged therein, widespread use of the 21 Mc band may be expected for the first time since it was allocated to the amateur service, thus offering some relief of congestion in both the 14 and 28 Mc bands.

5. In view of the fact that the effect of the availability of the 21 Mc amateur frequency band upon congestion in the 14 and 28 Mc bands cannot be assessed until some time in the future when propagation conditions are such as to encourage increased activity in the 21 and 28 Mc bands, the Commission believes it to be in the best interest of the Amateur Service to defer further consideration of expansion of the 14 and 28 Mc sub-bands for telephony. Therefore, the Commission is hereby dismissing the proposed amendment of § 12.111 (d) and (g).

6. Comments received concerning the petitioner's request for novice operation in the 50 Mc band did not disclose any facts not already considered by the Commission in making its initial decision that it would be unwise to propose such rule changes at this time. The Commission will, however, consider other means of encouraging amateur use of the 50 Mc frequency band.

7. The Commission believes that encouragement and improvement of the Amateur Radio Service will result from the adoption of the amendments providing for the use of A0 emission in the 50 Mc amateur frequency band. These amendments are issued pursuant to authority contained in sections 4 (i) and 303 (f) and (r) of the Communications Act of 1934, as amended.

Therefore, it is ordered, That effective 3:00 a. m., e. s. t., October 15, 1954, §§ 12.111 (h) and 12.134 of Part 12, Amateur Radio Service, are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: September 1, 1954.

Released: September 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 12.111 (h) to read as follows:

(h) 50.0 to 54.0 Mc using types A1, A2, A3, and A4 emissions and narrow band frequency or phase modulation for radiotelephony, 51.0 to 54.0 Mc using type A0 emission, and on frequencies 52.5 to 54.0 Mc special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

2. Amend § 12.134 to read as follows:

§ 12.134 *Modulation of carrier wave.* Except for brief tests or adjustments and except for operation in the band 26.96 to 27.23 Mc, an amateur radiotelephone station shall not emit a carrier wave on frequencies below 51 Mc unless modulated for the purpose of communication.

[F. R. Doc. 54-7155; Filed, Sept. 10, 1954; 8:53 a. m.]

[Docket No. 10778; FCC 54-1117]

[Rules Amdt. 18-4]

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

SHORT-WAVE EPILATION EQUIPMENT

In the matter of amendment of § 18.51 of the Commission's rules concerning use of short-wave epilation equipment; Docket No. 10778.

1. On April 16, 1954, the Commission released a memorandum opinion and order in the above-entitled matter finalizing a proposed amendment to § 18.51 of the Commission's rules. The Commission's memorandum opinion and order, set forth the amended text of § 18.51 and, in part, read as follows: "The provisions of this part • • • shall not be applicable until December 31, 1955 for such [epilation] equipment manufactured between December 31, 1950 and June 30, 1954 • • •" However, the Commission's notice of proposed rule making and the text of the memorandum opinion and order of April 16, 1954, make it abundantly clear that the above-quoted portion of the amended section was intended to read: "The provisions of this part • • • shall not be applicable until December 31, 1955 for such [epilation] equipment manufactured between December 31, 1950 and June 30, 1953 • • •", and that the June 30, 1954 date was a typographical error.

2. Section 18.51 of the rules is now being amended to correct the typographical error. However, while the Commission believes that the intent of the amendment was clear, it is recognized that some persons purchasing epilation equipment may have been misled by the typographical error in the text of the rule. Therefore, the Commission proposes to grant petitions for waiver of § 18.51 in those instances where it can be demonstrated that, during the period between April 16, 1954, and the date on which this memorandum opinion and order was released, persons purchased epilation equipment manufactured after June 30, 1953, and which does not comply with Part 18, in reliance on the error contained in the Commission rules which indicated that such equipment could be used until December 31, 1955. The Commission will grant such waivers only on an individual basis, and, in no event, will any such waiver permit the use of such non-complying equipment beyond December 31, 1955.

3. In view of the fact that the amendment herein ordered is editorial in nature, the provisions of section 4 of the

Administrative Procedure Act with respect to notice are not applicable and the amendment may be made effective immediately.

4. *It is ordered*, Pursuant to the authority of sections 4 (i), 301 and 303 (r) of the Communications Act of 1934, as amended, that § 18.51 of the Commission's rules is amended as set forth below, effective immediately.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Adopted: September 1, 1954.

Released: September 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 18.51 of the Commission's rules and regulations is amended to read as follows:

§ 18.51 *Existing equipment.* The provisions of this part shall not be applicable until June 30, 1954 to epilation equipment, which uses radio frequency energy manufactured before December 31, 1950, and shall not be applicable until December 31, 1955 for such equipment manufactured between December 31, 1950 and June 30, 1953: *Provided*, That the foregoing provisions of this section shall be applicable only if such steps as may be necessary are promptly taken to eliminate interference to authorized radio services resulting from the operation of equipment manufactured prior to the respective dates set forth in this section.

[F. R. Doc. 54-7156; Filed, Sept. 10, 1954; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 923]

[Docket No. AO-251]

HANDLING OF MILK IN APPALACHIAN MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Bristol, Virginia on February 1–6 and 8–10, 1954, pursuant to notice thereof which was issued January 16, 1954 (19 F. R. 297), upon a proposed marketing agreement and order regulating the handling of milk in the Appalachian marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 16, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 17, 1954 (19 F. R. 5180).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues of record related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification of milk;

(c) The level and method of determining class prices;

(d) The method to be used in distributing proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the Appalachian marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

The proposed marketing area embraces portions of three States: namely, Tennessee, Virginia and Kentucky. Milk handled in the marketing area moves in large volumes and in many forms back and forth over State lines. The production areas from which milk is received by the various handlers who would be regulated overlap State boundaries. Milk from the farms of many producers in southwestern Virginia goes to plants in Tennessee and Kentucky where it is bottled for distribution to consumers. Part of this milk is moved out of the State directly from the farms. Some of it is received from producers at country stations in Virginia and moved in bulk to the Tennessee and Kentucky plants. Milk from Tennessee and Kentucky farms of producers as defined under the proposed order likewise finds its way across State boundaries. In addition, milk sold for fluid distribution in the marketing area is received in tank lots by plants serving the marketing area from points in Ohio and Indiana.

Testimony at the hearing indicates that of the Grade A milk produced in southwestern Virginia which would be priced under the proposed order more than half is distributed outside the State. Milk packaged for retail distribution is moved from each section of the marketing area (in Virginia, Tennessee, and Kentucky) across State lines. The greatest volume of interstate movement of milk on routes in the proposed area is carried out by the operation of routes throughout the city of Bristol, which is one of the primary markets of the area. Here the Virginia-Tennessee State line is located along the main street of the city. Milk plants on both sides of this line service consumers throughout the city. Retail and wholesale routes from plants which would be subject to the order cross the Virginia-Tennessee line elsewhere, and also, the Kentucky-Virginia State lines.

Manufactured milk products made from excess milk in the plants of handlers are sold in many States throughout the southeastern portion of the country.

2. *Need for an order.* Marketing conditions in the Appalachian marketing area justify the issuance of a marketing agreement and order.

There is no overall plan whereby farmers supplying the Appalachian marketing area are assured of payment for their milk in accordance with its use. Neither is there a procedure whereby farmers may participate in the price determinations throughout the area necessary for the marketing of their milk, which because of its perishability must be delivered to the market daily as it is produced.

A marketing order as proposed will promote orderly marketing by assuring producers prices equivalent to those contemplated under the act. Prices paid farmers for milk for fluid use have frequently been below the Class I prices an order would provide. Many of the farmers do not know how their milk is utilized at the various plants to which they deliver, or whether the basis on which they are being paid from month to month will be revised. In some instances, farmers are notified of price changes some days after such changes had been made effective by the handler. Accuracy of weights and butterfat tests of milk have been ascertained infrequently.

The major handlers in the market have refused or failed to recognize or to bargain with duly constituted cooperative associations as to price, or any other terms with respect to the sale of the milk of such associations.

Several handlers in the area have dealt with farmers in such a way as to discourage cooperative action by these farmers. Some handlers refused to make deductions for cooperative dues from payments due their producers, even though such deductions had been properly authorized by the producers. Failure to make such deductions has limited the cooperatives in instituting check weighing and testing programs. Representation by farmers shipping to one of the large handlers in dealing with the handler in matters affecting farmers was instituted under the auspices of the handler. Such effectiveness as the farmers were able to manifest in negotiating with the handler to further producer interests was limited in scope. While this handler-sponsored producer association may have contributed to the maintenance of goodwill in the producer-handler relations, it was not in a position to act as an independent producer organization in negotiating prices, or otherwise to act in behalf of producers in the marketing of their milk.

Prices paid to producers throughout the marketing area are generally at the option of the handler. The record indicates that prices are, in some instances, arbitrarily arrived at, and many farmers do not have any assurance of any price at all for their milk. All handlers in the market do not pay on the same basis. One of the larger handlers pays producers a flat price for their milk without regard to butterfat test or the way in which it is used. In those instances that handlers purportedly pay on the basis of the way milk is utilized, no complete systematic verification is made.

The stated Class I prices paid producers by the various handlers in the area are frequently not meaningful. Although all milk received from a producer at a plant may be sold for fluid consumption, the price he receives could be, and usually is, less than a Class I price because of the various pricing schemes followed by handlers in the market. In some cases, bottled milk and milk products moved beyond a specified distance from the bottling plant return a lesser price to producers. Sales on special contracts and buttermilk sales frequently bring producers prices at a level nearer the condensery price than the Class I price.

Milk is often imported into the area from outside sources at times when considerable volumes of producer milk are used in Class II. Producers lose Class I sales to such imports which may be obtained as excess milk from other markets.

There is little uniformity in the base rules of handlers in the different sections of the milkshed that apply with respect to base and excess plans used in paying producers. Transfer of producers between plants is restricted because of the diversity in application of each of the plans by the various handlers. A new producer coming into the market, as well as an established producer transferring between plants, is uncertain as to his status with respect to the basis on which he will be paid during much of the year. Likewise, uncertainty exists as regards establishing bases, transferring bases or resolving unusual situations which arise in connection with the operation of base and excess plans.

The Virginia Milk Commission fixes prices with respect to a portion of the milk purchased in that section of the proposed marketing area which lies in Virginia.

Effective August 1, 1949, an order designated "Rules and Regulations for the Supervision and Control of the Southwest Virginia Milk Market" was issued by the Commission. This order, which has been amended twice since its issuance, provides for minimum prices which handlers must pay base-holding producers, and the minimum prices at which milk may be sold by handlers to retail and wholesale customers.

In the summer of 1953, it became apparent that the Commission was not in a position to enforce its regulations when milk moved across State lines. Some milk from southwest Virginia producers was forced into surplus disposition as its usual outlets for fluid use were displaced by outside milk. The scope of regulation by the Virginia Milk Commission was clarified when a decision was rendered in 1953 by the Supreme Court of Virginia to the effect that the State Milk Commission may fix prices only on that milk sold for consumption in Virginia.

Southwest Virginia handlers who receive milk from Virginia producers for distribution both inside and outside the State are required by the Commission's order to pay producers a prescribed minimum price for milk sold for consumption in Virginia. Since the price of milk which such handler distributes outside Virginia is not fixed by any regulation, the blend price which he pays to his Virginia producers may well be significantly less than the blend calculated at the minimum prices fixed by the Commission. Although the arithmetical calculation of the handler may show that he paid the prescribed minimum prices for milk sold in Virginia, he is not restrained from applying an arbitrary price to milk distributed outside the State to arrive at a predetermined producer pay price.

Various classification designations prevail throughout the Appalachian marketing area. Even under the purported classification schemes, prices paid producers for their deliveries are not based on actual utilization of the milk delivered by them to handlers. Milk sold for fluid consumption in various forms or under various conditions is frequently designated as other than Class I under the prevailing classification systems and paid for at prices lower than the stated Class I prices.

Although buttermilk sales are a substantial portion of the total fluid sales in the market, comparatively little of the skim milk and butterfat used in the manufacture of buttermilk is paid for at the Class I price. The Virginia Milk Control Commission order for southwestern Virginia provides that the whole milk equivalent of butterfat in buttermilk sold shall be Class I. Since there are generally negligible quantities of butterfat in buttermilk, the major portion of skim milk utilized in buttermilk under the jurisdiction of the Commission is not paid for as Class I. Some handlers in the Tennessee portion of the marketing area buying from producers on a classification basis classify buttermilk sales as Class I–B and price such classification at 50 cents above the local condensery price. As with buttermilk, producers are not given full consideration for the sales of flavored milk and skim milk drinks in Class I. While some producers in the area may receive a Class I price for their deliveries which are used in the manufacture of buttermilk and flavored milk drinks, numerous producers in the area receive practically manufacturing prices for their deliveries utilized in these fluid outlets.

Sales by handlers to large outlets, such as government agencies and factories, are classified and paid for at prices below the stated Class I price. Such sales are made on the basis of contracts, which are let on bids. One handler representative testified that a I–A classification was established at his plant for such sales to dispose of producer surplus. Bidding on such contracts at these lower prices was necessary, it was contended, in order to obtain the contracts away from other handlers.

As handlers compete with each other on the various bids, returns to producers may be expected to decline. There is no practical limit short of the surplus price to which such bids may go, and no limit as to the size of sale which may be involved. Producers testified that handlers take on additional producers when they obtain such contracts, and consequently, the overall producer blend is lowered. The decline in producer returns is further accelerated as the total sales by handlers to such contract buyers continue to increase, as they have during the past year.

Prices to producers for milk sold by handlers as "contract milk" have been as much as $1.50 per hundredweight below the stated Class I price. In those instances where some producer milk was paid for in a special class as contract milk, producers did not always have information relative to the places to which such sales were being made, the quantities of milk and milk products so disposed of, or the extent to which such sales were made at prices below those prevailing in the area.

The practice of handlers to cut prices paid producers on milk sold on special bids in order to be in a position to underbid competition is tending to create unstable conditions in the market. While this practice might be rationalized by a handler on the basis that it would enable him to dispose of surplus, the same handler would be required to receive additional milk to meet the added demand for his milk if he is to serve such outlets throughout the year. A further dilution of the blend price to his producers would

result if the handler failed to obtain renewal of the contract.

A price of $4.50 per hundredweight was paid producers for milk sold by a local handler on a special bid. A handler under the Knoxville order who previously had served the account would have been required to pay the Class I price under that order, which was $6.68 during the period covered by the bid. Stated Class I prices in the Appalachian area during the same period were $5.95 to $6.55 per hundredweight. Nevertheless, the handler contended it was necessary to pay producers the lower price in order to obtain the contract.

The record indicates that there is a lack of detailed market information for this area. Such information is essential to the effectuation of orderly marketing and in achieving a level of Grade A milk production commensurate with consumer demand for Grade A fluid products. Some data on receipts and utilization of milk for fluid and manufacturing uses is made available by the Virginia Milk Commission. This information pertains to only one segment of the area, however, and it does not portray marketing conditions for the whole area.

It is concluded that the issuance of a marketing agreement and order for the Appalachian marketing area would contribute substantially to the improvement of many of the conditions complained of and tend to effectuate the declared policy of the act. The adoption of a classified price plan based on the audited utilization of handlers will provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division among all producers of the returns from Class I sales. The public hearing procedure required by the Agricultural Marketing Agreement Act will provide opportunity for representation of producers, handlers and the public in the determination of prices and marketing conditions for milk in the area.

3. *Order provisions*—(a) *Scope of regulation; marketing area.* The marketing area should include all the territory within the counties of Greene, Washington and Sullivan in Tennessee; Washington and Wise in Virginia; and Harlan in Kentucky.

The milk which is distributed in these counties is handled almost entirely from plants located within the counties. The primary outlets for the Class I milk of these plants are in this proposed area.

The handlers who would be regulated pursuant to the attached order are in competition throughout the marketing area. Milk plants located in the Virginia portion of the proposed area distribute a large share of their milk in Tennessee and Kentucky while handlers in the Tennessee and Kentucky portions of the recommended area distribute milk in Virginia. All of the handlers who would be subject to the order are subject to similar or the same market conditions with respect to alternative sources and outlets for milk.

Milk sold for Grade A consumption must be approved by health authorities in each of the respective portions of the marketing area. The movements of milk from one section of the area to the other take place with the approval of the appropriate health authorities. The health ordinances and the practices and procedures of the health authorities throughout the marketing area are generally patterned so as to be in accordance with the United States Public Health Service Milk Ordinance. Ratings by the United States Public Health Service are recognized by local health authorities as a basis for accepting milk from outside sources. Reciprocal agreements on farm inspections and on finished Grade "A" milk products for distribution prevail between the various health authorities in the area. It is concluded, therefore, that the milk to be priced under the proposed order is interchangeable and the degree of similarity of minimum health standards throughout the area justifies uniform regulations for the milk marketed throughout the area.

The marketing area should be defined on the basis of county rather than city boundaries. Substantial portions of the fluid milk marketed in the area are represented by sales to outlets located outside city boundaries. Also, health ordinances for cities and counties are administered by the same health authority throughout most of the area.

It was proposed that Smyth County, Virginia, be included in the marketing area. The record discloses that this county does not represent an important outlet for milk for handlers serving the proposed area. Also, a separate order for Smyth and Wythe Counties has been administered by the Virginia Milk Commission. The prices fixed by the Commission for milk in these two counties have been somewhat above those herein recommended for the Appalachian marketing area. It is concluded that handlers regulated pursuant to the proposed order will not be at a disadvantage with respect to sales of milk in Smyth County if it is not included in the marketing area.

Certain handlers testified that they distribute Class I milk in counties in addition to those proposed to be included in the marketing area. Since these counties were not proposed as part of the marketing area in the notice of hearing they may not be included under regulation at this time. Extension of the regulation to these areas would bring additional handlers under regulation who in turn have important sales outlets which would be unregulated. It is concluded that the volume of milk sold outside the marketing area from pool plants as defined under the proposed order is not sufficient nor marketing conditions in these areas such that their exclusion would be inappropriate or unjustified at this time.

Designation of plants and milk to be subject to regulation. Provision should be made in the order to designate clearly what milk will be subject to pricing provisions of the order. For this reason, definitions of handlers, milk plants, producers, producer milk, and other source milk should be provided. Such definitions will permit unequivocal reference to these persons or items throughout the order.

The term "handler" should be used to designate the operator of an approved plant under the order. Handlers are the persons who should be required to report the receipts and utilization of milk the handling of which is regulated and should be held responsible for paying producers for milk in accordance with the terms of the order. In case a person operates more than one plant at which milk is to be priced, he should be a handler with respect to the combined operations of such plants. If the handler operates a plant not associated with the regulated market, he would not be a handler with respect to such plant. Producer-handlers and operators of approved plants which do not qualify as fluid milk plants should be considered handlers in order to require such persons to report to the market administrator as is needed to determine their status.

The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk in the marketing area which is received from dairy farmers at plants primarily engaged in supplying fluid milk for sale on retail and wholesale routes in the marketing area. Such plants would be defined as "fluid milk plants."

A fluid milk plant under the attached order would be any plant from which a volume of Class I milk equal to an average of more than 1,000 pounds per day or more than 2.0 percent of the approved milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area. Such a plant would be considered a distributing plant.

Plants supplying Grade A milk, skim milk or cream to distributing plants would be fluid milk plants under certain circumstances. A supply plant which receives milk from farmers holding dairy farm permits or ratings issued by an appropriate health authority having jurisdiction in the marketing area would be a fluid milk plant in any month during which milk, skim milk or cream is moved from such plant to a distributing plant regulated pursuant to the order. Other supply plants would be fluid milk plants in any of the months of February through July during which any Grade A milk or skim milk is shipped to a distributing plant regulated pursuant to the order. Plants coming under the order because of shipments to distributing plants would be considered supply plants.

It would be inappropriate to extend regulation to any milk plant from which only minor quantities of milk are distributed in the marketing area. Such plants are selling primarily in competition with milk of unregulated handlers outside the marketing area. Regulation of such plants might place them in an uneconomic and unfavorable position with respect to sales outside the marketing area. So long as the limits as to sales such a plant may make in the marketing area are kept relatively low, the volume of unpriced milk in the market would not present an unstabilizing force in the market.

It is concluded that this limit should be placed at 2.0 percent of the Grade A milk received at such plant from all

sources or an average of 1,000 pounds of Class I milk a day, whichever is less. Any plant from which a volume of Class I milk equal to more than 1,000 pounds per day or 2.0 percent of its receipts of Grade A milk, skim milk or cream is disposed of in the marketing area should be designated as a distributing plant and fully subject to regulation.

Any plant from which Class I milk is distributed in the marketing area, but which does not meet the standards for a fluid milk plant, should be defined as an "approved plant" and be required to file reports and submit to audits by the market administrator to verify the status of such plant.

Throughout the year distributing plants, as herein defined, receive supplemental supplies of milk from supply plants. Some of these supply plants are associated with the market as a regular part of its supply, and the dairy farmers delivering to such plants hold dairy farm permits or ratings issued by health authorities having jurisdiction in the marketing area. Supply plants in this category should be included within the definition of a fluid milk plant throughout the year so long as they are used as sources of supply by distributing plants.

In the case of supply plants which are not under the routine inspection of health authorities in the marketing area a different standard should be used. Such plants normally provide supplemental milk to distributing plants in various other sales areas, and their shipments to the Appalachian area for Class I use are primarily seasonal in nature. To the extent these plants furnish only needed supplemental milk in months of low production they should not be brought under regulation. The fact that such milk will not be priced in the months of low production would not represent a threat to the stability of the regulated market. However, if shipments are made from such supply plants to distributing plants during the flush production months, they should be brought under regulation and made fully subject to the pricing provisions of the order. This provision would place such a plant on the same competitive level of pricing and subject it to the same regulatory requirements during these months as are applicable to plants which supply the market the year round. Plants subject to other orders issued pursuant to the act should not be made subject to the pricing provisions of this order.

If a portion of a plant is operated separately and no approved milk is received in such portion of the plant, the nonapproved portion should not be considered as part of a fluid milk plant. However, if any Grade A milk is handled in that portion of the plant in which ungraded milk is received, the over-all operation of the plant would be considered as that of a fluid milk plant and any Class I disposition therefrom should be credited first to producers.

"Producer" should be defined as any person, other than a producer-handler, who produces milk under a dairy farm inspection permit issued by a duly constituted health authority and whose milk may be used as Grade A milk for consumption in the marketing area if such milk is received at a fluid milk plant. Provision should be made so that the milk of producers regularly received at a fluid milk plant may be diverted for the account of a handler to a nonfluid milk plant any day during the flush production months and on not more than 15 days during any other months and still retain status under the order. Diverted milk shall be deemed to have been received at the plant from which it was diverted. It was proposed that a cooperative be authorized to divert milk to unapproved plants. It was not shown, however, that such authority under the regulations of an individual handler-pool would serve any purpose.

"Other source milk" should be defined as all skim milk and butterfat contained in products utilized by the handler in his operations, except milk from producers and other Class I products received from other fluid milk plants. Thus, other source milk would represent butterfat and skim milk which may not be subject to the pricing provisions of this order.

Persons who are engaged in producing milk and distributing only milk of their own production, should be subject to the order only to the extent that they must submit reports to the market administrator, as required, and maintain and make available to the market administrator accounts, records, and facilities so that the market administrator may verify that such persons are producer-handlers. It would be meaningless to require under the order that a producer-handler pay any particular price for milk produced on his own farm.

Classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred by a handler to a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from other handlers may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler. Pursuant to the proposed order, any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the fluid milk plant(s) of a handler after the allocation of shrinkage on producer milk.

(b) *Classification of milk.* Milk received by regulated handlers should be classified on the basis of the form in, or the purpose for which it is used, as either Class I milk or Class II milk.

The products which should be included in Class I milk are those generally required by health authorities in the marketing area to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at such a level that it will yield a blend price to producers that will encourage production of enough milk to meet market needs.

Excess milk not needed seasonally or at other times for Class I use must be disposed of for manufactured products. These products are less perishable and must be sold in competition with products made from unapproved milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated or reconstituted nonfat milk solids) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream), and any mixture in fluid form of skim milk and cream (except ice cream mix, eggnog, and sterilized products contained in hermetically sealed containers); and (2) not accounted for as Class II milk.

Class I products which contain concentrated skim milk solids such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, should be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans should not be considered as concentrated milk.

It was contended that in some portions of the marketing area buttermilk may be made from ungraded milk and that it, therefore, should not be included in Class I. It must be made from Grade A milk in the primary consuming areas of the proposed market, however, and all plants selling in these areas must abide by such standards. This includes most of the principal distributing plants which would be regulated. Among those plants not so required it is not a practice to make buttermilk from ungraded milk or milk products. Buttermilk distributed in the market is generally labeled and otherwise designated as a Grade A product.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk and butterfat content of milk products, received and disposed of by a handler, can be determined through certain testing procedures. Some of these products, such as ice cream and condensed products, present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of adequate plant records made available to the market administrator or by means of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any condensed milk product should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products should be consid-

ered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of products included in Class I milk should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Handlers must be held responsible for a full accounting of all their receipts of skim milk or butterfat in any form. A handler who first receives milk from producers should be responsible to the market administrator to establish the classification of, and make payment to producers for, such milk. Except for such limited quantities of shrinkage which may under certain conditions (as set forth elsewhere in this decision) be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use. It is necessary to place the burden of proof on the handler to establish the utilization of any milk as other than Class I.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts and mixes; butter, cheese, including cottage cheese; evaporated and condensed milk (plain and sweetened); nonfat dry milk solids, dry whole milk; condensed or dry buttermilk; and any other products not specified as Class I milk.

Cream which is placed in storage and frozen should be classified as Class II milk. Such cream is intended primarily for use in ice cream and ice cream mixes. Any frozen cream or other Class II products which are used later in a fluid milk plant would be considered as other source milk at the time of such use and assigned to the lowest priced utilization in the plant.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Accounting procedure will be facilitated by providing that month end inventories of all products designated as Class I milk, regardless of whether such products are held in bulk or in packages, should be classified in Class II milk. Inventories of such products on hand will then be subtracted from Class II use the following month. If any products which are classified as Class II milk because they are held in month-end inventories or later used in Class I, the higher value use should be reflected to producers unless producer milk was not available for such use.

Inventories of products designated as Class I milk on hand at a fluid milk plant at the beginning of any month during which such plant becomes a fluid milk plant for the first time should likewise be subtracted from the Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer receipts to current Class I use.

Shrinkage should be determined by subtracting from the total pounds of skim milk and butterfat received by the handler his total established utilization of skim milk and butterfat, respectively, in various products. Shrinkage not in excess of 2 percent of the handler's receipts of producer and other source milk should be prorated between producer and other source milk on the basis of the pounds received from each source. None of the shrinkage should be assigned to milk received from other fluid milk plants because shrinkage on such milk will be allowed to the transferring handler. A plant which is operated in a reasonably efficient manner and for which complete and accurate records of receipts and utilization are maintained should have total shrinkage of less than 2 percent of total receipts. It is concluded that shrinkage which is not more than 2 percent of total receipts of producer milk and other source milk used to produce a Class II product should be classified as Class II milk and any shrinkage in excess of this quantity should be classified as Class I milk.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other plants for Class II use. Classification of any product so transferred to another plant should under certain circumstances be determined according to its utilization in the plant to which transferred.

Milk, skim milk or cream, or other products designated as Class I milk transferred by a handler to the fluid milk plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, sufficient Class II utilization must be available at the transferee-plant for such assignment after prior allocation of shrinkage and other source milk as described below. On the other hand, if the transferring handler had other source milk during the month, the assignment of products transferred to another plant to the Class I utilization of such plant should be limited so that other source milk in the transferring handler's plant will not be allocated to Class I milk while producer milk is allocated to Class II milk in the transferee-handler's plant.

Milk, skim milk and cream disposed of to a nonfluid milk plant, including milk which is diverted (sent directly to the nonfluid milk plant from the producer's farm) should be classified as Class I milk, unless certain conditions are met. One of these conditions is that the operator of the nonfluid milk plant, if requested, must make his books and records available to the market administrator for the purpose of verifying the receipt and utilization of milk in such nonfluid milk plant. Provision for verification by the market administrator is reasonable and necessary to assure that producer milk will be paid for in accordance with its utilization. As mentioned heretofore, items of Class I milk transferred to a producer-handler should not be subject to reclassification.

The order class prices apply only to producer milk. It is necessary, therefore, if a plant has butterfat or skim milk other than that received in milk from producers, to determine the quantities of milk in each class to be assigned to producers. The milk of producers who are primarily engaged in supplying the Appalachian market should be assigned to Class I utilization first. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain other source milk whenever it was advantageous to do so for Class I use while producer milk in the plant was utilized in Class II, the order would not be effective in carrying out the purposes of the act. Also, the market would be deprived of a dependable supply of milk. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in § 923.46 of the attached order.

The provision for allocation of other source milk to Class II should be modified so that milk transferred or diverted from a regulated plant to a non-regulated plant for custom packaging and return to the first plant will not be considered as a Class I sale and other source milk at the regulated plant. The record indicates that some milk distributed from plants which would be regulated pursuant to this proposed order is custom packaged in this way. If such an exception to the assignment procedure is not provided it could result in a duplication of Class I sales in that the same milk might be assigned to Class I when transferred to the non-fluid milk plant and again when distributed on routes in packaged form.

The exemption thus provided should not be construed, however, as a modification of the fluid milk plant definition. The proposed order provides that any plant supplying Grade A milk or skim milk to a regulated distributing plant during the months of February through July would become subject to regulation. This provision is for the purpose of assuring that the Class I sales of the market will not be displaced through the acquisition by handlers of seasonal surpluses from other markets.

The custom bottling provision herein found necessary does not alter this qualification standard. To alter the plant definition to accomodate custom bottling operations might open the way to the removal of Class I sales of producers milk from the pricing provisions of the order at the season of the year when considerable volumes of Grade A milk are generally available at surplus prices.

The record does not suggest a means by which such displacement could be avoided.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month.

(c) *Class prices.* Class I prices should be established at a level which, in conjunction with the Class II prices hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate but not excessive supply of quality milk to meet the requirements of the marketing area.

The maintenance of stable conditions in the market requires that Class I prices be adjusted whenever the supply of milk is out of line in relation to sales of milk for fluid use. If prices remain too low, insufficient quantities of milk will be produced to assure that the Class I market will be fully supplied. Conversely, if prices are too high, production will be overstimulated and consumption curtailed. This would cause more milk to be produced than is needed to satisfy the demand for Class I milk, resulting in the development of unnecessary and uneconomic surpluses.

When milk produced locally is insufficient to meet the Class I needs of the market supplemental supplies of Grade A milk are purchased by handlers in the Appalachian area from plants located over a wide geographic area. Prices of this milk fluctuate to a considerable extent with the value of milk produced for manufacture. Other items which determine the prices at which such milk will be available to Appalachian handlers include the cost of transporting such milk to the marketing area and the alternative outlets for such milk.

Proper recognition must be given the prices at which alternative sources of supply are available, especially since any milk plant wherever located may, by meeting the prescribed qualifications, become a fluid milk plant under the order. It is necessary, therefore, that the Class I price in the proposed Appalachian milk marketing order should not be set at levels which will bring the cost of such milk above the cost of obtaining Grade A milk supplies regularly from other sources.

The Class I price for milk containing 4 percent butterfat established by the Virginia Milk Commission for southwestern Virginia averaged $6.10 for the year 1953. The stated Class I price of most of the principal handlers throughout the area paying producers on a classification basis was approximately the same. As indicated elsewhere in this decision, not all producer milk utilized by handlers in dispositions defined as Class I in the attached proposed order was paid for at the stated Class I price. One of the larger handlers paid producers one dollar above the local condensery price for milk sold for fluid consumption on contracts to governmental agencies. Milk sold for buttermilk was paid for by some handlers at the local condensery price and by others at 50 cents above such price. Skim milk used by handlers in the area in flavored milk drinks are frequently paid for at the manufacturing prices. The local condensery price was approximately $3.25 per hundredweight for 4 percent milk in December 1953, and was in some months during the year even below this figure.

The Class I price should be fixed in relation to the general level of the value of milk used to produce manufactured dairy products. To achieve this end a basic price should be adopted which will reflect this general level and to which differentials should be added to reach the appropriate Class I price. Such basic price should be the higher of (a) the average of the prices paid by the 15 "Midwestern Condenseries," (b) a price computed on the basis of the daily quotations for 92 score butter at Chicago and prices paid for nonfat dry milk solids f. o. b. manufacturing plants in the Chicago area, or (c) the average of the prices paid for milk received from dairy farmers by selected manufacturing plants in the local area.

The purpose of such basic price is to give consideration to the national economic factors underlying the price for milk for manufacturing uses, which prices influence the local market prices. Prices for milk used for fluid purposes in competitive markets are related to the prices paid for milk used for manufacturing purposes. Production and marketing of milk for each type of manufacturing outlet are subject to many of the same economic factors. Since the market for most manufactured products is countrywide, prices of manufactured dairy products reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. For these reasons, fluid milk markets have used butter, nonfat dry milk solids, and cheese prices, or the prices paid by condenseries with differentials over these basic or manufacturing prices to establish fluid milk prices. These differentials are needed to cover the cost of meeting quality requirements in the production of market milk, transportation costs to the fluid market, and to furnish the necessary incentive to get such milk produced.

The basic formula proposed herein is essentially the same as that used under the Knoxville, Nashville, and Memphis orders and similar to those used in many other federally regulated markets. The price computed under the formula would have averaged $3.85 for 1953. The differential to be added to this basic price in determining the Class I price would be applicable to all skim milk and butterfat included in the Class I definition of the proposed order. Consequently, the total quantities of producer milk classified in Class I under the order would be significantly greater than the quantities of producer milk now allocated to Class I under the various classification schemes now in effect in the market. It is concluded that the differentials to be added to the basic price should be $1.70 for the months of March through July and $2.10 for all other months.

The average Class I price which would have been fixed under this formula during 1953 was $5.75. The average stated Class I price for major handlers in the market for the same period was over $6.00. The recommended formula would have fixed a price of $5.03 for the month of July 1954.

Class I prices should be announced by the market administrator by the sixth day of the month. In order to do this, it is necessary to use price quotations for the preceding month in calculating the basic formula price.

Handlers contended that the Class I prices under the Appalachian order should be the same as that provided in Federal Order No. 88, regulating the handling of milk in the Knoxville, Tennessee, marketing area. There was no showing in the record that marketing conditions in the two areas are the same. No major segments of the production area for the two markets overlap, and the shifting back and forth of producers between the two markets is not general. The principal sales areas of handlers in the two markets are widely separated, and competition between handlers in the two markets prevails in but few places. The Class I pricing herein provided would not change materially the relative position of handlers in the Appalachian market with regard to such competition.

Class I prices to producers, historically, have been higher in the Appalachian area than the Class I prices provided by the Knoxville order. There is no evidence in the record that the pricing of Class I milk in the Appalachian area has in the past been based directly on the Class I prices prevailing in the Knoxville market, or that such a basis of pricing for the Appalachian market would be appropriate at this time.

Class II price. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

In order to have an adequate supply of producer milk in the fall and winter months, handlers accept surplus milk from producers during the months of flush production. The Class II uses of milk disposed of during the flush production season are not, on the whole, as profitable outlets as in the fall of the year when the supply of producer milk available for Class II is lower. With a limited supply of milk for Class II, the market for those products which will command the best return are served first. During those months of high production, when the supply is excessive, large quantities of milk are disposed of for use in those products which are least profitable or actually result in a loss to those handlers receiving milk from producers.

Handlers testified that they were experiencing some difficulties at the time of the hearing in disposing of excess milk to manufacturing plants in the area, and they anticipated further difficulties in this regard with the approaching seasonal increases in production. At the peak of the 1953 production season, local milk manufacturing plants were pushed to capacity production by reason of this increased receipt of ungraded milk from their regular shippers. Consequently, these manufacturing plants accepted but limited quantities of surplus milk from

Appalachian handlers. It was indicated at the hearing that these local manufacturing plants would accept but limited quantities of excess producer milk from fluid milk plants in the future.

Prices paid by manufacturing plants may differ because of changes in the relative prices of the products which they manufacture. Handlers will dispose of excess milk to those plants which are paying the highest price at the time of such disposal. Because of small volume and inefficient means of handling, it is possible that some handlers may, at times, incur losses in handling their necessary reserve supply of milk. The handling of such surplus milk is incidental, however, to the handling of fluid milk.

The pricing of milk in the months of flush production should be at the rate at which milk produced for the market will be handled so that such surplus milk production will not disrupt the orderly marketing of milk. The level of such pricing should not be below that paid for ungraded milk, since such pay prices represent the lowest value in the milkshed for milk for manufacturing purposes. Handlers who need and desire the entire output of producers during periods of short supply should assume the responsibility of paying producers at least the competitive manufacturing prices for Class II milk throughout the months of flush production. During the months of short production a higher level of prices for Class II milk should be provided in the order so as to encourage the transfer of milk from manufacturing uses to fluid uses during the fall and winter months of short supply.

The Class II price for the months of March through August should be the average of the prices paid for milk received from dairy farmers by selected manufacturing plants in the area. The nine such plants whose pay prices would be so used were proposed by producers at the hearing. Two of these plants are located in southwestern Virginia, three in Tennessee, two in Kentucky, and one in each of the States of North Carolina and South Carolina. Several of the plants are the principal buyers of ungraded milk in the milkshed of the proposed marketing area.

For each of the months of September through February the Class II price should be the higher of either the price computed pursuant to a butter-nonfat solids formula which will reflect changes in manufactured product values in the general area; or the average of the prices paid by the nine local manufacturing plants.

Provision is made in the attached order which will permit a handler to divert directly to manufacturing plants any milk clearly not needed in his own operations.

Butterfat differentials. As pointed out previously herein, it is concluded that butterfat and skim milk should be accounted for separately for classification purposes. It will be necessary, therefore, to adjust Class I and Class II prices of milk in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in value due to variations in the butterfat content of each product. The values resulting from multiplying the average price of 92-score butter at Chicago by 0.120 for Class I milk and the New York 92-score butter price by 0.110 for Class II milk will provide an appropriate basis for adjusting such prices in this market, since they will reflect changes in the central market prices of butterfat. The basing point from which such adjustments are made should be 4.0 percent butterfat. This is the basis now used in the Appalachian marketing area.

The use of butterfat differentials in this manner follows standard practices in most fluid milk markets for adjusting for butterfat variations. In order that the Class I butterfat differential may be announced early each month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I differential at the same time that the Class I price is announced.

Class II prices and butterfat differentials will not be announced until after the end of the month. Although handlers will now know the cost of such milk as it is utilized, they will know that their cost will follow that of their principal competitors for manufactured outlets.

The butterfat differential used in making payments to producers should be calculated at the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class prices provided in the order. The producer butterfat differential in no way affects the handlers' cost of milk but merely prorates returns among producers whose milk differs in butterfat test.

The record indicates that the average test of producer receipts exceeds that of Class I sales. The butterfat differentials recommended herein for Class I and Class II milk should tend to encourage the production of milk with a fat test more in line with the fat requirements of the market.

Location differentials. It was proposed at the hearing that handlers be allowed a location differential with respect to milk moved from a receiving plant to a processing plant.

The record discloses that some of the milk normally supplied to the marketing area is received by handlers at a distance from the plant which processes and distributes the milk. In addition, some of the milk is brought to the marketing area in packaged form.

The minimum Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. Neither should milk delivered to one point within the proposed marketing area be priced differently than that delivered to any other point in the area. However, to the extent that milk is received elsewhere from producers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by producers. For this reason, the Class I price should be adjusted downward in the case of plants which assume the cost of hauling the milk to the marketing area.

It is customary for handlers to pay producers delivering milk to country receiving stations a lesser price per hundredweight than is paid producers delivering directly to bottling plants. To the extent that this represents a lower price because of the location of the milk, such difference in value should be recognized under the order. It is concluded, therefore, that the Class I price should be reduced for those plants which are outside the marketing area by 10 cents per hundredweight of milk for the first 50 miles and by 1.5 cents per hundredweight of milk for each additional 10 miles or fraction thereof that such plants are from a central place in the primary center of consumption in the proposed area. Kingsport, Tennessee, is such place in the Appalachian marketing area. The location differential adjustment and the rate thereof herein provided are representative of those prescribed in other Federal milk marketing orders and is related to the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants to which location differentials apply should be reduced to reflect the lower value of such milk f. o. b. the point to which delivered.

No adjustment should be made in the Class II price for location to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with the location of the plant receiving the milk. This is true because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices shown in the record paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk in the most advantageous possible method. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk, otherwise part of the incentive for keeping handling cost at a minimum is removed. To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that any milk transferred be assigned to any Class II use remaining in the transferee plant after a maximum assignment of 5 percent of the direct producer receipts to Class II milk.

(d) *Distribution of the proceeds to producers.* The individual handler type of pool should be included in the order as a means of distributing to producers the returns from the sale of their milk. Under this type of pool, the minimum prices will be uniform to all producers delivering their milk to the same handler. The "blend", "base" and "excess" prices, as the case may be, will depend on the proportion of the producers' milk used in Class I and Class II milk by the handler receiving his milk. Although each handler subject to the order will be required to pay uniform minimum prices to all the producers who deliver to him during each month the minimum blend prices payable to producers by the various handlers will differ according to the variation among handlers in the proportion of milk used in each class.

The record indicates that no handler in the area is carrying an undue proportion of excess milk in order to supply other handlers with supplemental milk. Under these conditions an individual-handler pool in the Appalachian marketing area will tend to result in optimum allocation of producer milk among handlers according to Class I needs of the handler and in maximum returns to producers from their milk.

Base and excess plan. A "base and excess" plan of distributing the returns for milk among producers should be employed in connection with the individual-handler pool.

Base and excess plans, although they vary considerably among handlers, are commonly used throughout the milkshed area. The base and excess method of distributing milk returns during the months of flush production has wide support among both producers and handlers and should be continued. Interruption in the use of a base plan at this time might result in increased seasonality of production to the detriment of the market.

Because of the seasonal variations in the production of milk, there is a need for an incentive to maintain production in the fall and winter months relative to spring and summer levels. Some handlers have difficulty in utilizing efficiently all milk delivered to them in the months of seasonally high production. By providing returns related directly to a producer's ability to deliver additional milk in the fall and winter as compared with deliveries during the season of flush production, a production pattern more closely fitted to the sales pattern of fluid milk and fluid milk products will be encouraged.

The base-excess plan proposed by producers would establish for each producer in the market a base which would depend upon his deliveries of milk to fluid milk plants during the six-month period, September through February. During these months, as well as in March, all producers would receive the same "blend", or average, price paid by the handler to which they deliver their milk.

For each of the months of April through August, separate uniform prices for "base milk" and "excess milk" would be computed so that Class I sales would first be allotted to "base milk." Base milk would be that quantity of milk delivered by each producer up to his average daily base multiplied by the number of days in the month of which he delivers milk to any fluid milk plant. The "excess milk" price would be the minimum order Class II price, unless the total Class I sales of the handler exceed the total quantity of base milk received from producers during the month. In this case, the fact that excess milk was used for Class I sales would be reflected in the payment to be made for such milk, or in the excess blend price.

The daily base of each producer would be calculated by the market administrator by dividing the total pounds of milk received by all handlers, from such producer during the months of September through February, by the number of days from the first day milk is received from such producer during those months to the last day of February inclusive, but not less than 120 days. On or before April 1st of each year the market administrator would be required to notify each producer and the handler receiving milk from him, the daily base established by such producer. This will allow new producers a limited period during which their milk is needed by the market to establish a base at the full rate of their average production.

It is necessary to provide certain rules in connection with the establishment and transfer of bases in order to provide reasonable administrative workability of the plan. To accomplish this, and to preserve the effectiveness of the base plan, transfers of bases should be limited to the entire bases of producers who retire from farming. In cases of death or dissolution of joint production arrangements, such as landlord-tenant relationships, similar transfers should be permitted. Since the base plan is effective in determining producer payments in only five of the twelve months in each year and since all producers must establish a new base each year, other provisions than those contained herein for the establishment and transfer of bases are unnecessary.

The uniform prices, including uniform base and excess prices, which are required to be paid producers by each handler should be computed for milk containing 4.0 percent butterfat which is in accordance with past and current market practices. In distributing proceeds to producers, a differential should be applied to recognize different values of milk in accordance with its butterfat content. This differential should be determined on the basis of the weighted average value of producer butterfat according to its utilization at the class prices of the order.

Location differentials heretofore discussed should be applied to prices paid producers.

Payment to producers. The order should provide that each handler with respect to milk received from a producer, for which payment is not made to a cooperative association, shall pay such producer at not less than the applicable uniform price(s) on or before the 15th day after the end of each month. With respect to the producers whose milk was caused to be delivered by a cooperative association which is authorized to collect payment for such milk, the handler shall, if requested in writing by the cooperative association, pay such cooperative association on or before the 13th day after the end of such month an amount equal to the sum of the individual payments otherwise payable to such producer.

Provision should also be made for the handler, if authorized in writing by the producer, to make proper deductions for goods or services furnished to or for payments made on behalf of the producer. At the time final settlement is made for milk received from producers during the month the handler should be required to furnish to each producer a supporting statement. Such statement would list the pounds and butterfat tests of milk received from him, together with the rates of payment for such milk and a description of any deductions claimed by the handler.

(e) *Administrative provisions.* Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning. Definitions for base and excess milk are included. Such other terms as are defined in the attached order are common to many other Federal milk orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish classification of producer milk and payments due therefor. Time limits must be prescribed for filing such reports and for making the payments to producers.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

In addition to the regular reports required of handlers, provision is made for handlers to notify the market administrator of their intentions to import other source milk. Such information on a market wide basis may assist handlers in locating local sources of producer milk and expedite the transfer of such milk among handlers. It is necessary that handlers retain records to prove the utilization of the milk and that proper payments were made to producers. Since the books and records of all handlers cannot be completed or audited immediately after the milk has been delivered to a plant, it therefore becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain such books and records and on the period of time in which

obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Expense of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on (a) producer milk (including such handler's own production), (b) other source milk at a fluid milk plant which is classified as Class I milk, and (c) Class I milk disposed of on routes in the marketing area from a nonfluid milk plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by some handlers to supplement local producer supplies of milk. Several handlers obtain a portion of their milk supply from their own herds. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including handlers' own production) and other source milk allocated to Class I milk.

Plants not subject to the classification and pricing provisions of the order may distribute limited quantities of Class I milk in the marketing area. These plants must be checked to verify their status under the order. Assessment of administrative expense with respect to such milk sold in the marketing area will help to defray the costs of such checks.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 5 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 5 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. A provision should be included in the order for furnishing marketing services to producers, such as verifying of tests and weights and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is a need for a marketing services program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program is to furnish producers with current market information. Detailed information regarding market conditions is not now regularly available either to producers or to cooperative associations. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish such services, provision should be made for a maximum deduction of 6 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the extent of the milkshed and the volume of milk involved with that of several other markets now under Federal regulation leads to the conclusion that this will reflect the maximum cost of such services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

General findings. (a) The proposed marketing agreement and the order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to § 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interests; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order of the Secretary directing the conduct of a referendum; determination of a representative period; and designation of referendum agent. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the attached order regulating the handling of milk in the Appalachian marketing area) who, during the month of August 1954, which month is hereby determined to be the representative period for such referendum, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, to determine whether such producers favor the issuance of the order which is filed herewith.

Hobart E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this decision is filed with the Hearing Clerk, United States Department of Agriculture.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Appalachian Area," and "Order Regulating the Handling of Milk in the Appalachian Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, which will be published with this decision.

This decision filed at Washington, D. C., this 7th day of September 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order,[1] *Regulating the Handling of Milk in the Appalachian Marketing Area*

Sec.
923.0 Findings and determinations.

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923.3 Department of Agriculture.
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MARKET ADMINISTRATOR

923.20 Designation.
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923.22 Duties.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

REPORTS, RECORDS, AND FACILITIES

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923.110 Agents.
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AUTHORITY: §§ 923.0 to 923.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 923.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Appalachian marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk and, (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plant) located in the marketing area from a nonfluid milk plant.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Appalachian marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 923.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 923.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 923.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 923.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 923.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 923.6 *Appalachian Marketing Area.* "Appalachian Marketing Area," hereinafter called the "marketing area," means all the territory within the counties of Sullivan, Washington, and Greene in Tennessee; Washington and Wise in Virginia; and Harlan in Kentucky.

§ 923.7 *Fluid milk plant.* "Fluid milk plant" means (a) any plant from which a volume of Class I milk equal to an average of more than 1,000 pounds per day, or not less than 2.0 percent of the approved milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area, (b) any plant which during the months of February through July ships grade A milk or skim milk to a plant qualified pursuant to paragraph (a) of this section or (c) any plant which during the months of August through January receives milk from farmers holding dairy farm permits or ratings issued by a health authority having jurisdiction in the marketing area, and from which milk, skim milk or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section: *Provided,* That if a portion of a plant is operated separately and no approved milk is received in such portion of the plant, it shall not be considered as part of a fluid milk plant pursuant to this section.

§ 923.8 *Approved plant.* "Approved plant" means a fluid milk plant or any plant from which Class I milk is delivered (including delivery by a vendor or sale from a plant store) during the month to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

§ 923.9 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing or bottling plant other than a fluid milk plant.

§ 923.10 *Handler.* "Handler" means any person in his capacity as the operator of an approved plant.

§ 923.11 *Producer.* "Producer" means any person except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant, or (b) diverted by the operator of a fluid milk plant for his account to a nonfluid milk plant (1) any day during the months of March through July, and (2) on not more than 15 days during any of the months of August through February: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

§ 923.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the fluid milk plant directly from producers, or (b) diverted from a fluid milk plant to a nonfluid milk plant in accordance with the conditions set forth in § 923.11.

§ 923.13 *Approved milk.* "Approved milk" means any skim milk or butterfat contained in producer milk or in milk, skim milk or cream which is received from a fluid milk plant, except the plant of a producer-handler, and which is approved for distribution as Class I milk by the agency issuing the health permit to such plant.

§ 923.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 923.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 923.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 923.15 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and an approved plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers.

§ 923.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 923.17 *Base milk.* "Base milk" means milk received at a fluid milk plant from a producer during any of the months of April through August which is not in excess of such producer's base for such month computed pursuant to § 923.81.

§ 923.18 *Excess milk.* "Excess milk" means either (a) milk received at a fluid milk plant from a producer during any of the months of April through August, which is in excess of base milk received from such producer during such month, or (b) milk received during such month from a producer for whom no base can be computed pursuant to § 923.80.

MARKET ADMINISTRATOR

§ 923.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 923.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 923.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 923.95 (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 923.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 923.30 and 923.31, or payments pursuant to §§ 923.90 through 923.95;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce and notify each handler in writing of the following: (1) The 6th day of each month, the Class I price, and the Class I butterfat differential, both for the current month; (2) the 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month; and (3) the 10th day after the end of each month, the uniform price(s), and the producer butterfat differential.

REPORTS, RECORDS, AND FACILITIES

§ 923.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 923.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of products designated as Class I milk pursuant to § 923.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 923.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of April through August, the total pounds of base and excess milk, (iii) the days on which milk was received from such producer if less than a full month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his fluid milk plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 923.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 923.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 923.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at fluid milk plants, which is required to be reported pursuant to § 923.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 932.41 through 923.46.

§ 923.41 *Classes of utilization.* Subject to the conditions set forth in §§ 923.43 and 923.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except sterilized products in hermetically sealed containers, ice cream mix, and eggnog); and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) contained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; and (3) in shrinkage assigned to Class II pursuant to § 923.42.

§ 923.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in the fluid milk plant(s) of the handler;

(b) Multiply the pounds of skim milk and butterfat in producer milk (except milk diverted pursuant to § 923.11) and other source milk by 0.02;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk classified pursuant to § 923.41 (a) and (b) (1) (except shrinkage determined pursuant to paragraph (a) of the section) which is in Class II milk. The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II milk pro rata to producer milk and other source milk.

§ 923.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 923.44 *Transfers.* Skim milk or butterfat disposed of from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 923.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 923.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 916.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(b) As Class I milk if transfered to a producer-handler in the form of products designated as Class I milk in § 923.41 (a) (1);

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonfluid plant located in the marketing area or not more than 50 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the 6th day after the end of the month within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

(d) As Class I milk is transferred in bulk form as cream to a nonfluid plant unless:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims Class II in his report submitted to the market administrator pursuant to § 923.30 on or before the 6th day after the end of the month within which such transaction occurred;

(3) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 923.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors, the reports of receipts and utilization for the fluid milk plants of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 923.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 923.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 923.42 (d);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in products defined as Class I milk pursuant to § 923.41 (a) received in consumer packages from a nonfluid milk plant or the pounds of skim milk classified as Class I milk and transferred or diverted during the month to such nonfluid milk plant whichever is less.

(3) Subtract from the remaining pounds of skim milk in Class II milk the remaining pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk

are greater than the remaininfi pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk pursuant to § 923.41 (a) (1) on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from the fluid milk plants of other handlers in the form of products designated as Class I milk in § 923.41 (a) (1), according to its classification as determined pursuant to § 923.44 (a);

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 923.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a) or (b) of this section and § 923.51 (b), rounded to the nearest whole cent, shall be known as the basic formula price.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the month by 0.6.

(b) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.0, add 20 percent thereof, and add to such sum 3¾ cents for each full ½ cent that the average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture during the delivery period, is above 5 cents.

§ 923.51 *Class prices.* Subject to the provisions of §§ 923.52 and 923.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.10 during the months of August through February and plus $1.70 during all other months.

(b) *Class II milk price.* For the months of March through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph and for all other months the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greenville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.
Carnation Co., Galax, Va.

(2) Add the amounts obtained pursuant to subdivisions (i) and (ii) of this subparagraph, and subtract 75 cents therefrom.

(i) Multiply by 4.80 the simple average of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at New York as reported during the month by the Department of Agriculture;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department of Agriculture.

§ 923.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 923.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply by 0.12 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the previous month, and round to the nearest one-tenth cent.

(b) *Class II price.* Multiply by 0.11 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at New York, as reported by the Department of Agriculture during the month, and round to the nearest one-tenth cent.

§ 923.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located outside the marketing area and 50 miles or more from the city limits of Kingsport, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 923.41 (a) (1) and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 923.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the fluid milk plant where such milk is received from producers:

Distance from the city limits of Kingsport (miles):	*Rate per hundredweight (cents)*
50 but less than 60	10
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for purpose of calculating such location differential, products so designated as Class I milk which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 923.46 (a) (1), (2), and (3), and the comparable steps in (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 923.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 923.60 *Producer-handlers.* Sections 923.40 through 923.46, 923.50 through 923.53, 923.70 through 923.72, 923.80 through 923.83, and 923.90 through 923.96 shall not apply to a producer-handler.

§ 923.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be considered as a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 923.30), and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 923.7 (a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except fluid milk plants) in the Appalachian marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 923.7 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant has qualified as a fluid milk plant pursuant to § 923.7 (c) for each month during the preceding August through January period.

DETERMINATION OF UNIFORM PRICE

§ 923.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; and (e) add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 923.46 (a) (4) and (b), whichever is less.

§ 923.71 *Computation of uniform prices for handlers.* For each of the months of September through March, the market administrator shall compute a uniform price for the producer milk received by each handled as follows:

(a) Add to the amount computed pursuant to § 923.70 the total of the location differential deductions to be made pursuant to § 923.92;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. market.

§ 923.72 *Computation of the uniform prices for base milk and for excess milk for handlers.* For each of the months of April through August, the market administrator shall compute uniform prices for base milk and for excess milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 923.70 the total of the location differential deductions made pursuant to § 923.92;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Subject to the conditions set forth in paragraph (e) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(e) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (d) of this section from the value obtained pursuant to paragraph (c) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section;

(f) Divide the value obtained pursuant to paragraph (e) of this section by the hundredweight of base milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. market; and

(g) Divide the value obtained pursuant to paragraph (d) of this section by the hundredweight of excess milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 923.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through February by the number of days from the first day milk is received from such producer during said months to the last day of February, inclusive, but not less than 120 days.

§ 923.81 *Computation of base.* The base of each producer to be applied during the months of April through August shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days such producer's milk was received by such handler during the month: *Provided*, That if the producer's milk was not received on a daily basis, the daily base shall be multiplied by the number of days during the month for which the milk production of such producer was received by such handler.

§ 923.82 *Base rules.* The following rules shall apply in conection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months of September through February.

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be removed from one handler to another handler.

§ 923.83 *Announcement of established bases.* On or before April 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 923.90 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 15th day after the end of each month, each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price computed pursuant to § 923.71 for the months of September through March, and at not less than the uniform price for base milk computed pursuant to § 923.72 with respect to base milk received from such producer and at not less than the uniform price for excess milk computed pursuant to § 923.72 with respect to excess milk received from such producer for the months of April through August, subject to the following adjustments: (1) The butterfat differential pursuant to § 923.91, (2) the location differential pursuant to § 923.92, (3) marketing service deductions pursuant to § 923.95, (4) proper deductions authorized in writing by the producer, and (5) adjustments for errors in calculating payment to such individual producer for past months: *Provided*, That with respect to producers whose milk was caused to be

delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if requested by the cooperative association, pay such cooperative association on or before the 13th day after the end of each month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph;

(b) In making the payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 923.91 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 923.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 923.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 923.92 *Location differential to producers.* In making payment to producers pursuant to § 923.90, the applicable uniform prices to be paid for producer milk received at a fluid milk plant located outside the marketing area and 50 miles or more from the city limits of Kingsport, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the fluid milk plant where such milk was received at the following rate:

Distance from the city limits of Kingsport (miles):	*Rate per hundredweight (cents)*
50 but less than 60	10
For each additional 10 miles or fraction thereof an additional	1.5

§ 923.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products disclose errors, resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 923.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 923.90, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of this statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 923.90 (b).

§ 923.95 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk and, (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonfluid milk plant.

§ 923.96 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 923.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 923.101.

§ 923.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 923.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 923.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 923.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 923.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 54-7177; Filed, Sept. 10, 1954; 8:55 a. m.]

Commodity Stabilization Service

[7 CFR Part 722]

1955 CROP OF UPLAND COTTON

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO A NATIONAL MARKETING QUOTA, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, AND FORMULATION OF REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1342, 1355, 1357, 1362, 1363, 1365, 1373), the Secretary of Agriculture is preparing to determine whether a national marketing quota is required to be proclaimed for the 1955 crop of upland cotton, to provide for conversion of such quota into a national acreage allotment, and to formulate regulations for apportioning the national acreage allotment to States and the State acreage allotments to counties, and for establishing farm acreage allotments.

Section 342 of the act provides that whenever during any calendar year the Secretary of Agriculture determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year. This section provides further that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales of cotton adequate, together with (1) the estimated carry-over at the beginning of the marketing year which begins in the next calendar year and (2) the estimated imports during such marketing year, to make available a normal supply of cotton. Under the provisions of this section of the act the national marketing quota for any year may not be less than ten million bales or one million bales less than the estimated domestic consumption plus exports of cotton for the marketing year ending in the calendar year in which such quota is proclaimed, whichever is smaller. The proclamation of the national marketing quota is required to be made not later than October 15 of the calendar year in which the determination is made that the total supply of cotton exceeds the normal supply.

As defined in section 301 of the act, for purposes of the determinations provided for in section 342 of the act, "total supply" of cotton for any marketing year is the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of cotton into the United States during such marketing year; "carry-over" of cotton for any marketing year is the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current; "normal supply" of cotton for any marketing year is the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carry-over; and "marketing year" for cotton is the period August 1–July 31.

Section 344 (a) of the act provides that whenever a national marketing quota is proclaimed under section 342, the Secretary shall determine and proclaim a national acreage allotment for the crop of cotton to be produced in the next calendar year. The national acreage allotment for cotton is that acreage, based upon the national average yield per acre of cotton for the five years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop an amount of cotton equal to the national marketing quota.

If a national acreage allotment is proclaimed for the 1955 crop of upland cotton, such allotment would be apportioned to the States as provided by section 344 (b) of the act and Public Law 28, 81st Congress (63 Stat. 17), on the basis of the acreage planted to cotton during the five calendar years 1948, 1950, 1951, 1952, and 1953, with adjustments for abnormal weather conditions during such period.

It is expected that the regulations pertaining to the apportionment of the State acreage allotment among counties and farms will be substantially the same as the regulations issued with respect to the 1954 crop of upland cotton, including amendments (18 F. R. 7527, 7836; 19 F. R. 4, 761, 1481), except for provisions made applicable for 1954 only by Public Law 290, 83d Congress, approved January 30, 1954. Public Law 290 also amended the act to provide for making adjustments, beginning with the 1955 crop of cotton, in farm acreage allotments to correct inequities and to prevent hardships. This is one of the purposes provided by law for using State and county acreage reserves. Heretofore, farm cotton acreage allotments established under the Agricultural Adjustment Act of 1938, as amended, other than minimum farm allotments, have been determined by multiplying the adjusted cropland for the farm by a uniform county (or administrative area) cropland factor. Section 344 (f) of the act, as amended by Public Law 290 and by Public Law 690, 83d Congress, approved August 28, 1954, provides, beginning with the 1955 crop of cotton, for apportioning the county acreage allotment, less the county acreage reserve, among farms on which cotton has been planted in any one of the three years immediately preceding the year for which such allotment is determined on the basis of the acreage planted to cotton on the farm during such three-year period, if the county committee recommends such action and the Secretary determines that such action will result in a more equitable distribution of the county acreage allotment among farms in the county. It is expected that all county committees will carefully consider the authorization in the law to apportion the county acreage allotment, less the county acreage reserve, among farms on the basis of cotton acreage history during the three preceding years rather than on the basis of cropland, as described above. Under Public Law 690, county committees will have wider latitude in establishing farm cotton acreage allotments on a history basis under section 344 (f) (6) of the Agricultural Adjustment Act of 1938, as amended, in that they may in their discretion (1) apportion the county cotton acreage allotment by first establishing minimum farm acreage allotments as provided in section 344 (f) (1) of the act before apportioning the remaining acreage among farms and (2) limit any farm acreage allotment established on the basis of cotton acreage history during

the three preceding years to an acreage not in excess of 50% of the cropland on the farm.

It is expected that the Secretary's authority to approve or disapprove recommendations of county committees regarding apportionment of the county acreage allotment among farms on the basis of cotton acreage history will be redelegated to the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, and that the Deputy Administrator will issue such instructions as may be necessary for carrying out this new provision of law. In this connection, it appears that it will be necessary for the Deputy Administrator to set a closing date for such recommendations to be filed in order that the many computations and determinations incident to the establishment of farm acreage allotments may be completed and allotment notices issued to farm operators prior to the referendum which is required by the Act to be held not later than December 15, 1954.

It is proposed to change the provisions which were contained in the 1954 regulations regarding the reconstitution of farms. Under one proposal being considered, where reconstitution of farms are made for 1955 after farm acreage allotments for 1955 are established prior to the referendum, the allotments for the reconstituted farms would be determined on the basis of the revised data, provided notice of the change in land in the farm is received in the county ASC office by a closing date which will be a date prior to the general date for preparing land for cotton production. In cases where the county ASC office is not advised of the change in land in the farm by the closing date, the same procedure would be followed in establishing the farm acreage allotments for the reconstituted farms, except that (1) in the case of subdivisions the allotments for the several tracts could not exceed the allotment previously established for the parent farm except to the extent required by the minimum allotment provisions, and (2) in the case of a combination (a) the allotment for the reconstituted farm could not exceed the sum of the allotments for the several tracts comprising the reconstituted farm, and (b) the allotment for the reconstituted farm would be subject to the maximum farm allotment provision if it is applicable in the county. Under another proposal being considered, where reconstitutions of farms are made for 1955 after farm acreage allotments for 1955 are established prior to the referendum, the allotments for all reconstituted farms would be established as follows: (1) In the case of subdivisions the allotments for the several tracts could not exceed the allotment previously established for the parent farm except to the extent required by the minimum allotment provisions, and (2) in the case of a combination (a) the allotment for the reconstituted farm could not exceed the sum of the allotments for the several tracts comprising the reconstituted farm, and (b) the allotment for the reconstituted farm would be subject to the maximum farm allotment provision if it is applicable in the county.

It is the Secretary's intention to delay the determinations provided for in section 342 of the act until the October 8, 1954, cotton report of the Crop Reporting Board of the Department is issued in order that the latest available data may be used. In the meantime, it is expected that the regulations discussed above will be issued subject to the condition that they shall become ineffective for purposes of the marketing quota program in the event a national marketing quota program for the 1955 crop of upland cotton is not proclaimed by October 15, 1954.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national acreage allotment, the apportionment of the national acreage allotment to States and the State acreage allotments to counties, and the formulation of regulations for the establishment of farm acreage allotments for the 1955 crop of upland cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. within fifteen days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D. C., this 9th day of September 1954.

[SEAL] J. A. MCCONNELL, *Administrator.*

[F. R. Doc. 54-7192; Filed, Sept. 9, 1954; 4:39 p. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs. Draft Release 68A]

REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 9, 1954.

In the notice of proposed rule making on this matter, published in the FEDERAL REGISTER on July 9, 1954 (19 F. R. 2400), it was stated that the Board would consider all relevant matter and communications received on or before September 10, 1954. The Board has been requested by several interested parties to extend the date by which comments must be filed by at least one week. Since the Draft Release proposed a complete revision of the Uniform System of Accounts and the CAB Form 41 Report, matters of great importance to all scheduled air carriers, the Board finds that a one week extension for return of comment should be granted in order to allow this additional comment to be submitted.

Accordingly, the second sentence of the second paragraph of the aforementioned notice is amended to read as follows: "All relevant matter and communications received on or before September 17 will be considered by the Board before taking final action on the proposed rule."

(Sec. 205 (a); 52 Stat. 984; 49 U. S. C. 425. Interpret or apply section 407; 52 Stat. 1000; 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-7183; Filed, Sept. 9, 1954; 4:01 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11158; FCC 54-1122]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it a petition filed on June 16, 1954, and amended on July 8, 1954, by the Midcontinent Broadcasting Company, Sioux Falls, South Dakota, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations so as to change the offset carrier requirement only of Channel 11 as follows:

City	Channel No.	
	Present	Proposed
International Falls, Minn.	11+	11
Fargo, N. Dak.	11	11+

3. In support of the propsed amendment petitioner urges that it is the permittee of television Station KELO-TV operating on Channel 11 with zero offset carrier at Sioux Falls, North Dakota; that this station is only 234 miles from the assignment of Channel 11 at Fargo, North Dakota, also with zero offset carrier; that such operation may needlessly deprive a large area and population of a television broadcast service; and that the proposed changes comply with the Commission's rules and standards.

4. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 4, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 2, 1954.

Released: September 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-7149; Filed, Sept. 10, 1954; 8:52 a. m.]

[47 CFR Part 12]

[Docket No. 11157; FCC 54-1110]

AMATEUR RADIO SERVICE

TECHNICIAN CLASS OPERATOR PRIVILEGES

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration petitions for rule making filed by James M. Price and Tom A. Walker.

3. The petitions request amendment of Part 12, rules governing Amateur Radio Service, to permit operating privileges for the Technician Class amateur operator in the 50-54 Mc amateur frequency band. One petitioner states that: "The • • • petition is made in the interest of increased utilization of existing amateur assignments and the improvement of techniques in the VHF spectrum by amateur operators • • •. The effect • • • would be to make available to those amateurs holding Technician Class licenses one band of frequencies on which there exists the frequent possibility of two-way communication by sporadic E layer propagation. This fact alone, it is anticipated, will encourage immediate and representative participation by those licensees • • •. The beneficial by-product of such action would be the tapping of the skills possessed by such licensees for the improvement of present amateur VHF techniques."

4. Believing that greater amateur occupancy of, and experimentation in, the amateur frequency bands above 50 Mc is desirable, the Commission is proposing amendment of the rules to provide for operating privileges for Technician Class amateur operators in the 144-148 Mc amateur frequency band as well as the 50-54 Mc band. In addition to the reasons given by the petitioners, the Commission believes that the technician's value to, and participation in, civil defense communications through the Radio Amateur Civil Emergency Service would be considerably enhanced by the amendment proposed herein.

5. Authority for issuance of the amendment contained below is vested in the Commission by virtue of sections 4 (i) and 303 (f), (g), and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 15, 1954 written data, views, or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 15 days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules, an original and four copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 1, 1954.

Released: September 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

Amendment of § 12.23 (d) of Part 12, rules governing Amateur Radio Service, is proposed as follows:

(d) *Technician class.* All authorized amateur privileges in the amateur frequency bands above 50 Megacycles.

[F. R. Doc. 54-7150; Filed, Sept. 10, 1954; 8:52 a. m.]

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR Parts 144, 145]

[No. 7616]

CHARTER AND BYLAWS; OPERATION

ACTION ON PROPOSAL TO LIBERALIZE BONUS PROVISIONS

SEPTEMBER 7, 1954.

Whereas, pursuant to notice duly published in the June 10, 1952 issue of the FEDERAL REGISTER (17 F. R. 5255), a hearing was held on July 10, 1952, upon a proposal by this Board, as set forth in its Resolution No. 5235, dated June 4, 1952, to adopt, among other things, certain amendments to the rules and regulations for the Federal Savings and Loan System relating to the payment of bonuses upon share accounts, and

Whereas, careful consideration has been given to such proposed amendments concerning the payment of bonuses upon share accounts.

Resolved, that this Board hereby determines not to adopt the amendments of paragraph (e) of § 144.6 *Amendment to bylaws*, and § 145.3 *Bonus on savings accounts* as set forth in its said Resolution No. 5235 and as noticed for hearing on July 10, 1952.

(Sec. 5 (a) 48 Stat. 132; 12 U. S. C. 1464 (a))

By the Home Loan Bank Board.

[SEAL] J FRANCIS MOORE, *Secretary.*

[F. R. Doc. 54-7139; Filed, Sept. 10, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SULPHUR LEASE OFFER

OUTER CONTINENTAL SHELF OFF LOUISIANA

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Director, Bureau of Land Management, Washington 25, D. C., will be received on or before October 13, 1954, at 11 a. m., e. s. t., for the lease of sulphur in certain areas of the outer Continental Shelf, Gulf of Mexico, adjacent to the State of Louisiana. Bids will be opened in the Department of the Interior auditorium, Eighteenth and C Streets NW. Bids may be delivered in person to the auditorium up to 11 a. m., e. s. t., October 13, 1954. Bids received by mail or delivered in person after the above-specified time will not be considered.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21, and 201.22. For the purposes of this sale the word "officer" in § 201.22 (a) (1) is interpreted to include a duly authorized attorney in fact or representative of a corporation. Bidders are warned against violation of section 1860, Title 18, U. S. Code, prohibiting unlawful combination or intimidation of bidders. Bidders must submit with each bid one-fifth of the amount bid in cash or by cashier's check, bank draft, certified check, or money order payable to the order of the Treasurer of the United States. The leases will provide for a royalty rate of 7½ percent of the gross production or value of the sulphur at the wellhead, but not less than $1.50 a long ton, and a rental or minimum royalty of $2 per acre or fraction thereof.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $15 per acre will be considered. Sulphur payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered. The tract numbers shown are

assigned only for the purposes of this sale and are not the same as block numbers designated on the official leasing map.[1] A separate bid in a separate, sealed envelope must be submitted for each tract. The envelope should be endorsed "Sealed bid for sulphur lease, La. (insert number of tract), not to be opened until 11 a. m., e. s. t., October 13, 1954." The right is reserved to reject any or all bids. The tracts offered for bid are as follows:

WEST CAMERON OFFICIAL LEASING MAP NO. 1

Tract No.	Acreage	Block	Description
La.-1-S	5,000	245	All.
La.-2-S	5,000	246	All.
La.-3-S	5,000	248	All.
La.-4-S	5,000	249	All.
La.-5-S	5,000	252	All.
La.-6-S	5,000	253	All.
La.-7-S	5,000	254	All.
La.-8-S	5,000	255	All.
La.-9-S	5,000	256	All.
La.-10-S	5,000	257	All.
La.-11-S	5,000	258	All.

EAST CAMERON OFFICIAL LEASING MAP NO. 2

La.-12-S	5,000	96	All.
La.-13-S	5,000	97	All.
La.-14-S	5,000	103	All.
La.-15-S	5,000	104	All.
La.-16-S	5,000	105	All.
La.-17-S	2,114	110	All.
La.-18-S	5,000	111	All.
La.-19-S	5,000	114	All.
La.-20-S	5,000	115	All.
La.-21-S	5,000	116	All.
La.-22-S	5,000	122	All.
La.-23-S	5,000	123	All.
La.-24-S	5,000	126	All.
La.-25-S	2,057.89	127	All.
La.-26-S	2,001.79	128	All.
La.-27-S	5,000	129	All.
La.-28-S	5,000	137	All.
La.-29-S	5,000	138	All.
La.-30-S	5,000	139	All.
La.-31-S	5,000	140	All.
La.-32-S	5,000	151	All.
La.-33-S	5,000	152	All.
La.-34-S	5,000	153	All.
La.-35-S	5,000	154	All.
La.-36-S	5,000	155	All.
La.-37-S	5,000	156	All.
La.-38-S	5,000	157	All.
La.-39-S	5,000	158	All.
La.-40-S	5,000	160	All.
La.-41-S	5,000	161	All.
La.-42-S	5,000	166	All.
La.-43-S	5,000	167	All.
La.-44-S	5,000	178	All.
La.-45-S	5,000	179	All.

VERMILION OFFICIAL LEASING MAP NO. 3

La.-46-S	5,000	103	All.
La.-47-S	5,000	104	All.
La.-48-S	5,000	116	All.
La.-49-S	5,000	117	All.
La.-50-S	5,000	119	All.
La.-51-S	5,000	120	All.
La.-52-S	5,000	123	All.
La.-53-S	5,000	124	All.
La.-54-S	5,000	126	All.
La.-55-S	5,000	127	All.
La.-56-S	5,000	163	All.
La.-57-S	5,000	164	All.
La.-58-S	5,000	165	All.
La.-59-S	5,000	178	All.
La.-60-S	5,000	179	All.
La.-61-S	5,000	180	All.
La.-62-S	5,000	183	All.
La.-63-S	5,000	184	All.
La.-64-S	5,000	185	All.
La.-65-S	5,000	188	All.
La.-66-S	5,000	189	All.
La.-67-S	5,000	190	All.
La.-68-S	5,000	193	All.
La.-69-S	5,000	194	All.
La.-70-S	5,000	195	All.

[1] Reduced copies of official leasing maps for the area off Louisiana may be obtained at a cost of $1 per set from the Bureau of Land Management, Washington 25, D. C., or from the local office, 608 Masonic Temple Building, New Orleans 12, La.

EUGENE ISLAND OFFICIAL LEASING MAP NO. 4

Tract No.	Acreage	Block	Description
La.-71-S	5,000	157	All.
La.-72-S	5,000	158	All.
La.-73-S	5,000	171	All.
La.-74-S	5,000	172	All.
La.-75-S	5,000	175	All.
La.-76-S	5,000	176	All.
La.-77-S	5,000	180	All.
La.-78-S	5,000	181	All.
La.-79-S	5,000	184	All.
La.-80-S	5,000	185	All.

SHIP SHOAL OFFICIAL LEASING MAP NO. 5

La.-81-S	5,000	168	All.
La.-82-S	5,000	169	All.
La.-83-S	5,000	170	All.
La.-84-S	5,000	181	All.
La.-85-S	5,000	182	All.
La.-86-S	5,000	183	All.

SOUTH TIMBALIER OFFICIAL LEASING MAP NO. 6

La.-87-S	5,000	128	All.
La.-88-S	5,000	129	All.
La.-89-S	5,000	130	All.
La.-90-S	2,148.46	131	All.
La.-91-S	2,148.46	132	All.
La.-92-S	5,000	133	All.
La.-93-S	5,000	134	All.
La.-94-S	5,000	135	All.
La.-95-S	5,000	151	All.
La.-96-S	5,000	152	All.

GRAND ISLE OFFICIAL LEASING MAP NO. 7

La.-97-S	5,000	59	All.
La.-98-S	5,000	60	All.
La.-99-S	4,539.89	61	All.
La.-100-S	4,539.89	62	All.
La.-101-S	5,000	63	All.
La.-102-S	5,000	64	All.
La.-103-S	5,000	71	All.
La.-104-S	5,000	72	All
La.-105-S	4,539.89	73	All.
La.-106-S	4,539.89	74	All.
La.-107-S	5,000	75	All.
La.-108-S	5,000	76	All.

Bidders are requested to submit their bids in the following form:

DIRECTOR,
Bureau of Land Management, Department of the Interior, Washington 25, D. C.

SULPHUR BID

OUTER CONTINENTAL SHELF

The following bid is submitted for a sulphur lease on land of the outer Continental Shelf specified below:

Area _____
Official Leasing Map No. _____

Tract No.	Total amount bid	Amount per acre	Amount submitted with bid

_____
Signature

_____
Address

IMPORTANT

Each bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft. A separate bid must be made for each tract.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 54-7135; Filed, Sept. 10, 1954; 8:45 a. m.]

[Misc. 66646]

IDAHO

REVOKING DEPARTMENTAL ORDER OF APRIL 4, 1908, WITHDRAWING PUBLIC LANDS FOR USE OF THE FOREST SERVICE

SEPTEMBER 7, 1954.

Upon recommendation of the Department of Agriculture and in accordance with Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

The order of the Assistant Secretary of the Interior of April 4, 1908, withdrawing the following-described public lands in Idaho for use by the Forest Service as an administrative site, is hereby revoked:

BOISE MERIDIAN

T. 30 N., R. 4 E.,
Sec. 35, NE¼NE¼, W½SE¼NE¼.

The tract described contains approximately 60 acres.

The lands, which comprise part of the Nezperce National Forest, shall become subject to the public-land laws relating to national forest lands at 10:00 a. m. on the 35th day from the date of this order.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 54-7121; Filed, Sept. 10, 1954; 8:47 a. m.]

Bureau of Reclamation

HAMMOND PROJECT, NEW MEXICO

ORDER OF REVOCATION

DECEMBER 1, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of October 11, 1944, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 12 W.,
Sec. 28: NW¼SW¼.

The above areas aggregate 40.00 acres.

W. A. DEXHEIMER,
Commissioner.

[Misc. 2003130]

SEPTEMBER 3, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly. The lands are reserved for power site purposes by Executive order of July 2, 1910.

EARL G. HARRINGTON,
Acting Associate Director.
Bureau of Land Management.

[F. R. Doc. 54-7123; Filed, Sept. 10, 1954; 8:47 a. m.]

BLUE RIVER-SOUTH PLATTE PROJECT, COLORADO

ORDER OF REVOCATION

MAY 12, 1954.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of March 15, 1946, in so far as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 S., R. 77 W.,
Sec. 8, SE¼NW¼ and Lot 3.

The above area aggregates 76.39 acres.

N. B. BENNETT,
Acting Asst. Commissioner.

[Misc. 2087156]

SEPTEMBER 7, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are located about one and one-half miles northeast of Dillon, Colorado, and adjacent to the Arapaho National Forest. They are made up mostly of steep slopes with a thick cover of lodgepole pine over most of the area. None of the timber is of commercial value.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Veterans preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

W. G. GUERNSEY,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 54-7124; Filed, Sept. 10, 1954; 8:47 a. m.]

Office of the Secretary

[Order 2583, Amdt. 11]

BUREAU OF LAND MANAGEMENT

SITES FOR RECREATIONAL OR ANY PUBLIC PURPOSE

SEPTEMBER 3, 1954.

Section 2.69 of Order No. 2583, as amended (15 F. R. 5643, 6997; 16 F. R. 6805; 17 F. R. 7513, 10486; 18 F. R. 161, 3446, 5715; 19 F. R. 1021, 1937, 2555), is recaptioned and amended to read as follows:

Sec. 2.69 *Sites for recreational or any public purpose.* All actions with respect to conveyances and leases to Federal, State, Territorial, and local governmental units and to nonprofit associations and corporations pursuant to 43 CFR, Part 254, and other applicable regulations.

(Sec. 2, Reorg. Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z-15, Note.)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 54-7125; Filed, Sept. 10, 1954; 8:48 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1954 102d Supp.]

MARINE INSURANCE CO. LTD.

ACCEPTABLE REINSURING COMPANIES ON FEDERAL BONDS

SEPTEMBER 7, 1954.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Treasury Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223. An underwriting limitation of $519,000.00 has been established for the company.

The Marine Insurance Company, Limited, London, England (U. S. Office, New York, New York).

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7136; Filed, Sept. 10, 1954; 8:49 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1954 103d Supp.]

LONDON ASSURANCE CO.

ACCEPTABLE REINSURING COMPANIES ON FEDERAL BONDS

SEPTEMBER 7, 1954.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Treasury Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223. An underwriting limitation of $814,000.00 has been established for the company.

The London Assurance Company, London, England (U. S. Office, New York, New York).

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7137; Filed, Sept. 10, 1954; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3476]

CITY OF SIOUX FALLS, S. DAK.

POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled proceeding, assigned to be held on September 16, 1954, is postponed to September 16, 1954, at 10:00 a. m., e. d. s. t., in Room 5859, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., September 8, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7157; Filed, Sept. 10, 1954; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11156; FCC 54-1105]

VAN CURLER BROADCASTING CORP. (WTRI)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Van Curler Broadcasting Corporation (WTRI), Schenectady, New York, for modification of construction permit to change principal community to Albany, New York, and to maintain main studio outside Albany; Docket No. 11156, File No. BMPCT-2201.

1. The Commission has before it for consideration (1) a "Petition to Reconsider Grant and Designate Application for Hearing" filed on August 5, 1954, pursuant to Sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Hudson Valley Broadcasting Company, Inc. (Hudson Valley), permittee of television broadcast station WROW-TV, Channel 41, Albany, New York, protesting the Commission's action of July 7, 1954, granting without hearing the above-entitled application and requesting rehearing or reconsideration of such action; (2) an "Opposition to Protest" filed on August 19, 1954 [1] by Van Curler Broadcasting Corporation (Van Curler); and (3) a "Reply to Opposition to Protest" filed by Hudson Valley on August 31, 1954.

[1] The time for answering the subject protest was extended by the Commission to August 19, 1954, upon a motion by Van Curler which was not opposed.

2. On June 10, 1953, the Commission granted the application (BPCT–408) of Van Curler for a permit to construct a television station on Channel 35 assigned to Schenectady, New York. This application specified the main studio location as a site to be determined in Schenectady, and the transmitter site was designated off Camp Pinnacle Road 2.2 miles west of New Salem, New York. On October 7, 1953, the Commission authorized the change of transmitter location to approximately two miles east of the northernmost boundary of Troy on Mt. Rafinesque. On November 5, 1953, Van Curler filed an application (BMPCT–1550) which, as amended on November 16, 1953, specified the main studio location as 30–32 No. Pearl Street, Menands, New York. With this application, Van Curler submitted a "Justification for locating main studio outside of Schenectady, as provided for in § 3.613 (b) of the rules." By letter dated January 13, 1954, the Commission advised the applicant that, on the basis of the pleadings before it, there had been no showing made by the applicant consistent with the provisions of § 3.613 (b) of the rules and that the change of main studio location could not have been granted without a hearing. Subsequently, the request to locate main studio outside Albany was withdrawn.

3. On January 18, 1954, Van Curler requested special temporary authorization to operate WTRI commercially pursuant to the terms of its construction permit, as modified, except that (a) the transmitter building would be used as a temporary emergency studio; and (b) that a directional antenna would be used. On January 20, 1954, the Commission granted said request.

4. On May 12, 1954 the Commission adopted a Report and Order in Docket No. 10964, wherein it amended the Table of Assignments by assigning Channel 35 to "Albany-Schenectady-Troy", New York in lieu of Schenectady. This amendment was duly published in the FEDERAL REGISTER (19 F. R. 2900) and became effective on June 18, 1954. Thereafter, on June 21, 1954, Van Curler filed the above-entitle application requesting authority to specify Albany rather than Schenectady as the principal city to be served, and to specify the main studio location as 30–32 North Pearl Street, Menands, New York,[2] the site referred to in paragraph 2 supra. Van Curler submitted with the application a request for waiver under § 3.613 (b) to permit location of the main studio outside of Albany. The Commission granted the application without hearing on July 7, 1954.

5. In its protest, Hudson Valley alleges, in substance, that it is the operator of television broadcast station WROW-TV, Albany; that it is presently competing for operating revenues with four AM stations (including its own); that as a result of the subject grant permitting WTRI to locate in Albany, it will be in competition with two television stations instead of only one as formerly; that as a result of the grant of the above-entitled application, Hudson Valley has been economically injured and will continue to suffer economic injury; and that, therefore, it is a "party in interest" and a "person aggrieved" within the purview of sections 309 (c) and 405, respectively, of the Communications Act of 1934, as amended.

6. In support of its protest and petition for reconsideration, Hudson Valley alleges that it relied upon the Commission's Sixth Report and Order in calculating the competition it would face as an Albany station; that if Van Curler is permitted to locate its main studio on the outside of Albany, instead of in Schenectady, Hudson Valley faces economic ruin; and that "* * * Van Curler never intended to locate in the city of Schenectady and any representations that it would be a Schenectady outlet do not comport with the facts * * *" Finally, Hudson Valley requests that the Commission set aside the grant and designate the application for hearing on the issues set forth in its pleading, together with such further issues as the Commission may prescribe; postpone the effective date of the Commission's action granting the application to the effective date of the Commission's decision after hearing; and, pending such action on this petition, enter an order temporarily staying the effective date of the grant.[3]

7. In its opposition to the instant petition, Van Curler urges, in substance, that Hudson Valley is not a "party in interest" under section 309 (c) of the act because it cannot show real and immediate injury resulting directly from the Commission's actions in granting the above-entitled application; that its statements of injury are wholly speculative and conjectural; and that Hudson Valley has set forth only one basic factual allegation of loss of business and did not relate it to the grant of the subject application. Van Curler also urges that the Commission's action complained of is not subject to protest under section 309 (c) of the act because it is only a "minor modification." Finally, Van Curler urges that Hudson Valley's protest does not state sufficient grounds for reconsideration of the Commission's action, in that its claim that it will suffer ruinous competition is not sufficient cause for denying an application and is, therefore, irrelevant; that its claim that Van Curler never intended to locate its studios in Schenectady is false, and that, in any event, all of the facts cited to support that charge were known to, and considered by, the Commission when it granted Van Curler's application; and that its claim that it relied upon the Commission's Sixth Report and Order which assigned Channel 35 to Schenectady comes too late, since it unsuccessfully opposed subsequent rule making to change Channel 35 to an "Albany-Schenectady-Troy" assignment.

8. In light of the fact that Hudson Valley is the permittee of a television broadcast station in Albany, New York; that it derives operating revenues from that area from the sale of national, regional and local advertising; that the grant herein makes Van Curler's television station, WTRI, an Albany station and, therefore, places it in direct competition with Hudson Valley's television station; and that Hudson Valley has alleged that it has been and will continue to be financially injured by the grant complained of, we find that Hudson Valley is a "party in interest" and an "aggrieved party" within the meaning of sections 309 (c) and 405, respectively, of the Communications Act of 1934, as amended. In re Application of Kansas State College of Agriculture and Applied Science, 8 Pike & Fischer RR 261; In re Application of Edwin G. Polan et al; 8 Pike & Fischer RR 398; Versluis Radio & Television, Inc., 9 Pike & Fischer RR 102; In re T. E. Allen & Sons, Inc., 9 Pike & Fischer RR 197; In re Ohio Valley Broadcasting Corporation, 10 Pike & Fischer RR 452.

9. Hudson Valley has specified the following issues:

1. To determine the extent to which a grant of the WTRI application will subject WROW to ruinous competition.

2. To determine whether or not WTRI acted in good faith in applying for a construction permit for Schenectady in the light of its efforts to locate the main studio elsewhere.

3. To determine whether the competition resulting from the operation of its main studio as proposed by WTRI is in the public interest.

4. To determine whether the public interest will best be served by WTRI locating its main studio near Albany, as proposed, or locating it in Schenectady.

It is clear that once a protestant has established standing to protest as a party in interest, it must then meet the further jurisdictional requirements of section 309 (c) that the protestant "shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally." As we pointed out in the Allen[4] and Salinas[5] cases, "The clear import of this requirement is that a protestant must do something more than set forth in his protest vague, nonspecific, conclusionary arguments and allegations; he must allege those facts upon which his conclusions as to the impropriety of the Commission's grant without hearing are predicted. These facts must be alleged with specificity; they must be concrete, basic facts." In the instant case, we find that Hudson Valley failed to comply with this basic jurisdictional requirement in the case of issues "1", "3" and "4" quoted above.

10. With respect to issues "1" and "3" specified by the protestant, we find that the protestant has not alleged concrete, basic facts, or for that matter, any other facts to support such issues. The framing of conclusionary issues standing alone and unsupported by basic facts does not meet the statutory requirement for specificity under section 309 (c) of the act. Although the protestant has set forth allegations of fact showing it to be a party in interest based on the economic injury which it will suffer, it did not allege a single fact in support of its first issue with respect to "ruinous competition." And issue "3" is merely a broad, general conclusionary issue also not related specifically to any facts set forth in the protest. Furthermore, there are not even allegations in the pleading which can be construed as supporting the conclusions implied in issue "3" apart from the implied allegations in the issue itself.[6]

11. In support of issues "2" and "4" quoted above, Hudson Valley has related the various steps which Van Curler has taken in changing its studio and transmitter locations up to and including the above-entitled application, through the grant by which WTRI became an Albany station. Upon the basis of such facts, Hudson Valley contends that Van Curler never intended to locate in Schenectady, and had not acted in good faith in applying originally for a construction permit for Schenectady. Therefore, with respect to issues "2" and "4" specified by the protestant, we find that it has stated with particularity the facts, matters and things relied upon as required by the provisions of section 309 (c) to warrant the designation of the above-entitled application for hearing upon these issues. However, in making this finding we do not determine or imply that even if the facts with respect to such issues are as alleged by the protestant, they are such that they would result in a determination that the grant to the applicant herein was improper, contrary to the public interest or should be set aside. Accordingly, said issues are not being adopted by the Commission and the burden of proof thereon both in proving the facts alleged and in demonstrating their materiality and relevancy will be on the protestant.

12. In view of the foregoing: *It is ordered*, That, insofar as the petition herein requests reconsideration of the Commission's action of July 7, 1954, pursuant to section 405 of the Communications Act of 1934, as amended, it is denied, except with respect to the hearing provided for below; that, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission with respect to the protest herein of Hudson Valley Broadcasting Company, Inc.; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application for modification of construction permit is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

(a) To determine whether or not WTRI acted in good faith in applying for a construction permit for Schenectady in the light of its efforts to locate the main studio elsewhere.

(b) To determine whether the public interest will best be served by WTRI locating its main studio near Albany, as proposed, or locating it in Schenectady.

(c) To determine, in the light of the evidence adduced on the foregoing issues, whether the public interest, convenience or necessity require that the grant of the subject application be vacated.

The burden of proof as to each of the above issues shall be on the protestant.

13. *It is further ordered*, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on September 20, 1954, before an Examiner to be specified by the Commission; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than September 13, 1954.

Adopted: September 1, 1954.

Released: September 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–7146; Filed, Sept. 10, 1954; 8:51 a. m.]

[Rules Amdt. 0-28; FCC 54–1124]

REGIONAL MANAGERS AND DISTRICT FIELD OFFICE AREAS

STATEMENTS OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND PUBLIC INFORMATION

In the matter of amendment of Part 0 of the Commission's rules and regulations. Modification of section 0.40 with reference to Regional Managers and District Field office areas.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of September 1954;

The Commission having under consideration further reduction in the number of Regional offices and reorganization of the area embraced by its Seattle, Washington, Regional office and relocation of its District office in Juneau, Alaska; and

It appearing that the Anchorage, Alaska Regional office should be eliminated and that the Territory of Alaska should be included within the area embraced by the Seattle, Washington Regional office; and

It further appearing that the District office presently located at Juneau, Alaska should be transferred to Anchorage, Alaska and that a District Sub-Office be established in Juneau.

It is ordered, Pursuant to section 4 (i) and 303 (r) of the Communications Act, as amended, and section 3 (a) of the Administrative Procedure Act that Part 0 of the Commission's rules is hereby amended, effective September 15, 1954, as set forth below.

Released: September 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend section 0.40 by adding under Region No. 4: District No. 23.

2. Amend section 0.40 by deleting the listing under Regional Managers; "Region No. 6, P. O. Box 644 (Rm. 52 U. S. P. O. and Courthouse), Anchorage, Alaska—To include: District No. 23".

3. Amend section 0.40 by modifying the information contained under Radio District No. 23 to read as follows:

P. O. Box 644,
Room 53,
U. S. P. O. and Courthouse Building,
Anchorage, Alaska.

Sub-Office: P. O. Box 1421, 7–8,
Shattuck Building,
Juneau, Alaska.

4. Amend section 0.40 by renumbering the Regional offices from 1 to 7 as follows:

Region No. 1, 954 Federal Building, 641 Washington Street, New York 14, N. Y.—To include: Districts Nos. 1, 2, 3, 4, 5, and 24.

Region No. 2, 411 Federal Annex, Atlanta, Ga.—To include: Districts Nos. 6, 7, 8, 9, 10, and 22.

Region No. 3, 323–A Customhouse, San Francisco 26, Calif.—To include: Districts Nos. 11, 12, and 15.

Region No. 4, 802 Federal Office Building, Seattle 4, Wash.—To include: Districts Nos. 13, 14, and 23.

Region No. 5, P. O. Box 1142, Lanikai, Oahu, T. H.—To include: District No. 21.

Region No. 6, 832 U. S. Courthouse, Chicago 4, Ill.—To include: Districts Nos. 16, 17, and 18.

Region No. 7, 1029 New Federal Building, Detroit 26, Mich.—To include: Districts Nos. 19 and 20.

[F. R. Doc. 54–7147; Filed, Sept. 10, 1954; 8:51 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

[FCDA Delegation 2]

SECRETARY OF AGRICULTURE ET AL.

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN RESPONSIBILITIES

By virtue of the authority vested in me by section 201 (b) of the Federal Civil Defense Act of 1950 (64 Stat. 1248), and in the interest of the development of the national civil-defense program contemplated by the act, including action in support of the States during a civil-defense emergency, I hereby delegate the following-described responsibilities, as indi-

[2] This studio location is on the main thoroughfare into Albany, 75 feet from the Albany city line and 2½ miles from the main business district.

[3] This request was denied by the Commission by Order dated August 24, 1954.

[4] In re Application of T. E. Allen & Sons, Inc., 9 Pike & Fischer RR 590a.

[5] In re Applications of Salinas Broadcasting Corporation et al., 9 Pike & Fischer RR 595.

[6] There is a grave doubt as to whether a showing of economic injury on the part of a protestant would entitle him to a hearing on an issue relating to the competition which the protestant would suffer from the operation of another station in his community. In the case of Voice of Cullman, 6 Pike & Fischer RR 164, we stated: "In the Sanders Bros. case, the existing station had no right of its own to protest; the fact of economic injury to it was not a factor in the Commission's determination, and the existing station had standing before the Commission and the courts only to show any errors in law that may have been committed by the Commission."

cated, to the Secretary of Agriculture, the Secretary of Commerce, the Attorney General, the Secretary of Labor, and the Housing and Home Finance Administrator:

The Secretary of Agriculture. 1. Plan a national program and direct Federal activities concerned with research, diagnosis, strengthening of defensive barriers, and control or eradication of diseases, pests, or chemicals introduced as agents of biological or chemical warfare against animals or crops.

2. Plan and direct Federal activities, and provide technical guidance to States, in connection with an over-all food program aimed at maintaining adequate emergency food supplies for attacked or support areas.

3. Plan a national program, direct Federal activities, and provide technical guidance to States concerned with the prevention and control of fires caused by enemy attack in rural areas of the United States.

The Secretary of Commerce. 1. Provide advice and guidance to State highway departments in the designation of State civil-defense emergency highway routes.

2. Coordinate interstate and State designated civil-defense highway systems to assure uniformity of designation for civil-defense emergency purposes.

3. Plan a national program, develop technical guidance for States, and direct Federal activities concerning emergency clearance and restoration of highways, streets, and bridges in damaged areas.

4. Provide technical guidance to States concerning highway traffic control problems which may be created during a civil-defense emergency.

5. Provide data and assist the States in conducting analyses of potential target and support areas for the purpose of providing basic statistics and maps essential to the completion of Federal, State, and local civil-defense operating plans.

The Secretary of Labor. 1. Plan and develop a national program relating to the utilization of the labor force, during a civil-defense emergency, consistent with the responsibilities of the Department of Labor with respect to manpower mobilization.

2. Conduct research and provide a method of estimating survivors, by occupational and social characteristics, and for determining their availability for employment during a civil-defense emergency.

3. Provide technical guidance to the States and direct Federal activities concerned with coordination of the nationwide system of employment service offices for determining requirements of, and recruiting, referring, and utilizing workers to meet, civil-defense needs.

4. Plan a national program, develop technical guidance for States, and direct Federal activities concerned with the methods of compensation for authorized workers in a civil-defense emergency.

5. Plan a national program, develop technical guidance for States, and direct Federal activities concerned with the provision of compensation payments for the injury or death of authorized workers while engaged in civil-defense activities.

6. Plan a national program, develop technical guidance for States, and direct Federal activities concerned with financial assistance for temporary aid to members of the labor force during periods of idleness due to destruction of working places through enemy action.

The Attorney General. Provide technical guidance to States concerning the protection of penal institutions and the control and utilization of prisoners and facilities during a civil-defense emergency.

The Housing and Home Finance Administrator. 1. Conduct research and provide technical guidance to the States concerning protective standards for new housing construction and temporary shelter in existing housing facilities.

2. Plan a national program, provide technical guidance to the States, and direct Federal activities concerned with the provision of temporary emergency housing in support of areas subjected to enemy attack.

3. Plan a national program, develop technical guidance for States, and direct Federal activities concerned with the emergency restoration of essential housing and those related community facilities damaged by enemy action for which the agency normally has legal responsibility.

General delegations. I hereby delegate to the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Attorney General, and the Housing and Home Finance Administrator:

1. The authority during a civil-defense emergency whenever needed to carry out their responsibilities hereunder, to employ temporarily additional personnel without regard to the civil-service laws and to incur such obligations on behalf of the United States as may be required to meet the civil-defense requirements of an attack or of an anticipated attack.

2. The authority to disseminate such civil-defense information as may be approved from time to time by the Federal Civil Defense Administration.

General provisions. In carrying out their responsibilities hereunder, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Attorney General, and the Housing and Home Finance Administrator shall be governed by the following:

1. The Federal Civil Defense Administrator shall provide basic assumptions, criteria, and standards relating to the said responsibilities and shall review and coordinate the carrying out of such responsibilities.

2. The designated officials shall take into consideration assignments respecting mobilization preparedness measures made to them by the Office of Defense Mobilization.

3. Each of the designated officials, as the official having primary responsibility for the matters hereby delegated to him, shall undertake to coordinate directly with other Federal agencies concerned.

4. Each of the designated officials shall be responsible, after consultation with the Federal Civil Defense Administration, for requesting such appropriations as may be required for his delegated responsibilities.

5. The designated officials shall make such reports as may be required by the Federal Civil Defense Administrator to insure consistency with national civil-defense policies and standards.

The provisions hereof shall become effective upon the date of approval by the President.

Dated: August 19, 1954.

VAL PETERSON,
Federal Civil Defense Administrator.

Approved: September 8, 1954.

DWIGHT D. EISENHOWER,
The White House.

[F. R. Doc. 54-7181; Filed, Sept. 9, 1954; 2:34 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2075]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER FIXING DATE OF ORAL ARGUMENT

Public hearings were concluded March 30, 1954, and the filing of briefs was completed on August 17, 1954, in the above-entitled proceeding which involves the question of whether Transcontinental Gas Pipe Line Corporation (Transcontinental) should be permitted to include in its rate base an amount of $5,372,025, less related accrued depreciation of approximately $351,845, associated with the financing of Transcontinental's facilities in Docket Nos. G-704 and G-1143. Transcontinental on August 24, 1954, filed a motion for oral argument on this matter.

It appearing that this proceeding involves important issues, as reflected in the briefs heretofore filed by Transcontinental, Interveners and Commission Staff Counsel, the Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act, and good cause exists, to hold oral argument, as hereinafter provided and ordered.

The Commission orders: Oral argument be held before the Commission, commencing on October 19, 1954, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by this proceeding.

Adopted: September 1, 1954.

Issued: September 7, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7134; Filed, Sept. 10, 1954; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

PALM OIL HELD IN NATIONAL STOCK PILE

DISPOSITION

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 597, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 11,000,000 pounds of palm oil now held in the National Stock Pile.

This quantity of palm oil is no longer needed in the National Stock Pile because of a revised determination by the Office of Defense Mobilization that palm oil is obsolescent for use in time of war because of the development of new, nonstrategic materials.

Since the quantity of palm oil to be disposed of, pursuant to this notice, represents only a small portion of the normal total annual consumption of the country, it is anticipated that the proposed disposition will have no disruptive effect on the market for palm oil. It is further anticipated that the total quantity of oil to be disposed of will be sold, at current market prices at the time of each sale, to the major consumer of this commodity, the steel industry, for whose use this commodity was originally stockpiled.

This material will be available for disposition on and after March 11, 1955, and disposal, as outlined above, is proposed in order to avoid an expensive and costly waste of a material which is obsolescent and subject to deterioration and in order to avoid continuing storage and rotation costs.

Dated: September 8, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54-7184; Filed, Sept. 10, 1954; 8:56 a. m.]

SECRETARY OF COMMERCE

DELEGATION OF AUTHORITY WITH RESPECT TO PROCUREMENT CONTRACTS FOR EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH PURPOSES BY NATIONAL BUREAU OF STANDARDS FOR EXECUTIVE AGENCIES; REVOCATION

1. Pursuant to the authority vested in the Administrator of General Services by provisions of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377), the authority delegated to the Secretary of Commerce, dated November 17, 1950 (15 F. R. 8057), for use by the National Bureau of Standards, to make purchases and contracts for supplies and services, for the use of executive agencies, pursuant to Title III of the aforesaid act, whenever the Secretary of Commerce determines that the purchase or contract is one coming within the provisions of subsection 302 (c) (10) of that act, is hereby revoked.

2. The revocation of this delegation of authority shall be effective September 10, 1954.

Dated: September 8, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54-7185; Filed, Sept. 10, 1954; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29651]

FIBREBOARD BOXES FROM MIDDLETOWN, OHIO, TO ALABAMA, LOUISIANA, TENNESSEE AND MISSISSIPPI

APPLICATION FOR RELIEF

SEPTEMBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4367, pursuant to fourth-section order No. 17220.

Commodities involved: Boxes, fibreboard, carloads.

From: Middletown, Ohio.

To: Points in Alabama, Louisiana, Tennessee, and Mississippi.

Schedules filed containing proposed rates: Rail competition, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7126; Filed, Sept. 10, 1954; 8:48 a. m.]

[4th Sec. Application 29652]

FIBREBOARD BOXES FROM BATTLE CREEK AND KALAMAZOO, MICH., AND RITTMAN, OHIO, TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

SEPTEMBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4367, pursuant to fourth-section order No. 17220.

Commodities involved: Boxes, fibreboard, carloads.

From: Battle Creek and Kalamazoo, Mich., and Rittman, Ohio.

To: Memphis, Tenn.

Grounds for relief: Rail competition, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7127; Filed, Sept. 10, 1954; 8:48 a. m.]

[4th Sec. Application 29653]

SCRAP IRON FROM SOUTHERN TERRITORY TO ZANESVILLE, OHIO

APPLICATION FOR RELIEF

SEPTEMBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap iron and steel, carloads.

From: Points in southern territory.

To: Zanesville, Ohio.

Grounds for relief: Rail competition, circuity, rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1329, supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7128; Filed, Sept. 10, 1954; 8:48 a. m.]

[4th Sec. Application 29654]

WOODPULP FROM KRANNERT, GA., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, carloads.

From: Krannert, Ga.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, supp. 72.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7129; Filed, Sept. 10, 1954; 8:48 a. m.]

[4th Sec. Application 29655]

GRAIN FROM MISSOURI RIVER CITIES TO CHICAGO, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for the Chicago, Rock Island and Pacific Railroad Company.

Comodities involved: Grain, grain products and related articles, carloads.

From: Albright, Omaha, South Omaha, Nebr., and Council Bluffs, Iowa, Atchison, Kans., St. Joseph, Mo., and Kansas City, Mo.-Kans.

To: Chicago, Ill.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3866, supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7130; Filed, Sept. 10, 1954; 8:49 a. m.]

[4th Sec. Application 29656]

CITRUS FRUITS FROM FLORIDA TO POINTS IN SOUTHWESTERN AND W. T. L. TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Citrus fruit, carloads.

From: Points in Florida.

To: Points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, Minnesota.

Grounds for relief: Rail competition, circuity, and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1211, supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7131; Filed, Sept. 10, 1954; 8:49 a. m.]

[4th Sec. Application 29657]

EXPANSION TANKS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, and C. R. Goldrich, Agents, for carriers parties to schedules indicated below.

Commodities involved: Tanks, expansion, steel, 18 gauge or thicker, carloads.

Between: Points in official territory including extended zone "C" in Wisconsin.

Grounds for relief: Rail competition, circuity, competition with motor carriers, rates constructed on the basis of the short line distance formula, and additional commodity.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-848, supp. 332 and other schedules listed on page 2 of the application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7132; Filed, Sept. 10, 1954; 8:49 a. m.]

[4th Sec. Application 29658]

MERCHANDISE IN MIXED CARLOADS FROM NEW ORLEANS, LA., TO ALABAMA, FLORIDA, AND GEORGIA

APPLICATION FOR RELIEF

SEPTEMBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise, in mixed carloads.

From: New Orleans, La.

To: Specified points in Alabama, Florida, and Georgia.

Grounds for relief: Rail competition, circuity, and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1305, supp. 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7133; Filed, Sept. 10, 1954; 8:49 a. m.]

[Sec. 5a Application 54]

HEAVY AND SPECIALIZED CARRIERS TARIFF BUREAU

APPLICATION FOR APPROVAL OF AGREEMENT

SEPTEMBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed September 1, 1954, by: Shea-Matson Trucking Company, 2053 North 30th Street, Milwaukee 8, Wis.

Agreement involved: Agreement between and among common carriers by motor vehicle, member of the Heavy and Specialized Carriers Tariff Bureau, relating to rates, rules and regulations for the transportation in interstate or foreign commerce, of objects requiring the use of special equipment, special handling, rigging, and other specialized services, from, to and between points in the United States and between points in the United States and Canada and Mexico, and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7145; Filed, Sept. 10, 1954; 8:51 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 31, Amdt. 1]

CONNECTICUT

AMENDMENT TO DECLARATION OF DISASTER AREA

1. Declaration of Disaster Area 31 for the State of Connecticut, dated September 1, 1954, is hereby amended by including "Fairfield County" as one of "the disaster areas" therein designated.

2. Applications for disaster loans under said declaration, as hereby amended with respect to the above County, may be filed with either of the following Offices:

(a) Small Business Administration Regional Office, 1790 Broadway, 15th Floor, New York 19, New York.

(b) A special field office located at Mathews Mansion, West End Avenue, Norwalk, Connecticut.

Dated: September 8, 1954.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 54-7138; Filed, Sept. 10, 1954; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 178

Washington, Tuesday, September 14, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10560

ADMINISTRATION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, 65 Stat. 713, and as President of the United States, it is ordered as follows:

SECTION 1. *Department of Agriculture.* Except as otherwise provided in this order, the functions conferred upon the President by Title I of the Agricultural Trade Development and Assistance Act of 1954 are hereby delegated to the Secretary of Agriculture.

SEC. 2. *Foreign Operations Administration.* The functions conferred upon the President by Title II of the Act are hereby delegated to the Director of the Foreign Operations Administration.

SEC. 3. *Department of State.* (a) The functions of negotiating and entering into agreements with friendly nations or organizations of friendly nations conferred upon the President by the Act are hereby delegated to the Secretary of State.

(b) All functions under the Act, however vested, delegated, or assigned, shall be subject to the responsibilities of the Secretary of State with respect to the foreign policy of the United States as such policy relates to the said functions.

(c) The provisions of Part III of Executive Order No. 10476 of August 1, 1953 (18 F. R. 4537, ff.), are hereby extended and made applicable to functions provided for in the Act and to United States agencies and personnel concerned with the administration abroad of the said functions.

SEC. 4. *Foreign currencies.* (a) There are hereby delegated to the Director of the Bureau of the Budget (1) so much of the functions conferred upon the President by the Act as consists of fixing from time to time the amounts of foreign currencies which accrue under Title I of the Act to be used for each of the several purposes described in paragraphs (a) to (h), inclusive, of section 104 of the Act, and (2) the function conferred upon the President by the last proviso in section 104 of the Act of waiving the applicability of section 1415 of the Supplemental Appropriation Act, 1953.

(b) The Secretary of the Treasury is hereby authorized to prescribe regulations governing the purchase, custody, deposit, transfer, and sale of foreign currencies received under the Act.

(c) The foregoing provisions of this section shall not limit section 3 of this order and the foregoing subsection (b) shall not limit subsection (a) above.

(d) Purposes described in the lettered paragraphs of section 104 of the Act shall be carried out, with foreign currencies made available pursuant to section 4 (a) of this order, as follows:

(1) Those under section 104 (a) of the Act by the Department of Agriculture.

(2) Those under section 104 (b) of the Act by the Office of Defense Mobilization. The function, conferred upon the President by that section, of determining from time to time materials to be purchased or contracted for for a supplemental stockpile is hereby delegated to the Director of the Office of Defense Mobilization.

(3) Those under section 104 (c) of the Act by the Department of Defense.

(4) Those under sections 104 (d), (e), and (g) of the Act by the Foreign Operations Administration. The function, conferred upon the President by section 104 (g) of the Act, of determining the manner in which the loans provided for in the said section 104 (g) shall be made, is hereby delegated to the Director of the Foreign Operations Administration.

(5) Those under section 104 (f) of the Act by the respective agencies of the Government having authority to pay United States obligations abroad.

(6) Those under section 104 (h) of the Act by the Department of State.

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FEDERAL REGISTER

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SEC. 5. *Reports to Congress.* The functions under section 108 of the Act, with respect to making reports to Congress, are reserved to the President.

SEC. 6. *Definition.* As used in this order the term "the Act" means the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, approved July 10, 1954, 68 Stat. 454) and includes, except as may be inappropriate, the provisions thereof amending other laws.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 9, 1954.

[F. R. Doc. 54-7242; Filed, Sept. 13, 1954; 9:51 a. m.]

RULES AND REGULATIONS

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1007]

ARIZONA AND NEW MEXICO

PARTIAL REVOCATION OF EXECUTIVE ORDER OF APRIL 17, 1926, CREATING PUBLIC WATER RESERVE NO. 107

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Department of the Interior Interpretation No. 131 of May 19, 1930 and No. 250 of February 6, 1939, is hereby revoked so far as it affects the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

INTERPRETATION NO. 250

T. 10 S., R. 8 E.,
Sec. 30, SW¼NE¼.
T. 17 S., R. 8 E.,
Sec. 22, SW¼SW¼.
T. 23 S., R. 14 W.,
Sec. 35, NE¼SE¼.
T. 24 S., R. 14 W.,
Sec. 17, NW¼SW¼.

GILA AND SALT RIVER MERIDIAN

INTERPRETATION NO. 131

T. 4 S., R. 31 E.,
Sec. 32, SW¼NW¼.

The areas described aggregate 200 acres.

2. The lands in T. 10 S., R. 8 E., N. M. P. M., New Mexico, are withdrawn for the use of the Department of the Army by Public Land Order No. 833 of May 16, 1952.

The lands in T. 24 S., R. 14 W., N. M. P. M., New Mexico, are withdrawn by Executive Order No. 6276 of September 8, 1933, for the purpose of aiding the State of New Mexico in making exchange selections.

3. The lands in T. 17 S., R. 8 E., N. M. P. M., New Mexico, are rolling. The soil is a sandy loam supporting a scattered stand of mesquite. There is no timber on the lands. The lands in T. 23 S., R. 14 W., N. M. P. M., New Mexico, are hilly to the north, gradually sloping into grazing lands to the south, bearing a good stand of grasses. The lands in T. 4 S., R. 31 E., G. & S. R. M., Arizona, are rough and mountainous. The soil is rocky, with mixed grass and browse.

No application for these lands will be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. This order shall not otherwise become effective to change the status of the lands described in paragraph 3 until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of Septembr 27, 1944 (59 Stat. 747; 43 U. S. C. 279–284), as amended.

5. Veterans preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) may be filed on or before 10:00 a. m., of the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by nonveterans under the public land laws, filed on or before 10:00 a. m., of the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries concerning the lands described in paragraph 3 shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona or Santa Fe, New Mexico, depending upon the state where the lands are located.

ORME LEWIS,
Assistant Secretary of the Interior.

SEPTEMBER 8, 1954.

[F. R. Doc. 54-7159; Filed, Sept. 13, 1954; 8:46 a. m.]

[Public Land Order 1008]

COLORADO

WITHDRAWING PUBLIC LANDS AND RESERVED MINERALS IN PATENTED LANDS FOR USE OF THE UNITED STATES ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the public lands and the minerals reserved to the United States in patented lands in the following-described areas in Colorado are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for the use of the United States Atomic Energy Commission:

NEW MEXICO MERIDIAN

T. 46 N., R. 17 W.,
Secs. 23, 25, 26, 35 and 36.
T. 45 N., R. 17 W.,
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36.
T. 44 N., R. 17 W.,
Secs. 1 to 28, inclusive, 34, 35 and 36.
T. 45 N., R. 19 W.,
Sec. 3, SW¼;
Secs. 4, 9, 10 and 11;
Sec. 12, SW¼;
Sec. 13;
Sec. 14, N½;
Sec. 15, N½.
T. 46 N., R. 19 W.,
Sec. 28, S½;
Sec. 33.
T. 44 N., R. 18 W.,
Secs. 3, 4, 5, and 13.
T. 45 N., R. 18 W.,
Sec. 18;
Sec. 28, S½;
Sec. 29, S½;
Secs. 32, 33, and 34.
T. 44 N., R. 16 W.,
Secs. 19, 30, and 31.

The areas described, including both public and non-public lands, aggregate 39,698.03.

This order shall take precedence over but not otherwise affect the Departmental Order of April 8, 1935, establishing Colorado Grazing District No. 4.

Notice of the withdrawal was published February 4, 1954, in 19 F. R. 657.

ORME LEWIS,
Assistant Secretary of the Interior.

SEPTEMBER 8, 1954.

[F. R. Doc. 54-7160; Filed, Sept. 13, 1954; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter D—Multifamily and Group Housing Insurance

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

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241.46 Effective date.

AUTHORITY: §§ 241.1 to 241.46 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 114, 64 Stat. 54; 12 U. S. C. 1715e.

DEFINITIONS

§ 241.1 *Definitions of terms as used in this part.* (a) The term "Management Type Project" means a cooperative housing project of which the mortgagor is a non-profit cooperative ownership housing corporation or trust, the permanent occupancy of the dwellings of which is restricted to the members of such corporation or to the beneficiaries of such trust.

(b) The term "Sales Type Project" means a non-profit housing project of which the mortgagor is a non-profit corporation or non-profit trust organized for the purpose of construction of homes for members of the corporation or for beneficiaries of the trust.

(c) The term "veteran" means a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 26, 1947, or on or after June 27, 1950, and prior to such date thereafter as shall be determined by the President.

(d) The term "Commissioner" means the Federal Housing Commissioner.

(e) The term "Act" means the National Housing Act, as amended.

APPLICATION AND COMMITMENT

§ 241.2 *Information for preliminary examination.* Prior to the filing of an application, the sponsors of a housing project under section 213 of the National Housing Act may request a preliminary analysis of the proposed project with respect to specific questions of eligibility, other than questions requiring a determination of the value of the property or project or the maximum insurable mortgage amount, and such preliminary analysis shall be given without the payment of a fee.

§ 241.3 *Application and commitment fees.* (a) Information required for the examination of a housing project under section 213 of this act shall be submitted in the form of an application for mortgage insurance by an approved mortgagee and by the sponsors of such project through the local Federal Housing Administration office, on approved FHA Application Form (executed in triplicate). No application will be considered unless the exhibits called for by such form are furnished and a fee of $1.50 per thousand of the face amount of the mortgage loan applied for (referred to as "application fee") is paid.

(b) (1) A further sum (referred to as commitment fee) which when added to the application fee will aggregate $3 per thousand of the face amount of the mortgage loan set forth in the commitment shall be paid within 30 days subsequent to the date of the commitment.

(2) In the case of a mortgagor of the character described in § 241.20 (b), the application and commitment fees to be paid under this section shall be fixed by the Commissioner, but shall not exceed three dollars ($3) per thousand of the original face amount of the mortgage.

(c) Upon application for an increase in the amount of an existing commitment, an additional application fee of $1.50 per thousand dollars shall be paid based upon the amount of the increase requested. Any increase in the amount of a commitment shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3 per thousand of the amount of the increase. If the amount of the insured mortgage is increased after insurance and prior to final endorsement either by amendment or by the substitution of a new insured mortgage the fees herein provided for shall be based upon the amount of such increase.

(d) If an application is rejected before it is assigned for processing by the Commissioner, the application fee will be returned to the applicant.

§ 241.4 *Issuance of commitment.* (a) Upon approval of an application a commitment will be issued setting forth the terms and conditions upon which the mortgage will be insured, including special requirements applicable to the project and requiring the submission in final form within a time specified of all appropriate documents, drawings, plans, specifications, and other instruments evidencing full compliance satisfactory to the Commissioner with the provisions of this part and with such terms and conditions.

(b) Such commitment may be on a form providing for advances of mortgage money during construction and the insurance of such advances as made, or it may be on a form providing for the insurance of the mortgage after completion of the improvements.

(c) No commitment shall be valid unless signed by the Commissioner or his agent authorized for that purpose, and shall, with respect to commitments to insure advances, be effective for a stated period, not in excess of 120 days, provided that the commitment fee shall have been paid as required. A commitment may be renewed in such manner as the Commissioner may from time to time specify.

(d) The mortgagee may collect from the mortgagor the amount of the application and commitment fees provided for in this section and may charge the mortgagor an initial service charge to reimburse itself for the cost of closing the transaction in an amount not to exceed 1½ percent of the original principal amount of the mortgage. Any additional charges shall be subject to prior approval of the Commissioner.

(e) An inspection fee computed at the rate of $5 per thousand dollars of the face amount of the commitment shall be paid as provided for in the commitment.

§ 241.5 *Information as to appraisals.* An application for mortgage insurance with respect to a mortgage to be executed by a mortgagor of a Sales Type Project must be accompanied by an agreement satisfactory to the Commissioner, executed by the seller, builder, sponsor, or such other person as may be required by the Commissioner, whereby such person agrees that prior to any sale of the dwellings in the project or stock of the mortgagor corporation, the said person will deliver to the purchasers of such property or subscribers for such stock a written statement in form satisfactory to the Commissioner setting forth the amount of the appraised value of the property as determined by the Commissioner.

ELIGIBLE MORTGAGES

§ 241.6 *Mortgage forms.* The mortgage must be executed upon a printed form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, by a mortgagor with the qualifications hereinafter set forth in this part, must be a first lien upon property that conforms with the property standards prescribed by the Commissioner, and the mortgagee must be obligated, as a part of the mortgage transaction, to disburse the principal amount of the mortgage to, or for the account of, the mortgagor in conformity with the terms of the commitment. Such mortgage shall provide that the mortgagor will not arrange for management of the property except in a manner and under an agreement approved by the mortgagee and the Commissioner in writing. Any changes in the printed form desired by the mortgagor and mortgagee must receive prior written approval of the Commissioner. The mortgage must secure a principal obligation in multiples of one hundred dollars ($100).

§ 241.7 *Insurable amounts.* (a) A mortgage executed by a mortgagor of a Management Type Project may involve a principal obligation not exceeding $5,000,000 or not exceeding $25,000,000 if the mortgage is executed by a mortgagor regulated or supervised under Federal or State laws or by political subdivisions of States or agencies thereof as to rents, charges and methods of operation, and not in excess of $2,250 per room (or $7,200 per family unit if the number of rooms in such property or project averages less than four per family unit) for such part of such property or project as may be attributable to dwelling use; and not in excess of ninety per centum (90%) of the amount which the Commissioner estimates will be the value of the property or project when the proposed physical improvements are completed: *Provided*, That if at least 65 percent of the membership of the corporation or number of beneficiaries of the trust consists of veterans, the mortgage may involve a principal obligation not to exceed $2,375 per room (or $7,600 per family unit if the number of rooms in such property or project averages less than four per family unit) for such part of such property or project as may be attributable to dwelling use; and not to exceed ninety-five per centum (95%) of the amount which the Commissioner estimates will be the value of the property or project when the proposed physical improvements are completed: *And provided, further*, That as to projects which consist of elevator-type structures, and to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design, the aforesaid dollar amount limitations per room and per family unit may in the discretion of the Commissioner be increased within the following limits: (1) $2,250 per room not to exceed $2,700; (2) $2,375 per room not to exceed $2,850; (3) $7,200 per family unit not to exceed $7,600; (4) $7,600 per family unit not to exceed $8,100.

(b) A mortgage executed by a mortgagor of a Sales Type Project may involve a principal obligation not exceeding $5,000,000 and not in excess of the greater of the following amounts:

(1) A sum computed on the basis of a separate mortgage for each single-family dwelling (irrespective of whether such dwelling has a party wall or its otherwise physically connected with another dwelling or dwellings) comprising the property or project, equal to the total of each of the maximum principal obligations of such mortgages which would meet the requirements of section 203 (b) (2) of the act if the mortgagor were the owner and occupant who had made any required payment on account of the property described in such paragraph;

(2) A sum equal to the maximum amount which does not exceed $2,250 per room (or $7,200 per family unit if the number of rooms in such property or project averages less than four per family unit) for such part of such property or project as may be attributable to dwelling use; and not in excess of ninety per centum (90%) of the amount which the Commissioner estimates will be the value of the property or project when the proposed physical improvements are completed: *Provided*, That if at least 65 percent of the membership of the corporation or number of beneficiaries of the trust consists of veterans, the mortgage may involve a principal obligation not to exceed $2,375 per room (or $7,600 per family unit if the number of rooms in such property or project averages less than four per family unit) for such part of such property or project as may be attributable to dwelling use; and not to exceed ninety-five per centum (95%) of the amount which the Commissioner estimates will be the value of the property or project when the proposed physical improvements are completed.

(c) The Commissioner may, if he finds that because of higher costs prevailing in Alaska, Guam, or Hawaii, it is not feasible to construct dwellings on property located in Alaska, Guam, or Hawaii without sacrifice of sound standards of construction, design or livability, within the limitations as to maximum mortgage amounts provided in paragraph (a) or (b) of this section, prescribe by regulation or otherwise with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property so located, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half (½) thereof.

(d) The maximum mortgage amount based upon the limitations in paragraphs (a), (b) and (c) of this section is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

(e) At the time a mortgage executed by a mortgagor of a Sales Type Project is insured, the mortgagor shall have paid on account of the property at least five percent (5%) of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent. The amount required for working capital specified in § 241.26 may be included in the 5 percent payment required by this paragraph. This paragraph shall not be effective as to any case in which a Statement of Eligibility was outstanding on July 5, 1954.

(f) The aggregate amount of any commitment or commitments issued and outstanding at any time with respect to a project or projects in the same area or locality and involving the same mortgagor (or substantially the same mortgagor, as determined by the Commissioner) shall not exceed the dollar amount limitations of $25,000,000 and $5,000,000, respectively, prescribed in paragraphs (a) and (b) of this section.

§ 241.8 *Amortization period.* The mortgage shall have a maturity satisfactory to the Commissioner, but not to exceed 40 years from the date of beginning of amortization of the mortgage, and shall contain complete amortization provisions satisfactory to the Commissioner.

§ 241.9 *Payment requirements.* The mortgage shall provide for monthly payments on the first day of each month by the mortgagor to the mortgagee on account of interest and principal. Such monthly payments may be on a level annuity or declining annuity basis as agreed upon by the mortgagor, the mortgagee and the Commissioner. Where the insured mortgage does not exceed $300,000 payments on account of principal shall begin not later than the first day of the twelfth month following execution of the mortgage. Where the mortgage does exceed $300,000 such principal payments shall begin not later than the first day of the twenty-fourth month following execution of the mortgage. Within the foregoing limitations, the Commissioner will estimate the time necessary to complete the project and will establish the date of the first payment to principal so that the lapse of time between completion of the project and commencement of amortization will not be longer than necessary to obtain occupancy. In cases where a commitment to insure upon completion has been issued, the respective dates for commencement of amortization will be figured on the same basis from the date the commitment is issued.

§ 241.10 *Interest rate.* The mortgage shall bear interest, not exceeding 4¼ percent per annum, on the amount of the principal obligation outstanding at any time, as may be agreed upon between the mortgagor and the mortgagee. All charges made in connection with the

mortgage transaction shall be subject to the approval of the Commissioner.

§ 241.11 *Mortgage to cover the entire property.* The mortgage shall cover the entire property included in the housing project.

§ 241.12 *Covenant against liens.* The mortgage shall, except as otherwise provided in this part, contain a covenant against the creation by the mortgagor of liens against the property superior or inferior to the lien of the mortgage.

§ 241.13 *Covenant for fire insurance.* The mortgage shall contain a covenant acceptable to the Commissioner binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in an amount estimated by the Commissioner at the time of completion of the entire project or units thereof. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the mortgagee and the Commissioner, as interests may appear.

§ 241.14 *Accumulation of accruals.* (a) The mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee, for the purpose of paying such ground rents, taxes, water rates and assessments, and insurance premiums, before the same become delinquent. The mortgage must also make provision for adjustments, in case the estimated amount of such taxes, water rates and assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

§ 241.15 *Application of payments.* (a) The mortgage shall provide that all monthly payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor upon each monthly payment date in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Ground rents, taxes, special assessments and fire and other hazard insurance premiums;

(3) Interest on the mortgage;

(4) Amortization of the principal of the mortgage.

(b) Any deficiency in the amount of any such aggregate monthly payment shall constitute an event of default. The mortgage shall further provide for a grace period of 30 days, within which time the default must be made good.

§ 241.16 *Mortgage covenant regarding racial restrictions and use of property.* (a) The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color, or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof, the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

(b) The mortgage shall contain a covenant prohibiting the use of the property covered thereby for any purpose other than that for which it was intended at the date the mortgage was executed.

§ 241.17 *Mortgage release provisions.* A mortgage executed by a mortgagor of a Sales Type Project shall provide that at any time after the completion of the construction of the project, the property underlying such mortgage may be released, in whole or in part, upon payment of the unpaid balance of the blanket mortgage allocable to the property released. Where the mortgage does not contain release provisions, no property shall, except with the consent of the Commissioner, be released from the lien thereof so long as the mortgage insurance is in force.

§ 241.18 *Prepayment privilege and late charge.* The mortgage must contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee thirty (30) days' notice in writing in advance of its intention to so prepay. The mortgagee may, however, include in the mortgage a provision for such additional charge in the event of prepayment of principal as may be agreed upon between the mortgagor and mortgagee; provided, however, that the mortgagor must be permitted to prepay up to fifteen per centum (15%) of the original principal amount of the mortgage in any one calendar year without any such additional charge, provided no such additional charge for prepayment may be made where such prepayment results from the release of individual properties in accordance with the provisions of a mortgage in a Sales Type Project; and provided further, that no such additional charge may be made in the event the mortgage balance is reduced by any payments required under § 241.36. The mortgage may provide for a charge by the mortgagee of a "late charge", not to exceed two cents for each dollar of each payment more than fifteen (15) days in arrears to cover the extra expense involved in handling delinquent payments. Late charges may not be deducted from any aggregate monthly payment if not collected.

§ 241.19 *Issuance of bonds.* In the event that bonds are to be issued as a part of the insured mortgage transaction, all arrangements with respect to the issuance and sale of such bonds shall be subject to approval by the Commissioner.

ELIGIBLE MORTGAGORS

§ 241.20 *Eligibility of mortgagors.* (a) In order to be eligible under this part, a mortgagor must be the mortgagor of a Management Type Project or a Sales Type Project, and must be a corporation or trust formed or created with the approval of the Commissioner, and regulated or restricted by the Commissioner as to rents or sales, charges, capital structure, rate of return and methods of operation. Such regulation or restriction shall remain in effect until such time as the mortgage insurance contract terminates without obligation upon the Commissioner to issue debentures as a result of such termination. So long as such contract of insurance is in effect, the corporation or trust shall engage in no business other than the construction and operation of a housing project on a non-profit basis.

(b) Any corporation or trust of the character described in paragraph (a) of this section may be an eligible mortgagor without regulation or restriction by the Commissioner as to rents, sales, charges, capital structure, rate of return and methods of operation, if it is also a Federal or State instrumentality, a municipal corporate instrumentality of one or more States, or a limited dividend or redevelopment or housing corporation formed under and restricted by Federal or State laws or regulations of a State banking or insuring department as to rents, charges, capital structure, rate of return, or methods of operation.

SUPERVISION OF MORTGAGORS

§ 241.21 *Liens.* In the case of an eligible mortgagor which is regulated or restricted for the purposes and in the manner provided in § 241.20 (b), or if the Alaska Housing Authority or the Government of Guam or Hawaii or any agency or instrumentality thereof is the mortgagor, liens inferior to the lien of the insured mortgage may be allowed against properties of such mortgagors: *Provided*, That the mortgagor in any such case must have initial funds which may be considered in lieu of the equity required of other mortgagors, and such funds (which may be in the form of Government grants, loans, or subsidies, or in other form) if sufficient in amount, will be considered satisfactory provided they do not create a lien against the property prior to that of the insured mortgage.

§ 241.22 *Obligations of mortgagor.* In all other cases a mortgagor must certify at final endorsement of the loan for insurance that the property covered by the mortgage is free and clear of all liens other than such mortgage, and that there are not outstanding any other unpaid obligations, except such obligations as have been approved by the Commissioner as to terms, form, and amount.

§ 241.23 *Regulation and restriction of mortgagors.* The regulation or restriction of mortgagors of the character described in § 241.20 (a) will be set forth in the certificate of incorporation or other instrument under which the mortgagor is created (hereinafter referred to as the "charter") and will be made effective through the issuance of certain shares of special stock (or other evidence of a beneficial interest in the mortgagor) which stock or interest will acquire majority voting rights in the event of default under the mortgage or violation of a provision of the charter, but only for a period coexistent with the duration of such default or violation, or until such time as the Commissioner is assured against future violations of a similar nature. Such special stock or interest issued to the Commissioner, his nominee or nominees and/or the Federal Housing Administration shall be in sufficient amount to constitute under the laws of the particular State a valid special class of stock or interest and shall be issued in consideration of the payment by the Commissioner of not exceeding in the aggregate one hundred dollars ($100). Such stock shall be represented by a certificate or certificates issued in the name of the Commissioner, and/or in the name of his nominee or nominees, and/or in the name of the Federal Housing Administration, as the Commissioner shall require. If, for any reason satisfactory to the Commissioner, such regulation or restriction is not feasible as to a particular mortgagor through the issuance of shares of special stock or other evidence of beneficial interest, such regulation or restriction shall be effected in such form and in such manner as shall be satisfactory to the Commissioner. Upon the termination of all obligations of the Commissioner under his contract of mortgage insurance or any succeeding contract or agreement covering the mortgage obligation, all regulation and restriction of the mortgagor shall cease. When the right of the Commissioner to regulate or restrict the mortgagor shall so terminate, the shares of special stock or other evidence of beneficial interest shall be surrendered by the Commissioner upon reimbursement of his payments therefor.

§ 241.24 *Issuance of stock.* (a) Such number of shares of capital stock, either with or without par value, in the case of a corporation, or such appropriate evidences of interest in the case of a trust, may be issued as the mortgagor may deem appropriate and as may be acceptable to the Commissioner. Such stock or interest, together with paid-in surplus, if any, shall represent the capital investment.

(b) The shares of stock or interest issued to the Commissioner shall be in sufficient amount to constitute, under the laws of the particular jurisdiction, a valid special class of stock or interest and shall be issued in consideration of the payment by the Commissioner of not exceeding one hundred dollars ($100).

§ 241.25 *Patronage refunds.* Since the act contemplates non-profit ownership, operation, or sale, it is not expected that dividends will be paid. However, in some instances it may be desirable for the mortgagor to be incorporated pursuant to general incorporation laws or under other laws which permit the payment of dividends, so that payment of dividends or provision therefor shall not be deemed to be precluded; provided such dividends shall not be paid in a manner inconsistent with a general nonprofit cooperative plan. It is contemplated (whether the dwelling units are built for occupancy by the members or for sale to the members after release from a Sales Type mortgage) that all surplus funds, after setting up reserves and after meeting all obligations of the mortgagor, shall be distributed to the members in the form of reduced carrying charges or reduced sales prices of the dwelling accommodations, or patronage refunds.

§ 241.26 *Working capital.* From its capital funds the mortgagor shall deposit with the mortgagee or in a depository satisfactory to the mortgagee and under control of the mortgagee, an amount equivalent to not less than two per centum (2%) of the original principal amount of the mortgage (1½ percent as to cases in which a Statement of Eligibility was outstanding as of the effective date of this part), primarily for allocation by the mortgagee during the course of construction to accruals for taxes, mortgage insurance premiums, hazard insurance premiums, and such other payments as may become necessary under the terms of the mortgage. Disbursements from this deposit in the discretion of the mortgagee may be made for the purpose of defraying the mortgagor's expenses incident to initial occupancy, such as purchase of office equipment and supplies, maintenance equipment, and administrative expense.

§ 241.27 *Assurances of completion.* (a) The mortgagor must establish in a manner satisfactory to the Commissioner that, in addition to the proceeds of the insured mortgage, the mortgagor has funds sufficient to assure completion of construction of the project and to pay all carrying charges, financing and organization expenses incidental to the construction of the project. Unless other provisions acceptable to the Commissioner are made, such funds shall be deposited with and held by the mortgagee in a special account or by an acceptable depository designated by the mortgagee under an appropriate agreement approved by the Commissioner which will require all such funds to be expended for work and material on the physical improvements and for other charges and expenses to be paid when due prior to the advance of any mortgage money.

(b) The Commissioner may require the deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee, under an appropriate agreement, of such cash as may be required for the completion of off-site public utilities and streets.

(c) The mortgagor and the mortgagee shall, prior to the insurance of the mortgage, execute an agreement acceptable to the Commissioner providing for the manner and conditions under which advances (if any) during construction are to be made by the mortgagee and approved for insurance by the Commissioner. Such agreement shall require the mortgagee to notify the Commissioner, through the insuring office having jurisdiction over the territory in which the property is situated, in writing, on an application form prescribed by the Commissioner, of the proposed date and the amount of the advance to be made, and the Commissioner shall deliver to the mortgagee within a reasonable time from the date of such notice a certificate executed on behalf of the Commissioner on a form prescribed by him setting forth the amount approved for insurance or advising the mortgagee of the Commissioner's nonapproval and setting forth the reasons therefor. Such agreement shall be set forth on a form prescribed by the Commissioner; shall contain such additional terms, conditions, and provisions as the Commissioner shall in the particular case prescribe or approve, and when properly executed by the Commissioner and the mortgagee, shall constitute a part of the mortgage insurance contract.

(d) Assurance for the completion of a project may be either a bond of a surety company satisfactory to the Commissioner on the standard form prescribed by the Commissioner with the mortgagor and mortgagee as joint obligees in the penal sum of at least ten percent of the cost of construction of the project; the personal undertaking or obligation in a form and by an obligor or obligors designated by the mortgagee and satisfactory to the Commissioner in an amount at least equal to 10 percent of the construction cost of the project; or an escrow deposit with the mortgagee, or with a depository satisfactory to the mortgagee and the Commissioner, of cash or securities of, or fully guaranteed as to principal and interest by, the United States of America, under a completion assurance agreement prescribed by the Commissioner, of an amount at least equal to ten percent of the estimated cost of construction of the project; or may be in such other form as may be recommended by the mortgagee and approved in writing by the Commissioner.

§ 241.28 *Labor standards and prevailing wage requirements.* (a) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1–5.12 (16 F. R. 4430).

(b) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the incligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to § 5.6 (b) of the regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.6 (b) (16 F. R. 4431).

(c) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed on the ineligible list established by the Comptroller General, pursuant to the provisions of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.6 (b) (16 F. R. 4431).

(d) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, supported by such other information as the Commissioner may prescribe, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(e) Any contract or subcontract executed for the performance of construction of the project shall contain the provision that there shall be no discrimination against any employee, or applicant for employment, because of race, color, creed, or national origin.

(f) Compliance with the provisions of this section shall be evidenced at such time and in such manner as the Commissioner may prescribe.

§ 241.29 *Occupancy charges.* A schedule of charges to be made by the mortgagor corporation for the accommodations afforded by the project shall be filed with the Commissioner and approved in writing by him or his duly constituted representative prior to the opening of the project for occupancy. Such schedule shall not thereafter be changed except with the written approval of the Commissioner. The mortgagor corporation shall not permit occupancy except in accordance with the schedule of charges as so approved by the Commissioner and under an Occupancy Agreement or lease in a form approved by the Commissioner.

§ 241.30 *Methods of operation.* (a) Except with the prior written approval of the Commissioner, no compensation shall be paid by the corporation to its officers or directors, nor to any person or corporation for supervisory or managerial services. No compensation shall be paid by the corporation to any employee in excess of an amount agreed upon by the Commissioner and specified in the corporate charter. No officer, director, stockholder, agent, or employee of the corporation shall in any manner become indebted to the corporation, except on account of approved occupancy charges.

(b) The corporation shall maintain its project, the grounds, buildings, and equipment appurtenant thereto, in good repair and in such condition as will preserve the health and safety of its occupants.

(c) A Fund for Replacements shall be established and maintained with the mortgagee so long as the mortgage insurance is in force, and the amount and type of such fund and the conditions under which it shall be accumulated, replenished and used, shall be specified in the charter.

(d) A General Operating Reserve shall also be established and maintained so long as the mortgage insurance is in force, in a manner and for the purposes specified in the charter.

(e) The corporation shall not, without prior approval of the Commissioner, incur liabilities (other than the insured mortgage) in excess of an amount to be specified in the charter.

(f) The corporation, its property equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and papers shall be subject to inspection and examination by the Commissioner or his duly authorized agent at all reasonable times.

(g) The mortgagor shall execute and deliver to the Commissioner a certificate that the books and accounts of the corporation will be established and maintained in a manner satisfactory to the Commissioner on the date the certificate is executed. Such certificate shall be to the effect that so long as the mortgage is insured by the Commissioner, the mortgagor's books and accounts will be kept in accordance with the requirements of the Commissioner, will be in such form as to permit a speedy and effective audit, and, as may otherwise be prescribed by the Commissioner, will be maintained for such periods of time as may be prescribed by the Commissioner and will be available to him for such examination and audits which he may desire to make. The corporation shall file with the Commissioner and mortgagee the following reports verified by the signature of such officers of the corporation as the Commissioner may designate and in such form as prescribed by the Commissioner:

(1) Monthly or quarterly operating reports as and when required by the Commissioner;

(2) A semi-annual financial statement within sixty (60) days after the semi-annual period when required by the Commissioner;

(3) Annual reports prepared by a certified public accountant or an independent public accountant, within sixty (60) days after the end of each fiscal year;

(4) Specific answers to questions upon which information is desired from time to time relative to the operation and condition of the property and the status of the insured mortgage;

(5) Copies of minutes of stockholders' meetings certified to by the Secretary of the corporation, within thirty (30) days after such meetings and, when requested by the Commissioner, copies of minutes of directors' meetings.

§ 241.31 *Mortgagors subject to regulation and restriction.* Except as in this section otherwise provided, all mortgagors shall be subject to regulation and restriction by the Commissioner with respect to the matters set forth in §§ 241.24 to 241.30, inclusive. A mortgagor of the character described in § 241.20 (b) shall not be subject to regulation and restriction by the Commissioner with respect to the matters set forth in §§ 241.24, 241.25, 241.29 and 241.30.

§ 241.32 *Certificate of mortgagor regarding use of property for transient or hotel purposes.* The mortgagor must certify under oath that, so long as the mortgage is insured by the Commissioner, the mortgagor will not rent, permit the rental, or permit the offering for rental, of the housing, or any part thereof, covered by such mortgage for transient or hotel purposes. The corporate charter of the mortgagor or a contract with the Commissioner shall provide that so long as the said mortgage is insured or held by the Commissioner it will not rent such housing, or any part thereof for hotel purposes. For the purpose of this certificate, rental for transient or hotel purposes shall mean (a) rental for any period less than 30 days, or (b) any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

ADJUSTMENT OF MORTGAGE AMOUNT

§ 241.33 *Certification of cost requirements.* Prior to initial endorsement for insurance of a mortgage executed by the mortgagor of a Management Type Project, the mortgagor, the mortgagee, and the Commissioner shall enter into an agreement in form and content satisfactory to the Commissioner for the purpose of precluding any excess of mortgage proceeds over statutory limitations. Under this agreement the mortgagor shall disclose its relationship with the builder, including any collateral agreement, and agree to enter into a construction contract the terms of which shall depend on whether or not there exists an identity of interest between the mortgagor and the builder. The agreement shall require that upon completion of all physical improvements on the mortgaged property the mortgagor must execute a certificate of actual costs. The agreement shall further require that any excess of mortgage proceeds over statutory limitations based on actual cost shall be applied to reduction of the outstanding balance of the principal of the mortgage.

§ 241.34 *Form of contract.* The form of contract between the mortgagor of a Management Type Project and builder shall be determined in accordance with the following:

(a) If it is established to the satisfaction of the Commissioner that neither the mortgagor nor any of the officers, directors, or stockholders of the mortgagor have any interest in the builder, contractor, or any subcontractor, there may be used a lump sum form of contract providing for payment of a specified amount.

(b) If it is determined by the Commissioner that the mortgagor, its officers, directors or stockholders have any interest, financial or otherwise, in the builder, contractor, or any subcontractor, the form of contract shall provide for payment of a builder's fixed fee in addition to the actual cost of construction, not to exceed an upset price. The builder's fixed fee shall be determined in accordance with customary practices in the area and approved by the Commissioner.

§ 241.35 *Certificate of actual cost.* The mortgagor's certificate of actual cost in a Management Type Project shall be submitted upon completion of physical improvements to the satisfaction of the Commissioner and prior to final endorsement. Its content and requirements regarding verification are as follows:

(a) When the work has been completed under a contract as described in § 241.34 (a), the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate the amount actually paid under the construction contract after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor corporation, or to any of its officers, directors or stockholders; plus the cost to the mortgagor of architects' fees, off-site public utilities and streets not included in the general contract, organizational and legal work, and other items of expense approved by the Commissioner. For verification of these amounts the mortgagor shall keep and maintain adequate records of all costs of any construction or other cost items not representing work under the general contract and shall make available for examination such records, including any collateral agreements, upon request by the Commissioner.

(b) When the work has been completed under a contract as described in § 241.34 (b), the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate all amounts as required in paragraph (a) of this section, plus the amount of the builder's fee. This form of certification shall be accompanied by a certification by the builder on the form prescribed therefor by the Commissioner, indicating all actual costs paid for labor, materials, and subcontract work under the general contract, exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor corporation or any of its officers, directors or stockholders. The mortgagor shall keep records as required in paragraph (a) of this section and shall in turn require the builder to keep available similar records.

§ 241.36 *Adjustment resulting from cost certification.* Upon receipt of the mortgagor's certification of actual cost there shall be added to the total amount thereof the Commissioner's estimate of the fair market value of any land included in the mortgage security and owned by the mortgagor in fee, such value being prior to the construction of the improvements. In the event the land is held under a leasehold or other interest less than a fee, the cost, if any, of acquiring the leasehold or other interest is considered an allowable expense which may be added to actual cost provided that in no event such amount is in excess of the fair market value of such leasehold or other interest exclusive of proposed improvements. If the principal obligation of the mortgage exceeds the applicable statutory percentage of this total amount, the mortgage shall be reduced by the amount of such excess prior to final endorsement for insurance.

§ 241.37 *Rehabilitation projects.* (a) In the event the mortgage is to assist the financing of a project involving repair or rehabilitation, the mortgagor's actual cost of such repair or rehabilitation may include the items of expense permitted for new construction in accordance with either § 241.35 (a) or (b) and the applicable cost certification procedure described therein will be required. To such actual cost there shall be added the purchase price of land and existing improvements prior to such repair or rehabilitation if the purchase price of such land and improvements are to be refinanced with the proceeds of the mortgage: *Provided*, That the cost of the land and improvements shall in no event exceed the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation. As provided in § 241.36, the statutory percentage shall be applied to the total thus obtained and the mortgage reduced accordingly if indicated.

(b) In case the land and existing improvements are owned by the mortgagor on the date the application is filed, and are subject to an outstanding indebtedness to be refinanced with part of the proceeds of the mortgage, the procedure set forth in paragraph (a) of this section shall be followed except that the full amount of the outstanding indebtedness shall be added after the statutory percentage has been applied to the total of the other costs: *Provided, however*, That in no event shall the amount thus obtained exceed the statutory percentage of the cost of repair or rehabilitation plus the Commissioner's estimate of the fair market value of land and improvements prior to the repair or rehabilitation.

§ 241.38 *Requisites of agreement and certification.* Any agreement, undertaking, statement or certification required in this section shall specifically state that it has been made, presented, and delivered for the purpose of influencing an official action of the Federal Housing Administration, and of the Federal Housing Commissioner, and may be relied upon by the Commissioner as a true statement of the facts contained therein.

ELIGIBLE MORTGAGEES

§ 241.39 *Qualification of lenders.* The provisions of §§ 221.1 to 221.8 of this chapter shall govern the eligibility, qualifications and requirements of mortgagees under this part.

PROPERTY REQUIREMENTS

§ 241.40 *Eligibility of property.* (a) A mortgage to be eligible for insurance must be on real estate held in fee simple, or in areas designated by the Commissioner, on the interest of the lessee under a lease for not less than ninety-nine years which is renewable or under a lease having a period of not less than seventy-five years to run from the date the mortgage is executed, or under a lease executed by a governmental agency for the maximum term consistent with its legal authority, provided such lease has a period of not less than fifty years to run from the date the mortgage is executed.

(b) The property constituting security for the mortgage must be held by an eligible mortgagor as herein defined and must at the time the mortgage is insured be free and clear of all liens other than that of such mortgage except as otherwise provided in this part.

§ 241.41 *Commercial and community facilities.* A property covered by a mortgage executed by a mortgagor of a Management Type Project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

§ 241.42 *Development of property.* At the time the mortgage is insured:

(a) The mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than twelve (12) dwelling units and may be detached, semi-detached, or row houses, or multi-family structures: *Provided*, That in the case of a release clause project such units must be single-family dwellings constructed for sale to members of the mortgagor corporation: *And provided further, That the* Commissioner may insure a mortgage on a completed project constructed pursuant to a Commitment.

(b) There shall be located on the mortgaged property a building or buildings which, upon completion of proposed improvements, shall provide housing accommodations designed principally for residential use, conforming to standards satisfactory to the Commissioner and containing at least twelve (12) dwelling units preferably but not necessarily contiguous.

(c) Such dwelling and other improvements, if any, must not violate any zoning or deed restrictions applicable to the project site (other than race restrictions) and must comply with all applicable building and other governmental regulations.

TITLE

§ 241.43 *Eligibility of title.* In order for the mortgaged property to be eligible for insurance, the Commissioner must determine that marketable title thereto

is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence will be examined by the Commissioner and the original endorsement of the credit instrument for insurance will be evidence of its acceptability.

§ 241.44 *Title evidence.* Upon insurance of the mortgage, the mortgagee, without expense to the Commissioner, shall furnish to the Commissioner a survey satisfactory to him and a policy of title insurance, as provided in paragraph (a) of this section, or, if the mortgagee is unable to furnish such policy for reasons satisfactory to the Commissioner, the mortgagee, without expense to the Commissioner, shall furnish such evidence of title as provided in paragraphs (b), (c), or (d) of this section, as the Commissioner may require.

(a) A policy of title insurance with respect to such mortgage, issued by a company satisfactory to the Commissioner. Such policy shall comply with the "L. I. C. Standard Mortgagee Form," or the "A. T. A. Standard Mortgagee Form," or such other form as may be approved by the Commissioner; shall be payable to the mortgagee and the Commissioner as their respective interests may appear; and shall become an owner's policy, running to the mortgagee as owner upon the acquisition of the property by the mortgagee in extinguishment of a debt through foreclosure or by other means, and to the Commissioner as owner upon the acquisition of the property by him pursuant to the mortgage insurance contract.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.

OTHER ELIGIBLE MORTGAGES

§ 241.45 *Reinsurance of commissioner-held mortgages.* Notwithstanding any other provisions of this part, the Commissioner may insure any mortgage assigned to him in connection with payment under a contract of mortgage insurance, or executed in connection with a sale by him of any property acquired under Title II, Title VI, Title VII, Title VIII, or Title IX of the National Housing Act without regard to any limitation upon eligibility contained in this part.

EFFECTIVE DATE

§ 241.46 *Effective date.* Except as herein otherwise provided, the provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure shall be issued on or after September 10, 1954.

PART 242—COOPERATIVE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT—PROJECT MORTGAGES

DEFINITIONS

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242.1 Definitions.

PREMIUMS

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INSURANCE ENDORSEMENT

242.4 Form of endorsement.

RIGHTS AND DUTIES OF MORTGAGEE UNDER CONTRACT OF INSURANCE

242.5 Rights and duties of mortgagee under contract of insurance..

ASSIGNMENTS

242.6 Assignments of insured mortgages.

RIGHTS IN HOUSING FUND

242.7 No vested right.

AMENDMENTS

242.8 Amendments not to change contractual rights.

EFFECTIVE DATE

242.9 Effective date.

AUTHORITY: §§ 242.1 to 242.9 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 114, 64 Stat. 54; 12 U. S. C. 1715e.

DEFINITIONS

§ 242.1 *Definitions.* (a) The definitions in paragraphs (a), (b), (d), (e), (f), and (g) of § 233.1 of this subchapter shall apply to this part as fully as though set forth in this part.

(b) The term "mortgage" means a project mortgage as defined in paragraph (a) of § 243.1 of this subchapter and means such a first lien upon real estate and other property as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State, district or territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby.

PREMIUMS

§ 242.2 *First, second and third premiums.* The provisions of § 233.2 of this subchapter shall apply to this section.

§ 242.3 *Adjusted premium charge.* (a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within thirty (30) days thereafter notify the Commissioner of the date of prepayment and shall, except with respect to a mortgage covering a Sales Type Project as defined in paragraph (b) of § 241.1 of this subchapter, pay to the Commissioner in the case of a mortgage prepaid within five (5) years from the date of the initial endorsement for insurance an adjusted premium charge in the nature of a prepayment premium of two per centum (2%) of the original face amount of the prepaid mortgage, and, in the event the mortgage is prepaid after five (5) years from the date of initial endorsement for insurance, an adjusted premium charge of one per centum (1%) of the original face amount of the prepaid mortgage, except that if at the time of any such prepayment there is placed on the mortgaged property a new insured mortgage, or mortgages, in an amount less than the original principal amount of the mortgage, the adjusted premium charge provided above shall be based upon the difference between such amounts.

(b) The provisions of paragraphs (b), (c), (d) and (e) of § 233.3 of this subchapter shall apply to this section.

INSURANCE ENDORSEMENT

§ 242.4 *Form of endorsement.* (a) Upon compliance satisfactory to the Commissioner with the terms and conditions of his commitment to insure, the Commissioner shall endorse the original credit instrument in form as follows:

No. ----------

Insured under section 213 of the National Housing Act and regulations thereunder of the Federal Housing Commissioner in effect on ---------- to the extent of advances approved by the Commissioner.

FEDERAL HOUSING COMMISSIONER,
By ----------
Authorized agent

Date ----------

(b) The provisions of paragraphs (b) and (c) of § 233.4 of this subchapter shall apply to this part.

RIGHTS AND DUTIES OF MORTGAGEE UNDER CONTRACT OF INSURANCE

§ 242.5 *Rights and duties of mortgagee under contract of insurance.* The provisions of §§ 233.5, 233.6, 233.7, 233.8, 233.9 and 233.10 of this subchapter shall apply to this part.

ASSIGNMENTS

§ 242.6 *Assignments of insured mortgages.* The provisions of § 233.11 of this subchapter shall apply to this part.

RIGHTS IN HOUSING FUND

§ 242.7 *No vested right.* Neither the mortgagee nor the mortgagor shall have any vested or other right in the Housing Insurance Fund.

AMENDMENTS

§ 242.8 *Amendments not to change contractual rights.* The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendments shall not affect the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

EFFECTIVE DATE

§ 242.9 *Effective date.* The regulations in this part shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after September 10, 1954.

PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

DEFINITIONS

Sec.
243.1 Definition of terms used in this part.

APPROVAL OF MORTGAGEES

243.2 Qualification of lenders.

APPLICATION AND COMMITMENT

243.3 Submission of application.
243.4 Form of application.
243.5 Approval and commitment.
243.6 Builders warranty.

ELIGIBLE MORTGAGES

243.7 Form, lien.
243.8 Executed in connection with release from project mortgage.
243.9 Maximum amount.
243.10 Payment and maturity dates.
243.11 Interest rate.
243.12 Amortization provisions.
243.13 Payment of insurance premiums or charges; prepayment premiums.
243.14 Payments to include other charges.
243.15 Payments, how applied.
243.16 Late charge.
243.17 Payments upon execution of mortgage.
243.18 Maximum charges and fees to be collected by mortgagee.
243.19 Covenant regarding racial restrictions.

ELIGIBLE MORTGAGORS

243.20 Mortgage lien.
243.21 Relationship of income to mortgage payments.
243.22 Credit standing.
243.23 Racial restrictions certificate.
243.24 Limitation on eligibility.

ELIGIBLE PROPERTIES

243.25 Nature of title to realty.
243.26 Dwelling unit located on property.
243.27 Standards for buildings.
243.28 Location of property.
243.29 Racial restrictions on property.

OPEN-END ADVANCES

243.30 Eligibility of open-end advances.

EFFECTIVE DATE

243.31 Effective date.

AUTHORITY: §§ 243.1 to 243.31 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 114, 64 Stat. 54; 12 U. S. C. 1715e.

DEFINITIONS

§ 243.1 *Definition of terms used in this part.* (a) The term "project mortgage" means a blanket mortgage insured under section 213 of the National Housing Act, covering a group of not less than twelve (12) single-family dwellings.

(b) The terms "mortgage" and "individual mortgage" mean a mortgage covering an individual single-family dwelling which has been released from the project mortgage.

APPROVAL OF MORTGAGEES

§ 243.2 *Qualification of lenders.* The provisions of §§ 221.1 to 221.8, inclusive, of this chapter, shall govern the eligibility, qualifications and requirements of mortgagees under this part.

APPLICATION AND COMMITMENT

§ 243.3 *Submission of application.* Any approved mortgagee may submit an application for insurance of a mortgage under this part.

§ 243.4 *Form of application.* The application must be made upon a standard form prescribed by the Commissioner.

§ 243.5 *Approval and commitment.* Upon approval of an application, acceptance of the mortgage for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions upon which the mortgage will be insured.

§ 243.6 *Builders warranty.* With respect to commitments issued on or after October 1, 1954, applications relating to proposed construction must be accompanied by an agreement in form satisfactory to the Commissioner executed by the seller or builder or such other person as the Commissioner may require agreeing that in the event of any sale or conveyance of the dwelling within a period of one year beginning with the date of initial occupancy, the seller, builder, or such other person will at the time of such sale or conveyance deliver to the purchaser or owner of such property a warranty in form satisfactory to the Commissioner warranting that the dwelling is constructed in substantial conformity with the plans and specifications (including amendments thereof or changes and variations therein which have been approved in writing by the Commissioner) on which the Commissioner has based his valuation of the dwelling. Such agreement must provide that upon the sale or conveyance of the dwelling and delivery of the warranty, the seller, builder or such other person will promptly furnish the Commissioner with a conformed copy of the warranty establishing by the purchaser's receipt thereon that the original warranty has been delivered to the purchaser in accordance with this section.

ELIGIBLE MORTGAGES

§ 243.7 *Form, lien.* The mortgage must be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, by a mortgagor with the qualifications set forth in this part, must be a first lien upon property that conforms with the property standards prescribed by the Commissioner, and the entire principal amount of the mortgage must have been disbursed to the mortgagor, or to his creditors for his account and with his consent.

§ 243.8 *Executed in connection with release from project mortgage.* The property covered by the mortgage must have been included as part of a Sales Type Project (as defined in § 241.1 (b)) of this subchapter and must have located thereon a single-family dwelling, and the mortgage must have been executed in connection with the release of such property from the lien of the project mortgage and to replace or refinance the project mortgage as to such property.

§ 243.9 *Maximum amount.* The mortgage must involve a principal obligation in multiples of $50 and must not exceed the unpaid balance of the project mortgage allocable to the property offered as security.

§ 243.10 *Payment and maturity dates.* The mortgage shall come due on the first of a month and must have a maturity satisfactory to the Commissioner, not more than the unexpired term of the project mortgage at the time of the release of the mortgaged property from such project mortgage. The amortization period shall be either 10, 15, 20, 25, 30, 35, or 40 years by providing for 120, 180, 240, 300, 360, 420, or 480 monthly amortization payments.

§ 243.11 *Interest rate.* The mortgage may bear interest at such rate as may be agreed upon between the mortgagee and the mortgagor but in no case shall such interest be in excess of four and one-half percentum (4½%) per annum computed on unpaid balances.

§ 243.12 *Amortization provisions.* The mortgage must contain complete amortization provisions satisfactory to the Commissioner, requiring monthly payments by the mortgagor sufficient to repay principal and interest in full at maturity.

§ 243.13 *Payment of insurance premiums or charges; prepayment premiums.* The mortgage may provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth (1/12) of the annual mortgage insurance premium payable by the mortgagee to the Commissioner. If the mortgage contains a provision permitting the holder to make future "open-end" advances or is amended or modified to include such a provision, the mortgage may provide for a monthly payment by the mortgagor of an amount equal to one-twelfth (1/12) of the annual charge, payable by the mortgagee to the Commissioner for insurance of such advances. Such payments shall continue only so long as the contract of insurance shall remain in effect. The mortgage shall provide that upon payment of the mortgage before maturity, the mortgagor shall pay the adjusted premium charge referred to in Part 244 of this subchapter, but shall not provide for the payment of any further charge on account of such prepayment.

§ 243.14 *Payments to include other charges.* The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee in a manner satisfactory to the Commissioner, for the purpose of paying such ground rents, taxes, assessments, and insurance premiums, before the same become delinquent, for the benefit and account of the mortgagor. The mortgage must also make provision for adjustments in case the estimated amount of such taxes, assess-

ments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

§ 243.15 *Payments, how applied.* All monthly payments to be made by the mortgagor to the mortgagee, as hereinabove provided, shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(a) Premium charges under the contract of insurance, including charges for "open-end" advances;

(b) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums;

(c) Interest on the mortgage; and

(d) Amortization of the principal of the mortgage.

Any deficiency in the amount of any such aggregate monthly payment shall, unless made good by the mortgagor prior to, or on, the due date of the next such payments, constitute an event of default under the mortgage.

§ 243.16 *Late charge.* The mortgage may provide for a charge by the mortgagee of a "late charge", not to exceed two cents for each dollar of each payment more than fifteen (15) days in arrears, to cover the extra expense involved in handling delinquent payments.

§ 243.17 *Payments upon execution of mortgage.* The mortgagor must pay to the mortgagee upon the execution of the mortgage a sum that will be sufficient to pay the ground rents, if any, and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the mortgage, and may be required to pay a further sum equal to the first annual mortgage insurance premium, plus an amount sufficient to pay the mortgage insurance premium from the date of closing the loan to the date of the first monthly payment.

§ 243.18 *Maximum charges and fees to be collected by mortgagee.* (a) The mortgagee may charge the mortgagor an initial service charge to reimburse itself for the cost of closing the transaction, which service charge shall not exceed $20 or 1 percent of the original principal amount of the mortgage, whichever is the greater.

(b) In addition to the charges hereinabove mentioned, the mortgagee may collect from the mortgagor customary costs of title search, recording fees reasonable out of pocket appraisal and other fees which are approved by the Commissioner, and mortgage insurance premiums, together with other fees and charges which the mortgagee is required to pay to the Commissioner under this part. Nothing in this section shall be construed as prohibiting the mortgagor from dealing through a broker, who does not represent the mortgagee, if he prefers to do so, and paying such compensation as is satisfactory to the mortgagor.

§ 243.19 *Covenant regarding racial restrictions.* The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

ELIGIBLE MORTGAGORS

§ 243.20 *Mortgage lien.* A mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

§ 243.21 *Relationship of income to mortgage payments.* A mortgagor must establish that the periodic payments required in the mortgage submitted for insurance bear a proper relation to his present and anticipated income and expenses.

§ 243.22 *Credit standing.* A mortgagor must have a general credit standing satisfactory to the Commissioner.

§ 243.23 *Racial restrictions certificate.* A mortgagor must certify that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not file for record any restriction upon the sale or occupancy of the mortgaged property on the basis of race, color or creed or execute any agreement, lease or conveyance affecting the mortgaged property which imposes any such restriction upon its sale or occupancy.

§ 243.24 *Limitation on eligibility.* No person shall be eligible to be the mortgagor of more than one mortgage insured under this part at any one time, nor shall he be eligible if he is the mortgagor of a mortgage or mortgages covering four (4) or more single-family dwellings insured under this chapter.

ELIGIBLE PROPERTIES

§ 243.25 *Nature of title to realty.* A mortgage to be eligible for insurance must be on real estate held in fee simple, or on leasehold under a lease for not less than 99 years which is renewable, or under a lease with a period of not less than 50 years to run from the date the mortgage is executed.

§ 243.26 *Dwelling unit located on property.* At the time a mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than one family. Such unit may be connected with other dwellings by a party wall or otherwise.

§ 243.27 *Standards for buildings.* The buildings on the mortgaged property must conform with the standards prescribed by the Commissioner.

§ 243.28 *Location of property.* The mortgaged property, if otherwise acceptable to the Commissioner, may be located in any community where the housing standards meet the requirements of the Commissioner.

§ 243.29 *Racial restrictions on property.* A mortgagee must establish that no restriction upon the sale or occupancy of the mortgaged property, on the basis of race, color or creed, has been filed of record at any time subsequent to February 15, 1950 and prior to the recording of the mortgage offered for insurance.

OPEN-END ADVANCES

§ 243.30 *Eligibility of open-end advances.* Any approved mortgagee may make advances, referred to in this part as "open-end" advances, in connection with the mortgages previously insured under this part or insured after the effective date of this part, subject to compliance with the requirements of this section:

(a) The proceeds of any open-end advance must be used for the purpose of improvements or repairs which in the Commissioner's discretion substantially protect or improve the basic livability or utility of the property involved. The proceeds of such advances shall not be used for the purpose of financing obligations previously incurred for such repairs or improvements.

(b) The mortgagee shall submit an application for insurance of open-end advances upon a standard form prescribed by the Commissioner.

(c) Applications filed must be accompanied by the mortgagee's remittance for the sum of $10 for processing of the application. If an application is refused as a result of preliminary examination by the Commissioner or in such other instances as the Commissioner may determine the entire fee will be returned to the applicant.

(d) In addition to the application fee required by paragraph (c) of this section, the mortgagee may charge the mortgagor a fee not to exceed $25 or 1 percent of the open-end advance, whichever is the lesser, and the amount of out-of-pocket expenditures made by the mortgagee for customary costs of title search and recording fees. The mortgagee may require the mortgagor to pay to the mortgagee all charges permitted under this section on or prior to the date of final disbursement of the open-end advance, together with a sum sufficient to pay the initial insurance charge provided for in Part 244 of this subchapter. No portion of such charges may be included in the principal amount of the open-end advance.

(e) Upon approval of an application, acceptance of the advance for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commisioner, the terms and conditions upon which the advance will be insured.

(f) The amount of such advance shall be added to the unpaid principal obligation of the mortgage, whereupon the aggregate of the original unpaid principal and the amount of the open-end advance shall:

(1) Bear interest at the rate provided in such mortgage, payable in monthly installments on the principal then outstanding;

(2) Be payable in substantially equal monthly payments in an amount sufficient to amortize the aggregate principal amount within the remaining original term of the mortgage.

(g) The amount of any such advance (computed in even dollar amounts) when added to the unpaid balance of the original principal obligation of the mortgage shall not exceed the original principal obligation of the mortgage: *Provided*, That if the mortgagor certifies that the proceeds of such open-end advance will be used to finance the construction of an additional room or rooms or other additional enclosed space as a part of the dwelling, the aggregate amount of the unpaid balance of the original principal obligation, plus the amount of the open-end advance, may exceed the amount of the original principal obligation of the mortgage, but in no event shall such aggregate amount exceed the maximum amounts prescribed by the limitations of § 243.9.

(h) A mortgagee may amend or modify any approved FHA mortgage form by adding such provisions as it deems necessary for the purpose of making open end advances, by any rider or modification agreement which is valid and enforceable in the jurisdiction in which the property covered by the mortgage is located, provided such rider or modification agreement retains in the mortgagee the right to approve or disapprove additional advances on such terms and conditions as the mortgagee may prescribe. The mortgagee will have the sole responsibility for determining that any mortgage amended by an "open-end" rider or modification agreement will be a valid and enforceable instrument and will constitute a valid first lien on the property upon which the Commissioner based his valuation.

EFFECTIVE DATE

§ 243.31 *Effective date.* Unless otherwise specified in this part, the rules in this part are effective as to all individual mortgages on which a commitment to insure is issued to an approved mortgagee on or after September 10, 1954.

PART 244—COOPERATIVE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT—INDIVIDUAL MORTGAGES

DEFINITIONS

Sec.
244.1 Definitions of terms used in this part.

INSURANCE PREMIUMS AND CHARGES

244.2 Insurance premiums and charges.

INSURANCE ENDORSEMENT

244.3 Form of endorsement.
244.4 Contract of insurance.

RIGHTS AND DUTIES OF MORTGAGEE UNDER THE CONTRACT OF INSURANCE

244.5 Rights and duties of an approved mortgagee under the contract of insurance.

ASSIGNMENT

244.6 Assignments.

AMENDMENTS

244.7 Amendments to regulations.

EFFECTIVE DATE

244.8 Effective date.

AUTHORITY: §§ 244.1 to 244.8 issued under sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b.

DEFINITIONS

§ 244.1 *Definition of terms used in this part.* (a) The definitions contained in paragraphs (a), (b), (d), (e), and (f) of § 222.1 of this chapter shall apply to this part.

(b) The term "mortgage" is an individual mortgage as defined in § 243.1 (b) of this subchapter and means such a first lien upon real estate as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the jurisdiction where the real estate is situated, together with the credit instruments, if any, secured thereby.

(c) The term "contract of insurance" means the endorsement of the Commissioner upon the credit instrument given in connection with an insured mortgage, incorporating by reference the regulations in this part.

INSURANCE PREMIUMS AND CHARGES

§ 244.2 *Insurance premiums and charges.* The provisions of §§ 222.2, 222.3 and 222.4 of this chapter shall apply to this part, except that the reference in § 222.2 (a) to the Mutual Mortgage Insurance Fund shall be changed so as to refer to the Housing Insurance Fund and the reference in § 222.3 (c) (2) to § 221.43 shall be changed so as to refer to § 243.30 of this subchapter.

INSURANCE ENDORSEMENT

§ 244.3 *Form of endorsement.* Upon compliance satisfactory to the Commissioner with the terms of a commitment to insure, the Commissioner will—

(a) Endorse the original credit instrument as follows:

No. ----------

Insured as an individual mortgage under section 213 of the National Housing Act and Regulations of the Federal Housing Commissioner thereunder, dated ----------, 1954, as amended.

FEDERAL HOUSING COMMISSIONER,
By ----------
(Authorized Agent)

Date ----------

(b) Evidence insurance of an open-end advance by delivering to the mortgagee a certificate in form as follows:

No. ----------

Insured as an additional advance in the principal amount of $------ under section 213 of the National Housing Act and Regulations of the Federal Housing Commissioner thereunder, dated ----------, 1954.

FEDERAL HOUSING COMMISSIONER,
By ----------
(Authorized Agent)

Date ----------

§ 244.4 *Contract of insurance.* The mortgage, including any open-end advances made thereunder and approved by the Commissioner, shall be an insured mortgage from the date of endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of the regulations in this part and of the National Housing Act.

RIGHTS AND DUTIES OF MORTGAGEE UNDER THE CONTRACT OF INSURANCE

§ 244.5 *Rights and duties of an approved mortgagee under the contract of insurance.* The provisions of §§ 222.10 to 222.14, inclusive, of this chapter, shall apply to this section, except that the reference in § 222.13 to the Mutual Mortgage Insurance Fund shall be changed to Housing Insurance Fund.

ASSIGNMENT

§ 244.6 *Assignments.* The provisions of §§ 222.15 and 222.16 of this chapter shall apply to this section.

AMENDMENTS

§ 244.7 *Amendments to regulations.* The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendments shall not affect the contract of insurance on any mortgage already insured, or any mortgage or prospective mortgage on which the Commissioner has made a commitment to insure.

EFFECTIVE DATE

§ 244.8 *Effective date.* The regulations in this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after the date hereof.

Issued at Washington, D. C., this 10th day of September 1954.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 54-7201; Filed, Sept. 13, 1954; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 874.7]

PART 874—SUGARCANE: LOUISIANA

FAIR AND REASONABLE PRICES FOR 1954 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in Thibodaux, Louisiana, on July 28, 1954, the following determination is hereby issued:

§ 874.7. *Fair and reasonable prices for the 1954 crop of Louisiana sugarcane.* A producer of sugarcane in Louisiana who processes sugarcane pur-

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chased from other producers referred to in this section as "processor") shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1954 crop, if he has paid or has contracted to pay for such sugarcane in accordance with the following requirements.

(a) *Definitions.* For the purpose of this determination, the term:

(1) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Division determines that such price does not reflect the true market value of sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this section.

(2) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Division determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this section.

(3) "Standard sugarcane" means sugarcane, free of trash, containing 12 percent sucrose in the normal juice with a purity of at least 76.50 but not more than 76.99.

(4) "Net sugarcane" means the quantity of sugarcane obtained by deducting the weight of trash from the combined weight of sugarcane and trash delivered by a producer.

(5) "Salvage sugarcane" means sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(6) "Trash" means green or dried leaves, loose sugarcane tops, attached sugarcane tops at or above the green leaf roll, dirt and all other extraneous material which is representative of the quantity of sugarcane from which the sample for trash determination is taken.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.06 per ton for each one-cent per pound of the average price of raw sugar determined in accordance with either of the following as agreed upon:

(i) The simple average of the daily prices of raw sugar for the week in which the sugarcane is delivered; or,

(ii) The simple average of the weekly prices of raw sugar for the period October 8, 1954 through February 24, 1955: *Provided*, That the average price of raw sugar as determined under this subdivision or subdivision (i) of this subparagraph may be reduced by not more than the following:

(*a*) 0.065 cent for mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia west of the Atchafalaya River; or

(*b*) 0.10 cent for mills located north and west of New Iberia west of the Atchafalaya River.

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor and the producer.

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except for salvage sugarcane) shall be converted to standard sugarcane as follows:

(1) By multiplying the quantity of net sugarcane by the applicable quality factor in accordance with the following table:

Percent sucrose in normal juice of net sugarcane:	*Standard sugarcane quality factor* [1]
9.5	0.60
10.0	0.70
10.5	0.80
11.0	0.90
11.5	0.95
12.0	1.00
12.5	1.05
13.0	1.10
13.5	1.15
14.0	1.20
14.5	1.25

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

and

(2) By multiplying the quantity determined pursuant to subparagraph (1) of this paragraph by the applicable purity factor in the following table:

STANDARD SUGARCANE PURITY FACTOR [1]

Purity of normal juice		Percent sucrose in normal juice															
		At least 9.50	9.70	9.90	10.10	10.30	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50
At least—	But not more than—	But not more than 9.69	9.89	10.09	10.29	10.49	10.99	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99
68.00	68.24	1.000	0.989	0.978	0.967	0.956	0.945	0.936	0.929	0.922	0.915	0.908	0.901	0.894	0.887	0.880	0.873
68.25	68.49	1.005	.993	.982	.971	.960	.949	.941	.934	.927	.920	.913	.906	.899	.892	.885	.878
68.50	68.99	1.010	.998	.987	.976	.965	.954	.946	.939	.932	.925	.918	.911	.905	.899	.893	.887
69.00	69.49	1.015	1.003	.992	.981	.970	.959	.950	.943	.936	.929	.922	.915	.909	.903	.897	.891
69.50	69.99	1.021	1.009	.997	.986	.975	.964	.955	.948	.941	.934	.927	.920	.914	.908	.902	.896
70.00	70.49	1.025	1.013	1.001	.990	.979	.968	.960	.953	.945	.938	.931	.924	.918	.912	.906	.900
70.50	70.99	1.030	1.018	1.006	.995	.984	.973	.965	.958	.950	.943	.936	.929	.923	.917	.911	.905
71.00	71.49	1.035	1.023	1.011	.999	.988	.977	.969	.962	.954	.947	.940	.933	.927	.921	.915	.909
71.50	71.99	1.040	1.028	1.016	1.004	.993	.982	.974	.966	.959	.951	.945	.938	.932	.926	.920	.914
72.00	72.49	1.045	1.033	1.021	1.009	.998	.987	.978	.970	.963	.955	.949	.942	.936	.930	.924	.918
72.50	72.99	1.050	1.038	1.026	1.014	1.003	.992	.983	.975	.967	.960	.954	.947	.940	.934	.928	.922
73.00	73.49	1.055	1.043	1.031	1.019	1.007	.996	.987	.979	.971	.964	.958	.951	.944	.938	.932	.926
73.50	73.99	1.060	1.048	1.036	1.024	1.012	1.000	.991	.984	.976	.968	.962	.955	.948	.942	.936	.930
74.00	74.49	1.065	1.052	1.040	1.028	1.016	1.004	.995	.988	.980	.972	.966	.959	.952	.946	.940	.934
74.50	74.99		1.057	1.044	1.032	1.020	1.008	1.000	.992	.984	.977	.970	.963	.956	.950	.944	.938
75.00	75.49		1.062	1.049	1.036	1.024	1.012	1.004	.996	.988	.981	.974	.967	.960	.954	.948	.942
75.50	75.99			1.054	1.041	1.028	1.016	1.008	1.000	.992	.985	.978	.971	.964	.958	.952	.946
76.00	76.49			1.059	1.046	1.033	1.020	1.011	1.004	.996	.988	.981	.974	.967	.961	.955	.949
76.50	76.99				1.051	1.038	1.025	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.953
77.00	77.49				1.054	1.041	1.028	1.019	1.011	1.004	.996	.989	.981	.975	.969	.963	.957
77.50	77.99					1.045	1.032	1.023	1.015	1.008	1.000	.993	.985	.979	.973	.967	.961
78.00	78.49					1.049	1.035	1.027	1.019	1.011	1.003	.996	.989	.982	.976	.970	.964
78.50	78.99						1.042	1.031	1.023	1.015	1.007	1.000	.993	.986	.980	.974	.968
79.00	79.49							1.035	1.026	1.018	1.010	1.003	.996	.989	.983	.977	.971
79.50	79.99							1.039	1.030	1.022	1.014	1.007	1.000	.993	.987	.981	.975
80.00	80.49							1.043	1.033	1.025	1.017	1.010	1.003	.996	.990	.984	.978
80.50	80.99								1.037	1.029	1.021	1.014	1.007	1.000	.994	.988	.982
81.00	81.49								1.040	1.032	1.024	1.017	1.010	1.003	.997	.991	.985
81.50	81.99									1.036	1.028	1.021	1.014	1.006	1.000	.994	.988
82.00	82.49									1.039	1.032	1.024	1.017	1.009	1.003	.997	.991
82.50	82.99										1.035	1.027	1.020	1.013	1.007	1.000	.994
83.00	83.49										1.038	1.030	1.023	1.016	1.010	1.004	.998
83.50	83.99											1.033	1.027	1.019	1.013	1.007	1.000
84.00	84.49											1.036	1.030	1.022	1.016	1.010	1.004
84.50	84.99												1.033	1.025	1.019	1.013	1.007
85.00	85.49													1.028	1.022	1.016	1.010

[1] Factors applicable to higher sucrose and purity of the normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the Louisiana State ASC Office, Alexandria, La., upon request.

(d) *Molasses payment.* For each ton of net sugarcane (except salvage sugarcane) there shall be paid an amount equal to the product of 7.1 and one-half of the average price per gallon of blackstrap molasses in excess of 6 cents. The average price of blackstrap molasses shall be either the simple average of the daily prices for the week in which the sugarcane is delivered, or the simple average of the weekly prices of blackstrap molasses for the period October 8, 1954 through February 24, 1955, as agreed upon between the processor and the producer.

(e) *General.* (1) The sucrose and purity of the normal juice shall be determined by acceptable methods of analysis on sugarcane as delivered, such methods to be subject to the approval of the Louisiana State Agricultural Stabilization and Conservation Office (referred to in this section as "State Office").

(2) Because of decreased boiling house efficiency deductions may be made from the payment for frozen sugarcane accepted by the processor provided such deductions are at rates not in excess of 1.5 percent of the payment, computed without regard to the molasses payment, for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.). Frozen sugarcane testing in excess of 4.75 cc. of acidity shall be considered as having no value. Sugarcane shall not be considered as frozen, even after being subjected to freezing temperature, unless and until there is evidence of damage having taken place because of the freeze, such evidence to be certified by the State Office.

(3) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor, subject to approval by the State Office: *Provided*, That the payment for each ton of net sugarcane shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the simple average of the weekly prices of raw sugar and blackstrap molasses for the period October 8, 1954 through February 24, 1955, less an amount not to exceed $3.00 per gross ton of sugarcane for processing and less actual costs of hoisting, field weighing and transporting such sugarcane.

(4) A processor who paid the costs for hoisting and weighing sugarcane of the 1953 crop shall also pay such costs with respect to the 1954 crop: *Provided*, That nothing in this subparagraph shall be construed as prohibiting negotiations with respect to such costs, any change to be approved by the State Office.

(5) A processor who made allowances to producers for transporting sugarcane from the customary delivery points to the mill for the 1953 crop, shall also make such allowances for the 1954 crop: *Provided*, That nothing in this subparagraph shall be construed as requiring the processor to make allowances to producers in excess of the actual costs or rates charged by a commercial carrier for the customary method of transportation: *Provided further*, That where the only available practicable means of transportation is by railroad and the distance to the nearest mill is in excess of 50 miles or where, because of unusual circumstances, the cost of transporting sugarcane is in excess of customary allowances, such costs may be shared by the processor and the producer by agreement, subject to the approval of the State Office.

(6) If a processor and the producers delivering sugarcane to such processor mutually agree upon a plan for improving harvesting and delivery operations, there may be deducted from the price per ton of sugarcane an amount equal to one-half of the cost of such plan. Such deduction may not be made until the plan has been approved by the State Office.

(7) The processor shall not reduce the returns to the producer below those determined herein through any subterfuge or device whatsoever.

(8) The Deputy Administrator for Production Adjustment of the Commodity Stabilization Service will issue such instructions to the State Office as may be necessary to effectuate the purpose of this section.

Statement of bases and considerations—(a) *General.* The foregoing determination provides fair and reasonable prices to be paid by a processor for sugarcane of the 1954 crop purchased from producers. It prescribes the minimum requirements with respect to prices which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* In determining fair and reasonable prices, the act requires that public hearings be held and investigations be made. Accordingly, a public hearing was held in Thibodaux, Louisiana, on July 28, 1954, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1954 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in Louisiana.

(c) *1954 price determination.* The 1954 price determination continues unchanged the provisions of the 1953 crop determination.

At the public hearing the Louisiana Grower-Processor Committee recommended that the provisions of the 1953 crop price determination be continued for the 1954 crop. The Committee representative stated that in reaching this decision all aspects of the determination had been considered. He stated further that a special committee had been appointed to give further study to questions of sugarcane purity, trash, better methods of harvesting and delivery of higher quality cane to mills. Pending such further study the Committee agreed that no change should be made in the price determination. A processor testified with respect to a recent increase in freight rates on sugarcane and raw sugar, recommending that the Department give consideration to the allowances for sugar freight differentials for the 1954 crop. The request was supported by two other processors in briefs submitted to the Department following the hearing.

In making this determination consideration has been given to recommendations made at the public hearing, to information obtained as a result of investigations and to returns, costs and profits data of the Louisiana sugar industry obtained by survey during prior years and restated in terms of prospective conditions for the 1954 crop. On the basis of analysis and examination of all pertinent factors it appears that an equitable sharing relationship between producers and processors will exist under anticipated conditions for the 1954 crop.

No change is made in the molasses settlement provision inasmuch as the average production of molasses per ton of cane during the last five-year period is the same as the average production for the previous period.

Prior fair price determinations have specified deductions for freight rate differentials in the calculation of settlements with producers. It is understood that the matter of increases in freight rates on sugar was considered by the Grower-Processor Committee but the Committee, except for one member who abstained from voting, preferred no change be made in the determination to reflect the higher rates since the matter was being contested in the Courts. Accordingly, no action has been taken in this determination to reflect rate changes in the freight differentials.

On the basis of analysis of all pertinent factors the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies Sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 9th day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7196; Filed, Sept. 13, 1954; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 553, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement

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Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.660 (Lemon Regulation 553; 19 F. R. 5638) are hereby amended to read as follows:

(ii) District 2: 325 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 9, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7193; Filed, Sept. 13, 1954; 8:51 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL CIVIL DEFENSE ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (g) is added to § 6.157, paragraph (k) of § 6.357 is revoked, and paragraph (m) is added to § 6.357 as set out below.

§ 6.157 *Federal Civil Defense Administration.* • • •

(g) One Assistant Administrator, Inspection.

§ 6.357 *Federal Civil Defense Administration.* • • •

(m) One Courier, Office of the Administrator.

(R. S. 1753, sec. 2. 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7191; Filed, Sept. 13, 1954; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 38]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety to the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.102 *Amber civil airway No. 2 (Long Beach, Calif., to Umiat, Alaska)* is amended before "Daggett, Calif., radio range station" to read: "From the intersection of the southwest course of the Long Beach, Calif., radio range and the south course of the Los Angeles, Calif., VHF VAR radio range via the Long Beach, Calif., radio range station; the intersection of the northeast course of the Long Beach, Calif., radio range and the east course of the Los Angeles, Calif., radio range; Daggett, Calif., radio range station;"

2. Section 600.202 is amended by changing caption to read: *"Red civil airway No. 2 (Whitehall, Mont., to Rapid City, S. Dak.)"* and by changing first portion to read: "From the Whitehall, Mont., radio range station to the Bozeman, Mont., radio range station."

3. Section 600.220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.)* is amended between Lansing and Flint, Mich., to read: "That airspace over United States territory from the Lansing, Mich., radio range station via the Flint, Mich., ILS outer marker; the intersection of the northwest course of the Selfridge, Mich., AFB radio range and the northwest course of the Windsor, Ont., Can., radio range;"

4. Section 600.248 is amended to read:

§ 600.248 *Red civil airway No. 48 (Helena, Mont., to Livingston, Mont.).* From the intersection of the southeast course of the Helena, Mont., radio range and the northwest course of the Bozeman, Mont., radio range via a point located at Lat. 46°15'00", Long. 111°00' 00" to the Livingston, Mont., radio range station.

5. Section 600.265 is amended to read:

§ 600.265 *Red civil airway No. 65 (Oceanside, Calif., to Blythe, Calif.).* From the intersection of the southwest course of the Long Beach, Calif., radio range and the south course of the Los Angeles, Calif., VHF VAR radio range via the Oceanside, Calif., nondirectional radio beacon; Julian, Calif., nondirectional radio beacon to the Hayfield Lake, Calif., nondirectional radio beacon.

6. Section 600.616 is amended to read:

§ 600.616 *Blue civil airway No. 16 (Helena, Mont., to Great Falls, Mont.).* From the intersection of the west course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range to the intersection of the southwest course of the Great Falls, Mont., radio range and the north course of the Helena, Mont., radio range.

7. Section 600.624 *Blue civil airway No. 24 (El Centro, Calif., to Daggett, Calif.)* is revoked.

8. Section 600.658 is added to read:

§ 600.658 *Blue civil airway No. 58 (Nantucket, Mass., to Squantum, Mass.).* From the Nantucket, Mass., nondirectional radio beacon via the Hyannis, Mass., nondirectional radio beacon; the intersection of a line bearing 346° True from the Hyannis, Mass., nondirectional beacon and the southeast course of the Squantum, Mass., radio range to the Squantum, Mass., radio range station, excluding the portion in conflict with Cotuit danger area (D-79).

9. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended by changing all between the St. Louis, Mo., omnirange station and the Evansville, Ind., omnirange station to read: "St. Louis, Mo., omnirange station, including a north and a south alternate; Centralia, Ill., omnirange station, including a north and a south alternate; Evansville, Ind., omnirange station, including a south alternate;"

10. Section 600.6012 *VOR civil airway No. 12 (Palmdale, Calif., to Philadelphia, Pa.)* is amended by changing the portion between the Anthony, Kans., omnirange station and the Emporia, Kans., omnirange station to read: "Anthony, Kans., omnirange station, including a north alternate; Wichita, Kans., omnirange station, including a north alternate via the intersection of the Anthony omnirange 030° True and the Wichita omnirange 253° True radials and also a south alternate via the intersection of the Anthony omnirange 078° True and the Wichita omnirange 194° True radials; Emporia, Kans., omnirange station, including a north alternate via the intersection of the Wichita omnirange 045° True and the Emporia omnirange 259° True radials;" and by changing all after the Pittsburgh, Pa., omnirange station to read: "Pittsburgh, Pa., omnirange station; Harrisburg, Pa., omnirange station to the West Chester, Pa., omnirange station, including a north alternate via the intersection of the Harrisburg omnirange 086° True and the West Chester omnirange 304° True radials."

11. Section 600.6021 *VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border)* is amended by changing all before the Daggett, Calif., omnirange station to read: "From the point of intersection of the Long Beach omnirange 225° True radial and the Los Angeles, Calif., VAR south course via the Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Daggett, Calif., omnirange station;"

12. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended between the Fort Jones, Calif., omnirange station and the Eugene, Oreg., omnirange station to read: "Fort Jones, Calif., omnirange station; Medford, Oreg., omnirange station, including an east alternate via the intersection of the Fort Jones omnirange 042° True and the Medford omnirange 157° True radials; Eugene, Oreg., omnirange station;"

13. Section 600.6064 is amended to read:

§ 600.6064 *VOR civil airway No. 64 (Long Beach, Calif., to Blythe, Calif.).* From the point of intersection of the Long Beach omnirange 271° True radial and the Los Angeles, Calif., VAR south course via the Long Beach, Calif., omnirange station; Thermal, Calif., omnirange station to the Blythe, Calif., omnirange station.

14. Section 600.6067 is amended to read:

§ 600.6067 *VOR civil airway No. 67 (Mason City, Iowa, to Rochester, Minn.).* From the Mason City, Iowa, omnirange station to the Rochester, Minn., omnirange station, including a west alternate.

15. Section 600.6116 is amended to read:

§ 600.6116 *VOR civil airway No. 116 (Chicago, Ill., to New York, N. Y.).* From the Naperville, Ill., omnirange station via the South Bend, Ind., omnirange station; Litchfield, Mich., omnirange station, including a north alternate; Detroit, Mich., omnirange station, including a north alternate via the intersection of the Litchfield omnirange 061° True and the Detroit omnirange 276° True radials; Erie, Pa., omnirange station; Bradford, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; intersection of the Wilkes-Barre-Scranton omnirange 117° True and the Allentown, Pa., omnirange 053° True radials; to the point of intersection of the Wilkes-Barre-Scranton omnirange 117° True and the Wilton, Conn., omnirange 233° True radials.

16. Section 600.6117 is added to read:

§ 600.6117 *VOR civil airway No. 117 (El Centro, Calif., to Daggett, Calif.).* From the El Centro, Calif., LF radio range station via the intersection of the El Centro radio range northwest course and the Thermal omnirange 158° True radial; Thermal, Calif., omnirange station; to the Daggett, Calif., omnirange station.

17. Section 600.6141 is amended to read:

§ 600.6141 *VOR civil airway No. 141 (Nantucket, Mass., to Plattsburg, N. Y.).* From the Nantucket, Mass., omnirange station via the intersection of the Nantucket omnirange 339° True and the Boston omnirange 133° True radials; Boston, Mass., omnirange station; Concord, N. H., omnirange station; Lebanon, N. H., nondirectional radio beacon to the Plattsburg, N. Y., omnirange station.

18. Section 600.6164 is added to read:

§ 600.6164 *VOR civil airway No. 164 (Canton, Pa., to New York, N. Y.).* From the point of intersection of the Elmira, N. Y., omnirange 168° True radial and a line bearing 290° True from the Wilkes-Barre-Scranton, Pa., LF radio range station via the Wilkes-Barre-Scranton, Pa., LF radio range station; to the Caldwell, N. J., omnirange station.

19. Section 600.6165 is added to read:

§ 600.6165 *VOR civil airway No. 165 (Long Beach, Calif., to Palmdale, Calif.).* From the Long Beach, Calif., omnirange station via the intersection of the Long Beach omnirange 346° True and the Palmdale omnirange 200° True radials to the Palmdale, Calif., omnirange station.

(Sec. 205. 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., September 14, 1954.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-7119; Filed, Sept. 13, 1954; 8:45 a. m.]

[Amdt. 38]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.202 is amended to read:

§ 601.202 *Red civil airway No. 2 control areas (Whitehall, Mont., to Rapid City, S. Dak.).* All of Red civil airway No. 2.

2. Section 601.248 is amended to read:

§ 601.248 *Red civil airway No. 48 control area (Helena, Mont., to Livingston, Mont.).* All of Red civil airway No. 48.

3. Section 601.616 is amended to read:

§ 601.616 *Blue civil airway No. 16 control area (Helena, Mont., to Great Falls, Mont.).* All of Blue civil airway No. 16.

4. Section 601.624 *Blue civil airway No. 24 control areas (El Centro, Calif., to Daggett, Calif.)* is revoked.

5. Section 601.658 is added to read:

§ 601.658 *Blue civil airway No. 58 control areas (Nantucket, Mass., to Squantum, Mass.).* All of Blue civil airway No. 58.

6. Section 601.1037 is amended to read:

§ 601.1037 *Control area extension (Pensacola, Fla.).* That airspace within 10 miles east of the north and south courses of the Pensacola, Fla., radio range extending from Red civil airway No. 30 on the north to a point 12 miles south of the radio range station and within 5 miles west of the south course of the Pensacola radio range extending from the radio range station to a point 12 miles south.

7. Section 601.1038 *Control area extension (Great Falls, Mont.)* is amended by adding the following to present control area extension: "including the airspace within a 30 mile radius of the Great Falls omnirange station which lies within the north quadrant of the Great Falls low frequency radio range."

8. Section 601.1159 is amended to read:

§ 601.1159 *Control area extension (Moline, Ill.).* That airspace within a 15 mile radius of the Moline omnirange station, within 5 miles either side of the Moline ILS localizer west course extending from the localizer to a point 35 miles west of the Quad City Airport, and the airspace east of Moline bounded on the north by Green civil airway No. 3, on the south by a line 5 miles south of and parallel to the Moline ILS localizer east course, on the east by Long. 90° 02' 00" and on the west by VOR civil airway No. 63.

9. Section 601.1191 is amended to read:

§ 601.1191 *Control area extension (Thermal, Calif.).* Within 5 miles either side of the 80° True radial of the Thermal omnirange extending from the omnirange station to the Hayfield Lake, Calif., nondirectional radio beacon.

10. Section 601.1350 is added to read:

§ 601.1350 *Control area extension (Kodiak, Alaska).* Within 5 miles either side of the south course of the Kodiak radio range extending from the radio range station to a point 20 miles south.

11. Section 601.1351 is added to read:

§ 601.1351 *Control area extension (Philadelphia, Pa.).* That airspace within a 25 mile radius of the Philadelphia International Airport.

12. Section 601.1352 is added to read:

§ 601.1352 *Control area extension (Sedalia, Mo.).* That airspace within a 35 mile radius of the Sedalia Air Force Base excluding the portion north of Sedalia bounded on the south by VOR civil airway Nos. 4-S and 12-S, excluding the portion northwest of Sedalia bounded on the east by Long. 93° 45' 00" and on the south by Lat. 38° 54' 00", and excluding the portion northeast of Sedalia bounded on the west by Long. 93° 15' 00" and on the south by Lat. 38° 45' 00".

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13. Section 601.1353 is added to read:

§ 601.1353 *Control area extension (Charleston, W. Va.).* That airspace within a 30 mile radius of Kanawha County Airport, Charleston, W. Va.

14. Section 601.1354 is added to read:

§ 601.1354 *Control area extension (Salem, Oreg.).* Within 5 miles either side of a line bearing 150° True from the Salem-McNary Airport extending from the airport to a point 25 miles southeast.

15. Section 601.1983 *Three mile radius zones* is amended by deleting the following airport:

Gooding, Idaho: Gooding Municipal Airport.

16. Section 601.1984 *Five mile radius zones* is amended by deleting the following airport:

Nantucket, Mass.: Nantucket Memorial Airport.

17. Section 601.2024 is amended to read:

§ 601.2024 *Amarillo, Tex., control zone.* Within a 5 mile radius of Amarillo Air Terminal, within 2 miles either side of the west course of the Amarillo radio range extending from the radio range station to a point 5 miles west, and within 2 miles either side of the east course of the radio range extending from the radio range station to its intersection with the northwest course of the Clarendon, Tex., radio range.

18. Section 601.2025 is amended to read:

§ 601.2025 *Big Spring, Tex., control zone.* Within a 5 mile radius of Webb Air Force Base and within 2 miles either side of the west course of the Big Spring radio range extending from the radio range station to a point 10 miles west.

19. Section 601.2035 is amended to read:

§ 601.2035 *New Orleans, La., control zone.* Within a 5 mile radius of Moisant International Airport, within 2 miles either side of the 221° True radial of the New Orleans omnirange extending from the omnirange station to a point 10 miles southwest, within 2 miles either side of the ILS localizer course extending from the localizer to a point 14½ miles west, within 2 miles either side of the west course of the radio range extending from the radio range station to a point 17¼ miles west, and within 2 miles either side of the east course of the radio range extending from the radio range station to the boundary of the New Orleans Airport 5 mile radius control zone.

20. Section 601.2038 is amended to read:

§ 601.2038 *Shreveport, La., control zone.* Within a 5 mile radius of Shreveport Downtown Airport, within 5 miles either side of the northwest course of the Shreveport radio range extending from the radio range station to a point 10 miles northwest, within a 7 mile radius of Barksdale Air Force Base and within 5 miles either side of the southeast course of the Barksdale AFB radio range extending from the Air Force Base to the Elm Grove fan marker.

21. Section 601.2044 is amended to read:

601.2044 *Cheyenne, Wyo., control zone.* Within a 5 mile radius of the Cheyenne Municipal Airport, within 2 miles either side of the northwest course of the Cheyenne radio range extending from the radio range station to a point 12 miles northwest, within 2 miles either side of the east course of the radio range extending from the radio range station to a point 11½ miles east, within 2 miles either side of the ILS localizer course extending from the localizer to a point 10 miles east of the airport, and within 2 miles either side of the 32° True radial of the Cheyenne omnirange extending from the omnirange station to a point 10 miles northeast.

22. Section 601.2066 is amended to read:

§ 601.2066 *Pueblo, Colo., control zone.* Within a 5 mile radius of Pueblo Municipal Airport, within 5 miles either side of a direct line extending from the center of Pueblo Municipal Airport to the Pueblo radio range station to include a 5 mile radius of the Pueblo radio range station, within 2 miles either side of the southeast course of the radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 181° True radial of the Pueblo omnirange extending from the omnirange station to a point 10 miles south.

23. Section 601.2156 is amended to read:

§ 601.2156 *Miami, Fla., control zone.* Within a 5 mile radius of Miami International Airport and within 2 miles either side of the east and west courses of the Miami radio range extending from the five mile radius zone to a point 10 miles west of the radio range station.

24. Section 601.2165 is amended to read:

§ 601.2165 *Savannah, Ga., control zone.* Within a 5 mile radius of Travis Field including the airspace within a 5 mile radius of Hunter Air Force Base, within 2 miles either side of the centerline of the east-west runway of Hunter AFB extending from the end of the runway to a point 10 miles east, within 2 miles either side of the centerline of the east-west runway of Travis Field extending from the end of the runway to a point 10 miles west, within 2 miles either side of the northwest and southeast courses of the Savannah radio range extending from the Travis Field control zone to a point 10 miles southeast of the radio range station, and within 2 miles either side of the 245° True and 65° True radials of the Savannah omnirange extending from Travis Field to a point 10 miles northeast of the omnirange station.

25. Section 601.2223 *Charleston, W. Va., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of a line bearing 245° True from the Kanawha County Airport extending to a point 10 miles southwest of the Charleston omnirange station."

26. Section 601.2247 *Abilene, Tex., control zone* is amended by changing the portion on the north course of the radio range to read: "and within 2 miles either side of the north course of the Abilene radio range extending from the radio range station to a point 10 miles north;"

27. Section 601.2253 is added to read:

§ 601.2253 *Sedalia, Mo., control zone.* Within a 5 mile radius of Sedalia Air Force Base and within 2 miles either side of a line bearing 191° True from the Air Force Base extending to a point 20 miles southwest of the AFB.

28. Section 601.2287 is amended to read:

§ 601.2287 *San Antonio, Tex., control zone.* Within a 5 mile radius of Randolph Air Force Base and within 5 miles either side of a line extending from the Air Force Base to the La Vernia nondirectional radio beacon.

29. Section 601.2294 is added to read:

§ 601.2294 *Nantucket, Mass., control zone.* Within a 5 mile radius of Nantucket Memorial Airport and within 2 miles either side of the 45° True radial of the Nantucket omnirange extending from the omnirange station to a point 10 miles northeast.

30. Section 601.4014 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* is amended after "Amarillo, Tex., radio range station;" by adding the following reporting point: "the intersection of the east course of the Amarillo, Tex., radio range and the northwest course of the Clarendon, Tex., radio range;"

31. Section 601.4015 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended after "Riverside, Calif., radio range station;" by adding the following reporting point: "The intersection of the east course of the Riverside, Calif., radio range and the southeast course of the Daggett, Calif., radio range";

32. Section 601.4202 is amended to read:

§ 601.4202 *Red civil airway No. 2 (Whitehall, Mont., to Rapid City, S. Dak.).* Rapid City, S. Dak., radio range station.

33. Section 601.4214 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.)* is amended by changing the reporting point which reads: "the intersection of the northeast course of the Lafayette, Ind., radio range and the northwest course of the Indianapolis, Ind., radio range." to read: "the intersection of a line bearing 52° True from the Lafayette, Ind., nondirectional radio beacon and the northwest course of the Indianapolis, Ind., radio range."

34. Section 601.4248 is amended to read:

§ 601.4248 *Red civil airway No. 48 (Helena, Mont., to Livingston, Mont.).* No reporting point designation.

35. Section 601.4263 is amended to read:

§ 601.4263 *Red civil airway No. 63 (Battle Creek, Mich., to United States-Canadian Border).* No reporting point designation.

36. Section 601.4616 is amended to read:

§ 601.4616 *Blue civil airway No. 16 (Helena, Mont., to Great Falls, Mont.).* No reporting point designation.

37. Section 601.4624 *Blue civil airway No. 24 (El Centro, Calif., to Daggett, Calif.)* is revoked.

38. Section 601.4658 is added to read:

§ 601.4658 *Blue civil airway No. 58 (Nantucket, Mass., to Squantum, Mass.).* No reporting point designation.

39. Section 601.5001 *Other reporting points* is amended by changing the heading of the Balsa Intersection to read: "Snapper Intersection:"

40. Section 601.6067 is amended to read:

§ 601.6067 *VOR civil airway No. 67 control areas (Mason City, Iowa, to Rochester, Minn.).* All of VOR civil airway No. 67 including a west alternate.

41. Section 601.6116 is amended to read:

§ 601.6116 *VOR civil airway No. 116 control areas (Chicago, Ill., to New York, N. Y.).* All of VOR civil airway No. 116 including north alternates.

42. Section 601.6117 is added to read:

§ 601.6117 *VOR civil airway No. 117 control areas (El Centro, Calif., to Daggett, Calif.).* All of VOR civil airway No. 117.

43. Section 601.6141 is amended to read:

§ 601.6141 *VOR civil airway No. 141 control areas (Nantucket, Mass., to Plattsburg, N. Y.).* All of VOR civil airway No. 141.

44. Section 601.6164 is added to read:

§ 601.6164 *VOR civil airway No. 164 control areas (Canton, Pa., to New York, N. Y.).* All of VOR civil airway No. 164.

45. Section 601.6165 is added to read:

§ 601.6165 *VOR civil airway No. 165 control areas (Long Beach, Calif., to Palmdale, Calif.).* All of VOR civil airway No. 165.

46. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting point to read:

Saratoga Intersection: The intersection of the San Francisco, Calif., omnirange 218° True and the Salinas, Calif., omnirange 319° True radials.

and by changing the Richmond Intersection to read:

Richmond Intersection: The intersection of the Oakland, Calif., omnirange 330° True and the Sacramento, Calif., omnirange 232° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., September 14, 1954.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-7120; Filed, Sept. 13, 1954; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter E—Claims

PART 751—NAVY PERSONNEL CLAIMS

MISCELLANEOUS AMENDMENTS

1. Section 751.2 is revised to read as follows:

§ 751.2 *Statutory provisions.* The substance of the pertinent statutory provisions is incorporated herein for information as to the effect of section 1 of the act of May 29, 1945, as amended July 3, 1952, and as amended August 1, 1953 (31 U. S. C. 222c) authorizing the Secretary of the Navy, and such other officer or officers as he may designate for such purposes, and under such regulations as he may prescribe, to consider, ascertain, adjust, determine, settle, and pay any claim, not in excess of $2500.00 against the United States, including claims not heretofore satisfied, arising on or after December 7, 1939, of military personnel and civilian employees of the Department of the Navy or of the Navy, when such claim is substantiated, and the property determined to be reasonable, useful, necessary, or proper under the attendant circumstances, in such manner as the Secretary of the Navy may by regulation prescribe, for damage to or loss, destruction, capture, or abandonment of personal property occurring incident to their service, or to replace such personal property in kind; with the exception that the damage to or loss, destruction, capture, or abandonment of property shall not have been caused in whole or in part by any negligent or wrongful act on the part of the claimant, his agent, or employee, and shall not have occurred at quarters occupied by the claimant, within continental United States (excluding Alaska) which are not assigned to him or otherwise provided in kind by the Government. In the event of the death of any person among such military personnel or civilian employees, any claim otherwise cognizable under this act, presented by the survivor of such person, may be considered and settled in accordance with the provisions of the amendatory act regardless of whether the damage, loss, destruction, capture, or abandonment of the personal property occurred concurrently with or subsequent to such death. Survivor means surviving spouse, child, or children, father and/or mother, or brothers and/or sisters of the deceased naval establishment personnel. Claims of survivors are settled and paid in this order of precedence. No claim is authorized to be settled under the act of May 29, 1945, as amended (31 U. S. C. 222c) unless presented in writing within two years after such claim accrues or within one year after July 3, 1952; whichever is later; it is provided, however, that if a claim accrues in time of war, or in time of armed conflict in which armed forces of the United States are engaged, or if war or such armed conflict intervenes within two years after the date of accrual, it may, on good cause shown, be presented within two years after such good cause ceases to exist, but not later than two years after peace is established or the armed conflict terminates. Any claim cognizable under the act of May 29, 1945, as amended (31 U. S. C. 222c), which has not previously been presented for consideration, or has been presented for consideration and disapproved because the claimant did not file such claim within the authorized time, or any claim of a survivor, cognizable under the act of May 29, 1945, as amended (31 U. S. C. 222c) not previously presented, or previously presented and disapproved for the reason that survivors previously had no right of recovery under the act of May 29, 1945, may, on written request of a claimant made prior to July 3, 1953, be considered or reconsidered and settled in accordance with the amendment of August 1, 1953. Any settlement made by the Secretary of the Navy, or his designee, under the authority of the act of May 29, 1945, as amended (31 U. S. C. 222c), and such regulations as he may prescribe hereunder, shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary. Appropriations available to the Navy Department are made available for the settlement of such claims by the Secretary of the Navy.

2. Section 751.4 (k) is revised to read as follows:

(k) *Transportation losses.* Where property, including baggage checked or in personal custody, and including household effects, is damaged, lost, or destroyed incident to transportation by a carrier, an agent or agency of the Government, or private conveyance (1) when shipped under orders; or (2) in connection with travel under orders irrespective of the purpose of such travel; or (3) in connection with travel in performance of military duty with or without troops. Such claims may be approved only to the extent of the weight limit of the claimant's regulation allowance of baggage permitted to be shipped at Government expense. Claims for motor vehicles are allowable to the extent of any damage or loss which occurs while the vehicles are in the custody of the government for shipment.

3. Section 751.5 (f) is revised to read as follows:

(f) *Nonpersonal items.* Property not personal to the use of the claimant, such as wearing apparel of other members of the claimant's household, except for cases coming within the scope of § 751.4 (j) or (k).

4. Section 751.5 (g) is revised to read as follows:

(g) *Motor vehicles.* Claims for motor vehicles, except as cognizable under

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§ 751.4 (k), will ordinarily not be paid unless the damage, loss, destruction, capture, or abandonment occurred prior to July 1, 1942. Meritorious claims for damage, loss, destruction, capture or abandonment of motor vehicles occurring on or subsequent to July 1, 1942, not cognizable under § 751.4 (k), may be recommended to the Secretary of the Navy for consideration, and may be approved by the Secretary for payment in proper cases.

5. Section 751.8 is revised to read as follows:

§ 751.8 *Statute of limitations.* No claim may be paid under the provisions of the regulations in this part unless presented in writing within 2 years after such claim accrues or within 1 year after July 3, 1952, whichever is later: *Provided,* That if the claim accrues in time of war, or in time of armed conflict in which armed forces of the United States are engaged, or if war or such armed conflict intervenes within 2 years after date of accrual, it may, if good cause for delay is shown, be presented within 2 years after such good cause ceases to exist, but not later than 2 years after peace is established or armed conflict terminates. "In time of war," as applied to World War II existed between December 7, 1941, and April 28, 1952. "In time of armed conflict," as applied to the Korean conflict, existed between June 27, 1950, and such terminal date as shall be established by concurrent resolution of Congress or by determination of the President.

6. Section 751.19 is revised to read as follows:

§ 751.19 *Claimants.* Claims may be presented by the military personnel or civilian employee (his survivor or duly authorized agent or legal representative) incident to whose service the property was damaged, lost, captured, destroyed, or abandoned.

(a) *Death subsequent to incident out of which claim arose.* The claim, if filed by an agent or legal representative should show the title or capacity of the person signing and be accompanied by evidence of the appointment of such person as agent, executor, administrator, or other fiduciary. In the event of the death of the military personnel or civilian employees subsequent to the accident or incident out of which the claim arose and prior to his filing a claim in person (or by a duly authorized agent), the claim may be presented by any of the following persons provided there is no person who falls within any of the categories appearing above his classification.

(1) A duly appointed executor or administrator;

(2) The widow or widower of the decedent;

(3) Any child or other descendant of the decedent;

(4) The father or mother of the decedent; or

(5) Any brother or sister, or any descendant of any brother or sister of the decedent.

(b) *Death concurrent with or prior to incident out of which claim arose.* A claim cognizable under the act of May 29, 1945, as amended (31 U. S. C. 222c) may be filed by a survivor, where the damage to, loss, destruction, capture or abandonment of the personal property occurred concurently with or subsequent to such death. A survivor's claim may be presented by any of the following persons provided there is no person who falls within any of the categories appearing above his classification:

(1) Spouse.
(2) Child.
(3) Father or mother.
(4) Sister or brother.

7. Section 751.20 is revised to read as follows:

§ 751.20 *Form of claim.* Claim will be submitted by presenting a detailed statement in triplicate, signed by or on behalf of the claimant, on form NAVEXOS 2662A, except when such forms are not available through normal distribution channels, in which case a claim may be accepted on a form containing the information necessary to substantiate the claim. Attention is directed to the provisions of § 751.21 outlining specific types of evidence required in particular classes of claims, careful compliance with such requirements is essential to avoid delays resulting from the necessity of returning the claim for amplification.

8. Section 751.23 (e) is revised to read as follows:

(e) *Forwarding of claim to adjudicating authority.* The investigating officer's report in triplicate (except when replacement in kind of all items claimed is made as permitted under § 751.25) will be forwarded with the original and two copies of the claim and one copy of each supporting document or paper, directly to the cognizant adjudicating authority (see §§ 751.25, 751.26, 751.27).

9. Section 751.24 is revised to read as follows:

§ 751.24 *Form of investigating officer's report.* (a) Report by the investigating officer (see § 751.23 (b)), will be submitted on form NAVEXOS 2662B, except when such form is not available through normal distribution channels, in which case the report should set forth substantially the information indicated by the form.

10. Section 751.25 (a) is revised to read as follows:

(a) *Claims.* The Chief of Naval Personnel; Deputy Chief of Naval Personnel; Director, Comptroller Division, Bureau of Naval Personnel; Head Claims Branch, Comptroller Division, Bureau of Naval Personnel; Director, Assistant Director, and Technical Assistant, Enlisted Services and Records Division, Bureau of Naval Personnel; and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, adjust, and determine claims of Navy service personnel for reimbursement in cash filed under the provisions of this part.

11. Section 751.25 (c) is revised to read as follows:

(c) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the U. S. Navy Regional Accounts Office, Washington 25, D. C., from such appropriation as may be designated, or by reimbursement in kind by supply officers of the Navy, as provided in instructions issued by the Chief of Naval Personnel.

12. Section 751.26 (b) is revised to read as follows:

(b) *Reimbursement in kind.* Officers of or above the rank of major who are (1) commanding officers, or (2) in higher echelons of command, including the officers specified in paragraph (a) of this section, or (3) officers below the rank of major, when such officers are in command of separate companies, batteries, squadrons, detachments, posts, and stations, or (4) senior officers present, and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, ascertain, adjust, and determine claims of Marine Corps enlisted personnel for reimbursement in kind filed under the provisions of §§ 751.1 to 751.32.

13. Section 751.26 (c) is revised to read as follows:

(c) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the Quartermaster General of the Marine Corps, from such appropriation as may be designated, or by reimbursement in kind as provided in instructions issued by the Commandant of the Marine Corps.

14. Section 751.27 (b) is revised to read as follows:

(b) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the U. S. Navy Regional Accounts Office, Washington 25, D. C., from such appropriation as may be designated for this purpose, or by reimbursement in kind, as provided in instructions issued by the Judge Advocate General of the Navy.

15. Section 751.29 is revised to read as follows:

§ 751.29 *Meritorious claims not otherwise provided for.* Meritorious claims within the scope of the act of May 29, 1945, as amended (31 U. S. C. 222c), which are not specifically enumerated in this part including claims for money or currency not meeting the requirements of § 751.5 (a), may be forwarded via official channels to the Secretary of the Navy (Judge Advocate General) for consideration, and may be approved by the Secretary of the Navy for payment in proper cases.

(Sec. 2, 59 Stat. 662; 31 U. S. C. 222e)

J. H. SMITH, Jr.,
Assistant Secretary of the Navy for Air.

SEPTEMBER 2, 1954.

[F. R. Doc. 54-7162; Filed, Sept. 13, 1954; 8:46 a. m.]

Chapter XII—National Advisory Committee for Aeronautics

PART 1210—DEVELOPMENT WORK FOR INDUSTRY IN NACA WIND TUNNELS AND ENGINE TEST FACILITIES

Sec.
1210.1 Introduction.
1210.2 General classes of work.
1210.3 Priorities and schedules.
1210.4 Company projects.
1210.5 Government projects.
1210.6 Model preparations and conduct of tests.

AUTHORITY: §§ 1210.1 to 1210.6 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 63 Stat. 936; 50 U. S. C. 511.

§ 1210.1 *Introduction*—(a) *Authority.* The regulations in this part are promulgated under authority of the Unitary Wind Tunnel Plan Act of 1949, Public Law 415, 81st Congress (63 Stat. 936, 50 U. S. C. sec. 511). This statute states that "The facilities authorized • • • shall be operated and staffed by the Committee but shall be available primarily to industry for testing experimental models in connection with the development of aircraft and missiles. Such tests shall be scheduled and conducted in accordance with industry's requirements and allocation of laboratory time shall be made in accordance with the public interest, with proper emphasis upon the requirements of each military service and due consideration of civilian needs."

(b) *NACA policy.* (1) In accordance with present NACA policy other NACA facilities, used primarily for research, may also be used for development work when it is in the public interest.

(2) It is the policy of the NACA not to compete with commercial facilities. Development work will be undertaken in NACA facilities only when it cannot be done in an available commercial facility.

§ 1210.2 *General classes of work.* Development work in the NACA facilities shall be divided into company projects and Government projects:

(a) *Company projects.* Work for industry on (1) projects which are neither under contract with nor supported by a letter of intent from a Government agency, and (2) tests desired by a company which are related to a Government project as defined in paragraph (b) of this section but are beyond the scope of the tests requested by a Government agency. The fee charged the company for this work will be the actual operating cost to the NACA. By law such fees are deposited in the U. S. Treasury as miscellaneous receipts and are not available for expenditure by NACA.

(b) *Government projects.* Work for industry on projects which are either under contract with or supported by a letter of intent from a Government agency. The work must be requested by the Government agency. No fee will be charged for this type of work.

§ 1210.3 *Priorities and schedules*—(a) *Priority.* Development work shall have first priority in the use of the three Unitary wind tunnels. In addition, research proposed by the military services, NACA technical committees, or NACA staff and considered by the NACA to be in the public interest will be conducted on a "fill-in" basis. Research work shall have first priority in other NACA facilities.

(b) *Schedules.* Schedules showing the allocation of testing time for company projects and Government projects for each Unitary wind tunnel will be established each month for the ensuing six-month period and released to parties concerned by the 20th day of each month.

§ 1210.4 *Company projects*—(a) *Initiation of company projects.* Company projects shall be initiated by a written request to NACA Headquarters stating the purpose and general range of desired tests. The NACA Headquarters will arrange a conference with representatives of the requesting company to establish the test program, model and equipment requirements, and test schedule.

(b) *Scheduling of tests.* During the first year of operation of each Unitary wind tunnel, 60 working days will be reserved for company projects. This time will be divided into four approximately equal blocks not running consecutively. After this initial operating period the total reserved time and the length of each block will be adjusted to meet the future estimated work load. In scheduling the time set aside for company projects consideration will be given to the order of receipt at the NACA Headquarters of written requests for testing time as well as time previously scheduled for the company. No more than one-fourth of the annual time allocated for company projects in any facility shall be assigned to a single company if there are other bona fide requests for the remaining time.

(c) *Fees for company projects.* (1) The fee for a company project will be the cost to the NACA and will include the following charges: (i) For facility occupancy time, (ii) for electric power, and (iii) for reducing the test data and preparation of the standard data report. Any additional computation and data analysis requested by the company will be at extra cost.

(2) The occupancy time will be computed from the scheduled date for starting the installation of the test article in the wind tunnel test section through the day on which the test article is removed from the test section and the test section restored to its original condition.

(3) The occupancy time rate will be computed from the sum of the annual cost of the operating crew plus the estimated annual maintenance cost of the facility: The annual cost of the operating crew will be determined from direct wages plus appropriate indirect charges for technical supervision and clerical and administrative services. The annual maintenance cost shall consist of the estimated cost of maintaining and repairing the facility proper and apparatus plus normal replacement of test equipment and necessary services rendered the facility.

(4) The sum of the annual cost for the operating crew and the estimated annual maintenance cost divided by 46 gives the weekly occupancy rate. This fee will be charged per basic week of five days, each day to be ⅕ week. The remaining six weeks over 46 for each year are the estimated maintenance reserve and holiday allowance; hence no charge will be made for a holiday occurring during a test period.

(5) The charge for electric power will be determined from the energy consumed during the tests and the cost of power to the NACA.

(6) The cost of data reduction and the data report will include labor, materials, computing machine rental and appropriate indirect charges.

(7) The billing for work in NACA facilities will be made, so far as may be possible, at the time when the data report is forwarded to the company. The Director of the NACA may, however, at his discretion, require a covering deposit before work is started on a project.

(8) Upon determination of a test schedule by the representatives of the company and of the NACA, it becomes the responsibility of the company to meet this schedule. Cancellation of a project may be made by the company without charge on 60 days' notice and may also be made without charge on less than 60 days' notice dependent upon the readiness of succeeding projects. In the event subsequently scheduled work cannot be scheduled in lieu of the company's work, when cancelled with less than 60 days' notice, the company shall be liable for the occupancy time charge for the scheduled test period or for the period the facility test section is idle due to the cancellation, whichever results in the smaller charge. Curtailment of a project under way before the end of the scheduled test period may be made by the company. In this event the company shall be liable for the occupancy charge for the time scheduled or for the idle time of the test section, whichever is the smaller.

(9) Unavailability of adequate power or economic considerations may on occasion delay high powered test runs. The company shall cooperate with the facility staff in scheduling low powered runs during periods when large blocks of power are unavailable. However, should rescheduling of test runs to accommodate power shortages be impractical, occupancy time charge credits will be made for time lost arising from such shortages. These credits, which will also be made for delays due to breakdown or malfunction of Government furnished equipment or instrumentation, or due to other reasons beyond the control of the company, will be made on the occupancy time rate. Delays less than one-quarter hour will not be counted for credit purposes. Extension of time allotted for the program may be made to offset delays in lieu of refund.

(d) *Test data reports.* (1) The basic report for company projects will consist of plotted curves or tabulated data without detailed analysis but with adequate description of methods and techniques employed to permit proper interpretation of the data.

(2) The original test data will be held in secured files by the NACA for a period of two years, after which disposition will be determined by conference with the

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company. The data will not be released in any form without the concurrence of the company.

(e) *Model preparations and conduct of tests.* (See § 1210.6.)

§ 1210.5 *Government projects*—(a) *Projects allocation and priority groups.* For coordinating Government projects there shall be two groups established jointly by the Department of Defense and the NACA. Each group will consist of one representative each from the Air Force, Army, Navy, and NACA, competent to determine military priorities in the use of the NACA and other Government-owned facilities. One group shall be known as the Aircraft and Missile Projects Allocation and Priority Group and the other as the Propulsion Projects Allocation and Priority Group.

(b) *Initiation of Government projects.* On request from a Government agency for the NACA to undertake a given project, NACA Headquarters will, if necessary, arrange a conference between representatives of the company, the sponsoring Government agency, and the NACA staff. This conference will review the objectives and scope of the work, the required models and instrumentation, and the availability of facility time; and then if so desired by the sponsoring Government agency will recommend a test schedule consistent with those factors. Recommended test programs and schedules will be forwarded to the allocation and priority group concerned for approval of the allocation request and for assignment of appropriate priority when in conflict with the demands of other programs.

(c) *Scheduling of tests.* Government projects will be scheduled with due consideration of the priorities established by the projects allocation and priority groups.

(d) *Test data reports.* (1) As for company projects the basic report for Government projects will consist of plotted curves or tabulated data without detailed analysis but with adequate description of methods and techniques employed to permit the proper interpretation of the data.

(2) For Government projects, extended analysis and general dissemination of information of a basic nature may be made with the concurrence of the sponsoring Government agency.

§ 1210.6 *Model preparations and conduct of tests*—(a) *Programming by company.* In development testing in the Unitary wind tunnels, the company will be given the greatest possible freedom within the objectives of the scheduled program to obtain the precise information it requires, to determine the sequence and number of test runs to be made, and to make modifications to the program arising from the results currently being obtained, subject only to requirements of safety, practicability, and the total time assigned.

(b) *Instrumentation.* Each facility will provide standard instrumentation suitable for the test range of the respective facility and computing equipment for the reduction of test data. Information will be furnished for each facility on the permissible size of model, standard balances, safety margins to be used in the construction of models, model mounting details, and other pertinent factors. In the case of models of aircraft and missiles, the model should be designed to contain one of the standard balances if possible and to fit the model support. If the standard instrumentation furnished by the facility does not meet the test requirements, the company will provide suitable instrumentation which will be calibrated by the facility staff to insure accuracy of measurement. Serious delays arising from inaccuracies in company supplied instrumentation, if occurring during the scheduled test period, may result in reassignment of the position of the tests on the facility schedule. Detailed specifications and arrangements for special instrumentation will be established by mutual agreement. Necessary drawings of the article to be tested will be furnished the facility staff for their use in preparing for the test as soon as possible and in no case less than two months prior to the scheduled starting date of the tests.

(c) *Test program.* All tests will be conducted under NACA supervision. By agreement between company representatives and the laboratory staff changes in the test program within the objectives of the scheduled program may be made where warranted and time is available and extensions may be made in the originally scheduled test period not exceeding 15 percent.

(d) *Handling test data.* The NACA staff will be responsible for the obtaining of all test data, its reduction to suitable coefficient form, and its accuracy, but the NACA will assume no responsibility for the interpretation of the data by others. Transmittal of the data will be made as rapidly as possible. For company projects the data will be transmitted as directed by the company. The data for Government projects will be transmitted simultaneously to the sponsoring Government agency and the contractor, unless otherwise directed by the sponsoring agency.

(e) *Shops and office space.* During the conduct of development testing the NACA will furnish private shops and office space to companies whose projects are under test. Proprietary information will be held in confidence by the NACA.

Approved by The National Advisory Committee for Aeronautics, July 15, 1954.

Issued: August 16, 1954.

HUGH L. DRYDEN,
Director.

[F. R. Doc. 54-7228; Filed, Sept. 10, 1954; 8:50 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 54-1155]

PART 3—RADIO BROADCAST SERVICES

USE OF BROADCAST FACILITIES BY CANDIDATES FOR PUBLIC OFFICE

SEPTEMBER 8, 1954.

In accordance with the mandate of section 315 of the Communications Act of 1934, as amended, the Commission on September 2, 1954, revised its rules relating to rates charged for political broadcasts coming within the provisions of section 315 (Docket No. 11092). We believe it is appropriate, at this time, as an aid to licensees in handling various questions which may arise under section 315 of the act to recapitulate in this document the provisions of the act and the Commission's rules adopted in implementation thereof, together with a brief summary of some of the more important questions which have been raised by interested parties in recent years with respect to the obligations of licensees under this section and the Commission's determinations thereon.

The information contained herein does not purport to be a discussion of every problem that may arise in the political broadcast field. It is rather a codification of the determinations of the Commission with respect to the problems which have been presented to it and which appear likely to be involved in future campaigns. The purpose of this report is the clarification of licensee responsibility and course of action when situations discussed herein are encountered. In this way, resort to the Commission may be obviated in many instances, and time—which is of such importance in political campaigns—will be conserved. We do not mean to preclude inquiries to the Commission when there is a bona fide doubt as to a licensee's obligations under section 315. But it is believed that the following discussion will, in many instances, remove the need for such inquiries and that licensees will be able to take the necessary prompt action in these cases involving election campaigns in accordance with the interpretations and positions set forth below.

It is to be emphasized that this discussion relates solely to obligations of broadcast licensees under section 315 of the Communications Act and is not intended to treat with the wholly separate question of the treatment by broadcast licensees in the public interest of political or other controversial programs or discussions not falling within the specific provisions of that section. With respect to the responsibilities of broadcast stations for insuring fair and balanced presentation of programs not coming within section 315, but relating to important public issues of a controversial nature including political broadcasts, licensees are referred to the Commission's Report, "Editorializing by Broadcast Licensees" (Release No. 215, June 2, 1949) and the cases cited therein. In this respect it is particularly important that licensees recognize that the special obligations imposed upon them by the provisions of section 315 of the Communications Act with respect to certain types of political broadcasts do not in any way limit the applicability of general public interest concepts to political broadcasts not falling within the provisions of section 315 of the Communications Act. On the contrary, in view of the obvious importance of such programming to our system of representative government it is clear that these precepts, as set forth in the Report referred to above are of particular applicability to such programming.

We have adopted a question-and-answer format as an appropriate means of delineating the section 315 problems. Wherever possible,[1] references to Commission decisions or rulings are made so that the researcher may, if he desires, profit by the more thorough or expansive statement of the Commission's position found in such decisions. Copies of rulings not otherwise available may be found in a "Political Broadcast" folder kept in the Commission's Public Reference Room.

I. *The Statute.* Section 315 of the Communications Act of 1934, as amended, provided as follows:

SEC. 315. (a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.

(b) The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such station for other purposes.

(c) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

II. *The Commission's rules and regulations with respect to political broadcasts.* The Commission's rules and regulations with respect to political broadcasts coming within section 315 of the Communications Act are set forth in §§ 3.190 (AM), 3.290 (FM), 3.590 (Non-Commercial Educational FM), and 3.657 (TV), respectively. These provisions are identical (except for elimination of any discussion of charges in § 3.590 relating to non-commercial educational FM stations) and read as follows:

Broadcasts by candidates for public office—(a) *Definitions.* A "legally qualified candidate means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and

(i) Has been duly nominated by a political party which is commonly known and regarded as such, or

(ii) Makes a substantial showing that he is a bona fide candidate for nomination of office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all such other candidates for that office to use such facilities; provided, that such licensee shall have no power of censorship over the materal broadcast by any such candidate.

(c) *Rates and practices.* (1) The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall, in each case, be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office.

(2) In making time available to candidates for public office no licensee shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the changes made, if any, if request is granted.

In addition, the attention of licensees is directed to the provisions of §§ 3.189 (b), 3.289 (b) and 3.654 (b) which provide in identical language:

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program; provided, however, that only one such announcement need be made in the case of any such program of five minutes' duration or less, which announcement may be made either at the beginning or the conclusion of the program.

III. *Programs coming within section 315.* In general, any use of broadcast facilities by a legally qualified candidate for public office, imposes an obligation on licensees to afford equal opportunities to all other such candidates for the same office.

A. *Types of users.*

1. Q. Does section 315 apply to one speaking for or on behalf of the candidate, as contrasted with the candidate himself?

A. No. The section applies only to legally qualified candidates. Candidate A has no legal right under section 315 to demand time where B, not a candidate, has spoken against A or in behalf of another candidate. (Felix v. Westinghouse Radio Stations 182 F. 2d 1, cert. den. 333 U. S. 876).

2. Q. Where time has been afforded to a party for political talks by non-candidates, must a request for time by spokesmen for another party be honored under section 315?

A. No. Section 315 affords a personal right to candidates only and is not concerned with parties, as such. Idem.

3. Q. Do the provisions of section 315 require stations to afford equal opportunities in the use of their facilities in support of or in opposition to a public question to be voted upon in any election?

A. No. The language and legislative history of section 315 clearly limit the application of this section to legally qualified candidates for public office.

B. *What constitutes a "use" of broadcast facilities entitling opposing candidates to equal opportunities?*

4. Q. If a legally qualified candidate secures air time but does not discuss matters directly related to his candidacy, is this a use of facilities under section 315?

A. Yes. Section 315 does not distinguish between the uses of broadcast time by a candidate, and the licensee is not authorized to pass on requests for time by opposing candidates on the basis of the licensee's evaluation of whether the original use was or was not in aid of a candidacy. (WMCA, Inc. 7 R. R. 1132.)

5. Q. Must a broadcaster give equal time to a candidate whose opponent has broadcast in some other capacity than as a candidate?

A. Yes. For example, a weekly report of a Congressman to his constituents via radio or television is a broadcast by a legally qualified candidate for public office as soon as he becomes a candidate for reelection, and his opponent must be given equal opportunity for time on the air. Any "use" of a station by a candidate, in whatever capacity, entitled his opponent to "equal opportunities." (Station KNGS, 7 R. R. 1130.)

6. Q. If a candidate appears on a variety program for a very brief bow or statement, are his opponents entitled to "equal opportunities" on the basis of this brief appearance?

A. Yes. All appearances of a candidate, no matter how brief or perfunctory, are a "use" of a station's facilities within section 315.

7. Q. If a candidate is accorded station time for a speech in connection with a ceremonial activity or other public service, is an opposing candidate entitled to equal utilization of the station's facilities?

A. Yes. Section 315 contains no exception with respect to broadcasts by legally qualified candidates carried "in the public interest" or as a "public service." It follows that the station's broadcast of the candidate's speech was a "use" of the facilities of the station by a legally qualified candidate giving rise to an obligation by the

[1] A few of the questions taken up within have been presented to the Commission informally—that is, through telephone conversations or conferences with station representatives. They are set out in this Report because of the likelihood of their reoccurrence and the fact that no extended Commission discussion is necessary to dispose of them; the answer in each case is clear from the language of section 315.

station under section 315 to afford equal opportunity to other legally qualified candidates for the same office. (Letter to CBS (WBBM), dated October 31, 1952; Letter to KFI, dated October 31, 1952.)

8. Q. If a station arranges for a debate between the candidates of two parties, or presents the candidates of two parties in a press conference format or so-called forum program, is the station required to make equal time available to other candidates?

A. Yes. The appearance of candidates on the above types of programs constitutes a "use" of the licensee's facilities by legally qualified candidates and, therefore, other candidates for the same office are entitled to "equal opportunities." (Letter to Harold Oliver, dated October 31, 1952; Letter to Julius F. Brauner, dated October 31, 1952.)

9. Q. Are acceptance speeches by successful candidates for nomination for the candidacy of a particular party for a given office, a use by a legally qualified candidate for election to that office?

A. Yes. Where the successful candidate for nomination becomes legally qualified as a candidate for election as a result of the nomination. (Progressive Party, 7 R. R. 1300.)

IV. *Who is a legally qualified candidate?*

10. Q. How can a station know which candidates are "legally qualified"?

A. The determination as to who is a legally qualified candidate for a particular public office within the meaning of section 315 and the Commission's rules must be determined by reference to the law of the state in which the election is being held. In general, a candidate is legally qualified if he can be voted for in the state or district in which the election is being held, and, if elected, is eligible to serve in the office in question.

11. Q. Need a candidate be on the ballot to be legally qualified?

A. Not always. The term "legally qualified candidate" is not restricted to persons whose names appear on the printed ballot; the term may embrace persons not listed on the ballot if such persons are making a bona fide race for the office involved and the names of such persons, or their electors can, under applicable law, be written in by voters so as to result in their valid election. The Commission recognizes, however, that the mere fact that any name may be written in does not entitle all persons who may publicly announce themselves as candidates to demand time under section 315; broadcast stations may make suitable and reasonable requirements with respect to proof of the bona fide nature of any candidacy on the part of applicants for the use of facilities under section 315. (Sections 3.190, 3.290, 3.657; Socialist Labor Party, 7 R. R. 766; Columbia Broadcasting System, Inc., 7 R. R. 1189; Press Release of November 26, 1941 (Mimeo 55732).)

12. Q. May a station deny a candidate "equal opportunity" because it believes that the candidate has no possibility of being elected or nominated?

A. No. Section 315 does not permit any such subjective determination by the station with respect to a candidate's chances of nomination or election. (Columbia Broadcasting System, Inc., 7 R. R. 1189.)

13. Q. May a person be considered to be a legally qualified candidate where he has made only a public announcement of his candidacy and has not yet filed the required forms or paid the required fees for securing a place on the ballot in either the primary or general elections?

A. The answer depends on applicable state law. In some states persons may be voted for by electorate whether or not they have gone through the procedures required for getting their names placed on the ballot itself. In such a state, the announcement of a person's candidacy—if determined to be bona fide—is sufficient to bring him within the purview of section 315. In other states, however, candidates may not be "legally qualified" until they have fulfilled certain prescribed procedures. The applicable state laws and the particular facts surrounding the announcement of the candidacy are determinatives. (Letter to Senator Earle C. Clements, dated February 2, 1954.)

14. Q. Must a station make time available upon demand to a candidate of the Communist Party, or a candidate who is a member of the Communist Party, if it has afforded time to that candidate's opponents for the office in question?

A. If the person involved is a legally qualified candidate for the office he is seeking, Section 315 requires "that equal opportunities" be afforded him. It will be recognized that who is a legally qualified candidate is dependent upon federal, state, and local law pertaining to the elective process and is not based upon provision of the Communications Act or the Rules of the Commission.

The question of the specific applicability of these principles, in the light of the enactment of the Communist Control Act of 1954, to candidates of the Communist Party or who are members of the Communist Party has not yet been determined.

15. Q. When is a person a legally qualified candidate for nomination as the candidate of a party for President or Vice-President of the United States?

A. In view of the fact that a person may be nominated for these offices by the conventions of his party without having appeared on the ballot of any state having presidential primary elections, or having any pledged votes prior to the convention, or even announcing his willingness to be a candidate, no fixed rule can be promulgated in answer to this question. Whether a person so claiming is in fact a bona fide candidate will depend on the particular facts of each situation, including consideration of what efforts, if any, he has taken to secure delegates or preferential votes in state primaries. It cannot, however, turn on the licensee's evaluation of the claimant's chances for success. (Letter of May 28, 1952 to Julius F. Brauner)

V. *When are candidates opposing candidates?*

16. Q. What public offices are included within the meaning of section 315?

A. Under the Commission's rules section 315 is applicable to both primary and general elections, and public offices include all offices filed by special or general election on a municipal, county, state or national level as well as the nomination by any recognized party as a candidate for such an office.

17. Q. May the station under section 315 make time available to all candidates for one office and refuse all candidates for another office?

A. Yes. The "equal opportunity" requirement of section 315 is limited to all legally qualified candidates for the same office.

18. Q. If the station makes time available to candidates seeking the nomination of one party for a particular office, does section 315 require that it make equal time available to the candidates seeking the nomination of other parties for the same office?

A. No, the Commission has held that while both primary elections or nominating conventions and general elections are comprehended within the terms of section 315, the primary elections or conventions held by one party are to be considered separately from the primary elections or conventions of other parties, and therefore, insofar as section 315 is concerned, "equal opportunities" need only be afforded legally qualified candidates for nomination for the same office at the same party's primary or nominating convention. (KWFT, Inc., 4 R. R. 885; Letter to Arnold Petersen, May 13, 1952; Letter to WCDL, April 3, 1953.)

19. Q. If the station makes time available to all candidates of one party for nomination for a particular office, including the successful candidate, may candidates of other parties in the general election demand an equal amount of time under section 315?

A. No. For the reason given above. (KWFT, Inc., 4 R. R. 885.)

VI. *What constitutes equal opportunities?*

20. Q. Generally speaking, what constitutes equal opportunities?

A. Under section 315 and §§ 3.190, 3.290, and 3.657 of the Commission's rules, no licensee shall make any discrimination in charges, practices, regulations, facilities, or services rendered to candidates for a particular office.

21. Q. Is a licensee required or allowed to give time free to one candidate where it had sold time to an opposing candidate?

A. The licensee is not permitted to discriminate between the candidates in any way. With respect to any particular election it may adopt a policy of selling time, or of giving time to the candidates free of charge, or of giving them some time and selling them additional time. But whatever policy it adopts it must treat all candidates for the same office alike with respect to the time they may secure free and that for which they must pay.

22. Q. Is a station's obligation under section 315 met if it offers a candidate the same amount of time an opposing candidate has received, where the time of the day or week afforded the first candidate is superior to that offered his opponent?

A. No. The station is providing equal opportunities must consider the desirability of the time segment allotted as well as its length. And while there is no requirement that a station afford candidate B exactly the same time of day on exactly the same day of the week as candidate A, the time segments offered must be comparable as to desirability.

23. Q. Is it necessary for a station to advise a candidate or a political party that time has been sold to other candidates?

A. No. The law does not require that this be done. If a candidate inquires, however, the facts must be given him. It should be noted here that a station is required to keep a public record of all requests for time by or on behalf of political candidates, together with a record of the disposition and the charges made, if any, for each broadcast. (Sections 3.190 (d), 3.290 (d), 3.657 (d).)

24. Q. If one political candidate buys station facilities more heavily than another, is a station required to call a halt to such sales because of the resulting unbalance?

A. No. Section 315 requires only that all candidates be afforded an equal opportunity to use the facilities of the station. (Letter to Mrs. M. R. Oliver, dated October 23, 1952.)

25. Q. If the candidate has received free time for a period of time and subsequently a second candidate announces his candidacy, is the second candidate entitled to equal facilities retroactive to the date when the first candidate announced his candidacy?

A. Normally yes. Once the station has made time available to one qualified candidate, its obligation to provide equal facilities to future candidates begins. A candidate cannot, however, delay his request for time and expect to use the "equal opportunities" provision to force a station to turn over most of the last few pre-election days to him in order to "saturate" pre-election broadcast time. (Letter to Congressman Hunter, dated May 28, 1952; Letter to Congressman Frelinghuysen, dated March 2, 1954.)

26. Q. If a station has a policy of confining political broadcasts to sustaining time, but has so many requests for political time that it cannot handle them all within its sustaining schedule, may it refuse time to a candidate whose opponent has already been granted time, on the basis of its established policy of not cancelling commercial programs in favor of political broadcasts?

A. No. The station cannot rely upon its policy if the latter conflicts with the "equal opportunity" requirement of section 315. (Stephens Bctg. Co., 3 R. R. 1.)

27. Q. If one candidate has been nominated by Parties A, B, and C, while a second candidate for the same office is nominated only by Party D, how should time be allocated as between the two candidates?

A. Section 315 has reference only to the use of facilities by persons who are candidates for public office and not to the political parties which may have nominated such candidates. Accordingly, if broadcast time is made available for the use of a candidate for public office, the provisions of section 315 require that equal opportunity be afforded each person who is a candidate for the same office, without regard to the number of nominations that any particular candidate may have. (Letter to Thomas W. Wilson, dated October 31, 1946.)

28. Q. If a station broadcasts a program sponsored by a commercial advertiser which includes one or more qualified candidates as speakers or guests, what are its obligations with respect to affording equal opportunities to other candidates for the same office?

A. If candidates are permitted to appear, without cost to themselves, on programs sponsored by commercial advertisers, opposing candidates are entitled to receive comparable time, also at no cost. (Letter to Senator Monroney, dated October 9, 1952.)

29. Q. Where a candidate for office in a state or local election appears on a national network program, is an opposing candidate for the same office entitled to equal facilities over stations which carried the original program and serve the area in which the election campaign is occurring?

A. Yes. Under such circumstances an opposing candidate would be entitled to time on such stations. (Letter to Senator Monroney, dated October 9, 1952.)

30. Q. Where a candidate appears on a particular program—such as a regular series of forum programs, are opposing candidates entitled on demand to appear on the same program?

A. Not necessarily. The mechanics of the problem of "equal opportunities" must be left to resolution of the parties. And while factors such as the size of the potential audience because of the appearance of the first candidate on an established or popular program might very well be a matter for consideration by the parties, it cannot be said, in the abstract, that equal opportunities could only be provided by giving opposing parties time on the same program. (Letter to Harold Oliver, dated October 31, 1952; Letter to Julius F. Brauner, dated October 31, 1952.)

VII. *What limitations can be put on the use of facilities by a candidate?*

31. Q. May a station delete material in a broadcast under section 315 because it believes the material contained therein is or may be libelous?

A. No. Any such action would entail censorship which is expressly prohibited by section 315 of the Communications Act. (Port Huron Bctg. Co., 4 R. R. 1; WDSU Bctg. Co., 7 R. R. 769.)

32. Q. If a legally qualified candidate does make libelous or slanderous remarks is the station liable therefor?

A. The Commission has expressed its opinion in Port Huron Bctg. Co., 4 R. R. 1., that licensees not directly participating in the libel might be absolved from any liability they might otherwise have under state law, because of the operation of Section 315 which precludes them from preventing its utterance. But this is a matter which in the absence of any amendment to the law will have to be definitely decided by the courts. So far there have been no clear judicial holdings on this matter, but only dicta or lower court opinions supporting both positions. It should be noted, however, that many states have passed laws which wholly or partially exempt licensees from liability under these circumstances.

33. Q. If a candidate secures time under section 315, must he talk about a subject directly related to his candidacy?

A. No. The candidate may use the time as he deems best. To deny a person time on the ground that he was not using it in furtherance of his candidacy would be an exercise of censorship prohibited by section 315 (WMCA, Inc., 7 R. R. 1132).

34. Q. If a station makes time available to an office holder who is also a legally qualified candidate for re-election and the office holder limits his talks to non-partisan and informative material, may other legally qualified candidates who obtain time be limited to the same subjects or the same type of broadcast?

A. No. Other qualified candidates may use the facilities as they deem best in their own interest. (Letter to Congressman Allen Oakley Hunter, May 28, 1952.)

35. Q. May a station require an advance script of a candidate's speech?

A. Yes, provided that the practice is uniformly applied to all candidates for the same office using the station's facilities, and the station does not undertake to censor the candidate's talk. (Letter of July 9, 1952, to H. A. Rosenberg, Louisville, Ky.)

36. Q. May a station have a practice of requiring a candidate to record his proposed broadcast at his own expense?

A. Yes. Provided again that the procedures adopted are applied without discrimination as between candidates for the same office and no censorship is attempted. (Letter of July 9, 1952, to H. A. Rosenberg, Louisville, Ky.)

VIII. *What rates can be charged candidates for programs under section 315?*

37. Q. May a station charge premium rates for political broadcasts?

A. No. Section 315, as amended, provides that the charges made for the use of a station by a candidate "shall not exceed the charges made for comparable use of such stations for other purposes."

38. Q. May a station with both "national" and "local" rates charge a candidate for local office its "national" rate?

A. No. Under §§ 3.190, 3.290 and 3.657 of the Commission's Rules a station may not charge a candidate more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that within which persons may vote for the particular office for which such person is a candidate.

39. Q. Is a political candidate entitled to receive discounts?

A. Yes. Under §§ 3.190, 3.290 and 3.657 of the Commission's Rules political candidates are entitled to the same discounts that would be accorded persons other than candidates for public office under the conditions specified, as well as to such special discounts for programs coming within section 315 as the station may choose to give on a non-discriminatory basis.

40. Q. If candidate A purchases ten time segments over a station which offers a discount rate for purchase of that amount of time, is candidate B entitled to the discount rate if he purchases less time than the minimum to which discounts are applicable?

A. No. A station is under such circumstances only required to make available the discount privileges to each legally qualified candidate on the same basis.

41. Q. If a station has a "spot" rate of two dollars per "spot" announcement, with a rate reduction to one dollar if 100 or more such "spots" are purchased on a bulk time sales contract, and if one candidate arranges with an advertiser having such a bulk time contract to utilize five of these spots at the one dollar rate, is the station obligated to sell the candidates of other parties for the same office time at the same one dollar rate?

A. Yes. Other legally qualified candidates are entitled to take advantage of the same reduced rate. (Letter to Senator Monroney, dated October 16, 1952.)

42. Q. Where a group of candidates for different offices pool their resources to purchase a block of time at a discount, and an individual candidate opposing one of the group seeks time on the station, to what rate is he entitled?

A. He is entitled to be charged the same rate as his opponent, since the provisions of section 315 run to the candidates themselves and they are entitled to be treated equally with their individual opponents. (Report and Order, Docket 11092.)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–7186; Filed, Sept. 13, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 10200; FCC 54–1130]

DELETION OF USES BY DOMESTIC FIXED SERVICE OF CERTAIN FREQUENCIES FOR PURPOSES OTHER THAN SAFETY OF LIFE AND PROPERTY

ORDER SCHEDULING ORAL ARGUMENT

In the matter of amendment of § 2.104 (a) (1) (d) of Part 2 of the Commission's rules and regulations to delete certain uses by the Domestic Fixed Service of frequencies below 25 Mc. for purposes other than the safety of life and property; Docket No. 10200.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of September 1954;

The Commission having under consideration the above-entitled proceeding;

It is ordered, That oral argument is scheduled for Tuesday, September 21, 1954, at 10:00 a. m. in the offices of the Commission in Washington, D. C.

Released: September 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–7187; Filed, Sept. 13, 1954; 8:50 a. m.]

[47 CFR Parts 2, 3]

[Docket No. 11116; FCC 54-1151]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 11116.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of September 1954;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing that notice of proposed rule making (FCC 54-962) setting forth the above amendment was issued by the Commission on July 30, 1954, and was duly published in the FEDERAL REGISTER (19 F. R. 4880), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before August 27, 1954; and

It further appearing that no comments were received either favoring or opposing the adoption of the proposed reallocation; and

It further appearing that the immediate adoption of the proposed reallocation would facilitate consideration of a pending application requesting a Class B assignment in Jasper, Indiana; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channels	
	Delete	Add
Jasper, Ind.	------	284
Louisville, Ky.	284	------

Released: September 9, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7188; Filed, Sept. 13, 1954; 8:50 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 157]

[Docket No. R-138]

CERTIFICATE AND RATE REQUIREMENTS

ORDER GRANTING ORAL ARGUMENT ON PETITIONS FOR REHEARING OF ORDER NO. 174-A AND DENYING STAY

In the matter of compliance by natural-gas producers and gatherers with certificate and rate requirements, Docket No. R-138.

On July 16, 1954, upon finding that effective rules under the Natural Gas Act pertaining to natural-gas companies might be onerous if imposed upon producers and gatherers, the Commission issued as Order No. 174 rules applicable to producers and gatherers of natural gas which are also natural-gas companies under the Natural Gas Act pursuant to the decision of the United States Supreme Court on June 7, 1954, in Phillips Petroleum Company v. Wisconsin, et al. 374 U. S. 672. To clarify these rules, the Commission on August 6, 1954 issued Order No. 174-A to supersede Order No. 174.

Petitions for rehearing respecting Order No. 174-A have been filed on behalf of the persons named in the attached list.

These petitions variously assert that issuance of Order No. 174-A, without notice and hearing constitutes a deprivation of procedural due process and a violation of section 4 of the Administrative Procedure Act; that the provisions of Order No. 174-A deprive petitioners of substantive rights guaranteed by due process of law; that the rules provided by Order No. 174-A transgress the rights reserved to the States by the 10th Amendment to the Constitution; and that rules under Order No. 174-A assume authority not delegated to the Commission by the Natural Gas Act. We seek the benefit of all worthwhile advice and assistance to the end that our rules may be reasonable, workable and afford to all every reasonable guarantee of substantive and procedural rights.

In the absence of the rules provided by Order No. 174-A, the more stringent rules generally in effect and applicable to all natural-gas companies would be applicable to producers and gatherers who are also natural-gas companies under the Natural Gas Act (18 CFR, Chap. I, Parts 154 and 157). Accordingly, request for stay of Order No. 174-A is without reasonable justification and must be denied.

However, to provide full opportunity to all petitioners, who have questioned the lawfulness of Order No. 174-A, we will review our determination in this regard by affording to petitioners the right to support their claims of error by briefs to be filed not later than September 20, 1954. Further, we will thereafter on September 22, 1954, hear oral argument upon the matters and issues presented. Counsel so appearing should consolidate their arguments, where possible, to avoid undue repetition.

The Commission orders:

(A) Oral argument be heard on September 22, 1954, commencing at 10:00 a. m., e. d. s. t., in a hearing room of the Commission, 441 G Street NW., Washington, D. C., on behalf of persons who by September 7, 1954, filed petitions for rehearing in this docket respecting the specific matters and issues presented in said petitions.

(B) Persons desiring to be heard on oral argument shall advise the Secretary by September 20, 1954, of the time requested, and time allotted will be announced on the day of argument.

(C) All requests for stay of Order No. 174-A are hereby denied.

Adopted: September 8, 1954.

Issued: September 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

Ohio Oil Company.
Magnolia Petroleum Company.
Humble Oil & Refining Company.
American Republics Corporation.
Houston Oil Company.
Union Producing Company.
George J. Darnelle.
Kerr-McGee Oil Industries, Inc.
Gulf Oil Corporation and Gulf Refining Company.
Tide Water Associated Oil Company.
Oil and Gas Property Management, Inc.
Llano Grande Corporation.
Frank W. Michaux.
Eastern States Petroleum Co., Inc.
H. S. Cole, Jr.
Continental Oil Company.
Heep Oil Corporation and Herman F. Heep.
The Texas Company.
Shell Oil Company.
Dorchester Corporation.
Stanolind Oil and Gas Company.
Mobil Producing Company.
Pure Oil Company.
Skelly Oil Company.
Elm Oil and Gas Corporation.
Progress Petroleum, Inc.
Texas Pacific Coal and Oil Company.
Mule Creek Oil Company.
Adams & Haggarty.
Progress Petroleum Co. of Texas.
Gulfshore Oil Company and K. D. Owen.
P. R. Rutherford.
Texas Gulf Producing Company.
Superior Oil Company.
Sinclair Oil & Gas Company.
C. H. Murphy, Jr.
Shamrock Oil and Gas Corporation.
General Petroleum Corporation.
Lion Oil Company.
Murphy Corporation.
Salt Dome Production Company.
Bertie W. Murphy and C. H. Murphy, Jr. (Executors for C. H. Murphy).
The Carter Oil Company.
Rowan Oil Company, Rowan Drilling Company, Inc., A. H. and C. L. Rowan.
Haroldson L. Hunt, Jr. Trust Estate.
William Herbert Hunt Trust Estate.
Caroline Hunt Sands.
Nelson Bunker Hunt Trust Estate.
Hassie Hunt Trust.
H. L. Hunt.
Lamar Hunt Trust Estate.
Hunt Oil Company.
Union Oil Company of California and Louisiana Land and Exploration Company.
Burnett & Cornelius.
Navajo National Gas Corporation.
Cities Service Oil Company.
Austral Oil Exploration Company, Incorporated.
The California Company.
Jake L. Hamon.
Argo Oil Corporation.
R. A. Burnett.
Federal Drilling Corporation.
Le Cuno Oil Company.
Hydrocarbon Production Company, Inc.
Columbian Carbon Company.
Sunray Oil Corporation.
Columbian Fuel Corporation.
Coltexo Corporation.
Lamar Hunt.
W. H. Hunt.
N. B. Hunt.
R. Lacy, Inc.
Phillips Petroleum Company.
Amerada Petroleum Corporation.
Leonard Oil Company.
Seaboard Oil Company.
Standard Oil Co. of Texas.
Union Sulphur & Oil Corp.
Pan American Production Company.
Placid Oil Company.
Bright & Schiff.
Oil Drilling, Inc., et al.
W. N. Price.
Baker & Taylor Drilling Company.
Danube Oil Company.
Palo Duro Oil Company.
Rip C. Underwood.
J. R. Frankel and Berkshire Oil Company.
New Ulm Corporation.
Crown Central Petroleum Corporation.
White Eagle Oil Company.
Dalport Oil Corporation, et al.
L. E. Elliott, et al.
G. Scott Hammonds.
J. I. Roberts and C. H. Murphy, Jr., doing business as Roberts and Murphy.
N. C. Ginther, et al.
The British-American Oil Producing Company.
Republic Natural Gas Company.
Spartan Drilling Company, et al.
Delta Gulf Drilling Company and Delta Drilling Company.
Wesley West.
Union Pacific Railroad Company.
L. H. Puckett and L. E. Wertz.
L. H. Puckett, J. R. McGill, W. J. Fellers, Leon L. Hoy, Jr., and D. W. White.
Midstates Oil Corporation.
J. R. McGill, Leon L. Hoyt, Jr., and W. J. Fellers.
Plymouth Oil Company.

[F. R. Doc. 54-7178; Filed, Sept. 13, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2696, Amdt. 3]

HEADS OF BUREAUS AND AGENCIES

REDELEGATION OF AUTHORITY TO TRANSFER, DONATE, OR DISPOSE OF EXCESS OR SURPLUS REAL PROPERTY

SEPTEMBER 7, 1954.

Paragraph (a) of section 4 of Order No. 2696, as amended (17 F. R. 6796, 18 F. R. 366), is further amended to read as follows:

SEC. 4 *Authority redelegated.* (a) Authority delegated to the Secretary of the Interior or to the Department of the Interior to transfer, donate, or dispose of excess or surplus real property and related personal property in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and regulations issued thereunder, is redelegated to the head of each bureau and agency with respect to property under his judisdiction. The provisions of this paragraph shall apply with respect to any such delegation of authority heretofore or hereafter made, except where the delegation is to the Secretary of the Interior expressly and authority for redelegation is not included in such delegation.

DOUGLAS MACKAY,
Secretary of the Interior.

[F. R. Doc. 54-7161; Filed, Sept. 13, 1954; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11122, 11123; FCC 54-1121]

BLACKWATER VALLEY BROADCASTERS AND MULESHOE BROADCASTING CO.

CORRECTED ORDER[1] DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Theodore Rozzell d/b as Blackwater Valley Broadcasters, Muleshoe, Texas, Docket No. 11122, File No. BP-9055; B. C. Dyess, Ed Holmes, and R. I. McLeroy d/b as Muleshoe Broadcasting Company, Muleshoe, Texas, Docket No. 11123, File No. BP-9203; for construction permits.

[1] Adopted: September 2, 1954.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of August 1954;

The Commission having under consideration the above-entitled applications of Theodore Rozzell d/b as Blackwater Valley Broadcasters and B. C. Dyess, Ed Holmes, and R. I. McLeroy d/b as Muleshoe Broadcasting Company, both seeking to operate on 1570 kc with a power of 250 watts, daytime only in Muleshoe, Texas; and

It appearing that both applicants are legally, financially, technically, and otherwise qualified to operate their proposed stations, but that the operation of both stations as proposed would result in mutually prohibitive interference with each other; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the Commission in a letter dated June 10, 1954, advised both applicants that operation of both stations as proposed would result in mutually destructive interference with each other, and that, accordingly both applications could not be granted and that they must be designated for hearing to determine, on a comparative basis, which would better serve the public interest; and

It further appearing, that Muleshoe Broadcasting Company replied in a letter dated June 25, 1954 that it would appear at a hearing; and

It further appearing that Blackwater Valley Broadcasters answered the Commission in a letter dated June 24, 1954; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issue:

1. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would better serve the public interest, convenience, or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate the proposed stations.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above-mentioned applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petitions properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 9, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7190; Filed, Sept. 13, 1954; 8:51 a. m.]

[Docket Nos. 11132, 11133; FCC 54-1040 (Corrected)]

NEWTON BROADCASTING CO. AND TRENTON BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Richard C. Brandt, William M. Bryan, William C. Brandt, and Eddie Erlbacher, d/b as Newton Broadcasting Company, Newton, Iowa, Docket No. 11133, File No. BP-9226; S. W. Arnold, Samuel A. Burk and Sam M. Arnold, a partnership d/b as Trenton Broadcasting Company, Trenton, Missouri, Docket No. 11132, File No. BP-9093; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of August 1954;

The Commission having under consideration the above applications for construction permit by Newton Broadcasting Company for a new standard broadcast station at Newton, Iowa to operate on 1490 kilocycles with a power of 100 watts, unlimited time (File No. BP-9226), and Trenton Broadcasting

Company for a new standard broadcast station at Trenton, Missouri to operate on 1490 kilocycles with a power of 100 watts, unlimited time (File No. BP-9093);

It appearing that the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations, but that the operation by both applicants as proposed would result in interference to each other's proposed operation; and

It further appearing that the application of Newton Broadcasting Company would cause daytime interference to Station KRIB, operating on 1490 kilocycles with a power of 250 watts, unlimited time, at Mason City, Iowa; KLEE, operating on a frequency of 1480 kilocycles with a power of 500 watts, daytime at Ottumwa, Iowa; and KBUR, operating on a frequency of 1490 kilocycles with a power of 250 watts, unlimited time at Burlington, Iowa; and that interference will be received by the proposed operation from each of the above stations and also from Station WDBQ, operating on a frequency of 1490 kilocycles with a power of 250 watts, unlimited time at Dubuque, Iowa; and

It further appearing that the proposed operation of Trenton Broadcasting Company would cause daytime interference to Stations KDRO, operating on a power of 1490 kilocycles with a power of 250 watts, unlimited time at Sedalia, Missouri; and KTOP, operating on a frequency of 1490 kilocycles with a power of 250 watts, unlimited time at Topeka, Kansas; and that interference will be received by the proposed operation from Stations KDRO, KTOP, KBUR, and KBON, operating on a frequency of 1490 kilocycles with a power of 250 watts, unlimited time at Omaha, Nebraska; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated June 16, 1954, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that Trenton Broadcasting Company did not reply to the Commission's letter, but that Newton Broadcasting Company stated in a reply dated June 25, 1954, that mutual interference problems between the two applicants had been resolved and that other interference was of a minor nature; and

It further appearing that timely letters of opposition to the Trenton proposal were received from Stations KTOP and KDRO and that timely letters of opposition to the proposal of Newton Broadcasting Company were received by the Commission from Stations KLEE, KRIB, and KBUR; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary:

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations, including a determination as to whether the proposed operations cause interference to each other.

2. To determine whether the proposed operation of Newton Broadcasting Company will cause objectionable daytime interference to Stations KRIB, Mason City, Iowa; KLEE, Ottumwa, Iowa; and KBUR, Burlington, Iowa, and if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Newton Broadcasting Company will receive interference from Stations KRIB, Mason City, Iowa; KLEE, Ottumwa, Iowa; KBUR, Burlington, Iowa; and WDBQ, Dubuque, Iowa, and if so, whether because of such interference the proposed Newton operation would not provide the recommended minimum of interference-free service within its normally protected daytime (0.5 mv/m) contour.

4. To determine whether the proposed operation of Trenton Broadcasting Company will cause objectionable daytime interference to Stations KDRO, Sedalia, Missouri, and KTOP, Topeka, Kansas, and if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

5. To determine whether the proposed operation of Trenton Broadcasting Company will receive interference from Stations KDRO, KTOP, KBON, Omaha, Nebraska, and KBUR, Burlington, Iowa, and if so, whether, because of such interference, the proposed Trenton operation would not provide the recommended minimum of interference-free service within its normally protected daytime (0.5 mv/m) contour.

6. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of these applicants would provide the more fair, efficient, and equitable distribution of radio service.

7. To determine, on a comparative basis, if both applications cannot be granted, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience, or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition and of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That William G. Kelly, licensee of Station KRIB, Mason City, Iowa; Lee E. Baker, licensee of Station KLEE, Ottumwa, Iowa; Burlington Broadcasting Company, licensee of Station KBUR, Burlington, Iowa; Milton J. Hinlein, licensee of Station KDRO, Sedalia, Missouri; and Charles B. Axton, licensee of Station KTOP, Topeka, Kansas, are made parties to the proceeding.

Released: September 9, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7189; Filed, Sept. 13, 1954; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

SEPTEMBER 1954 DOMESTIC AND EXPORT PRICE LIST

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950, as amended January 9, 1953 (15 F. R. 1593, 18 F. R. 176) and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

SEPTEMBER 1954 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales list
Dairy products:	F. a. s. U. S. port of export, or "in store" at location of stocks at f. a. s. price less export freight rate to agreed port of export.
Cheddar cheese,[1] cheddars, flats, twins and rindless blocks (standard moisture basis, in carload lots only), 425,000,000 pounds.	U. S. Grade A: 25.5 cents per pound basis port of export. U. S. Grade B: 24.5 cents per pound basis port of export.
Nonfat dry milk solids[1] (in carload lots only), 240,000,000 pounds, spray; 45,000,000 pounds, roller.	Spray process—11.75 cents per pound basis port of export. Roller process—10 cents per pound basis port of export.
Salted creamery butter[1] (in carload lots only), 460,000,000 pounds.	U. S. Grade A: Not less than 41 cents per pound basis port of export. U. S. Grade B: Not less than 39 cents per pound basis port of export.
	Any of the above commodities are available through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C.

See footnotes at end of table.

SEPTEMBER 1954 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales list
Peanuts, farmers' stock, 2,500 tons.	Bid basis, f. o. b. points of storage locations, subject to the terms and conditions of Announcement Peanut Diversion 40. A portion of CCC stocks may be offered under In addition, farmers' stock peanuts from CCC stocks, may be offered under separate announcements for domestic crushing subject to the terms and conditions of CCC Peanut Form 34. Available Dallas CSS Commodity office.
Wool, shorn and pulled grease (includes some scoured), 115,000,000 pounds	The higher of (1) the market value, or (2) 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area. Sales will be made ex-warehouse where stored. Available Boston CSS Commodity office.
Dry edible beans (bagged)	Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable.
Large lima beans, 1953 crop, 160,000 hundredweight.	For other grades of all beans, adjust by market differentials.
Pinto beans,[1] 1953 crop, 525,000 hundredweight.	$11.40 per 100 pounds for U. S. No. 1 basis California points of production. Available Portland CSS Commodity office.
Small red beans, 1953 crop, 47,000 hundredweight.	$7.40 per 100 pounds for U. S. No. 1 basis Idaho, Washington points of production. Available Portland CSS Commodity office.
Pink beans, 1953 crop, 40,000 hundredweight.	$8.30 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity office.
Corn, bulk 1,000,000 bushels (1948-49 crop).	At points of production, basis in store, 1948 and 1949 crops and out of condition corn of any crop year in CCC bins may be sold at the higher of (1) local cash market price, or (2) the applicable terminal cash market price adjusted to the point of storage. The prices may be reduced by the regular U. S. A. handling charge of 4½ cents per bushel in those cases where an eligible local purchaser warehouseman takes the grain into his facilities for subsequent outloading.
50,000,000 bushels[1] (1950, 1951, 1952, and 1953 crops).	110 percent of applicable county support rate, in store at point of country storage. At other locations, the foregoing plus average paid in freight. *Examples of minimum price per bushel* (No. 3 yellow): Fairbault County, Minn., $1.08; Pike County, Ill., $1.78; Knox County, Ky., $1.90. Available Chicago, Kansas City, Dallas, and Minneapolis CSS Commodity offices.
Wheat[1]	Basis in store, the market price but not less than the domestic minimum price. Minimum price, 1954 loan rate for class, grade, quality and location, plus: (1) 24 cents per bushel if received by truck, or (2) 15 cents per bushel if received by rail or barge. Examples of minimum price per bushel (or rail or barge): Kansas City, No. 2 Hard Winter, $2.25; Minneapolis, No. 1 Dk. N. Spring, $2.73; Chicago, No. 1 Hard Winter, $2.73. Available Kansas City, Chicago, Minneapolis, and Portland CSS Commodity.
Barley, bulk[1]	110 percent of applicable support rate in store at point of storage. Examples of minimum price per bushel (No. 2 or better): Adams County, N. Dak., $1.16; Yorkton County, S. Dak., $1.27; Alameda County, Calif., $1.43. Available Chicago, Minneapolis, Kansas City, and Portland CSS Commodity offices.
Rye, bulk:[1] (Unrestricted use)	Market price at point of production, basis in store, but not less than the example of minimum price per bushel (ex rail or barge): Minneapolis No. 2 or better, $1.77. Market price for feed only, basis in store. Available Minneapolis, Kansas City, Chicago, Portland, and Dallas CSS Commodity offices.
(For feed only)	
Oats, bulk:[1] (Unrestricted use)	110 percent of applicable county support rate in store at point of country storage. At other locations, the foregoing plus average paid-in freight. Examples of minimum price per bushel (No. 3 or better): Carver County, Minn., $0.78; Jackson County, Ohio, $0.86; All counties, Ga., $1.02. Market price for feed, basis in store. Available Minneapolis, Chicago, Dallas, Portland, and Kansas City CSS Commodity Offices.
(For feed only) 1952 crop or other and 1953 crop from Alabama, Arkansas, Georgia, Louisiana, Mississippi, Florida, South Carolina, North Carolina, and Tennessee.	

See footnotes at end of table.

SEPTEMBER 1954 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales list
Wheat, bulk[1]	Sales made for export pursuant to Announcement GR 203 and 202 at prices named by exporters. Delivered Chicago, Kansas City, Minneapolis, and Portland CSS Commodity offices. Sales also made for delivery at U. S. ports under GR 212 at market price on date of sale at points of delivery. Available Dallas, Chicago, and Portland CSS Commodity offices.
Corn, bulk[1]	The domestic market price as determined by CCC for grade, class, and quality at point of delivery at time of sale, less an export allowance of 15 cents per bushel. Sales made pursuant to Announcement GR 211, dated July 13, 1954, as revised July 13, 1954. Allowance not applicable on sales for export to Canada. Available Kansas City, Chicago, and Minneapolis CSS Commodity offices.
Barley, bulk[1]	Price as determined by CCC on date of sale at point of delivery. Available Chicago, Kansas City, Minneapolis, and Portland CSS Commodity offices.
Rye[1]	Price as determined by CCC on date of sale at point of delivery. Available Minneapolis, Portland, and Chicago CSS Commodity offices.
Oats[1]	Price as determined by CCC on date of sale at point of delivery. Available Minneapolis, Chicago, Kansas City, Portland and Dallas CSS Commodity offices.
Cottonseed oil, crude, 3,700,000 pounds.	Bid basis, in store at point of export or f. o. b. tankcars or tankwagons at producers' mills. On in-store sales, if buyer and CCC agree in writing, CCC will effect loading of oil into vessel or tankcars or tankwagons, with buyer responsible for all costs incurred. Available New Orleans CSS Commodity office.
Pinto beans,[1] 1953 crop (bagged), 225,000 hundredweight.	$7.25 per 100 pounds U. S. No. 1 grade, basis West Coast, Gulf, and Mexico border points. Available Portland office for shipment to West Coast port (CCC's option) and Mexico border points Nogales and West. Dallas office, Nogales to El Paso inclusive, Kansas City office for shipment to West Gulf ports and Mexico-Texas border points. U. S. No. 2 grade, 25 cents discount.

[1] These same lots also are available from the domestic list announced today. Where no quantity is specified, quantity available is indefinite.

[2] "In store" means at the processors' plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

SEPTEMBER 1954 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales list
Nonfat dry milk solids[1] (in carload lots only), 210,000,000 pounds, spray; 45,000,000 pounds, roller.	Spray process, U. S. Extra Grade, 17 cents per pound. Roller process, U. S. Extra Grade, 15.25 cents per pound. Prices apply "in store" at location of stocks.[2] Available through Cincinnati, Minneapolis, and Portland CSS Commodity offices.
Salted creamery butter[1] (in carload lots only), 460,000,000 pounds.	U. S. Grade A: All States except those listed below, 60.5 cents per pound. New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico, 61.25 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Available Cincinnati, Minneapolis, and Portland CSS Commodity offices. Prices apply in store at location of stocks.[2]
Cheddar cheese,[1] cheddars, flats, twins, and rindless blocks (standard moisture basis, in carload lots only), 425,000,000 pounds.	U. S. Grade A: All States except those listed below 35¼ cents per pound. New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico, 36¼ cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. Available Cincinnati, Minneapolis, and Portland CSS Commodity offices. All prices are subject to usual adjustment for moisture content. Prices apply in store at location of stocks.[2]
Cottonseed oil, crude,[1] 3,700,000 pounds.	Market price but not less than 3½ cents per pound prime, Valley basis, f. o. b. tankcars or tankwagons at producers' mills subject to premiums or discounts comparable to those in Bulletin 3 of the 1954 crop cottonseed price support program. Price will not be reduced during period ending Aug. 31, 1955. Available New Orleans CSS Commodity office.
Cottonseed oil, refined, 788,000,000 pounds.	Market price but not less than the minimum crude price, with appropriate adjustments for refining, location, and quality, f. o. b. tankcars or tankwagons at producers' mills subject to premiums or discounts comparable to those in Bulletin 3 of the 1954 crop cottonseed price support program ending Aug. 31, 1955. Available New Orleans CSS Commodity office and Oils and Peanut Division, CSS, Washington 25, D. C.
Linseed oil, raw, 56,200,000 pounds.	Market price on date of sale, but not less than equivalent of the 1953 price support for flaxseed. No change in pricing policy during the period ending Oct. 31, 1954. Available Cincinnati, Portland, and Minneapolis CSS Commodity offices.

See footnotes at end of table.

SEPTEMBER 1954 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales list
Grain sorghums, bulk	110 percent of applicable support rate, in store at point of storage.
Flaxseed, bulk (For crushing only)	Examples of minimum price per hundredweight (No. 2 or better): Texas County, Okla., $2.37; Trego County, Kans., $2.52; Bee County, Tex., $2.87. Available Minneapolis, Dallas, and Kansas City CSS Commodity offices. On less-than-carload lots, market price on date of sale basis in store. On all other storable lots sales will not be made at less than the 1953 support price during the period ending Oct. 31, 1954.
Seeds (bagged)	Available Minneapolis and Chicago CSS Commodity offices. All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Prices are for seed of basic specifications. On all seeds except Ladino: Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.
Red clover seed [1] (uncertified), 77,240 hundredweight.	$35 per 100 pounds. Available Portland, Chicago, Kansas City, Minneapolis, and Dallas CSS Commodity offices.[3]
Red clover seed (certified): Cumberland, 1,016 hundredweight; Midland, 625 hundredweight.	$35 per 100 pounds. Cumberland available Portland, Kansas City, and Minneapolis; Midland available at Portland only, CSS Commodity offices.[3]
Red clover seed (Kenland certified), 140 hundredweight.	
Ladino clover seed (certified), 12,240 hundredweight.	$40 per 100 pounds. Available Portland CSS Commodity office.[3]
Crimson clover seed, 17,960 hundredweight.	$55 per 100 pounds. Available Portland, Minneapolis, and Kansas City CSS Commodity offices.[3]
Reseeding crimson clover, 1953 crop (certified), 4,160 hundredweight.	$18 per 100 pounds. Available Portland and Dallas CSS Commodity offices.
Biennial sweet clover seed,[4] 9,760 hundredweight.	$20.75 per 100 pounds. Available Portland CSS Commodity office.
Alsike clover seed,[4] 18,410 hundredweight.	$10 per 100 pounds. Available Kansas City, Minneapolis, and Chicago CSS Commodity offices.[3]
Hairy vetch seed, 27,892 hundredweight.	$25 per 100 pounds. Available Portland, Kansas City, Chicago, and Minneapolis CSS Commodity offices.[3]
Birdsfoot trefoil seed, 1,169 hundredweight.	1953 county support rates, ranging from $11.65 to $12.40 plus $1 per 100 pounds. Available Portland, Dallas, and Chicago CSS Commodity offices.
Alfalfa seed, Northern, 186,000 hundredweight.	$70 per 100 pounds. Available Portland CSS Commodity office.
Alfalfa seed, central, 18,600 hundredweight.	$35 per 100 pounds. Available Portland, Chicago, Minneapolis, and Kansas City CSS Commodity offices.[3]
Alfalfa seed (certified): Ranger, 74,200 hundredweight; Ladak, 8,600 hundredweight; Grimm, 5,750 hundredweight; Buffalo, 36,160 hundredweight; Atlantic, 3,290 hundredweight.	$30 per 100 pounds. Available Portland and Kansas City CSS Commodity offices.[3]
Tall fescue seed [1] (common), 37,180 hundredweight.	$40 per 100 pounds. All available in Portland and Kansas City; all but Buffalo and Atlantic in Minneapolis and only Atlantic in Dallas CSS Commodity offices.[3]
Tall fescue seed [1] (certified), 90,920 hundredweight.	
Rough peas, 228 hundredweight.	$20 per 100 pounds. Available Portland, Dallas, Kansas City, and Chicago CSS Commodity offices.[3]
	$22 per 100 pounds. Available Portland, Dallas, Chicago, and Minneapolis CSS Commodity offices.[3]
	$6.50 per 100 pounds. Available Dallas CSS Commodity office.

[1] These same lots also are available at export sales prices announced today. Where no quantity is specified, quantity available is indefinite.
[2] "In store" means at the processors' plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[3] Prices will not be reduced during the period ending June 30, 1955.
[4] Sales of these items will begin on September 2 after acceptances are made under GR 282, Supplement 1, and announced quantities will be reduced by the amount of sales made thereunder.

(Sec. 407, 63 Stat. 1051)

Issued: September 9, 1954.

[SEAL]

J. A. MCCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-7195; Filed, Sept. 13, 1954; 8:51 a. m.]

Office of the Secretary

COLORADO AND OKLAHOMA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on the dates indicated that a major disaster occasioned by drought existed in the following States:

Colorado ..... July 1, 1953.
Oklahoma ..... August 2, 1954.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration, (18 F. R. 4609; 19 F. R. 2148) as further amended on July 30, 1954, and for the purposes of section 2 (d) of Public Law 36, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, certain counties in the States of Colorado and Oklahoma were on August 10, 1954 (19 F. R. 5155) determined to be the area affected by the major disaster drought.

Pursuant to the aforesaid delegation the Delineation and Certification of Counties in Drought Areas, dated August 10, 1954 (19 F. R. 5155) is herewith amended by adding the counties set forth below, on the dates indicated, to the major disaster area in the designated States:

STATE OF COLORADO

August 30, 1954

Washington County.

STATE OF OKLAHOMA

August 30, 1954

Beaver County, Osage County, Pawnee County, Payne County.

Done at Washington, D. C., this 9th day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-7198; Filed, Sept. 13, 1954; 8:52 a. m.]

KANSAS

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President on August 26, 1954 determined that a major disaster occasioned by drought existed in the State of Kansas.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148), as further amended on July 30, 1954, and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the counties set forth below have been determined to be the aforesaid major disaster area in the State of Kansas.

STATE OF KANSAS

August 26, 1954

Allen.	Harper.
Anderson.	Harvey.
Barber.	Johnson.
Bourbon.	Kingman.
Butler.	Kiowa.
Chautauqua.	Labette.
Cherokee.	Linn.
Clark.	Meade.
Comanche.	Miami.
Cowley.	Montgomery.
Crawford.	Neosho.
Douglas.	Sedgwick.
Elk.	Sumner.
Franklin.	Wilson.
Greenwood.	Woodson.

This delineation and certification shall supersede all prior delineations and certifications with respect to the aforesaid major disasters.

Done at Washington, D. C., this 9th day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-7200; Filed, Sept. 13, 1954; 8:53 a. m.]

NEW MEXICO

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President on July 1, 1953, determined that a major disaster occasioned by drought existed in the State of New Mexico.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148), as further amended on July 30, 1954, and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress certain counties in the State of New Mexico were on August 10, 1954 (19 F. R. 5155) determined to be the area affected by the major disaster by drought.

Pursuant to the aforesaid delegation the Delineation and Certification of Counties Contained in Drought Areas, dated August 10, 1954 (19 F. R. 5155) is herewith amended by adding those portions of Colfax and Union Counties, which were excepted therein, on August 27, 1954, to the major disaster area in the designated States.

Done this 9th day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-7197; Filed, Sept. 13, 1954; 8:52 a. m.]

TEXAS

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President on July 21, 1954 determined that a major disaster occasioned by drought existed in the State of Texas.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148), as further amended on July 30, 1954, and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, certain counties in the State of Texas were on August 10, 1954 (19 F. R. 5155) determined to be the area affected by the major disaster by drought.

Pursuant to the aforesaid delegation the Delineation and Certification of Counties Contained in the Drought Areas, dated August 10, 1954 (19 F. R. 5155) is herewith amended by adding the counties set forth below, on the date indicated, to the major disaster area in the designated State.

STATE OF TEXAS

August 26, 1954

Anderson.	McLennan.
Angelina.	Madison.
Burleson.	Milam.
Caldwell.	Macogdoches.
Cherokee.	Navarro.
Ellis.	Palo Pinto.
Falls.	Parker.
Fayette.	Rains.
Freestone.	Roberston.
Gonzales.	Rusk.
Hill.	Somervell.
Hood.	Smith.
Johnson.	Tarrant.
Kerr.	Washington.
Lavaca.	Wise.
Leon.	Wood.
Limestone.	

Done at Washington, D. C., this 9th day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-7199; Filed, Sept. 13, 1954; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5756, et al.]

STATES-ALASKA CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on September 28, 1954, is hereby postponed to October 12, 1954, 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 9, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7182; Filed, Sept. 13, 1954; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 3]

ORGANIZATIONS AND FUNCTIONS

AVIATION SAFETY DISTRICT OFFICES AND INTERNATIONAL DISTRICT AND FIELD OFFICES

In accordance with the public information requirements of the Administrative Procedure Act, the description of Organization and Functions of the Civil Aeronautics Administration is hereby amended. The purpose of the amendment is to publish revised addresses for certain Aviation Safety District Offices and to publish the areas served by the various international district and field offices.

1. Section 22 (b) as published on April 10, 1954, in 19 F. R. 2101, is revised by rescinding the tables of addresses contained therein and inserting a new address list as follows:

SEC. 22. *Aviation Safety District Offices.* • • •

(b) *Locations and specialties.* • • •

REGION I

State	City	Location	Mailing address	Specialty
Connecticut	Bridgeport	Sikorsky Aircraft Corp.	Care Sikorsky Aircraft Corp.,	(F)
	Windsor Locks	Bldg. 229, Bradley Field	Care Kaman Aircraft Corp., P. O. Box 73, Bloomfield.	(F)
Delaware	New Castle	Bellanca Aircraft Corp.	Care Bellanca Aircraft Corp., Bellanca Airport.	(F)
District of Columbia	Washington	Hangar Six, Washington National Airport.	Hangar Six, Washington National Airport.	(C)
Kentucky	Louisville	Administration Bldg., Bowman Field.	Administration Bldg., Bowman Field.	(G)
Maine	Portland	Municipal Airport	Municipal Airport	(G)
Maryland	Baltimore	Glenn L. Martin Co., 19 B Bldg. Balcony, Middle River.	Care Glenn L. Martin Co., 19 B Bldg. Balcony, Baltimore 3.	(F)
Massachusetts	Boston	287 East Marginal St.	287 East Marginal St., East Boston 28.	(C)
	Norwood	Municipal Airport	Municipal Airport	(G)
	Westfield	Barnes Westfield Airport	P. O. Box 464.	(G)
New Hampshire	Concord	Municipal Airport	Municipal Airport	(G)
New Jersey	Haddonfield	Echelon Airport	P. O. Box 154	(G)
	Newark	Room 221, Old Administration Bldg., Newark Airport.	Room 221, Old Administration Bldg., Newark Airport.	(C)
	Teterboro	Teterboro Air Terminal	Teterboro Air Terminal	(G) (C) (F)
New York	Albany	Albany Airport, Watervliet	P. O. Box 577, Latham	(G)
	Ithaca	Cornell University Airport	Cornell University Airport	(C)
	New York	Terminal Bldg., La Guardia Field.	P. O. Box 575, La Guardia Airport Station, Flushing 71.	(C)
	do	Room 102-103, Federal Bldg., International Airport.	Room 102-103, Federal Bldg., International Airport, Jamaica.	(C) (F)
	Lindenhurst	Zahn's Airport, North Wellwood Ave.	Zahn's Airport, North Wellwood Ave.	(G)
	Rochester	Rochester Municipal Airport.	Rochester Municipal Airport	(G)
Ohio	Cincinnati	Administration Bldg., Lunken Airport.	Administration Bldg., Lunken Airport.	(G)
	Cleveland	Cleveland Hopkins Airport	Cleveland Hopkins Airport, 6200 Rocky River Dr., Cleveland 11.	(G)
	Columbus	Room 220-223, Administration Bldg., Port Columbus Airport.	Room 220-223, Administration Bldg., Port Columbus Airport.	(G)
	Middletown	Aeronca Manufacturing Corp.	Care Aeronca Manufacturing Corp.	(F)
Oklahoma	Tulsa	American Airlines Bldg., Municipal Field.	P. O. Box 8186	(C)
Pennsylvania	Allentown	Allentown-Bethlehem-Easton Airport.	Allentown-Bethlehem-Easton Airport.	(G)
	Harrisburg	Harrisburg State Airport, New Cumberland.	Harrisburg State Airport, New Cumberland.	(G)
	Pittsburgh	Room 303, Administration Bldg., Greater Pittsburgh Airport.	Room 303, Administration Bldg., Greater Pittsburgh Airport.	(C)
	do	Allegheny County Airport, Dravosburg.	Allegheny County Airport, Dravosburg.	(G)
	Williamsport	Lycoming Division, Aviation Corp.	P. O. Box 928	(F)
Virginia	Alexandria	Beacon Field, 2013 Richmond Highway.	Beacon Field, 2013 Richmond Highway.	(G)
	Richmond	Byrd Field, Sandston	Byrd Field, Sandston	(G)
West Virginia	Charleston	Kanawha County Airport	P. O. Box 5276, Capitol Station	(G)

REGION II

Alabama	Birmingham	Municipal Airport	Municipal Airport	(G)
Arkansas	Little Rock	Adams Field	R. F. D. 77	(G)
Florida	Jacksonville	Rm. 221-225, U. S. Post Office and Court House Bldg., 311 West Monroe St.	P. O. Box 1504, Jacksonville 1.	(G)

REGION III—Continued

State	City	Location	Mailing address	Specialty
Missouri	Springfield	Municipal Airport, Route 6	Box 502A, Municipal Airport, Route 6.	(G)
	St. Louis	Administration Bldg., Lambert Field, St. Louis	Box 127, Lambert Field, St. Louis 21.	(G) (C)
Nebraska	Lincoln	Terminal Bldg., Municipal Airport (Union).	P. O. Box 1748, Terminal Bldg., Municipal Airport (Union).	(G)
	North Platte	128 Administration Bldg., Municipal Airport.	P. O. Box 581	(G)
North Dakota	Bismarck	Municipal Airport	P. O. Box 297	(G)
	Fargo	Administration Bldg., Hector Airport.	P. O. Box 1736	(G)
South Dakota	Huron	Municipal Airport	P. O. Box 96	(G)
	Rapid City	Municipal Airport	P. O. Box 27	(G)
Wisconsin	Milwaukee	General Mitchell Field	General Mitchell Field, Milwaukee, 7.	(G)
	Wausau	Municipal Airport	Wausau Municipal Airport	(G)

REGION IV

State	City	Location	Mailing address	Specialty
Arizona	Phoenix	Sky Harbor Airport	3000 Sky Harbor Blvd., Sky Harbor Airport.	(G)
	Burbank	Hangar No. 4, Lockheed Air Terminal.	Hangar No. 4, Lockheed Air Terminal.	(C)
	do	Lockheed Aircraft Corp., Plant A-1, Bldg. 19.	Care Lockheed Aircraft Corp., Plant A-1, Bldg. 19.	(F)
	Fresno	Fresno Air Terminal	P. O. Box 599	(C)
	Long Beach	Administration Bldg., Municipal Airport.	Administration Bldg., Municipal Airport.	(G)
	Los Angeles	5851 West Manchester Ave.	5851 West Manchester Ave., Los Angeles 45.	(G) (C)
	Oakland	Municipal Airport	Municipal Airport, Oakland 14.	(G)
	Ontario	Administration Bldg., Ontario International Airport.	Administration Bldg., Ontario International Airport.	(G)
	Palo Alto	P. O. Box 1249	P. O. Box 1249	(E)
	do	Hiller Helicopters, 1350 Willow Rd.	Care Hiller Helicopters, 1350 Willow Rd.	(G)
	Sacramento	Municipal Airport	Municipal Airport	(G)
	San Diego	Administration Bldg., Lindbergh Field.	Administration Bldg., Lindbergh Field.	(G)
	do	Consolidated-Vultee Aircraft Corp., Bldg. 33, Lindbergh Field.	Care Consolidated-Vultee Aircraft Corp., Bldg. 33, Lindbergh Field, San Diego, 12.	(F)
	Santa Monica	Douglas Aircraft Co., Inc., 3000 Ocean Park Blvd.	Care Douglas Aircraft Co., Inc., 3000 Ocean Park Blvd.	(F)
	San Francisco	Rm. 404, Terminal Bldg., International Airport.	Rm. 404, Terminal Bldg., International Airport, South San Francisco.	(C)
	Van Nuys	7550 Hayvenhurst Ave., San Fernando Valley Airport.	7550 Hayvenhurst Ave., San Fernando Valley Airport.	(G)
Colorado	Denver	C.A.A. District Office Bldg., Stapleton Airfield.	C.A.A. District Office Bldg., Stapleton Airfield.	(G) (C)
	Grand Junction	Walker Field	P. O. Box 1046	(G)
Idaho	Boise	1412 Idaho St	1412 Idaho St.	(G)
Montana	Billings	Administration Bldg. (Second Floor), Municipal Airport.	P. O. Box 1068	(G)
	Helena	Municipal Airport	P. O. Box 1107	(C)
	Las Vegas	Administration Bldg., McCarran Field.	P. O. Box 1732	(G) (C)
Nevada	Reno	328 Gazette Bldg.	P. O. Box 490	(G)
New Mexico	Albuquerque	2029 Yale Blvd. SE	P. O. Box 2507	(C) (E) (G)
Oregon	Medford	Municipal Airport	P. O. Box 812	(G)
	Portland	Service Office Bldg., 3410 Northeast Marine Dr.	Service Office Bldg., 3410 Northeast Marine Dr., Portland 13.	(E)
Utah	Salt Lake City	Municipal Airport No. 1	Municipal Airport No. 1, Salt Lake City 3.	(G)
Washington	Seattle	CAA Bldg., Boeing Field	P. O. Box 18, Seattle 8	(C) (F) (G)
	do		P. O. Box 17, Seattle 8	(E)
	Spokane	Administration Bldg., Felts Field.	P. O. Box 247, Parkwater Station.	(G)
	Yakima	2300 West Washington Ave.	2300 West Washington Ave.	(G)
Wyoming	Cheyenne	Municipal Airport, 3801 Evans Ave.	Box 2095, Airport Station	(G)

REGION II—Continued

State	City	Location	Mailing address	Specialty
Georgia	Miami	International Airport	P. O. Box 226, International Airport Branch Miami 48.	(C) (E) (G)
	Tampa	Peter O. Knight Airport	P. O. Box 2124	(G)
	Atlanta	Bldg. No. 3, Municipal Airport.	P. O. Box 108, Municipal Airport.	(C)
	do	Gordon Rd., Fulton County Airport.	3669 Gordon Rd.	(G) (C)
Louisiana	New Orleans	New Orleans Airport	P. O. Box 8068, Gentilly Branch, New Orleans Airport.	(G) (C)
	Shreveport	Administration Bldg., Downtown Airport.	P. O. Box 86, Down Town Airport.	(G)
Mississippi	Jackson	Army Air Base	P. O. Box 1727	(G)
North Carolina	Charlotte	1315 Independence Bldg.	P. O. Box 508	(G)
	Raleigh	500-507 Commercial Bldg.	P. O. Box 1878	(G)
	Winston-Salem	Terminal Bldg., Smith Reynolds Airport.	Terminal Bldg., Smith Reynolds Airport.	(C)
Oklahoma	Bethany	Tinkers Airport	Care Douglas Logan and Engineering Co., P. O. Box 178.	(F)
	Oklahoma City	Municipal Airport	P. O. Box 5158, Farley Station.	(G)
	Tulsa	do	P. O. Box 9180	(G)
South Carolina	Columbia	Capital Airport	P. O. Box 308, West Columbia	(G)
Tennessee	Memphis	288 Winchester	P. O. Box 7097	(G)
	Nashville	Berry Field	Berry Field	(G)
Texas	Amarillo	Rick Husband International Airport.	P. O. Box 2095	(G) (C)
	Brownsville	Brownsville International Airport.	Administration Bldg., International Airport.	(G) (F)
	Dallas	Room 211, Terminal Bldg., Love Field.	Room 211, Terminal Bldg., Love Field.	(C)
	do	Room 244, Terminal Bldg., Love Field.	Room 244, Terminal Bldg., Love Field.	(C)
	Fort Worth	Meacham Field	P. O. Box 1000, Meacham Field	(C)
	do	General Aircraft Corp.	P. O. Box 2505	(C)
	Garland	Temco Aircraft Corp., Garland Plant.	P. O. Box 397	(E)
	Hurst	Bell Aircraft Corp.	Care Bell Aircraft Corp., P. O. Box 482, Fort Worth Guard	(F)
	Houston	Second Floor, National Guard Hangar, Municipal Airport.	Second Floor, National Guard Hangar, Municipal Airport.	(G)
	do	Room 204, Administration Bldg.	P. O. Box 12087	(C)
	Midland	Municipal Air Terminal	P. O. Box 1965, Terminal, Texas.	(G) (C)
	San Antonio	International Airport	International Airport	(G)

REGION III

State	City	Location	Mailing address	Specialty
Illinois	Chicago	6013 South Central Ave.	6013 South Central Ave., Chicago 38.	(C)
	do	Du Page County Airport, St. Charles.	P. O. Box 337, West Chicago	(G) (E)
Indiana	Springfield	Capital Airport	P. O. Box 167	(C)
	Indianapolis	Allison Bldg., West Cook Municipal Airport.	Administration Bldg., West Cook Municipal Airport.	(G) (C)
Iowa	South Bend	Bendix Field	Bendix Field	(G)
	Cedar Rapids	Administration Bldg., Municipal Airport.	P. O. Box 1507	(G)
	Des Moines	228 Administration Bldg., Municipal Airport.	228 Administration Bldg., Municipal Airport.	(G)
Kansas	Dodge City	Municipal Airport	P. O. Box 550	(C) (E) (G)
	Kansas City	Third Floor, Administration Bldg., Fairfax Airport.	Third Floor, Administration Bldg., Fairfax Airport.	(G)
	Wichita	Third Floor, Tower Bldg., New Municipal Airport.	P. O. Box 2297, West Wichita Station, Wichita 1.	(F)
	do	Beech Aircraft Corp.	Care Beech Aircraft Corp.	(F)
	do	Cessna Aircraft Co.	Cessna Aircraft Co.	(F)
Michigan	Grand Rapids	Kent County Airport	Kent County Airport	(G)
	Detroit	Administration Bldg., Detroit-Wayne Major Airport, Inkster.	Administration Bldg., Detroit-Wayne Major Airport, Inkster.	(F)
	Muskegon	Continental Aviation & Engineering Corp.	P. O. Box 538	(F)
Minnesota	Minneapolis	Administration Bldg., Wold-Chamberlain Field.	Box 1, Administration Bldg., Wold-Chamberlain Field.	(G)
	do	6305 34th Ave. S., Wold-Chamberlain Field.	6305 34th Ave. S., Wold-Chamberlain Field.	(C) (E)

REGION V

Alaska	Anchorage	Communications Bldg., Merrill Field.	P. O. Box 440	(G)
	do	Anchorage International Airport Terminal Bldg., Ramp Level.	P. O. Box 440	(C)
	Fairbanks	Wien Alaska Airlines Hangar, Fairbanks Airport.	P. O. Box 510	(C) (G)
	Juneau	McKinley Bldg	P. O. Box 2449	(C) (G)

2. Section 27 (b) and (c) as published on April 10, 1954, in 19 F. R. 2106 and 2107, is revised as follows:

SEC. 27. *International District and Field Offices.* • • •

(b) *Locations and areas of responsibility of CAA International District Offices.*

Location	Mail address	Areas of responsibility
Fort Worth, Tex., Bldg. 1, Room 103, Second Regional Office.	P. O. Box 1689	Mexico.
Kansas City, Kans., Administration Bldg., Rooms 310-313, Fairfax Airport.	Administration Bldg., Fairfax Airport.	No geographical area assigned.
Miami, Fla., 656 East Dr., Miami Springs, Fla.	P. O. Box 234, International Airport, Miami 48.	Bahama Islands, Cuba, Jamaica, Guatemala, El Salvador, Honduras, British Honduras, Nicaragua, Costa Rica, Colombia (Barranquilla and Cartagena only).
Minneapolis, Minn., 6201 34th Ave. S., Wold-Chamberlain Field.	6355 34th Ave. S., Wold-Chamberlain Field.	Western Canada.
New York, N. Y., Federal Bldg., N. Y. International Airport, Jamaica, Long Island, N. Y.	Federal Bldg., New York International Airport, Jamaica, Long Island, N. Y.	Iceland, Eastern Canada, Newfoundland, Labrador, Bermuda, Azores,[1] Dakar, Liberia,[1] Accra,[1] Leopoldville,[1] Johannesburg.[1]
San Francisco, Calif., Rooms 101-107, International Terminal Bldg., International Airport, South San Francisco.	Room 101, International Terminal Bldg., International Airport, South San Francisco.	Solomons, New Guiana, New Zealand, Samoa, New Hebrides, Tuamotu, Australia, Fiji Islands, New Caledonia, Norfolk Island.

[1] Primary operational coverage.

(c) *Locations and areas of responsibility of CAA International Field Offices.*

Location	Mail address	Areas of responsibility
Bangkok, Thailand, U. S. Embassy, 95 Wireless Road.	Care U. S. Embassy, Bangkok	Thailand, Malay States, French Indo-China, Burma, India,[1] Pakistan.[1]
Beirut, Lebanon, American Embassy No. 7.	Care American Embassy	Iran, Trans-Jordan, Saudi Arabia, Yemen, Pakistan,[1] India,[1] Egypt, Sudan, Eritrea, Ceylon, Ethiopia, Libya, French Somaliland, British Somaliland, Uganda, Kenya, Tanganyika, Aden, Afghanistan.
Buenos Aires, Argentina Florida 935, 2°	Care U. S. Embassy, Avda. R. S. Pena 567.	Argentina, Uruguay, Paraguay, Chile.
Lima, Peru, CORPAC Terminal Bldg., Limatambo Airport.	Care U. S. Embassy	Peru, Bolivia, Ecuador, Colombia (except Barranquilla and Cartegana), Panama, Canal Zone.
London, England, U. S. Embassy, No. 1 Grosvener Sq., London, W.1.	Care U. S. Embassy	Sweden, Norway, Denmark, Finland, Netherlands, Great Britain, Ireland, Austria, Yugoslavia, Belgium, Germany.
Manila, P. I., Embassy Compound, Quonset No 3.	Care U. S. Embassy, A. P. O. 928, care Postmaster, San Francisco, Calif.	Philippine Islands, Celebes, Borneo, Java, Sumatra, Formosa, Hong Kong, Guam, Marianas, Marcus Island.
Paris, France, Room 321, Embassy F, 1 Rue de Poesbourg, United States Embassy.	A. P. O. 230, care Postmaster, New York, N. Y.	Sicily, France, Algeria, Corsica, Portugal, Italy, Sardinia, Spain, Switzerland, Tunisia, Morocco (French-Spanish), Israel, Luxembourg, Tangier, Greece.
Rio de Janiero, Brazil, United States Embassy, Av. Presidente Wilson 147, Room 411.	Care U. S. Embassy	Brazil.
San Juan, P. R., Isla Grande Airport.	P. O. Box 4764	Haiti, Dominican Republic, Puerto Rico, Virgin Islands, Lesser Antilles, Netherlands West Indies, Venezuela, British Guiana, French Guiana, Surinam.
Tokyo, Japan, American Embassy Annex, Room 206, Mantetsu Bldg., No. 2, Akasaka Aoi-cho, Minato-ku.	Care American Embassy, A. P. O. 500, care Postmaster, San Francisco, Calif.	Japan, Korea, Kurile Islands, Okinawa, Volcano Islands.

[1] Shared with Beirut IFO by agreement.

This notice shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-7117; Filed, Sept. 13, 1954; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1630]

GENERAL DYNAMICS CORPORATION

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of September A. D. 1954.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in General Dynamics Corporation, Common Stock, $3 Par Value.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $3 Par Value, of General Dynamics Corporation, a security listed and registered on the New York Stock Exchange and on the San Francisco Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 29, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-7176; Filed, Sept. 13, 1954; 8:49 a. m.]

[File No. 54-191]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

MEMORANDUM OPINION AND SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEE AND EXPENSES FOR LEGAL SERVICES

SEPTEMBER 8, 1954.

On May 14, 1954, the Commission issued an order for hearing (Holding Company Act Release No. 12496) with respect to certain applications for fees and expenses rendered in connection with various proceedings, including the above-entitled matter, involving the reorganization of Standard Power and Light Corporation ("Standard Power"), a registered holding company, and its subsidiary companies pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935. Among the applications noticed for hearing was that of Gates, Levitt & Notkins ("Notkins"), who requested a fee allowance of $30,000 and reimbursement of expenses in the amount of $956.53 for legal services rendered as counsel for certain common stockholders of Standard Power in connection with the settlement of various intercompany claims between Standard Power and its subsidiary, Standard Gas and Electric Company, also a registered holding company.

An adjourned hearing was held in New York City on July 13, 1954, with respect to the Notkins application, at which Marvin M. Notkins, a member of the firm, testified in support of the application. He was cross-examined by counsel for Standard Power and by counsel for our Division of Corporate Regulation. After the hearing was closed,

Notkins reached an agreement with Standard Power to settle his firm's claim for a fee of $7,500 plus $956.53 in reimbursement of expenses, and on September 1, 1954, the firm filed an amended application requesting our approval of such agreement. Standard Power has filed a supplemental statement confirming the agreement and expressing its willingness to pay the amounts stipulated therein in full settlement of all claims of the firm for compensation and reimbursement of expenses for services rendered in the proceedings.

We have reviewed the record with respect to this application and are of the opinion that the amounts agreed upon are not unreasonable and are for necessary services, that an order should be entered approving and directing the payment thereof, and that the jurisdiction heretofore reserved with respect to such fee and expenses should be released.

It is therefore ordered, That the application, as amended, for an allowance for services and reimbursement of expenses filed by Gates, Levitt & Notkins be, and hereby is, approved, and Standard Power and Light Corporation is directed to pay the amounts hereinabove specified.

It is further ordered, That the jurisdiction heretofore reserved with respect to the fee and expenses of Gates, Levitt & Notkins be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7175; Filed, Sept. 13, 1954; 8:49 a. m.]

[File No. 70-3284]

UTAH POWER & LIGHT CO.

ORDER AUTHORIZING BANK BORROWINGS

SEPTEMBER 8, 1954.

Utah Power & Light Company ("Company"), a registered holding company which is also a public-utility operating company, has filed a declaration and an amendment thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), regarding the following proposed transactions:

Pursuant to a Credit Agreement to be made with seventeen lending banks, the Company proposes to borrow not to exceed $20,000,000 during the period ending August 31, 1955. Under the terms of the Agreement, the Company will borrow from said banks from time to time during the period as its construction program requires, such borrowings to be evidenced by notes payable on October 1, 1955, with the right of prepayment in whole or in part at any time. The notes will bear interest at the prime commercial rate of The Chase National Bank of the City of New York at the time each loan is made.

The proceeds from these bank loans, together with other available cash, will be used to carry on (but will not be sufficient to complete) the 1954–1955 construction program of the Company and its wholly owned subsidiary The Western Colorado Power Company, which program will require, according to present estimates, approximately $25,300,000 in 1954 and $21,900,000 in 1955. It is the Company's intention to issue and sell, during the second half of 1955, such additional securities as may be required to provide funds for paying the bank loans and financing in part the remainder of the 1955 program, maintaining approximately the present debt-equity ratio.

The Idaho Public Utilities Commission, the regulatory commission of one of the three States in which the Company operates, has approved the proposed borrowings. In the opinion of the Company's counsel, no other State commission nor any Federal commission other than this Commission has jurisdiction in the premises.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7173; Filed, Sept. 13, 1954; 8:48 a. m.]

[File No. 70-3291]

MIDDLE SOUTH UTILITIES, INC.

NOTICE OF FILING PURSUANT TO RULE U-23 CONCERNING ISSUANCE AND SALE OF COMMON STOCK PURSUANT TO RIGHTS OFFERING

SEPTEMBER 8, 1954.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

Middle South proposes to issue and sell, without an underwriting 475,000 additional shares of its authorized but unissued $10 par value common stock pursuant to a rights offering to its stockholders on the basis of one share of additional common stock for each 15 shares held as of the record date, at a price to be fixed prior to the offering. The additional shares are to be offered to stockholders of record at the close of business on September 22, 1954. The subscription period will expire at 3:30 p. m., New York time, on October 8, 1954. The subscription rights will be evidenced by transferable warrants to be mailed September 23, 1954, which will afford the holder the privilege of subscribing for one new share for each 15 shares held ("primary rights") and of subscribing, subject to allotment, for such additional number of shares as the warrant holder may elect ("additional rights"). No fractional shares will be issued. If a holder of record on September 22, 1954 receives a warrant which is for a number of shares not evenly divisible by 15, such holder will be entitled to purchase one full share with the primary rights which are either in excess of a multiple of 15 or which total less than 15, such privilege, however, to be non-transferable. Should there be insufficient shares to fill all subscriptions under the primary rights, subscriptions will first be filled on the basis of 15 primary rights and exact multiples thereof, then on the basis of 14 primary rights, then on the basis of 13 primary rights, and then successively on the basis of 12, 11 and so on to one primary right, in that order. Should it be possible to fill some but not all subscriptions in any one of these groups, subscriptions will be filled in the order of their receipt.

Additional rights under a warrant may be exercised only if all full shares possible have been subscribed for pursuant to the primary rights represented by such warrant. In the event that the aggregate number of shares subscribed for by all warrant holders exceeds 475,000 shares, the number of shares remaining after providing for the issuance of shares subscribed for pursuant to the primary rights will be alloted pro rata as nearly as practicable among warrant holders exercising additional rights in accordance with the respective number of shares subscribed for my such holders pursuant to primary rights.

Warrants issued to common stockholders whose addresses are outside the continental United States or Canada will not be mailed but will be held by the agent for their accounts until 12:00 o'clock noon, New York time, October 7, 1954, when, if no instructions are received, they will be sold to the extent practicable, together with warrants sent to other stockholders and returned unclaimed. The net proceeds from any such sales are to be held for the account of such stockholders.

The declaration states that the proceeds from the proposed sale of stock will be used by Middle South to repay the $12,000,000 which has been borrowed and is outstanding under its credit agreement dated May 12, 1952, with five banks. If such proceeds should not be sufficient for such purpose, they will be applied toward the partial repayment of such $12,000,000 or to the extent that they are more than sufficient, will be used for other corporate purposes.

Notice is further given that any interested person may, not later than September 21, 1954, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should

be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after September 21, 1954, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file at the offices of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7174; Filed, Sept. 13, 1954; 8:49 a. m.]

[File No. 70-3292]

METROPOLITAN EDISON CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

SEPTEMBER 8, 1954.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Metropolitan Edison Company ("Meted") a public utility subsidiary of General Public Utilities Corporation, a registered holding company. Applicant has designated the third sentence of section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Meted proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of First Mortgage Bonds, -- Percent Series, due 1984. The bonds will be issued under and secured by the company's Mortgage Indenture dated November 1, 1944, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated October 1, 1954.

The application states that the net proceeds from the sale of the bonds will be used to redeem $8,000,000 principal amount of First Mortgage Bonds 3⅞ percent Series due 1983; $3,600,000 will be applied to the prepayment of the principal of the Company's presently outstanding 3 percent notes due December 30, 1954; and the balance will be applied against the cost of Meted's construction program, it being represented in the filing that this construction program will require approximately $17,000,000 for the year 1954.

The filing states that authority to issue and sell the bonds is being sought from the Pennsylvania Public Utility Commission. The filing further states that no other State and no Federal regulatory body, other than Securities and Exchange Commission, has jurisdiction in the premises.

Meted proposes to amortize over the remainder (approximately 29 years) of the original life of the 1983 Series Bonds that portion of the call premium arising from the redemption of such bonds which remains after charging to income the portions of the call premium equal to the estimated reduction in Federal and Pennsylvania income taxes attributable thereto. The total amount of the call premium (exclusive of accrued interest) as at the expected redemption date is $336,000, the amount to be charged to income is estimated at approximately $166,000, and the amount to be amortized is estimated at approximately $170,000. The filing expressly provides that in the event the Commission determines not to exercise any jurisdiction it may have over the proposed accounting treatment for the transactions which are the subject of this application "• • • the Company • • • consents to the nonexercise of jurisdiction with respect to such accounting."

Meted estimates that fees and expenses to be paid by the company applicable to the proposed issuance and sale of bonds will aggregate $76,000, including printing and engraving in the amount of $27,000 and legal fees and expenses of $12,000.

Notice is further given that any interested person may, not later than September 23, 1954, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after September 23, 1954, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7172; Filed, Sept. 13, 1954; 8:48 a. m.]

[File No. 811-75]

PLYMOUTH FUND, INC.

NOTICE OF MOTION TO TERMINATE REGISTRATION

SEPTEMBER 8, 1954.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") that Plymouth Fund, Inc., a registered investment company, has ceased to be an investment company.

The Commission has been advised that Plymouth Fund, Inc. has been dissolved, that all of the assets have been liquidated, that all liabilities have been paid, and that all of the proceeds have been distributed to stockholders except $383.31 which is being held in a Distribution Account by the Trust Company of New Jersey, 35 Journal Square, Jersey City, New Jersey, for stockholders who have not yet surrendered their stock for final liquidation payment.

All interested persons are referred to File No. 811-75 which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that any interested person may, not later than September 24, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may, acting on its own motion declare that Plymouth Fund, Inc., has ceased to be an investment company, by order as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7171; Filed, Sept. 13, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29659]

GRAIN FROM MINNEAPOLIS, MINN., AND POINTS GROUPED THEREWITH TO OMAHA, NEBR., AND POINTS TAKING SAME RATES

APPLICATION FOR RELIEF

SEPTEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for the Chicago Great Western Railway Company and Fort Dodge, Des Moines and Southern Railway Company.

Commodities involved: Grain, grain products and related articles, carloads.

From: Minneapolis, Minn., and points taking same rates.

To: Omaha, Nebr., and points taking same rates.

Grounds for relief: Rail competition, and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3866, supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed

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to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7163; Filed, Sept. 13, 1954; 8:47 a. m.]

[4th Sec. Application 29660]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM COLUMBUS, IND., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules listed below.

Commodities involved: Fresh meats and packing house products, carloads.

From: Columbus, Ind.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4510, supp. 54: H. R. Hinsch, Agent, I. C. C. No. 4367, supp. 65.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7164; Filed, Sept. 13, 1954; 8:47 a. m.]

[4th Sec. Application 29661]

SUPERPHOSPHATE FROM THE SOUTHWEST TO WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate) other than ammoniated or defluorinated, in bulk, carloads.

From: Points in southwestern territory.

To: Points in western trunk-line territory.

Grounds for relief: Rail competition, circuity, market competition, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4112, supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7165; Filed, Sept. 13, 1954; 8:47 a. m.]

[4th Sec. Application 29662]

SULPHURIC ACID FROM LITTLE ROCK AND NORTH LITTLE ROCK, ARK., TO MOBILE, ALA., GULFPORT AND OTHER POINTS IN MISSISSIPPI

APPLICATION FOR RELIEF

SEPTEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Little Rock and North Little Rock, Ark.

To: Mobile, Ala., Gulfport, Miss., and other points in Mississippi.

Grounds for relief: Competition with rail carriers, circuity, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3908, supp. 203.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7166; Filed, Sept. 13, 1954 8:47 a. m.]

[4th Sec. Application 29663]

LUMBER FROM LOUISIANA TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

SEPTEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber and related articles, carloads.

From: Points in Louisiana (west of Mississippi River).

To: Louisville, Ky.

Grounds for relief: Competition with rail carriers, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3948, supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7167; Filed, Sept. 13, 1954; 8:47 a. m.]

Room

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 19 NUMBER 179

Washington, Wednesday, September 15, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10561

DESIGNATING OFFICIAL PERSONNEL FOLDERS IN GOVERNMENT AGENCIES AS RECORDS OF THE CIVIL SERVICE COMMISSION AND PRESCRIBING REGULATIONS RELATING TO THE ESTABLISHMENT, MAINTENANCE, AND TRANSFER THEREOF

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (5 U. S. C. 631), and by the Civil Service Act of January 16, 1883 (22 Stat. 403), and as President of the United States, it is ordered as follows:

1. As used herein, the term "agency" shall mean any executive department or independent establishment of the Federal Government, including a corporation wholly owned or controlled by the United States, and, with respect to positions subject to the Civil Service Rules and Regulations, it shall also mean the legislative and judicial branches of the Federal Government and the government of the District of Columbia.

2. Each agency shall establish and maintain a separate Official Personnel Folder for each of its employees who is employed under the Civil Service Rules and Regulations. Each such folder shall be under the jurisdiction and control, and shall be a part of the records, of the United States Civil Service Commission (hereinafter referred to as the Commission). Each such folder shall include the records required to be kept by the Civil Service Commission under subparagraph eighth of paragraph second of section 2 of the Civil Service Act, namely: the notice given in writing by the appointing agency to the Commission of the persons selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations, and removals, and of the dates thereof. Each such folder shall also include such additional records as are or may be prescribed by the Commission.

3. Records similar to those specified in paragraph 2 hereof with respect to employees outside the competitive service shall be kept in Official Personnel Folders by all departments and independent establishments of the executive branch of the Government, including corporations wholly owned or controlled by the United States.

4. The Commission is hereby authorized to prescribe regulations, not inconsistent with this order, governing the establishment, content, maintenance, and transfer among agencies, of the Official Personnel Folders relating to any employees to which this order is applicable.

5. To the extent necessary to carry out the provisions of this order, the Commission may delegate to the heads of agencies any authority of the President conferred upon it by this order.

6. Executive Order No. 9784 of September 25, 1946, entitled "Providing for the More Efficient Use and for the Transfer and Other Disposition of Government Records", is hereby revoked; and all provisions of other prior Executive orders which are inconsistent with this order are hereby modified to the extent of such inconsistency.

7. This order shall become effective sixty days after the date hereof, or at such earlier time as the Commission may designate.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 13, 1954.

[F. R. Doc. 54-7298; Filed, Sept. 14, 1954; 11:57 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter A—General Regulations and Policies

PART 502—STATEMENT OF POLICY REGARDING OPERATIONS OF SPECIAL SCHOOL MILK PROGRAM UNDER SECTION 201 (c) OF THE AGRICULTURAL ACT OF 1949, AS AMENDED

Regulations are hereby issued for the operation of a Special School Milk Program, pursuant to the authority contained in section 201 (c) of the Agricultural Act of 1949, as amended by Public Law 690, 83d Congress.

Sec.
502.101 General purpose and scope.
502.102 Administration.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 7: Parts 210–899 ($2.25)

Title 19, Revised 1953 ($5.00)

Title 32A, Revised Dec. 31, 1953 ($1.50)

Title 46: Part 146 to end ($6.50)

Previously announced: Title 3, 1953 Supp. ($1.50); Titles 4–5 ($0.60); Title 6 ($2.00); Title 7: Parts 1–209, Revised 1953 ($7.75); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.50); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($1.25); Part 400 to end ($0.50); Title 15 ($1.25); Title 16 ($1.00); Title 17 ($0.50); Title 18 ($0.45); Title 20 ($0.70); Title 21 ($1.50); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Title 26: Parts 1–79, Revised 1953 ($7.75); Parts 80–169 ($0.50); Parts 170–182 ($0.75); Parts 183–299, Revised 1953 ($5.50); Part 300 to end, and Title 27 ($1.00); Titles 28–29 ($1.25); Titles 30–31 ($1.00); Title 32: Parts 1–699 ($1.75); Part 700 to end ($2.25); Title 33 ($1.25); Titles 35–37 ($0.70); Title 38 ($2.00); Title 39 ($2.00); Titles 40–42 ($0.50); Title 43 ($1.75); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.35); Titles 47–48, Revised 1953 ($7.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.65); Parts 91–164 ($0.45); Part 165 to end ($0.60); Title 50 ($0.55)

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CODIFICATION GUIDE

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Sec
502.103 Use and advance of funds to States.
502.104 Agreements with State educational agencies.
502.105 Agreements with private schools.
502.106 General requirements for participation.
502.107 Miscellaneous provisions.
502.108 Program information.
502.109 Effective date.

AUTHORITY: §§ 502.101 to 502.109 issued under sec. 4, 68 Stat. 1070; 15 U. S. C. 714b. Interpret or apply sec. 201, 63 Stat. 1052, sec. 204, Pub. Law 690, 83d Cong., 7 U. S. C. 1446.

§ 502.101 *General purpose and scope.* This part announces the policies and prescribes the general regulations with respect to the operation of the Special School Milk Program under section 201 (c) of the Agricultural Act of 1949, as amended, and sets forth the general requirements for participation in the program. The pertinent part of section 201 (c) reads as follows: "Beginning September 1, 1954 and ending June 30, 1956, not to exceed $50,000,000 annually of funds of the Commodity Credit Corporation shall be used to increase the consumption of fluid milk by children in non-profit schools of high school grade and under."

§ 502.102 *Administration.* Within the United States Department of Agriculture, the Agricultural Marketing Service, hereinafter referred to as AMS, will be responsible for administration of the Special School Milk Program and will act for and on behalf of the Commodity Credit Corporation, hereinafter referred to as CCC. Responsibility for the administration of the program in schools within the various States, including the District of Columbia, will be delegated to State educational agencies. In the event that the laws of any State prohibit the State educational agency from disbursing funds to private schools, AMS will administer the program in private schools in such States.

§ 502.103 *Use and advance of funds to States.* (a) Funds available under the Special School Milk Program will be used to reimburse schools in connection with the cost of additional milk served to children in the school.

(b) AMS will make an equitable distribution among participating States of the funds available and will advance such funds to States on a quarterly basis. A portion of the funds made available under this program to any State unable to disburse funds to private schools will be reserved by AMS for direct disbursement to private schools within such States.

§ 502.104 *Agreements with State educational agencies.* State educational agencies will enter into agreements with CCC, which agreements will set forth the conditions and methods under which the State will agree to accept and expend funds made available to it under the Special School Milk Program. Such agreements must meet minimum requirements established by AMS.

§ 502.105 *Agreements with private schools.* In those States where AMS will administer the program in private schools, CCC will enter into an agreement with such private schools, describing the conditions under which AMS will reimburse the school in connection with the cost of additional milk served to children in the school.

§ 502.106 *General requirements for participation.* (a) Any nonprofit school of high school grade and under is eligible to apply for participation in the Special School Milk Program.

(b) To be eligible for reimbursement, schools must agree to:

(1) Conduct a nonprofit operation with respect to the service of food in the school, or the service of milk in the event no food service is maintained by the school.

(2) Make written application for participation and enter into an agreement with the State educational agency or CCC.

(3) Claim reimbursement only for additional milk served in the school in a manner and at a reimbursement rate prescribed by the State educational agency or CCC.

(4) Maintain such records and furnish such reports and documents as are prescribed by the State educational agency or AMS.

§ 502.107 *Miscellaneous provisions*—(a) *Nonprofit school.* "Nonprofit school" means any public school and any private school exempt from income tax under the Internal Revenue Code, as amended.

(b) *Disqualifications and compliance clause.* Any State educational agency or any school participating in the Special School Milk Program may be disqualified by AMS from future participation if it fails to comply with the provisions of the regulations in this part, its agreement with CCC or the State educational agency, or other pertinent rules and regulations. This does not preclude the possibility of other action being taken through other means available where considered necessary by AMS. Fraud in the handling of payment of, or claiming for, reimbursement funds under the Special School Milk Program will be prosecuted under applicable Federal statutes.

(c) *Saving clause.* AMS may waive, withdraw, or amend, at any time, or from time to time, any or all of the provisions of this part.

§ 502.108 *Program information.* Schools desiring information concerning or applying for participation in the Special School Milk Program should make a written request to their State educational agency, except as provided for below:

(a) Private schools in the States of Delaware, Maine, Maryland, New Jersey, Pennsylvania, and West Virginia should make written requests to:

Food Distribution Division, AMS, United States Department of Agriculture, 139 Centre Street, Room 802, New York 13, N. Y.

(b) Private schools in the States of Alabama, Florida, South Carolina, Tennessee, and Virginia should make written requests to:

Food Distribution Division, AMS, United States Department of Agriculture, 50 Seventh Street NE., Room 252, Atlanta, Ga.

(c) Private schools in the States of Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin should make written requests to:

Food Distribution Division, AMS, United States Department of Agriculture, 226 West Jackson Blvd., Room 1412, Chicago 6, Ill.

(d) Private schools in the States of Arkansas and Colorado should make written requests to:

Food Distribution Division, AMS, United States Department of Agriculture, 1114 Commerce Street, Room 1812, Dallas 2, Tex.

(e) Private schools in the States of Arizona, Idaho, Montana, Nevada, Utah, and Washington should make written requests to:

Food Distribution Division, AMS, United States Department of Agriculture, Room 404, Appraisers Bldg., 630 Sansome Street, San Francisco 11, Calif.

§ 502.109 *Effective date.* This part shall become effective immediately upon issuance.

Issued: September 10, 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7234; Filed, Sept. 14, 1954; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 604, Amended]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

ADMINISTRATIVE INSTRUCTIONS MODIFYING REQUIREMENTS FOR MOVEMENT OF COTTONSEED AND COTTONSEED PRODUCTS FROM LIGHTLY INFESTED AREAS

Pursuant to the authority conferred by the second proviso of Pink Bollworm Quarantine No. 52 (7 CFR, 1953 Supp., 301.52), issued under sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161, 162) and section 3 of the Insect Pest Act of March 3, 1905 (7 U. S. C. 143), the Chief of the Plant Pest Control Branch hereby amends administrative instructions appearing as § 301.52a in Title 7,

Code of Federal Regulations (7 CFR, 1953 Supp., 301.52a) to read as follows:

§ 301.52a *Administrative instructions modifying requirements for movement of cottonseed and cottonseed products from lightly infested areas.* (a) Under § 301.52–6 (c) (1) cottonseed produced in any county in any lightly infested area in which the gins are not required to treat cottonseed as a part of the continuous process of ginning may be moved under limited permit to approved oil mills or other approved treating plants either in contiguous lightly infested areas or in nonregulated areas contiguous to the lightly infested area for heat treatment at 150° F. for 30 seconds or for approved fumigation upon arrival at such plants. Such treated seed is then eligible for certification and movement under certificate to any regulated areas or to nonregulated areas.

(b) (1) The Chief of the Plant Pest Control Branch hereby finds that facts exist as to the pest risk involved in the movement of cottonseed and cottonseed products to which § 301.52–6 applies, making it safe to modify by making less stringent the requirements of § 301.52–6. Hereafter, in addition to movement authorized under § 301.52–6 (c) (1), cottonseed produced in any of the lightly infested areas hereinafter designated, in which the gins are not required to treat cottonseed as a part of the continuous process of ginning, may be moved to an approved oil mill or other approved treating plant in any of such lightly infested areas, for storage and subsequent approved heat treatment, approved fumigation, or processing into linters, oil, cottonseed hulls, cottonseed meal, cottonseed cake, or other products, at such approved mill or plant: Counties of Curry, De Baca, Lea, Quay, and Roosevelt in New Mexico; all of the counties in the regulated area of Oklahoma; and all of the counties in Texas in which the gins are not required to treat cottonseed as a part of the continuous process of ginning. As a condition of such movement all motes and unginned grabbots produced from such untreated cottonseed shall be either fumigated, given other approved treatment, or destroyed by burning.

(2) The following cottonseed and cottonseed products originating in the above designated counties, which have been segregated from untreated cottonseed and contaminated cottonseed products and kept free from any other source of contamination, may be moved from those counties under certificates as prescribed in this subparagraph:

(i) Cottonseed that has been given approved heat treatment or approved fumigation, linters and cottonseed hulls that have been given approved treatment, and cottonseed meal and cake may be certified and moved to any destination;

(ii) All linters produced from untreated cottonseed may be certified and moved for processing to any destination within the regulated areas of New Mexico, Oklahoma, or Texas, or to any noncotton producing state, or to approved cellulose plants at any location.

(3) All cottonseed hulls produced from untreated cottonseed may be certified and moved for consumption or utilization to any destination within the regulated areas of New Mexico, Oklahoma, or Texas, or to any noncotton producing state.

(4) All cottonseed meats (whole cottonseed from which the hulls or outer coverings have been removed) produced from untreated cottonseed may be certified and moved for further processing to any approved mill within the regulated areas of New Mexico, Oklahoma, or Texas.

The purposes of this amendment are to extend the Texas area within which shall be effective the less stringent requirements under the Pink Bollworm Quarantine for movement of certain cottonseed and cottonseed products, and to authorize limited movement of cottonseed meats. In order to be of maximum benefit to producers and shippers of such cottonseed and products in the new areas involved, the amended instructions should be made effective as soon as possible. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure concerning the amendment of the instructions are impracticable and unnecessary. The amendment relieves restrictions and thus may be made effective under said section 4 less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161)

This amendment shall become effective September 15, 1954, when it shall supersede 7 CFR, 1953 Supp., 301.52a, effective November 17, 1953.

Done at Washington, D. C., this 9th day of September 1954.

[SEAL] W. L. POPHAM,
Chief, Plant Pest Control Branch.

[F. R. Doc. 54–7209; Filed, Sept. 14, 1954; 8:46 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Avocado Order 2, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 15, 1954. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information concerning the necessity for revising the current maturity regulation, as hereinafter set forth, was not available to the Avocado Administrative Committee until September 8, 1954; determinations as to the need for, and the extent of, such revision was made by the committee on September 8, 1954, after consideration of all available information relative to the time of bloom and growing conditions for such avocados, at which time the recommendations and supporting information for the revision of such regulation was submitted to the Department; the provisions of this amendment are identical with the aforesaid recommendations of the committee and information concerning such provisions have been disseminated among the handlers of avocados; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Order, as amended. It is, therefore, ordered, as follows: The provisions in paragraph (b) (1) of § 969.302 (Avocado Order 2; 19 F. R. 4861) as pertains to the variety Booth 8, in columns 2, 3, and 4, respectively, of the table contained therein, are hereby amended to read as follows:

(1) Variety	(2) Beginning date	(3) Minimum weight in ounces	(4) Ending date
Booth 8	Sept. 15, 1954	14	Sept. 27, 1954
Booth 8	Sept. 27, 1954	12	Oct. 10, 1954

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., September 15, 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U S C 608c)

Dated: September 10, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–7265; Filed, Sept. 14, 1954; 9:12 a. m.]

[Avocado Order 3, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 15, 1954. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information concerning the necessity for revising the current maturity regulation, as hereinafter set forth, was not available to the Avocado Administrative Committee until September 8, 1954; determinations as to the need for, and the extent of, such revision was made by the committee on September 8, 1954, after consideration of all available information relative to the time of bloom and growing conditions for such avocados, at which time the recommendations and supporting information for the revision of such regulation was submitted to the Department; the provisions of this amendment are identical with the aforesaid recommendations of the committee and information concerning such provisions have been disseminated among the handlers of avocados; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Order, as amended. It is, therefore, ordered as follows: The provisions in paragraph (b) (1) of § 969.303 (Avocado Order 3; 19 F. R. 5469) as pertains to the variety Lulu in Columns 2, 3, and 4, respectively, of the table contained therein, are hereby amended to read as follows:

(1) Variety	(2) Beginning date	(3) Minimum weight in ounces	(4) Ending date
Lulu	Oct. 18, 1954	16	Nov. 1, 1954

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., September 15, 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 10, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–7266; Filed, Sept. 14, 1954; 9:12 a. m.]

[Avocado Order 4]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

§ 969.304 *Avocado Order 4*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 15, 1954. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until September 8, 1954; determinations as to the time of maturity of the varieties of avocados covered by this section were made at the meeting of said committee on September 8, 1954, after consideration of all available information relative to the time of bloom and growing conditions for such avocados, at which time the recommendations and supporting information for maturity regulation was submitted to the Departments; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) After the effective date of this section, no handler shall handle (i) any variety of avocados listed in column 1 of the following table prior to 12:01 a. m., e. s. t., of the date listed for the respective variety in column 2 of such table; (ii) during the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in column 2 of such table to 12:01 a. m., e. s. t., of the date listed for the respective variety in column 4 of such table, no handler shall handle any avocados which weigh less than the ounces specified for the respective variety in column 3 of such table: *Provided*, That not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh not to exceed 2 ounces less than the ounces specified for the respective variety in column 3 of such table; such tolerance (percentage) to be on a lot basis, and not to exceed double such tolerance shall be permitted for an individual container in a lot if the entire lot is within the tolerance.

(1) Variety	(2) Beginning date	(3) Minimum weight in ounces	(4) Ending date
Fairchild	Sept. 15, 1954	16	Sept. 20, 1954
Nirody	Sept. 20, 1954	16	Oct. 1, 1954
Vaca	Oct. 6, 1954	14	Oct. 20, 1954
Nelson	Oct. 25, 1954	14	Nov. 8, 1954
Avon	Nov. 1, 1954	12	Nov. 15, 1954

(2) After the effective time of this section, no handler shall handle any variety of avocados listed in column 1 of the following table prior to 12:01 a. m., e. s. t., of the date listed for the respective variety in column 2 of such table:

Variety:	*Beginning date*
Black Prince	Oct. 1, 1954
Rue	Oct. 1, 1954
Simpson	Oct. 1, 1954
Booth 5	Oct. 15, 1954
Collin Red	Oct. 15, 1954
Sherman	Oct. 15, 1954
Booth 7–B	Nov. 1, 1954
Booth 10	Nov. 1, 1954
Booth 11	Nov. 1, 1954
Blakeman	Nov. 1, 1954
Winslowson	Nov. 1, 1954
Blair	Nov. 15, 1954
Dunedin	Nov. 15, 1954
Linda	Dec. 1, 1954
Eagle Rock	Feb. 1, 1955
McDonald	Feb. 1, 1955
Schmidt	Feb. 1, 1955

(3) The varieties of avocados set forth in subparagraphs (1) and (2) of this paragraph are hereby excluded from regulation under paragraph (b) (5) of § 969.301 (Avocado Order 1, as amended; 19 F. R. 4601).

(c) *Effective time.* The provisions of this section shall become effective at 12:01 a. m., e. s. t., September 15, 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 10, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7267; Filed, Sept. 14, 1954; 9:12 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6169]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LA MARR PORTRAIT CO.

Subpart—*Misrepresenting oneself and goods*—Goods: § 3.1680 *Manufacture or preparation;* § 3.1735 *-Sample, offer, or order conformance;* [*Misrepresenting oneself and goods*]—prices: § 3.1825 *Usual as reduced or to be increased.* Subpart—*Neglecting, unfairly or deceptively to make material disclosure:* § 3.1875 *Non-standard character of product.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2060 *Sample, offer or order conformance;* § 3.2070 *Special offers, savings and discounts.* In connection with the offering for sale, sale, and distribution in commerce of photographic enlargements or frames: (1) Representing, directly or by implication, (a) that said enlargements are finished or painted by hand or in oil, unless such is the fact; (b) that said enlargements are equal in appearance, quality, workmanship, or in any other respect to samples exhibited, unless such is the fact; and (c) that any price is a special or reduced price when it is the price at which said enlargements are usually and regularly sold; and (2) concealing from, or failing to disclose to, customers at the time enlargements are ordered that the finished enlargement will be so shaped or designed that it can ordinarily be used only in an odd-style frame which is sold by respondent; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Lamar J. Gore doing business as LaMarr Portrait Company, Hattiesburg, Miss., Docket 6169, June 20, 1954]

In the Matter of Lamarr J. Gore Doing Business as LaMarr Portrait Company

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondent's answer, and a stipulation entered into by counsel supporting the complaint and counsel for respondent which provided that subject to the approval of said examiner, the statement of facts included therein might be taken as the facts in the proceeding and in lieu of evidence in support of or in opposition to the charges in the complaint.

Said stipulation further provided that said examiner might proceed upon such statement of facts to make his initial decision, stating his findings as to the facts, including inferences which might be drawn from the facts stipulated and his conclusion based thereon, and enter his order disposing of the proceeding without the filing of proposed findings or conclusions or the presentation of oral argument, and that if the proceeding should come before the Commission upon appeal from the initial decision of the examiner or by review upon the Commission's own motion, the Commission might, if it so desired, set aside the stipulation and remand the case to the examiner for further proceedings under the complaint.

Thereafter, the stipulation having been approved by said examiner, the proceeding regularly came on for final consideration by him upon the complaint, answer, and stipulation, and said examiner, having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on June 20, 1954.

Said order is as follows:

It is ordered, That the respondent, Lamar J. Gore, an individual doing business as LaMarr Portrait Company, or under any other name, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of photographic enlargements or frames, do forthwith cease and desist from:

1. Representing, directly or by implication,

(a) That said enlargements are finished or painted by hand or in oil, unless such is the fact.

(b) That said enlargements are equal in appearance, quality, workmanship, or in any other respect to samples exhibited, unless such is the fact.

(c) That any price is a special or reduced price when it is the price at which said enlargements are usually and regularly sold.

2. Concealing from, or failing to disclose to, customers at the time enlargements are ordered that the finished enlargement will be so shaped or designed that it can ordinarily be used only in an odd-style frame which is sold by respondent.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6169, August 26, 1954, which announced fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 26, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-7210; Filed, Sept. 14, 1954; 8:46 a. m.]

[1] Filed as part of the original document.

[File No. 205-2]

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

INTERPRETATION OF "ARTICLE OF WEARING APPAREL" WITH RESPECT TO APPLICABILITY TO SCARFS

This day there came on for further consideration the matter of whether scarfs are "articles of wearing apparel" as that term is used in the Flammable Fabrics Act.

The Commission, after due consideration of the matter, together with all views, arguments and other data, submitted, and being fully advised in the premises, is of the opinion that scarfs are "articles of wearing apparel" as that term is used in the Flammable Fabrics Act.

Issued: September 13, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-7241; Filed, Sept. 14, 1954; 8:53 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System

[No. 7624]

PART 145—OPERATIONS

STOCKS AND SECURITIES; INVESTMENTS IN THE FEDERAL NATIONAL MORTGAGE ASSOCIATION

SEPTEMBER 9, 1954.

Resolved that, pursuant to § 108.11 of the general regulations of the Home Loan Bank Board (24 CFR 108.11), and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), § 145.9 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.9) is hereby amended, effective September 15, 1954, to read as follows:

§ 145.9 *Stocks and securities.* A Federal association may invest in the obligations of, or obligations guaranteed as to principal and interest by, the United States; in obligations of Federal home loan banks; in obligations of the Federal National Mortgage Association; in stock of a Federal home loan bank; and in stock of the Federal National Mortgage Association through making nonrefundable capital contributions as provided in section 303 (b) of the National Housing Act, as amended.

Resolved further that, as this amendment is interpretative in character and recognizes an exemption, notice and public procedure thereon under § 108.12 of the general regulations of the Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act is unnecessary and deferment of the effective date is not required by section 4 (c) of said act.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464. Interprets or applies sec. 201, Pub. Law 560, 83d Cong.)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 54-7205; Filed, Sept. 14, 1954; 8:46 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 105—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR THE FREE PUBLIC EDUCATION OF CERTAIN CHILDREN RESIDING ON FEDERAL PROPERTY

FREE PUBLIC EDUCATION

Part 105, 45 CFR, as amended in 18 F. R. 568 and 2030 and 6703 and in 19 F. R. 414, issued pursuant to Public Law 874, 81st Congress (64 Stat. 1100, as amended by 67 Stat. 530) is amended by amending the definition of "free public education" in paragraph (f) of § 105.1 *Definitions.* The purpose of this amendment is to include kindergarten education within the definition of "free public education" without limiting it to the first year prior to the first elementary grade. The revised paragraph reads as follows:

§ 105.1 *Definitions.* • • •

(f) *Free public education.* "Free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria.

(Sec. 7, 64 Stat. 1107; 20 U. S. C. 242. Interprets or applies sec. 9, 64 Stat. 1108, 20 U. S. C. 244)

Dated: September 3, 1954.

[SEAL] S. M. BROWNELL,
United States Commissioner of Education.

Approved: September 3, 1954.

RUSSELL R. LARMON,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 54-7227; Filed, Sept. 14, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 953]

[Docket No. AO-144-A5]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Los Angeles, California, on June 22, 1954, after notice thereof published in the FEDERAL REGISTER (19 F. R. 3421, 3565), on proposed amendments to Marketing Agreement No. 94, as amended, and Order No. 53, as amended (7 CFR Part 953), hereinafter referred to as "marketing agreement" and "order," respectively, regulating the handling of lemons grown in California and Arizona, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 17, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 54-6494; 19 F. R. 5319). No exception to said recommended decision was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 54-6494; 19 F. R. 5319) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendments to the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Lemons Grown in California and Arizona" and "Order Amending the Order, as Amended, Regulating the Handling of Lemons Grown in California and Arizona" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Determination of representative period. The period beginning November 1, 1952, and ending October 31, 1953, is hereby determined to be a representative period for ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of lemons grown in California and Arizona, is approved or favored by producers who, during such period, have been engaged in the production of lemons within such area.

It is hereby ordered, That all of this decision except the attached agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the marketing agreement, as amended, are identical with those contained in the attached order amending the order, as amended, which will be published with this decision.

Dated: September 10, 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Lemons Grown in California and Arizona*

§ 953.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Los Angeles, California, on June 22, 1954, upon proposed amendments to Marketing Agreement No. 94, as amended, and Order No. 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of lemons grown in the States of California and Arizona in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the lemons covered thereby.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Immediately preceding the period at the end of § 953.9 *Box* insert the following: ", or the equivalent thereof".

2. Delete the word "six" from the first sentence in § 953.20 *Establishment and membership* and insert in lieu thereof the word "seven."

3. Amend § 953.22 *Nominations* by deleting paragraphs (a), (b), and (c); deleting the word "five" from paragraph (g) and inserting in lieu thereof the word "six"; redesignating paragraphs (d), (e), (f), and (g) as paragraphs (e), (f), (g), and (h), respectively; and inserting the following new paragraphs:

(a) The cooperative marketing organization, or the growers affiliated therewith, as may be provided pursuant to paragraph (f) of this section, which marketed more than sixty percent of the total volume of lemons marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members of the committee are to be submitted, shall nominate three growers for three members and three growers for three alternate members of the committee.

(b) The cooperative marketing organization, or the growers affiliated therewith, as may be provided pursuant to paragraph (f) of this section, which marketed a larger portion of the total volume of lemons marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members are to be submitted than any cooperative marketing organization other than the one described in paragraph (a) of this section, shall nominate one grower for a member and one grower for an alternate member of the committee.

(c) All cooperative marketing organizations which are not qualified under paragraph (a) or (b) of this section, or the growers affiliated therewith, as may be provided pursuant to paragraph (f) of this section, shall nominate one grower for a member and one grower for an alternate member of the committee.

(d) All lemon growers who are not included under paragraph (a), (b), or (c) of this section shall nominate one grower for a member and one grower for an alternate member of the committee.

4. Delete paragraphs (a) and (b) of § 953.23 *Selection* and insert in lieu thereof the following:

(a) From the nominations made pursuant to paragraph (a) of § 953.22, or from other qualified growers, the Secretary shall select three members and three alternate members of the committee. From the nominations made pursuant to each of the paragraphs (b), (c), and (d) of § 953.22, or from other qualified growers, the Secretary shall select one member and one alternate member of the committee.

(b) From the nominations made pursuant to paragraph (h) of § 953.22, or from other qualified persons, the Secretary shall select one member and one alternate member of the committee.

5. Delete paragraph (a) of § 953.28 *Procedure* and insert in lieu thereof the following:

(a) Five members of the committee shall constitute a quorum and any action of the committee shall require four concurring votes.

6. Amend § 953.29 *Expenses and compensation* by deleting therefrom "$5.00" and inserting in lieu thereof "$10.00."

7. Add, at the end of paragraph (a) of § 953.41 *Assessments*, the following: "The payment of assessments for the maintenance and functioning of the committee may be required under this subpart throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative."

8. Delete paragraphs (f), (g), (h), and (i) of § 953.53 *Prorate bases* and insert in lieu thereof the following:

(f) Based on the quantity of each handler's available lemons, as computed pursuant to this section, the committee shall fix the prorate base of each handler who has applied therefor: *Provided*, That such quantity shall be adjusted by (1) the deduction therefrom of any undershipments pursuant to § 953.58, or (2) the addition thereto of any overshipments pursuant to § 953.57, in the event such handler makes an undershipment or overshipment during the week preceding that in which such quantity is computed. Such prorate base shall represent the ratio between the quantity of such handler's available lemons in a district, as aforesaid, and the quantity of all handlers' available lemons in such district, and shall be applicable for the two week period immediately following the week in which it is fixed by the committee.

(g) The committee shall notify the Secretary of the prorate base fixed for each handler and shall notify such handler of the prorate base fixed for him.

9. Redesignate paragraph (j) of § 953.53 as paragraph (h).

10. Delete the first sentence of § 953.56 *Allotments* and insert in lieu thereof the following: "Whenever the Secretary has fixed the quantity of lemons which may be handled during any week in a district, as aforesaid, the committee shall calculate the quantity of lemons which each handler may handle during such week."

11. Delete the first sentence of § 953.57 *Overshipments* and insert in lieu thereof the following: "During any week for which the Secretary has fixed the quantity of lemons which may be handled, each handler may handle, in addition to his allotment, an amount of lemons equivalent to ten percent of said allotment, or one carload, whichever is the greater: *Provided*, That no such overshipment may be made by a handler if his allotment for such week is insufficient to offset his prior overshipments pursuant to this section."

12. Delete paragraphs (a) and (c) of § 953.58 *Allotment loans* and insert in lieu thereof the following:

(a) A handler for whom a prorate base has been established may lend allotment to other handlers: *Provided*, That such loan is confined to the same district, as defined in § 953.64, is reported to the committee not later than 48 hours after the loan agreement has been entered into, and provides for repayment within one year of the date of the loan.

* * * * * * *

(c) The committee may act as agent for handlers in arranging loans of allotment; and all loan transactions shall be confirmed by the committee by memoranda addressed to the parties thereto.

[F. R. Doc. 54-7233; Filed, Sept. 14, 1954; 8:50 a. m.]

NOTICES

POST OFFICE DEPARTMENT

DECENTRALIZATION OF POST OFFICE OPERATIONS, EMBRACING STATES OF MISSOURI, ARKANSAS, AND IOWA, AND ESTABLISHMENT OF REGIONAL HEADQUARTERS AT SAINT LOUIS, MO.

The following is the text of Postmaster General Order No. 55720, dated September 1, 1954:

Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes will become effective on September 9, 1954:

1. On the effective date there will be established a regional headquarters at Saint Louis, Mo., under a Regional Operations Manager. Geographically this region will embrace the States of Missouri, Iowa, and Arkansas. The Regional Operations Manager will be responsible to the Assistant Postmaster General, Bureau of Post Office Operations, for the direction of post office operations in this region. The Regional Operations Manager will also be subject to all policies affecting regional operations prescribed by the Department in Washington. There will also be a Regional Controller in the regional office who, for the time being, will be responsible to the Controller. The Regional Personnel Manager will be administratively responsible to the Regional Operations Manager so far as Bureau of Operations activities are concerned, and functionally to the Assistant Postmaster General, Personnel. Functions, such as those listed below, which were formerly discharged by various headquarters bureaus and offices in Washington, will now be discharged by the regional staff.

A. Personnel functions, including such items as recruitment, selection and placement of personnel; training activities; labor relations; safety and health programs; classification of positions; awards and efficiency rating systems; review and disposition of disciplinary actions; and liaison with the Civil Service Commission in the region.

B. Service functions, including recommendations to the Department for the establishment or discontinuance of post offices, classified stations and branches; approval of requests for allowances of funds; maintenance of high standards of service in all post offices; and effective control of costs.

C. Industrial engineering functions, including administration of cost reduction programs; improvement in work methods; endorsement of requests for capital expenditures; maintenance of work standards; layout of facilities; provision of work simplification methods and training; and development of systems and procedures, other than accounting and fiscal procedures.

D. Controller functions including the direction of accounting, budget and cost analysis activities.

E. Public information functions, including encouragement of public cooperation and participation in improving postal methods; and maintaining good relations with Federal, State, and municipal officials.

2. Bureaus and offices other than the following are unaffected by this order:

A. Bureau of Operations.
B. Bureau of Personnel.
C. Bureau of Controller.

All other bureaus and offices, however, are expected to coordinate and cooperate with this new regional organization. Decentralization of other departmental functions and the placing of activities already decentralized into the regional organization will be carried forward as soon as possible. Orders effectuating these changes will be issued from time to time.

3. The region will be divided into seven districts. All postmasters in each district will report directly to their district manager.

4. Previous orders or instructions concerning the routing of communications from postmasters to the above-mentioned bureaus in Washington are hereby superseded. All communications, with respect to the functions set forth in this order will be directed to the appropriate district manager, with the exceptions of monthly and quarterly accounts, which will continue to be routed as at present.

5. District headquarters cities, and the jurisdiction of each district, are as follows:

DISTRICT NUMBER 1

SAINT LOUIS, MISSOURI

Missouri Counties: Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Lewis, Lincoln, Macon, Madison, Marion, Mississippi, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Pike, Ralls, Randolph, Reynolds, Ripley, Saint Charles, Sainte Genevieve, Saint Francois, Saint Louis, Schuyler, Scotland, Scott, Shelby, Stoddard, Warren, Washington, Wayne.

DISTRICT NUMBER 2

SIOUX CITY, IOWA

Iowa Counties: Adams, Audubon, Buena Vista, Calhoun, Carroll, Cass, Cherokee, Clay, Crawford, Dickinson, Emmet, Fremont, Harrison, Ida, Lyon, Mills, Monona, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Pottawattamie, Sac, Shelby, Sioux, Taylor, Woodbury.

DISTRICT NUMBER 3

DES MOINES, IOWA

Iowa Counties: Adair, Appanoose, Boone, Butler, Cerro Gordo, Clarke, Dallas, Davis, Decatur, Floyd, Franklin, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Humboldt, Jasper, Kossuth, Lucas, Madison, Mahaska, Marion, Marshall, Mitchell, Monroe, Polk, Poweshiek, Ringgold, Story, Tama, Union, Wapello, Warren, Wayne, Webster, Winnebago, Worth, Wright.

DISTRICT NUMBER 4

DAVENPORT, IOWA

Iowa Counties: Allamakee, Benton, Black Hawk, Bremer, Buchanan, Cedar, Chickasaw, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Howard, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Washington, Winneshiek.

Illinois Counties: Henry, Rock Island, Whiteside.

DISTRICT NUMBER 5

KANSAS CITY, MISSOURI

Missouri Counties: Andrew, Atchison, Bates, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Cooper, Daviess, De Kalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Johnson, Lafayette, Linn, Livingston, Mercer, Moniteau, Nodaway, Pettis, Platte, Putnam, Ray, Saline, Sullivan, Worth.

DISTRICT NUMBER 6

SPRINGFIELD, MISSOURI

Missouri Counties: Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Dent, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Maries, Miller, Morgan, Newton, Oregon, Ozark, Phelps, Polk, Pulaski, Saint Clair, Shannon, Stone, Taney, Texas, Vernon, Webster, Wright, Benton.

DISTRICT NUMBER 7

LITTLE ROCK, ARKANSAS

All counties in Arkansas.

6. District Managers will be designated in a separate announcement. They will act for and be responsible to the Regional Operations Manager on post office matters within their Districts. Each District Manager will be responsible for functions delegated to him by the Regional Operations Manager, including such things as: Making major operating decisions within his District; recommending action on all supervisory appointments; recommending action on requests for funds; advising Regional Operations Manager on District matters and conditions; carrying out regional policies in the District; interpreting departmental and regional policies and recommending changes; coordinating with other bureaus and government agencies in the District; taking necessary actions on complaints; directing the control of expenditures in the District; and maintaining essential records.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] J. H. BLANDFORD,
Acting Solicitor.

[F. R. Doc. 54-7206; Filed, Sept. 14, 1954; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 8, 1954.

An application, serial number Fairbanks 010043, for the withdrawal from all forms of appropriation under the public land laws, except of the lands described below was filed on July 11, 1949, by Department of the Air Force.

The purposes of the proposed withdrawal: for military purposes.

For a period of sixty (60) days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at a point identical with P. I. of access road with East boundary of Site from which USC&GS Mag. Station "Top" bears North 89° 40' East a distance of 9,300 feet, more or less, thence by metes and bounds as follows:

Thence North 0° 20' East 2,650 feet to the Northeast corner; thence South 89° 40' West 12,500 feet to the Northwest Corner; thence South 0° 20' East 7,500 feet to the Southwest Corner; thence North 89° 40' East 12,500 feet to the Southeast Corner; thence North 0° 20' West, 4,850 feet to P. I. with center line access road and POB of Site which bears North 89° 40' East 9,300 feet, more or less, from USC&GS Mag. Station "Top", containing 2,150 acres, more or less.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-7202; Filed, Sept. 14, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

ASSISTANT ADMINISTRATOR FOR LOAN OPERATIONS

DELEGATION AND ASSIGNMENT OF AUTHORITIES, POWERS, FUNCTIONS, AND DUTIES RELATING TO LOAN OPERATIONS

Pursuant to authority contained in section 116 in Title 9 of the Administrative Regulations of the Department of Agriculture and in section 116 of the order of the Acting Secretary of Agriculture dated December 24, 1953 (19 F. R. 74), the order of the Administrator of the Farmers Home Administration dated February 2, 1954 (19 F. R. 715), is hereby amended to revise item 3 to include the Soil and Water Conservation Loan Program authorized to be administered throughout the United States, including Alaska, Hawaii, Puerto Rico, and the Virgin Islands, by Public Law 597, 83d Congress, and to read as follows:

3. The Soil and Water Conservation Loan Program (16 U. S. C. 590r-z, Pub. Law 597, 83d Cong.).

Issued this 9th day of September 1954.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 54-7235; Filed, Sept. 14, 1954; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3051]

NEW YORK-FLORIDA PROCEEDING

POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled proceeding, now assigned to be held on September 17, 1954, is postponed to September 24, 1954, at 10:00 a. m., e. d. s. t., in Hearing Room A of the Interstate Commerce Commission Building, Twelfth Street and Constitution Avenue NW., Washington, D. C.

Dated at Washington, D. C., September 10, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7236; Filed, Sept. 14, 1954; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11161; FCC 54-1152]

KUNO, INC. (KUNO)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KUNO, Inc., (KUNO), Corpus Christi, Texas, Docket No. 11161, File No. BP-9144; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of September 1954;

The Commission having under consideration the above-entitled application for construction permit to increase present tower height and add top-loading thereto;

It appearing, that the applicant is legally, technically, financially, and otherwise qualified to operate Station KUNO, as proposed, but that the proposed operation may involve interference with Stations KULP, El Campo, Texas, operating on 1390 kilocycles with a power of 500 watts, daytime only; KLUF, Galveston, Texas, operating on 1400 kilocycles with a power of 250 watts, unlimited time; and KNAL, Victoria, Texas, operating on 1410 kilocycles, with a power of 500 watts, directional antenna nighttime, unlimited time; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was notified by letter dated June 10, 1954, of the interference and that copies of the letter were sent to the stations involved; and

It further appearing, that timely replies expressing an intention to appear at the hearing were received from Stations KULP, KLUF, and KNAL on June 28, June 25, and June 29, 1954, respectively; and

It further appearing, that in a supplemental joint reply filed on July 17, 1954, Stations KULP, KLUF, and KNAL reiterated their previous opposition to the subject KUNO application; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application of KUNO, Inc., is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would involve interference with Stations KULP, KLUF, and KNAL and, if so, the nature and extent thereof, the area and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether in light of the evidence adduced pursuant to the foregoing issue the proposed operation of Station KUNO would serve the public interest, convenience, and necessity.

It is further ordered, That Wharton County Broadcasting Company, Inc., licensee of Station KULP, El Campo, Texas; KLUF Broadcasting Company, Inc., licensee of Station KLUF, Galveston, Texas; and Victoria Broadcasting Company, Inc., licensee of Station KNAL, Victoria, Texas, are made parties to the proceeding.

Released: September 10, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7239; Filed, Sept. 14, 1954, 8:52 a. m.]

[Docket No. 11162; FCC 54-1153]

SALINA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Philip D. Jackson tr/as Salina Broadcasting Company, Salina, Kansas, Docket No. 11162, File No. BP-9147; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of September 1954;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1310 kilocycles with a power of 500 watts, daytime only, at Salina, Kansas (File No. BP-9147);

It appearing, that the applicant is legally, financially and technically qualified to operate the proposed station, but that the proposed operation may cause interference to Stations KFH, Wichita, Kansas, operating on 1330 kilocycles with a power of 5000 watts, unlimited time, and KFSB, Joplin, Missouri, operating on 1310 kilocycles with a power of 5000 watts day, 1000 watts night, unlimited time; and

It further appearing, that the proposed operation would not provide the recommended minimum of interference-free service within its normally protected daytime (0.5 mv/m) contour because of interference from Station KFSB; and

It further appearing, that the Commission has not been able to determine whether the proposed antenna would constitute a hazard to air navigation; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated May 20, 1954 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that on June 18, 1954, the applicant requested a grant without hearing, claiming that the proposed operation would not cause any serious interference; and

It further appearing, that Station KFSB on June 15, 1954 advised the Commission of its intention to appear at a hearing, and that Station KFH had previously, in a letter dated May 4, 1954, opposed the subject proposal; and

It further appearing, that the Commission, upon further consideration of the matter is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would cause interference to Stations KFH, Wichita, Kansas, and KFSB, Joplin, Missouri; and if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing the required minimum of interference-free service within the proposed station's normally protected (0.5 mv/m) contour.

4. To determine whether the proposed antenna system could constitute a hazard to air navigation.

5. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, the operation of the station proposed by Salina Broadcasting Company would serve the public interest, convenience, and necessity.

It is further ordered, That Four States Broadcasters, Inc., licensee of Station KFSB, Joplin, Missouri, and Radio Station KFH Company, licensee of Station KFH, Wichita, Kansas, are made parties to this proceeding.

Released: September 10, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7237; Filed, Sept. 14, 1954; 8:51 a. m.]

[Docket No. 11163; FCC 54-1154]

VILLAGE BROADCASTING CO. (WOPA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Richard Goodman, Mason Loundy, Oak Park Arms Hotel, Inc. and Egmont Sonderling, a partnership doing business as Village Broadcasting Company (WOPA), Oak Park, Illinois, Docket No. 11163, File No. BP-9271; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of September 1954;

The Commission having under consideration the above-entitled application for construction permit to change the transmitter location of Station WOPA from Oak Park, Illinois, to Chicago, Illinois;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WOPA as proposed but that the application may not comply with the Standards of Good Engineering Practice; particularly with reference to providing adequate primary service to the City of Oak Park, Illinois; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letters dated May 17 and June 21, 1954, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant filed replies dated June 3, and July 14, 1954; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary; and

It further appearing, that because the proposed transmitter location is approximately 110 feet north of the tower of FM station WFMT, Chicago, Illinois, and on the same building, some distortion of the proposed radiation pattern is expected; and that the proposed antenna system may not provide the minimum efficiency of 150 mv/m/kw as recommended by the Standards; therefore, if a grant of the subject application is eventually made, the construction permit should be appropriately conditioned as to assure compliance with the Standards;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WOPA as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the installation and operation of Station WOPA as proposed would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing adequate primary service to the City of Oak Park, Illinois.

3. To determine whether in light of the evidence adduced pursuant to the foregoing issues the operation of Station WOPA as proposed would serve the public interest, convenience and necessity.

It is further ordered, That if the subject application is eventually granted the construction permit shall contain the following conditions:

1. The grantee shall submit measurements showing that the installed antenna system provides the minimum efficiency of 150 mv/m/kw as recommended by the Standards.

2. The grantee shall submit measurements to show that the radiation pattern has not been materially affected by the immediate presence of the tower of FM Station WFMT, Chicago, Illinois.

Released: September 10, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7238; Filed, Sept. 14, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2018]

EL PASO NATURAL GAS CO.

NOTICE OF CONTINUANCE OF REARGUMENT

SEPTEMBER 8, 1954.

Notice is hereby given that the oral reargument before the Commission in the above-entitled matter, heretofore scheduled for September 23, 1954, is postponed to September 28, 1954, at 10:00 a. m., e. s. t., in the Commission's hearing room, 441 "G" Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7203; Filed, Sept. 14, 1954; 8:45 a. m.]

[Docket No. G-2415]

DELTA NATURAL GAS CO.

NOTICE OF ORDER DIRECTING PHYSICAL CONNECTION OF FACILITIES AND SALE OF NATURAL GAS

SEPTEMBER 9, 1954.

Notice is hereby given that on September 2, 1954, the Federal Power Commission issued its order adopted September

1, 1954, directing physical connection of facilities and sale of natural gas in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7229; Filed, Sept. 14, 1954; 8:49 a. m.]

[Docket No. G-2488]

DELTA NATURAL GAS CO.

NOTICE OF DECLARATION OF EXEMPTION

SEPTEMBER 9, 1954.

Notice is hereby given that on September 2, 1954, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act adopted September 1, 1954, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7230; Filed, Sept. 14, 1954; 8:50 a. m.]

[Docket Nos. G-2498, G-2500, G-2511, G-2514, G-2524]

NEW YORK STATE ELECTRIC & GAS CORP. ET AL.

NOTICE OF DECLARATIONS OF EXEMPTIONS

SEPTEMBER 9, 1954.

In the matters of New York State Electric & Gas Corporation, Docket No. G-2498; Commonwealth Natural Gas Corporation, Docket No. G-2500; Central Illinois Public Service Corporation, Docket No. G-2511; The Hartford Gas Company, Docket No. G-2514; The United Gas Improvement Company, Docket No. G-2524.

Notice is hereby given that on September 7, 1954, the Federal Power Commission issued its declarations of exemptions from the provisions of the Natural Gas Act adopted September 1, 1954, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7231; Filed, Sept. 14, 1954; 8:50 a. m.]

[Docket No. ID-1176]

FRED R. RAUCH

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

SEPTEMBER 9, 1954.

Notice is hereby given that on September 7, 1954, the Federal Power Commission issued its order adopted September 1, 1954, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7232; Filed, Sept. 14, 1954; 8:50 a. m.]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

NOTICE OF APPLICATIONS FOR AMENDMENT OF LICENSE

SEPTEMBER 8, 1954.

Public notice is hereby given that South Carolina Public Service Authority, of Moncks Corner, South Carolina, has filed applications under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 199 located on the Santee and Cooper Rivers in Berkeley, Calhoun, Charleston, Clarendon, Dorchester, Florence, Georgetown, Horry, Marion, Orangeburg, Richland, Sumter, and Williamsburg Counties, South Carolina, to include therein the constructed Pinopolis-Charleston No. 2 110-kv transmission line, the Conway-Kingstree 110-kv transmission line, and the constructed Charleston, St. George, and Conway Substations, and to change the terminus of the Pinopolis-Bowman line from Bowman to St. George.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is October 11, 1954. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7204; Filed, Sept. 14, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29664]

MOTOR-RAIL-MOTOR RATES IN THE EAST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

SEPTEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and P & G Motor Freight, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Hartford or New Haven, Conn., on the one hand, and Harlem River, N. Y., Elizabeth or Edgewater, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7168; Filed, Sept. 13, 1954; 8:47 a. m.]

[4th Sec. Application 29665]

BARITE FROM NATIONAL, ARK., TO COLORADO, NEW MEXICO, WYOMING AND UTAH

APPLICATION FOR RELIEF

SEPTEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Barite (barytes), carloads.

From: National, Ark.

To: Points in Colorado, New Mexico, Wyoming and Utah.

Grounds for relief: Rail competition, circuity, grouping, rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4092, supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7169; Filed, Sept. 13, 1954; 8:47 a. m.]

[4th Sec. Application 29666]

ALCOHOLS FROM NORTH SEADRIFT, TEX., TO CERTAIN POINTS IN LOUISIANA

APPLICATION FOR RELIEF

SEPTEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Alcohol, denatured, proprietary anti-freeze preparations, and related articles, carloads.

From: North Seadrift, Texas.

To: Avondale, Gouldsboro, Gretna, Harvey, Marrero and Westwego, La.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4064, supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7170; Filed, Sept. 13, 1954; 8:48 a. m.]

[4th Sec. Application 29667]

VARIOUS COMMODITIES BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

SEPTEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the (aggregate-of-intermediates) provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. F. Brown, Agent, for carriers parties to schedule listed below.

Commodities involved: Copper cathodes, blackstrap molasses and tall oil, carloads.

Between: Points in Texas.

Grounds for relief: Rail competition, circuity, and to meet intrastate rates.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 807, supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7211; Filed, Sept. 14, 1954; 8:47 a. m.]

[4th Sec. Application 29668]

VARIOUS COMMODITIES BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

SEPTEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. F. Brown, Agent, for carriers parties to schedule listed below.

Commodities involved: Copper cathodes, blackstrap molasses and tall oil, carloads.

Between: Points in Texas.

Grounds for relief: Rail competition, circuity, and to meet intrastate rates, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 807, supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7212; Filed, Sept. 14, 1954; 8:47 a. m.]

[4th Sec. Application 29669]

BLACKSTRAP MOLASSES FROM OR TO TEXAS POINTS

APPLICATION FOR RELIEF

SEPTEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. F. Brown, Agent, for carriers parties to schedules listed below.

Commodities involved: Blackstrap molasses, in tank-car loads.

Between: Points in Texas, including points in adjacent States of Louisiana and Arkansas.

Grounds for relief: Rail competition, circuity, and rates constructed on basis of the short line distance formula.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 802, supp. 48; J. F. Brown, Agent, I. C. C. No. 796, supp. 88.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7213; Filed, Sept. 14, 1954; 8:47 a. m.]

[4th Sec. Application 29670]

PAPER BOXES FROM ALBANY, GA., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper boxes, carloads.

From: Albany, Ga.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, market competition, rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1349, supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved

in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7214; Filed, Sept. 14, 1954; 8:47 a. m.]

[4th Sec. Application 29671]

BARITE (BARYTES) FROM BARITE, IDAHO TO CERTAIN STATES

APPLICATION FOR RELIEF

SEPTEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Barite (barytes), ground, carloads.

From: Barite, Idaho.

To: Points in Arkansas, Illinois, Kansas, Louisiana (west of the Mississippi River), Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

Grounds for relief: Rail competition, circuity, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4046, supp. 59; W. J. Prueter, Agent, I. C. C. No. A-3560, supp. 248.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7215; Filed, Sept. 14, 1954; 8:47 a. m.]

[4th Sec. Application 29672]

MOTOR-RAIL-MOTOR RATES FROM AND TO THE SOUTHWEST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

SEPTEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for Missouri-Kansas-Texas Railroad Company and The Chief Freight Lines Company and other motor carriers.

Commodities involved: Highway trailers, loaded or empty, on flat cars.

Between: Kansas City, Kans., and Oklahoma City, Okla.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7216; Filed, Sept. 14, 1954; 8:47 a. m.]

[4th Sec. Application 29673]

FELT, BUILDING, ROOFING OR SHEATHING, NOT SATURATED, FROM SHREVEPORT, LA. TO CHARLESTON, S. C.

APPLICATION FOR RELIEF

SEPTEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Felt, building, roofing or sheathing, not saturated, carloads.

From: Shreveport, La.

To: Charleston, S. C.

Grounds for relief: Rail competition, and circuitous routes.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, I. C. C. No. 4087, supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7217; Filed, Sept. 14, 1954; 8:48 a. m.]

[4th Sec. Application 29674]

VARIOUS COMMODITIES FROM POINTS IN TRUNK LINE AND NEW ENGLAND TERRITORIES TO POINTS IN SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 10, 1954

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and C. R. Goldrich, Agents, for carriers parties to schedules shown in exhibit "A" of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in trunk-line and New England territories.

To: Points in southern and official territories.

Grounds for relief: Rail competition, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7218; Filed, Sept. 14, 1954; 8:48 a. m.]

[Notice 25]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 10, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 49 CFR 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATION OF MOTOR CARRIERS OF PROPERTY

NO. MC 1358 Sub 22 (Amended), HARLEY WHITE AND HARRY WHITE, doing business as WHITE BROTHERS TRANSFER COMPANY, Post Office Box 168, Cumberland, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roofing and building materials*, from Wilmington, Ill., to Atlantic, Corning, Dunlap, Gravity and Leon, Iowa; and *iron and steel articles*, from Joliet, Ill., to Atlantic, Corning, Dunlap, Gravity and Leon, Iowa. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, and Nebraska.

NO. MC 7640 Sub 12, BARNES TRUCK LINE, INC., Herring Avenue, Wilson, N. C. Applicant's attorney: James E. Wilson, Roberts & McInnis, Continental Building, 14th at "K" Street, NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural machinery, agricultural implements* and agricultural machinery parts, from Tarboro, N. C., to points in Georgia, Florida, Alabama, Missouri, Arkansas, Tennessee, Kentucky, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Oklahoma, Texas, South Dakota, North Dakota, Connecticut, New York, Pennsylvania, Maryland, Delaware, New Jersey, Ohio, and West Virginia, and *Materials and supplies used in the manufacture of agricultural machinery, agricultural implements and agricultural machinery parts*, from points in the above specified states to Tarboro, N. C. Applicant is authorized to conduct operations in North Carolina.

NO. MC 17057 Sub 2, E. M. GREGG, doing business as E. M. GREGG TRUCK SERVICE, P. O. Box 706, Hugoton, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, material* and *supplies* used in, or in connection with, the discovery, development, refining, manufacturing, processing, storage, production, transmission and distribution of natural gas and petroleum and their products and by-products, between points in Oklahoma and Texas. Applicant has authority to conduct operations in Oklahoma and Kansas.

NO. MC 22229 Sub 17, TERMINAL TRANSPORT COMPANY, INC., 180 Harriett Street, S. E., Atlanta 1, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Bldg., Atlanta 5, Ga. For authority to operate as a *common carrier*, transporting: *Paper articles, including wrapping paper and paper bags*, serving Yulee, Fla., and points within 3 miles thereof, as off-route points in connection with the carrier's regular route operation between Jacksonville, Fla., and Waycross, Ga., over U. S. Highway 1, (which is a portion of the carrier's regular route between Jacksonville, Fla., and Perry, Ga.).

RESTRICTION: Authority applied for to be restricted to transportation of the commodities specified, and restricted against the transportation of shipments destined to or originating at points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Mobile, Ala., Biloxi and Gulfport, Miss., New Orleans, La., and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky and Tennessee.

NO. MC 30319 SUB 42, SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 816 North San Jacinto St., Houston, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between junction Texas Highway 21 and Farm Road 50, located approximately eleven miles west of Bryan, Tex., and junction Texas Highways 21 and 6, over Texas Highway 21, serving no intermediate points, as an alternate route, in connection with carrier's regular route operations, (a) between Hearne, Tex., and Giddings, Tex., and (b) between Mexia, Tex., and Hempstead, Tex., and (2) between junction Texas Highway 21 and U. S. Highway 290, near Paige, Tex., and junction Texas Highway 21 and U. S. Highway 77, near Lincoln, Tex., a distance of 14 miles, over Texas Highway 21, serving no intermediate points, as an alternate route, in connection with carrier's regular route operations, (a) between Houston, Tex., and Austin, Tex., and (b) between Hearne, Tex., and Giddings, Tex. Applicant is authorized to conduct operations in Louisiana and Texas.

NO. MC 41432 Sub 68, EAST TEXAS MOTOR FREIGHT LINES, a corporation, 623 North Washington St., Dallas, Tex. Applicant's attorney: Warren Whitham, Callaway, Reed, Kidwell & Brooks, Empire Bank Bldg., Dallas 1, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, other than ammunition (explosive, incendiary, or gas, smoke or tear producing), livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Tyler Pipe and Foundry Company Plant, located at Swan, Tex., as an off-route point in connection with applicant's regular-route operations between Fort Worth, Tex., and Port Arthur, Tex. Applicant is authorized to conduct operations in Arkansas, Illinois, Missouri, Tennessee, and Texas.

NO. MC 43038 Sub 391, COMMERCIAL CARRIERS, INC., 3399 East McNichols Road, Detroit 12, Mich. Applicant's attorney: James W. Wrape, Wrape and Hernly, Sterick Bldg., Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, in initial movement, by truckaway and driveaway service, restricted to those manufactured or assembled by the Hudson Motor Division of American Motors, Inc., from Kenosha, Wis., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Wisconsin. Applicant is authorized to conduct operations in all States in the United States, except California, Connecticut, Delaware, Idaho, Maine, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, and Virginia.

NO. MC 45893 Sub 8, FINNIS ROSS, doing business as ROSS TRUCK LINES, 204 So. Diamond, Paola, Kans. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Olathe, Kans., over U. S. Highway 169 to Kansas City, Kans., thence over city streets to Kansas City, Mo. Applicant is authorized to conduct operations in Kansas and Missouri.

NO. MC 47227 Sub 3, ANTON HOLLENDONNER, SR., AND ANTON HOLLENDONNER, JR., doing business as HOLLAND TRUCKING COMPANY, 298

Cortland St., Trenton, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chinaware, porcelainware, tile parts* and *machine parts*, from Manasquan, N. J., to Trenton, N. J., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return movements. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

NO. MC 52054 Sub 12, S & C TRANSPORT COMPANY, INC., 10 Kansas Avenue, South Hutchinson, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, between Hutchinson, South Hutchinson, Lyons, and Kanopolis, Kans., and points within five miles of each, on the one hand, and, on the other, all points in Cochran, Bailey, Randall, Roberts, Crosby, Swisher, Potter, Sherman, Wichita, Lubbock, Castro, Oldham, Dallam, Cottle, Hall, Gray, Ochiltree, Yoakum, Dickens, Briscoe, Carson, Hansford, Floyd, Collingsworth, Hartley, Foard, Terry, Motley, Childress, Wheller, Lipscomb, Lamb, Armstrong, Hutchinson, Wilbarger, Lynn, Hale, Donley, Moore, Hockley, Parmer, Deaf Smith, Hemphill, Hardeman, Garza, and Kent Counties, Tex., and Curry, Bernalillo, Mora, Santa Fe, Colfax, Harding, Los Alamos, Taos, Quay, Guadalupe, Union, San Miguel, Torrance, and Rio Arriba Counties, N. Mex. Applicant is authorized to conduct operations in Colorado, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wyoming.

NO. MC 59189 Sub 2, B. & B. MOTOR LINES CORP., 311 N. 18th Street, Olean, N. Y. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, transporting: *General commodities* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Olean, N. Y., as an intermediate point and Salamanca, N. Y., as an off-route point in connection with regular route operations between Buffalo, N. Y., and Lewis Run, Pa., restricted to traffic interchanged with common carriers at these points. Applicant is authorized to conduct operations in New York and Pennsylvania.

NO. MC 60871 Sub 4, G. V. ANKENY, doing business as G. V. ANKENY'S TRANSFER, 318 Ohio St., Johnstown, Pa. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cast iron boilers and parts thereof, cast iron radiators and parts thereof, steel boilers and parts thereof, building and sheet metal work and parts thereof, building and sheet metal work used in conjunction with heating systems and installations*, and *air conditioning units and parts thereof*, (1) between Cleveland, Ohio, on the one hand, and, on the other, New Castle, Johnstown, Duncansville, Middletown, and Philadelphia, Pa.; Baltimore, Md.; Washington, D. C.; Newark, N. J.; Richmond, Va.; and points in Maryland, Virginia, and the District of Columbia, (2) between New Castle, Pa., on the one hand, and, on the other, Richmond, Va., and Newark, N. J., (3) between Duncansville, Pa., on the one hand, and, on the other, points in Maryland, Virginia, and the District of Columbia, and (4) between Middletown, Pa., on the one hand, and, on the other, points in Maryland, Virginia, and the District of Columbia; and *commodities requiring special crane handling and the use of extra length low bed trailers*, between Middletown, Pa., on the one hand, and, on the other, points in Virginia, Ohio, New York, New Jersey, Delaware, Maryland, and West Virginia. Applicant is authorized to conduct operations in Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia.

NO. MC 78062 SUB 25, BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, P. O. Box 223, Washington, Pa. Applicant's attorney: William S. Yard, Washington Trust Building, Washington, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Evaporated milk*, and *powdered milk*, in containers, from Barnesville, and Waterford, Ohio, to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia, (2) *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from Camden, N. J., and Parkersburg, W. Va., to Barnesville, and Waterford, Ohio, and (3) *empty cans*, from Weirton, W. Va., to Barnesville, and Waterford, Ohio. Applicant is authorized to conduct operations in the District of Columbia, Delaware, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

NO. MC 82874 SUB 3, RUSSELL M. MAGAW, doing business as AKRON CARTAGE, 790 West Wilbeth Road, P. O. Box 143, Akron 9, Ohio. Applicant's attorney: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as defined by the Commission in Ex Parte No. MC 38, (1) from the Akron, Ohio Commercial Zone as defined by the Commission, to points in Ohio within 50 miles of Akron, and (2) from the Akron, Ohio Commercial Zone as defined by the Commission, to points in Lawrence and Mercer Counties, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified and *returned shipments* on return movements. NOTE: Applicant seeks to convert his present operations from those of a contract carrier to those of a common carrier, and if and when the authority sought herein is granted all duplicating authority will be revoked. Applicant is authorized to conduct operations in Ohio.

NO. MC 101791 SUB 4, JAMES V. VOZZOLO, Bladensburg Road and New York Avenue NE., Washington, D. C. Applicant's attorney: James E. Wilson, Robert & McInnis, Continental Building, Fourteenth at K Northwest, Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building blocks* and *brick*, from Washington, D. C., to Baltimore, Md.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement. Applicant is authorized to conduct operations in Maryland, Virginia and the District of Columbia.

NO. MC 104340 SUB 119, LEAMAN TRANSPORTATION COMPANY, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Dow, Lohnes and Albertson, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as defined by the Commission in Ex Parte No. MC–45, between points in New York. Applicant is authorized to conduct operations in Connecticut, Maryland, Massachusetts, New York, Ohio, Pennsylvania, Vermont, Virginia and West Virginia.

NO. MC 104347 SUB 107, LEAMAN TRANSPORTATION CORPORATION, 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Dow, Lohnes & Albertson, Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) between points in Delaware, and (2) between points in Maryland, and (3) between points in New Jersey, and (4) between points in Pennsylvania. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, Maryland, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia.

NO. MC 105964 SUB 11, EARL HOUK, doing business as WESTERN NEBRASKA TRANSPORT SERVICE, 490 West 27th, Post Office Box 251, Scottsbluff, Nebr. Applicant's representative: Robert S. Stauffer, 811 East 17th Street, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from all refining, producing and distributing points in Nebraska, to points in South Dakota and Wyoming. Applicant is authorized to conduct operations in Nebraska and Wyoming.

NO. MC 105964 SUB 12, EARL HOUCK, doing business as WESTERN NEBRASKA TRANSPORT SERVICE, 409 West 27th Street, P. O. Box 251, Scottsbluff, Nebr. Applicant's representative: Robert S. Stauffer, 811 East 17th Street, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Nebraska, Kansas and Colorado. Applicant is authorized to conduct operations in Nebraska and Wyoming.

NO. MC 106647 SUB 29, CLARK TRANSPORT COMPANY, A Corporation, P. O. Box 295, Chicago Heights, Ill. Applicant's attorney: George S. Dixon, Matheson, Dixon & Brady, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new bodies, new cabs* and *new chassis*, in initial movements, in truckaway and driveaway service, from Kenosha, Wis., to points in Iowa, Minnesota, North Dakota, South Dakota, the Upper Peninsula of Michigan, that part of Illinois on and north of Illinois Highway 9, and Omaha, Nebr. RESTRICTION: Authority applied for to be restricted to the transportation of vehicles manufactured by the Hudson Motor Car Division of American Motors, Inc. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin.

NO. MC 107002 SUB 63, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 110 Giuffrias Avenue, (P. O. Box 687), New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Mississippi on and south of U. S. Highway 82, (except no authority is sought from (1) Chalmette, La., to Centreville, Miss., and (2) from Chalmette and Meraux, La., to Camp Shelby, Miss., points in Hancock, Harrison, Jackson and Pearl River Counties, Miss., and Brookhaven, Bude, Columbia, Crosby, Crystal Springs, Hattiesburg, Jackson, Magee, McComb, Natchez, Prentiss, Tylertown and Wiggins, Miss.). Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri and Tennessee.

NO. MC 107879 SUB 11, J. H. SPRECHER, INCORPORATED, Post Office Box 224, Lebanon, Pa. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles*, in initial movements, in truckaway and driveaway service, from Kenosha, Wis., to points in that part of Pennsylvania on and south of Pennsylvania Highway 45 and east of the Susquehanna River, and points in York and Northampton Counties, Pa. Applicant is authorized to conduct operations in Delaware, Michigan, New York, Ohio, and Pennsylvania.

NO. MC 109640 SUB 8, LORIN BICE AND J. W. FRY, doing business as BICE TRUCK LINES, 505 East Main Street, Laurel, Mont. Applicant's attorney: Jerome Anderson, Holness, Anderson & Peete, Electric Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Missoula, Mont., and points within ten miles thereof, on the one hand, and, on the other, points in Idaho north of the southern boundary of Idaho County. Applicant is authorized to conduct operations in Idaho, Montana, North Dakota and Wyoming.

NO. MC 110191 SUB 9, TURNER'S EXPRESS, INCORPORATED, 300 Shelton Avenue, Norfolk, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Newark, N. J., and points within five (5) miles thereof, on the one hand, and, on the other, Mahwah Township, N. J. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

NO. MC 110420 SUB 73, QUALITY MILK SERVICE, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Glenn W. Stephens, Stephens, Bieberstein, Cooper and Bruemmer, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Steep water*, in bulk, in tank vehicles, between points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin; and *liquid chocolate* and *chocolate coating*, in bulk, in tank vehicles, from Chicago, Ill., and Milwaukee, Wis., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Michigan, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Virginia and Wisconsin.

NO. MC 110478 SUB 2, WATKINS TRUCKING, INC., 818 Gorley Street, Uhrichsville, Ohio. Applicant's attorney: Richard H. Brandon, Sanborn, Nacey and Brandon, Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Clay products*, from points in Palmyra Township, Portage County, Ohio, to points in New York, New Jersey, Delaware, Virginia, Maryland, Pennsylvania, Illinois, Indiana, those in the Lower Peninsula of Michigan, West Virginia, Kentucky, St. Louis, Mo., and points in St. Louis County, Mo., and the District of Columbia; (2) *pallets and lumber used in connection with the manufacture or shipments of clay products*, from points in the above-described destination territory, to points in Palmyra Township, Portage County, Ohio; (3) *asphalt compound* and *sulphur compound*, between points in Palmyra Township, Portage County, Ohio, and Uhrichsville, Ohio, and points within four (4) miles of Uhrichsville, on the one hand, and, on the other, points in New York, New Jersey, Delaware, Virginia, Maryland, Pennsylvania, Illinois, Indiana, those in the Lower Peninsula of Michigan, West Virginia, Kentucky, St. Louis, Mo., and points in St. Louis County, Mo., and the District of Columbia; (4) *concrete sewer pipe*, plain and reinforced, *concrete manholes* and *fittings*, from points in Palmyra Township, Portage County, Ohio, to points in New York, Pennsylvania and West Virginia; and (5) *sewer pipe forms*, iron or steel, and *reinforcing mesh*, between points in Palmyra Township, Portage County, Ohio, on the one hand, and, on the other, points in Pennsylvania and Maryland. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NO. MC 112069 SUB 5, LIPSMAN-FULKERSON & COMPANY, a corporation, 314 South 11th Street, Omaha, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cookie dough*, from Madison, Wis., to Los Angeles and San Francisco, Calif., Portland, Oreg., and Seattle and Spokane, Wash.

NO. MC 112435 SUB 3, D. M. SMOCK, L. D. SMOCK AND E. G. SMOCK, doing business as D. & L. E. TRANSIT CO., 1502 Augusta Street, Zanesville, Ohio. Applicant's attorney: Noel F. George, George, Greek, King & McMahon, 44 East Broad St., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ferro alloys*, from Philo, Ohio to points in Indiana, Illinois, Michigan and New York; and *empty containers for ferro alloys*, from points in Indiana, Illinois, Michigan, New York, Pennsylvania, St. Louis, Mo., Clarksburg, Parkersburg, Wheeling and Weirton, W. Va., to Philo, Ohio. Applicant is authorized to conduct operations in Indiana, Illinois, Michigan, New York, Ohio, Pennsylvania, Missouri and West Virginia.

NO. MC 113959 SUB 1, LEMMON TRANSPORT COMPANY, INCORPORATED, P. O. Box 387, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Ames, Hill & Ames, Transportation Bldg., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Commodities* manufactured, produced and distributed by the Brunswick Balke Collander Company, such as *bowling alleys, bowling alley parts and accessories, articles used or useful in the installation or equipment of bowling alleys, billiard tables, billiard table parts and accessories; folding doors and rolling doors and partitions and fittings; bleachers; school furniture; toy billiard tables or home billiard tables and parts and accessories; plastic molds and plastic moldings*, loose or in packages; and *shuffleboards and parts and accessories*, from the sites of the plants or warehouses of the Brunswick Balke Collander Company at Marion, Va., to points in the United States, including the District of Columbia, and (2) *commodities* used or useful in the manufacture, production and distribution carried on by the Brunswick Balke Collander Company, such as *bowling alley parts and accessories; billiard table parts and accessories; synthetic resins*, in containers; *finishing materials*, in containers; *veneer; lumber; slate; cartons; plywood; scrap leather; beams, plates and bars; shipping boxes*, wooden, knocked down; *advertising matter; hardware;* and *electrical equipment and apparatus*, from points in the United States, including

the District of Columbia, to Marion, Va. RESTRICTION: Applicant does not propose to transport any liquid commodities in bulk, in tank vehicles. NOTE: If granted this permit, applicant proposes to surrender its authority in MC 113959. Applicant is authorized to conduct operations in all States in the United States.

NO. MC 114282, ARTHUR E. BLESENER, 605 St. Olaf Avenue, Northfield, Minn. Applicant's attorney: Marvin L. Grundhofer, Medical Arts Bldg., Northfield, Minn. For authority to operate as a *common carrier*, over regular routes, transporting: *Bulk turkey feed and miscellaneous sack feed*, (1) From New Richmond, Wis., to Northfield and Dundas, Minn., as follows: From New Richmond over Wisconsin Highway 65 to junction U. S. Highway 12, thence over U. S. Highway 12 to junction Minnesota Highway 95, thence over Minnesota Highway 95 to Hastings, Minn., thence southwest on Dakota County Road 3 to Hampton, Minn., thence over Minnesota Highway 56 to junction Minnesota Highway 19, thence over Minnesota Highway 19 to Northfield, thence over Minnesota Highway 218 to Dundas. (2) From New Richmond over Wisconsin Highway 65 to junction U. S. Highway 12, thence over U. S. Highway 12 to St. Paul, Minn., thence over Minnesota Highway 218 to Northfield and/or Dundas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Serving no intermediate points.

NO. MC 114362 SUB 1, H. A. PIERCE, doing business as PIERCE TRUCK PINES, Freeborn, Minn. Applicant's representative: A. R. Fowler, Agent, Associated Motor Carriers Tariff Bureau, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Manufactured fertilizer*, in packages, from Albert Lea, Minn., to points in that part fo Iowa on and west of U. S. Highway 63 and on and north of U. S. Highway 20, and *manufactured fertilizer* in packages and in bulk, from Mason City, Iowa, to points in Minnesota. Applicant is authorized to conduct operations in Minnesota and Iowa.

NO. 114765, W. T. ROBINSON, 406 Harding St., Morrilton, Ark. Applicant's attorney: Felver A. Rowell, Jr., 110 S. Moose St., Morrilton, Ark. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Feed, seed, fertilizer, machinery, agricultural implements*, and *lumber* from Aurora, Joplin, and Springfield, Mo., to Morrilton, Ark., and return *with empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities.

NO. MC 114914, CLOYD G. ROBERSON, 529 N. W. 5th Street, Oklahoma City, Okla. Applicant's attorney: Wallace L. Schubert, Southern Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Materials used in the manufacture of venetian blinds*, and *curtain rods*, from Hyde Park, Long Island, N. Y., Hoboken, N. J., Weirton, W. Va., and Baltimore, Md., to Kansas City, Mo., Kansas City and Wichita, Kans., Tulsa and Oklahoma City, Okla., and Dallas, Fort Worth, Houston, San Antonio and Lubbock, Texas.

NO. MC 114917, DART TRANSPORTATION SERVICE, a corporation, 3758 Fruitland Avenue, Maywood, Calif. Applicant's attorney: H. E. Lindersmith, 3946 Wilshire Blvd., Los Angeles 5, Calif. For authority to operate as a *contract carrier*, over regular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail chain department stores, between Los Angeles, Calif., and the Los Angeles Harbor Commercial Zones, as defined by the Commission, to Vallejo and Santa Rosa, Calif., operating (1) from Los Angeles over U. S. Highway 99 to Sacramento, Calif., thence over U. S. Highway 40 to Vallejo, and return over the same route, serving the intermediate points of Bakersfield, Fresno, Modesto, Sacramento, and Stockton, Calif., and the off-route points of Hanford and Visalia, Calif., (2) from Los Angeles over U. S. Highway 99 to Stockton, Calif., thence over California Highway 4 to junction California Highway 24, thence over California Highway 24 to junction U. S. Highway 101 (San Francisco, Calif.), thence over U. S. Highway 101 to Santa Rosa, and return over the same route, serving the intermediate points of Bakersfield, Fresno, Modesto, Stockton, Antioch, and Walnut Creek, Calif., and the off-route points of Hanford and Visalia, Calif., and (3) from junction California Highway 4 and U. S. Highway 40 over U. S. Highway 40 to Vallejo, serving no intermediate points.

NO. MC 114921, MRS. FRANK MURPHY, doing business as MURPHY TRANSPORTATION, 1502 S. Fremont, South Pasadena, Calif. Applicant's attorney: John H. Carter, Suite 216 Rowan Building, 458 South Spring Street, Los Angeles 13, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in the Los Angeles Harbor Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in the Los Angeles Commercial Zone, as defined by the Commission.

NO. MC 114924, CHARLES TRUMBO, doing business as TRUMBO TRUCKING SERVICE, 34 Bryant Circle, Maysville, Ky. Applicant's attorney: Rudy Yessin, Smith, Reed & Leary, Sixth Floor McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bricks*, from Maysville, Ky., and points within five miles thereof, to points within 100 miles of Maysville in the State of Ohio.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

NO. MC 96542 SUB 1, NORMAN I. MARCHEGIANI, Tunnel Street, Readsboro, Vt. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Readsboro, Vt., and North Adams, Mass. over Vermont Highway 8 to the Vermont-Massachusetts State line and thence over Massachusetts Highway 8 to North Adams, Mass., and return over the same route, serving the intermediate point of Stamford, Vt. Applicant is authorized to conduct operations in Massachusetts and Vermont.

NO. MC 109495 SUB 4, BRUNSWICK TRANSPORTATION COMPANY, INC., Corner Elm and Middle Streets, Brunswick, Maine. Applicant's attorney: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between Portland, Maine and Pownal, Maine, over Maine Highway 9 (also, via city streets, and unnumbered highway); (2) between Portland, Maine and Newhall, Maine, from Portland, over Maine Highway 25 to Gorham, thence over Maine Highway 4 to South Windham, and thence over unnumbered highway to Newhall (also, from Portland over Maine Highway 25 to junction Maine Highway 95, thence over Maine Highway 95 to junction Maine Highway 4, and thence over the above-specified route to Newhall), and return over the same routes; (3) between Richmond, Maine and Gardiner, Maine, over Maine Highway 24; and (4) between Auburn, Maine and Togus, Maine, from Auburn over Maine Highway 126, via Gardiner, to junction Maine Highway 226, thence over Maine Highway 226 to junction unnumbered highway, and thence over unnumbered highway to Togus, and return over the same route. Service is proposed to and from all intermediate points on the above-described routes. Applicant is authorized to conduct operations in Maine.

NO. MC 109495 SUB 5, BRUNSWICK TRANSPORTATION COMPANY, INC., Corner Elm and Middle Streets, Brunswick, Maine. Applicant's attorney: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from points in Kennebec, Cumberland, Sagadahoc and Androscoggin Counties, Maine, to all points in the United States, and return to point of origin. Applicant is authorized to conduct operations in Maine.

NO. MC 114916, DENNIS M. OLIVER, 479 Aquidneck Avenue, Middletown, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, from points on the island of Rhode Island (Newport County), R. I., to points in Massachusetts, New Hampshire, Rhode Island, Maine and Connecticut, and return to point of origin.

APPLICATIONS FOR BROKERAGE LICENSES

NO. MC 12613, ANN L. McCARTNEY, R. D. #1, Fredonia, Pa., For authority to operate as a *broker* in arranging for the transportation of *Passengers and their baggage*, in the same vehicle with passengers, from points in the Counties of Mercer, Crawford, Venango, Lawrence and Clarion, Pa., to points in Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia and the District of Columbia, and return, in interstate or foreign commerce, by motor vehicle.

CORRECTIONS

Application No. MC 109847 SUB 2, appearing on Page 5245, issued of August 18, 1954. Change trade name to read: Boss-Linco Lines, Inc. in place of the erroneous spelling of L "Y" nco, as published.

Application of Wade E. Davis, doing business as Davis Transport, Paducah, Ky., MC 111397 SUB 10 is the correct docket number assigned to instant application published on Page 5620, issue of Thursday Sept. 2, 1954, in lieu of docket number 111379 Sub 10 as published.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

MC-F 4651 filed August 21, 1950. By report and order of the Commission, Division 4, entered February 2, 1951, 57 MCC-312, acquisition by DAVID H. RATNER of Mattoon, Ill., and JOSEPH E. GRINPAS of Chicago, Ill., of control of HAYES FREIGHT LINES, INC., of Mattoon, and SOUTHWEST FREIGHT LINES, INC., of Kansas City, Mo., through management, was authorized. A petition was filed on July 26, 1954, by said JOSEPH E. GRINPAS and DAVID H. RATNER for reopening, reconsideration and/or further hearing, wherein applicants seek supplemental authority for the purchase by said RATNER from said GRINPAS of 333⅓ shares of the capital stock of SOUTHWEST FREIGHT LINES, INC., at the price of $52.50 per share. It is also proposed that Ratner shall become a member of the board of directors of Southwest Freight Lines, Inc.

NO. MC-F-5761. WESTERN TRUCK LINES, LTD., 2835 Santa Fe Ave., Los Angeles, Calif., seeks to control GILLETTE MOTOR TRANSPORT, INC., 2311 Butler St., Dallas, Tex., and R. CANTLAY, J. TANZOLA, and CANTLAY & TANZOLA, INC., Los Angeles, Calif., seeks to control said carrier through the transaction. Applicants' attorney: Theodore W. Russell, 639 South Spring St., Los Angeles 14, Calif. Operating rights sought to be controlled: *General commodities*, with certain exceptions, as a *common carrier*, over a network of regular routes extending generally between Kansas City, Mo., and Galveston, Tex., via Tulsa, Oklahoma City, Ardmore, Oklahoma, Dallas and Houston, Texas, and between Dallas and El Paso, Texas, via Fort Worth, Abilene, Sweetwater, Odessa and Pecos, serving numerous intermediate and off-route points. If a more detailed description of the service is desired, copies of the application may be viewed at the office of the regulatory Commission of any state involved. Applicant is authorized to operate in Arizona, New Mexico, Texas, Nevada, and California. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5764. Authority sought for purchase by BERMAN'S MOTOR EXPRESS, INC., P. O. Box 288, Binghamton, N. Y., of the operating rights and property of PAUL E. McCLOSKEY, doing business as PEM EXPRESS, 975 Grand Central Ave., Elmira, N. Y., and for acquisition by SARAH BERMAN, Binghamton, N. Y., of the control of the operating rights and property through the purchase. Applicants' attorney: Martin Werner, 295 Madison Ave., New York 17, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions, as a *common carrier*, over regular routes, between Wellsboro, Pa., and Elmira, N. Y., between Wellsboro, Pa., and Antrim, Pa., between Elmira, N. Y., and junction Pennsylvania Highway 84 and U. S. Highway 15, and between Tioga, Pa., and Liberty, Pa., serving all intermediate points, and the off-route points of Little Marsh, Stony Fork, Morris and Morris Run, Pa. Vendee is authorized to operate in New York and Massachusetts. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5768. Authority sought for purchase by NEIBAUER BUS COMPANY, 1520 Farragut Ave., Bristol, Pa., of a portion of the operating rights of DELAWARE RIVER COACH LINES, INC., P. O. Box 146, Phillipsburg, Pa., and for acquisition by ETHEL NEIBAUER, Bristol, Pa., of control of said operating rights through the purchase. Applicants' attorney: Ralph B. Umsted and Abraham Nathanson, 501 Commercial Trust Bldg., Philadelphia 2, Pa. Operating rights sought to be transferred: *Passengers and their baggage*, as a *common carrier*, over regular routes, between Burlington, N. J., and Bristol, Pa., between Bristol, Pa., and Trenton, N. J., serving all intermediate points. Vendee is authorized to operate in Pennsylvania, New Jersey, New York, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

NO. MC-F-5771. Authority sought for purchase by STEPHEN LAHOTSKI, 181 Phillips St., Throop, Pa., of the operating rights of CLARK N. RICE, Lincoln Highway & Conestoga Rd., Strafford-Wayne, Pa. Applicant's attorney: Coates Lear, Cafritz Bldg., Washington, D. C. Operating rights sought to be transferred: *Used household furniture* (not including general household movings of "household goods"), as a *common carrier*, over regular routes, from New York, N. Y., to Philadelphia, Pa., serving no intermediate points; *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between points in Philadelphia, Pa.; *general commodities*, but only in bulk lots comprising the contents, fixtures, etc. of buildings, offices, bankrupt stocks, etc., from points in the District of Columbia, Delaware, New Jersey, New York, and Pennsylvania, to Philadelphia, Pa.; *household goods*, as defined by the Commission, between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland, Delaware, and New Jersey; between points in Delaware County, Pa., on the one hand, and, on the other, points in New York, Pennsylvania, Ohio, North Carolina, Connecticut, New Jersey, Maryland, Delaware, and the District of Columbia. *Sewing, knitting, and pressing machines, with parts, equipment, fittings, fixtures, and accessories therefor; electrical supplies, equipment, fittings, fixtures, and accessories; dog exhibition paraphernalia, paper* and *paper products, furnaces* and *air conditioners and parts of each, electrical appliances and parts, tin plate, sheet metal*, and *tinners' and roofers' supplies*, not requiring special equipment, special handling or rigging, *refractory cement* and *products thereof*, from, to and between points in Missouri, Pennsylvania, New Jersey, New York, Delaware, Maryland, Indiana, Ohio, Connecticut, Massachusetts, and the District of Columbia. Vendee is authorized to operate in Pennsylvania, Maryland, Ohio, Connecticut, Rhode Island, Massachusetts, Indiana, Kentucky, Illinois, Michigan and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7219; Filed, Sept. 14, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3293]

INDIANA & MICHIGAN ELECTRIC CO. AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF FIRST MORTGAGE BONDS AND PREFERRED STOCK AND SALE TO PARENT OF COMMON STOCK

SEPTEMBER 9, 1954.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by American Gas and Electric Company ("American"), a registered holding company, and its direct public-utility subsidiary company, Indiana & Michigan Electric Company ("Indiana-Michigan"). The filing has designated sections 6, 10, and 12 of the act and Rules U-42 and U-50 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Indiana-Michigan proposes to issue and sell, pursuant to competitive bidding under Rule U-50, $16,500,000 aggregate principal amount of First Mortgage Bonds, ____ percent Series due 1984; these bonds are to be secured by a Mortgage Indenture dated June 1, 1939, as heretofore supplemented and as to be further supplemented by a fifth Supplemental Indenture to be dated October 1, 1954; the price to be paid to Indiana-Michigan is to be not less than 100 percent nor more than 102¾ percent of the

principal amount thereof and the coupon rate is to be expressed in a multiple of ⅛ of 1 percent, these provisions of the securities to be determined at competitive bidding.

Indiana-Michigan is further proposing to issue and sell, pursuant to competitive bidding under Rule U-50, 40,000 shares of ____ percent Cumulative Preferred Stock, par value $100 per share; the price to be paid to Indiana-Michigan is to be not less than $100 per share nor more than $102.75 per share and the dividend rate is to be expressed in a multiple of 0.04 of 1 percent, these provisions of the securities to be determined at competitive bidding.

American proposes to acquire and Indiana-Michigan proposes to issue and sell prior to or concurrently with the sale of the bonds and preferred stock 43,000 shares of its common stock, no par value, for $2,000,000 in cash. The filing states that no fees or commissions are to be paid by Indiana-Michigan in connection with the proposed issuance of its common stock and it is estimated that expenses to be incurred in connection therewith will not exceed $5,000. Information in respect of other fees applicable to the proposed transactions is to be supplied to the Commission subsequently by amendment to the filing.

It is represented in the filing that the proceeds from the sale of these securities are to be used to prepay $9,500,000 aggregate principal amount of Notes Payable to Banks and that the remaining proceeds will be added to Indiana-Michigan's treasury funds and will be applied to extensions, additions and improvements to its properties.

The filing indicates that the proposed transactions, on the part of Indiana-Michigan, are subject to the jurisdiction of the Michigan Public Service Commission and of the Public Service Commission of Indiana.

Notice is further given that any interested person may, not later than September 23, 1954, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request and the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after September 23, 1954, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-7207; Filed, Sept. 14, 1954; 8:46 a. m.

DEPARTMENT OF JUSTICE

Office of Alien Property

ALICE KIYOKO MURAKAMI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alice Kiyoko Murakami, San Francisco, California, Claim No. 58100; $4,538 in the Treasury of the United States to Alice Kiyoko Murakami.

Robert Eiichi Murakami, Seattle, Washington, Claim No. 58101; $5,999.84 in the Treasury of the United States to Robert Eiichi Murakami.

Mary Yayoko Murakami, Niigata Ken, Japan, Claim No. 58888; $4,499.88 in the Treasury of the United States to Mary Yayoko Murakami.

Executed at Washington, D. C., on September 8, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7220; Filed, Sept. 14, 1954; 8:48 a. m.]

GIOSUE' PINAZZA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property.

Giosue' Pinazza, Milan, Italy, Claim Nos. 35850 and 57661; Property described in Vesting Order No. 94 (7 F. R. 6693, August 25, 1942), relating to United States Patent Application Serial No. 316,697 (now United States Letters Patent No. 2,350,921); property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,176,801; property described in Vesting Order No. 2246 (8 F. R. 14020, October 14, 1943), relating to United States Letters Patent No. 2,102,603.

Executed at Washington, D. C., on September 8, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7221; Filed, Sept. 14, 1954; 8:48 a. m.]

SOCIETE PATHE-CINEMA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Pathe-Cinema, Anciens Etablissements, Pathe-Freres, Paris, France, Claim No. 42512; Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos.: 1,829,103, 1,868,331, 1,937,976, 2,152,624, 2,205,083 1,851,718, 1,887,103, 2,114,278, 2,195,288, 1,858,792, 1,897,268, 2,151,742, 2,205,067.

Executed at Washington, D. C., on September 8, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7222; Filed Sept. 14, 1954; 8:49 a. m.]

LENI FROMM ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Leni Fromm, Brookline, Mass., Claim No. 41499; Marianne Simon, Oskaloosa, Iowa, Claim No. 41500; Albert Adolph Stern, Havana-Vedado, Cuba, Claim No. 41502; Frances Madeleine Benjamin nee Stern, also known as Frances Stern Benjamin, Arlington, Vermont, Claim No. 41503; Harry Adler, as Executor of the Estate of Alexander Lichten, deceased, McKeesport, Pennsylvania, Claim No. 42768. 14/24 of $33,331.34 in the Treasury of the United States, returnable as follows: 8/24 of $33,331.34 to Harry Adler; 2/24 of $33,331.34 each to Albert Adolph Stern and Frances Madeleine Benjamin; and 1/24 of $33,331.34 each to Leni Fromm and Marianne Simon.

Executed at Washington, D C., on September 8, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7224; Filed, Sept. 14, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 180

Washington, Thursday, September 16, 1954

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 16]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above identified regulations, as amended (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271; 16 F. R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671, 5082, 5933, 8206, 10537, 11257, 11379; 18 F. R. 151, 440, 3634, 4418, 6282, 6992, 7222, 8080, 8530; 19 F. R. 470, 509, 2287, 3017, 5604), are hereby amended, effective beginning with the 1955 crop year, as follows:

1. The table contained in § 420.24, as amended, is amended by changing the closing date for all counties in Oregon to November 30 and for all counties in Utah to March 31, and establishing a closing date of March 31 for all counties in Indiana and Ohio.

2. Section 420.35 is deleted.

3. Section 420.36 is amended to read as follows:

§ 420.36 *Separate crop protection.* Notwithstanding any other provisions of this subpart to the contrary, the Manager of the Corporation is authorized, in counties designated by him, in any case the insured so elects, to determine premium(s) and indemnity(ies) as though each crop insured were the only crop insured under the contract. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year, an election may be made or rescinded by notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. The combination of insurance units provided for in section 13 of the policy shall not be permitted in counties designated under this section.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended, 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on September 9, 1954.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on September 10, 1954.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-7271; Filed, Sept. 15, 1954; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Notice of proposed rule making with respect to the fixing of salable, surplus, and withholding percentages of merchantable filberts for the fiscal year beginning August 1, 1954, was published in the FEDERAL REGISTER of August 28, 1954 (19 F. R. 5523), pursuant to the provisions of Marketing Agreement No. 115 and Order No. 97, as amended, regulating the handling of filberts grown in Oregon and Washington (19 F. R. 1163). In said notice, in which it was proposed to fix the salable percentage of merchantable filberts at 78 percent, the surplus percentage at 22 percent, and the withholding percentage at 28 percent, for the fiscal year beginning August 1, 1954, opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to final issuance of a rule fixing the percentages. No such documents were received during the prescribed period.

Therefore, after consideration of all relevant matters, the administrative rule is as follows:

§ 997.204 *Salable, surplus, and withholding percentages for merchantable filberts.* For the fiscal year beginning August 1, 1954, the salable percentage of

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FEDERAL REGISTER

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merchantable filberts shall be 78 percent, the surplus percentage shall be 22 percent, and the withholding percentage shall be 28 percent.

It is hereby found and determined that good cause exists for making this document effective upon its publication in the FEDERAL REGISTER instead of waiting 30 days after publication for the reasons that (1) it is desirable that the percentages be fixed prior to the handling of filberts in the 1954–55 fiscal year, (2) such handling is about to begin, and (3) compliance with this administrative rule will not require handlers to make any advance preparation of a special nature.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c)

Issued at Washington, D. C., this 13th day of September 1954, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 54-7270; Filed, Sept. 15, 1954; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Part 141e; 19 F. R. 1141) and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146e; 19 F. R. 673, 1141, 2140, 3323) are amended as indicated below:

1. In § 141e.403 *Bacitracin tablets,* paragraph (a) *Potency* is amended by changing the first sentence to read: "Proceed as directed in § 141e.401 (a), except § 141e.401 (a) (3), and in lieu of the directions in § 141e.401 (a) (1) (iii) place 5 tablets in a blending jar and add thereto 125 milliliters of 1-percent phosphate buffer pH 6.0. After blending for 1 minute with a high-speed blender, add an additional 125 milliliters of buffer to the blender. Blend again for 1 minute and make the proper estimated dilutions in 1-percent phosphate buffer pH 6.0."

2. Section 141e.404 is amended by changing the headnote and paragraph (a) to read:

§ 141e.404 *Bacitracin troches; zinc bacitracin troches*—(a) *Potency.* Proceed as directed in § 141e.403 (a). The average potency of the troche is satisfactory if it is not less than 85 percent of the number of units per troche that it is represented to contain.

3. Section 141e.406 is amended by changing the headnote and paragraph (a) to read:

§ 141e.406 *Bacitracin - tyrothricin troches, zinc bacitracin-tyrothricin troches*—(a) *Potency.* Proceed as directed in § 141e.403 (a). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per troche that it is represented to contain.

4. Section 141e.410 (a) (1) (ii) is amended to read:

§ 141e.410 *Bacitracin-neomycin tablets*—(a) *Tablets*—(1) *Potency.* • • •
(ii) *Neomycin content.* Place 5 tablets in a blending jar and add thereto 200 milliliters of a 500-milliliter quantity of 0.10-percent phosphate buffer pH 8.0. After blending for 1 minute with a high-speed blender, add the remainder of the buffer. Blend again for 1 minute and make the proper estimated dilutions in the buffer and proceed as directed in paragraph (b) (1) of this section. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams of activity that it is represented to contain.

5. Section 141e.413 is revised to read:

§ 141e.413 *Bacitracin-neomycin troches, zinc bacitracin-neomycin troches*—(a) *Potency*—(1) *Content of bacitracin and zinc bacitracin.* Proceed as directed in § 141e.404 (a). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per troche that it is represented to contain.

(2) *Neomycin content.* Proceed as directed in § 141e.410 (a) (1) (ii). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams of activity that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

6. Section 141e.415 is revised to read:

§ 141e.415 *Bacitracin-polymyxin troches, zinc bacitracin-polymyxin troches*—(a) *Potency*—(1) *Polymyxin content.* Dissolve 5 troches in a small amount of 1-percent phosphate buffer pH 6.0, then add sufficient buffer to give a concentration of 100 units per milliliter and proceed as directed in § 141b.112 (b) (1) of this chapter. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Content of bacitracin and zinc bacitracin.* Using an aliquot of the solution prepared in subparagraph (1) of this paragraph, proceed as directed in § 141e.401 (a) (1). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

7. Section 141e.419 is revised to read:

§ 141e.419 *Bacitracin-neomycin-polymyxin troches, zinc-bacitracin-neomycin-polymyxin troches*—(a) *Potency*—(1) *Neomycin content.* Proceed as directed in § 141e.410 (a) (1) (ii). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams of activity that it is represented to contain.

(2) *Polymyxin content.* Proceed as directed in § 141e.415 (a) (1), except calculate from the quantity of neomycin found (using the method prescribed in subparagraph (1) of this paragraph) the quantity of neomycin that would be present when the sample is diluted to contain 100 units of polymyxin (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(3) *Content of bacitracin or zinc bacitracin.* Using an aliquot of the solution prepared in subparagraph (2) of this paragraph, proceed as directed in § 141e.401 (a) (1). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

8. Section 141e.420 is revised to read:

§ 141e.420 *Bacitracin-tyrothricin-neomycin troches, zinc bacitracin-tyrothricin-neomycin troches; potency and moisture.* Proceed as directed in § 141e.413 (a) and (b).

9. In § 146a.27 *Penicillin tablets,* paragraph (a) *Standards of identity* • • • is amended by changing the first sentence and adding thereafter a new sentence, to read as follows: "Penicillin tablets are tablets composed of sodium penicillin, calcium penicillin, potassium penicillin, crystalline penicillin O, benzathine penicillin G, or procaine penicillin, with or without one or more suitable analgesic substances, antihistaminics, and caffeine and with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. They may also contain probenecid or one or more suitable sulfonamides."

10. Section 146a.28 *Crystalline penicillin G oral suspension* • • • is amended in the following respects:

a. Paragraph (a) is amended to read:

(a) Crystalline penicillin G oral suspension is crystalline penicillin G sodium or potassium penicillin G and one or more suitable and harmless suspending or dispersing agents and preservatives, with or without probenecid or one or more suitable sulfonamides and suitable and harmless buffer substances, colorings, and flavorings, suspended in a suitable and harmless vehicle. Its potency is not less than 20,000 units per milliliter. Its moisture content is not more than 1.0 percent. The crystalline penicillin used conforms to § 146a.24 (a), except § 146a.24 (a) (2) and (4). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (c) (1) (iii) and (3) are amended to read as follows:

(c) *Labeling.* • • • (1) • • •
(iii) The name of each buffer substance, the quantity of probenecid, and the name and quantity of each sulfonamide and preservative used in making the batch.

• • • • •

(3) On the label and labeling, if it contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a) of this section, after the name "crystalline penicillin G oral suspension," wherever it appears, the words "with ——— (the blank being filled in with the common or usual name of each such other ingredient)," in juxtaposition with such name.

11. Section 146c.404 *Bacitracin troches* is amended in the following respects:

a. The section headnote and paragraph (a) are amended to read as follows:

§ 146e.404 *Bacitracin troches, zinc bacitracin troches*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin troches and zinc bacitracin troches are troches composed of bacitracin or zinc bacitracin, with or without ethyl aminobenzoate and with or without one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. The potency of each troche in not less than 500 units. Its moisture content is not more than 5 percent. The bactiracin used conforms to the requirements of § 146e.401 (a), except § 146e.401 (a) (1), (2), and (4), but its potency is not less than 30 units per milligram. The zinc bacitracin used conforms to the requirements of § 146e.418 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (b) *Packaging* is amended by deleting the words "bacitracin" from the first sentence.

c. Paragraph (c) *Labeling* is amended by deleting the word "bacitracin" from the introduction to the paragraph.

d. Paragraph (c) (1) (ii) is amended by inserting the words "or zinc bacitracin" between the words "of bacitracin" and "and if."

e. In paragraph (d) *Request for certification* • • •, subparagraph (1) is amended by deleting the words "of bacitracin troches" and by changing the words "bacitracin used in making" to read "bacitracin or zinc bacitracin used in making".

f. Paragraph (d) (2) (ii) is amended to read:

(ii) The bacitracin or zinc bacitracin used in making the batch; potency, moisture, toxicity, pH, and zinc content, if it is zinc bacitracin.

g. Paragraph (d) (3) is amended by renumbering subdivision (iii) as (iv) and inserting the following new subdivision (iii) between subdivision (ii) and renumbered subdivision (iv):

(iii) The zinc bacitracin used in making the batch; five packages, each containing approximately equal portions of not less than 1.0 gram, packaged in accordance with the requirements of § 146e.418 (b).

h. Paragraph (e) *Fees* is amended by deleting the words "of bacitracin troches" from the introduction to the paragraph.

12. Section 146e.406 *Bacitracin tyrothricin troches* is amended as follows:

a. The section headnote, the introduction to paragraph (a), and paragraph (a) (1) are amended to read:

§ 146e.406 *Bacitracin-tyrothricin troches, zinc bacitracin-tyrothricin troches.* (a) Bacitracin-tyrothricin troches and zinc bacitracin-tyrothricin troches conform to all requirements and are subject to all procedures prescribed by § 146e.404 for bacitracin troches and zinc bacitracin troches, except that:

(1) Each troche contains not less than 50 units of bacitracin or zinc bacitracin.

b. Paragraph (b) is amended by inserting after the words "bacitracin troches" the words "and zinc bacitracin troches", and by inserting the words "or zinc bacitracin" after "units of bacitracin".

13. Section 146e.413 *Bacitracin- neomycin troches* is amended as follows:

a. The section headnote, introduction to the section, and paragraph (a) are amended to read:

§ 146e.413 *Bacitracin-neomycin troches, zinc bacitracin-neomycin troches.* Bacitracin-neomycin troches and zinc bacitracin-neomycin troches conform to all requirements and are subject to all procedures prescribed by § 146e.410 for bacitracin-neomycin tablets, except that:

(a) Each troche contains not less than 200 units of bacitracin or zinc bacitracin. The zinc bacitracin used conforms to the requirements prescribed by § 146e.418 (a).

b. Section 146e.413 is further amended by adding the following new paragraphs:

(e) If zinc bacitracin is used in the manufacture of the batch, the person who requests certification of a batch shall submit with his request results and the dates of the latest tests of the zinc bacitracin used in making the batch for potency, toxicity, moisture, pH, and zinc content. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 5 packages, each containing approximately 1.0 gram of the zinc bacitracin used in making the batch.

(f) The fee for the services rendered with respect to each package of the sample submitted in accordance with paragraph (e) of this section shall be $4.00.

14. Section 146e.415 *Bacitracin-polymyxin troches* is amended as follows:

a. The section headnote, the introduction to the section, and paragraph (a) are amended to read:

§ 146e.415 *Bacitracin-polymyxin troches, zinc bacitracin-polymyxin troches.* Bacitracin-polymyxin troches and zinc bacitracin-polymyxin troches conform to all requirements and are subject to all procedures prescribed by § 146e.404 for bacitracin troches and zinc bacitracin troches, except that:

(a) Each troche contains not less than 50 units of bacitracin or zinc bacitracin.

b. Paragraph (d) is amended by changing the words "bacitracin troches" to read "bacitracin troches and zinc bacitracin troches".

15. Section 146e.420 *Bacitracin-tyrothricin-neomycin troches* is amended as follows:

a. The section headnote, the introduction to the section, and paragraph (a) are amended to read:

§ 146e.420 *Bacitracin-tyrothricin-neomycin troches, zinc bacitracin-tyrothricin-neomycin troches.* Bacitracin-tyrothricin-neomycin troches and zinc bacitracin-tyrothricin-neomycin troches conform to all requirements and are subject to all procedures prescribed by § 146e.413 for bacitracin-neomycin troches or zinc bacitracin-neomycin troches, except that:

(a) Each troche contains not less than 50 units of bacitracin of zinc bacitracin.

b. Paragraph (c) is amended by inserting after the words "bacitracin-neomycin troches" the words "and zinc bacitracin-neomycin troches".

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: September 9, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-7253; Filed, Sept. 15, 1954; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MILITARY PAYMENT CERTIFICATES

Sections 536.79 through 536.84 are rescinded and the following substituted therefor:

Sec.
536.79 General.
536.80 Limitations.
536.81 Payment of personnel and dependents in and under Department of Defense in certain oversea commands.
536.82 Conversion of military payment certificates into dollar instruments or foreign currency.
536.83 Conversion of military payment certificates outside designated areas.
536.84 Conversion of dollar instruments into military payment certificates.

AUTHORITY: §§ 536.79 to 536.84 issued under sec. 3, 58 Stat. 921; 50 U. S. C. App. 1707.

DERIVATION: AR 35-510, August 20, 1954.

§ 536.79 *General*—(a) *Areas.* Military payment certificates will be used for payments to United States and other authorized personnel and as the official medium of exchange for all transactions within establishments of the Armed Forces of the United States in the following areas:

Austria
Belgium
France
Free Territory of Trieste
French Morocco
Germany
Greece
Iceland
Italy
Iwo Jima
Japan and outlying Islands
Korea
Philippine Islands
Ryukyu Islands
Tripoli
United Kingdom
Yugoslavia

(b) *Definitions*—(1) *United States dollar instruments.* United States dollar instruments are defined as follows:

(i) United States Treasury checks (standard dollar checks) drawn on the Treasurer of the United States by authorized disbursing officers of the United States.

(ii) Traveler's checks issued by the American Express Company, the Bank of America National Trust and Savings Association, the Mellon National Bank and Trust Company, the National City Bank of New York, and Thomas Cook and Son (Bankers) Ltd., when expressed in United States dollars.

(iii) United States military disbursing officers' payment orders.

(iv) American Express Company money orders, when expressed in United States dollars, and United States postal money orders.

(v) Telegraphic money orders, when expressed in United States dollars.

(2) *Military payment certificate.* The military payment certificate is defined as an instrument, denominated in United States dollars or fractions thereof, which is the official medium of exchange in all establishments in areas designated by the Secretary of the Army. Military payment certificates are issued in denominations of 5 cents, 10 cents, 25 cents, 50 cents, $1, $5, and $10.

(3) *Authorized personnel.* Authorized personnel who come under the provisions of §§ 536.79–536.84 and who may utilize military payment certificates and dollar instruments defined herein, subject to limitations prescribed in § 536.80, are:

(i) Military and Naval personnel of the United States Government.

(ii) Reserve members on active duty and those on active duty for training, subject to the limitation set forth in § 536.80 (g).

(iii) Civilians, who are citizens of the United States, employed, directly or indirectly through contractors, by the Department of Defense.

(iv) Civilians, who are citizens of the United States and employed directly by agencies of the United States Government, other than by the Department of Defense, when authorized by the appropriate oversea commander.

(v) Dependents of personnel included in subdivisions (i) through (iv) of this subparagraph, but subject to the limitations set forth in § 536.80.

(vi) Civilians, other than those who are citizens of the country whose currency is legal tender in the area, directly employed by the Department of Defense, when authorized by the appropriate oversea commander.

(vii) Civilians, other than those who are citizens of the country whose currency is legal tender in the area, who are employed by quasi-official organizations in or under the Department of Defense and working for the benefit of the members of the Armed Forces of the United States, when authorized by the appropriate oversea commander. Examples are the Army and Air Force Exchange Service and its exchanges; United Service Organizations, Inc.; American Red Cross clubs and facilities; unit clubs; enlisted personnel and officers' club and messes; and the Central Welfare Fund of any given major oversea command.

(viii) Personnel attached to the headquarters of any United States military or naval unit, who, in the opinion of the appropriate oversea commander concerned, can best perform their mission by having access to Department of Defense facilities, when specifically authorized by such oversea commander.

(ix) Retired military personnel who are citizens of the United States.

(4) *Oversea commander.* The term "oversea commander," as used in §§ 536.79 to 536.84, is defined as the commanding general of a major oversea command.

(5) *Oversea staff finance officer.* The term "oversea staff finance officer," as used in §§ 536.79 to 536.84, includes the chief of a finance division, the comptroller, or the chief finance officer on the staff of the commanding general of an oversea command.

(c) *General provisions—Use of military payment certificates.* (1) In such areas as the Secretary of the Army designates, disbursing officers and their agents are authorized to disburse military payment certificates for pay and allowances of authorized personnel, and for all other authorized payments to individuals in and under the Department of Defense, as set forth in this section.

(2) In areas in which military payment certificates are in use, such are the only authorized medium of exchange:

(i) In all Army, Navy, and Air Force sales and services installations and activities.

(ii) In theaters and other entertainment facilities operated by the Department of Defense.

(iii) In officers' and enlisted personnel messes and clubs, including American Red Cross installations.

(iv) For contributions for all charitable purposes including all authorized charitable appeals, church collections, and chaplain's funds, whenever ultimate remittance to the United States through Department of Defense channels is involved.

(v) For payments to all travel agencies, radio, cable, telegraph and telephone companies, and all other facilities of similar types, wherever ultimate remittance to the United States through Department of Defense channels is involved.

(vi) In Army, Navy, and Air Force postal installations for the purchase of postal money orders and stamps and the cashing of postal money orders.

(vii) In all other official agencies, quasi-official and private agencies of or working in behalf of United States Armed Forces providing goods, services, and facilities to members of United States Armed Forces.

(3) No foreign currency or coin will be accepted in any of the facilities listed above. Acceptance of United States currency and coin in such facilities will be limited exclusively to those areas in which individuals in and under the Department of Defense are paid in United States currency.

(d) *Convertibility of military payment certificates.* Disbursing officers and their agents are authorized to exchange dollar instruments for military payment certificates, or military payment certificates for dollar instruments, for persons authorized to be in possession of military payment certificates, as set forth in this section.

(e) *Transactions between Army disbursing officers and disbursing officers of other services.* Army disbursing officers and their agents are authorized to exchange dollar instruments for military payment certificates, or military payment certificates for dollar instruments, in transactions with disbursing officers of the United States Navy and the United States Air Force and their agents; and with such other disbursing officers of the United States Government and their agents as may be authorized specifically by oversea commanders.

§ 536.80 *Limitations.* (a) The military payment certificate is for use only in the Department of Defense by authorized personnel, in accordance with applicable rules and regulations.

(b) Possession or use of military payment certificates is prohibited unless acquired pursuant to the regulations contained in §§ 536.79 to 536.84, and such additional regulations as may be promulgated by the oversea commander concerned.

(c) Military payment certificates may be acquired, possessed, and used by authorized personnel incident to normal legitimate transactions within the Department of Defense, not in violation of Department of the Army directives, major oversea command directives, and the Uniform Code of Military Justice.

(d) Under no circumstances will authorized personnel or disbursing officers accept military payment certificates from, transfer military payment certificates to, or exchange military payment certificates for persons other than authorized personnel, or accept or exchange military payment certificates after the date designated by the Secretary of the Army for their acceptance or exchange.

(e) Individuals are prohibited from transmitting military payment certificates through the mails in connection with personal affairs not involving official agencies. Individuals desiring to transmit funds will use any of the methods currently provided for such transmission.

(f) The disbursement of military payment certificates to authorized personnel referred to in § 536.79 (b) (3) (vi), (vii) and (viii) is limited to the amount thereof determined by the oversea commander to be necessary.

(g) The disbursement of military payment certificates to authorized personnel referred to in § 536.79 (b) (3) (ii) is limited to $50 for each individual, to be issued in quarterly periods. However, no limitation is placed on the number of purchases which may be made by an individual during the quarterly period, except that the total sum of all military payment certificates issued during the period may not exceed $50.

§ 536.81 *Payment of personnel and dependents in and under Department of Defense in certain oversea commands*—(a) *Medium of disbursement.* Disburse-

ments specified in paragraph (b) of this section to authorized personnel defined in § 536.79 (b) (3) will be made in military payment certificates.

(b) *Types of disbursements.* Disbursements falling within the purview of this section are:

(1) Regular monthly pay and allowances.

(2) Partial payments.

(3) Per diem or reimbursement of expenses incident to official travel.

(4) Station or living allowances, where specifically authorized.

(5) Class E and class Q allotments, when specifically authorized.

(6) All other authorized payments to individuals in and under the Department of Defense.

§ 536.82 *Conversion of military payment certificates into dollar instruments or foreign currency.* Under the conditions set forth in paragraphs (a) through (h) of this section, authorized personnel may exchange military payment certificates, in amounts legitimately in their possession for United States currency or coin, dollar instruments, or foreign currencies:

(a) *United States dollar currency or coin.* Upon departure for:

(1) The United States.

(2) Areas where United States dollar currency has been determined by the Secretary of the Army to be used, consistent with local foreign exchange control regulations.

(b) *United States Treasury checks.* When traveling under competent orders to areas in which disbursing officers and class B agent officers and military attache disbursing officers are not readily available.

(c) *United States postal money orders.* Issued in accordance with regulations of the United States Post Office Department by United States Army postal officers or their agents.

(d) *United States savings bonds.*

(e) *Military payment orders.*

(f) *Authorized foreign currency.* Disbursing officers and their agents will convert military payment certificates or authorized United States dollar instruments into authorized foreign currency for the accommodation of authorized personnel designated in § 536.79 (b) (3). The rate of exchange to be used will be the rate of exchange at which the local currency was obtained.

(g) *American Express Company money orders.* When expressed in United States dollars.

(h) *Travelers' checks.* As defined in § 536.79 (b) (i) (ii) or bank drafts when expressed in United States dollars and purchases through established United States banking facilities.

§ 536.83 *Conversion of military payment certificates outside designated areas.* (a) The provisions of § 536.82 will not be construed as authority for disbursing officers and their agents outside of the areas listed in § 536.79 (a) to convert military payment certificates into dollars or dollar instruments for authorized personnel returning from the countries so listed. Regulations in effect in those areas require that such exchange be made on or before the date the individual departs.

(b) The following is the only exception to paragraph (a) of this section: Military payment certificates presented to the summary court officer, such certificates having been taken from the effects of an individual whose death occurred on or before the date the series of military payment certificates so presented were withdrawn from circulation, will be forwarded to the Finance Office, U. S. Army, Oakland Army Base, Oakland 14, California, for exchange, provided the amount is not in excess of $500 and there is no evidence that the military payment certificates were acquired illegally. Amounts in excess of $500 will be forwarded by the summary court officer to the Chief of Finance, Department of the Army, Washington 25, D. C., for decision regarding exchange thereof.

§ 536.84 *Conversion of dollar instruments into military payment certificates.* Authorized personnel may exchange United States dollar currency and coin and the following types of dollar instruments, only if acquired and held in accordance with existing regulations, into military payment certificates:

(a) United States postal and American Express Company money orders.

(b) United States Treasury checks.

(c) United States dollar travelers' checks as specified in § 536.79 (b) (1) (ii).

(d) Military payment orders.

(e) Telegraphic money orders when expressed in United States dollars.

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-7269; Filed, Sept. 15, 1954; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circ. 1881]

PART 257—LEASE OR SALE OF SMALL TRACTS, NOT EXCEEDING FIVE ACRES, FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT, RECREATIONAL, OR BUSINESS SITES

MINERALS; TIMBER

Section 257.15 is amended to read as follows:

§ 257.15 *Minerals; timber.* (a) Any lease or patent issued under the act will reserve to the United States all deposits of coal, oil, gas, or other minerals, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary may prescribe. Any minerals subject to the leasing laws in the lands patented or leased under the terms of the act may be disposed of to any qualified person under applicable laws and regulations in force at the time of such disposal. No provision is made at this time to prospect for, mine, or remove the other kinds of minerals that may be found in such lands; and until rules and regulations have been issued, such reserved deposits will not be subject to prospecting or disposition.

(b) (1) Because of the need for strategic and fissionable source minerals as well as minerals important to the economic and industrial welfare of the Nation and its security, the Director may authorize any Federal agency to enter upon any of the lands classified for small tract purposes within the State of Florida (and such other States or Territory for which approval of this action may be given by the Secretary of the Interior), for exploratory purposes to determine whether such lands are mineral in character and the nature, extent and incidence of such mineral, if any, even though such lands are under lease or have been patented in accordance with paragraph (a) of this section.

(2) The exploratory work conducted under the authority of this section, shall not be construed as permitting damage to the permanent structures or buildings of the small tract lessees or patentees or their lawful successors in interest.

(c) A lessee will not be permitted to cut timber from the leased lands without written permission from the Area Administrator or Director. Such permission will be granted only if it is necessary to cut the timber to clear the land or to erect improvements thereon.

(52 Stat. 609, as amended; 43 U. S. C. 682a)

DOUGLAS MCKAY,
Secretary of the Interior.

SEPTEMBER 10, 1954.

[F. R. Doc. 54-7240; Filed, Sept. 15, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 294]

[Economic Regulations Draft Release No. 70]

FOREIGN AIR TRANSPORTATION CONDUCTED FOR THE MILITARY ESTABLISHMENT

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 13, 1954.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 294 of the Economic Regulations (14 CFR 294) which would establish a further classification of air carriers to be designated as "Foreign Military Charter Carriers". This proposed amendment would also establish certain terms, conditions, and limitations under which such carriers will be exempted from the requirement of tariff filing and observance.

The necessity for the proposed regulation is explained in the attached explanatory statement.

The proposed regulations are set forth below.

This amendment is proposed under authority of section 205 (a) and section 416 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 904, 1004; 49 U. S. C. 425, 496).

Interested persons may participate in the proposed rule-making through submission of written data, views or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before October 18, 1954, will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. At the present time air carriers conducting operations in foreign air transportation for the United States military establishment are required to comply with all requirements of the Civil Aeronautics Act and the Board's Economic Regulations which relate to tariff filing and observance, except as exempted by Part 294 of the Economic Regulations.

In the field of foreign air transportation, the Board lacks the statutory power to prescribe rates of air carriers subject to its jurisdiction and, accordingly, is unable to take effective action even though tariffs at uneconomic levels are filed. While the Board does have power to investigate and remove cases of unlawful discrimination in foreign air transportation, this power is not well adapted to short term situations, since rates may not be suspended pending investigation. Inasmuch as most charters for the military establishment are for special situations and short periods of time, the transportation would generally have taken place before any discrimination investigation could be completed, thus rendering this control ineffective.

The military establishment procures its charter transportation through a competitive bidding system. Invitations for bids are usually initiated far enough in advance so that carriers have ample time to change their tariffs, giving the required 30 days statutory notice. However, even though air carriers could in the usual case comply with the tariff filing requirements, for the reasons indicated above there is little benefit to the public interest in continuing this requirement in the situation referred to.

Moreover, in the less frequent cases where invitations for bids are issued on less than thirty days' notice, the tariff filing requirements may place air carriers at a distinct competitive disadvantage. This occurs by reason of the fact that there are certain commercial operators who are not air carriers within the meaning of the act, although their operations are governed from a safety standpoint by Part 45 of the Civil Air Regulations. Such carriers therefore are not subject to the Board's economic regulatory jurisdiction or control. These so-called Part 45 carriers have become increasingly active in the field of foreign military charters.

In consideration of these circumstances, the Board believes that it would not be adverse to the public interest to exempt the air carriers subject to its jurisdiction from filing and observance of tariffs for foreign military charters operated under contract with the military establishment in order that they may be on an equal basis competitively with the Part 45 carriers. The Board, in proposing this exemption, recognizes that such action will not solve the basic economic problem in this field, namely, the uneconomic low levels to which military charter rates have fallen as a result of the policy of unrestricted bidding and a temporary excess of available capacity for charters following the termination of the Korean airlift. Since the Board does not have the means of effectively dealing with this problem, it believes that in the absence of further legislative authority, reliance, must be placed upon the Department of Defense for any rate stabilization in this field.

It is proposed to amend Part 294 of the Economic Regulations (14 CFR 294), Classification and Exemption of Air Carriers while Conducting Certain Operations for the Military Establishment, as follows:

1. By redesignating paragraph (c) of § 294.1 as paragraph (d) and by inserting the words "or foreign military charter agreement" after the phrase "air carrier entering into a military operations charter agreement".

2. By adding a new paragraph (c) to § 294.1 to read as follows:

(c) Foreign Military Charter Agreement shall mean an agreement (other than a Military Operations Charter Agreement) between an air carrier and any Department of the Military Establishment of the United States, a copy of which has been filed with the Civil Aeronautics Board by the air carrier, whereby the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage or for the movement of property, on a time, mileage, or trip basis in foreign air transportation.

3. By amending § 294.2 by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

(b) There is hereby established a class of air carriers known as Foreign Military Charter Carriers, composed of all air carriers who hold currently effective authorization from the Board to engage in air transportation and who are parties to currently effective and unexecuted foreign military charter agreements as herein defined.

4. By amending § 294.3 by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

(b) Subject to the provisions of this part, Foreign Military Charter Carriers are hereby exempted from section 403 of the Civil Aeronautics Act of 1938, as amended, and Part 221 of this subchapter.

5. By amending § 294.4 to read as follows:

§ 294.4 *Scope of exemption.* The respective exemptions granted in this part for operations conducted pursuant to military operations charter agreements which have been filed with the Board, and for operations conducted pursuant to foreign military charter agreements which have been filed with the Board, shall extend only to the respective operations conducted thereunder and shall in no way affect the obligation of Military Operations Carriers or Foreign Military Charter Carriers to abide by the act and the Board's Economic Regulations with respect to other air transportation performed: *Provided*, That the authority hereby granted shall be in addition to all other authority to engage in air transportation issued by the Board and shall not in any way be construed as limiting such other authority.

[F. R. Doc. 54-7272; Filed, Sept. 15, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE NAVY

Office of the Secretary

CHIEF, BUREAU OF SUPPLIES AND ACCOUNTS

DELEGATION OF AUTHORITY TO ELIMINATE EXCESSIVE PROFITS UNDER THE RENEGOTIATION OF 1951

1. The Chief of the Bureau of Supplies and Accounts is hereby authorized to take appropriate action, on behalf of the Secretary of the Navy and subject to his direction and control, to eliminate excessive profits pursuant to the provisions of section 105 (b) (1) of the Renegotiation Act of 1951 (50 U. S. C. App. 1215 (b) (1)) and § 1461.5 (32 CFR 1461.5) of the Renegotiation Regulations (1951 Act), and as the Renegotiation Board may direct, with authority to assign any necessary function in connection therewith to any office or agency under his control.

2. Pursuant to § 1461.5 of the Renegotiation Regulations (1951 Act), in the case of an agreement to eliminate excessive profits, action will be taken to effect the collection of such profits in accordance with the terms of the agreement.

Upon the failure of a contractor to comply with the terms of such agreement, one or more of the methods for the elimination of excessive profits set forth in section 105 (b) (1) of the Renegotiation Act of 1951 will be used. If, however, pursuant to the Renegotiation Regulations (1951 Act), the contractor has made a timely request for an extension of time to pay any amount due and payable under such agreement, no collection method other than the withholding of the amount due and payable, or any part

thereof, from amounts otherwise due the contractor will be used prior to the time such request is acted upon by the Board, except with the approval of the Secretary of the Navy.

3. Pursuant to § 1461.5 of the Renegotiation Regulations (1951 Act), in the case of an order to eliminate excessive profits, action will be taken to demand that the full amount thereof be paid by the contractor not later than the thirtieth calendar day after the date of the order. Upon failure of the contractor to comply with such demand, one or more of the methods for the elimination of excessive profits set forth in section 105 (b) (1) of the Renegotiation Act of 1951 will be used. With the approval of the Secretary of the Navy, however, any of such methods may be used at any time, if such action is deemed necessary to protect the interests of the Government.

4. This notice is effective as of July 14, 1954.

R. H. FOGLER,
Assistant Secretary of the Navy.

SEPTEMBER 8, 1954.

[F. R. Doc. 54-7249; Filed, Sept. 15, 1954; 8:47 a. m.]

Bureau of Supplies and Accounts

OFFICER-IN-CHARGE, NAVY REGIONAL ACCOUNTS OFFICE, WASHINGTON, D. C.

DELEGATION OF AUTHORITY TO ELIMINATE EXCESSIVE PROFITS UNDER THE RENEGOTIATION ACT OF 1951

AUGUST 23, 1954.

1. The Officer-in-Charge, Navy Regional Accounts Office, Washington, D. C., is hereby authorized to take appropriate action, on behalf of the Chief, Bureau of Supplies and Accounts and subject to his direction and control, to eliminate excessive profits pursuant to the provisions of section 105 (b) (1) of the Renegotiation Act of 1951 and § 1461.5 (32 CFR 1461.5) of the Renegotiation Regulations (1951 Act), and as the Renegotiation Board may direct, to the same extent and in the same manner as the Chief, Bureau of Supplies and Accounts is so authorized by the notice entitled "Authority to Eliminate Excessive Profits Under the Renegotiation Act of 1951," effective July 14, 1954, from the Secretary of the Navy to the Chief, Bureau of Supplies and Accounts, F. R. Doc. 54-7249, *supra*.

2. This notice is effective as of August 3, 1954.

R. J. ARNOLD,
Rear Admiral, (SC), U. S. Navy,
Acting Chief of Bureau.

[F. R. Doc. 54-7250; Filed, Sept. 15, 1954; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ELVIRA CHIAPPINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elvira Chiappini ved. Paoletti, Milan, Italy, Claim No. 58942, Vesting Order No. 235; $22.11 in the Treasury of the United States and stock of the De Nobili Cigar Company, a New York corporation, consisting of 3 shares third preferred capital stock, par value $25 per share, Certificate No. 292, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City.

Executed at Washington, D. C., on September 8, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7223; Filed, Sept. 14, 1954; 8:49 a. m.]

EMMA MULLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emma Muller, Vienna, Austria, Claim No. 41132, Vesting Order No. 4181; $907.78 in the Treasury of the United States.

Executed at Washington, D. C., on September 8, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7225; Filed, Sept. 14, 1954; 8:49 a. m.]

ILSE PETROVIC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ilse Petrovic, Thal 138 (Gut Lierhof), Post Goesting bei Graz, Austria, Claim No. 42052; $24,930.93 in the Treasury of the United States, 20 shares of Canadian Pacific Railroad common stock, Certificate No. 266112 presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on September 8, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7226; Filed, Sept. 14, 1954; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A-42059, 44159]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

Pursuant to notice from the Civil Aeronautics Administration that the following described public lands, included in Air Navigation Site withdrawal No. 60 of June 3, 1931, as amended December 14, 1931, are no longer needed for air navigation purposes, and in accordance with the authority delegated to me by the Director, Bureau of Land Management in Order No. 541, dated April 21, 1954 (19 F. R. 2473), the lands are hereby restored to disposition under applicable public land laws as hereinafter indicated:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 2 W.,
Sec. 6: SW¼NW¼NW¼, SW¼NW¼W½ SW¼ (SW¼ Lot 4, Lots 5, 6, 7).

The areas described total 126.24 acres of public lands.

The lands are located approximately 3½ miles west of Ashfork, Arizona, and are accessible by unimproved road from State Highway U. S. 66, which passes approximately one-half mile south of the tract. The topography is level to rolling and the area supports a sparse vegetative cover of shrubs and perennial grasses. The soils range from gravel to sandy loam and are generally rocky. The lands are not considered suitable for any agricultural use except grazing.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other non mineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m. on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended. All applications filed pursuant to the Veterans' Preference Act of 1944 on or before 10:00 a. m. of the 35th day after the date of this order shall be treated as though simultaneously filed at that time. All other applications under the public-land laws filed on or before 10:00 a. m. of the 126th day after the date of this order shall be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to: The Manager, Arizona Land Office, Room 251 Main Post Office Building, Phoenix, Arizona.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 54-7244; Filed, Sept. 15, 1954; 8:45 a. m.]

SIERRA ANCHA EXPERIMENTAL FOREST, TONTO NATIONAL FOREST, ARIZONA

NOTICE OF HEARING ON WITHDRAWAL OF PUBLIC LANDS

Notice is hereby given that a public hearing will be held by the Area Administrator, Area 2, Bureau of Land Management, or such employee of the Bureau as may be designated by him, at 9:00 a. m., Wednesday, October 13, 1954, in the Superior Court Room, at Globe, Arizona, pertaining to the request by the United States Department of Agriculture, AR-05563 (amended), for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, of the lands described hereafter for the Sierra Ancha Experimental Forest, as set forth in the Notice of Proposed Withdrawal and Reservation of lands, dated March 30, 1954, published in the FEDERAL REGISTER on April 7, 1954, Volume 19, page 1963. The lands proposed for withdrawal are as follows:

GILA AND SALT RIVER BASE MERIDIAN

T. 5 N., R. 13 E.,
Sec. 1: S½N½N½, S½N½, S½;
Sec. 2: E½SE¼;
Sec. 11: NE¼, E½NW¼, S½;
Secs. 12 and 13: All;
Sec. 14: N½, N½SW¼, SE¼;
Sec. 23: NE¼;
Sec. 24: All;
Sec. 25: E½, E½NW¼;
Sec. 36: E½NE¼.
T. 5 N., R. 14 E.,
Sec. 3: Lots 3 & 4, S½NW¼, SW¼;
Sec. 4, 5, 6, 7, 8, 17, 18, 19, and 20: All;
Sec. 29: W½;
Sec. 30: All;
Sec. 31: Lots 1 & 2, NE¼, E½NW¼, NE¼ SW¼, N½SE¼.
T. 6 N., R. 14 E.,
Sec. 31: Lot 4, SE¼SW¼, S½SE¼;
Sec. 32: E½NE¼, S½SW¼, SE¼;
Sec. 33: All;
Sec. 34: W½NW¼, SW¼.

The tracts described aggregate 13,150.47 acres.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and the proponents of the withdrawal who may explain its purpose, intent, and extent, and to all interested persons who desire to be heard on the subject. Those who desire to be heard in person at the hearing should give notice thereof, and those desiring to submit written statements should file them not later than October 6, 1954, with the Area Administrator, Area 2, Bureau of Land Management.

Information relating to the lands affected or other matters pertaining to the withdrawal may be obtained from the Area Administrator, or BLM Supervisor for Arizona at Phoenix.

H. BYRON MOCK,
Area Administrator.

[F. R. Doc. 54-7243; Filed, Sept. 15, 1954; 8:45 a. m.]

Southwestern Power Administration

CHIEF, DIVISION OF ADMINISTRATIVE SERVICES ET AL.

DELEGATION OF AUTHORITY WITH RESPECT TO PROPERTY MANAGEMENT MATTERS

SEPTEMBER 8, 1954.

SECTION 1. *Revocation.* SPA General Order No. 83, August 27, 1952 (17 F. R. 9085) is revoked.

SEC. 2. *Contracts.* Pursuant to the authority granted by Department of the Interior Order No. 2509, as amended (17 F. R. 6793, 19 F. R. 433), the Chief, Division of Administrative Services, the Chief, Branch of Office Services, and the Purchasing Agent, Branch of Office Services, are authorized to take the following actions:

.01 Irrespective of the amount involved, enter into contracts for construction, equipment and supplies, and services;

.02 Issue change orders and extra work orders, enter into modifications of, and terminate contracts when legally permissible, except that a change order to a construction contract (Standard Form No. 23) involving an estimated increase or decrease of more than $500.00 requires the approval of the Administrator.

SEC. 3. *Leases.* Pursuant to the authority granted by Department of the Interior Order No. 2509, as amended (17 F. R. 6793, 19 F. R. 433), the Chief, Division of Administrative Services, the Chief, Branch of Office Services, and the Purchasing Agent, Branch of Office Services, may exercise the authority of the Administrator with respect to leases.

SEC. 4. *Disposition; surplus property—*
.01 *Real property.* Pursuant to the authority granted by Department of the Interior Order No. 2696, as amended (17 F. R. 6795, 19 F. R. 433), the Chief, Division of Administrative Services, the Chief, Branch of Office Services, and the Property Officer, Branch of Office Services, may exercise the authority of the Administrator with respect to the disposition of surplus real property.

.02 *Personal property.* Pursuant to the authority granted by Department of the Interior Order No. 2642, as amended, (16 F. R. 6318, 19 F. R. 433) the Chief, Division of Administrative Services, and the Chief, Branch of Office Services, and the Property Officer, Branch of Office Services, may exercise the authority of the Administrator with respect to the disposition of surplus personal property.

SEC. 5. *Effective date.* This order shall be effective on and after date of publication in the FEDERAL REGISTER.

JAMES V. ALFRIEND,
Acting Administrator.

[F. R. Doc. 54-7245; Filed, Sept. 15, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGARCANE WAGES AND PRICES IN PUERTO RICO AND THE VIRGIN ISLANDS

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), notice is hereby given that public hearings will be held as follows:

At San Juan, Puerto Rico, in the Conference Room of the Agricultural Stabilization and Conservation Office, Segarra Building, on October 21, 1954, at 9:30 a. m.,

At Christiansted, St. Croix, Virgin Islands, in the District Court Room, on October 26, 1954, at 9:30 a. m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico and the Virgin Islands during the calendar year 1955 on farms with respect to which applications for payments under the said act are made and (2) pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1954-55 Puerto Rican crop and the 1955 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to wages and prices. While testimony on all points relative to the subject matters of the hearing is desired, it is requested that with respect to fair and reasonable prices for 1954-55-crop Puerto Rican sugarcane interested parties be prepared to make recommendations as to (1) specification of the formula to be used in determining the yield of raw sugar from inferior varieties of sugarcane; (2) the need for the provision in the current determination requiring producers to bear the costs of storing sugar in outside warehouses prior to the end of the calendar year; (3) revision of the requirement of the current determination that processors make allowances to producers and perform services free of charge with

a view to modernization and specification of items and amounts of such allowances; and (4) the necessity for a change in the flat rate allowance for selling and delivery expenses on raw sugar which are not specifically enumerated in the current determination.

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Ward S. Stevenson, Linwood K. Bailey, and G. Laguardia are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 10th day of September 1954.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division.

[F. R. Doc. 54-7268; Filed, Sept. 15, 1954; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATE

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and in subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations §§ 522.1 to 522.14 are as indicated below; conditions provided in certificates issues under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations. (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Walter Goodman Co., Inc. 815 24th Street, Newport News, Va.; effective 8-30-54 to 2-28-55; 25 learners for plant expansion purposes (children's dresses).

Linda Lane Garment Co., Excelsior Springs, Mo.; effective 8-26-54 to 8-25-55; 10 learners for normal labor turnover purposes (Orlon and Nylon uniforms).

Leecraft Manufacturing Corp., Spencer, Tenn.; effective 9-21-54 to 9-20-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Morris Sportswear Co., 219 Arch Street, Nanticoke, Pa.; effective 9-18-54 to 9-17-55; 5 learners for normal labor turnover purposes (ladies sportswear).

Polink Bros., Inc., 227 West Main Street, Fort Wayne, Ind.; effective 8-23-54 to 2-22-55; 25 learners for plant expansion purposes (house dresses, smocks, etc.).

Rhea Manufacturing Co., American Junior Division, Bainbridge, Ga.; effective 8-27-54 to 2-26-55; 20 learners for plant expansion purposes (misses sportswear).

Sandye Shirt Corp., Portland, Tenn.; effective 8-23-54 to 8-22-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Sandye Shirt Corp., Portland, Tenn.; effective 8-23-54 to 2-22-55; 50 learners for plant expansion purposes (sport shirts).

Sherri Dress, Inc., 314 Main Street, Hawley, Pa.; effective 8-30-54 to 8-29-55; 6 learners for normal labor turnover purposes.

Terry Sportswear Co., Inc., 12 East Main Street, Glen Lyon, Pa.; effective 9-10-54 to 9-9-55; 10 learners for normal labor turnover purposes (women's and children's blouses).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

The Boss Manufacturing Co., Findlay, Ohio; effective 8-25-54 to 8-24-55; 10 learners for normal labor turnover purposes (work gloves).

Jasper Glove Co., Inc., Jasper, Ind.; effective 8-25-54 to 8-24-55; 10 learners for normal labor turnover purposes (work gloves).

Lillington Manufacturing Co., Inc., Rutland, Vt.; effective 8-27-54 to 8-26-55; 10 learners for normal labor turnover purposes (leather gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Altamont Knitting Mills, Inc., 19-23 East Union Street, Wilkes-Barre, Pa.; effective 8-30-54 to 8-29-55; 5 learners for normal labor turnover purposes (men's and ladies sweaters and men's polo shirts).

Dixie Belle Textiles, Inc., Gibsonville, N. C.; effective 8-30-54 to 8-29-55; 5 learners for normal labor turnover purposes (ladies' and children's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14). The following special learner certificates were issued to the school-operated industries listed below.

Oak Park Academy, Nevada, Iowa; effective 9-1-54 to 8-31-55; 5 learners in print shop as compositor, pressman, and related skilled and semiskilled occupations; 350 hours at 60 cents per hour, 325 hours at 65 cents per hour and 325 hours at 70 cents per hour; 6 learners in broom shop as broom maker (winder) stitcher, sorter, and related skilled and semiskilled occupations, 150 hours at 60 cents per hour, 125 hours at 65 cents per hour and 125 hours at 70 cents per hour.

Walla Walla College, College Place, Wash., effective 9-1-54 to 8-31-55; 10 learners in print shop as compositor, pressman, bindery worker, and related skilled and semiskilled occupations, 350 hours at 60 cents per hour, 325 hours at 65 cents per hour and 325 hours at 70 cents per hour; 25 learners in bookbindery as bookbinder, bindery worker, and related skilled and semiskilled occupations, 200 hours at 60 cents per hour, 200 hours at 65 cents per hour and 200 hours at 70 cents per hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and is indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 30th day of August 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-7246; Filed, Sept. 15, 1954; 8:46 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations. (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Bellcraft Manufacturing Co., Hartwell, Ga., effective 9-17-54 to 9-16-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

Devil-Dog Manufacturing Co., Inc., Zebulon, N. C., effective 8-23-54 to 2-12-55; 25 learners for plant expansion purposes (children's boxer longies).

Johnnye Manufacturing Co., 4th and Walnut Street, Albion, Ill.; effective 8-23-54 to 8-22-55; 10 percent of the total number of factory production workers for normal labor turnover purposes. (Learners are not authorized to be employed at subminimum wage rates in the production of skirts) (women's and misses' dresses and blouses).

Lillington Garment Co., Inc., Lillington, N. C., effective 8-30-54 to 1-4-55; 50 additional learners for expansion purposes (sport and utility shirts) (supplemental certificate).

Lincoln Garment Co., 220 North Chicago Street, Lincoln, Ill.; effective 8-20-54 to 8-19-55; 10 learners for normal labor turnover purposes (women's and misses' dresses).

The Londontown Manufacturing Co., Inc., 1101 East 25th Street, Baltimore 12, Md.; effective 8-17-54 to 8-16-55; 5 learners for normal labor turnover purposes, in the production of raincoats only (men's raincoats and topcoats).

North Shore Manufacturing Co., 525 Lake Avenue South, Duluth 2, Minn.; effective 8-23-54 to 8-22-55; 10 percent of the total number of factory production workers for normal labor turnover purposes. (Learners are not authorized to be employed at subminimum wage rates in the production of skirts and lined jackets) (women's and children's sportswear).

Pleasure Togs, Inc., 156 Trinity Avenue SW., Atlanta, Ga.; effective 8-18-54 to 8-17-55; 10 percent of the total number of factory production workers for normal labor turnover purposes. (This certificate does not authorize the employment of learners at subminimum wages in production of skirts) (women's sportswear).

Somerset Shirt and Pajama Co., 221 South Pleasant Street, Somerset, Pa.; effective 8-18-54 to 8-17-55; 10 percent of the factory production workers for normal labor turnover purposes (men's and boy's nightwear).

Superior Garment Co., Corner Blaine and Franklin Street, Newberg, Oreg.; effective 8-23-54 to 8-22-55; 10 learners for normal labor turnover purposes. (Learners are not authorized to be employed at subminimum wage rates in the production of skirts and lined jackets) (shirts).

Tom Cat Overall Co., 1511 Williams Street, Chattanooga, Tenn.; effective 8-23-54 to 8-22-55; 10 learners for normal labor turnover purposes (dungarees and overalls).

Hosiery Industry Learner Regulations, (29 CFR 522.40 to 522.46, as amended May 3, 1954, 19 F. R. 1761).

Fayetteville Knitting Mills, Inc., Fayetteville, N. C., effective 9-9-54 to 9-8-55; 5 learners for normal labor turnover purposes.

Portage Hosiery Company, Portage, Wis., effective 8-19-54 to 8-18-55; 5 percent of the total number of factory production workers engaged in the production of hosiery (not including slipper sox) for normal labor turnover purposes.

Quitman Manufacturing Co., Quitman, Miss., effective 9-1-54 to 8-31-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Whisnant Hosiery Mills, Inc., Hickory, N. C., effective 8-23-54 to 8-22-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations, (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Portage Hosiery Co., Portage, Wis., effective 8-19-53 to 8-18-55; 5 learners in the manufacture of mittens.

Knitted Wear Industry Learner Regulations, (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

The Hadley Corp., Weaverville, N. C., effective 8-17-54 to 8-16-55; 5 learners for normal labor turnover purposes (wool sweaters).

The Hadley Corp., Weaverville, N. C., effective 8-17-54 to 2-16-55; 5 learners for expansion purposes (wool sweaters).

Shoe Industry Learner Regulations, (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

Linda Jo Shoe Co., Inc., 420 West Garnett Street, Gainesville, Tex., effective 8-17-54 to 8-16-55; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Nortex Shoe Corp., 215 Lindsey Street, Gainesville, Tex., effective 8-24-54 to 8-23-55; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners, (29 CFR 522.1 to 522.14). The following special learner certificates were issued to the school-operated industries listed below:

Adelphian Academy, Holly, Mich., effective 9-1-54 to 8-31-55; 40 learners; woodwork shop as assembler, machine operator, and related skilled and semiskilled occupations including incidental clerical work in the shop; 250 hours at 60 cents per hour, 250 hours at 65 cents per hour and 250 hours at 70 cents per hour.

Campion Academy, Loveland, Colo., effective 9-1-54 to 8-31-55; 10 learners; broom shop as broommaker, stitcher, sorter, binder, and related skilled and semiskilled occupations; 150 hours at 60 cents per hour; 125 hours at 65 cents per hour, 125 hours at 70 cents per hour.

Cedar Lake Academy, Cedar Lake, Mich., effective 9-1-54 to 8-31-55; 25 learners; woodwork shop as assembler, machine operator, and related skilled and semiskilled occupations including incidental clerical work in the shop; 250 hours at 60 cents per hour, 250 hours at 65 cents per hour, 250 hours at 70 cents per hour.

Emmanuel Missionary College, Berrien Springs, Mich., effective 9-1-54 to 8-31-55; 30 learners; bookbindery as bookbinder, bindery worker, and related skilled and semiskilled occupations, 200 hours at 60 cents per hour, 200 hours at 65 cents per hour, 200 hours at 70 cents per hour; 25 learners in print shop as pressmen, compositor, and related skilled and semiskilled occupations; 350 hours at 60 cents per hour, 325 hours at 65 cents per hour and 325 hours at 70 cents per hour; 55 learners in woodwork shop as assembler, (furniture) machine operator, furniture finisher, and related skilled and semiskilled occupations; 250 hours at 60 cents per hour, 250 hours at 65 cents per hour and 250 hours at 70 cents per hour; 10 learners in clerical work as bookkeeper, typist, and related skilled and semiskilled occupations, 200 hours at 60 cents per hour, 200 hours at 65 cents per hour and 200 hours at 70 cents per hour.

Glendale Union Academy, 700 Kimlin Dr., Glendale, Calif., effective 9-1-54 to 8-31-55; 4 learners in print shop as compositor, pressman, finisher, and related skilled and semiskilled occupations, 350 hours at 60 cents per hour, 325 hours at 65 cents per hour, and 325 hours at 70 cents per hour unless higher standards are established by State law.

Hawaiian Mission Academy, 1438 Pensacola Street, Honolulu 9, T. H., effective 9-1-54 to 8-31-55; 5 learners in print shop as compositor, pressman, and related skilled and semiskilled occupations, 500 hours at 65 cents per hour and 500 hours at 70 cents per hour; 5 learners in clerical work as typist, bookkeeper, related skilled and semiskilled occupations, 300 hours at 65 cents per hour and 300 hours at 70 cents per hour.

Madison College (Nashville Agricultural & Normal Institute), Madison College, Tenn., effective 9-1-54 to 8-31-55; 16 learners in food manufacturing at skilled and semiskilled occupations in food manufacturing including clerk and fireman and repairman in steam plant, 100 hours at 60 cents per hour, 100 hours at 65 cents per hour, 100 hours at 70 cents per hour; 6 learners in print shop as compositor, pressman, and related skilled and semiskilled occupations, 350 hours at 60 cents per hour, 325 hours at 65 cents per hour and 325 hours at 70 cents per hour.

Monterey Bay Academy, P. O. Box 191, Watsonville, Calif., effective 9-1-54 to 8-31-55; 30 learners in trellis shop as milliman and other related skilled and semiskilled occupations including incidental clerical work in shop, 200 hours at 60 cents per hour, 150 hours at 65 cents per hour and 150 hours at 70 cents per hour unless higher standards are set by State law.

Oakwood College, Huntsville, Ala., effective 9-1-54 to 8-31-55; 30 learners in broom shop as broommaker, sorter, winder, stitcher, and related skilled and semiskilled occupations, 150 hours at 60 cents per hour, 125 hours at 65 cents per hour and 125 hours at 70 cents per hour.

Ozark Academy, Gentry, Ark., effective 9-1-54 to 8-31-55; 5 learners in Venetian blind shop as rail cutter, machine operator, spray painter, slat, cord and tape cutter, installer, and related skilled and semiskilled occupations, 200 hours at 60 cents per hour, 150 hours at 65 cents per hour and 150 hours at 70 cents per hour; 12 learners in broom shop as winder, stitcher, sorter, painter, and related skilled and semiskilled occupations, 150 hours at 60 cents per hour, 125 hours at 65 cents per hour and 125 hours at 70 cents per hour.

Pacific Union College, Napa County, Angwin, Calif., effective 9-1-54 to 8-31-55; 12 learners in print shop as pressman, compositor, lithographer, bindery worker, and related skilled and semiskilled occupations including incidental clerical work in shop, 350 hours at 60 cents per hour, 325 hours at 65 cents per hour and 325 hours at 70 cents per hour; 12 learners in bookbindery as bookbinder, including sewer, gold stamper, trimmer and backer, cutter, case-maker, and related skilled and semiskilled occupations including incidental clerical work in shop, 200 hours at 60 cents per hour, 200 hours at 65 cents per hour and 200 hours at 70 cents per hour; 12 learners in color slide previewer equipment as basic hand and machine operations and color slide previewers and equipment including incidental clerical work in this shop, 60 hours at 60 cents per hour, 60 hours at 65 cents per hour and 60 hours at 75 cents an hour unless higher standards are established by State law.

Southwestern Junior College, Keene, Tex., effective 9-1-54 to 8-31-55; 10 learners in print shop as compositor, pressman, bindery worker, and related skilled and semiskilled occupations, 350 hours at 60 cents per hour, 325 hours at 65 cents per hour and 325 hours at 70 cents per hour; 4 learners in clerical work as typist, file clerk, bookkeeper, stenographer, timekeeper, and other related skilled and semi-skilled occupations, 200 hours at 60 cents per hour, 200 hours at 65 cents per hour and 200 hours at 70 cents per hour.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, and length of the learning period and the learner wage rates are indicated, respectively.

Puerto Rico Ball and Bearing Co., Inc., Ponce Playa, P. R., effective 8-9-54 to 2-8-55. Occupations: gaugers, inspectors, and swage operators, 160 hours at 45 cents an hour; grinders, lappers, and polishers, 160 hours at 45 cents an hour and 160 hours at 50 cents an hour (one millimeter balls and swivels).

Senorita Hosiery Mills, Inc., Curabo, P. R., effective 8-17-54 to 2-16-55; 6 learners. Occupations: knitting, seaming, mending; each 240 hours at 30 cents an hour, 240 hours at 35 cents an hour, 240 hours at 40 cents an hour, and 240 hours at 45 cents an hour; Examining and inspecting, 160 hours at 30

cents an hour, 160 hours at 37½ cents an hour and 160 hours at 45 cents an hour (full-fashioned hosiery).

Walden Hosiery Mills of Puerto Rico, Inc., Cidra, P. R., effective 8–11–54 to 2–10–55; 10 learners. Occupations: knitters transfer top) and loopers; each 240 hours at 30 cents an hour, 240 hours at 35 cents an hour, 240 hours at 40 cents an hour and 240 hours at 45 cents an hour (infants' hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 24th day of August 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54–7247; Filed, Sept. 15, 1954; 8:46 a. m.]

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910) and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the Regulations issued pursuant thereto (41 CFR 201, 1102).

The names and addresses of the sheltered workshops, wage rates and the effective and expiration dates of the certificates are set forth below. In each case, the wage rates are established at rates not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or at wage rates stipulated in the certificate, whichever is higher.

Community Workshops, Inc., 36 Washington Street, Boston 14, Mass.; at a rate of not less than 17 cents per hour. Certificate is effective August 1, 1954, and expires on July 30, 1955.

Merrimack Valley Goodwill Industries, Inc., 99 Willie Street, Lowell, Mass.; at a rate of not less than 25 cents per hour for a training period of 40 hours and 40 cents thereafter. Certificate is effective August 1, 1954, and expires on July 31, 1955.

The New Haven Goodwill Industries, Inc., 238 State Street, New Haven, Conn.; at a rate of not less than 25 cents an hour for a training period of 40 hours and 40 cents thereafter. Certificate is effective September 1, 1954, and expires on August 31, 1955.

The Volunteers of American, Inc., 36–30 13th Street, Long Island City, N. Y.; at a rate of not less than 45 cents per hour. Certificate is effective August 1, 1954, and expires on July 31, 1955.

The Volunteers of American, Inc., 37–11 22d Street, Long Island City, N. Y.; at a rate of not less than 45 cents per hour. Certificate is effective August 1, 1954, and expires on July 31, 1955.

The National Society of Volunteers of America, 297 Clinton Street, Binghamton, N. Y.; at a rate of not less than 45 cents per hour. Certificate is effective July 1, 1954, and expires on June 30, 1955.

Georgia Association of Workers for the Blind, 539 Courtland Street NE., Atlanta, Ga.; at a rate of 50 cents per hour. Certificate is effective August 1, 1954, and expires on July 31, 1955.

The Goodwill Industries of Zanesville, 108 Main Street, Zanesville, Ohio; at a rate of not less than 10 cents per hour for a training period of 40 hours and 50 cents thereafter. Certificate is effective August 5, 1954, and expires on July 31, 1955.

Goodwill Industries of Muskegon County, Inc., 794 Pine Street, Muskegon, Mich.; at a rate not less than 20 cents per hour for a training period of 40 hours and 40 cents thereafter in the Salvage Department; a rate of not less than 20 cents per hour for a training period of 200 hours and 40 cents per hour thereafter in the Contract Department. Certificate is effective August 5, 1954, and expires on July 31, 1955.

Detroit League for the Handicapped, 1401 Ash Street, Detroit 6, Mich.; at a rate of not less than 5 cents per hour for a training period of 140 hours and 10 cents per hour thereafter. Certificate is effective August 5, 1954, and expires on July 31, 1955.

Volunteers of America, 181 Hill Street, Akron 8, Ohio; at a rate of not less than 20 cents an hour for a training period of 40 hours and 30 cents thereafter. Certificate is effective August 27, 1954, and expires on July 31, 1955.

Columbus Goodwill Industries, 94 North Sixth Street, Columbus 15, Ohio; at a rate of not less than 6 cents an hour for a training period of 40 hours and 20 cents thereafter in the salvage-transportation department; a rate of not less than 6 cents per hour for a training period of 120 hours and 15 cents thereafter in the Contract Shop. Certificate is effective August 27, 1954, and expires on July 31, 1955.

Michigan Veterans Facility Soldiers Home, 3000 Monroe Avenue, Grand Rapids, Mich.; at a rate of not less than 19 cents per hour. Certificate is effective September 1, 1954, and expires on August 31, 1955.

Goodwill Industries of Cleveland, 930 East 70th Street, Cleveland 3, Ohio; at a rate of not less than 15 cents per hour for a training period of 40 hours and 50 cents per hour thereafter in the transportation department; a rate of not less than 15 cents per hour for a training period of 80 hours and 20 cents per hour thereafter in the Contract and other Departments. Certificate is effective September 1, 1954, and expires on August 31, 1955.

Christ Mission Goodwill Industries, 330 East Boardman Street, Youngstown 3, Ohio; at a rate of not less than 30 cents per hour. Certificate is effective August 27, 1954, and expires on July 31, 1955.

Volunteers of America, 121 East Water Street, Sandusky, Ohio; at a rate of not less than 25 cents per hour. Certificate is effective August 27, 1954, and expires on July 31, 1955.

Springfield Goodwill Industries, Inc., 812–14 East Washington Street, Springfield, Ill.; at a rate of not less than 40 cents per hour for a training period of 80 hours and 45 cents thereafter. Certificate is effective August 1, 1954, and expires on July 31, 1955.

United Cerebral Palsy of Greater Minneapolis, Inc., 1001 East 24th Street, Minneapolis 4, Minn.; at a rate of not less than 30 cents per hour. Certificate is effective September 1, 1954, and expires on February 28, 1955.

Workshop for the Blind, 1307 Leech Street, Sioux City 1, Iowa; at a rate of not less than 15 cents per hour for a training period of 160 hours and 35 cents per hour thereafter. Certificate is effective September 1, 1954, and expires on August 31, 1955.

Harris County Association for the Blind, 3530 West Dallas Street, Houston 19, Tex.; at a rate of 30 cents per hour for a training period of 160 hours and 40 cents per hour thereafter in the canning department, the sewing and weaving department and the rubber mat department; 50 cents per hour in the mop department. Certificate is effective September 1, 1954, and expires on August 31, 1955.

Volunteers of America, 1955 Post Street, San Francisco, Calif.; at a rate of not less than 60 cents per hour for a training period of 160 hours and 75 cents thereafter. Certificate is effective August 28, 1954, and expires on August 31, 1955.

Volunteers of America of Los Angeles, 333 South Los Angeles Street, Los Angeles, Calif.; at a rate of not less than 40 cents per hour for a training period of 80 hours and 56 cents thereafter. Certificate is effective September 1, 1954, and expires on August 31, 1955.

Los Angeles California Industries for the Blind, 840 Santee Street, Los Angeles 14, Calif.; at a rate of not less than 15 cents per hour for a training period of 320 hours and 40 cents thereafter. Certificate is effective August 16, 1954, and expires on August 15, 1955.

Goodwill Industries of the Inland Empire, 130 East Third Street, Spokane 3, Wash.; at a rate of not less than 50 cents per hour for a training period of 80 hours and 50 cents thereafter. Certificate is effective September 1, 1954, and expires on August 31, 1955.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be canceled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 3d day of September 1954.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 54–7248; Filed Sept. 15, 1954; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2009 et al.]

AMERICAN AIRLINES, INC., ET AL.; NEW YORK CITY-MEXICO CITY NONSTOP SERVICE CASE

NOTICE OF HEARING

In the matter of applications of American Airlines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc., for nonstop air transport service between New York, N. Y., and/or Washington, D. C., on the one hand, and Mexico City, Mexico, on the other.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a public hearing in the above-entitled proceeding will be held on November 8, 1954, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of issues presented in this proceeding, particular attention will be directed to an inquiry as to whether the public convenience and necessity require nonstop air transport service between New York, N. Y., and/or Washington, D. C., on the one hand, and Mexico City on the other; and whether each of the above-named air-carrier applicants is fit, willing, and able to perform the air transportation sought to be authorized and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder. Consideration will be given to the applications heretofore consolidated into this proceeding by Orders Nos. E–8485 and E–8609, adopted on June 30, 1954 and September 3, 1954, respectively.

For further details of the issues involved in this proceeding, interested parties are referred to the Prehearing Conference Report of the Examiner, the various Board orders that have been entered in this proceeding, the applications of the parties and other pleadings, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before November 8, 1954, a statement setting forth the propositions of fact or law which he desires to advance.

Dated at Washington, D. C., September 13, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54–7274; Filed, Sept. 15, 1954; 8:52 a. m.]

[Docket No. 6594]

PAN AMERICAN WORLD AIRWAYS, INC.; ACQUISITION OF LINEAS AEREAS COSTARRICENSES, S. A.

NOTICE OF HEARING

In the matter of the application of Pan American World Airways, Inc., under section 408 of the Civil Aeronautics Act of 1938, as amended, for a determination whether Pan American World Airways, Inc. has acquired control of Lineas Aereas Costarricenses, S. A., and, if so, for approval of such acquisition.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 408 of said act, that a public hearing in the above-entitled proceeding will be held on October 18, 1954, at 10:00 a. m., e. s. t., in Room 5132 Commerce Building, Fifteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues presented in this proceeding, particular attention will be directed to the following matters:

1. Whether Pan American World Airways, Inc., has acquired control of Lineas Aereas Costarricenses, S. A., within the meaning of section 408 (a) of the Civil Aeronautics Act of 1938, as amended.

2. If Pan American World Airways, Inc. has acquired control of Lineas Aereas Contarricenses, S. A., whether such control is consistent with the public interest and whether it otherwise meets the statutory tests prescribed by section 408 (b) of the Civil Aeronautics Act.

For further details regarding the issues in this proceeding, interested parties are referred to the application in Docket No. 6594, and to the Prehearing Conference Report of the Examiner, both of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding, must file with the Board on or before October 18, 1954, a statement setting forth the propositions of fact or law which he desires to advance.

Dated at Washington, D. C., September 13, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54–7273; Filed, Sept. 15, 1954; 8:52 a. m.]

[Order No. E–8594]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL.

IATA CONDITIONS OF CARRIAGE FOR PASSENGERS AND CARGO; ORDER EXTENDING PERIOD FOR FILING OBJECTIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of August 1954.

In the matter of certain resolutions adopted at the Traffic Conference Meetings of the International Air Transport Association (I. A. T. A.) at Honolulu between Pan American World Airways, Inc., various air carriers, foreign air carriers, and other carriers, relating to conditions of carriage and related traffic regulations. Agreement C. A. B. No. 7648 R–18, 81, 82, and 107; Agreement C. A. B. Nos. 2698 R–23 et al. (Order No. E–3230).

The Board, by Order No. E–8543, dated August 5, 1954, set forth certain tentative findings and conclusions with respect to the uniform Conditions of Cariage, Passenger and Cargo, of IATA as contained in resolutions 030, 275b, and 600b (CAB Agreement No. 7648 R–18, 82, and 107).

The order granted all interested parties thirty (30) days from the date of issue thereof within which to file answers, with supporting data and reasons, objecting to any of the tentative findings and conclusions therein.

Pan American World Airways, Inc., by letter filed with the Board on August 20, 1954, has requested an extension of the period for filing objections of an additional 90 days.

The Board's proposed action is a matter of great importance to all U. S. flag carrier members of IATA which will require careful study and review by the carriers. An extension of the above-mentioned 30 day period will also enable the carriers, both United States and foreign, to discuss the various problems raised by the Board's order at the coming IATA Traffic Conference in Venice, Italy.

Other carriers have made similar requests on an informal basis.

The Board finds that Pan American's request appears to be reasonable and the granting thereof will not unduly delay disposition of this important matter. Since there appear to be no substantial problems involved with R–81 (275) Form of Passenger Ticket and Baggage Check-Amending, and it is desirable that final

action thereon be taken promptly so that the carriers may seasonably arrange for printing tickets and baggage checks, extension of the period for filing objections to the proposed approval of this resolution is not warranted.

Therefore: *It is ordered*, That:

The period specified in the Ordering Clause of Order No. E–8543 for filing objections to any of the tentative findings and conclusions with respect to Agreements R–18, 82 and 107 set forth therein be hereby extended through December 1, 1954.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54–7307; Filed, Sept. 15, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6580]

BONNEVILLE PROJECT, COLUMBIA RIVER, OREGON–WASHINGTON

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES

SEPTEMBER 10, 1954.

Notice is hereby given that the Administrator of the Bonneville Project has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, (1) schedules of rates and charges for electric energy sold by the Administrator and (2) general rate schedule provisions, which respectively modify existing filed rate schedules and general rate schedule provisions. The Administrator also requests that they become effective December 20, 1954.

The schedules of rates and charges and the general rate schedule provisions submitted for confirmation and approval are:

AT-SITE FIRM POWER WHOLESALE POWER RATE SCHEDULE A–4

SECTION 1. *Availability.* This schedule is available to purchasers of firm power delivered by the Administrator under appropriate contracts at the power plants, or at a point or points adjacent thereto to be designated by the Administrator.

The amount of power sold from any power plant under this rate schedule shall not exceed the at-site firm power determined by the Administrator to be available.

Power sold under this schedule for direct consumption shall be consumed within fifteen miles of the power plant, and power sold under this schedule for resale shall remain available only to a purchaser the principal part of whose load is consumed within fifteen miles of the power plant.

SEC. 2. *Rate.* Power sold under this schedule shall be at the rate of fourteen and one-half dollars ($14.50) net per year per kilowatt of billing demand, and shall be billed each month at one-twelfth (1/12) of the yearly rate.

SEC. 3. *Minimum charge.* The net minimum monthly charge for service under this schedule shall be one-twelfth (1/12) of fourteen and one-half dollars ($14.50) per kilowatt of contract demand.

SEC. 4. *Billing demand.* The billing demand shall be the highest of the following demands:

(1) The contract demand,

(2) The measured demand for the month, adjusted for power factor,

(3) The computed demand for the month, if part of the load is supplied from other sources (see section 2.3 of the General Rate Schedule Provisions),

(4) The highest measured or computed demand during the preceeding eleven months, before adjustment for power factor.

SEC. 5. *Power factor adjustment.* The adjustment for power factor specified in section 4 shall be made by increasing the measured demand for each month by 1 percent for each 1 percent or major fraction thereof by which the average power factor at which electric energy is supplied during such month is less than 0.85 lagging. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than 0.85 lagging would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power to the purchaser at any time at a power factor below 0.75 lagging.

SEC. 6. *Rate adjustment.* This rate schedule shall be subject to such adjustment as the Federal Power Commission may approve upon proposal by the Administrator to become effective on December 20 of the year 1956, or 1957, or 1958: *Provided*, That the Administrator shall make timely proposal for the adjustment, if adjustment becomes necessary, in order to bring the rate schedule into conformity with the rate standards of the Bonneville Project Act.

SEC. 7. *General provisions.* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act and the applicable General Rate Schedule Provisions.

This schedule supersedes Wholesale Power Rate Schedule A–4 effective March 1, 1946.

TRANSMISSION SYSTEM FIRM POWER WHOLESALE POWER RATE SCHEDULE C–4

SECTION 1. *Availability.* This schedule is available to purchasers of firm power delivered by the Administrator under appropriate contracts.

SEC. 2. *Rate.* Power sold under this schedule shall be at the rate of seventeen and one-half dollars ($17.50) net per year per kilowatt of billing demand and shall be billed each month at one-twelfth (1/12) of the yearly rate.

SEC. 3. *Minimum charge.* The net minimum monthly charge for service under this schedule shall be one-twelfth (1/12) of seventeen and one-half dollars ($17.50) per kilowatt of contract demand.

SEC. 4. *Billing demand.* The billing demand shall be the highest of the following demands:

(1) The contract demand,

(2) The measured demand for the month, adjusted for power factor,

(3) The computed demand for the month, if part of the load is supplied from other sources (see sec. 2.3 of General Rate Schedule Provisions),

(4) The highest measured or computed demand during the preceding eleven months, before adjustment for power factor.

SEC. 5. *Power factor adjustment.* The adjustment for power factor specified in section 4 shall be made by increasing the measured demand for each month by 1 percent for each 1 percent or major fraction thereof by which the average power factor at which electric energy is supplied during such month is less than 0.85 lagging. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than 0.85 lagging would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power to the purchaser at any time at a power factor below 0.75 lagging.

SEC. 6. *Rate adjustment.* This rate schedule shall be subject to such adjustment as the Federal Power Commission may approve upon proposal by the Administrator to become effective on December 20 of the year 1956, or 1957, or 1958: *Provided*, That the Administrator shall make timely proposal for the adjustment, if adjustment becomes necessary, in order to bring the rate schedule into conformity with the rate standards of the Bonneville Project Act.

SEC. 7. *General provisions.* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act and the applicable General Rate Schedule Provisions.

This schedule supersedes Wholesale Power Rate Schedule C–4 effective March 1, 1946.

WHOLESALE POWER RATE SCHEDULE E–4

SECTION 1. *Availability.* This schedule is available to purchasers of firm power delivered by the Administrator under appropriate contracts for resale, and for irrigation or drainage pumping use, including incidental use for other purposes in either case.

SEC. 2. *Rate.* Subject to the provisions of sections 4 and 5, the monthly rate for power sold under this schedule shall be as follows:

Demand charge: 75 cents net per kilowatt of billing demand.
Energy charge: First 200 kilowatt-hours per kilowatt of billing demand at 2.0 mills net per kilowatt-hour.
Additional kilowatt-hours at 1.0 mill net per kilowatt-hour.

SEC. 3. *Billing demand.* The billing demand under this rate schedule shall be the higher of the following demands:

(1) The measured demand for the month, adjusted for power factor,

(2) 70 percent of the highest measured demand, after adjustment for power factor, during the preceding eleven months exclusive of measured demands for the period from May 1 through September 30. This subsection (2) shall not apply to purchasers who use the power purchased under this rate schedule solely for irrigation or drainage pumping, and for uses incidental thereto, and who do not resell any of the power so purchased.

SEC. 4. *Limitations.* (1) The amount payable under any billing shall not be less than 90 percent of the amount resulting from the application of the above charges and provisions in this schedule to the entire requirements of the separate system to which the billing applies.

(2) For a period extending until five years after the date service is first rendered by the Administrator to a newly developed separate system, the net amount, after applying any applicable irrigation and drainage pumping discounts, payable for such system shall not exceed the higher of (1) 3.5 mills multiplied by the number of kilowatt-hours supplied, plus any increase in demand charge due to power factor adjustment, or (2) 3.5 mills multiplied by 90 percent of the entire energy requirements of the separate system to which the billing applies, plus any increase in demand charge due to power factor adjustment.

(3) The 90 percent specified in limitations (1) and (2) above shall be subject to an appropriate adjustment if the purchaser is unable to obtain his full requirements from the Administrator.

SEC. 5. *Irrigation and drainage pumping provision.* During the period from May 1 through September 30 each year, a discount of four-tenths mill ($0.0004) per kilowatt-hour will be applied to energy purchased from the Administrator under this rate schedule and resold by the purchaser to customers for strictly irrigation or drainage pumping and uses incidental thereto. Such discount also will be applied during the five-month period to energy purchased under this rate schedule by purchasers organized for and using such electric energy solely for irrigation or drainage pumping and uses incidental thereto.

Where irrigation or drainage pumping energy is purchased for resale by the purchaser:

(1) The kilowatt-hours to which the discount is applied will be the irrigation or drainage pumping kilowatt-hours metered for resale by the purchaser increased by 10 percent for losses.

(2) The discount will apply only to such irrigation or drainage pumping energy as is separately metered by the purchaser. In order to have such discount applied, the purchaser, except as provided in (3) below, shall supply within 10 days after the close of the Administrator's monthly billing period a record of the kilowatt-hours for each irrigation or drainage pumping customer so metered, and also such other data as are reasonably requested by the Administrator.

(3) Purchasers may supply such data to the Administrator on other than a monthly basis if the data correspond to the purchasers' regular billing periods that may be in effect for billing such irrigation or drainage pumping deliveries to its customers. In such instances the discount will be applied to the Administrator's monthly bill most nearly corresponding to the purchaser's regular billing period for such customers.

Notwithstanding any other provisions of this schedule, the Administrator may include in contracts with purchasers of irrigation or drainage pumping power a minimum annual charge for such power in an amount which shall return the annual costs on special facilities, if any, required to be installed by the Administrator to supply such service. At the end of the calendar year the purchaser will be billed for any amount by which said required minimum annual charge exceeds the total amounts previously billed for the year.

SEC. 6. *Power factor adjustment.* The adjustment for power factor specified in section 3 shall be made by increasing the measured demand for each month by 1 percent for each 1 percent or major fraction thereof by which the average power factor at which energy is supplied during such month is less than 0.95 lagging. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than 0.95 lagging would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power to the purchaser at any time at a power factor below 0.75 lagging.

SEC. 7. *Rate adjustment.* This rate schedule shall be subject to such adjustment as the Federal Power Commission may approve upon proposal by the Administrator to become effective on December 20 of the year 1956, or 1957, or 1948: *Provided*, That the Administrator shall make timely proposal for the adjustment, if adjustment becomes necessary, in order to bring the rate schedule into conformity with the rate standards of the Bonneville Project Act.

SEC. 8. *General provisions.* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act and the applicable General Rate Schedule Provisions.

This schedule supersedes Wholesale Power Rate Schedule E–4, as amended July 1, 1952.

WHOLESALE POWER RATE SCHEDULE F–4

SECTION 1. *Availability.* This schedule is available to purchasers of firm power delivered by the Administrator under appropriate contracts.

SEC. 2. *Rates.* Power shall be sold under this schedule at the following monthly rate:

Demand charge: 75 cents net per kilowatt of billing demand.
Energy charge: First 360 kilowatt-hours per kilowatt of billing demand at 2.5 mills net per kilowatt-hour.
Additional kilowatt-hours at 1.0 mill net per kilowatt-hour.

SEC. 3. *Minimum charge.* The total net minimum monthly charge for service under this schedule shall be the higher of (1) 75 cents per kilowatt of contract demand, or (2) 75 percent of the highest demand charge billed during the preceding eleven months. The Administrator may include in contracts for the sale of power under this rate schedule a provision requiring a higher minimum charge based on load factor.

SEC. 4. *Billing demand.* The billing demand under this rate schedule shall be the highest of the following demands:

(1) The contract demand,

(2) The measured demand for the month, adjusted for power factor,

(3) The computed demand for the month, if part of the load is supplied from other sources (see sec. 2.3 of General Rate Schedule Provisions).

SEC. 5. *Power factor adjustment.* The adjustment for power factor specified in section 4 shall be made by increasing the measured demand for each month by 1 percent for each 1 percent or major fraction thereof by which the average power factor at which electric energy is supplied during such month is less than 0.85 lagging. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than 0.85 lagging would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power to the purchaser at any time at a power factor below 0.75 lagging.

SEC. 6. *Rate adjustment.* This rate schedule shall be subject to such adjustment as the Federal Power Commission may approve upon proposal by the Administrator to become effective on December 20 of the year 1956, or 1957, or 1958: *Provided*, That the Administrator shall make timely proposal for the adjustment, if adjustment becomes necessary, in order to bring the rate schedule into conformity with the rate standards of the Bonneville Project Act.

SEC. 7. *General provisions.* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act and the applicable General Rate Schedule Provisions.

This schedule supersedes Wholesale Power Rate Schedule F–4 effective April 1, 1948.

DUMP ENERGY

WHOLESALE ENERGY RATE SCHEDULE H–3

SECTION 1. *Availability.* This schedule is available to purchasers of dump energy delivered by the Administrator under appropriate contracts in cases in which the Administrator determines that the purchaser normally maintains electric generating facilities or has firm standby contracts or other sources of energy satisfactory to the Administrator sufficient to supply the purchaser's requirements when dump energy is not delivered. This schedule also applies to energy delivered for experimental and testing purposes and for emergency and breakdown use under the conditions set forth in sections 7.1 and 8.1, respectively, of the applicable General Rate Schedule Provisions.

SEC. 2. *Delivery.* Delivery of dump energy is not assured. The Administrator shall be the sole judge of whether and when dump energy will be delivered, and if delivered, the amount thereof.

In the event that the dump energy available to the Administrator is insufficient to supply the requirements of all purchasers thereof, the Administrator shall, in his sole discretion, designate the purchasers to whom such dump energy shall be delivered and the amount thereof to be delivered to each such purchaser.

SEC. 3. *Rate.* Energy shall be sold under this schedule at two and one-half (2.5) mills net per kilowatt-hour delivered.

SEC. 4. *Minimum charge.* If it is necessary for the Government to install extra equipment or extra capacity for the purpose of delivering energy under this schedule, the contract for the sale of energy shall provide a minimum charge sufficient, in the judgment of the Administrator, to protect the Government from loss due to the installation of such extra equipment or extra capacity.

SEC. 5. *Rate adjustment.* This rate schedule shall be subject to such adjustment as the Federal Power Commission may approve upon proposal by the Administrator to become effective on December 20 of the year 1956, or 1957, or 1958: *Provided*, That the Administrator shall make timely proposal for the adjustment, if adjustment becomes necessary, in order to bring the rate schedule into conformity with the rate standards of the Bonneville Project Act.

SEC. 6. *General provisions.* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act and the applicable General Rate Schedule Provisions.

This schedule supersedes Wholesale Energy Rate Schedule H–3 effective March 1, 1946.

WHOLESALE POWER RATE SCHEDULE R–1

SECTION 1. *Availability.* This schedule applies to at-site and transmission system firm power used by railroads primarily for traction purposes, delivered under appropriate contracts to railroads or to purchasers for resale to railroads. The points of delivery shall be so located that the capacity required for the estimated load at each point of delivery shall be not less than 7,500 kva, unless in any particular case the Administrator determines that it would be advantageous to the Government to supply a lower capacity.

SEC. 2. *Rate.* Energy shall be sold under this schedule at four mills per kilowatt-hour of net energy supplied adjusted for power factor as set forth below. Such net energy before adjustment for power factor will be determined as the aggregate number of kilowatt-hours delivered to the purchaser's system at all points of delivery less the number of kilowatt-hours resulting from regenerative braking received by the Government for the purchaser's system. The energy flowing in both directions will be metered separately as of each point of delivery.

SEC. 3. *Minimum charge.* The net minimum charge under this schedule shall be $0.50 per month times the aggregate kva capacity of all of the points of delivery.

SEC. 4. *Power factor adjustment.* The net energy before adjustment for power factor will be increased 1 percent for each 1 percent or major fraction thereof by which the average power factor is less than 0.95 lagging. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than 0.95 lagging would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power at any time at a power factor below 0.75 lagging.

SEC. 5. *Rate adjustment.* This rate schedule shall be subject to such adjustment as the Federal Power Commission may approve upon proposal by the Administrator to become effective on December 20 of the year 1956, or 1957, or 1958: *Provided*, That the Administrator shall make timely proposal for the adjustment, if adjustment becomes necessary, in order to bring the rate schedule into conformity with the rate standards of the Bonneville Project Act.

SEC. 6. *General provisions.* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act and to the applicable General Rate Schedule Provisions.

This schedule supersedes Wholesale Power Rate Schedule R–1 effective April 1, 1948.

GENERAL RATE SCHEDULE PROVISIONS

1.1 *Firm power.* Firm power is power which the Administrator assures as being continuously available to a customer to meet his load requirements except when operation of the facilities used by the Government to serve the purchaser is suspended, interrupted, interfered with, or curtailed due to uncontrollable forces as defined herein, or because of necessary maintenance.

2.1 *Contract demand.* The contract demand shall be the number of kilowatts that the Administrator agrees to have available for delivery to the purchaser under the conditions stated in the rate schedule. Any delivery of power in excess of contract demand shall in no event obligate the Administrator to continue to deliver power in excess of the contract demand.

2.2 *Measured demand.* Except where deliveries are scheduled as hereinafter provided, the measured demand for any class of power, for any point of delivery, and for any period, shall be the largest of the 30-minute integrated demands at which such class of power is delivered to the purchaser at such point during such period. The Administrator, in determining the measured demand, will exclude any abnormal 30-minute integrated demands due to or resulting from emergencies, breakdowns, or maintenance of the Government's facilities. The class of power referred to above may include but is not restricted to firm, dump, experimental, testing, emergency, breakdown, and interruptible power.

If the contractual arrangements provide for the delivery of more than one class of power to the purchaser at any point of delivery, the total 30-minute integrated demands at such point will be determined from measurements as specified in the contract, or estimated where metering or other data are not available for such determination. The portion of each of such demands assignable to each class of power will be determined according to the terms of the contract.

If the flow of electric energy to the purchaser at any point or points of delivery cannot be adequately controlled because the purchaser's system is interconnected with one or more systems which are also interconnected directly or indirectly with the Government's system, the purchaser's measured demand for each class of power, for such point or points, and for any period, shall be the largest of the hourly amounts of such class of power which are scheduled for delivery to the purchaser at such point or points during such period.

2.3 *Computed demand.* A. The determination of computed demand for purchasers whose hydro generating facilities depend essentially upon daily usable streamflow, or for purchasers having only fuel-burning generating facilities, is made as follows:

(1) Determine for the billing month the capability of the purchaser's hydro generating facilities, both in terms of 30-minute peaking and of energy, under the water conditions which would have occurred during the same month in the critical year of record including modifications due to upstream storage operations. The determination will be made on the basis of the average daily usable streamflow in the critical year calculated separately for the first ten days, the second ten days, and the remainder of the month, respectively.

(2) Determine the capability, both in terms of 30-minute peaking and of energy, of the purchaser's fuel-burning generating facilities based on the most adverse fuel conditions reasonably to be anticipated and for which prudent operation would require provision to be made.

Limitation of fuel supply due to war or other extraordinary emergency will receive special treatment as required to conform to the basic purposes of the computed demand as stated above.

(3) Determine the firm peaking and energy capability available to the purchaser from other sources through purchase, lease, and exchange agreements.

(4) Determine the purchaser's assured capability for either peaking or energy by adding the capabilities determined in A (1), (2), and (3) above and deducting appropriate reserves.

(5) The computed demand for the month will be the greater of:

(a) The largest amount for any half hour by which the purchaser's actual system demand exceeds the purchaser's assured capability, or

(b) The largest amount during the month by which the purchaser's actual system average energy load for each ten-day period exceeds the purchaser's assured average energy capability for the corresponding ten-day period.

B. The determination of computed demand for purchasers having seasonal storage facilities (subsequently defined) is made as follows:

(1) Determine the 30-minute peaking and monthly energy capabilities of all nonstorage resources described in A (1), (2), and (3) above.

(2) Determine the monthly capabilities, both in terms of 30-minute peaking and of energy, of hydro generation facilities having seasonal storage, by relating total system resources to estimated monthly loads for the current operating year with storage utilized to provide the minimum peaking or energy requirement after deduction of adequate reserve generating capacity.

This determination will be made prior to the beginning of each operating year.

(3) The purchaser's assured monthly capability for either peaking or energy will be the total system resources less reserves, as determined in B (1) and (2) above.

(4) The computed demand for the month will be the greater of:

(a) The largest amount for any half hour by which the purchaser's actual system demand exceeds the purchaser's assured capability, or

(b) The purchaser's actual system average energy load for the month less the purchaser's assured average energy capability for the corresponding month.

Seasonal Storage shall mean storage held over from the annual high-water season to the following low-water season in an amount sufficient to regulate the hydro energy resources of the system to the system load requirements in a manner which would result in a uniform computed energy demand for a period of one month or more.

The use of computed demand as one of the alternatives in determining billing demand is intended to assure that each purchaser who purchases power from the Administrator to supplement his own facilities or other firm-power purchases will take a block of power substantially equivalent to the additional capacity which the purchaser would otherwise have to provide on the basis of normal and prudent operation, viz. sufficient capacity to carry the load through the most critical water or other conditions reasonably to be anticipated, with an adequate operating reserve.

Since the computed demand depends on the relationship of capability of resources to system requirements, the computed demand for any month cannot be determined until after the end of the month. As each purchaser must estimate his own load, and is in the best position to follow its development from day to day, it will be his responsibility to request scheduling of firm power, including any increase over previously established demands, on the basis estimated by him to result in the most advantageous purchase of the power to be billed at the end of the month.

Each contract in which computed demand may be a factor in determining the billing demand shall have attached to it as an exhibit a calculation of the computed demand of the purchaser for the period having the highest computed demand during the twelve months immediately preceding the effective date of the contract.

2.4 *Restricted demand.* If at any time the Administrator notifies the purchaser that future delivery of power will be restricted, or restricts power delivery to a specific amount which he determines can be made available (not including temporary restrictions made necessary by emergency conditions) then, in determining subsequent bills such restricted demand shall be substituted for any higher ratcheted demand or current computed demand which would otherwise be applicable. This provision shall not be deemed to give the Administrator the right to restrict deliveries below contract demand.

3.1 *Administrator.* The term Administrator means the Bonneville Power Administrator or such other department, agency, or official authorized by law to perform functions now performed by the Administrator, or any of their authorized agents.

4.1 *Character of service.* Power and energy supplied hereunder will be 3-phase alterating current at approximately 60 cycles per second, or such other type of service as may be available.

5.1 *Point of delivery and delivery voltage.* Power and energy shall be delivered to each purchaser at such point or points and such voltage or voltages as are agreed upon by the Administrator and the purchaser. Delivery at more than one voltage shall constitute delivery at more than one point.

Unless otherwise specifically provided in the rate schedule, where service is rendered to a purchaser at more than one point of delivery, the service at each point of delivery shall be billed separately under the applicable rate schedule. Provision for combined billing may be made in other cases, under conditions and terms specifically provided in the power sales contract, when: (a) Delivery at more than one point is advantageous to the Government, or (b) the flow of power at the several points of delivery is reasonably beyond the control of the purchaser.

6.1 *Application of rates during initial operating period.* In order to promote the development of new industries, the Administrator, for an initial operating period beginning with the commencement of operation of a new plant or major addition to an existing plant, and extending for such period as may be reasonably required by the character of the operation but not to exceed three months, may agree (a) to bill for service to such new plant or major addition on the basis of the maximum demand for each day, or (b) if such new plant or major addition is served by a distributor purchasing power therefor from the Administrator, to bill for that portion of such distributor's load which results from service to such new plant or major addition on the basis of the maximum demand for each day. The initial operating period may, with approval of the Federal Power Commission, be extended beyond the initial three months' period for such additional time as the character of operations may reasonably require. During such initial operating period such rate schedule provisions regarding contract demand, billing demand, and minimum monthly charge as are inconsistent with this section will be inoperative.

7.1 *Energy used for experimental and testing purposes.* In order to promote experimentation in new processing methods and in development of new types of load within the market area, the Administrator, for such time as may be reasonably required by the character of the experimentation, but not to exceed six months from the date of initial service unless approval of the Federal Power Commission is first obtained, may sell the energy used solely for such experimentation in accordance with Wholesale Energy Rate Schedule H–3. Energy used solely for testing of new equipment or processes also may be sold by the Administrator under the same conditions as apply to experimental energy.

8.1 *Energy supplied for emergency and breakdown use.* A purchaser taking firm power shall pay in accordance with Wholesale Energy Rate Schedule H–3 for any energy which has been supplied (a) for an emergency or breakdown use on the purchaser's system, or (b) following such emergency or breakdown to replace energy secured from sources other than the Government during such emergency or breakdown.

9.1 *Billing month.* Meters will normally be read and bills computed at intervals of one month. A month is defined as an interval of approximately 30 days between normal meter-reading dates. If service is for less or more than the normal billing month, the monthly charges stated in the applicable rate schedule will be appropriately adjusted.

9.2 *Payment of bills.* Bills for power shall be rendered monthly and shall be payable at the office of the Administrator. Failure to receive a bill shall not release the purchaser from liability for payment. If payment in full is not made on or before the close of business of the thirtieth day after the date of the bill, a delayed payment charge of two percent (2%) of the unpaid amount of the bill will be made except in the case of bills rendered under contracts with other agencies of the United States.

The Administrator may, whenever a power bill or a portion thereof remains unpaid subsequent to the thirtieth day after the date of the bill, and after giving thirty days' advance notice in writing, cancel the contract for service to the purchaser, but such cancellation shall not affect the purchaser's liability for any charges accrued prior thereto.

Remittances received by mail will be accepted without assessment of the two percent (2%) delayed payment charge provided the postmark indicates the payment was mailed on or before the thirtieth day after the date of the bill. If the thirtieth day after the date of the bill is a Sunday or a holiday, the next following business day shall be the last day on which payment may be made without the addition of the delayed payment charge.

10.1 *Change from one rate schedule to another.* Upon written request to the Administrator, any purchaser who has contracted for service under any rate schedule may change, at his option, to any other applicable rate schedule under an appropriate amendment to the contract, effective during the remainder of the original contract term. Only one such change will be permitted during the term of the original contract, other than changes resulting from the purchaser's option to substitute any applicable new rate schedule which may be filed by the Administrator. The change in rate will be made effective at the beginning of the first billing period following receipt of such request or at such later date as the request may stipulate. The billing factors established under the superseded rate schedule shall be applied, if applicable, in computing bills under the newly elected rate schedule in the same manner as if they had been established under the newly elected rate schedule.

11.1 *Approval of rates.* Schedules of rates and charges for electric energy sold to purchasers by the Administrator shall become effective only after confirmation and approval by the Federal Power Commission. Such rate schedules may be modified from time to time by the Administrator subject to confirmation and approval by the Federal Power Commission.

12.1 *Average power factor.* The formula for determining average power factor is as follows:

$$\text{Average Power Factor} = \frac{\text{Kilowatt-hours}}{\sqrt{(\text{Kilowatt-hours})^2 + (\text{Reactive kilovolt-ampere-hours})^2}}$$

In applying the above formula, the meter for measurement of reactive kilovolt-ampere-hours will be ratcheted to prevent reverse registration.

When deliveries to a purchaser at any point of delivery include more than one class of power and it is impracticable to separately meter the kilowatt-hours and reactive kilovolt-ampere-hours for each class, the average power factor of the total deliveries for the month will be used, where applicable, as the power factor for each of the separate classes.

13.1 *Uncontrollable forces.* The term Uncontrollable Forces means (a) strikes affecting the operation of the purchaser's works or system or other physical facilities upon which such operation is completely dependent, or of physical facilities used by the Government to serve the purchaser, or (b) events, reasonably beyond the control of the party having jurisdiction thereof, causing failure, damage, or destruction of such works, system, or facilities which by the exercise of reasonable diligence such party could not reasonably have been expected to avoid. Each party shall notify the other immediately of any defect, trouble, or accident which may in any way affect the delivery of power by the Government to the purchaser. In the event the operations of either party are suspended, interrupted, interfered with, or curtailed due to uncontrollable forces, such party shall exercise due diligence to reinstate such operations with all reasonable dispatch.

13.2 *Reduction in charges on account of interruptions.* If operation of the customer's works or system or other physical facilities upon which such operation is completely dependent, or if operation of physical facilities used by the Government to serve the purchaser is suspended, interrupted, interfered with, or curtailed due to uncontrollable forces, as defined herein, or because of necessary maintenance on the Government's system, the charges for power shall be appropriately reduced. No interruption of less than five (5) minutes duration will be considered for computation of such reduction in charges.

14.1 *Determination of estimated billing data.* In cases where amounts of power and energy purchased by a distributor must be estimated from information on use of power by ultimate consumers of that distributor, the Administrator shall review the data on consumer use of power submitted by the purchaser, and if any changes are deemed necessary, will advise the purchaser of the changes proposed. In the event that agreement cannot be reached as to the estimate, a binding determination shall be made by a committee composed of one member appointed by the Administrator, one member appointed by the purchaser, and if necessary, one member who shall have no direct interest to be selected by the two members so appointed.

15.1 *Sale of interruptible power.* Interruptible power is power which the Administrator agrees to deliver except when curtailed by him upon reasonable notice. The wholesale power rate schedules applicable to the sales of firm power by the Administrator shall also apply to sales of interruptible power, subject to the following provisions:

A. The billing demand shall be the measured demand for the month, adjusted for power factor.

B. The minimum monthly charge for firm power included in such schedules shall not apply.

C. If the Administrator curtails or agrees at the request of the purchaser to curtail deliveries of interruptible power during any month:

(1) The rates per kilowatt and the energy blocks, if any, stated in the schedules shall be prorated according to the ratio of the time in each portion of the month during which the same restrictions were continuously in effect to the total time in the month, and

(2) The billing demand for interruptible power for such portion of the month shall be the measured demand during such portion of the month adjusted, pursuant to the applicable rate schedule, for the average power factor for the entire month.

D. Any contract which provides that the purchaser shall purchase a specified amount of interruptible power until firm power is substituted therefor when it becomes available for that purpose as provided in such contract, shall include a minimum billing demand for such interruptible power which shall apply except when deliveries thereof are curtailed by the Administrator below the specified amount to be purchased.

Anyone desiring to make representation with respect to the foregoing should submit the same on or before October 15, 1954, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-7252; Filed, Sept. 15, 1954; 8:47 a. m.]

[Docket No. G-2566]

UNION GAS SYSTEM, INC.

NOTICE OF APPLICATION

SEPTEMBER 10, 1954.

Union Gas System, Inc. (Applicant), a Kansas corporation with its principal office in Independence, Kansas, filed on August 23, 1954, an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval (1) to abandon and remove facilities presently providing service to Altamont and Mound Valley, Kansas, consisting of 16.5 miles of transmission pipeline; and (2) to abandon service presently being rendered Altamont.

Applicant states that local gas supplies have become inadequate, and to avoid purchasing interstate gas from Cities Service Gas Company at Coffeyville, Kansas, for transportation to Altamont and Mound Valley, Kansas, by means of existing facilities, it has completed arrangements with Cities Service Gas Company for that company to construct and operate facilities to connect with a line to be constructed by the City of Altamont, Kansas. Service to Mound Valley is proposed to be rendered by Applicant by means of a new pipeline interconnecting facilities of Cities Service and Mound Valley, Kansas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of September 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-7251; Filed, Sept. 15, 1954; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Interim Department Order 2 [1]]

ASSISTANT SECRETARY

ORDER OF SUCCESSION TO POSITION OF ACTING SECRETARY

Pursuant to the authority vested in me by section 2 of Reorganization Plan No. 1 of 1953: *It is ordered*, That:

During the absence or disability of the Secretary and the Under Secretary or in the event of a simultaneous vacancy in the offices of Secretary and Under Secretary, the Assistant Secretary who is senior according to date of his commission shall act as Secretary.

[SEAL] OVETA CULP HOBBY, *Secretary.*

AUGUST 11, 1954.

[F. R. Doc. 54-7254; Filed, Sept. 15, 1954; 8:48 a. m.]

[1] Supersedes Interim Department Order 2 (18 F. R. 2421).

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3091]

GREAT CONSOLIDATED ELECTRIC POWER CO., LTD.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 10, 1954.

In the matter of Great Consolidated Electric Power Company, Limited (Daido Denryoku Kabushiki Kaisha) First Mortgage 7 Percent Sinking Fund Gold Bonds, Series A, due August 1, 1944, File No. 1-3091.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 promulgated thereunder, has made application to strike from listing and registration the First Mortgage 7 Percent Sinking Fund Gold Bonds, Series A, due August 1, 1944, of Great Consolidated Electric Power Company, Limited.

The application alleges that the reasons for striking this security from listing and registration on this exchange are:

(1) According to a report dated July 12, 1954, by the New York office of the Bank of Japan, 89 percent of the principal amount of the issue has been accepted pursuant to an offer dated November 24, 1952, of the Government of Japan to assume the liabilities for the bonds and to extend the maturity date of the bonds and payment dates of coupons dated on and after December 22, 1942, and prior to September 26, 1952, for a period of 10 years in each case.

(2) According to the files at the Exchange only $151,500 principal amount of the unextended bonds remains outstanding.

(3) The offer of the Government of Japan is being continued.

(4) Dealings on the New York Stock Exchange were suspended prior to the opening of the trading session on August 2, 1954, and

(5) In the opinion of the Exchange, further dealings therein are inadvisable in view of the small amount remaining outstanding.

Upon receipt of a request, prior to September 24, 1954, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7262; Filed, Sept. 15, 1954; 8:50 a. m.]

[File No. 70-3288]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING PROPOSED BANK BORROWINGS

SEPTEMBER 10, 1954.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 regarding the following proposed transactions:

Columbia proposes to borrow $25,000,000 in aggregate amount from eleven commercial banks, to be evidenced by notes dated September 30, 1954, and maturing on August 31, 1955. The notes will bear interest at the prime commercial rate and may be prepaid without penalty prior to maturity. Columbia agrees, however, that no prepayment will be made with funds borrowed from banks at a lower rate of interest. The names of the lending banks and their respective participations are as follows:

Guaranty Trust Co. of New York	$9,000,000
Bankers Trust Co	2,500,000
Chemical Bank & Trust Co	2,500,000
Irving Trust Co	2,500,000
Mellon National Bank & Trust Co	2,500,000
The Hanover Bank	1,000,000
Brown Brothers, Harriman & Co	1,000,000
The First National Bank of the City of New York	1,000,000
J. P. Morgan & Co., Inc	1,000,000
National City Bank of New York	1,000,000
Manufacturers Trust Co	1,000,000
Total	25,000,000

The proceeds of said borrowings will be used to repay 3¼ percent bank loans in the same principal amount which will mature on September 30, 1954. Said loans were negotiated in 1953 to raise part of the funds required in connection with the system's construction program for that year. Columbia has raised $90,000,000 of new money during the current year to provide for additional plant facilities, a major portion of which will be devoted to the transmission and distribution of an additional gas supply to be made available to the system upon the completion by Gulf Interstate Gas Company (a non-affiliate) of its gas transmission system from Louisiana to West Virginia. Columbia estimates that, with the refunding of its present bank loans, no further financing during 1954 will be required.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7264; Filed, Sept. 15, 1954; 8:50 a. m.]

[File No. 70-3290]

PHILADELPHIA CO. AND STANDARD GAS AND ELECTRIC CO.

ORDER AUTHORIZING RENEWAL OF PROMISSORY NOTE

SEPTEMBER 10, 1954.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard Gas") and Standard Power and Light Corporation, also registered holding companies, and its parent, Standard Gas, have filed a joint application-declaration pursuant to sections 6 (a), 7, 9, and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

The companies propose that Philadelphia will issue and deliver to Standard Gas a renewal promissory note in replacement of a promissory note in the principal amount of $2,500,000, maturing September 10, 1954, and bearing interest at the rate of 3¼ percent per annum payable monthly. The renewal note, in the same principal amount, will be dated September 10, 1954, will bear interest, payable monthly, at the prime interest rate prevailing for short-term commercial bank loans at the date of its issuance, and will mature September 10, 1955, with the right in the issuer to anticipate at any time the payment of all or any part of the principal thereof.

Due notice of the filing of said application-declaration having been given in the manner provided by Rule U-23 promulgated under the act, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder have been satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7263; Filed, Sept. 15, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29675]

IRON AND STEEL ARTICLES BETWEEN POINTS IN WESTERN TRUNK LINE, OFFICIAL AND SOUTHERN TERRITORIES, AND POINTS IN MISSOURI

APPLICATION FOR RELIEF

SEPTEMBER 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Iron and steel articles, carloads.

Between: Points in western trunk line, official and southern territories, on the one hand, and Dodson, Kimmswick, Prospect and certain other points in Missouri, on the other.

Grounds for relief: Rail competition, circuity, to maintain grouping, rates constructed on the basis of the short line distance formula, and additional points.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-4041, supp. 4; W. J. Prueter, Agent, I. C. C., No. A-4048, supp. 2; H. R. Hinsch, Agent, I C. C. No. 4069, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7255; Filed, Sept. 15, 1954; 8:48 a. m.]

[4th Sec. Application 29676]

COTTONSEED OIL CAKE OR MEAL FROM ALABAMA, GEORGIA, SOUTH CAROLINA AND FLORIDA TO JACKSONVILLE, FLA.

APPLICATION FOR RELIEF

SEPTEMBER 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Oil cake or oil cake meal, cottonseed, peanut or soybean, carloads.

From: Points in Alabama, Georgia, South Carolina, and Florida.

To: Jacksonville and South Jacksonville, Fla.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1411, supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7256; Filed, Sept. 15, 1954; 8:49 a. m.]

[4th Sec. Application 29677]

SHALE CINDERS FROM KENLITE, KY., TO DETROIT, MICH., AND SWITZ CITY, IND.

APPLICATION FOR RELIEF

SEPTEMBER 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cinders, shale, carloads.

From: Kenlite, Ky.

To: Detroit, Mich., and Switz City, Ind.

Grounds for relief: Rail competition, circuity, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, supp. 77.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7257; Filed, Sept. 15, 1954; 8:49 a. m.]

[4th Sec. Application 29678]

FIRE BRICK AND RELATED ARTICLES IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules indicated below.

Commodities involved: Fire brick, carbon refractory materials, clay, ground fire, and related articles, carloads.

Between: Points in official territory, including certain points in Missouri.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4240, supp. 45, and other schedules listed in appendix "A" of the application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7258; Filed, Sept. 15, 1954; 8:49 a. m.]

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THE NATIONAL ARCHIVES

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VOLUME 19 NUMBER 181

Washington, Friday, September 17, 1954

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 950—PEACHES GROWN IN UTAH

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1954-55 FISCAL YEAR

Pursuant to the marketing agreement and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 950.204 *Expenses and rate of assessment for the 1954-55 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the marketing agreement and order (§§ 950.1 to 950.95) to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal year beginning May 1, 1954, and ending April 30, 1955, both dates inclusive, will amount to $3,450.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order, is hereby fixed at one and one-half cents ($0.015) per bushel basket of peaches, or an equivalent quantity of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

(c) As used in this section, the terms "handler," "ship," "shipped," "shipments," "peaches," and "fiscal year" shall have the same meaning as when used in said marketing agreement and order.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this determination until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) said Administrative Committee at a meeting held on August 4, 1954, proposed an itemized budget of expenses and a rate of assessment based upon information then available as to production of peaches during the 1954 season and anticipated expenses; (2) necessary supplemental information supporting the proposed budget and rate of assessment was not made available to the Department until September 3, 1954; (3) shipments of peaches from Utah have, since 12:01 a. m., m. s. t., August 15, 1954, been subject to the regulatory provisions of Peach Order 1 (§ 950.304; 19 F. R. 5124); (4) the rate of assessment is, in accordance with the marketing agreement and order, applicable to all fresh peaches shipped during the 1954-55 fiscal year; (5) a large volume of the Utah peach crop is handled by itinerant truckers who do not have permanent addresses in the production area and who operate in the area during only part of the season; and (6) in order to enable the said Administrative Committee to perform its duties and functions under said marketing agreement and order, it is essential that the rate of assessment be fixed immediately so as to permit the prompt collection, especially from the itinerant handlers, of each handler's assessment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 14, 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-7289; Filed, Sept. 16, 1954; 8:48 a. m.]

[Lemon Reg. 554, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 7: Parts 210–899 ($2.25)

Title 19, Revised 1953 ($5.00)

Title 32A, Revised Dec. 31, 1953 ($1.50)

Title 46: Part 146 to end ($6.50)

Previously announced: Title 3, 1953 Supp. ($1.50); Titles 4–5 ($0.60); Title 6 ($2.00); Title 7: Parts 1–209, Revised 1953 ($7.75); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.50); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($1.25); Part 400 to end ($0.50); Title 15 ($1.25); Title 16 ($1.00); Title 17 ($0.50); Title 18 ($0.45); Title 20 ($0.70); Title 21 ($1.50); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Title 26: Parts 1–79, Revised 1953 ($7.75); Parts 80–169 ($0.50); Parts 170–182 ($0.75); Parts 183–299, Revised 1953 ($5.50); Part 300 to end, and Title 27 ($1.00); Titles 28–29 ($1.25); Titles 30–31 ($1.00); Title 32: Parts 1–699 ($1.75); Part 700 to end ($2.25); Title 33 ($1.25); Titles 35–37 ($0.70); Title 38 ($2.00); Title 39 ($2.00); Titles 40–42 ($0.50); Title 43 ($1.75); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.35); Titles 47–48, Revised 1953 ($7.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.65); Parts 91–164 ($0.45); Part 165 to end ($0.60); Title 50 ($0.55)

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Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons

grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 853.661 (Lemon Regulation 554; 19 F. R. 5883), are hereby amended to read as follows:

(ii) District 2: 325 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 14, 1954.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7305; Filed, Sept. 16, 1954; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Regs. 118; T. D. 6099]

PART 39—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

CHANGE OF ACCOUNTING PERIOD; SHORT TAXABLE YEAR ENDING AFTER JUNE 30, 1953

In order that taxpayers filing returns for short taxable years resulting from a change of accounting period may have the same length of time to file such returns as they have in the case of returns covering taxable years of twelve months, § 39.46–1 (b) (1) of Regulations 118 (26 CFR 39.46–1 (b) (1)) is amended by striking the second sentence and inserting in lieu thereof two sentences reading as follows: "To make such a change, the taxpayer shall file a return for the short taxable year within the period which would be applicable if the taxpayer were filing a return for a taxable year of 12 months ending on the last day of the short taxable year. The return shall be accompanied by a statement that it is made under the authorization conferred by this section."

As amended, § 39.46–1 (b) (1) will read as follows:

§ 39.46–1 *Change of accounting period.* • • •

(b) *Short taxable years ending after June 30, 1953*—(1) *General.* A change of accounting period for income tax purposes requiring a return for a short taxable year ending after June 30, 1953, is authorized, except where inconsistent with section 41, requiring the use of the calendar year basis in certain specific cases, and except as provided in subparagraph (2) of this paragraph, and no application for such change need be filed. To make such a change, the taxpayer shall file a return for the short taxable year within the period which would be applicable if the taxpayer were filing a return for a taxable year of 12 months ending on the last day of the short taxable year. The return shall be accompanied by a statement that it is made under the authorization conferred by this section. Once a change of accounting period has been made, the taxpayer shall thereafter make his returns and compute his net income on the basis of the new accounting period.

• • • • • •

Because the amendment made by this Treasury decision merely extends the due dates for certain returns for short taxable years in connection with the change of an accounting period, it is found unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(53 Stat. 32, 467, 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: September 13, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7301; Filed, Sept. 16, 1954; 8:50 a. m.]

Subchapter B—Estate and Gift Taxes

[Regs. 105; T. D. 6101]

PART 81—REGULATIONS RELATING TO ESTATE TAX

EXAMINATION OF RETURN AND DETERMINATION OF TAX

In order to provide in Regulations 105 (26 CFR Part 81) that requests for a determination of the estate tax and discharge from personal liability shall be filed with the appropriate district director of internal revenue, § 81.71 is amended to read as follows:

§ 81.71 *Examination of return and determination of tax.* (a) As soon as practicable after returns are filed, they will be examined and the amount of the tax determined under such procedure as may be prescribed from time to time.

(b) The executor may make written application to the district director of internal revenue for the district in which the return is filed for a determination of the tax and discharge from personal liability therefor. Within one year after receipt of such application, or if the application is made before the return is filed then within one year after the return is filed, the executor will be notified of the amount of the tax, and upon payment thereof he will be discharged from personal liability for any deficiency in the tax thereafter found to be due.

Because the purpose of this Treasury decision is merely to change the place of filing certain documents, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: September 13, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7299; Filed, Sept. 16, 1954; 8:49 a. m.]

Subchapter D—Employment Taxes

[Regs. 107; T. D. 6100]

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

STATUS OF SERVICES PERFORMED BY SEAMEN EMPLOYED ON CERTAIN VESSELS OPERATED BY GENERAL AGENTS OF SECRETARY OF COMMERCE

On July 14, 1954, a notice of proposed rule making with respect to amendments to conform Regulations 107 (26 CFR Part 403), relating to the excise tax on employers under the Federal Unemployment Tax Act (subchapter C, chapter 9, Internal Revenue Code of 1939), to section 1607 (o) of the Internal Revenue Code of 1939, added by Public Law 196, 83d Congress, approved August 5, 1953, was published in the FEDERAL REGISTER (19 F. R. 4329). No objection to the rules proposed having been received, the amendments set forth below are hereby adopted:

PARAGRAPH 1. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 403.201, the following is inserted:

SECTION 2 OF PUBLIC LAW 196, 83D CONGRESS, APPROVED AUGUST 5, 1953

Section 1607 of the Internal Revenue Code is hereby amended by adding at the end thereof the following new subsection:

(o) Notwithstanding the provisions of subsection (c) (6) of this section, service performed on or after July 1, 1953, by officers and members of the crew of a vessel which would otherwise be included as employment under subsection (c) of this section shall not be excluded by reason of the fact that it is performed on or in connection with an American vessel (1) owned by or bareboat chartered to the United States and (2) whose business is conducted by a general agent of the Secretary of Commerce. For the purposes of this subchapter, each such general agent shall be considered a legal entity in his capacity as such general agent, separate and distinct from his identity as a person employing individuals on his own account, and the officers and members of the crew of such an American vessel whose business is conducted by a general agent of the Secretary of Commerce shall be deemed to be performing services for such general agent rather than the United States. Each such general agent who in his capacity as such is an employer within the meaning of subsection (a) of this section shall be subject to all the requirements imposed upon an employer under this subchapter with respect to service which constitutes employment by reason of this subsection.

PAR 2. There is inserted immediately preceding § 403.203 the following:

SECTION 1607 (O) OF THE ACT

Notwithstanding the provisions of subsection (c) (6) of this section, service performed on or after July 1, 1953, by officers and members of the crew of a vessel which would otherwise be included as employment under subsection (c) of this section shall not be excluded by reason of the fact that it is performed on or in connection with an American vessel (1) owned by or bareboat chartered to the United States and (2) whose business is conducted by a general agent of the Secretary of Commerce. For the purposes of this subchapter, each such general agent shall be considered a legal entity in his capacity as such general agent, separate and distinct from his iden-

tity as a person employing individuals on his own account, and the officers and members of the crew of such an American vessel whose business is conducted by a general agent of the Secretary of Commerce shall be deemed to be performing services for such general agent rather than the United States. Each such general agent who in his capacity as such is an employer within the meaning of subsection (a) of this section shall be subject to all the requirements imposed upon an employer under this subchapter with respect to service which constitutes employment by reason of this subsection. (Sec. 2, P. L. 196, 83d Cong., approved Aug. 5, 1953, 67 Stat. 386.)

PAR. 3. Section 403.203, as amended by Treasury Decision 5905, approved May 27, 1952, is further amended by adding at the end thereof the following new paragraph:

(e) *Services performed on an American vessel whose business is conducted by a general agent of the Secretary of Commerce.* (1) Section 1607 (o) of the act and this paragraph apply with respect only to services performed on or after July 1, 1953, by an officer or member of the crew of an American vessel (i) which is owned by or bareboat chartered to the United States and (ii) whose business is conducted by a general agent of the Secretary of Commerce. Whether services performed on or after July 1, 1953, by such an officer or member of a crew under the above conditions constitute employment is determined under section 1607 (c) and (o) of the act, but without regard to section 1607 (c) (6) of the act (see § 403.213, relating to services performed in the employ of the United States and instrumentalities thereof). If, without regard to section 1607 (c) (6), such services constitute employment within the meaning of the act, they are not excepted from employment by reason of the fact that they are performed on or in connection with an American vessel which is owned by or bareboat chartered to the United States and whose business is conducted by a general agent of the Secretary of Commerce, that is, such services are not excepted from employment by section 1607 (c) (6). (For provisions relating to services performed within the United States and services performed outside the United States which constitute employment, see paragraphs (b) and (c) of this section.)

(2) The expression "officer or member of the crew" includes the master or officer in charge of the vessel, however designated, and every individual, subject to his authority, serving on board and contributing in any way to the operation and welfare of the vessel. Thus, the expression includes, for example, the master, mates, pilots, pursers, surgeons, stewards, engineers, firemen, cooks, clerks, carpenters, and deck hands.

(3) An employee of the United States who performs services as an officer or member of the crew of an American vessel which is owned by or bareboat chartered to the United States and whose business is conducted by a general agent of the Secretary of Commerce shall be deemed, under section 1607 (o) of the act, to be performing services for such general agent rather than for the United States. Any such general agent of the Secretary of Commerce is considered a legal entity in his capacity as such general agent, separate and distinct from his identity as a person employing individuals on his own account. Each such general agent who, in his capacity as a legal entity separate and distinct from his own identity as a person employing individuals on his own account, qualifies as an employer under section 1607 (a) of the act (see § 403.205) with respect to a particular calendar year is with respect to such year subject to the tax and to all of the requirements imposed upon an employer under the act, and this part with respect to services which constitute employment by reason of section 1607 (o) of the act and this paragraph.

PAR. 4. Section 403.205, relating to who are employers, is amended by adding at the end of the first paragraph thereof the following: "(For provisions relating to the circumstances under which an employee who performs services as an officer or member of the crew of an American vessel (1) which is owned by or bareboat chartered to the United States and (2) whose business is conducted by a general agent of the Secretary of Commerce shall be deemed to be performing services for such general agent rather than for the United States, see section 1607 (o) of the act, set forth preceding §§ 403.203 and 403.203 (e).)"

PAR. 5. Section 403.213, as amended by Treasury Decision 5566, approved June 23, 1947, is further amended by revising the first sentence thereof to read as follows: "Services performed in the employ of the United States Government, except as provided in section 1607 (m) and (o) of the act (see § 403.203 (d) and (e)), are excepted."

(53 Stat. 188; 26 U. S. C. 1609)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: September 13, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7300; Filed, Sept. 16, 1954; 8:50 a. m.]

[Regs. 128; T. D. 6098]

PART 408—EMPLOYEE TAX AND EMPLOYER TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT; APPLICABLE ON AND AFTER JANUARY 1, 1951

SERVICES PERFORMED BY CERTAIN AGRICULTURAL WORKERS FROM MEXICO

On July 7, 1954, there was published in the FEDERAL REGISTER (19 F. R. 4110) a notice of proposed rule making with respect to amendments to conform Regulations 128 (26 CFR Part 408), relating to the employee tax and the employer tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code of 1939), to certain provisions of title V of the Agricultural Act of 1949, as added by Public Law 78, 82d Congress, approved July 12, 1951, and as amended by Public Law 237, 83d Congress, approved August 8, 1953. No objection to the rules proposed having been received, the amendments set forth below are hereby adopted:

PARAGRAPH 1. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 408.201, the following is inserted:

SECTION 505 (b) OF THE AGRICULTURAL ACT OF 1949, AS ADDED BY PUBLIC LAW 78, 82D CONGRESS, APPROVED JULY 12, 1951

Section 1426 (b) (1) of the Internal Revenue Code, as amended, is amended by adding at the end thereof a new subparagraph as follows:

(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended.

PAR. 2 Section 408.203 (a), relating to employment after December 31, 1950, is amended as follows:

(A) By revising the first two sentences thereof to read as follows: "Whether services performed on or after January 1, 1951, constitute employment is determined under section 1426 (b) of the act, that is, section 1426 (b), as amended, effective January 1, 1951, by section 204 (a) of the Social Security Act Amendments of 1950, and as further amended, effective July 12, 1951, by section 505 (b) of the Agricultural Act of 1949, as added by Public Law 78, 82d Congress, relating to services performed by certain agricultural workers from the Republic of Mexico. This section of the regulations in this part, and §§ 408.204 and 408.205 (relating to who are employees and employers), § 408.206 (relating to excepted services in general), § 408.207 (relating to included and excluded services), and § 408.208 and §§ 408.209 to 408.225, inclusive (relating to certain classes of excepted services), apply with respect only to services performed on or after January 1, 1951."

(B) By inserting immediately after the second sentence thereof the following: "Section 408.208a, relating to excepted services performed by certain agricultural workers from the Republic of Mexico, applies with respect only to services performed on or after July 12, 1951."

PAR. 3. Section 408.206, relating to excepted services in general, is amended as follows:

(A) By revising the first sentence of paragraph (a) thereof to read as follows: "Services performed on or after January 1, 1951, by an employee for an employer do not constitute employment for purposes of the tax if they are specifically excepted from employment under any of the numbered paragraphs of section 1426 (b) of the act, that is, section 1426 (b), as amended, effective January 1, 1951, by section 204 (a) of the Social Security Act Amendments of 1950, and as further amended, effective July 12, 1951, by section 505 (b) of the Agricultural Act of 1949, as added by Public Law 78, 82d Congress, relating to services performed by certain agricultural workers from the Republic of Mexico."

(B) By deleting the first sentence of paragraph (c) and inserting in lieu thereof the following: "This section, § 408.207 (relating to included and excluded services), and § 408.208 and §§ 408.209 to 408.225, inclusive (relating to certain classes of excepted services), apply with respect only to services performed on or after January 1, 1951. Section 408.208a, relating to excepted services performed by certain agricultural workers from the Republic of Mexico, applies with respect only to services performed on or after July 12, 1951."

PAR. 4. The caption "Section 1426 (b) (1) of the Act" as set forth immediately following § 408.207 is changed to read "Section 1426 (b) (1) (A) and (B) of the Act".

PAR. 5. Section 408.208 (a), relating to agricultural labor, is amended by adding at the end thereof the following: "For provisions relating to services which are excepted from employment by section 1426 (b) (1) (C) of the act, relating to services performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended, see § 408.208a."

PAR. 6. There is inserted immediately after § 408.208 the following:

SECTION 1426 (b) (1) (C) OF THE ACT

The term "employment" means • • • any service, of whatever nature, • • •; except that • • • such term shall not include—

(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended. (Sec. 1426 (b) (1) (C), I. R. C., as added, effective July 12, 1951, by sec. 505 (b) of the Agricultural Act of 1949.)

TITLE V OF THE AGRICULTURAL ACT OF 1949, AS ADDED BY PUBLIC LAW 78, 82D CONGRESS, APPROVED JULY 12, 1951

SEC. 501. For the purpose of assisting in such production of agricultural commodities and products as the Secretary of Agriculture deems necessary, by supplying agricultural workers from the Republic of Mexico (pursuant to arrangements between the United States and the Republic of Mexico), the Secretary of Labor is authorized—

(1) To recruit such workers (including any such workers who have resided in the United States for the preceding five years, or who are temporarily in the United States under legal entry);

• • • • • •

(5) To assist such workers and employers in negotiating contracts for agricultural employment (such workers being free to accept or decline agricultural employment with any eligible employer and to choose the type of agricultural employment they desire, and eligible employers being free to offer agricultural employment to any workers of their choice not under contract to other employers);

• • • • • •

SEC. 507. For the purposes of this title—

(1) The term "agricultural employment" includes services or activities included within the provisions of section 3 (f) of the Fair Labor Standards Act of 1938, as amended, or section 1426 (h) of the Internal Revenue Code, as amended, horticultural employment, cotton ginning, compressing and storing, crushing of oil seeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonable agricultural products.

• • • • • •

SEC. 509. No workers will be made available under this title for employment after December 31, 1953. (65 Stat. 119, 7 U. S. C. 1461.)

PUBLIC LAW 237, 83D CONGRESS, APPROVED AUGUST 8, 1953

• • • section 509 of title V of the Agricultural Act of 1949, as amended, is amended by striking out "December 31, 1953" and inserting in lieu thereof "December 31, 1955". (67 Stat. 500.)

SECTION 3 (f) OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED

"Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market. (Sec. 3 (f), Act of June 25, 1938, 52 Stat. 1060, 29 U. S. C. 203 (f).)

§ 408.208a *Service performed by certain agricultural workers from the Republic of Mexico.* Services performed on or after July 12, 1951, by agricultural workers from the Republic of Mexico, under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended, are excepted from employment. Contracts entered into pursuant to the provisions of such title V may provide for the performance only of services which constitute "agricultural employment". For purposes of title V of the Agricultural Act of 1949, as amended, the term "agricultural employment" includes services or activities included within the provisions of section 3 (f) of the Fair Labor Standards Act of 1938, as amended, or section 1426 (h) of the Federal Insurance Contributions Act (see § 408.208 (d)), horticultural employment, cotton ginning, compressing and storing, crushing of oil seeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonable agricultural products. Thus, the term "agricultural employment" includes certain services which do not constitute "agricultural labor" as that term is defined in section 1426 (h) of the act. Inasmuch as services performed by agricultural workers from the Republic of Mexico under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended, are categorically excepted from employment under section 1426 (b) (1) (C) of the act, the conditions prescribed in section 1426 (b) (1) (A) of the act for determining whether agricultural labor performed by an employee for an employer in a calendar quarter is excepted from employment have no application to any services which constitute agricultural labor and which are excepted from employment under this section. For provisions relating to agricultural labor which is excepted from employment under section 1426 (b) (1) (A) and (B) of the act, see § 408.208.

(53 Stat. 178; 26 U. S. C. 1429)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: September 13, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7302; Filed, Sept. 16, 1954; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS

Immediately following § 1.667, a new centerhead and §§ 1.750 through 1.755 are added as follows:

APPEALS FROM DECISIONS OF CONTRACTING OFFICERS UNDER CONSTRUCTION AND RELATED CONTRACTS

Sec.
1.750 Appeals authority.
1.751 Appeals organization.
1.752 Method of appeals.
1.753 Procedure of Appeals Board.
1.754 Report by Appeals Board.
1.755 Notification of decision.

AUTHORITY: §§ 1.750 to 1.755 issued under sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426. Interpret or apply 68 Stat. 81.

§ 1.750 *Appeals authority*—(a) *Contract provisions.* Provisions of Veterans' Administration construction contracts and contracts for architect-engineer services include a clause under which certain disputes arising under the contract and not disposed of by agreement shall be decided by the contracting officer subject to written appeal by the contractor, within 30 days, addressed to "the head of the department," the Administrator of Veterans Affairs, or "his duly authorized representative." This provision may be reflected, in detailed applications, in the specifications included in a particular contract.

(b) *Finality of decisions.* Public Law 356, 83d Cong. (68 Stat. 81), approved May 11, 1954 (sec. 1), permits judicial review of decisions of the head of a department or agency or his duly authorized representative or board in all such disputes: *Provided however,* That any such decision shall be final and conclusive unless the same is fradulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence. The same act (sec. 2) prohibits inclusion in any Government contract of a provision making final the decision of any administrative official, representative, or board on a question of law. Any statement in a Veterans' Administration construction or related contract concerning the finality of administrative decisions under its provisions will be understood and interpreted as effective

only to the extent consistent with Public Law 356, 83d Congress.

§ 1.751 *Appeals organization*—(a) *Assistant Administrator for Construction.* By definition, under the general provisions of Veterans' Administration construction contracts, the term "head of the department" means the head or any assistant head of the executive department or independent establishment involved, and the term "his duly authorized representative" means any person authorized to act for him other than the contracting officer. By delegation from the Administrator of Veterans Affairs, or "head of the department," the Assistant Administrator for Construction is his duly authorized representative for the hearing of appeals from decisions of Veterans' Administration contracting officers under construction and architect-engineer contracts and for rendering decisions thereon in accordance with contract provisions.

(b) *Construction Contract Appeals Board.* There has been established in the office of the Assistant Administrator for Construction a Construction Contract Appeals Board charged with responsibility for ascertaining and reporting to the Assistant Administrator the facts and circumstances attending appeals by contractors from decisions of Veterans' Administration contracting officers, submitted in accordance with provisions of construction and architect-engineer contracts, and for making recommendations thereon for his decision.

(1) The Construction Contract Appeals Board (hereinafter referred to as "the Board") is authorized by the Assistant Administrator for Construction to conduct such proceedings, to take such other actions and to adopt such rules and procedures as may be necessary and appropriate for accomplishment of its assigned functions and for efficient disposition of matters which may properly come before it.

(2) All Veterans' Administration contracting officers and other Veterans' Administration officials and employees having responsibility for or official knowledge of the award, administration, or supervision of construction or architect-engineer contracts, or of work performed thereunder, are required to furnish the Board such information, evidence, technical data, and similar assistance as the Board may properly require from time to time in the performance of its duties.

§ 1.752 *Method of appeals*—(a) *Address.* If the contractor takes issue with a written decision of the Veterans' Administration contracting officer upon a dispute concerning a question or questions of fact arising under a construction or architect-engineer contract, he may file a written appeal from the decision, as provided under terms of the contract and within the time specified therein. Appeals should be mailed or otherwise furnished to the contracting officer and addressed to the Assistant Administrator for Construction, Veterans' Administration Munitions Building, Washington 25, D. C., Attention: Construction Contract Appeals Board.

(b) *Information to be submitted by appellant.* While no particular form is prescribed for the notice of appeal, the following items should be included therein to avoid time-consuming delays and possible necessity for cross-correspondence:

(1) Contract number and date, and name of the contracting officer.

(2) General statement as to the subject matter of the contract, e. g., for the construction of ---- at ----.

(3) Date and nature of the decision of the contracting officer from which appeal is taken.

(4) Relief sought by the appellant.

(5) Advise as to whether the appellant desires to rest his appeal upon the present record (which would include all of the applicable files and data of the contracting officer), whether the appellant intends to submit a written brief in support of his contentions, or whether, in addition to submitting a written brief, the appellant desires also to appear personally before the Board or be represented in support of his contentions. There may be included in the notice of appeal under subparagraph (4) of this paragraph, the appellant's reasoning and arguments in favor of the appeal, in lieu of a brief.

(c) *Information to be submitted by contracting officer.* Appeals received by the contracting officer will be forwarded promptly to the Construction Contract Appeals Board and the contracting officer will, in turn, within reasonable time thereafter, furnish to the Board the following information:

(1) Detailed statement of the reasons and findings of fact upon which was based the decision from which appeal is being filed.

(2) Copies of the contract documents, including applicable plans, specifications, change orders, supplemental agreements, and related material.

(3) Copies of all correspondence and other records having a bearing upon the matter in dispute, together with such other data as the contracting officer may consider pertinent or as the Board may specifically request during consideration of the appeal. Material from files of the contracting officer will be returned following decision upon the appeal.

(d) *Preliminary action by Board.* The Board will promptly acknowledge receipt of notice of appeal filed, in proper form as outlined in this section, by a contractor. Upon request by the appellant, the Board will furnish him with a statement of the contracting officer's findings of fact and reasons for the decision as indicated to the Board (paragraph (c) (1) of this section). The contracting officer's files and other internal administrative data before the Board will not be available for inspection by the appellant.

§ 1.753 *Procedure of Appeals Board*—(a) *Consideration on basis of record.* Should the appellant indicate that he rests his case upon the record and his notice of appeal, without the filing of a brief or a personal appearance before the Board, the Board will, upon receipt of the information to be furnished by the contracting officer, consider the facts before it, obtaining and including such further data and evidence as the Board may, in its judgment, consider necessary to a proper adjudication. As promptly as the matters involved in the case will admit, the Board will make its determinations and recommendations thereon.

(b) *Consideration on record and written brief.* Should the appellant indicate that he rests his case upon the record as supplemented by his written brief, without personal appearance before the Board, the Board will, upon receipt of the information to be furnished by the contracting officer and the brief to be furnished by the appellant, consider the facts before it, obtaining and including such further data and evidence as the Board may, in its judgment, consider necessary to a proper adjudication. As promptly as the matters involved in the case will admit, the Board will make its determinations and recommendations thereon.

(1) No particular form is prescribed for appellant's brief, if one is submitted.

(2) The brief should be in sufficient detail to set out clearly the issues and the appellant's position with respect thereto, and may include such supporting data and documentation as the appellant considers necessary to sustain his position.

(c) *Personal appearance of appellant.* An appellant may appear before the Board in person or be represented by counsel (including any duly authorized person), or both in person and by representation.

(1) *Brief.* If an appellant elects to appear personally or by representation before the Board, a brief or statement covering all items of his contentions and his intended presentation pertaining thereto must be filed with the Board not less than 10 calendar days in advance of his scheduled appearance. Further, in order that appropriate space and stenographic arrangements may be made, appellant must advise therewith (i) the estimated length of time which will be required for his presentation, and (ii) the number, names, addresses, and capacities of persons who will be present in his behalf.

(2) *Meetings.* Meetings of the Board for the purpose of such personal appearances will be held normally in the Munitions Building, Washington, D. C., after due notification to appellants by ordinary mail to the latest address of record. Every reasonable effort will be made to suit the convenience of appellants as to the time of meetings.

(3) *Proceedings.* Proceedings of the Board will be informal, in the sense that rules of evidence and like formalities ordinarily observed in judicial and quasi-judicial proceedings will not be strictly followed. The Board, however, reserves the right to exclude such testimony as, in its judgment, is improper, of no probative value, or not pertinent to the issues before it.

(4) *Transcripts.* Proceedings of the Board will be stenographically reported. Such stenographic reporting is usually done by reporters under contract with the Government, who are considered to be competent. The Government, however, assumes no responsibility for the completeness or accuracy of any transcript, whether by contract reporter or by Government personnel. The Government will not furnish appellants with copies of the transcript made by a contract reporter. Copies may be purchased by appellants directly from the reporter. In cases where the transcript is prepared by Government personnel, one copy may be furnished to the appellant without charge.

(5) *Failure to appear.* Should the appellant fail to appear, personally or by representation, at the time stated in the notice of meeting, the Board will proceed upon the record in the same manner as if no personal appearance had been requested.

(6) *Findings.* Upon completion of the proceeding, the Board will consider all of the facts before it, obtaining and including such further data, evidence, or testimony as the Board may, in its judgment, consider to be necessary for a proper adjudication of the issues. As promptly thereafter as the matters involved in the case will admit, the Board will make its determinations and recommendations thereon.

§ 1.754 *Report by Appeals Board*—(a) *Opportunity for rebuttal.* Unless its recommendations are in accordance with contentions of the appellant, the Board upon completion of its deliberations, and prior to submission of its report to the Assistant Administrator for his decision, will submit to the appellant, by registered mail, a draft of its proposed determinations and findings as to the facts appearing in the case, and its recommendations thereon. The appellant will be allowed a period of 30 calendar days from the date of mailing of the draft, or such further time as the Board in its discretion may allow, to submit such further pertinent written evidence, data, and arguments as he may desire in support of his contentions. No further personal appearance by the appellant before the Board will be allowed, unless, in the judgment of the Board, a further development of the facts through this means is necessary.

(b) *Consideration of rebuttal.* If further evidence, data, and arguments in writing are submitted by the appellant, within the rebuttal time allowed, they will receive consideration by the Board before rendition of its final report to the Assistant Administrator for his decision, and will accompany the report. Requests for reconsideration will not thereafter be entertained.

§ 1.755 *Notification of decision.* The formal decision of the Assistant Administrator for Construction upon an appeal will be communicated in writing to the appellant by ordinary mail.

This regulation is effective September 17, 1954.

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-7304; Filed, Sept. 16, 1954; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 960]

[Docket No. AO-253]

HANDLING OF MILK IN AKRON, OHIO, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision, with respect to a proposed marketing agreement and a proposed order, regulating the handling of milk in the Akron, Ohio, marketing area, which was issued August 16, 1954 (19 F. R. 5270) is hereby extended to September 28, 1954.

Dated: September 14, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-7306; Filed, Sept. 16, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 4]

[Docket No. R-139]

LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

NOTICE OF EXTENSION OF TIME TO SUBMIT DATA, VIEWS AND COMMENTS

SEPTEMBER 13, 1954.

In the matter of notice of proposed rule making amendment to Part 4 of Subchapter B of the regulations relating to applications for and issuance of licenses under the provisions of the Federal Power Act; Docket No. R-139.

Upon consideration of the request, filed September 9, 1954, by LeBoeuf, Lamb & Leiby for an extension of time for filing data, views and comments in the above-designated matter;

Notice is hereby given that an extension of time is granted to and including October 18, 1954, within which to submit data, views and comments with respect to the rules proposed in this matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7296; Filed, Sept. 16, 1954; 8:49 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10218; FCC 54M-1069]

WILLIAM C. MOSS (KSEY)

ORDER CONTINUING HEARING

In re application of William C. Moss (KSEY) Seymour, Texas, for modification of license; Docket No. 10218, File No. BML-1473.

It appearing, that applicant William C. Moss, under date of August 26, 1954, executed a petition for postponement of hearing which was received in the offices of the Federal Communications Commission on August 30, 1954; and

It further appearing, that there is now pending before this Commission a petition of said applicant, filed August 16, 1954, entitled "Second Petition for Reconsideration and Grant Without Hearing", and "Petition of Chief, Broadcast Bureau To Remove A Party, Add A Party, And Modify An Issue" in the above-entitled proceeding, and that the applicant William C. Moss further advises that under the revised hearing rules applicable to radio broadcasting proceedings, effective July 15, 1954, the said applicant has not had sufficient opportunity to prepare and submit his direct case in writing, should the Commission require him to proceed with this Hearing; and

It further appearing, that the Chief of the Commission's Broadcast Bureau has consented thereto and waived the time requirements of § 1.745 of the rules of the Commission, and there being no protesting broadcasting station parties in this proceeding;

It is ordered, This 30th day of August 1954, that the hearing in this matter, now set for August 31, 1954, be and it is hereby postponed until further order of the undersigned Hearing Examiner, the Motions Commissioner or the Federal Communications Commission in the premises.

Released: August 31, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7275; Filed, Sept. 16, 1954; 8:45 a. m.]

[Docket Nos. 10379, 11014, 11015; FCC 54M-1068]

KEY BROADCASTING SYSTEM, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Key Broadcasting System, Incorporated, Bay Shore, New York, Docket No. 10379, File No. BP-8422; the WAVZ Broadcasting Corpora-

tion (WAVZ), New Haven, Connecticut, Docket No. 11014, File No. BP-8944; Edward J. Fitzgerald, Riverhead, New York, Docket No. 11015, File No. BP-9100; for construction permits.

It is ordered, This 30th day of August 1954, pursuant to actions taken at a prehearing conference held August 27, 1954, that each applicant shall not later than October 5, 1954, "provide all parties to the hearing with a full set of exhibits to be offered in the hearing as the direct case of the said applicant"; that there shall be mailed to or delivered to each other party one copy, to the Chief, Broadcast Bureau one copy, to the Examiner one copy, and to the Dockets Section two copies; and that the exhibits shall be marked as specified on the record.

It is further ordered, That a further conference herein shall be held at Washington, D. C., Friday, October 15, 1954, at 10:00 a. m. pursuant to § 1.841 (c) of the Commission's rules for the purpose of discussing (1) the possibility of agreements disposing of any evidentiary issues raised with respect to the exhibits previously exchanged between the parties; (2) the limitation on cumulative evidence; (3) number of witnesses and estimated length of testimony; (4) need for the use of depositions; and (5) any other matters which may aid the disposition of the hearing; and

It is further ordered, That the hearing herein now scheduled to commence October 5, 1954, is continued and rescheduled to commence at 10:00 a. m., Monday, October 25, 1954, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7276; Filed, Sept. 16, 1954; 8:45 a. m.]

[Docket No. 11029; FCC 54M-1086]

VOICE OF LAKE TAHOE

ORDER SCHEDULING CONFERENCE

In re application of Charles E. Halstead, tr/as Voice of Lake Tahoe, Zephyr Cove, Nevada, for construction permit; Docket No. 11029, File No. BP-9108.

Pursuant to §§ 1.813 and 1.844 of the Commission's rules and section 7 (a) of the Administrative Procedure Act,

It is ordered, This 1st day of September 1954, that the applicant and the Chief of the Broadcast Bureau, or the attorneys for the said parties in this proceeding, shall appear at 2:00 p. m., e. d. t., on Tuesday, September 21, 1954, at the offices of the Commission in Washington, D. C., at a conference to be then and there held for the purpose of considering the following matters:

(1) The necessity or desirability of specification, simplication, clarification, amplification or limitation of the issues;

(2) The possibility of stipulating with respect to facts, documents, records and exhibits;

(3) The procedure to be followed in supplying the exhibits as required by § 1.841 (a);

(4) The procedure at the hearing; and

(5) Such other matters as may aid in the disposition of this proceeding; and

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the applicant named above.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7277; Filed, Sept. 16, 1954; 8:45 a. m.]

[Docket No. 11075; FCC 54M-1087]

COLORADO CITY BROADCASTING CO. (KVMC)

ORDER SCHEDULING CONFERENCE

In re application of Eldon B. Mahon & John B. Mahon a partnership d/b as Colorado City Broadcasting Co. (KVMC) Colorado City, Texas, for construction permit; Docket No. 11075, File No. BP-9137.

Pursuant to §§ 1.813 and 1.844 of the Commission's rules and section 7 (b) of the Administrative Procedure Act,

It is ordered, This 1st day of September, 1954 that the applicant and the respondent, Western Oklahoma Broadcasting Company (KWOE) and the Chief of the Broadcast Bureau, or the attorneys for the said parties in this proceeding, shall appear at 10:00 a. m., e. d. t., on Tuesday, September 21, 1954, at the offices of the Commission in Washington, D. C., at a conference to be then and there held for the purpose of considering the following matters:

(1) The necessity or desirability of simplication, clarification, amplification or limitation of the issues;

(2) The possibility of stipulating with respect to facts, documents and exhibits;

(3) The procedure to be followed in effecting the exchanges of exhibits as required by § 1.841 (a);

(4) The procedure at the hearing; and

(5) Such other matters as may aid in the disposition of this proceeding; and

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the applicant and the respondent named above.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7278; Filed, Sept. 16, 1954; 8:45 a. m.]

[Docket Nos. 11104-11106; FCC 54M-1076]

COMMERCIAL RADIO EQUIPMENT CO. (WDON) ET AL.

ORDER CONTINUING HEARING

In re applications of Everett L. Dillard, tr/as Commercial Radio Equipment Co. (WDON) Wheaton, Maryland, Docket No. 11104, File No. BMP-6256; for modification of construction permit. The Good Music Station, Inc. (WGMS), Washington, D. C., Docket No. 11105, File No. BP-8764; The Good Music Station, Inc., Bethesda, Maryland, Docket No. 11106, File No. BP-9078; for construction permits.

An oral request having been made by Commercial Radio Equipment Co. (WDON) for a continuance in this proceeding which is now scheduled to commence on September 3, 1954;

It appearing that all parties to the proceeding have expressed their consent to this request;

It is ordered, This 30th day of August 1954, that the hearing in the above-entitled proceeding is continued from September 3, 1954, to September 17, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7279; Filed, Sept. 16, 1954; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6346]

AIR SERVICE BETWEEN CHARLESTON, W. VA., AND COLUMBUS, OHIO

NOTICE OF ORAL ARGUMENT

In the matter of an investigation of the need for air service between Charleston, W. Va., and Columbus, Ohio.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 5, 1954, at 10 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 14, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7309; Filed, Sept. 16, 1954; 8:51 a. m.]

[Docket No. 6615]

PAN AMERICAN WORLD AIRWAYS, INC.; GUATEMALA CITY-LOS ANGELES RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Pan American World Airways, Inc., under section 401 of the Civil Aeronautics Act, as amended, for renewal and amendment of that portion of its Latin American certificate of public convenience and necessity which authorizes air transportation between the intermediate point Guatemala City, Guatemala, and the terminal point Los Angeles, California.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 30, 1954, at 10:00 a. m., e. s. t., in Room 2070, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., September 14, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7311; Filed, Sept. 16, 1954; 8:52 a. m.]

[Docket No. 6753]

AEROVIAS VENEZOLANAS, S. A.

NOTICE OF HEARING

In the matter of the application of Aerovias Venezolanas, S. A. under section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing service, (a) between the co-terminal points Maiquetia and Maracaibo, Venezuela, and the terminal point Miami, Fla., via the intermediate points the Netherlands West Indies and Jamaica, British West Indies, and (b) between the co-terminal points Maiquetia and Maracaibo, Venezuela, and the terminal point New Orleans, La., and the intermediate point Jamaica, British West Indies.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding will be held on September 30, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C., before Curtis C. Henderson, Hearing Examiner.

Without limiting the scope of the issues presented by the applicant, particular attention will be directed to the following questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing, and able to perform the proposed air transportation and conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

3. Whether authorization of the proposed air transportation will be consistent with the obligations assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and the Republic of Venezuela.

For further details as to the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before September 30, 1954, a statement setting forth the pertinent issues of fact or law which he desires to controvert.

Dated at Washington, D. C., September 14, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7310; Filed, Sept. 16, 1954; 8:52 a. m.]

[Docket No. 6848]

DELTA-C&S AIR LINES; APPLICATION TO MAKE FORT WAYNE AN ALTERNATE INTERMEDIATE POINT TO ANDERSON/MUNCIE/NEW CASTLE, IND.

NOTICE OF PREHEARING CONFERENCE

In Order No. E-8224 of April 5, 1954, the Board indicated that expedited attention would be given to any application which might be filed by Delta-C&S Air Lines seeking authority similar to that sought in the request of that company for an exemption order to substitute Fort Wayne for Anderson/Muncie/New Castle. In Docket No. 6848, Delta-C&S Air Lines applied for an amendment of its certificate for route No. 54 so as to make Fort Wayne, Indiana, an intermediate point alternate to the intermediate point Anderson/Muncie/New Castle, Indiana, in such certificate, subject to the restriction that the carrier shall not serve Chicago, Illinois, on flights serving Detroit, Michigan, Toledo, Ohio, or Fort Wayne, Indiana.

Notice is hereby given that a prehearing conference in the above-entitled matter is hereby assigned to be held on September 29, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 14, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7308; Filed, Sept. 16, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1480]

CITIZENS GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Citizens Gas Company (Applicant), a Pennsylvania corporation and a public utility under the laws of that Commonwealth, filed on August 16, 1954, an application for an amendment of the order issued October 3, 1952. In the Matters of Warwick Gas Corporation, et al., Docket Nos. G-1476, et al., insofar as it relates to this proceeding. The order of October 3, 1952, modified and affirmed as modified the initial decision of the Presiding Examiner issued August 4, 1952. By such order the Commission affirmed the issuance of a certificate of public convenience and necessity to Applicant to construct and operate natural-gas transmission pipe-line facilities for the transportation of natural gas in interstate commerce and required The Manufacturers Light and Heat Company (Manufacturers), pursuant to section 7 (a) of the Natural Gas Act, to supply up to 428 Mcf per day to Applicant.

Applicant requests that the Commission remove the limitation of 428 Mcf per day applicable to the volumes of natural gas which Manufacturers is obligated to sell and deliver to Applicant. In support of such request, Applicant avers that its peak day requirements already exceed 428 Mcf and that the requirements of its customers on a peak day for the next five years will increase from 591 Mcf to 1,345 Mcf.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

On August 27, 1954, Manufacturers filed an answer and response to the application.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act that due notice of the application, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on August 16, 1954, should be set down for public hearing as hereinafter ordered and provided.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 12, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before October 1, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 10, 1954.

Issued: September 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7290; Filed, Sept. 16, 1954; 8:48 a. m.]

[Docket Nos. 2306, 2311, 2327, 2328]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

ORDER POSTPONING HEARING

In the matters of American Louisiana Pipe Line Company, Docket No. G-2306; Texas Gas Transmission Corporation,

Docket No. G–2311; Michigan Wisconsin Pipe Line Company, Docket No. G–2327; Michigan Consolidated Gas Company, Docket No. G–2328.

The record of the oral argument held before the Commission in these proceedings on September 8, 1954, reveals that all Applicants have completed the presentation of all evidence in support of their respective applications, and that they desire to present no further evidence.

Counsel for several party-interveners in the consolidated proceedings desiring to present evidence in the consolidated proceedings, by telegram of September 8, 1954, have requested the Commission to postpone the further hearing in the proceedings now set to convene on September 13, 1954, to an early date to be fixed by further order of the Commission.

The Commission finds: Good cause exists for postponing the further hearing in these consolidated proceedings now set to convene on September 13, 1954, to a date to be fixed by further order of the Commission.

The Commission orders: The hearing in these proceedings now set to convene on September 13, 1954, be and the same hereby is postponed to a date to be fixed by further order of the Commission.

Adopted: September 10, 1954.

Issued: September 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7291; Filed, Sept. 16, 1954; 8:48 a. m.]

[Docket No. G–2528]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

United Fuel Gas Company (Applicant), a West Virginia corporation with its principal place of business in Charleston, West Virginia, filed on August 5, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 10.5 miles of 12¾ inch replacement pipeline and approximately 2.6 miles of 20-inch replacement pipeline, and for an order authorizing and approving abandonment of the line to be replaced if the replacement results in an abandonment of facilities or service within the meaning of section 7 (b) of the Natural Gas Act.

Applicant proposes to improve service between its Kenova Measuring Station and the Cities of Ashland, Kentucky, Ironton, Ohio and vicinity, and Huntington, West Virginia and vicinity by partial replacement of existing 14-inch line between Kenova and Ashland, and partial replacement of existing 14-inch line between Kenova and Huntington. The proposed facilities will have capacity to transport an estimated 29,800 Mcf to the Ashland-Ironton area, and 28,900 Mcf to the Huntington area on a peak day of the 1954–1955 winter season. Applicant proposes to reclassify as distribution property the 14-inch line to be replaced between Kenova and Ashland, and to abandon in place the facilities to be replaced between Kenova and Huntington.

The estimated cost of the proposed facilities is $689,200. Financing is proposed through funds to be provided by Applicant's parent, The Columbia Gas System, Inc.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the application in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on August 5, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice of this application be given, including publication in the FEDERAL REGISTER of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 30, 1954 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Federal Power Commission in accordance with its rules of practice and procedure, § 1.8 or § 1.10 (18 CFR 1.8 or 1.10) on or before September 28, 1954.

(D) Interested State commissions may participate as provided by § 1.8 or § 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37 (f)).

Adopted: September 10, 1954.

Issued: September 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7292; Filed, Sept. 16, 1954; 8:48 a. m.]

[Docket No. G–2543]

BARNHART HYDROCARBON CORP., ET AL.

NOTICE OF POSTPONEMENT OF HEARING

SEPTEMBER 10, 1954.

Upon consideration of the telegraphic request of Barnhart Hydrocarbon Corporation for postponement of the hearing now scheduled for September 14 in the above-designated matter;

Notice is hereby given that said hearing is postponed to 10:00 a. m., e. s. t., October 4, 1954, in Commission's Hearing Room, 441 "G" Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7297; Filed, Sept. 16, 1954; 8:49 a. m.]

[Docket No. G–2572]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, filed on August 24, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation and sale of natural gas as hereinafter described and as more fully described in the application on file with the Commission for public inspection.

Applicant proposes to construct and operate approximately four miles of 2⅜-inch pipeline in Pinal County, Arizona, extending from a point on its 6⅝-inch San Manuel line to a point near the contiguous towns of Mammoth and New Mammoth, Arizona, together with metering and regulating equipment, for the delivery and sale of natural gas to Arizona Public Service Company for resale within and adjacent to the towns of Mammoth and New Mammoth.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act that due notice of the application, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on August 24, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(b) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural gas act, and the Commission's rules of practice and procedure, a hearing be held on September 27, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before September 24, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 10, 1954.

Issued: September 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7293; Filed, Sept. 16, 1954; 8:48 a. m.]

[Docket No. G–2574]

TRUNKLINE GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Trunkline Gas Company (Applicant), a Delaware corporation with its principal office at Houston, Texas, filed, on August 25, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing it to sell up to 2,000 Mcf per day of natural gas to Southeastern Illinois Gas Company (Southeastern) for gas service at Metropolis, Illinois. No additional facilities are to be constructed.

Applicant states that Southeastern has advised that the contract demand of 1,500 Mcf provided for in the order of the Commission in Docket No. G–882, dated May 4, 1950, and contained in the service agreement between Applicant and Southeastern, is inadequate to take care of the needs of its customers in Metropolis. This being due primarily to a recent increase in population in Metropolis caused by a new Atomic Energy Commission (AEC) plant which has been built at Paducah, Kentucky (which is just across the river from Metropolis, Illinois).

Applicant has requested that its application be heard under the shortened procedure provided by §1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate and in the public interest, and good cause exists, that due notice of this application, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on August 25, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 8, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings, pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Federal Power Commission, in accordance with the rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before September 30, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37 (f)).

Adopted: September 10, 1954.

Issued: September 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7294; Filed, Sept. 16, 1954; 8:49 a. m.]

[Docket No. G–2720]

COLORADO-WYOMING GAS CO.

ORDER SUSPENDING REVISED TARIFF SHEET AND PROVIDING FOR HEARING

On August 17, 1954, Colorado-Wyoming Gas Company (Colorado-Wyoming), tendered for filing, pursuant to section 4 of the Natural Gas Act Fourth Revised Sheet No. 4 (superseding Third Revised Sheet No. 4) of Colorado-Wyoming's FPC Gas Tariff, Original Volume No. 1, proposed to take effect on September 11, 1954.

By said filing, Colorado-Wyoming proposes an annual increase in the rates and charges for gas sold for resale subject to the jurisdiction of the Commission, of approximately $1,147,000 or 35 percent, based on the year ended June 30, 1954, as adjusted. The proposed increase is in addition to the rates in effect subject to refund under certain conditions in Docket No. G–2261.

The proposed increase is based in most part on the increased rates proposed by Colorado Interstate Gas Company, which rate filing was suspended until February 1, 1955, by order issued August 26, 1954, in Docket No. G–2576. Colorado-Wyoming purchases more than 99 percent of its total natural gas requirements from Colorado Interstate and the costs of such purchased gas comprise the major portion of Colorado-Wyoming's total costs of service.

Accordingly, Colorado-Wyoming's proposed increase may be unjust, unreasonable, unduly discriminatory or preferential and may place an undue burden upon ultimate consumers of natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to section 4 of the Act, concerning the lawfulness of the rates, charges, classifications and services of Colorado-Wyoming's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fourth Revised Sheet No. 4, and that said tariff sheet be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission, concerning the lawfulness of the rates, charges, classifications and services contained in Colorado-Wyoming's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fourth Revised Sheet No. 4.

(B) Pending such hearing and decision thereon, Fourth Revised Sheet No. 4 be and the same is hereby suspended, and its use deferred until February 1, 1955, and until such further time as said tariff sheet may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: September 10, 1954.

Issued: September 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7295; Filed, Sept. 16, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–877]

ISRAEL ENTERPRISES, INC.

NOTICE OF FILING OF APPLICATION REQUESTING ORDER EXEMPTING CERTAIN TRANSACTION BETWEEN AFFILIATES

SEPTEMBER 9, 1954.

Notice is hereby given that Israel Enterprises, Inc. ("IEI"), a registered closed-end, nondiversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") requesting an order exempting from the provisions of section 17 (a) of the act a proposed transaction to be entered into with Fertilizers & Chemicals, Ltd. ("F & C"), a corporation organized under the laws of Israel and doing business at Haifa, Israel, under which IEI would lend to F & C the sum of 900,000 Israeli pounds (I£) under

terms and subject to certain provisions hereinafter summarized.

IEI was incorporated under the laws of Delaware on August 5, 1953, for the purpose of making investments in Israeli enterprises. The initiative in organizing the company was taken by Palestine Economic Corporation ("PEC"), an American company which has been active for over 25 years in the economic development of Palestine and Israel. The authorized capital of IEI consists of 20,000 shares of common stock of $100 par value, and the company recently offered for sale to the public approximately 18,800 shares of such common stock at par value.

F & C is a corporation incorporated under the laws of the State of Israel. It was organized in 1946 and has been engaged in active business since 1949. At the present time it is the largest fertilizer and chemical enterprise in that country. The Government of Israel has a substantial interest in F & C and is that company's largest creditor and stockholder.

The proposed loan is to be evidenced by promissory notes bearing interest at the rate of 6 percent per annum, and is to be repaid in 10 consecutive semiannual installments, commencing April 15, 1956, and concluding October 15, 1960. The loan will be secured by a "floating charge" on certain assets of F & C, and will be a first lien on the proceeds on export sales of F & C products. Interest on the loan is to be paid in dollars. IEI will obtain funds for the loan by redeeming $500,000 face-amount of Israel Independence Bonds now held by IEI, and an agreement has been reached with the Government of Israel to make such redemption at this time, for the purpose of this proposed transaction, at the rate of I£1.80 for each $1 par value of bonds. Under the terms of the loan the lender receives the option to convert, at par, the whole or any part of the loan at any time outstanding into ordinary shares of F & C.

In connection with the proposed transaction an export company is to be organized by F & C and PEC, and the export company will be appointed exclusive selling agent of F & C products in foreign markets. The capital of the export company is fixed at $20,000 (or its foreign exchange equivalent) of which PEC will be entitled to subscribe to one-half ($10,000 or equivalent), IEI to one-quarter ($5,000 or equivalent), and F & C to one-quarter ($5,000 or equivalent). The export company will receive a commission equal to 5 percent of the loan made by IEI to F & C and 5 percent of a $1,000,000 loan proposed to be made contemporaneously by PEC to F & C. If the export company is formed prior to consummation of the proposed transactions, IEI and PEC reserve the right to make their respective loans to the export company which in turn will make the equivalent loans to F & C.

PEC, the organizer and promoter of IEI, owns and controls, through subsidiaries, 6.1 percent of the total voting shares of F & C. Accordingly, under section 2 (a) (3) of the act F & C is an affiliated person of PEC. Section 17 (a) of the act, among other things, prohibits an affiliated person (F & C) of a promoter (PEC) of a registered investment company (IEI) from selling any security to such registered company or from borrowing money from such registered company, subject to certain exceptions not here material, unless the Commission, upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a). Under the terms of section 17 (b) an exemption shall be granted by the Commission if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and that the proposed transaction is consistent with the general purposes of the act. Applicant has requested that the Commission issue an order exempting the transaction from the provisions of section 17 (a), pursuant to an order under section 17 (b) of the act.

Applicant has represented that the terms of the proposed transaction are reasonable and fair, and that in the judgment of the Applicant's management the loan will be in furtherance of its basic purpose to assist in the economic expansion of Israel's industry. The Application also represents that the loan is on a basis no less favorable than that offered to any other person, and does not involve overreaching on the part of any person concerned. The Applicant has represented that the Government of Israel is substantially interested in the enterprises conducted by F & C and has urged the consummation of the proposed transaction and taken steps to facilitate it.

Notice is further given that any interested person may, not later than September 23, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7280; Filed, Sept. 16, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29679]

SHELLED PEANUTS FROM OKLAHOMA TO TEXAS

APPLICATION FOR RELIEF

SEPTEMBER 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Peanuts, shelled, carloads.

From: Points in Oklahoma.

To: Points in Texas.

Grounds for relief: Rail competition, circuity, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4025, supp. 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7259; Filed, Sept. 15, 1954; 8:49 a. m.]

[4th Sec. Application 29680]

LIQUEFIED CHLORINE GAS FROM TEXAS, LOUISIANA AND ARKANSAS TO NATCHEZ, MISSISSIPPI

APPLICATION FOR RELIEF

SEPTEMBER 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Corpus Christi, Houston, and Velasco, Tex., Lake Charles and West Lake Charles, La., and Baldwin, Ark.

To: Natchez, Miss.

Grounds for relief: Competition with rail carriers, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 377; F. C. Kratzmeir, Agent, I. C. C. No. 3908, supp. 204; F. C. Kratzmeir, Agent, I. C. C. No. 4087, supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R Doc. 54-7260; Filed, Sept. 15, 1954; 8:49 a. m.]

[4th Sec. Application 29681]

PERLITE MIX FROM SOCORRO, N. MEX., TO CERTAIN STATES

APPLICATION FOR RELIEF

SEPTEMBER 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Perlite mix, carloads.

From: Socorro, N. Mex.

To: Points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Grounds for relief: Rail competition, circuity, grouping, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4123.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7261; Filed, Sept. 15, 1954; 8:49 a. m.]

[4th Sec. Application 29682]

CATALOGUES FROM CHICAGO, ILL., TO MISSOURI RIVER CITIES

APPLICATION FOR RELIEF

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Catalogues, carloads.

From: Chicago, Ill., and points taking same rates.

To: Kansas City, Mo-Kans., Council Bluffs, Iowa, Omaha, Nebr., and St. Joseph, Mo.

Grounds for relief: Rail competition, circuity, and change in minimum carload weight.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-4038, supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7282; Filed, Sept. 16, 1954; 8:46 a. m.]

[4th Sec. Application 29683]

VARIOUS COMMODITIES FROM POINTS IN MICHIGAN TO NEW ENGLAND TERRITORY AND BETWEEN POINTS IN WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariffs I. C. C. Nos. A-3910 and other tariffs, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities.

From: Points in Michigan to points in New England territory, and between certain points in western trunk-line territory.

Grounds for relief: Rail competition, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7281; Filed, Sept. 16, 1954; 8:46 a. m.]

[4th Sec. Application 29684]

LATEX FROM EAST COAST POINTS TO CHATTANOOGA, TENN., AND GREENVILLE, MISS.

APPLICATION FOR RELIEF

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and C. R. Goldrich, Agents, for carriers parties to schedules listed below.

Commodities involved: Latex (liquid crude rubber) carloads and tank-car loads.

From: Boston, Mass., New York, N.Y., Philadelphia, Pa., Baltimore, Md., Brooklyn, N. Y., and Naugatuck, Conn.

To: Chattanooga, Tenn., and Greenville, Miss.

Grounds for relief: Rail competition, circuity, rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-968, supp. 47; C. R. Goldrich, Agent, I. C. C. No. 610, supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to

take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7283; Filed, Sept. 16, 1954; 8:46 a. m.]

[4th Sec. Application 29685]

EXPORT CLASS AND COMMODITY RATES FROM LELAND, N. C., TO POINTS IN CENTRAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Export class and commodity rates.

From: Leland, N. C.

To: Points in central territory.

Grounds for relief: Rail competition, circuity, grouping, and to maintain port rate relations.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4058, supp. 114.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7284; Filed, Sept. 16, 1954; 8:47 a. m.]

[4th Sec. Application 29686]

MAGAZINES AND PERIODICALS FROM LOUISVILLE, KY., TO KANSAS CITY, KANS.

APPLICATION FOR RELIEF

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Magazines or periodicals, magazine parts and newspaper supplements, carloads.

From: Louisville, Ky.

To: Kansas City, Kans.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4238, supp. 109.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7285; Filed, Sept. 16, 1954; 8:47 a. m.]

[4th Sec. Application 29687]

CLAY, KAOLIN OR PYROPHYLLITE FROM SOUTHERN PRODUCING POINTS TO FLORIDA AND TENNESSEE

APPLICATION FOR RELIEF

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Clay, kaolin or pyrophyllite, carloads.

From: Producing points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

To: Cottondale, Fla., Woodstock, Tenn., and Etowah, Tenn.

Grounds for relief: Rail competition, circuity, market competition, grouping, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1323, supp. 60.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7286; Filed, Sept. 16, 1954; 8:47 a. m.]

[4th Sec. Application 29688]

ALCOHOLS AND RELATED ARTICLES FROM KINGS MILL, TEX., TO THE SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Alcohols and related articles, carloads.

From: Kings Mill, Tex.

To: Points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4094, supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7287; Filed, Sept. 16, 1954; 8:47 a. m.]

[4th Sec. Application 29689]

PULPBOARD AND FIBREBOARD FROM EVADALE, TEX. TO MEMPHIS, TENN., NATCHEZ AND VICKSBURG, MISS.

APPLICATION FOR RELIEF

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Pulpboard and fibreboard, carloads.

From: Evadale, Tex.

To: Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4063, supp. 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7288; Filed, Sept. 16, 1954; 8:47 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 46]

BANGOR AND AROOSTOOK RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Bangor and Aroostook Railroad Company, because of numerous washouts, due to a hurricane, is unable to transport certain traffic routed over its line: *It is ordered*, That

(a) Rerouting traffic: The Bangor and Aroostook Railroad Company, being unable to transport certain traffic, because of numerous washouts, due to a hurricane, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date:* This order shall become effective at 12:01 p. m., September 13, 1954.

(g) *Expiration date:* This order shall expire at 11:59 p. m., September 23, 1954, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 13, 1954.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 54-7303; Filed, Sept. 16, 1954; 8:50 a. m.]

Room

FEDERAL REGISTER

VOLUME 19 NUMBER 182

Washington, Saturday, September 18, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3066

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the year 1954 marks the tenth anniversary of the observance of a week dedicated to publicizing the urgent need for employing the physically handicapped; and

WHEREAS recent legislation enacted by the Congress will tend to increase greatly the number of our citizens who will be rehabilitated and prepared for gainful occupation annually, thus requiring redoubled activity in the field of employment; and

WHEREAS observance of this week materially aids the President's Committee on Employment of the Physically Handicapped in the accomplishment of its main objectives: to inform employers of the abilities of qualified handicapped workers, to encourage employers to hire such workers, and to increase community understanding of the value of rehabilitation and employment of the handicapped; and

WHEREAS the ever-increasing awareness among public and private employers of the desirability of hiring the handicapped should be maintained and stimulated further; and

WHEREAS the observance of National Employ the Physically Handicapped Week once each year, as authorized by a joint resolution of the Congress approved August 11, 1945 (59 Stat. 530), emphasizes the need for a year-round program:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do call upon the people of our Nation to observe the week beginning October 3, 1954, as National Employ the Physically Handicapped Week, and to cooperate with the President's Committee on Employment of the Physically Handicapped in carrying out the aforementioned resolution of Congress.

I also request the Governors of States, the mayors of municipalities, other public officials, leaders of industry and labor, and members of religious, civic, veterans', agricultural, women's, handicapped persons', and fraternal organizations, to participate actively in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of September in the year of our Lord nineteen hundred and [SEAL] fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54-7392; Filed, Sept. 16, 1954; 1:59 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

LONGEVITY STEP INCREASES; MISCELLANEOUS AMENDMENTS

Effective at the beginning of the first pay period following September 1, 1954, § 25.51, paragraphs (b) and (d) of § 25.52, and paragraphs (a) and (c) of § 25.54 are amended as set out below.

§ 25.51 *Scope.* Sections 25.51 to 25.54 apply to all officers and employees in or under the departments as defined in section 201 (a) of the Classification Act of 1949, subject to the exemptions specified in sections 202, 204, and 705 of that act, in positions in the CPC Schedule, or not above grade 15 of the General Schedule, who meet all of the conditions of eligibility for longevity step increases.

§ 25.52 *Definitions.* • • •

(b) "Longevity step increase" is a step increase above the maximum scheduled rate of the grade equal to a full step of the grade, or $200 for grade GS–15, or an increase in an amount required to complete a full step (or $200 for grade GS–15) where the employee's existing rate of basic compensation is not a standard maximum or longevity rate for

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FEDERAL REGISTER

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the grade in which the employee's position is placed.

* * * * *

(d) "Longevity period" is three years, of the aggregate period, of continuous service in a Classification Act position: (1) At the maximum scheduled rate of the employee's grade; or (2) at a longevity rate of the employee's grade; or (3) at a rate in excess of such maximum scheduled rate in accordance with a provision of law; or (4) at any of the rates specified in subparagraphs (1), (2), or (3) of this paragraph, in a grade higher than his current grade. Intervening military service interrupting continuous service at one of the above rates is creditable for longevity step increases. A change of grade or rate of basic compensation prescribed by any law of general application does not begin a new longevity period. Any period of creditable service in excess of one or two complete longevity periods (except as otherwise provided in § 25.54 (c)), shall be credited toward the completion of the employee's next longevity step period. A new longevity period begins when a longevity step increase is effected, or after a break in service in excess of four workweeks. The longevity period shall be extended for a sufficient amount of paid service to make up unpaid absences in excess of a total of six workweeks during such period.

* * * * *

§ 25.54 *Miscellaneous provisions.* (a) Any officer or employee receiving a rate of basic compensation in excess of the maximum scheduled rate for his grade in accordance with any provision of law, shall be granted longevity step increases only when they would have been granted under this subpart and section 703 (c) of the Classification Act of 1949, if his salary had been at the maximum scheduled rate of the grade at the time such saving clause first applied to his rate of basic compensation.

* * * * *

(c) Service immediately prior to the effective date of this subpart shall be counted toward one, two, or three longevity step increases as provided above. In the case of officers and employees in grades 11 to 15, inclusive, of the General Schedule who are receiving compensation at or above the maximum scheduled rates for their respective grades on the date immediately preceding the effective date of section 103 (a) of Public Law 763, approved September 1, 1954, not to exceed three (3) years of service performed immediately preceding such effective date shall be counted toward longevity step increases.

(Sec. 1101, 63 Stat. 971, secs. 102, 103, 68 Stat. 1105, 1106; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54–7338; Filed, Sept. 17, 1954; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 462.1 and Administration Letter 348 (462)]

PART 371—OPERATING LOANS

SUBPART A—GENERAL SECURITY SERVICING

WAIVER OF LIENS IN CONNECTION WITH CCC LOANS

Section 371.7 in Title 6, Code of Federal Regulations (19 F. R. 3989), is hereby revised to add provisions for the handling of lien waivers in connection with Commodity Credit Corporation loans on cotton. As revised, § 371.7 reads as follows:

§ 371.7 *Waivers of crop liens for borrowers receiving loans under the Commodity Credit Corporation Program*—(a) *Authority.* County Supervisors are authorized to execute waivers of Farmers Home Administration liens on property (other than real estate) in favor of the Commodity Credit Corporation (CCC), or its approved lending agencies, to enable borrowers indebted to the Farmers Home Administration to obtain CCC loans other than on wool; *Provided,* The funds from such loans are to be used for the purposes set forth in § 371.4 (b); the loan is in the full amount of the CCC loan value of the total quantity of the commodity described in the CCC loan forms; and the producers' notes contain requests for the disbursement of loan funds, as set forth in paragraph (b) of this section: *And provided further,* That when the amount of the commodity loan is less than the market value of the crop pledged:

(1) The borrower has paid or will pay from the CCC loan the amount due on debts owed the Farmers Home Administration for the crop year, including any delinquencies; or

(2) The borrower has not paid or will not be able to pay from the CCC loan the amount due on debts owed the Farmers Home Administration for the crop year, including any delinquencies, and the following requirements are complied with:

(i) Except in the case of cotton loans, the borrower must show his mailing address as the Farmers Home Administration County Office on the CCC loan documents so that any checks representing additional proceeds from the commodity will be received in the County Office. When such checks are received in the County Office, the County Supervisor will arrange with the borrower for the use of the income for one or more of the purposes set forth in § 371.4 (b).

(ii) In the case of cotton loans:

(*a*) In cases where cotton loans are to be obtained directly from the CCC or its approved lending agencies, borrowers must agree on Form FHA–936, "Borrower's Agreement," for the County Supervisor to receive and retain custody of "Producer's Loan Statement–A" which includes the "Producer's Redemption Request" and "Producer's Equity Transfer Agreement", and to receive and open any and all correspondence mailed to him by the CCC at the mailing address of the County Office; that he will not redeem the cotton, or sell, transfer or assign his equity therein, except with the written consent of, and under conditions established by, the Farmers Home Administration; and that if he does not redeem his cotton or transfer his equity therein, and the cotton is subsequently sold, purchased, or pooled by the Commodity Credit Corporation, he will apply on the account secured by the cotton all proceeds received from the CCC representing his share of the income from the sale of the cotton, or so much thereof as is necessary to pay such account.

(*b*) In cases where cotton loans are to be obtained from cotton cooperative associations, the cotton cooperative associations must agree, in accordance with State instructions issued for this purpose, to pay the proceeds of the loan and any future equity payments indicated on CCC Cotton Form G–2, or other similar Form used by the Association, in form of a check or draft payable jointly to the borrower and the Farmers Home Administration, and to mail all correspondence and checks pertaining to the pledged cotton to the borrower in care of the County Supervisor, including warehouse receipts if the association permits its members to redeem their cotton and such action is taken by the borrower; and the borrower must agree on Form FHA–936A, "Borrower's Agreement (Association Loans)," with the requirements specified herein, and for the County Supervisor to receive and open any and all correspondence mailed to him by the cotton cooperative association at the mailing address of the County Office.

(*c*) When the borrower expresses a desire to redeem the cotton, the County Supervisor will agree for this to be done, provided there is an agreement between the borrower, the County Supervisor, and the bank designated to receive the warehouse receipts, that such receipts will be delivered to the Farmers Home Administration. After such agreement has been reached, the County Supervisor will assist the borrower in the preparation of the "Producer's Redemption Request" on the "Producer's Loan Statement-A," exercising care to insert the name of the appropriate bank in the space provided for that purpose. After the warehouse receipts are received, the County Supervisor will agree for the cotton to be sold upon the condition that the sales check will be made payable to the borrower and the Farmers Home Administration. If the borrower expresses a desire to transfer his equity in the cotton, the County Supervisor will agree for this to be done, and will release to the transferee (purchaser) the "Producer's Loan Statement-A" upon receipt of a check made payable jointly to the borrower and the Farmers Home Administration, covering the borrower's equity in the cotton, provided the purchase price is equal to the current fair market value of the borrower's interest in the cotton, or the amount owed the Farmers Home Administration which was secured by the cotton. If the borrower does not exercise his redemption right or transfer his equity, the cotton will be sold, purchased, or "pooled" by the Commodity Credit Corporation. In either event, the borrower eventually will receive a check for his equity, if any, through the mail, at the County Office address. The County Supervisor will notify the borrower when such check is received.

(b) *Routines for handling lien waivers.* For borrowers to obtain Commodity Credit Corporation loans, County Supervisors will be required to execute waivers of Farmers Home Administration liens. Waiver forms on CCC Loan Forms AA and B, CCC Rice Form E, and CCC Cotton Forms A, FF, and G–2 will be furnished by the CCC or its approved lending agencies. If any other type of lien waiver form is being used locally for CCC loans, such form may be used to waive the lien of the Farmers Home Administration if approval by the State Director upon the advice of the representative of the Office of the Solicitor. The borrower will be required by the CCC to sign a producer's note to evidence the commodity loan. The producer's note should provide for the issuance of a check payable to the Farmers Home Administration for the total amount to be paid to it.

(c) The County Supervisors are authorized to redelegate to Assistant County Supervisors authority to execute waivers of Farmers Home Administration liens on property (other than real estate) in favor of the Commodity Credit Corporation, or its associate lending agenices, as provided in this section.

(R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (l), 60 Stat. 1066, 62 Stat. 1038, sec. 1 (a), (b), (d), 63 Stat. 43, 44, sec. 2 (a), 63 Stat. 44, sec. 2 (b), 67 Stat. 149, sec. 10 (a) (7), 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (l), 12 U. S. C. 1148a–1 (a), (b), (d) 1148a–2 (a), (b). Interprets or applies sec. 44 (b), 60 Stat. 1069, sec. 2 (a), 63 Stat. 44, sec. 2 (b) (c), 67 Stat. 149, sec. 2, 67 Stat. 150, sec. 2 (3), 50 Stat. 869, sec. 2, 62 Stat. 1192, sec. 1 (a), (b), 63 Stat. 43, 64 Stat. 414, 62 Stat. 1038, 63 Stat. 82, sec. 2 (f), 64 Stat. 100, secs. 9, 10 (a) (1), 68 Stat. 735; 7 U. S. C. 1018 (b), 12 U. S. C. 1148a–1 (a), (b), 1148a–2 (a), (b), (c), 12 U. S. C. 1148a–4, 16 U. S. C. 590c (3) 40 U. S. C. 440 (f))

Issued this 14th day of September 1954.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 54–7324; Filed, Sept. 17, 1954; 8:48 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 472—WOOL

SUBPART—TERMS OF SALE OF WOOL OWNED BY COMMODITY CREDIT CORPORATION

This document sets forth certain basic terms and conditions of sale of wool acquired by Commodity Credit Corporation (hereinafter referred to as "CCC") in connection with its Wool Price Support Programs.

Sec.
472.536 Sales agents.
472.537 Basis of sale.
472.538 Sales price.
472.539 Sales confirmation.
472.540 Point of delivery.
472.541 Weight.
472.542 Risk of loss and liability for storage charges.
472.543 Settlement.
472.544 Limitation on sales.
472.545 Contractual rights.

AUTHORITY: §§ 472.536 to 472.545 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C. 714c.

§ 472.536 *Sales agents.* Sales of wool owned by CCC are made by wool dealers, cooperative marketing associations, and pulleries (such persons are referred to in this subpart as "handlers") who have entered into agreements with CCC to store, handle, and sell wool to which CCC acquires title under its Wool Price Support Programs. Each handler is authorized to sell only the CCC-owned wool which is in his custody. Handlers are required to give all purchasers an equal opportunity to purchase wool owned by CCC. Options shall not be granted, and wool is not to be earmarked for any prospective purchaser. The sales operation is administered through the CSS Commodity Office located at Boston, Massachusetts. (The Commodity Stabilization Service is referred to herein as "CSS".) Names of the approved handlers authorized to sell wool for the account of CCC may be obtained from the Boston CSS Commodity Office, 408 Atlantic Avenue, Boston 10, Massachusetts. Handlers are not authorized to modify or waive the terms of sale as set forth in this subpart or any amendments or supplements thereto.

§ 472.537 *Basis of sale.* All sales are final and unconditional, and the wool is sold "as is, where is." Grease wool may be sold subject to a redetermination of shrinkage by core test, provided the purchaser agrees to take delivery of the wool irrespective of whether the shrinkage is increased or decreased and

the sales confirmation so indicates. Although part lots may be sold, sales are not made subject to the right of the purchaser to select specific bags or bales of wool from a lot or to reject wool from the bags or bales. Wool (original bag or otherwise) is not sold subject to withdrawal of tags, black, burry, or other off wools.

§ 472.538 *Sales price.* The minimum prices at which CCC-owned wool may be sold are issued from time to time by the Boston CSS Commodity Office. The minimum selling price for any lot of wool is determined on the basis of the description and shrinkage of the wool as shown in the latest appraisal certificate covering the lot and the minimum selling price prescribed by CCC which is in effect on the date of sale. While this is the minimum price at which wool owned by CCC may be sold, handlers, as agents of CCC, are required to obtain the highest prices possible for wool under prevailing market conditions.

§ 472.539 *Sales confirmation.* All sales shall be confirmed in writing by an authorized representative of the purchaser. The purchaser's confirmation must show the date of sale and the price and clearly describe the wool by type, quantity, and lot number or other definite identification so that no doubt will arise as to which wool is covered by the sale.

§ 472.540 *Point of delivery.* Sales of wool for the account of CCC are made on an ex-warehouse basis. The purchaser shall take delivery at the warehouse where the wool is stored at the time of sale and will be billed at the applicable selling price less, in the case of wool stored outside the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, a freight allowance determined by the handler in accordance with procedure prescribed by CCC.

§ 472.541 *Weight*—(a) *General.* CCC wool is sold on the basis of outweights at the warehouse where the wool is stored at the time of sale, except in cases where CCC specifically authorizes the use of a different weight. If, as a result of the purchaser's failure to issue delivery instructions, the outweights are not determined in time to permit remittance of sales proceeds to CCC within 30 days after the date of sale (see § 472.543), a pro forma payment will be required on the basis of inventory weights or estimated weights, with final billing to be made on the basis of actual outweights when such outweights are determined.

(b) *Exceptions.* CCC may authorize the sale of wool on the basis of weights taken on a date near the date of sale instead of on the basis of outweights. Wool sold subject to a redetermination of shrinkage by core test may be billed on the basis of weights taken at the time of coring for completion of the new appraisal certificate.

§ 472.542 *Risk of loss and liability for storage charges.* The risk of loss passes to the purchaser upon delivery of the wool, except that if the wool is not delivered within 30 days after date of sale, the risk of loss shall pass to the purchaser upon the expiration of such 30-day period. CCC will pay storage charges only through the storage month current at the time the risk of loss passes to the purchaser and will not be liable for storage charges which become due after the risk has passed.

§ 472.543 *Settlement.* The purchaser shall pay the sales price to the handler immediately upon delivery of the wool except that, under the circumstances described hereinafter in this section, he shall pay in accordance with a pro forma invoice. If the handler determines that delivery will not be taken in time to enable him to remit the sales proceeds to CCC within 30 days after the date of sale, he will render a pro forma invoice to the purchaser on the basis of weights specified in § 472.541, requiring payment on a specified date, in time to enable himself to remit the proceeds to CCC within 30 days after the date of sale. After making a payment in accordance with the pro forma invoice, the purchaser shall make final settlement upon delivery of the wool, except that if the handler determines that the wool will not be moved out of the warehouse in time for the purchaser to make final settlement within 3 months after the date of sale, the wool will be weighed at the expense of the purchaser, and he shall make final settlement within such 3-month period. Irrespective of whether a pro forma invoice has been rendered, the purchaser may take delivery and pay the sales price in time for the handler to remit the sales proceeds to CCC within 30 days after the date of sale; and in such case, the date of delivery—rather than the date specified in the pro forma invoice—shall be the date when payment by the purchaser is due.

§ 472.544 *Limitation on sales.* A handler may not purchase wool owned by CCC which is in his own custody and may not dispose of such wool to any person or firm in a manner that will result in any reward, financial benefit, profit, or payment to the handler, any affiliated organization, or any officer or employee of the handler or such affiliated organization, other than the fees and payments allowed the handler by CCC under his agreement with CCC, unless specifically authorized by CCC. Handlers may, however, purchase from other handlers wool owned by CCC.

§ 472.545 *Contractual rights.* Nothing in this subpart shall change or affect the contractual rights or obligations under the Wool Handler's Agreements or the Pulled Wool Agreements entered into by and between CCC and the handlers or under instructions issued by CCC in accordance with such agreements.

Issued this 15th day of September 1954.

[SEAL] J. A. MCCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54–7353; Filed, Sept. 17, 1954; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—U. S. STANDARDS FOR GRADES OF CANNED GRAPEFRUIT JUICE [1]

On July 3, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 4081) regarding a proposed revision of the United States Standards for Grades of Canned Grapefruit Juice (§§ 52.1191 to 52.1202).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Grapefruit Juice are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

The proposed revision of the United States Standards for Grades of Canned Grapefruit Juice which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference except for the following changes:

1. Footnote 1: Insert at the beginning of this footnote, the words "Compliance with".

2. Section 52.1191, line 8: Insert as a second word "non-liquid" following the article "a".

3. Section 52.1197, (a) (2), line 6: Correct the spelling of the second word to read "browning".

4. Section 52.1198, (c), line 5: Correct the spelling of the third word to read "classification".

5. Section 52.1199, (a) (1) (iii): Change this subdivision to read:

(iii) Brix-acid ratio: Not less than 8 to 1 nor more than 14 to 1: *Provided, That*

(*a*) When the juice has a Brix of 9.5° or more, the Brix-acid ratio may be not less than 7.5 to 1; or

(*b*) When the juice has a Brix of 10.5° or more, the Brix-acid ratio may be not less than 7 to 1.

6. Section 52.1199, (c), line 4: Delete the word "unpalatable" and substitute "off-flavor".

The United States Standards for Grades of Canned Grapefruit Juice (which is the seventh issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Canned Grapefruit

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Juice (§§ 52.1191 to 52.1202) which have been in effect since July 29, 1949.

Dated: September 14, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1191 Production description.
52.1192 Styles of canned grapefruit juice.
52.1193 Grades of canned grapefruit juice.

FILL OF CONTAINER

52.1194 Recommended fill of container.

FACTORS OF QUALITY

Sec.
52.1195 Ascertaining the grade.
52.1196 Ascertaining the rating for the factors which are scored.
52.1197 Color.
52.1198 Absence of defects.
52.1199 Flavor.

EXPLANATIONS AND METHODS OF ANALYSIS

52.1200 Definitions of terms.
52.1201 Explanation of analysis.

LOT CERTIFICATION TOLERANCES

52.1202 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1203 Score sheet for canned grapefruit juice.

AUTHORITY: §§ 52.1191 to 52.1203 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1191 *Product description.* Canned grapefruit juice is the undiluted, unconcentrated, unfermented juice obtained from mature fresh fruit of the grapefruit tree (Citrus paradisi) which fruit has been properly washed; is packed with or without the addition of a non-liquid nutritive sweetening ingredient or sweetening ingredients; and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.1192 *Styles of canned grapefruit juice.* (a) Style I, Unsweetened (or natural juice).

(b) Style II, Sweetened (or with added sweetening ingredient). Canned grapefruit juice of this style shall have been processed with the addition of sufficient nutritive sweetening ingredient or sweetening ingredients to produce a Brix measurement of not less than 11.5°.

§ 52.1193 *Grades of canned grapefruit juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned grapefruit juice that shows no coagulation; that possesses a very good color; that is practically free from defects; that possesses a very good flavor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned grapefruit juice that may show slight coagulation; that possesses a good color; that is fairly free from defects; that possesses a good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned grapefruit juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.1194 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be as full of grapefruit juice as practicable and that the product occupy not less than 90 percent of the volume capacity of the container.

FACTORS OF QUALITY

§ 52.1195 *Ascertaining the grade*—(a) *General.* The grade of canned grapefruit juice is ascertained by considering the factor of quality which is not scored and the factors of quality which are scored as follows:

(1) *Factor which is not scored.* (i) Degree of coagulation.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	20
(ii) Absence of defects	40
(iii) Flavor	40
Total score	100

§ 52.1196 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1197 *Color*—(a) (*A*) *classification.* Canned grapefruit juice that possesses a very good color may be given a score of 17 to 20 points. "Very good color" means:

(1) In the case of canned grapefruit juice prepared from white-fleshed grapefruit that the color is bright and typical of juice freshly extracted from white-fleshed grapefruit and is free from browning due to scorching, oxidation, caramelization, or other causes; and

(2) In the case of canned grapefruit juice prepared from pink-fleshed grapefruit, that the color is bright and typical of juice freshly extracted from fairly deep-pink-fleshed grapefruit, is free from browning due to scorching, oxidation, caramelization, or other causes, and is so distinctive in color as to distinguish it clearly from canned grapefruit juice prepared from a mixture of white-fleshed grapefruit and pink-fleshed grapefruit or from light colored pink-fleshed grapefruit the juice of which is so light in color that it cannot be distinguished from such a mixture.

(b) (*C*) *classification.* If the canned grapefruit juice possesses a good color, a score of 14 to 16 points may be given. Canned grapefruit juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good color" means:

(1) In the case of canned grapefruit juice prepared from white-fleshed grapefruit, that the color is fairly typical of juice extracted from white-fleshed grapefruit and may be dull or show evidence of slight browning, but is not off color; and

(2) In the case of canned grapefruit juice prepared from pink-fleshed grapefruit and mixtures of white-fleshed grapefruit and pink-fleshed grapefruit that the color is fairly typical of juice extracted from pink-fleshed grapefruit or mixtures of white-fleshed grapefruit and pink-fleshed grapefruit and may be dull or show evidence of slight browning but is not off color.

(c) (*SStd*) *classification.* Canned grapefruit juice that for any reason fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1198 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from free and suspended pulp, recoverable oil, seeds and seed particles, and other defects.

(1) "Free and suspended pulp" means particles of membrane, core, skin, and other similar extraneous material in canned grapefruit juice.

(b) (*A*) *classification.* Canned grapefruit juice that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the juice may contain not more than 10 percent free and suspended pulp; that there may be present not more than 0.015 percent by volume of recoverable oil; and that the juice does not contain seeds or seed particles or other defects that affect more than slightly the appearance of the product.

(c) (*C*) *classification.* If the canned grapefruit juice is fairly free from defects, a score of 28 to 33 points may be given. Canned grapefruit juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the juice may contain not more than 15 percent free and suspended pulp; that there may be present not more than 0.020 percent by volume of recoverable oil; and that the juice does not contain seeds or seed particles or other defects that affect materially the appearance of the product.

(d) (*SStd*) *classification.* Canned grapefruit juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1199 *Flavor*—(a) (*A*) *classification.* Canned grapefruit juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned grapefruit juice flavor which is free from off flavors of any kind and meets the following requirements for the respective style:

(1) *Style I, Unsweetened (or natural juice).*

(i) Brix: Not less than 9.0°;
(ii) Acid: Not less than 0.85 gram nor more than 2.00 grams per 100 ml. of juice; and
(iii) Brix-acid ratio: Not less than 8 to 1 nor more than 14 to 1: *Provided,* That—
(*a*) When the juice has a Brix of 9.5° or more, the Brix-acid ratio may not be less than 7.5 to 1; or
(*b*) When the juice has a Brix of 10.5° or more, the Brix-acid ratio may not be less than 7 to 1.

(2) *Style II, Sweetened (or with added sweetening ingredient).*

(i) Brix: Not less than 11.5°;
(ii) Acid: Not less than 0.85 gram nor more than 2.00 grams per 100 ml. of juice; and
(iii) Brix-acid ratio: Not less than 9 to 1 nor more than 14 to 1: *Provided,* That when the Brix is 15° or more, the Brix-acid ratio may be less than 9 to 1.

(b) (*C*) *classification.* If the canned grapefruit juice possesses a good flavor, a score of 28 to 33 points may be given. Canned grapefruit juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned grapefruit juice flavor which is free from off flavors of any kind and meets the following requirements for the respective style:

(1) *Style I, Unsweetened (or natural juice).*

(i) Brix: Not less than 9.0°;
(ii) Acid: Not less than 0.75 gram per 100 ml. of juice; and
(iii) Brix-acid ratio: Not less than 7 to 1.

(2) *Style II, Sweetened (or with added sweetening ingredient).*

(i) Brix: Not less than 11.5°;
(ii) Acid: Not less than 0.85 gram per 100 ml. of juice; and
(iii) Brix-acid ratio: Not less than 9 to 1: *Provided,* That when the Brix is 15° or more, the Brix-acid ratio may be less than 9 to 1.

(c) (*SStd*) *classification.* Canned grapefruit juice that fails to meet the requirements of paragraph (b) of this section, or is off-flavor for any reason, may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1200 *Definitions of terms.* (a) "Brix" means the degrees Brix of canned grapefruit juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned grapefruit juice may be determined by any other method which gives equivalent results.

(b) "Acid" means grams of acid (calculated as anhydrous citric acid) per 100 ml. of juice in canned grapefruit juice determined by titration with standard sodium hydroxide solution using phenolphthalein indicator.

§ 52.1201 *Explanation of analyses.* (a) "Free and suspended pulp" is determined by the following method:

(1) Graduated centrifuge tubes with a capacity of 50 ml. are filled with juice and placed in a suitable centrifuge. The speed is adjusted, according to diameter, as indicated in Table No. I, and the juice is centrifuged for exactly 10 minutes. As used in this subparagraph, "diameter" means the over-all distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE NO. I

Diameter (inches):	Approximate revolutions per minute
10	1,609
10½	1,570
11	1,534
11½	1,500
12	1,468
12½	1,438
13	1,410
13½	1,384
14	1,359
14½	1,336
15	1,313
15½	1,292
16	1,271
16½	1,252
17	1,234
17½	1,216
18	1,199
18½	1,182
19	1,167
19½	1,152
20	1,137

(b) "Recoverable oil" in canned grapefruit juice is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[2]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* (i) Exactly 2 liters of juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(ii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

LOT CERTIFICATION TOLERANCES

§ 52.1202 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned grapefruit juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1203 *Score sheet for canned grapefruit juice.*

Size and kind of container			
Container mark or identification	Cans		
	Cases		
Label (including ingredient statement, if any)			
Liquid measure (fluid ounces)			
Vacuum (inches)			
Style			
Brix (degrees)			
Acid (grams/100 ml.: calculated as anhydrous citric acid)			
Brix-acid ratio (: 1)			
Pulp (free and suspended) (%)			
Recoverable oil (% by volume)			
Degree of coagulation	( ) None ( ) Slight ( ) Serious		

Scoring factors		Score points	
Color	20	(A)	17-20
		(C)[1]	14-16
		(SStd)[1]	0-13
Absence of defects	40	(A)	34-40
		(C)[1]	28-33
		(SStd)[1]	0-27
Flavor	40	(A)	34-40
		(C)[1]	28-33
		(SStd)[1]	0-27
Total score	100		
Grade			

[1] Indicates limiting rule.

[F. R. Doc. 54-7320; Filed, Sept. 17, 1954; 8:47 a. m.]

[2] Filed as part of original document.

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—U. S. STANDARDS FOR GRADES OF CANNED BLENDED GRAPEFRUIT JUICE AND ORANGE JUICE[1]

On July 3, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 4083) regarding a proposed revision of the United States Standards for Grades of Canned Blended

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Grapefruit Juice and Orange Juice (§§ 52.1281 to 52.1292).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

The proposed revision of the United States Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference except for the following changes:

1. In the table of contents, in the second line following 52.1292, change the spelling of the first part-word to "ficially".

2. Footnote 1: Insert at the beginning of this footnote, the words "Compliance with".

3. Section 52.1281, line 12: Insert the word "non-liquid" immediately preceding the word "nutritive".

4. Section 52.1285, (a) (2), line 2: At the end of the line insert the words "is scored".

5. Section 52.1289, (a) (1) (iii): Change this subdivision to read:

(iii) Brix-acid ratio: Not less than 9 to 1 nor more than 17 to 1: *Provided*, That when the juice has a Brix of 11.5° or more, the Brix-acid ratio may be not less than 8 to 1.

6. Section 52.1289, (b) (1) (iii), line 2: Change the period after the word "*Provided*" to a comma.

7. Section 52.1289, (c), line 5: Delete the word "unpalatable" and substitute "off-flavor".

The United States Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice (which is the fifth issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice (§§ 52.1281 to 52.1292) which have been in effect since July 29, 1949.

Dated: September 14, 1954.[1]

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1281 Product description.
52.1282 Styles of canned blended grapefruit juice and orange juice.
52.1283 Grades of canned blended grapefruit juice and orange juice.

FILL OF CONTAINER

52.1284 Recommended fill of container.

FACTORS OF QUALITY

52.1285 Ascertaining the grade.
52.1286 Ascertaining the rating for the factors which are scored.
52.1287 Color.
52.1288 Absence of defects.
52.1289 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

Sec.
52.1290 Definitions of terms.
52.1291 Explanation of analyses.

LOT CERTIFICATION TOLERANCES

52.1292 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1293 Score sheet for canned blended grapefruit juice and orange juice.

AUTHORITY: §§ 52.1281 to 52.1293 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1281 *Product description.* (a) Canned blended grapefruit juice and orange juice is the product prepared from a combination of undiluted, unconcentrated, unfermented juices obtained from the mature fresh fruit of the grapefruit tree (Citrus paradisi) and the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines, which fruit has been properly washed; is packed with or without the addition of a non-liquid nutritive sweetening ingredient or sweetening ingredients; and is sufficiently processed by heat to assure preservation of the product in hermetically-sealed containers.

(b) It is recommended that canned blended grapefruit juice and orange juice be composed of not less than 50 percent orange juice; however, in oranges yielding light-colored juice it is further recommended that as much as 75 percent orange juice be used.

§ 52.1282 *Styles of canned blended grapefruit juice and orange juice.* (a) Style I, Unsweetened (or natural juice).

(b) Style II, Sweetened (or with added sweetening ingredient). Canned blended grapefruit juice and orange juice of this style shall have been processed with the addition of sufficient nutritive sweetening ingredient or sweetening ingredients to produce a Brix measurement of not less than 11.5°.

§ 52.1283 *Grades of canned blended grapefruit juice and orange juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned blended grapefruit juice and orange juice that shows no coagulation; that possesses a very good color; that is practically free from defects; that possesses a very good flavor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned blended grapefruit juice and orange juice that may show slight coagulation; that possesses a good color; that is fairly free from defects; that possesses a good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned blended grapefruit juice and orange juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.1284 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be as full of blended grapefruit juice and orange juice as practicable and that the product occupy not less than 90 percent of the volume capacity of the container.

FACTORS OF QUALITY

§ 52.1285 *Ascertaining the grade—*(a) *General.* The grade of canned blended grapefruit juice and orange juice is ascertained by considering the factor of quality which is not scored and the factors of quality which are scored as follows:

(1) *Factor which is not scored.* (i) Degree of coagulation.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	20
(ii) Absence of defects	40
(iii) Flavor	40
Total score	100

§ 52.1286 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1287 *Color—*(a) *(A) classification.* Canned blended grapefruit juice and orange juice that possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the blended juice possesses a light yellow-orange color that is bright and typical of freshly extracted juice and is free from browning due to scorching, oxidation, caramelization, or other causes.

(b) *(C) classification.* If the canned blended grapefruit juice and orange juice possesses a good color, a score of 14 to 16 points may be given. Canned blended juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good color" means that the blended juice possesses a fairly typical color that may range from light yellow to light amber, may be dull or show evidence of slight browning, but is not off color.

(c) *(SStd) classification.* Canned blended grapefruit juice and orange juice that for any reason fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1288 *Absence of defects—*(a) *General.* The factor of absence of defects refers to the degree of freedom from free and suspended pulp, recoverable oil, seeds and seed particles, and other defects.

(1) "Free and suspended pulp" means particles of membrane, core, skin, and other similar extraneous material in canned blended juice.

(b) *(A) classification.* Canned blended grapefruit juice and orange juice that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the juice may contain not more than 12 percent free and suspended pulp; that there may be present not more than 0.030 percent by volume of recoverable oil; and that the juice does not contain seeds or seed particles or other defects that affect more than slightly the appearance of the product.

(c) *(C) classification.* If the canned blended grapefruit juice and orange juice is fairly free from defects, a score of 28 to 33 points may be given. Canned blended juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the juice may contain not more than 18 percent free and suspended pulp; that there may be present not more than 0.050 percent by volume of recoverable oil; and that the juice does not contain seeds or seed particles or other defects that affect materially the appearance of the product.

(d) *(SStd) classification.* Canned blended grapefruit juice and orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1289 *Flavor—*(a) *(A) classification.* Canned blended grapefruit juice and orange juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned blended grapefruit juice and orange juice flavor which is free from off flavors of any kind and meets the following requirements for the respective style:

(1) *Style I, Unsweetened (or natural juice).*

(i) Brix: Not less than 10.0 degrees;

(ii) Acid: Not less than 0.60 gram nor more than 1.70 grams per 100 ml. of juice; and

(iii) Brix-acid ratio: Not less than 9 to 1 nor more than 17 to 1: *Provided*, That when the juice has a Brix of 11.5° or more, the Brix-acid ratio may be not less than 8 to 1.

(2) *Style II, Sweetened (or with added sweetening ingredient).*

(i) Brix: Not less than 11.5°;

(ii) Acid: Not less than 0.60 gram nor more than 1.70 grams per 100 ml. of juice; and

(iii) Brix-acid ratio: Not less than 10 to 1: *Provided*, That when the Brix is 15° or more, the Brix-acid ratio may be less than 10 to 1.

(b) *(C) classification.* If the canned blended grapefruit juice and orange juice possesses a good flavor, a score of 28 to 33 points may be given. Canned blended juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned blended grapefruit juice and orange juice flavor which is free from off flavors of any kind and meets the following requirements for the respective style:

(1) *Style I, Unsweetened (or natural juice).*

(i) Brix: Not less than 9.5 degrees;

(ii) Acid: Not less than 0.65 gram nor more than 1.80 grams per 100 ml. of juice; and

(iii) Brix-acid ratio: Not less than 7.5 to 1.

(2) *Style II, Sweetened (or with added sweetening ingredient).*

(i) Brix: Not less than 11.5°;

(ii) Acid: Not less than 0.65 gram nor more than 1.80 grams per 100 ml. of juice; and

(iii) Brix-acid ratio: Not less than 10 to 1: *Provided*, That when the Brix is 15° or more, the Brix-acid ratio may be less than 10 to 1.

(c) *(SStd) classification.* Canned blended grapefruit juice and orange juice that fails to meet the requirements of paragraph (b) of this section, or is off-flavor for any reason, may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1290 *Definitions of terms.* (a) "Brix" means the degrees Brix of canned blended grapefruit juice and orange juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned blended juice may be determined by any other method which gives equivalent results.

(b) "Acid" means grams of acid (calculated as anhydrous citric acid) per 100 ml. of juice in canned blended grapefruit juice and orange juice determined by titration with standard sodium hydroxide solution using phenolphthalein indicator.

§ 52.1291 *Explanation of analyses.* (a) "Free and suspended pulp" is determined by the following method:

(1) Graduated centrifuge tubes with a capacity of 50 ml. are filled with juice and placed in a suitable centrifuge. The speed is adjusted, according to diameter, as indicated in Table No. I, and the juice is centrifuged for exactly 10 minutes. As used in this subparagraph, "diameter" means the over-all distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE No. I

Diameter (inches):	*Approximate revolutions per minute*
10	1,609
10½	1,570
11	1,534

TABLE No. I—Continued

Diameter (inches)—Con.	*Approximate revolutions per minute*
11½	1,500
12	1,468
12½	1,438
13	1,410
13½	1,384
14	1,359
14½	1,336
15	1,313
15½	1,292
16	1,271
16½	1,252
17	1,234
17½	1,216
18	1,199
18½	1,182
19	1,167
19½	1,152
20	1,137

(b) "Recoverable oil" in canned blended grapefruit juice and orange juice is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[2]

Gas Burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* (i) Exactly 2 liters of juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(ii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

LOT CERTIFICATION TOLERANCES

§ 52.1292 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned blended grapefruit juice and orange juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the

[1] Filed as part of original document.

average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1293 *Score sheet for canned blended grapefruit juice and orange juice.*

Size and kind of container			
Container mark or identification	Cans		
	Cases		
Label (including ingredient statement, if any)			
Liquid measure (fluid ounces)			
Vacuum (inches)			
Style			
Brix (degrees)			
Acid (grams/100 ml.: calculated as anhydrous citric acid)			
Brix-acid ratio (: 1)			
Pulp (free and suspended) (%)			
Recoverable oil (% by volume)			
Degree of coagulation	( ) None ( ) Slight		
	( ) Serious		

Scoring factors	Score points		
Color	20	(A)	17–20
		(C)[1]	14–16
		(SStd)[1]	0–13
Absence of defects	40	(A)	34–40
		(C)[1]	28–33
		(SStd)[1]	0–27
Flavor	40	(A)	34–40
		(C)[1]	28–33
		(SStd)[1]	0–27
Total score	100		

Grade	

[1] Indicates limiting rule.

[F. R. Doc. 54-7322; Filed, Sept. 17, 1954; 8:47 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—U. S. STANDARDS FOR GRADES OF CANNED ORANGE JUICE[1]

On July 3, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 4085) regarding a proposed revision of the United States Standards for Grades of Canned Orange Juice (§§ 52.1551 to 52.1562).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Orange Juice are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

The proposed revision of the United States Standards for Grades of Canned Orange Juice which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference except for the following changes:

1. Footnote 1: Insert at the beginning of this footnote, the words "Compliance with."

2. Section 52.1551, line 9: Insert the word "non-liquid" immediately preceding the word "nutritive."

3. Section 52.1559, (c), line 4: Delete the word "unpalatable" and substitute the word "off-flavor."

4. Section 52.1559, (a) (1), (ii), line 5: Change the figure "0.65" immediately preceding the word "gram" to "0.70."

5. Section 52.1559, (a) (2), (ii), line 5: Change the figure "0.65" immediately preceding the word "gram" to "0.70."

6. Section 52.1561, line 1: Change the spelling of the third word in the heading to "analyses."

The United States Standards for Grades of Canned Orange Juice (which is the sixth issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Grades of Canned Orange Juice (§§ 52.1551 to 52.1562) which have been in effect since July 29, 1949.

Dated: September 14, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1551 Product description.
52.1552 Styles of canned orange juice.
52.1553 Grades of canned orange juice.

FILL OF CONTAINER

52.1554 Recommended fill of container.

FACTORS OF QUALITY

52.1555 Ascertaining the grade.
52.1556 Ascertaining the rating for the factors which are scored.
52.1557 Color.
52.1558 Absence of defects.
52.1559 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1560 Definitions of terms.
52.1561 Explanation of analyses.

LOT CERTIFICATION TOLERANCES

52.1562 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1563 Score sheet for canned orange juice.

AUTHORITY: §§ 52.1551 to 52.1563 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1551 *Product description.* Canned orange juice is the undiluted, unconcentrated, unfermented juice obtained from mature fresh fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines, which fruit has been properly washed; is packed with or without the addition of a non-liquid nutritive sweetening ingredient or sweetening ingredients; and is sufficiently processed by heat to assure preservation of the product in hermetically-sealed containers.

§ 52.1552 *Styles of canned orange juice.* (a) Style I, Unsweetened (or natural juice).

(b) Style II, Sweetened (or with added sweetening ingredient). Canned orange juice of this style shall have been processed with the addition of sufficient nutritive sweetening ingredient or sweetening ingredients to produce a Brix measurement of not less than 10.5°: *Provided*, That, if the acidity of the canned orange juice is 0.90 gram or more per 100 ml. of juice, the Brix shall be not less than 11.5°.

§ 52.1553 *Grades of canned orange juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned orange juice that shows no coagulation; that possesses a very good color; that is practically free from defects; that possesses a very good flavor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned orange juice that may show slight coagulation; that possesses a good color; that is fairly free from defects; that possesses a good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned orange juice that falls to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.1554 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be as full of orange juice as practicable and that the product occupy not less than 90 percent of the volume capacity of the container.

FACTORS OF QUALITY

§ 52.1555 *Ascertaining the grade*—(a) *General.* The grade of canned orange juice is ascertained by considering the factor of quality which is not scored and the factors of quality which are scored as follows:

(1) *Factor which is not scored.* (i) Degree of coagulation.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	20
(ii) Absence of defects	40
(iii) Flavor	40
Total score	100

§ 52.1556 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1557 *Color*—(a) *(A) classification.* Canned orange juice that possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the orange juice possesses a bright yellow to yellow-orange color typical of freshly extracted juice and is free from browning due to scorching, oxidation, caramelization, or other causes.

(b) *(C) classification.* If the canned orange juice possesses a good color, a score of 14 to 16 points may be given. Canned orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good color" means that the orange juice may be slightly amber or very light in color but is typical of canned orange juice and may show evidence of slight browning, but is not off-color.

(c) *(SStd) classification.* Canned orange juice that for any reason fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1558 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from recoverable oil; from particles of membrane, core, or skin; from seeds or seed particles; and from other defects.

(b) *(A) classification.* Canned orange juice that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present not more than 0.030 percent by volume of recoverable oil and that the juice does not contain particles of membrane, core, or skin, seeds or seed particles, or other defects that affect more than slightly the appearance of the product.

(c) *(C) classification.* If the canned orange juice is fairly free from defects, a score of 28 to 33 points may be given. Canned orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present not more than 0.050 percent by volume of recoverable oil and that the juice does not contain particles of membrane, core, or skin, seed or seed particles, or other defects that affect materially the appearance of the product.

(d) *(SStd) classification.* Canned orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1559 *Flavor*—(a) *(A) classification.* Canned orange juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned orange juice flavor which is free from traces of scorching, caramelization, oxidation, or terpene; is free from off flavors of any kind; and meets the following requirements for the respective style:

(1) *Style I, Unsweetened (or natural juice).*

(i) Brix: Not less than 10.5°;

(ii) Acid: Not less than 0.75 gram nor more than 1.45 grams per 100 ml. of juice: *Provided*, That when the canned orange juice has a color that scores 19 or 20 points, the acidity may be not less than 0.70 gram per 100 ml. of juice; and

(iii) Brix-acid ratio: Not less than 9 to 1 nor more than 18 to 1.

(2) *Style II, Sweetened (or with added sweetening ingredient).*

(i) Brix: Not less than 10.5°: *Provided*, That, if the acidity is 0.90 gram or more per 100 ml. of juice, the Brix shall be not less than 11.5°.

(ii) Acid: Not less than 0.75 gram nor more than 1.45 grams per 100 ml. of juice: *Provided*, That when the canned orange juice has a color that scores 19 or 20 points, the acidity may be not less than 0.70 gram per 100 ml. of juice; and

(iii) Brix-acid ratio: Not less than 11 to 1 if the Brix is 12.5° or more; not less than 12 to 1 if the Brix is less than 12.5°; and not more than 18 to 1: *Provided*, That when the Brix is 15° or more, the Brix-acid ratio may be less than 11 to 1.

(b) *(C) classification.* If the canned orange juice possesses a good flavor, a score of 28 to 33 points may be given. Canned orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned orange juice flavor which may have a slightly caramelized or slightly oxidized flavor but is free from off flavors of any kind and meets the following requirements for the respective style:

(1) *Style I. Unsweetened (or natural juice).*

(i) Brix: Not less than 10.0°;

(ii) Acid: Not less than 0.55 gram nor more than 1.60 grams per 100 ml. of juice; and

(iii) Brix-acid ratio: Not less than 8.5 to 1.

(2) *Style II. Sweetened (or with added sweetening ingredient).*

(i) Brix: Not less than 10.5°: *Provided*, That if the acidity is 0.90 gram or more per 100 ml. of juice, the Brix shall be not less than 11.5°.

(ii) Acid: Not less than 0.65 gram nor more than 1.65 grams per 100 ml. of juice; and

(iii) Brix-acid ratio: Not less than 11 to 1 if the Brix is 12.5° or more; not less than 12 to 1 if the Brix is less than 12.5°: *Provided*, That when the Brix is 15° or more, the Brix-acid ratio may be less than 11 to 1.

(c) *(SStd) Classification.* Canned orange juice that fails to meet the requirements of paragraph (b) of this section, or is off flavor for any reason, may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1560 *Definitions of terms.* (a) "Brix" means the degrees Brix of canned orange juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned orange juice may be determined by any other method which gives equivalent results.

(b) "Acid" means grams of acid (calculated as anhydrous citric acid) per 100 ml. of juice in canned orange juice determined by titration with standard sodium hydroxide solution using phenolphthalein indicator.

§ 52.1561 *Explanation of analyses.* (a) "Recoverable oil" in canned orange juice is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[2]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* (i) Exactly 2 liters of juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(ii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

LOT CERTIFICATION TOLERANCES

§ 52.1562 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been offically drawn and which represent a specific lot of canned orange juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

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[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

[2] Filed as part of original document.

SCORE SHEET

§ 52.1563 *Score sheet for canned orange juice.*

Size and kind of container	----
Container mark or identification { Cans	----
Container mark or identification { Cases	----
Label (including ingredient statement, if any)	----
Liquid measure (fluid ounces)	----
Vacuum (inches)	----
Style	----
Brix (degrees)	----
Acid (grams/100 ml.: calculated as anhydrous citric acid)	----
Brix-acid ratio (: 1)	----
Recoverable oil (% by volume)	----
Degree of coagulation { ( ) None ( ) Slight	----
Degree of coagulation { ( ) Serious	----

Scoring factors	Score points		
Color	20	(A)	17-20
		(C)[1]	14-16
		(SStd)[1]	0-13
Absence of defects	40	(A)	34-40
		(C)[1]	28-33
		(SStd)[1]	0-27
Flavor	40	(A)	34-40
		(C)[1]	28-33
		(SStd)[1]	0-27
Total score	100		

Grade	----

[1] Indicates limiting rule.

[F. R. Doc. 54-7321; Filed, Sept. 17, 1954; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 22]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.322 *Valencia Orange Regulation 22*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 16, 1954 after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 19, 1954, and ending at 12:01 a. m., P. s. t., September 26, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,450 carloads;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 17, 1954.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7416; Filed, Sept. 17, 1954; 11:37 a. m.]

[Orange Reg. 262]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.693 *Orange Regulation 262*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 20, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are currently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until September 20, 1954; the recommendation and supporting information for continued regulation subsequent to September 19, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 14; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 20, 1954, and ending at 12:01 a. m., e. s. t., October 4, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 2; or

(ii) Any oranges, except Temple oranges grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida oranges (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 16, 1954.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7374; Filed, Sept. 17, 1954; 8:52 a. m.]

[Grapefruit Reg. 208]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.694 *Grapefruit Regulation 208*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 20, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until September 20, 1954; the recommendation and supporting information for continued regulation subsequent to September 19, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 14; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 20, 1954, and ending at 12:01 a. m., e. s. t., October 4, 1954, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any white seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section "handler," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 16, 1954.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7375; Filed, Sept. 17, 1954; 8:52 a. m.]

[Lemon Reg. 555]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.662 *Lemon Regulation 555*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 15, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 19, 1954, and ending at 12:01 a. m., P. s. t., September 26, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 275 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as

provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 16, 1954.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[Storage date: Sept. 12, 1954]

DISTRICT NO. 2

[12:01 a. m. Sept. 19, 1954, to 12:01 a. m. Oct. 3, 1954]

Handler	*Prorate base (percent)*
Total	100.000
American National Foods, Inc., Corona	.110
American National Foods, Inc., Fullerton	.146
American National Foods, Inc., Upland	.149
Buenaventura Lemon Co	1.647
Consolidated Lemon & Orange Co	.809
Ventura Pacific Co	3.258
Chula Vista Mutual Lemon Association	.603
Euclid Lemon Association	.795
Index Mutual Association	.125
La Verne Cooperative Citrus Association	1.145
Ventura Coastal Lemon Co	2.381
Ventura Processors	2.263
Glendora Lemon Growers Association	1.495
La Verne Lemon Association	.389
La Habra Citrus Association	.482
Yorba Linda Citrus Association	.396
Escondido Lemon Association	2.166
Cucamonga Mesa Growers	.399
Etiwanda Citrus Fruit Association	.108
San Dimas Lemon Association	1.395
Upland Lemon Growers Association	3.247
Central Lemon Association	.575
Irvine Citrus Association, The	.525
Placentia Mutual Orange Association	.201
Corona Citrus Association	.077
Corona Foothill Lemon Co	1.144
Jameson Co	.653
Arlington Heights Citrus Co	.475
College Heights Orange & Lemon Association	2.698
Chula Vista Citrus Association	.900
Escondido Cooperative Citrus Association	.067
Fallbrook Citrus Association	1.344
Lemon Grove Association	.227
Carpinteria Lemon Association	3.382
Carpinteria Mutual Citrus Association	3.447
Goleta Lemon Association	5.859
Johnston Fruit Co	6.730
Briggs Lemon Association	2.942
Fillmore Lemon Association	1.675
Oxnard Citrus Association	7.541
Rancho Sespe	.657
San Fernando Heights Lemon Association	.931
Santa Clara Lemon Association	5.229
Santa Paula Citrus Fruit Association	4.531

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	*Prorate base (percent)*
Saticoy Lemon Association	5.384
Seaboard Lemon Association	6.405
Somis Lemon Association	4.236
Ventura Citrus Association	1.633
Ventura County Citrus Association	.256
Limoneira Co	3.745
Teague-McKevett Association	.930
East Whittier Citrus Association	.076
Murphy Ranch Co	.503
North Whittier Heights Citrus Association	.365
Sierra Madre-Lamanda Citrus Association	.167
Far West Produce Distributors	.033
Paramount Citrus Association, Inc.	.895
Santa Rosa Lemon Co	.054

[F. R. Doc. 54-7398; Filed, Sept. 17, 1954; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-386B]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

SPECIAL CIVIL AIR REGULATION; FLIGHT TIME LIMITATIONS FOR PILOTS NOT REGULARLY ASSIGNED TO ONE TYPE OF CREW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 14th day of September 1954.

Special Civil Air Regulation SR-386A, which terminates September 19, 1954, provides authority whereby a pilot may serve in more than one type of flight crew without incurring any penalty in terms of maximum permissive flight duty. This authority has heretofore been provided for an experimental period with a view to the establishment of permanent rules for such crew assignments.

The Civil Aeronautics Administration has advised the Board that the regulation is a desirable one and not subject to abuse, and that it recommends that the authority granted by SR-386A be continued. Since a proposed major revision of Part 41 of the Civil Air Regulations is being prepared for publication, the Board considers that it is advisable to extend the authority granted by SR-386A for another year rather than to incorporate this authority in currently effective Part 41. During the development of the revision of Part 41 further consideration and discussion will be given concerning the permanent incorporation of such a provision.

This regulation will not allow evasion of the stricter limitations applicable to smaller crew combinations, but will allow assignment of a pilot in any given month to another type of crew combination without additional flight time limitation if he flies not more than 20 hours in the type of crew to which the more restrictive flight time limitations apply and if such assignment is not interrupted more than once during such month.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since it imposes no additional burden on any person, this regulation may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective September 19, 1954:

1. Contrary provisions of § 41.57 of the Civil Air Regulations notwithstanding, the following rules shall apply to the monthly and quarterly flight time limitations of pilots assigned in combinations of two-pilot crews, two-pilot and additional flight crew member crews, or three-pilot and additional flight crew member crews.

2. A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of two or more pilots and an additional flight crew member, shall be governed by the provisions of § 41.54.

3. Except for a pilot coming within the provisions of paragraph 2, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional flight crew member crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of three pilots and an additional flight crew member, shall be governed by the provisions of § 41.55.

4. A pilot to whom the provisions of paragraphs 2 and 3 are not applicable, assigned to duty aloft for a total of 20 hours or less within a given month in two-pilot crews with or without additional flight crew members, shall be governed by the provisions of § 41.56.

5. A pilot assigned to each of two-pilot, two-pilot and additional flight crew member, and three-pilot and additional flight crew member crews in a given month, who is not governed by the provisions of paragraphs 2, 3, or 4, shall be governed by the provisions of § 41.55.

This regulation shall supersede Special Civil Air Regulation No. SR-386A and shall terminate one year from its effective date, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 604, 52 Stat. 1007, 1008, 1010; 49 U. S. C. 551, 552, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-7350; Filed, Sept. 17, 1954; 8:53 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

Subchapter B—Regulations Under the Federal Power Act

[Docket No. R-129; Order No. 172]

PART 11—ANNUAL CHARGES

EDITORIAL NOTE: For order staying F. R. Doc. 54-3284, appearing at 19 F. R. 2564, see F. R. Doc. 54-6931, appearing at 19 F. R. 5630.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53576]

PART 1—CUSTOMS DISTRICTS AND PORTS

FIELD ORGANIZATION

SEPTEMBER 10, 1954.

By virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), and delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, of September 17, 1951 (16 F. R. 9499), the following changes in the field organization of the Bureau of Customs are hereby made, effective September 15, 1954.

1. The limits of the customs port of entry of Seattle, Washington, the headquarters port of Customs Collection District No. 30 (Washington), comprising the territory within the corporate limits of that city, are extended to include the following territory: Sections 1 to 6, inclusive, Township 22 N., R. 4 E., W. M.; Township 23 N., R. 4 E., W. M.; and Sections 32 and 33, Township 24 N., R. 4 E., W. M., King County, State of Washington.

2. The designation of South Bend, Washington, as a customs port of entry in Customs Collection District No. 30 (Washington), is hereby revoked, and a new customs port of entry to be known as "South Bend-Raymond, Washington" is hereby designated in said district, which shall include the territory within the corporate limits of South Bend and Raymond, Washington, and all points on the Willapa River lying between the corporate limits of such towns.

3. The limits of the customs port of entry of Port Huron, Michigan, in Customs Collection District No. 38 (Michigan), comprising the territory within the corporate limits of that city, are extended to include the territory embracing the municipality of Marysville, Michigan, and the Townships of Port Huron, Fort Gratiot, Kimball and St. Clair, in St. Clair County, State of Michigan.

Section 1.1 (c), Customs Regulations (19 CFR 1.1 (c)), is amended by inserting "(including territory described in T. D. 53576)" opposite "Seattle" in the column headed "Ports of entry" in District No. 30 (Washington); by substituting "South Bend-Raymond" for "South Bend" in the column headed "Ports of entry" in District No. 30 (Washington), and inserting "(T. D. 53576)" after such name; and by inserting "(including territory described in T. D. 53576)" opposite "Port Huron" in the column headed "Ports of entry" in District No. 38 (Michigan).

(R. S. 161, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U. S. C. 22, 19 U. S. C. 1, 2)

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7339; Filed, Sept. 17, 1954; 8:51 a. m.]

[T. D. 53578]

PART 54—CERTAIN IMPORTATIONS FREE OF DUTY DURING THE WAR

ENTRY OF EFFECTS OF PERSONS IN SERVICE OF UNITED STATES AND EVACUEES TO THE UNITED STATES AND GIFTS FROM MEMBERS OF THE UNITED STATES ARMED FORCES

In the interest of simplification in the clearance through customs of effects of persons in the service of the United States or of their families or of persons evacuated to the United States when the effects are exempt from duty or tax under Public Law 633, approved June 27, 1942, as amended (50 U. S. C. App. 801), it is deemed advisable to amend the regulations to provide for the use of a new customs Form 6061 entitled "Declaration and Entry for Personal and Household Effects Under Public Law 633, approved June 27, 1942, as amended—Carrier's Certificate and Release," to enter the shipments, whether arriving by freight, express, or mail, when entry is made in the name of the person entitled to the benefits of the statute, and to require owners' travel orders to be attached to or identified on such entries when the orders are used to satisfy collectors that effects are brought into the United States pursuant to government orders or instructions.

It is also desirable to provide for the use of properly executed declarations as entries in clearing shipments of gifts from members of the United States armed forces on duty abroad under Public Law 790, approved December 5, 1942, as amended (50 U. S. C. App. 846).

Accordingly, § 54.2 (c) is amended by deleting the second and third sentences and substituting the following therefor: "Collectors of customs shall accord free entry under the statute upon the production of satisfactory proof that the articles are entitled to the benefit thereof. Customs Form 6061 may be used as a declaration and entry for articles granted exemption from duty and tax under the Act when entry is made in the name of the person who is entitled to the benefits of the statute. Such declaration and entry shall be supported by the owner's travel orders unless other evidence is furnished the collector which satisfies him that the effects were brought into the United States pursuant to government orders or instructions. If a collector accepts the owner's travel orders as evidence that the effects were brought into the United States pursuant to government orders or instructions, but a copy of such travel orders is not available for permanent filing with the declaration and entry, the owner's travel orders shall be identified on the entry, which shall be handled like a free baggage declaration. The inward foreign manifest covering a shipment entered on customs Form 6061 shall be liquidated by noting thereon 'Free on c.F. 6061, P. L. 633.'"

(Secs. 484, 498, 46 Stat. 722, as amended, 728, as amended, sec. 1, 56 Stat. 461; 19 U. S. C. 1484, 1498, 50 U. S. C. App. 801)

Section 54.3 (d) is hereby amended to read:

(d) The entry requirements prescribed in the Tariff Act of 1930, as amended, and the Customs Regulations are applicable to articles entitled to free entry under Public Law 790, approved December 5, 1942, as amended (50 U. S. C. App. 846). When any shipment is granted exemption from duty or tax under that act, the declaration of the donor and a duly designated officer of the armed forces required by paragraph (b) of this section may be treated as an entry therefor, to be supported by proper evidence of the right to make the entry. In such a case, except when affixed to the parcel in a manner which makes removal impracticable (see paragraph (c) of this section), the entry shall be handled like a free baggage declaration. The inward foreign manifest covering a shipment passed free under this procedure shall be liquidated by noting thereon "Free on declaration, P. L. 790."

(Sec. 498, 46 Stat. 728, as amended, sec. 1, 56 Stat. 1041, as amended; 19 U. S. C. 1498, 50 U. S. C. App. 846)

New customs Form 6061, prescribed for use herein, will be printed and available for distribution within approximately 90 days from the date of this decision. The form will be prepared in pads containing 100 copies and will not be salable. Collectors may obtain supplies thereof from the Section of Forms, Customs Information Exchange, 201 Varick Street, New York 14, New York.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 10, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7340; Filed, Sept. 17, 1954; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Regs. 118; T. D. 6103]

PART 39—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

PROVIDING FOR FILING OF FORMS 975 AND 976 WITH DISTRICT DIRECTORS OF INTERNAL REVENUE

In order to provide in Regulations 118 (26 CFR Part 39) that Form 975, relating to notice of intention to claim a deficieny dividend credit under section 506 of the Internal Revenue Code, and Form 976, relating to claim for deficiency dividends credit, or credit for refund under such section, shall be filed with the appropriate district director of internal revenue, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 39.506–3 (d) is amended to read as follows:

§ 39.506–3 *Credit against unpaid deficiency.* • • •

(d) *Time and place of filing notification.* Within 30 days after the date of the closing agreement, or the date upon

which the decision of the Tax Court or judgment becomes final, as the case may be, the notification required by section 506 (c) (1) and this section shall be filed with the Commissioner of Internal Revenue, Washington 25, D. C., except that on and after November 1, 1954, such notification shall be filed with the district director of internal revenue for the district in which the corporation's income tax return is filed.

* * * * *

PAR. 2. Section 39.506–5 (d) is amended to read as follows:

§ 39.506–5 *Claim for deficiency dividends credit or credit or refund.* * * *

(d) *Time and place of filing claim.* Within 60 days after the date of the closing agreement, or the date upon which the decision of the Tax Court or judgment becomes final, as the case may be, the claim required by section 506 (d) and this section shall be filed with the Commissioner of Internal Revenue, Washington 25, D. C., except that on and after November 1, 1954, such claim shall be filed with the district director of internal revenue for the district in which the corporation's income tax return is filed.

PAR. 3. Section 39.506–7 (b) is amended as follows:

(A) By inserting immediately after the word "Commissioner" in the second sentence "or the district director of internal revenue (see § 39.506–3 (d))".

(B) By striking from the third sentence the words "by the Commissioner".

(C) By inserting immediately after the word "Commissioner" in the fifth sentence "or, after August 26, 1953, the district director of internal revenue".

As amended, § 39.506–7 (b) will read as follows:

§ 39.506–7 *Suspension of statute of limitations and stay of collection.* * * *

(b) *Stay of collection.* The Internal Revenue Code provides that, except in case of jeopardy, the collection of the established deficiency and all interest, additional amounts, and additions to the tax provided by law, is stayed for a period of 30 days subsequent to the final determination of the amount thereof. If within such 30-day period the corporation files with the Commissioner or the district director of internal revenue (see § 39.506–3 (d)) the prescribed notification of intention to seek the benefit of section 506, the collection of the established deficiency, to the extent of the amount of the credit specified by the corporation in such notification if not in excess of the amount allowable under section 506 (a), is, except in cases of jeopardy, stayed for a period of 60 days subsequent to the final determination of the amount thereof. The filing of a claim for a deficiency dividends credit under section 506 (d) effects a further stay of collection of that portion of the established deficiency covered by the claim if not in excess of the amount allowable under section 506 (a), until the date the claim is disallowed (in whole or in part). The Code further provides that where collection has been stayed as above indicated no distraint or proceeding in court shall be begun for the collection of the amount stayed during the period for which it is stayed. The Commissioner or, after August 26, 1953, the district director of internal revenue, notwithstanding the provisions of section 272 (b), may refrain from assessing the subchapter A deficiency (plus interest, additional amounts, and additions to the tax) until the claim for the deficiency dividends credit is disposed of. After such claim is allowed or rejected, either in whole or in part, the entire amount of the deficiency (plus interest, additional amounts, and additions to the tax) will be assessed, if not already assessed. The amount of the claim for the deficiency dividends credit to the extent allowed will be credited against the amount so assessed, and the remainder of the amount assessed will be collected in the usual manner.

Because this Treasury decision merely changes the designation of the official with whom certain documents must be filed it is found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that Act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: September 14, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54–7342; Filed, Sept. 17, 1954; 8:52 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6088; Regs. 28]

PART 176—DRAWBACK ON DISTILLED SPIRITS AND WINES

DECENTRALIZATION OF ASSESSMENT AND CLAIMS FUNCTIONS PERTAINING TO LIQUORS

Correction

In Federal Register Document 54–6199, appearing at page 5055 of the issue for August 11, 1954, the following changes should be made:

In amendatory paragraph (N), paragraphs (1), (2), and (5) should read as follows:

(1) By changing the comma following the phrase "Part 190 of this subchapter (Regulations 15)," in the first sentence of paragraph (a) to a period and striking the phrase "and an additional copy of such form shall be prepared in each case."

(2) By striking from the fifth sentence of paragraph (a), which begins, "The rectification tax", the reference "Part 190 of this subchapter (Regulations 15)."

(5) By striking from the second sentence of paragraph (c), which begins, "Such export", the reference "Regulations 15 (Part 190 of this chapter)."

[Regs. 3; T. D. 6102]

PART 182—INDUSTRIAL ALCOHOL

COMPLETELY DENATURED ALCOHOL FORMULAE NOS. 16, 17, 18, AND 19

The purposes of these amendments are as follows:

(1) To revoke Formulae Nos. 16 and 17 for completely denatured alcohol because of the discontinuance of manufacture of the denaturant ST–115; but to continue authorization for the preparation of denatured alcohol under those, as well as certain other, revoked formulae so far as is necessary to exhaust the existing supply of specified denaturants;

(2) To amend Formula No. 18 for completely denatured alcohol by decreasing the quantities of required denaturants so that the disagreeable residual odor of the product will be alleviated;

(3) To prescribe new Formula No. 19 for completely denatured alcohol using only denaturants which are also used for other commercial purposes;

(4) To revise the list, "Denaturants Authorized for Completely and Specially Denatured Alcohol".

Accordingly, the Appendix to Regulations 3, "Industrial Alcohol" (26 CFR Part 182; 7 F. R. 1858), as amended, is hereby amended as follows:

PARAGRAPH 1. Completely Denatured Alcohol Formulae Nos. 16 and 17 are hereby revoked: *Provided*, That proprietors of denaturing plants may, after approval of the denaturants by authorized chemists, and without written application for the Commissioner's authorization, continue the use of existing supplies of CS–501, Dehydrol–O, or ST–115 in the preparation of Completey Denatured Alcohol Formulae Nos. 12, 14, and 15 (revoked by T. D. 5917), and Formulae Nos. 16 and 17, until such supplies of these discontinued denaturants are exhausted.

PAR. 2. Completely Denatured Alcohol Formula No. 18 is hereby amended to read as follows:

FORMULA NO. 18

To every 100 gallons of ethyl alcohol of not less than 160° proof add:
2.5 gallons of methyl isobutyl ketone.
0.125 gallon of Pyronate or a compound similar thereto.
0.5 gallon of acetaldol (hydroxy-butyraldehyde).
1.0 gallon of kerosene.

PAR. 3. The following formula is authorized for the manufacture of completely denatured alcohol:

FORMULA NO. 19

To every 100 gallons of ethyl alcohol of not less than 160° proof add:
4.0 gallons of methyl isobutyl ketone.
1.0 gallon of kerosene.

PAR. 4. The list, "Denaturants Authorized for Completely and Specially Denatured Alcohol," is amended (1) by deleting therefrom the following:

Acetaldol	C. D. 16; 18
Kerosene	C. D. 16; 17; 18
Methyl isobutyl ketone	C. D. 17; 18; S. D. 23–G; 23–H
Pyronate	C. D. 16; 18
ST–115	C. D. 16; 17

and (2) by inserting therein the following:

Acetaldol	C. D. 18
Kerosene	C. D. 18; 19
Methyl isobutyl ketone	C. D. 18; 19 S. D. 23–G; 23–H
Pyronate	C. D. 18

This Treasury decision shall be effective upon its publication in the FEDERAL REGISTER.

This Treasury decision will facilitate the preparation of completely denatured alcohol for use in the manufacture of antifreeze for motor vehicles during the forthcoming winter season. Because it will merely (1) correct the obsolescence in formulae caused by the discontinuance of the manufacture of the denaturant ST–115, (2) permit the use, after approval by authorized chemists, of existing stocks of the denaturants Dehydrol-O, CS–501, and ST–115, and (3) effect improvements by eliminating or reducing the quantity of a denaturant affecting the commercial acceptance of a product for antifreeze purposes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 358; 26 U. S. C. 3105)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: September 14, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54–7341; Filed, Sept. 17, 1954; 8:52 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 57–54]

PART 11—REGISTRATION OF COMMUNIST ORGANIZATIONS AND MEMBERS THEREOF

ADMINISTRATION OF CERTAIN SECTIONS OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

AUGUST 27, 1954.

Pursuant to the authority vested in me by sections 7, 8, 9, and 10 of the Subversive Activities Control Act of 1950 (64 Stat. 993–996) and by section 161 of the Revised Statutes of the United States (5 U. S. C. 22), the following regulations are hereby prescribed to carry out the provisions of said sections of the Subversive Activities Control Act of 1950:

DEFINITIONS OF TERMS

Sec.
11.1 Definitions of terms used in this part.

GENERAL REGULATIONS

11.100 Administration of act assigned to Internal Security Division.
11.101 Computation of time.
11.102 Act and regulations in this part to be considered together.

REQUIREMENTS AS TO REGISTRATION

Sec.
11.200 Form for registration of organizations.
11.201 Filing of registration statement.
11.202 Annual reports.
11.203 Accounting of moneys received and expended.
11.204 Maintenance of books and records.
11.205 Liability of officers.
11.206 Form for registration of individuals.
11.207 Information required on Form ISA–2.

REGISTERS

11.300 Public inspection of registers.

LABELING

11.400 Labeling of publications.

AUTHORITY: §§ 11.1 to 11.400 issued under R. S. 161, secs. 7, 8, 9, 10, 64 Stat. 993, 995, 996; 5 U. S. C. 22, 50 U. S. C. App. 786–789.

DEFINITION OF TERMS

§ 11.1 *Definitions of terms used in this part.* As used in this part, unless the context otherwise requires:

(a) The term "Attorney General" means the Attorney General of the United States.

(b) The term "act" means the Subversive Activities Control Act of 1950.

(c) The term "section" refers to a section of the act.

(d) The term "regulations" refers to all regulations, forms, and instructions to forms prescribed by the Attorney General pursuant to the act.

(e) The term "registrant" means an individual or organization for whom a registration statement is filed.

(f) The term "executive officer" means the individual who directs the course of business of the organization or who outlines the duties and directs the work of subordinate employees and who is responsible for the day-to-day operation of the organization's affairs and for carrying into effect the purposes of his employment.

(g) The term "moneys received" shall include, but shall not be necessarily limited to, all moneys and other things of value received by the registrant from rents, sales, bazaars, benefits, socials, parties, entertainments, gifts, donations, contributions, subscriptions, subsidies, legacies, grants, or funds held in trust for the benefit of the registrant.

(h) The term "moneys expended" shall include, but shall not be necessarily limited to, all moneys and other things of value which a registrant expends by way of purchase, barter, gift, donation, subscription, transfer, conveyance, lease, subsidy, assignment, endowment, or release.

GENERAL REGULATIONS

§ 11.100 *Administration of the act assigned to Internal Security Division.* The administration of sections 7 to 10, inclusive, of the Subversive Activities Control Act of 1950 is assigned to the Internal Security Division, Department of Justice. All communications with respect thereto should be addressed to the Assistant Attorney General, Internal Security Division, Department of Justice, Washington 25, D. C.

§ 11.101 *Computation of time.* Sundays and holidays shall be counted in computing any period of time provided for in the act or in this part.

§ 11.102 *Act and regulations in this part to be considered together.* In determining any question concerning the application of the act to any person the regulations in this part shall be considered together with the provisions of the act. The regulations in this part shall not be construed to limit the act or to define its full scope or application.

REQUIREMENTS AS TO REGISTRATION

§ 11.200 *Forms for registration of organizations.* Each Communist-action organization and each Communist-front organization which is required to register with the Attorney General shall accomplish such registration on a form hereby designated as Form ISA–1. This form is available at the Internal Security Division, Department of Justice, Washington 25, D. C. Forms may be obtained on personal application or through the mail.

§ 11.201 *Filing of registration statement.* Registration statements shall be prepared and filed in duplicate with the Internal Security Division, Department of Justice, Washington 25, D. C. Filing may be made in person or by mail and shall be deemed to have taken place upon the receipt thereof.

§ 11.202 *Annual reports.* The annual report required by section 7 (c) of the act shall be submitted on a form hereby designated as Form ISA–3. This form is available on request at the Internal Security Division, Department of Justice, Washington 25, D. C., and may be obtained either in person or by mail.

§ 11.203 *Accounting of moneys received and expended.* The accounting of moneys received and expended as required to be reported by section 7 (d) (3) of the act shall be accomplished in the manner prescribed by Items 4 to 10 of Form ISA–1.

§ 11.204 *Maintenance of books and records.* (a) Each organization registered under the act shall make and keep current all bookkeeping and other financial records relating to registrant's activities, including cancelled checks, bank statements, and records of income and disbursements, showing names and addresses of all persons who have paid moneys to the registrant or who have received moneys from the registrant, the specific amounts so paid or received, the date on which each item was paid or received, and the purpose for which any item was expended.

(b) Each Communist-action organization in addition to keeping the books and records required by paragraph (a) of this section shall make and keep current such books and records as will disclose the names and addresses of the members of the registrant, the officers and employees of the registrant, and the names and addresses of persons, other than members, officers or employees, who actively participate in the activities of the registrant.

§ 11.205 *Liability of officers.* In the event an organization required to regis-

ter pursuant to section 7 (a) or 7 (b) of the act has failed to submit its registration statement to the Attorney General for filing within the time specified by section 7 (c) of the act, it shall be the duty of the following designated officers of such organization, jointly with the executive officer and secretary of such organization, to execute and file the required registration statement within ten days after expiration of the 30-day periods specified in section 7 (c) of the act:

(a) The president, chairman, or other person who is chief officer of the organization.

(b) The vice-president, vice-chairman, or person performing similar function.

(c) The treasurer.

(d) Members of the governing board, council, or body.

§ 11.206 *Form for registration of individuals.* Each individual required to register pursuant to section 8 (a) or (b) of the act shall execute and file a form hereby designated as Form ISA-2. This form is available at the Internal Security Division, Department of Justice, Washington 25, D. C., and may be obtained in person or by mail.

§ 11.207 *Information required on Form ISA-2.* Form ISA-2 shall contain, among other things, the following information:

(a) Registrant's name, present residence address, present business address, and all previous residence addresses for the past five years.

(b) All other names ever used by registrant and when used.

(c) The name of the Communist-action organization of which registrant is a member or officer and all offices ever held by him in the organization.

(d) A description of registrant's duties or functions within the organization.

(e) The name of all other clubs, societies, committees, and other non-business organizations in the United States and elsewhere of which registrant has been a member, director, officer, or employee during the past ten years.

(f) Registrant's connections with any foreign government, foreign agency, foreign political party, or any official or representative thereof.

(g) Registrant's present nationality and all previous nationalities.

(h) Registrant's present citizenship status and how acquired.

(i) All past military service and present military status of registrant.

(j) An account of all registrant's trips abroad during the past five years including the names of the countries visited, length of stay, and purpose of visit.

(k) A description of any trip contemplated during the coming year.

REGISTERS

§ 11.300 *Public inspection of registers.* Registration statements filed by individuals pursuant to section 8 of the act and, subject to the provisions of section 9 (b) of the act, registration statements and annual reports filed by organizations under section 7 of the act shall be available for public inspection at the Internal Security Division, Department of Justice, Washington 25, D. C., from 10:00 a. m. to 4:00 p. m. on each official business day.

LABELING

§ 11.400 *Labeling of publications.* Any publication transmitted or caused to be transmitted through the United States mails, or by any means or instrumentality of interstate or foreign commerce and required to be labeled pursuant to section 10 (1) of the act shall bear the statement required by that section conspicuously marked at the beginning in the English language and in the language or languages used in such publication. The envelope, wrapper, or other container in which such publication is mailed, circulated, or transmitted shall bear the same statement in the English language in the lower left hand portion thereof.

This order supersedes Order No. 4147 of the Attorney General dated October 17, 1950, as amended by Supplement 1 thereto dated November 15, 1950, and Order No. 3-53 dated January 29, 1953, prescribing regulations governing the administration of sections 7, 8, 9, and 10 of the Subversive Activities Control Act of 1950.

WILLIAM P. ROGERS,
Acting Attorney General.

[F. R. Doc. 54-7391; Filed, Sept. 17, 1954; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiaton Board Regulations Under the 1951 Act

PART 1451—SCOPE OF RENEGOTIATION BOARD REGULATIONS UNDER THE RENEGOTIATION ACT OF 1951, AND DEFINITIONS APPLICABLE THERETO

DEFINITIONS

This part is amended in the following respects:

1. Section 1451.11 *"The 1951 act" and "the act"* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1451.11 *"The 1951 act" and "the act".* The terms "the 1951 act" and "the act" mean the Renegotiation Act of 1951, as amended or supplemented.

2. Section 1451.12 *"The 1948 act"* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1451.12 *"The 1948 act".* The term "the 1948 act" means the Renegotiation Act of 1948, as amended or supplemented.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated September 15, 1954.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-7329; Filed, Sept. 17, 1954; 8:49 a. m.]

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

MISCELLANEOUS AMENDMENTS

1. Section 1453.3 *Exemption of common carriers and public utilities* is amended as follows:

a. The statutory provision set forth in paragraph (a) is amended by deleting the semicolon at the end thereof and inserting the following: "and to such furnishing or sale in any case in which the Board finds that the regulatory aspects of rates for such furnishing or sale, or the type and nature of the contract for such furnishing or sale, are such as to indicate, in the opinion of the Board, that excessive profits are improbable;" [Quoted matter added by Pub. Law 764, 83d Cong., approved September 1, 1954, and applies only with respect to fiscal years ending on or after December 31, 1953.]

b. Paragraph (d) is deleted in its entirety and the following is inserted in lieu thereof:

(d) *Common carriers by water.* (1) With respect to fiscal years ending before December 31, 1953, a contract with a common carrier for transportation by water is exempt only if the sale or furnishing of such transportation is subject to the jurisdiction of the Interstate Commerce Commission under Part III of the Interstate Commerce Act or subject to the jurisdiction of the Federal Maritime Board under the Intercoastal Shipping Act, 1933. Rates for passenger or cargo transportation to foreign ports are not fixed by these agencies under the statutes referred to in the last sentence of section 106 (a) (4) of the act, and thus contracts for such transportation are not within the exemption.

(2) With respect to fiscal years ending on or after December 31, 1953, a contract with a common carrier for transportation by water is exempt if it meets the conditions set forth in subparagraph 1 of this paragraph or if the Board finds, upon application of the contractor, that the regulatory aspects of rates for the sale or furnishing of such transportation, or the type and nature of the contract for such furnishing or sale, are such as to indicate, in the opinion of the Board, that excessive profits are improbable. Any application for such a finding shall be filed with the Board not later than the date when the contractor files the financial statement prescribed in section 105 (e) (1) of the act (see § 1470.3 (a) of this subchapter) for the fiscal year in which the contractor received or accrued the amounts with respect to which the exemption is claimed. In any financial statement so filed, receipts or accruals under any contract with respect to which the Board is requested to make such a finding shall be included initially in computing the aggregate renegotiable receipts or accruals of the contractor for the fiscal year to which such statement relates.

2. Section 1453.5 *Contracts that do not have a direct and immediate connection with the national defense* is amended as follows:

a. The statutory provision set forth in paragraph (a) is amended by inserting immediately after the second period therein the following: "In designating those classes and types of contracts which shall be exempt and in exempting any individual contract under this paragraph, the Board shall consider as not having a direct or immediate connection with national defense any contract for the furnishing of materials or services to be used by the United States, a Department or agency thereof, in the manufacture and sale of synthetic rubbers to a private person or to private persons which are to be used for nondefense purposes. If the use by such private person or persons shall be partly for defense and partly for nondefense purposes, the Board shall consider as not having a direct or immediate connection with national defense that portion of the contract which is determined not to have been used for national defense purposes. The method used in making such determination shall be subject to approval by the Board." [Quoted matter added by Pub. Law 764, 83d Cong., approved September 1, 1954.]

b. Paragraph (b) (19) is deleted in its entirety.

(c) A new paragraph (g) is added to read as follows:

(g) *Synthetic rubber.* Under section 106 (a) of the act, the Board is required and empowered to determine the extent to which materials or services furnished under a contract with a Department are used in the manufacture of synthetic rubber for sale thereof to a private person or to private persons for nondefense purposes. In the absence of specific information concerning the extent to which materials and services furnished under any such contract are to be so used, the Board will apply the industry percentages set forth from time to time in Renegotiation Staff Bulletin No. 21 and supplements thereto, which Bulletin and supplements are hereby made a part of these regulations.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: September 15, 1954.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-7330; Filed, Sept. 17, 1954; 8:49 a. m.]

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

PROFITS DETERMINABLE WHEN CONTRACT PRICE IS ESTABLISHED

Section 1455.3 *Contracts under which profits can be determined at time contract price is established* is amended by deleting in paragraph (b) (6) the words "$250,000, or, during a fiscal year which is a fractional part of 12 months, is not more than the same fractional part of $250,000" and inserting in lieu thereof the following: "$250,000, in the case of a fiscal year ending before June 30, 1953, or $500,000, in the case of a fiscal year ending on or after June 30, 1953, or, during a fiscal year which is a fractional part of 12 months, is not more than the same fractional part of $250,000 or $500,000, as the case may be".

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: September 15, 1954.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-7331; Filed, Sept. 17, 1954; 8:50 a. m.]

PART 1458—RECEIPTS OR ACCRUALS UNDER STATUTORY MINIMUM

MISCELLANEOUS AMENDMENTS

This part is amended in the following respects:

1. Section 1458.1 *Statutory provision* is amended by deleting "$250,000" wherever it appears in paragraph (1) set forth therein and inserting in lieu thereof the following: "$250,000, in the case of a fiscal year ending before June 30, 1953, or $500,000, in the case of a fiscal year ending on or after June 30, 1953", and by inserting in the second sentence of paragraph (3) set forth therein, after "the $250,000 amount" the following: ", the $500,000 amount,".

2. Section 1458.2 *Computation of aggregate receipts* and *accruals* is amended by deleting "$250,000" in paragraph (a) (1) and inserting in lieu thereof the following: "$250,000, in the case of a fiscal year ending before June 30, 1953, or $500,000, in the case of a fiscal year ending on or after June 30, 1953", and by inserting the words "prime contracts and" before the words "subcontracts for new durable productive equipment" in paragraph (b).

3. Section 1458.3 *No reduction by refund below statutory minimum* is amended by deleting "$250,000" in paragraph (a) and inserting in lieu thereof the following: "$250,000, in the case of a fiscal year ending before June 30, 1953, or $500,000, in the case of a fiscal year ending on or after June 30, 1953."

4. Section 1458.4 *Proration of statutory minimum* is amended by deleting the words "the $250,000 amount" in paragraph (a) and inserting in lieu thereof the words "the $250,000 and $500,000 amounts".

5. Section 1458.5 *Statutory minimum not an exemption* is amended by deleting "$250,000" wherever it appears in paragraphs (a) and (b) and inserting in lieu thereof the following: "$250,000, $500,000".

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated September 15, 1954.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-7332; Filed, Sept. 17, 1954; 8:50 a. m.]

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

MINIMUM REFUND

This part is amended by deleting the last sentence of § 1460.5 *Minimum refund*, and by deleting the first two sentences and inserting in lieu thereof the following: "Except as hereinafter provided, and in the absence of unusual circumstances, no determination of excessive profits shall be made if such excessive profits before adjustment for State taxes measured by income amount to (a) less than $10,000 with respect to any fiscal year ended on or before December 31, 1951, or (b) less than $20,000 with respect to any fiscal year ending after December 31, 1951 and before June 30, 1953, or (c) less than $40,000 with respect to any fiscal year ending on or after June 30, 1953, or (d) less than $10,000 with respect to any fiscal year in the case of subcontracts described in section 103 (g) (3) of the act. If a determination of excessive profits would be made at or in excess of the applicable minimum amount but for the limitation set forth in section 105 (f) (1) or (2) of the act and § 1458.3 (a) or (b) of this subchapter, the determination will be made in accordance with such limitation even though the amount of the determination is less than the minimum prescribed by this section."

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: September 15, 1954.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-7333; Filed, Sept. 17, 1954; 8:50 a. m.]

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

HOW ASSIGNMENT IS MADE

Section 1471.2 *How assignment is made* is amended by deleting "$400,000" wherever it appears in paragraph (b) and inserting in lieu thereof "$800,000", and by deleting "$50,000" wherever it appears in paragraph (d) and inserting in lieu thereof "$100,000".

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: September 15, 1954.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-7334; Filed, Sept. 17, 1954; 8:50 a. m.]

PART 1474—AGREEMENT PROCEDURE

MISCELLANEOUS AMENDMENTS

This part is amended in the following respects:

1. Section 1474.1 *Statutory provision* is amended by deleting the period at the end of the statutory provision set forth therein and inserting the following: ", and shall also have the power to set aside and declare null and void any such agreement if, upon a request made to the Board within three years from the date of such agreement, the Board finds as a fact that the aggregate of the amounts received or accrued by the other party to such agreement during the fiscal

year covered by such agreement was not more than the minimum amounts subject to renegotiation specified in section 105 (f) for such fiscal year".

[Quoted matter added by Pub. Law 764, 83d Cong., approved September 1, 1954.]

2. A new § 1474.7 is added to read as follows:

§ 1474.7 *Nullification of agreement*—(a) *Filing of requests.* Any request that an agreement to eliminate excessive profits be set aside and declared null and void pursuant to section 105 (d) of the act shall be filed by the contractor with the Board, and shall contain a full and complete statement of the facts upon which the contractor relies, including copies of supporting documents, if any. Upon request of the Board, the contractor shall file any additional information or documents which the Board may consider necessary or pertinent. If a request that an agreement be set aside is filed before the amount payable thereunder is fully paid, the contractor shall, at the time of filing such request with the Board, mail notice of such filing to the collecting agency designated in the agreement.

(b) The filing pursuant to this section of a request that an agreement be set aside shall suspend the obligation of the contractor to pay any sum due under the agreement until the Board that an the agreement until the Board shall have acted upon such request. A determination by the Board that an agreement shall be set aside and declared null and void pursuant to the provisions of section 105 (d) of the act shall be embodied in an order to that effect.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: September 15, 1954.

GEORGE C. MCCONNAUGHEY, *Chairman.*

[F. R. Doc. 54-7335; Filed, Sept. 17, 1954; 8:50 a. m.]

PART 1490—BROKERS AND MANUFACTURERS' AGENTS

MISCELLANEOUS AMENDMENTS

This part is amended in the following respects:

1. Section 1490.3 *Limited exemption of subcontracts for architectural, design or engineering services* is amended by deleting "$250,000" and inserting in lieu thereof the following: "$250,000, in the case of a fiscal year ending before June 30, 1953, or $500,000, in the case of a fiscal year ending on or after June 30, 1953".

2. Section 1490.6 *Determination of renegotiable business under section 103 (g) (3) of the act* is amended by deleting paragraph (f) in its entirety and inserting in lieu thereof the following:

(f) Receipts and accruals under subcontracts described in section 103 (g) (3) of the act, to the extent that such receipts or accruals are referable to prime contracts or subcontracts for new durable productive equipment, are subject to renegotiation to the same extent as the receipts or accruals under the prime contracts or subcontracts to which they are referable.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: September 15, 1954.

GEORGE C. MCCONNAUGHEY, *Chairman.*

[F. R. Doc. 54-7336; Filed, Sept. 17, 1954; 8:50 a. m.]

PART 1498—FORMS RELATING TO AGREEMENTS AND ORDERS

MISCELLANEOUS AMENDMENTS

This part is amended in the following respects:

1. Section 1498.2 *Variations in form of renegotiation agreement* is amended by deleting "$250,000 [$25,000]" from the form of agreement provision set forth in paragraph (c).

2. Section 1498.8 *Notice by Regional Board of cancellation of assignment* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1498.8 *Letter not to proceed* (Regional Board)—(a) *Class B. case, general.*

---------- (Date)

GENTLEMEN: By letter dated ---------- you were notified of the assignment to this Regional Board of the renegotiation case for your fiscal year ended ----------.

Based upon the information submitted by you, it appears that you have not realized excessive profits from contracts and subcontracts subject to the Renegotiation Act of 1951, as amended or supplemented, for the fiscal year in question. Accordingly, this Regional Board will not proceed further with this case unless there is a subsequent indication that you may have realized excessive profits for such fiscal year.

Very truly yours,
REGIONAL RENEGOTIATION BOARD.

(b) *Class B "floor" case.* If the contractor's aggregate renegotiable receipts or accruals have been determined to be below the applicable statutory minimum (see Part 1458 of this subchapter), the second paragraph of the form appearing in paragraph (a) of this section will be deleted and the following paragraph used in lieu thereof:

Based upon the information submitted by you, it appears that your aggregate receipts or accruals from contracts and subcontracts subject to the Renegotiation Act of 1951, as amended or supplemented, were less than $---------- for the fiscal year in question. Accordingly, this Regional Board will not proceed further with this case unless it subsequently appears that your renegotiable receipts or accruals for such fiscal year aggregated $------ or more.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: September 15, 1954.

GEORGE C. MCCONNAUGHEY, *Chairman.*

[F. R. Doc. 54-7337; Filed, Sept. 17, 1954; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10677; FCC 54-1142]
[Rules Amdts. 7-7, 8-9]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

FREQUENCIES AVAILABLE FOR MARITIME MOBILE TELEPHONY AT NEW YORK

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make an additional pair of 4 Mc frequencies available for maritime mobile telephony at New York.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of September 1954;

The Commission having under consideration its notice of proposed rule making in the above entitled matter; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, the aforementioned notice of proposed rule making which made provision for the submission of written comments by interested parties was duly published in the FEDERAL REGISTER on September 11, 1953 (18 F. R. 5473) and that the period provided for the filing of comments has now expired; and

It further appearing, that no objections to the proposed amendments have been filed; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective October 18, 1954, Parts 7 and 8 of the Commission's rules are amended as set forth below to include for winter use in the New York area the frequency pair 4434.5 kc and 4129.1 kc.

(Sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Released: September 10, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

1. Section 7.306 (a) (1) is amended by adding the following frequency pair to the table of frequencies and by adding footnote 4:

[4] 4434.5	New York, N. Y.	[4] 4129.1

[4] Available for use during period December 15 to March 15.

2. Section 7.306 (b) is amended by revising that portion of the frequency table for the New York, N. Y., area to read:

New York, N. Y.	2522	None.	2126	None.
	2590	None.	2198	None.
	2482	Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.[3]	2382	Available beginning on a date to be designated.[3]
	2558	None.	2166	None.
	4406.9	None.	4087.7	None.
	4434.5	Available for use annually during period Dec. 15 to Mar. 15.	4129.1	Available for use annually during period Dec. 15 to Mar. 15.
	4752.5	None.	4101.5	None.

3. Section 8.354 (a) (1) is amended by revising that portion of the frequency table for the New York, N. Y., area to read:

New York, N. Y.	2126	None.	2522	None.
	2198	None.	2590	None.
	2382	Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.[3]	2482	Available beginning on a date to be designated.[3]
	2166	None.	2558	None.
	4087.7	None.	4406.9	None.
	4129.1	Available for use annually during period Dec. 15 to Mar. 15.	4434.5	Available for use annually during period Dec. 15 to Mar. 15.
	4101.5	None.	4752.5	None.

[F. R. Doc. 54-7346; Filed, Sept. 17, 1954; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 141—FREIGHT SCHEDULES

PART 145—PASSENGER SERVICE SCHEDULES

PART 148—POSTING TARIFFS AT STATIONS

PART 311—PASSENGER TARIFFS OF COMMON CARRIERS BY WATER

PART 312—FREIGHT TARIFFS AND SCHEDULES

POSTING OF TARIFFS AT STATIONS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 17th day of August A. D. 1954.

It appearing, that on January 18, 1954, notice to the public was given of proposed changes to be made in the regulations governing the posting of freight and passenger tariffs at stations; that written statements containing data, views, or arguments concerning the proposed posting rules have been received; that informal conferences have been held; and that full consideration has been given to all of the matters and things involved:

It is ordered, That the following regulations governing the posting of tariffs are hereby approved and prescribed for all carriers of passengers and property subject to section 6 (1) and section 306 (a) of the Interstate Commerce Act, and for common carriers by motor vehicle subject to section 217 (a) of the Interstate Commerce Act insofar as tariffs of such common carriers show joint motor-rail, motor-water, and/or motor-rail-water rates, fares or charges.

It is further ordered, That Part 148 of this title, Posting of Tariffs at Stations, be amended by deletion of the entire text thereof and substitution in lieu thereof of the following:

Subpart A—Freight Tariffs of Common Carriers by Rail, Water, or Pipe Line, and Freight Tariffs of Common Carriers by Motor Vehicle Containing Joint Motor-Rail, Motor-Water, and/or Motor-Rail-Water Rates

Sec.
148.0 Posting of tariffs defined.
148.1 Carriers required to post tariffs at stations.
148.2 Relief from requirements.
148.3 Location of complete public files of tariffs.
148.4 Selection of posting places.
148.5 Time of posting.
148.6 Tariff files to be accessible to the public.
148.7 Notice required to be posted.
148.8 Check-up on files of tariffs.

Subpart B—Passenger Tariffs of Common Carriers by Rail or Water and Passenger Tariffs of Common Carriers by Motor Vehicle Containing Joint Motor-Rail, Motor-Water, and/or Motor-Rail-Water Fares, also Passenger Tariffs of Sleeping Car Companies

148.100 Posting of tariffs defined.
148.101 Carriers required to post tariffs at stations.
148.102 Relief from requirements.
148.103 Location of complete public file of tariffs.
148.104 Selection of posting places.
148.105 Time of posting.
148.106 Tariff files to be accessible to the public.
148.107 Notice required to be posted.
148.108 Check-up on files of tariffs.

Subpart C—Freight Tariffs of Common Carriers by Water

148.200 Posting of tariffs defined.
148.201 Carriers required to post tariffs.
148.202 Location of complete public file of tariffs.
148.203 Time of posting.
148.204 Tariff files to be accessible to the public.
148.205 Check-up on files of tariffs.

Subpart D—Passenger Tariffs of Common Carriers by Water

148.300 Posting of tariffs defined.
148.301 Carriers required to post tariffs.
148.302 Location of complete public file of tariffs.
148.303 Time of posting.
148.304 Tariff files to be accessible to the public.
148.305 Check-up on files of tariffs.

SUBPART A—FREIGHT TARIFFS OF COMMON CARRIERS BY RAIL, WATER, OR PIPE LINE, AND FREIGHT TARRIFFS OF COMMON CARRIERS BY MOTOR VEHICLE CONTAINING JOINT MOTOR-RAIL, MOTOR-WATER, AND/OR MOTOR-RAIL-WATER RATES

AUTHORITY: §§ 148.0 to 148.8 issued under sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply sec. 6, 24 Stat. 380, as amended; 49 U. S. C. 6.

§ 148.0 *Posting of tariffs defined.* The term "post" as used in this part means the maintenance of a file of tariffs in the custody of an agent of the carrier in a complete, accessible, and usable form, and keeping such file of tariffs available to the public upon request during ordinary business hours. The term "tariff" as used in this part includes tariff supplements or amendments.

§ 148.1 *Carriers required to post tariffs at stations.* (a) Each railroad and each common carrier by water shall post at each station (loading port as to water carriers) at which freight is received for transportation and at which an agent is employed all tariffs (including those filed for it by tariff-publishing agents or by other carriers with its concurrence) which contain rates applying from that station or which contain terminal or other charges applicable at that station, together with all other tariffs needed to determine the application of such rates or charges, excepting tariffs which show only the marked capacities, lengths, dimension and cubical capacities of cars. There shall also be posted at each such station an index of the carrier's freight tariffs in form as provided in § 141.11 of this subchapter (Rule 11 of Tariff Circular No. 20).

(b) Each common carrier by motor vehicle shall post at each station or office at which freight is received for transportation and at which an agent is employed all tariffs containing joint motor-rail, motor-water, and/or motor-rail-water rates applying from or at such station or office.

§ 148.2 *Relief from requirements.* If any tariff so posted (other than a tariff index) has not been used for a substantial length of time the posting of that tariff, including reissues thereof, may be discontinued at that station until such time as a request is made to the carrier's agent to have it reposted. It shall then be reposted within 20 days and thereafter kept posted.

§ 148.3 *Location of complete public files of tariffs.* (a) Each common carrier by rail, water, and pipeline shall post at its principal office a complete set of all tariffs which it issues or to which it is a party, together with an index thereto, and each rail carrier with 5,000 miles or more of first main track (including branch lines but excluding yard, terminal, and industrial tracks) shall also post at not less than one additional

point a complete set of all tariffs (see Note) which it issues or to which it is a party. In determining the number of miles of first main track operated, family lines may be considered as a unit and subsidiary carriers as a part of the controlling carrier.

NOTE: Switching and terminal railroads need maintain at their principal office a complete file of their local tariffs only.

A small carrier which has authorized its principal connecting carrier to file tariffs on its behalf may have its tariffs included in the complete public tariff file of such connecting carrier without such small carrier maintaining a separate complete public file.

(b) Each common carrier by motor vehicle shall post at its principal office a complete set of tariffs containing joint motor-rail, motor-water, and/or motor-rail-water rates or charges which it issues or to which it is a party.

§ 148.4 *Selection of posting places.* When posting places in addition to the principal office are required, railroads shall select posting places which, in their judgment, will best serve and promote the convenience of the public in using the traiffs. The places selected shall be cities directly served by the railroad. Each railroad shall advise the Commission by letter of the posting places selected and of any changes thereafter made. The Commission may, after reasonable investigation and without formal hearing, designate posting places in addition to or in substitution of those selected by the carrier.

§ 148.5 *Time of posting.* Each tariff must be posted at least 30 days before its effective date, excepting those as to which the Commission has authorized a shorter period of notice to the public. Each carrier shall require the agent at every station or office at which tariffs are posted to write or stamp on each tariff the date on which it was posted.

§ 148.6 *Tarif files to be accessible to the public.* Each file of tariffs shall be in charge of an agent of the carrier. Each carrier shall require and instruct such agent to afford inquirers an opportunity to examine any of such tariffs without asking the inquirer to assign any reason therefor, and, upon request, to lend assistance to seekers of information therefrom with all promptness possible and consistent with proper performance of other duties.

§ 143.7 *Notice required to be posted.* Each carrier shall also cause to be displayed continuously in a conspicuous public place at each station or office at which tariffs are required to be posted, a notice printed in large type reading as follows:

With only such exceptions as have been authorized by the Interstate Commerce Commission, all tariffs which contain rates and charges applying from or at this station are on file in this office, together with an index of all of this company's freight tariffs. The tariffs and index may be inspected by any person upon application and without the assignment of any reason for such inspection. The agent on duty in this office will lend any assistance desired in securing information therefrom.

If request is made for a tariff naming rates from this station, the posting of which has been discontinued because of nonuse, the agent will arrange to have it reposted within 20 days and thereafter keep it posted.

In addition a complete file of all of this company's tariffs, with indexes thereof, is maintained and kept available for public inspection at:

(Here indicate the place or places where complete tariff files are maintained, including the street address and, where appropriate, the room number.)

§ 148.8 *Check-up on files of tariffs.* Each carrier shall place in effect a system of supervision that will insure the continued maintenance in proper and readily accessible form of tariff files required at each station and also at each office where complete files are maintained. Such stations and offices must be furnished at least once a year with a list of all of the tariffs which should be in their files. Upon receipt of the list the agent or employee in charge will immediately check the tariffs on hand against the list, and report any deficiencies. Evidence of improper maintenance of files at any station or office may incur the prescription of detailed instructions to the carrier by the Commission necessary to insure compliance with the regulations.

SUBPART B—PASSENGER TARIFFS OF COMMON CARRIERS BY RAIL OR WATER AND PASSENGER TARIFFS OF COMMON CARRIERS BY MOTOR VEHICLE CONTAINING JOINT MOTOR-RAIL, MOTOR-WATER, AND/OR MOTOR-RAIL-WATER FARES, ALSO PASSENGER TARIFFS OF SLEEPING CAR COMPANIES

AUTHORITY: §§ 148.100 to 148.108 issued under sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply sec. 6, 24 Stat. 380, as amended; 49 U. S. C. 6.

§ 148.100 *Posting of tariffs defined.* The term "post" as used in this part means the maintenance of a file of tariffs in the custody of an agent of the carrier in a complete, accessible, and usable form, and keeping such file of tariffs available to the public upon request during ordinary business hours. The term "tariff" as used in this part includes tariff supplements or amendments.

§ 148.101 *Carriers required to post tariffs at stations.* (a) Each railroad, sleeping car company and each common carrier by water shall post at each station at which passengers are received for transportation and at which an agent is employed all tariffs (including those filed for it by tariff-publishing agents or by other carriers with its concurrence) which contain fares applying from that station or which contain terminal or other charges applicable at that station, together with all other tariffs needed to determine the application of such fares or charges. There shall also be posted at each such station an index of the carrier's passenger tariffs in form as provided in § 145.39 of this subchapter (Rule 39 of Tariff Circular No. 18–A).

(b) Each common carrier by motor vehicle shall post at each station or office at which passengers are received for transportation and at which an agent is employed all tariffs containing joint motor-rail, motor-water, and/or motor-rail-water fares applying from or at such station or office.

§ 148.102 *Relief from requirements.* If any tariff so posted (other than a tariff index) has not been used for a substantial length of time the posting of that tariff, including reissues thereof, may be discontinued until such time as a request is made to the carrier's agent to have it reposted. It shall then be reposted within 20 days and thereafter kept posted.

§ 148.103 *Location of complete public file of tariffs.* (a) Each railroad and sleeping car company and each common carrier by water shall post at its principal office a complete set of all tariffs which it issues or to which it is a party, together with an index thereto, and each rail carrier with 5,000 miles or more of first main track (including branch lines but excluding yard, terminal and industrial tracks) shall also post at not less than one additional point a complete set of tariffs which it issues or to which it is a party. In determining the number of miles of first main track operated, family lines may be considered as a unit and subsidiary carriers as a part of the controlling carrier. A small carrier which has authorized its principal connecting carrier to file tariffs on its behalf may have its tariffs included in the complete public tariff file of such connecting carrier without such small carrier maintaining a separate complete public file.

(b) Each common carrier by motor vehicle shall post at its principal office a complete set of tariffs containing joint motor-rail, motor-water, and/or motor-rail-water fares which it issues or to which it is a party.

§ 148.104 *Selection of posting places.* When posting places in addition to the principal office are required, railroads will select posting places which, in their judgment, will best serve and promote the convenience of the public in using the tariffs. The places selected shall be cities directly served by the railroad. Each railroad will advise the Commission by letter of the posting places selected and of any changes thereafter made. The Commission may, after reasonable investigation and without formal hearing, designate posting places in addition to or in substitution of those selected by the carrier.

§ 148.105 *Time of posting.* Each tariff must be posted at least 30 days before its effective date, excepting those as to which the Commission has authorized a shorter period of notice to the public. Each carrier shall require the agent at every station or office at which tariffs are posted to write or stamp on each tariff the date on which it was posted.

§ 148.106 *Tarif files to be accessible to the public.* Each file of tariffs shall be in charge of an agent of the carrier. Each carrier shall require and instruct such agent to afford inquirers an opportunity to examine any of such tariffs without asking the inquirer to assign any reason therefor, and, upon request, to lend assistance to seekers of information

therefrom with all promptness possible and consistent with proper performance of other duties.

§ 148.107 *Notice required to be posted.* Each carrier shall also cause to be displayed continuously in a conspicuous public place at each station or office at which tariffs are required to be posted, a notice printed in large type reading as follows:

With only such exceptions as have been authorized by the Interstate Commerce Commission all tariffs which contain fares and charges applying from or at this station are on file at this office, together with an index of all of this company's passenger tariffs. The tariffs and index may be inspected by any person upon application and without the assignment of any reason for such inspection. The agent on duty in this office will lend any assistance desired in securing information therefrom.

If request is made for a tariff naming fares from this station, the posting of which has been discontinued because of nonuse, the agent will arrange to have it reposted within 20 days and thereafter keep it posted.

In addition a complete file of all of this company's tariffs, with indexes thereof, is maintained and kept available for public inspection at:

(Here indicate the place or places where complete tariff files are maintained, including the street address and, where appropriate, the room number).

§ 148.108 *Check-up on files of tariffs.* Each carrier shall place in effect a system of supervision that will insure the continued maintenance in proper and readily accessible form of tariff files required at each station and also at each office where complete files are maintained. Such stations and offices must be furnished at least once a year with a list of all of the tariffs which should be in their files. Upon receipt of the list the agent or employee in charge will immediately check the tariffs on hand against the list and report any deficiencies. Evidence of improper maintenance of files at any station or office may incur the prescription of detailed instructions to the carrier by the Commission necessary to insure compliance with these regulations.

SUBPART C—FREIGHT TARIFFS OF COMMON CARRIERS BY WATER

AUTHORITY: §§ 148.200 to 148.205 issued under sec. 304, 54 Stat. 933; 49 U. S. C. 904. Interpret or apply sec. 306, 54 Stat. 935; 49 U. S. C. 906.

NOTE: This subpart is applicable to the posting of freight tariffs constructed in conformity with Subpart A of Part 312 of this chapter covering the transportation of property by common carriers by water which was not subject to the jurisdiction of the U. S. Maritime Commission or the Interstate Commerce Commission prior to January 1, 1941.

CROSS REFERENCE: For posting regulations applicable to freight tariffs constructed in conformity with Part 141 of this chapter see Subpart A of this part.

§ 148.200 *Posting of tariffs defined.* The term "post" as used in this part means the maintenance of a file of tariffs in the custody of an agent of the carrier in a complete, accessible, and usable form, and keeping such file of tariffs available to the public upon request during ordinary business hours. The term "tariff" as used in this part includes tariff supplements or amendments.

§ 148.201 *Carriers required to post tariffs.* Each common carrier by water shall post at each loading port at which freight is received for transportation and at which an agent is employed all tariffs (including those filed for it by tariff-publishing agents) which contain rates applying from that port or other charges applicable at that port, together with all other tariffs needed to determine the application of such rates or charges.

§ 148.202 *Location of complete public file of tariffs.* Each common carrier by water shall post at its principal office a complete set of tariffs which it issues, also tariffs containing joint water rates to which it is a party.

§ 148.203 *Time of posting.* Each tariff must be posted at least 30 days before its effective date, excepting those as to which the Commission has authorized a shorter period of notice. Each carrier shall require the agent at every port or office at which tariffs are posted to write or stamp on each tariff the date on which it was posted.

§ 148.204 *Tariff files to be accessible to the public.* Each file of tariffs shall be in charge of an agent of the carrier. Each carrier shall require and instruct such agent to afford inquirers an opportunity to examine any of such tariffs without asking the inquirer to assign any reason therefor, and, upon request, to lend assistance to seekers of information therefrom with all promptness possible and consistent with proper performance of other duties.

§ 148.205 *Check-up on files of tariffs.* Each carrier shall place in effect a system of supervision that will insure the continued maintenance in proper and readily accessible form of tariff files required at each port and also at its principal office where a complete file is maintained. Evidence of improper maintenance of files at any port or office may incur the prescription of detailed instructions to the carrier by the Commission necessary to insure compliance with these regulations.

SUBPART D—PASSENGER TARIFFS OF COMMON CARRIERS BY WATER

AUTHORITY: §§ 148.300 to 148.305 issued under sec. 304, 54 Stat. 933; 49 U. S. C. 904. Interpret or apply sec. 306, 54 Stat. 935; 49 U. S. C. 906.

NOTE: This subpart is applicable to the posting of passenger tariffs constructed in conformity with Part 311 of this chapter covering the transportation of passengers by common carriers by water which was not subject to the jurisdiction of the U. S. Maritime Commission or the Interstate Commerce Commission prior to January 1, 1941.

CROSS REFERENCE: For posting regulations applicable to passenger tariffs constructed in conformity with Part 145 of this chapter see Subpart B of this part.

§ 148.300 *Posting of tariffs defined.* The term "post" as used in this part means the maintenance of a file of tariffs in the custody of an agent of the carrier in a complete, accessible, and usable form, and keeping such file of tariffs available to the public upon request during ordinary business hours. The term "tariff" as used in this part includes tariff supplements or amendments.

§ 148.301 *Carriers required to post tariffs.* Each common carrier by water shall post at each port from which passengers are received for transportation and at which an agent is employed all tariffs (including those filed for it by tariff-publishing agents) which contain fares applying from that port or other charges applicable at that port, together with all other tariffs needed to determine the application of such fares or charges.

§ 148.302 *Location of complete public file of tariffs.* Each common carrier by water shall post at its principal office a complete set of tariffs which it issues, also tariffs containing joint water fares to which it is a party.

§ 148.303 *Time of posting.* Each tariff must be posted at least 30 days before its effective date, excepting those as to which the Commission has authorized a shorter period of notice. Each carrier shall require the agent at every port or office at which tariffs are posted to write or stamp on each tariff the date on which it was posted.

§ 148.304 *Tarif files to be accessible to the public.* Each file of tariffs shall be in charge of an agent of the carrier. Each carrier shall require and instruct such agent to afford inquirers an opportunity to examine any of such tariffs without asking the inquirer to assign any reason therefor, and, upon request, to lend assistance to seekers of information therefrom with all promptness possible and consistent with proper performance of other duties.

§ 148.305 *Check-up on files of tariffs.* Each carrier shall place in effect a system of supervision that will insure the continued maintainance in proper and readily accessible form of tariff files required at each port and also at its principal office where a complete file is maintained. Evidence of improper maintenance of files at any port or office may incur the prescription of detailed instructions to the carrier by the Commission necessary to insure compliance with the regulations in this part.

It is further ordered, That Part 141 of this title, Freight Schedules, be amended by deleting the text of § 141.111 *Posting of tariffs*, and by changing the cross reference thereunder to read:

CROSS REFERENCE: For regulations governing the posting of freight tariffs of common carriers by rail, water, and pipe line, including tariffs containing joint motor-rail, motor-water, and/or motor-rail-water rates, see Subpart A of Part 148 of this chapter.

It is further ordered, That Part 145 of this title, Passenger Service Schedules, be amended by deleting the text of § 145.107 *Posting of tariffs containing joint rail-motor fares*, and by inserting at that point the following cross reference:

CROSS REFERENCE: For regulations governing the posting of passenger tariffs of common carriers by rail or water, including tariffs containing joint motor-rail, motor-

water, and/or motor-rail-water fares, also passenger tariffs of sleeping car companies see Subpart B of Part 148 of this chapter.

It is further ordered, That Part 311 of this title, Passenger Tariffs of Common Carriers by Water, be amended by deleting the text of § 311.6 *Posting regulations*, and by inserting at that point the following cross reference:

CROSS REFERENCE: For regulations governing the posting of passenger tariffs of common carriers by water see Subpart D of Part 148 of this chapter.

It is further ordered, That Part 312 of this title, Freight Tariffs and Schedules, be amended by deleting the text of § 312.6 *Posting regulations*, and by inserting at that point the following cross reference:

CROSS REFERENCE: For regulations governing the posting of freight tariffs of common carriers by water see Subpart C of Part 148 of this chapter.

It is further ordered, That this order shall become effective on the 15th day of December A. D. 1954.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7327; Filed, Sept. 17, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

CONTROL PERCENTAGES

Notice is hereby given that the Department is considering the issuance of the administrative rule set forth herein pursuant to the provisions of Marketing Agreement No. 105 and Order No. 84, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington (19 F. R. 4214), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such administrative rule, consideration will be given to data, views, or arguments, pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on September 29, 1954.

The Walnut Control Board, the administrative agency for the agreement and order, at a duly called meeting in Los Angeles on August 20, 1954, pursuant to provisions of the agreement and order, submitted estimates and its recommendation as to control percentages for the 1954–55 marketing year. Since the Board actions on August 20, the Crop Reporting Board has issued its report as of September 1, increasing its forecast of walnut production in 1954 from 154,400,000 pounds to 161,000,000 pounds, which indicates an increase in merchantable unshelled walnut production from 109,150,000 pounds to 113,827,000 pounds.

The Board's estimates in regard to control percentages for merchantable unshelled walnuts, modified, where appropriate, in accordance with the crop report of September 1, are as follows:

(1) Merchantable unshelled walnut production during the 1954–55 marketing year 113,827,000 pounds;

(2) Handler carryover of merchantable walnuts on August 1, 1954, 10,656,000 pounds of which 10,630,000 pounds were certified for handling during the 1953–54 marketing year;

(3) Trade demand during the 1954–55 marketing year for merchantable unshelled walnuts 75,000,000 pounds.

According to the estimates, the merchantable free quantity of unshelled walnuts which may be sold in normal domestic outlets in 1954–55, resulting from the application of the Board's recommended merchantable free percentage of 70 to the merchantable production plus the uncertified handler carryover, when added to the certified handler carryover on August 1, 1954, will provide a sufficient quantity to satisfy estimated trade demand and leave adequate handler carryover stocks on August 1, 1955.

On the basis of the Board's estimates and other available information, its recommendation as to merchantable free, merchantable restricted, and merchantable allocation percentages for unshelled walnuts, of 70, 30, and 43 respectively are herein proposed for adoption.

The Board also submitted estimates expressed in pounds of sound kernel weight, relating to the control of surplus, for the 1954–55 marketing year. Its recommended percentages relating to surplus control were as follows: Marketable percentage 90, surplus percentage 10, and diversion percentage 11.1.

It is believed that the Board's estimates of August 20 in respect to surplus control, in which the Department's August walnut production forecast was adopted should be modified in accordance with the September crop report. The Board's estimate of 23,000,000 pounds as the trade demand for domestic shelled walnuts for the 1954–55 marketing year is believed to be too low, chiefly because production of shelled pecans, a competitor of shelled walnuts in some important outlets, is expected to be far below that of 1953–54. The 1954–55 trade demand for domestic walnuts is estimated in the following computation at 24,000,000 pounds. Also, the carryover stocks of shelled walnuts on August 1, 1955, are herein estimated at 3,000,000 pounds instead of 1,820,000 pounds used in the Board's computations of August 20.

Following is a summary of the supply and demand situation in respect to control of surplus, with the above indicated modifications of the Board's estimates, which is the basis for the marketable percentage of 92, surplus percentage of 8 and diversion percentage of 8.7, included in the herein proposed rule:

	Shelled pounds
(1) Sound kernel weight represented by the merchantable unshelled free percentage of 70 applied to merchantable supply subject to regulation	33,472,782
(2) Total shelled walnuts subject to regulation, including 1,020,000 pounds unsold carryin by handlers, Aug. 1, 1954	28,790,790
(3) Total supply subject to regulation (item 1 + item 2)	62,263,572
(4) Estimated trade demand for domestic shelled walnuts	24,000,000
(5) Trade demand for shelled walnuts adjusted for 3,136,000 pounds sold carryin of handlers on Aug. 1, 1954, and estimated carryout Aug. 1, 1955 of 3,000,000 pounds (item 4 adjusted)	23,864,000
(6) Total adjusted demand (item 1 + item 5)	57,336,782
	Percent
(7) Marketable percentage (item 6 : item 3)	92
(8) Surplus percentage (100—item 7)	8
(9) Diversion percentage (item 8 : item 7)	8.7

Therefore, the proposed administrative rule is as follows:

§ 984.206 *Control, merchantable allocation, and diversion percentages, for walnuts during the marketing year beginning August 1, 1954.* During the marketing year beginning August 1, 1954, the following percentages shall be in effect: Merchantable free percentage, 70; merchantable restricted percentage, 30; merchantable allocation percentage, 43; marketable percentage, 92; surplus percentage, 8; and diversion percentage, 8.7.

Issued at Washington, D. C., this 15th day of September 1954.

[SEAL] G. R. GRANGE, *Acting Director, Fruit and Vegetable Division.*

[F. R. Doc. 54-7351; Filed, Sept. 17, 1954; 8:54 a. m.]

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

SCHEDULE OF PAYMENTS TO HANDLERS TO COMPENSATE THEM FOR NECESSARY SERVICES IN CONNECTION WITH SURPLUS TONNAGE PRUNES

Pursuant to the authority vested in the Secretary of Agriculture by the provisions of § 993.61 (f) of Marketing Agreement No. 110, as further amended, and Order No. 93, as further amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Secretary of Agriculture is considering a rule approving an amended schedule of payments, as hereinafter set forth, to compensate handlers for necessary services rendered by them in connection with surplus tonnage prunes, the said schedule having been proposed by the Prune Administrative Committee and submitted to the Secretary for his approval.

Prior to final approval by the Secretary of such schedule of payments, consideration will be given to any written data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of the publication of this notice in the FEDERAL REGISTER, except that if said tenth day after publication should fall on a holiday, Saturday, or Sunday, such submission must be received by the Director not later than the close of business on the next following business day.

The principal factor tending to support the proposed rule, which would increase the rates of payments to handlers for the aforesaid necessary services approximately 20 percent over the rates established by the Prune Administrative Committee on December 9, 1949 and approved March 30, 1950 by the then Secretary of Agriculture as § 993.201 (15 F. R. 1888), is that of increased labor costs of handlers since the schedule of payments now in effect was established. The schedule of payments set forth in the proposed rule, if approved by the Secretary, would be applicable to payments to handlers for necessary services with respect to surplus tonnage dried prunes received and stored by a handler for the account of the Prune Administrative Committee on or after August 1, 1954.

It is proposed to change the numbering of existing § 993.201 to § 993.401 and to amend said section to read as follows:

§ 993.401 *Schedule of payments to handlers for necessary services rendered by them in connection with surplus tonnage prunes.* (a) Surplus tonnage prunes which producers and dehydrators tender to a handler shall be held by him in proper storage until the committee shall have relieved him of the obligation of such holding.

(b) For standard prunes of the surplus tonnage, the handler so holding such prunes, who performs the necessary services thereon for the committee, shall be reimbursed, except as provided in paragraphs (c) and (e) of this section, at the rate of $18.00 per ton for the following service costs:

(1) Acquisition costs, including, but not limited to, those for salaries, commissions or brokerage fees, transportation and handling between plants and receiving stations, and other costs, including container expense incidental to acquisition or storage;

(2) Direct labor costs, including, but not limited to, those for receiving, grading, preliminary sorting and storing, including that performed by the handler at receiving station, and loading for shipment; and

(3) Plant overhead costs, including but not limited to, superintendence and indirect labor, payroll taxes and compensation insurance, fuel, power and water, taxes and insurance on facilities, depreciation and rent, repairs and maintenance, and factory supplies and expense.

(c) A handler may, at any time, demand removal by the committee of surplus tonnage held by him. With respect to surplus tonnage prunes of any crop year, if the handler demands removal of standard prunes of such surplus tonnage prior to December 1 of the crop year, such handler automatically waives payment for any and all charges as set forth in this section. If such demand is made during December or January of the crop year, the handler making such demand shall receive payment for 50 percent of the total charges as set forth in this section. If a handler demands removal by the committee of such surplus during February of the crop year, he shall receive payment for 60 percent of such total charges; if during March of the crop year, 70 percent; if during April of the crop year, 80 percent; if during May of the crop year, 90 percent; and if during any month thereafter, 100 percent of such total charges.

(d) For substandard prunes of the surplus tonnage which a handler holds for the account of the committee, such handler shall receive payment for services performed, including, but not limited to, transportation from receiving points, in and out charges, and the placing of prunes in containers furnished by the committee, at the rate of $10.00 per ton for each ton so held, except that on any tonnage of such substandard prunes of which the handler demands removal by the committee prior to December 1 of the crop year, any and all payments due thereon shall automatically be waived by such handler.

(e) Each handler holding surplus tonnage for the account of the committee shall maintain proper insurance thereon, including fire and extended coverage, in valuations according to grade and size differentials as the committee shall establish and such handler shall be reimbursed for the actual cost of such insurance.

Issued this 15th day of September 1954.

[SEAL] G. R. GRANGE, *Acting Director, Fruit and Vegetable Division.*

[F. R. Doc. 54-7323; Filed, Sept. 17, 1954; 8:47 a. m.]

Commodity Stabilization Service

[7 CFR Part 722]

1955 CROP OF EXTRA LONG STAPLE COTTON

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO A NATIONAL MARKETING QUOTA, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, AND FORMULATION OF REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR THE 1955 CROP OF EXTRA LONG STAPLE COTTON

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), the Secretary of Agriculture is preparing to determine whether a national marketing quota is required to be proclaimed for the 1955 crop of extra long staple cotton, to provide for conversion of such quota into a national acreage allotment in accordance with section 344 (a) of the act, and to formulate regulations for apportioning the national acreage allotment to States and the State acreage allotments to counties, and for establishing farm acreage allotments. Pertinent parts of the provisions of the act which are applicable to these determinations and formulations are as follows:

SEC. 347. (a) Except as otherwise provided by this section, the provisions of this part shall not apply to extra long staple cotton which is produced from pure strain varieties of the Barbadense species, or any hybrid thereof, or other similar types of extra long staple cotton designated by the Secretary having characteristics needed for various end uses for which American upland cotton is not suitable, and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of such varieties or types.

(b) Whenever during any calendar year, not later than October 15, the Secretary determines that the total supply of cotton described in subsection (a) for the marketing year beginning in such calendar year will exceed the normal supply thereof for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of such cotton produced in the next calendar year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the quantity of cotton described in subsection (a) adequate to make available a normal supply of such cotton, taking into account (1) the estimated carry-over at the beginning of the marketing year which begins in the next calendar year, and (2) the estimated imports during such marketing year. The national marketing quota for cotton described in subsection (a) for any year shall not be less than the larger of 30,000 bales or a number of bales equal to 30 per centum of the estimated domestic

consumption plus exports of such cotton for the marketing year beginning in the calendar year in which such quota is proclaimed.

(c) All provisions of this Act, except section 342, subsections (h), (k), and (l) of section 344, the parenthetical provisions relating to acreages regarded as having been planted to cotton, and the provisions relating to minimum small farm allotments, shall, insofar as applicable, apply to marketing quotas and acreage allotments authorized by this section • • •

SEC. 301 (b) (16) (C) "Total supply" of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

(3) (B) "Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

(10) (C) The "normal supply" of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carry-over.

For purposes of the supply determinations required to be made under section 347 (b) of the act, (1) the term "extra long staple cotton" refers to all American Egyptian, Sea Island (in both the continental United States and Puerto Rico), and Sealand cotton, and to all similar type cotton imported from Egypt, Anglo-Egyptian Sudan, and Peru and (2) the term "carry-over" does not include the stocks of extra long staple cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act.

In the event the Secretary determines that a national marketing quota for the 1955 crop of extra long staple cotton is required to be proclaimed pursuant to section 347 (b) of the act, such quota will be converted into a national acreage allotment in accordance with section 344 (a) of the act, which reads in pertinent part as follows:

> Whenever a national marketing quota is proclaimed • • • the Secretary shall determine and proclaim a national acreage allotment for the crop of cotton to be produced in the next calendar year. The national acreage allotment for cotton shall be that acreage, based upon the national average yield per acre of cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop an amount of cotton equal to the national marketing quota.

If a national acreage allotment is proclaimed for the 1955 crop of extra long staple cotton, such allotment would be apportioned to the States as provided by section 344 (b) of the act and Public Law 28, 81st Congress (63 Stat. 17), on the basis of the acreage planted to extra long staple cotton during the five calendar years 1948, 1950, 1951, 1952, and 1953, with adjustments for abnormal weather conditions during such period.

It is expected that the regulations pertaining to the apportionment of the State acreage allotment among counties and the county acreage allotment among farms will be substantially the same as the regulations issued with respect to the 1954 crop of extra long staple cotton, including amendments (18 F. R. 7883, 8109; 19 F. R. 1137, 1561). Public Law 290, 83d Congress, approved January 30, 1954, amended the act to provide for making adjustments, beginning with the 1955 crop, in farm acreage allotments to correct inequities and to prevent hardship. This is one of the purposes provided by law for using State and county acreage reserves. Farm acreage allotments for the 1954 crop of extra long staple cotton were determined under the Agricultural Adjustment Act of 1938, as amended, by multiplying the adjusted cropland for the farm by a uniform county (or administrative area) cropland factor. Section 344 (f) of the act, as amended by Public Law 290 and by Public Law 690, 83d Congress, approved August 28, 1954, provides, beginning with the 1955 crop of cotton, for apportioning the county acreage allotment, less the county acreage reserve, among farms on which extra long staple cotton has been planted in any one of the three years immediately preceding the year for which such allotment is determined on the basis of the acreage planted to cotton on the farm during such three-year period, if the county committee recommends such action and the Secretary determines that such action will result in a more equitable distribution of the county acreage allotment among farms in the county. It is expected that all county committees will carefully consider the authorization in the law to apportion the county acreage allotment, less the county acreage reserve, among farms on the basis of cotton acreage history during the three preceding years rather than on the basis of cropland, as described above. Under Public Law 690, county committees will have wider latitude in establishing farm cotton acreage allotments on a history basis under section 344 (f) (6) of the Agricultural Adjustment Act of 1938, as amended, in that they may in their discretion limit any farm acreage allotment established on the basis of cotton acreage history during the three preceding years to an acreage not in excess of 50 percent of the cropland on the farm.

It is expected that the Secretary's authority to approve or disapprove recommendations of county committees regarding apportionment of the county acreage allotment among farms on the basis of cotton acreage history will be redelegated to the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, and that the Deputy Administrator will issue such instructions as may be necessary for carrying out this new provision of law. In this connection, it appears that it will be necessary for the Deputy Administrator to set a closing date for such recommendations to be filed in order that the many computations and determinations incident to the establishment of farm acreage allotments may be completed and allotment notices issued to farm operators prior to the referendum which is required by the Act to be held not later than December 15, 1954.

It is proposed to change the provisions which were contained in the 1954 regulations regarding the reconstitution of farms. Under one proposal being considered, where reconstitution of farms are made for 1955 after farm acreage allotments for 1955 are established prior to the referendum, the allotments for the reconstituted farms would be determined on the basis of the revised data, provided notice of the change in land in the farm is received in the county ASC office by a closing date which will be a date prior to the general date for preparing land for cotton production. In cases where the county ASC office is not advised of the change in land in the farm by the closing date, the same procedure would be followed in establishing the farm acreage allotments for the reconstituted farms, except that (1) in the case of subdivisions the allotments for the several tracts could not exceed the allotment previously established for the parent farm, and (2) in the case of a combination (a) the allotment for the reconstituted farm could not exceed the sum of the allotments for the several tracts comprising the reconstituted farm, and (b) the allotment for the reconstituted farm would be subject to the maximum farm allotment provision if it is applicable in the county. Under another proposal being considered, where reconstitutions of farms are made for 1955 after farm acreage allotments for 1955 are established prior to the referendum, the allotments for all reconstituted farms would be established as follows: (1) In the case of subdivisions the allotments for the several tracts could not exceed the allotment previously established for the parent farm, and (2) in the case of a combination (a) the allotment for the reconstituted farm could not exceed the sum of the allotments for the several tracts comprising the reconstituted farm, and (b) the allotment for the reconstituted farm would be subject to the maximum farm allotment provision if it is applicable in the county.

It is the Secretary's intention to delay the determinations provided for in section 347 of the act until the October 8, 1954, cotton report of the Crop Reporting Board of the Department is issued in order that the latest available data may be used. In the meantime, it is expected that the regulations discussed above will be issued subject to the condition that they shall become ineffective for purposes of the marketing quota program in the event a national marketing quota for the 1955 crop of extra long staple cotton is not proclaimed by October 15, 1954.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national acreage allotment, the apportionment of the national acreage allotment to States and the State acreage allotments to counties, and the formulation of regulations for the establishment of farm acreage allotments for the 1955 crop of extra long staple cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. within fifteen days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D. C. this 16th day of September 1954.

[SEAL] J. A. MCCONNELL,
Administrator.

[F. R. Doc. 54-7400; Filed, Sept. 17, 1954; 8:53 a. m.]

[7 CFR Parts 815, 816, 819]

SUGAR AND LIQUID SUGAR PRODUCED FROM SUGAR BEETS AND SUGARCANE GROWN IN CONTINENTAL U. S.

REQUIREMENTS RELATING TO MARKETING

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922 as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), is considering the revision of Sugar Regulations 815, 816 and 819 as hereinafter proposed as those regulations relate to mainland sugar (sugar and liquid sugar produced from sugar beets and sugarcane grown in the continental United States).

The purposes of the revision are: (1) To revise the requirements relating to the marketing of mainland sugar, and (2) to clarify and restate in one regulation (Sugar Regulation 815) all of the requirements relating to the marketing of such mainland sugar, including that which is exempt from the quota provisions of the act.

Proposed changes. This proposed revision combines and restates pertinent provisions of the existing Sugar Regulations 815, 816 and 819 into Sugar Regulation 815. Those provisions of Sugar Regulations 816 and 819 applicable to sugar or liquid sugar from offshore areas would continue in effect with respect thereto until revised.

Under the proposed revision a section is added to clarify the relationship of "marketing" to the prohibitions set forth in subsections (b) and (d) of section 209 of the Sugar Act. Another section is added to formally establish the necessary reporting requirements. The provisions for furnishing bonds to cover certain transactions are simplified to permit the use of either term-bonds under which several obligations may be authorized as occasion demands or separate bonds for individual marketings.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation shall file the same in quadruplicate with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of the publication of this notice in the FEDERAL REGISTER.

Basis and purpose. The regulations in §§ 815.1 through 815.8 issued pursuant to the Sugar Act of 1948, as amended, govern the handling of sugar or liquid sugar produced from domestic sugar beets and mainland sugarcane under the prohibitions set forth in subsections (b) and (d) of section 209 of that act. They also provide the method for exempting sugar produced from such beets or sugarcane from quotas when marketed pursuant to-item (4) of section 212 of the Sugar Act of 1948, as amended.

These regulations apply to processors and refiners with respect to all sugar and liquid sugar they produce or refine from domestic sugar beets and mainland sugarcane. They also apply to any person who acquires such sugar or liquid sugar for the distillation of alcohol or for livestock feed or for the production of livestock feed.

The proposed Sugar Regulation 815 is as follows:

Sec.
815.1 Definitions.
815.2 When marketings occur.
815.3 Effect of marketings on quotas and allotments.
815.4 Restrictions on marketing without specific authorizations.
815.5 Requirement for bonds.
815.6 Provisions of bond.
815.7 Records and reports.
815.8 Delegation of authority.

AUTHORITY: §§ 815.1 to 815.9 issued under sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interpret or apply secs. 205, 209, 212; 61 Stat. 926, 928, 929; 7 U. S. C. Sup. 1116, 1119, 1122.

§ 815.1 *Definitions.* As used in this part:

(a) The term "act" means the Sugar Act of 1948, as amended (61 Stat. 922; 65 Stat. 318; 7 U. S. C., Sup. 1100).

(b) The term "person" means an individual, partnership, corporation, association, estate, trust or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal government, or any agency thereof.

(c) The term "mainland sugar" means sugar or liquid sugar, as defined in section 101 of the act, processed from sugar beets grown in the domestic beet sugar area, from sugarcane grown in the mainland cane sugar area.

(d) The term "processor" means any person who manufactures "mainland sugar" as defined in this part or any person for whose account mainland sugar is manufactured by another person.

(e) The term "refiner" means any person who acquires mainland raw or liquid sugar from a processor for refining or otherwise improving the quality of such mainland sugar. (The same person may be both a "processor" and a "refiner").

(f) The term "Department" means the United States Department of Agriculture.

(g) The term "Secretary" means the Secretary of Agriculture of any officer or employee of the Department to whom the Secretary has delegated authority in this part to act in his stead.

(h) The term "quota" means any calendar year quota established in Part 811 of this chapter for the domestic beet sugar area or the mainland cane sugar area.

(i) The term "allotment" means the portion of a quota established for a processor in Part 814 of this chapter.

§ 815.2 *When marketings occur.* (a) Except as provided in paragraphs (b) and (c) of this section mainland sugar shall be deemed to be marketed whenever pursuant to a contract of sale one of the following actions first occurs:

(1) The processor physically delivers mainland sugar to a buyer.

(2) The processor physically delivers mainland sugar to a carrier for shipment to a buyer.

(3) The processor endorses and delivers to a buyer a negotiable warehouse receipt or an order bill of lading covering mainland sugar.

(4) A public warehouseman issues and delivers to a buyer at the processor's request a warehouse receipt (negotiable or non-negotiable) or a warehouse delivery advice covering mainland sugar.

(5) The processor transfers and delivers to a buyer a non-negotiable warehouse receipt covering mainland sugar, and the warehouseman acknowledges to such buyer that he is holding such sugar for the account of such buyer.

(6) The processor and the buyer prior to December 31 of any year certify to the Secretary on a form prescribed by him that a specified quantity of mainland sugar in possession of the processor at the close of business on December 31 will be physically delivered to the buyer on or before February 28 of the following year and physical delivery is made on or before February 28.

(b) Mainland sugar used by the processor or caused to be used in activities under his control for food or feed or for the production or manufacture of food or feed or other articles of commerce shall be deemed to be marketed at the time that such use occurs.

(c) Mainland sugar principally not of crystalline structure (such as beet molasses) sold to a processor who is a refiner, and used for the production of sugar principally of crystalline structure or liquid sugar as defined in section 101 of the act, shall be deemed to be marketed when the crystalline sugar or liquid sugar so produced is first subject to one of the actions described in paragraphs (a) and (b) of this section.

§ 815.3 *Effect of marketings on quotas and allotments.* Each marketing, as described in § 815.2, of mainland sugar shall be effective for the purpose of filling the applicable quota and allotment at the time it occurs except as follows:

(a) A marketing of mainland sugar under a bond accepted pursuant to § 815.5 for further processing, refining and storage shall be effective for the purpose of filling the applicable quota and allotment upon the release of the bond or at the time the Secretary determines that a breach of a condition of the bond has occurred.

(b) A marketing of mainland sugar under a bond accepted pursuant to § 815.5 for the distillation of alcohol, or for livestock feed or for the production of live-

stock feed, shall be effective for the purpose of filling the applicable quota and allotment at the time the Secretary determines that a breach of a condition of the bond has occurred.

§ 815.4 *Restrictions on marketing.* The quantity of mainland sugar marketed by a processor and effective during any calendar year for the purpose of filling his allotment as provided in § 815.3 shall not exceed the quantity determined in Part 814 of this chapter to be the allotment of such processor for that year. In the absence of allotments, when the Secretary determines and gives public notice that prior authorizations are required to prevent the quota determined in Part 811 of this chapter from being exceeded, a processor shall not market mainland sugar until authorized by the Secretary in writing.

§ 815.5 *Requirement for bonds.* Paragraphs (a) and (b) of § 815.3 shall not apply to marketing of mainland sugar unless the processor first makes application to and receives the approval of the Secretary on a form prescribed by the Secretary, and unless the person to whom such sugar is delivered furnishes a bond satisfactory to the Secretary in the amount and subject to the conditions and provisions as provided in § 815.6.

§ 815.6 *Provisions of bond*—(a) *Principal and surety.* Only a refiner may be the principal on a bond for the purpose of further processing or refining and storage of mainland sugar. Any person having an interest in mainland sugar to be used for distillation of alcohol, for livestock feed, or for the production of livestock feed may be the principal on a bond for such purposes. The surety or sureties shall be among those listed by the Secretary of the Treasury as acceptable on Federal bonds.

(b) *Amount.* The amount of the bond shall not be less than the sum of the obligations with respect to all marketings of sugar covered at any one time thereunder. The amount of the obligation with respect to each marketing of sugar covered under a bond furnished under this part shall be the daily "spot" price (Cuban in bond equivalent) per pound of raw sugar for consumption in the continental United States determined by the New York Coffee and Sugar Exchange on the last business day before the date of request to the Secretary for approval of the bond, multiplied by the weight in pounds of the sugar comprising each marketing. The amount of the bond with respect to liquid sugar shall be computed upon the basis of the same price per pound, ascertained as heretofore stated in this paragraph, multiplied by the pounds of the "total sugar content," as defined in the act, of the sugar comprising each marketing.

(c) *Conditions.* Any bond furnished pursuant to this part shall provide for payment to the United States of the amount of the obligation under the bond upon default in whole or in part in any of the following conditions:

(1) That mainland sugar marketed as provided in § 815.3 (a) for refining and storage shall thereafter be held by the refiner until release thereof within the applicable quota or allotment is authorized by the Secretary, or that mainland sugar marketed as provided in § 815.3 (b) for the distillation of alcohol or for livestock feed, or for the production of livestock feed shall be used for such purpose within six months after the date of such marketing or within such extension of time thereafter as the Secretary shall specify.

(2) That the United States shall be reimbursed for expenses incurred by the Department for the supervision and control of the sugar covered under the bond until release of the bond by the Secretary.

(d) *Duration of bond.* Any obligation under a bond furnished pursuant to this part shall provide that it will remain in full force and effect until the Secretary shall notify the principal and surety of the release thereof.

§ 815.7 *Records and reports.* (a) Each person subject to the provisions of this part shall keep and preserve, for a period of five years following the end of the calendar year in which the mainland sugar is marketed, an accurate record of all marketings of mainland sugar together with all documents which give evidence of the production, conversion, use, marketing, movement, storage and losses of such sugar or liquid sugar. Upon request by any authorized employee of the Department, such records shall be made freely available for examination by such employee during regular working hours of any business day.

(b) Each person subject to the provisions of this part shall make application for authorizations provided for in this part and shall report information as and when required by the Secretary on forms specified by him and approved by the Bureau of the Budget under the Federal Reports Act of 1942.

§ 815.8 *Delegation of authority.* The Director or Deputy Director of the Sugar Division, or the Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, is authorized to act for and on behalf of the Secretary in administering this part.

Rescission of prior regulations. The regulations in this part as herein revised shall supersede prior Sugar Regulation 815 (13 F. R. 1076, 14 F. R. 466) and Sugar Regulations 816 (14 F. R. 2163) and 819 (13 F. R. 2063, 14 F. R. 466) insofar as Sugar Regulations 816 and 819 apply to mainland sugar as herein defined.

Issued at Washington, D. C., this 15th day of September 1954.

[SEAL] J. A. McCONNELL,
Administrator.

[F. R. Doc. 54-7352; Filed, Sept. 17, 1954; 8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 701, 711, 712, 713]

[Administrative Order No. 440]

SPECIAL INDUSTRY COMMITTEES NOS. 16–A, 16–B AND 16–C FOR PUERTO RICO

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES FOR CERTAIN INDUSTRIES

1. Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended 29 U. S. C., and Sup. 201 et seq.) I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene Special Industry Committees Nos. 16–A, 16–B and 16–C for Puerto Rico.

Special Industry Committee No. 16–A appointed to investigate conditions in and recommend minimum wages for the Electrical, Instrument, and Related Manufacturing Industries in Puerto Rico, is composed of the following representatives:

For the public: Candido Oliveras, Santurce, P. R., chairman; Martin P. Catherwood, Ithaca, N. Y.; Ramon Cancio, Santurce, P. R.

For the employees: James B. Carey, Washington, D. C.; Albert Epstein, Washington, D. C.; David Sternback, San Juan, P. R.

For the employers: Ira B. Stiefel, Pittsburgh, Pa.; Adrian P. Higgs, Roosevelt, P. R.; Gerald F. Weis, Dayton, Ohio.

Special Industry Committee No. 16–B, appointed to investigate conditions in and recommend minimum wages for the Metal, Machinery, Transportation Equipment, and Allied Industries in Puerto Rico, is composed of the following representatives:

For the public: Candido Oliveras, Santurce, P. R., chairman; Martin Catherwood, Ithaca, N. Y.; Ramon Cancio, Santurce, P. R.

For the employees: James B. Carey, Washington, D. C.; Albert Epstein, Washington, D. C.; David Sternback, San Juan, P. R.

For the employers: Ira B. Stiefel, Pittsburgh, Pa.; Adrian P. Higgs, Roosevelt, P. R.; Jose F. Abarca, San Juan, P. R.

Special Industry Committee No. 16–C, appointed to investigate conditions in and recommend minimum wages for the Plastic Products Industry in Puerto Rico, is composed of the following representatives:

For the public: Candido Oliveras, Santurce, P. R., chairman; Martin P. Catherwood, Ithaca, N. Y.; Ramon Cancio, Santurce, P. R.

For the employees: James B. Carey, Washington, D. C.; Albert Epstein, Washington, D. C.; Miguel Garriga, Santurce, P. R.

For the employers: Ira B. Stiefel, Pittsburgh, Pa.; Lester O. Hardman, Rio Piedras, P. R.; Samuel Seltzer, Rio Piedras, P. R.

2. Special Industry Committees Nos. 16–A, 16–B and 16–C are herein created in accordance with the provisions of the Fair Labor Standards Act, as amended, and the regulations promulgated thereunder (Title 29, Chapter V, Code of Federal Regulations, Part 511). Special Industry Committee No. 16–A shall meet beginning on October 19, 1954 at 10:00 a. m. in Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico, to investigate conditions in the Electrical, Instrument, and Related Manufacturing Industries in Puerto Rico. Immediately thereafter, Special Industry Committee No. 16–B shall meet to investigate conditions in the Metal, Machinery, Transportation Equipment, and Allied Industries in Puerto Rico, and immediately thereafter, Special Industry Committee No. 16–C shall investigate conditions in the Plastics Products Industry in Puerto Rico. Upon the completion of their investigations, each Industry Committee shall recommend to the Administrator a minimum wage rate or rates for employees in the Industry in Puerto Rico who, within the meaning of the said act, are "engaged in commerce or in the production of goods for commerce" excepting employees exempt by virtue of the provisions of section 13 (a) and employees coming within the provisions of section 14. Minimum wage rates recommended by each Committee shall be the highest rates (not in excess of 75 cents per hour) which it determines will not substantially curtail employment in such industries and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico.

3. For the purpose of the order these industries are defined as follows:

Electrical, instrument, and related manufacturing industries. The manufacture, assembly, or repair of machinery, apparatus, equipment and supplies for the generation, storage, transmission, transformation or utilization of electrical energy; and the manufacture, assembly, or repair of instruments, apparatus, and equipment for scientific, professional, industrial-measurement, photographic, musical or horological purposes: *Provided, however,* That the definition shall not include (i) industrial and commercial machinery powered by electric motors, (ii) measuring-and-dispensing pumps, or (iii) any activity included in the Clay and Clay Products Industry, the Jewel Cutting and Polishing Industry, or the Stone, Glass, and Related Products Industry, as defined in the wage orders for those industries in Puerto Rico.

Metal, machinery, transportation equipment, and allied industries. The mining or other extraction of metal ore and the further processing of such ore into metal; the manufacture (including repair) of any product or part made wholly or chiefly of metal; and the manufacture from any material of machinery, tools, transportation equipment, and ordnance: *Provided, however,* That the definition shall not include (1) the production of any basic material other than metal; (2) the further processing of any basic material other than metal except when done by an establishment producing from such materials a product of these industries or subassembly of such product; (3) the building and repairing (including painting) of ocean-going ships when performed in dry docks or shipyards; (4) any activity included within the Button, Buckle, and Jewelry Industry or the Shoe Manufacturing and Allied Industries as defined in the wage orders for those industries; (5) or any activity included within the Electrical, Instrument, and Related Manufacturing Industries as defined in the Administrative Order No. 440 appointing Special Industry Committees Nos. 16–A, 16–B, and 16–C for Puerto Rico. This definition supersedes the definition of the Decorations and Party Favors Industry with respect to the manufacture of articles other than those made from metallic chenille, foil, or tinsel.

Plastic products industry. The manufacture of molded or other fabricated plastic products. *Provided, however,* That the definition shall not include (1) the manufacture of primary plastic materials such as sheets, rods, tubes, granules, powders, or liquids, (2) the sawing, cutting, grinding, polishing, and other processing of synthetic jewels for industrial use, (3) the manufacture of buttons, buckles, and jewelry (including rosaries), and jewelry findings (including beads), (4) the manufacture from pliable plastics in sheet or film form of ornaments and decorations for Christmas and other holidays, party favors and souvenirs, and similar items primarily ornamental or decorative in character; (5) or any activity included in the Leather, Leather Goods, and Related Products Industry; the Paper, Paper Products, Printing, Publishing and Related Industries; the Shoe Manufacturing and Allied Industries; or the Textile and Textile Products Industry, as defined in the wage orders for these industries in Puerto Rico; or in the Needlework and Fabricated Textile Products Industry, the Men's and Boys' Clothing and Related Products Industry or the Corsets, Brassieres, and Allied Garments Industry, as defined in Administrative Order No. 433 appointing Special Industry Committee No. 15 for Puerto Rico. This definition supersedes the definition for the Decorations and Party Favors Industry with respect to the manufacture of plastic articles other than those made from pliable sheet or film.

Signed at Washington, D. C., this 14th day of September 1954.

WM. R. McCOMB,
Administrator, Wage and Hour Division, Department of Labor.

[F. R. Doc. 54-7402; Filed, Sept. 17, 1954; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 240]

RULES UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934

PROPOSED AMENDMENTS

Notice is hereby given that the Commission has under consideration proposed amendments to its rules and forms under the Securities Act of 1933 and the Securities Exchange Act of 1934.

On August 10, 1954, President Eisenhower signed Public Law 577, effective October 10, 1954. Public Law 577 reflects the first major changes in the Federal securities acts in over a decade. The most important change involves section 5 of the Securities Act of 1933. Other amendments to that statute and to the Trust Indenture Act of 1939 and the Investment Company Act of 1940 were enacted as necessary to accommodate the provisions of those acts to the amendment of section 5.

The amendment of section 5 and the related changes have to do principally with the mechanics of distribution of securities. The act, before the amendment takes effect, makes unlawful the offer or sale of a security to the public by mail or instrumentality of interstate commerce prior to the effectiveness of a registration statement in respect of the security. It has been contended for many years that the free flow of information concerning a new issue during the period between the filing and effectiveness of a registration statement has been limited because of the fear on the part of underwriters and dealers that communication with prospective customers might be construed to be illegal "offers" of a security. Despite administrative steps taken in the past by the Commission to encourage issuers and underwriters to disseminate the information contained in the registration statement during the waiting period, this objective was not fully achieved.

Public Law 577 will permit the making of written offers to sell and solicitations of offers to buy during the waiting period by means of a preliminary prospectus filed with the Commission prior to its use. In other respects it will expand the authority of the Commission to permit the use of written material in addition to the full prospectus in connection with the offering of securities for sale. The amendment, however, will continue to prohibit the sale of securities or the making of contracts to sell or contracts of sale prior to the effective date of the registration statement.

There are set forth below proposed amendments to the rules and regulations under the Securities Act of 1933 and the Securities Exchange Act of 1934 which are designed primarily to conform existing rules to the changes in those statutes made by the enactment of Public Law 577 and to permit a smooth administrative transition to the amended statutes. It is deemed necessary promptly to release the proposals indicated below in order that the Commission may have the benefit of the comments and views of interested persons in sufficient time to permit adoption of appropriate rules by October 10, 1954, the effective date of the amendments to the statutes.

The amendments noted below do not relate to the use of such summary prospectuses as may be permitted under section 10 (b), or expanded advertisements under section 2 (10) (b), of the amended statute. The nature and form of such advertisements, communications and summary prospectuses are presently under consideration by the Commission and it is expected that proposals for the adoption of appropriate rules may be published for comment within the near future.

The other principal amendments to the statutes effected by Public Law 577 are summarized below:

The Securities Act of 1933 requires that a dealer must deliver a prospectus in the initial distribution of a security, regardless of the duration of such distribution. It further requires the delivery of a prospectus by every dealer in trading transactions in the registered securities for 1 year after commencement of the offering. This latter provision is amended by Public Law 577 to reduce the 1-year period to 40 days after the effective date or 40 days after the commencement of the public offering, whichever expires last. For certain types of investment companies which continuously offer securities the Investment Company Act of 1940 is amended to provide for mandatory use of prospectuses in trading transactions over a longer period.

Prospectuses which are used more than 13 months after the effective date of the registration statement under the Securities Act now must contain information as of a date within 12 months of its use. To simplify these requirements and in many cases to require more recent information, the act is amended to provide that where a prospectus is used more than 9 months after the effective date, the information contained therein shall be as of a date within 16 months of such use.

The prohibition contained in the Securities Exchange Act of 1934 against extending credit to purchasers of a new issue by dealers for 6 months after the offering period is considered unnecessarily long. The amendment reduces the 6 months' period to 30 days.

The Trust Indenture Act of 1939 requires inclusion in a prospectus of a summary of certain specified indenture provisions. Since the Commission can deal with disclosure problems through its rule making power, and since the substantive provisions required to be included in indentures qualified under the act would not be changed, this requirement was eliminated as unnecessary.

Instead of, in effect, requiring investment companies, which engage in continuous offerings of their shares, to file new registration statements under the Securities Act each year, an amendment to the Investment Company Act of 1940 will permit such companies to increase the number of their registered shares by amending their registration statements.

The text of the proposed action follows:

I. Rule 120 would be revised to delete the obsolete reference to registration statements filed in San Francisco as follows:

§ 230.120 *Inspection of registration statements.* Except for material contracts or portions thereof accorded confidential treatment pursuant to § 230.485, all registration statements are available for public inspection, during business hours, at the principal office of the Commission in Washington, D. C.

II. Section 230.131 (Rule 131), which provides for the use of the so-called "red herring" prospectus would be rescinded. The rule would be replaced by Rule 433 (§ 230.433) providing for the use of a "Preliminary Prospectus" meeting the requirements of section 10. Pending further study, Rule 132 (§ 230.132) would not be rescinded at this time. However, the Commission would not require as a condition of acceleration of the effective date of a registration statement distribution of copies of the identifying statement provided for by Rules 132 and 414 (§§ 230.132 and 230.414) to each underwriter and dealer who may be invited to participate in the distribution of the security.

III. Section 230.153 (a): The clause immediately preceding subparagraph (1) of this rule would be amended as follows:

§ 230.153 *Definition of "preceded by a prospectus", as used in section 5 (b) (2), in relation to certain transactions.* (a) • • • *Provided,* That as to any transaction occurring prior to the expiration of forty days after the effective date of the registration statement or the expiration of forty days after the first date upon which the security was bona fide offered to the public by the issuer or by or through an underwriter after such effective date, whichever is later (exclusive of the time during which a stop order issued under section 8 is in effect as to such security):

• • • • •

IV. Section 230.162 (Rule 162) would be replaced by a new Rule 432 as follows:

§ 230.432 *Application of amendments to rules governing contents of prospectuses.* (a) The form and contents of any prospectus need conform only to the applicable rules in effect, and contain the information including financial statements specified therein, at the time the registration statement, or the latest amendment thereto pursuant to section 24 (e) of the Investment Company Act of 1940 as amended, became effective, whichever is later, notwithstanding subsequent amendments to such rules, except as otherwise provided in any such amendment or in paragraph (b) of this section.

(b) When a stop order entered under section 8 (d) ceases to be effective as to a registration statement, the form and contents of any prospectus used thereafter for securities covered by such statement shall conform to the applicable rules in effect at the date such stop order ceases to be effective.

V. Section 230.400 (Rule 400) would be amended by adding a second sentence as follows:

§ 230.400 *Application of §§ 230.400 to 230.493.* • • • For purposes of §§ 230.400 to 230.493, the term "registration statement" shall include any amendment filed pursuant to the provisions of section 24 (e) (1) of the Investment Company Act of 1940.

VI. Section 230.405 (Rule 405) would be amended by adding a new definition:

§ 230.405 *Definitions of terms.* • • •

(q–1) *Prospectus.* Unless otherwise specified or the context otherwise requires the term "prospectus" means a prospectus meeting the requirements of section 10 (a) of the act.

VII. Section 230.411: Paragraph (b) of this rule would be amended as follows:

§ 230.411 *Incorporation of certain information by reference.* • • •

(b) Any financial statement or part thereof filed with the Commission pursuant to any act administered by the Commission may be incorporated by reference to any registration statement if it substantially conforms to the requirements of the appropriate form and is not required to be included in the prospectus. However, a financial schedule incorporated by reference to an annual report filed with the Commission pursuant to any act administered by it need not be certified, if such schedule was not required to be certified in connection with the filing of the annual report, any requirement of any registration form to the contrary notwithstanding.

VIII. Section 230.413 would be amended as follows:

§ 230.413 *Registration of additional securities.* Except as provided in section 24 (e) (1) of the Investment Company Act of 1940, the registration of additional securities of the same class as other securities for which a registration statement is already in effect shall be effected through a separate registration statement relating to the additional securities.

IX. Section 230.414 would be amended by adding a second sentence as follows:

§ 230.414 *Identifying statements.* • • • Notwithstanding the foregoing, a registration statement filed pursuant to § 230.415 and a registration statement, or amendment pursuant to section 24 (e) (1) of the Investment Company Act of 1940, relating to the registration of additional securities issued by a face amount certificate company or to additional redeemable securities issued by an open-end management company or unit investment trust may, but need not, include such exhibit.

X. Section 230.415:

1. Paragraph (a) of the rule would be amended as follows:

§ 230.415 *Competitive bidding registration statements.* (a) A registration statement covering securities to be offered at competitive bidding shall contain undertakings by the registrant (1) to file an amendment to the registration statement reflecting the results of the bidding, the terms of the reoffering and related matters to the extent required by the applicable form, not later than the first use, authorized by the registrant after the opening of the bids, of a prospectus relating to the securities offered at competitive bidding, unless no further public offering of such securities by the registrant and no reoffering thereof by the purchasers is proposed to be made, and (2) to use its best efforts to distribute prior to the opening of bids, to prospective bidders, underwriters and dealers a reasonable number of copies of a prospectus which at that time meets the requirements of section 10 (a) of the act, and relating to the securities offered at competitive bidding, as contained in the registration statement, together with any supplements thereto. Any order declaring the registration statement effective shall be deemed to declare an amendment thereto filed pursuant to the first such undertaking effective in accordance with paragraph (b) of this section.

• • • • •

2. Paragraph (c) of the rule would be amended to delete the first sentence of the rule, and to insert "(a)" after the words "section 10" wherever they appear in that paragraph.

XI. Section 230.423: The first sentence of this rule would be revised as follows:

§ 230.423 *Date of prospectuses.* Each prospectus used after the effective date of the registration statement shall be dated approximately as of such effective date. • • •

XII. Section 230.424:

1. Paragraph (b) of the rule would be amended as follows:

§ 230.424 *Filing of prospectuses; number of copies.* • • •

(b) Within 5 days after the effective date of a registration statement or the commencement of a public offering after the effective date of a registration statement, whichever occurs later, 25 copies of each form of prospectus used in connection with such offering shall be filed with the Commission in the exact form in which it was used: *Provided, however,* That this paragraph shall not apply in respect of a form of prospectus contained in a registration statement and relating solely to securities offered at competitive bidding which prospectus is intended for use prior to the opening of bids.

2. Paragraph (c) would be amended by inserting the clause "After the effective date of a registration statement" at the beginning of the first sentence of this paragraph.

3. The first sentence of paragraph (d) would be revised as follows: "Every prospectus consisting of a radio or television broadcast shall be reduced to writing."

4. Paragraph (e) would be amended as follows:

(e) Five copies of every form of prospectus sent or given to any person prior to the effective date which varies from the form of prospectus filed pursuant to paragraph (a) of this section shall be filed as part of the registration statement not later than the date such form or prospectus is first sent or given to any person.

XIII. Sec. 230.427 would be amended as follows:

§ 230.427 *Contents of prospectuses used after 9 months.* There may be omitted from any prospectus used more than 9 months after the effective date of the registration statement any information previously required to be contained in the prospectus insofar as later information covering the same subjects, including financial statements, as of a date not more than 16 months prior to the use of the prospectus is contained therein. Every such prospectus shall contain the latest available certified financial statements as of a date not more than 16 months prior to its use.

XIV. Section 230.428:

1. Paragraph (b) of this rule would be revised as follows:

§ 230.428 *Invitations for competitive bids.* • • • (b) the communication states that prior to the acceptance of any bid, the bidder will be furnished a copy of a prospectus which meets the requirements of section 10 (a) of the act at that time. • • •

2. This rule would be further revised by adding a third sentence as follows: "Five copies of such form of communication sent or given to any person shall be filed as part of the registration statement not later than the date such form of communication is first sent or given to any person."

XV. Section 230.431:

1. The first paragraph of this rule would be amended as follows:

§ 230.431 *Prospectuses supplementing preliminary material supplied previously.* For the purposes of section 5 (b), a prospectus may consist of a copy of the latest proposed form of prospectus meeting the requirements of § 230.433 and a document containing such additional information that both together contain all of the information required to be included in a prospectus meeting the requirements of section 10 (a) at that time.

2. The rule would also be amended by deleting "and" at the end of subparagraph (2), changing the period to a semicolon and adding the word "and" at the end of subparagraph (3), and adding a fourth subparagraph as follows:

(4) Five copies of the document have been filed as a part of the registration statement prior to its use.

XVI. Section 230.433: A new Rule 433 to replace Rule 131 would be adopted as follows:

§ 230.433 *Prospectus for use prior to effective date.* A form of prospectus filed as a part of the registration statement shall be deemed to meet the requirements of section 10 of the act for the purpose of section 5 (b) (1) thereof prior to the effective date of the registration statement, provided the following conditions are met:

(a) Such form of prospectus contains substantially the information required by the act and the rules and regulations thereunder to be included in a prospectus meeting the requirements of section 10 (a) of the act for the securities being registered, or contains substantially that information except for the omission of information with respect to the offering price, underwriting discounts or commissions, discounts or commissions to dealers, amount of proceeds, conversion rates, call prices, or other matters dependent upon the offering price, and

(b) The outside front cover page of such form of prospectus shall bear, in red ink, the caption "Preliminary Prospectus," the date of its issuance, and the following statement printed in type as large as that generally in the body thereof:

A registration statement relating to these securities has been filed with the Securities and Exchange Commission, but has not yet become effective. Information contained herein is subject to completion or amendment. These securities may not be sold nor may offers to buy be accepted prior to the time the registration statement becomes effective.

(c) The preliminary prospectus may also bear any legend required by law of a State in which the prospectus is to be used indicating the limited purpose or use of prospectus prior to qualification or other compliance with State law.

XVII. Section 230.457: Paragraph (a) of this rule would be amended as follows:

§ 230.457 *Computation of fee.* (a) At the time of filing a registration statement, or any amendment thereto pursuant to the provisions of section 24 (e) (1) of the Investment Company Act of 1940 as amended, the registrant shall pay to the Commission a fee of one one-hundredth of 1 percent of the maximum aggregate price at which the securities are proposed to be offered, but in no case shall such fee be less than $25.

XVIII. Section 230.460: A new Rule 460 would be added as follows:

§ 230.460 *Preparation and distribution of preliminary prospectus.* (a) Pursuant to the statutory requirement that the Commission in ruling upon requests for acceleration of the effective date of a registration statement shall have due regard to the adequacy of the information respecting the issuer theretofore available to the public, the Commission will consider whether the persons making the offering have taken reasonable steps to make the information contained in the registration statement conveniently available to underwriters and dealers who may be invited to participate in the distribution of the security to be offered or sold.

(b) As a minimum, reasonable steps to make the information conveniently available would involve the distribution, to each underwriter and dealer who may be invited to participate in the distribution of the security, a reasonable time in advance of the anticipated effective date of the registration statement, of as many copies of the proposed form of preliminary prospectus permitted by § 230.433 as appears to be reasonable to secure adequate distribution of the preliminary prospectus.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, in the event that the form of preliminary prospectus, which has been distributed by the issuer or underwriter, is found to be inaccurate or inadequate in material respects, acceleration of the effective date of a registration statement will not be granted until the Commission has received satisfactory assurance that appropriate correcting material has been sent to all underwriters and dealers who received such preliminary prospectus or prospectuses in quantity sufficient for their information and the information of others to whom the inaccurate or inadequate material was sent.

(d) Notwithstanding the provisions of the preceding paragraphs of this section,

the granting of acceleration will not be conditioned upon the distribution of a preliminary prospectus in any State where such distribution would be illegal.

(e) Notwithstanding the provisions of paragraphs (a) to (d) of this section, in the case of a registration statement covering securities to be offered at competitive bidding, the granting of acceleration will not be conditioned upon the distribution of a preliminary prospectus provided the undertaking in paragraph (a) (2) of § 230.415 is included in the registration statement.

(f) In addition, in passing upon requests for acceleration, the Commission will consider whether there has been a bona fide effort to make the prospectus reasonably concise and readable, so as to facilitate an understanding of the information required or permitted to be contained in the prospectus.

XIX. Section 230.470 shall be expanded by changing the final period to a comma and adding a clause immediately at the end of the sentence, as follows:

§ 230.470 *Formal requirements for amendments.* • • • statement, except that amendments filed pursuant to Section 24 (e) (1) of the Investment Company Act of 1940 shall conform to the form for registration in effect at the time of filing.

XX. Section 230.473: The first sentence of Rule 473 would be amended as follows:

§ 230.473 *Delaying amendments.* The effective date of a registration statement may be delayed by the filing, by telegram or letter, of an amendment stating a proposed effective date. • • •

XXI. Section 230.478: Subparagraph (1) of subparagraph (a) of Rule 478 would be amended as follows:

§ 230.478 *Powers to amend or withdraw registration statement.* • • •

(a) • • • (1) by filing of a delaying amendment as provided in § 230.473; • • •

XXII. Section 230.494:

1. The first sentence of subparagraph (a) of Rule 494 would be revised as follows:

§ 230.494 *Newspaper prospectuses.* (a) This section shall apply only to newspaper prospectuses relating to securities, as to which a registration statement has become effective, issued by a foreign national government with which the United States maintains diplomatic relations. • • •

2. A similar change would be made in those forms for the registration of securities which permit the use of a newspaper prospectus.

XXIII. Section 240.0–1: This rule would be amended by adding a subparagraph (d) as follows:

§ 240.0–1 *Definitions.* • • •

(d) Unless otherwise specified or the context otherwise requires, the term "prospectus" means a prospectus meeting the requirements of section 10 (a) of the Securities Act of 1933 as amended.

XXIV. Section 240.12b–2: Rule X-12B–2 would be amended by adding a definition of prospectus:

§ 240.12b–2 *Definitions.* • • •

(o–1) *Prospectus.* Unless otherwise specified or the context otherwise requires, the term "prospectus" means a prospectus meeting the requirements of section 10 (a) of the Securities Act of 1933 as amended.

XXV. Section 240.13a–4: Rule X-13A-4 would be revised as follows:

§ 240.13a–4 *Incorporation of information contained in a prospectus.* Any registrant which has filed with the Commission pursuant to § 230.424 of this chapter under the Securities Act of 1933 copies of a prospectus meeting the requirements of section 10 of that act after the effective date of the registration statement may incorporate in its annual report • • •

XXVI. Section 240.15d–4: Rule X-15D–4 would be revised as follows:

§ 240.15d–4 *Incorporation of information contained in a prospectus.* Any registrant which has filed with the Commission pursuant to § 230.424 of this chapter under the Securities Act of 1933 copies of a prospectus meeting the requirements of section 10 of that act after the effective date of the registration statement may incorporate into its annual report • • •

All interested persons are invited to submit their views and comments on the proposed amendments in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before September 27, 1954. Unless the person submitting any such comments or suggestions requests in writing that they be held confidential, they will be public records, available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 8, 1954.

[F. R. Doc. 54-7317; Filed, Sept. 17, 1954; 8:46 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 5993]

R. E. MCKAUGHAN AND TRANS-TEXAS AIRWAYS

NOTICE OF FURTHER HEARING

In the matter of the application of R. E. McKaughan and Trans-Texas Airways for approval of control and interlocking relationships under sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, and the Board's order adopted June 18, 1954, Serial No. E–8456, that further hearing in the above-entitled proceeding is assigned to be held on November 15, 1954, at 10:00 a. m., e. s. t., in Room 1016, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Curtis C. Henderson, Hearing Examiner.

For further details of the issues involved in this proceeding, interested persons are referred to the application and other documents entered in the proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than parties of record and interveners of record, desiring to be heard in this proceeding may file with the Board on or before November 15, 1954, a statement setting forth the issues of fact and of law raised by this proceeding which he desires to controvert, and such person may appear and participate in the hearing in accordance with § 302.14 of the Procedural Regulations under Title X of the Civil Aeronautics Act of 1938, as amended.

Dated at Washington, D. C., September 15, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-7349; Filed, Sept. 17, 1954; 8:53 a. m.]

[Docket No. 6647 et al.]

CAPITAL AIRLINES, INC. ET AL.; NORFOLK-ATLANTA NONSTOP INVESTIGATION

NOTICE OF HEARING

In the matter of the investigation of the need for direct nonstop service between Norfolk and Atlanta.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 1001, and 1002 of said act, and the Board's order adopted April 19, 1954, Serial No. E–8271, that a hearing in the above-entitled proceeding will be held on November 22, 1954, at 10:00 a. m., e. s. t., in Room 2071, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Curtis C. Henderson, Hearing Examiner.

Without limiting the scope of the issues presented by the applications and investigation consolidated herein, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require direct nonstop air service between Norfolk and Atlanta.

2. Whether one or more of the following route revisions should be authorized in connection with providing direct nonstop service between Norfolk and Atlanta:

(a) Whether the certificate held by Capital Airlines, Inc., for Route 51 should be amended so as to authorize direct nonstop service between Norfolk and Atlanta, Docket No. 6707.

(b) Whether Delta-C&S Airlines, Inc., should be authorized to provide direct nonstop service between Norfolk and Atlanta, Docket No. 6682.

(c) Whether the certificates held by Eastern Air Lines, Inc., for routes Nos. 5 and 6 should be amended so as to authorize direct nonstop service between Norfolk and Atlanta, Docket No. 6739.

(d) Whether National Airlines, Inc., should be authorized to provide direct nonstop service between Norfolk and Atlanta, Docket No. 6683.

3. Whether the applicants are fit, willing, and able properly to perform the proposed air transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

For further details of the issues involved in this proceeding interested persons are referred to the applications mentioned above, the consolidation order (No. E–8584), the report of the prehearing conference, and other documents of record in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before November 22, 1954, a statement setting forth the statements of fact or law which he desires to controvert.

Dated at Washington, D. C., September 15, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-7347; Filed, Sept. 17, 1954; 8:53 a. m.]

[Docket No. SA–294]

ACCIDENT OCCURRING NEAR MASON CITY, IOWA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 61451, which occurred near Mason City, Iowa, on August 22, 1954.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on September 28, 1954, at 9:00 a. m. (local time) in The Baker Hotel, Commerce, Akard & Jackson Streets, Dallas, Texas.

Dated at Washington, D. C., September 13, 1954.

[SEAL] ROBERT W. CHRISP, *Presiding Officer.*

[F. R. Doc. 54-7348; Filed, Sept. 17, 1954; 8:53 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 173-1]

UNITED STATES SECRET SERVICE

TRANSFER OF FUNCTIONS TO CHIEF

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there is transferred to the Chief of the United States Secret Service, to be performed through the Secret Service, the function of making any investigation required to carry out the responsibility of any bureau, office, or division which does not regularly make investigations, including investigations required in the administration of the Government Losses in Shipment Act, the Gold Reserve Act, and the Silver Purchase Act, except where the responsibility for performing an investigation has been specifically assigned to some other bureau, office, or division.

Dated: September 14, 1954.

[SEAL] H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*

[F. R. Doc. 54-7343; Filed, Sept. 17, 1954; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARIZONA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, 12 U. S. C. 1148 a–2 (a), it is found that in the following named counties in the State of Arizona, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF ARIZONA

Maricopa County.
Pinal County.

After December 31, 1955, such loans will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 14th day of September 1954.

[SEAL] EZRA TAFT BENSON, *Secretary of Agriculture.*

[F. R. Doc. 54-7325; Filed, Sept. 17, 1954; 8:48 a. m.]

WYOMING

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, 12 U. S. C. 1148 a–2 (a), it is found that in the following named counties in the State of Wyoming, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF WYOMING

Goshen County.
Laramie County.
Platte County.

Pursuant to the delegation of authority from the Administrator, Federal Civil Defense Administration, (18 F. R. 4609, 19 F. R. 2148) as further amended on July 30, 1954, and for the purpose of making loans pursuant to section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, it is determined that the above-named counties are within the area affected by the major disaster occasioned by drought determined by the President on July 21, 1954, pursuant to Public Law 875, 81st Congress. It is also determined that an economic disaster exists in said counties that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources.

After December 31, 1955, loans under section 2 (a) or (b) of Public Law 38, 81st Congress, as amended, will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 14th day of September 1954.

[SEAL] EZRA TAFT BENSON, *Secretary.*

[F. R. Doc. 54-7326; Filed, Sept. 17, 1954; 8:48 a. m.]

Rural Electrification Administration

[Administrative Order 4690]

KANSAS

LOAN ANNOUNCEMENT

AUGUST 4, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 36G Linn	$47,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-7354; Filed, Sept. 17, 1954; 8:54 a. m.]

[Administrative Order 4691]

MONTANA

LOAN ANNOUNCEMENT

AUGUST 4, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Montana 26H Valley	$108,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-7355; Filed, Sept. 17, 1954; 8:54 a. m.]

[Administrative Order 4692]

NORTH CAROLINA

LOAN ANNOUNCEMENT

AUGUST 4, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 51N Hoke	$420,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-7356; Filed, Sept. 17, 1954; 8:54 a. m.]

[Administrative Order 4693]

IOWA

LOAN ANNOUNCEMENT

AUGUST 12, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 23N Crawford	$191,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-7357; Filed, Sept. 17, 1954; 8:54 a. m.]

[Administrative Order 4694]

OKLAHOMA

LOAN ANNOUNCEMENT

AUGUST 12, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 16U Pontotoc	$500,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-7358; Filed, Sept. 17, 1954; 8:54 a. m.]

[Administrative Order 4695]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 17, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 49P Denton	$112,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-7359; Filed, Sept. 17, 1954; 8:54 a.m.]

[Administrative Order 4696]

NORTH CAROLINA

LOAN ANNOUNCEMENT

AUGUST 17, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 23AK Caldwell	$100,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-7360; Filed, Sept. 17, 1954; 8:55 a. m.]

[Administrative Order 4697]

FLORIDA

LOAN ANNOUNCEMENT

AUGUST 17, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 34L Bay	$50,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-7361; Filed, Sept. 17, 1954; 8:55 a. m.]

[Administrative Order 4698]

GEORGIA

LOAN ANNOUNCEMENT

AUGUST 17, 1954,

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 92P Brantley	$50,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-7362; Filed, Sept. 17, 1954; 8:55 a. m.]

[Administrative Order 4699]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 17, 1954.

I hereby amend:

(a) Administrative Order No. 3809, dated September 16, 1952, by rescinding the loan of $25,000 therein made for "New Mexico 22G McKinley".

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-7363; Filed, Sept. 17, 1954; 8:55 a. m.]

[Administrative Order 4700]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 20, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 95AA Medina	$1,470,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-7364; Filed, Sept. 17, 1954; 8:55 a. m.]

[Administrative Order 4701]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 23, 1954.

Inasmuch as Laclede Electric Cooperative has transferred certain of its properties and assets to Gascosage Electric Cooperative, and Gascosage Electric Cooperative has assumed in part the indebtedness to United States of America, of Laclede Electric Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 332, dated March 31, 1939, by changing the project designation appearing therein as "Missouri R9043A1 Laclede" in the amount of $158,000 to read "Missouri R9043A1 Laclede" in the amount of $153,823.54 and "Missouri 68TP3 Pulaski (Missouri R9043A1 Laclede)" in the amount of $4,176.46.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-7365; Filed, Sept. 17, 1954; 8:55 a. m.]

[Administrative Order 4702]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 23, 1954.

Inasmuch as Ozark Border Electric Cooperative has transferred certain of its properties and assets to M & A Electric Power Cooperative, and M & A Electric Power Cooperative has assumed in part the indebtedness to United States of America, of Ozark Border Electric Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 2154, dated June 7, 1949, by changing the project designation appearing therein as "Missouri 33N,P,V Butler" in the amount of $1,325,000 to read "Missouri 33N,P,V Butler" in the amount of $826,919.53 and "Missouri 60TP1 Ripley (Missouri 33N,P,V Butler)" in the amount of $498,080.47.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-7366; Filed, Sept. 17, 1954; 8:55 a. m.]

[Administrative Order 4703]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 23, 1954.

Inasmuch as Eastern Nebraska Public Power District has transferred certain of its properties and assets to Norris Rural Public Power District, and Norris Rural Public Power District has assumed in part the indebtedness to United States of America, of Eastern Nebraska Public Power District, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1471, dated March 30, 1948, by changing the project designation appearing therein as "Nebraska 44P, R Eastern Nebraska District Public" in the amount of $810,000 to read "Nebraska 44P, R Eastern Nebraska District Public" in the amount of $788,222.94 and "Nebraska 77TP5 Norris District Public (Nebraska 44 P, R Eastern Nebraska District Public)" in the amount of $21,777.06.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-7367; Filed, Sept. 17, 1954; 8:55 a. m.]

[Administrative Order 4704]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 23, 1954.

Inasmuch as H-D Electric Cooperative, Inc. has transferred certain of its properties and assets to East River Electric Power Cooperative, Inc., and East River Electric Power Cooperative, Inc. has assumed in part the indebtedness to United States of America, of H-D Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 2309, dated September 21, 1949, by changing the project designation appearing therein as "South Dakota 17G Hamlin" in the amount of $355,000 to read "South Dakota 17G Hamlin" in the amount of $193,730.31 and "South Dakota 43TP3 Minnehaha (South Dakota 17G Hamlin)" in the amount of $161,269.69.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-7368; Filed, Sept. 17, 1954; 8:56 a. m.]

[Administrative Order 4705]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 23, 1954.

Inasmuch as Cass County Electric Cooperative, Inc., has transferred certain of its properties and assets to James Valley Electric Cooperative, Inc., and James Valley Electric Cooperative, Inc., has assumed in part the indebtedness to United States of America, of Cass County Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 183, dated January 31, 1938, by changing the project designation appearing therein as "North Dakota 8011B1 Cass" in the amount of $60,772 to read "North Dakota 8011B1 Cass" in the amount of $53,924.29 and "North Dakota 26TP1 LaMoure (North Dakota 8011B1 Cass)" in the amount of $6,847.71.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-7369; Filed, Sept. 17, 1954; 8:56 a. m.]

[Administrative Order 4706]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 24, 1954.

I hereby amend:

(a) Administrative Order No. 1614, dated October 1, 1948, by reducing the allocation of $50,000 therein made for "North Dakota 32D Oliver" by $40,000 so that the reduced allocation shall be $10,000.

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-7370; Filed, Sept. 17, 1954; 8:56 a. m.]

[Administrative Order 4707]

OKLAHOMA

LOAN ANNOUNCEMENT

AUGUST 25, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 20 P Pawnee	$750,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-7371; Filed, Sept. 17, 1954; 8:56 a. m.]

[Administrative Order 4708]

COLORADO

LOAN ANNOUNCEMENT

AUGUST 25, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 36K Routt	$965,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-7372; Filed, Sept. 17, 1954; 8:56 a. m.]

[Administrative Order 4709]

GEORGIA

LOAN ANNOUNCEMENT

AUGUST 26, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 70Z Mitchell	$50,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-7373; Filed, Sept. 17, 1954; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

N. V. NEDERLANDSCH-AMERIKAANSCHE STOOMVAART-MAATSCHAPPIJ "HOLLAND-AMERIKA LIJN" ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to § 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. § 814.

(1) Agreement No. 7976 between N. V. Nederlandsch - Amerikaansche Stoomvaart-Maatschappij "Holland-Amerika Lijn" and Van Nievelt, Goudriaan & Co's Stoomvart Maatschappij N. V. (Holland Interamerica Line, Joint Service) and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Brazil, Argentina and Uruguay to the Virgin

Islands, with transhipment at New York, Baltimore or Norfolk.

(2) Agreement No. 7979, between Hamburg Chicago Line Joint Service and Hamburg-Amerika Linie, Norddeutscher Lloyd and Ahrenkiel & Bene Joint Service covers the establishment and maintenance of a sailing arrangement in the trade between ports of the Great Lakes of the United States and Canada on the one hand and Continental ports of Europe within the Bordeaux-Hamburg range and UK-ports on the other hand.

(3) Agreement No. 7989 between A/B Svenska Amerika Linien (Swedish American Line) and Rederiaktiebolaget-Transatlantic (The Transatlantic Steamship Company, Ltd.) as one party, and Alcoa Steamship Company, Inc., covers the transportation of general cargo on through bills of lading from Norway, Sweden, Finland, Poland, and Denmark to Puerto Rico, with transshipment at New York, Baltimore, or Norfolk.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 15, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 54-7328; Filed, Sept. 17, 1954; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10914; FCC 54M-1106]

WESTERN BROADCASTING CO., INC. (KIFN)

STATEMENT OF PRE-HEARING CONFERENCE AND ORDER CONTINUING HEARING

In re application of Western Broadcasting Company, Inc. (KIFN), Phoenix, Arizona, Docket No. 10914, File No. BMP-6194; for modification of construction permit.

1. In accordance with notice duly given, a pre-hearing conference in the above-entitled matter was held pursuant to § 1.813 of the Commission's rules at 2:30 p. m., on Monday, August 30, 1954, in Washington, D. C.

2. Counsel for the applicant stated that this applicant had recently changed its engineering consultant; that it has not had time, since the Commission amended § 3.28 and related Standards, to obtain an opinion from its new engineering consultant as to whether it should proceed to hearing on its present proposal or, in view of the change in Commission's rule and standards, it should endeavor to amend its engineering proposal; that under these circumstances, a discussion at this time of evidence or stipulations relating to its present engineering proposal under the issues specified by the Commission would serve no useful purpose, and he therefore requested a continuance for one month of the hearing which is now scheduled for 10 o'clock a. m., September 14, 1954.

3. Counsel for the Broadcast Bureau of the Commission had no objection to a continuance, and there is no other party in this proceeding. Section 1.841 of the Commission's rules, as amended July 14, 1954, provides that a Conference shall be held under § 1.813 "at least 20 days in advance of the date for commencement of the hearing."

4. *Accordingly, it is ordered,* This 7th day of September 1954, that the Conference pursuant to § 1.813, which convened on Monday, August 30, 1954, is hereby continued to 10 o'clock a. m., Tuesday, September 21, 1954; and the hearing in the above-entitled proceeding is hereby continued to 10 o'clock a. m., Monday, October 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-7345; Filed, Sept. 17, 1954; 8:52 a. m.]

[Docket Nos. 11159, 11160]

SOUTHWESTERN BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11159, File No. P-C-3500; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Rudolph D. Bippert d/b as La Coste Telephone Company, La Coste, Texas; Southwestern Bell Telephone Company, Docket No. 11160, File No. P-C-3501; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of W. C. Ray d/b as Forreston Telephone Company, Forreston, Texas.

The Commission having under consideration applications filed by Southwestern Bell Telephone Company for certificates under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by it of certain telephone plant and properties of Rudolph D. Bippert d/b as La Coste Telephone Company and W. C. Ray d/b as Forreston Telephone Company furnishing telephone service in and around La Coste, Texas and Forreston, Texas, respectively, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 10th day of September 1954, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above applications are assigned for public hearing in a consolidated proceeding, together with the proceedings in Docket No. 11155 for the purpose of determining whether the proposed acquisitions will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said applications be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 4th day of October 1954, and that a copy of this order shall be served upon Southwestern Bell Telephone Company, Rudolph D. Bippert d/b as La Coste Telephone Company, W. C. Ray d/b as Forreston Telephone Company, the Governor of Texas, and the Postmasters of La Coste and Forreston, Texas;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in La Coste, Forreston and Medina and Ellis Counties, Texas, and shall furnish proof of such publication at the hearing herein.

Released: September 13, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-7344; Filed, Sept. 17, 1954; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-217]

PHILADELPHIA COMPANY AND DUQUESNE LIGHT COMPANY

NOTICE OF FILING OF PLAN TO ELIMINATE CERTAIN GUARANTIES BY PHILADELPHIA CO., TO MONONGAHELA LIGHT AND POWER CO.

SEPTEMBER 14, 1954.

Notice is hereby given that Philadelphia Company ("Philadelphia"), a registered holding company which is a direct subsidiary of Standard Gas and Electric Company and an indirect subsidiary of Standard Power and Light Corporation, also registered holding companies, and Duquesne Light Company ("Duquesne"), an electric utility company which is a subsidiary of Philadelphia, have filed a joint application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") to eliminate certain guaranties by Philadelphia to Monongahela Light and Power Company ("Monongahela"), a Pennsylvania public utility company which is a non-affiliate of Philadelphia and Duquesne.

In essence, the plan provides for the cancellation and termination of Philadelphia's guaranties to Monongahela as hereinafter described, upon the payment by Philadelphia to Monongahela of a nominal cash consideration of $1.00.

Applicants state that:

1. By written agreement dated January 1, 1902 Monongahela, then an operating electric utility company, leased and assigned to Allegheny County Light Company ("Allegheny"), its successors and assigns, for a term of 900 years all properties and franchises of Monongahela (except books and papers relating to its corporate existence); and Philadelphia, then the owner of all the outstanding stock of Allegheny, guaranteed the faithful performance of the covenants therein agreed to be performed by Allegheny, including covenants (a) to pay $85,000 in net rentals (to be available for dividends on the $1,700,000 aggregate par value of Monongahela's outstanding common stock) and $300 per annum to maintain the corporate organization of Monongahela, (b) to pay interest on Monongahela's bonds, taxes, and insurance, and (c) to unite with Monongahela in the issue of new bonds for the purpose of taking up Monongahela's outstanding bonds at their maturity.

2. By deed dated May 11, 1927, Allegheny sold to Duquesne, its successors and assigns, all the properties and franchises vested in Allegheny, including its interest under said lease agreement with Monongahela, and Philadelphia renewed its guaranty to Monongahela in behalf of its subsidiary Duquesne, all of whose voting stock was then owned by Philadelphia.

3. By agreement dated May 31, 1949, between Monongahela and Duquesne made pursuant to an order of this Commission dated May 27, 1949 (Holding Company Act Release No. 9123), it was agreed that Duquesne would purchase all of the outstanding bonds of Monongahela, due on June 1, 1949, in the principal amount of $1,698,000 and secured by an indenture of Fidelity Trust Company of Pittsburgh, and that Monongahela and Duquesne would replace the matured bonds with new bonds of equal principal amount. Philadelphia guaranteed to Monongahela the faithful performance of the covenants of Duquesne as stipulated in said agreement. Duquesne has purchased all but $2,000 principal amount of the Monongahela bonds and has deposited with the trustee cash for the purchase of the remaining bonds as agreed, but has not united with Monongahela in the issue of new bonds to take up the presently outstanding bonds of Monongahela as aforesaid.

At the time of the 1949 agreement Philadelphia owned all of the outstanding common stock of Duquesne. Since that time, pursuant to an order of this Commission dated June 1, 1948, issued under Section 11 of the Act, requiring Philadelphia to dispose of its interest in certain properties and to take appropriate steps to liquidate and dissolve (Holding Company Act Release No. 8242), Philadelphia has reduced its holdings of Duquesne's outstanding common stock to approximately 13.02 percent thereof. Philadelphia states that the elimination of the guaranties to Monongahela is a necessary and appropriate step in effecting its dissolution, and that the continued existence of these guaranties, in its opinion, constitutes an undue complexity in the corporate structure of the Philadelphia holding company system within the meaning of section 11 (b) (2) of the act.

The applicants have exhibited their respective balance sheets as of June 30, 1954, and their income statements for the twelve months ended June 30, 1954. Philadelphia has also indicated the market value of its major portfolio securities at July 28, 1954. These financial data may be summarized as follows:

PHILADELPHIA

ASSETS

	Per books	Market value July 28, 1954
Investments and fund accounts:		
Duquesne (largely common stock)	$9,640,906	$28,929,682
Pittsburgh Railways Co. common stock	5,476,780	3,559,907
Miscellaneous common stocks (5 companies)	251,400	
Real and personal property (net)	554,634	
United States Savings bonds	15,000	
Special fund	14,761	
	15,953,481	
Current assets	405,449	
Total	16,358,930	

LIABILITIES

Common stock (5,040,440 shares)	$36,543,190
Current liabilities	7,217,894
Miscellaneous (deferred credits, etc.)	103,985
Earned surplus (deficit)	(27,506,139)
Total	16,358,930

For the twelve months ended June 30, 1954, Philadelphia had total income of $1,568,326, of which $1,353,304 was received as dividends from Duquesne, and net income of $728,199.

Duquesne, whose electric service area includes the City of Pittsburgh and environs, had operating revenues of $79,417,607 for the twelve months ended June 30, 1954, with gross income of $18,919,597 and net income of $15,739,910. At June 30, 1954, its earned surplus balance was $21,947,511. Following is a condensed balance sheet of the company at the same date:

DUQUESNE

ASSETS

Property, plant and equipment	$354,885,775
Less reserves for depreciation	76,113,411
Net	278,772,364
Investment and fund accounts	7,849,106
Current assets	21,588,426
Deferred debits and capital stock expense	3,574,995
Total	311,784,881

LIABILITIES

Long term debt	126,720,000
Preferred stock	47,050,760
Common stock equity	90,691,843
Current liabilities	45,101,010
Deferred credits, etc	2,221,268
Total	311,784,881

Since 1949, when Duquesne deposited with the trustee funds for the purchase of the Monongahela bonds, thus terminating its interest liability with respect thereto, aggregate payments made by Duquesne to Monongahela under the lease agreement have ranged from $135,908.25 (in 1951) to $158,908.16 (in 1953).

The plan provides that Philadelphia will pay such fees and expenses as the Commission shall approve and allow in connection with the plan.

It is proposed to consummate the plan by means of an order entered by this Commission approving the plan, and a decree or order of a court of competent jurisdiction in an enforcement proceeding instituted by the Commission pursuant to section 11 (e) of the act, which requires, among other things, that a plan be fair and equitable to the persons affected thereby. The plan will not become operative until said decree or order of a court of competent jurisdiction shall have become final and no longer subject to rehearing or review.

Notice is further given that any interested person may, not later than September 30, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may grant said application and approve said plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7312; Filed, Sept. 17, 1954; 8:45 a. m.]

[File No. 7-1649]

BURLINGTON MILLS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of September A. D. 1954.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Burlington Mills Corporation Common Stock, $1 Par Value.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Comman Stock, $1 Par Value, of Burlington Mills Corporation, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 5, 1954, the Commission will set this matter down for hearing.

In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7315; Filed, Sept. 17, 1954; 8:45 a. m.]

[File No. 70-3283]

GEORGIA POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF PREFERRED STOCK SUBJECT TO EXCHANGE OFFER AND PRINCIPAL AMOUNT OF PROMISSORY NOTES, AND REDEMPTION OF OUTSTANDING PREFERRED STOCK; AND GRANTING EXCEPTION FROM COMPETITIVE BIDDING REQUIREMENTS

SEPTEMBER 14, 1954.

Georgia Power Company ("Georgia"), a public-utility subsidiary of The Southern Company, a registered holding company, has filed an application-declaration, and amendments thereto, pursuant to sections 6 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 promulgated thereunder, with respect to the following proposed transactions:

Georgia at the present time has outstanding 433,869 shares of $6 Preferred Stock ("old preferred stock"), without par value, which are subject to redemption, in whole or in part at any time upon 30 days' notice, at $110 per share, plus accrued dividends.

Georgia proposes to issue and sell 433,869 shares of $4.60 Preferred Stock ("new preferred stock") without par value. Georgia also proposes to amend its charter, which amendment will create the new preferred stock and will cancel the presently authorized shares of old preferred stock. The new preferred stock will be offered to the holders of Georgia's old preferred stock on an exchange basis of one share of new preferred stock and $5 in cash (plus a cash dividend adjustment) for each share of old preferred stock held. The exchange period will expire on October 4, 1954. The $5 cash payment represents the difference between $105, the proposed public offering price of the new preferred stock not required to effectuate the exchanges, and $110, the redemption price of the old preferred stock (in each case exclusive of accrued dividends). Georgia further proposes to redeem at the redemption price of $110 all shares of the old preferred stock not exchanged.

The proposed sale of new preferred stock is to be underwritten. Georgia states that considering the limited scope of the market, an issue of this size coupled with an exchange offer does not lend itself to the competitive bidding requirements of Rule U-50 and, for this and other stated reasons, Georgia requests that an exception from the provisions of Rule U-50 under the act be granted. After having advised the Commission of its intention so to do, Georgia has entered into an agreement with The First Boston Corporation, Merrill Lynch, Pierce, Fenner & Beane, Union Securities Corporation and Equitable Securities Corporation whereby they, as dealer managers, have agreed to form a group of securities dealers ("soliciting dealers" which may include the dealer managers) who will use their best efforts to obtain acceptances of the exchange offer. Under an underwriting agreement, the four firms mentioned above will act as representatives of the underwriters who are required to purchase from Georgia at $105 all of the shares of new preferred stock not required to effectuate the exchanges.

Georgia has agreed to pay the underwriters, as compensation for their commitments, 90¢ per share upon the entire 433,869 shares to be issued, plus 75¢ per share of new preferred purchased from the company, if the shares purchased are more than 10 percent but less than 20 percent of the amount of the entire issue or $1 for each share purchased if the shares purchased exceed 20 percent of such amount, and plus 80¢ per share of new preferred stock acquired by the underwriters for their accounts upon the exchange of old preferred stock purchased during the exchange period.

In accordance with the underwriting agreement, the underwriters will pay Georgia 50 percent of certain profits which may be realized by them on sales of the new preferred stock.

Georgia has also agreed to pay the soliciting dealers with respect to shares of old preferred stock exchanged by holders of record on September 15, 1954, pursuant to the exchange offer, 80¢ per share if less than 303,708 shares of old preferred stock are exchanged; 85¢ per share if 303,708 shares of such stock or more, but less than 347,095 shares, are exchanged; 90¢ per share if 347,095 shares of such stock or more, but less than 368,788 shares, are exchanged; and $1 per share if 368,788 shares of such stock or more are exchanged. In addition, Georgia will pay soliciting dealers 80¢ per share of old preferred stock owned by a soliciting dealer depositing it for exchange, if such soliciting dealer acquired it, for exchange, during the exchange period. Such fees to soliciting dealers will be paid only in instances where the name of the soliciting dealer appears on the letter of transmittal and the minimum and maximum aggregate fees payable with respect to any single exchanging holder will be $5 and $150, respectively, except in certain cases.

Georgia will also pay the dealer managers, as a manager's fee, an amount equal to 12% of the total amount of the fees paid to soliciting dealers, plus out-of-pocket expenses not exceeding $7,500.

Georgia also proposes to issue to banks unsecured promissory notes in an aggregate amount not exceeding $3,500,000. Such notes will bear an interest rate of 3¼% per annum and will be payable in sixteen equal semi-annual installments of which the first installment will be payable six months from the date of issue. The proceeds from the sale of such notes and from the sale to the underwriters of the shares of new preferred stock not required to effectuate the exchanges will be used to make the cash payments to the holders of the old preferred stock and to pay underwriters' fees and expenses and the other expenses of the proposed transactions.

The estimated expenses of the issuance and distribution of the new preferred stock, other than underwriting discounts and commissions, are as follows:

Federal original issue tax	$10,000
Filing fee, Securities and Exchange Commission	4,621
Charges of exchange and redemption agent	18,000
Charges of transfer agents and registrar	3,000
Cost of stock certificates	4,500
Printing and preparation of registration statement, financial statements, prospectus, letter to stockholders, etc	20,000
Services of Southern Services, Inc.	8,000
Fee of counsel, Winthrop, Stimson, Putnam & Roberts (including preliminary services in connection with exception from Rule U-50)	25,000
Fees and expenses of accountants	3,750
Miscellaneous, including telephone and telegraph charges nad traveling expenses	3,129
Total	100,000

The fee of Simpson Thacher & Bartlett, counsel for the underwriters, is estimated not to exceed $10,000.

The issue and sale of the new preferred stock have been expressly authorized by the Public Service Commission of Georgia, in which State Georgia is organized and doing business.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that compliance with the competitive bidding requirements of Rule U-50 is not appropriate in the public interest or for the protection of investors or consumers as a condition to the exemption of the issuance and sale of the new preferred stock from the provisions of section 6 (a) of the act; that the applicable provisions of the act and rules promulgated thereunder are satisfied; that no adverse findings are necessary; and that the expenses, as estimated, are not unreasonable; and the Commission deeming it appropriate in the public interest and in the interest of investors that said application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That Georgia's application for an exception from the competitive bidding requirements of Rule U-50 with respect to the issuance and sale of its new preferred stock be, and the same hereby is, granted.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7319; Filed, Sept. 17, 1954; 8:46 a. m.]

[File No. 70-3286]

NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK PURSUANT TO RIGHTS OFFERING

SEPTEMBER 14, 1954.

New England Electric System ("NEES"), a registered holding company, having filed with this Commission a declaration, pursuant to sections 7 and 12 of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-42 and U-50 promulgated thereunder, with respect to the following proposed transactions:

NEES proposes to issue and sell 910,883 additional shares of its common stock of $1 per value. The shares are to be offered to the common stockholders of NEES for subscription during a period of not less than fourteen nor more than seventeen days on the basis of one share for each 10 shares held on the record date, which will be the effective date of the registration statement filed with this Commission in connection with such issue and sale. NEES expects to set the subscription price for the shares offered to its shareholders as hereinafter described. The rights to subscribe are to be evidenced by subscription warrants. No fractional shares are to be issued. However, in lieu of rights for fractional shares, a stockholder will be entitled to subscribe for one additional share in excess of the whole number to which he would otherwise be entitled. Accordingly, if said proposed 910,883 shares are insufficient to satisfy this right, NEES proposes to issue such additional shares in excess of this number as may be necessary.

NEES proposes, if considered necessary or desirable, to stabilize the price of its common stock for the purpose of facilitating the offering and distribution of the additional shares of common stock by the purchase of not in excess of 45,544 shares of its common stock.

The above described offering is to be underwritten and the company proposes to select the underwriters through competitive bidding pursuant to Rule U-50. At least 24 hours prior to the time for the submission and opening of bids, NEES expects to set the price for the unsubscribed shares (which price will be the same as the subscription price) and NEES expects that such price will not be more than the last reported sale price on the New York Stock Exchange prior to the fixing thereof and not less than such last reported sale price less 15 percent. The underwriters will be required to purchase, at the subscription price, any unsubscribed shares and the stock, if any, acquired by the company through stabilizing operations and will agree to pay NEES 50 percent of certain profits which may be realized by them on sales of the common stock purchased by them under the underwriting agreement. It is stated in the declaration that NEES will reimburse the underwriters for the payment of any dealer of 25¢ per share where his name appears on the warrant exercised by the original holder thereof, such reimbursement, with certain exceptions, being limited to $250 in the case of any single stockholder.

The net proceeds to be derived from the proposed sale of the additional shares of common stock will be added to the general funds of NEES and applied in furtherance of the construction programs of its subsidiaries either through loans or the purchase of additional shares of their common stocks, any balance to be used for general corporate purposes.

Fees and expenses of the issuance and sale, other than underwriting compensation and reimbursement for payments of compensation to soliciting dealers, are estimated as follows:

Securities and Exchange Commission filing fee	$1,668
Federal original issue stamp tax	3,000
Services performed at cost by New England Power Service Co., an affiliated service company	21,000
Printing costs	32,000
Services of independent public accountants	4,000
Services of transfer agents and registrar	12,000
Services of subscription agents, including $9,000 estimated expenses	67,500
Services ($20,000) and expenses ($4,000) of the First Boston Corp., financial adviser	24,000
Miscellaneous	8,832
Total	174,000

The fee and expenses of Messrs. Simpson Thacher & Bartlett, counsel for the underwriters, are estimated at $8,500 and $500, respectively, which will be paid by the underwriters.

It is represented that no State commission, or any other Federal commission, has jurisdiction over the proposed transactions. Declarant has waived the 30-day waiting period and requests that said order become effective upon issuance.

Said declaration having been filed on August 11, 1954, and the last amendment thereto having been filed on September 9, 1954, and notice of the filing of said declaration having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having requested a hearing with respect to said declaration, as amended, within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the proposed transactions that all applicable provisions of the act and the rules promulgated thereunder are satisfied, that no adverse findings are required thereunder, that, with the exception of the fee and expenses of The First Boston Corporation and counsel for the underwriters, as to which the record is not complete, the expenses, as estimated, are not unreasonable; and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50 and to a reservation of jurisdiction over the fee and expenses of The First Boston Corporation and counsel for the underwriters:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject, however, to the provisions of Rules U-24 and U-50.

It is further ordered, That jurisdiction be, and the same hereby is, reserved with respect to the fee and expenses of The First Boston Corporation and counsel for the underwriters.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7318; Filed, Sept. 17, 1954; 8:46 a. m.]

[File No. 70-3294]

MISSISSIPPI POWER & LIGHT CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF PREFERRED STOCK SUBJECT TO EXCHANGE OFFER

SEPTEMBER 14, 1954.

Notice is hereby given that a declaration has been filed with this Commission by Mississippi Power & Light Company ("Mississippi"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company. The declarant has designated sections 6 (a), 7 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-23, U-42 and U-50 promulgated thereunder, as applicable to the proposed transactions, which are summarized as follows:

Mississippi has outstanding 44,476 shares of $6 Preferred Stock, without par value, and 60,000 shares of 4.36 percent Preferred Stock, with par value of $100 per share. Approximately 60 percent of the holders of $6 Preferred Stock of the company reside in the State of Mississippi. The company proposes to refinance its $6 Preferred Stock by issuing 44,476 shares of New Preferred Stock, $100 par value, to be created by amendment of its Certificate of Incorporation, the rights, privileges and other distinguishing characteristics of which will be identical, except as to dividend rate and redemption prices, with those of its 4.36 percent Preferred Stock. The holders of the $6 Preferred Stock will be offered during a 14 day period the privilege of exchanging one share of $6 Preferred Stock for one share of New Preferred Stock plus cash in an amount which, together with the initial public offering price of the New Preferred Stock (not more than $105 per share) will have an aggregate value equal to the redemption price of the $6 Preferred Stock ($110 per share). A cash adjustment for accrued

dividends on the $6 Preferred Stock and the New Preferred Stock will also be made. Unexchanged shares of New Preferred Stock will be sold to underwriters and the shares of $6 Preferred Stock not so exchanged will be called for redemption at their redemption price of $110 per share plus accrued dividends. The exchange offer will be conditioned upon the purchase of unexchanged shares of New Preferred Stock by the underwriters. The dividend rate and the initial public offering price of the New Preferred Stock (which will be not more than $105 per share) are to be fixed by Mississippi and will be supplied by amendment.

Mississippi will publicly invite proposals, pursuant to Rule U-50, which will specify the aggregate amount of compensation to be paid the underwriters for their agreement to purchase the unexchanged stock and for their undertaking to form and manage a group of securities dealers to solicit exchanges. Said group will include all securities dealers having offices in the State of Mississippi who are members in good standing of the National Association of Securities Dealers, Inc., and who may desire to participate in such solicitation. The soliciting dealer group also may include such other dealers who are members of said Association as may be selected by the underwriters. Such soliciting dealers (and any underwriters) will be paid compensation by the representative of the underwriters upon receipt from the company of funds therefor, on the basis of $1.00 per share in respect of each share of $6 Preferred Stock deposited for exchange with a letter of transmittal naming the soliciting dealer as having solicited such exchange: *Provided, however,* That the maximum payment to be made in respect of a deposit of shares of $6 Preferred Stock by any one stockholder shall be $150 and the minimum payment shall be $5.00. No compensation will be paid with respect to any exchange for a soliciting dealer's own account. Mississippi will pay or reimburse the representative for the aggregate compensation payable to soliciting dealers, plus an over-riding fee equal to 10% of such aggregate compensation payable to soliciting dealers.

In the event that any underwriter disposes of any unexchanged stock prior to the expiration of 60 days following the expiration of the exchange offer at a price which, after deducting any selling concession and federal and state stock transfer taxes, is in excess of the "initial public offering price," such underwriter shall share the aggregate amount of such excess equally with the company.

Mississippi proposes, concurrently with the issuance of the New Preferred Stock, to amend its Certificate of Incorporation so as to eliminate authorization of the $6 Preferred Stock.

Notice is further given that any interested person may, not later than October 4, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7314; Filed, Sept. 17, 1954; 8:45 a. m.]

[File No. 811-338]

ALLEGHANY CORP.

ORDER POSTPONING HEARING

On July 7, 1954 this Commission issued its Notice of and Order for hearing in these proceedings (Investment Company Act Release No. 1990) ordering that hearings herein be held July 27, 1954. On July 19, 1954 Alleghany Corporation filed a Motion to Postpone said hearings until a date to be subsequently determined, and pursuant to stipulation between Alleghany and the Commission said hearings were postponed until September 15, 1954.

Alleghany having renewed its Motion to Postpone, on September 13, 1954, it was further stipulated between Alleghany and the Commission that the hearings in these proceedings be further postponed until October 19, 1954: *Provided, however,* That if the Interstate Commerce Commission, before such date, revokes, modifies or suspends its order dated June 5, 1945, entered in Finance Docket 14692, in such manner as to relieve Alleghany from compliance with certain provisions of the Interstate Commerce Act specified in said order, said hearings might be reconvened on 5 days' notice to Alleghany: *And provided further,* That in the event that the Interstate Commerce Commission should so revoke, modify or suspend its order of June 5, 1945, then until the conclusion of the hearings herein Alleghany will not, without first obtaining the approval of this Commission, engage in any act or consummate any transactions which, if Alleghany was registered under the Investment Company Act of 1940, would by the terms of that Act either be prohibited or require an order of this Commission exempting or approving such transactions before their consummation.

The Commission being of the opinion, on the basis of the stipulation of September 13, 1954, above recited, that the Motion to Postpone the hearings in these proceedings may appropriately be granted in the public interest and the interest of investors:

It is hereby ordered, That the Motion to Postpone the hearings ordered to be held on September 15, 1954, in these proceedings be, and the same hereby is, granted and said hearings be and the same are hereby postponed until October 19, 1954, or until such earlier date as may be ordered by the Commission pursuant to the terms of the stipulation entered into by Alleghany under date of September 13, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7316; Filed, Sept. 17, 1954; 8:46 a. m.]

Room

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 19 NUMBER 183

Washington, Tuesday, September 21, 1954

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 728—WHEAT

SUBPART—1955–1956 MARKETING YEAR

COMMERCIAL WHEAT PRODUCING AREA

Section 335 of the Agricultural Adjustment Act of 1938, as amended, was further amended by Public Law 690, 83d Congress, approved August 28, 1954, to add a new subsection (e) which reads as follows:

(e) If, for any marketing year, the acreage allotment for wheat for any State is twenty-five thousand acres or less, the Secretary, in order to promote efficient administration of this Act and the Agricultural Act of 1949, may designate such State as outside the commercial wheat-producing area for such marketing year. No farm marketing quota or acreage allotment with respect to wheat under this title shall be applicable in such marketing year to any farm in any State so designated; and no acreage allotment in any other State shall be increased by reason of such designation. Notice of any such designation shall be published in the FEDERAL REGISTER.

The purpose of this amendment is to designate the States outside the commercial wheat-producing area for the 1955–1956 marketing year.

Since farmers in many areas are now preparing to seed wheat for the 1955 crop, it is imperative that the designation of the States outside such commercial wheat-producing area be announced as soon as possible in order that producers in such States may complete their plans for wheat production in 1955. Accordingly, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest, and the amendments herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

The regulations pertaining to farm acreage allotments for the 1955 crop (19 F. R. 3249) are amended by adding a new section as follows:

§ 728.527 *Commercial wheat-producing area.* The acreage allotments established under the provisions of §§ 728.510 to 728.526 shall be applicable only to farms in the commercial wheat-producing area for the 1955–1956 marketing year. The State acreage allotment for each of the States, Alabama, Arizona, Connecticut, Florida, Louisiana, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, Rhode Island, and Vermont, as issued under § 728.505, was 25,000 acres or less. In order to promote efficient administration of the act, each of the States mentioned in this section is designated as outside the commercial wheat-producing area for the 1955–1956 marketing year. Accordingly, the commercial wheat-producing area for the 1955–1956 marketing year shall consist of all States in the continental United States except the States herein above-mentioned.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 335, 52 Stat. 54, as amended by sec. 309, 68 Stat. 897; 7 U. S. C. 1335)

Done at Washington, D. C., this 15th day of September 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON, *Secretary of Agriculture.*

[F. R. Doc. 54-7401; Filed, Sept. 20, 1954; 8:50 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1955, Supp. 2]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1955

EXCESS ACREAGE OF BASIC AGRICULTURAL COMMODITIES; ESTABLISHMENT OF VEGETATIVE COVER TO PROTECT CROPLAND

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Do-

(Continued on p. 6061)

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FEDERAL REGISTER

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(For use during 1954)

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Title 7: Parts 210–899 ($2.25)

Title 19, Revised 1953 ($5.00)

Title 32A, Revised Dec. 31, 1953 ($1.50)

Title 46: Part 146 to end ($6.50)

Previously announced: Title 3, 1953 Supp. ($1.50); Titles 4–5 ($0.60); Title 6 ($2.00); Title 7: Parts 1–209, Revised 1953 ($7.75); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.50); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($1.25); Part 400 to end ($0.50); Title 15 ($1.25); Title 16 ($1.00); Title 17 ($0.50); Title 18 ($0.45); Title 20 ($0.70); Title 21 ($1.50); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Title 26: Parts 1–79, Revised 1953 ($7.75); Parts 80–169 ($0.50); Parts 170–182 ($0.75); Parts 183–299, Revised 1953 ($5.50); Part 300 to end, and Title 27 ($1.00); Titles 28–29 ($1.25); Titles 30–31 ($1.00); Title 32: Parts 1–699 ($1.75); Part 700 to end ($2.25); Title 33 ($1.25); Titles 35–37 ($0.70); Title 38 ($2.00); Title 39 ($2.00); Titles 40–42 ($0.50); Title 43 ($1.75); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.35); Titles 47–48, Revised 1953 ($7.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.65); Parts 91–164 ($0.45); Part 165 to end ($0.60); Title 50 ($0.55)

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mestic Allotment Act, as amended, Public Law 690, 83d Congress, and the Department of Agriculture Appropriation Act, 1955, the 1955 National Agricultural Conservation Program, approved July 1, 1954 (19 F. R. 4138), as amended August 3, 1954 (19 F. R. 4953), is further amended as follows:

1. Section 1101.643 is deleted and the following substituted therefor:

§ 1101.643 *Excess acreage of basic agricultural commodities.* (a) Any person who knowingly harvests any basic agricultural commodity or causes any basic agricultural commodity to be harvested on any farm in which he has an interest, in excess of the 1955 acreage allotment for the farm for such basic agricultural commodity under the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment of cost-shares whatsoever on that farm or on any other farm under 1955 programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. A basic agricultural commodity shall not be deemed to have been knowingly harvested on any farm in excess of the farm acreage allotment for such basic agricultural commodity if it is determined under applicable price support regulations that the acreage allotment for the commodity has not been knowingly exceeded.

(b) Any person who makes application for payment of cost-shares with respect to any farm shall file with such application a statement that he has not knowingly harvested any basic agricultural commodity or caused any basic agricultural commodity to be harvested on any farm in which he has an interest, in excess of the 1955 acreage allotment established for the farm for such basic agricultural commodity under the Agricultural Adjustment Act of 1938, as amended.

2. Section 1101.688 is deleted and the following substituted therefor:

§ 1101.688 *Practice D–4: Establishment of a vegetative cover to protect cropland throughout the 1955 crop year.* This practice is applicable only to cropland which is being shifted for the entire 1955 crop year from crop production to green manure or cover crops. Eligible seedings may consist of single seedings or successive seedings of grasses, legumes, small grains, or other crops which will provide adequate soil protection for the required period. Where annuals alone are used, at least two successive seedings must be made, except in areas where it is determined by the State committee that lack of moisture makes it impracticable to obtain additional green manure or cover crops in 1955 on the same land. Pasturing consistent with good management may be permitted. No crop may be harvested for seed in 1955. No crop may be harvested for hay in 1955, except in areas where the State committee determines that a serious shortage of forage exists due to the drought. No annual crop seeded in the fall of 1955 may be harvested for hay or seed in 1956 if such seeding is one of the two required seedings of such annual crops. One of the two required seedings of annuals may be a winter cover crop seeded in the fall of 1954 or a volunteer seeding which provides adequate soil protection, but no Federal cost-sharing may be allowed for the volunteer seeding.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended. Pub. Law 690, 83d Cong. 68 Stat. 304; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 15th day of September 1954.

[SEAL] J. EARL COKE.
Assistant Secretary of Agriculture.

[F. R. Doc. 54–7377; Filed Sept. 20, 1954; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Foreign Claims Settlement Commission of the United States

PART 300—RULES OF PRACTICE AND PROCEDURE

PROCEDURE FOR DETERMINATION OF CLAIMS; HEARINGS

Pursuant to the International Claims Settlement Act of 1949, as amended (64 Stat. 12; 22 U. S. C. secs. 1621 ff.), Reorganization Plan No. 1 of 1954, effective July 1, 1954 (19 F. R. 3985) and section 4 of the Administrative Procedure Act of 1946 (60 Stat. 238; 5 U. S. C. sec. 1003), the Foreign Claims Settlement Commission of the United States, having given an opportunity to interested persons to submit their views and other relevant information with respect to certain proposed amendments to its rules of practice and procedure (Part 300 of Title 22, Code of Federal Regulations), as the same appeared in the FEDERAL REGISTER (19 F. R. 5234) and no such views or other relevant information having been received, hereby adopts, publishes and declares, effective on the date of publication in the FEDERAL REGISTER, the following amendments to such rules:

1. Paragraphs (c), (d), and (e) of § 300.5 thereof are amended to read as follows:

(c) Where such proposed decision denies the claim in whole or in part, claimant may within fifteen days of service thereof file objections to such denial, assigning the errors relied upon, with accompanying brief in support thereof, and may request a hearing on the claim, specifying whether for the taking of evidence or only for the hearing of oral argument, upon the errors assigned.

(d) Within twenty days after receipt of notice of any proposed decision issued as provided in paragraph (b) of this section, the foreign government concerned may file a brief as amicus curiae with respect to the claim, with the Commission in Washington, or through the diplomatic representative of the United States in the country concerned.

(e) Upon the expiration of twenty days after such service or receipt of notice, if no objection under paragraph (c) of this section nor brief as amicus curiae under paragraph (d) of this section has in the meantime been filed, such proposed decision shall by further order of the Commission become its final determination and decision upon the claim; and

2. Paragraph (a) of § 300.6 thereof is amended to read as follows:

(a) Hearings, whether upon the Commission's own motion or upon request of claimant, shall be held upon ten days' notice of the time and place thereof and of the questions to which limited, to the claimant and to the foreign government concerned, or sooner upon consent by the claimant and notice thereof to the foreign government concerned.

(Sec. 3, 64 Stat. 13; 22 U. S. C. 1622)

Existing provisions of the International Claims Settlement Act of 1949, as amended, require the Commission to complete its determination of claims against Yugoslavia by December 31, 1954. To facilitate the accomplishment of this end, the Commission is of the opinion that some of the claims determination procedures provided by its applicable rules of practice and procedure should be accelerated. The foregoing amendments are designed to achieve such acceleration; and the Commission finds that such purpose will be accomplished without unduly restricting adequate consideration of all claims still to be determined.

Dated at Washington, D. C., September 20, 1954.

By the Commission.

WHITNEY GILLILLAND,
Chairman.
HENRY J. CLAY,
Commissioner.
PEARL CARTER PACE,
Commissioner.

[F. R. Doc. 54–7427; Filed, Sept. 20, 1954; 8:53 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

Sec.
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201.2 Eligible notes.
201.3 Maximum amount of loans.
201.4 Financing charges.
201.5 Credits and collections.
201.6 Eligible expenditures.
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201.8 Dealer investigation, approval and control.
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201.11 Claims.
201.12 Insurance reserve.
201.13 Insurance charge.
201.14 Administrative reports and examination.
201.15 Amendments.
201.16 Effective date.

AUTHORITY: §§ 201.1 to 201.16 issued under sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup. 1703.

§ 201.1 *Definitions.* As used in the regulations in this part, the term:

(a) "Act" means the National Housing Act, as amended.

(b) "Administration" means the Federal Housing Administration.

(c) "Commissioner" means the Federal Housing Commissioner or his duly authorized representative.

(d) "Contract of Insurance" includes all of the provisions of the regulations in this part and of the applicable provisions of the Act.

(e) "Insured" means a financial institution holding a Contract of Insurance under Title I of the act.

(f) "Loan" means an advance of funds or credit or the purchase of an obligation evidenced by a note.

(g) "Note" includes a note, bond, mortgage, or other evidence of indebtedness.

(h) "Payment" includes a deposit to an account or fund which represents the full or partial repayment of a loan.

(i) "Borrower" means one who applies for and receives a loan in reliance upon the provisions of the act and whose interest in the property to be improved is (1) a fee title, or (2) a life estate, or (3) an equitable interest under an instrument of trust or contract, or (4) a lease having a fixed term, expiring not less than six calendar months after the maturity of the loan.

(j) "Class 1 (a) loan" means a loan, other than a loan defined in paragraph (k) of this section as a "Class 1 (b) loan," which is for the purpose of financing the repair, alteration, or improvement of an existing structure or of the real property in connection therewith, exclusive of the building of new structures.

(k) "Class 1 (b) loan" means a loan which is made for the purpose of financing the alteration, repair, improvement, or conversion of an existing structure used or to be used as an apartment house or a dwelling for two or more families.

(l) "Class 2 (a) loan" means a loan which is for the purpose of financing the construction of a new structure which is to be used exclusively for other than residential or agricultural purposes.

(m) "Class 2 (b) loan" means a loan which is for the purpose of financing the construction of a new structure for use in whole or in part for agricultural purposes, exclusive of residential purposes.

(n) "Class 1 loan" includes both "Class 1 (a)" and "Class 1 (b)" loans as defined in paragraphs (j) and (k) of this section.

(o) "Class 2 loan" includes both "Class 2 (a)" and "Class 2 (b)" loans as defined in paragraphs (l) and (m) of this section.

(p) "Existing structure" means a residential structure completed and occupied at least six months prior to the application for the Title I loan or a structure for other than residential purposes which was a completed building with a distinctive functional use prior to the application for the Title I loan.

§ 201.2 *Eligible notes*—(a) *Validity.* The note shall bear the genuine signature of the borrower as maker, shall be valid and enforceable against the borrower or borrowers as defined in § 201.1 (i), and shall be complete and regular on its face. The signatures of all parties to the note must be genuine. If the note is executed for and on behalf of a corporation or in a representative capacity, the note must create a binding obligation of the principal.

(b) *Acceleration clause.* The note shall contain a provision for acceleration of maturity, either automatic or at the option of the holder, in the event of default in the payment of any installment upon the due date thereof.

(c) *Payments.* The note shall be payable in equal monthly, semimonthly, or weekly installments. The first installment or the final installment may be more or less than the other installments provided that it is not less than one-half or more than one and one-half times the amount of a regular installment. A note may not provide for a first payment less than 6 days nor more than two calendar months from the date of the note. However, if 51 percent or more of the income of the borrower is derived directly from the sale of agricultural crops, commodities, or livestock produced by him, a note may be made payable in installments corresponding to income periods shown on the Credit Application. In such cases, the first payment must be made within 12 months of the date of the note and at least one payment shall be made in each 12 months thereafter, provided that no two payments shall be more than 12 months apart, and the proportion of total principal to be paid in later years shall not exceed the proportion of total principal payable in earlier years. In lieu of an installment note payable in equal periodic installments a loan may be evidenced by a series of notes provided each is of an equal amount as provided in this section and that each note indicates on its face that it is one of a series signed by the same borrower.

(d) *Maturity*—(1) *Minimum.* The note shall not have a final maturity of less than 6 calendar months from the date of the note.

(2) *Maximum.* The maximum permissible maturity of a note evidencing:

(i) A Class 1 (a) or a Class 2 (a) loan is 3 years and 32 days from the date of the note.

(ii) A Class 1 (b) loan is 7 years and 32 days from the date of the note.

(iii) A Class 2 (b) loan is 7 years and 32 days from the date of the note, except that if a Class 2 (b) loan is secured by a first mortgage, first deed of trust, or other security instrument constituting a first lien upon the improved property, the loan may have a final maturity not in excess of 15 years and 32 days from the date of the note.

(iv) A combination of any of the above classes of loans shall be no greater than the maximum maturity governing that component part of the loan having the shortest maturity if made alone.

(e) *Late charges.* The note may provide for a late charge, not to exceed 5 cents for each $1.00 of each installment more than 15 days in arrears. No late charge on a past due installment may be accrued in excess of $5.00. In lieu of late charges, notes may provide for interest on past due installments at a rate not in excess of the contract rate in the jurisdiction in which the note is drawn. The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the Contract of Insurance.

§ 201.3 *Maximum amount of loans*—(a) *Class 1 (a) loan.* A Class 1 (a) loan shall not involve a principal amount, exclusive of financing charges in excess of $2,500.

(b) *Class 1 (b) loans.* A Class 1 (b) loan shall not involve a principal amount, exclusive of financing charges, in excess of $2,500 per dwelling unit in the improved structure and shall not exceed $10,000.

(c) *Class 2 loan.* A Class 2 loan shall not involve a principal amount, exclusive of financing charges, in excess of $3,000.

(d) *Outstanding aggregate loan balance.* No loan shall be made which will result in an outstanding aggregate loan balance with respect to the same property or structure exceeding the dollar amount limitation prescribed in this section for the type of loan involved. If more than one type or class of loan is involved, the total outstanding aggregate loan balance as to one structure or property shall not exceed the dollar amount limitation prescribed in this section for the type or class of loan having the larger permissible maximum amount.

§ 201.4 *Financing charges*—(a) *Maximum charge.* The maximum permissible financing charges, exclusive of fees and charges as provided by paragraph (b) of this section, which may be paid or collected for interest, discount, and fees of all kinds in connection with the transaction, shall be computed as follows:

(1) Class 1 loans having a principal amount not in excess of $2,500 shall not have a financing charge in excess of an amount equivalent to $5.00 discount per $100 original face amount of a 1-year note, to be paid in equal monthly installments calculated from the date of the note.

(2) Class 1 loans having a principal amount in excess of $2,500 shall not have a financing charge in excess of an amount equivalent to $4.00 discount per $100 original face amount of a one year note, to be paid in equal monthly installments calculated from the date of the note.

(3) Class 2 loans shall not have a financing charge in excess of an amount equivalent to $5.00 discount per $100 original face amount of a 1-year note, to be paid in equal monthly installments calculated from the date of the note, except that Class 2 (b) loans having a maturity in excess of 7 years and 32 days shall not have a financing charge in excess of an amount equivalent to $3.50 discount per $100 original face amount of a 1-year note, to be paid in equal monthly installments calculated from the date of the note. Such charges correctly based on tables of calculations issued by the Federal Housing Commissioner are deemed to comply with this section.

An increase in the ratio of the charge to the average amount outstanding on the debt over the maximum provided in this section, which increase results from the first payment falling due less than 30 days after the date of the note as provided in § 201.2 (c), shall not be deemed to be in conflict with this section.

(b) *Permissible additional charges.* If the insured takes security in the nature of a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien, or other security device for the purpose of securing the payment of eligible loans, the insured may collect from the borrower, in addition to the maximum permissible financing charge as provided in paragraph (a) of this section, the following expenses actually incurred by the insured in connection with the transaction: Recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums, provided that such costs or expenses are not paid from the proceeds of the loan or included in the face amount of the note. Such costs or expenses shall not be included by the insured as a portion of a claim under the Contract of Insurance and if such costs or expenses are assessed against the borrower, proper evidence thereof shall be in the file.

(c) *Dealer reserve accounts and guarantees.* Reserve accounts to assure against losses on loans reported to the Commissioner for insurance are prohibited. A dealer or other person may be required to endorse or guarantee payment of notes so long as no reserve account is involved, but any such guarantee must cover the full amount due on the note.

(d) *Repayment rebate.* If a note is paid in full prior to maturity, the insured shall make a rebate at a rate not less than 6 percent per annum of the amounts so paid in advance of their due dates, if the maximum permissible financing charge in connection with the transaction is in an amount equivalent to $5.00 discount as provided in paragraph (a) of this section. If a lesser charge has been taken, the rebate shall be at not less than a proportional rate.

§ 201.5 *Credits and collections*—(a) *Credit application.* Prior to making a loan the insured shall obtain a dated Credit Application executed by the borrower on a form approved by the Commissioner. A separate Credit Application is required for each loan made or note purchased.

(b) *Credit investigation.* The Credit Application, supplemented by such other information as the insured deems necessary, must, in the judgment of the insured, clearly show the borrower to be solvent, with reasonable ability to pay the obligation and in other respects a reasonable credit risk. If, after the loan is made, an insured who acted in good faith discovers any material misstatements or misuse of the proceeds of the loan by the borrower, dealer, or others, the eligibility of the note for insurance will not be affected. However, the insured shall promptly report such discovery to the Commissioner.

(c) *Outstanding FHA and direct Federal obligations.* The proceeds of a loan shall not be disbursed if the insured has knowledge that the borrower is past due more than 15 days as to either principal or interest with respect to an obligation owing to, or insured by, any department or agency of the Federal Government, provided that nothing contained herein shall prevent the making of a loan otherwise eligible, even though the borrower is in default under such an obligation by reason of his military service and the approval of the Commissioner is obtained.

(d) *Past due Title I notes at time of purchase.* A note shall not be purchased when any installment thereon is past due more than 15 days at the date of purchase except purchases of notes under the provisions of § 201.12.

(e) *Prior approval by Commissioner.* Any loan which increases the principal amount outstanding as to all Class 1 or Class 2 loans to any individual borrower to an amount in excess of $5,000, exclusive of financing charges, will be accepted for insurance only upon prior approval of the Commissioner.

(f) *Security.* The taking of security to secure the payment of a loan is left to the discretion of the insured unless specifically required by the Commissioner in accordance with the provisions of paragraph (e) of this section or of § 201.2 (d) (2) (iii). An insured may permit the substitution or subordination of security provided it can be shown when claim is made that at the time of such action the original security value was not impaired or reduced as a result of such action. Upon presentation of the facts the prior approval of the Commissioner may be obtained by the insured to any proposed substitution or subordination of security.

(g) *Collections.* The insured is required to service loans in accordance with acceptable practices of prudent lending institutions. In the event of default, the insured should have adequate facilities for contacting the borrower and otherwise exercise diligence in collecting the amount due. The insured is responsible to the Commissioner for proper collection efforts even though actual collection may be performed by an agent.

(h) *When owner must sign note.* When a borrower is a lessee of property to be improved, which is used or to be used for other than residential or agricultural purposes, the owner of the property shall join in the execution of the note unless the prior credit approval of the Commissioner is obtained.

§ 201.6 *Eligible expenditures*—(a) *Property location.* The property to be improved shall be located within the United States, its Territories, or possessions.

(b) *Use of proceeds.* The proceeds of a loan shall be used only to finance alterations, repairs, and improvements upon real property or in connection with existing structures which substantially protect or improve the basic livability or utility of the property, and which are commenced in reliance upon the credit facilities afforded by Title I of the act.

(c) *Reliance on Credit Application.* An insured acting in good faith may, in the absence of information to the contrary, rely upon all statements of fact made by the borrower, which are called for by the borrower's Credit Application, in determining the eligibility of the loan.

(d) *Technical services and direct costs.* The proceeds of a loan may be used to pay the cost of architectural and engineering services, and fees paid for obtaining building permits that are directly connected with the eligible alterations, repairs, or improvements financed in accordance with the regulations in this part.

(e) *Supplementing an uninsured obligation.* The proceeds of a loan shall not be used to supplement another obligation of the borrower not reported for insurance, the payment of which is to be secured by a prior lien created in connection with the proposed alterations, repairs, or improvements.

§ 201.7 *Eligible improvements*—(a) *Ineligible items.* There is hereby established a "List of Ineligible Items" which includes items, products, alterations, repairs, or improvements, or classes thereof, which the Commissioner has determined not to be eligible for financing with the proceeds of loans reported for insurance under the regulations in this part.

(1) *List of ineligible items.* No part of the proceeds of a loan made on or after June 10, 1954, shall be used to finance any of the following items:

Barbecue pits.
Bathhouses.
Burglar alarms.
Burglar protection bars.
Door opening and closing devices.
Dumbwaiters.
Fire alarms or fire detecting devices.
Fire extinguishers.
Flower boxes.
Grading and landscaping.
Greenhouses.

Hangars (airplane).
Kennels.
Lawn sprinkling systems.
Outdoor fireplaces or hearths.
Penthouses.
Photo murals.
Radiator covers or enclosures.
Stands.
Steam cleaning of exterior surfaces.
Swimming pools.
Television antennae.
Tennis courts.
Tree surgery.
Valance or cornice boards.
Venetian blinds.

(2) *Additional list of ineligible items.* No part of the proceeds of a loan made on or after July 6, 1954, shall be used to finance any of the following items:

Patios, unless permanently attached and affixed to an existing structure and covered by a roof.

(b) *Other ineligible items.* The omission of any item from the "List of Ineligible Items" shall not be construed as rendering such omitted item eligible for financing. All items otherwise ineligible for Title I financing shall remain ineligible for such financing notwithstanding any provision of this section. If an insured has any doubt as to the eligibility of any item, product, alteration, repair or improvement, or class thereof, it should request a specific ruling from the Commissioner before making any loan for the purpose of financing such item, product, alteration, repair or improvement.

(c) *Commitments.* If an insured has made a legally binding commitment to make a loan for the purpose of financing any item or improvement which was eligible for financing under Title I at the time such commitment was given, such loan will be eligible to be reported for insurance if:

(1) The improvements financed are completed and the proceeds of the loan disbursed within 30 days after the determination by the Commissioner that the item, product, alteration, repair or improvement is no longer to be eligible for Title I financing, and

(2) The insured attaches to the report of any such loan to the Commissioner a certification in the following form:

The undersigned hereby certifies that it had made a legally binding commitment to make the loan in this case prior to ---------, 195--.

(Name of Insured Financial Institution)
By---
Title---

§ 201.8 *Dealer investigation, approval and control*—(a) *Procedure before disbursement.* Before disbursing the proceeds of a loan, the insured shall:

(1) *Dealer investigation and approval.* Have approved the dealer after such investigation as the insured considers necessary to establish that the dealer is reliable, financially responsible and qualified to perform satisfactorily the work to be financed and to extend proper service to the customer. This approval shall be evidenced by an application signed and dated by the dealer and signed and dated by the insured on forms approved by the Commissioner. The dealer application, the approval by the insured, together with supporting information and a record of the insured's experience with the loans originated by such dealer shall be in the insured's file. For the purpose of this section the term "dealer" means the one who executed the dealer's completion certificate.

(2) *Completion certificates.* Obtain a completion certificate signed by the borrower and a completion certificate signed by the dealer on forms approved by the Commissioner. An insured shall not disburse the proceeds of a loan, if, as an inducement for the consummation of the transaction, the borrower has been given or promised a cash payment or rebate or it has been represented to the borrower that he will receive a cash bonus or commissions on future sales. In the absence of information to the contrary, the insured may rely upon the dealer's statement in his completion certificate as to such bonus selling. If there are two or more eligible borrowers involved in a transaction, only one signature is required on the borrower's certificate.

(3) *Authorization to pay loan proceeds.* Obtain written authorization from the borrower, if the insured is the payee of the note and the proceeds are to be disbursed to one other than the borrower.

(4) *Description of improvements.* Obtain a copy of the contract or sales agreement, signed by the borrower and the dealer, describing the type and extent of improvements to be made and the material to be used. Such contract or sales agreement shall be of a type regularly used by the dealer in his business. The signature appearing on the copy of the contract or sales agreement may be a carbon imprint of the signatures appearing on the original.

(5) *Advance notice to applicant.* Mail to the borrower or personally deliver to the borrower written notice of approval of the application for credit on a form approved by the Commissioner. Such notice shall be directed to the borrower prior to the disbursement of the loan and in no event less than six calendar days prior to such disbursement. A record of such notice showing the date of mailing or delivery to the borrower shall be in the loan file.

(b) *Precautionary measures.* If the insured has not approved the dealer, as provided in paragraph (a) (1) of this section or has reason to withdraw such approval, the proceeds of a loan shall not be disbursed until:

(1) The insured has verified all statements contained on the borrower's credit application.

(2) The borrower has signed the borrower's completion certificate in the presence of the insured.

(3) The insured has inspected the work performed in every instance when the amount involved is $500 or more, and in at least one out of every three transactions when the amounts involved are less than $500.

(4) The insured has signed a statement to the effect that the above requirements were complied with prior to releasing the proceeds of any such loans. Such statement must accompany each loan report.

(c) *Exceptions.* The provisions of paragraphs (a) and (b) of this section shall not apply to loans made directly to the borrower or borrowers where the proceeds are delivered directly to such borrower or borrowers without the intervention or participation of the dealer or other intermediary in any manner in such disbursement.

(d) *Ineligible persons.* No loan shall be made where the insured has knowledge that any person participating in the transaction as dealer, salesman, broker, borrower, or in any other capacity has been barred from participation in the Title I program pursuant to § 200.13 of this chapter.

§ 201.9 *Refinancing*—(a) *General requirements.* New obligations to liquidate loans previously reported for insurance pursuant to Title I of the act and made on and after October 1, 1954, which may or may not include an additional amount advanced will be covered by insurance, if they meet the requirements of all applicable regulations in this part and the special provisions of this section. Loans made prior to October 1, 1954, may be refinanced under the regulations in effect at the time such loans were made but no additional advance shall be made and such refinancing shall not involve a consolidation with a loan or loans made after October 1, 1954.

(b) *Maximum maturity.* (1) A Class 1 (a) loan or a Class 2 (a) loan may be refinanced for an additional period not in excess of 3 years and 32 days from the date of the refinancing, but not to exceed 5 years from the date of the original note.

(2) A Class 1 (b) loan may be refinanced for an additional period not in excess of 7 years and 32 days from the date of the refinancing, but not to exceed 10 years from the date of the original note.

(3) A Class 2 (b) loan may be refinanced for an additional period not in excess of 7 years and 32 days from the date of the refinancing, but not to exceed 10 years from the date of the original note, except that if a Class 2 (b) loan is secured by a first mortgage, first deed of trust, or other security instrument, constituting a first lien upon the improved property, the new note may have a final maturity not in excess of 15 years and 32 days from the date of the refinancing, but not to exceed 25 years from the date of the original note.

(4) When a Class 1 loan or a Class 2 loan is made or refinanced and consolidated with another Class 1 loan or Class 2 loan, the new note evidencing the consolidated obligation shall not be for a longer term than that which the component loan having the shortest permissible maturity could have if made or refinanced alone.

(c) *Rebate.* The full unearned charge on the original note shall be refunded to the borrower. If no additional advance is made a handling charge not in excess of $2.00 may be assessed the borrower.

(d) *Special cases.* The Commissioner may upon presentation of the facts approve the refinancing or refinancing and consolidation of any loan or loans upon such terms and conditions as he may determine within the limits provided by the act.

(e) *Deferred payments.* An agreement to defer payments on a note previously reported for insurance under the regulations in this part without rewriting the note is not considered refinancing. Such agreement will not affect the insurance coverage on the loan provided that:

(1) Such agreement is evidenced in writing;

(2) Payments shall not be deferred for more than 5 months from the due date of the last fully paid installment;

(3) Such agreement shall not extend the final maturity of the obligation beyond the maturity date of the obligation as provided by its original terms;

(4) The insured may assess the borrower for the cost of such deferment if such charge is not in excess of an equivalent amount of late charges as provided in § 201.2 (e).

§ 201.10 *Report of loans.* Loans shall be reported on the prescribed form to the Federal Housing Administration at Washington, D. C., within 31 days from the date of the note or date upon which it was purchased. Any loan refinanced as provided in § 201.9 shall likewise be reported on the prescribed form within 31 days from date of refinancing. In any case, the Commissioner may, in his discretion, accept a late report.

§ 201.11 *Claims*—(a) *Claim application.* Claim for reimbursement for loss on an eligible loan shall be made on a form provided by the Commissioner, and executed by a duly qualified officer of the insured. The claim shall be accompanied by the insured's complete credit and collection file pertaining to the transaction.

(b) *Claim after default.* Claim may be made after default provided demand has been made upon the debtor for the full unpaid balance of the note.

(c) *Maximum claim period.* For the purpose of determining when a claim must be filed under the provisions of this section, any payments received on an account, including payments on a judgment predicated thereon, shall be applied to the earliest unpaid installment, and in the case of:

(1) Yearly installment notes, whenever an installment is 12 months in default, claim must be made within 31 days thereafter;

(2) All other installment notes, whenever an installment is 9 months in default, claim shall be made within 31 days thereafter, but interest is to be allowed only for 6 months and 31 days;

(3) Military service cases, if at any time during default a person primarily or secondarily liable for the repayment of any loan is a "person in military service," as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, the period during which he is in military service shall be excluded in computing the time within which claim must be made for reimbursement under the provisions of this section.

(d) *Extension of maximum claim period.* Upon presentation to the Commissioner of the facts of a particular case within the allowable claim period prescribed in this section, he may, in his discretion, extend the time within which claim must be made, provided that in computing the claim no interest will be allowed for the period of such extension.

(e) *Claim amount.* An insured will be reimbursed for its loss on loans made in accordance with the regulations in this part up to the amount of its reserve as established by § 201.12 as follows:

(1) 90 percent of the net unpaid amount of the loan actually made or the actual purchase price of the note, whichever is the lesser;

(2) 90 percent of the uncollected earned interest to date of default and 90 percent of interest from the date of default to the date of the application for reimbursement of loss sustained figured at 4 percent per annum on the outstanding principal balance, but in no event shall the total interest allowed exceed the maximum permissible financing charge on the principal amount outstanding to the date of application for reimbursement.

(3) Uncollected court costs, including fees paid for issuing, serving, and filing summons;

(4) Attorney's fees actually paid not exceeding:

(i) 25 percent of the amount collected by the attorney on the defaulted note provided the insured does not waive its claim against the borrower for such fees;

(ii) $25.00 or 15 percent of the balance due on the note, whichever is the lesser, if a judgment is secured by suit, or $10.00 or 15 percent of the balance due on the note, whichever is the lesser, if a judgment is secured by confession after default; and

(iii) $50.00 plus 5 percent of the balance due on the note as an additional fee where the action is contested and judgment is obtained.

(f) *Assignment of documents.* The note and any security held or judgment taken must be assigned in its entirety and if any claim has been filed in bankruptcy, insolvency, or probate proceedings, such claim shall likewise be assigned to the United States of America.

(g) *Form of assignment.* The following form of assignment properly dated shall be used in assigning a note, judgment, real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien, or any other security device in event of claim:

All right, title, and interest of the undersigned is hereby assigned (without warranty, except that the note qualifies for insurance) to the United States of America.

(Financial Institution)
By ---
Title ---
Date ---

Provided, That if this form is not valid or generally acceptable in the jurisdiction involved, a form which is valid and generally acceptable shall be used.

(h) *Election of action.* Where a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien, or any other security device has been used to secure the payment of a loan made under the provisions of Title I of the act, the insured may not, except with the approval of the Commissioner, both proceed against such security and also make claim under its contract of insurance, but shall elect which method it desires to pursue.

§ 201.12 *Insurance Reserve*—(a) *Legal limit.* Subject to the limitation on the Commissioner's authority to insure as stipulated in section 2 of Title I of the act, the Commissioner, pursuant to the provisions of § 201.11, will reimburse any insured for losses sustained by it in accordance with the general insurance reserve provisions of paragraph (b) of this section.

(b) *General insurance reserve.* There shall be maintained for each insured a general insurance reserve which shall equal 10 percent of the aggregate amount advanced on all eligible loans originated by such insured pursuant to the provisions of the regulations in this part on and after March 1, 1950, and prior to July 1, 1955, less the amount of all claims approved for payment by the Commissioner in connection with such loans and less the amount of the adjustment or adjustments, if any, made pursuant to paragraph (c) of this section.

(c) *Adjustment of general reserve.* The amount of the general insurance reserve to the credit of each insured shall be adjusted on July 1 of each year by deducting therefrom an amount equivalent to one-fifth of the amount of such insurance reserve on the records of the Commissioner as of the date of such adjustment: *Provided*, That no such adjustment shall reduce the insurance reserve of any insured to an amount less than $5,000: *And provided further*, That no such adjustment shall be made in the insurance reserve of any financial institution until the first day of July next following the expiration of a period of 30 months after the issuance of a contract of insurance to such institution by the Commissioner, and no such adjustment shall be made in the insurance reserve of any financial institution after the termination of the contract of insurance issued to such institution by the Commissioner, or after the termination of the Commissioner's authority to insure against losses pursuant to the National Housing Act.

(d) *Transfer of loans reported for insurance.* The insured shall not assign or otherwise transfer any loan reported for insurance to a transferee not holding a contract of insurance under Title I of the National Housing Act: *Provided*, That nothing contained herein shall be construed to prevent the pledging of such loans as collateral security under a trust agreement, or otherwise, in connection with a bona fide loan transaction.

(e) *Transfer of insurance reserve.* Insurance reserve of more than $5,000 shall not be transferred to or from the reserve account of any insured during any fiscal year (July 1 through June 30) without the prior approval of the Commissioner. Except in cases involving the transfer of loans sold with recourse or under a guaranty, guarantee or re-

purchase agreement, the reports required by § 201.10 shall be submitted, indicating the intent of the parties with respect to the transfer of the insurance reserve; and, unless the approval of the Commissioner is obtained, the insurance reserve shall be transferred as follows:

(1) In cases involving the transfer of notes purchased without recourse, guaranty, guarantee, or repurchase agreement, provided no installment payment is past due more than one calendar month at the time of purchase, reserve shall be transferred to the reserve of the purchasing institution, on the basis of 10 percent of the actual purchase price or net unpaid original advance, whichever is the lesser.

(2) In cases involving the transfer of notes purchased without recourse, guaranty, guarantee, or repurchase agreement, where one or more installment payments are past due more than one calendar month at the time of purchase, the loans and reserves shall be transferred on an earmarked basis. In the case of earmarked transfers all reserves accrued by reason of the loans transferred shall be transferred, but such reserves shall be available only for payment of claims on the loans transferred, and claims on such loans can be paid only up to the amount of such earmarked reserves.

(3) In cases involving the transfer of notes sold with recourse or under a guaranty, guarantee, or repurchase agreement, no insurance reserve will be transferred and no reports will be required.

(f) *FHA recovery shall not affect reserve.* Amounts which may be salvaged by the Commissioner with respect to a loan in connection with which an insured has been reimbursed under its contract of insurance shall not be added to the insurance reserve remaining to the credit of such insured.

§ 201.13 *Insurance charge*—(a) *Rate.* The insured shall pay to the Commissioner an insurance charge equal to sixty-five one-hundredths (0.65) of 1 percent per annum of the net proceeds of any eligible loan reported and acknowledged for insurance: *Provided*, That in the case of a Class 1 (b) loan in excess of $2500, exclusive of financing charges, and in the case of a Class 2 (b) loan having a maturity in excess of 7 years, such insurance charge shall be forty-five one-hundredths (0.45) of 1 percent per annum. In computing the insurance charge, no charge shall be made for the fractional period of a month of 15 days or less, and a charge for a full month shall be made for the fractional period of a month of more than 15 days.

(b) *When payable.* Such insurance charge for the entire term of the loan shall be paid within 25 days after the date the Commissioner acknowledges receipt to the insured institution of the report of loan: *Provided*, That on loans having a maturity in excess of 3 years and 32 days, such charge may be paid in installments, the first of which shall be equal to the charge for 3 years and be paid within said 25 days, and the second and succeeding installments, each equal to the charge for 1 year, shall be paid on the first and each succeeding anniversary of the first day of the month following the date of the note.

(c) *Notes transferred.* Any adjustments of the insurance charge already paid on any obligation transferred between insureds shall be made by the insureds, except that any unpaid installments of the insurance charge shall be paid by the purchasing insured.

(d) *Refund or abatement.* There shall be no refund or abatement of any portion or installment of the insurance charge except:

(1) The charge on a refinanced note may be credited with the unearned portion of the charge on the original note;

(2) Insurance charges falling due after claim is filed or the note is prepaid in full;

(3) The charge paid on a loan or portion thereof found to be ineligible.

(e) *When not chargeable to borrower.* The insurance charge paid by the insured shall not be charged to the borrower if such charge would cause the total payments made by the borrower to exceed the maximum permissible amount which may be charged to the borrower for interest, discount, and all other charges in connection with the transaction.

§ 201.14 *Administrative reports and examination.* The Commissioner, or his authorized representative, may at any time call upon an insured for such reports as he may deem to be necessary in connection with the regulations in this part, or may inspect the books or accounts of the insured as they pertain to the loans reported for insurance.

§ 201.15 *Amendments.* The regulations in this part may be amended by the Commissioner at any time, but such amendment shall not adversely affect the insurance privileges of an insured with respect to any loan previously made.

§ 201.16 *Effective date.* The regulations in this part are effective as to all loans made on and after October 1, 1954, except that § 201.11 (c) (2) and § 201.11 (e) (4) shall be effective as to all claims paid on and after October 1, 1954, and § 201.12 (c) shall be effective as to all adjustments made after October 1, 1954.

Issued at Washington, D. C., September 17, 1954.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R Doc. 54-7424; Filed, Sept. 20, 1954; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-170]

PART 27—SOUTHERN MIXED FEED MANUFACTURERS

RECISSION OF PART

Whereas, the Commission on July 29, 1931, promulgated trade practice rules for Southern Mixed Feed Manufacturers which were codified in the Code of Federal Regulations (16 CFR Part 27); and

Whereas, it appears that the rules for this industry are general in form and in some respects obsolete, and that the group for which the rules were promulgated is no longer active as an organized segment of the nation-wide mixed feed manufacturing industry; and

Whereas, under the circumstances proceedings for revision of the rules for this industry do not appear to be essential to the public interest:

It is ordered, That the said rules be and the same are hereby rescinded.

Issued: September 16, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-7403; Filed, Sept. 20, 1954, 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 571—RECRUITING AND ENLISTMENTS

QUALIFICATIONS FOR ENLISTMENT; PERIODS AND GRADES

Sections 571.2 (c) (1) and 571.3 (a) (3) (iii) are rescinded and the following substituted therefor:

§ 571.2 *Qualifications for enlistment.*

* * *

(c) *Educational requirements for women*—(1) *Nonprior service.* Women with prior military service (including those whose only service has been in the WAAC) must possess a certificate of graduation from high school or must present substantiating data that they have successfully completed the high school level General Educational Development (GED) test. Recruiting personnel will not administer this test but will advise applicants to communicate with the appropriate State Department of Education for information concerning the GED test.

* * * * *

§ 571.3 *Periods and grades*—(a) *Periods of enlistment.* * * *

(3) * * *

(iii) Individuals discharged as a result of resignation from an enlistment for an unspecified period, prior to completion of at least six years of such enlistment, will not be reenlisted at a later date in the grade held at time of discharge. Reenlistment grade and date of rank for such persons will be determined under pertinent special regulations. An individual who has completed at least six years in an unspecified period enlistment, and who is separated by reason of unconditional resignation, is eligible to reenlist in the Regular Army within 3 months from date of separation in the permanent and temporary grade held at time of separation, provided otherwise qualified.

* * * * *

[Cl, AR 615-120, Aug. 27, 1954] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 54-7305; Filed, Sept. 20, 1954; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-11]

DMO I-11 DELEGATION OF AUTHORITY TO ISSUE PAYMENT CERTIFICATES UNDER SECTION 168 (g) OF THE INTERNAL REVENUE CODE OF 1954.

By virtue of the authority vested in me by Executive Order 10480, dated August 14, 1953, and pursuant to ODM Regulation No. 2, dated August 31, 1954, my authority to issue Payment Certificates under section 168(g) of the Internal Revenue Code of 1954 (formerly section 124A(g)) in regard to payments for the unamortized cost of emergency facilities, is hereby delegated to:

(1) The Secretary of Defense in regard to such payments authorized by the Secretary or his designees.

(2) The Administrator of General Services in regard to such payments authorized by the Administrator or his designees.

This order shall take effect on August 31, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R Doc. 54-7423; Filed, Sept. 17, 1954; 3:27 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

EIGHT-HOUR DAY ON GREAT LAKES' TUGS

CROSS-REFERENCE: For revocation of § 19.19 *Eight-hour day on tugs navigating the Great Lakes and tributary waters* see F. R. Doc. 54-7393, Title 46, Chapter I, Part 154, *infra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1009]

OREGON

WITHDRAWING PUBLIC LANDS AS MATERIAL SITE AND FOR TIMBER ACCESS ROAD

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the hereinafter described public lands and revested and reconveyed Oregon and California Railroad Grant lands in Oregon are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral-leasing laws, and reserved for use of the Department of the Interior for the following purposes:

a. As a source of materials for road construction for the Smith River access road:

WILLAMETTE MERIDIAN

T. 19 S., R. 9 W.,
Sec. 23, N½.

The tract described contains 320 acres.

b. For the location of a right-of-way for the proposed Canton Creek timber access road:

WILLAMETTE MERIDIAN

T. 24 S., R. 1 W.,
Sec. 9;
Sec. 10, SW¼;
Secs. 15, 23, 25, and 35.
T. 25 S., R. 1 W.,
Secs. 11 and 23;
Sec. 24, S½NW¼, N½SW¼, S½S½;
Sec. 25.
T. 25 S., R. 1 E.,
Sec. 31, E½W½ and lots 1, 2, 3, and 4.

The tracts described contain 5,892.83 acres.

This order shall be subject to existing withdrawals for power site and national forest purposes so far as they affect any of the lands.

FRED G. AANDAHL,
Acting Secretary of the Interior.

SEPTEMBER 14, 1954.

[F. R. Doc. 54-7379; Filed, Sept. 20, 1954; 8:45 a. m.]

[Public Land Order 1010]

WASHINGTON

PARTIALLY REVOKING EXECUTIVE ORDER NO. 1661 OF DECEMBER 12, 1912, RESERVING LANDS WITHIN TOWNSITE OF PORT ANGELES FOR GOVERNMENT USE

SEPTEMBER 15, 1954.

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and the act of March 16, 1912, c. 60 (37 Stat. 74), it is ordered as follows:

Executive Order No. 1661 of December 12, 1912, reserving certain lands within the Townsite of Port Angeles, Washington, for various specified uses of the Government, which was revoked in part by Public Land Order No. 635 of March 18, 1950, is hereby revoked so far as it affects the following-described land:

WILLAMETTE MERIDIAN

T. 30 N., R. 6 W.,
Port Angeles Townsite, Block 32, Lot 22, as shown on the supplemental plat of survey accepted October 18, 1949.

The area described contains 2,000 square feet.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 54-7381; Filed, Sept. 20, 1954; 8:46 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

Subchapter C—Appeals and Hearings

PART 515—APPEALS

REHEARING AND REARGUMENT

Section 515.35 is hereby amended to read as follows:

§ 515.35 *Rehearing and reargument.* Any party desiring a rehearing, reargument, or any relief not specifically covered by this part, may file a petition with the Commission within ten (10) days if a resident within the continental United States, or within thirty (30) days if outside the continental United States, after date of the decision, stating the relief sought and the reasons in support thereof. New evidence in support of the petition must be attached thereto. The Commission may deny or allow the petition in whole or in part, as it deems proper.

This amendment shall become effective as of the date of filing with the FEDERAL REGISTER.

(Sec. 2, 62 Stat. 1240, 50 U. S. C. App. 2001)

WHITNEY GILLILLAND,
Chairman, Foreign Claims Settlement Commission of the United States.

[F. R. Doc. 54-7428; Filed, Sept. 20, 1954; 8:53 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable to Certain Vessels During Emergency

[CGFR 54-37]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

EIGHT-HOUR DAY ON GREAT LAKES' TUGS

The purpose of this order is to cancel, effective December 1, 1954, the general waiver designated 46 CFR 154.19, as well as 33 CFR 19.19, regarding eight-hour day for working hours of officers and crews on tugs navigating the Great Lakes or tributary waters. It has been determined upon investigation that this general waiver of section 2 of the act of March 4, 1915, as amended (46 U. S. C. 673), is no longer necessary in the interests of national defense. It is hereby found that compliance with the notice of proposed rule making and public rule making procedure thereon provided in the Administrative Procedure Act is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury dated January 23, 1951, identified as CGFR 51-1 and pub-

[1] This is also codified in 33 CFR Part 19.

lished in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), the waiver order designated § 154.19 *Eight-hour day on tugs navigating the Great Lakes and tributary waters* as well as 33 CFR 19.19, is revoked effective December 1, 1954.

(Secs. 1, 2, 64 Stat. 1120; 46 U. S. C. note prec. 1)

Dated: September 15, 1954.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 54-7393; Filed, Sept. 20, 1954; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 15]

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

SPECIFICATION CONTAINERS PRESCRIBED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of June 1954.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831-835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that due to reorganization of certain bureaus of the Commission, it is deemed necessary to amend the aforesaid regulations.

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

Amend § 73.22 (a) (1) (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.22, 1950 Rev.) to read as follows:

§ 73.22 *Specification containers prescribed.* (a) • • •

(1) Because of the present emergency and until further order of the Commission, containers approved for emergency or experimental shipments may be authorized in the discretion of, and upon special permit to be issued by the Director or Acting Director, Bureau of Safety and Service, Washington, D. C.

• • • • •

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on June 1, 1954, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup., 835)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7386; Filed, Sept. 20, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSALS TO AMEND DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of amending the definitions and standards of identity for cheeses, processed cheeses, cheese foods, cheese spreads, and related foods as hereinafter specified:

Notice is hereby given that petitions have been filed by United Cheese Company, Inc., Chicago, Illinois, and by Swift and Company, Chicago, Illinois, setting forth proposals to amend specified sections of the definitions and standards of identity for cheeses, processed cheeses, cheese foods, cheese spreads, and related foods. Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 21 U. S. C. 341, as amended by 68 Stat. 54), the Secretary of Health, Education, and Welfare invites all interested persons to present their views in writing regarding the proposals published herein and to submit such comments in quintuplicate prior to the thirtieth day following the publication of this notice in the FEDERAL REGISTER. Written comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, Washington 25, D. C.

The proposal submitted by United Cheese Company, Inc., is as follows:

Sorbic acid shall be permitted as an optional ingredient, in an amount not to exceed 0.2 percent of the food by weight, in each of the following foods:

§ 19.500 Cheddar cheese, cheese.
§ 19.502 Cheddar cheese for manufacturing.
§ 19.505 Washed curd cheese, soaked curd cheese.
§ 19.507 Washed curd cheese for manufacturing.
§ 19.510 Colby cheese.
§ 19.512 Colby cheese for manufacturing.
§ 19.535 Granular cheese, stirred curd cheese.
§ 19.537 Granular cheese for manufacturing.
§ 19.540 Swiss cheese, emmentaler cheese.
§ 19.542 Swiss cheese for manufacturing.
§ 19.548 Gruyere cheese.
§ 19.545 Brick cheese.
§ 19.547 Brick cheese for manufacturing.
§ 19.550 Muenster cheese, munster cheese.
§ 19.580 Monterey cheese.
§ 19.585 High-moisture jack cheese.
§ 19.590 Provolone cheese, pasta filata cheese.
§ 19.591 Caciocavallo siciliano cheese.
§ 19.615 Asiago fresh cheese, asiago soft cheese.
§ 19.655 Semisoft cheeses.
§ 19.660 Semisoft part-skim cheeses.
§ 19.750 Pasteurized process cheese.
§ 19.751 Pasteurized blended cheese.
§ 19.755 Pasteurized process cheese with fruits, vegetables, or meats.
§ 19.760 Pasteurized process pimento cheese.
§ 19.763 Pasteurized blended cheese with fruits, vegetables, or meats.
§ 19.765 Pasteurized process cheese food.
§ 19.770 Pasteurized process cheese food with fruits, vegetables, or meats.
§ 19.775 Pasteurized process cheese spread.

When sorbic acid is present in the food, the label shall bear the statement, "Sorbic acid added to retard spoilage" or "Sorbic acid added as a preservative." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement above specified, showing the presence of the optional ingredient sorbic acid, shall immediately and conspicuously precede or follow such name, without intervening written printed, or graphic matter.

The proposal submitted by Swift and Company is as follows:

1. Amend § 19.750 *Pasteurized process cheese* • • • as follows:

a. The last sentence of paragraph (a) (1) is amended to read as follows: "One or more of the optional ingredients designated in paragraph (d) (1), (2), (3), (4), (5), (6), and (7) of this section may be used."

b. Paragraph (d) is amended by adding at the end thereof the following subparagraph:

(7) Sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate, in a quantity not in excess of 0.3 percent by weight of the pasteurized process cheese.

2. In § 19.765 *Pasteurized process cheese food* • • • paragraph (c) is amended by adding thereto the following subparagraph:

(7) Sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate, in a quantity not in excess of 0.3 percent by weight of the pasteurized process cheese food.

3. In § 19.785 *Cold-pack cheese, club cheese, comminuted cheese* • • • paragraph (c) is amended by adding thereto the following subparagraph:

(6) Sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate, in a quantity not in excess of 0.3 percent by weight of the finished cold-pack cheese.

4. In § 19.787 *Cold-pack cheese food* • • • paragraph (e) is amended by adding the following subparagraph:

(7) Sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate, in a quantity not in excess of 0.3 percent by weight of the finished cold-pack cheese food.

The foregoing proposals would change the standards cited in the following respects:

They would permit the addition of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate, in a quantity not in excess of 0.3 percent by weight of the finished food in:

§ 19.750 Pasteurized process cheese.
§ 19.751 Pasteurized blended cheese.
§ 19.755 Pasteurized process cheese with fruits, vegetables, or meats.
§ 19.760 Pasteurized process pimento cheese.
§ 19.763 Pasteurized blended cheese with fruits, vegetables, or meats.
§ 19.765 Pasteurized process cheese food.
§ 19.770 Pasteurized process cheese food with fruits, vegetables, or meats.
§ 19.785 Cold-pack cheese, club cheese, comminuted cheese.
§ 19.787 Cold-pack cheese food.
§ 19.788 Cold-pack cheese food with fruits, vegetables, or meats.

Dated: September 15, 1954.

[SEAL] NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 54-7394; Filed, Sept. 20, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 308]

MARKET AGENCIES AT SIOUX CITY STOCK YARDS, SIOUX CITY, IOWA

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 26, 1953 (12 A. D. 768), authorizing the respondents to modify temporarily their schedule of rates and charges in certain respects and to assess the modified schedule to and including June 30, 1955, unless changed by further order before the latter date.

By petition filed on September 9, 1954, respondents have requested authority to modify the current schedule of rates and charges in certain respects and to continue assessing the current schedule as so modified to and including June 30, 1956. The modifications requested are as follows:

SECTION A

	Present rate per head	Proposed rate per head
Cattle:		
Consignments of 1 head and 1 head only	$1.40	$1.50
Consignments of more than 1 head:		
First 5 head in each consignment	1.15	1.20
Next 10 head in each consignment	1.10	1.15
• • •	•	•

SECTION C

Sheep:		
Consignments of 1 head and 1 head only	$0.50	$0.60
Consignments of more than 1 head:		
First 10 head in each 225 head in each consignment	.38	.40
Next 20 head in each 225 head in each consignment	.31	.33
Next 30 head in each 225 head in each consignment	.25	.27
Next 40 head in each 225 head in each consignment	.16	.18
Next 125 head in each 225 head in each consignment	.10	.12

The proposed rates and charges, if authorized, will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. It appears, therefore, that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 15th day of September, 1954.

[SEAL] AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 54-7376; Filed, Sept. 20, 1954; 8:45 a. m.]

[7 CFR Part 939]

BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

EXPENSES AND THE FIXING OF RATE OF ASSESSMENT FOR 1954-55 FISCAL PERIOD

Consideration is being given to the following proposals which were submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $23,165.00 are likely to be incurred by said committee during the fiscal period beginning July 1, 1954, and ending June 30, 1955, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid fiscal period, the rate of assessment at seven mills ($0.007) per standard western pear box of pears or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 16, 1954.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7399; Filed, Sept. 20, 1954; 8:49 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 302]

[File No. 205-4]

RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

REASONABLE AND REPRESENTATIVE TESTS OF CERTAIN TEXTILE FABRICS

Notice is hereby given all interested parties that the Federal Trade Commission will on the 7th day of October 1954, at its offices in the City of Washington, District of Columbia, give consideration to an amendment of Rule 7 (a) (2) of the regulations under the Flammable Fabrics Act.

Interested parties may participate by submitting in writing to the Commission on or before such date, their views, arguments or other pertinent data.

Such action is taken pursuant to the authority given the Federal Trade Commission under section 5 (c) of the Flammable Fabrics Act (Pub. Law 88, 83d Cong., Ch. 164, 1st Sess., 67 Stat. 111) "to prescribe such rules and regulations as may be necessary and proper for purposes of administration and enforcement of this Act."

The matters to be considered are an amendment of § 302.7 (a) (2) (i) (Rule 7 (a) (2) (i)) which would hereafter read:

(i) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, such fabric exhibits a burning time of between 3½ and 6 seconds, both inclusive, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at intervals of not more than three months thereafter while in production.

and the addition of a new subdivision (iv) to § 302.7 (a) (2) (Rule 7 (a) (2)) to read:

(iv) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, such fabric ignites but the flame is extinguished before the stop card is burned, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at least once at intervals of not more than one year thereafter while in production.

Issued: September 17, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-7404; Filed, Sept. 20, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary

JACOB RABINOW

GRANT OF LICENSE UNDER FOREIGN PATENT

Under the authority of Executive Order 9865, as amended by Executive Order 10096, and pursuant to delegation of authority from the Chairman, Government Patents Board, contained in § 302.5 (a) of Administrative Order Number 7 of June 24, 1954 (19 F. R. 3938), I determine and proclaim it to be inconsistent with the public interest to issue, on a non-exclusive basis, a license under United Kingdom Patent No. 649553. After careful consideration, I have found that the grant of an exclusive royalty-free license to one Jacob Rabinow, under the said United Kingdom Patent No. 649553, would be consistent with the public interest. This determination is made after careful consideration upon the basis of the offer of several reciprocal commitments by Rabinow, including an offer to grant licenses to the United States Government under a substantial number of existing patents and future patents to be obtained on improvements, and a finding that grant of an exclusive license to Rabinow may support defense production.

I therefore have designated and authorized John Cawley Green, an official of the Department of Commerce, to execute an exclusive royalty-free license to said Rabinow under terms and conditions deemed appropriate in pursuance of this determination.

Dated: September 14, 1954.

WALTER WILLIAMS, *Acting Secretary of Commerce.*

Approved:

ARCHIE M. PALMER, *Chairman, Government Patents Board.*

[F. R. Doc. 54-7390; Filed, Sept. 20, 1954; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OIL AND GAS LEASE OFFER

OUTER CONTINENTAL SHELF OFF TEXAS

SEPTEMBER 17, 1954.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Director, Bureau of Land Management, Washington 25, D. C., will be received on or before November 9, 1954, at 11 a. m., e. s. t., for the lease of oil and gas in certain areas of the outer Continental Shelf, Gulf of Mexico, adjacent to the State of Texas. Bids will be opened in the Office of the Director. Bids received by mail or delivered in person after the above specified time will not be considered.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21, and 201.22. Bidders are warned against violation of section 1860, Title 18, U. S. Code, prohibiting unlawful combination or intimidation of bidders. Bidders must submit with each bid one-fifth of the amount bid in cash or by cashier's check, bank draft, certified check, or money order payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a rental or minimum royalty of $3 per acre or fraction thereof.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $15 per acre will be considered. Oil payment, overriding royalty logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered. The tract numbers shown are assigned only for the purposes of this sale and are not the same as block numbers designated on the official leasing map. A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Texas (insert number of tract), not to be opened until 11 a. m., e. s. t., November 9, 1954." The right is reserved to reject any or all bids. The tracts offered for bid are as follows:

MUSTANG ISLAND OFFICIAL LEASING MAP NO. 3

Tract No.	Acreage	Block	Description
Texas 1	5,613.73	725	All
Texas 2	5,582.96	726	All
Texas 3	5,552.01	727	All
Texas 4	5,760	741	All
Texas 5	5,760	742	All
Texas 6	5,760	743	All

MATAGORDA ISLAND OFFICIAL LEASING MAP NO. 4

Texas 7	5,760	716	All
Texas 8	5,760	717	All
Texas 9	2,880	718	E½

HIGH ISLAND OFFICIAL LEASING MAP NO. 7

Tract No.	Acreage	Block	Description
Texas 10	1,440	33	SW¼
Texas 11	1,440	33	SE¼
Texas 12	1,440	51	NE¼
Texas 13	1,440	51	NW¼
Texas 14	1,440	51	SW¼
Texas 15	1,440	51	SE¼
Texas 16	1,440	52	NE¼
Texas 17	1,440	52	NW¼
Texas 18	1,440	52	SW¼
Texas 19	1,440	52	SE¼
Texas 20	1,440	53	SW¼
Texas 21	1,440	53	SE¼
Texas 22	1,440	67	NE¼
Texas 23	1,440	67	NW¼
Texas 24	1,440	67	SW¼
Texas 25	1,440	67	SE¼
Texas 26	1,440	68	NE¼
Texas 27	1,440	68	NW¼
Texas 28	1,440	68	SW¼
Texas 29	1,440	68	SE¼
Texas 30	1,440	69	NE¼
Texas 31	1,440	69	NW¼
Texas 32	1,440	69	SW¼
Texas 33	1,440	69	SE¼
Texas 34	5,760	108	All
Texas 35	5,760	109	All
Texas 36	5,760	130	All
Texas 37	5,760	139	All
Texas 38	5,760	140	All
Texas 39	5,760	155	All
Texas 40	5,760	156	All

Bidders are requested to submit their bids in the following form:

Director,
Bureau of Land Management,
Department of the Interior,
Washington 25, D. C.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the outer Continental Shelf specified below:

Area ..... Official Leasing Map No ....

Tract No.	Total amount bid	Amount per acre	Amount submitted with bid

..... (Signature)

..... (Address)

Important. The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or blank draft.

A separate bid must be made for each tract.

EDWARD WOOZLEY, *Director.*

[F. R. Doc. 54-7420; Filed, Sept. 20, 1954; 8:53 a. m.]

Office of the Secretary

OREGON

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS AS MATERIAL SITE AND FOR TIMBER ACCESS ROAD [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

FRED G. AANDAHL, *Acting Secretary of the Interior.*

SEPTEMBER 14, 1954.

[F. R. Doc. 54-7380; Filed, Sept. 20, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2583]

SOUTHERN PRODUCTION CO., INC.

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 15, 1954.

Take notice that Southern Production Company, Inc. (Applicant), a Delaware corporation with its principal office in Fort Worth, Texas, filed, on August 27, 1954 (under protest), an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, and the Commission's order issued August 6, 1954 (No. 174-A), authorizing Applicant to sell natural gas, subject to the jurisdiction of the Commission, all as more fully represented in its application.

The application recites that Applicant produces gas from the (1) Logansport Field and Joaquin Field, De Soto Parish, Louisiana, and Shelby County, Texas, (2) Duck Lake Field and Lake Sand Field in Iberia, St. Martin and St. Mary Parishes, Louisiana, (3) Carthage Field, Pamola County, Texas, (4) Akron Field in Washington, and Yuma Counties, Colorado, (5) Gibson Field in Terrebonne Parish, Louisiana, (6) Baxterville Field in Marion, and Lamar Counties, Mississippi, (7) Soso Field in Jones County, Mississippi, (8) Otstot Field in Kay County, Oklahoma, (9) Barnhart Field in Reagan County; Kelly-Snyder Field (Sacroc Unit) in Scurry County; North Lansing Field in Harrison County; Panhandle Field in Hutchinson County; Rudman Field in Bee County; Waskom Field in Harrison County; and Willow Springs Field in Gregg County; all in Texas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of October 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-7382; Filed, Sept. 20, 1954; 8:46 a. m.]

[1] See Title 43, Chapter I, Appendix C, PLO 1009, *supra.*

CIVIL AERONAUTICS BOARD

[Order No. E-8632]

PAN AMERICAN WORLD AIRWAYS, INC. ET AL.

IATA CONDITIONS OF CARRIAGE FOR PASSENGERS AND CARGO; MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 16th day of September 1954.

In the matter of certain resolutions adopted at the Traffic Conference Meetings of the International Air Transport Association (I. A. T. A.) at Honolulu between Pan American World Airways, Inc. various air carriers, foreign carriers, and other carriers relating to conditions of carriage and related traffic regulations. Agreement C. A. B. No. 7648 R-18, 81, 82 and 107; Agreement C. A. B. No. 2698 R-23 et al. (Order No. E-3230).

Order No. E-8543, issued August 5, 1954, among other matters, made a tentative finding that approval of Article 18 (5) of the Conditions of Carriage—Passengers and Baggage and continued approval of Article 4 (d) of Conditions of Contract—Passenger Ticket would be adverse to the public interest in that the limitations of liability for loss or damage to baggage was unreasonably low and that the minimum should be raised at least to the levels set forth in the Warsaw Convention. It now appears that there is in effect a resolution, Baggage Excess Value Charge (120/312, 240/312, 330/312, and JT 123(2)/312)[1] by which the carriers in effect agree to impose the same limitations as the Conditions of Carriage—Passengers and Baggage and Conditions of Contract—Passenger Ticket. Continued approval of Resolution 312, insofar as it applies to air transportation as defined in the act, would similarly appear to be adverse to the public interest and in violation of the act.

It further appears that Paragraph E-3 of the Appendix to Order No. E-8543 contains a typographical error in that it refers to Article 19 (4) and (5) of Conditions of Carriage—Passengers and Baggage, rather than Article 18 (4) and (5), the correct reference.

Accordingly, it is ordered, That:

1. Order No. E-8543 be amended:

(a) By changing "19 (4) and (5)" in Paragraph E of the Appendix to "18 (4) and (5)."

(b) By adding Paragraph H to the Appendix to read as follows:

H. *Baggage Excess Value Charge (120/312, 240/312, 330/312, JT 123 (2)/312 as previously approved by Orders Nos. E-2452, E-2453, E-2454 and E-2455).* Insofar as the provisions of this resolution apply in air transportation, continued approval thereof appears to be adverse to the public interest and in violation of the Act for the reasons stated with respect to Article 18 (5) of Conditions of Carriage — Passengers and Baggage.

(c) By changing "and F-3" in numbered Paragraph 2 of the tentative conclusions to "F-3 and H."

2. Copies of this order be served on all air carrier parties to this agreement.

3. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-7396; Filed, Sept. 20, 1954; 8:49 a. m.]

[1] Approved by Orders Nos. E-2452, E-2453, E-2454, and E-2455, issued February 10, 1949.

[Docket No. 6050]

BRANIFF AIRWAYS, INC.; CERTIFICATES RENEWAL, ROUTE NO. 106

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 14, 1954, at 10:00 a. m. in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 15, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-7397; Filed, Sept. 20, 1954; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request 26—DPAV-34 (d)]

AUTO SPECIALITIES MFG. CO., INC., ET AL.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON CONVENTIONAL ARTILLERY AND MORTAR SHELL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are herewith published the following additions to the list of companies which have accepted the request to participate in the activities of an Army Ordnance Integration Committee on Conventional Artillery and Mortar Shell in accordance with the voluntary plan entitled, "Plan and Regulations of Ordnance Corps Governing the Integration

Committee on Conventional Artillery and Mortar Shell," dated September 28, 1951, as amended. The request to participate in the amended voluntary plan and a list of companies accepting such request were published in 19 F. R. 962, on February 18, 1954. An additional list of acceptances was published in 19 F. R. 3448, on June 11, 1954.

ACCEPTANCES

Auto Specialties Manufacturing Co., Inc., 643 Graves Street, Saint Joseph, Mich.

The Central Foundry Company, Holt, Ala.

Cribben and Sexton Company, 700 North Sacramento Boulevard, Chicago 12, Ill.

Doehler Metal Furniture Co., Inc., 192 Lexington Avenue, New York 16, N. Y.

Kilgore, Inc., Westerville, Ohio.

Kwikset Locks, Inc., 516 East Santa Ana Street, Anaheim, Calif.

Pressed Steel Car Co., Inc., Rockford Ordnance Division, Rockford, Ill.

The Yoder Company, 5500 Walworth Avenue, Cleveland 2, Ohio.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10460, August 14, 1953, 18 F. R. 4939)

Dated: September 16, 1954.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-7421; Filed, Sept. 17, 1954; 12:31 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-417]

AMERICAN ANNUITY SAVINGS ASSOCIATION

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE INVESTMENT COMPANY

SEPTEMBER 14, 1954.

Notice is hereby given that American Annuity Savings Association ("American Annuity"), East Lansing, Michigan, a Michigan corporation and a registered face-amount certificate company, has filed an application pursuant to section 8 (f) of the act for an order declaring that American Annuity has ceased to be an investment company under the act.

American Annuity had outstanding $1,600,000 of face-amount certificates in or about May, 1954, but the company had not sold any such securities since 1943. In order to accomplish, in effect, a change of its business to that of a life insurance company, American Annuity adopted a program providing for a successor, American Annuity Life Insurance Company ("New Company"), a Michigan corporation which has since been authorized to do a life insurance business in Michigan, and which the Commission, by its order dated June 2, 1954 (Investment Company Act Release No. 1984), has exempted from the provisions of section 7 (a) of the act, subject to certain conditions.

The application states that, pursuant to the program for effecting the transition to the business of a life insurance company, the following transactions have been consummated: (1) American Annuity has transferred all its assets to New Company in exchange for the capital stock of New Company; (2) in connection with such transfer of assets, New Company has assumed all the liabilities of American Annuity including the liabilities and obligations on the face-amount certificates, and New Company has been substituted for American Annuity as a party to the agreement providing for deposit of assets with American State Savings Bank, Lansing, Michigan, in accordance with sections 28 (a) and (b) of the act; (3) the capital stock of New Company has been distributed pro-rata to the stockholders of American Annuity in exchange for the capital stock of American Annuity; and (4) the capital stock of American Annuity has been cancelled and American Annuity has been dissolved. The application also states that the foregoing program, including the transfer of assets of American Annuity and its dissolution, was approved at special meetings of the stockholders of American Annuity held on November 25, 1953 and June 12, 1954, and that American Annuity has ceased to do business of any kind.

Section 8 (f) of the act provides, in part, that whenever the Commission on application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 29, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-7313; Filed, Sept. 17, 1954; 8:45 a. m.]

[File No. 31-618]

ONEIDA LTD.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION FROM PROVISIONS OF ACT

SEPTEMBER 15, 1954.

Notice is hereby given that Oneida Ltd. ("Oneida") has filed with this Commission an application under section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act") for exemption from the provisions of the act.

All interested persons are referred to the application on file in the office of the Commission for a statement of the basis for the request for exemption, which is summarized below.

Oneida, a New York corporation engaged in the manufacture and sale of silver plate, sterling and stainless steel tableware, and certain defense products, contemplates the acquisition of all of the common stock (326 shares of $100 par value each) of The Sherrill-Kenwood Power & Light Company ("Sherrill-Kenwood"), a New York corporation organized in June 1953 to acquire the property and assets of The Kenwood Electric Light Company ("Kenwood"), a proprietorship engaged in furnishing electric service in the City of Sherrill and in parts of the City of Oneida and the Town of Vernon, contiguous communities in the State of New York in the area surrounding Oneida's manufacturing plant. Upon consummation of the contemplated transactions Sherrill-Kenwood will be an electric utility company as defined in section 2 (a) (3) of the act, and Oneida will be a holding company as defined in section 2 (a) (7) of the act.

It is stated that Oneida purchases large quantities of electric energy from Niagara Mohawk Power Company for use in its manufacturing plants and that the reason for the proposed acquisition of the common stock of Sherrill-Kenwood by Oneida is to insure the continuance of an arrangement under which Oneida, in order to procure its electric energy requirements more economically, purchases electric energy in excess of its own requirements and sells the surplus to Kenwood for resale to residential customers in the area surrounding the plant of Oneida.

The application states that the net income to Oneida from charges to Kenwood when added to the net income of Kenwood, which would eventually be available to Oneida as dividends from Sherrill-Kenwood, amounts to less than 0.75 percent of Oneida's net income in any of the past five calendar years.

The New York Public Service Commission has authorized the acquisition by Sherrill-Kenwood of the property and assets of Kenwood and the issuance by Sherrill-Kenwood to, and the acquisition by Oneida of, not to exceed 326 shares of $100 par value common stock.

Notice is further given that any interested person may not later than September 30, 1954, file in writing a request that a hearing be held in respect of the above matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant the application, as filed or as amended, or the Commission may take such other action, including the granting of an exemption under section 3 (a) (1) of the act, in respect of the application as is deemed appropriate.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-7389; Filed, Sept. 20, 1954; 8:47 a. m.]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

NOTICE OF AND ORDER DENYING MOTIONS OF CERTAIN FEE APPLICANTS AND POSTPONING HEARING

SEPTEMBER 15, 1954.

In the matter of Standard Gas and Electric Company, File No. 54-72; Standard Gas and Electric Company and Philadelphia Company, File Nos. 54-191, 54-199; Philadelphia Company and Standard Gas and Electric Company, File No. 54-173.

The law firms of Guggenheimer & Untermyer of New York, New York, Guggenheimer, Untermyer, Goodrich & Amram of Washington, D. C., and Connolly, Cooch & Bove of Wilmington, Delaware (hereinafter referred to, collectively, as "Guggenheimer & Untermyer"), having heretofore filed a joint application for an allowance of fees and expenses in connection with services rendered in the above-entitled proceedings filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Standard Gas and Electric Company ("Standard Gas") and its subsidiary, Philadelphia Company ("Philadelphia"), both registered holding companies, to enable Standard Gas and Philadelphia to effectuate compliance with section 11 (b) of the act;

Standard Gas having filed on May 5, 1954, a motion requesting that the Commission require separate statements and evaluations of services by Guggenheimer & Untermyer as a supplement to the aforesaid joint application and Guggenheimer & Untermyer on May 27, 1954, having filed their answer to the aforesaid motion by Standard Gas and a cross-motion requesting that the Commission require the filing by Standard Gas of a detailed responsive pleading and for other relief;

By order dated September 3, 1954 (Holding Company Act Release No. 12643) the Commission having granted, in part, the cross-motion filed by Guggenheimer & Untermyer and having ordered that oral argument be held in connection with the aforesaid motion and cross-motion;

Pursuant to due notice the Commission having heard oral argument of counsel on behalf of Standard Gas and counsel for Guggenheimer & Untermyer;

The Commission by order dated May 14, 1954 (Holding Company Act Release No. 12496) having directed, among other things, that a hearing be held on the aforesaid application of Guggenheimer & Untermyer and having by subsequent order postponed the hearing to October 13, 1954, and having been requested to further postpone said hearing to November 15, 1954;

The Commission having considered the aforesaid motion by Standard Gas, the answer thereto, the cross-motion by Guggenheimer & Untermyer, and the briefs and oral arguments in support thereof and deeming it appropriate in the public interest and in the interest of investors that the following action be taken in connection with the aforesaid motions:

Notice is hereby given and it is ordered:

1. That the aforesaid motion of Standard Gas filed on May 5, 1954, and the cross-motion filed by Guggenheimer & Untermyer on May 27, 1954, be, and the same hereby are, denied in all respects except insofar as the Commission has heretofore granted, in part, the said cross-motion of Guggenheimer & Untermyer by its aforesaid order dated September 3, 1954.

2. That the hearing in respect of the application for allowances of fees and expenses filed by Guggenheimer & Untermyer heretofore scheduled for October 13, 1954, be, and the same hereby is, postponed to November 15, 1954, at 10 a. m. at the office of the Commission, 425 Second Street, Washington, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which the hearing will be held.

3. That the hearing officer heretofore designated to preside at the hearing scheduled to be held on October 13, 1954, shall preside at such postponed hearing.

4. That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Standard Power and Light Corporation, Standard Gas and Electric Company, Philadelphia Company, Guggenheimer & Untermyer, Guggenheimer, Untermyer, Goodrich & Amram, and Connolly, Cooch & Bove; and that notice of the entry of this notice and order shall be given to all other persons by general release of the Commission which shall be distributed to the press and mailed to the mailing list of releases under the act and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-7388; Filed, Sept. 20, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29690]

SAND, GROUND OR PULVERIZED, BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent for carriers parties to Grand Trunk Western Railroad Company tariff I. C. C. No. A-77 and other tariffs.

Commodities involved: Sand, ground or pulverized, carloads.

Between: Points in official territory including extended zone "C" in Wisconsin.

Grounds for relief: Rail competition, circuity, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Schedules have been filed to become effective October 15, 1954. Applicants have been requested to amend application to list proposed schedules.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7383; Filed, Sept. 20, 1954; 8:46 a. m.]

[4th Sec. Application 29691]

CIGARETTES AND MANUFACTURED TOBACCO FROM DURHAM AND WINSTON-SALEM, N. C., TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

SEPTEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cigarettes and manufactured tobacco, carloads.

From: Durham and Winston-Salem, N. C.

To: Louisville, Ky.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1156, supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7384; Filed, Sept. 20, 1954; 8:46 a. m.]

[4th Sec. Application 29692]

CARBONATE OF CALCIUM FROM LUDINGTON, MICH., TO NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules listed below.

Commodities involved: Calcium, carbonate of, carloads.

From: Ludington, Mich.

To: Specified points in trunk line and New England territories.

Grounds for relief: Rail competition, circuity, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4542, supp. 80; Chesapeake and Ohio Railway Company, I. C. C. No. 13168, supp. 184.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7385; Filed, Sept. 20, 1954; 8:47 a. m.]

FEDERAL REGISTER

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Washington, Wednesday, September 22, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10562

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by Title I of the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Order No. 10292 of September 25, 1951, and constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Subparagraphs (3) and (4) of paragraph (b) of § 1622.25 of Part 1622, *Classification Rules and Principles*, are amended to read as follows:

(3) (i) The registrant has been accepted after July 1, 1951, for admission by a graduate school to a class commencing before January 1, 1955, and which is the first such class commencing after the date of his acceptance, for a full-time course of instruction as a candidate for a graduate degree and, if such class has commenced, has entered upon such course before January 1, 1955, and (ii) the registrant in his last full-time undergraduate academic year at a college, university, or similar institution of learning achieved a scholastic standing on that year's work which ranked him for that year within the upper one-half of the full-time male students in his class or has attained a score of 75 or more on the qualification test prescribed by the Director of Selective Service pursuant to paragraph (c) of this section, and (iii) the graduate school at which the registrant is in attendance has certified that he currently is meeting degree requirements and is expected to attain his degree.

(4) (i) The registrant has been accepted after July 1, 1951, for admission by a professional school of medicine, dentistry, veterinary medicine, osteopathy, optometry, pharmacy, chiropractic, or chiropody to the first class commencing after the date he completed the requirements for admission and, if such class has commenced, has entered such school, and (ii) the registrant in his last full-time academic year at a college, university, or similar institution of learning prior to his entrance into such professional school achieved a scholastic standing on that year's work which ranked him for that year within the upper one-half of the full-time male students in his class or has attained a score of 70 or more on the qualification test referred to in subparagraph (3) of this paragraph, and (iii) the school at which the registrant is in attendance has certified that he is satisfactorily pursuing a full-time course of instruction leading to his graduation.

2. Paragraph (b) of § 1622.25 of Part 1622 is further amended by redesignating subparagraphs (5), (6), (7), and (8) as subparagraphs (6), (7), (8), and (9), respectively, and by adding a new subparagraph (5) reading as follows:

(5) (i) The registrant has been accepted for admission by a graduate school to a class commencing on or after January 1, 1955, and which is the first such class commencing after the date he has completed the requirements for admission, for a full-time course of instruction as a candidate for a graduate degree and, if such class has commenced, has entered upon such course, and (ii) the registrant in his last full-time undergraduate academic year at a college, university, or similar institution of learning achieved a scholastic standing on that year's work which ranked him for that year within the upper one-fourth of the full-time male students in his class or has attained a score of 80 or more on the qualification test referred to in subparagraph (3) of this paragraph, and (iii) the graduate school at which the registrant is in attendance has certified that he currently is meeting degree requirements and is expected to attain his degree.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 20, 1954.

[F. R. Doc. 54-7501; Filed, Sept. 21, 1954, 11:46 a. m.]

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FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter A—General Regulations and Policies

PART 501—STATEMENT OF POLICY REGARDING DISPOSAL OF COMMODITIES UNDER SECTION 416 OF THE AGRICULTURAL ACT OF 1949, AS AMENDED, (THIRD REVISION)

The regulations (18 F. R. 4871) for the disposal of commodities under section 416 of the Agricultural Act of 1949, Public Law 439, 81st Congress, as amended by the Agricultural Trade Development and Assistance Act of 1954, Public Law 480, 83d Congress, are hereby revised and reissued to read as follows:

Sec.
501.101 General purpose and scope.
501.102 Administration.
501.103 Domestic donations.
501.104 Foreign donations.
501.105 General conditions.
501.106 Disqualification clause.
501.107 Saving clause.

AUTHORITY: §§ 501.101 to 501.107 issued under sec. 416, 63 Stat. 1058 as amended, sec. 302, Pub. Law 480, 83d Cong., 7 U. S. C. 1431.

§ 501.101 *General purpose and scope.* (a) This part announces the policies with respect to disposals under section 416, as amended, of commodities acquired through price support operations by the Commodity Credit Corporation (hereinafter referred to as CCC), and sets forth general requirements indicating how agencies can qualify and obtain commodities which may be made available for disposition.

(b) Section 416 reads as follows:

In order to prevent the waste of commodities acquired through price-support operations by the Commodity Credit Corporation before they can be disposed of in normal domestic channels without impairment of the price-support program or sold abroad at competitive world prices, the CCC is authorized, on such terms and under such regulations as the Secretary may deem in the public interest: (1) Upon application, to make such commodities available to any Federal agency for use in making payment for commodities not produced in the United States; (2) to barter or exchange such commodities for strategic or other materials as authorized by law; (3) in the case of food commodities to donate such commodities to the Bureau of Indian Affairs and to such State, Federal, or private agency or agencies as may be designated by the proper State or Federal authority and approved by the Secretary, for use in the United States in nonprofit school-lunch programs, in the assistance of needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served; and (4) to donate any such food commodities in excess of anticipated disposition under (1), (2), and (3) above to nonprofit voluntary agencies registered with the Committee on Voluntary Foreign Aid of the Foreign Operations Administration or other appropriate department or agency of the Federal Government and intergovernmental organizations for use in the assistance of needy persons outside the United States. In the case of (3) and (4) above the Secretary shall obtain such assurance as he deems necessary that the recipients thereof will not diminish their normal expenditures for food by reason of such donation. In order to facilitate the appropriate disposal of such commodities, the Secretary may from time to time estimate and announce the quantity of such commodities which he anticipates will become available for distribution under (3) and (4) above. The Commodity Credit Corporation may pay, with respect to commodities disposed of under this Section, reprocessing, packaging, transportation, handling, and other charges accruing up to the time of their delivery to a Federal agency or to the designated State or private agency, in the case of commodities made available for use within the United States, or their delivery free alongside ship or free on board export carrier at point of export, in the case of commodities made available for use outside the United States. For the purpose of this section the terms "State" and "United States" include the District of Columbia and any Territory or Possession of the United States.

§ 501.102 *Administration.* (a) The Commodity Stabilization Service (hereinafter referred to as CSS) of the U. S. Department of Agriculture, will be responsible for dispositions of commodities under (1) and (2) of section 416, and the Agricultural Marketing Service (hereinafter referred to as AMS) of the U. S. Department of Agriculture, will be responsible for dispositions of food commodities under (3) and (4) of section 416.

(b) Federal agencies interested in obtaining commodities for use in making payment for commodities not produced in the United States under (1) of section 416 should make written request to the Deputy Administrator for Price Support, CSS, USDA, Washington, D. C.

(c) Persons or agencies interested in bartering or exchanging strategic or other materials for commodities under (2) of section 416 should communicate with the Food and Materials Requirements Division, Stockpile and Barter Branch, CSS, USDA, Washington, D. C.

(d) Donations of food commodities under (3) and (4) of section 416 will be made by the Food Distribution Division, AMS, in accordance with the following sections.

§ 501.103 *Domestic donations.* (a) Available food commodities will be donated to the Bureau of Indian Affairs and to State, Federal, or private agencies for use in the United States in nonprofit school lunch programs, in the assistance of needy persons and in charitable institutions, including hospitals, to the extent that needy persons are served.

(b) A State, Federal, or private agency may become eligible as the distributing agency of Federally donated commodities upon designation by proper State or Federal authority and approval by the Food Distribution Division, AMS. In those States where State agencies are not permitted by law to designate private agencies as distributing agencies, private agencies may apply directly to the appropriate Area Office for approval. State and Federal agencies which are now approved by the Food Distribution Division, AMS, for the receipt of Federally donated commodities will not be required to obtain further designation or approval.

(c) Interested agencies desiring information concerning the program may make written request to the following Area Offices:

Northeast Area: Food Distribution Division, AMS, USDA, 139 Centre Street, Room 802, New York 13, N. Y.: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.

Southeast Area: Food Distribution Division, AMS, USDA, 50 Seventh Street NE., Room 252, Atlanta, Ga.: Florida, Georgia, North Carolina, South Carolina, Virginia, Tennessee, Mississippi, Kentucky, Alabama, Puerto Rico, and the Virgin Islands.

Southwest Area: Food Distribution Division, AMS, USDA, 1114 Commerce Street, Room 1812, Dallas 2, Tex.: Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas.

Midwest Area: Food Distribution Division, AMS, USDA, 226 West Jackson Blvd., Room 1412, Chicago 6, Ill.: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

Western Area: Food Distribution Division, AMS, USDA, Room 404 Appraisers Bldg., 630 Sansome Street, San Francisco 11, Calif.: Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, Wyoming, Utah, Alaska, and Hawaii.

(d) As commodities become available, the Area Offices of the Food Distribution Division, AMS, will notify the approved distributing agencies regarding the commodities and terms and conditions of donation and distribution.

§ 501.104 *Foreign donations.* (a) Available food commodities will be donated to nonprofit voluntary agencies registered with the Committee on Voluntary Foreign Aid of the Foreign Operations Administration or other appropriate department or agency of the Federal Government and to intergovernmental organizations, for use in the assistance of needy persons outside the United States.

(b) An intergovernmental organization is an agency sponsored and supported by the United Nations Organization, or two or more nations, one of which is the United States of America.

(c) Interested agencies and organizations desiring information concerning the program may make written request to the Food Distribution Division, AMS, U. S. Department of Agriculture, Washington 25, D. C.

(d) As commodities are determined to be available, the Food Distribution Division, AMS, will issue to interested agencies and organizations announcements of availability regarding the commodities and terms and conditions of donation and distribution.

§ 501.105 *General conditions.* (a) The quantities of commodities to be made available for donation under (3) and (4) of section 416 will be determined with regard to other statutory and program obligations of the CCC, and will be such as can be affectively distributed in furtherance of the objectives of section 416 without interference with domestic or foreign trade. Proration, if necessary, of available commodities among eligible agencies and intergovernmental organizations will be made so as to avoid duplicate donations in particular countries, and to effect distribution on as broad and equitable a basis as is possible compatible with efficient operations.

(b) Dispositions under (1), (2), and (3) of section 416 will have priority over donations for use in the assistance of needy persons outside the United States.

(c) Agencies and intergovernmental organizations receiving food commodities under (3) and (4) of section 416 will be required to agree to such terms and conditions as AMS specifies in announcements of availability and formal agreements governing their disposition. As a minimum, such terms and conditions will include the following:

(1) Agencies and intergovernmental organizations will not diminish their normal expenditures for food because of the receipt of donated commodities and will distribute the donated foods in a manner which will assure that the recipients thereof will not diminish their normal expenditures for food by reason of such donation.

(2) Agencies and intergovernmental organizations will provide or cause to be provided proper facilities for the handling, storage and disposal of donated commodities.

(3) Agencies and intergovernmental organizations will be responsible for noncommercial distribution of food commodities free of cost only to eligible recipients. In the case of donations for use outside the United States, distribution will be made only in nations agreed upon in the respective contracts of donation and only in friendly nations as defined in the Agricultural Trade Development and Assistance Act of 1954, and will be supervised by United States citizens representing the agency and residing in the country of distribution at the time the program is in operation.

(4) Agencies and intergovernmental organizations will maintain adequate records of distribution and submit reports as directed, and such records will be open for inspection by USDA at any reasonable time.

(d) The description of commodity or product thereof available for donation will be set forth in the notification or announcement of availability furnished eligible agencies or intergovernmental organizations. Commodities donated will be delivered at the points agreed upon in the contract of donation. Unless otherwise agreed upon in the contract of donation, all reprocessing, packaging, handling, transportation and other charges accruing prior to delivery will be for the account of the CCC and all charges accruing subsequent to delivery will be for the account of the agency or intergovernmental organization.

(e) The recipients named under subparagraphs (1), (2), and (3) of this paragraph will be eligible to receive foods under (3) of section 416; recipients named under (2) will be eligible under (4) of section 416:

(1) *Nonprofit school lunch programs.* School lunch programs, which are operated without profit by public or nonprofit private schools of high school grade or under for the purpose of serving lunches to children attending such schools, are eligible.

(2) *Needy persons.* Needy persons are those who by virtue of their personal economic status are in need of food assistance, and may include the following:

(i) *Public assistance recipients.* Persons who are the recipients of, or have been declared eligible to receive financial or other assistance provided for the needy by any governmental agency, and persons receiving assistance or benefits under programs of old-age assistance, aid to dependent children, aid to the blind, aid to the permanently and totally disabled, or similar programs provided for in the Social Security Act or similar acts of foreign governments.

(ii) *Private assistance recipients.* Persons who are the recipients of, or have been declared eligible to receive, financial or other assistance provided for the needy by private charitable agencies and institutions.

(iii) *Other needy persons.* Unemployed, part-time employed or other persons, including Indians, whose incomes are so low as to result in their having need for additional assistance in obtaining food.

In the case of donations of food commodities for use within the United States, needy persons must be certified as such by a state or local public welfare agency (including the Bureau of Indian Affairs). In the case of donations of food commodities for use outside the United States, needy persons will be determined by a qualified agency of the foreign nation or by the nonprofit voluntary agency or intergovernmental organization making distribution.

(3) *Charitable Institutions and Hospitals.* Nonpenal, public or private charitable institutions, including hospitals, are eligible to the extent of the needy persons served who are unable to pay the full charge for services provided to them.

(f) The terms "State" and "United States" include the District of Columbia and any Territory or Possession of the United States.

§ 501.106 *Disqualification clause.* Any agency or intergovernmental organization receiving food commodities under (3) and (4) of section 416, may be disqualified from future participation if it fails to comply with the provisions of this part or of any notices, instructions, announcements, or contracts issued pursuant to this part. This shall not preclude USDA from taking other action through other available means when considered necessary. Fraud in the acquisition, handling, or disposition of food commodities under section 416 will be subject to prosecution under applicable Federal statutes.

§ 501.107 *Saving clause.* Any or all of the provisions of this part may be waived, withdrawn or amended at any time.

Effective date. This part shall become effective immediately upon issuance.

Approved: September 17, 1954.

[SEAL] J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7433; Filed, Sept. 21, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR CROP YEAR BEGINNING JULY 1, 1954

Notice of proposed rule making with respect to the expenses of the Almond Control Board for the crop year beginning July 1, 1954, and the rate of assessment in that connection, was published in the FEDERAL REGISTER of August 26, 1954 (19 F. R. 5445). This action was taken pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR, 1953 Rev., Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final administrative rule. No such documents were received during the time specified in the notice.

After consideration of all relevant matters it is hereby found and determined that the budget of expenses of the Almond Control Board and rate of assessment should be as follows:

§ 909.304 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1954*—(a) *Budget of expenses.* For the crop year beginning July 1, 1954, expenses in the amount of $35,699.77 are reasonable and likely to be incurred by the Almond Control Board for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the crop year beginning July 1, 1954, shall be, in lieu of the rate of assessment specified in § 909.121 (a) of said agreement and order, ten-hundredths (0.10) of a cent for each pound of edible almond kernels received by each handler for his own account, except as to receipts from other handlers on which assessments have been paid.

It is hereby found and determined that good cause exists for making this section effective upon its publication in the FEDERAL REGISTER, instead of waiting 30 days after such publication, for the reasons that: (1) The action will apply to all almonds which handlers receive during the current crop year which began on July 1, 1954, and no useful purpose would be served by delaying such effective date; (2) the making of such action effective promptly upon publication will serve a useful purpose in that all parties affected will receive definite official notice as early as practicable with respect to the matter and making of assessment collections will be facilitated; (3) prior notice of such action was given all interested parties in the notice of proposed rule making which was published on August 26, 1954, which rule is now being adopted; and (4) no advance or special preparation for operations hereunder will be needed.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 16th day of September 1954 to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-7417; Filed, Sept. 21, 1954; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 36]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B–VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 5207, 5604), which contains a notice of the areas in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines such areas because of said disease, is hereby further amended in the following respects:

1. Subdivisions (viii) and (ix) of subparagraph (2) of paragraph (d), relating to Bristol County in Massachusetts, are amended to read:

(viii) That part of the Town of Seekonk lying north of County Street, south of Chestnut Street, west of Hammond Street, and east of Arcade Avenue and Mill Road; that part of the Town of Seekonk lying north of Ledge Road and Jacobs Street, south of Woodward Avenue, east of Runnins River, and west of Prospect Street; and that part of the Town of Seekonk lying south of County Street, north of Anthony Street, west of Bradley and Asylum Streets, and east of Olney Street; and

(ix) That part of the Town of Westport lying south of U. S. Route No. 6, north of State Route No. 117, east of Bread and Cheese Brook, and west of Forge Road; and that part of the Town of Westport lying south of Old Bedford Road, north of the New York, New Haven & Hartford Railroad, and east of Davis Road.

2. Subdivision (iii) of subparagraph (5) of paragraph (d), relating to Middlesex County in Massachusetts, is amended to read:

(iii) That part of the Town of Dracut lying north of Wheeler Road, and south and east of State Route No. 113.

3. Subdivision (xxiii) of subparagraph (5) of paragraph (d), relating to Middlesex County in Massachusetts, is deleted.

4. Subparagraph (1) of paragraph (e), relating to New Jersey, is amended to read:

Counties.

(1) Bergen, Camden, and Hunterdon

5. A new subparagraph (9) is added to paragraph (e), relating to Gloucester County in New Jersey, to read:

(9) All of Gloucester County except that part of Deptford Township lying south and east of Little Timber Creek, west of the Westville-Almonesson Road, and north of a line perpendicular to the Westville-Almonesson Road, said line beginning at a point on the Westville-Almonesson Road 300 feet north of the New Jersey Turnpike right-of-way, running in a westerly direction and ending at Little Timber Creek, owned by Joseph Riddle, R. D. 1, Westville, New Jersey.

6. New subdivisions (ix), (x), and (xi) are added to subparagraph (2) of paragraph (g), relating to Providence County in Rhode Island, to read:

(ix) That part of the Town of Manville lying north and east of Little Pond County Road, and south and west of Diamond Hill Road;

(x) That part of the City of North Providence lying south of Arro Street, north of Mineral Spring Avenue, west of View Avenue, and east of Easter Street; and that part of the City of North Providence lying south of Young Street, north of Goes Street, west of Crest Avenue, and east of Palm Street; and

(xi) That part of the Town of Smithfield lying south of Whipple Road, north of Twin River Road, and east of Douglas Pike.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in Massachusetts, New Jersey, and Rhode Island, from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1953 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maxium benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 16th day of September 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 54-7418; Filed, Sept. 21, 1954; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6167]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CENTRAL TRAINING INSTITUTE, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Government connection; organization and operation; qualifications and abilities; unique or special status or advantages; § 3.55 *Demand, business or other opportunities;* § 3.115 *Jobs and employment service;* § 3.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 3.1425 *Government connection;* § 3.1520 *Personnel or staff;* [*Misrepresenting oneself and goods*]—Goods: § 3.1670 *Jobs and employment;* § 3.1740 *Scientific or other relevant facts;* § 3.1770 *Unique nature or advantages.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1935 *Individual's special selection or situation;* § 3.1995 *Job guarantee and employment;* § 3.2000 *Limited offers or supply;* § 3.2015 *Opportunities in product or service.* In connection with the offering for sale, sale, and distribution in commerce of a course of study and instruction intended for preparing students thereof for examination for civil service positions under the United States Government, or any similar course of study, representing, directly or by implication: (1) That respondents or their school have any connection with the United States Civil Service Commission or any other agency of the United States Government; (2) that respondents' sales agents are representatives or employees of the United States Civil Service Commission or any other government agency or have any connection therewith; (3) that the completion of respondents' course of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions; (4) that respondents can assure or guarantee positions in the United States Civil Service; or that students may obtain positions immediately after completing said course; (5) that it is necessary for persons seeking civil service positions to take respondents' course of study in order to qualify for or obtain such positions; or that it is difficult to obtain such positions without taking said course; (6) that any Civil Service position which requires appointees to have veterans' status or special physical, mental, educational, or experiential qualifications is generally available; (7) that respondents have information regarding the grades awarded to applicants who have passed Civil Service examinations; (8) that vacancies exist in any United States Civil Service position contrary to the fact; or that the number of positions available or vacant in said service or any branch thereof is greater than is actually the fact; (9) that the starting salary for any United States Civil Service position is greater than it is in fact; (10) that respondents' sales agents are vocational advisers or qualified to determine the aptitude or qualification of any person for any Civil Service position; (11) that respondents maintain a Department of Public Relations or any other organizational division unless such is the fact; (12) that all appointments to United States Civil Service positions are permanent; or otherwise misrepresenting in any manner the conditions and limitations of

employment in said Civil Service; (13) that the time for enrollment as a student for said course of study is limited; and (14) that prospective purchasers of respondents' course of instruction are especially selected; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Central Training Institute, Inc., Oklahoma City, Okla., Docket 6167, August 24, 1954.]

In the Matter of Central Training Institute, Inc., a Corporation, and S. R. Holton, Individually

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondents' answer, and a stipulation of facts entered into by counsel supporting the complaint and counsel for respondents, which rendered unnecessary the holding of any hearings for the reception of evidence and, filing of proposed findings and conclusions and oral argument having been waived, said examiner made his initial decision comprising certain findings as to the facts,[1] conclusions drawn therefrom,[1] and order.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 24, 1954.

Said order is as follows:

It is ordered, That respondent Central Training Institute, Inc., a corporation, and its officers, and respondent S. R. Holton, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a course of study and instruction intended for preparing students thereof for examination for civil service positions under the United States Government, or any similar course of study, do forthwith cease and desist from representing, directly or by implication:

1. That respondents or their school have any connection with the United States Civil Service Commission or any other agency of the United States Government.

2. That respondents' sales agents are representatives or employees of the United States Civil Service Commission or any other government agency or have any connection therewith.

3. That the completion of respondents' course of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions.

4. That respondents can assure or guarantee positions in the United States Civil Service; or that students may obtain positions immediately after completing said course.

5. That it is necessary for persons seeking civil service positions to take respondents' course of study in order to qualify for or obtain such positions; or that it is difficult to obtain such positions without taking said course.

6. That any Civil Service position which requires appointees to have veterans status or special physical, mental, educational or experiential qualifications, is generally available.

7. That respondents have information regarding the grades awarded to applicants who have passed Civil Service examinations.

8. That vacancies exist in any United States Civil Service position contrary to the fact; or that the number of positions available or vacant in said service or any branch thereof is greater than is actually the fact.

9. That the starting salary for any United States Civil Service position is greater than it is in fact.

10. That respondents' sales agents are vocational advisers or qualified to determine the aptitude or qualification of any person for any Civil Service position.

11. That respondents maintain a Department of Public Relations or any other organizational division unless such is the fact.

12. That all appointments to United States Civil Service positions are permanent; or otherwise misrepresenting in any manner the conditions and limitations of employment in said Civil Service.

13. That the time for enrollment as a student for said course of study is limited.

14. That prospective purchasers of respondents' course of instruction are especially selected.

By "Decision of the Commission and Order to File Report of Compliance," Docket 6167, August 24, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 24, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-7422; Filed, Sept. 21, 1954; 8:48 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Correction

In Federal Register Document 54-7253, appearing at page 5985 of the issue for Thursday, September 16, 1954, the following corrections should be made:

1. In § 146e.404 (a) the second sentence should read: "The potency of each troche is not less than 500 units."

2. Paragraph (a) of § 146e.420 should read:

(a) Each troche contains not less than 50 units of bacitracin or zinc bacitracin.

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

CROSS REFERENCE: For amendments to § 1622.25, see Executive Order 10562, *supra*.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Military Personnel

[CGFR 54-34]

PART 48—MILITARY DISCIPLINE

CANCELLATION OF REGULATIONS

The Uniform Code of Military Justice became effective on and after May 31, 1951. This Code cancels and supersedes the disciplinary statutes of the various military branches. All offenses against Coast Guard military discipline and all court martial processes taken by the Coast Guard on and after that date are governed by the provisions of the "Manual for Courts-Martial, United States 1951" and the "Coast Guard Supplement to the Manual for Courts-Martial, United States 1951."

By virtue of the authority vested in me by section 92 of Title 14 United States Code, I hereby cancel the regulations set forth in this part.

(Sec. 8, 18 Stat. 127, as amended; 14 U. S. C. 92)

[SEAL] H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*

SEPTEMBER 10, 1954.

[F. R. Doc. 54-7425; Filed, Sept. 21, 1954; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10743; FCC 54-1107]

[Rules Amdt. 16-10]

PART 16—LAND TRANSPORTATION RADIO SERVICES

MOTOR CARRIER RADIO SERVICE

Correction

In Federal Register Document 54-7051, appearing in the issue of Thursday, September 9, 1954, at page 5818, the following changes should be made:

1. In § 16.252 (a) the first frequency listed should read "44.06".

2. In § 16.253 (c) the third frequency range listed should read "2110–2200".

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 42—TREATMENT OF DOMESTIC MAIL MATTER AT POST OFFICES OF MAILING AND AT POST OFFICES IN TRANSIT

DEFACEMENT OF STAMPS BY POST OFFICE OF MAILING; PRECANCELED STAMPS

In § 42.9 *Defacement of stamps by post office of mailing; precanceled stamps* amend paragraph (b) by striking out the comma following the word "them", and the words "and report the delinquent postmaster to the Postmaster General".

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; Pub. Law 645, 83d Cong., approved Aug. 24, 1954)

[SEAL] J. H. BLANDFORD, *Acting Solicitor.*

[F. R. Doc. 54-7408; Filed, Sept. 21, 1954; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

RUMANIA

In § 127.341 *Rumania* (19 F. R. 5398), make the following changes:

a. Amend paragraph (b), subparagraph (1) *Table of rates*, by changing "5" in the "Pounds" column to "4 lbs. 6 oz.", and deleting the weights from 6 lbs. to 22 lbs. inclusive and the rates relative thereto.

b. In the tabulated information following the table of rates, change "Weight limit: 22 pounds" to "Weight limit: 4 lbs. 6 oz."

c. Amend paragraph (b) (5) to read as follows:

(5) *Observations.* All parcels for Rumania must comply with the following restrictions:

(i) No parcel may exceed 4 pounds 6 ounces in gross weight, and only one such parcel may be received by one addressee per month.

(ii) Each parcel must be mailed by an individual, as the Rumanian authorities will not admit parcels mailed by or on behalf of commercial firms or organizations of any kind.

(iii) The sender must prepare a detailed list of the contents in duplicate for each parcel, separate from the customs declaration. One copy must be pasted to the wrapper of the parcel, and the other, folded if necessary, attached by a paper clip or staple to the customs declaration and dispatch note.

(iv) Parcels containing used clothing must be accompanied by a certificate of disinfection.

(v) The contents of gift parcels, which must be for the addressee's personal use, are limited to the items and quantities of each shown in the following lists:

I. Clothing, etc.	
Scarfs, towels, neckties, waterproof garments, blouses, dresses, suits, overcoats, hats, sweaters.	1 of each.
Undergarments, handkerchiefs	2 of each.
Gloves, stockings, footwear	1 pair of each.
Sewing thread	100 grams (3½ ounces).
Woolen yarn	450 grams (15¾ ounces).
Cotton, linen or hempen cloth	3 meters (9 feet 9 inches).
Woolen cloth	3 meters (9 feet 9 inches).
Cloth of natural or artificial silk, nylon, etc	3 meters (9 feet 9 inches).
II. Miscellaneous	
Toilet water	205 grams (8¾ ounces).
Perfumes	50 grams (1¾ ounces).
Toilet articles, brushes, combs, cosmetics, etc	100 grams (3½ ounces).
Razors, scissors, hairclippers	1 article.
Watches, eyeglasses, eyeglass lenses, leather articles, musical instruments.	1 of each.
Fountain pens and mechanical pencils	1 article.
Medical and optical instruments, household appliances	2 articles.
Razor blades	10 blades.

(vi) A parcel may be returned to origin if the addressee fails to pay customs duty, or if the parcel does not comply with any of the above requirements.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. H. BLANDFORD, *Acting Solicitor.*

[F. R. Doc. 54-7409; Filed, Sept. 21, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 918]

[Docket No. AO-219 A-4]

HANDLING OF MILK IN MEMPHIS, TENNESSEE, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Memphis, Tennessee, on June 30, 1954, pursuant to notice thereof which was issued June 22, 1954 (19 F. R. 3914), upon proposed amendments to the tentative marketing agreement and to the order as amended, regulating the handling of milk in the Memphis, Tennessee, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on September 1, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on September 4, 1954 (19 F. R. 5643). No exceptions were filed.

The material issues of record related to:

1. Provision of an additional limitation on the maximum amount of Class I milk which may be distributed in the marketing area before a plant becomes subject to regulation.

2. Extension of regulation to supply plants not subject to the routine inspection of a marketing area health authority.

Findings and conclusions. The following findings and conclusions of the material issues are based upon the evidence introduced at the hearing and the record thereof:

1. The fluid milk plant definition of the order should be amended to provide that any plant from which as much as 1,000 pounds or more per day of Class I milk is disposed of during the month on routes to retail or wholesale outlets in the marketing area shall be considered a fluid milk plant and subject to full regulation under the order.

The present provisions of the Memphis order permit a plant to dispose of less than 5 percent of its Class I sales in the marketing area as Class I milk without becoming fully subject to regulation. Sale of unpriced milk (milk not paid for in accordance with its utilization) in substantial volumes in the marketing area tends to jeopardize the stability of the market and of the pricing system. An unregulated handler who is able to purchase milk on other than a utilization basis may enjoy a competitive advantage over handlers who buy milk on a utilization basis. Regulated handlers

under the Memphis order must pay full class prices for all producer milk they receive.

The present order provision allowing a plant to sell 5 percent of its Class I sales in the marketing area without incurring regulation, was adopted to avoid any unnecessary extension of regulation to plants doing business primarily outside the marketing area. It was concluded on the basis of a previous hearing (19 F. R. 2848) that 5 percent of the Class I sales of any plant in the general area of Memphis would not be likely to represent an unstabilizing force of sufficient proportions to justify full regulation of such plant.

Evidence in the present hearing record discloses that a plant doing a large volume of business in Little Rock, Arkansas, has recently been increasing its sales in the Memphis marketing area. Because of the large total volume of business conducted at such plant it has been able to acquire a few sizable outlets for milk in the Memphis marketing area without incurring regulation. While these sales do not represent an important share of the overall business of the Memphis market, they were largely served by one or two handlers and their loss to these handlers has created a substantial disturbance so far as that portion of the market is concerned.

The handlers affected testified that loss of the sale of Class I milk forced them to curtail immediately their purchase of milk from producers under the order and that milk so displaced had to be marketed by a cooperative association for Class II use. The loss of substantial volumes in one or two plants, it was contended, resulted in a decrease in operating efficiency for such plants and impaired their ability to compete in the market for the sale of Class I milk.

It is concluded that additional protection is required to insure market stability in the Memphis market and that to accomplish this, no plant should be allowed to sell an average of more than 1,000 pounds of Class I milk per day in the marketing area without becoming subject to regulation. Under the amendment proposed herein a plant could sell up to 5 percent of its Class I milk to outlets located in the marketing area without becoming subject to full regulation only so long as the total of such sales did not equal the 1,000-pound-per-day limit.

2. The order language should be revised so as to bring under regulation any plant which furnishes Grade A milk or skim milk to a regulated distributing plant during the months of January through August regardless of the type of health approval held by such plant.

The record discloses that under the provisions of the order presently in effect, it is possible for a supply plant not under the routine inspection of a marketing area health authority to furnish milk to a regulated distributing plant and not come under the classification and the pricing provisions of the order. Such milk is classified as "other source" milk and allocated first to any Class II utilization in the distributing plant. Thus, if a distributing plant so chose it could operate so as to depend primarily on other source milk.

When the Memphis order was originally issued, the Memphis and Jackson health authorities issued permits to all producers who furnished milk regularly to the market. At that time, permits were issued on a temporary basis to plants which supplied milk during so-called emergency periods. The record indicates that during the last two years, the Memphis Board of Health has changed its policy, and has issued permits on a reciprocal basis to handlers outside the marketing area to sell milk in Memphis. This policy may render the present provision of the order based on producer inspection, ineffective in controlling all regular milk supplies for the Memphis city portion of the market.

Effective June 1, 1954, the order was amended to extend the marketing area to additional areas where other health authorities have jurisdiction. These areas are now served by plants qualified under the order. However, not all of these authorities inspect and issue permits to all plants and producers supplying the outlets under their jurisdiction. The proposed amendment is necessary therefore to insure that the plants serving these sections of the market regularly will be fully subject to the order.

The only supply plants not routinely inspected by a marketing area health authority which are now supplying the Memphis marketing area furnish only seasonal reserve milk. Record evidence does not indicate that the plants which provide milk seasonally to supplement local supplies during periods of low production need to be subject to the pricing provisions of the order to insure market stability. Special health department permits are normally issued during low production periods when supplies from outside the marketing area are needed to supplement producer milk. It has not been necessary up to this time to make any provision in the definition of a supply plant to regulate such plants. For these reasons an exception covering the months of September through December is included in the recommended amendment, so that during these periods only supply plants under routine inspection will be regulated. If plants not under routine inspection should begin serving the market in additional months they would be regulated pursuant to the proposed amendment.

It is concluded that the proposed amendment is necessary to recognize changes in circumstances under which health department approvals may be obtained to avoid possible circumvention of the pricing provisions of the order.

The proposed extension of regulation to supply plants not under the routine inspection of a marketing area health authority raises the question whether plants subject to other Federal orders might be brought under the regulation of the Memphis order. It would not be appropriate to extend regulation under the Memphis order to such plants. The order should be amended therefore to provide that in case a plant not under the routine inspection of a marketing area health authority and not regularly associated with the Memphis marketing area is qualified as a fully regulated plant under another order, it should be exempt from the classification and pricing provisions of the Memphis order.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order of the Secretary directing the conduct of a Referendum; determination of a representative period; and designation of referendum agent. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, and as hereby proposed to be further amended regulating the handling of milk in the Memphis, Tennessee, milk marketing area) who, during the month of July 1954, which month is hereby determined to be the representative period for such referendum, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, to determine whether such producers favor the issuance of the order as hereby proposed to be amended.

C. I. Dunn is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 10th day from the date this decision is filed with the Hearing Clerk, United States Department of Agriculture.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area," and "Order Amending the Order as Amended Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 17th day of September 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area

§ 918.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is effective date hereof the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Delete § 918.7 and substitute therefor the following:

§ 918.7 *Fluid milk plant.* "Fluid milk plant" means (a) any milk processing or bottling plant from which a volume of Class I milk equal to an average of 1,000 pounds or more per day, or not less than 5.0 percent of the Class I milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area, (b) any plant which during the months of January through August ships Grade A milk, skim milk, or cream to a plant qualified pursuant to paragraph (a) of this section, or (c) any plant which during the months of September through December receives milk from farmers holding dairy farm permits for the production of Grade A milk issued by a health authority having jurisdiction in the marketing area, and from which milk, skim milk, or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section.

2. Delete § 918.61 and substitute therefor the following:

§ 918.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be considered a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, in lieu of the reports required pursuant to § 918.30, and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 918.7 (a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except fluid milk plants) in the Memphis, Tennessee, marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 918.7 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant was qualified as a fluid milk plant pursuant to § 918.7 (c) during each of the preceding months of September through December.

[F. R. Doc. 54-7432; Filed, Sept. 21, 1954; 8:50 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11165; FCC 54-1169]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on March 26, 1954, by Mr. James E. Blair, Goodland, Kansas, and now made part of this docket, requesting an amendment of § 3.606, *Table of assignments* rules governing television broadcast stations as follows:

City	Channel No.	
	Present	Proposed
Goodland, Kans.	31	10, 31

3. In support of the requested amendment petitioner urges that the assignment of Channel 10 to Goodland, would provide a needed service; that he will file an application for a construction permit; and that the proposed amendment conforms to the Commission's rules and standards.

4. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 15, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: September 15, 1954.

Released: September 16, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7434; Filed, Sept. 21, 1954; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11166; FCC 54-1170]

TELEVISION BROADCAST STATIONS

CHANNEL UTILIZATION

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on March 11, 1954 by the American Broadcasting Corporation, Lexington, Kentucky, and now made part of this docket, requesting an amendment of § 3.610 (a) (1) and Appendix 1 of the rules governing television broadcast stations so as to include a portion of Kentucky in Zone 1 and an amendment of the table of assignments contained in § 3.606 so as to add the assignment of Channel 4 to Richmond, Kentucky. The portion of Kentucky proposed to be included in Zone 1 is that "north of North Latitude 37° 30' 00" from the eastern border of Kentuck to West Longitude 84° 00' 00" and north of a straight line directed thence toward North Latitude 38° 00' 00", West Longitude 86° 00' 00" to that point at which the line intersects the Kentucky border."

3. An opposition to the petition was filed on March 22, 1954 by Mid-America Broadcasting Corp., Louisville, Kentucky. On March 22, 1954 WSM, Inc., Nashville, Tennessee filed a Motion For Extension of Time requesting additional time for filing an opposition to the petition. In this Motion, WSM, Inc. stated that such an opposition would be timely but since the "ten-day" provision of § 1.730 of the Commission's rules and regulations could be interpreted as applicable to rule making proceedings the request for additional time was made. American Broadcasting Corp. filed an opposition to the WSM motion in which it urged that since there was no specific rule relating to petitions for rule making the "ten-day" provision of § 1.730 was applicable and urged the Commission to deny the motion in view of its late filing. On April 26, 1954 WSM filed its opposition to the subject petition and on April 29, 1954 American Broadcasting Corp. filed a Motion To Dismiss Opposition To Petition urging the Commission to dismiss the WSM opposition on the grounds that it was not timely filed. Oppositions to the proposed rule making were also filed by WHAS, Inc., Louisville, Kentucky and the Crosley Broadcasting Corporation, Cincinnati, Ohio. Motions to dismiss these oppositions were filed by American Broadcasting Corporation. We are of the view that § 1.730 is not applicable to petitions requesting the institution of rule making proceedings; nor has it been Commission policy to make these requirements applicable to such proceedings. Accordingly, the motions of American Broadcasting Corp. to dismiss the foregoing oppositions are denied.

4. In support of its requested amendment to move the Zone 1 line so as to include a portion of the State of Kentucky in Zone 1, petitioner urges that this would conform to the criteria used in the Sixth Report and Order in first creating the zone lines and in the Memorandum Opinion and Order (FCC 54-163) which resulted in a move of the Zone 1 line to include all of the State of West Virginia in Zone 1. In support of the requested assignment of Channel 4 in Richmond, Kentucky petitioner urges that it would provide a first VHF service to a large area and population; that it would represent a more efficient use of available spectrum space; and that it would permit Station WLAP-TV to provide an improved television service to a greater number of people. We have carefully considered the oppositions of WSM, Inc., Mid-America Broadcasting Corp., WHAS, Inc. and Crosley Broadcasting Corp. We are of the view that the invitation of rule making proceedings is warranted in this case, in order that interested parties may have the opportunity to submit their comments. The oppositions to the amendment of the Rules as proposed by petitioner, are now made part of this docket.

5. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendments proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 15, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 15, 1954.

Released: September 16, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F R Doc. 54-7435; Filed, Sept. 21, 1954; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11167; FCC 54-1171]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it a petition filed April 9, 1954 by Delta Television, Inc., permittee of Station KFAZ on Channel 43 at Monroe, Louisiana, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments* rules governing television broadcast stations as follows:

City	Channel No.	
	Present	Proposed
Monroe, La	84, 43+	84, 13

The following change with respect to the offset carrier requirements only would be required as a result of the assignment of Channel 13 to Monroe:

City	Channel No.	
	Present	Proposed
Biloxi, Miss	13	13+

3. In support of its requested amendment, petitioner urges that the assignment of Channel 13 to Monroe would conform with the Commission's rules and standards; that it would enable KFAZ to compete more effectively with television station KNOE-TV operating on Channel 8 in that city; and that it would conform with the Commission's policy in the utilization of VHF assignments. Further, petitioner requests that the Commission issue a Show Cause Order to it for the modification of the outstanding authorization of Station KFAZ in Monroe, Louisiana, to specify operation on Channel 13 in lieu of Channel 43.

4. We are of the view that rule making proceedings should be instituted with respect to the request for the assignment of Channel 13 in lieu of Channel 43 in Monroe, Louisiana. We believe, however, that there is no merit in the request for the issuance of a Show Cause Order to petitioner for the modification of the authorization of KFAZ. In a Memorandum Opinion and Order issued February 11, 1953, FCC 53-1173, the Commission pointed out that the Show Cause procedure has been employed only in exceptional circumstances and only pursuant to sections 316 (a) and 303 (f) of the Communications Act involving considerations of paramount public interest. It was further pointed out that the Show Cause procedure was not to be utilized at the request of licensees and permittees to make possible the avoidance of normal procedures. Petitioner relies on the action of the Commission in Docket 10817 wherein a Show Cause Order was issued to WITH-TV, Inc., for the modification of construction permit to specify Channel 72 in lieu of Channel 60 (See Report and Order issued February 5, 1954, FCC 54-161). But the action of the Commission in that proceeding is not a precedent for the relief sought by petitioner herein. In the proceedings in Docket 10817 the Commission had determined that the assignment of Channel 60 was inefficient in view of the limited availability of desirable transmitter sites for the operation of that channel. Further, it had been determined that since Baltimore had been assigned its fair share of the available channels, additional assignments should not be made to that community. Accordingly, in order to effect a more efficient utilization of the available frequencies it was necessary to delete the channel assigned for the operation of Station WITH-TV, Inc. To effect that result, a Show Cause Order was issued to the permittee of that station but that order was not issued at its instance or request: It was issued in order that a more efficient assignment could be effected for the community. We are, therefore, of the view that petitioner's request for a Show Cause Order should be denied. Accordingly, the petition of Delta Television, Inc., in so far is it requests the issuance of a Show Cause Order is denied.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 15, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 15, 1954.

Released: September 16, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F R Doc. 54-7436; Filed, Sept. 21, 1954; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11168; FCC 54-1172]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations; Docket No. 11168.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on March 29, 1954 and a supplement to this petition filed on April 20, 1954 by Commonwealth Broadcasting Corporation, permittee of Station WTOV-TV on Channel 27, Norfolk, Virginia, and now made part of this docket,[1] requesting an amendment of the Table of Assignments contained in § 3.606 of the Rules Governing Television Broadcast Stations so as to assign Channel 13 to Princess Anne, Virginia by means of one of the following alternative proposals:

City	Channel No.	
	Delete	Add
1. Princess Anne, Va		13-
Arapahoe, N. C		12+
New Bern, N. C	13-	
2. Princess Anne, Va		13-
Arapahoe, N. C		12+
New Bern, N. C	13-	36-
3. Princess Anne, Va		13-
New Bern, N. C	13-	56-
4. Princess Anne, Va		13-
Arapahoe, N. C		12+
New Bern, N. C	13-	36-
Norfolk Portsmouth, Va	27	

On April 28, 1954 the Peninsular Broadcasting Corporation, permittee of Station WVEC-TV, Hampton, Va. filed an opposition to the petition of Commonwealth; and on May 6, 1954 Commonwealth Broadcast Corporation filed A Reply thereto.

3. In support of its requested amendment petitioner urges that it conforms to the Commission's rules and standards; that it represents a more efficient utilization of available frequencies; and that it conforms to the Commission's policy of using VHF in large cities wherever possible. We have carefully considered the opposition of Peninsular Broadcasting Corp. We are of the view that the institution of rule making proceedings in this case is warranted, in order that interested parties may have the opportunity to submit comments. The opposition to the adoption of the amendment of the rules as proposed by petitioner, is now made part of this docket.

4. We are of the view that rule making proceedings should be instituted with respect to the request for the assignment of Channel 13 to Princess Anne by means of one of the alternative proposals set forth above. We believe, however, that there is no merit in the request for the issuance of a Show Cause Order to petitioner for the modification of the authorization of Station WTOV-TV. In a Memorandum Opinion and Order issued February 11, 1953, FCC 53-1173, the Commission pointed out that the Show Cause procedure has been employed only in exceptional circumstances and only pursuant to sections 316 (a) and 303 (f) of the Communications Act involving considerations of paramount public interest. It was further pointed out that the Show Cause procedure was not to be utilized at the request of licensees and permittees to make possible the avoidance of normal procedures. Petitioner relies on the action of the Commission in Docket 10817 wherein a Show Cause Order was issued to WITH-TV, Inc. for the modification of construction permit to specify Channel 72 in lieu of Channel 60 (See Report and Order issued February 5, 1954, FCC 54-161). But the action of the Commission in that proceeding is not a precedent for the relief sought by petitioner herein. In the proceedings in Docket 10817 the Commission had determined that the assignment of Channel 60 was inefficient in view of the limited availability of desirable transmitter sites for the operation of that channel. Further, it had been determined that since Baltimore had been assigned its fair share of the available channels, additional assignments should not be made to that community. Accordingly, in order to effect a more efficient utilization of the available frequencies it was necessary to delete the channel assigned for the operation of Station WITH-TV, Inc. To effect that result, a Show Cause Order was issued to the permittee of that station but that order was not issued at its instance or request: It was issued in order that a more efficient assignment could be effected for the community. We are, therefore, of the view that petitioner's request for a Show Cause Order should be denied. Accordingly, the petition of Commonwealth Broadcasting Corporation in so far as it requests the issuance of a Show Cause Order is denied.

5. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 15, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and

[1] On August 24, 1954, Commonwealth Broadcasting Corporation filed a "Complaint, Petitions to Delay Action and Request for Other Relief" in this proceeding and in the Channel 10 proceeding in Norfolk-Portsmouth (Docket 10800 et al.) Oppositions to this petition had been filed by Beachview Broadcasting Corporation and Portsmouth Radio Corporation. In so far as this petition seeks to delay action in the Channel 10 proceeding, it has not yet been acted upon by the Commission.

regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 15, 1954.

Released: September 16, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7437; Filed, Sept. 21, 1954; 8:51 a. m.]

[47 CFR Part 4]

[Docket No. 11164; FCC 54-1167]

AUXILIARY BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 4 of the Commission's rules and regulations governing television auxiliary broadcast stations; Docket No. 11164.

1. Notice is hereby given that the Commission has received a petition for the institution of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on August 5, 1954 by North Dakota Broadcasting Company, Inc., permittee of television Station KCJB-TV, Minot, North Dakota, and Station KXJB-TV, Valley City, North Dakota, requesting amendment of Sections 4.631 and 4.632 of the Commission's rules governing television auxiliary broadcast stations.

3. Section 4.631 (c) presently reads as follows:

(c) Television inter-city relay stations provide a means on an interim basis whereby television broadcast licensees may provide their own inter-city television transmission services in connection with the operation of their television broadcast stations. The provision for this service is a purely temporary measure designed to assist the television industry until such time as adequate common carrier facilities are available, and broadcasters who venture into the business of relaying television programs by means of television inter-city relay stations should plan to amortize their investments at the earliest possible date.

Section 4.632 (b) presently reads as follows:

(b) An application for construction permit for a new television inter-city relay station or for renewal of license of an existing station shall be accompanied by a verified statement containing the following:

(1) A full statement as to why the applicant requires the facilities including reasons why common carrier facilities cannot be utilized; and,

(2) A showing that the applicant has, at the earliest time reasonably practicable, requested the appropriate common carrier or common carriers serving the general area involved to furnish the inter-city television transmission service required by the applicant, including in such showing a copy of the request or requests and of the reply or replies from such common carriers.

4. Under the above rules, the operation of private television inter-city relay systems by television broadcasters is permitted only on an interim basis pending the availability of adequate common carrier facilities, and a showing is required with each application for a television inter-city relay station that common carrier facilities are not available and that the applicant has requested the appropriate common carrier to provide such facilities. In practically all of the cases that have thus far arisen, the common carriers, following receipt of a firm order for the service, have offered to provide the requested service under their existing tariffs as soon as the necessary facilities could be installed. Thus, the Commission's present rules and policy, preclude the grant of authority for a private relay system or, at best, permit only a temporary use of such facilities if constructed by the broadcaster.

5. Petitioner's requested amendment is designed to give the Commission discretion to grant applications for private television inter-city relay stations notwithstanding the fact that common carrier facilities may be available. The petitioner urges that the present rules do not permit the Commission to exercise discretion in acting upon applications for television inter-city relay stations proposed to be operated by television broadcast stations in those cases where it can be demonstrated that the cost of using common carrier facilities is prohibitive to the broadcaster; and that the restrictive nature of the Commission's present rules and policy may thereby deprive large areas of the country from receiving live television network programs, and may indirectly result in some areas having no television service whatever since network programs are an important consideration in the successful operation of any television station. Petitioner further urges that there are sufficient frequencies allocated for television auxiliary stations, i. e., TV pickup and TV STL stations, which may be used for the proposed inter-city relay systems in areas where such systems are essential, without depriving television broadcasters of necessary TV pickup or STL service. Petitioner contends that to require a TV station to utilize common carrier service on common carrier channels is wasteful since such channels could otherwise be employed for handling several hundred telephone circuits. Petitioner concludes that if live television network programming is to become available to all sections of the country, the Commission must amend its rules to permit it to authorize the operation of private inter-city relay facilities by television broadcasters, whether or not common carrier facilities are or can be made available.

6. Specifically, petitioner urges that § 4.632 (b) be deleted and that § 4.631 (c) be amended to read as follows:

(c) (1) Television inter-city relay stations provide a means on an interim basis whereby television broadcast licensees may provide their own inter-city television transmission services in connection with the operation of their television broadcast stations. Provided, however, that the Commission may grant authority to television broadcast licensees to operate inter-city television transmission facilities where, in the opinion of the Commission, the cost of common carrier facilities compared to the cost of constructing and operating private inter-city relay facilities justifies such action.

(2) This proviso is designed to permit the Commission, in its discretion, to authorize private inter-city relay transmission facilities, to stimulate the development of live television network service in the less densely populated areas of the country.

7. The instant petition serves to focus attention on a problem that has been under study by the Commission since the lifting of the "freeze" on new television station construction in 1952. The Commission is satisfied that the rules and policies, insofar as they contemplate that the nationwide television program network should be provided by common carriers are sound and serve the public interest. The Commission is of the view that the existing common carrier network, including main routes and branch lines emanating therefrom, should continue its orderly growth in order to meet the requirements of the broadcasting industry for network transmission facilities. It has become increasingly evident, however, that a problem is presented by the application of the Commission's rules and policies with respect to television stations located in relatively small communities which are at a distance from program service points, on existing common carrier routes. Because of the distance of these communities from such program service points, the monthly common carrier mileage charges for the television transmission facilities which are required to connect the stations to the established networks may not be commensurate with the economic prospects of those stations for profitable operation. This situation may deter and hinder the development of a nationwide television service. Furthermore, the construction of facilities for interconnection by the common carriers in such instances represents a substantial investment, and in some instances the greater portion of such investment may be unrecoverable upon the financial failure of such television stations.

8. In view of the foregoing, the Commission believes that it would be appropriate at this time to review its existing rules and policies regarding the licensing of private inter-city relay stations. To this end, the Commission invites comments and proposals from interested parties regarding the matters dealt with herein, including the specific proposal of petitioner.

9. Authority for the issuance of the proposed amendments is contained in sections 303 (a), (b), (c), (d), (e), (f), (g), (r) and 4 (i) of the Communications Act of 1934, as amended.

10. Any interested party who is of the opinion that the amendment as proposed by petitioner should not be adopted, or should not be adopted in the form set forth herein, or who wishes to propose other methods of reaching the same objective, may file with the Commission on or before November 8, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

11. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 15, 1954.

Released: September 16, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7438; Filed, Sept. 21, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53581]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

TARIFF-RATE QUOTA

SEPTEMBER 17, 1954.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to Item 771 (second), Part I, Schedule XX, of the General Agreement on Tariffs and Trade (T. D. 51802), for the 12-month period beginning September 15, 1954, is 5,485,000 bushels of 60 pounds each.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1954, made by the United States Department of Agriculture as of September 1, 1954, was 345,515,000 bushels.

In accordance with the third proviso to the aforesaid Item 771, the 1,000,000 bushels prescribed in the second proviso is increased by the amount by which such estimated production is less than 350,000,000 bushels, which amount is 4,485,000.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 54-7426; Filed, Sept. 21, 1954; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

YUMA PROJECT, CALIFORNIA

ORDER OF REVOCATION

APRIL 15, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of October 19, 1920, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T 16 S., R. 12 E.,
Sec. 6, SE¼.

The above area aggregates approximately 160 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 64626]

I concur. The records of the Bureau of Land Management will be noted accordingly..

The lands are included in allowed desert-land entries, Los Angeles 039146 and Los Angeles 039230, and are therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II and others.

EARL G. HARRINGTON,
Acting Associate Director, Bureau of Land Management.

SEPTEMBER 15, 1954.

[F. R. Doc. 54-7405; Filed, Sept. 21, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

COLORADO

DESIGNATION OF ADDITIONAL AREAS FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Cong., 12 U. S. C. 1148 a-2 (a), it is found that in the following named additional counties in the State of Colorado, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF COLORADO

Washington County.
Yuma County.

Pursuant to the delegation of authority from the Administrator, Federal Civil Defense Administration (18 F. R. 4609, 19 F. R. 2148) as further amended on July 30, 1954 and for the purpose of making loans pursuant to section 2 (b) of Public Law 38, 81st Cong., as amended by Public Law 115, 83d Cong., and section 301 of Public Law 480, 83d Cong., it is determined that the above named additional counties are within the area affected by the major disaster occasioned by drought determined by the President on July 1, 1953, pursuant to Public Law 875, 81st Cong. It is also determined that an economic disaster exists in said counties that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the farmers Home Administration under its regular loan programs, or other responsible sources.

After December 31, 1955, loans under section 3 (a) or 2 (b) of Public Law 38, 81st Cong., as amended, will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 16th day of September 1954.

[SEAL] J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7419; Filed, Sept. 21, 1954; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6672]

NORTHWEST AIRLINES, INC., AND EASTERN AIR LINES, INC.; INTERCHANGE EQUIPMENT

NOTICE OF ORAL ARGUMENT

In the matter of the joint application of Northwest Airlines, Inc., and Eastern Air Lines, Inc., for approval by the Civil Aeronautics Board under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act of an agreement relating to the interchange of equipment.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 7, 1954, at 10:00 a. m., e. s. t., in room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 16, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7430; Filed, Sept. 21, 1954; 8:49 a. m.]

[Docket No. 6060]

EMPRESA GUATEMALTECA DE AVIACION (AVIATECA)

NOTICE OF HEARING

In the matter of the application of Empresa Guatemalteca De Aviacion (Aviateca) for a foreign air carrier permit authorizing it to engage in foreign air transportation with respect to persons, property and mail over the following routes: (1) Between the terminal point Guatemala City, Guatemala and the terminal point New Orleans, Louisiana; and (2) between the terminal point Guatemala City, Guatemala and the terminal point Miami, Florida via the intermediate point Belize, British Honduras.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on October 13, 1954, at 10:00 a. m. in Room 1016, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 17, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7431; Filed, Sept. 21, 1954; 8:49 a. m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

POSSIBLE MODIFICATION IN THE FIRMNESS OF CONCESSIONS IN THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Pursuant to section 4 of the Trade Agreements Act approved June 12, 1934, as amended (48 Stat. (pt. 1) 945, ch. 474; 65 Stat. 73, ch. 141), and pursuant to paragraph 4 of Executive Order 10082 of October 5, 1949 (3 CFR, 1949 Supp.; p. 126), notice is hereby given by the Interdepartmental Committee on Trade Agreements that, in connection with the forthcoming review and renegotiation of the General Agreement on Tariffs and Trade with a view to strengthening that agreement, it is intended that consideration will be given to enhancing the firmness of the tariff concessions. In particular, consideration would be given the modification of the application of the provisions of Article XXVIII of the General Agreement, by extension of the date after which such provisions may be invoked, or otherwise.

Article XXVIII, which is one of the most important provisions of the General Agreement in relation to the firmness of the concessions on individual products, provides that these concessions, originally negotiated in the case of the United States at Geneva in 1947, at Annecy in 1949, or at Torquay in 1950 to 1951, may be modified or withdrawn on or after a specified date, following consultation and negotiation with other contracting parties, without the necessity of terminating the entire agreement. The article envisages that the balance between the concessions granted by the various contracting parties shall be maintained, preferably through the negotiation of new concessions in compensation for any modifications or withdrawals made, but through retaliatory modifications by other parties if agreement cannot be reached on new concessions. The date on and after which the provisions of Article XXVIII may now be invoked is July 1, 1955, except for concessions in Schedule III (Brazil) and concessions initially negotiated by other contracting parties with Brazil as to which such provisions may now be invoked. No modification of Article XXVIII would affect the right of any contracting party to withdraw or modify individual concessions pursuant to Article XIX (commonly called "the escape clause") of the General Agreement.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082, information and views as to any aspect of the proposals announced in this notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.[1] Information and views submitted, orally or in writing, to the Chairman of the United States Delegation for the review and renegotiation of the General Agreement, in connection with the hearings held under his direction from September 13 through September 17, 1954, will be made available to the Committee for Reciprocity Information.

By direction of the Interdepartmental Committee on Trade Agreements this 21st day of September, 1954.

CARL D. CORSE,
Chairman, Interdepartmental Committee on Trade Agreements.

[F. R. Doc. 54-7499; Filed, Sept. 21, 1954; 11:28 a. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

POSSIBLE MODIFICATION OF THE FIRMNESS OF CONCESSIONS IN THE GENERAL AGREEMENT ON TARIFFS AND TRADE

SUBMISSION OF INFORMATION TO THE COMMITTEE FOR RECIPROCITY INFORMATION

Closing date for application to be heard October 6, 1954.

Closing date for submission of briefs: Before oral appearance.

Public hearings open October 18, 1954.

The Interdepartmental Committee on Trade Agreements has issued on this day a notice of intention to consider possible modification of the firmness of the tariff concessions in the General Agreement on Tariffs and Trade.[2]

The Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of views in regard to the foregoing proposals shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon October 6, 1954, accompanied by a written brief or by a preliminary outline indicating the subject as specifically as possible on which the individual wishes to be heard. A written brief must, in all cases, be submitted before the individual makes his oral appearance. Communications shall be addressed to "The Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C." Fifteen copies of written statements, either typed, printed or duplicated shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proferred in confidence, shall be open to inspection by interested persons. Information and business data proferred in confidence shall be submitted in separate pages clearly marked "For official use only of Committee for Reciprocity Information."

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard. The first hearing will be at 10:00 a. m., on October 18, 1954, in the auditorium of the National Archives Building, 8th and Pennsylvania Avenue, Northwest, Washington, D. C. Witnesses who make application to be heard will be advised regarding the time of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of these persons who have, prior to that appearance, filed written briefs and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Copies of the notice issued today by the Interdepartmental Committee on Trade Agreements may be obtained from the Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C., and may be inspected in the Field Offices of the Department of Commerce.

By direction of the Committee for Reciprocity Information this 21st day of September 1954.

EDWARD YARDLEY,
Secretary, Committee for Reciprocity Information.

[F. R. Doc. 54-7500; Filed, Sept. 21, 1954; 11:28 a. m.]

[1] See F. R. Doc. 54-7500, *infra*.

[2] See F. R. Doc. 54-7499, *supra*.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10931, 10933, 11096; FCC 54M-1153]

MERCER BROADCASTING CO. ET AL.

ORDER CONTINUING PRE-HEARING CONFERENCE

In re applications of Mercer Broadcasting Company, Trenton, New Jersey, Docket No. 10931, File No. BP-8714; Drew J. T. O'Keefe, Jack J. Dash and William F. Waterbury, Levittown-Fairless Hills, Pennsylvania, Docket No. 10933, File No. BP-8964; William A. Brewer, Albert W. Eastburn and Theresa Rose, d/b as Levittown-Fairless Hills Broadcasters, Levittown-Fairless Hills, Pennsylvania, Docket No. 11096, File No. BP-9193, for construction permits.

The Commission having under consideration the above-entitled proceeding;

It appearing, that a joint petition, filed September 9, 1954, for continuation of the date of exchange of direct cases in writing to September 20, 1954, was granted on September 10, 1954, and that the pre-hearing conference pursuant to § 1.841 of the Commission's rules, now scheduled for September 20, 1954, should be postponed until after a reasonable period following the exchange of the direct cases in writing;

It is ordered, This 15th day of September 1954, on the Examiner's own motion, that the pre-hearing conference, now scheduled for September 20, 1954, is continued until September 30, 1954, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7439; Filed, Sept. 21, 1954; 8:52 a. m.]

[Docket No. 10965; FCC 54M-1108]

SEATON PUBLISHING CO.

ORDER GRANTING MOTION FOR CONTINUANCE

In re application of The Seaton Publishing Company, Hastings, Nebraska, Docket No. 10965, File No. BPCT-1265; for construction permit for new television station (Channel 5).

Washington counsel for The Seaton Publishing Company, having filed a motion on September 3, 1954, for a continuance in the above-entitled matter; and

It appearing, that the illness of James Conway, Esquire, principal attorney for the applicant in Hastings, Nebraska (who is preparing essential financial data requested by the FCC) will prevent the applicant's presentation of its case before September 22, 1954,

It is accordingly ordered, This 7th day of September 1954 that the hearing in the above-entitled matter, heretofore scheduled for September 8, 1954, be and it hereby is continued to September 22, 1954 at 10:00 a. m. in the Commission's Offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7440; Filed, Sept. 21, 1954; 8:52 a. m.]

[Docket 10982, 10983; FCC 54M-1119]

OWENSBORO ON THE AIR, INC. AND OWENSBORO PUBLISHING CO.

ORDER CONTINUING HEARING

In re applications of Owensboro on the Air, Inc., Hatfield, Indiana, Docket No. 10982, File No. BPCT-1787; Owensboro Publishing Company, Hatfield, Indiana, Docket No. 10983, File No. BPCT-1790; for construction permits for new television stations (Channel 9).

Upon joint motion of both of the above applicants and without objection from counsel for the Chief of the Broadcast Bureau, hearing in the above-entitled proceedings is continued from September 13, 1954, to October 12, 1954.

Dated: September 9, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7441; Filed, Sept. 21, 1954; 8:52 a. m.]

[Docket No. 11156; FCC 54M-1152]

VAN CURLER BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Van Curler Broadcasting Corporation, Schenectady, New York (WTRI), Docket No. 11156, File No. BMPCT-2201; for modification of construction permit to change principal community to Albany, New York and to maintain main studio outside Albany.

By order of the Commission adopted September 1, 1954, the above-entitled proceeding was designated for hearing to commence at 10:00 a. m., on September 20, 1954.

On September 14, 1954, there was filed with this Commission by Van Curler Broadcasting Corporation a Petition to Vacate Hearing Order reciting, among other things, that protestant Hudson Valley Broadcasting Co., had informed the petitioner that it was about to file a letter with the Commission, dated September 13, 1954, signed by the secretary of the protestant stating that said protestant would not appear at the hearing. The said Petition to Vacate Hearing Order further stated that both counsel for the protestant and for the Chief of the Broadcast Bureau of this Commission had consented to the immediate consideration and grant of such Petition to Vacate Hearing Order.

On September 13, 1954, counsel for the protestant further orally advised the undersigned Hearing Examiner that the protestant would not appear at the hearing and its Board of Directors would request this Commission to dismiss the aforesaid proceeding.

Accordingly, for the reasons above recited and other good cause shown: *It is ordered*, This 15th day of September 1954, that hearing in the above-entitled matter be postponed until further order of the undersigned Hearing Examiner or of the Federal Communications Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7442; Filed, Sept. 21, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2592]

POWER PETROLEUM COMPANY

NOTICE OF APPLICATION

SEPTEMBER 16, 1954.

Take notice that G. N. McDaniel, Jr. (Applicant), an individual operating as Power Petroleum Company, with its principal office in Borger, Texas, filed, on August 30, 1954, an application (under protest) for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the application.

The application recites that Applicant produces and sells natural gas in interstate commerce in the Panhandle Field, Hutchinson and Carson Counties, Texas, to the Skelly Oil Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of October 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7406; Filed, Sept. 21, 1954; 8:45 a. m.]

[Project No. 120]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF LAND WITHDRAWAL, CALIFORNIA

SEPTEMBER 16, 1954.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in Project No. 120 for which application for amendment of license was filed September 30, 1953 by the Southern California Edison Company of Los Angeles, California. Under said section 24 these lands are, from said date of filing, reserved from all forms of disposal under the laws of the United States, until otherwise directed by this Commission or by Congress.

The Department of the Army in the course of constructing the Pine Flat Dam and Reservoir as authorized by the Flood Control Act approved December 22, 1944, required the relocation of portions of the project transmission line, telephone line and access road in order to clear said reservoir. Changes in the rights-of-way for these structures and other changes in the project area about the water main and water tank serving a portion of the camp area involve public lands, Sierra and Sequoia National Forest lands, and lands acquired by the Department of the Army.

MOUNT DIABLO MERIDIAN

All portions of the following subdivisions lying within a strip of land 200 feet in width embracing the relocated portions of the transmission line location as shown on amendatory map sheets designated "Exhibit K" and entitled "Detail Map of Vincent Transmission & Telephone Lines, Project 120" (FPC 120-228 & 229).

T. 12S., R. 25E.,
Sec. 19, S2 SE4, E2 NW4;
Sec. 29, W2 NW4, NW4 SW 4, SW4 SE4;
Sec. 30, E2 NE4, NW4 NE4;
Sec. 32, W2 NE4.

All portions of the following described subdivisions lying within a right-of-way 50 feet in width embracing the relocated telephone line as delimited on amendatory maps designated "Exhibit K" and entitled "Detail Map of Vincent Telephone Line, Project 120", (FPC 120-224, 227 and 229)

T. 12S., R. 24E.,
Sec. 24, NW4 SE4, N2 SW4, SW4 SW4.
T. 13S., R. 24E.,
Sec. 2, NW4 SE4, NE4 SW4.
T. 12S., R. 25E.,
Sec. 18, lot 3;
Sec. 19, lot 3, SE4 NW4, NW4 SE4, NE4 SW4.

All portions of the following described subdivisions lying within the project area embracing an access road as delimited upon a map designated "Exhibit K" and entitled "Detail Map of Vincent Transmission & Telephone Lines, Project 120", (FPC 120-229)

T. 12S., R. 25E.,
Sec. 19, SE4 NW4, NW4 SE4, S2 SE4;

All portions of the following described subdivisions lying within the project area as extended to embrace the water main and water tank locations as delimited upon a map sheet designated "Exhibit K" and entitled "Detail Map of Big Creek Power House No. 3, Project 120", (FPC 120-230):

T. 9S., R. 24E.,
Sec. 18, NW4 SE; E2 SW4.

The area reserved by the filing of this application is approximately 49.60 acres of which 30.62 acres have been heretofore reserved for power purposes and 13.27 acres are lands acquired by the Department of the Army.

Copies of the project maps (FPC 120-222 to 230 inclusive) have been transmitted to the Bureau of Land Management, Geological Survey, Forest Service and the Department of the Army. Map sheets FPC 120- 222, 228, 229 and 230, superseding Map Sheets FPC 120- 122, 123, 124 and 69 respectively.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7407; Filed, Sept. 21, 1954; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-208, 31-505]

INTERNATIONAL PAPER CO.

NOTICE OF FILING OF APPLICATION FOR AN ORDER DECLARING SUBSIDIARY NOT TO BE ELECTRIC UTILITY COMPANY

SEPTEMBER 16, 1954.

Notice is hereby given that International Paper Company ("Paper") has filed an application dated September 13, 1954, under section 2 (a) (3) of the Public Utility Holding Company Act of 1935 ("act"), for an order declaring its subsidiary, Canadian International Paper Company ("Canadian"), not to be an electric utility company as defined in that section of the act.

All interested persons are referred to the application (designated Amendment No. 5) on file in the offices of the Commission for a statement of the facts upon which the application is based, which are summarized as follows:

Paper is the successor to (a) International Paper and Power Company ("Power") (formerly the direct parent of International Hydro-Electric System ("IHES"), a registered holding company, and the indirect parent of, among other companies, New England Power Association ("NEES"), also a registered holding company, and Gatineau Power Company ("Gatineau"), a foreign public utility company) and to (b) a predecessor company also known as International Paper Company ("Old Paper") (a New York subsidiary of Power). At the time Paper became the successor of Power and Old Paper (September 1941) Power and Old Paper had been declared by the Commission not to be holding companies as defined in section 2 (a) (7) of the act (See International Paper and Power Company, 4 S. E. C. 873 (1939)), and Old Paper had also been declared by the Commission not to be an electric utility company (See International Paper Company, Holding Company Act Release No. 2948 (August 18, 1941)). In connection with the foregoing proceedings, Power and Old Paper filed a commitment (paragraph 11, Amendment No. 2, File No. 31-208), dated January 31, 1939, to the effect that, during the effectiveness of the order therein requested declaring Power and Old Paper not to be holding companies, they would give the Commission written notice within thirty days after the making of any material changes in any substantial lease or contract, or of the terms and conditions of any new lease or contract between applicants and their subsidiaries, on the one hand, and IHES or The Olcott Falls Company (then a public utility subsidiary of Old Paper) and their respective subsidiaries, on the other hand.

There are presently pending certain applications filed by Paper for an order making applicable to it the foregoing orders in respect of its predecessors, Power and Old Paper; or, in the alternative, for orders under sections 2 (a) (7) and 2 (a) (3) of the act declaring Paper not to be a holding company and not to be an electric utility company, as defined therein.

Paper is a New York corporation organized in 1941. It has thirty-eight active direct and indirect subsidiaries and affiliates which with Paper are all engaged in some phase of manufacturing and selling pulp, paper, and paper products, or in owning and holding property and facilities for future development and use in connection with the system's manufacturing operations. It also has nine inactive subsidiaries. Its principal subsidiary is Canadian one of the largest pulp, paper, and paper products manufacturers in the business.

Canadian is a corporation organized under the laws of the Province of Quebec, Canada, operates entirely in Canada, and has no subsidiary which operates in the United States. It has no securities outstanding in the hands of the public. It purchases the major portion of its electric power requirements from Gatineau (which is no longer an affiliate of the Paper system) and the Hydro-Electric Power Commission of Ontario, also a non-affiliate; but, in connection with certain of its manufacturing plants, it owns and operates certain facilities for the generation of electric energy for use in its manufacturing operations, and it sells electric energy to certain affiliated and non-affiliated manufacturing companies, and to tenants, employees, and in a minor measure to others, residents of communities adjacent to certain of its plants. During the eight-year period 1946-1953, Canadian's gross revenues ranged from $87,829,910 in 1946 upwards to $174,646,438 in 1953. During the same period its revenues from the sale of electric energy ranged from $148,453 in 1946 upwards to $253,789 in 1953, of which the portion from sales to tenants, employees, and other householders ranged from $31,000 in 1946 to $58,945 in 1953 (approximately 95 percent being from tenants and employees).

Paper requests permission, upon the entry of an order declaring Canadian not to be an electric utility company, to withdraw the pending applications pertaining to it under sections 2 (a) (7) and 2 (a) (3). Paper also requests that it be relieved of any further duty or obligation under the aforesaid commitment of its predecessors in respect of giving the Commission notice. In this connection, the application states that neither Paper nor any of its subsidiaries owns any securities of IHES, and that Paper owns only 29 shares of preferred stock and 43 shares of common stock of Gatineau, and 1,440 shares of common stock of NEES.

Notice is further given that any interested person may, not later than September 29, 1954, request in writing that a hearing be held in respect of the above matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing in respect of such matter. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant the relief requested including the entry of an order declaring Canadian not to be an electric utility company, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-7410; Filed, Sept. 21, 1954; 8:46 a. m.]

[File No. 27-5]

NORTHWEST URANIUM CORP.

NOTICE OF AND ORDER FOR HEARING

SEPTEMBER 16, 1954.

In the matter of the notification of Northwest Uranium Corporation, having filed with the Commission on May 12, 1953, a notification on Form 1-D for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation D promulgated thereunder; and

The Commission on August 16, 1954, having issued an order, pursuant to Rule 509 (a) of the general rules and regulations under the Securities Act of 1933, temporarily suspending the conditional exemption under Regulation D and

affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 509 (b), and a written request for a hearing having been received by the Commission; and

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption:

It is hereby ordered, Pursuant to Rule 509 of the general rules and regulations under the Securities Act of 1933, that a public hearing be held on October 5, 1954, at 10:00 a. m., e. s. t., at the New York offices of the Commission, 42 Broadway, New York 4, New York, for the purpose of taking evidence to determine:

(1) Whether the matters set forth in section II of the order dated August 16, 1954, are true; and

(2) whether the temporary order of August 16, 1954, against Northwest Uranium Corporation should be vacated or made permanent.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That this order and notice shall be served upon Northwest Uranium Corporation, its stock transfer agent, Registrar and Transfer Company, 15 Exchange Place, Jersey City 2, New Jersey, and upon Royal Securities Corporation, 52 Broadway, New York, New York, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-7411; Filed, Sept. 21, 1954; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 39]

HARDWOOD PLYWOOD

NOTICE OF INVESTIGATION INSTITUTED

Investigation instituted. Upon application of the Hardwood Plywood Institute, Chicago, Illinois, received September 3, 1954, the United States Tariff Commission on the 16th day of September 1954, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether hardwood plywood, except Spanish cedar plywood, provided for in paragraph 405 of the Tariff Act of 1930, is, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the United States Tariff Commission on the 16th day of September 1954.

Issued September 17, 1954.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 54-7429; Filed, Sept. 21, 1954; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 26]

MOTOR CARRIER APPLICATION

SEPTEMBER 17, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 49 CFR 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATION OF MOTOR CARRIERS OF PROPERTY

NO. MC 3083 Sub 19, ARMORED MOTOR SERVICE CO., INC., Hickman Bldg., 248 Madison Ave., P. O. Box 66, Memphis, Tenn. Applicant's attorney: James W. Wrape, Wrape and Hernly, Sterick Bldg., Memphis 3, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin* and *bullion*, (1) from Philadelphia, Pa., to Baltimore, Md., Washington, D. C., Richmond, Va., Charlotte, N. C., Nashville and Memphis, Tenn., Atlanta, Ga., Birmingham, Ala., Jacksonville, Fla., New Orleans, La., Little Rock, Ark., St. Louis, Mo., and Louisville, Ky., (2) between Philadelphia, Pa., Baltimore, Md., Washington, D. C., Richmond, Va., Charlotte, N. C., Nashville and Memphis, Tenn., Atlanta, Ga., Birmingham, Ala., Jacksonville, Fla., New Orleans, La., Little Rock, Ark., St. Louis, Mo., and Louisville, Ky., (3) from Denver, Colo., to Kansas City, Mo., Oklahoma City, Okla., El Paso, Dallas, Houston, and San Antonio, Tex., and (4) between Denver, Colo., Kansas City, Mo., Oklahoma City, Okla., El Paso, Dallas, Houston, and San Antonio, Tex. Applicant is authorized to conduct operations in Arkansas, Georgia, Kentucky, South Carolina, Tennessee, and West Virginia.

NO. MC 7777 Sub 29, NEBRASKA-EASTERN EXPRESS, INC., 3420 W. Broadway, Council Bluffs, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Bldg., Des Moines 9, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Carpets, rugs* and *linoleum*, and *materials* and *supplies* used in the installation thereof, from Trenton, N. J., Wilmington, Del., to Des Moines, Iowa, and Omaha, Nebr. Applicant is authorized to conduct operations in Iowa, Massachusetts, Nebraska, New Jersey, New York, and Pennsylvania.

NO. MC 7777 Sub 30, NEBRASKA-EASTERN EXPRESS, INC., 3420 W. Broadway, Council Bluffs, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Bldg., Des Moines 9, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Carpets, rugs* and *linoleum*, and *materials* and *supplies* used in the installation thereof, from Kearny and Trenton, N. J., Wilmington, Del., and Marcus Hook, Pa., to Fort Dodge and Sioux City, Iowa, and Lincoln, Nebr. Applicant is authorized to conduct operations in Iowa, Massachusetts, Nebraska, New Jersey, New York, and Pennsylvania.

NO. MC 10228 Sub 3, C. R. MADDUX, Post Office Box 114, Wenden, Ariz. For authority to operate as a *common carrier*, over irregular routes, transporting: *Manganese ore* and *manganese ore concentrates*, from points in California within 50 miles of Blythe, Calif., including Blythe, to Wenden, Ariz.

NO. MC 14429 Sub 4, EDWIN L. LADD, doing business as TED LADD'S MOTOR TRANSFER, School St., Barre, Vt. Applicant's attorney: Oliver C. Peterson, 795 Elm St., Manchester, N. H. For au-

thority to operate as a *common carrier*, over regular routes, transporting: *Rough and finished granite*, from Waterbury, Vt., to White River Junction, Vt., from Waterbury over U. S. Highway 2 to junction U. S. Highway 302, thence over U. S. Highway 302 to Barre, Vt., thence over Vermont Highway 14 to junction Vermont Highway 14 and U. S. Highway 5 at White River Junction, Vt., serving no intermediate points, as an alternate route in connection with carrier's regular-route operation from Waterbury, Vt., to Myerstown, Pa., and New York, N. Y. Applicant is authorized to conduct operations in Vermont, Pennsylvania, New York, and Connecticut.

NO. MC 20135 Sub 4, MORRISON TRANSFER CO., INC., 111 East Main Street, Sparta, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Printed matter*, between Sparta, Ill., on the one hand, and, on the other, New York, N. Y., and points within 25 miles thereof. Applicant is authorized to conduct operations in Illinois, Missouri, and New York.

NO. MC 28132 Sub 32, HVIDSTEN TRANSPORT, INC., 2801 Front Street, Fargo, N. Dak. Applicant's attorney: Van Osdel & Foss, 506 First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in North Dakota. Applicant is authorized to conduct operations in Minnesota, North Dakota, and Wisconsin.

NO. MC 28132 Sub 33, HVIDSTEN TRANSPORT, INC., 2801 Front Street, Fargo, N. Dak. Applicant's attorney: Van Osdel & Foss, 506 First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Minnesota. Applicant is authorized to conduct operations in Minnesota, North Dakota and Wisconsin.

NO. MC 31438, Sub 6, R. O. WETZ, doing business as R. O. WETZ TRANSPORTATION, 110–112 Second Street, Marietta, Ohio. Applicant's attorney: Noel F. George, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Expansion shells*, from Phoenix, N. Y. to Marietta, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, New York, Ohio and Virginia.

NO. MC 42487 Sub 286, (Amended) CONSOLIDATED FREIGHTWAYS, INC., 2116 N. W. Savier Street, Portland, Oreg. Applicant's attorney: W. S. Pilling, 2029 N. W. Quimby Street, P. O. Box 3618, Portland 8, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *commodities of unusual value, class A and B explosives, household goods* as defined by the Commission, *commodities in bulk* (except liquid petroleum products), and *commodities requiring special equipment*, between junction U. S. Highway 395 and Washington Highway 3–D and Waitsburg, Wash., over Washington Highway 3–D, serving no intermediate points, as an alternate route in connection with carrier's regular route operations between Tacoma, Wash., and Lewiston, Idaho. Applicant is authorized to conduct operations in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, Oregon, Utah, Washington and Wisconsin.

NO. MC 43683 Sub 24, BAKER DRIVE-AWAY COMPANY, INC., 5240 East Outer Drive, Detroit 34, Mich. Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new automobile bodies*, and *new automobile chassis*, in initial movements, in both truckaway, and driveaway service, from Kenosha, Wis., to St. Louis, Mo., Philadelphia, Allentown, York, and Reading, Pa., points in St. Louis County, Mo., those in Maryland, Indiana, Michigan, North Carolia, Ohio, South Carolina, Virginia, West Virginia, and the District of Columbia, those in that part of New York west of U. S. Highway 11, that part of Pennsylvania west of U. S. Highway 11, and that part of Illinois north of U. S. Highway 36, including points on the indicated portions of the highways specified, restricted to the transportation of vehicles manufactured by the Hudson Motor Car Division of American Motors, Inc. Applicant is authorized to conduct operations in the District of Columbia, Florida, Georgia, Illinois, Indiana, Michigan, Missouri, Maryland, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia.

NO. MC 46280 Sub 29, DARLING FREIGHT, INC., 319 Rumsey St., S. W., Grand Rapids, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between South Lyon, Mich., on the one hand, and, on the other, Evansville, and Vincennes, Ind., points in Indiana on and north of U. S. Highway 40, those in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U. S. Highway 36 to Springfield, Ill., thence along Illinois Highway 125 to junction U. S. Highway 67, thence along U. S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U. S. Highway 24, and thence along U. S. Highway 24 to the Illinois-Missouri State line, and those in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line and extending along U. S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, Wis., and thence along U. S. Highway 141 to Lake Michigan at Manitowoc, Wis. Applicant is authorized to conduct operations (1) over regular routes in Michigan, and (2) over irregular routes in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin.

NO. MC 48784 Sub 2, P. J. GARVEY CARTING & STORAGE, INC., 86 East North Street, Buffalo, N. Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New uncrated store fixtures, hospital equipment, and office equipment* (other than tabulating machines and punch card accounting machines), from points in Erie and Niagara Counties, N. Y., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, South Dakota, Texas and Wyoming. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York, Vermont, New Hampshire, Maine, Rhode Island, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Pennsylvania, Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, and the District of Columbia.

NO. MC 52657 Sub 467, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty St., Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm tractors*, and *industrial tractors*, from Clarksburg, W. Va., to points in that portion of the United States, including the District of Columbia, located east of a line extending over the western boundary lines of the States of Minnesota, Iowa, Missouri, Arkansas, and Louisiana from the United States-Canadian Boundary Line to the Gulf of Mexico. Applicant is authorized to conduct operations in Illinois, Michigan, Minnesota, and Wisconsin.

NO. MC 61623 Sub 9, GATE CITY TRANSPORT COMPANY, a Corporation, 15093 LaSalle Blvd., Detroit, Mich. Applicant's attorney: James W. Wrape, Wrape and Hernly, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor Vehicles*, in initial movements, in truckway and driveaway service, from points in Wayne County, Mich., to points in Virginia. Applicant is authorized to conduct operations in Michigan, North Carolina, Ohio, South Carolina, Virginia and West Virginia.

NO. MC 63562 Sub 21, NORTHERN PACIFIC TRANSPORT COMPANY, a corporation, 176 East Fifth Street, St. Paul, Minn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except class A and B explosives, and *mail*, moving in express service for the Railway Express Agency, Incorporated, and moving on Railway Express Agency, Incorporated, bills of lading, between Auburn, Wash., and Tacoma, Wash., over Washington Highway 5, via Sumner and Puyallup, Wash., serving all intermediate and off-route points which are stations on the lines of the Northern Pacific Railway Company. Applicant is authorized

to conduct operations in Montana, North Dakota and Washington.

NO. MC 75320 Sub 61, CAMPBELL SIXTY-SIX, EXPRESS, INC., P. O. BOX 390, 2333 E. Mill Street, Sprinfield, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Memphis, Tenn., and Jackson, Miss., from Memphis over U. S. Highway 51 to Jackson, Miss., serving no intermediate points, as an alternate or connecting route in connection with carrier's regular-route (1) between Memphis, Tenn., and St. Louis, Mo., (2) between Memphis, Tenn., and Little Rock, Ark., (3) between Memphis, Tenn., and Tupelo, Miss., (4) between Memphis, Tenn., and Houlka, Miss., (5) between Meridian, Miss., and Jackson, Miss. and (6) between New Orleans, La., and Jackson, Miss. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

NO. MC 78786 Sub 201, PACIFIC MOTOR TRUCKING COMPANY, a corporation, 65 Market St., San Francisco, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *articles of unusual value, Class A and B explosives, household goods as defined by the Commision, commodities in bulk, and those requiring special equipment*, between Santa Cruz, Calif., and Los Gatos, Calif., over California Highway 17, serving all intermediate points. NOTE: (Carrier is authorized in Certificate No. MC 78786, dated September 5, 1945, to transport the commodities specified between San Jose, Calif., and Santa Cruz, Calif., over California Highway 17, subject to the restrictions specified in the certificate; carrier is also authorized to transport the commodities specified between San Jose, Calif., and Los Gatos, Calif., over California Highway 17, unrestricted; carrier seeks the removal of the restriction between Santa Cruz and Los Gatos, Calif., over the segment of the route between San Jose and Santa Cruz, Calif., as follows: (a) The service to be performed by the said carrier shall be limited to that which is auxiliary to, or supplemental of, railroad or railway express service, and (b) Such further conditions as the Commission, in the future, may find it necessary to impose in order to restrict the said carrier's operation to service which is auxiliary to, or supplemental of, railroad or railway express company service.

NO. MC 88161 Sub 38, INLAND PETROLEUM TRANSPORTATION COMPANY, INC., 5047 Colorado Ave., Seattle, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Muriatic acid*, in bulk, in tanks or tank vehicles, from Tacoma, Wash., to ports of entry located on that portion of the United States-Canadian International Boundary line situated between the state of Washington and Canada, (2) *Sulphuric acid*, in bulk, in tanks or tank vehicles, from ports of entry located on that portion of the United States-Canadian International Boundary line situated between the state of Washington and Canada, to points in Washington, and (3) *Spent sulphuric acid*, from points in Washington, to ports of entry located on that portion of the United States-Canadian International Boundary line situated between the state of Washington and Canada.

NO. MC 92983 Sub 108, ELDON MILLER, INC., 1030 Riverside Drive, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products*, in bulk, in tank vehicles, from points in Illinois, and Indiana, to points in Iowa, Minnesota, and Nebraska, excepting that no authority is being sought to perform such service from (1) Fulton, Ill., and points within 10 miles thereof to points in Iowa, (2) Milan, Ill., to points in Iowa on and east of U. S. Highway 69, (3) Peoria, Ill., and points within 10 miles thereof to points in Des Moines, Lee, Louisa, and Van Buren Counties, Iowa, (4) East Peoria, Ill., to points in Iowa on and east of U. S. Highway 63 from the Iowa-Missouri State Line to Waterloo, Iowa, thence on and south of U. S. Highway 20 to the Mississippi River, (5) Peru, Ill., and points within 10 miles thereof to points in Iowa on and east of U. S. Highway 169, (6) Quincy, Ill., to points in Appanoose, Clark, Davis, Decatur, Des Moines, Henry, Jefferson, Keokuk, Lee, Louisa, Lucas, Mahaska, Monroe, Van Buren, Wapello, Washington, and Wayne Counties, Iowa, (7) Rochell, Ill., and points within 10 miles thereof to points in Scott, Clinton, Louisa, and Muscatine Counties, Iowa, (8) Roxanna, Ill., and points within three miles thereof not including Hartford, Ill., to points in Iowa on and east of U. S. Highway 69, and (9) Wood River, Ill., and points within one mile thereof, not including Hartford, Ill., to points in Iowa. Applicant is authorized to conduct operations in Arkansas, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

NO. MC 98243 Sub 1 (amended) E. H. (ERNIE) NEFF AND MARIAN NEFF, doing business as NEFF TRUCKING COMPANY, 622 North 2nd St., Sterling, Colo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, material, equipment* and *supplies* used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (1) between points in Colorado, on the one hand, and on the other, points in Nebraska, and (2) between points in Colorado and (3) between points in Nebraska. Applicant is authorized to conduct operations in Colorado.

NO. MC 103880 Sub 129, PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solution, nitrate acid, aqua ammonia, methanol*, and *anti-freeze solutions*, in bulk, in tank vehicles, from (1) West Henderson, Ky. and points in Kentucky within 10 miles of West Henderson, to points in Arkansas, Illinois, Indiana, Iowa, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, West Virginia, North Carolina, South Carolina, and Wisconsin, and (2) Vicksburg, Miss. and points within 10 miles thereof, to points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee and Texas. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, New York, Pennsylvania, West Virginia, and Wisconsin.

NO. MC 104960 Sub 20, MOTOR FUEL CARRIERS, INC., 404 Elm Ave., Panama City, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petrolcum products*, in bulk, in tank vehicles, from Bainbridge, Ga., and points within 15 miles thereof, to points in Alabama within 150 miles of Bainbridge, Ga. Applicant is authorized to conduct operations in Florida, Georgia, Alabama, South Carolina, North Carolina, and Mississippi.

NO. MC 105733 Sub 14, H. R. RITTER TRUCKING CO., INC., 210 N. J. State Highway 17, Paramus, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in pressure tank vehicles, from Everett, Mass., and points within 10 miles thereof, to points in New Hampshire, Vermont, Maine, Rhode Island, Connecticut, New York, and New Jersey. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

No. MC 105733 Sub 15, H. R. RITTER TRUCKING CO., INC., 210 N. J. State Highway No. 17, Paramus, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in pressure tank vehicles, from Steuben and Cortland Counties, N. Y., to points in Pennsylvania, New Jersey, Connecticut, Massachusetts, Vermont, and New Hampshire. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NO. MC 107002 Sub 65, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 110 Giuffrias Ave., P. O. Box 687, New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude petroleum*, in bulk, in tank vehicles, from Maxie, Miss. and points within fifteen miles thereof to New Orleans, La. and points within twenty-five miles of New Orleans, La., and

Lumberton, Miss. (except no authority is sought to transport petroleum distillates from points in Forrest County, Miss. within fifteen miles of Maxie, Miss. to Chalmette, La.) Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi, and Tennessee.

NO. MC 107228 Sub 2, NASH JOHN, doing business as J. & S. TRANSPORTATION CO., 377 North Main Street, Barre, Vt. For authority to operate as a *common carrier*, over irregular routes, transporting: *Granite*, from the United States-Canadian International Boundary Line at or near Highgate Springs, Vt. to Barre, Vt., and *Grit* (granite), in bags, from Barre, Vt. to the United States-Canadian International Boundary Line at or near Highgate Springs, Vt., restricted to the transportation of shipments originating at or destined to points in the Province of Quebec, Canada. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York and Vermont.

NO. MC 107228 Sub 3, NASH JOHN, doing business as J. & S. TRANSPORTATION CO., 377 North Main Street, Barre, Vt. For authority to operate as a *common carrier*, over irregular routes, transporting: *Insulating materials, asbestos, asphalt, cement, roofing, building materials*, and *materials and supplies* used in the installation thereof, in bundles, in containers, in rolls and in packages, from Philadelphia, Pa., Perth Amboy and Rutherford, N. J., to points in Caledonia, Chittenden, Lamoille, Orange and Washington Counties, Vt.

NO. MC 108011 Sub 5, OHIO TRI-COUNTY TRUCKING CO., a corporation, 1915 Alexis Road, Toledo, Ohio. Applicant's attorney: Robert A. Sullivan, 2611 Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Gravel, limestone* and *sand* for bridge, airport and roadbuilding purposes only, and *materials*, except cement, mortar and slag, for road maintenance purposes only, between points in Michigan and Ohio, except points within 40 miles of Monroe, Mich. Applicant is authorized to conduct operations in Michigan and Ohio.

NO. MC 108398 Sub 27, FORTIER TRANSPORTATION COMPANY, a corporation, Post Office Box 431, East and Jensen Avenue, Fresno 8, Calif. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bakersfield and Kettleman City, Calif., and points within fifty (50) miles of each (except Mojave, Calif.), to points in Nevada. Applicant is authorized to conduct operations in California.

NO. MC 108586 SUB 33, STEFFKE FREIGHT CO., a corporation, 204 S. Bellis Street, P. O. Box 748, Wausau, Wis. Applicant's attorney: Glenn W. Stephens, Stephens, Bieberstein, Cooper and Bruemmer, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those contaminating or injurious to other lading, between Milwaukee, Wis., and the junction of U. S. Highways 41 and 45, north of Oshkosh, Wis., over *relocated U. S. Highway 41*, serving all intermediate points. NOTE: Applicant intends to continue to operate over *old U. S. Highway 41* between Oshkosh, Wis., and Milwaukee, Wis., which highway will be known as Wisconsin Highway 175, and *old U. S. Highway 41* between Oshkosh, Wis., and Green Bay, Wis., which highway will be known as U. S. Highway 45.

NO. MC 109584 SUB 13, ARIZONA-PACIFIC TANK LINES, 717 North 21st Ave., Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, Glanz & Russell, 639 South Spring St., Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhyammonia, liquid fertilizers* and *soil conditioning compounds*, in bulk, in tank vehicles, from points in California to points in Utah. Applicant is authorized to conduct operations in California and Arizona.

NO. MC 109603 SUB 11, LOO MAC FREIGHT LINES, INC., 139 East Virginia Street, Memphis, Tenn. Applicant's attorney: James W. Wrape, Wrape and Hernly, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Tuscumbia, Ala., and junction Alabama Highway 74 and U. S. Highway 11, from Tuscumbia over Alabama Highway 20 to Decatur, Ala., thence over U. S. Highway 31 to junction Alabama Highway 67, thence over Alabama Highway 67 to junction Alabama Highway 112, thence over Alabama Highway 112 to junction U. S. Highway 231, thence over U. S. Highway 231 to junction Alabama Highway 74, and thence over Alabama Highway 74 to junction U. S. Highway 11, and return over the same routes, serving no intermediate points, as an alternate or connecting route in connection with applicant's regular route operations between Huntsville, Ala., and Atlanta, Ga., and between Tuscumbia, Ala., and Athens, Ala. (which is a portion of carrier's regular route between Corinth, Miss., and Athens, Ala.); and (2) between Huntsville, Ala., and junction Alabama Highway 74 and U. S. Highway 11, from Huntsville over U. S. Highway 231 to junction Alabama Highway 74 and thence over Alabama Highway 74 to junction U. S. Highway 11, and return over the same routes, serving no intermediate points, as an alternate route in connection with applicant's regular route between Huntsville, Ala., and Atlanta, Ga. Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi and Tennessee.

NO. MC 109724 SUB 1, JOHN DEWAR, P. O. Box 151, Route 5, Waukesha, Wis. Applicant's attorney: C. R. Dineen, Dineen, Gleason, Shaughnessy & Dineen, 341 Empire Building, 710 N. Plankinton Ave., Milwaukee 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Crushed stone* from Pewaukee and Lisbon, Wis., to points in Illinois on and north of U. S. Highway 6; and *cut stone* from Genesee, Wis., to points in Illinois on and north of U. S. Highway 6, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities, on return.

NO. MC 109734 SUB 65, SYSTEM TANK LINES, INC., 8434 East Iowa, Downey, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Sacramento and Richmond, Calif., and Salt Lake City, Utah, and points within 10 miles of each, to points in Malheur, Harney, and Lake Counties, Oreg. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah and Washington.

NO. MC 109734 SUB 66, SYSTEM TANK LINES, INC., 8434 East Iowa, Downey, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Tacoma, Wash., and points within four miles thereof, to government installations in Oregon and Idaho. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

NO. MC 110525 SUB 246, CHEMICAL TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Dow, Lohnes and Albertson, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products, acids* and *chemicals*, in bulk, in tank vehicles, (1) between points in Delaware, (2) between points in Maryland, (3) between points in New Jersey and (4) between points in Pennsylvania. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Texas, Tennessee, and the District of Columbia.

NO. MC 110525 SUB 247, CHEMICAL TANK LINES, INC., 520 E. Lancaster Ave., Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Dow, Lohnes and Albertson, Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products, acids*, and *chemicals*, as described in Ex Parte No. MC-45, in bulk, in tank vehicles, between points in New York. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

NO. MC 111615 SUB 2, FRANCIS MORDCIA BAUMEISTER, doing business as F. M. BAUMEISTER, 623 Broidy Street, Burlington, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from Hartsdale, Ind., to points in Jefferson, Kenosha, Walworth, Milwaukee and Waukesha Counties, Wis.; *canned soft drinks*, from Burlington, Wis., to points in Illinois, Indiana and Missouri; and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, from the above-described destination areas to Hartsdale, Ind., and Burlington, Wis. Applicant is authorized to conduct operations in Indiana and Wisconsin.

NO. MC 112442 SUB 4, (Amended) H. L. MANESS, doing business as H. L. MANESS TRUCK LINE, 223 Wisconsin Street, Neodesha, Kans. Applicant's attorney: Howard M. Immel, Apt and Immel, Allen County State Bank Bldg., Iola, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum and petroleum products, including lubricating oils, greases, and naphthas*, in packages and containers, in truck load lots having a minimum weight of 26,000 pounds, from points in the Houston, Tex. Commercial Zone as defined by the Commission, to points in Missouri south of the Missouri River (except those in the Kansas City, Mo.-Kansas City, Kans. Commercial Zone and the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone as defined by the Commission), and *empty barrels and containers*, on return movement. Applicant is authorized to conduct operations in Kansas and Texas.

NO. MC 113410 SUB 2, DAHLEN TRANSPORT, INC., 875 North Prior, St. Paul 4, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Minnesota.

NO. MC 113874 SUB 1, SAMUEL M. GILBERT AND W. O. GILBERT, doing business as GILBERT & MARTIN TRANSFER COMPANY, 3045 Indiana Avenue, Winston Salem, N. C. Applicant's attorney: A. W. Flynn, Jr., York & Boyd, 201–204 Jefferson Building, Greensboro, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Corrugated boxes*, knocked down, and *corrugated separators used in conjunction with such boxes*, from Winston Salem, N. C., to points in South Carolina, and those in that part of Tennessee on and east of U. S. Highway 11 W from the Tennessee-Virginia State line to junction U. S. Highway 11, and thence on and east of U. S. Highway 11 to the Tennessee-Georgia State line, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities, on return movement.

NO. MC 114217 SUB 1, CANAAN & REDMAN, INC., 6135 Langston Road, Seattle, Wash. Applicant's attorney: James T. Johnson, Kellogg, Reaugh, Hart & Johnson, Central Building, Seattle 4, Wash. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products, bricks*, and *refractory and insulating materials used in connection therewith*, between points in Benton, Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties, Wash. Applicant is authorized to conduct operations in Washington.

NO. MC 114612 SUB 1, C. A. SHETROM, R. D. 2, Huntingdon, Pa. Applicant's representative: G. A. Bruestle, President, Motor Carriers Service Bureau, Inc., S. E. Corner Broad and Spring Garden Sts., Philadelphia 23, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay, clay products, firebrick, fireclay, silica rock* and *fireclay products*, from the Borough of Alexandria, Borough of Mt. Union and the Township of Porter, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, *palletts* and *damaged and unused clay, clay products, firebrick, fireclay, silica rock and fireclay products* from points in the above-specified destination territory to the Borough of Alexandria, Borough of Mt. Union and the Township of Porter, Pa.

NO. MC 114844 SUB 1, FRANK E. OWEN, 112 West B. Street, Chase City, Va. Applicant's attorney: John C. Goddin, Shewmake, Gary, Goddin & Blackwell, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Shooks*, from Lawrenceville, Va., to Chester, Pa.

NO. MC 114895, LOWELL PAINTER, 226 South Eleventh St., Beach Grove, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value and except Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Indianapolis, Ind., and Dana, Ind., from Indianapolis over U. S. Highway 36 to Danville, Ind., thence over Indiana Highway 236 via North Salem and Roachdale, Ind., to junction Indiana Highway 43, thence over Indiana Highway 43 to Parkersburg, Ind., thence westwardly over unnumbered county road, known as Parkersburg-Russellville Road to Russellville, Ind., and junction Indiana Highway 236, thence over Indiana Highway 236 through Marshall, Ind., to junction U. S. Highway 41, thence over U. S. Highway 41 to junction U. S. Highway 36, thence over U. S. Highway 36 to junction Indiana Highway 71, thence over Indiana Highway 71 to Dana, serving the intermediate points of North Salem, Marshall, Roachdale, Russellville, and Montezuma, Ind., and the off-route point of Bloomingdale, Ind., (2) between junction U. S. Highways 36 and 41, at Rockville, Ind., and Brazil, Ind., from junction U. S. Highways 36 and 41 at Rockville, Ind., over U. S. Highway 36 to junction Indiana Highway 59, thence over Indiana Highway 59 to Brazil, Ind., serving no intermediate points, (3) between Brazil, Ind., and Indianapolis, Ind., from Brazil over U. S. Highway 40 to Indianapolis, serving no intermediate points, and (4) between the junction U. S. Highways 36 and 41 at Rockville, Ind., and junction unnumbered highway and U. S. Highway 36 (approximately six miles north of Mecca, Ind.), from junction U. S. Highways 36 and 41 at Rockville, thence over U. S. Highway 41 to intersection unnumbered county road, thence over unnumbered county road to junction U. S. Highway 36, serving the intermediate point of Mecca, Ind. Restriction: The motor carrier service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of, the rail service of The Baltimore and Ohio Railroad Company. Said carrier shall not serve, or interchange traffic at any point not a station on the rail line of the said railroad. Shipments transported by said carrier shall be limited to those which it receives from and delivers to the said railroad under a through bill of lading, covering, in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail.

NO. MC 114905, REGINALD L. McDEVITT, AUSTIN K. McDEVITT and PAULINE A. McDEVITT, doing business as R. L. McDEVITT AND SON, High St., Ellsworth, Maine. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, moving in express service, for the Railway Express Agency, Incorporated, between Ellsworth, Maine and Sullivan (Waukeag Station), Maine, over U. S. Highway 1, serving the intermediate point of Hancock, Maine.

NO. MC 114919, WALTER WESTON, Driggs, Idaho. Applicant's attorney: Harold S. Forbush, Driggs, Idaho. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Livestock, farm machinery, building materials* and *farm produce*, (1) from Driggs, Idaho and points in Teton County, Idaho, within 20 miles of Driggs, to Salt Lake City, Logan, Ogden and Midvale, Utah; (2) from Salt Lake City, Ogden, Brigham City and Logan, Utah, to points in Teton County, Idaho; and (3) between Driggs, Idaho and points within 20 miles of Driggs, and Idaho Falls, Idaho, on the one hand, and, on the other, Jackson, Wilson, Moran, Afton, Freedom, Etna, Alpine and Thayne, Wyo., and Butte, Dillon, Helena, Missoula, Anaconda, Bozeman, Livingston, Billings and Lewistown, Mont.

NO. MC 113922, ROBERT FLORA and STAN RUNDLE, doing business as FLORA & RUNDLE, Dodgeville, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis.

For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, from Hammond, Ind. to Dodgeville and Mineral Point, Wis., and points within 15 miles of each.

NO. MC 114926, HAROLD T. MARTIN AND ERNEST W. MARTIN, doing business as H. T. MARTIN & SONS, R. D. #1, Narvon, Pa. Applicant's attorney: Maurice M. Green, 1515 Market Street, National Bank Building, Market at Juniper Street, Philadelphia, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Uncrated new furniture*, from points in the Borough of Lititz, Lancaster County, Pa., and points within 10 miles of said borough, to points in New Jersey, New York, Delaware, Maryland, and the District of Columbia.

NO. MC 114927, BILLY PYLES, doing business as PYLES TRUCKING SERVICE, Route No. 2, Maysville, Ky. Applicant's attorney: Rudy Yessin, Smith, Reed & Leary, Sixth Floor, McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feeds, seeds* and *fertilizer*, from Cincinnati, Ohio, and points within 10 miles thereof, to points in Mason and Fleming Counties, Ky.

NO. MC 114932, J. M. RUSSELL, doing business as CLEARVIEW GARDENS, 309 North Post Oak Lane, Houston, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Perishable floral products*, (such as, but not limited to, cut flowers, picked, graded, in bundles and/or packaged, precooled, and packed in standard shipping boxes; nursery stock, grown in cans, pots, or balled and burlapped; and bedding plants, grown in containers, graded and placed in flats, then into wire bound boxes for shipment), between points in California, on the one hand, and, on the other, points in Texas, Louisinna, Arkansas, and Oklahoma. NOTE: There is a question as to whether or not authority is required for the transportation service applied for herein.

NO. MC 114935, EDWARD J. BRUSO, Speculator, N. Y. Applicant's attorney: John J. Brady, Jr., Brady & Brady, 75 State Street, Albany 7, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, from Speculator, N. Y., to points in New York, Massachusetts, Vermont, New Hampshire, Connecticut, New Jersey, Pennsylvania and Maine.

NO. MC 114940, JOHN WILLCOXSON, 408 West Chestnut Street, Bloomfield, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as defined by the Commission in Ex Parte No. MC–45, between points in Iowa on and south of U. S. Highway 6 and on and east of U. S. Highway 69.

NO. MC 114942, ALEXANDER KARAFELIS, 50 Hunt Road, Chelmsford, Mass. Applicant's attorney: Edward J. DeSaulnier, Jr., 508–512 Sun Building, Lowell, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Livestock, animal feeds, lumber, wall board*, and *plywood*, between Billerica, Mass., on the one hand, and, on the other, points in New Hampshire within 50 miles of the Massachusetts-New Hampshire State line.

NO. MC 114943, DWAINE DUMMETT, doing business as DUMMETT TRANSPORT SERVICE, 825 Fifth Street, Sheldon, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as defined by the Commission in Ex Parte No. MC–45, from Council Bluffs, Clear Lake, Des Moines, Rock Rapids and Sioux City, Iowa, to points in Iowa on and north of U. S. Highway 20 and on and west of U. S. Highway 169.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

NO. MC 1501 Sub 89, The GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago, Ill. Applicant's attorney: Jack R. Turney, Jr., 2001 Massachusetts Ave., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, express, mail, newspapers*, and *baggage of passengers* in the same vehicle with passengers, between Point Clear, Ala., and Foley, Ala., over Alabama Highway 89. Applicant is authorized to conduct operations throughout the United States.

NO. MC 1501 SUB 91, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago, Ill. Applicant's attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, express, mail, newspapers*, and *baggage of passengers* in the same vehicle, between Ocean Springs, Miss., and the Mississippi-Alabama State line over Relocated U. S. Highway 90, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

NO. MC 1501 SUB 90, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago, Ill. Applicant's attorney: Jack R. Turney, Jr., 2001 Massachusetts Ave., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, express, mail, newspapers*, and *baggage*, in the same vehicle with passengers between Bogalusa, La., and Poplarville, Miss., over Mississippi Highway 26, serving no intermediate points, as an alternate route in connection with applicant's regular-route operations (1) from Bogalusa, La., and Abita Springs, La., and (2) between Birmingham, Ala., and New Orleans, La. Applicant conducts operations throughout the United States.

NO. MC 84690 Sub 13 (Amended), NORTHERN PACIFIC TRANSPORT COMPANY, a corporation, 176 East 5th Street, St. Paul 1, Minn. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers (passengers to move on either Northern Pacific Railway Company tickets or Greyhound Bus tickets; express to move on Railway Express Agency billing), between Auburn, Wash., and Tacoma, Wash. (1) from Auburn over Washington Highway 5 to Stewarts Corner, thence over unnumbered county highway to Knutsens Corner, thence over Washington Highway 1–X to Fife, thence over U. S. Highway 99 to Tacoma, and return over the same routes serving no intermediate points, and also (2) from Auburn over Washington Highway 5 to Puyallup, thence over Washington Highway 5–D to Knutsens Corner, thence over Washington Highway 1–X to Fife, thence over U. S. Highway 99 to Tacoma, and return over the same routes, serving the intermediate points of Sumner and Puyallup, Wash. Applicant is authorized to conduct operations in Montana and Wyoming.

NO. MC 101883 SUB 2, CAVALLO BUS LINES, INC., 301 W. Osie Avenue, Gillespie, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip charter operations, from Prairietown, Worden, New Douglas, Livingston, and Litchfield, Ill., to St. Louis, Mo., and points in Missouri, and return. Applicant is authorized to conduct operations in Illinois and Missouri.

NO. MC 109495 SUB 4, (Amended), BRUNSWICK TRANSPORTATION COMPANY, INC., Corner Elm and Middle Streets, Brunswick, Maine. Applicant's attorney: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between Portland, Maine and Pownal, Maine, over Maine Highway 9 (also, via city streets, and unnumbered highway); (2) between Portland, Maine and Newhall, Maine, from Portland over Maine Highway 25 to Gorham, thence over Maine Highway 4 to South Windham, and thence over unnumbered highway to Newhall (also, from Portland over Maine Highway 25 to Newhall) (also, from Portland over Maine Highway 25 to junction Maine Highway 95, thence over Maine Highway 95 to junction Maine Highway 4, and thence over the above-specified route to Newhall), and return over the same routes; (3) between Richmond, Maine and Gardiner, Maine, over Maine Highway 24; (4) between Auburn, Maine and Togus, Maine, from Auburn over Maine Highway 126, via Gardiner, to junction Maine Highway 226, thence over Maine Highway 226 to junction unnumbered highway, and thence over unnumbered highway to Togus, and return over the same route; and (5) between Gorham, Maine and Sebago Lake, Maine, from Gorham over Maine Highway 25 to junction Maine Highway 35, and thence over Maine Highway 35 to Sebago Lake (also, from Gorham over Maine Highway 114 to Sebago Lake), and return over the same routes, service is proposed to and from all intermediate points on the above-described routes. Applicant is authorized to conduct operations in Maine.

CORRECTIONS

Application of YELLOW TRANSIT FREIGHT LINES, INC., Kansas City, Mo., MC 112713 Sub 55 is the correct docket number assigned to instant application published on Page 5620, issue of Thursday September 2, 1954, in lieu of docket number MC 112712 Sub 55 as published.

APPLICATIONS UNDER SECTIONS 5 AND 210A (B)

NO MC–F–5742. Authority sought for purchase by RANDOLPH ZETT HOWELL, doing business as HOWELL'S MOTOR FREIGHT, 1719 South Jefferson St., Roanoke, Va., of a portion of the operating rights and property of J. H. SMITH, FRED SMITH, and A. W. SMITH, (NANNIE SMITH, EXECUTRIX), doing business as SMITH'S TRANSFER & STORAGE, 30 Goodson St., Bristol, Va. Applicants' attorney: H. H. Haynes, 26½ Sixth St., Bristol, Tenn. Operating rights sought to be transferred: *Meats, meat products*, and *meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as defined by the Commission, *new household furniture, new refrigerators*, and *other new electrical equipment*, as a *common carrier*, over irregular routes, between Bristol, Tenn.–Va., on the one hand, and, on the other, points in Virginia within 50 miles of Bristol, Tenn.–Va., and points in Tennessee within 30 miles of Bristol, Tenn.–Va., and *used furniture*, from points in Virginia within 50 miles of Bristol, Tenn.–Va., and points in Tennessee within 30 miles of Bristol, Tenn.–Va., to Bristol, Tenn.–Va. Vendee is authorized to operate in Virginia, North Carolina, and South Carolina. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5769. Authority sought for purchase by W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen St., Watertown, N. Y., of the operating rights of CHARLES J. DONNELLY, doing business as C. A. TUFFLEY EXPRESS, 921 Spencer St., Syracuse, N. Y., and for acquisition by LAWRENCE E. SMITH, Watertown, N. Y., of control of the operating rights through the purchase. Applicants' attorney: Norman M. Pinsky, 407 So. Warren St., Syracuse 2, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions, as a *common carrier*, over regular routes, between Syracuse, N. Y., and Oswego, N. Y., serving the intermediate points of Baldwinsville, Phoenix, and Fulton, N. Y. Vendee is authorized to operate in New York, Pennsylvania, Massachusetts, New Jersey, Maryland, Delaware, Rhode Island, Connecticut, Illinois, Michigan, Ohio and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5777. Authority sought for purchase by SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto St., Houston, Tex., of a portion of the operating rights of INLAND MOTOR FREIGHT LINES, INC. (FRANK BRACKENY, RECEIVER), 1300 N. Broadway, Corpus Christi, Tex., and for acquisition by SOUTHERN PACIFIC COMPANY, San Francisco, Calif., of control of said rights through the purchase. Person to whom correspondence is to be addressed: T. P. Kelly, 810 North San Jacinto St., Houston, Tex. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between San Antonio and Austin, Tex., between Luling and Austin, Tex., between Luling and San Marcos, Tex. and between Lockhard and Martindale, Tex., serving all intermediate points and the off-route points of Redwood and Staples, Tex. Vendee is authorized to operate in Texas and Louisiana. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5778. Authority sought for purchase by INSURED TRANSPORTERS, INC., 251 Park St., San Leandro, Calif., of the operating rights and property of CARL AUGUST WIGHOLM, doing business as CIVIC CENTER TRANSPORT SERVICE, 2299 Taylor St., San Francisco, Calif., and for acquisition by R. H. BERRY and R. S. KOENIG, San Leandro, Calif., of control of said operating rights through the purchase. Applicants' attorney: Reginald L. Vaughan, 1418 Mills Tower, San Francisco 4, Calif. Operating rights sought to be transferred: *Automobiles*, embezzled, repossessed, abandoned, stolen, and wrecked (but rolling on their own wheels), in driveaway and towaway service, as a *common carrier*, over irregular routes, between points in the United States. Vendee is authorized to operate in California, Arizona, Montana, Oklahoma, Washington, Arkansas, Florida, Iowa, Louisiana, Michigan, Missouri, New Jersey, Nevada, Colorado, Oregon, Idaho, New Mexico, Texas, Utah, Wyoming, Alabama, Connecticut, Delaware, Illinois Indiana, Georgia, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, New Hampshire, New York, North Carolina, and South Dakota. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5779. Authority sought for purchase by RINGLE TRUCK LINES, INC., 601 S. Grant St., Fowler, Ind., of the operating rights of C. E. DEXTER AND ROBERT H. FOURNIER, doing business as DEXTER AND FOURNIER TRUCKING SERVICE, 226 N. Market St., Hoopeston, Ill., and for acquisition by GLEN and EVELYN RINGLE, Fowler, Ind., of control of the operating rights through the purchase. Applicants' attorney: George O. Cowan, 512 Illinois Bldg., Indianapolis 4, Ind. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between points in Vermilion County, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, Michigan, Missouri, and Ohio: *canned vegetables*, from Hoopeston, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, and Ohio, and certain points in Wisconsin and Pennsylvania: *livestock*, from points in Vermilion County, Ill., to Indianapolis, Ind.: *feed, malt beverages, grain*, and *grain products*, from St. Louis, Mo., to points in Vermilion, Iroquois, and Ford Counties, Ill: *cannery machinery* and *cannery machinery* parts, from Hoopeston, Ill., to points in the United States, except certain points in Tennessee. Vendee is authorized to operate in Indiana, Illinois, Ohio, Kentucky, Iowa, Missouri, West Virginia, Wisconsin, Nebraska, Tennessee, Alabama, Pennsylvania, and Michigan. Application has not been filed for temporary authority under section 210 (a) b.

NO. MC–F–5781. Authority sought for purchase by THURSTON MOTOR LINES, INC., Pender Street Extension, Wilson, N. C., of the operating rights and property of B & S MOTOR LINES, INC., Maple and Poplar Sts., Nashville, Tenn., and for acquisition by D. J. THURSTON, JR., Wilson, N. C., of control of the operating rights and property through the purchase. Person to whom correspondence is to be addressed: D. J. Thurston, Jr., P. O. Box 390, Wilson, N. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, between Nashville, Murfreesboro, Cookeville, and Columbia, Tenn., on the one hand, and, on the other, Roanoke and Danville, Va., and points in North Carolina and South Carolina; and between Clover, S. C., and points in North Carolina and South Carolina within 35 miles of Clover, on the one hand, and, on the other, points in Tennessee. Vendee is authorized to operate in North Carolina, South Carolina, Virginia, Georgia, and Florida. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5783. Authority sought for purchase by PACIFIC MOTOR TRUCKING COMPANY, 65 Market St., San Francisco, Calif., of the operating rights and certain property of PACIFIC FREIGHT LINES, 2501 South Alameda St., Los Angeles, Calif., and for acquisition by SOUTHERN PACIFIC COMPANY, San Francisco, Calif., of control of said operating rights through the purchase. Person to whom correspondence is to be addressed: C. P. Hottle, 65 Market St., San Francisco, Calif. Operating rights sought to be transferred: *General commodities*, with varying exceptions, *including household goods*, as a *common carrier*, over regular routes, between numerous points in California and Arizona, including routes between Los Angeles and San Luis Obispo; Los Angeles and Ventura; Los Angeles and Calexico; Los Angeles and San Diego; Los Angeles and Fresno; Famoso and Fresno; Bakersfield and Avenal; Los Angeles and Laguna Beach; San Bernardino and Redlands; between Selma and San Francisco; Los Angeles and Tucson; serving numerous intermediate and off-

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route points; *salt, fresh meat,* and *packing-house products,* between San Diego, Calif., and Phoenix, Ariz.; *feeds,* over regular and irregular routes, from Phoenix, Ariz., to points in San Diego County, Calif. *General commodities,* with exceptions as specified above, over irregular routes, between points in Los Angeles; *petroleum products,* in bulk, in tank vehicles, from Fillmore, Calif., to points in Maricopa, Pima, Pinal, Yavapai, and Yuma Counties, Ariz., and points in those portions of Mohave and Coconino Counties, Ariz., south and east of the Colorado River. Vendee is authorized to operate in Oregon, California, Arizona, Texas and Nevada. Application has not been filed for temporary authority under section 210a (b).

APPLICATIONS FOR BROKERAGE LICENSES

NO. MC 12615, HOLIDAY HOUSE TRAVEL BUREAU, INC., 1701 State Road, Cuyahoga Falls, Ohio. For authority to conduct operations at Cuyahoga Falls, Ohio, as a *broker* in arranging for the transportation of *Passengers and their baggage,* in the same vehicle with passengers, in guided tours, from points in Summit County, Ohio, to points in Pennsylvania, West Virginia and Michigan, and return, in interstate or foreign commerce, by motor vehicle.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7415; Filed, Sept. 21, 1954; 8:47 a. m.]

[4th Sec. Application 29693]

FURNITURE AND AMMUNITION BOXES, FROM, TO, AND BETWEEN POINTS IN THE SOUTHWEST

APPLICATION FOR RELIEF

SEPTEMBER 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules shown in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Furniture and ammunition boxes, carloads.

From, to, and between points in southwestern territory.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7412; Filed, Sept. 21, 1954; 8:46 a. m.]

[4th Sec. Application 29694]

WOODEN FENCE POSTS FROM SALEM, MO., TO ILLINOIS, IOWA, MISSOURI, AND SOUTH DAKOTA

APPLICATION FOR RELIEF

SEPTEMBER 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fence posts, wooden, carloads.

From: Salem, Mo.

To: Points in Illinois, Iowa, Missouri, and South Dakota.

Grounds for relief: Rail competition, circuity, grouping, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3954, supp. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7413; Filed, Sept. 21, 1954; 8:47 a. m.]

[4th Sec. Application 29695]

FENCE POSTS FROM SALEM, MO., TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fence posts, wooden, carloads.

From: Salem, Mo.

To: Points in Colorado, Iowa, Kansas, Missouri, and Nebraska.

Grounds for relief: Rail competition, circuity, grouping, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3985, supp. 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7414; Filed, Sept. 21, 1954; 8:47 a. m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 19 NUMBER 185

Washington, Thursday, September 23, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, paragraph (p) (1), (2), and (3) of § 6.308 is added as set out below.

§ 6.308 *Department of Justice.* • • •

(p) *Internal Security Division.* (1) The First Assistant to the Assistant Attorney General.

(2) One Executive Assistant to the Assistant Attorney General.

(3) One Confidential Assistant to the Assistant Attorney General.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 54-7474; Filed, Sept. 22, 1954; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10822; FCC 54-1185]

[Rules Amdt. 3-20]

PART 3—RADIO BROADCAST SERVICES

MULTIPLE OWNERSHIP OF TELEVISION BROADCAST STATIONS

1. The Commission has before it for consideration its notice of proposed rule making (FCC 53-1720) issued in this proceeding on December 24, 1953.

2. Section 3.636 of the Commission rules relating to multiple ownership of television broadcast stations presently provides, in pertinent part, that "No license for a television broadcast station shall be granted to any party (including all parties under common control) if • • • such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner incontrary to the public interest, convenience, or necessity for any party or any of provides that the Commission "• • • will in any event consider that there would be such a concentration of control contrary to the public interest, convenience, or necessity for any party or any of its stockholders, officers, or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than five television broadcast stations."[1] Thus, the multiple ownership rules presently place a five-station maximum on the ownership of television stations, without distinction as to whether such stations are VHF or UHF.

3. In its notice of proposed rule making of December 24, 1953, the Commission concluded that the institution of rule-making proceedings looking towards amendment of the rules to permit ownership of additional television stations over and above the present maximum of five in order to encourage the rapid and effective development of the UHF band was warranted. The Commission stated, further, that of the proposals seeking such relief then before it, an increase in the maximum permissible ownership to seven stations, no more than five of which may be in the VHF band, was best designed to achieve the objective of aiding the UHF consistent with preventing undue concentration of control of television facilities. The Commission, therefore, has proposed to amend § 3.636 by increasing the maximum permissible ownership of

[1] The Commission has provided that "control" as used in this section is not limited to majority stock ownership, but includes actual working control in whatever manner exercised. The Commission has also provided that in applying the provisions of the rule to corporations, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 7: Parts 210–899 ($2.25)

Title 19, Revised 1953 ($5.00)

Title 32A, Revised Dec. 31, 1953 ($1.50)

Title 46: Part 146 to end ($6.50)

Previously announced: Title 3, 1953 Supp. ($1.50); Titles 4–5 ($0.60); Title 6 ($2.00); Title 7: Parts 1–209, Revised 1953 ($7.75); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.50); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($1.25); Part 400 to end ($0.50); Title 15 ($1.25); Title 16 ($1.00); Title 17 ($0.50); Title 18 ($0.45); Title 20 ($0.70); Title 21 ($1.50); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Title 26: Parts 1–79, Revised 1953 ($7.75); Parts 80–169 ($0.50); Parts 170–182 ($0.75); Parts 183–299, Revised 1953 ($5.50); Part 300 to end, and Title 27 ($1.00); Titles 28–29 ($1.25); Titles 30–31 ($1.00); Title 32: Parts 1–699 ($1.75); Part 700 to end ($2.25); Title 33 ($1.25); Titles 35–37 ($0.70); Title 38 ($2.00); Title 39 ($2.00); Titles 40–42 ($0.50); Title 43 ($1.75); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.35); Titles 47–48, Revised 1953 ($7.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.65); Parts 91–164 ($0.45); Part 165 to end ($0.60); Title 50 ($0.55)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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6. With respect to the effect of the proposed amendment on the UHF, the above parties maintain that permitting the ownership of two additional UHF stations will provide a much-needed impetus to the UHF. These parties state their belief that adoption of the proposed amendment would encourage entry into the UHF by the networks and other multiple owners "with a know-how, financial and other resources and desire to foster the UHF" and that the promotion that such multiple owners would afford their own UHF stations would markedly increase listener and advertiser acceptance of UHF and would "stir manufacturers of transmitting and receiving equipment (several of whom are multiple owners) to greater development and production of such equipment." It is argued that the benefit to the UHF from the adoption of the proposed amendment would not be limited to those cities where network owned UHF stations would be established but, rather, that the industry as a whole would benefit from "the increased confidence in the capabilities of UHF which will result from these operations." It is urged that the efforts of the networks and other multiple owners in developing program sources for their own UHF stations would result in more and better programs for all UHF stations, and it is contended that even a handful of successful UHF stations in major competitive markets would tend to dispel the doubts surrounding UHF in the minds of the public, advertisers, broadcasters and manufacturers. If such doubts are eliminated, it is contended "the vicious circle of not enough stations—not enough listeners—not enough all-channel receivers—not enough programs—not enough stations, etc. would be broken."

7. It is further asserted by these parties that the networks and other multiple owners will acquire a first-hand knowledge of the day-by-day problems in the operation of UHF stations and that the knowledge so acquired will aid all UHF stations; that participation of experienced broadcasters in the operation of UHF stations will accelerate technical improvements in the UHF, and that the program know-how of multiple owners and the additional resources available to them to staff their stations with competent technical personnel would reflect beneficially on the UHF generally. It is submitted that the confidence fostered by the entry of the multiple owners into the UHF would encourage other UHF operators and thus would increase the total number of UHF stations on the air. This, in turn, would result in an increase in the number of sets converted to receive UHF and in the purchase of sets capable of receiving UHF transmissions.[3]

[3] The Ultra High Frequency Television Association filed a comment generally supporting the proposed amendment. It is explained that the UHF Association submitted a questionnaire to 115 UHF stations to ascertain their views on the proposal. Substantial responses were received from 31 stations as of January 25, 1954. The UHF Association urges that on the whole the proposed amendment would be advantageous to the UHF. The results of the survey indicate as follows:

18 stations generally favor the proposed amendment.
7 stations favor the present limit of five but propose that it be mandatory that this number include a definite proportion of UHF stations.
6 stations favor more than a seven-station maximum, or favor seven stations with proportions of VHF and UHF varying from the five and two ratio proposed by the Commission.
17 stations believed the proposal would not encourage monopoly; seven believed it would encourage monopoly.
20 stations believed the proposal would aid the development of UHF.

8. With respect to the effect of the proposed amendment on the concentration of control of television facilities, the parties note that the present limit of five television stations was adopted in 1945 when the commercial television band was comprised of only 13 channels (subsequently reduced to 12) and when the number of available assignments was fewer than 400 in the 140 metropolitan districts to which channels were then assigned. It is argued that with the utilization of 70 UHF channels increasing the total number of permissible assignments to more than 2,000 in almost 1,300 communities, the proposed amendment would result in a far less concentration of control of television facilities than that permissible at the time of the adoption of the old rule. Raising the maximum as proposed, it is submitted, would conform the Commission's television multiple ownership policy with its AM and FM multiple ownership rules, which permit ownership of seven AM and FM stations.

9. It is also explained that the proposed amendment would not alter that portion of the rule which proscribes the granting of more than one television station to any person if such grant would result in a concentration of control of television broadcasting in a manner inconsistent with the public interest. Pursuant to this provision the Commission would remain free to deal with any problems arising from too great a concentration in a limited area or with other special factors in light of the particular circumstances of the individual cases under consideration.[4] It is argued that the danger of monopoly in concentration of control of television facilities arising from the threatened failure, or partial failure, of the UHF is far greater than any which would arise through the ownership of seven individual stations by a single organization. The five-station limitation, it is argued, serves merely to exclude some of the best qualified and most experienced applicants from UHF operation. It is submitted that increased utilization of the UHF permissible under the proposed amendment would encourage the maximum competition between the television broadcast services rather than abet monopoly.

10. Comments opposing the proposed amendment have been filed by Senator Edwin C. Johnson, the Federal Broadcasting System, Lewis M. Tanner, and Georgia-Carolina Broadcasting Company.

11. In opposition to the proposed amendment it is argued that raising the maximum on television stations as proposed would constitute a reversal of the Commission's policy expressed in its recent multiple ownership prcceeding in which the Commission retained a five-station limit on television authorizations. It is asserted that the Commission has insufficient data at this time relating to the UHF to support its assumption that ownership of additional UHF stations will aid the development of UHF. The survey on which the Commission has based its proposal, it is asserted, was incomplete and, in any event, is now outdated. It is urged that the Commission should suspend the proceeding "until it acquires additional experience and data with regard to manufacturing and distribution of receivers, transmitter equipment and after it has explored fully all problems that directly affect the operation of a UHF station." It is submitted that the public interest would best be served by "the greatest diversity of ownership and management of the channels of communication" and that the entry into the UHF field by the networks and other multiple owners in certain communities will not benefit UHF on an overall basis. It is asserted that the proposal represents "a short-sighted policy of raising the limit on multiple ownership in order to solve an almost entirely unrelated problem of the 'rapid and effective development of the UHF band' ", a problem which it will not solve. It is argued that raising the limit will permit an undue concentration of control in the hands of a few powerful operators, and it is urged that if the Commission desires to aid the UHF, it should do so by insisting that at least two of the five VHF stations now owned by multiple owners be changed to UHF.

CONCLUSIONS

12. The Commission's present rules which make no distinction between VHF and UHF stations place a limit of five on the number of stations that may be owned by the same person. In this respect the rules do not differ from the regulations in effect prior to the Commission's recent multiple ownership decision. However, in its Report and Order the Commission expressly advised that several petitions had been filed requesting that a distinction be drawn between VHF and UHF stations for multiple ownership purposes and urging that either no limitation be placed on the ownership of UHF stations or that the limitation on television holdings be raised to seven or eight with no more than five stations in the VHF band. The Commission stated in its Report that it was then engaged in a study of the television stations to seven, no more than five of which may be in the VHF band.

4. Comments supporting the proposed amendment have been filed by National Broadcasting Company, Inc., American Broadcasting-Paramount Theatres, Inc., Columbia Broadcasting System, Inc., Allen B. DuMont Laboratories, Inc., Storer Broadcasting Company, Telecasting, Inc., the Ultra High Frequency Television Association, and Ozark Television Corporation.[2]

5. The arguments advanced in support of the proposed amendment are twofold: First, the parties urge that permitting the ownership of additional UHF television stations will encourage the rapid and effective development of the UHF service. Second, they contend that the ownership of seven television stations, no more than five of which may be in the VHF band, would not constitute an undue concentration of control of television facilities in contravention of the Commission's policy of diversification.

[2] Ozark Television Corporation, St. Louis, Missouri, has filed a comment generally supporting the proposed amendment. However, it is urged that in lieu of the "five and two" rule which the Commission proposed that a "five and two and one-half" rule be adopted. Under this proposal the ownership of 5 minority UHF interests would be permitted in addition to the interests permitted under the present rule.

[4] Allen B. Du Mont Laboratories, Inc., in its comment supporting the adoption of the proposed amendment urges that the proposal should be adopted only upon the concurrent adoption of a policy which will prohibit the acquisition of any multiple television authorization, or the continued holding of any multiple authorization, "under conditions or in the case of probable activities which would permit any substantial degree of monopoly of communication by any media or which would fail affirmatively to benefit the public interest.

position of the post-freeze television stations and that it was "deferring consideration of the multiple ownership facet of the UHF question to the overall UHF study." The Commission, therefore, did not reach a final determination on this particular matter in that proceeding but reserved it for determination in this separate proceeding.

13. The problem that is presented in these proceedings is whether the more rapid and effective development of the UHF band warrants permitting the ownership of additional UHF stations. We believe that it does. We are aware of the serious problems which presently confront the development of the UHF. The problem is particularly acute in the larger pre-freeze markets where high VHF-only set saturation obtains. It is in these areas particularly where the prestige, capital, and know-how of the networks and other multiple owners would be most effective in aiding UHF. We are persuaded that the entry of these multiple owners into such key markets will furnish a substantial impetus to UHF.

14. Our decision to permit the ownership of television stations over and above the five-station limitation presently in the rules in no way is a departure from the recent multiple ownership Report and Order in Docket No. 8967. In that Report and Order the Commission reaffirmed its view that the operation of broadcast stations by a large group of diversified licensees will better serve the public interest than the operation of broadcast stations by a small and limited group of licensees. Thus, the Commission has provided that a grant of even one additional broadcast station will not be made where it "would result in a concentration of control of * * * broadcasting in a manner inconsistent with the public interest, convenience and necessity." Clearly if the only relevant consideration were implementation of the policy of diversification, an absolute limitation of one broadcast station to any one person or persons under common control would best serve the public interest. But, of course, that is not the case. The multiple ownership of broadcast stations does play an important role in our nationwide broadcast system. The ownership of broadcast stations in major markets by the networks, for example, is an important element of network broadcasting. Our nationwide system of broadcasting as we know it today requires that some multiple ownership of broadcast stations be permitted. We have always recognized these needs and have by rule permitted multiple ownership of broadcast stations in the light of such (other and competing) considerations. Here too it is our view that the greater good which will flow from the proposed rule offsets the disadvantage resulting from permitting individual licensees to own a larger number of stations.

15. In its comment supporting the proposed amendment, Allen B. DuMont Laboratories, Inc. urges that the Commission adopt a policy which will prohibit the acquisition of any multiple television authorization "under conditions or in the case of probable activities which would permit any substantial degree of monopoly of communication by any media or which would fail affirmatively to benefit the public interest." We believe, however, that the present rule adequately covers this situation. The rule provides that "no license for a television broadcast station shall be granted to any party * * * if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience, or necessity." We can see no basis, also, for adoption of the "five and two and one-half" rule suggested by Ozark Television Corporation. As set forth in our previous Report and Order, we do not believe it advisable to differentiate as to degrees of ownership in broadcast facilities for purposes of these rules.

16. Authority for the adoption of the amendment herein is contained in sections 4 (i), 303 (r), 311, 313, and 314 of the Communications Act of 1934, as amended.

17. In view of the foregoing: *It is ordered*, That, effective October 22, 1954, § 3.636 of the Commission's rules and regulations is amended as set out below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 311, 313, 314, 48 Stat. 1082, as amended, 1087, as amended; 47 U. S. C. 303, 311, 313, 314)

Adopted: September 17, 1954.

Released: September 17, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

Section 3.636 (a) (2) is amended to read as follows:

(2) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of area served, the number of people served, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven television broadcast stations, no more than five of which may be in the VHF band."[2]

[F. R. Doc. 54-7477; Filed, Sept. 22, 1954; 8:53 a. m.]

[1] Dissenting opinion of Commissioner Hennock and concurring opinion of Commissioner Doerfer filed as part of original document.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53583]

PART 71—IMPORTATION OF ARTICLES IN CONNECTION WITH THE FIRST INTERNATIONAL INSTRUMENT CONGRESS AND EXPOSITION AT PHILADELPHIA, PENNSYLVANIA, UNDER PUBLIC LAW NO. 481, 83D CONGRESS[1]

SEPTEMBER 17, 1954.

The following regulations under Public Law No. 481, 83d Congress, approved July 10, 1954, relate to the entry of articles in connection with the First International Instrument Congress and Exposition to be held at Philadelphia, Pennsylvania, September 13 to September 25, 1954.

Sec.
71.1 Invoices; marking; bond.
71.2 Entry; appraisement; procedure.
71.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug and Cosmetic Act of June 25, 1938.
71.4 Detail of customs officers to protect revenue; expenses.
71.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 71.1 to 71.5 issued under Pub Law 481, 83d Cong.

§ 71.1 *Invoices; marking; bond.* (a) Articles intended for exhibition under the provisions of Public Law No. 481, 83d Congress, and valued over $250 are subject to the usual certified invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930, as amended, and the regulations issued thereunder. The certified invoices shall be on foreign service Form 138 (Invoice of Merchandise) and shall contain the information prescribed under section 481 of the Tariff Act of 1930 (19 U. S. C., 1481).

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part, except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The Instrument Society of America shall give to the collector of customs at Philadelphia, Pennsylvania, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 481, 83d Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 71.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Philadelphia, Pennsylvania, in the name of the Instrument Society of America, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under the regulations in this part, an entry under the general tariff law in the name of any person duly authorized in writing by the Instrument Society of America to make such entry may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Philadelphia shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Philadelphia of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. ----

Entry at the port of Philadelphia of articles consigned or transferred to the Instrument Society of America, under ----------, I. T. No. ----, ex S. S. ----, from ----------, on the ---------- day of ----, 19--, for exhibition purposes under Public Law No. 481 of the 83d Congress, approved July 10, 1954.

Mark	No.	Package and contents	Quantity	Invoice value

INSTRUMENT SOCIETY OF AMERICA,
By ----------

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under the regulations in this part shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 71.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the exposition in the manner prescribed in § 10.49 (c) of this chapter, except that in each case an entry under § 71.2 (c) shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 71.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the exposition in the manner prescribed in § 8.33 of this chapter.

§ 71.3 *Compliance with provisions of Plant Quarantine Act and Federal Food, Drug, and Cosmetic Act.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151–164a, 167), shall not be permitted except under permits issued therefor by the Plant Quarantine Branch of the Agricultural Research Service, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 301 et seq.), and regulations issued thereunder.

§ 71.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Philadelphia, Pennsylvania, shall detail an officer to act as his representative at the exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary properly to protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the exposition or transferred thereto for exhibition, shall be reimbursed by the Instrument Society of America to the Government, payment to be made monthly to the collector of customs, Philadelphia, Pennsylvania, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 71.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.* (a) Any article entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the exposition or at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided for in section 501 of the

[1] * * * any article which is imported from a foreign country for the purpose of exhibition at the First International Instrument Congress and Exposition, to be held at Philadelphia, Pennsylvania, from September 13 to September 25, 1954, inclusive, by the Instrument Society of America, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at such exposition, upon which there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges, under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 2. It shall be lawful at any time during or within three months after the close of such exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law.

SEC. 3. Imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States.

SEC. 4. At any time within three months after the close of the exposition, any article entered hereunder may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such article shall be remitted.

SEC. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at such exposition, under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 6. The Instrument Society of America, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the Instrument Society of America, a corporation, to the United States, under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C. 1524). Public Law 481, 83d Congress.

Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 481 of the 83d Congress.

(b) At any time prior to the opening of the exposition, or at any time during or within three months after the close of the exposition, any article entered under this part may be abandoned to the Government or destroyed under customs supervision, as provided for in § 15.4 of this chapter.

(c) Any article entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 17, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7478; Filed, Sept. 22, 1954; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 171, 182]

LIQUOR AND INDUSTRIAL ALCOHOL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U. S. C. 1001, et seq.), approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted, in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 3105, 3124, 3176 and 3791 of the Internal Revenue Code (53 Stat. 358, 364, 375, 467; 26 U. S. C. 3105, 3124, 3176, 3791).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

The purpose of these amendments is to make the provisions of Regulations 123 "Rules of Practice in Permit Proceedings" (26 CFR Part 200), which are issued concurrently with these amendments, applicable to permit proceedings instead of the procedures now set forth in the "Miscellaneous Regulations Relating to Liquor" (26 CFR Part 171 Subpart A) and Regulations 3 (26 CFR Part 182).

PARAGRAPH 1. "Miscellaneous Regulations Relating to Liquor" (26 CFR Part 171) are amended as follows:

(A) Section 171.1 (b) is revoked.

(B) Subpart A of Part 171 is revoked.

PAR. 2. Regulations 3 (26 CFR Part 182) are amended as follows:

(A) Sections 182.220a, 182.220b, 182.221 through 182.225, 182.228 (a), 182.236 (b), 182.237, 182.239, 182.240a, 182.240b, 182.241 through 182.244, 182.246 through 182.258, 182.263, 182.264, 182.455a, 182.875 (f), and 182.859 are revoked.

(B) Section 182.220, as amended by Treasury Decision 5551, effective March 10, 1947, and the headnote thereto, is further amended to read as follows:

§ 182.220 *Contemplated disapproval of application.* If, upon examination of an application for a basic permit, the Assistant Regional Commissioner has reason to believe that the applicant is not entitled to such permit, he shall issue a citation for the contemplated disapproval of the application in accordance with the procedure set forth in Part 200 of this chapter, which part is made applicable to such proceedings.

(C) The introductory text of § 182.226, as amended by Treasury Decision 5788, effective July 1, 1950, and the headnote thereof, is further amended to read as follows:

§ 182.226 *Application for, and revocation of, permits.* All basic permits covering operations included in this part are subject to the provision of this part and, with respect to administrative proceedings for disapproval of application for, and for revocation of, basic permits, to the provisions of Part 200 of this chapter. The basic permits covered by this part are as follows:

* * * * *

(D) Section 182.238, as amended by Treasury Decision 5551, effective March 10, 1947, and the headnote thereto, is further amended to read as follows:

§ 182.238 *Authority to revoke.* The authority and power of revoking basic permits issued pursuant to the provisions of this part is conferred upon the Commissioner and upon the hearing examiners as set forth in Part 200 of this chapter.

(E) Section 182.240 is amended to read as follows:

§ 182.240 *Grounds for citation.* If at any time there shall be filed with the Assistant Regional Commissioner a complaint under oath setting forth facts showing, or if the Assistant Regional Commissioner has reason to believe, that any person who has an alcohol permit is not in good faith conforming to the provisions of law applicable to such permit or has violated the terms of such permit, or has made any false statement in the application therefor, or has willfully failed to disclose any information required by regulation to be furnished, or has violated any law of the United States, or any State or any Territory or possession of the United States or of the District of Columbia relating to intoxicating liquor, he shall issue a citation for the revocation of such permit.

(F) Section 182.265 and the headnote thereof, is amended to read as follows:

§ 182.265 *Changes in control and management.* Where a permittee discontinues the services of a manager or employs a new or additional manager, such change shall be reported to the Assistant Regional Commissioner within 10 days thereafter. In the event of the Assistant Regional Commissioner's disapproval of the new or additional manager, the permittee shall, within 10 days after notice of such disapproval, discontinue the services of such new or additional manager.

(G) Section 182.266 is amended to read as follows:

§ 182.266 *Changes in officers and directors.* Where there is a change in the officers or directors of a corporation, the permittee shall, within 10 days thereafter, notify the Assistant Regional Commissioner of such change and furnish extracts, in triplicate, of the minutes of the meeting showing such change.

(H) Sections 182.554, 182.656, 182.690, 182.747, and 182.832 are amended by deleting from each of said sections the last sentence thereof reading: "Failure on the part of permittees to observe the foregoing requirements concerning withdrawals will be regarded as sufficient grounds for citation for revocation of their basic permits."

(I) Section 182.282a as added by Treasury Decision 5801, effective September 1, 1950, is amended by striking from the first sentence the phrase "as provided in §§ 182.220 to 182.224" and inserting, in lieu thereof, the phrase "as provided in Part 200 of this chapter".

(J) Section 182.292 as last amended by Treasury Decision 5801, effective September 1, 1950, is further amended by striking from the first sentence the phrase "as provided in §§ 182.220 to 182.224" and inserting, in lieu thereof, the phrase "as provided in Part 200 of this chapter".

(K) There is added, immediately following § 182.227 a new section as follows:

§ 182.227a *Public information as to application proceedings.* The Assistant Regional Commissioner shall cause to be maintained currently in his office for public inspection, until the expiration of one year following final action on the application, the following information with respect to each application for basic permit filed:

(a) The name, including trade name or names, if any, and the address of the applicant; the kind of permit applied for and the location of the business; whether the applicant is an individual, a partnership or a corporation; if a partnership, the name and address of each partner; if a corporation, the name and address of each of the principal officers and of each stockholder owning 10 percent or more of the corporation stock.

(b) The time and place set for any hearings on the application.

(c) The final action taken on the application. In the event a hearing is held upon an application for a basic permit, the Assistant Regional Commissioner shall make available for inspection at his office, upon request therefor: The transcript of the hearing, a copy of the examiner's recommended decision, a copy of the Assistant Regional Commissioner's decision and, in the event of an appeal to the Director, Alcohol and Tobacco Tax Division, the decision on appeal with the reasons given in support thereof.

(L) Section 182.262 as last amended by Treasury Decision 6074, effective July 2, 1954, is further amended by redesignating paragraphs (a) and (b) thereof as paragraphs (b) and (c), and adding a new paragraph (a) reading as follows:

(a) *Defined.* A change in proprietorship shall be deemed to occur in the case of:

(1) The sale or transfer of the business or any part thereof; or

(2) The transfer or passage of the property of the permittee to a successor legal representative, receiver, trustee or other fiduciary, by operation of law, whether through death, insolvency, bankruptcy, or court order; or

(3) The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, or, except as provided in section 263a, the death, bankruptcy or adjudicated insolvency of one or more of the copartners; or

(4) The sale, transfer, pledge, or other disposition of any capital stock of a corporation or association which results in a transfer of the control and management of such corporation; or

(5) The reorganization of a corporation where a new charter or certificate of incorporation is obtained.

(M) There is added, immediately following § 182.234, a new section as follows:

§ 182.234a *Authority to disapprove renewal applications.* The authority and power of disapproving applications for the renewal of basic permits pursuant to the provision of this part is conferred upon the Commissioner and upon the hearing examiners, as set forth in Part 200 of this chapter.

[F. R. Doc. 54-7469; Filed, Sept. 22, 1954; 8:51 a. m.]

[26 CFR Part 175]

TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, (5 U. S. C. 1001 et seq.), approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted, in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 3105, 3124, 3176 and 3791 of the Internal Revenue Code (53 Stat. 358, 364, 375, 467; 26 U. S. C. 3105, 3124, 3176, 3791).

T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Preamble. 1. These regulations, "Regulations 123—Rules of Practice in Permit Proceedings" (26 CFR Part 200), shall, except as stated in paragraph 2, on and after the effective date, supersede all of Subpart A—"Procedure" of Part 171 "Miscellaneous Regulations Relating to Liquor" (26 CFR Part 171); and §§ 182.220a, 182.220b, 182.221–182.225, 182.239, 182.240a, 182.240b, 182.241–182.244 and 182.246–182.258 of Regulations 3, "Industrial Alcohol" (26 CFR Part 182).

2. The regulations in this part shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of this part, nor shall this part release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

3. The regulations in this part shall except as provided in paragraph 2, be effective the 31st day following the date of publication in the FEDERAL REGISTER.

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SUBPART A—SCOPE AND CONSTRUCTION OF REGULATIONS

§ 200.1 *Scope of part.* The rules in this part govern the procedure and practice in connection with the disapproval of applications for basic permits, and for the suspension, revocation and annulment of such permits under sections 3 and 4 of the Federal Alcohol Administration Act (27 U. S. C. 201 et seq.) and disapproval, suspension, and revocation of basic permits under the Internal Revenue Code (26 U. S. C.). The rules in this part shall also govern, insofar as applicable, any adversary proceeding involving adjudication required by statute to be determined on the record, after opportunity for hearing, under laws administered by the Alcohol and Tobacco Tax Division, Internal Revenue Service.

§ 200.2 *Liberal construction.* The rules in this part shall be liberally construed to secure just, expeditious, and efficient determination of the issues presented. The Federal Rules of Civil Procedure of the District Courts of the United States, where applicable, shall be a guide in any situation not provided for or controlled by this part, but shall be liberally construed, or relaxed when necessary.

SUBPART B—DEFINITIONS

§ 200.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 200.6 *Applicant.* "Applicant" shall mean any person who has filed an initial application for a permit under the Federal Alcohol Administration Act or Internal Revenue Code.

§ 200.7 *Application.* "Application" shall mean any application for a permit under the Federal Alcohol Administration Act or Internal Revenue Code. The term "initial application" shall mean an application for an original permit for operations not covered by an existing permit. The term "renewal application" shall mean an application timely filed for the renewal of an existing permit.

§ 200.8 *Assistant Regional Commissioner.* "Assistant Regional Commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of the Regional Commissioner.

§ 200.9 *Citation.* "Citation" shall include any notice contemplating the disapproval of an application (whether initial or renewal) or any order to show cause why a permit should not be suspended, revoked or annulled.

§ 200.10 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue and shall include anyone authorized to act in his place and stead.

§ 200.11 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D. C., and shall include anyone authorized to act in his place and stead.

§ 200.12 *Examiner.* "Examiner" shall mean the examiner appointed pursuant to section 11 of the Administrative Procedure Act, designated to preside over any administrative proceeding under this part.

§ 200.13 *Initial decision.* "Initial decision" shall mean the decision (order) of the Assistant Regional Commissioner in any proceeding on an initial application for a permit, and the decision of the examiner in any proceeding on the suspension, revocation or annulment of a permit or on the disapproval of a renewal application.

§ 200.14 *Other terms.* Any other term defined in the Federal Alcohol Administration Act (27 U. S. C. 201), the Internal Revenue Code (26 U. S. C.) or the Administrative Procedure Act (5 U. S. C. 1001) where used in the regulations in this part shall have the meaning assigned to it therein.

§ 200.15 *Permit.* "Permit" shall mean a formal document issued under the Federal Alcohol Administration Act or the Internal Revenue Code, authorizing the person named therein to engage in the activities described. The term "FAA permit" shall apply to a permit issued under section 3 of the Federal Alcohol Administration Act, and the term "alcohol permit" shall apply to a permit issued under section 3114 of the Internal Revenue Code.

§ 200.16 *Permittee.* "Permittee" shall mean any person holding a basic permit under the Federal Alcohol Administration Act or the Internal Revenue Code, as aforesaid.

§ 200.17 *Person.* "Person" shall mean an individual, partnership, joint stock company, business trust, association, corporation or other form of business enterprise including receivers, trustees, or liquidating agents.

§ 200.18 *Recommended decision.* "Recommended decision" shall mean the advisory decision of the examiner in any proceeding on an initial application for a permit.

§ 200.19 *Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue in each of the internal revenue regions, and shall include anyone authorized to act in his place and stead.

§ 200.20 *Respondent.* "Respondent" shall mean any person holding a permit against which an order has been issued to show cause why such permit should not be suspended, revoked or annulled, or against the renewal of which a notice of contemplated disapproval has been issued.

SUBPART C—GENERAL

§ 200.25 *Communications and pleadings.* All communications to the Government regarding the procedures set forth in this part and all pleadings, such as answers, motions, requests, or other papers or documents required or permitted to be filed under this part, relating to a proceeding pending before an examiner, shall be addressed to the examiner at his post of duty or to the examiner in care of the Assistant Regional Commissioner of the region in which the business of the applicant or respondent is operated or proposed to be operated to be forwarded to the examiner. Communications concerning proceedings not pending before an examiner should be addressed to the Assistant Regional Commissioner or Director, Alcohol and Tobacco Tax Division, as the case may be. All pleadings should be filed in quadruplicate.

§ 200.26 *Service of orders and citations.* All orders, notices, citations, motions and other formal documents, except subpoenas, required to be served under the regulations in this part may be served by mailing a signed duplicate original copy thereof to the permittee or applicant by registered mail, with request for return receipt card, at the address stated in his permit or application or at his last known address, or by delivery of such original copy to the permittee or applicant personally, or in the case of a corporation, partnership, or other unincorporated association, by delivering the same to an officer, or manager or general agent thereof, or to its attorney of record. Such personal service may be made by any employee of the Internal Revenue Service or by any employee of the Treasury Department designated by the Secretary. A certificate of mailing and the return receipt card, or certificate of service signed by the person making such service, shall be proof of service and shall be filed as a part of the record.

TIME

§ 200.27 *Computation.* In computing any period of time prescribed or allowed by these rules, the day of the act, event or default after which the designated period of time is to run, is not to be included. The last day of the period to be computed is to be included, unless it be a Saturday, Sunday or legal holiday, in which event the period runs until the next day which is neither a Saturday, Sunday or legal holiday. Pleadings, requests, or other papers or documents required or permitted to be filed under these rules must be received for filing at the appropriate office within the time limits, if any, for such filing.

§ 200.28 *Continuances and extensions.* For good cause shown, the Commissioner, Director, Alcohol and Tobacco Tax Division, Assistant Regional Commissioner, or the examiner, as the case may be, may grant continuances and as to all matters pending before him extend any time limit prescribed by these rules in this part (except where the time limit is statutory).

REPRESENTATION AT HEARINGS

§ 200.29 *Personal representation.* Any individual or member of a partnership may after adequate identification, appear for himself, or such partnership, and a corporation or association may be represented by a bona fide officer of such corporation or association, upon showing of adequate authorization.

§ 200.30 *Attorneys.* A respondent or applicant may be represented by an attorney: *Provided*, That such attorney is duly enrolled to practice before the Treasury Department under the provisions of 31 CFR Part 10 (Treasury Department Circular No. 230),[1] and files in the proceeding a duly executed power of attorney to represent the applicant or respondent. See Conference and Practice Requirements, Internal Revenue Service, §§ 601.4 and 601.72 of this chapter.

§ 200.31 *Authority of Commissioner.* The Commissioner shall have all the authority granted by this part to examiners, Assistant Regional Commissioners, and the Director, Alcohol and Tobacco Tax Division, and may exercise any of the functions prescribed in this part.

SUBPART D—COMPLIANCE AND SETTLEMENT

§ 200.35 *Opportunity for compliance.* Except in proceedings involving willfulness or those in which the public interest requires otherwise, and the Assistant Regional Commissioner so alleges in his citation, stating his reasons therefor, no permit shall be suspended, revoked or annulled, or application for renewal disapproved, unless, prior to the institution of proceedings, facts or conduct warranting such action shall have been called to the attention of the permittee, or applicant for renewal, by the Assistant Regional Commissioner, in writing, and the permittee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements, as set forth in section 9 (b) of the Administrative Procedure Act. If the permittee fails to meet the requirements of the law and regulations within such reasonable time as may be specified by the Assistant Regional Commissioner, proceedings for suspension, revocation or annulment of the permit, or disapproval of the renewal application, shall be initiated.

INFORMAL SETTLEMENT

§ 200.36 *General.* In all proceedings in which a permittee is cited to show cause why his permit should not be suspended, revoked or anulled, or his application for renewal disapproved, he shall be afforded opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment, where time, the nature of the proceeding, and the public interest permit, in accordance with section 5 (b) of the Administrative Procedure Act. Such submittals should be made to the Assistant Regional Commissioner. Where necessary, the date of the hearing may be postponed, pending consideration of such proposals, when they are made in good faith and not for the purpose of delay. If proposals of settlement are submitted, and they are considered unsatisfactory, the Assistant Regional Commissioner may reject the proposals and may inform the permittee of any conditions on which the alleged violations may be settled. If the proposals of settlement are considered satisfactory to the Assistant Regional Commissioner, he shall notify the permittee thereof and shall move the dismissal of the proceedings, unless such proposals of settlement include a monetary offer in compromise, in which event he shall advise the hearing examiner that the offer has been made and is under consideration and the hearing examiner may, in his discretion, continue the proceeding pending final action on such monetary offer in compromise or he may proceed with the hearing and his consideration of the matter pending final action, but in no event shall he render his decision until final action on such offer in compromise.

§ 200.37 *Notice of contemplated action.* Where the Assistant Regional Commissioner believes that the matter may be settled informally, i. e., without formal administrative proceedings, he shall, in accordance with section 5 (b) of the Administrative Procedure Act, prior to the issuance of a citation, inform the permittee of the contemplated issuance of an order to show cause why his permit should not be suspended, revoked or annulled, or his application for renewal thereof be disapproved, and that he is being given an opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment. The notice should inform the permittee of the charges on which the citation would be based, if issued, and afford him a period of 10 days from the date of the notice, or such longer period as the Assistant Regional Commissioner deems necessary, in which to submit proposals of settlement to the Assistant Regional Commissioner. Where informal settlement is not reached promptly because of the inaction of the permittee, or proposals are made for the purpose of delay, citation shall issue in accordance with §§ 200.55 and 200.56, and the hearing shall be held in accordance with the rules in this part.

§ 200.38 *Limitation on informal settlement.* Where the evidence is conclusive and the nature of the violation is such as to preclude any settlement short of suspension, revocation or annulment, or disapproval of renewal application, or the violation is of a continuing character that necessitates immediate action to protect the public interest, or where the Assistant Regional Commissioner be-

[1] See also 31 CFR Part 14.

lieves that any informal settlement of the alleged violation will not insure future compliance with the laws and regulations, or in any similar case where the circumstances are such as to clearly preclude informal settlement, and the Assistant Regional Commissioner so finds and states his reasons therefor as provided in § 200.35, he may restrict settlement to that provided in § 200.70.

SUBPART E—GROUNDS FOR CITATION

§ 200.45 *FAA permits.* Whenever the Assistant Regional Commissioner has reason to believe that any person has willfully violated any of the conditions of his FAA permit, or has not in fact or in good faith engaged in the operations authorized by such permit for a period of more than two years, or that such permit was procured through fraud, misrepresentation or concealment of material facts, he shall issue a citation for the suspension, revocation or annulment of such permit, as the case may be.

§ 200.46 *Alcohol permits.* If at any time there shall be filed with the Assistant Regional Commissioner a complaint under oath setting forth facts showing, or if the Assistant Regional Commissioner has reason to believe, that any person who has an alcohol permit is not in good faith conforming to the provisions of law applicable to such permit or has violated the terms of such permit, or has made any false statement in the application therefor, or has willfully failed to disclose any information required by regulation to be furnished, or has violated any law of the United States, or any State or any Territory or possession of the United States or of the District of Columbia relating to intoxicating liquor, he shall issue a citation for the revocation of such permit.

§ 200.47 *Applications.* If, upon examination of any application (including a renewal application) for a permit, the Assistant Regional Commissioner has reason to believe that the applicant is not entitled to such permit he shall issue a citation for the contemplated disapproval of the application.

§ 200.48 *Expiration of permit.* In any case where a permittee has, in accordance with the law and regulations, made timely and sufficient application for a renewal of its permit, such permit shall not expire until such application shall have been finally determined.

SUBPART F—HEARING PROCEDURE

CITATIONS

§ 200.55 *Content.* Citations for the suspension, revocation or annulment of a permit shall be issued by the Assistant Regional Commissioner and shall set forth (a) the sections of law and regulations relied upon for authority and jurisdiction of the hearing, (b) in separate paragraphs, the matters of fact and law constituting the violations specified, dates, places, sections of law and regulations violated, and (c) the time (in alcohol permit proceedings not more than 30 and not less than 15 days from date of service of citation) and place and nature of the hearing. Citations for the disapproval of an application for an initial or renewal permit shall set forth (1) the sections of law and regulations relied upon for authority and jurisdiction, (2) in separate paragraphs, the matters of fact and law relied upon for the contemplated disapproval of the application, and (3) that the application will be disapproved unless within 15 days a hearing thereon is requested.

§ 200.56 *Form.* Citations shall be issued on the following forms:

(a) Form 1430, "Order To Show Cause Why Permit Should Not Be Revoked," shall be used where citations are issued against alcohol permittees on complaint, under oath, of persons other than the Assistant Regional Commissioner, and there shall be attached thereto a copy of the complaint.

(b) Form 1430–A, "Order To Show Cause," shall be used where citations are issued at the instance of the Assistant Regional Commissioner for the suspension, revocation, or annulment of FAA permits and the revocation of alcohol permits.

(c) Form 1430–C, "Notice of Contemplated Disapproval of Application For Basic Permit," shall be used to issue notice of contemplated disapproval of applications for permits, whether initial or renewal.

§ 200.57 *Execution and disposition.* Forms 1430, 1430–A and 1430–C shall be executed in quintuplicate. A signed duplicate original shall be served on the permittee, one copy shall be retained for the examiner designated to conduct the hearing, the original copy, containing the certificate of service, shall be placed in the official record of the proceeding, and the remaining copies shall be retained for the Assistant Regional Commissioner's office.

§ 200.58 *Designated place of hearing.* The designated place of hearing, (a) in the case of alcohol permits, shall be within the same Federal judicial district and within fifty miles of the place wherein the acts constituting the violations are alleged to have occurred unless the parties agree on a different place; and (b) in the case of FAA permits, shall be such as meets the convenience or necessity of the parties.

REQUEST FOR HEARING

§ 200.59 *Upon application.* If the applicant for an initial or renewal permit desires a hearing, he shall file a request therefor, in writing, with the Assistant Regional Commissioner within fifteen days after receipt of notice of the contemplated disapproval, in whole or in part, of his application.

§ 200.60 *Suspension, revocation or annulment.* No request for a hearing is necessary on citations for suspension, revocation or annulment, since the order to show cause sets forth on its face the date the respondent is to appear to show cause why his permit should not be suspended, revoked or annulled.

§ 200.61 *Notice of hearing.* In case a request for a hearing is filed by the applicant within the required time, the Assistant Regional Commissioner shall refer the matter to the examiner and the examiner shall set a time and place for a hearing and shall serve notice thereof upon the applicant at least ten days in advance of the hearing date.

NON-REQUEST FOR HEARING

§ 200.62 *Initial application.* In the case of an initial application, if the applicant does not request a hearing within the time specified in § 200.59, or within such further time as the Assistant Regional Commissioner may in his discretion allow, the Assistant Regional Commissioner will by order, stating the findings upon which it is based, disapprove the application, and will serve signed duplicate original of such order on the applicant.

§ 200.63 *Renewal application.* In the case of a renewal application, if the applicant does not request a hearing within the time specified in § 200.59, the Assistant Regional Commissioner shall immediately refer the matter to the examiner who shall set it down for hearing as if such hearing had been requested.

ANSWERS

§ 200.64 *When required.* After service of a citation upon the respondent, ordering him to appear and show cause why his permit shall not be suspended, revoked or annulled, if he desires to contest the proceedings he shall, within 15 days from service of the order to show cause, file with the examiner and serve on the Assistant Regional Commissioner an answer, in writing, to the allegations set forth therein. Such answer shall contain a concise statement of the facts that constitute his grounds of defense. Evidence to be introduced upon such hearing may be limited to the issues contained in the order to show cause and answers filed thereto: *Provided, however,* That where justice demands, the examiner shall waive any of the requirements of this section. Answers need not be filed in application proceedings.

§ 200.65 *Answer admitting facts.* If the respondent desires to waive the hearing on the allegations of fact set forth in the order to show cause, and does not contest the facts, the answer may consist of a statement that the respondent admits all material allegations of fact charged in the citation to be true. The examiner shall thereupon base his findings on the citation and such answer: *Provided, however,* That nothing herein contained shall affect the respondent's right to submit proposed findings and conclusions of fact or law and his right of appeal.

FAILURE TO APPEAR

§ 200.66 *Initial applications.* Where the applicant on an initial application for a permit has requested a hearing and does not appear at the appointed time and place, and evidence has not been offered to refute or explain the grounds upon which disapproval of the application is contemplated, this shall be construed as a waiver of the hearing, a default will be entered and the examiner shall recommend disapproval of said application.

§ 200.67 *Renewal applications.* Where the applicant on an application for a renewal permit has requested a hearing, or hearing has been set as provided in § 200.63, and no evidence is offered as stated, counsel for the Government will proceed ex parte as set forth in § 200.68.

§ 200.68 *Suspension, revocation or annulment.* If on the date set for the hearing respondent does not appear and no evidence has been offered, counsel for the Government will proceed ex parte and offer for the record sufficient evidence to make a prima facie case. At such hearing, documents, statements and affidavits may be submitted in lieu of testimony of witnesses.

WAIVER OF HEARING

§ 200.69 *Application proceedings.* At any time after the service of the notice of contemplated disapproval of an application for an initial or renewal permit and prior to final action thereon, the applicant, if he so desires, may file a written notice withdrawing the application with the Assistant Regional Commissioner who shall thereupon move the examiner to dismiss the proceedings as moot.

§ 200.70 *Suspension, revocation or annulment proceedings.* After the service of a citation for the suspension, revocation or annulment of a basic permit, the permittee may, if he so desires, waive the taking of evidence, but such waiver shall be accepted only if he stipulates that the examiner may enter an appropriate decision sustaining the charges and suspending, revoking or annulling the permit.

SURRENDER OF PERMIT

§ 200.71 *Before citation.* If a respondent surrenders his permit before citation, the Assistant Regional Commissioner may accept the surrender. But if the evidence, in the opinion of the Assistant Regional Commissioner, warrants citation for suspension, revocation or annulment, he shall refuse to accept such surrender and shall issue the citation notifying the permittee at the same time that he may file a formal waiver as provided in § 200.70. Should such waiver not be filed after notice, the examiner will proceed with the hearing on the citation.

§ 200.72 *After citation.* If a respondent surrenders his permit after citation and prior to the decision of the examiner, the Assistant Regional Commissioner may accept the surrender of the permit and move the examiner to dismiss the proceeding as moot. If, however, in the opinion of the Assistant Regional Commissioner the evidence is such as to warrant suspension, revocation or annulment, as the case may be, he shall refuse to accept the surrender of the permit and shall notify the respondent that he may file a formal waiver as provided in § 200.70. Should such formal waiver not be filed after notice, the examiner will proceed with the hearing on the citation.

MOTIONS

§ 200.73 *General.* All motions shall be made and addressed to the officer before whom the proceeding is pending. Such officer may dispose of any motion without oral argument, but he may, if he so desires, set it down for hearing and request argument. He may dispose of such motion prior to the hearing on the merits or he may postpone the disposition until the hearing on the merits. No appeal may be taken from any ruling on a motion until the whole record is certified for review.

§ 200.74 *Prior to hearing.* All motions which should be made prior to the hearing, such as motions directed to the sufficiency of the pleadings or of preliminary orders, shall be filed in writing with the Assistant Regional Commissioner issuing the citation or the examiner if the matter has been referred to him, and shall briefly state the order or relief applied for and the grounds for such motion, and shall be filed within 15 days after service of the citation.

§ 200.75 *At hearing.* Motions at the hearing may be made in writing to the examiner, or stated orally on the record.

HEARING

§ 200.76 *General.* Unless the hearing is waived by the applicant or permittee, or postponed, or transferred to another place, by a written agreement signed by the applicant or permittee, or his attorney, and the attorney for the Government and approved and filed with the examiner, or unless the hearing is postponed, or transferred (subject to statutory limitations) by order of the examiner for good cause shown by either party, it shall be held at the time and place stated in the citation, by the examiner named in the citation, or any other duly designated and appointed examiner assigned to hold such hearing.

§ 200.77 *Initial applications.* The examiner who presides at the hearing on initial applications shall recommend a decision to the Assistant Regional Commissioner who shall make the initial decision as provided in § 200.107. The applicant may be directed by the Assistant Regional Commissioner to produce such records as may be deemed necessary for examination. All hearings on initial applications shall be open to the public subject to such restrictions and limitations as may be consistent with orderly procedure.

§ 200.78 *Suspension, revocation, annulment or renewal.* The examiner who presides at the hearing in proceedings on applications for renewal permits and in proceedings for the suspension, revocation and annulment of permits shall make the initial decision.

BURDEN OF PROOF

§ 200.79 *Initial applications.* In hearings on the contemplated disapproval of initial applications there may be incorporated in the record sufficient testimony, reports, affidavits and other documents to be considered only for the limited purpose of establishing probable cause for the issuance of the notice of contemplated disapproval by showing that the Assistant Regional Commissioner had reason to believe that the applicant is not entitled to a permit. The burden of proof shall be upon the applicant to produce evidence to show he is entitled to a permit. The Assistant Regional Commissioner may, instead of following the aforementioned procedure, assume the burden of going forward.

§ 200.80 *Suspension, revocation, annulment or renewal.* In hearings on the contemplated disapproval of renewal applications, or on the suspension, revocation or annulment of permits, the burden of proof is on the Government.

GENERAL

§ 200.81 *Stipulations at hearing.* The examiner shall at the beginning of the hearing, require that the parties attempt to arrive at such stipulations as will eliminate the necessity of taking evidence with respect to allegations of fact concerning which there is no substantial dispute.

§ 200.82 *Evidence.* Any evidence which would be admissible under the General Statutes of the United States, or under the rules of evidence governing proceedings in matters not involving trial by jury in the Courts of the United States, shall be admissible and controlling as far as possible: *Provided,* That the examiner may relax such rules in any hearing when in his judgment such relaxation would not impair the rights of either party and would more speedily conclude the hearing, or would better serve the ends of justice. Except as provided in § 200.80, the proponent of an order shall have the burden of proof. Every party shall have the right to present his case or defense by oral or documentary evidence, depositions, duly authenticated copies of records and documents, to submit rebuttal evidence, and to conduct such reasonable cross-examination as may be required for a full and true disclosure of the facts. The examiner shall have the right in his discretion to limit the number of witnesses whose testimony may be merely cumulative and shall, as a matter of policy, not only exclude irrelevant, immaterial, or unduly repetitious evidence but shall also limit the cross-examination of witnesses to reasonable bounds so as not to unnecessarily prolong the hearing and unduly burden the record. Material and relevant evidence shall not be excluded because it is not the best evidence, unless its authenticity is challenged, in which case reasonable time shall be given to establish its authenticity. Compilations, charts, summaries of data and photostatic copies of documents may be admitted in evidence if the proceedings will thereby be expedited, and if the material upon which they are based is available for examination by the parties. Objections to the evidence shall be in short form, stating the grounds relied upon. The transcript shall not include argument or debate on objections, except as ordered by the examiner, but shall include the rulings thereon.

§ 200.83 *Closing of hearing; arguments, briefs and proposed findings.* Before closing a hearing, the examiner shall inquire of each party whether he has any further evidence to offer, which inquiry and the response thereto shall

be shown in the record. The examiner may hear arguments of counsel and may limit the time of such arguments at his discretion, and may, in his discretion, allow briefs to be filed on behalf of either party but shall closely limit the time within which the briefs for both parties shall be filed, so as to avoid unreasonable delay. The examiner shall also ascertain whether the parties desire to submit proposed findings and conclusions, together with supporting reasons, and if so a period of not more than 15 days (unless extended by the examiner)—after the close of the hearing or receipt of a copy of the record, if one is requested—will be allowed for such purpose.

§ 200.84 *Reopening of the hearing.* The Commissioner, the Director, Alcohol and Tobacco Tax Division, the Assistant Regional Commissioner or the examiner, as the case may be, may, as to all matters pending before him, in his discretion reopen the hearing (a) in case of default where applicant failed to request a hearing or to appear after one was set, upon petition setting forth reasonable grounds for such failure, and (b) in case any party desires leave to adduce additional evidence upon petition summarizing such evidence, establishing its materiality and stating reasonable grounds why such party with due diligence was unable to produce such evidence at the hearing.

RECORD OF TESTIMONY

§ 200.85 *Stenographic record.* A stenographic record shall be made of the testimony and proceedings, including stipulations and admissions of fact (but not arguments of counsel unless otherwise ordered by the examiner) in all proceedings. A transcript of the evidence and proceedings at the hearing shall be made in all cases.

§ 200.86 *Oath of reporter.* The reporter making the stenographic record shall subscribe an oath before the examiner, to be filed in the record of the case, that he will truly and correctly report the oral testimony and proceedings at such hearing and accurately transcribe the same to the best of his ability.

SUBPART G—HEARING EXAMINERS

§ 200.95 *Responsibilities of examiners.* Examiners shall be under the administrative control of the Commissioner. They shall be responsible for the conduct of hearings and shall render their decisions as soon as is reasonably possible after the hearing is closed. Examiners shall also be responsible for the preparation, certification and forwarding of reports of hearings, and the administrative work relating thereto, and, by arrangement with Assistant Regional Commissioners and representatives of the Chief Counsel, shall have access to facilities and temporary use of personnel at such times and places as are needed in the prompt dispatch of official business.

§ 200.96 *Disqualification.* An examiner shall, at any time, withdraw from any proceeding if he deems himself disqualified; and upon the filing in good faith by the applicant or respondent, or by the attorney for the Government, of a timely and sufficient affidavit of facts showing personal bias or otherwise warranting the disqualification of any examiner, the Director, Alcohol and Tobacco Tax Division, shall upon appeal as provided in § 200.115, if the examiner fails to disqualify himself, determine the matter as a part of the record and decision in the proceeding. If he decides the examiner should have declared himself disqualified, he will, remand the record for hearing de novo before another examiner. If the Director, Alcohol and Tobacco Tax Division should decide against the disqualification of the examiner, the proceeding will be reviewed on its merits.

§ 200.97 *Powers.* Examiners shall have authority to (a) administer oaths and affirmations; (b) issue subpoenas authorized by law; (c) rule upon offers of proof and receive relevant evidence; (d) take or cause depositions to be taken whenever the ends of justice would be served thereby; (e) regulate the course of the hearing; (f) hold conferences for the settlement or simplification of the issues by consent of the parties; (g) dispose of procedural requests or similar matters; (h) render recommended decisions in proceedings on initial applications for permits, and initial decisions in renewal aplications for permits and in suspension, revocation, or annulment proceedings against permits; (i) call, examine and cross-examine witnesses, including hostile or adverse witnesses when he deems such action to be necessary to a just disposition of the cause, and introduce into the record documentary or other evidence; and (j) take any other action authorized by rule of the Internal Revenue Service consistent with the Administrative Procedure Act.

§ 200.98 *Separation of functions.* Examiners shall perform no duties inconsistent with their duties and responsibilities as such. Examiners may be assigned duties not inconsistent with the performance of their functions as examiners. Save to the extent required for the disposition of ex parte matters as required by law, no examiner shall consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate. The functions of the examiner shall be entirely separated from the general investigative functions of the agency. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions in any proceeding shall, in that or a factually related proceeding, participate or advise in the examiner's or Commissioner's decision, or in the agency review on appeal, except as a witness or counsel in the proceedings. The examiner may not informally obtain advice or opinions from the parties or their counsel, or from any officer or employee of the Internal Revenue Service, as to the facts or the weight or interpretation to be given to the evidence. He may, however, informally obtain advice on matters of law from officers or employees who were not engaged in the performance of investigative or prosecuting functions in that or a factually related proceeding. This limitation does not apply to the Commissioner, and the examiner may, at any time, consult with and obtain instructions from him on questions of law and policy.

§ 200.99 *Conduct of hearing.* The examiner is charged with the duty of conducting a fair and impartial hearing and of maintaining order in form and manner consistent with dignity. In the event that counsel or any person or witness in any proceeding shall refuse to obey the orders of the examiner, or be guilty of disorderly or contemptuous language or conduct in connection with any hearing, the examiner may, for good cause stated in the record, suspend the hearing, and, in the case of an attorney, recommend that the Commissioner report the matter to the Director of Practice for disciplinary action. The refusal of a witness to answer any question which has been ruled to be proper shall be considered by the examiner in determining the weight to be given all the testimony of that witness.

§ 200.100 *Unavailability of examiner.* In the event that the examiner designated to conduct a hearing becomes unavailable before the filing of his findings and decision or recommended decision, the Commissioner may assign the case to another examiner for the continuance of the proceeding, in accordance with the regulations in this part in the same manner as if he had been designated examiner at the commencement of the proceeding.

SUBPART H—DECISIONS

§ 200.105 *Examiner's finding and decision or recommended decision.* Within a reasonable time after the conclusion of the hearing, and as expeditiously as possible, the examiner shall render his decision or recommended decision, as the case may be. All decisions shall become a part of the record and, if proposed findings and conclusions have been filed, shall show the examiner's ruling upon each of such proposed findings and conclusions. Decisions shall consist of (a) a brief statement of the issues of fact involved in the proceeding; (b) the examiner's findings and conclusions, as well as the reasons or basis therefor with record references, upon all the material issues of fact, law or discretion presented on the record (including, when appropriate, comment as to the credibility and demeanor of the witnesses) and (c) the examiner's determination or recommended determination on the record. Where the examiner determines that the imposition of a period of suspension of the permit is appropriate, his decision shall state the length of such period of suspension, to commence at such time as the Assistant Regional Commissioner shall specify.

§ 200.106 *Certification and transmittal of record and decision.* After reaching his decision, the examiner shall certify to the complete record of the proceeding before him and (a), in proceedings on initial application, shall immediately forward the complete certified record together with four copies of his recommended decision to the Assistant Regional Commissioner for initial decision, or (b), in proceedings on renewal applications and revocation, suspension or annulment proceedings, shall immediately forward the complete certified record, together with two copies of his decision, to the Assistant Regional Commissioner, serve one copy of his decision on the respondent or his counsel and transmit a copy of his decision to the attorney for the Government.

ACTION BY ASSISTANT REGIONAL COMMISSIONER

§ 200.107 *Initial application proceedings.* If, upon receipt of the record and the recommended decision of the examiner, the Assistant Regional Commissioner decides that the permit should be issued, he shall thereupon approve the application briefly stating, for the record, his reasons therefor, but if he contemplates the disapproval of the application he shall serve a copy of the examiner's recommended decision on the applicant, informing the applicant of his contemplated action and affording the applicant not more than 10 days in which to submit proposed findings and conclusions or exceptions to the recommended decision with reasons in support thereof. If the Assistant Regional Commissioner, after consideration of the record of the hearing and of any proposed findings, conclusions or exceptions filed with him by the applicant, approves the findings, conclusions and recommended decision of the examiner, he shall by order approve or disapprove of the application in accordance therewith. If, after such consideration, he disapproves of the findings, conclusions and recommended decision of the examiner, in whole or in part, he shall by order make such findings and conclusions as in his opinion are warranted by the law and facts in the record. Any decision of the Assistant Regional Commissioner ordering the disapproval of an initial application for a permit shall state the findings and conclusions upon which it is based, including his ruling upon each proposed finding, conclusion and exception to the examiner's recommended decision, together with a statement of his findings and conclusions, and reasons or basis therefor, upon all material issues of fact, law or discretion presented on the record. A signed duplicate original of the decision shall be served upon the applicant and the original copy containing certificate of service shall be placed in the official record of the proceeding.

§ 200.108 *Suspension, revocation, annulment or renewal application proceedings.* Upon receipt of the complete certified record of the hearing the Assistant Regional Commissioner shall enter an order suspending, revoking or annulling the permit (on Form 1430–B) disapproving the application or dismissing the proceedings in accordance with the examiner's findings and decision, unless he disagrees with such findings and decision and files a petition with the Director, Alcohol and Tobacco Tax Division, for review thereof, as provided in § 200.115. If the Assistant Regional Commissioner files such petition, he shall withhold issuance of the order, pending the decision of the Director, Alcohol and Tobacco Tax Division, upon receipt of which he shall issue the order in accordance therewith. A signed duplicate original of the order of the Assistant Regional Commissioner shall be served upon the respondent and the original copy containing certificate of service shall be placed in the official record of the proceeding. In all proceedings in which a suspension is imposed, the Assistant Regional Commissioner's order shall state the time when the suspension period set forth in the examiner's decision shall commence and terminate.

§ 200.109 *Notice to Director, Alcohol and Tobacco Tax Division.* When the Assistant Regional Commissioner makes an order suspending, revoking or annulling a permit or disapproving a renewal application, he will furnish a copy of the order and of the decision on which it is based to the Director, Alcohol and Tobacco Tax Division. Should such order be subsequently set aside on review by the courts, the Assistant Regional Commissioner will so advise the Director, Alcohol and Tobacco Tax Division.

§ 200.110 *Proceedings involving violations not within region of issuance of permit.* In the event that a citation covers violations which occurred at a place not within the region of issuance of the permit involved, the Assistant Regional Commissioner of such region may (and, in the case of alcohol permits, shall) set the matter for hearing before the hearing examiner assigned to the region in which the violation occurred and, as to such violations, the matter will be deemed to have arisen in the latter region. Prior to the issuance of citation, in such cases, the Assistant Regional Commissioner of the region of issuance of the permit shall advise the Assistant Regional Commissioner of the region where the violation occurred of the proposed reference of the matter and shall ascertain from the hearing examiner assigned to such region when the case may be set for hearing. In all such cases the examiner shall forward the complete and duly certified transcript of the entire record of such proceeding and a copy of his decision to the Assistant Regional Commissioner of the region in which the basic permit was issued who shall take appropriate action in accordance with § 200.108.

SUBPART I—REVIEW

§ 200.115 *Appeal on petition to the Director, Alcohol and Tobacco Tax Division.* An appeal is not required prior to application to the Federal Courts for review. An appeal may be taken by the applicant or respondent to the Director, Alcohol and Tobacco Tax Division, from an examiner's decision suspending, revoking or annulling a permit or disapproving a renewal application, and from an order disapproving an initial application for a permit. Similarly, an appeal may be taken by the Assistant Regional Commissioner from an examiner's decision. Such appeal shall be taken by filing a petition for review on appeal with the Director, Alcohol and Tobacco Tax Division, within 15 days of the service of the order or examiner's decision. The petition must set forth facts tending to show (a) action of an arbitrary nature, (b) action without reasonable warrant in fact, or (c) action contrary to law and regulations. A copy of the petition shall be filed with the Assistant Regional Commissioner or served on the respondent, as the case may be. In the event of such appeal, the Assistant Regional Commissioner shall immediately forward the complete original record, by registered mail, to the Director, Alcohol and Tobacco Tax Division, for his consideration and review.

§ 200.116 *Review by Director, Alcohol and Tobacco Tax Division.* The Director, Alcohol and Tobacco Tax Division, on appeal on petition for review, shall afford a reasonable opportunity for the submission of proposed findings, conclusions or exceptions with reasons in support thereof and an opportunity for oral argument. He may alter or modify any finding of the examiner (or of the Assistant Regional Commissioner in initial application proceedings) and may affirm, reverse, or modify the decision of the examiner (or of the Assistant Regional Commissioner in initial application proceedings), or he may remand the case for further hearing, but he shall not consider evidence which is not a part of the record. Appeals and petitions for review shall not be decided by the Director, Alcohol and Tobacco Tax Division, in any proceeding in which he has engaged in investigation or prosecution, and in such event he shall so state his disqualification in writing and refer the record to the Commissioner for appropriate action. The Commissioner may designate an Assistant Commissioner or one of his principal aides to consider any proceeding instead of the Director, Alcohol and Tobacco Tax Division. The original copy of the decision on review shall be placed in the official record of the proceeding, a signed duplicate original shall be served upon the applicant or respondent and a copy shall be transmitted to the Assistant Regional Commissioner. When, on appeal, the Director, Alcohol and Tobacco Tax Division, affirms the decision of the Assistant Regional Commissioner or the examiner, as the case may be, disapproving an application or suspending, revoking or annulling a permit, such action shall not supersede the decision of the Assistant Regional Commissioner or the examiner and such decision shall be final.

§ 200.117 *Permit privileges, exceptions.* Pending final determination of any timely appeal in revocation, suspension, annulment or renewal application proceedings to the Director, Alcohol and Tobacco Tax Division, the permit involved shall continue in force and effect except that, in the case of alcohol permits, any time after a citation has been issued withdrawals of alcohol or specially denatured alcohol by such permittee may, in the discretion of the Assistant Regional Commissioner or Director, Alcohol and Tobacco Tax Division, be

restricted to the quantity which, together with the quantity then on hand, is necessary to carry on legitimate operations under such permit. The Assistant Regional Commissioner may, in restricting the permittee to his legitimate needs, refuse to issue any purchase or withdrawal permit.

§ 200.118 *Court review; alcohol permits.* If an applicant or respondent desires to have a decision of the examiner, or a final order of the Assistant Regional Commissioner or of the Director, Alcohol and Tobacco Tax Division, reviewed on appeal by the Federal court, as provided by law, the Assistant Regional Commissioner or the Director, Alcohol and Tobacco Tax Division, upon notification that such an appeal has been taken, in connection with alcohol permits, shall have prepared in triplicate a complete transcript of the record of the proceeding. The Assistant Regional Commissioner or the Director, Alcohol and Tobacco Tax Division, as the case may be, will certify to the correctness of such transcript of the record, forward one copy to the attorney who will represent the Government in the review of the case, and file the original record of the proceedings with the original certificate in the district court.

§ 200.119 *Court review; FAA permits.* If an applicant or respondent desires to have a decision of the examiner or a final order of the Assistant Regional Commissioner, or the Director, Alcohol and Tobacco Tax Division, reviewed on appeal by the United States Circuit Court of Appeals, as provided by law, the Director, Alcohol and Tobacco Tax Division, upon notification of the filing of the petition for review, shall have prepared, in triplicate, a complete transcript of the record of the proceeding. The Assistant Regional Commissioner or Director, Alcohol and Tobacco Tax Division, as the case may be, will certify to the correctness of the record and file the original certificate with the original record in the Circuit Court of Appeals.

SUBPART J—MISCELLANEOUS

§ 200.125 *Depositions.* The examiner may take or order the taking of depositions by either party to the proceeding at such time and place as he may designate before a person having the power to administer oaths, upon application therefor and notice to the parties to the action. The testimony shall be reduced to writing by the person taking the deposition, or under his direction, and the deposition shall be subscribed by the deponent unless subscribing thereof is waived in writing by the parties. Any person may be subpoenaed to appear and depose and to produce documentary evidence in the same manner as witnesses at hearings.

§ 200.126 *Subpoenas.* Upon written application by a party to a proceeding, the attendance and testimony of any person, or the production of documentary evidence in proceedings instituted under this part may be required by personal subpoena (Form 1644) or by subpoena duces tecum (Form 1645). Applications should be addressed to, and subpoenas should be issued by, the examiner before whom the proceedings are pending, but may be issued by the Assistant Regional Commissioner or by the Director, Alcohol and Tobacco Tax Division if the examiner is unavailable. Both the application and the subpoena shall set forth the title of the proceedings, the name and address of the person whose attendance is required, the date and place of his attendance and, if documents are to be produced, a description thereof; and the application must have reasonable scope and specify as exactly as possible the documents required, if any, and show their general relevance. Subpoenas shall be served in person. When issued on behalf of the United States, service shall be made by an officer, employee, or agent of the Treasury Department; when issued on behalf of a permittee or applicant, service shall be made by any person who is not a party to the proceeding and is not less than 18 years of age.

§ 200.127 *Witnesses and fees.* Witnesses summoned before the examiner may be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

RECORD

§ 200.128 *What constitutes record.* The transcript of testimony, pleadings and exhibits, all papers and requests filed in the proceeding, together with all findings, decisions and orders, shall constitute the exclusive record. Where the decision rests on official notice of material fact not appearing in the record, the examiner shall so state in his findings and any party shall, on timely request, be afforded an opportunity to show facts to the contrary.

§ 200.129 *Availability.* A copy of the record shall be available for inspection by the parties to the proceedings during business hours at the office of the examiner or the Assistant Regional Commissioner or, pending administrative review, at the office of the Director, Alcohol and Tobacco Tax Division. Copies of the record desired by the respondent or applicant will be charged for at the lowest prevailing rates charged by public reporters in the region where the hearing is held, and in the case of photostats or copies of other documents in accordance with the provisions of Com-Mim. A. T. No. 719, dated January 3, 1952. Remittance shall be by certified check, cashier's or treasurer's check drawn on a National or State Bank or trust company, or postal, bank, express or telegraph money order, made payable to the "Treasurer of the United States".

[F. R. Doc. 54-7471; Filed, Sept. 22, 1954; 8:51 a. m.]

[27 CFR Part 1]

BASIC PERMIT REQUIREMENTS UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U. S. C. 1001 et seq.), approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted, in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C. within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3176 of the Internal Revenue Code and sections 201 et seq., of the Federal Alcohol Administration Act (53 Stat. 3176, 49 Stat. 977; 26 U. S. C. 3176, 27 U. S. C. 201).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Preamble. 1. These regulations, "Regulations No. 1, Basic Permit Requirements Under the Federal Alcohol Administration Act" (27 CFR Part 1) shall, except as stated in paragraph 2, on and after the effective date, supersede "Regulations No. 1, Issuance, Revocation, Suspension and Annulment of Basic Permits," 1935 edition as amended (27 CFR Part 1).

2. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

3. These regulations shall, except as provided in paragraph 2, be effective on the 31st day following the date of publication in the FEDERAL REGISTER.

SUBPART A—SCOPE OF REGULATIONS

Sec.
1.1 Issuance, amendment, denial, suspension, revocation and duration of basic permits.
1.2 Territorial extent.

SUBPART B—DEFINITIONS

1.5 Meaning of terms.
1.6 Act.
1.7 Applicant.
1.8 Assistant Regional Commissioner.
1.9 Basic permit.
1.10 Commissioner.
1.11 Director, Alcohol and Tobacco Tax Division.
1.12 Other term.
1.13 Permittee.
1.14 Person.
1.15 Regional Commissioner.
1.16 Resale at wholesale.
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SUBPART C—BASIC PERMITS

WHEN REQUIRED

Sec.
1.20 Importers.
1.21 Domestic producers, rectifiers, blenders, and warehousemen.
1.22 Wholesalers.
1.23 State agencies.

PERSONS ENTITLED TO BASIC PERMITS

1.24 Qualifications of applicants.

APPLICATIONS FOR PERMITS

1.25 General.
1.26 Incomplete or incorrectly executed applications.
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1.28 Forms upon which to apply for basic permits.
1.29 Individual plant or premises.
1.30 Power of attorney, Form 1534.
1.31 Denial of permit applications.

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1.35 Authority to issue, amend, deny, suspend, revoke, or annul basic permits.

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1.40 Change of name.
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1.43 Duration of permits.
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SUBPART F—REVOCATION, SUSPENSION, OR ANNULMENT OF BASIC PERMITS

1.50 Revocation or suspension.
1.51 Annulment.
1.52 Disposition of stocks of alcoholic beverages upon revocation, annulment, or automatic termination of basic permit.

SUBPART G—MISCELLANEOUS

1.55 Recalling permits for correction.
1.56 Oaths and affirmations.
1.57 Procedure.
1.58 Filing of permits.
1.59 Public information as to applications acted upon.

SUBPART A—SCOPE OF REGULATIONS

§ 1.1 *Issuance, amendment, denial, suspension, revocation and duration of basic permits.* These regulations, "Regulations No. 1—Basic Permit Requirements Under the Federal Alcohol Administration Act" (27 CFR Part 1), issued pursuant to the Federal Alcohol Administration Act, as amended, (49 Stat. 977 et seq. 27 U. S. C. 201 et seq.) contain the requirements relative to the issuance, amendment, denial, revocation, suspension, automatic termination, and annulment of basic permits and the duration of permits, except that the provisions of Regulations 123, "Rules of Practice in Permit Proceedings" (26 CFR Part 200), are hereby made applicable to administrative proceedings with respect to the application for, and to the suspension, revocation, or annulment of, basic permits under the Federal Alcohol Administration Act.

§ 1.2 *Territorial extent.* The provisions of this part are applicable to the several States of the United States, the District of Columbia and the territories of Alaska, Hawaii and Puerto Rico.

SUBPART B—DEFINITIONS

§ 1.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this subpart.

§ 1.6 *Act.* "Act" shall mean the Federal Alcohol Administration Act.

§ 1.7 *Applicant.* "Applicant" shall mean any person who has filed with the Assistant Regional Commissioner an application for a basic permit under the Federal Alcohol Administration Act.

§ 1.8 *Assistant Regional Commissioner.* "Assistant Regional Commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under, the direction and supervision of the Regional Commissioner.

§ 1.9 *Basic permit.* "Basic permit" shall mean a formal document issued under the Act in the form prescribed by the Director, Alcohol and Tobacco Tax Division authorizing the person named therein to engage in the activities specified at the location stated.

§ 1.10 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue, and shall include anyone authorized to act in his place and stead.

§ 1.11 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director of the Alcohol and Tobacco Tax Division of the Internal Revenue Service, Washington, D. C., and shall include anyone authorized to act in his place and stead.

§ 1.12 *Other term.* Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by such act.

§ 1.13 *Permittee.* "Permittee" shall mean any person holding a basic permit issued under the Federal Alcohol Administration Act.

§ 1.14 *Person.* "Person" shall mean any individual, partnership, joint-stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent.

§ 1.15 *Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue in each of the internal revenue regions, and shall include anyone authorized to act in his place and stead.

§ 1.16 *Resale at wholesale.* "Resale at wholesale" shall mean a sale to any trade buyer.

§ 1.17 *Trade buyer.* "Trade buyer" shall mean any person who is a wholesaler or retailer.

SUBPART C—BASIC PERMITS

WHEN REQUIRED

§ 1.20 *Importers.* No person, except pursuant to a basic permit issued under the act, shall:

(a) Engage in the business of importing into the United States distilled spirits, wine, or malt beverages; or, (b) while so engaged, sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits, wine, or malt beverages so imported.

§ 1.21 *Domestic producers, rectifiers, blenders, and warehousemen.* No person, except pursuant to a basic permit issued under the Act, shall:

(a) Engage in the business of distilling distilled spirits, producing wine, rectifying or blending distilled spirits or wine, or bottling, or warehousing and bottling, distilled spirits; or (b) while so engaged, sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits or wine so distilled, produced, rectified, blended, or bottled, or warehoused and bottled.

§ 1.22 *Wholesalers.* No person, except pursuant to a basic permit issued under the act, shall:

(a) Engage in the business of purchasing for resale at wholesale distilled spirits, wine, or malt beverages; or, (b) While so engaged, receive, sell, offer or deliver for sale, contract to sell, or ship in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits, wine, or malt beverages so purchased.

§ 1.23 *State agencies.* This subpart shall not apply to any agency of a State or political subdivision thereof or to any officer or employee of any such agency, and no such agency or officer or employee thereof shall be required to obtain a basic permit under this subpart.

PERSONS ENTITLED TO BASIC PERMITS

§ 1.24 *Qualifications of applicants.* The application of any person shall be granted and the permit issued by the Assistant Regional Commissioner if the applicant proves to the satisfaction of the Assistant Regional Commissioner that:

(a) Such person (or in case of a corporation, any of its officers, directors, or principal stockholders) has not, within 5 years prior to the date of application, been convicted of a felony under Federal or State law, and has not, within 3 years prior to date of application, been convicted of a misdemeanor under any Federal law relating to liquor, including the taxation thereof; and

(b) Such person, by reason of his business experience, financial standing or trade connections, is likely to commence operations as a distiller, warehouseman and bottler, rectifier, wine producer, wine blender, importer, or wholesaler, as the case may be, within a reasonable period and to maintain such operations in conformity with Federal law; and

(c) The operations proposed to be conducted by such person are not in violation of the law of the State in which they are to be conducted.

APPLICATIONS FOR PERMITS

§ 1.25 *General.* Applications for basic permits to engage in any of the operations set forth in §§ 1.20 to 1.22 shall be made on the appropriate form prescribed by the Director, Alcohol and Tobacco Tax Division, in triplicate, verified as required by § 1.56, and shall be accompanied by such affidavits, docu-

ments, and other supporting data, in triplicate, as the Director, Alcohol and Tobacco Tax Division or the Assistant Regional Commissioner shall require. All data, written statements, affidavits, documents, or other evidence submitted in support of the application, or upon hearing thereon, shall be deemed to be a part of the application. All applications shall be filed by mailing or delivering the same to the office of the Assistant Regional Commissioner.

§ 1.26 *Incomplete or incorrectly executed applications.* Incomplete or incorrectly executed applications will not be acted upon, but the applicant shall be entitled to file a new application without prejudice, or to complete the application already filed.

§ 1.27 *Change in ownership, management, or control of the applicant.* In the event of any change in the ownership, management, or control of the applicant (in case of a corporation, any change in the officers, directors, or persons holding more than 10 percent of the corporate stock), after the date of filing of any application for a basic permit and prior to final action on such application, the applicant shall notify the Assistant Regional Commissioner immediately of such change.

§ 1.28 *Forms upon which to apply for basic permits.* The appropriate forms upon which to apply for basic permits are identified as follows:

Form 1630—Application for Importer's Basic Permit.
Form 1632—Application for Wholesaler's Basic Permit.
Form 1634—Application for Wine Producer's and Blender's Basic Permit.
Form 1637—Application for Rectifier's Basic Permit.
Form 1639—Application for Distiller's Basic Permit.
Form 1641—Application for Warehousing and Bottling Basic Permit.

Copies thereof may be secured from the Assistant Regional Commissioner's office upon request.

§ 1.29 *Individual plant or premises.* An application for basic permit must be filed, and permit issued, to cover each individual plant or premises where any of the businesses specified in section 3 of the act is engaged in, such application to be filed with and permit issued by the Assistant Regional Commissioner for the region wherein such plant or premises is located.

§ 1.30 *Power of attorney; Form 1534.* If the application and other documents in support of such application are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members of a copartnership or association, or, in the case of a corporation by an officer or other person not authorized by the corporation's by-laws or by its board of directors to sign such applications and supporting documents, the applications must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the documents to execute the same. Such powers of attorney will be executed on Form 1534, in triplicate, and submitted to the Assistant Regional Commissioner.

§ 1.31 *Denial of permit applications.* If, upon examination of any application for a basic permit, the Assistant Regional Commissioner has reason to believe that the applicant is not entitled to such permit he shall institute proceedings for the denial of the application in accordance with the procedure set forth in 26 CFR Part 200, which part is made applicable to such proceedings.

SUBPART D—AUTHORIZATION

§ 1.35 *Authority to issue, amend, deny, suspend, revoke, or annul basic permits.* The authority and power of issuing, amending, or denying basic permits, or amendments thereof, is conferred upon the Commissioner and (except as to agency initiated curtailment) upon the Assistant Regional Commissioner. The authority and power of suspending, revoking or annulling basic permits is conferred upon the Commissioner, and upon the hearing examiners as set forth in 26 CFR Part 200. Any Assistant Commissioner of Internal Revenue, when designated to do so by the Commissioner, and the Director, upon consideration of appeals on petitions for review, may order the Assistant Regional Commissioner to issue, deny, suspend, revoke, and annul basic permits.

SUBPART E—AMENDMENT AND DURATION OF BASIC PERMITS

§ 1.40 *Change of name.* In the event of any change in the name (trade or corporate name) of a permittee, or, in the event a permittee desires to engage in operations under an additional trade name, such permittee must file application (Form 1643), with the Assistant Regional Commissioner, for an amended basic permit, which application must be approved, and amended permit issued, before operations may be commenced under the new name.

§ 1.41 *Change of address.* In the event of a change in address, the permittee must file application (Form 1643), with the Assistant Regional Commissioner, for an amended basic permit.

§ 1.42 *Change in ownership, management, or control of business.* In the event of any change in the ownership, management, or control of any business operated pursuant to a basic permit (if the permittee is a corporation, if any change occurs in the officers, directors, or persons owning or controlling more than 10 percent of the voting stock of said corporation) the permittee shall immediately notify the Assistant Regional Commissioner of such change, giving the names and addresses of all new persons participating in the ownership, management, or control of such business, or in the case of a corporation, the names and addresses of such new officers, directors, or persons owning or controlling more than 10 percent of the voting stock. Notice to the Assistant Regional Commissioner of any such change shall be accompanied or supplemented by such data in reference to the personal or business history of such persons as the Assistant Regional Commissioner may require.

§ 1.43 *Duration of permits.* A basic permit shall continue in effect until suspended, revoked, annulled, voluntarily surrendered, or automatically terminated, as provided in the act and in this part.

§ 1.44 *Automatic termination of permits.* No basic permit shall be leased, sold, or otherwise voluntarily transferred, and, in the event of such lease, sale, or other voluntary transfer, the said basic permit shall automatically terminate thereupon. If any basic permit is transferred by operation of law or if actual or legal control of the permittee is acquired, directly or indirectly, whether by stock ownership or in any other manner, by any person, then such permit shall be automatically terminated at the expiration of 30 days thereafter: *Provided*, That if within such 30-day period application for a new basic permit is made by the transferee or permittee, respectively, then the outstanding basic permit shall continue in effect until such time as the application is finally acted upon.

SUBPART F—REVOCATION, SUSPENSION, OR ANNULMENT OF BASIC PERMITS

§ 1.50 *Revocation or suspension.* Whenever the Assistant Regional Commissioner has reason to believe that any permittee has willfully violated any of the conditions of his basic permit or has not engaged in the operations authorized by the permit for a period of more than two years, he shall institute proceedings for the revocation or suspension of such permit, in accordance with the procedure set forth in 26 CFR Part 200, which part is made applicable to such proceedings.

§ 1.51 *Annulment.* Whenever the Assistant Regional Commissioner has reason to believe that any basic permit was procured through fraud, or misrepresentation or concealment of material fact, he shall, institute proceedings for the annulment of such permit in accordance with the procedure set forth in 26 CFR Part 200, which part is made applicable to such proceedings.

§ 1.52 *Disposition of stocks of alcoholic beverages upon revocation, annulment, or automatic termination of basic permit.* In the event of the revocation or annulment of a basic permit, pursuant to 26 CFR Part 200, or in the event such permit is automatically terminated by operation of law (27 U. S. C. 204 (g)) and § 1.44, the Assistant Regional Commissioner may authorize the orderly disposition of stocks of distilled spirits, wines or malt beverages then held by the permittee or former permittee upon such conditions as may be considered proper.

SUBPART G—MISCELLANEOUS

§ 1.55 *Recalling permits for correction.* Whenever it shall be discovered that any basic permit has been issued

authorizing acts, or combinations of acts, which may not properly, under the law and regulations, as now or hereafter in force, be authorized, or that any material mistake has occured in the issuance thereof, the holder of such permit shall forthwith surrender the same for correction or amendment upon demand of the Assistant Regional Commissioner.

§ 1.56 *Oaths and affirmations.* Any document required by regulations or instructions of the Commissioner to be verified, shall be so verified upon oath or affirmation taken before a person authorized by the laws of the United States or by State or local law to administer oaths or affirmations in the State, Territory, or District wherein such document is to be executed.

§ 1.57 *Procedure.* The procedures prescribed by the rules of practice in Permit Proceedings (26 CFR Part 200) are applicable to administrative proceedings for the issuance, amendment, denial, revocation, suspension, and annulment of basic permits, the issuance of subpoenas and the taking of depositions under the Federal Alcohol Administration Act.

§ 1.58 *Filing of permits.* Every person receiving a basic permit under the provisions of this part must file the same, at the place of business covered by the basic permit, so that it may be examined by Government officers.

§ 1.59 *Public information as to applications acted upon.* The Assistant Regional Commissioner shall cause to be maintained currently in his office for public inspection, until the expiration of one year following final action on the application, the following information with respect to each application for basic permit filed:

(a) The name, including trade name or names, if any, and the address of the applicant; the kind of permit applied for and the location of the business; whether the applicant is an individual, a partnership or a corporation; if a partnership, the name and address of each partner; if a corporation, the name and address of each of the principal officers and of each stockholder owning 10 percent or more of the corporate stock.

(b) The time and place set for any hearing on the application.

(c) The final action taken on the application. In the event a hearing is held upon an application for a basic permit, the Assistant Regional Commissioner shall make available for inspection at his office, upon request therefor: The transcript of the hearing, a copy of the examiner's recommended decision, a copy of the Assistant Regional Commissioner's decision and, in the event of an appeal to the Director, Alcohol and Tobacco Tax Division, the decision on appeal with the reasons given in support thereof.

[F. R. Doc. 54-7468; Filed, Sept 22 1954; 8:50 a. m.]

No. 185——3

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

BROKERS TRANSACTIONS

DEFINITION OF CERTAIN TERMS

On May 3, 1954, the Commission announced in Release No. 3501 a proposed amendment of § 230.154 (Rule 154) which defines certain terms used in section 4 (2) of the Securities Act of 1933. Section 4 (2) exempts from the registration and prospectus requirements of the act: "Brokers' transactions, executed upon customers' orders on any exchange or in the open or counter market, but not the solicitation of such orders."

The proposed amendment was intended to remove doubts of underwriters, dealers and brokers which had arisen as a result of the Commission's decision in the Ira Haupt & Company case (23 SEC 589 (1946)) as to the scope fo the exemption. It was designed to make clear that the availability of an exemption under section 4 (2) does not turn solely upon the question whether the selling stockholder is a controlling person but involves also a determination whether such controlling person to the actual or constructive knowledge of the broker is effecting a distribution of his holdings.

The Commission received numerous written comments and suggestions. After appropriate notice a public hearing was held on July 6, 1954, at which interested persons were afforded an opportunity to present their views orally. The Commission has carefully considered the views, suggestions and comments submitted to the Commission in writing and at the hearing. The substance of certain of these suggestions has been incorporated in the proposed revision of Rule 154, as set forth below.

The proposed amendment defines the term "broker's transactions" as used in section 4 (2) to include transactions of sale executed by a broker for the account of any person controlling, controlled by, or under common control with, the issuer where the broker performs no more than the usual and customary broker's function, receives no more than the usual and customary commission, neither he nor his principal solicits offers to buy and he is not aware of circumstances indicating that his principal is an underwriter or engaged in a distribution of securities. For the purposes of this rule, the term "distribution" is defined as not applying to transactions which involve amounts not substantial in relation to the outstanding securities of the same class and the aggregate volume of trading in the security.

To provide a ready guide for routine cases involving trading as distinguished from distributing transactions, the term "distribution" is further defined as not including the sale or series of sales of securities which, together with all other sales of securities of the same class by or on behalf of the same person within any period of 6 months will not exceed approximately 1 percent of the outstanding shares or units of the security in the case of a security which is not traded on a securities exchange and, with respect to a security which is admitted to trading on a securities exchange, the lesser of either 1 percent of the outstanding securities of the class or the aggregate reported volume of trading during any one week within the preceding 4 trading weeks. It should be emphasized that cases which do not fall within the scope of the specific formula so provided may nevertheless be "broker's transactions" for which the exemption under section 4 (2) would be available. In such cases brokers and their counsel may rely upon the general definition of "distribution."

The text of the rule, as proposed to be amended, is as follows:

§ 230.154 *Definition of certain terms used in section 4 (2).* (a) The term "broker's transactions" in section 4 (2) of the act shall be deemed to include transactions by a broker acting as agent for the account of any person controlling, controlled by, or under common control with, the issuer of the securities which are the subject of the transactions where:

(1) The broker performs no more than the usual and customary broker's function;

(2) The broker does no more than execute an order or orders to sell as a broker and receives no more than the usual or customary broker's commission, and the broker's principal makes no payment in connection with the execution of such transactions to any other person;

(3) Neither the broker, nor to his knowledge his principal, solicits offers to buy in anticipation of or in connection with such transactions; and

(4) The broker is not aware of circumstances indicating that his principal is an underwriter in respect of the securities or that the transactions are part of a distribution of securities on behalf of his principal.

(b) The term "solicitation of such orders" in section 4 (2) of the act shall be deemed to include the solicitation of an order to buy a security, but shall not be deemed to include the solicitation of an order to sell a security.

(c) Where within the previous 60 days a dealer has made a written bid for a security or a written solicitation of an offer to sell such security, the term "solicitation" in section 4 (2) shall not be deemed to include an inquiry regarding the dealer's bid or solicitation.

(d) For the purpose of paragraph (a) of this section the term "distribution" shall not apply to transactions involving an amount not substantial in relation to the number of shares or units of the security outstanding and the aggregate volume of trading in such security. Without limiting the generality of the foregoing, the term "distribution" shall not be deemed to include a sale or series of sales of securities which, together with all other sales of securities of the same class by or on behalf of the same person within any period of six months, will not exceed the following: (1) If the security is traded only otherwise than on a securities exchange, approximately one

percent of the shares or units of such security outstanding at the time of receipt by the broker of the order to execute such transactions or (2) if the security is admitted to trading on a securities exchange the lesser of approximately (i) one percent of the shares or units of such security outstanding at the time of receipt by the broker of the order to execute such transactions or (ii) the aggregate reported volume of trading during any one week within the four trading weeks preceding the receipt of such order.

All interested persons are invited to submit views and comments on the above-mentioned proposal in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. on or before September 27, 1954. Views or comments received will be available for public inspection unless in any case a person requests that his comments shall not be made public.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 13, 1954.

[F. R. Doc. 54–7465; Filed, Sept. 22, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF AN INADEQUATE EXCESS PROFITS CREDIT

ALLOWANCE DURING FISCAL YEAR ENDED JUNE 30, 1954

Subchapter E of Chapter 2 of the Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 722 (g) the following list, containing the cases arranged alphabetically by internal revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. Allowances pursuant to decisions entered by The Tax Court of the United States have been made in fifty-two docketed cases. These are included in the list with appropriate notations. There are included as a supplemental to this list five cases in which relief was allowed by the Commissioner and thirteen docketed cases in which relief was allowed by The Tax Court of the United States during the fiscal year ended June 30, 1953. These cases were not included in the list of allowances made during the fiscal year 1953 previously published.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain of the items, as displayed in their respective column headings of the list, and the data evolved follows:

Business in Which Engaged, Column 2. The Business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved, therefore, it does not necessarily correspond with the business during the base period. In those instances where the return for the year involved failed to disclose the nature of the business, information from other sources was utilized. Moreover, since the nature of business shown usually represents a general description of the predominent business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess Profits Credit Before Allowance of Relief, Column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or capital.

Increase in the Amount of Excess Profits Credit Claimed by Taxpayer, Column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the Amount of Excess Profits Credit Allowed, Column 6. This increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Gross Reduction in the Excess Profits Tax, Column 7.

Gross Increase in the Income Tax, Column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the difference between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief has been granted. The gross excess profits tax is the tax due prior to the deferment under section 710 (a) (5), the foreign tax credit under section 729, the credit for debt retirement under section 785, the ten per cent credit under section 784, and the adjustment under section 734. The gross income tax is the tax prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increase attributable to section 722 in the unused excess profits credit carried forward from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship to these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variations of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount of which 80 per cent of net income exceeds the income tax, applicable to certain taxable years, and (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal Years Ended	Volume	Number	Date
June 30, 1942	9	194	Sept. 28, 1944
June 30, 1943	9	194	Sept. 28, 1944
June 30, 1944	9	219	Nov. 2, 1944
June 30, 1945	10	224	Nov. 18, 1945
June 30, 1946	11	196	Oct. 8, 1946
June 30, 1947	12	197	Oct. 8, 1947
June 30, 1948	13	206	Oct. 21, 1948
June 30, 1949	14	201	Oct. 18, 1949
June 30, 1950	15	205	Oct. 21, 1950
June 30, 1951	16	211	Oct. 30, 1951
June 30, 1952	17	175	Sept. 6, 1952
June 30, 1953	18	164	Aug. 21, 1953

[SEAL] T. COLEMAN ANDREWS, *Commissioner of Internal Revenue.*

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE, BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1954

Name and address of taxpayer (Arranged by Internal Revenue Districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of sec. 722 (7)	Gross increase in the income (chapter 1) tax resulting from the operation of sec. 722 (8)
ALBANY							
Beech-Nut Packing Co., Canajoharie, N. Y.	Manufacturing food specialties, chewing gum and confections.	Dec. 31, 1940	$2,271,721.56	$943,795.24	$118,215.14	$53,196.82	None
		Dec. 31, 1941	2,846,037.71	1,168,248.93	156,504.58	81,902.75	25,380.85
		Dec. 31, 1942	2,585,677.61	1,228,250.01	196,565.99	176,969.39	78,426.40
		Dec. 31, 1943	2,783,632.32	1,038,493.53	198,641.28	178,750.15	79,444.50
		Dec. 31, 1944	2,771,622.82	1,050,503.03	210,620.78	200,089.75	84,248.32
		Dec. 31, 1945	2,771,622.82	1,050,503.03	210,620.78	200,089.74	84,248.32
John A. Manning Paper Co., Inc., Clifton and George Sts., Troy, N. Y.	Specialty and electrical insulating paper, electrical insulating pressboard manufacturing.	Dec. 31, 1941	230,572.02	373,664.70	44,964.70	26,978.78	8,363.30
		Dec. 31, 1942	280,737.22	333,409.04	4,709.04	4,238.14	1,883.61
		Dec. 31, 1943	278,909.91	335,548.70	6,948.70	6,253.83	2,779.47
		Dec. 31, 1944	279,248.81	335,548.71	6,948.71	6,601.27	2,779.49
AUSTIN							
Hudson Engineering Corp., 2711 Danville Rd., Houston, Tex.	Engineering and constructing	July 31, 1942 [1]	42,750.00	None	None	20,525.90	6,795.50
		July 31, 1944	23,706.15	119,598.57	19,043.85	43,971.62	19,440.12
		July 31, 1946	13,170.87	130,133.85	29,579.13	8,837.84	6,260.35
BIRMINGHAM							
Leedy-Glover General Agency, Inc., 112 North 21st St., Birmingham, Ala.	General insurance agents	Dec. 31, 1943	9,467.54	28,959.01	8,478.03	7,630.23	2,347.98
BOSTON							
American Industries, Inc. (formerly Mu-Switch Corp.), 10 Post Office Sq., Boston, Mass.	Switch manufacturers	Dec. 31, 1941 [3]	748.16	15,257.13	6,951.84	3,359.13	1,478.02
		Dec. 31, 1942 [3]	1,923.52	20,638.98	5,676.48	3,903.91	1,532.66
		Dec. 31, 1943 [3]	3,125.00	19,437.50	4,475.00	1,248.25	1,248.25
		Dec. 31, 1944 [3]	3,722.64	12,282.65	3,877.36	1,361.20	1,036.90
Books, Inc., 1 Green St., Clinton, Mass.	Publishers	Dec. 31, 1942 [3]	1,706.67	37,407.53	3,043.33	3,798.78	1,139.64
		Dec. 31, 1943 [3]	2,512.29	36,661.91	2,247.71	3,243.89	1,077.12
		Dec. 31, 1944 [3]	27,646.26	56,573.27	15,103.74	6,857.91	2,129.05
A. & G. J. Caldwell, Inc., 126 Merrimac St., Newburyport, Mass.	Distillers, rectifiers and bottlers of rum.	Dec. 31, 1942 [3]	27,576.42	54,743.10	19,923.58	10,945.75	11,421.42
		Dec. 31, 1943 [3]	29,315.91	55,033.62	18,184.09	18,000.20	10,275.12
		Dec. 31, 1944 [3]	29,501.96	54,817.19	17,998.04	18,504.32	9,381.94
		Dec. 31, 1945 [3]	30,899.80	53,419.35	16,600.20	17,232.17	8,638.74
Dennison Manufacturing Co., 300 Howard St., Framingham, Mass.	Tags and paper specialties	Dec. 31, 1941	654,568.30	575,674.65	134,664.65	61,537.17	19,076.64
		Dec. 31, 1942	682,392.46	547,426.12	106,446.17	63,862.58	28,383.36
		Dec. 31, 1943	704,395.59	525,854.41	84,844.46	47,276.67	21,011.81
Lester Shoe Co., 224 Crescent Ave., Chelsea, Mass.	Shoe manufacturing company	Nov. 30, 1942	6,150.95	24,807.54	3,072.60	820.84	684.57
Merrimac Hat Corp., 60 Merrimac St., Amesbury, Mass.	Felt hat and body manufacturing	Dec. 31, 1945	341,385.54	236,807.36	79,464.46	70,575.64	29,716.06
Radio Shack Corp., 167 Washington St., Boston, Mass.	Radio parts	Jun. 30, 1941 [2]	1,965.27	42,548.26	8,622.81	67.06	None
		Jun. 30, 1942 [2]	4,623.68	39,889.85	10,732.51	5,059.46	2,226.16
		Jun. 30, 1943 [2]	10,067.91	34,445.62	212.03	62.64	62.64
		Jun. 30, 1944 [2]	12,672.82	31,840.71	229.13	64.13	64.13
		Jun. 30, 1945 [2]	15,358.49	28,557.94	3,127.56	2,971.18	1,657.61
		Jun. 30, 1946 [2]	17,719.33	26,881.05	1,450.67	694.74	387.58
Suncook Mills, Room 440 South Station Bldg., Boston, Mass.	Manufacturers of cotton and rayon goods.	Sept. 30, 1941 [2]	235,089.36	94,047.89	32,715.64	11,157.03	None
		Sept. 30, 1942 [2]	271,958.87	117,756.63	41,998.35	30,718.81	10,275.22
		Sept. 30, 1943 [2]	265,967.33	107,746.19	44,640.69	40,176.63	17,856.27
The Yankee Network, Inc., 21 Brookline Ave., Boston, Mass.	Radio broadcasting and service	Dec. 31, 1941 [1]	212,670.40	None	None	15,800.00	4,898.00
		Dec. 31, 1943	143,141.06	365,213.98	70,987.29	29,068.97	12,919.55
		Dec. 31, 1944	27,767.80	70,847.52	13,747.95	13,060.55	7,089.36
The Yankee Network, Inc. (formerly The Winter Street Corp.), 21 Brookline Ave., Boston, Mass.	Radio broadcasting and service	Jan. 31, 1945	169,758.14	361,988.07	100,241.83	115,980.41	48,833.85
		Jan. 31, 1946	191,269.87	406,721.27	112,071.79	35,698.20	15,018.19
BROOKLYN							
The Eagle Warehouse and Storage Co. of Brooklyn, Inc., 28 Fulton St., Brooklyn, N. Y.	Warehousing	Dec. 31, 1941 [3]	9,877.63	26,222.37	2,968.27	2,158.31	496.41
		Dec. 31, 1942 [3]	9,545.44	26,554.56	3,659.56	6,362.07	1,908.62
		Dec. 31, 1943 [3]	9,098.76	27,001.24	4,106.24	6,259.50	1,877.85
		Dec. 31, 1944 [3]	8,705.19	27,394.81	4,499.81	6,777.49	1,990.33
		Dec. 31, 1945 [3]	8,401.09	27,698.91	4,803.91	6,852.63	2,011.69
Pepsi Cola Co., 3 West 57th St., New York 19, N. Y.	Manufacture and distribution of a carbonated beverage known as and sold under the trademark Pepsi-Cola and a carbonated artificial mineral water sold under the trademark "Everyess".	Dec. 31, 1945	5,709,311.75	5,945,839.52	1,076,930.66	1,023,083.17	430,771.86
E. R. Squibb & Sons, 745 5th Ave., New York, N. Y.	Manufacturing chemists	Jun. 30, 1944	1,546,594.75	931,390.25	103,187.85	95,434.65	41,275.14
BUFFALO							
Clark Bros. Co., Inc., North 5th St. and Lincoln Ave., Olean, N. Y.	Manufacturing and selling gas and diesel engines, compressors and miscellaneous machinery.	Dec. 31, 1940 to Jan. 1, 1941	85,172.03	543,465.25	249,419.87	122,263.33	None
		Oct. 31, 1941	103,360.14	802,639.38	304,679.11	152,256.06	47,199.37
		Oct. 31, 1942	138,143.70	711,037.62	304,679.11	194,167.35	78,642.27
		Oct. 31, 1943	297,629.22	480,033.34	248,410.03	245,467.91	109,096.85
		Oct. 31, 1944	455,981.89	323,347.33	91,724.03	118,074.42	74,311.51
		Oct. 31, 1945	478,504.73	301,157.82	69,534.52	148,841.44	62,670.08
		Oct. 31, 1946	403,254.63	376,407.92	144,784.62	5,461.01	2,299.35
Niagara Searchlight Co., Inc., c/o Chisholm Ryder Co., Inc., Niagara Falls, N. Y.	Manufacturers of flashlights	Dec. 31, 1944	5,198.29	42,301.80	7,104.30	7,214.24	2,096.41
		Dec. 31, 1945	8,410.78	39,089.22	3,891.72	3,766.84	1,116.63
CAMDEN							
Bay Ridge Specialty Co., Inc., 682 Stokes Ave., Trenton, N. J.	Manufacture of vitreous china products.	Dec. 31, 1944	16,665.74	58,090.96	16,183.36	26,345.59	14,126.10
		Dec. 31, 1945	16,665.74	58,090.96	16,183.36	15,374.19	8,577.18
CHEYENNE							
J. P. Croft Co., Inc., 150 North Main St., Sheridan, Wyo.	Retail department stores	Dec. 31, 1942 [1]	16,663.45	28,130.40	11,052.80	22,922.88	12,698.25
		Dec. 31, 1943 [3]	15,833.61	28,121.88	11,044.28	12,492.04	6,356.48
		Dec. 31, 1944 [1]	15,747.80	28,146.05	11,068.45	10,515.02	5,896.28
		Dec. 31, 1945 [1]	15,745.10	28,148.66	11,071.06	10,517.51	5,897.67

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE, BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1954—Continued

Name and address of taxpayer (Arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of sec. 722	Gross increase in the income (chapter 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
CHICAGO							
Abbott Laboratories, 14th St. and Sheridan Rd., North Chicago, Ill.	Manufacturer of drugs, chemicals, and pharmaceuticals.	Dec. 31, 1940	1,950,094.42	305,793.78	28,961.08	13,032.49	None
		Dec. 31, 1941	2,401,908.88	514,751.04	98,438.51	59,063.10	18,900.48
		Dec. 31, 1942	2,545,647.62	816,941.53	140,848.93	126,764.04	56,580.78
		Dec. 31, 1943	2,545,647.62	816,941.53	140,848.93	126,764.04	56,580.78
		Dec. 31, 1944	2,814,033.26	816,941.53	140,848.93	133,806.48	56,580.78
		Dec. 31, 1945	2,875,628.02	816,941.53	140,848.93	143,806.49	56,580.78
Acme Aluminum Foundry Co., 6831 South Bell Ave., Chicago, Ill.	Manufacturing and sales of aluminum castings.	Sept. 30, 1941[1]	7,159.34	59,369.12	10,035.66	3,599.02	None
		Sept. 30, 1942[2]	9,550.03	56,978.43	11,349.97	6,039.45	1,945.50
Acme Steel Co., 2840 Archer Ave., Chicago, Ill.	Manufacture of strip steel and steel packaging specialties.	Dec. 31, 1940	1,531,042.19	3,914,535.60	599,027.01	299,513.50	None
		Dec. 31, 1941	1,865,540.91	3,580,027.88	1,155,265.89	661,150.53	214,874.16
		Dec. 31, 1942	2,171,101.80	3,274,435.99	849,674.00	764,706.60	339,800.00
		Dec. 31, 1943	2,170,333.44	3,275,203.35	850,442.36	765,398.12	340,176.93
		Dec. 31, 1944	2,169,289.80	3,276,247.99	851,486.00	808,911.70	340,594.40
		Dec. 31, 1945	2,168,954.50	3,276,583.29	851,821.30	809,230.24	340,728.52
The Arldor Co., 3428 West 48th Pl., Chicago, Ill.	Manufacturing metal caps and closures.	Dec. 31, 1941[2]	16,610.34	115,866.95	7,989.91	6,480.59	2,008.18
Arlington Park Jockey Club, Inc., 141 West Jackson Blvd., Chicago, Ill.	Amusement, recreation and related services other than motion.	Apr. 30, 1943	109,645.99	365,810.99	13,854.01	15,498.38	11,128.80
Bennett Manufacturing Co., Peotone, Ill.	Manufacturers of steel barrels, drums, pails, etc.	Jun. 30, 1942	42,186.95	178,113.06	38,477.98	10,454.26	6,039.81
		Jun. 30, 1943	56,948.44	163,404.74	23,769.66	21,802.02	10,367.74
		Jun. 30, 1944	74,312.46	146,040.72	6,405.64	9,683.18	4,234.55
City Products Corp. (formerly The City Ice & Fuel Co. and Subsidiary Companies), 33 South Clark St., Chicago, Ill.	Ice, fuel, cold storage, etc.	Dec. 31, 1942	3,477,970.64	1,548,738.29	212,921.07	182,818.42	85,467.25
		Dec. 31, 1943	3,588,806.35	1,407,902.58	115,506.21	103,955.59	48,512.61
		Dec. 31, 1944	3,428,192.80	1,335,674.35	41,249.08	30,186.63	17,324.61
		Dec. 31, 1945	2,956,795.98	1,335,747.93	41,249.08	39,186.62	17,324.61
Conco Building Products, Inc., Mendota, Ill.	Wholesale trade—building products.	Mar. 31, 1941	1,096.04	22,020.67	9,800.46	382.85	None
		Mar. 31, 1942	1,108.31	26,545.02	12,089.34	4,340.53	668.32
		Mar. 31, 1943	1,108.31	26,545.02	12,089.34	8,479.29	2,340.59
		Mar. 31, 1944	2,100.05	25,643.28	11,187.60	1,672.34	501.69
		Mar. 31, 1945	2,586.85	25,156.48	10,700.80	3,398.73	960.94
		Mar. 31, 1946	3,176.42	24,566.91	10,111.23	7,237.15	2,106.42
Contour Saws, Inc., 234 North Laurel Ave., Des Plaines, Ill.	Machine tool manufacturers	Oct. 31, 1941	4,990.28	171,848.42	3,559.72	1,453.19	None
		Oct. 31, 1942	11,324.45	169,814.90	9,575.55	3,474.84	1,685.47
		Oct. 31, 1943	14,154.16	166,985.19	11,970.84	10,773.75	4,923.62
		Oct. 31, 1944	16,705.16	164,434.19	9,419.84	8,870.36	4,860.71
		Oct. 31, 1945	18,315.17	162,824.18	7,809.83	7,419.34	4,199.21
DeKalb Agricultural Association, Inc., 208 South LaSalle St., Chicago 4, Ill.	Production and sale of seed and petroleum.	June 30, 1941	625,791.69	2,684,946.80	23,913.31	7,192.22	None
		June 30, 1942	765,187.00	2,713,012.51	214,755.53	119,728.52	37,115.85
		June 30, 1943	766,399.28	2,712,867.92	214,730.94	193,257.85	87,892.78
		June 30, 1944	765,194.06	2,712,987.92	214,730.94	397,192.61	171,781.89
		June 30, 1945	765,248.24	2,712,987.92	214,730.94	393,994.40	85,892.77
National Lock Co., 1902 7th St., Rockford, Ill.	Manufacture of hardware	June 30, 1941	539,361.99	839,178.67	15,828.63	7,944.32	None
		June 30, 1942	613,590.55	1,042,129.01	84,537.95	50,722.59	15,724.04
		June 30, 1943	626,703.77	1,029,225.79	71,734.73	64,561.26	28,647.88
		June 30, 1944	626,393.77	1,029,225.79	71,734.73	32,457.03	11,427.26
		June 30, 1946	626,393.81	1,029,225.75	71,734.69	34,354.04	14,464.87
The Quadriga Manufacturing Co., 213-221 West Grand Ave., Chicago, Ill.	Metal stampings	Dec. 31, 1942[2]	24,414.07	50,899.89	3,645.81	1,691.26	960.97
		Dec. 31, 1943[2]	24,058.42	50,899.89	3,645.81	3,281.23	1,695.28
		Dec. 31, 1944[2]	23,275.19	50,899.89	3,645.81	3,463.52	1,692.38
		Dec. 31, 1945[2]	23,364.71	50,899.89	3,645.81	3,463.52	1,932.27
Russel M. Seeds Co., 919 North Michigan Ave., Chicago, Ill.	Advertising agency	Jan. 1, 1940 to Apr. 30, 1940	9,859.10	139,431.50	2,965.90	215.15	None
		Apr. 30, 1940 to Apr. 30, 1941	9,859.10	139,431.50	2,965.90	1,762.75	None
		Apr. 30, 1943	11,754.60	137,536.00	12,395.40	18,780.57	12,450.70
		Apr. 30, 1945	13,003.37	168,181.83	10,746.63	10,209.30	5,216.72
		Apr. 30, 1946	13,915.72	167,169.48	9,834.28	6,271.03	3,423.91
Sola Electric Co., 4633 West 16th St., Chicago, Ill.	Manufacturers of electrical transformers and kindred products.	Dec. 31, 1940	7,039.05	202,973.53	5,749.01	1,739.70	None
		Dec. 31, 1941	10,125.19	199,887.39	21,065.21	8,943.60	2,772.92
		Dec. 31, 1942	18,237.20	191,775.38	16,418.80	16,209.54	9,203.96
		Dec. 31, 1941[3]	41,061.22	127,187.60	19,549.54	2,140.12	1,064.44
		Dec. 31, 1942[3]	41,078.25	127,886.47	19,549.54	23,061.81	10,751.26
		Dec. 31, 1943[3]	41,106.16	127,886.47	19,549.54	17,594.58	8,246.71
		Dec. 31, 1944[3]	41,541.47	127,451.15	19,114.23	18,158.52	7,859.52
		Dec. 31, 1945[3]	41,106.16	127,886.46	19,549.54	18,572.06	7,859.81
Victor Chemical Works, 141 West Jackson Blvd., Chicago 4, Ill.	Manufacturing	Dec. 31, 1940	969,567.93	1,088,020.92	89,281.16	30,324.97	None
		Dec. 31, 1941	1,204,559.22	853,029.58	285,334.52	171,200.71	53,072.22
		Dec. 31, 1942	1,261,282.43	796,306.42	301,508.54	271,357.69	120,697.12
		Dec. 31, 1943	1,184,741.38	869,835.94	422,559.34	380,303.40	169,023.73
		Dec. 31, 1944	1,243,439.56	869,835.94	481,913.54	457,817.86	192,765.12
		Dec. 31, 1945	1,279,430.38	869,835.94	481,913.54	457,817.85	192,765.42
Walgreen Co. (Illinois), 4300 Peterson Ave., Chicago, Ill.	Retail drugs	Sept. 30, 1941	2,097,593.16	1,162,774.31	31,731.14	8,378.74	None
		Sept. 30, 1942	2,547,418.15	1,410,925.06	89,933.85	57,397.50	20,376.66
		Sept. 30, 1943	2,622,442.09	1,522,150.27	14,909.91	13,418.92	4,963.37
		Sept. 30, 1944	2,619,793.06	1,720,366.54	14,421.58	32,387.63	15,545.82
		Sept. 30, 1945	2,409,273.40	1,720,889.20	24,537.98	20,311.08	9,852.29
		Sept. 30, 1945	22,111.82	229,383.90	28,882.28	16,348.45	13,040.54
Walgreen Co. (Ohio), 4300 Peterson Ave., Chicago 30, Ill.	do	Sept. 30, 1943	84,407.78	102,721.09	14,266.82	12,840.14	5,706.72
		Sept. 30, 1944	84,407.78	123,139.94	14,266.82	13,374.16	5,706.73
		Sept. 30, 1945	84,407.78	123,139.94	14,266.82	13,553.48	5,706.73
		Sept. 30, 1946	84,407.78	123,139.94	14,266.82	2,280.09	1,468.41
Walgreen Co. (South Carolina), 4300 Peterson Ave., Chicago, Ill.	do	Sept. 30, 1945	12,124.54	79,853.23	9,812.86	6,972.47	4,068.29
Walgreen Drug Co. of Texas, 4300 Peterson Ave., Chicago 30, Ill.	do	Sept. 30, 1943	149,043.42	204,217.71	24,113.08	21,701.78	9,647.22
		Sept. 30, 1944	149,043.42	197,384.25	24,113.08	4,337.75	2,410.48
		Sept. 30, 1946	149,043.42	197,384.25	24,113.08	2,484.08	2,410.12
Walgreen Drug Co. (Utah), 4300 Peterson Ave., Chicago, Ill.	do	Sept. 30, 1943	217,187.09	557,000.06	46,896.76	42,207.09	18,758.70
		Sept. 30, 1944	217,187.09	535,889.12	47,896.76	8,722.58	4,777.80
Walgreen Drug Stores, Inc. (Maryland), 4300 Peterson Ave., Chicago, Ill.	do	Sept. 30, 1943	10,000.00	29,206.94	1,091.25	4,762.13	1,428.63
		Sept. 30, 1944	9,000.00	44,096.15	2,091.25	5,428.91	1,570.97
		Sept. 30, 1945	8,400.00	44,096.15	2,691.25	5,786.69	1,666.46
Walgreen, Inc. (Texas), 4300 Peterson Ave., Chicago 30, Ill.	do	Sept. 30, 1946	8,342.47	44,753.68	2,748.78	1,465.36	421.95
Woodward Governor Co., 5001 North 2d St., Rockford, Ill.	Manufacturer of hydraulic governors.	Sept. 30, 1942	328,400.77	491,288.48	16,149.23	10,142.49	3,874.83
		Sept. 30, 1943	328,400.77	491,288.48	16,149.26	14,534.30	6,459.69
		Sept. 30, 1944	328,400.77	491,288.48	16,149.23	6,624.94	6,459.69
		Sept. 30, 1945	328,400.77	491,288.48	16,149.23	15,341.77	6,459.70
		Sept. 23, 1946	328,400.77	491,288.48	16,149.23	1,472.21	567.38

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE, BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1954—Continued

Name and address of taxpayer (Arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of sec. 722	Gross increase in the income (chapter 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
CLEVELAND							
Basic Refractories Inc., 845 Hanna Building, Cleveland, Ohio.	Production of raw dolomite and basic refractories.	Dec. 31, 1940[3]	239,170.32	135,431.04	53,949.72	23,363.09	None
		Dec. 31, 1941[3]	234,970.39	409,640.14	154,473.98	90,371.98	28,015.32
		Dec. 31, 1942[2]	249,037.22	595,953.41	140,407.15	127,112.51	56,162.86
		Dec. 31, 1943[2]	324,124.59	513,885.99	48,905.16	49,588.39	23,141.25
		Dec. 31, 1944[2]	323,902.60	513,104.99	48,127.15	50,615.93	22,377.56
		Dec. 31, 1941[2]	58,444.30	23,934.65	1,405.70	491.99	152.51
		Dec. 31, 1942[2]	58,444.30	23,934.65	1,405.70	1,265.13	562.28
		Dec. 31, 1943[3]	58,444.30	26,864.68	None	1,125.89	562.28
The General Tire & Rubber Co., 1708 Englewood Ave., Akron, Ohio.	Manufacture of automobile tires and other rubber products.	Nov. 30, 1941	1,542,618.43	1,597,949.97	37,307.07	18,653.53	None
		Nov. 30, 1942	1,845,839.62	2,019,977.24	235,546.64	170,948.77	64,941.18
		Nov. 30, 1943	1,790,631.71	2,019,977.24	235,546.64	421,156.87	188,514.16
		Nov. 30, 1944	2,011,088.65	36,880,044.77	235,738.77	292,953.49	94,295.51
		Nov. 30, 1946	2,120,134.39	2,020,169.37	235,738.77	19,020.58	8,010.85
The Lincoln Electric Co., Coit Rd. and Kirby Ave., Cleveland, Ohio.	Manufacturers of electric arc welders, arc welding electrode and supplies.	Dec. 31, 1940	1,903,805.43	1,051,761.53	247,781.51	117,200.35	None
		Dec. 31, 1941	2,294,608.01	1,426,657.32	374,891.99	221,740.71	65,518.85
		Dec. 31, 1942	2,366,845.07	1,645,567.11	302,696.53	272,426.88	121,078.61
		Dec. 31, 1943	2,395,980.82	1,628,187.53	284,884.30	256,395.87	113,953.72
		Dec. 31, 1944	2,412,930.13	1,628,187.54	284,890.58	270,560.54	113,920.23
DENVER							
Sweetbriar Shops, Inc., Golden Eagle Building, Denver, Colo.	Retail ladies ready to wear	Dec. 31, 1942	28,051.85	112,164.70	7,250.15	11,038.07	4,905.80
		Dec. 31, 1943	28,051.85	112,164.70	9,948.15	8,953.34	5,272.52
		Dec. 31, 1944	28,051.85	112,164.70	9,948.15	9,450.75	5,272.52
		Dec. 31, 1945	30,827.90	109,388.65	7,172.10	6,813.50	3,801.21
DES MOINES							
Dubuque Packing Co., 16th and Sycamore Sts., Dubuque Iowa.	Meat packing	Oct. 31, 1941	84,409.87	575,214.33	None	581.31	None
		Oct. 31, 1942	110,726.36	548,897.84	None	5,440.98	2,076.96
DETROIT							
Doall Detroit Co., 254 North Laurel Ave., Des Plaines, Ill.	Distributors of machine tools, accessories and supplies.	May, 19, 1942 to Apr. 30, 1943	98.56	7,444.44	3,036.44	2,598.04	776.35
		Apr. 30, 1944	920.86	6,622.14	2,214.14	2,032.08	598.10
		Apr. 30, 1945	1,520.40	4,903.21	1,614.60	1,533.87	435.94
		Apr. 30, 1946	2,267.06	4,156.55	867.94	553.46	157.30
Goebel Brewing Co., Rivard and Maple Sts., Detroit, Mich.	Brewery	Dec. 31, 1941[2]	573,555.60	763,807.26	72,644.26	36,322.13	11,259.86
McLouth Steel Corp., 300 South Livernois Ave., Detroit, Mich.	Strip steel rolling mill	Dec. 31, 1941[3]	428,691.89	None	None	4,269.73	1,897.67
John Miller Electric Co., Inc., 711 Fisher Bldg., Detroit, Mich.	Electrical contractors	Dec. 31, 1941[3]	11,509.78	188,104.81	30,290.22	22,260.97	6,900.90
		Dec. 31, 1942[2]	31,051.37	168,563.22	10,748.63	33,431.74	15,106.94
Reliance Steel Corp. (Transferor), Detroit Steel Corp. (Transferee), 1025 South Oakwood Blvd., Detroit, Mich.	Steel warehousers and processors	Mar. 31, 1941	292,493.44	104,153.59	84,342.20	37,974.01	None
		Mar. 31, 1942	364,954.58	119,627.92	124,690.49	74,898.28	23,190.57
GREENSBORO							
Blue Bell, Inc. (formerly Blue Bell Globe Manufacturing Co.), Greensboro, N. C.	Manufacture of work clothing	Nov. 30, 1941	596,159.71	592,422.51	33,445.77	11,313.89	None
		Nov. 30, 1942	711,111.68	592,422.51	40,839.69	29,639.54	11,259.07
		Nov. 30, 1943	678,037.71	592,422.51	40,839.69	73,511.44	32,671.76
		Nov. 30, 1944	638,410.31	592,422.52	40,839.69	38,624.75	16,335.88
		Nov. 30, 1946	638,410.31	592,422.51	40,839.69	3,295.13	1,387.41
Copson-Smith Co., 87-89 Middle St., New Bern, N. C.	Retail clothiers	Dec. 31, 1942[2]	4,798.03	13,016.61	991.97	811.78	243.52
		Dec. 31, 1943[2]	4,099.78	13,714.86	1,690.22	1,440.19	432.06
		Dec. 31, 1944[2]	4,858.55	12,956.10	841.15	870.63	247.44
		Dec. 31, 1945[2]	5,686.95	12,127.70	13.05	12.40	3.52
HARTFORD							
C. H. Dexter & Sons, Inc., Windsor Locks, Conn.	Manufacture and sale of thin papers.	Dec. 31, 1940	88,730.47	99,762.55	72,769.53	29,031.79	None
		Jan. 1, 1941 to Nov. 30, 1941	104,493.57	118,904.72	114,469.08	59,266.63	18,372.66
		Nov. 30, 1942	123,266.46	100,131.83	95,696.19	66,672.71	25,522.30
		Nov. 30, 1943	148,154.92	75,243.37	70,807.73	63,726.96	28,323.09
		Nov. 30, 1944	170,493.45	52,904.84	48,469.20	45,340.47	19,387.68
		Nov. 30, 1945	182,805.06	40,593.23	36,157.59	34,340.71	14,463.04
		Nov. 30, 1946	197,343.16	21,619.49	21,619.49	1,744.36	734.46
National Printing Co., Inc., Thompsouville, Conn.	Printing and manufacturing of greeting cards.	Mar. 31, 1942	30,596.54	93,505.09	None	4,322.36	1,389.95
		Mar. 31, 1944	32,899.56	91,202.07	12,572.01	3,375.28	1,986.48
		Mar. 31, 1945	32,899.56	91,202.07	12,572.01	6,307.01	3,518.65
		Mar. 31, 1946	32,034.34	92,067.29	13,347.23	17,227.41	7,036.90
The Travelers Broadcasting Service Corp., 700 Main St., Hartford, Conn.	Radio broadcasting and television	Dec. 31, 1940[3]	80,942.98	48,636.07	1,194.97	298.74	None
		Dec. 31, 1941[3]	97,819.44	66,544.81	12,954.26	5,829.47	1,807.14
		Dec. 31, 1942[3]	97,819.44	66,544.81	12,954.36	11,658.92	5,181.74
		Dec. 31, 1943[3]	97,819.44	66,544.81	12,954.36	11,658.92	5,181.74
		Dec. 31, 1944[3]	97,819.44	66,544.81	12,954.36	12,306.64	5,181.74
		Dec. 31, 1945[3]	97,819.44	66,544.81	12,954.36	12,306.64	5,181.74
HONOLULU							
Hawaiian Freight Forwarders, Ltd., P. O. Box 3113, Honolulu, Hawaii.	Freight forwarders	Nov. 30, 1942	2,796.50	28,041.37	6,470.75	2,703.76	744.85
INDIANAPOLIS							
Brallfute Publishing Co., Inc. (Transferor), Bloomington Newspapers, Inc. (Transferee), Bloomington, Ind.	Newspaper	Sept. 30, 1944[3]	10,038.61	4,591.39	4,591.39	5,487.29	1,649.77
		Sept. 30, 1945[3]	9,757.91	4,872.09	4,872.09	10,105.79	2,964.78
		Sept. 30, 1946[3]	9,623.61	27,200.23	5,006.39	2,482.49	728.80
Cannelton Sewer Pipe Co., Fourth and Washington Sts., Cannelton, Ind.	Manufacture of clay products	Dec. 31, 1940[3]	33,420.61	6,409.00	1,959.00	489.98	None
		Dec. 31, 1941[3]	38,329.97	8,175.80	2,941.57	1,585.43	491.48
		Dec. 31, 1942[3]	40,154.67	10,219.74	1,116.87	7,436.78	3,883.93
Midwest Liquor Dealers, Inc., 2316 Broadway, East Chicago, Ind.	Wholesale liquor dealers	Mar. 31, 1941[3]	22,823.99	42,534.16	42,534.16	2,339.56	None
		Mar. 31, 1942[3]	26,900.01	77,672.98	9,500.00	4,275.00	1,325.25
		Mar. 31, 1943[3]	26,900.01	77,672.98	9,500.00	8,550.00	5,035.00
		Mar. 31, 1944[3]	26,900.01	77,672.98	9,500.00	8,668.10	5,035.00

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE, BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE, BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1954—Continued

Name and address of taxpayer (Arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of sec. 722	Gross increase in the income (chapter 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
JACKSON							
Gulf Wood Preserving Corp., Fernwood, Miss.	Creosote plant	Dec. 31, 1941 [3]	11, 794. 46	61, 710. 55	13, 380. 64	6, 532. 05	2, 024. 97
		Dec. 31, 1942 [3]	15, 132. 32	63, 307. 05	14, 977. 04	15, 191. 14	7, 28[illegible]
		Dec. 31, 1945 [3]	22, 439. 52	61, 597. 89	13, 267. 88	13, 449. 84	7, 56[illegible]
JACKSONVILLE							
A and W Clads, Inc. (Formerly A and W Bulb Co.), P. O. Box 270, Clearwater, Fla.	Growing field grown cut flowers	Aug. 31, 1941	12, 720. 12	152, 898. 85	1, 911. 78	477. 94	None
		Aug. 31, 1943	16, 874. 05	148, 744. 92	7, 379. 45	12, 972. 30	6, 8[illegible]
		Aug. 31, 1944	16, 874. 05	148, 744. 92	7, 379. 45	6, 887. 48	3, 6[illegible]
Newport Industries, Inc., P. O. Box 911, Pensacola, Fla.	Manufacturing rosin, turpentine, pine oil and related chemicals.	Dec. 31, 1941	608, 181. 15	1, 277, 602. 58	251, 568. 85	132, 493. 72	41, 07[illegible]
		Dec. 31, 1942	760, 226. 43	1, 211, 730. 73	99, 523. 57	89, 571. 21	39, 8[illegible]
		Dec. 31, 1943	760, 226. 43	1, 211, 730. 73	99, 523. 57	89, 571. 21	39, 8[illegible]
		Dec. 31, 1944	760, 783. 70	868, 783. 70	99, 523. 57	94, 547. 39	39, 8[illegible]
		Dec. 31, 1945	760, 226. 43	868, 783. 70	99, 523. 57	94, 547. 39	39, 8[illegible]
KANSAS CITY							
Hamm Singer Corp., 202 Grand Ave., Kansas City, Mo.	Wholesale beer and liquor distributors.	June 30, 1942 [2]	16, 315. 35	77, 869. 43	7, 054. 65	4, 371. 34	1, 92[illegible]
		June 30, 1943 [3]	17, 939. 87	81, 044. 91	10, 240. 13	10, 818. 61	5, 4[illegible]
		June 30, 1944 [3]	11, 958. 34	79, 226. 44	8, 411. 66	9, 046. 99	4, 2[illegible]
		June 30, 1945 [3]	14, 868. 85	79, 315. 94	8, 501. 15	9, 388. 01	5, 0[illegible]
		June 30, 1946 [3]	18, 594. 45	75, 900. 34	4, 775. 55	4, 043. 40	2, 2[illegible]
Kansas City Wholesale Grocery Co., 1401 Fairfax Trafficway (Building 1), Kansas City, Kans.	Wholesale grocery	Nov. 30, 1943 [3]	55, 592. 73	125, 491. 18	6, 303. 51	5, 673. 21	2, 5[illegible]
		Nov. 30, 1944 [3]	57, 959. 98	123, 124. 23	3, 936. 32	5, 543. 03	2, 0[illegible]
		Nov. 30, 1945 [3]	53, 437. 35	127, 646. 86	8, 458. 95	8, 036. 00	3, 3[illegible]
LOS ANGELES							
Alpha Beta Food Markets, Inc., P. O. Box 2418, Terminal Annex, Los Angeles, Calif.	Retail grocery and meat chain stores.	Dec. 31, 1941 [2]	43, 120. 66	81, 979. 11	2, 112. 61	1, 606. 59	5[illegible]
		Dec. 31, 1942 [2]	50, 215. 64	82, 124. 21	None	1, 455. 68	6[illegible]
		Dec. 31, 1943 [3]	50, 178. 09	84, 818. 87	None	3, 454. 88	1, 5[illegible]
		Dec. 31, 1944 [2]	53, 102. 61	81, 948. 14	None	79. 29	79. 29
Long Beach Oil Development Co., P. O. Box 810, Long Beach, Calif.	Petroleum production	Dec. 31, 1940	79, 801. 33	145, 080. 77	63, 458. 67	23, 983. 15	None
		Dec. 31, 1941	108, 545. 90	262, 384. 28	105, 829. 03	90, 903. 70	28, 1[illegible]
		Dec. 31, 1942	133, 860. 97	570, 548. 13	286, 471. 53	346, 132. 20	153, 8[illegible]
		Dec. 31, 1943	138, 860. 97	565, 548. 13	281, 471. 53	181, 481. 57	80, 4[illegible]
		Dec. 31, 1944	133, 860. 97	570, 548. 13	286, 471. 53	147, 952. 50	62, 2[illegible]
		Dec. 31, 1945	133, 860. 97	570, 548. 13	286, 471. 53	280, 604. 19	121, 4[illegible]
Mode O'Day Corp., 155 West Washington Blvd., Los Angeles, Calif.	Garment manufacturers	June 30, 1941 [2]	226, 930. 31	471, 067. 87	9, 960. 19	2, 970. 63	None
		June 30, 1942 [2]	276, 499. 70	421, 498. 48	23, 700. 30	11, 850. 15	3, 673. 55
		June 30, 1943 [2]	276, 499. 70	421, 498. 48	23, 700. 30	21, 330. 27	9, 480. 12
		June 30, 1944 [2]	276, 499. 70	421, 498. 48	23, 700. 30	32, 969. 43	14, 250. 14
		June 30, 1945 [2]	276, 499. 70	421, 498. 48	23, 700. 30	22, 515. 28	9, 480. 12
Southern California Edison Co., Ltd., 601 West 5th St., Los Angeles, Calif.	Electric light and power—public utility.	Dec. 31, 1942 [3]	13, 220, 916. 00	4, 142, 892. 15	1, 140, 000. 00	2, 419, 008. 14	1, 069, 7[illegible]
		Dec. 31, 1943 [3]	13, 231, 647. 31	2, 871, 569. 07	1, 140, 000. 00	1, 026, 030. 16	456, 0[illegible]
		Dec. 31, 1944 [3]	13, 214, 193. 16	2, 893, 599. 77	1, 140, 000. 00	1, 083, 609. 00	456, 0[illegible]
		Dec. 31, 1945 [3]	13, 088, 230. 73	2, 902, 196. 69	1, 139, 999. 99	1, 082, 999. 99	456, 0[illegible]
LOWER MANHATTAN							
Ingersoll-Rand Co., 11 Broadway, New York, N. Y.	Manufacture and sale of machinery	Dec. 31, 1940	6, 110, 662. 00	4, 043, 600. 19	283, 788. 00	141, 894. 00	None
		Dec. 31, 1941	7, 276, 255. 98	3, 273, 744. 02	687, 594. 02	412, 556. 41	127, 8[illegible]
		Dec. 31, 1942	7, 633, 000. 33	2, 816, 999. 67	333, 054. 74	266, 749. 26	133, 2[illegible]
		Dec. 31, 1943	7, 604, 257. 75	2, 785, 742. 25	330, 054. 74	266, 749. 26	133, 2[illegible]
		Dec. 31, 1944	7, 598, 513. 07	2, 781, 486. 93	333, 054. 74	316, 402. 00	153, 2[illegible]
		Dec. 31, 1945	7, 731, 323. 26	5, 183, 961. 84	333, 054. 74	316, 402. 00	133, 2[illegible]
		Mar. 31, 1942	9, 993, 157. 05	2, 805, 919. 59	104, 380. 38	62, 628. 23	19, 1[illegible]
Philip Morris and Co. Ltd., Inc., 90 Church St., New York, N. Y.	Manufacturers of smoking tobacco and cigarettes.	Mar. 31, 1944	10, 269, 023. 98	2, 805, 919. 59	104, 380. 38	93, 942. 34	41, 7[illegible]
Swan Engineering Co., Inc., 22-58 Nelson St., Bloomfield, N. J.	Pipe and tube bending and fabrication.	Dec. 31, 1941 [2]	3, 183. 61	31, 618. 51	3, 552. 52	1, 250. 38	31[illegible]
		Dec. 31, 1942 [2]	4, 892. 64	31, 061. 30	2, 972. 35	2, 251. 34	997[illegible]
		Dec. 31, 1943 [2]	5, 126. 37	31, 553. 57	3, 507. 58	5, 896. 65	1, 780. 64
		Dec. 31, 1944 [2]	6, 700. 98	30, 434. 15	2, 388. 16	5, 676. 11	2, 074. 24
MILWAUKEE							
Cedarburg Fox Farms, Inc., Thiensville, Wis.	Farming	Dec. 31, 1941	35, 207. 21	90, 336. 76	16, 777. 79	13, 102. 00	4, 0[illegible]
		Dec. 31, 1942	37, 373. 52	88, 270. 45	14, 691. 48	13, 347. 58	6, 0[illegible]
		Dec. 31, 1943	36, 968. 08	88, 575. 89	14, 996. 92	26, 948. 56	11, 9[illegible]
		Dec. 31, 1944	36, 968. 08	88, 575. 89	14, 996. 92	27, 170. 94	11, 6[illegible]
		Dec. 31, 1945	1, 473, 173. 38	792, 605. 81	604, 188. 60	573, 979. 17	241, 6[illegible]
Consolidated Water Power and Paper Co., Wisconsin Rapids, Wis.	Manufacture of pulp, paper, and plastics.	Dec. 31, 1941	2, 981, 753. 32	1, 880, 346. 68	324, 246. 68	194, 548. 01	60, 3[illegible]
Kimberly-Clark Corp., Neenah, Wis.	Manufacture of pulp, paper and paper products.	Dec. 31, 1942	2, 977, 100. 25	1, 884, 999. 75	328, 999. 75	295, 099. 78	131, 5[illegible]
		Dec. 31, 1943	2, 977, 100. 25	1, 617, 286. 52	328, 899. 75	295, 099. 77	131, 5[illegible]
		Dec. 31, 1944	3, 022, 835. 43	1, 617, 286. 52	328, 899. 75	312, 454. 77	113, 4[illegible]
		Dec. 31, 1945	3, 027, 925. 53	1, 617, 286. 52	328, 899. 75	312, 454. 78	108, 0[illegible]
McGraw Electric Co. (formerly Line Material Co. (Delaware)), 700 West Michigan St., Milwaukee, Wis.	Electrical transmission equipment.	Dec. 31, 1941	604, 797. 91	261, 191. 11	131, 452. 09	78, 871. 26	24, 1[illegible]
		Dec. 31, 1942	779, 429. 57	819, 140. 09	114, 414. 55	14, 191. 40	6, 6[illegible]
		Dec. 31, 1943	921, 988. 20	772, 552. 53	114, 261. 80	102, 835. 62	45, 7[illegible]
		Dec. 31, 1944	920, 555. 01	773, 985. 72	115, 694. 99	103, 910. 24	46, 2[illegible]
		Dec. 31, 1945	778, 149. 52	820, 710. 13	115, 694. 60	109, 909. 87	48, 5[illegible]
McGraw Electric Co. (formerly Line Material Co. of Penna.), 700 West Michigan St., Milwaukee, Wis.	Manufacturing electric transmission, distribution and street lighting equipment, electrical machinery.	Dec. 31, 1941	117, 245. 62	None	None	8, 951. 19	8, 9[illegible]
McGraw Electric Co. (formerly Line Material Sales Corp. of N. Y.), 700 West Michigan St., Milwaukee, Wis.	Manufacturers of electrical transmission equipment.	Dec. 31, 1941	12, 700. 90	None	None	3, 345. 89	1, 0[illegible]
McGraw Electric Co. (formerly Southern Line Material Co.), 700 West Michigan St., Milwaukee, Wis.	Manufacturer of electrical distribution equipment.	Dec. 31, 1941	27, 683. 74	None	None	5, 246. 25	1, 6[illegible]
Wisconsin Electric Power Co., 231 West Michigan St., Milwaukee, Wis.	Public utility—electric light and power and steam heat.	Dec. 31, 1942	4, 706, 020. 22	1, 779, 823. 84	266, 007. 85	239, 407. 06	104, 6[illegible]
		Dec. 31, 1943	4, 899, 952. 10	1, 779, 823. 84	266, 007. 85	239, 407. 06	106, 4[illegible]
		Dec. 31, 1944	5, 060, 057. 99	1, 779, 823. 84	266, 007. 85	252, 707. 45	106, 4[illegible]
NASHVILLE							
Jack Daniel Distillery, Lem Motlow Prop., Inc., Lynchburg, Tenn.	Distillery	Apr. 30, 1941 [3]	19, 484. 76	460, 213. 34	None	340. 90	None
		Apr. 30, 1942 [3]	24, 787. 85	451, 910. 25	65, 462. 15	29, 198. 45	9, 051. 53
		Apr. 30, 1943 [3]	24, 524. 61	455, 173. 49	113, 225. 39	91, 860. 12	50, 847. 49
Schneider's Modern Bakery, 262 Vance Ave., Memphis, Tenn.	Bakery	Dec. 31, 1942 [2]	3, 458. 37	14, 632. 54	3, 813. 52	5, 939. 03	1, 781. 72
		Dec. 31, 1943 [2]	3, 458. 37	14, 632. 54	3, 813. 52	3, 432. 17	1, 029. 65
		Dec. 31, 1944 [2]	3, 458. 37	14, 631. 54	3, 813. 52	3, 622. 85	1, 069. 65

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE, BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1954—Continued

Name and address of taxpayer (Arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of sec. 722	Gross increase in the income (chapter 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
NASHVILLE—continued							
Southern Potteries, Inc., P. O. Box 308, Erwin, Tenn.	Manufacturer of dinnerware	Dec. 31, 1943	21, 438. 50	73, 359. 22	30, 148. 86	28, 212. 21	15, 367. 51
NEWARK							
Yeast Products, Inc., 455 5th Ave., Paterson, N. J.	Processing of yeast products	Dec. 31, 1943 [3]	4, 896. 00	33, 390. 95	22, 826. 00	35, 359. 51	17, 570. 94
		Dec. 31, 1944 [3]	4, 896. 00	33, 390. 95	22, 826. 00	73, 128. 86	34, 938. 66
NEW ORLEANS							
Canal Barge Co., Inc., 615 Commercial Pl., New Orleans, La.	Barge transportation	Dec. 31, 1940 [3]	12, 210. 99	150, 951. 14	8, 191. 61	630. 41	None
		Dec. 31, 1941 [3]	20, 403. 79	282, 526. 38	12, 127. 63	6, 255. 88	2, 110. 78
		Dec. 31, 1942 [3]	29, 760. 81	277, 837. 39	7, 438. 64	12, 596. 71	7, 418. 07
		Dec. 31, 1943 [3]	31, 265. 22	366, 927. 41	9, 772. 54	19, 095. 02	8, 486. 67
		Dec. 31, 1944 [3]	29, 513. 73	123, 759. 14	11, 542. 27	11, 767. 27	5, 285. 84
Evangeline Oil Corp., Shreveport, La.	Refining of gasoline and kerosene	Nov. 30, 1942	2, 224. 09	118, 915. 01	29, 153. 27	16, 984. 00	7, 512. 62
Jackson Brewing Co., 411 Wilkinson St., New Orleans, La.	Brewery	Dec. 31, 1943	657, 131. 36	189, 132. 39	35, 149. 28	31, 634. 35	14, 059. 50
		Dec. 31, 1945	644, 914. 99	201, 348. 81	34, 276. 34	32, 562. 52	13, 710. 53
PHILADELPHIA							
Bethlehem Steel Corp. (formerly Central Iron & Steel Co.), Front and Dock Sts., Harrisburg, Pa.	Manufacture of steel plates	Dec. 31, 1941	253, 047. 66	153, 645. 82	37, 652. 34	20, 664. 08	5, 334. 18
Lehigh Spinning Co., 229 South Carlisle St., Allentown, Pa.	Manufacturer of jute yarn	Aug. 31, 1944 [3]	22, 078. 65	131, 750. 15	20, 983. 90	16, 504. 87	10, 816. 40
		Aug. 31, 1945 [3]	23, 731. 51	130, 097. 29	19, 331. 04	12, 835. 12	9, 847. 32
		Aug. 31, 1946 [3]	31, 072. 37	122, 756. 43	14, 065. 88	4, 701. 35	2, 389. 59
Pennsylvania Glass Sand Corp., Lewistown, Pa.	Mining, preparing and selling silica sand.	Dec. 31, 1941	503, 343. 24	448, 773. 69	57, 520. 86	69, 025. 03	21, 397. 00
		Dec. 31, 1942	604, 450. 24	495, 728. 72	51, 163. 86	46, 569. 45	20, 697. 53
		Dec. 31, 1943	604, 450. 24	575, 361. 15	51, 163. 86	2, 185. 83	971. 48
		Dec. 31, 1944	604, 450. 24	575, 361. 15	51, 163. 86	38, 993. 30	16, 418. 23
		Dec. 31, 1945	604, 450. 24	575, 361. 15	51, 163. 86	22, 472. 09	9, 461. 94
Philadelphia Electric Co., 1000 Chestnut St., Philadelphia, Pa.	Generation or manufacture and distribution of electricity, gas and steam.	Dec. 31, 1941	19, 722, 201. 87	1, 500, 302. 66	156, 675. 38	84, 336. 69	24, 930. 77
		Dec. 31, 1942	19, 601, 062. 45	1, 385, 242. 38	128, 000. 24	132, 265. 05	57, 165. 37
		Dec. 31, 1943	19, 519, 597. 28	2, 064, 557. 48	141, 879. 47	127, 691. 53	56, 751. 78
		Dec. 31, 1945	19, 512, 391. 24	2, 107, 436. 71	25, 048. 86	23, 796. 41	10, 019. 54
PITTSBURGH							
Jay Manufacturing Co., 333 Oliver Building, Pittsburgh, Pa.	Manufacturer of machinery	Sept. 30, 1941	643, 529. 66	2, 631, 418. 67	171, 760. 34	82, 674. 51	None
		Sept. 30, 1942	766, 123. 43	3, 305, 321. 59	401, 331. 57	278, 757. 06	95, 250. 61
		Sept. 30, 1943	962, 987. 19	3, 108, 659. 83	204, 467. 81	189, 174. 58	81, 787. 12
		Sept. 30, 1944	962, 987. 19	3, 108, 659. 83	204, 467. 81	191, 674. 60	81, 787. 12
		Sept. 30, 1945	980, 960. 07	3, 108, 659. 83	204, 467. 81	194, 244. 42	81, 787. 12
		Sept. 30, 1946	1, 067, 569. 57	3, 455, 026. 00	537, 182. 45	106, 771. 90	54, 159. 77
National Annealing Box Co., Baird Ave. and B. & O. R. R., Washington, Pa.	Manufacture of annealing boxes, annealing covers, pressure vessels, etc.	Dec. 31, 1941	32, 657. 63	62, 997. 33	9, 902. 37	3, 960. 95	1, 227. 95
		Dec. 31, 1942	38, 955. 11	56, 642. 85	3, 604. 89	3, 244. 41	1, 704. 98
Superior Valve and Fittings Co., 1509 West Liberty Ave., Pittsburgh, Pa.	Manufacture of valves and fittings.	Dec. 31, 1941 [3]	5, 378. 95	47, 432. 13	12, 671. 05	5, 068. 42	2, 230. 10
		Dec. 31, 1942 [3]	7, 726. 52	45, 084. 55	10, 323. 48	9, 633. 98	3, 047. 39
		Dec. 31, 1943 [3]	8, 198. 92	44, 612. 16	8, 851. 08	3, 600. 44	2, 886. 93
		Dec. 31, 1945 [3]	15, 014. 16	37, 796. 91	3, 035. 84	3, 608. 40	1, 833. 54
Westinghouse Electric Corp., successor to: Westinghouse Electric Elevator Co., 401 Liberty Ave., Pittsburgh, Pa.	Manufacture and sale of electric elevators.	Dec. 31, 1940	630, 921. 17	1, 289, 996. 88	182, 606. 58	65, 837. 89	None
		Dec. 31, 1941	776, 314. 31	1, 655, 489. 99	188, 750. 79	94, 446. 06	29, 201. 73
		Dec. 31, 1943	762, 559. 10	1, 635, 906. 85	202, 506. 00	325, 677. 83	144, 745. 70
PORTSMOUTH							
Continental Shoe Corp., McDonough St., Portsmouth, N. H.	Manufacturers of womens novelty shoes.	Nov. 30, 1942 [2]	6, 849. 98	19, 780. 40	12, 510. 29	15, 116. 48	6, 673. 94
RICHMOND							
Richmond Greyhound Lines, Inc., Broad and Jefferson Sts., Richmond, Va.	Passenger motor carrier	Dec. 31, 1941 [2]	315, 845. 23	122, 154. 77	1, 454. 77	800. 13	248. 04
		Dec. 31, 1942 [2]	318, 449. 60	118, 550. 40	45, 732. 90	41, 159. 61	18, 293. 17
		Dec. 31, 1943 [2]	316, 932. 12	81, 662. 18	47, 250. 38	29, 509. 12	18, 900. 15
Robinson Terminal Warehouse Corp., 10 Prince St., Alexandria, Va.	Warehouse	June 30, 1944 [3]	6, 820. 43	18, 521. 47	3, 629. 57	4, 666. 58	1, 366. 81
		June 30, 1945 [3]	7, 252. 94	18, 088. 96	3, 197. 06	3, 975. 21	1, 138. 79
		June 30, 1946 [3]	8, 103. 63	8, 996. 37	2, 346. 37	1, 553. 31	446. 01
ST. LOUIS							
Barry-Wehmiller Machinery Co., 4660 West Florissant Ave., St. Louis, Mo.	Manufacturers of brewery machinery.	July 31, 1942 [3]	72, 796. 28	84, 263. 42	48, 708. 72	22, 334. 47	7, 381. 76
		July 31, 1943 [3]	86, 049. 02	71, 010. 68	35, 455. 98	31, 910. 38	14, 182. 40
		July 31, 1944 [3]	86, 049. 02	71, 010. 68	35, 155. 98	62, 023. 39	26, 702. 04
		July 31, 1945 [3]	86, 049. 02	71, 010. 68	35, 456. 98	2, 142. 71	992. 19
ST. PAUL							
J. F. Anderson Lumber Co., 2703 Foshay Tower, Minneapolis, Minn.	Retail lumber and coal	Dec. 31, 1941 [2]	163, 825. 99	120, 785. 02	10, 594. 01	6, 454. 68	2, 000. 94
		Dec. 31, 1942 [2]	158, 061. 37	84, 474. 08	16, 358. 63	16, 368. 71	7, 274. 98
		Dec. 31, 1943 [3]	159, 141. 51	125, 469. 50	15, 278. 49	14, 038. 93	6, 239. 52
		Dec. 31, 1944 [3]	174, 493. 94	110, 117. 07	None	2, 280. 42	993. 96
		Dec. 31, 1945 [3]	171, 287. 65	113, 323. 36	3, 132. 35	3, 983. 78	1, 677. 39
V. A. Baker & Sons, Inc., 3101 Snelling Ave., Minneapolis, Minn.	Metal specialties	Dec. 31, 1942 [2]	5, 960. 00	87, 721. 95	5, 439. 54	3, 675. 47	533. 00
		Dec. 31, 1943 [3]	7, 006. 49	86, 675. 49	4, 393. 54	3, 705. 03	513. 00
		Dec. 31, 1944 [3]	9, 476. 65	84, 205. 33	1, 923. 35	1, 530. 24	298. 55
Continental Machines, Inc., Savage, Minn.	Manufacturing	Aug. 31, 1942	191, 478. 33	1, 317, 059. 05	96, 371. 67	62, 476. 54	21, 428. 29
		Aug. 31, 1943	190, 927. 48	1, 317, 609. 90	96, 922. 52	87, 230. 27	38, 769. 00
Rochester Amusement Co., 17 North 6th St., Minneapolis, Minn.	Theater	Dec. 31, 1944 [2]	46, 977. 44	5, 124. 64	1, 582. 75	6, 014. 45	2, 532. 40
		Dec. 31, 1945 [2]	46, 977. 44	5, 124. 64	1, 582. 75	1, 503. 61	633. 11
Woodworth Elevator Co., 506 Chamber of Commerce, Minneapolis, Minn.	Country grain elevator	July 27, 1944 to Jun. 30, 1945 [3]	11, 757. 09	5, 797. 95	355. 41	6, 627. 55	2, 250. 31
		Jun. 30, 1946 [3]	9, 108. 38	8, 416. 66	3, 004. 12	3, 517. 31	1, 023. 55

See footnotes at end of table.

Excess Profits Tax Relief Granted Under Section 722 of the Internal Revenue Code, by the Commissioner of Internal Revenue, Fiscal Year Ended June 30, 1954—Continued

Name and address of taxpayer (Arranged by Internal Revenue Districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of sec. 722 (7)	Gross increase in the income (chapter 1) tax resulting from the operation of sec. 722 (8)
SAN FRANCISCO							
Acme Brewing Co., 762 Fulton St., San Francisco, Calif.	Brewing	Dec. 31, 1940	456, 842. 47	870, 314. 22	34, 548. 83	1, 947. 03	None
		Dec. 31, 1941	547, 830. 86	779, 325. 83	66, 408. 74	36, 524. 81	11, [illegible]
		Dec. 31, 1942[2]	546, 973. 62	780, 183. 06	67, 265. 98	60, 539. 38	26, [illegible]
		Dec. 31, 1943[2]	539, 355. 28	780, 183. 06	67, 265. 98	60, 539. 38	26, [illegible]
		Dec. 31, 1944[2]	533, 732. 22	780, 183. 06	67, 265. 98	63, 902. 68	26, [illegible]
		Dec. 31, 1945[2]	533, 732. 22	780, 183. 06	67, 265. 98	63, 902. 68	26, [illegible]
The Coca-Cola Bottling Co. of California, 1340 Cypress St., Oakland, Calif.	Bottle and sale of a soft drink beverage under the trade-mark "Coca-Cola".	Dec. 31, 1940	215, 900. 01	199, 665. 22	103, 299. 99	23, 910. 99	None
		Dec. 31, 1941	275, 563. 62	224, 003. 64	122, 296. 38	34, 777. 41	10, 781. 00
		Dec. 31, 1942	351, 964. 50	147, 602. 76	45, 895. 50	70, 317. 88	31, [illegible]
		Dec. 31, 1943	352, 112. 37	147, 454. 89	45, 747. 63	41, 172. 87	18, [illegible]. 05
		Dec. 31, 1944	352, 112. 37	147, 454. 89	45, 747. 63	86, 920. 50	36, [illegible]. 10
Food Machinery Corp., Food Machinery and Chemical Corp., Successor, 333 West Julian St., San Jose, Calif.	Manufacture, sale and rental of food preparation machinery, automotive equipment and turbine pumps.	Sept. 30, 1941	1, 389, 353. 58	1, 336, 964. 37	256, 205. 24	125, 279. 24	None
		Sept. 30, 1942	1, 615, 773. 58	627, 581. 53	289, 342. 02	195, 184. 22	69, [illegible]
		Sept. 30, 1943	1, 638, 659. 27	1, 281, 645. 77	244, 093. 53	230, 224. 17	97, 877. 41
McDonald Island Farms, Ltd., 146 West Weber Ave., Stockton, Calif.	Farming	Mar. 31, 1943	104, 342. 88	143, 049. 62	22, 453. 77	89, 276. 18	39, 078. 21
Par Soap Co., 1100 78th Ave., Oakland, Calif.	Soap manufacturer	Dec. 31, 1940[2]	6, 863. 57	58, 223. 94	14, 169. 43	3, 717. 14	None
		Dec. 31, 1941[2]	9, 347. 20	55, 740. 31	16, 302. 80	8, 482. 85	2, [illegible]. 70
		Dec. 31, 1942	11, 021. 03	54, 066. 48	14, 628. 97	8, 661. 13	2, [illegible]. 48
		Dec. 31, 1945[2]	21, 357. 19	26, 619. 94	9, 492. 81	32, 650. 79	10, 702. 28
Rheem Manufacturing Co., Chesley Ave. and S. P. R. R., Richmond, Calif.	Fabricated metal products	Dec. 31, 1942	707, 699. 18	671, 888. 04	151, 117. 31	136, 005. 58	60, 446. 93
		Dec. 31, 1943	819, 934. 46	671, 888. 04	151, 117. 31	136, 005. 58	60, 446. 93
Safeway Stores Inc. (Maryland), 4th and Jackson Sts., Oakland, Calif.	Retail groceries and meats	Dec. 31, 1941	7, 361, 168. 48	2, 667, 564. 57	241, 592. 48	244, 366. 75	75, 7[illegible]
		Dec. 31, 1942	7, 757, 841. 70	2, 695, 611. 38	269, 088. 23	242, 179. 41	113, [illegible]
		Dec. 31, 1944	7, 777, 064. 07	2, 690, 502. 88	258, 321. 24	487, 673. 80	215, 663. 17
SEATTLE							
Pacific Robinson Co. (formerly Pacific Fruit & Produce Co., Inc.), Occidental and King Sts., Seattle, Wash.	Wholesale fruits, produce and groceries.	Dec. 31, 1942	396, 248. 68	301, 593. 87	94, 548. 97	85, 094. 06	37, 819. [illegible]
SPRINGFIELD							
R. G. LeTourneau, Inc., 2301 North Adams St., Peoria, Ill.	Manufacture of earth-moving equipment.	Dec. 31, 1941	2, 431, 426. 93	2, 269, 550. 00	183, 665. 30	110, 199. 18	34, 161. 75
		Dec. 31, 1942	2, 537, 887. 60	2, 269, 550. 00	356, 097. 29	320, 487. 56	142, 138. 91
		Dec. 31, 1943	2, 529, 683. 74	2, 254, 317. 64	356, 097. 29	115, 859. 92	51, 433. 30
SYRACUSE							
Precision Castings Co., Inc., Fayetteville, N. Y.	Dies and die castings	Jan. 1, 1940 to July 31, 1940	118, 373. 00	414, 771. 16	45, 491. 55	10, 589. 85	None
		July 31, 1941	118, 596. 56	414, 771. 16	52, 536. 75	23, 567. 79	None
		July 31, 1942	135, 864. 48	488, 458. 57	68, 215. 71	36, 425. 33	11, 992. 88
		July 31, 1943	169, 768. 18	492, 420. 42	32, 066. 07	28, 859. 46	12, 826. 13
		July 31, 1944	169, 768. 18	492, 420. 42	32, 066. 07	5, 536. 47	2, 87[illegible]
UPPER MANHATTAN							
American Radiator and Standard Sanitary Corp., 40 West 40th St., New York, N. Y.	Manufacture and wholesale distribution of heating equipment and plumbing fixtures.	Dec. 31, 1944	4, 751, 082. 12	8, 414, 490. 75	1, 517, 133. 50	1, 314, 650. 08	556, 708. 48
		Dec. 31, 1945	4, 827, 364. 69	8, 341, 208. 18	1, 443, 850. 93	928, 063. 97	412, 372. 0[illegible]
Atlantic Gelatin Co., Inc., c/o General Foods Corp., 250 Park Ave., New York, N. Y.	Manufacture and sale of gelatin	Dec. 31, 1941	436, 129. 93	299, 992. 77	43, 620. 07	26, 172. 04	8, 113. 33
		Dec. 31, 1942	446, 407. 83	289, 714. 87	33, 312. 17	30, 007. 95	13, 33[illegible]
		Dec. 31, 1943	445, 527. 89	290, 594. 81	34, 222. 11	30, 799. 89	13, [illegible]
		Dec. 31, 1944	445, 164. 87	290, 957. 83	34, 585. 13	32, 855. 87	13, [illegible]
		Dec. 31, 1945	445, 556. 86	290, 565. 84	34, 193. 14	32, 483. 49	13, [illegible]
Baby Care Manual, Inc., 52 Vanderbilt Ave., New York, N. Y.	Magazine publishing	July 31, 1944	52. 35	18, 011. 90	17, 986. 10	16, 715. 17	5, 4[illegible]
		July 31, 1945	786. 85	17, 277. 40	17, 251. 60	14, 811. 21	5, 547. 93
		July 31, 1946	2, 110. 26	15, 953. 99	15, 028. 19	5, 566. 53	2, 17[illegible]
Bond Stores, Inc., 380 5th Ave., New York, N. Y.	Clothing chain stores	Dec. 31, 1943	3, 082, 123. 86	2, 418, 581. 34	402, 001. 14	361, 801. 03	160, [illegible]. 46
		Dec. 31, 1944	3, 425, 834. 10	2, 418, 581. 34	402, 001. 14	381, 901. 08	160, [illegible]. 46
		Dec. 31, 1945	3, 570, 348. 19	2, 418, 581. 34	402, 001. 14	381, 901. 08	160, [illegible]. 44
Coty Inc., 730 5th Ave., New York, N. Y.	Wholesalers perfumes and cosmetics.	Dec. 31, 1945	886, 282. 16	439, 748. 09	22, 867. 84	21, 724. 45	9, 147. 13
The Fleischmann Distilling Corp., 595 Madison Ave., New York, N. Y.	Distillers, blenders and wholesale liquor dealers.	Dec. 31, 1941	400, 303. 41	837, 667. 32	210, 323. 52	76, 772. 22	23, 709. 39
		Dec. 31, 1942	400, 303. 41	1, 221, 554. 87	264, 834. 95	269, 652. 63	119, 845. 61
		Dec. 31, 1943	400, 303. 41	1, 209, 838. 97	264, 834. 95	238, 351. 46	105, 933. [illegible]
		Dec. 31, 1944	400, 303. 41	1, 426, 798. 92	264, 834. 95	191, 506. 26	105, 933. [illegible]
W. T. Grant Co. (a Massachusetts corporation), 1441 Broadway, New York, N. Y.	Chain of limited price variety stores.	Jan. 31, 1941	3, 843, 280. 00	2, 253, 075. 10	163, 980. 68	9, 216. 55	None
W. T. Grant Co. (a Delaware corporation), 1441 Broadway, New York, N. Y.	do	Jan. 31, 1942	4, 626, 837. 15	2, 215, 852. 66	329, 792. 74	197, 875. 65	61, 341. 4[illegible]
W. T. Grant Co., 1441 Broadway, New York, N. Y.	do	Jan. 31, 1943	4, 696, 059. 66	2, 146, 630. 15	260, 570. 21	234, 513. 19	104, 228. 0[illegible]
Heyden Chemical Corp. (Delaware), 393 Seventh Ave., New York, N. Y.	Manufacturer of fine chemicals	Dec. 31, 1945	1, 069, 163. 40	233, 927. 35	84, 963. 64	80, 715. 45	33, 985. 4[illegible]
J. M. Huber Corp., 100 Park Ave., New York, N. Y.	Carbon black manufacturing and oil and gas production.	Dec. 31, 1941	543, 199. 26	756, 620. 78	62, 104. 04	31, 002. 02	9, 610. 63
		Dec. 31, 1942	548, 074. 50	751, 745. 98	57, 128. 80	117, 831. 24	52, 3[illegible]
		Dec. 31, 1943	515, 976. 62	852, 255. 47	89, 226. 68	159, 109. 84	70, 715. 4[illegible]
Keep Worthy Books, Inc., 52 Vanderbilt Ave., New York, N. Y.	Book publishing	Nov. 24, 1944 to July 31, 1945	27. 52	8, 370. 48	5, 786. 48	5, 245. 24	1, 4[illegible]
Mother's Manual, Inc., 52 Vanderbilt Ave., New York, N. Y.	Magazine publishing	July 31, 1945	317. 30	34, 541. 05	11, 291. 70	10, 883. 50	3, 155. 64
National Broadcasting Co. Inc., 30 Rockefeller Plaza, New York, N. Y.	Communications—radio broadcasting and television.	Dec. 31, 1940	3, 417, 780. 65	1, 453, 553. 41	118, 278. 90	59, 139. 45	None
		Dec. 31, 1941	4, 083, 770. 06	2, 901, 356. 02	185, 272. 94	111, 163. 76	34, 460. 77
		Dec. 31, 1942	4, 083, 832. 18	2, 901, 293. 90	185, 210. 82	166, 689. 74	74, 084. 33
Parents Magazine Maternity Service, Inc., 52 Vanderbilt Ave., New York, N. Y.	Magazine publishing	Apr. 18, 1944 to July 31, 1944	102. 86	13, 992. 96	8, 553. 54	2, 343. 52	624. 04
		July 31, 1945	258. 29	13, 837. 53	8, 398. 11	6, 282. 31	1, 785. 50
		July 31, 1946	942. 08	13, 153. 74	7, 714. 32	2, 875. 29	817. 18
J. C. Penney Co., 330 West 34th St., New York, N. Y.	Retail stores carrying clothing, dry goods, shoes, etc.	Dec. 31, 1941	19, 438, 577. 57	2, 374, 999. 94	745, 341. 21	447, 204. 72	138, 633. 46
		Dec. 31, 1942	19, 444, 268. 77	3, 264, 933. 65	804, 245. 27	723, 820. 74	321, [illegible]. 12
		Dec. 31, 1944	19, 444, 268. 77	2, 808, 933. 66	804, 245. 27	764, 033. 01	321, [illegible]. 12
		Dec. 31, 1945	19, 453, 737. 25	2, 799, 465. 18	804, 245. 27	764, 033. 01	321, [illegible]. 10
Pocket Books, Inc., 630 Fifth Ave., New York, N. Y.	Book publishers	Dec. 31, 1941	23, 725. 55	228, 604. 95	183, 086. 60	32, 572. 03	10, 097. 33

See footnotes at end of table.

Excess Profits Tax Relief Granted Under Section 722 of the Internal Revenue Code, by the Commissioner of Internal Revenue, Fiscal Year Ended June 30, 1954—Continued

Name and address of taxpayer (Arranged by Internal Revenue Districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of sec. 722 (7)	Gross increase in the income (chapter 1) tax resulting from the operation of sec. 722 (8)
Turner Construction Co., 420 Lexington Ave., New York, N. Y.	General building contractors	Dec. 31, 1943	276, 977. 09	325, 103. 61	35, 792. 51	32, 213. 26	15, 032. 85
		Dec. 31, 1944	276, 977. 09	325, 103. 61	35, 792. 51	34, 002. 89	15, 258. 90
Van Raalte Co., Inc., 417 Fifth Ave., New York, N. Y.	Manufacturers of womens' hosiery knit goods, gloves, underwear and cloth and laces manufactured from rayon, cotton and nylon yarns.	Dec. 31, 1941	1, 003, 330. 98	798, 881. 85	60, 232. 13	36, 139. 28	11, 203. 17
		Dec. 31, 1942	1, 001, 107. 51	797, 835. 46	94, 620. 76	85, 158. 68	37, 848. 30
		Dec. 31, 1943	993, 457. 51	797, 835. 46	94, 620. 76	85, 158. 69	37, 848. 30
		Dec. 31, 1944	1, 781, 850. 51	797, 835. 46	94, 620. 76	89, 889. 72	37, 848. 30
		Dec. 31, 1945	987, 114. 74	797, 835. 46	94, 620. 76	89, 889. 72	37, 848. 30
Williamsport Textile Corp., 1627 Memorial Ave., Williamsport, Pa.	Commission weavers	Dec. 31, 1945	85, 029. 83	6, 339. 94	6, 339. 94	1, 002. 00	421. 90
WICHITA							
The Barton Salt Co., Avenue A and Walnut St., Hutchinson, Kans.	Salt mining	Dec. 31, 1941[1]	33, 014. 43	61, 078. 60	8, 310. 57	7, 962. 22	2, 468. 28
		Dec. 31, 1942[1]	34, 830. 82	59, 262. 21	6, 494. 18	8, 994. 76	5, 296. 92
		Dec. 31, 1943[1]	36, 089. 94	58, 003. 09	5, 235. 06	7, 861. 55	4, 629. 59
		Dec. 31, 1944[1]	38, 120. 55	55, 972. 48	3, 204. 45	6, 369. 23	3, 375. 09
The McPherson Drilling Co., Derby Apts., Wichita, Kans.	Oil production and drilling	Dec. 31, 1941[1]	23, 176. 41	268, 657. 31	34, 386. 27	16, 976. 30	5, 262. 65
		Dec. 31, 1942[1]	31, 455. 07	350, 311. 46	26, 107. 61	14, 385. 17	12, 203. 88
The R. W. Rine Drilling Co., 320 Central Bldg., Wichita, Kans.	Drilling contractors	Dec. 31, 1941[1]	26, 566. 07	22, 037. 49	9, 389. 92	3, 755. 97	1, 164. 35
		Dec. 31, 1942[2]	29, 512. 70	20, 003. 39	6, 443. 29	5, 798. 96	3, 414. 95
Standard Rendering Co., Adams and Shawnee Sts., Kansas City, Kans.	General rendering	Dec. 31, 1942[2]	87, 251. 52	75, 383. 21	20, 598. 67	28, 260. 76	12, 560. 34
WILMINGTON							
Associated Dry Goods Corp. (successor by consolidation to Lord & Taylor), 424 5th Ave., New York, N. Y.	Retail dry goods	Jan. 31, 1942	837, 364. 69	443, 734. 06	192, 435. 31	106, 990. 08	33, 189. 67
		Jan. 31, 1943	845, 074. 29	436, 024. 46	184, 725. 71	168, 578. 31	74, 923. 70
Atlas Powder Co., 9th and Market Sts., Wilmington, Del.	Manufacturing and selling	Dec. 31, 1942	1, 706, 787. 31	2, 950, 273. 24	98, 431. 19	15, 006. 14	6, 669. 40
		Dec. 31, 1943	1, 767, 216. 09	2, 889, 844. 46	38, 002. 41	35, 043. 55	15, 574. 92
		Dec. 31, 1944	1, 643, 070. 79	3, 009, 731. 86	162, 147. 71	308, 108. 79	129, 730. 01
		Dec. 31, 1945	1, 643, 070. 79	3, 015, 332. 11	162, 147. 71	154, 040. 32	64, 859. 08

Supplemental List For Fiscal Year Ended June 30, 1953

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
AUSTIN							
Jefferson Amusement Co. Jefferson Theatre Bldg., Beaumont, Tex.	Motion picture theaters	Dec. 31, 1943[3]	239, 501. 11	73, 742. 39	16, 474. 80	14, 827. 32	6, 589. 92
		Dec. 31, 1944[3]	238, 390. 60	70, 601. 10	16, 474. 81	15, 651. 07	6, 589. 93
		Dec. 31, 1945[3]	238, 821. 04	69, 571. 65	16, 474. 81	15, 651. 07	6, 589. 92
BIRMINGHAM							
Southern States Equipment, Corp., Hampton, Ga.	Manufacturer electrical equipment.	June 30, 1941	26, 881. 66	8, 047. 31	3, 355. 26	1, 006. 58	None
		June 30, 1942	32, 974. 64	6, 415. 73	4, 473. 04	6, 038. 60	1, 872. 13
		June 30, 1945	33, 034. 96	16, 415. 72	4, 473. 04	9, 569. 86	4, 029. 42
BOSTON							
Green Textile Associates, Inc., 222 Summer St., Boston, Mass.	Waste dealers	June 30, 1941[2]	31, 147. 27	70, 979. 42	17, 302. 73	3, 854. 14	None
		June 30, 1942[2]	39, 125. 93	55, 416. 74	19, 774. 07	8, 309. 42	2, 575. 92
		June 30, 1943[2]	38, 552. 23	71, 916. 32	19, 774. 07	17, 796. 66	8, 747. 84
		June 30, 1944[2]	38, 078. 39	71, 816. 46	19, 774. 07	18, 288. 31	8, 486. 21
		June 30, 1945[2]	37, 925. 93	71, 342. 62	19, 774. 07	18, 785. 37	8, 179. 26
		June 30, 1946[2]	37, 925. 93	71, 342. 62	19, 774. 07	8, 934. 95	4, 312. 39
CINCINNATI							
The Nielsen Lithographing Co., (formerly The Rainbow Lithographing Co), 4142 Airport Dr., Cincinnati, Ohio.	Lithographers	June 30, 1944[3]	23, 248. 62	27, 345. 56	8, 811. 38	17, 302. 96	9, 735. 63
		June 30, 1945[3]	23, 308. 83	27, 345. 56	8, 811. 38	8, 370. 81	4, 670. 04
		June 30, 1946[2]	23, 308. 83	27, 345. 56	8, 811. 38	4, 219. 81	2, 354. 20
CLEVELAND							
The Danco Co., 21170 Endsley Ave., Rocky River, Ohio	Steel fabricating	Dec. 31, 1942[3]	672. 84	24, 585. 76	11, 202. 16	5, 573. 81	1, 520. 95
		Dec. 31, 1943[3]	1, 085. 40	24, 173. 20	10, 789. 60	7, 950. 27	2, 913. 19
HARTFORD							
The Connecticut Light and Power Co., P. O. Box 2010, Hartford, Conn.	Public utility	Dec. 31, 1941	4, 623, 640. 25	None	None	130, 670. 56	40, 507. 83
		Dec. 31, 1942	4, 330, 499. 68	998, 401. 44	55, 286. 72	49, 758. 05	22, 114. 69
INDIANAPOLIS							
Northern Indiana Transit, Inc., 105 West Washington Ave., South Bend, Ind.	City and intercity passenger transportation with buses.	Dec. 31, 1940[2]	62, 832. 60	151, 686. 47	None	423. 66	None
		Dec. 31, 1941[2]	44, 153. 08	170, 365. 99	21, 236. 07	36, 648. 73	11, 361. 11
LOS ANGELES							
Crossfield Products Corp., 2153 Sacramento St., Los Angeles, Calif.	Manufacturing of surfacing products.	Mar. 16, 1942 to Feb. 28, 1943[3]	1, 652. 36	35, 795. 56	3, 143. 73	4, 572. 89	1, 371. 86
		Feb. 29, 1944[3]	2, 162. 25	69, 167. 75	2, 667. 75	4, 231. 56	1, 258. 01
Fishbeck Awning Co., Ltd., 111 West Colorado St., Pasadena, Calif.	Awnings, lino'eum and furniture wholesale, retail and manufacturing.	Dec. 31, 1941[3]	4, 866. 80	32, 738. 67	18, 883. 20	154. 15	35. 52
		Dec. 31, 1942[3]	7, 133. 29	30, 472. 18	16, 616. 71	18, 606. 76	5, 437. 79
		Dec. 31, 1943[3]	8, 060. 05	29, 545. 42	15, 699. 95	26, 098. 16	12, 422. 95
		Dec. 31, 1944[3]	8, 060. 05	29, 545. 42	15, 689. 95	14, 905. 46	6, 611. 29
		Dec. 31, 1945[3]	8, 060. 05	29, 545. 42	15, 689. 95	14, 905. 45	6, 611. 29
High Seas Tuna Packing Co., Inc., 2802 Canon St.—Point Loma, San Diego, Calif.	Fish cannery	July 11, 1941 to Apr. 30, 1942[2]	10, 520. 00	43, 466. 21	11, 995. 00	1, 066. 78	841. 12
LOUISVILLE							
Martin Bros., Middlesboro, Ky.	Elastic and non-elastic webbing	Dec. 31, 1941[2]	8, 606. 05	21, 061. 66	3, 262. 49	8, 173. 33	2, 533. 73
		Dec. 31, 1945[2]	7, 403. 20	26, 513. 77	5, 714. 59	6, 897. 39	2, 022. 67

See footnotes at end of table.

SUPPLEMENTAL LIST FOR FISCAL YEAR ENDED JUNE 30, 1953—Continued

Name and address of taxpayer (Arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of sec. 722	Gross increase in the income (chapter 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
PITTSBURGH							
Federated Steel Corp. (formerly Fort Duquesne Steel Co.) (formerly Tin Mill Products Corp.), 1200 Galveston Ave., Pittsburgh, Pa.	Purchase and sale of steel and steel products.	Dec. 31, 1941[1]	1,790.23	55,209.77	10,084.77	4,154.76	1,758.53
		Dec. 31, 1942[2]	3,219.58	53,780.42	8,655.42	8,080.47	2,358.06
		Dec. 31, 1943[2]	3,869.51	53,130.49	8,005.49	7,204.05	2,101.43
		Dec. 31, 1944[2]	4,304.79	52,695.21	7,656.44	7,273.62	2,124.01
		Dec. 31, 1945[2]	18,416.66	48,922.30	3,797.30	3,607.43	2,102.15
Southwestern Oil and Gas Co., 2047 Oliver Bldg., Pittsburgh, Pa.	Oil producing	Dec. 31, 1941[1]	28,832.49	165,440.53	18,192.51	17,123.43	7,018.51
		Dec. 31, 1942[2]	28,872.49	165,441.04	18,192.51	32,276.51	14,416.26
Treadwell Construction Co., 600 South 12th St., Midland, Pa.	Steel plate construction	Dec. 31, 1941[1]	58,461.37	294,938.63	31,821.06	15,464.80	1,577.21
		Dec. 31, 1942[2]	60,250.96	293,324.97	30,174.97	23,690.15	12,294.83
		Dec. 31, 1943[2]	60,522.38	293,269.62	30,119.62	15,243.25	12,306.75
		Dec. 31, 1944[2]	67,182.54	286,609.46	23,459.46	22,772.58	9,388.47
ST. PAUL							
Bond Crown and Cork Co., (formerly Bond Manufacturing Corp., Inc., 16th and Locust Sts., Wilmington, Del.	Manufacturer of bottle caps and special cork products.	Dec. 31, 1940[2]	227,902.04	91,453.47	33,347.96	11,671.79	None

[1] Allowance made during fiscal year ended June 30, 1954, represents addition to relief previously allowed and published.
[2] Allowance in accordance with decision of the Tax Court of the United States based on agreed settlement of the parties. No previous allowance by the Commissioner.
[3] Allowance in accordance with decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.

[F. R. Doc. 54-7475; Filed, Sept. 22, 1954; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[District 6, Amdt. 1]

NEVADA

MODIFICATION OF GRAZING DISTRICT

SEPTEMBER 17, 1954.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315, et seq.), as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, section 2.22 (15 F. R. 5645), it is ordered as follows:

The following-described lands are eliminated from Nevada Grazing District No. 6, as heretofore established (Misc. No. 57324):

MOUNT DIABLO MERIDIAN

T. 19 N., R. 49 E.,
Sec. 19, NE¼SE¼, SE¼NE¼.

The areas described aggregate 80 acres.

EARL G. HARRINGTON,
Acting Associate Director.

[F. R. Doc. 54-7447; Filed, Sept. 22, 1954; 8:46 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Washington 01318 and Oregon 03393, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on May 18 and May 28, respectively, 1954, by The Department of the Army.

The purposes of the proposed withdrawal: McNary Lock and Dam Project.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area I, Bureau of Land Management, Department of the Interior at 1001 N. E. Lloyd Boulevard, Portland 8, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

T. 5 N., R. 29 E.,
Sec. 8, Lots 1 and 2 lying north of the southerly line of the abandoned right-of-way of the O. W. R. & N. Co.;
Sec. 10, Lot 1;
Sec. 14, the southwest quarter lying west of the easterly line of the abandoned right-of-way of the O. W. R. & N. Co.
T. 5 N., R. 30 E.,
Sec. 8, SW¼NE¼;
Sec. 18, N½ of Lot 1 of the NW¼.
T. 6 N., R. 31 E.,
Sec. 17, Lot 4.

The areas described aggregate approximately 171.0 acres.

WASHINGTON

WILLAMETTE MERIDIAN

T. 6 N., R. 31 E.,
Sec. 8, SW¼SE¼;
Sec. 17, SW¼NW¼.
T. 7 N., R. 31 E.,
Sec. 24, SW¼SE¼ lying south of the southerly line of right-of-way of the N. P. Ry. Co.
T. 10 N., R. 28 E.,
Sec. 2, Lot 1 lying west of a straight line that intersects the south line of Lot 2 of said Section 2 at a point lying westerly, a distance of 330 feet, from the southeast corner thereof and that intersects the north line of said Lot 1 at a point lying westerly, a distance of 495 feet, from the northeast corner thereof.
T. 11 N., R. 28 E.,
Sec. 26, Lot 5.

All unsurveyed islands in the Snake River lying downstream from the north line of Section 17, Township 9 North, Range 32 East, to its confluence with the Columbia River and all unsurveyed islands in the Yakima River lying downstream from the north line of Section 16, Township 9 North, Range 28 East to its confluence with the Columbia River.

The areas described, exclusive of unsurveyed islands, aggregate approximately 98.80 acres.

Portions of the land are included in existing Power Site and Reclamation withdrawals, and for such lands this proposed withdrawal will be secondary until such time as the prior withdrawals are revoked.

JAMES F. DOYLE,
Area Administrator.

[F. R. Doc. 54-7445; Filed, Sept. 22, 1954; 8:45 a. m.]

[Docket DA-417, Oregon]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT; CORRECTION

SEPTEMBER 14, 1954.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 541, section 2.5, dated April 21, 1954 (19 F. R. 2473), Restoration Order (Docket DA-417 Oregon) under Federal Power Act, dated March 2, 1954 (19 F. R. 1349), is corrected to delete the following described lands from the vacation of Water Power Designation No. 14 and Power Site Reserves Nos. 660, 663 and 730:

T. 1 S., R. 4 E., W. M., Oregon,
Sec. 23, SE¼NE¼, NE¼NW¼.
T. 2 S., R. 6 E., W. M., Oregon,
Sec. 17, SE¼SW¼;
Sec. 19, SW¼NE¼;
Sec. 23, SW¼NE¼, NW¼, NE¼SW¼, W½SW¼;
Sec. 25, E½SE¼, SW¼SE¼, SW¼.
T. 2 S., R. 7 E., W. M., Oregon,
Sec. 19, NW¼SW¼;
Sec. 30, E½NE¼;
Sec. 31, NW¼NW¼;
Sec. 33, SW¼NE¼.

The areas described aggregate 920 acres.

G. H. SHARRER,
State Supervisor.

[F. R. Doc. 54-7446; Filed, Sept. 22, 1954; 8:46 a. m.]

UTAH

RESTORATION OF RECLAMATION WITHDRAWN LANDS TO MINERAL LOCATION, ENTRY AND PATENT

SEPTEMBER 14, 1954.

The order of the State Supervisor of Utah of August 18, 1954, opening lands in Utah to mining location, entry, and patent, published in 19 F. R. 5447-5448 on August 26, 1954, as F. R. Doc. 54-6684 is hereby amended to the extent necessary to require that the stipulation referred to in subparagraph (3) of the order be executed, acknowledged and filed before location is made, in the Land Office, Bureau of Land Management, at Salt Lake City, Utah, and be executed, acknowledged and recorded in the county records concurrently with and as a part of the notice of location.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 54-7444; Filed, Sept. 22, 1954; 8:45 a. m.]

Bureau of Reclamation

COLUMBIA RIVER PROJECT, OREGON

ORDER OF REVOCATION

OCTOBER 16, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of April 20, 1903, in so far as said order affects the following-described land: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN, OREGON

T. 3 N., R. 19 E.,
Secs. 35 and 36, All.
T. 3 N., R. 20 E.,
Secs. 25, 26, 27, 28, 31, 32; and 33, All;
Sec. 34, N½ and SW¼;
Sec. 35, All.
T. 3 N., R. 21 E.,
Secs. 1, 10, 11, 12, 14, 15, 20, 21, 22, 27, 28, 29 and 30, All.
T. 3 N., R. 22 E.,
Secs. 1 to 12, inclusive, All.
T. 4 N., R. 22 E.,
Secs. 25, 26, 33, 34, 35 and 36, All.

The above area contains approximately 3,330 acres of vacant public land.

H. F. MCPHAIL,
Acting Commissioner.

[Misc. 65644]

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are level, sandy in character, with some gravel outcroppings, and are located along the Columbia River. Most of the land is suitable for cultivation if adequate supplies of irrigation water can be obtained.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m. on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, may be filed on or before 10:00 a. m., of the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by non-veterans under the public land laws, filed on or before 10:00 a. m., of the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

EARL G. HARRINGTON,
Acting Associate Director,
Bureau of Land Management.

SEPTEMBER 17, 1954.

[F. R. Doc. 54-7472; Filed, Sept. 22, 1954; 8:52 a. m.]

Geological Survey

CALIFORNIA, MONTANA AND MISSISSIPPI

DEFINITION OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown.

Name of Field, Effective Date, and Acreage

(1) CALIFORNIA

Beligian Anticline field; August 26, 1954; 2,286.
Beligian Anticline Southeast field; August 26, 1954; 2,436.
McKittrick field; August 26, 1954; 3,270.

(4) MONTANA

Cedar Creek field; August 19, 1954; 144,182.
Pine field; August 19, 1954; 11,986.
Poplar field; March 24, 1954; 18,594.

(4a) MISSISSIPPI

Levees Creek field; October 27, 1953; 364.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 54-7443; Filed, Sept. 22, 1954; 8:45 a. m.]

National Park Service

[Order 10, Amdt. 2]

REGIONAL DIRECTORS

DELEGATIONS OF AUTHORITY WITH RESPECT TO ADMINISTRATION, OPERATION, AND DEVELOPMENT OF CERTAIN AREAS

SEPTEMBER 16, 1954.

1. Section 3, "Appeal," of Order No. 10, approved May 17, 1954 (19 F. R. 2988), is amended to read as follows:

SEC. 3. Appeal: Any party aggrieved by any action or decision of a Regional Director shall have a right of appeal to the Director. Any such appeal shall be in writing and shall be submitted to the Director within 30 days after receipt by the aggrieved party of notice of the action taken or decision by the Regional Director.

2. A new section 4 and reading as follows is added to Order No. 10:

SEC. 4. Ratification: Any action taken by the Superintendents of areas within Regions One and Two between May 22 and July 15, 1954, by the Superintendents of areas within Regions Three and Four between May 22 and July 23, 1954, by the Superintendent, National Capital Parks, between May 22 and June 17, 1954, and by the Superintendent, Hawaii National Park, between May 22 and September 3, 1954, is hereby ratified.

(Secretary's Order No. 2640; 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2)

[SEAL] CONRAD L. WIRTH,
Director.

[F. R. Doc. 54-7448; Filed, Sept. 22, 1954; 8:46 a. m.]

Office of the Secretary

[Order 2583, Amdt. 12]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

Order No. 2583 as amended (15 F. R. 5643, 6997; 16 F. R. 6805; 17 F. R. 7513, 10486; 18 F. R. 161, 3446, 5715; 19 F. R. 1021, 1937), is further amended as follows:

1. Section 1.6 is amended to read:

SEC. 1.6 *Oaths.* The Director may authorize any employee of the Bureau of Land Management who has been designated to make investigations of matters under the jurisdiction of the Bureau to administer any oath, affirmation, affidavit, or deposition provided for under the act of October 14, 1940 (5 U. S. C. 498), whenever necessary in the performance of such employee's official duties.

2. Section 2.4 is amended to read:

SEC. 2.4 *Contributions and refunds.* (a) Acceptance of contributions toward the administration, protection, and improvement of lands within or without grazing districts, or refund of any unexpended balance of such contributions, pursuant to section 9 of the Taylor Grazing Act (43 U. S. C. 315h).

(b) Acceptance of contributions for the purpose of surveying Federally controlled or intermingled lands, when authorized by law.

3. Section 2.36 is amended to read:

SEC. 2.36 *Mineral leases of submerged lands of outer Continental Shelf.* (a) The making of determinations respecting the compliance or noncompliance of mineral leases issued by a State with the requirements of section 6 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U. S. C. 1331 et seq.): *Provided*, That such determinations shall be submitted to the Solicitor for concurrence.

(b) Mineral leases pursuant to the act of August 7, 1953 (67 Stat. 462; 43 U. S. C. 1331 et seq.) and the regulations under 43 CFR Part 201.

4. The centerhead preceding section 2.51 is amended to read: "Nonmineral Matters; General".

5. Section 2.63 is amended to read:

SEC. 2.63 *Exchanges; quitclaim deeds.* (a) (1) Exchanges of lands, and, in national forests, of timber for lands, under 43 CFR Parts 146 to 152, inclusive.

(2) Exchanges of reclamation lands under the act of March 4, 1915 (43 U. S. C. sec. 447), and under section 44 of the act of May 25, 1926 (43 U. S. C. 423c).

(3) Exchanges of revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands, in Oregon, under 43 CFR, Part 115.

(4) Exchanges under Title III of the Bankhead-Jones Farm Tenant Act approved July 22, 1937 (7 U. S. C. 1011), and the related provisions of Title IV thereof, so far as the exchanges involve public lands subject thereto, after the exchanges have been approved by an authorized officer of the Department of Agriculture.

(5) The authority delegated by this paragraph shall not include the approval of any exchange where the value of the selected lands or timber exceeds $250,000.

(b) Quitclaim deeds authorized by section 6 of the act of April 28, 1930 (46 Stat. 257).

6. Section 2.66 is amended to read:

SEC. 2.66 *Material other than forest products.* The sale or free use of materials other than forest products under 43 CFR Part 259.

7. Paragraph (a) of section 2.72 is amended to read:

SEC. 2.72 *Rights-of-way.* (a) Right-of-way permits and easements over public and acquired lands, including revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, and over reservations other than Indian reservations, when authorized by law. However, only the Secretary of the Interior may issue an order, pursuant to 43 CFR 244.9 (m), requiring the discontinuance, without liability or expense to the United States, of the use of a right-of-way for the purpose granted.

8. A new paragraph (d), and reading as follows, is added to section 2.72:

(d) Consent to the appropriation of Federal agencies under the principles of the instructions of January 13, 1916 (44 L. D. 513, 43 CFR 205.13–205.15) of rights-of-way over unreserved, or withdrawn, or reserved public-domain lands. See 43 CFR Part 244, footnote 1.

9. Section 2.75 is amended to read:

SEC. 2.75 *Specified tracts of land.* Disposal of specified tracts of land described or identified in a statute, pursuant to the conditions specified therein.

10. The centerhead preceding section 2.91 is amended to read: "Nonmineral Matters; Range Management."

11. Section 2.91 is amended to read:

SEC. 2.91 *Grazing district administration.* All matters pertaining to the administration of grazing districts, pursuant to the act of June 28, 1934, as amended and supplemented (43 U. S. C. 315 et seq., 16 U. S. C. 715i), 43 CFR Parts 161, 163 and 165, and the act of March 29, 1928 (45 Stat. 380).

12. Section 2.93, as amended, is further amended to read:

SEC. 2.93 *Appropriation of water.* Applications under State laws to appropriate water on other lands under the administration of the Bureau of Land Management where required in connection with projects for the development, control, or utilization of water; and procurement of easements or rights-of-way upon or over private lands, and also upon or over Federally owned lands not under the administration of the Bureau of Land Management and upon or over State, county, and municipally owned lands, where improvements are installed.

13. The centerhead preceding section 2.121 is amended to read: "Nonmineral Matters; Forest Management".

14. Section 2.121 is amended to read:

SEC. 2.121 *Disposition of forest products.* (a) The disposition or free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management, including the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands, in Oregon. This delegation of authority shall not include the approval of any sale of timber in excess of 40,000,000 feet, board measure.

(b) Sales of timber on lands under the jurisdiction of the Bureau of Reclamation, in accordance with Order No. 2533, as amended.

15. A new section, 2.125 and reading as follows, is added:

SEC. 2.125 *Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands.* All actions with respect to revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands not covered in other sections of this order, except the appointment of O & C Advisory Board Members and the appointment of Coos Bay Wagon Road Appraisal Committee Members.

DOUGLAS MCKAY,
Secretary of the Interior.

SEPTEMBER 17, 1954.

[F. R. Doc. 54-7449; Filed, Sept. 22, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

AGRICULTURAL MARKETING SERVICE AND FOREIGN AGRICULTURAL SERVICE

AMENDMENTS TO DELEGATIONS OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

The delegations of authority and assignment of functions to the heads of the various Service agencies of the Department (19 F. R. 74) are hereby amended in the manner hereinafter set forth:

1. Paragraph e of section 800 is amended to read as follows:

e. Marketing agreement and order programs except those relating to anti-hog-cholera-serum and hog-cholera-virus. The functions under section 8e of the Agricultural Adjustment Act (of 1933), as amended (7 U. S. C. 608e).

2. Paragraph b of section 900 is amended to read as follows:

b. Administration of section 22 of the Agricultural Adjustment Act (of 1933), as amended (7 U. S. C. 624), and export and import controls, except those under section 8e of said Agricultural Adjustment Act (of 1933), as amended (7 U. S. C. 608e).

Issued at Washington, D. C., this 17th day of September 1954 to become effective September 23, 1954.

[SEAL] J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7466; Filed, Sept. 22, 1954; 8:50 a. m.]

DISASTER ASSISTANCE

DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on the dates indicated that a major disaster occasioned by drought existed in the following States:

Arkansas	Aug. 7, 1954
Colorado	July 1, 1953
Missouri	Aug. 2, 1954
Oklahoma	Aug. 2, 1954
Texas	July 21, 1954
Wyoming	July 21, 1954

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148), as further amended on July 30, 1954, and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, certain counties in the State of Arkansas were on August 9, 1954 and August 13, 1954 (19 F. R. 5388), as amended August 19, 1954 (19 F. R. 5647); certain counties in the State of Colorado were on August 10, 1954 (19 F. R. 5155), as amended, August 24, 1954 (19 F. R. 5648) and August 30, 1954 (19 F. R. 5956); certain counties in the State of Missouri were on August 10, 1954 (19 F. R. 5155); certain counties in the State of Oklahoma were on August 10, 1954 (19 F. R. 5155), as amended August 13, 1954 (19 F. R. 5388) and August 30, 1954 (19 F. R. 5956); certain counties in the State of Texas were on August 10, 1954 (19 F. R. 5155), as amended, August 13, 1954 (19 F. R. 5388); and certain counties in the State of Wyoming were on August 10, 1954 (19 F. R. 5155) determined to be the areas affected by the major disaster by drought.

Pursuant to the aforesaid delegation the Delineations and Certifications of Counties in Drought Areas, as above described, are herewith amended by adding the counties set forth below, on September 14, 1954, to the major disaster area in the designated States:

ARKANSAS

Ashley.	Lee.
Bradley.	Lincoln.
Calhoun.	Little River.
Chicot.	Lonoke.
Clark.	Miller.
Cleveland.	Monroe.
Columbia.	Nevada.
Cross.	Ouachita.
Dallas.	Phillips.
Desha.	Poinsett.
Drew.	Prairie.
Hempstead.	Pulaski.
Jackson.	St. Francis.
Jefferson.	Union.
Lafayette.	Woodruff.

COLORADO

Park.	Teller.

MISSOURI

Carter.	Reynolds.
Howell.	Shannon.
Oregon.	

OKLAHOMA

Alfalfa.	Choctaw.
Atoka.	Cleveland.
Blaine.	Coal.
Bryan.	Comanche.
Caddo.	Garfield.
Carter.	Garvin.
Grady.	McClain.
Grant.	McCurtain.
Hughes.	Murray.
Jefferson.	Noble.
Johnston.	Oklahoma.
Kingfisher.	Pontotoc.
Lincoln.	Pottawatomie.
Logan.	Pushmataha.
Love.	Stephens.
Marshall.	Seminole.

TEXAS

Brazos.	Marion.
Camp.	Montague.
Childress.	Morris.
Dickens.	Newton.
Fisher.	Panola.
Franklin.	Runnels.
Gregg.	Sabine.
Harrison.	San Augustine.
Hopkins.	Shelby.
Jasper.	Stonewall.
Jones.	Upshur.
Kent.	

WYOMING

Washakie.

Done at Washington, D. C., this 17th day of September, 1954.

[SEAL] J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7467; Filed, Sept. 22, 1954; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11024-11026; FCC 54M-1151]

MID-CITY BROADCASTERS ET AL.

NOTICE OF PRE-HEARING CONFERENCE

In re applications of Katherine M. Allred, tr as Mid-City Broadcasters, Arlington, Texas, Docket No. 11024, File No. BP-8916; Jessie Mae Cain, Grand Prairie, Texas, Docket No. 11025, File No. BP-9053; Trinity Broadcasting Corporation (KLIF), Dallas, Texas, Docket No. 11026, File No. BP-9045; for construction permits.

Notice is hereby given that, pursuant to §§ 1.813 and 1.841 (c) of the Commission's rules, as amended, a pre-hearing conference will be held at the offices of this Commission in the New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D. C., beginning at 10:00 a. m. Friday, September 24, 1954, on the applications in the above-entitled consolidated proceeding, for the purpose of considering the following matters:

(1) Narrowing the issues or the areas of inquiry and proof at the hearing;

(2) Admissions of fact and of documents which will avoid unnecessary proof;

(3) Reports and letters relating to surveys or contracts;

(4) Assumptions regarding the availability of equipment;

(5) Network programming;

(6) Assumptions regarding the availability of networks proposed;

(7) Offers of letters in general;

(8) The method of handling evidence relating to the past cooperation of existing stations owned and/or operated by the applicants with organizations in the area;

(9) Proof of contracts, agreements, or understandings reduced to writing;

(10) Stipulations;

(11) Need for depositions;

(12) The numbering of exhibits;

(13) The order of offer of proof with relationship to docket number;

(14) The date for the exchange of exhibits between the applicants, as required by § 1.841, supra;

(15) Such other matters as will be conducive to an expeditious conduct of the hearing.

No witnesses will be examined on the date indicated and the record will not be opened.

Dated at Washington, D. C., this 14th day of September 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HUGH B. HUTCHISON,
Hearing Examiner.

[F. R. Doc. 54-7476; Filed, Sept. 22, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6572]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF FIRST MORTGAGE BONDS

SEPTEMBER 16, 1954.

Notice is hereby given that on September 9, 1954, the Federal Power Commission issued its order adopted September 8, 1954, authorizing issuance of first mortgage bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7450; Filed, Sept. 22, 1954; 8:46 a. m.]

[Docket No. G-2209]

CITIES SERVICE GAS CO.

NOTICE OF EXTENSION OF TIME

SEPTEMBER 15, 1954.

Notice is hereby given that an extension of time is granted to and including October 8, 1954, within which Cities Service Gas Company shall commence the construction of the facilities authorized by the initial decision issued February 9, 1954, as modified by the Commission's order issued April 29, 1954, in the above-designated matter. Paragraph (C) (1) of said initial decision is amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7451; Filed, Sept. 22, 1954; 8:47 a. m.]

[Docket No. G-2434]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF RATE INCREASE APPLICATION AND TERMINATING PROCEEDING

SEPTEMBER 16, 1954.

Notice is hereby given that on September 10, 1954, the Federal Power Commission issued its order adopted September

10, 1954, in the above-entitled matter, approving proposed settlement, permitting withdrawal of rate increase application, and terminating proceeding upon terms specified in the order.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-7452; Filed, Sept. 22, 1954; 8:47 a. m.]

[Docket No. G-2537]

INDIANA GAS & WATER COMPANY, INC.

NOTICE OF DECLARATION OF EXEMPTION

SEPTEMBER 16, 1954.

Notice is hereby given that on September 15, 1954, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act adopted September 10, 1954, in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-7453; Filed, Sept. 22, 1954; 8:47 a. m.]

[Project No. 2128]

EAST BAY MUNICIPAL UTILITY DISTRICT

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

SEPTEMBER 16, 1954.

Notice is hereby given that on September 14, 1954, the Federal Power Commission issued its order adopted September 10, 1954, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-7454; Filed, Sept. 22, 1954; 8:47 a. m.]

[Docket Nos. G-2180, G-2337, G-2343, G-2346, G-2373, G-2400]

TOWN OF FLORA, ILLINOIS ET AL.

NOTICE OF FINAL DECISION

SEPTEMBER 17, 1954.

In the matters of Town of Flora, Illinois, Docket No. G-2180; Town of Newbern, Tennessee, Docket No. G-2337; Town of Troy, Tennessee, Docket No. G-2343; Town of Trimble, Tennessee, Docket No. G-2346; Town of Byhalia, Mississippi, Docket No. G-2373; Town of Obion, Tennessee, Docket No. G-2400.

Notice is hereby given that the Presiding Examiner's Decision issuing a certificate of public convenience and necessity in the above-designated matter was issued and served upon all parties on August 16, 1954. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure, said Decision became effective on September 17, 1954, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-7455; Filed, Sept. 22, 1954; 8:47 a. m.]

[Docket No. G-2596]

O. NEATHERY, JR.

NOTICE OF APPLICATION

SEPTEMBER 17, 1954.

Take notice that O. Neathery, Jr. (Applicant), an individual with a principal office in San Antonio, Texas, filed, on August 30, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas for resale in interstate commerce subject to the jurisdiction of the Commission, all as more fully represented in the application.

The application recites that Applicant produces natural gas in The South Runge Field, Karnes County, Texas, and proposes to sell such gas to the United Gas Pipe Line Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of October 1954.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-7456; Filed, Sept. 22, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3289]

NORTHERN STATES POWER CO.

ORDER REGARDING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF FIRST MORTGAGE BONDS BY REGISTERED HOLDING COMPANY

SEPTEMBER 17, 1954.

Northern States Power Company, a Minnesota Corporation ("Northern States"), a registered holding company and a public-utility company, having filed with this Commission a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-50 promulgated thereunder regarding certain proposed transactions which are summarized as follows:

Northern States proposes to issue and sell at competitive bidding $20,000,000 principal amount of first mortgage bonds to be designated "First Mortgage Bonds, Series due October 1, 1984" (herein sometimes referred to as the "New Bonds"). The coupon rate of the New Bonds (which shall be a multiple of ⅛ of 1 percent), and the price (exclusive of accrued interest) to be paid to Northern States (which price shall be expressed as a percentage of the principal amount of the Bonds and shall be not less than 100 percent and not more than 102¾ percent of the principal amount thereof) will be determined by the bidders. The New Bonds will be issued under the provisions of the Company's existing Indenture, dated February 1, 1937, as supplemented and as to be supplemented by a Supplemental Trust Indenture to be dated as of October 1, 1954.

The proceeds from the sale of the New Bonds will be added to the general funds of the Company. It is estimated that general funds of the Company and its subsidiaries, when augmented by such proceeds and funds available from reserves and earnings, will be sufficient to provide the cash required for expenditures of the Company and its subsidiaries under their construction program for the balance of 1954 and the early months of 1955.

The declaration further states that no State commission, other than the Public Service Commission of North Dakota, which Commission has authorized the proposed transaction, and no Federal commission, other than this Commission, has jurisdiction over the transaction proposed by Northern States.

Northern States requests that this Commission's Order become effective upon issuance.

Northern States estimates the fees and expenses applicable to the proposed bond issuance and sale as follows:

Registration fee under the Securities Act of 1933	$2,070
Federal documentary stamps	22,000
State qualification fees and expenses	1,000
Printing, engraving and stationery	20,000
Accounting services, Haskins & Sells	3,000
Legal fees of company counsel, Flynn & Clerkin	10,000
Authentication of bonds by trustee	20,000
Fees of abstract and title companies	500
Mortgage recording fees	2,000
Mortgage registration tax	23,000
Postage	500
Miscellaneous, including traveling, telephone tolls, stationery and other out-of-pocket expenses	5,930
Total	110,000

A fee of $5,000 and out-of-pocket expenses will be paid by the successful bidder to Gardner, Carton, Douglas, Roemer & Chilgren, counsel to the underwriters.

Due notice having been given of the filing of the declaration and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, that the fees and expenses if they do not exceed the estimates are not unreasonable, and that the declaration should be permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration be, and the same hereby is, permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7464; Filed, Sept. 22, 1954; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29696]

MAGAZINES FROM DUNELLEN, N. J. TO JACKSONVILLE AND SOUTH JACKSONVILLE, FLA., AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

SEPTEMBER 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-968, pursuant to fourth-section order No. 16101.

Commodities involved: Magazines or periodicals, magazine parts or sections, carloads.

From: Dunellen, N. J.

To: Jacksonville and South Jacksonville, Fla., and New Orleans, La.

Grounds for relief: Rail competition, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7457; Filed, Sept. 22, 1954; 8:48 a. m.]

[4th Sec. Application 29697]

CEMENT AND RELATED ARTICLES FROM ST. LOUIS, MO., TO HARRISBURG, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for the Baltimore and Ohio Railroad Company and New York Central Railroad Company.

Commodities involved: Cement and related articles, carloads.

From: St. Louis, Mo.

To: Harrisburg, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3850, supp. 73.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7458; Filed, Sept. 22, 1954; 8:48 a. m.]

[4th Sec. Application 29698]

CAUSTIC SODA FROM LOUISIANA AND TEXAS TO FOLEY, FLA.

APPLICATION FOR RELIEF

SEPTEMBER 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Caustic soda, liquid, in tank-car loads.

From: Lake Charles, La., Corpus Christi, Houston and Velasco, Texas.

To: Foley, Fla.

Grounds for relief: Rail competition, circuity, competition with motor-water carriers, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 382; F. C. Kratzmeir, Agent, I. C. C. No. 3932, supp. 134.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7459; Filed, Sept. 22, 1954; 8:48 a. m.]

[4th Sec. Application 29699]

SILICA GEL AND SILICA GEL CATALYST FROM CINCINNATI, OHIO TO POINTS IN TEXAS

APPLICATION FOR RELIEF

SEPTEMBER 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Silica gel or silica gel catalyst, carloads.

From: Cincinnati, Ohio.

To: Atreco, Baytown, Houston, Port Arthur and Texas City, Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes and destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4115, supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7460; Filed, Sept. 22, 1954; 8:48 a. m.]

[4th Sec. Application 29700]

PHOSPHATE OF SODA FROM CERTAIN STATES TO FORE RIVER STATION, MASS.

APPLICATION FOR RELIEF

SEPTEMBER 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules listed below.

Commodities involved: Soda or sodium, phosphate of, carloads.

From: Chicago Heights and Joliet, Ill., Trenton, Mich., Fernald, Ohio, Morrisville and Chester-Marcus Hook, Pa., North Claymont, Del., and Kearney, N. J.

To: Fore River Station, Mass.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4542, supp. 81; Reading Company, I. C. C. No. 2321, supp. 60; Pennsylvania Railroad Company, I. C. C. No. 3382, supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7461; Filed, Sept. 22, 1954; 8:49 a. m.]

[4th Sec. Application 29701]

CLAY, KAOLIN OR PYROPHYLLITE FROM ANNISTON, ALA., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Clay, kaolin or pyrophyllite, carloads.

From: Anniston, Ala.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, grouping, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1323, supp. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7462; Filed, Sept. 22, 1954; 8:49 a. m.]

[Rev. S. O. 562, Taylor's corrected I. C. C. Order 46]

RAILROADS OPERATING IN MAINE

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, railroads operating in the State of Maine, because of numerous washouts, due to a hurricane, are unable to transport certain traffic routed over their lines: *It is ordered*, That:

(a) Rerouting traffic: Railroads operating in the State of Maine, being unable to transport certain traffic, because of numerous washouts, due to a hurricane, are hereby authorized to divert or reroute such traffic over any available route to expedite movement, regardless of routing shown on the waybills. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p. m., September 13, 1954.

(g) Expiration date: This order shall expire at 11:59 p. m., September 23, 1954, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 17, 1954.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 54-7463; Filed, Sept. 22, 1954; 8:49 a. m.]

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FEDERAL REGISTER

VOLUME 19 NUMBER 186

Washington, Friday, September 24, 1954

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 592, Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS APPROVING ETHYLENE DIBROMIDE FUMIGATION AS A CONDITION FOR CERTIFICATION OF CERTAIN FRUITS AND VEGETABLES FOR MOVEMENT FROM HAWAII

Pursuant to the authority conferred upon him by § 301.13–4 (b) of the regulations supplemental to the Hawaiian Fruits and Vegetables Quarantine (7 CFR and 1953 Supp. 301.13–4 (b)) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), the Chief of the Plant Quarantine Branch hereby revises administrative instructions now appearing as 7 CFR Supp., 301.13–4b, effective February 18, 1953, as amended effective March 16, 1954 (19 F. R. 1405), approving ethylene dibromide fumigation as a condition for certification of certain fruits and vegetables for movement from Hawaii, to read as follows:

§ 301.13–4b *Administrative instructions approving ethylene dibromide fumigation as a condition for certification of certain fruits and vegetables for movement from Hawaii*—(a) *Approved fumigation.* The Chief of the Plant Quarantine Branch hereby approves ethylene dibromide fumigation, applied in accordance with the provisions of this section, as a treatment for bitter melons, Cavendish bananas, cucumbers, papayas, pineapples, other than smooth cayenne, string beans, and Zucchini squash. Such fruits and vegetables treated and handled as provided in this section may be certified for movement from the Territory of Hawaii.

(b) *Fumigation in open containers.* The fruits and vegetables designated in paragraph (a) of this section may be fumigated in open containers in an approved atmospheric fumigation chamber for a period of two hours at a minimum temperature of 70° F. with a dosage of one-half pound of ethylene dibromide per 1,000 cubic feet of space, including the load.

(c) *Pineapples in corrugated collars.* Pineapples (other than smooth cayenne) in corrugated paper collars, packed in unlined, well-aerated crates may be fumigated in an approved atmospheric fumigation chamber for a period of three hours at a minimum temperature of 70° F. with a dosage of three-quarters pound of ethylene dibromide per 1,000 cubic feet of space, including the load.

(d) *Prepacked papayas.* (1) Papayas prepacked for shipment using only materials approved in advance by the inspector may be fumigated in an atmospheric fumigation chamber approved for this purpose for a period of two hours at a minimum temperature of 70° F. with a dosage of 1½ pounds of ethylene dibromide per 1,000 cubic feet of space, including the load.

(2) The fruit may be individually wrapped in tissue paper, or packed in shredded paper or wood excelsior, in unlined corrugated cartons and sealed along the central flap with Kraft paper tape. No additional covering or lining for the cartons is authorized.

(e) *Approved equipment, procedure, and load limit.* (1) Fumigation chambers and equipment used in the treatments specified in this section must be approved for that purpose by the Plant Quarantine Branch. Such a chamber must be equipped with a gas-tight glass window to permit a view inside the chamber while fumigation is in progress. The ethylene dibromide must be applied in the liquid state and heated over an electric hot-plate or other suitable means until vaporization is completed. The exposure time shall be calculated from the time vaporization is completed.

(2) Loading of the fumigation chamber shall be limited to ¾ of the height of the chamber but in no instance shall the containers be stacked higher than five feet. In each individual stack, containers may be placed one directly atop another and such space shall be provided around each stack for proper circulation of the fumigant as the inspector deems necessary. Adequate circulation shall be provided throughout

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FEDERAL REGISTER

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borne by the owner of the fruits or vegetables, or his representative.

(h) *Department not responsible for damage.* While the treatments approved in this section are judged from experimental tests to be safe for use with the designated fruits and vegetables, the Department of Agriculture and its inspector assume no responsibility for any loss or damage resulting from any treatment prescribed or supervised.

(i) *Tolerance.* Tests show that there is no detectable difference between untreated papaya, pineapple, cucumber, Zucchini squash, and bitter melon, and these commodities fumigated as approved in this section, after a minimum storage of 5 to 6 days at 55° F. Fumigated string beans and Cavendish bananas show slight though questionable effects, but are considered commercially acceptable.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162; 7 CFR and 1953 Supp. 301.13–4 (b). Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161.)

The purpose of these revised instructions is to authorize the treatment of prepacked papayas for movement from Hawaii and to specify certain load-limit restrictions for all methods of treatment provided by the administrative instructions. The packing of papayas prior to treatment according to the above schedule eliminates the need for supervision of the packing after treatment, thereby affording the shipper greater latitude in scheduling the packing activity for more economical and effective shipping operations. This revision in part relieves restrictions by authorizing an alternative method of treatment for papayas as a condition of certification for movement from Hawaii and to this extent should be made effective as soon as possible in order to be of maximum benefit to affected shippers. The restrictions on the load-limit for all methods of treatment provided by the administrative instructions should be made effective as soon as possible in order to assure mortality of eggs and larvae of the oriental fruit fly, the Mediterranean fruit fly, and the melon fly. Therefore under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest and good cause is found for making the new restrictions imposed by the amendments effective less than 30 days after publication in the FEDERAL REGISTER. Insofar as the amendments relieve restrictions they may also be made effective less than 30 days after such publication.

This revision shall be effective September 24, 1954, and shall supersede § 301.13–4b, effective February 18, 1953, as amended effective March 16, 1954.

Done at Washington, D. C., this 21st day of September 1954.

[SEAL] E. P. REAGAN,
Chief, Plant Quarantine Branch.

[F. R. Doc. 54–7520; Filed, Sept. 23, 1954; 8:54 a. m.]

[P. Q. 481, Amdt.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHODS OF VAPOR-HEAT TREATMENT OF CERTAIN FRUITS AND VEGETABLES FROM HAWAII

Pursuant to the authority conferred on him by § 301.13–4 (b) of the regulations supplemental to Hawaiian Fruits and Vegetables Quarantine No. 13 (7 CFR and 1953 Supp. 301.13–4 (b)) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), the Chief of the Plant Quarantine Branch hereby amends administrative instructions now appearing as 7 CFR Supp. 301.13–4c (19 F. R. 2005), effective April 8, 1954, prescribing the method of vapor-heat treatment of certain fruits and vegetables from Hawaii, to authorize a vapor-heat "quick run-up" method of treatment of papayas, by deleting the introductory portion of such instructions and by amending paragraphs (a) (1) through (a) (3), and paragraph (e) to read, respectively, as follows:

§ 301.13–4c *Administrative instructions prescribing methods of vapor-heat treatment of certain fruits and vegetables from Hawaii*—(a) *Approved vapor-heat methods of treatment.* (1) Approved vapor-heat treatment, in accordance with the following procedure, is hereby designated as an administratively approved procedure that meets the requirements for the certification, in accordance with § 301.13–4 (b), of papayas, bell peppers, eggplants, pineapples (other than smooth Cayenne), Italian squash, and tomatoes for movement from Hawaii:

(i) In the approved vapor-heat treatment the fruits and vegetables are heated by saturated vapor at 110° F. which in condensing on the fruits and vegetables gives up its latent heat. This latent heat is essential in assuring mortality of eggs and larvae of the oriental fruit fly, the Mediterranean fruit fly and the melon fly, and in raising the temperature of the fruits and vegetables evenly and quickly so as to prevent damage to the treated products. In applying the treatment the saturated vapor is accompanied by a fine water mist and air admixture.

(ii) The fruits and vegetables are cooled immediately after treatment and no wax or paraffin, either dry or in solution, may be used until after the treatment has been completed. Vapor-heat treatments are approved only if the vapor conditions within the heat treating room, the manner of stacking the boxes containing the fruits and vegetables in the room, and all other conditions affecting the efficacy of the treatment are satisfactory to the supervising inspector, to assure mortality of eggs and larvae of the oriental fruit fly, the Mediterranean fruit fly, and the melon fly.

(iii) In applying this treatment, in accordance with these principles, the temperature of the fruits and vegetables shall be raised to 110° F., at the approximate center of the fruits and vegetables, within a period designated by the inspector, and shall be held at that level during the following 8¾ hours.

(2) Approved vapor-heat treatment, in accordance with the following procedure, is hereby designated as an alternate administratively approved procedure that meets the requirements for the certification, in accordance with § 301.13–4 (b), of papayas for movement from Hawaii:

(i) In the approved vapor-heat "quick run-up" treatment the papayas are heated by saturated vapor until the temperature at the approximate center of the fruit reaches a minimum of 117° F. The cooling and other conditions prescribed in paragraph (a) (1) (ii) of this section apply.

(ii) The conditioning of the papayas preparatory to the treatment, as provided in paragraph (e) of this section, shall be completed within a period designated by the inspector.

(3) The treatments provided for in subparagraphs (1) and (2) of this paragraph must be conducted in a heat-treating room approved by the Plant Quarantine Branch and must be conducted under the supervision of an inspector of that Branch, who at all times shall have access to the fruits and vegetables while they are undergoing treatment.

• • • • •

(e) *Conditioning.* (1) The treatments set forth in paragraph (a) of this section are in addition to any other procedure or practice that may be found by the shipper to be desirable to condition or otherwise handle fruits or vegetables that may be offered for treatment.

(2) Eggplants require conditioning before they will tolerate the approved vapor-heat treatment. Even when conditioned, darkening of their seeds usually occurs. In tests of eggplant tolerance to vapor-heat treatment, 6 to 8 hours conditioning at 110° F. and approximately 40 percent relative humidity before the prescribed 8¾-hour holding period has been found effective. This conditioning procedure or any other that the shipper has developed and found satisfactory may be used for eggplants at the shipper's risk.

(3) Papayas require conditioning before they will tolerate the approved vapor-heat "quick run-up" treatment and even then some injury may result. Any conditioning that the shipper has developed and found satisfactory may be used with the "quick run-up" treatment for papayas at the shipper's risk.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

The purpose of this amendment is to provide an alternate method of vapor-heat treatment of papayas that meets the requirement for their certification for movement from Hawaii. Papayas can be treated in from two to three hours by following the newly authorized procedure as compared to the presently approved treatment for 8¾ hours at 110° F. This will afford shippers an opportunity for a more economical and better intergrated treating and shipping oper-

ation. The instructions therefore relieve a restriction previously imposed. In order to be of maximum benefit to papaya shippers the newly authorized procedure should be made available as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on the foregoing administrative instructions are unnecessary, impracticable, and contrary to the public interest, and since these instructions relieve restrictions they may properly be made effective under said section 4 less than thirty days after publication in the FEDERAL REGISTER.

This amendment shall be effective September 24, 1954,

Done at Washington, D. C., this 21st day of September 1954.

[SEAL] E. P. REAGAN,
Chief, Plant Quarantine Branch.

[F. R. Doc. 54-7522; Filed, Sept. 23, 1954; 8:54 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

[Amdt. 3]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR 1954 CROP

WHEAT ACREAGE

The amendment herein is issued pursuant to the Agricultural Act of 1954 and is for the purpose of affording wheat producers who have not harvested their 1954 wheat crop the opportunity to adjust their planted acreages to their 1954 farm wheat acreage allotments. Producers in many areas are now preparing to harvest their 1954 crop wheat and it is imperative that this amendment be issued as soon as possible. Accordingly, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

Paragraph (r) (1) of § 728.451 is amended to read as follows:

§ 728.451 *Definitions.* * * *

(r) (1) "Wheat acreage" means (i) any acreage seeded to wheat, excluding any acreage (*a*) seeded to a wheat mixture in wheat mixture counties approved by the Director, or (*b*) which does not reach maturity because it is, while still green, turned under, pastured off, or cut for hay or silage, and (ii) any acreage of volunteer (self-seeded) wheat which reaches maturity: *Provided*, That any acreage under subdivisions (i) and (ii) of this subparagraph in excess of the 1954 farm acreage allotment for the farm established under this part shall not be regarded as wheat acreage if not harvested as grain and not left standing in the field on a date prior to harvest as determined by the county committee with the approval of the State Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 311, 68 Stat. 897; 7 U. S. C. 1374)

Done at Washington, D. C., this 20th day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7489; Filed, Sept. 23, 1954; 8:47 a. m.]

[1023 (Peanuts-55)-1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR PEANUTS OF 1955 CROP

GENERAL

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

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729.630 Redelegation of authority.

AUTHORITY: §§ 729.610 to 729.630 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1388.

GENERAL

§ 729.610 *Basis and purpose.* The regulations contained in §§ 729.610 to 729.630 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm allotments and normal yields in connection with farm marketing quotas for the peanut crop produced in the calendar year 1955. The purpose of the regulations in §§ 729.610 to 729.630 is to provide the procedure for allocating the 1955 State peanut acreage allotments among farms, for establishing allotments for farms on which peanuts were not picked or threshed in 1952, 1953, or 1954, but on which peanuts are to be picked or threshed in 1955, and for determining farm normal yields per acre for peanuts. Prior to preparing the regulations in §§ 729.610 to 729.630, public notice (19 F. R. 5062) was given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations which were submitted in accordance with such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 729.611 *Definitions.* As used in §§ 729.610 to 729.630 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Committees": (1) "Community committee" means the persons elected within a community as the community committee, pursuant to the regulations governing the selection and functions of Agriculture Stabilization and Conservation county and community committees.

(2) "County Committee" means the persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons designated in a State by the Secretary as the Agricultural Stabilization and Conservation State committee.

(b) "County Office Manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operation of the county ASC office, or the person acting in such capacity.

(c) "Cropland" means farm land which in 1954 was tilled or was in regular crop-rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable, noncrop, open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(d) "Deputy Administrator" means the Deputy Administrator for Production Adjustment or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Director" means the Director, or the Acting Director of the Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture.

(f) "Excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment but there will be no excess acreage if the farm peanut acreage is one acre or less.

(g) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Deputy Administrator, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(h) "Farm allotment" means the acreage allotment established for a farm pursuant to §§ 729.619 or 729.622.

(i) "Farm peanut acreage" means the acreage on the farm planted to peanuts in 1955 as determined in accordance with instructions issued by the Deputy Administrator, less any such acreage with respect to which it is established by the operator or otherwise to the satisfaction of the county office manager that the entire production therefrom has not and will not be picked or threshed either before or after marketing from the farm: *Provided, however*, That:

(1) The farm peanut acreage shall be considered equal to the farm allotment on a farm for which such allotment equals or exceeds one acre, if the acreage in excess of the farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the farm allotment, whichever is larger;

(2) The farm peanut acreage shall be considered equal to one acre on a farm for which the farm allotment is equal to or less than one acre and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; but the provisions of this subparagraph and of subparagraph (1) of this paragraph shall not apply unless a quantity of peanuts equal to the county office manager's estimate of the production from the acreage in excess of the larger of the farm allotment, or one acre, is disposed of on the farm in a manner approved by the county committee so that the peanuts cannot thereafter be used or marketed as peanuts: *Provided, further*, That the maximum acreage limit prescribed in this subparagraph or subparagraph (1) of this paragraph shall not be applicable if the State committee concurs in the findings and recommendations of the county committee that the unusual circumstances from which the excess resulted are such that the maximum limitation should not apply.

(j) "New farm" means a farm on which peanuts will be picked or threshed in 1955, but on which no peanuts were picked or threshed in 1952, 1953, or 1954.

(k) "Old farm" means any farm on which peanuts were picked or threshed in 1952, 1953, or 1954, including also any farm for which 1954 farm allotments were established or which were eligible for 1954 old farm allotments, if peanuts were planted for harvest on any such farm in any year 1952, 1953, or 1954 and the county committee determines that no peanuts were picked or threshed from the farm in any such year because of abnormal conditions affecting acreage.

(l) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) "Peanuts" means all peanuts produced, excluding any peanuts not picked or threshed either before or after marketing from the farm.

(n) "Person" means an individual, partnership, association, corporation, firm, joint-stock company, estate or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(o) "Secretary" means the Secretary, or the Acting Secretary of Agriculture of the United States.

(p) "State Administrative Officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the State ASC office, or the person acting in such capacity.

(q) "Tillable acreage available" means the acreage of cropland on the farm which the county committee determines is available for the production of peanuts in 1955, taking into consideration land uses and other crops grown on the farm and customary rotation practices: *Provided*, That the tillable acreage available for the production of peanuts for a farm shall not exceed the cropland on the farm minus the total of the 1955 acreage allotments established for other crops for the farm. If the 1955 acreage allotments for one or more crops are not established for the farm prior to the determination of the tillable acreage available, and it has been announced that acreage allotments for such crops will be in effect in 1955, the farm acreage allotments established for such crops for the last year allotments were in effect shall be used.

(r) "Tillable acreage factor" means the factor determined for the county (or for each community in a county, if the county committee determines that there is a wide variation between communities in the percentage of the tillable acreage available that is customarily devoted to peanuts) by dividing the tillable acreage available for all old farms in the county (or community) into the sum of the 1954 farm peanut allotments for all old farms in the county (or community). The sum of the 1954 farm peanut allotments shall be determined pursuant to instructions issued by the Assistant Administrator.

§ 729.612 *Rule of fractions.* Farm allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of fifty thousandths of an acre or less shall be dropped. For example, 8.051 would be 8.1 and 8.050 would be 8.0.

§ 729.613 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in §§ 729.610 to 729.630. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 729.614 *Determination of farm data.* The county committee shall obtain the following information and data for each old farm.

(a) The name and address of the operator.

(b) The total acreage of all land in the farm.

(c) The acreage of cropland in the farm.

(d) The tillable acreage available for the farm.

(e) The farm peanut acreage for each year 1952, 1953, and 1954.

(f) The 1954 peanut acreage allotment for the farm.

(g) Such other information and data as may be necessary in establishing farm allotments in accordance with §§ 729.610 to 729.630.

The information and data provided for in this section shall be obtained from acreage measurements and other records in the office of the county committee; if not available from these sources, these data and information may be obtained from reports made by operators or other interested persons or may be appraised or determined by the county committee on the basis of production and marketing records or other available information.

§ 729.615 *Apportionment of State peanut allotment to farms.* Adjusted acreages for all old farms in the State shall be determined in accordance with § 729.617. Preliminary acreage allotments for old farms shall be calculated by multiplying the adjusted acreage for each old farm by a factor obtained by dividing the total of the adjusted acreages for all old farms in the State into the 1955 State peanut acreage allotment (minus the acreage reserve for late allotments and corrections pursuant to § 729.618 and the acreage reserve for adjustment pursuant to § 729.617 (b) (5) if allotment adjustments are to be made after adjusted acreages have been determined). Farm allotments shall be determined pursuant to § 729.619.

§ 729.616 *Basis of farm allotment.* A farm allotment shall be determined for each old farm on the basis of the following factors as hereinafter applied: The 1954 peanut acreage allotment for the farm, the 1952, 1953, and 1954 farm peanut acreages; abnormal conditions affecting farm peanut acreage; tillable acreage available; labor and equipment available for the production of peanuts on the farm; crop-rotation practices; and soil and other physical factors affecting the production of peanuts: *Provided, however*, That in establishing farm allotments pursuant to §§ 729.610 to 729.630, the following acreages shall not be taken into consideration: the peanut acreage determined as harvested in excess of the farm allotments estab-

lished for each of the years 1952, 1953, and 1954; the peanut acreage harvested on the farm in 1952 as a result of allotments made under §§ 729.326 and 729.328 of the marketing regulations for the 1952 crop of peanuts; the acreage allotment made to the farm under §§ 729.326 and 729.328 of the marketing quota regulations for the 1952 crop of peanuts; the peanut acreage harvested on the farm in 1953 as a result of allotments made under §§ 729.427 and 729.429 of the marketing quota regulations for the 1953 crop of peanuts; the acreage allotment made to the farm under §§ 729.427 and 729.429 of the marketing quota regulations for the 1953 crop of peanuts; the peanut acreage harvested on the farm in 1954 as a result of allotment made under § 729.525 of the marketing quota regulations for the 1954 crop of peanuts; and the acreage allotment made to the farm under § 729.525 of the marketing quota regulations for the 1954 crop of peanuts and: *Provided further*, That an allotment shall not be determined for any farm on which one acre or less of peanuts was harvested in each of the years 1952, 1953, and 1954, unless the county committee determines from available information that more than one acre of peanuts will be harvested on the farm in 1955.

§ 729.617 *Determination of adjusted acreage.* The county committee shall determine an adjusted acreage for each old farm in the county (excluding farms on which one acre or less of peanuts was harvested in each year 1952, 1953, and 1954 unless the county committee determines from available information that more than one acre of peanuts will be harvested on any such farm in 1955) as follows:

(a) If peanuts were produced on a farm in 1954 for the first time since 1950, but no 1954 peanut acreage allotment was established for the farm, the county committee shall, on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts, determine an adjusted acreage for the farm which is fair and equitable in comparison with the adjusted acreages for other farms in the community which are similar with respect to such factors.

(b) For each old farm, excluding farms described in paragraph (a) of this section, the county committee shall adjust 1954 farm peanut acreages and establish adjusted acreages as provided herein:

(1) The county committee shall examine the 1954 farm peanut acreage and if abnormal conditions affected such acreage, the 1954 farm peanut acreage shall be increased to compensate for any reduction in the acreage resulting from such abnormal conditions; however, the acreage as so increased shall not exceed the 1954 farm allotment established for the farm.

(2) If a farm allotment was not established for 1954 for a farm on which peanuts were produced in any one or more of the years 1951, 1952, or 1953, the county committee shall determine an acreage for the farm which shall be considered the 1954 farm allotment for purposes of establishing an adjusted acreage for the farm. Such acreage shall be established in accordance with the regulations contained in §§ 729.510 to 729.530 of the marketing quota regulations for the 1954 crop of peanuts.

(3) The county committee shall compare the 1954 farm peanut acreage for each farm with the 1954 farm allotment for each farm. In the 1954 farm peanut acreage for a farm was less than 75 percent of the 1954 farm allotment, a total of the farm peanut acreages for 1952, 1953, and 1954, shall be determined. The total acreage so determined shall be divided by 3, except that if the farm did not receive a farm allotment in 1952, the total shall be divided by 2, or if the farm did not receive a farm allotment in 1952 and 1953, the total shall be divided by 1. If the average of the farm peanut acreages for the farm, determined in accordance with this subparagraph is less than the 1954 farm allotment for the purpose of determining the adjusted acreage for the farm, the average of the farm peanut acreages shall be considered as the 1954 farm allotment.

(4) The county committee shall examine the 1954 farm allotment for each farm after adjustments, if any, have been made under subparagraph (3) of this paragraph and may adjust such allotments downward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreages established for other old farms in the community which are similar as to the tillable acreage available for the production of peanuts. If a downward adjustment is made, the adjusted acreage for the farm shall be not less than the smaller of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the 1952–54 average peanut acreage for the farm.

(5) An acreage not in excess of 5 percent of the peanut acreage allotted to all old farms in the State in 1954 shall be made available to county committees by the State committee for making upward adjustments. The State committee shall determine if upward adjustments are to be made prior to or subsequent to determining adjusted acreages. If upward adjustments are to be made prior to determining adjusted acreages the county committee shall examine the 1954 farm allotment for each farm after adjustments, if any, have been made under subparagraphs (3) and (4) of this paragraph and may adjust such allotment upward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreage established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut acreage for 1952, 1953, and 1954; tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and the soil and other physical factors affecting the production of peanuts. If upward adjustments are to be made prior to determining adjusted acreage, the county committee may use the sum of the downward adjustments made in accordance with subparagraph (4) of this paragraph in addition to the acreage available under this subparagraph for making upward adjustments. If an upward adjustment is made, the adjusted acreage for the farm shall not exceed the larger of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the largest farm peanut acreage for the farm for the years 1952, 1953, or 1954: *Provided, however*, That such limitation shall not be applicable if the State and county committees find that the adjusted acreage as determined under the limitation is relatively smaller in relation to the farm peanut acreages for 1952, 1953, and 1954, the tillable acreage available, and the labor and equipment available for the production of peanuts on the farm, than the adjusted acreages for other old farms in the community which are similar with respect to such factors.

(6) The adjusted acreage for each old farm in the county shall be the 1954 farm allotment plus or minus any upward or downward adjustment made pursuant to subparagraphs (4) and (5) of this paragraph.

(c) The adjusted acreage determined for the farm in accordance with the foregoing provisions of this section shall not exceed the tillable acreage available for the farm.

§ 729.618 *County reserves for late allotment and corrections.* The county committee shall estimate the acreage that will be needed in the county (a) to establish late 1955 allotments for old farms on which one acre or less of peanuts was picked or threshed in each year 1952, 1953, and 1954, but on which more than one acre of peanuts will be picked and threshed in 1955 and (b) for the correction of errors in farm allotments resulting from inaccurate or incomplete data used in establishing 1955 farm allotments. The reserve for late allotments and corrections recommended by the county committee shall be subject to adjustment by the State committee and shall be held as a State reserve.

§ 729.619 *Allotments for old farms.* (a) If adjustments are to be made prior to determining preliminary allotments, as provided in § 729.617 (b) (5), the preliminary allotments determined pursuant to § 729.615 shall be the 1955 farm allotments.

(b) If the State committee determines, as provided in §729.617 (b) (5), that upward adjustments shall be made subsequent to the determination of preliminary allotments, the county committee shall examine the 1955 preliminary farm allotment for each farm and may adjust such preliminary allotment upward if it determines that such adjustment is necessary to obtain a 1955 farm allotment for the farm which is comparable with the 1955 allotments established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut acreage for 1952, 1953, and 1954 tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and the soil and other physical factors affecting the production of peanuts. If an upward adjustment is made, the farm allotment shall not exceed the larger of (1) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (2) the largest farm peanut acreage for the farm for the years 1952, 1953, and 1954: *Provided, however*, That such limitation shall not be applicable if the State and county committees find that the allotment as determined under such limitations is relatively smaller in relation to the farm peanut acreage for 1952, 1953, and 1954, and the tillable acreage available for the production of peanuts on the farm, than the allotment for other old farms in the community which are similar with respect to such factors. The 1955 farm allotment shall be the preliminary allotment for the farm determined in accordance with § 729.615 plus any additional acreage allotted to the farm as an upward adjustment from the acreage made available to the county committee by the State committee pursuant to § 729.617 (b) (5).

§ 729.620 *Allotments for farms divided or combined*—(a) *Divisions.* If land operated as a single farm in 1954 will be operated in 1955 as two or more farms, the 1955 allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the divided farms in the same proportion as the acreage of cropland available for the production of peanuts for each such divided farm bears to the cropland available for the production of peanuts for the entire tract; except that the peanut acreage allotment determined or which otherwise would have been determined for the entire farm shall, if the farm to be divided for 1955 consists of two or more tracts which were separate and distinct farms before being combined for 1952, 1953, or 1954, be apportioned among the tracts in the same proportion that each contributed to the farm allotment for the year for which combined: *Provided*, That with the recommendation of the county committee and the approval of the State committee, the allotment determined for a divided farm pursuant to the preceding provisions of this paragraph may be increased or decreased by not more than the larger of one acre or ten percent of the 1955 farm allotment determined for the entire tract, with corresponding increases or decreases made in the allotment apportioned to the other divided farm or farms: *Provided further*, That if a farm is to be divided for 1955 in settling an estate, the allotment may be apportioned among the divided farms in accordance with this paragraph or on such basis as the State committee determines will result in equitable allotments.

(b) *Combinations.* If two or more tracts which were operated as separate farms in 1954 are combined and operated as a single farm for 1955, the 1955 allotment shall be the sum of the 1955 allotments determined, or which otherwise would have been determined, for each of the tracts composing the combination.

§ 729.621 *Normal yields for old farms.* The normal yields for an old farm for the 1955 crop of peanuts shall be the average yield per acre of peanuts for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which the normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised by the county committee on the basis of the data which are available.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 729.622 *Allotments for new farms.* (a) The farm allotment for a new farm shall be that acreage which the county committee, subject to the approval of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the producers on the farm, the tillable acreage available, labor and equipment available for the production of peanuts on the farm, crop-rotation practices, and soil and other physical factors affecting the production of peanuts. The farm allotment for a new farm shall not exceed the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor: *Provided, however*, That such limitation shall not be applicable if the State and county committees find that the allotment determined for the farm under the limitation is relatively smaller in relation to the tillable acreage available, labor and equipment available for the production of peanuts on the farm, and crop-rotation practices, than the allotments established for other farms in the community which are similar with respect to such factors.

(b) Notwithstanding any other provisions of this section, an allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) An application for a new farm allotment is filed by the farm operator and farm owner with the county committee prior to the closing date established by the State committee. In no event is the closing date to be earlier than January 15, 1955, or later than February 15, 1955.

(2) A producer on the farm shall have had experience in growing peanuts either as a share cropper, tenant, or as a farm operator or farm owner during at least two of the past five years: *Provided, however*, That a producer who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had experience in growing peanuts during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five years from date of discharge.

(3) The farm operator is largely dependent on the farm for his livelihood.

(4) The farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established in 1955.

(c) One-half of one percent of the national peanut acreage allotment shall be available for establishing allotments for new farms; except that, if the total of the acreages required to establish fair and reasonable allotments and reserves for old farms in any State is less than the State allotment, the balance of such State allotment shall, upon approval by the Director, be available for establishing allotments for new farms in the State. If the total of the acreage allotments for new farms as determined by the county and State committees pursuant to this section exceeds the acreage reserved for new farm allotments, such acreage shall be made available to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments determined by the county and State committees does not exceed one-half of one percent of the State's share of the 1955 national peanut acreage allotment, as determined by the Director, no adjustment will be made in the new farm allotments determined by the county and State committees;

(2) For any State for which the total of the new farm allotments determined by the county and State committees exceeds one-half of one percent of the State's share of the national acreage allotment, as determined by the Director, there shall be made available for new farm allotments in each such State an acreage equal to one-half of one percent of the State's share of the national acreage allotment;

(3) The acreage remaining after making the apportionments under subparagraphs (1) and (2) of this paragraph shall be apportioned pro rata among the States receiving acreage under subparagraph (2) of this paragraph on the basis of the total acreage determined for new farm allotments by the county and State committees that is in excess of the acreage made available under subparagraph (2) of this paragraph. The farm allotments determined by the county and State committees for new farms which receive acreage under subparagraph (2) of this paragraph shall be adjusted downward so that the total of the acreage allotments for such farms shall not exceed the acreage made available to the State for establishing allotments for such farms; and

(4) If the total of the acreage required to establish fair and reasonable allotments and reserves for all old farms in the State and for all new farms in the State that meet the eligibility requirements set forth in paragraph (b) of this section is less than the State acreage allotment plus the acreage allocated to new farms in the State under this section, the balance of such acreage shall, upon approval of the Director, be available for establishing allotments, on the basis of the factors specified in

§ 729.622 (a), for farms on which no peanuts were picked or threshed in 1952, 1953, or 1954, if each of the following conditions has been met:

(i) An application for an allotment is filed by the farm operator and farm owner with the county committee prior to the closing date established by the State committee which shall not be later than March 1, 1955.

(ii) The applicant is largely dependent on the farm for his livelihood.

(iii) The farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established for 1955.

(5) No more than one per centum of the national acreage allotment shall be apportioned among new farms.

§ 729.623 *Normal yields for new farms.* The normal yield for a new farm for the 1955 crop of peanuts shall be that yield per acre which the county committee determines is normal for the farm, as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of peanuts.

MISCELLANEOUS

§ 729.624 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If peanuts were marketed or were permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact were produced on a different farm, the acreage allotments established for both such farms for 1955 shall be reduced, as hereinafter provided, except that such reduction for any farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketings.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all peanuts produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such proof, the allotment for the farm shall be reduced, except that if the operator establishes to the satisfaction of the county and State committees that failure to furnish proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty due is made.

(c) Any reduction shall be made with respect to the 1955 farm allotment, provided it can be made 30 days prior to the beginning of the normal planting season for the county in which the farm is located, as determined by the State committee. If the reduction cannot be made effective with respect to the 1955 crop, such reduction shall be made with respect to the farm allotment next established for the farm. This section shall not apply if the farm allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1955 farm allotment shall be that percentage which the amount of peanuts involved in the violation is of the respective farm marketing quota for the farm for the marketing year in which the violation occurred. Where the amount of such peanuts involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The amount of peanuts determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of peanuts involved in the violation. If the actual production of peanuts on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the peanut crop during the growing and harvesting seasons, if known, and the actual yield per acre of peanuts on other farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar: *Provided*, That the estimate of such actual production of peanuts on the farm shall not exceed the harvested acreage of peanuts on the farm multiplied by the average actual yield per acre on farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar. The actual yield per acre of peanuts on the farm, as so estimated by the county committee, multiplied by the farm allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of peanuts for which satisfactory proof of disposition of peanuts on the farm is not known, the amount of peanuts involved in the violation shall be deemed to be the actual production of peanuts on the farm, estimated as above, less the amount of peanuts for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

§ 729.625 *Release and reapportionment*—(a) *Release of acreage allotments.* Any part of the acreage allotted for 1955 to an individual farm in any county under the provisions of §§ 729.619 and 729.622 on which peanuts will not be produced and which the owner or operator of the farm voluntarily surrenders in writing to the county committe by the closing date established by the State committee, which shall not be later than July 1, 1955, shall be deducted from the allotment to such farm in accordance with instructions issued by the Deputy Administrator. If any part of the farm allotment is permanently released (i. e., for 1955 and all subsequent years), such release shall be in writing and signed by both the owner and the operator of the farm. If the entire 1955 farm allotment is permanently released, the farm shall not thereafter be eligible for a 1955 farm allotment as either an old farm or as a new farm, and the farm peanut acreages and farm allotments for 1955 and prior years shall not be considered in establishing an allotment for the farm for 1956 or any subsequent year.

(b) *Reapportionment of released acreage allotment.* The farm allotments released under paragraph (a) of this section shall be reapportioned by the county committee, in accordance with instructions issued by the Deputy Administrator, to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. Such reapportionment shall be made on the basis of applications filed on Form MQ–30–Peanuts (1955) by the farm owners or operators with the county committee not later than a closing date established by the State committee, which shall be not later than July 15, 1955.

(c) *Maximum acreage allotment.* No allotment shall be increased by reason of the provisions in paragraph (b) of this section to an acreage in excess of the tillable acreage available for the farm.

(d) *Credit for acreage allotment released for 1955 only.* The release for 1955 only, of any part of the acreage allotted for 1955 to individual farms, pursuant to paragraph (a) of this section, shall not operate to reduce the allotment for any subsequent year for the farm from which such acreage was released unless the farm becomes ineligible for an old farm allotment in 1956 because peanuts were not picked or threshed on the farm in 1953, 1954, or 1955. Any reapportionment of allotment under this section shall not operate to increase the allotment for any year subsequent to 1955 for the farm to which the acreage is reapportioned.

§ 729.626 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production in 1950 or any subsequent year for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 50 percent of the acreage of cropland on the farm.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of peanuts from the farm by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any peanuts produced on such farm have not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of peanuts produced on or marketed from such farm.

§ 729.627 *Additional acreage allotment for farms producing types of peanuts in short supply.* (a) The additional acreage allotment apportioned to any State producing peanuts of a type or types determined to be in short supply for 1955, less a reserve for the correction of errors, shall be apportioned among farms on which peanuts of such type or types were produced in any of the three years 1952, 1953, 1954, on the basis of the average picked and threshed acreage of peanuts of such type or types (excluding excess acreage) on each such farm during such period. The reserve for the correction of errors shall be determined by the State committee on the basis of experience in past allotment programs and its knowledge as to the reliability of data used in apportioning the additional acreage to farms, and shall not exceed three-fourths of one percent of the additional acreage apportioned to the State.

(b) The increase in acreage allotment under this section shall not be considered in establishing future State, county, or farm acreage allotments.

§ 729.628 *Approval of determinations and notice of farm allotment.* The State committee shall review farm allotments and normal yields and the State committee may revise or cause to be revised any determination made in connection therewith pursuant to §§ 729.610 to 729.630. Farm allotments shall be approved by the State committee and official notice of the farm allotment on Form MQ–24 shall not be issued for a farm until such allotment has been so approved. A Form MQ–24—Peanuts (1955), Notice of Farm Acreage Allotment and Marketing Quota for Peanuts, shall be prepared and mailed to the operator of each farm for which a farm allotment is established. Forms MQ–24 that are prepared for farms for which the farm allotments are reduced in accordance with § 729.624 shall be mailed to operators by registered mail.

§ 729.629 *Application for review.* Any producer who is dissatisfied with the farm allotment or marketing quota established for his farm, may, within fifteen days after mailing of the official notice, file application with the county committee which issued such notice to have such allotment or quota reviewed. Farm allotments and marketing quotas shall be reviewed by a review committee in accordance with the marketing quota review regulations issued by the Secretary (Part 711 of this chapter), a copy of which is available at the office of the county committee.

§ 729.630 *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 729.610 to 729.630 may be redelegated by the State committee.

Done at Washington, D. C., this 20th day of September 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–7488; Filed, Sept. 23, 1954; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter C—Areas Subject to Special Laws

[Circular 1883]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVENED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

SALE OF TIMBER ON O & C LANDS

Paragraph (a) of § 115.39 is amended to read as follows and a new paragraph (e) is added:

§ 115.39 *Sale and appraisal.* (a) All timber to be sold under the provisions of the act of August 28, 1937, shall be appraised and in no case shall be sold at less than the appraised price. Such timber shall be sold to a responsible, qualified purchaser under the appropriate form of contract. All sales, other than those specified in paragraphs (b), (c), (d) and (e) of this section, shall be made only after inviting competitive bidding through publication and posting and the submission of either sealed or oral bids.

* * * * *

(e) When a road is constructed with Government funds, the timber on the right-of-way may be sold to the contractor constructing the road at the appraised price without publishing, posting or calling for bids.

(Sec. 5, 50 Stat. 875)

DOUGLAS MCKAY,
Secretary of the Interior.

SEPTEMBER 18, 1954.

[F. R. Doc. 54–7480; Filed, Sept. 23, 1954; 8:45 a. m.]

Subchapter H—Grazing

[Circular 1882]

PART 160—GRAZING LEASES

RENTALS, REFUNDS

Section 160.14 is hereby amended to read as follows:

§ 160.14 *Rentals, refunds.* (a) The lessee shall pay the lease rental in the amount and manner specified in the lease. The rental shall be computed in conformity with the following rate tabulations, unless for sufficient reasons a different rate is authorized by the Director:

GRAZING RENTAL RATE TABULATION

Estimated grazing capacity in acres per animal unit month	Estimated grazing capacity in animal units year long per section	Yearly lease-rate per acre
107.00	0.5	$0.001
53.00	1.0	.002
36.00	1.5	.003
27.00	2.0	.004
21.00	2.5	.006
18.00	3.0	.007
15.00	3.5	.008
13.00	4.0	.009
12.00	4.5	.010
11.00	5.0	.011
9.00	6.0	.013
7.50	7.0	.016
6.50	8.0	.018
6.00	9.0	.020
5.50	10.0	.022
5.00	11.0	.024
4.50	12.0	.027
4.00	13.0	.030
3.75	14.0	.032
3.50	15.0	.034
3.25	16.0	.037
3.00	17.0	.040
2.75	19.0	.044
2.50	21.0	.048
2.25	24.0	.053
2.00	27.0	.060
1.75	30.0	.069
1.50	36.0	.080
1.25	43.0	.096
1.00	53.0	.120
0.50	107.0	.240
0.25	213.0	.480

One cow or one horse or five sheep or five goats constitute one animal unit. The rental charge will not in any case be fixed at less than $1.00 per annum. The rental may be adjusted to reflect changes in approved rates at the end of each three-year period to apply to the rental charges for the next three-year period.

(b) No refund or rentals properly paid in accordance with these regulations and the terms of the lease will be made because of a failure to use the grazing privileges granted by the lease, except that during periods of range depletion due to severe drought or other natural causes or in case of a general epidemic of disease during the life of the lease the Secretary of the Interior will in his discretion remit, refund, reduce in whole or in part, or postpone the payment of rentals for such period of depletion or general epidemic.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

FRED G. AANDAHL,
Acting Secretary of the Interior.

SEPTEMBER 17, 1954.

[F. R. Doc. 54–7481; Filed, Sept. 23, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 106]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
CALVERTON, N. Y. Peconic River Airport, 80′ VORW-RVH (Riverhead) Procedure No. 1 Effective October 13, 1954 Amendment—Original	----------	----------	----------	N side of course: 058° outbound. 238° inbound 1,250′ within 10 miles.	700	238—2.0	2 engines or less T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	Within 2 miles, climb to 1,700′ on course of 238° within 10 miles of Riverhead VOR.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200-½ 500-1½ 800-2	

2. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums			If visual contact not established at TVOR or if landing not accomplished
							Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
WATERLOO, IOWA Municipal, 870′ BVOR-ALO TVOR-6 Effective date: September 10, 1954 Amendment No.: Original Supersedes No.: None Major changes: 1. New procedure	----------	----------	----------	S side of course: 232° outbound. 052° inbound. 2,300′ within 12 miles. 2,400 within 25 miles.	1,700	052—0.3	2 engines or less T-dn C-d C-n S-dn 6 A-dn	300-1 800-1 800-1½ 800-1 800-2	300-1 800-1½ 800-1½ 800-1 800-2	Within 0 mile, climb to 2,100′ on radial 072° within 12 miles.
							4 engines or more T-dn C-dn S-dn 6 A-dn	---------- ---------- ---------- ----------	200-½ 800-1½ 800-1 800-2	
WATERLOO, IOWA Municipal, 870′ BVOR-ALO TVOR-12 Effective date: September 10, 1954 Amendment No.: Original Supersedes No.: None Major changes: 1. New procedure	----------	----------	----------	S. side of course: 308° outbound. 128° inbound. 2,200′ within 15 miles.	1,500	128—0.3	2 engines or less T-dn C-d C-n S-dn 12 A-dn	300-1 600-1 600-1½ 600-1 800-2	300-1 600-1½ 600-1½ 600-1 800-2	Within 0 mile, make left climbing turn, climb to 2,100′ on 072° radial within 15 miles.
							4 engines or more T-dn C-dn S-dn 12 A-dn	---------- ---------- ---------- ----------	200-½ 600-1½ 600-1 800-2	
WATERLOO, IOWA Municipal, 870′ BVOR-ALO TVOR-18 Effective date: September 10, 1954 Amendment No.: Original Supersedes No.: None Major changes: 1. New procedure	----------	----------	----------	W side of course: 348° outbound. 168° inbound. 2,000′ within 12 miles. 2,200′ within 25 miles.	1,400	168—0.5	2 engines or less T-dn C-d C-n S-dn 18 A-dn	300-1 500-1 500-1½ 500-1 800-2	300-1 500-1½ 500-1½ 500-1 800-2	Within 0 mile, climb to 2,500′ on radial 183° within 15 miles.
							4 engines or more T-dn C-d C-n S-dn 18 A-dn	---------- ---------- ---------- ---------- ----------	200-½ 500-1½ 500-1½ 500-1 800-2	
WATERLOO, IOWA Municipal, 870′ BVOR-ALO TVOR-24 Effective date: September 10, 1954 Amendment No.: Original Supersedes No.: None Major changes: 1. New procedure	----------	----------	----------	N side of course: 072° outbound. 252° inbound. 2,100′ within 15 miles 2,300′ within 25 miles.	1,500	252—0.6	2 engines or less T-dn C-d C-n S-dn 24 TVOR A-dn	300-1 600-1 600-1½ 600-1 800-2	300-1 600-1½ 600-1½ 600-1 800-2	Within 0 mile, climb to 2,300′ on radial 232° within 12 miles.
							4 engines or more T-dn C-dn S-dn 24 A-dn	---------- ---------- ---------- ----------	200-½ 600-1½ 600-1 800-2	

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances
1	2	3	4	5
WATERLOO, IOWA Municipal, 870' ILS-IC TVOR-30 Effective 10, 1954 Amendment No.: Original Supersedes No.: None Major changes: 1. New procedure				E side of course: 150° outbound, 330° inbound, 2,100' within 15 miles.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Reciprocal headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
Initial ILS instrument approach procedure will be established at the below named airport. It shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums				
	From—	To—	Course and distance	Minimum altitudes (ft.)		Condition	Type aircraft		Altitude of glide slope and distance to approach end of runway at—	
							75 m. p. h. or less	More than 75 m. p. h.	Outer marker	Middle marker
1	2	3	4	5	6	10	11	12	9	13
WICHITA, KANS. Municipal, 1,332' ILS-ICT LOM-IC Combination 11.S-A1F Effective 15, 1954 Amendment No.: Original Supersedes: None Cancels 511.2 dated July 12, 1954—Orientation, time to procedure turn, holding omitted. Major changes: 1. ILS being commissioned.	Wichita LFR	LOM	235—11	2,500	W. side of course: 180° outbound, 010° inbound, 2,500' within 10 miles. Aircraft with ADF accurate at ATC. Procedure turn not authorized to avoid McConnell AFB.	2 engines or less T-dn C-dn S-dn •ILS A1F A-dn	300-1 500-1 500-1 300-¾ 400-1 800-2	300-1 500-1½ 500-1½ 300-¾ 400-1 800-2	2,357—4.9	1,526—0.6
	Wichita VOR	LOM	163—10	2,500		More than 2 engines T-dn C-dn S-dn •ILS A1F A-dn	200-½ 500-1½ 500-1½ 300-¾ 400-1 800-2			
	Viola Radiobeacon	LOM	039—14	2,500						
	Annes Intersection	LOM	068—13	2,500						
	Oxford Radiobeacon	LOM	324—26	2,500						
	Derby Radiobeacon	LOM	277—9	2,500						
	Mayfield Intersection	LOM	040—21	2,500						
	Rock Intersection	LOM	299—25	2,500						
	Rome Intersection	LOM	350—33	2,500						

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Within 0.6 mile, climb to 3,000' on N course, LOM. Thence via 001° True course and 25 NW course to ICT LFR within 25 miles, or when directed by ATC, make 180° left turn, climbing to 2,500' on 216° radial of ICT VOR.
CAUTION: Simultaneous approaches will not be conducted on Derby Radiobeacon to McConnell AFB, 2,449° tower 9 miles NNW airport.
•200-½ if in accordance with CAM 40.406 (b) (1) note 7.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-7378; Filed, Sept. 23, 1954; 8:55 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

DISABILITY COMPENSATION AND PENSION

New §§ 3.1521 and 3.1522 are added as follows:

§ 3.1521 *Instructions relating to the increase in monthly rates of disability compensation and pension.* (a) Under the first proviso of section 1, Public Law 695, 83d Congress, no increases will be made in statutory awards under subparagraphs (k) and (q), Part I, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12); in the statutory awards under sections 202 (3) for the loss of use of a creative organ or one or more feet or hands and 202 (7) for arrested tuberculosis, of the World War Veterans' Act, 1924, as restored by Public No. 141, 73d Congress, and amended; in the additional compensation payable under Public Law 877, 80th Congress, as amended by Section 4, Public Law 339, 81st Congress;, or in subsistence allowances. Under section 1, Public Law 698, 83d Congress, no increase will be made under sections 4756 or 4757 of the Revised Statutes as amended (38 U. S. C. 229, 230) (naval allowance); the act of April 27, 1916 (39 Stat. 53) as amended (38 U. S. C. 391 and the following) (Medal of Honor pension); or the act of February 28, 1929 (45 Stat. 1409) (pension awarded Major Walter Reed and those associated with him in the discovery of the cause and means of transmission of Yellow Fever).

(b) Section 1, Public Law 695, increases all the basic rates of disability compensation and the statutory awards by 5 percent subject to an adjustment upward or downward to the nearest dollar, except as provided in paragraph (a) of this section. Under the provisions of Public Law 876, 80th Congress, the rates of compensation for service-connected disability based upon service in the Regular Establishment during time of peace are 80 percent of the rates of compensation for disability incurred in time of war. The rates of disability compensation except as provided above under Part II, Veterans Regulation 1 (a), are therefore subject to the increase provided by Section 1, Public Law 695, further adjusted upward or downward to the nearest dollar. By virtue of the enactment of Public Law 28, 82d Congress, all of the compensations rates applicable to World War II veterans are also applicable to those veterans who served on or after June 27, 1950. Section 1, Public Law 698, increases pension by 5 percent except as provided in paragraph (a) of this section, not, however, adjusted upward or downward to the nearest dollar. Therefore, this section comprehends Spanish American War service, peacetime service, World War I service, World War II service and service within the purview of Public Law 28, 82d Congress, and involves both disability compensation and disability pension.

(c) Section 2, Public Law 698, 83d Congress and section 3, Public Law 695, 83d Congress, provide that "This Act shall take effect on the first day of the second calendar month following the date of its enactment." The effective dates of awards will be in accordance with the provisions of controlling Veterans' Administration Regulations, provided that in no event will benefits under the cited acts be awarded for any period prior to October 1, 1954. The increases provided shall be effective October 1, 1954 in claims pending or in an appellate status on August 28, 1954. In new claims filed on or after August 28, 1954, and prior to October 1, 1954, the increased rate will be effective October 1, 1954. (Instruction 1, section 1 and 3, Public Law 695, 83d Congress; sections 1 and 2, Public Law 698, 83d Congress.)

§ 3.1522 *Instructions relating to the increase in the monthly rates of compensation under the General Law enacted July 14, 1862, and in the monthly rates of pension for veterans of the Spanish American War, Civil War, and Indian Wars*—(a) *Basis of entitlement under Public Law 695, 83d Congress.* The provisions of Public Law 695, 83d Congress, provide for the increase of compensation and the effective date thereof of veterans who are receiving compensation under the General Law. The General Law rates enumerated in § 3.1062 (a) and (b) are increased by 5 percent and further adjusted upward or downward to the nearest dollar, provided the veteran served during war-time. No adjustment is in order where such rates are based on peacetime service. (However, in the latter cases, if the Part II, Veterans Regulations 1 (a) rates, as increased by Public Law 695, 83d Congress are now greater, compensation will be awarded under Public Law 553, 76th Congress, without requiring any election from the veteran.)

(b) *Effective date.* Section 2, Public Law 698, 83d Congress and section 3, Public Law 695, 83d Congress, provided that "This Act shall take effect on the first day of the second calendar month following the date of its enactment." The effective dates of awards will be in accordance with the provisions of controlling Veterans' Administration regulations, provided that in no event will benefits under the cited Acts be awarded for any period prior to October 1, 1954. In new claims filed on or after August 28, 1954, and prior to October 1, 1954, the increased rates will be effective October 1, 1954. (Instruction 2, sections 1 and 3, Public Law 695, 83d Congress; sections 1 and 2, Public Law 698, 83d Congress.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-7519; Filed, Sept. 23, 1954; 8:54 a. m.]

PART 3—VETERANS CLAIMS

BENEFITS BASED UPON SERVICE IN WAAC

A new § 3.1523 is added as follows:

§ 3.1523 *Benefits under the laws administered by the Veterans' Administration based upon service in the WAAC under certain conditions.* (a) Public Law 650, 83d Congress, approved August 24, 1954, provides:

That any person who served for at least ninety days in the Women's Army Auxiliary Corps who prior to the establishment of the Women's Army Corps was honorably discharged for disability incurred in line of duty rendering her physically unfit to perform further service in the Women's Army Auxiliary Corps or in the Women's Army Corps, established under Public Law 110, Seventy-eighth Congress, shall be deemed to have been in the active military service during such period of service for the purposes of laws administered by the Veterans' Administration. No monetary benefits shall accrue by reason of this Act for any period prior to the date of enactment and compensation or pension shall not be payable by virtue of this Act concurrently with United States employees' compensation based on the same service. Any person eligible for compensation or pension by reason of this Act who is also eligible for compensation benefits provided by the United States Employees' Compensation Act of 1917, as amended, shall elect which benefit she shall receive.

(b) It will be observed that the above quoted law confers benefits only upon those former members of the WAAC who (1) served for at least 90 days in such Corps and (2) who, prior to October 1, 1943, were honorably discharged for disability incurred in line of duty, (3) which rendered her unfit to perform further service in the WAAC or WAC. Any honorable discharge for disability will be accepted as proof of the existence of the third condition. The Veterans' Administration will generally follow the determinations of the service department relative to determination of line of duty but, as provided in § 3.66, may make a different determination when required by the Veterans' Administration's controlling laws and regulations. When the three conditions precedent are met, the individual is deemed to have been in the active military service during the period of service in the WAAC for purposes of the laws administered by the Veterans' Administration and is entitled to benefits on a parity with a former member of the Armed Forces.

(c) No payments may be made for any period prior to August 24, 1954, nor prior to receipt of claim for compensation or pension. Payments of such benefits shall not be made concurrently with United States employees' compensation based on the same service. Moreover, an election of benefits is required where the person is eligible for compensation or pension by reason of Public Law 650, 83d Congress, and is also eligible for compensation benefits under the Employees' Compensation Act. Benefits from the Bureau of Employees' Compensation were conferred by section 11 of Public Law 554, 77th Congress, and such section was saved from repeal by section 5, Public Law 110, 78th Congress.

(d) Entitlement under Public Law 650, 83d Congress, will be determined only upon receipt of a claim filed with the Veterans' Administration after August 24, 1954. Such claims will be carefully examined to determine whether, in answer to the specific question contained in the application, the claimant has stated that a claim for benefits has also been filed with the Bureau of Employees' Compensation. (Instruction 1, Public Law 650, 83d Congress.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective September 24, 1954.

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-7517; Filed, Sept. 23, 1954; 8:53 a. m.]

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

INCREASE IN MONTHLY RATES OF DEATH COMPENSATION AND PENSION TO DEPENDENTS OF DECEASED VETERANS

A new § 4.461 is added as follows:

§ 4.461 *Increase in monthly rates of death compensation and pension to dependents of deceased veterans*—(a) *Laws.* (1) The pertinent provisions of Public Law 695, 83d Congress, approved August 28, 1954, are as follows:

SEC. 2. The monthly rate of death compensation authorized under paragraph IV, part I, Veterans Regulation Numbered 1 (a), as amended, for a widow but no child is hereby increased from $75 to $87, and the rate of such compensation for a dependent mother or father is increased from $60 to $75, or if both are dependent, from $35 to $40 each.

SEC. 3. This act shall take effect on the first day of the second calendar month following the date of its enactment.

(2) The pertinent provisions of Public Law 698, 83d Congress, approved August 28, 1954, are as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) all monthly rates of pension for disability, age, or death payable to veterans or their dependents under any public law administered by the Veterans' Administration are hereby increased by 5 per centum, subject to the provisions of subsection (b) of this section.

(b) Subsection (a) shall not apply to pension payable under sections 4756 or 4757 of the Revised Statutes, as amended (38 U. S. C. 229, 230), the Act of April 27, 1916 (39 Stat. 53), as amended (38 U. S. C. 391 and the following), or the Act of February 28, 1929 (45 Stat. 1409).

SEC. 2. This act shall take effect on the first day of the second calendar month following the date of its enactment.

(b) *Current awards.* In awards of death compensation or pension approved on or after August 28, 1954, the increased rates will be applied in awards for periods on and after October 1, 1954. (Instruction 1, sections 2 and 3, Public Law 695, 83d Congress; Public Law 698, 83d Congress).

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-7518; Filed, Sept. 23, 1954; 8:53 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART E—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

EDUCATION AND TRAINING ALLOWANCES

1. In § 21.2052, a new paragraph (d) (4) is added as follows:

§ 21.2052 *Rates of education and training allowances.* • • •

(d) *Institutional on-farm training.* • • •

(4) Where it becomes necessary to extend the actual termination date of the course because of authorized periods of interruption within the course and there has been no extension in the total number of months of training to be provided, the dates on which the periodic reductions become effective will be adjusted to accord with the months of authorized training status.

• • • • • •

2. In § 21.2056, a new paragraph (b) (13) is added as follows:

§ 21.2056 *Effective date of change or discontinuance of education or training allowance.* • • •

(b) • • •

(13) (i) In the case of institutional on-farm training, as of the last day of the month preceding the month in which a veteran for any reason fails to receive the minimum 3 hours required each month of organized group instruction or the minimum of 2 visits each month by the instructor for the purpose of individual instruction. For any such period for which the education and training allowance is discontinued, the veteran's training status will be interrupted. Reentrance into training and the resumption of education and training allowance are in order as of the first day of the month following the month or months for which interruption was effected, if the school regards the veteran's conduct and progress satisfactory in accordance with its prescribed standards and practices, and other requirements of the law are satisfied.

(ii) Where the veteran's training is interrupted because of failure to meet the minimum monthly instructional requirements, the termination date of the Veteran's resumed course may be extended at the discretion of the school for a period of time equivalent to the period(s) of such interruption(s).

(Sec. 261, 66 Stat. 663)

This regulation is effective September 24, 1954.

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-7516; Filed, Sept. 23, 1954; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 406]

WITHHOLDING ON PAYMENTS UNDER SECTION 105 (d) OF THE INTERNAL REVENUE CODE OF 1954

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1429 and 3791 (53 Stat. 178, 467; 26 U. S. C. 1429, 3791) and section 1627 (57 Stat. 138; 26 U. S. C. 1627) of the Internal Revenue Code of 1939 and section 7805 of the Internal Revenue Code of 1954 (P. L. 591, 83d Congress, approved August 16, 1954; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

In order to amend Regulations 120 (26 CFR, Part 406), relating to collection of income tax at source on wages paid on and after January 1, 1954, to provide rules for withholding on payments which are subject to section 105 (d) of the Internal Revenue Code of 1954, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 406.207 is hereby amended by inserting at the end thereof the following new paragraph:

§ 406.207 *Wages.* • • •

(i) *Compensation for injuries or sickness; amounts received under accident and health plans.* (1) Withholding is not required upon amounts which are excludable from the gross income of the employee by reason of section 105 (d) of the Internal Revenue Code of 1954, if the records maintained by the employer in accordance with the provisions of § 406.607 (a)—

(i) Separately show the amounts of such payments and distinguish such amounts from all other payments, and

(ii) Establish the facts necessary to show that the employee is entitled to the exclusion provided by section 105 (d), either by means of a written statement from the employee as to the injury, illness, or hospitalization, or by any other information which the employer believes to be accurate and which he is willing to accept for purposes of payments under the wage continuation plan.

(2) For the purpose of § 406.501, relating to the requirement of receipts for employees, amounts excludable from gross income under the provisions of section 105 (d) shall be included in the total wages required to be shown on Form W-2. The amount of any such wages on which the employer, in reliance on section 105 (d), does not withhold must be properly identified. The amount so identified shall be shown in the lower right-hand box on Form W-2 in such manner that it may be read on each copy of the form.

(3) If, under an accident or health insurance plan, payments for a period of absence from work on account of injury or sickness are made to an employee by a person who is not the employer for whom services are performed but who is regarded as an employer under the provisions of § 406.205 (c), and such payments are attributable to contributions by the employer which were not includible in the gross income of the employee, the rules provided in the preceding subparagraphs shall apply. However, Form W-2 shall not be required under the preceding subparagraph in any such case in which, by reason of section 105 (d), no amount was withheld on any of the payments. For example, if under the insurance plan the weekly rate of payment does not exceed $100 and no payment is made for absence on account of illness, unless there is one day hospitalization, so that all of the payments under the insurance plan are excludable under section 105 (d), no withholding need be made and no Form W-2 need be filed.

(4) See § 406.607 for general requirements relating to the keeping of records by employers.

PAR. 2. Section 406.607 (a) is hereby amended by inserting at the end thereof the following new subparagraph:

§ 406.607 *Records*—(a) *Records of employers.* • • •

(4) For additional record-keeping requirements in the case of payments under section 105 (d) of the Internal Revenue Code of 1954, see § 406.207 (i).

• • • • • •

[F. R. Doc. 54-7543; Filed, Sept. 23, 1954; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 312]

[Ex Parte No. 193]

FREIGHT TARIFFS AND SCHEDULES

CANCELLATION OF CERTAIN TARIFF CIRCULARS TRANSFERRED FROM FORMER U. S. MARITIME COMMISSION

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 8th day of September A. D. 1954.

It appearing, that Tariff Circulars Nos. 1 and 2, containing regulations governing the publication, posting and filing of rates, fares, and charges by carriers by water in interstate commerce, were transferred to this Commission as regulations governing the construction, filing and posting of certain tariffs containing rates, fares and charges for transportation which formerly was subject to the jurisdiction of the United States Maritime Commission, such transfer being made in accordance with section 321 (b) of the Interstate Commerce Act insofar as such regulations are pertinent under part III of said act;

It further appearing, that all presently operating water carriers formerly subject to the jurisdiction of the United States Maritime Commission are now constructing their tariffs in conformity with tariff circulars of this Commission, and the continuance in force and effect of Tariff Circulars Nos. 1 and 2 serves no useful purpose;

And it further appearing, that, on May 7, 1954, the Commission entered its order in the above-entitled proceeding requiring interested common carriers by water to show cause on or before August 4, 1954, why said tariff circulars should not be canceled; and no objection to such cancellations having been received:

It is ordered, That Tariff Circulars Nos. 1 and 2, which were transferred to the Interstate Commerce Commission from the former United States Maritime Commission, be, and they are hereby, canceled.

It is further ordered, That notice of this order be given the general public by depositing a copy thereof in the Office of the Secretary of the Commission, and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7498; Filed, Sept. 23, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[472.53]

HATS AND BEADED BAG PLATES

TARIFF CLASSIFICATION

SEPTEMBER 20, 1954.

Hats, in part of hat braid, trimmed with a cellulose bow loosely basted thereto, and bag plates, beaded, in part of net embroidered with a design so placed that the embroidery cannot be seen when the plates are incorporated in finished bags.

The Bureau, by its letter to the collector of customs, New York, New York, dated September 20, 1954, ruled that hats in part of hat braid, trimmed with a cellulose bow loosely basted thereto, and beaded bag plates, in part of net embroidered with a design so placed that the embroidery cannot be seen when the plates are incorporated in finished bags, are not properly classifiable as ornamented articles under paragraph 1529 (a), Tariff Act of 1930, as modified.

Accordingly, inasmuch as such hats are in part of braid suitable for making hats, and are not ornamented, they are classifiable under subsection 15 of paragraph 1529 (a), with duty at the rate of 90 percent ad valorem. Beaded bag plates, in part of net embroidered with a design so placed that the embroidery cannot be seen when the plates are incorporated in finished bags, are classifiable under subsection 18 of paragraph 1529 (a), as articles in part of net, dutiable at the rate of 90 percent ad valorem.

As this ruling will result in the assessment of duty at a rate higher than that heretofore assessed under an established and uniform practice, it shall be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days from the date of the publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 54-7512; Filed, Sept. 23, 1954; 8:52 a. m.]

Fiscal Service, Bureau of the Public Debt

[1954 Dept. Circ. No. 949]

1⅝ PERCENT TREASURY NOTES OF SERIES B-1957

OFFERING OF NOTES

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the United States, designated 1⅝ Percent Treasury Notes of Series B-1957. The amount of the offering is $4,000,000,000, or thereabouts. The books will be open only on September 23 for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated October 4, 1954, and will bear interest from that date at the rate of 1⅝ percent per annum, payable on a semiannual basis on May 15 and November 15, 1955, and thereafter on May 15 and November 15 in each year until

the principal amount becomes payable. They will mature May 15, 1957, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding one-half of the combined capital, surplus and undivided profits, of the subscribing bank, as of June 30, 1954. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 10 percent payment in excess of 10 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before October 4, 1954, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 54-7513; Filed, Sept. 23, 1954; 8:52 a. m.]

Foreign Assets Control

INFORMATION OF SYNTHETIC MENTHOL DIRECTLY FROM AUSTRALIA

AVAILABLE CERTIFICATION BY THE COMMONWEALTH OF AUSTRALIA

Notice is hereby given that certificates of origin issued by the Comptroller General of Customs for the Commonwealth of Australia under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation of synthetic menthol into the United States directly, or on a through bill of lading, from Australia.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 54-7525; Filed, Sept. 23, 1954; 8:55 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ALICE JOHANNA BERENT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alice Johanna Berent, Ella Minna Jeannette Michaelis, Meta Jeannette Minna Pank, Nina Sophie Laura Berent, Jean Carol Michaelis, Barbara Durrell Pank and Anne Durrell Woodward Fisher, nee Pank; all of London, England. Herbert Sigmund Berent, Carolina Mary Berent and Celia Daphne Berent; all of Bletchingley, Surrey, England. Claim No. 42522, Vesting Orders Nos. 104 and 17983; $5,819.37 in the Treasury of the United States; Canadian Pacific Railway Company Consolidated Debenture Stock, 4 percent perpetual, face value $5,000, Certificates Nos. G37811, G43489, G75241 and G78941 at $1,000 each and H1120 and H1158 at $500 each, with coupons from July 1, 1954, attached, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; to Alice Johanna Berent, Ella Minna Jeannette Michaelis, Meta Jeannette Minna Pank, Nina Sophie Laura Berent, Jean Carol Michaelis, Barbara Durrell Pank, Anne Durrell Woodward Fisher, nee Pank, Herbert Sigmund Berent, Carolina Mary Berent and Celia Daphne Berent.

Executed at Washington, D. C., on September 20, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7507; Filed, Sept. 23, 1954; 8:51 a. m.]

JEAN JACQUES LANGUEPIN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jean Jacques Languepin, Claude Alain Jean Languepin, Madame Josephine J. M. N. B. M. Marfaing, widow of Jacques Emile Jules Languepin, Paris, France, Claim No. 6857, property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to United States Patent Application Serial Nos. 289,301 (now United States Letters Patent No. 2,315,093), 333,242, and 333,867.

An undivided one-half interest in and to the above-described property to each Jean Jacques Languepin and Claude Alain Jean Languepin, subject, however, to the usufructuary interest therein of Madame Josephine J. M. N. B. M. Marfaing, widow of Jacques Emile Jules Languepin, being a life interest in one-fourth (¼) of said property.

Executed at Washington, D. C., on September 20, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7508; Filed, Sept. 23, 1954; 8:51 a. m.]

ROBERT FRITZ ABEGG ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Robert Fritz Abegg, Ascona, Switzerland; Otto Eduard Abegg and Elsa Olga Abegg, Zurich, Switzerland; Margot Gladys Leteilier-Abegg, Brussels, Belgium; Claim No. 34804, Vesting Order No. 5687; $699.02 in the Treasury of the United States; one-fourth (¼) thereof to each claimant.

Executed at Washington, D. C., on September 20, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7509; Filed, Sept. 23, 1954; 8:51 a. m.]

PIERRE ERNEST MERCIER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Pierre Ernest Mercier, Paris, France; Claim No. A-415; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to United States Patent Application Serial No. 330,007 (now United States Letters Patent No. 2,401,364).

Executed at Washington, D. C., on September 20, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7510; Filed, Sept. 23, 1954; 8:51 a. m.]

MRS. ILSE GROSS AND JOAQUIN (JOACHIM) MICHEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Ilse Gross, Casilla 610 Quito, Ecuador, Claim No. 42925; Joaquin (Joachim) Michel, C. Covarrubias 190 Santiago, Chile, Claim No. 44859; Vesting Order No. 1387; $19,816.18 in the Treasury of the United States, and securities, 62½ percent to Ilse Gross, 37½ percent to Joaquin Michel, as follows:

$12,200.00 Promissory note secured by Deed of Trust, dated at Stockton, California, March 28, 1950, signed by El Dorado Meat Market, a co-partnership, payable to the order of Herbert C. Coblentz, as Beneficiary, Trustee of the Trust Fund created by the Will of Ida Gross, deceased, in the amount of $12,200, with interest at 4 percent payable semi-annually; principal payable in installments or $500 or more on the 1st day of each sixth month beginning October 1, 1950 (principal due on note reduced to $8,700.00 as of September 28, 1953);

Deed of Trust dated March 28, 1950, from El Dorado Meat Market, a co-partnership, to the said Herbert C. Coblentz, covering certain real property situated in the City of Stockton, San Joaquin County, California (premises 25-25½ North El Dorado Street), given to secure payment of the above described note. Recorded April 6, 1950, in Book of Official Records, Vol. 1254, Page 364, San Joaquin County Records, California;

Assignment dated January 27, 1954, from Herbert C. Coblentz, Trustee, to Security Title Insurance and Guarantee Company, of the above described indebtedness. Not recorded;

Policy of Title Insurance No. 107-431 issued by Security Title Insurance and Guarantee Company in the amount of $17,500, covering title to the above described property;

Policy No. 955550, Insurance Company of North America, in the amount of $2500. Expiration date June 27, 1954; and

Policy No. 372352, Insurance Company of North America, in the amount of $15,000. Expiration date June 15, 1956, in the custody of the Office of Alien Property, Washington, D. C.

Executed at Washington, D. C., on September 20, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7511; Filed, Sept. 23, 1954; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10610, 10611; FCC 54M-1170]

ARKANSAS TELEVISION CO. AND ARKANSAS TELECASTERS, INC.

ORDER CONTINUING HEARING

In re applications of Arkansas Television Company, Little Rock, Arkansas, Docket No. 10610, File No. BPCT-1057; Arkansas Telecasters, Inc., North Little Rock, Arkansas, Docket No. 10611, File No. BPCT-1740; for construction permits for new television stations on Channel 11.

The Commission, having under consideration a motion filed September 16, 1954, by Arkansas Telecasters, Inc., North Little Rock, Arkansas, for continuance to 10 o'clock a. m. Monday, October 11, 1954, of the hearing in the above-entitled matter now scheduled for 10 o'clock a. m., Monday, October 4, 1954; and

It appearing that one of the principal witnesses for petitioner desires to be present during the interrogation of the so-called "West Memphis" witnesses and that he would be unable to do so if the hearing resumes on October 4, 1954, as presently scheduled because he is a State officer in an Insurance Association and, as such, must attend a meeting during that week of the American Life Insurance Companies; that, in any event, none of the other parties to this proceeding, including counsel for the Broadcast Bureau, have any objection to a grant of movant's request; and no party or person or the public interest would be adversely affected by a grant of the requested continuance:

Therefore, it is ordered, This 17th day of September 1954, that the Motion of Arkansas Telecasters, Inc., for continuance is granted; and the hearing in the above-entitled matter now scheduled for Monday, October 4, 1954, is continued to 10 o'clock, Monday, October 11, 1954, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7514; Filed, Sept. 23, 1954; 8:52 a. m.]

[Docket Nos. 11051, 11052; FCC 54M-1167]

ABRAHAM KLEIN AND AIR-CALL, INC.

ORDER CONTINUING HEARING

In re applications of Abraham Klein, Pittsburgh, Pennsylvania, Docket No. 11051, File No. 1420-C2-P-53; Air-Call, Inc., Pittsburgh, Pennsylvania, Docket No. 11052, File No. 743-C2-P-54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Commission having under consideration the above-entitled proceeding;

It appearing, that counsel for all parties have agreed to a short continuance herein:

It is ordered, This 20th day of September 1954, that the hearing, heretofore scheduled for September 21, 1954, is continued to September 24, 1954, at 2:00 p. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7515; Filed, Sept. 23, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1116, G-1152, G-1240, G-1317, G-1344, G-1379, G-1415, G-1417, G-1457, G-1509, G-1616, G-1625, G-1659, G-1725, G-1754, G-2057, G-2101, G-2234]

PANHANDLE EASTERN PIPE LINE CO., ET AL.

ORDER POSTPONING HEARING

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1725, G-1754, G-2101; City of Port Huron, City of Marysville, City of St. Clair, Michigan Municipal Corporations,

Docket No. G–1152; Southeastern Michigan Gas Company, Docket No. G–1415; Michigan Consolidated Gas Company, complainant v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G–1379; Northern Indiana Fuel and Light Company, Docket Nos. G–1457, G–2234; Missouri Central Natural Gas Company, Docket No. G–1509; The Central West Utility Company, Docket No. G–1616; Michigan Gas Utilities Company, Docket No. G–1625; City of Auburn, Illinois, Docket No. G–1659; Missouri Public Service Company, Docket No. G–2057.

By order issued September 3, 1954, the Commission fixed September 20, 1954, as the date for hearing concerning the just and reasonable and otherwise lawful rates and charges by Panhandle Eastern Pipe Line Company (Panhandle) for sales under the Natural Gas Act for the period from February 20, 1952, through April 30, 1954.

Panhandle, on September 10, 1954, filed a motion for prehearing conferences, pursuant to § 1.18 (c) of the Commission's rules, to commence not earlier than October 5, 1954, and for the continuance of the hearing until at least one week following the conclusion of the prehearing conferences.

By letter dated September 15, 1954, Panhandle notified the Commission that it had no objection to having its motion for prehearing conferences treated as a motion for informal conferences. Arrangement for such conferences must be determined on a day-to-day basis with the Presiding Examiner when the hearing convenes.

In support of its motion for continuance of the hearing, Panhandle stated that because of the many pressing matters directly involving it, which have been and are presently pending before the Commission, it will not be possible for Panhandle to be ready for hearing on September 20, 1954.

The Commission finds: Good cause exists and it is appropriate under the circumstances to postpone the hearing in this matter until October 12, 1954.

The Commission orders: The hearing in this proceeding be and the same is hereby postponed until October 12, 1954.

Adopted: September 17, 1954.

Issued: September 20, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7506; Filed, Sept. 23, 1954; 8:50 a. m.]

[Docket Nos. G–2481, G–2482]

TEXAS EASTERN TRANSMISSION CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Texas Eastern Transmission Corporation, Docket No. G–2481; Texas Eastern Transmission Corporation and Transcontinental Gas Pipe Line Corporation, Docket No. G–2482.

On July 6, 1954, Texas Eastern Transmission Corporation (Texas Eastern) filed an application in Docket No. G–2481 pursuant to section 7 of the Natural Gas Act for authority to sell and deliver to certain of its present firm gas customers, for a period of one year beginning November 1, 1954, additional firm gas under its DCO Rate Schedules, and, for the period November 1, 1954, through March 31, 1955, gas available under its WPS Rate Schedule.

On July 7, 1954, Texas Eastern and Transcontinental Gas Pipe Line Corporation (Transcontinental) filed a joint application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Texas Eastern to sell natural gas to Elizabethtown Consolidated Gas Company for the period November 1, 1954, through March 31, 1955, under Texas Eastern's WPS Rate Schedule. Pursuant to the application Transcontinental would receive delivery of the gas from Texas Eastern and redeliver it to Elizabethtown Consolidated.

Both applications contain the request for hearing under the shortened procedure provided for noncontested proceedings by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). However, in Docket No. G–2481 leave to intervene has been granted jointly to National Coal Association, United Mine Workers of America, Fuels Research Council, Inc., Anthracite Institute, as well as to two customer companies of Texas Eastern.

Furthermore, both dockets raise a common issue in that the rate proposed to be charged by Texas Eastern under its WPS Rate Schedule has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful.

The Commission finds:

(1) It is appropriate and in the public interest that the above-entitled proceedings be consolidated for purposes of hearing and decision.

(2) It is necessary and proper in the public interest and in aid of the enforcement of the provisions of the Natural Gas Act, to enter upon a hearing pursuant to authority contained in sections 7 and 15 of the Natural Gas Act concerning authorization of the service proposed in the applications in Docket Nos. G–2481 and G–2482.

The Commission orders:

(A) The proceedings involved in Docket Nos. G–2481 and G–2482 are consolidated for purposes of hearing and decision.

(B) The requests that the proceedings be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure are denied.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on October 12, 1954 at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented in the proceedings consolidated in Paragraph (A) hereof.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: September 17, 1954.

Issued: September 20, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7502; Filed, Sept. 23, 1954; 8:49 a. m.]

[Docket No. G–2519]

JACK W. GRIGSBY, ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Jack W. Grigsby (Applicant), an independent producer with his principal place of business in Shreveport, Louisiana, filed on August 2, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the acts or operations hereinafter described.

Applicant produces natural gas from acreage located in the Carthage Field, Panola County, Texas, and proposes to sell such gas to United Gas Pipe Line Company (United) at the latter's existing pipe line at an initial base price of 8½ cents per Mcf in accordance with the terms of a contract dated June 24, 1954. Average daily deliveries are estimated at 1,500 Mcf. Applicant proposes to deliver such gas by means of 10,000 feet of 4½ inch pipeline. United states that it will transport gas purchased from Applicant by means of facilities authorized in Docket Nos. G–622, G–915 and G–1252.

The contract for the sale of gas involved herein lists as sellers, in addition to Jack W. Grigsby, the following: M. F. Powers, The Chicago Corporation, N. V. Kinsey, Hugh M. Briggs and Ben R. Briggs, Clyde H. Alexander and Euna M. Alexander, Creston H. Alexander, Glenn E. Alexander, Helen Mae Dimit, Crow Drilling Company, Inc., Hayden Oil Company, Robert M. Bergstein and M. B. Chastain.

Applicant was issued temporary authorization on August 12, 1954, to perform the acts or operations described herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 8, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 17, 1954.

Issued: September 20, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7503; Filed, Sept. 23, 1954; 8:50 a. m.]

[Docket No. G–2542]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Cities Service Gas Company (Cities Service), a Delaware corporation with its principal place of business in Oklahoma City, Oklahoma, filed, on August 12 and August 17, 1954, an application and supplement thereto pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation of natural gas in interstate commerce.

Cities Service proposes to construct the following facilities in order to maintain firm service during the 1954–1955 heating season in the Kansas City, Kansas and Missouri areas:

(a) Three 1,350 horsepower compressor units at its Welda Station;

(b) One mile of 16" gas pipeline, one mile of 6" gas pipeline, and four miles of 4" gas pipeline in the Colony, South Welda and North Welda storage fields; and

(c) Approximately fifty-five (55) injection and withdrawal wells in the Colony, South Welda and North Welda storage fields.

The estimated cost of the facilities to be constructed is $1,426,690 which will be defrayed from treasury cash.

On September 1, 1954, the Commission granted Cities Service temporary authorization for the proposed construction pending determination on the application.

Cities Service requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the application including publication in the FEDERAL REGISTER, be given as hereinafter provided.

(2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on August 12 as supplemented on August 17, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice of this application be given, including publication in the FEDERAL REGISTER of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 7, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 or 1.10) on or before October 4, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 17, 1954.

Issued: September 20, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7504; Filed, Sept. 23, 1954; 8:50 a. m.]

[Docket No. G–2569, G–2570]

CITIES SERVICE GAS CO. AND SIGNAL OIL AND GAS CO.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

Take notice that Cities Service Gas Company (Cities Service) a Delaware corporation with offices in Oklahoma City, Oklahoma, filed, on August 24, 1954, an application interdependent with that of Signal Oil and Gas Company in Docket No. G–2570 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing construction and operation of certain natural-gas facilities as hereinafter described.

Cities Service proposes to construct and operate a 16-inch pipeline, approximately 15.5 miles in length, for the purpose of transporting natural gas purchased from Signal Oil and Gas Company at the latter's gas processing plant in Carter County, Oklahoma, to its existing pipeline facilities in Garvin County, Oklahoma. Average initial contract volumes are 30,000 Mcf a day at an initial price of 12 cents per Mcf and Cities Service proposes to use the gas so obtained to serve increased firm demands of existing customers. Cost of the proposed facilities is estimated at $541,050, and is to be financed from cash on hand.

Take notice that Signal Oil and Gas Company (Signal), a Delaware corporation and independent producer having its principal place of business in Los Angeles, California, filed, on August 24, 1954, as amended the same day, an application interdependent with that of Cities Service Gas Company in Docket No. G–2569 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the proposed acts or operations hereinafter described.

Signal commenced operation of its Fox gasoline plant located in Carter County, Oklahoma, during the early part of August 1954, purchasing casinghead gas from producers in Wheeler, Milroy, South Graham, South Scholem Alechen, Fox and North Fox fields in Stephens and Carter Counties, Oklahoma, under 75 gas purchase contracts with more than 150 producers. Such casinghead gas is purchased at the well-head, processed at the gasoline plant, and the producers are paid on the basis of the value of the products extracted plus 50 percent of the net proceeds from the sale of residue gas not returned to the producers. Signal proposes to sell such residue to Cities Service at the outlet side of the Fox plant under the conditions heretofore stated. Signal does not state that it is acting in a representative capacity on behalf of any of the producers from which it purchases gas.

Both Cities Service and Signal have been granted temporary authorization to perform the acts or operations for which each has herein requested authorization.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of October 1954. The application is on file with the Commission for public inspection.

Both Applicants have requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. On September 14, 1954, Oklahoma Natural Gas Company filed petitions for leave to intervene in the above-entitled proceedings and on September 15, 1954, the Corporation Commission of the State of Oklahoma filed a notice of intervention in said proceedings.

The Commission finds:

(1) Good cause exists for consolidation of the proceedings in Docket Nos. G–2569 and G–2570 on the ground that

the applications therein are interdependent.

(2) It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

(3) Good cause has not been shown for granting the requests that the applications herein be heard under the shortened procedure as provided by the Commission's rules of practice and procedure and said requests should be denied as hereinafter ordered.

The Commission orders:

(A) The proceedings in Docket Nos. G–2569 and G–2570 be and they are hereby consolidated for purposes of hearing and disposition.

(B) The requests that the applications herein be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure be and the same are hereby denied.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 28, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by said applications.

Adopted: September 17, 1954.

Issued: September 20, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–7505; Filed, Sept. 23, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1631]

CHANCE VOUGHT AIRCRAFT INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of September A. D. 1954.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of Chance Vought Aircraft Incorporated, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 8, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–7482; Filed, Sept. 23, 1954; 8:45 a. m.]

[File No. 54–188]

EASTERN UTILITIES ASSOCIATES

ORDER POSTPONING HEARING

SEPTEMBER 20, 1954.

The Commission, on August 24, 1954, having ordered a hearing to be held on October 26, 1954, with respect to the fee application filed by James M. Landis, Harold Brown, and Saul H. Waldman in the above-entitled proceeding; and Eastern Utilities Associates with the concurrence of the applicants having requested that said hearing be postponed to November 9, 1954:

It is ordered, That the hearing on the application of James M. Landis, Harold Brown, and Saul H. Waldman be, and the same hereby is, postponed to November 9, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–7483; Filed, Sept. 23, 1954; 8:46 a. m.]

[File No. 54–218]

CENTRAL OHIO LIGHT & POWER CO. ET AL.

NOTICE OF FILING OF PLAN OF MERGER OF PUBLIC UTILITY SUBSIDIARIES OF REGISTERED HOLDING COMPANY; AND NOTICE OF AND ORDER FOR HEARING

SEPTEMBER 20, 1954.

In the matter of Central Ohio Light & Power Company, Ohio Power Company and American Gas and Electric Company.

Notice is hereby given that American Gas and Electric Company ("American"), a registered holding company, and its public-utility subsidiary companies, Ohio Power Company ("Ohio Power") and Central Ohio Light & Power Company ("Central Ohio"), have filed an application with this Commission for approval of a Plan of Merger of Central Ohio with and into Ohio Power as the surviving company. Applicants aver that the proposed merger of Central Ohio with and into Ohio Power is necessary to effectuate the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("act") and that section 11 (e) is therefore applicable to the proposed transaction.

All interested persons are referred to said application and Plan which are on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

I. Central Ohio has outstanding 162,030 shares of common stock, par value $10 per share, of which American holds 160,567 shares or approximately 99.1 percent. The balance of 1,463 shares is held by 126 persons.

II. A. The Plan as submitted provides in substance as follows:

1. Central Ohio will be merged with and into Ohio Power under an Agreement of Merger to be filed in the office of the Secretary of State of the State of Ohio. Central Ohio's separate corporate existence will thereupon be terminated and Ohio Power will continue in existence as the surviving constituent corporation.

2. On the effective date of the merger holders of certificates for common stock of Central Ohio, other than American, will be entitled upon surrender of the certificates for such shares on or before December 31, 1959, to receive the sum of $50.00 per share in cash, without interest thereon, and will cease to have any other rights with respect to such shares. On and after January 1, 1960, any sums theretofore payable to holders of unsurrendered certificates in respect thereof shall become and be the property of Ohio Power free of any rights or claims thereon whatsoever.

3. The shares of common stock of Central Ohio owned by American shall be extinguished on the effective date of the merger and the certificates for such shares shall be cancelled.

4. The outstanding common and preferred stocks and first mortgage bonds, serial notes, notes payable to banks and other undischarged liabilities of Ohio Power on the effective date of the Agreement of Merger shall remain unchanged.

5. Ohio Power will assume all of the debts, liabilities and duties of Central Ohio, including its $4,998,000 principal amount of first mortgage bonds, Series B, 2⅞ Percent, due 1977 and $2,900,000 principal amount of short term notes payable to banks, and, in connection therewith, Ohio Power will execute an appropriate instrument assuming Central Ohio's indenture, dated as of February 1, 1944, as supplemented.

6. All of the property of Central Ohio will be vested in Ohio Power.

7. It is proposed, following approval of the Plan by the Commission, to submit the Agreement of Merger to a vote of stockholders of Ohio Power and Central Ohio. American, as the holder of the requisite number of shares required for approval of the Agreement of Merger, proposes to vote such shares in favor thereof.

B. The Plan and the consummation thereof are subject to, among others the following conditions:

1. The Commission shall find the Plan necessary to effectuate the provisions of subsection (b) of section 11 of the act and fair and equitable to the persons affected thereby and shall make an order approving the Plan which order, if Ohio Power shall request, shall contain appropriate recitals under the provisions of the Internal Revenue laws of the United States.

2. The Commissioner of Internal Revenue shall have determined that no gain or loss to Ohio Power or Central Ohio will be recognized under the provisions of the Internal Revenue laws in connection with the merger of Central Ohio with and into Ohio Power and the transaction relative thereto, and that the transfers of properties and the issuances and transfers of securities under the Plan will not be subject to any documentary stamp or other tax under the Internal Revenue laws of the United States.

3. The Commission shall apply to a court of competent jurisdiction, in accordance with the provisions of section 11 (e) and section 18 (f) of the act, to enforce and carry out the terms and provisions of the Plan, and such court shall enter an order approving the Plan as fair and equitable and as appropriate to effectuate the provisions of section 11 of the act and to enforce and carry out the terms and provisions of the Plan and to make them binding upon all security holders of Ohio Power and Central Ohio.

C. Ohio Power will pay the expenses incurred by Ohio Power and Central Ohio in connection with the Plan, subject to approval of the Commission, and will pay such additional fees and expenses for services rendered as the Commission shall finally determine and allow.

III. The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find, after notice and opportunity for hearing, that the Plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act, and is fair and equitable to the persons affected thereby; and

It appearing appropriate to the Commission that notice be given and a hearing be held in respect of said Plan, and that said Plan shall not become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said application for approval of said Plan, pursuant to the applicable provisions of the act and rules thereunder, be held on October 7, 1954, at 2:00 p. m., e. s. t., at the offices of the Securities and Exchange Commission, Washington 25, D. C., in such room as may be designated on that date by the hearing room clerk in Room 193.

It is further ordered, That any person desiring to be heard in connection with this proceeding, or otherwise wishing to participate herein, shall file with the Secretary of the Commission, on or before October 5, 1954, his request and application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That Edward C. Johnson, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing. The officer so designated to preside is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application and the Plan, and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the Plan as submitted, or as it may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act;

2. Whether the provisions of the Plan are fair and equitable to all persons affected, particularly the payment of $50 in cash to the public holders of the common stock of Central Ohio in full satisfaction of all their rights and interests in that company;

3. Whether the accounting entries to be made to record the proposed transactions on the books of Ohio Power and American Gas are appropriate and in conformity with sound accounting principles;

4. Whether the fees and expenses and other remuneration which may be claimed or paid in connection with the Plan and the transactions incident thereto are for necessary services and are reasonable in amount; and

5. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable provisions of the act and rules thereunder, and, if not, what modifications or amendments thereof should be required and what terms and conditions should be imposed to satisfy the applicable statutory standards;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to Ohio Power, Central Ohio, American, The Hanover Bank, The National City Bank of Cleveland, the Public Utilities Commission of Ohio and The Federal Power Commission, that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

It is further ordered, That, at least 15 days prior to the date of such hearing, Central Ohio give notice of this hearing and of the transactions proposed by the Plan to all of its stockholders of record as of a date not earlier than 30 days prior to such hearing (in so far as the identity of such holders is known and their addresses available to the company) by mailing a copy of this notice and order to each such holder; and that, upon request therefor, the company shall promptly furnish a copy of the Plan to any such stockholder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–7487; Filed, Sept. 23, 1954; 8:47 a. m.]

[File No. 70–3285]

AMERICAN NATURAL GAS CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF AGGREGATE PRINCIPAL AMOUNT OF INSTALLMENT NOTES TO BANKS TO REFUND OUTSTANDING COLLATERAL TRUST NOTES

SEPTEMBER 20, 1954.

American Natural Gas Company ("American Natural"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly sections 7 and 12 thereof and Rules U-42 (b) (2) and U-50 (a) (2) promulgated thereunder, with respect to proposed transactions which are summarized as follows:

American Natural proposes to refund its Collateral Trust Notes, at present outstanding in the aggregate principal amount of $12,500,000, having various rates of interest of from 3 percent to 4 percent with a weighted average annual interest rate of 3.93 percent, by issuing and selling at par to three commercial banking institutions an aggregate of $12,000,000 principal amount of installment notes, and by using other corporate funds to the extent required.

American Natural proposes, on or before October 6, 1954, to obtain commitments to lend to it on November 5, 1954, against execution and delivery by American Natural of its installment notes, the following amounts from the following institutions:

The National City Bank of New York	$4,000,000
The Hanover Bank (New York)	4,000,000
Mellon National Bank & Trust Co. (Pittsburgh)	4,000,000
Total	12,000,000

As a commitment charge, American Natural will pay to the banks a total of $5,000 (an amount equal to ½ of 1 percent per annum on the total amount of the proposed loan for the period October 6, 1954, to November 5, 1954).

On or before October 6, 1954, American Natural proposes to give notice to the holders of its Collateral Trust Notes that it will prepay said notes on November 5, 1954, these notes being prepayable at any time on thirty days' written notice. On November 5, 1954, the prepayment premium applicable to these outstanding notes will aggregate $159,750. Of this amount, $2,500 is applicable to notes held by the three lending banks, these banks having agreed to waive the prepayment premium applicable to the notes held by them.

American Natural proposes to execute and deliver on November 5, 1954, to the above-named banks its installment notes and receive the loans. The new notes are to be dated November 5, 1954, will

bear interest at the rate of 3¼ percent per annum, and will provide for the payment of the principal thereof at the rate of $500,000 annually on the first five anniversary dates and at the rate of $750,000 on the sixth and seventh anniversary dates, with a balance of $8,000,000 payable eight years after the date of the notes. Any installment is prepayable in advance of maturity, in whole or in part, without premium or penalty except in case of prepayment from the proceeds of borrowings from other banks, in which event there will be payable a premium of ¼ of 1 percent per annum for the unexpired term of the prepaid amount. The notes will be unsecured but will contain a negative pledge clause under which American Natural, should it secure any indebtedness by the pledge of any securities of any of its subsidiaries, will be obligated to secure these installment notes equally and ratably with such other indebtedness.

The fees and expenses to be paid by American Natural in connection with the proposed transactions are estimated as follows:

Premium payable on retirement of collateral trust notes	$157,250
Payment to banks for lending commitment	5,000
Sidley, Austin, Burgess & Smith, legal fee	1,000
Miscellaneous telephone, telegraph, duplicating, traveling and other expenses and contingencies	1,000
Total	164,250

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, that the fees and expenses, if they do not exceed the estimates, are not unreasonable, and that the declaration should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7485; Filed, Sept. 23, 1954; 8:46 a. m.]

[File No. 70-3297]

LOUISIANA POWER & LIGHT CO.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

SEPTEMBER 20, 1954.

Notice is hereby given that Louisiana Power & Light Company ("Louisiana"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a declaration designating sections 6 (a), 7, and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 (b) (2) and U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Louisiana proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $18,000,000 principal amount of First Mortgage Bonds __ Percent Series, due 1984. The bonds, which are to be dated as of October 1, 1954, are to be secured by the company's Mortgage and Deed of Trust dated April 1, 1944, as heretofore supplemented and as to be further supplemented by a Fourth Supplemental Indenture, to be dated October 1, 1954. The interest rate applicable to the new bonds (which is to be a multiple of ⅛ of 1 percent) and the price to be paid Louisiana (which is to be not less than 100 percent nor more than 102.75 percent of principal amount) are to be fixed at competitive bidding.

The declaration states that the net proceeds from the sale of the bonds will be used to redeem and retire Louisiana's First Mortgage Bonds, 4 Percent Series, due 1983 presently outstanding in the aggregate principal amount of $12,000,000; to pay for the cost of constructing new facilities; and to provide Louisiana with funds for other corporate purposes. The filing further states that the estimated cost of construction to be built by Louisiana during the calendar years 1954 and 1955 will approximate $30,600,000, of which $8,200,000 had been expended by July 31, 1954.

The filing states that the proposed transactions are subject to no state regulatory body or agency and that no Federal commission other than this Commission has jurisdiction in the matter.

Notice is further given that any interested person may, not later than October 8, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, and the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after October 8, 1954, said declaration, as filed or as amended, may be permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions, as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7484; Filed, Sept. 23, 1954; 8:46 a. m.]

[File No. 812-892]

TEMPLETON GROWTH FUND OF CANADA, LTD.

NOTICE OF APPLICATION FOR ORDER PERMITTING REGISTRATION AND SALE OF SECURITIES IN THE U. S.

Notice is hereby given that Templeton Growth Fund of Canada, Ltd. ("Applicant"), an investment company proposed to be chartered under The Companies Act of 1934, of Canada, has filed an application under section 7 (d) of the Investment Company Act of 1940 (the "act") and Rule N-7D-1 thereunder seeking an order of the Commission permitting Applicant to register as an investment company under the act and to make a public offering of its securities in the United States.

Section 7 (d) of the act prohibits a foreign investment company from selling its securities to the public through the mails or any means or instrumentalities of interstate commerce unless the Commission issues a conditional or unconditional order permitting such company to register under the act and to make a public offering of its securities in the United States. To issue such an order the Commission must find that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the act against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors.

Rule N-7D-1 is declarative of the special circumstances and arrangements to be entered into by a management investment company organized under the laws of Canada, so that an order under section 7 (d) may be entered as a course, and without the necessity for hearing, if such order is otherwise appropriate. Applicant's charter, by-laws, undertakings and agreements, contained in its application, are designed to meet the requirements and conditions outlined in Rule N-7D-1.

Applicant was organized in September 1954 for the purpose of carrying on business as an investment company, concentrating its investments in securities of issuers substantially engaged in Canadian enterprises. Its authorized capital stock consists of Common Shares and Deferred Shares which have the same rights except that Deferred Shares have no redemption rights. Applicant does not intend to issue its Deferred Shares. Applicant states that its initial capital of $1,000,000 will be provided by the issuance and private sale of its common shares to Templeton, Dobbrow & Vance, Inc., investment advisers, and certain of its clients, who will purchase for investment; thereafter Applicant intends to make an initial public offering of its Common Shares. Six months after Applicant shall have received an aggregate of $1,200,000 from the sale of its Common Shares such shares will become redeemable, pursuant to Applicant's Letters Patent, and Applicant proposes then to operate as a non-diversified open-end management company.

Notice is further given that any interested person may, not later than October 4, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7486; Filed, Sept. 23, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29702]

SCRAP OR WASTE MICA FROM NORTH CAROLINA, GEORGIA AND TENNESSEE TO FORT WORTH, TEXAS

APPLICATION FOR RELIEF

SEPTEMBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Mica, crude, scrap or waste, not ground, suitable for grinding purposes only, carloads.

From: Boonford, Franklin, Kona, Sprucepine, and Murphy, N. C., Hartwell, Ga., and Johnson City, Tenn.

To: Fort Worth, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4090, supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7490; Filed, Sept. 23, 1954; 8:48 a. m.]

[4th Sec. Application 29703]

AGRICULTURAL IMPLEMENTS FROM CENTRAL AND ILLINOIS TERRITORIES TO NORTH ATLANTIC PORTS

APPLICATION FOR RELIEF

SEPTEMBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Agricultural implements and parts, carloads.

From: Points in Central and Illinois territories.

To: North Atlantic ports, for export.

Grounds for relief: Rail competition, circuity, grouping, and to maintain port rate relations.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4542, supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7491; Filed, Sept. 23, 1954; 8:48 a. m.]

[4th Sec. Application 29704]

GRAIN FROM NEBRASKA TO THE SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff I. C. C. No. A-3866 and Agent Spaninger's tariff I. C. C. No. 1325.

Commodities involved: Grain and grain products, carloads.

From: Points in Nebraska.

To: Points in Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee.

Grounds for relief: Rail competition, circuity, market competition, grouping, and rates in conformity with order in docket 31136.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7492; Filed, Sept. 23, 1954; 8:48 a. m.]

[4th Sec. Application 29705]

CASTOR POMACE FROM HOBART, OKLA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Castor pomace, carloads.

From: Hobart, Okla.

To: Southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4112, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7493; Filed, Sept. 23, 1954; 8:48 a. m.]

[4th Sec. Application 29706]

LIQUID CAUSTIC SODA FROM MCINTOSH, ALA., TO AUSTIN, IND., AND TUSCOLA AND QUINCY, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: McIntosh, Ala.

To: Austin, Ind., Tuscola and Quincy, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1351, supp. 92.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7494; Filed, Sept. 23, 1954; 8:48 a. m.]

[4th Sec. Application 29707]

PETROLEUM PRODUCTS IN ILLINOIS TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Gasoline, distillate fuel oil, and other petroleum products, in tank-car loads.

From: Refining, marine and pipeline points in Illinois territory.

To: Points in Illinois territory.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and to maintain grouping.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 813.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7495; Filed, Sept. 23, 1954; 8:49 a. m.]

[4th Sec. Application 29708]

COTTONSEED FROM POINTS IN NORTH CAROLINA AND SOUTH CAROLINA TO POINTS IN GEORGIA, SOUTH CAROLINA AND NORTH CAROLINA

APPLICATION FOR RELIEF

SEPTEMBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic Coast Line Railroad Company.

Commodities involved: Cottonseed, carloads.

From: Points in North Carolina and South Carolina.

To: Points in Georgia, South Carolina, and North Carolina.

Grounds for relief: Competition with rail carriers, circuitous routes, and rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7496; Filed, Sept. 23, 1954; 8:49 a. m.]

[4th Sec. Application 29709]

MOTOR-RAIL-MOTOR RATES BETWEEN KANSAS CITY, KANS., AND OKLAHOMA CITY AND TULSA, OKLA., AND DALLAS, TEX.; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

SEPTEMBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for the Missouri-Kansas-Texas Railroad Company, Missouri-Kansas-Texas Railroad Company of Texas, Gillette Motor Transport, Inc., Mid Continent Freight Lines, Inc., and other motor carriers.

Commodities involved: Highway trailers, loaded or empty on flat cars.

Between: Kansas City, Kans., on the one hand, and Oklahoma City and Tulsa, Okla., and Dallas, Tex., on the other.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, MF-I. C. C. No. 223, supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7497; Filed, Sept. 23, 1954; 8:49 a. m.]

THE NATIONAL ARCHIVES

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VOLUME 19 NUMBER 187

Washington, Saturday, September 25, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (2) of § 6.313 is amended as set out below.

§ 6.313 *Department of Labor.* * * *

(f) *Bureau of Apprenticeship.* * * *

(2) Two Deputy Directors.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7473; Filed, Sept. 24, 1954; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter A—General Regulations and Policies

PART 406—REWARDS

REWARDS TO BE PAID FOR INFORMATION LEADING TO ARREST AND CONVICTION OF PERSON(S) GUILTY OF THEFT OF, OR MALICIOUS DAMAGE TO, CCC-OWNED PROPERTY, COMMODITIES, AND EQUIPMENT

Sec.
406.1 Arrest and conviction.
406.2 Amount of rewards.
406.3 Eligibility for rewards.
406.4 Filing of applications.

AUTHORITY: §§ 406.1 to 406.4 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b.

§ 406.1 *Arrest and conviction.* The Commodity Credit Corporation hereby announces that, subject to the following conditions, rewards will be paid for information leading to the arrest and conviction of any person or persons found to be guilty of malicious damage to property of the Commodity Credit Corporation or the theft of commodities and equipment owned by the Commodity Credit Corporation.

§ 406.2 *Amount of rewards.* (a) A reward in the amount of $50 will be paid for information leading to the arrest and conviction of any person or persons found to be responsible for malicious damage to CCC-owned property at the site of any storage structures owned or leased by Commodity Credit Corporation: *Provided*, That such reward shall not exceed $50 for information leading to the arrest and conviction of any person or persons involved in the same act or series of acts of malicious damage perpetrated prior to conviction of those guilty.

(b) A reward in the amount of $500 will be paid for information leading to the arrest and conviction of any person or persons found to be guilty of the theft of CCC-owned commodities from any storage structures owned or leased by Commodity Credit Corporation: *Provided*, That the total amount paid shall not exceed $500 for information leading to the arrest and conviction of any person or persons involved in the same theft, or series of thefts perpetrated prior to conviction of those guilty.

(c) A reward in the amount of $50 will be paid for information leading to the arrest and conviction of any person or persons found to be responsible for the theft of CCC-owned equipment valued at $50 or more at the site of any storage structures owned or leased by Commodity Credit Corporation: *Provided*, That such reward shall not exceed $50 for information leading to the arrest and conviction of any person or persons involved in the same theft or series of thefts perpetrated prior to conviction of those guilty.

§ 406.3 *Eligibility for rewards.* (a) Any person or persons will be eligible for rewards mentioned above except (1) Agricultural Stabilization and Conservation County Committeemen, (2) Agricultural Stabilization and Conservation County Office Managers, (3) Personnel

(Continued on p. 6157)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 7: Parts 210–899 ($2.25)

Title 19, Revised 1953 ($5.00)

Title 32A, Revised Dec. 31, 1953 ($1.50)

Title 46: Part 146 to end ($6.50)

Previously announced: Title 3, 1953 Supp. ($1.50); Titles 4–5 ($0.60); Title 6 ($2.00); Title 7: Parts 1–209, Revised 1953 ($7.75); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.50); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($1.25); Part 400 to end ($0.50); Title 15 ($1.25); Title 16 ($1.00); Title 17 ($0.50); Title 18 ($0.45); Title 20 ($0.70); Title 21 ($1.50); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Title 26: Parts 1–79, Revised 1953 ($7.75); Parts 80–169 ($0.50); Parts 170–182 ($0.75); Parts 183–299, Revised 1953 ($5.50); Part 300 to end, and Title 27 ($1.00); Titles 28–29 ($1.25); Titles 30–31 ($1.00); Title 32: Parts 1–699 ($1.75); Part 700 to end ($2.25); Title 33 ($1.25); Titles 35–37 ($0.70); Title 38 ($2.00); Title 39 ($2.00); Titles 40–42 ($0.50); Title 43 ($1.75); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.35); Titles 47–48, Revised 1953 ($7.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.65); Parts 91–164 ($0.45); Part 165 to end ($0.60); Title 50 ($0.55)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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of Agricultural Stabilization and Conservation State Offices, and (4) United States Department of Agriculture employees.

(b) State and local law enforcement officers, community committeemen and Agricultural Stabilization and Conservation County Office employees, other than those specifically excluded herein, will be eligible for reward.

§ 406.4 *Filing of applications.* All applications for reward will be filed with the State ASC Chairman who shall transmit such applications to the Director, Grain Division, Commodity Stabilization Service, Washington, D. C. The decision of the Director of the Grain Division, Commodity Stabilization Service, with regard to those eligible for reward and the amount to which each is entitled shall be final and conclusive.

Issued this 21st day of September 1954.

[SEAL] TRUE D. MORSE,
President,
Commodity Credit Corporation.

[F. R. Doc. 54-7521; Filed, Sept. 23, 1954; 3:49 p. m.]

Subchapter B—Loans, Purchases and Other Operations

[1954 C. C. C. Corn Bulletin A, Amdt. 2]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 CORN PRICE SUPPORT PROGRAM

CORN ACREAGE

This amendment to 1954 C. C. C. Corn Bulletin A, as amended (19 F. R. 783, 1812), is for the purpose of affording corn producers who have not harvested their 1954 corn crop the opportunity to adjust their planted acreage to their 1954 acreage allotments.

Section 421.478 (e) of the 1954 C. C. C. Corn Bulletin A is amended to read as follows:

§ 421.478 *Definitions.* • • •

(e) *Corn Acreage.* "Corn Acreage" means the number of acres of land on which field corn, including sweet corn produced for feed or silage, is planted alone or interplanted with other crops. In the event that any field corn, as described in the first sentence of this paragraph, is totally destroyed by any cause beyond the control of the producer and corn cannot be replanted on the same acreage, an additional corn acreage may, with the prior approval of the county committee, be substituted for such acreage. In such event, the acreage on which the corn was destroyed shall not be deemed to be corn acreage. Acreage planted to field corn, as described in the first sentence of this paragraph, in excess of the farm acreage allotment will not be deemed to be corn acreage if such corn (1) is not left standing in the field on a date established by the county committee with the approval of the State Committee and (2) is not used as feed, silage or fodder or sold (including involuntary sales), bartered, exchanged, or donated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C., 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 401, 408, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1428, sec. 311b, 68 Stat. 897; 7 U. S. C. 1374)

Done at Washington, D. C., this 22d day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7549; Filed, Sept. 24, 1954; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 728—WHEAT

SUBPART—1955–1956 MARKETING YEAR

REALLOCATION OF ALLOTMENTS

Section 334 of the Agricultural Adjustment Act of 1938, as amended, was further amended by Public Law 690, 83d Congress, approved August 28, 1954, to add a new subsection (f) which reads as follows:

(f) Any part of any 1955 farm wheat acreage allotment on which wheat will not be planted and which is voluntarily surrendered to the county committee shall be deducted from the allotment to such farm and may be reapportioned by the county committee to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of past acreage of wheat, tillable acres, crop rotation practices, type of soil, and topography. If all of the allotted acreage voluntarily surrendered is not needed in the county, the county committee may surrender the excess acreage to the State committee to be used for the same purposes as the State acreage reserve under subsection (c) of this section. Any allotment transferred under this provision shall be regarded for the purposes of subsection (c) of this section as having been planted on the farm from which transferred rather than on the farm to which transferred, except that this shall not operate to make the farm from which the allotment was transferred eligible for an allotment as having wheat planted thereon during the three-year base period: *Provided,* That notwithstanding any other provisions of law, any part of any 1955 farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm and reapportioned as provided herein. Acreage surrendered, reapportioned under this subsection, and planted shall be credited to the State and county in determining future acreage allotments.

The purpose of this amendment is to provide for the release and reapportionment of unused 1955 farm wheat acreage allotments which are voluntarily released to the county committee.

Since farmers in many areas are now preparing to seed wheat for the 1955 crop, it is imperative that they be notified of this amendment and of any revised farm acreage allotments resulting therefrom as soon as possible. Accordingly, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest, and the amendment herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

The regulations pertaining to farm acreage allotments for the 1955 crop (19 F. R. 3249) are amended by changing § 728.518 to read as follows:

§ 728.518 *Reallocation of allotments—*

(a) *Released from farms removed from agricultural production.* The allotment determined or which would have been determined for any farm which is removed from agricultural production by acquisition in 1950 or thereafter by a United States agency for national defense purposes shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or acquired by owners displaced because of acquisition of their farms by the United States. Upon application to the county committee, any owner so displaced shall be entitled to have an allotment for any other farm owned or acquired by him equal to an allotment which shall be comparable to the allotments established for other farms in the same area which are similar except for the past acreage of wheat.

(b) *Released voluntarily to county committee.* Any part of any 1955 farm wheat acreage allotment on which wheat will not be planted in 1955 and which is voluntarily released to the county committee by the closing date established by the State committee for the entire State, or for areas in the State if there is a substantial difference in planting dates for different areas in the State, which shall be the date on which the planting of wheat normally becomes general on farms in the State or area, shall be deducted from the wheat acreage allotment

for such farm and may be reapportioned by the county committee not later than the date established by the State committee, which shall be the latest date on which wheat can normally be planted on farms in the State or area with reasonable expectations of producing an average crop, to other farms receiving allotments in the same county in amounts determined to be fair and reasonable on the basis of the wheat acreage for the years 1952 and 1953, tillable acres, crop rotation practices, type of soil, and topography, but without regard to the limitations imposed under § 728.516. If all the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee to be used for new farm allotments as provided under § 728.522, but without regard to the limitation imposed under § 728.521 with respect to the wheat acreage indicated by cropland, soil type, and topography. Any wheat acreage allotment released for 1955 only shall, in determining future wheat acreage allotments, be regarded as having been planted on the farm releasing such allotments if wheat was seeded on such farm for harvest as grain in at least one of the three years immediately preceding the year for which the allotment is determined. Any part of the farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm and reapportioned as provided in this paragraph, in which case the farm from which the allotment is released shall be considered as having no wheat on such released acreage for any of the 1952, 1953, and 1954 crops. In determining future farm wheat acreage allotments, the acreage planted for harvest as grain in 1955 of reapportioned acreage allotment under this paragraph shall not be considered. For purposes of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 334, 52 Stat. 53, as amended by sec. 308, 68 Stat. 897; 7 U. S. C. 1334)

Done at Washington, D. C., this 22d day of September 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7548; Filed, Sept. 24, 1954; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 23]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.323 *Valencia Orange Regulation 23*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 23, 1954 after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 29, 1954, and ending at 12:01 a. m., P. s. t., October 3, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 427,350 boxes;
(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 24, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7596; Filed, Sept. 24, 1954; 11:56 a. m.]

[Lemon Reg. 556]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.663 *Lemon Regulation 556*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 22, 1954 such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 26, 1954, and ending at 12:01 a. m., P. s. t., October 3, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 275 carloads;
(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 555 (19 F. R. 6031) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 23d day of September 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7589; Filed, Sept. 24, 1954; 8:55 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

APPROVAL OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER August 28, 1954 (19 F. R. 5522). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committeee, established pursuant to said marketing agreement and amended order, it is hereby found and determined that:

§ 957.207 *Expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order during the fiscal year ending May 31, 1955, will amount to $23,522.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be fifty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes, handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended (§§ 957.1 to 957.133).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 22d day of September 1954, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 54-7546; Filed, Sept. 24, 1954; 8:50 a. m.]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

APPROVAL OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the Counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California, was published in the FEDERAL REGISTER August 28, 1954 (19 F. R. 5522). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all revelant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, it is hereby found and determined that:

§ 959.207 *Expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 59, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and amended order during the fiscal year ending June 30, 1955, will amount to $19,237.50.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be three-eighths of one cent ($0.00375) per hundredweight handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59, as amended (§§ 959.1 to 959.132).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 22d day of September 1954, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 54-7547; Filed, Sept. 24, 1954; 8:51 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 1—GENERAL

Paragraph (b) of § 1.1 *Definitions* is amended by adding subparagraph (14) to read as follows:

(14) The term "discharge", as used in section 256 of the Immigration and Nationality Act, means the signing off the articles of a crewman or the termination in any manner of his service and presence on board the vessel or aircraft on which he arrived in the United States.

PART 2—SERVICE RECORDS; FEES

The tenth item in § 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act* is amended to read as follows:

For filing application for discretionary relief under section 212 (d) (3) of the Immigration and Nationality Act, except in emergency cases or where the granting of the application is in the interest of the United States Government	25.00

PART 221—DISPOSITION OF ENTRY DOCUMENTS OF ALIENS ENTERING OR DEPARTING OTHER THAN AS NONIMMIGRANT CREWMEN

Paragraph (b) of § 221.3 *Form I–94* is amended by adding subparagraph (10) which, when taken with the introductory material, will read as follows:

(b) *When not prepared by immigration officer.* Immigration officers shall not prepare a set of Forms I–94 for the following-described classes of aliens:

* * * * *

(10) An alien for whom a set of Forms I–94 is required to be prepared by the persons responsible for the delivery of a passenger manifest and as a part thereof as provided in §§ 231.21 (f) and 231.41 (a) (2) of this chapter.

PART 263—REGISTRATION OF ALIENS IN THE UNITED STATES: PROVISIONS GOVERNING SPECIAL GROUPS

Part 263 is amended by adding a new section, designated § 263.4, to read as follows:

§ 263.4 *Certain alien crewmen.* An alien crewman who has not previously been registered under the Immigration and Nationality Act who has remained in the United States for more than 29 days and who has not been made the subject of deportation proceedings shall be fingerprinted on Form AR–4. The alien crewman's Form I–95A shall be endorsed to show that he has been fingerprinted, and such form shall constitute the evidence of registration required to be carried with him and in his personal possession by section 264 of the Immigration and Nationality Act.

PART 264—REGISTRATION OF ALIENS IN THE UNITED STATES: FORMS AND PROCEDURE

Paragraph (c) of § 264.1 *Alien-registration receipt card* is amended by adding subparagraph (5) which, when taken with the introductory material, will read as follows:

(c) *Forms constituting alien-registration receipt cards under the Immigration and Nationality Act.* In addition to any form specifically stated elsewhere in this chapter to be an alien-registration receipt card issued pursuant to section 264 (d) of the Immigration and Nationality Act, the forms listed in this paragraph shall, under the conditions specified, also constitute alien-registration receipt cards.

* * * * *

(5) *Form I–95A.* An alien crewman registered on Form AR–4 as provided in § 263.4 shall be given Form I–95A endorsed to show such registration and that form shall then be the alien crewman's registration receipt card.

PART 343a—NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME; CERTIFIED COPY OF REPATRIATION PROCEEDINGS

The second sentence of § 343a.12 *Submission of application; fees and documents* is amended to read as follows: "Applications under § 343a.11 (a) and (b) shall be accompanied by a fee of $5 (unless the applicant is exempted from the payment of a fee by section 344 (b) (7) of the Immigration and Nationality Act)."

PART 481—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE IN ACCORDANCE WITH THE REFUGE RELIEF ACT OF 1953

The second sentence of § 481.13 *Medical examination* is amended by changing "§ 235.13 (c)" to "236.13 (c)."

(Sec. 103, 66 Stat. 173)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those that relate to interpretative rules or to matters of agency procedure, clarify existing regulations.

Dated: September 16, 1954.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: August 17, 1954.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 54–7526; Filed, Sept. 24, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs. Amdt. 40–10]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

QUALIFICATION OF FLIGHT CREW MEMBERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of September 1954.

At the present time § 40.261 (d) of Part 40 of the Civil Air Regulations requires that where a flight engineer is required a flight crew member in addition to the flight engineer shall be sufficiently qualified that, in the event of illness or other incapacity of the flight engineer, emergency coverage can be provided for the flight engineer's duties. The subsection specifically states that a pilot need not hold a flight engineer certificate so to function at such time.

In connection with the proceedings resulting from a petition of the Air Transport Association for the amendment of certain provisions of Part 40 with respect to the necessity for and training of flight engineers, it came to the Board's attention that some individuals interpreted the last sentence of § 40.261 (d) as allowing a pilot to serve in the capacity of flight engineer only at a time when the aircraft is in an emergency situation. The intent of the sentence was to make clear that a pilot as such will be considered sufficiently qualified without holding a flight engineer certificate to provide emergency coverage at a time when, due to illness or other incapacity, the flight engineer cannot carry out his duties. In order that there may be no misunderstanding on this point the Board is promulgating this amendment.

Since this amendment is interpretive in nature and imposes no burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended), effective immediately, by amending the last sentence of § 40.261 (d) to read as follows: "A pilot need not hold a flight engineer certificate to function in the capacity of a flight engineer for such emergency coverage."

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605; 42 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54–7544; Filed, Sept. 24, 1954; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6159]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ED HAMILTON FURS, INC., OF OREGON, ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* History; producer status of dealer or seller: *Manufacturer;* Stock, product or service; § 3.25 *Competitors and their products:* Competitors' prices; § 3.30 *Composition of goods;* § 3.57 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 3.90 *History of product or offering;* § 3.130 *Manufacture or preparation;* § 3.135 *Nature:* Product or service; § 3.140 *Old, reclaimed, or reused as new;* § 3.150 *Premiums and prizes:* Premiums; prizes; § 3.155 *Prices:* Comparative; coupon, certificate, check, credit voucher, etc., values; exaggerated as regular and customary; forced or sacrifice sales; retail or selling as wholesale, jobbing, factory distributors', etc., or discounted; savings and discounts subsidized; usual as reduced, special, etc.; § 3.160 *Promotional sales plans;* § 3.175 *Quality of product or service;* § 3.200 *Sample, offer or order conformance;* § 3.235 *Source or origin:* History; maker or seller, etc.; place: *In general; Foreign, in general;* § 3.275 *Undertakings, in general;* § 3.285 *Value.* Subpart—*Delaying or withholding corrections, adjustments, or action owed:* § 3.675 *Delaying or withholding corrections, adjustments, or action owed.* Subpart—*Disparaging competitors and their products*—Competitors' products: § 3.1005 *Prices.* Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition;* § 3.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 3.1225 *History;* § 3.1260 *Nature;* § 3.1325 *Source or origin:* History; maker or seller, etc.: *Fur Products Labeling Act;* Place: *In general; Foreign, in general.* Subpart—*Misrepresenting oneself and goods*—Goods: § 3.1590 *Composition;* § 3.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 3.1650 *History of product;* § 3.1685 *Nature;* § 3.1695 *Old, secondhand, reclaimed or reconstructed as new;* § 3.1745 *Source or origin:* Maker or seller, etc.; place: *In general; Foreign, in general.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition:* Fur Products labeling Act; § 3.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 3.1854 *History of product:* Fur Products Labeling Act; § 3.1870 *Nature:* Fur Products Labeling Act; § 3.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act; § 3.1900 *Source or origin:* Maker or seller, etc.: *Fur products Labeling Act;* Place: *Foreign, in general:* Fur Products Labeling Act. Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1925 *Coupon, certificate, check, credit voucher, etc., deductions in price;* § 3.1950 *Forced sale and price concessions;* § 3.2020 *Premium or premium conditions;* § 3.2060 *Sample, offer or order conformance;* § 3.2070 *Special offers, savings and discounts;* § 3.2090 *Undertakings, in general.* Subpart—*Using misleading name*—Goods: § 3.2315 *Nature.* I. In connection with the introduction, or manufacture for introduction, into commerce, etc., of any fur product; or in connection with the manufacture for sale, sale, etc., of any fur product made in whole or in part of fur shipped and received in commerce; as "commerce", "fur", and "fur products" are defined in the Fur Products Labeling Act: (A) Misbranding, false advertising, or false invoicing of fur products by: (1) Failing to affix labels to fur products, failing to show in advertisements of fur products, or failing to furnish invoices to purchasers of fur products, showing: (a) The name or names of the animal or animals producing the fur contained in the fur products as set forth in the Fur Products Name Guide and as permitted under the rules and regulations; (b) that the fur product contains or is composed of used fur, when such is a fact; (c) that the fur product is secondhand, when such is a fact; (d) that the fur product contains or is composed of bleached, dyed, or otherwise artifically colored fur, when such is a fact; (e) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact; (f) the name of the country or origin of any imported furs used in a fur product; (2) abbreviating parts of the information required under the Fur Products Labeling Act and the rules and regulations thereunder; (3) using terms descriptive of the breed, species, strain, or coloring of an animal which connote a false geographical origin of the animal; (4) using the term "Hudson Seal", or any other coined name, as being descriptive of the fur of an animal which is in fact fictitious or non-existent; (5) using the term "assembled" to describe fur products or fur mats or plates made of the pieces set out in Rule 20 (a) of the regulations under the Fur Products Labeling Act without disclosing the named pieces; (6) using on labels attached to fur products, in advertisements of fur products, and on invoices of fur products, the name of another animal in addition to the name of the animal actually producing the fur contained in the fur product; (B) Misbranding respondents' fur products by: (1) Falsely or deceptively labeling or otherwise identifying said fur product, or using labels affixed to such products which contain any form of misrepresentation or deception with respect to such fur products; (2) setting out on labels attached to fur products the required information in type smaller than pica or 12 point; mingling non-required information with required information; or using handwriting in describing any of the required information; (3) failing to set out the applicable parts of the required information on labels in the sequence provided in Rule 30 of the regulations under the Fur Products Labeling Act; (4) failing to set forth on required labels attached to fur products the name or other identification issued and registered by the Commission of one or more persons who manufactured such fur products for introduction into commerce, introduced it in commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce; (C) falsely advertising fur products by representing, directly or by implication: (1) That the price of any such product is a wholesale price or is so low as to attract other retailers as customers unless such is the fact; (2) that the customary or regular price of any such product is any amount in excess of the price at which such product has been offered for sale in good faith or has been sold by respondents in the recent regular course of business; (3) that the regular price of any such product is a reduced price; (4) that a price enables purchasers to make any saving in excess of the difference between said price and the price at which comparable products sold at the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold; (5) that any such product is of a higher grade, quality, or value than is the fact; (6) that any said products were acquired at "close out sales" or other distress sales or were acquired under other special conditions conducive to low or bargain prices unless such is the fact; (7) that the designer of any such product, the source from which it was obtained, or the person for whom it was originally intended is other than the fact; (8) that any such product was originally intended to sell or be priced at a higher price unless products of like grade and quality were customarily so priced and sold; and, II, in connection with the offer for sale, sale, and distribution of fur products in commerce, as "commerce" is defined in the Federal Trade Commission Act: (1) Making any of the representations listed in "C", "(1)" through "(8)", of the instant order; (2) representing, directly or by implication: (a) That respondents manufacture or design any of said products, unless such is the fact; (b) that the number of said products available for sale is other than the fact; (c) that the price of any said product is lower than competitors' products of comparable quality, unless such is the fact; (d) that respondents have engaged in the fur business for a longer period of time than is the fact; (e) that merchandise certificates have any value in excess of the amount of reduction from the regular price of a fur product allowed a purchaser presenting said certificate for credit; (f) that the total value, individual value, or number of the awards to be made by respondents in any manner is other than the fact; (3) increasing the price of any of said products for the purpose of nullifying any part of the value of respondents' merchandise certificates presented for credit on the purchase of said product; and (4) refusing to honor at face value or placing any limitation on the honoring of any merchandise certificate or other award issued by respondents unless the basis for refusal or limitation is clearly and conspicuously set forth in the certificate or award and in the advertising referring to said certificates or awards; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Ed Hamilton Furs, Inc., of Oregon (Portland, Oreg.), et al., Docket 6159, August 26, 1954.]

In the Matter of Ed Hamilton Furs, Inc., of Oregon, a Corporation; Ed Hamilton Furs, Inc., of Washington, a Corporation; and Ed Hamilton and Elizabeth Hamilton, Individually and as Officers of Said Corporations

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission, which charged respondents with acts and practices in violation of the Federal Trade Commission Act, the Fur Products Labeling Act, and the Rules and Regulations promulgated thereunder; respondents' answer, subsequently withdrawn, as hereinbelow noted; and upon an agreement of counsel and stipulation for consent order submitted pursuant thereto to said examiner.

By the terms of said stipulation, respondents admitted all the jurisdictional allegations set forth in the complaint and stipulated that the record in the instant matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; requested that their said answer be withdrawn and expressly waived the filing of an answer to the complaint and further procedure before said examiner and the Commission; and agreed that the order contained in said stipulation should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, and specifically waived all right, power, or privilege to contest the validity of said order.

Said stipulation recited that said complaint might be used in construing the terms of said order, and that such order might be altered, modified, or set aside, in the manner provided by statute for orders of the Commission, and that said stipulation for consent order, together with the complaint, should constitute the entire record of the proceeding, and that the order contained therein might be entered upon the record, in disposition of the proceeding, without further notice.

Thereafter said examiner, having concluded, in view of the provisions of said stipulation for consent order that respondents' request that their answer to the complaint be withdrawn, should be granted, and that such action, together with the issuance of the order contained in said stipulation, would resolve all the

issues arising by reason of the complaint in the proceeding and respondents' answer thereto, and would safeguard the public interest to the same extent as could be accomplished by full hearing, and all other adjudicative procedure waived in said stipulation, made his initial decision, setting forth the aforesaid matters, and, in consonance with the terms of said agreement, accepted the stipulation for consent order submitted, granted respondents' request that their answer to the complaint be withdrawn, and issued order to cease and desist in accordance therewith.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 26, 1954.

Said order is as follows:

It is ordered, That respondent Ed Hamilton Furs, Inc., of Oregon, a corporation, and its officers, respondent Ed Hamilton Furs, Inc., of Washington, a corporation, and its officers, and respondents Ed Hamilton and Elizabeth Hamilton, individually and as officers of said corporations, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

(A) Misbranding, false advertising, or false invoicing of fur products by:

(1) Failing to affix labels to fur products, failing to show in advertisements of fur products, or failing to furnish invoices to purchasers of fur products, showing:

(a) The name or names of the animal or animals producing the fur contained in the fur products as set forth in the Fur Products Name Guide and as permitted under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product is second-hand, when such is a fact;

(d) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(e) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(f) The name of the country of origin of any imported furs used in a fur product;

(2) Abbreviating parts of the information required under the Fur Products Labeling Act and the rules and regulations thereunder;

(3) Using terms descriptive of the breed, species, strain, or coloring of an animal which connote a false geographical origin of the animal;

(4) Using the term "Hudson Seal," or any other coined name, as being descriptive of the fur of an animal which is in fact fictitious or non-existent;

(5) Using the term "assembled" to describe fur products or fur mats or plates made of the pieces set out in Rule 20 (a) of the regulations under the Fur Products Labeling Act without disclosing the named pieces;

(6) Using on labels attached to fur products, in advertisements of fur products, and on invoices of fur products, the name of another animal in addition to the name of the animal actually producing the fur contained in the fur product.

(B) Misbranding their fur products by:

(1) Falsely or deceptively labeling or otherwise identifying said fur product, or using labels affixed to such products which contain any form of misrepresentation or deception with respect to such fur products;

(2) Setting out on labels attached to fur products the required information in type smaller than pica or 12 point; mingling non-required information with required information; or using handwriting in describing any of the required information;

(3) Failing to set out the applicable parts of the required information on labels in the sequence provided in Rule 30 of the regulations under the Fur Products Labeling Act;

(4) Failing to set forth on required labels attached to fur products the name or other identification issued and registered by the Commission of one or more persons who manufactured such fur products for introduction into commerce, introduced it in commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce.

(C) Falsely advertising fur products by representing, directly or by implication:

(1) That the price of any such product is a wholesale price or is so low as to attract other retailers as customers unless such is the fact;

(2) That the customary or regular price of any such product is any amount in excess of the price at which such product has been offered for sale in good faith or has been sold by respondents in the recent regular course of business;

(3) That the regular price of any such product is a reduced price;

(4) That a price enables purchasers to make any saving in excess of the difference between said price and the price at which comparable products sold at the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold;

(5) That any such product is of a higher grade, quality or value than is the fact;

(6) That any said products were acquired at "close out sales" or other distress sales or were acquired under other special conditions conducive to low or bargain prices unless such is the fact;

(7) That the designer of any such product, the source from which it was obtained, or the person for whom it was originally intended is other than the fact;

(8) That any such product was originally intended to sell or be priced at a higher price unless products of like grade and quality were customarily so priced and sold.

It is further ordered, That respondent Ed Hamilton Furs, Inc., of Oregon, a corporation, and its officers, respondent Ed Hamilton Furs, Inc., of Washington, a corporation, and its officers, respondents Ed Hamilton and Elizabeth Hamilton, individually and as officers of said corporations, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of fur products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Making any of the representations listed in sub-paragraphs C (1) through (8) of this order;

(2) Representing, directly or by implication:

(a) That they manufacture or design any of said products, unless such is the fact;

(b) That the number of said products available for sale is other than the fact;

(c) That the price of any said product is lower than competitors' products of comparable quality, unless such is the fact;

(d) That they have engaged in the fur business for a longer period of time than is the fact;

(e) That merchandise certificates have any value in excess of the amount of reduction from the regular price of a fur product allowed a purchaser presenting said certificate for credit;

(f) That the total value, individual value, or number of the awards to be made by respondents in any manner is other than the fact;

(3) Increasing the price of any of said products for the purpose of nullifying any part of the value of their merchandise certificates presented for credit on the purchase of said product;

(4) Refusing to honor at face value or placing any limitation on the honoring of any merchandise certificate or other award issued by them unless the basis for refusal or limitation is clearly and conspicuously set forth in the certificate or award and in the advertising referring to said certificates or awards.

It is further ordered, That the answer to the complaint herein filed by respondents on February 25, 1954, be, and the same hereby is, withdrawn from the record.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6159, August 26, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That respondents Ed Hamilton Furs, Inc., of Oregon, a corporation; Ed Hamilton Furs, Inc., of Washington, a corporation; and Ed Hamilton and Elizabeth Hamilton, individually and as officers of said corporations, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 26, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 54-7528; Filed, Sept. 24, 1954; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53592]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 16—LIQUIDATION OF DUTIES

CLEARANCE OF ARTICLES UNDER THE $200 OR $300 EXEMPTION

Sections 10.17 (k), 10.19, 10.20, and 16.12 (c) of the Customs Regulations, relating to the declaration and clearance through customs under the $200 or $300 exemption of articles which do not accompany a returning resident or are shipped in bond and to liquidation of entries, amended.

To facilitate and expedite the clearance through customs by returning residents of the United States of articles acquired by them on the trip abroad for which they claim the $200 or $300 exemption but which do not accompany them or are forwarded in bond to another port for customs clearance and in order to conserve customs manpower, the Customs Regulations are amended as follows:

1. Section 10.17 (k) is amended to read:

(k) *Unaccompanied articles.* It is not necessary that articles accompany a resident at the time of his return to the United States to be within the $200 or $300 exemption. See § 10.20 (b). However, customs officers shall apply the exemptions only to articles before them for examination, and the application of an exemption to unaccompanied articles shall be finally determined only after they have been imported and the importer has performed the acts required of him for their customs clearance. If any allowance of the $200 or $300 exemption is to be claimed in respect of any articles not cleared at the time of a resident's return, whether such articles have already arrived, will arrive later, or are being shipped in bond to another port, they must be declared in writing to a customs officer. Such declaration of articles accompanying the resident shall be made at the time of the resident's return to the United States. A declaration for articles not accompanying the resident on his return should be made by him in writing at the time and place of his return, but if satisfactory reasons are given to the collector for failure to so declare such articles, a written declaration may be accepted, either at the port of clearance of the article or at the port of the resident's return, for such articles within one year after the return. An application to make such supplemental declaration shall be accompanied by any invoices, receipts, and any other available pertinent data to aid the collector in determining whether the articles were acquired abroad by the claimant as an incident of a journey made by him and are for his personal or household use. The supplemental declaration shall be made on customs Form 6059 or 6063, as the case may be, appropriately modified.

(Sec. 201 (par. 1798), 46 Stat. 683, as amended, sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 1201 (par. 1798), 1498)

2. Section 10.19 is amended as follows:

a. Paragraph (a) is amended by deleting the third sentence and substituting therefor: "The declaration may be submitted to a United States customs officer stationed in a foreign country for that purpose if one is available and all the articles presented to him for inspection and clearance are within allowable exemptions."

b. Paragraph (b) is amended by inserting "and none is forwarded in bond" after the words "his arrival" where they appear the second time.

c. Paragraph (j) is amended to read as follows:

(j) *Examination in foreign territory.* (1) When the baggage of a returning resident who is required to execute a written declaration (paragraphs (b) and (c) of this section) is examined and passed by a customs officer stationed in foreign territory, the declaration shall be executed in triplicate. The original and a certified duplicate of the baggage declaration shall be returned to the declarant for surrender to the customs officer on the train or ferry on which the declarant returns to the United States, or to the customs officer at the port of return, in order that such customs officer may determine what exemption, if any, has already been granted. If the certified duplicate is not required for the subsequent clearance of an unaccompanied shipment or one forwarded in bond, the certification thereon shall be effectively obliterated and the copy returned to the declarant.

(2) When a declarant, whose baggage has been examined and passed in foreign territory in accordance with subparagraph (1) of this paragraph, subsequently acquires additional articles before he returns to the United States, the customs officer to whom the original declaration is surrendered as provided for in subparagraph (1) of this paragraph may permit the amendment of that declaration to include articles not previously declared. In such a case, a suitable notation shall be made by the customs officer on the original declaration to indicate the articles added thereto. If the certified duplicate is required for clearance of unaccompanied goods or a shipment in bond, before it is returned to the declarant it shall be completed by the customs officer, who shall note or have noted thereon the additional articles declared, the total exemption granted by him and by the officer in foreign territory, and his certificate that the additional articles are covered by a declaration on file at the port of arrival. If the aggregate declared purchase prices or values exceed the allowable exemptions, the values determined for United States customs purposes of all articles for which exemptions are granted at the port of a resident's return shall be noted on the declaration filed at such port and also on the certified duplicate. The customs officer who gives final clearance to the passenger shall not furnish to the declarant any certified copy of the passenger's declaration in addition to the duplicate certified by the customs officer in foreign territory.

(Sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 1498)

3. Section 10.20 is amended as follows:

a. Paragraph (b) (2) is amended by changing the period at the end of the first sentence to a comma and adding the following: "unless the local collector with the approval of the Bureau of Customs authorizes acceptance of declarations in original only in such cases."

b. Paragraph (b) (3) is amended to read:

(3) The certified copy may be used as an entry form at the port of clearance for articles included in a baggage declaration which did not accompany a declarant at the time of his return or were shipped in bond to another port, including articles subject to duty, but not including any shipment containing articles other than personal or household effects[29] when the aggregate value of the articles in the shipment not classifiable as personal or household effects exceeds $250. If practicable, the declarant shall forward the certified copy to the foreign shipper for attachment to the unaccompanied shipment[29a] with instructions that the shipper shall stamp or endorse the parcel to show that a certified copy of a baggage declaration is enclosed.

c. The first sentence of paragraph (b) (4) is amended to read:

(4) If it is expected that declared articles not cleared when the declarant arrives will be included in more than one shipment, including any shipment in bond or of checked baggage not in bond, no copy of the declaration shall be certified by the customs officer but if an extra copy has been prepared by the declarant it shall be returned to him, not certified, for reference purposes. * * *

d. The footnote reference at the end of the second sentence in paragraph (b) (4) is changed to "29a".

e. Paragraph (b) (5) is amended to read:

(5) When a shipment arrives with customs Form 3349 enclosed therein or attached to the shipping papers, and in

other cases where allowance under the $200 or $300 exemption is claimed, the collector at the port where the shipment is held for clearance shall verify the claimant's right to an exemption. For this purpose, if the exemption is claimed elsewhere than at the port of the claimant's return, the collector may require (i) the submission of the certified duplicate copy of the claimant's baggage declaration or (ii) in the absence of a certified copy, the submission of a declaration of the claimant on customs Form 6059–B. Upon receipt of a properly executed declaration on customs Form 6059–B at the clearance port, such form may be used in the same manner as a certified duplicate declaration. In any case in which a collector, without obtaining a declaration on customs Form 6059–B from the claimant, verifies a claim made for allowance under the $200 or $300 exemption by filling in the top portion of customs Form 6059–A and forwarding it to the port where the claimant returned to the United States, upon the return of the properly completed customs Form 6059–A to the clearance port, such form shall also be treated in all respects as a certified duplicate declaration and disposed of in the same manner. See § 10.17 (k) as to supplemental declarations for undeclared articles.

f. A new subparagraph (5–1) is added to paragraph (b) to read:

(5–1) The provisions of subparagraphs (2) and (4) of this paragraph relating to the issuance of a certified duplicate declaration and cards on customs Form 3349, respectively, shall be applicable when a supplemental declaration is made by a resident under § 10.17 (k) at the port of his return if he made only an oral declaration at the time of his return.

g. Paragraph (b) (6) is amended by inserting the words "at the port of clearance" after the word "collector".

h. Paragraph (c) is amended to read:

(c) *Replacements.* When any article declared by a returning resident is not found, or is so broken or destroyed as to constitute a nonimportation (§ 10.17 (l)), and a replacement for such article may be claimed to be free under the $200 or $300 exemption, there shall be issued to the importer for subsequent use in clearing the replacement article an extract of any certified duplicate baggage declaration or Form 6059–A previously issued for the article or, in the absence of either of the foregoing, customs Form 3349 showing both the port of issuance and the port where the resident returned may be issued.

(Sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 1498)

i. Footnote 29 to § 10.20 is redesignated "29a" and a new footnote 29 is inserted to read as follows:

[29] The term "personal or household effects" as used here and in § 10.21 (c) includes only articles for personal and household use.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624.)

4. Section 16.12 (b) is amended to read:

(b) The liquidation of free orlginal or certified duplicate baggage entries on customs Form 5123, 6059, 6059–A, 6059–B, or 6063 shall not be listed on any notice.

(Sec. 505, 46 Stat. 732; 19 U. S. C. 1505.)

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 20, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54–7553; Filed, Sept. 24, 1954; 8:52 a. m.]

[T. D. 53591]

PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED, OR SHORT-SHIPPED

SHORTAGES OF IMPORTED MERCHANDISE

In order to simplify the procedures prescribed for obtaining an allowance in duties in the liquidation of entries for lost or missing merchandise included in the entries, and to give collectors of customs authority to determine what type of proof of shortage is sufficient in the circumstances of the individual cases, § 15.8 of the Customs Regulations is hereby amended to read as follows:

15.8 *Shortages; lost packages; deficiencies in contents of packages.* (a) Allowance shall be made in the assessment of duties for lost or missing merchandise included in the entry whenever it is established to the satisfaction of the collector of customs before the liquidation of the entry becomes final that the merchandise claimed to be lost or missing was not imported. The foregoing shall not apply in the case of merchandise arriving under an I. T. entry.[10]

(b) Allowance for deficiency in any package reported to the collector by the appraiser or other customs officer shall be made in the liquidation of the entry; but no customs officer except an appraiser or other customs officer making an examination contemplated by section 499, Tariff Act of 1930, as amended, shall report a supposed deficiency to the collector unless it is established to the satisfaction of the reporting officer that the merchandise was not imported.

(Sec. 499, 46 Stat. 728, as amended; 19 U. S. C. 1499)

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 20, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54–7554; Filed, Sept. 24, 1954; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 3 (AGE–2, Amdt. 1)]

NSA 3—(AGE–2)—GENERAL AGENTS, AGENTS, AND BERTH AGENTS

EXECUTION OF APPLICATION

Effective as of the date of publication in the FEDERAL REGISTER, NSA Order No. 3 (AGE–2) (16 F. R. 2888) is hereby amended by adding a new paragraph designated "(d)" immediately following paragraph "(c)" of section 5 *Execution of application* to read as follows:

(d) Whenever any material change or changes occur which affect the ownership or organization of the applicant, including officers, the executive personnel management, citizenship, vessel ownership and financial resources, the applicant is required to file promptly a report of such change or changes with the Director, Office of National Shipping Authority and Government Aid.

(49 Stat. 1987, as amended; 46 U. S. C. 1114)

Approved: September 20, 1954.

[SEAL] C. H. MCGUIRE,
Director, Office of National Shipping Authority and Government Aid.

[F. R. Doc. 54–7556; Filed, Sept. 24, 1954; 8:53 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

Appendix—Canal Zone Orders

[Canal Zone Order 34]

ESTABLISHING UNITED STATES NAVAL RESERVATION, RODMAN, CANAL ZONE, AND REDUCING WEST BANK NAVAL RESERVATION, CANAL ZONE

By virtue of the authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of act September 26, 1954, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, and after consultation with the Secretary of the Navy, it is ordered as follows:

SECTION 1. *Setting apart of reservation; boundary.* The area of land in the Canal Zone hereinafter described as United States Naval Reservation, Rodman, Canal Zone, is hereby set apart and assigned to the uses and purposes of a naval reservation, and to be under the control and jurisdiction of the Secretary of the Navy, subject to the provisions of section 2 of this order.

Beginning at monument "A", which is a 2-inch iron pipe set in concrete, located northwesterly from the intersection of Thatcher Highway and Bruja Road and 75.0 feet northeasterly and at right angles from the centerline of the 18 foot wide concrete pavement of Thatcher Highway, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8° 57' N. plus 1,879.0 feet and longitude 79° 35' W. plus 3,399.5 feet from Greenwich.

Thence from said initial point by metes and bounds:

Westerly, along a line parallel to and 75.0 feet northerly from the centerline of the generally 18 foot wide concrete pavement of Thatcher Highway, to monument N. A. D.–1, which is a 1½-inch iron pipe, the geodetic position of which is in latitude 8° 57' N. plus 2,645.5 feet and longitude 79° 37' W. plus 2,894.2 feet;

S. 80° 56' 00'' W., 691.1 feet, through monument No. 1–A, which is an iron rod in concrete, to monument N. A. D.–2, which is an iron rod in concrete, the distances being 301.9 feet and 389.2 feet, successively, from beginning of the course;

N. 82° 02' 10'' W., 855.8 feet, through monument No. 2–A, which is an iron rod in concrete, to monument N. A. D.–3, which is an iron rod in concrete, the distances being 365.7 feet and 490.1 feet, successively, from beginning of the course;

N. 49° 36' 20'' W., 351.3 feet, through monument No. 3–A, which is an iron rod in concrete, to monument No. 3–B, which is an iron rod in concrete, the distances being 126.3 feet and 225.0 feet, successively, from beginning of the course;

S. 45° 00' 00'' W., 1,307.5 feet, to monument "B", which is a 2-inch iron pipe set in concrete, located 200.0 feet northerly and at right angles from the centerline of the 21 foot wide concrete pavement of Thatcher Highway, the geodetic position of which is in latitude 8° 57' N. plus 1,958.1 feet and longitude 79° 37' W. plus 5,616.2 feet;

Southwesterly, along a line parallel to and 200.0 feet northwesterly from the generally 18-foot wide concrete pavement of Thatcher Highway, to monument "C", which is a 2-inch iron pipe set in concrete, located northeasterly from the intersection of Thatcher Highway and military K–6 Road and is 200.0 feet northerly and at right angles from the 21 foot wide pavement of Thatcher Highway and 50.0 feet easterly and at right angles from the centerline of the 21 foot wide macadam pavement of the above mentioned K–6 Road, the geodetic position of which is in latitude 8° 57' N. plus 921.3 feet and longitude 79° 38' W. plus 920.3 feet;

Northerly and northeasterly, along a line parallel to and 50.0 feet easterly from the centerline of the macadam and gravel pavements of the military K–6 Road, and 50.0' southeasterly from the centerline of the gravel pavement of the military K–9 Road, to monument "D", which is a 2-inch iron pipe set in concrete, located on the southerly boundary of Army License No. 732, which is in latitude 8° 59' N. plus 0.0 feet and longitude 79° 37' W. plus 2,679.8 feet;

Due East, 285.8 feet, along the southerly boundary of Army License No. 732, to monument "E", which is a 2-inch iron pipe set in concrete, located 50.0 feet southwesterly and at right angles from the centerline of the gravel pavement of the military K–9 Road;

Southeasterly, along a line parallel to and 50.0 feet southwesterly from the centerline of the gravel pavement of the military K–9 Road, to an unmarked point called "F", located in the centerline of the South Branch of the Rio Cocoli, which is in latitude 8° 58' N. plus 4,975 feet, more or less, and longitude 79° 36' W. plus 5,775 feet, more or less.

Southwesterly, along the centerline of the South Branch of the Rio Cocoli, to an unmarked point called "G", which is in latitude 8° 58' N. plus 3,199.7 feet and longitude 79° 37' W. plus 258 feet, more or less;

Due East, 374 feet, more or less, to monument NB–13, which is an iron rod in concrete in latitude 8° 58' N. plus 3,199.7 feet and longitude 79° 36' W. plus 5,897.4 feet;

Due East, 2,097.2 feet, through monuments NB–12, NB–11, NB–10 and NB–9, which are iron rods in concrete, to monument NB–8, which is an 8-inch square concrete post, the distances being 445.0 feet, 395.1 feet, 231.4 feet, 481.5 feet and 544.2 feet, successively, from beginning of the course;

Due North, 730.1 feet, to monument NB–7, which is an 8-inch square concrete post;

Due East, 1,410.1 feet, through monuments NB–6, NB–5, NB–4 and NB–3, which are iron rods in concrete, to monument NB–2, which is an 8-inch square concrete post, the distances being 291.1 feet, 290.4 feet, 600.5 feet, 138.6 feet and 89.5 feet, successively, from beginning of the course;

Due South, 1,035.6 feet, through monument NB–1, which is an iron rod in concrete, to monument A–9, which is an 8-inch square concrete post, the distances being 585.5 feet and 450.1 feet, successively, from beginning of the course;

Due East, 4,255.4 feet, through monuments A–10, A–11, A–12, A–13, A–14, A–15, A–16, A–17 and A–18, which are iron rods in concrete, to A–19, which is a 2-inch iron pipe set in concrete, located 75.0 feet westerly and at right angles from the centerline of the 30 foot wide concrete pavement of Bruja Road, the distances being 208.5 feet, 245.2 feet, 716.7 feet, 587.1 feet, 1,055.3 feet, 590.0 feet, 421.1 feet, 204.0 feet, 166.3 feet and 61.2 feet, successively, from beginning of the course. The geodetic position of monument A–19 is in latitude 8° 58' N. plus 2,894.3 feet and longitude 79° 35' W. plus 4,147.5 feet;

Southerly, along a line parallel to and 75.0 feet westerly from the centerline of the 30 foot wide concrete pavement of Bruja Road, to monument "H", which is a 2-inch iron pipe set in concrete, located northwesterly from the intersection of Thatcher Highway and Bruja Road, the geodetic position of which is in latitude 8° 57' N. plus 1,910.1 feet and longitude 79° 35' W. plus 3,329.0 feet;

S. 66° 11' 00'' W., 77.0 feet, to monument "A", the point of beginning.

The directions of the lines refer to the true meridian.

The above described tract contains an area of 2601 acres, more or less, and is as shown on Canal Zone Government drawing No. M–6117–5, entitled "Map Showing Boundary of United States Naval Reservation, Rodman, C. Z.", scale 1:10,000, dated February 23, 1954, on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

General. The surveys over the boundary were made in June 1941, February 1943, December 1953 and January and February 1954, and are recorded in Field Books numbered M–126, M–274, M–360 and M–484, and the geodetic positions of all points, referred to the Panama-Colon datum of the Canal Zone triangulation system, are on file in the office of the Surveys Branch, Engineering and Construction Bureau, the Panama Canal Company.

SEC. 2. *Conditions and limitations.* The reservation established by section 1 of this order shall be subject to the following conditions and limitations:

(a) The area comprising this reservation shall continue to be subject to the civil jurisdiction of the Government of the Canal Zone in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(b) Personnel and equipment of the Canal Zone Government and of the Panama Canal Company shall be permitted free access to this reservation to carry out necessary operations of such agencies in, or in the vicinity of this reservation, in connection with the public health and sanitation, drainage, surveys, aids to navigation, power transmission and distribution, telephone service, water and sewerage facilities, et cetera; to inspect, maintain, repair, modify, or replace facilities or installations of such agencies within or adjacent to this reservation; and to install any additional services or utilities that are necessary to be installed through or upon, or in the vicinity of this reservation.

(c) No additional permanent structures or facilities shall be constructed or installed within a distance of 100.0 feet northerly from the centerline of the concrete pavement of Thatcher Highway (in its present location) between monument "A" and monument NAD–1.

SEC. 3. The area and the boundaries of West Bank Naval Reservation, Canal Zone, established by Executive Order No. 5849 of March 19, 1932, and enlarged by order of the Secretary of the Army, Canal Zone Order No. 12 of March 9, 1948, are hereby reduced and revised by removing from said reservation all land lying westerly from a line which is parallel to and 75.0 feet easterly from the centerline of the 30-foot wide concrete pavement of Bruja Road (in its present location) and northerly from Thatcher Highway.

SEC. 4. The Department of the Navy shall not be required to remove any existing structure or facility presently located in the area 75.0 feet to either side of the centerline of the 30-foot wide concrete pavement of Bruja Road and which is contiguous to portions of the boundaries of United States Naval Reservation, Rodman, and of West Bank Naval Reservation.

ROBERT T. STEVENS,
Secretary of the Army.

SEPTEMBER 18, 1954.

[F. R. Doc. 54–7529; Filed, Sept. 24, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 2, 8, 341a]

MISCELLANEOUS FEES

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance of the following rules relating to fees for service, documents, papers, and records not specified in the Immigration and Nationality Act. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1060, Temporary Federal Office Building X, Nineteenth and East Capitol Streets, NE., Washington 25, D. C., written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

PART 2—SERVICE RECORDS; FEES

The third, fifth, sixth, and fifteenth items in § 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act* are amended and a new item is added, so that, when taken with the introductory material, they will read as follows:

§ 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act.* In addition to the fees enumerated in sections 281 and 344 of the Immigration and Nationality Act, the following fees and charges are prescribed:

• • • • •

For filing an appeal from, or a motion to reopen or reconsider, a decision in an exclusion or deportation proceeding. (The minimum fee of $25 shall be charged whenever such an appeal or motion is filed by or on behalf of two or more aliens and all of such aliens are covered by one decision.)---------- 25.00

• • • • •

For filing a motion to reopen or a motion to reconsider in any case arising under the Immigration and Nationality Act, except from a decision in an exclusion or deportation proceeding. (The minimum fee of $10.00 shall be charged whenever a motion to reopen or reconsider is filed by or on behalf of two or more aliens and all of such aliens are covered by one decision.)---------- 10.00

For filing application for Alien Registration Receipt Card or Form 257a, Form I-94C, or Form I-95A in lieu of one lost, mutilated or destroyed, or in changed name, or in lieu of Form AR-3 or AR-103---------- 5.00

• • • • •

For filing application for Certificate of Citizenship—Hawaiian Islands-- 12.00

• • • • •

For filing application for stay of deportation under 8 CFR 243.3 (b), except when made concurrently with a motion to reopen or reconsider a decision in an exclusion or deportation proceeding---------- 25.00

PART 8—REOPENING AND RECONSIDERATION

The first sentence of paragraph (f) *Fees* of § 8.11 *Motion to reopen or reconsider* is amended to read as follows: "Except as otherwise provided in this paragraph, a motion filed under this part shall be accompanied by a fee specified by, and remitted in accordance with, the provisions of Part 2 of this chapter."

PART 341a—CERTIFICATE OF CITIZENSHIP—HAWAIIAN ISLANDS

The third sentence of § 341a.11 *Application: fee* is amended to read as follows: "The application shall be accompanied by a fee of $12.00, by three photographs of the applicant as prescribed in Part 333 of this chapter, and by documentary evidence or pertinent excerpts therefrom, as described in § 341.12 of this chapter, tending to establish the applicant's citizenship."

(Title V, 65 Stat. 290; 5 U. S. C. 140; sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Dated: September 16, 1954.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: August 17, 1954.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 54-7527; Filed, Sept. 24, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 988]

[Docket No. AO-195-A7]

HANDLING OF MILK IN KNOXVILLE, TENN., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Old Chancery Courtroom, Knox County Court House, Knoxville, Tennessee beginning at 10:00 a. m., e. s. t., September 29, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee marketing area (7 CFR Part 988). The proposed amendment has not received the approval of the Secretary of Agriculture.

The amendments to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee milk marketing area were proposed by the Knoxville Milk Producers Association as follows:

1. Amend § 988.51 (a) to increase the Class I differential 45 cents per hundredweight from the effective date of this amendment through March 1955.

2. Amend provision in § 988.51 (a) so as to make the supply-demand provisions more responsive to current conditions and provide for increases as well as decreases in the Class I price differential.

3. Amend § 988.51 (b) by adding that during the months of September through February the Class II price shall not be less than the basic formula price.

4. Amend § 988.10 as follows:

§ 988.10 *Producer.* "Producer" means any person who sends Grade A milk to any fully regulated plant.

5. Delete § 988.9 and substitute therefor:

§ 988.9 *Pool plant.* (a) "Pool plant" means any plant from which a volume of Class I milk equal to not less than 10 percent of the receipts of milk from producers and other pool plants is disposed of to retail or wholesale outlets in the marketing area, or

(b) Any plant which ships a volume of milk equal to 50 percent of its receipts of milk from producers to a plant qualified pursuant to paragraph (a) of this section.

6. Add a new section as follows:

Approved plant. "Approved plant" means a plant from which Class I milk is disposed of in the marketing area, or shipped to a pool plant.

7. Amend § 988.11 (a) by deleting the words "fluid milk" and substituting the word "approved."

8. Amend § 988.41 (b) to provide for the prorating of allowable shrinkage according to plant utilization.

9. Amend § 988.70 and provide additional sections as necessary to provide that handlers shall make payment to the producers settlement fund with respect to other source milk allocated to Class I or distributed as Class I milk in the marketing area at the rate of the difference between the Class I price and the Class II price.

10. Consider the need for transportation differential with respect to prices under the order.

11. Make conforming changes as necessary throughout the order.

Proposed by the Dairy Division Agricultural Marketing Service:

12. Amend § 988.43 so as to eliminate the mutual certification provisions.

13. Clarify the other source milk definition by specifying that Class II products not utilized in the plant during the month are not included.

14. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Proposed by the Knoxville Milk Distributors:

15. Amend § 988.51 to provide that the price for all milk received at a fluid milk plant and transferred as milk to a nonfluid milk plant for condensing or cheese utilization shall be the price computed in said section less 20 cents and less a transportation allowance appropriate to the distance between the City Hall in Knoxville and the nonfluid milk plant; and to provide further that the price per hundredweight of all milk used to produce butter and the skim milk of which is dumped or disposed of for livestock feed shall be computed as follows: Multiply by 4.0 the arithmetic average of the daily wholesale price per pound of 90-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period, add 15 percent thereof and deduct 35 cents.

Copies of this notice of hearing and of the order now in effect may be procurred from the Market Administrator, Flatiron Building, Room 205, Knoxville, Tennessee, or from the Hearing Clerk, Room 1371, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: September 23, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-7575; Filed, Sept. 24, 1954; 8:54 a. m.]

Commodity Stabilization Service

[7 CFR Part 814]

1955 SUGAR QUOTAS FOR PUERTO RICO

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of (1) the 1955 sugar quota for Puerto Rico for consumption in the continental United States, (2) the direct-consumption portion thereof, and (3) the 1955 sugar quota for local consumption in Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that a public hearing will be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, ASC, Segarra Building on October 19, 1954, at 10:00 a. m. The quotas and portions thereof to be allotted are referred to herein as "mainland quota," "direct-consumption portion" and "local quota," respectively.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the above-mentioned quotas among persons (1) who produce and market Puerto Rican sugar to be brought into the continental United States for consumption therein, (2) who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein and (3) who produce and market sugar for local consumption in Puerto Rico. The hearing will relate first to the allotment of the 1955 mainland and local quotas. Immediately upon completion of this part of the hearing, evidence will be received in regard to the allotment of the direct-consumption portion of the 1955 mainland quota.

The findings made above are in the nature of preliminary findings based on the best information now available. It will be appropriate to present evidence at the hearings on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment of any such quota or portion thereof in accordance therewith.

In addition, the subjects and issues of this hearing also include (1) the manner in which the statutory factors of "processings from proportionate shares," "past marketings," and "ability to market," as provided in section 205 (a) of the said act, should be measured; (2) the relative weightings which should be given to these factors; (3) participation in the allotments by producers of sugarcane who receive sugar in settlement therefor; (4) the transfer or exchange of allotments; and (5) the manner in which sugar is to be charged to allotments.

Issued this 22d day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7550; Filed, Sept. 24, 1954; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 701, 711, 712, 713]

MINIMUM WAGE RATES IN VARIOUS INDUSTRIES IN PUERTO RICO

NOTICE OF PUBLIC HEARINGS BEFORE SPECIAL INDUSTRY COMMITTEES NOS. 16-A, 16-B AND 16-C

In conformity with sections 5 and 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended, 29 U. S. C., and Sup. 201 et seq.), and in accordance with § 511.11 of the regulations issued pursuant thereto (Title 29 Chapter V, Code of Federal Regulations, Part 511), notice is hereby given to all interested persons that three consecutive public hearings will be held beginning on October 19, 1954 at 10:00 a. m., in Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico for the purpose of receiving evidence to be considered by Special Industry Committees Nos. 16-A, 16-B and 16-C for Puerto Rico in recommending minimum wage rates for employees in the industries in Puerto Rico hereinafter enumerated.

Special Industry Committees Nos. 16-A, 16-B, and 16-C for Puerto Rico were created by Administrative Order No. 440, published in the FEDERAL REGISTER on September 18, 1954. Each Committee is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended, and the regulations promulgated thereunder, with the duty of investigating conditions in a specific industry in Puerto Rico as defined in said administrative order and as hereinafter enumerated:

1. Special Industry Committee No. 16-A—Electrical, Instrument, and Related Manufacturing Industries in Puerto Rico.

2. Special Industry Committee No. 16-B—Metal, Machinery, Transportation Equipment and Allied Industries in Puerto Rico.

3. Special Industry Committee No. 16-C—Plastic Products Industry in Puerto Rico.

Each Committee is further charged with the duty of recommending to the Administrator the highest minimum wage rates (not in excess of 75 cents per hour) for all employees in Puerto Rico in the industry assigned to it above who, within the meaning of said act, are "engaged in commerce or in the production of goods for commerce", excepting employees exempted by the provisions of section 13 (a) and employees coming within the provisions of section 14, which, having due regard for economic and competitive conditions, will not substantially curtail employment in such industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Before any minimum wage rate recommended by a Committee is made effective, a public hearing thereon will be held pursuant to section 8 of the act, at a time and place to be announced by the Administrator, and at which all interested persons will have an opportunity to be heard.

Any person who, in the opinion of a Committee or its duly authorized subcommittee, has a substantial interest in the proceeding, or represents a person with a substantial interest in the proceeding, and is prepared to present material pertinent to the question under consideration may appear on his own behalf or on behalf of such other person. Persons wishing to appear are requested to file with James G. Johnson, Territorial Director of the Wage and Hour Division, Post Office Box 9061, Santurce 29, Puerto Rico, not later than October 8, 1954, a notice of intention to appear. A copy of such notice must also be filed by such persons with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., on or before the same date. The Notice of intention to appear should contain the following information:

1. The name and address of the person appearing.

2. The Industry in which he has a personal or representative interest.

3. If he is appearing in a representative capacity, the name and address of the person or persons whom, or the organization which, he is representing.

4. The approximate length of time which his presentation will consume.

All testimony will be taken under oath and subject to reasonable cross examination by any interested person present. Testimony so received may be offered as evidence at the public hearings to be held on such minimum wage recommendations as Special Industry Committees Nos. 16–A, 16–B and 16–C for Puerto Rico may make.

Written statements of persons who cannot appear personally will be considered by the Committees provided that such statements are sworn and that at least 12 copies thereof are received not later than October 18, 1954 at the Wage and Hour Division of the United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce 29, Puerto Rico. Any person appearing at the hearing who offers written material must submit at least 12 copies thereof.

Signed at San Juan, Puerto Rico, this 20th day of September 1954.

CANDIDO OLIVERAS,
Chairman, Special Industry Committees Nos. 16–A, 16–B, and 16–C, for Puerto Rico.

[F. R. Doc. 54–7542; Filed, Sept. 24, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 181–1]

DELEGATION OF FUNCTIONS PERTAINING TO LIQUIDATION AND LENDING

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, it is ordered as follows:

1. Mr. Laurence B. Robbins as Assistant Secretary of the Treasury shall continue to perform the functions assigned to him as Assistant to the Secretary.

2. Assistant Secretary Robbins shall report to the Under Secretary for Monetary Affairs.

3. This order shall become effective at noon September 20, 1954, and Treasury Department Order No. 181, dated June 30, 1954, is amended accordingly.

Dated: September 20, 1954.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 54–7555; Filed, Sept. 24, 1954; 8:52 a. m.]

POST OFFICE DEPARTMENT

DECENTRALIZATION OF POST OFFICE OPERATIONS, EMBRACING STATES OF VIRGINIA, WEST VIRGINIA, MARYLAND, DISTRICT OF COLUMBIA AND COUNTIES OF SUSSEX AND KENT, DELAWARE, AND ESTABLISHMENT OF REGIONAL HEADQUARTERS AT WASHINGTON, D. C.

The following is the text of order of the Postmaster General No. 55725, dated September 8, 1954:

Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes will become effective on September 15, 1954:

1. On the effective date there will be established a regional headquarters at Washington, D. C., under a Regional Operations Manager. Geographically this region will embrace the States of Virginia, West Virginia, Maryland, the District of Columbia, and the counties of Sussex and Kent of the State of Delaware. The Regional Operations Manager will be responsible to the Assistant Postmaster General, Bureau of Post Office Operations, for the direction of post office operations in this region. The Regional Operations Manager will also be subject to all policies affecting regional operations prescribed by the Department in Washington. There will also be a Regional Controller in the regional office who, for the time being, will be responsible to the Controller. The Regional Personnel Manager will be administratively responsible to the Regional Operations Manager so far as Bureau of Operations activities are concerned, and functionally to the Assistant Postmaster General, Personnel. Functions, such as those listed below, which were formerly discharged by various headquarters bureaus and offices in Washington, will now be discharged by the regional staff.

A. Personnel functions, including such items as recruitment, selection and placement of personnel; training activities; labor relations, safety and health programs; classification of positions; awards and efficiency rating systems; review and disposition of disciplinary actions; and liaison with the Civil Service Commisson in the region.

B. Service functions, including recommendations to the Department for the establishment or discontinuance of post offices, classified stations and branches; approval of requests for allowances of funds; maintenance of high standards of service in all post offices; and effective control of costs.

C. Industrial engineering functions, including administration of cost reduction programs; improvement in work methods; endorsement of requests for capital expenditures; maintenance of work standards; layout of facilities; provision of work simplification methods and training; and development of systems and procedures, other than accounting and fiscal procedures.

D. Controller functions including the direction of accounting, budget and cost analysis activities.

E. Public information functions, including encouragement of public cooperation and participation in improving postal methods; and maintaining good relations with federal, state, and municipal officials.

2. Bureaus and offices other than the following are unaffected by this order:

A. Bureau of Operations.

B. Bureau of Personnel.

C. Bureau of Controller.

All other bureaus and offices, however, are expected to coordinate and cooperate with this new regional organization. Decentralization of other departmental functions and the placing of activities already decentralized into the regional organization will be carried forward as soon as possible. Orders effectuating these changes will be issued from time to time.

3. The region will be divided into six districts. All postmasters in each district will report directly to their district manager.

4. Previous orders or instructions concerning the routing of communications from postmasters to the above-mentioned bureaus in Washington are hereby superseded. All communications, with respect to the functions set forth in this order will be directed to the appropriate district manager, with the exceptions of monthly and quarterly accounts, which will continue to be routed as at present.

5. District headquarters cities, and the jurisdiction of each district, are as follows:

DISTRICT NO. 1—WASHINGTON, D. C.

Maryland counties: Charles, Montgomery, Prince Georges, Saint Marys.

Virginia counties: Albermarle, Alleghany, Arlington, Augusta, Bath, Clark, Culpeper, Fairfax, Fauquier, Frederick, Greene, Highland, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockingham, Rockbridge, Shenandoah, Stafford, Warren.

District of Columbia.

DISTRICT NO. 2—CLARKSBURG, W. VA.

West Virginia counties: Barbour, Berkeley, Braxton, Brooke, Calhoun, Doddridge, Gilmen, Grant, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Lewis, Marion, Marshall, Mason, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt, Wood.

DISTRICT NO. 3—BALTIMORE, MD.

Maryland counties: Allegany, Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Queen Annes, Somerset, Talbot, Washington, Wicomico, Worcester, and Baltimore City, Md.

Delaware counties: Sussex and Kent.

DISTRICT NO. 4—CHARLESTON, W. VA.

West Virginia counties: Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, McDowell, Mercer, Mingo, Monroe, Nicholas, Putnam, Raleigh, Summers, Wayne, Wyoming.

DISTRICT NO. 5—ROANOKE, VA.

Virginia counties: Amherst, Appomattox, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Craig, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Giles, Grayson, Halifax, Henry, Lee, Lunenburg, Mecklenburg, Montgomery, Nelson, Patrick, Pittsylvania, Prince Edward, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe.

DISTRICT NO. 6—RICHMOND, VA.

Virginia counties: Accomack, Amelia, Brunswick, Caroline, Charles City, Chesterfield, Dinwiddie, Essex, Gloucester, Goochland, Greensville, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Louisa, Mathews, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Powhatan, Princess Anne, Prince George, Richmond, Southampton, Spotsylvania, Surry, Sussex, Westmoreland, York.

6. District Managers will be designated in a separate announcement. They will act for and be responsible to the Regional Operations Manager on post office matters within their Districts. Each District Manager will be responsible for functions delegated to him by the Regional Operations Manager, including such things as: Making major operating decisions within his District; recommending action on all supervisory appointments; recommending action on requests for funds; advising Regional Operations Manager on District matters and conditions; carrying out regional policies in the District; interpreting departmental and regional policies and recommending changes; coordinating with other bureaus and government agencies in the District; taking necessary actions on complaints; directing the control of expenditures in the District; and maintaining essential records.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133Z–15, 369)

[SEAL] LOUIS J. DOYLE,
Acting Solicitor.

[F. R Doc. 54–7530; Filed, Sept. 24, 1954; 8:46 a. m.]

ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

DELEGATION OF AUTHORITY WITH RESPECT TO LEASES

The following is the text of Order of the Postmaster General No. 55734, dated September 21, 1954:

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), the Assistant Postmaster General, Bureau of Facilities, is hereby authorized to redelegate all or such part of the authority vested in him by Order No. 55096 of April 2, 1953 (18 F. R. 2480), to such officers and employees under his jurisdiction as he may designate. In making such redelegation the Assistant Postmaster General, Bureau of Facilities, may authorize the person to whom such authority is redelegated to take final action in his own name or in the name of the Assistant Postmaster General, Bureau of Facilities.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133Z–15, 369)

[SEAL] LOUIS J. DOYLE,
Acting Solicitor.

[F. R. Doc. 54–7531; Filed, Sept. 24, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION AND DELEGATION OF AUTHORITY

MARKETING AND REGULATORY SERVICES DIVISIONS

Pursuant to authority (19 F. R. 74, 6126) delegated to the Administrator, Agricultural Marketing Service, the following amendments to the Organization and Delegation of Authority (19 F. R. 35) are hereby made effective:

1. Paragraph (a) (3) of section 5 *Marketing and Regulatory Services* is amended to read:

(3) Administering agricultural marketing agreement and order programs, import controls under 7 U. S. C. 608c, and other regulatory acts as assigned;

2. The provisions in subdivision (v) of section 5 (a) (4) *Fruit and Vegetable Division* are amended to read:

(v) Marketing Agreements and Orders under the Agricultural Marketing Agreement Act of 1937, and import controls under 7 U. S. C. 608c.

3. A new paragraph (c) is added to section 11 *Marketing Services Divisions* to read as follows:

(c) The Director of the Fruit and Vegetable Division is hereby delegated authority to exercise the powers and functions under section 8e of the Agricultural Adjustment Act (of 1933), as amended (7 U. S. C. 608e).

Issued at Washington, D. C., this 22d day of September 1954 to become effective September 27, 1954.

[SEAL] ROY W. LENNARTSON,
Acting Administrator.

[F. R. Doc. 54–7551; Filed, Sept. 24, 1954; 8:51 a. m.]

Office of the Secretary

MAINE

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. a–2 (a)), it is found that in the entire State of Maine a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the delegation of authority from the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148) as further amended on July 30, 1954, and for the purpose of making loans pursuant to section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, it is determined that the entire State of Maine is within the area affected by the major disasters, occasioned by two recent hurricanes, determined by the President on September 13, 1954, pursuant to Public Law 875, 81st Congress. It is also determined that an economic disaster exists in the entire State of Maine that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources.

After December 31, 1955, loans under section 2 (a) or 2 (b) of Public Law 38, 81st Congress, as amended, will not be made in the State of Maine except to borrowers who previously received such assistance.

Done at Washington, D. C., this 22d day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–7552; Filed, Sept. 24, 1954; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 134 (Amended)]

ASSISTANT SECRETARY OF COMMERCE FOR ADMINISTRATION

AUTHORITY, RESPONSIBILITIES AND DUTIES

The material appearing at 18 F. R. 3735 and 19 F. R. 4205 is hereby revoked and the following substituted therefor:

SECTION 1. *Purpose.* The purpose of this order is to define the authorities, responsibilities, and duties of the Assistant Secretary of Commerce for Administration.

SEC. 2. *Administrative designation.* Pursuant to authority vested in the Secretary of Commerce, the position of Assistant Secretary of Commerce, established by section 304 of Public Law 471, 83d Congress, 2d Session, approved July 2, 1954, is hereby designated as the Assistant Secretary of Commerce for Administration.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, the Assistant Secretary of Commerce for Administration is hereby delegated all authority vested by law in the Secretary of Commerce to take final action on all matters of administration and management within the Department of Commerce except such authority as must by law be exercised by the Secretary in his own right.

.02 The Assistant Secretary of Commerce for Administration may, at his discretion, delegate any authority con-

ferred upon him by this order, provided redelegation is permitted by law, to any officer of the Department of Commerce, and may further provide for redelegation by such officer, if permitted by law.

SEC. 4. *Organization of Office of Assistant Secretary of Commerce for Administration.* The Office of the Assistant Secretary of Commerce for Administration shall consist of the Office of Budget and Management, the Office of Administrative Operations, the Office of Personnel Management, the Office of Publications, and the Security Control Office. The Appeals Board for the Department of Commerce shall, for administrative purposes, be deemed to be a part of the Office of Assistant Secretary of Commerce for Administration.

SEC. 5. *Duties and responsibilities of the Assistant Secretary of Commerce for Administration.* .01 The Assistant Secretary of Commerce for Administration is the principal deputy and adviser to the Secretary of Commerce on all matters of administration and management and is the chief administrative and management officer of the Department.

.02 The Assistant Secretary of Commerce for Administration shall:

1. Prescribe the Department's policies, regulations, and programs with respect to all administrative and management activities and shall direct their execution;

2. Perform all other functions and exercise all other powers, authorities, and discretions vested in the Secretary with respect to administrative and management matters as delegated to the Assistant Secretary of Commerce for Administration by this or any other order;

3. Provide for the direction and supervision of all staff service offices in the Office of the Secretary except the Office of the General Counsel and the Office of Public Information, and except that with respect to the Security Control Office the Security Control Officer shall report to the Secretary through the Assistant Secretary of Commerce for Administration;

4. In collaboration with other secretarial officers and officers of the primary organization units of the Department, define the basic objectives, programs, functions, relationships, and plans of organization of the Department;

5. Develop and carry out defense mobilization programs for government continuity and civil defense, including the execution of agreements and letters of understanding required to carry out such programs; and

6. Carry out such other duties and responsibilities as the Secretary of Commerce may assign.

.03 More specifically, but not by way of limitation, the Assistant Secretary of Commerce for Administration shall:

1. Prescribe the policies and programs and provide departmental leadership for the following major administrative activities of the Department:

(1) Fiscal management.

(2) Budget planning and administration.

(3) Management research and planning.

(4) Organization planning.

(5) Personnel administration.

(6) Administrative operations and services.

a. Property and supply operations.

b. Records administration.

(7) Publications programs.

(8) Security programs.

2. Be responsible for and direct the evaluation of all the Department's programs and activities in terms of efficiency of management and economy of operations with a view to improving management and effecting economies in operations;

3. Be responsible for and direct all activities of the Department relating to interdepartmental coordination of administrative and management matters;

4. Serve as the representative of and upon designation as the alternate to the Secretary of Commerce on all committees, boards, commissions, services, and organizations constituted with authority or responsibilities in the field of administration and management; and

5. Develop and provide for the execution of (1) plans to insure continuity of essential functions of the Department in event of attack upon the United States, and (2) civil defense plans and programs covering facilities and self-protection, and civil defense assistance.

SEC. 6. *Effect on other orders.* This order supersedes Department Order No. 134 (Amended) of May 29, 1953, and Amendment 1 thereto of May 27, 1954, and amends Department Order No. 83 (Amended) of August 6, 1951. Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby amended or superseded accordingly.

Effective date: August 18, 1954.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54-7537; Filed, Sept. 24, 1954; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6865]

JAPAN AIR LINES CO., LTD.

NOTICE OF HEARING

In the matter of the application of Japan Air Lines Company, Ltd., for amendment of its foreign air carrier permit so as to authorize service beyond Okinawa to Hongkong.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 4, 1954, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 21, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7545; Filed, Sept. 24, 1954; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1171, G-1603, G-1615, G-2516]

BROOKLYN UNION GAS CO.

FINDINGS AND ORDER DECLARING EXEMPTION AND RESCINDING IN PART ORDERS GRANTING REHEARING AND APPROVING ORAL ARGUMENT

The Brooklyn Union Gas Company (Applicant) filed application on August 2, 1954, for exemption from the provisions of the Natural Gas Act pursuant to section 1 (c) thereof.

Upon the basis of the application filed, the exhibits appended thereto, and the files of the Commission, it appears that:

(1) Applicant is a New York corporation engaged in the transportation and distribution of natural gas in the State of New York;

(2) Applicant purchases out-of-state natural gas from Transcontinental Gas Pipe Line Corporation and all of such natural gas is received by Applicant within the State of New York;

(3) All the gas so received by Applicant is ultimately consumed within the State of New York and all of Applicant's facilities are located within the State of New York;

(4) The Public Service Commission of the State of New York has filed with the Federal Power Commission a certification that it has and is exercising regulatory jurisdiction over the rates, service, and facilities of Applicant;

(5) The Commission has heretofore, by orders issued on October 31, 1949, April 4, 1951, and September 28, 1951, respectively, issued Applicant certificates of public convenience and necessity in Docket Nos. G-1171, G-1603, and G-1615; and by orders issued December 13, 1949, June 1, 1951, and November 28, 1951, has granted rehearing and oral argument, inter alia, with respect to the certificate orders issued in such proceedings. No date for such argument has been fixed.

The Commission finds:

(1) Brooklyn Union Gas Company is exempt from the provisions of the Natural Gas Act and the orders, rules, and regulations of this Commission issued pursuant thereto.

(2) In view of the fact that Brooklyn Union Gas Company is exempt from the provisions of the Natural Gas Act, good cause exists to rescind the orders issued December 13, 1949, June 1, 1951, and November 28, 1951, insofar as such orders apply to Brooklyn Union Gas Company.

The Commission, therefore, orders: The orders issued December 13, 1949, June 1, 1951, and November 28, 1951, insofar as they granted rehearing and provided for oral argument with respect to the issues in Docket Nos. G-1171, G-1603, and G-1615, be and the same hereby are rescinded.

Adopted: September 17, 1954.

Issued: September 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7541; Filed, Sept. 24, 1954; 8:49 a. m.]

[Docket Nos. G-1167, G-1604, G-2507]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

FINDINGS AND ORDER DECLARING EXEMPTION AND RESCINDING IN PART ORDERS GRANTING REHEARING AND APPROVING ORAL ARGUMENT

Consolidated Edison Company of New York, Inc. (Applicant), filed an application on July 28, 1954, for exemption from the provisions of the Natural Gas Act pursuant to section 1 (c) thereof, and for an order dismissing and concluding the proceedings in Docket Nos. G-1167 and G-1604.

Upon the basis of the application filed, the exhibits appended thereto, and the files of the Commission, it appears that:

(1) Applicant is a New York corporation engaged in the transportation of natural gas and the distribution of mixed gas of which natural gas forms a component in the State of New York;

(2) Applicant purchases out-of-state natural gas from Transcontinental Gas Pipe Line Corporation, taking delivery of such gas within the State of New York;

(3) All of the natural gas so received by Applicant is ultimately distributed and consumed within the State of New York as mixed gas and all of Applicant's facilities are located within the State of New York;

(4) The Public Service Commission of the State of New York has certified to the Federal Power Commission that it has and is exercising regulatory jurisdiction over the rates, service, and facilities of Applicant; and

(5) The Commission has heretofore, by order issued October 31, 1949 and April 4, 1951, respectively, issued Applicant certificates of public convenience and necessity in Docket Nos. G-1167 and G-1604; and by orders issued December 13, 1949 and June 1, 1951, inter alia, has granted Applicant rehearing and oral argument with respect to the certificate orders issued in such proceedings. No date for such argument has been fixed.

The Commission finds:

(1) Consolidated Edison Company of New York, Inc., is exempt from the provisions of the Natural Gas Act and the orders, rules, and regulations of this Commission issued pursuant thereto.

(2) In view of the fact that Consolidated Edison Company of New York, Inc., is now exempt from the provisions of the Natural Gas Act, good cause exists to rescind the orders issued December 13, 1949, and June 1, 1951, insofar as such orders apply to Consolidated Edison Company of New York, Inc.

The Commission, therefore, orders: The orders issued December 13, 1949, and June 1, 1951, insofar as they granted rehearing and provided for oral argument with respect to the issues in Docket Nos. G-1167 and G-1604, be and the same hereby are rescinded.

Adopted: September 17, 1954.

Issued: September 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-7540; Filed, Sept. 24, 1954; 8:49 a. m.]

No. 187——3

[Docket No. G-2573]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 20, 1954.

Take notice that on August 24, 1954, Texas Eastern Transmission Corporation (Applicant), a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed an application, pursuant to section 7 of the Natural Gas Act for authorization to sell and deliver additional quantities of natural gas to certain of its present customers.

Applicant proposes increased deliveries to its indicated customers as follows:

MCF PER DAY AT 14.73 P. S. I. A.

Customer	Rate schedule	Presently authorized	Proposed increase	Proposed total
Illinois Electric & Gas Co.	GS	3,196	1,020	4,216
Southwestern Illinois Gas Co.	SGS	1,122	714	1,836
Borough of Chambersburg, Pa.	GS	2,254	642	2,896
City Gas Co. of New Jersey	SGS	[1] 690	[2] 330	[2] 1,020
Town of Red Bay, Ala.	SGS	463	251	714
Tennessee Gas Co.	GS	2,184	204	2,388
Permian Oil & Gas Co.	SGS	306	204	510
Total		10,215	3,335	13,550

[1] Under GS rate schedule.
[2] Under SGS rate schedule.

Applicant avers that it has available for sale 16,310 Mcf of daily excess capacity from which it proposes to make the increased deliveries.

The Applicant requests that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, 441 G Street NW., Washington 25, D. C., in accordance with § 1.8 or § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of October 1954. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7538; Filed, Sept. 24, 1954; 8:48 a. m.]

[Project No. 2059]

CITY OF EUGENE, OREGON

NOTICE OF APPLICATION FOR LICENSE

SEPTEMBER 21, 1954.

Public notice is hereby given that City of Eugene, Oregon, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed water-power Project No. 2059 to be located on the McKenzie River in Lane and Linn Counties, Oregon, and to consist of an earth and rock-fill dam about 51 feet high across a portion of Fish Lake creating a reservoir containing 3,200 acre-feet of useful storage with normal pool at elevation 3,174 feet; a low diversion dam at the outlet of Clear Lake for maintaining the surface elevation of the lake; a conduit comprising a tunnel about 8,400 feet long with intake on Clear Lake, a surge tank, a penstock about 610 feet long; a powerhouse (Beaver Marsh) containing two 23,500 horsepower turbines each connected to a 15,000-kva generator; a substation at Beaver Marsh powerhouse; a low earth-fill dike about 3,100 feet long with a rock-fill crib spillway creating a re-regulating reservoir below Beaver Marsh Plant, with normal pondage of about 220 acre-feet; a 115-kv transmission line from Beaver Marsh substation to Leaburg switchyard, a distance of 46 miles; a switchyard at Leaburg; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is October 28, 1954. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7539; Filed, Sept. 24, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1660]

RELIANCE MANUFACTURING CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 21, 1954.

Reliance Manufacturing Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, $5 Par Value, from listing and registration on the Midwest Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration are as follows:

(1) The stock is inactive on the Midwest Stock Exchange, where none has been reported to have traded since 1950.

(2) The stock will continue to be listed on the New York Stock Exchange.

(3) Withdrawal from the Midwest Stock Exchange will eliminate an amount of expense.

(4) In view of the inactivity of this stock on its floor, the Midwest Stock Exchange has waived the requirements of its rule calling for a vote of stockholders upon a proposed delisting.

Upon receipt of a request, prior to October 8, 1954, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person

may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7534; Filed, Sept. 24, 1954; 8:47 a. m.]

[File Nos. 7-1632—7-1634, 7-1636—7-1648]

ATLAS CORP. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

In the matter of applications by the Los Angeles Stock Exchange for unlisted trading privileges in: Atlas Corporation Common Stock, $5 Par Value, 7-1632; Crucible Steel Co. of America Common Stock, $25 Par Value, 7-1633; Flintkote Company Common Stock, No Par Value, 7-1634; General Public Service Corporation Common Stock, 10¢ Par Value, 7-1636; the General Tire & Rubber Company Common Stock, $2.50 Par Value, 7-1637; Gimbel Brothers, Inc. Common Stock, $5 Par Value, 7-1638; Homestake Mining Company Common Stock, $12.50 Par Value, 7-1639; Johns-Manville Corporation Common Stock, No Par Value, 7-1640; Liggett & Myers Tobacco Company Common Stock, $25 Par Value, 7-1641; National Biscuit Company Common Stock, $10 Par Value, 7-1642; Niagara Mohawk Power Corporation Common Stock, No Par Value, 7-1643; Pabco Products, Inc. Common Stock, No Par Value, 7-1644; Philip Morris & Co., Ltd., Inc. Common Stock, $5 Par Value, 7-1645; Westinghouse Air Brake Company Common Stock, $10 Par Value, 7-1646; Wheeling Steel Corporation Common Stock, No Par Value, 7-1647; Worthington Corporation Common Stock, No Par Value, 7-1648.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application to extend unlisted trading privileges to each of the above-mentioned securities, each of which is listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of each application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. Each application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 13, 1954, the Commission will set the matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on these applications by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing, these applications will be determined by order of the Commission on the basis of the facts stated in the applications, and other information contained in the official files of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7532; Filed, Sept. 24, 1954; 8:47 a. m.]

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

ORDER APPROVING AND RELEASING JURISDICTION WITH RESPECT TO CERTAIN FEES AND EXPENSES

SEPTEMBER 21, 1954.

The above-entitled proceedings involve plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") to enable the system of the Northern New England Company, a registered holding company, to effectuate compliance with section 11 (b) of the act. Orders have been entered by the Commission reserving jurisdiction with respect to the fees and expenses paid or to be paid by the companies concerned with these plans for services rendered in connection therewith and related proceedings.

Applications for allowances or approval of amounts already paid to various participants were filed with the Commission. On July 29, 1954, we issued an order releasing jurisdiction with respect to fees and expenses of applicants therein named and an order for hearing concerning other requests for allowances. The Commission having considered the record with respect to applications as filed by certain claimants, and as amended in certain instances; it appearing that New England Public Service Company has agreed, upon receipt of an order of the Commission, to make the payments hereinafter specified; and the Commission being of the opinion that the allowances hereinafter itemized in Table I are reasonable and are for necessary services, and that an order should be entered approving and directing the payment thereof:

It is ordered, That the applications for allowances for services and reimbursement of expenses, in the following amounts and to the persons named, be, and hereby are, approved, and New England Public Service Company is directed to pay such amounts to the extent any portion thereof has not heretofore been paid:

TABLE I

Applicants	Fees	Expenses
Representatives of preferred stockholders:		
The Spelling Committee:		
John R. McLane, member	$1,500	$36.38
Arthur B. Newhall, member	1,000	
Malcolm V. Russell, secretary	350	
Representatives of security holders of Northern New England Co.:		
Weinstein & Levinson	55,000	894.91

It is further ordered, That the jurisdiction heretofore reserved with respect to the allowances herein approved be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7533; Filed, Sept. 24, 1954; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[D. P. A. Request 24—DPAV-31]

MIL-FIN, INC., ET AL.

WITHDRAWAL OF REQUEST TO OPERATE AS A SMALL BUSINESS ENTERPRISE PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN THE OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Mil-Fin, Inc., published in 17 F. R. 3617, on April 23, 1952, to operate as a small business enterprise production pool and the requests to the companies therein listed to participate in the operations of such pool, are hereby withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to Mil-Fin, Inc. and to the participating companies is likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to this withdrawal.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158 E. O. 10493, October 16, 1953, 18 F. R. 6583

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 54-7536; Filed, Sept. 24, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 31620]

MONTANA INTRASTATE FREIGHT RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 15th day of September A. D. 1954.

It appearing, that in Ex Parte No. 175, Increased Freight Rates and Charges, 1951, 284 I. C. C. 589, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorization has been made;

It further appearing, that a petition dated August 6, 1954, has been filed by the Northern Pacific Railway Company and other common carriers by railroad, named in the petition, operating to, from, and between points in the State of Montana. Petitioners aver that, as a result of actions by the District Court of the Eighth Judicial District of the State of Montana in and for the County of Cascade and the Supreme Court of the State of Montana, they have been denied increases in their intrastate freight rates and charges corresponding to those authorized by this Commission and made by petitioners for application on interstate and foreign traffic in the proceeding cited above, and that such refusal, being alleged in the manner and to the extent as more fully set forth in said petition, results in undue or unreasonable advantage, preference, and prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate or foreign commerce, in violation of section 13 of the Interstate Commerce Act.

And it further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by the authority of the State of Montana;

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested, to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Montana, for the intrastate transportation of property, made or imposed by authority of the State of Montana, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in the proceeding cited above, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, and any undue, unreasonable or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Montana, which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Montana be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Board of Railroad Commissioners of the State of Montana at Helena, Mont.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby assigned for hearing October 25, 1954, at 9:30 o'clock, a. m., U. S. Standard Time, at the rooms of the Board of Railroad Commissioners of the State of Montana, Helena, Mont., before Examiner Burton Fuller.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7535; Filed, Sept. 24, 1954; 8:47 a. m.]

Room

FEDERAL REGISTER

VOLUME 19 NUMBER 188

Washington, Tuesday, September 28, 1954

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VI–3, Amdt. 1; Defense Mobilization Order 7–8]

DRO 7–8—ESTABLISHMENT OF INDUSTRIAL DEFENSE COMMITTEE

Defense Mobilization Order VI–3, dated January 20, 1954 (19 F. R. 380), is hereby amended as follows:

1. The designation of this order shall be changed to read Defense Mobilization Order VII–8.

2. Amend paragraph 1 by striking the words "which shall consist of a representative of the Office of Defense Mobilization who is hereby designated as Chairman" and substitute the words "which shall consist of two representatives of the Office of Defense Mobilization who are hereby designated as Chairman and Vice Chairman • • •".

3. Strike out paragraph 2 in its entirety and substitute the following:

2. The Committee shall advise the Assistant Director for Production on policies, plans, programs, problems, and activities related to reducing and overcoming the effects of attack damage on the industrial mobilization base.

4. This amendment shall become effective September 20, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54–7577; Filed, Sept. 23, 1954; 3:09 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 39]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety to the flying public. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 600 is amended as follows:

1. Section 600.223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.)* is amended by changing last portion beginning at Elmira, N. Y., to read: "Elmira, N. Y., radio range station; New York (LaGuardia), N. Y., radio range station to the intersection of the east course of the New York (LaGuardia), N. Y., radio range and the northeast course of the Mitchel AFB, N. Y., radio range."

2. Section 600.263 is amended to read:

§ 600.263 *Red civil airway No. 63 (Battle Creek, Mich., to the United States-Canadian Border).* From the intersection of the southwest course of the Grand Rapids, Mich., radio range and the west course of the Battle Creek, Mich., radio range via the Battle Creek, Mich., radio range station to the Jackson, Mich., nondirectional radio beacon. That airspace over United States territory from the intersection of the northwest course of the Detroit, Mich., radio range and the west course of the Sarnia, Ontario, Canada, radio range to the Sarnia, Ontario, Canada, radio range station.

3. Section 600.663 is amended to read:

§ 600.663 *Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).* From the Concord, N. H., radio range station via the Laconia, N. H., nondirectional radio beacon; North Conway, N. H., nondirectional radio beacon to the Berlin, N. H., nondirectional radio beacon.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

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FEDERAL REGISTER

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This amendment shall become effective 0001 e. s. t. September 28, 1954.

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-7587; Filed, Sept. 27, 1954; 8:52 a. m.]

[Amdt. 39]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 601 is amended as follows:

1. Section 601.663 is amended to read:

§ 601.663 *Blue civil airway No. 63 control areas (Concord, N. H., to Berlin, N. H.).* All of Blue civil airway No. 63.

2. Section 601.1258 is amended to read:

§ 601.1258 *Control area extension (Lafayette, Ind.).* That airspace within 5 miles either side of a line bearing 247° True extending from Purdue University Airport, West Lafayette, Ind., to Blue civil airway No. 34.

3. Section 601.1341 *Control area extension (Danville, Ill.)* is revoked.

4. Section 601.1341 is added to read:

§ 601.1341 *Control area extension (Dover, Del.).* That airspace southeast of Dover bounded on the north by Red civil airway No. 77, on the east by Blue civil airway No. 49, on the southeast by VOR civil airway No. 1 and on the west by VOR civil airway No. 29 excluding the portion which overlaps Danger Area D–12 and Caution Area C–53; that airspace southwest of Dover within a 25 mile radius of the Dover omnirange station bounded on the northwest by VOR civil airway No. 16 and on the southeast by Red civil airway No. 77.

5. Section 601.1355 is added to read:

§ 601.1355 *Control area extension (Berlin, N. H.).* Within 5 miles either side of a line bearing 334° True extending from the Berlin Airport to a point 10 miles northwest.

6. Section 601.2031 is amended to read:

§ 601.2031 *Houston, Tex., control zone.* Within a 10 mile radius of Houston Municipal Airport, within a 5 mile radius of Ellington Air Force Base, and within 2 miles either side of a direct line extending from the Houston Municipal Airport to the Monument nondirectional radio beacon.

7. Section 601.2227 is amended to read:

§ 601.2227 *Dover, Del., control zone.* Within a 6 mile radius of the Dover Air Force Base and within 2 miles either side of the southeast course of the Dover AFB radio range extending from the radio range station to a point 10 miles southeast, excluding the portion which overlaps Danger Area D–12.

8. Section 601.4012 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by deleting the following reporting point: "the intersection of the north course of the Salem, Mich., VHF radio range and the east course of the Lansing, Mich., radio range;"

9. Section 601.4281 is amended to read:

§ 601.4281 *Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).* No reporting point designation.

10. Section 601.4663 is amended to read:

§ 601.4663 *Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).* No reporting point designation.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. September 28, 1954.

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-7588; Filed, Sept. 27, 1954; 8:52 a. m.]

[Amdt. 74]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows (listed items to be placed in appropriate sequence in the sections indicated):

1. Section 610.12 *Green civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Buffalo, N. Y. (LFR).	East Pembroke (INT), N. Y.	1,900
East Pembroke (INT), N. Y.	Rush (INT), N. Y.	2,100
Rush (INT), N. Y.	Rochester, N. Y. (LFR).	2,000

2. Section 610.107 *Amber civil airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Woodstock (INT), Conn.	Bedford, Mass. (LF/RBN)	2,400
Bedford, Mass. (LF/RBN).	Boston, Mass. (LFR).	1,700

3. Section 610.363 *Red civil airway No. 63* is amended to delete:

From	To—	Minimum altitude
Jackson, Mich.	Salem, Mich. (VAR).	2,500
Salem, Mich. (VAR).	Warren (INT), Mich.	2,700

4. Section 610.363 *Red civil airway No. 63* is amended to read in part:

From—	To—	Minimum authorized altitude
Battle Creek, Mich. (LF/RBN).	Jackson, Mich. (LF/RBN).	2,300

5. Section 610.615 *Blue civil airway No. 15* is amended to read in part:

From—	To—	Minimum authorized altitude
Akron, Ohio (ILS/LOM); Alliance (INT), Ohio.	Alliance (INT), Ohio.—Hubbard, Ohio (LF/RBN).	2,300 3,000

6. Section 610.662 *Blue civil airway No. 62* is amended to read in part:

From—	To—	Minimum authorized altitude
Detroit, Mich. (LF/RBN)—Wayne, Mich. (ILS/LOM); White Lake (INT), Mich.	White Lake (INT), Mich.—Flint, Mich. (ILS/LOM).	2,500 2,300

7. Section 610.663 *Blue civil airway No. 63* is amended by adding:

From—	To—	Minimum authorized altitude
Lawrence, N. H. (LF/RBN); Newburyport, Mass. (LF/RBN).	North Conway, N. H. (LF/RBN); Lawrence, N. H. (LF/RBN).	6,000 8,000

8. Section 610.6004 *VOR civil airway No. 4* is amended to read in part:

From—	To—	Minimum authorized altitude
Kansas City, Mo. (VOR), via N. alter.	Tina, Ind. (INT), Mo., via N. alter.	3,100
Tina, Ind. (INT), Mo., via N. alter.	Columbia, Mo. (VOR), via N. alter.	4,000
Dayton, Ohio (VOR), via N. alter.	Columbus, Ohio (VOR).	2,400
Dayton, Ohio (VOR), via N. alter.	Columbus, Ohio (VOR), via N. alter.	2,500

[1] 4,500′—Minimum reception altitude.
[2] Minimum terrain clearance altitude.
[3] 2,500′—Minimum reception altitude.

9. Section 610.6012 *VOR civil airway No. 12* is amended to read in part:

From—	To—	Minimum authorized altitude
Kansas City, Mo. (VOR), via N. alter.	Tina, Ind. (INT), Mo., via N. alter.	3,100
Columbia, Mo. (VOR), via N. alter.	Quincy, Ill. (VOR), via N. alter.	4,000
Dayton, Ohio (VOR).	Columbus, Ohio (VOR), via N. alter.	2,400
Dayton, Ohio (VOR), via N. alter.	Columbus, Ohio (VOR), via N. alter.	2,500

[1] 4,500′—Minimum reception altitude.
[2] 2,500′—Minimum terrain clearance altitude.
[3] 2,000′—Minimum reception altitude.

10. Section 610.6010 *VOR civil airway No. 10* is amended to read in part:

From—	To—	Minimum authorized altitude
Kansas City, Mo. (VOR), via S. alter.	Tina, Ind. (INT), Mo., via S. alter.	[2] 3,100
Tina, Ind. (INT), Mo., via S. alter.	Kirksville, Mo. (VOR), via S. alter.	[3] 3,100
Bradford, Ill. (VOR), via S. alter.	Leonore (INT), Ill., via S. alter.	[3] 3,200
Leonore (INT), Ill., via S. alter.	Naperville, Ill. (VOR), via S. alter.	2,000

[1] 4,500′—Minimum reception altitude.
[2] 2,000′—Minimum terrain clearance altitude.
[3] 2,000′—Minimum reception altitude.

11. Section 610.6030 *VOR civil airway No. 30* is amended by adding:

From—	To—	Minimum authorized altitude
Lillowtld, N. Y. (VOR)	Patchogue[1] (INT), N. Y.	[2] 2,000
Patchogue[1] (INT), N. Y.	Master[2] (INT), N. Y.	[3] 4,000

[1] 2,000′—Minimum reception altitude.
[2] 1,500′—Minimum terrain clearance altitude.
[3] 4,000′—Minimum reception altitude.

12. Section 610.6047 *VOR civil airway No. 47* is amended to read in part:

From—	To—	Minimum authorized altitude
Cincinnati, Ohio (VOR), via W. alter.	Dayton, Ohio (VOR), via W. alter.	2,500

13. Section 610.6050 *VOR civil airway No. 50* is amended to read in part:

From—	To—	Minimum authorized altitude
Kirksville, Mo. (VOR), via S. alter.	Warren (INT), Mo., via S. alter.	[1] 2,500
Warren (INT), Mo., via S. alter.	Quincy, Ill. (VOR), via S. alter.	2,000

[1] 2,000′—Minimum terrain clearance altitude.

14. Section 610.6078 *VOR civil airway No. 78* is amended by adding:

From—	To—	Minimum authorized altitude
Watertown, S. Dak. (VOR).	Madison (INT), Minn.	[3] 7,700
Madison (INT), Minn.	Litchfield (INT), Minn.	26,000
Litchfield (INT), Minn.	Buffalo (INT), Minn.	[3] 8,000
Buffalo (INT), Minn.	Minneapolis, Minn. (VOR).	2,000

[1] 2,000′—Minimum terrain clearance altitude.
[2] 3,000′—Minimum reception altitude.
[3] 2,500′—Minimum terrain clearance altitude.

15. Section 610.6091 *VOR civil airway No. 91* is amended to read in part:

From—	To—	Minimum authorized altitude
Wilton, Conn. (VOR)	Sysset (INT), N. Y....	1,600

16. Section 610.6116 *VOR civil airway No. 116* is amended by adding:

From—	To—	Minimum authorized altitude
Kansas City, Mo. (VOR).	Tina (INT), Mo....	[1] 3,100
Tina (INT), Mo....	Kirksville, Mo. (VOR), via S. alter.	[2] 3,100
Kirksville, Mo. (VOR), via S. alter.	Warren (INT), Mo....	[2] 3,000
Warren (INT), Mo....	Quincy, Ill. (VOR)....	[2] 3,000
Quincy, Ill. (VOR)....	Peoria, Ill. (LF/RBN).	[2] 3,000
Peoria, Ill. (LF/RBN).	Naperville, Ill. (VOR).	[2] 3,000
Naperville, Ill. (VOR).	South Bend, Ind. (VOR).	2,000
South Bend, Ind.	Union (INT), Ind....	2,000
Union (INT), Ind....	Litchfield, Mich. (VOR).	2,000
Litchfield, Mich. (VOR).	Detroit, Mich. (VOR).	2,000
Int. 069° mag. rad. Litchfield, Mich. (VOR), via N. alter.	Litchfield, Mich. (VOR) and 279° mag. rad. Detroit, Mich. (VOR).	2,000
Int. 069° mag. rad. Litchfield, Mich. (VOR) and 279° mag. rad. Detroit, Mich. (VOR), via N. alter.	Detroit, Mich. (VOR).	2,000
Detroit, Mich. (VOR).	Manistee[3] (INT).	[4] 2,000
Manistee[3] (INT).	Ont., Can.	[5] 2,000

[1] 4,500′—Minimum reception altitude.
[2] 2,000′—Minimum terrain clearance altitude.
[3] 3,500′—Minimum reception altitude.
[4] 2,500′—Minimum terrain clearance altitude.
[5] 4,500′—Minimum reception altitude.
[6] For that airspace over U. S. Territory.

17. Section 610.6166 *VOR civil airway No. 166* is added to read:

From—	To—	Minimum authorized altitude
Muskingum, W. Va.	Parkton (INT), Md.	1,800

18. Section 610.6167 *VOR civil airway No. 167* is added to read:

From—	To—	Minimum authorized altitude
Point Pleasant (INT), N. J.	Idlewild, N. Y. (VOR)	2,500
Idlewild, N. Y. (VOR)	Sysset (INT), N. Y.	2,000
Bridgeport, Conn. (VOR).	Hartford, Conn. (VOR).	2,000

[1] 2,500′—Minimum reception altitude.
[2] 1,500′—Minimum terrain clearance altitude.
[3] 2,000′—Minimum reception altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective October 12, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-7523; Filed, Sept. 27, 1954; 8:45 a. m.]

[Amdt. 107]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

Where the general classification (LFR, VAR, ADF, ILS, OCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
BUTTE, MONT. Municipal, 5,554′ BMRLZ-DTV BTM Procedure No. 1 September 1, 1951 Facility to be discontinued Sept. 14, 1954.	PROCEDURE CANCELED EFFECTIVE SEPTEMBER 14, 1954.									
BUTTE, MONT. Municipal, 5,554′ SBRAZ-DTV IHA Procedure No. 2 October 15, 1951 Facility to be discontinued Sept. 14, 1954.	PROCEDURE CANCELED EFFECTIVE SEPTEMBER 14, 1954.									

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-7524; Filed, Sept. 27, 1954; 8:55 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs. Amdt. P. L. 7 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

APPENDIX A—POSITIVE LIST OF COMMODITIES

§ 399.1 *Appendix A—Positive List of Commodities* is amended to read as follows:

§ 399.1 Appendix A—Positive List of Commodities.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists for (explanation of symbols in this column, see "General Notes to Appendix A" in this section)
	GROUP 0—ANIMALS AND ANIMAL PRODUCTS, INEDIBLE					
	(See special provisions for Commodity Group 0, §§ 373.13-373.16; special destination provisions, §§ 373.65-373.67)					
	Other inedible animals and animal products					
093500	Hog bristles, sorted, bunched, or prepared (report waste in 099998).	Lb.	TEXT	100	RO	B
	GROUP 2—VEGETABLE PRODUCTS, INEDIBLE, EXCEPT FIBERS AND WOOD					
	(See special provisions for Commodity Group 2, §§ 373.20-373.23, special destination provisions §§ 373.65-373.67.)					
	Rubber (natural, allied gums, and synthetics) and manufactures					
200100	Crude (natural) rubber and allied gums (report compounded or semiprocessed in 209800): Crude rubber (report natural liquid latex in terms of total dry latex solids TDLS).	Lb.	RUBR 2	250	RO	F
	Synthetic rubbers (report synthetic liquid latex in terms of total dry latex solids TDLS) (report compounded or semiprocessed in 209800):					
200901	S-type (copolymers of butadiene and styrene)..	Lb.	RUBR 14	100	RO	F
200903	Butyl (copolymers of isobutylene and isoprene, or other diolefins).	Lb.	RUBR 2	100	RO	AF
200998	Thiokol (organic polysulfides)	Lb.	RUBR 2	25	RO	F
200998	Silicone	Lb.	RUBR 2	500	RO	AF
206000	Tires, tire casings and inner tubes, new and used (solid and pneumatic) (report scrap tires, scrap tire casings and scrap inner tubes, cut or uncut, under 201200): Pneumatic tires and tire casings: Truck and bus tires and tire casings: (a) All sizes, combat or run-flat construction; (b) all sizes 900 x 16 of 8-ply rating and over; (c) all sizes 34 x 7 of 10-ply rating and over; (d) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; (e) with off-the-road tread in the following sizes and ply ratings: all sizes 650 x 19, 650 x 20, and 700 x 16 of 6-ply rating and over; all sizes 700 x 20, 750 x 20, and 900 x 20 of 8-ply rating and over.	No.	RUBR 10	100	RO	AF
206430	Off-the-road tires and tire casings (except farm tractor and implement): (a) all sizes, combat or run-flat construction; (b) all sizes 900 x 16 of 8-ply rating and over; (c) all sizes 34 x 7 of 10-ply rating and over; (d) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; (e) all sizes 650 x 19, 650 x 20, and 700 x 16 of 6-ply rating and over; (f) all sizes 700 x 20, 750 x 20, and 900 x 20 of 8-ply rating and over; (g) all sizes 1600 x 20 and over of 36-ply rating and over.	No.	RUBR 10	100	RO	AF
206490	Industrial tires and tire casings: (a) all sizes 900 x 16 of 8-ply rating and over; (b) all sizes 34 x 7 of 10-ply rating and over; and (c) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over.	No.	RUBR 10	100	RO	AF
208920	Rubber hose and tubing (report surgical tubing in 204100): High-pressure rotary drilling hose, 3,000 p. s. i. and over.	Lb.	RUBR	100	RO	AF
	GROUP 3—TEXTILE FIBERS AND MANUFACTURES					
	(See special provisions for Commodity Group 3, §§ 373.24-373.27; special destination provisions, §§ 373.65-373.67.)					
	Man-made (synthetic) fibers and manufactures					
384985	Nylon cloth specially manufactured for the production of parachutes.	Sq. yd.	TEST 18	100	R	
	GROUP 4—WOOD AND PAPER					
	(See special provisions for Commodity Group 4, §§ 373.28-373.30; special destination provisions, §§ 373.65-373.67.)					
	Paper, related products, and manufactures					
481500	Fine paper: Paper for dielectric use, uncoated, 0.0015 inch (0.038 mm.) or less in thickness (describe fully, stating thickness and whether coated or uncoated).	Lb.	PULP 1	15	RO	A G
482700	Special industrial paper, n. e. c.: Paper for dielectric use, uncoated, 0.0015 inch (0.038 mm.) or less in thickness (describe fully, stating thickness and whether coated or uncoated).	Lb.	PULP 1	15	RO	A G
489900	Paper, paperboard, and products, n. e. c.: Paper for dielectric use, coated 0.0015 inch (0.038 mm.) or less in thickness (describe fully stating thickness and whether coated or uncoated).	Lb.	PULP 1	15	RO	A G

[1] This amendment is published in Current Export Bulletin No. 736, dated August 26, 1954.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists for (explanation of symbols in this column, see "General Notes to Appendix A" in this section)
	GROUP 5—NONMETALLIC MINERALS					
	(See special provisions for Commodity Group 5, §§ 373.31-373.38; special destination provisions, §§ 373.65-373.67.)					
	Petroleum and products					
501200	Natural gasoline (barrels of 42 gallons)	Bbl.	PETR 1	[1] 25	RO	A E F
	Refined oils: Motor fuel and gasoline (report octane rating):					
501400	Blending agents, of petroleum origin (specify by name) (report antiknock compounds in 529910).	G	PETR 1	100	RO	A B F
	Aviation motor fuels (report jet fuels in 501800):					
501610	100 or over octane number (barrels of 42 gallons).	Bbl.	PETR 2	[1] 25	RO	A B C F
501620	Under 100, not under 90 octane number (barrels of 42 gallons).	Bbl.	PETR 2	[1] 25	RO	A B C F
501640	Under 90 octane number (barrels of 42 gallons).	Bbl.	PETR 2	[1] 25	RO	A B C F
501700	Automotive and other motor fuels and gasoline (barrels of 42 gallons).	Bbl.	PETR 1	[1] 25	RO	A E F
501800	Jet fuels, all types (barrels of 42 gallons)	Bbl.	PETR 1	25	RO	A B F
502700	Kerosene, except distillate fuel oil (barrels of 42 gallons) (report jet fuel in 501800).	Bbl.	PETR 1	[1] 25	RO	A E F
	Lubricating oils, except hydraulic (report hydraulic oils of petroleum origin in 505900; hydraulic oils, except of petroleum origin in 529684): Industrial, except cutting oils (report cutting oils in 504095):					
503300	Red and pale oils (including all red or pale lubricating oils, except those intended for use in internal combustion engines) (see 503910 and 504030) (barrels of 42 gallons).	Bbl.	PETR 3	25	RO	A E F
503400	Black oils (including all black and dark green oils, except those intended for use in steam cylinders, for which see 503510 and 503520) (barrels of 42 gallons).	Bbl.	PETR 3	25	RO	A E F
503510	Cylinder, bright stock (including bright stock and industrial lubricating oils which are predominantly bright stock and have a Saybolt Universal Viscosity at 210° F. of 95 seconds or more) (barrels of 42 gallons.)	Bbl.	PETR 3	25	RO	A E F
503520	Cylinder, steam-refined stocks (including cylinder stock, steam cylinder oil, gear, and other lubricating oils consisting principally of such stock) (barrels of 42 gallons).	Bbl.	PETR 3	25	RO	A E F
503800	Insulating or transformer oils	Gal.	PETR 3	25	RO	A E F
	Industrial engine lubricating oils:					
503910	Diesel engine lubricating oils (report diesel fuel oil in 503000-503100) (barrels of 42 gallons.)	Bbl.	PETR 3	25	RO	A E F
503920	Turbine lubricating oil (barrels of 42 gallons).	Bbl.	PETR 3	25	RO	A E F
503940	Other industrial engine lubricating oil (barrels of 42 gallons) (specify by name).	Bbl.	PETR 3	25	RO	A E F
503990	Industrial lubricating oils, n. e. c. (barrels of 42 gallons) (specify by name).	Bbl.	PETR 3	25	RO	A E F
504005	Aviation engine lubricating oils (barrels of 42 gallons).	Bbl.	PETR 3	25	RO	A C E F
504030	Automotive engine lubricating oils (barrels of 42 gallons).	Bbl.	PETR 3	25	RO	A E F
504050	Automotive gear oils (barrels of 42 gallons) (specify by kind and grade).	Bbl.	PETR 3	25	RO	A E F

[1] The GLV dollar-value limit for shipments to Mexico is $1,000.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists for (explanation of symbols in this column, see "General Notes to Appendix A" in this section)
	GROUP 5—NONMETALLIC MINERAL—continued					
	Petroleum and products—Continued					
	Refined oils—Continued					
	Lubricating oils—Continued					
504090	Lubricating oils, n. e. c., except in containers of 4 ounces or less (specify by name).	Gal.	PETR 3	25	RO	A E F
504095	Cutting oils and compounds, petroleum base (report cutting oils and compounds, except petroleum base in 525000) (specify by name).	Gal.	PETR 3	25	RO	A E F
504100	Lubricating greases, except graphite lubricants (report graphite lubricants in 548068).	Lb.	PETR 3	25	RO	A E F
505000	Automatic transmission fluids (all types)	Gal.	PETR	25	RO	A E F
505900	Reference fuels, referee fuels, and calibrating fuels (all types).	Gal.	PETR 1	25	RO	A E F
505990	Hydraulic fluids or oils (petroleum base) (report other hydraulic fluids or oils in 529984).	Gal.	PETR 1	25	RO	A E F
	Glass and products					
	Raw optical glass in the mass (tinted or untinted):					
523110	Blocks, plates (slabs), pressings and moulds (other than rough-moulded lenses and prisms), with a unit weight of 1 kg. or more.	No. & Lb.	SATE	25	RO	A F
523110	Rough-moulded lenses with a unit weight of 0.5 kg. or more.	No. & Lb.	SATE	25	RO	A F
523110	Rough-moulded prisms with a unit weight of 0.5 kg. or more.	No. & Lb.	SATE	25	RO	A F
	Clay and products					
	Refractories, except graphite (brick and shapes reported in thousands, 9-inch equivalent):					
536200	Magnesite brick and shapes composed of 97 percent or more by weight of magnesium oxide.	M	BLDG 31	None	RO	A B C F
536810	Firebrick and shapes, except plastic, n. e. c., composed of 97 percent or more by weight of beryllium oxide or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide.	M	BLDG 31	None	RO	A B C F
536830	High-temperature refractory cements or bonding mortars composed of 97 percent or more by weight of beryllium oxide, magnesium oxide, or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide (report magnesia cement in 572250).	Lb.	BLDG 31	None	RO	A B C F
536850	Plastic refractories (including fire-brick shapes, and ramming mixtures (composed of 97 percent or more by weight of beryllium oxide, magnesium oxide, or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide.	Lb.	BLDG 31	None	RO	A B C F
536890	Refractories, n. e. c., composed of 97 percent or more by weight of beryllium oxide, magnesium oxide, or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide (specify by name).		BLDG 31	None	RO	A B C F
	Other nonmetallic minerals (precious included)					
	Abrasives:					
540905	Diamond grinding wheels, sticks, hones, and laps (specify carat weight and grit size of contained diamonds) (report loose industrial diamonds in 596005; diamond powder or dust, including compounds, in 540910).	Carat	TOOL 1	50	RO	A B C G

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists for (explanation of symbols in this column, see "General Notes to Appendix A" in this section)
	GROUP 5—NONMETALLIC MINERAL—continued					
	Other nonmetallic minerals (precious included)—Continued					
	Abrasives—Continued					
540910	Diamond powder	Carat	CDGS 2	None	RO	A B C
541110	Fused alumina (aluminum oxide), crude and in grains.	Lb.	MINL 1	100	R	E
541120	Fused silicon carbide, crude and in grains	Lb.	MINL 1	100	R	E
541140	Boron carbide	Lb.	MINL 1	100	R	E
541210	Abrasive products: Grinding wheels containing silicon carbide or aluminum oxide.	Lb.	TOOL	500	R	E
	Carbon or graphite products (natural and artificial):					
547300	Electrodes for furnace or electrolytic work, artificial graphite, smallest dimension 2 inches or over (specify size and boron content in parts per million).	Lb.	MINL	100	RO	A B C E
547400	Brush stock, artificial graphite, smallest dimension 2 inches or over (specify by name, size and boron content in parts per million).	----------	ELME 1	50	RO	A B C F
547800	Lighting carbons, artificial graphite, smallest dimension 2 inches or over (specify size and boron content in parts per million).	No.	FILM	25	RO	A B C F
548098	Graphite greases and lubricants (petroleum base).	Lb.	PETR	25	RO	A F
548098	Artificial graphite products, n. e. c., in block or rod form, smallest dimension 2 inches or over (specify by name, size and boron content in parts per million).	Lb.	MINL	100	RO	A B C E
571410	Sulfur, crude (containing 85 percent or more sulfur) (report sulfur ores or crude sulfur of less than 85 percent sulfur content in 599098).	L. ton	SALT 36	25	R	E F
571500	Sulfur, crushed, ground, refined, sublimed and flowers.	Lb.	SALT 36	25	R	E F
572250	Magnesia cement composed of 97 percent or more by weight of magnesium oxide.	Lb.	BLDG 31	None	RO	A B C F
572250	Magnesium oxide, purity 97 percent or higher, except precipitated (report precipitated in 829600).	Lb.	MINL	50	RO	A B C
595050	Quartz crystal, raw	----------	RARA 50	50	RO	A O
595090	Quartz crystal plates (see § 399.2, Int. 6)	----------	RARA 50	100	RO	A
599005	Diamonds suitable only for industrial use, n. e. c.	Carat	CDGS 1	None	RO	A B C
599010	Diamonds, rough or uncut, suitable for cutting into gem stones.	Carat	CDGS 1	None	RO	A C
599098	Diamond bearings	----------	CDGS 1	None	RO	A C
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES					
	(See special provisions for Commodity Group 6, §§ 373.39-373.47; special destination provisions, §§ 373.65-373.67)					
	Iron and steel scrap					
	Scrap, except tin plated and terne plated scrap (report scrap containing 1 percent or more tungsten in 604381, and 5 percent or more cobalt in 604526):					
601010	Melting steel scrap (No. 1 heavy and No. 2)	S. ton	STEE 19	100	RO	A G
601040	Baled sheet melting scrap (including detinned, semi-detinned, or rusted tin-plated scrap).	S. ton	STEE 19	100	RO	A G
601050	Borings, shovelings, and turnings (steel melting scrap).	S. ton	STEE 19	100	RO	A G
601070	Iron scrap	S. ton	STEE 19	100	RO	A G
601090	Other scrap (specify type) (including detinned, semi-detinned, or rusted tin-plated scrap).	S. ton	STEE 19	100	RO	A G
601170	Rerolling material (report relaying rails in 606301).	S. ton	STEE	100	RO	A G
601702	Steel ingots, blooms, billets, slabs, sheet bars, and tinplate bars: Alloy steel including stainless: Ingots, nickel-bearing stainless steel	S. ton	STEE	100	RO	A
601702	Other alloy steel ingots (includes non-nickel-bearing stainless steel).	S. ton	STEE	100	RO	
601708	Billets, blooms, slabs, and sheet bars, nickel-bearing stainless steel.	S. ton	STEE	100	RO	A
601708	Other alloy steel billets (except projectile and shell steel), blooms, slabs, and sheet bars (includes non-nickel-bearing stainless steel).	S. ton	STEE	100	RO	
601810	Semifinished material for seamless pipe and tubing, nickel-bearing stainless steel.	S. ton	STEE	100	RO	A
601810	Semifinished material for seamless pipe and tubing, other alloy steel (includes non-nickel-bearing stainless steel).	S. ton	STEE	100	RO	
601910	Wire rods, nickel-bearing stainless steel	Lb.	STEE	100	RO	B
601910	Wire rods, other alloy steel (includes non-nickel-bearing stainless steel).	Lb.	STEE	100	RO	A
601950	Skelp, nickel-bearing stainless steel	Lb.	STEE	1,000	RO	
601950	Skelp, other alloy steel (includes non-nickel-bearing stainless steel).	Lb.	STEE	1,000	RO	A
	Steel mill products, rolled and finished					
	(Include Armco iron, ingot iron, and other iron made in a steel-making furnace)					
	Steel bars, including bar size shapes:					
	Bars, cold finished (all cold drawn or cold rolled flats, and rounds in coils or cut to lengths, and special sections):					
602050	Nickel-bearing stainless steel	Lb.	STEE 10	100	RO	A B
602050	Non-nickel-bearing stainless steel	Lb.	STEE 10	100	RO	A
602090	Alloy, except stainless	Lb.	STEE 10	100	RO	A
	Bars, hot-rolled, except tool and hollow drill steel bars (all regular bars, including bars in coils and cut lengths, and special sections and bar shapes under 3 inches) (report tool steel bars in 602650; hollow drill steel bars in 602670; and special sections and bar shapes, 3 inches and over, in 604510-604580):					
602500	Nickel-bearing stainless steel	Lb.	STEE	100	RO	A B
602500	Non-nickel-bearing stainless steel	Lb.	STEE	100	RO	A
602630	Alloy steel, except stainless: Bars, except projectile and shell steel	Lb.	STEE	100	RO	A
602650	Tool steel bars: Alloy steel	Lb.	STEE	100	RO	A
602670	Hollow-drill steel bars: Alloy steel	Lb.	STEE	100	RO	A
603135	Steel plates, including boiler plate (hot or cold-rolled), not fabricated: [1] Nickel-bearing stainless steel (include stainless-clad plates).	Lb.	STEE 9	100	RO	A B
603135	Non-nickel-bearing stainless steel (include stainless-clad plates).	Lb.	STEE 9	100	RO	A
603145	Alloy steel, except stainless	Lb.	STEE 9	100	RO	A
	Steel sheets, black, ungalvanized (including painted):					
	Stainless steel:					
603340	Hot-rolled, nickel-bearing	Lb.	STEE 3	100	RO	A B
603340	Hot-rolled, non-nickel-bearing	Lb.	STEE 3	100	RO	A
603360	Cold-rolled, nickel-bearing	Lb.	STEE 3	100	RO	A B
603360	Cold-rolled, non-nickel-bearing	Lb.	STEE 3	100	RO	A

[1] Armor plate, classified in Schedule B No. 603165, requires report authorization from the Department of State. See § 370.4 (a).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists for (explanation of symbols in this column, see "General Notes to Appendix A" in this section)
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—continued					
	Steel mill products, rolled and finished—Con.					
	Steel sheets, black, uncalvanized—Continued					
	Alloy steel, except stainless:					
603370	Hot-rolled	Lb.	STEE 3	100	RO	A
603380	Cold-rolled	Lb.	STEE 3	100	RO	A
603395	Electrical (steel) sheets, and strip with a core loss of 0.5 watt per pound at B=13,000 gausses and 50 cycles per second or less, or with a thickness of 0.003 inch and less.	Lb.	STEE	100	RO	A
603395	Other electrical (steel) sheets, and strip	Lb.	STEE	1,000	RO	A
	Steel strip, coated or uncoated, except electrical (report electrical steel strip in 603595):					
603710	Cold-rolled carbon steel, gilding metal clad	Lb.	STEE	100	RO	A
603750	Cold-rolled nickel-bearing stainless steel	Lb.	STEE	100	RO	A B
603750	Cold-rolled non-nickel-bearing stainless steel	Lb.	STEE	100	RO	A
603790	Cold-rolled alloy steel, except stainless	Lb.	STEE	100	RO	A
603810	Hot-rolled carbon steel, gilding metal clad	Lb.	STEE	100	RO	A
603850	Hot-rolled nickel-bearing stainless steel	Lb.	STEE	100	RO	A B
603850	Hot-rolled non-nickel-bearing stainless steel	Lb.	STEE	100	RO	A
603890	Hot-rolled alloy steel, except stainless	Lb.	STEE	100	RO	A
	Structural shapes and piling:					
	Structural shapes, not fabricated:					
604530	Nickel-bearing stainless steel	S. ton	STEE	1,000	RO	A
604540	Non-nickel-bearing stainless steel	S. ton	STEE	1,000	RO	A
604580	Alloy steel, except stainless	S. ton	STEE	1,000	RO	A
	Pipe, tubes, and tubing, n. e. c., new and used (except scrap) (report pipe assemblies specially fabricated for particular machines or equipment as parts of such machines or equipment):					
	Pressure tubes and tubing (including boiler tubes and tubing):					
606110	Alloy steel (except stainless), seamless (report stainless in 607500).	Lb.	STEE 12	100	RO	A E
606130	Alloy steel (except stainless), welded (report stainless in 607500).	Lb.	STEE 12	100	RO	A E
	Oil country pipe (including drill pipe, casing and tubing) (see § 399.2, Int. 1):					
606210	Seamless casing and tubing, carbon steel	Lb.	STEE 15	100	RO	A E
606210	Seamless drill pipe, carbon steel	Lb.	STEE 15	100	RO	A E
606230	Seamless drill pipe, alloy steel, except stainless.	Lb.	STEE 15	100	RO	A E
606230	Seamless casing and tubing, alloy steel, except stainless.	Lb.	STEE 15	100	RO	A E
606240	Welded drill pipe, carbon steel	Lb.	STEE 16	100	RO	A E
606240	Welded casing and tubing, carbon steel	Lb.	STEE 16	100	RO	A E
606260	Welded drill pipe, alloy steel, except stainless	Lb.	STEE 16	100	RO	A E
606260	Welded casing and tubing, alloy steel except stainless.	Lb.	STEE 16	100	RO	A E
	Line pipe, carbon and alloy steel, except stainless (if alloy, specify and give analysis) (see § 399.2, Int. 1):					
606270	Seamless, over 24 inches outside dimension	Lb.	STEE 15	100	RO	A E
606280	Welded, over 24 inches outside dimension	Lb.	STEE 16	100	RO	A E
607430	Mechanical tubing, alloy steel, except stainless	Lb.	STEE 17	100	RO	A E
607500	Pipe and tubing, nickel-bearing stainless steel	Lb.	STEE 17	100	RO	B E
607500	Pipe and tubing, non-nickel-bearing stainless steel.	Lb.	STEE 17	100	RO	A E
607710	Pipe and tubing, alloy steel, except stainless, n. e. c.	Lb.	STEE 17	100	RO	A E
	Steel wire, n. e. c. (all round, shaped, and flat wire regardless of use) (report electrical insulated wire and cable in 709810-709885):					
608130	Uncoated wire, alloy steel, except stainless	Lb.	STEE	100	RO	A E
608150	Uncoated wire, nickel-bearing stainless steel	Lb.	STEE	100	RO	E
608150	Uncoated wire, non-nickel-bearing stainless steel.	Lb.	STEE	100	RO	A E
608210	Coated wire, except galvanized (all steel grades): Nickel-bearing stainless steel	Lb.	STEE	100	RO	E
608210	Other alloy steel (includes non-nickel-bearing stainless steel).	Lb.	STEE	100	RO	A E
	Castings and forgings					
	Castings, iron and steel, rough and semifinished:					
610030	Locomotive wheel tires for turbine locomotives of general service (line) and industrial types with a gage greater than 4 feet 8 inches or an individual axle load greater than 12 metric tons.	Lb.	STEE 13	500	RO	A
610410	Carbon steel gun castings, rough	Lb.	STEE	500	RO	A
610491	Alloy steel castings, except stainless	Lb.	STEE	100	RO	A
610492	Stainless steel grinding balls	Lb.	STEE	100	RO	A
610492	Other castings, nickel-bearing stainless steel	Lb.	STEE	100	RO	
610492	Other castings, non-nickel-bearing stainless steel.	Lb.	STEE	100	RO	A
	Forgings, rough and semifinished:					
610493	Carbon steel gun forgings, rough	Lb.	STEE 1	100	RO	A
610495	Alloy steel grinding balls, rough or polished, including stainless.	Lb.	STEE 1	100	RO	A B
610495	Other nickel-bearing stainless steel forgings	Lb.	STEE	100	RO	B
610495	Other alloy steel forgings, non-nickel-bearing	Lb.	STEE 1	100	RO	A
	Railway car and locomotive wheels, tires, and axles (rolled and forged)					
	(Report railway car pressed steel wheels and maintenance car axles in 796182)					
	Wheels, without axles (if alloy, specify and give analysis) (report chilled iron wheels in 610050):					
610518	Locomotive wheels and tires for turbine locomotives of general service (line) and industrial types, with a gage greater than 4 feet 8 inches, or an individual axle load greater than 12 metric tons.	Lb.	STEE	500	RO	A
	Axles, without wheels (if alloy, specify and give analysis):					
610528	ocomotive axles for turbine locomotives of general service (line) and industrial types, with a gage greater than 4 feet 8 inches, or an individual axle load greater than 12 metric tons.	Lb.	STEE	500	RO	A
	Wheels and axles, mounted (if alloy, specify and give analysis):					
610538	Locomotive mounted wheels and axles for turbine locomotives of general service (line) and industrial types, with a gage greater than 4 feet 8 inches, or an individual axle load greater than 12 metric tons.	Lb.	STEE	500	RO	A
	Metal manufactures					
617901	Tools incorporating industrial diamonds, n. e. c. (include slugs containing diamonds).	No. and Carat	TOOL	50	RO	A O
	Fabricated steel products:					
618961	Perforated sheets, alloy steel	Lb.	STEE	100	RO	A
	Welding rods and wires, including brazing rods:					
619040	Nickel and nickel alloy (specify by name and metal content).	Lb.	NONF	100	RO	A G

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	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—continued					
	Metal manufactures—Continued					
	Wire products, n. e. c. (report wire nails, staples, and spikes in 618267–618273):					
	Wire cloth:					
619057	Woven wire mesh composed of wire containing 95 percent or more nickel with 60 or more wires per linear centimeter.	Sq. ft.	CDGS	None	RO	A B C F
	Wire rope, cord, and cable, except guard rail and insulated (report guard rail in 619065; and insulated rope and strand in 709810–709875):					
619061	Wire rope and cord made of stainless steel, suitable for aircraft.[1]	Lb.	STEE	100	RO	A
	Wire strand, including guard rail cable (report strand wire in 608200):					
619065	Wire strand made of stainless steel, suitable for aircraft.[2]	Lb.	STEE	100	RO	A
619069	Woven wire mesh composed of wire containing 95 percent or more nickel with 60 or more wires per linear centimeter.	Sq. ft.	CDGS	None	RO	A B C F
	Metal powders:					
619110	Carbonyl iron powder (for all purposes)	Lb.	STEE	10	RO	A
619130	Aluminum and aluminum alloy powders (aluminum content).	C. lb.	NONF	100	RO	A E
619151	Beryllium	Lb.	MINL	500	RO	A B C
619151	Beryllium alloys (except beryllium copper), containing more than 50 percent beryllium by weight.	Lb.	MINL	500	RO	A B C
619152	Magnesium	Lb.	MINL	100	RO	A B C E
619153	Molybdenum	Lb.	MINL	100	RO	A
619155	Tantalum	Lb.	MINL	25	RO	A
619159	Cobalt	Lb.	NONF	25	RO	A
619159	Columbium	Lb.	NONF	25	RO	A
619159	Nickel-chrome-boron powder	Lb.	NONF	100	RO	A B G
619159	Nickel flakes	Lb.	NONF	100	RO	G
619159	Nickel powder	Lb.	NONF	None	RO	B C G
619159	Selenium (specify selenium content and grade).	Lb.	MINL	25	RO	B G
619159	Titanium	Lb.	MINL	None	RO	A B G
619159	Zirconium (specify hafnium content)	Lb.	NONF	25	RO	A B C
619159	Zirconium alloys, containing more than 50 percent zirconium by weight (specify hafnium content).	Lb.	NONF	25	RO	A B C
	Foil and leaf (less than 0.006 inch in thickness) (report paper-backed foil in 486100):					
619250	Beryllium foil	Lb.	MINL	500	RO	A B C
619250	Columbium	Lb.	NONF	100	RO	A
619250	Tantalum	Lb.	NONF	100	RO	A
619250	Titanium	Lb.	NONF	100	RO	A
	Metal manufactures, n. e. c., and parts, n. e. c:					
	Iron and steel (specify by name):					
619910	Packing, nickel-bearing stainless steel	Lb.	STEE	100	RO	A
	Other metals, except precious (specify by name and type of metal):					
619950	Copper and copper-base alloy perforated plates and perforated sheets.	Lb.	NONF 15	100	RO	A C E
619950	Permanent magnets	No.	CDGS	None	RO	A B C F
619950	Nickel catalysts	Lb.	NONF	100	RO	G
619950	Zirconium manufactures (wholly of zirconium) (specify hafnium content).	Lb.	CDGS	None	RO	A B C F
619950	Zirconium alloy manufactures (wholly of zirconium alloys) containing more than 50 percent zirconium (specify hafnium content)	Lb.	CDGS	None	RO	A B C F
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—continued					
	Ferroalloys					
622050	Ferrochrome, low carbon, containing a maximum of 0.03 percent carbon (specify chrome content).	Lb.	MINL	100	R	
622085	Ferromolybdenum (specify molybdenum content).	Lb.	MINL	100	RO	A
622098	Ferrocolumbium (specify columbium content)	Lb.	MINL	100	RO	A
622098	Ferrocolumbium-tantalum (specify alloy content).	Lb.	MINL	100	RO	A
622098	Ferroselenium (specify selenium content)	Lb.	MINL	25	RO	B G
622098	Ferrozirconium, containing more than 50 percent zirconium (specify hafnium content).	Lb.	MINL	100	RO	A B C
622098	Ferrotantalum	Lb.	MINL	100	RO	A
	Aluminum ores, concentrates, scrap, and semifabricated forms					
630050	Aluminum scrap (new and old)	Lb.	NONF	500	RO	A C
630070	Aluminum slugs	Lb.	NONF	300	RO	A
630070	Other aluminum metal and alloys in crude form (including ingots, pigs, blooms, and slabs).	Lb.	NONF	100	RO	A C E
	Aluminum alloy semifabricated forms in which: (1) The average copper content is 1 percent or more irrespective of other elements; (2) the average copper content is less than 1 percent and the zinc content is 4 percent or more, or the silicon content is 3.5 percent or more, or the magnesium content is 9.5 percent or more, as follows:					
630301	Aluminum sheets, corrugated	Lb.	NONF	100	RO	A E
630301	Other aluminum plates and sheets, flat and coiled (0.006 inch and over in thickness)	Lb.	NONF	100	RO	A C E
630310	Aluminum bars and rods, rolled or drawn (⅜ inch and over) (report extruded bars and rods in 630320; aluminum bus bars in 709495).	Lb.	NONF 12	100	RO	A C E
630320	Aluminum extruded and drawn shapes and tubes, except drawn bars, rods, and wire.	Lb.	NONF 12	100	RO	A C E
630340	Aluminum castings and forgings, rough and semifinished.	Lb.	NONF	100	RO	A C
630610	Aluminum wire (under ⅜ inch) and cable, bare, except welding rods and wire (specify by name) (report welding rods and wire in 619040).	Lb.	NONF	100	RO	A C E
630650	Aluminum semifabricated forms, n. e. c. (specify by name).	Lb.	NONF	100	RO	A C
	Copper ores, concentrates, scrap, and semifabricated forms					
640100	Copper matte, regulus, unrefined copper as blister or converter copper (copper content).	C. lb.	NONF	1,000	RO	A C
640100	Copper ore and concentrates (copper content)	C. lb.	NONF	1,000	RO	A C
641200	Copperweld rod for drawing (formerly 642510)	Lb.	NONF 15	100	RO	A C E
641200	Refined copper in cathodes, billets, ingots, wire bars and other crude forms (include anodes) (report copper bars except wire bars in 642400).	Lb.	NONF	1,000	RO	A C E
	Copper scrap (new and old):					
641300	Slag	Lb.	NONF 13	1,000	RO	A C
641300	Other copper scrap	Lb.	NONF 13	1,000	RO	A C
642300	Copper pipe and tubes (report flexible tubing, except electrical, in 619950; flexible electrical conduit in 709420).	Lb.	NONF 15	100	RO	A C E
642300	Copper plates, sheets, and strips, including nickel-plated.	Lb.	NONF 15	100	RO	A C E
642400	Copper rods and bars, n. e. c. (report copper-weld rods in 642510; copper wire bars and re-drawing rods in 641300; and copper bus bars in 709495).	Lb.	NONF 15	100	RO	A C E

[1] The GLV dollar-value limit for shipments to Mexico is $1,000.

[2] Electric conducting wire or cable (including insulated wire) not over 0.1 inch for harbor defense requires export authorization from the Department of State (see § 50.1 (m)).

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	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—continued					
	Copper-base alloys (including brass and bronze), scrap, and semifabricated forms					
644000	Copper-base alloy scrap (new and old)	Lb.	NONF 13	1,000	RO	A C
644100	Copper-base alloy ingots	Lb.	NONF	1,000	RO	A C E
644100	Other copper-base alloy crude forms (formerly 644900).	Lb.	NONF 15	100	RO	A C E
644900	Copper-base alloy bars, rods, and other shapes, extruded, rolled and drawn.	Lb.	NONF 15	100	RO	A C E
645000	Copper-base alloy plates, sheets, and strips	Lb.	NONF 15	100	RO	A C E
645300	Copper-base alloy pipes and tubes (including pipe coils) (report flexible tubing, except electrical, in 619950; and flexible electrical conduit in 709420).	Lb.	NONF 13	100	RO	A C E
647913	Copper-base alloy castings, and forgings, rough and semi-finished (specify copper content).	Lb.	NONF	200	RO	A C E
	Nickel ores, concentrates, scrap, and semifabricated forms					
654501	Nickel ore, concentrates, and matte	Lb.	NONF	100	RO	A
654502	Nickel slugs	Lb.	NONF	100	RO	A B G
654502	Spent nickel catalyst	Lb.	NONF	100	RO	
654502	Other nickel metal in ingots, bars, rods, and other crude forms, and scrap.	Lb.	NONF	None	RO	A B C G
654502	Nickel alloy metals in ingots, bars, rods, and other crude forms and scrap (report nickel silver in 644000–645000).	Lb.	NONF	100	RO	A B C G
654504	Nickel metal sheets, plates and strips	Lb.	NONF	100	RO	A B C G
654504	Nickel alloy metal sheets, plates, and strips (report nickel-silver in 644000–645000).	Lb.	NONF	100	RO	A B C G
654508	Nickel-chrome electric resistance wire, except insulated (report insulated wire in 709810–709885).	Lb.	NONF	100	RO	A G
654519	Nickel and nickel alloy semifabricated forms, n. e. c. (specify by name and nickel content) (report cupronickel wire in 645710).	Lb.	NONF	100	RO	A B C G
	Other nonferrous ores, concentrates, scrap and semifabricated forms (except precious)					
	Beryllium:					
664505	Ores and concentrates	Lb.	MINL	500	RO	A B C
664506	Beryllium metal in crude form and scrap	Lb.	MINL	500	RO	A B C
664506	Beryllium alloys in crude form and scrap, containing more than 50 percent beryllium (report beryllium copper in 644000–647950).	Lb.	MINL	500	RO	A B C
664509	Beryllium metal semifabricated forms, n. e. c. (specify by name).	Lb.	MINL	500	RO	A B C
664509	Beryllium alloy semifabricated form, n. e. c. containing more than 50 percent beryllium (specify by name) (report beryllium copper semifabricated forms in 644000–647950).	Lb.	MINL	500	RO	A B C
	Bismuth:					
664510	Matte, slimes, residues, and base bullion	Lb.	MINL	100	RO	B C
664512	Metals and alloys	Lb.	MINL	100	RO	B C
	Cobalt:					
664526	Cobalt dental alloys	Lb.	MINL	100	RO	A G
664526	Ores, concentrates, metal, and other alloys in crude form, and cobalt-bearing scrap metal (includes cobalt scrap containing 5 percent or more cobalt by weight).	Lb.	MINL	100	RO	A B
664529	Semifabricated forms, n. e. c. (specify by name)	Lb.	MINL	100	RO	A
	Columbium or niobium:					
664530	Ores and concentrates	Lb.	MINL	100	RO	A
664531	Metals and alloys in crude form	Lb.	MINL	100	RO	A
664535	Semifabricated forms, n. e. c. (specify by name)	Lb.	MINL	100	RO	A
	Magnesium:					
	Magnesium base alloys, containing 0.4 percent or more zirconium, or 1.5 percent or more thorium, or 1 percent or more of rare earth metals (cerium misch metal), as follows:					
664547	Alloys in crude form	Lb.	MINL	100	RO	A B C E
664549	Semifabricated forms, n. e. c. (specify by name).	Lb.	MINL	100	RO	A B C E
	Molybdenum:					
664550	Ores and concentrates (molybdenum content)	C. lb.	MINL	500	RO	A E
664551	Metal and alloys in crude form, and scrap	Lb.	MINL	100	RO	A
664553	Molybdenum wire	Lb.	MINL	100	RO	A
664554	Semifabricated forms, n. e. c. (specify by name)	Lb.	MINL	100	RO	A
664557	Radium metal (radium content)	C. mgm	MINL	None	RO	B C
	Tantalum:					
664560	Ores and concentrates (report slag in 664998)	Lb.	MINL	100	RO	A B C
664562	Metal and alloys in crude form, and scrap (report slag in 664998).	Lb.	MINL	100	RO	A B C
664563	Semifabricated forms, n. e. c., including rings and wire (specify by name).	Lb.	MINL	100	RO	A B C E
664565	Quicksilver or mercury	Lb.	NONF	None	RO	A B G
	Titanium:					
664571	Metal and alloys in crude form, and scrap	Lb.	MINL	None	RO	A B G
664573	Semifabricated forms, n. e. c. (specify by name).	Lb.	MINL	None	RO	A B G
	Tungsten:					
664583	Tungsten wire, coated or uncoated	Lb.	MINL	100	RO	A C E
	Zirconium:					
664596	Metal (specify hafnium content) in crude form and scrap.	Lb.	MINL	100	RO	A B C
664596	Alloys in crude form and scrap containing more than 50 percent zirconium (specify hafnium content).	Lb.	MINL	100	RO	A B C
664597	Metal semifabricated forms, n. e. c. (specify by name and hafnium content).	Lb.	MINL	100	RO	A B C
664597	Alloy semifabricated forms, n. e. c., containing more than 50 percent zirconium (specify by name and hafnium content).	Lb.	MINL	100	RO	A B C
	Nonferrous metals and alloys in crude form, scrap, and semifabricated forms, n. e. c (specify by name): [4]					
664998	Gallium metal	Lb.	MINL 3	None	RO	B C
664998	Germanium metal	Lb.	MINL 3	None	RO	A B C
664998	Hafnium metal	Lb.	MINL 3	None	RO	B C
664998	Lithium, metallic	Lb.	MINL	None	RO	B C
664998	Polonium metal	Lb.	MINL 3	None	RO	B C
664998	Selenium metal (specify selenium content and grade).	Lb.	MINL	25	RO	B G
664998	Thermo bimetal, thermometal, and thermostatic metal.	Lb.	MINL	100	RO	A G
664998	Columbium-niobium-bearing slag	Lb.	MINL	None	RO	A
664998	Tantalum bearing slag	Lb.	MINL	None	RO	A B C
664998	Crystalline silicon (silicon metal) containing 99 percent silicon or over.	Lb.	MINL	None	RO	

[4] Export authorization for thorium metals and alloys and uranium metal classified under Schedule B No. 664998 is under the exclusive jurisdiction of the Atomic Energy Commission.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see "General Notes to Appendix A" in this section)
	GROUP 7—MACHINERY AND VEHICLES					
	(See special provisions for Commodity Group 7, §§ 373.48-373.53; special destination provisions, §§ 373.65-373.67.)					
	Tools or devices incorporating diamonds, not included elsewhere on the Positive List (see § 373.49 (e)).	No. and Carat	TOOL	50	RO	A C
	Electrical machinery and apparatus					
	Generators, n. e. c., and parts, n. e. c. (report aircraft, automobile, bus, truck, tractor, and industrial engine generators in 709210-709220; generators for electric propulsion motors in 704330):					
700000	Direct current generators, n. e. c., 5,000 up to but not including 10,000 kilowatts.	No.	ELME 1	None	R	F
700000	Direct current generators, n. e. c., 10,000 kilowatts and over.	No.	ELME 1	None	RO	A F
700100	Alternating current generators, n. e. c., 5,000 up to but not including 10,000 kilowatts.	No.	ELME 1	None	R	F
700100	Alternating current generators, n. e. c., 10,000 kilowatts and over.		ELME 1	None	RO	A F
700150	Parts and accessories, n. e. c., specially fabricated for generators, 5,000 up to but not including 10,000 kilowatts (specify by name).	----------	ELME 1	100	R	F
700150	Parts and accessories, n. e. c., specially fabricated for generators, 10,000 kilowatts and over (specify by name).	----------	ELME 1	100	RO	A F
700805	Steam turbine-generator sets (turbogenerators): 5,000 kilowatts up to and including 7,500 kilowatts.	No.	ELME 1	None	R	F
700807	Over 7,500 kilowatts up to but not including 10,000 kilowatts.	No.	ELME 1	None	R	F
700807	10,000 kilowatts and over	No.	ELME 1	None	RO	A F
	Welding sets:					
	Arc welders:					
701032	Resistance welders, 3 phase type only	No.	ELME 4	None	R	A F
701105	Electric generating sets powered by Diesel engines, 5,000 up to but not including 10,000 kilowatts (report switchgear equipment not designed as an integral component, whether or not shipped simultaneously with the generator set, in 703110-703900).	No.	ELME 1	None	R	F
701105	Electrical generating sets powered by Diesel engines, 10,000 kilowatts and over (report switchgear equipment not designed as an integral component, whether or not shipped simultaneously with the generator set, in 703110-703900).	No.	ELME 1	None	RO	A F
	Transforming or converting apparatus, n. e. c., and parts, n. e. c.:					
	Rotating converters:					
702725	Motor generator sets having motors of 500 up to but not including 5,000 horsepower.	No.	ELME 1	None	R	F
702725	Motor generator sets having motors of 5,000 horsepower and over.	No.	ELME 1	None	RO	A F
702725	Synchronous condensers, 5,000 up to but not including 10,000 kilowatts.	No.	ELME 1	None	R	F
702725	Synchronous condensers, 10,000 kilowatts and over.	No.	ELME 1	None	RO	A F
	Electrical quantity and characteristic measuring and testing instruments, and parts (report automotive-type electrical testing instruments in 710[illegible]):					
703620	Electrometers, quartz-[illegible] type	No.	ELME 3	None	RO	A B C F
703620	Galvanometers capable of measuring currents of less than 1 micro-microampere	No.	ELME 3	None	RO	A B C F
703620	Other electrical quantity indicating instruments, nonrecording, n. e. c., except battery testers, battery testing voltmeters, and cell testers (specify by name).	No.	ELME 3	25	RO	A F
703825	Electrical testing instruments, n. e. c. (specify by name) (report penetron gamma ray thickness meters, and specially fabricated parts and accessories, n. e. c., in 766990).	No.	ELME 3	25	RO	A F
703850	Parts, n. e. c., specially fabricated for electrometers, except student type.	----------	ELME 3	25	RO	A B C F
703850	Other parts, n. e. c., specially fabricated for integrating meters (except watt-hour), electrical quantity indicating and recording instruments, and electrical testing instruments (specify by name) (report penetron gamma ray thickness meters, and specially fabricated parts and accessories, n. e. c., in 766990).	----------	ELME 3	25	RO	A F
	Motors and controls, n. e. c., and parts (report autosyns, selsyns, and other synchronous transmission systems in 709998):					
	Motors, except electric propulsion motors for land transportation vehicles:					
704300	Reversible type, liquid-cooled and totally enclosed, 1,000 horsepower and over.	No.	ELME 2	None	RO	A F
704300	Other motors, 500 up to but not including 5,000 horsepower.	No.	ELME 2	None	R	F
704300	Other motors, 5,000 horsepower and over	No.	ELME 2	None	RO	A F
704330	Electric propulsion motors, generators and controls for turbine locomotives general service (line), switching and industrial, of a gauge greater than 4 feet 8 inches (1.42 m) or with an individual axle load greater than 12 metric tons.	----------	TRAN	500	RO	A
	Industrial motor controls (consisting of starting, speed regulating, stopping and protecting devices), and parts:					
704810	Steel mill and other materials handling equipment controls, and specially fabricated parts and accessories, n. e. c., for motors 500 up to but not including 5,000 horsepower (specify by name).	----------	ELME 2	100	R	F
704810	Steel mill and other materials handling equipment controls, and specially fabricated parts and accessories, n. e. c., for motors 5,000 horsepower and over (specify by name).	----------	ELME 2	100	RO	A F
704820	Special-purpose controls, n. e. c., and specially fabricated parts and accessories, n. e. c., for motors 500 up to but not including 5,000 horsepower (specify by name).	----------	ELME 2	100	R	F
704820	Special-purpose controls, n. e. c., and specially fabricated parts and accessories, n. e. c., for motors 5,000 horsepower and above (specify by name).	----------	ELME 2	100	RO	A F
704850	Industrial motor controls, n. e. c., and specially fabricated parts and accessories, n. e. c., for motors 500 up to but not including 5,000 horsepower (specify by name).	----------	ELME 2	100	R	F
704850	Industrial motor controls, n. e. c., and specially fabricated parts and accessories, n. e. c., for motors 5,000 horsepower and over (specify by name).	----------	ELME 2	100	RO	A F

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see "General Notes to Appendix A" in this section)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Electrical machinery and apparatus—Continued					
705500	Motors and controls, n. e. c., and parts—Con. Parts and accessories, n. e. c., specially fabricated for motors 500 up to but not including 5,000 horsepower (specify by name).	----------	ELME 2	100	R	F
705500	Parts and accessories, n. e. c., specially fabricated for motors 5,000 horsepower and over (specify by name).	----------	ELME 2	100	RO	A F
	Electric bulbs and tubes (lamps), and parts (report bulb and tube blanks in 529300 and 529900):					
706305	Sealed beam headlamps suitable for mounting on automotive vehicles.	No.	TRAN 6	100	R	E
706500	Molybdenum filaments		MINL	100	RO	A
706500	Tungsten filaments, coated and uncoated		MINL	100	RO	A E
707415	Electric industrial melting and refining furnaces (specify by name).	No.	ELME 7	None	RO	A B C F
707425	Electrical industrial heat-treating furnaces (specify by name).	No.	ELME 7	100	RO	A B C F
707435	Parts, n. e. c., specially fabricated for electric industrial melting and refining furnaces.	----------	ELME 7	100	RO	A B C F
707435	Parts, n. e. c., specially fabricated for electric industrial heat-treating furnaces.	----------	ELME 7	100	RO	A B C F
	X-ray apparatus, and parts, n. e. c.:					
707507	X-ray tubes designed or fitted for use in X-ray diffraction analysis.	No.	SATE	None	RO	A B C F
707550	X-ray diffraction units	No.	SATE	None	RO	A B C F
707550	Parts, n. e. c., specially fabricated for X-ray diffraction units.	----------	SATE	None	RO	A B C F
707590	Short wave diathermy units	No.	SATE	None	R	F
707590	Parts, n. e. c., specially fabricated for short wave diathermy units.	----------	SATE	25	R	F
	Radio and television apparatus:					
707608	Radio and television broadcast transmitting equipment, designed for operation at frequencies of 250 mc and over, and specially fabricated parts.	----------	RARA 50	100	RO	A F
707608	Microwave relay and transmitter link equipment.	----------	RARA 50	100	RO	A F
	Radio communication equipment, n. e. c. (report radar equipment in 708410, broadcast equipment in 707608, automobile and home-type radio receivers in 707635-707749):					
707613	Shipborne transmitters and transceivers (transmitter-receivers) designed to operate at frequencies of 30 mc and over, and specially fabricated parts.	----------	RARA 50	100	RO	A F
707617	Land-type radio communication transmitters and transceivers (transmitter-receivers) designed to operate at frequencies of 30 mc and over, and specially fabricated parts.	----------	RARA 50	100	RO	A F
707625	Radio beacon (beam) transmitters, and specially fabricated parts and accessories, n. e. c.	----------	RARA 50	100	RO	A F
	Electronic-type components:					
	Electron tubes (report X-ray tubes in 707505 and 707507):					
707803	Receiving type tubes (specify by name) (report television picture tubes in 707815).	No.	RARA 51	25	R	A F
707812	Television camera tubes (cathode ray) (specify by type number).	No.	RARA 51	None	RO	A F
707820	Cathode ray tubes, n. e. c. (report television cathode ray tubes in 707812 and 707815).	No.	RARA 51	25	RO	A F
707830	Diathermy tubes	No.	RARA 51	25	R	F
707830	Radio and television transmitting type tubes (specify by name) (report television camera tubes in 707812).	No.	RARA 51	50	RO	A F
707830	Other electron tubes, n. e. c. (specify by name).[6]	No.	RARA 51	25	RO	A F
707840	Tantalum rings, for radio transmitter and radio receiver tubes.	----------	MINL	100	RO	A
707840	Other parts, n. e. c., specially fabricated for radio and television receiving tubes (specify by name).	----------	RARA 51	100	RO	
707840	Other parts, n. e. c., specially fabricated for electron tubes (specify by name) (report glass bulb and tube blanks in 529450).	----------	RARA 51	100	RO	A
707850	Crystal diodes and transistors (semiconductors), n. e. c.	No.	RARA 51	25	R	A F
707905	Precision capacitors, fixed or variable, with a rated accuracy better than plus or minus 1 percent.	No.	RARA 52	100	RO	A F
707910	Resistors, temperature-sensitive[7]	No.	RARA 52	100	RO	A F
707910	Precision resistors, fixed or variable, with a rated accuracy better than plus or minus 1 percent.[7]	No.	RARA 52	100	RO	A F
707915	Pulse transformers	No.	RARA 52	100	RO	A F
707915	Precision inductors, with a rated accuracy better than plus or minus 1 percent.	No.	RARA 52	100	RO	A F
708010	Transformer and choke coils	----------	RARA 52	100	R	F
708410	Fathometers, except vertical measuring types[4]	No.	SATE	None	RO	A F
708410	Specially fabricated parts for fathometers, n. e. c., except vertical measuring types.[4]	----------	SATE	50	RO	A F
708410	Hydrophones[4]	No.	RARA 53	None	RO	A F
708410	Doppler equipment, and specially fabricated parts, n. e. c.[5]	----------	RARA	None	RO	A
708410	Other electronic detection and navigational apparatus, n. e. c., designed for use at frequencies of 600 mc and over.[5]	----------	RARA 52	100	RO	A F
708500	Telegraph apparatus (wire), n. e. c., suitable for use at speeds greater than 200 words per minute or 150 bauds, and specially fabricated parts therefor.	----------	RARA 50	100	RO	A F
708820	Electronic amplifiers for use in experimental laboratories.	----------	ELME 2	None	RO	A F
708820	Other amplifiers, n. e. c., and specially fabricated parts, n. e. c. (report audio-amplifying in 708800).	----------	RARA 52	200	R	A F
708850	Magnetic recorders and accessories, the following: (a) tape recorders having a transport speed exceeding 15 inches per second; (b) multichannel tape recorders and recording heads; (c) drum-type recorders; (d) magnetic tape designed for use with multi-channel recorders.	----------	RARA 50	100	RO	A F
	Pole line, transmission, and distribution hardware, n. e. c., and specially fabricated parts, n. e. c.:					
709495	Aluminum bus bars	Lb.	NONF	100	RO	A
709495	Copper bus bars	Lb.	NONF 15	100	RO	A
	Insulated wire and cable:					
709885	Nickel and nickel alloy wire, insulated	Lb.	NONF 17	100	RO	A G

[4] All outstanding licenses for the exportation of these commodities issued by the Department of State prior to Jan. 1, 1954, remain valid until they expire or are revoked.

[6] Photomultiplier tubes having photocathode sensitivity of 10 or more microamperes for lumen and an average amplification greater than 105 require export authorization from the Atomic Energy Commission (see § 370.4 (d)).

[7] Resistors of value of 1,000 megohms or over require export authorization from the Atomic Energy Commission (see § 370.4(d)).

[5] See § 370.4 (a) for electronic detection and navigational apparatus requiring export authorization from the Department of State. All outstanding licenses issued by the Department of State or Bureau of Foreign Commerce prior to Jan. 1, 1954, remain valid until they expire or are revoked.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see "General Notes to Appendix A" in this section)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Electrical machinery and apparatus—Continued					
709920	Electrical steel punchings, with a core loss of 0.5 watts per pound at B-13,000 gausses and 50 cycles per second or less, or with a thickness of 0.064 inches and less.	Lb.	STEE	100	RO	A
	Electrical apparatus, n. e. c., and parts, n. e. c. (specify by name):					
709998	Resistance welding set parts, 3-phase type only.	----------	ELME 4	100	R	A F
709998	Coefficient resistors, negative temperature	----------	RARA 52	None	RO	A F
709998	Parts specially fabricated for synchronous condensers, 5,000 up to but not including 10,000 kilowatts.	----------	ELME 1	100	R	F
709998	Parts specially fabricated for synchronous condensers, 10,000 kilowatts and over.	----------	ELME 1	100	RO	A F
709998	Parts specially fabricated for motor generator sets having motors of 500 up to but not including 5,000 horsepower.	----------	ELME 1	100	R	F
709998	Parts specially fabricated for motor generator sets having motors of 5,000 horsepower and over.	----------	ELME 1	100	RO	F
709998	Searchlight control unit parts	----------	ELME 10	100	RO	A F
709998	Selsyns, autosyns, and synchro-motors	----------	ELME 10	None	R	F
709998	Thermistors	No.	RARA	10	RO	A F
	Engines, turbines, and parts, n. e. c.					
	Steam engines and turbines, n. e. c., and parts, n. e. c.:					
711310	Steam turbines, 2,000 horsepower and over (except those incorporated in generator sets).	No.	GIEQ 9	None	RO	A
711410	Water wheels and water turbines, 2,000 horsepower and over.	No.	ELME 1	500	RO	A F
711510	Air turbines, except aircraft, 2,000 horsepower and over (specify horsepower).	No.	GIEQ 9	None	RO	A
711510	Gas turbines, except aircraft (specify horsepower).	No.	GEIQ 9	None	RO	A
711900	Parts, n. e. c., specially fabricated for water wheels and water turbines 2,000 horsepower and over.	----------	ELME 1	100	RO	A F
711900	Parts, n. e. c., specially fabricated for steam or air turbines, 2,000 horsepower and over (specify by name and horsepower).	----------	GIEQ 9	100	RO	A
711900	Parts, n. e. c., specially fabricated for gas turbines, except aircraft (specify horsepower).	----------	GIEQ 9	100	RO	A
	Power boilers (steam generators), and parts:					
713300	Water tube, marine type, designed to operate at 150 p. s. i. g., or more (specify generating capacity in pounds of steam per square foot of tubular heating surface).	----------	GIEQ 23	None	RO	A
713300	Water tube, stationary, having a capacity to generate 15,000 pounds of steam per hour or more at pressures more than 250 p. s. i. g.	----------	GIEQ 23	None	R	A
713920	Parts, n. e. c., specially fabricated for power boilers included on the Positive List under Schedule B No. 713300 (report boiler tubes shipped as spares or replacements under tubular products according to material).	----------	GIEQ 23	250	RO	A F
	Internal-combustion engines, n. e. c., and parts, n. e. c.:					
	Diesel and semi-diesel (specify brake horsepower and r. p. m.):					
714500	Marine, 50 up to and including 200 brake horsepower (specify brake horsepower).	No.	TRAN	None	R	A F
714600	Marine, up to and including 200 brake horsepower, when the nonmagnetic content exceeds 50 percent of total weight.	No.	TRAN	None	RO	A F
714620	Other marine, over 200, up to and including 500 brake horsepower (at normal speed), injection type.	No.	TRAN 7	None	R	A
714620	Marine, over 200 up to and including 500 brake horsepower, when the non-magnetic content exceeds 50 percent of total weight.	No.	TRAN	None	RO	A
714640	Other marine, over 500, up to and including 1,000 brake horsepower (at normal speed), injection type.	No.	TRAN 7	Non3	R	A
714640	Marine, over 500 up to and including 1,000 brake horsepower when the non-magnetic content exceeds 50 percent of total weight.	No.	TRAN	None	RO	A
714660	Marine, over 1,000 brake horsepower (at normal speed), injection type.	No.	TRAN 7	None	RO	A
714710	Other, including tractor engines (specify brake horsepower and r. p. m.): 50 up to and including 200 brake horsepower.	No.	TRAN 7	None	R	A F
714720	Over 200, up to and including 500 brake horsepower (at normal speed), injection type.	No.	TRAN 7	None	R	A
714740	Over 500, up to and including 1,000 brake horsepower (at normal speed), injection type.	No.	TRAN 7	None	R	A
714760	Over 1,000 brake horsepower (at normal speed), injection type.	No.	TRAN 7	None	RO	A
715900	Parts, n. e. c., specially fabricated for diesel engines 50 brake horsepower and over (specify type, brake horsepower, and r. p. m.).	----------	TRAN	1,000	R	E F
	Construction, excavating, mining and related machinery					
	Power excavators and dredging machines, and parts:					
	Excavator-type power cranes and shovels, new (report used in 720160):					
720117	Crawler or walker mounted, full revolving, convertible, over 5 cubic yards dipper capacity, or over 100 tons crane lifting capacity, new.	No.	CONS 1	None	R	E
720122	Rubber tired mounted, including truck or wagon mounted, full revolving, convertible, designed for airborne transport, new.	No.	CONS	None	RO	A
720122	Other rubber tire mounted, including truck or wagon, mounted, full revolving, convertible, over ½ cubic yard bucket capacity, or over 10 tons crane lifting capacity, new.	No.	CONS 1	None	R	E F
720127	Full revolving, unmounted, over 5 cubic yard dipper capacity, or over 100 tons crane lifting capacity, new.	No.	CONS 1	None	R	E
720147	Dredging machines, new (specify by name) (report used in 730160, dredges fully equipped as vessels in 795320).	No.	MINE	None	R	A
	Power excavators and dredging machines, used and rebuilt (report new in 720112-720147):					
720160	Power cranes and shovels, rubber tired mounted, including truck or wagon mounted, full revolving, designed for airborne transport, used and rebuilt	No.	CONS	None	RO	A

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	GROUP 7—MACHINERY AND VEHICLES—con.					
	Construction, excavating, mining and related machinery—Continued					
	Power excavators and dredging machines, and parts—Continued					
	Power excavators and dredging machines, used and rebuilt—Continued					
720160	Other rubber-tired mounted power cranes and shovels, including truck or wagon mounted, full revolving, over ½-cubic-yard bucket capacity, or over 10 tons crane lifting capacity, used and rebuilt.	No.	CONS 1	None	R	E F
720160	Power cranes and shovels, full revolving, mounted and unmounted, over 5-cubic-yard bucket capacity, or over 100 tons crane lifting capacity, used and rebuilt.	No.	CONS 1	None	R	E
720160	Dredging machines, used and rebuilt	No.	MINE	100	R	A
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for power cranes and shovels designed for airborne transport.	----------	CONS	None	RO	A
720210	Parts, accessories and attachments, n. e. c., specially fabricated for rubber-tired power cranes and shovels, including truck or wagon mounted, full revolving, over ½-cubic-yard bucket capacity, or over 10 tons crane lifting capacity, except airborne.	----------	CONS 1	1,000	R	E F
720210	Parts, accessories and attachments, n. e. c., specially fabricated for power cranes and shovels, crawler and walker mounted, full revolving, over 5-cubic-yard dipper capacity, or over 100 tons crane lifting capacity.	----------	CONS 1	1,000	R	E F
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for dredging machines (specify by name).	----------	MINE	1,000	R	A E
722020	Soil compactors with pneumatic-tired wheels, vibrating type, of 30,000 pounds, or 15 tons, net vehicle weight or over.	No.	CONS 1	None	RO	A E
722024	Contractors' wheel-type tractors, 4-wheel drive, 100 brake horsepower and over.	No.	CONS 1	None	RO	A E F
722024	Contractors' wheel type tractors, 4-wheel drive, 70 to 100 brake horsepower.	No.	CONS 1	None	R	E F
722024	Contractors' wheel type tractors, 2-wheel drive, 70 brake horsepower and over.	No.	CONS 1	None	R	E F
722027	Off-the-road haulage vehicles (trucks, wagons and trailers) (report tractors separately under appropriate Schedule B number): Off-the-road haulage vehicles (trucks, wagons and trailers), over 10-cubic-yard struck load capacity (report tractors separately under appropriate Schedule B Number).	No.	CONS 1	None	R	E F
	Construction and maintenance equipment, n. e. c., and specially fabricated parts, n. e. c.:					
722045	Specially fabricated parts for contractors' off-the-road haulage vehicles (trucks, wagons and trailers), over 10-cubic-yard struck load capacity.	----------	CONS 1	250	R	E F
722045	Parts, accessories and attachments, n. e. c., specially fabricated for pneumatic-tired soil compactors, vibrating-type, 15 tons net vehicle weight and over.	----------	CONS 1	None	RO	A E F
722045	Parts and accessories, n. e. c., specially fabricated for contractors' wheel-type tractors, 4-wheel drive, 100 brake horsepower and over.	----------	CONS 1	500	RO	E F
722045	Parts and accessories, n. e. c., specially fabricated for contractors' wheel type tractors, 4-wheel drive, 70 to 100 brake horsepower.	----------	CONS 1	500	R	E F
722045	Parts and accessories, n. e. c., specially fabricated for contractors' wheel type tractors, 2-wheel drive, 70 brake horse power and over.	----------	CONS 1	500	R	E F
	Earth and rock drilling machines, n. e. c., and parts, n. e. c.:					
	Rock drill bits, core drill bits, and reamers (including well drilling machine bits and reamers):					
730870	Rock drill bits and reamers suitable for well drilling, containing tungsten carbide.	No.	MINE 3	100	RO	A F
730875	Rock drill bits and reamers, containing diamonds.	No.	MINE 3	100	RO	A C
730880	Other rock bits suitable for well drilling	No.	MINE 3	100	RO	A F
730890	Parts and accessories, n. e. c., specially fabricated for core drills.	----------	MINE 3	500	RO	E F
730890	Parts and accessories, n. e. c., specially fabricated for earth and rock drill bits, core drill bits, and reamers (including well drilling machine bits and reamers) included on the Positive List under Schedule B Nos. 730870 through 730880 (report tool bit blanks and inserts in 617903 or 617905).	----------	MINE 3	100	RO	A E F
	Well drilling machines, and parts (report oil-country tubular products in 606210–606260):					
730900	Rotary drill rigs (including truck or trailer-mounted).	No.	MINE 4	None	RO	A
732000	Parts and accessories, n. e. c., specially fabricated for rotary well drilling machines.	----------	MINE 4	500	RO	A E F
733950	Petroleum field production equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name) (report oil-country tubular products in 606210–606260).	----------	MINE 4	500	RO	A E F
	Machine tools					
	Power-driven metalworking machine tools (nonportable), and parts:					
740005	Engine and center lathes, over 18 inches center height and over 18 feet between centers.	No.	TOOL	500	RO	A
740205	Automatic vertical turret lathes	No.	TOOL	500	RO	A
740205	Non-automatic vertical turret lathes with table diameter 72 inches and over.	No.	TOOL	500	RO	A
740212	Horizontal turret lathes, of bar capacity of 4 inches and over or swing-over-bed of 24 inches or more.	No.	TOOL	500	RO	A
740305	Automatic lathes, multipsindle bar or chucking.	No.	TOOL	500	RO	A
740308	Gun-boring lathes; cartridge-case lathes; shell lathes; gun barrel trepanning lathes; gun jump screw lathes.	No.	TOOL	None	RO	A
740308	Bomb spinning lathes	No.	TOOL	None	RO	A
740308	Spinning lathes, except those with spindle drive motor of 10 horsepower or less.	No.	TOOL	500	RO	A
740315	Automatic multispindle screw (bar) machines.	No.	TOOL	500	RO	A
740325	Automatic vertical boring and turning mills	No.	TOOL	500	RO	A
740325	Non-automatic vertical boring and turning mills with table diameter 72" and over.	No.	TOOL	500	RO	A
740390	Right angle (T) lathes (in which the bed is at right angles to the spindle).	No.	TOOL	500	RO	A
740390	Combination tube boring and turning lathes	No.	TOOL	500	RO	A
740390	Combination lathe, drilling and milling machines, especially designed for mobile military workshops or for naval craft.	No.	TOOL	500	RO	A
740390	Profiling machines, n. e. c	No.	TOOL	500	RO	A
740390	Jet engine compressor case boring lathes	No.	TOOL	500	RO	A
740390	Jet engine compressor and turbine disc turning lathes.	No.	TOOL	500	RO	A
740109	Jig boring machines	No.	TOOL	500	RO	A
740109	Bomb nose and tail boring machines	No.	TOOL	500	RO	A

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	GROUP 7—MACHINERY AND VEHICLES—con.					
	Machine tools—Continued					
	Power-driven metalworking machine tools (nonportable), and parts—Continued					
740409	Boring machines, production types, capable of an accuracy of 0.01 inch or better	No.	TOOL	500	RO	A
740604	Shell tappers	No.	TOOL	500	RO	A
740800	Aircraft skin milling machines	No.	TOOL	500	RO	A
740800	Thread milling machines, 6 inch work diameter at the thread and over	No.	TOOL	500	RO	A
740800	Spar millers	No.	TOOL	500	RO	A
740800	Planer milling machines and combination planer and planer-milling machines with capacity of work pieces 48 inches wide and over or 15 feet long and over	No.	TOOL	500	RO	A
740800	Die-sinking machines	No.	TOOL	500	RO	A
740800	Profiling machines for marine and aircraft propeller blades	No.	TOOL	500	RO	A
740800	Profiling and duplicating milling machines	No.	TOOL	500	RO	A
740800	Horizontal spindle bed type automatic milling machines with tables 20 inches wide and over and/or 48 inches long and over	No.	TOOL	500	RO	A
741100	Gear cutting machines, except hobbing machines of 48 inches maximum work diameter or less	No.	TOOL	500	RO	A
742300	Deep hole drilling machines	No.	TOOL	500	RO	A
742600	Planing machines with capacity for work pieces of 48 inches wide and over or 15 feet long and over	No.	TOOL	500	RO	A
744000	Roll grinding machines (machines fitted with or capable of being fitted with cambering device only)	No.	TOOL	500	RO	A
744000	Crankshaft crankpin, camshaft grinders, with capacity for shafts 48 inches long or over, except those not exceeding 5 tons total weight and designed for or equipped with wheel head motor not exceeding 12 horsepower	No.	TOOL	500	R	
744100	Internal grinding machines incorporating high frequency (over 60 cycles) spindles; and high frequency spindles and spindle assemblies	No.	TOOL	500	RO	A
744100	Internal cylindrical grinding machines as follows: centerless; automatic feed; automatic sizing; or with any other automatic features	No.	TOOL	500	R	
744205	Grinding machines for broaching tools, automatic cycle, automatic sizing	No.	TOOL	500	RO	A
744303	Gear grinding machines, except those of a non-generating type	No.	TOOL	500	RO	A
744305	Honing and lapping machines (except gear) with multiple work stations	No.	TOOL	500	RO	A
744306	Thread grinding machines	No.	TOOL	500	RO	A
744308	Contour profile grinders	No.	TOOL	500	RO	A
744308	Automatic oscillating race radial grinders	No.	TOOL	500	RO	A
744308	Profiling grinders for marine and aircraft propeller blades	No.	TOOL	500	RO	A
744308	Jig grinders	No.	TOOL	500	RO	A
744313	Horizontal boring-drilling-milling machines (combination units)	No.	TOOL	500	RO	A
744315	External surface broaching machines	No.	TOOL	500	RO	A
744316	Rifling and rifle-working machines	No.	TOOL	500	RO	A
744317	Gear-honing, lapping and gear finishing machines, n. e. c. (specify type)	No.	TOOL	500	R	
744319	Contour band sawing and band filing machines (a) capable of using blades less than 4/8 inch wide, (b) designed to permit operator to select rate of cutting speed and to vary such speed while in operation, and to maintain at all times the desired rate of speed within a variation of less than 2 percent	No.	TOOL	500	RO	A
744319	Machines and equipment specially designed for making or measuring gas turbine blades. (Report conventional machines used for this work under appropriate Schedule B No.)	No.	TOOL	500	RO	A
744319	Multi-station machine tools in which the work piece is indexed or transferred successively from station to station	No.	TOOL	500	R	
744340	Parts for metalworking machinery included on the Positive List, classified in Schedule B numbers 740005 through 744319, for which validated license is required to R and O country destinations	.....	TOOL 1	250	RO	A E F
744340	Parts for metalworking machinery included on the Positive List under Schedule B No. 744319 for which validated license is required to R country destinations only	.....	TOOL 1	250	R	A E F
	Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)					
	Accessories and attachments, n. e. c., for power-driven nonportable machine tools, n. e. c.:					
	Metal-cutting tools and specially fabricated parts, n. e. c., for machine operation (not incorporating industrial diamonds) (specify by name) (report metal-cutting dies incorporating industrial diamonds in 745205):					
744381	Hollow deep hole drills; surface broaching tools	.....	TOOL 1	250	RO	A E F
	Accessories and attachments, n. e. c., for machine tools and specially fabricated parts, n. e. c.:					
744383	Attachments for center and capstan lathes, milling machines and vertical boring machines which make them capable of profiling and duplication	.....	TOOL 1	250	RO	A E F
744383	Jigs and fixtures, military type, and specially fabricated parts therefor (report assembling jigs, and fixtures and accessories therefor in 745908)	.....	TOOL 1	100	RO	A E
744383	Other accessories and attachments for use on types of machine tools machinery included on the Positive List and classified under Schedule B numbers 740005 through 744319, except bench centers; parallels; vee blocks, tool holders (other than screw machine); miscellaneous centers; drill pads and crotch centers; work driving dogs; tee bolts; clamps; and mandrels	.....	TOOL 1	500	RO	A E F
	Metalworking presses and specially fabricated parts, n. e. c.:					
744410	Special machinery for the working and forming of sheet, plate or extrusions for aircraft, and specially fabricated parts, n. e. c.	.....	TOOL	500	RO	A
744410	Presses, mechanical or hydraulic, with rated pressures of over 1,000 tons and specially fabricated parts, n. e. c.	.....	TOOL	500	RO	A
744410	Presses, mechanical or hydraulic, with rated pressures 1,000 tons or less, and specially fabricated parts, n. e. c.	.....	TOOL	500	R	
744450	Machinery for the working and forming of sheet and plate, and specially fabricated parts, n. e. c.	.....	TOOL	500	RO	A

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	GROUP 7—MACHINERY AND VEHICLES—con.					
	Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)—Continued					
	Forging machinery, and specially fabricated parts, n. e. c.:					
744700	Forging hammers as follows: (a) Having falling weight exceeding 4 tons, (b) steam, air or mechanical hammers of rated size exceeding 2.5 tons, and specially fabricated parts	.....	TOOL	500	RO	A
744700	Special machinery for working and forming of aircraft extrusions, and specially fabricated parts	.....	TOOL	500	RO	A
744700	Presses, mechanical or hydraulic, with rated pressures over 1,000 tons, and specially fabricated parts	.....	TOOL	500	RO	A
744700	Presses, mechanical or hydraulic, with rated pressures 1,000 tons or less, and specially fabricated parts	.....	TOOL	500	R	
744700	Forging roll machinery, and specially fabricated parts	.....	TOOL	500	RO	A
744700	Bomb nose and tail forging machines and specially fabricated parts, n.e.c.	.....	TOOL	100	RO	A
744700	Forging machines capable of operating on bar stock of a diameter exceeding 3.5" or equivalent cross section, and specially fabricated parts	.....	TOOL	500	RO	A
744800	Rolling mill machines, and specially fabricated parts, n. e. c.	.....	TOOL	500	RO	A
	Foundry equipment, and parts:					
745000	Molding machines, artillery casting	No.	TOOL	500	RO	A
745050	Artillery die-casting machines, and specially fabricated parts, n. e. c.	.....	TOOL	500	RO	A
745060	Artillery centrifugal-casting machines, and specially fabricated parts, n. e. c.	.....	TOOL	500	RO	A
745298	Parts and accessories for molding machines, artillery casting	No.	TOOL	500	RO	A
745503	Diamond wire drawing dies (specify carats)	No.	TOOL	100	RO	A C
745509	Machinery for drawing and/or tempering: (a) Wire 0.015 inch in diameter or less; or (b) tubing, 0.026 inch in diameter or less, and specially fabricated parts	.....	TOOL	500	RO	A
745805	Machines for flame hardening	.....	TOOL	500	RO	A
749010	Equipment designed for removing surplus stock from workpieces as follows: (a) By discharge of electric sparks from a shaped electrode; (b) by applying ultrasonic vibrations; or (c) by electrolytic means in combination with abrasive action	.....	TOOL	100	RO	A
	Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c. (electric, gas, gasoline and kerosene-operated):					
764650	Reciprocating compressor units of 300 horsepower or more with delivery pressure of 450 p. s. i. g. or more	No.	GIEQ	None	RO	A
764710	Centrifugal refrigerating units of 300 horsepower or more with delivery pressure of 450 p. s. i. g. or more	No.	GIEQ	None	RO	A
766010	Blowers (turbo, centrifugal, and axial-flow types) and parts, wholly made of or lined with, aluminum, nickel, or alloy containing 60 percent or more nickel	.....	GIEQ	100	RO	A F
	Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c.—Continued					
766030	Parts, n. e. c., specially fabricated for air conditioning and refrigeration equipment included on Positive List under Schedule B Nos. 764650 through 764710 for foreign assembly or manufacture	.....	GIEQ	100	RO	A B
766050	Parts, n. e. c., specially fabricated for air conditioning and refrigeration equipment included on Positive List under Schedule B Nos. 764650 through 764710 for replacement	.....	GIEQ	25	RO	A F
	Industrial process indicating (measuring), recording, and/or controlling instruments, n. e. c., and specially fabricated parts, n. e. c. (for measuring and/or controlling temperatures, pressure, level, flow, humidity, moisture, motion, rotation, gas analysis, chemical properties, and variables) specify by name):					
766970	Continuous measuring pH equipment, whether separate or as components of other pH equipment (give full specifications)	.....	GIEQ	100	RO	A
766970	Vacuum gauges, ionization type, and specially fabricated parts	.....	GIEQ 8	None	RO	A B C
766970	Electronic or electrical process control instruments	.....	GIEQ 13	50	RO	A
766970	Other industrial process indicating, recording or controlling instruments, and specially fabricated parts, n. e. c.	.....	GIEQ 13	50	R	
	Physical properties testing and inspecting machines, n. e. c., and specially fabricated parts and accessories, n. e. c.:					
766980	Gear testers, and specially fabricated parts, n. e. c. (specify type)	.....	GIEQ	None	RO	A
766995	Geophysical and mineral prospecting equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name)	.....	MINE	None	R	F
769100	Ball bearings including all components, and specially fabricated parts except separate balls (report separate balls in 769310) (see § 399.2, Int. 2)	.....	GIEQ 3	100	RO	A E
769200	Roller bearings including all components, and specially fabricated parts except separate rollers (report separate rollers in 769315) (see § 399.2, Int. 2)	.....	GIEQ 3	100	RO	A E
769310	Balls for bearings (see § 399.2, Int. 2)	.....	GIEQ 3	100	RO	A E
769315	Rollers for bearings (see § 399.2, Int. 2)	.....	GIEQ 3	100	RO	A E
769320	Plain bearings, n. e. c. (specify by name): Water-lubricated bearings, rubber with bearing surface made with Buna N compounds	.....	RUBR	250	RO	A F
	Air compressors:					
770400	Stationary, capacity not over 25 cubic feet: Turbo, centrifugal, and axial flow types of compressors having all flow contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel (specify type, capacity, inlet pressure, discharge pressure, and whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel)	No.	CONS 2	500	RO	A E F

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	GROUP 7—MACHINERY AND VEHICLES—Con.					
	Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)—Continued					
770625	Gas compressors, n. e. c.: Centrifugal, axial, rotary, and reciprocating compressors as follows: (a) Having a mainstream internal air flow exceeding a mach number of 0.7, (b) a capacity over 35,300 c. f. m. and a compression ratio of 2:1, or more, and designed for a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (d) flow contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel, and (e) meeting requirements of (a) the mach number.	No.	CONS 2	None	RO	A E F
770630	Parts, n. e. c., specially fabricated for air and gas compressors included on the Positive List under Schedule B Nos. 770600 through 770625. (Complete knockdown compressors should be reported in the proper compressor classifications; shipments of parts and components are to be reported in the appropriate classifications whether shipped simultaneously or in a series of partial shipments.)	----------	CONS 2	500	RO	A E F
770700	Blowers, n. e. c., turboblowers, and parts: Centrifugal blowers (except turboblowers) as follows: (a) Capacity over 35,300 c. f. m. and compression ratio of 2:1, or more, and capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for intake pressure above atmospheric; (c) flow contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel; (d) designed for a delivery pressure of 450 p. s. i. g., or over, and requiring 300 horsepower, or over, and designed for an intake pressure above atmospheric; (e) flow contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel; and (f) meeting requirements of (a) the mach number.	No.	CONS 2	500	RO	A E F
770710	Axial blowers (except turboblowers) as follows: (a) Having a mainstream internal air flow exceeding a mach number of 0.7, (b) a capacity over 35,300 c. f. m. and a compression ratio of 2:1, or more, and capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (c) flow contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel; (d) designed for a delivery pressure of 450 p. s. i. g., or over, and requiring 300 horsepower, or over, and designed for an intake pressure above atmospheric; (e) flow contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel; and (f) meeting requirements of (a) the mach number.	No.	CONS 2	500	RO	A E F

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	GROUP 7—MACHINERY AND VEHICLES—Con.					
	Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)—Continued					
770720	Turboblowers, as follows: (a) Having a mainstream internal air flow exceeding a mach number of 0.7, (b) a capacity over 35,300 c. f. m. and a compression ratio of 2:1, or more, and capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (d) flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel, (e) designed for a delivery pressure of 450 p. s. i. g., or over, and requiring 300 horsepower, or over, and designed for an intake pressure above atmospheric; (f) flow contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel, and (g) meeting requirements of (a) the mach number.	No.	CONS 2	500	RO	A B C E F
770775	Blowers, n. e. c., specially fabricated for blowers included on the Positive List under Schedule B Nos. 770700 through 770720. (Complete knockdown blowers should be reported in the proper blower classifications; shipments of parts and integral components are shipped simultaneously or in a series of partial shipments.)	----------	CONS 2	500	RO	A E F
770820	Mechanical vacuum pumps: Mechanical vacuum pumps capable of producing a vacuum of 0.1 mm of mercury pressure or less.	No.	GIEQ	None	RO	A B C
770850	Diffusion vacuum pumps, less than 5 inches in diameter (diameter measured inside the barrel at the inlet jet).	No.	GIEQ	None	RO	A
770870	Diffusion vacuum pumps, 5 inches in diameter up to but not including 12 inches in diameter (diameter measured inside the barrel at the inlet jet.)[1]	No.	GIEQ	None	RO	A B C

[1] Export authorization for diffusion vacuum pumps, 12 inches and larger in diameter, classified under Schedule B number 770870, is under the exclusive jurisdiction of the Atomic Energy Commission. See § 370.4 (d).

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	GROUP 7—MACHINERY AND VEHICLES—Con.					
	Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)—Continued					
770903	Pumping equipment, n. e. c. (specify type of pump by generic name according to following classifications):					
770910	Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases) when: (1) Designed to produce pressures exceeding 300 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m.; (2) having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (b) 50 percent or more cobalt or molybdenum, either separately or combined, (c) designed for a delivery pressure of 450 p. s. i. g. or over, and requiring 300 horsepower, or over, and designed for an intake pressure above atmospheric; (d) flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel, and (e) designed for a delivery pressure of 450 p. s. i. g. or over, and requiring 300 horsepower, or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, and whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel.)	No.	CONS 3	None	RO	A E F
770911	Turbine pumps (delivering liquids separately or in combination with solids and/or gases) when: (1) Designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m.; (2) having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (b) 50 percent or more cobalt or molybdenum, either separately or combined, (c) 10 percent or more chromium or nickel, either separately or combined; (d) polytetrafluoroethylene (specify type), capacity in g. p. m., delivery pressure and kinds of material.	No.	CONS 3	None	RO	A E F
770921	Rotary pumps, delivering liquids separately or in combinations with solids and/or gases) when: (1) Designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m.; (2) having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (b) 50 percent or more cobalt or molybdenum, either separately or combined, (c) 10 percent or more chromium or nickel, either separately or combined; or (d) polytetrafluoroethylene or polytrifluorochloroethylene (specify type), capacity in g. p. m., delivery pressure and kinds of material).	No.	CONS 3	None	RO	A E F

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	GROUP 7—MACHINERY AND VEHICLES—con.					
	Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)—Continued					
770993	Parts, n. e. c., specially fabricated for pumps included in the Positive List under Schedule B Nos. 770800 through 770885. (Complete knockdown pumps should be reported in the proper pump classifications, whether the integral components are shipped simultaneously or in a series of partial shipments.)		CONS 3	500	RO	A E F
770995	Parts, n. e. c., specially fabricated for vacuum pumps included in the Positive List under Schedule B Nos. 770820 through 770870. (Complete knockdown pumps should be reported in the proper pump classifications, whether the integral components are shipped simultaneously or in a series of partial shipments.)		GIEQ	None	RO	A
771120	Jet condensers, specially fabricated for		GIEQ 22	None	RO	A
771140	Condensers, tubular (heat exchanger type), designed to operate at pressures of 300 p. s. i. and above and with flow-contact surfaces made of any of the following materials: (a) Aluminum, nickel, lithium, beryllium, or alloys containing 60 percent or more nickel, and specially fabricated parts therefor (report tubing shipped as spares or replacements under tubular products according to material); (b) heat exchangers (except refrigeration) specially fabricated for steam specialty heaters, specify by name);		GIEQ	100	RO	A B
771200	Boiler superheaters, feedwater heaters, economizers, and specially fabricated parts for boilers designed to operate at 450 p. s. i. g. or more.		GIEQ 23	250	R	A
771300	Boiler superheaters, feedwater heaters, economizers, and specially fabricated parts for stationary boilers designed to operate at pressures of more than 250 p. s. i. g. and less than 450 p. s. i. g.		GIEQ	100	RO	A B
771500	Tubular heat exchangers designed to operate at pressures of 300 p. s. i. and above and with flow contact surfaces made of any of the following materials: (a) Aluminum, nickel, titanium, or alloys containing 60 percent or more nickel, and specially fabricated parts therefor (report tubing shipped as spares or replacements under tubular products according to material);		GIEQ 5	50	RO	A B C
771450	Pipe valves, except automatic control or regulating: Iron or steel: Valves and cocks fitted with bellows seal, wholly made of or lined with aluminum nickel, or alloy containing 60 percent or more nickel.	No.	GIEQ 5	50	RO	A E
771460	Other valves and cocks having all flow contact surfaces made of any of the following materials: (a) 50 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Teflon) (give full specification of material);	No.	GIEQ 5	50	RO	A E
771500	Pipe valves, except automatic control or regulating: Iron or steel: Valves and cocks fitted with bellows seal, wholly made of or lined with aluminum nickel, or alloy containing 60 percent or more nickel.	No.	GIEQ 5	50	RO	A B C
771510	Other valves and cocks having all flow contact surfaces made of any of the following materials: (a) 50 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Teflon) (give full specification of material);	No.	GIEQ 5	50	RO	A E
771600	Pumps, n. e. c., specially fabricated for pumps included in the Positive List under Schedule B Nos. 770800 through 770885. (Complete knockdown pumps should be reported in the proper pump classifications, whether the integral components are shipped simultaneously or in a series of partial shipments.)		GIEQ 5	50	RO	A E
771650	Other reciprocating pumps (delivering liquids separately or in combination with solids and/or gases) when: (1) Designed to operate at pressures of 450 p. s. i. or more and with a delivery capacity exceeding 300 g. p. m.; (2) having all flow contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Teflon) (give full specification of material);	No.	GIEQ 5	None	RO	A E F
771680	Pumps, n. e. c., (other than centrifugal) designed to operate at pressures of 450 p. s. i. or more and with a delivery capacity exceeding 300 g. p. m. (delivering liquids separately or in combination with solids and/or gases) when: (1) Designed to move molten metals by electromagnetic forces; (2) designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 300 g. p. m. (a) having all flow contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Teflon) (give full specification of material);	No.	CONS 3	None	RO	A E F

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists for explanation of symbols in this column see General Notes to Appendix A in this section
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)—Continued					
770930	Optical curve generators (grinders, surfacers and polishers), and parts, capable of producing torus, cylinder, spherical surfaces on glass or other material without the use of mating surfaces or laps (report parts containing diamonds as instructed in § 373.49 (e));		GIEQ	100	RO	A
770935	Electronic, fluorescent, and luminescent bulb assembling machines, and specially fabricated parts, n. e. c. (report bulb and tube glass blank making machines in 770930);		GIEQ 17	100	RO	A B C
770941	Petroleum refining equipment, n. e. c., and parts as:					
770946	Boiler shell covers and distillation columns	No.	MINE	100	RO	A
	Pipe assemblies, specially fabricated for petroleum refining equipment;	Lb.	MINE	500	RO	A
770949	Petroleum refining equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name);		MINE	500	RO	A
	Chemical and pharmaceutical processing and assembling machines, n. e. c., and specially fabricated parts, n. e. c., and spinning pumps in 750850, report furnished under appropriate Schedule B No. according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals, 707415):					
770955	Acid concentrating equipment		GIEQ 1	250	RO	A
770955	Dielectric dryers		GIEQ 1	250	RO	A
770955	Electrolytic cells for production of elemental fluorine (fluorine cells);		GIEQ 1	250	RO	A B C
770955	Equipment for the production or refining of hydrocarbons other than petroleum by processes involving alkylation, thermal and isomerization cracking, polymerization, sublimation, and reforming;		GIEQ 1	None	RO	A
770955	Gas- (including air) liquefying equipment and specially fabricated equipment for handling liquefied gases.		GIEQ 1	250	RO	A B
770955	Equipment for the electrolytic production of hydrogen;		GIEQ 1	250	RO	A B
770955	Hydrogenation equipment designed to operate under pressure of 300 p. s. i. or over		GIEQ 1	250	RO	A
770955	Nitrators		GIEQ 1	250	RO	A
770955	Other equipment chemical processing for the production of military explosives.		GIEQ 1	250	RO	A
770955	Piping specially fabricated for chemical and petroleum processing and manufacturing machines, and specially fabricated parts therefor, polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F).		GIEQ 1	None	RO	A B G
770955	Specially fabricated parts, n. e. c., for the chemical and pharmaceutical processing and manufacturing machines listed above and of country designation (use manufacturing machinery in 774465).		GIEQ 1	250	RO	A
770980	De-ionizing or ion-exchange units employing resins, for demineralization and treatment of water.		MINE	250	RO	A

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists for explanation of symbols in this column see General Notes to Appendix A in this section
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)—Continued					
	Pipe valves, except automatic control or regulating—Continued					
774465	Brass, bronze, or other nonferrous metals: Valves and cocks fitted with bellows seal, wholly made of or lined with aluminum nickel, or alloy containing 60 percent or more nickel;	No.	GIEQ 5	50	RO	A B C
774465	Other valves and cocks having all flow contact surfaces made of the following materials: (a) 90 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy), chromium or nickel, either separately or combined, (d) polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F);	No.	GIEQ 5	50	RO	A E
	Nonmetallic valves:					
774480	Nonmetal valves and cocks having all flow contact surfaces made of polytetrafluoroethylene (Kel-F) or polytrifluorochloroethylene (Teflon).	No.	GIEQ 5	50	RO	A E
	Automatic control or regulating valves, n. e. c. (including air liquefying equipment, particularly integral expansion engines, and adapters and belts, or wholly integral, for automatically recharging or controlling its operation):					
774490	Automatic control valves having all flow contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy), chromium or nickel, either separately or combined; (d) polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F) (give full specification); except those specifically provided for in the following items (1) Check, nonreturn and float valves; (2) pressure relief valves designed for working pressures of less than 450 p. s. i. or 680 kilograms per square centimeter; (3) valves and cocks specially designed for use in domestic refrigerators and household refrigerating units and home freezers	No.	GIEQ 5	50	RO	A B C
774495	Automatic control valves, fitted with bellows seal, wholly made of or lined with aluminum	No.	GIEQ 5	50	RO	A B C
774498	Parts, n. e. c., specially fabricated for pipe valves included in the Positive List under Schedule B Numbers 774465 and 774495 (except bonnets, bodies, valve size, type, working pressure, and whether parts are for a valve having pressure parts wholly made of or wholly lined with corrosion-resistant materials		GIEQ 5	50	RO	A E
775030	Varnishing (glass lining) making machinery and parts thereof (use manufacturing machinery in 774465).		GIEQ 17	100	RO	A B C

* All working pressures are based on tests with water at a temperature not exceeding 125° F.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists for (explanation of symbols in this column see "General Notes to Appendix A" in this section)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)—Continued					
	Nonelectric industrial furnaces, kilns, lehrs, and ovens, and parts (report electric furnaces, kilns and ovens in 707415-707492):					
775100	Complete furnaces for the production of titanium metal (excluding equipment for the production of titanium tetrachloride).	No.	MINE 5	None	RO	A C
775140	Carbon black furnaces, controlled atmosphere types (intermittent or continuous).	No.	MINE 5	None	RO	A C
775150	Cast iron shafts for roasting furnaces (pyrite roasters).	.....	MINE 5	None	R	
775150	Specially fabricated parts, n. e. c., for carbon black furnaces and controlled atmosphere equipment.	.....	MINE 5	1,000	RO	
775150	Specially fabricated components and parts, n. e. c., for furnaces for the production of titanium metals.	.....	MINE 5	1,000	RO	
	Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name) (report ore and coal separating machines in 730750; and electrostatic precipitators, precipitron type, in 770790):					
775360	Centrifugal counter-current solvent extractors, and specially fabricated parts, n. e. c.	.....	GIEQ	100	RO	A B
775360	Centrifuge bowls, wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel.	.....	GIEQ 1	250	RO	A B C
775360	Centrifuges, electric, wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel n. e. c.	.....	GIEQ 1	250	RO	A B C
	Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n. e. c. (specify by name):					
775998	Assembling jigs, and fixtures and accessories therefor, for military equipment (report jigs and fixtures for machine tools under 744881).	.....	GIEQ	None	RO	A E
775998	Machines used for applying insulating separators to the inner conductor of air spaced coaxial electric cable.	No.	TOOL	500	RO	A
775998	Machines used for applying metal strip or sheet to form the outer conductor of coaxial electric cable.	No.	TOOL	500	R	
775998	Shell loading or filling machines	.....	GIEQ	500	RO	A
775998	Piping specially fabricated for industrial manufacturing and service-industries machines, n. e. c., and made of or lined with polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F).	.....	GIEQ 1	None	RO	A B C G
	Tractors, parts and accessories					
	Tractors (except contractors' wheel type, and industrial type) (report horsepower rating according to Nebraska maximum test or manufacturer's equivalent) (report contractors' wheel type in 722024, Industrial type in 727620):					
	Trucklaying tractors, new:					
787560	110 drawbar horsepower and over	No.	CONS 1	None	R	E F
	Trucklaying tractors, used and rebuilt					
787597	110 drawbar horsepower and over	No.	CONS 1	None	R	E F
788601	Parts and accessories, n. e. c., specially fabricated for trucklaying tractors of 110 drawbar horsepower and over (report attachments in 722060)	.....	CONS 1	500	R	E F

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists for (explanation of symbols in this column see "General Notes to Appendix A" in this section)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Automobiles, trucks, busses and trailers, parts, accessories, and service equipment					
	Motor trucks and truck chassis, including truck tractors (new), n. e. c. (G. V. W. or gross vehicle weight is the greatest weight of vehicle in load which the manufacturer authorizes and guarantees the vehicle to accommodate with safety under normal conditions of operation) (specify type of body, if mounted):					
	Gasoline (new):					
	5,000 pounds g. v. w. and under:					
790013	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A E
790017	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A
	5,001 to 10,000 pounds g. v. w.:					
790023	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A E
790027	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A
	10,001 to 14,000 pounds g. v. w.:					
790033	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A E
790037	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A
	14,001 to 16,000 pounds g. v. w.:					
790043	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A E
790047	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A
	16,001 to 19,500 pounds g. v. w.:					
790053	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A E
790057	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A
	19,501 pounds g. v. w. and over:					
790063	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A E
790067	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A
	Diesel and semi-diesel (new):					
	19,500 pounds g. v. w., and under:					
790083	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 4	None	RO	A E
790087	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A
	19,501 pounds g. v. w., and over:					
790093	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 4	None	RO	A E
790097	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A
	Motor busses and bus chassis (new) (specify passenger capacity of body, if mounted):					
	Gasoline (new):					
790553	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A E
790557	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A
	Diesel and semi-diesel (new):					
790563	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 4	None	RO	A E
790567	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A

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	GROUP 7—MACHINERY AND VEHICLES—con.					
	Automobiles, trucks, busses and trailers, parts, accessories, and service equipment—Continued					
	Motor trucks, busses, and chassis, including truck tractors (used):					
790603	Commercial, all diesel and all gasoline powered, with front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A E
790607	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A
	Passenger cars and chassis (new):					
790763	Nonmilitary, front and rear axle drive only	No.	TRAN 2	None	RO	A E
790767	Military, front and rear axle drive only	No.	TRAN 5	None	RO	A
	Passenger cars and chassis (used):					
790773	Nonmilitary, front and rear axle drive only	No.	TRAN 2	None	RO	A E
790777	Military, front and rear axle drive only	No.	TRAN 5	None	RO	A
	Special-purpose vehicles, n. e. c.: [11]					
	Maintenance and repair trucks (new):					
791103	Commercial front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A
791107	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A
791113	Amphibian vehicles or carriers, n. e. c. (new), front and rear axle drive or multiple rear axle drive, except armored vehicles or armored carriers (report parts in 917800), [11]	No.	TRAN	None	RO	A
791137	Special-purpose commercial vehicles, n. e. c. (new), front and rear axle drive or multiple rear axle drive.	No.	TRAN 2	None	RO	A
791140	Special-purpose military vehicles, n. e. c. (new), front and rear axle drive or multiple rear axle drive, except armored vehicles, [11]	No.	TRAN 5	None	RO	A
791153	Used commercial special-purpose vehicles, n. e. c., front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A
791167	Used military special-purpose vehicles, n. e. c., front and rear axle drive, or multiple rear axle drive, except armored vehicles [11]	No.	TRAN 5	None	RO	A
791205	Parts and accessories specifically ordered and invoiced as original equipment for passenger, commercial, and military vehicles previously shipped (include only normal and usual parts and accessories for which no additional charge is being made—such items having been either in short supply or inadvertently omitted at the time of the original shipment of the vehicles).	.....	TRAN 6	500	R	E F
	Parts for commercial automobiles, trucks and busses:					
	Engines for assembly:					
	Motor truck and bus engines:					
791210	Diesel and semi-diesel	No.	TRAN 6	None	R	A E F
791220	Gasoline	No.	TRAN 6	None	R	E F
791220	Gas and kerosene, over 10 horsepower	No.	TRAN 6	250	R	E F
791230	Passenger car engines	No.	TRAN 6	None	R	E F
	Engines for replacement (motor truck, bus, and passenger car engines):					
791240	Diesel and semi-diesel	No.	TRAN 6	None	R	A E F
791250	Gasoline	No.	TRAN 6	None	R	E F
791250	Gas and kerosene, over 10 horsepower	No.	TRAN 6	250	R	E F
791280	Leaf springs, and spring leaves, for replacement.	Lb.	TRAN 6	100	R	E F

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	GROUP 7—MACHINERY AND VEHICLES—con.					
	Automobiles, trucks, busses and trailers, parts, accessories, and service equipment—Continued					
	Parts for commercial automobiles, trucks and busses—Continued					
792610	Parts and accessories, n. e. c., specially fabricated, for assembly, except: air cleaners; ammeters; brake extension handles; bumpers; clearance lights; dashboard plugs; door locks; fog lights; gas tank caps; heaters; horns; hub caps; hydraulic truck dumping hoists; lighters; oil filter clamps; oil filters; oil pressure switches; oil purifiers; oil rectifiers; parking lights; power takeoffs for trucks; radiator caps; radiator ornaments; reflex signals, road traffic; shock absorbers; speedometers; spotlights; stop lights; taxicab meters; thermostats; third axle assemblies; tire locks; windshield wipers; and specially fabricated parts for the excepted items (exclude accessories and complete knockdown vehicles; complete knockdown vehicles should be reported in the proper car, truck, or bus classification, whether the integral components are shipped simultaneously or in a series of partial shipments).	.....	TRAN 6	500	R	E F
792620	Parts, n. e. c., specially fabricated, for spares, replacement, or manufacture into larger components (including bodies and knee-action springs, formerly 791270 and 701275), except: air cleaners; brake extension handles; bumpers; door locks; gas tank caps; horns; hub caps; hydraulic truck dumping hoists; oil filter clamps; oil filters; oil purifiers; oil rectifiers; parking lights; radiator caps; radiator ornaments; reflex signals, road traffic; stop lights; thermostats; third axle assemblies; windshield wipers; and specially fabricated parts for the excepted items.	.....	TRAN 6	500	R	E F
792730	Parts and accessories, n. e. c., for military automobiles, trucks, busses, and trailers.	.....	TRAN	100	R	
	Aircraft, parts, and accessories					
	Aircraft training equipment, n. e. c., and ground handling and maintenance equipment, and specially fabricated parts, n. e. c. (specify by name):					
794960	Landing mats, aircraft	Lb.	STEE	100	RO	A
794960	Other aircraft training, ground handling and maintenance equipment [14]	.....	TRAN	100	R	
	Watercraft [14] [15]					
795155	Parts, n. e. c., specially fabricated for watercraft 40 feet and over in length.	.....	TRAN 9	100	RO	A
795170	Propeller shafts for watercraft 40 feet in length and over (specify metal).	Lb.	TRAN 9	250	RO	A

[11] See § 370.4 (a) for ordnance vehicles classified in Schedule B Nos. 791107-791197 requiring export authorization from the Department of State.

[12] All outstanding licenses issued by the Department of State prior to Jan. 1, 1954, remain valid until they expire or are revoked.

[13] Link-type trainers and tow targets and parts require export authorization from the Department of State. See § 370.4 (a).

[14] See § 370.4 (a) and (c) for types of watercraft requiring export authorization from Maritime Administration and Department of State.

[15] Turrets for naval vessels; armor plate for naval vessels; mine layer parts and accessories; mine sweeper parts and accessories; and mine trawler parts and accessories require export authorization from the Department of State See § 370.4 (a).

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	GROUP 7—MACHINERY AND VEHICLES—con.					
	Railway transportation equipment					
706109	Locomotives, railroad service, except switching type (include combination road and switching type) (report electrical mining and industrial locomotives in 705560): Locomotives, turbine type, general service (line), of a gage greater than 4 feet 8 inches (1.42 m.) or with an individual axle load greater than 12 metric tons, new.	No.	TRAN 11	None	RO	A
706111	Locomotives, turbine type, switching type of a gage greater than 4 feet 8 inches (1.42 m.) or with an individual axle load greater than 12 metric tons, new.	No.	TRAN 11	None	RO	A
706112	Locomotives, turbine type industrial, of a gage greater than 4 feet 8 inches (1.42 m.) or with an individual axle load greater than 12 metric tons, new.	No.	TRAN 11	None	RO	A
706117	Used and rebuilt locomotives, turbine type, general service (line) switching or industrial type of a gage greater than 4 feet 8 inches (1.42 m.) or with an individual axle load greater than 12 metric tons.	No.	TRAN 11	None	RO	A
706136	Well cars with a load capacity 80 tons and over	No.	TRAN 12	None	R	A
706148	Used and rebuilt well cars with a load capacity over 80 tons.	No.	TRAN 12	None	R	A
706154	Parts, for locomotives and railway cars (report electric propulsion motors, generators and controls in 704330; wheels and axles in 610515–610538): Frames, cradles, bolsters, or beds for turbine locomotives of a gage greater than 4 feet 8 inches (1.42 m.) or with an axle load greater than 12 metric tons.	----------	TRAN 11	100	RO	A
706172	Parts and accessories, n. e. c., specially fabricated for turbine locomotives of a gage greater than 4 feet 8 inches or with an individual axle load greater than 12 metric tons.	----------	TRAN 11	1,000	RO	A E
706182	Parts and accessories, n. e. c., specially fabricated for well cars with a load capacity over 80 tons.	----------	TRAN 12	1,000	R	A E
706186	Centralized traffic control (CTC) systems of railway signaling, and specially fabricated parts, n. e. c.	----------	TRAN	100	RO	A
	GROUP 8—CHEMICALS AND RELATED PRODUCTS					
	(See special provisions for Commodity Group 8, §§ 373.54–373.58; special destination provisions, §§ 373.65–373.67)					
	Coal-tar products					
	(Including Similar Cyclic Products Derived from Petroleum, Natural or Other Sources)					
801100	Toluene or toluol (all grades)	Lb.	COTA	100	R	A B F
802370	Coal-tar intermediates, except coal-tar acids: Diphenylamine	Lb.	COTA 61	100	RO	A F
	Other coal-tar intermediates (specify by name):					
802390	Dinitrotoluene solids and oils	Lb.	COTA 61	100	RO	A F
802390	Ethyl benzene	Lb.	COTA 61	100	RO	A F
802390	Picric acid	Lb.	COTA 61	100	RO	A F
806998	Ethyl centralite	Lb.	COTA	None	RO	A F
806998	Methyl centralite	Lb.	COTA	None	RO	A F
806998	Stabilizers for explosives, n. e. c.	Lb.	COTA	None	RO	A F
806998	2-nitrodiphenylamine	Lb.	COTA	None	RO	A F
	Medicinal and pharmaceutical preparations					
812100	Biologics (all forms)[1]: Gamma-globulin, human (immune serum globulin, poliomyelitis immune globulin, etc.).	----------	DRUG	None	RO	B F G
	Chemical specialties					
820589	Agricultural sulfur, n. e. c. (report ground sulfur, unconditioned, for use on plants or soil in 571600): Agricultural sulfur dusts and spray concentrates containing 85 percent or more sulfur, such as, but not limited to, conditioned dusting sulfur and wettable sulfur (specify by name).	Lb.	AGCH 2	100	R	
824000	Ion exchange resins as water softeners or purifiers.	Lb.	RESN 66	100	RO	B C F
	Plastics and resin materials: Synthetic resins in all unfinished and semi-finished forms, except laminated, and except film and sheeting (report laminated plastics in 829010 and 829050; film and sheeting in 825998; manufactured plastic products in 981510–981590, monofilaments for weaving into fabrics in 384050–384052; and woven fabrics in 384985):					
825422	Polyvinyl butyral, uncompounded	Lb.	RESN 66	100	R	E F
825424	Polyvinyl butyral, compounded	Lb.	RESN 66	100	R	E F
825427	Polyvinyl butyral, in semifinished forms (specify form).	Lb.	RESN 66	100	R	E F
	Synthetic resins, n. e. c., in all unfinished forms, including scrap, except laminated and except film and sheeting.					
825920	Tetrafluoroethylene (Teflon)	Lb.	RESN	1	RO	A B C F G
825920	Polytrifluorochloroethylene (Kel-F)	Lb.	RESN	1	RO	A B C F G
825920	Ion exchange resins	Lb.	RESN 66	100	RO	B C F
825920	Polyethylene (specify whether virgin or scrap).	Lb.	RESN 68	100	RO	F
825920	Siloxanes	Lb.	RESN	100	R	F
	Plastic film and sheeting, including printed, embossed, plamshed, or otherwise treated surface:					
825980	Tetrafluoroethylene (Teflon)	Lb.	RESN	1	RO	A B C F G
825980	Polytrifluorochloroethylene (Kel-F)	Lb.	RESN	1	RO	A B C F G
825980	Polyethylene (specify whether virgin or scrap).	Lb.	RESN 68	100	RO	F
825980	Methyl methacrylate, clear	Lb.	RESN 66	100	RO	A F
825980	Synthetic film for dielectric use, 0.0015 inch (0.038 mm.) or less in thickness.	Lb.	RESN 66	15	RO	A F

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	GROUP 8—CHEMICALS AND RELATED PRODUCTS—continued					
	Chemical specialties—Continued					
	Plastics and resin materials:—Continued. Laminated and molded laminated plastics made with synthetic resins and varnishes as a binder: Other laminated and molded plastics, including all shapes solely made therefrom:					
829050	Polytetrafluoroethylene (Teflon)	Lb.	RESN	1	RO	A B C F G
829050	Polytrifluorochloroethylene (Kel-F)	Lb.	RESN	1	RO	A B C F G
829050	Polyethylene (specify whether virgin or scrap).	Lb.	RESN 68	100	RO	F
826050	Methyl methacrylate, clear	Lb.	RESN 66	100	RO	A F
	Cellulose plastic materials (report manufactured plastic products in 981510 and 981590): Cellulose acetate, cellulose acetate-butyrate, cellulose acetate-propionate, and other cellulose esters: For other uses (including film support and base in sheets, rods, tubes, continuous sheeting, cut pieces, and other unfinished forms:					
826550	Cellulose acetate, 0.0015 inch (0.038 mm.) or less in thickness.	Lb.	RESN	15	RO	A E F
	Organic rubber compounding agents not of coal-tar origin (report rubber compounding agents of coal-tar origin in 802810–802890):					
829810	Accelerators containing selenium	Lb.	SALT	25	RO	B F G
829910	Antiknock compounds except of petroleum origin (report compounds of petroleum origin in 501400).	Lb.	PETR	25	RO	A E F
829915	Additives for lubricating and fuel oils (including all agents added to motor oils, diesel and fuel oils, engine oils and greases to increase their effectiveness) (including but not limited to combustion catalysts containing cobalt and diesel oil cetane improvers).	Lb. or Gal.	PETR	25	RO	A B E F
829940	Radioactive isotopes, compounds and preparations thereof, radium emanation (Radon), and radium salts and compounds, all forms (including radium needles and radium ore concentrate) (state radium content) (report paints containing radium in 843800).	----------	DRUG	None	RO	B F
829970	Reagent chemicals for laboratory use (C. P., U. S. P., N. F., A. C. S., or other recognized reagent grades only) for which export controls on other grades are indicated elsewhere on the Positive List (specify by name).	----------	ORGN	Export controls applicable to each chemical under this classification are the same as the controls for other grades of the same chemical indicated elsewhere on the Positive List.[1*]		F
829980	Silicone diffusion pump oils	Gal.	COTA	25	RO	A B C F
829980	Other diffusion pump oils (oils enabling the attainment of vacuum of 10^{-4} mm. of mercury pressure absolute in a single stage diffusion pump).	Gal.	COTA	25	RO	B C F
829984	Hydraulic fluids, synthetic (excludes hydraulic fluids of castor oil base).	Gal	SALT	100	R	A E F
	GROUP 8—CHEMICALS AND RELATED PRODUCTS—continued					
	Chemical specialties—Continued					
829999	Chemical specialty compounds, n. e. c.:[1*] Combustion catalysts containing cobalt	Lb.	SALT	100	RO	A
829999	Molybdenum lubricants (report molybdenum disulfide in powder form under 839400).	Lb.	SALT	100	RO	A F
829999	Polytrifluorochloroethylene (Kel-F) grease, oil, or wax.	----------	ORGN	25	RO	A B C F G
829999	Silicone grease compounds (compounds of organo-silicone material) of the following types only: Silicone high-vacuum greases; and stopcock greases, both high-vacuum and regular.	----------	ORGN	25	R	F
829999	Chemical specialty compounds, n. e. c., containing 80 percent or more by quantity of any item or combination of items specified elsewhere on the Positive List.	----------	ORGN	100	RO	F Where any component thereof is subject to RO control; otherwise subject to R control.
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.)					
831100	Alcohols (report jet fuels in 501800): Ethylene glycol	Lb.	ORGN	100	RO	A F
	Alcohols, n. e. c. (glycols, except ethylene glycol, included):					
831500	Furfuryl alcohol (furyl carbinol)	Lb.	ORGN	100	RO	A F
831500	Pentaerythrite (pentaerithritol)	Lb.	ORGN	100	RO	A F
831500	Propylene glycol	Lb.	ORGN	100	R	A F
831500	Tetrahydrofurfuryl alcohol	Lb.	ORGN	100	RO	A F
831500	Thiodiglycol	Lb.	ORGN	100	R	A F
832085	Organo-fluorine compounds, the following: monochlorotrifluoro methane; dichloromonofluoro methane; monochlorodifluoro methane; trichlorotrifluoro ethane; dichlorotetrafluoro ethane; trichlorodifluoro ethane.[1*]	Lb	SALT 1	100	RO	A B C F
832085	Organo-fluorine compounds, the following: dichlorodifluoro methane; trichloromonofluoro methane; monobromotrifluoro methane; dibromodifluoro methane; difluoroethane; monochlorodifluoro ethane.[1*]	Lb.	SALT 1	100	R	F
	Organic chemicals not of coal-tar origin, n. e. c. (specify by name):					
832990	Furfural	Lb.	ORGN 67	100	R	F
832990	Hexamethylenetetramine	Lb.	ORGN	100	RO	A F
832990	Isopropyl ether	Lb.	ORGN	100	RO	A F
832990	Nonyl sebacates	Lb.	ORGN	100	RO	A F
832990	Octyl sebacates	Lb	ORGN	100	RO	A F
	Potassium compounds, except fertilizers (report fertilizers and fertilizer materials in 850500–855100):					
835000	Potassium tetroxide	Lb.	SALT	25	R	F
836221	Boron trifluoride	Lb.	SALT	100	RO	B F
836220	Other boric acid and borates, crude and refined.	Lb.	SALT	500	RO	E F
	Sodium compounds:					
837990	Sodium azide	Lb.	SALT	None	RO	A F
	Ammonium compounds, except fertilizers (report fertilizers and fertilizer materials in 850500–855100):					
838500	Ammonium molybdate	Lb.	SALT	100	RO	A F
838500	Guanidine nitrate	Lb.	SALT	100	RO	A F
838500	Hydrazine, hydrazine hydrate, and hydrazine salts.	Lb.	SALT	None	RO	A F
838500	Nitroguanidine	Lb.	SALT	None	RO	A F

[1*] A single shipment hereunder may include two or more chemicals, each up to its GLV limit.

[1] For instructions on reporting metal shipping containerssee Schedule B Nos. 619011 and 619012.

[1*] For instructions on reporting metal shipping containers see Schedule B Nos. 619013 and 619014.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists for explanation of symbols in this column see "General Notes to Appendix A" in this section)
	GROUP 8—CHEMICALS AND RELATED PRODUCTS—continued					
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.)—Continued					
	Gases, compressed, liquified and solidified, except liquified petroleum gases:					
839720	Fluorine		SALT	100	RO	B C F
839690	Bromine trifluoride		SALT	100	RO	B C F
839690	Chlorine trifluoride		SALT	100	RO	B C F
839730	Hydrogen peroxide or dioxide (50 percent strength and over).	Lb.	SALT 64	None	RO	A F
	Metal salts of organic compounds, except paint and varnish driers (specify by name) (report paint and varnish driers in 843600):					
839750	Cobalt salts of organic compounds	Lb.	SALT	100	RO	A F
839750	Lead styphnate (lead trinitroresorcinate)	Lb.	SALT 64	25	RO	A F
839750	Nickel salts of organic compounds	Lb.	SALT 65	100	RO	A F
839750	Selenium salts of organic compounds (specify selenium content).	Lb.	SALT	25	RO	B F G
	Other industrial chemicals:					
839690	Actinium-bearing salts and compounds		SALT	None	RO	B C F
839690	Barium nitrate		SALT 64	100	RO	A F
839900	Beryllium salts and compounds (including, but not limited to, beryllium oxide, beryllium nitrate, beryllium sulfate, beryllium carbonate, zinc beryllium silicate).		SALT	500	RO	B C F
839900	Calcium molybdate	Lb.	MINL	100	RO	A
839900	Cobalt compounds (report cobalt salts of organic compounds in 839750, cobalt-containing pigments in 842800, and cobalt-containing paint and varnish driers in 843600).		SALT	100	RO	A F
839900	Deuterium and deuterium compounds, including heavy water.		SALT	None	RO	B C F
839690	Gallium salts and compounds		SALT	None	RO	B C F
839690	Germanium compounds		SALT	None	RO	A F
839690	Lead azide	Lb.	SALT 64	25	RO	A F
839690	Lead thiocyanate		SALT 64	25	RO	A F
839690	Lithium salts and compounds	Lb.	SALT	10	RO	B C F
839690	Magnesium oxide, purity 97 percent or higher		SALT	50	RO	A B C
839690	Mercury compounds	Lb.	SALT	100	RO	A F
839690	Molybdenum salts and compounds, n. e. c. (report molybdenum oxide, molybdenum trioxide, and molybdic acid, except chemically pure grade, in 664750, report chemically pure grade in 829650).	Lb.	SALT 64	100	RO	A F
839690	Nickel compounds		SALT 65	100	RO	A B F
839690	Polonium-bearing salts and compounds		SALT	None	RO	B C F
839690	Selenium salts and compounds, including selenium dioxide (specify selenium content).	Lb.	SALT	25	RO	B F G
839690	Tantalum compounds		SALT 65	25	RO	A F
839690	Zirconium compounds, including oxides and silicates (state hafnium content.)	Lb.	SALT 64	1	RO	A B C F
	Pigments, paints, and varnishes					
	Chemical pigments:					
842310	Carbon black, contact (including channel)	Lb.	PLAT 72	100	R	E F
842350	Carbon black, furnace	Lb.	PLAT 72	100	R	E F
	Chemical pigments, n. e. c.:					
842800	Cobalt oxide pigments	Lb.	SALT	100	R	A F
842800	Selenium containing pigments (specify selenium content).	Lb.	SALT	25	RO	B F G
843800	Tetrafluoroethylene (Teflon) finishes and enamels	Gal.	PLAT	1	RO	A B C F G
843800	Polytrifluorochloroethylene (Kel-F) dispersion	Gal.	PLAT	1	RO	A B C F G

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists for explanation of symbols in this column see "General Notes to Appendix A" in this section)
	GROUP 8—CHEMICAL AND RELATED PRODUCTS—continued					
	Explosives, fuses, and blasting caps					
	Explosives:					
860400	Dynamite	Lb.	ORGN	100	R	F
860700	Jet perforators and oil well bullets	Lb.	MINE 4	100	R	F
860700	Mercury (mercuric) fulminate	Lb.	SALT 64	25	RO	A F
860700	Nitroglycerin explosives, except dynamite (report dynamite in 860400).	Lb.	ORGN	100	R	F
860700	Priming compositions	Lb.	ORGN	25	RO	A F
860700	Other explosives, n. e. c. (including blasting agents) (specify by name).[9]	Lb.	ORGN	None	R	F
862500	Safety fuses, except nondetonating blasting fuses containing only a black powder core.	Lin. ft.	ORGN 1	10	R	F
	Blasting caps.					
862700	Electric, except electric squibs which contain only a deflagrating agent.	No.	ORGN 1	10	R	F
862800	Non-electric	No.	ORGN 1	10	R	F
	GROUP 9—MISCELLANEOUS					
	(See special provisions for Commodity Group 9, §§ 373.59-373.64; special destination provisions, §§ 373.65-373.67.)					
	Photographic and projection goods[10]					
900238	High speed cameras, capable of recording at rates in excess of 250 frames per second.[11]	No.	FILM	None	RO	A F
900238	Photomicrographic, oscillograph and similar cameras.[11]	No.	FILM	None	RO	A F
900600	Parts, n. e. c., specially fabricated for high speed cameras capable of recording at rates in excess of 250 frames per second.[11]		FILM	25	RO	A F
900600	Accessories and parts, n. e. c., specially fabricated for photomicrograph, oscillograph, and similar cameras.		FILM	100	RO	A F
900600	Micro-flash equipment capable of giving a flash 1/100,000 second or shorter duration or with a frequency of 200 flashes or more per second.		FILM	25	RO	A F
902300	Lenses for photomicrographic, oscillograph, and similar cameras, and high speed cameras capable of recording at rates in excess of 250 frames per second.	No.	FILM	None	RO	A F
	Scientific and professional instruments, apparatus, and supplies, n. e. c.					
	Microscopes, and specially fabricated accessories and parts, n. e. c.:					
914950	Electron microscopes, and the following parts therefor: (a) Electron guns; (b) electron objective projection and condenser lenses (magnetic or electrostatic).	No.	SATE	None	RO	A B C F
	Dental instruments, equipment, supplies, and parts:					
915000	Diamond disk points and other dental instruments containing diamonds (see § 373.49 (e)).		CDGS	None	RO	A C F

[9] All outstanding licenses issued by the Department of State prior to Jan. 1, 1954, remain valid until they expire or are revoked.

[10] Many of the explosives under Schedule B No. 860700 require export authorization from the Department of State. See § 370.4 (a).

[11] See § 370.4 (a) for photographic goods which require export authorization from Department of State.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists for explanation of symbols in this column see "General Notes to Appendix A" in this section)
	GROUP 9—MISCELLANEOUS—continued					
	Scientific and professional instruments, apparatus, and supplies, n. e. c.—Continued					
	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.—Continued					
919080	Densitometers	No.	SATE	None	RO	A B C F
919080	Parts, n. e. c. specially fabricated for densitometers.		SATE	25	RO	A B C F
919080	Electronic computers	No.	SATE	None	RO	A F
919080	Parts, n. e. c., specially fabricated for electronic computers.		SATE	25	RO	A F
919080	Supersonic and ultrasonic generators for operation at 17,000 cycles per second or over[12]	No.	SATE	None	RO	A F
919080	Parts, n. e. c., specially fabricated for supersonic and ultrasonic generators for operation at 17,000 cycles per second or over.[12]		SATE	25	RO	A F
919080	Time interval or recording instruments capable of (1) measuring time intervals of one second or less with an error not exceeding 2 percent or 20 micro-seconds, whichever is the greater, or (2) counting at over 5,000 counts per second.	No.	SATE	None	RO	A F
919080	Parts and accessories, n. e. c., specially fabricated for time interval or recording instruments capable of (1) measuring time intervals of one second or less with an error not exceeding 2 percent or 20 micro-seconds, whichever is the greater, or (2) counting at over 5,000 counts per second.		SATE	25	RO	A F
919080	Scintillation counter crystals		SATE	None	RO	A B C F
	Ordnance and pyrotechnics					
	Parts and accessories, n. e. c., specially fabricated for small arms:					
947450	Gun part fabrications, brass and bronze		NONF	100	RO	A
	Parts and accessories, n. e. c., specially fabricated for artillery and naval guns, mortars, rocket and missile launchers, except self-propelled:					
947550	Gun part fabrications, brass and bronze		NONF	100	RO	A
947080	Parts, n. e. c., for non-armored amphibian vehicles or carriers included on the Positive List under Schedule B No. 791113.[13]		TRAN	100	R	
948169	Components and parts, n. e. c., manufactured of brass or bronze, for small arms ammunition.		NONF	100	RO	A
	Components and parts, n. e. c., specially fabricated for artillery, naval gun and mortar ammunition:					
948250	Components and parts, n. e. c., manufactured of brass or bronze, for artillery, naval gun and mortar ammunition.		NONF	100	RO	A
948250	Copper rotating bands for shells, and other copper munitions components.		NONF	None	RO	A
948250	Gas checks, copper		NONF	100	RO	A
	Miscellaneous commodities, n. e. c.					
	Manufactured plastic products, n. e. c., not specially fabricated for particular machines or equipment (report plastics and resin materials in unfinished forms in 825100-826920):					
981500	Manufactures of polytetrafluoroethylene (Teflon)		COTA	1	RO	A B C F G
981500	Manufactures of polytrifluorochloroethylene (Kel-F)		COTA	1	RO	A B C F G

[12] Aircraft gyroscope compasses and repeaters, and parts therefor, require export authorization from Department of State. See § 370.4 (a).

[13] Parts for armored vehicles or carriers require export authorization from the Department of State. See § 370.4 (a).

[14] All outstanding licenses for exportation of spectrometers issued by the Atomic Energy Commission remain valid until they expire or are revoked.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists for (explanation of symbols in this column see "General Notes to Appendix A" in this section)
	GROUP 9—MISCELLANEOUS—continued					
	Miscellaneous commodities, n. e. c.—Continued					
	Commodities exported for relief or charity by individuals and private agencies (the following classifications are not used for exports for relief or charity by governmental agencies (United States, foreign, and international) except for exports of used clothing by such agencies, which are reported under 999820. All other exports (including new clothing) by governmental agencies are reported under their specific Schedule B numbers):					
999810	Food					
999820	Clothing					
999830	Blankets and bedding					
999840	Drugs and biological supplies					
999850	Surgical, sanitary, and hospital supplies, equipment and parts.					
999870	Ambulances and other motor equipment, and parts (specify by name).					
999890	Commodities exported for relief or charity by individuals and private agencies, n. e. c. (specify by name).					
999910	General merchandise valued at less than $25					
	This commodity number is applied to:					
	(a) All single items of Schedule B commodities valued at less than $25,					
	(b) All totals of Schedule B commodities, single items of which are valued at less than $25, including shipments to postmasters or other agents for distribution at destination.					

Export controls applicable to each commodity under these classifications are those which apply to the commodity when exported commercially under its individual Schedule B number.

Export controls applicable to each commodity under these classifications are those which apply to the commodity when exported under its individual Schedule B number.

This amendment shall become effective as of August 26, 1954, except that with respect to commodities to which the letters "B", "C", "E", or "F" have been added in the column headed "Commodity Lists", it shall become effective as to such requirements as of September 28, 1954, and except with respect to commodities to which the letter "A" has been added in the column headed "Commodity Lists", it shall become effective as to such requirements as of October 11, 1954.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations or whose GLV dollar value limit has been reduced by this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., September 7, 1954, may be exported under the previous general license provisions up to and including September 28, 1954. Any such shipment not laden aboard the exporting carrier on or before September 28, 1954, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-7583; Filed, Sept. 27, 1954; 8:50 a. m.]

[7th Gen. Rev. of Export Regs., Amdt. 8[1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 378—FOREIGN DISTRIBUTION (FD) LICENSE

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 371.2 *General provisions* paragraph (c) *Applicability* is amended in the following particulars: In subdivision (ii) of subparagraph (1) *Prohibited shipments* the parenthesis beginning "See § 373.60 . . ." is deleted.

2. Section 371.3 *General license country groups* paragraph (a) *Grouping of countries* is amended in the following particulars:

a. In subparagraph (1) the entries for "Haiti (including Gonave and Tortue Islands)" and for "Chile (including the islands Sala-y-Gomez, Juan Fernandes, San Felix, San Ambrosio, and Easter Island)" are amended to read respectively as follows:

Haiti (including Gonave and Tortuga Islands).

Chile (including the islands Sala-y-Gomez, Juan Fernandes, San Felix, San Ambrosio, and Easter Island).

b. Subparagraph (2) is amended to read as follows:

(2) Country Group R includes and consists of all countries and other destinations not included in Country Group O, except Canada (including Newfoundland and Labrador). Within Country Group R there is established Subgroup A, which includes and consists of the following countries and other destinations:[1]

Albania.
Bulgaria.
China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province).
Communist-controlled area of Viet Nam and the Hanoi-Haiphong Enclave.
Czechoslovakia.
East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
North Korea.
Outer Mongolia.
Poland and Danzig.
Rumania.
Union of Soviet Socialist Republics.

c. The note following paragraph (a) remains unchanged.

3. Section 371.7 *General license GO; shipments to Group O destinations* paragraph (b) *Footnotes on Positive List* is amended in the following particulars:

a. In Examples No. 1 and No. 2 of the note following paragraph (b) the words "carbon steel tube rounds" and "carbon steel tube rounds, Schedule B No. 601810" are deleted, and the words "boron carbide" and "boron carbide, rounds, Schedule B No. 541140" inserted.

b. The remainder of the note is unchanged.

4. Section 371.23 *General License GHK; shipments of certain commodities to Hong Kong* is amended to read as follows:

§ 371.23 *General License GHK; Shipments of certain commodities to Hong Kong.* A general license designated GHK is hereby established authorizing the exportation to Hong Kong of commodities listed below:

[1] This amendment was published in Current Export Bulletin No. 737, dated September 16, 1954, and in the reprint pages, dated September 16, 1954.

[1] Further explanation of the areas indicated is contained in "Schedule C" appearing on pages x-xv of Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States and amendments thereto.

Schedule B No.	Commodity
260500–261320	Cotton semimanufactures, except cotton pulp.
261530–261600	Cotton manufactures:
	Sewing thread, crochet, darning, and embroidery cotton.
	Twine, cordage, rope, and cables:
	Cotton (cotton).
262300–262900	Carded goods, except fine carded.
263110–263970	Combed, part combed and fine carded gray cloth, *except airplane cloth, balloon fabric, and mosquito netting.*
264000–265850	Other cotton fabrics, except tire fabrics.
265900–312500	Cotton wearing apparel.
312600–312800	Cotton embroidered fabrics, and artshes thereof, n. e. c.
313000–313500	Cotton narrow fabrics, not tubular, not over 12 inches wide, except industrial belts and belting.
313510–313600	Cotton house furnishings.
	Fabricated products of cotton, n. e. c.
	Vegetable fibers and manufactures:
320505	Hemp, unmanufactured.
320598	Other unmanufactured vegetable fibers, except jute, manila or abaca, sisal or henequen.
320605	Jute, manila, and other fibers, unmanufactured, not over 12 inches wide, except industrial belts and belting.
320698	Vegetable fiber manufactures, except webbing (060800) and industrial belts and belting (068800).
330505	Manufactures of jute, flax, and ramie.
349998	Wool, unmanufactured.
	Wool semimanufactures.
350000	Wool manufactures.
360000	Hair, unmanufactured, n. e. c.
360500–360900	Silk and silk manufactures, except parachute cloth (372605).
361000–361500	Man-made (synthetic) fibers and manufactures:
	Glass fibers for weaving, knitting and braiding.
361510–361900	Rags and clips of rayon or other man-made (synthetic) fibers and used civilian clothing, including hosiery.
362000–362900	Braid woven goods, wholly or chiefly of man-made (synthetic) fibers by weight, *except parachute*
363000	Felt fabric in the piece.
363100–363500	Ribbons and other narrow woven fabrics, *except nylon webbing;* fringes, trimmings and braids; wearing apparel; and house furnishings.
363510–363900	Miscellaneous textile products:
364000	Linoleum, felt base coverings, and oilcloth for floor, shelf, table, and wall.
364100–364200	Window-shade cloth (all types).
364300–364400	Book cloth impregnated fabrics.
364500–364700	Waterproof outer garments, except rubber and rubberized.
364800–365000	Corsets, brassieres, and girdles, except rubber and rubberized.
365100–365200	Neckties, cravats, mufflers, and scarves (all fibers).
365300–365400	Hat braids, hat bodies, and hats, caps and berets.
365500–365900	Artificial or ornamental flowers, fruits, vegetables, grasses, grains, leaves, stems, or parts thereof
366000–366500	Other textile products, including, n. e. c., except sorted, bunched, or prepared bristles (093500).
366510–366900	Millinery, hats, and caps (except straw).
367000–367400	Absorbent cotton, sterilized gauze, and sterilized bandages.
367500–368000	Garters, arm bands, suspenders, and braces of all materials.
368400–369400	Elastic webbing, woven, knit, or braided.
369500	Textile manufactures, n. e. c.
369900	Wool, unmanufactured:
400500	Rattan, reed, cane, bamboo, and osier (raw or semimanufactured).
400600–400900	Wood manufactures:
410000–420000	Wood containers and shooks, cooperage and cooperage stock.
421000–421600	Veneers.
421700	Softwood plywood, interior type.
422500	Shingles.
422600–422900	Millwork.
423000	Prefabricated and ready-cut houses, including lumber or plywood components, chief value wood.
423500	Wood boxes, baskets, and buckets, and wood components for cooling towers.
423600–424000	Furniture and specially designed parts, n. e. c., chief value rattan, reed, cane, willow, grass, fiber, wood, or upholstery and wood.
424500	Shoe lasts.
425000	Handles (including pulls, knobs, bolves, hafts, grips, and backs).
425500	Pencil slats.
425900	Wood slats for use in
426000	Cork and manufactures.
426500	Paper base stocks, except rags and pulp.
427000	Paper, related products and manufactures:
	Paper, except building paper:
427100	Newsprint (standard and superstandard).
427200	Groundwood paper, printing and converting.
427300	Book paper, printing and converting.
427400	Tissue paper.
427500	Writing paper.
427600	Bristols.
427700	Cigarette paper on bobbins or in sheets.
427800	Cover paper.

Schedule B No.	Commodity
001000–001900	Animals, edible.
002000–002900	Meat and meat products.
003000–003500	Animal oil and fats, edible.
004000–004900	Dairy products.
005000–005900	Fish and fish products.
006000–006500	Other edible animal products[1].
006600–006900	Hides and skins, raw, except furs:
	Sheep skins, dry and wet.
023000–023004	Lamb skins, dry and wet.
023005–023008	Other hides and skins, raw, except cattle, calf and kip skins.
025005	Leather:
030000–031000	Upper leather except cattle and kip side upper and calf and whole kip.
032000–032900	Sole, welting, and strap leather.
033000–033500	Other leather and tanned skins, except side leather (bends, backs, and shd), hoof and shoe cut stock, belting leathers for industrial belts, and sole, welting, and belting leather offal.
	Leather manufactures:
034000–035000	Boots, shoes, and other footwear, except men's new boots and shoes with leather uppers.
035200	Leather gloves and mittens.
035500	Other leather manufactures, except welting (060800) and industrial belts and belting (068800).
035900	Other inedible animals and animal products:
	Animals.
036000–036500	Feathers, crude, dressed, and manufactures thereof, except waste.
036600–036900	Other animal products, inedible, n. e. c., except sorted, bunched, or prepared bristles (093500).
037000–037900	Grains and preparations; except starches (105000–105900) and rice (105500–105750).
038000–038500	Vegetables and preparations, edible.
038600–038900	Fruits and preparations.
039000–039400	Nuts and preparations.
039500–039900	Vegetable oils, fats, and waxes, refined.
040000–040500	Cocoa, coffee, tea, and substitutes.
040600–040900	Spices.
041000–041500	Sugar and related products:
041600	Sugar, liquid, except pharmaceutical.
041700	Sirup for table use, and edible molasses.
041800	Honey.
042000–042500	Candy.
042600	Chewing gum.
043000–043700	Baby foods, confections and desserts
044000–044900	Beverages and beverage materials.
045000–045900	Rubber and rubberized fabrics and manufactures;
046000	Rubber and rubberized piece goods, fabrics, and sheeting, n. e. c., *except of synthetic rubber.*
046500	Rubber boots and shoes, and canvas shoes with rubber soles.
046600	Rubber and rubberized gloves and mittens, *except surgeons' gloves, and gloves and mittens of synthetic rubber.*
047000–047900	Rubber toys, balls, and novelty balloons, except dolls, golf and tennis balls.
048000–048400	Hard rubber goods, not specially fabricated for particular machines or equipment, except electrical
048500	hard rubber goods.
049000–049900	Solid tires, except track and industrial.
050000–050500	Rubber tiling and flooring.
050600–050900	Natural and synthetic rubber manufactures, n. e. c., not specially fabricated for particular machines or equipment, the following only: artists' erasers; basil, thigh, and bath pads; beach bags; buffers; rubber-impregnated; cushions, door bumpers; door weatherstrip, reclaimed rubber; doormats; ear pads; easels (card undershoes, rubber-impregnated; elastic bands, stationers, erasers, including pencil plugs; eye guards; eyelets; grips; gum erasers, of vegetable oils; hand pads; hand stamps; handle grips; hat bags (for hat manufacturing); hoof pads; horseshoe pads; mallets; mat patches; mats; mud shields; nose clips; paste rollers; pencil plugs; pinners; rubber bands; safety gripper strips; shoulder pads; shower curtains; stirrups; stirrup pads; stirrup straps; stirrup straps (rubber chief value); stock plugs; skate strap pads (rubber chief value); tips for canes; typewriter erasers; weatherstrip; window weatherstrip, reclaimed rubber.
051000–051500	Naval stores, gums, and resins:
051600–051900	Naval stores.
052000–052500	Drugs, herbs, leaves, and roots, crude:
052600	Cascara bark.
052700	Digitalis.
053000–053500	Other crude drugs, herbs, leaves, and roots, except cinchona bark, pyrethrum (insect flowers), and rotenone-bearing roots.
053600–053900	Vegetable oils, fats, and waxes, crude:
054000–054500	Peppermint, spearmint and other mint oils, natural.
054600–055000	Citrus oils, natural.
055100	Coconut oil, crude.
055200	Vegetable oils, crude.
055300	Seeds, except oilseeds grass and field seeds.
055400	Nursery and floral stock.
055500	Tobacco and manufactures.
055600–055900	Miscellaneous vegetable products, inedible.

Schedule B No.	Commodity
	Paper, related products and manufactures—Continued
	Paper, except building paper—Continued
481650–482200	Coarse paper.
482950–483000	Tissue paper.
483100	Absorbent paper and products, n. e. c.
483300–484750	Paperboard and building paper.
484900	Flexible wood and vegetable fiber thermal insulation.
485100–485600	Converted paper and board products.
500100–500300	Coal and related fuels, except coke.
	Stone, hydraulic cement and lime:
510100–512700	Building and monumental stone, and manufactures.
516400	Standard Portland cement.
517000	Concrete and cement manufactures.
517100	Lime.
	Glass and products:
	Flat glass:
521210–521510	Plate glass, and sheet and window glass, except colored and laminated.
521800–523008	Flat glass and products, n. e. c., except laminated glass and manufactures.
523150	Glass bricks and blocks.
523210–523600	Unfilled glass containers, new and used.
523710–524018	Table and kitchen glassware.
525500–526100	Lamp chimneys, lantern globes, and globes and shades for lighting fixtures.
	Clay and products:
530607–530912	Clays, except fire clay.
	Pottery:
532010–532050	Table and kitchen articles and utensils for use in cooking, preparing, serving and storing food and drink.
	Sanitary articles.
533210–533400	Other pottery, except chemical and industrial.
538900	Structural clay products (except pottery and refractories).
536900–537600	Other nonmetallic minerals (precious included):
	Abrasives:
540600	Grindstones and pulpstones, natural.
541220	Pulpstones of manufactured abrasives.
546000	Asphalt tiles.
547100	Manufactures of natural asphalt and bitumen.
548350–548700	Gypsum and manufacturing.
549010	Rock wool, glass wool and other semirigid and "Fill" mineral insulating materials, n. e. c.
572400	Salt, crude and refined.
573600	Magnesium silicate.
596033	Gravel.
596035–596037	Stone, crushed, ground, or broken.
596098	Precious, semiprecious, synthetic, and imitation stones, *except diamonds, jewel bearings, rubies (genuine and synthetic), sapphires (genuine and synthetic), and diamond bearings.*
	Metal manufactures:
611200–611300	Safety razors and blades (except electric).
611410	Scissors, shears, clippers, and snips, n. e. c.
611700	Butchers' and kitchen knives, forks, cleavers, and steels.
611800	Other cutlery and specially fabricated parts, except table flatware and machine knives and blades.
	Table flatware and specially fabricated parts, n. e. c.:
611920	Silver-plated.
611940–611950	Metals, except precious.
	Hollow ware, n. e. c., solid or plated, and specially fabricated parts, n. e. c.:
611990	Metals, except precious.
612010–612355	Cooking, kitchen, and hospital utensils, and specially fabricated parts, n. e. c.
612358	Kitchen appliances and tools, hand-operated, and specially fabricated parts, n. e. c.
612360	Vitreous enameled products, n. e. c., and specially fabricated parts, n. e. c.
612370	Tinware and other sheet metal ware, n. e. c. (including galvanized), and specially fabricated parts, n. e. c.
612910–613010	Metal partitions, shelving, lockers, cases, cabinets, counters, and other fixtures, n. e. c., and specially fabricated parts, n. e. c.
613110–613590	Metal office equipment.
613610–613650	Metal household furniture and specially fabricated parts, n. e. c.
614310–614340	Domestic cooking stoves and ranges.
	Hardware:
617910–618110	Locks (all metals).
618150	Hinges and butts (all metals).
618300	Iron and steel builders' hardware, n. e. c., and specially fabricated parts, n. e. c.
618410–618460	Furniture hardware and specially fabricated parts, n. e. c.
618800–618840	Hardware, nec. e. c., all metals, *except copper-base alloys.*
618851–618859	Metal plumbing fixtures and fittings and specially fabricated parts, n. e. c.
	Construction materials:
618983–618985	Sash, sections, and frames, door and window.
618991–618993	Venetian blinds (including slats and strips) and specially fabricated parts, n. e. c.
619861–619865	Metal signs, except electric.
695910	Silver-plated manufactures, n. e. c.
	Electrical machinery and apparatus:
707395	Electric commercial cooking and food service equipment, n. e. c., and specially fabricated parts, n. e. c.
	Construction, excavating, mining, and related machinery:
722045	Clay spades and water sprinkler tanks.
724110	Overhead hoists (pendant type.)
724050	Elevators and moving stairways, n. e. c., and specially fabricated parts, n. e. c.
	Other industrial machines and parts:
760020	Bakery machines, n. e. c., and specially fabricated parts, n. e. c.
761100	Sugar-mill machines, n. e. c., and specially fabricated parts, n. e. c.
761250	Cannery machines, n. e. c., and specially fabricated parts, n. e. c., *except piping made of or lined with any corrosion-resistant materials.*
761310–761320	Bottling, bottle-washing, and bottle-labeling machines, and specially fabricated parts, n. e. c.
761510	Meat and other food cutting, chopping and slicing, power-driven machines, n. e. c., and specially fabricated parts, n. e. c.
762000	Cigarette-and cigar-making, and tobacco processing machines, n. e. c., and specially fabricated parts, n. e. c.
762700–762810	Paper-converting machines, and specially fabricated parts, n. e. c.
773810–773850	Commercial laundry and dry cleaning equipment (including power-driven machines) and parts.
774310–774370	Scales and balances, except industrial and commercial, and specially fabricated parts, except lead scale weights.
	Office machines, and parts:
776400–776700	Cash registers and specially fabricated parts.
777000–777420	Typewriters, standard and portable, new, used and rebuilt.
777500	Parts, and accessories, n. e. c., specially fabricated for typewriters.
777710	Staplers, for office use.
777925	Check-handling machines, and specially fabricated parts, n. e. c.
777990	Office machines, n. e. c., and specially fabricated parts, n. e. c.
	Other vehicles and parts:
797100–797105	Bicycles, and specially fabricated parts and accessories, n. e. c.
797430	Farm wagons, drays, and trailers.
799606	Vehicles, n. e. c., and specially fabricated parts, n. e. c., *except logging wagons, motor scooters, sno-cats, and sno-cat trailers.*
805009	Coal-tar products:
	Coal-tar dyes and stains, n. e. c., the following only, in small packages of 2 ounces or less: dye tablets; easter egg colors, except of vegetable origin; food coloring, except of vegetable origin; hair tints and dyes; and household tints and dyes.
	Medicinal and pharmaceutical preparations:
813520	Menthol, bulk.
814800	Mouth washes, gargles, and personal antiseptics.
814900	Corn and foot remedies.
815100	Liniments.
816100	Laxatives, purgatives, and cathartics.
816200	Milk of magnesia.
816500	Antacids and digestive preparations.
	Chemical specialties:
820600	Household and industrial insecticides, fungicides, exterminators, and repellents, liquid, paste, powder or solid form, *except aerosol bombs, bug bombs, moth balls, and napthalene balls and flakes.*
820900	Household and industrial disinfectants, deodorants, germicides and similar preparations, n. e. c.
823000	Baking powder.
827000	Regenerated cellulose, including printed (except rayon), in rolls, and sheets.
827400	Cementing preparations for repairing, sealing, and adhesive use, the following only: automobile top sealer; floor cement; linoleum cement, except rubber; linoleum paste, except rubber; roofing cement; and running board cement.
828870	Detergents, all types.
828950	Specialty cleaning and washing compounds, n. e. c., *except rifle cleaning compounds.*
	Polishes:
828000	Metal and stove polishes.
829100	Shoe polishes and shoe cleaners.
829400	Floor wax, wood and furniture polishes.
829410	Automobile polishes.
829530	Aromatic chemicals of synthetic origin.
829540	Aromatic compounds containing natural and/or synthetic essential oils and/or aromatic chemicals of natural and synthetic origin for perfumery use.
829555–829595	Flavors and flavoring extracts, natural and synthetic.
829600	Pectin and preparations.
829660	Chemical specialty compounds, n. e. c., the following only: brewers' finings; chemical compounds, for manufacturing ice cream; chill proofing compound; clarifier for beer or ale; clarifying powder, for wines; hat finishing powder; ink eradicators; laundry sour, lipstick bases; lipstick waxes; marble polish; meat curing compound; rosin size, shaving cream base, concentrated; silk-stocking savers, in tablet form; and yeast food (dough conditioner).
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.):
831510	Ethyl alcohol.
835000	Cream of tartar (synthetic included).
836700	Sodium bicarbonate or baking soda.
	Pigments, paints and varnishes:
840100	Iron oxide pigments, dry, synthetic and natural (mineral earth pigments).
840500	Extender pigments, dry, the following only: barytes, ground, calcium sulfate; and gypsum, ground.
841110	Artists' colors.
843160	Pigments, paints and varnishes—Continued
	Paste and semipaste paint colors in oil, putty and paste wood fillers, n. e. c., *except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (Teflon), polytrifluorochloroethylene (Kel-F), and silicones.*
843210–843250	Water thinned paints (all types).
843710	Lacquers, aluminum, silver and gold.
843800	Ready-mixed paints, stains, and enamels, *except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (Teflon), polytrifluorochloroethylene (Kel-F), and silicones.*
844210	Varnishes (oil or spirit), natural or synthetic, n. e. c., *except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (Teflon), polytrifluorochloroethylene (Kel-F), and silicones.*
857000–857500	Soil improvement materials.
871100–877000	Soap and toilet preparations.
	Photographic and projection goods:
900150	Cameras, motion picture, substandard gauge, 8 mm.
900860	Projectors, motion picture, silent, substandard gauge, 8 mm.
	Motion-picture films, exposed or developed:
	Negative:
912170	Newsreels.
912180	Trailers, inserts, and replacements.
912190	Negative 8 mm film.
912200	Sound track.
912320–912400	Positive.
912700	Dry plates.
914000	Photographic and projection goods, n. e. c., and specially fabricated parts, n. e. c., the following only: albums; analyzers, backgrounds, photographic; cable releases; carrying cases, for cameras and similar outfits; Ceseo trays; Craig Fotofade sets; cutting boards, developing, printing, fixing, or washing tanks, trays, and machines; developings tongs; dies and punches; dry mounting presses; embossers and embossing equipment; flash synchronizers; flashing powder; hangers; Illustravox Salesmaker parts; lamp holders; lantern slides, luxometers; magic lantern parts, mustoscope parts; photobaths, glass; photo blotters; photo scales (enlarger part); photographic mounts; print rollers; printing frames and masks; screens; shading machines; slide film prints (silent films only); squeegees; sun shades; timers; and top sheet film cruftint.
	Scientific and professional instruments, apparatus and supplies, n. e. c.:
914200–914380	Sun glasses, sun goggles, ophthalmic spectacles, ophthalmic lenses, and specially fabricated parts, n. e. c.
914998	Optical goods, n. e. c., and specially fabricated parts, n. e. c., the following only: binocular cases; binocular loupes; cases for opera glasses; folding magnifiers; linen testers, optical; magnifying glasses; monoculars; reading glasses; spectacle cases of all materials.
915200	Teeth, dentures, and bridges.
915550	Dental office and laboratory equipment, n. e. c., and specially fabricated parts, n. e. c., the following only: bench equipment; bracket tables; cabinets; casting machines; chairs; compound heaters; control panels; cuspidors, and cuspidor bowls; denture trimmers; grinders; investment mixers; investment scales; laboratory spatulas; lights and light adapters; mats; presses; processing equipment; sand blasters; surveyors, syringes; tampers; tongs; units; vibrators; waste receivers; water heaters.
	Musical instruments, parts, and accessories:
921100–921200	Pianos.
923000	Pipe organs.
924200	Phonograph records and blanks.
924700–929700	Other musical instruments, and specially fabricated parts and accessories, n. e. c., except electric and electronic organs, and phonographs and parts.
930310–930900	Miscellaneous office supplies.
940000–941900	Toys, athletic and sporting goods.
951000–952300	Books, maps, pictures and other printed matter, n. e. c., except photographs, blueprints (955000) and technical data.
953300–953900	Miscellaneous commodities, n. e. c.:
957100	1-day alarm clocks.
958000–958300	Watches and watch movements.
961000	Paintings, etchings, engravings, statuary (except religious) and antiques.
962100–962900	Jewelry and other personal ornaments, all materials, except solid gold, platinum and platinum allied metals.
963500	Jewelry findings, and specially fabricated parts, n. e. c.
68005–968099	Bottle and container closures (including secondary closures, and crown caps), accessories, and specially fabricated parts, n. e. c.
971100–971300	Buttons and parts.
979200–979600	Lamps and illuminating devices, and parts, except incandescent mantles and electric lamps.
980000	Matches.
981410	Miscellaneous commodities, n. e. c.—Continued
981590	Plastic kitchen and tableware.
	Manufactured plastic products, n. e. c., not specially fabricated for particular machines or equipment, *except all manufactures of polytetrafluoroethylene (Teflon) and monochlorotrifluoroethylene (Kel-F),* the following only: cigar ribbons; containers for household use (soap dishes, etc.); display equipment (forms, boxes, stands, frames); draperies and curtains (not firm, woven); garment bags (not requiring cutting or further manufacture for use); handmirrors; manicure sets; mats; table cloths (cut to size); trimmings for handbags, venetian blinds, including slats and tapes; wearing apparel as follows: baby pants, aprons, bibs, or other indoor type wearables (excluding raincoats).
982110	Synthetic sponges.
982120	Natural sponges, animal.
982200–982601	Brushes.
982605	Brooms.
982700	Combs, except wholly of rubber.
982800–982899	Smokers' articles, n. e. c., and specially fabricated parts, n. e. c.
983100–983150	Umbrellas and parasols, and specially fabricated parts, n. e. c.
983200	Candles, except pyrotechnic.
983500	Religious articles, n. e. c., and specially fabricated parts, n. e. c.
984005	Beads and bead articles, n. e. c.
984008	Snap fasteners.
984015	Zippers (including slide fasteners), and specially fabricated parts, n. e. c.
984098	Notions, novelties, specialties, and specially fabricated parts, n. e. c.
984200	Ice refrigerators, household and commercial types.
984600	Soda fountain and bar equipment, and specially fabricated parts, n. e. c.
984700	Barber and beauty shop equipment, n. e. c., and specially fabricated parts, n. e. c.
985500	Shoe findings, n. e. c.
987100–987200	Coin-operated machines, n. e. c.

Schedule B No.	Commodity
	Pigments, paints and varnishes—Continued
843160	Paste and semipaste paint colors in oil, putty and paste wood fillers, n. e. c., *except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (Teflon), polytrifluorochloroethylene (Kel-F), and silicones.*
843210–843250	Water thinned paints (all types).
843710	Lacquers, aluminum, silver and gold.
843800	Ready-mixed paints, stains, and enamels, *except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (Teflon), polytrifluorochloroethylene (Kel-F), and silicones.*
844210	Varnishes (oil or spirit), natural or synthetic, n. e. c., *except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (Teflon), polytrifluorochloroethylene (Kel-F), and silicones.*
857000–857500	Soil improvement materials.
871100–877000	Soap and toilet preparations.
	Photographic and projection goods:
900150	Cameras, motion picture, substandard gauge, 8 mm.
900860	Projectors, motion picture, silent, substandard gauge, 8 mm.
	Motion-picture films, exposed or developed:
	Negative:
912170	Newsreels.
912180	Trailers, inserts, and replacements.
912190	Negative 8 mm film.
912200	Sound track.
912320–912400	Positive.
912700	Dry plates.
914000	Photographic and projection goods, n. e. c., and specially fabricated parts, n. e. c., the following only: albums; analyzers, backgrounds, photographic; cable releases; carrying cases, for cameras and similar outfits; Ceseo trays; Craig Fotofade sets; cutting boards, developing, printing, fixing, or washing tanks, trays, and machines; developings tongs; dies and punches; dry mounting presses; embossers and embossing equipment; flash synchronizers; flashing powder; hangers; Illustravox Salesmaker parts; lamp holders; lantern slides, luxometers; magic lantern parts, mustoscope parts; photobaths, glass; photo blotters; photo scales (enlarger part); photographic mounts; print rollers; printing frames and masks; screens; shading machines; slide film prints (silent films only); squeegees; sun shades; timers; and top sheet film cruftint.
	Scientific and professional instruments, apparatus and supplies, n. e. c.:
914200–914380	Sun glasses, sun goggles, ophthalmic spectacles, ophthalmic lenses, and specially fabricated parts, n. e. c.
914998	Optical goods, n. e. c., and specially fabricated parts, n. e. c., the following only: binocular cases; binocular loupes; cases for opera glasses; folding magnifiers; linen testers, optical; magnifying glasses; monoculars; reading glasses; spectacle cases of all materials.
915200	Teeth, dentures, and bridges.
915550	Dental office and laboratory equipment, n. e. c., and specially fabricated parts, n. e. c., the following only: bench equipment; bracket tables; cabinets; casting machines; chairs; compound heaters; control panels; cuspidors, and cuspidor bowls; denture trimmers; grinders; investment mixers; investment scales; laboratory spatulas; lights and light adapters; mats; presses; processing equipment; sand blasters; surveyors, syringes; tampers; tongs; units; vibrators; waste receivers; water heaters.
	Musical instruments, parts, and accessories:
921100–921200	Pianos.
923000	Pipe organs.
924200	Phonograph records and blanks.
924700–929700	Other musical instruments, and specially fabricated parts and accessories, n. e. c., except electric and electronic organs, and phonographs and parts.
930310–930900	Miscellaneous office supplies.
940000–941900	Toys, athletic and sporting goods.
951000–952300	Books, maps, pictures and other printed matter, n. e. c., except photographs, blueprints (955000) and technical data.
953300–953900	Miscellaneous commodities, n. e. c.:
957100	1-day alarm clocks.
958000–958300	Watches and watch movements.
961000	Paintings, etchings, engravings, statuary (except religious) and antiques.
962100–962900	Jewelry and other personal ornaments, all materials, except solid gold, platinum and platinum allied metals.
963500	Jewelry findings, and specially fabricated parts, n. e. c.
68005–968099	Bottle and container closures (including secondary closures, and crown caps), accessories, and specially fabricated parts, n. e. c.
971100–971300	Buttons and parts.
979200–979600	Lamps and illuminating devices, and parts, except incandescent mantles and electric lamps.
980000	Matches.
981410	Miscellaneous commodities, n. e. c.—Continued
981590	Plastic kitchen and tableware.
	Manufactured plastic products, n. e. c., not specially fabricated for particular machines or equipment, *except all manufactures of polytetrafluoroethylene (Teflon) and monochlorotrifluoroethylene (Kel-F),* the following only: cigar ribbons; containers for household use (soap dishes, etc.); display equipment (forms, boxes, stands, frames); draperies and curtains (not firm, woven); garment bags (not requiring cutting or further manufacture for use); handmirrors; manicure sets; mats; table cloths (cut to size); trimmings for handbags, venetian blinds, including slats and tapes; wearing apparel as follows: baby pants, aprons, bibs, or other indoor type wearables (excluding raincoats).
982110	Synthetic sponges.
982120	Natural sponges, animal.
982200–982601	Brushes.
982605	Brooms.
982700	Combs, except wholly of rubber.
982800–982899	Smokers' articles, n. e. c., and specially fabricated parts, n. e. c.
983100–983150	Umbrellas and parasols, and specially fabricated parts, n. e. c.
983200	Candles, except pyrotechnic.
983500	Religious articles, n. e. c., and specially fabricated parts, n. e. c.
984005	Beads and bead articles, n. e. c.
984008	Snap fasteners.
984015	Zippers (including slide fasteners), and specially fabricated parts, n. e. c.
984098	Notions, novelties, specialties, and specially fabricated parts, n. e. c.
984200	Ice refrigerators, household and commercial types.
984600	Soda fountain and bar equipment, and specially fabricated parts, n. e. c.
984700	Barber and beauty shop equipment, n. e. c., and specially fabricated parts, n. e. c.
985500	Shoe findings, n. e. c.
987100–987200	Coin-operated machines, n. e. c.

5. Section 373.60 *Military wearing apparel* is deleted.

6. Section 378.3 *Reexportation* paragraph (d) *Reexportation to excepted countries* is amended in the following particulars:

The list of countries set forth therein is amended to read as follows:

Austria.	Indonesia.
British Malaya.	Macao.
Burma.	Republic of the Philippines.
Ceylon.	Subgroup A countries:
Finland	Switzerland.
Honk Kong.	Taiwan (Formosa).
Indochina.	Thailand.
	Timor.
	Yugoslavia.

7. Section 378.4 *Application requirements* paragraph (a) *Application form* is amended in the following particulars: In subparagraph (1) change the reference to "§ 372.2 (c)" to read: "§ 372.5 (f)".

8. Section 382.51 *Table of compliance orders currently in effect denying export privileges* paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Aetna Converting Corp., 171 Madison Ave., New York, N. Y.	8-16-54	2-16-55	General and validated, all commodities, any destination, including Canada.	19 F. R. 5288, 8-19-54.
Atlas Converting Co., 17 Randall St., Providence, R. I.	8-16-54	2-16-55	do	19 F. R. 5288, 8-19-54.
Chang, William C., 3611 Sacramento St., San Francisco, Calif.	8- 2-54	7-20-55	General and validated, all commodities, any destination, excluding Canada.	19 F. R. 4972, 8-6-54.
Goldberg, Burton L., president and treasurer, Atlas Converting Co., 17 Randall St., Providence, R. I.	8-16-54	2-16-55	General and validated, all commodities, any desination, including Canada.	19 F. R. 5288, 8-19-54.
Goldberg, Herman P., 1112 Coddington Pl., Charlotte, N. C.	8-16-54	2-16-55	do	19 F. R. 5288, 8-19-54.
On, Lewis C., 3611 Sacramento St., San Francisco, Calif.	8- 2-54	7-20-55	General and validated, all commodities, any destination, excluding Canada.	19 F. R. 4972, 8-6-54.
Smithline, Sol. L., 225 Central Park West, New York, N. Y.	8-16-54	11-16-54	General and validated, all commodities, any destination, including Canada. (On probation for additional period 11-17-54—2-16-55.)	19 F. R. 5288, 8-19-54.

b. The following entries are deleted:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register Citation
Allen Textile Co., 15 West 39th St., New York City, N. Y.	7-31-53	8-31-53	Validated and general, all commodities, any destination; also exports to Canada. (Company related to Charles Goldberg and Asiatic Export Co., which see.) (On probation for additional period 9-1-53—7-31-54.)	18 F. R. 4607, 8-5-53.
Asiatic Export Co., 15 West 39th St., New York, N. Y.	7-31-53	8-31-53	Validated and general, all commodities, any destination; also exports to Canada. (On probation for additional period 9-1-53—7-31-54.)	18 F. R. 4607, 8-5-53.
Asiatic Export Co., of Canada, Ltd., Toronto, Canada.	7-31-53	8-31-53	Validated and general, all commodities, any destination; also exports to Canada. (Company related to Charles Goldberg and Asiatic Export Co., which see.) (On probation for additional period 9-1-53—7-31-54.)	18 F. R. 4607, 8-5-53.
Essex Mills, Inc., Conn	7-31-53	8-31-53	do	18 F. R. 4607, 8-5-53.
Eurasia Corp., Eurasia Import Co., 15 West 39th St., New York, N. Y.	7-31-53	8-31-53	do	18 F. R. 4607, 8-5-53.
Goldberg, Charles, president, Asiatic Export Co., 15 West 39th St., New York, N. Y.	7-31-53	8-31-53	do	18 F. R. 4607, 8-5-53.
Goldberg, Rubin, 15 West 39th St., New York, N. Y.	7-31-53	8-31-53	do	18 F. R. 4607, 8-5-53.
Intra-American Steel Co., 15 West 39th St., New York, N. Y.	7-31-53	8-31-53	do	18 F. R. 4607, 8-5-53.
Jacub, Ernest L., 86 Fort Washington Ave., New York, N. Y.	7-31-53	7-31-54	Validated and general, all commodities, any destination; also exports to Canada.	18 F. R. 4607, 8-5-53. 19 F. R. 2431, 4-24-54.
Schmerer, Leonard, 875 West End Ave., New York 25, N. Y.	9-19-52	12-13-54	General and validated licenses, all commodities, any destination, also exports to Canada. (Order rescinded 8-25-54.)	17 F. R. 8551, 9-25-52. 19 F. R. 5524, 8-28-54.
Standard International Corp., Clifford Chemicals Division, Standard International Corp., 120 Broadway, New York 38, N. Y.	7-14-54	8-13-54	General and validated, all commodities on Positive List coded SALT and DRUG, to all destinations, excluding Canada.	19 F. R. 4429, 7-17-54.
Winter, Robert J., 33 Broadway, New York 6, N. Y.	6- 1-54	8-1-54	General and validated licenses, all commodities, any destination, excluding Canada.	19 F. R. 2214, 4-16-54. 19 F. R. 2556, 5-1-54.
Wormser, Paul, Wormser & Co., Paul, Nuschelerstrasse 10, Zurich, Switzerland.	5-19-50	Duration	General and validated licenses, all Positive List commodities, any destination. (Order rescinded 8-5-54.)	15 F. R. 3194, 5-25-50. 19 F. R. 5064, 8-11-54.
Wormser & Co., Paul, 52 Haymarket, London S. W. 1, England.	5-19-50	do	General and validated licenses, all Positive List commodities, any destination. (Related to Paul Wormser, which see.) (Order rescinded 8-5-54.)	15 F. R. 3194, 5-25-50. 19 F. R. 5064, 8-11-54.

c. The following entry as presently set forth is amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Stein, Steven, 110-37 64th Ave., Forest Hills, N. Y.	7-14-54	8-31-54	General and validated, all commodities, any destination, excluding Canada. (On probation for additional period 9-1-54—7-14-55.)	19 F. R. 4429, 7-17-54. 19 F. R. 5633, 9-3-54.

This amendment shall become effective as of September 16, 1954.

(Sec. 3, 63 Stat. 7, 65 Stat. 43, 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director.
Bureau of Foreign Commerce.

[F. R. Doc. 54-7479; Filed, Sept. 27, 1954; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

SUBPART—1955

The United States Department of Agriculture offers every farmer in the Territory of Hawaii an opportunity to conserve and improve the productivity of his land through participation in the 1955 Agricultural Conservation Program.

Under this program part of the costs of the conservation practices is borne by the Government and this represents the Nation's interest in what happens to its basic land and water resources.

Costs will be shared on performance of recommended practices at approved rates to the extent of available funds. Developed under the provisions of the Soil Conservation and Domestic Allotment Act, the program is designed to meet local conservation needs.

Approved practices will be deemed to have been carried out during the program year if started after the beginning of the program year and the State Office determines that they are substantially completed by the end of the program year. However, no practice will be eligible for Federal cost-sharing until it has been completed in accordance with all applicable specifications and program provisions.

The information contained in this subpart outlines the general provisions of the 1955 Agricultural Conservation Program for Hawaii and the general specifications and rates of Federal cost-sharing for practices.

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1105.400 General program principles.

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1105.401 Definitions.

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APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

1105.427 Persons eligible to file application.
1105.428 Time and manner of filing application and required information.

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1105.429 Appeals.

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1105.430 Authority.
1105.431 Availability of funds.
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CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

Sec.
1105.433 Practice 1: Constructing continuous terraces and/or diversion ditches to control the flow of runoff water and check soil erosion on sloping farmland.
1105.434 Practice 2: Constructing interception ditches and/or outlet channels for disposing of, diverting, or collecting water to control erosion or for impounding livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grazing land management as a means of protecting established vegetative cover, and for irrigation.
1105.435 Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion.
1105.436 Practice 4: Building erosion control dams or stone or vegetative barriers to prevent or heal the gullying of farmland and reduce runoff of water.
1105.437 Practice 5: Constructing permanent riprap or revetment of stone to control erosion of streambanks, gullies, dam faces, or watercourses.
1105.438 Practice 6: Initial planting of orchards on the contour to help prevent erosion.
1105.439 Practice 7: Initial establishment in the cropping system of leguminous crops for use as stubble mulch, cover, or green manure for protection of soil from erosion.
1105.440 Practice 8: Initial establishment in the cropping system of adapted nonlegumes for stubble mulch, cover filter strip, or green manure for protection of soil from erosion.
1105.441 Practice 9: Initial establishment of permanent pasture or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes.
1105.442 Practice 10: Initial treatment of cropland or pasture for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection.
1105.443 Practice 11: Controlling competitive shrubs to permit growth of adequate vegetative cover for soil protection on range or pasture lands by poisoning.
1105.444 Practice 12: Initial application of organic mulch material to any cropland or eroded pasture areas for soil protection and moisture conservation.
1105.445 Practice 13: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.
1105.446 Practice 14: Construction of permanent artificial watersheds and/or storage tanks for accumulating water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.
1105.447 Practice 15: Construction of permanent fences to obtain better distribution and control of livestock grazing on range or pasture land and to promote proper management for protection of established forage resources, or to protect farm woodland from grazing.
1105.448 Practice 16: Construction of dams, pits, or ponds for livestock water, including the enlargement of inadequate structures.
1105.449 Practice 17: Constructing or enlarging dams, pits, and ponds to impound surface water for irrigation.
1105.450 Practice 18: Reorganizing farm irrigation systems to conserve water and prevent erosion.
1105.451 Practice 19: Construction or enlargement of permanent open drainage systems to dispose of excess water on farmlands under cultivation or on pasturelands.
1105.452 Practice 20: Planting, interplanting, or replanting forest trees or shrubs on farmland in windbreaks and farm woodlots or woodlands for erosion control, watershed protection, or forestry purposes.
1105.453 Practice 21: Installation of facilities for sprinkler irrigation of permanent pasture on sloping land for developing forage resources to encourage rotation grazing and better range management for protection of all grazing land in the farm against overgrazing and erosion.

AUTHORITY: §§ 1105.400 to 1105.453 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 68 Stat. 304, 904; 16 U. S. C. 590g-590q.

GENERAL PROGRAM PRINCIPLES

§ 1105.400 *General program principles.* The 1955 Agricultural Conservation Program for Hawaii has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the Territory.

(b) The program is designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1955 on the lands where they are to be applied.

(c) Costs will be shared with a farmer or rancher only on satisfactorily performed conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

(d) Costs should be shared only on practices which it is believed farmers and ranchers would not carry out to the needed extent without program assistance. Generally, practices that have become a part of regular farming operations in a particular county should not be eligible for cost-sharing. Individual farmers or ranchers should be encouraged to utilize cost-sharing for only those practices which have not become a part of regular farming operations on their farms or ranches.

(e) The rates of cost-sharing in the program are the minimum considered necessary to result in substantially increased performance of needed practices within the limits prescribed.

(f) The purpose of the program is to help achieve additional conservation on the land rather than to bring more land into agricultural production. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of conservation practices which farmers and ranchers otherwise would not perform but which are essential to the national interest, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices.

DEFINITIONS

§ 1105.401 *Definitions.* For the purposes of the 1955 program:

(a) "Secretary" means the Secretary of the United States Department of Agriculture or the officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Territory of Hawaii.

(d) "State Office" means the Hawaii Agricultural Stabilization and Conservation Office in Honolulu, Territory of Hawaii.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, the Territory of Hawaii or a political subdivision or agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

(f) "Farm" or "ranch" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the State Office, in accordance with instructions issued by the Administrator, ACPS, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm or ranch, constitutes a unit with respect to the rotation of crops. Notwithstanding any limitation in this paragraph concerning the type or use of land, a farm may include or may consist entirely of woodland which is being operated for the production and sale of forest products. A farm or ranch shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm or ranch is located.

(g) "Cropland" means farmland which in 1954 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, a wind-erosion hazard to the community.

(h) "Orchardland" means the acreage in planted fruit trees, nut trees, coffee trees, papaya trees, banana plants, or vineyards.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Rangeland" means land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation and is not suitable for any other agricultural use.

(k) "Merchantable timber" means any processed or unprocessed timber which is sold for cash by the producer.

(l) "Forest Service" means Division of Forestry, Territorial Board of Agriculture and Forestry.

ALLOCATION OF FUNDS

§ 1105.402 *Allocation of funds.* The amount of funds available for conservation practices under this program is $183,000. This amount does not include the amount set aside for administrative expenses and the amount required for size-of-cost-share adjustments in § 1105.416.

APPROVAL OF CONSERVATION PRACTICES

§ 1105.403 *Method and extent of approval.* The State Office will determine the extent to which program funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the available funds, the conservation problems of the individual farm or ranch and other farms and ranches, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1955. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice.

§ 1105.404 *Selection of practices.* (a) The practices included in the program are only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

(b) Each farm or ranch operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm or ranch. The State Office, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1105.405 *Pooling agreements.* Farmers or ranchers in any local area may agree in writing, with approval of the State Office, to perform designated amounts of practices which the State Office determines are necessary to conserve or improve the agricultural resources of the community. For purposes of cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

§ 1105.406 *Prior request for cost-sharing.* Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farm or ranch operator before performance thereof is started. For practices for which (a) approval was given under the 1954 Agricultural Conservation Program, (b) performance was started but not completed during the 1954 program year, and (c) the State Office believes the extension of the approval to the 1955 program is justified under the 1955 program regulations and provisions, the filing of the request for cost-sharing under the 1954 program may be regarded as meeting the requirement of the 1955 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1105.407 *Program year and technical aid.* (a) Costs will be shared at the rates specified and within the limitations set forth in this subpart for carrying out during the period from January 1, 1955, to December 31, 1955, inclusive, the conservation practices included in this subpart which are approved for a farm or ranch, except that farmers or ranchers who, before December 31, 1954, (1) complete all practices for which they will make claim for cost-shares under the 1954 program, or (2) have carried out practices to the maximum extent of their allowance under the 1954 program, may enroll and perform practices under the 1955 program any time after September 30, 1954. No costs will be shared under the 1955 program for any part of a practice carried out for cost-sharing under the 1954 program.

(b) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1105.433, 1105.434, 1105.436, 1105.437, 1105.446, 1105.448 to 1105.451, and 1105.453. This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. For the practice contained in § 1105.435, the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1105.438 and 1105.445, the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. In addition, upon agreement of the State Office and the State Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

(c) The Forest Service (Forestry Division, Territorial Board of Agriculture and Forestry) is responsible for the technical phases of the practice contained in § 1105.452. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for forestry practices, and (3) working through the State office, determining compliance in meeting these specifications.

§ 1105.408 *Practice specifications and approval.* (a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing are set forth in this subpart. Additional specifications may be secured from the State Office or the Soil Conservation Service Territorial Office in Honolulu.

(b) For those practices in this subpart which authorize Federal cost-sharing for minimum required applications of liming materials and commercial fertilizers, the minimum required application on which cost-sharing is authorized shall in each case be determined on the basis of current soil tests: *Provided, however,* That if the State Office determines that available facilities are inadequate to provide the necessary tests, the minimum required applications of these materials shall be those recommended for the area by the Agricultural Extension Service. Liming materials contained in commercial fertilizers, phosphate rock, or basic slag will not qualify for Federal cost-sharing.

(c) Costs for the practices contained in §§ 1105.435 and 1105.439 to 1105.441 may be shared even though a good stand is not established, if the State Office determines, in accordance with approved standards, that the practices were carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The State Office may require as a condition of cost-sharing in such cases that the area be reseeded, or that other needed protective measures be carried out.

§ 1105.409 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1105.410 and 1105.411, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1105.410 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1955 program year, if the State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions.

§ 1105.411 *Practices requiring more than one program year for completion.* (a) Cost sharing may be approved under the 1955 program for a component of a practice completed during the program year in accordance with all applicable specifications and program provisions, provided:

(1) The farmer or rancher agrees in writing to complete all remaining components of the practice in accordance with all applicable specifications and program provisions within the time prescribed by the State Office, if cost-sharing is offered to him therefor under a subsequent program; and

(2) The State Office determines that under the circumstances prevailing on the farm in 1955, completion of that component is a reasonable attainment in 1955 toward the ultimate completion of all components of the practice.

(b) Any advance cost-share so paid shall be refunded if the remaining components of the practice are not completed in accordance with all specifications and program provisions within the time prescribed by the State Office, provided the farmer or rancher is offered cost-sharing under a subsequent program for completing such components. The extension of the period for completion of the remaining components of the practice will not constitute a commitment to approve cost-sharing therefor under a subsequent program. Approval of cost-sharing for other practices under subsequent programs may be denied until the remaining components are completed.

§ 1105.412 *Initial establishment, improvement, or installation of practices.* (a) Federal cost-sharing may not be authorized under the 1955 program for the performance of the practices contained in §§ 1105.435, 1105.438 to 1105.444, or 1105.452 on land on which cost-sharing for the performance of the same practice, or a practice to accomplish the same conservation purpose, was allowed under the 1954 program, except as provided in §§ 1105.408 (c) and 1105.414. Federal cost-sharing may not be authorized under the 1955 program for the performance of any improvement measure under the practice contained in § 1105.452 on land on which cost-sharing for performance of the same improvement measure was allowed under the 1954 program.

(b) Federal cost-sharing may not be authorized under the 1955 program for any mechanical or construction type practice to be installed at a particular location or to serve a particular area if cost-sharing for the performance of the same practice, or a practice to serve the same conservation purpose, at that location or serving that area was allowed under any previous program, except as provided in § 1105.414.

(c) It is contemplated that this policy will be continued for subsequent programs.

§ 1105.413 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for upkeep or maintenance of any practice.

§ 1105.414 *Replacement, enlargement, or restoration of practices.* Federal cost-sharing may be approved for replacement, enlargement, or restoration of practices for which cost-sharing was allowed under a previous program but which are not now adequately meeting the conservation problem, if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(c) The practice has not served for the length of time for which it normally could be expected to effectively meet the conservation problem. This does not apply to the practices listed in § 1105.412 (a) for which cost-sharing was allowed prior to the 1954 program.

(d) The State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with similar practices for which cost-sharing for initial establishment is requested.

FEDERAL COST-SHARES

§ 1105.415 *Division of Federal cost-shares.* (a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the State Office determines they contributed to the carrying out of the practices. In making this determination the State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1105.416 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm or ranch shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71 but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	*Increase in cost-share*
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1105.417 *Federal cost-shares limited to $1,500.* (a) The total of all Federal cost-shares under the 1955 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $1,500.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1955 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1105.418 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1955 program will be subject to the condition that the person with whom the costs are shared will maintain such practices in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1105.419 *Practices defeating purposes of programs.* If the State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1955 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1955 program.

§ 1105.420 *Depriving others of Federal cost-share.* If the State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1955 program.

§ 1105.421 *Filing of false claims.* If the State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-sharing under the program and shall refund all amounts that may have been paid to him under the program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1105.422 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1105.423, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1105.423 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1955 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1955. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70.

§ 1105.424 *Practices carried out with State or Federal aid.* The Federal share of the cost for any practice shall not be reduced because it is carried out with materials or services furnished through the program or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total Federal cost-share computed on the basis of the total number of units of the practice performed shall be reduced by the value of the aid, as determined by the State Office, in computing the amount of the Federal cost-share to be paid for performance of the practice. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1105.425 *Excess acreage of basic agricultural commodities.* (a) Any person who knowingly harvests any basic agricultural commodity or causes any basic agricultural commodity to be harvested on any farm in which he has an interest, in excess of the 1955 acreage allotment for the farm for such basic agricultural commodity under the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment of cost-shares whatsoever on that farm or on any other farm under 1955 programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. A basic agricultural commodity shall not be deemed to have been knowingly harvested on any farm in excess of the farm acreage allotment for such basic agricultural commodity if it is determined under applicable price support regulations that the acreage allotment for the commodity has not been knowingly exceeded.

(b) Any person who makes application for payment of cost-shares with respect to any farm shall file with such application a statement that he has not knowingly harvested any basic agricultural commodity or caused any basic agricultural commodity to be harvested on any farm in which he has an interest, in excess of the 1955 acreage allotment established for the farm for such basic agricultural commodity under the Agricultural Adjustment Act of 1938, as amended.

§ 1105.426 *Compliance with regulatory measures.* Persons who carry out conservation practices for cost-sharing under the 1955 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1105.427 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1105.428 *Time and manner of filing application and required information.* (a) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the State Office. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm or ranch which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the State Office before May 1, 1956. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to each farm inspector and making copies available to the press.

(b) If an application for a farm or ranch is filed within the time prescribed, any producer on the farm or ranch who did not sign the application may subsequently apply for his share of the cost-share, provided he does so on or before December 31, 1956.

APPEALS

§ 1105.429 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The State Office shall notify him of its decision in writing within 15 days after receipt of written request for consideration. If the producer is dissatisfied with the decision of the State Office, he may, within 15 days after the decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1105.430 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture Appropriation Act, 1955.

§ 1105.431 *Availability of funds.* (a) The provisions of the 1955 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1955 program will not be available for paying Federal cost-shares for which applications are filed in the State Office after December 31, 1956.

§ 1105.432 *Applicability.* (a) The provisions of the 1955 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farmlands the use of which the State Office determines will probably change within 2 years to nonagricultural use.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by the Territory of Hawaii or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1105.433 *Practice 1: Constructing continuous terraces and/or diversion ditches to control the flow of runoff water and check soil erosion on sloping farmland.* Cost-sharing will be allowed, provided the structures are properly laid out, and constructed in accordance with specifications contained in Soil Conservation Service Technical Standards on file in the State Office. If the land terraced is planted to clean-tilled crops, the crop rows should follow contour lines and the land surface must be protected during the rainfall season by cover crops, heavy crop residues, or organic mulches. Diversion ditches should be used on slopes between 16 percent and 20 percent and bench-type terraces on land of 20 percent or more slope. No cost-sharing will be allowed for reconstructing old terraces.

Maximum Federal cost-share. (a) $2 per 100 linear feet of terrace constructed in clear soil.

(b) $4 per 100 linear feet of terrace constructed in very rocky soil or exposed rocky substratum.

(c) $8 per 100 linear feet for bench terraces.

(d) $0.10 per cubic yard of earth moved in diversion ditch construction.

§ 1105.434 *Practice 2: Constructing interception ditches and/or outlet channels for disposing of, diverting, or collecting water to control erosion or for impounding livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grazing land management as a means of protecting established vegetative cover, and for irrigation.* This practice does not apply to infield surface water interception on farmlands. (See § 1105.433 (practice 1) for infield interception of runoff waters.) Channels having an erosive grade must be protected against erosion damage by adequate sod or other lining. Outlets must be protected to discharge water without gullying. The amount of material moved in channel construction shall be that which is determined by direct measurement of ridge or berm material above normal ground level or that determined by prior and subsequent sectional surveys. Cost-sharing will be allowed only once and that for the year of construction. Specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. $0.10 per cubic yard of material moved.

§ 1105.435 *Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion.* This practice is to prevent erosion in permanent waterways and is applicable only to waterways built or reshaped in the program year for use in removing excess water from farmland that is contoured, terraced, and/or trash-mulched. Satisfactory sod lining (dense enough to prevent soil cutting) must be established before cost-sharing may be allowed for this practice. Maximum width of waterway for which cost-sharing will be approved is 50 feet. Detailed specifications on species, seeding rates, sprig spacings, soil preparation, and irrigation are contained in Soil Conservation Service Technical Standards on file in the State Office. Bermuda, Giant Bermuda, Kikuyu, or any other locally adapted species approved by the State Office may be used.

Maximum Federal cost-share. $0.75 per 1,000 square feet of surface established by shaping and seeding, sodding, or sprigging, plus 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for the establishment of the cover.

§ 1105.436 *Practice 4: Building erosion control dams or stone or vegetative barriers to prevent or heal the gullying of farmland and reduce runoff of water.* Receipts or invoices showing purchase of pipe and/or flume material and receipts or records showing payment for labor will be required by inspectors as evidence of accomplishment under (d) and (f) of this section. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) $0.14 per cubic yard of earth moved in the construction of the dams, wings, and walls.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and/or flume material delivered to the farm.

(e) $1.50 per cubic yard of rock used, for rock or rock-and-brush dams.

(f) 50 percent of the cost of constructing stone barriers for diverting and spreading surface runoff.

(g) $0.25 per 100 linear feet for planting single line vegetative barriers to impede the flow of surface runoff.

(h) $1.50 per 1,000 square feet for planting suitable permanent massed vegetative barriers.

§ 1105.437 *Practice 5: Constructing permanent riprap or revetment of stone to control erosion of streambanks, gullies, dam faces, or watercourses.* Dams for purposes other than for impounding water for irrigation or for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management are not eligible. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. $0.50 per square yard of exposed riprap surface.

§ 1105.438 *Practice 6: Initial planting of orchards on the contour to help prevent erosion.* This practice is to conserve water and reduce erosion from irrigation or storm water, with orchard rows running on nonerosive grades across the main slope. Cost-sharing will be allowed for planting orchards on the contour on land having more than 2 percent slope. The land must be protected during the rainfall season by cover crops, stubble mulch, or mulch and terraces or diversion ditches.

Maximum Federal cost-share. $5 per acre.

§ 1105.439 *Practice 7: Initial establishment in the cropping system of*

leguminous crops for use as stubble mulch, cover, or green manure for protection of soil from erosion. In order to qualify, a good stand and a good growth of the leguminous crops must be grown and left on the land as cover or turned under for green manure during the program year. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing purchase of seed, or records of collecting, will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable nonlegumes (see § 1105.440 (practice 8)), the ratio of one-third of the required poundage of legume seed for unmixed plantings to two-thirds of the required poundage of nonlegume seed for unmixed plantings shall provide the basis for determining eligibility and cost-share. Federal cost-sharing will be limited to the acreage in excess of the normal acreage of such plantings, which shall not be less than the average of all such plantings for the past 3 years. Any of the following crops or any other locally adapted crops approved by the State Office may be used.

	Minimum seeding rate (pounds per acre)
(a) Pigeon peas	30
(b) Velvetbeans	50
(c) Field beans	30
(d) Purple vetch	50
(e) Clover:	
Large like Kaimi	10
Small like Alsike	5
(f) Kudzu	8
(g) Crotalaria juncea	10
(h) Crotalaria spectabilis	10
(i) Cowpeas	30

Maximum Federal cost-share. 50 percent of the cost of seed at the farm, but not in excess of $5 per acre of area planted.

§ 1105.440 *Practice 8: Initial establishment in the cropping system of adapted nonlegumes for stubble mulch, cover filter strip, or green manure for protection of soil from erosion.* Para grass (Panicum purpurascens), molasses grass, Rhodes grass, feather fingergrass, acceptable small grains, and other nonlegumes determined by the State Office as suitable for this purpose, are eligible for cost-sharing. In order to qualify, a good stand and a good growth must be secured during the program year and be left on the land if for cover or turned under before year-end if for green manure. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Acreage harvested for seed or hay is not eligible for Federal cost-sharing. Federal cost-sharing (except for seedings for filter strips) will be limited to the acreage in excess of the normal acreage of such plantings, which shall not be less than the average of all such plantings for the past 3 years. Receipts or invoices showing purchases of seed, or records of collecting, will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable legumes, see § 1105.439 (practice 7) for ratio specifications.

Maximum Federal cost-share. 50 percent of the cost of seed at the farm, but not in excess of $5 per acre actually planted.

§ 1105.441 *Practice 9: Initial establishment of permanent pasture or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes.* All equipment used to prepare land for seeding shall operate across the slope as near to the contour as practicable. In areas where long slopes are to be broken out of native vegetation, the land preparation shall be done in contour strips and established to improved pasture before the intermediate strips shall be broken out. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. The seed must be well distributed over the area sown to insure a good stand at maturity. Any locally adapted crops approved by the State Office may be used but must be seeded at not less than the minimum seeding rates per acre prescribed by the State Office. In order to meet minimum requirements, slips or stools of grasses may be planted in continuous rows. Grass and legume charts are available in the State Office. Costs will be shared only if a satisfactory stand of the seeded grass or legume-grass mixture is established within 6 months after clearing unless natural circumstances recognized by the State Office as being beyond control of the farmer affect growth results adversely. No area seeded shall be grazed until grass and legume-grass mixtures are well established. If clearing is done, the land must have undergone no clearing operation within the past 25 years while under control of the present operator or within 10 years in the case of a recent change in ownership or tenancy, except where the State Office determines otherwise. Land cleared must be established in perennial grasses or a legume-grass mixture as soon as practicable and within the program year. No cost will be shared where mechanical equipment is used on slopes above 35 percent nor will cost be shared for clearing a stand of merchantable timber (including timber for fence posts and charcoal for sale). No cost will be shared for land clearing if the land cleared would be suitable for cultivation of crops. Records of labor, equipment, and material used in the clearing operation and receipts or invoices showing purchase of seed or records of costs of collecting will be required as evidence of cost.

Maximum Federal cost-share. (a) Seeding after land preparation, 50 percent of the cost of seed, not to exceed $5 per acre, plus 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for the establishment of the cover.

(b) Clearing operations not to exceed the lesser of $15 per acre or $1,000 per farm.

§ 1105.442 *Practice 10: Initial treatment of cropland or pasture for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection.* This practice is applicable to land which is devoted in 1955 to grasses or legumes or which will be devoted to grasses or legumes in the planned rotation for the farm. Treatment of land which is in pasture and which is to remain in pasture will be eligible for cost-sharing only if recent soil analysis and Agricultural Extension Service recommendations justify the use of lime and all measures needed to assure an improved vegetative cover which will provide adequate and extended soil protection are carried out. Any acreage on which cost-sharing is given under this practice under the 1955 program will not qualify for cost-sharing for liming in subsequent years. Liming material must contain at least 80 percent calcium carbonate equivalent and be fine enough to pass through a 20-mesh screen (unless the Agricultural Extension Service of the University of Hawaii recommends otherwise) and must be evenly applied to the land. Receipts or invoices showing the purchase of lime, properly dated and signed by the vendor, will be required as evidence by the farm inspector at the time of inspection.

Maximum Federal cost-share. 50 percent of the average cost of the minimum required application of liming material delivered to the farm.

§ 1105.443 *Practice 11: Controlling competitive shrubs to permit growth of adequate vegetative cover for soil protection on range or pasture lands by poisoning.* Sharing costs for poisoning will be repeated for each application but not in excess of two per year made according to accepted practices. Receipts or invoices showing purchase and analysis of poisons used will be required by inspectors as evidence. Competitive shrubs eligible under this practice are as listed below and described in Extension Bulletin 62, University of Hawaii, available at the State Office:

Guava (Psidium guajava).
Opiuma (Pithecellobium dulce).
Emex (Emex spinosa).
Melastoma (Melastoma malabathricum).
Firebush (Myrica faya).
Pepper tree (Schinus molle).
Cactus (Opuntia magacantha).
Java-plum (Eugenia cumini).
Christmas berry (Schinus terebinthifolia).
Cat's claw (Caesalpinia sepiaria).
Aalii (Dedonaea eriocarpa).
Joee (Stachytarpheta cayennensis).
Lantana (Lantana camara).
Waiawi (Usidium cattelelanum var. lucidum).
Pamakani (Eupatorium adenophorum).
Puakeawe (Styphelia tamelameiae).
Sacramento burr, Triumfetta semitriloba).
Staghorn fern (Gleichenia linearis).

Maximum Federal cost-share. 50 percent of the average cost of State Office approved chemicals, but not in excess of $2 per acre per application.

§ 1105.444 *Practice 12: Initial application of organic mulch material to any cropland or eroded pasture areas for soil protection and moisture conservation.* Organic material must be of a fibrous nature and shredded, chopped, or crushed. Material such as sugarcane bagasse, cane leaf trash, pineapple trash, tree fern stumps, coarse grasses, coffee husks, sawdust, and wood shavings, as well as macadamia nut husks and shells, will be eligible. The mulch must be thick enough to completely cover the surface of soil areas treated. Receipts or invoices showing purchase of materials and cost of transportation will be required by inspectors as evidence of compliance.

Maximum Federal cost-share. (a) 50 percent of the cost of material at the farm, but not in excess of $50 per acre treated with materials secured from outside the farm.

(b) $2.50 per acre with material produced on the farm.

§ 1105.445 *Practice 13: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* Installations in corrals, feed lots, and holding pens are not eligible. Receipts or invoices showing purchase of pipe used will be required to determine cost.

Maximum Federal cost-share. 50 percent of the average cost of pipe at the farm, except that the cost-share for pipe in excess of 2 inches in diameter may not exceed the cost which may be shared for 2-inch pipe.

§ 1105.446 *Practice 14: Construction of permanent artificial watersheds and/or storage tanks for accumulating water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* No cost will be shared if part of the water impounded or supplied is used for irrigation or domestic purposes. Construction for purposes of starting new grazing operations is not eligible. The practice is not applicable alone for corrals, feed lots, and holding pens. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.447 *Practice 15: Construction of permanent fences to obtain better distribution and control of livestock grazing on range or pasture land and to promote proper management for protection of established forage resources, or to protect farm woodland from grazing.* No cost may be shared for the maintenance or repair of existing fences or for construction of boundary fences including road fences. Required fencing of forest reserve land is not eligible. Any fencing necessary to the working of cattle (including pens, corrals, and feed lots) is inelgible. Receipts or invoices showing purchase of materials will be required to determine cost.

Maximum Federal cost-share. (a) 50 percent of the average cost at the farm of posts, wire, poles, lumber, staples, or other similar fencing materials used.

(b) $0.10 per linear foot of rock wall, minimum dimensions of which shall be: height, 4 feet; base width, 36 inches; top width, 24 inches.

§ 1105.448 *Practice 16: Construction of dams, pits, or ponds for livestock water, including the enlargement of inadequate structures.* The development must contribute to a better distribution of grazing or better pasture management. Initial construction projects not eligible. Receipts or invoices showing purchase of material used in construction will be required by inspectors as evidence of cost. Earth fills should be constructed in accordance with supplemental specifications for "Small Earth Storage Dams" provided on request by SCS or ASC offices.

Maximum Federal cost-share. (a) $0.14 per cubic yard of material moved.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of fencing materials, pipe, and seeding or sodding the dam and filter strips.

§ 1105.449 *Practice 17: Constructing or enlarging dams, pits, and ponds to impound surface water for irrigation.* No cost-sharing will be allowed for material moved in cleaning or maintaining a reservoir, or for dams, pits, or ponds, the primary purpose of which is to provide water for irrigating land which was not under irrigation prior to the 1955 crop year. Receipts or invoices showing purchase of materials used will be required by inspectors as evidence of cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) $0.14 per cubic yard of earth material moved.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and outlet gates.

(e) 50 percent of the average cost of seeding or sodding dams or filter strips.

(f) 50 percent of the average cost of materials, other than concrete and rubble masonry, used in permanent structures, including soil sealing.

§ 1105.450 *Practice 18: Reorganizing farm irrigation systems to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible technician. Receipts or invoices showing purchase of materials or equipment and records of labor employed will be required by inspectors as evidence of installation costs. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) $0.10 per cubic yard of earth material moved in the construction or enlargement of permanent ditches, dikes, or laterals. No cost-sharing will be given for cleaning a ditch.

(b) Lining ditches or reservoirs:

(1) 50 percent of the average cost of approved material used, other than concrete and rubble masonry.

(2) $12 per cubic yard of concrete used.

(3) $7 per cubic yard of rubble masonry used.

(c) Constructing or installing permanent structures such as siphons, flumes, drop boxes or chutes, weirs, diversion gates, and permanently located pipe. No cost-sharing will be given for repairs or replacements of existing structures.

(1) 50 percent of the average cost of material used in permanent structures, other than concrete and rubble masonry but excluding forms.

(2) $12 per cubic yard of concrete used.

(3) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and fittings used for sprinkler irrigation. No cost-sharing will be allowed for repairs or replacements of existing structures. Total cost-share for portable pipe and fittings under this item shall not exceed $100 per acre of reorganized irrigation.

§ 1105.451 *Practice 19: Construction or enlargement of permanent open drainage systems to dispose of excess water on farmlands under cultivation or on pasturelands.* No cost will be shared for material moved in cleaning or maintaining a ditch, or for structures installed for crossings, or other structures primarily for the convenience of the farm operator. Receipts or invoices showing purchase of seed or materials and records of labor employed and soil moved will be required by inspectors as evidence of construction work costs. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) $0.10 per cubic yard of material moved.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of seed or planting materials for establishing suitable cover for protection against erosion on ditch banks and right-of-way, plus 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for the establishment of the cover.

(e) 50 percent of the cost of materials and labor in dynamiting holes in pahoehoe type lava rock.

§ 1105.452 *Practice 20: Planting, interplanting, or replanting forest trees or shrubs on farmland in windbreaks and farm woodlots or woodlands for erosion control, watershed protection, or forestry purposes.* Plantings must be protected from fire and grazing. Fencing for protection of newly planted trees in farm woodlands under this practice against grazing is eligible for cost-sharing only if construction specifications in § 1105.447 (practice 15) are employed. Recommended species of trees are those listed in table 11 of Board of Agriculture and Forestry Biennial Report, June 30, 1952.

Maximum Federal cost-share. $4 per 100 trees.

§ 1105.453 *Practice 21: Installation of facilities for sprinkler irrigation of permanent pasture on sloping land for developing forage resources to encourage rotation grazing and better range management for protection of all grazing land in the farm against overgrazing and erosion.* Installation of sprinkler irrigation facilities must be solely for irrigation of permanent pasture or area being established in permanent pasture on sloping land. The installation must be in accordance with a written plan approved by the responsible technician.

Maximum Federal cost-share. 50 percent of the cost at the farm of all necessary pipes and fittings, but not in excess of $100 per acre irrigated by the installation.

Done at Washington, D. C., this 22d day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7570; Filed, Sept. 27, 1954; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Wheat Bulletin A, Rev. Amdt. 2]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 WHEAT PRICE SUPPORT PROGRAM

WHEAT ACREAGE

The following amendment to 1954 C. C. C. Wheat Bulletin A, Revised, as amended (18 F. R. 7813, 19 F. R. 1501), is issued for the purpose of affording wheat producers who have not harvested their 1954 wheat crop an opportunity to adjust their planted acreage to their 1954 wheat acreage allotments.

Section 421.428 (c) (1) of the 1954 C. C. C. Wheat Bulletin A, Revised, as amended, is further amended to read as follows:

§ 421.428 *Definitions.* • • •

(c) *Wheat acreage.* (1) Wheat acreage means (i) any acreage seeded to wheat, excluding any acreage (*a*) seeded to a wheat mixture in wheat mixture counties approved by the Director of the Grain Division, CSS, or (*b*) which does not reach maturity because it is, while still green, turned under, pastured off, or cut for silage, and (ii) any acreage of volunteer (self-seeded) wheat which reaches maturity: *Provided*, That acreage under subdivisions (i) and (ii) of this subparagraph in excess of the 1954 farm acreage allotment for the farm shall not be regarded as wheat acreage if it is (1) not left standing in the field on a date prior to harvest, such date to be determined by the county committee with the approval of the State committee, and (2) not harvested as wheat.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies Sec. 5, 62 Stat. 1072; Secs. 401, 408, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1428. Sec. 311b, 68 Stat. 897; 7 U. S. C. 1374)

Done at Washington, D. C., this 22d day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7571; Filed, Sept. 27, 1954; 8:48 a. m.]

[1954 CCC Peanut Bulletin 721 (Peanuts-54)-1]

PART 446—PEANUTS

SUBPART—1954 CROP PEANUT PRICE SUPPORT PROGRAM

This bulletin contains the regulations applicable to the 1954 crop Peanut Price Support Program, under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as CCC and CSS respectively).

Sec.
446.601 Administration.
446.602 Availability.
446.603 Methods of price support.
446.604 Definitions.
446.605 Support prices.
446.606 Price support schedule.
446.607 Eligible peanuts.
446.608 Eligible producer.
446.609 Type and grade.
446.610 Approved lending agencies.
446.611 Service charges and fees.
446.612 Interest rate.
446.613 Personal liability of the borrower.
446.614 Payments and collections; amounts not exceeding $3.00.
446.615 Set-offs.
446.616 Purchase of notes.
446.617 Foreclosure.
446.618 Farm storage loan provisions.
446.619 Loans to cooperatives.

AUTHORITY: §§ 446.601 to 446.619 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 446.601 *Administration.* (a) The program will be administered by the Oils and Peanut Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. In the field the program will be carried out by Agricultural Stabilization and Conservation State committees and by Agricultural Stabilization and Conservation county committees (hereinafter called State and county committees) and the Dallas CSS Commodity office, (hereinafter called the commodity office). State and county committees and the commodity office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto. All documents in connection with farm storage loans will be completed and approved in the county office which keeps the farm program records. The county office will retain copies of all such documents.

(b) Cooperatives operating under a Cooperative Loan Agreement, CCC Peanut Form 27 (1954) with CCC (hereinafter referred to as an Agreement with CCC), may receive, arrange for storage, and handle eligible peanuts for and on behalf of eligible producers, using such peanuts as collateral for a loan made available by CCC.

§ 446.602 *Availability*—(a) *Areas.* The program will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Board Rivers.

(b) *Time.* Loans will be made through January 31, 1955, and will mature on May 31, 1955 or such earlier date as may be specified by CCC. All farm storage loan documents must be dated and delivered to the county office on or before January 31, 1955. Warehouse receipts for peanuts delivered to a cooperative operating under an agreement with CCC must show that the peanuts were received not later than January 31, 1955, and that the receipt was issued within 24 hours after the peanuts were received in the warehouse.

§ 446.603 *Methods of price support.* CCC will support the price of eligible 1954 crop quota peanuts through nonrecourse farm storage loans to eligible producers and non-recourse warehouse storage loans to cooperatives operating under an agreement with CCC.

§ 446.604 *Definitions.* As used in this subpart and in instructions and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Cooperative.* A group of producers organized in accordance with the provisions of the Capper-Volstead Act, for the purpose of handling peanuts for and on behalf of its producer members, which is approved as a cooperative within the State(s) in which it functions, and which is approved by CCC; *Provided*, That,

(1) The major portion of the peanuts handled by the cooperative are delivered to the cooperative by producer members;

(2) The members and any non-members for whom the cooperative handles peanuts have a right to share prorata in the profits made from handling peanuts;

(3) The cooperative has the legal right to pledge or mortgage the peanuts which it receives from producers, and the producers have no right to redeem or obtain possession of their peanuts after delivery to the cooperative;

(4) The manager of the cooperative must not be engaged in the business of buying, selling, storing, or dealing in peanuts, other than in his capacity as manager of the cooperative or as a producer; and

(5) The cooperative shall maintain such accounts and records as CCC may prescribe.

(b) *County office.* The office of the county committee where records for the farm are kept.

(c) *Excess moisture (for purposes of determining net weight).* The percentage of moisture in excess of 7 percent in the Southeastern and Southwestern areas and in excess of 8 percent in the Virginia-Carolina area.

(d) *Farm.* A farm as defined in the marketing quota regulations which generally refers to all adjacent or nearby farmland which is operated as one farming unit.

(e) *Farm allotment.* The farm peanut acreage allotment for the 1954 crop of peanuts established pursuant to the marketing quota regulations.

(f) *Farmers' stock peanuts.* Picked or threshed peanuts produced in the continental United States during the calendar year 1954, which have not been shelled, crushed, cleaned (except for removal of foreign material), or otherwise changed from the state in which picked or threshed peanuts are customarily marketed by producers.

(g) *Farm peanut acreage.* The 1954 farm peanut acreage determined in accordance with the marketing quota regulations which generally refers to the total acreage of peanuts on the farm which is picked or threshed.

(h) *Grade.* The percentages of sound mature kernels, damaged kernels, other kernels, foreign material, moisture, loose-shelled kernels, and also the percentage of extra large kernels in the case of Virginia type peanuts.

(i) *Lot.* That quantity of peanuts for which one inspection memorandum is issued.

(j) *Marketing quota regulations.* The Marketing Quota Regulations for 1954 Crop of peanuts issued by the Secretary of Agriculture, including any amendments or supplements thereto (18 F. R. 6372 and 19 F. R. 2505).

(k) *Net weight.* That weight obtained by multiplying the gross weight by a percentage equal to 100 percent minus the sum of the percentages of foreign material and excess moisture.

(l) *Operator.* The person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) *Producer.* A person who, as landowner, landlord, tenant, or sharecropper, is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(n) *Quota peanuts.* Farmers stock peanuts which are within the amount of the farm marketing quota determined pursuant to the marketing quota regulations.

(o) *Type.* The generally known types of peanuts (i. e., Runner, Spanish, Valencia, and Virginia), as defined in Marketing Quota Regulations for Peanuts of the 1953 Crop, 1023 (Peanuts 53)-1, (18 F. R. 1881) (7 CFR Part 729) except that any peanuts which would otherwise be considered Virginia type but which contain less than 25% "Fancy" size (peanuts riding a $^{34}/_{64}$ x 3 inch slotted screen) will be considered Runner type peanuts.

(p) *Within quota card.* MQ–76 Peanuts (1954) or MQ–76–VC Peanuts (1954), 1954 Peanut Within Quota Marketing Card. MQ–76 will be issued for farms in the Southeastern area and in the Southwestern area. MQ–76–VC will be used for farms in the Virginia-Carolina area. In accordance with the Marketing Quota Regulations for the 1954 Crop, 1026 (Peanuts 54)–1, these cards will be issued for farms for which it is determined that the farm peanut acreage is not in excess of the larger of the farm allotment or one acre. A within quota card authorizes the marketing of all peanuts produced on the farm without payment at the time of marketing of the penalty prescribed in the Marketing Quota Regulations for 1954 Crop, 1026 (Peanuts 54)–1.

§ 446.605 *Support prices.* The national average support price is $244.80 per ton. The support prices and loan rates by types, and the premiums and discounts with respect thereto, are contained is § 446.606.

§ 446.606 *Price support schedule.* The following Price Support Schedule applies to net weight farmers stock peanuts. The prices are for peanuts in bulk in the Southeastern area and in bags in the Southwestern and Virginia-Carolina areas. The term "Southeastern Spanish" refers to Spanish-type peanuts produced east of the Mississippi River and the term "Southwestern Spanish" refers to Spanish-type peanuts produced west of the Mississippi River.

(a) *Base grade prices.* The base grade support prices for the various types and grades of peanuts shall be as follows:

	Per ton
Virginia type, 65 percent sound mature kernels	$236.00
Runner type, 65 percent sound mature kernels	220.00
Southeastern Spanish, 70 percent sound mature kernels	241.00
Southwestern Spanish, 70 percent sound mature kernels	237.00

(b) *Premiums and discounts*—(1) *Sound mature kernels.* For each one percent sound mature kernel content above or below the base grade, the premium or discount, whichever is applicable, shall be as follows:

	Per ton
Virginia type	$3.70
Runner type	3.40
Southeastern Spanish type	3.50
Southwestern Spanish type	3.40

The term "sound mature kernel" means kernels which are free from damage as defined in the U. S. Standards for farmers stock (i) white Spanish peanuts in the case of Spanish and Valencia peanuts and (ii) Runner and Virginia peanuts, respectively, in the case of Runner and Virginia peanuts; and which will not pass through a screen having:

(*a*) $^{14}/_{64}$ x $^{3}/_{4}$ inch perforations in the case of Spanish peanuts.

(*b*) $^{15}/_{64}$ x 1 inch perforations in the case of Virginia peanuts, and

(*c*) $^{15}/_{64}$ x $^{3}/_{4}$ inch perforations in the case of Runner and Valencia peanuts.

(2) *Damaged kernels.* The discount for damage in excess of one percent shall be as follows per ton by types:

Peanuts containing damaged kernels of—	Virginia	Runner	Spanish	
			Southeastern	Southwestern
2 percent	$3.70	$3.40	$3.50	$3.40
3 percent	7.40	6.80	7.00	6.80
4 percent	12.95	11.90	12.25	11.90
5 percent	20.35	18.70	19.25	18.70
6 percent	27.75	25.50	26.25	25.50
7 percent	38.85	35.70	36.75	35.70

Peanuts containing damaged kernels of 8 percent and over shall not be eligible for price support.

(3) *Foreign material.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton. Peanuts with more than 10 percent foreign material shall not be eligible for price support.

(4) *Loose-shelled kernels.* Discount for loose shelled kernels in farmers stock peanuts shall be at the rate of 50 cents per ton for each full 1 percent of loose shelled kernels above 5 percent.

(5) *Extra large kernels.* For Virginia type peanuts the premium for each full 1 percent extra large kernels in excess of 15 percent shall be $1.25 per ton. "Extra large kernels" means any shelled Virginia peanuts which are whole and which are free from noticeably discolored or damaged peanuts as defined in the U. S. Standards for Shelled Virginia Peanuts (effective November 1, 1939) and which will not pass through a screen having 21.5/64 x 1 inch perforations.

(c) *Other*—(1) *Virginia type peanuts.* Any lot or load of peanuts which would otherwise be considered Virginia type but which contains less than 25 percent "Fancy" size (peanuts riding a $^{34}/_{64}$ x 3 inch slotted screen) shall be considered Runner type peanuts.

(2) *Valencia type peanuts.* The support price for Valencia type peanuts containing less than 25 percent discoloration and damage caused by cracked or broken shells shall be the same as the support price for Virginia type peanuts of the same grade, except that no premium is applicable for extra large Valencia kernels. For other Valencia type peanuts the support price shall be the same as the support price for Spanish peanuts of the same grade and in the same area.

§ 446.607 *Eligible peanuts.* Peanuts eligible for price support must meet the following requirements:

(a) Such peanuts must be 1954 crop farmers stock quota peanuts which contain 10 percent or less foreign material, 7 percent or less damaged kernels and, in the case of a farm storage loan, not more than 10 percent moisture when placed under loan, and in the case of a loan to a cooperative, a percentage of moisture not in excess of that specified by the cooperative at the time the peanuts are received in the warehouse.

(b) (1) Such peanuts must be produced by an eligible producer on a farm (i) on which the 1954 farm peanut acreage does not exceed the larger of the 1954 allotment for such farm or one acre, or (ii) for which a within quota marketing card is issued to the producer or operator upon the execution of Form MQ–92—Peanuts (1954) "Agreement by Operator of Overplanted Farm, 1954 Peanut Program", in which he agrees (*a*) that the farm peanut acreage will not exceed the larger of the farm allotment or one acre, and (*b*) if such undertaking is breached to pay liquidated damages to CCC, determined in accordance with the terms of such agreement, and to pay any marketing penalties determined to be due the Secretary of Agriculture.

(2) The liquidated damages payable to CCC under such agreement may be waived to such extent as the Executive Vice-President of CCC or his designated representative may determine appropriate in any case where he determines (i) that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with the agreement and (ii) that the amount by which the farm peanut acreage exceeded the acreage specified in the

agreement was so small, in relation to the acreage so specified, that it did not materially impair CCC's price support operations.

(3) Copies of Form MQ–92—Peanuts (1954) may be obtained from the county committee. The county committee may decline to execute Form MQ–92—Peanuts (1954) in any case where it finds reasonable grounds to believe that such agreement will be used as a device to evade the requirements of this program or the collection of marketing penalty.

(c) Such peanuts must be identified by a within quota marketing card in accordance with the marketing quota regulations;

(d) Such peanuts must be free and clear of all liens and encumbrances, including landlord's liens, or if liens or encumbrances exist on the peanuts, acceptable waivers must be obtained: *Provided, however,* That peanuts under a loan to a cooperative may be subject to liens for warehouse charges specified in CCC Peanut Form 28 (1954).

(e) If the peanuts are delivered in bags, no part of the bag shall be made of sisal fibers, and the weight of the empty bag shall not exceed ten ounces per square yard.

§ 446.608 *Eligible producer.* (a) A producer will be eligible for price support with respect to all eligible peanuts in which the beneficial interest is in him and has always been in him or in him and a former producer whom he succeeded before the peanuts were harvested.

§ 446.609 *Type and grade.* Inspectors authorized or licensed by the Secretary of Agriculture shall determine the type and grade of all peanuts which are to be:

(a) Mortgaged as security for a farm storage loan, such type and grade to be determined on the basis of a sample taken by the county committee before the loan is made; but the settlement value of the mortgaged peanuts delivered in satisfaction of the loan will be computed on the basis of the grade determined at the time such peanuts are delivered.

(b) Stored in a warehouse under contract CCC Peanut Form 28 (1954), such type and grade to be determined at the time the peanuts are delivered to the warehouse.

(c) Delivered to CCC from a warehouse under contract CCC Peanut Form 28 (1954) such type and grade to be determined at the time the peanuts are loaded out of the warehouse.

§ 446.610 *Approved lending agencies.* An approved lending agency shall be a bank or other financial organization with which CCC has entered into a lending agency agreement on CCC Form 322 in the case of producer farm storage loans and on CCC Peanut Form 50 in the case of loans to peanut cooperatives.

§ 446.611 *Service charges and fees.* (a) On the quantity of peanuts placed under a farm storage loan the producer shall pay an initial service charge in the amount of 30¢ per ton, except that the minimum charge shall be $3.00. An additional service charge at the rate of 30¢ per ton shall be paid on any additional quantity delivered to and accepted by CCC. No refund of service charges will be made. State committees, may at their option, require a deposit on farm storage loans, such deposit to be applied against the service charge when the loan is granted.

(b) The producer or cooperative will pay the inspection fee applicable to the quantity of peanuts placed under a farm storage loan or loan to a cooperative. CCC will pay the inspection fee for loan collateral peanuts delivered to CCC.

(c) An amount to cover warehouse storage charges through May 31, 1955, will be deducted from the proceeds of any loan to a cooperative. The cooperative will pay the warehouse receiving, storage and handling charges on peanuts redeemed.

(d) The service charges and fees specified in this section will be computed on gross weights.

§ 446.612 *Interest rate.* Farm storage loans and loans to cooperatives shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that where there is a default in satisfaction of a loan on farm stored peanuts the deficiency (including accrued interest and costs incurred by the holder of the note) shall bear interest at the rate of 6 percent per annum from the date of default.

§ 446.613 *Personal liability of the borrower.* The making of any fraudulent representation in obtaining price support or the conversion or unlawful disposition of any portion of the peanuts by the borrower may render such borrower subject to criminal prosecution under Federal law and liable for the amount received (plus interest) and for any resulting expense incurred by any holder of the note.

§ 446.614 *Payments and collections; amounts not exceeding $3.* To avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less due a producer will be paid only upon request; and a deficiency of $3 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

§ 446.615 *Set-offs.* (a) If a producer who obtains a loan is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable or prepayable under the provisions of the note evidencing such loan out of the proceeds of the price support loan, such producer must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders.

(b) Cooperatives shall deduct from their advance payments to producers and remit in accordance with procedure approved by CSS, the amount of indebtedness as shown on the marketing cards presented at the time the peanuts are received.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 446.616 *Purchase of notes.* (a) The county committee, acting on behalf of CCC, will purchase from approved lending agencies notes evidencing approved farm storage loans which are secured by chattel mortgages. The purchase price will be the principal sums remaining due on such notes plus interest computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the county office where the loan documents were approved.

(b) Lending agencies making loans to cooperatives may assign all or part of such loans to CCC and obtain payment from CCC for the amounts assigned by means of sight drafts drawn on CCC payable through a designated Federal Reserve Bank or Branch Bank. Lending agencies may act as agent for CCC in servicing the loan or portion thereof assigned to CCC.

§ 446.617 *Foreclosure.* If the loan is not satisfied upon maturity by payment or by delivery of the peanuts from farm storage, the holder of the note may remove the peanuts and sell them either by separate contract or after pooling them with other lots of peanuts similarly held. If the peanuts are pooled, the borrower has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled peanuts as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of peanuts, even though part or all of such pooled peanuts are disposed of under such policies at prices less than the current domestic price. Any sum due the borrower as a result of the sale of the peanuts or of the receipt of insurance proceeds paid thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the borrower without right of assignment.

§ 446.618 *Farm storage loan provisions.* Loans will be available to eligible producers on eligible peanuts in approved farm storage. Producers who want to obtain such loans will apply at the county office which will arrange for inspection of the storage facilities and for inspection, sampling and grading of the peanuts. After it is determined that the producer, the peanuts, and the storage facilities meet the requirements therefor, the county office will determine the amount of the loan and prepare and approve the loan documents. After the loan documents are approved, the producer may obtain the loan from any approved lending agency or from CCC. The producer may deliver the peanuts to CCC upon maturity of the loan, or may redeem the peanuts at any time prior to such delivery by repaying the amount of the loan plus interest and charges.

(a) *Approved farm storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county office to be so located and of such substantial and permanent construction as to afford safe storage of peanuts. Such structure shall be dry and well-ventilated.

(b) *Method of determining quantity—*(1) *Peanuts placed under loan.* The net weight of the peanuts to be placed under a farm storage loan will be calculated from an estimated gross weight determined as provided in this section. A 5 percent minimum reduction in such estimated gross weight is required in an effort to avoid underdelivery at maturity in the event the loan is not repaid.

(i) *Peanuts stored in bulk.* The gross weight of bulk peanuts placed under a farm storage loan may be determined either by weight or by measurement. When the quantity is determined by measurement, the gross weight shall be computed on the number of pounds per cubic foot for the type of peanuts indicated below (such number of pounds has been reduced by approximately 5 percent from the estimated actual weight):

Type:	*Weight per cu. ft. (pounds)*
Runner	17.0
Spanish	19.0
Valencia	17.0
Virginia	12.0

If the gross weight of bulk peanuts is determined by actual weight instead of by measurement, deduct from such weight an amount specified by the State committee, which amount shall be not less than 5 percent of such gross weight.

(ii) *Peanuts stored in bags.* The approximate gross weight of bagged peanuts to be placed under loan shall be determined by weighing all of the bags or by weighing a sufficient number of bags to estimate the gross weight of all the bags, and then by deducting therefrom an amount specified by the State committee, which amount shall be not less than 5 percent of such gross weight.

(2) *Peanuts delivered to CCC at maturity.* The net weight of peanuts delivered to CCC upon maturity of the loan shall be calculated from the gross weight determined by actual weight at the time of delivery.

(c) *Forms.* Loan forms shall consist of Commodity Loan Form A, Producer's Note and Supplemental Loan Agreement, secured by Commodity Loan Form AA, Commodity Chattel Mortgage, and such other forms and documents as may be required by CCC. Commodity Loan Forms A and AA must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(d) *Disbursement.* Disbursement of farm storage loans will be made by approved lending agencies or by sight drafts drawn on CCC and issued by the county office. Disbursement, regardless of where made, shall not be made after February 15, 1955, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The date of such draft, check, credit, or cash payment shall be considered as the date of disbursement of the funds. The producer shall not present the loan documents for disbursement unless the peanuts are in existence and in good condition. If the peanuts are not in existence or not in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized, the producer shall be personally liable for repayment of the amount of such excess.

(e) *Insurance.* CCC will not require the borrower to insure the peanuts placed under a farm-storage loan. However, if a borrower does insure such peanuts and an insurance indemnity is paid thereon, the insurance proceeds must paid to CCC to the extent of its interest, after first satisfying the borrower's equity in the peanuts involved in the loss.

(f) *Safeguarding the peanuts.* The producer who obtains a farm storage loan is obligated to maintain the storage structure in good repair and to keep the peanuts in good condition until the loan is liquidated.

(g) *Loss or damage to the peanuts under farm storage loan.* (1) The producer is responsible for any loss in grade and for any loss in weight, except that CCC will assume uninsured physical loss or damage occurring after disbursement of the loan funds without fault, negligence or conversion on the part of the producer or of any other person having control of a storage structure not located on the farm, provided such loss or damage (i) resulted solely from an external cause other than insect infestation, vermin or rodents and the producer gave the county committee immediate notice confirmed in writing of such loss or damage, or (ii) resulted from insect, vermin or rodent damage occurring after the producer has given the county office notice in writing of the presence of insects, vermin or rodents and the county office has by inspection verified the presence of insects, vermin or rodents. Losses under the provisions of this subsection will be assumed by CCC to the extent of the settlement value of the quantity destroyed or in an amount equivalent to the extent of the damage, as determined by CCC, provided there has been no fraudulent misrepresentation made by the producer in the loan documents or in obtaining the loan.

(2) No physical loss or damage occurring prior to disbursement of the loan funds will be assumed by CCC.

(h) *Redemption of the peanuts under farm storage loan.* A producer may, at any time prior to the date on which the peanuts are delivered to or removed by CCC pursuant to paragraph (i) of this section, redeem the peanuts remaining under farm storage loan by paying to the holder of the note and supplemental loan agreement the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of evidence of payment, the county office shall arrange for the release of the chattel mortgage. Partial release of the peanuts prior to maturity may be arranged with the county office after making payment to the holder of the note for the quantity of peanuts to be released, plus charges and accrued interest; however, if the quantity of peanuts contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan, but only upon prior approval of the county office.

(i) *Settlement of farm storage loans.* (1) The producer is required to pay off the loan on or before maturity or to deliver the peanuts in accordance with instructions issued by the county office. If the producer fails to deliver mortgaged peanuts as instructed, he will be responsible for all costs of removal incurred by the holder of the note.

(2) If the peanuts are, or are in danger of, going out of condition, the producer shall notify the county office which shall determine whether the peanuts must be delivered before the maturity date of the loan. If CCC is unable to take delivery within a reasonable length of time, the producer may request and obtain through the county office an inspeetion and grade determination to be made at the expense of CCC. When delivery is completed, settlement shall be made on the basis of such grade or the grade determined at the time of delivery, whichever is higher.

(3) In the event the farm is sold or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county office. Peanuts also may be delivered before the maturity date of the loan for other reasons upon authorization by the Executive Vice President, CCC.

(4) Settlement for peanuts delivered to CCC will be made, subject to the provisions of the Producers Note and Supplemental Loan Agreement, at the applicable support price for the type, grade (except as provided above for peanuts going out of condition), and quantity, plus an allowance of four-tenths of a cent ($0.004) per net weight pound delivered, for shrinkage during the storage period of the peanuts delivered and ac-

cepted by the county committee: *Provided, however,* That the settlement value for peanuts delivered to CCC which do not meet the eligibility requirements with respect to moisture, damage or foreign material shall be determined at the support price for the grade placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade placed under loan and the market price of the peanuts delivered, as determined by CCC. Delivery of peanuts in bulk will be accepted only from the structure(s) in which the peanuts under loan are stored. In the case of peanuts stored in bags, only the identical bags under loan may be delivered.

§ 446.619 *Loans to cooperatives.* A cooperative which desires to receive, arrange for storage and handle peanuts for and on behalf of producers who have the right to share in its profits from the handling of such peanuts, may obtain a loan on all eligible peanuts handled on behalf of eligible producers, stored in approved warehouses, and represented by warehouse receipts in a form prescribed by CCC. Such loan will be made pursuant to the terms of the Cooperative Loan Agreement, CCC Peanut Form 27 (1954) between the cooperative and CCC, and shall be evidenced by a blanket note in form prescribed by CCC. The cooperative may receive eligible peanuts from eligible producers who are not members of the cooperative and use such peanuts as loan collateral. Approved storage for peanuts under loan to a cooperative will be warehouses approved pursuant to instructions issued by CCC and operated under contract with the cooperative or with CCC. The names and locations of such warehouses may be obtained from the cooperative or the county office. The cooperative may obtain the loan from an approved leading agency or from CCC. Each producer from whom the cooperative receives peanuts must present his within quota card at the time he delivers the peanuts for storage. For each lot of peanuts received, the cooperative shall make an advance payment to the producer in the amount of the loan value of such peanuts less deductions approved by CCC. At any time on or before maturity, the cooperative may redeem peanuts by repaying the loan with respect to such peanuts, plus interest and charges, or the cooperative may request that peanuts be released on a trust receipt pursuant to the terms of the Cooperative Loan Agreement. The cooperative shall distribute to the producers from whom it receives peanuts all proceeds from the handling of such peanuts under loan, less operating expenses, unless other disposition of such proceeds is approved by CCC.

Issued this 22d day of September 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-7592; Filed, Sept. 27, 1954; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53593]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

REQUIREMENTS FOR ADDITIONAL INFORMATION ON CERTIFIED OR COMMERCIAL INVOICES OF CERTAIN COAL-TAR PRODUCTS

On March 13, 1954, notice was given in the FEDERAL REGISTER (19 F. R. 1423) that, pursuant to paragraph 28 (f), Tariff Act of 1930, as amended (19 U. S. C. 1001, paragraph 28 (f)), the Bureau of Customs was considering amending § 8.13 (h) of the Customs Regulations and Treasury Decision 39744 (44 T. D. 41), with reference to the information required to be furnished on invoices covering importations of any coal-tar color, dye, stain, color acid, color base, color lake, leuco compound, indoxyl, or indoxyl compound.

In response to this notice, numerous representations were received that the proposed regulations were unreasonable in certain respects. These representations, in substance, objected to the mandatory requirement for the scientific name or the common name of the intermediate or intermediates used in the final stages of production of the finished product because such specific information would disclose, in certain cases, trade secrets and manufacturing processes. Accordingly, the matter was given further consideration which included the requiring of more complete information on the chemical classification than was proposed and the requiring of color cards. It is believed that, under current conditions, the additional required information will form an adequate substitute for the scientific name of the intermediates.

In order to facilitate the comparison of certain imported coal-tar products with similar domestic products to determine their competitive status under the provisions of paragraph 28 of the Tariff Act of 1930, as amended, customs invoices for such products shall contain, in addition to all other information required by law or regulation, the data described in Schedule A.

SCHEDULE A

COAL-TAR COLORS, DYES, STAINS, COLOR ACIDS, COLOR BASES, COLOR LAKES, LEUCO AND INDOXYL COMPOUNDS

1. Invoice name of product _____
2. Trade name of product _____
3. Name of manufacturer _____
4. Name(s) under which sold in country of production _____
5. Name(s) of comparable American made product with name of U. S. manufacturer (if none or unknown, so state)
6. Percentage of active ingredient _____
7. Schultz number (if none, so state) _____
8. Colour index number (if none, so state) _
9. U. S. standard number (if none, so state)

If no number is inserted in Items 7, 8, or 9, the following additional information must be submitted:

10. Foreign prototype number (if none or unknown, so state) _____
11. Method of application (state whether acid, basic, direct, direct and developed, mordant, mordant acid, neutral, oil, oil and spirit, printing, spirit soluble, vat (soluble), vat (insoluble), or other (describe); and state nature of pre-treatment or after-treatment, if any) _____
12. Material to which applied (name the material or materials for which the color or dye is primarily designed).
    A. Fibrous Materials:
    (1) Natural: Cotton; Silk; Wool; Hemp; Flax (Linen); Jute; Ramie; Straw and Grass; Sisal; Other Animal or Vegetable Fibers.
    (2) Synthetic (including regenerated and modified cellulose): Acetate (Celanese, Acele, Koda); Rayon-Cuprammonium (Bemberg, Matesa); Viscose (Avisco, Delray); Polyamide (Nylon, Perlon); Acrylic (Dynel, Acrilan, Orlon); Vinylidene Chloride (Saran, Velon); Polyethylene (Wynene, Reevon); Polyester (Dacron, Terylene); Protein (Azlon, Lanital, Aralac); Glass; Other
    B. Non-Fibrous Materials:
    Plastics; Leather; Paper; Cellophane; Photographic sensitizers, desensitizers, light filters and tinting film; Foodstuffs; Biological materials; Solutions, Analytical; Oils, fats, and waxes; Soap; Gasoline; Paints, lacquers, stains, and inks; Smoke (signals); Aluminum; Earthenware; Other.
13. Chemical Classification: Acridine; Aminoketone; Anthraquinone; Azine; Azo, mono-; Azo, dis-; Azo, tris-; Azo, tetrakis-; Azo, poly-; Azo, metal complex; Azo, pigment; Azoic; Color acid; Color base; Color lake; Cyanine; Esters of leuco indigoid; Esters of leuco thioindigoid; Esters of leuco anthraquinone; Fluorescent; Hydroxyketone; Indamine; Indigoid; Indoaniline; Indophenol; Indoxyl; Indoxyl Compound; Ketol; Ketonimine; Lactone; Leuco Compound; Methane, diphenylnaphthyl-; Methane, triphenyl-; Methine, aza-; Methine, poly-; Nitro; Nitroso; Oxazine; Phthalocyanine; Quinoline; Quinonoid; Sulfur or sulfide; Thiazine; Thiazole; Thioindigoid; Xanthene; Other.
    A. Describe the class or classes and subclass to which the product belongs.
    Example (1):
    Monoazo.
    Gamma-acid coupling.
    Example (2):
    Xanthen—Basic.
    Oxy-carboxy rhodamines.
    B. Give any other information which you consider may be helpful in classifying the product.
    Example (1):
    Insoluble azo dye on the fiber. Mixtures of stabilized diazo amino compounds and coupling components for preparation of the dye on the fiber
    Example (2):
    Anthraquinone—Dispersion type
    Amino-oxy-anthraquinones.
14. If the product consists of a mixture of two or more active ingredients, the information required by the preceding numbered paragraphs shall be given for each active ingredient in the mixture, together with the proportion of each active ingredient in the mixture.
15. There shall be attached to the above specifications a color pattern or card showing typical small specimens of the material to which the color or dye has been applied with an indication of the strength and the method of application.

The information shall be furnished on separate sheets of paper, presenting it in the order and approximate position set forth in Schedule A. The information required by this regulation shall be given for shipments of any product covered by this regulation. However, for second and successive shipments to the same port of identical merchandise of the same name and strength, this data need not be supplied, a reference to the date of first shipment being sufficient. One copy of all the data specified in Schedule A, except the color card, shall be attached to each copy of the invoice. In addition to the number of copies otherwise required, one copy of the invoice with the attached data and the color card shall be furnished with the entry for the use of the customs laboratory.

T. D.'s 39566 and 39744 are hereby superseded. Section 8.13 of the Customs Regulations is hereby amended by substituting the number of this Treasury decision for the numbers of the three decisions now appearing opposite "Dyes, colors, stains, color acids, color bases, color lakes, leuco-compounds, indoxyl, and indoxyl compounds" in paragraph (h) and by amending the citation of authority to read: "(Secs. 1 (pars. 28 (f), 602), 481, 484, 46 Stat. 595, as amended, 631, 719, 722, as amended; 19 U. S. C. 1001 (pars. 28 (f), 602), 1481, 1484)".

In order to provide sufficient time to comply with these requirements, this amendment shall not become effective until 90 days after publication in the weekly Treasury Decisions.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624.)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 20, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7584; Filed, Sept. 27, 1954; 8:51 a. m.]

[T. D. 53594]

PART 14—APPRAISEMENT

COAL TAR PRODUCTS

It has become necessary to establish a central reference file of samples of coal-tar products produced by domestic manufacturers, together with accompanying technical data, to enable customs officers to compare each imported coal-tar product with any comparable domestic product in order to ascertain its competitive tariff status. Heretofore, samples submitted informally by certain domestic manufacturers were not accompanied by adequate technical data for classification purposes and this has resulted in delay and difficulty in comparing them with imported products.

In order to facilitate the comparison of imported and domestic coal-tar products with respect to the competitive provisions of paragraph 28 of the Tariff Act of 1930, as amended, § 14.5 of the Customs Regulations is hereby amended by adding thereto new paragraphs (n) and (o) as follows:

§ 14.5 *Coal-tar products.* • • •

(n) The Chief Chemist, Customs Laboratory, 201 Varick Street, New York, is hereby authorized to receive from domestic manufacturers samples of those coal-tar products they produce and offer and which are more specifically described as a coal-tar color, dye, stain, color acid, color base, color lake, leuco-compound, or indoxyl or indoxyl compound. Each sample so received shall be accompanied by specifications setting forth all the information called for by Schedule A below. It is essential that the specifications accompanying the sample be set forth in the order and manner specified because the information will be used for comparison with similar data required on importations of foreign coal-tar products. The samples and specifications shall be examined and appropriately filed by the chief chemist. Samples and specifications shall be removed from, replaced, or added to the file as may be necessary. Information in respect of the specifications shall be treated as confidential, except for the purpose for which they are submitted (see § 26.4 (a) of this chapter).

SCHEDULE A

COAL-TAR COLORS, DYES, STAINS, COLOR ACIDS, COLOR, BASES, COLOR LAKES, LEUCO AND INDOXYL COMPOUNDS

1. Invoice name of product _____
2. Trade name of product _____
3. Name of manufacturer _____
4. List other U. S. manufacturers and names under which sold, if known _____
5. List foreign manufacturers and names under which sold, if known _____
6. Percentage of active ingredient _____
7. Schultz number (if none, so state) ____
8. Colour index number (if none, so state) _
9. U. S. standard number (if none, so state)
10. Foreign prototype number (if none or unknown, so state) _____
11. Method of application (state whether acid, basic, direct, direct and developed, mordant, mordant acid, neutral, oil, oil and spirit, printing, spirit soluble, vat (soluble), vat (insoluble), or other (describe); and state nature of pre-treatment or after-treatment, if any) _____
12. Material to which applied (name the material or materials for which the color or dye is primarily designed).
    A. Fibrous Materials:
    (1) Natural: Cotton; Silk; Wool; Hemp; Flax (Linen); Jute; Ramie; Straw and Grass; Sisal; Other Animal or Vegetable Fibers.
    (2) Synthetic (including regenerated and modified cellulose): Acetate (Celanese, Acele, Koda); Rayon-Cuprammonium (Bemberg, Matesa); Viscose (Avisco, Delray); Polyamide (Nylon, Perlon); Acrylic (Dynel, Acrilan, Orlon); Vinylidene Chloride (Saran, Velon); Polyethylene (Wynene, Reevon); Polyester (Dacron, Terylene); Protein (Azlon, Lanital, Aralac); Glass; Other.
    B. Non-Fibrous Materials:
    Plastics; Leather; Paper; Cellophane; Photographic sensitizers, desensitizers, light filters and tinting film; Foodstuffs; Biological materials; Solutions, analytical; Oils, fats, and waxes; Soap; Gasoline; Paints, lacquers, stains, and inks; Smoke (signals); Aluminum; Earthenware; Other.
13. Chemical Classification: Acridine; Aminoketone; Anthraquinone; Azine; Azo, mono-; Azo, dis-; Azo, tris-; Azo, tetrakis-; Azo, poly-; Azo, metal complex; Azo, pigment; Azoic; Color acid; Color base; Color lake; Cyanine; Esters of leuco indigoid; Esters of leuco thioindigoid; Esters of leuco anthraquinone; Fluorescent; Hydroxyketone; Indamine; Indigoid; Indoaniline; Indophenol; Indoxyl; Indoxyl Compound; Ketol; Ketonimine; Lactone; Leuco Compound; Methane, diphenylnaphthyl-; Methane, triphenyl-; Methine, aza-; Methine, poly-; Nitro; Nitroso; Oxazine; Phthalocyanine; Quinoline; Quinonoid; Sulfur or sulfide; Thiazine; Thiazole; Thioindigoid; Xanthene; Other
    A. Describe the class or classes and subclass to which the product belongs.
    Example (1):
    Monoazo.
    Gamma-acid coupling.
    Example (2):
    Xanthen—Basic.
    Oxy-carboxy rhodamines.
    B. Give any other information which you consider may be helpful in classifying the product.
    Example (1):
    Insoluble azo dye on the fiber. Mixtures of stabilized diazo amino compounds and coupling components for preparation of the dye on the fiber.
    Example (2):
    Anthraquinone—Disperson type.
    Amino-oxy-anthraquinones.
14. If the product consists of a mixture of two or more active ingredients, the information required by the preceding numbered paragraphs shall be given for each active ingredient in the mixture, together with the proportion of each active ingredient in the mixture.
15. There shall be attached to the above specifications a color pattern or card showing typical small specimens of the material to which the color or dye has been applied with an indication of the strength and the method of application.

(o) Whenever a sample taken from an imported coal-tar product referred to in § 8.13 (h) of this chapter, is received in the customs laboratory for test to determine its comparability with any domestic coal-tar product, the file of domestic samples and specifications referred to in paragraph (n) of this section shall be searched. If after searching the file and making any necessary tests, no comparable domestic product is found, the chief chemist shall prepare and submit his laboratory report accordingly.

To allow sufficient time to put in effect the procedure prescribed in paragraph (o), it shall not become effective until 9 days after publication of this document in the weekly Treasury Decisions.

(Secs. 1 (pars. 27, 28), 402, 624, 46 Stat. 592, 594, as amended, 708, as amended, 759; 19 U. S. C. 1001 (pars. 27, 28), 1402, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 20, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7585; Filed, Sept. 27, 1954; 8:51 a. m.]

[T. D. 53595]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

INSPECTION STAMPS FOR CIGARS MANUFACTURED IN CUSTOMS BONDED MANUFACTURING WAREHOUSES

As the cost of printing the small-sized (4" x 1½") customs inspection stamp required to be affixed to boxes containing cigars manufactured in bonded warehouses has increased, it is necessary to increase the sales price of such stamp from $1.25 to $1.35 per thousand. Accordingly, the second sentence of § 19.16 (e), Customs Regulations, is amended to read as follows:

§ 19.16 *Cigar manufacturing warehouses.* * * *

(e) * * *. "These stamps shall be sold to manufacturers by collectors of customs at the following prices: $1.35 per thousand for the small stamp, 4" x 1½" in size, and $1.50 per thousand for the large stamp, 8" x 1½" in size."

(Sec. 311, 46 Stat. 691, as amended; 19 U. S. C. 1311)

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 22, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7586; Filed, Sept. 27, 1954; 8:51 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

EXTENSION OF LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT TO PERSONS EMPLOYED IN CERTAIN OPERATIONS ON OUTER CONTINENTAL SHELF

In order to implement the extension of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended, 33 U. S. C. 901 et seq.) to cases of disability or death of employees in certain operations conducted on the outer Continental Shelf as provided by section 4 (c) of the Outer Continental Shelf Lands Act (67 Stat. 462, 43 U. S. C. Supp 1, 1331 et seq.) it is necessary to supplement the regulations issued under the Longshoremen's and Harbor Workers' Compensation Act.

Accordingly, by virtue of the authority vested in me as the Director, Bureau of Employees' Compensation, Department of Labor by General Order No. 46 (15 F. R. 3290) and Reorganization Plan No. 19 of 1950 (15 F. R. 3178, 39 Stat. 742) and pursuant to section 39 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1442; 33 U. S. C. 939) as extended by the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U. S. C. Supp. 1, 1331) and in accordance with the Notice of Proposed Rule Making published in the FEDERAL REGISTER dated August 5, 1954 (19 F. R. 4906), it is hereby ordered:

Part 01 of Subchapter A of this chapter is hereby amended by adding a new Subpart H as follows:

SUBPART H—OUTER CONTINENTAL SHELF LANDS ACT

Sec.
01.71 Processing of claims.
01.72 Review of decisions.
01.73 Forms.

AUTHORITY: §§ 01.71 to 01.73 issued under sec. 39, 44 Stat. 1442, 67 Stat. 462; 33 U. S. C. 939, 43 U. S. C. 1331.

§ 01.71 *Processing of claims.* The processing of claims of employees for compensation benefits arising under the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1442, 33 U. S. C. 901, et seq.), as extended by the Outer Continental Shelf Lands Act (67 Stat. 462, 43 U. S. C. Supp. 1, 1331 et seq.), is governed by § 01.11 of Subpart B of this subchapter.

§ 01.72 *Review of decisions.* Except as herein modified, review of compensation cases arising under the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Outer Continental Shelf Lands Act, is governed by § 01.12 of Subpart B of this subchapter. Application for judicial review of a decision in a compensation case arising under the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Outer Continental Shelf Lands Act, is required to be instituted in the judicial district in which any defendant resides or may be found or in the judicial district of the adjacent State nearest the place where the injury or injury causing death occurred.

§ 01.73 *Forms.* The same forms prescribed for use in connection with the administration of the Longshoremen's Act are used in the administration of the Outer Continental Shelf Lands Act, except that they are modified by a stamped or typed legend to indicate that they relate to the Outer Continental Shelf Lands Act.

A new Subchapter H is added to this chapter as follows:

Subchapter H—Extension of the Longshoremen's and Harbor Workers' Compensation Act to Person Employed in Certain Operations Conducted on the Outer Continental Shelf

PART 81—GENERAL ADMINISTRATIVE PROVISIONS

Sec.
81.1 General administrative provisions; definitions; interpretation of statute.
81.2 Establishment of compensation districts.

AUTHORITY: §§ 81.1 and 81.2 issued under sec. 39, 44 Stat. 1442, as amended, 67 Stat. 462-470; 33 U. S. C. 939, 43 U. S. C. 1331-1343. Statutory provisions interpreted or applied are cited to text.

§ 81.1 *General administrative provisions; definitions; interpretation of statute—(a) General.* Section 4 (c) of the Outer Continental Shelf Lands Act (67 Stat. 463; 43 U. S. C. 1333) extends the provisions of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended; 33 U. S. C. 901, et seq.), the latter hereinafter in this subchapter referred to as "the Longshoremen's Act", to cases of disability or death of employees resulting from certain operations conducted on the outer Continental Shelf. The regulations in Subchapter C of this chapter governing the administration of the Longshoremen's Act, insofar as they are applicable and are not inconsistent with any of the provisions of this subchapter, shall govern the administration of the Longshoremen's Act as extended by the Outer Continental Shelf Lands Act. Every person subject to, claiming benefits under, or acting under the Longshoremen's Act as thus extended shall conform to the procedure prescribed in the Longshoremen's Act, in the regulations in Subchapter C and in this subchapter. The term "Bureau" as used in this subchapter means the Bureau of Employees' Compensation, Department of Labor. The Bureau of Employees' Compensation was transferred from the Federal Security Agency to the Department of Labor by Reorganization Plan No. 19 of 1950 (15 F. R. 3178, 39 Stat. 742) effective May 24, 1950. The Bureau of Employees' Compensation, when formerly in the Federal Security Agency, had been established to perform the functions theretofore performed by the United States Employees' Compensation Commission, which was abolished and its functions transferred to the Federal Security Agency by Reorganization Plan No. 2 of 1946 (11 F.R. 7873, 60 Stat. 1096) effective July 16, 1946.

(b) *Coverage.* The Outer Continental Shelf Lands Act applies in respect to the disability or death of an employee resulting from any injury occurring as a result of operations conducted on the outer Continental Shelf for the purpose of exploring for, developing, removing or transporting by pipeline the natural resources of the subsoil and seabed of the outer Continental Shelf.

(c) *Definitions and interpretation of statute.* Except as expressly modified in this subchapter, terms used in the regulations promulgated in this subchapter shall be construed and applied as defined in section 2 of the Longshoremen's Act (44 Stat. 1424, 33 U. S. C. 902).

(1) The term "outer Continental Shelf" means all submerged lands lying seaward and outside of the area of "lands beneath navigable waters" (as hereinafter defined) and of which the sub-soil and seabed appertain to the United States and are subject to its jurisdiction and control, and includes artificial islands and fixed structures thereon. "Lands beneath navigable waters" means (i) all lands within the boundaries of each of the respective States which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified by accretion, erosion, and reliction; (ii) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line

three geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as approved by Congress (prior to May 22, 1953), extends seaward (or into the Gulf of Mexico) beyond three geographical miles; and (iii) all filled in, made, or reclaimed lands which formerly were lands beneath navigable waters as hereinbefore defined. The term "boundaries" includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union; or as to any State admitted subsequent to the formation of the Union which has not already done so its seaward boundary extended to a line three geographical miles distant from its coast line or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries. In no event shall the term "boundaries" or the term "lands beneath navigable waters" be interpreted as extending from the coast line more than three geographical miles into the Atlantic Ocean or the Pacific Ocean, or more than three marine leagues (a marine league equals 3 nautical miles) into the Gulf of Mexico. The term "coast line" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters.

(2) The term "employee" does not include a master or member of a crew of any vessel, or an officer or employee of the United States or any agency thereof or of any state or foreign government, or of any political subdivision thereof.

(3) The term "employer" means an employer any of whose employees are employed in operations described in paragraph (b) of this section.

(4) The term "United States" when used in a geographical sense includes the outer Continental Shelf and artificial islands and fixed structures thereon.

(5) The term "State" means any State of the Union.

§ 81.2 *Establishment of compensation districts.* (a) Pursuant to the provisions of section 39 (b) of the Longshoremen's Act, the Bureau hereby establishes the following compensation districts and extends for the purposes of this subchapter the following existing compensation districts and their areas established under § 31.2 of Subchapter C of this chapter:

District No. 1. In addition to the States named, includes the parts of the outer Continental Shelf adjacent to any of those States, with headquarters at Boston, Massachusetts.

District No. 2. In addition to the area described, includes the parts of the outer Continental Shelf adjacent to the States of New York and New Jersey, with headquarters at New York, New York.

District No. 5. In addition to the area described, includes the parts of the outer Continental Shelf adjacent to the States of Delaware, Maryland, Virginia and North Carolina, with headquarters at Norfolk, Virginia.

District No. 6. In addition to the States named, includes the parts of the outer Continental Shelf adjacent to said States, with headquarters at Jacksonville, Florida.

District No. 7. In addition to the area described, includes the parts of the outer Continental Shelf adjacent to the States of Alabama, Mississippi and Louisiana, with headquarters at New Orleans, Louisiana.

District No. 8. In addition to the area described, includes the part of the outer Continental Shelf adjacent to the State of Texas, with headquarters at Galveston, Texas.

District No. 13. In addition to the area described, includes the part of the outer Continental Shelf adjacent to the State of California, with headquarters at San Francisco, California.

District No. 14. In addition to the area described, includes the part of the outer Continental Shelf north of the northernmost California boundary and adjacent to the United States, with headquarters at Seattle, Washington.

PART 82—AUTHORIZATION OF INSURANCE CARRIERS

Sec.
82.1 Insurance carriers covering outer Continental Shelf operations.
82.2 Applicants currently authorized to write insurance under other Federal workmen's compensation laws.
82.3 Outer Continental Shelf endorsement.
82.4 Report by carrier of issuance of policy or endorsement; form.
82.5 Report; by whom sent.
82.6 Agreement to be bound by card report.
82.7 Report by employer operating temporarily in another compensation district.
82.8 Name of one employer only shall be reported on one card.

AUTHORITY: §§ 82.1 to 82.8 issued under sec. 39, 44 Stat. 1442, as amended, 67 Stat. 462-470; 33 U. S. C. 939, 43 U. S. C. 1331-1343.

§ 82.1 *Insurance carriers covering outer Continental Shelf.* Except as modified by the provisions of this subchapter, the provisions of the regulations in Part 32, Subchapter C of this chapter, shall govern insurance carriers under the Longshoremen's and Harbor Workers' Compensation Act as extended by the Outer Continental Shelf Lands Act to injury or death cases arising out of certain operations on the outer Continental Shelf (67 Stat. 462, 43 U. S. C. 1331).

§ 82.2 *Applicants currently authorized to write insurance under other Federal Workmen's Compensation laws.* Any applicant currently authorized by the Bureau to write insurance under the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U. S. C. 901 et seq.), or under the District of Columbia Workmen's Compensation law (45 Stat. 600, 19 D. C. Code 11, 12), or under the Defense Bases Act (55 Stat. 622, 42 U. S. C. 1651), need not support its application with the evidence required by the regulations in Part 32, Subchapter C of this chapter, except the form of policy and endorsement which it proposes to use, unless specifically requested by the Bureau, but instead its application may refer to the fact that it has been so authorized.

§ 82.3 *Outer Continental Shelf endorsement.* (a) The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy shall be used with the form of policy approved by the Bureau for use by an authorized carrier:

For Attachment to Policy No. ----------

The obligations of paragraph one (a) of the Policy include the Longshoremen's and Harbor Workers' Compensation Act, being Public Law No. 803 of the 69th Congress, approved March 4, 1927, as extended to death or disability of employees arising out of certain operations on the outer Continental Shelf by the Provisions of the Outer Continental Shelf Lands Act, being Public Law 212 of the 83d Congress, approved August 7, 1953, and all the laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The Company will carry out the provisions of section 35 of the Longshoremen's and Harbor Workers' Compensation Act. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the Company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The Company agrees to abide by all the provisions of the Longshoremen's and Harbor Workers' Compensation Act and all the lawful rules, regulations, orders and decisions of the Bureau of Employees' Compensation, Department of Labor, and of the deputy commissioner having jurisdiction, unless and until set aside, modified or reversed by a court having jurisdiction over the parties and the cause of action.

This endorsement shall not be cancelled prior to the date specified in this policy for its expiration until at least thirty days have elapsed after a notice of cancellation has been sent to the Bureau, to the Deputy Commissioner, and to the within named employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

References to the law of any State in Conditions B and D of this policy are hereby declared to include for the purpose of this endorsement only, the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as amended, and of the Outer Continental Shelf Lands Act.

(b) The following paragraphs may at the option of the insurer be included in the form of endorsement which is provided in paragraph (a) of this section. No other provision, alteration of any prescribed provision, or alteration of any optional provision shall be made or used in any such endorsement except after submission to the Bureau and receipt of its written approval thereof:

If the within employer is a contractor the subject of whose contract includes operations covered by this policy and he shall sub-contract all or any part of such contract to one or more subcontractors, the remuneration of all the direct employees of such subcontractors shall be included in the return of remuneration under the provisions of this policy upon which premium is computed. Such remuneration so reported shall be considered the remuneration of employees of the within named employer and shall in all instances be governed by the same terms, conditions, requirements, and obligations of the policy as the remuneration of the direct employees of the within named employer. The requirements of this paragraph shall not apply as respects any such subcontractor who has secured compensation for his direct employees as required by the Longshoremen's and Harbor Workers' Compensation Act, but the within named employer shall not claim

the benefit of this exemption unless and until he shall satisfy the Company by certificate or otherwise that any such subcontractor has legally secured the payment of compensation to his own direct employees and then only respecting any subcontractor who has furnished such proof.

If the premium as determined in accordance with the provisions of the policy is less than $300, there shall be added thereto an expense constant of $10, unless such addition shall increase the premium to an amount in excess of $300, in which event only such part of the expense constant shall be added as will bring the amount of the premium up to $300. Inclusion of the expense constant or any part thereof in the estimated advance premium is subject to final adjustment upon audit, all in accordance with the provisions hereof. The minimum premium of the policy includes the expense constant.

(c) In applying the regulations in Part 32, Subchapter C of this chapter insofar as they are incorporated in this subchapter all references to the Longshoremen's endorsement shall be construed as having reference to the Outer Continental Shelf endorsement prescribed in this section.

§ 82.4 *Report by carrier of issuance of policy or endorsement; form.* (a) A carrier which has executed the agreement provided for in § 82.6 shall report to the deputy commissioner assigned to a compensation district each policy and endorsement issued by it to an employer who carries on operations in such compensation district. The report shall be made upon a printed card to be provided by such carrier. Such card shall be 50 percent rag, light green, light weight, 3 by 5 inches. The printing thereon shall be as follows:

Employer _____
Address _____
Policy No. _____
Dates of beginning and expiration _____

Report is made of the issue of approved form of policy and endorsement under the Longshoremen's and Harbor Workers' Compensation Act, as amended and as extended to the Outer Continental Shelf by the Outer Continental Shelf Lands Act.

_____
(Name of insurance carrier)
By _____
Cancellation _____
(Effective date)

_____
(Date notice received by deputy)

This card shall be sent to the Deputy Commissioner of the Bureau of Employees' Compensation, U. S. Department of Labor, for the compensation district indicated by the employer's address.

(b) Each such carrier will print its name at the place indicated. The note at the bottom designating the place to which the card shall be sent should be in small type, about 6 point, and if desired this note may be printed on the reverse side of the card. The spaces below the line for the employer's name and the line for his address should each be sufficient to permit two additional lines of typewriting. The word "Employer" should be about ¾ inch from the top of the card. The line for cancellation date will be filled in only by the office of the deputy commissioner.

§ 82.5 *Report; by whom sent.* The report of issuance of a policy and endorsement provided for in § 82.4 shall be sent by the home office of the carrier to the deputy commissioner at his headquarters, except that any carrier may authorize its agency or agencies in any compensation district to make such reports to the deputy commissioner, provided the carrier shall notify the deputy commissioner in such district of the agent or agencies so duly authorized. The deputy commissioner in turn shall supply to his suboffices, if any, current lists showing the policies so reported, giving the names and addresses of the employers, with the names of their respective carriers, the policy numbers and the dates of beginning and expiration of the policies. Similar current lists of cancellation shall also be furnished to sub-offices.

§ 82.6 *Agreements to be bound by card reports.* (a) Except as provided in this section, each employer shall present to the deputy commissioner in the compensation district in which he has operations, the policy covering his operations in such district, which he has procured in compliance with section 32 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1439; 33 U. S. C. 932) as extended by the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U. S. C. Supp. 1, 1331). Any carrier desiring to do so may make such presentation of such policy unnecessary in any particular case by transmitting to the Bureau an agreement signed by its president and secretary (or other authorized officers in cases of foreign or mutual companies or State funds), in the following form, and making reports accordingly, of the issuance of a policy in such particular case.

The (insert name of insurance carrier) hereby agrees, in consideration of the acceptance by the Bureau of Employees' Compensation, Department of Labor and its deputy commissioners of reports of issue of approved form of policy and endorsement under the Longshoremen's and Harbor Workers' Compensation Act as amended and as extended to the outer Continental Shelf by the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U. S. C. Supp. 1, 1331) in the form prescribed by the Bureau in section 82.4 of its regulations, that it will be liable and hereby accepts the full liability expressed in the approved form of endorsement, under said laws in all cases in which it has heretofore and may hereafter use the prescribed form of report to deputy commissioners and transmit the same to the proper deputy commissioner; the sending of such report of issue of policy to the deputy commissioner shall be accepted by the Bureau and its deputy commissioners as conclusive evidence (1) of the issuance of a policy to the employer, named in such report, in approved form and having attached an approved form of endorsement under applicable regulations of the Bureau and (2) of the effectiveness of such policy during the period as stated in such report; and it further agrees that such liability shall not be terminated prior to the expiration of the policy, except in case of cancellation, and then at the time and in the manner which is prescribed in the Longshoremen's and Harbor Workers' Compensation Act, in the regulations of said Bureau, and in the endorsement referred to.

(b) An insurance carrier desiring to withdraw from such agreement may do so upon giving thirty days notice to the Bureau by registered mail.

§ 82.7 *Report by employer operating temporarily in another compensation district.* Where an employer having operations in one compensation district (or jurisdictional area of such district) contemplates engaging in work subject to the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U. S. C. Supp. 1, 1331) in another compensation district, a carrier which has executed the agreement provided for by § 82.6 and desires to report coverage as to work performed in such other district, may submit to the deputy commissioner of such latter district a report on the card form prescribed by § 82.4, containing the address of the employer in the first mentioned district with the additional notation, "No present address in _____ compensation district. Certificate requested when address given."

§ 82.8 *Name of one employer only shall be reported on one card.* A separate report of the issuance of a policy and endorsement, provided for by § 82.4, shall be made for each employer covered by a policy. If a policy is issued insuring more than one employer, a separate card report for each employer so covered shall be sent to the deputy commissioner concerned, with the name of only one employer on each such report. Unless a card report is received by the deputy commissioner for a compensation district, the deputy commissioner shall regard an employer as an uninsured employer in the particular compensation district (except in cases where such employer is a duly authorized self-insurer, or the employer himself has presented a policy for inspection by the deputy commissioner).

PART 83—AUTHORIZATION OF SELF-INSURERS

Sec.
83.1 Authorization of self-insurers.
83.2 Reports required of self-insurers; examination of accounts of self-insurer.

AUTHORITY: §§ 83.1 and 83.2 issued under sec. 39, 44 Stat. 1442, as amended, 67 Stat. 462–470; 33 U. S. C. 939, 43 U. S. C. 1331–1343. Statutory provisions interpreted or applied are cited to text.

§ 83.1 *Authorization of self-insurers.* The provisions of the regulations in Part 33, Subchapter C of this chapter, shall govern the authorization of the self-insurance privilege under the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U. S. C. 901), as extended by the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U. S. C. Supp. 1, 1331). An application shall contain (a) a statement of the amount of the employer's payroll of employees engaged in operations within the purview of section 4 (b) of the Outer Continental Shelf Lands Act (67 Stat. 463; 43 U. S. C. Supp. 1, 1333) for the preceding twelve months; (b) a statement by classifications of the average number of employees engaged in employments within the purview of said section 4 (b) of the Outer Continental Shelf Lands Act for the preceding twelve months; (c) a statement of the number of injuries to such employees resulting in disability of more than seven days, duration, or in death, during each of three years next preceding the date of the application; (d) an itemized statement of the assets and liabilities of the employer, and current profit and loss statement; (e) a description of the safety organization maintained by the employer for the prevention of injuries at his places of work; (f) a description of the facilities maintained or the arrangements made for the medical and hospital care of injured employees; (g) a statement describing any excess loss insurance or stop-loss insurance arrangement made by the employer, giving the name of the carrier, with full details of any such excess loss coverage; and (h) a statement describing the plan adopted by the employer to set aside a reserve fund for the payment of workmen's compensation benefits (and loss adjustment expenses) under the Longshoremen's and Harbor Workers' Compensation Act as extended by the Outer Continental Shelf Lands Act. Such application shall be signed by the applicant over his typewritten name and if the applicant is not an individual, by the principal officer of the applicant duly authorized to make such application, over his typewritten name and official designation, and shall be sworn to by him. If the applicant is a corporation, the corporate seal shall be affixed. The application shall be filed with the Bureau. The Bureau in its discretion may require the applicant to submit such further information or such evidence as the Bureau may deem necessary to have in order to enable it to give adequate consideration to such application. The regulations in this part shall be binding upon each applicant hereunder and the applicant's consent to be bound by all requirements of the said regulations shall be deemed to be included in and a part of the application, as fully as though specifically stated in writing therein.

§ 83.2 *Reports required of self-insurers; examination of accounts of self-insurer.* (a) At such times as the Bureau may require or prescribe, each self-insurer shall submit such of the following reports as may be requested:

(1) A sworn itemized statement of the self-insurer's assets and liabilities (or a balance sheet), and current profit and loss statement.

(2) A sworn statement showing by classifications the payroll of employees of the self-insurer who are engaged in employments within the purview of operations described in section 4 (b) of the Outer Continental Shelf Lands Act (67 Stat. 463; 43 U. S. C. Supp. 1, 1333).

(3) A sworn statement of payments of compensation in current cases during any specified quarter, showing the nature of injury in each case.

(4) A sworn statement covering the six months' period preceding the date of such report, listing by compensation districts all death and injury cases which have occurred during such period, together with a report of the status of all outstanding claims, showing the particulars of each case.

(b) Whenever it deems it to be necessary, the Bureau may inspect or examine the books of account, records, and other papers of a self-insurer for the purpose of verifying any financial statement submitted to the Bureau by such self-insurer or verifying any information furnished to the Bureau in any report required by this section, or any other section of the regulations in this subchapter, and such self-insurer shall permit the Bureau by its duly authorized representative to make such an inspection or examination as the Bureau shall require. In lieu of this requirement the Bureau may in its discretion accept an adequate report of a certified public accountant.

PART 84—ISSUANCE OF CERTIFICATES OF COMPLIANCE

Sec.
84.1 Issue of certificates of compliance.
84.2 Same; employer operating temporarily in another compensation district.
84.3 Return of certificates of compliance.

AUTHORITY: §§ 84.1 to 84.3 issued under sec. 39, 44 Stat. 1442, as amended, 67 Stat. 462–470; 33 U. S. C. 939, 43 U. S. C. 1331–1343.

§ 84.1 *Issue of certificates of compliance.* (a) Every employer who has secured the payment of compensation by obtaining a policy of insurance as provided by section 32 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1439; 33 U. S. C. 939) and by Part 82 of the regulations in this subchapter will receive from the deputy commissioner in the compensation district in which he has operations (or for the jurisdictional area of such compensation district), and to whom such insurance has been reported, a certificate that such employer has secured the payment of such compensation. Only one such certificate will be issued to an employer in a compensation district, and it will be valid only during the period for which such employer has secured such payment. An employer so desiring may have photostatic copies (or other facsimile copies) of such a certificate made for use in different places within the compensation district of jurisdictional area thereof. A certificate of compliance will be issued by the deputy commissioner to any employer having operations in his district (1) upon receipt by the deputy commissioner and acceptance by him of a card report of the issuance of a policy to the employer concerned, as provided by § 82.4 of this subchapter, by an authorized insurance carrier which has filed an agreement to be bound by such card report in conformity with § 82.6 of this subchapter or (2) upon presentation to the deputy commissioner by the employer concerned (and not by an insurance carrier, insurance agent, or broker) of the applicable policy of insurance, and endorsement thereon, issued to the employer in conformity with Part 82 of this subchapter by an authorized insurance carrier which has not filed the agreement provided for by § 82.6 of this subchapter.

(b) Every employer who has been granted the privilege of self-insurance as provided by section 32 of the Longshoremen's and Harbor Workers' Compensation Act and by Part 83 of this subchapter will receive from the deputy commissioner a certificate that he has complied with the said law with respect to the securing of the payment of compensation. Only one such certificate will be issued to an employer by a deputy commissioner in a compensation district and it will be valid only during the period stated in such certificate. An employer so desiring may have made photostatic copies (or other facsimile copies) of such certificate for use in different places within the compensation district or jurisdictional area thereof.

(c) Two forms of such certificates of compliance have been provided by the Bureau, one form for use where the employer has obtained insurance generally under the regulations in this subchapter and one for use where the employer has been authorized as a self-insurer.

§ 84.2 *Same; employer operating temporarily in another compensation district.* A deputy commissioner receiving a card report of the issue of a policy of insurance, with the notation authorized by § 82.7 of this subchapter will file such card report until he receives from the insured employer named therein a request for a certificate of compliance, giving the address of the employer within the compensation district of such deputy commissioner. Upon receipt of such a request the deputy commissioner will send the proper certificate of compliance to such employer at such address.

§ 84.3 *Return of certificates of compliance.* Upon the termination by expiration, cancellation or otherwise, of a policy of insurance issued under the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as amended, as extended by the Outer Continental Shelf Lands Act, and the regulations under this subchapter, or the revocation or termination of the privilege of self-insurance granted by the Bureau, all certificates of compliance issued on the basis of such insurance or self-insurance shall be void and shall be returned by the employer to the deputy commissioner issuing them with a statement of the reason for such return. An employer, currently holding a certificate of compliance under an insurance policy which has expired, pending the renewal of such insurance, need not return such certificate of compliance if such expired insurance is promptly replaced. An employer who has secured renewal under the Longshoremen's and Harbor Workers' Compensation Act as extended by the Outer Continental Shelf Lands Act or whose self-insurance thereunder is reauthorized without a break in the continuity thereof need not return to the Bureau an expired certificate of compliance.

Signed at Washington, D. C., this 15th day of September 1954.

WILLIAM MCCAULEY,
Director,
Bureau of Employees' Compensation.

[F. R. Doc. 54-7559; Filed, Sept. 27, 1954; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 53—TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

DEFINITION AND STANDARD OF IDENTITY FOR CATSUP, KETCHUP, CATCHUP

In the matter of amending the definition and standard of identity for catsup, ketchup, catchup:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, as amended by 68 Stat. 54; 21 U. S. C. 341), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER on August 10, 1954 (19 F. R. 5014) amending the definition and standard of identity for catsup (21 CFR 53.10). The amendments promulgated by that order will become effective October 9, 1954.

(Sec. 701; 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 401, 52 Stat. 1046; 21 U. S. C. 341)

Dated: September 22, 1954.

[SEAL] ROSWELL B. PERKINS,
Acting Secretary.

[F. R. Doc. 54-7560; Filed, Sept. 27, 1954; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

ESTABLISHMENT OF NEW TITLE

EDITORIAL NOTE: The enactment of the Internal Revenue Code of 1954 makes it desirable to establish a new title in the Code of Federal Regulations to be designated "Title 26—Internal Revenue, 1954." The new title will contain those administrative rules and regulations, general and permanent in nature, which are effective as to all matters to which the Internal Revenue Code of 1954 is applicable. The new title does not supersede the present "Title 26—Internal Revenue" as to those facts or circumstances to which the provisions of the Internal Revenue Code of 1939 are applicable.

The new Title 26 should be cited as "26 CFR". Thus, the approved abbreviated citation of § 1.213 in Title 26 (relating to medical, dental, etc., expenses), would be "26 CFR 1.213." If reference is made to regulations under the Internal Revenue Code of 1939, that date should be shown in the reference. Thus, in referring to Part 29 of the former Title 26 (Treasury Regulations 111, relating to income taxes for taxable years beginning after 1941 and before 1952), the reference should be to "26 CFR (1939) Part 29".

The present plans of the Internal Revenue Service generally call for issuance of new regulations (such as regulations relating to income taxes, estate tax, gift taxes, wine, etc.), each of which will be designated as a particular part of the new title. It may be necessary in some cases, however, to issue portions of the regulations as Treasury decisions as soon as these portions are developed prior to issuing the complete regulations on that subject in one document. For example, according to present plans for issuing new regulations relating to income tax, approximately 60 separate Treasury decisions will be involved. These separate Treasury decisions will be brought together at a later date and named the Income Tax Regulations (1954 ed.), and will appear as Part 1 of the new Title 26 of the Code of Federal Regulations. The name and appropriate CFR citation will be used as the official designation. The Internal Revenue Service does not expect to assign a separate Internal Revenue Service number (such as Regulations 111 or Regulations 118) to regulations which will be issued under the Internal Revenue Code of 1954.

The pattern and range of part numbers for the new Title 26 are shown by the following table:

TABLE OF CONTENTS—NEW CFR TITLE 26, 1954

Title 26—Internal Revenue, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax (Parts 1–19)

Subchapter B—Estate and Gift Taxes (Parts 20–29)

Subchapter C—Employment Taxes (Parts 30–39)

Subchapter D—Miscellaneous Excise Taxes (Parts 40–169)

Subchapter E—Alcohol, Tobacco and Other Excise Taxes (Parts 170–299)

Subchapter F—Procedure and Administration (Parts 300–499)

Subchapter G—Regulations under Tax Conventions (Parts 500–599)

Chapter II—Tax Court of the United States (Parts 701–799)

NOTE: For notice of proposed rule making concerning "Income tax: Taxable years beginning after December 31, 1953; depreciation", see F. R. Doc. 54-7600, *infra*. When adopted this rule will be carried in the Code of Federal Regulations under "Title 26—Internal Revenue, 1954" within Part 1.

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

INVOLUNTARY LIQUIDATION OF INVENTORY

This part is amended by deleting subparagraph (8) *Replacement of inventory involuntarily liquidated* of § 1459.1 (b) in its entirety and inserting in lieu thereof the following:

§ 1459.1 *Statutory provisions and general regulations*—• • •

(b) *Profit, cost allocation and allowance; general*—• • •

(8) *Replacement of inventory involuntarily liquidated.* Under section 22 (d) (6) of the Internal Revenue Code, a taxpayer using the last in, first out inventory method may, for any year in which it involuntarily liquidated any part of its base stock inventory, elect to adjust retroactively its net income for tax purposes for such year by reference to the costs of replacing in a subsequent year the inventory so involuntarily liquidated. The excess of such replacement costs over base stock costs is neither an exclusion nor a deduction under the Internal Revenue Code, but merely a retroactive adjustment of net income. For purposes of renegotiation, there will be allowed as a cost and allocated between renegotiable and non-renegotiable business according to the principles set forth in this paragraph the base stock costs and the excess of replacement costs, or of the estimated replacement value in the fiscal year in which the involuntary liquidation occurred, over the base stock costs. Similarly, the cost of renegotiable business will be reduced, to the extent allocable thereto, by any excess of base stock costs over replacement costs, or over the estimated replacement value in the fiscal year in which the involuntary liquidation occurred. Such cost allowance or reduction will be made whether or not the use of the base stock inventory constitutes involuntary liquidation under the provisions of the Internal Revenue Code and even though such inventory is not actually replaced until a subsequent year.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: September 23, 1954.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-7574; Filed, Sept. 27, 1954; 8:49 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 21—HOT SPRINGS NATIONAL PARK; BATHHOUSE REGULATIONS

Part 21 is revised to read as follows:

Sec.
21.1 Definitions.
21.2 Use and waste of water.
21.3 Transfers of stock or interest in bathhouses.
21.4 Federal Registration Board, officers.
21.5 Quorum.
21.6 Meetings.
21.7 Minutes.
21.8 Examinations.
21.9 Fees.
21.10 Registration of physicians.
21.11 Removal from register.
21.12 Removal from register, appeal.
21.13 Applicants.
21.14 Conduct of registered physicians.
21.15 Examining Board for Technicians.
21.16 Suspension of certificate.
21.17 Hours of operation.
21.18 Requirements for bathing.
21.19 Changes in bathing directions; standard bath directions.
21.20 Supervision of treatments.
21.21 Use of pools.
21.22 Persons excluded from the pools.
21.23 Transfer and redemption of tickets.
21.24 Lost tickets.
21.25 Physical examination.
21.26 Solicitation by employees.
21.27 Prescriptions and use of medical instruments.
21.28 Fees.
21.29 Badges for bath attendants.
21.30 Accidents.
21.31 Losses.

AUTHORITY: §§ 21.1 to 21.31 issued under sec. 3, 39 Stat. 535; 16 U.S.C. 3. Interpret or apply 20 Stat. 258; sec. 3, 26 Stat. 843; sec. 1, 41 Stat. 918; 16 U.S.C. 361, 363, 369.

§ 21.1 *Definitions.* When used in the regulations in this part:

(a) The term "Secretary" means the Secretary of the Interior or his duly authorized representative.

(b) The term "Director" means the Director of the National Park Service and the Regional Director, Region Three.

(c) The term "Superintendent" means the Superintendent of Hot Springs National Park, Arkansas.

(d) The term "concessioner" means any individual, trustee, partnership, corporation, or other business entity operating a bathhouse receiving water from Hot Springs National Park under lease or contract authorization by the Secretary.

(e) The term "physician" means a physician or surgeon, or any person publicly professing to cure or heal.

(f) The term "registered physician" means a physician registered at the office of the Superintendent as authorized to prescribe the waters of Hot Springs National Park.

(g) The term "technician" means any person certified and licensed by the Superintendent to perform special duties pertaining to services rendered in the bathhouses.

(h) The term "employee" means any employee of a bathhouse concessioner whose duties include any part of the operation of a bathhouse or rendering bathing or special services to the public, and includes technicians.

§ 21.2 *Use and waste of water.* The use of the hot mineral waters of Hot Springs National Park for other than bathing or other therapeutic purposes, or the wasting thereof, is prohibited.

§ 21.3 *Transfers of stock or interest in bathhouses.* All proposed transfers of stock in bathhouses receiving hot water from Hot Springs National Park must receive approval, in writing of the Director, before the transfer is consummated. Transfers of stock or interest in bathhouses will not be valid unless approved in this manner.

§ 21.4 *Federal Registration Board, officers.* (a) An advisory and examining board, designated as "The Hot Springs National Park Federal Registration Board," shall be appointed by the Secretary. The board shall consist of six members, four of whom shall be members of the Garland County Hot Springs Medical Society, one the Commanding Officer of the Army and Navy General Hospital, and one the Superintendent of Hot Springs National Park. The Superintendent shall act as secretary of the board. The functions of the board shall be to advise the Superintendent concerning the use of the waters of Hot Springs National Park and to examine and approve, in proper cases, applicants for registration.

(b) There shall be a president elected by the board, who shall serve one year and until his successor is elected and qualified. Such election shall be at the annual meeting, which shall be the first meeting of the board after the personnel thereof for the ensuing year has been determined by the Secretary of the Interior. Should a vacancy occur in the office of the president by death, resignation, or otherwise, such vacancy shall be filled by the board at its first regular meeting next succeeding the date the vacancy occurs, or at a special meeting of the board called for that purpose.

§ 21.5 *Quorum.* Three members of the board shall constitute a quorum, with full authority to transact any and all business that may come before the board.

§ 21.6 *Meetings.* (a) Regular bimonthly meetings shall be established by the board and special meetings may be held as the president of the board deems necessary, prior notice thereof having been duly announced: *Provided, however,* That the president may waive regular meetings when no appropriate business exists for consideration by the board.

(b) All routine business shall be filed with the secretary of the board at least 24 hours before the designated meeting time. Matters for consideration not filed as indicated above for the meeting will be held for consideration at the next regular or special meeting.

(c) The order for the transaction of business before the board shall be as follows:

(1) Reading and approval of the minutes of the preceding meeting.

(2) Consideration of unfinished business.

(3) Consideration of new business.

(4) Consideration of applicants for registration.

(5) Miscellaneous business.

§ 21.7 *Minutes.* Minutes of all business transacted by the board shall be reduced to writing and be copied in a record provided for the purpose, and at the next regular or special meeting, the minutes of the previous meeting shall be read and approved, with such corrections, if any, as the board may consider proper to make.

§ 21.8 *Examinations.* Examinations of applicants for registration shall be held quarterly on a date to be fixed by the board. Any registered physician hereafter dropped from the list of registered physicians will not be restored until after he successfully passes the regular examination prescribed by the board for original registration, nor shall any such physician be eligible for examination for a period of five years from the date on which his name was dropped from the registered list: *Provided,* That the Secretary of the Interior may, in his discretion, authorize the examination of such physician at any time after one year from said date.

§ 21.9 *Fees.* Applicants for examination, preliminary to registration, will be required to pay the sum of $10 to the Superintendent as an examination fee prior to admittance to examination. Persons having complied with the requirements for registration will be required to pay the sum of $15 to the Superintendent as a registration fee prior to their names being placed on the list of registered physicians. The fees prescribed by this section are payable in advance in the form of postal money order or certified or cashier's check in net amount of the fee, drawn to the order of the Treasurer of the United States, or in legal tender, and are not subject to refund, either in whole or in part.

§ 21.10 *Registration of physicians.* Physicians desiring to prescribe the waters of the hot springs, either internally or through the medium of baths, must first be registered at the office of the Superintendent, and shall use only such uniform form of bathing directions as meets with the approval of the Superintendent. Registration will be accorded only to such physicians as are found to have proper professional qualifications and character. No physician who shall be convicted of any offense involving moral turpitude against the laws of the United States or any State, or who shall violate any regulation of the Arkansas State Board of Health, or who shall engage in unprofessional, disreputable, or dishonest conduct, or who is addicted to the drug or other habit which disqualifies him for the performance of his professional duties, shall be or remain registered.

§ 21.11 *Removal from register.* If a charge is made to the Superintendent in writing, under oath, supported by the affidavits of two or more reputable witnesses, that a registered physician has violated any of the laws or regulations pertaining to the government of the bathhouses receiving hot water from said Park, such registered physician shall be immediately notified by the Superintendent of the fact that affidavits have been made against him and, in the presence of the Superintendent, be accorded an opportunity to cross-examine the witnesses on the subject thereof; and if in the judgment of the Superintendent the facts warrant such action, he will cite such registered physician to appear before him on a day to be named within not exceeding 5 days from the date of notice to show cause why his name should not be stricken from the register of physicians authorized to prescribe the waters of said springs; and pending the investigation and final action upon the charges, the right of such registered physician to prescribe the hot waters may be suspended by the Secretary of the Interior. The registered physician, against whom such complaint is made, shall have the right to cross-examine said affiants and any witnesses who may appear before the Superintendent, or to file written interrogatories pertinent to the issue, addressed to such complainants or witnesses, to be answered by them under oath, and may submit within 5 days thereafter counter-affidavits in answer to the charges made in the affidavits of the witnesses. The complainants or witnesses may file rebuttal affidavits within 5 days after service

upon them of said counter-affidavits. The hearing of said charges shall be had on the record as so made, and the recommendation of the Superintendent in the premises forwarded to the Secretary of the Interior through the Federal Registration Board, which board, after reviewing the record and the recommendation of the Superintendent, shall thereafter promptly submit its findings as a board of review, together with such supplemental recommendations as to it may appear proper, to the Secretary of the Interior.

§ 21.12 *Removal from register; appeal.* An appeal from the recommendation of the Superintendent upon said record may be taken to the Secretary of the Interior within 5 days from the date of service by the Superintendent of a copy of his recommendation on the accused. If upon consideration of the complaint the charge is not sustained by the Secretary, the accused will be advised at once and the charges dismissed. If, however, such charge is sustained, the name of the registered physician shall be stricken from the registered list.

§ 21.13 *Applicants.* The following rules shall govern applicants for registration:

(a) To be entitled to registration, applicants must be citizens of the United States of America and be graduates of a reputable medical school or of a reputable school of osteopathy, and must have complied with the laws of the State of Arkansas relating to the admission of physicians to the practice of medicine and surgery, or either, within said State.

(b) Applicants will be required to furnish, in writing, such evidence as the board may desire, touching their personal history and moral character and standing during the 5 years next preceding the date of their applications, such evidence to be placed in the hands of the secretary of the board not later than 10 days prior to the regular date for examination of applicants. Applicants will also be required to submit to such examination as the board may consider proper, concerning their knowledge of medicine and surgery and their qualifications to prescribe the hot waters.

(c) Physicians who have successfully passed the examination of the National Board of Medical Examiners shall not be required to submit to an examination by the Federal Registration Board: *Provided*, That the board shall be assured through examination of the candidate or through evidence acceptable to the board that the candidate has a suitable knowledge and ability in the use of hydrotherapy: *And further provided*, That his moral and ethical qualifications are satisfactory upon investigation by the board.

(d) An applicant who twice fails in his examination before the Federal Registration Board shall not be permitted to again take the examination prescribed by the board until after the lapse of one year from the date of his last failure.

§ 21.14 *Conduct of registered physicians.* (a) No registered physician shall be permitted to associate himself in practice looking to the prescribing of the waters of the Hot Springs with a nonregistered physician, under penalty of having his name removed from the registered list. Before any assistant is employed by a registered physician, his name must be submitted to the Superintendent, together with such other information as may be called for by the Superintendent. Registered physicians must also notify the Superintendent of any contemplated absence from Hot Springs and give the name of the person in charge of his office during such absence. Registered physicians will be held strictly accountable for the actions of their assistants, and any violation of the regulations in this part by the registered physician or his assistant or assistants will be deemed sufficient cause for the removal of the name of such registered physician from the registered list. The name of any registered physician who shall give bath directions for the patient of a nonregistered physician shall be removed from the registered list, but this shall not apply to the prescribing of the waters of the Hot Springs for the patient of another practitioner who, while legally licensed by the State of Arkansas to treat ailments of the human system, is not eligible for registration under § 21.12 (a): *Provided*, That in all such cases the registered physician so prescribing shall deal directly with the patient and shall receive no fee, commission, or other compensation, either directly or indirectly, from such other practitioner under penalty of having his name removed from the registered list: *And provided further*, That the name of such other practitioner treating such patient shall be given on the bath directions.

(b) No registered physician, upon removal of his offices from one location to another, may publish in any newspaper, or other periodical, notice to that effect for a longer period than 3 days. Notices of return from an absence may not be published for a longer period than 3 days or for any absence of less than 10 consecutive days. Such notices shall be simple in form and free of advertising elements, such as office hours, telephone numbers, specialties, and prices for consultation.

(c) Registered physicians, occupying offices formerly occupied by physicians who have died, retired, or have been placed on the nonactive list of registered physicians, are required to have the names of such nonactive physicians removed without delay from signs, windows, and directories in the building in which such physicians formerly practiced, and upon noncompliance with this provision within 10 days may be suspended by the Secretary of the Interior until the delinquencies have been remedied.

(d) The provisions of this section shall not apply to physicians stationed at the Army and Navy General Hospital not doing outside practice.

(e) Any registered physician desiring to change his residence from Hot Springs or to retire from active practice longer than one year, and during such absence retain his registration, shall file application, in writing, with the Superintendent to be placed upon the nonresident list. If such registered physician whose name has been placed upon the nonresident list should desire to return to active practice at Hot Springs and have his name again placed upon the list of registered physicians, he may so apply in writing, stating his residence and occupation during the time he has been on the nonresident list, and shall give three references who can vouch for his conduct. The Federal Registration Board shall require an endorsement by the Garland County Hot Springs Medical Society of any registered physician whose name has been placed upon the nonresident list requesting his name to be restored to the active list of registered physicians and upon restoration such registered physician shall be governed by all the rules applying to registered physicians.

(f) The board, by action at a regular meeting, shall have the power to remove the names of registered physicians from the registered list who have ceased to practice medicine in Hot Springs National Park, Arkansas, and have departed without informing the board or the Superintendent of their intentions to be placed upon the inactive list or to have their names removed from the registered list.

(g) The provisions of this section are subject to amendment at any regular meeting of the board on the giving of 30 days' notice in writing of the proposed amendment, subject, however, to the approval of the Secretary of the Interior.

§ 21.15 *Examining Board for Technicians.* (a) An Examining Board for Technicians shall be appointed by the Superintendent, subject to the approval of the Director, to consist of the following members:

(1) One registered physician, to be nominated by the Federal Registration Board.

(2) One registered physiotherapist-hydrotherapist.

(3) One registered masseur.

(4) One registered bath attendant, preferably a head attendant.

(5) One member of the Superintendent's staff, who shall also be the executive secretary of the board.

(b) The board at its first meeting shall elect a president from among its members, excluding the representative of the Superintendent's staff who shall always be ineligible for any other position than executive secretary.

(c) Three members present shall constitute a quorum. Any member undergoing disciplinary action or in suspension from duty shall not remain a member of the board.

(d) The board shall meet on the third Friday in January of each year and from time to time throughout the year, subject to the call of the president, to transact such business as shall be properly presented by the executive secretary.

(e) The board will recommend to the Superintendent any necessary replacements of personnel of the board to fill vacancies.

(f) The board shall prescribe the requirements and will conduct the written examinations for all applicants seeking to be registered physiotherapists, hydrotherapists, masseurs, and bath attendants in the bathhouses.

(g) The board shall have the power to determine the qualifications of individuals seeking to be registered as qualified beauticians and chiropodists in the bathhouses.

(h) The board shall recommend to the Superintendent the granting of certificates to applicants who shall successfully pass the written or practical examinations required of all candidates coming before it.

§ 21.16 *Suspension of certificate.* The certificate of qualification of a technician discharged for cause shall be suspended by the Superintendent, and the said person shall not be employed in any capacity in any bathhouse without recertification, which may be made only after a period of six months.

§ 21.17 *Hours of operation.* The hours for operation of all departments of bathhouses receiving hot water from Hot Springs National Park shall be those expressly designated by the Superintendent.

§ 21.18 *Requirements for bathing.* (a) No bathhouse concessioner shall bathe (1) any applicant for baths who is under medical treatment unless said applicant presents satisfactory evidence that he or she is the patient of a registered physician, or (2) any applicant for baths not under the care of a physician unless said applicant shall make a certificate to be filed with the bathhouse concessioner that he or she is not under the care of any physician. The violation of this paragraph by the concessioner, manager, or any employee of a bathhouse, will result in the cutting off of the water from the bathhouse or the cancelling of the contract, as the Secretary of the Interior may determine.

(b) Should any person not under the care of a physician at the commencement of baths, as permitted under paragraph (a) (2) of this section, subsequently employ, consult, or take treatment from any physician, then in such case, he or she shall immediately file with the bathhouse concessioner evidence thereof as required under paragraph (a) of this section.

§ 21.19 *Changes in bathing directions; standard bath directions.* Baths shall be administered to patrons who do not have registered physicians' bathing directions in accordance with the standard bath directions prescribed by the Superintendent. Baths shall be administered to persons having registered physicians' bathing directions only in accordance with the instructions given therein.

§ 21.20 *Supervision of treatments.* Treatments, manipulations, or exercises shall be given only by or under the direct supervision of a technician.

§ 21.21 *Use of pools.* No person shall use the pools except on presenting a prescription describing the treatment from a registered physician. A period of two weeks must have elapsed since the subsidence of abnormal temperature in persons who have had any acute infectious disease or acute respiratory disease before they may be permitted to enter the pools. A period of one month must have elapsed since the subsidence of acute features in acute anterior poliomyelitis before the patient may be permitted to enter the pools.

§ 21.22 *Persons excluded from the pools.* The following persons are excluded from and will not be given treatments in the pools:

(a) Persons with acute or infectious lesions on any part of the body, particularly of the skin, throat, or genitalia.

(b) Persons with a discharge from the eyes, nose, mouth, ears, or genitalia.

(c) Persons showing abnormal temperature or marked cough.

(d) Persons without complete control of the bladder or rectum.

§ 21.23 *Transfer and redemption of tickets.* Tickets for baths and other services are not transferable by the purchaser thereof. Unused tickets may be redeemed by the purchaser within three years from the date of purchase, according to the redemption scale approved by the Secretary of the Interior.

§ 21.24 *Lost tickets.* A patron who loses his ticket may continue to receive service, without additional charge, for the number of units remaining in the ticket. Records of lost tickets, and of service given thereunder, shall be maintained as required by the Superintendent. Lost tickets shall have no redemption value.

§ 21.25 *Physical examinations.* No technician or other employee who comes in direct personal contact with bathers will be permitted to enter on duty without first undergoing physical examinations, or remain in such employment without undergoing periodic physical examinations, as required by the Superintendent, and being found free from any infectious or communicable diseases.

CROSS REFERENCE: For list of communicable diseases included in the regulations of the United States Public Health Service, see 42 CFR 72.2.

§ 21.26 *Solicitation by employees.* Soliciting by employees for any purpose, including soliciting for gratuities, commonly called "tips," is prohibited in all bathhouses.

§ 21.27 *Prescriptions and use of medical instruments.* No technician may prescribe diets or waters, make diagnoses of ailments, or use in his work a clinical thermometer, stethoscope, or any other medical instrument employed by a physician.

§ 21.28 *Fees.* Technicians shall charge for their services the rates provided and approved for them by the Secretary, which fees shall be collected and accounted for to them by the bathhouse management.

§ 21.29 *Badges for bath attendants.* Bath attendants, when granted certificates of qualification, shall obtain a numbered badge, to be furnished at cost by the Superintendent, which shall be worn at all times when such attendants are on duty.

§ 21.30 *Accidents.* A bathhouse manager shall report, in writing, all accidents which occur in bathhouses to the office of the Superintendent. In case circumstances preclude a written report being submitted immediately, an oral report must be made immediately which must be substantiated by a written report at the earliest possible time.

§ 21.31 *Losses.* A bathhouse concessioner receiving deposits of jewelry, money, or other valuables from bathers shall provide means for the safekeeping thereof, satisfactory to the Superintendent. It is understood, however, that the Government assumes no responsibility in the premises. All losses must be reported, in writing, to the Superintendent promptly by the bathhouse manager. Any losses or thefts, no matter how small, should be reported immediately in order that proper action can be taken for the benefit of the bathhouse and the public.

Issued this 22d day of September 1954.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 54-7558; Filed, Sept. 27, 1954; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1011]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE OF THE ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands in Utah are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for the use of the United States Atomic Energy Commission:

UTAH

SALT LAKE MERIDIAN

T. 28 S., R. 26 E.,
Secs. 28, 29 and 30.
T. 36 S., R. 24 E.,
Secs. 33 and 34;
Sec. 35, W½.
T. 37 S., R. 24 E.,
Secs. 3, 4, 5, 8 and 9;
Sec. 10, N½.

The areas described aggregate approximately 7,040 acres.

The reservation made by this order shall be subject to existing withdrawals affecting any of the lands for National Forest purposes, and shall take precedence over but not otherwise affect the Departmental order of June 22, 1935, establishing Utah Grazing District No. 6.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 21, 1954.

[F. R. Doc. 54-7557; Filed, Sept. 27, 1954; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 2—SPECIAL RULES OF PROCEDURE

REVISION OF INTERPRETATIVE SPECIAL RULES RELATING TO TEMPORARY OPERATING AUTHORITIES AND APPROVALS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 15th day of September, A. D. 1954.

The revision of interpretative special rules, under authority of section 12 of the Administrative Procedure Act (5 U. S. C. 1011), relating to extension, pursuant to section 9 (b) of that act (5 U. S. C. 1008(b)), beyond the specified expiration date, of temporary operating authorities and approvals granted under sections 210a (a), 210a (b), 311 (a), and 311 (b) of the Interstate Commerce Act (49 U. S. C. 310a (a), 310a (b), 911 (a), and 911 (b)), being under consideration:

It is ordered, That Part 2 be, and it is hereby, revised by deleting the entire context and substituting in lieu thereof the following:

TEMPORARY OPERATING AUTHORITIES AND APPROVALS

Sec.

2.1 Extension of temporary operating authority and approval.
2.2 Definitions and interpretations.
2.3 Additional grant for new need.
2.4 Termination of temporary authority or approval.

AUTHORITY: §§ 2.1 to 2.4 issued under sec. 17, 24 Stat. 385, as amended, 49 Stat. 546, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 17, 304, 904. Interpret or apply sec. 10, 52 Stat. 1238, as amended, sec. 201, 54 Stat. 943, as amended; 49 U. S. C. 310a, 911.

§ 2.1 *Extension of temporary operating authority or approval.* The Commission will determine upon written request by any interested party, or it may determine upon its own initiative, whether under section 9 (b) of the Administrative Procedure Act (5 U. S. C. 1008 (b)):

(a) Any temporary operating authority granted under 210a (a) or 311 (a) of the Interstate Commerce Act (49 U. S. C. 310a (a), 911 (a)) is continued in force, beyond the expiration date specified in such temporary operating authority, until the determination of an application filed by the holder of such temporary operating authority for a certificate of public convenience and necessity or a permit to engage in operations authorized by such temporary operating authority.

(b) Any temporary approval granted under section 210a (b) or 311 (b) of the Interstate Commerce Act (49 U. S. C. 310a (b), 911 (b)), is continued in force, beyond the expiration date specified in such temporary approval, until the determination of the related application for approval of a consolidation or merger of the properties of two or more motor or water carriers or of a purchase, lease, or contract to operate the properties of one or more such carriers.

In order to afford sufficient time for consideration and action thereon, a written request for such a determination should be filed not later than 30 days prior to expiration of the temporary operating authority or approval.

§ 2.2 *Definitions and interpretations.* In making the determination provided in § 2.1, the Commission will be guided by the following interpretations of the provisions of the 3d sentence of section 9 (b) of the Administrative Procedure Act (5 U. S. C. 1008 (b)), and of the provisions of section 210a (a) of the Interstate Commerce Act (49 U. S. C. 310a (a)):

(a) *Timely application.* An application for a certificate of public convenience and necessity or a permit filed in accordance with the applicable laws, regulations, and instructions, not later than 60 days after issuance of temporary authority for a period of 180 days or not later than 60 days after issuance of the first of a series of consecutive temporary authorities aggregating 180 days.

(b) *Sufficient application.* An application for a certificate of public convenience and necessity or a permit, which is in the form, contains the information, and is accompanied by the documents and exhibits required by the applicable laws, regulations, and instructions.

(c) *Aggregate of 180 days.* As used in section 210a (a) of the act and Commission notices and orders relating thereto, the term "for not more than an aggregate of one hundred and eighty days" means the total number of days of temporary authority which may be granted to a motor carrier under the provisions of that section of the act to meet a continuing need for a particular service.

(d) *Series of grants.* As relates to extensions of temporary authorities under section 9 (b) of the Administrative Procedure Act (5 U. S. C. 1008 (b)), only those grants of temporary authority for less than 180 days which have been approved to meet a specific continuing need and which follow one after the other without interruption for a total of 180 days will be considered as a "series of consecutive temporary authorities aggregating 180 days".

(e) *Need considered not to be of a continuing nature.* Any need which is the basis of an operation authorized by a temporary authority or approval to be conducted for a period of less than an aggregate of 180 days is presumed not to be of a "continuing nature" unless the Commission otherwise expressly determines.

(f) *Final determination of application.* For the purpose of this section—(1) An application for a certificate or permit shall be considered to be "finally determined" (i) with respect to operations for which the certificate or permit is denied, upon the expiration of the period allowed by the rules and regulations of the Commission or by the order (whichever is greater) within which petitions for rehearing, reargument, or reconsideration may be filed, or upon the denial of such petitions if filed, and (ii) with respect to operations for which the certificate or permit is granted, when the certificate or permit becomes effective.

(2) An application for approval of a consolidation or merger of the properties of two or more motor or water carriers, or of a purchase of the properties of one or more such carries shall be considered to be "finally determined" (i) in the case of denial of such an application, upon the expiration of the period allowed by the rules and regulations of the Commission or by the order (whichever is greater) within which petitions for rehearing, reargument, or reconsideration may be filed, or upon the denial of such petitions if filed, and (ii) in the case of approval of such an application, when the certificate or permit to be transferred in connection with such application has been reissued in the name of the transferee and has become effective.

(3) An application for approval of a lease or contract to operate the properties of one or more motor or water carriers shall be considered to be "finally determined," (i) in the case of denial of such an application, upon the expiration of the period allowed by the rules and regulations of the Commission or by the order (whichever is greater) within which petitions for rehearing, reargument, or reconsideration may be filed, or upon the denial of such petitions if filed, and (ii) in the case of approval of such an application, when the order approving such application becomes effective.

§ 2.3 *Additional grant for new need.* If the need for a particular service ceases and the temporary authority covering such need expires or is revoked and a new or separate need arises subsequent to such expiration or revocation, additional temporary authority for the 180-day aggregate, or for a shorter period, may be granted to the same carrier for the service notwithstanding the prior grant or grants. However, an application filed after the expiration or revocation of temporary authority for an aggregate of 180 days will be denied unless the facts clearly show that the application is in reality based on a new need and not on a continuation of the need on which the prior grant of authority was based.

§ 2.4 *Termination of temporary authority or approval.* Nothing in this part shall be construed as preventing the Commission from terminating at any time, in accordance with law, any temporary authority or approval, or any extension thereof under section 9 (b) of the Administrative Procedure Act (5 U. S. C. 1008 (b)).

It is further ordered, That the rules in this part shall become effective October 30, 1954, and shall apply to temporary authorities and approvals expiring on or after that date.

And it is further ordered, That this order shall supersede the order entered herein on July 6, 1948, which is hereby vacated as of the effective date of this order.

Notice of this order shall be given to the public by posting a copy in the office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7569; Filed, Sept. 27, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Internal Revenue Service

[26 CFR (1954) Part 1 [1]]

INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953; DEPRECIATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 167 and 7805 of the Internal Revenue Code of 1954 (P. L. 591, 83d Congress, approved August 16, 1954; 26 U. S. C. 167, 7805).

Section 167 makes important changes from prior law with respect to the deduction for depreciation. The interpretation and rules for application of the provisions of section 167 are set forth in the attached tentative regulations. In order to assist taxpayers in ascertaining those parts of the tentative regulations which may concern them, a brief summary of the important changes in the law on the deduction for depreciation is set forth below. This summary is not in itself an interpretation of the new law and may not be relied upon in any case in which it differs from the tentative regulations. Important changes made by the new law may be summarized as follows:

It provides for the use of the declining balance method at a rate not in excess of 200 percent of the corresponding straight-line rate, the sum of the years-digits method, or equivalent methods which at the end of each year during the first two-thirds of the life of the property result in accumulated allowances not in excess of those under the declining balance method. It grants taxpayers the option to switch from the declining balance method to straight-line depreciation at any time on the basis of unrecovered cost less estimated salvage and estimated remaining life at the time of the switch. The liberalized depreciation methods apply only to property with a useful life of three years or more which is acquired after December 31, 1953, if the original use of the property commences with the taxpayer and commences after that date or the property is constructed, reconstructed, or erected after December 31, 1953, and then only to the portion of the basis of such property attributable to construction, reconstruction, or erection after December 31, 1953. It permits agreements in writing with respect to depreciation rates which will then stand in the absence of facts or circumstances not taken into consideration in arriving at such agreements with the burden of proof on the party initiating any change to establish the existence of such facts and circumstances. The changes are to be prospective only.

[SEAL] T. COLEMAN ANDREWS, *Commissioner of Internal Revenue.*

New regulations prescribed under section 167 of the Internal Revenue Code of 1954.

Section 167 of the Internal Revenue Code of 1954, Public Law 591 (83d Congress, 2d Session), approved August 16, 1954, relating to depreciation, makes substantive changes in existing law. In order to provide new regulations under section 167 of the Internal Revenue Code of 1954, the following regulations are hereby prescribed:

§ 1.167 (a) *Statutory provisions; depreciation; general rule.*

SEC. 167. *Depreciation*—(a) *General rule.* There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence—

(1) of property used in the trade or business, or

(2) of property held for the production of income.

§ 1.167 (a)-1 *Depreciation in general*—(a) *General rule.* (1) Section 167 (a) provides that a reasonable allowance for the exhaustion, wear and tear, and obsolescence of property used in the trade or business or of property held by the taxpayer for the production of income shall be allowed as a depreciation deduction. The allowance is that amount which should be set aside for the taxable year in accordance with a reasonably consistent plan (not necessarily at a uniform rate), so that the aggregate of the amounts set aside, plus the salvage value, will, at the end of the useful life of the depreciable property, equal the cost or other basis of the property as provided in section 167 (f). The allowance will not include amounts representing a mere reduction in market value not resulting from exhaustion, wear and tear, or obsolescence.

(2) The depreciation allowance in the case of tangible property applies only to that part of the property which is subject to wear and tear, to decay or decline from natural causes, to exhaustion and to obsolescence. The allowance does not apply to inventories or stock in trade, nor to land apart from the improvements or physical development added to it. The allowance does not apply to natural resources which are subject to the allowance for depletion provided in subchapter I (section 611 and following). The estimated useful life of property for purposes of depreciation may be lengthened or shortened in accordance with the repair and maintenance policy of the taxpayer. No deduction for depreciation shall be allowed on automobiles or other vehicles used solely for pleasure, on a building used by the taxpayer solely as his residence, or on furniture or furnishings therein, personal effects, or clothing; but properties and costumes used exclusively in a business, such as a theatrical business, may be depreciated.

(3) Intangibles, the useful life of which is definitely limited, may be the subject of a depreciation allowance. Examples are patents and copyrights. Intangibles, the useful life of which is not limited, will not usually be depreciable. If an intangible asset is known from experience or other factors to be of use in the business or in the production of income for only a limited period, the length of which can be estimated with reasonable accuracy, such an intangible asset may be the subject of a depreciation allowance. No allowance will be permitted merely because, in the unsupported opinion of the taxpayer, the intangible asset has a limited useful life. No deduction for depreciation is allowable with respect to good will. For rules with respect to organizational expenditures, see section 248.

(4) The capital sum to be recovered through depreciation allowances is the cost or other basis of the property with respect to which the allowance is made. See § 1.167 (f)-1. In the case of the acquisition on or after March 1, 1913, of a combination of depreciable and nondepreciable property for a lump sum, as, for example, buildings and land, the capital sum to be recovered is limited to an amount which bears the same proportion to the lump sum as the value of the depreciable property at the time of acquisition bears to the value of the entire property at that time. In the case of property which has been the subject of allowances for amortization, depreciation deductions will be computed after the close of the amortization period upon the remaining cost or other basis of the property subject to such amortization after adjustment for the amortization allowances. For adjustment to basis, see section 1016.

(b) *Depreciation in special cases*—(1) *Depreciation of patent or copyright.* In computing a depreciation allowance in the case of a patent or copyright, the capital sum to be recovered is the cost or other basis of the patent or copyright. For rules applicable to research and experimental expenditures, see sections 174 and 1016. The allowance should be computed by an apportionment of the cost or other basis of the patent or copyright over its remaining useful life. If the patent or copyright was acquired from the Government, its cost consists of the various Government fees, cost of drawings, experimental models, attorneys' fees, or similar expenditures. Depreciation of a copyright can be taken

[1] For editorial note explaining the establishment and arrangement of new "Title 26—Internal Revenue, 1954," see Rules and Regulations Section, *supra*.

on the basis of the fair market value as of March 1, 1913, only when affirmative and satisfactory evidence of such value is offered. If in any year before its expiration a patent or copyright becomes valueless, the unrecovered cost or other basis may be deducted in that year.

(2) *Depreciation of drawings and models.* If a taxpayer has incurred expenditures in his business for designs, drawings, patterns, models, or work of an experimental nature calculated to result in improvement of his facilities or his product, and if the period of usefulness of any such asset may be estimated from experience or other factors with reasonable accuracy, it may be the subject of depreciation allowances spread over such estimated period of usefulness. See also sections 174 and 1016 for rules applicable to research and experimental expenditures.

(3) *Depreciation in case of farmers.* A reasonable allowance for depreciation may be claimed on farm buildings (except a dwelling occupied by the owner), farm machinery, and other physical property but not including land. A reasonable allowance for depreciation may also be claimed on livestock acquired for work, breeding, or dairy purposes, unless they are included in an inventory used to determine profits in accordance with § 1.61 (a) —. Such depreciation should be based on the cost or other basis and estimated useful life of the livestock. See also § 1.162 (a) —, relating to trade or business expenses, § 1.165 —, relating to losses of farmers, and § 1.175 —, relating to soil or water conservation expenditures.

(c) *Accounting for depreciable property.* (1) In order that the verification of depreciation allowances claimed by the taxpayer may be facilitated, depreciation shall be recorded on the taxpayer's books, the amount measuring a reasonable allowance for depreciation either being deducted directly from the book value of the assets or preferably being credited to a depreciation reserve account, which should be reflected in the annual balance sheet. For the same reason the allowances shall be computed and recorded with express reference to specific items or groups of property, each item being considered separately or specifically included in a group with other items to which the same factors apply. Also, the taxpayer's books shall show the basis of the depreciable property and any adjustments thereto, and in cases where the basis of the property is other than cost, the books shall show the data used in ascertaining such basis and the adjustments thereto. If a taxpayer does not desire to have his regular books of account show all of the factors entering into the computation of depreciation allowances, such factors shall be recorded in auxiliary records which shall be kept with and reconciled with the regular books of account. Depreciation schedules filed with the return shall show reserves computed in accordance with allowances for income tax purposes.

(2) Depreciable property may be accounted for by items, or by classified, group, or composite accounts. A taxpayer may keep records of depreciable property by annual acquisitions. In item accounting, individual records are maintained indicating the cost or other basis of each item. Depreciation on each item is computed separately. Classified or group accounts are variations of composite accounts. In classified accounting, assets are segregated according to use, for example, machinery and equipment, furniture and fixtures, and transportation equipment. In group accounting, assets similar in kind with approximately the same useful lives are grouped together. In composite accounting, all the assets of a business may be included in a single group, regardless of their character or useful lives.

(d) *Losses on retirement.* If depreciation is computed on more than one item and the rates are based on the average lives of the assets, losses claimed on the normal retirement of any such assets are not allowable. Since the use of an average rate contemplates that some items will be retired before the average useful life and that others will be retired after the average life has been reached there is, therefore, no actual loss upon the retirement of any individual asset under such circumstances. In order to account properly for such retirement the entire cost or other basis of assets retired, adjusted for salvage, shall be charged to the depreciation reserve account, which will enable the full cost or other basis of the property to be recovered. See § 1.167 (b)–1 (b) (2) (ii) for a special rule in connection with the retirement of the last asset of a given year's acquisitions where depreciation is computed under the declining balance method. Also, see section 165 and the regulations thereunder for rules relating to the deduction of losses resulting from sale or exchange, casualty, or abandonment, other than normal retirements, of property subject to depreciation.

(e) *Obsolescence.* The depreciation allowance includes an allowance for normal obsolescence, that is, in computing the estimated useful life of the property consideration should be given to the extent to which the expected useful life of an asset will be shortened by reason of technological improvement or reasonably foreseeable economic changes. In any case in which the taxpayer shows that the estimated useful life previously used in connection with any property should actually be shortened by reason of normal obsolescence greater than had been assumed in computing such estimated useful life, a change to a new and shorter estimated life computed in accordance with such showing will be permitted. Abnormal or extraordinary obsolescence, in contrast to normal obsolescence, is generally caused by a rapid advance in technology or by sudden economic changes which could not reasonably have been foreseen by the taxpayer at the time of acquisition of the asset. A reasonable addition to the allowance for depreciation may be allowed for abnormal obsolescence in connection with each item of property with respect to which the facts supporting such an addition are clearly shown. No deduction for abnormal obsolescence will be permitted based merely upon the unsupported opinion of the taxpayer that the property may become obsolete at some later date. If the estimated useful life and the depreciation rate have been the subject of a previous agreement, see section 167 (d).

(f) *When depreciation deduction is allowable.* A taxpayer is not permitted under the law to take advantage in later years of his prior failure to deduct any depreciation allowance or of his action in deducting an allowance plainly inadequate under the known facts in prior years. This rule is applicable regardless of the method of depreciation used by the taxpayer.

§ 1.167 (b) *Statutory provisions; depreciation; use of certain methods and rates.*

SEC. 167. *Depreciation.* • • •

(b) *Use of certain methods and rates.* For taxable years ending after December 31, 1953, the term "reasonable allowance" as used in subsection (a) shall include (but shall not be limited to) an allowance computed in accordance with regulations prescribed by the Secretary or his delegate, under any of the following methods:

(1) the straight line method,

(2) the declining balance method, using a rate not exceeding twice the rate which would have been used had the annual allowance been computed under the method described in paragraph (1),

(3) the sum of the years-digits method, and

(4) any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the taxpayer's use of the property and including the taxable year, does not, during the first two-thirds of the useful life of the property, exceed the total of such allowances which would have been used had such allowances been computed under the method described in paragrah (2).

Nothing in this subsection shall be construed to limit or reduce an allowance otherwise allowable under subsection (a).

§ 1.167 (b)–1 *Methods of computing depreciation*—(a) *In general.* Any reasonable and consistent method of computing depreciation may be used or continue to be used in computing depreciation under section 167. Whatever method is adopted, due regard must be given to operating conditions during the taxable period. The reasonableness of any claim for depreciation shall be determined upon the basis of conditions known to exist at the end of the period for which the return is made. If the cost or other basis (less salvage) of the property has been recovered through depreciation or other allowances, no further deduction for depreciation shall be allowed. The deductions for depreciation shall be limited to such amounts as may be necessary to recover during the remaining useful life of the property the unrecovered cost or other basis less salvage. It is the responsibility of the taxpayer to establish the reasonableness of the deduction for depreciation claimed under the provisions of section 167. Generally depreciation deductions so claimed will be changed only where there is a clear and convincing basis for a change.

(b) *Certain methods and rates.* Methods previously found adequate to produce a reasonable allowance under the Internal Revenue Code of 1939 or prior revenue laws will, if used consistently by the taxpayer, continue to be acceptable under section 167. The following methods shall be deemed to produce a reasonable allowance except as limited under section 167 (c) and the regulations thereunder.

(1) *Straight line method.* Under this method, the cost or other basis of the property (see § 1.167 (f)–1), less its estimated salvage value, is deductible in equal annual amounts over the period of the estimated useful life of the property. The allowance for depreciation for the taxable year is determined by dividing the adjusted basis of the property at the beginning of the taxable year, less salvage value, by the remaining useful life of the property at such time. For convenience, the allowance so determined may be reduced to a percentage. The estimated remaining useful life of property may be subject to modification by reason of conditions known to exist at the end of each taxable year. This method may be used in determining a reasonable allowance for depreciation with respect to any property which is subject to depreciation under section 167.

(i) *Example.* Under the straight line method (assuming no salvage value) items may be depreciated separately as follows:

Year	Item	Cost or other basis	Useful life	Depreciation allowable		
				1954	1955	1956
			Years			
1954	Automobile	$1,600	4	[1] $200	$400	$400
	Building	12,000	40	[1] 150	300	300

[1] One-half of the annual depreciation is taken on new additions, which were made on July 1 of the taxable year.

(ii) *Example.* In classified, group, or composite accounting, a number of assets with the same or different useful lives may be grouped together into one account, and a single rate of depreciation, i.e., the group, classified, or composite rate is used for the entire account. In the case of group accounts the group rate is ordinarily determined from the average of the physical useful lives of the assets contained in the group. In the case of classified or composite accounts the classified or composite rate is ordinarily computed by determining the amount of one year's depreciation for each item or classification, and then dividing the total depreciation thus obtained by the total cost or other basis of the assets. An example of the computation of a classified or composite rate (assuming no salvage value) follows:

Costs or other basis	Estimated useful life	Annual depreciation
	Years	
$10,000	5	$2,000
10,000	15	667
20,000		2,667

Average rate ($2,667 ÷ $20,000) = 13.33 percent.

Assuming the estimated salvage value is 10 percent of the cost or other basis, the rate adjusted for salvage will be 13.33 percent minus 10 percent of 13.33 percent (13.33% minus 1.33%), or 12 percent. The average rate of 13.33 percent (or 12 percent if adjusted for salvage) is to be used as long as subsequent additions, retirements, or replacements do not substantially alter the relative proportions of different groups of assets in the account.

(iii) *Example.* The use of the straight line method for classified, group, or composite accounts may be illustrated by the following example: A taxpayer maintains an asset account for which a group rate (assuming no salvage value) of 20 percent has been determined. During the years illustrated, the initial investment, additions and retirements which were determined not to change the composition of the group substantially, so as to require a change in rate, were assumed to have been made on July 1 of each year as follows:

1954—Initial investment of $12,000.
1957—Retirement $2,000.
1958—Retirement $2,000.
1959—Retirement $4,000.
1959—Added $10,000.
1960—Retirement $2,000.
1961—Retirement $2,000.

DEPRECIABLE ASSET ACCOUNT AND DEPRECIATION COMPUTATION ON AVERAGE BALANCES

Year	Asset balances Dec. 31	Current additions	Current retirements	Average balances [1]	Rate (percent)	Allowable depreciation
1954	$12,000	$12,000		$6,000	20	$1,200
1955	12,000			12,000	20	2,400
1956	12,000			12,000	20	2,400
1957	10,000		$2,000	11,000	20	2,200
1958	8,000		2,000	9,000	20	1,800
1959	14,000	10,000	4,000	11,000	20	2,200
1960	12,000		2,000	13,000	20	2,600
1961	10,000		2,000	11,000	20	2,200

[1] In the example the average balances were used. Average balances were computed by adding the beginning and ending balances and dividing the total by 2. The use of this method for computing average balances does not imply that no other method may be used.

CORRESPONDING DEPRECIATION RESERVE ACCOUNT

Year	Depreciation reserve Dec. 31	Current retirements	Depreciation allowable
1954	$1,200		$1,200
1955	3,600		2,400
1956	6,000		2,400
1957	6,200	$2,000	2,200
1958	6,000	2,000	1,800
1959	4,200	4,000	2,200
1960	4,800	2,000	2,600
1961	5,000	2,000	2,200

If in the preceding example it had been estimated that salvage would be 10 percent, then the rate would have been 18 percent (20 percent less 10 percent of 20 percent) and the salvage realized would have been credited to the reserve.

(2) *Declining balance method.* Under this method a uniform rate is applied each year to the unrecovered cost or other basis of the property (without regard to the salvage value) in determining a reasonable allowance for depreciation. The rate is applied to the unrecovered cost or other basis which is reduced by depreciation previously allowed or allowable. For adjustments to basis see § 1.1016——. The rate used under this method shall not exceed twice the normal straight line rate (without adjustment for salvage) applicable to new assets. (See section 167 (c) for limitations.)

(i) *Example.* Computation of depreciation allowances under the declining balance method for a single asset may be illustrated by the following example: A new asset having an estimated useful life of 20 years is purchased on January 1, 1954, for $1,000. The normal straight line rate (without adjustment for salvage) is 5 percent (1 divided by 20), and the declining balance rate at twice the normal straight line rate is 10 percent. The annual depreciation allowances for 1954, 1955, and 1956 would be as follows:

Year	Remaining basis	Declining balance rate (percent)	Depreciation allowance
1954	$1,000	10	$100
1955	900	10	90
1956	810	10	81

(ii) *Example.* The declining balance method may be used with classified, group, or composite accounts. The use of the declining balance method for classified, group, or composite accounts may be illustrated by the following example: A taxpayer maintains a group or composite account to which a 40 percent declining balance rate is applicable. Original investment, additions and retirements are considered to be the same as those set forth in the example in subparagraph (1) (iii) above, except that certain net salvage realized has been taken into account as indicated in the depreciation reserve account.

DEPRECIABLE ASSET ACCOUNT AND DEPRECIATION COMPUTATION USING AVERAGE ASSET AND RESERVE BALANCES

Year	Asset balances Dec. 31	Current additions	Current retirements	Average balances	Average reserve before depreciation	Net depreciable balance	Rate (percent)	Allowable depreciation
1954	$12,000	$12,000		$6,000		$6,000	40	$2,400
1955	12,000			12,000	$2,400	9,600	40	3,840
1956	12,000			12,000	6,240	5,760	40	2,304
1957	10,000		$2,000	11,000	7,644	3,356	40	1,342
1958	8,000		2,000	9,000	7,186	1,814	40	726
1959	14,000	10,000	4,000	11,000	5,212	5,788	40	2,315
1960	12,000		2,000	13,000	4,727	8,273	40	3,309
1961	10,000		2,000	11,000	6,636	4,364	40	1,986

DEPRECIATION RESERVE ACCOUNT

Year	Reserve Jan. 1	Current retirements	Net salvage realized	Reserve Dec. 31, before depreciation	Average reserve before depreciation	Allowable depreciation	Reserve Dec. 31, after depreciation
1954						$2,400	$2,400
1955	$2,400			$2,400	$2,400	3,840	6,240
1956	6,240			6,240	6,240	2,304	8,544
1957	8,544	$2,000	$200	6,744	7,644	1,342	8,086
1958	8,086	2,000	200	6,286	7,186	726	7,012
1959	7,012	4,000	400	3,412	5,212	315	5,727
1960	5,727	2,000		3,727	4,727	3,309	7,036
1961	7,036	2,000		5,036	6,036	1,986	7,022
1962	7,022						

Although salvage value is disregarded in computing a declining balance rate, it must be recognized and accounted for when assets are retired, in accordance with the taxpayer's method of accounting for salvage. If in this example the taxpayer had kept his depreciation records by year of acquisition and all the retirements shown in the example were from 1954 acquisitions, depreciation would be computed on the 1954 and 1959 acquisitions as follows:

1954 ACQUISITIONS

Year	Asset balances Dec. 31	Current retirements	Average balances	Average reserve before depreciation	Net depreciable balance	Rate (percent)	Allowable depreciation
1954	$12,000		$6,000		$6,000	40	$2,400
1955	12,000		12,000	$2,400	9,600	40	3,840
1956	12,000		12,000	6,240	5,760	40	2,304
1957	10,000	$2,000	11,000	7,644	3,356	40	1,342
1958	8,000	2,000	9,000	7,186	1,814	40	726
1959	4,000	4,000	6,000	5,212	788	40	315
1960	2,000	2,000	3,000	2,727	273	40	109
1961		2,000	1,000	836			1164

[1] Balance allowable as depreciation in the year of retirement of the last survivor of the 1954 acquisitions.

DEPRECIATION RESERVE ACCOUNT FOR 1954 ACQUISITIONS

Year	Reserve Jan. 1	Current retirements	Net salvage realized	Reserve Dec. 31, before depreciation	Average reserve before depreciation	Allowable depreciation	Reserve Dec. 31, after depreciation
1954						$2,400	$2,400
1955	$2,400			$2,400	$2,400	3,840	6,240
1956	6,240			6,240	6,240	2,304	8,544
1957	8,544	$2,000	$200	6,744	7,644	1,342	8,086
1958	8,086	2,000	200	6,286	7,186	726	7,012
1959	7,012	4,000	400	3,412	5,212	315	3,727
1960	3,727	2,000		1,727	2,727	109	1,836
1961	1,836	2,000		(164)	836	164	

1959 ACQUISITIONS

Year	Asset balances Dec. 31	Average balances	Reserve Dec. 31 before depreciation	Net depreciable balance	Rate (percent)	Allowable depreciation	Reserve Dec. 31 after depreciation
1959	$10,000	$5,000	None	$5,000	40	$2,000	$2,000
1960	10,000	10,000	$2,000	8,000	40	3,200	5,200
1961	10,000	10,000	5,200	4,800	40	1,920	7,120

Thus, where depreciation accounts are maintained by year of acquisition, if there is an unrecovered balance at the time of the last retirement such unrecovered balance may be deducted as part of the depreciation allowance for the year of such retirement. In the above example the allowable depreciation with respect to the 1954 acquisitions totals $11,200. This amount when increased by salvage realized in the amount of $800, equals the entire cost or other basis of the 1954 acquisitions ($12,000).

(3) *Sum of the years-digits method.* (i) Under this method annual allowances for depreciation are computed by applying changing fractions to the taxpayer's cost or other basis of the property (reduced by estimated salvage). The fraction for each year is the number corresponding to the remaining useful life (including the year for which the allowance is being computed) divided by the sum of all the years-digits corresponding to the estimated life of the item. (See section 167 (c) for limitations.)

(ii) Computation of depreciation allowances under the sum of the years-digits method may be illustrated by the following examples:

Example (1). A new asset having an estimated useful life of five years, is purchased on January 1, 1954, for $1,750. The estimated salvage is $250. For a taxpayer filing his returns on a calendar year basis, the annual depreciation allowances are as follows:

Year	Cost or other basis less salvage	Fraction [1]	Allowable depreciation	Depreciation reserve
1954	$1,500	5/15	$500	$500
1955	1,500	4/15	400	900
1956	1,500	3/15	300	1,200
1957	1,500	2/15	200	1,400
1958	1,500	1/15	100	1,500
Unrecovered value (salvage)				250

[1] The denominator of the fraction is the sum of the digits representing the years of useful life, i. e., 5, 4, 3, 2, and 1, or 15.

Example (2). The following example illustrates a method of allocating depreciation between taxable years in the case of assets not on hand at the beginning of the taxable year. For the purpose of this example assume that the asset in the preceding example was acquired on April 1, 1954.

	Depreciation for 12 months	Allowable depreciation		
		1954	1955	1956
1st year	$500	(9/12) $375	(3/12) $125	
2d year	400		(9/12) 300	(3/12) $100
3d year	300			(9/12) 225
		$375	$425	$325

(4) *Other methods.* Under section 167 (b) (4) a taxpayer may use any consistent method which does not result in accumulated allowances at the end of any year greater than the total of the accumulated allowances which would have resulted from the use of the declining balance method. Such limitation applies only during the first two-thirds of the useful life of the property. For example, an asset costing $1,000 having a useful life of six years may be depreciated under the declining balance method in accordance with subparagraph (2) of this paragraph at a rate of 33⅓ percent. During the first 4 years or ⅔ of its useful life depreciation allowances under the declining balance method would be as follows:

Cost of asset	Current depreciation	Accumulated depreciation	Balance
			$1,000
First year	$333	$333	667
Second year	222	555	445
Third year	148	703	297
Fourth year	99	802	198

An annual allowance computed by any other method could not exceed $333 for the first year. At the end of the second year, the total allowances for the two years under any other method, could not exceed $555. At the end of the third year the total allowances for the three years under any other method, could not exceed $703. At the end of the fourth year, the total allowances for the four years under any other method, could not exceed $802. This limitation would not apply in the fifth and sixth years. (See section 167 (c) for limitations.)

(c) *Application of methods.* In the case of item accounts, any method which results in a reasonable allowance for depreciation may be selected for each item of property, but such method must be applied consistently to that particular item. In the case of group, classified, or composite accounts, any such method may be selected for each account and such method must be applied to that particular account consistently thereafter. See, however, §§ 1.167 (e)–1 and 1.446 (e)– —, for rules relating to changes in the method of computing depreciation, and § 1.167 (c)–1 for limitation on the use of certain methods.

§ 1.167 (c) *Statutory provision; depreciation; limitations on use of certain methods and rates.*

SEC. 167. *Depreciation.* • • •

(c) *Limitations on use of certain methods and rates.* Paragraphs (2), (3), and (4) of subsection (b) shall apply only in the case of property (other than intangible property) described in subsection (a) with a useful life of 3 years or more—

(1) the construction, reconstruction, or erection of which is completed after December 31, 1953, and then only to that portion of the basis which is properly attributable to such construction, reconstruction, or erection after December 31, 1953, or

(2) acquired after December 31, 1953, if the original use of such property commences with the taxpayer and commences after such date.

§ 1.167 (c)–1 *Limitation on methods of computing depreciation*—(a) *In general.* Section 167 (c) provides limitations which restrict the use of certain methods for computing the depreciation allowance. It does not limit the use of methods previously found acceptable so long as the depreciation allowance so computed continues to be reasonable in the light of the facts available at the end of the taxable year.

(b) *Property acquired at any time.* (1) Straight-line method: This method may be used in computing the allowance for depreciation in connection with property of any kind, tangible or intangible, which is subject to the allowance for depreciation regardless of when acquired.

(2) Any other consistent method previously found acceptable may be used so long as the allowance for depreciation so computed is reasonable in the light of the facts available at the end of the taxable year. An example of an acceptable method is the declining balance method with the rate limited to 150 percent of the applicable straight-line rate. For rules relating to change in methods of computing depreciation see § 1.167 (e)–1.

(c) *Property acquired after 1953.* (1) The methods specified in this paragraph for computing the depreciation allowance are applicable to tangible property with a useful life of three years or more, the construction, reconstruction, or erection of which is completed after 1953. These methods apply only to that portion of the basis of the property which is properly attributable to such construction, reconstruction, or erection after 1953. These methods also apply to tangible property with a useful life of three years or more acquired after 1953, if the original use of such property commences with the taxpayer and commences after such date. If the other conditions for the application of these methods are satisfied, a lessor may apply such a method to tangible property acquired, constructed, reconstructed, or erected by him for his lessee, and a lessee may apply such a method to tangible property acquired, constructed, reconstructed, or erected by him as a leasehold improvement (but not to property acquired by him as a part of his leasehold interest). These methods are:

(i) The declining balance method: This method may be used in connection with tangible property if the maximum rate does not exceed 200 percent of the applicable straight-line rate.

(ii) Sum of the years-digits method.

(iii) Any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the taxpayer's use of the property and including the taxable year, does not, during the first two-thirds of the useful life of the property, exceed the total of such allowances which would have been used had such allowances been computed under the method described in subdivision (i) of this subparagraph. See § 1.167 (b)–1 for application of the various methods.

(2) Subject to the limitations set forth in subparagraph (1) of this section, the methods of computing the allowance for depreciation specified in subdivisions (i), (ii), and (iii) of such subparagraph may be adopted without permission for property first subject to the allowance for depreciation in the hands of the taxpayer after 1953. No formal election need be made to compute the depreciation allowance on such property under such methods. In order for a taxpayer to elect to use these methods for any property described in the first sentence of this subparagraph he need only compute depreciation thereon under any of these methods for the taxable year ending after 1953 in which the property may first be depreciated by him. The election with respect to any property shall not be binding with respect to any property acquired in a subsequent taxable year. If a taxpayer has filed his return for a taxable year ending after 1953 for which the return is required to be filed before January 1, 1956, the election to compute the depreciation allowance under these methods may be made in an amended return filed before January 1, 1956. The depreciation allowance for property with a useful life of less than three years must be computed under one of the methods described in paragraph (b) of this section for property acquired at any time.

(3) The use of methods applicable only to property acquired after 1953, may be illustrated in the following manner: If a building with a total basis of $100,000 is completed after 1953, and the portion of the basis attributable to construction after 1953 is $30,000, the methods described in this paragraph are applicable only to the portion of the total basis attributable to the construction after 1953, $30,000. The depreciation allowance in connection with the remaining $70,000 is to be computed in accordance with one of the methods described in paragraph (b) of this section, which are applicable to property acquired at any time. Similarly, if property is acquired after 1953 by the taxpayer, the methods described in this paragraph are applicable only if the property has not been used prior to its acquisition by the taxpayer. To the extent the taxpayer, after 1953, reconstructs previously used property the reconstruction costs may be depreciated under the methods specified in this paragraph.

§ 1.167 (d) *Statutory provision; depreciation; agreement as to useful life on which depreciation rate is based.*

SEC. 167. *Depreciation.* • • •

(d) *Agreement as to useful life on which depreciation rate is based.* Where, under regulations prescribed by the Secretary or his delegate, the taxpayer and the Secretary or his delegate have, after the date of enactment of this title, entered into an agreement in writing specifically dealing with the useful life and rate of depreciation of any property, the rate so agreed upon shall be binding on both the taxpayer and the Secretary in the absence of facts or circumstances not taken into consideration in the adoption of such agreement. The responsibility of establishing the existence of such facts and circumstances shall rest with the party initiating the modification. Any change in the agreed rate and useful life specified in the agreement shall not be effective for taxable years before the taxable year in which notice in writing by registered mail is served by the party to the agreement initiating such change.

§ 1.167 (d)–1 *Agreement as to useful life and rates of depreciation.* After August 16, 1954, a taxpayer may, for taxable years ending after 1953, enter into an agreement with respect to the estimated useful life, method, and rate of depreciation of any property which is subject to the allowance for depreciation. An application for such agreement may be made to the district director of internal revenue for the district in which the taxpayer's income return is required to be filed or to the assistant regional commissioner (appellate) if related to a case within his jurisdiction. Before entering into an agreement, the taxpayer must furnish such information as may be required by the Internal Revenue Service. Such information will ordinarily include:

(a) The character and location of the property.

(b) The original cost or other basis and date of acquisition.

(c) Adjustments to the basis required by section 1016, including depreciation accumulated to the first taxable year to be covered by the agreement.

(d) Estimated remaining useful life and estimated salvage value.

(e) Method and rate of depreciation.

The agreement must be in writing and must be signed by the taxpayer and by the district director, the assistant regional commissioner (appellate), or such other person as is authorized by the Commissioner. The agreement must be signed in triplicate, and two of the signed copies will be returned to the taxpayer. The agreement shall set forth its effective date, the estimated remaining useful life, the estimated salvage value, and rate and method of depreciation of the property, and shall relate only to depreciation allowances for such property on and after the effective date of the agreement. Such an agreement shall be

binding on both parties until such time as facts and circumstances which were not taken into account in making the agreement are shown to exist. The party wishing to modify or change the agreement shall have the responsibility of establishing the existence of such facts and circumstances. Any change in the useful life or rate specified in such agreement shall be effective only prospectively, that is, it shall be effective beginning with the taxable year in which notice of the intention to change, including facts and circumstances warranting the adjustment of useful life or rate, is sent by registered mail by the party proposing the change to the other party. One of the two copies of the agreement (or any modification thereof) which were returned to the taxpayer shall be filed with the return of the taxpayer for the first taxable year which is affected by the agreement (or any modification thereof). The other copy should be retained with the permanent records of the taxpayer. For rules relating to changes in method of depreciation, see §§ 1.167 (e)–1 and 1.446 (e)– —.

§ 1.167 (e) *Statutory provision; depreciation; change in method.*

SEC. 167. *Depreciation.* • • •

(e) *Change in method.* In the absence of an agreement under subsection (d) containing a provision to the contrary, a taxpayer may at any time elect in accordance with regulations prescribed by the Secretary or his delegate to change from the method of depreciation described in subsection (b) (2) to the method described in subsection (b) (1).

§ 1.167 (e)–1 *Change in method.* (a) A taxpayer may change, without the consent of the Commissioner, from the declining balance method of depreciation to the straight-line method at any time during the useful life of property in the absence of an agreement under section 167 (d) which contains a provision prohibiting such a change. At the time the change from the declining balance to the straight-line method is made, the unrecovered cost or other basis (less a reasonable estimate for salvage) shall be recovered through annual allowances over the estimated remaining useful life determined in accordance with the circumstances existing at that time. The taxpayer shall furnish a statement, with respect to the property which is the subject of the change in method of depreciation, showing the date of acquisition, cost or other basis, amounts recovered through depreciation and other allowances, the estimated salvage value, the character of the property, the remaining useful life of the property, and such other information as may be required. The statement shall be attached to the income tax return of the taxpayer for the taxable year in which the change is made. A change to the straight-line method must be adhered to for the taxable year of the change and for all subsequent taxable years unless, with the consent of the Commissioner, a change to another method is permitted. Except for property being depreciated in item accounts the taxpayer must maintain subsidiary depreciation records in order to have sufficient information to make such a change.

(b) Any change in method of depreciation is a change in method of accounting, and such a change will be permitted only with the consent of the Commissioner, except that a change from the declining balance method to the straight-line method as provided in section 167 (e) shall be permitted without such consent. Any request for a change in method of depreciation shall be made in accordance with the regulations under section 446 (e). Such request shall state the method of depreciation being used and the method proposed to be used, the cost or other basis and adjustments thereto, the date of acquisition, estimated salvage value, amounts recovered through depreciation and other allowances, the character and location of the property, the estimated remaining useful life of the property, and such other information as may be required.

§ 1.167 (f) *Statutory provision; depreciation; basis for depreciation.*

SEC. 167. *Depreciation.*— • • •

(f) *Basis for depreciation.* The basis on which exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the adjusted basis provided in section 1011 for the purpose of determining the gain on the sale or other disposition of such property.

§ 1.167 (f)–1 *Basis for depreciation.* The basis upon which the allowance for depreciation is to be computed with respect to any property shall be the adjusted basis provided in section 1011 for the purpose of determining gain on the sale or other disposition of such property. In the case of property which has not been used in the trade or business or held for the production of income and which is thereafter converted to such use, the fair market value on the date of such conversion, if less than the adjusted basis of the property at that time, is the basis for computing depreciation.

§ 1.167 (g) *Statutory provision; depreciation; life tenants and beneficiaries of trusts and estates.*

SEC. 167. *Depreciation.* • • •

(g) *Life tenants and beneficiaries of trusts and estates.* In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each. In the case of an estate, the allowable deduction shall be apportioned between the estate and the heirs, legatees, and devisees on the basis of income of the estate allocable to each.

§ 1.167 (g)–1 *Life tenants and beneficiaries of trusts and estates.* In the case of property held by one person for life with remainder to another person, the deduction for depreciation shall be computed as if the life tenant were the absolute owner of the property so that he will be entitled to the deduction during his life, and thereafter the deduction, if any, shall be allowed to the remainderman. In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the will, deed, or other instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income which is allocable to the trustee and the beneficiaries, respectively. For example, if the trust instrument provides that the income of the trust computed without regard to depreciation shall be distributed to a named beneficiary, such beneficiary shall be entitled to the depreciation allowance to the exclusion of the trustee, while if the instrument provides that the trustee in determining the distributable income shall first make due allowance for keeping the trust corpus intact by retaining a reasonable amount of the current income for that purpose, the allowable deduction shall be granted in full to the trustee. In the case of an estate, the allowable deduction shall be apportioned between the estate and the heirs, legatees, and devisees on the basis of income of the estate which is allocable to each.

§ 1.167 (h) *Statutory provision; depreciation; depreciation of improvements in the case of mines, etc.*

SEC. 167. *Depreciation.* • • •

(h) *Depreciation of improvements in the case of mines, etc.* For additional rule applicable to depreciation of improvements in the case of mines, oil and gas wells, other natural deposits, and timber, see section 611.

§ 1.167 (h)–1 *Depreciation of improvements in the case of mines, etc.* Property used in the trade or business or held for the production of income which is subject to the allowance for depreciation provided in section 611 shall be treated for all purposes of the Internal Revenue Code of 1954 as if it were property subject to the allowance for depreciation under section 167. The preceding sentence shall not limit the allowance for depreciation otherwise allowable under section 611.

[F. R. Doc. 54-7600; Filed, Sept. 24, 1954; 12:51 p. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 913]

[Docket No. AO-23-A13]

HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Kansas City, Missouri on July 27-30, 1954.

Upon the basis of the evidence introduced at the hearing and the record, thereof, the Deputy Administrator, Agricultural Marketing Service, on August 20, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 25, 1954 (19 F. R. 5403).

Preliminary statement. The material issues considered at the hearing were concerned with the following:

(1) Establishment of a "quota-excess" plan for paying producers in certain months in lieu of the present fall premium incentive plan;

(2) Revisions in the supply-demand adjustor;

(3) Revision of Class I price differentials;

(4) The basis and level of pricing milk for other than Class I use;

(5) Limitations on diversions allowable for continued pooling; and

(6) Conforming language changes in other provisions of the order.

Producers have proposed that the quota-forming period under a quota-excess plan begin on September 1 and that in view of the serious drought situation a special Class I pricing be provided for the period through December 1954. Accordingly, they ask that immediate action be taken with respect to these two issues. Other issues require further consideration and a decision on these matters will be issued separately.

The following findings and conclusions on issue No. 1 and on issue No. 2 for the limited period through December 1954 are based on the evidence introduced at the hearing and the record thereof.

(1) *Quota-excess plan.* A method of paying producers on the basis of their marketings in a representative period of fall months should be adopted to provide additional incentive for producers to adjust their production more nearly to the needs of the market.

A fall incentive payment plan has been a part of pricing mechanism of the Greater Kansas City order since May 1946. This plan, which has operated in conjunction with seasonal price differentials, was proposed initially by producers in an effort to level production to more nearly meet the needs of the market. Producers now propose that a quota-excess plan be incorporated into the order in lieu of the present fall incentive payment plan. They propose that a 122 day period (September through December) be used for the quota-forming period and that no producer be granted a quota if he delivers less than 90 days during such period. Under their proposal the quota-operating period would extend over the eight-month period January through August.

Milk production in the Greater Kansas City milkshed tends to be highest in the spring months and reaches a low point in the fall months. May and June are the months of greatest production while October and November are the usual months of lowest production. Production during the March-July period on the average exceeds that during September-December by roughly 30 percent, with production during the month of greatest production exceeding that during the month of shortest production by as much as 50 percent. Under usual circumstances Class I sales are relatively stable throughout the year although the record shows a gradual upward trend in such sales.

A closer alignment between the seasonal pattern of production and consumption would effect substantially improved marketing conditions. A considerable seasonal disparity between producer receipts and fluid milk needs results in surplus disposal problems during the flush months and incomplete utilization of plant facilities in other months of the year. Accordingly, the wide seasonal variation in production tends to entail additional costs in the marketing process which must be borne individually or collectively by producers, consumers and handlers. Although producers with relatively even production under the plan heretofore in effect enjoy a somewhat higher annual rate of return than do uneven producers there was testimony nevertheless that "even" producers do not receive sufficient additional income to maintain a significant incentive for their even production pattern. Under the present plan all producers share alike in the total market utilization, and the price received by the "even" producer is reduced in the spring months by reason of the wider seasonal variation in the deliveries of other producers.

While it is probable that the pricing scheme which has been employed in the Kansas City market together with the fall incentive payment plan has been effective in forestalling a more serious seasonal maladjustment between production and fluid demand, an even more marked modification of the seasonal pattern is desirable. The quota-excess plan herein recommended would increase the incentive on a marketwide basis to level out production throughout the year.

The plan herein recommended would establish the period September through December as the quota-forming period. A producer's daily quota would be calculated on the basis of his total milk deliveries to pool plants during such period, divided by the number of days on which deliveries were made, but in no event less than 90. The plan also provides that any producer who fails to establish a quota shall be considered a "new" producer.

Producers would be paid for quota and excess milk during the months of February through July. During all other months producers would be paid on the basis of a uniform price for all milk delivered. The quantity of quota milk for each producer would be computed by multiplying such producer's daily quota by the number of days on which he made deliveries to a pool plant. Any milk so delivered in excess of quota milk would be considered as excess milk and paid for at a lower price to be known as the "excess price." The price for excess milk would be computed by first assigning total receipts of excess milk to Class II to the extent of available Class II utilization and such milk in excess of Class II use would be assigned to the residual Class I use after the prior deduction of quota milk from the total available Class I use. The price for quota milk would be computed by first assigning such milk to Class I to the extent of available Class I utilization and such milk in excess of Class I use would be assigned to Class II.

The September–December period appears to be a suitable period for giving producers incentive for increasing production as part of a program of evening out their annual production. In the computation of daily quotas each producer's total deliveries for the entire four-month period should be divided by the total number of days on which deliveries are made but in no event by less than 90. Proponents proposed that a quota be established only on the basis of at least 90 days of actual deliveries and that the total deliveries be divided by 122 in all cases. No provision was made for the establishment of a quota for a producer entering the market after October 2 in the quota-forming period. The plan set forth herein will permit a producer to enter the market at any time and to establish a quota on the bases of his performance during the entire quota-forming period. Other producers have assurance that new producers will have no undue advantage in the establishment of quotas since maximum quotas can be established only through deliveries over a minimum of 90 days.

In view of the fact that some producers may have been in doubt as to whether September 1954 deliveries would be used in establishing quotas provision is made that the daily quotas calculated from deliveries in the fall months of 1954 should be the higher of that calculated as above or that resulting from a like calculation using deliveries for the months of October through December 1954.

As a result of exceptions received provisions recommended with respect to interim quotas for producers who made no deliveries during the quota-forming period and with respect to relinquishment of established quotas have been reconsidered in the light of the evidence in the record of hearing. Such evidence indicates that such provisions would provide reduced incentive for leveling of production to those producers whose production is most uneven. It does not appear necessary that they be included in the plan at this time.

Producers proposed that the period of payment on quota and excess milk be the eight-month period of January through August. However, a review of the month to month variation in producer receipts indicates that the months of February through July are the months in which corrective action is necessary with respect to variations in deliveries. It is highly desirable that the quota plan have as large a degree of flexibility as is possible without destroying the desired effectiveness of the plan. Confining the quota operating period to the six months when production in relation to fluid sales is most excessive will preserve flexibility while at the same time offer substantial monetary reward to those producers who level their annual production to meet

more nearly the needs of the market. During the remaining months of August through January all producers on the market would receive the market "blend" or uniform price.

Operation of a quota-excess plan for paying producers requires certain rules in connection with the establishment and transfer of quotas to provide reasonable administrative workability of the plan. To accomplish this purpose and still preserve the effectiveness of the plan transfers of quotas should be limited to situations in which producers may die or enter into military service and where joint production arrangements are dissolved. Since the quota plan herein proposed is to be effective in determining producer payments in only five of the twelve months of the year, and all producers must establish a new base each year, provisions in addition to those contained herein for the establishment and transfer of quotas to meet unusual situations do not appear necessary.

(2) *Class I price through December.* No change should be made in the Class I pricing provisions for the period through December 1954. Under the present order provisions the Class I price through December is the basic formula price plus $1.45, plus or minus a "supply-demand adjustment." Producers explained that in view of the serious drought situation throughout the milkshed and the precarious financial status of producers which resulted from severe losses suffered through two consecutive years of drought, they must have price assurance if they are to continue in business during the forthcoming fall and winter months. They ask that the supply-demand adjustment be suspended and the Class I price differential be established at $1.90 for the period through December.

The severity of the drought which the milkshed has experienced this summer is in ample evidence throughout the hearing record. Pasture conditions as officially reported vary from 9 to 70 percent of normal throughout the area with conditions generally being less than 30 percent of normal. The condition of the corn crop follows a generally similar pattern and there appears little likelihood that any significant part of the crop will be harvested for other than silage. In many sections hope for any crop at all has been abandoned and fodder is being ensiled for immediate feeding. Drought conditions have necessitated the feeding of hay, green corn and ensilage which producers normally rely on for winter feed. The greatly extended barn feeding season coupled with small crops of home-grown feeds will substantially increase overall feeding costs for the remainder of this year and the early part of 1955.

A considerable drop in milk production has occurred during the month of July and it appears likely that a substantially higher than normal percentage of utilization in Class I will result at least through the early fall months. The supply-demand adjustment in the current month is based upon the relationship of receipts and sales of milk during the immediately preceding two months. For each month since December 1953 this provision has resulted in a downward adjustment of the Class I price. In July the adjustment was a minus 28 cents, the smallest since December. It seems likely that an upward adjustment may result for August and by September the upward adjustment may be rather substantial. If the production pattern for the forthcoming fall and winter continues below normal in relation to sales, the Class I price will continue to strengthen as a result of the operation of the present order provisions. This is in accordance with the intent of the supply-demand adjustor. Under the present order it is possible to obtain a Class I price of $1.90 over the basic formula, the same price for which producer ask assurance.

A considerable portion of the Greater Kansas City milkshed has been included in the designated drought disaster areas. Dairymen in areas so designated are eligible under specified conditions to secure feed concentrates and grains at reduced prices. While this program is designed to provide a basis for maintaining foundation herds, and not to promote a high level of milk production, it should be of very substantial assistance in minimizing the necessity of disposing of foundation herds which constitute the future milk supply for the Greater Kansas City market. The program should also provide a means whereby a portion of the unusual costs dairymen incur under drought conditions may be avoided.

The number of producers on the Kansas City market has been steadily increasing in recent years in response to ever-increasing requirements for fluid milk. Testimony of both producers and handlers substantiate the existence of adequate prospective milk supplies to meet market needs. It is concluded, therefore, that the present provisions of the order provide a basis for adjusting the Class I price in line with current production and marketing conditions and, accordingly, action should not be taken to substitute a fixed increase in the Class I differentials for these provisions for the period through December 1954.

Rulings on exceptions. Within the period reserved for exceptions, interested parties filed exceptions to certain of the findings, conclusions, and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of July 1954, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Greater Kansas City, Marketing Area," and "Order Amending the order, As Amended, Regulating the Handling of Milk in the Greater Kansas City, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 23d day of September 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order [1] Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Kansas City Marketing Area

§ 913.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Add the following as § 913.16:

§ 913.16 *Quota milk.* "Quota milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is not in excess of such producer's daily quota computed pursuant to § 913.65 multiplied by the number of days in such delivery period on which such milk was received by the handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 913.65.

2 Add the following as § 913.17.

§ 913.17 *Excess milk.* "Excess milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is in excess of quota milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 913.15.

3a. Delete § 913.22 (j) (2) and substitute therefor the following:

(2) On or before the 10th day of each month the applicable uniform price(s) computed pursuant to §§ 913.71 and 913.72 and the producer butterfat differential computed pursuant to § 913.82, both applicable to milk delivered during the previous delivery period;

3b. Amend § 913.22 by adding the following as paragraph (l):

(l) On or before February 1 of each year in writing notify: (1) Each producer who made deliveries of milk during the previous September through December of his daily quota computed pursuant to § 913.65, (2) each cooperative association of the daily quota of each member of such association, and (3) each handler of the daily quota of each producer from whom such handler received milk.

4. Delete § 913.30 (a) and substitute therefor the following:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of quota milk and excess milk received from each producer.

5. Delete § 913.31 (a) and substitute therefor the following:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including, for each of the delivery periods of February through July, such producer's deliveries of quota milk and excess milk.

6. Add the following as §§ 913.65 and 913.66:

DETERMINATION OF QUOTA

§ 913.65 *Computation of daily quota for each producer.* The daily quota for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

(a) Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: *Provided,* That the daily quota applicable during the delivery periods of February through July 1955 shall be the higher of that resulting from such computation or that resulting from an identical computation with respect to milk received from such producer during the immediately preceding delivery periods of October through December.

§ 913.66 *Daily quota rules.* (a) Except as provided in paragraph (b) of this section, a daily quota shall apply only to milk produced by the producer in whose name such milk was delivered to the handler(s) during the quota-forming period.

(b) A producer may transfer his daily quota during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such quota is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

7. Delete § 913.71 and substitute therefor the following:

§ 913.71 *Computation of uniform price.* For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers who filed reports prescribed in § 913.30 and who made the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(e) Divide by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received at pool plants located less than 50 miles from the City Hall in Kansas City, Missouri.

8. Add the following as § 913.72:

§ 913.72 *Computation of uniform price for quota milk and excess milk.* For each of the delivery periods of February through July the market administrator shall compute uniform prices per hun-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

dredweight for quota milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers who filed reports pursuant to § 913.30 and who made the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.8 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.8 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat received from producers at pool plants located less than fifty miles from the City Hall in Kansas City, Missouri;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of quota milk included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for quota milk of 3.8 percent butterfat content received from producers at pool plants located less than fifty miles from the City Hall in Kansas City, Missouri.

10. Delete § 913.80 (a) and substitute therefor the following:

(a) On or before the 12th day after the end of each delivery period during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 913.71 or § 913.72, adjusted by the butterfat differential computed pursuant to § 913.82, subject to the location adjustment to producers pursuant to § 913.81, and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 913.88, and (3) any deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 913.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

11. Delete § 913.80 (d) (2) and substitute therefor the following:

(2) The pounds per shipment, the total pounds of milk (quota milk and excess milk separately for March through July), and the average butterfat test of milk delivered by the producer.

12. Delete § 913.86.

[F. R. Doc. 54 7590; Filed Sept. 27, 1954; 8:52 a. m.]

[7 CFR Part 980]

[Docket No. AO-182-A4]

HANDLING OF MILK IN TOPEKA, KANSAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Topeka, Kansas on July 23, 1954.

Upon the basis of the evidence introduced at the hearing and the record, thereof, the Deputy Administrator, Agricultural Marketing Service, on August 20, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision on certain of the issues considered at such hearing. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 25, 1954 (19 F. R. 5406).

Preliminary statement. The material issues considered at the hearing were concerned with the following:

1. Establishment of a "base-excess" plan for paying producers in certain months in lieu of the present fall premium incentive plan.

2. A change in the named plants the pay price of which are used as a basis for pricing Class III milk;

3. A revision in the pool plant requirements;

4. A change from a milk equivalent to a butterfat-skim accounting;

5. A revision in the classification and pricing provisions to establish two utilization classes in lieu of the present three classes;

6. Authorization for the market administrator to provide the producer association with the utilization percentage of milk in each class at each handler's plant;

7. A revision in the amount of the marketing service deduction; and

8. Conforming language changes in other provisions of the order.

Producers proposed that the base setting period under a base-excess plan begin on September 1. Because of the urgency of a decision with respect to this issue and also with respect to the Class III price proposal and the revision of the marketing service deduction this decision is confined to a consideration of these issues. Other issues require further consideration and a decision on these matters will be issued promptly.

Findings and conclusions. The following findings and conclusions on issues No. 1, 2 and 7 are based on the evidence introduced at the hearing and the record thereof:

1. *Base-excess plan.* A method of paying producers on the basis of their marketings in a representative period of fall months should be adopted to provide additional incentive for producers to adjust their production more nearly to the needs of the market.

A fall incentive payment plan has long been a part of the pricing mechanism of the Topeka order. This plan, which has operated in conjunction with seasonal price differentials was proposed initially by producers in an effort to level production to more nearly meet the needs of the market. Producers now propose that a base-excess plan be incorporated into the order in lieu of the present fall incentive payment plan. Under their proposal the 122 day period of September through December would be used as the base-forming period and no producer would be granted a base if he delivered less than 90 days during such period. The base-operating period would extend over the eight-month period of January through August.

Milk production in the Topeka market tends to be highest in the spring months and reaches a low point in the fall months. Under usual circumstances, May and June are the months of greatest production while September through November are the months of lowest production. The average monthly production during the March–July period exceeds that during the preceding September–December period by from 20 to 30 percent with production during the peak month exceeding the shortest month by as much as 50 percent. Class I sales are relatively stable throughout the year, although the record shows a continuing upward trend in such sales.

A closer alignment between the seasonal pattern of production and consumption would effect substantially improved marketing conditions. A considerable seasonal disparity between producer receipts and fluid milk needs results in surplus disposal problems during the flush months and incomplete utilization of plant facilities in other months of the year. Accordingly, a wide seasonal variation in production tends to entail additional costs in the marketing process which must be borne individually or collectively by producers, consumers, and handlers. Although producers with relatively even production under the plan heretofore in effect enjoy a somewhat higher annual rate of returns, than do uneven producers, there was testimony nevertheless that "even" producers do not receive sufficient additional income to maintain a significant incentive for their even production pattern. Under the present plan, all producers share alike in the total market utilization and the price received by the "even" producer is reduced in the spring months by reason of the wider seasonal variation in the deliveries of other producers.

While it is probable that the pricing plan which has been employed in the Topeka market has been effective in forestalling a more serious seasonal maladjustment between production and fluid demand, an even more marked modification of the seasonal pattern is desirable. The base-excess plan herein recommended would increase incentive on a market-wide basis to level out production throughout the year.

The plan herein recommended would establish the period September through December as the base-forming period. A producer's daily base would be calculated on the basis of his total milk delivered to pool plants during such period, divided by the number of days on which deliveries were made, but in no event less than 90. The plan also provides that any producer who fails to establish a base shall be considered a "new" producer.

Producers would be paid for base and excess milk only during the months of February through July. During all other months, producers would be paid on the basis of a uniform price for all milk delivered. The quantity of base milk for each producer would be computed by multiplying such producers daily base by the number of days on which he made deliveries to a pool plant. Any milk so delivered in excess of base milk would be considered as excess milk and paid for at a lower price to be known as the "excess price." The price paid for excess milk would be computed by assigning total receipts of excess milk to the respective classes of use in sequence starting with the lowest available class utilization in such plant. The price for base milk would be computed by first assigning such milk to Class I to the extent of available Class I utilization and such milk in excess of Class I use would be assigned to lower classes in sequence starting with the highest available usage.

The September-December period appears to be a suitable period for giving producers incentive for increasing production as part of a program of evening out their annual production. In the computation of daily bases each producer's total deliveries for the entire four month period should be divided by the total number of days on which deliveries are made but in no event by less than 90. For purposes of computing bases in the case of producers on every-other-day delivery to a pool plant, the days of non-

delivery should be considered as days of delivery. Proponents proposed that a base be established only in the event of at least 90 days of actual delivery and that the total deliveries be divided by 122 in all cases. They would provide no means for a producer entering the market after October 2 to establish a base. The plan set forth herein will permit a producer to enter the market at any time and to establish a base on the basis of his performance during the entire base-forming period. Other producers have assurance that a producer entering the market after September 1, will have no undue advantage in the establishment of a base since maximum bases can be established only through deliveries over a minimum of 90 days. In view of the fact that some producers may have been in doubt as to whether September 1954 deliveries would be used in establishing bases, provision is made that the daily base calculated from deliveries in the fall months of 1954 should be the higher of that calculated as above or that resulting from a like calculation using deliveries for the months of October through December 1954.

As a result of exceptions received provisions that were recommended with respect to interim bases for producers who made no deliveries during the base-forming period and with respect to relinquishment of established bases have been reconsidered in the light of the evidence in the record of hearing. Such evidence indicates that these provisions would provide reduced incentive for leveling of production to those producers whose deliveries are most uneven. It does not appear necessary that they be included in the plan at this time.

Producers proposed that the period of payment on base and excess milk be the eight-month period of January through August. However, a review of the month to month variation in producer receipts indicates that the months of February through July are the months in which corrective action is necessary with respect to variation in deliveries. It is highly desirable that the base plan have as large a degree of flexibility as is possible without destroying the desired effectiveness of the plan. Confining the base operating period to the six months when production in relation to fluid sales is most excessive will preserve flexibility while at the same time offer substantial monetary reward to those producers who level their annual production to meet more nearly the needs of the market. During the remaining months of August through January all producers on the market would receive the market "blend" or uniform price.

Operation of a base-excess plan for paying producers requires certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan. To accomplish this purpose transfers of bases should be limited to situation in which producers may die or enter into military service and where joint production arrangements are dissolved. Since the base plan herein proposed is to be effective in determining producer payments in only five of the twelve months of the year, and all producers must establish a new base each year, provisions in addition to those contained herein for the establishment and transfer of bases to meet unusual situations do not appear necessary.

2. *Class III price.* The present order provisions dealing with the determination of the Class III price should be revised by substituting the Bennett Creamery Co., of Ottawa, Kansas for the Meyer Sanitary Milk Company of Valley Falls, Kansas and by providing that in no event shall the Class III price be less than the price paid by the Beatrice Foods Company at Topeka.

At the time the Meyer Sanitary Milk Company was included in the order as one of the plants the producer pay prices of which were used to determine the Class III price, that company was a very substantial buyer of local milk for manufacturing purposes. The record shows that operations of this plant have subsequently been discontinued and accordingly, it no longer represents an appropriate medium for determining competitive pay prices in the Topeka area. The Bennett Creamery Company of Ottawa is a substantial buyer of milk for manufacturing milk and as such represents an appropriate addition to the plants use in determining the Topeka Class III price. The primary outlet for milk of Topeka producers which is in excess of fluid needs is the Beatrice Foods Company plant at Topeka. Producer milk priced under this order is all of Grade A quality and there appears no reason why it should not command a price in this market at least equal to the local pay price for ungraded milk. Therefore, it appears appropriate that the price paid by the Beatrice Foods Company for ungraded milk be established as a minimum price for Class III milk.

7. *Marketing service deduction.* The provisions of § 980.88 of the order should be revised to provide a maximum marketing service deduction of 5 cents per hundredweight in lieu of the present 3 cents. The three cent deduction was established in 1934 and the expenses and salaries of the market administrator and his staff have substantially increased since that time. The monies collected under the 3 cent rate are now insufficient to cover the costs incurred in checking weights and tests of producer milk and the marketing service account has been running in the red. It is estimated that an additional 2 cents per hundredweight is necessary to cover the cost of necessary marketing services performed by the market administrator for producers for whom such services are not being rendered by a cooperative association qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act." The proposed 5 cent rate is a maximum rate and it is provided that if the Secretary finds that necessary services can be performed for a lesser rate he may reduce the deduction accordingly.

Ruling on exceptions. Within the period reserved for exceptions, interested parties filed exceptions to certain of the findings, conclusions, and actions, recommended by the Deputy Administrator. In arriving at the findings, conclusions

and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of July 1954, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 23d day of September 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area.

§ 980.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Topeka, Kansas, marketing area shall be conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Add the following as § 980.16:

§ 980.16 *Base milk.* "Base milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which was not in excess of such producer's daily base computed pursuant to § 980.66 multiplied by the number of days in such delivery period on which such milk was received by the handler: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 980.66.

2. Add the following as § 980.17:

§ 980.17 *Excess milk.* "Excess milk" means the amount of milk received by a handler from a producer during any of the delivery periods of March through July which is in excess of base milk received from such producer during such delivery period and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 980.66.

3. Amend § 980.22 by adding the following as paragraphs (f) and (g):

(f) On or before February 11 of each year in writing notify (1) each producer who made deliveries of milk during the previous September through December of his daily base computed pursuant to § 980.66, (2) each cooperative association of the daily base of each member of such association, and (3) each handler of the daily base of each producer from whom such handler receives milk;

(g) On or before the 8th day after the end of each delivery period mail to all handlers: (1) Such of the computations of the uniform price(s) made pursuant to §§ 980.71 and 980.72 as do not disclose information confidential pursuant to the act; (2) the applicable uniform price(s) per hundredweight computed pursuant to §§ 980.71 and 980.72; (3) the prices for Class I milk, Class II milk, and Class III milk; and (4) the butterfat differentials computed pursuant to §§ 980.51 and 980.82.

4. Delete § 980.30 (a) and substitute therefor the following:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of base milk and excess milk received from each producer.

5. Delete § 980.31 (a) and substitute therefor the following:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including for each of the delivery periods of February through July such producers' deliveries of base milk and excess milk.

6. Amend § 980.50 (c) by deleting the words "Meyer Sanitary Milk Company at its plant at Valley Falls, Kansas" and substitute therefor the words "Bennett Creamery Company at Ottawa, Kansas: *Provided*, That in no event shall the price be less than that paid at the Beatrice Foods Company plant included in this section."

7. In § 980.64 delete the words "*Excess milk*," as they appear in the heading and substitute therefor the word "*Overage*."

8. Add the following as § 980.66:

§ 980.66 *Computation of daily base for each producer.* The daily base for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

(a) Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: *Provided*, That the daily base applicable during the delivery periods of February through July 1955 shall be the higher of that resulting from such computation or that resulting from an identical computation with respect to milk received from such producer during the immediately preceding delivery periods of October through December.

9. Add the following as § 980.67:

§ 980.67 *Daily base rules.* (a) Except as provided in paragraph (b) of this section, a daily base shall apply only to milk produced by the producers in whose name such milk was delivered to the handler(s) during the base-forming period.

(b) A producer may transfer his daily base during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such base is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily base may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm.

(2) If a base is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily base may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

10. Delete § 980.71 and substitute therefor the following:

§ 980.71 *Computation of uniform price.* For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 980.70 for all handlers who filed reports prescribed in § 980.30 and who made the payments pursuant to §§ 980.80 and 980.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(c) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 980.82 by the total hundredweight of such milk;

(d) Divide by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for such delivery period for milk of producers containing 3.8 percent butterfat.

11. Add the following as § 980.72:

§ 980.72 *Computation of uniform price for base milk and excess milk.* For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 980.70 for all handlers who filed reports pursuant to § 980.30 and who made the payments pursuant to §§ 980.80 and 980.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(c) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 980.82 by the total hundredweight of such milk;

(d) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class III milk included in these computations by the price for Class III milk of 3.8 percent butterfat content, multiplying the remaining hundredweight of such milk not in excess the total quantity of Class II milk by the price for Class II milk of 3.8 percent butterfat content, multiplying any remaining hundredweight of such milk by the price for Class I milk of 3.8 percent butterfat content, and adding together the resulting amounts.

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figures shall be the uniform price for such delivery period for excess milk of 3.8 percent butterfat received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the aggregate value of milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for such delivery period for base milk of 3.8 percent butterfat received from producers.

12. Amend § 980.80 by deleting the words "at not less than the uniform price for all milk received from such producer" as they appear immediately preceding the proviso and substitute therefor the following: "at not less than the applicable uniform price(s) computed pursuant to §§ 980.71 and 980.72 for milk received from such producers."

13. Delete § 980.85 (c).

14. Delete § 980.87 (b) and substitute therefor the following:

(b) The total pounds of milk (base milk and excess milk separately for February through July) delivered by the producer and the average butterfat test thereof, and the pounds per shipment if such information is not furnished to the producer each day;

15. Delete § 980.88 (a) and substitute therefor the following:

(a) *Deductions for marketing service.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 980.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk of each producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be expended by the market administrator for market information to, and for the verification of weights, sampling and testing of milk received from said producers.

[F. R. Doc. 54-7591; Filed, Sept. 27, 1954; 8:53 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER 88

SEPTEMBER 21, 1954.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. Sec. 682a), as amended, the following described public lands in the Anchorage, Alaska, Land District:

FLAT LAKE AREA

FOR LEASE AND SALE

For Recreation Sites

All unsurveyed lands lying within 660 feet of the shore of Flat Lake, and all islands lying within Flat Lake, containing approximately 209 acres.

The lands described above will become available for disposition upon issuance of new regulations pursuant to the recently amended Small Tract Act.

Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, under the circumstances, are substantial and are appropriate for the use for which the lease is issued.

FRED J. WEILER,
Area Lands and Minerals Officer.

[F. R. Doc. 54-7580; Filed, Sept. 27, 1954; 8:49 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER 517 AND SMALL TRACT CLASSIFICATION ORDER 87

SEPTEMBER 21, 1954.

By virtue of the authority contained in the act of June 5, 1929 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to Delegation of Authority contained in sections 2.21 and 2.22 (a) (3) of Order No. 1, Bureau of Land Management, Area 4, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), it is ordered as follows:

1. Subject to valid existing rights, the 80-rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409; 48 U. S. C. 371), as amended, is hereby revoked as to the public lands hereinafter described, which are situated in the Anchorage, Alaska, Land District and which are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

JUNEAU SMALL TRACT AREA

FOR LEASE AND SALE

For Residence Sites

U. S. Survey 3258:
Lots 2-14, inclusive;
Lots 16-32, inclusive.
U. S. Survey 3259:
Lots 33-41, inclusive;
Lots 43-48, inclusive;
Lots 51, 52, and 53.
U. S. Survey 3260:
Lots 12-21, inclusive;
Lots 23-38, inclusive.
U. S. Survey 3261:
Lot 39A; Lots 40-44, inclusive;
Lots 46-53, inclusive.
U. S. Survey 3262:
Lots 54-63, inclusive.
Comprising 98 tracts, aggregating approximately 131.60 acres.

2. Subject to valid existing rights, the following described lands, which are located in the Anchorage, Alaska, Land District, are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

U. S. Survey 3274: Lots 55, 56, and 57.
Comprising 3 tracts aggregating approximately 0.67 acre.

The lands described above appear from the Land Office records to be subject to valid existing rights based upon prior occupancy pursuant to permits issued heretofore by the Forest Service, U. S. Department of Agriculture. As to these lands, a preference right will be accorded to the respective occupants thereof who are, or prior to elimination of these lands from the Tongass National Forest were, holders of permits issued by the Forest Service. Such persons may file their preference right application for these lands in accordance with the procedure set forth in paragraph 4 (a) (2), below.

3. The following described lands, which were classified for lease and sale under Alaska Small Tract Classification Order No. 71 of April 3, 1953, shall become subject to disposition as provided in paragraph 4 of this order:

U. S. Survey 3260: Lots 1-8, inclusive;
U. S. Survey 3263, Tract A: Lots 5-12, inclusive.
Comprising 16 tracts aggregating 32.72 acres.

All of the lands described in paragraphs 1, 2, and 3 are located in the general vicinity of the Mendenhall River, northwest of Juneau, Alaska. All of the lots contain good road frontage. None of the tracts have shoreline but many command a fine view. Most of the area is heavily forested and small streams traverse some of the tracts. Soils are generally thin and rocky and slopes vary from flat to very steep. Climatically the area is similar to most of Southeast Alaska, featuring cool, moist summers, moderate winters, and a heavy annual precipitation. Sewage disposal can be accomplished through septic tanks or cesspools, and drinking water can be obtained from wells, streams, or by the use of some rainwater storage device. Schools, churches, stores, and other community facilities are available in Juneau.

4. This classification order shall not otherwise become effective to change the status of any lands described herein or to permit the leasing of any such lands under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on October 14, 1954. At that time the lands described above shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location and selection, as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on October 14, 1954, to close of business on January 12, 1954, inclusive, preference will be given as set forth above to:

(1) Applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and

(2) Applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by veterans and other qualified persons under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in this subdivision.

(b) *Advance period for simultaneous preference right filings.* All applications filed by such veterans and other qualified persons, or by persons claiming preference rights superior to those of such veterans filed under the preceding paragraph (a) on September 23, 1954, or thereafter, up to and including 10:00 a. m. on October 14, 1954, shall be treated as simultaneously filed. All applications filed under the preceding paragraph (a) after 10:00 a. m. on October 14, 1954, shall be considered in the order of filing.

(c) *Date for non-preference right filings.* Commencing at 10:00 a. m. on January 13, 1954, any lands remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on December 23, 1954, or thereafter, up to and including 10:00 a. m. on January 13, 1954, shall be treated as simultaneously filed. All applications filed thereafter shall be considered in the order of filing.

5. A veteran shall accompany his application with a complete photostatic or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or which constitutes evidence of other facts

upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be made on Form 4-776 and shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, under the circumstances, are substantial, and are appropriate for the use for which the lease is issued. Leases will be issued for a period of two years, at an annual rental of $5 for residence sites, payable in advance for the entire lease period. Applications for extension for an additional period of one year shall be considered in appropriate cases. Every lease for land classified for lease and sale will contain an option to purchase clause and every such lessee may file an application to purchase at the sale price as provided in the lease.

8. All of the land will be leased in tracts varying in size from approximately 0.21 acre to approximately 3.31 acres, in accordance with the classification maps on file in the Land Office, Anchorage, Alaska. These tracts are appraised at prices ranging from $50 to $375.

9. Lessees must locate any wells or sewage disposal facilities in accordance with the laws and regulations of the Territory of Alaska.

10. The leases will be made subject to rights-of-way for road purposes and public utilities, as specified in the Classification and Appraisal Report on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, County, or Municipality, or by any agency thereof. In the discretion of the authorized officer of the Bureau of Land Management, these rights-of-way may be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

FRED J. WEILER,
Area Lands and Minerals Officer.

[F. R. Doc. 54-7581; Filed, Sept. 27, 1954; 8:50 a. m.]

EMERGENCY DESIGNATION OF MARKETING AREAS FOR CERTAIN O & C TIMBER IN ORDER TO MINIMIZE LOCAL LOG SHORTAGES AND TO AVOID UNEMPLOYMENT IN WESTERN OREGON

SEPTEMBER 24, 1954.

Pursuant to the authority contained in Order No. 2583, Amendment No. 12, September 17, 1954, of the Secretary of the Interior, and in view of the critical log shortage now existing in the Douglas and Siuslaw Marketing Areas, timber designated Emergency Timber, to be offered for sale in the South Coast Master Unit, may receive primary manufacture in either the Siuslaw or Douglas Marketing Area. The total volume affected by this notice shall not exceed 46 million board feet.

This designation will remain in effect until December 31, 1954.

W. G. GUERNSEY,
Acting Director.

[F. R. Doc. 54-7635; Filed, Sept. 27, 1954; 11:02 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DISASTER ASSISTANCE

DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President on September 16, 1954, determined that a major disaster occasioned by drought existed in the following States:

Alabama.
Georgia.
Mississippi.
South Carolina.
Tennessee.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148), as further amended on July 30, 1954, and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress and section 301 of Public Law 480, 83d Congress, the counties set forth below have been determined to be the aforesaid major disaster area in the States indicated:

ALABAMA

Autauga.
Bibb.
Blount.
Chilton.
Clay.
Colbert.
Coosa.
Cullman.
Dallas.
De Kalb.
Elmore.
Fayette.
Franklin.
Greene.
Hale.
Jackson.
Jefferson.
Lamar.
Lauderdale.
Lawrence.
Limestone.
Lowndes.
Madison.
Marion.
Marshall.
Montgomery.
Morgan.
Perry.
Pickens.
St. Clair.
Shelby.
Sumter.
Talladega.
Tallapoosa.
Tuscaloosa.
Walker.
Wilcox.
Winston.

GEORGIA

Baldwin.
Ben Hill.
Bibb.
Bleckley.
Bryan.
Bulloch.
Burke.
Butts.
Candler.
Chatham.
Chattooga.
Clayton.
Columbia.
Crawford.
Crisp.
Dade
Dodge.
Dooly.
Effingham.
Elbert.
Emanuel.
Evans.
Fayette.
Floyd.
Glascock.
Greene.
Hancock.
Henry.
Houston.
Irwin.
Jasper.
Jefferson.
Jenkins.
Johnson.
Jones.
Lamar.
Laurens.
Lincoln.
McDuffie.
Monroe.
Montgomery.
Morgan.
Newton.
Oglethorpe.
Peach.
Pike.
Pulaski.
Putnam.
Richmond.
Rockdale.
Screven.
Spalding.
Talbot.
Taliaferro.
Tattnall.
Taylor.
Telfair.
Tift.
Toombs.
Treutlen.
Turner.
Twiggs.
Upson.
Walker.
Warren.
Washington.
Wheeler.
Wilcox.
Wilkes.
Wilkinson.

MISSISSIPPI

Attala.
Benton.
Bolivar.
Calhoun.
Carroll.
Choctaw.
Clay.
Copiah.
DeSoto.
Grenada.
Hinds.
Holmes.
Humphreys.
Issaquena.
Itawamba.
Kemper.
Lafayette.
Lauderdale.
Lawrence.
Leake.
Leflore.
Lowndes.
Madison.
Marshall.
Monroe.
Montgomery.
Neshoba.
Newton.
Noxubee.
Oktibbeha.
Panola.
Pontotoc.
Quitman.
Rankin.
Scott.
Sharkey.
Smith.
Sunflower
Tallahatchie.
Tate.
Tippah.
Tishomingo.
Tunica.
Union.
Warren.
Washington.
Webster.
Winston.
Yalobusha.
Yazoo.

SOUTH CAROLINA

The entire State (all 46 counties).

TENNESSEE

Benton.
Carroll.
Crockett.
Gibson.
Giles.
Haywood.
Hickman.
Houston.
Humphreys.
Lauderdale.
Loudon.
McMinn.
Madison.
Marshall.
Maury.
Meigs.
Rhea.
Tipton.

This delineation and certification shall supersede all prior delineations and certifications with respect to the aforesaid major disasters.

Done at Washington, D. C., this 22d day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7572; Filed, Sept. 27, 1954; 8:49 a. m.]

PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

DESIGNATION OF AREAS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), it is found that in the following counties in the following States a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

CONNECTICUT

New London. Windham.

MASSACHUSETTS

Barnstable. Nantucket.
Bristol. Norfolk.
Dukes. Plymouth.
Essex. Worcester.
Middlesex.

NEW HAMPSHIRE

Hillsboro. Stafford.
Rockingham.

RHODE ISLAND

All counties (entire State).

Pursuant to the delegation of authority from the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148) as further amended on July 30, 1954, and for the purpose of making loans pursuant to section 2 (b) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (b)), as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, it is determined that all counties in the State of Rhode Island and the above designated counties in the Commonwealth of Massachusetts are within the area affected by major disaster, occasioned by two recent hurricanes, determined by the President on September 2, 1954, also that the above designated counties in the State of Connecticut are within the area affected by the major disaster, occasioned by two recent hurricanes, determined by the President on September 17, 1954, pursuant to Public Law 875, 81st Congress. It is also determined that an economic disaster exists in the areas designated above in the State of Rhode Island, Commonwealth of Massachusetts and the State of Connecticut, that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources.

After December 31, 1955 loans under section 2 (a) or 2 (b) of Public Law 38, 81st Congress, as amended, will not be made in the States aforesaid except to borrowers who previously received such assistance.

Done at Washington, D. C., this 22d day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–7573; Filed, Sept. 27, 1954; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6594]

PAN AMERICAN WORLD AIRWAYS, INC.; ACQUISITION OF LINEAS AEREAS COSTARRICENSES, S. A.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Pan American World Airways, Inc., under section 408 of the Civil Aeronautics Act of 1938, as amended, for a determination whether Pan American World Airways, Inc., has acquired control of Lineas Aereas Costarricenses, S. A., and, if so, for approval of such acquisition.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 408 of said act, that a public hearing in the above-entitled proceeding assigned for October 18, 1954, is hereby postponed until November 22, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, 15th Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., September 22, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54–7593; Filed, Sept. 27, 1954; 8:53 a. m.]

FEDERAL TRADE COMMISSION

[File No. 470]

GUMMED PAPER AND SEALING TAPE INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Gummed Paper and Sealing Tape Industry will be held by the Federal Trade Commission in the Greenbrier Hotel, White Sulphur Springs, West Virginia, on October 21, 1954, commencing at 10 a. m., e. s. t.

Products of the industry include water-activated gummed paper sealing tapes, gummed stay papers, gummed cloth tapes used for closure purposes, gummed reinforced tapes (plain or printed), gummed flat papers, gummed hollands, gummed veneer tapes and other gummed paper specialties, and such gummed reinforced paper and or cloth specialties as are natural affiliates. All persons, firms, corporations and organizations engaged in the business of manufacturing or marketing in commerce such products are considered members of the industry and are cordially invited to attend and participate in this meeting.

The purpose of the conference, authorized at the industry's request, is to afford industry members an opportunity to consider and propose for establishment, subject to the Commission's approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which violate laws administered by the Commission.

After the conference on October 21st, and before rules are finally approved by the Commission, a draft of proposed rules will be made available to all interested and affected parties, including consumers, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing the time and place of which will be announced by the Commission.

Issued: September 23, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54–7582; Filed, Sept. 27, 1954; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

HAMBURG-AMERIKA LINIE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 7968–1, between Hamburg-Amerika Linie, Nord-Deutscher Lloyd, and Ahrenkiel & Bene, modifies joint service agreement No. 7968 by deleting the joint service trade name "Great Lakes Service" wherever it appears in the agreement. Agreement 7968 covers the trade between Great Lakes ports of the United States and Canada on one hand and ports in Continental Europe and the United Kingdom on the other hand.

(2) Agreement No. 7993 between American Union Transport, Inc., and Trailer Marine Transportation, Inc., is an arrangement under which American Union will transport express shipments for Trailer Marine in the trade between New York and Puerto Rico at agreed compensation, such shipments to consist of uncrated automobiles and trucks and commodities in trailers, vans, and containers.

(3) Agreement No. 5660–2, between the Member Lines of the Marseilles North Atlantic U. S. A. Freight Conference, modifies the basic agreement of that conference (No. 5660) to provide that conference members will automatically become a party to, and members withdrawing from the conference will automatically cease to be a party to any agreements between the member lines of the Conference (jointly entered into by said member lines in their capacity as Conference members); and any other carrier or other person subject to the Shipping Act, 1916, as amended.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: September 23, 1954.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54–7595; Filed, Sept. 27, 1954; 8:54 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Gen. Admin. Order VI–1, Rescission]

POSITION OF ASSISTANT DIRECTOR FOR NON-MILITARY DEFENSE

The responsibilities assigned by General Administrative Order VI–1 dated November 5, 1953 (18 F. R. 7622), and Amendment 1 thereto, dated February 1, 1954 (19 F. R. 740), having been transferred pursuant to General Administrative Order X–1[1] and Amendment 2 to General Administrative Order VII–1,[2] effective as of Sept. 20, 1954, GAO–VI–1 and Amendment 1 thereto are hereby rescinded.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54–7576; Filed, Sept. 23, 1954; 3:09 p. m.]

[Gen. Admin. Order VII–1, Amdt. 2]

ESTABLISHMENT OF POSITION OF ASSISTANT DIRECTOR FOR PRODUCTION

General Administrative Order VII–1, dated November 5, 1953, as amended June 16, 1954, is further amended as follows:

1. The following subparagraphs are added to paragraph 2:

q. Develop policies and standards for the protection of the mobilization base and to assure the continuity of essential production in event of attack.

r. Perform the functions of the Director in establishing policies and standards for rating critical facilities and the review and approval of such ratings under Executive Order 10421.

s. Perform the functions of the Director in utilizing the services of the Facilities Protection Board, establishing policies and standards for physical security and assigning rated facilities to the cognizance of appropriate agencies under Executive Order 10421.

2. This amendment shall take effect on Sept. 20, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54–7578; Filed, Sept. 23, 1954; 3:09 p. m.]

[1] See F. R. Doc. 54–7579, *infra*.
[2] See F. R. Doc. 54–7578, *infra*.

[Gen. Admin. Order X–1]

ESTABLISHMENT OF POSITION OF ASSISTANT DIRECTOR FOR PLANS AND READINESS

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Plans and Readiness.

2. The Assistant Director for Plans and Readiness is responsible for coordinating in a staff capacity the development of integrated mobilization plans and preparedness measures to meet various degrees of mobilization. More specifically, he will:

a. Coordinate the preparation of mobilization plans by all major program areas in order to assure consistency in integrated plans.

b. Coordinate the preparation of defense mobilization orders, policy statements, and other documents necessary for the implementation of approved mobilization plans.

c. Coordinate the development of an organizational structure appropriately phased to carry out the alternative mobilization plans.

d. Coordinate the preparation and maintain a catalog of the major Emergency Action Steps which must be taken in event of emergency.

3. The Assistant Director for Plans and Readiness is responsible for the testing through mobilization exercises of the adequacy and operational readiness of mobilization plans in relation to national security requirements. More specifically, he will:

a. Establish and maintain a reporting system to determine progress in attaining operational readiness of approved mobilization plans.

b. Provide for periodic reviews of readiness plans and programs in support thereof.

c. Develop a system for the assessment and reporting of attack damage and the impact of various patterns of attack on the mobilization base.

d. Develop a system for testing the adequacy and operational readiness of mobilization plans and supervise the conduct of such test.

4. The Assistant Director for Plans and Readiness is responsible for the coordination of those continental defense programs which are the primary responsibility of the Office of Defense Mobilization. More specifically, he will:

a. Develop policies and standards for the reduction of vulnerability of urban target areas.

b. Develop policies and standards for the continuity of essential wartime functions of Government in the event of attack.

c. Prepare periodic reports as required on continental defense programs and represent the Director on interagency continental defense committees and working groups.

5. The Assistant Director for Plans and Readiness is responsible for development of policies and readiness measures for wartime censorship and such other essential civilian wartime functions as the Director may assign from time to time.

6. This order does not alter any authority or responsibilities delegated or assigned to the other Assistant Directors or the National Security Council Staff of ODM.

7. This order shall take effect on September 20, 1954.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54–7579; Filed, Sept. 23, 1954; 3:09 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3298]

CONSOLIDATED NATURAL GAS CO.

NOTICE OF FILING REGARDING PROPOSED CHARTER AMENDMENT AND SOLICITATION OF PROXIES

SEPTEMBER 22, 1954.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 6 (a), 7 and 12 (e) of the act and Rule U–62 thereunder as applicable to the proposed transactions, which are summarized as follows:

The Board of Directors of Consolidated has adopted a resolution proposing an amendment to Consolidated's Certificate of Incorporation regarding a reclassification and increase of Consolidated's outstanding shares of capital stock and has called a special meeting of stockholders to be held on December 2, 1954, to consider and vote on such amendment.

The adoption of the amendment requires the affirmative vote of at least a majority of the outstanding shares of the capital stock and the holders of such stock of record at the close of business on October 15, 1954, will be entitled to one vote for each share registered in their names.

Under the proposed amendment the total number of shares of capital stock which Consolidated would have authority to issue would be 8,500,000 shares of a par value of $10 per share in lieu of the presently authorized and outstanding 3,683,285 shares of a par value of $15 per share and each share of the presently outstanding stock of $15 par value would be changed into two shares of capital shares of the par value of $10 per share. This change would occur upon the filing and recording of the amendment in the State of Delaware after which the outstanding stock certificates evidencing shares of the $15 par value stock will evidence a like number of shares of the $10 par value stock. Additional certificates will be issued to evidence the additional number of shares of the $10 par value stock.

Pursuant to such change the holders of Consolidated's presently outstanding 3,683,285 shares of $15 par value capital stock, aggregating $55,249,275, would become the holders of 7,366,570 shares of the $10 par value capital stock, aggre-

gating $73,665,700. The increase in the outstanding capital stock will be reflected by a transfer of $18,416,425 from the company's capital surplus account to the capital stock account.

On the basis of the consolidated capital stock and surplus accounts of Consolidated and its subsidiaries as at December 31, 1953, the pro forma effect of the change in the capital stock is as follows:

	Before stock split-up	After stock split-up
Outstanding capital stock	$55,249,275	$73,665,700
Capital surplus	$75,670,432	$56,654,007
Earned surplus	$113,420,657	$113,420,657
Total, stockholders' equity	$243,740,364	$243,740,364
Number of shares outstanding	3,683,285	7,366,570
Equity per share	$66.17	$33.09

In the opinion of counsel for Consolidated, the proposed amendment and the change of each outstanding share of $15 par value into two shares of $10 par value each will not result in any gain or loss to stockholders for Federal income tax purposes.

In addition to the 7,366,570 shares of $10 par value capital stock which will be outstanding after the change the proposed amendment would also authorize 1,133,430 shares of unissued stock aggregating $11,334,300 in par value.

As to the latter shares, it is represented that it will be necessary for Consolidated to seek additional capital during 1955 to pay off $20,000,000 of outstanding construction loans and that for this and other purposes it is tentatively planned to offer 920,822 shares of this capital stock to stockholders for subscription on the basis of one new share for each eight outstanding at the time of the offer. In the event any shares so offered are not subscribed for, it is planned that such shares will be promptly sold, at the subscription price, for ultimate transfer to The Alternate Thrift Trust under The Employee Thrift Plan.

Under the proposed charter amendment, 212,608 shares of the authorized but unissued stock may be issued and sold from time to time, upon order of the Board of Directors, to finance the purchase of operating properties or an interest therein, or of securities of a public utility or natural gas company, and no stockholder of Consolidated will have any preemptive or preferential right to subscribe for any such shares.

In connection with the special meeting of stockholders, the company intends to solicit proxies to be voted in favor of the proposed amendment.

It is represented that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed amendment to the Certificate of Incorporation or the solicitation of proxies.

The fees, commissions, and expenses to be paid by Consolidated in connection with the proposed transactions are estimated as follows:

Proxy solicitation	$18,400
Advertising	300
Printing	19,200
Special meeting of stockholders	$2,500
New York Stock Exchange listing fee	9,300
State and Federal taxes	26,900
Transfer agent's fees and expenses	60,400
Registrar's fees and expenses	10,000
Legal fees	5,000
Miscellaneous	3,000
Total	155,000

It is requested that the Commission permit the declaration to become effective regarding the solicitation of proxies by order issued on October 5, 1954, and in respect of the amendment to the Certificate of Incorporation, by order issued on or before October 17, 1954.

Notice is further given that any interested person may, not later than October 4, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his request, the reasons for such request and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after that date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7561; Filed, Sept. 27, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29710]

PHOSPHATIC FEED SUPPLEMENTS FROM FLORIDA, TENNESSEE, ALABAMA, AND MISSISSIPPI TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Phosphatic feed supplements, viz.: phosphate and superphosphate, defluorinated, and phosphate, di-calcium, feed grade, carloads.

From: Bonnie and Coronet, Fla., Godwin, Mt. Pleasant, Nashville and Wales, Tenn., Sheffield, Ala., and Tupelo, Miss.

To: Specified points in western trunk-line territory.

Grounds for relief: Rail competition, circuity, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1434, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7562; Filed, Sept. 27, 1954; 8:47 a. m.]

[4th Sec. Application 29711]

GRADING AND ROAD MAKING IMPLEMENTS FROM CERTAIN STATES TO NORTH ATLANTIC PORTS

APPLICATION FOR RELIEF

SEPTEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Grading and road making implements, and related articles, carloads.

From: Points in Illinois, Indiana, and Kentucky, Wisconsin, St. Louis, Mo., and Louisville, Ky.

To: North Atlantic ports, for export.

Grounds for relief: Competition with rail carriers, circuity, to maintain grouping, and to maintain port rate relations.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4542, supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7563; Filed, Sept. 27, 1954; 8:47 a. m.]

[4th Sec. Application 29712]

GROUND OR PULVERIZED SAND FROM ILLINOIS AND WISCONSIN TO POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Sand, ground or pulverized, carloads.

From: Arenzville, Millington, Ottawa, Sheridan, Utica, Weldron and Oregon, Ill., Browntown and Klevenville, Wis.

To: Points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and West Virginia.

Grounds for relief: Rail competition, circuity, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3718, supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7564; Filed, Sept. 27, 1954; 8:47 a. m.]

[4th Sec. Application 29713]

ACETIC ACID AND ANHYDRIDE FROM TEXAS AND ARKANSAS TO BROOKNEAL, VA.

APPLICATION FOR RELIEF

SEPTEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Acetic acid, glacial or liquid, and acetic anhydride, carloads.

From: Kings Mill, Bishop, Brownsville, Houston and Texas City, Tex., and Crosset, Ark.

To: Brookneal, Va.

Grounds for relief: Rail competition, circuity, market competition, rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 383; F. C. Kratzmeir, Agent, I. C. C. No. 3908, supp. 206.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7565; Filed, Sept. 27, 1954; 8:47 a. m.]

[4th Sec. Application 29714]

IRON AND STEEL FROM HOUSTON, TEX., TO SHREVEPORT, LA.

APPLICATION FOR RELIEF

SEPTEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. F. Brown, Agent, for carriers parties to schedule listed below.

Commodities involved: Iron and steel articles, carloads.

From: Houston, Texas.

To: Shreveport, La.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 802, supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7566; Filed, Sept. 27, 1954; 8:47 a. m.]

[4th Sec. Application 29715]

ALCOHOL AND RELATED ARTICLES FROM LOUISIANA TO VEE, OHIO

APPLICATION FOR RELIEF

SEPTEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. 400, pursuant to fourth-section order No. 16101.

Commodities involved: Alcohol and related articles, carloads and tankcar loads.

From: Baton Rouge, North Baton Rouge, Chalmette and New Orleans, La., and points grouped therewith.

To: Vee, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7567; Filed, Sept. 27, 1954; 8:47 a. m.]

[4th Sec. Application 29716]

VARIOUS COMMODITIES FROM KANSAS CITY, MO.-KANS., TO SOUTHWESTERN POINTS

APPLICATION FOR RELIEF

SEPTEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules shown in Exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Kansas City, Mo.-Kans.

To: Dallas and Fort Worth, Tex., Oklahoma City and Tulsa, Okla.

Grounds for relief: Rail competition, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7568; Filed, Sept. 27, 1954; 8:48 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 19 NUMBER 189

Washington, Wednesday, September 29, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, § 6.121 is revoked, and the positions listed below are added to §§ 6.103 and 6.303.

§ 6.103 *Treasury Department.* • • •

(k) *Reconstruction Finance Corporation.* (1) Until September 30, 1955, Chief, Loan Administration Division; Chief, Public Agency Division; Chief, Liquidation Division; and one Assistant Controller-Treasurer.

(2) Until September 30, 1955, five Supervisory Loan Examiners (D. C.) and eight Supervisory Field Representatives (Field).

§ 6.303 *Treasury Department.* • • •

(c) *Reconstruction Finance Corporation.* (1) Until September 30, 1955, one Staff Assistant to the Assistant Secretary of the Treasury (RFC).

(2) Until September 30, 1955, one Special Assistant to the Assistant Secretary of the Treasury (RFC).

(3) Until September 30, 1955, two Administrative Assistants, Office of the Assistant Secretary of the Treasury (RFC).

(4) Until September 30, 1955, the General Counsel; the Director, Office of Loan Administration and Liquidation; and the Controller-Treasurer.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633, E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 54-7634; Filed, Sept. 28, 1954; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO 251]

PART 923—MILK IN THE APPALACHIAN MARKETING AREA

SUBPART—ORDER REGULATING HANDLING

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 7: Parts 210–899 ($2.25)

Title 19, Revised 1953 ($5.00)

Title 32A, Revised Dec. 31, 1953 ($1.50)

Title 46: Part 146 to end ($6.50)

Previously announced: Title 3, 1953 Supp. ($1.50); Titles 4–5 ($0.60); Title 6 ($2.00); Title 7: Parts 1–209, Revised 1953 ($7.75); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.50); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($1.25); Part 400 to end ($0.50); Title 15 ($1.25); Title 16 ($1.00); Title 17 ($0.50); Title 18 ($0.45); Title 20 ($0.70); Title 21 ($1.50); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Title 26: Parts 1–79, Revised 1953 ($7.75); Parts 80–169 ($0.50); Parts 170–182 ($0.75); Parts 183–299, Revised 1953 ($5.50); Part 300 to end, and Title 27 ($1.00); Titles 28–29 ($1.25); Titles 30–31 ($1.00); Title 32: Parts 1–699 ($1.75); Part 700 to end ($2.25); Title 33 ($1.25); Titles 35–37 ($0.70); Title 38 ($2.00); Title 39 ($2.00); Titles 40–42 ($0.50); Title 43 ($1.75); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.35); Titles 47–48, Revised 1953 ($7.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.65); Parts 91–164 ($0.45); Part 165 to end ($0.60); Title 50 ($0.55)

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Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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AUTHORITY: §§ 923.0 to 923.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 923.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Appalachian marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk and, (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plant) located in the marketing area from a nonfluid milk plant.

(b) *Additional findings.* In view of the widely scattered location of the plants of handlers, the provision in the order for a base forming period which includes the month of October; and the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. It is hereby found and determined in view of the aforesaid facts and circumstances, that good cause exists for making §§ 923.1 through 923.18; 923.20 through 923.22 (i); 923.30 through 923.33; 923.40 through 923.46; 923.60, 923.61, 923.80 through 923.83, 923.95, 923.96, 923.100 through 923.103, 923.110, and 923.111 effective on October 1, 1954, and that it would be contrary to the public interest to delay such effective date beyond that specified. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of more than 50 percent of the milk covered by this order which is marketed within the Appalachian marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order is approved or favored by at least three-fourths of the producers who, participated in a referendum thereon and who, during the determined representative period (August 1954), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered that the full text of the order be published in the FEDERAL REGISTER.

Sections 923.1 through 923.18; 923.20 through 923.22 (i); 923.30 through 923.33; 923.40 through 923.46; 923.60, 923.61, 923.80 through 923.83, 923.95, 923.96, 923.100 through 923.103, 923.110 and 923.111 shall be effective on and after the first day of October 1954 and the entire order (§ 923.1 through 923.111) shall be effective on and after the first day of November 1954.

DEFINITIONS

§ 923.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 923.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 923.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 923.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 923.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 923.6 *Appalachian Marketing Area.* "Appalachian Marketing Area," hereinafter called the "marketing area," means all the territory within the counties of Sullivan, Washington, and Greene in Tennessee; Washington and Wise in Virginia; and Harlan in Kentucky.

§ 923.7 *Fluid milk plant.* "Fluid milk plant" means (a) any plant from which a volume of Class I milk equal to an average of more than 1,000 pounds per day, or not less than 2.0 percent of the approved milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area, (b) any plant which during the months of February through July ships grade A milk or skim milk to a plant qualified pursuant to paragraph (a) of this section or (c) any plant which during the months of August through January receives milk from farmers holding dairy farm permits or ratings issued by a health authority having jurisdiction in the marketing area, and from which milk, skim milk or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section: *Provided*, That if a portion of a plant is operated separately and no approved milk is received in such portion of the plant, it shall not be considered as part of a fluid milk plant pursuant to this section.

§ 923.8 *Approved plant.* "Approved plant" means a fluid milk plant or any plant from which Class I milk is delivered (including delivery by a vendor or sale from a plant store) during the

month to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

§ 923.9 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing or bottling plant other than a fluid milk plant.

§ 923.10 *Handler.* "Handler" means any person in his capacity as the operator of an approved plant.

§ 923.11 *Producer.* "Producer" means any person except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant, or (b) diverted by the operator of a fluid milk plant for his account to a nonfluid milk plant (1) any day during the months of March through July, and (2) on not more than 15 days during any of the months of August through February: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

§ 923.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the fluid milk plant directly from producers, or (b) diverted from a fluid milk plant to a nonfluid milk plant in accordance with the conditions set forth in § 923.11.

§ 923.13 *Approved milk.* "Approved milk" means any skim milk or butterfat contained in producer milk or in milk, skim milk or cream which is received from a fluid milk plant, except the plant of a producer-handler, and which is approved for distribution as Class I milk by the agency issuing the health permit to such plant.

§ 923.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 923.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 923.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 923.15 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and an approved plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers.

§ 923.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 923.17 *Base milk.* "Base milk" means milk received at a fluid milk plant from a producer during any of the months of April through August which is not in excess of such producer's base for such month computed pursuant to § 923.81.

§ 923.18 *Excess milk.* "Excess milk" means either (a) milk received at a fluid milk plant from a producer during any of the months of April through August, which is in excess of base milk received from such producer during such month, or (b) milk received during such month from a producer for whom no base can be computed pursuant to § 923.80.

MARKET ADMINISTRATOR

§ 923.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 923.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 923.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 923.95 (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 923.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 923.30 and 923.31, or payments pursuant to §§ 923.90 through 923.95;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce and notify each handler in writing of the following: (1) The 6th day of each month, the Class I price, and the Class I butterfat differential, both for the current month; (2) the 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month; and (3) the 10th day after the end of each month, the uniform price(s), and the producer butterfat differential.

REPORTS, RECORDS, AND FACILITIES

§ 923.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 923.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of products designated as Class I milk pursuant to § 923.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 923.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of April through August, the total pounds of base and excess milk, (iii) the days on which milk was received from such producer if less than a full month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his fluid milk plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 923.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 923.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 923.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at fluid milk plants, which is required to be reported pursuant to § 923.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 932.41 through 923.46.

§ 923.41 *Classes of utilization.* Subject to the conditions set forth in §§ 923.43 and 923.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except sterilized products in hermetically sealed containers, ice cream mix, and eggnog); and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) contained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; and (3) in shrinkage assigned to Class II pursuant to § 923.42.

§ 923.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in the fluid milk plant(s) of the handler;

(b) Multiply the pounds of skim milk and butterfat in producer milk (except milk diverted pursuant to § 923.11) and other source milk by 0.02;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk classified pursuant to § 923.41 (a) and (b) (1) (except shrinkage determined pursuant to paragraph (a) of the section) which is in Class II milk. The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II milk pro rata to producer milk and other source milk.

§ 923.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 923.44 *Transfers.* Skim milk or butterfat disposed of from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 923.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 923.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 918.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(b) As Class I milk if transfered to a producer-handler in the form of products designated as Class I milk in § 923.41 (a) (1);

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonfluid plant located in the marketing area or not more than 50 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the 6th day after the end of the month within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

(d) As Class I milk is transferred in bulk form as cream to a nonfluid plant unless:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims Class II in his report submitted to the market administrator pursuant to § 923.30 on or before the 6th day after the end of the month within which such transaction occurred;

(3) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 923.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors, the reports of receipts and utilization for the fluid milk plants of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 923.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 923.45, the market administrator shall determine

the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 923.42 (d);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in products defined as Class I milk pursuant to § 923.41 (a) received in consumer packages from a nonfluid milk plant or the pounds of skim milk classified as Class I milk and transferred or diverted during the month to such nonfluid milk plant whichever is less.

(3) Subtract from the remaining pounds of skim milk in Class II milk the remaining pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk pursuant to § 923.41 (a) (1) on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from the fluid milk plants of other handlers in the form of products designated as Class I milk in § 923.41 (a) (1), according to its classification as determined pursuant to § 923.44 (a);

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 923.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a) or (b) of this section and § 923.51 (b), rounded to the nearest whole cent, shall be known as the basic formula price.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the month by 0.6.

(b) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.0, add 20 percent thereof, and add to such sum 3¾ cents for each full ½ cent that the average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture during the delivery period, is above 5 cents.

§ 923.51 *Class prices.* Subject to the provisions of §§ 923.52 and 923.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.10 during the months of August through February and plus $1.70 during all other months.

(b) *Class II milk price.* For the months of March through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph and for all other months the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greenville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.
Carnation Co., Galax, Va.

(2) Add the amounts obtained pursuant to subdivisions (i) and (ii) of this subparagraph, and subtract 75 cents therefrom.

(i) Multiply by 4.80 the simple average of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at New York as reported during the month by the Department of Agriculture;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department of Agriculture.

§ 923.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 923.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply by 0.12 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the previous month, and round to the nearest one-tenth cent.

(b) *Class II price.* Multiply by 0.11 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at New York, as reported by the Department of Agriculture during the month, and round to the nearest one-tenth cent.

§ 923.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located outside the marketing area and 50 miles or more from the city limits of Kingsport, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 923.41 (a) (1) and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 923.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the fluid milk plant where such milk is received from producers:

Distance from the city limits of Kingsport (miles):	*Rate per hundredweight (cents)*
50 but less than 60	10
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for purpose of calculating such location differential, products so designated as Class I milk which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 923.46 (a) (1), (2), and (3), and the comparable steps in (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 923.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 923.60 *Producer-handlers.* Sections 923.40 through 923.46, 923.50 through 923.53, 923.70 through 923.72, 923.80 through 923.83, and 923.90 through 923.96 shall not apply to a producer-handler.

§ 923.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be considered as a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 923.30), and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 923.7 (a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except fluid milk plants) in the Appalachian marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 923.7 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant has qualified as a fluid milk plant pursuant to § 923.7 (c) for each month during the preceding August through January period.

DETERMINATION OF UNIFORM PRICE

§ 923.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; and (e) add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 923.46 (a) (4) and (b), whichever is less.

§ 923.71 *Computation of uniform prices for handlers.* For each of the months of September through March, the market administrator shall compute a uniform price for the producer milk received by each handled as follows:

(a) Add to the amount computed pursuant to § 923.70 the total of the location differential deductions to be made pursuant to § 923.92;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. market.

§ 923.72 *Computation of the uniform prices for base milk and for excess milk for handlers.* For each of the months of April through August, the market administrator shall compute uniform prices for base milk and for excess milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 923.70 the total of the location differential deductions made pursuant to § 923.92;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Subject to the conditions set forth in paragraph (e) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(e) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (d) of this section from the value obtained pursuant to paragraph (c) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section;

(f) Divide the value obtained pursuant to paragraph (e) of this section by the hundredweight of base milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. market; and

(g) Divide the value obtained pursuant to paragraph (d) of this section by the hundredweight of excess milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 923.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through February by the number of days from the first day milk is received from such producer during said months to the last day of February, inclusive, but not less than 120 days.

§ 923.81 *Computation of base.* The base of each producer to be applied during the months of April through August shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days such producer's milk was received by such handler during the month: *Provided*, That if the producer's milk was not received on a daily basis, the daily base shall be multiplied by the number of days during the month for which the milk production of such producer was received by such handler.

§ 923.82 *Base rules.* The following rules shall apply in conection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months of September through February.

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be removed from one handler to another handler.

§ 923.83 *Announcement of established bases.* On or before April 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 923.90 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 15th day after the end of each month, each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price computed pursuant to § 923.71 for the months of September through March, and at not less than the uniform price for base milk computed pursuant to § 923.72 with respect to base milk received from such producer and at not less than the uniform price for excess milk computed pursuant to

§ 923.72 with respect to excess milk received from such producer for the months of April through August, subject to the following adjustments: (1) The butterfat differential pursuant to § 923.91, (2) the location differential pursuant to § 923.92, (3) marketing service deductions pursuant to § 923.95, (4) proper deductions authorized in writing by the producer, and (5) adjustments for errors in calculating payment to such individual producer for past months: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if requested by the cooperative association, pay such cooperative association on or before the 13th day after the end of each month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph;

(b) In making the payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 923.91 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 923.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 923.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 923.92 *Location differential to producers.* In making payment to producers pursuant to § 923.90, the applicable uniform prices to be paid for producer milk received at a fluid milk plant located outside the marketing area and 50 miles or more from the city limits of Kingsport, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the fluid milk plant where such milk was received at the following rate:

Distance from the city limits of Kingsport (miles):	*Rate per hundredweight (cents)*
50 but less than 60	10
For each additional 10 miles or fraction thereof an additional	1.5

§ 923.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products disclose errors, resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 923.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 923.90, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of this statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 923.90 (b).

§ 923.95 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk and, (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonfluid milk plant.

§ 923.96 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 923.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 923.101.

§ 923.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 923.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 923.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 923.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 923.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 24th day of September 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 54-7598; Filed, Sept. 28, 1954; 8:45 a. m.]

[Docket No. AO 252]

PART 987—MILK IN THE CENTRAL MISSISSIPPI MARKETING AREA

SUBPART—ORDER REGULATING HANDLING

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AUTHORITY: §§ 987.0 to 987.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 987.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk, and (c) Class I milk disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonfluid milk plant.

(b) *Additional findings.* In view of the widely scattered location of the plants of handlers, the provision in the order for a base forming period which includes the month of October; and the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the

provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. It is hereby found and determined in view of the aforesaid facts and circumstances, that good cause exists for making §§ 987.1 through 987.17; 987.20 through 987.22 (h); 987.30 through 987.33; 987.40 through 987.46; 987.60, 987.61, 987.80 through 987.83, 987.95, 987.96, 987.100 through 987.103, 987.110 and 987.111 effective on October 1, 1954, and that it would be contrary to the public interest to delay such effective date beyond that specified. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of more than 50 percent of the milk covered by this order which is marketed within the Central Mississippi marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order is approved or favored by at least three-fourths of the producers who, participated in a referendum thereon and who, during the determined representative period (August 1954), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered that the full text of the order be published in the FEDERAL REGISTER.

Sections 987.1 through 987.17; 987.20 through 987.22 (h); 987.30 through 987.33; 987.40 through 987.46; 987.60, 987.61, 987.80 through 987.83, 987.95, 987.96, 987.100 through 987.103, 987.110 and 987.111 shall be effective on and after the first day of October 1954 and the entire order (§ 987.1 through 987.111) shall be effective on and after the first day of November 1954.

DEFINITIONS

§ 987.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 987.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 987.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 987.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 987.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 987.6 *Central Mississippi marketing area.* "Central Mississippi marketing area," hereinafter called the "marketing area," means all the territory within the following counties: Claiborne, Copiah, Covington, Forrest, Hinds, Jasper, Jefferson Davis, Jones, Madison, Marion, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren, Wayne, Lamar (except beat 2 thereof), and Lawrence (except beats 1, 2 and 3 thereof).

§ 987.7 *Distributing plant.* "Distributing plant" means any plant from which a volume of Class I milk equal to more than an average of 1,000 pounds per day or 5.0 percent of the Grade A milk and skim milk received from producers and other plants, whichever is less, is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area.

§ 987.8 *Supply plant.* "Supply plant" means (a) any plant from which Grade A milk, skim milk or cream is shipped during the month to a distributing plant in any of the months of January through July, or (b) any plant from which not less than 50 percent of the Grade A milk received from dairy farmers during the month is shipped in such month as milk, skim milk or cream to distributing plants during the months of August through December.

§ 987.9 *Fluid milk plant.* "Fluid milk plant" means a distributing plant or a supply plant.

§ 987.10 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 987.11 *Approved plant.* "Approved plant" means: (a) A fluid milk plant, (b) any milk plant from which Class I milk is disposed of (including delivery by a vendor or sale from a plant store) during the month to retail or wholesale outlets located in the marketing area, or (c) any plant from which milk or skim milk approved by the appropriate health department for distribution as Class I milk in the marketing area is shipped to a distributing plant during the month.

§ 987.12 *Handler.* "Handler" means any person in his capacity as the operator of one or more approved plants.

§ 987.13 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant or (b) diverted for his account by the operator of a fluid milk plant from such plant to a nonfluid milk plant during the months of March through July: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 987.14 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received at the fluid milk plant directly from producers, or diverted from the plant pursuant to § 987.13.

§ 987.15 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 987.41 (a) (1), except (1) such products received from other fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 987.41 (b) (1) from any source (including those from a plant's own production) which are reprocessed or converted to another product during the month.

§ 987.16 *Producer-handler.* "Producer-handler" means any person who operates an approved plant but who receives no milk from other dairy farmers.

§ 987.17 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 987.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 987.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 987.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 987.95 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 987.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 987.30 and 987.31 or payments pursuant to § 987.90;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 987.51 (a) and the Class I butterfat differential computed pursuant to § 987.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 987.51 (b) and the Class II butterfat differential computed pursuant to § 987.52 (b), both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price for each handler computed pursuant to § 987.71 and the butterfat differential computed pursuant to § 987.91; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk for each handler computed pursuant to § 987.72, and the butterfat differential computed pursuant to § 987.92;

(j) On or before the 10th day after the end of each month, mail to each handler at his last known address a statement showing for such handler:

(1) The amount and value of producer milk in each class and the totals thereof;

(2) For the months of March through July, the amounts and value of his base and excess milk, respectively; and

(k) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 987.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk; and for the months of March through July, the total quantity of base milk received;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 987.41 (a) (1) received from fluid milk plants of other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of Class I milk on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 987.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July the total pounds of base and excess milk, (iii) the number of days on which milk was received from such producer if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk, or cream at his fluid milk plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(3) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 987.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 987.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 987.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at fluid milk plants and which is required to be reported pursuant to § 987.30 shall be classified by the market administrator pursuant to the provisions of §§ 987.41 through 987.46.

§ 987.41 *Classes of utilization.* Subject to the conditions set forth in §§ 987.43 and 987.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream), cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, and sterilized products

contained in hermetically sealed containers); (2) contained in inventory of milk and milk products designated as Class I milk pursuant to subparagraph (1) of this paragraph, on hand at the end of the month; and (3) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) disposed of and used for livestock feed; (3) contained in skim milk dumped, provided the market administrator is notified in advance and given opportunity to verify such dumping; and (4) in shrinkage not to exceed 2 percent of skim milk and butterfat, respectively, in producer milk and other source milk.

§ 987.42 *Assignment of shrinkage.* The market administrator shall assign shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 987.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 987.44 *Transfers.* Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in §987.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 987.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to §987.46, and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers;

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 987.41 (a) (1);

(c) As Class I milk if transferred or diverted in the form of bulk milk, skim milk, or cream to a nonfluid milk plant, unless the following conditions are met:

(1) The transferring handler claims utilization in a product specified in § 987.41 (b);

(2) The operator of the nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant, and the market administrator is permitted to audit such books and records for the purpose of verification; and

(3) The Class I milk in the nonfluid milk plant does not exceed the receipts of butterfat and skim milk in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply for such plant: *Provided,* That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, cream, or skim milk so transferred or diverted.

§ 987.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 987.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 987.45, the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 987.42 (b);

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided,* That if the pounds of skim milk in other source milk exceed the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk contained in inventory of Class I products on hand at the beginning of the month;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 987.41 (a) (1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 987.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 987.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) Divide the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by 3.5 and multiply by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct five cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, and multiply by 7.5;

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Kraft Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Brookhaven Creamery, Brookhaven, Miss.
Pet Milk Co., Kosciusko, Miss.

§ 987.51 *Class prices.* Subject to the provisions of §§ 987.52 and 987.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.85 during the months of March, April, May and June, and plus $2.25 during all other months.

(b) *Class II milk price.* The price per hundredweight for Class II milk shall be the price determined pursuant to § 987.50 (c).

§ 987.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 987.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 987.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located outside the marketing area and 50 miles or more from the State Capitol Building, Jackson, Mississippi, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 987.41 (a) (1) to another fluid milk plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 987.51 (a) shall be reduced by 10 cents: *Provided,* That for purposes of calculating such location differential, products so designated as Class I milk which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 987.46 (a) (1) and (2) and the comparable steps in § 987.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made first to plants to which the location differential is applicable.

APPLICATION OF PROVISIONS

§ 987.60 *Producer - handlers.* Sections 987.40 through 987.46, 987.50 through 987.53, 987.70 through 987.72, 987.80 through 987.83, and 987.90 through 987.96 shall not apply to a producer-handler.

§ 987.61 *Plants subject to other Federal orders.* The provisions of this order shall not apply to a plant specified in paragraph (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that more Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants) in the Central Mississippi marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant pursuant to the provisions of § 987.8 (b) during each of the preceding months of August through December.

DETERMINATION OF UNIFORM PRICE

§ 987.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; (e) in the case of a handler operating a fluid milk plant which was not a fluid milk plant under this order during each of the preceding 5 months, add an amount calculated by multiplying the difference between the Class I and the Class II prices adjusted by the appropriate butterfat differentials by any figure determined as follows: Any amount by which the hundredweight of skim milk or butterfat in inventory classified for such month, pursuant to § 987.41 (a) (2), is less than the least hundredweight of skim milk or butterfat, respectively, deducted pursuant to § 987.46 (a) (3) and (b) for such handler for any month since such plant was not a fluid milk plant; (f) add for each month of July an amount calculated by multiplying by 40 cents the hundredweight by which the inventory classified pursuant to § 987.41 (a) (2) for the preceding month exceeds any inventory so classified for the preceding February.

§ 987.71 *Computation of uniform prices for handlers.* For each of the months of August through February, the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 987.70 the total of the location differential deductions to be made pursuant to § 987.90 (b) or (c);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month; and

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. market.

§ 987.72 *Computation of the uniform price for base milk and for excess milk for handlers.* For each of the months of March through July, the market administrator shall compute for each handler with respect to his producer milk a uniform price for base milk and for excess milk as follows:

(a) Add to the amount computed pursuant to § 987.70 the total of the location differential deductions made pursuant to § 987.90 (b) or (c);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Subject to the conditions set forth in paragraph (e) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(e) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (d) of this section from the value obtained pursuant to paragraph (c) of this section: *Provided,* That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section;

(f) Divide the value obtained pursuant to paragraph (e) of this section by the hundredweight of base milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. market; and

(g) Divide the value obtained pursuant to paragraph (d) of this section by the hundredweight of excess milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 987.80 *Determination of daily base.* The daily base of each producer shall be

calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through January by the number of days from the first day milk is received from such producer during said months to the last day of January, inclusive, but not less than 120 days.

§ 987.81 *Computation of base.* The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days such producer's milk was received by such handler during the month.

§ 987.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months of September through January;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be moved from one handler to another handler.

§ 987.83 *Announcement of established bases.* On or before March 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 987.90 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month for milk received during the first 15 days of the month at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of each of the months of August through February for milk received during such month at not less than the uniform price per hundredweight, computed for such handler pursuant to § 987.71, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section and deductions made pursuant to § 987.94;

(c) On or before the 15th day after the end of each of the months of March through July, after allowance for the amount of payment made pursuant to paragraph (a) of this section for deductions made pursuant to § 987.94, and for other proper deductions authorized in writing by such producer, as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 987.72 for the quantity of base milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92;

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 987.72 for the quantity of excess milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92;

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 987.91 *Butterfat differential to producers.* The applicable uniform prices to be paid pursuant to § 987.90 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 987.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest half cent.

§ 987.92 *Location differentials to producers.* In making payment to producers pursuant to § 987.90, the applicable uniform prices to be paid for producer milk received at a fluid milk plant located outside the marketing area and more than 50 miles from the State Capitol Building in Jackson, Mississippi, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced 10 cents per hundredweight.

§ 987.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 987.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 987.90, shall deduct 7 cents per hundredweight, or such amount not exceeding 7 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer. In lieu of such statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 987.90 (d).

§ 987.95 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handler's own production; (b) other source milk at a fluid milk plant which is classified as Class I milk; and (c) Class I milk disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonfluid milk plant.

§ 987.96 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 987.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 987.101.

§ 987.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 987.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 987.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 987.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 987.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 24th day of September 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 54-7597; Filed, Sept. 28, 1954; 8:45 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[NSCP-1901, Supp. 1]

PART 1106—NAVAL STORES CONSERVATION PROGRAM

SUBPART—1955

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the Agricultural Act of 1954, and the Department of Agriculture Appropriation Act, 1955, the 1955 Naval Stores Conservation Program, approved August 17, 1954 (19 F. R. 5303), is amended as follows:

1. Section 1106.633 is deleted and the following substituted therefor:

§ 1106.633 *Excess acreage of basic agricultural commodities.* (a) Any person who knowingly harvests any basic agricultural commodity or causes any basic agricultural commodity to be harvested on any farm in which he has an interest, in excess of the 1955 acreage allotment for the farm for such basic agricultural commodity under the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment of cost-shares whatsoever on that farm or on any other farm under 1955 programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. A basic agricultural commodity shall not be deemed to have been knowingly harvested on any farm in excess of the farm acreage allotment for such basic agricultural commodity if it is determined under applicable price support regulations that the acreage allotment for the commodity has not been knowingly exceeded.

(b) Any person who makes application for payment for cost-shares with respect to any farm shall file with such application a statement that he has not knowingly harvested any basic agricultural commodity or caused any basic agricultural commodity to be harvested on any farm in which he has an interest, in excess of the 1955 acreage allotment established for the farm for such basic agricultural commodity under the Agricultural Adjustment Act of 1938, as amended.

2. In § 1106.602 *Inspection assistance,* paragraph (b) is amended as follows:

(b) Counting all faces and keeping written records thereof separately by tracts and drifts;

3. In § 1106.621 *Initial use of spiral gutters or yarn aprons and double-headed nails to minimize damage to the trees in installing faces for the virgin year or in the first elevation; 1½ cents per face,* the undesignated paragraph following paragraph (b) is amended to read as follows:

This payment is in addition to that authorized for meeting the requirements of §§ 1106.611, 1106.612, 1106.613, 1106.614, 1106.615, 1106.616, 1106.617, 1106.618, 1106.619, 1106.620, 1106.623, or 1106.624.

4. In § 1106.622 *Initial use of double-headed nails to conserve worked portion of the tree; ½ cent per face,* the undesignated paragraph following paragraph (b) is amended to read as follows:

This payment is in addition to that authorized for meeting the requirements of §§ 1106.612, 1106.614, 1106.616, 1106.618, or 1106.620.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304, 897; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 22d day of September 1954.

[SEAL] J. EARL COKE,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-7632; Filed, Sept. 28, 1954; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 54-1202]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 11—INDUSTRIAL RADIO SERVICES

RENEWAL OF VHF SHORAN AUTHORIZATIONS

SEPTEMBER 22, 1954.

The Commission has reviewed the matter of certain authorizations which have been issued in the past to licensees of the Commission for use of frequencies in the band 225–328.6 Mc in connection with the operation of Shoran equipments. The Commission's rules do not provide for authorizations of this type. Accordingly, the Commission has this date advised the existing licensees now authorized to use such frequencies in connection with the operation of Shoran equipments that it does not presently contemplate that new authorizations or renewals of existing authorizations will be made after December 31, 1954, unless by such time provision has been made in the Commission's rules permitting such use of those frequencies by non-Government stations. The Commission has advised the same licensees that they may petition the Commission to amend its Rules so as to permit such authorizations, noting, however, that the frequency band 225–328.6 Mc is allocated in the United States for use only by United States Government radio stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7624; Filed, Sept. 28, 1954; 8:51 a. m.]

[Docket No. 11117; FCC 54-1208]

[Rules Amdt. 3-21]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations, Docket No. 11117.

1. The Commission has under consideration its notice of proposed rule making issued on July 28, 1954 (FCC 54-963) and published in the FEDERAL REGISTER on August 4, 1954 (19 F. R. 4880) proposing to assign Channel 38 to Sunbury, Pennsylvania, in lieu of Channel 65, and to make other changes in the table. The Notice was issued in response to a petition filed by Sunbury Broadcasting Corporation, Sunbury, Pennsylvania.

2. The time for filing comments in this proceeding expired August 30, 1954. No comments were filed opposing the proposed amendment. In support of its request petitioner urged that the proposed amendments are technically feasible; that they will provide a more efficient utilization of available UHF channels in that an assignment is made to Shamokin, a community of 16,000 persons now without an assignment; that the assignment of a lower channel in this rugged area would insure a higher quality service and a more successful operation; and that petitioner will file an application for the use of Channel 38.

3. As we pointed out in the notice of proposed rule making, the Commission has not recognized distinctions among the various UHF channels for assignment purposes. However, in light of the more effective use of the available assignments that would be made under the proposal in this proceeding, we are of the view that a finalization of the proposed changes would serve the public interest.

4. Authority for the adoption of the amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That, effective October 25, 1954, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

City	Channel No.	
	Add	Delete
Sunbury, Pa	38	65
Lewistown, Pa	71–	38
Shamokin, Pa	65	

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: September 22, 1954.

Released: September 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7628; Filed, Sept. 28, 1954; 8:52 a. m.]

[Rules Amdt. 3-22]

[Docket No. 10936; FCC 54-1209]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on February 25, 1954 (FCC 54-260) advising that a petition had been filed by John H. Phipps requesting the assignment of television Channel 2 to Havana, Florida.

2. John H. Phipps filed comments supporting the assignment of Channel 2 to Havana, urging that such assignment would meet all requirements of the Commission's rules; would represent a fair and equitable distribution of VHF television facilities; and would bring television service to a large and important area, which would include Tallahassee, the capital city of Florida. Havana, with a population of 1,634 persons is located 16 miles from Tallahassee. Tallahassee has a population of 27,237 persons and has 3 channels assigned, Channels 11, 24, and 51, with Channel 11 reserved for educational use. No applications have been filed to date for any of the Tallahassee assignments.

3. The Alabama Educational Television Commission filed a comment in opposition to the Havana assignment and a counterproposal urging that Channel 2 be assigned instead to Andalusia, Alabama to be reserved in that community for noncommercial educational use. Since Andalusia is only about 130 miles from Havana, the two proposals are conflicting. In support of its counterproposal, the Alabama Commission submits that the assignment of Channel 2 as an educational channel in Andalusia would meet all requirements of the Commission's rules and would permit the establishment of an educational station to serve the needs of the south central portion of Alabama. It is urged that an educational station operating in Andalusia would provide a necessary link in Alabama's statewide educational television service and that the Alabama Commission will file an application for an educational station in the event Channel 2 is reserved in Andalusia. Andalusia has a population of 9,162 persons. One channel, Channel 29, is presently assigned, but no applications have been filed for this frequency.

4. In reply to the Alabama Commission's counterproposal, Mr. Phipps argues that since only one channel has been assigned to Andalusia, an educational assignment in that community would violate the allocation principles employed by the Commission in its Sixth Report and Order. It is contended that in that proceeding the Commission reserved an assignment for noncommercial educational use only in communities which had three or more assignments or where the community had been designated as a primarily educational center; and it is contended that Andalusia does not fit either of these categories. It is also submitted, in opposition to the Alabama Commission's request, that the State of Alabama already has its fair share of television channels, both VHF and UHF, for educational use and that it is not possible for every State to achieve complete coverage in the VHF band.

5. The Commission has before it two conflicting proposals for the assignment of Channel 2: One seeks this assignment for Havana, Florida; the other for Andalusia, Alabama to be reserved for education. The assignment could be employed in either community in accordance with the Commission's technical requirements; however, since the two communities are only 130 miles apart, the channel can be used in only one of them. Channel 2 in Havana would represent a first assignment for a community of 1,634 persons. Havana, however, is only 16 miles from Tallahassee which presently has 3 assignments, one of which is reserved for education. In Andalusia, Channel 2 would represent a second assignment and a first educational reservation in a community of 9,162 persons.

6. Upon our careful review of the comments filed in this proceeding, we have determined that Channel 2 should be assigned to Andalusia and reserved for education in that community. On the basis of the record made in this proceeding, we believe that the need for an educational reservation in Andalusia as contemplated by the Alabama Commission outweighs the need for the assignment of this frequency in Havana. The Alabama Educational Television Commission, created by legislative act for the purpose of bringing educational television to the people of Alabama and empowered to own and operate television stations for this purpose, has already been granted a permit to construct an educational station at Munford and has an application for such a station pending for Birmingham. The Alabama Commission submits that the assignment of Channel 2 in Andalusia is both necessary and desirable in order to achieve wide-area coverage of the southern section of the State and to aid in the effectuation of its statewide educational television service. The Alabama Commission points out in this connection, that Channel 2 in Andalusia would provide educational television service not only to that community but would also bring educational television to the large rural area surrounding it.

7. Mr. Phipps contends that since only one channel has been assigned to Andalusia, an educational reservation in that community would not be warranted and would not be in accord with the Commission's assignment principles as employed in the Sixth Report and Order. While it is correct that in the above proceeding the Commission, as a general rule, reserved a channel for educational purposes only if a community had as many as three television channels assigned to it, or if the community could be classified as a "primarily educational center," these principles were only general guideposts and not hard and fast rules. The Commission in a number of instances, upon a proper showing of need, has since reserved channels in communities without regard to the number of assignments in the communities. For example, in order to provide for a state-wide educational network in Tennessee, the Commission has assigned and reserved Channel 2 in Sneedville and Channel 11 in Lexington, Tennessee, communities with very small populations. (See our Report and Order (FCC 54-364) issued March 19, 1954.) We believe, on the basis of the entire record in this proceeding, that the assignment of Channel 2 in Andalusia for educational use is to be preferred to the assignment of Channel 2 to Havana, Florida. Accordingly, we are adopting the counterproposal of the Alabama Educational Television Commission and are rejecting the conflicting proposal of John H. Phipps.[1]

[1] In the notice of proposed rule making it was proposed to assign Channel 2+ to Havana. While this offset carrier assignment was technically feasible in Havana it cannot be employed in Andalusia. Accordingly, we are assigning Channel *2—, which is technically feasible in Andalusia.

8. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered*, That effective October 25, 1954, the Table of Assignment contained in § 3.606 of the Commission's rules governing Television Broadcast Stations is amended as follows:

City:	Channel No.
Andalusia, Ala	*2—, 29

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: September 22, 1954.

Released: September 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7625; Filed, Sept. 28, 1954; 8:51 a. m.]

[Docket No. 11011; FCC 54-1196]

[Rules Amdt. 8-10]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

REQUIRED ANTENNA-GROUND SYSTEMS AND AUTHORIZED TRANSMITTER-POWER

In the matter of amendment of Part 8 of the Commission's Rules to require antenna-ground systems and to specify minimum transmitter power or minimum field strength for ship stations operating on frequencies below 25 Mc for telephone communication with public coast stations exclusively; Docket No. 11011.

1. The Commission instituted the above-captioned proceeding by the adoption of a notice of proposed rule making on April 21, 1954. In accordance with the requirements of section 4 (a) of the Administrative Procedure Act, the notice in this proceeding was duly published in the FEDERAL REGISTER on April 28, 1954 (19 F. R. 2472). The period provided for the submission of written comments and replies thereto by interested parties has expired.

2. Comments were submitted by three parties, the American Merchant Marine Institute, Inc., the Southern California Marine Radio Council, and the American Telephone & Telegraph Company. Comments were submitted by the General Development Corporation subsequent to the closing date for comment in the Docket. Inasmuch as the comments were similar to comments filed by other parties, they are, in effect, covered in the proceedings.

3. The American Merchant Marine Institute, Inc., supported the proposed rule making stating, in part, that "If the operational requirements of a particular user are such that his needs can be satisfied by only the short distance transmissions which can be obtained from equipment below the standards proposed, then the user should be operating on frequencies in the VHF bands (which have been established for short distance communication purposes), and not on the longer distance frequencies below 25 Mc". The American Telephone & Telegraph Company indicated that amendments of the nature of those proposed would be desirable but recommended that the requirements be extended to cover ship-to-ship communication frequencies and that the minimum power values be reduced to one-half of those proposed. The Southern California Marine Radio Council objected to the antenna-ground system requirement on the basis that it would be impractical or even impossible in the case of certain non-metallic hulled vessels to attach metal plates to the hull. The Council pointed out the economic burden involved in installing metal plates, although recognizing the benefit of good antenna-ground systems, and expressed the belief that they should be made the subject of education rather than rule. With respect to the minimum power requirement, the Council stated that the lower limit should be 10 watts because "reasonably satisfactory" communication is being obtained with transmitters rated at 12 watts and because "an optimum balance" would be achieved "between power output, size and cost of transmitter, and battery capacity". The Council further pointed out, as had the American Telephone & Telegraph Company, that although the proposed rules were expressly directed to ship-to-shore public correspondence only, as a practical matter they would apply to intership communication as well, since in most instances a single set of equipment was used for both types of communication.

4. In view of the comments regarding the infeasibility under various circumstances of installing ground plates on non-metallic hulls, the rule, as finalized, has been revised so as to eliminate the absolute requirement that such a plate be installed on vessels having non-metallic hulls. In lieu thereof, with respect to such ships, the rule calls for the installation of the best possible antenna-ground system under the circumstances on the particular ship.

5. The minimum power values have been finalized as proposed. The comments submitted did not object to the specification in the rules of minimum power values but suggested different and less minimum values than those proposed. There was not any unanimity as to what the minimum values should be, and apparently the primary basis for the suggested values was what each party's experience indicated would furnish "satisfactory" communication. However, as suggested by the American Merchant Marine Institute in its comment, the public interest in use of radio frequencies is not directed solely to furnishing "satisfactory" communication without regard to the efficiency of use of the frequencies involved. Frequencies are now available in the VHF band to handle essentially short distance communication. Effective frequency utilization requires that such communications be removed from the extremely congested longer distance frequencies in the 2 to 4 Mc band, and placed in the VHF band. Reduction of the minimum power values from those proposed to any of the values

[2] Dissenting Statement of Commissioner Webster. "I would deny both petitions."

suggested would tend to lessen the effectiveness of the requirement for this purpose.

6. The rules, as finalized, herein, do not distinguish between frequencies for public correspondence ship-shore use and frequencies for intership use. As indicated by the comments, the distinction is more apparent than real in view of the equipment installed aboard most vessels. Therefore, the distinction has been eliminated.

7. In view of the foregoing and pursuant to sections 4 (i), 303 (f), (h) and (r) of the Communications Act of 1934, as amended, it is ordered that effective November 1, 1954, Part 8 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: September 22, 1954.

Released: September 24, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 8.107 is amended by adding a new paragraph (c) as follows:

(c) When a ship station is operating on any carrier frequency below 25 Mc authorized for radiotelephony and the effective operation of the antenna employed is not independent of a ground connection on the frequency in use, the radio station ground system of each such ship station for operation on such frequency shall consist of:

(1) An effective radio ground to the hull for a vessel having a metallic-hull, or

(2) In the case of a vessel not having a metallic hull, the most effective radio ground practicable under the circumstances. Preferably the ground shall be to a bare plate or strips, or a combination thereof, of corrosion-resistant metal of at least 12 square feet in aggregate area affixed to the hull below the waterline.

2. Section 8.134 (a) is amended to read as follows:

(a) Stations on board ship subject to this part may use such antenna power as is necessary to carry on the service for which the station is licensed, on condition that the maximum authorized transmitter-power shall, subject to the provisions of § 8.110 (a), not be exceeded; and on condition that the minimum authorized transmitter-power shall not be less than that designated in paragraph (c) of this section. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter-power (as defined in § 8.7 (ii)) shall not exceed the particular power set forth in paragraphs (b) through (h) of this section which is applicable under the controlling factors designated therein in direct relation to that power. Unless the station license specifically provides otherwise, the minimum authorized transmitter-power shall not be less than the particular power set forth in paragraph (c) of this section.

3. Section 8.134 (c) is amended by designating the present contents of paragraph (c) to be paragraph (c) (1) and adding a new subparagraph (2) to read as follows:

(2) For ship stations on board any category of vessel, the authorized transmitter power on and after July 1, 1959, on frequencies between 2000 and 25,000 kc assigned for communication by telephony shall not be less than the power designated in the following table:

Class of radio-frequency amplifier used in last radio stage of transmitter	*Minimum authorized transmitter power in watts (when no modulation is present)*
Class C—Plate, or plate and screen-grid modulated	15.
Class C—Control, screen, or suppressor-grid modulated.	30.
Class C—Cathode modulated	24.
Other classes	Equivalent values as specified in the station authorization.

Provided, however, That the Commission may specifically license the use of authorized transmitter-power less than that specified in the foregoing table, for telephone communication on frequencies within the band 2000 to 4000 kc on condition that the applicant or station licensee shall make a satisfactory showing to the Commission that, with the plate (anode) input power to be used, (see § 8.7 (ff)) a minimum radio frequency field intensity of 7.4 millivolts per meter will be obtained on each such frequency at a distance over sea-water of one statute mile (over fresh water, the minimum radio frequency field intensity is reduced to 4.8 millivolts per meter at one statute mile) from the ship station independent of the direction in which the ship is headed.

[F. R. Doc. 54-7626; Filed, Sept. 28, 1954; 8:52 a. m.]

[Docket No. 11107; FCC 54-1192]

[Rules Amdt. 41-1]

PART 41—TELEGRAPH AND TELEPHONE FRANKS

RECORDS TO BE MAINTAINED AND REPORTS TO BE FILED

In the matter of amendment of Part 41, Telegraph and Telephone Franks, of the Commission's rules and regulations; Docket No. 11107.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of September 1954;

On July 14, 1954, the Commission adopted a notice of proposed rule making proposing to amend Part 41 (Telegraph and Telephone Franks) of the Commission's rules and regulations. This notice was published in the FEDERAL REGISTER July 20, 1954 (19 F. R. 4482) in accordance with section 4 (a) of the Administrative Procedure Act. The proposed amendment of § 41.31 of Part 41 of the rules eliminates the requirement of maintaining records of personal telephone calls of officers, agents, or employees of common carriers subject to the act made from company official stations. The proposed amendment provides economic relief in that it eliminates the requirement for preparing toll tickets or the recording of all such calls on AMA (automatic message accounting) tape. It requires that the carrier be prepared, upon request, to make studies which would show data regarding such calls.

No comments have been received regarding the above-mentioned proposed rule making.

It is ordered, That under authority contained in sections 4 (i) and 220 of the Communications Act of 1934, as amended, the amendment contained in the notice of proposed rule making and set forth below is hereby adopted.

It is further ordered, That said amendment shall become effective November 1, 1954.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies Sec. 220, 48 Stat. 1078; 47 U. S. C. 220)

Released: September 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Delete paragraph (b) of § 41.31 and substitute in lieu thereof the following:

§ 41.31 *Records to be maintained and reports to be filed.* • • •

(b) With respect to the communications referred to in § 41.13 every carrier subject to the act shall maintain its records in such a manner as to show the number of each class of such communications handled free of charge: *Provided,* That with respect to personal telephone calls of officers, agents, or employees of common carriers subject to the act made free of charge or at reduced rates from telephone company official stations it shall be sufficient, in lieu of such record maintenance, if the carrier be at all times prepared, upon appropriate request, to make studies which will show the number of each class of such communications handled free of charge or at reduced rates.

[F. R. Doc. 54-7627; Filed, Sept. 28, 1954; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 16]

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of September 1954.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831-835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as

amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made a part thereof.

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 commodity list (15 F. R. 8264, 8366, 8267, 8271, Dec. 2, 1950) (17 F. R. 7279, Aug. 9, 1952) (49 CFR 72.5, 1950 Rev., 1953 Supp.) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Automobiles, motorcycles, tractors, or other self-propelled vehicles.	See §§ 73.120, 73.303.			
Magnesium scrap (borings, clippings, shavings, sheets, or turnings).	F. S.	73.153, 73.220	Yellow	100 pounds.
Propylene. See Liquefied petroleum gas.				
Add				
Detonating fuzes, radioactive	Expl. A	No exemption, 73.69		Not accepted.
Dicumyl peroxide	F. S.	73.153, 73.154	Yellow	25 pounds.
Dicumyl peroxide, 70 percent solution	Oxy. M	73.153 (b), 73.224	Yellow	1 quart.
Fuzes, detonating, radioactive	Expl. A	No exemption, 73.69		Not accepted.
Cancel				
Fuzes, railway. See Common fireworks.				

PART 73—SHIPPERS

Amend § 73.8 (b) (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.8, 1950 Rev.) to read as follows:

§ 73.8 *Canadian shipments.* • • •

(b) Specification containers made and maintained in full compliance with corresponding specifications prescribed by the Board of Transport Commissioners for Canada in its Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight, and Specifications for Shipping Containers, and marked in accordance therewith, BTC, CRC, etc., may be used for shipment of explosives and other dangerous articles offered for transportation by carriers by rail freight, rail express, highway, or water.

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

Amend § 73.34 (k) table (17 F. R. 4293, May 10, 1952) (49 CFR 73.34, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* • • •

(k) • • •

Specification under which cylinders were made	*Minimum retest pressure (pounds per square inch)*
ICC-3	3,000 pounds.
ICC-3A; ICC-3AA; ICC-3D; ICC-4A; ICC-26 marked for filling at over 450 pounds.	5/3 times the service pressure. (See § 73.301 (g).)
ICC-3B; ICC-3BN; ICC-4AA480; ICC-4B; ICC-4BA; ICC-4D; ICC-26 marked for filling at 450 pounds and below.	2 times the service pressure. (See § 73.301 (g).)
ICC-3C; ICC-3E; ICC-4C; ICC-8; ICC-8AL	Quinquennial test not required.
ICC-7 when used as authorized in § 73.312 (a) (4).	300 pounds.
ICC-7 when not used under authority of § 73.312 (a) (4).	Quinquennial test not required.
ICC-4	700 pounds.
ICC-9	400 pounds.
ICC-25; ICC-38	500 pounds.
ICC-33	800 pounds.

(No change in Exceptions.)

• • • • • •

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.53 (g) (2) (15 F. R. 8285, Dec. 2, 1950) (49 CFR 73.53, 1950 Rev.) to read as follows:

§ 73.53 *Definition of class A explosives.* • • •

(g) *Type 7.* • • •

(2) Detonating fuzes are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope. They may also contain a small amount of radioactive component.

• • • • • •

2. Amend § 73.69 (a) and (c) (17 F. R. 9836, Nov. 1, 1952) (49 CFR 73.69, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.69 *Detonating fuzes with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges.* (a) Detonating fuzes with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges, when shipped not assembled in projectiles, bombs, etc., must be packed and well secured in strong, tight wooden boxes.

NOTE 1: Radiation on the surface of any detonating fuze having a radioactive component shall not exceed 100 milliroentgens per hour and the radiation at the surface of the outside shipping cantainer shall not exceed 200 milliroentgens per hour.

• • • • • •

(c) Each outside package must be plainly marked "Detonating Fuzes—Handle Carefully—Do not Store or Load With Any High Explosives," or "Detonating Fuzes, Radioactive—Handle Carefully—Do Not Store or Load With Any High Explosives," or "Boosters (Explosive)—Handle Carefully," or "Bursters (Explosive)—Handle Carefully," or "Supplementary Charges (Explosive)—Handle Carefully," as the case may be.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.116 (d), (e), and introductory text of paragraph (f) (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.116, 1950 Rev.) to read as follows:

§ 73.116 *Outage.* • • •

(d) Flammable liquids must not be loaded into domes of tank cars. If the dome of the tank car does not provide sufficient outage, then vacant space must be left in the shell to make up the required outage.

(e) Flammable liquids having vapor pressure of 16 pounds per square inch absolute at 100° F. or less must be so loaded in tank cars that the outage shall be not less than 2 percent.

(f) Flammable liquids having a vapor pressure exceeding 16 pounds per square inch absolute at 100° F. for which minimum outage is not otherwise specifically provided herein, when loaded in uninsulated tank cars, must be so loaded that the minimum outage will be the greatest of the following values:

• • • • • •

2. Amend § 73.120 (a) (15 F. R. 8300, Dec. 2, 1950) (49 CFR 73.120 1950 Rev.) to read as follows:

§ 73.120 *Automobiles, motorcycles, tractors, or other self-propelled vehicles.* (a) Automobiles, motorcycles, tractors, or other self-propelled vehicles, equipped with gasoline or other fuel tanks are exempt from specification packaging, marking, and labeling requirements, provided such tanks are securely closed, for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements. When offered for transportation by carriers by rail freight or highway, drainage of fuel tanks is not required. When offered for transportation by rail express, fuel tanks

must have been drained and securely closed.

• • • • • •

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend § 73.190 (b) (2) (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.190 1950 Rev.) to read as follows:

§ 73.190 *Phosphorus, white or yellow.* • • •

(b) • • •

(2) Spec. 5A, 6A, or 6B (§§ 78.81, 78.97, or 78.98 of this chapter). Metal barrels or drums, not over 30 gallons capacity each.

• • • • • •

2. Add paragraph (a) (4) to § 73.206 (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.206 1950 Rev.) to read as follows:

§ 73.206 *Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.*

(a) • • •

(4) Spec. 37D (§ 78.125 of this chapter). Metal drums (single-trip) not exceeding 6 gallons capacity each, with welded side seams and hermetically sealed closure or closure made fast by positive pressure of the lid against a rubber gasket with edge of the lid crimped over the lip of the drum and a protective metal ring fastened around the crimped edge, cushioned on all sides with incombustible packing material, packed in strong outside wooden boxes (see § 73.25). Not more than 4 inside metal drums shall be packed in one outside wooden box.

• • • • • •

3. Amend entire § 73.220 (19 F. R. 3260, June 3, 1954) (49 CFR 73.220, 1950 Rev.) to read as follows:

§ 73.220 *Magnesium scrap (borings, clippings, shavings, sheets, or turnings).* (a) Magnesium scrap consisting of borings, shavings, or turnings, when shipped in carloads or truckloads, must be packed in closed metal barrels, wooden barrels, metal pails, or four-ply paper bags. In less-than-carload or less-than-truckload quantities it must be packed in closed metal drums, metal pails, or wooden barrels.

(b) Magnesium scrap consisting of clippings or sheets may be shipped in bulk in carload or truckload quantities. Cars must be tight box cars or tightly closed steel covered gondola cars and trucks or trailers must have closed or completely covered bodies.

(c) Magnesium scrap consisting of clippings or sheets in closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking, or labeling requirements.

4. In § 73.224 amend introductory text of paragraph (a) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.224, 1950 Rev.) to read as follows:

§ 73.224 *Cumene hydroperoxide, dicumyl peroxide, and tertiary butylisopropyl benzene hydroperoxide.* (a) Cumene hydroperoxide of strength not exceeding 75 percent in a non-volatile solvent, dicumyl peroxide of strength not exceeding 50 percent in a non-volatile solvent, and tertiary butylisopropyl benzene hydroperoxide not exceeding 60 percent strength must be packed in specification containers as follows:

• • • • • •

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.245 (a) (7) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.245 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • • •

(7) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass, earthenware, polyethylene or other nonfragile plastic material (bags are not authorized), not over 1 gallon each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside container.

• • • • • •

2. Amend § 73.256 (a) (3) (18 F. R. 5272, Sept. 1, 1953) (49 CFR 73.256, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.256 *Compounds, cleaning, liquid.* (a) • • •

(3) Spec. 22B (§ 78.197 of this chapter). Plywood drums equipped with molded liner of type and material approved by the Bureau of Explosives.

3. Amend § 73.257 (a) (6) (16 F. R. 11778, Nov. 21, 1951) (49 CFR 73.257, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) • • •

(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant plastic (bags are not authorized), not over one quart capacity each. Individual containers must be packed to prevent movement within the box by use of partitions or other suitable cushioning. Dry storage batteries or battery charger devices may be packed in the same outside box when adequately separated from inside containers of electrolyte acid, but not more than 4 inside containers of electrolyte acid may be so packed under this provision; gross weight of completed package shall not exceed 65 pounds.

4. Amend § 73.260 (a) (3) (19 F. R. 3260, June 3, 1954) (49 CFR 73.260, 1950 Rev.) to read as follows:

§ 73.260 *Electric storage batteries.* (a) • • •

(3) Electric storage batteries with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type, protected against short circuits and firmly secured to skids or pallets capable of withstanding the shocks normally incident to transportation, are exempt from specification packaging requirements for transportation by rail freight, highway, or water. The height of the completed unit must not exceed 1½ times the width of the skid or pallet. The unit must weigh not less than 300 pounds gross and must not fail under a superimposed weight equal to two times the weight of the unit or a superimposed weight of 4,000 pounds if the weight of the unit exceeds 2,000 pounds. Battery terminals must not be relied upon to support any part of the superimposed weight.

• • • • • •

5. In § 73.263 amend paragraph (a) (1) and add paragraph (a) (15) (15 F. R. 8316, Dec. 2, 1950) (49 CFR 73.263, 1950 Rev.) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, and sodium chlorite solution.* (a) • • •

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass, earthenware, polyethylene or other nonfragile plastic material resistant to the lading (bags are not authorized), not over 1 gallon each, except that inside containers up to 3 gallons each are authorized when only one is packed in each outside container.

• • • • • •

(15) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other nonfragile plastic material resistant to the lading (bags are not authorized), not over 1 quart capacity each, suitably cushioned to prevent movement within the box. Gross weight of complete package must not exceed 65 pounds.

• • • • • •

6. Amend § 73.287 (a) (2) (15 F. R. 8323, Dec. 2, 1950) (49 CFR 73.287, 1950 Rev.) to read as follows:

§ 73.287 *Chromic acid solution.* (a) • • •

(2) Spec. 17H (§ 78.118 of this chapter). Metal drums (single-trip), not over 5 gallons capacity.

• • • • • •

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend entire § 73.303 (18 F. R. 3136, June 2, 1953) (49 CFR 73.303, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.303 *Truck bodies or trailers on flat cars; automobiles, motorcycles, tractors, or other self-propelled vehicles.* (a) Truck bodies or trailers with automatic heating or refrigerating equipment of the gas burning type may be shipped with fuel tanks filled and equipment operating or inoperative, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement, provided the equipment and fuel supply are of a type approved by the Bureau of Explosives. The heating or refrigerating units are exempt from specification packaging, marking, and labeling requirements.

(b) Automobiles, motorcycles, tractors, or other self-propelled vehicles, equipped with liquefied petroleum gas or other fuel tanks are exempt from specification packaging, marking, and labeling requirements, provided such tanks are securely closed, for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements. When offered for transportation by carriers by rail freight or highway, drainage of fuel tanks is not required. When offered for transportation by rail express, fuel tanks must have been emptied and securely closed.

2. In § 73.308 (a), table, cancel the entry Propylene and amend the entry Vinyl methyl ether, inhibited (17 F. R. 9837, Nov. 1, 1952) (49 CFR 73.308, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
Cancel		
Propylene	41	ICC-3AA300; ICC-3AA300; ICC-3B300; ICC-4A300; ICC-4B300; ICC-4BA300; ICC-3; ICC-4; ICC-25; ICC-26-300; ICC 3s.
Change		
Vinyl methyl ether, inhibited (see Note 7).	68	ICC-4B150, without brazed seams; ICC-4BA225, without brazed seams; ICC-3A150; ICC-3AA150; ICC-3B150; ICC-25.

• • • • • •

3. Amend § 73.312 (a) (1) (18 F. R. 3136, June 2, 1953) (49 CFR 73.312, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.312 *Liquefied petroleum gas.* (a) • • •

(1) Spec. 3[1], 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA, 4B240X[1] (see appendix A to Subpart C of Part 78), 4B240FLW, 4B240ET or 9, 25[1], 26[1], 38[1], or 41 (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, 78.51, 78.54, 78.55, 78.63, or 78.67 of this chapter). Cylinders authorized under § 73.34 (a) to (e) may be used.

(No change in Note 1.)

• • • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.332 (a) (2) (17 F. R. 9944, Nov. 4, 1952) (49 CFR 73.332, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.332 *Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid, liquefied.* (a) • • •

(2) Spec. 3A480, 3AA480, or 3A480X (§§ 78.36, 78.37, or 78.43 of this chapter). Metal cylinders of not over 278 pounds water capacity (nominal); valve protection cap must be used and be at least 3/16 inch thick, gas-tight, with 3/16 inch faced seat for gasket and with United States standard form thread; the cap must be capable of preventing injury or distortion of the valve when it is subjected to an impact caused by allowing cylinder, prepared as for shipment, to fall from an upright position with side of cap striking a solid steel object projecting not more than 6 inches above floor level.

2. Amend the heading of § 73.391 (15 F. R. 8339, Dec. 2, 1950) (49 CFR 73.391, 1950 Rev.) to read as follows:

§ 73.391 *Radioactive materials class D Poison; definition.* • • •

3. In § 73.392 amend paragraph (c) and add paragraph (d) (16 F. R. 5326, June 6, 1951) (15 F. R. 8339, Dec. 2, 1950) (49 CFR 73.392, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.392 *Exemptions for radioactive materials.* • • •

(c) Radioactive materials such as ores, residues, etc., of low activity packed in strong tight containers are exempt from specification packaging and labeling requirements for shipment in carload lots by rail freight only provided the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 12 feet from any surface of the car and that the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 5 feet from either end surface of the car. There must be no loose radioactive material in the car and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car must be placarded by the shipper as provided in §§ 74.541 (b) and 74.553 of this chapter. Except when handling is supervised by the Atomic Energy Commission, shipments must be loaded by consignor and unloaded by consignee.

(d) Detonating fuzes with radioactive components as described in § 73.53 (g) (2) are exempt from labeling requirements.

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. Amend § 74.529 (c) (18 F. R. 3137, June 2, 1953) (49 CFR 74.529, 1950 Rev., 1953 Supp.) to read as follows:

§ 74.529 *Cars for class B, explosives.* • • •

(c) Explosives, class B, may be carried in tight, closed truck bodies or trailers on flat cars provided such truck bodies or trailers are not equipped with fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus. Packages of explosives shall be so braced and stayed as to prevent their movement and so as to prevent injury to them due to movement of other freight during transit. Ends, side walls, or doors of truck bodies or trailers shall not be relied upon to prevent the shifting of heavy loads unless adequately designed. "Dangerous" placards prescribed by § 74.552 must be securely attached to the car or truck body or trailer so as to be visible from both sides and ends of the car.

2. Amend § 74.530 (b) (18 F. R. 3137, 3138, June 2, 1953) (49 CFR 74.530, 1950 Rev. 1953 Supp.) to read as follows:

§ 74.530 *Cars for class C, explosives.* • • •

(b) Explosives, class C, may be carried in tight, closed truck bodies or trailers on flat cars provided such truck bodies or trailers are not equipped with fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus. Ends, side walls, or doors of truck bodies or trailers shall not be relied upon to prevent the shifting of heavy loads unless adequately designed.

3. In § 74.532 amend the introductory text of paragraph (a) (18 F. R. 3138, June 2, 1953) (49 CFR 74.532, 1950 Rev., 1953 Supp.) to read as follows:

§ 74.532 *Loading other dangerous articles.* (a) Shipments must be properly loaded in closed cars, container cars, or in tight closed truck bodies or trailers on flat cars, except as otherwise provided in Parts 71–78 of this chapter and cars placarded as prescribed, when accepted by carriers. Ends, side walls, or doors of truck bodies or trailers shall not be relied upon to prevent the shifting of heavy loads unless adequately designed.

• • • • • •

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 74.538 (a), chart, amend item g vertical and horizontal columns (17 F. R. 9839, Nov. 1, 1952) (49 CFR 74.538, 1950 Rev., 1953 Supp.) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

"g" Detonating fuzes, with or without radioactive components.

• • • • • •

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART B—LOADING AND UNLOADING

Amend § 77.835 (j) (15 F. R. 8365, Dec. 2, 1950) (49 CFR 77.835, 1950 Rev.) to read as follows:

§ 77.835 *Explosives.* • • •

(j) *Transfer of explosives en route.* No class A or class B explosive shall be transferred from one container to another, or from one motor vehicle to another vehicle, or from another vehicle to a motor vehicle, on any public highway, street, or road, except in case of emergency. In such cases red electric lanterns, red emergency reflectors or red flags shall be set out in the manner prescribed for disabled or stopped motor vehicles. (See Motor Carrier Safety Regulations, Part 192 of this chapter.) In any event, all practicable means, in addition to these hereinbefore prescribed, shall be taken to protect and warn other users of the highway against the hazard involved in any such transfer or against the hazard occasioned by the emergency making such transfer necessary.

• • • • • •

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 77.848 (a), chart, amend item g vertical and horizontal columns (17 F. R. 9840, Nov. 1, 1952) (49 CFR 77.848, 1950 Rev., 1953 Supp.) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

"g" Detonating fuzes, with or without radioactive components.											

• • • • • •

SUBPART D—VEHICLES AND SHIPMENTS IN TRANSIT; ACCIDENTS

Amend § 77.854 (a) and (f) (15 F. R. 8369, 8370, Dec. 2, 1950) (49 CFR 77.854, 1950 Rev.) to read as follows:

§ 77.854 *Disabled vehicles and broken or leaking packages; repairs.* (See also Forbidden articles, § 77.821.)

(a) *Care of lading, explosives or other dangerous articles.* Whenever for any cause other than necessary traffic stops any motor vehicle transporting any explosive or other dangerous article is stopped upon the traveled portion of any highway or shoulder thereof, special care shall be taken to guard the vehicle and its load or to take such steps as may be necessary to provide against hazard. Special effort shall be made to remove the motor vehicle to a place where the hazards of the materials being transported may be provided against. See §§ 192.22 to 192.26 inclusive, of this chapter, for signals required to be displayed on the highway.

• • • • • •

(f) *Stopped vehicles; other dangerous articles.* Whenever any motor vehicle transporting flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, or poisons, is stopped for any cause other than necessary traffic stops upon the traveled portion of any highway, or a shoulder next thereto, the following requirements shall be complied with during the period of such stop:

(1) For motor vehicles other than cargo tank motor vehicles used for the transportation of flammable liquids or flammable compressed gases and not transporting explosives, class A or class B, flares (pot torches), fusees, red electric lanterns, red emergency reflectors, and red flags shall be displayed as required under §§ 192.22, 192.23, 192.24, and 192.26 of this chapter.

(2) For cargo tank motor vehicles used for the transportation of flammable liquids or flammable compressed gases, whether loaded or empty, and vehicles transporting explosives class A or class B, red electric lanterns, red emergency reflectors and red flags shall be displayed as required in §§ 192.25 and 192.26 of this chapter.

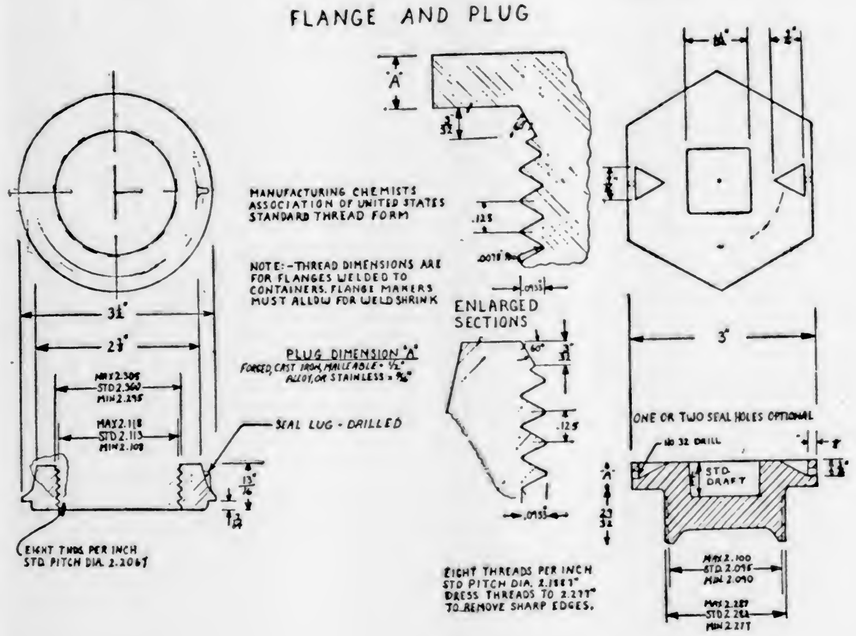
• • • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Amend entire § 78.81–9 (15 F. R. 8433, Dec. 2, 1950) (49 CFR 78.81–9, 1950 Rev.) to read as follows:

FLANGE AND PLUG



§ 78.81 *Specification 5A; steel barrels or drums.*

• • • • • •

§ 78.81–9 *Closures.* (a) Adequate to prevent leakage; gasket required. Closure must be of screw-thread type or fastened by screw-thread device. Unthreaded cap is authorized for containers of 12 gallons or less if cap is provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 5/16" diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place.

(d) Openings over 2.3" diameter not permitted. Threads for plug or cap must be 8 or less per inch when over 3/4" standard pipe size. Flanges with inside threads and plugs must conform with the thread diameter and thread form shown in the following drawing; other details shown on the drawing are recommended.

(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.

2. Amend § 78.82–2 (a) (17 F. R. 7284, Aug. 9, 1952) (49 CFR 78.82–2, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.82 *Specification 5B; steel barrels or drums.*

• • • • • • •

§ 78.82–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.82–11 (a) (3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater. Actual capacity of bilge type containers must be not less than rated (marked) capacity, nor greater than rated (marked) capacity plus 2 percent plus 2 quarts.

3. Amend § 78.83–9 (d) (1) (19 F. R. 1285, Mar. 6, 1954) (49 CFR 78.83–9, 1950 Rev.) to read as follows:

§ 78.83 *Specification 5C; steel barrels or drums.*

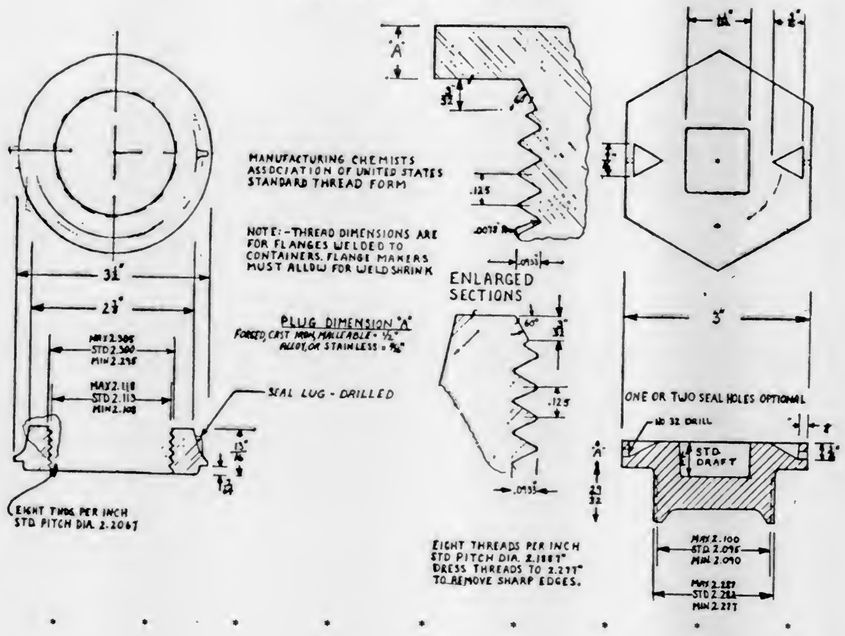
• • • • • • •

§ 78.83–9 *Closures.* • • •

(d) • • •

(1) Eight (8) threads or less per inch, thread diameters and thread form must comply with the following drawing (other details on drawing are recommended) or

FLANGE AND PLUG



• • • • • • • • • •

(2) Eight (8) threads or less per inch, thread diameters and thread form must comply with the following drawing (other details on drawing are recommended) or

FLANGE AND PLUG

(3) Eight (8) threads or less per inch, thread diameters and thread form must comply with the following drawing (other details on drawing are recommended) or

FLANGE AND PLUG

4. Amend § 78.88–8 (d) (15 F. R. 8439, Dec. 2, 1950) (49 CFR 78.88–8, 1950 Rev.) to read as follows:

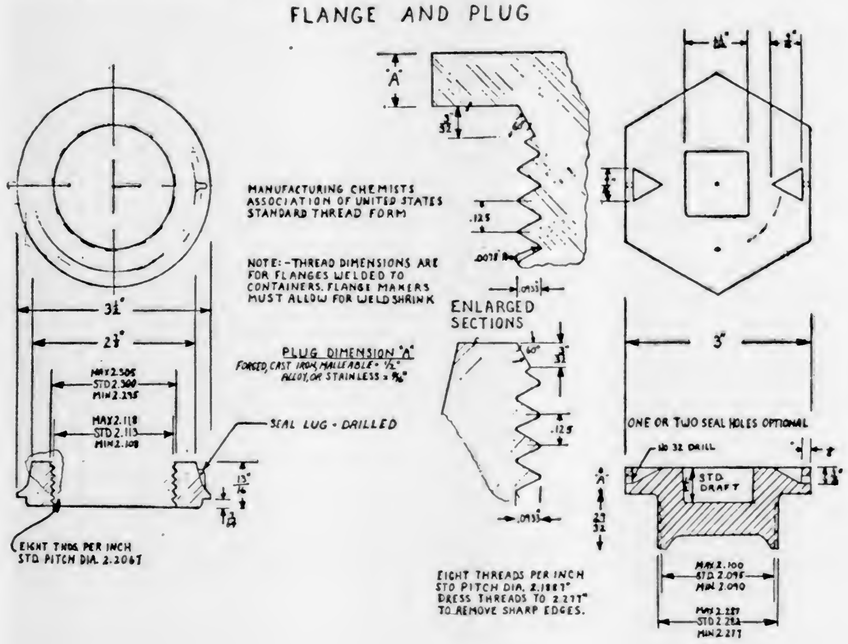
§ 78.88 *Specification 5K; nickel barrels or drums.*

* * * * * * * * * * *

§ 78.88–8 *Closures.* * * *

(d) Openings over 2.3" diameter not permitted. Threads for plug or cap must be 8 or less per inch when over ¾" standard pipe size. Flanges with inside threads and plugs must conform with the thread diameter and thread form shown in the following drawing; other details shown on the drawing are recommended.

FLANGE AND PLUG



5. Amend § 78.90–8 (e) (15 F. R. 8440, Dec. 2, 1950) (49 CFR 78.90–8, 1950 Rev.) to read as follows:

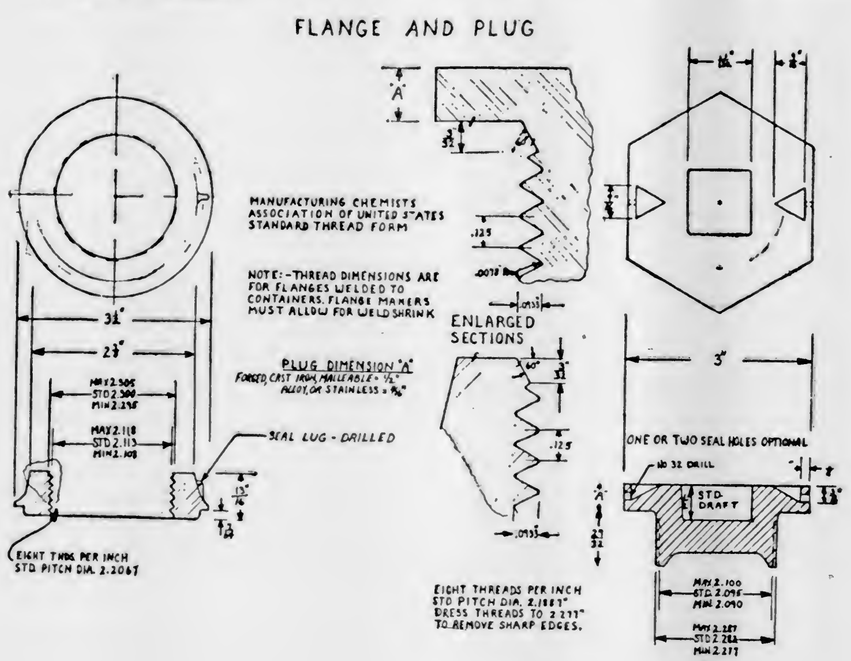
§ 78.90 *Specification 5M; monel drums.*

* * * * * * * * * * *

§ 78.90–8 *Closures.* * * *

(e) Openings over 2.3" diameter not permitted. Threads for plug or cap must be 8 or less per inch when over ¾" standard pipe size. Flanges with inside threads and plugs must conform with the thread diameter and thread form shown in the following drawing; other details shown on the drawing are recommended.

FLANGE AND PLUG



6. Amend § 78.115–2 (a); amend § 78.115–6 (a), table (17 F. R. 7286, Aug. 9, 1952) (15 F. R. 8448, Dec. 2, 1950) (49 CFR 78.115–2, 78.115–6, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.115 *Specification 17C; steel drums.*

• • • • • • •

§ 78.115–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.115–10 (a) (3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.

§ 78.115–6 *Parts and dimensions.* (a) • • •

Marked capacity not over (gallons)	Type of container	Minimum thickness in the black (gauge, United States standard)		Rolling hoops		
				Type	Minimum	
		Body sheet	Head sheet		Size (gauge or inch)	Weight (pounds per foot)
5	Straight side	24	24	None		
10	do	20	20	do		
30	do	18	18	(1)		
55	do	16	16	(1)		

[1] Rolled or swedged in hoops.

7. Amend § 78.116–2 (a) (17 F. R. 7286, Aug. 9, 1952) (49 CFR 78.116–2, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.116 *Specification 17E; steel drums.*

• • • • • • •

§ 78.116–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.116–10 (a) (3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.

8. Amend § 78.118–2 (a) (17 F. R. 7287, Aug. 9, 1952) (49 CFR 78.118–2, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.118 *Specification 17H; steel drums.*

• • • • • • •

§ 78.118–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.118–10 (a) (3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.

9. Amend § 78.119–2 (a) (17 F. R. 7287, Aug. 9, 1952) (49 CFR 78.119–2, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.119 *Specification 17X; steel barrels or drums.*

• • • • • • •

§ 78.119–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.119–10 (a) (3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

1. Amend § 78.168–13 (a) (2) (15 F. R. 8461, Dec. 2, 1950) (49 CFR 78.168–13 1950 Rev.) to read as follows:

§ 78.168 *Specification 15A; wooden boxes, nailed.*

• • • • • • •

§ 78.168–13 *Reduced thicknesses.* (a) • • •

(2) Ends or cleats: Minimum 7/16".

• • • • • • •

2. Amend § 78.169–13 (a) (2) (15 F. R. 8464, Dec. 2, 1950) (49 CFR 78.169–13 1950 Rev.) to read as follows:

§ 78.169 *Specification 15B; wooden boxes, nailed.*

• • • • • • •

§ 78.169–13 *Reduced thicknesses.* (a) • • •

(2) Ends or cleats: Minimum 7/16".

• • • • • • •

3. Amend § 78.170–12 (a) (2) (15 F. R. 8466, Dec. 2, 1950) (49 CFR 78.170–12 150 Rev.) to read as follows:

§ 78.170 *Specification 15C; wooden boxes, nailed.*

• • • • • • •

§ 78.170–12 *Reduced thicknesses.* (a) • • •

(2) Ends or cleats: Minimum 7/16".

• • • • • • •

4. Amend § 78.171–13 (a) (2) (15 F. R. 8468, Dec. 2, 1950) (49 CFR 78.171–13 1950 Rev.) to read as follows:

§ 78.171 *Specification 15D; wooden boxes, nailed.*

• • • • • • •

§ 78.171–13 *Reduced thicknesses.* (a) • • •

(2) Ends or cleats: Minimum 7/16".

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. Amend heading of § 78.205–28 (16 F. R. 5329, June 6, 1951) (49 CFR 78.205–28, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

• • • • • • •

§ 78.205–28 *Special box; authorized only for wet electric storage batteries of aluminum-case type, asphaltum composition, impregnated rubber, synthetic resin (plastic), or wooden-battery-box type, having a net weight greater than 75 pounds.* • • •

2. Amend §§ 78.214–3 (a), 78.214–4 (a), 78.214–15 (a) (1) and (b) (15 F. R. 8479, Dec. 2, 1950) (18 F. R. 5277, 5278, Sept. 1, 1953) (19 F. R. 3262, June 3, 1954) (49 CFR 78.214–3, 78.214–4, 78.214–15, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.214 *Specification 23F; fiberboard boxes.*

• • • • • • •

§ 78.214–3 *Solid fiberboard.* (a) To be 3-ply or more; both outer plies waterproofed.

§ 78.214–4 *Corrugated fiberboard.* (a) Both outer facings water resistant; corrugated sheets at least 0.009" thick; all parts securely glued together throughout all contact areas; minimum combined weight of facings not less than 84 pounds per 1,000 square feet, except when only one lining tube is used as provided by § 78.214–15 (b), minimum combined weight of facings must be not less than 138 pounds per 1,000 square feet.

§ 78.214–15 *Authorized gross weight (when packed) and parts required.* (a) Box to be of solid fiberboard, special waterproofed, at least 300-pound test, and weighting at least 250 pounds per thousand square feet. Tubes to be of solid or corrugated fiberboard at least 200-pound test and of 1-piece, or as provided in subparagraph (1) of this paragraph, with adjoining edges stitched, taped, or glued. Glued or stitched lap not less than 1¼". Lap must be firmly glued throughout entire area of contact with glue or adhesive which cannot be dissolved in water after the film application has dried.

(1) Or, box shall have one tube liner of solid fiberboard weighing at least 283 pounds per 1,000 square feet with joint or joints either stitched or glued as prescribed in paragraph (a) of this section. One end of the tube may have a handhole approximately ¾" deep located at the center of the top and a perforation with a minimum of ⅛" cuts and ⅛" webs extending from the handhole to the bottom.

(b) Authorized gross weight: 65 pounds when 2 or more lining tubes are used to divide the box into 2 or more compartments; 65 pounds when 1 or more lining tubes are used and contents will consist of 1 cartridge only or of black powder in bags; 65 pounds when boxes without lining tubes are used for electric blasting caps packed in accordance with § 73.66 (g) (1) of this chapter; 35 pounds in all other cases except that boxes having a single solid fiberboard lining tube, the fiberboard weighing at least 283 pounds per 1,000 square feet, or corrugated fiberboard lining tube as prescribed in § 78.214–4 (a), are authorized for 65 pounds gross weight.

3. Amend § 78.218–12 (c) and entire § 78.218–13 (15 F. R. 8480, 8481, Dec. 2, 1950) (49 CFR 78.218–12, 78.218–13, 1950 Rev.) to read as follows:

§ 78.218 *Specification 23G; special cylindrical fiberboard box for high explosives.*

• • • • • • •

§ 78.218–12 *Material.* • • •

(c) Immediately after exposure for 3 days under either of the following conditions:

(1) 70 percent humidity at 100° F.

(2) 90 percent humidity at 75° F.

§ 78.218–13 *Completed containers.* (a) Samples must pass the following tests immediately after exposure for 2 weeks to 90 percent humidity at 75° F. or 70 percent humidity at 100° F.; loaded containers shall contain dummy contents of shape and weight same as expected contents.

(1) Three loaded samples to be tested. Each must withstand end to end pressure of at least 500 pounds without deflection of over 1½"; speed of compression tester to be ½" per minute plus ¼" minus ¼" per minute.

(2) Three loaded samples to be tested. Each must withstand side to side pressure of at least 500 pounds without deflection of over ½"; except that for boxes with fluted crimped ends the deflection shall not exceed ¾"; speed of compression tester to be ½" per minute plus ¼" minus ¼" per minute.

(3) Three loaded samples to be tested. Each must withstand, without rupture, four 4-foot drops diagonally on the end more likely to cause rupture on impact.

(4) Three loaded samples to be tested. Each must be dropped once, flat on its side, across another similar package lying flat upon the ground with its longitudinal axis at right angles to container dropped. Drops must be made from a height four feet above the topmost point of the container on the ground.

4. Amend §§ 78.219–3 (a) and 78.219–11 (b) (17 F. R. 1564, Feb. 20, 1952) (49 CFR 78.219–3, 78.219–11, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

• • • • • • •

§ 78.219–3 *Solid fiberboard.* (a) To be 3-ply or more; both outer plies waterproofed.

§ 78.219–11 *Authorized gross weight (when packed) and parts required.* • • •

(b) Authorized gross weight: 65 pounds when 2 or more lining tubes are used to divide the box into 2 or more compartments; 65 pounds when 1 or more lining tubes are used and contents will consist of 1 cartridge only or of black powder in bags; 35 pounds in all other cases except that boxes having a single solid fiberboard lining tube, the fiberboard weighing at least 283 pounds per 1,000 square feet, are authorized for 65 pounds gross weight.

5. Amend entire § 78.222–2 (15 F. R. 8481, Dec. 2, 1950) (49 CFR 78.222–2, 1950 Rev.) to read as follows:

§ 78.222 *Specification 21A; fiber drums.*

• • • • • • •

§ 78.222–2 *Parts and dimensions.* (a) Parts and dimensions (minimum) as follows:

Authorized net weight (pounds)	Side wall calculated [2] strength [1]	Wooden heads [3] [4] [7] thickness (inch) [5]	Fiber heads [4] [6]		Maximum gallon capacity	Maximum inside diameter (inches)
			Thickness (inch)	Strength [1]		
55	680	13/16	0.120	500	7½	9
55	680	13/16	.120	650	15	14
55	680	13/16	.170	800	20	18½
115	850	13/16	.170	800	30	18½
115	850	13/16	.220	900	45	23
200	1,100	13/16	.220	900	55	18½
200	1,100	13/16	.260	1,000	55	23

[1] Mullen or Cady test.

[2] Number of laminations times strength of sheet. For walls made with liner, include liner in calculations.

[3] Minimum thickness may be reduced to 25/32" for lumber dressed two sides.

[4] When made of 2 or more discs, the discs must be fastened together with adhesive.

[5] Approved metal heads permitted when authorized (see § 78.222–5).

[6] Joints in head must be Linderman joints, glued, except as specified in Note 7.

[7] Wooden heads at least ½" thick having Kraft paper glued on both sides at all contact areas with water-resistant adhesive are authorized provided tests prescribed in § 78.222–4 are successful. Joints of any type authorized.

6. Amend § 78.331–2 (a) (1), and (c); amend § 78.331–3 (a) (18 F. R. 6782, Oct. 27, 1953) (49 CFR 78.331–2, 78.331–3, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.331 *Specification MC 311; cargo tanks.*

• • • • • • •

§ 78.331–2 *Existing tank motor vehicles continuing in service.* (a) • • •

(1) Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to December 31, 1953, may be continued in service provided they have been designed and constructed in accordance with the requirements of specification MC 310 of the Regulations for the Transportation of Explosives and Other Dangerous Articles.

• • • • • • •

(c) *Qualification of existing tank motor vehicles which conform to Specification MC 311.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to December 31, 1953, and which meet all of the construction requirements of this specification may be continued in service provided such cargo tanks are marked ICC MC 311X on the plate required by § 78.331–5.

§ 78.331–3 *New tank motor vehicles.* (a) Except as provided in § 78.331–4 every new tank motor vehicle acquired by a motor carrier on or after December 31, 1953, for the transportation of any corrosive liquid shall comply with the requirements of specifications MC 311 or MC 310. A certificate from the builder of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of either specification, shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank is employed in the transportation of corrosive liquids by him. The certificate shall indicate that the cargo tank has successfully passed the test requirements.

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on December 2, 1954, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7387; Filed, Sept. 28, 1954; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order IV–1 (Revised)]

DMO IV–1—CREATING A COMMITTEE ON MANPOWER POLICY AND A COMMITTEE ON SPECIALIZED PERSONNEL

By virtue of the authority vested in me pursuant to the National Security Act of 1947, as amended; Reorganization Plan No. 3, effective June 12, 1953; the Defense Production Act of 1950, as amended; and Executive Order 10480 of August 15, 1953, and in order to assist the Director of the Office of Defense Mobilization (1) to improve the coordination and effectiveness of Federal policies and programs relating to manpower, and (2) to advise the President on the effective mobilization and maximum utilization of manpower in the event of full mobilization, it is hereby ordered:

1. *Manpower Policy Committee.* a. There is established in the Office of Defense Mobilization the Manpower Policy Committee, which shall consist of the Assistant Director for Manpower, Office of Defense Mobilization, as Chairman; and representatives of the Department of Defense, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of Health, Education and Welfare, the Federal Civil Defense Administration, the Housing and Home Finance Agency, the Selective Service System, the United States Civil Service Commission, and the Defense Transport Administration.

b. The Manpower Policy Committee shall:

(1) Advise the Director of the Office of Defense Mobilization on problems relating to the mobilization of manpower;

(2) Review Federal policies, plans, and programs relating to manpower, and formulate recommendations for the Director of the Office of Defense Mobilization to improve and coordinate their effectiveness; and

(3) Review and formulate for the Director of the Office of Defense Mobilization proposed policies, executive orders, administrative orders, and legislation relating to the mobilization of manpower.

2. *Committee on Specialized Personnel.* a. There is also established in the Office of Defense Mobilization the Committee on Specialized Personnel which shall consist of persons appointed by the Director of the Office of Defense Mobilization with authoritative knowledge of specialized manpower resources and requirements, and of the measures required for the effective mobilization and utilization of such personnel.

b. For purposes of this Order, specialized personnel shall include engineers, physical, biological and medical scientists, social scientists and humanists; highly qualified technical assistants or subprofessional personnel supporting professional personnel in these fields; and persons in the process of gaining competence in these activities through education, experience or through a combination of both. Health personnel shall be excepted from this definition since the Health Resources Advisory Committee has the primary responsibility for advising the Director, Office of Defense Mobilization, with respect to such personnel.

c. The Committee on Specialized Personnel shall advise the Manpower Policy Committee on:

(1) The policies and actions required with respect to the training and utilization of specialized personnel during partial mobilization in order to achieve the highest state of technological readiness.

(2) The policies and actions with respect to specialized personnel which should be taken in the event of a greater emergency in order to achieve maximum technological mobilization.

3. This Order shall take effect on September 28, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-7706; Filed, Sept. 28, 1954; 11:35 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

KENYA, UGANDA, AND TANGANYIKA

In Part 127, International Postal Service: Postage Rates, Service Available and Instructions for Mailing, 39 CFR Part 127, make the following changes effective October 1, 1954:

a. In § 127.286 *Kenya and Uganda*, paragraph (b) (1) change the table of surface parcel rates, including surcharges, in subdivision (i) as follows:

Pounds	*Rate*	*Pounds*	*Rate*
1	$0.53	7	$1.93
2	.75	8	2.19
3	1.05	9	2.41
4	1.27	10	2.63
5	1.49	11	2.85
6	1.71		

b. In § 127.363 *Tanganyika Territory*, paragraph (b) (1) change the table of surface parcel rates, including surcharges, in subdivision (i) as follows:

Pounds	*Rate*	*Pounds*	*Rate*
1	$0.53	7	$1.93
2	.75	8	2.19
3	1.05	9	2.41
4	1.27	10	2.63
5	1.49	11	2.85
6	1.71		

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-7614; Filed, Sept. 28, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11129; FCC 54-1210]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations; Docket No. 11129.

1. The Commission has before it for consideration the request of the Department of Education of Puerto Rico "For Extension of Time Within Which to File Replies to Comments", and an Opposition to this request filed by Radio Americas Corporation.

2. On August 11, 1954, the Commission issued a notice of proposed rule making (FCC 54-1012) in the above-entitled matter proposing the substitution of Channel 11 in San Juan, Puerto Rico for Channel 6, and the substitution of Channel 6 in Caguas, Puerto Rico for Channel 11. The notice specified that comments were to be filed on or before September 7, 1954, and replies to such comments 10 days thereafter. The Board of Education filed comments in the proceeding.

3. In support of its request, the Department of Education states that "on September 15, 1954 the Department's consulting engineer discovered that certain information relating to the proposal was on file at the Commission which had not been brought to their attention before that date"; and additional time is requested to file comments in the proceeding. Although the request of the Department of Education is labelled a request to file a reply to comments, it is apparent that the Department of Education is actually seeking an extension of time in which to file a supplement to its original comments in the proceeding rather than a reply to other comments which have been filed pursuant to the notice.

4. The Radio Americas Corporation opposes the request for extension, urging that there is no reason for granting an extension of time to file comments in this proceeding. It is contended that the Department of Education has not alleged that the information in the Commission's files is newly discovered evidence and has not shown that its failure to file timely comments is due to anything other than lack of diligence on its part.

5. In our view, the Department of Education has made a sufficient showing to warrant an extension of time to file comments in this proceeding: *Accordingly, it is ordered*, That the request for extension of time of the Department of Education of Puerto Rico is granted.

6. Notice is hereby given that the time for filing comments in this proceeding is extended to October 4, 1954, and the time for filing replies to such comments is extended to October 14, 1954.

Adopted: September 22, 1954.

Released: September 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7630; Filed, Sept. 28, 1954; 8:53 a. m.]

[47 CFR Part 3]

[Docket No. 11181; FCC 54-1211]

TELEVISION BROADCAST STATIONS

POWER AND ANTENNA HEIGHT REQUIREMENTS

In the matter of amendment of § 3.614 (b), rules governing Television Broadcast Stations, Docket No. 11181.

1. Notice is hereby given that the Commission has received proposals for rule making in the above-entitled matter.

2. Section 3.614 (b) specifies the maximum authorized powers for television broadcast stations and reads, in pertinent part, as follows:

(b) *Maximum power.* Except as provided in subparagraph (1) of this paragraph, the maximum effective radiated powers of television broadcast stations operating on the channels set forth below with the antenna heights not in excess of 2,000 feet above average terrain shall be as follows:

	Maximum visual effective radiated power in db above on kilowatt (dbk)
2 to 6	20 dbk (100 kw).
7 to 13	25 dbk (316 kw).
14 to 83	30 dbk (1000 kw).

(1) In Zone I, on Channels 2–13, inclusive, the maximum powers specified above for these channels may be used only with antenna heights not in excess of 1,000 feet above average terrain. Where antenna heights exceeding 1,000 feet above average terrain are used on Channels 2–13, or antenna heights exceeding 2,000 feet above average terrain are used on Channels 14–83, the maximum power shall be based on the chart designated as Appendix III, Figure 2a.

(2) In Zones II and III, the maximum powers which may be used by television broadcast stations operating on the respective channels set forth in the above table with antenna heights exceeding 2,000 feet above average terrain shall be based on the chart designated as Appendix III, Figure 2b.

3. The Commission has received petitions from WBEN, Inc., Buffalo, New York, filed on August 24, 1953, and WSAZ, Inc., Huntington, West Virginia, filed on March 20, 1953, and now made part of this docket, requesting an amendment of § 3.614 (b) so as to delete subparagraph (1) and to revise subparagraph (2) to read as follows:

(2) In all zones, the maximum powers which may be used by television broadcast stations operating on the respective channels set forth in the above table with antenna heights exceeding 2,000 feet above average terrain shall be based on the chart designated as Appendix III, Figure 2b.[1]

Thus, petitioners request elimination of the distinction in heights and powers among television stations in Zone I, II, and III and provision for the same power-height compensation for antenna heights above 2,000 feet in all zones.

4. In support of their requests petitioners urge that the amendment proposed would greatly increase the service area of all stations in Zone I on Channels 2–13; would cause little, if any, interference provided all stations operate with maximum power under the proposal; would remove the artificial limitation on increased power for stations in Zone I, especially those near the line dividing Zones I and II; and would encourage the use of high antenna heights.

5. The Commission believes that rule making proceedings should be instituted in this matter in order that all interested persons may have the opportunity of submitting their comments and that the Commission may have the benefit of such views.

6. Authority for the issuance of the proposed amendments is contained in section 303 (a), (b), (c), (d), (e), (f), (g), (r), and 4 (i) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the amendment proposed by petitioners should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 25, 1954, written data, views or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 22, 1954.

Released: September 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7631; Filed, Sept. 28, 1954; 8:53 a. m.]

[1] Figure 2 (a) would be eliminated and Figure 2 (b) would be relabeled to apply to all zones.

[2] Dissenting opinion of Commissioner Hennock filed as part of original document.

[47 CFR Part 14]

[Docket No. 10915; FCC 54-1205]

RADIO STATIONS IN ALASKA OTHER THAN AMATEUR AND BROADCAST

FURTHER NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 14 of the Commission's rules to delete authority for operation by fixed, coast and ship stations in Alaska on the frequency 2986 kc and substituting 2118 kc in lieu thereof; Docket No. 10915.

The original notice of proposed rule making in this docket proposed to delete the frequency 2986 kc and substitute the frequency 2118 kc therefor. However, clearance of a replacement frequency has not been completed as of this date. Deletion of 2986 kc is now made necessary by the pending activation of 2987 kc in the aeronautical mobile service. Therefore, pending a study by the Commission with regard to finding a permanent replacement for 2986 kc, it is proposed to amend Part 14 of the Commission's rules so that the frequency 2986 kc will not be available after November 30, 1954, for use in the territory of Alaska by non-Government fixed, coast or ship stations, and, as a temporary measure, to permit the use, by fixed stations of one or more substitute frequencies until April 1, 1955. By that date, it is believed that the permanent replacement frequency 2986 kc will be activated.

The proposed amendments to the rules are set forth below and are issued pursuant to the authority recited in the original notice of proposed rule making.

Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth below, may file with the Commission on or before October 22, 1954, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

In accordance with the provisions of § 1.764 of the Commission's rules, an original and 4 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: September 22, 1954.

Released: September 24, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 14 of the Commission's rules is amended as follows:

1. In § 14.14 after the frequency 2986 kc, add the footnote designator 15.

2. In § 14.32 after the frequency 2986 kc, add the footnote designator 16.

3. In § 14.53 after the frequency 2986 kc, add the footnote designator 16.

4. Add the following footnotes after footnote 14 to this part:

[15] Not to be used after November 30, 1954. During the interim period from December 1, 1954, to April 1, 1955, those stations, whose need for 2 Mc frequencies for communication with the ACS is not fulfilled by operation on any of the other frequencies in the 2 Mc band included in this section, may, as a temporary measure, utilize one or more of the frequencies authorized under § 14.15 provided such operating arrangements are made with the ACS.

[16] Not available after November 30, 1954.

[F. R. Doc. 54-7629; Filed, Sept. 28, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 3]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 20, 1954.

An application, serial number Arizona 06720, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws except the mineral leasing laws, of the lands described below was filed on February 5, 1952, by the United States Department of Agriculture. The purposes of the proposed withdrawal: protection of recreational facilities in the Butcher Jones Flat Recreational Area within the Tonto National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Room 233A Main Post Office Building, Phoenix, Arizona. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 3 N., R. 8 E.,
Sec. 27, E½SW¼NE¼, SE¼NE¼, E½NW¼SE¼, E½SE¼.

E. I. ROWLAND,
Sate Supervisor.

[F. R. Doc. 54-7612; Filed, Sept. 28, 1954; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10133; FCC 54M-1175]

COMMUNITY BROADCASTING SERVICE (WWBZ)

ORDER CONTINUING HEARING

In re application of Community Broadcasting Service (WWBZ), Vineland, New Jersey, for renewal of license; Docket No. 10133, File No. BR-1435.

It appearing, that good cause is shown in support of the motion of the Commission's Broadcast Bureau, filed September 17, 1954, to continue the hearing in the above-entitled proceeding from September 29, 1954, to October 13, 1954;

It appearing further, that the applicant herein, the only other party to the proceeding, consents to the above continuance and to a waiver of the provisions of § 1.745 of the rules to permit immediate consideration of the instant pleading;

It is ordered, This 20th day of September 1954, that the motion under consideration is granted, and that the hearing in this proceeding is continued from September 29, 1954, to October 13, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7616; Filed, Sept. 28, 1954; 8:49 a. m.]

[Docket No. 10218; FCC 54-1215]

WILLIAM C. MOSS (KSEY)

ORDER AMENDING ISSUES

In re application of William C. Moss (KSEY), Seymour, Texas, for modification of license; Docket No. 10218, File No. BML-1473.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of September 1954;

The Commission having under consideration a petition filed June 10, 1954, by the Chief of its Broadcast Bureau requesting that an issue in the above-captioned proceeding be modified, that a party be removed from said proceeding, and that a party be added to said proceeding;

It appearing, that said proceeding includes issues requiring the determination of whether applicant's proposed operation would involve objectionable interference with Stations KPAT and KWTX or with any other existing standard broadcast stations, and whether the installation and operation of its proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations; and

It further appearing, that engineering studies indicating the possibility of objectionable interference to said stations were based upon Figure 3 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations; and

It further appearing, that additional engineering studies based upon a revised soil conductivity map adopted by the Commission on February 24, 1954, effective April 5, 1954, disclose that applicant's proposed operation would not involve objectionable interference with Station KWTX but that said operation would cause objectionable interference to Station KADA, Ada, Oklahoma, and would receive objectionable interference from KADA in an area exceeding ten percent of the remaining interference-free area within applicant's proposed 0.5 mv/m contour; and

It further appearing, that the Chief of the Commission's Broadcast Bureau requests that particular inquiry be made as to whether applicant's proposed operation would provide the recommended minimum of interference-free service to the area within the normally protected 0.5 mv/m contour;

It is ordered, That Station KWTX is removed as a party to this proceeding and that Station KADA is made a party to this proceeding; and

It is further ordered, That the above-mentioned petition of the Chief, Broadcast Bureau is granted, and that issues number "2" and "4" in the above-entitled proceeding are amended to read as follows:

2. To determine whether the operation of Station KSEY as proposed will involve objectionable interference with Stations KPAT, Pampa, Texas, KADA, Ada, Oklahoma, or with any other existing broadcast stations, and, if so, the nature, and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

* * * * *

4. To determine whether the installation and operation of KSEY as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing the minimum of interference-free service within the normally protected (0.5 mv/m) contour.

Released: September 24, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7617; Filed, Sept. 28, 1954; 8:49 a. m.]

[Docket No. 10914; FCC 54M-1173]

WESTERN BROADCASTING CO., INC. (KIFN)

CORRECTED ORDER CONTINUING CONFERENCE AND HEARING

In re application of Western Broadcasting Company, Inc. (KIFN), Phoenix, Arizona, for modification of construction permit; Docket No. 10914, File No. BMP-6194.

There is now pending before the Commission in the above-entitled matter (1) the petition of Western Broadcasting Company, Inc. (KIFN), Phoenix, Arizona, filed August 27, 1954, for Reconsideration and Grant of its above-entitled application; (2) the petition of Metropolitan Television Company (KOA), Denver, Colorado, filed September 3, 1954, for Intervention in the above-entitled matter; and (3) the petition of Western Broadcasting Company, Inc. (KIFN), requesting a Stay of the Effectiveness of the Report and Order of the Commission adopted August 4, 1954, effective September 7, 1954, proposing to change the so-called ten per cent rule (§ 3.28); and

It appearing that there has been filed on September 20, 1954, by the Chief of the Broadcast Bureau of the Commission a petition requesting indefinite continuance of the hearing conference now scheduled for 10:00 a. m., Tuesday, September 21, 1954, and of the hearing now scheduled to commence at 10:00 a. m., Monday, October 18, 1954; and that counsel for the Chief, Broadcast Bureau of the Commission has advised the Examiner that he proposes to file a petition seeking dismissal of the above-entitled application; and

It appearing that counsel for Western Broadcasting Company, Inc. (KIFN), Phoenix, Arizona, has consented to a grant of the petition of the Chief of the Broadcast Bureau for indefinite continuance of the hearing conference and of the hearing and that a grant of said petition would conduce to the dispatch of the Commission's business and to the ends of justice;

Therefore, it is ordered, This 20th day of September 1954, that the petition of the Chief of the Broadcast Bureau for indefinite continuance is granted; and the hearing conference now scheduled to commence Tuesday, September 21, 1954, and the hearing in the above-entitled matter now scheduled for 10:00 a. m., Monday, October 18, 1954, are hereby continued without date until further order of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7618; Filed, Sept. 28, 1954; 8:50 a. m.]

[Docket Nos. 10931, 10933, 11096; FCC 54-1218]

MERCER BROADCASTING CO. ET AL.

ORDER ADDING ISSUE

In re applications of Mercer Broadcasting Company, Trenton, New Jersey, Docket No. 10931, File No. BP-8714; Drew J. T. O'Keefe, Jack J. Dash and William F. Waterbury, Levittown-Fairless Hills, Pennsylvania, Docket No. 10933, File No. BP-8964; William A. Brewer, Albert W. Eastburn and Theresa Rose, a partnership d/b as Levittown-Fairless Hills Boadcasters, Levittown, Pennsylvania, Docket No. 11096, File No. BP-9193; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of September 1954;

The Commission having under consideration a Petition to Enlarge Issues, filed July 22, 1954, by Drew J. T. O'Keefe, Jack J. Dash and William F. Waterbury; an Opposition to the foregoing petition, filed August 2, 1954, by William A. Brewer, Albert W. Eastburn and Theresa Rose, a partnership d/b as Levittown-Fairless Hills Broadcasters; a Response to the foregoing petition, filed August 2, 1954, by Mercer Broadcasting Company; and a Comment on the foregoing petition, filed August 17, 1954, by the Acting Chief of the Commission's Broadcast Bureau; and

It appearing, that the above-described petition requests enlargement of the issues in the above-entitled proceeding to include issues designed to permit inquiry into the financial qualifications of Levittown-Fairless Hills Broadcasters to construct, own and operate the standard broadcast station it proposes and into the question of whether Levittown-Fairless Hills Broadcasters is the real party in interest in the standard broadcast station it proposes; and

It further appearing, that, with respect to the financial qualifications of Levittown-Fairless Hills Broadcasters, petitioner has set forth no facts from which it may reasonably be inferred that the funds called for in the application may not in fact be available and none not before the Commission at the time it designated for hearing the above-entitled application of Levittown-Fairless Hills Broadcasters; and that no grounds exist, therefore, for enlargement of the issues in this regard; and

It further appearing, that, with respect to the question of the real party in interest in the application of Levittown-Fairless Hills Broadcasters, Commission files disclose that as of February 24, 1954, Theresa Rose, one of the three equal partners in Levittown-Fairless Hills Broadcasters, has been Secretary-Treasurer and Director of Morrisville Broadcasting Company, licensee of standard broadcast Station WBUD, Trenton, New Jersey, having been elected to those positions on January 29, 1954; that the application of Levittown-Fairless Hills Broadcasters, filed February 23, 1954, does not reveal the true nature of the interest or connection held by Theresa Rose in Morrisville Broadcasting Company; that this information was not called to the attention of the Commission in any amendment filed to the said application; and that these facts, coupled with the facts of the long association of the partners in Levittown-Fairless Hills Broadcasters with Station WBUD as key employees thereof, Station WBUD's willingness to sell substantial broadcast equipment to this applicant upon terms described by the applicant as "very favorable", Station WBUD's proximity to the station proposed by Levittown-Fairless Hills Broadcasters, and a substantial overlap of service areas of the proposed station and the present service area of Station WBUD, constitute grounds for the enlargement of the issues as requested by the petitioner herein;

It is ordered, That the above-described petition of Drew J. T. O'Keefe, Jack J. Dash and William F. Waterbury is granted insofar as it requests enlargement of the issues in the above-entitled proceeding to include an issue designed to permit inquiry into the question of whether Levittown-Fairless Hills Broadcasters is the real party in interest in the standard broadcast station it proposes and, in all other respects, is denied.

It is further ordered, That the Commission's order of June 30, 1954 (FCC 54-806), designating for hearing the above-entitled application of Levittown-Fairless Hills Broadcasters is modified by the addition of the following issue: To determine whether Levittown-Fairless Hills Broadcasters is the real party in interest in the standard broadcast station it proposes.

Released: September 24, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7619; Filed, Sept. 28, 1954; 8:50 a. m.]

[Docket No. 10965; FCC 54M-1180]

SEATON PUBLISHING CO.

ORDER GRANTING MOTION FOR CONTINUANCE

In re application of The Seaton Publishing Company, Hastings, Nebraska, for construction permit for new television station (Channel 5); Docket No. 10965, File No. BPCT-1265.

Counsel for the applicant in the above-entitled matter having filed, on September 21, 1954, a letter (treated herein as a motion) requesting a continuance of the further hearing in the matter from September 22, 1954 to October 6, 1954, and

It appearing, that good and sufficient cause for a continuance has been shown and that counsel for the Broadcast Bureau consents to such continuance,

It is accordingly ordered, This 21st day of September 1954, that the hearing, heretofore scheduled to resume on September 22, 1954, be and it hereby is continued to October 6, 1954, at 9:00 a. m. in the Commission's Offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7620; Filed, Sept. 28, 1954; 8:50 a. m.]

[Docket Nos. 11169-11173; FCC 54-1186]

TRIAD TELEVISION CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Triad Television Corporation, Parma, Michigan, Docket No. 11169, File No. BPCT-1846; Booth Radio & Television Stations, Inc., Parma, Michigan, Docket No. 11170, File No. BPCT-1866; Television Corporation of Michigan, Inc., Onondaga, Michigan, Docket No. 11171, File No. BPCT-1870; Jackson Broadcasting & Television Corporation, Parma, Michigan, Docket No. 11172, File No. BPCT-1871; Michigan State Board of Agriculture, Onondaga, Michigan, Docket No. 11173, File No. BPCT-1885; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 22d day of September 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 10 assigned to Parma-Onondaga, Michigan; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; but Triad Television Corporation and Jackson Broadcasting & Television Corporation are legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Booth Radio & Television Stations, Inc., Television Corporation of Michigan, Inc., and Michigan State Board of Agriculture are legally, financially and technically qualified to construct, own and operate a television broadcast station, but that questions are raised as to whether a grant to any of the three last-named applicants would be consistent with the provisions of § 3.636 of the Commission rules and policies promulgated thereunder; and

It further appearing, that the antenna site and structure proposed by Television Corporation of Michigan, Inc., and Michigan State Board of Agriculture have been approved with respect to safety to air navigation, but that additional hazard marking symbols are deemed necessary: therefore, any grant authorizing the antenna site and structure proposed by the last-named applicants will be subject to the following condition: That the antenna structure be marked in accordance with special hazard marking specifications to be prescribed by the Commission in addition to those required by Part 17 of the Commission rules;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 22d day of November 1954, in Washington, D. C., upon the following issues:

1. To determine, in light of the ownership by Booth Radio & Television Stations, Inc., of television station WBKZ, Battle Creek, Michigan, whether a grant of the application of Booth Radio & Television Stations, Inc., would be consistent with the provisions of § 3.636 of the Commission rules and policies promulgated thereunder.

2. To determine, in light of the fact that Lansing Broadcasting Company, subscriber to 40 percent of the capital stock of Television Corporation of Michigan, Inc., is owner of television station WILS–TV, Lansing, Michigan, and the fact that John C. Pomeroy, President and a director of Television Corporation of Michigan, Inc., is an officer and stockholder of said Lansing Broadcasting Company, whether a grant of the application of Television Corporation of Michigan, Inc., would be consistent with the provisions of § 3.636 of the Commission rules and policies promulgated thereunder.

3. To determine, in light of the ownership by Michigan State Board of Agriculture of television station WKAR-TV, East Lansing, Michigan, whether a grant of the application of Michigan State Board of Agriculture would be consistent with the provisions of § 3.636 of the Commission rules and policies promulgated thereunder.

4. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–7621; Filed, Sept. 28, 1954; 8:50 a. m.]

[Docket No. 11174; FCC 54–1189]

JORDAN DISPATCH SERVICE

ORDER TO SHOW CAUSE

In the matter of R. C. Jordan, d/b as Jordan Dispatch Service, Plainview, Texas and Lubbock, Texas, order to show cause why the licenses of stations KKG563 and KKE970 in the Domestic Public Land Mobile Radio Service should not be revoked; Docket No. 11174.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of September 1954;

The Commission having under consideration the annual reports (FCC Form L) for the year 1953 by R. C. Jordan, d/b as Jordan Dispatch Service as licensee of stations KKG563 and KKE970, respectively, in the Domestic Public Land Mobile Radio Service at Plainview and Lubbock, Texas, respectively; and

It appearing, that, such annual reports show that no common carrier radio service has been rendered to the public through the facilities of such stations during that year; and

It further appearing, that, as the result of a complaint received from Robert S. Bryant alleging inability to obtain communication service from the licensee herein, the Commission advised the licensee, by letter of April 29, 1954, as to his obligation as a common carrier, and the possibility that revocation proceedings might be undertaken herein; and

It further appearing, that, said licensee has willfully failed and refused to provide communication service, without just or reasonable cause, to Robert S. Bryant; and

It further appearing, that, there may either be no public need or demand for the service offered by the above-entitled licensee through such facilities or, if there is a public need or demand for such Domestic Public Land Mobile Radio Service, that need or demand is not being met by such stations; and

It further appearing, that, continuation in effect of the licenses of such stations may not serve the public interest, convenience, or necessity;

It is ordered, That, pursuant to the provisions of section 312(a)(2), (c), and (d) of the Communications Act of 1934, as amended, the above-named R. C. Jordan, d/b as Jordan Dispatch Service shall appear at the Commission's offices in Washington, D. C. at 10:00 a. m. on October 26, 1954 and show cause why the licenses of stations KKG563 and KKE970 should not be revoked.

Released: September 22, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–7622; Filed, Sept. 28, 1954; 8:51 a. m.]

[Docket No. 11180; FCC 54–1206]

BILL MATHIS

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Bill Mathis, Abilene, Texas, for construction permit; Docket No. 11180, File No. BP–8917.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of September 1954;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1280 kilocycles with a power of 500 watts, daytime only, at Abilene, Texas;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with Station KTRN, Wichita Falls, Texas, and may not otherwise comply with the Standards of Good Engineering Practice; particularly with reference to furnishing a minimum field intensity of 25 mv/m over the business or factory areas of the city sought to be served; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letters dated April 27 and June 27, 1954, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that Station KTRN, in a letter dated June 8, 1954, opposed a grant of the subject application and requested that it be designated for hearing and that KTRN be made a party thereto; and

It further appearing, that the applicant filed replies on August 19 and 24, 1954, stating in the former that it would appear at a hearing on its application and submitting in the latter field intensity measurements purporting to show no interference to Station KTRN from the proposed operation, but that the said measurements were not made in accordance with the Commission's Standards and are not sufficient to substantiate that there would be no interference to Station KTRN; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in the subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve interference with Station KTRN, Wichita Falls, Texas, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to furnishing a minimum field intensity of 25 mv/m over the business or factory areas of the city sought to be served.

4. To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the proposed operation would serve the public interest, convenience and necessity.

It is further ordered, That the Texoma Broadcasting Company, licensee of Station KTRN, Wichita Falls, Texas, is made a party to the proceeding.

Released: September 24, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–7623; Filed, Sept. 28, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–2035, G–2040, G–2048, G–2049, G–2050, G–2073, G–2301, G–2349, G–2091]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER FIXING DATE FOR ORAL ARGUMENT ON APPLICATION FOR ABROGATION OF ORDER OR IN THE ALTERNATIVE FOR REHEARING AND APPLICATION FOR REHEARING AND STAY

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G–2035, G–2040, G–2048, G–2049, G–2050, G–2073, G–2301, G–2349; and Panhandle Eastern Pipe Line Company, Southeastern Michigan Gas Company, Citizens Gas Fuel Company, Citizens Gas Company, Michigan Gas Utilities Company, Docket No. G–2091.

Panhandle Eastern Pipe Line Company (Panhandle) filed, on August 6, 1954, an application for abrogation of or in the alternative rehearing respecting our order issued July 15, 1954, denying Panhandle's motion to make effective revised tariff sheets which provided for the cancellation of its interruptible rate schedules. By our order issued September 3, 1954, we deferred action on the aforesaid application so that it might be considered together with Panhandle's application filed August 23, 1954, for rehearing and stay of Opinion No. 274 and accompanying order issued July 28, 1954. In this opinion and order we found, among other things, that Panhandle's interruptible rate schedules as modified should be maintained in full force and effect.

The Commission finds: It is desirable and in the public interest that oral argument be had on the matters and issues presented in Panhandle's application for abrogation of order in the alternative rehearing filed on August 6, 1954, and its application for rehearing and stay filed on August 23, 1954.

The Commission orders: Oral argument shall be had before the Commission October 18, 1954 at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented in Panhandle's application for abrogation of order or in the alternative rehearing filed on August 6, 1954 and its application for rehearing and stay filed on August 23, 1954.

Adopted: September 22, 1954.

Issued: September 23, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54–7613; Filed, Sept. 28, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

DIXIE NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas, a number of horses are trespassing and grazing on land in the Pinto Cattle Allotment, Enterprise Ranger District, Dixie National Forest, in Iron County, State of Utah; and

Whereas, these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of the Pinto Cattle Allotment, Enterprise Ranger District, Dixie National Forest:

Temporary closure from livestock grazing. (a) The Pinto Cattle Allotment, Enterprise Ranger District, Dixie National Forest, is hereby closed for the period November 1, 1954, to October 31, 1956, to the grazing of horses excepting those that are lawfully grazing on or crossing such land pursuant to the regulations of the Secretary of Agriculture, or which are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Fifteen days' notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Dixie National Forest is located.

Done at Washington, D. C., this 24th day of September 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] J. EARL COKE,
Acting Secretary.

[F. R. Doc. 54–7633; Filed, Sept. 28, 1954; 8:54 a. m.]

Office of the Secretary

LOUISIANA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF PARISHES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President on September 20, 1954, determined that a major disaster occasioned by drought existed in the State of Louisiana.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148), as further amended on July 30, 1954, and for the purposes of section 2 (d) of Public Law 38, 81st Con-

gress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the parishes set forth below have been determined to be the aforesaid major disaster area in the State of Louisiana.

STATE OF LOUISIANA

SEPTEMBER 20, 1954

Beauregard.	Lincoln.
Bienville.	Madison.
Bossier.	Morehouse.
Caddo.	Natchitoches.
Caldwell.	Ouachita.
Catahoula.	Red River.
Claiborne.	Richland.
Concordia.	Sabine.
De Sota.	Tensas.
East Carroll.	Union.
Grant.	Vernon.
Franklin.	Webster.
Jackson.	West Carroll.
La Salle.	Winn.

This delineation and certification shall supersede all prior delineations and certifications with respect to the aforesaid major disasters.

Done at Washington, D. C., this 23d day of September 1954.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-7599; Filed, Sept. 28, 1954; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

NOTICE OF CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Title I Housing Insurance Fund Debentures, Series L, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

Denomination:	*Series numbers (all numbers inclusive)*
$50	4 to 9.
$100	14 to 22.
$500	55 to 56.
$1,000	207 to 226.
$5,000	2 to 4.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955 with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954, to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved:

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7601; Filed, Sept. 28, 1954; 8:46 a. m.]

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

NOTICE OF CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series E, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

Denomination:	*Serial numbers (all numbers inclusive)*
$50	935 to 968.
$100	1,533 to 1,712, 2,496 to 2,596.
$500	607 to 635.
$1,000	2,441 to 2,554.
$5,000	679 to 729.
$10,000	178 to 184.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954, to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Federal Housing Commissioner.

Approved:

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7602; Filed, Sept. 28, 1954; 8:46 a. m.]

2½ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES K

NOTICE OF CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Mutual Mortgage Insurance Fund Debentures, Series K, of the dominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

2½ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES K

Denomination:	*Serial numbers (all numbers inclusive)*
$50	31 to 43.
$100	104 to 235.
$500	78 to 125.
$1,000	189 to 238.
$5,000	29 to 54.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954 to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved:

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7603; Filed, Sept. 28, 1954; 8:46 a. m.]

3 PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES U

NOTICE OF CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Mutual Mortgage Insurance Fund Debentures, Series U, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

3 PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES U

Denomination:	*Serial numbers (all numbers inclusive)*
$50	1 to 3.
$100	1 to 5.
$500	1.
$1,000	1 to 6.
$5,000	1 to 3.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954 to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved:

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7604; Filed, Sept. 28, 1954; 8:46 a. m.]

2½ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES Q

NOTICE OF CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Housing Insurance Fund Debentures, Series Q, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

2½ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES Q

Denomination:	*Serial numbers (all numbers inclusive)*
$50	4 to 6.
$100	2 to 6.
$500	4.
$1,000	39 to 49.
$10,000	317 to 342.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954 to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved:

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7605; Filed, Sept. 28, 1954; 8:47 a. m.]

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	*Serial numbers (all numbers inclusive)*
$50	3,574 to 3,613.
$100	6,606 to 6,815.
$500	2,811 to 2,853.
$1,000	6,055 to 6,241.
$5,000	2,440 to 2,547.
$10,000	22,112 to 24,088.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954 to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved:

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7606; Filed, Sept. 28, 1954; 8:47 a. m.]

2½ PERCENT NATIONAL DEFENSE HOUSING INSURANCE FUND DEBENTURES, SERIES P

NOTICE OF CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent National Defense Housing Insurance Fund Debentures, Series P, of the denominations and serial number designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

2½ PERCENT NATIONAL DEFENSE HOUSING INSURANCE FUND DEBENTURES, SERIES P

Denomination:	Serial numbers (All numbers inclusive)
$50	37.
$100	5 to 8.
$500	1.
$1,000	34 to 36.
$10,000	99 to 201.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954 to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved:

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7607; Filed, Sept. 28, 1954; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3291]

MIDDLE SOUTH UTILITIES, INC.

ORDER REGARDING ISSUANCE AND SALE OF COMMON STOCK PURSUANT TO RIGHTS OFFERING

SEPTEMBER 23, 1954.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, having filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 regarding certain proposed transactions which are summarized as follows:

Middle South proposes to issue and sell, without an underwriting, 475,000 additional shares of its authorized but unissued $10 par value common stock pursuant to a rights offering to its stockholders on the basis of one share of additional common stock for each 15 shares held of record as of the close of business on September 22, 1954, at the price of $28 per share. The subscription period will expire at 3:30 p. m., New York Time, on October 8, 1954. The subscription rights will be evidenced by transferable warrants to be mailed September 23, 1954, which will afford the holder the privilege of subscribing for one new share for each 15 shares held ("primary rights") and of subscribing, subject to allotment, for such additional number of shares as the warrant holder may elect ("additional rights"). No fractional shares will be issued. If a holder of record on September 22, 1954, receives a warrant which is for a number of shares not evenly divisible by 15, such holder will be entitled to purchase one full share with the primary rights which are either in excess of a multiple of 15 or which total less than 15. Should there be insufficient shares to fill all subscriptions under the primary rights, subscriptions will first be filled on the basis of 15 primary rights and exact multiples thereof, then on the basis of 14 primary rights, then on the basis of 13 primary rights, and then successively on the basis of 12, 11 and so on to one primary right, in that order. Should it be possible to fill some but not all subscriptions in any one of these groups, subscriptions will be filled in the order of their receipt.

Additional rights under a warrant may be exercised only if all full shares possible have been subscribed for pursuant to the primary rights represented by such warrant. In the event that the aggregate number of shares subscribed for by all warrant holders exceeds 475,000 shares, the number of shares remaining after providing for the issuance of shares subscribed for pursuant to the primary rights will be allotted pro rata as nearly as practicable among warrant holders exercising additional rights in accordance with the respective number of shares subscribed for by such holders pursuant to primary rights.

Warrants issued to common stockholders whose addresses are outside the continental United States or Canada will not be mailed but will be held by the agent for their accounts until 12:00 o'clock noon, New York Time, October 7, 1954, when, if no instructions are received, they will be sold to the extent practicable, together with warrants sent to other stockholders and returned unclaimed. The net proceeds from any such sales are to be held for the account of such stockholders.

The declaration states that the proceeds from the proposed sale of stock will be used by Middle South to repay $12,000,000 which it has borrowed and which is outstanding under a credit agreement dated May 12, 1952 with five banks. If the proceeds should not be sufficient for this purpose, they will be applied toward the partial repayment of such $12,000,000, or, to the extent that they are more than sufficient for this purpose, they will be used for other corporate purposes.

Subsequent to its original filing Middle South represented that none of the proceeds of the offering covered by the declaration will be used by it to make investments in Mississippi Valley Generating Company ("Mississippi Valley"), a corporation newly organized for the purpose of constructing, owning and operating a steam electric generating plant near West Memphis, Arkansas, except as may be authorized in other and subsequent proceedings before the Commission, and Middle South also consented that any contentions which could be advanced in the instant proceeding against such investment or the financing thereof may be advanced in such other proceedings.

Fees and expenses in connection with the proposed transactions are as follows:

Filing fee—Securities and Exchange Commission	$1,425
Federal stamp tax	[1] 5,500
Printing, including Registration Statement, Prospectus, financial schedules, Form U-1, etc.	[1] 40,000
Fee of Cahill, Gordon, Reindel & Ohl, counsel	6,500
Fee of Haskins & Sells, auditors	[1] 4,000
Fee of Ebasco Services Inc.	[1] 3,000
The Hanover Bank, warrant agent:	
Fee	24,775
Expenses	[1] 9,000
Miscellaneous	[1] 5,800
Total	[1] 100,000

[1] Estimated.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 and written requests for hearing having been filed by the City of Memphis, Tenn.; Memphis Light, Gas & Water Division of the City of Memphis; Electric Power Board of Chattanooga, Tenn.; Clarksville Electric Power Board, Clarksville, Tenn.; Warren Rural Electric Cooperative Corporation, Bowling Green, Ky.; Natchez Trace Electric Power Association, Houston, Miss.; North Electric Membership Corporation, Dalton, Ga.; Sand Mountain Electric Cooperative, Fort Payne, Ala.; National Rural Electric Cooperative Association; and American Public Power Association; said requests indicating that the issue which said persons seek to have considered is the propriety of Middle South's investing any of the proceeds of the financing in Mississippi Valley; and

The said persons so requesting hearings having subsequently advised the Commission that in view of the aforesaid representation by Middle South that none of the proceeds of the present offering would be used by it to make investments in Mississippi Valley except as might be authorized in other and subsequent proceedings before the Commission, and upon the understanding that the Commission's order would reserve all questions respecting the investment by Middle South in Mississippi Valley, including methods of financing such investment, until a proceeding involving such investment is before the Commission, they now consider that a hearing is unnecessary; and

The Commission having considered the foregoing, and finding that the issue so sought to be raised has been eliminated by an amendment to the said declaration containing the aforesaid representation by Middle South, and that such issue will come before the Commission in subsequent proceedings in the event that Middle South seeks to invest any of its funds in Mississippi Valley, and that accordingly it is not necessary in the public interest or for the protection of investors or consumers that a hearing be held upon the present declaration as amended; and

The Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied; that the fees and expenses set forth above are not unreasonable, and that the declaration as amended should be permitted to become effective as of September 22, 1954:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and the same hereby is, permitted to become effective as of September 22, 1954, subject to the terms and conditions prescribed in Rule U-24, all questions respecting the investment by Middle South in Mississippi Valley, including methods of financing such investment, being reserved for determination until a proceeding involving such investment in Mississippi Valley is before the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-7615; Filed, Sept. 28, 1954; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 27]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 24, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

NO. MC 954 SUB 46 (corrected), MID-STATES FREIGHT LINES, INC., 5200 South Pulaski Road, Chicago 32, Ill. Applicant's attorney: Lee Reeder, Reeder, Gisler & Griffin, Suite 1010, 1012 Baltimore Avenue, Kansas City 5, Mo., For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and the United States-Canada International Boundary line at or near Detroit, Mich., (1) from Chicago over U. S. Highway 20 to South Bend, Ind., thence over Indiana Highway 23 to the Indiana-Michigan State line, thence over Michigan Highway 62 to junction U. S. Highway 112, near Adamsville, Mich., thence over U. S. Highway 112 to Detroit, thence over city streets and through the tunnel under, or by way of, the bridge over the Detroit River to the United States-Canada International Boundary line, and (2) from Chicago over U. S. Highway 41 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U. S. Highway 12, thence over U. S. Highway 12 to junction U. S. Highway 112, thence over U. S. Highway 112 to junction by-pass U. S. Highway 112, thence over U. S. Highway 112 to junction by-pass U. S. Highway 112, thence over by-pass U. S. Highway 112 to junction Michigan Highway 112, thence over Michigan Highway 112 to Detroit, Mich., thence over city streets and through the tunnel under, or by way of, the bridge over the Detroit River to the United States-Canada International Boundary line, and return over the same route, serving no intermediate points, with service at Detroit, Mich., for the sole purpose of entering Canada, as alternate or connecting routes, to enable applicant to utilize Canadian Highways in connection with regular route operations, between Chicago, Ill., and Buffalo, N. Y., which is a portion of carrier's regular route operation between Chicago, Ill., and New York, N. Y. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island. NOTE: The above corrects the authority as described in the FEDERAL REGISTER, on Pages 5613 and 5614 of Vol. 19, No. 171, dated September 2, 1954.

NO. MC 1150 SUB 12, J. B. HEEREN, doing business as HEEREN TRUCKING COMPANY, Lemmon, S. Dak. Applicant's attorney: R. A. Bielski, Bielski, Elliott & Lewis, Northwest Security National Bank Building, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Scottsbluff, Nebr., and points within five miles thereof, to points in South Dakota, on and north of U. S. Highway 14. Applicant is authorized to conduct operations in Wyoming and South Dakota.

NO. MC 2234 SUB 1, SEAVER'S EXPRESS, INC., 25 East Main Street, Milford, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by department stores and mail order houses*, between Boston and Somerville, Mass., on the one hand, and points in Windham County, Conn., on the other.

NO. MC 5212 SUB 5, Amended, JOHN TRIOLO, doing business as BELL & GRIFFIN, 320 South Monterey Street, Gilroy, Calif. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from the site of the Filice & Perrelli cannery located at Kadota, approximately two miles east of Merced, Calif., to Gilroy, San Francisco, Oakland, Richmond, Alameda, and Stockton, Calif., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified *including pallets* on return. Applicant is authorized to conduct operations in California.

NO. MC 5709 SUB 1, JOHN J. PEHLER, ADRIAN PEHLER AND AURELIUS PEHLER, doing business as PEHLER & SONS, Route No. 1, Dodge, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Repairs, supplies and equipment for creameries, hatcheries, poultry processing plants and feed and grain elevators, fertilizer, flour, feed, farm products, milk, cream, butter, dried-milk powder, grain and seeds, live and dressed poultry*, and *eggs*, between Arcadia, Wis., on the one hand, and, on the other, Minneapolis, St. Paul, Hastings, Duluth and Red Wing, Minn., Dubuque, Iowa, and Chicago and Rockford, Ill. Applicant is authorized to conduct operations in Wisconsin and Minnesota.

NO. MC 7408 SUB 2, LOUIS STEFFENSMEIER AND EDWARD STEFFENSMEIER, doing business as STEFFEY'S TRANSFER, Dodge, Nebr. Applicant's attorney: J. Max Harding, 901 South Thirteenth St., Lincoln, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Raw salt* and *processed salt products*, from Kanopolis and Hutchinson, Kans., and points within five miles of each, on the one hand, and, on the other, points in Platte, Colfax, Dodge, Stanton, and Cuming Counties, Nebr. Applicant is authorized to conduct operations in Iowa and Nebraska.

NO. MC 8989 SUB 152, HOWARD SOBER, INC., 2400 West St. Joseph St., Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Bldg., 15th & K Sts., NW., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks, truck-tractors, chassis*, and *vehicles* (except trailers), designed for the transportation of passengers and prop-

erty, with or without bodies and parts thereof, in initial movements, in truckaway service, from Emeryville, Calif., to all points in the United States and *damaged shipments* on return movements.

NO. MC 18121 SUB 6, ADVANCE TRANSPORTATION COMPANY, a corporation, 2115 South First St., Milwaukee 7, Wis. Applicant's representative: Earl Girard, 6739 Beckwith Road, Morton Grove, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Class A, B, and C explosives*, as defined by the Commission (2) *ammunition not included within the classes specified in (1) above*, and (3) *component parts of ammunition and of Class A, B, and C explosives*, between Brown Deer, Wis., and the Joliet Arsenal (U. S. Government) Installations located at Wilmington and Elwood, Ill.

NO. MC 18436 SUB 8, HAINES CARRIERS, INC., 1050 Fuhrmann Blvd., Buffalo 3, N. Y. Applicant's attorney: James W. Wrape, Wrape and Hernly, Sterick Bldg., Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, restricted to those manufactured or assembled by the Hudson Motor Division of American Motors, Inc., in initial movements, in truckaway and driveaway service, from Kenosha, Wis., to all points in New Jersey, those in Providence County, R. I., those in Massachusetts bounded by a line beginning at the Massachusetts-Vermont State line and extending along U. S. Highway 5 to the Massachusetts-Connecticut State line, thence along the Massachusetts-Connecticut State line to the Massachusetts-Rhode Island State line, thence along the Massachusetts-Rhode Island State line to Fall River, Mass., thence along Massachusetts Highway 138 to Boston, Mass., thence along U. S. Highway 3 to the Massachusetts-New Hampshire State line, thence along the Massachusetts-New Hampshire State line to the Massachusetts-Vermont State line, and thence along the Massachusetts-Vermont State line to the point of beginning; those in Hartford County, Conn., north of a line beginning at the Hartford-Tolland County, Conn. line and extending along Connecticut Highway 83 to junction Connecticut Highway 194, thence along Connecticut Highway 194 to Wapping, Conn., thence southwest along unnumbered highway via Burnhams to junction U. S. Highway 5, thence along U. S. Highway 5 to East Hartford, Conn. (formerly old Connecticut Highway 15), thence along U. S. Highway 44 to Canton, Conn., thence along unnumbered highway to Collinsville, Conn., and thence along Connecticut Highway 4 to the Hartford-Litchfield County, Conn. line, including points on the indicated portions of the highways specified, and Philadelphia, Pa. Applicant is authorized to conduct operations in Connecticut, Massachusetts, Michigan, New Jersey, New York, Pennsylvania and Rhode Island.

NO. MC 21958 SUB 3, STARCK VAN LINES, INC., 110 Avenue "B", Weirton, W. Va. Applicant's attorney: Nathan E. Zelby, 135 Broadway, New York, N. Y. For authority to operate as a *common carrier*, over irregular routes transporting: *Household goods* as defined by the Commission, and *new furniture*, between points in Hancock and Brooke Counties, W. Va., and points within 200 miles of said counties, on the one hand, and, on the other, points in South Carolina, Georgia, Florida, Texas, and Oklahoma. Applicant is authorized to conduct operations in Indiana, Illinois, Kentucky, Virginia, Tennessee, Missouri, North Carolina, West Virginia, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania and the District of Columbia.

NO. MC 21958 SUB 4, STARCK VAN LINES, INC., 110 Avenue "B", Weirton, W. Va. Applicant's attorney: Nathan E. Zelby, 135 Broadway, New York, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, between points in Brooke and Hancock Counties, W. Va., and points within 125 miles of said counties, on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Virginia, Tennessee, Missouri, North Carolina, West Virginia, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania and the District of Columbia.

NO. MC 29698 SUB 13, LESTER FELLOWS CO., a corporation, 315 Pine Street, Jersey City, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Ave., Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cast iron pipe* and *cast iron pipe fittings*, from Phillipsburg, N. J., to points in Delaware and Maryland. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

NO. MC 29886 SUB 75, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, Pieroni, Pieroni, Hynes & Dixon, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in initial movements, in driveaway and truckaway service, from Kenosha, Wis., to points in California. Applicant is authorized to conduct operations in all States in the United States and the District of Columbia, except Florida and Kentucky.

NO. MC 30837 SUB 173, KENOSHA AUTO TRANSPORT CORPORATION, 4519–76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, 318 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks, truck-tractors, chassis*, and *vehicles* (except trailers), designed for the transportation of passengers and property, with or without bodies, in initial movements, in truckaway service, from Emeryville, Calif., to all points in the United States.

NO. MC 42487 SUB 288, CONSOLIDATED FREIGHTWAYS, INC., 2116 N. W. Savier Street, Portland, Oreg. Applicant's attorney: W. S. Pilling, 2029 N. W. Quimby Street, P. O. Box 3618, Portland 8, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities of unusual value, Class A and B explosives, household goods* as defined by the Commission, *commodities in bulk*, (except petroleum products, in bulk, in tank trucks), and *commodities requiring special equipment*, between Ames, Iowa, and Rawlins, Wyo., from Ames over U. S. Highway 30 to Rawlins, and return over the same route, serving no intermediate points and serving Ames, Iowa and Rawlins, Wyo., for purposes of joinder only, as an alternate route in connection with carrier's regular route operations (1) between Chicago, Ill., and Blairsburg, Iowa, and (2) between Casper, Wyo., and Pocatello, Idaho. Applicant is authorized to conduct operations in California, Idaho, Illinois, Iowa, Minnesota, Montana, North Dakota, Oregon, Utah, Washington, Wisconsin and Wyoming.

NO. MC 43038 SUB 390, COMMERCIAL CARRIER, INC., 3399 East McNichols Road, Detroit, Mich. Applicant's attorney: James W. Wrape, Wrape and Hernly, 1624 "Eye" St., N. W., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, and trucks* (except trailers), in initial movements, by truckaway and driveaway service, from Jackson, Mich., to all points in the United States, including the District of Columbia, except those in the States of Kansas, Oklahoma, Texas, Arizona and New Mexico. Applicant is authorized to conduct operations throughout the United States.

NO. MC 43056 SUB 2, THE BROWN TRANSFER COMPANY, a corporation, 900—9th Street, S. W., Canton, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Groceries* and *such articles as are usually dealt in by grocery stores or chain stores*, from Canton, Ohio, to points in Ohio within 50 miles thereof, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities, on return movement. Applicant is authorized to conduct operations in Ohio.

NO. MC 50069 SUB 156, REFINERS TRANSPORT & TERMINAL CORPORATION, a corporation, 2111 Woodward Ave., Detroit 1, Mich. Applicant's attorney: Wilhelmina Boersma; Clark, Klein, Brucker & Waples, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Terre Haute, Ind., and Peoria, Ill., to points in Kansas. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NO. MC 50307 SUB 16, INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting *Garments*, and *materials and supplies used in the manufacture of garments*, between Mt. Carmel, Pa., on the one hand, and, on the other, Clinton and Oxford, N. J. Applicant is authorized to conduct operations in Maryland, New Jersey, New York and Pennsylvania.

NO. MC 52024 SUB 5, HARRY F. MARTIN AND ANTON J. MARTIN, doing business as MARTIN TRANSFER COMPANY, 1150 Commerce Ave., Longview, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Carbon electrode with stub* and *cryolite*, between points in Multnomah County, Oreg. and Cowlitz County, Wash.

NO. MC 52858 SUB 38, CONVOY COMPANY, a corporation, 3900 N. W. Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles* not including trailers, in initial movement, in truckaway service from Kenosha, Wis., to points in Oregon, Washington, Idaho, Nevada, and California. Applicant is authorized to conduct operations in California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

NO. MC 54515 SUB 3, (amended) BANGOR AND AROOSTOOK RAILROAD COMPANY, a corporation, 84 Harlow Street, Bangor, Maine. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except commodities of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in express service, between Oakfield, Maine and Fort Kent Maine, from Oakfield over unnumbered highway to Smyrna Mills, thence over Maine Highway 212 to junction Maine Highway 11, and thence over Maine Highway 11 to Fort Kent, and return over the same route, serving the intermediate points of Smyrna Mills, Knowles Corner, Oxbow Corner, Masardis, Squa Pan, Ashland, Portage, Winterville, Eagle Lake, Wallagrass, Soldier Pond and Michaud, Maine. RESTRICTION: Authority applied for to be restricted to a weight, bulk, and volume which could be transported without disturbing the comfort and convenience of passengers or interfering with safety, speed, and other essential qualities of passenger operations. Applicant authorized to conduct operations in Maine.

NO. MC 59245 SUB 8, CHARLES T. LANDON, 111 Demarest Parkway, Elmira, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glass bottles*, between Elmira, N. Y., on the one hand, and, on the other, points in Maryland and the District of Columbia. Applicant is authorized to conduct operations in New York, Pennsylvania, New Jersey, Delaware and Ohio.

NO. MC 60024 SUB 9, HARRY B. ROSENBLUM AND SYDNEY ROSENBLUM, doing business as GEORGE E. DEWEY & COMPANY, 11–21 Donald Street, Hartford, Conn. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, uncrated, such as mattresses, bed springs, box springs, hollywood beds, dual purpose sleeping equipment, bunk beds, headboards, metal bed frames, and *advertising matter, materials and equipment* used in advertising displays, from Waterbury, Conn., to points in Hampden, Hampshire, Franklin and Worcester Counties, Mass., Dutchess, Putnam, Orange and Westchester Counties, N. Y., and points in Rhode Island, and *advertising displays and equipment* on return. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and Vermont.

NO. MC 60169, SUB 24, FREEDMAN MOTOR SERVICE, INC., 19 Pearl Street, Metuchen, N. J. Applicant's attorney: Kennet J. McAuliffe, Belnap & McAuliffe, 233 Broadway, New York 7, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, in tank vehicles, from Dresden, N. Y., to ports of entry located in New York on the United States-Canada International Boundary Line, and restricted to traffic destined to points in Canada. Applicant is authorized to conduct operations in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia.

NO. MC 62537 SUB 54, GREAT LAKES FORWARDING CORPORATION, 1292 Fuhrmann Boulevard, Buffalo 5, N. Y. Applicant's representative: S. S. Eisen, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New trucks*, in secondary movements, in truckaway and driveaway service, from Boyertown, Pa., to points in Maine, New Hampshire, Rhode Island, and Vermont. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania, Connecticut, Massachusetts, Maryland, Delaware, Rhode Island, New Jersey, Ohio, Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Mississippi, Missouri, New Hampshire, North Carolina, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NO. MC 76032 SUB 85, NAVAJO FREIGHT LINES, INC., 381 So. Broadway, P. O. Box 5364, Denver 9, Colo. Applicant's attorney: O. Russell Jones, 54½ E. San Francisco St., Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: (1) *Compressed gases*, in bulk, when moving in shipper-owned trailers, for the U. S. Government or its cost-type contractor, the University of California, from Los Alamos, N. Mex., to all points now being served under Certificate No. MC 76032, dated June 3, 1954, wherein carrier is authorized to operate over regular and irregular routes as follows: (A) Regular routes, between Los Angeles, Calif., and Albuquerque, N. Mex., serving all intermediate points, and off-route points of Huntington Beach, San Bernardino, Santa Ana, Sylamer, Orange, Redlands, Corona, Watson, and Ontario, Calif., points in Los Angeles County, Calif., and the site of the U. S. Engineers' Project No. 76 (approximately seven miles southeast of Albuquerque, N. Mex.), as follows: From Los Angeles over U. S. Highway 66 to Albuquerque, and return over the same route, from Los Angeles over U. S. Highway 66 to junction New Mexico Highway 6, west of Correo, N. Mex., thence over Mexico Highway 6 to junction U. S. Highway 85, thence over U. S. Highway 85 to Albuquerque, and return over the same route, from Los Angeles over U. S. Highway 60 to Wickenburg, Ariz., thence over U. S. Highway 89 to junction U. S. Highway 66, thence over U. S. Highway 66 to Albuquerque, and return over the same route, and from Los Angeles over U. S. Highway 60 to Wickenburg, Ariz., thence over U. S. Highway Alternate 89 to junction U. S. Highway Alternate 89, thence over U. S. Highway 66, at Flagstaff, Ariz., thence over U. S. Highway 66 to Albuquerque, and return over the same route; between Aguila, Ariz., and Congress Junction, Ariz., over Arizona Highway 71, for operating convenience only, serving no intermediate points; between Barstow, Calif., and San Francisco, Calif., serving all intermediate points, and off-route points within ten miles of Oakland and San Francisco, Calif., subject to the restriction that service at San Francisco and intermediate and off-route points shall be limited to shipments originating at or destined to Barstow, or points east of Barstow, operating over U. S. Highway 466 from Barstow to Bakersfield, Calif., thence over U. S. Highway 99 to Manteca, Calif., thence over California Highway 120 to junction U. S. Highway 50, thence over U. S. Highway 50 via Oakland, Calif., to San Francisco, and return over the same route; between Amarillo, Tex., and Albuquerque, N. Mex., over U. S. Highway 66, serving the intermediate points of Moriarty, N. Mex., and those between Moriarty and Albuquerque, for westbound traffic only, and all other intermediate points and the off-route points of the sites of the English Airport Field near Amarillo, Tex., the Amarillo Army Air Field located approximately seven miles east of Amarillo, Tex., and the Pantex Ordnance Plant located approximately 12 miles east of Amarillo, Tex., without restriction; between Dalhart, Tex., and Tucumcari, N. Mex., over U. S. Highway 54, serving all intermediate points; between Roswell, N. Mex., and the site of the Roswell Army Air Field, approximately four miles south of Roswell, over New Mexico Highway 13, serving no intermediate points; between Newkirk, N. Mex., and Conchas Dam, N. Mex., over New Mexico Highway 129, serving all intermediate points; between Tucumcari, N. Mex., and Conchas Dam, N. Mex., over New Mexico Highway 104 (formerly unnumbered highway), serving all intermediate points; between San Jon, N. Mex., and Clovis, N. Mex., over New Mexico Highway 39 from San Jon to Grady, N. Mex., thence over New Mexico Highway 18 to Clovis, and return over the same route, serving all intermediate points, but with no service at Clovis; between Las Vegas, N. Mex., and Roswell, N. Mex., over U. S. Highway 85 from Las Vegas to Romero-

ville, N. Mex., thence over U. S. Highway 84 to Fort Sumner, N. Mex., thence over New Mexico Highway 20 to junction U. S. Highway 285, thence over U. S. Highway 285 to Roswell, and return over the same route, serving the intermediate points of Dilia, Dunlap, and Chaves, N. Mex., and the off-route point of Anton Chico, N. Mex., without restriction; the intermediate point of Santa Rose, N. Mex., restricted against the transportation of commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, other than refrigeration; and the intermediate point of Romeroville, N. Mex., except for traffic originating at or destined to Las Vegas; between junction U. S. Highways 66 and 285, at or near Clines Corners, N. Mex., and junction U. S. Highway 285 and combined U. S. Highways 84 and 85 near Canyoncito, N. Mex., over U. S. Highway 285, for operating convenience only, serving no intermediate points; between junction U. S. Highway 66 and New Mexico Highway 39 at San Jon, N. Mex., and junction New Mexico Highway 58 and U. S. Highway 85 at Springer, N. Mex., over New Mexico Highway 39 from junction U. S. Highway 66 to junction New Mexico Highway 58, thence over New Mexico Highway 58 to junction U. S. Highway 85, and return over the same route, for operating convenience only, serving no intermediate points; between Denver, Colo., and Albuquerque, N. Mex., over U. S. Highway 85 from Denver to Albuquerque; also from junction U. S. Highway 85 and Colorado Highway 393 (formerly U. S. Highway 85) near Larkspur, Colo., over Colorado Highway 393 to junction Colorado Highway 105 (formerly U. S. Highway 85) near Monument, Colo., thence over Colorado Highway 105 to junction U. S. Highway 85; also from junction old U. S. Highway 85 and relocated U. S. Highway 85, north of Crow, Colo., over old U. S. Highway 85 to junction relocated U. S. Highway 85 and return over the same routes, serving all intermediate points, and the off-route points of Greenland, Larkspur, Palmer Lake, Monument, Crow, and Greenhorn, Colo., without restriction; the off-route point of Zia Project (Los Alamos, N. Mex.), restricted to traffic moving to or from points beyond Santa Fe, N. Mex., and the off-route points of Manitou, Colo., the site of U. S. Engineers' Project No. 76, approximately seven miles out east of Albuquerque, and the site of the United States Atomic Energy Plant at or near Marshall, Colo., restricted against the transportation of Class A and B explosives; between Denver, Colo., and junction U. S. Highways 85 and 87, approximately three-fourths of a mile north of Castle Rock, Colo., over U. S. Highway 87, as an alternate route for operating convenience only, serving no intermediate points; between Pueblo, Colo., and Lamar, Colo., over U. S. Highway 50, serving no intermediate points; between Chicago, Ill., and Denver, Colo., serving the intermediate and off-route points of Omaha, Nebr., and Kansas City and St. Joseph, Mo., without restriction, and Clinton and Davenport, Iowa, restricted to the transportation of wallpaper only, as follows: From Chicago over U. S. Highway Alternate 30 to junction U. S. Highway 30, west of Sterling, Ill., thence over U. S. Highway 30 to junction U. S. Highway 75, at Missouri Valley, Iowa, thence over U. S. Highway 75 to Omaha, Nebr., thence over U. S. Highway Alternate 30 to junction U. S. Highway 275, thence over U. S. Highway 275 via Waterloo, Nebr., to Fremont, Nebr., thence over U. S. Highway 30 to junction U. S. Highway 138, near Big Springs, Nebr., thence over U. S. Highway 138 to Sterling, Colo., thence over U. S. Highway 6 to Denver, and return over the same route, from Chicago over U. S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to Moline, Ill., thence over U. S. Highway 6 to Omaha, Nebr., and thence as specified above to Denver, and return over the same route, from Chicago over U. S. Highway 34 to Glenwood, Iowa, thence over U. S. Highway 275 to Council Bluffs, Iowa, thence over U. S. Highway 6 to Omaha, Nebr., and thence as specified above to Denver, and return over the same route, and from Chicago over U. S. Highway Alternate 30 to Sterling, Ill., thence over Illinois Highway 2 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U. S. Highway 24, thence over U. S. Highway 24 to Monroe City, Mo., thence over U. S. Highway 36 to Cameron, Mo., thence over U. S. Highway 69 to Kansas City, Mo., thence over U. S. Highway 40 to Denver, and return over the same route; and between Amarillo, Tex., and Los Angeles, Calif., service being authorized to and from the intermediate and off-route points of Albuquerque and Gallup, N. Mex., the sites of the Wingate Ordnance Depot near Gallup, N. Mex., and the Walker Air Force Base near Roswell, N. Mex., Flagstaff, Ariz., the site of the Navajo Ordnance Depot, near Flagstaff, Ariz., and Kingman, Ariz.; and from and to all points in California which the carrier is presently authorized to serve, with the exception that service is not authorized to or from San Francisco and Oakland, Calif., and points within ten miles of San Francisco and Oakland, said service specified immediately above between Amarillo, Tex., and Los Angeles, Calif., and from and to all points in California presently authorized to serve being restricted to the transportation of Class A, B, and C explosives, ammunition not included in Class A, B, and C explosives, and component parts of explosives and ammunition, and subject to the condition that such service is to be performed, to the extent indicated, in connection with carrier's presently authorized regular route and irregular route operations in the transportation of general commodities other than explosives and ammunition, and (B) irregular routes, between Denver, Colo., and United States Military Reservation and Government Project within five miles of Denver, with said service at such Military Reservations and Government Projects being restricted to traffic moving to or from points carrier is presently authorized to serve, except Denver; from Rocky Ford, and Manzanola, Colo., to points in New Mexico, with no transportation for compensation on return except as otherwise authorized; and between points within five miles of Albuquerque, N. Mex., including Albuquerque, and (2) *Empty gas cylinders, empty shipper-owned trailers*, and *other empty containers or other such incidental facilities* (not specified) used in transporting compressed gases, from all of said points now being served under Certificate No. MC 76032, to Los Alamos, N. Mex., subject to same restrictions as now applicable against service over above set forth regular and irregular routes, and also restricted under (1) above to transportation of traffic originating at Los Alamos, N. Mex., and under (2) above to transportation of traffic destined to Los Alamos, N. Mex.

NO. MC 76032 SUB 87, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo. Applicant's attorney: O. Russell Jones, 54½ East San Francisco St., Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over alternate or connecting routes, transporting: *Class A, B and C explosives, ammunition* not included in Class A, B, and C explosives, and *component parts* of explosives and ammunition, and *general commodities*, except livestock, farm products, grain and hay, fresh milk, fresh vegetables, perishable products which require refrigeration, lumber in bulk, in truckloads, sand and gravel, coal in bulk, rock asphalt, petroleum products, or other liquids, in bulk, corrosive acids, new automobiles, and uncrated furniture, between (1) Junction U. S. Highways 66 and 285 at or near Clines Corners, N. Mex., and junction U. S. Highway 285 and New Mexico Highway 20 near Chaves, N. Mex., over U. S. Highway 285, and (2) Roswell, N. Mex., and Amarillo, Tex., over U. S. Highway 285 from Roswell to junction U. S. Highway 70, thence over U. S. Highway 70 to junction U. S. Highway 60 at Clovis, N. Mex., thence over U. S. Highway 60 to junction U. S. Highway 87 at or near Canyon, Tex., thence over U. S. Highway 87 to Amarillo, Tex., and return over the same route; serving no intermediate points, for operating convenience only, in connection with regular route operations between Amarillo, Tex., and Albuquerque, N. Mex.; Las Vegas, N. Mex., and Roswell, N. Mex.; and Amarillo, Tex., and Los Angeles, Calif. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, New Mexico, and Texas.

No. MC 78213 Sub 2, ALBERT C. POUNDER, doing business as POUNDER TRUCK SERVICE, Corbett, Oreg. Applicant's representative: R. C. Long, Willamette Tariff Bureau, Inc., 719 S. E. Morrison Street, Portland 14, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cryolite*, in bulk, in dump trucks, between Troutdale, Oreg. and points within three miles of Troutdale, on the one hand, and, on the other, Longview, Wash. and points within three miles of Longview.

No. MC 78787 Sub 31, PACIFIC MOTOR TRUCKING COMPANY, a corporation, 65 Market Street, San Francisco 5, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New automobiles, new trucks*, and *new buses*, in initial movement, in truckaway and driveaway service, from Oakland, Calif., to Carson City and Minden, Nev. Applicant is authorized to conduct operations in California and Nevada.

No. MC 89529 Sub 6, UNITED PARCEL SERVICE OF PENNSYLVANIA, INC., 2320 Walnut Street, Philadelphia, Pa. Applicant's attorney: Irving R. Segal, Schnader, Harrison, Segal and Lewis, 1719 Packard Building, Philadelphia 2, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities as are sold by department stores, retail stores and retail specialty shops*, from department stores, retail stores and retail specialty shops, or warehouses thereof, in Trenton, N. J., to customers of such stores and shops at points in New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia, and *returned shipments*, on return movement. The applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

NO. MC 90147 Sub 1, HELMER V. CARLSON, doing business as HOPKINS AND CARLSON, 97 Hale St., Haverhill, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, between points in Essex County, Mass., and points in Belknap, Cheshire, Hillsboro, Merrimack and Rockingham Counties, N. H., and *Household goods*, as defined by the Commission, between points in Essex County, Mass., and points in Rockingham County, N. H.

NO. MC 92983 Sub 104, Amended, ELDON MILLER, INC., 1030 Riverside Drive, P. O. Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, vegetable oil products, syrups, sugars*, and *molasses*, in bulk, in tank vehicles, between Kansas City, Mo., on the one hand, and, on the other, points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Nebraska, Oklahoma, and Texas, except molasses from Kansas City, Mo., to Dubuque, Iowa. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

NO. MC 94542 Sub 16, JOHN G. MILLER, doing business as MILLER TRUCKING COMPANY, Route 5, Gettysburg, Pa. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cereals and cereal preparations*, from points in Adams County, Pa., to points in New York, Ohio, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return movements.

NO. MC 94542 Sub 17, JOHN G. MILLER, doing business as MILLER TRUCKING COMPANY, Route 5, Gettysburg, Pa. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods, cereals* and *cereal preparations*, (1) from points in Adams and Franklin Counties, Pa., to points in Tennessee, and (2) from points in Franklin County, Pa., to points in Indiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return movements. Applicant is authorized to conduct operations in Massachusetts, New York, Virginia, and West Virginia.

NO. MC 95473 Sub 3, HAROLD A. DAUB, Reinerton, Pa. Applicant's attorney: Rhoads, Sinon & Reader, State Street Bldg., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anthracite rice coal*, from points in Northumberland and Schuylkill Counties, Pa., to Wango, Md. Applicant is authorized to conduct operations in New York and Pennsylvania.

NO. MC 97146 Sub 1, MONROE SHOOK, doing business as SHOOK'S TRANSFER, Keysville, Va. Applicant's attorney: John C. Goddin, Shewmake, Gary, Goddin & Blackwell, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Amelia, Va., and Richmond, Va., from Amelia, Va., over U. S. Highway 360 to Richmond, Va., and return over the same route, serving all intermediate points, and off-route points within 10 miles of U. S. Highway 360.

NO. MC 103880 Sub 130, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Carl L. Steiner, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Lemont, Ill., to points in Indiana and the Lower Peninsula of Michigan. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

NO. MC 103880 Sub 131, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Mount Pleasant, Mich. and points within five miles of Mount Pleasant, to points in Ohio, Pennsylvania, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

NO. MC 105207 Sub 6, JIM'S TRANSFER, INC., East 3232 Sprague, Spokane, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in containers and in bulk, from points in Pend Oreille County, Wash., to ports of entry on the boundary between the United States and Canada on and east of U. S. Highway 97 north of Oroville, Wash., to the Washington-Idaho State line, and *rejected shipments*, on return movement. Applicant is authorized to conduct operations in Washington and Idaho.

NO. MC 105498 Sub 5, F. S. MILLARD, 2307 East Euclid Street, Des Moines, Iowa. Applicant's attorney: Robert E. Dreher, Brunk & Janss, 212 Equitable Building, Des Moines 9, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Electric household appliances* and *gas household appliances*, (illustrative of which are washing machines, laundry dryers, ironers, refrigerators, ranges, air condition units, etc.), from Newton, Iowa, to points in Illinois and Nebraska. Applicant is authorized to conduct operations in Illinois, Iowa, and Nebraska.

No. MC 105553 Sub 24, C. J. SIMPSON, doing business as C. J. SIMPSON TRUCKING CO., 4224 West Illinois St., P. O. Box 4096, Dallas, Tex. Applicant's attorney: Charles D. Mathews, Looney, Clark & Moorhead, Brown Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products and by-products; and *machinery, equipment, materials*, and *supplies*, used in or in connection with irrigation, the drilling of water wells, salt water injection wells, wells for underground reservoir storage, and the drilling of wells for all other purposes, (1) between points in Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, and Texas; (2) between points in Mississippi, Alabama, Georgia, and Florida; and (3) between points in Mississippi, Alabama, Georgia, and Florida, on the one hand, and, on the other, points, in Oklahoma, Texas, Arkansas, and Louisiana.

NO. MC 105632, CENTRAL OF GEORGIA MOTOR TRANSPORT COMPANY, a corporation, 227 West Broad St., Savannah, Ga. Applicant's attorney: John B. Miller, Asst. General Counsel, Central of Georgia Railway Company, Law Department, P. O. Box 527, Savannah, Ga. Petition for re-opening, further hearing, and modification of Certificate dated December 6, 1950 which was cancelled and superseded by Certificate dated May 26, 1954, authorizing operations as a *common carrier* in the transportation of *general commodities* over regular routes in Alabama and Georgia, subject to certain restrictions, in service auxiliary to, or supplemental of, rail service of the Central of Georgia Railway and its rail subsidiaries, so as to eliminate certain portions of presently applicable

restrictions as described on page five (5) of Certificate No. MC 105632, dated May 26, 1954, thereby authorizing unrestricted service insofar as operations (1) to and from the key points of Rome, Newnan, Griffin, Americus, and Tennille, Ga., and Alexander City, and Andalusia, Ala., (2) between Albany, Ga. and Dothan, Ala., and (3) at Athens, Ga. are concerned in lieu of restrictive service as presently authorized, namely to remove the restriction (1) of "service shall be auxiliary to, or supplemental of, the rail service of the Central of Georgia Railway and its rail subsidiaries, and no shipments shall be transported between any of the following points, or through or to or from more than one of said points" presently applicable against service to and from the key points of Rome, Newnan, Griffin, Americus, and Tennille, Ga., and Alexander City, and Andalusia, Ala., and (2) of "service shall be auxiliary to, or supplemental of, the rail service of the Central of Georgia Railway and its rail subsidiaries, and shipments transported between or to and from the following points shall be limited to those moving under a through bill of lading covering, in addition to movement by said carrier, an immediately prior or immediately subsequent movement by rail" presently applicable against (a) service in operations between Albany, Ga. and Dothan, Ala., and (b) service to and from Athens, Ga.

NO. MC 106089 Sub 1, JOHN G. LANE, doing business as JOHN G. LANE LINES, 1017 North McDuff Avenue, P. O. Box 6065, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bakery products, goods, wares, and merchandise distributed by baking companies*, and in connection therewith *bakery advertising matter, crates, racks and containers*, from Jacksonville, Fla. to points in Georgia on and south of U. S. Highway 80, and those in Alabama on and south of U. S. Highway 80 and on and east of U. S. Highway 31, and *empty containers or other such incidental facilities* used in transporting the commodities specified, and *stale bakery products*, on return movements. Applicant is authorized to conduct operations in Florida and Georgia.

NO. MC 107833 SUB 2, PAUL L. PETERSON, doing business as MODOC TRANSPORT, 12th and Maple Streets, P. O. Box 104, Alturas, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, and *grain in bulk*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between San Francisco, Calif., and Alturas, Calif., from San Francisco over U. S. Highway 40 via Davis, Calif., to Sacramento, Calif., thence return over U. S. Highway 40 to junction U. S. Highway 99–W at or near Davis, thence over U. S. Highway 99–W at or near Davis, thence over U. S. Highway 99–W to Red Bluff, Calif. (also from junction U. S. Highway 40 and unnumbered highway at or near Vacaville, Calif., over unnumbered highway via Winters and Madison, Calif., to junction U. S. Highway 99–W south of Dunnigan, Calif.) (also from Sacramento over California Highway 16 to junction U. S. Highway 99–W at Woodland, Calif.), thence over U. S. Highway 99 via Redding, Calif., to junction U. S. Highway 299 at Alturas Junction, Calif., thence over U. S. Highway 299 to Alturas, and return over the same route, serving South San Francisco, Alameda, San Leandro, Oakland, Emeryville, Berkeley, Albany, El Cerrito, Richmond, San Pablo; Sacramento, North Sacramento, West Sacramento, Swanston Station, the Sacramento–Yolo Port District, and all points within two miles of Sacramento, North Sacramento, West Sacramento, Swanston Station, and the Sacramento–Yolo Port District; Red Bluff, Cottonwood, Anderson, Redding, Alturas Junction, all points within two miles of Red Bluff, Cottonwood, Anderson, Redding and Alturas Junction, and all points within two miles of U. S. Highway 99 between Red Bluff and Alturas Junction, as intermediate and off-route points for pick-up only of commodities moving to Alturas or San Francisco. No service is proposed between any of the above-named intermediate or off-route points, or any points on U. S. Highways 40, 99, 99–W, and 299. Applicant is authorized to conduct operations in California and Oregon.

NO. MC 109451 SUB 37, ECOFF TRUCKING, INC., 117 McCarty St., Fortville, Ind. Applicant's attorney: William J. Guenther, Boyce, Guenther, Harrison & Moberly, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Acids, anhydrous ammonia* and *nitrogen solutions*, in bulk, in tank vehicles, between the site of the National Petro Chemical plant and U. S. Industrial Chemical Co. Division of National Distillers Products Corporation Plant, located approximately 5 miles west of Tuscola, Ill., and points in Michigan, Ohio, Indiana, Missouri, Kentucky, Wisconsin and Iowa. *Rejected shipments*, on return movement. Applicant is authorized to conduct operations in Indiana, Missouri, Illinois, Ohio, Kentucky, Wisconsin, and the lower peninsula of Michigan.

NO. MC 110077 SUB 2, JACK COOPER, JR. AND THOM COOPER, doing business as J-T TRANSPORT COMPANY, 6504 East 37th Street, Kansas City, Mo. Applicant's attorney: James W. Wrape, Wrape and Hernly,. Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway and driveaway service, from Kenosha, Wis., to Kansas City, Mo. and Wichita, Kans. RESTRICTION: Authority applied for to be restricted to transportation of Motor vehicles manufactured or assembled by the Hudson Motor Division of American Motors, Inc. Applicant is authorized to conduct operations in Kansas, Michigan and Missouri.

NO. MC 111147 SUB 5, AMERICAN TRANSPORT, INC., 1727 East Division St., Post Office Box 683, Springfield, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, fom Augusta, Kans., to points in that part of Missouri bounded by a line beginning at the Missouri-Kansas State Line and extending along U. S. Highway 36 to junction U. S. Highway 63, thence along U. S. Highway 63 to junction U. S. Highway 60, thence along U. S. Highway 60 to the Missouri-Kansas State Line, and thence along the Missouri-Kansas State Line to the point of beginning, including points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in Kansas and Missouri.

NO. MC 111717 SUB 10, TRACTOR TRANSPORT, INC., West Allis, Wis. Applicant's attorney: Frank M. Coyne, Union Trust Building, 1 West Main St., Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Self-propelled dirt movers*, and *accessories, pull type scrapers*, and *bulldozers*, from Cedar Rapids, Iowa, to points in Montana, Wyoming, Colorado, Texas, Louisiana, Mississippi, Alabama, Georgia, West Virginia, Pennsylvania, Ohio, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Missouri, Illinois, Indiana, Michigan, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NO. MC 112497 SUB 29, HEARIN TANK LINES, INC., Istrouma Branch-Mason St., P. O. Box 3096, Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from St. Rose, La., to the sites of U. S. Naval and Air Force Bases in Alabama, Florida and Georgia. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi and Tennessee.

NO. MC 112497 SUB 30, HEARIN TANK LINES, INC., 6440 Rawlins Street, P. O. Box 3096, Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, during the season extending from the first day of May to the thirtieth day of September, both inclusive, from Baton Rouge, La., to Pascagoula, Miss., and points within 25 miles thereof. Applicant is authorized to conduct operations in Alabama and Florida.

NO. MC 112520 SUB 2, SOUTH STATE OIL CO., 711 West Gaines St., Tallahassee, Florida. Applicant's attorney: Dan R. Schwartz, Kitchen & Schwartz, 713 Professional Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as defined by the Commission in Ex Parte MC–45, (a) from points in Florida west of the eastern boundaries of Madison and Taylor Counties, Fla., to points in Alabama and Georgia, and (b) from Bainbridge, Ga., and points within 5 miles thereof, to points in Florida west of the eastern boundaries of Madison and Taylor Counties, Fla., (2) *liquid alum* and *caustic soda solution*, in bulk, in tank vehicles, from Mobile, Ala., and points in Alabama, within 50 miles thereof, to points in Florida, and (3) *naval stores and liquid paper products and by-products*, including but not limited to Pinene, pulp mill liquid, salt cake solution (spent acid), sulphate black liquor skimmings, turpentine, and waste liquor, in bulk in tank vehicles between points in Florida west of the eastern boundaries of Madison and Taylor Counties, Fla., on the one hand, and, on the other, points in Alabama.

NO. MC 114012 SUB 4, B. D. ARMSTRONG AND C. EARL ARMSTRONG, doing business as ARMSTRONG BROTHERS, Corapeake, N. C. Applicant's attorney: James E. Wilson, Roberts & McInnis, Continental Building, Fourteenth at "K" N. W., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tobacco and cotton harvesters*, from Lewiston, N. C., to points in Texas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, Virginia, Tennessee, Kentucky, Maryland, and ports of entry between the United States and Canada at or near Buffalo, Niagara Falls and Rouses Point, N. Y., Detroit, Mich., and Pembina, N. Dak., and *materials and supplies used in the manufacture of tobacco and cotton harvesters* on return.

NO. MC 114106 SUB 5, MAYBELLE TRANSPORT COMPANY, A CORPORATION, Box 461, Lexington, N. C. Applicant's attorney: Dale C. Dillon, Todd, Dillon and Curtiss, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt* and *road oils*, in bulk, in tank vehicles, from Fayetteville and Salisbury, N. C., and points within three miles of each, to points in Virginia. Applicant is authorized to conduct operations in North Carolina and South Carolina.

NO. MC 114469 SUB 2 (amended) I. V. TRUCKING SERVICE, INC., 1655 S. Alameda St., Los Angeles, Calif. Applicant's attorney: James L. Giffin, 1304 East Seventh Street, Los Angeles 21, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, shakes, shingles, lath, veneer*, and *plywood*, from points in Curry, Coos, Jackson, Douglas, Lane, Linn, Marion and Josephine Counties, Oreg., to points in California, and *chromite ore* from points in California to the United States Stockpile, near Grants Pass, Oreg., on return.

NOTE: Republication of instant application covers the conversion of applicant from *contract* to *common carrier* status.

NO. MC 114703, FOREST O. BRYANT AND HERBERT FULLERTON, doing business as BRYANT & FULLERTON, 1201 South 3rd St., Ironton, Ohio. Applicant's attorney: H. A. McCown, 204 South 5th St., Ironton, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road construction material* such as *sand, gravel, cement, slag, cinders, asphalt*, and any *other materials of similar character* used in road construction, between points in Boyd, Greenup, and Lawrence Counties, Ky., and Lawrence County, Ohio.

NO. MC 114813 SUB 1, WILLIAM B. CONLEY, doing business as CONLEY TRANSPORT, 4140 East 29th St., Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined by the Commission in Ex Parte MC 45, in bulk, in tank vehicles, from Coralville and Des Moines, Iowa, to points in Iowa within 100 miles of Des Moines.

NO. MC 114923, (amended) CHARLES WALLACK, doing business as WALLACK BROS. MOTOR TRANSPORTATION, 88 Stephenson Blvd., New Rochelle, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Door frames*, wood and steel, uncrated, *doors*, steel and wood, and *parts and accessories used in connection with door frames and doors*, from Mt. Vernon, N. Y., to points in Ohio, Indiana, Illinois, Michigan, Georgia, and Florida.

NO. MC 114925, THOMAS I. SMITH, doing business as SMITH TRUCKING COMPANY, Pearson, Ga. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, dry or green, dressed or rough, from points in Coffee, Atkinson and Clinch Counties, Ga., to points in Florida.

NO. MC 114933, LEVISA OIL CORPORATION, Grundy, Va. Applicant's attorney: Chas. T. Dodrill, Dodrill Barrett & Dunbar, West Virginia Building, Huntington, W. Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Class A, B* and *C explosives, blasting materials*, and *blasting supplies*, and *empty containers or other such incidental facilities*, (not specified) used in transporting explosives, blasting materials and blasting supplies, (1) between Grundy, Va. and points within ten miles thereof on the one hand, and, on the other, points in Pike County, Ky., McDowell County, W. Va., Buchanan, Dickenson and Tazewell Counties, Va., and (2) between points in Pike County, Ky., McDowell County, W. Va., Buchanan, Dickenson and Tazewell Counties, Va., restricted to traffic having prior movement by rail to rail sidings, by truck to truck stops, construction jobs, or explosives magazines. Applicant is authorized to conduct operations in Virginia pursuant to Certificate of Exemption in Docket No. MC 108625 EX.

NO. MC 114938, WILLARD ODEGAARD, doing business as ODEGAARD TRANSPORT, Tioga, N. Dak. Applicant's attorney: Lawrence O'Connell, Burk, McIntee & O'Connell, Williston, N. Dak. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Natural gasoline* and *liquefied petroleum gas*, in bulk, in tank vehicles, between Tioga and Mandan, N. Dak., on the one hand, and, on the other, points in Montana, Minnesota and South Dakota.

NO. MC 114939, BULK CARRIERS LIMITED, Box 368, Sarnia, Ontario, Canada. Applicant's attorney: Archie C. Fraser, Jennings, Fraser, Parsons & Trebilcock, 1400 Michigan National Tower, Lansing 8, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products, liquid bituminous products, coal tar light oil*, and *liquid coal tar chemicals*, in bulk, in tank trucks and trailers, between the United States-Canada International Boundary line at Port Huron, Mich., and points in the lower peninsula of Michigan.

NO. MC 114944, ELAINE BURKHARDT AND GLADYS COZINE, doing business as AUDUBON OIL COMPANY, Broadway and Market, Audubon, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products* as described in Ex Parte No. MC–45, in bulk, in tank vehicles from Council Bluffs and Des Moines, Iowa, to points in Iowa on and south of U. S. Highway 20 and on and west of U. S. Highway 69.

NO. MC 114945, BILL HAINES, doing business as HAINES TRANSPORT, Greenfield, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as described by the Commission in Ex Parte No. MC–45, from Council Bluffs, Des Moines, Fort Madison and Sioux City, Iowa to points in that part of Iowa on and west of U. S. Highway 69 and on and south of U. S. Highway 20.

NO. MC 114947, ALVIN D. BOUNDS, doing business as ALVIN D. BOUNDS TRUCKING, 708 Clay Street, Ashland, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, from points in Coos, Curry, Josephine, Douglas, Jackson and Klamath Counties, Oreg., to points in California; and *produce, citrus products*, and *oil cake and meal*, from points in California, to points in Oregon.

NO. MC 114948, WILLIAM G. VAN GENDEREN, doing business as VAN DE KROL TRANSPORTS, Sully, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as described by the Commission in Ex Parte No. MC–45, from Coralville, Des Moines and Council Bluffs, Iowa, to Otley, Monroe, Prairie City and Sully, Iowa.

NO. MC 114949, ROY D. WATSON, JR., Keysville, Va. Applicant's attorney: John C. Goddin, Shewmake, Gary, Goddin & Blackwell, State-Planters Bank Building, Richmond 19, Va. For

authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Lumber*, from Drakes Branch, Phenix, and Saxe, Va., to points in West Virginia, Ohio, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia, and (2) *pallets*, from Drakes Branch, Keysville, Phenix, and Saxe, Va., to points in West Virginia, Ohio, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia.

NO. MC 114950, JOSEPH H. CURTIS, MARVIN E. CURTIS, AND WILLIAM E. CURTIS, doing business as JOSEPH CURTIS & SONS, RFD #2, Troy, Ohio. Applicant's attorney: John P. McMahon, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meat, meat products and meat by-products*, as defined by the Commission, in mechanically refrigerated equipment, from Troy, Ohio, to Greenup, and Boyd Counties, Ky., and Wayne, Cabell, and Kanawha Counties, W. Va.; *green hides* and *animal casings* in brine, from Troy, Ohio, to Chicago, Ill. *Empty containers or other such incidental facilities* used in transporting the commodities specified and *damaged, contaminated*, and *defective shipments* on return.

NO. MC 114954, JAMES STEWARD, Route 4, Garner, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used agricultural machinery and implements*, from Garner, Iowa, and points within 15 miles thereof, to Faribault, Minn.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

NO. MC 29957 SUB 62, CONTINENTAL SOUTHERN LINES, INC., P. O. Box 4407, Alexandria, La. Applicant's attorney: Grove Stafford, Stafford & Pitts, Suite 710 Guaranty Bank Bldg., Alexandria, La. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Elm Grove, La., and Ringgold, La., over Louisiana Highway 933, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, and Texas.

NO. MC 57662 SUB 2, BANGOR AND AROOSTOOK RAILROAD COMPANY, a corporation, 84 Harlow Street, Bangor, Maine. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Oakfield, Maine, and Fort Kent, Maine, From Oakfield over unnumbered highway to Smyrna Mills, thence over Maine Highway 212 to junction Maine Highway 11, and thence over Maine Highway 11 to Fort Kent, and return over the same route, serving the intermediate points of Smyrna Hills, Knowles Corner, Oxbow Corner, Masardis, Squa Pan, Ashland, Portage, Winterville, Eagle Lake, Wallagrass, Soldier Pond and Michaud. Applicant is authorized to conduct operations in Maine.

NO. MC 114271 SUB 2, CONTINENTAL CRESCENT LINES, INC., P. O. Box 4407, Alexandria, La. Applicant's attorney: Grove Stafford, Stafford & Pitts, Suite 710 Guaranty Bank Building, Alexandria, La. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Alexander City, Ala., and junction Alabama Highways 9 and 22, over Alabama Highway 22, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

APPLICATIONS UNDER SECTIONS 5 AND 210A (B)

NO. MC–F–5504 filed June 17, 1953. Authority sought for purchase by MURRAY SHAPIRO and ALEXANDER SHAPIRO, doing business as MURAL TRUCKING SERVICE, (now MURAL TRANSPORT, INC.), 2900 Review Ave., Long Island City, N. Y., of the operating rights of TRANSPORTATION & WAREHOUSE CORPORATION, 31–15 Vernon Blvd., Long Island City, N. Y. Applicants' attorney: S. S. Eisen, 140 Cedar St., New York, N. Y. Operating rights sought to be transferred: *New furniture*, uncrated, as a *common carrier*, over irregular routes, between New York and Long Island City, N. Y., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Florida, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia; between New York, N. Y., and points in Georgia, Indiana, Maine, and Wisconsin; and between Chicago, Ill., and points in Florida, Georgia, Maine, New Hampshire, North Carolina, South Carolina, Vermont, and Virginia; *Such new furniture* and *new household furnishings*, uncrated, as are dealt in by retail furniture and department stores and dealers, between New York, N. Y., on the one hand, and, on the other, points in Alabama, Kentucky, Mississippi, Tennessee, and West Virginia. By petition filed September 21, 1954, the applicants seek to amend the application by eliminating from the authority sought to be transferred, that portion which authorizes the transportation of *new furniture*, uncrated, from points in Michigan to New York and Long Island City, N. Y. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5696. Authority sought for purchase by OWENTON MOTOR EXPRESS, Bryant St., Owenton, Ky., of a portion of the operating rights of ESTELLE W. DOYLE, doing business as DOYLE TRANSFER LINE (DOROTHY WOOD, EXECUTRIX), 5th and Hawkins Sts., Carrollton, Ky., and for acquisition by VERNON SMALL, ARTHUR HENSON and WILLIAM EARL HORN, Owenton, Ky., of control of the operating rights through the purchase. Applicants' attorney: Ollie L. Merchant, 712 Louisville Trust Bldg., Louisville, Ky. Operating rights sought to be transferred: *General commodities*, as a *common carrier*, over regular routes, between Louisville, Ky., and Owenton, Ky., serving all intermediate points, and the off-route points of Campbellsburg and New Castle, Ky.; *Livestock* and *agricultural commodities*, over regular routes, from Glencoe, Ky., to Cincinnati, Ohio, serving the intermediate and off-route points within ten miles of Glencoe; General commodities, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, from Cincinnati, Ohio, to Glencoe, Ky., serving the intermediate and off-route points within ten miles of Glencoe. Vendee is authorized to operate in Kentucky, Indiana and Ohio. Application for temporary authority under section 210a(b) was granted May 14, 1954.

NO. MC–F–5731. DEXTER M. GOULD, Union Street, Millis, Mass., seeks to control PECKHAM TRANS., INC., Wrentham, Mass. Applicants' attorney: Dale C. Dillon, 944 Washington Bldg., Washington, D. C. Operating rights sought to be controlled: *Waste paper*, as a *contract carrier*, over irregular routes, from South Boston, Mass., to Versailles, Conn.; *Paper board*, from Versailles, Conn., to Boston, Mass., and points in Massachusetts within 50 miles of Boston; *Iron and wooden skids*, between Boston, Mass., and points in Massachusetts within 50 miles of Boston, on the one hand, and, on the other, Versailles, Conn. Applicant is not a carrier, but manages Millis Transportation Company, Inc., which operates in Massachusetts, New Hampshire, Vermont, Rhode Island and Connecticut. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5752. Authority sought for purchase by W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen St., Watertown, N. Y., of the operating rights and property of WEST SIDE MOTOR EXPRESS, INC., 36 Roanoke Ave., West Springfield, Mass., and for acquisition by LAWRENCE E. SMITH, Watertown, N. Y., of control of the operating rights and property through the purchase. Applicants' attorney: Arthur M. Marshall, 1340 Main St., Springfield, Mass. Operating rights sought to be transferred: *General commodities*, with certain exceptions, as a *common carrier*, (a) over regular routes, between Boston and Pittsfield, Mass., via U. S. Highway 20 and via Massachusetts Highways 9, 19, 67 and U. S. Highway 20, serving all intermediate and numerous off-route points; and between Springfield, Mass., and Hartford, Conn., via U. S. Highway 5 and Alternate U. S. Highway 5, serving all intermediate points, and three off-route points; and (b) over irregular routes, between Springfield, Mass., and points in Massachusetts within 15 miles of Springfield, on the one hand, and, on the other, Putnam and Jewett City, Conn., and points in Connecticut east of Connecticut Highway 8 and west of Connecticut Highway 93 from the Massachusetts-Connecticut State line to Norwich and west of Connecticut Highway 12 from Norwich to New London, including points on the indicated portions of the highways specified. Vendee is authorized to operate in Connecticut, Delaware, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia. Application for temporary authority under section 210a (b) was denied August 18, 1954.

NO. MC–F–5754. Authority is sought by DUNCAN McRAE, JOHN COX AND B. D. DENTON, doing business as UNION TRANSPORTATION COMPANY, 824 South Yorktown St., Tulsa, Okla., to control KANSAS TRAILS, INC., 1202 West 8th St., Coffeyville, Kans. Person to whom correspondence should be addressed: Duncan McRae, 824 South Yorktown St., Tulsa, Okla. Operating rights sought to be controlled: *Passengers and their baggage*, and *express* in the same vehicle with passengers, as a *common carrier*, over regular routes, between Topeka, Kans., and Parsons, Kans., serving all intermediate points and the off-route points of Melvern and Waverly, Kans.; between Parsons, Kans., and the Kansas-Ordnance Plant, serving all intermediate points; between Yates Center, Kans., and Altoona, Kans., serving all intermediate points; *passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Altoona, Kans., and Independence, Kans., serving the intermediate points of Neodesha and Sycamore, Kans., between Topeka, Kans., and Junction City, Kans., serving the intermediate points of Paxico, McFarland, Alta Vista and Dwight, Kans.; between Claremore, Okla., and Pittsburg, Kans., serving all intermediate points between Osawatomie, Kans., and Kansas City, Mo., serving all intermediate points between Osawatomie and Olathe, Kans., including Olathe, except that no traffic shall be transported between Olathe and Kansas City. *Passengers and their baggage*, restricted to traffic originating at the points indicated, in charter operations, over irregular routes, from Paola and Olathe, Kans., to points in Missouri, Oklahoma, Colorado, and Nebraska, and return. Applicant is authorized to operate in Oklahoma. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5758. Authority sought for control and merger by NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo., of the operating rights and property of F & S TRANSIT COMPANY, INC., 1717 East Wayne St., South Bend, Ind., and for acquisition by LAURENCE COHEN, Denver, Colo., of control of the operating rights and property through the transaction. Applicants' attorney: Paul M. Hupp, 738 Majestic Bldg., Denver 2, Colo. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions, as a *common carrier*, over regular routes, between Chicago, Ill., and Fort Wayne, Ind., between Gary, Ind., and Merrillville, Ind., and between Michigan City, Ind., and La Porte, Ind., serving all intermediate points and the off-route points of Dyer, Michigan City, Roseland, Bristol, New Haven, Besancon, Zulu, Townley, Notre Dame, St. Marys, Otis, Lydick, Porter, and Chesterton, Ind., and those within five miles of Fort Wayne, Ind., and Baer Field, Ind. Applicant is authorized to operate in California, Texas, Illinois, Missouri, Kansas, New Mexico, Colorado, Iowa, Nebraska, and Arizona. Application has been filed for temporary authority under Section 210a (b).

NO. MC–F–5760. CONTINENTAL SOUTHERN LINES, INC., Alexandria, La., Seek to control BAYSHORE BUS LINES, INC., 100 West Defee St., Baytown, Tex.; and TRANSCONTINENTAL BUS SYSTEM, INC., Dallas, Tex., seeks to control said carrier through the transaction. Applicants' attorney: Carl B. Callaway, 305 Empire Bank Bldg., Dallas, Tex. Operating rights sought to be controlled: *Passengers and their baggage*, as a *common carrier*, over regular routes, between Mt. Belvieu, Tex., and Liberty, Tex., and between Houston, Tex., and Baytown, Tex., serving all intermediate points; between La Porte, Tex., and Barbour, Hill, Tex., serving all intermediate points. Applicant is authorized to operate in Texas, Louisiana, Arkansas, Mississippi, Tennessee, Alabama, Missouri, Illinois, and Kentucky. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5765. Authority sought for purchase by McCORMICK DRAYLINE, INC., Avis, Pa., of the operating rights and property of A. M. FRANTZ, Muncy, Pa., and for acquisition by G. H. McCORMICK, Avis, Pa., of control of the operating rights and property through the purchase. Applicants' attorney: Robert H. Shertz, 226 South 15th St., Philadelphia 2, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions, as a *common carrier*, over irregular routes, between Muncy, Pa., on the one hand, and, on the other, points within 15 miles of Muncy, Pa.; *household goods*, between Muncy, Pa., and points within eight miles of Muncy, on the one hand, and, on the other, points in New York, New Jersey, Maryland, and Ohio. Vendee is authorized to operate in Pennsylvania, Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, West Virginia, Ohio, Kentucky, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5767. Authority sought for purchase by HAROLD W. STEWART, INC., 2136 Burroughs Drive, Toledo, Ohio, of a portion of the operating rights and certain property of THE BILLY BAKER COMPANY, 1301 Elm St., Toledo, Ohio, and for acquisition by HAROLD W. STEWART and J. E. STEWART, Toledo, Ohio, of control of said operating rights and property through the purchase. Applicants' attorney: William R. Hefferan, 1419 Majestic Bldg., Detroit 26, Mich. Operating rights sought to be transferred: *Spent Catalyst* (clay) in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from points in Lucas County, Ohio, to the boundary of the United States and Canada, at Port Huron, Mich. Vendee is authorized to operate in Michigan and Ohio. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5773. Authority sought for control by ROGERS CARTAGE COMPANY OF INDIANA, INC., 1932 S. Wentworth Ave., Chicago, Ill., of the operating rights and property of TEXAS-ARIZONA MOTOR FREIGHT, INC., P. O. Box 1025, El Paso, Tex., and for acquisition by WALTER MULLADY and JOHN B. O'CONNOR, Chicago, Ill., of control of said carrier through the transaction. Applicants' attorney: Axelrod, Goodman & Steiner, 39 S. LaSalle St., Chicago 3, Ill. Operating rights sought to be controlled: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between Los Angeles Harbor, Calif., and Nogales, Ariz., between Indio, Calif., and Phoenix, Ariz., between Wickensburg, Ariz., and Prescott, Ariz., serving all intermediate points and certain off-route points. *General commodities*, with certain exceptions, including household goods, between El Paso, Tex., and Tucson, Ariz., serving the intermediate points of Deming, Gage, and Separ, N. Mex., those between Lordsburg and Tucson, including Lordsburg, and those between Deming and El Paso, Tex. *General commodities*, with certain exceptions not including household goods, over irregular routes, from, to and between certain points in Arizona, California and New Mexico. Applicant is not an interstate motor carrier but is affiliated with Decatur Cartage Co., Rogers Cartage Co., Arrow Transportation Company of Delaware, and Rutherford Freight Lines, Inc., who are authorized to operate in Illinois, Kentucky, Michigan, Ohio, Indiana, Iowa, Minnesota, Missouri, Wisconsin, Tennessee, Nebraska, Kansas, New Jersey, New York, Pennsylvania, Arkansas, Louisiana, Texas, Virginia, North Carolina, and Georgia. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5774. Authority sought for purchase by WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th St., Omaha, Nebr., of the operating rights and property of CENTRAL THRU PACIFIC TRUNK LINES, INC., 610 Leavenworth St., Omaha, Nebr., and for acquisition by FAY V. WATSON, RAY E. WATSON, and THOMAS W. WATSON, Omaha, Nebr., of control of the operating rights through the purchase. Applicants' attorney: Harold G. Hernly, 1624 Eye St., NW., Washington 6, D. C. Operating rights sought to be transferred: *Meats, meat products, meat byproducts, butter, eggs, dressed poultry, canned and frozen fruit juices, fresh fruits and vegetables*, as a *common carrier*, over irregular routes, from, to and between points in Kansas, California, Missouri, and Oklahoma. Vendee is authorized to operate in Nebraska, Missouri, Minnesota, Iowa, Illinois, Kansas, Colorado, Indiana, Arizona, California, New Mexico, Wyoming, Utah, Texas, Arkansas, Oklahoma, Montana, Washington, Oregon, and Idaho. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5775. Authority sought for purchase by ROBERT B. HOOVER, doing business as GENERAL CARTAGE COMPANY, Post Office Box 298, Sterling, Ill., of the operating rights and property of STEVE UMTHUN and A. A. WESTERMAN, doing business as UMTHUN TRUCKING COMPANY, 910 South Jackson St., Eagle Grove, Iowa. Applicants' attorney: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *contract carrier*, over irregular routes, between Davenport, Iowa, and Rock Island and Moline, Ill., on the one hand, and, on the other, points in Illinois and Iowa within 75 miles of Moline, Ill.; *pulpboard*, and *pulpboard boxes*, from Rock Island, Ill., to points in Missouri, points in La Crosse, Monroe, Vernon, Crawford, Richland, Grant, Iowa, and Lafayette Counties, Wis., and all points in Iowa except those within 75 miles of Moline, Ill. Vendee is authorized to operate in Illinois, Indiana, Missouri, Minnesota, Iowa, Wisconsin, Ohio, South Dakota, Nebraska, and Michigan. Application has been filed for temporary authority under section 210a(b).

NO. MC–F–5776. Authority sought for the merger into THE KAPLAN TRUCKING COMPANY, 1607 Woodland Ave., Cleveland, Ohio, of the operating rights and property of BROWN DE CAMP EXPRESS CO., INC., Carlton Hill, N. J., and for acquisition by EDWARD H. KAPLAN, Cleveland, Ohio, of control of the operating rights and property through the transaction. Applicants' attorney: Noel F. George, 44 East Broad St., Columbus 15, Ohio. Operating rights sought to be merged: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between New York, N. Y., on the one hand, and, on the other, points in Monmouth, Morris, Essex, Passaic, Union, Somerset, Middlesex, Hudson, and Bergen Counties, N. J. The Kaplan Trucking Company is authorized to operate in Michigan, Ohio, Pennsylvania, New York, West Virginia, Illinois, and Indiana. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5780. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, P. O. Box 1216, Richmond, Va., of a portion of the operating rights and certain property of SILVER FLEET MOTOR EXPRESS, INC., 216 East Pearl St., Louisville, Ky., and for acquisition by J. H. COCHRANE, Richmond, Va., of control of said operating rights through the purchase. Applicants' attorney: Reuben G. Crimm, 805 Peachtree Street Bldg., Atlanta 5, Ga. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between Charlotte, N. C., and Asheville, N. C., between Charlotte, N. C., and Morganton, N. C., serving certain intermediate points and the off-route points of Brookford and Rhodhiss, N. C.; *general commodities*, with certain exceptions, including household goods, between Greenville, S. C., and Asheville, N. C., serving all intermediate points, and certain off-route points; routes for operating convenience only, between junction U. S. Highway 70 and alternate U. S. Highway 70 (at or near Hildebran, N. C.), and junction U. S. Highways 70 and alternate U. S. Highway 70 (at or near Conover, N. C.), and between Hickory, N. C., and Lincolnton, N. C. Vendee is authorized to operate in Virginia, North Carolina, South Carolina, Tennessee, and Georgia. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5782. Authority sought for purchase by THE CINCINNATI, NEWPORT & COVINGTON RAILWAY COMPANY, Third and Court Sts., Covington, Ky., of a portion of the operating rights of THE DIXIE TRACTION COMPANY, Third and Court Sts., Covington, Ky., and for acquisition by CHARLES ALLEN, JR., HERBERT ALLEN and RITA ALLEN, 30 Broad St., New York, N. Y., of control of said operating rights through the purchase. Person to whom correspondence is to be addressed: D. L. Ringo, Third and Court Sts., Covington, Ky. *Passengers and their baggage*, as a *common carrier*, over regular routes, (a) between Florence, Ky., and Cincinnati, Ohio, between Newport, Ky., and Cincinnati, Ohio, between Fort Thomas, Ky., and Woodlawn, Ky., between Alexandria, Ky., and Cincinnati, Ohio, between Cold Spring, Ky., and Vet Village, Campbell County, Ky., between the site of the Villa Madonna Academy, Kenton County, Ky., and junction U. S. Highways 25–42 and unnumbered county highway, serving all intermediate points, and (b) between Covert Run Pike and Waterworks Avenue, in Fort Thomas, Ky., between Wilson Road and Washington Ave., in Newport, Ky., serving no intermediate points; *passengers and their baggage*, in special operations, over irregular routes, beginning and ending at authorized points on the regular routes located in Kenton, Campbell and Boone Counties, Ky., and extending to the sites of Coney Island Amusement Park, Crosley Field, Cincinnati Gardens, Cincinnati Zoological Gardens, Nippert Stadium and Xavier University Stadium in the City of Cincinnati, Ohio. Vendee is authorized to operate in Ohio and Kentucky. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5784. Authority sought for purchase by CONSOLIDATED FREIGHT COMPANY, 100 Carroll St., Saginaw, Mich., of the operating rights and certain property of CALDWELL MOTOR FREIGHT, INC., 800—23rd St., Detroit, Mich., and for acquisition by A. F. MATHEWS and D. B. SMITH, Saginaw, Mich., of control of said operating rights through the purchase. Applicants' attorney: H. J. Waples, 2850 Penobscot Bldg., Detroit 26, Mich. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Detroit, Mich., and Trenton, serving all intermediate points, and off-route points within five miles of Detroit; Mich., between Detroit, Mich., and the Ford Willow Run Plant, located approximately four miles east of Ypsilanti, Mich., serving no intermediate points; also routes for operating convenience only, between Toledo, Ohio, and junction U. S. Highways 23 and 16, and between Trenton, Mich., and junction Wayne County Highway 356 and U. S. Highways 24 and 25; *general commodities*, with exceptions as specified above, over regular and irregular routes, between Lansing, Mich., and Akron and Kent, Ohio, serving the intermediate and off-route points of Flat Rock, Monroe, Royal Oak, Birmingham, Pontiac, Flint, Owosso, Detroit, Plymouth, and Wayne, Mich., and those in Wayne, Oakland, and Macomb Counties, Mich., within eight miles of Detroit. Vendee is authorized to operate in Illinois and Michigan. Application has been filed for temporary authority under section 210a (b).

No. MC–F–5785. Authority sought for control and merger by SHIRKS MOTOR EXPRESS CORPORATION, 1091 Manheim Pike, Lancaster, Pa., of the operating rights and property of BOYCE MOTOR LINES, INC., 800 So. Main St., Canandaigua, N. Y., and LESTER BOYCE, doing business as P. M. T. LINES, 1 Phoenix St., Canandaigua, N. Y., and for acquisition by HARRY T. WATERS, Lancaster, Pa., of control of the operating rights and property through the transaction. Applicants' attorney: John R. Norris, 1513 Fidelity Bldg., Baltimore, Md. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between points in New York, Pennsylvania, New Jersey, including routes between Elmira, N. Y., and Hammondsport, N. Y., between Buffalo, N. Y., and New York, N. Y., between Scranton Pa., and Philadelphia, Pa., between Rochester, N. Y., and Niagara Falls, N. Y., between Rochester, N. Y., and Oswego, N. Y., between Rochester, N. Y., and Syracuse, N. Y., between Syracuse, N. Y., and Binghamton, N. Y., between Trenton, N. J., and junction New Jersey Highway 69 and U. S. Highway 22 near Clinton, N. J., between Canadaigua, N. Y., and Palmyra, N. Y., and between Palmyra, N. Y., and Williamson, N. Y., serving certain intermediate and off-route points; and *wine* and *grape juice*, over irregular routes between points in the Towns of Urbana and Pulteney, Steuben County, N. Y., on the one hand, and, on the other, Boston, Mass., New Haven, Conn., New York, N. Y., Philadelphia, Scranton, Erie, and Pittsburgh, Pa., and Baltimore, Md.

Vendee is authorized to operate in Pennsylvania, Delaware, Ohio, New York, Maryland, New Jersey, Virginia, and Michigan. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5786. Authority sought for purchase by ERNEST BROWNING and ROBERT L. BROWNING, doing business as BROWNING TRUCK LINE, 6th and Allen St., Clinton, Mo., of a portion of the operating rights of SCHIEN TRUCK LINES, INC., 416 West Main St., Sedalia, Mo.. Applicant's attorney: D. D. McDonald, Room 1, Ott Bldg., Jefferson City, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions, not including household goods, as a *common carrier*, over regular routes, from junction Missouri Highways 2 and 13, over Missouri Highway 2 to Windsor, Mo., and thence over Missouri Highway 52 to Clinton, Mo., and return, serving the intermediate point of Windsor, Mo. Vendee is authorized to operate in Illinois, Iowa, Kansas, and Missouri. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5787. SAMUEL RAITZIN, 2310 South Main St., South Bend, Ind., seeks to control BRODBECK TRUCKING CO., INC., 2310 South Main St., South Bend, Ind. Person to whom correspondence is to be addressed: Samuel Raitzin, 2310 South Main St., South Bend, Ind. Operating rights sought to be controlled: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between points in Indiana, Michigan, and Ohio, including routes between South Bend, Ind., on the one hand, and, on the other, Flint, Mich., Detroit, Mich., Pontiac, Mich., and Toledo, Ohio; between Lansing, Mich., and Detroit, Mich., and between Toledo, Ohio, and Rossford, Ohio, serving certain intermediate and off-route points; and *lining*, and *shoddy*, between Elkhart, Ind., and Detroit, Mich., serving certain intermediate and off-route points. Vendee is not a motor carrier but is affiliated with C & E Trucking Corporation, which is authorized to operate in Illinois, Indiana, and Michigan. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F 5788. Authority sought for purchase by HYMAN TRANSPORTATION COMPANY, 8 North State St., Aberdeen, S. Dak., of the operating rights of CLARK BRELSFORD, doing business as BRELSFORD TRUCK LINE, Watertown, S. Dak., and for acquisition by EUGENE PIKOVSKY, 704 No. 5th St., Minneapolis, Minn., of control of the operating rights through the purchase. Applicants' attorney: Donald A. Morken, 1100 First National-Soo Line Bldg., Minneapolis, Minn. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Watertown, S. Dak., and Sisseton, S. Dak., serving the intermediate and off-route points of Summit, Marvin, Wilmot, Peever, and Ortley, S. Dak. Vendee is authorized to operate in South Dakota and Minnesota. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5789. Authority sought for purchase by ASSOCIATED TRANSPORTS, INC., 6110 Natural Bridge Ave., St. Louis, Mo., of the operating rights of TRANSPORT TRUCKING COMPANY, 13th and Winchester Ave., Kansas City, Mo., and for acquisition by SAYRE J. CENTO, St. Louis, Mo., of control of the operating rights through the purchase. Applicants' attorney: T. D. Drury, 506 Olive St., St. Louis, Mo. Operating rights sought to be transferred: *Automobiles* and *trucks*, in truckaway service, in initial movements, as a *common carrier*, over irregular routes, from Kansas City, Mo.-Kans., and points within five miles thereof to points in New Mexico; and *automobiles* and *trucks*, in truckaway service, in secondary movements, between Kansas City and points within five miles thereof, on the one hand, and on the other, points in New Mexico. Vendee is authorized to operate in Tennessee, Missouri, Illinois, Arkansas, Iowa, Indiana, Oklahoma, Kansas, Alabama, Kentucky, Mississippi, Nebraska, Michigan, Wisconsin, Colorado, Utah, Wyoming, Idaho, Minnesota, Louisiana, Montana, Nevada, North Dakota, Oregon, Texas, Georgia, Florida, North Carolina, South Carolina, Virginia, and New Mexico. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5790. Authority sought for control and merger by WERNER TRANSPORTATION COMPANY, 2601–32 Ave., South, Minneapolis, Minn., of the operating rights and property of COORDINATED TRANSPORT, INC. OF ILLINOIS, 1141 West Polk St., Chicago, Ill., and for acquisition by HARRY B. WERNER AND BERTHA WERNER, Minneapolis, Minn., of control of the operating rights and property through the transaction. Applicants' attorney: David Axelrod, 39 South LaSalle St., Chicago, Ill. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions, including *household goods*, as a *common carrier*, over regular routes, between points in Wisconsin, Indiana, Illinois, between Milwaukee, Wis., on the one hand, and, on the other, South Bend, Ind., Peru, Ind., and Chicago, Ill., between Joliet, Ill., and Wilmington, Ill., between Plymouth, Ind., and Fort Wayne, Ind., between South Bend, Ind., and Plymouth, Ind., between Logansport, Ind., and Fort Wayne, Ind., between Wanatah, Ind., and Rochester, Ind., and between Winamac, Ind., and Logansport, Ind., serving certain intermediate and off-route points; *general commodities*, with certain exceptions not including household goods, between Fort Wayne, Ind., on the one hand, and, Toledo, Ohio on the other, serving all intermediate points and the off-route points of Columbus, Ohio; *general commodities*, with certain exceptions including *household goods*, over irregular routes, between points in portions of Illinois and Indiana. Vendee is authorized to operate in Minnesota, Illinois, and Wisconsin. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5791. Authority sought for the merger into THE GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago, Ill., of the operating rights and property of NEW ENGLAND GREYHOUND LINES, INCORPORATED, 6 St. James Ave., Boston, Mass. Applicants' attorney: John R. Turney, 2001 Massachusetts Ave., N. W., Washington, D. C. Operating rights sought to be merged: *Passengers and their baggage*, as a *common carrier*, over regular routes, from, to, and between points in Massachusetts, Maine, New York, Connecticut, Rhode Island, New Hampshire and Vermont, serving specified intermediate and off-route points. If a more detailed description of the service is desired, copies of the application may be viewed at the office of the regulatory Commission of any state involved. The Greyhound Corporation is authorized to operate in Ohio, Indiana, Michigan, Illinois, Missouri, Iowa, Massachusetts, Maine, New Hampshire, California, Nebraska, New York, New Jersey, Wyoming, Pennsylvania, Utah, Kentucky, South Dakota, West Virginia, Kansas, Georgia, Louisiana, Nevada, Alabama, Florida, Mississippi, Tennessee, Arizona, Arkansas, Colorado, Washington, Oregon, Idaho, Minnesota, and Montana. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5792. Authority sought for purchase by BARBER TRANSPORTATION CO., 321 Sixth St., Rapid City, S. Dak., of a portion of the operating rights of BUCKINGHAM TRANSPORTATION, INC., Omaha and West Blvd., Rapid City, S. Dak., and for acquisition by Milo H. Barber, Rapid City, S. Dak., of control of said operating rights through the purchase. Applicants' attorney; Marion F. Jones, 526 Denham Building, Denver, Colo. Operating rights sought to be transferred: *General commodities*, except Class A and B explosives, as a *common carrier*, over regular routes, between Omaha, Nebr., and Sioux City, Iowa, serving no intermediate points; *general commodities*, except catalogs, and except Class A and B explosives, over specified routes including those between Sioux Falls, S. Dak., and Sioux City, Iowa, and between Sioux Falls, S. Dak., and Yankton, S. Dak., serving no intermediate points, and between Sioux Falls, S. Dak., and Philip Junction, S. Dak., serving certain intermediate and off-route points; *general commodities*, except Class A and B explosives, and except household goods as defined by the Commission, commodities in bulk, articles requiring special equipment, and livestock, between Omaha, Nebr., and Sioux City, Iowa, serving no intermediate points; *general commodities*, except Class A and B explosives and except livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over an alternate route for operating convenience only, between Sioux City, Iowa, and junction U. S. Highways 275 and 20; *general commodities*, except Class A and B explosives, over numerous alternate routes for operating convenience only, including those between Presho, S. Dak.,

and junction U. S. Highways 183 and 18, and between Martin, S. Dak., and Merriman, Nebr. Vendee is authorized to operate in South Dakota by virtue of a filing under section 206 (a) of the act. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5793. Authority sought for control by SCHWERMAN TRUCKING CO. (WIS.), 620 South 29th St., Milwaukee, Wis., of the operating rights and property of SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th St., Milwaukee, Wis., and for acquisition by FRED SCHWERMAN, SR., F. J. SCHWERMAN, R. D. SCHWERMAN and RUTH SCHWERMAN, Milwaukee, Wis., of control of said carrier through the transaction. Applicants' attorney: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. Operating rights sought to be controlled: *Cement* and *mortar*, as a *contract carrier*, over irregular routes, from points in Greencastle Township, Putnam County, Ind., to points in Illinois, Ohio, and Kentucky within 150 miles of Greencastle, Ind., and to points in the Chicago, Ill., commercial zone. Applicant is not an interstate motor carrier, but controls Schwerman Trucking Co. of Pa., and Schwerman Trucking Co. of Ohio, who are authorized to operate in Ohio, Indiana, Kentucky, Pennsylvania, Maryland, and West Virginia. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5794. Authority sought for purchase by HIGHWAY MOTOR FREIGHT, INC., 1022 Davenport St., Omaha, Nebr., of the operating rights of YUMA COUNTY TRANSPORTATION CO., Yuma, Colo., and for acquisition by DONALD W. CLARKE, Hastings, Nebr., of control of the operating rights through the purchase. Applicants' attorney: Marion F. Jones, 526 Denham Bldg., Denver, Colo. Operating rights sought to be transferred: *General commodities*, with varying exceptions, including household goods, as a *common carrier*, over regular routes, between Akron, Colo., and Sterling, Colo., serving all intermediate points, between Akron, Colo., and McCook, Nebr., serving all intermediate points, between Akron, Colo., and Denver, Colo., serving the intermediate points of Brush and Fort Morgan, Colo.; *salt, livestock feed*, and *seed, livestock, farm machinery, used farm equipment, emigrant movables, farm products, building and fencing materials, machinery* and *used household goods*, over irregular routes, from, to and between points in Kansas, Colorado, Iowa, and Missouri. Vendee is authorized to operate in Nebraska and Iowa. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5795. Authority sought for purchase by E. O. MAHAFFAY, doing business as OILFIELD BUS LINES, 15 West Avenue "A," San Angelo, Tex., of a portion of the operating rights of KERRVILLE BUS COMPANY, INC., 213 Sidney Baker St., Kerrville, Tex. Applicants' attorney: Charles D. Mathews, Brown Building, Austin, Tex. Operating rights sought to be transferred: *Passengers and their baggage*, as a *common carrier*, over regular routes, between Sheffield, Tex., and Fort Stockton, Tex., over Texas Highway 51 to McCamey, Tex., and thence over U. S. Highway 67 to Fort Stockton, serving all intermediate points. Vendee is authorized to operate in Texas. Vendor seeks authority to continue to operate between the junction of U. S. Highway 290 with U. S. Highway 67 and Fort Stockton, over U. S. Highway 290, approximately 14 miles, which segment is also embraced in the operating rights proposed to be sold. Application has not been filed for temporary authority under section 210a (b).

CORRECTION

The Notice of filing of MC–F–5737, appearing on page 4656 of the July 28, 1954, issue of the FEDERAL REGISTER is incorrect in that it reads "Newark, N. Y." The notice should read, "from Newark, N. J.", also the notice should show that the authority is subject to a "Keystone" restriction requiring contracts with persons who operate retail stores, the business of which is the sale of food.

Application of CHARLES G. CHILBERG, 33 Reed St., Rockville, Conn., and CLIFFORD J. O. NELSON, 5 Old Farm Rd., Dover, Mass., to control R. A. BYRNES, INCORPORATED, 11 South Main St., Mullica Hill, N. J., Docket No. MC–F–5749, published on page 5427, issue of August 25, 1954. The following general commodity authority was inadvertently omitted: "Between New York, N. Y., on the one hand, and, on the other, Philadelphia, Pa., and points in Pennsylvania within 25 miles of Philadelphia, and points in New Jersey."

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7610; Filed, Sept. 28, 1954; 8:48 a. m.]

[No. 25566]

INTRASTATE RATES ON BITUMINOUS COAL WITHIN THE STATE OF OHIO

NOTICE OF REOPENING OF HEARING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 21st day of September, A. D., 1954.

Upon consideration of (1) the record in the above-entitled proceeding, (2) petition, dated September 7, 1954, of certain railroad respondents to enforce the order entered herein on May 2, 1933, and (3) the replies to said petition filed by (a) Ohio Coal Association, (b) Clarksburg Coal Freight Association, (c) North American Coal Corporation, (d) Cleveland Electric Illuminating Company, and (e) New York, Chicago and St. Louis Railroad Company; and for good cause appearing:

It is ordered, That responsive to said petition, this proceeding be, and it is hereby, reopened for further hearing, at a time and place later to be determined, for the purpose of determining whether the intrastate rates on bituminous coal from origins in Ohio to Cleveland, Lorain, Avon Lake, Willoughby, and intermediate points, affect interstate rates on coal traffic in such manner as to contravene (a) the requirements of the said order of May 2, 1933, and (b) the provisions of section 13 (3) (4) of the Interstate Commerce Act.

It is further ordered, That copy of this order shall be served upon all parties to this proceeding; that the State of Ohio shall be notified hereof by sending copies of this order and of the said petition by registered mail to the Governor of the said State at Columbus, Ohio; and that notice be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7611; Filed, Sept. 28, 1954; 8:48 a. m.]

[4th Sec. Application 29717]

NEWSPRINT PAPER FROM CHILDERSBURG AND COOSA PINES, ALA., AND CALHOUN, TENN., TO POINTS IN TEXAS

APPLICATION FOR RELIEF

SEPTEMBER 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Newsprint paper, carloads.

From: Childersburg and Coosa Pines, Ala., and Calhoun, Tenn.

To: Specified points in Texas.

Grounds for relief: Rail competition, circuity, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4063, supp. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7608; Filed, Sept. 28, 1954; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 190

Washington, Thursday, September 30, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3067

GENERAL PULASKI'S MEMORIAL DAY, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Count Casimir Pulaski crossed the Atlantic to fight in the cause of freedom and gave his life for that cause on October 11, 1779, as a result of wounds received while leading the Pulaski Legion in a gallant cavalry charge at the siege of Savannah; and

WHEREAS the story of this Polish patriot's supreme contribution to our independence is a treasured chapter in the annals of a grateful Nation; and

WHEREAS it is fitting that we should honor the memory of this distinguished soldier, who attained the rank of Brigadier General in the American Revolutionary Army, on the one hundred and seventy-fifth anniversary of his heroic death:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Monday, October 11, 1954, as General Pulaski's Memorial Day, and I invite the people of our country to observe the day with appropriate ceremonies. I also direct that the flag of the United States be displayed on all Government buildings on that day in tribute to General Casimir Pulaski.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of September in the year of our Lord nineteen hundred and

[SEAL] fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:

WALTER BEDELL SMITH, *Acting Secretary of State.*

[F. R. Doc. 54–7754; Filed, Sept. 29, 1954; 11:26 a. m.]

EXECUTIVE ORDER 10563

REVOCATION OF EXECUTIVE ORDER NO. 10266[1] OF JUNE 30, 1951, SUSPENDING CERTAIN PROVISIONS OF THE OFFICER PERSONNEL ACT OF 1947, AS AMENDED

By virtue of the authority vested in me by sections 301 and 426 (c) of the Officer Personnel Act of 1947, as amended, Executive Order No. 10266 of June 30, 1951, entitled "Suspension of Certain Provisions of the Officer Personnel Act of 1947, as Amended, Which Relate to Officers of the Navy and Marine Corps," is hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 25, 1954.

[F. R. Doc. 54–7726; Filed, Sept. 28, 1954; 2:14 p. m.]

EXECUTIVE ORDER 10564

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED VALUE EXCESS-PROFITS, CAPITAL STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY OF THE HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), it is hereby ordered that any income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax return for the years 1941 to 1953, inclusive, shall, during the Eighty-third Congress, be open to inspection by the subcommittee of the Committee on the Judiciary of the House of Representatives, appointed pursuant to House Resolution 50 (83d Congress, 1st Session), agreed to February 24, 1953, for the purpose of carrying out those provisions of the said House Resolution 50 relating to the conduct of studies and investigations

[1] 16 F. R. 6420; 3 CFR 1951 Supp., p. 449.

(Continued on p. 6299)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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CFR SUPPLEMENTS

(For use during 1954)

All of the cumulative pocket supplements and revised books of the Code of Federal Regulations (as of January 1, 1954) are now available, except the supplements to Titles 1–3 and to the General Index.

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with respect to matters within the jurisdiction of such Committee under clause 12 (f) of Rule XI of the Rules of the House of Representatives, adopted January 3, 1953, in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6064, relating to the inspection of returns by certain committees of the Congress, approved by me February 11, 1954.

This order shall become effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 28, 1954.

[F. R. Doc. 54-7728; Filed, Sept. 28, 1954; 2:14 p. m.]

EXECUTIVE ORDER 10565

AMENDMENT OF PARAGRAPHS 76*a* AND 127*c* OF THE MANUAL FOR COURTS-MARTIAL, UNITED STATES, 1951

By virtue of the authority vested in me by Articles 36 and 56 of the Uniform Code of Military Justice (established by the act of May 5, 1950, 64 Stat. 107), and as President of the United States, it is ordered that the Manual for Courts-Martial, United States, 1951 (prescribed by Executive Order No. 10214 of February 8, 1951), be, and it is hereby, amended as follows:

1. The following language is added to subparagraph 76*a* (6) at the end thereof:

"If an accused is found guilty of an offense or offenses for none of which dishonorable discharge is authorized, proof of three or more previous convictions during the year next preceding the commission of any offense of which the accused stands convicted will authorize dishonorable discharge. See 127c, Section B."

2. The offenses and punishments listed in the Table of Maximum Punishments, contained in paragraph 127c, for violations of Articles 86 and 87 of the Uniform Code of Military Justice are revised so that they shall be as follows:

Offenses	*Punishments*
Absence without leave:	
1. Failing to go to, or going from, the appointed place of duty.	Confinement at hard labor not to exceed one month, and forfeiture of two-thirds pay per month not to exceed one month.
2. From unit, organization, or other place of duty:	
(a) For not more than 3 days of absence.	Confinement at hard labor not to exceed one month, and forfeiture of two-thirds pay per month not to exceed one month.
(b) For more than 3 days but not more than 30 days of absence.	Confinement at hard labor not to exceed six months, and forfeiture of two-thirds pay per month not to exceed six months.
(c) For more than 30 days of absence	Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor not to exceed one year.
3. From guard or watch	Confinement at hard labor not to exceed 3 months, and forfeiture of two-thirds pay per month not to exceed three months.
With intent to abandon	Bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor not to exceed six months.
4. With intent to avoid maneuvers or field exercises.	Confinement at hard labor not to exceed six months, and forfeiture of two-thirds pay per month not to exceed six months.
Missing movement of a ship, aircraft or unit:	
1. Through design	Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor not to exceed one year.
2. Through neglect	Bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor not to exceed six months.

3. Section B, *Permissible Additional Punishments*, of paragraph 127c is amended by adding thereto at the beginning thereof the following language:

"If an accused is found guilty of an offense or offenses for none of which dishonorable discharge is authorized, proof of three or more previous convictions during the year next preceding the commission of any offense of which the accused stands convicted will authorize dishonorable discharge and forfeiture of all pay and allowances and, if the confinement otherwise authorized is less than one year, confinement at hard labor for one year. In computing the one-year period preceding the commission of any offense, periods of unauthorized absence as shown by the findings in the case or by the evidence of previous convictions should be excluded. See 75*b* (2) as to further limitations concerning evidence of previous convictions which may be considered."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 28, 1954.

[F. R. Doc. 54-7727; Filed, Sept. 28, 1954; 2:14 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-219 A-4]

PART 918—MILK IN MEMPHIS, TENNESSEE, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 918.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the

handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than October 1, 1954. Any delay beyond that date in the effective date of this order would unnecessarily postpone needed changes in the order.

The provisions of the said order are well known to handlers. The recommended decision containing all amendment provisions of this order was issued September 1, 1954 (19 F. R. 5643). The decision of the Secretary concerning the proposed amendments was issued September 17, 1954 (19 F. R. 6081). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective October 1, 1954. (Sec. 4 (c): Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Memphis, Tennessee, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, participated in a referendum thereon, and who, during the determined representative period (July 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 918.7 and substitute therefor the following:

§ 918.7 *Fluid milk plant.* "Fluid milk plant" means (a) any milk processing or bottling plant from which a volume of Class I milk equal to an average of 1,000 pounds or more per day, or not less than 5.0 percent of the Class I milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area, (b) any plant which during the months of January through August ships Grade A milk, skim milk, or cream to a plant qualified pursuant to paragraph (a) of this section, or (c) any plant which during the months of September through December receives milk from farmers holding dairy farm permits for the production of Grade A milk issued by a health authority having jurisdiction in the marketing area, and from which milk, skim milk, or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section.

2. Delete § 918.61 and substitute therefor the following:

§ 918.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be considered a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, in lieu of the reports required pursuant to § 918.30, and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 918.7 (a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except fluid milk plants) in the Memphis, Tennessee, marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 918.7 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant was qualified as a fluid milk plant pursuant to § 918.7 (c) during each of the preceding months of September through December.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of September 1954 to be effective on and after October 1, 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-7704; Filed, Sept. 29, 1954; 8:57 a. m.]

[958.317 Amdt. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the administrative committee for Area No. 2, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date, and (4) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order as amended. The provisions of § 958.317 (b) (1) (FEDERAL REGISTER August 4, 1954, 19 F. R. 4873) are hereby amended to read as follows:

(b) *Order.* (1) During the period October 2, 1954, to June 30, 1955, both dates inclusive, no handler shall ship:

(i) Any potatoes of the round varieties (including, but not being limited to, Red McClure, Katahdin, Pontiac, and Bliss Triumph) grown in Area No. 2 unless such potatoes meet the requirements of the U. S. No. 1, or better grade, Size A, 2 inches minimum diameter, or U. S. Commercial grade, Size A, 2 inches minimum diameter, or U. S. No. 2 grade, 1⅞ inches minimum diameter; or

(ii) Any potatoes of the long varieties (including, but not being limited to, Russet Burbank and White Rose) grown in Area No. 2 unless such potatoes meet the requirements of the U. S. No. 1, or better grade, 2 inches minimum diameter or 4 ounces minimum weight, or U. S. Commercial grade, 2 inches minimum diameter or 40 ounces minimum weight, or U. S. No. 2 grade, 4 ounces minimum weight.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 27th day of September 1954, to be effective October 2, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7688; Filed, Sept. 29, 1954; 8:56 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

Subchapter E—Regulations Under Natural Gas Act

[Order 174-A, Amdt.; Docket No. R-138]

PART 154—RATE SCHEDULES AND TARIFFS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT AS AMENDED

EXTENSION OF TIME FOR FILINGS OF INDEPENDENT PRODUCERS AND GATHERERS; CHANGES IN RATE SCHEDULES

In the matter of compliance by natural-gas producers and gatherers with certificate and rate requirements; Docket No. R-138.

Numerous petitions were filed for rehearing on Order No. 174-A which prescribes regulations governing the filing of rate schedules and applications for certificates of public convenience and necessity by producers and gatherers of natural gas which are also natural-gas companies. Rehearing on this order was granted by order issued September 8, 1954, for the purpose of receiving briefs and arguments in order that the Commission might determine whether to revoke or rescind Order No. 174-A or to modify that order in any respect. Briefs were filed by a number of petitioners and oral argument heard on behalf of some of the petitioners on September 22 and 23, 1954. The objections, recommendations, proposals and contentions of all of the petitioners, whether briefs were filed or oral argument presented on their behalf or not, will be given consideration.

Many of the petitioners have shown that compliance with the filing requirements by October 1, 1954, the date fixed in Order No. 174-A for certain purposes, would work a hardship. The Commission has already received approximately 350 applications for certificates of public convenience and necessity and approximately 1,500 rate filings under Order No. 174-A and in order to handle these filings in an orderly manner it is desirable to extend the time requirement.

Paragraph (c) of § 154.94, *Changes in rate schedules*, should be clarified to express more precisely its applicability to rate schedules for new service initiated after June 7, 1954. The other points and issues raised in the petitions for rehearing will be decided as quickly as possible and appropriate announcement made.

It is necessary and desirable in the public interest and for the convenience of the Commission that the filing dates prescribed in Order No. 174-A for some purposes be extended as hereinafter provided and that paragraph (c) of § 154.94 be revised as hereinafter provided.

The Commission orders:

(A) The requirements in Order No. 174-A for filings by independent producers and gatherers by October 1, 1954, as specified in the following sections of the regulations therein adopted are hereby extended to December 1, 1954:

Paragraph (a) of § 154.92 *Filing of rate schedules by producer-gatherer "Natural-gas Companies"*.

Paragraph (a) of § 157.23 *Applications for certificate of public convenience and necessity by independent producer.*

(B) Paragraph (c) of § 154.94 *Changes in rate schedules* is revised to read as follows:

(c) The operation of any provision of the rate schedule providing for future or periodic changes in the rate, charge, classification, or service after June 7, 1954, or the operation of any like provision in any initial rate schedule filed after June 7, 1954, shall constitute a change in rate schedule.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

Adopted: September 24, 1954.

Issued: September 24, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7667; Filed, Sept. 29, 1954; 8:52 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter A—General

PART 200—GENERAL

Part 200 is hereby amended by adding the following new section:

§ 200.13 *Refusal of participation*—(a) *Authority of Director.* Any official designated by the Commissioner as the Director of a field office (referred to in this section as the Director) is authorized to refuse the benefits of participation (either directly as an insured lender or as a borrower, or indirectly as a builder, contractor, dealer, salesman, or sales agent for a builder, contractor or dealer) under title I, II, VI, VII, VIII or IX of the National Housing Act, as amended (referred to in this section as the act), to any person or firm (including but not limited to any individual, partnership, association, trust, or corporation) if the Director has determined that such person or firm:

(1) Has knowingly or willfully violated any provision of the act or any regulation issued thereunder, or any provision of title III of the Servicemen's Readjustment Act of 1944, as amended, (referred to in this section as title III) or of any regulation issued by the Administrator of Veterans' Affairs thereunder, or

(2) Has, in connection with any construction, alteration, repair or improvement work financed with assistance under the act or title III, or in connection with contracts or financing relating to such work, violated any Federal or State penal statute, or

(3) Has failed materially to properly carry out contractual obligations with respect to the completion of construction, alteration, repair, or improvement work financed with assistance under the act or title III.

(b) *Notice.* Before any determination is made to refuse any person or firm the benefits of participation, as provided in this section, notice of the proposed determination in writing and signed by the Director, shall be given and transmitted to the interested person or firm by registered mail, return receipt requested.

(c) *Hearing, request.* Any person or firm that has been notified of a proposed determination is entitled to request an opportunity to be heard and to be represented by counsel. Any such request shall be made in writing addressed to the Director of the office from which it was received. The letter to the Director may also include a request for written notice specifying charges in reasonable detail. The request for an opportunity to be heard shall be made within ten days from the date of receipt of notice of the proposed determination. If at the end of such ten-day period, no request has been received, the Director may assume that an opportunity to be heard is not desired, and may proceed in the manner provided in paragraph (e) of this section to notify the interested person or firm of his determination.

(d) *Hearing, time and place.* Upon receipt of a request for an opportunity to be heard, the Director shall arrange a timely hearing. Notice of the time and place of such hearing shall be in writing, transmitted by registered mail, return receipt requested, and shall include a statement indicating the informal nature of the proceedings and their purpose.

(e) *Determination.* After the person or firm against whom action is proposed has been afforded an opportunity to be heard, the Director shall make his determination on the preponderance of the evidence. The Director shall obtain the approval of the Commissioner before making a final determination withdrawing the approval of a Federal Housing Administration approved mortgagee or terminating a lender's insurance contract under Title I of the National Housing Act. Notice of such determination shall be made in writing, signed by the Director, and transmitted by registered mail, return receipt requested. The Director's determination shall be final and conclusive.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703)

Issued at Washington, D. C., September 23, 1954.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 54-7658; Filed, Sept. 29, 1954; 8:50 a. m.]

Subchapter M—Military Housing Insurance

PART 292—ELIGIBILITY REQUIREMENTS FOR MILITARY HOUSING INSURANCE

Sec.
292.1 Incorporation by reference.
292.2 Maximum amount of mortgage.
292.3 Certification by proper authorities.
292.4 Occupancy priority to military personnel.

Sec.
292.5 Compliance with zoning restrictions, etc.
292.6 Effective date.

AUTHORITY: §§ 292.1 to 292.45 issued under sec. 808, 63 Stat. 570; 12 U. S. C. 1748g.

§ 292.1 *Incorporation by reference.* (a) All of the provisions of Part 232 of this chapter, concerning eligibility requirements of mortgages under section 207 of the National Housing Act, apply with equal force and effect to mortgages insured pursuant to section 803 of the National Housing Act, except the following provisions:

Sec.
232.4 [Eligibility for Insurance.]
232.11 [Soundness of Project.]
232.23 (b) [Development of Property.]
232.28 [Rehabilitation Projects.]
232.30 [Eligibility of Miscellaneous Type Mortgages.]
232.31 [Eligibility of Refinanced Mortgages.]
232.32 [Reinsurance of Commissioner-Held Mortgages.]
232.35 [Effective Date.]

(b) For the purposes of this part all references in Part 232 to section 207 of the National Housing Act shall be deemed to refer to section 803 of the National Housing Act.

§ 292.2 *Maximum amount of mortgage.* (a) The mortgage must secure a principal obligation in multiples of $100 but not exceeding $5,000,000 and not in excess of 90 percent of the amount which the Commissioner estimates as the replacement cost of the proposed property or project. Such part of the mortgage as may be attributable to dwelling use shall not exceed $8,100 per family unit (which amount the Commissioner may increase to not to exceed $9,000 in any geographical area where he finds that cost levels so require), except that where the Secretary of Defense or his designee (with respect to projects designed for rent for residential use by civilian and military personnel of the Army, Navy, Marine Corps and Air Force) or the Atomic Energy Commission or its designee (with respect to a project designed for rent for residential use by personnel of the Atomic Energy Commission) in exceptional cases certifies and the Commissioner concurs in such certification that the needs would be better served by single-family detached dwelling units the mortgage may involve a principal obligation not to exceed $9,000 per family unit for such part of such property as may be attributable to such dwelling units.

(b) The Commissioner may, if he finds that, because of the higher costs prevailing in the Territory of Alaska, in Guam or in Hawaii, it is not feasible to construct dwellings on property located in Alaska, in Guam or in Hawaii without sacrifice of sound standards of construction, design, or livability, within the limitations as to maximum mortgage amounts provided in paragraph (a) of this section, prescribe by regulation or otherwise with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska, in Guam or in Hawaii, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

(c) The aggregate amount of any commitment or commitments issued and outstanding at any time with respect to a project or projects in the same area or locality and involving the same mortgagor (or substantially the same mortgagor, as determined by the Commissioner) shall not exceed the dollar amount limitations of $5,000,000 prescribed in paragraph (a) of this section.

§ 292.3 *Certification by proper authorities.* (a) No mortgage covering a project designed for rent for residential use by civilian or military personnel of the Army, Navy, Marine Corps or Air Force, shall be insured under the rules in this part unless the Secretary of Defense or his designee, shall have certified to the Commissioner that the housing with respect to which the mortgage is made is necessary to provide adequate housing for civilian or military personnel of the Army, Navy, Marine Corps or Air Force (including Government contractors' employees) assigned to duty at the military installation at or in the area of which such property is constructed, that such installation is deemed to be a permanent part of the Military Establishment, and that there is no present intention to substantially curtail activities at such installation.

(b) No mortgage covering a project designed for rent for residential use by personnel of the Atomic Energy Commission shall be insured under the rules in this part unless the Atomic Energy Commission or its designee, shall have certified to the Commissioner that the housing with respect to which the mortgage is made is necessary to provide adequate housing for residential use by personnel of the Atomic Energy Commission (including military personnel and Government contractors' employees) employed or assigned to duty at the Atomic Energy Commission Installation at or in the area in which such property is constructed, that such installation is deemed to be a permanent part of the Atomic Energy Commission establishment, and that there is no present intention to substantially curtail activities at such installation.

§ 292.4 *Occupancy priority to military personnel.* A mortgagor must establish, in a manner satisfactory to the Commissioner, that:

(a) After completion of a project designed for rent for residential use by civilian or military personnel of the Army, Navy, Marine Corps or Air Force, preference or priority of opportunity to occupy will be given to civilian or military personnel of the Army, Navy, Marine Corps or Air Force and their immediate families (including Government contractors' employees) assigned to duty at the Military Installation at or in the area in which the project is located; or

(b) After completion of a project designed for rent for residential use by personnel of the Atomic Energy Commission, preference or priority of opportunity to occupy will be given to personnel of the Atomic Energy Commission and their immediate families (including military personnel and Government contractors' employees) employed or assigned to duty at the Atomic Energy Commission Installation at or in the area in which the project is located.

§ 292.5 *Compliance with zoning restrictions, etc.* Such dwelling and other improvements, if any, must not violate any zoning or deed restrictions applicable to the project site, and must comply with all applicable building and other governmental regulations.

§ 292.6 *Effective date.* The provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure shall be issued on or after the date hereof.

PART 293—RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Sec.
293.1 Incorporation by reference.
293.2 Effective date.

AUTHORITY: §§ 293.1 to 293.20 issued under sec. 808, 63 Stat. 570; 12 U. S. C. 1748g.

§ 293.1 *Incorporation by reference.* All of the provisions of Part 233 of this chapter, concerning rights and obligations of a mortgagee under an insurance contract under section 207 of the National Housing Act, apply with equal force and effect to mortgages insured pursuant to section 803 of the National Housing Act, except that references in Part 233 to section 207 of the National Housing Act shall be deemed to mean section 803 of the National Housing Act for purposes of this part, and references to "Housing Insurance Fund" in Part 233 shall be deemed to mean "Military Housing Insurance Fund" for purposes of this part.

§ 293.2 *Effective date.* The provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure shall be issued on or after the date hereof.

Issued at Washington, D. C., this 23d day of September 1954.

NORMAN P. MASON,
Commissioner.

[F. R. Doc. 54-7659; Filed, Sept. 29, 1954; 8:51 a. m.]

Subchapter O—National Defense Rental Housing Insurance

PART 296—ELIGIBILITY REQUIREMENTS FOR NATIONAL DEFENSE RENTAL HOUSING INSURANCE

Sec.
296.1 Incorporation by reference.
296.2 Eligibility for insurance.
296.3 Soundness of project.
296.4 Eligible mortgages in Alaska, in Guam or in Hawaii.
296.5 Preference in rentals to persons engaged in defense activities.
296.6 Effective date.

AUTHORITY: §§ 296.1 to 296.40 issued under sec. 907, 65 Stat. 301; 12 U. S. C. 1750f.

§ 296.1 *Incorporation by reference.* (a) All of the provisions of Part 232 of this chapter, concerning eligibility requirements of mortgages under section 207 of the National Housing Act, apply with equal force and effect to mortgages insured pursuant to section 908 of the National Housing Act, except the following provisions:

Sec.
232.4 [Eligibility for Insurance.]
232.11 [Soundness of Project.]
232.28 [Rehabilitation Projects.]
232.30 [Eligibility of Miscellaneous Type Mortgages.]
232.31 [Eligibility of Refinanced Mortgages.]
232.32 [Reinsurance of Commissioner-Held Mortgages.]

(b) For the purposes of this part all references in Part 232 to section 207 of the National Housing Act shall be deemed to refer to section 908 of the National Housing Act.

§ 296.2 *Eligibility for insurance.* (a) After June 30, 1954, no mortgage may be insured under Title IX of the National Housing Act, as amended, except (1) pursuant to a commitment to insure issued on or before such date or (2) after July 31, 1954, and until July 1, 1955, during such period, or for such project or projects as the President may designate hereunder.

(b) The mortgage must secure a principal obligation in multiples of $100 but not to exceed $5,000,000 and not in excess of 90 percent of the amount the Commissioner estimates will be the value of the property or project: *Provided*, That such mortgage shall not in any event exceed the amount the Commissioner estimates will be the cost of completed physical improvements on the property or project, exclusive of off-site public utilities and streets, and organization and legal expenses, and not in excess of $8,100 per family unit (or $7,200 per family unit if the number of rooms in such property or project does not equal or exceed four family unit) for such part of such property or project as may be attributable to dwelling use: *Provided*, That the Commissioner may by regulation increase such per family unit dollar amount limitations by not exceeding $900 in any geographical area where he finds that cost levels so require.

(c) The maximum mortgage amounts based upon the limitations in (b) of this section are subject to reduction by an amount equal to the capitalized value of the ground rents in the event the mortgage is on a leasehold estate, rather than on a fee simple holding.

(d) The aggregate amount of any commitment or commitments issued and outstanding at any time with respect to a project or projects in the same area or locality and involving the same mortgagor (or substantially the same mortgagor, as determined by the Commissioner) shall not exceed the dollar amount limitation prescribed in paragraph (b) of this section.

§ 296.3 *Soundness of project.* No mortgage shall be accepted for insurance unless the Commissioner finds that the property or project with respect to which the mortgage is executed is an acceptable risk in view of the needs of national defense, except that as to mortgages covering property located in Alaska, in Guam or in Hawaii no mortgage shall be accepted for insurance unless the Commissioner finds that the property or project is an acceptable risk giving consideration to the acute housing shortage in Alaska, in Guam or in Hawaii.

§ 296.4 *Eligible mortgages in Alaska, in Guam or in Hawaii.* The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska, in Guam or in Hawaii it is not feasible to construct dwellings on property located in Alaska, in Guam or in Hawaii without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 296.2 (b), prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska, in Guam or in Hawaii, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

§ 296.5 *Preference in rentals to persons engaged in defense activities.* The mortgagor must establish in a manner satisfactory to the Commissioner that after completion of the dwelling or dwellings preference or priority of opportunity to rent will be given to persons engaged or to be engaged in national defense activities.

§ 296.6 *Effective date.* The provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure shall be issued on or after the date hereof.

PART 297—RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Sec.
297.1 Incorporation by reference.
297.2 Effective date.

AUTHORITY: §§ 297.1 to 297.19 issued under sec. 907, 65 Stat. 301; 12 U. S. C. 1750f.

§ 297.1 *Incorporation by reference.* All of the provisions of Part 233 of this chapter, concerning rights and obligations of a mortgagee under an insurance contract under section 207 of the National Housing Act, apply with equal force and effect to mortgages insured pursuant to section 908 of the National Housing Act, except that references in Part 233 to section 207 of the National Housing Act shall be deemed to mean section 908 of the National Housing Act for purposes of this part, and references to "Housing Insurance Fund" in Part 233 shall be deemed to mean "National Defense Housing Insurance Fund" for purposes of this part.

§ 297.2 *Effective date.* The provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure shall be issued on or after the date hereof.

Issued at Washington, D. C., this 23d day of September 1954.

NORMAN P. MASON,
Commissioner.

[F. R. Doc. 54-7660; Filed, Sept. 29, 1954; 8:51 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter S—Moneys, Tribal and Individual

PART 222—DEPOSIT AND EXPENDITURE OF INDIVIDUAL FUNDS OF MEMBERS OF THE OSAGE TRIBE OF INDIANS WHO DO NOT HAVE CERTIFICATES OF COMPETENCY

MISCELLANEOUS AMENDMENTS

1. Paragraphs (a) and (b) of § 222.1 are amended to read as follows:

§ 222.1 *Definitions.* • • •

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

2. Section 222.7 is amended to read as follows:

§ 222.7 *Disbursement or expenditure of surplus funds.* Except as provided in the regulations in this part, no disbursement or expenditure of surplus funds of Indians shall be made without the consent of the Indian owner and until authorization has been obtained from the Commissioner. Application by an Indian or his legal guardian, or if he is a minor, by his parent or legal guardian, for the expenditure of surplus funds shall be presented to the Commissioner, fully justified with the appropriate attachments such as court orders, decrees or other papers. Such application shall contain full information regarding the individual including his cash balance, the sum invested, the number of shares in the Osage mineral estate, total income from all sources including that paid on behalf of minors, the family status and the occupation or industry of the applicant. When request is made for payment to the individual without supervision, the record of said individual and his ability to handle such funds shall be shown.

3. Section 222.28 is amended by adding paragraph (i) immediately after paragraph (h) as follows:

§ 222.28 *Payment of claims against estates.* • • •

(i) Debts incurred during the lifetime of the Indian but not authorized by the superintendent, if found by the Commissioner to be just and payable.

4. Section 222.35 is amended to read as follows:

§ 222.35 *Appeals.* Any decision by the superintendent may be appealed to the area director, any decision by the area director may be appealed to the Commissioner, and any decision by the Commissioner may be appealed to the Secretary.

(R. S. 161, 5 U. S. C. 22)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

SEPTEMBER 24, 1954.

[F. R. Doc. 54-7637; Filed, Sept. 29, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS, OMAHA, NEBRASKA

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on July 23, 1954, authorizing respondents to put into effect and assess to and including July 31, 1956, the current schedule of rates and charges.

On September 14, 1954, respondents filed a petition requesting authority to put into effect to and including July 31, 1956, certain modifications of the currently authorized schedule of rates and charges.

The proposed modifications of the currently authorized schedule are set forth below.

1. To eliminate completely Note B, Section F, which now reads as follows:

NOTE B: Market Agencies driving cattle to Railroad or Truck Chutes for outbound shipment shall perform such service for a charge of $2.00 per car or truck, or any fraction thereof.

2. To change the designation of Note C, Section F to read "Note B."

3. To change Item 2, Section G, to read as follows:

2. When a purchaser of livestock buys and pays for it himself, but has a market agency render any one of the following services, namely, bill it out, drive it directly to the loading-out pens, or indirectly to them by way of the facilities for spraying, vaccinating, testing, branding, castrating, etc., the charge for rendering any one or any of these services combined shall be 30 cents per head for cattle, 20 cents per head for calves, 10 cents per head for hogs, and 6 cents per head for sheep.

The proposed modifications, if authorized, will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. Accordingly, it appears that this public notice should be given of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter should notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within fifteen days from the date of publication of this notice.

Done at Washington, D. C., this 27th day of September 1954.

[SEAL] AGNES B. CLARKE, *Hearing Clerk.*

[F. R. Doc. 54-7687; Filed, Sept. 29, 1954; 8:56 a. m.]

Commodity Stabilization Service

[7 CFR Part 725]

BURLEY AND FLUE-CURED TOBACCO

NOTICE OF PROPOSED AMENDMENTS TO MARKETING QUOTA REGULATIONS, 1955-56 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313, 1375), the Secretary of Agriculture is considering amendments to the Burley and flue-cured tobacco marketing quota regulations, 1955-56 marketing year (19 F. R. 3549).

1. One proposed amendment would delete paragraph (a) of § 725.623 and insert in lieu thereof the following:

§ 725.623 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 725.620, for a new farm shall be that acreage which the county committee (with the approval of the State committee) determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

2. The other proposed amendment would delete § 725.627 and insert in lieu thereof the following:

§ 725.627 *Approval of determinations made under §§ 725.611 to 725.626.* All allotments and yields shall be reviewed by or on behalf of the State committee, and the State committee may revise or require revision of any determinations made under §§ 725.611 to 725.626. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

Prior to the final adoption and issuance of the proposed amendments to the regulations, consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 24th day of September 1954.

[SEAL] WALTER C. BERGER, *Acting Administrator.*

[F. R. Doc. 54-7669; Filed, Sept. 29, 1954; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 120]

ANNUAL, SPECIAL OR PERIODICAL REPORTS

POSTPONEMENT OF CHANGE IN REPORTING REQUIREMENTS

SEPTEMBER 24, 1954.

On July 16, 1954, 19 F. R. 4567, notice was given that the Commission, Division 1, had approved modification of Schedule 562, "Compensation of Officers, Directors, etc.", in annual report Form A, effective with the report to be filed for the year 1954, to require Class I and Class II railroad companies to report the total expense allowance for each person named therein.

After consideration of objections filed to that proposed modification, Division 1 has postponed indefinitely this change in reporting requirements, pending further investigation of the matter of expense allowances to general officers.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7678; Filed, Sept. 29, 1954; 8:55 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS)

DELEGATION OF AUTHORITY TO CERTIFY WITH RESPECT TO FAMILY HOUSING

By virtue of the authority vested in me by section 202 (f) of the National Security Act of 1947, as amended (61 Stat. 495, 5 U. S. C. 171 (a)), and by section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 638) there are hereby delegated to the Assistant Secretary of Defense (Properties and Installations) the function, duty and authority conferred on me by Chapter IX of the Supplemental Appropriation Act, 1955, under the heading "Family Housing" (68 Stat. 819), to certify that (1) it is impracticable to construct family housing under the provisions of Title VIII of the National Housing Act, as amended (63 Stat. 570, 12 U. S. C. 1748), and (2) that adequate housing at reasonable rental rates is not available in the immediate vicinity of the military installation, and (3) it is impracticable to acquire suitable housing under other existing provisions of law.

The Assistant Secretary of Defense (Properties and Installations) shall not redelegate the function, duty, and authority conferred hereby.

C. E. WILSON, *Secretary of Defense.*

SEPTEMBER 23, 1954.

[F. R. Doc. 54-7636; Filed, Sept. 29, 1954; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 025793, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on November 5, 1953, by Area Forestry Office, Area 4, Bureau of Land Management. The purposes of the proposed withdrawal: Public Service Site.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS MERIDIAN

T. 2 S., R. 3 E., (unsurveyed),
Sec. 22: SE¼SE¼;
Sec. 23: NW¼SE¼.
T. 2 S., R. 4 E., (unsurveyed),
Sec. 17: SW¼;
Sec. 18: SE¼;
Sec. 19: N½;
Sec. 20: NW¼.
T. 2 S., R. 3 E., (surveyed),
Section 27: E½.

Containing approximately 1,200 acres.

LOWELL M. PUCKETT, *Area Administrator.*

[F. R. Doc. 54-7639; Filed, Sept. 29, 1954; 8:45 a. m.]

[Document No. 4]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 23, 1954.

An application, serial number Arizona 05172, for the withdrawal from location, sale and entry, under the General Mining laws of the lands described below was filed on August 7, 1953, by United States Department of Agriculture. The purposes of the proposed withdrawal: Recreation areas.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Room 233-A, Main Post Office Building, Phoenix, Arizona. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

GILA NATIONAL FOREST

Granville Campground Recreation Area:
T. 3 S., R. 29 E.,
Sec. 8, W½NW¼NE¼, W½SW¼NE¼, W½NW¼SE¼, E½SE¼NW¼.
Total area: 80 acres.

E. I. ROWLAND, *State Supervisor.*

[F. R. Doc. 54-7640; Filed, Sept. 29, 1954; 8:45 a. m.]

[Document No. 5]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 23, 1954.

An application, serial number Arizona 04542, for the withdrawal from location, sale and entry, under the General Mining laws of the lands described below was filed on March 3, 1953, by United States Department of Agriculture. The purposes of the proposed withdrawal: Administrative sites and recreation areas.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Room 233-A, Main Post Office Building, Phoenix, Arizona. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

COCONINO NATIONAL FOREST

Banjo Hill Forest Camp:
T. 18 N. R. 6 E.,
Sec. 8, S½S½N½NE¼, S½NE¼, less patented land in HES 369 and HES 579.
Total area: 88.1 acres.
Happy Jack Administrative Site:
T. 16 N., R. 9 E.,
Sec. 28, W½W½SW¼, W½E½W½SW¼;
Sec. 29, E½E½SE¼, E½W½E½SE¼.
Total area: 120 acres.
Manzanita Forest Camp:
T. 18 N., R. 6 E.,
Sec. 21, N½NW¼.
Total area: 80 acres.

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Fairbanks 011568, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on June 29, 1954, by the Department of the Air Force. The purposes of the proposed withdrawal: Storage site.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 7 N., R. 12 W., S. M.,
Section 15 (unsurveyed): That portion of the peninsula bounded on the west, north, and east by M. H. W. of Bernice Lake; on the south by the section line common to surveyed Section 22 and unsurveyed Section 15, extending east and west along said line from the quarter corner common to surveyed Section 22 and unsurveyed Section 15 to M. H. W. of Bernice Lake, containing approximately 7.35 acres.

LOWELL M. PUCKETT, *Area Administrator.*

[F. R. Doc. 54-7638; Filed, Sept. 29, 1954; 8:45 a. m.]

Pine Flat Recreation Area:
T. 19 N., R. 6 E.,
Sec. 22, Lots 15, 16, 23, 24.
Total area: 186.35 acres.
Slide Rock Forest Camp:
T. 18 N., R. 6 E.,
Sec. 5, S½NE¼SE¼, N½SE¼ SE¼.
Total area: 40 acres.
Willard Springs Guard Station and Pasture:
T. 18 N., R. 6 E.,
Sec. 1, Lots 1, 2, 5, 6, SW¼NE¼, NW¼SE¼.
T. 19 N., R. 6 E.,
Sec. 36, SE¼.
Total area: 367.36 acres.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 54-7641; Filed, Sept. 29, 1954; 8:45 a. m.]

[Document No. 6]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 23, 1954.

An application, serial number Arizona 04543, for the withdrawal from location, sale and entry, under the General Mining laws of the lands described below was filed on March 10, 1953, by United States Department of Agriculture. The purposes of the proposed withdrawal: Recreation areas.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Room 233-A, Main Post Office Building, Phoenix, Arizona. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

TONTO NATIONAL FOREST

Blue Point Recreation Area:
T. 3 N., R. 8 E., unsurveyed—expected to be legally described, when surveyed, as follows:
Sec. 31: S½N½SW¼, S½SW¼.
Total area: 120 acres.
Carney Springs Recreation Area:
T. 1 N., R. 10 E.,
Sec. 30: E½SW¼, E½W½SW¼.
Total area: 120 acres.
Christopher Creek Recreation Area:
T. 11 N., R. 12 E.,
Sec. 25: S½N½S½, S½NE¼, NE¼SW¼, S½N½N½SE¼, N½NE¼NE¼SE¼, S½SE¼SE¼NE¼.
T. 11 N., R. 13 E.,
Sec. 30: S½SW¼NW¼, NE¼SW¼NW¼, NW¼SE¼NW¼.
Total area: 155 acres.
Coon Bluff Recreation Area:
T. 2 N., R. 7 E.,
Sec. 4: Lot 10.
Sec. 5: Lot 9.
Total area: 58.77 acres.
Hackberry Recreation Area:
T. 2 N., R. 9 E., unsurveyed—expected to be legally described, when surveyed, as follows:
Sec. 8: N½NE¼, N½S½NE¼.
Total area: 120 acres.
Lower Camp Creek Recreation Area:
T. 6 N., R. 5 E., unsurveyed, expected to be legally described, when surveyed, as follows:
Sec. 1: NW¼SW¼NW¼NW¼, S½SW¼NW¼NW¼, SW¼SE¼NW¼NW¼, NE¼NW¼SW¼NW¼, NW¼NE¼SW¼NW¼:
Sec. 2: W½NE¼NE¼NE¼, NW¼NE¼NE¼, SE¼NE¼NE¼, N½SW¼NE¼NE¼, NE¼NW¼NE¼.
T. 7 N., R. 5 E.,
Sec. 35: S½NE¼SW¼, N½NW¼SE¼SW¼, NE¼SE¼SE¼SW¼, W½SW¼SE¼, SE¼SW¼SE¼, W½SW¼SE¼SE¼.
Total area: 130 acres.
Peralta Canyon Recreation Area:
T. 1 N., R. 10 E.,
Sec. 29: S½N½SW¼, S½SW¼.
Total area: 120 acres.
Rose Creek Recreation Area:
T. 6 N., R. 13 E., unsurveyed—expected to be legally described, when surveyed, as follows:
Sec. 25: S½NE¼NW¼SW¼, SE¼NW¼SW¼, N½NE¼SW¼SW¼.
Total area: 20 acres.
Stewart Mountain Lake Recreation Area:
T. 3 N., R. 8 E., unsurveyed—expected to be legally described, when surveyed, as follows:
Sec. 28: S½SW¼NE¼, S½SE¼NW¼, NE¼SW¼, NW¼SE¼.
Total area: 120 acres.
Sunflower Picnic Ground:
T. 6 N., R. 9 E.,
Sec. 17: SW¼NW¼SE¼NW¼, S½NE¼SW¼NW¼, SE¼SW¼NW¼, W½SW¼SE¼NW¼.
Total area: 22.50 acres.
Sycamore Forest Camp:
T. 11 N., R. 10 E., unsurveyed—expected to be legally described, when surveyed, as follows:
Sec. 7: SE¼NW¼SE¼, S½NE¼SE¼, E½SE¼SE¼;
Sec. 8: SW¼SW¼SW¼;
Sec. 17: NW¼NW¼.
Total area: 100 acres.
Upper Camp Creek Recreation Area:
T. 7 N., R. 5 E., unsurveyed—expected to be legally described, when surveyed, as follows:
Sec. 26: S½SW¼, NE¼SW¼, S½SE¼NW¼SW¼, E½SW¼SW¼, W½SE¼SW¼;
Sec. 35: NE¼NW¼, NE¼NW¼NW¼, E½NW¼NW¼NW¼, E½SE¼NW¼NW¼, E½NE¼SW¼NW¼, N½SE¼NW¼.
Total area: 135 acres.
West Canyon Lake Recreation Area:
T. 2 N., R. 9 E., unsurveyed—expected to be legally described, when surveyed, as follows:
Sec. 9: E½NE¼NW¼, N½NE¼, NE¼SW¼NE¼, E½SE¼SE¼NE¼, E½NE¼NE¼SE¼.
Total area: 140 acres.
Bartlett Dam Recreation Area:
T. 5 N., R. 7 E., unsurveyed—expected to be legally described, when surveyed, as follows:
Sec. 4: NW¼NE¼, E½NW¼, SW¼NW¼, S½NW¼NW¼, N½NW¼SW¼;
Sec. 5: S½NE¼, N½N½SE¼.
T. 6 N., R. 7 E., unsurveyed—expected to be legally described, when surveyed, as follows:
Sec. 33: S½SW¼SE¼, S½SE¼SW¼.
Total area: 360 acres.
Bartlett Lake Recreation Area:
T. 6 N., R. 7 E., unsurveyed—expected to be legally described, when surveyed, as follows:
Sec. 27: W½SW¼NW¼, W½NW¼SW¼;
Sec. 28: SE¼NE¼, E½SE¼.
Total area: 160 acres.
East Canyon Lake Recreation Area:
T. 2 N., R. 9 E., unsurveyed—expected to be legally described, when surveyed, as follows:
Sec. 10: SW¼NE¼, S½NW¼, NW¼SW¼.
Total area: 160 acres.
Horseshoe Dam Recreation Area—Area No. 1:
T. 7 N., R. 6 E., unsurveyed—expected to be legally described, when surveyed, as follows:
Sec. 2: W½SE¼NW¼, S½SW¼NW¼, NW¼NW¼SW¼;
Sec. 3: NE¼NE¼SE¼.
Total area: 60 acres.
Horseshoe Dam Recreation Area—Area No. 2:
T. 7 N., R. 6 E., unsurveyed—expected to be legally described, when surveyed, as follows:
Sec. 10: W½NE¼NE¼, E½NW¼NE¼, SE¼NE¼, E½SW¼NE¼, N½NE¼SE¼;
Sec. 11: SW¼SW¼NW¼, NW¼NW¼SW¼.
Total area: 140 acres.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 54-7642; Filed, Sept. 29, 1954; 8:46 a. m.]

[Document No. 7]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 23, 1954.

An application, serial number Arizona 05059, for the withdrawal from location, sale and entry, under the General Mining laws of the lands described below was filed on June 29, 1953, by United States Department of Agriculture. The purposes of the proposed withdrawal: Administrative sites and recreation areas.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Room 233-A, Main Post Office Building, Phoenix, Arizona. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

SITGREAVES NATIONAL FOREST

Deer Springs Lookout and Administrative Site:
T. 11 N., R. 18 E.,
Sec. 34: S½NW¼, Lots 1 and 4.
Total area: 147.55 acres.
Gentry Lookout and Administrative Site:
T. 11 N., R. 15 E.,
Sec. 35: NW¼NE¼.
Total area: 40 acres.
Heber Administrative Site:
T. 12 N., R. 17 E.,
Sec. 32: SW¼, SW¼NW¼, Lots 4 and 6.
Total area: 277.65 acres.
Lakeside Administrative Site:
T. 9 N., R. 22 E.,
Sec. 23: NE¼, and an irregular tract in the E½NW¼SE¼, of record as Exchange Survey No. 649.
Total area: 172.58 acres.
Lakeside Forest Camp and Recreation Area:
T. 9 N., R. 22 E.,
Sec. 23: N½SW¼SE¼.
Total area: 20 acres.
Lincoln Administrative Site:
T. 11 N., R. 18 E.,
Sec. 19: W½SW¼NE¼, E½SE¼NW¼, E½W½SE¼NW¼, E½SW¼, E½W½SW¼, W½W½SE¼;
Sec. 30: E½NW¼NW¼, NE¼NW¼, W½NW¼NE¼.
Total area: 290 acres.
Los Burros Administrative Site:
T. 9 N., R. 24 E.,
Sec. 26: SW¼SW¼;
Sec. 27: SE¼SE¼;
Sec. 34: E½NE¼;
Sec. 35: W½NW¼.
Total area: 240 acres.
Mackay Administrative Site:
T. 9 N., R. 25 E.,
Sec. 7: NE¼.
Total area: 160 acres.
Pinedale Ranger Station:
T. 11 N., R. 20 E.,
Sec. 32: N½SE¼, NE¼SW¼, E½NE¼, SW¼NE¼.
Total area: 240 acres.
Pinetop Forest Camp and Recreation Area:
T. 8 N., R. 23 E.,
Sec. 4: S½NW¼, NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼.
Total area: 150 acres.
Promontory Lookout and Administrative Site:
T. 11 N., R. 13 E.,
Sec. 5: NW¼SW¼;
Sec. 6: NE¼SE¼.
Total area: 80 acres.
Wallace Administrative Site:
T. 14 N., R. 14 E.,
Sec. 30: W½.
Total area: 359.20 acres.
Waters Administrative Site:
T. 12 N., R. 13 E.,
Sec. 2: Lots 1, 2, 3, 4, 5, 6, 7, 8, S½N½.
Total area: 415.08 acres.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 54-7643; Filed, Sept. 29, 1954; 8:46 a. m.]

[Document No. 8]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 23, 1954.

An application, serial number Arizona 05427, for the withdrawal from location, sale and entry, under the General Mining laws of the lands described below was filed on October 12, 1953, by United States Department of Agriculture. The purpose of the proposed withdrawal: Administrative sites and recreation areas.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Room 233-A, Main Post Office Building, Phoenix, Arizona. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

TONTO NATIONAL FOREST

Jones Water Forest Camp:
T. 3 N., R. 16 E., unsurveyed—but expected to be legally described, when surveyed, as follows:
Sec. 23: SW¼NE¼NE¼, S½NW¼NE¼, W½SW¼NE¼, NE¼SW¼NE¼, S½SE¼NW¼, N½NE¼SW¼, except that portion (6.80 acres) already withdrawn by the Act of 5/29/24.
Total area: 93.20 acres.
Oak Flat Picnic and Camp Ground:
T. 1 S., R. 13 E.,
Sec. 28: S½S½;
Sec. 29: SE¼SE¼;
Sec. 32: E½NE¼;
Sec. 33: N½, N½S½.
Total area: 760 acres.
Pioneer Pass Picnic Grounds:
T. 2 S., R. 15 E.,
Sec. 3: W½W½SE¼SE¼, E½SW¼SE¼;
Sec. 10: W½W½NE¼NE¼, E½NW¼NE¼, SW¼NW¼NE¼, SW¼NE¼.
Total area: 110 acres.
Federal Highway 9-K, Roadside Zone:
A strip of land 200 feet on each side of center line of Federal Highway 9-K through the following legal subdivisions:
T. 9 N., R. 10 E.,
Sec. 3: NW¼;
Sec. 4: N½;
Sec. 5: E½;
Sec. 8: N½, SW¼.
T. 10 N., R. 10 E.,
Sec. 28: S½, NE¼;
Sec. 33: NW¼, S½;
Sec. 34: SW¼.

COCONINO NATIONAL FOREST

Red Rock Crossing Recreation Area:
T. 17 N., R. 5 E.,
Sec. 26: S½SW¼, SE¼SW¼NW¼SW¼, SE¼NW¼SW¼, S½NE¼SW¼, NE¼NE¼SW¼, N½NW¼NE¼SW¼.
Total area: 127.5 acres.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 54-7644; Filed, Sept. 29, 1954; 8:46 a. m.]

[Document No. 9]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 23, 1954.

An application, serial number Arizona 06224, for the withdrawal from location, sale and entry, under the General Mining laws of the lands described below was filed on March 29, 1954, by United States Department of Agriculture. The purpose of the proposed withdrawal: Administrative site.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Room 233-A, Main Post Office Building, Phoenix, Arizona. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

COCONINO NATIONAL FOREST

Elden Guard Station Administrative Site (Addition):
T. 21 N., R. 8 E.,
Sec. 6: E½SW¼SE¼, N½SE¼, SE¼NE¼.
Total area: 140 acres.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 54-7645; Filed, Sept. 29, 1954; 8:47 a. m.]

[Document No. 10]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 23, 1954.

An application, serial number Arizona 06225, for the withdrawal from location, sale and entry, under the General Mining laws of the lands described below was filed on March 29, 1954, by United States Department of Agriculture. The purposes of the proposed withdrawal: Experimental forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Room 233-A, Main Post Office Building, Phoenix, Ari-

zona. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

CORONADO NATIONAL FOREST

Mt. Graham Experimental Forest:
T. 8 S., R. 24 E.,
Sec. 26: SW¼;
Sec. 27: S½;
Sec. 28: SE¼SE¼;
Sec. 33: All;
Sec. 34: All;
Sec. 35: N½, SW¼, E½SE¼.
T. 9 S., R. 24 E.,
Sec. 2: N½NW¼;
Sec. 3: All;
Sec. 4: N½, N½SW¼, SE¼;
Sec. 9: N½NE¼, SE¼NE¼;
Sec. 10: NW¼.
Total area: 3,920 acres.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 54-7646; Filed, Sept. 29, 1954; 8:47 a. m.]

[Document No. 11]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Arizona 06265, for the withdrawal from location, sale and entry, under the General Mining laws of the lands described below was filed on April 5, 1954, by United States Department of Agriculture. The purposes of the proposed withdrawal: Administrative sites and recreation areas.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Room 233-A, Main Post Office Building, Phoenix, Arizona. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

CORONADO NATIONAL FOREST

Barfoot Park Administrative Site:
T. 17 S., R. 30 E.,
Sec. 28: SW¼.
Total area: 160 acres.
Cave Creek Recreation Area:
T. 18 S., R. 30 E., unsurveyed—but expected to be legally described, when surveyed, as follows:
Sec. 12: N½NE¼, SE¼NW¼, SE¼SW¼NW¼, NE¼SW¼.
T. 18 S., R. 31 E., unsurveyed—but expected to be legally described, when surveyed, as follows:
Sec. 7: N½NW¼;
Sec. 3: E½NW¼, SE¼SW¼NW¼, N½NW¼SE¼;
Sec. 4: SE¼SE¼, S½NE¼SE¼;
Sec. 9: NW¼NE¼NE¼, NW¼NE¼, NW¼SW¼NE¼, SE¼SE¼NW¼, N½SW¼, SW¼SW¼.
Total area: 610 acres.
Cochise Stronghold Recreation Area:
T. 17 S., R. 23 E.,
Sec. 25: SW¼SW¼.
Total area: 40 acres.
Deer Creek Administrative Site:
T. 9 S., R. 20 E.,
Sec. 10: Unsurveyed—but expected to be legally described when surveyed, as follows: NE¼NE¼, SW¼NE¼, SE¼NE¼, N½SE¼;
Sec. 11: N½NW¼.
Total area: 280 acres.
Florida Administrative Site:
T. 19 S., R. 15 E.,
Sec. 19: SE¼, E½W½.
Total area: 320 acres.
Madera Canyon Recreation Area:
T. 19 S., R. 14 E.,
Sec. 35: NW¼, NE¼SW¼, W½NW¼SE¼.
T. 20 S., R. 14 E.,
Sec. 1: W½SW¼, except as in conflict with patented mining claims.
Sec. 2: Lot 1, SE¼NE¼, E½NE¼SE¼, W½NW¼SE¼, SE¼NW¼, E½SW¼, except as in conflict with patented mining claims.
Total area: 523.59 acres, more or less.
Marijilda Picnic Grounds:
T. 8 S., R. 25 E.,
Sec. 33: N½NE¼, SW¼NE¼.
Total area: 120 acres.
Noon Creek Administrative Site:
T. 9 S., R. 25 E.,
Sec. 9: SW¼NE¼, SE¼NE¼;
Sec. 10: SW¼NW¼.
Total area: 120 acres.
Noon Creek Picnic Ground:
T. 9 S., R. 25 E.,
Sec. 9: SE¼NW¼, E½SW¼NW¼.
Total area: 60 acres.
Pena Blanca Recreation Area:
T. 23 S., R. 12 E.,
Sec. 26: SE¼NW¼, E½SW¼;
Sec. 35: W½NW¼.
Total area: 200 acres.
Portal Ranger Station Administrative Site:
T. 17 S., R. 31 E.,
Sec. 34: SE¼NW¼, SW¼NE¼, E½NW¼SE¼.
Total area: 100 acres.
Power's Garden Administrative Site:
T. 9 S., R. 19 E.,
Sec. 13: W½NE¼NW¼, E½NW¼NW¼, E½SW¼NW¼, W½SE¼NW¼, E½NW¼SW¼, W½NE¼SW¼.
Total area: 120 acres.
Rucker Canyon Recreation Area:
T. 19 S., R. 29 E.,
Sec. 24: S½SE¼.
T. 19 S., R. 30 E.,
Sec. 9: S½SE¼, S½SE¼SW¼;
Sec. 10: NE¼NE¼, SE¼NW¼NE¼, SE¼NE¼, NW¼NW¼SE¼, NE¼SW¼, S½NW¼SW¼, NW¼NW¼SW¼;
Sec. 16: NW¼NE¼NW¼, N½NW¼NW¼;
Sec. 17: N½NE¼, SE¼NE¼NW¼, NW¼SE¼NW¼, SE¼SW¼NW¼;
Sec. 18: E½SE¼;
Sec. 19: NW¼NE¼NE¼, NW¼NE¼, SE¼NW¼, NW¼SE¼.
Total area: 700 acres.
Rustler Park Recreation Area:
T. 17 S., R. 30 E.,
Sec. 33: S½NE¼, N½SE¼.
Total area: 160 acres.
Sabino-Bear Canyon Administrative Site:
T. 13 S., R. 15 E.,
Sec. 9: E½SW¼SW¼, SE¼SW¼, S½NE¼SW¼, SE¼, S½S½NE¼.
Total area: 280 acres.
Sabino-Bear Canyon Recreation Area:
T. 12 S., R. 15 E.,
Sec. 26: SW¼SE¼, SE¼SW¼;
Sec. 35: W½W½NE¼, E½E½NW¼, E½SW¼.
T. 13 S., R. 15 E.,
Sec. 2: NW¼NW¼, NW¼SW¼NW¼;
Sec. 3: SE¼NE¼, N½NE¼SE¼, SE¼NW¼SE¼, SW¼SW¼;
Sec. 9: N½NE¼, N½S½NE¼;
Sec. 10: SE¼.
Total area: 680 acres.
Tanque Verde Recreation Area:
T. 13 S., R. 16 E.,
Sec. 36: SE¼.
T. 14 S., R. 16 E.,
Sec. 1: Lots 1, 2, 7, 8, and S½NE¼.
Total area: 351.43 acres.
Turkey Creek Administrative Site:
T. 18 S., R. 29 E.,
Sec. 13: SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
Total area: 160 acres.
Turkey Creek Recreation Area.
T. 18 S., R. 29 E.,
Sec. 13: SE¼SE¼, NW¼SE¼SW¼, SW¼SW¼;
Sec 14: SE¼SE¼.
T. 18 S., R. 29½ E.,
Sec. 13: SW½SE¼, SE¼NE¼SE¼, NE¼SW¼, SW¼NW¼.
Total area: 260 acres.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 54-7647; Filed, Sept. 29, 1954; 8:47 a. m.]

[Document No. 12]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 23, 1954.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the lands described hereafter have been reconveyed to the United States. The area reconveyed and the serial number identifying the exchange are as indicated.

GILA AND SALT RIVER MERIDIAN

ARIZONA 0343

T. 21 N., R. 17 W.,
Sec. 29: S½, NE¼, S½NW¼;
Sec. 33: NW¼.

The areas described total 709.27 acres of public land.

ARIZONA 0544

T. 13 N., R. 18 W.,
Sec. 29: W½, SW¼SE¼;
Sec. 31: All;
Sec. 33: W½, W½E½.

The areas described total 1,479.52 acres of public land.

ARIZONA 0798

T. 16 N., R. 18 W.,
Sec. 7: Lots 3, 4, SE¼, E½SW¼;
Sec. 17: All.
T. 29 N., R. 11 W.,
Secs. 3, 5, 9: All;
Sec. 13: SW¼;
Sec. 15: All.
T. 30 N., R. 11 W.,
Sec. 21: S½;
Secs. 23, 27, 33: All.
T. 12 N., R. 19 W.,
Sec. 13: All.

The areas described total 6,549.10 acres of public land.

ARIZONA 02286

T. 12 S., R. 30 E.,
Sec. 20: E½.

The area described totals 320 acres of public land.

ARIZONA 02973

T. 9 S., R. 17 W.,
Sec. 7: Lots 1, 2, N½NE¼NW¼, SW¼NE¼NW¼.
T. 9 S., R. 18 W.,
Sec. 1: E½SE¼;
Sec. 10: S½S½S½;
Sec. 11: SE¼NE¼, SE¼SW¼NE¼, NE¼NE¼SW¼, S½NE¼SW¼, S½SW¼, SE¼;
Sec. 12: N½;
Sec. 14: NW¼NE¼, N½NW¼, N½SW¼NW¼;
Sec. 15: NW¼;
Sec. 16: S½SW¼NW¼, SE¼NW¼, SW¼;
Sec. 17: S½SW¼.
T. 9 S., R. 19 W.,
Sec. 16: S½SW¼;
Sec. 22: N½N½, N½S½N½;
Sec. 23 N½;
Sec. 24: Lots 1, 2, W½NE¼.

The area described totals 2,301.07 acres of public land.

ARIZONA 03308

T. 23 N., R. 19 W.,
Sec. 19: E½NE¼, SE¼.

The area described totals 240 acres of public land.

ARIZONA 04084

T. 3 N., R. 19 W.,
Sec. 12: SE¼.

The area described totals 160 acres of public land.

ARIZONA 04467

T. 7 S., R. 27 E.,
Sec. 7: N½SE¼.

The area described totals 80 acres of public land.

ARIZONA 05081

T. 13 N., R. 18 W.,
Sec. 1: All.
T. 13 N., R. 19 W.,
Secs. 5 and 7: All;
Sec. 11: S½.
T. 15 N., R. 20 W.,
Sec. 13: W½.
T. 24 N., R. 20 W.,
Sec. 31: All.

The areas described total 3,179.76 acres of public land.

PHOENIX 079225

T. 5 N., R. 19 W.,
Sec. 32: S½NW¼.

The area described totals 80 acres of public land.

PHOENIX 079660

T. 36 N., R. 9 W.,
Sec. 2: N½, SW¼, W½SE¼, SE¼SE¼.
T. 37 N., R. 6 W.,
Sec. 32: N½SE¼, SW¼SE¼.
T. 38 N., R. 11 W.,
Secs. 32 and 36: All.
T. 39 N., R. 7 W.,
Sec. 16: All.
T. 39 N., R. 15 W.,
Sec. 32: S½, S½N½, N½NE¼.
T. 40 N., R. 13 W.,
Sec. 2: NE¼.
T. 41 N., R. 10 W.,
Sec. 32: S½SW¼, SE¼.

The areas described total 3,599.20 acres of public land.

PHOENIX 080343

T. 12 S., R. 4 W.,
Sec. 32: SE¼.
T. 12 S., R. 9 W.,
Sec. 2: All;
Sec. 16: All;
Sec. 32: W½, N½SE¼, SW¼SE¼.
T. 13 S., R. 8 W.,
Sec. 16: SE¼, E½SW¼;
Sec. 36: All.
T. 14 S., R. 11 W.,
Sec. 16: E½SE¼.

The areas described total 2,180 acres of public land.

PHOENIX 080526

T. 10 S., R. 12 W.,
Sec. 36: All.
T. 38 N., R. 12 W.,
Sec. 32: All.
T. 39 N., R. 2 W.,
Sec. 36: All.
T. 8 N., R. 12 W.,
Sec. 16: All.
T. 13 N., R. 17 W.,
Sec. 36: All.
T. 38 N., R. 13 W.,
Sec. 32: W½, SE¼.
T. 39 N., R. 15 W.,
Sec. 36: N½, SW¼.
T. 39 N., R. 10 W.,
Sec. 16: SW¼, W½SE¼.
T. 23 N., R. 17 W.,
Sec. 2: N½, SW¼.
T. 8 S., R. 6 W.,
Sec. 32: SE¼.
T. 8 S., R. 3 W.,
Sec. 16: SE¼.
T. 6 S., R. 9 E.,
Sec. 4: Lot 4.
T. 12 N., R. 1 E.,
Sec. 16: Lot 5.

The areas described total 5,276.44 acres of public land.

PHOENIX 080860

T. 7 N., R. 15 W.,
Sec. 16: W½SE¼.
T. 7 N., R. 17 W.,
Sec. 36: All.
T. 39 N., R. 14 W.,
Sec. 32: SE¼SE¼.
T. 40 N., R. 11 W.,
Sec. 2: SW¼NW¼.

The areas described total 800 acres of public land.

PHOENIX 080984

T. 1 N., R. 7 W.,
Sec. 2: Lots 2, 3, 4, SW¼NE¼, S½NW¼, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: N½, SE¼.
T. 1 N., R. 8 W.,
Sec. 16: NE¼, E½NW¼, S½;
Sec. 32: All.
T. 1 N., R. 9 W.,
Secs. 16 and 32: All.
T. 3 N., R. 6 W.,
Sec. 32: S½SE¼, NE¼SE¼;
Sec. 36: NE¼SE¼, S½SE¼.
T. 3 N., R. 7 W.,
Sec. 16: S½SE¼, NE¼SE¼.
T. 5 N., R. 5 W.,
Sec. 16: All.
T. 2 S., R. 6 W.,
Sec. 2: NE¼NW¼.
T. 2 S., R. 8 W.,
Sec. 16: NW¼NW¼.

The areas described total 5,880.32 acres of public land.

PHOENIX 080985

T. 9 S., R. 12 E.,
Sec. 15: SE¼NE¼, NE¼SE¼;
Secs. 35 and 36: All.

The areas described total 1,360 acres of public land.

PHOENIX 081072

T. 10 N., R. 9 W.,
Sec. 18: W½.
T. 10 N., R. 10 W.,
Sec. 16: NW¼SW¼.
T. 10 S., R. 18 W.,
Secs. 32 and 36: All.
T. 4 S., R. 12 W.,
Sec. 36: SW¼NW¼.
T. 10 S., R. 16 W.,
Secs. 16: S½.

The areas described total 2,998.88 acres of public land.

PHOENIX 081862

T. 6 S., R. 9 E.,
Sec. 4: N½SE¼;
Sec. 5: Lots 9, 10, S½NE¼, N½SE¼.

The areas described total 320 acres of public land.

PHOENIX 082616

T. 30 N., R. 18 W.,
Sec. 27: NE¼.

The area described totals 160 acres of public land.

PHOENIX 083103

T. 16½ N., R. 19 W.,
Secs. 19, 21, 23, 27, 31, 33: All.
T. 16½ N., R. 20 W.,
Sec. 25: All.
T. 17 N., R. 20 W.,
Secs. 1, 3, 5, 7, 9: All;
Sec. 11: N½.
T. 17 N., R. 21 W.,
Sec. 5: Lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, SE¼, E½SW¼;
Sec. 9: All;
Sec. 21: E½E½, E½NW¼NE¼.
T. 18 N., R. 20 W.,
Secs. 17, 19, 21, 25, 29, 31, 33: All.
T. 18 N., R. 21 W.,
Secs. 9, 17, 21, 29, 33: All;
Sec. 19: NE¼, E½SE¼.

The areas described total 17,357.09 acres of public land.

PHOENIX 084398

T. 13 N., R. 18 W.,
Sec. 16: Lots 1, 2, 3.

The area described totals 53.64 acres of public land.

PHOENIX 084439

T. 31 N., R. 11 W.,
Sec. 31: All.
T. 32 N., R. 11 W.,
Sec. 25: W½.
T. 18 N., R. 21 W.,
Sec. 7: E½.

The areas described total 1,271.68 acres of public land.

PHOENIX 084636

T. 1 N., R. 8 E.,
Sec. 25: SW¼.

The area described totals 160 acres of public land.

PHOENIX 084871

T. 5 N., R. 15 W.,
Secs. 16 and 36: All.

The area described totals 1,280 acres of public land.

PHOENIX 084887

T. 1 N., R. 2 E.,
Sec. 29: S½SW¼NE¼.

The area described totals 20 acres of public land.

PHOENIX 085265

T. 29 N., R. 11 W.,
Sec. 13: N½;
Sec. 25: All.
T. 32 N., R. 11 W.,
Sec. 25: E½NE¼, E½NW¼NE¼.
T. 32 N., R. 13 W.,
Sec. 31: All.

The areas described total 1,690.72 acres of public land.

PHOENIX 085274

T. 2 S., R. 11 W.,
Sec. 32: SE¼SE¼.
T. 2 S., R. 19 W.,
Sec. 16: SE¼SE¼.
T. 3 S., R. 18 W.,
Sec. 36: All.
T. 40 N., R. 15 W.,
Sec. 16: SW¼, NW¼NW¼, NE¼NE¼.
T. 40 N., R. 16 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½.
T. 41 N., R. 5 W.,
Sec. 32: S½.
T. 41 N., R. 8 W.,
Sec. 2: Lots 1, 2, 3, 4, S½NW¼, SW¼, SW¼SE¼.
T. 41 N., R. 12 W.,
Sec. 36: All.
T. 41 N., R. 14 W.,
Secs. 32 and 36: All
T. 41 N., R. 15 W.,
Sec. 16: All.
T. 42 N., R. 1 W.,
Secs. 32 and 36: All.
T. 42 N., R. 5 W.,
Sec. 32: All.
T. 42 N., R. 6 W.,
Sec. 36: S½.
T. 42 N., R. 8 W.,
Sec. 36: Lots 1, 2, 3, 4, S½.
T. 42 N., R. 10 W.,
Secs. 32 and 36: All.
T. 42 N., R. 11 W.,
Sec. 32: S½;
Sec. 36: S½.
T. 42 N., R. 13 W.,
Sec. 32: Lots 1, 2, 3, 4, S½.

The areas described total 9,942.04 acres of public land.

PHOENIX 085620

T. 3 S., R. 25 E.,
Sec. 32: Lots 1 and 2.
T. 6 S., R. 2 E.,
Sec. 32: All.
T. 7 S., R. 1 E.,
Secs. 2, 16, 32: All;
Sec. 36: E½SE¼.
T. 7 S., R. 3 E.,
Sec. 32: All.
T. 7 S., R. 28 E.,
Sec. 2: N½, SW¼.
T. 7 S., R. 29 E.,
Sec. 32: E½NE¼.
T. 16 S., R. 8 W.,
Sec. 32: W½NW¼, SE¼NW¼.
T. 21 S., R. 21 E.,
Sec. 7: Lots 1, 2, 3, 4, NE¼SW¼, SE¼SE¼.
T. 16 S., R. 7 W.,
Sec. 36: S½SE¼.
T. 39 N., R. 16 W.,
Sec. 13: N½NW¼;
Sec. 22: W½NW¼;
Sec. 23: NW¼.
T. 40 N., R. 15 W.,
Sec. 19: W½NE¼, SE¼NE¼.
T. 40 N., R. 16 W.,
Sec. 33: S½NW¼.

The areas described total 4,843.12 acres of public land.

PHOENIX 085621

T. 19 N., R. 20 E.,
Sec. 2: E½.
T. 19 N., R. 19 W.,
Sec. 36: NW¼, N½NE¼, SE¼NE¼.
T. 21 S., R. 20 E.,
Sec. 16: SE¼SE¼.

The areas described total 640.44 acres of public land.

PHOENIX 085864

T. 30 N., R. 18 W.,
Sec. 27: SW¼.

The area described totals 160 acres of public land.

PHOENIX 085705

T. 21 N., R. 18 W.,
Sec. 7: S½N½.
T. 21 N., R. 19 W.,
Secs. 9 and 11: All.
T. 32 N., R. 13 W.,
Sec. 19: Lots 3, 4, E½SW¼, SE¼.

The areas described total 1,753.56 acres of public land.

PHOENIX 085887

T. 13 N., R. 17 W.,
Secs. 23 and 27: All.

The areas described total 1,280 acres of public land.

PHOENIX 085931

T. 23 N., R. 21 W.,
Sec. 23: E½,
Secs. 25, 27, 29: All.
Sec. 31: Lots 1, 2, 3, 4, 5, 6, 7, E½NW¼, NE¼SW¼, NE¼, N½SE¼;
Sec. 33: Lots 1, 2, 3, 4, N½, N½S½;
Sec. 35: Lots 1, 2, 3, 4, N½S½.

The areas described total 3,853.67 acres of public land.

PHOENIX 085982

T. 10 N., R. 18 W.,
Sec. 13: All;
Sec. 15: E½.

The areas described total 960 acres of public land.

PHOENIX 086036

T. 23 N., R. 22 W.,
Sec. 23: NE¼, E½SE¼.

The areas described total 240 acres of public land.

PHOENIX 086099

T. 1 S., R. 9 W.,
Sec. 20: W½.

The area described totals 320 acres of public land.

The minerals in the above described lands were wholly or partly reserved by the grantor or by prior grantors, and any person acquiring any of these lands must accept title subject to such reservations. Information as to any mineral rights reconveyed to the United States is of record in the Land Office, Room 251, Post Office Building, Phoenix, Arizona.

This order is subject to any withdrawals, reservations, rights-of-way or easements which may now affect the land, and to any withdrawals, reservations, rights-of-way or easements which may hereafter be effected.

The lands described are principally desert range lands. The topography is for the most part rolling to rough. The soil grades from sandy to rocky and supports a sparse vegetative cover consisting principally of creosote bush, yucca, cacti and a few annual grasses and weeds.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order except that the lands are now open to application, petition, location, or selection under applicable laws, subject to valid existing rights, the requirements for classification, and withdrawal limitations. Pursuant to law, preference in consideration of competing applications will be granted as follows:

Priority category	Preferred applicant	Types of applications	Priority period closing dates (all days start at 10 a. m.)	How competing applications will be considered
1	Holders of individual preference rights based on valid settlement, statutory preference, or equitable claims.	As specified by law or regulation.	126 days from date of this notice.	Priority of right.
2	Veterans of World War II and of the Korean conflict, and other beneficiaries of the act Sept. 27, 1951, 58 Stat. 747 (43 U. S. C. 279-284), as amended.	Homestead desert land small-tract.	35 days from date of this notice	Drawing at the close of the priority period.
3	do	do	91 days from the end of the second priority period.	Order of filing during the priority period.
4	Any other qualified person	Any type	126 days from date of this notice.	Drawing at the close of the priority period.
5	Any qualified person	do	Anytime after the end of the fourth priority period.	Order of filing.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Room 251, Post Office Building, Phoenix, Arizona.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 54-7648; Filed, Sept. 29, 1954; 8:47 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 23, 1954.

An application, serial number Misc. 1791 LC:JEK, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on November 30, 1950, by the United States Department of the Army. The purpose of the proposed withdrawal: Use of the land in connection with the Pine Flat Dam and Reservoir project.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, California, Bureau of Land Management, Department of the Interior, at 801 California Fruit Building, 4th and J Streets, Sacramento, California. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 12 S., R. 24 E., M. D. M.,
Sec. 12: SE¼SE¼;
Sec. 13: E½NE¼, NE¼SE¼;
Sec. 24: NW¼SW¼.
T. 12 S., R 25 E., M. D. M.,
Sec. 4: SW¼SW¼;
Sec. 5: SW¼SW¼;
Sec. 9: NW¼SW¼, SE¼SW¼.

Comprising 360 acres in the Sierra National Forest, Fresno County, California.

L. T. HOFFMAN,
State Supervisor.

[F. R. Doc. 54-7649; Filed, Sept. 29, 1954; 8:48 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 24, 1954.

An application, serial number Los Angeles 0119534, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on August 24, 1954, by The Department of the Navy. The purpose of the proposed withdrawal: to provide a rifle range for use of the United States Marine Corps which may be used with safety at all times.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, California, Bureau of Land Management, Department of the Interior, 801 California Fruit Building, 4th and J Streets, Sacramento 14, California. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 9 N., R. 1 E., S. B. M.,
Sec. 19, S½;
Sec. 30, N½.

The lands described comprise 642.72 acres of public domain, located south of U. S. Highway 66, between the towns of Daggett and Barstow, in San Bernardino County, California, and are just east of the Barstow Supply Annex of the United States Marine Corps.

L. T. HOFFMAN,
State Supervisor.

[F. R. Doc. 54-7650; Filed, Sept. 29, 1954; 8:48 a. m.]

[No. 1 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 22, 1954.

An application, serial number Utah 09556, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, of the lands described below was filed on April 20, 1953, by the United States Department of Agriculture. The purposes of the proposed withdrawal: Protecting experimental plots and studies being conducted by the Great Basin Experiment Station. All lands are included in the Manti-LaSal National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Department of the Interior, at Post Office Box 777, Salt Lake City, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 17 S., R. 4 E.,
Secs. 2 to 10, inclusive;
Secs. 13 to 24, inclusive;
Sec. 25: E½, E½NW¼, N½NW¼NW¼, SW¼NW¼, SW¼;
Sec. 26: W½, SE¼;
Secs. 27 to 36 inclusive.
T. 17 S., R. 5 E.,
Secs. 29, 30, 31, 32.
T. 18 S., R. 3 E.,
Secs. 1 and 2.
T. 18 S., R. 4 E.,
Secs. 1 to 6, inclusive;
Secs. 9, 10, 11, 14, 15, 16, 21, 22.

The area described aggregates 33,839.68 acres.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 54-7651; Filed, Sept. 29, 1954; 8:48 a. m.]

[No. 2 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 22, 1954.

An application, serial number Utah 09612, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, of the lands described below was filed on April 23, 1953, by the United States Department of Agriculture. The purposes of the proposed withdrawal: protecting experimental plots and studies being conducted on the Davis County Experimental Watershed. All lands are included in the Wasatch National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Department of the Interior, at Post Office Box 777, Salt Lake City, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested part of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 3 N., R. 1 E.,
Sec. 4: Lots 2, 3, 4, S½NW¼, SW¼NE¼;
Sec. 6: SE¼SE¼;
Sec. 8: E½NW¼, NE¼;
Sec. 14: NE¼NW¼, W½E½, SE¼SE¼;
Sec. 20: All;
Sec. 22: NE¼NW¼, S½NW¼;
Sec. 24: W½NW¼, NW¼NE¼, SE¼NW¼, NE¼SW¼, SW¼SE¼;
Sec. 28: E½, W½NW¼.
T. 2 N., R. 1 E.,
Sec. 8: E½E½.

The area described aggregates 2,323.67 acres.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 54-7652; Filed, Sept. 29, 1954; 8:49 a. m.]

[No. 7 (A-2)]

UTAH

AIR-NAVIGATION SITE REVOKED

SEPTEMBER 22, 1954.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and in accordance with the authority delegated to me by the Director, Bureau of Land Management, in Order No. 541, dated April 21, 1954 (19 F. R. 2473), it is ordered as follows:

Air Navigation Site Withdrawal No. 224 dated April 17, 1945, is hereby revoked. This site involved the following described land:

SALT LAKE MERIDIAN

T. 42 S., R. 13 W.,
Sec. 7: Lots 6 and 9 containing 70.90 acres.

This tract is primarily valuable for grazing, will be administered as part of Utah Grazing District No. 4, and is not open to entry or location under the nonmineral public land laws until further notice.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 54-7653; Filed, Sept. 29, 1954; 8:49 a. m.]

Bureau of Reclamation

MISSOURI RIVER BASIN PROJECT

ORDER OF REVOCATION

APRIL 7, 1954.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of December 22, 1949, in so far as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 4 N., R. 59 W.,
Sec. 20, NW¼NE¼.

The above area aggregates 40 acres.

FLOYD E. DOMINY,
Acting Asst. Commissioner.

[Misc. 52750]

SEPTEMBER 24, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The land is located about six miles northeast of Wiggins, Colorado. The tract is nearly level, with sandy soil that supports principally blue gramma grass, sand sage, and weeds. The land is not suitable for crop production because of low annual precipitation and lack of water for irrigation.

No application for the land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m., on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the land; otherwise, priority of filing shall govern.

Inquiries, regarding the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

W. G. GUERNSEY,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 54-7654; Filed, Sept. 29, 1954; 8:49 a. m.]

Office of the Secretary

[Order No. 2509, Amdt. 20]

SOLICITOR AND DEPUTY SOLICITOR

DELEGATION OF AUTHORITY—GENERAL

Order No. 2509, as amended (17 F. R. 6793, 8634; 19 F. R. 433, 2706), is further amended as follows:

1. A new section, numbered 3 and reading as follows, is added:

SEC. 3 *Authority of Solicitor to redelegate.* The Solicitor may, in writing, redelegate or authorize written redelegation of any authority delegated to him by the Secretary of the Interior, including the authority delegated by sections 20 through 28, inclusive, of this order.

2. Section 21, as amended, is revised to read as follows:

SEC. 21 *Claims.* The Solicitor is authorized to:

(a) Exercise the authority conferred upon the Secretary by the provisions of 28 U. S. C., secs. 2401, 2671–2680 (the Federal Tort Claims Act);

(b) Exercise the authority of the Secretary in determining, under 25 U. S. C., 1952 ed., sec. 388, claims for damages arising out of the survey, construction, operation, or maintenance of irrigation works on Indian irrigation projects; and in determining, under Interior Department appropriation acts, claims for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; and

(c) Compromise claims and demands of the United States pursuant to section 12 of the act of August 30, 1937, as amended (16 U. S. C., 1952 ed., sec. 832k).

3. Section 22 *Claims relating to irrigation works* is revoked.

4. Section 29 *Deputy Solicitor* is revoked.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z-15, note)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

SEPTEMBER 24, 1954.

[F. R. Doc. 54-7655; Filed, Sept. 29, 1954; 8:50 a. m.]

Office of the Solicitor

[Solicitor's Reg. 4]

DEPUTY SOLICITOR

DELEGATION OF AUTHORITY

SEPTEMBER 24, 1954.

The Deputy Solicitor may exercise all of the authority of the Solicitor of the Department of the Interior, including the authority vested in the Solicitor by sections 20 through 28, inclusive, of Order No. 2509, as amended (17 F. R. 6793, 8634; 19 F. R. 433, 2706, 6312).

[Order No. 2509, Amendment No. 20, 19 F. R. 6312]

J. REUEL ARMSTRONG,
Acting Solicitor.

[F. R. Doc. 54-7656; Filed, Sept. 29, 1954; 8:50 a. m.]

[Solicitor's Reg. 5]

REGIONAL SOLICITORS ET AL.

AUTHORITY RESPECTING CLAIMS

SEPTEMBER 24, 1954.

SECTION 1 *Tort claims.* (a) Each regional Solicitor and Field Solicitor is authorized to determine claims pursuant to the provisions of 28 U. S. C., secs. 2401, 2671–2680 (the Federal Tort Claims Act).

(b) Within 30 days after receiving notice of a determination of a claim under this section, a claimant may appeal to the Solicitor by filing a written notice of appeal with the Regional or Field Solicitor who made the determination.

(c) The Associate Solicitor—Appeals is authorized to decide appeals taken pursuant to paragraph (b) of this section.

SEC. 2 *Irrigation claims.* (a) Each Regional Solicitor is authorized

(1) To determine, under Interior Department appropriation acts, claims not exceeding $5,000 for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; and

(2) To determine, under 25 U. S. C., 1952 ed., sec. 388, claims not exceeding $5,000 for damages arising out of the survey, construction, operation, or maintenance of irrigation works on Indian irrigation projects.

(b) Within 30 days after receiving notice of a determination of a claim under this section, a claimant or the Regional or Area Director of the bureau concerned may appeal to the Solicitor by filing a written notice of appeal with the Regional Solicitor who made the determination.

SEC. 3. *Government Claims—Bonneville Power Administration.* The Regional Solicitor, Portland Region, is authorized to compromise claims and demands of the United States pursuant to section 12 of the act of August 30, 1937, as amended (16 U. S. C., 1952 ed., sec. 832k).

[Order No. 2509, Amendment No. 20, 19 F. R. 6312]

J. REUEL ARMSTRONG,
Acting Solicitor.

[F. R. Doc. 54-7657; Filed, Sept. 29, 1954; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 6264, 6307]

ELLIS AIR LINES AND ALASKA COASTAL AIRLINES; CERTIFICATE RENEWAL CASES

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 26, 1954, at 10:00 a. m., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 24, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7686; Filed, Sept. 29, 1954; 8:56 a. m.]

[Docket No. 6563]

NORTH CENTRAL AIRLINES, INC.; SERVICE TO INTERNATIONAL FALLS, MINN.

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 28, 1954, at 10:00 a. m. in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 24, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7685; Filed, Sept. 29, 1954; 8:56 a. m.]

FARM CREDIT ADMINISTRATION

Federal Farm Mortgage Corporation

NEBRASKA

DISPOSAL OF MINERAL INTERESTS; REVISED AREA DESIGNATION

For the purpose of the mineral disposal program of the Federal Farm Mortgage Corporation, pursuant to Public Law 760, 81st Congress, Nemaha County, Nebraska, is hereby determined to be a Fair Market Value Area (area in which mineral interests are to be sold for their fair market value) instead of a One Dollar Area (area in which mineral interests covered by a single application are to be sold for a consideration of $1.00).

(Sec. 3, 64 Stat. 769; sec. 7 (a), 67 Stat. 393)

[SEAL] E. C. JOHNSON,
Executive Vice President,
Federal Farm Mortgage Corporation.

Approved at Washington, D. C., on September 23d, 1954.

R. B. TOOTELL,
Governor, Farm Credit Administration.

[F. R. Doc. 54-7679; Filed, Sept. 29, 1954; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10911, 10959; FCC 54M-1189]

PHIL BIRD AND LAWTON BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Phil Bird, Lawton, Oklahoma, Docket No. 10911, File No. BP-9018; Lawton Broadcasting Company, Inc., Lawton, Oklahoma, Docket No. 10959, File No. BP-8840; for construction permits.

Due to other hearing commitments of the Examiner, hearing in the above-entitled proceeding is, on the Examiner's own motion, continued from September 28, 1954, to October 28, 1954.

Dated: September 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7680; Filed, Sept. 29, 1954; 8:55 a. m.]

[Docket No. 11111; FCC 54M-1190]

LOUIS DESHOTEL

ORDER CONTINUING HEARING

In re application of Louis Deshotel, Aransas Pass, Texas; Order to Show Cause why the license for Radiotelephone Station WB-8053 should not be revoked.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock a. m., on Monday, September 27, 1954; and

It appearing, that on September 21, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission requesting that a decision and order revoking ship radiotelephone station WB-8053 be issued in the above-entitled matter and that the proceedings in the hearing now scheduled be closed; and

It further appearing, that no action is expected to be taken on the said motion on or before September 27, 1954;

It is ordered, By the Commission on its own motion, this 24th day of September 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7681; Filed, Sept. 29, 1954; 8:55 a. m.]

[Docket Nos. 11175, 11176; FCC 54-1190]

ABRAHAM KLEIN

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Abraham Klein, Hartford, Connecticut; Docket No. 11175, File No. 1084-C2-P-54; Abraham Klein, Columbus, Ohio, Docket No. 11176, File No. 296-C2-P-54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of September 1954;

The Commission having under consideration the above-entitled applications for one-way signaling stations in the Domestic Public Land Mobile Radio Service in the area of Hartford, Connecticut and Columbus, Ohio; and

It appearing, that, on June 3, 1954 the Commission issued a Decision and Order In re Application of Abraham Klein for construction permit in the Domestic Public Land Mobile Radio Service at New York, New York (Docket No. 10443) in which it was determined, in substance, that said applicant lacked the necessary character qualifications to be a grantee of an authorization in the subject radio service; and

It further appearing, that, the Commission has advised the above-entitled applicant by letters dated July 16 and 19, 1954, respectively, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, as to the reasons why its applications cannot be granted without hearing, and that replies dated August 3, 1954 have been received from Abraham Klein, and that said replies have been duly considered;

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for consolidated hearing at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on November 4, 1954, upon the following issues:

1. To determine the technical qualifications of Abraham Klein to construct and operate the facilities he proposes to establish at each station.

2. To determine the facts with respect to the facilities, personnel, rates, regulations, practices, and services of Abraham Klein for the furnishing of Domestic Public Land Mobile Radio Service through each of the proposed stations.

3. To determine whether applicant Abraham Klein is possessed of the character qualifications to become a permit-

tee or licensee of the subject radio facilities.

4. To determine, in light of the evidence adduced on the foregoing issues, whether the public interest, convenience and necessity will be served by a grant of either or both of the subject applications.

Released: September 27, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7682; Filed, Sept. 29, 1954; 8:55 a. m.]

[Docket Nos. 11177, 11178; FCC 54-1191]

ABRAHAM KLEIN AND MEDICAL BUSINESS BUREAU, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Abraham Klein, Cincinnati, Ohio, Docket No. 11177, File No. 803-C2-P-54; Medical Business Bureau, Inc., Dayton, Ohio, Docket No. 11178, File No. 1495-C2-P-54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of September 1954;

The Commission having under consideration the above-entitled applications for one-way signaling stations in the Domestic Public Land Mobile Radio Service in the areas of Cincinnati and Dayton, Ohio, respectively; and

It appearing, that, the number of applicants for facilities in this area exceeds the number of frequencies available; and

It further appearing, that, the above-entitled applications request authorizations in the same or overlapping service areas and that a grant of such applications might result in harmful mutual interference; and

It further appearing, that, in accordance with § 6.409 of the Commission's Rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis; and

It further appearing, that, on June 3, 1954, the Commission issued a Decision and Order In re Application of Abraham Klein for construction permit in the Domestic Public Land Mobile Radio Service at New York, New York (Docket No. 10443) in which it was determined, in substance, that said applicant lacked the necessary character qualifications to be a grantee of an authorization in the subject radio service; and

It further appearing, that, the Commission has advised each of the above-entitled applicants, by letters dated July 16 and 14, 1954, respectively, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, as to the reasons why their respective applications could not be granted without hearing, and having considered the respective replies of the applicants, dated August 3, 1954, and August 7, 1954, respectively; and

It further appearing, that, station KQC877 licensed to New York Technical Institute of Cincinnati, Inc., is now operating in Cincinnati, Ohio;

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on November 5, 1954, upon the following issues:

1. To determine the technical qualifications of Abraham Klein to construct and operate his proposed station.

2. To determine the area and population which may be expected to receive service from each of the proposed facilities.

3. To determine the public need for such service in Cincinnati, Ohio and Dayton, Ohio, respectively, and the public need for two such services in Cincinnati, Ohio.

4. To determine whether and to what extent, co-channel operations are feasible between Dayton and Cincinnati, Ohio.

5. To determine the comparative needs of Dayton and Cincinnati, Ohio for the proposed service, and to make an equitable distribution of radio service, pursuant to section 307 (b) of the Communications Act of 1934, as amended, if co-channel operation between the aforementioned cities is not feasible.

6. To determine the facts with respect to the facilities, personnel, rates, regulations, practices, and services of Abraham Klein and Medical Business Bureau, Inc., respectively, for the furnishing of Domestic Public Land Mobile Radio Service through their proposed stations.

7. To determine whether applicant Abraham Klein is possessed of the requisite character qualifications to become the permittee or licensee of the subject radio facilities.

8. To determine, in light of the evidence adduced on the foregoing issues, which, if either, of the applications should be granted; and

It is further ordered, That, New York Technical Institute of Cincinnati, Inc., is hereby made a party respondent to this proceeding.

Released: September 27, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7683; Filed; Sept. 29, 1954; 8:55 a. m.]

[FCC 54-1199]

LICENSEES OF ALL CLASSES OF RADIO STATIONS, EXCEPT STANDARD, FM, AND TV BROADCAST STATIONS, STATIONS IN AVIATION RADIO SERVICES, AND STATIONS IN AMATEUR RADIO SERVICE

REQUEST TO COMPLY WITH INTERIM VOLUNTARY PLAN FOR CONTROL OF ELECTROMAGNETIC RADIATION (CONELRAD)

The Commission is charged with the responsibility for preparing and putting in effect plans to minimize the navigational information that might be obtained during periods of imminent air attack from radio stations it licenses.

Official plans and regulations are being formulated for each radio service and will be acted upon for approval in accordance with the requirements of Executive Order 10312 and the Administrative Procedures Act.

In the interest of expedition, and to provide for prompt alerting methods and efficient operation during periods of possible air attack, it is requested that licensees to which this notice is addressed comply with the Voluntary CONELRAD Plan set forth below.

The cooperation of licensees in these defense measures is greatly appreciated.

Adopted: September 22, 1954.

By direction of the Commission,

[SEAL] MARY JANE MORRIS,
Secretary.

[FCC 54-1200]

VOLUNTARY CONELRAD FOR ALL CLASSES OF RADIO STATIONS EXCEPT STANDARD, FM, AND TV BROADCAST STATIONS, STATIONS IN THE AMATEUR RADIO SERVICE AND STATIONS IN THE AVIATION RADIO SERVICES

Information Memorandum—AC-1.

To: Licensees of all Classes of Radio Stations within the Continental Limits of the United States, Except Standard, FM, and TV Broadcast Stations, Stations in the Aviation Radio Services and Stations in the Amateur Radio Service.

Subject: Alerting and Operating Procedure during Periods of Imminent Air Attack.

I. *General information.* The Federal Communications Commission is charged with the development of Plans for the Control of Electromagnetic Radiation (CONELRAD) to be put into effect during periods of imminent air attack. In order that our radio stations will not give material navigational aid to an enemy, it is essential that plans be developed to minimize the navigational aspect of the problem while still providing for transmission of certain types of traffic by radio stations.

It is contemplated that all radio stations licensed by the FCC will operate under controlled conditions[1] during periods of probable air attack.

Until formal plans are developed and made effective for individual services, it is requested that all radio stations, to which this memorandum is addressed, voluntarily comply with this plan for alerting and operation.

II. *Scope and application.* This plan applies to all radio stations operating below 890 megacycles, licensed by[2] the Federal Communications Commission and located within the continental United States, except:

A. Standard, FM, and TV Broadcast Stations.

B. Stations in the Amateur Radio Service.

C. Stations in the Aviation Radio Services.

III. *Purpose.* The purpose of this plan is to provide for a system whereby, in the event of hostile action, or imminent threats thereof, all stations to which this notice is addressed may be notified of Radio Alerts and Radio All Clears, and to provide a means whereby certain classes of stations may continue their operation under controlled conditions, when such operation is essential to the public welfare.

IV. *The alerting plan.* From a Command standpoint and for the purpose of air defense, the Continental United States is divided by the Air Defense Command (ADC) of the United States Air Force into large areas known as the Eastern, Central, and Western Air Defense Forces. Each Air Defense Force is further subdivided into smaller areas known as Air Divisions (Defense). Each Air Division (Defense) has, as its operational staff section, an Air Defense Control Center (ADCC). The alerting plan is built around the various Air Defense Control Centers.

Certain Standard, FM, and TV broadcast stations have been designated as "Basic Key" or "Relay Key" stations and will disseminate a Radio Alert by telephone and radio broadcast to implement the CONELRAD plan for the Broadcast Services.

Each Standard, FM, and TV broadcast station (whether or not it is a Basic Key or Relay Key Station) will, upon receipt of the Radio Alert, proceed as follows:

(a) Discontinue normal program.

(b) Cut the transmitter carrier for approximately 5 seconds.

(c) Return carrier to the air for approximately 5 seconds.

(d) Cut transmitter carrier for approximately 5 seconds.

(e) Return carrier to the air.

(f) Broadcast 1,000 cycle (approx.) steady state tone for 15 seconds.

(g) Broadcast the CONELRAD Radio Alert message.

CONELRAD RADIO ALERT MESSAGE

"We interrupt our normal program to cooperate in Security and Civil Defense measures as requested by the United States Government.

This is a CONELRAD Radio Alert.

Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 or 1240 on your regular radio receiver.

I Repeat.

This is a CONELRAD Radio Alert.

Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 or 1240 on your regular radio receiver."

NOTES: (a) through (f) above is for the purpose of attracting the listeners' attention, or, if desired, to operate an automatic alert receiver or warning device. (Caution (a) through (f) is a warning that a Radio Alert may follow; the actual RADIO ALERT signal is the spoken word in the form of the CONELRAD Radio Alert Message.)

The CONELRAD Radio Alert message is worded in a manner suitable for reception by the public; however, it is the Radio Alert Warning, and action should be initiated by all licensees concerned to comply with the CONELRAD operating procedure when the Radio Alert Message is broadcast.

V. *How the radio alert can be received.* (A) Licensees of radio stations to which this notice is addressed can receive the Radio Alert by monitoring (either manually, or by automatic means) any standard, FM or TV broadcast station in the Air Division (Defense) in which they are located. (See map of Air Defense Boundaries attached[1] and section IV above.)

(B) Certain radio stations are on Air Defense Warning Networks, or extensions thereof. Such stations can receive the Alert Warning by this means. If this is the case, these radio stations will follow the CONELRAD operating procedure upon receipt of Air Defense Warning Yellow (or Air Defense Warning Red if no Warning Yellow is transmitted).

(C) Certain Government radio stations will transmit the Radio Alert on 500 kc A2 emission in the following form:

"XXX XXX XXX CONELRAD Radio Alert Ordered ---------- (Limit of affected area designated) Maintain Radio Silence."

Licensees can receive the Alert by this method if applicable

(D) Designated government radio stations will transmit the Radio Alert on 2182 kc A3 emission in the following form:

"Urgent Broadcast Urgent Broadcast Urgent Broadcast CONELRAD Radio Alert Ordered---------- ---------- Maintain (Limit of affected area designated) Radio Silence".

Licensees can receive the Alert by this means if applicable

(E) Radio stations to which this notice is addressed can receive the Alert Warning by any means of communication from any point that has received the ALERT by means of either (A), (B) or (C) above: Provided, specific arrangements are made with the parties concerned for forwarding the Alert.

NOTE: Reception of an Alert by public warning methods such as sirens or whistles is not deemed as satisfactory for warning radio stations; however, reception of an Alert by such means is a criterion that an Alert exists and radio stations should at that time be following the CONELRAD operating procedure.

VI. *Responsibility for receiving the Radio Alert.* It is the responsibility of the station licensee to make arrangements for receiving the CONELRAD Radio Alert.

The licensee will be free to choose the method for receiving the ALERT listed in V above in a way most applicable to his situation.

VII. *CONELRAD radio all clear procedure.* The Radio All Clear can be received by one or more of the methods listed below:

(A) By reception of the Radio All Clear from any standard, FM or TV broadcast station. At the conclusion of a Radio Alert and when the Radio All Clear is issued, each standard, FM and TV broadcast station will broadcast an All Clear message as follows:

"CONELRAD Radio All Clear
Resume Normal Operation".

(B) By reception of the Radio All Clear from a government radio station operating on 500 kc A2 emission and transmitting the following message:

"CQ CQ CQ DE (Call Letters)
CONELRAD Radio All Clear
----------"
(Limit of area affected)

(C) By reception of the Radio All Clear from a government radio station operating on 2182 kc A3 emission and transmitting the following message:

"To All Ships To All Ships This is
(Call Letters)
CONELRAD Radio All Clear
----------"
(Limit of area affected)

When any one of the above messages is received, radio stations to which this notice is addressed may resume normal operation, unless otherwise restricted by order of the Federal Communications Commission.

VIII. *CONELRAD operating procedure—*(A) *General.* The CONELRAD operating procedure as set forth in this notice is designed to minimize the navigational information that might be obtained from our radio stations while at the same time providing for essential transmissions.

Radio stations continuing to operate during a Radio Alert should, to the extent practicable, comply with the following:

(1) No transmissions shall be made unless they are of extreme emergency affecting the national safety, or the safety of people and property.

(2) Transmissions shall be as short as possible. The station carrier shall be removed from the air during periods of no message transmission.

(3) No station identification shall be given either by announcement of FCC assigned call signal, or by announcement of location.

This plan does not prevent the use of radio stations for Civil Defense purposes during a Radio Alert if and when so authorized by the Federal Communications Commission.

(B) *Detailed operating procedures during a Radio Alert.* The following procedures are for stations in the Radio Service indicated:

Radio Service	*Operating Procedure During a Radio Alert*
International and Non-Commercial Educational FM Broadcast Services (Part 3 of the FCC Rules).	Maintain radio silence. NOTE: International Broadcast stations may continue with transmissions of urgent government traffic.
Experimental and Auxiliary Broadcast Services (Part 4 of the FCC Rules).	Maintain radio silence.
Experimental Radio Services (Part 5 of the FCC Rules).	Maintain radio silence, except where this service is used as an integral part of another existing service in which case it may operate in accordance with CONELRAD operating procedure VIII (A) above.
Public Radio Communication Services (Part 6 of the FCC Rules).	Stations operating above 30 Mc may operate in accordance with VIII (A), others will maintain radio silence except for transmissions of government traffic in accordance with the requirements of VIII (A).
Stations on Land in the Maritime Service (Part 7 of the FCC Rules).	Maintain radio silence, except for urgent traffic involving the national safety or the safety of ships.
Stations on Shipboard in the Maritime Mobile Service (Part 8 of the FCC Rules).	Maintain radio silence, except for urgent transmissions involving the national safety or the safety of the ship.
Public Safety Radio Services (Part 10 of the FCC Rules).	Radio stations in this service may operate in accordance with CONELRAD operating procedure VIII (A) above.

[1] To operate under controlled conditions includes both operation in a definitely prescribed manner and cessation of operation producing radio silence.

[2] As used herein, the term "licensed by" includes every form of authority issued by the Federal Communications Commission pursuant to which a station may be operated, including construction permits, station licenses, temporary authorizations, etc.

[1] Filed as part of the original document of the Voluntary CONELRAD Plan. Copies may be obtained from the Federal Communications Commission.

Radio Service	*Operating Procedure During a Radio Alert*
Industrial Radio Services (Part 11 of the FCC Rules).	Radio stations in this service may operate in accordance with CONELRAD operating procedure VIII (A) above.
Land Transportation Radio Services (Part 16 of the FCC Rules).	Radio stations in this service may operate in accordance with CONELRAD operating procedure VIII (A) above.
Disaster Communication Radio Services (Part 20 of the FCC Rules).	Radio stations in this service may operate in accordance with CONELRAD operating procedure VIII (A) above.

IX. *Future CONELRAD plans.* As future CONELRAD plans and regulations are approved and made mandatory, the radio service concerned shall discontinue operation under this voluntary plan and proceed in accordance with the approved plans and regulations.

X. *Tests.* Tests of the alerting system involving broadcast station reception are being conducted from time to time (see V (A) above).

Tests of the Civil Air Defense Warning Networks are made at frequent intervals (see V (B) above).

It is not contemplated that tests of the 500 kc or 2182 kc alerting arrangement will be conducted under this voluntary plan (see V (C) and (B) above.

Radio stations to which this plan is addressed will not be required to take part in any alerting tests under this plan.

Tests of the CONELRAD operating procedure (i. e. discontinuing transmissions or operating in a prescribed manner as in VIII above) will not be made under this plan.

This plan will be used only in the event of an actual RADIO ALERT and only until approved mandatory plans and regulations are completed and officially put in operation.

XI. General information. It should be noted that this CONELRAD Plan is voluntary and should be carried out to the extent practicable and that the "cut off" frequency is 890 Mc.

Many problems relating to CONELRAD alerting and operation remain unsolved in this Voluntary Plan; for instance, the terms "Urgent Traffic", "transmissions affecting the national safety or the safety of people and property", "safety of ships" etc. are not specifically defined or interpreted. Interpretations and decisions on these points must be made by station licensees as far as this Voluntary Plan is concerned.

It is contemplated that the CONELRAD alerting system using standard, FM, and TV broadcast stations will continue to be a basic method of alerting and that equipment purchased for receiving the Radio Alert will be appropriate for final mandatory CONELRAD plans.

During a CONELRAD Radio Alert stations permitted to operate as in VIII above must not identify themselves by FCC assigned call signal or location.

Normal station identification is, of course, required in accordance with the Rules and Regulations for that service at all times except during a CONELRAD Radio Alert.

Adopted: September 22, 1954.

[F. R. Doc. 54-7684; Filed, Sept. 29, 1954; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1515, G-2531]

THE PEOPLES NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 24, 1954.

Notice is hereby given that on September 21, 1954, the Federal Power Commission issued its findings and order, adopted September 17, 1954, in the above-entitled matter, declaring exemption from the provisions of the Natural Gas Act in Docket No. G-1515 and allowing withdrawal of application in Docket No. G-2531.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7661; Filed, Sept. 29, 1954; 8:51 a. m.]

[Docket No. G-1959]

WILCOX TREND GATHERING SYSTEM, INC.

NOTICE OF ORDER ALLOWING RATE SCHEDULE TO TAKE EFFECT AND TERMINATING PROCEEDING

SEPTEMBER 24, 1954.

Notice is hereby given that on September 22, 1954, the Federal Power Commission issued its order adopted September 17, 1954, allowing rate schedule to take effect and terminating proceeding in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7662; Filed, Sept. 29, 1954; 8:51 a. m.]

[Docket No. G-2435]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 24, 1954.

Notice is hereby given that on September 20, 1954, the Federal Power Commission issued its findings and order adopted September 17, 1954, issuing a certificate of public convenience and necessity and authorizing and approving abandonment of facilities and service in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7663; Filed, Sept. 29, 1954; 8:51 a. m.]

[Docket No. G-2474]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 24, 1954.

Notice is hereby given that on September 21, 1954, the Federal Power Commission issued its findings and order adopted September 17, 1954, permitting and approving abandonment of its Leidy Compressor Station in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7664; Filed, Sept. 29, 1954; 8:51 a. m.]

[Docket No. G-2520]

TEXAS STATE DRILLING CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR LACK OF JURISDICTION

SEPTEMBER 24, 1954.

In the matter of Rex C. Cauble, d/b/a Texas State Drilling Company; Docket No. G-2520.

Notice is hereby given that on September 21, 1954, the Federal Power Commission issued its order adopted September 17, 1954, dismissing application for lack of jurisdiction in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7665; Filed, Sept. 29, 1954; 8:52 a. m.]

[Docket Nos. G-2426, G-2428, G-2448, G-2456, G-2459, G-2469, G-2472, G-2509, G-2523]

MONTANA-DAKOTA UTILITIES CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

SEPTEMBER 23, 1954.

In the matters of Montana-Dakota Utilities Co., Docket No. G-2426; Arkansas Louisiana Gas Company, Docket No. G-2428; Olin Gas Transmission Corporation, Docket No. G-2448; Cumberland and Allegheny Gas Company, Docket No. G-2456; East Tennessee Natural Gas Company, Docket No. G-2459; North Central Gas Company, Docket No. G-2469; Texas Eastern Transmission Corporation, Docket No. G-2472; Trunkline Gas Company, Docket No. G-2509; Algonquin Gas Transmission Company, Docket No. G-2523.

Notice is hereby given that on September 20, 1954, the Federal Power Commission issued its findings and orders adopted September 17, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7666; Filed, Sept. 29, 1954; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3293]

INDIANA & MICHIGAN ELECTRIC CO. AND AMERICAN GAS AND ELECTRIC CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF FIRST MORTGAGE BONDS AND PREFERRED STOCK AT COMPETITIVE BIDDING AND ISSUANCE AND SALE TO PARENT OF COMMON STOCK

SEPTEMBER 24, 1954.

American Gas and Electric Company ("American"), a registered holding company, and its direct public-utility subsidiary, Indiana & Michigan Electric Company ("Indiana-Michigan"), have filed a joint application-declaration with this Commission pursuant to sections 6, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 promulgated thereunder with respect to proposed transactions which are summarized as follows:

Indiana-Michigan proposes to issue and sell, pursuant to competitive bidding under Rule U-50, $16,500,000 aggregate principal amount of First Mortgage Bonds, -- Percent Series due 1984; these bonds are to be secured by a mortgage indenture dated June 1, 1939, as heretofore supplemented and as to be further supplemented by a fifth supplemental indenture to be dated October 1, 1954; the price to be paid to Indiana-Michigan is to be not less than 100 percent nor more than 102¾ percent of the principal amount thereof and the coupon rate is to be expressed in a multiple of ⅛ of 1 percent, these provisions of the securities to be determined at competitive bidding.

Indiana-Michigan is further proposing to issue and sell, pursuant to competitive bidding under Rule U-50, 40,000 shares of ---- percent Cumulative Preferred Stock, par value $100 per share; the price to be paid to Indiana-Michigan is to be not less than $100 per share nor more than $102.75 per share and the dividend rate is to be expressed in a multiple of 0.04 of 1 percent, these provisions of the securities to be determined at competitive bidding.

American proposes to acquire and Indiana-Michigan proposes to issue and sell, prior to or concurrently with the sale of the bonds and preferred stock, 43,000 shares of its common stock, no par value, for $2,000,000 in cash.

It is represented in the filing that the proceeds from the sale of these securities are to be used to prepay $9,500,000 aggregate principal amount of Notes Payable to Banks and that the remaining proceeds will be added to Indiana-Michigan's treasury funds and will be applied to extensions, additions and improvements to its properties.

The filing contains orders of the Michigan Public Service Commission and the Public Service Commission of Indiana authorizing the issuance and sale of the proposed securities.

Indiana-Michigan estimates fees and expenses applicable to the proposed transactions as follows:

	First mortgage bonds	Preferred stock	Common stock
Federal stamp tax	$18,150.00	$4,400.00	$3,000.00
Filing fee—S. E. C.	1,700.63	420.00	
State taxes and fees	39,406.13	9,553.00	1,143.91
Printing and engraving	22,000.00	4,200.00	
Charges of trustee	7,525.00		
Charges of transfer agent		300.00	
Accountants' fees	3,600.00	1,200.00	
Fees of Company's counsel:			
Simpson, Thacher & Bartlett, New York counsel	10,000.00	2,500.00	
Seibirt, Oare & Deahl, Indiana counsel	2,800.00	700.00	
Burns, Hadsell & Mollison, Michigan counsel	1,600.00	400.00	
Miscellaneous	4,000.00	1,500.00	856.00
Total	110,784.76	25,173.00	5,000.00

In addition to the foregoing, Winthrop, Stimson, Putnam & Roberts, counsel to the underwriters, are requesting fees of $6,000 to be paid by the purchasers of the bonds and $1,500 to be paid by the purchasers of the preferred stock.

Due notice having been given of the filing of the joint application-declaration and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and Rules promulgated thereunder are satisfied and that no adverse findings are necessary, that the fees and expenses if they do not exceed the estimates are not unreasonable, and that the joint application-declaration should be granted and permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7668; Filed, Sept. 29, 1954; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29718]

LIQUEFIED PETROLEUM GAS FROM ILLINOIS TERRITORY TO FLORIDA

APPLICATION FOR RELIEF

SEPTEMBER 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Points in the Chicago, Centralia, Lawrenceville and Roxana-Wood River, Ill., groups.

To: Points in Florida.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 726.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7609; Filed, Sept. 28, 1954; 8:47 a. m.]

[4th Sec. Application 29719]

LATEX FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO DUNDEE, N. J.

APPLICATION FOR RELIEF

SEPTEMBER 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Latex (liquid crude rubber), carloads and tankcar loads.

From: Baton Rouge and North Baton Rouge, La.

To: Dundee, N. J.

Grounds for relief: Rail competition, circuity, grouping, rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 422, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7670; Filed, Sept. 29, 1954; 8:53 a. m.]

[4th Sec. Application 29720]

SALT CAKE FROM LOUISVILLE, KY., TO CHARLOTTE, ROCKY MOUNT AND DUBLIN, N. C.

APPLICATION FOR RELIEF

SEPTEMBER 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sodium (soda), viz.: salt cake (crude sulphate of soda), carloads.

From: Louisville, Ky.

To: Charlotte, Rocky Mount and Dublin, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1062, supp. 171.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7671; Filed, Sept. 29, 1954; 8:53 a. m.]

[4th Sec. Application 29721]

LATEX FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO ROCKMART, GA.

APPLICATION FOR RELIEF

SEPTEMBER 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Latex (liquid crude rubber), in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Rockmart, Ga.

Grounds for relief: Rail competition, circuity, rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1400, supp. 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7672: Filed, Sept. 29, 1954; 8:54 a. m.]

[4th Sec. Application 29722]

CIGARETTES AND TOBACCO FROM RICHMOND AND PETERSBURG, VA., TO CINCINNATI, OHIO, AND LOUISVILLE, KY.

APPLICATION FOR RELIEF

SEPTEMBER 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Cigarettes and manufactured tobacco, carloads.

From: Richmond and Petersburg, Va.

To: Cincinnati, Ohio, and Louisville, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-1015, supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7673: Filed, Sept. 29, 1954; 8:54 a. m.]

[4th Sec. Application 29723]

CEMENT FROM CERTAIN STATES TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules indicated below.

Commodities involved: Cement, carloads.

From: Specified points in Michigan, Pennsylvania, Ohio, Indiana, New York, and Kentucky.

To: Points in central territory.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4225, supp. 24, and other schedules listed in appendix "A" of the application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7674; Filed, Sept. 29, 1954; 8:54 a. m.]

[4th Sec. Application 29724]

BITUMINOUS FINE COAL FROM POINTS IN BELLEVILLE, ILL., GROUP TO WATERLOO, IOWA

APPLICATION FOR RELIEF

SEPTEMBER 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. C. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Points in Belleville, Ill., group.

To: Waterloo, Iowa.

Grounds for relief: Competition with rail carriers, circuity, grouping, and additional routes.

Schedules filed containing proposed rates: Gulf, Mobile and Ohio Railroad Company, I. C. C. No. 262, supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7675: Filed, Sept. 29, 1954; 8:54 a. m.]

[4th Sec. Application 29725]

CAUSTIC SODA FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO QUINCY, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. 417, pursuant to fourth-section order No. 16101.

Commodities involved: Caustic soda, in tank-cars.

From: Baton Rouge and North Baton Rouge, La.

To: Quincy, Ill.

Grounds for relief: Competition with rail carriers, circuity, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7676; Filed, Sept. 29, 1954; 8:54 a. m.]

TEXAS, OKLAHOMA AND EASTERN RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

[Rev. S. O. 562, Taylor's I. C. C. Order No. 44, Amdt. 1]

Upon further consideration of Taylor's I. C. C. Order No. 44 and good cause appearing therefor:

It is ordered, That Taylor's I. C. C. Order No. 44 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., November 15, 1954, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 8:00 a. m., September 30, 1954, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 24, 1954.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 54-7677; Filed, Sept. 29, 1954; 8:54 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter A—General Regulations and Policies

PART 401—STATEMENT OF POLICY REGARDING DISPOSAL OF FOOD COMMODITIES UNDER SECTION 416 OF THE AGRICULTURAL ACT OF 1949

EDITORIAL NOTE: The regulations formerly in this part have been revised and transferred to Chapter V of this title, as Part 501 of Subchapter A of that chapter. See F. R. Document 54-7433, 19 F. R. 6076, September 22, 1954.

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 607, Amended]

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATING GARLIC FROM ALGERIA, HUNGARY, ITALY, MOROCCO, SPAIN, AND YUGOSLAVIA

Pursuant to the authority conferred on him by § 319.56–2 of the regulations supplemental to the Fruits and Vegetables Quarantine (Notice of Quarantine No. 56, 7 CFR and 1953 Supp. 319.56) under section 5 of the Plant Quarantine Act of 1912 (7 U. S. C. 159), the Chief of the Plant Quarantine Branch hereby amends administrative instructions now appearing as 7 CFR Supp. 319.56–2h (19 F. R. 4126), effective July 8, 1954, prescribing method of treatment of garlic from Algeria, Hungary, Italy, Morocco, Spain, and Yugoslavia, to read as follows:

§ 319.56–2h *Administrative instructions prescribing method of treatment of garlic from Algeria, Hungary, Italy, Morocco, Spain, and Yugoslavia.* (a) (1) Except as otherwise provided in these administrative instructions, fumigation with methyl bromide in vacuum fumigation chambers approved by the Chief of the Plant Quarantine Branch is a condition of entry under permit for all shipments of garlic (Allium sativum) from Algeria, Hungary, Italy, Morocco, Spain, and Yugoslavia. Fumigation is to be carried out under the supervision of a plant quarantine inspector and at the expense of the importer. While it is believed that the garlic will be unaffected by the fumigation, the treatment will be at the importer's risk. Such entry will be limited to the ports of Baltimore, Md., Boston, Mass., Los Angeles, Calif., New Orleans, La., New York, N. Y., Norfolk, Va., San Juan, P. R., San Francisco, Calif., and Seattle, Wash., where approved facilities for vacuum fumigation with methyl bromide are available, and to such other ports as may be named in the permits if approved vacuum fumigation facilities are later made available at those other ports.

(2) Such vacuum fumigation shall be in accordance with the following fumigation schedule:

Temperature (° F.)	Dosage—pounds of methyl bromide per 1,000 cu. ft.	Exposure period (hours)	Vacuum (inches)
80	2	1	15
70	2	2	15
60	3	2	15
50	3	3	15
40	3	4	15

(b) (1) The following alternate procedure is approved by the Chief of the Plant Quarantine Branch as a condition of entry under permit for shipments of garlic (Allium sativum) from Italy and Spain:

(i) A certificate shall be obtained from the appropriate phytosanitary official of the country of origin to the effect that such garlic is free of living stages of Brachycerus spp. and Dyspessa ulula (Bkh.), said certification to be based on field inspection and certification and subsequent reexamination at the port of departure prior to exportation. The phytosanitary certificate to be issued by such official shall show the shipment to be either initially free from these pests or to have been fumigated.

(ii) The original copy of the phytosanitary certificate shall be attached to the manifest accompanying the shipment. However, with the consent of the

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Plant Quarantine inspector, the importer may arrange to have the original phytosanitary certificate mailed direct to the Inspector in Charge, Plant Quarantine Branch, at the port of entry, if this will expedite inspection and release of certified shipments. If such an arrangement is made, a copy of the phytosanitary certificate shall be attached to the manifest accompanying the shipment.

(iii) Shipments of certified Italian or Spanish garlic will be subject to inspection upon arrival in the United States and if found infested with living stages of Brachycerus spp. or Dyspessa ulula (Bkh.) shall be fumigated in accordance with paragraph (a) of this section.

(2) The entry of certified garlic under the alternate procedure provided for in subparagraph (1) of this paragraph will be limited to the ports named in paragraph (a) (1) of this section or such other ports as may subsequently be named in the permits.

(3) Continuance of the alternate procedure provided for in subparagraph (1) of this paragraph for the importation of Italian or Spanish garlic is contingent upon the satisfactory observance of such procedure by the respective countries of origin.

The chief purpose of this amendment of the administrative instructions is to make available to shippers of Spanish garlic the alternate procedures heretofore authorized for the entry of Italian garlic only. The amendment also liberalizes the requirements with respect to the handling of the phyto-sanitary certificates provided for in the instructions. The amendment thus relieves restrictions, and in order to be of maximum benefit to importers, it should be made effective as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than thirty days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U. S. C. 159)

This amendment shall be effective on and after October 1, 1954, when it shall supersede the administrative instructions in 7 CFR Supp. 319.56–2h, effective July 8, 1954.

Done at Washington, D. C., this 27th day of September 1954.

[SEAL] E. P. REAGAN,
Chief, Plant Quarantine Branch.

[F. R. Doc. 54–7705; Filed, Sept. 30, 1954; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 40–11]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

EXTENSION OF EFFECTIVE DATE OF REQUIREMENT FOR CHOP MARKS ON AIRPLANE EXTERIORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of September 1954.

The Air Transport Association has requested that the effective date of the chop mark requirement be delayed pending further investigation and determination as to the effectiveness of this requirement.

Section 40.178 (b) of Part 40, which was made effective April 1, 1954, required that the exterior area of the fuselage of an airplane be marked to indicate the location of mechanisms of access and areas suitable for cutting to facilitate the escape and rescue of occupants in the event of an accident. Marks indicating areas suitable for cutting are commonly known as "chop marks".

By Amendment 40–5, effective April 1, 1954, the date for compliance with that part of this regulation applicable to chop marks was extended until October 1, 1954. The extension was made to provide the carriers with additional time to make certain that the chop marks appearing on airplane exteriors would be applied on the basis of a sound engineering analysis of the airplane structure involved, since chop marks at points not readily penetrable would serve to mislead rescue crews.

The Board's attention has been drawn to the fact that recent analyses both from an engineering and a practical standpoint of current types of air carrier airplanes indicate that the difficulties encountered in the actual breakthrough and the time involved, would render escape or rescue virtually impossible. The Board has also been advised that it would be impossible to reach areas where penetration could be made from the outside without the use of ladders, stands, or similar means, when the fuselage is in a normal upright position, and that, in most instances, it would be difficult to remove passengers from the interior of the airplane after access had been obtained.

In view of the difficulties encountered in properly locating the chop marks, there appears to be a need for further study and determination of the chop mark requirement. It appears that this determination can reasonably be expected to be made by April 1, 1955, and the effective date is being extended accordingly.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective immediately:

By amending § 40.178 (b) by deleting the date "October 1, 1954" and inserting in lieu thereof the date "April 1, 1955".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604; 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54–7788; Filed, Sept. 30, 1954; 8:57 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 38]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

Correction

In Federal Register Document 54–7120, appearing at page 5943 of the issue for Tuesday, September 14, 1954, the following change should be made in § 601.1352: In the ninth line "Lat. 38°54'00" should read "Lat. 38°45'00".

[Amdt. 91]

PART 608—DANGER AREAS

CAMP LUCAS, MICH. (MAMAINSE POINT, ONTARIO, CANADA)

A danger area to be known as the Mamainse Point, Ontario, Canada, danger area has been recommended by the Air Coordinating Committee, Airspace Subcommittee. This danger area lies partly in Canada and partly in the United States and will have the following overall description: From latitude 47°16'00", longitude 84°48'00"; thence to latitude 47°20'00", longitude 84°44'00"; thence to latitude 47°14'55", longitude 84°31'30"; thence to latitude 46°52'30", longitude 84°51'30"; thence to latitude 46°48'50", longitude 84°54'15"; thence to latitude 46°54'00", longitude 85°07'00"; thence to latitude 46°58'15", longitude 85°03'30"; thence along an arc 25,000 yds radius centered at latitude 47°03'10", longitude 84°46'00"; thence to the point of beginning.

That portion of the danger area lying within Canada will be designated by the Canadian Government. That portion of the area lying within the United States, is hereby designated as the Camp Lucas, Michigan danger area (Mamainse Point, Ontario, Canada) and will include all the airspace described below.

Since a military function of the United States is involved, compliance with the notice, procedures and effective date provisions of section 4. of the Administrative Procedure Act is not required.

Part 608 is amended as follows: In § 608.30 a Camp Lucas, Michigan area (Mamainse Point, Ontario, Canada) (D–467) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP LUCAS, MICH. (Mamainse Point, Ontario, Canada) (D–467) (Lake Superior Chart).	Beginning at latitude 46°52'30", longitude 84°51'30"; thence to latitude 46°48'50", longitude 84°54'15"; thence to latitude 46°54'00", longitude 85°07'00"; thence to latitude 46°58'15", longitude 85°03'30"; thence to the point of beginning.	Surface to 45,000 feet mean sea level.	Daylight hours only.	Camp Lucas, Mich.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 7, 1954.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54–7690; Filed, Sept. 30, 1954; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 105—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR THE FREE PUBLIC EDUCATION OF CERTAIN CHILDREN RESIDING ON FEDERAL PROPERTY

MISCELLANEOUS AMENDMENTS

Part 105 of this title, as amended in 18 F. R. 568 and 2030 and 6703 and in 19 F. R. 414 and 5969, issued pursuant to Public Law 874, 81st Congress (64 Stat. 1100, as amended by 67 Stat. 530 and 68 Stat. 1006) is amended by amending § 105.2 to include Wake Island in the scope; § 105.25 to change the date for submission of final reports from August fifteenth to September thirtieth; § 105.50 to change the requirement of submitting the names of five comparable school districts to submitting the names of the most nearly comparable districts, preferably five in number; and § 105.52 (c) to include Wake Island. The revised sections read as follows:

§ 105.2 *Scope.* The regulations in this part govern the granting of financial assistance under the act to applicants within the continental United States, Hawaii, Alaska, Puerto Rico, the Virgin Islands, and Wake Island.

(Sec. 7, 64 Stat. 1107; 20 U. S. C. 242. Interprets or applies sec. 9, 64 Stat. 1108, as amended; 20 U. S. C. 244)

§ 105.25 *Necessity and effect of final reports by applicants under sections 2, 3, or 4*—(a) *Submission of final reports.* For each fiscal year, each applicant shall submit through the State educational agency on Form RSF–3 a final report to enable the Commissioner to determine the amount to which the applicant is entitled under the act. Such final reports shall be received by the Commissioner on or before the thirtieth day of September following the fiscal year for which payment is requested. No certification of payment shall be made after the applicable date for filing the final report for any fiscal year until the final report for such fiscal year has been received. Until all such reports for each year for which an applicant has received a payment have been received in proper form, no further certification for payment to such applicant shall be made under the provisions of the act for any subsequent fiscal year.

(Sec. 7, 64 Stat. 1107; 20 U. S. C. 242. Interprets or applies secs. 2, 3, 4, 5; 64 Stat. 1101–1106, as amended; 20 U. S. C. 237–240)

§ 105.50 *Determination of most nearby comparable school districts.* • • •

(c) In a State for which group classifications of the most nearly comparable school districts are not established pursuant to the foregoing subsection, an applicant must submit to the Commissioner in its application the names of districts, preferably five in number, which it deems most nearly comparable to the school district of the applicant with all data requested by the Commissioner. The selection by the applicant of such school districts shall be based upon the criteria set forth in paragraph (b) of this section and shall be submitted through the State educational agency for review and comment. The Commissioner's determination will be based upon such criteria and any other relevant factors. The financial, attendance, and other data of the selected districts must be sufficient to justify the selection of such districts as the most nearly comparable and to determine the per capita costs and the local contribution rates in such districts. On the basis of information and data furnished by the applicant, or information otherwise obtained, and applying the above criteria, the Commissioner shall select those school districts, which in number and identity may be different from those submitted by the applicant, which he determines to be most nearly comparable to the school district of the applicant.

(Sec. 7, 64 Stat. 1107, 20 U. S. 242. Interprets or applies sec. 3, 64 Stat. 1102, as amended; 20 U. S. C. 238)

§ 105.52 *Increase in or special local contribution rate.* • • • (c) The local contribution rate for any applicant in Alaska, Hawaii, Puerto Rico, the Virgin Islands, or Wake Island shall be determined for any fiscal year by the Commissioner in accordance with policies and principles which will, in his judgment, best effectuate the purposes of the act and most nearly approximate the policies and principles provided in the act and this part for determining local contribution rates in States of the continental United States.

(Sec. 7, 64 Stat. 1107; 20 U. S. C. 242. Interprets or applies sec. 3, 64 Stat. 1102 as amended; 20 U. S. C. 238)

Dated: September 24, 1954.

[SEAL] S. M. BROWNELL,
United States Commissioner of Education.

Approved: September 27, 1954.

ROSWELL B. PERKINS,
Acting Secretary of Health, Education and Welfare.

[F. R. Doc. 54–7700; Filed, Sept. 30, 1954; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense

PART 111—REGULATIONS UNDER THE NATIONAL INDUSTRIAL RESERVE ACT OF 1948

Parts 111, 112, and 113 of this title, transferred to Subtitle A at 18 F. R. 8272, Dec. 17, 1953, are hereby recodified as Subparts A, B, and C, respectively, of Part 111, with headnote reading as set forth above. This new part as amended and reissued in its entirety, sets forth appropriate changes, based on up-to-date organization breakdowns and assignment of responsibilities pursuant to Reorganization Plan No. 6 of 1953 (18 F. R. 3743) which abolished the Munitions Board and transferred its functions to the Secretary of Defense; organization charters for the Assistant Secretary of Defense (Properties and Installations) (18 F. R. 5046) and the Assistant Secretary of Defense (Supply and Logistics) (18 F. R. 5021).

Section 111.301 has been revised to set forth the delegations of authority to the Assistant Secretary of Defense (Properties and Installations) to administer the responsibilities of the Secretary of Defense with respect to the reserve plants provided in the act, and to the Assistant Secretary of Defense (Supply and Logistics) to administer the responsibilities of the Secretary of Defense in relation to machine tool and production equipment reserves provided for in the act.

Sections 111.302 and 111.303 have been revised to provide for the sub-delegation, if desired, of the authorities of the Assistant Secretaries of Defense set forth in § 111.301.

This part, as revised, reads as follows:

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111.100 Scope of §§ 111.100 to 111.107.
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AUTHORITY: §§ 111.100 to 111.701–2 issued under sec. 213, 61 Stat. 505, as amended; 5 U. S. C. 171h.

SUBPART A—GENERAL

INTRODUCTION

§ 111.100 *Scope of §§ 111.100 to 111.107.* §§ 111.100 to 111.107 set forth (a) introductory information pertaining to this part (its purpose, applicability, effective date, and arrangement), and (b) instructions for implementing and amending this part.

§ 111.101 *Purpose of regulations in this part.* The regulations in this part, issued by the Secretary of Defense, establish for the Department of Defense, the General Services Administration, and disposal agencies of the Government, policies and procedures relating to the establishment and administration of the National Industrial Reserve under the authority of the National Industrial Reserve Act of 1948, Public Law No. 883, 80th Congress (referred to in this subpart as the "act").

§ 111.102 *Applicability of regulations in this part.* The regulations in this part shall apply to the administration of all property in the National Industrial Reserve, and to all transfers and dispositions of property into and out of the National Industrial Reserve which may be effected on or after the effective date of the regulations in this part. It shall also apply, to such extent as is

practicable, to transfers and dispositions of property effected prior to the effective date of the regulations in this part but shall not be construed to invalidate any action taken or any transfer, disposition, or other transaction effected prior to such effective date. Rules, regulations and directives of the Department of Defense, the General Services Administration, and disposal agencies of the Government or of any department or subdivision of any of them, affecting property in the National Industrial Reserve not in conflict with the regulations in this part, as from time to time amended, shall remain in full force and effect. Anything in this subpart to the contrary notwithstanding, the regulations in this part shall have no application to property of the Army, Navy, or the Air Force which has not heretofore, or is not hereafter, determined to be surplus to its needs and responsibilities by the Department having jurisdiction thereover.

§ 111.103 *Effective date of regulations in this part.* The regulations in this part shall be effective on and after April 1, 1949.

§ 111.104 *Amendment of regulations in this part.* The regulations in this part may be amended from time to time by the Secretary of Defense. Unless otherwise specifically provided in any amendment, compliance therewith shall not be mandatory until thirty days after the date of its issuance, although compliance shall be authorized from such date.

§ 111.105 *Procedures for implementing the regulations in this part.* The Administrator of General Services, and the head of any disposal agency may implement the regulations in this part by prescribing for their respective departments or agencies detailed procedures which are not inconsistent with the regulations in this part. Copies of such procedures shall in each instance be forwarded to all other interested departments or agencies. Questions of interpretation of the regulations in this part shall be resolved by the Secretary of Defense.

§ 111.106 *Delegations of authority.* The Secretary of Defense, the Administrator of General Services, and the head of any disposal agency may to the extent permitted by law, delegate, and provide for the sub-delegation of, the authority and administrative functions imposed upon each of them respectively by the act or by the regulations in this part.

§ 111.107 *Periodic reports to the Secretary of Defense.* For the purposes of the report required to be submitted by the Secretary of Defense to the Congress on April 1 of each year under section 12 of the act, the Administrator of General Services and the head of each disposal agency having control of properties in the National Industrial Reserve shall, on or before February 1 of each year, submit to the Secretary of Defense a report of: (a) All of the property under his control in the National Industrial Reserve as of January 1 of such year; (b) the properties which have been received by him or certified for transfer to him during the preceding twelve months to become a part of the National Industrial Reserve; (c) the physical condition of each of the properties in the National Industrial Reserve; (d) the probability of disposal of each of such properties under the terms of the National Security Clause; (e) the approximate dates when determination as to disposability of each of such properties will be made; and (f) such recommendations as he may wish to make with respect to the administration of the properties under his control, or with respect to the need for amendment of the act or related legislation.

DEFINITIONS OF TERMS

§ 111.201 *Definitions.* When used in the regulations in this part terms shall be defined as set forth in §§ 111.201–1 to 111.201–12.

§ 111.201–1 *"Act".* The term "act" shall mean the National Industrial Reserve Act of 1948 (Public Law 883, 80th Congress, Ch. 811, Second Session, act of July 2, 1948).

§ 111.201–2 *"National Industrial Reserve".* The term "National Industrial Reserve" shall mean (a) that excess industrial property which has been or shall be sold, leased, or otherwise disposed of by the United States subject to a National Security Clause, (b) that excess industrial property of the United States which, not having been sold, leased or otherwise disposed of subject to a National Security Clause, shall be transferred to the General Services Administration to be held or disposed of under the provisions of the act, and (c) that excess industrial property under the control of any executive department or independent establishment in the executive branch of the Government, including any wholly-owned Government corporation, which is not required for its immediate needs and responsibilities as determined by the head of such department or establishment and which shall be designated by the Secretary of Defense pursuant to section 4 of the act as a part of the National Industrial Reserve.

§ 111.201–3 *"Excess industrial property."* The term "excess industrial property" shall mean (a) any machine tool, (b) any industrial manufacturing equipment, and (c) any industrial plant, which tool, equipment, or plant is under the control of any executive department or independent establishment in the executive branch of the Government, including any wholly-owned Government corporation, and which is not required for its immediate needs and responsibilities, as determined by the head thereof.

§ 111.201–4 *"Machine tool."* The term "machine tool" shall mean any tool which is operated by power and is partly or wholly automatic.

§ 111.201–5 *"Industrial manufacturing equipment."* The term "industrial manufacturing equipment" shall mean any equipment which is used in the production of an article or product, including all tools and equipment connected with a production line or assembly line, but excluding equipment used solely for nonproductive or administrative purposes. (For example, a dolly used for moving parts from one operation to another on the factory floor would be included within this definition, whereas a general-purpose truck used for collections and deliveries outside of the plant would be excluded.)

§ 111.201–6 *"Industrial plant."* The term "industrial plant" shall mean any plant (including structures on land owned or leased to the United States substantially equipped with machinery, tools, and equipment) which is capable of economic operation as a separate and independent industrial unit and which is not an integral part of an installation of a private contractor. For purposes of this definition the following factors shall be taken into consideration:

(a) Special structural design establishing special purpose—for example, vaulted ceilings for aircraft assembly plants, establishing purpose, regardless of tooling or other equipment.

(b) The removal of tools and equipment for safe storage shall not be considered to change the character of a structure as an industrial plant, if otherwise meeting the requirements of this definition.

(c) The presence of assembly lines, machine bases, casting pots, special furnaces, or similar installations, shall be given consideration in determining whether a structure is substantially equipped, within this definition.

(d) A plant designed and equipped for one or more, but not all, of the manufacturing processes in the production of a particular material or product, may be an "independent industrial unit," within this definition.

(e) The lease, sale, or transfer of a portion or division of an industrial plant need not be considered to change the character of such industrial plant within this definition, if such portion or division can be restored to its former status by exercise of rights reserved to the Government.

(f) The lease or sale, subject to a National Security Clause, of the land (including protection areas) or underground improvements of an ordnance plant shall not be considered to change the character of such ordnance plant as an industrial plant within this definition.

§ 111.201–7 *"Nonprofit educational institution or training school."* The term "nonprofit educational institution or training school" means any school, training school, school system, library, college, university, research foundation, or other similar institution, organization, or association which is organized for the primary purpose of carrying on instruction or research in the public interest, and which is not organized or operated for profit.

§ 111.201–8 *"National Security Clause."* The terms "National Security Clause" and "the Clause", shall mean (a) those terms, conditions, restrictions, and reservations which are presently contained in instruments of transfer or lease of property to assure that such property will be available for purposes of national defense; and (b) those terms, conditions, restrictions and reservations formulated pursuant to the act, to be included in instruments of transfer of property in the National Industrial Reserve, in order to assure that such property will be available for purposes of national defense.

§ 111.201–9 *"Transfer."* The term "transfer" shall mean transfer or other disposition of property in the National Industrial Reserve made to another department or agency of the Government, pursuant to the provisions of the act.

§ 111.201–10 *"Disposal."* The term "disposal" shall mean any sale, lease, loan, or other disposition of property in the National Industrial Reserve made to a person other than a department or agency of the Government, pursuant to the provisions of the act.

§ 111.201–11 *"Transferee."* The term "transferee" shall mean any person, department, or agency to whom property in the National Industrial Reserve shall be transferred or disposed of either by sale, lease, loan or otherwise pursuant to the act.

§ 111.201–12 *"Disposal agency."* The term "disposal agency" shall mean any Governmental department, agency, or corporation having the authority to dispose of property which is excess to its needs, as well as any agency which has been created for the purpose of disposing of any excess Government property.

DELEGATIONS OF AUTHORITY

§ 111.300 *Scope of §§ 111.300 to 111.304.* Sections 111.300 to 111.304 deal with the delegations of the authority of (a) the Secretary of Defense and (b) the Administrator of General Services, under the act.

§ 111.301 *Delegation of authority by the Secretary of Defense.* (a) Under date of August 13, 1953, the Secretary of Defense by DOD Directive Number 5131.1, paragraph 17b, made the following delegation to the Assistant Secretary of Defense (Properties and Installations): Administering the responsibilities of the Secretary of Defense with respect to the reserve of plants provided for in the National Industrial Reserve Act of 1948 (Pub. Law 883, 80th Cong.).

(b) Under date of August 13, 1953, the Secretary of Defense by DOD Directive Number 5126.1 Paragraph 16 made the following delegation to the Assistant Secretary of Defense (Supply and Logistics):

* * * and administering the responsibilities of the Secretary of Defense in relation to machine tool and production equipment reserves provided for in the National Industrial Reserve Act of 1948 (Pub. Law 883, 80th Cong.).

§ 111.302 *Action by the Assistant Secretaries of Defense; subdelegation.* The authority delegated to the Assistant Secretaries of Defense in § 111.301 may be subdelegated to such subdivisions and agents of the offices of Assistant Secretaries of Defense as the Assistant Secretary concerned may determine.

§ 111.303 *Redelegation to Secretaries of military departments.* The Assistant Secretaries may, under the authority delegated to them by the Secretary of Defense, designate the Secretary of any one of the military departments of the Department of Defense to administer the provisions of the National Security Clause applicable to a particular excess industrial property in the National Industrial Reserve in the control of a transferee and may redelegate such authority as may be required to enable such Secretary to carry out such responsibility including, without limitation, authority to consent to alterations in the premises and disposition or removal of production equipment: *Provided, however,* That the provisions of the National Security Clause applicable to the property shall not be modified or waived, nor shall any dormant estate be activated or terminated (other than by its own terms) except pursuant to a determination by the Secretary of Defense.

§ 111.304 *Delegation of Authority by the Administrator of General Services.* By Transmittal Letter (Manual GS–1, Volume GS 1–2) No. 26 dated January 26, 1954, the Administrator of General Services delegated (GS 1–2 203.07) to the National Industrial Reserve Division, Public Buildings Service, Central Office as follows:

(a) To prescribe policies and procedures covering the maintenance of plants in standby and preparation for layaway, and the storage of NIR tools and equipment.

(b) To transfer, lease, dispose of, or lend property in the NIR in accordance with the direction or authorizations of the Secretary of Defense under section 7 of the NIR Act.

(c) To exercise the authority contained in section 210 (a) (11) of the act.

SUBPART B—PROCEDURES FOR DESIGNATION AND MAINTENANCE OF PROPERTIES IN THE NATIONAL INDUSTRIAL RESERVE

DESIGNATION

§ 111.350 *Scope of §§ 111.350 to 111.354.* Sections 111.350 to 111.354 set forth the procedures applicable to the designation by the Secretary of Defense of excess industrial properties which are to become a part of the National Industrial Reserve under the provisions of the act. It applies to two general categories of property—Those properties which are under the control of disposal agencies, and those properties which have been disposed of by the United States to private individuals, firms, corporations or other persons, subject to a National Security Clause. It also applies to excess industrial properties which have been disposed of without National Security Clause restrictions and which at a future time may revert to the Government. Sections 111.350 to 111.354 also set forth the procedures by which the latter type of properties may be designated for future inclusion in the National Industrial Reserve.

§ 111.351 *Designation of excess industrial properties under the control of disposal agencies.*

§ 111.351–1 *Reports.* Each disposal agency created for the purpose of disposing of excess Government property generally, shall within 90 days after the effective date of the regulations in this part, furnish the Secretary of Defense with a statement of the industrial plants held by it for disposal, and shall on the 1st days of February and August of each year submit a report to the Secretary of Defense of additional industrial plants received by it for disposal during the six months' period ending the preceding January 1 and July 1, respectively, and of all industrial plants previously designated for the reserve which shall have been disposed of by it, during the said six months. The head of every other disposal agency shall (a) within 90 days after the effective date of the regulations in this part, furnish the Secretary of Defense with a statement of all of the industrial plants under its control which have been determined not to be required for the immediate needs and responsibilities of such agency, and (b) notify the Secretary of Defense immediately upon a determination in the future that an industrial plant under its control is no longer required for the immediate needs and responsibilities of such agency. The Secretary of Defense will specify the inventories and lists of property to be furnished to it by the heads of disposal agencies having machine tools, industrial manufacturing equipment or other personal property under their control as a part of the National Industrial Reserve.

§ 111.351–2 *Notice of designation.* In the case of property under the control of a disposal agency and to be designated for the National Industrial Reserve by imposition of National Security Clause restrictions upon its transfer, the Secretary of Defense will designate such property by a written notice to the head of the disposal agency having control of the property of its determination that such property is to become a part of the Reserve, and shall prescribe the provisions of the National Security Clause which shall be applicable to it.

§ 111.351–3 *Effective date of designation.* From and after the date of notice of designation, the property specified in such notice shall be deemed to become a part of the National Industrial Reserve.

§ 111.351–4 *Recommendation of property to be designated for National Industrial Reserve.* The Secretaries of the military departments of the Department of Defense, the Director of the Office of Defense Mobilization, the Chairman of the Atomic Energy Commission, and the head of any other governmental department or agency having functions involving the national defense, may on behalf of his respective department, board, commission, or agency recommend the designation of specific excess industrial property, whether or not under his control, for inclusion in the National Industrial Reserve. Such recommendation should include a statement of the reasons that are believed to justify the proposed designation and should be forwarded to the Secretary of Defense.

§ 111.352 *Designation of excess industrial properties under the control of transferees.*

§ 111.352–1 *Property subject to the National Security Clause.* The properties heretofore disposed of which may be included in the National Industrial Reserve under section 3 (a) of the act by virtue of having been disposed of by the United States subject to a National Security Clause will be designated by the Secretary of Defense. Such designation will be contained in a notice to the transferee to whom such property has been disposed of and to the head of the department or agency which has authority to administer the clause. The notice shall state that the terms and conditions contained in the instrument of transfer for the protection of the Government have been determined to constitute a National Security Clause within the meaning of the act, and that the property has been designated to become a part of the National Industrial Reserve.

§ 111.352–2 *Effective date.* From and after the date of notice of designation, the property specified in the notice shall be deemed to have become a part of the National Industrial Reserve.

§ 111.352–3 *Continuation of property in the Reserve upon termination of lease.* Upon termination of a lease of property subject to a National Security Clause, the property shall continue to be a part of the National Industrial Reserve unless and until the Secretary of Defense determines that such property is no longer needed therefor, and it shall not be offered for further lease, sale, or other disposition except subject to the conditions of the National Security Clause as prescribed by the Secretary of Defense. The head of the agency responsible for disposition of such property shall, on or before the expiration of the lease, notify the Secretary of Defense of the expiration date thereof and shall in such notice recommend the modifications, if any, that in his opinion should be included in the provisions of the National Security Clause applicable to the property for purposes of further disposition.

§ 111.353 *Property not subject to National Security Clause, designation of, for future inclusion in the Reserve.* With respect to property under the control of a transferee by virtue of a lease or other instrument reserving an interest in the Government, but not containing a National Security Clause, the Secretary of Defense may designate such property to be included in the National Industrial Reserve at the expiration of the lease or vesting in possession of such interest in the Government. Such designation shall be in writing addressed to the head of the agency responsible for disposition of the property, and shall include a statement of the terms and conditions of the National Security Clause which shall be included in any future sale, lease, or other disposition of property.

§ 111.354 *Records.* The Secretary of Defense will cause a list of the properties constituting the National Industrial Reserve to be maintained in sufficient detail and appropriately classified so as to indicate the nature, number, costs, and condition of the properties in the National Industrial Reserve, together with a statement of justification for their retention. Such records need not, however, include detailed or itemized inventories of small tools and equipment or other numerous articles although such information will be kept available to the extent that it is in existence. The Secretary of Defense will also maintain copies of the pertinent provisions of all instruments of transfer of properties in the National Industrial Reserve, including particularly the provisions of the National Security Clauses applicable thereto.

MAINTENANCE

§ 111.400 *Scope of §§ 111.400 to 111.404–2.* Sections 111.400 to 111.404–2 deal with the subject of surveys and inspections of properties in the National Industrial Reserve, standards of maintenance of such properties, and provisions for the enforcement of such standards.

§ 111.401 *Engineering Surveys.* The General Services Administration shall, when requested by the Secretary of Defense, make an engineering survey of any industrial manufacturing plant that has been designated by the Secretary of Defense for transfer to the General Services Administration as a part of the reserve. Such survey may include a determination of (a) the present maintenance condition and status of the principal components of the plant, (b) the estimated cost of putting it in standby status and annual cost of maintenance in such status, (c) the cost of such rehabilitation and conversion as may be necessary to put the plant into full wartime operating status, (d) the estimated length of time that such rehabilitation and conversion would require, and (e) any other related information that may be requested by the Secretary of Defense. Such survey should also include recommendations of the General Services Administration as to the standards of maintenance to be applied, recommended maintenance standards to be presented in successive steps so as to be readily adaptable to the amount of funds available for purposes of maintenance and rehabilitation of properties in the National Industrial Reserve. The General Services Administration shall submit four copies of each such engineering survey to the Secretary of Defense upon its completion.

§ 111.402 *Periodic inspections.* The Secretary of Defense shall cause periodic inspections to be made of properties in the National Industrial Reserve, and such inspections shall be made not less often than annually for each such property. These inspections shall be conducted in such a manner and in such detail as to indicate whether or not the properties are being properly maintained in accordance with the prescribed standards, and whether the covenants of the National Security Clause are being performed.

§ 111.403 *Special reports.* In the event that a survey or inspection reveals the existence of a breach of one or more of the covenants of the National Security Clause, or conditions which if permitted to continue would adversely affect the availability of a particular property for national defense, a special report of such breach or condition shall be given by the department, agency, or other person making such survey or inspection to the Secretary of Defense immediately upon the discovery thereof, and notice shall also be given to the transferee in control of the property.

§ 111.404 *Maintenance standards.*

§ 111.404–1 *Plants.* The maintenance responsibilities of disposal agencies with respect to properties in the National Industrial Reserve which are under their control are as follows:

(a) Police protection against theft of property, destruction, and vandalism;

(b) Weather protection, with special emphasis on roofage, windows, water seepage, and drainage problems;

(c) Additional maintenance functions and standards for specific plants to be prescribed by the Secretary of Defense after consideration of the engineering surveys of such plant and other relevant factors.

§ 111.404–2 *Machine tools and industrial manufacturing equipment.* Except as noted below, maintenance standards of machine tools and industrial manufacturing equipment which has not been disposed of shall be in accordance with the MIL–STD–107 as it may be amended from time to time. These standards may be modified in their application to specific properties by directive of the Secretary of Defense or, with the approval of the Secretary of Defense, by the agency in control of the property. Except as otherwise provided in the applicable National Security Clause, maintenance of such tools and equipment disposed of for use and operation by the transferee shall be in accordance with standards commensurate with sound business practice, having due regard for the Government's interest in preserving the productive capacity of such property.

SUBPART C—THE NATIONAL SECURITY CLAUSE AND PROCEDURES FOR TRANSFERS OF PROPERTY

THE NATIONAL SECURITY CLAUSE

§ 111.450 *Scope of §§ 111.450 to 111.454* Sections 111.450 to 111.454 deal with the text of the National Security Clause, its incorporation in instruments of transfer, and procedures for its modifications, amendment, revocation, or termination.

§ 111.451 *Short title.* The material set forth in § 111.453 shall be known and referred to as the "Standard National Security Clause, revised".

§ 111.452 *Use of the National Security Clause in instruments of transfer.* (a) A National Security Clause shall be incorporated in all deeds, bills of sales, leases or other instruments transferring property in the National Industrial Reserve. Contracts of sale or letters of intent, executed in contemplation of such transfers, shall be made on the express condition that the instrument of transfer contain a National Security Clause. In incorporating the National Security Clause in instruments of transfer, the substance of the appropriate clause set forth in § 111.453 shall be used, but may be modified as necessary to conform to the context of the rest of the instrument. For leases of personal property, the real estate lease clause (§ 111.453–2) may be converted.

(b) Nothing in the National Security Clause shall be construed to preclude Government disposal agencies from including whatever terms they deem necessary or desirable in instruments of transfer so long as these other terms do not vitiate the Government's rights and benefits under the National Security Clause. In the case of leases, especially, provisions will have to be included for the purpose of protecting the Government's ownership generally, as distinguished from provisions aimed merely at preserving its national security interests. It is assumed these would include, without limitation, provisions with respect to payment of rent, taxes and charges, etc., insurance, subleasing and assigning, maintenance, nuisances, indemnity against liability, surrender upon expiration of the lease in the same or equivalent condition etc., and a right of entry in the Government to terminate the lease upon the lessee's breach of condition, bankruptcy or insolvency, etc.

§ 111.453 *Text of the National Security Clause.*

§ 111.453–1 *National Security Clause for deeds of real property.*

NATIONAL SECURITY CLAUSE

Whereas, the Secretary of Defense pursuant to section 4 (1) of the National Industrial Reserve Act of 1948 (Pub. Law 883, 80th Cong.) has designated the premises hereby conveyed a part of the National Industrial Reserve for the production of [insert designation of end item or basic material as the case may be] at an annual capacity of [insert quantity] and, whereas, pursuant to section 4 (4) of that act, it has authorized their disposal subject to a National Security Clause formulated in accordance with that Act; now therefore, in consideration of their respective obligations under this instrument, the parties hereto, for themselves, their heirs, successors, and assigns, do hereby enter into the terms, covenants, and conditions hereinafter set forth which shall, together with this paragraph, be collectively known and referred to as the National Security Clause.

ARTICLE I. *Definitions.* For purposes of this Clause the following definitions will apply:

(a) The term "premises" means the property transferred by this instrument.

(b) The term "assigned function" means the function for which the premises have been designated a part of the National Industrial Reserve or for which they may be hereafter redesignated under Article IX hereof.

(c) The term "production equipment" means all property, other than property transferred by this instrument, at any time in or appurtenant to the premises which is necessary to their assigned function or to their current operations.

(d) The term "facilities" means the sum total of the premises and the production equipment.

ART. II. *Maintenance.* The Grantee hereby covenants and agrees that it will maintain the facilities in such a manner that they can be placed, within a period of 120 days, in a condition adequate to perform the assigned function of the premises.

In addition, the Grantee covenants and agrees,

(a) That it will maintain in accordance with sound practice in the industry, normal wear and tear excepted, that part of the facilities necessary for the assigned function of the premises which is actively being used in its current operations;

(b) That it will not make any alterations to the facilities which would impair performance of the assigned function of the premises, unless each such alteration can be restored in a period of 60 days or less and the sum total thereof restored in 120 days or less; and

(c) That it will not dispose of any production equipment, or any machinery and equipment transferred as a part of the premises by this instrument, the disposal of which would impair performance of the assigned function of the premises, unless the items so disposed of are immediately replaced with equivalent items.

Provided, however, That the provisions of this Article shall not apply to timber structures and their appurtenances for more than 15 years from the date hereof, or to machinery and equipment for more than 10 years from the date hereof; and provided further, that nothing herein contained shall prevent the Grantee from relocating any machinery or equipment within the premises for the purpose of improving operating efficiency or increasing productive capacity so long as the standards of care set forth above are continually observed.

ART. III. *Defaults*—(a) *Inspections.* The Grantee and the Government mutually covenant and agree that the latter may, after reasonable prior written notice to the Grantee, inspect the facilities for the purpose of determining whether the Grantee is in default on its obligations under this Clause.

(b) *Determinations of default.* If, as a result of such inspections, the Government adjudges the Grantee in default, it shall furnish the latter a written statement setting forth in detail the grounds on which the allegations are based, following which the Grantee shall have thirty days to submit evidence to the contrary. If in the light of the evidence so presented, the Government still holds that the Grantee is in default, it shall then advise the latter of the specific defaults to be corrected and the periods of time in which each correction must be completed, such periods to be as reasonable as possible.

(c) *Repairs by the Government.* In the event the Grantee fails to correct its defaults in the times stated, the Government shall then have the right to enter the premises for the purpose of correcting the defaults; and the Grantee, or its sureties, will reimburse the Government for all costs incurred by the Government in making such corrections. The Government, or any contractor employed by the Government for the purpose, shall have such right of access to the premises or any part thereof as may be necessary to permit such repairs or replacements.

ART. IV. *Government utilization*—(a) *Negotiation of contract.* The Grantee and the Government mutually covenant and agree that, whenever the Government considers the productive capacity of the facilities necessary for national security purposes, they will jointly undertake to negotiate a contract for the Grantee to furnish from the facilities the materials or services for which the premises are designated a part of the National Industrial Reserve.

(b) *Repossession.* The Grantee hereby covenants and agrees that, in the event the Government determines such a contract is not feasible, or that the Grantee is not qualified to furnish the materials or services required, or that a mutually satisfactory contract cannot be negotiated, the Grantee will turn over to the Government full possession of the premises together with all structures, improvements, easements, rights-of-way, and other interests appurtenant thereto (including all rights-of-way over and across other property of the Grantee necessary or convenient to the operation or use of the facilities) for such time as the Government deems necessary for national security purposes. The Grantee further agrees that it will lease to the Government, upon the latter's request and for a period co-extensive with the Government's repossession of the premises, any or all of the production equipment owned or controlled by the Grantee. The Government's rights to such possession and usage, together with its right to lease properties of the Grantee hereunder, shall vest on the date set by it in written notice to the Grantee, which date shall be not less than 15 days from the date of notice thereof, and shall expire on the termination date of this National Security Clause as provided for in Article XI below.

(c) *Withdrawal by the Grantee.* The Grantee hereby covenants and agrees that, upon the date set for transfer of the premises to the Government, it will immediately undertake to restore such alterations made by it and to remove such improvements, fixtures, machinery and other equipment installed by it as the Government may direct, such undertakings to be completed in the shortest possible time, but in no event to exceed 120 days from the date of repossession unless otherwise agreed upon between the Grantee and the Government. Thereafter, the Grantee shall have no further right to enter the premises during the period of Government possession except with the prior consent of the latter. During any period of Government possession, the premises may be used, occupied, or operated for or on behalf of the Government by any government department, agency, agent, or by any tenant, contractor, or subcontractor of the Government.

ART. V. *Compensation.* The Government hereby covenants and agrees that, upon any repossession under IV (b) above, it will pay the Grantee:

(a) *At the time of repossession.* (i) Fair and reasonable compensation for all losses, not including loss of profits, incurred by the Grantee or its assignees in respect of work in process in the premises which cannot be completed because of repossession by the Government.

(ii) Fair and reasonable costs incurred by the Grantee or its assignees in complying with Article IV (c).

(b) *During each period of possession.* (i) Fair and reasonable compensation for the use of the premises as agreed on by the parties hereto at a rate not in excess of prevailing rental for similar properties.

(ii) Fair and reasonable compensation for the use of any production equipment as agreed on by the parties hereto at a rate not in excess of prevailing rental for similar properties.

(c) *Upon termination of each period of possession.* Fair and reasonable costs incident to reinstallation of machinery and equipment removed from the premises and restoration of the premises to their condition on the date of repossession by the Government, reasonable depreciation excepted.

Any failure of the parties to reach agreement as to what amounts are fair and reasonable under this Article shall be deemed a dispute of fact within the meaning of Article XIII hereof.

ART. VI. *Insurance.* The Grantee hereby covenants and agrees that the proceeds of any insurance which is required of the Grantee by the terms of this instrument, or by any other agreement between it and the Government, to be placed on the premises or any part thereof will be applied, upon damage to or destruction of the premises by fire or other insurable casualty, to a restoration of the property, unless the

Grantee is expressly released from such obligation by the Government.

ART. VII. *Subsequent Transfers.* The Grantee hereby covenants and agrees not to sell, lease, mortgage, or otherwise encumber the facilities without expressly making such sale, lease, mortgage, or encumbrance subject to the provisions of this National Security Clause for the remainder of its term.

ART. VIII. *Parties.* The Grantee and the Government mutually agree that the latter, in exercising its rights and carrying out its obligations under this National Security Clause, shall act through the Secretary of Defense or such departments, agencies, or individuals as he may designate, which may include, without limitation, the Assistant Secretaries of Defense (S and L) and (P and I), Board, the Departments of the Army, Navy, or Air Force, or the General Services Administration. References in this National Security Clause to the Government shall be deemed to refer as appropriate to the Secretary of Defense or such departments, agencies, or individuals as he may designate.

ART. IX. *Redesignation of purpose and use of premises.* The Government hereby covenants and agrees that, upon a petition by the Grantee for a change in the assigned function of the premises, it will re-evaluate the defense potential of the premises, both for the purposes for which they are designated for inclusion in the National Industrial Reserve and those for which it is requested they be redesignated, and will, if it deems the interests of national security are best served thereby, and upon tender by the Grantee of whatever consideration may be requested, change their designation to that requested by the Grantee. Conversely, the Government may, on its own initiative, recommend a redesignation to the Grantee which, if acceptable to the latter, shall be put into effect. Redesignations under this paragraph may be made only by written instrument and may not be requested by the Grantee more often than once in 6 months.

ART. X. *Modification or amendment of the National Security Clause.* The Government hereby covenants and agrees that, upon a petition by the Grantee for a reconsideration of the particular applicability of any of the terms, conditions, reservations or restrictions of the National Security Clause, the Government will, if it deems the interests of national security are best served thereby, modify or amend the Clause to the degree it sees fit upon tender by the Grantee of whatever consideration may be requested. Conversely, the Government may, on its own initiative, recommend modifications or amendments to the Grantee, which, if acceptable to the latter, shall be put into effect.

ART. XI. *Termination or revocation of the National Security Clause.* The Government and the Grantee mutually covenant and agree that their respective obligations under this National Security Clause, except those of the Grantee to reimburse the Government under Article III, or of the Government to furnish compensation under Article V, and except as may be otherwise specified herein, shall terminate 20 years following the date of this instrument or, in the event the Government is in possession at that time in accordance with Article IV (b), upon release of possession by the Government to the Grantee: *Provided, however,* That the Government, at its own election, or upon a petition by the Grantee, may reconsider the necessity for continuing all or any part of the Clause in effect and shall, in the event it determines such necessity no longer exists, and upon tender by the Grantee or whatever consideration may be requested, revoke the Clause, in whole or in part, by executing and delivering to the Grantee a release, quitclaim deed, or whatever instrument is necessary to remove the encumbrance of the Clause, or of a part thereof, from the facilities.

ART. XII. *Covenants.* It is the intention of both the Grantee and the Government that these covenants shall run with the land and bind subsequent purchasers of the premises hereby conveyed: *Provided, however,* That the Grantee shall not be liable for any violation of said covenants by subsequent owners of the premises.

ART. XIII. *Disputes.* Disputes on questions of fact which cannot be resolved by agreement of the parties shall be decided by the Secretary of Defense or the instrumentality duly and expressly designated by him, whose decision shall be final and conclusive. In connection with any proceeding under this Article, the Grantee shall be afforded an opportunity to be heard and to offer evidence in support of its own case. Pending final decision of a dispute hereunder, the Grantee shall proceed diligently with the performance of its obligations under the Clause.

ART. XIV. *Recordation.* The Grantee shall forthwith cause this instrument to be duly recorded and shall furnish satisfactory evidence of such to the Government.

ART. XV. *Saving provision.* The Grantee and the Government mutually covenant and agree that nothing in this Clause shall be construed as affecting obligations of the Grantee under any other provisions of this instrument, except that, in any cases of inconsistency or ambiguity, the provisions of this National Security Clause shall, to the extent that they impose greater obligations on the Grantee, be deemed controlling.

§ 111.453–2 *National Security Clause for leases of real property.*

NATIONAL SECURITY CLAUSE

Whereas, the Secretary of Defense pursuant to section 4 (1) of the National Industrial Reserve Act of 1948 (Pub. Law 883, 80th Cong.) has designated the premises leased hereunder a part of the National Industrial Reserve for the production of [insert designation of end items or basic material as the case may be] at an annual capacity of [insert quantity] and, whereas, pursuant to section 4 (4) of that act, it has authorized their disposal subject to a National Security clause formulated in accordance with that act; now therefore, in consideration of their respective obligations under this instrument, the parties hereto, for themselves, their heirs, successors, and assigns, do hereby enter into the terms, covenants, and conditions hereinafter set forth which shall, together with this paragraph, be collectively known and referred to as the National Security Clause.

ARTICLE I. *Definitions.* For purposes of this Clause the following definitions will apply:

(a) The term "premises" means the property leased by this instrument.

(b) The term "assigned function" means the function for which the premises have been designated a part of the National Industrial Reserve or for which they may be hereafter redesignated under Article VIII hereof.

(c) The term "production equipment" means all property, other than property leased by this instrument, at any time in or appurtenant to the premises which is necessary to their assigned function or to their current operations.

(d) The term "facilities" means the sum total of the premises and the production equipment.

ART. II. *Maintenance.* The Lessee hereby covenants and agrees that it will maintain the facilities in such a manner that they can be placed, within a period of 120 days, in a condition adequate to perform the assigned function of the premises.

In addition, the Lessee covenants and agrees,

(a) That it will maintain in accordance with sound practice in the industry, normal wear and tear excepted, that part of the facilities necessary for the assigned function of the premises which is actively being used in its current operations;

(b) That it will not make any alterations to the facilities which would impair performance of the assigned function of the premises, unless each such alteration can be restored in a period of 60 days or less and the sum total thereof restored in 120 days or less; and

(c) That it will not dispose of any of its own production equipment, the disposal of which would impair performance of the assigned function of the premises, unless the items so disposed of are immediately replaced with equivalent items.

Provided, however, That the provisions of this Article shall not apply to timber structures and their appurtenances for more than 15 years from the date hereof, or to machinery and equipment for more than 10 years from the date hereof: *And provided further,* That nothing herein contained shall prevent the Lessee from relocating any machinery or equipment within the premises for the purpose of improving operating efficiency or increasing productive capacity so long as the standards of care set forth above are continually observed.

ART. III. *Defaults*—(a) *Inspections.* The Lessee and the Government mutually covenant and agree that the latter may, after reasonable prior written notice to the Lessee, inspect the facilities for the purpose of determining whether the Lessee is in default on its obligations under this Clause.

(b) *Determinations of default.* If, as a result of such inspections, the Government adjudges the Lessee in default, it shall furnish the latter a written statement setting forth in detail the grounds on which the allegations are based, following which the Lessee shall have thirty days to submit evidence to the contrary. If in the light of the evidence so presented, the Government still holds that the Lessee is in default, it shall then advise the latter of the specific defaults to be corrected and the periods of time in which each correction must be completed, such periods to be as reasonable as possible.

(c) *Repairs by the Government.* In the event the Lessee fails to correct its defaults in the time stated, the Government shall then have the right to enter the premises for the purpose of correcting the defaults; and the Lessee, or its sureties, will reimburse the Government for all costs incurred by the Government in making such corrections. The Government, or any contractor employed by the Government for the purpose, shall have such right of access to the premises or any part thereof as may be necessary to permit such repairs or replacements. Where the defaults are such that they jeopardize the Government's interest in the facilities, the Government may take and maintain full possession thereof, without terminating the Lessee's interest or estate therein, for the period necessary to remedy such defaults and until reimbursement therefor has been made by the Lessee.

ART. IV. *Government utilization*—(a) *Negotiation of Contract.* The Lessee and the Government mutually covenant and agree that, whenever the Government considers the productive capacity of the facilities necessary for national security purposes, they will jointly undertake to negotiate a contract for the Lessee to furnish from the facilities the materials or services for which the premises are designated a part of the National Industrial Reserve.

(b) *Repossession.* The Lessee hereby covenants and agrees that, in the event the Government determines such a contract is not feasible, or that the Lessee is not qualified to furnish the materials or services required, or that a mutually satisfactory contract cannot be negotiated, the Lessee will turn over to the Government full possession of the premises together with all structures, improvements, easements, rights-of-way, and other interests appurtenant thereto (including all rights-of-way over and across other property of the Lessee necessary or convenient to the operation or use of the facilities) for such time as the Government deems necessary for national security purposes, on the condition, however, that the Lessee's obligations to pay rent for the premises shall be suspended for the period of Government possession. The Lessee further agrees that it will lease to the Government, upon the latter's request and for a period co-extensive with the Government's repossession of the premises, any or all of the production equipment owned or controlled by the Lessee. The Government's rights to such possession and usage, together with its right to lease properties of the Lessee hereunder, shall vest on the date set by it in written notice to the Lessee, which date shall be not less than 15 days from the date of notice thereof, and shall expire on the termination date of this National Security Clause as provided for in Article X below.

(c) *Withdrawal by the Lessee.* The Lessee hereby covenants and agrees that, upon the date set for transfer of the premises to the Government, it will immediately undertake to restore such alterations made by it and to remove such improvements, fixtures, machinery and other equipment installed by it as the Government may direct, such undertakings to be completed in the shortest possible time, but in no event to exceed 120 days from the date of repossession unless otherwise agreed upon between the Lessee and the Government. Thereafter, the Lessee shall have no further right to enter the premises during the period of Government possession except with the prior consent of the latter. During any period of Government possession, the premises may be used, occupied, or operated for or on behalf of the Government by any Government department, agency, agent, or by any tenant, contractor, or subcontractor of the Government.

ART. V. *Compensation.* The Government hereby covenants and agrees that, upon any repossession under IV (b) above, it will pay the Lessee:

(a) At the time of repossession. (1) Fair and reasonable compensation for all losses, not including loss of profits, incurred by the Lessee or its assignees, in respect of work in process in the premises which could have been completed prior to normal expiration of the lease but which cannot be completed because of repossession by the Government.

(ii) Fair and reasonable costs incurred by the Lessee, or its assignees, in complying with Article IV (c), less a reasonable set-off for those that would ordinarily be incurred on normal expiration of the lease. If, however, the period of Government possession expires prior to the expiration of the lease, and the Lessee, or its assignees, resumes possession for the balance of the term, the Government will compensate the Lessee for the full amount of any set-off previously deducted.

(b) During each period of possession, fair and reasonable compensation for the use of any production equipment as agreed on by the parties hereto at a rate not in excess of prevailing rental for similar properties.

(c) Upon termination of each period of possession, fair and reasonable costs incident to reinstallation of machinery and equipment removed from the premises and restoration of the premises to their condition on the date of repossession by the Government, reasonable depreciation excepted.

Any failure of the parties to reach agreement as to what amounts are fair and reasonable under this Article shall be deemed a dispute of fact within the meaning of Article XIII hereof.

ART. VI. *Subsequent transfers.* The Lessee hereby covenants and agrees not to sub-lease, assign, mortgage, pledge, or otherwise encumber the facilities without the prior written consent of the Government and without expressly making such sub-lease, assignment, mortgage, pledge, or encumbrance subject to the provisions of this National Security Clause for the remainder of its term.

ART. VII. *Parties.* The Lessee and the Government mutually agree that the latter, in exercising its rights and carrying out its obligations under this National Security Clause, shall act through the Secretary of Defense or such departments, agencies, or individuals as he may designate, which may include, without limitation, the Assistant Secretaries of Defense (S and L) and (P and I), the Departments of the Army, Navy, or Air Force, or the General Services Administration. References in this National Security Clause to the Government shall be deemed to refer as appropriate to the Secretary of Defense or such departments, agencies, or individuals as he may designate.

ART. VIII. *Redesignation of purpose and use of premises.* The Government hereby covenants and agrees that, upon a petition by the Lessee for a change in the assigned function of the premises, it will re-evaluate the defense potential of the premises, both for the purposes for which they are designated for inclusion in the National Industrial Reserve and those for which it is requested they be redesignated, and will, if it deems the interests of national security are best served thereby, and upon tender by the Lessee of whatever consideration may be requested, change their designation to that requested by the Lessee. Conversely, the Government may, on its own initiative, recommend a redesignation to the Lessee which, if acceptable to the latter, shall be put into effect. Redesignations under this paragraph may be made only by written instrument and may not be requested by the lessee more often than once in 6 months.

ART. IX. *Modification or amendment of the National Security Clause.* The Government hereby covenants and agrees that, upon a petition by the Lessee for a reconsideration of the particular applicability of any of the terms, conditions, reservations, or restrictions of the National Security Clause, the Government will, if it deems the interests of national security are best served thereby, modify or amend the Clause to the degree it sees fit upon tender by the Lessee of whatever consideration may be requested. Conversely, the Government may, on its own initiative, recommend modifications or amendments to the Lessee which, if acceptable to the latter, shall be put into effect.

ART. X. *Termination or revocation of the National Security Clause.* The Government and the Lessee mutually covenant and agree that their respective obligations under this National Security Clause, except those of the Lessee to reimburse the Government under Article III, or of the Government to furnish compensation under Article V, and except as may be otherwise specified herein, shall terminate upon the normal expiration of the lease or 20 years following the date of this instrument, whichever is sooner: *Provided however,* That in the event the Government is in possession at that time in accordance with Article IV (b), such termination shall occur upon release of possession by the Government to the Lessee; and provided further that the Government, at its own election, or upon a petition by the Lessee, may reconsider the necessity for continuing all or any part of the Clause in effect and shall, in the event it determines such necessity no longer exists, and upon tender by the Lessee of whatever consideration may be requested, revoke the Clause, in whole or in part, by executing and delivering to the Lessee a release or whatever instrument is necessary to remove the encumbrance of the Clause, or of a part thereof, from the facilities.

ART. XI. *Disputes.* Disputes on questions of fact which cannot be resolved by agreement of the parties shall be decided by the Secretary of Defense or the instrumentality duly and expressly designated by him, whose decision shall be final and conclusive. In connection with any proceeding under this Article, the Lessee shall be afforded an opportunity to be heard and to offer evidence in support of its own case. Pending final decision of a dispute hereunder, the Lessee shall proceed diligently with the performance of its obligations under the Clause.

ART. XII. *Recordation.* The Lessee shall forthwith cause this instrument to be duly recorded and shall furnish satisfactory evidence of such to the Government.

ART. XIII. *Saving provision.* The Lessee and the Government mutually covenant and agree that nothing in this Clause shall be construed as affecting obligations of the Lessee under any other provisions of this instrument, except that, in any cases of inconsistency or ambiguity, the provisions of this National Security Clause shall, to the extent that they impose greater obligations on the Lessee, be deemed controlling.

§ 111.453–3 *National Security Clause for sales of personnel property.*

NATIONAL SECURITY CLAUSE

Whereas, the Secretary of Defense pursuant to section 4 (1) of the National Industrial Reserve Act of 1948 (Pub. Law 883, 80th Cong.) has designated the properties hereby transferred a part of the National Industrial Reserve for the production of [insert designation of end item or basic material as the case may be] at an annual capacity of [insert quantity] and, whereas, pursuant to section 4 (4) of that Act, it has authorized their disposal subject to a National Security Clause formulated in accordance with that act; now therefore, in consideration of their respective obligations under this instrument, the parties hereto, for themselves, their heirs, successors, and assigns do hereby enter into the terms, covenants, and conditions hereinafter set forth which shall, together with this paragraph, be collectively known and referred to as the National Security Clause.

ARTICLE I. *Definitions.* For purposes of this Clause the following definitions will apply:

(a) The term "properties" as used herein means those properties (personal property) transferred by this instrument or any other properties subsequently substituted therefor by agreement of the parties and expressly made subject, by a separate written instrument, to the terms and conditions of this National Security Clause.

(b) The term "assigned function" means the function for which the properties have been designated a part of the National Industrial Reserve or for which they may be hereafter redesignated under Article IX hereof.

ART. II. *Maintenance.* The Purchaser hereby covenants and agrees that it will maintain the properties in such a manner that they can be placed, within a period of 120 days, in a condition adequate to perform their assigned function.

In addition, the Purchaser covenants and agrees,

(a) That it will maintain in accordance with sound practice in the industry, normal wear and tear excepted, such part of the properties as is necessary for their assigned function which is actively being used in its current operations; and

(b) That it will not make any alterations to the properties which would impair performance of their assigned function unless each such alteration can be restored in a period of 60 days or less and the sum total thereof restored in 120 days or less.

ART. III. *Defaults*—(a) *Inspections.* The Purchaser and the Government mutually covenant and agree that the latter may, after reasonable prior written notice to the Purchaser, inspect the properties to determine whether the Purchaser is in default on its obligations under this Clause.

(b) *Determinations of default.* If, as a result of such inspections, the Government adjudges the Purchaser in default, it shall furnish a written statement to the Purchaser setting forth in detail the grounds on which it bases its allegations, following which the Purchaser shall have 30 days to submit evidence to the contrary. If in the light of the evidence so presented, the Government still holds that the Purchaser is in default, it shall then advise the latter of the specific defaults to be corrected and the periods of time in which each correction must be completed, such periods to be as reasonable as possible.

(c) *Repairs by the Government.* In the event the Purchaser fails to correct its defaults in the times stated, the Government shall then have the right to correct such defaults; and the Purchaser, or its sureties, shall reimburse the Government for all costs incurred by the Government in making such corrections. The Government, or any contractor employed by the Government for the purpose, shall have such right of access to the properties as may be necessary to permit making such repairs.

ART. IV. *Government utilization*—(a) *Negotiation of Contract.* The Purchaser and the Government mutually covenant and agree that, whenever the Government considers the productive capacity of the properties necessary for national security purposes, they will jointly undertake to negotiate a contract for the Purchaser to use the properties in furnishing the materials or services for which the properties are designated a part of the National Industrial Reserve.

(b) *Repossession.* The Purchaser hereby covenants and agrees that, in the event the Government determines such a contract is not feasible, or that the Purchaser is not qualified to furnish the materials or services required, or that a mutually satisfactory contract cannot be negotiated, the Purchaser will turn over to the Government full possession of the properties and all rights of use incident thereto (including a right of entry for removal of such properties) for such time as the latter deems necessary for national security purposes. The Government's rights to such possession and usage shall vest on the date set by it in written notice to the Purchaser, which date shall be not less than 15 days from the date of notice thereof, and shall expire on the termination date of this National Security Clause as provided for in Article XI below.

(c) *Relinquishment by the purchaser.* Upon repossession by the Government, the Purchaser shall have no further right to use the properties during the period of Government possession except with the prior consent of the latter. During any such period of Government possession the properties may be used or operated for or on behalf of the Government by any government department, agency, agent, or by any tenant, contractor, or subcontractor of the Government.

ART. V. *Compensation.* The Government hereby covenants and agrees that, upon any repossession under IV (b) above, it will pay the Purchaser:

(a) At the time of repossession, fair compensation for all losses, not including loss of profits, incurred by the Purchaser or its assignees in respect of work in process which cannot be completed because of repossession by the Government.

(b) During each period of possession, fair and reasonable compensation for the use of the properties as agreed upon by the parties hereto at a rate not in excess of prevailing rental for similar property.

(c) Upon termination of each period of possession, fair and reasonable costs incident to restoration of the properties to their condition on the date of repossession by the Government, reasonable depreciation excepted, and fair and reasonable costs for their reinstallation, if required.

Any failure of the parties to reach agreement as to what amounts are fair and reasonable under this Article shall be deemed a dispute of fact within the meaning of Article XII hereof.

ART. VI. *Insurance.* The Purchaser hereby covenants and agrees that the proceeds of any insurance which is required of the Purchaser by the terms of this instrument, or by any other agreement between it and the Government, to be placed on the properties hereby conveyed or any part thereof will be applied, upon damage to or destruction of the properties by fire or other insurable casualty, to a restoration thereof, unless the Purchaser is expressly released from such obligation by the Government.

ART. VII. *Subsequent transfers.* The Purchaser hereby covenants and agrees not to sell, lease, mortgage, pledge, or otherwise encumber the properties without expressly making such sale, lease, mortgage, pledge, or encumbrance subject to the provisions of this National Security Clause for the remainder of its term, with the right to enforce such provisions expressly stated as vested in the Government.

ART. VIII. *Parties.* The Purchaser and the Government mutually agree that the latter, in exercising its rights and carrying out its obligations under this National Security Clause shall act through the Secretary of Defense or such departments, agencies, or individuals as he may designate, which may include, without limitation, the Assistant Secretaries of Defense (S and L) and (P and I), the Departments of the Army, Navy, or Air Force, or the General Services Administration. References in this National Security Clause to the Government shall be deemed to refer as appropriate to the Secretary of Defense or such departments, agencies, or individuals, as he may designate.

ART. IX. *Redesignation of purpose and use of properties.* The Government hereby covenants and agrees that, upon a petition by the Purchaser for a change in the assigned function of the properties, it will re-evaluate the defense potential of the properties, both for the purposes for which they are designated for inclusion in the National Industrial Reserve and those for which it is requested they be redesignated, and will, if it deems the interests of national security are best served thereby, and upon tender by the Purchaser of whatever consideration may be requested, change their designation to that requested by the Purchaser. Conversely, the Government may, on its own initiative, recommend a redesignation to the Purchaser which, if acceptable to the latter, shall be put into effect. Redesignations under this paragraph may be made by written instrument only and may not be requested by the Purchaser more often than once in 6 months.

ART. X. *Modification or amendment of the National Security Clause.* The Government hereby covenants and agrees that, upon a petition by the Purchaser for a reconsideration of the particular applicability of any of the terms, conditions, reservations or restrictions of the National Security Clause, the Government will, if it deems the interests of national security are best served thereby, modify or amend the Clause to the degree it sees fit upon tender by the Purchaser of whatever consideration may be requested. Conversely, the Government may, on its own initiative, recommend modifications or amendments to the Purchaser which, if acceptable to the latter, shall be put into effect.

ART. XI. *Termination or revocation of the National Security Clause.* The Government and the Purchaser mutually covenant and agree that their respective obligations under this National Security Clause, except those of the Purchaser to reimburse the Government under Article III, or of the Government to furnish compensation under Article V, and except as may be otherwise specified herein, shall terminate 10 years following the date of this instrument or, in the event the Government is in possession at that time in accordance with Article IV (b), upon release of possession by the Government to the Grantee: *Provided, however,* That the Government, at its own election, or upon a petition by the Purchaser, may reconsider the necessity for continuing all or any part of the Clause in effect and shall, in the event it determines such necessity no longer exists, and upon tender by the Purchaser of whatever consideration may be requested, revoke the Clause, in whole or in part, by executing and delivering to the Purchaser a release or whatever instrument is necessary to remove the encumbrance of the Clause, or of a part thereof, from the properties.

ART. XII. *Disputes.* Disputes on questions of fact which cannot be resolved by agreement of the parties shall be decided by the Secretary of Defense or the instrumentality duly and expressly designated by him, whose decision shall be final and conclusive. In connection with any proceeding under this Article, the Purchaser shall be afforded an opportunity to be heard and to offer evidence in support of its own case. Pending final decision of a dispute hereunder, the Purchaser shall proceed diligently with the performance of its obligations under the Clause.

ART. XIII. *Recordation.* The Purchaser shall forthwith cause this instrument to be duly recorded and shall furnish satisfactory evidence of such to the Government.

ART. XIV. *Saving provision.* The Purchaser and the Government mutually covenant and agree that nothing in this Clause shall be contrued as affecting obligations of the Purchaser under any other provisions of this instrument, except that, in any cases of inconsistency or ambiguity, the provisions of this National Security Clause shall, to the extent that they impose any greater obligations on the Purchaser, be deemed controlling.

§ 111.454 *Modifications in National Security Clause.* The National Security Clause prescribed in this subpart may be modified or deviated from and specific provisions may be omitted for purposes of specific properties and transactions provided such modifications, deviations, or omissions or substance are approved by the Secretary of Defense before becoming binding upon the Government.

DISPOSALS OF PROPERTY SUBJECT TO THE NATIONAL SECURITY CLAUSE

§ 111.500 *Scope of §§ 111.500 to 111.506.* Sections 111.500 to 111.506 deal with the procedures for disposing of property in the National Industrial Reserve to private individuals, firms, corporations, or other persons, subject to the National Security Clause.

§ 111.501 *Specification of National Security Clause.* The Secretary of Defense may authorize disposition of specific properties, and will specify the National Security Clause and will notify the head of the disposal agency having control of each such property. If not otherwise specified, the National Security Clause formulated in this part shall be considered to be applicable.

§ 111.502 *Modification of National Security Clause.* In the event that any agency charged with the disposal of excess property in the National Industrial Reserve is unable to dispose of such property because the terms of the National Security Clause imposed upon it are unacceptable without modifications and substance, the head of such agency shall promptly notify the Secretary of Defense thereof, indicating the modifications in the disposal of the property. Upon receipt of such notification, the Secretary of Defense may, in his discretion, direct what, if any, modifications shall be made in the provisions of the National Security Clause applicable to the property, which modifications may, but need not, conform to the recommendations of the head of the disposal agency.

§ 111.503 *Qualifications of transferees.* In addition to any other requirements, disposals of property in the National Industrial Reserve shall be made only upon proof, satisfactory to the head of the disposal agency having control of such property, of the financial responsibility and integrity of the transferee, and of his or its ability to operate the property and knowledge of the technical problems involved.

§ 111.504 *Negotiation of terms of disposition.*

§ 111.504–1 *Responsibility of head of disposal agency.* Except as provided in § 111.504–2, negotiations for the sale, lease, or other disposition of a property in the National Industrial Reserve shall be the responsibility of the head of the disposal agency having control of the property. The terms of such disposition shall in all cases include the provisions of the National Security Clause as specified by the Secretary of Defense for the property, with such modifications as may be approved, but in other respects may be upon such terms and conditions as shall be mutually agreed upon by the head of the disposal agency and the transferee.

§ 111.504–2 *Negotiations by General Services Administration.* In the case of negotiations for the sale, lease or other disposition of a property in the National Industrial Reserve by the General Services Administration, terms and conditions negotiated by the General Services Administration, shall not become effective until they have either been approved by the Secretary of Defense or the Secretary of Defense has indicated that his approval of the particular transaction or type of transaction is not required.

§ 111.505 *Disposal procedures.* Subject to the regulations in this subchapter and to the extent not inconsistent with it, disposals of property in the National Industrial Reserve subject to the National Security Clause shall be governed by the rules, regulations, and procedures established by the disposal agency having control of such property.

§ 111.506 *Documentation.* Each disposal of property shall be documented in accordance with the rules, regulations and procedures of the disposal agency having control of the property, and, in addition, the Secretary of Defense shall be furnished with at least three conformed copies of all documents of transfer including any letters of intent, agreements and other documents containing the commitments of the parties to enter into the transaction.

TRANSFERS OF PROPERTY TO GENERAL SERVICES ADMINISTRATION

§ 111.550 *Scope of §§ 111.550 to 111.554* Sections 111.550 to 111.554 deal with the procedures for transfers of property to the General Services Administration to be held by it as a part of the National Industrial Reserve. Such property will ordinarily come to the General Services Administration as a result of the failure of other disposal agencies to dispose of it subject to the National Security Clause or authorized modifications thereof. It may be held by General Services Administration as custodian for an indefinite period of time, or it may be transferred or disposed of by the General Services Administration in accordance with directives of the Secretary of Defense.

§ 111.551 *Certification of unsalability and transfer directive.*

§ 111.551–1 *Determination by head of disposal agency.* Upon a determination by the head of a disposal agency that a particular excess industrial property in the National Industrial Reserve which is under its control cannot be disposed of subject to the National Security Clause, or a National Security Clause as modified in accordance with the provisions of § 111.502, after every practicable effort has been made, he shall give written notice to the Secretary of Defense certifying that such property is not salable subject to a National Security Clause.

§ 111.551–2 *Disposition or transfer by Secretary of Defense directive.* Upon receipt of a certification that a property is unsalable under the provisions of a National Security Clause, the Secretary of Defense may, in his discretion: (a) Direct the disposition of such plant in accordance with the provisions of §§ 111.600 to 111.606 or; (b) direct the certifying agency to transfer such property to the General Services Administration in accordance with the provisions of this subpart.

§ 111.551–3 *Limitation on necessity for modification of conditions.* It shall not be necessary, as a condition precedent to certification, transfer or disposal under §§ 111.551–1 and 111.551–2, to seek to dispose of any property under a modified National Security Clause, or to attempt to dispose of any property for a use other than the use for which it was designated for the National Industrial Reserve.

§ 111.552 *Transfer of possession, accountability and responsibility.* Transfer of possession, accountability and responsibility pursuant to directive of the Secretary of Defense in accordance with the provisions of § 111.551–2 shall be in accordance with such procedures as may be prescribed by the General Services Administration. Unless otherwise prescribed by the Secretary of Defense, transfers shall include the entire interest of the Government at the location of the property being transferred including the assignment of responsibility for administration of all agreements relating to such property; other than agreements secured by mortgage, lien, or other interests; the General Services Administration to assume the obligation of all such agreements as of the date of transfer. All such transfers shall be without reimbursement or transfer of funds and the property transferred shall continue to be held as a part of the National Industrial Reserve unless other instructions shall be received from the Secretary of Defense.

§ 111.553 *Documentation.* Each transfer of property to the General Services Administration shall be documented according to procedures specified by the General Services Administration, and the Secretary of Defense shall be furnished with at least three conformed copies of all documents of transfer.

§ 111.554 *Transfer of machine tools and industrial manufacturing equipment.* Machine tools and industrial manufacturing equipment which may be designated as a part of the National Industrial Reserve shall not be offered for disposal except as part of a plant which is to be disposed of, but shall be transferred to the General Services Administration in accordance with the provisions of this subpart. Transfers of such machine tools and equipment shall be accomplished without reimbursement or transfer of funds.

TRANSFERS OF PROPERTY FOR USE OF, OR OPERATION BY, OTHER GOVERNMENTAL DEPARTMENTS AND AGENCIES

§ 111.600 *Scope of §§ 111.600 to 111.606.* Sections 111.600 to 111.606 deal with the procedures for transfers of property in the National Industrial Reserve in the custody of the General Services Administration to other governmental departments and agencies, to be used or operated by such other departments or agencies while the property in question continues to constitute a part of the National Industrial Reserve.

§ 111.601 *Request for transfer.* The head of any governmental department or agency may present a written request to the Secretary of Defense for the transfer to his department or agency of any property in the National Industrial Reserve which is being held by the General Services Administration for the use of, or operation by, the department or agency on behalf of which the request is made. Such request shall be in writing, and shall set forth in detail the uses that are intended to be made of the property, the standard of maintenance that is contemplated, the effect of such use or operation upon the availability of the property for the purpose of national defense, and other contemplated terms and conditions of the proposed transfer. The department or agency so making a request shall furnish the Secretary of Defense with such additional information relating to the proposed use and operation of the property as the Secretary of Defense may request.

§ 111.602 *Terms of transfer.* The Secretary of Defense may deny any such request, or may offer to transfer the property requested upon terms other than those contained in the request.

except as may be otherwise specified herein, shall terminate 10 years following the date of

shall promptly notify the Secretary of

§ 111.603 *Direction to transfer.* The Secretary of Defense may, in his discretion and without request, direct that property in the National Industrial Reserve under the control of the General Services Administration be transferred to any one of the military departments of the Department of Defense or any other department or agency, with his consent for the use of, or operation by, such department or agency, without reimbursement.

§ 111.604 *Accountability and responsibility.* Upon completion of the transfer of the property, in accordance with the terms of transfer prescribed by the Secretary of Defense, and pursuant to the regulations and procedures of the disposal agency having control of the property prior to the transfer, the department or agency to which the property has been transferred shall be responsible for the proper maintenance of the property and for its availability for purposes of national defense, as prescribed by the Secretary of Defense in the terms of transfer.

§ 111.605 *Inspection and reports.* While subject to the use of, or operation by, such other governmental department or agency, the property shall be available for the engineering surveys and inspections provided for in §§ 111.400 to 111.404–2, and such department or agency shall adhere to the maintenance requirements specified in said § 111.400 and shall make such reports to the Secretary of Defense from time to time concerning the property's condition and availability, together with accounts of its operation, as may be requested by the Secretary of Defense.

§ 111.606 *Return of property.* Whenever such governmental department or agency has no further need for the use or operation of property transferred to it under this §§ 111.600 to 111.606 it shall promptly notify the Secretary of Defense. Upon receipt of such notice, the Secretary of Defense shall cause a review to be made of the justification for the retention of such property in the National Industrial Reserve, and if such retention is determined to be justified, the Secretary of Defense may (a) cause it to be transferred to another department or agency for its use in accordance with terms and conditions to be prescribed, or (b) direct it to be transferred to the General Services Administration to be held by it in the National Industrial Reserve.

LOAN OF PROPERTY IN THE NATIONAL INDUSTRIAL RESERVE TO NONPROFIT EDUCATIONAL INSTITUTIONS AND TRAINING SCHOOLS

§ 111.650. *Scope of §§ 111.650 to 111.654.* Sections 111.650 to 111.654 deal with the rules and procedures governing loans of property in the National Industrial Reserve by the General Services Administration to nonprofit educational institutions and training schools, as provided in the act. Such loans will be limited to certain machine tools and industrial manufacturing and laboratory equipment under the control of the General Services Administration.

§ 111.651 *Application for loan of property.* The head of any nonprofit educational institution or training school as defined in § 111.201–7 may make a written application to the General Services Administration for the loan of specific machine tools or industrial manufacturing equipment for the use of such institution or school in connection with a program of instruction. The application shall specify in detail the property requested, the nature of the program, and the number, age, and qualifications of the persons expected to participate in the program.

§ 111.652 *Investigation and report by General Services Administration.* Upon receipt of an application for a loan of property in the National Industrial Reserve the General Services Administration will cause an investigation to be made to determine (a) whether the applicant conforms to the definition contained in § 111.201–7, (b) the accuracy of the statements contained in the application, (c) the ability of the applicant properly to care for and maintain the property, (d) the importance of the property in question to the program of instruction, (e) the relative importance of the program as a means of training critically-needed skills, compared to the importance of preserving the productive capacity of the property for future use, and (f) such other facts as may be material. The results of such investigation will be reported by the General Services Administration to the Secretary of Defense together with its recommendation with respect to the granting or denying of the application.

§ 111.653 *Action by Secretary of Defense, conditions of loan.* The Secretary of Defense may in his discretion authorize or refuse to authorize such loan. In the event that it is authorized, the loan of the property applied for will be upon terms (a) requiring the property to be fully cared for and maintained by the applicant according to such standards as the Secretary of Defense may prescribe, (b) requiring the property to be kept available for immediate return upon request to the General Services Administration or such other Governmental department or agency, or other person as the Secretary of Defense may designate, and (c) requiring the applicant to assume all costs of transportation, maintenance, and insurance of the property while subject to the loan, so that the loan will be without expense to the Government.

§ 111.654 *Authorization to General Services Administration.* In the event that the Secretary of Defense approves the loan, the General Services Administration will be notified of such approval, and will be authorized to make the loan upon the conditions prescribed in § 111.653, and such other terms as the General Services Administration may prescribe.

DISPOSITION OF EXCESS INDUSTRIAL PROPERTY FREE OF NATIONAL SECURITY CLAUSE WHEN NO LONGER REQUIRED FOR NATIONAL INDUSTRIAL RESERVE

§ 111.700 *Scope of §§ 111.700 to 111.701–2.* Sections 111.700 to 111.701–2 deal with procedures for disposition of property in the National Industrial Reserve when it is no longer needed for such reserve.

§ 111.701 *Relinquishment or waiver of National Security Clause.* Whenever the Secretary of Defense shall determine that the retention of the productive capacity of an excess industrial property in the National Industrial Reserve (including a lesser part or interest than the entire property) is no longer essential to the national security, it will authorize the relinquishment or waiver of a part or all of the provisions of the National Security Clause applicable to such property.

§ 111.701–1 *Property under control of disposal agency.* If the property is under the control of a disposal agency, the Secretary of Defense will notify the head of such disposal agency of the relinquishment or waiver of the National Security Clause, and the property shall thereafter be offered for disposition free from the provisions so relinquished or waived.

§ 111.701–2 *Property under control of a transferee.* If the property has been disposed of to a transferee subject to a National Security Clause, the Secretary of Defense will relinquish or waive the National Security Clause.

FRANKLIN G. FLOETE,
Assistant Secretary of Defense, Properties and Installations.

T. P. PIKE,
Assistant Secretary of Defense, Supply and Logistics.

[F. R. Doc. 54–7689; Filed, Sept. 30, 1954; 8:45 a. m.]

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 535—PAYMENT OF BILLS AND ACCOUNTS

MISCELLANEOUS AMENDMENTS

In § 535.6, paragraph (i) is revised, and in § 535.9a, add paragraphs (l), (m), (n) and (o) as follows:

§ 535.6 *Discounts.* • • •

(i) (1) *Discount taken after deduction of export differential.* Where a contract for supplies provides that, as a consideration for furnishing the articles involved, the contractor should be paid the total sum specified therein, subject to a discount for prompt payment, but the contract price itself is subject to reduction with respect to such of the articles as are consigned for export shipment, the discount with respect to articles so consigned may be computed on the reduced contract price, that is, after deduction of the export differential, rather than on the full contract price, even

though there is no provision to that effect in the contract. (See 22 Comp. Gen. 846.)

(2) *Refund of excess discount deduction.* Under a contract containing a cash or prompt payment provision and a price redetermination clause, a contractor is entitled to refund of the amount of cash or prompt payment discount taken by the Government on that amount paid to the contractor under basic contract price which was in excess of amount finally determined to be due on contract after revision of the price under the price redetermination clause. (See 33 Comp. Gen. 364.)

• • • • •

§ 535.9a *Miscellaneous special cases.* • • •

(l) *Patent fees.* Payment of patent fees for services rendered by the Patent Office or the transfer of funds to the Patent Office for such services is not authorized. (See 32 Comp. Gen. 392; and 33id. 27.)

(m) *Fees for motor-vehicle-operators' permits.* When United States personnel assigned to duty in foreign countries are required to secure motor-vehicle-drivers' permits for the performance of their official duties, the fees for the payment of the permits will be paid from Government funds provided the employee's tenure of duty in such foreign country can be reasonably expected to be of such duration as to warrant the expenditure. (See B 115463, Sept. 18, 1953.)

(n) *Payment for supplies or services furnished subsequent to filing petition in bankruptcy.* (1) Where amounts have become due for supplies or services furnished the Government subsequent to the date the firm files a petition in bankruptcy, whether it be straight bankruptcy, arrangement or reorganization proceedings, payments for such services or supplies to operating trustees, receivers, or debtors in possession will be made, provided a proper court order has been issued authorizing the designee of the bankrupt to continue operation of the business, with apparent authority to assume and/or complete Government contracts and to collect amounts due or to become due the estate. The finance officer will require a copy of such orders for his records before making payments. It is not necessary to forward such claims to the Claims Division, General Accounting Office for direct settlement unless payment otherwise is doubtful, or there is a change in the status of the bankruptcy proceedings that will warrant forwarding of such claims to the General Accounting Office in order to protect the interest of the United States.

(2) Payments also may be made to a proper court designee in State insolvency proceedings for services and supplies furnished the United States subsequent to the initiating of such proceedings. Where State insolvency proceedings develop into Federal Bankruptcy Act proceedings the receiver or trustee under the Federal Bankruptcy Act proceedings who is authorized by the court to complete a Government contract, is entitled to payment of all amounts earned in the performance of such contract. This right to payment reverts back to the date the State insolvency proceedings were initiated provided there is no dispute between the State and Federal court designees as to who is entitled to payment of the amounts due or any portion thereof.

(3) No right of set-off exists in favor of the Government under subsection 68 (a) of the Bankruptcy Act (30 State. 565, as amended; 11 U. S. C. 108 (a)) on account of a bankrupt's indebtedness to the United States where amounts have become due for supplies and services furnished the Government subsequent to the filing of the petition in bankruptcy, whether it be straight bankruptcy, arrangement or reorganization proceedings. Amounts due from the Government which were earned by the bankrupt prior to the date the petition in bankruptcy was filed and where there are pre-existing debts in favor of the Government from the bankrupt, are subject to the Government's right of set-off pursuant to the mutual debts and credits provision of that subsection.

(o) *Registry fees on domestic airmail.* The appropriations of the various Government agencies are available for payment of registry fees on domestic matter sent by registered airmail from Washington, D. C., notwithstanding such appropriations are not available for payment of registry fees on domestic surface mail. See B 119219, May 18, 1954.

[C3, AR 35–3220, Sept. 13, 1954] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 54–7730; Filed, Sept. 30, 1954; 8:53 a. m.]

PART 536—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

1. In § 536.31, paragraph (b) is rescinded and following substituted therefor:

§ 536.31 *Policy.* • • •

(b) The amount of reward or reimbursement for actual expenses incurred incident to apprehension and detention or delivery will be charged against the absentee, deserter, or escaped military prisoner including a prisoner sentenced to discharge, whose discharge has not been executed.

• • • • •

2. In § 536.33, the opening portion is rescinded and the following substituted therefor:

§ 536.33 *Payment of reward.* Persons or agencies, except any salaried officer or employee of the Federal Government or service member, may be paid a reward for the apprehension and detention or delivery of absentees, deserters, or escaped military prisoners. A reward may be paid to civil authorities or nationals of foreign countries provided the major commander concerned, who has command responsibility for apprehension of absentees, deserters, or escaped military prisoners, believes that the local situation warrants such action and that satisfactory local arrangements can be made concerning the problems incident to apprehension. Persons or agencies must be in receipt of DD Form 553 (Absentee Wanted by the Armed Forces), or have been notified by military authorities or Federal law enforcement officers that the person is absent and that his return to military control is desired. Payment of the reward will be made to the person or agency who turns over or delivers to military control an absentee, deserter, or an escaped military prisoner. Such payments will be in full satisfaction of all expenses of apprehending, keeping and delivering the absentee, deserter, or escaped military prisoner. If two or more persons join in performing these services, payment will be made only to the person or agency recognized and designated by the military authority, at the time the service member is received, as having returned the member to military control. Payment of reward will be made when absentees, deserters, or escaped military prisoners voluntarily surrender to persons or agencies, other than salaried officers or employees of the Federal Government or service members, and such persons or agencies take them into custody and detain or deliver them to military control. Payment of a reward, however, will not be made to an attorney on whose advice the absentee, deserter, or escaped military prisoner surrenders himself. Payment will not be made merely for information leading to an apprehension, or for an apprehension not followed by the return to military control of the service member apprehended.

• • • • •

3. In § 536.34, the opening portion of paragraph (a) is rescinded and the following substituted therefor:

§ 536.34 *Reimbursement for actual expenses.* (a) Reimbursement for actual expenses incurred may be made not to exceed $25 in those cases when the absentee, deserter, or escaped military prisoner has been physically turned over to military control and when conditions for payment of a reward cannot otherwise be met. Reimbursement of actual expenses may be made to a person or agency ineligible to receive rewards, such as a salaried officer or employee of the Federal Government, a service member, or an attorney on whose advice the absentee, deserter, or escaped military prisoner surrenders himself to military authorities. Reimbursement for actual expenses may be paid to civil authorities or nationals of foreign countries provided the major commander concerned, who has command responsibility for apprehension of absentees, deserters, or escaped military prisoners, believes that the local situation warrants such action and that satisfactory local arrangements can be made concerning the problems incident to apprehension. Reasonable expenses for which reimbursement may be made include the following:

• • • • •

[AR 35-1570, Sept. 16, 1954] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-7731; Filed, Sept. 30, 1954; 8:53 a. m.]

PART 538—ALLOTMENTS OF PAY

ALLOTMENTS TO JOINT BANK ACCOUNTS

Section 53.9 *Allotments to joint bank accounts,* is revoked.

[C3, SR 35-1900-1, Sept. 3, 1954] (Sec. 16, 30 Stat. 981, as amended; 10 U. S. C. 894)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-7732; Filed, Sept. 30, 1954; 8:53 a. m.]

Subchapter D—Military Reservations and National Cemeteries

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

REAL ESTATE; CLAIMS FOR RENT, DAMAGE, AND OTHER PAYMENTS

Section 552.16a is rescinded and the following substituted therefor:

§ 552.16a *Real Estate; claims for rent, damage, and other payments*—(a) *Statutory provisions.* Except as otherwise provided by law all claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office. (R. S. 236, as amended by the act of June 10, 1921; 42 Stat. 24; 31 U. S. C. 71.)

(b) *Scope.* (1) This section applies to the investigation and settlement of claims for:

(i) Rent and payments for janitor, custodial, utility, and other similar contractual services;

(ii) Damage to real or personal property in excess of $1,000 (claims for damages which may be settled for $1,000 or less will be processed under applicable provisions of §§ 536.12 to 536.23 of this chapter), arising under the terms and conditions, whether express or implied, of leases or other contracts for the use and occupancy of real estate by the Department of the Army or arising from the use and occupancy of real estate by this Department with the express or implied consent of the owner thereof in the absence of any formal lease or similar contract.

(2) The provisions of subparagraph (1) (i) of this paragraph are applicable in the United States, its territories and possessions and in all overseas commands except in occupation zones. The provisions of subparagraph (1) (ii) of this paragraph are applicable in the United States, its territories and possessions only. Claims for damage to real or personal property arising in foreign countries will be processed in accordance with applicable provisions of § 536.26 of this chapter.

(c) *Other regulations applicable to particular cases*—(1) *Claims under the act of July 3, 1943.* The act of July 3, 1943 (57 Stat. 372; 31 U. S. C. 223b), as amended, provides for the payment of claims arising on or after May 27, 1941, except claims cognizable under part 2, Federal Tort Claims Act of August 2, 1946 (60 Stat. 842) as amended, for damage to or loss or destruction of real property caused by military or civilian employees of the Department of the Army or the Army while acting within the scope of their employment, or otherwise incident to noncombat activities of the Department of the Army or the Army, including claims for damage to real property not in excess of $1,000 (but not for rent or other payments) incident to the use and occupancy thereof under a lease express or implied, or otherwise, and including claims of the foregoing categories arising out of civil works (see §§ 536.12 to 536.23 of this chapter). Each division engineer, Corps of Engineers, United States Army, is authorized, subject to appeal to the Secretary of the Army, to approve or disapprove claims falling within the provisions of this subparagraph in an amount not in excess of $1,000.

(2) *Federal Tort Claims Act.* The Federal Tort Claims Act of August 2, 1946 (60 Stat. 842) as amended, provides for the payment of claims accruing on and after January 1, 1945 on account of damage to or loss of property, where the total amount of the claim does not exceed $1,000, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage or loss, in accordance with the law of the place where the act or omission occured. The Federal Tort Claims Act, with respect to claims cognizable thereunder repeals all prior provisions of law authorizing the administrative settlement of claims. The act, however, does not repeal provisions of law authorizing the administrative settlement of claims for damage to or loss of property not caused by any negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, or for the settlement of any other claim not cognizable under the act. See § 536.29 of this chapter.

(3) *Claims under the Uniform Code of Military Justice.* The Uniform Code of Military Justice, act of May 5, 1950 (64 Stat. 107; 50 U. S. C. 551-736) provides for the payment, by the offender through stoppage of pay, of certain claims for damage to or loss or destruction of property by members of the Armed Forces provided such damage, loss, or destruction is caused by riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent (see § 536.25 of this chapter).

(4) *Claims for damage to or loss or destruction of property, or for personal injury or death, caused by Army forces in foreign countries.* The act of January 2, 1942 (55 Stat. 880; 31 U. S. C. 224d), as amended, provides for the payment of claims to or loss or destruction of real or personal property (but not for rent or other payments) and for personal injury or death, caused by Army forces, or individual members (whether military personnel or civilian employees) thereof, or otherwise incident to noncombat activities of such forces, in a foreign country to public property located therein or to the privately owned property, or to the persons, or inhabitants of such country. See § 536.26 of this chapter.

[AR 25-405, Sept. 8, 1954] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-7733; Filed, Sept. 30, 1954; 8:54 a. m.]

Subchapter H—Supplies and Equipment

PART 621—LOAN OF PROPERTY

LOAN TO VETERANS' ORGANIZATIONS

The heading and paragraph (a) of § 621.1 are amended to read as follows:

§ 621.1 *Loan of Army-owned property to recognized veterans' organizations for use at National and State conventions*—(a) *Purpose.* The purpose of this section is to prescribe the procedures to be followed by the Department of the Army in implementing the provisions of Public Law 193—81st Congress, with respect to the loan of Army-owned property to recognized national veterans' organizations for use at national or State conventions, or national youth athletic or recreational tournaments sponsored by those veterans' organizations. Loans are not authorized in the case of other types of conventions.

• • • • •

[C2, SR 725-205-10, Sept. 8, 1954] (Sec. 1, 63 Stat. 483; 5 U. S. C. 150m)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-7734; Filed, Sept. 30, 1954; 8:54 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 6]

PART 153—SEIZURES INVOLVING CONTRABAND ARTICLES COVERED BY SECTION 1 (b) (1) OF THE ACT OF AUGUST 9, 1939

MISCELLANEOUS AMENDMENTS

Narcotic Regulations No. 6 (26 CFR Part 153) relating to seizures involving contraband narcotics are amended as follows:

1. Sections 153.4 (Article 4), 153.6 (Article 6), and 153.7 (Article 7) are each amended by striking therefrom the figure "$1,000" wherever it may appear and inserting in lieu thereof the figure "$2,500".

2. Sections 153.8 (Article 8) and 153.10 (Article 10) are amended by striking from each the words "Secretary of the Treasury" and inserting in lieu thereof the words "Commissioner of Narcotics".

3. Section 153.10 (Article 10) is further amended by striking therefrom the words "Treasury Department" and inserting in lieu thereof the words "Bureau of Narcotics".

(Sec. 8, 53 Stat. 1293; 49 U. S. C. 788)

Because the amendments made by this regulation merely give conformity to statutory amendments and delegation of authority provided by Reorganization Plan No. 26 of 1950, it is found unnecessary to issue this regulation with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This regulation shall be effective October 1, 1954.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7771; Filed, Sept. 30, 1954; 8:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1012]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR NATIONAL GUARD PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army for National Guard purposes:

Beginning at a point approximately 1½ miles northeast of Bethel, Alaska, from which U. S. C. and G. S. Station "Bethel Mag." latitude 60° 47' 08.692" N., longitude 161° 46' 21.865" W., bears S. 52° 23' 35" W., 10,620 feet, thence by metes and bounds: North, 295.16 feet; East, 295.16 feet; South, 295.16 feet; West, 295.16 feet, to point of beginning.

The tract described contains approximately 2.00 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1954.

[F. R. Doc. 54-7691; Filed, Sept. 30, 1954; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, immediately following § 6.30 insert the centerhead "Calculation of Time Period" and add new § 6.31.

§ 6.31 *Calculation of time period.* If the last day of any time period specified or allowed for filing applications for insurance, reinstatement of insurance, or for the payment of any premium due on United States Government life insurance shall fall on a Saturday, Sunday, or legal holiday, the time period will be extended to include the following workday.

2. Section 6.36 is revised to read as follows:

§ 6.36 *Computation of grace period.* For the purpose of determining whether a premium tendered on United States Government life insurance shall be accepted, the grace period for the payment of the premium shall be computed so as to include 31 days from and after the date on which the premium was due. But if the last day of the grace period falls on Saturday, Sunday, or a legal holiday, the premium will be accepted if tendered on the next following workday. The postmark date will govern the date on which the premium was tendered. The monthly premium when paid within the grace period shall be deemed to carry such insurance in force for the calendar month for which the premium was due. If a premium is not paid during the grace period, the effective date of the lapse shall be the due date of the premium in default.

3. Section 6.121 is revised to read as follows:

§ 6.121 *Definition of total permanent disability.* Total permanent disability as referred to in a United States Government life insurance policy is any impairment of mind or body which continuously renders it impossible for the disabled person to follow any substantially gainful occupation and which is founded upon conditions which render it reasonably certain that the total disability will continue throughout the life of the disabled person. The total permanent disability benefits may relate back to a date not exceeding 6 months prior to receipt of due proof of total permanent disability, and any premium paid after receipt of due proof of total permanent disability and within the 6 months shall be refunded without interest: *Provided,* That where the insured becomes or has become totally and permanently disabled while outside the continental limits of the United States and because of war conditions could not feasibly file claim therefor, such benefits may relate back to the beginning date of such disability but not prior to June 27, 1950: *Provided,* That claim therefor is filed within 1 year after discharge, or the insured's return to the continental limits of the United States, or prior to January 1, 1955, whichever is the earlier.

4. In § 6.164, the 5th undesignated paragraph of the Total Disability Provision beginning "Total disability as referred to herein * * *" is amended to read as follows:

§ 6.164 *Total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930.* * * *

Total disability as referred to herein is any impairment of mind or body which continuously renders it impossible for the disabled person to follow any substantially gainful occupation. The monthly income payments may relate back to a date not exceeding six months prior to receipt of due proof of such total disability but not prior to the first day of the fifth consecutive month of continuous total disability: *Provided,* That where the insured becomes or has become totally disabled while outside the continental limits of the United States and because of war conditions could not feasibly file claim therefor, such benefits may relate back to the first day of the fifth consecutive month of continuous total disability, but not prior to June 27, 1950: Provided claim therefor is filed within one year after discharge or the insured's return to the continental limits of the United States, or prior to January 1, 1955, whichever is the earlier. Without prejudice to any other cause of disability, the loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total disability, and monthly income payments for any of these specifically enumerated causes of total disability may be paid from the first day of the fifth consecutive month of such continuous total disability. However, such anatomical and functional loss shall not be deemed to be a total disability under a total disability provision originally issued subsequent to December 15, 1936.

• • • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, 65 Stat. 35; 38 U. S. C. 11a, 426, 707, 855. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

5. In Part 8, immediately following § 8.11 insert the centerhead "Calculation of Time Period" and add new § 8.12.

§ 8.12 *Calculation of time period.* If the last day of any time period specified or allowed for filing applications for insurance, reinstatement of insurance, or for the payment of any premium due on National Service life insurance shall fall on a Saturday, Sunday, or legal holiday, the time period will be extended to include the following workday.

6. Section 8.15 is revised to read as follows:

§ 8.15 *Computation of grace period.* For the purpose of determining whether a premium tendered on National Service life insurance shall be accepted, the grace period for the payment of the premium shall be computed so as to include 31 days from and after the date on which the premium was due. But if the last day of the grace period falls on Saturday, Sunday, or a legal holiday the premium will be accepted if tendered on the

next following workday. The postmark date will govern the date on which the premium was tendered. The monthly premium when paid within the grace period shall be deemed to carry such insurance in force for the month for which the premium was due. If a premium is not paid prior to the expiration of the grace period, the effective date of the lapse shall be the due date of the premium in default.

7. Section 8.98 is revised to read as follows:

§ 8.98 *Total disability income provision for National Service life insurance authorized by the National Service Life Insurance Act of 1940, as amended August 1, 1946.* The total disability income provision for National Service life insurance authorized by the National Service Life Insurance Act of 1940, as amended August 1, 1946, is as follows:

NATIONAL SERVICE LIFE INSURANCE

TOTAL DISABILITY INCOME PROVISION

Attached to and made a part of Policy No. ------ on the life of ----------. ------ age of insured.

Premiums

Monthly ----------
Quarterly ----------
Semiannual ----------
Annual ----------

If the insured becomes totally disabled before the anniversary of this policy nearest his sixtieth birthday and remains so disabled for at least six consecutive months, there will be paid to the insured, for as long as the total disability continues, a monthly income of $5 for each $1,000 of face amount of this policy, and the payment of the premiums for this provision (as well as for this policy) will be waived, subject to the following clauses (A) to (L):

(A) Total disability is defined as any one of the following:

(1) Any impairment of mind or body which continuously renders it impossible for the insured to follow any substantially gainful occupation.

(2) The permanent loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye.

(3) The total loss of hearing of both ears, or

(4) The organic loss of speech.

(B) Total disability must be continuous and must exist for at least six consecutive months. It must have started:

(1) Before the anniversary of the policy nearest the insured's 60th birthday,

(2) After the date of application for this provision or the effective date hereof, whichever is later, and

(3) While this provision is in effect.

(C) The insured must file written application for total disability income benefits and must file the required proof that clauses (A) and (B) above have been fulfilled. The required proof must be filed while this provision is in force or within 1 year after this provision has ceased to be in effect.

(D) The disability income payments will be paid from the first day of the seventh consecutive month of continuous total disability, except that if the total disability is not due to one of the specific causes listed in (A) (2), (A) (3), and (A) (4) above, the disability income payments will not relate back to a date more than 6 months prior to receipt at the Veterans Administration of the required proof: *Provided*, That where the insured becomes or has become totally disabled while outside the continental limits of the United States and because of war conditions could not feasibly file claim therefor, such benefits may relate back to the first day of the seventh consecutive month of total disability, but not prior to June 27, 1950: provided claim therefor is filed within 1 year after discharge or the insured's return to the continental limits of the United States, or prior to January 1, 1955, whichever is the earlier. Any disability income payments due the insured and not paid during his lifetime will be paid to the person entitled to the proceeds of this policy.

(E) Waiver of the payment of premiums for this provision (as well as for this policy) will be made effective with the first monthly premium due after the start of the continuous total disability, except that premiums due more than 1 year prior to receipt of claim will be waived only if the Administrator finds that the insured's failure to submit timely claim or satisfactory evidence of continuance of total disability was due to circumstances beyond the insured's control. Waiver of premiums will continue for as long as the total disability continues. Premiums paid to cover a period during which waiver of premiums is effective will be refunded without interest to the insured if living, otherwise to the person entitled to the proceeds of this policy.

(F) Notwithstanding the fact that proof of total disability may have been accepted as satisfactory, the Administrator may at any time require proof of continuance of total disability. If the insured fails to furnish evidence, satisfactory to the Administrator, of the continuance of such total disability, or if it appears to the Administrator that the insured is not totally disabled, no further total disability income payments will accrue and no further waiver of the payment of premiums will be granted. Thereafter, premiums on this policy (including this provision) will become due and payable as provided in the policy and in this provision.

(G) This provision will cease to be in effect, and no further premiums for it will be payable, on the anniversary of this policy nearest the insured's 60th birthday, or if this policy, or this provision lapses, or of this policy is surrendered for its net cash value, or for extended term insurance, or is surrendered for paid-up life insurance of less than $1,000, or if the policy matures as an endowment, or expires as term insurance.

(H) If this policy is surrendered for paid-up life insurance of not less than $1,000 face amount, this provision may be continued by the payment of the required premiums as they become due. In that event the face amount of this policy, for the purposes of this provision only, will be the largest multiple of $500 which does not exceed the amount of the paid-up life insurance.

(I) If this provision has lapsed, it may be reinstated provided the following requirements are met:

(1) A written application signed by the insured, and evidence of health satisfactory to the Administrator must be furnished.

(2) The required premiums and interest must be paid.

(J) If there is a change of plan under this policy which results in a larger premium for this provision, then in order to continue this provision there must be paid (1) the differences between premiums already paid for this provision and those that would have been paid for this provision had this policy been in force on the new plan when this provision originally became effective, and (2) interest on such differences at the rate of 3 percent a year compounded annually. To this extent the provision entitled "Change of plan" is modified.

(K) The benefits provided for in this provision will be in addition to all other benefits and privileges under this policy, including the participation in such dividends on this policy as may be determined by the Administrator. Disability income payments made under this provision will not reduce the face amount of this policy.

(L) This provision is granted in consideration of the application, evidence of good health, and payment of the monthly premium of $ ----- (in addition to the monthly premium stated on the face of this policy), and the payment thereafter of the same amount on each succeeding monthly premium due date of this policy. Premiums for this provision are payable until the anniversary of this policy nearest the insured's 60th birthday or until the end of the premium paying period of this policy, if earlier. If any premium for this provision is not paid before the end of the 31-day grace period, this provision will lapse as of the due date of that premium. Premiums for this provision may be paid quarterly, semiannually, or annually, in advance, but most be paid in the same manner as the premiums for this policy.

This provision takes effect on this ------ day of ----------, 19--.

[S] ADMINISTRATOR OF VETERANS AFFAIRS.

Registrar -------
VA Form 9-1667.

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective October 1, 1954.

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-7738; Filed, Sept. 30, 1954; 8:55 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

REQUIREMENT OF CONSTRUCTION WARRANTY

1. Immediately preceding § 36.4360 delete the centerhead "Section 505 (A) Loans."

2. A new § 36.4362 is added as follows:

§ 36.4362 *Requirement of construction warranty.* In implementation of section 801 (a), Public Law 560, 83d Congress, each certificate of reasonable value issued by the Administrator on or after October 1, 1954, relating to a proposed or newly constructed dwelling unit shall be subject to the express condition that the builder, seller, or the real party in interest in the transaction, shall deliver to the veteran constructing or purchasing such dwelling with the aid of a guaranteed or insured loan a warranty, in the form prescribed by the Administrator, that the property has been completed in substantial conformity with the plans and specifications upon which the Administrator based his valuation of the property, including any modification thereof, or changes or variations therein, approved in writing by the Administrator, and no certificate of guaranty or insurance credit shall be issued unless a copy of such warranty duly receipted by the purchaser is submitted with the loan papers.

(Sec. 8, 53 Stat. 1293; 49 U. S. C. 788)

This regulation is effective October 1, 1954.

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-7777; Filed, Sept. 30, 1954; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

ADMINISTRATIVE RULES AND PROCEDURES

Notice is hereby given that the Secretary of Agriculture is considering the approval of proposed amendments submitted by the Prune Administrative Committee, as set forth hereinafter, of the amended administrative rules and procedures (19 F. R. 5297) issued pursuant to the applicable provisions of Marketing Agreement No. 110, as further amended, and Marketing Order No. 93, as further amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining to the amendments hereinafter set forth which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the tenth day after the date of publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday or Saturday or Sunday, such submission will be received by the Director not later than the close of business on the next following business day.

The proposed amendments are as follows:

1. Amend the provisions of § 993.105 to read as follows:

§ 993.105 *Lot.* "Lot" as used in §§ 993.148 and 993.150 (a) means (a) any number of tenders accepted by a handler from one producer or from one dehydrator, the net weight of which does not exceed 50,000 pounds in the aggregate, or (b) in the event a single tender has a net weight in excess of 50,000 pounds, any portion of such tender, the net weight of which does not exceed 50,000 pounds: *Provided*, That no lot shall include prunes of any tender that is not tentatively accepted by the handler on the same day as other tenders included in such lot, except that this time limitation shall not apply to prunes tendered exclusively in "ton box" containers or to prunes tendered in lug boxes on pallets and remaining intact thereon: *And provided further*, That each lot of prunes shall be reasonably uniform in quality and condition, and shall not include any container of prunes which obviously is inferior in quality or condition to the quality and condition of the prunes in the rest of the containers in such lot.

2. Amend the provisions of § 993.148 (b) (1) relating to incoming inspection to read as follows:

§ 993.148 *Receiving of prunes by handlers.* • • •

(b) *Incoming inspection*—(1) *General.* For each tender of prunes made to a handler by a producer or dehydrator, the handler shall, immediately upon tentative acceptance thereof, issue to the producer or dehydrator a door receipt or weight certificate showing the name and address of such producer or dehydrator, the weight of the tender, and any other information necessary to identify the tender. Any prunes so tendered to a handler must, prior to their acceptance, be inspected at an inspection station, and in order to be received as standard prunes must be certified as standard prunes. The handler shall identify each tender tentatively accepted by him pending inspection with its corresponding door receipt or weight certificate until the prunes in such tender have been inspected and accepted by him or returned to the producer or dehydrator tendering the prunes. A separate inspection shall be made of each lot and an inspection certificate shall be limited to the prunes included in one lot. Certification of any lot shall be made and computed on the basis of the net weight of prunes included in such lot, and the handler shall supply such information to the inspector. At the time of inspection of any lot, the handler shall provide the inspector with any assistance necessary in drawing samples. When necessary, in order to perform proper inspection, the inspector may require the handler to dump containers to permit proper sampling. Each lot shall be inspected immediately following tentative acceptance by a handler of all of the prunes to be included in such lot, except that any lot of prunes tendered to a handler by a producer or dehydrator in "ton box" containers or tendered in lug boxes on pallets and remaining intact thereon which cannot be dumped for sampling at the time of such acceptance, because of inadequate handling equipment, may be held for later inspection: *Provided*, That each lot of prunes so held is identified by the handler to the satisfaction of the inspector until the lot is inspected. After inspection, each lot of prunes shall be promptly accepted by the handler or returned to the producer or dehydrator. When a lot of prunes is inspected at other than a handler's plant, the inspector shall forward with such lot to the handler, the handler's copies of the certificate.

3. Amend the provisions of § 993.161 (e) to read as follows:

§ 993.161 *Surplus tonnage.* • • •

(e) *Diversion privileges.* Any producer who desires to divert prunes in accordance with the provisions of § 993.62 shall make application to the committee for permission to avail himself of such privilege on Form PAC 10.1, "Application for Green Diversion of Prunes," containing the following information: (1) The date and the name and address of the applicant; (2) the exact location of the orchard or orchards or the name and location of the dehydrator at which the diversion is to take place; (3) the total bearing acreage of prunes operated by the applicant; (4) the applicant's estimate of his then current crop of prunes in equivalent dried tons; (5) the applicant's estimate of the dried tonnage equivalent of the quantity proposed for green diversion; (6) the proposed method of diversion, if harvested, indicating whether the prunes are to be fed to livestock or otherwise destroyed; (7) the proposed method of diversion, if unharvested, indicating whether the prunes are to be diverted by disking, pasturing, or irrigating the orchard; (8) the period during which diversion will take place, and the estimated date on which proof thereof can be supplied; (9) the name and address of the handler to whom salable tonnage covered by the diversion certificate, together with such certificate, will be delivered, if known; and (10) the name and address of the producer or other person to whom the diversion certificate will be transferred, if known. Each such application submitted to the committee shall be accompanied by a deposit of $25.00 to apply against the costs of appraisal and supervision: *Provided*, That in the event diversion is accomplished at one dehydrator location and four or more producers shall designate the dehydrator as their agent for the purpose of accomplishing the green diversion, a deposit of $100.00 shall be made by such dehydrator. The charge for any diversion certificate so issued shall be based on actual costs: *Provided*, That the charge for the issuance of any such certificate shall not exceed $3.00 per ton, or fractional part of a ton in excess of one-half ton, on a dried weight basis, of prunes diverted, but there shall be a minimum charge of $25.00 in the event the amount to be charged on such basis would be less than $25.00: *And provided further*, That the minimum charge shall be $100.00 in the event four or more producers shall designate a dehydrator as their agent for the purpose of green diversion at one location. In the event an application is rejected without an appraisal being made, the committee shall remit the full amount of the applicant's deposit. If an application is rejected or withdrawn after an appraisal is made, the committee shall remit to the applicant that portion of the deposit which is over and above the actual cost of the appraisal. The committee shall notify the applicant promptly of its decision, and, upon submission of proof of diversion satisfactory to the committee, it shall issue a diversion certificate.

Issued this 28th day of September 1954.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

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therefor, such benefits may relate back to the face amount of this policy.

[F. R. Doc. 54-7511; Filed, Sept. 30, 1954; 8:56 a. m.]

[7 CFR Part 995]

[Docket No. AO-197-A2 RO-1]

HANDLING OF MILK IN LIMA OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Lima, Ohio on August 17–19, 1953 pursuant to notice thereof which was issued on July 23, 1953 (18 F. R. 4407). The hearing was reopened in Lima on May 27, 1954, pursuant to notice thereof which was issued on May 22, 1954 (19 F. R. 2985).

The material issues of record were concerned with the following:

(1) Extending the marketing area to include all of Allen County, instead of only the city of Lima, and to include Hancock County, and the city of Findlay, its principal center of population;

(2) Modifying the definition of a producer-handler;

(3) Including a cheese pricing formula as one of the basic formula prices;

(4) Increasing the Class I differentials;

(5) Modifying the provisions applicable to milk received from sources other than producers;

(6) Reclassifying and raising the price of milk used in ice cream and cottage cheese;

(7) Stating class prices in terms of an amount per hundredweight of milk of a basic butterfat content, instead of quoting separate prices for the butterfat and skim milk components;

(8) Modifying the pooling provisions to provide for individual-handler pooling or for an adjustment of prices paid to producers that would be based upon the respective utilization of milk in the Lima and the Findlay portions of the marketing area;

(9) Adopting a modified form of the base-rating plan for encouraging a more uniform seasonal pattern of production;

(10) Modifying the determination of the rate of partial payments to producers for milk delivered during the first 15 days of the month;

(11) Modifying the provision relating to payments to cooperative associations for services performed on behalf of producer-members; and

(12) Allowing a certain type of custom-bottling arrangement to be excluded from the pricing provisions of the order.

The Deputy Administrator's recommended decision on the issues considered at the original hearing was filed March 5, 1954 (19 F. R. 1343, F. R. Document 54–1715). A further recommended decision was filed August 9, 1954 (19 F. R. 5039, F. R. Document 54–6236).

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) *Marketing area.* The marketing area should be expanded by including the city of Findlay and all of Allen County, both in the state of Ohio. However, the territory in Hancock County which is outside of the corporate limits of Findlay should not be included.

Findlay is located 32 miles northeast of Lima. The city had a 1950 population of 24,000, as compared with a population in Lima of 50,000. The need for extending Federal regulation to Findlay arises primarily from pricing problems. Handlers in Findlay pay for milk purchased from producers at a flat price rather than at prices determined in accordance with the classified use of milk.

Under this method of pricing producers are unable to ascertain the quantities of milk used by the handlers for fluid milk purposes or the quantities of daily and seasonal excess which must be converted into manufactured dairy products. In the absence of this information they cannot determine the appropriate level of price for the milk they sell to handlers. Under a classified price plan all handlers are charged the same Class I price for all milk utilized in bottled form, such price being higher than prices paid for milk for manufacture by an amount sufficient to compensate producers for the added costs involved in meeting the higher sanitary standards, providing a year-around supply, and transporting the milk for the longer distances which usually characterize a city milk supply. Class II milk, not needed for fluid purposes, is priced at the manufacturing level.

The absence of a classified price plan also results in differences in the cost of milk for each use as between handlers in the Findlay area. If, for example, all handlers paid the same flat price to producers, a handler who sold a larger than average proportion of his milk in bottled form would have a competitive advantage in the sale of his product over the other handlers. However, the Findlay handlers have not paid the same flat prices in recent months. Without consulting the officials of the producers' association one of the major handlers in Findlay has paid an average of the blend prices under the Toledo and Lima orders, whereas the other also averages in the minimum order price payable to producers at the Cleveland pool plant located in Findlay.

The difference in handlers' costs is an obvious problem in the areas where handlers under the Lima order are directly competitive with Findlay handlers. The Lima handlers, of course, purchase their milk under a classified price plan and are obligated to pay the full Class I price on all sales of fluid milk.

These variations in price plans and in net prices paid to producers as between the Findlay handlers themselves and as between the Findlay and Lima handlers have created dissatisfaction among producers and have further implications. A condition of unequal costs among the handlers, in accordance with use, may cause them to attempt to economize by reducing prices to producers. This in turn would tend to stimulate successive price reductions by competitors. This development is contrary to the interests of producers and over a period of time may jeopardize an adequate supply of milk.

Extending the order to the Findlay handlers will price milk to each handler strictly in accordance with the use each individual handler makes of the milk. Such utilization will be subject to audit by the market administrator. Under an order the butterfat tests and weight of producer milk delivered by any shippers who are not members of a cooperative association already furnishing such service will be checked by the market administrator. Also publication of complete data on supplies and utilization will promote stability in the market through the availability of accurate information to all interested parties and to the public at large.

The need for an order in Findlay could conceivably be met either by establishing a separate order for that territory or by combining it with Lima. Despite the distance between the two cities, milk marketing conditions are sufficiently interrelated to make it desirable to combine them in a single marketing area.

The supply interrelationships are close in several respects. The Lima and Findlay milksheds are virtually co-extensive; only a comparatively small portion of the Findlay supply area, to the east of Findlay and in Seneca County is outside of the procurement area of Lima. Another common element of supply is that a large proportion of the producers supplying milk to each market are members of the Northwestern Cooperative Sales Association. A third similarity is that the supply area for the Toledo, Ohio market overlaps the northern portions of both the Findlay and Lima milksheds, and the bulk of the Toledo shippers are also members of the Northwestern Cooperative Sales Association. Finally, both the Lima and Findlay milksheds are integral parts of the Cleveland milkshed. Cleveland draws its supplies from the entire northern portion of Ohio, the northeast portion of Indiana, and southeastern Michigan. The Belle-Vernon Milk Company of Cleveland operates supply plants both in Lima and in Findlay. A portion of the milk is bottled and distributed locally from the Lima plant though that at Findlay is strictly a supply plant for Cleveland and no sales are made locally. Producers shipping to these Cleveland plants in Lima and Findlay are, of course, interspersed among producers shipping to the local handlers in Lima and Findlay and in each case the number of Cleveland shippers is a substantial proportion of the total shippers.

There is also considerable competition between Lima and Findlay distributors. One of the major Lima handlers distributes milk in and around Findlay. Handlers from both markets compete extensively with each other in territories outside of the two cities and one handler from each market competes with the other in sales territory extending over much of northwestern Ohio.

The health regulations applicable to milk sold in both Lima and Findlay are substantially equal. Both ordinances are patterned after the United States Public Health Service's model for Grade A milk. A demonstration of the similarity is the fact, previously mentioned, that a Lima handler distributes milk in Findlay. It follows that, insofar as health department regulations and procedures are concerned, the two cities may properly be considered as a single marketing area.

At a hearing held in June 1952, producers and handlers in Lima supported the inclusion of all of Allen County in the marketing area. Under that proposal all milk sold in the County for Class I purposes would be subject to the order. In the current proceeding, the Lima handlers incorporated their previous testimony to support the inclusion of Allen County at the present time. At the reopened hearing on May 27, 1954, producers also supported an extension of the area to include all of Allen County.

The health officer who administers both the Lima and the Allen County General Health District milk regulations testified that although identical regulations had been formally adopted for both areas, not all of the plants distributing milk in Allen County had as yet been granted Grade A permits. However, all such plants and the producer patrons were in process of qualifying for Grade A permits. Since the definitions of "Grade A milk," "producer," and "fluid milk plant" in the attached order apply only to fully accredited Grade A supplies of milk, it is appropriate to extend the marketing area to include all of Allen County. The pricing and other provisions of the order would become fully applicable and would be appropriate as soon as the supplies were fully qualified as Grade A.

There is no effective Grade A ordinance in Hancock County outside the city of Findlay and the price structure which is suitable for encouraging a supply of Grade A milk is not applicable to the production of non Grade A milk. The territory outside of Findlay should not, therefore, be included in the marketing area.

(2) *Producer-handler.* Handlers proposed that the definition of producer-handler be limited to a handler who obtained his entire supply from his own production.

The order now provides only that a producer-handler not receive any milk from other producers. He is permitted, however, to purchase supplemental supplies of milk either from regulated handlers or from plants which are not regulated under the order.

It was maintained that this provision would allow a producer-handler to purchase non Grade A milk from manufacturing plants at lower prices than handlers are required to pay for Grade A milk for Class I purposes, thereby allowing the producer-handler a competitive advantage. However, the health regulations requiring that only Grade A milk be sold in the marketing area are as fully applicable to that sold by handlers qualifying under the order as producer-handlers as to other handlers. It is concluded that no change should be made in the definition of a producer-handler.

(3) *Basic formula price.* Considerable attention was given at the hearing to a proposal by producers that a basic formula price representing the value of milk used for cheese making be included as one of the basic formula prices. However, in view of the recommended adoption of the Cleveland Class I price less a location differential, there is no need for separate basic formula price computations for the Lima marketing area and they should be deleted.

(4) *Class I milk prices.* The Class I price should be equal to the Class I price under Order No. 75 regulating the handling of milk in the Cleveland, Ohio, marketing area, less the Class I location adjustment effective at a pool plant location in Lima. The lower price which applies to the butterfat and skim milk content of cream under the Cleveland order should also apply in Lima.

Milk marketing conditions in Lima and Findlay are closely related to those prevailing in the Cleveland market. Several elements which these markets have in common were described in the preceding section on marketing area.

Supply conditions in Lima and Findlay are particularly closely related to those in Cleveland. The volume of milk received at the Cleveland pool plant in Lima is three-fourths as large as that received at the local distributing plants in Lima. In Findlay the volume received at the Cleveland pool plant is as large as the total locally used supply. The producers delivering to the Cleveland pool plants are, of course, interspersed with those delivering to the local handlers. In addition the Cleveland milkshed completely envelops the Lima and Findlay supply area.

Distribution of milk in Lima and Findlay is also in direct competition with Cleveland. The operator of the Cleveland pool plant in Lima also distributes milk in and around Lima from such plant, in direct competition with the other Lima handlers. One other Cleveland handler also distributes milk in Lima and in other territory in northwestern Ohio in direct competition with Lima handlers. This milk is processed and delivered from the handler's plant located in the city of Cleveland. The extent of competition between the Lima and Findlay handlers has already been described.

The Class I location differential under the Cleveland order is 22 cents at Findlay and 28 cents at Lima. Such differential applies to milk shipped into Cleveland from supply plants in Lima and Findlay and also applies to the local Class I sales of milk by the Cleveland pool plant located in Lima. The same differentials apply to payments to producers at the Cleveland pool plants. It is, therefore, appropriate that the Cleveland location differential in effect at the Lima pool plant be applied to the Lima market.

By adopting the Cleveland Class I price less the location differential as the local price, the local handlers will be on a uniform competitive basis with each other and on a substantially uniform basis with the Cleveland handler whose plant is located in Lima. Blend prices payable to producers will not necessarily be uniform as between the Cleveland and local shippers; rather the blend prices will reflect any differences which may prevail between the local markets and Cleveland in the level of Class II and Class III prices and in the proportion of milk which is utilized for Class I purpose.

The stated Class I differentials in Cleveland, less a location adjustment of 28 cents are at an annual average of $1.28 per hundredweight. The annual average Class I differential under the present order in Lima is $1.225. However, the Cleveland differential is subject to a supply-demand adjustment. Supplies in the Cleveland market had been larger than normal in relation to sales in each month from March 1952 to the date of the hearing and would have resulted in negative supply-demand adjustments throughout the period of a magnitude which would have more than offset the 5½ cent difference.

In any event the change in pricing is not designed either to raise or lower price levels but rather to integrate pricing in Lima and Findlay with that prevailing in Cleveland.

Cleveland pricing will provide greater seasonal variation. The recommended Class I price differentials, exclusive of the operation of the supply-demand adjustment, will be 72 cents in April, May, and June, $1.17 in February, March, and July, and $1.62 in August through January compared with prices of 85 cents, $1.15, and $1.45 in corresponding months under the present Lima order.

A single Class I price should be applied in Lima and Findlay in lieu of a 6-cent difference in prices proposed by producers. The Lima and Findlay handlers are so directly competitive that no Class I price differential between them is justified.

(5) *Other source milk.* In the Lima marketing area there are several sources of milk received by handlers other than the regular shippers which are defined as "producers" under the order. Substantial quantities of other source milk come from other Federally regulated marketing areas. As previously mentioned, milk is distributed in the Lima area from the Cleveland pool plant located in that city. Another example consists of the distribution of milk in Lima by a Cleveland handler who supplies such milk from his Cleveland plant. Also, it was testified at the hearing that sizeable quantities of milk in two-quart containers of milk packaged in Toledo are sold by a Findlay handler.

The allocation of milk from other Federal areas as other source receipts under the Lima order would create serious problems. The order presently provides that all other source milk (whether from unregulated or other Federal sources) be allocated first to any Class II utilization by the Lima handler. This provision has no effect on those handlers described above who distribute milk in Lima from plants subject to the Cleveland order, since they have no producers under the Lima order. The provision would, however, affect a handler such as the one at Findlay who supplies part of his sales by milk from local producers and part by milk bottled in two-quart containers at a Toledo plant subject to Federal regulation. In this case the producer milk under the Lima order, which would otherwise be assigned to Class II use, will be allocated instead to

upon the basis of the record of the hearing:

development is contrary to the interests

A demonstration of the similarity is the

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may prevail between the local markets

Class II use, will be allocated instead to

Class I to the extent of the receipts of the other Federal order milk. Clearly, the seasonal and daily reserves of milk necessary to supply the exact quantities of 2-quart milk was carried by Toledo producers, while the producers at the Findlay plant would get Class I credit for milk which should properly be considered as reserve supply for the quantities of milk actually bottled at the Findlay plant for fluid distribution. Accordingly, milk in bottled form, classified and priced under another Federal order should be exempt from the allocation provisions as well as the pricing provisions of this order.

However, bulk milk from other Federal areas which might be expected to be purchased to supplement a handler's local supplies should continue to be allocated first to Class II, in the same fashion as other source milk from unregulated plants. Such allocation will encourage handlers to purchase other source milk only when producer milk is not available. At such times, of course, there would be little or no producer milk in Class II to be affected by the allocation.

It will be recognized that the above mentioned distinction between the bulk and packaged milk is also a distinction between regular and irregular sources of supply. Under present conditions the two are synonymous, but if marketing conditions change, further changes in the order provisions may be desirable.

There is no need to continue the present provision for charging a compensatory payment on Lima Class I sales of milk from other Federally regulated markets whenever the other order price is below the Lima Class I price. The adoption of Cleveland pricing in Lima removes any possibility of Class I price differences between these two markets, and prices in the other regulated markets from which the Lima market draws milk are also closely aligned with Cleveland.

Other source milk may, of course, be received from sources which are not under Federal regulation. Handlers in both Lima and Findlay purchase manufacturing grades of milk and cream for ice cream and other Class II uses. Such purchases do not, however, constitute any problem in the actual or potential displacement of Class I sales of producer milk since such milk is not eligible for sale as bottled milk. The principal category of other source milk which is purchased by handlers for Class I purposes consists of milk packaged in two-quart containers. Handlers who do not have two-quart bottling facilities in their Lima and Findlay plants obtain such milk from sources which do not qualify as fluid milk plants under the Lima order. The order presently provides that such other source milk be allocated to each handler's Class II utilization, thereby giving producer milk the priority on Class I utilization. It follows that so long as each handler's Class II utilization exceeds the quantities of milk in two-quart containers sold as Class I in the marketing area, the other source milk will not displace producer milk in Class I. Any supplemental milk which might be purchased by a handler in bulk form is subject to the same allocation provisions. These allocation provisions of the order appear to have been adequate to prevent milk from unregulated sources from being assigned to Class I to displace producer milk. The local handlers have maintained adequate supplies of milk from the regularly inspected producers. It appears from the record that a similar situation exists in Findlay.

(6) *Class II price.* Producers originally proposed that butterfat and skim milk used in the manufacture of ice cream and cottage cheese be classified separately and priced on the basis of market prices for butter and non-fat dry milk solids. At the hearing this proposal was modified to leave the classification system unchanged but raise the price of all Class II milk by 10 cents per hundredweight in the months of August through March. The Class II price is determined by averaging the prices paid for milk of 3.5 percent butterfat content at five local milk manufacturing plants.

The recommended increase in prices was based mainly on a contention that premiums in excess of the stated prices are commonly paid to shippers at the local manufacturing plants. However, actual data with respect to such premiums were too few to be representative of the entire group of plants and did not cover a sufficient period of time to permit an analysis of the conditions under which premiums are most likely to prevail.

The point was also made that most Class II milk in the Lima market is utilized in the manufacture of ice cream and cottage cheese and that skim milk and cream so utilized commands a higher price than milk for general manufacturing purposes. Data were presented to show that cottage cheese and ice cream are not always the principal outlet for Class II milk. In all of the first 7 months of 1953 the quantities of producer skim milk classified as Class II were substantially in excess of the total quantities of skim milk utilized by the regulated handlers for ice cream and cottage cheese. Producer butterfat was also in excess of the quantities used in these two products during the period January through April but not in the months of May, June, and July. A review of similar data for the 41-month period from the inception of the order in August 1949 through December 1952 shows that producer skim milk was in excess of ice cream and cottage cheese requirements only during six months and that butterfat was in excess only within 14 months. However, it is problematical whether the quantities of producer milk classified as Class II will again decline to the point where the skim milk and butterfat can be utilized principally in ice cream and cottage cheese.

It is concluded that the Class II price should not be changed.

(7) *Method of stating class prices.* The notice announcing the original hearing contained a proposal submitted by the producers' association calling for a revision of the order to provide that class prices for milk be stated in terms of a hundredweight of milk of basic butterfat content, with differentials for each one-tenth of a percent that actual butterfat test varied from the base test. The proposal was not supported at the hearing in August, 1953 but was considered at the reopened hearing.

The butterfat and skim milk utilized in each class is accounted for separately under most of the Federal orders, including all these in Ohio. The price per hundredweight of milk must, of course, be allocated to the skim milk and butterfat components. In most orders throughout the United States this is accomplished by specifying a basic butterfat test and a butterfat differential, which is the amount to be added or subtracted from the announced price for each one tenth of one percent variation in butterfat content. Under the Cleveland, Stark County, and Lima orders the 3.5 percent price is only an intermediate computation; official class prices are then computed and announced separately per hundredweight of butterfat and per hundredweight of skim milk. There is no substantive difference between the two means of computing and announcing class prices. However, the butterfat differential method is more simply stated, focuses attention on the 3.5 price, and is used in the great majority of orders which utilize a butterfat and skim milk accounting system.

Possible changes in the relative values of the skim milk and butterfat components of Class I and Class II milk were not considered at the hearing. The butterfat differentials should, therefore, be as closely aligned as possible with the relative values previously in effect. In 1953 the value of Class I butterfat ranged from 1.44 times the market price of butter in the summer months to 1.65 in the fall months. The average factor was 1.55 and this should be adopted as the Class I butterfat differential. The value of Class II butterfat averaged only 1.04 times the butter price in the same year. However, the local plant pay prices which establish the Class II price under the order were substantially below their normal relationship to the market prices of butter and nonfat dry milk solids. In the basic butter-powder formula presently included in the order, the value of butterfat is 1.14 times the market price of butter. It is concluded that a Class II butterfat differential of 1.10 times the butter price should be adopted, since it would provide a more nearly normal allocation value between butterfat and skim milk than the 1953 experience.

(8) *Pooling.* The order should be amended to provide for the distribution of returns to producers on the basis of individual-handler pools instead of a marketwide pool.

The producers originally proposed that handlers be identified with either the Findlay or Lima portion of the marketing area and that payments to producers be adjusted in accordance with the average utilization of the group of handlers to whom they ship. The proposal was based upon partial data indicating that the handlers in Findlay have a higher proportion of Class I sales than those in Lima.

However, the possibility of achieving essentially the same result by individual-handler pooling throughout the extended marketing area was also discussed at the hearing and strongly endorsed by producers. They cited their satisfactory experience with individual-handler pooling under the Toledo order and their original support for the same type of pooling at the promulgation hearing in Lima as grounds for such endorsement.

Under this method of distributing returns to producers each handler's obligations are the same as under a marketwide pool. Each handler pays for milk at Class prices in accordance with the quantities utilized in each Class. However, the producers supplying each handler are paid the blend price resulting from that handler's utilization instead of being paid the blend price equal to the average utilization of all handlers in the market.

Handlers in the Findlay portion of the marketing area, not heretofore subject to an order, have been purchasing milk under procedures more nearly analogous to individual-handler than to marketwide pooling to the extent that they have had to compete directly with each other in the purchase of milk without sharing any differences in utilization through the mechanism of a marketwide pool and equalization fund. It was testified that in Lima none of the handlers have made such substantial changes in their operations under a marketwide pool as to create undue difficulty in adjusting their purchasing of milk from producers to a system of individual-handler pooling.

Individual-handler pooling was considered further at the reopened session of the hearing, on May 27, 1954. The producers' association and the handlers whose principal business is in the Findlay portion of the marketing area strongly favored individual handler pooling as a means of returning to the producers supplying each handler the sales proceeds reflecting the class utilization of milk by each separate handler.

(9) *Seasonal variation in production.* Producers proposed that a modified form of the base-rating plan be adopted to encourage more even production throughout all seasons of the year. It would apply only during May and June of each year. In these months a producer who delivered more than twice as much milk per day as during the preceding October, November, and December would be paid for such excess at the Class II price. In successive years the excess production in May and June would be computed at 180 percent, 160 percent, and 140 percent of production in the previous fall.

The order now relies upon seasonal variation in the stated Class I price differential and basic formula prices to encourage level production. The stated Class I differential ranges from 85 cents in 3 spring months to $1.45 in 6 late summer and fall months. Adoption of Cleveland pricing for Lima would provide a greater seasonal variation, namely from 75 cents to $1.65.

Where primary reliance is placed on a base-rating plan, there is usually no seasonal variation in the Class I differential. Any lower price in the spring months, when the base plan is designed to exert its greatest effect, would reduce the difference between the base and excess prices, thereby reducing the price reward for the producer who achieved a high base the previous fall, while correspondingly reducing the price penalty on the uneven, low-base producer. Another shortcoming of the proposal is that no rules are provided for producers who failed to deliver throughout the October-December period, for producers who joined the market in the spring, or for changes in partnership status.

At the reopened hearing one of the handlers proposed a more thorough base-rating plan. Bases would be established during September through November and apply during the following March through August.

No change in the seasonal pattern of pricing was proposed. As already mentioned, the low Class I price differentials prevailing during April, May, and June, would leave room for but little difference between the base and excess prices. This handicap was acknowledged by the proponents, but the usual practice of having little or no seasonal difference in the Class I price would leave Lima prices seriously out of line with the Cleveland prices. Moreover, production in the Lima milkshed is already substantially more uniform during the year than in the Cleveland milkshed and it would not appear that the local market requires a greater incentive than the increased seasonal price differences provided herein.

It is concluded that neither of the base-rating proposals should be adopted.

(10) *Partial payments.* The order now provides that each handler shall pay producers for milk received during the first 15 days of the delivery month at a rate equal to the uniform price during the preceding month. This payment is designed to serve as an advance to producers, the final payment for the deliveries, during the entire month being made on or before the 18th of the following month.

The rate at which advance payments are computed under the order has occasionally caused difficulty. These problems are particularly likely to arise during the spring months when Clsss I prices decline seasonally. In such circumstances a partial payment based upon the previous month's prices accounts for considerably more than half of the total amount due for the month. In occasional instances, when a producer's deliveries during the second half of the month are substantially less than deliveries during the first 15 days, a producer may actually receive a greater partial payment than the total amount due him for the entire month.

The partial payments should be so computed as to make them more accurately reflect prices during the delivery month. Producers proposed that the rate of partial payment be 75 cents less than the proceeding month's uniform price. This rate would be further subject to adjustment by any changes in the Class I price differential. For example, the stated Class I differential herein recommended for April is 45 cents less than that prevailing during March. Exclusive of any possible effects of the supply-demand adjustment, therefore, the rate of advance payment in April would be $1.20 ($0.75 and $0.45) per hundredweight below the uniform price for March. It was further proposed that the rate be rounded off to the nearest 10 cents in order to facilitate computations.

It is concluded that the above technique will provide an equitable rate of partial payments and should be adopted.

(11) *Cooperative associations.* The order now provides that under certain circumstances handlers shall make such deductions from the payments due to producer-members of a cooperative association "as may be authorized by the membership agreement or contract between such cooperative association and such producers" and pay the funds so deducted to the cooperative association. An association must fulfill the several requirements contained in the definition of a cooperative association under the order and, for this particular purpose, must also provide for its members certain minimum marketing services as determined by the market administrator. However, the deductions here involved are the deductions incidental to membership status. Hence they are usually of a sufficient amount to support all the activities of the association and are not limited to those necessary to the performance of the more limited marketing service functions performed by the market administrator for nonmember producers. In cases where the membership contract or agreement or other conditions of membership provides for deductions, the deductions authorized in accordance therewith have been considered by the Secretary as having been appropriately authorized by the individual producers.

It was proposed by the producers' association that the order language be changed by deleting the phrase "as may be authorized by the membership agreement or contract between such cooperative association and such producers" and substituting therefor the phrase "as may be properly authorized by such cooperative association." It was testified that handlers under the Toledo, Ohio milk marketing order had questioned whether the membership contract between this same association and the producer members was sufficient authorization by the producers for such deductions to be made under that order. It was further testifield that all Lima handlers are making deductions at the rate specified by the association and remitting such deductions to the association.

Within the limitations, if any, of the state statute under which a cooperative association is organized, producers are at liberty to determine for themselves, through the adoption of by-laws and their amendment from time to time or through the provisions of a membership contract, or both, what contributions are to be made by members to support their organization and how such amounts may be changed. By accepting membership, new members accept previously established requirements and these new members also become participants in the making of subsequent changes. Should

directors or officers exceed their authority under such instruments of organization, an adequate remedy lies within the organization itself rather than with a third party. On the other hand, the authority to require handlers to make such deductions and pay them over to the association resides in the act and not in the contracts or arrangements between the cooperative and its member producer.

There is one potential problem which was not specifically dealt with in the producers' proposal. This relates to possible errors in the list of producer-member names submitted to the handler. If, as a result of change in status, lack of sufficient identification, or otherwise, a handler pays to the association a deduction subsequently found to be owing to a non-member producer, the association should reimburse the handler the amount erroneously paid to it.

It is concluded that the order should be revised to specify that action taken by cooperative association, in accordance with stated conditions, constitutes appropriate authorization for deductions on behalf of its producer-members.

(12) *Custom bottling.* A handler proposed that milk processed at a pool plant under arrangements commonly referred to as "custom bottling" be exempted from the price and classification provisions of the order. This handler has a bottling plant located within the marketing area in which he bottles milk for a plant located outside the area from which fluid milk is distributed only in communities located outside the defined marketing area. The pool plant is equipped to bottle milk in paper containers. The nonpool plant is not so equipped and obtains its supply of paper-packaged milk from the pool plant. The handler's practice has been that equivalent quantities of raw milk are supplied to the pool plant.

The order presently provides that all milk processed at pool plants be classified and priced under the order. The minimum order prices are applicable whether the milk is sold within the marketing area or outside such area. This uniformity of pricing avoids the possibility that a lower price on milk sold outside the area could be construed as unfair price competition by outside producers and distributors. The price uniformity also avoids imposing higher costs for milk of the same quality on the consumers who happen to be located within the marketing area than on consumers outside such area. Lower prices on outside sales would, in effect, subsidize out-of-area consumers at the expense of in-area consumers who would be obliged to pay a disproportionate share of the cost necessary to induce producers to furnish an adequate supply of milk for the market.

Any exemption of custom bottled milk would constitute a departure from the provisions for pricing milk uniformly whether it is ultimately sold within or without the marketing area. Any handler who owned or could make suitable arrangements with a nonpool plant could supply his out-of-area business from such plant. Meanwhile the supply of these handlers who relied exclusively upon their pool plant would be fully priced under the order. It is concluded that any such exception would be unduly disruptive of normal operations in the market and should not be allowed.

Rulings. Within the period for filing exceptions to the recommended decision, exceptions were submitted by the Northwestern Cooperative Sales Association, Inc., The Page Dairy Company, and Charles W. Sherk, Attorney at Law, representing the Sen-A-Pure Dairy Company of Findlay, Ohio. These exceptions have been fully considered and such changes in the recommended decision and proposed amendments to the tentative marketing agreement and to the order as were considered appropriate have been made in this decision. To the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of July, 1954, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Lima, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Lima, Ohio, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Lima, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 28th day of September 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Lima, Ohio, Marketing Area

Sec.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

AUTHORITY: §§ 995.1 to 995.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 995.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lima, Ohio, on August 17–19, 1953, upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lima, Ohio, marketing area. The hearing was reopened in Lima on May 27, 1954. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that;

(1) The said order, as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Lima, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, as set forth below:

DEFINITIONS

§ 995.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1946 ed. 601 et seq.).

§ 995.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 995.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 995.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 995.5 *Lima, Ohio, marketing area.* "Lima, Ohio, marketing area", called the "marketing area" in this subpart, means all the territory within Allen County, including the City of Lima, and all the territory within the corporate limits of Findlay, all in the State of Ohio.

§ 995.6 *Grade A milk.* "Grade A milk" means milk produced by a person holding a dairy farm inspection permit issued by the Board of Health of Lima, of the Allen County General Health District, or of Findlay, Ohio, for the production of Grade A milk, which is permitted by such health authority to be disposed of as Grade A milk.

§ 995.7 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of Grade A milk all or a portion of which is sold or disposed of in the marketing area as Class I milk.

§ 995.8 *Producer.* "Producer" means any person who produces Grade A milk received (a) at a fluid milk plant, or (b) at any other plant by diversion from a fluid milk plant for the account of a handler or a cooperative association.

§ 995.9 *Producer-milk.* "Producer-milk" means milk produced by one or more producers under the conditions set forth in § 995.8.

§ 995.10 *Handler.* "Handler" means any person who (a) operates a fluid milk plant; (b) receives milk at a plant and either directly or indirectly disposes of milk, skim milk, buttermilk, or flavored milk drink from such plant to a wholesale or retail stop(s) in the marketing area other than a fluid milk plant; or (c) any coperative association with respect to producer milk diverted by it from a fluid milk plant to any plant not a fluid milk plant for the account of such association.

§ 995.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided,* That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 995.12 *Other source milk.* "Other source milk" means all skim milk and butterfat received other than producer milk, except (a) receipts from a producer-handler, and (b) any non-fluid milk product received and disposed of in the same form.

§ 995.13 *Cooperative association.* "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 995.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 995.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 995.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 995.76:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 995.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 995.30 or § 995.31, or (2) payments pursuant to §§ 995.70, 995.71, 995.76, 995.77, 99578, or 95.80;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month the minimum prices for skim milk and butterfat for each class computed pursuant to §§ 995.51, and 995.52 and the butterfat differential computed pursuant to § 995.75; and

(2) On or before the 12th day after the end of such month, the uniform price computed pursuant to § 995.61.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this subpart as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 995.30 *Monthly reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the month at his fluid milk plant(s) (In the case of a handler not operating a fluid milk plant, all other source milk received), and milk diverted pursuant to §§ 995.8 and 995.82:

(a) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 995.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request: On or before the 22d day after the end of each month his producer payroll for the month, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amounts and dates of payments to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 995.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 995.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 995.40 *Basis of classification.* All skim milk and butterfat (in any form) received at a fluid milk plant as (a) producer milk, (b) a transfer from another fluid milk plant, and (c) other source milk, shall be classified in the classes set forth in § 995.41.

§ 995.41 *Classes of utilization.* Subject to the conditions set forth in §§ 995.42, 995.43, 995.44, and 995.45, the classes of utilization of milk shall be:

(a) Class I milk shall be all skim milk and butterfat disposed of (1) in fluid form (other than as livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cultured milk products, concentrated milk, and sweet or sour cream, eggnog and any cream product in fluid form having more than 8 percent butterfat; and (2) as all skim milk and butterfat not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat accounted for as (1) used to produce a product other than those specified in paragraph (a) of this section, (2) having been dumped or disposed of for livestock feeding, (3) actual plant shrinkage of skim milk and butterfat received in producer milk but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (4) actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided*, That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each such source to their total.

§ 995.42 *Interplant transfers.* Skim milk and butterfat disposed of in the form of milk, cream, or skim milk by a handler to any milk processing or milk manufacturing plant, including any other fluid milk plant, shall be Class I milk, unless (a) Class II use is indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 7th day after the end of the month within which such disposition was made, and (b) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such reported utilization: *Provided*, That, in no event shall the amount so reported be greater than the total amount so used by the receiver.

§ 995.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 995.44 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 995.45 *Allocation of butterfat classified.* The market administrator shall determine the classification of butterfat in producer milk received by each handler as follows:

(a) Subtract from the total pounds of butterfat in Class II milk the total pounds of butterfat shrinkage pursuant to § 995.41 (b) (3) and (4).

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class.

(c) Subtract from the pounds of butterfat in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another Federal order and disposed of in the same form as received.

(d) Subtract from the pounds of butterfat remaining in each class, in sequence beginning with Class II milk, the pounds of butterfat in other source milk other than butterfat shrinkage in other source milk subtracted pursuant to paragraph (a) of this section.

(e) Add to the pounds of butterfat remaining in Class II milk the pounds of butterfat shrinkage in producer milk subtracted pursuant to paragraph (a) of this section; and if the remaining pounds of butterfat in all classes exceed the pounds of butterfat received in producer milk, subtract such excess from the remaining pounds of butterfat in each class, in sequence beginning with Class II milk. The pounds of butterfat remaining shall be the pounds in each class allocated to producer milk.

§ 995.46 *Allocation of skim milk classified.* Skim milk shall be allocated to each class in accordance with the same procedure as outlined for butterfat in § 995.45.

MINIMUM PRICES

§ 995.51 *Class I milk prices.* Subject to the provisions of § 995.53, the minimum prices per hundredweight to be paid by each handler for milk of 3.5 percent butterfat content received from producers at his fluid milk plant during the month, which is classified as Class I milk, shall be determined by the market administrator as follows:

(a) Ascertain the Class I minimum price for milk of 3.5 percent butterfat content for the month as determined pursuant to the order, as amended, regulating the handling of milk in the Cleveland, Ohio marketing area (Order No. 75; Part 975 of this chapter).

(b) Deduct the location adjustment rates on Class I milk which would be applicable pursuant to Part 975 of this chapter at a pool plant located at Lima; and

(c) On sweet or sour cream, eggnog, and any cream product in fluid form having more than 8 percent butterfat, also make any deduction specified by the proviso in § 975.61 (a) of this chapter.

§ 995.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class II milk, shall be determined by the market administrator by computing (to the nearest tenth of a cent) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices have been reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Defiance Milk Products Co. Defiance, Ohio.
Pet Milk Co., Coldwater, Ohio.
Nestles Milk Products Co., (uninspected milk price), Marysville, Ohio.
Fisher Dairy and Cheese Co., Wapakoneta, Ohio.
Swift and Co., Lima, Ohio.

§ 995.53 *Handler butterfat differentials.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 995.51 and 995.52 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.55 and divide the result by 10.

(b) *Class II milk.* Multiply by 1.10 and divide the result by 10.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 995.60 *Value of producer milk.* The value of producer milk received by each handler during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, and adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator: *Provided*, That, if a handler after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his reports for the month, pursuant to § 995.30, has been credited to his producers as having been received from them, there shall be added to the value of his producer milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to §§ 995.45 (d) and 995.46 by the applicable class price.

§ 995.61 *Computation of uniform price.* For each month the market administrator shall compute for each handler a "uniform price" per hundredweight of producer milk received by such handler by:

(a) Subtracting from the value of milk computed for such handler pursuant to § 995.60, if the weighted average butterfat test of all producer milk represented by such value is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 995.75 multiplied by 10;

(b) Adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator;

(c) Adjusting the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph (e) of this section for the previous month to the nearest cent;

(d) Dividing the result by the total hundredweight of producer milk represented by the amounts computed pursuant to § 995.60; and,

(e) Adjusting the resulting figure to the nearest cent.

§ 995.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price for such handler computed pursuant to § 995.61, and the butterfat differential computed pursuant to § 995.75; and,

(c) The amounts to be paid by such handler pursuant to §§ 995.76 and 995.77.

PAYMENTS

§ 995.70 *Time and method of final payment.* On or before the 18th day after the end of each month, each handler shall pay to each producer, or to a cooperative association with respect to milk which was caused to be delivered to him by such association either directly or from producers who have authorized such association to collect payment for them, for milk received from such producer or so delivered by such cooperative association, respectively, during such month not less than the uniform price for such handler adjusted by the butterfat differential pursuant to § 995.75, less the amount of payment made pursuant to § 995.71.

§ 995.71 *Partial payments.* On or before the last day of each month each handler shall pay to each producer, or to a cooperative association authorized to collect payment, for the milk received from such producer or caused to be delivered to such handler by such cooperative association during the first fifteen days of each month at a rate computed as follows:

(a) Deduct 75 cents from the uniform price for such handler for the preceding month.

(b) Add or subtract any amount by which the Class I price differential for the current month is greater than or less than, respectively, the differential for the preceding month.

(c) Round off the result to the nearest multiple of 10 cents.

Provided, That in the event any producer discontinues shipping to such handler during any month, such partial payments need not be made and full payment for all milk received from such producer during such month shall be made pursuant to the provisions of § 995.70.

§ 995.75 *Producer butterfat differential.* In making payments pursuant to § 995.70 the uniform price for each handler shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest tenth of a cent) computed as follows: Multiply by 1.3 the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, and divide the result by 10.

§ 995.76 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 995.22 (d), each handler shall pay the market administrator, on or before the 14th day after the end of each month, 3 cents per hundredweight of milk, or such amount not to exceed 3 cents as the Secretary may from time to time prescribe, with respect to receipts during such month, of (a) producer milk (including any milk of such handler's own production), and (b) other source milk classified as Class I milk: *Provided*,

That a handler who receives only other source milk shall make such payments with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk.

§ 995.77 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 995.70, with respect to all milk received each month from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight of milk, or such amount not to exceed 6 cents as the Secretary may from time to time prescribe, and on or before the 18th day after the end of such month shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the Association has an unterminated membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the Association's claim and shall pay the amount deducted to the Association within 18 days after the end of the month.

§ 995.78 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator, pursuant to §§ 995.76 or 995.77 or (b) any producer or cooperative association from such handler pursuant to § 995.70 the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 995.80 *Milk subject to other Federal orders.* Milk received by a handler the handling of which is subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act shall not be subject to the pricing and payment provisions of this subpart.

§ 995.81 *Milk caused to be delivered by cooperative associations.* Milk referred to as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

§ 995.82 *Milk diverted.* (a) Producer milk diverted by an operator of a fluid milk plant from such plant to a plant not a fluid milk plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(b) Producer milk diverted by a cooperative association from a fluid milk plant to a plant not a fluid milk plant shall be deemed to have been received by such association.

§ 995.83 *Producer-handlers.* Sections 995.40 through 995.46, 995.50 through 995.52, 995.60 through 995.62 and 995.70 through 995.78 shall not apply to the milk of a producer-handler.

TERMINATION OF OBLIGATIONS

§ 995.90 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 995.100 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 995.101 *When suspended or terminated.* Whenever the Secretary finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this subpart, or any such provision of this subpart.

§ 995.102 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this subpart, these are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 995.103 *Liquidation.* Upon the suspension of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 995.110 *Agents.* The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 995.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this subpart, to other persons or circumstances shall not be effected thereby.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Lima, Ohio, Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to Section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Lima, Ohio, marketing area) who, during the month of July 1954 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of July 1954 is hereby determined to be the representative period for the conduct of such referendum.

Fred W. Issler is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (19 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

[F. R. Doc. 54-7740; Filed, Sept. 30, 1954; 8:55 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

STATEMENT OF ORGANIZATION AND FUNCTIONS

DESCRIPTION OF CENTRAL AND FIELD AGENCIES

Paragraph (e) of section 1 of the statement of organization and functions of the Army, appearing at 15 F. R. 6639, October 3, 1950, and amended at 16 F. R. 8144, August 16, 1951, is further amended by adding subparagraph (7-1) and revising subparagraphs (6), (7), and (8) as follows:

SECTION 1. *Description of central and field agencies.* • • •

(e) *Organization of Department of the Army.* • • •

(6) *Deputy Chief of Staff for Plans and Research.* The Deputy Chief of Staff for Plans and Research is responsible to the Chief of Staff for directing, supervising, and coordinating preparation of all Army plans and Primary Programs; for planning, general direction, and supervision of all Army research and development; and, as the Army Operations Deputy of the Joint Chiefs of Staff, advises the Chief of Staff on Joint Chiefs of Staff matters and represents the Chief of Staff in the Joint Chiefs of Staff organization as appropriate.

(7) *Deputy Chief of Staff for Operations and Administration.* The Deputy Chief of Staff for Operations and Administration is responsible to the Chief of Staff for the coordinated execution of approved Army plans and programs in all operational and administrative activities and for the coordination of implementing plans therefor, except for the execution and coordination of those operational and administrative activities specifically assigned to the Deputy Chief of Staff for Logistics and to the Comptroller of the Army.

(7-1) *Deputy Chief of Staff for Logistics.* The Deputy Chief of Staff for Logistics, under the functional supervision of the Assistant Secretary of the Army (Logistics and Research and Development) and under the direct supervision and control of the Chief of Staff:

(i) Has Department of the Army Staff responsibility for:

(*a*) Logistics planning.

(*b*) Development and supervision of the logistics programs; and within budget policies developed by the Comptroller of the Army, formulation of those portions of the annual military budget of the Army which pertain to the logistics programs.

(*c*) Within policy and standards developed by the Comptroller of the Army, development and supervision of Financial Property Accounting, Stock Funds, and Industrial Funds; and performance analysis in connection with logistic activities.

(*d*) Formulation of policies and the evaluation of results in matters of logistics requirements, procurements, supply, services, and materiel activities.

(ii) Within overall Department of the Army policies, directs and controls the technical staffs and services in all matters covered by subdivision (i) of this subparagraph; and also:

(*a*) Prescribes the missions, organization, and procedures of the technical services.

(*b*) Supervises the training conducted under the jurisdiction of the heads of technical services.

(*c*) Develops career management policies for military personnel in the technical services.

(*d*) Exercises manpower control over military and civilian personnel in the technical services.

(*e*) Administers civilian personnel of the technical services.

(*f*) Develops and supervises budgeting, funding (including allotting of funds and allocation of personnel ceilings), accounting, other financial and fiscal activities, performance analysis, review and analysis, and reports control of the technical services.

(*g*) Supervises and correlates financial management and financial operations in the technical services.

(*h*) Develops policies for and supervises industrial and labor relations in the technical services.

(iii) Within policy and programs developed by the Deputy Chief of Staff for Plans and Research, directs the research and development activities of the technical services.

(iv) On matters of health, medical care of troops, and utilization of professional military personnel, The Surgeon General has direct access to the Secretary of the Army and the Chief of Staff.

(v) The responsibilities herein assigned do not extend to the Civil functions of the Chief of Engineers.

(8) *Comptroller of the Army.* The Comptroller of the Army is under the direction and supervision of, and is directly responsible to, the Assistant Secretary of the Army (Financial Management), by delegation of the Secretary of the Army. The Comptroller of the Army is concurrently responsible to the Chief of Staff. The Comptroller of the Army integrates the review and analysis of Army programs, and formulates, coordinates, and supervises accounting, fiscal, audit, budgetary, statistical, and management engineering activities of the Army, including the supervision of legislative policies and programs pertaining to appropriation acts. Within his scope of responsibility, the Comptroller's relationship to the Chief of Staff and the Army Staff corresponds to that of a Deputy Chief of Staff. The Chief of Finance is under the direct supervision and control of the Comptroller of the Army.

• • • • • •

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-7729; Filed, Sept. 30, 1954; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CLAES BORGE ALLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Claes Borge Aller, Skovbogaards Alle 8, Copenhagen, Denmark, Claim No. 40779;

property described in Vesting Order No. 664 (8 F. R. 4989, April 5, 1943) relating to United States Letters Patent No. 2,214,950.

Executed at Washington, D. C., on September 23, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7714; Filed, Sept. 30, 1954; 8:50 a. m.]

THEA VAN AMERINGEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Thea van Ameringen, Ottawa, Ontario, Canada; Claim No. 61246, Vesting Order No. 17812; $2,199.76 in the Treasury of the United States.

Executed at Washington, D. C., on September 23, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7715; Filed, Sept. 30, 1954; 8:51 a. m.]

WILLEM ANTHONIUS BOEKELMAN AND ALBERTHUS ELFERS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Willem Anthonius Boekelman, Herungerweg 280, Venlo, Netherlands, Claim No. 42735; Alberthus Elfers, Hyacinthenlaan 55, Haarlem, Netherlands, Claim No. 42736; property described in Vesting Order No. 671 (8 F. R. 5004, April 5, 1943) relating to United States Letters Patent No. 2,097,831, an undivided one-half interest thereof to each claimant.

Executed at at Washington, D. C., on September 23, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7716; Filed, Sept. 30, 1954; 8:51 a. m.]

EUGENE JUSTIN DROUILLY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Eugene Justin Drouilly, Paris, France, Claim No. 10518; property described as Transaction Control No. 1053 vested by Vesting Order No. 1601 (8 F. R. 8566, June 22, 1943) relating to an invention entitled "Fuel and Method and Apparatus for Manufacturing the Same", inventor, Eugene Justin Drouilly (now United States Letters Patent No. 2,559,605 issued July 10, 1951, to expire July 10, 1961).

Executed at Washington, D. C., on September 23, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7717; Filed, Sept. 30, 1954; 8:51 a. m.]

FORGES DE STRASBOURG, S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Forges de Strasbourg, S. A., Paris, France, Claim No. 3770; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,164,681; 2,218,675; 2,263,354; and 2,263,355; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 187,514 (now United States Letters Patent No. 2,312,994).

Executed at Washington, D. C., on September 23, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7718; Filed, Sept. 30, 1954; 8:51 a. m.]

ROBERTO GORDIGIANI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Roberto Gordigiani, Florence, Italy, Claim No. 43136, Vesting Order No. 1191; $587.26 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Roberto Gordigiani in and to the trust estate created under the will of John Quincy Carpenter, deceased; Fidelity-Philadelphia Trust Company, Philadelphia, Pennsylvania, Trustee.

Executed at Washington, D. C., on September 23, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7719; Filed, Sept. 30, 1954; 8:51 a. m.]

A/S GYRO SKIVE JERNSTOBERI & MASKINFABRIK AND DIDERIK OVERGAARD VILLEMOES VILLEMOESGAARD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

A/S Gyro Skive Jernstoberi & Maskinfabrik, Skive, Denmark, and Diderik Overgaard Villemoes Villemoesgaard, Hjerm, Denmark, Claim No. 9373; an undivided one-half interest to each claimant in property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943), relating to United States Letters Patent No. 2,232,481.

Executed at Washington, D. C., on September 23, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7720; Filed, Sept. 30, 1954; 8:52 a. m.]

CATHERINE LAMBERT-GIDE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Roberto Gordigiani, Florence, Italy, Claim No. 43136, Vesting Order No. 1191; $587.26 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Roberto Gordigiani in and to the trust estate created under the will of John Quincy Carpenter, deceased; Fidelity-Philadelphia Trust Company, Philadelphia, Pennsylvania, Trustee.

Executed at Washington, D. C., on September 23, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7719; Filed, Sept. 30, 1954; 8:51 a. m.]

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of, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Catherine Lambert-Gide, 1 bis Rue Vaneau, Paris 7, France, Claim No. 61905; $1,191.01 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled "Strait is the gate (la porte etroite)," by Andre Gide, as listed in Exhibit A to Vesting Order 3430 (9 F. R. 6464, June 13, 1944), to the extent owned by Andre Gide, foster father of claimant, immediately prior to the vesting thereof by Vesting Order 3430.

Executed at Washington, D. C., on September 23, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7721; Filed, Sept. 30, 1954; 8:52 a. m.]

FILOMENA LEMBO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Filomena Lembo, Foggia, Italy, Vesting Order No. 1780, Claim No. 45391; $211.58 in the Treasury of the United States.

Executed at Washington, D. C., on September 23, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7722; Filed, Sept. 30, 1954; 8:52 a. m.]

GEORGETTE MARCHAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Georgette Marchand, 4, rue du Dome, Paris, France, Claim No. 36867; $33.25 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled "La Famille Dupont," by Louis Marchand and Alfred Roehm, as listed in Exhibit A to Vesting Order 3430 (9 F. R. 6464, June 13, 1944), to the extent owned by Louis Marchand immediately prior to the vesting thereof by Vesting Order 3430.

Executed at Washington, D. C., on September 23, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7723; Filed, Sept. 30, 1954; 8:52 a. m.]

DR. MICHAEL A. DE RUYTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Michael R. de Ruyter, trustee for The Christian Community (Die Christiangemeinschaft), Dusseldorf, Germany, Claim No. 59133; $4,565 in the Treasury of the United States.

Executed at Washington, D. C., on September 23, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-7724; Filed, Sept. 30, 1954; 8:52 a. m.]

POST OFFICE DEPARTMENT

BUREAU OF PERSONNEL

ORGANIZATION

[Order 55495]

DECEMBER 29, 1953.

The following are the texts of orders of the Postmaster General respecting the organization of the Bureau of Personnel:

Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of 1949, Public Law 140, the Bureau of Personnel will be organized as follows, effective December 29, 1953.

There shall be an Executive Director, an Administrative Officer, Field Liaison Assistants as required, and eight Directors. There shall be the following divisions, each under the supervision of a director: Employment and Placement Division, Training and Development Division, Employment Relations Division, Salary Classification and Job Evaluation Division, Safety and Health Division, Procedures and Reports Division, Suggestions and Awards Division and Departmental Personnel Division.

In the Departmental Personnel Division there shall be one Assistant to the Director.

The Executive Director and all other personnel of the Bureau of Personnel shall perform such duties as are assigned by the Assistant Postmaster General in charge of the Bureau.

Paragraphs 2, 3, and 4 of Postmaster General Order No. 55380, dated September 24, 1953 (18 F. R. 8459), are hereby rescinded.

[Order 55733]

SEPTEMBER 17, 1954.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the functions, personnel, equipment, funds and administration of the Division of Post Office Personnel of the Bureau of Post Office Operations and the Division of Employee Relations of the Bureau of Transportation are transferred to the Bureau of Personnel, effective September 20, 1954. The Division of Employee Relations of the Bureau of Transportation is retitled that date as The Division of Transportation Personnel.

Order No. 55495 dated December 29, 1953, is amended in accordance with the provisions of this order.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133Z-15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-7701; Filed, Sept. 30, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ILLINOIS

DESIGNATION OF ADDITIONAL AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, (12 U. S. C. 1148 a-2 (a)), it is found that in the following named additional counties in the State of Illinois, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF ILLINOIS

Massac County.
White County.

After December 31, 1955, loans under section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148 a-2 (a)), will not be made in the above-named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 28th day of September 1954.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 54-7742; Filed, Sept. 30, 1954; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC COAST EUROPEAN CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 5200-M, between the member lines of the Pacific coast European conference, modifies the basic agreement of that conference (No. 5200) by waiving, for reasons specified, the payment which Osaka Shosen Kaisha, Ltd., would be required to make to the conference for failure to provide a sailing during the three month period which ended May 31, 1954.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 28, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 54-7743; Filed, Sept. 30, 1954; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11029; FCC 54M-1181]

VOICE OF LAKE TAHOE

ORDER CONTINUING HEARING

In re application of Charles E. Halstead, tr/as Voice of Lake Tahoe, Zephyr Cove, Nevada, Docket No. 11028, File No. BP-9108; for construction permit.

Pursuant to the order dated September 1, 1954, a prehearing conference in this proceeding was convened at 2:00 p. m., e. d. t., Tuesday, September 21, 1954, at which the applicant appeared in person and in which the Chief of the Broadcast Bureau was represented by Mr. Gerald F. Hadlock as counsel, and

It appearing from statements made by Bureau counsel, and from the public records of the Commission referred to by him, that there is now pending another application for a construction permit for broadcast facilities which would involve substantial interference with the operation proposed by the applicant herein, and that it is probable that the Commission will designate that application for hearing in consolidation with the above application and in so doing will substantially change the parties and the issues in this proceeding; and

It further appearing from the docket record in this proceeding that a petition for reconsideration and grant without hearing of the application herein is pending before the Commission; and

It further appearing that the applicant was not represented by an attorney in the prehearing conference proceedings and that his statements made on the record at that conference indicate an intention on his part to consult an attorney; and

It further appearing on the basis of the factors hereinabove stated that it would serve the ends of justice and conduce to the orderly dispatch of the Commission's business to suspend the prehearing conference, which action was taken by order made on the record, and to continue without date the hearing herein which is scheduled to be commenced on October 15, 1954, so as to afford time for the Commission to act upon the conflicting application and upon the petition for reconsideration hereinabove referred to, and further to allow time for the applicant to secure the advice and assistance of an attorney.

Now, therefore, it is ordered, This 21st day of September 1954 that the hearing in this proceeding which was scheduled to be commenced at 10:00 a. m. on Friday, October 15, 1954, be and it is hereby continued until such time as may be established by a subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-7735; Filed, Sept. 30, 1954; 8:54 a. m.]

[Docket Nos. 11076, 11077; FCC 54M-1169]

SOUTHERN INDIANA BROADCASTERS, INC. AND MT. VERNON BROADCASTING CO.

ORDER CONTINUING CONFERENCE

In re applications of Southern Indiana Broadcasters, Inc., Newburgh, Indiana, Docket No. 11076, File No. BP-9063; Henry C. Sanders and Norman Hall, d/b as Mt. Vernon Broadcasting Co., Mt. Vernon, Indiana, Docket No. 11077, File No. BP-9124; for construction permit.

Upon the oral request of counsel for the Broadcast Bureau and without objection by counsel for the other parties;

It is ordered, This 17th day of September 1954, that the prehearing conference scheduled for September 20, 1954, is postponed to Friday, October 1, 1954, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-7736; Filed, Sept. 30, 1954; 8:54 a. m.]

[Docket Nos. 10916, 11179; FCC 54-1204]

ALASKAN STATIONS

ORDER TO SHOW CAUSE WHY LICENSES SHOULD NOT BE MODIFIED AND WITHDRAWAL OF PREVIOUS SHOW CAUSE ORDER

In the matter of modification of licenses of certain stations in the Territory of Alaska, licensed to operate on the frequency 2986 kc, pursuant to the Atlantic City Table of Frequency Allocations and the Geneva Agreement (1951), Docket No. 11179; modification of licenses of fixed and coast stations in Alaska licensed to operate on the frequency 2986 kc, Docket No. 10916.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of September 1954;

The Commission, having under consideration the matter of bringing into use the frequency 2987 kc, for the aeronautical mobile service pursuant to the Atlantic City Table of Frequency Allocations and the Geneva Agreement (1951); and

It appearing, that the continued use of the frequency 2986 kc after November 30, 1954, would cause harmful interference to the use of the frequency 2987 kc; and

It further appearing, that the Commission has, on this date, issued a notice of proposed rule making in Part 14 of its rules which, if adopted, would permit the use of one or more substitute frequencies by fixed stations for a temporary period of time in lieu of 2986 kc;

It is ordered, That pursuant to section 316 of the Communications Act of 1934, as amended, those licensees listed below are directed to show cause, on or before October 22, 1954, why their licenses should not be modified as of November 30, 1954 so as to delete the frequency 2986 kc as set forth in the aforementioned notice of proposed rule making and to add to the licenses of these fixed stations those frequencies set forth in §§ 14.14 and 14.15 of the Commission's rules under the terms and conditions set forth in those rules, as proposed to be amended by the foresaid notice of proposed rule making.

It is further ordered, That the Show Cause Order, dated February 17, 1954, Docket 10916, issued in connection with the original notice of proposed rule making is hereby withdrawn.

Released: September 24, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

The assignments listed below will be deleted effective November 30, 1954.

A multiple listing for the same call sign and location indicates that more than one type of emission is now authorized or that the station is licensed as a fixed station and also as a coast station.

ARENTSEN, HAROLD

2986.0	KWF60	Big Port Walter.

ALASKA AERONAUTICS AND COMMUNICATIONS COMMISSION

2986.0	KWB82	
2986.0	KWB84	
2986.0	KWF72	
2986.0	KWJ21	
2986.0	KWJ22	
2986.0	KWY45	Afognak.
2986.0	KWY69	Akutan.
2986.0	KWY50	Alitak.
2986.0	KXA27	Andreafski.
2986.0	KWI78	Aniak.
2986.0	KWI78	Aniak.
2986.0	KWY70	Belkofski.
2986.0	KWB88	Boundary.
2986.0	KWI86	Chalkyitsik.
2986.0	KWI87	Chicken.
2986.0	KWI89	Crooked Creek.
2986.0	KWI90	Dan Creek.
2986.0	KWI91	Deering.
2986.0	KWI91	Deering.
2986.0	KWC76	Flat.
2986.0	KWC82	Fort Yukon.
2986.0	KWB23	Haycock.
2986.0	KWE58	Hooper Bay.
2986.0	KWX68	Huslia.
2986.0	KWE50	Kake.
2986.0	KWB27	Kaltag.
2986.0	KWA89	Kasilof.
2986.0	KWA89	Kasilof.
2986.0	KWW62	Lost River.
2986.0	KWI93	Marshall.
2986.0	KWK84	Marys Igloo.
2986.0	KWI94	McCarthy.
2986.0	KXA42	North Sleetmute.
2986.0	KWY65	Nikolski.
2986.0	KWI75	Napamute.
2986.0	KWI77	New Knock Hock.
2986.0	KWY65	Nikolski.
2986.0	KWC27	Nulato.
2986.0	KWW86	Obrien.
2986.0	KWE73	Point Baker.
2986.0	KWY66	Port Graham.
2986.0	KWF43	Rampart.
2986.0	KWI96	Sanak.
2986.0	KWE20	Scammon Bay.
2986.0	KWI97	Stony River.
2986.0	KWI97	Stony River.
2986.0	KWA67	Talkeetna.
2986.0	KWY67	Tyonek.
2986.0	KXA97	Kitoi Bay.
2986.0	KXA96	Ekwak.
2986.0	KWY68	Perryville.
2986.0	KXA42	North Sleitmute.
2986.0	KXA95	Ruby.
2986.0	KWB78	Port Alexander.

ALASKA PACKERS ASSOCIATION

2986.0	KWX89	Packers Ekuk.
2986.0	KWX89	Packers Ekuk.

LIBBY MCNEILL AND LIBBY

2986.0	KWJ54	Kenai.
2986.0	KWJ54	Kenai.
2986.0	KWJ54	Kenai.
2986.0	KWJ54	Kenai.
2986.0	KWO69	Petersburg.

NAKAT PACKING CORP.

2986.0	KWC48	Nakeen.
2986.0	KWC48	Nakeen.
2986.0	KWC48	Nakeen.
2986.0	KWC48	Nakeen.
2986.0	KWC48	Nakeen.
2986.0	KWC48	Nakeen.
2986.0	KWO74	Waterfall.
2986.0	KWO74	Waterfall.
2986.0	KWO74	Waterfall.
2986.0	KWO74	Waterfall.
2986.0	KWO74	Waterfall.
2986.0	KWO74	Waterfall.

PACIFIC AMERICAN FISHERIES, INC.

2986.0	KWE83	
2986.0	KWE83	
2986.0	KWE83	
2986.0	KWE83	

PACIFIC AMERICAN FISHERIES, INC.—continued

2986.0	KWJ99	Bristol Bay.
2986.0	KWJ99	Bristol Bay.
2986.0	KWK21	Bristol Bay.
2986.0	KWK21	Bristol Bay.
2986.0	KWK22	Bristol Bay.
2986.0	KWK22	Bristol Bay.
2986.0	KWA53	Kings Cove.
2986.0	KWA53	Kings Cove.
2986.0	KWA53	Kings Cove.
2986.0	KWA53	Kings Cove.
2986.0	KWA60	Pt. Moller.
2986.0	KWA60	Pt. Moller.
2986.0	KWA60	Pt. Moller.
2986.0	KWA60	Pt. Moller.
2986.0	KWA58	Squaw Harbor.
2986.0	KWA58	Squaw Harbor.
2986.0	KWA58	Squaw Harbor.
2986.0	KWA58	Squaw Harbor.
2986.0	KWY21	Swedania Trap No. 3.
2986.0	KWY21	Swedania Trap No. 3.
2986.0	KWY20	Tolstoi Trap No. 14.
2986.0	KWY20	Tolstoi Trap No. 14.
2986.0	KWO68	Unimak Island.
2986.0	KWO68	Unimak Island.
2986.0	KWA57	Warren.
2986.0	KWA57	Warren.
2986.0	KWA57	Warren.
2986.0	KWA57	Warren.

ALASKA PACIFIC SALMON CO.

2986.0	KWJ38	Sand Point Cannery.
2986.0	KWJ38	Sand Point Cannery.
2986.0	KWJ38	Sand Point Cannery.
2986.0	KWJ38	Sand Point Cannery.

ALASKA STEAMSHIP CO.

2986.0	KWZ32	Cordova.
2986.0	KWZ32	Cordova.
2986.0	KWZ33	Sitka.
2986.0	KWZ33	Sitka.
2986.0	KWZ33	Sitka.

ARCTIC RADIO TELEPHONE CO.

2986.0	KWZ40	
2986.0	KWO97	Homer.
2986.0	KWO97	Homer.
2986.0	KWO97	Homer.
2986.0	KWO97	Homer.
2986.0	KWO97	Homer.
2986.0	KWO61	Kotzebue.

BRINK, JOHN F.

2986.0	KWK41	Bonanza Creek.

BRISTOL BAY PACKING CO.

2986.0	KWA62	Pederson Point.
2986.0	KWA62	Pederson Point.
2986.0	KWA62	Pederson Point.
2986.0	KWA62	Pederson Point.

BROWN, WILLIAM A.

2986.0	KWD87	Tazlina Glcr. Ldg.

COLUMBIA RIVER PACKERS ASSOCIATION, INC.

2986.0	KWF24	Point Adolphus.
2986.0	KWF24	Point Adolphus.
2986.0	KWA45	Thompson.
2986.0	KWA45	Thompson.
2986.0	KWA45	Thompson.
2986.0	KWA45	Thompson.

COOK INLET PACKING CO.

2986.0	KWC32	Seldovia Bay.
2986.0	KWC32	Seldovia Bay.
2986.0	KWC32	Seldovia Bay.
2986.0	KWC32	Seldovia Bay.

COPPER RIVER COOP. CO., INC.

2986.0	KWB85	
2986.0	KWB85	

COPPER RIVER PACKING CO.

2986.0	KWE25	Nellie Juan.
2986.0	KWE25	Nellie Juan.

CRYSTAL FALLS FISH CO.

2986.0	KWJ36	Cordova.
2986.0	KWJ36	Cordova.
2986.0	KWJ36	Cordova.

DURAND, CARL

2986.0	KWB32	Mills Creek.

ELLAMAR PACKING CO.

2986.0	KWF31	Ellamar.
2986.0	KWF31	Ellamar.
2986.0	KWF31	Ellamar.
2986.0	KWF31	Ellamar.

FELMLEY, ORRIN S.

2986.0	KWK46	McGrath.
2986.0	KWK46	McGrath.
2986.0	KWK46	McGrath.
2986.0	KWK46	McGrath.

FREEBURN LAURENCE

2986.0	KWA32	Lisianski.
2986.0	KWA32	Lisianski.

HALFERTY CANNERIES, INC.

2986.0	KWE85	Cordova.
2986.0	KWE85	Cordova.

HARRIS, P. E. CO., INC.

2986.0	KWF27	False Pass.
2986.0	KWF27	False Pass.
2986.0	KWF27	False Pass.
2986.0	KWF27	False Pass.
2986.0	KWF58	Hawk Inlet.
2986.0	KWF58	Hawk Inlet.
2986.0	KWF58	Hawk Inlet.
2986.0	KWF58	Hawk Inlet.
2986.0	KWF40	Inlan I Trap.
2986.0	KWF40	Inlan I Trap.
2986.0	KXB69	Village Pt. Trap.

HOLMES, ORVAL W.

2986.0	KWC63	Dillingham.
2986.0	KWC63	Dillingham.

INTERCOASTAL PACKING CO.

2986.0	KWC60	Intercoastal.
2986.0	KWC60	Intercoastal.
2986.0	KWC60	Intercoastal.

KERR MCGEE OIL INDUSTRIES, INC.

2986.0	KXA29	Icy Bay.
2986.0	KXA29	Icy Bay.
2986.0	KXB48	Kattalla.

LIPKE, ADAM W.

2986.0	KWJ39	Seldovia.
2986.0	KWJ39	Seldovia.

MARVEL CREEK MINING CO., DBA.

2986.0	KWK32	Marvel Creek.

MORRISON, KNUDSEN CO.

2986.0	KWY61	
2986.0	KWY60	Fairbanks.

NEW YORK ALASKA GOLD DREDGING CORP.

2986.0	KWC29	Nyac.
2986.0	KWC29	Nyac.

OCEANIC FISHERIES CO., INC.

2986.0	KWK87	Pt. Oceanic.
2986.0	KWK87	Pt. Oceanic.

PATTY, ERNEST N.

2986.0	KWC47	Coal Creek.

PENINSULA PACKERS

2986.0	KWC42	
2986.0	KWC42	
2986.0	KWC42	
2986.0	KWC42	

PORT ASHTON PACKING CORP.

2986.0	KWE59	Pt. Ashton.
2986.0	KWE59	Pt. Ashton.

SAN JUAN FISHING & PACKING CO.

2986.0	KWK82	Cube Point Trap.
2986.0	KWK82	Cube Point Trap.
2986.0	KWK81	Pnt Kakul Trap.
2986.0	KWK81	Pnt Kakul Trap.
2986.0	KWA31	Pt Sn Juan.
2986.0	KWA31	Pt Sn Juan.
2986.0	KWK60	Todd.

SAN JUAN FISHING & PACKING CO.—continued

2986.0 KWK60_____ Todd.
2986.0 KWK60_____ Todd.
2986.0 KWK60_____ Todd.
2986.0 KWC28_____ Uganik Bay.
2986.0 KWC28_____ Uganik Bay.
2986.0 KWC28_____ Uganik Bay.

SHELLABARGER, MAXWELL MARTIN

2986.0 KWK56_____ Skwentna.

SNOW TRANSPORTATION CO.

2986.0 KWB73_____ Bethel.

SNUG HARBOR PACKING CO., DBA.

2986.0 KWA29_____ Snug Harbor.
2986.0 KWA29_____ Snug Harbor.

STAMPEDE MINES, INC.

2986.0 KWA83_____ Stampede.
2986.0 KWA83_____ Stampede.

STRANDBERG, HAROLD

2986.0 KWE36_____ Candle Creek.
2986.0 KWC25_____ Folger.
2986.0 KWB50_____ Utopia Creek.

ALASKAN ASSOCIATES, LTD.

2986.0 KXA61_____ Big Hurrah.
2986.0 KWJ42_____ Superior.
2986.0 KWJ42_____ Superior.
2986.0 KWJ42_____ Superior.

SUTTER, VANCE F.

2986.0 KWA95_____ Pt. Graham.
2986.0 KWA95_____ Pt. Graham.
2986.0 KWA95_____ Pt. Graham.

ROSENBERG, S. M.

2986.0 KWE81_____ Orca.
2986.0 KWE81_____ Orca.
2986.0 KWE81_____ Orca.
2986.0 KWE81_____ Orca.

TREPTE, DOROTHY WOLFE

2986.0 KWA87_____ Bird Creek Mine.

VERNETTI, ELLA B.

2986.0 KWJ28_____ Koyukuk.
2986.0 KWJ28_____ Koyukuk.

WASHINGTON FISH & OYSTER CO., INC.

2986.0 KWJ45_____ Pt. Williams.
2986.0 KWJ45_____ Pt. Williams.
2986.0 KWJ45_____ Pt. Williams.
2986.0 KWJ45_____ Pt. Williams.

WESTERN FISHERIES CO.

2986.0 KWE72_____
2986.0 KWE72_____
2986.0 KWY74_____
2986.0 KWY74_____

WHIZ FISH PRODUCTS CO., INC.

2986.0 KWY29_____ Tyee.
2986.0 KWY29_____ Tyee.
2986.0 KWY29_____ Tyee.

WILLIAMS, CARL GEORGE

2986.0 KWE95_____ Illama.
2986.0 KWE95_____ Illama.
2986.0 KWF88_____ Pile Bay.
2986.0 KWO99_____ Homer Spit.

WINGARD PACKING CO., LG.

2986.0 KWJ49_____ Ugashik.
2986.0 KWJ49_____ Ugashik.
2986.0 KWJ49_____ Ugashik.
2986.0 KWJ49_____ Ugashik.
2986.0 KWJ50_____ Ugashik.
2986.0 KWJ50_____ Ugashik.

WRANGELL FISHERIES, INC.

2986.0 KWA86_____ Wrangell.
2986.0 KWA86_____ Wrangell.

COLUMBIA LUMBER CO. OF ALASKA

2986.0 KWB45_____ Soundview.
2986.0 KWB45_____ Soundview.
2986.0 KXB85_____ Fisherman's Harbor.

STANTON, H. M.

2986.0 KWE57_____ Thunder Creek.
2986.0 KWE57_____ Thunder Creek.

PORT FIDALGO TIMBER CO., DBA.

2986.0 KWD88_____ Fish Bay.
2986.0 KWD88_____ Fish Bay.

SUPERIOR PORTLAND CEMENT, INC.

2986.0 KDK43_____ View Cove.
2986.0 KDK43_____ View Cove.

SWISS, JOHNIE

2986.0 KWK28_____ Point Redoubt.
2986.0 KWK28_____ Point Redoubt.

SELDOVIA BAY PACKING CO.

2986.0 KWE38_____ Squeekeyville.
2986.0 KWE38_____ Squeekeyville.

KEKU CANNING CO.

2986.0 KWF93_____ Kake.
2986.0 KWF93_____ Kake.
2986.0 KWF93_____ Kake.
2986.0 KWF93_____ Kake.

COLEMAN, TEX., COUNTY OF

2986.0 KWO69_____ Buck Creek.

ALASKA SHELLFISH, INC.

2986.0 KWO94_____ Shellfish Point.
2986.0 KWO94_____ Shellfish Point.

WYTHE AND SON

2986.0 KWO99_____ Homer Spit.
2986.0 KWO99_____ Homer Spit.

CORDOVA FISH AND COLD STORAGE CO.

2986.0 KWW81_____ Cordova.

KENAI PACKERS

2986.0 KWY44_____ Kenai River.
2986.0 KWY44_____ Kenai River.
2986.0 KWK87_____ Port Oceanic.

GORDON, MARY I.

2986.0 KWX67_____ Anvik.

ALASKA LIVESTOCK AND TRADING CO.

2986.0 KWZ56_____ Chernofski.
2986.0 KWZ56_____ Chernofski.

MUMMY ISLAND PACKERS

2986.0 KWZ86_____ Mummy Island.

ALASKAN FISHERIES

2986.0 KXA23_____ Long Bay.
2986.0 KXA23_____ Long Bay.

BERRY, JACOB

2986.0 KWZ71_____ Middle Fork Mine.

MOORE, JACK

2986.0 KWZ72_____ Gakona.

WISEMAN COMMUNITY SERVICE

2986.0 KWZ73_____ Wiseman.

BRANDL, PHILIP

2986.0 KWZ92_____ Cache Creek.

HUFFMAN, VERNON E.

2986.0 KXA36_____ E. Willow.

SLABACK, LESTER A.

2986.0 KXA39_____ Talkeetna.

WILLARD, GEORGE W.

2986.0 KXA55_____ Caribou Lake.
2986.0 KWB50_____ Utopia Creek.

SUPERIOR PACKING CO.

2986.0 KWJ42_____ Superior.

ALASKA AERONAUTICS AND COMMUNICATIONS COMMISSION

2986.0 KXA95_____ Ruby.

KERR M'GEE OIL INDUSTRIES

2986.0 KXB48_____ Kattalla.

BAKER, DON F.

2986.0 KXB60_____ Baker Point.

BUCHAN AND HEINEN PACKING CO.

2986.0 KWD78_____ Port Armstrong.

CATHOLIC BISHOP OF NORTHERN ALASKA

2986.0 KWJ47_____ Holy Cross.

FALLS CREEK LOGGING CO.

2986.0 KXB73_____ Edna Bay.

GOODNEWS GENERAL STORE

2986.0 KXB28_____ Goodnews Bay.

GAGNON, PAUL L.

2986.0 KWB63_____ Dutch Hill.

HAYES, HOWARD CHESTER

2986.0 KWZ39_____ French Cove.

PILGRIM, EARL R.

2986.0 KWA83_____ Stampede.

STORFOLD AND GRONDAHL PACKING CO.

2986.0 KWF33_____ Washington Bay.

TWEET, N. B., AND SONS

2986.0 KXB90_____ Taylor.

WADE, T. J.

2986.0 KXB62_____ Moose Point.

[F. R. Doc. 54-7737; Filed, Sept. 30, 1954; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2399, G-2409, G-2458, G-2465, G-2491]

NORTHERN NATURAL GAS CO.

ORDER REOPENING AND CONSOLIDATING PROCEEDINGS, POSTPONING AND FIXING DATE FOR HEARING, AND DENYING MOTION TO OMIT INTERMEDIATE DECISION PROCEDURE

Hearings in the consolidated proceedings in Docket Nos. G-2409 and G-2491 were held from September 13 to September 16, 1954. The application in Docket No. G-2409 involves a proposed interruptible sale of gas by Northern Natural Gas Company (Northern) to Northern States Power Company, and in Docket No. G-2491 involves a proposed interruptible sale to Grundy Center, Iowa. At the conclusion of the hearings counsel for Northern Natural Gas Company (Northern) moved for omission of the intermediate decision procedure in Docket No. G-2491, principally on the ground that such omission, if an early decision were rendered, would facilitate the planning of the civic authorities in Grundy Center for the coming winter. Such motion was opposed by Commission Staff counsel. Dates for filing briefs in Docket No. G-2409, in which there was no motion to omit the intermediate decision procedure, were duly fixed by the Presiding Examiner, and that matter is pending before the Presiding Examiner for initial decision.

Docket No. G-2399 is an application by Northern to extend its facilities to render new service to Duluth, Minnesota, and Superior, Wisconsin; Docket No. G-2458 involves a proposed firm industrial sale by Northern to Allied Chemical and Dye Corporation; and Docket No. G-2465 is a proposal by Northern to extend its facilities to Aberdeen, South Dakota and to provide new service through such facilities.

It appears from the record in Docket Nos. G-2409 and G-2491, and from Northern's other certificate applications now on file with the Commission, that Northern presently depends on the sources of gas shown in Docket Nos. G-2409 and G-2491 for its gas supply to support the new services proposed in its various pending certificate applications. As a consequence, all of Northern's pending applications, depending as they do on Northern's present gas supply sources, are closely interrelated; and a favorable decision on any of the pending applications, including Docket Nos. G-2409 and G-2491, might prejudice our later action on the applications which have not been heard.

Furthermore, we have been requested by Northern to set a hearing date in the near future in Docket No. G-2458, which involves a proposed firm industrial sale to Allied Chemical and Dye Corporation; and we are cognizant of the fact that the other applications which are the subject matter of this order have been pending for some time before us. We are doubtful, in view of the relationship of Northern's gas supply to all of its pending certificate applications, that the public interest would be well served by separate hearings in which the relationship of Northern's existing gas supply to all of proposed new services could not be considered together. On the other hand, it is desirable that disposition of all of Northern's applications herein be made at the earliest possible date consistent with the Commission's hearing calendar and reasonable notice to Northern and to the persons which have petitioned to intervene in these matters.

The Commission finds:

(1) Good cause has not been shown for omitting the intermediate decision procedure in Docket No. G-2491, and the motion therefor by counsel for Northern Natural Gas Company should be denied.

(2) It is reasonable and in the public interest that the Commission, upon its own motion, should reopen the proceedings in Docket Nos. G-2409 and G-2491 for the joint purpose of permitting the parties to such proceedings to introduce such further evidence relating to the applications therein as they may deem advisable and of enabling consideration by the Commission of such applications in relationship to the other applications hereinafter consolidated and set for hearing.

(3) Good cause exists to consolidate the proceedings in the above-entitled matters for the purposes hereinafter specified.

The Commission orders:

(A) The motion to omit the intermediate decision procedure in Docket No. G-2491 be and the same hereby is denied.

(B) The proceedings in Docket Nos. G-2409 and G-2491 be and the same hereby are reopened.

(C) All of the above-entitled proceedings be and the same hereby are consolidated, for the purposes of hearing in Docket Nos. G-2399, G-2458, and G-2465, and for the purpose of further hearing and further consideration in Docket Nos. G-2409 and G-2491.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 12, 1954, commencing at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above-entitled applications.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: September 23, 1954.

Issued: September 27, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7699; Filed, Sept. 30, 1954; 8:47 a. m.]

[Docket No. G-2495]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32(b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed July 20, 1954, pursuant to section 7(c) of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application as supplemented, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 21, 1954 (19 F. R. 5365).

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 12, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the issues involved in and the matters presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32(b) of the Commission's rules of practice and procedure.

Adopted: September 23, 1954.

Issued: September 27, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7694; Filed, Sept. 30, 1954; 8:46 a. m.]

[Docket Nos. G-2508, G-2510, G-2518, G-2525, G-2527, G-2532]

CONNECTICUT GAS CO., ET AL.

NOTICE OF DECLARATIONS OF EXEMPTIONS

SEPTEMBER 27, 1954.

In the matters of The Connecticut Gas Company, Docket No. G-2508; The Pavilion Natural Gas Company, Docket No. G-2510; Michigan Gas & Electric Company, Docket No. G-2518; Corning Natural Gas Corporation, Docket No. G-2525; Allied Gas Company, Docket No. G-2527; The East Ohio Gas Company, Docket No. G-2532.

Notice is hereby given that on September 21, 1954, the Federal Power Commission issued its declarations of exemptions from the provisions of the Natural Gas Act adopted September 17, 1954, in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7693; Filed, Sept. 30, 1954; 8:46 a. m.]

[Docket No. G-2522]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

The Ohio Fuel Gas Company (Applicant), an Ohio corporation with its principal office at Columbus, Ohio, on August 2, 1954, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 10.6 miles of 20-inch natural-gas transmission pipe line extending from its Benton Storage Auxiliary Measuring Station in Hocking County, Ohio, to its Crawford Compressor Station in Fairfield County, Ohio, and an 880-horsepower compressor station together with necessary facilities in Guernsey County, Ohio, to be known as its Guernsey Compressor Station and to be used for the underground storage of natural gas.

Applicant proposes to utilize said facilities in connection with the development and use of its existing Benton and Guernsey storage areas.

The estimated total overall capital cost of the proposed facilities is $942,900. Applicant proposes to finance the proposed construction with funds to be advanced by its parent, The Columbia Gas System, Inc., through purchase of Applicant's debt and equity securities.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate and in the public interest, and good cause exists, that due notice of this application, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on August 2, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice of this application be given, including publication in the FEDERAL REGISTER of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 21, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, N. W., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Federal Power Commission in accordance with the rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10) on or before October 14, 1954.

(D) Interested State commissions may participate as provided by § 1.8 or § 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37 (f)).

Adopted: September 23, 1954.

Issued: September 27, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7695; Filed, Sept. 30, 1954; 8:46 a. m.]

[Docket Nos. 2533, 2540, 2567, 2575, 2577]

PUBLIC SERVICE CO. OF NORTH CAROLINA, INC. ET AL.

NOTICE OF DECLARATIONS OF EXEMPTIONS

SEPTEMBER 27, 1954.

In the matters of Public Service Company of North Carolina, Inc., Docket No. G-2533; Union Gas & Electric Company, Docket No. G-2540; Michigan Gas Utilities Company, Docket No. G-2567; Alabama Gas Corporation, Docket No. G-2575; Central Hudson Gas & Electric Corporation, Docket No. G-2577.

Notice is hereby given that on September 21, 1954, the Federal Power Commission issued its declarations of exemptions from the provisions of the Natural Gas Act adopted September 17, 1954, in the above-entitled matters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7692; Filed, Sept. 30, 1954; 8:46 a. m.]

[Docket No. G-2582]

KILMARNOCK OIL CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Kilmarnock Oil Company (Applicant), a Texas corporation with its principal office in Corsicana, Texas, filed, on August 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

The application recites that Applicant produces and sells natural gas in interstate commerce in the Orange Field, Orange County, Texas to the United Gas Pipe Line Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission *finds:* It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission *orders:* Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 11, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 23, 1954.

Issued: September 27, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7696; Filed, Sept. 30, 1954; 8:47 a. m.]

[Docket No. G-2591]

SORELLE & SORELLE, ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that A. C. SoRelle and A. C. SoRelle, Jr., operating as a partnership in the State of Texas as SoRelle and SoRelle, Applicant for themselves and as representatives of Michael T. Halbouty, of Harris County, Texas, Percy R. Payne of Far Hills, New Jersey, The Gerry Estates, Inc., a New York corporation and the Carlton Gascol Corporation, a New York, corporation; W. B. Day, Charles E. Main, and Paul S. Kerr, all of New York, New York, filed, on August 30, 1954, a joint application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicants to make sales of natural gas, subject to the jurisdiction of the Commission, all as more fully represented and described in the application filed herein.

The application recites that SoRelle and SoRelle, a partnership, for themselves, and for the others named hereinbefore, are engaged in the joint production and sale of natural gas in interstate commerce to Tennessee Gas Transmission Company in the Sublime Field, Colorado County, Texas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of practice and procedure, a hearing be held on October 11, 1954, at 9:40 a. m. (e. s. t.), in a Hearing Room of the Federal Power Commission, 441 G Street, N. W., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of section 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 23, 1954.

Issued: September 27, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7697; Filed, Sept. 30, 1954; 8:47 a. m.]

[Docket No. G-2594]

SOUTHWEST GAS PRODUCING COMPANY, INC. AND FEAZEL INTEREST

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Southwest Gas Producing Company, Inc. (Southwest), a Louisiana corporation with its principal office in Monroe, Louisiana, and W. C. Feazel, G. M. Anderson, Gertrude Feazel Anderson and Lallage Feazel (Feazel Interest) filed on August 30, 1954, a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to make sales of natural gas subject to the jurisdiction of the Commission, all as more fully represented and described in the application filed herein.

The application recites that (a) Southwest and Feazel Interest are engaged in the joint production and sale of natural gas in interstate commerce in Lincoln Parish, Louisiana to Texas Eastern Transmission Corporation, Mississippi River Fuel Corporation, and Southern Natural Gas Company; and (b) Southwest individually produces and sells gas in interstate commerce in Ouachita and Union Parishes, Louisiana (Monroe Gas Field) to Texas Gas Transmission Corporation. Joint production operations of Southwest and Feazel Interest are carried on in the North Lisbon Field, Hico-Knowles Field, Dubach Field, Unionville Field, North Ruston Field and Clay Field, all in Lincoln Parish, Louisiana.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 11, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 23, 1954.

Issued: September 27, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7698; Filed, Sept. 30, 1954; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1653]

SCOTT PAPER CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of September A. D. 1954.

The Detroit Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-112F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Scott Paper Company, a security listed and registered on the New York Stock Exchange, on the Philadelphia-Baltimore Stock Exchange, and on the San Francisco Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 15, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7702; Filed, Sept. 30, 1954; 8:48 a. m.]

[File No. 70-3292]

METROPOLITAN EDISON CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

SEPTEMBER 27, 1954.

Metropolitan Edison Company ("Meted"), a public utility subsidiary of General Public Utilities Corporation, a registered holding company, has filed an application and amendments thereto with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 (b) (2) and U-50 promulgated thereunder with respect to proposed transactions which are summarized as follows:

Meted proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1984. The bonds will be issued under and secured by the company's mortgage indenture dated November 1, 1944, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated October 1, 1954.

The application states that the net proceeds from the sale of the bonds will be used to redeem $8,000,000 principal amount of First Mortgage Bonds, 3⅞ percent Series due 1983; $3,600,000 will be applied to the prepayment of the principal of the company's presently outstanding 3 percent notes due December 30, 1954; and the balance will be applied against the cost of Meted's construction program, it being represented in the filing that this construction program will require approximately $17,000,000 for the year 1954.

The filing contains an order of the Pennsylvania Public Utility Commission authorizing the issuance and sale of the proposed First Mortgage Bonds.

By amendment to its filing Meted proposes to provide for the redemption premium of $336,000 applicable to the 1983 Series Bonds being retired as follows: (i) To make a special charge to income in an amount equal to the reductions in Federal and Pennsylvania income taxes, estimated at approximately $166,000; and (ii) to amortize the balance of approximately $170,000 in annual amounts equal to the net savings in interest as a result of the refunding (after allowing for the increase in income taxes resulting from such refunding). It is estimated by Meted that the amortization period will be between five and six years.

Meted estimates that the fees and expenses incurred and to be incurred in connection with the issuance and sale of its mortgage bonds will be as follows:

Filing fee, SEC	$1,545
Federal issue tax	16,500
Printing and engraving	27,000
Legal fees and expenses:	
Harold J. Ryan, Pennsylvania counsel:	
Fee	7,500
Expenses	500
Berlack, Israels & Liberman, New York counsel	4,000
Accounting services	3,500
Trustee transfer agent and registrar	11,000
Miscellaneous	4,455
Total	76,000

Beekman & Bogue have been designated as independent counsel for the successful bidder. They have requested a fee of $5,000 for their services which will be paid by the underwriter.

Meted has requested that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of said application and a hearing not having been requested of or ordered by the Commission; the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application as amended should be granted forthwith, except that the Commission considers it inappropriate to approve or disapprove the proposed accounting treatment as described therein:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and hereby is, granted forthwith subject to the terms and conditions prescribed in Rules U-24 and U-50 provided, however, that nothing herein contained shall be deemed to constitute approval

or disapproval of the accounting treatment in respect of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7703; Filed, Sept. 30, 1954; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

COMMISSIONER OF PUBLIC BUILDINGS SERVICE

DELEGATION OF AUTHORITY TO DETERMINE PERCENTAGE INCREASE OR DECREASE IN CONSTRUCTION COST, ADMINISTRATION AND LAW SCHOOL BUILDINGS, HOWARD UNIVERSITY

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, as amended, I hereby authorize the Commissioner of Public Buildings Service to determine the percentage increase or decrease, if any, in construction cost generally, dating from July 1, 1948, in connection with the Administration Building and Law School Building, Howard University, Washington, D. C., as required by the Labor-Federal Security Appropriation Act, 1950, Public Law 141, 81st Congress, approved June 29, 1949.

2. The authority delegated herein may not be redelegated.

3. This delegation of authority shall be effective immediately.

Dated: September 28, 1954.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 54-7779; Filed, Sept. 29, 1954; 4:25 p. m.]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF REAL PROPERTY ADJACENT TO OLYMPIC NATIONAL PARK, WASHINGTON

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended (herein called the act), authority is hereby delegated to the Secretary of the Interior to determine that certain property, aggregating approximately 6,800 acres of land, in 29 scattered parcels, situated in Jefferson and Clallam Counties, Washington, is not required for the needs and responsibilities of Federal agencies; and thereafter to dispose of such property by exchange or otherwise as the interest of the Government may require.

2. The authority conferred herein shall be exercised in accordance with the act and regulations issued pursuant thereto, and in particular section 203 (e) of the act, requiring that an explanatory statement be prepared and submitted to the appropriate committees of Congress and a copy preserved in the file of all cases where negotiated disposal occurs. Such statements shall be submitted to the committees at least thirty (30) days prior to consummation of any negotiated disposal, and a copy of each such statement shall be furnished this Administration.

3. The Secretary of the Interior may redelegate this authority to any officer or employee of the Department of the Interior.

4. This delegation of authority is effective immediately.

Dated: September 27, 1954.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 54-7780; Filed, Sept. 29, 1954; 4:25 p. m.]

UNITED STATES TARIFF COMMISSION

[List No. D 7-10]

LATAMA CUTLERY, INC.

NOTICE OF DISMISSAL OF COMPLAINT

SEPTEMBER 28, 1954.

Complaint as listed below heretofore filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930 has been dismissed.

Name of article	Purpose of request	Date received	Name and address of complainant
Pocket combination tool.....	Exclusion from entry.	May 20, 1954	Latama Cutlery, Inc., 256 West 55th St., New York 19, N. Y.

Notice of the receipt of the above complaint was published in 19 F. R. 3363.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 54-7725; Filed, Sept. 30, 1954; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order 54]

TRANSPORTATION OF HAY TO CERTAIN STATES IN DISASTER AREA

REDUCED RATES

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that by reason of a prolonged drouth existing in the States of Alabama, Georgia, Kansas, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, hereinafter referred to as the disaster area, the Acting Secretary of Agriculture by letter dated September 28, 1954, has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of hay to the said disaster area, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until December 31, 1954, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drouth.

It is further ordered, That during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate-of-intermediate rates is a reduced rate established under the authority of this order.

And it is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association, Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.

Dated at Washington, D. C., this 28th day of September 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7739; Filed, Sept. 30, 1954; 8:55 a. m.]

[4th Sec. Application 29726]

MERCHANDISE IN MIXED CARLOADS FROM NEW YORK, N. Y., AND POINTS TAKING SAME RATES AND PHILADELPHIA, PA., TO PENSACOLA, FLA.

APPLICATION FOR RELIEF

SEPTEMBER 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: New York, N. Y., and points taking same rates, and Philadelphia, Pa.

To: Pensacola, Fla.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: C. W. Boin, Agent, F. C. C. No. A-1030, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7707; Filed, Sept. 30, 1954; 8:49 a. m.]

[4th Sec. Application 29727]

SCRAP IRON IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap iron and steel, carloads.

Between: Points in official territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4607, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7708; Filed, Sept. 30, 1954; 8:49 a. m.]

[4th Sec. Application 29728]

MERCHANDISE IN MIXED CARLOADS FROM MEMPHIS, TENN., TO CHICOPEE AND CHICOPEE FALLS, MASS., DARLINGTON, R. I., AND SOUTH SPRINGFIELD, MASS.

APPLICATION FOR RELIEF

SEPTEMBER 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Memphis, Tenn.

To: Chicopee and Chicopee Falls, Mass., Darlington, R. I., and South Springfield, Mass.

Grounds for relief: Rail competition, circuity, grouping and additional origigins and destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1305, supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7709; Filed, Sept. 30, 1954; 8:50 a. m.]

[4th Sec. Application 29729]

CRUDE RUBBER FROM TEXAS AND LOUISIANA TO PLYMOUTH, OHIO

APPLICATION FOR RELIEF

SEPTEMBER 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Rubber, crude, carloads.

From: Specified points in Texas and Louisiana.

To: Plymouth, Ohio.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 387; F. C. Kratzmeir, Agent, I. C. C. No. 4087, supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7710; Filed, Sept. 30, 1954; 8:50 a. m.]

[4th Sec. Application 29730]

SOYBEANS FROM DOTHAN, ALA., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

SEPTEMBER 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Soybeans, in bulk, carloads.

From: Dothan, Ala.

To: New Orleans, La., for export.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1325, supp. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission,

in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7711; Filed, Sept. 30, 1954; 8:50 a. m.]

[4th Sec. Application 29731]

GLASSWARE BETWEEN OFFICIAL TERRITORY AND ILLINOIS, WISCONSIN, AND IOWA

APPLICATION FOR RELIEF

SEPTEMBER 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules listed below.

Commodities involved: Glassware, carloads.

Territory: Between points in official territory, on the one hand, and points in northern Illinois, southern Wisconsin, Iowa and extended zone "C" in Wisconsin, on the other.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4607, supp. 6; H. R. Hinsch, Agent, I. C. C. No. 4609, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7712; Filed, Sept. 30, 1954; 8:50 a. m.]

[4th sec. Application 29732]

COAL FROM WISCONSIN TO RICHFIELD, MINN.

APPLICATION FOR RELIEF

SEPTEMBER 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Coal, anthracite and bituminous (including bituminous fine coal) and related articles, carloads.

From: Superior, Wis., and other points in Wisconsin.

To: Richfield, Minn.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: Chicago, Milwaukee, St. Paul and Pacific Railroad Company, I. C. C. No. B-7711, supp. 11; Chicago, Milwaukee, St. Paul and Pacific Railroad Company, I. C. C. No. B-7789, supp. 9; Great Northern Railway Company, I. C. C. No. 1, supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7713; Filed, Sept. 30, 1954; 8:50 a. m.]

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VOLUME 19 NUMBER 192

Washington, Saturday, October 2, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10566

AMENDMENT OF EXECUTIVE ORDER NO. 10455,[1] AUTHORIZING THE INSPECTION OF CERTAIN TAX RETURNS

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), Executive Order No. 10455 of May 22, 1953, entitled "Inspection of Income, Excess-profits, Declared Value Excess-profits, Capital Stock, Estate, and Gift Tax Returns by the Committee on Government Operations, House of Representatives", is hereby amended by striking out "1952" and inserting in lieu thereof "1953".[2]

The order shall become effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 29, 1954.

[F. R. Doc. 54-7805; Filed, Sept. 30, 1954; 1:08 p. m.]

EXECUTIVE ORDER 10567

FURTHER DESIGNATION PURSUANT TO SECTION 103 (a) OF THE RENEGOTIATION ACT OF 1951

By virtue of the authority vested in me by the Renegotiation Act of 1951, 65 Stat. 7, as amended, hereinafter referred to as the Act, and as President of the United States, it is ordered as follows:

SECTION 1. The Federal Facilities Corporation, which exercises functions having a direct and immediate connection with the national defense, is hereby designated, pursuant to subsection (a) of section 103 of the Act, as an agency included within the definition of the term "Department" for the purposes of Title I of the Act.

SEC. 2. In accordance with section 102 of the Act, the provisions of Title I of the Act shall be applicable to all contracts with the Federal Facilities Corporation and related subcontracts, to the extent of the amounts received or accrued on or after the first day of October, 1954, whether such contracts or subcontracts were made on, before, or after that date.

SEC. 3. This order shall not be construed as affecting any renegotiation rights which the Government may have with respect to contracts with the Federal Facilities Corporation and related subcontracts to the extent of the amounts received or accrued between July 1, 1954 and September 30, 1954, inclusive, whether such contracts or subcontracts were made on, before, or after July 1, 1954.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 29, 1954.

[F. R. Doc. 54-7804; Filed, Sept. 30, 1954; 12:47 p. m.]

[1] 18 F. R. 3013; 3 CFR 1953 Supp., p. 79.
[2] See Title 26, Chapter I, Part 458, *infra*.

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 4, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

ELIGIBLE BARLEY; SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1571, 2337, 3123, and 4373 and containing the specific requirements for the 1954-Crop Barley Price Support Program are hereby amended as follows:

1. Section 421.453 paragraphs (c) and (d) are amended to make barley grading Western Barley Stained eligible for price

(Continued on p. 6363)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

All of the cumulative pocket supplements and revised books of the Code of Federal Regulations (as of January 1, 1954) are now available, except the supplements to Titles 1–3 and to the General Index.

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support so that the amended paragraphs read as follows:

§ 421.453 *Eligible barley.* • • •

(c) The barley must be of any class grading No. 5 or better, No. 5 Garlicky, or better, or No. 5 Western Barley Stained, or better, except that Class III Western Barley shall not have a test weight of less than 40 pounds per bushel.

(d) Barley grading Tough, Weevily, Blighted, Bleached, Ergoty or Smutty shall not be eligible, except that barley represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that barley grading Tough has been processed at the request of the eligible producer, and delivery will be made of eligible barley not grading Tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

2. Section 421.458 (c) (1) is amended by adding to the list of basic county support rates, the following counties and rates:

COLORADO	
Dolores County	$0.78
Montezuma County	.84
MISSOURI	
Lewis County	1.21
Marion County	1.22

3. Section 421.458 (d) is amended to provide a discount for barley grading "Stained" so that the amended paragraph reads as follows:

§ 421.458 *Support rates.* • • •

(d) *Discounts.* The discount for barley which grades No. 3 shall be 3 cents per bushel; for No. 4, 6 cents per bushel, and for No. 5, 10 cents per bushel. The support rates for "mixed barley" (Class IV) shall be 2 cents per bushel less than the support rates for barley of the Class I, II and III. In addition to any other applicable discounts, a discount of 10 cents per bushel shall be applied to barley grading "Garlicky" and a discount of 10 cents per bushel shall be applied to barley grading "Stained".

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 28th day of September 1954.

WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54-7753; Filed, Oct. 1, 1954; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-23-A13]

PART 913—MILK IN THE GREATER KANSAS CITY MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 913.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Greater Kansas City marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July, 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Add the following as § 913.16:

§ 913.16 *Quota milk.* "Quota milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is not in excess of such producer's daily quota computed pursuant to § 913.6 multiplied by the number of days in such delivery period on which

such milk was received by the handler: *Provided:* That with respect to any producer on "every-other-day" delivery to a pool plant the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 913.65.

2. Add the following as § 913.17:

§ 913.17 *Excess milk.* "Excess milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is in excess of quota milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily quota can be computed pursuant to § 913.65.

3a. Delete § 913.22 (j) (2) and substitute therefor the following:

(2) On or before the 10th day of each month the applicable uniform price(s) computed pursuant to §§ 913.71 and 913.72 and the producer butterfat differential computed pursuant to § 913.82, both applicable to milk delivered during the previous delivery period;

3b. Amend § 913.22 by adding the following as paragraph (l):

(l) On or before February 1 of each year in writing notify: (1) Each producer who made deliveries of milk during the previous September through December of his daily quota computed pursuant to § 913.65, (2) each cooperative association of the daily quota of each member of such association, and (3) each handler of the daily quota of each producer from whom such handler received milk.

4. Delete § 913.30 (a) and substitute therefor the following:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of quota milk and excess milk received from each producer.

5. Delete § 913.31 (a) and substitute therefor the following:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including, for each of the delivery periods of February through July, such producer's deliveries of quota milk and excess milk.

6. Add the following as §§ 913.65 and 913.66:

DETERMINATION OF QUOTA

§ 913.65 *Computation of daily quota for each producer.* The daily quota for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

(a) Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: *Provided,* That the daily quota applicable during the delivery periods of February through July 1955 shall be the higher of that resulting from such computation or that resulting from an identical computation with respect to milk received from such producer during the immediately preceding delivery periods of October through December.

§ 913.66 *Daily quota rules.* (a) Except as provided in paragraph (b) of this section, a daily quota shall apply only to milk produced by the producer in whose name such milk was delivered to the handler(s) during the quota-forming period.

(b) A producer may transfer his daily quota during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such quota is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

7. Delete § 913.71 and substitute therefor the following:

§ 913.71 *Computation of uniform price.* For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers who filed reports prescribed in § 913.30 and who made the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(e) Divide by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received at pool plants located less than 50 miles from the City Hall in Kansas City, Missouri.

8. Add the following as § 913.72:

§ 913.72 *Computation of uniform price for quota milk and excess milk.* For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for quota milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers who filed reports pursuant to § 913.30 and who make the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement funds;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.8 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.8 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat received from producers at pool plants located less than fifty miles from the City Hall in Kansas City, Missouri;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of quota milk included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for quota milk of 3.8 percent butterfat content received from producers at pool plants located less than fifty miles from the City Hall in Kansas City, Missouri.

10. Delete § 913.80 (a) and substitute therefor the following:

(a) On or before the 12th day after the end of each delivery period during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 913.71 or § 913.72, adjusted by the butterfat differential computed pursuant to § 913.82, subject to the location adjustment to producers pursuant to § 913.81, and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 913.88, and (3) any deductions authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 913.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

11. Delete § 913.80 (d) (2) and substitute therefor the following:

(2) The pounds per shipment, the total pounds of milk (quota milk and excess milk separately for February through July), and the average butterfat test of milk delivered by the producer.

12. Delete § 913.86.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 29th day of September 1954 to be effective on and after the 1st day of November 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-7785; Filed, Oct. 1, 1954; 8:54 a. m.]

[Valencia Orange Reg. 24]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.324 *Valencia Orange Regulation 24*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 30, 1954, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 3, 1954, and ending at 12:01 a. m., P. s. t., October 10, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 404,250 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 1, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7826; Filed, Oct. 1, 1954; 12:19 p. m.]

[Orange Reg. 263]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.695 *Orange Regulation 263*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 4, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are currently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until October 4, 1954; the recommendation and supporting information for continued regulation subsequent to October 3, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 4,

1954, and ending at 12:01 a. m., e. s. t., October 18, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 2; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida oranges (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 29, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7783; Filed, Oct. 1, 1954; 8:54 a. m.]

[Grapefruit Reg. 209]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.696 *Grapefruit Regulation 209*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 4, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until October 4, 1954; the recommendation and supporting information for continued regulation subsequent to October 3, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 28; such meeting was held to consider recomendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provision and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 4, 1954, and ending at 12:01 a. m., e. s. t., October 18, 1954, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than $3^{11}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida grapefruit (§§ 51.750 to 51.790 of this title).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 29, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7782; Filed, Oct. 1, 1954; 8:53 a. m.]

[Tangerine Reg. 149]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.697 *Tangerine Regulation 149*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 4, 1954. The committee held an open meeting on September 28, 1954, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangerines grown in the State of Florida, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the State of Florida at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 4, 1954, and ending at 12:01 a. m., e. s. t., October 18, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 150 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9^1/_2$ x $9^1/_2$ x $19^1/_8$ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 29, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7784; Filed, Oct. 1, 1954; 8:54 a. m.]

[Lemon Reg. 557]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.664 *Lemon Regulation 557*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 29, 1954; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 3, 1954, and ending at 12:01 a. m., P. s. t., October 10, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 250 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 30, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[Storage date: Sept. 26, 1954]

DISTRICT NO. 2

[12:01 a. m. Oct. 3, 1954, to 12:01 a. m. Oct. 17, 1954]

Handler	Prorate base (percent)
Total	100.000
American National Foods, Inc., Corona	.082
American National Foods, Inc., Fullerton	.118
American National Foods, Inc., Upland	.206
Buenaventura Lemon Co	1.217

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Consolidated Lemon & Orange Co	0.735
Ventura Pacific Co	3.397
Chula Vista Mutual Lemon Association	.585
Euclid Lemon Association	.959
Index Mutual Association	.114
La Verne Cooperative Citrus Association	1.258
Ventura Coastal Lemon Co	2.558
Ventura Processors	2.225
Glendora Lemon Growers Association	1.619
La Verne Lemon Association	.343
La Habra Citrus Association	.360
Yorba Linda Citrus Association	.420
Escondido Lemon Association	2.109
Cucamonga Mesa Growers	.347
Etiwanda Citrus Fruit Association	.090
San Dimas Lemon Association	1.468
Upland Lemon Growers Association	3.284
Central Lemon Association	.466
Irvine Citrus Association, The	.345
Placentia Mutual Orange Association	.246
Corona Citrus Association	.051
Corona Foothill Lemon Co	1.090
Jameson Co	.685
Arlington Heights Citrus Co	.450
College Heights Orange & Lemon Association	2.880
Chula Vista Citrus Association, The	.903
Escondido Cooperative Citrus Association	.056
Fallbrook Citrus Association	1.005
Lemon Grove Association	.166
Carpinteria Lemon Association	3.298
Carpinteria Mutual Citrus Association	3.434
Goleta Lemon Association	6.347
Johnston Fruit Co	6.622
Briggs Lemon Association	3.023
Fillmore Lemon Association	1.533
Oxnard Citrus Association	7.508
Rancho Sespe	.665
San Fernando Heights Lemon Association	1.140
Santa Clara Lemon Association	5.628
Santa Paula Citrus Fruit Association	4.457
Saticoy Lemon Association	5.492
Seaboard Lemon Association	6.511
Somis Lemon Association	4.163
Ventura Citrus Association	1.630
Ventura County Citrus Association	.243
Limoneira Co	3.364
Teague-McKevett Association	.938
East Whittier Citrus Association	.057
Murphy Ranch Co	.374
North Whittier Heights Citrus Association	.315
Sierra Madre-Lamanda Citrus Association	.207
Far West Produce Distributors	.001
Paramount Citrus Association, Inc	1.168
Santa Rosa Lemon Co	.045

[F. R. Doc. 54-7814; Filed, Oct. 1, 1954; 8:57 a. m.]

[Avocado Order 2, Amdt. 2]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended

(7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of avocados grown in "District 2" in South Florida.

It is, therefore, ordered as follows: The provisions in paragraph (b) (1) of § 969.302 (Avocado Order 2, as amended; 19 F. R. 4861, 5966) as pertains to the variety Booth 8, in Columns 2, 3 and 4, respectively, of the table contained therein, are hereby further amended to read as follows:

(1)	(2)	(3)	(4)
Variety	Beginning date	Minimum weight in ounces	Ending date
Booth 8 ("District 1").	Oct. 4, 1954	12	Oct. 10, 1954
Booth 8 ("District 2").	Oct. 4, 1954	10	Oct. 10, 1954

(c) *Effective time.* The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., October 4, 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 29, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7781; Filed, Oct. 1, 1954; 8:53 a. m.]

PART 980—MILK IN THE TOPEKA, KANSAS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK IN THE TOPEKA, KANSAS, MARKETING AREA

§ 980.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of foods, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, effective not later than October 1, 1954, so as to reflect current market conditions. Any further delay beyond this time, in the effective date of this order, amending the order, will seriously impair the orderly marketing of milk in the Topeka, Kansas, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held July 23, 1954, and the decision of the Secretary having been issued on September 23, 1954. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1954, and that it would be impracticable, unnecessary and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat, 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Topeka, Kansas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Topeka, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Add the following as § 980.16:

§ 980.16 *Base milk.* "Base milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which was not in excess of such producer's daily base computed pursuant to § 980.66 multiplied by the number of days in such delivery period on which such milk was received by the handler: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 980.66.

2. Add the following as § 980.17:

§ 980.17 *Excess milk.* "Excess milk" means the amount of milk received by a handler from a producer during any of the delivery periods of March through July which is in excess of base milk received from such producer during such delivery period and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 980.66.

3. Amend § 980.22 by adding the following as paragraphs (f) and (g):

(f) On or before February 1 of each year in writing notify (1) each producer who made deliveries of milk during the previous September through December of his daily base computed pursuant to § 980.66, (2) each cooperative association of the daily base of each member of such association, and (3) each handler of the daily base of each producer from whom such handler receives milk;

(g) On or before the 8th day after the end of each delivery period mail to

all handlers: (1) Such of the computations of the uniform price(s) made pursuant to §§ 980.71 and 980.72 as do not disclose information confidential pursuant to the act; (2) the applicable uniform price(s) per hundredweight computed pursuant to §§ 980.71 and 980.72; (3) the prices for Class I milk, Class II milk, and Class III milk; and (4) the butterfat differentials computed pursuant to §§ 980.51 and 980.82.

4. Delete § 980.30 (a) and substitute therefor the following:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of base milk and excess milk received from each producer.

5. Delete § 980.31 (a) and substitute therefor the following:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including for each of the delivery periods of February through July such producers' deliveries of base milk and excess milk.

6. Amend § 980.50 (c) by deleting the words "Meyer Sanitary Milk Company at its plant at Valley Falls, Kansas" and substitute therefor the words "Bennett Creamery Company at Ottawa, Kansas: *Provided*, That in no event shall the price be less than that paid at the Beatrice Foods Company plant included in this paragraph.

7. In § 980.64 delete the words *"Excess milk."* as they appear in the heading and substitute therefor the word *"Overage."*

8. Add the following as § 980.66:

§ 980.66 *Computation of daily base for each producer.* The daily base for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

(a) Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: *Provided*, That the daily base applicable during the delivery periods of February through July 1955 shall be the higher of that resulting from such computation or that resulting from an identical computation with respect to milk received from such producer during the immediately preceding delivery periods of October through December.

9. Add the following as § 980.67:

§ 980.67 *Daily base rules.* (a) Except as provided in paragraph (b) of this section, a daily base shall apply only to milk produced by the producers in whose name such milk was delivered to the handler(s) during the base-forming period.

(b) A producer may transfer his daily base during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such base is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily base may be transferred to a member of such producer's immediate family who carries on the daily operation on the same farm.

(2) If a base is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily base may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

10. Delete § 980.71 and substitute therefor the following:

§ 980.71 *Computation of uniform price.* For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 980.70 for all handlers who filed reports prescribed in § 980.30 and who made the payments pursuant to §§ 980.80 and 980.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(c) Substract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 980.82 by the total hundredweight of such milk;

(d) Divide by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for such delivery period for milk of producers containing 3.8 percent butterfat.

11. Add the following as § 980.72:

§ 980.72 *Computation of uniform price for base milk and excess milk.* For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 980.70 for all handlers who filed reports pursuant to § 980.30 and who made the payments pursuant to §§ 980.80 and 980.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(c) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 980.82 by the total hundredweight of such milk;

(d) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class III milk included in these computations by the price for Class III milk of 3.8 percent butterfat content, multiplying the remaining hundredweight of such milk not in excess the total quantity of Class II milk by the price for Class II milk of 3.8 percent butterfat content, multiplying any remaining hundredweight of such milk by the price for Class I milk of 3.8 percent butterfat content, and adding together the resulting amounts.

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figures shall be the uniform price for such delivery period for excess milk of 3.8 percent butterfat received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the aggregate value of milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for such delivery period for base milk of 3.8 percent butterfat received from producers.

12. Amend § 980.80 by deleting the words "at not less than the uniform price for all milk received from such producer" as they appear immediately preceding the proviso and substitute therefor the following: "at not less than the applicable uniform price(s) computed pursuant to §§ 980.71 and 980.72 for milk received from such producers."

13. Delete § 980.85 (c).

14. Delete § 980.87 (b) and substitute therefor the following:

(b) The total pounds of milk (base milk and excess milk separately for February through July) delivered by the producer and the average butterfat test thereof, and the pounds per shipment if such information is not furnished to the producer each day;

15. Delete § 980.88 (a) and substitute therefor the following:

§ 980.88 *Marketing services*—(a) *Deductions for marketing service.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 980.80 shall deduct 5 cents

per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk of each producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such money shall be expended by the market administrator for market information to, and for the verification of weights, sampling and testing of milk received from said producers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 29th day of September 1954, to be effective on and after the 1st day of October 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-7786; Filed, Oct. 1, 1954; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 43—GENERAL OPERATION RULES

REVISION OF PART

Because of the number of outstanding amendments to Part 43 there follows a revision of Part 43 incorporating all amendments thereto which were in effect on October 1, 1954.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

GENERAL

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DEFINITIONS

43.70 Definitions.

AUTHORITY: §§ 43.1 to 43.70 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

GENERAL

§ 43.1 *Scope.* This part governs the operation of civil aircraft in the United States.

AIRCRAFT REQUIREMENTS

§ 43.10 *Aircraft requirements.* (a) No aircraft, except foreign aircraft authorized by the Administrator to be flown in the United States, shall be operated unless an appropriate and valid airworthiness certificate or special flight authorization and a registration certificate issued to the owner of the aircraft are carried in the aircraft, and the aircraft is identified in accordance with the requirements of Part 1 of this subchapter.

(b) No aircraft, except foreign aircraft authorized by the Administrator to be flown in the United States, shall be operated unless there are available in the aircraft appropriate aircraft operating limitations set forth in a form and manner prescribed by the Administrator, or a current flight manual approved by the Administrator. An aircraft shall be operated only in accordance with its prescribed operating limitations.

MAINTENANCE

§ 43.20 *General.* An aircraft shall not be flown unless it is in airworthy condition. Mechanical work must be performed in accordance with Part 18 of this subchapter.

§ 43.21 *Flight tests.* When an aircraft has undergone any repair or alteration which may have appreciably changed its flight characteristics or substantially affected its operation in flight, such aircraft, prior to carrying passengers, shall be test flown by at least a private pilot appropriately rated for the aircraft, and a notation to that effect shall be entered by such pilot in the aircraft log.

§ 43.22 *Inspections*—(a) *Annual inspection.* An aircraft shall not be flown, except for airworthiness flight tests, unless within the preceding 12 calendar months it has been given an annual inspection as prescribed by the Administrator and has been found to be airworthy by a person designated by the Administrator.

(b) *Periodic inspection.* An aircraft shall not be flown for hire, unless within the preceding 100 hours of flight time it has been given a periodic inspection by an appropriately rated mechanic in accordance with the periodic inspection report form prescribed by the Administrator, has been found to be airworthy, and a notation to that effect has been entered by such mechanic in the aircraft log. The annual inspection required by paragraph (a) of this section will be accepted as one such periodic inspection.

(c) *Air carrier exemption.* Air carrier aircraft are exempted from paragraphs (a) and (b) of this section when such aircraft are maintained and inspected in accordance with a continuous maintenance and inspection system as provided for by Part 41, 42, or 61 of this subchapter.

§ 43.23 *Aircraft and engine records.* The registered owner of a certificated aircraft shall be responsible for maintaining and keeping available for inspection by an authorized representative of the Administrator or the Board and for transfer with the aircraft or engine the following records:

(a) Aircraft and engine records which shall contain a current, accurate, and permanent record including the flight time of the aircraft and each engine, reports of inspections, minor repairs, and minor alterations of the aircraft structure, engines, and propellers. A mechanical device which records the total time of operation or the total number of engine revolutions may be used in lieu of individual flight entries: *Provided*, That the totals of flight time are recorded in the aircraft and engine records at periodic intervals to enable compliance with the required inspections and maintenance procedures.

(b) A record of major repairs and alterations shall be maintained as required by Part 18 of this subchapter. A reference to such major repairs and alterations shall be entered in the appropriate place in the aircraft records.

§ 43.24 *Rebuilt engine logs.* A new record without previous operating history may be used for an aircraft engine rebuilt by the manufacturer or any agency approved by the manufacturer for such work, provided such new record contains a signed statement by such manufacturer or agency giving the date the engine was rebuilt and such other information as the Administrator may require.

AIRCRAFT INSTRUMENTS AND EQUIPMENT

§ 43.30 *Instruments and equipment for NC powered aircraft or powered aircraft with standard airworthiness certificates.* The following instruments and equipment, or instruments and equipment which the Administrator has found to be the equivalent, are required for the particular category of operation specified:

(a) *Contact flight rules (day).* (1) Air-speed indicator.
(2) Altimeter.
(3) Magnetic direction indicator.
(4) Tachometer for each engine.
(5) Oil pressure gauge for each engine using pressure system.
(6) Temperature gauge for each liquid-cooled engine.
(7) Oil temperature gauge for each air-cooled engine.
(8) Manifold pressure gauge, or equivalent, for each altitude engine.

(9) Fuel gage indicating the quantity of fuel in each tank.
(10) Position indicator, if aircraft has retractable landing gear.
(11) Approved flotation gear readily available for each occupant and a Very pistol or equivalent signal device, if the aircraft is operated for hire over water beyond gliding distance from shore without the aid of power.
(12) *Safety belts for all occupants.* Safety belts shall be of an approved type. In no case shall the rated strength of a safety belt be less than that corresponding with the ultimate load factors specified in the pertinent currently effective aircraft airworthiness parts of the regulations in this subchapter taking due account of the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. The webbing of safety belts shall be subject to periodic replacement as prescribed by the Administrator.

(b) *Contact flight rules (night).* (1) Equipment specified in paragraph (a) of this section.
(2) Set of certificated forward and rear position lights.
(3) After May 31, 1956, an approved anti-collision light for aircraft having a maximum certificated weight of more than 12,500 pounds; except that in the event of failure of such light, the aircraft may continue flight to the next stop where repairs or replacements can be made without undue delay.
(4) One electric landing light, if the aircraft is operated for hire.
(5) Certificated landing flares as follows, if the aircraft is operated for hire beyond a 3-mile radius from the center of the airport of take-off:

Maximum authorized weight of aircraft:
3,500 pounds or less: five class 3 or three class 2 flares.
3,500 pounds to 5,000 pounds: four class 2 flares.
Above 5,000 pounds: two class 1 or three class 2 and one class 1 flares.

If desired, flare equipment specified for heavier aircraft may be used.
(6) An adequate source of electrical energy for such electrical and radio equipment as is installed.
(7) One spare set of fuses or 3 spare fuses of each magnitude.

(c) *Instrument flight rules.* (1) Equipment specified for contact flight rules in paragraph (a) of this section and, for night flight, equipment specified in paragraph (b) of this section.
(2) Two-way radio communications system and navigational equipment appropriate to the ground facilities to be used.
(3) Gyroscopic rate-of-turn indicator.
(4) Bank indicator.
(5) Sensitive altimeter adjustable for change in barometric pressure.
(6) Clock with a sweep second hand.
(7) Generator of adequate capacity.

§ 43.31 *Aircraft electronic navigation equipment accuracy.* Except for aircraft in which the omnidirectional radio range (VOR) equipment is maintained, checked, and inspected in accordance with a procedure approved [1] by the Administrator, no person shall operate an aircraft under instrument flight rules using the VOR system of radio navigation unless the aircraft VOR equipment has been operationally checked, both within the preceding ten hours of aircraft flight time and within the preceding ten days, and found to be within the limits of the indicated bearing error specified in this section for the particular check. The checks shall be conducted in accordance with either paragraph (a) or (b) of this section as follows:

(a) (1) If a CAA operated or approved test signal [2] is available at the airport of intended departure, a check of the VOR equipment shall be accomplished using this test signal. The maximum permissible indicated bearing error is plus or minus 4°.
(2) If a CAA operated or approved test signal is not available at the airport of intended departure, a check shall be accomplished using a point on an airport surface designated [2] by the Administrator as a VOR system check point. The maximum permissible indicated bearing error is plus or minus 4°.[3]
(3) If neither a CAA operated or approved test signal nor a designated check point on the airport surface is available, a check shall be accomplished using an airborne check point designated [2] as such by the Administrator. The maximum permissible indicated bearing error is plus or minus 6°.
(4) In the event none of the checks prescribed in subparagraphs (1), (2), and (3) of this paragraph can be accomplished, because of the unavailability of a check signal or point, the following airborne procedure shall be accomplished.
(i) Select the VOR radial which lies along the center line of an established VOR airway,
(ii) Choose a prominent ground point along the selected radial preferably more than 20 miles from the VOR ground facility and maneuver the aircraft directly over the point at a reasonably low altitude, and
(iii) Note the VOR bearing indicated by the receiver when over the point. The maximum permissible difference between the published radial and the indicated bearing is plus or minus 6°.

(b) If dual systems (defined as VOR units independent of each other with the exception of the antenna) are installed in the aircraft, one system may be checked against the other in the following manner in lieu of the check procedures specified above: Both systems shall be tuned to the same VOR ground facility and the indicated bearings to that station noted. The maximum permissible variation between the two indicated bearings is 4°.

(c) The person making the VOR operational check as specified in paragraphs (a) or (b) of this section shall make an entry of such check in the aircraft log or other permanent record showing the date, place, bearing error, and his signature.

[1] An approved continuous maintenance and inspection program specified in Operations Specifications issued by or approved by the Administrator or any equivalent maintenance and inspection system specifically approved by the Administrator.
[2] CAA operated or approved test signals, and ground check points on an airport surface and airborne check points designated by the Administrator, will be shown in the Airman's Guide.
[3] In making this check, caution should be exercised to head the aircraft in a direction to prevent the aircraft structure from interfering with the ground signal.

PILOTING RULES (GENERAL)

§ 43.40 *Pilot certificate.* No person shall pilot a civil aircraft within the United States unless he has in his personal possession at all times while piloting aircraft a valid pilot certificate with appropriate ratings issued by the Administrator, or an appropriate and valid foreign pilot certificate and ratings. Such certificate shall be presented for examination to any inspector of the Administration or State or local law enforcement officer upon the request of such inspector or enforcement officer.

§ 43.41 *Medical certificate and renewal.* No person shall pilot an aircraft under authority of a pilot certificate issued by the Administrator, unless he has in his personal possession at all times while piloting aircraft a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate to his rating within the following time limits:

(a) *Student or private pilot.* 24 calendar months.
(b) *Commercial pilot.* 12 calendar months, or 24 calendar months for operations requiring only a private pilot rating.
(c) *Airline transport pilot.* Six calendar months, or 12 calendar months for operations requiring only a commercial pilot rating, or 24 calendar months for operations requiring only a private pilot rating.

§ 43.42 *Operation during physical deficiency.* A person shall not pilot any aircraft during a period of any known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

§ 43.43 *Pilot logbooks.* A record of the flight time used to substantiate recent experience or qualification for certificates or ratings shall be kept in a bound logbook. The logging of other flight time is not required. Such record shall show:

(a) Date of flight, duration of flight, and the points between which such flight was made,
(b) Category and type of the aircraft flown, the airplane class and engine horsepower,
(c) Aircraft identification mark,
(d) Dual instruction endorsed by a rated instructor, solo, pilot in command, instrument, and night flying time.

§ 43.44 *Logging of flight time*—(a) *Student.* A student pilot may log as solo

only that time during which he is the sole occupant of the aircraft in flight.

(b) *Private and commercial*—(1) *Pilot in command.* A private or commercial pilot may log flight time as pilot in command that flight time during which he is the sole manipulator of the controls of an aircraft for which he is rated or that flight time during which he is the sole occupant of the aircraft. A flight instructor may log flight time as pilot in command that flight time during which he is serving as a flight instructor. All flight time so logged may be credited toward the total flight time required for a higher pilot rating.

(2) *Copilot.* A private or commercial pilot may log as copilot time that flight time during which he is performing the duties of a copilot. Such pilot shall be entitled to credit not more than 50 percent of such flight time toward the total flight time required for a higher grade of pilot rating, but in no event shall a private pilot be entitled to credit more than 50 hours of such flight time.

(c) *Instrument time.* Instrument flight time may be logged as such by the pilot actually manipulating the controls only when the aircraft is flown solely by reference to instruments either under actual or simulated instrument flight conditions.

§ 43.45 *Use of liquor, narcotics, and drugs.* No person shall pilot an aircraft or serve as a member of the crew while under the influence of intoxicating liquor or use any drug which affects his faculties in any manner contrary to safety. A pilot shall not permit any person to be carried in the aircraft who is obviously under the influence of intoxicating liquor or drugs, except a medical patient under proper care or in case of emergency.

§ 43.46 *Towing by aircraft.* No pilot shall tow anything by aircraft unless authority for such operation has been issued by the Administrator.

§ 43.47 *Dropping objects or persons.* (a) No person piloting an aircraft shall permit any object to be dropped from such aircraft in flight which creates a hazard to persons or property.

NOTE: This rule prohibits neither aerial application operations, such as seeding, spraying or dusting, nor the dropping of newspapers, periodicals, circulars, or objects of any other kind, provided reasonable precautions are taken to avoid injury or damage to persons or property.

(b) No person piloting an aircraft shall permit a parachute jump to be made from such aircraft over congested areas of cities, towns, or settlements, or an open air assembly of persons except in an emergency or except under the terms of an authorization issued by the Administrator.

§ 43.48 *Acrobatic flight.* No pilot shall intentionally fly an aircraft in aerobatic flight carrying passengers unless all occupants are equipped with approved parachutes.

§ 43.49 *Parachutes.* No pilot shall carry on an aircraft a parachute which is available for emergency use unless:

(a) It is an approved chair-type (canopy in back) parachute which has been packed by a qualified parachute rigger within the preceding 120 days; or

(b) It is an approved-type, other than a chair-type (canopy in back) parachute which has been packed by a qualified parachute rigger within the preceding 60 days.

§ 43.50 *Transportation of explosives and other dangerous articles.* No person piloting an aircraft shall permit explosives or other dangerous articles such as inflammable liquids or solids, oxidizing material, corrosive liquid, inflammable or noninflammable compressed gas, poison gas or liquid, poisonous liquid or solid, or tear gas to be carried in aircraft, except as provided for in Part 49 of this subchapter. Small arms ammunition for personal use, necessary aircraft signaling devices, and equipment necessary to safe operation of the aircraft are permitted.

§ 43.51 *Fuel supply.* Aircraft operated under IFR conditions shall carry sufficient fuel, considering weather reports and forecasts of wind and other weather conditions, to complete the flight to the point of first intended landing, to fly from there to the alternate airport, and to fly thereafter for 45 minutes at normal cruising speed.

STUDENT PILOT LIMITATIONS

§ 43.52 *General limitations.* No student pilot shall pilot an aircraft carrying a passenger, or on an international flight, or for compensation or hire, or in furtherance of a business.

§ 43.53 *Requirements for first solo.* A student pilot shall not operate an aircraft in solo flight until:

(a) He has passed a written examination on the pertinent provisions of this part, Part 62, and those of Part 60 of this subchapter relating to visual flight rules.

(b) He has been found competent by a flight instructor to make such flight and authority therefor has been endorsed by such instructor on the student pilot certificate, and

(c) He has been given instruction in the prevention of and recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes.

§ 43.54 *Flight area limitations.* A student pilot shall not pilot an aircraft outside a local flying area designated by his flight instructor until:

(a) He has had a total of 15 hours of flight time, or, if enrolled in and receiving flying instruction from an approved air agency, he is deemed competent by such agency, and

(b) He has received at least 3 hours of dual cross-country instruction from a flight instructor, and his student pilot certificate has been appropriately endorsed by such instructor.

§ 43.55 *Aircraft limitations.* A student shall not pilot an aircraft other than that of the category, class, and type which has been endorsed on his student pilot certificate by a flight instructor.

§ 43.56 *Recent experience.* A student who has not piloted a powered aircraft within 90 days shall not pilot such aircraft in solo flight until he has passed a flight check given by a flight instructor and that fact has been endorsed by such instructor in the student pilot logbook.

PRIVATE AND COMMERCIAL PILOT PRIVILEGES AND LIMITATIONS

§ 43.60 *Private pilot.* A private pilot shall not pilot aircraft for compensation or hire; except that he may pilot aircraft in connection with any business or employment, if the flight is merely incidental thereto and does not involve the carriage of persons or property for compensation or hire, and an aircraft salesman holding a private pilot rating may demonstrate aircraft in flight to a prospective purchaser if he has at least 200 hours of flight time credited in accordance with the provisions of this part.

§43.61 *Commercial pilot.* A commercial pilot may pilot aircraft for hire. A commercial glider pilot may give flight instruction in gliders.

§ 43.62 *Airline transport pilot.* An airline transport pilot may exercise the privileges of a commercial pilot with an instrument rating.

§43.63 *Rating requirements.* A private or commercial pilot shall not serve as pilot in command of an aircraft carrying passengers or operated for remuneration other than in aircraft of the category and class for which he is rated. After May 1, 1953, a private or commercial pilot shall not serve as pilot in command of aircraft exceeding 12,500 pounds maximum certificated weight when carrying passengers or operated for remuneration unless, in addition to proper category and class ratings, he also holds an appropriate type rating. Upon application to the Administrator prior to May 1, 1953, by the holder of a valid private or commercial pilot certificate, type ratings for each aircraft exceeding 12,500 pounds maximum certificated weight will be issued to such holder, without further showing of competency, upon presentation of reliable evidence that the certificate holder either has passed an official rating test, as prescribed by the Administrator, in that type aircraft; or has served as pilot in command and sole manipulator of the controls for at least 10 hours since May 1, 1949, and such aircraft was within his category and class ratings. A private or commercial pilot may serve as pilot in command of aircraft for which he is not rated when it is being flown without passengers and is not being operated for remuneration, unless other limitations placed on his certificate prohibit him from doing so.

NOTE: Nothing contained in this section shall be construed as relieving the restrictions with respect to private pilots operating aircraft for hire.

§ 43.64 *Flight instruction limitations.* This section governs flight instructions:

(a) *Aircraft.* Aircraft shall be equipped with fully functioning dual controls.

(b) *Flight time.* A flight instructor shall not give more than 8 hours of dual flight instruction in any one day and not more than 36 hours of dual flight instruction in any 7-day period.

(c) *Endorsement of student pilot certificates.* A flight instructor shall endorse the certificate of any student pilot for solo flight or flight in different categories, classes, and types of aircraft only if he has determined that the student is competent to exercise such privileges with safety, and for cross-country flight only if he has additionally determined that the student has an elementary knowledge of aeronautical charts, meteorological data, and the use of a magnetic compass.

(d) *Aircraft category limitations.* A flight instructor shall not give flight instruction in a category of aircraft in which he has not demonstrated to an authorized representative of the Administrator his proficiency as a flight instructor.

§ 43.65 *Instrument flight limitations.* A pilot shall not pilot aircraft under instrument flight rules, unless he holds a valid instrument rating issued by the Administrator.

§ 43.66 *Instrument flight instruction.* Instrument flight instruction may be given only by a person holding an effective instrument rating. A flight instructor rating is not required.

§ 43.67 *Simulated instrument flight.* Aircraft shall not be flown under simulated instrument flight conditions unless:

(a) Fully functioning dual controls are installed in the aircraft.

(b) An appropriately rated pilot occupies the other control seat as safety pilot, and

(c) Such safety pilot at all times has adequate vision forward and to either side of the aircraft, or a competent observer occupies a position in the aircraft so that his field of vision adequately supplements that of the safety pilot.

§ 43.68 *Recent flight experience.* This section governs recent flight experience:

(a) *General.* No person shall pilot an aircraft carrying passengers unless within the preceding 90 days he has made at least 5 take-offs and landings to a full stop in aircraft of the same category, class, and type of aircraft to be flown. No person shall pilot a glider carrying passengers in aero-tow flight unless within the preceding 12 months he has made at least 6 aero-tow flights aggregating 1 hour during which the foregoing take-off and landing requirements are met.

(b) *Night flight.* No person shall pilot an aircraft carrying passengers during the period from one hour after sunset to one hour before sunrise, unless he has made at least 5 take-offs and landings to a full stop during such period within the preceding 90 days.

(c) *Instruction flight.* A flight instructor shall not exercise the privileges of the instructor rating unless within the preceding 12 calendar months he has either:

(1) Given at least 10 hours of flight instruction while appropriately rated, or

(2) Demonstrated his continued proficiency to the Administrator.

(d) *Instrument flight.* A pilot shall not pilot an aircraft under instrument flight rules unless he has had at least 6 hours of instrument flight under actual or simulated flight conditions during the preceding six calendar months or until he has had 6 hours of such flight time under:

(1) Actual instrument conditions, accompanied by a pilot of at least private rating holding an appropriate aircraft and instrument rating, or

(2) Simulated instrument conditions in an aircraft accompanied by a pilot of at least private rating holding an appropriate aircraft rating, or

(3) Simulated instrument conditions in equipment approved by the Administrator, except that at least 3 hours must have been had in accordance with subparagraphs (1) or (2) of this paragraph.

DEFINITIONS

§ 43.70 *Definitions.* As used in this part terms shall be defined as follows:

Category. Category shall indicate a classification of aircraft such as airplane, helicopter, glider, etc.

Class. Class shall indicate a difference in basic design of aircraft within a category, such as single-engine land, multiengine sea, etc.

Copilot. Copilot shall mean a pilot serving in any piloting capacity other than as pilot in command on aircraft requiring two pilots for normal operations, but excluding a pilot who is on board the aircraft for the sole purpose of receiving dual instruction.

Dual instruction time. Dual instruction time shall mean that portion of the flight time during which a person is receiving flight instruction from a rated flight instructor on board the aircraft.

Flight instructor. Flight instructor means a pilot who is qualified to instruct other pilots and who has received a flight instructor rating.

Flight time. Flight time shall mean the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight.[1]

Passenger. A passenger is an occupant of the aircraft in flight other than a crew member.

Pilot. A pilot is a person holding a valid pilot certificate issued by the Administrator.

Pilot in command. Pilot in command shall mean the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Solo flight time. Solo flight time shall mean the flight time during which a pilot is the sole occupant of an aircraft.

To pilot. To pilot means to be in command of the aircraft during take-off, in flight, or landing.

[1] For example, a pilot taxies to the warm-up apron and holds there for several minutes before taking off to permit the engine to warm up. Such taxi and warm-up time is not considered flight time. Flight time begins when the aircraft leaves the warm-up apron and ends when the pilot returns to parking apron and turns the switches off.

Type. Type shall mean all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

[F. R. Doc. 54-7594; Filed, Oct. 1, 1954; 8:45 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

PART 102—LICENSES AND PERMITS TO IMPORT BIOLOGICAL PRODUCTS

OVERTIME, NIGHT, AND HOLIDAY WORK AT LICENSED ESTABLISHMENTS

Pursuant to the authority conferred by the act of March 4, 1913 (37 Stat. 832–833, 21 U. S. C. 151–158), and the act of August 4, 1949 (63 Stat. 495, 7 U. S. C. 394a) relating to overtime duty performed at establishments which prepare virus, serum, toxin, or analogous products for use in the treatment of domestic animals, § 102.78 is hereby amended as follows, to become effective immediately:

§ 102.78 *Overtime work at licensed establishments.* The management of a licensed establishment desiring to work under conditions which will require the services of an employee of the Branch on Saturday, Sunday, or a holiday, or for more than eight hours of any other day, shall sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to provide inspection service during such overtime period, and shall pay the Administrator of the Agricultural Research Service an amount sufficient to reimburse the service for the cost of the inspection service so furnished. It will be administratively determined from time to time which days constitute holidays.

Finding. The cost of furnishing the overtime inspection service must be covered by funds collected from the inspected licensee. It is imperative that the Service be prepared to adjust the billing rate without delay whenever necessary to adequately reimburse it for the inspection costs. It is found therefore that the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237), are impracticable and contrary to the public interest with respect to this regulation.

(37 Stat. 832; 21 U. S. C. 154)

Done at Washington, D. C., this 28th day of September 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-7787; Filed, Oct. 1, 1954; 8:55 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 224—DISCOUNT RATES

ADVANCES TO MEMBER BANKS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, § 224.3, relating to advances to member banks under section 10 (b) of the Federal Reserve Act, is amended so as to change the percentage rate for the Federal Reserve Bank of Chicago from 2½ to 2, effective September 13, 1954.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply sec. 14, 38 Stat. 264, as amended; 12 U. S. C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 54-7749; Filed, Oct. 1, 1954; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6164]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CAPITOL SERVICE, INC. AND ROBERT K. SMITH

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Government connections; personnel or staff; qualifications and abilities; § 3.55 *Demand, business or other opportunities;* § 3.115 *Jobs and employment service;* § 3.205 *Scientific or other relevant facts;* § 3.280 *Unique nature or advantages.* Subpart—*Misrepresenting oneself and goods: Business status, advantages or connections:* § 3.1425 *Government connections;* § 3.1520 *Personnel or staff;* [*Misrepresenting oneself and goods*]—Goods: § 3.1670 *Jobs and employment;* § 3.1685 *Nature;* § 3.1740 *Scientific or other relevant facts;* § 3.1760 *Terms and conditions;* § 3.1765 *Undertakings, in general;* § 3.1770 *Unique nature or advantages.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1985 *Individual's special selection or situation;* § 3.1995 *Job guarantee and employment;* § 3.2015 *Opportunities in product or service;* § 3.2063 *Scientific or other relevant facts;* § 3.2080 *Terms and conditions;* § 3.2090 *Undertakings, in general.* In connection with the offering for sale, sale, or distribution in commerce of a course of study and instruction intended for preparing students thereof for examinations for Civil Service positions under the United States Government, or any similar course of study (1) representing, directly or by implication: (a) That respondents or their school have any connection with the United States Civil Service Commission or any other agency of the United States Government; (b) that respondents' sales agents are representatives or employees of the United States Civil Service Commission or any other government agency or have any connection therewith; (c) that the completion of respondents' course of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions; (d) that it is necessary for persons seeking Civil Service positions to take respondents' course of study in order to qualify for or obtain such positions; (e) that any Civil Service position which requires appointees to have veteran's status or special physical, mental, educational, or experiential qualifications is generally available; (f) that it is necessary that persons desiring to prepare for Civil Service examinations be interviewed personally by respondents' salesmen; (g) that vacancies exist in any Civil Service position contrary to the fact; or that the number of positions available or vacant in said service or any branch thereof is greater than is actually the fact; (h) that the starting salary for any United States Civil Service position is greater than it is in fact; (i) that respondents offer any specialized training or sell any course of instruction other than a basic course for lower grade positions; (j) that positions obtained in the United States Civil Service will be at or near the place of residence of the employee; (k) that prospective purchasers of respondents' course of instruction are especially selected: (1) that enrollees may cancel their enrollment contract at any time without liability for the balance of the purchase price of said course; and (2) using any picturization resembling or simulating the dome of the United States Capitol unless in immediate conjunction therewith it is clearly set forth that respondents' business is a private correspondence school; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46 Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Capitol Service, Inc. et al., Lansing Mich., Docket 6164, Aug. 31, 1954]

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, hearings at which certain evidence in support of and in opposition to the complaint was received, and a stipulation of fact entered into by counsel.

Said stipulation provided, among other things, that the record might be closed insofar as the reception of evidence was concerned and the case submitted to the hearing examiner for final consideration upon the record as made up to that time, including the stipulation, the filing of proposed findings and conclusion, and oral argument being waived, and said examiner, with the matter thus before him for final consideration on the merits, made his initial decision comprising certain findings as to the facts,[1] conclusions drawn therefrom,[1] and order.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 31, 1954.

Said order is as follows:

It is ordered, That respondent The Capitol Service, Inc., a corporation, and its officers, and respondent Robert K. Smith, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a course of study and instruction intended for preparing students thereof for examination for civil service positions under the United States Government, or any similar course of study, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That respondents or their school have any connection with the United States Civil Service Commission or any other agency of the United States Government.

(b) That respondents' sales agents are representatives or employees of the United States Civil Service Commission or any other government agency or have any connection therewith.

(c) That the completion of respondents' course of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions.

(d) That it is necessary for persons seeking Civil Service positions to take respondents' course of study in order to qualify for or obtain such positions.

(e) That any Civil Service position which requires appointees to have veteran's status or special physical, mental, educational, or experiential qualifications is generally available.

(f) That it is necessary that persons desiring to prepare for civil service examinations be interviewed personally by respondents' salesmen.

(g) That vacancies exist in any Civil Service position contrary to the fact; or that the number of positions available or vacant in said service or any branch thereof is greater than is actually the fact.

(h) That the starting salary for any United States Civil Service position is greater than it is in fact.

(i) That respondents offer any specialized training or sell any course of instruction other than a basic course for lower grade positions.

(j) That positions obtained in the United States Civil Service will be at or near the place of residence of the employee.

[1] Filed as part of the original document.

(k) That prospective purchasers of respondents' course of instruction are especially selected.

(l) That enrollees may cancel their enrollment contract at any time without liability for the balance of the purchase price of said course.

2. Using any picturization resembling or simulating the dome of the United States Capitol unless in immediate conjunction therewith it is clearly set forth that respondents' business is a private correspondence school.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6164, August 31, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 31, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-7776; Filed, Oct. 1, 1954; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53606]

PART 3—DOCUMENTATION OF VESSELS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

MISCELLANEOUS AMENDMENTS

Section 501 of the Customs Simplification Act of 1954, approved September 1, 1954 (Pub. Law 768; 68 Stat. 1140), amends existing law so as to exempt undocumented American pleasure vessels from the present requirements of entry and clearance and to remove the present requirement that yachts of over 15 gross tons make formal entry upon arrival from foreign ports. In addition, that section substitutes for the present requirement of a manifest of all "dutiable" articles in the case of a yacht not required to make entry a new requirement, for both yachts and undocumented American pleasure vessels, that all articles on board for which a customs entry is required, whether dutiable or not, be reported to the collector of customs within 24 hours after arrival. In view of these changes in existing law, the Customs Regulations are amended as follows:

1. Section 3.53 (a) is amended by deleting all the matter following the first sentence and inserting in lieu thereof the following: "A vessel which is so documented and which is not engaged in any trade nor in any way violating the customs or navigation laws of the United States may proceed from port to port in the United States or to foreign ports without clearing and is not subject to entry upon its arrival in a port of the United States, provided it has not visited a hovering vessel."

2. The citation of authority for § 3.53 is amended to read "(R. S. 4197, as amended, R. S. 4214, as amended, R. S. 4217, as amended, R. S. 4367, 4368, sec. 4, 28 Stat. 625, sec. 5, 35 Stat. 425, as amended, secs. 433, 434, 435, 441, 46 Stat. 711, 712; 19 U. S. C. 1433, 1434, 1441, 46 U. S. C. 91, 103–105, 107, 313, 314.)"

3. Section 4.2 is amended by redesignating paragraphs (c) and (d) as (d) and (e) and by inserting a new paragraph (c) to read as follows:

(c) In the case of a vessel described in section 441 (3), Tariff Act of 1930, as amended,[1] the report of articles subject to entry shall be made in accordance with the provisions of section 10.19 to the customs officer assigned to board the vessel. (See § 4.1 (c).)

(Sec. 441, 46 Stat. 712, as amended; 46 U. S. C. 2)

4. Section 4.3 is amended as follows:

a. Paragraph (a) is amended by deleting "R. S. 4218, as amended[1]."

b. Footnote 5, appended to paragraph (a), is amended by revising paragraph (3) thereof to read as follows:

(3) Licensed yachts or undocumented American pleasure vessels not engaged in trade nor in any way violating the customs or navigation laws of the United States and not having visited any hovering vessel: *Provided,* That the master of any such vessel which has on board any article required by law to be entered shall be required to report such article to the collector within twenty-four hours after arrival;

c. Footnote 6, appended to paragraph (a), is deleted.

(Sec. 501, 68 Stat. 1140)

5. Footnote 90, appended to § 4.60 (a) and (b), is amended by substituting the following for the parenthetical matter first appearing in the second sentence thereof:

(other than a licensed yacht or an undocumented American pleasure vessel not engaged in any trade nor in any way violating the customs or navigation laws of the United States)

6. Section 4.60 (b) (1) is amended to read as follows:

(1) A licensed yacht or undocumented American pleasure vessel not engaged in trade nor in any way violating the customs or navigation laws of the United States.[2]

(Sec. 501, 68 Stat. 1140)

It should be noted that nothing contained in the above-cited section 501 of the Customs Simplification Act of 1954 affects the necessity for reporting arrival as required by section 433, Tariff Act of 1930 (see § 4.2, Customs Regulations).

The foregoing amendments shall be effective October 1, 1954.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 28, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7769; Filed, Oct. 1, 1954; 8:51 a. m.]

[T. D. 53603]

PART 3—DOCUMENTATION OF VESSELS

The act of August 9, 1954, gives to the Secretary of Commerce during the time of national emergency the authority to requisition, purchase, or charter foreign merchant vessels lying idle in United States waters. To provide for documentation of such vessels the Customs Regulations are amended by adding sections which follow. Similar provisions were deleted by T. D. 53336 upon expiration of the act of June 6, 1941, as extended.

Sec.
3.60 Vessels entitled to documents.
3.61 Provisional register.
3.62 Marine documents; classes; period of validity.
3.63 Marine documents; execution of.
3.64 Marine documents to include dimensions and tonnage.
3.65 Application for official number and signal letters.
3.66 Designation of home port.
3.67 Coastwise permit.
3.68 Marketing of official number and net tonnage.
3.69 Home port; change of.
3.70 Master's oath for enrollment and license.
3.71 Change of master.
3.72 Issue, record, and surrender of documents.
3.73 Renewal of document.
3.74 Exchange of documents.

Authority: §§ 3.60 to 3.74 issued under sec. 3, Pub. Law 569, 83d Cong.

§ 3.60 *Vessels entitled to documents.* (a) (1) Any vessel (except a vessel constructed under the provisions of the Merchant Marine Act, 1936, as amended), not documented under the laws of the United States, which is acquired by or made available to the Secretary of Commerce, may be documented under the act of August 9, 1954.[1]

(2) A vessel may be documented under such sections although no certificate of inspection has been issued or filed with the collector.

(3) The master and watch officers of a vessel documented under such sections shall be citizens of the United States, except in those cases where that requirement of law is waived as provided for in section 3(b) of the act of August 9, 1954.

(b) Vessels registered pursuant to this section shall not engage in the coastwise trade unless in possession of a valid unexpired permit to engage in that trade issued by the Secretary of Commerce under authority of section 3(c) of the act of August 9, 1954.

(c) Any vessel which is entitled under the provisions of paragraph (a) of this section to be registered may be enrolled and licensed if 20 net tons or over, or, if under 20 net tons, licensed for the coasting trade under the act of August 9, 1954, provided a valid unexpired permit to engage in the coastwise trade issued by the Secretary of Commerce under the authority of section 3(c) of the act of August 9, 1954, is filed with the collector of customs to whom application for enrollment and license or license is made.

[1] It is not necessary that the name and hailing port be marked prior to documentation on a vessel to be documented under §§ 3.60 to 3.74.

§ 3.61 *Provisional register.* (a) Subject to prior authorization by the Commissioner of Customs in each case, a consular officer of the United States, or the captain of the Port of Cristobal or Balboa, C. Z., may issue a provisional register to a vessel abroad which has been acquired by or made available to the Secretary of Commerce.

(b) A copy of every provisional register issued under this section shall be forwarded immediately by the issuing officer through the usual channels to the Commissioner of Customs.

(c) Such provisional register shall entitle the vessel to the privilege of a vessel of the United States in trade with foreign countries, American Samoa, or the Island of Guam, until the expiration of 6 months from the date thereof, until 10 days after the vessel's arrival at a port in the United States, or until the effective date of an order of the Commissioner of Customs requiring its surrender, whichever may happen first, and no longer.

§ 3.62 *Marine documents; classes; period of validity.* (a) Marine documents issued under the act of August 9, 1954, shall consist of registers, enrollments and licenses, and licenses.

(b) All marine documents (except provisional registers) issued under the act of August 9, 1954, shall be permanent, whether granted to vessles at their home ports or at ports other than their home ports.

(c) Every marine document issued under the act of August 9, 1954, shall be valid until the effective date of an order of the Commissioner of Customs requiring its surrender, unless sooner terminated as provided for in any of the provisions of §§ 3.60 to 3.74.

(d) Any document issued under the act of August 9, 1954, shall be valid only so long as the vessel to which it is granted is owned as, and of the description, stated therein.

(e) Any enrollment and license or license issued under the act of August 9, 1954, shall be valid only so long as the permit issued to the vessel by the Secretary of Commerce remains in force.

(f) Any document issued under the act of August 9, 1954, shall be surrendered at any time that such surrender may be ordered by the Commissioner of Customs. No vessel, the surrender of the documents of which has been so ordered, shall have, after the effective date specified in such order, the status of the vessel of the United States unless documented anew.

§ 3.63 *Marine documents; execution of.* All marine documents issued under the act of August 9, 1954, shall be executed as prescribed in § 3.7.

§ 3.64 *Marine documents to include dimensions and tonnage.* Every marine document issued to a vessel under the act of August 9, 1954, shall, whenever possible express the data specified in § 3.9.

§ 3.65 *Application for official number and signal letters.* (a) Application for an official number for a vessel to be documented under the act of August 9, 1954, shall be made in duplicate by the Secretary of Commerce and delivered to the Commissioner of Customs directly or through the collector of customs at the home port, or through the collector of customs at the port at which the Secretary of Commerce intends to document the vessel. The application may contain a request that signal letters be awarded, and shall state:

(1) That the United States represented by the Secretary of Commerce is the owner of the vessel.

(2) That the vessel is not documented under the laws of the United States.

(3) That it has been acquired by or made available to the Secretary, as the case may be.

(4) That it has not been constructed under the provisions of the Merchant Marine Act, 1936, as amended.

(5) The material of which the hull is constructed.

(6) The date and place of build of the vessel, if possible.

(7) The matters required by § 3.64 to be shown on the document.

(b) Official numbers issued to such vessels shall be prefaced by the letters MA. The issuance shall be as provided for in § 3.13 (d).

§ 3.66 *Designation of home port.* Prior to documentation, the approval of the Commissioner of Customs of the designation of home port shall be obtained by the Secretary of Commerce. The designation shall be made by the Secretary of Commerce in triplicate on customs Form 1319 and delivered to the Commissioner of Customs directly or through the collector of customs at the home port so designated, or through the collector of customs at the port at which the Secretary of Commerce intends to document the vessel.

§ 3.67 *Coastwise permit.* Before an enrollment and license or license may be issued under the act of August 9, 1954, there shall be filed with the collector at the port at which the document is to issue a valid unexpired permit in duplicate issued by the Secretary of Commerce under authority of section 3 (c) of the act of August 9, 1954, authorizing the vessel to engage in the coastwise trade.

§ 3.68 *Marking of official number and net tonnage.* The official number and the net tonnage of every vessel documented under authority of the act of August 9, 1954, shall be marked upon the main beam. Such marking shall not, however, be required prior to the issue of a document to the vessel.

§ 3.69 *Home port; change of.* If the Secretary of Commerce desires to change the home port of a vessel documented under the act of August 9, 1954, application shall be made for the approval of the new home port in the manner prescribed in § 3.66.

§ 3.70 *Master's oath for enrollment and license.*[42] (a) Prior to the granting or renewing of the enrollment and license or license of any vessel under the act of August 9, 1954, the master shall swear that such license shall not be used for any other vessel or for any other employment than the coasting trade, or in any manner whereby the revenue of the United States may be defrauded.

(b) This oath may be taken before any officer authorized by law to administer oaths generally and may be mailed to the collector together with the enrollment and license or license, whereupon action shall be taken as if the oath had been administered by the collector.

§ 3.71 *Change of master.* When the master of any vessel documented under the act of August 9, 1954, is changed, the new master shall report the change to the collector at the port where the change takes place or where the vessel shall first arrive after the change, and shall produce to the collector the vessel's document and make oath that he is the new master of the vessel. The collector shall then endorse upon the document the name of the new master.

§ 3.72 *Issue, record, and surrender of documents.* (a) The provisions of §§ 3.22 (a) and (b) and 3.26 shall apply with respect to documents issued under the act of August 9, 1954.

(b) No enrollment and license or license shall be issued for a longer period than is authorized by the permit referred to in § 3.67.

§ 3.73 *Renewal of document.* A document granted to any vessel under the act of August 9, 1954, shall be presented to the collector of the port at which the vessel may be at the time of its expiration within 3 days after that time, or if the vessel be at sea at that time, within 3 days after her first arrival at a port of the United States. Such a document may be renewed by the collector of customs upon the request of the master or the Secretary of Commerce if at the time of such request the documentation of the vessel is not prohibited by the act of August 9, 1954, by any order of the Commissioner of Customs issued under authority of that act requiring surrender of the vessel's document, or by any provision of the regulations in this part.

§ 3.74 *Exchange of documents.* (a) Any vessel enrolled and licensed or licensed under the act of August 9, 1954, may be registered.

(b) Any vessel registered under the act of August 9, 1954, may be enrolled and licensed or licensed for the coasting trade if a permit in duplicate issued by the Secretary of Commerce under section 3 (c) of the act of August 9, 1954, authorizing a vessel to engage in the coastwise trade is filed with the collector of customs.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 28, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7768; Filed, Oct. 1, 1954; 8:51 a. m.]

[42] No master's oath is required for the issuance of a register under the act of August 9, 1954.

[T. D. 53602]

PART 6—AIR COMMERCE REGULATIONS

DESIGNATION OF FRIDAY HARBOR, FRIDAY HARBOR, WASHINGTON, AS AN AIRPORT OF ENTRY

Friday Harbor, Friday Harbor, Washington, is hereby designated as an international airport for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (49 U. S. C. 179 (b)), effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

The list of international airports in § 6.20 is hereby amended to include the name and location of this airport.

Notice of the proposed designation of Friday Harbor as an international airport was published in the FEDERAL REGISTER of August 27, 1954 (19 F. R. 5490), pursuant to the provisions of the Administrative Procedure Act (5 U. S. C. 1003).

The designation of this airport is based on a determination that a sufficient need exists to justify such designation and is made for the purpose of providing for convenient compliance with customs requirements. For these reasons, it is found desirable to make the airport of entry available to the public as soon as possible and to dispense with the delayed effective date provision of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)).

(R. S. 161, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 49 U. S. C. 177)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved September 27, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7767; Filed, Oct. 1, 1954; 8:50 a. m.]

[T. D. 53592]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

CLEARANCE OF ARTICLES UNDER THE $200 OR $300 EXEMPTION

EDITORIAL NOTE: Items 3f and 3g amending 19 CFR § 10.20 (see page 6164 of the issue for Saturday, September 25, 1954) should read as follows:

f. Paragraph (b) (6) is redesignated paragraph (b) (7) and a new paragraph (b) (6) inserted to read:

(6) The provisions of subparagraphs (2) and (4) of this paragraph relating to the issuance of a certified duplicate declaration and cards on customs Form 3349, respectively, shall be applicable when a supplemental declaration is made by a resident under § 10.17 (k) at the port of his return if he made only an oral declaration at the time of his return.

g. Redesignated paragraph (b) (7) is amended by inserting the words "at the port of clearance" after the word "collector".

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 6104]

PART 458—INSPECTION OF RETURNS

INSPECTION OF RETURNS BY COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, DURING 83D CONGRESS

PARAGRAPH 1. Pursuant to the provisions of sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), and of the Executive order of this date issued thereunder,[1] Treasury Decision 6012, approved on May 22, 1953 (§ 458.320), is hereby amended by striking out "1952" and inserting in lieu thereof "1953".

PAR. 2. Because of the necessity of the immediate application of the aforementioned amendment, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

PAR. 3. This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

Approved: September 29, 1954.

DWIGHT D. EISENHOWER,
The White House.

[F. R. Doc. 54-7806; Filed, Sept. 30, 1954; 1:08 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

HOW ASSIGNMENT IS MADE

Section 1471.2 *How assignment is made* is amended as follows:

1. The following sentence is inserted before the last sentence in paragraph (b): "Cases assigned on and after September 18, 1954, will be designated in accordance with the preceding sentence; cases previously assigned will generally be redesignated in accordance therewith upon request of the Regional Board if not already concluded by clearance notice, agreement or order, and if such redesignation is otherwise expedient."

2. The words "March 25, 1954" in paragraph (d) are deleted and the words "September 18, 1954" are inserted in lieu thereof.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: September 29, 1954.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-7772; Filed, Oct. 1, 1954; 8:51 a. m.]

[1] See Title 3, Executive Order 10566, *supra*.

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

Appendix—Canal Zone Orders

[Canal Zone Order 35]

NAVAL HOSPITAL AREA, COCO SOLO, CANAL ZONE

REVOCATION OF CANAL ZONE ORDER 23

By virtue of authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of the act of September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, and after consultation with the Secretary of the Navy, Canal Zone Order No. 23 of May 18, 1951, 16 F. R. 7614, establishing the Naval Hospital Area, Coco Solo, Canal Zone, is hereby revoked.

This order shall become effective on September 1, 1954.

ROBERT T. STEVENS,
Secretary of the Army.

SEPTEMBER 27, 1954.

[F. R. Doc. 54-7750; Filed, Oct. 1, 1954; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

SERVICEMEN'S INDEMNITY FOR DEATH

A new § 4.462 is added as follows:

§ 4.462 *Servicemen's indemnity for death*—(a) *Provisions of act.* Public Law 638, 83d Congress, approved August 24, 1954, provides as follows:

That section 2 of the Servicemen's Indemnity Act of 1951 is amended by inserting immediately after "including the National Guard when called or ordered to active duty or active training duty for fourteen days or more;" the following: "members of the Reserve Officers' Training Corps, the Naval Reserve Officers' Training Corps, and the Air Force Reserve Officers' Training Corps, when called or ordered to active training duty for fourteen days or more while on such active training duty;".

SEC. 2. The amendment made by this act shall take effect as of April 25, 1951.

(b) *Scope of act.* This act extends indemnity coverage for the first time to (1) members of the Reserve Officers' Training Corps of the Army (ROTC), (2) members of the Air Force Reserve Officers' Training Corps (AFROTC), and

(3) members of the Contract Naval Reserve Officers' Training Corps (NROTC) (as distinguished from the Regular Naval Reserve Officers' Training Corps (NROTC)) who are called or ordered to active training duty for 14 days or more, where death occurs on or after June 27, 1950, while on such active training duty. These categories are not covered while undergoing scholastic instruction, or inactive training duty, including flights in Government owned or leased aircraft as contemplated in § 4.300 (b) (1). They are covered during a period of travel only if such travel is performed under competent orders; e. g., travel to or from the port of embarkation or training station for the annual practice cruise or annual training period. Since indemnity coverage for these categories is limited to deaths which occur while on such active training duty, coverage does not extend for 120 days after separation or release from duty, even though the person may have been called or ordered to such duty for a period exceeding 30 days.

(c) *Effective date of act.* Section 2 of this act provides that it is effective April 25, 1951, the date of enactment of the original act, Public Law 23, 82d Congress. It is accordingly applicable to all active training duty as defined therein, rendered on or after June 27, 1950. There is no time limit for filing claims. Initial awards of indemnity under the provisions of this act shall be payable from the date of death of the serviceman, irrespective of whether death occurred prior to or on or after the date of the act. It is not contemplated that any automatic review of previously disallowed claims will be made. (Instruction 1, Pub. Law 638, 83d Cong.)

(Sec. 5, 43 Stat. 608, as amended. sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective October 5, 1954.

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-7778; Filed, Oct. 1, 1954; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter L—International Postal Service

PART 116—FOREIGN MAIL INVOLVING CUSTOMS REVENUE

RESCISSION OF SECTIONS

In Part 116 Foreign Mail Involving Customs Revenue, the following sections are rescinded:

1. Section 116.63 *Examination of dutiable mail records at stations.*

2. Section 116.64 *Station examiners to remain at station until all returns are made.*

3. Section 116.65 *Duties of station examiners.*

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-7751; Filed, Oct. 1, 1954; 8:47 a. m.]

Subchapter N—Procedures and Forms

PART 150—PROCEDURES OF THE POST OFFICE DEPARTMENT

PROCEDURES RELATIVE TO FAIR EMPLOYMENT PRACTICES

Section 150.5005 *Procedures relative to fair employment practices*, is amended to read as follows:

§ 150.5005 *Procedures relative to fair employment practices*—(a) *Regulations applicable.* The regulations and directives duly promulgated by and under the authority of the Fair Employment Board, in accord with the provisions of Executive Order 9980 (3 CFR, 1948 Supp.), together with the provisions of this statement of procedure constitute the basic and controlling regulations to govern fair employment procedures in the Post Office Department.

(b) *Fair employment officer.* The Assistant Postmaster General, Bureau of Personnel, is designated Fair Employment Officer for the administration of the fair employment program.

(c) *Deputy fair employment officer.* The following officials are designated as Deputy Fair Employment Officers for the indicated units:

Unit	*Deputy Fair Employment Officer*
Regional and District Operations Offices	Regional Operations Manager.
Post Offices	Regional Operations Manager (if established, otherwise the Postmaster).
Postal Transportation Service	General Superintendent.
Regional Accounting Office	Regional Controller (if established, otherwise the Director).
Post Office Inspection Service Division	Inspector in Charge.
Mail Equipment Shops, District of Columbia	Superintendent.
Supply Center	Superintendent.
Vehicle Service	Regional Vehicle Manager.
Division, Post Office Department	Director.

(d) *Investigations.* When necessary, investigations required by the Department in cases of alleged discrimination shall be conducted by the Post Office Inspection Service.

(e) *Personnel actions.* All personnel actions taken by appointing officers shall be based solely on merit and fitness without regard to race, color, religion, or national origin.

(f) *Complaints.* A complaint made by an employee or by an applicant failing of appointment must be made not later than 3 months from the date of the personnel action complained of, unless failure to submit the complaint within this time limit was due to unusual circumstances beyond the control of the complainant.

(g) *Written complaints.* Any initial written complaint must be signed by the complainant and include information regarding the specific personnel action complained of, the approximate date thereof, reasons in support of the alleged discrimination, a statement as to when the complainant first learned of the discrimination, and remedies sought.

(h) *Hearings.* Not more than one hearing shall be held on any individual complaint.

(i) *Applicants.* An applicant failing of appointment who alleges discrimination may file a complaint, which must be in writing, either with the appropriate Deputy Fair Employment Officer or with the Fair Employment Officer, Post Office Department, Washington 25, D. C. In all other respects complaints of applicants will be handled in the same manner as complaints of employees.

(j) *Employees.* An employee may file a complaint with the first-line supervisor, with the Deputy Fair Employment Officer, or with the Fair Employment Officer, Post Office Department, Washington 25, D. C. Complaints initiated with the supervisor may be oral or written. Those initiated with the Deputy Fair Employment Officer or the Fair Employment Officer must be in writing.

(k) *Action by the supervisor.* If a complaint cannot be adjusted satisfactorily and promptly by the first-line supervisor, he should advise the employee to submit the complaint in writing. The supervisor shall submit a written report to the Deputy Fair Employment Officer setting forth the basis for the complaint and the reasons for inability to effect a satisfactory adjustment. The report shall include the written complaint of the employee. The written report of supervisors under the jurisdiction of Postmasters; District Superintendents, Bureau of Transportation; Managers, District Operations Offices, Bureau of Post Office Operations; and Directors, Regional Accounting Offices, shall be submitted directly to these officials who shall, if the complaint cannot be satisfactorily adjusted at that level, make the required report to the Deputy Fair Employment Officer.

(l) *Action by the Deputy Fair Employment Officer.* On receipt of an original complaint or a complaint referred to him by a supervisor, the Deputy Fair Employment Officer should promptly make, or cause to be made, such inquiry as is necessary to ascertain the facts at issue on the complaint. He should endeavor through informal negotiation to effect a satisfactory settlement of the complaint and if necessary take, or cause to be taken, corrective action. The Fair Employment Officer should be advised of the settlement of the complaint and any corrective action which may be taken. In the event the Deputy Fair Employment Officer is not able to effect a satisfactory settlement of the complaint by informal negotiation, he shall forward to the Fair Employment Officer the complete file on the complaint.

(m) *Action by the Fair Employment Officer.* (1) On receipt of an original complaint or a complaint referred to him by a Deputy Fair Employment Officer or by the Fair Employment Board of the Civil Service Commission, the Fair Employment Officer shall make, or cause to be made, such investigation as is necessary to resolve all issues raised by the individual complaint. Simultaneously he shall make, or cause to be made, an appraisal of the personnel actions in the unit in which the complaint originated. If it is not possible to adjust the complaint to the satisfaction of the complainant, the Fair Employment Officer shall advise him of his right to a hearing.

(2) On request from the complainant, the Fair Employment Officer shall schedule a hearing which shall be held at a place reasonably convenient to the complainant. The complainant must attend the hearing, but he may be assisted by a representative of his own choosing. The hearing shall be conducted by a hearing officer to be designated from the postal service by the Fair Employment Officer. The complainant shall be permitted to present by witnesses or otherwise any facts pertinent to the issues. Where practicable, a transcript of the testimony shall be made. If a verbatim transcript is not practicable, a full summary of the testimony shall be made by the hearing officer. The summary may be agreed to and signed by the complainant and the hearing officer, or if the complainant does not agree with the summary, he may note and sign his exceptions which will become a part of the summary. Any transcript or summary shall be made available by the Fair Employment Officer for inspection by the complainant or his authorized representative.

(3) On the material facts disclosed by the investigation, by the general appraisal of personnel actions, and by the hearing if held, the Fair Employment Officer shall make findings of fact. From these findings of fact he shall make a decision and advise the interested parties of the decision, furnishing them with a copy of the findings of fact. If the decision is favorable to the complainant, the Fair Employment Officer shall take or cause to be taken appropriate corrective action. If the decision is unfavorable to the complainant, the Fair Employment Officer shall notify the complainant, in writing, of his right to appeal to the Postmaster General.

(n) *Action by the Postmaster General.* In the event that an appeal is taken from the decision of the Fair Employment Officer, a decision will be made by the Postmaster General upon the facts of the case, and the appellant will be notified in writing, in duplicate, of such decision. If the decision is favorable to the appellant, such corrective action as appears warranted will be taken.

(o) *Appeals to the Fair Employment Board, Civil Service Commission.* If the decision is unfavorable to the appellant, he will be advised in writing, in duplicate, of his right to appeal to the Fair Employment Board of the Civil Service Commission. A copy of the adverse decision must accompany such appeal.

(p) *Election of appeal channel.* In order to prevent duplication of appeals arising out of the same personnel action, any complainant who has the right of appeal to the Civil Service Commission under authority of law and also has a right of appeal under Executive Order 9980 (3 CFR, 1948 Supp.), may elect the channel through which he presents his complaint, but if he elects to appeal directly to the Civil Service Commission, he may not thereafter avail himself of the procedures under Executive Order 9980.

(q) *Procedures for handling complaints filed by groups or organizations.* (1) A group or organization may file a written complaint with the Fair Employment Officer regarding personnel actions which have the effect of discriminating against a group of employees or applicants on account of race, color, religion, or national origin. Such complaint must include full and complete information to support the allegations of discrimination in personnel actions, setting forth dates, names, and identification of individuals involved, incidents, occurrences, and circumstances.

(2) The Fair Employment Officer shall make or cause to be made a full and complete investigation of the allegations of discrimination. The holding of a hearing shall be optional with the Fair Employment Officer. The Fair Employment Officer shall report the results of the investigation, together with his recommendation, to the Postmaster General. The Postmaster General will make a decision on the specific allegations of discrimination, and where necessary, corrective action will be taken. The group or organization making the complaint will be advised of the decision and the facts on which the decision is based. In the event of an adverse decision, the group or organization will be advised of the right of appeal to the Fair Employment Board of the Civil Service Commission within 30 days of the receipt of the decision.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369. E. O. 9980, 13 F. R. 4311, 3 CFR, 1948 Supp., Reorg. Plan No. 3 of 1949, 14 F. R. 5225)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-7752; Filed, Oct. 1, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11190; FCC 54-1240]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE

In the matter of amendment of § 3.606, *Table of assignments*, rules governing television broadcast stations; Docket No. 11190.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. Greylock Broadcasting Corporation, permittee of television station WMGT operating on Channel 74 at North Adams, Massachusetts, filed a petition on September 20, 1954, requesting that the Commission's Table of Television Channel Assignments set out in § 3.606 of its rules be amended to substitute Channel 19 for Channel 74 in North Adams. It is suggested that this assignment can be accomplished by making the following changes in the Table:

City	Channel No.	
	Present	Proposed
North Adams, Mass.	74+, *80	19, *80
Portsmouth, N. H.	19+	15
Utica-Rome, N. Y.	13, 19, *25+	13, *25+, 54−, 74+
Bennington, Vt.	33	

3. On September 27, 1954, Greylock Broadcasting Corporation filed a Supplement to its petition noting that concurrently with the filing of its request it was seeking a special temporary authority to operate on Channel 19. Greylock requests that the Commission issue an Order to Show Cause why Greylock should not be required to shift its operations on Mt. Greylock from Channel 74 to Channel 19 in order to provide a more dependable television service to the residents of Western Massachusetts.

4. In support of its petition, Greylock notes that it is currently operating station WMGT on Channel 74 at North Adams, with its 12 kw transmitter located on Mt. Greylock. Greylock states that because of certain technical difficulties, the station has been unable to operate with the power necessary to cover its contemplated service area. Petitioner submits that the use of high power which would be available immediately on a lower channel would enable it to provide television service to a number of communities located in the foothills of the Berkshire Mountains in Western Massachusetts.

5. A permit to construct a television station on Channel 19 in Utica has been outstanding (BPCT-1850); however, the permittee has indicated that it proposes to surrender its construction permit and request its cancellation. No applications are pending for any of the other channels that would be affected by petitioner's proposal. Petitioner states that the proposed amendments would conform to the Commissioner's Rules and would not affect any existing grants or pending applications.

6. The Commission is of the view that rule-making proceedings should be in-

stituted in this matter in order that interested parties may submit their views. The subject petition is made a part of the docket in this proceeding.

7. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 11, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 5 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments before taking final action in this matter, and if any comment appears to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

10. Since Greylock Broadcasting Corporation is presently operating on Channel 74 in North Adams and the rule making proposed herein would substitute Channel 19 for Channel 74 in that community, Greylock Broadcasting Corporation is ordered to show cause in this proceeding why its outstanding authorization should not be modified to specify operation on Channel 19 in lieu of Channel 74. A reply in writing to the aforesaid Order to Show Cause should be filed on or before the same date for filing comments in the proceeding.

Adopted: September 29, 1954.

Released: September 30, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7807; Filed, Oct. 1, 1954; 8:57 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 612]

AERONAUTICAL FIXED COMMUNICATIONS

EXTENSION OF TIME FOR FILING COMMENTS

Notice is hereby given that the date for receipt of comments to the proposed revision of Part 612 of the regulations of the Administrator, published on August 31, 1954, in 19 F. R. 5561, is hereby extended from September 30 to November 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-7792; Filed, Oct. 1, 1954; 8:56 a. m.]

[1] Dissenting statement of Commissioner Bartley filed as part of original document.

THE RENEGOTIATION BOARD

[32 CFR Parts 1454, 1456, 1467, 1470]

RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

NOTICE OF PROPOSED RULE MAKING

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, Public Law No. 9, 82d Congress, as amended by Public Law No. 764, 83d Congress, proposes to issue the following regulations not less than thirty days after the date of this publication in the FEDERAL REGISTER. The Board intends to make such changes in these proposed regulations as it considers appropriate in the light both of recommendations made by interested persons for changes and improvements therein and of its own further study.

Interested persons are hereby notified that, in order for recommendations for changes and improvements in the proposed regulations to be considered, they must be presented, in writing, to The Renegotiation Board, Washington 25, D. C., within twenty days from the date of this publication in the FEDERAL REGISTER.

Dated: September 29, 1954.

GEORGE C. MCCONNAUGHEY,
Chairman.

PART 1454—PARTIAL MANDATORY EXEMPTION OF PRIME CONTRACTS AND SUBCONTRACTS FOR NEW DURABLE PRODUCTIVE EQUIPMENT

This part is amended in the following respects:

1. The title of the part is deleted in its entirety and the new title reads as set forth above.

2. The words "Subpart A—Fiscal Years Ending Before June 30, 1953" are inserted as a center heading before § 1454.1.

3. Section 1454.1 *Statutory provision* is amended by deleting the words "Section 106 (c) of the act provides as follows" and inserting in lieu thereof the following: "With respect to fiscal years ending before June 30, 1953, section 106 (c) of the act provides as follows".

4. Section 1454.2 *Application of act to subcontracts for new durable productive equipment* is amended by inserting the words "in a fiscal year ending before June 30, 1953" in the first sentence between the words "received or accrued" and the words "after the effective date".

5. Section 1454.4 *What constitutes subcontract for new durable productive equipment; in general* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1454.4 *What constitutes subcontract for new durable productive equipment; in general.* For the purposes of the partial exemption set forth in section 106 (c) of the act, equipment is deemed to be durable if it has an average useful life of more than five years and is deemed to be productive if it does not become a part of an end product acquired by any agency of the Government under a contract with a department, or of an article incorporated therein. It will be considered that equipment does not become a part of an end product, or of an article incorporated therein, if such equipment is capable of being "used in the processing of other materials" (compare last sentence of § 1452.4 (b) (1) of this subchapter). A purchase order or agreement for new durable productive equipment is a subcontract subject to the act if such equipment is required for the performance of a prime contract or subcontract subject to the act.

6. Subpart B, consisting of new §§ 1454.21 to 1454.29, is added to read as follows:

SUBPART B—FISCAL YEARS ENDING ON OR AFTER JUNE 30, 1953

Sec.
1454.21 Statutory provision.
1454.22 Purpose of exemption.
1454.23 Application for exemption.
1454.24 What constitutes durable productive equipment.
1454.25 What constitutes prime contract for new durable productive equipment.
1454.26 What constitutes subcontract for new durable productive equipment.
1454.27 Components of new durable productive equipment.
1454.28 Prime contractors and subcontractors related to prime contracts for new durable productive equipment.
1454.29 Limitation on exemption of prime contracts for new durable productive equipment.

§ 1454.21 *Statutory provision.* With respect to fiscal years ending on or after June 30, 1953, section 106 (c) of the act provides as follows:

(1) *In general.* The provisions of this title shall not apply to receipts or accruals (other than rents) from contracts or subcontracts for new durable productive equipment, except (*A*) to that part of such receipts or accruals which bears the same ratio to the total of such receipts or accruals as five years bears to the average useful life of such equipment as set forth in Bulletin F of the Bureau of Internal Revenue (1942 edition) or, if an average useful life is not so set forth, then as estimated by the Board *and (B) to receipts and accruals from contracts for new durable productive equipment in cases in which the Board finds that the new durable productive equipment covered by such contracts cannot be adapted, converted, or retooled for commercial use.*

(2) *Definition.* For the purpose of this subsection, the term "durable productive equipment" means machinery, tools, or other equipment which does not become a part of an end product, or of an article incorporated therein, and which has an average useful life of more than five years. [Matter in italics added by Pub. Law 764, 83d Cong. approved September 1, 1954.]

§ 1454.22 *Purpose of exemption.* The purpose of the amendments contained in the foregoing exemption was stated as follows in the report of the Senate Committee on Finance ((1954) S. Rept. 643, 83d Cong. 3, to accompany H. R. 6287):

The fact that many Government purchases of machine tools at the present are for stockpiling purposes makes this amendment essential. By making sales of this type to the Government, the industry is, in effect, destroying the future market for its products because the eventual release of the Government stockpile will serve to satisfy normal demand. Thus, the amendment merely requires recognition of the fact that defense use can be expected to represent only a portion of the useful life of the equipment sold under prime contracts.

§ 1454.23 *Application of exemption—*(a) *Prime contracts.* The foregoing amended exemption has the effect of making the act applicable to prime contracts for new durable productive equipment only to the extent of that part of the amounts received or accrued in any fiscal year ending on or after June 30, 1953 which bears the same ratio to the total of such amounts received or accrued as five years bears to the average useful life of such equipment as set forth in Bulletin F of the Bureau of Internal Revenue (1942 edition) or, if an average useful life is not so set forth, then as estimated by the Board. A description of the methods of determining the amount of renegotiable business under prime contracts for new durable productive equipment is set forth in § 1456.4 (a) of this subchapter.

(b) *Subcontracts.* With respect to subcontracts for new durable productive equipment, amounts received or accrued in fiscal years ending on or after June 30, 1953 are exempt to the same extent as amounts received or accrued in fiscal years ending before that date. However, with respect to fiscal years ending on or after June 30, 1953, subcontracts under which the purchaser of new durable productive equipment has acquired such equipment for the account of the Government are not excluded from the term "subcontracts for new durable productive equipment", and therefore are within the partial exemption.

§ 1454.24 *What constitutes durable productive equipment.* For the purposes of the partial exemption set forth in section 106 (c) of the act, equipment is deemed to be durable if it has an average useful life of more than five years, and is deemed to be productive if it does not become a part of an end product, or of an article incorporated therein. It will be considered that equipment does not become a part of an end product, or of an article incorporated therein, if such equipment is capable of being "used in the processing of other materials" (compare last sentence of § 1452.4 (b) (1) of this subchapter).

§ 1454.25 *What constitutes prime contract for new durable productive equipment; in general.* A prime contract is one for new durable productive equipment if such equipment is new and has an average useful life of more than five years and, when acquired by the Government, is capable of being used in the processing of other materials. A prime contract for equipment which is not capable of being so used, although it is new and has an average useful life of more than five years, is not a prime contract for new durable productive equipment. Prime contracts for new durable productive equipment include pool orders and similar commitments.

§ 1454.26 *What constitutes subcontract for new durable productive equipment; in general.* A purchase order or agreement for new durable productive equipment is a subcontract subject to the act if such equipment is required for the performance of a prime contract or subcontract subject to the act.

§ 1454.27 *Components of new durable productive equipment.* In order for a prime contract or a subcontract to qualify as a prime contract or subcontract for new durable productive equipment, it is immaterial whether the equipment is used directly in the processing of an end product or of an article incorporated therein, or is incorporated in another item of such equipment.

§ 1454.28 *Prime contracts and subcontracts related to prime contracts for new durable productive equipment.* The extent to which the act applies to receipts or accruals from prime contracts and subcontracts for new durable productive equipment which is incorporated in another item of such equipment will be determined by reference to the average useful life of the equipment in question and not by reference to the life of the equipment of which it becomes a part. Prime contracts and subcontracts for equipment or other materials which are not new durable productive equipment are not covered by the exemption set forth in this part even though the equipment or other materials are incorporated in new durable productive equipment. The extent to which the act applies to receipts or accruals from such prime contracts and subcontracts will be determined according to the provisions of § 1456.5 of this subchapter.

§ 1454.29 *Limitation on exemption of prime contracts for new durable productive equipment.* Prime contracts for new durable productive equipment are not covered by the exemption set forth in this part when such equipment cannot practicably be adapted, converted or retooled for commercial use. (See § 1456.4 (a) (2) (i) of this subchapter.)

PART 1456—METHODS OF SEGREGATING RENEGOTIABLE AND NONRENEGOTIABLE SALES

This part is amended in the following respects:

1. Section 1456.4 *How to determine receipts or accruals subject to renegotiation; new durable productive equipment* is amended by deleting paragraph (a) in its entirety and inserting in lieu thereof the following:

(a) *Prime contracts.* (1) With respect to fiscal years ending before June 30, 1953 (see Subpart A of Part 1454 of this subchapter), receipts and accruals under prime contracts for new durable productive equipment shall be determined in the same manner as receipts or accruals under all other prime contracts (see § 1456.3 (a)).

(2) With respect to fiscal years ending on or after June 30, 1953 (see Subpart B of Part 1454 of this subchapter), receipts and accruals under prime contracts for new durable productive equipment shall be determined in the following manner:

(i) The seller shall first classify such equipment according to whether it can or cannot be adapted, converted or retooled for commercial use. When the seller knows or ascertains that any such equipment cannot practicably be so adapted, converted or retooled, its sales of such equipment are not within the partial mandatory exemption but are wholly renegotiable and are not to be included in the calculation made pursuant to this subparagraph. Upon the request of the Board, the seller shall furnish such information and data available to the seller as the Board may require to enable it to determine whether the equipment can or cannot practicably be adapted, converted or retooled for commercial use.

(ii) Having determined which equipment can practicably be adapted, converted or retooled for commercial use, the seller shall then classify such equipment according to the average useful life thereof. Average useful life of new durable productive equipment shall be determined by reference to Bulletin F of the Bureau of Internal Revenue (1942 edition). If the average useful life of equipment of a particular type is not set forth in Bulletin F and if the Board has not yet made an estimate of the average useful life of equipment of such type, the seller shall estimate the average useful life of the equipment in question, taking into consideration the average useful life of comparable equipment as set forth in Bulletin F. It should be noted that equipment having an average useful life of 5 years or less is not covered by the partial mandatory exemption of prime contracts for new durable productive equipment.

(iii) The seller shall then determine the amount of receipts or accruals referable to each class of equipment having the same average useful life. The seller may make this determination on an over-all basis or on a contract by contract basis.

(iv) The seller shall next apply to the receipts or accruals determined in the manner set forth in subdivision (iii) of this subparagraph, with respect to each group of equipment having the same average useful life, a ratio equal to the ratio that 5 years bears to the average useful life of such equipment. The aggregate of the resulting figures represents the amount of the seller's renegotiable receipts or accruals from prime contracts for new durable productive equipment.

2. Section 1456.4 is further amended by deleting the last sentence of paragraph (b) (1) and inserting in lieu thereof the following: "It should be noted that with respect to fiscal years ending before June 30, 1953, equipment which is acquired by the purchaser for the account of the Government or which

becomes a part of an end product acquired by the Government under a renegotiable prime contract, is not new durable productive equipment as defined in section 106 (c) of the act."

3. Section 1456.5 *How to determine receipts or accruals subject to renegotiation; materials other than new durable productive equipment not incorporated in end product* is amended by deleting the same in its entirety and inserting in lieu thereof the following:

§ 1456.5 *How to determine receipts or accruals subject to renegotiation; materials other than new durable productive equipment not incorporated in end product.* This section applies to materials which do not constitute new durable productive equipment and which are not incorporated in an end product delivered to a Department. Sales of such materials under prime contracts are wholly renegotiable unless otherwise exempted. Sales of such materials under subcontracts shall be considered renegotiable on the basis of the use of such materials (that is, whether the use is for renegotiable or non-renegotiable production). When the extent of the use cannot be readily established, such sales shall be considered renegotiable in substantially the same proportion as the production of the purchasers of such material is subject to renegotiation.

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTERIES

Sec.
1467.1 Statutory provision.
1467.2 Basis of exemption.
1467.3 Application of exemption.
1467.4 Filing of information and data pertaining to standard commercial articles.
1467.5 Acceptability of report.
1467.6 Exemption denied when article fails to qualify as standard commercial article.
1467.7 Specific findings of sufficient competitive conditions.
1467.8 Specific findings of insufficient competitive conditions.
1467.9 Exemption not applicable to related subcontracts.

AUTHORITY: §§ 1467.1 to 1467.9 issued under sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219. Interpret or apply sec. 106, 65 Stat. 17, Pub. Law 764, 83d Cong.; 50 U. S. C. App. 1216.

§ 1467.1 *Statutory provision.* Section 106 (a) (8) of the act (added by Pub. Law 764, 83d Cong., approved September 1, 1954) exempts the following:

(8) any contract or subcontract for the making or furnishing of a standard commercial article, unless the Board makes a specific finding that competitive conditions affecting the sale of such article are such as will not reasonably prevent excessive profits. This paragraph shall apply to any such contract or subcontract only if (1) the contractor or subcontractor files, at such time and in such form and detail as the Board shall by regulations prescribe, such information and data as may be required by the Board under its regulations for the purpose of enabling it to reach a decision with respect to the making of a specific finding under this paragraph, and (2) within a period of six months after the date of filing of such information and data, the Board fails to make a specific finding that competitive conditions affecting the sale of such article are such as will not reasonably prevent excessive profits, or (3) within such six-month period, the Board makes a specific finding that competitive conditions affecting the sale of such article are such as will reasonably prevent excessive profits. Any contractor or subcontractor may waive the exemption provided in this paragraph with respect to receipts or accruals in any fiscal year by including a statement to such effect in the financial statement filed by such contractor or subcontractor for such fiscal year pursuant to section 105 (e) (1). Any specific finding of the Board under this paragraph shall not be reviewed or redetermined by any court or agency other than by The Tax Court of the United States in a proceeding for a redetermination of the amount of excessive profits determined by an order of the Board. For the purpose of this paragraph—

(A) the term "article" includes any material, part, component, assembly, machinery, equipment, or other personal property;

(B) the term "standard commercial article" means an article—

(1) which, in the normal course of business, is customarily manufactured for stock, and is customarily maintained in stock by the manufacturer or any dealer, distributor, or other commercial agency for the marketing of such article; or

(2) which is manufactured and sold by more than two persons for general civilian industrial or commercial use, or which is identical in every material respect with an article so manufactured and sold;

(C) the term "identical in every material respect" means of the same kind, manufactured of the same or substitute materials, and having the same industrial or commercial use or uses, without necessarily being of identical specifications; and

(D) the term "persons" does not include any person under control of, or controlling, or under common control with any other person considered for the purposes of subparagraph (B) (2) of this paragraph.

[The statutory provision set forth above applies to contracts with the Departments and subcontracts only to the extent of the amounts received or accrued by a contractor or subcontractor after December 31, 1953.]

§ 1467.2 *Basis of exemption.* The basis of this exemption was stated as follows in the report of the Senate Committee on Finance ((1954) S. Rept. 643, 83d Cong. 4, to accompany H. R. 6287):

The Committee believes that in the case of standard commercial articles there is in most cases no basis or need for renegotiation since cost and pricing experience has already been acquired and prices made in a competitive market. It is believed that in the few cases where renegotiation is necessary to insure the Government against excessive prices, the public interest will be protected by giving the Board authority to make specific findings as to the lack of proper competitive conditions in such cases.

§ 1467.3 *Application of exemption—*(a) *Effective date.* The exemption provided in section 106 (a) (8) of the act, and the regulations contained in this part, are applicable only to amounts received or accrued after December 31, 1953 under prime contracts with the Departments and subcontracts. The exemption applies to such amounts without regard to whether such prime contracts or subcontracts were made on, before or after that date. Amounts received or accrued on or before December 31, 1953 under any such prime contracts or subcontracts are not exempt under this section.

(b) *Effect.* Pursuant to the foregoing exemption, when it is not waived by the contractor, receipts or accruals after the effective date under any prime contract or subcontract for the making or furnishing of a standard commercial article are exempt if the contractor files the Standard Commercial Article Report discussed in § 1467.4 within the time therein prescribed and if, within six months after such filing, the Board makes a specific finding that competitive conditions affecting the sale of such article are such as will reasonably prevent excessive profits, or fails within such six-month period to make a specific finding to the contrary.

(c) *Procedure.* When a contractor claims that the exemption provided in section 106 (a) (8) of the act is applicable to some or all of its receipts or accruals for a fiscal year, and the contractor does not waive the exemption, the applicability of the exemption to such receipts or accruals will be determined by the Board before the Board takes action with respect to any other receipts or accruals of the contractor in such fiscal year. To facilitate this procedure, the Board has prescribed that the amount of receipts or accruals claimed to be within the exemption shall be reported separately in the Standard Commercial Article Report discussed in § 1467.4 and may, for the purposes of such report, be estimated by the contractor.

(d) *Initial treatment of standard commercial article sales.* If the amounts received or accrued under prime contracts with the Departments and subcontracts during the fiscal year by the contractor and all related contractors, including receipts or accruals from sales of standard commercial articles, aggregate less than the applicable minimum amount for renegotiation prescribed in section 105 (f) (1) or (2) of the act, the contractor shall not file the Standard Commercial Article Report set forth in § 1467.4 but shall file the Statement of Non-Applicability set forth in § 1470.91 of this subchapter. Except as stated in the preceding sentence, every contractor who claims that the exemption provided in section 106 (a) (8) of the act is applicable to any of its receipts or accruals for a fiscal year, and who does not waive the exemption, shall file the Standard Commercial Article Report as provided in § 1467.4. If in addition the contractor has other renegotiable receipts or accruals in the same fiscal year, the contractor shall also file a financial statement pursuant to section 105 (e) (1) of the act with respect to such other receipts or accruals. Unless before such financial statement is filed the Board shall have determined that the exemption is not applicable to the receipts or accruals claimed by the contractor to be within the exemption, such receipts or accruals shall be excluded in computing the aggregate of the renegotiable receipts or accruals of the contractor and all related contractors in the fiscal year to which such statement relates and in determining whether for such fiscal year the contractor is required to file the Standard Form of Contractor's Report or the Statement of Non-Applicability.

(e) *Waiver.* Section 106 (a) (8) of the act provides that the exemption therein granted may be waived by the contractor with respect to receipts or accruals in any fiscal year by including a statement to such effect in the financial statement filed by such contractor for such fiscal year pursuant to section 105 (e) (1). Any such waiver made in the Standard Form of Contractor's Report shall be effective only with respect to the fiscal year to which such report relates, and shall not be effective for any other year. If the Board agrees to accept a waiver of this exemption from a contractor who has not included such waiver in its Standard Form of Contractor's Report, such waiver, when accepted, will be deemed a part of the Standard Form of Contractor's Report of such contractor with the same force and effect as if it had been set forth therein when such a report was filed. Once made, a waiver of this exemption may not be withdrawn except with the permission of the Board.

§ 1467.4 *Filing of information and data pertaining to standard commercial articles—*(a) *Form.* No special form of report is prescribed for the filing of information and data pertaining to prime contracts and subcontracts for standard commercial articles. However, the information and data described in paragraph (b) of this section will be known as the "Standard Commercial Article Report". The information and data required by this report may be furnished by letter or memorandum.

(b) *Contents of Standard Commercial Article Report.* The Standard Commercial Article Report shall contain the following information and data:

(1) A brief description of each article (by class) claimed to be exempt as a standard commercial article, including representative catalogs or brochures, if available.

(2) Actual or estimated net sales of each such article (by class) during the fiscal year under review under prime contracts with the Departments and subcontracts.

(3) A statement indicating whether the sales claimed to be exempt were made at prices equal to or higher or lower than the prices charged on sales of similar articles in comparable amounts for non-renegotiable use.

(c) *Time for filing.* (1) Except as set forth in the first sentence of § 1467.3 (d), every contractor who claims that the exemption provided in section 106 (a) (8) of the act is applicable to all of its receipts or accruals in a fiscal year under prime contracts with the Departments and subcontracts, and who does not waive the exemption, shall file the Standard Commercial Article Report as soon as practicable, either before or after the close of such fiscal year, but in no event later than the date upon which the contractor, if it did waive the exemption, would be required to file the Standard Form of Contractor's Report with respect to such fiscal year.

(2) If, in addition to receipts or accruals claimed to be within the exemption, the contractor also had other receipts or accruals in its fiscal year, the Standard Commercial Article Report may be filed, at the election of the contractor, at any time before the first day of the third calendar month following the close of such fiscal year. If the Standard Commercial Article Report is so filed, the contractor shall not be required to file its financial statement with respect to such other receipts or accruals until the date prescribed in § 1470.3 (d) (1) of this subchapter for the filing of such financial statement or until the thirtieth day after the contractor has received notice by registered mail of the action of the Board on the claim for exemption, whichever occurs later. If the Standard Commercial Article Report is not filed within the time specified in the first sentence of this subparagraph, it shall be filed by the contractor with its Standard Form of Contractor's Report or its Statement of Non-Applicability, as the case may be, for such fiscal year.

(d) *Effect of filing.* When the Standard Commercial Article Report is filed, it will be considered that the contractor has filed the information and data prescribed in paragraph (8) of section 106 (a) of the act and the six-month period prescribed in said paragraph will thereupon begin to run, except as provided in § 1467.5. A request by the Board for additional information pursuant to paragraph (e) of this section will not affect the running of such six-month period.

(e) *Additional information.* If the information contained in the Standard Commercial Article Report filed by the contractor, together with other information available to the Board, is not sufficient to enable the Board to determine whether the exemption is applicable, the Board will request the contractor to furnish such additional information, records or data which are considered by the Board to be necessary for such a determination. Such additional information may include, but is not limited to, all or any of the following:

(1) A statement that each article (by class) claimed to be exempt as a standard commercial article, in the normal course of business, is or is not customarily manufactured for stock, and is or is not customarily maintained in stock by the manufacturer or any dealer, distributor, or other commercial agency for the marketing of such article.

(2) If the statement required under subparagraph (1) of this paragraph is in the negative, set forth with respect to each such article (by class) the names and addresses of not less than two other persons, not related to the contractor and known or believed by the contractor to be not related to each other, who manufactured and sold such article (or an article identical therewith in every material respect) for general civilian industrial or commercial use during the fiscal year under review.

(3) If any such article was not manufactured and sold during the fiscal year by more than two persons for general civilian industrial or commercial use, but is claimed to be identical in every material respect with an article so manufactured and sold, set forth the information required by subparagraph (2) of this paragraph with respect to such other article, together with information sufficient to establish that both of such articles are of the same kind, are manufactured of the same or substitute materials, and have the same industrial or commercial use or uses.

(4) A statement indicating whether the prime contracts, if any, of the contractor for any such article were negotiated or resulted from formal advertising and competitive bidding in conformity with the requirements of section 3 of the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.).

(5) A statement indicating whether the subcontracts, if any, of the contractor for any such article were negotiated or resulted from competitive bidding.

(6) Such other pertinent information and data as will, in the opinion of the contractor, tend to establish that competitive conditions affecting the sale of such article during the fiscal year under review were such as would reasonably prevent excessive profits.

§ 1467.5 *Acceptability of report.* If the Standard Commercial Article Report filed by any contractor is, in the opinion of the Board, incomplete or unsatisfactory in any material respect, the Board as soon as possible after the filing of such report will notify the contractor that exception has been taken thereto in such respect. Such filing will not be considered to be the filing of the information and data prescribed in paragraph (8) of section 106 (a) of the act, sufficient to start the running of the six-month period prescribed in said paragraph, and such period will not begin to run until such defect has been corrected. If the Standard Commercial Article Report contains a material misstatement of fact, the six-month period prescribed in section 106 (a) (8) of the act will not begin to run until such misstatement has been corrected, notwithstanding that the Board previously may have notified the contractor that such report had been accepted as complete and satisfactory.

§ 1467.6 *Exemption denied when article fails to qualify as standard commercial article.* If, within six months after the contractor files a Standard Commercial Article Report to which the Board has taken no exception, the Board determines that any article included therein is not a standard commercial article as that term is defined in section 106 (a) (8) of the act, the Board will give notice of such determination to the contractor by registered mail and will advise the contractor that the sales of such article in the fiscal year under review are not exempt under section 106 (a) (8) of the act.

§ 1467.7 *Specific findings of sufficient competitive conditions.* If, within six months after the contractor files a Standard Commercial Article Report to which the Board has taken no exception, the Board determines that any article included in such report is a standard

commercial article and makes a specific finding that competitive conditions affecting the sale of such article during the fiscal year under review were such as would reasonably prevent excessive profits, the Board will give notice of such determination and finding to the contractor by registered mail and, except as provided in the last sentence of § 1467.5, the exemption of all sales of such article so reported shall thereupon become fixed and final and the receipts or accruals from such sales will not be renegotiated.

§ 1467.8 *Specific findings of insufficient competitive conditions*—(a) *When Board fails to make specific finding.* If, within six months after the contractor files a Standard Commercial Article Report to which the Board has taken no exception, the Board fails to determine that any article claimed by the contractor to be a standard commercial article is not a standard commercial article as that term is defined in section 106 (a) (8) of the act, or fails to make a specific finding that competitive conditions affecting the sale of such article during the fiscal year under review were such as would not reasonably prevent excessive profits, then, except as provided in the last sentence of § 1467.5, the exemption of all sales so reported shall thereupon become fixed and final and the receipts or accruals derived from such sales will not be renegotiated.

(b) *When Board makes specific finding.* If, within six months after the contractor files a Standard Commercial Article Report to which the Board has taken no exception, the Board makes a specific finding that competitive conditions affecting the sale of any standard commercial article included in such report were such as would not reasonably prevent excessive profits, the Board will give notice of such finding to the contractor by registered mail and will advise the contractor that the sales of such article in the fiscal year under review are not exempt under section 106 (a) (8) of the act.

§ 1467.9 *Exemption not applicable to related subcontracts*—(a) *Statutory provision.* Section 106 (a) (7) of the act exempts the following:

(7) any subcontract directly or indirectly under a contract or subcontract to which this title does not apply by reason *of any paragraph, other than paragraph (8)*, of this subsection;

[Matter in italics added by Pub Law 764, 83d Cong., approved September 1, 1954, and applies to contracts with the Departments and subcontracts only to the extent of the amounts received or accrued by a contractor or subcontractor after December 31, 1953.]

(b) *Effect.* The exemption provided in paragraph (8) of section 106 (a) of the act is limited to prime contracts and subcontracts with respect to which the conditions prescribed in said paragraph are shown to exist. It does not extend to related subcontracts. With respect to any such subcontracts, the exemption, if claimed, must be independently established.

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

SECTION 1470.3 *Filing of financial statement* is amended in the following respects:

1. Paragraph (a) *Form* and paragraph (b) *By whom filed* are deleted in their entirety and the following is inserted in lieu thereof:

(a) *When renegotiable sales exceed statutory "floor".* In accordance with the requirements of the first sentence of section 105 (e) (1) of the act, the "Standard Form of Contractor's Report" is hereby prescribed as the form of financial statement required to be filed by every person who holds renegotiable prime contracts or subcontracts when the aggregate renegotiable receipts or accruals of such person and all other persons under control of or controlling or under common control with such person exceed the applicable minimum amount for renegotiation prescribed in section 105 (f) (1) or (2) of the act. This includes brokers and manufacturers' agents and other whose principal business falls within the definition of subcontracts set forth in section 103 (g) (3) of the act. The Standard Form of Contractor's Report is composed of two parts (RB1 and RB 1B). No special form is prescribed for construction contractors, architects and engineers. Such contractors shall adapt the Standard Form of Contractor's Report to their particular needs.

(b) *When renegotiable sales are less than statutory "floor".* In accordance with the requirements of the first sentence of section 105 (e) (1) of the act, the "Statement of Non-Applicability of the Renegotiation Act of 1951, as amended" (as set forth in § 1470.91) is hereby prescribed as the form of financial statement required to be filed by every person who holds renegotiable prime contracts or subcontracts when the aggregate renegotiable receipts or accruals of such person and all other persons under control of or controlling or under common control with such person do not exceed the applicable minimum amount for renegotiation prescribed in section 105 (f) (1) or (2) of the act.

2. Paragraph (d) *Time for filing* is amended by deleting subparagraph (1) in its entirety and inserting in lieu thereof the following:

(1) *In general.* The Standard Form of Contractor's Report, including both RB Form 1 and RB Form 1B, or the Statement of Non-Applicability, whichever is appropriate, shall be filed on or before the first day of the fifth calendar month following the close of the fiscal year of the contractor, whether or not any specific request for filing has been made.

3. A new § 1470.91 is added to read as follows:

§ 1470.91 *Statement of non-applicability of the Renegotiation Act of 1951, as amended.*

STATEMENT OF NON-APPLICABILITY OF RENEGOTIATION ACT OF 1951, AS AMENDED

We hereby declare that the aggregate receipts or accruals of the undersigned (together with those of all below-listed persons, firms or corporations under the control of, or controlling or under common control with the undersigned), under contracts and subcontracts subject to the Renegotiation Act of 1951, as amended, hereinafter referred to as the act, did not exceed $[1] _____ (Insert amount) for our fiscal year ended _____ (Insert date) In computing such receipts or accruals, we have excluded all income from contracts and subcontracts exempted by the act or by The Renegotiation Board. We have also excluded brokerage commissions and other income under subcontracts described in section 103 (g) (3) of the act.

We further declare that brokerage commissions and other income, if any, received or accrued by the undersigned (together with those of all below-listed persons, firms or corporations under the control of, or controlling or under common control with the undersigned), under subcontracts described in section 103 (g) (3) of the act, did not exceed $25,000 for the same fiscal year.

We represent that we do not expect to receive or accrue any further amounts subject to renegotiation which will bring total receipts or accruals, for the fiscal year involved, above the $_____[1] floor or the (Insert amount) $25,000 floor.

The following persons, firms, or corporations, and no others, were under the control of or controlling or under common control with the undersigned during such fiscal year (if none, write "None"):

Name of person, firm or corporation	*Address*

In submitting this statement, we are aware that section 105 (e) (1) of the act provides in part as follows: ". . . Any person who willfully fails or refuses to furnish any statement, information, records, or data required of him under this subsection, or who knowingly furnishes any such statement, information, records, or data containing information which is false or misleading in any material respect, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or imprisonment for not more than one year, or both."

_____
Exact name of contractor (not abbreviated)

_____
State of incorporation

_____
Mailing address

_____
Date of incorporation

Signature: _____
Principal officer, partner or proprietor

_____
Title

Date of this report: _____

_____
If a proprietorship or partnership give date business established

[1] Fill in amount as follows (prorate if fiscal year is less than 12 months and state beginning and ending dates): For any fiscal year ending on or after June 30, 1953: $500,000. For any fiscal year ending before June 30, 1953: $250,000.

[F. R. Doc. 54-7773; Filed, Oct. 1, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 135]

UNITED STATES DELEGATION FOR PHILIPPINE TRADE NEGOTIATIONS

NOTICE OF HEARINGS

Notice is hereby given by the United States Delegation for Philippine Trade Negotiations of intention to conduct negotiations with the Republic of the Philippines for the purpose of revising, subject to the approval of the Congresses of the two countries, the Agreement on Trade and Related Matters entered into between the United States and the Philippines on July 4, 1946, pursuant to Public Law 371 of the 79th U. S. Congress ("Philippine Trade Act of 1946"). A continuation through December 31, 1955, of the reciprocal free trade provisions of the Agreement was recently approved by the two Congresses (Public Law 474 of the 83d U. S. Congress) to permit time for the consultations and negotiations to which this notice refers.

The negotiations will cover all aspects of the 1946 Agreement and particularly the provisions regarding tariff preferences (Article I), commodity quotas and their allocation (Articles II and III), exchange rates and controls (Article V), national treatment for Americans in the development of Philippine natural resources (Article VII), and nondiscrimination and termination (Article X).

Any persons who have views or information which they wish to present to the Delegation with respect to possible modification of the 1946 Agreement in these or other respects are invited to do so in the public hearings which will be held before the Delegation beginning at 10:00 a. m., November 1, 1954. The Delegation will also receive information and views in writing. Presentations will be given equal consideration, whether written or oral. Anything which is confidential should be so labeled on the cover sheet and separated from nonconfidential material.

Applications for oral presentation, and the submission of written statements or briefs, must be made to the Delegation not later than 12:00 noon, October 22. All such communications should be addressed to "The Chairman, United States Delegation for Philippine Trade Negotiations, Department of State, Washington 25, D. C." Twelve copies of written statements, either typed, printed or duplicated, shall be submitted, of which one copy should be sworn to.

Only those persons will be heard who have presented written briefs or statements and filed applications to be heard by the closing date indicated in the preceding paragraph. The hearings will be held in the Hearing Room of the Tariff Commission at Seventh and F Streets, Washington, D. C. Applicants for oral presentation will be advised regarding the time of their individual apperance. Statements made at the public hearings shall be under oath.

By direction of the Chairman of the United States Delegation for Philippine Trade Negotiations this twenty-eighth day of September 1954.

F. PATRICK KELLY,
Executive Secretary, United States Delegation for Philippine Trade Negotiations.

[F. R. Doc. 54-7746; Filed, Oct. 1, 1954; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53607]

FEDERAL BARGE LINES, INC.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

SEPTEMBER 29, 1954.

The Commissioner of Customs by virtue of the authority vested in him and in accordance with § 3.81 (a), Customs Regulations (19 CFR 3.81 (a)), has registered the house flag and funnel mark of Federal Barge Lines, Inc., as described below:

(a) *House flag.* The house flag is rectangular in shape, the hoist is 3 feet in height and the fly is 4 feet 6 inches. The field of the flag is black with a yellow ball 2 feet 6 inches in diameter centered on the field. Superimposed upon the ball are the letters "FBL" in red. These letters are 12 inches high and 2 inches thick.

(b) *Funnel mark.* The funnel mark consists of a yellow ball centered on a black stack and the letters "FBL" are superimposed and centered in red on the yellow ball. The proportionate dimensions of the funnel mark are as follows: diameter of funnel (fore and aft), 1.0; distance from top of stack to top of letters, .40; diameter of ball, .55; letters, .23 in height.

Colored scaled replica drawings of the house flag and funnel mark are on file with the Federal Register Division.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 54-7770; Filed, Oct. 1, 1954; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

UGOLINO AND GIUSEPPE DELLA GHERARDESCA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ugolino and Giuseppe della Gherardesca, Bolgheri, Livorno, Italy; Claim No. 37566, Vesting Order 2822; $28,406.89 in the Treasury of the United States. Check should be made payable jointly to the claimants.

Executed at Washington, D. C., on September 28, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 54-7774; Filed, Oct. 1, 1954; 8:52 a. m.]

ENTREPRISES ELECTRIQUES FRIBOURGEOISES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Entreprises Electriques Fribourgeoises, Fribourg, Switzerland, Claim No. 15017; an undivided one-fourth interest in and to property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,250,357.

Executed at Washington, D. C., on September 28, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 54-7775; Filed, Oct. 1, 1954; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

NARROWS UNIT, MISSOURI RIVER BASIN PROJECT, COLORADO

ORDER OF REVOCATION

MAY 5, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of May 24, 1949, insofar as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 4 N., R. 56 W.,
Sec. 14, NE¼NE¼.

T. 5 N., R. 58 W.,
Sec. 22, SW¼SW¼;
Sec. 23, E½ SE¼;
Sec. 27, NW¼NE¼, NE¼NW¼.
T. 5 N., R. 60 W.,
Sec. 12, NE¼SW¼.

The above area aggregates 280 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 64697]

SEPTEMBER 28, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The land is located approximately eight miles north of Fort Morgan, Colorado. This land is not suitable for crop production due to steep slopes, shallow, sandy soil underlain by gravel, low average annual precipitation and lack of water for irrigation.

No application for the land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m., on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same land; otherwise, priority of filing shall govern.

Inquiries regarding the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

W. G. GUERNSEY,
Associate Director,
Bureau of Land Management.

[F. R. Doc. 54-7745; Filed, Oct. 1, 1954; 8:45 a. m.]

National Park Service

[Order 10, Amdt. 1]

REGIONAL DIRECTORS

DELEGATIONS OF AUTHORITY WITH RESPECT TO CONCESSION CONTRACTS, PERMITS AND STOCK TRANSFERS

SEPTEMBER 21, 1954.

Paragraph (i) of section 1, of Order No. 10 approved May 17, 1954 (19 F. R. 2988), is amended to read as follows:

(i) Execution of concession contracts and permits in excess of 5 years and approval of transfers of corporate stock, except stock transfers which do not involve a change in ownership in more than 15 per cent of the outstanding stock and will not vest in the transferee more than 50 per cent of the outstanding stock of a bathhouse, or involve an interest in more than one bathhouse in Hot Springs National Park.

(Secretary's Order No. 2640; 39 Stat. 535, 16 U. S. C. 2)

[SEAL] CONRAD L. WIRTH,
Director.

[F. R. Doc. 54-7744; Filed, Oct. 1, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6871]

COMPANIA DOMINICANA DE AVIACION, C. POR A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Compania Dominicana de Aviacion, C. Por A., for amendment of its foreign air carrier permit to provide for the addition of Port-au-Prince, Haiti, and Cap Haitien, Haiti, as intermediate points on its route between Ciudad Trujillo, Dominican Republic, and Miami.

Notice is hereby given that a prehearing conference in the above-entitled matter is asigned to be held on October 11, 1954, at 10:00 a. m., e. s. t., in Room 2070, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 29, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7780; Filed, Oct. 1, 1954; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2539]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business in Houston, Texas, filed an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Union Oil and Gas, Inc., in Putnam County, West Virginia, and the construction and operation of necessary metering facilities to make the deliveries. Applicant proposes to sell and deliver to Union Oil and Gas, Inc., a maximum daily quantity of 1000 Mcf of natural gas on an interruptible basis under its Interruptible Rate Schedule R-3.

Applicant requests that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the application, including publication in the FEDERAL REGISTER, be given as hereinafter provided.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on August 10, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice of this application be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 19, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 or 1.10 (18 CFR 1.8 or 1.10) on or before October 15, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 or 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 27, 1954.

Issued: September 28, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7763; Filed, Oct. 1, 1954; 8:49 a. m.]

[Docket No. G-2553]

ADA OIL CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Ada Oil Company (Applicant), a Delaware corporation and independent producer with its principal place of business in Houston, Texas, filed, on August 18, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, to sell gas to Texas Illinois Natural Gas Pipeline Company.

Applicant proposes to sell natural gas produced from one well on acreage located in the West Bernard Field, Wharton County, Texas, to Texas Illinois Natural Gas Pipeline Company at a price of 15 cents per Mcf., in a contract volume of 1,500 Mcf a day. Applicant proposes to construct and operate 2,500 feet of 3-inch pipeline to enable it to make deliveries to the Tidewater Gasoline Plant of the Tidewater Associated Oil Company, which will remove liquefiable hydrocarbons and redeliver the gas to the purchaser. In Docket No. G-1914, order issued April 16, 1953, Texas Illinois Natural Gas Pipeline Company was authorized to construct and operate facilities necessary for the receipt of gas from the West Bernard Field.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of October 1954. The application is on file with the Commission for public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

(2) This proceeding, absent proper protest or petition to intervene in opposition to the application, is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 13th, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Adopted: September 27, 1954.

Issued: September 28, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7764; Filed, Oct. 1, 1954; 8:50 a. m.]

[Docket No. G-2581]

LOUISVILLE FUEL CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Louisville Fuel Company (Applicant), an Illinois corporation with its principal office in Chicago, Illinois, filed on August 26, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in its application.

The application recites that Applicant produces natural gas in Floyd County, Kentucky, and sells in interstate commerce to Kentucky West Virginia Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 15, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding under the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 27, 1954.

Issued: September 28, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7747; Filed, Oct. 1, 1954; 8:46 a. m.]

[Docket No. G-2597]

O. NEATHERY, JR.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that O. Neathery, Jr. (Applicant), an individual with a principal office in San Antonio, Texas, filed, on August 30, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas for resale in interstate commerce subject to the jurisdiction of the Commission, all as more fully represented in the application.

The application recites that Applicant produces natural gas in the Cabeza Creek Field, Goliad County, Texas, and proposes to sell such gas to the United Gas Pipe Line Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 12, 1954, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding under the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 27, 1954.

Issued: September 28, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7765; Filed, Oct. 1, 1954; 8:50 a. m.]

[Docket Nos. G-2598, G-2599]

TAYLOR OIL AND GAS CO. AND MAYFAIR MINERALS, INC.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING AND FIXING DATE OF HEARING

Take notice that Taylor Oil and Gas Co., (Taylor) a Delaware corporation with its principal place of business at Taylor, Texas, and Mayfair Minerals, Inc., a Texas corporation with its principal place of business at McAllen, Texas, (Mayfair) filed on August 31, 1954, their respective applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sales of natural gas subject to the jurisdiction of the Commission, all as more fully represented in their respective applications.

The application filed by Taylor recites natural gas produced by it in the McAllen and Pharr Fields, Hidalgo County, Texas, is sold to Trunkline Gas Company.

The application filed by Mayfair recites natural gas produced by it in the McAllen and Pharr Fields, Hidalgo County, Texas, is sold to Trunkline Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 12, 1954. The applications are on file with the Commission for public inspection.

These matters should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is appropriate and in the public interest to (a) consolidate the above-entitled proceedings for the purpose of hearing, and (b) publish notice of the application and order consolidating and fixing date of hearing simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, Docket Nos. G–2598 and G–2599 be and the same are hereby consolidated for the purpose of hearing and that a hearing be held on October 15, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the applications and matters presented therein under the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 27, 1954.

Issued: September 28, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54–7748; Filed, Oct. 1, 1954; 8:46 a. m.]

[Docket Nos. G–2601, G–2602]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO. AND PLYMOUTH OIL CO.

NOTICE OF APPLICATIONS, ORDER CONSOLIDATING PROCEEDINGS, AND FIXING DATE OF HEARING

On August 31, 1954, Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation having its principal place of business in Chicago, Illinois, filed an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity. Texas Illinois proposes to construct the following facilities, all in San Patricio County, Texas, to enable it to replace short-term spot purchases of 11,000 Mcf of natural gas per day with a like amount of gas on a firm basis from Plymouth Oil Company:

(a) Approximately 6.4 miles of 8⅝-inch lateral pipeline connecting Plymouth's gasoline plant serving the Plymouth and Portilla Fields with Texas Illinois' 26-inch trunkline;

(b) Approximately 0.7 miles of 6⅝-inch lateral pipeline connecting Plymouth's gathering line in the North Pasture Field with Texas Illinois' 26-inch trunkline;

(c) Two (2) meter stations equipped to accomplish the accurate measurement of gas delivered through each of the aforementioned lateral pipelines; and

(d) Auxiliary and other appurtenant facilities as may be necessary or convenient.

The estimated cost of the proposed facilities is $174,300, to be financed from funds on hand.

On August 31, 1954, Plymouth Oil Company (Plymouth), a Delaware corporation having its principal place of business in Pittsburgh, Pennsylvania, filed an application, pursuant to section 7 (c) of the Natural Gas Act and § 157.23 (b) of the Commission's general rules and regulations, for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Texas Illinois for resale for ultimate public consumption for domestic, commercial, or industrial use. Plymouth proposes to sell and deliver to Texas Illinois for a period of 20 years an average daily contract quantity of 11,000 Mcf from reserves in the North Pasture, Plymouth, and Portilla Fields in San Patricio County, Texas.

Plymouth's application is to authorize delivery of the volumes of gas which Texas Illinois proposes to receive through facilities for which it seeks authorization in Docket No. G–2601.

Texas Illinois and Plymouth request that their applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The applications are on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the applications, including publication in the FEDERAL REGISTER, be given as hereinafter provided.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the companion applications by Texas Illinois in Docket No. G–2601 and Plymouth in Docket No. G–2602 be consolidated for purposes of hearing and decision.

(3) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the applications filed herein on August 31, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice of these applications be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) The proceedings in Docket Nos. G–2601 and G–2602 be and the same hereby are consolidated for the purpose of hearing and decision.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 18, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 or 1.10 (18 CFR 1.8 or 1.10) on or before October 15, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 27, 1954.

Issued: September 28, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54–7766; Filed, Oct. 1, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29733]

LUMBER FROM KANSAS TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber and related articles, carloads.

From: Points in Kansas.

To: Points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3954, supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7755; Filed, Oct. 1, 1954; 8:48 a. m.]

[4th Sec. Application 29737]

FORMALDEHYDE FROM BELLE, W. VA., TO CHARLOTTE AND GRIFFITH, N. C.

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Formaldehyde, liquid, carloads and tank-car loads.

From: Belle, W. Va.

To: Charlotte and Griffith, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7759; Filed, Oct. 1, 1954; 8:49 a. m.]

[4th Sec. Application 29734]

PAPER BOXES FROM ELIZABETHTON, TENN., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper boxes, carloads.

From: Elizabethton, Tenn.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, market competition, rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1349, supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7756; Filed, Oct. 1, 1954; 8:48 a. m.]

[4th Sec. Application 29735]

MERCHANDISE IN MIXED CARLOADS FROM VARIOUS POINTS TO HOWELLS TRANSFER, GA.

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Ohio and Mississippi River Crossings, Virginia Cities, Washington, D. C., and points in southern territory.

To: Howells Transfer, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1305, supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7757; Filed, Oct. 1, 1954; 8:48 a. m.]

[4th Sec. Application 29736]

ACETALDEHYDE FROM BROWNSVILLE AND HOUSTON, TEX., TO ST. LOUIS, MICH.

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Acetaldehyde, in tank-car loads.

From: Brownsville and Houston, Tex.

To: St. Louis, Mich.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 388.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–7758; Filed, Oct. 1, 1954; 8:49 a. m.]

[4th Sec. Application 29738]

BITUMINOUS COAL FROM MENOMINEE, MICH., TO WISCONSIN

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago and North Western Railway Company.

Commodities involved: Bituminous coal, carloads.

From: Menominee, Mich.

To: Points in Wisconsin.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Chicago and North Western Railway Company, I. C. C. No. 11277, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7760; Filed, Oct. 1, 1954; 8:49 a. m.]

[4th Sec. Application 29739]

CASTOR BEANS ETC., BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. F. Brown, Agent, for carriers parties to schedule listed below.

Commodities involved: Castor beans, carloads, malted milk, carloads, and less-than-carloads, aluminum wire, less-than-carloads.

Between: Points in Texas.

Grounds for relief: Rail competition, circuity, to meet intrastate rates, and rates constructed on the basis of the short line-distance formula.

Schedules filed containing proposed rates: J F. Brown, Agent, I. C. C. No. 807, supp. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7761; Filed, Oct. 1, 1954; 8:49 a. m.]

[4th Sec. Application 29740]

PLASTER, PLASTERBOARD, AND RELATED ARTICLES FROM OFFICIAL TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4469 and Agent C. W. Boin's tariff I. C. C. No. A-886.

Commodities involved: Plaster, plasterboard, and related articles, carloads.

From: Points in official territory.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7762; Filed, Oct. 1, 1954; 8:49 a. m.]

FEDERAL REGISTER

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VOLUME 19 NUMBER 193

Washington, Tuesday, October 5, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10568

SUSPENDING CERTAIN STATUTORY PROVISIONS RELATING TO EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by section 103 of the Civil Functions Appropriations Act, 1955 (Public Law 453, 83d Congress), and section 710 of the Department of Defense Appropriation Act, 1955 (Public Law 458, 83d Congress), relating to certain kinds of employment in the Canal Zone, and deeming such course to be in the public interest, I hereby suspend, from and including the effective date of the said acts, compliance with the provisions of the said sections: *Provided*, that this suspension shall not be construed to affect the provisions of the said sections relating to the amount of compensation that may be received by persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company the stock of which is owned wholly or in part by the United States Government.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 1, 1954.

[F. R. Doc. 54-7876; Filed, Oct. 4, 1954; 11:10 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 728—WHEAT

SUBPART—1955-1956 MARKETING YEAR

MINIMUM ALLOTMENTS FOR SUMMER FALLOW FARMS

The amendment herein is issued pursuant to the Agricultural Act of 1954 and is for the purpose of establishing minimum 1955 farm wheat acreage allotments in areas where a summer fallow crop rotation of wheat is a common practice for farms on which such rotation was practiced with respect to the 1952 and 1953 crops of wheat.

Since farmers in many of the summer fallow areas are now preparing to seed wheat for the 1955 crop, it is imperative that they be notified of this amendment and of any revised farm acreage allotments resulting therefrom as soon as possible. Accordingly, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest, and the amendment herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

The regulations pertaining to farm acreage allotments for the 1955 crop (19 F. R. 3249) are amended by adding a new section as follows:

§ 728.528 *Minimum allotments for summer fallow farms.* (a) Notwithstanding the provisions of §§ 728.510 to 728.527, in the States of California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, which are areas in which a summer fallow crop rotation of wheat is a common practice, the minimum farm acreage allotment for any farm on which a summer fallow crop rotation of wheat was practiced with respect to the 1952 and 1953 crops of wheat shall be established as provided in this section. A fallow wheat acreage shall be determined for each eligible farm by taking 50 per centum of:

(1) The base acreage determined for the farm under § 728.516, plus

(2) The average of the acreage summer fallowed during the calendar year 1951 for the seeding of wheat for 1952 and the acreage summer fallowed during the calendar year 1952 for the seeding of wheat for 1953: *Provided*, That if the wheat acreage for one of the years 1952 and 1953 was eliminated in determining the 1955 base acreage for the farm under paragraph (b) (5) of § 728.516, the acreage summer fallowed during the immediately preceding calendar year for the production of wheat shall be eliminated in computing the fallow wheat acreage under this section. No acreage shall be included under this paragraph which is not cropland well suited for wheat. The fallow wheat acreage for any farm under this section shall not

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FEDERAL REGISTER

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exceed 50 per centum of the cropland on the farm well suited for wheat, but this limitation shall not apply to any farm on which at least 90 per centum of the wheat acreage for 1952 and 1953 was seeded on land which was summer fallowed during the years 1951 and 1952, respectively, and for which a definite and regular alternate wheat and summer fallow crop rotation practice was determined under §§ 728.510 to 728.526.

(b) The minimum farm acreage allotment shall be established by multiplying the fallow wheat acreage or 640 acres, whichever is smaller, by the factor 0.674 (the ratio which the national acreage allotment for wheat for the 1955 crop bears to the national average seedings for the production of wheat for the years 1952 and 1953) and adding thereto the acreage in the fallow wheat acreage in excess of 640 acres multiplied by the county factor determined under § 728.517.

(c) The acreage required for the minimum farm allotments provided for in this section shall, to the extent that the allotment to any county is insufficient to provide for such minimum farm allotments, be in addition to the county, State, and national acreage allotments.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 314, 68 Stat. 905)

Done at Washington, D. C., this 29th day of September 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7801; Filed, Oct. 4, 1954; 8:47 a. m.]

PART 729—PEANUTS

NATIONAL MARKETING QUOTA, NATIONAL ACREAGE ALLOTMENT, AND APPORTIONMENT TO STATES OF NATIONAL ACREAGE ALLOTMENT FOR PEANUTS FOR 1955 CROP

Sec.
729.601 Basis and purpose.
729.602 Proclamation and determination with respect to national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1955.
729.603 Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1955.

AUTHORITY: §§ 729.601 to 729.603 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1388.

§ 729.601 *Basis and purpose.* (a) Section 358 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that between July 1 and December 1 of each calendar year the Secretary of Agriculture shall proclaim a national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the immediately preceding five years, adjusted for current trends and prospective demand conditions. Section 358 (a) further provides that the national marketing quota established for the crop produced in the calendar year 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres, and that the national marketing quota established for any subsequent year shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than that established for the crop produced in the calendar year 1941.

(b) Except for the preceding limitation, the national marketing quota would be 648,000 tons and the national acreage allotment would be 1,408,696 acres. In order to obtain the minimum national acreage allotment of 1,610,000 acres, the national marketing quota must be set at 740,600 tons. Section 358 (a) also provides that the national marketing quota shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre for the United States.

(c) Section 358 (c) of the said act provides that the national acreage allotment, less the acreage to be allotted to new farms under section 358 (f), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made.

(d) Section 729.602 of this proclamation establishes the national marketing quota, the normal yield per acre, and the national acreage allotment for the 1955 crop of peanuts. Section 729.603 apportions the 1955 national acreage allotment among the several peanut-producing States. The determinations in these sections are based on the latest available statistics of the Federal Government.

(e) Public notice of the proposed proclamation and determinations to be made with respect to the 1955 national marketing quota, the national acreage allotment, and apportionment of such allotment among the States was given (19 F. R. 5062) in accordance with the Administrative Procedure Act. The proclamation is made after due consideration of recommendations submitted in response to such notice.

§ 729.602 *Proclamation and determination with respect to national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1955*—(a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop produced in the calendar year 1955 is 740,600 tons.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States is 920 pounds.

(c) *National acreage allotment.* The national acreage allotment for the crop produced in the calendar year 1955 is 1,610,000 acres.

§ 729.603 *Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1955.* The national peanut acreage allotment proclaimed in § 729.602 is hereby apportioned as follows:

State:	*1955 State acreage allotment*
Alabama	217,965
Arizona	717
Arkansas	4,220
California	940
Florida	54,777
Georgia	524,611
Louisiana	1,963
Mississippi	7,557
Missouri	246
New Mexico	4,906
North Carolina	168,813
Oklahoma	137,323
South Carolina	13,743
Tennessee	3,564
Texas	355,063
Virginia	105,542
Total apportioned to States	1,601,950
Reserve for new farms	8,050
Total, United States	1,610,000

Issued at Washington, D. C., this 29th day of September 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7799; Filed, Oct. 4, 1954; 8:47 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter H—Determination of Wage Rates

PART 864—WAGES; SUGARCANE; LOUISIANA HARVESTING, 1954 CROP; PRODUCTION AND CULTIVATION, CALENDAR YEAR 1955

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Thibodaux, Louisiana, on July 28, 1954, the following determination is hereby issued:

§ 864.2 *Fair and reasonable wage rates for persons employed in Louisiana in the harvesting of the 1954 crop of sugarcane and production and cultivation of sugarcane during the calendar year 1955*—(a) *Requirements.* A producer of sugarcane in Louisiana shall be deemed to have complied with the requirements of section 301 (c) (1) of the act if all persons employed on the farm in the harvesting of the 1954 crop of sugarcane and the production and cultivation of sugarcane during the calendar year 1955 shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the date of issuance of this determination with respect to harvesting of the 1954 crop, and with respect to production and cultivation of sugarcane during the calendar year 1955, not less than the following:

(i) *Basic wage rates and adjustments for sugar price changes.* When the average price of raw sugar is within the base price range of $5.60 to $6.00, inclusive, per 100 pounds for the four-week period immediately preceding the four-week period during which the work is performed, and for each full 10 cents that such price shall average more than $6.00 or less than $5.60 per 100 pounds, the day and piecework wage rates in the following table shall be applicable:

WAGE RATES AND RAW SUGAR PRICE RANGES[1]

Class of worker or operation	Price ranges: 4-week average price of 100 pounds of raw sugar						
At least But not more than	$5.201 5.300	$5.301 5.400	$5.401 5.500	$5.501 6.099	$6.100 6.199	$6.200 6.299	$6.300 6.399
	Adjusted basic rates			Basic rates	Adjusted basic rates		
Harvest of 1954 crop:							
Wage rates per 9-hour day for adult workers:							
Cutters, toppers, strippers, scrappers	$3.865	$3.940	$4.015	$4.090	$4.190	$4.290	$4.390
Loaders, grabmen, spotters, repesmen	4.555	4.630	4.705	4.780	4.880	4.980	5.080
Cutters and loaders, pilers, hoist operators	4.075	4.150	4.225	4.300	4.400	4.500	4.600
Tractor drivers, truck drivers	4.655	4.730	4.805	4.880	4.980	5.080	5.180
Teamsters	4.445	4.520	4.595	4.670	4.770	4.870	4.970
Operators of mechanical loading or harvesting equipment	5.075	5.150	5.225	5.300	5.400	5.500	5.600
All other harvesting workers	3.345	3.420	3.495	3.570	3.670	3.770	3.870
Piecework rates per ton for all workers:							
Large barrel varieties:[2]							
Cutting top and bottom, and stripping	1.345	1.370	1.395	1.420	1.4575	1.4950	1.5325
Cutting top and bottom	.845	.870	.875	.900	.9125	.9350	.9575
Loading	.415	.450	.455	.460	.4675	.4750	.4825
Cutting top and bottom, stripping and loading	1.790	1.820	1.850	1.880	1.9250	1.9700	2.0150
Cutting top and bottom and loading	1.290	1.310	1.330	1.350	1.3800	1.4100	1.4400
Small barrel varieties:[2]							
Cutting top and bottom, and stripping	1.640	1.670	1.700	1.730	1.7750	1.8200	1.8650
Cutting top and bottom	1.040	1.090	1.080	1.100	1.1300	1.1600	1.1900
Loading	.530	.540	.550	.560	.5750	.5900	.6050
Cutting top and bottom, stripping and loading	2.170	2.210	2.250	2.290	2.3500	2.4100	2.4700
Cutting top and bottom and loading	1.570	1.600	1.630	1.660	1.7050	1.7500	1.7950
Production and cultivation, calendar year 1955:							
Wage rates per 9-hour day for adult workers:							
Tractor drivers	4.100	4.150	4.200	4.250	4.325	4.400	4.475
All other production and cultivation workers	3.260	3.310	3.360	3.410	3.485	3.560	3.635

[1] For each successive full 10-cent price change above $6.30 or below $5.30, the wage rates shall be increased or decreased correspondingly, by the same amounts as shown above for each full 10-cent price change.
[2] Large barrel varieties: Co. 290, C. P. 29/103; C. P. 29/116; C. P. 32/243; C. P. 36/13; C. P. 36/105; C. P. 29/120; C. P. 43/47; C. P. 44/101; and C. P. 44/155. Small barrel varieties: All other

(ii) *Workers between 14 and 16 years of age when employed on a day basis.* For workers between 14 and 16 years of age, the wage rate per 8-hour day (maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producer) shall be not less than three-fourths of the applicable day wage rate for adults provided under subdivision (i) of this subparagraph.

(iii) *Hourly rates.* Where workers are employed on an hourly basis, the wage rate per hour shall be determined by dividing the applicable day wage rate in subdivision (i) of this subparagraph by 9 in the case of adult workers, and three-fourths of such rate by 8 in the case of workers between 14 and 16 years of age.

(iv) *Other piecework rates.* The piecework rate for any operation specified in subdivision (i) of this subparagraph, when performed on a unit basis other than a ton, or the piecework rate for any operation not specified shall be that as agreed upon between the producer and the worker: *Provided*, That for such agreed upon piecework rate the hourly rate of earnings of each worker, for the time involved, shall be not less than the applicable hourly rate specified in subdivision (iii) of this subparagraph.

(v) *Determination of average sugar prices.* The four-week average price of raw sugar shall be determined by taking the simple average of the daily "spot" quotations of 96° raw sugar of the Louisiana Sugar Exchange, Inc., adjusted to a 100 pound basis; except that if the Director of the Sugar Division determines that for any four-week period such average price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, the Director may designate the average price to be effective under this determination. For the purpose of this determination, the average price of raw sugar prevailing during the period from August 20 through September 16, 1954 shall determine the wage rates from September 17 through October 14, 1954, and thereafter the wage rates in successive four-week periods shall be determined by the average price of raw sugar prevailing in the immediately preceding four-weeek period.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker sends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, time spent in transit to and from the field is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, a charge may be made for equipment furnished any worker for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(4) *Perquisites.* In addition to the foregoing, the producer shall furnish to the worker, without charge, the perquisites customarily furnished by him, such as a habitable house, medical attention, and similar items.

(b) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Agricultural Stabilization and Conservation Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at that office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office, 1517 Sixth Street, Alexandria, Louisiana, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

(d) The Deputy Administrator for Production Adjustment of the Commodity Stabilization Service will issue such instructions to the State Office as may be necessary to effectuate the purpose of this determination.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer in Louisiana must pay, as a minimum, for work performed by persons employed on the farm in the harvesting of the 1954 crop of sugarcane and in the production and cultivation of sugarcane during the 1955 calendar year, as one of the conditions for payment under the act.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates the act requires that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugarcane and cost of production), and (2) the differences in conditions among various sugar-producing areas.

(c) *1954 harvest and 1955 production and cultivation wage determination.* This determination continues unchanged the provisions of the 1953 harvest and 1954 production and cultivation wage determination except for clarification in language of the provision relating to compensable working time. The revision in no way affects the meaning or intent of the requirement in the prior determination.

A public hearing was held in Thibodaux, Louisiana, on July 28, 1954, at which interested persons presented testimony with respect to fair and reasonable wage rates for harvesting the 1954 crop of sugarcane and for the production and cultivation of sugarcane during the calendar year 1955. At this hearing producer representatives recommended no change from any of the provisions of the 1953 harvest and 1954 production and cultivation wage determination. The representatives stated that these recommendations were based primarily on continuing low net income from sugarcane, the adequacy of the wage-price escalator in distributing increased income to workers, and increased unit costs of production as a result of restrictive farm proportionate shares. The representatives of labor unions did not make specific wage recommendations, but suggested an examination of the administration of the wage provisions with the view to giving workers greater protection.

Consideration has been given to the recommendations and supporting testimony presented at the public hearing, to the standards customarily considered in wage determinations, to information obtained through investigations and to the returns, costs, and profits representative of the larger sugarcane growers who produce the bulk of the crop. Information available indicates that there have been no significant changes in production methods during the past year. Testimony at the public hearing and other information indicates that a large number of producers have been paying wages higher than the rates specified in the wage determinations for time and piecework. An analysis of returns, costs, and profits indicates that the average producer of sugarcane has the ability to pay the wage rates of the determination although the indicated net profit per ton of sugarcane is rather small.

After consideration of all the factors, the wage rates and other provisions of this determination are considered to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 29th day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7800; Filed, Oct. 4, 1954; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[958.317 Amdt. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Correction

In Federal Register Document 54-7688, published on page 6300 of the issue for Thursday, September 30, 1954, "40 ounces" in the ninth line of (b) (1) (ii) should read "4 ounces."

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter F—Animal Breeds

[BAI Order 385, Amdt. 3]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

HORSES

Pursuant to the provisions of section 201, Paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. 1201, Par. 1606), recognition of the book of record of purebred Arabian and Thoroughbred horses entitled "Stud Book Argentino," published by the Jockey Club, Florida 571, Buenos Aires, Argentina (Dr. Agustin Alsina, Secretary General), is hereby withdrawn, and paragraph (a) of § 151.10, as amended, of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR 151.10 (a), as amended), is hereby further amended by removing the name of the said stud book from the list of books of record for the Arabian and Thoroughbred breeds under the subheading "Horses."

The above action is necessary because the "Stud Book Argentino" and its sponsoring organization no longer exist. Accordingly, pursuant to provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found, upon good cause, that notice and other public procedure in connection with this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than thirty days after publication in the FEDERAL REGISTER. Such notice or hearing is not required by any other statute.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 201, par. 1606, 46 Stat. 673, as amended; 19 U. S. C. 1201, par. 1606)

Done at Washington, D. C., this 29th day of September 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-7816; Filed, Oct. 4, 1954; 8:49 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. K]

PART 211—BANKING CORPORATIONS AUTHORIZED TO DO FOREIGN BANKING BUSINESS UNDER SECTION 25 (a), FEDERAL RESERVE ACT

1. Effective September 29, 1954, Part 211 (Regulation K) is hereby amended in the following respects:

a. By adding the following new paragraph (c) after paragraph (b) of § 211.11, and relettering the present paragraph (c) to (d):

(c) Notwithstanding paragraphs (a) and (b) of this section, a corporation may, at its option, comply with the following requirements in lieu of those stated in said paragraphs (a) and (b) of this section:

(1) The corporation shall not engage, either within the United States or abroad, in the business of receiving deposits.

(2) Loans or other credits acquired or guaranteed by the corporation shall have a maturity of not more than 5 years at the time they are so acquired or guaranteed: *Provided, however*, That this limitation shall not apply (i) to a loan or other credit, or any scheduled installment of a loan or credit, maturing within 10 years, but the aggregate amount of loans or credits or installments of loans or credits excepted under this subdivision shall not exceed 100 percent of the corporation's capital and surplus; or (ii) to other loans or credits, or scheduled installments of loans or credits, maturing within 10 years to the extent that they are secured or covered by unconditional guaranties, commitments or agreements to take over or purchase made by the United States or by any department or establishment of, or corporation wholly owned by, the United States.

(3) The corporation shall carry on its business in accordance with sound financial policies including, among other considerations, a proper regard to the relationship between its assets and the maturities of its obligations, so as to give reasonable assurance that the corporation will be in a position to pay its obligations as they mature.

(4) All obligations of any kind, regardless of maturity or payee, issued by the corporation shall contain a provision, or shall be issued under an agreement, which shall provide that the corpora-

tion will not, during the time any such obligations remain outstanding:

(i) Issue any obligations if immediately thereafter the assets of the corporation, excluding notes, drafts, bills of exchange and other evidences of indebtedness that are in default as to either principal or interest, would be less than 110% of the aggregate principal amount of all obligations of the corporation;

(ii) Mortgage, pledge or otherwise subject any of its assets to any lien or charge to secure any indebtedness for borrowed money or to secure any other obligation of the corporation, unless each person holding any of the corporation's unsecured obligations, which would remain outstanding after such transaction, either grants his consent or is provided with security substantially equivalent in value to that provided by such mortgage, pledge, lien or charge;

(iii) Sell, lease, assign or otherwise dispose of all or substantially all its assets; or

(iv) Declare or pay any dividend (other than a dividend payable in stock of the corporation) or authorize or make any other distribution on any stock of the corporation otherwise than out of the earned surplus of the corporation as determined in accordance with generally accepted accounting principles.

b. By adding the following sentence at the end of paragraph (a) of § 211.15: "In the case of a corporation which does not engage, either within the United States or abroad, in the business of receiving deposits, the limitations contained in this paragraph regarding the total liabilities of one borrower (1) shall be increased from 10 percent to 20 percent, and (2) shall not apply to the extent that the liabilities are secured or covered by unconditional guaranties, commitments or agreements to take over or to purchase, made by the United States or by any department or establishment of, or corporation wholly owned by, the United States."

2. a. The purposes of the amendments are to permit corporations organized under section 25 (a) of the Federal Reserve Act, as amended (12 U. S. C. 611–631), which do not receive deposits, to issue unsecured obligations subject to certain specific conditions, and to be subject to a less restrictive limitation on loans.

b. The amendments set forth herein were the subject of a notice of proposed rule making published in the FEDERAL REGISTER (19 F. R. 5063), and were adopted by the Board after consideration of all the relevant matter, including the data, views and arguments received from interested persons. The deferred effective date described in section 4 of the Administrative Procedure Act is not followed in connection with these amendments for the reasons and good cause found as stated in the Board's rules of procedure (12 CFR 262.2 (e)), and especially because in connection with these permissive amendments such procedure is unnecessary as it would not aid the persons affected and would serve no other useful purpose.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply 41 Stat. 378, as amended; 12 U. S. C. 611–631)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 54–7796; Filed, Oct. 4, 1954; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53609]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

MISCELLANEOUS AMENDMENTS

To conform to changes in law effected by the Customs Simplification Act of 1954, approved September 1, 1954, Part 23 of the Customs Regulations is amended as follows:

1. In view of the amendment of section 581 (d), Tariff Act of 1930, as amended, by section 504 of the Customs Simplification Act, footnote 3, appended to § 23.1 (a) (3), is amended by revising the quoted subsection (d) to read as follows:

(d) Any vessel or vehicle which, at any authorized place, is directed to come to a stop by any officer of the customs, or is directed to come to a stop by signal made by any vessel employed in the service of the customs and displaying proper insignia, shall come to a stop, and upon failure to comply a vessel or vehicle so directed to come to a stop shall become subject to pursuit and the master, owner, operator, or person in charge thereof shall be liable to a penalty of not more than $5,000 nor less than $1,000.

2. In view of the repeal of section 3062 of the Revised Statutes, as amended (19 U. S. C. 483), and its substantial reenactment as new section 596, Tariff Act of 1930, by section 502 of the Customs Simplification Act of 1954, paragraphs (a) and (b) and the headnote of § 23.3 are amended to read as follows:

§ 23.3 *Seizure of vessels, vehicles, aircraft, and other conveyances; penalties.* (a) If it shall appear to any officer authorized to board conveyances and make seizures that there has been a violation of a law of the United States whereby a vessel, vehicle, aircraft, or other conveyance, or any merchandise on board of or imported by such vessel, vehicle, aircraft, or other conveyance is liable to forfeiture, such officer shall seize the vessel, vehicle, aircraft, or other conveyance, or merchandise and arrest any person engaged in such violation.

(b) Every vessel, vehicle, animal, aircraft, or other thing which is being or has been used in, or to aid or facilitate, the importation, bringing in, unlading, landing, removal, concealing, harboring, or subsequent transportation of any article which is being, or has been, introduced or attempted to be introduced into the United States contrary to law shall be seized and held subject to forfeiture, and any person who directs, assists financially or otherwise, or is in any way concerned in any such unlawful activity shall be liable to a penalty equal to the value of the article or articles involved.

3. For the reason last stated, footnote 6, appended to § 23.3(b), is amended by adding the following as the first two paragraphs thereof:

(a) Except as specified in the proviso to section 594 of this act, every vessel, vehicle, animal, aircraft, or other thing used in, to aid in, or to facilitate, by obtaining information or in any other way, the importation, bringing in, unlading, landing, removal, concealing, harboring, or subsequent transportation of any article which is being or has been introduced, or attempted to be introduced, into the United States contrary to law, whether upon such vessel, vehicle, animal, aircraft, or other thing or otherwise, shall be seized and forfeited together with its tackle, apparel, furniture, harness, or equipment.

(b) Every person who directs, assists financially or otherwise, or is in any way concerned in any unlawful activity mentioned in the preceding subsection shall be liable to a penalty equal to the value of the article or articles introduced or attempted to be introduced. (Tariff Act of 1930, sec. 596, as amended, 19 U. S. C. 1596)

4. In view of the amendment of section 545 of title 18, United States Code, by section 507, Customs Simplification Act of 1954, footnote 15, appended to § 23.8, is amended by revising the fifth paragraph to read as follows:

Merchandise introduced into the United States in violation of this section, or the value thereof, to be recovered from any person described in the first or second paragraph of this section, shall be forfeited to the United States.

5. In view of the amendment of sections 607, as amended, 610, and 612, Tariff Act of 1930, by section 506, Customs Simplification Act of 1954, §§ 23.12, 23.13, 23.16 and footnote 27 appended thereto, 23.17, 23.18 and footnote 30 appended thereto, and 23.21 and footnote 35 appended thereto are amended by substituting "$2,500" for "$1,000" wherever the latter appears therein.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

The foregoing amendments shall be effective October 1, 1954.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 28, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54–7819; Filed, Oct. 4, 1954; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I–12]

DMO I–12—ASSIGNMENT OF DEFENSE MOBILIZATION RESPONSIBILITIES TO THE U. S. DEPARTMENT OF DEFENSE

By virtue of the authority vested in me pursuant to the National Security Act of 1947, as amended; Reorganization Plan No. 3, effective June 12, 1953; the Defense Production Act of 1950, as amended; Executive Order 10480 of August 15, 1953; the Strategic and Critical Materials Stock Piling Act of 1946, as amended; and in order to facilitate the coordination of Federal policies and programs for current defense activities and readiness for any future mobilization, it hereby ordered:

1. The Secretary of Defense will be responsible for the development and administration of the industrial mobilization measures listed in paragraph 2 below. The functions listed are those upon which the development of the coordinated industrial mobilization program for the Government as a whole requires advice or action by the Department of Defense.

2. The industrial mobilization measures for which the Secretary of Defense is responsible are as follows:

(a) Provide specific strategic guidance as required for mobilization planning and programming, including, for example, advice regarding such factors as geographic accessibility or overseas areas and estimated shipping losses in the event of war.

(b) Develop and furnish quantitative military production requirements for selected end-items, consistent with defined military concepts, and supporting requirements for materials, components, production facilities, production equipment, petroleum, food, transportation and other services needed to carry out specified Department of Defense current and mobilization procurement, construction and production programs. The items and supporting resources to be included in such requirements, the periods to be covered, and the dates for their submission to the Office of Defense Mobilization will be determined by mutual agreement between the Secretary of Defense and the Director of the Office of Defense Mobilization.

(c) Advise and assist the Office of Defense Mobilization in developing a national system of production urgencies.

(d) Advise and assist the Office of Defense Mobilization in developing a system for the international allocation of critical materials and products among the United States and the various foreign claimants in the event of mobilization or attack on the United States.

(e) Administer priorities and allocations authority delegated to the Department of Defense. Authorize procurement and production schedules and make allotments of controlled materials pursuant to program determinations of the Office of Defense Mobilization.

(f) Assist the Department of Commerce and other appropriate agencies in the development of the production and distribution controls plans for use in event of mobilization or attack on the United States.

(g) Develop with industry plans for the procurement and production of selected military equipment and supplies needed to fulfill mobilization requirements, making maximum use of plants in dispersed locations, and, where essential and appropriate, providing for alternative sources of supply in order to minimize the effects of enemy attack.

(h) Develop with industry plans and programs for minimizing the effect of attack damage to plants producing selected major items of military equipment and supply.

(i) Recommend to the Office of Defense Mobilization measures for overcoming potential deficiencies in production capacity to produce selected military supplies and equipment needed to fulfill mobilization requirements, when necessary measures cannot be effected by the Department of Defense.

(j) Furnish information and recommendations, when requested by the Office of Defense Mobilization, for purposes of processing applications for accelerated tax amortization certificates or section 302 defense loans.

(k) Furnish advice and assistance on the utilization of strategic and critical materials in defense production including changes that occur from time to time.

(l) Analyze problems involved in maintaining an adequate mobilization production base in military-product industries and take necessary actions within the limits of the authority and funds available to the Department of Defense.

(m) Assist the Secretary of Commerce with respect to the identification and rating of facilities important to defense mobilization.

(n) Assist the Department of Agriculture in the review and analysis of mobilization requirements for food.

(o) Advise and assist the Office of Defense Mobilization in the development and review of standards for the strategic location and physical security of industries, services, government and other activities for which continuing operation is essential to national security, and exercise physical security cognizance over the facilities assigned to him for such purpose.

(p) Advise and assist the Office of Defense Mobilization in the development of a damage assessment system and in the preparation of estimates of potential damage from enemy attack.

(q) Develop a system for rapid and comprehensive assessment of enemy attack damage to industrial facilities producing vital items of military equipment and supply.

(r) Advise and assist the Office of Defense Mobilization in the development of over-all manpower policies to be instituted in the event of mobilization or attack on the United States, including the provision of information relating to the size and composition of the Armed Forces.

(s) Advise on current military communications facilities and military requirements for communications facilities and services in planning for and in event of a stepped-up or all-out mobilization or attack on the United States.

(t) Advise on requirements for the military use of and the type of control considered necessary for all forms of transportation and transportation facilities in the event of national emergency.

(u) Develop plans for the immediate activation, in event of national emergency, of the wartime air priorities system developed in coordination with the Department of Commerce, for the effective control utilization of air transport resources.

(v) Advise and assist the Office of Defense Mobilization in the development of stabilization policies and plans suitable in event of mobilization or attack on the United States. This includes coordination of policies affecting military price determinations.

(w) Assist the Office of Defense Mobilization in preparation of legislative programs and plans for coordinating government support of mobilization programs.

(x) Develop plans for the utilization of nonindustrial facilities in the event of mobilization in order to reduce requirements for new construction and to provide facilities in a minimum period of time.

(y) Advise and assist the Office of Defense Mobilization in (1) determining what key foreign facilities are important to the security of the U. S., particularly those producing raw materials, and (2) obtaining through appropriate channels protection against sabotage.

(z) Develop to a state of operational readiness, plans for the continuity of the Department's essential wartime functions, including emergency relocation and emergency action steps.

(aa) Develop internal procedural instructions, organizational arrangements, and staffing patterns, needed to execute quickly Department of Defense responsibilities in each of the above areas in event of mobilization or attack on the United States.

3. The program to be undertaken by the Department of Defense shall be submitted to the Director of the Office of Defense Mobilization indicating the priority and scope of work to be carried on in the areas enumerated above. Reports of progress shall be submitted in accordance with a schedule to be agreed on by the Secretary of Defense and the Director, Office of Defense Mobilization.

4. This order is not intended to affect any delegation of authority heretofore conferred upon the Secretary of Defense.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54–7847; Filed Oct. 1, 1954; 3:11 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

RUMANIA

Correction

In F. R. Document 54–7409, appearing in the issue for Wednesday, September 22, 1954, on page 6081, in the table under *II. Miscellaneous*, and opposite the entry "Toilet water" the figure "205" should read "250".

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11130; FCC 54-1239]

[Rules Amdt. 3-23]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 11130.

1. The Commission has under consideration its notice of proposed rule making issued on August 11, 1954 (FCC 54-1013), and published in the FEDERAL REGISTER on August 14, 1954 (19 F. R. 5154), proposing to change the offset carrier requirement for Channel 11 at Anchorage, Alaska, in response to a petition filed by Northern Television, Inc., Anchorage, Alaska.

2. The last day for filing comments in this proceeding was August 25, 1954. No comments opposing the proposed amendment have been filed. In support of the amendment, petitioner urged that it is the permittee of television station KTVA on Channel 11 at Anchorage, Alaska; that it inadvertently installed a transmitter without provision for offset carrier operation; and that the proposed change will not adversely affect any other assignments in the Table. The Commission finds that the proposed change conforms to the Rules and would be in the public interest.

3. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered*, That effective November 5, 1954, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

City:	*Channel No.*
Anchorage, Alaska	2-, *7-, 11, 13-

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: September 29, 1954.

Released: September 30, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7808; Filed, Oct. 4, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth which were recommended by the administrative committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.217 *Expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal period ending May 31, 1955, will amount to $3,024.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes from Area No. 2 shall be one-tenth of one cent ($0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (§§ 958.1 to 958.19).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 30th day of September 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7815; Filed, Oct. 4, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

SECURITIES EXEMPTED; AMOUNT

Notice is hereby given that the Securities and Exchange Commission has under consideration amendments to §§ 230.216 and 230.217 (Rules 216 and 217) of its Regulation A under the Securities Act of 1933.

Regulation A exempts from registration under the Act offerings of securities not in excess of $300,000 which are made in accordance with the terms and conditions of the regulation.

The proposed amendment to Rule 216 would make Regulation A available to a domestic or foreign majority-owned subsidiary of any resident of the United States which has its principal business in the United States and has securities registered for trading on a national securities exchange. The proposed amendment to Rule 217 would exclude from the computation of the $300,000 limitation of Regulation A that portion of a warrant or rights offering pro rata to security holders made outside of the United States.

1. Rule 216 of Regulation A would be amended to read as follows:

§ 230.216 *Securities exempted.* (a) Except as hereinafter provided in this section, securities issued by any of the following persons shall be exempt from registration under the act if offered in accordance with the terms and conditions of §§ 230.215 to 230.224: (1) Any resident of the United States having his or its principal business operation in the United States, or (2) in the case of an offering to existing security holders on a pro rata basis pursuant to warrants or rights, any direct or indirect majority owned subsidiary of any resident of the United States whose principal business operations are in the United States and which has securities registered for trading on a national securities exchange pursuant to the provisions of the Securities Exchange Act of 1934.

2. Rule 217 of Regulation A would be amended to read as follows:

§ 230.217 *Amount of securities exempted.* (a) The aggregate offering price of all of the following securities of (i) the issuer, (ii) its predecessors and (iii) all of its affiliates which were organized, or became affiliates of the issuer, within the past 2 years, shall not exceed $300,000:

(1) All securities of such persons presently being offered under §§ 230.215 to 230.224, §§ 230.500 to 230.510, or specified in the notification under § 230.218 or § 230.503 as proposed to be so offered;

(2) All securities of such persons previously sold pursuant to an offering under §§ 230.215 to 230.224, or §§ 230.500 to 230.510, commenced within one year prior to the commencement of the proposed offering:

* * * * * *

(e) * * * or (iii) in the case of an offering by an issuer to existing security holders on a pro rata basis pursuant to warrants or rights that portion of the offering made outside of the United States.

All interested persons are hereby invited to submit views and comments on the proposed amendments in writing to the Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C., on or before October 15, 1954. Views or comments received will be available for public inspection unless in any case a person requests that his views or comments shall not be made public.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 27, 1954.

[F. R. Doc. 54-7797; Filed, Oct. 4, 1954; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 180-2]

COMMISSIONER OF NARCOTICS

DELEGATION OF FUNCTIONS WITH REFERENCE TO ORAL NARCOTIC PRESCRIPTIONS

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 there are hereby transferred to the Commissioner of Narcotics all the functions of the Secretary of the Treasury under section 2554 (c) (2) of the Internal Revenue Code of 1939 and under section 4705 (c) (2) of the Internal Revenue Code of 1954, as respectively amended by sections 2 and 7 of the act of August 31, 1954 (Public Law 729, 83d Congress), with reference to oral narcotic prescriptions.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

SEPTEMBER 27, 1954.

[F. R. Doc. 54-7820; Filed, Oct. 4, 1954; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, Serial number Anchorage 026678, for the withdrawal from all forms of appropriation under the public land laws of the lands described below was filed on May 11, 1954, by The Alaska Railroad.

The purposes of the proposed withdrawal: Dock and Wharf Site.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at the point of intersection of the line of mean high water of Passage Canal with the easterly boundary line of Parcel No. 6 as described in PLO 587 of May 23, 1949, which is located N 11°09' E, 372.57 feet from a point in the center line of the main track of The Alaska Railroad at Survey Station "B" 15 plus 68.00. From the point of beginning, U. S. Location Monument No. 2559, Whittier Townsite, bears S 2°29¾' W, 630.69 feet.

From the initial point, thence N 11°09' E, 337.20 feet; thence S 60°51' E, 365.00 feet; thence N 56°09' E, 500.00 feet; thence S 61°21' E, 280.00 feet; thence S 56°09' W, 809.73 feet to a point on the line of mean high water; thence northwesterly along the line of mean high water, approximately 405 feet to the point of beginning, containing approximately 6.52 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-7793; Filed, Oct. 4, 1954; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 022250, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on May 17, 1954, by Bureau of Public Roads.

The purposes of the proposed withdrawal: Maintenance station.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

U. S. Survey 2386: Lot 1.
U. S. Survey 3260: Lots 22 and 39.
Containing approximately 7.35 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-7878; Filed, Oct. 4, 1954; 11:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 54-1166]

STATEMENT OF ORGANIZATION, DELEGATION OF AUTHORITY AND OTHER INFORMATION

In the matter of revision of Part O of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of September, 1954;

The Commission having under consideration a proposed revision of Part O of its rules; and

It apearing, that, since the reorganization of the Commission, several amendments to the Communications Act of 1934 have been enacted by Congress, and many orders concerning reorganization and delegation of authority to various Bureaus and Staff Offices have been adopted by the Commission; and

It further appearing, that a revision of Part O of the rules, taking into account all these orders, would be in aid of orderly administration procedure and would more fully carry out the provisions of section 3 (a) (1) of the Administrative Procedure Act; and

It further appearing, that certain additional delegations to the staff of minor importance have been adopted which should be incorporated into the revision of Part O of the rules; and

It further appearing, that the revision herein ordered is procedural and editorial in nature and, therefore, compliance with the public rule making procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required;

It is ordered, That effective October 15, 1954, and in accordance with sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, Part O of the Commission's rules is hereby revised to read as set forth below.[1]

Released: September 22, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[1] Part O of the Commission's rules as revised will be available from the Superintendent of Documents, Washington 25, D. C., in the near future in pamphlet form.

PART 0—STATEMENT OF ORGANIZATION, DELEGATION OF AUTHORITY AND OTHER INFORMATION

SUBPART A—STATEMENT OF ORGANIZATION OF THE COMMISSION

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0.312 Authority to issue orders; record of actions taken.

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0.321 Matters delegated to General Counsel.
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SUBPART A—STATEMENT OF ORGANIZATION OF THE COMMISSION

GENERAL

SECTION 0.1 *Statutory authority.* The Federal Communications Commission was created by the Communications Act of 1934, as amended. This Act is printed in Title 47 of the United States Code beginning with section 151. Pamphlet copies of the Act, as revised, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D. C.

SEC. 0.2 *Commissioners.* (a) The Federal Communications Commission is composed of seven members appointed by the President, subject to Senate confirmation, one of whom the President designates Chairman. The Commission will, in the case of a vacancy in the office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, temporarily designate one of its members to act as Chairman until the cause or circumstance requiring such designation shall have been eliminated or corrected.

(b) There are two standing committees of Commissioners, the Telegraph Committee and the Telephone Committee, each composed of three Commissioners. These committees are delegated authority to act or study and report on certain telephone and telegraph matters from time to time.

(c) A Defense Commissioner and an Alternate Defense Commissioner is designated by the Commission to assume the responsibilities set forth in sections 0.162, 0.216, and 0.217.

SEC. 0.3 *Chairman.* (a) The Chairman of the Commission is the Chief Executive Officer of the Commission. As such he has the following duties and responsibilities:

(1) To preside at all meetings and sessions of the Commission.

(2) To represent the Commission in all matters relating to legislation and legislative reports; however, any other Commissioner may present his own or minority views.

(3) To represent the Commission in all matters requiring conferences or communications with other governmental officers, departments or agencies.

(4) To coordinate and organize the work of the Commission in such a manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission. The Office of Administration, under the direct supervision of the Chairman, assists him in carrying out these duties and responsibilities.

SEC. 0.4 *Offices.* All offices of the Commission, unless otherwise hereinafter described, are located in the New Post Office Building, Thirteenth Street and Pennsylvania Avenue NW., Washington 25, D. C. All meetings of the Commission, unless otherwise directed by the Commission, are held at the above address.

SEC. 0.5 *General description of Commission organization.* The Commission's staff is divided into the following principal units:

(a) Broadcast Bureau.
(b) Common Carrier Bureau.
(c) Field Engineering and Monitoring Bureau.
(d) Safety and Special Radio Services Bureau.
(e) Office of Hearing Examiners.
(f) Office of Administration.
(g) Office of Chief Accountant.
(h) Office of General Counsel.
(i) Office of Chief Engineer.
(j) Office of the Secretary.
(k) Office of Opinions and Review.
(l) Office of Reports and Information.
(m) Office of Defense Coordination.

BROADCAST BUREAU

SEC. 0.11 *Functions of the Bureau.* The Broadcast Bureau assists, advises and makes recommendations to the Commission with respect to the development of a regulatory program for the broadcast services, except the international broadcast services, and is responsible for the performance of any work, function or activities to carry out that program in accordance with applicable statutes, international agreements, rules and regulations and policies of the Commission. The Bureau performs the following functions:

(a) Receives, examines, files, indexes, records and processes applications in the broadcast services, makes recommendations to the Commission thereon and issues authorizations in accordance with Commission instructions and directions.

(b) Processes petitions in broadcast matters (protests and orders of designation) not specified in section 0.141.

(c) By notification in accordance with the procedures set forth in the North American Regional Broadcasting Agreement establishes priorities for United States stations under this and associated agreements. Receives and examines notifications of assignments in other North American countries, and resolves conflicts by negotiation.

(d) Participates in hearings involving applications, rule making and other matters which pertain to the radio broadcast services.

(e) Makes recommendations to the Commission concerning the promulgation of rules and standards in the broadcast services.

(f) Participates in international conferences with respect to broadcast services, and in implementation of international broadcast agreements.

(g) Studies frequency requirements in the broadcast services and makes recommendations with respect to the allocation of frequencies and the drafting of frequency assignment plans in such services.

(h) Confers with government and industry groups interested in the problems of broadcast services.

(i) Studies and establishes technical requirements for equipment in the broadcast services in accordance with standards established by the Commission.

(j) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5 (d) of the Communications Act of 1934, as amended.

SEC. 0.12 *Responsibilities of the Bureau Chief.* The Chief of the Bureau, subject to the decisions and policy determinations of the Commission, plans, directs, and coordinates the broadcast services functions listed in section 0.11.

SEC. 0.13 *Units in the Bureau.* The Broadcast Bureau is divided into the following units:

(a) The Office of the Chief of Bureau.
(b) Broadcast Facilities Division.
(c) Renewal and Transfer Division.
(d) Hearing Division.
(e) Rules and Standards Division.
(f) License Division.

SEC. 0.14 *Broadcast Facilities Division.* The Broadcast Facilities Division is responsible for all functions indicated in the statement contained in section 0.11, insofar as such functions pertain to standard (AM), FM, television, experimental and auxiliary broadcast services, excluding functions stated in sections 0.15, 0.16, and 0.17.

SEC. 0.15 *Renewal and Transfer Division.* The Renewal and Transfer Division is responsible for all functions indicated in the statement contained in section 0.11, insofar as such functions pertain to applications for the renewal of licenses, transfer of control and assignment of licenses or construction permits; and exercises responsibility for maintaining the enforcement of applicable statutes, the rules, regulations and orders of the Commission insofar as they relate to broadcast stations.

SEC. 0.16 *Hearing Division.* The Hearing Division is responsible for all functions indicated in the statement contained in section 0.11, insofar as such functions pertain to applications which have been designated for hearing or to revocations of licenses or construction permits in the broadcast services.

SEC. 0.17 *Rules and Standards Division.* The Rules and Standards Division is responsible for all functions indicated in the statement contained in section 0.11, insofar as such functions relate to the development or revision of rules and standards, to international conferences, and to special projects in the broadcast services.

SEC. 0.18 *License Division.* The License Division exercises responsibility for the receipt, initial examination, filing, indexing, recording and routing of all applications in the broadcast services; the clerical functions with respect to the issuance of broadcast authorizations; and for the maintenance of a public reference room in cooperation with the Docket Division of the Office of the Secretary where public information with respect to all broadcast matters and all docketed proceedings may be examined.

COMMON CARRIER BUREAU

SEC. 0.21. *Functions of the Bureau.* The Common Carrier Bureau carries out the common carrier regulatory program of the Commission under applicable statutes, international agreements, and rules and regulations, including the regulation of common carrier rates, services and accounting, and the licensing of common carrier wire and radio services. The Bureau performs the following functions:

(a) Initiates rules and regulations, except as otherwise specifically provided in the functions of the other Bureaus or Staff offices.

(b) Collaborates with representatives of State regulatory commissions and with the National Association of Railroad and Utilities Commissioners in the conduct of cooperative studies of regulatory matters of common concern to this Commission and State commissions.

(c) Participates in international conference work involving common carrier matters.

(d) Assists, advises and makes recommendations to the Commission and represents the Commission in matters

pertaining to common carrier regulation and licensing.

(e) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5 (d) of the Communications Act of 1934, as amended.

SEC. 0.22 *Responsibilities of the Bureau Chief.* Subject to the policy determinations of the Commission, the Chief of the Bureau plans, directs, and coordinates the common carrier functions of the Commission listed in section 0.21.

SEC. 0.23 *Units in the Bureau.* The Common Carrier Bureau is divided into the following units:

(a) Office of the Chief of Bureau.
(b) License Branch.
(c) Statistical Branch.
(d) Telegraph Division.
(e) Telephone Division.
(f) International Division.
(g) Field Offices.

SEC. 0.24. *The Office of the Bureau Chief.* The immediate Office of the Chief of the Bureau includes the Office of the Field Coordinator which supervises and coordinates the work of the field offices, and the Office of Administrative Assistant which performs the administrative functions of the Bureau.

SEC. 0.25 *The License Branch.* The License Branch examines and maintains files and records with respect to applications involving experimental common carrier services, public radio communications, wire service extensions and reductions, submarine cable landing licenses, and interlocking positions of directors or officers; issues orders, authorizations, licenses and certificates upon approval by the Commission or the Chief of the Bureau or his nominees.

SEC. 0.26 *The Statistical Branch.* The Statistical Branch maintains a statistical reporting system; coordinates recommendations for changes in reports and collaborates with the Office of the Chief Accountant on the form, adequacy and content of reports; collects, processes, compiles, and publishes statistical data for regular and special reports to meet the requirements of the Bureau, the Commission and outside sources; and circulates pertinent statistical reports to the staff.

SEC. 0.27 *Telegraph Division.* The Telegraph Division is responsible for the Bureau's functions pertaining to domestic telegraph matters and telephone operations of carriers engaged principally in record communication, except for rules and applications relating to authorizations for the use of radio. The Telegraph Division includes a Rates and Revenue Requirements Branch, and a Services and Facilities Branch.

SEC. 0.28 *Telephone Division.* The Telephone Division is responsible for the Bureau's functions pertaining to domestic telephone matters and telegraph operations of carriers engaged principally in non-record communication; for rules and applications relating to authorizations for domestic common carrier radio services, including domestic telegraph radio services; and, in addition, for international telephone rate matters. The Telephone Division includes a Services and Facilities Branch, a Domestic Radio Services Branch, an Accounting Compliance Branch, a Revenue Requirements Branch, a Depreciation Rates Branch, and a Tariffs and Rate Classifications Branch.

SEC. 0.29 *International Division.* The International Division is responsible for the Bureau's functions pertaining to international common carrier services, except international telephone rate matters. The International Division includes a Rates and Revenue Requirements Branch and a Services and Facilities Branch.

SEC. 0.30 *Field Offices.* The Common Carrier Field Offices are responsible for conducting investigations and studies on any problem assigned by the Office of the Chief of the Bureau; representing the Commission in contacts with the public and the carriers; and conducting compliance activities to assure that there is adherence to the Communications Act and Commission rules and regulations. These field offices are located at: Room 604, 90 Church Street, New York 7, New York; Room 334, 815 Olive Street, St. Louis, Missouri; Room 124, 180 New Montgomery Street, San Francisco, California; and Room 733, Hurt Building, Atlanta 3, Georgia.

FIELD ENGINEERING AND MONITORING BUREAU

SEC. 0.41 *Functions of the Bureau.* The Field Engineering and Monitoring Bureau is responsible for all Commission engineering activities performed in the field relating to radio stations including station inspections, surveys, monitoring, direction finding, signal measurement, and investigations; for those enforcement activities performed in the field dealing with the suppression of interference and the inspection of devices possessing electromagnetic radiation characteristics; and such other field inspections or investigations as might be required by the Commission, or the Bureaus and Staff Offices. The Bureau also performs the following functions:

(a) Develops rules and regulations which will provide such classes of commercial operators as may be required in the various radio services regulated by the Commission, and administers and enforces such rules and regulations.

(b) Prepares and conducts commercial radio operator examinations and issues commercial operators' licenses.

(c) Conducts amateur examinations, and upgrades amateur licenses in situations where the upgrading can be accomplished by endorsements.

(d) Processes data with respect to proposed new or modified antenna structures covered in Part 17 of the rules to determine whether such proposed construction will create hazards to air navigation.

(e) Represents the Commission and participates in inter-agency committees and in international conferences with respect to matters for which the Bureau is responsible.

(f) Enforces and administers Parts 15 and 18 of the Commission's rules and regulations relative to equipment, interference, and related problems in the industrial, scientific and medical services arising from restricted radiation devices.

(g) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5 (d) of the Communications Act of 1934, as amended.

SEC. 0.42 *Responsibilities of the Bureau Chief.* The Chief of the Bureau, subject to the policy determinations of the Commission, plans, directs, and coordinates the activities of the Bureau as listed in section 0.41.

SEC. 0.43 *Units in the Bureau.* The Bureau consists of the following units:

(a) Office of the Chief.
(b) Engineering Division.
(c) Inspection and Examination Division.
(d) Monitoring Division.
(e) Field Operating Division and its associated field organizations consisting of regional offices, district offices and monitoring stations.

SEC. 0.44 *The Office of the Bureau Chief.* The Office of the Chief of the Bureau includes an Administrative Branch which performs the administrative functions of the Bureau, and an Attorney-Advisor who advises the Chief of the Bureau and the divisions of the Bureau on legal questions relative to such matters as applications for commercial operators' licenses, interference problems, investigation and other activities of the Bureau or other special assignments.

SEC. 0.45 *Engineering Division.* The Engineering Division is responsible for all functions indicated in section 0.41 insofar as technical engineering standards and evaluations are required; for the administration of Part 17 of the Commission's rules governing construction marking and lighting of antenna structures, including the processing of data concerning proposed new or modified antenna construction to insure that no hazard to air navigation results from the proposed construction; the administration of Parts 15 and 18 of the Commission's rules and regulations relative to equipment, interference, and related problems in the industrial, scientific, and medical services arising from restricted radiation devices; and the maintenance of liaison with the Office of the Chief Engineer with respect to technical engineering matters.

SEC. 0.46 *Inspection and Examination Division.* The Inspection and Examination Division is responsible for the inspection and examination functions of the Bureau, including responsibility for matters involving rules and regulations concerning the licensing of commercial radio operators, for recommending action on matters of non-compliance with rules, acts, or treaties by these operators, and for the development and making of recommendations with respect to the priority and frequency of station inspections.

SEC. 0.47 *Monitoring Division.* The Monitoring Division exercises staff responsibility for standards, techniques, and facilities in monitoring and investigation procedures required to effectuate the Communications Act; and maintains liaison with governmental organizations such as CIA, CAA, the military, etc., pertaining to monitoring operations.

SEC. 0.48 *Field Operating Division.* The Field Operating Division is responsible for all field operations of the Bureau, including the management and supervision of all field offices and monitoring stations.

(a) The Headquarters Group directly supervises the activities of the Regional Managers; directs and coordinates the monitoring and direction-finding network operations in the field through the Monitoring Control Center in this Division in cases involving more than one region and in special or emergency situations, and performs those administrative activities which will insure the most effective performance of the field operations of the Bureau.

(b) The Field Group includes the Regional Manager's Offices which are responsible for the functioning and operation of District Offices, Sub Offices, Ship Offices and Monitoring Stations within their respective regions. The District Offices inspect radio stations; conduct commercial and amateur operator examinations; conduct investigations of interference situations including unlicensed radio operations; conduct engineering studies and make engineering measurements for enforcement purposes and for the information of the Commission; and process applications for interim ship licenses (small craft), citizen radio station licenses where equipment is type approved, and commercial radio operator licenses. The Sub Offices are engaged in essentially the same work as the District Offices to which they are attached. The Ship Offices are attached to District Offices and engage primarily in ship inspection work. The Monitoring Stations perform the actual surveillance of the radio spectrum. They detect and locate illegal clandestine radio stations and sources of interference; enforce radio laws and regulations; gather facts through monitoring to resolve interference problems and for studies of proposed rules and developments; and locate lost planes and ships through direction finding.

SEC. 0.49 *Location of Field Offices and Monitoring Stations.* (a) Field offices are located as follows:

Radio district	Address of the engineer in charge	Territory within district: States, etc.	Territory within district: Countries
1	1600 Customhouse, Boston 9, Mass.	Connecticut	All counties.
		Maine	Do.
		Massachusetts	Do.
		New Hampshire	Do.
		Rhode Island	Do.
		Vermont	Do.
2	748 Federal Bldg., 641 Washington St., New York 14, N. Y.	New Jersey	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
		New York	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
3	1005 New U. S. Customhouse, Philadelphia 6, Pa.	Delaware	New Castle.
		New Jersey	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
4	5th Floor, McCawley Bldg., 400 East Lombard St., Baltimore 2, Md.	Delaware	Kent and Sussex.
		Maryland	All counties except District 24.
		Virginia	Clarke, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		West Virginia	Barbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, and Tyler.
5	Room 402, Federal Office Bldg., Norfolk 10, Va. Ship Office: Room 200, U. S. Post Office Bldg., Newport News, Va.	North Carolina	All except District 6.
		Virginia	All except District 4 and 24.

Radio district	Address of the engineer in charge	Territory within district: States, etc.	Territory within district: Countries
6	411 Federal Annex, Atlanta 3, Ga. Suboffice: P. O. Box 77, 214 Post Office Bldg., Savannah, Ga.	Alabama	All except District 8.
		Georgia	All counties.
		North Carolina	Alexander, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, Yancey.
		South Carolina	All counties.
		Tennessee	Do.
		Florida	All except District 8.
7	P. O. Box 150, 312 Federal Bldg., Miami 1, Fla. Suboffice: 409-410 P. O. Bldg., Tampa 2, Fla.	Alabama	Baldwin and Mobile.
		Florida	All counties.
8	400 Audubon Bldg., New Orleans 16, La. Suboffice: 413 U. S. Courthouse Bldg. and Customhouse, Mobile 10, Ala.	Arkansas	All counties.
		Louisiana	Do.
		Mississippi	Do.
		Texas	City of Texarkana only.
9	324 U. S. Appraisers Bldg., 630 Wilcaste St., Houston 1, Tex. Suboffice: P. O. Box 1527 (329 Post Office Bldg.), Beaumont, Tex.	Texas	Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Dimmit, Duval, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Harlin, Harris, Hays, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Maverick, McMullen, Medina, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Starr, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala.
10	P. O. Box 2208, 500 U. S. Terminal Annex, Dallas 2, Tex.	Oklahoma	All counties.
		Texas	All except District 9 and the city of Texarkana.
11	530 U. S. Post Office and Courthouse Bldg., Temple, Los Angeles 12, Calif. Suboffice: 15-C U. S. Customhouse, San Diego 1, Calif. Ship Office: Room 326 U. S. Post Office and Courthouse Bldg., San Pedro, Calif.	Arizona	All counties.
		California	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.
		Nevada	Clark.
12	323-A Customhouse, San Francisco 26, Calif.	California	All except District 11.
		Nevada	All except Clark.
13	433 New U. S. Courthouse, 620 SW. Main St., Portland 5, Oreg.	Idaho	All except District 14.
		Oregon	All counties.
		Washington	All except District 14.
14	802 Federal Office Bldg., Seattle 4, Wash.	Idaho	Clearwater, Idaho, Kirkpatrick, Shasmania, and Wahkiakum. Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone.
		Montana	All counties.
		Washington	All except District 13.
		Colorado	Do.
		Utah	Do.
		Wyoming	Do.
		Nebraska	Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.
15	821 New Customhouse, Denver 2, Colo.	New Mexico	All counties.
		South Dakota	Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, Washabaugh.
16	208 Uptown Post Office and Federal Courts Bldg., 5th and Washington Sts., St. Paul 2, Minn.	Minnesota	All counties.
		Michigan	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
		South Dakota	All counties except District 15.
		North Dakota	All counties.
		Wisconsin	All counties except District 18.
17	310 Federal Office Bldg., Kansas City 6, Mo.	Kansas	All counties.
		Missouri	Do.
		Nebraska	All except District 15.

Radio district	Address of the engineer in charge	Territory within district: States, etc.	Territory within district: Countries
18	826 U. S. Court House, Chicago, 4, Ill.	Illinois	All counties.
		Indiana	Do.
		Iowa	Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winneshiek.
		Wisconsin	Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kenosha, Kewaunee, Lafayette, Manitowoc, Marinette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago.
19	1029 New Federal Bldg., Detroit 26, Mich.	Kentucky	All counties except District 19.
		Kentucky	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe, and Woodford.
		Ohio	All counties.
		Michigan	All counties except District 16.
		West Virginia	All counties except District 4.
20	328 Post Office Bldg., Buffalo 3, N. Y.	New York	All except District 2.
		Pennsylvania	All except District 3.
21	502 Federal Bldg., Honolulu 1, Hawaii.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2987, 322-323 Federal Bldg., San Juan 13, P. R.	Puerto Rico	
		Virgin Islands	
23	P. O. Box 644, Room 53, U. S. P. O. and Courthouse Bldg., Anchorage, Alaska. Suboffice: P. O. Box 1421, 7-8 Shattuck Bldg., Juneau, Alaska	Alaska	
24	104 Briggs Bldg., 415 2d St. NW., Washington 25, D. C.	District of Columbia and 10 miles beyond the boundary of the District of Columbia in each direction.	

(b) The offices of the Regional Managers of the Field Engineering and Monitoring Bureau are located at the following addresses:

Region No. 1, 954 Federal Building, 641 Washington Street, New York 14, New York—To include: District Nos. 1, 2, 3, 4, 5, and 24.

Region No. 2, 411, Federal Annex, Atlanta, Georgia—To include: District Nos. 6, 7, 8, 9, 10, and 22.

Region No. 3, 323-A Customhouse, San Francisco 26, California—To include: District Nos. 11, 12, and 15.

Region No. 4, 802 Federal Office Building, Seattle 4, Washington—To include: District Nos. 13, 14, and 23.

Region No. 5, P. O. Box 1142, Lanikai, Oahu, Hawaii—To include: District No. 21.

Region No. 6, 832 U. S. Courthouse, Chicago 4, Illinois—To include: District Nos 16, 17, and 18.

Region No. 7, 1029 New Federal Building, Detroit 26, Michigan—To include: District Nos. 19 and 20.

(c) The Primary Monitoring Stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, P. O. Box 89, Allegan, Michigan.

Federal Communications Commission, P. O. Box 788, Grand Island, Nebraska.

Federal Communications Commission, P. O. Box 632, Kingsville, Texas.

Federal Communications Commission, P. O. Box 458, Millis, Massachusetts.

Federal Communications Commission, P. O. Box 744, Santa Ana, California.

Federal Communications Commission, P. O. Box 31, Laurel, Maryland.

Federal Communications Commission, P. O. Box 989, Livermore, California.

Federal Communications Commission, P. O. Box 5165, Portland 16, Oregon.

Federal Communications Commission, P. O. Box 4, Powder Springs, Georgia.

Federal Communications Commission, P. O. Box 1142, Lanikai, Oahu, T. H.

(d) Secondary Monitoring Stations of the Bureau are located at the following addresses:

Federal Communications Commission, Searsport, Maine. Mail address: P. O. Box 44, Belfast, Maine.

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

Federal Communications Commission, P. O. Box 191, Spokane, Washington.

Federal Communications Commission, P. O. Box 251, Chillicothe, Ohio.

Federal Communications Commission, P. O. Box 1448, Muskogee, Oklahoma.

Federal Communications Commission, P. O. Box 5098, Fort Lauderdale, Fla.

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

Federal Communications Commission, P. O. Box 810, Fairbanks, Alaska.

SAFETY AND SPECIAL RADIO SERVICES BUREAU

SEC. 0.61 *Functions of the Bureau.* The Safety and Special Radio Services Bureau assists, advises and makes recommendations to the Commission with respect to the development of a safety and special services regulatory program and is responsible for carrying out that program except insofar as functions are specifically delegated to other bureaus or staff offices of the Commission. The Bureau performs the following functions:

(a) Issues authorizations for radio stations in the safety and special radio services.

(b) Initiates rulemaking proceedings in the safety and special radio services.

(c) Participates in international conferences with respect to safety and special radio services.

(d) Studies frequency requirements in the safety and special radio services and makes recommendations with respect to the allocation of frequencies and the drafting of frequency assignment plans for safety and special radio services.

(e) Collaborates with Federal and State governmental agencies and industry groups interested in the problems of safety and special radio services.

(f) Studies technical requirements for equipment in accordance with standards established by the Office of the Chief Engineer.

(g) Plans and executes a safety and special services enforcement program, including educational campaigns conducted in collaboration with Field Engineering and Monitoring Bureau.

(h) Performs all other functions or activities essential to the regulation of safety and special radio services: *Provided, however,* That all matters coming within the scope of Title II of the Communications Act of 1934, as amended, are within the jurisdiction of the Common Carrier Bureau.

(i) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5 (d) of the Communications Act of 1934, as amended.

SEC. 0.62 *Responsibilities of the Bureau Chief.* The Chief of the Bureau, subject to the policy determinations of the Commission, plans, directs and coordinates the safety and special radio services functions of the Commission as listed in section 0.61

SEC. 0.63 *Units in the Bureau.* The Safety and Special Radio Services Bureau is divided into the following units:

(a) The Office of the Chief of Bureau.

(b) The Aviation Division.

(c) The Marine Division.

(d) The Public Safety and Amateur Division.

(e) The Industry and Commerce Division.

(f) The Authorization Analysis Division.

SEC. 0.64 *The Office of the Bureau Chief.* The Office of the Chief of the Bureau is composed of the immediate offices of the Chief and Assistant Chief of the Bureau and the Law and Enforcement Unit, which performs legal work affecting the Bureau as a whole, advises the Chiefs of Divisions on legal matters of unusual complexity, executes special assignments for the Chief of the Bureau in respect to matters of a legal, policy or legislative character, and is responsible for planning and executing the enforcement program of the Bureau.

SEC. 0.65 *Aviation Division.* The Aviation Division is responsible for all functions indicated in the statement contained in section 0.61, insofar as such functions pertain to aviation radio and safety matters, except for enforcement matters (section 0.64); and authorizations for the use of radio (section 0.69).

SEC. 0.66 *Marine Division.* The Marine Division is responsible for all functions indicated in the statement contained in section 0.61 insofar as such functions pertain to marine radio and safety services, to scheduled weather transmission, and to the Alaskan services, except for enforcement matters (section 0.64) and authorizations for the use of radio (section 0.69).

SEC. 0.67 *Industry and Commerce Division.* The Industry and Commerce Division is responsible for all functions indicated in the statement contained in section 0.61 insofar as such functions pertain to industry and commerce radio, including the industrial, land transportation and citizens radio services, except for enforcement matters (section 0.64) and authorizations for the use of radio (section 0.69).

SEC. 0.68 *Public Safety and Amateur Division.* The Public Safety and Amateur Division is responsible for all functions indicated in the statement contained in section 0.61 insofar as such functions pertain to the public safety and amateur services, except for enforcement matters (section 0.64) and authorizations for the use of radio (section 0.69).

SEC. 0.69 *Authorization Analysis Division.* The Authorization Analysis Division is responsible for all functions indicated in the statement contained in section 0.61, insofar as they relate to the review of applications and the grant or other disposition of authorizations in those cases which fall within the Commission's rules and regulations and the standards and interpretations established by the divisions described in section 0.65 through section 0.68.

OFFICE OF HEARING EXAMINERS

SEC. 0.81 *Office of Hearing Examiners.* The Office of Hearing Examiners consists of a Chief Hearing Examiner and as many other Hearing Examiners qualified and appointed pursuant to the requirements of section 11 of the Administrative Procedure Act as the Commission may find necessary. It is responsible for hearing and conducting all adjudicatory cases designated for an evidentiary adjudicatory hearing other than those designated to be heard by the Commission en banc, and for such other hearings as the Commission may assign.

SEC. 0.82 *Responsibilities of the Chief Hearing Examiner.* The Chief Hearing Examiner has the following administrative responsibilities:

(a) To coordinate and supervise administratively the activities of the Office of Hearing Examiners.

(b) To recommend to the Commission the designation of Hearing Examiners to preside at hearings and the time and place of such hearings.

(c) To prepare and maintain hearing calendars, showing the time and place of the commencement of hearings.

(d) To receive, correlate and approve recommendations of the Hearing Examiners of the Commission on matters relating to changes in rules and regulations governing hearing procedures, and recommend to the Commission desirable changes in said rules and regulations to promote the simplified and expeditious conduct of proceedings.

(e) To require and prepare reports, statistical data and other information requested or required by the U. S. Civil Service Commission or other offices or agencies of the U. S. Government concerned with the proper operation of the Office of Hearing Examiners.

(f) To serve, upon instruction of the Commission or the Chairman, as liaison for the Commission and the Office of Hearing Examiners in the making of appropriate arrangements for the securing of advice or information from representatives of other agencies, bar associations, and other interested persons in connection with the formulation and improvement of administrative procedures and practices applicable to the Commission's proceedings.

(g) To exercise such authority as may be assigned to him by the Commission pursuant to section 5 (d) of the Communications Act, as amended.

OFFICE OF ADMINISTRATION

SEC. 0.91 *Functions of the Office.* The Office of Administration is under the direction of the Executive Officer and has the following duties and responsibilities:

(a) To review, in cooperation with the heads of the several bureaus and offices, the program and procedures of the Commission and make recommendations thereon to the Chairman for use by the Commission in adjusting the program and procedures as may be necessary to administer the Communications Act most effectively in the public interest, at the least cost to the government, and with the minimum burden on the industry.

(b) To plan, direct, coordinate, and manage the administrative affairs of the agency with respect to the functions of personnel, budget, planning, and administrative services.

SEC. 0.92 *Units in the Office.* The Office of Administration is divided into the following units:

(a) Budget and Fiscal Division.

(b) Organization and Methods Division.

(c) Personnel Division.

(d) Administrative Services Division.

OFFICE OF CHIEF ACCOUNTANT

SEC. 0.101 *Functions of the Office.* The Office of the Chief Accountant has the following duties and responsibilities:

(a) To develop and make recommendations and interpretations concerning accounting rules and principles to be observed by industries subject to Commission jurisdiction.

(b) To conduct research in, and advise the Commission on, economic matters to be considered in policy determinations.

(c) To advise the Commission and its Bureaus regarding accounting, economic and statistical matters.

(d) In cooperation with the General Counsel and the Chief Engineer, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single Bureau, and to render advice with respect to rulemaking matters and proceedings affecting more than one Bureau.

(e) To advise the Commission in adjudicatory proceedings.

(f) To exercise such authority as may be assigned or referred by the Commission pursuant to section 5 (d) of the Communications Act.

SEC. 0.102 *Units in the Office.* The Office of the Chief Accountant is divided into the following units:

(a) Immediate Office of the Chief Accountant.

(b) Accounting Systems Division.

(c) Economics Division.

SEC. 0.103 *Accounting Systems Division.* The Accounting Systems Division is responsible for all functions indicated in the statement contained in section 0.101, insofar as such functions pertain to accounting matters, including formulation of uniform systems of accounts, annual report forms and related rules and regulations, and cooperation with the NARUC Committees dealing with these matters.

SEC. 0.104 *Economics Division.* The Economics Division prepares and compiles economic data and cooperates with the Bureaus in the compilation of economic reports to the Commission on the condition and status of industries subject to the Commission's jurisdiction; studies the social and economic factors affecting communications; provides technical advice and assistance to the staff and the Commission on statistical aspects of questionnaires, sampling, industry economic trends, national economic trends and statistical methods, and serves as a clearing house for the staff on sources for obtaining pertinent economic data from within the Commission and from governmental and private organizations.

OFFICE OF GENERAL COUNSEL

SEC. 0.111 *Functions of the Office.* The Office of the General Counsel has the following duties and responsibilities:

(a) To advise and represent the Commission in matters of litigation.

(b) To advise and make recommendations to the Commission with respect to proposed legislation and to coordinate the preparation of Commission views thereon for submission to Congress.

(c) To participate in international conferences and in the implementation of international agreements.

(d) To interpret the statutes, international agreements, and international regulations affecting the Commission.

(e) To prepare and make recommendations and interpretations concerning procedural rules of general applicability; review all rules for consistency with other rules, uniformity, and legal sufficiency.

(f) To conduct research in legal matters as directed by the Commission.

(g) In cooperation with the Chief Engineer and the Chief Accountant, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single Bureau, and to render advice with respect to rulemaking matters and proceedings affecting more than one Bureau.

(h) To perform all legal functions with respect to international broadcasting stations; experimental operations under Part 5 of the Commission's rules; the operation of restricted radiation devices under Parts 15 and 18 of the rules; and type approval and type acceptance of radio equipment.

(i) To exercise such authority as may be assigned or referred by the Commission pursuant to section 5 (d) of the Communications Act of 1934, as amended.

SEC. 0.112 *Units in the Office.* The Office of General Counsel is divided into the following units:

(a) Immediate Office of the General Counsel.

(b) Litigation Division.

(c) Legislation, Treaties, and Rules Division.

SEC. 0.113 *Litigation Division.* The Litigation Division advises and represents the Commission in matters of litigation; interprets the statutes; and conducts research in legal matters as directed by the Commission.

SEC. 0.114 *Legislation, Treaties and Rules Division.* The Legislation, Treaties and Rules Division advises and represents the Commission on matters pertaining to proposed legislation; interprets general and procedural rules; reviews all proposed rules for consistency with existing rules and for legal sufficiency; advises and represents the Commission in matters with respect to international conferences, treaties, or agreements.

OFFICE OF CHIEF ENGINEER

SEC. 0.121 *Functions of the Office.* The Office of the Chief Engineer has the following duties and responsibilities:

(a) To plan and direct broad programs looking toward the more effective use of communications in the public interest.

(b) To advise the Commission and the various Bureaus on matters of applied technical research.

(c) To advise and represent the Commission on the allocation of radio frequencies, including international agreements pertaining to frequency allocations.

(d) In cooperation with the General Counsel, and the Chief Accountant, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single Bureau, and to render advice with respect to rulemaking matters and proceedings affecting more than one Bureau.

(e) To collaborate with the Bureaus in the formulation of standards of engineering practice and the rules and regulations related thereto, and to advise the Commission on such matters.

(f) To perform all engineering functions with respect to international broadcasting stations; experimental operations under Part 5 of the Commission's rules; the operation of restricted radiation devices under Parts 15 and 18 of the rules; and type approval and type acceptance of radio equipment.

(g) To perform such other duties as may be assigned or referred by the Commission pursuant to section 5 (d) of the Communications Act of 1934, as amended.

SEC. 0.122 *Units in the Office.* The Office of Chief Engineer is divided into the following units:

(a) Immediate Office of the Chief Engineer.

(b) Technical Research Division.

(c) Laboratory Division.

(d) Frequency Allocation and Treaty Division.

SEC. 0.123 *Technical Research Division.* The Technical Research Division analyzes, coordinates, and disseminates to the Commission and the various operating bureaus, technical data and scientific information relating to advanced engineering phases of communications; conducts technical studies in radio wave propagation, equipment, and other engineering matters; develops practical applications for the results of the Division's technical research activities including the development of technical rules and specifications relating to all radio services; studies new uses for radio, and provides for experimental uses of frequencies; and analyzes data and issues certificates of type acceptance of radio frequency equipment, issues lists of equipment acceptable for licensing.

SEC. 0.124 *Laboratory Division.* The Laboratory Division designs and assembles apparatus for special tests and studies; develops, designs, and constructs equipment for use in connection with the Commission's Field Engineering and Monitoring activities; conducts tests, analyzes data, and makes recommendations concerning type approval of radio frequency equipment; and studies equipments and systems and interference to emissions and transmissions.

SEC. 0.125 *Frequency Allocations and Treaty Division.* The Frequency Allocation and Treaty Division makes continuing studies of utilization of the frequencies between the several radio services to establish their allocation requirements; proposes adjustments in the Table of Frequency Allocation when necessary; provides Commission representation on, and coordination with, the Interdepartmental Radio Advisory Committee and, as may be required, on other national and international telecommunication bodies; maintains the Commission's master frequency record of assignments made; notifies United States frequency assignments to the International Frequency Registration Board of the International Telecommunications Union; performs staff functions relating to international communications conferences and agreements having to do with frequency allocation and assignment, and communicates as necessary with Administrations in foreign countries, through appropriate channels, concerning matters which relate to assignment of radio frequencies and to control of radio interference.

OFFICE OF THE SECRETARY

SEC. 0.131 *Functions of the Office.* The Office of the Secretary has the following duties and responsibilities:

(a) To maintain minutes and records of official Commission action and sign official Commission correspondence and documents.

(b) Upon obtaining the approval of the chief of the bureau or head of the staff office primarily responsible for the particular part or section of the rules involved, to make non-substantive, editorial revisions of the Commission's rules and regulations.

(c) To maintain dockets of all Commission hearing proceedings.

(d) To maintain library and reference facilities.

(e) To direct and supervise the development and execution of a technical assistance program in cooperation with the Foreign Operations Administration and other Government agencies.

(f) To make settlement with foreign administrations for radiotelegraph traffic to and from ships under U. S. registration through foreign coastal stations.

(g) To receive and record incoming and outgoing Commission mail and maintain central correspondence files.

(h) To maintain messenger service.

SEC. 0.132 *Units in the Office.* The Office of the Secretary is divided into the following units:

(a) Docket Division.

(b) Minute Division.

(c) Library Division.

(d) Technical Assistance Division.

(e) International Telecommunications Settlements Division.

(f) Mail and Files Division.

(g) Messenger Division.

SEC. 0.133 *Docket Division.* The Docket Division maintains the official dockets of all Commission hearing cases.

SEC. 0.134 *Minute Division.* The Minute Division maintains official minutes of all Commission actions and notations of Commission meetings; submits to the FEDERAL REGISTER all official Commission documents which require publication; maintains the Commission's official copy of the rules and regulations with history and background; and acts as provided for in section 0.131 (b).

SEC. 0.135 *Library Division.* The Library Division catalogues and maintains books, periodicals, and other reference material; provides reading and reference room, facilities, and service; and provides library research and reference service to Commissioners and staff members.

SEC. 0.136 *Technical Assistance Division.* The Technical Assistance Division develops, in cooperation with the Foreign Operations Administration, technical assistance programs with respect to communications in accordance with Commission policies, and maintains liaison with the Foreign Operations Administration and other government agencies concerning technical assistance.

SEC. 0.137 *International Telecommunications Settlements Division.* This Division makes settlements with foreign administrations for radiotelegraph traffic to and from ships under United States registration through foreign coastal stations.

SEC. 0.138 *Mail and Files Division.* This Division receives and records incoming and outgoing Commission mail and maintains central correspondence files.

OFFICE OF OPINIONS AND REVIEW

SEC. 0.141 *The Office of Opinions and Review.* This office consists of legal, engineering, accounting and other personnel and is headed by a Chief. It is not a part of any bureau or divisional organization of the Commission. Under the supervision of and directly responsible to the Commission, the Office of Opinions and Review assists the Commission, at its direction, in cases of adjudication (as defined in the Administrative Procedure Act and such other cases as by Commission policy are handled in the same manner) which have been designated for hearing, (1) by preparing digests of evidence in such hearings; (2) by preparing, after an initial decision but prior to oral argument, a compilation of the facts material to the exceptions and replies thereto filed by the parties; (3) by preparing, without recommendations and in accordance with specific directions from the Commission, memoranda, opinions, decisions and orders, in connection with (a) appeal to and review by the Commission of initial decisions in such proceedings; (b) appeal to and review by the Commission of rulings on motions, petitions and other interlocutory matters in such proceedings; (c) determination by the Commission of petitions for rehearing, reconsideration, and reargument following final decision in such proceedings; and (4) by preparing compilations of fact, recommendations for disposition, memoranda and orders in connection with petitions for grant without hearing when hearing has not commenced.

OFFICE OF REPORTS AND INFORMATION

SEC. 0.151 *The Office of Reports and Information.* The Office of Reports and Information is responsible for releasing public announcements of the Commission; is the central depository of this material for reference and call; prepares certain informational publications and material, including annual reports, and is the contact point for the press, industry and public in the matter of general information relating to the Commission and its activities.

OFFICE OF DEFENSE COORDINATION

SEC. 0.161 *Office of Defense Coordination.* The Office of Defense Coordination is under the direction of the Defense Coordinator, who under the general direction of the Defense Commissioner, and with the advice and assistance of the Defense Steering Committee, coordinates the defense activities (other than radio-frequency matters) of the Commission.

SEC. 0.162. *Responsibilities of the Defense Commissioner.* The Defense Commissioner is designated by the Commission to direct the activities of the Defense Steering Committee and has the following duties and responsibilities:

(a) To keep the Commission informed as to any matters under consideration by the Defense Steering Committee that involve formulation or revision of Commission policy.

(b) To take such measures as will assure continuity of the Commission's essential functions under any foreseeable circumstances, with a minimum of interruption.

(c) In the event of enemy attack or other disaster, resulting in the inability of the Commission to function at its Washington offices, to assume all of the duties and responsibilities of the Commission until relieved or augmented by other members of the Commission, as provided in the Commission's order delegating its authority to an Emergency Dispersal Board.

(d) To perform such other duties and assume such other responsibilities related to the Commission's defense activities as may be necessary for the continuity of functions and the protection of personnel and property of the Commission.

SEC. 0.163 *Responsibilities of the Defense Coordinator.* The Defense Coordinator is designated by the Commission to serve under the general direction of the Defense Commissioner and has the following duties and responsibilities:

(a) To be responsible for the formulation, revision, and activation of plans for the continuity of functions and the protection of personnel and property of the Commission.

(b) To plan for the emergency utilization by other agencies of FCC personnel and property not required for continuity of the Commission's essential functions.

(c) To serve as Agency Representative of the Commission for liaison and coordination of defense activities with staff representatives of FCDA, ODM, local Civil Defense authorities, and other federal agencies.

(d) To arrange for training FCC personnel in civil defense activities.

(e) To provide for the assignment of appropriate technical personnel of the Commission (if available) to advise and assist other agencies in problems of mutual concern.

(f) To perform such other duties related to the Commission's defense activities as may be assigned to him.

SEC. 0.164. *Responsibilities of the representatives of the Bureaus and Staff Offices.* The representatives of the Bureaus and Staff Offices are designated by the Chairman to serve as members of the Defense Steering Committee and have the following duties and responsibilities:

(a) To advise and assist the Defense Commissioner in the exercise of his functions.

(b) To keep the Defense Coordinator informed of the instigation, progress, and completion of programs, plans or activities with respect to defense in which they are engaged or have been requested to engage.

(c) To render such assistance and advice to other agencies as may be consistent with the functions of the Bureaus or Staff Offices which they represent and Commission policy with respect thereto.

(d) To perform such other duties related to the Commission's defense activities as may be assigned to them.

SEC. 0.165 *Limitation on authority of members of the Defense Steering Committee.* Members of the Defense Steering Committee participating in meetings, conferences, or consultations with, or designated to advise or assist, representatives of other agencies, boards, or committees, shall render such technical and other assistance and advice as is consistent with the functions of the several Bureaus or Staff Offices which are represented, but staff members are not authorized to bind the Commission with respect to any position taken.

SUBPART B—STATEMENT OF DELEGATIONS OF AUTHORITY

GENERAL

SEC. 0.201 *Authority for Delegation.* (a) Under the authority of section 5 (d) of the Communications Act, that portion of the work, business, or functions of the Federal Communications Commission hereinafter specified is assigned and referred to the Chairman, the respective Board of Commissioners, individual Commissioners, and employees of the Commission hereinafter designated, for action thereon in accordance with the Communications Act of 1934, as amended, rules and regulations, orders and established policies of the Commission.

(b) Any board or individuals to whom authority is delegated shall have power and authority to act as to any of said work, business, or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and power conferred by law upon the Commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken in respect to any matters assigned or referred shall have the same force, and effect, and may be made, evidenced and enforced in the same manner as if made or taken by the Commission.

SEC. 0.202 *Reconsideration with regard to action taken under delegation of authority.* (a) Any person aggrieved by any action taken under any delegation of authority made herein may file a petition for reconsideration within 30 days after public notice is given of the action complained of, and every such petition shall be passed upon by the Commission. Appeals from interlocutory action of the Motions Commissioner or Hearing Examiner must be taken within 2 days in accordance with § 1.750 of the rules and regulations.

(b) Within 30 days after public notice has been given of any action taken or made under any delegation of authority,

either the Commission or the person making or taking such action may set it aside on its own motion.

COMMISSION

SEC. 0.211 *Delegation to Chairman.* The responsibility for the general administration of internal affairs of the Commission is delegated to the Chairman of the Commission. The Chairman will keep the Commission advised concerning his actions taken under this delegation of authority. This authority includes:

(a) Actions of routine character as to which the Chairman may take final action.

(b) Actions of non-routine character which do not involve policy determinations. The Chairman may take final action on these matters but shall specifically advise the Commission on these actions.

(c) Actions of an important character or those which involve policy determinations. In these matters the Chairman will develop proposals for presentation to the Commission.

SEC. 0.212 *Board of Commissioners.* Whenever the Chairman or Acting Chairman of the Commission determines that a quorum of the Commission is not present or able to act, he may convene a Board of Commissioners. The Board shall be composed of all Commissioners present and able to act.

SEC. 0.213 *Authority delegated.* Such Board of Commissioners is authorized to act with respect to all work, business, or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, except that portion of the work, business, or functions of the Federal Communications Commission specifically delegated to individual Commissioners or employees. This authority shall not extend to the institution of investigations upon the Commission's own motion, or to rendering a final decision in such matters; to investigations specifically required by the Communications Act of 1934, as amended; or to any hearing in adjudicatory matters as defined in the Administrative Procedure Act. Actions taken by the Board shall be recorded in the same manner as action taken by the entire Commission.

SEC. 0.214 *Delegation to Telegraph Committee.* (a) A Telegraph Committee, composed of three Commissioners, designated as such by the Commission, or a majority thereof, will act except as otherwise ordered by the Commission, upon all applications or requests submitted by carriers engaged principally in record communication under section 214 of the Communications Act of 1934, as amended, for certificates or authorizations for the construction, acquisition, operation or extension of telegraph lines, for temporary or emergency telegraph service, for supplementing existing telegraph facilities, or for discontinuance, reduction or impairment of telegraph service, except those covered by section 0.253.

(b) Actions taken by the Telegraph Committee shall be recorded each week in writing and filed in the official minutes of the Commission.

SEC. 0.215 *Delegation to Telephone Committee.* (a) A Telephone Committee composed of three Commissioners, designated as such by the Commission, or a majority thereof, will act except as otherwise ordered by the Commission, upon all applications or requests submitted by carriers engaged principally in telephone communication under section 214 of the Communications Act of 1934, as amended, for certificates or authorizations for the construction, acquisition, operation or extension of telephone or telegraph lines, for temporary or emergency telephone service, for supplementing existing telephone or telegraph facilities, or for discontinuance, reduction or impairment of telephone or telegraph service, except those covered by section 0.253.

(b) Actions taken by the Telephone Committee shall be recorded each week in writing and filed in the official minutes of the Commission.

SEC. 0.216 *Emergency Dispersal Board.* An Emergency Dispersal Board, comprising the Defense Commissioner and such other members of the Commission as may be present and able to act, is authorized to place in effect the provisions of section 0.217, in the event of the inability of the Commission to function at its offices in Washington, D. C., resulting from disaster or the threat of imminent disaster from enemy attack or from natural causes, either:

(a) At the time or under circumstances specified in a directive from the President.

(b) In the absence thereof, upon receipt of a "Warning Yellow" indicating that an attack on the Capital is likely.

(c) In the absence of either a directive or "Warning Yellow", immediately following an actual attack.

SEC. 0.217 *Authority delegated.* (a) During any period in which the Commission is unable to function because of the circumstances set forth in section 0.216, all work, business or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, is assigned and referred to the Emergency Dispersal Board.

(b) The Emergency Dispersal Board acting by a majority thereof, shall have the power and authority to hear and determine, order, certify, report, or otherwise act as to any of the said work, business or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

(c) Any order, decision, or report made or other action taken by the said Board in respect of any matters so assigned or referred shall have the same effect and force, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission.

MOTIONS COMMISSIONER

SEC. 0.221 *Designation of Motions Commissioner.* A Motions Commissioner will be named from time to time by the Commission to act upon the matters set forth in section 0.222. In the absence of the Motions Commissioner or in the event of his inability to act, the Chairman or the Acting Chairman may designate for a specified period another Commissioner to act as Motions Commissioner. During such period as all Commissioners may be absent from Washington, or otherwise unable to act, the Commission may designate for a specified period a member of the staff to exercise the authority delegated by section 0.222.

SEC. 0.222 *Authority delegated.* Except as otherwise provided for in the rules or ordered by the Commission, the Motions Commissioner shall act upon the following matters:

(a) Initial specification of the time and place of hearings to be conducted by Hearing Examiner where not otherwise specified by the Commission and excepting actions under authority delegated by section 0.255.

(b) Petitions to intervene.

(c) Petitions filed by applicant requesting that its application or the proceeding thereon be dismissed.

(d) Requests for leave to file additional pleadings pursuant to § 1.730 of the Commission's rules and regulations.

(e) In cases designated for hearing but before a Hearing Examiner has been designated to preside at a hearing and after issuance of his Initial Decision, or when the Hearing Examiner is not available, all motions, petitions or other pleadings except (1) those requesting final disposition of any case on its merits, (2) those having the nature of an appeal to the Commission, (3) those changing the issues upon which the hearing was ordered, and (4) those requesting change or modification of a final order made by the Commission.

(f) When, in non-adjudicatory proceedings, one or more members of the Commission have been designated to preside at a hearing, all motions, petitions or matters, except those set forth in subsection (e) (1–4), shall thereafter be handled by him or them, and such Commissioner or Commissioners shall be authorized and empowered to fix the time and place such hearing shall be held. (If a Hearing Officer who is not a member of the Commission is appointed, section 0.231 applies.) In the absence of the individual Commissioner or Commissioners designated to preside at a hearing, or his or their inability to act or pass upon these matters, they shall be referred to the Motions Commissioner.

SEC. 0.223 *Record of actions taken.* Actions taken by the Motions Commissioner shall be recorded each week in writing and filed in the official minutes of the Commission.

HEARING EXAMINER

SEC. 0.231 *Authority delegated.* After a Hearing Examiner has been designated to preside at a hearing, and before he has issued an Initial Decision, all motions, petitions and other pleadings shall be acted upon by such Hearing Examiner, except those matters set forth in section 0.222 (a), (b), (c), (d), and (e) (1–4).

SEC. 0.232 *Record of actions taken.* Except for actions taken during the course of the hearing and upon the record thereof, actions taken by a Hearing Examiner pursuant to section 0.231 shall be recorded each week in writing and filed in the official minutes of the Commission.

CHIEF OF BROADCAST BUREAU

SEC. 0.241 *Matters delegated.* The Chief of the Broadcast Bureau or, in his absence, the Acting Chief, is delegated authority to act upon applications, requests, and other matters, which are not in hearing status, relating to broadcast services, except the international broadcast service as follows:

(a) Formal applications for broadcast services:

(1) For construction permit or modification of construction permit involving only a change in equipment.

(2) To install frequency control equipment.

(3) Relating to auxiliary and alternate equipment.

(4) For authority to determine operating power of broadcast stations by direct measurement of antenna power.

(5) For construction permit or modification of license involving relocation locally of the studio or transmitter site not involving any substantial change in service area.

(6) For experimental, developmental and auxiliary broadcast services covered by Part 4.

(7) For license following construction where applicant has complied with all terms of the construction permit.

(8) Applications from existing licensees or permittees for operation by remote control of broadcast stations in accordance with the provisions of §§ 3.66, 3.274, and 3.572 of the rules.

(9) Applications requesting waiver of § 3.613 (a) submitted pursuant to § 3.613 (b).

(10) For extension of time within which to commence and complete construction.

(11) Applications for change in studio location involving no change in station location.

(12) Applications for reinstatement of expired construction permits.

(13) Applications by FM, non-commercial educational FM, and television licensees or permittees for minor modifications of license, for construction permits relating to outstanding licenses or for modifications of construction permits.

(b) Requests for temporary authority:

(1) For temporary waiver of technical operating requirements relating to overall system performance or elements thereof and rules requiring that specified items of equipment be employed.

(2) For operation with temporary antenna system.

(3) For operation with auxiliary transmitter as main transmitter.

(4) For operation with new or modified equipment pending repair of existing equipment or pending receipt and action upon a formal application.

(5) For operation with reduced power or to make other changes in operation of authorized equipment for technical reasons for a period not to exceed the normal license period.

(6) For special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(7) For operation with licensed, new, or modified equipment at a temporary location with a temporary antenna system in case of an emergency when due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location.

(8) For operation in order to provide an interim FM or TV broadcast service provided such requests are from FM conditional grantees or holders of FM or TV construction permits.

(9) For special operation of stations in the experimental, developmental and auxiliary broadcast services covered by Part 4.

(c) Broadcast Service applications for modification of license involving only change of the name of the licensee, where ownership or control is not affected.

(d) Applications for consent to assignment of license or transfer of control.

(1) From a corporation to a wholly owned subsidiary corporation thereof and vice versa, or from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests.

(2) In case of a corporate reorganization, provided that there is no substantial change in the beneficial ownership of the corporation.

(3) In case where certain partners or stockholders retired but no new ones are brought in, provided that the interest transferred is not a controlling one.

(4) In case of partnerships where less than a controlling interest is assigned.

(5) In case of assignment of license from an individual or individuals (including partnerships) to a corporation owned or controlled by such individuals or partnerships, or from a corporation to its individual stockholders, provided there are no substantial changes in the interests of the respective assignors or individuals concerned.

(6) In case of involuntary assignment or transfer of control under § 1.323 of the Commission's rules and regulations.

(7) For consent to assignment of license or transfer of control in case of auxiliary broadcast stations, when the Commission has, on a prior date, consented to a like assignment or transfer of control of the broadcast station with which such stations are affiliated.

(e) Miscellaneous applications and requests:

(1) For operation, for a lesser period of time than specified by §§ 3.71, 3.261, and 3.651 of the Commission's rules and regulations, or to remain silent for a period not to exceed the normal license period.

(2) For extension of time within which the transfer of control or assignment of license be effectuated.

(3) For authority for FM broadcast stations to transmit multiplex facsimile in accordance with § 3.266 of the Commission's rules and regulations.

(4) For authority to rebroadcast when authorization is required under Parts 3 and 4 of the Commission's rules and regulations.

(5) For any permit required by the provisions of section 325 (b) of the Communications Act.

(6) For cancellation of licenses, construction permits or other authorizations.

(7) For inspection of records under section 0.406, and withdrawal of papers in accordance with § 1.768 of the Commission's rules and regulations.

(8) For extension of time within which briefs and comments may be filed with respect to rule making.

(9) For conducting of equipment and program tests.

(10) For temporary authority in emergency cases, at times outside of the regular office hours of the Commission and requiring immediate action during these hours.

(11) For operation during daytime for specified periods with the nighttime facilities in order to check measurements and operation.

(12) For relocation of transmitter at the address specified in the outstanding authorization.

(13) For extensions of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission.

(14) For television site survey.

(15) For interim operation of TV stations where proposed transmitter location is different than that proposed.

(16) For standard broadcast special field tests.

(f) Concerning experimental or developmental broadcast stations involving:

(1) Assignment from time to time of the frequency or frequencies, power, emission, and type of equipment to be employed by any experimental or developmental broadcast station, so as to provide the maximum results from the experimentation with the minimum interference.

(2) Addition, modification, or coordination of programs of research or experimentation of any experimental or developmental broadcast station, so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

(g) To withdraw authorizations for equipment and service or program tests where the terms of the construction permit have not been met.

(h) To act upon petitions for acceptance of evidence filed late where the filing is not more than five days after the due date.

(i) To issue, in accordance with recommendation of the Chief Engineer, CONELRAD authorizations in accordance with the provisions of § 2.407, provided (1) that such authorizations shall be for such periods of time, not exceeding the term of the current station license of the stations concerned, as may be designated therein subject, however,

to being changed or canceled at any earlier date in the discretion of the Commission without the necessity of any hearing, (2) that such authorizations shall permit operation only during the experimental period of the stations concerned as provided by § 3.10 of the Commission's rules, and shall permit operation only on one or both of the frequencies 640 kc and 1240 kc, with effective radiated power not in excess of 10 kilowatts, (3) that such authorizations shall provide that no interference shall be caused to other stations maintaining a regular operating schedule within such period unless the licensees of such other stations have previously consented thereto, (4) that such authorizations may provide that none of the transmissions made pursuant thereto shall be identified, and (5) that such authorizations shall be on such other terms as may be designated therein.

(j) To dismiss applications without prejudice (1) where an applicant has failed to answer official correspondence or a request for additional material from the Commission as provided in § 1.381 (a) of the Commission's rules and (2) where an application is filed less than 60 days before the date set for hearing on a mutually exclusive application or applications as provided in § 1.387 (b) (3) of the Commission's rules.

(k) To give written consent to applicants who request authority to make minor changes in effecting transfers of control or assignment of licenses previously authorized by the Commission.

(l) Requests for special temporary authorizations, except those for standard broadcast, other than those contained in this section.

(m) (1) To advise licensees to cease operation in the event renewal applications are not filed with the Commission in the intervening period between the last Commission meeting of a month prior to the expiration date of a particular license and the expiration date itself.

(2) To defer action on those renewal license applications received subsequent to the last Commission meeting of a month prior to the expiration date of a particular license and the expiration date itself.

(n) To dismiss or return applications or petitions which are not acceptable under Commission rules.

(o) To notify each applicant whose application does not comply with the Commission's rules and regulations as to the grounds and reasons for the Commission being unable to find that the grant of the application would serve the public interest.

(p) To extend the time to file oppositions to petitions relating to broadcast applications not designated for hearing.

SEC. 0.242 *Authority to issue orders; record of actions taken.* In matters pertaining to the authority granted in Section 0.241 the Chief of the Broadcast Bureau, or in his absence, the Acting Chief of the Broadcast Bureau, is authorized to make orders in letter form for the signature of the Secretary of the Commission. The application and authorization files and other appropriate files of the License Division of the Broadcast Bureau are designated as the official minutes of action taken by the Chief, or Acting Chief, of the Broadcast Bureau, pursuant to the aforesaid delegated authority. The authorizations issued by the Broadcast Bureau in accordance with its assigned functions and the delegations of authority shall bear the seal of the Commission and the signature of its Secretary.

COMMON CARRIER BUREAU

SEC. 0.251 *Matters delegated.* The Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Common Carrier Bureau, is delegated authority to act upon the following applications, requests and other matters, which are not in hearing status, involving the use of radio insofar as they apply to Common Carrier services (except Marine and Aeronautical):

(a) From existing licensees for instruments of authorization, for the fixed public or fixed public press radio services, except applications in the international services involving:

(1) New points of communication, not already authorized to a station of the licensee at some other location or not already authorized by an outstanding construction permit or special temporary authorization; unless the application for a new point of communication is for the transmission or control of transmission or reception of addressed program or facsimile material.

(2) Changes in transmitter location other than local in character.

(3) The establishment of a new type of service.

(b) For the domestic public radio services, and for the fixed public services in the territories and possessions of the United States other than Alaska.

(c) For experimental or developmental stations in both established services and in the proposed rural radio-telephone service, the proposed short distance toll service, and the proposed microwave relay service which render or propose to render a common carrier service.

(d) For special temporary authorizations, including those filed at times outside of the regular office hours of the Commission in emergency cases.

(e) For operation with new or modified equipment pending repair of existing equipment, or pending receipt of and action upon formal applications; operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location; and, special operation necessary to facilitate equipment and service tests, or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(f) For a change in location, type or model, design or number of transmitters; representations of compliance with technical requirements specified in authorizations, orders, rules or releases of the Commission (except formal applications).

(g) For equipment and service tests, or extensions thereof.

SEC. 0.252 *Authority concerning position of officer.* The Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Bureau is delegated authority to act upon applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the act.

SEC. 0.253 *Authority concerning section 214 of the act.* The Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Bureau is delegated authority to act upon the following applications or requests under section 214 of the Communications Act:

(a) For a certificate authorizing the construction, acquisition, operation or extension of lines or for an authorization for temporary or emergency service or the supplementing of existing facilities where the total expenditure involved is less than $500,000.

(b) For modification of a certificate or authorization under this section of the act where such amendment or modification involves total expenditure of less than $500,000.

(c) For authority to discontinue, reduce, or impair telephone service where the applications are filed pursuant to the provisions of §§ 63.63, 63.65 and 63.66 of the rules and regulations.

(d) For an authorization for temporary or emergency closure of telegraph offices, for any closure of a telegraph office at a military establishment, for closure of railroad-operated agency offices, for closure of company-operated main offices where substitute service is to be provided by a telephone or teleprinter-operated agency office in the same community and for any reduction in the hours of telegraph service in a community or part of a community in those cases where applicable Commission policy has been established.

(e) For informal requests for authority to discontinue, reduce or impair telegraph service filed pursuant to the provisions of §§ 63.63, 63.64 and 63.66 through 63.69 of the Commission's rules and regulations.

(f) For reconsideration and dismissal of applications to discontinue, reduce or impair service where authority has been granted but will not be used by applicant because of conditions arising subsequent to the filing of the application.

SEC. 0.254 *Authority concerning section 220 of the act.* The Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Bureau is delegated authority to act upon the administration and application of regulations promulgated by the Commission pursuant to section 220 of the Communications Act relating to accounts, records and memoranda to be kept by carriers subject to the jurisdiction of the Commission.

SEC. 0.255 *Authority concerning section 221 (a) of the act.* The Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Common Carrier Bureau, is delegated authority to fix a time and place for public hearings on applications filed by telephone companies under section 221 (a) of the Communications Act of 1934, as amended, and to give reasonable notice in writing to the Governor of each of the States in which the physical property affected, or any part thereof, is situated, to the State commission having jurisdiction over telephone companies, and to such other persons as he may deem advisable.

SEC. 0.256 *Authority concerning tariff regulations.* The Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Common Carrier Bureau, is delegated authority to act upon all matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to section 203 of the Communications Act, and, in connection with the administration of this section insofar as it relates to the modification of requirements thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof.

SEC. 0.257 *Authority concerning records, etc.* The Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Bureau is delegated authority to act upon the following matters insofar as they apply to records or papers involving common carriers:

(a) Requests for inspection of records under the provisions of section 0.406.

(b) Requests for withdrawal of papers in accordance with § 1.768 of the Commission's rules.

SEC. 0.258 *Authority concerning extension of time and waivers.* The Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Bureau is delegated authority to act upon the following requests:

(a) For the extension of time in which to file annual, monthly and special reports required by the Commission pursuant to section 219 of the Communications Act.

(b) For the extension of the time prescribed in § 43.51 of the rules and regulations for the filing of documents specified therein.

(c) For the extension of time within which briefs and comments may be filed with respect to proposed common carrier rulemaking.

(d) For extension of time previously ordered by the Commission within which the transfer of control or assignment of license be effectuated insofar as these apply to fixed public, fixed public press, domestic public or common carrier experimental radio services.

(e) For extension of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission insofar as these apply to fixed public, fixed public press, domestic public or common carrier experimental radio services.

(f) For waiver of or exception to any rule, regulation or requirement relating to the services under his jurisdiction and to act upon petitions or requests relating to the assignment of frequencies to common carrier operations but requiring action under § 2.103 of the rules, when he finds that the operation for which permission is sought (1) is of a non-recurring nature and does not warrant a rulemaking proceeding with a view to establishing it on regular basis, (2) will not exceed 90 days, and (3) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation does not apply to requests for renewals of any authority to operate granted hereunder.

SEC. 0.259 *Authority delegated jointly to Chiefs of Common Carrier and Safety and Special Radio Services Bureaus.* Authority is delegated jointly to the Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Common Carrier Bureau and the Chief of the Safety and Special Radio Services Bureau or, in his absence, the Acting Chief of the Safety and Special Radio Services Bureau, to act upon applications in the maritime and aeronautical mobile services involving common carrier matters, in the public coastal service in Alaska and in the fixed public services in Alaska. (For record of actions taken under this section see section 0.293.)

SEC. 0.260 *Orders in letter form.* Where appropriate, in acting upon matters referred to in the delegations of authority, the Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Bureau, is authorized to make orders in letter form for the signature of the Secretary of the Commission.

SEC. 0.261 *Record of actions taken.* The application and authorization files in the License Branch and the appropriate central files of the Common Carrier Bureau are designated as the Commission's official records of actions by the Chief of the Bureau pursuant to the authority delegated to him. In case of joint authority of the Chiefs of Common Carrier Bureau and Safety and Special Radio Services Bureau, section 0.293 applies. The authorizations issued by the Chief, Common Carrier Bureau, in accordance with his assigned functions shall bear the seal of the Commission and the signature of the Secretary of the Commission.

FIELD ENGINEERING AND MONITORING BUREAU

SEC. 0.271 *Matters delegated to the Bureau Chief.* The Chief of the Field Engineering and Monitoring Bureau or, in his absence, the Acting Chief of the Field Engineering and Monitoring Bureau is delegated authority to act upon the following matters which are not in hearing status:

(a) Except as otherwise provided in § 1.377, with respect to the construction, marking and lighting of antenna towers and supporting structures, to exercise the functions of the Commission as set forth in Part 17 of its rules and regulations: *Provided, however,* That in cases in which the Airspace Subcommittee of the Air Coordinating Committee recommends denial of any application or the report of this committee indicates a lack of agreement among its members (Part 17, section 4 (d)), the Chief of the Field Engineering and Monitoring Bureau advises the Bureau concerned in order that it may submit the application to the Commission for appropriate action.

(b) Waiver of rules, regulations, and orders of the Commission relating to the proper time for filing of renewals of commercial and amateur radio operator licenses.

(c) Temporary operation by radio station licensees, except licensees of Standard and FM broadcast stations, with a licensed operator of lower grade than normally required or for waiver of other technical requirements for operators.

(d) With respect to the operation of industrial, scientific, and medical equipment subject to Part 18 of the Commission's rules, to issue, in accordance with section 312 (c) of the act, (1) orders to show cause why a cease and desist order pursuant to section 312 (b) should not be issued; and (2) cease and desist orders, in those instances in which the allegations of the show cause order are, by regulation of the Commission, deemed to have been admitted.

(e) To suspend commercial operator licenses and to designate the matter for hearing, as provided for in § 1.404 of the rules.

SEC. 0.272 *Record of actions taken.* (a) Actions taken by the Chief or Acting Chief of the Field Engineering and Monitoring Bureau in accordance with the delegations listed in section 0.271 above shall be recorded each week in writing and filed in the official minutes of the Commission.

(b) The authorizations issued by the Bureau in accordance with its assigned functions and the delegations of authority transferred hereby shall bear the seal of the Commission and the signature of the Secretary of the Commission.

ENGINEERS IN CHARGE

SEC. 0.281 *Matters delegated to the Engineers in Charge.* The Engineers in Charge at each headquarter's office of the 24 districts of the Field Engineering and Monitoring Bureau or, in their absence, the Acting Engineers in Charge are delegated authority to act upon the following applications, requests or other matters which are not in hearing status:

(a) For new, modified replacement, duplicate or renewal commercial radio operator license and provisional radio operator certificate.

(b) For temporary permission to operate Standard and FM broadcast stations with licensed operators of lesser grade than normally required by the Commission's rules or for waiver of other technical requirements of operators at such stations.

(c) In cases of informal requests from broadcast stations to extend temporary authority for operation without any of the following: modulation monitor, frequency monitor, plate ammeter, plate voltmeter, base current meter, common point meter and transmission line meter from FM and television stations.

(d) Relating to the time within which an applicant for amateur or commercial

radio operator license may take an examination after having failed a previous examination (§§ 12.49 and 13.27 of the rules).

(e) For Citizens Radio Services when the equipment proposed has been type approved by the Commission: *Provided, however*, That if use of Form 401A is required, this phase of the application shall be acted upon by the Chief or, in his absence, the Acting Chief of the Field Engineering and Monitoring Bureau in accordance with section 0.271 (a).

(f) Applications in any acceptable form filed at Commission Field Offices located in the Territory of Alaska for special temporary operator license authorization, in lieu of regular commercial radio operator license, when it is shown that there is a need for such an authorization for use in connection with the protection of life or property during an emergency period.

(g) Requests for interim radiotelephone ship station licenses as provided by Part 8 of the Commission's rules governing stations on shipboard in the maritime services.

(h) For special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(i) Operation during daytime for specified periods with the nighttime facilities in order to check measurements and operation.

SEC. 0.282 *Record of actions taken.* All actions taken under section 0.281 shall be recorded in the field office where such action has been taken, and except for actions taken under section 0.281 (c), (d), (h) and (i), a report thereof shall be sent to the Washington, D. C., Office of the Field Engineering and Monitoring Bureau quarterly.

SEC. 0.283 *Authority delegated to Regional Managers, Chief, Field Engineering and Monitoring Bureau and Chief, Field Operating Division of Field Engineering and Monitoring Bureau.* The Commission's Regional Managers, the Chief, Field Operating Division and the Chief, Field Engineering and Monitoring Bureau are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provisions of section 12.156 of the Commission's rules and regulations with respect to the operation of amateur stations during a state of general communications emergency.

CHIEF, SAFETY AND SPECIAL RADIO SERVICES BUREAU

(See also section 0.259 on Authority Delegated jointly to Chiefs of Common Carrier Bureau and Safety and Special Radio Services Bureau.)

SEC. 0.291 *Matters delegated.* The Chief of the Safety and Special Radio Services Bureau or, in his absence, the Acting Chief of said Bureau, is delegated authority to act upon the following applications, requests and other matters which are not in hearing status:

(a) Consistent with and pursuant to the rules governing the Maritime, Aviation, Public Safety, Industrial, Amateur, Land Transportation and Citizens Radio Services, except those rendering a common carrier service, on all applications for construction permits, modification of construction permits, extension of construction permits, station licenses, modification of station licenses, transfer of control or assignment of construction permits or station licenses, renewal of station licenses, amateur operator licenses, renewal or modification of amateur operator licenses and special temporary authorizations, except applications for construction permits for new public coast stations at locations other than Alaska.

(b) On the following matters insofar as they involve the Maritime, Aviation, Public Safety, Industrial, Amateur, Land Transportation and Citizens Radio Services:

(1) Requests for extensions of time for equipment or service tests or within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission.

(2) Requests for inspections of Commission's records under the provisions of section 0.406.

(3) Requests for withdrawal of papers in accordance with § 1.768 of the Commission's rules.

(4) Requests for extension of time within which briefs and comments may be filed with respect to proposed rule making.

(5) To make the finding of emergency involving danger to life or property or due to damage to equipment, as provided by section 308 (a) of the Communications Act of 1934, as amended.

(6) Cancellation of station licenses, construction permits or other authorizations upon the request of the licensee or permittee or upon abandonment of the station.

(7) Petitions or requests seeking waiver of or exception to any rule, regulation or requirement, and to act upon petitions or requests relating to the assignment of frequencies to the various safety and special radio services but requiring action under § 2.103 of the rules, when he finds that the operation for which permission is sought (i) is of a nonrecurring nature and does not warrant rule making proceeding with a view to establishing it on a regular basis, (ii) will not exceed 90 days, and (iii) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation does not apply to requests for renewals of any authority to operate granted hereunder: *Provided, however*, That none of the foregoing limitations shall apply to petitions or requests for waiver of or exception to any requirement set forth in §§ 12.27, 12.44, 12.81, 12.91 and 12.111, the latter section only to the extent that it applies to types of emission, of the Commission's rules governing amateur radio service.

(8) To issue, in accordance with section 312 (c) of the Act, (i) orders to show cause why an order of revocation pursuant to section 312 (a), or a cease and desist order pursuant to section 312 (b) should not be issued; and (ii) orders of revocation or cease and desist orders, as the case may be, in those instances in which hearing is waived and the allegations of the show cause order are, by regulation of the Commission, deemed to have been admitted.

(9) To grant the authorizations provided for in § 2.103 (c) of the Commission's rules and regulations.

(10) To cancel Conditional Class amateur licenses based on distance from an examining point, upon the occurrence of conditions therefor as specified in the rules.

(11) To act upon all requests (to the extent that they relate to qualifications for the various amateur operator licenses) for waiver of the requirement of Part 12 where it is alleged that, by reason of a protracted or permanent physical disability, the applicant is unable to meet the requirements of such rules.

SEC. 0.292 *Other matters delegated.* The Chief of the Safety and Special Radio Services Bureau or, in his absence, the Acting Chief of said Bureau, is delegated authority to act upon the following applications, requests and other matters:

(a) Requests for assignment of call letters to new radio stations and for changes in the call letters of existing stations.

(b) Applications or requests for exemption, pursuant to the provisions of section 352 (b) of the Communications Act, Regulations 5 or 6, Chapter IV of the Safety Convention, or Article 6 of the Great Lakes Agreement:

(1) For emergency and renewal exemptions of ships.

(2) For initial exemptions of ships of less than 100 gross tons (except for vessels subject to the Great Lakes Agreement).

(3) For exemptions of ships operated in the Gulf of Mexico which participate in oil well drilling operations when the circumstances are substantially the same as those in precedent cases decided by the Commission en banc.

(c) Applications or requests for approval of schedules of transmissions by coast stations of information for the general benefit of mariners to a plurality of mobile stations or to designated fixed locations.

(d) Make determination and notification of the incurrence of forfeitures under the provisions of section 362 of the Communications Act.

(e) Applications made pursuant to section 504 (b) of the Communications Act for mitigation or remission of forfeitures.

(f) Issue orders suspending the licenses of amateur operators in accordance with section 303 (m) (1) of the act and if a hearing thereon is requested, to designate such matters for hearing.

SEC. 0.293 *Record of actions taken.* The history card pertaining to a certain station is designed to be the official record of the action taken by the Chief, Safety and Special Radio Services Bureau, in pursuance of the authority delegated to him in sections 0.291 and 0.292, or jointly to him and the Chief of the Common Carrier Bureau (section 0.259); in cases where no history card is prepared, the application and authorization file pertaining to the station in question, is designated to be the official record of the action taken by the Chief of the Bureau, or by him jointly with the Chief of the Common Carrier Bureau. The authorizations issued by the Chief, Safety and Special Radio Services Bureau, or in his absence, the Acting Chief of said Bureau, shall bear the seal of the Commission and the signature of the Secretary.

OFFICE OF ADMINISTRATION

SEC. 0.301 *Authority delegated.* The Chief of the Office of Administration or his designee is delegated authority in the following matters:

(a) Procurement, receipt, inspection, storage, issue of equipment and supplies.

(b) Negotiation concerning the disposal of excess and surplus personal and real property.

(c) Upon approval of the General Counsel, execution of contracts, easements or leases, in the name of the Commission.

CHIEF ACCOUNTANT

SEC. 0.311 *Matters delegated to Chief Accountant.* The Chief Accountant, or, in his absence, the Acting Chief Accountant, of the Commission is delegated authority to act upon:

(a) Interpretation of regulations promulgated by the Commission pursuant to section 220 of the Communications Act, relating to accounts, records, and memoranda to be kept by carriers subject to the jurisdiction of the Commission.

(b) Administration, interpretation, and application of orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of stations in the broadcast service and broadcast networks or chains, including applications for extensions of time in which to file financial and statistical statements and reports.

SEC. 0.312 *Authority to issue orders; record of actions taken.* Where appropriate, in acting upon the matters referred to in section 0.311 the Chief Accountant, or, in his absence, the Acting Chief Accountant is authorized to make orders in letter form for the signature of the Secretary of the Commission. Action taken on formal applications in accordance with section 0.311 shall be recorded each week in writing and filed in the official minutes of the Commission.

GENERAL COUNSEL

SEC. 0.321 *Matters delegated to General Counsel.* The General Counsel, or in his absence, the Acting General Counsel is delegated authority to act upon applications filed by attorneys for admission to practice before the Commission (see also section 0.332).

SEC. 0.322 *Other matters delegated.* The General Counsel, or in his absence, the Acting General Counsel, is delegated authority to act upon the following matters, which are not in hearing status, insofar as authority to act upon them is not delegated to any Bureau or Office.

(a) Requests for inspection of records under the provisions of section 0.406 of the rules.

(b) Requests for extension of time within which briefs and comments may be filed.

SEC. 0.323 *Record of actions taken.* Action taken in accordance with sections 0.321 and 0.322 shall be recorded each week and filed in the official minutes of the Commission.

CHIEF ENGINEER

SEC. 0.331 *Authority delegated.* The Chief Engineer, or in his absence, the Acting Chief Engineer is delegated authority to act upon the following matters which are not in hearing status:

(a) With respect to International Broadcasting to act as follows:

(1) To issue Special Service Authorizations to International Broadcast Stations for the use of any frequencies allocated to the High Frequency Broadcasting Service and to prescribe and to change from time to time the hours during which the frequencies assigned by these Special Service Authorizations may be used.

(2) To prescribe and to change from time to time the hours during which each International Broadcast Station may use the frequencies licensed to it.

(3) To issue Special Temporary Authorizations permitting a licensee of an International Broadcast Station to temporarily substitute another frequency for a frequency specified in the applicant's regular license, where operation on such regularly licensed frequency is subject to serious interference. In authorizing any such substitution of frequencies the Chief Engineer, shall, where feasible, authorize the use of a frequency in the same band as the frequency specified in the regular license.

(b) With respect to Type Approval of Radio Frequency Equipment and Certification of Radio Frequency Equipment as Acceptable for Licensing, to exercise all functions of the Commission pertaining to the:

(1) Examination of all applications for Type Approval of Radio Frequency Equipment as provided for in the Commission's rules and regulations; performance of tests, analysis of data and determination of compliance with provisions of the Commission's rules and regulations; issuance of Type Approval Certificates for radio frequency equipment which complies with the provisions of the Commission's rules and regulations, and issuance of lists of Type Approved Equipment.

(2) Examination of all applications for Certification of Radio Frequency Equipment as Acceptable for Licensing as provided for in the Commission's rules and regulations; notification to the applicant that an examination of the certified technical information and data submitted in accordance with the Commission's rules and regulations indicates that the equipment does or does not appear to be acceptable for licensing in the particular radio service or services involved; issuance of lists of radio frequency equipment certified as acceptable for licensing.

(c) With respect to stations operating in the Experimental Radio Service that are not engaged in the development of an established service and administered by a single Bureau, to act upon the following matters:

(1) Applications to assign frequencies, power, emission, and types of equipment and to approve the apparatus to be employed by these radio stations so as to provide the maximum results from the experimentation which can reasonably be expected of the licensee.

(2) Applications from existing licensees which involve a change in frequency, power, or type of emission.

(3) Applications which involve only a change in location, type, model, design or number of transmitters.

(4) Requests by licensees or permittees for cancellation of their station licenses, construction permits or other authorizations.

(5) Applications for license or modification of license to cover construction permit.

(6) Applications for renewal of licenses.

(7) Applications for extension of the expiration date of construction permits.

(8) For addition, modification, or coordination of programs of research or experimentation so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

(9) Requests for operation with a modified antenna system where formal application is not required.

(10) Requests for extension of time within which to comply with technical requirements specified in authorizations, orders, rules, or releases of Commission.

(11) Representation of compliance with technical requirements specified in authorizations, orders, rules, or releases of the Commission (except formal applications).

(12) Request to operate at a temporary location with a temporary antenna system.

(13) Request for special conditions of operation necessary to comply with technical requirements specified in authorizations, orders, rules, or releases of the Commission.

(14) Request for special temporary authority in emergency cases, at times outside of the regular office hours of the Commission and requiring immediate action during those hours.

(d) With respect to CONELRAD:

(1) To exempt standard, FM and TV broadcast stations, including Basic Key and Relay Key stations, from the requirements of installing the necessary equipment to receive notification of Radio Alerts or Radio All Clears by means of reception of radio broadcast messages, and maintaining this equipment in a state of readiness for reception, including arrangements for human listening watch or automatic alarm devices or both (§ 3.931 of the rules).

(2) To revoke, when the public interest so requires, all exemptions granted by him in accordance with subparagraph (d) (1) of this section and also all exemptions which the Commission has granted in connection with § 3.931 before January 20, 1954. Any such revocation

shall be effective as soon as the licensee is notified.

SEC. 0.332 *Authority delegated to the Chief Engineer upon securing concurrence of the General Counsel.* The Chief Engineer, or in his absence, the Acting Chief Engineer upon securing concurrence of the General Counsel is delegated authority with respect to stations operating in the Experimental Radio Services, other than experimental and developmental stations operating in established services under the jurisdiction of a single Bureau, to act upon the following matters:

(a) Applications for construction permits for new stations.

(b) All requests for withdrawal of papers in accordance with § 1.768.

(c) Applications for consent to assignment and transfer of control of station authorizations.

(d) The extension of time previously ordered by the Commission within which transfers of control or assignment of licenses be effectuated.

SEC. 0.333 *Authority to issue orders; records of actions taken.* In matters pertaining to authority granted in sections 0.331 and 0.332, the Chief Engineer, or in his absence, the Acting Chief Engineer, is authorized to make orders in letter form for the signature of the Secretary of the Commission. The application and authorization files and other appropriate files of the Office of the Chief Engineer are designated as the official minute entries of action taken pursuant to the aforesaid delegated authority. The authorization issued by the Office of the Chief Engineer in accordance with its assigned functions and the delegations of authority shall bear the signature of the Secretary of the Commission.

SECRETARY

SEC. 0.341 *Matters delegated to Secretary.* (a) The Secretary or, in his absence, the Acting Secretary, is delegated authority to make non-substantive, editorial revisions of the Commission's rules and regulations, upon approval of the Bureau or head of the Staff office primarily responsible for the particular part or section of the rules involved.

(b) The Secretary or, in his absence, the Acting Secretary is delegated authority, upon securing the approval of the Field Engineering and Monitoring Bureau, to delete or modify, from time to time, as need may appear, the location of radio operator examination points as set forth in section 0.413 and the appendix to Part 12 of the Commission's rules.

(c) Actions taken in accordance with this Section shall be recorded each week in writing and filed in the official minutes of the Commission.

SUBPART C—STATEMENT OF PLACES FOR SUBMITTING APPLICATIONS AND OTHER REQUESTS AND SECURING PUBLIC INFORMATION

SEC. 0.401 *Main offices.* The main offices of the Federal Communications Commission are located in the New Post Office Building at Thirteenth and Pennsylvania Avenue NW., Washington 25, D. C., and the public may secure information or make submittals or requests to the Commission by coming in person to these offices (or the offices listed below) or by addressing the Federal Communications Commission, Washington 25, D. C. The hours of the Commission are from 8:30 a. m. to 5 p. m., Monday through Friday, except on legal holidays.

SEC. 0.402 *Other offices in and near Washington, D. C.* Other offices of the Commission in Washington, D. C., are maintained at Temporary Building T, Fourteenth and Constitution Avenue NW.; and Briggs Building, 415 Twenty-second Street NW., Washington, D. C. The Laboratory Division is located north of Laurel, Maryland, and its post office address is Box 31, Laurel, Maryland.

SEC. 0.403 *Field offices.* The location of the field offices of the Field Engineering and Monitoring Bureau are shown in section 0.49; those of the Common Carrier Bureau in section 0.30.

SEC. 0.404 *Public reference rooms.* Public reference rooms are maintained by the Commission where the public may inspect any material which is available for public inspection in accordance with section 0.406. These rooms are as follows:

(a) Broadcast and Docket Reference Room is located in Room 8454, New Post Office Building. Here the public may inspect all broadcast applications and files relating thereto as well as dockets related to all Commission matters which have been designated for hearing.

(b) Application Control Reference Room is located in Room 1642, Temporary Building T, Fourteenth Street and Constitution Avenue NW. Here the public may inspect all applications and files relating thereto concerning nonbroadcast radio station applications (except amateur and common carrier).

(c) Amateur License Reference Room is located at Room 1723, Temporary Building T, Fourteenth Street and Constitution Avenue NW., Washington, D. C. Here the public may inspect all applications and files relating thereto concerning amateur radio station applications. In addition a complete file is maintained relating to amateur radio operators.

(d) Information concerning applications filed by commercial radio operators may be obtained at the Briggs Building, 415 Twenty-second Street NW., Washington, D. C. Records of licenses issued in the Citizens Radio Service are also kept in the Washington office.

(e) Common Carrier Reference Room is located at Room 7148 New Post Office Building, Washington, D. C. Here the public may inspect all annual and other reports filed by common carriers pursuant to section 219 (a) of the Communications Act and the schedules for all charges for interstate and foreign wire or radio communications filed pursuant to section 203 of the act.

(f) Contracts Reference Room is located in Room 7521, New Post Office Building. Here the public may inspect all contracts, agreements, or arrangements between carriers filed pusuant to section 211 (a) of the Communications Act except those marked "Not for Public Inspection."

(g) Common Carrier License Branch is located at Room 7215, New Post Office Building. Here the public may inspect all applications and files relating thereto concerning applications by common carriers both radio and nonradio.

(h) Experimental license files except those which have been classified for security purposes are available for inspection in Room 7500, New Post Office Building, Washington, D. C.

SEC. 0.405 *General information office.* The Office of Reports and Information is located in Room 7232, New Post Office Building. It releases public notices, orders, opinions, rule making, proposed decisions and final decisions as issued by the Commission, and maintains files of such past issue, together with general information material, for public reference. Extra copies of this mimeographed issue, when available, are furnished to interested persons on request. The Commission's printed publications are sold by the Superintendent of Documents, Government Printing Office.

SEC. 0.406 *Inspection of record.* Subject to the provisions of sections 4 (j), 213 (f), 412, and 606 of the act, the files of the Commission shall be open to public inspection as follows:

(a) Tariff schedules required to be filed under section 203 of the act, all documents filed in connection therewith, and all communications relating thereto; valuation reports, including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213 of the act; and annual and monthly reports required to be filed under section 219 of the act.

(b) Contracts, agreements, or arrangements between carriers, filed pursuant to section 211 (a) of the act, except such contracts relating to foreign wire or radio communications which are marked "not for public inspection" by the Commission: *Provided, however*, That the Commission will give appropriate consideration to a petition filed by any person showing that any such contract, agreement, or arrangement relates to foreign wire or radio communication; that its publication would place American communication companies at a disadvantage in meeting the competition of foreign communication companies; and that public interest would be served by keeping its terms confidential.

(c) All applications and amendments thereto filed under Title II and Title III of the act, including all documents and exhibits filed with and made a part thereof, and all communications protesting or endorsing any such applications, authorizations, and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or findings of fact and conclusions; all minutes and orders of the Commission. The information filed under § 1.341 (47 CFR 1.341) and network and transcription contracts filed pursuant to § 1.342 (47 CFR 1.342) shall not be open to public inspection. The Commission may, however, either on its own motion, or on motion of an applicant, permittee or licensee, for good cause shown, designate any of the material in this paragraph as "not for public inspection."

(d) All petitions for issuance, amendment, or repeal of any rule or regulation, including all documents and exhibits filed with or made part thereof and all communications protesting or endorsing any such petitions; all pleadings depositions, exhibits, transcript of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or finding of fact and conclusions; all minutes and orders of the Commission. The Commission may, however, either on its own motion, or on motion by petitioner or those filing comments, for good cause shown, designate any of the material in this paragraph as "not for public inspection."

(e) In the discretion of the Commission, other files, including those excepted in paragraphs (a), (b), and (c) of this section, upon written request describing in detail the documents to be inspected and the reasons therefor.

(f) For provisions relating to inspection of files relating to Presidential licenses for submarine cables, see Appendix No. 1 to Part 1 of the Commission's rules and regulations.

SEC. 0.407 *Certified copies; requests for; costs.* Copies of any documents subject to inspection under the provisions of section 0.406 will be prepared and certified by the Secretary, under seal, on written request, specifying the exact documents, the number of copies desired, and the date on which the same will be required. Such request must be made so as to permit a reasonable time for the preparation of such copies and any cost incurred in the preparation of such copies must be prepaid by the person making application therefor: *Provided, however*, That, if requests are received from representatives of foreign governments or from persons residing in foreign countries, the criteria established by the Department of Commerce for the control of export of technical data will be taken into account before such certified copies will be made available.

SEC. 0.408 *Reports of violations.* Reports of violations of the Communications Act or of the Commission's rules and regulations may be submitted direct to the Commission in Washington or to any field office.

SEC. 0.409 *Place of filing of applications for radio authorizations.*

Class of station	Method of filing	Number of copies
(a) Alaskan fixed public and Alaskan public coastal.	Via engineer-in-charge, Radio District No. 14, Seattle, Wash.	3.
(b) Amateur	See section 0.413	As specified in form.
(c) Citizens	See section 0.414	Do.
(d) All others	Directly to Secretary, Federal Communications Commission, Washington 25, D. C.	Do.

SEC. 0.410 *Applications for ship radio inspection and periodical survey.* Applications for ship radio inspection or for periodical survey shall be forwarded to the radio district office nearest the desired port of inspection or place of survey.

SEC. 0.411 *Applications for exemption from compulsory ship radio requirements.* Applications for exemption filed under the provisions of section 352 (b) of the Communications Act of 1934, as amended, Regulations 5 or 6, Chapter IV, of the Safety Convention; or Article 6 of the Great Lakes Agreement, shall be filed at the Commission's office in Washington, D. C.

SEC. 0.412 *Non-radio common carrier applications.* All such applications shall be filed at the Commission's office in Washington, D. C.

SEC. 0.413 *Applications for amateur station and operator license and/or commercial operator license.* (a) Application for amateur station and operator license shall be filed in the appropriate engineering field office listed in section 0.49 except that applications for modification covering change of location or for renewal of licenses shall be submitted to the Secretary, Federal Communications Commission, Washington 25, D. C. Only one copy of the application is required.

(b) Application for commercial operator license shall be filed with any engineering field office listed in section 0.49 under whose supervision the applicant desires to be examined.

(c) Radio Operator Examinations are given frequently under announced schedules at the Commission's Washington examination office at Room 104, Briggs Building, Twenty-second and E Streets NW., Washington 25, D. C., and at each of the Commission's field offices listed in section 0.49. Examinations are also given frequently, by appointment, at the Commission's offices at the following points: Savannah, Georgia; San Diego, California; Tampa, Florida; Mobile, Alabama; Juneau, Alaska; and Anchorage, Alaska.

(1) Examinations are also given at less frequent intervals at the places named below, which are visited for that purpose by Commission examiners from the district offices. For current schedules, exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY POINTS

Birmingham, Ala.
Charleston, W. Va.
Cincinnati, Ohio.
Cleveland, Ohio.
Columbus, Ohio.
Corpus Christi, Tex.
Davenport, Iowa.
Des Moines, Iowa.
Fort Wayne, Ind.
Fresno, Calif.
Grand Rapids, Mich.
Indianapolis, Ind.
Jackson, Miss.
Knoxville, Tenn.
Little Rock, Ark.
Memphis, Tenn.
Milwaukee, Wis.
Nashville, Tenn.
Oklahoma City, Okla.
Omaha, Nebr.
Phoenix, Ariz.
Pittsburgh, Pa.
St. Louis, Mo.
Salt Lake City, Utah.
San Antonio, Tex.
Schenectady, N. Y.
Sioux Falls, S. Dak.
Syracuse, N. Y.
Tulsa, Okla.
Williamsport, Pa.
Winston-Salem, N. C.

SEMIANNUAL

Albuquerque, N. Mex.
Amarillo, Tex.
Bakersfield, Calif.
Boise, Idaho.
Butte, Mont.
El Paso, Tex.
Hartford, Conn.
Hilo, Hawaii, T. H.
Jacksonville, Fla.
Lihue, Kauai, T. H.
Louisville, Ky.
Portland, Maine.
Roanoke, Va.
Spokane, Wash.
Tucson, Ariz.
Wichita, Kans.
Wilmington, N. C.
Wailuku, Maui, T. H.

ANNUAL

Bangor, Maine.
Billings, Mont.
Jamestown, N. Dak.
Klamath Falls, Oreg.
Manchester, N. H.
Marquette, Mich.
Rapid City, S. Dak.
Springfield, Mo.
Tallahassee, Fla.

(2) Arrangements have also been made, with the cooperation of other Federal agencies, for Extra Class and General Class examinations in outlying areas, as follows:

Alaska: United States Signal Corps station.
Guam: District Communications Officer, United States naval station.
Hawaii: At not exceeding one point on any island, by the engineer in charge (Honolulu).

SEC. 0.414 *Citizens radio applications.* Applications for authorization in the Citizens Radio Service should be submitted to the Commission's Washington, D. C., office, except where the equipment for which authorization is sought bears an FCC type-approval number and except for crystal controlled equipment to be operated on 27.255 Mc, in which event such applications may be filed with the nearest engineering field office listed in section 0.49.

SEC. 0.415 *Miscellaneous submittals or requests.* Persons desiring to make requests or submittals of a general nature should communicate with the Office of the Secretary of the Commission. Those who wish to apply for employment should communicate with the Personnel Officer. Both offices are in Washington, D. C.

SEC. 0.416 *Where to obtain forms.* All forms for use in submitting applications for radio authorizations, together with instructions and information as to filing such forms, may be obtained at the Washington offices of the Commission or at any of the engineering field offices listed in section 0.49.

[F. R. Doc. 54-7812; Filed, Oct. 4, 1954; 8:49 a. m.]

[Docket No. 10218; FCC 54M-1214]

WILLIAM C. MOSS (KSEY)

ORDER SCHEDULING HEARING

In re application of William C. Moss (KSEY), Seymour, Texas, for modification of license; Docket No. 10218, File No. BML-1473.

Upon the Petition of applicant William C. Moss for postponement of hearing, and for the further purpose of allowing consideration by the Commission of the said applicant's Second Petition for Reconsideration and Grant Without Hearing and of the Petition of the Chief, Broadcast Bureau to Remove A Party, Add A Party, and Modify an Issue; the hearing in the above-entitled matter,

[Change List 86]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 8, 1954.

Notification under the provisions of part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian broadcast Stations modifying appendix containing assignments of Canadian broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Probable date to commence operation
VOWR	St. John's, Newfoundland (delete assignment—vide 800 kc).	710 Kilocycles 0.5	DA-N	U	II	
VOWR	St. John's, Newfoundland	800 Kilocycles 1	ND	U	II	N in O.
CFVI	Victoria, British Columbia	900 Kilocycles 5	DA-1	U	II	N in O.
CBO	Ottawa, Ontario	910 Kilocycles 5	DA-1	U	III	Expected in operation September 1, 1955.
New	London, Ontario (delete assignment).	1110 Kilocycles 1	DA-1	U	II	-
New	Camrose, Alberta	1250 Kilocycles 0.25	ND	U	IV	Expected in operation August 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7811; Filed, Oct. 4, 1954; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

DAMPSKIBSSELSKABET AF 1912 AKTIESELSKAB ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 7988, between Dampskibsselskabet af 1912 Aktieselskab and Aktieselskabet Dampskibsselskabet Svendborg (A. P. Moller Maersk Line, Joint Service) and Pacific Far East Line, Inc., covers the transportation of cargo under through bills of lading between Cuba and Guam, M. I., with transshipment at specified Pacific Coast ports.

(2) Agreement No. 7997 between Naviera Garcia, S. A., Cia. Naviera Cubamar, S. A., and Lykes Bros. Steamship Co., Inc., covers a sailing and pooling arrangement with respect to all cargo (excluding mail and wheat, sulphur and fertilizer in bulk) transported by them from United States Gulf ports west of, but not including New Orleans, to Havana, Cuba.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 30, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-7817; Filed, Oct. 4, 1954; 8:50 a. m.]

[Change List 7]

CUBAN BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS, CHANGES, MODIFICATIONS AND DELETIONS

AUGUST 23, 1954.

Notification of new Cuban radio stations, and of changes, modification and deletions of existing stations, in accordance with part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

REPUBLIC OF CUBA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of commencement of operation
CMQ	Habana (change in power and class)	650 kilocycles 50	DA-1	U	I-C	Sept. 12, 1954.
CMHG	Santa Clara, Las Villas (PO; 680 kc) (Provisional assignment).	670 kilocycles 1 D - .5 N	ND	U	II	Sept. 31, 1954.
CMHG	Santa Clara, Las Villas (Vide 670 kc)	680 kilocycles 1 D - .5 N	ND	U	II	Delete.
Filial CMDC	Ciego de Avila, Camaguey (Provisional assignment).	700 kilocycles 1 D - .5 N	ND	U	II	Sept. 31, 1954.
New	Habana (Provisional assignment)	850 kilocycles .25	ND	U	II	Nov. 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 7810; Filed, Oct. 4, 1954; 8:48 a. m.]

designated originally for August 31, 1954, was on August 30th, 1954, postponed until further order of the undersigned Hearing Examiner; and

It appearing that by its orders of September 22, 1954, the Federal Communications Commission denied the second petition for reconsideration and grant without hearing filed by the said applicant William C. Moss, and further, granted the petition of the Chief, Broadcast Bureau, aforesaid, removing Station KWTX as a party to this proceeding, adding Station KADA as a party to this proceeding, and amending hearing issues number "2" and "4" in the above-entitled proceeding;

It is ordered, This 29th day of September 1954, that hearing in the above-entitled matter shall commence at the offices of the Commission in Washington, D. C., at 10:00 a. m. on November 15, 1954; and

It is further ordered, That pursuant to the provisions of § 1.841 (47 CFR 1.841), as amended, of the rules of this Commission, the applicant and opposing radio broadcasting station parties, if any, shall submit their direct cases in writing, together with supporting exhibits, to the undersigned Hearing Examiner, and exchange the same with each other, on or by October 26, 1954; subject, however, to the said applicant and appropriate representatives of opposing radio broadcasting station parties, if any, being required to appear in Washington, D. C., on November 15, 1954, for the purposes of cross-examination deemed necessary by any of the parties hereto, including as such a demanding party, the Chief of the Broadcast Bureau of this Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7809; Filed, Oct. 4, 1954; 8:48 a. m.]

Civil Aeronautics Administration

[AMDT. 5]

ORGANIZATION AND FUNCTIONS

TRANSFER OF AREAS SERVED BY ST. PAUL, MINN., AND LINCOLN, NEBR., AIRPORT DISTRICT OFFICES

In accordance with the public information requirements of the Administrative Procedure Act, section 21 (b) of the description of Organization and Functions of the Civil Aeronautics Administration (19 F. R. 2100), is hereby amended to include the following changes in the areas served by the CAA Airport District Offices:

In Region 3 delete "South Dakota" as an area served by the St. Paul, Minn., District Office and add "South Dakota" to the areas served by the Lincoln, Nebr., Airport District Office.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-7790; Filed, Oct. 4, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President on September 23, 1954, determined that a major disaster occasioned by drought existed in the State of North Carolina.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148), as further amended on July 30, 1954, and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the counties set forth below have been determined to be the aforesaid major disaster area in the State of North Carolina.

STATE OF NORTH CAROLINA

SEPTEMBER 23, 1954

Alexander.	Gaston.
Anson.	Hoke.
Burke.	Iredell.
Caldwell.	Lincoln.
Catawba.	Polk.
Cleveland.	Rutherford.

This delineation and certification shall supersede all prior delineations and certifications with respect to the aforesaid major disasters.

Done at Washington, D. C., this 30th day of September 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-7802; Filed, Oct. 4, 1954; 8:47 a. m.]

TEXAS

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President on July 21, 1954, determined that a major disaster occasioned by drought existed in the State of Texas.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148), as further amended on July 30, 1954, and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, certain counties in the State of Texas were on August 10, 1954 (19 F. R. 5155), as amended August 13, 1954 (19 F. R. 5388), August 26, 1954 (19 F. R. 5957) and September 14, 1954 (19 F. R. 6127), determined to be the area affected by the major disaster by drought.

Pursuant to the aforesaid delegation the Delineation and Certification of Counties Contained in Drought Areas, dated August 10, 1954 (19 F. R. 5155), as amended, is herewith further amended by adding the counties set forth below, on September 17, 1954, to the major disaster area in the designated State:

STATE OF TEXAS

SEPTEMBER 17, 1954

Bowie.	Van Zandt.
Henderson.	Cass.
Titus.	Red River.

Done at Washington, D. C., this 30th day of December 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-7803; Filed, Oct. 4, 1954; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Blue Bell, Inc., Fulton, Miss., effective 10-14-54 to 10-13-55; 10 percent of the total number of factory production workers, for normal labor turnover purposes (work shirts).

Blue Bell, Inc., Belmont, Miss., effective 10-13-54 to 10-12-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Bruce Co., Inc., 120 East Fifteenth Street, Ottawa, Kans., effective 9-28-54 to 9-27-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's waist band overalls; line jackets).

The Butler Shirt Co., 165 Brugh Avenue, Butler, Pa., effective 9-22-54 to 9-21-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Cardinal Cottons Corp., 131-141 East Chestnut Street, Coatesville, Pa., effective 9-25-54 to 9-24-55; 10 percent of the total number of factory production workers, for normal labor turnover purposes (women's cotton dresses).

The Enro Shirt Co., Inc., 1010 South Preston Street, Louisville, Ky., effective 10-19-54 to 10-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas, shirts, sport shirts).

Glendale Manufacturing Corp., Koon Development, Biltmore, N. C., effective 9-13-54 to 3-12-55; 10 learners for plant expansion purposes (ladies' rayon and cotton slips, night gowns, and pajamas).

Glendale Manufacturing Corp., Koon Development, Biltmore, N. C., effective 9-13-54 to 9-12-55; 10 learners for normal labor turnover purposes (ladies' rayon and cotton slips, nightgowns, and pajamas).

Junior Form Lingerie Corp., Route No. 601, Jerome, Pa., effective 9-20-54 to 3-19-55; 25 learners for plant expansion purposes (slips, nightgowns, and panties).

Kaplan and Koral, 597 Main Street, Edwardsville, Pa., effective 9-17-54 to 9-16-55; 5 learners for normal labor turnover purposes (women's dresses).

Kaylor Manufacturing, Inc., Seventh Street and Stevenson Boulevard, New Kensington, Pa., effective 9-16-54 to 9-15-55; 10 learners for normal labor turnover purposes (ladies' cotton blouses).

The H. D. Lee Co., Inc., Box 455, Boaz, Ala., effective 9-16-54 to 9-15-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's bib overalls and waistband overalls).

Meyers & Son Manufacturing Co., Corner First and Jefferson Streets, Madison, Ind., effective 9-25-54 to 9-24-54; 10 learners for normal labor turnover purposes (men's one-piece work suits and work aprons).

Milbert Fashions, Inc., 1324 Main Street, Peckville, Pa., effective 9-17-54 to 9-16-55; 10 learners for normal labor turnover purposes (learners are not authorized to be employed at subminimum wage rates in the production of skirts) (ladies dresses).

More Manufacturing Co., Marissa, Ill., effective 9–13–54 to 3–12–55; 10 learners for normal labor turnover purposes (ladies' robes, pajamas, and housecoats).

Nettleton Garment Co., Inc., Nettleton, Miss., effective 9–20–54 to 9–19–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton work pants).

Seamprufe, Inc., 32 River Street, Carbondale, Pa., effective 9–17–54 to 9–16–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (slips and lingerie).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F. R. 8633).

Bayuk Cigars, Inc., 1106 West Montgomery Avenue, Philadelphia, Pa., effective 9–15–54 to 9–14–55; 10 percent of the total number of workers engaged in each of the occupations listed below, for normal labor turnover purposes: cigar machine operators, 320 hours; packers (cigars-retailing for more than 6 cents), 320 hours; and machine strippers, 160 hours; each at 65 cents per hour.

Bayuk Cigars, Inc., Ninth and Columbia Avenue, Philadelphia, Pa., effective 9–17–54 to 9–16–55; 10 percent of the total number of workers engaged in each occupation listed below, for normal labor turnover purposes: cigar machine operators, 320 hours; packers (cigars retailing for more than 6 cents), 320 hours; packers (cigars retailing for 6 cents or less), 160 hours; and machine strippers, 160 hours; each at 65 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

The Boss Manufacturing Co., 107 North Boss Street, Kewanee, Ill., effective 9–19–54 to 9–18–55; 10 percent of the total number of machine stitchers, for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 3012 South Adams Street, Peoria, Ill., effective 9–19–54 to 9–18–55; 10 percent of the total number of machine stitchers, for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 320 Ballard Street, Lebanon, Ind., effective 9–19–54 to 9–18–55; 10 learners for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., Palm, Pa., effective 9–19–54 to 9–18–55; 10 learners for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 327 North Main Street, Bluffton, Ohio, effective 9–30–54 to 9–29–55; 10 learners for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., Leavenworth, Kans., effective 9–19–54 to 9–18–55; 10 learners for normal labor turnover purposes (work gloves).

The Glove Corp., Heber Springs, Ark., effective 9–20–54 to 9–19–55; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.46, as amended May 3, 1954, 19 F. R. 1761).

Liberty Hosiery Mills, Inc., Gibsonville, N. C., effective 9–20–54 to 9–19–55; 5 percent of the total factory production workers for normal labor turnover purposes.

Siler City Manufacturing Co., Siler City, N. C., effective 9–20–54 to 9–19–55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Strutwear, Inc., Box 697, Clarksdale, Miss., effective 10–19–54 to 10–18–55; 5 learners for normal labor turnover purposes.

C. A. Wanner, Inc., Fleetwood, Pa., effective 9–22–54 to 9–21–55; 5 learners for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866.

Cynthiana Mills, Inc., Webster Avenue, Cynthiana, Ky., effective 9–15–54 to 9–14–55; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton underwear).

Salisbury Undergarment Co., Inc., Salisbury, Pa., effective 9–14–54 to 9–13–55; 5 learners for normal labor turnover purposes (ladies' rayon undies).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

Gardiner Shoe Co., Inc., 397 Water Street, Gardiner, Maine, effective 9–19–54 to 9–18–55; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Porto Rico Telephone Co., Pueblo Viejo, P. R., effective 9–13–54 to 1–6–55; 10 learners as telephone operators; 240 hours at 53 cents an hour and 240 hours at 58 cents an hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 21st day of September 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54–7794; Filed, Oct. 4, 1954; 8:45 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Alabama Textile Products Corp., Crestview, Fla., effective 9–14–54 to 9–13–55; 10 learners for normal labor turnover purposes in the production of men's pajamas only (men's pajamas).

Anniston Sportswear Corp., 919 West Ninth Street, Anniston, Ala., effective 9–10–54 to 9–9–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (replacement certificate) (dress trousers).

Archbald Sewing Co., 140 Cherry Street, Archbald, Pa., effective 10–8–54 to 10–7–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Big Ace Corp., Athens, Ga., effective 9–14–54 to 9–13–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (denim overalls and dungarees).

Blue Bell, Inc., Ripley Mississippi Plant, Ripley, Miss., effective 9–25–54 to 9–24–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Caroline Underwear Co., Inc., Thomasville, N. C., effective 9–10–54 to 9–9–55; 10 percent of the total number of factory production workers for normal labor turnover purposes. This certificate does not authorize the employment of learners at subminimum wage rates in the manufacture of men's and boys' shorts (ladies undies).

D. & D. Shirt Co., 1801 Newport Avenue, Northampton, Pa., effective 9–1–54 to 9–3–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport and dress shirts).

Edmonton Manufacturing Co., Edmonton, Ky., effective 9–14–54 to 9–13–55; 5 learners for normal labor turnover purposes (work pants).

Eugenia Sportswear, 873 Peace Street, Hazleton, Pa., effective 9–17–54 to 9–16–55; 5 learners for normal labor turnover purposes (children's snowsuits and jackets).

Frances Gee Garment Co., Richmond, Mo., effective 9–2–54 to 9–1–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton uniforms).

Goldstone Bros., 26 Sebastopol Avenue, Santa Rosa, Calif., effective 9–5–54 to 9–4–55; 5 learners for normal labor turnover purposes (cotton jeans, pants, and jackets).

Goldstone Bros., 300 Main Street, Petaluma, Calif., effective 9–5–54 to 9–4–55; 5 learners for normal labor turnover purposes (cotton jeans, pants, and jackets).

Greensboro Manufacturing Corp., 1930 East Bessemer Avenue, Greensboro, N. C., effective 9–25–54 to 9–24–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton flannette night gowns and pajamas for women and children).

Iva Manufacturing Co., Inc., Iva S. C., effective 9–13–54 to 9–12–55; 10 learners for normal labor turnover purposes (replacement certificate) (ladies' blouses).

Lemont Pants Co., Inc., 310 Illinois Street, Lemont, Ill., effective 9–1–54 to 8–31–55; 4 learners for normal labor turnover purposes (boys' trousers).

Liberty Trouser Co., 2205–11, 2217 First Avenue North, Birmingham, Ala., effective 9–8–54 to 9–7–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls, trousers, and dungarees).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn., effective 9–8–54 to 3–7–55; 25 learners for expansion purposes (cotton twill work pants and work shirts) (replacement certificate).

Page Manufacturing Co., 508 West Main Street, Lexington, Ky., effective 9–1–54 to 2–28–55; 10 learners for plant expansion purposes (ladies' cotton dresses).

Page Manufacturing Co., 508 West Main Street, Lexington, Ky., effective 9–1–54 to 8–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' cotton dresses).

Princess Kent, Inc., P. O. Box 161, Fort Kent, Maine, effective 9–9–54 to 9–8–55; 5 learners for normal labor turnover purposes (children's night gowns, pajamas, smocks, and robes).

Springfield Garment Manufacturing Co., 627–35 North Campbell Avenue, Springfield, Mo., effective 9–13–54 to 9–12–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers).

Trevorton Manufacturing Corp., Shamokin Street, Trevorton, Pa., effective 9–7–54 to 9–6–55; 10 learners for normal labor turnover purposes (ladies' undergarments).

Troutman Shirt Co., Inc., Troutman, N. C., effective 9–24–54 to 9–23–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work clothing).

Weiss Shirt Co., Inc., 520 Lehman Street, Lebanon, Pa., effective 9–7–54 to 9–6–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton shirts).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Buckeye Glove Co., Greenville, Ill., effective 9–13–54 to 3–12–55; 25 learners for plant expansion purposes (canton flannel and jersey gloves).

Picardy Mills, Inc., Sherwood and Reeve Streets, Dunmore, Pa., effective 9–9–54 to 9–8–55; 10 learners for normal labor turnover purposes (knit fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.46, as amended May 3, 1954, 19 F. R. 1761).

Liberty Hosiery Mills, Inc., Liberty Plant, Liberty, N. C., effective 9–20–54 to 9–19–55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Ashland Knitting Mills, Inc., Front and Chestnut Streets, Ashland, Pa., effective 8–31–54 to 8–30–55; 5 percent of the total number of factory production workers for normal labor turnover purposes (cotton knit underwear).

Fitzgerald Underwear Corp., Fitzgerald, Ga., effective 9–10–54 to 3–9–55; 15 learners for plant expansion purposes (ladies' and children's knitted underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

The following special learner certificates were issued to the school-operated industries listed below:

Atlantic Union College, South Lancaster, Mass., effective 9–1–54 to 8–13–55; 15 learners in print shop as compositor, pressman, bindery worker, and related skilled and semiskilled occupations; 350 hours at 60 cents per hour, 325 hours at 65 cents per hour, and 325 hours at 70 cents per hour; 35 learners in bookbindery industry as bookbinder, bindery worker and related skilled and semiskilled occupations; 200 hours at 60 cents an hour, 200 hours at 65 cents an hour, and 200 hours at 70 cents an hour.

Washington Missionary College, Takoma Park, Washington, D. C., effective 9–1–54 to 8–31–55; 6 learners in print shop as pressman, compositor and related skilled and semiskilled occupations; 350 hours at 60 cents an hour, 325 hours at 65 cents an hour, and 325 hours at 70 cents an hour; 4 learners in bindery shop as machine operator, hand stitcher, and related skilled and semiskilled occupations; 200 hours at 60 cents an hour, 200 hours at 65 cents an hour, and 200 hours at 70 cents an hour; 1 learner in clerical shop as clerk, typist, stenographer, bookkeeper, and related clerical occupations; 200 hours at 60 cents an hour, 200 hours at 65 cents an hour, and 200 hours at 70 cents an hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 13th day of September 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54–7795; Filed, Oct. 4, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6804]

DAVENPORT-MOLINE AIRPORT CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 11, 1954, at 10:00 a. m., e. s. t., in Room 1018, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., September 30, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54–7813; Filed, Oct. 4, 1954; 8:49 a. m.]

POST OFFICE DEPARTMENT

DECENTRALIZATION OF POST OFFICE OPERATIONS, EMBRACING STATES OF VIRGINIA, WEST VIRGINIA, MARYLAND, DISTRICT OF COLUMBIA AND COUNTIES OF SUSSEX AND KENT, DELAWARE, AND ESTABLISHMENT OF REGIONAL HEADQUARTERS AT WASHINGTON, D. C.

Correction

In F. R. Document 54–7530, appearing in the issue for Saturday, September 25, 1954, at page 6168, under "District No. 2—Clarksburg, W. Va.," the county "Gilmen" should read "Gilmer".

FEDERAL TRADE COMMISSION

[File No. 21–468]

BRICK, STRUCTURAL CLAY TILE, AND ALLIED PRODUCTS INDUSTRIES

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Brick, Structural Clay Tile, and Allied Products Industries will be held by the Federal Trade Commission in Room 332 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., on October 27, 1954, commencing at 10:00 a. m., e. s. t.

The purpose of the conference is to afford members of the industries concerned an opportunity to cooperate with the Commission in formulating and establishing a comprehensive set of trade practice rules for such industries in substitution for rules promulgated by the Commission for the Common Brick, Face Brick, and Structural Clay Products Industries on July 19, 1931, August 17, 1931, and August 29, 1931 respectively. The new rules, if and when promulgated, will reflect present legal requirements and Commission policy and have as their purpose the elimination and prevention of such unfair competitive methods, and unfair or deceptive acts or practices, as may prevail in the several industries affected.

The principal industry products are face brick, common (backup) brick, and all other kinds of structural brick, structural clay tile; and structural non-clay products related to brick and tile. All persons, firms, corporations and organizations engaged in the manufacture, sale, offering for sale, or distribution of such industry products are cordially invited to attend and participate in the conference proceedings.

After the conference on October 27th, and prior to final rules being approved by the Commission, a draft of proposed rules in appropriate form will be made available to all affected or interested parties, including consumers, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing.

Issued: September 30, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54–7818; Filed, Oct. 4, 1954; 8:50 a. m.]

Room

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3299]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF FIRST MORTGAGE BONDS AND OF COMMON STOCK, AND ACQUISITION OF SUCH STOCK BY PARENT

SEPTEMBER 28, 1954.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company, and one of its public-utility subsidiaries, Wisconsin Michigan Power Company ("Wisconsin Michigan"). Applicants-declarants have designated sections 6, 7, 9, 10, and 12 of the act and Rules U-43, U-46, and U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Wisconsin Michigan proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,000,000 principal amount of First Mortgage Bonds, -- Percent Series due 1984, to be dated October 15, 1954, and to mature October 15, 1984. The bonds will be issued under and secured by the company's Mortgage and Deed of Trust dated July 15, 1936, as heretofore supplemented and amended and as to be further supplemented by a Sixth Supplemental Indenture to be dated October 15, 1954.

Wisconsin Michigan also proposes to issue an additional 125,000 shares of its Common Stock of the par value of $20 per share of which 50,000 shares are to be sold to Wisconsin Electric for $1,000,000, the aggregate par value thereof, and the remaining 75,000 shares are to be issued to Wisconsin Electric as a stock dividend. As to the proposed stock dividend, Wisconsin Michigan will, by the issuance of such stock, convert its capital surplus amounting to $42,942 and $1,457,058 of its earned surplus into an equivalent aggregate amount of additional par value common stock. Wisconsin Michigan states that at June 30, 1954, it had earned surplus of $2,725,983 and believes that the remaining earned surplus, estimated at over $1,200,000 after completion of the proposed transactions, will be adequate for Wisconsin Michigan's needs.

According to the filing Wisconsin Michigan desires to effect the proposed sale of bonds and stock to secure capital funds needed to meet expenditures required for additions, extensions and improvements to its utility plant and to retire short-term promisory notes aggregating $1,700,000 which will mature on November 30, 1954 and December 5, 1954.

The filing states that Wisconsin Michigan has filed applications with the Public Service Commission of Wisconsin and the Michigan Public Service Commission for approval of the issue and sale of the proposed securities. Wisconsin Electric has filed an application with the Public Service Commission of Wisconsin for approval of the acquisition of the common stock of Wisconsin Michigan. It is represented that no other State or Federal commission other than this Commission has jurisdiction over the proposed transactions.

No fees, commissions or expenses are to be paid in connection with the proposed transactions by Wisconsin Electric, other than routine clerical and incidental expenses. Wisconsin Michigan estimates that the fees and expenses to be paid by it in connection with the proposed issuance and sale of bonds and common stock will aggregate $51,250 including $14,500 for printing and engraving, $9,500 for legal fees and expenses and $5,000 for accountants fees and expenses.

The estimated fees and expenses of the firm of Cahill, Gordon, Reindel and Ohl, selected as counsel for the successful bidders for the bonds are to be supplied by amendment.

It is requested that this Commission issue its order granting the application and permitting the declaration to become effective on October 18, 1954.

Notice is further given that any interested person may, not later than October 14, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after October 14, 1954, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7798; Filed, Oct. 4, 1954; 8:46 a. m.]

Room

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

VOLUME 19 NUMBER 194

Washington, Wednesday, October 6, 1954

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53611]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

METAL ARTICLES EXPORTED FOR PROCESSING AND RETURN

Sections 10.1 and 10.8, Customs Regulations, pertaining to the requirements on entry of articles exported from the United States and returned, amended.

In order to implement the change in law made by section 202, Customs Simplification Act of 1954, and for the purpose of clarification, the following amendments are made to the Customs Regulations:

1. The first centerhead under Part 10 is amended to read as follows: "Articles Exported and Returned".

2. The headnote of § 10.1 is amended to read as follows: *"Domestic products; requirements on entry."*

3. Section 10.8 is amended to read as follows:

§ 10.8 *Articles exported for repairs, alterations, or processing.* (a) For the purposes of paragraph 1615 (g) (1), Tariff Act of 1930, as amended,[4] the term "repairs or alterations" shall be held to mean restoration, change, addition, renovation, cleaning, or other treatment which does not destroy the identity of the article exported or create a new or different article.

(b) Three conditions are required under paragraph 1615 (g) (2), Tariff Act of 1930, as amended:[4]

(1) The article sent abroad for further processing must be an article of metal (except precious metal) manufactured in the United States, or manufactured abroad and subjected to a process of manufacture in the United States.

(2) The article must be subjected to a further processing abroad; and

(3) The returned article must be one which is to be subjected to further processing after return to the United States.

(c) Articles may not be entered under the provisions of subparagraph (g) of paragraph 1615, Tariff Act of 1930, as amended, if they come within the meaning of subdivision (3) of that subparagraph.[4]

(d) Before the exportation of any article to be subject on return to the United States to duty on the value[4] of repairs, alterations, or processing effected abroad, as provided for in paragraph 1615 (g), Tariff Act of 1930, as amended, a declaration and application shall be filed in duplicate on customs Form 4455 by the owner or exporter with the collector of customs or appraiser of merchandise at a time before the departure of the exporting conveyance which will permit an examination of the article.

(e) In the case of articles of metal (except precious metal) which may be claimed dutiable on the value of processing under paragraph 1615 (g) (2), Tariff Act of 1930, as amended, a statement shall be included on the reverse side of customs Form 4455 by the exporter or owner substantially as follows:

The articles described in this certificate were manufactured in the United States by _____; or if of foreign
(Name and address)
origin, were subjected to _____
(Show processes of
_____
manufacture, such as, molding, machining,
_____ in the United States by
casting, etc.)
_____.
(Name and address)
The articles in their changed condition will be returned for further processing by
_____.
(Name and address, if known)

(f) The applicant shall be notified on customs Form 4455 of the place to which he shall deliver the articles for examination. All expense in connection with the delivery of the articles, cording, sealing, marking, and transfer to the exporting conveyance shall be borne by the exporter. The exportation of the articles shall be under customs supervision, except in the case of exportation by mail of any article identifiable by the manufacturer's mark or number. A photograph or other means of identification shall be furnished when required by the customs examining officer.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

All of the cumulative pocket supplements and revised books of the Code of Federal Regulations (as of January 1, 1954) are now available, except the supplements to Titles 1–3 and to the General Index.

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(g) When the report of the customs officer showing the examination of the articles and their lading on the exporting conveyance or delivery for mailing has been endorsed on the Form 4455 covering the articles, the duplicate copy of such form shall be delivered to the exporter, and the original shall be filed in the collector's office.

(h) When articles other than those exported by mail or parcel post are examined and registered at one port and exported for repairs, alterations, or processing through another port, they shall be forwarded to the port of exportation under a transportation and exportation entry.

(i) There shall be filed in connection with an entry covering articles entered under the provisions of paragraph 1615 (g) (1) or (2), Tariff Act of 1930, as amended, where the value of the repairs, alterations, or processing performed exceeds $500, a statement of the person who performed such repairs, alterations, or processing in substantially the following form:

_____
(Place and date)

I, _____, declare that the articles herein specified are to the best of my knowledge and belief the articles which, in the condition in which they were exported from the United States, were received by me (us) on _____, 19____, from _____

_____:
(Name and address of owner or exporter in the United States)

that they were received by me (us) for the sole purpose of being repaired, altered, or processed; that only the repairs, alterations, or processing described below were effected by me (us); that the full cost or (when no charge is made) fair market value of such repairs, alterations, or processing and the value of the articles after repair, alteration, or processing are correctly stated below; and that no substitution whatever has been made to replace any of the articles originally received by me (us) from the owner or exporter thereof mentioned above.

Marks and numbers	Description of articles and of repairs, alterations, or processing	Full cost or (when no charge is made) fair market value of repairs, alterations, or processing	Total value of articles after repairs, alterations, or processing

_____ _____
(Date) (Signature)

_____ _____
(Address) (Capacity)

(j) When the value of the repairs, alterations, or processing is $500 or less, although any bill or statement of cost received by the importer shall be produced to the collector, no statement, or declaration, such as is provided for in paragraph (i) of this section need be filed under ordinary circumstances.

(k) There shall be filed in connection with the entry the certificate of registration (customs Form 4455), and a declaration made by the consignee, owner, or an agent having knowledge of the facts that the articles entered in their repaired, altered, or processed condition are the same articles covered by the certificate of registration. This declaration shall also show that the full cost or (when no charge is made) fair market value of the repairs, alterations, or processing is correctly stated in the entry. Where articles of metal (not including any precious metal) are claimed to be subject to the provisions of paragraph 1615 (g) (2), Tariff Act of 1930, as amended, there shall be included a concise statement as to the nature of the processing performed outside the United States immediately prior to the current importation and as to the processing to be performed thereafter in the United States, showing the name and address of the processor who will do the subsequent processing.

(l) In any case where an imported article was exported for repairs, alterations, or processing without compliance with the registration requirements of this section, the collector may waive such evidence if he is satisfied that the returned merchandise is entitled to entry under paragraph 1615 (g) (1) or (2), and that the failure to comply with the registration requirements was due to inadvertence, mistake, or inexperience, and not to negligence or bad faith.

(m) Collectors shall require at the time of entry a deposit of estimated duties based upon the full cost or fair market value, as the case may be, of the repairs, alterations, or processing.

(Sec. 201 (par. 1616), 46 Stat. 674, as amended; 19 U. S. C. 1201 (par. 1615))

4. Footnote 6, appended to § 10.8, is amended to read as follows:

"(g) (1) Any article exported from the United States for repairs or alterations may be returned upon the payment of a duty upon the value of the repairs or alterations at the rate or rates which would apply to the article itself in its repaired or altered condition if not within the purview of this subparagraph (g).

"(2) If—

"(A) any article of metal (except precious metal) manufactured in the United States or subjected to a process of manufacture in the United States is exported for further processing; and

"(B) the exported article as processed outside the United States, or the article which results from the processing outside the United States, as the case may be, is returned to the United States for further processing,

then such article may be returned upon the payment of a duty upon the value of such processing outside the United States at the rate or rates which would apply to such article itself if it were not within the purview of this subparagraph (g).

"(3) This subparagraph (g) shall not apply to any article exported—

"(A) from bonded warehouse or from continuous customs custody elsewhere than bonded warehouse with remission, abatement, or refund of duty;

"(B) with benefit of drawback through substitution or otherwise; or

"(C) for the purpose of complying with any law of the United States or regulation of any Federal agency requiring exportation.

"(4) For the purposes of this subparagraph (g), the value of repairs, alterations, or processing outside the United States shall be considered to be—

"(A) the cost to the importer of such repairs, alterations, or processing; or

"(B) if no charge is made, the value of such repairs, alterations, or processing,

as set out in the invoice and entry papers; except that, if the Secretary of the Treasury concludes that the amount so set out does not represent a reasonable cost or fair value, as the case may be, then the value of the repairs, alterations, or processing shall be determined in accordance with section 402 of this Act. No appraisement of the imported article in its repaired, altered, or processed condition shall be required unless necessary to a determination of the rate or rates of duty applicable to such article.

"(h) The allowance of total or partial exemption from duty under any provision of this paragraph shall be subject to such regulations as to proof of identity and compliance with the conditions of this paragraph as the Secretary of the Treasury may prescribe." (Tariff Act of 1930, par. 1615 (g), (h), as amended; 19 U. S. C. 1201, par. 1615 (g), (h).)

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 30, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54–7853; Filed, Oct. 5, 1954; 8:51 a. m.]

[T. D. 536610]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

TEMPORARY IMPORTATIONS UNDER BOND

Section 10.31, Customs Regulations, relating to certain vehicles and craft imported temporarily by nonresidents to take part in races or other specific contests, amended.

To conform to changes effected by Public Law No. 694, 83d Congress, approved August 28, 1954, amending section 308 (5) of the Tariff Act of 1930, as amended, the following amendments of the Customs Regulations are made to permit the admission of certain vehicles and craft for not over 90 days without formal entry or security for their exportation, when brought in by nonresidents to take part in races or other specific contests for which no money purses are awarded.

1. Section 10.31 of the Customs Regulations is amended by redesignating paragraphs (b), (c), (d), and (e) as (e), (f), (g), and (h), respectively, and by inserting new paragraphs (b), (c), and (d), to read as follows:

(b) The collector, if he is satisfied as to the importer's identity and good faith, may admit a vehicle or craft brought in by a nonresident to take part in a race or other specific contest for which no money purse is awarded, under the provisions of section 308 (5), Tariff Act of 1930, as amended, without formal entry or security for exportation. In such cases the collector shall issue to the importer a certificate on customs Form 4447, which shall be delivered with the article covered thereby to the customs officer at the port of exit at the time of departure. If at the time of arrival it appears that the article is likely to remain in the United States beyond 90 days, formal entry and bond shall be taken.

(c) When any article has been admitted without formal entry or security for exportation and the importer thereafter desires to prolong his stay beyond 90 days, an entry covering the article and security for its exportation shall be accepted at any port where the article may be presented for examination. Whenever an entry is substituted under the provisions of this paragraph for a certificate on customs Form 4447, the time during which the imported article may remain in the United States under the entry shall be computed from the date of original arrival in the United States and the article shall be appraised according to its value at the time of such arrival.

(d) In the case of a foreign-owned automobile or motorcycle, the registration card therefor may be taken up in lieu of the issuance of customs Form 4447, if the owner so desires, provided the collector is satisfied that the article concerned will leave the United States via the same route within 90 days.

2. The quotation of subdivision 5 of section 308, as amended, appearing in footnote 34, appended to § 10.31 (a), is amended to read as follows:

"(5) Automobiles, motorcycles, bicycles, airplanes, airships, balloons, boats, racing shells, and similar vehicles and craft, and the usual equipment of the foregoing; all the foregoing which are brought temporarily into the United States by nonresidents for the purpose of taking part in races or other specific contests; and, in the case of vehicles and craft entered under this subdivision to take part in races or other specific contests for other than money purses, collectors of customs, under such regulations as the Secretary of the Treasury may prescribe, may defer the exaction of a bond for not to exceed ninety days after the date of importation, but unless such vehicle or craft is exported or the bond is given within the period of such deferment,

such vehicle or craft shall be subject to forfeiture.

The foregoing amendments of § 10.31 contemplate the use of a revised customs Form 4447. The present supply of this form shall be used, appropriately modified, until such supply is exhausted and the revised form is issued.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 30, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7852; Filed, Oct. 5, 1954; 8:51 a. m.]

[T. D. 53613]

PART 14—APPRAISEMENT

ANTIDUMPING ACT; DETERMINATION OF INJURY

Section 14.17, Customs Regulations, relating to procedure under the Antidumping Act, amended.

The Antidumping Act, 1921, has been amended by the Customs Simplification Act of 1954 to transfer determination of injury in dumping cases to the Tariff Commission, effective October 1, 1954. In order to provide for the operation of the new law, the following amendment is being made effective at this time.

Section 14.17 is amended to read as follows:

§ 14.17. *Findings of Commissioner of Customs; determination of injury.* (a) When a notice of withheld appraisement has been issued on account of suspected dumping, the Commissioner of Customs will proceed as promptly as possible to determine whether the merchandise in question is in fact being, or is likely to be, sold in or to the United States at less than its fair value. If the determination is affirmative, he will advise the United States Tariff Commission accordingly.

(b) If the Tariff Commission determines that there is, or is likely to be, the injury contemplated by the statute, the Commissioner of Customs, with the approval of the Secretary of the Treasury, will make the finding contemplated by section 201 (a) of the Antidumping Act, as amended, with respect to the involved merchandise.

(R. S. 161, 251, sec. 407, 42 Stat. 18; 5 U. S. C. 22, 19 U. S. C. 66, 173)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 30, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7854; Filed, Oct. 5, 1954; 8:52 a. m.]

TITLE 21—FOODS AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Part 141c; 19 F. R. 1141) and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146, 146a, 146c; 19 F. R. 671, 1141) are amended as indicated below:

1. Part 141c is amended by adding the following new section:

§ 141c.223 *Chlortetracycline-neomycin-streptomycin-penecillin ointment; chlortetracycline - neomycin - dihydrostreptomycin-penicillin ointment; tetracycline hydrochloride-neomycin-streptomycin-penicillin ointment; tetracycline hydrochloride-neomycin-dihydrostreptomycin-penicillin ointment*—(a) *Potency*—(1) *Penicillin content.* Place an accurately weighed sample of approximately 1 gram in an extraction funnel prepared by fusing a ground-glass joint to the top of a medium-porosity sintered-glass filter funnel (30-millimeter diameter). Wash with five 10-milliliter portions of warm iso-octane and draw off the ointment base under vacuum. Discard the iso-octane washings. Wash the residue with three 10-milliliter portions of chloroform and draw off under vacuum, combine the extracts, and make to mark in a 250-milliliter volumetric flask with absolute alcohol. Make the proper estimated dilutions in 1-percent phosphate buffer, at pH 6.0, and proceed as directed in § 141a.1 of this chapter. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per gram of ointment that it is represented to contain.

(2) *Chlortetracycline content.* Wash the residue in the funnel four times with 10-milliliter portions of 0.3 percent piperedine in acetone solution. Withdraw each washing under vacuum. Combine the four washings in a 100-milliliter volumetric flask and make to mark with acetone. Remove an aliquot of this solution and proceed as directed in § 141c.201 (a) (8). Its content of chlortetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(3) *Tetracycline hydrochloride content.* Prepare the sample as directed in subparagraph (2) of this paragraph and proceed as directed in § 141c.218. Its content of tetracycline hydrochloride is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(4) *Neomycin content.* The residue remaining in the funnel after the extraction described in subparagraph (2) of this paragraph contains the neomycin and streptomycin or dihydrostreptomycin. Wash this residue five times, using 10-milliliter aliquots of distilled water, drawing each washing off under vacuum. Combine the washings in a 100-milliliter volumetric flask and make to mark with distilled water. Using an aliquot of this aqueous solution, proceed as directed in § 141a.65 (a) (2) (ii) or (iii) of this chapter. The content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(5) *Streptomycin content.* Using an aliquot of the aqueous solution prepared in subparagraph (4) of this paragraph, proceed as directed in § 141b.101 (a) through (i) of this chapter. The content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(6) *Dihydrostreptomycin content.* Using an aliquot of the aqueous solution prepared in subparagraph (4) of this paragraph, and the dihydrostreptomycin working standard as a standard of comparison, proceed as directed in § 141b.101 (a) through (i) of this chapter. The content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

2. Section 146.1 *Definitions and interpretations* is amended as follows:

a. Paragraphs (a), (b), (b–1) and (c) are amended by deleting the last sentence.

b. Paragraph (f) is amended by inserting after the words "crystalline potassium penicillin O" the words "standardized by the penicillin G master standard and".

c. Paragraph (l) is amended by changing the words "penicillin master standard" to read "penicillin G master standard".

d. Section 146.1 is further amended by adding the following new paragraph:

(x) Wherever the potency of an antibiotic drug included in the regulations in this chapter is expressed in terms of weight, such potency shall be equivalent to that contained in the same weight of the master standard of the drug.

3. In § 146a.39 *Capsules procaine penicillin in oil,* subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the number "24" to read "36".

4. In § 146a.51 *Buffered penicillin powder* • • •, paragraph (a) *Standards of identity* • • • is amended by inserting in the first sentence the words "sodium salicylate and a suitable antihistaminic agent," immediately following the word "probenecid,".

5. Part 146c is amended by adding the following new section:

§ 146c.223 *Chlortetracycline - neomycin-streptomycin-penicillin ointment; chlortetracycline - neomycin - dihydrostreptomycin - penicillin ointment; tetracycline, hydrochloride - neomycin-streptomycin-penicillin ointment; tetracycline hydrochloride - neomycin-dihydrostreptomycin - penicillin ointment.* (a) Chlortetracycline-neomycin-streptomycin-penicillin ointment, chlortetracycline-neomycin-dihydrostreptomycin-penicillin ointment, tetracycline hydrochloride-neomycin-streptomycin-penicillin ointment, and tetracycline hydrochloride - neomycin - dihydrostreptomycin-penicillin ointment conform to all requirements and are subject to all procedures prescribed by § 146c.202 for chlortetraycycline hydrochloride ointment and tetracycline hydrochloride ointment, except that:

(1) They contain not less than 28 milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride per gram.

(2) They contain not less than 14 milligrams of neomycin per gram. The neomycin used conforms to the requirements prescribed by § 146e.410 (a) (2) of this chapter.

(3) They contain not less than 14 milligrams of streptomycin or dihydrostreptomycin per gram. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter, except § 146b.101 (a) (2), (4), and (5). The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine.

(4) They contain not less than 28,000 units of procaine penicillin G per gram. The procaine penicillin used conforms to the requirements prescribed by § 146a.44 (a) of this chapter, except § 146a.44 (a) (2) and (3).

(b) In lieu of the directions for labeling prescribed for chlortetracycline hydrochloride ointment and tetracycline hydrochloride ointment by § 146c.202 (c) (1) (ii) and (iii), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride, neomycin, and streptomycin or dihydrostreptomycin per gram, and the number of units of procaine penicillin per gram. Its expiration date shall be 12 months after the month during which the batch was certified.

(c) In addition to complying with the requirements of § 146c.202 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch marks and (unless they were previously submitted) the results and dates of the latest tests and assays of the neomycin, streptomycin or dihydrostreptomycin, and penicillin used in making the batch for potency, toxicity, moisture, pH, streptomycin content of the dihydrostreptomycin, crystallinity if it is crystalline dihydrostreptomycin, and crystillinity and penicillin G content of the procaine penicillin G. He shall also submit in connection with his request a sample consisting of not less than 8 packages of such ointment and (unless they were previously submitted), accurately representative samples of the following, in the quantities indicated.

(1) The neomycin used in making the batch: 5 packages, each containing approximately equal portions of not less than 0.5 gram.

(2) The streptomycin or dihydrostreptomycin used in making the batch: 5 packages, each containing approximately equal portions of not less than 0.5 gram.

(3) The procaine penicillin G used in making the batch: 10 packages, each containing approximately equal portions of not less than 300 milligrams.

(d) The fee for the services rendered with respect to each immediate container in the samples of neomycin, streptomycin or dihydrostreptomycin, and penicillin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: September 30, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-7849; Filed, Oct. 5, 1954; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

FEDERAL RECOGNITION

In § 1101.3, the opening portion of paragraph (a) (4) is revised, and paragraphs (b) (1) (i), (c) (3) (ii), and (d) (1) (ii) and (iii) (*l*) are revised to read as follows:

§ 1101.3 *Federal recognition* — (a) *General.* • • •

(4) *Oath required.* For other than temporary Federal recognition of appointments in the National Guard each officer of the National Guard who successfully passes the examination and who meets all the requirements for Federal recognition, must first subscribe to the following oath:

• • • • • •

(b) *Persons eligible.* (1) • • •

(i) Army or Air Force Reserve Officers and other qualified officers and former officers, with previous honorable and creditable service in any component of the Armed Forces, who have demonstrated their qualifications by service in grade contemplated, or by the satisfactory discharge of equal and corresponding responsibilities for a period of not less than 6 months while on active duty.

• • • • •

(c) *Requirements for Federal Recognition.* • • •

(3) Age. • • •

(ii) *Maximum age-in-grade limitations*—(a) *Appointment.* Applicants for Federal recognition must not have attained the birthday shown below prior to appointment in grade indicated, except that age limits may be increased by an amount not to exceed length of previous service in the grade in which appointment is desired. Previous service includes service in an active status in any component of the Armed Forces in the same grade. An applicant's age must be such that he can serve at least one year before recognition will be terminated under age limitations as set forth in § 1101.4. Any applicant to be assigned to the headquarters of a State, Territory, Puerto Rico, or the District of Columbia, may not be more than 59 years old. Provisions of this paragraph are not applicable to applicants for promotion, transfer in branch, and Army Reserve officers seeking Federal recognition in the same (or lower) grade and same branch.

Grade:	*Age*
Second lieutenant	28
First lieutenant	33
Captain	39
Major	48
Lieutenant colonel	51
Colonel	55

• • • • •

(d) *Application for recognition and processing of papers*—(1) *Action taken by the individual.* • • •

(ii) Complete NGB Form 62 (Application), DD Form 98 (1 Feb 54) (Loyalty Certificate for Personnel of the Armed Forces) in duplicate, DD Form 398 (Statement of Personal History), in quintuplicate, FBI fingerprint card, attach appropriate copies of report of medical examination, and submit to immediate commanding officer. (FBI fingerprint card and Report of Medical Examination will be submitted in one copy only, while report of medical examination for flying will be submitted in three copies.)

(iii) • • •

(*l*) If applicant is a member of the USNR, USMCR, or USCGR, a conditional release from such enlistment or appointment must be presented.

• • • • •

[C2, NGR 20-2, Aug. 10, 1954] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-7821; Filed, Oct. 5, 1954; 8:45 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 201—GENERAL REGULATIONS

REVOCATION OF EXCEPTION FROM PROVISIONS OF SECTION 1 OF THE WALSH-HEALEY PUBLIC CONTRACTS ACT PERMITTING THE AWARD OF CONTRACTS FOR THE PRODUCTION OF TRAINING FILMS

On January 5, 1943 (8 F. R. 376), the Secretary of Labor granted an exception permitting the award of contracts during World War II for the production of training films without the inclusion of the representations and stipulations contained in section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35). This exception was granted at the request of the Secretary of War after he had made a written finding that the inclusion of these representations and stipulations in Government contracts would seriously impair the production of training films for the United States Army.

The continuing need for this exception has been reviewed by the Department of Defense, and it has been found that the exception is not used in present contracts and that its use in future contracts is not contemplated.

Therefore, pursuant to authority contained in section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35), the exception for the production of training films from the provisions of section 1 of that act is hereby revoked.

Signed at Washington, D. C., this 29th day of September 1954.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 54-7848; Filed, Oct. 5, 1954; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 995; Correction]

NEW MEXICO

REVOKING PUBLIC LAND ORDERS NO. 133 OF JUNE 7, 1943, NO. 242 OF AUGUST 23, 1944, AND NO. 595 OF JULY 18, 1949, AND RESERVING THE RELEASED LANDS FOR USE OF THE DEPARTMENT OF THE ARMY; CORRECTION

SEPTEMBER 30, 1954.

The land description in Federal Register Document 54-6691 appearing on page 5443 of the issue for August 26, 1954, so far as such description related to land in T. 9 N., R. 4½ E., should read as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 N., R. 4½ E.,
Secs. 13, 24, 25, and 36.

W. G. GUERNSEY,
Associate Director.

[F. R. Doc. 54-7822; Filed, Oct. 5, 1954; 8:45 a. m.]

[Public Land Order 1013]

ALASKA

RESERVING LANDS FOR THE USE OF THE ALASKA RAILROAD MODIFYING EXECUTIVE ORDER NO. 7325 OF MARCH 30, 1936

By virtue of the authority contained in section 1 of the act of March 12, 1914 (38 Stat. 305, 307; 48 U. S. C. 303, 304, 307) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described land in the Territory of Alaska reserved by Executive Order No. 7325 of March 30, 1936 for townsite entry under the act of March 3, 1891 (26 Stat. 1095, 1099), is hereby set aside for use of The Alaska Railroad for railroad purposes:

U. S. Survey 2159
North Addition to Fairbanks Townsite
Block 3, Lot 5.

The area described contains approximately 0.12 acre.

Executive Order No. 7325 is hereby modified to the extent necessary to permit the use of the land by The Alaska Railroad.

DOUGLAS MCKAY,
Secretary of the Interior.

SEPTEMBER 29, 1954.

[F. R. Doc. 54-7823; Filed, Oct. 5, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 964]

[Docket No. AO-258]

HANDLING OF DRIED FIGS PRODUCED IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of dried figs produced in California. Such marketing agreement and order would be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1371, South Building, Washington 25, D. C. Any such exceptions should be filed in quadruplicate, and must be received prior to the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the presently proposed marketing agreement and marketing order (hereinafter called the "order") were formulated, was held at Fresno, California, from June 15 to 18, 1954, both dates inclusive. Such hearing was held pursuant to a notice thereof which was published in the FEDERAL REGISTER (19 F. R. 3092) on May 28, 1954. Said notice contained a draft of a proposed order which had been presented to the Secretary of Agriculture (hereinafter called the "Secretary") by the California Fig Institute, the membership of which includes commercial producers of dried figs, and the California Dried Fig Advisory Board, which administers the Marketing Order for Dried Figs, as Amended, a California State marketing program operating under the California Marketing Act of 1937, as amended, with a petition for a hearing thereon. The objective of the order is to bring to the dried fig industry of California the benefits of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter called the "act").

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared policy and purposes of the act;

(3) The specific terms and provisions to be incorporated in the order, if adopted such as:

(a) The definitions of such terms as "Secretary," "act," "person," "natural condition dried figs," "processed dried figs," "dried figs," "variety," "acquire," "producer," "handler," "handle," "crop year," "part," and "subpart."

(b) The establishment and maintenance of an administrative agency, to be known as the Dried Fig Administrative Committee (hereinafter referred to as the "committee") for conducting order operations, the powers and duties of such committee, and its manner of doing business;

(c) The formulation and adoption of a marketing policy for each crop year;

(d) The imposition of quality controls applicable to handlers' acquisitions and dispositions of dried figs irrespective of whether the estimated season average price to producers for dried figs exceeds parity, the adoption of minimum grade standards, and the inspection and certification of such figs;

(e) The authorization of volume regulation providing for the separation of handlers' acquisitions of dried figs into salable tonnage and surplus tonnage, and the manner of control and disposition of surplus tonnage;

(f) The filing of reports and the keeping of records by handlers, and the verification of such reports;

(g) The incurring of expenses by the committee and the levying of assessments;

(h) Additional terms and conditions as set forth in §§ 964.80 through 964.89 and published in the FEDERAL REGISTER (19 F. R. 3092) on May 28, 1954, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in §§ 964.94 through 964.96, and also published in said issue of the FEDERAL REGISTER, which are common to marketing agreements only; and

(4) The omission of prescribed procedure with respect to issuance of this Deputy Administrator's recommended decision and the opportunity to file written exceptions thereto.

Findings and conclusions: The findings and conclusions on the foregoing material issues, all of which are based on the evidence adduced at the hearing and the record thereof are as follows:

(1) The commercial production of dried figs in the United States, which comprises approximately 15 percent of the estimated world production, is confined to California and principally to the central (San Joaquin-Sacramento) valley region. About 87 percent of the figs produced in that State are dried and the remainder are canned or sold for consumption as figs. During the period 1949-53, an annual average of approximately 26,600 tons of dried figs was produced in California, of which more than 20 percent was of substandard quality. Under the State of California Marketing Order for Dried Figs as amended July 22, 1953 (hereinafter referred to as "the State program"), the dried figs of substandard quality are pooled and disposed of for purposes or uses (such as for animal feed) which are noncompetitive with the disposition of merchantable or passable quality dried figs.

Between 85 and 90 percent of the dried figs of passable or merchantable quality moves to destinations outside of California in the form of dried figs, sliced dried figs or fig paste, and the remainder moves to intrastate destinations. The principal markets for California dried figs are in the United States, but a small portion of the production is exported, mostly to Canada.

The order must regulate the handling of all dried figs produced in California if it is to operate effectively. One regulation contemplated by the order would require that each lot of natural condition dried figs tendered to a handler must be under the jurisdiction of the committee from the time of delivery thereof until inspection results are available. Another regulation would prohibit any handler from acquiring natural condition dried figs failing to meet prescribed minimum standards of quality. Still another regulation would require each handler acquiring dried figs to set aside and hold for disposition by the committee, that portion of such acquisitions as would be determined by the application of the surplus percentage fixed by the Secretary to such acquisitions. Handlers customarily do not maintain the identity of each lot acquired by them until they dispose of the dried figs because of the size-grading, sorting, blending, slicing, grinding or other processing operations which are necessary to prepare the fruit for market. Therefore, when handlers acquire dried figs, they do not know whether the particular fruit will eventually move to intrastate, interstate or foreign destinations. In these circumstances, it would be impracticable to regulate the handling of dried figs in interstate and foreign commerce without also regulating the handling of dried figs in intrastate commerce. It is concluded, therefore, that all handling of dried figs, as defined in the order, is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

The existing State program provides for the imposition of quality and volume controls which are generally similar to those contemplated under the order, except that, insofar as quality regulation is concerned, the State program provides for the pooling and disposition of dried figs of substandard quality. Under the State program, a producer is, in effect, prohibited from selling to a handler and a handler is prohibited from buying from a producer any lot of dried figs which fails to meet certain prescribed minimum quality standards. Lots of dried figs which fail to meet these minimum quality standards (i. e., substandard figs) are required to be delivered to the State agency for pooling and disposition in channels which are not competitive with the normal market outlets for dried figs of merchantable quality, and the net proceeds from such pool are paid to the beneficiaries in proportion to their respective equities therein. The State program also precludes handlers from disposing of dried figs in normal market outlets unless the fruit meets minimum standards of quality for the disposition of dried figs. The volume regulation authorization under the State program is similar to the volume regulation authorization in the order. In addition, the State program authorizes advertising and sales promotion, and research and surveys respecting the production, processing and marketing of dried figs, and regulation with respect to unfair trade practices. Assessments to cover the costs of these indicated types of activities under the State program are levied on both producers and handlers.

The order would preclude any handler from acquiring any lot of natural condition dried figs which fails to meet prescribed minimum standards of quality or to dispose of dried figs in normal market outlets unless the fruit meets correlated minimum standards of quality for the disposition of dried figs. Also the order would contain authorization for volume regulation, under which salable and surplus percentages could be designated for application against handlers' acquisitions of natural condition dried figs of passable quality, and, during any crop year when such a type of regulation is in effect, the surplus portion would be pooled and disposed of in channels which are generally not competitive with the normal market outlets for merchantable dried figs unless needed to augment the salable portion. The net pool proceeds would be distributed to the beneficiaries in accordance with their respective interests therein.

It was testified at the hearing by the proponents of the order that they desire that the order and the State program complement each other so that the State program would continue to operate the substandard pool. In addition, it is desired that authorization with respect to advertising and sales promotion, and research and surveys respecting production, processing, and marketing, and regulation with respect to unfair trade practices be continued under the State program. Also, that the State continue to collect from producers and handlers whatever assessments may be necessary to cover the costs of the several types of activities which are proposed to be continued under its jurisdiction. At the same time the proponents desire that the order assume jurisdiction for quality regulation over the receiving and disposition of dried figs by handlers and for the imposition of volume regulation on handlers.

Since all handling of dried figs, as defined in the order, is either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce, it is clear that the act authorizes the regulation of them pursuant thereto exclusively by the Federal Government if the Secretary concludes that such a way of handling is desirable in order to achieve the statutory purposes and policy most effectively. It is equally clear, however, that such regulation through the exercise of exclusive Federal jurisdiction is not the only method which is available for his use. To the contrary, he is expressly authorized by the provisions of section 10 (i) of the act, in any instance where he deems such action to be desirable and appropriate, "to issue [Federal] orders (subject to the provisions of section 608c of this title) complementary to orders or other regulations issued by such [State] authorities." The provisions of this section 10 (i) were interpreted by the Supreme Court of the United States in Parker v. Brown, 317 U. S. 341, 87 L. Ed. 315, 63 S. Ct. 307, as also authorizing the Secretary to rely solely upon State regulation for the achievement of the purposes and policy of the act when he concludes that such a way of handling is most appropriate and desirable.

That the Secretary's freedom of choice as to which of the aforementioned three alternative methods shall be selected for use in a particular situation may not be curtailed or restricted is believed to be too obvious to require any extended discussion of the matter. It should be sufficient to say that such freedom is essential for him to perform his functions under the act effectively. This freedom would not be affected by the fact that, at the time a proposed Federal program is being considered, a State program is in effect which may be accomplishing at least a part of the objectives which it is intended that the Federal program will accomplish. In other words, he must have the same freedom of choice in a situation of that kind as he would have in a case where no governmental control

was in effect at the time of the consideration.

The soundness of the aforementioned statutory interpretation is confirmed from the following excerpt from the opinion written by the then Chief Justice in Parker v. Brown, supra:

> We may assume also that a stabilization program adopted under the Agricultural Marketing Agreement Act would supersede the state act. But the federal act becomes effective only if a program is ordered by the Secretary. Section 8c (3) provides that whenever the Secretary of Agriculture "has reason to believe" that the issuance of an order will tend to effectuate the declared policy of the act with respect to any commodity, he shall give due notice of an opportunity for a hearing upon a proposed order, and section 8c (4) provides that after the hearing he shall issue an order if he finds and sets forth in the order that its issuance will tend to effectuate the declared policy of the act with respect to the commodity in question. Since the Secretary has not given notice of hearing and has not proposed or promulgated any order regulating raisins, it must be taken that he has no reason to believe that issuance of an order will tend to effectuate the policy of the act.
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> The Secretary, by section 10 (1), is authorized "in order to effectuate the declared policy" of the act, and "in order to obtain uniformity in the formulation, administration, and enforcement of Federal and State programs relating to the regulation of the handling of agricultural commodities," to confer and cooperate with duly constituted authorities of any state. From this and the whole structure of the act, it would seem that it contemplates that its policy may be effectuated by a state program either with or without the promulgation of a federal program by order of the Secretary. Cf. United States v. Rock Royal Co-op., supra. It follows that the adoption of an adequate program by the state may be deemed by the Secretary a sufficient ground for believing that the policies of the federal act will be effectuated without the promulgation of an order.
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> It is evident, therefore that the Marketing Act contemplates the existence of state programs at least until such time as the Secretary shall establish a federal marketing program, unless the state program in some way conflicts with the policy of the federal act. The act contemplates that each sovereign shall operate "in its own sphere but can exert its authority in conformity rather than in conflict with that of the other." H. Rep. No. 1241, 74th Cong., 1st Sess. pp. 22–23; S. Rep. 1011, 74th Cong., 1st Sess. p. 15.

It is believed that the State and Federal programs operating together in the complementary relationship described above would provide the industry with a more desirable program structure than would the State program operating alone. As is indicated above, the situation is such that full jurisdiction over the proposed regulation to the extent permitted by the act could be assumed by the Federal Government. However, the indicated division of jurisdiction is desired by the dried fig industry and the State has expressed its willingness to cooperate with respect to complementary Federal and State programs for the benefit of the industry. The proposed division of jurisdiction is such that the order would include volume regulation which applies only to merchantable quality dried figs and that portion of the quality regulation which relates to handlers' receipts and dispositions of dried figs and which assures that only merchantable dried figs will be marketed in normal market outlets, and the State program would retain jurisdiction over the pooling and disposition of substandard dried figs in noncompetitive outlets. The latter operation involves the intricate regulation of all producers. The assumption of the quality and volume regulations by the Federal Government is particularly appropriate in view of the fact that from 85 to 90 percent of dried figs of merchantable quality produced in California move to destinations outside of that State.

It is contemplated by the proponents that, if the order is made effective, the State program provisions will either be amended to delete any portion which may be in conflict with the order or any such conflicting portion of the State program will be inoperative after the effective time of the order. Otherwise, if the Federal and State regulations should conflict with each other, the provisions in the order would prevail.

(2) The production and the preparation by producers of dried figs for delivery to handlers are very expensive operations because, among other reasons, of the time (about six years) required to bring a new fig orchard into bearing, the low yield per acre of figs, and the pecularities of the fig which make it and the dried fig especially vulnerable to insects, diseases, molds and various defects.

For each of six of the past seven marketing seasons (1950–51 was the exception), the estimated season average price received for dried figs by California producers has been well below the parity price for this commodity. The estimated season average price for 1952–53 was $143 per ton, or only 57 percent of parity, and for 1953–54 it was $156 per ton, or only 68 percent of the parity price for that season. Hence, it is clear that producers have been unable in recent years to obtain parity prices for dried figs, which is a declared objective of the act, or to obtain prices which represent a reasonable percentage of parity. This situation has prevailed notwithstanding the downward trends in the bearing acreage of California figs and the production of dried figs, and despite the industry's self-help efforts of long duration to improve its economic position through research, advertising, sales promotion, and mandatory quality controls.

Another indication of the distressed economic position of the industry is the carry-over of dried figs held by the industry on July 1 of certain recent years. For example, the hearing record shows that the industry carry-over as recently as July 1, 1952, totaled approximately 4,800 tons, excluding Kadotas, but including Calimyrna, Adriatic and Black Mission dried figs. In this regard, however, it was testified at the hearing that industry carry-over as of July 1 needed to be only 1,000 to 2,000 tons of dried figs to meet market demand before the new crop became available in appreciable volume. It is likely that industry carry-over of dried figs in recent years would have been even greater if the United States Department of Agriculture had not extended financial assistance to the industry by purchase and diversion programs which accounted for the disposition of approximately 16,300 tons of dried figs outside of normal commercial trade channels during the three-year period 1948–50.

The economic position of the industry has been and is being affected adversely by the increasing quantities of dried figs and fig paste which are being imported into the United States. These imports compete directly in the market place with the domestic production, and constitute a major reason in recent years for burdensome industry carry-overs, low prices to domestic producers, and for the California industry sharing to a decreasing extent in the domestic market. For the four marketing seasons 1945–46 to 1948–49, United States imports for consumption averaged only 1,559 tons of dried figs annually, with practically no imports of fig paste during that period, and supplied about seven percent of the apparent domestic consumption of dried figs and fig paste, which averaged about 23,100 tons annually for that period. During the four marketing seasons 1949–50 to 1952–53, imports for consumption annually averaged 3,210 tons of dried figs and 426 tons of fig paste, a total of 3,636 tons, representing about 15 percent of the annual average apparent domestic consumption of approximately 24,600 tons for that period.

On July 24, 1952, the United States Tariff Commission found, pursuant to section 7 of the Trade Agreements Extension Act of 1951 (fig paste was not eligible for consideration in that connection), that dried figs were being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like or competitive products, and as to threaten continuance of such injury. The Commission further found and recommended to the President that the then current rate of import duty of 2½ cents per pound on dried figs should be increased to 4½ cents per pound. The President concurred in the Commission's recommendation and on August 29, 1952, put the increased rate into effect. As a result of later investigation, the Commission found on June 3, 1953, that the higher rate of duty of 4½ cents per pound of dried figs remained necessary to prevent serious injury to the domestic industry, and on June 25, 1953, the President concurred in this finding. Despite this, however, during the marketing year of July 1, 1953 to June 30, 1954, United States imports for consumption are estimated at 3,902 tons of dried figs and 2,504 tons of fig paste, or a total of 6,406 tons of dried figs and fig paste, which is more than the quantity imported for consumption in the United States in any other season since 1929–30.

Approximately two-thirds of the California production of dried figs of standard quality (processed dried figs, including dried figs, sliced dried figs and fig paste) is utilized in the bakery outlet, primarily in the manufacture of fig bars. Manufacturers also use imported dried figs and fig paste for this purpose. They were represented at the hearing by attorneys, who later filed with the Hearing Clerk a brief in which it was contended that the order should not be recommended by the Secretary because its approval and adoption would neither be in the public interest nor tend to effectuate the declared policy of the act. In support of these contentions, it was argued that the proponents had not demonstrated a need for the order, in that it would merely duplicate or replace certain quality and inspection controls and authorization for volume regulation which are now provided for under the State program, and which have been found to be adequate. It was contended, however, that volume regulation is not justifiable because the dried fig industry is a deficit industry in the sense that it does not supply all of the domestic market requirements for the commodity. It was further argued that the real purpose of the proponents was to use the order as a "stepping-stone" for obtaining limitations on imports pursuant to section 22 of the act; that, if this purpose were used to show a need for the order, such action would be "putting the cart before the horse" and the issuance of the order would constitute a perverted use of the act; and that imposition of limitations on imports would restrict a source of supply necessary for the consuming public by reason of the deficit supply position of the domestic industry.

It is true that the provisions of the order would replace certain similar quality and inspection controls which are imposed under the State program and would replace the similar authorization for volume regulation now contained in the State program. However, this change from State jurisdiction to Federal jurisdiction was proposed by the dried fig industry on its own volition, and the State through its authorized representative who testified at the hearing, has expressed its willingness to cooperate in developing complementary State and Federal programs for the benefit of the industry. In this instance, the State program would either be amended to delete any provisions which would conflict with the order or any such conflicting provisions in the State program would be inoperative. In these circumstances, the justification of the quality and volume regulatory provisions of the order is properly the same as that which would be appropriate in the absence of any State program covering those fields.

With respect to the contention that volume regulation would not be justified, it is true that during the four marketing seasons 1949–50 to 1952–53 the production of merchantable quality dried figs in California averaged approximately 21,900 tons, or about 2,700 tons less than the annual average apparent domestic consumption of approximately 24,600 tons of dried figs and fig paste. During the four marketing seasons 1945–46 to 1948–49, however, when imports were substantially less, the reverse was true when such production averaged approximately 26,800 tons, or about 3,700 tons more than the average annual apparent domestic consumption of approximately 23,100 tons for that period. The decline in the domestic merchantable production and the decline in the proportion of the domestic demand supplied by such production were accompanied by a substantial increase, as shown heretofore, in the average volume of imports, which contributed to producers receiving low average prices for dried figs during the past three seasons. As a result of such prices, the domestic production of dried figs has not been maintained at former levels.

Thus, increased imports have contributed to the deficit supply position of the domestic industry, and the combined supply of the domestic and imported dried figs and fig paste marketed in the United States in recent seasons has been excessive in that the prices for that supply have reflected less than fair and reasonable returns to domestic producers. In this regard, the level of producer prices must be considered in determining whether a surplus of an agricultural commodity exists.

It is possible that future supply, demand, and other conditions for dried figs will be such that producer prices and total returns from the sale of dried figs could be increased by withholding a portion of the domestic production of merchantable quality dried figs from regular commercial trade channels. Under average growing conditions, it is possible in any year that the merchantable production of a particular variety of California dried figs will exceed the domestic demand therefor at prices reflecting fair and reasonable returns to producers, and so as to make volume regulation advisable as to that variety. The proponents of the order recognize that volume regulation may not be needed, but wish to have authorization for it as insurance in case it is needed. They also recognize that the use of volume regulation must be avoided if it would encourage the importation of larger quantities of dried figs and fig paste to the detriment of the domestic industry. Safeguards against unwise use of volume regulation are provided in the order by special requirements that its establishment must be recommended by at least four producer members and four handler members of the committee and approved by the Secretary.

With respect to the manufacturers' arguments regarding section 22 of the act, it is recognized that, to the extent the order would tend to effectuate the declared policy of the act, the cost of their domestic supply of raw material may be increased, and if the proponents are successful in obtaining limitations on imports, this source of supply for manufacturers also would be affected.

It is expressly set forth in section 2 of the act that the policy of Congress is that a marketing agreement and order program be operated by the Secretary, through the exercise of the powers conferred upon him under the act, so as to establish and maintain such orderly conditions with respect to the particular commodity as will establish and maintain parity prices to the producers of that commodity. Also, the consumer interest in that connection is required to be protected from the standpoints of not permitting too rapid an increase in the prices to producers and of not operating the program so as to maintain prices to producers above the parity level. Insofar as marketing agreement and order programs with respect to fruits and vegetables are concerned, the objective is required to be achieved by specified methods which limit the part of a crop which is available for sale in normal market channels. Those permissible methods, which are set forth in section 8c (6) of the act, are by the fixing and application of minimum standards of grade, size, or quality as a condition for the disposition in such channels, or by the fixing and application of salable and surplus percentages (i. e., so-called volume regulation) and the permitting of only the salable portion to be sold in such channels, or on a combination of those two general methods. It is proposed that a combination of such general methods be adopted in the present instance.

Since the limitation of the quantity of the production of the particular commodity which is available for sale in normal market outlets is the basic essential for the successful operation of a marketing agreement and order program, it is obvious that any disruption of this quantity limitation tends to militate against the effectiveness of the program operations. The evidence shows that such a disruption has occurred in connection with the regulation of dried figs under the State program, in that increasingly larger quantities of dried figs and fig paste are being imported into the United States, with a consequent reduction in demand for the domestic production, as well as in a reduction in the prices which domestic producers have received per unit of measurement. The seriousness of the present situation is evidenced by the fact that domestic producers are now receiving much less than the parity price.

The aforementioned disruption caused by the large volume of imports would presumably be obviated, or at least alleviated, by the imposition, pursuant to the provisions of Section 22 of the act (7 U. S. C. 624) of limitations on imports. However, a condition precedent for the obtaining of such relief is that such importations render or tend to render ineffective or materially interfere with certain types of Federal programs, such as the proposed order. In other words, this relief presumably may not be afforded in any event in the absence of a Federal program.

It has been demonstrated heretofore that the circumstances in regard to dried figs are such as to justify either exclusive Federal jurisdiction over regulation or concurrent Federal and State jurisdiction, whichever the Secretary may deem to be the more desirable. Thus, the fact that there is already a State program in existence is immaterial, and the situation is the same as if there were no regulation in effect and the matter of regulation was being considered originally on its merits. It could hardly be argued that there could not properly be Federal regulation in the latter event.

It seems clear that the provisions in section 22 and the other provisions in the act referred to above are coordinate parts of a single plan for raising farm prices to parity levels. In other words,

if the effectiveness of a Federal marketing agreement and order program is being militated against by reason of large imports of the commodity which is being regulated, the provisions of section 22 provide a potential means by which the disruption of effectiveness may be obviated, or at least alleviated. To hold otherwise would mean that the authorized regulation of a commodity for the benefit of the producers might be impracticable in any instance where an appreciable volume of the particular commodity is available for import. Such a result could not reasonably have been intended by the Congress.

The proponents have admitted frankly that one reason for their desiring the order is so that the dried fig industry will be eligible to seek limitations on imports pursuant to section 22 and have indicated that it is their intent to seek such relief after the proposed order is put into effect, if the then existing conditions warrant such action. However, the proponents understand that the making of the order effective would be no assurance that they would be successful in obtaining such limitations. Nevertheless, as indicated above, it is necessary that the order be made effective for the proponents to be eligible to seek such relief.

However, eligibility for filing application for relief pursuant to provisions of section 22 of the act is only one of the reasons which has been advanced as to why an order should be issued in this instance. For reasons stated heretofore, it is believed that the order and the State program operating together in a complementary relationship would constitute a more desirable program structure than would the State program operating alone.

The proponents have indicated that the dried fig industry is willing to share the domestic market with foreign producers to the extent that imports are necessary to supplement the California production in fulfilling the domestic demand, provided that such imports will permit domestic producers to receive fair and reasonable prices. This is believed to be a reasonable position and not contrary to the public interest. For reasons stated heretofore, imports of dried figs and fig paste into the United States, however, have adversely affected prices to domestic producers and such prices have been less than fair and reasonable. Such a situation is not in the public interest. Attention is invited to sections 1 and 2 of the act in regard to Congressional policy with respect to the public interest.

In the interest of both producers and consumers, dried figs of substandard quality, and sliced dried figs and fig paste prepared from such dried figs, should be kept out of regular commercial trade channels for use as human food. Due to the fact that dried figs are particularly susceptible to major quality defects and in view of the difficulties and cost of controlling them, a substantial portion of the domestic production is of substandard quality. Competition in the marketing of dried figs, sliced dried figs and fig paste is based to a considerable extent on the price factor and the offering of such substandard quality items for sale to the trade, at price discounts, would depress the prices and value of that portion of the domestic dried fig production which is of merchantable quality. Moreover, it obviously would not be in the interest of users and consumers to permit the distribution to them for use as human food, of low quality dried figs, or sliced dried figs or fig paste prepared from such dried figs. On the other hand, industry experience has demonstrated that prohibiting the marketing in such channels of such substandard quality fruit stimulates the demand for and enhances the value of that portion of the production which is of merchantable quality, increases consumer satisfaction by keeping out of the markets dried figs and products thereof unacceptable to the public, and augments total returns to producers from their total production of dried figs. The order is designed to accomplish these purposes.

In view of all of the foregoing discussion relating to material issue numbered (2), it is concluded that the order is needed to accomplish the declared objectives of the act.

(3) (a) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties vested in him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which orders of this nature are operated, and avoids the need for referring to these citations thereafter.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "natural condition dried figs" should be defined to mean all figs produced in California which have been dried, either by sun-drying or artificial dehydration, to the extent necessary to inhibit rapid spoilage by fermentation, mold, souring or like cause, and which have not been processed. The term describes the condition of dried figs at the time they are delivered to handlers by producers and is well understood in the industry. Usually the task of drying figs is performed either by the grower in his own dry yard or in the dry yard of a neighbor or by a commercial dry yard operator. About two-thirds of the dried figs in California are produced by sun-drying figs and about one-third by the application of artificial heat to figs. Reduction of the moisture content of figs to approximately 16 to 18 percent is considered sufficient to inhibit rapid spoilage by fermentation, mold, souring or like cause, and to permit delivery of them to the packing plants as natural condition dried figs. In their dried state, figs are considered more perishable than other dried fruits and consequently require more care than do other dried fruits. The subject definition distinguishes dried figs in their natural condition form from processed dried figs. This distinction is necessary in the quality and volume control provisions of the order.

The term "processed dried figs" should be defined to identify all dried figs which have been cleaned, or treated with water or steam, or otherwise treated in preparation for market by a handler, except that this term should not include dried figs at the time they are cleaned by a producer in the course of preparing them for delivery to a producer or handler. It is necessary to distinguish between processed dried figs and natural condition dried figs by definition for the purposes of the regulatory provisions of the order. The processing by handlers of natural condition dried figs includes cleaning the dried figs with hot water or any other cleaning material or method, and their treatment with hot water or steam. In preparing dried figs for market, handlers also package them for shipment in consumer cartons or bulk packs, or slice them for packaging and shipment as sliced dried figs, or convert them by grinding or by slicing and grinding into fig paste for packaging and shipment as such. The term "processed dried figs," therefore, not only should be considered as including whole dried figs processed by handlers, but also sliced dried figs and fig paste prepared by them. Since many producers clean their natural condition dried figs by washing them in water, such dried figs should be specifically excluded from the subject definition.

The term "dried figs" should be defined to mean all natural condition dried figs and all processed dried figs produced in California. The term is referred to and used in those order provisions where it is unnecessary to distinguish between natural condition and processed dried figs.

The area specified in the subject definition should be the State of California. There are no differences in the production and marketing of dried figs in the various portions of that State which would require different terms for subdivisions of the production area. Although commercial production of dried figs in the United States is confined to California and is concentrated principally in the central portion of the State, it would not be practicable to limit the production area to a part of California, since handlers could operate in the excluded portion and escape regulation. Also, figs or dried figs could be produced in most of the countries not now producing them in commercial quantities. In view of the foregoing, it is concluded that the State of California constitutes the smallest regional production area which is practicable for coverage by the order, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not carry out the declared policy of the act effectively.

The term "variety" should be defined to mean any one of the following kinds: Kadota, Calimyrna, Black Mission, Adriatic, or any kind or strain similar or related thereto. The need for defining the term arises from order provisions which would permit quality regulation and volume regulation by variety. Hearing testimony discloses that this definition covers all varieties of figs now produced in California for drying commercially, and that a long period of time probably will elapse before any new variety will be developed and produced for market as dried figs.

The term "acquire" should mean to obtain physical possession by purchase, storage arrangement, or otherwise, of natural condition dried figs as the first handler thereof. The significance of this definition must be considered in relation to the definition of "handler" and the order provisions dealing with quality control and volume regulation. One, but not the only way, for a person to become a handler would be for him to acquire natural condition dried figs as the first handler thereof. The term "acquire" should be limited in its application to first handlers because certain regulatory provisions of the order need to be applied at a particular point in the marketing channel and only once to the handling of acquisitions of natural condition dried figs. The order provisions relating to quality control would specifically prohibit a handler from acquiring natural condition dried figs unless they meet prescribed minimum quality standards. The term "acquire", therefore, should have a limited meaning in the sense that a handler could acquire only natural condition dried figs which meet such standards. He could not acquire substandard natural condition dried figs. Moreover, volume percentages would be applied to natural condition dried figs acquired by a handler, or, in other words, only to such fruit tendered to him which meets such minimum quality standards.

A handler may obtain physical possession of natural condition dried figs as the first handler thereof in a number of ways, the most common one being by purchase and delivery from producers.

Occasionally a handler will obtain physical possession on his processing premises of natural condition dried figs from a producer under a storage arrangement whereunder the handler stores the fruit for the producer's account. The term "acquire" should include this situation because the provisions of the order prevent the producer from regaining physical possession of such fruit. The handler would be permitted initially to obtain such physical possession of the fruit only if it were inspected and found to meet the prescribed minimum standards of quality. He would be prohibited by the provisions of the order from returning the fruit involved in the storage arrangement to the producer in order to prevent the producer from commingling the merchantable quality fruit with substandard dried figs for the purpose of making the commingled lot meet the prescribed minimum quality standards. Although the producer could not regain physical possession of the natural condition dried figs, it was testified that his freedom would not be restricted in selling his fruit under the storage arrangement either to the storing handler or to another handler. This practice has been in effect under the State program for a number of years and has been found generally satisfactory to both producers and handlers. It is now apparently an established custom of the industry.

The term "acquire" also should include the situation where a handler receives on his processing premises natural condition dried figs of which he is the producer and acquires such fruit when it is found to meet the prescribed minimum quality standards. Otherwise, a portion of the dried figs handled in the area would not be covered.

The preceding examples may not include all situations to which the subject term may apply. For the purpose of obtaining necessary regulatory control under the order of the handling of natural condition dried figs at a particular point in the market channel, it is concluded, however, that the term should apply in every case where physical possession of natural condition dried figs is obtained by a handler on his processing premises as the first handler thereof and the fruit upon inspection meets the minimum standards of quality then in effect under the order. In this regard, physical possession of the fruit is the important criterion. The handler may or may not own the fruit.

The term "producer" should be defined to mean any person engaged in a proprietary capacity in the business of producing or causing to be produced for market natural condition dried figs as defined in the order and should include a dry yard operator and any other person who buys or receives figs, dried or otherwise, for the purpose of drying, curing, sorting, or otherwise preparing natural condition dried figs for his own account. This definition is similar to the one used in the State program, under which primary certificates are issued to producers to identify them. A definition of the term is necessary for reasons such as the need to determine the persons eligible to vote for nominees for producer members and alternate members of the administrative committee. The evidence shows that the term should be limited to those persons who have an ownership or proprietary interest in the production of natural condition dried figs. That is, it should not include laborers, or others who perform work for a fee or for hire in converting figs into natural condition dried figs. Evidence further discloses that an average of about 87 percent of the fig production in California is used for drying and the remainder is canned or shipped for consumption as figs. Inasmuch as the order would regulate the handling of dried figs and not figs, the dried fig industry desires that only persons actually producing or causing to be produced natural condition dried figs for delivery to handlers be considered as producers for order purposes. For example, if a grower sold his production of figs outright to a canner or to a dry yard operator or dehydrator, the grower should not be considered a producer but the dry yard operator or the dehydrator should be so considered if he converted the figs into natural condition dried figs for market. If a grower has his figs dried and prepared for delivery for his account by a dry yard operator or dehydrator, the grower should be considered as the producer of the natural condition dried figs, since he caused them to be produced for delivery to a handler. Dry yard operators and dehydrators may convert figs of their own production as well as figs which they have purchased from growers into natural condition dried figs and deliver them to handlers, in which case they should be considered as producers with respect to all such natural condition dried figs. If a dry yard operator should buy or receive natural condition dried figs and dry, cure, sort, or prepare them for delivery to a handler, the dry yard operator should be considered a producer.

The term "handler" should be defined to identify those persons who would be regulated by the order. The term should include any person not specifically excluded who acquires natural condition dried figs, processes, packages, sells, consigns, transports, ships, or in any other way places dried figs in the current of commerce, whatever may be the ultimate destination or end use of the dried figs. It is customary for producers to sell and deliver their natural condition dried figs to persons who have the facilities for performing such functions. Application of the order restrictions to those persons would be in accordance with the act and would facilitate administration of and compliance with the order. The performance of any one or more of the listed functions by any person, other than those specifically excepted, should make that person a handler in order to control the handling of all dried figs and to prevent circumvention of the order restrictions.

A common or contract carrier of dried figs owned by another person should not be considered as the handler of such fruit, because the carrier has no proprietary interest in the fruit and transports it for hire.

The sale or delivery of natural condition dried figs by a producer to another producer or to a handler within the State of California, or the receipt or acquisition of natural condition dried figs by a producer from another producer need not be considered as handler functions under the order. However, the sale or delivery of dried figs by a producer to persons who are not producers or handlers within the State of California are handler functions which are subject to regulation, and any producer performing such functions should be subject to regulation with respect to the dried figs so handled the same as any other handler.

The term "handler" should exclude any person when he engages in the further handling of processed dried figs which have previously been inspected and certified as processed dried figs pursuant to the provisions of the order and which have been shipped or otherwise finally disposed of by a handler. This exception should be made because once the restrictions of the order are complied with by a handler, it would be impracticable to apply them again to persons such as wholesalers, manufacturers, retailers, and other subsequent receivers

of dried figs. The exception does not mean, however, that there can not be more than one handler with respect to the same dried figs. For example, one handler may acquire a lot of natural condition figs from a producer, satisfy the incoming inspection requirements of the order with respect to it, and sell and transfer that lot to another person who would also become a handler as to such lot by processing, selling and shipping it. In that case the second handler would be required to meet the outgoing inspection requirements of the order. In every instance, handling operations, insofar as order coverage is concerned, would cease upon disposition preceded by outgoing inspection and certification.

For the purposes of the order, it would be unnecessary to regulate any person with respect to particular dried figs when he is engaged in manufacturing by-products therefrom, such as non-edible syrups and animal feed products which are not used for human consumption, or when he is engaged in converting them into distilled spirits. Therefore, any such person should not be considered as a handler with respect to those dried figs.

It is expected that the substandard pool will be operated under the State program. In order to obviate any question in this regard, the definition of "handler" should exclude the State of California, the Dried Fig Advisory Board and its agents and such persons as may obtain dried figs from them in carrying out the functions of the State program.

With the exceptions stated and for the reasons given heretofore, any persons performing with respect to dried figs any one or more of the functions specified in the definition of "handler" should be considered as such under the order. It follows, therefore, that the term "handle" should be defined to mean the performance of any one or more of the functions of a handler.

The term "crop year" should be defined to mean the 12-month period beginning August 1 of any year and ending July 31 of the following year. Industry experience has demonstrated that this period most accurately describes the 12 months in which dried figs are annually produced and marketed. Since the order may not, in any event, become effective by August 1, 1954, the first crop year should begin on the date when the order is made effective, assuming that the order is issued.

The term "part" should be defined to mean the order regulating the handling of dried figs produced in California, and all rules, regulations, and supplementary orders issued thereunder. The order regulating the handling of dried figs produced in California should be a "subpart", which is a subdivision of such part. The rules, regulations, and supplementary orders also would be subparts of that part. The use of such terms having those meanings is in conformance with the requirements of the Federal Register Division for orders of this nature.

(b) An agency should be established to administer the order and designated as the "Dried Fig Administrative Committee" to reflect its administrative character. It should be composed of a minimum of 10 members, of whom five should represent producers and five should represent handlers. Alternate members should be provided to act in the place and stead of such members. Provision also should be made for an eleventh member position on the committee, the occupancy of which would be optional, depending on whether the committee nominates and the Secretary selects a person to fill it, who need not be a producer or a handler. The eleventh member, if any, should be a person competent to serve as chairman. No alternate member needs to be provided for the eleventh member, because it is contemplated by the proponents that should there be such an eleventh member as chairman of the committee, the vice-chairman (either a producer or a handler) would act in the absence of the chairman.

Such a committee would be large enough to provide representation to all segments of the industry. At the same time, it would be of such size that it could operate effectively and efficiently. The foregoing division of members between producers and handlers is in conformity with the wishes of the dried fig industry. Industry experience indicates that such a committee of 10 or 11 members would be satisfactory. In this regard, the committee's composition would be identical with that of the Dried Fig Advisory Board under the State program and the same persons could serve on both the Board and the committee. This arrangement is desirable in that the order and the State program would complement each other and the administration of both programs by the same persons should result in proper coordination of the two programs.

The initial producer and handler members of the committee and their respective alternates should be the same as the producer and handler members of the Dried Fig Advisory Board for the State program, who are serving in such capacities at the effective time of the order, including the eleventh member of such Board if there be such a member. Such persons have had experience in the administration of dried fig marketing programs and are qualified to serve on the committee. The designation of the initial committee members in the order would permit the committee to become operative as soon as the order is made effective and the persons so designated file written acceptances with the Secretary.

Terms of office should be provided for the committee's initial and successor members and alternates so that the industry would have the opportunity, within relatively short periods of time, to indicate whether it desires to change the membership of the committee. Evidence shows that terms ending May 31 of each year would serve that purpose and permit the new committee membership to develop regulatory plans prior to the beginning of the ensuing crop year. As appointment of the new committee members and alternates may not always be made in time for them to take office immediately upon the expiration of the term of office of the existing committee, provision should be made for members and alternates, except for the eleventh member, to serve in their respective positions on the committee during the term of office for which they are selected and until their successors are selected and qualify. This provision would assure continuous functioning of the committee. The term of office of the eleventh member, however, should expire each year in any event on May 31 in accordance with the wishes of the proponents, and so that, after that date, the new committee could choose the eleventh member.

The Secretary should select the successor members and their respective alternates for the producer and handler groups from the nominations submitted for that purpose by those groups, or from among other eligible persons. The Secretary thus would have the benefit of the industry's recommendations with respect to the committee's membership, and he could exercise his discretion regarding the selection of eligible persons other than those nominated on the basis of the representation provided in the order. However, the Secretary should either select or decline to select the person nominated by the committee for the eleventh member position, but he should not fill it with some other person. The proponents wish assurance by means of order provisions that the important eleventh member position will not be occupied by a person undesirable to the committee. It is reasonable to grant this request.

Each producer member and alternate producer member of the committee should be during his term of office a producer in the district from which he is appointed and the major portion of his income from or interest in the dried fig industry should be as a producer. Each handler member and alternate handler member of the committee should be either a handler of dried figs or an employee or agent of a handler of dried figs actually engaged in the handling of dried figs while he is such member or alternate member, and whose primary interest in the dried fig industry is that of a handler. These provisions are necessary to establish the eligibility of producers and handlers to serve on the committee and to insure that the committee at all times will be truly representative of producers and handlers, respectively. Since a number of handlers are corporations, they would be excluded from representation unless employees or agents of handlers are authorized to serve as members on the committee.

The production area should be divided into the two districts described in the order for the purpose of establishing equitable producer representation on the committee by districts based on the relative production of dried figs in each district. Producers in District No. 1, in which approximately two-fifths of the area's dried figs are produced, should be represented on the committee by two producer members and their alternates Producers in District No. 2, in which the remainder of the dried figs in the production area are produced, should be represented on the committee by three producer members and their alternates.

These provisions for producer representation on the committee by districts are the same as those for the Dried Fig Advisory Board under the State program and experience has demonstrated them to be satisfactory. In order to maintain equitable producer representation on the committee based on production and to preclude the need for amending the order to accomplish this purpose, the order should provide that the districts described therein may be changed by recommendation of the committee and approval of the Secretary.

A procedure for the election by producers of nominees for successor members and alternate members of the committee should be prescribed in the order to assist the Secretary in his selection of such membership. Such nominations should be made at a meeting or meetings of producers called by the committee prior to May 1 in each of the two districts of the production area. By having the nomination meetings not later than May 1 of each year, the committee should be in a position to submit nomination lists to the Secretary in time for him to select the producer members of the new committee and their respective alternates prior to the expiration of the terms of office of the existing committee.

Each producer should be limited, at nomination meetings, to casting one vote for each producer member position and one vote for each alternate member position in the district in which he produces dried figs. Voting on this basis, rather than on the basis of relative tonnages produced, is in accordance with the usual procedure in producer elections. So that the nominees would be representative of producers who are sufficiently interested in order operations to attend the nomination meetings, only producers who are personally present at such nomination meetings should be permitted to vote for nominees. Although some producers produce dried figs in both districts, each producer should be permitted to vote only in one district (as he may choose) and only for the nominees to be selected in that district, so that his voting will not be given undue weight in the elections.

The order should provide that handler representation on the committee may be without regard to the districts of the production area, but, insofar as may be practical, should be representative of handlers generally. The committee should cause to be held each year prior to May 1, a meeting or meetings of handlers for the purpose of obtaining nominations of persons to serve as handler members and alternate members of the committee. Such meeting or meetings should be held prior to May 1 of each year for the same reason as heretofore stated in regard to the producer nomination meetings. It would be inadvisable to require that handler representation on the committee be by districts because handlers either do or are free to operate in both districts. Handler representation on the committee would provide their handling and marketing experience and information for use by the committee in its deliberations and decisions. It is unnecessary to prescribe in the order a detailed procedure or the voting basis to be followed by handlers in electing nominees for the handler positions on the committee because experience under the State program has demonstrated that they have agreed on and elected nominees representative of all handlers without the prescribing of such terms. Handlers prefer that terms not be prescribed. It was testified that only ten handlers are operating in the industry. In view of this, it should not be difficult for them to agree among themselves on nominees who would provide equitable representation of all handlers on the committee, particularly because they would be so represented by five members and five alternate members.

In the event nominations for any positions on the committee, except that of the eleventh member, are not received by May 5, the Secretary should be authorized to select such members and their alternates without regard to nominations. This provision should afford adequate time after the elections to submit the nominations to the Secretary. Any such selection by the Secretary should, of course, be on the applicable basis of representation provided in the order. The circumstances are such that these requirements should not apply to the eleventh member position.

Each person selected by the Secretary as a committee member or alternate should, prior to serving on the committee, qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether the selectee will serve and so that appropriate action to fill the position can be taken promptly by the industry or Secretary if the selectee does not qualify. Such acceptance should be filed within 15 days after the notification of the appointment so that the keeping of the committee's membership whole will not be delayed unduly. Appropriate provision should be made for filling of vacancies on the committee, and the procedure followed should be that prescribed for the nomination and selection of previous incumbents of the vacant positions, insofar as practicable.

Members of the committee and alternate members when acting for members should serve without compensation but should be allowed their necessary expenses as approved by the committee. Experience has shown that producers and handlers give freely of their time for the benefit of the industry, and, therefore, would serve on the committee without compensation. However, it is deemed only fair that they should be made whole by the committee for expenses incurred in rendering such service.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee should select a chairman from among its members and such other officers as may be appropriate from its membership or employees. Substantial fulfillment of the duties of the chairman of the committee would be important to the welfare of the dried fig industry. Therefore, it is deemed advisable for the chairman to be a member of the committee. The provision which authorizes committee employees to be officers of the committee would permit employees to perform services and take care of details which otherwise might require an undue amount of time and attention of committee members. For reasons stated heretofore, whenever the committee has an eleventh member, he should act as chairman of the committee.

Not less than seven members, including alternate members acting in the place and stead of members, should constitute a quorum of the committee. This requirement would insure that committee actions would be taken by a more fully representative committee than if a quorum consisted of a simple majority of six.

Except as otherwise stated in the second succeeding sentence, no action should be taken by the committee, including the nomination of an eleventh member, unless a quorum is present and a concurring vote of not less than three producer members and three handler members, or alternate members acting in the place and stead of members, is obtained. By requiring that all committee actions, except the establishment of volume regulation, be considered by at least seven of its membership and approved by at least a majority of both producer members and handler members, the foregoing provision would contribute toward the avoidance of possible domination of the committee by any particular group. However, because volume regulation would be of vital importance to the industry, any committee recommendation to establish it should require the concurring vote of not less than four producer members and four handler members, or alternate members acting in the place and stead of members. Although no restriction would be placed on the voting by the eleventh member chairman with respect to committee actions, his vote, if he were not a producer or a handler, would not be decisive in affecting actions of the committee in view of the foregoing requirements as to voting.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the committee will be confined to those which are reasonably necessary to carry out its responsibilities as prescribed in the order. It should be recognized that these specified duties are not necessarily all inclusive in that it may develop that there are other duties which the committee may need to perform.

Other provisions relating to the establishment and operation of the committee are set forth in the order. The need for these provisions is believed to be obvious and discussion of them unnecessary.

(c) The committee should hold a meeting in advance of each crop year to

formulate and adopt a marketing policy for the regulation of the handling of dried figs during such crop year, and should prepare and submit to the Secretary a report thereon. The policy so established would serve to inform, in advance of the particular crop year, producers and handlers of the committee's plans for regulation for that year and the basis therefor. They then could plan their operations accordingly. The formulation of such policy would be useful to the committee in making specific recommendations to the Secretary of proposed quality or volume regulations. The committee's marketing policy report would be helpful to the Secretary in determining upon the regulation of the handling of dried figs.

In developing its marketing policy, the committee should give consideration to the supply of and demand for dried figs, other factors set forth in the marketing policy provisions of the order, and any other information, such as prospective imports of dried figs and fig paste into the United States, which would pertain to the marketing and regulation of the handling of dried figs during the ensuing crop year. Consideration of such factors would be essential to the development of a sound policy.

It was proposed at the hearing that § 964.40 (h) of the order, which would require the committee to determine and consider in connection with its marketing policy the estimated probable market requirements for dried figs in foreign commerce, segregated by countries, be changed so that one estimate of the total requirements of foreign countries for California dried figs would be made by the committee instead of estimating such requirements for each country separately. It is concluded that the order should not be so changed because the committee may need the more detailed estimates in connection with disposition of surplus tonnage pursuant to § 964.58 (c) of the order which provides, in part, that the committee may sell surplus tonnage for export to the extent that the requirements for this outlet were not provided for in estimating the salable quantity of dried figs for the particular crop year.

The committee should hold its marketing policy meeting not later than July 12 and should submit its policy report to the Secretary not later than July 17, except that for the first crop year the meeting should be held and the report submitted as soon as practicable after the effective time of the order. Except for the first crop year, these time limitations should be appropriate in view of industry operations and from the standpoint of allowing sufficient time for the Secretary to issue regulations to take effect on the handling of dried figs produced in the ensuing crop year.

The committee should be permitted to modify or change its marketing policy so that the policy could give recognition to changing and latest known conditions affecting the marketing of dried figs. A report of any such changed marketing policy should be submitted promptly by the committee to the Secretary, along with any information considered by the committee in the revision, so that he could evaluate the basis for the committee's action in that respect.

The committee should give reasonable publicity promptly to producers and handlers of the contents of each marketing policy report submitted to the Secretary and of each report modifying or changing such policy. Such publicity may be given through newspapers having general circulation in the production area or through other channels, but the committee should be able to use any or all of such media. Copies of all such reports should be maintained in the offices of the committee where they should be available for examination by producers and handlers. Those persons would be vitally concerned relative to the marketing policy decisions of the committee and, therefore, the relevant information should be available to them.

(d) Quality regulations should be applied to the handling of dried figs for the reasons and purposes stated in the foregoing discussion of issue numbered (2).

The quality regulations should include the application of minimum grade standards to handlers' receipts of natural condition dried figs and the application of correlated but more restrictive minimum grade standards to their shipments or other final dispositions of dried figs, sliced dried figs, and fig paste. Such receipts and dispositions should be inspected in order to determine whether they meet the applicable minimum grade standards, to ascertain the quality of the fruit on a uniform basis, and to facilitate the segregation and control of dried figs failing to meet those standards.

The quality regulations contained in the order with respect to handlers' receipts of natural condition dried figs (incoming quality regulations) would establish a barrier for diverting substandard dried figs from the regular commercial channels of trade, afford producers and handlers a basis upon which to price such receipts according to quality, encourage producers to produce better quality dried figs, prevent dried figs excessively affected with contaminating defects from jeopardizing and increasing the cost of good fruit in handlers' plants, facilitate compliance with the quality regulations relating to handlers' shipments and other dispositions, and help safeguard the public against the distribution of food unfit for human consumption.

The quality regulations contained in the order with respect to handlers' shipments or other final dispositions of dried figs, sliced dried figs, and fig paste (outgoing quality regulations) would provide another barrier for diverting from normal trade channels substandard dried figs and products unacceptable to users and consumers. This barrier would be another cause of all such diversion in the sense that one of the purposes of the incoming quality regulations and regulatory procedures employed prior to the application of the outgoing quality regulations would be to make more certain the successful operation of the outgoing quality regulations. These latter regulations would prevent the entry of such unacceptable dried figs and products into a competitive relationship with acceptable dried figs and products at the expense of the value of the latter. The outgoing quality regulations also would serve to minimize the quantity of dried figs and products seized in trade channels by the United States Food and Drug Administration.

It is estimated that the combined operation of the incoming and outgoing quality regulations would accomplish the diversion from human food channels of an average of about 25 percent of the annual production.

The proposed initial minimum grade standards applicable to handlers' receipts of natural condition dried figs, as set forth in the notice of hearings, prescribed a tolerance allowance for total defects (insect infested, moldy, sour, filthy and worthless dried figs) of not to exceed 25 percent, including a maximum tolerance of 10 percent for insect infested dried figs. These are the same tolerances which were in effect under the State program during the 1953–54 marketing season. On August 3, 1954, the Dried Fig Advisory Board (consisting of five handler members, five producer members and the eleventh member chairman) of the State program recommended to the Director of Agriculture of the State of California that such tolerance allowances be changed to 33 percent and 13 percent, respectively, for the 1954–55 marketing season. The Director approved this recommendation and the revised standards became effective on August 11, 1954. The Board's reasoning in recommending this change was that it would facilitate the harvesting of figs by producers, lower their costs, while at the same time making a more abundant supply of dried figs. The Board also believes that modern processing methods would permit handlers to process natural condition dried figs with defects not exceeding the changed tolerances in such a way as not to reduce the quality of dried figs, sliced dried figs, and fig paste shipped to the trade. In this regard, the minimum grade standards in the order which are applicable to handlers' shipments and other dispositions would be the same for 1954–55 as they have been under the State program and as provided in the notice of hearing.

The order would provide that the initial incoming grade standards may be superseded by either less or more restrictive standards. It was testified at the hearing that such flexibility is needed to meet varying production conditions affecting producers and that it would be the committee's intent to recommend such standards as would promote sound administration of the order and effectuate the purposes of the act, while at the same time permitting producers to operate most efficiently and economically in harvesting, producing and delivering their crops for marketing purposes. It is noted that the present members of the Board who made the recommendation will, in all likelihood, be the initial members of the committee. Moreover, it will not be possible to put the order into effect until after a considerable portion of the 1954 production of dried figs has been marketed by producers and handlers. It would be inequitable to them if

the lower incoming minimum grade standards recently established under the State program were superseded during the 1954–55 marketing season by more restrictive standards under the order. Since it is intended that the order will complement the State program, it would not be proper to disrupt operations under that program needlessly. In view of the foregoing reasons, it is concluded that the initial minimum grade standards applicable to handlers' receipts of natural condition dried figs which were set forth in the notice of hearing should be changed to provide a tolerance allowance for total defects of not to exceed 33 percent, including a maximum tolerance of 13 percent for insect infested dried figs.

The minimum grade standards used in connection with outgoing quality regulations should be more restrictive than those for incoming quality regulations because handlers are able to utilize for human food purposes a portion of the defective dried figs in passable lots acquired from producers, which portion would make a differential in the tolerances for defects as between the two sets of standards desirable. For example, when handlers slice dried figs, the defective slices are sorted out and the remaining slices are sold as sliced dried figs, or, after grinding, as fig paste for bakery use. Handlers possess the facilities, which producers do not, to perform such operations, and it would be unreasonable and uneconomic to apply the more restrictive grade standards for outgoing quality regulations to producers' deliveries of natural condition dried figs to handlers. In view of the circumstances, however, handlers are able to comply with such standards. The minimum grade standards specified in § 964.90 (Exhibit A) of the order are appropriate for use as the initial standards for application to handlers' shipments or final dispositions. The standards are the same as those now in use under the State program, reflect the regulatory standards of the United States Food and Drug Administration, and would operate to prevent the use for human food of dried figs excessively insect infested, moldy, sour, filthy or worthless, and also sliced dried figs and fig paste prepared from such dried figs. The standards would provide reasonable tolerances for such defects because it is economically impossible to produce and process perfect dried figs in volume.

If the committee should later recommend to the Secretary that the initial minimum grade standards applicable to handlers' acquisitions of natural condition dried figs or those applicable to handlers' shipments or other final dispositions of dried figs, should be superseded by other minimum standards as to quality, it should submit its recommendation to the Secretary, together with its data supporting the recommendation. The Secretary should issue such superseding regulation if he should find, upon the basis of the committee's recommendation and supporting data, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. The order should further provide that any superseding regulations may be by variety, shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulations issued by the Secretary should subsequently be modified, suspended or terminated in case he should find that the pertinent factors and circumstances so warrant.

The order should permit the quality of dried figs to be regulated by variety because production and marketing conditions may vary according to variety and the inherent quality characteristics of the individual varieties differ to some extent.

It should be permissible for the incoming initial minimum grade standards to be superseded by either less restrictive or more restrictive standards. On the one hand, technological advances in production techniques and the quality characteristics of a particular crop may enable producers profitably to produce dried figs meeting higher incoming grade standards. On the other hand, technological advances in processing techniques and improvement in market demand may permit handlers to eliminate profitably more of the defects in their acquisitions of dried figs so that lower incoming grade standards would result in a more abundant supply of dried figs and products thereof of a quality suitable for human consumption.

However, the order should not permit the initial outgoing minimum grade standards to be superseded by less restrictive standards, but only by more restrictive standards. Such initial standards are in line with the standards of the United States Food and Drug Administration and fruit not meeting them would be considered unfit for human consumption. Since the requirements of that Administration as to dried figs and products thereof may become more stringent in the future, advances may be made in production and processing techniques, and consumers and bakers may demand better quality dried figs and products thereof, the order should permit the initial outgoing standards to be superseded by more restrictive standards.

So that persons in the industry would be informed of regulatory actions affecting their operations, the committee should give prompt publicity through newspapers having general circulation in California and should be authorized to give notice through other channels, if the committee deems it desirable, to producers and handlers of each recommendation with respect to minimum standards of quality submitted by it to the Secretary and of each superseding regulation relative thereto which is issued by the Secretary. Notice of each such regulation issued should include, but not be limited to, writtten notice by registered mail to all handlers of whom the committee has a record. Since handlers must comply with the regulations issued, the receipt of notice by each of them should be assured.

Each handler should, at his own expense, cause an inspection to be made of each lot of natural condition dried figs tendered to him by a producer, and no handler should be permitted to acquire such dried figs until he has obtained from the inspection agency a certificate that they meet the applicable minimum grade standards. The handler should submit or cause to be submitted to the committee that certificate, together with such other instruments and records as the committee may require. Dried figs so certificated as meeting the applicable requirements should be known and referred to as "passable dried figs" for identification purposes. The foregoing requirements would enable the separation of substandard dried figs from passable dried figs, prevent handlers from processing and packing substandard dried figs for market, provide the committee with information needed in administering the order, and, in the event of volume regulation, facilitate the control of the surplus. The cost of inspection and certification of the passable dried figs should be borne by the handler because he would arrange for each inspection and this cost is normally paid by the handler.

With respect to the complementary relationship contemplated between the State program and the order, it is intended that, when natural condition dried figs are tendered to a handler on his premises, they will at that point pass from the jurisdiction of the State program into the jurisdiction of the committee and remain under that jurisdiction until they are sampled on the handler's premises and inspected. If they are certificated as passable dried figs, the handler, pursuant to the order, would be permitted to acquire them, subject to further order controls, for processing and preparation for market. However, in the event they fail to pass inspection, the dried figs would be rejected and released from the jurisdiction of the committee into the jurisdiction of the State program as substandard dried figs and they would be controlled as such under the State program.

After receipt of a producer's tender of natural condition dried figs on a handler's premises, samples would be drawn therefrom for inspection purposes and a period of time would elapse before the inspection results would be available. These results usually would be available within 24 hours after the receipt. It is necessary that each lot of such dried figs tendered to a handler be under the jurisdiction of the committee from the time of delivery until the inspection results are available so that the committee will have the authority to control the sampling procedures necessary for inspection, to require that the fruit be held separately and identifiable on the handler's premises until the inspection is completed, to prevent handlers from using substandard or uncertificated fruit in their processing operations, and to insure the removal of substandard dried figs from the handler's premises when the inspection results are available. It is contemplated that the committee will issue rules and procedures to attain these purposes.

The order should prohibit any handler from returning or transferring to

any producer natural condition dried figs that have been certificated as passable dried figs to preclude the possibility of the producer commingling substandard dried figs with the passable lot and tendering the blended lot to a handler. Such action would be contrary to the intent of the order that orderly marketing be achieved through improvement of the quality of dried figs marketed.

Except as otherwise indicated below, the order should prohibit any handler from shipping or otherwise making final disposition of natural condition dried figs or of processed dried figs (including sliced dried figs and fig paste prepared from such dried figs) which fail to meet the then applicable minimum grade standards, either as set forth in § 964.90 (Exhibit A) of the order or as subsequently modified or changed. Each handler should, before shipping or otherwise making final disposition of dried figs, unless the dried figs are specifically excepted from coverage, cause an inspection to be made of such dried figs to determine whether they meet the then applicable minimum grade standards. The handler also should obtain a certificate from the inspection agency that the fruit meets such standards, and should submit or cause to be submitted to the committee the certificate, together with such other instruments and records as the committee may require. The foregoing requirements are necessary to assure that dried figs, sliced dried figs, fig paste shipped to the trade and dried figs used in the manufacture of human food products, will be of a quality satisfactory for use as human food and otherwise achieve the objectives of quality regulation.

In conformity with procedures which the industry has developed in cooperation with the United States Food and Drug Administration, it is contemplated that inspection will be made of the dried figs being prepared by the handler for shipment as such and of dried figs to be converted by him into fig juice or concentrate. The dried figs or the sliced dried figs, whichever the case may be, used by the handler in the manufacture of fig paste would be inspected, but if any doubt exists that the fig paste made from a particular variety of dried figs meets the quality standards prescribed for it, a verifying inspection would be made of the paste. Also in the event that a handler permitted an unreasonable period of time to elapse between inspection and shipment or other final disposition, it is expected that the committee would require the commodity to be reinspected. In some cases the fruit may fail upon inspection to meet the outgoing minimum quality standards. In order to administer the outgoing quality and inspection requirements properly, it is expected that the committee will issue rules and procedures to cover the situations described in this paragraph or other related inspection problems which may arise.

It is necessary that an agency be designated in the order to render the required inspection services. The Dried Fruit Association of California should be the inspection agency so designated. Testimony was to the effect that those services could be performed satisfactorily by this agency. However, the order should contain provision for use of an alternative inspection agency as may be recommended by the committee and designated by the Secretary to perform such services, so that, if for any reason, the inspection services of the Dried Fruit Association ceased to be available, the inspection services required by the order could be performed.

Certain exceptions should be made to the requirements of the order relating to quality controls applicable to handlers' shipments or other dispositions of dried figs.

Any handler should be permitted to transfer natural condition dried figs or processed dried figs from a plant owned by him to another plant owned by him within the State of California and to ship dried figs from his plant to another handler's plant within that State without having the dried figs inspected. These transfers should be permitted to minimize interference with handlers' normal operations. Reports of inter-handler transfers should be made promptly by the transferring handlers to the committee so that it would be informed of the quantities of dried figs held by the respective handlers. The receiving handler, however, before shipping or otherwise making final disposition of dried figs, should be required to comply with the inspection and quality regulations then in effect so that dried figs and products thereof of unsuitable quality would not be available in the markets for use as human food.

The order should provide that any defective dried figs which may be obtained by a handler by removing them from his passable dried figs, and any dried figs acquired by a handler which fail to meet the minimum quality standards for shipment or final disposition as dried figs, may be disposed of or marketed for disposition as animal feed or as other dried fig products for other than for human consumption. The tolerances for defects specified in the minimum quality standards applicable to handlers' shipments are more restrictive than those applicable to handlers' receipts of natural condition dried figs. This difference by itself would cause diversions of quantities of dried figs from regular commercial trade channels, but probably not in quantities commensurate with the difference in such tolerances, because handlers are able to use some of the defective dried figs in preparing sliced dried figs and fig paste for market by sorting out the defective pieces after slicing. Handlers not only sort out defective pieces of sliced dried figs to meet quality requirements for sliced dried figs and fig paste but also sort out a portion of the defective dried figs in their acquisitions to improve their consumer packs. These practices should be encouraged. Also, dried figs prepared by handlers for shipment may be rejected upon inspection. A portion of the rejected lot may be sorted out so that the remainder will pass inspection or it may not pay the handler to rework the lot for this purpose. It is only fair and reasonable that handlers be permitted to recover, in noncompetitive outlets, such financial value as they can for defective dried figs, pieces, sort-outs and unsuitable lots, in that the handlers would have acquired such dried figs for their own accounts in lots certified as passable. Any such dried figs should be disposed of for purposes other than for use as human food so that the objectives of the order would not be defeated. The committee should be authorized to establish such rules and procedures as may be necessary to be sure that such fruit is used only for eligible purposes.

Dried figs however processed (including dried figs, sliced dried figs and fig paste) being prepared for export, except to Canada, outside of the continental limits of the United States and its possessions and territories should be exempt from the quality and inspection requirements applicable to handlers' dispositions of dried figs. Such provision is in accordance with the Federal Food, Drug and Cosmetic Act, as amended, which provides in part that a food intended for export shall not be deemed to be adulterated or misbranded under the act if it: (1) Accords to the specifications of the foreign purchaser, (2) is not in conflict with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping package to show that it is intended for export. It was testified that the legislative history of that act discloses its intention to permit United States exporters to meet world competition on the basis of world standards relating to food, so long as in doing so, United States exports are not in contravention of the laws of the importing countries. It was testified further that dried figs produced in and exported from foreign countries are in general of lower quality than domestic dried figs meeting the minimum quality standards prescribed by the order. Canada should not be so exempted because it is the major export market for California dried figs, and shipments to Canada are required to meet the same minimum standards of quality as apply to domestic shipments. Exports of California dried figs to countries other than Canada are unimportant from the standpoint of quantity, averaging only 159 tons annually during the four marketing seasons 1949–50 to 1952–53. It is contemplated that rules and procedures will be issued pursuant to the order to insure against misuse or abuse of the exemption.

Pursuant to section 2 (3) of the act, the provisions of the order relating to minimum standards of quality and inspection requirements, and any other provisions of the order necessary for the administration and enforcement of such quality and inspection requirements, should continue in effect irrespective of whether the season average price to producers for dried figs is in excess of the parity level specified in section 2 (1) of the act. Incorporation in the order of authority for quality regulation in an above-parity situation would assure the continuity of such regulation. Operation of the incoming and outgoing quality regulations would prevent manufacturers and consumers from receiving California dried figs which are excessively insect infested, moldy, sour, filthy and worthless, and also sliced dried figs and fig paste prepared from such dried figs. In view of the type of defects to be controlled, it is obvious that such operation would contribute to the orderly marketing of dried figs and be in the public interest.

As in the case of quality regulation for a below-parity situation and for the reasons stated in respect thereto, the order should permit, for an above-parity situation, the incoming grade standards to be made either less or more restrictive and the outgoing grade standards to be made more restrictive than those now set forth in § 964.90 (Exhibit A). Insofar as outgoing quality standards are concerned, it would be desirable from the standpoint of the public interest, either in a below-parity or an above-parity situation to minimize, as rapidly as improvements in processing techniques will permit, the tolerances permitted for the defects listed in such standards or to prescribe limitations on other defects. In any event, the minimum standards during an above-parity situation should be such that dried figs and products thereof acceptable to users and consumers would not be withheld from them, but all of that which is so acceptable would be available to them. To meet these objectives in an above-parity situation, it is concluded that the matter of consumer acceptance as of that time be considered by the committee and the Secretary and appropriate minimum standards should be issued by the Secretary for application during such period pursuant to section 4 of the Administrative Procedure Act.

(e) For the reasons stated in the discussion of the issue numbered (2), the order should provide the means for restricting, when it is desirable to do so, the supply of passable dried figs made available for disposition in regular commercial trade channels and for the control and disposition of surplus dried figs.

If the committee should conclude that the supply and demand for any variety or varieties of passable dried figs make it advisable to designate the percentages of such dried figs acquired by handlers in any crop year which should be salable and which should be surplus, it should recommend such percentages to the Secretary. Since a handler would not be permitted under the order to "acquire" substandard natural condition dried figs, the volume percentages should be applied only to those natural condition dried figs which meet the minimum quality standards prescribed pursuant to the order, or in other words, to passable dried figs. Authorization for separate salable and surplus percentages for each variety of dried figs is necessary because it may happen that a surplus of dried figs of one or more varieties will exist while supplies of other varieties will be less than or in balance with market demand.

In view of the effect which volume regulation would have on producer returns from dried figs, the committee, in making any recommendation to the Secretary with respect thereto, should consider and analyze the pertinent estimated factors listed in the order. The committee should submit to the Secretary along with its recommendation, the information used as basis for its recommendation as assistance to and use by him in taking action on such recommendation. The original recommendation by the committee as to percentages with respect to any crop year should be filed with the Secretary at the same time it submits its marketing policy report so that the volume regulation, if any, can be based on the latest information available, which will permit it to be made effective near the beginning of the crop year.

Whenever the Secretary should find from the recommendation and supporting information supplied by the committee, or from any other available information, that to designate by variety or otherwise the percentages of natural condition dried figs acquired by handlers during any crop year which should be salable tonnage and surplus tonnage, respectively, would tend to effectuate the declared policy of the act, he should designate such percentages. The act authorizes the Secretary to take such action in those circumstances.

A change of the foregoing provision, which would substitute the word "and" for the word "or" in the phrase "or from any other information" was proposed at the hearing by an attorney representing handlers of approximately 85 percent of the dried fig production and was supported by the proponents. The purpose of the amendment was to preclude the Secretary from establishing volume regulation in the absence of recommendation for such regulation by the committee, but not to preclude the Secretary from designating different volume percentages from those recommended by the committee or prevent him from declining to establish any volume percentages recommended by the committee. It is considered that such a change would constitute an undue restriction of the Secretary's duty and responsibility under the act in this regard, and, therefore, that the change should not be made.

If the committee should deem it desirable to modify, suspend, or terminate any designation by the Secretary of salable and surplus percentages, it should submit to him its recommendation in that regard together with the information supporting its recommendation. If the Secretary should find from such recommendation and supporting information, or from any other available information, that for him to take any one of such actions would tend to effectuate the declared policy of the act, he should do so. These provisions should be included in the order because conditions, unforeseen at the time of designating volume percentages may arise later in the crop year, which would require, for the benefit of the industry, the modification, suspension or termination of the volume percentages then in effect. The authority to modify the volume percentages, should not be used, however, to decrease the salable percentage and to increase the surplus percentage because inequities and hardship to producers and handlers would result.

The committee should give reasonable advance notice to producers and handlers of each meeting to consider any recommendation with respect to volume percentages, and each such meeting should be open to them. Such notice should be given through publicity in newspapers having general circulation in the area, and may be given through other channels, if the committee should deem it desirable. The committee also should give similar notice to producers and handlers of all such recommendations submitted to the Secretary. The Secretary should notify the committee promptly of each volume percentage fixed by him. The committee, in turn, should give prompt notice thereof to producers and handlers, including, but not necessarily limited to, written notice by registered mail to each handler of whom the committee has a record. The foregoing open meeting and notice requirements are desirable in that the committee would have the benefit of the views of different segments of the industry and the industry would be informed promptly of the committee's and the Secretary's actions with respect to volume percentages.

The salable percentage for any variety of dried figs should be such that its application would result in an adequate quantity of that variety which could be sold in regular commercial trade channels at prices which would tend to effectuate the declared policy of the act. These outlets would require not only dried figs for consumption as dried figs but also dried figs, sliced dried figs and fig paste for manufacturing purposes. The salable tonnage should not be a quantity so small as to result in a scarcity of dried figs and inflationary prices, nor should it be an excessive quantity which would create depressed prices. The surplus percentage for any variety of dried figs should result in the quantity of that variety representing the remainder of that year's production of passable dried figs acquired by handlers. If the salable tonnage should prove to be insufficient to fulfill the aforesaid commercial requirements, either due to overestimation of the supply of that variety or underestimation of the demand therefor, the surplus tonnage should be used to the extent necessary for correction of the deficiency, and the balance of the surplus tonnage should be disposed of by the committee in a manner which could not affect the price stability of the salable tonnage.

Since the committee would have the responsibility for the control and disposition of surplus tonnage, surplus tonnage acquired by each handler should be held by him, subject to the applicable restrictions of the order, for the account of the committee.

Each handler should hold in storage all surplus tonnage acquired by him until he has been relieved of that responsibility by the committee, either by delivery to the committee, or otherwise. It is desirable that the committee utilize the storage facilities of the handlers for storing surplus tonnage because handlers are experienced in the storing of dried figs, and have adequate facilities and trained personnel for this function.

So as to protect the interests of equity holders in surplus tonnage and at the same time not impose unreasonable storage requirements on handlers, the order should provide that each handler store surplus tonnage in such a manner as will maintain the dried figs in the same condition as when he acquired them, except for normal and natural deterioration and shrinkage, standards for which may be recommended by the committee and established by the Secretary, and except for loss through fire, acts of God, force majeure, or other conditions beyond the handler's control. Since a handler would hold surplus tonnage dried figs subject to the control of and disposition by the committee, he should deliver any part or all of them to the committee, or to any one designated by it, after reasonable notice from the committee to do so. Inasmuch as it would be the responsibility of the committee to make arrangements for transfers of surplus tonnage, such delivery should be considered as having been made when the handler makes the dried figs available to the committee at his warehouse or at such other place as they may be stored by the handler. It may be necessary for the committee to dispose of surplus tonnage either as natural condition dried figs or as processed dried figs, or in both forms. Therefore, the committee should be authorized to require that the delivery of surplus tonnage by a handler consist of natural condition dried figs, or to arrange for the delivery to consist of processed dried figs.

It should be required that each handler have in his possession, or under his control, at all times, a quantity of dried figs, by variety, equal to the quantity of surplus tonnage referable to his acquisitions of dried figs of that variety less any quantity of such surplus tonnage delivered by him pursuant to instructions of the committee and any quantity of such tonnage acquired by him but subsequently sold to him by the committee. This provision is needed to insure that a handler will have on hand at all times a sufficient quantity of surplus to meet his then current obligations.

The committee should have the authority to defer the fulfilling by a handler of his surplus tonnage obligation for a specified period ending not later than December 15 of the particular crop year, if the handler meets such reasonable terms and conditions as are prescribed by the committee including, but not limited to, the giving of a performance bond.

Deferment of the meeting of such obligation may be advisable because the setting aside and holding of appreciable quantities of dried figs from early season deliveries might retard the movement of dried figs into regular commercial trade channels, and thus reduce the total quantity which would ultimately move in such channels. Fulfillment of a handler's surplus tonnage obligation should not be deferred beyond December 15 because a handler would have had the opportunity by that time to supply the largest market demand for dried figs, which usually occurs during the first four or five months of the crop year, and because procurement of dried figs from producers might be retarded and the effect of the pooling operation unduly delayed. In order to insure, insofar as practicable, that a handler who is granted such a deferment will subsequently satisfy his surplus obligation, the committee should require that he file with it an appropriate written undertaking secured by a performance bond. Since the committee would be in the production area and would be administering the order, and prompt action would be needed on requests for deferment, it is concluded that the committee should administer the approving of such bonds. In exercising this function, it should determine what sureties, corporate or private, are satisfactory for acceptance as bondsmen. Since any unaccounted for surplus would presumably be disposed of as salable tonnage, the amount of such a bond should be computed on the basis of the then current market value of natural condition dried figs, as determined by the committee, for the quantity for which the deferment is granted. Inasmuch as this matter would be under the supervision and control of the committee, each such bond should run in favor of the committee. In addition, however, the Secretary also should be included as an obligee, because, under the act, any suits in that regard would need to be brought, upon the request of the Secretary, by the appropriate district attorney of the United States in the appropriate Federal court. Since any deferment granted to a handler would be for his benefit, he should bear the cost of the performance bond. Any sums collected through default of a handler on his bond should, after reimbursement of the committee for any expenses incurred by it in effecting collection, be deposited with the proceeds from the disposition of surplus tonnage for disbursement to equity holders thereof. This procedure is justifiable since surplus tonnage not set aside and sold by the handler in salable tonnage outlets would displace salable tonnage of producers and they would be entitled to compensation therefor.

Surplus tonnage delivered by any handler to the committee, whether in the form of natural condition dried figs or processed dried figs, should meet the applicable minimum quality standards provided in § 964.50 or § 964.51 of the order, unless otherwise specified by the committee. This provision is necessary to protect the sales value of the surplus tonnage and equity holders' interests therein. Since the quality of dried figs acceptable in the different outlets for surplus tonnage may vary, the committee should have the authority to prescribe for surplus tonnage higher or lower minimum quality standards than those provided in the order, or to waive them. Inasmuch as the quality characteristics, uses and rates of normal and natural deterioration vary for the different varieties of dried figs, the committee should be authorized to establish different minimum quality standards for individual varieties delivered from the surplus tonnage. It is expected, of course, that the committee will operate these provisions so as to achieve equity among all handlers.

Handlers should be compensated for receiving, storing and handling surplus tonnage held by them for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary. It is only fair for the committee to reimburse handlers for services which the committee has them perform in carrying out its obligations with respect to the surplus tonnage held for it. Such reimbursement should, for obvious reasons, be made by the committee from surplus tonnage sales proceeds.

There was set forth in the notice of hearing a proposal that the committee should have the authority, in its discretion, to obtain loans, nonrecourse or otherwise, on any part, or all, of the surplus tonnage, and to pledge or hypothecate the dried figs on which such loans are obtained as security therefor: *Provided*, That, in every such case, there is included in the loan agreement a provision to the effect that, in case the lender should obtain possession or control of such dried figs, he would not dispose of them in any manner contrary to the order provisions for the disposal of surplus dried figs. Also, that the net proceeds of any such loan should be distributed by the committee to the respective producers, or their successors in interest, on the basis of the volume of their respective contributions to the pooled dried figs of each variety on which the loan is obtained. It is concluded that the committee should be given authority to obtain loans in connection with surplus dried figs under the modified terms and conditions which are specified below.

This authority is needed to enable payments of net funds to producers in connection with the surplus portions of their deliveries of dried figs earlier in the crop year than would otherwise be practicable. Experience under other programs of this nature has demonstrated that, in the absence of such borrowing authority, it has not been practicable generally to make any appreciable distribution of the net pool proceeds until the latter half of the particular 12-month period and such payments may not normally be made in full until after such period has elapsed. On the other hand, borrowing authorization has been incorporated in the regulatory programs of this nature in regard to two other commodities which are produced in California, and experience under one of the programs has demonstrated that it has facilitated the making of such payments earlier and for relatively larger amounts. In these circumstances, it seems clear that the inclusion of a borrowing authorization in the regulatory provisions would be desirable.

However, insofar as the specific proposal is concerned, the witness for the proponents agreed at the hearing that: a lender who acquired surplus dried figs as a result of a default on a loan for which they were pledged as security for repayment would not qualify as a handler of those figs, and hence there is considerable doubt whether such a lender would be liable criminally for a violation of the regulatory provisions in case he should dispose of the surplus

dried figs in normal market, as opposed to authorized surplus, outlets; insofar as disposition in authorized surplus outlets is concerned, it is not intended that the lender would be permitted, in any event, to dispose of such surplus in any except possibly the lowest priced of those outlets, such as for cattle feed, and a loan on such a basis of valuation would not provide sufficient money; a practicable alternative method would be for the lender to have the committee dispose of such surplus for him in some higher priced surplus outlet or for the lender to rely upon the committee to make payment of the loan from the surplus proceeds generally; it is doubtful that "any soundly managed banking institution would be willing to lend money • • • under a condition which required the bank to dispose of the figs only within the limitations imposed by this provision"; and "a loan only on a contract of sale (i. e., a so-called firm contract of sale) would (probably) cure the problem that exists here." It was argued that the potentially objectionable results which are indicated above would be avoided, first, because the committee, in negotiating for such a loan, could reasonably be expected to insist upon the inclusion in the loan agreement of provisions adequate to insure against such a happening, and, second, any lender would, as a matter of good business policy, regulate his actions so that such results would not occur. It was predicted that, if a lender loaned more than the cattle or hog feed value of the pledged security, he would either rely upon the committee to dispose of such security in a higher priced surplus outlet or look generally to the surplus pool proceeds for repayment.

The more recent of the two previous loan authorizations in a regulatory program of this nature in connection with a California commodity is contained in §§ 993.63 (j) and (k) of the further amended marketing agreement and order regulating the handling of dried prunes produced in California (19 F. R. 1313) which became effective on March 9, 1954. It is provided in paragraph (j) that, in no event, shall the administrative agency hypothecate surplus tonnage. However, the provisions of paragraph (k) permit the hypothecation of binding written contracts for the sale of surplus, but only on the condition that the loan agreement contains the following terms and conditions: (a) The recourse of the lender shall be confined to the particular sale contract, or the proceeds which are derived therefrom; (b) neither the Secretary, the committee, any of the committee's members, alternate members, officers, employees, and agents, nor any distributees as such (including their respective officers and employees) of the loan proceeds, shall be liable for the repayment, either in whole or in part, of the particular loan; and (c) the lender waives any right which he might otherwise have, in case of default in repayment, to obtain either possession or control of the surplus involved. The desirability and need for these restrictions were discussed in the Recommended Decision (see 19 F. R. 5314–5315) which preceded the issuance of the aforesaid further amended regulation with respect to dried prunes.

The other previous loan authorization in connection with a California commodity is contained in § 989.66 (g) of the marketing agreement and order regulating the handling of raisins produced from raisin variety grapes grown in California (7 CFR Part 989), which became effective on August 18, 1949. While the loan authorization set forth in that regulation is substantially the same as that proposed in this instance, it was recognized in the aforementioned discussion in the Recommended Decision preceding the issuance of the further amended regulation on dried prunes that the exercise of the lending authority under the raisin regulation had been found to be "feasible • • • subject to the restrictions indicated above [i. e., those in the further amended prune regulation], as soon as firm contracts of sale have been executed."

In the light of the foregoing, it is concluded that the loan authorization in the present instance should be confined to the hypothecation of binding written contracts for the sale of surplus dried figs, subject to the following restrictions, which should be set forth in, and form a part of, each such loan agreement: (a) The recourse of the lender shall be confined to the particular sales contract or the proceeds which are derived therefrom; (b) neither the Secretary, the committee, any of the committee's members, alternate members, officers, employees, and agents, nor any distributees as such (including their respective officers and employees) of the loan proceeds, shall be liable for the repayment, either in whole or in part, of the particular loan; and (c) the lender waives any right which he might otherwise have, in case of default in payment, to take any action to obtain either possession or control of the dried figs involved. It is believed that these restrictions are desirable because they insure that the potentially objectionable situations will not arise, rather than leave the avoidance of such happenings to the taking of precautionary measures by the committee and the particular lender in their respective discretions. Also, it appears from the proponent's testimony on the matter that such restrictions would be feasible of operations and presumably should not prevent the obtaining of loans.

It is possible, of course, that, even in the case of a binding written contract for sale, it could happen that the sale is not consummated, such as by reason of a breach of the contract by the contracting buyer. In order to avoid any misunderstanding as to the action which it is expected that the committee would take in such an event, it is considered that it would have a strong, and compelling, moral responsibility to see to it that repayment of the loan is made from other surplus pool proceeds.

Handlers constitute an important segment of the dried fig industry and should be accorded fair treatment by the committee with respect to opportunities for purchasing or for contract processing or packing of surplus tonnage. Accordingly, if the committee offers surplus tonnage dried figs to handlers for any one of the foregoing purposes in connection with paragraphs (b), (c), (d) or (h) of § 964.58 of the order, each handler should, insofar as practicable, be given the first opportunity to purchase or process or pack, whichever the case may be, his share of the offer, which share should be determined as the same proportion that the respective surplus tonnage received by him is of the surplus tonnage received by all handlers. Any surplus for which a deferment has been granted to a handler should be included in his receipts of surplus tonnage in determining his share so as not to penalize a handler for availing himself of a privilege conferred by the order. It is possible that the following of the foregoing method may not be practicable in every instance. For example, an offering may be of such a small quantity that it would be uneconomical to have all handlers participate. Therefore, the committee should be authorized to deviate from the method and to restore equitable proration in subsequent offerings. If a handler declines or fails to purchase or contract for processing or packing any or all of his share of any offer, the remaining portion should be reoffered by the committee to all handlers who purchased or contracted for processing or packing all of their respective shares of such offer, in proportion to their respective shares. When a handler does not avail himself of the privilege of accepting such offer by the committee, it is reasonable that the remaining surplus tonnage covered by the offer should be made available to other handlers. Any quantity of surplus tonnage remaining unsold or not contracted for processing or packing after a reoffer should be withdrawn from the particular offer, but the committee should be authorized to sell or contract to any handler or handlers any such remaining quantity. The primary purpose of this latter provision would be to facilitate the disposition of small quantities which may remain after an offer and reoffer.

The committee should be permitted to dispose of surplus tonnage dried figs in outlets which would yield the best possible net returns without jeopardizing unduly the value of or restricting the market for salable tonnage.

The committee should be authorized to sell direct, or to sell to handlers for resale, surplus tonnage to the United States Government or to any agency thereof (including, but not limited to, sales for domestic or foreign relief purposes, school lunch and institutional feeding, or for foreign economic assistance), or to any foreign government. Such sales generally would not be competitive with sales of salable tonnage. In this regard, it is not contemplated under this authorization that customary competitive sales to United States Government agencies, such as those to the armed services for subsistence or commissary use, will be made from the surplus tonnage because such sales normally would be made by handlers from the salable tonnage. It is intended, however, to authorize sales of surplus tonnage to United States Government agencies when

such sales will not interfere unduly with the normal marketing of salable tonnage dried figs. Since the committee usually could not estimate accurately the requirements of a foreign government for dried figs by the beginning of a crop year, those requirements should not be included in the estimates upon which the salable percentage is based. The committee might lose opportunities to maximize the proceeds from the disposition of the surplus tonnage if it were not permitted to dispose of that tonnage to such a buyer. The United States Government or foreign government might prefer to purchase the surplus dried figs directly from the committee, or from handlers. Therefore, the order should provide for either alternative.

The committee should be authorized to sell direct, or sell to handlers for resale, any surplus tonnage dried figs for animal feed, botanicals, distillation, or for any other manufacturing uses or for export which were not provided for in estimating the salable quantity of dried figs for the then current crop year. Sales of surplus tonnage for the purposes and under the conditions stated in the preceding sentence normally would not interfere with the sale of dried figs in regular commercial channels. The committee should be authorized to exercise such supervision as may be reasonably necessary to insure that the surplus dried figs are disposed of for the respective uses for which they are sold.

The committee should be permitted to offer to sell and sell to handlers dried figs from the surplus tonnage for disposition in regular commercial trade channels when such sales would not disrupt or weaken the market for salable tonnage and to preclude an unreasonable increase in the price of salable tonnage. This would permit replenishing salable tonnage from surplus tonnage if the salable tonnage should develop to be less than that needed for commercial market requirements. The purpose of setting aside dried figs in the surplus pool would be to obtain a reasonable increase in the price and value of the salable tonnage and to create stabilized marketing conditions. Sales of dried figs from the surplus tonnage for use as salable tonnage should be permitted when it would not interfere with achieving this objective. These sales should be made only under certain conditions so that they would not constitute interference of this character.

Prior to any offer by the committee to sell surplus tonnage to handlers for use as salable tonnage, it should find either that more than 80 percent of the estimated salable tonnage for the crop year has been sold by handlers, or that more than 20 percent of the uncontracted salable tonnage is being held so tightly by relatively few handlers or producers as seriously to restrict commerce in dried figs and 75 percent of all handlers have made a written request therefor and such requesting handlers have purchased over 65 percent of the salable tonnage purchased from producers. It would not be justifiable for the committee to sell surplus dried figs to handlers for use as salable tonnage if a substantial quantity of dried figs remained readily procurable from producers even if most of the salable tonnage of handlers has been sold. On the other hand, it should not be required that the entire quantity being held by producers be purchased because some producers may be unwilling to sell their dried figs. The meeting of the foregoing percentage conditions should contribute toward guaranteeing that the supply of salable tonnage has been depleted to a point where sales from the surplus tonnage would not adversely affect commercial market prices.

No offer to sell to handlers surplus tonnage for use as salable tonnage should be made prior to December 15 of any crop year because the supply of salable tonnage should be ample to fulfill all trade requirements at least up to that date. No offer to sell surplus tonnage to handlers should be so excessive as to quantity that it obviously would disrupt orderly marketing conditions for the salable tonnage.

Any offer by the committee to sell surplus tonnage to handlers for use as salable tonnage outstanding as of July 5 of any crop year should be withdrawn at that time and no further offers should be made. This provision would prevent an increase in the supply of dried figs available for regular commercial trade channels just prior to the availability of the new crop and thus prevent interference with the marketing of the new crop. An exception to this requirement should be made to permit waiving it if the committee determines, with the approval of the Secretary, that a major change in conditions has occurred, such as the involvement of the United States in war or a serious crop shortage or a crop failure in the following year, or any other significant development which indicates a serious shortage of supply. This exception would permit the committee to sell surplus tonnage after July 5 for use in regular commercial trade channels if unanticipated conditions develop to the point where a real need for surplus dried figs exists in those channels.

Committee sales to handlers of surplus tonnage for use as salable tonnage in regular commercial trade channels, as would be authorized by § 964.58 (d) of the order, should not be made at a price below that which reflects the weighted average price received by producers for salable tonnage of the particular variety of dried figs during the then current crop year to a date as near as is practicable to the date of the offer, plus accrued charges for receiving, handling and storing the surplus tonnage to be sold. This provision would aid in protecting the price level for dried figs in regular commercial trade channels and in encouraging distributors and users to purchase salable tonnage dried figs. In case of a rising market in the trade, this restriction would not handicap the committee in disposing of surplus tonnage in such channels. In case of a declining market in the trade, the minimum price prescribed would restrict the committee in disposing of surplus tonnage in such channels, but this restriction generally would be desirable in that it would prevent augmentation of the supply of salable tonnage and accentuation of the price decline. The use of a weighted average price as a minimum should prevent abnormal fluctuations in the committee's offer prices.

However, the committee should be permitted to sell surplus tonnage at negotiated prices for the purposes and under the conditions specified in paragraphs (b), (c) and (h) of § 964.58 of the order. All such outlets are generally regarded as being noncompetitive with outlets for salable tonnage. It is reasonable to presume that such sales at negotiated prices would not adversely affect salable tonnage prices nor restrict the market therefor, but would enable the committee to maximize the proceeds from the disposition of surplus tonnage by selling it in outlets which otherwise might not take the fruit on account of price.

The committee should endeavor to sell all dried figs in the surplus tonnage at a rate which would achieve as nearly as practicable its complete disposition not later than July 31, the end of the crop year. Any surplus tonnage unsold as of that date should be disposed of as soon as practicable for animal feed, distillation, or in any other outlet which is not competitive with the sale of dried figs in regular commercial trade channels. That date is chosen because it would be the end of the crop year. Unless the surplus tonnage is out of the way by that time, the committee might be put in the position of having two surplus pools at the same time, each to be accounted for separately. Moreover, doubling up the surplus might constitute a threat to confidence in the successful operation of the order. However, the foregoing provisions should not be operative when the committee determines, with the approval of the Secretary, that a major change in conditions has occurred which indicates a shortage of supply. In that case, demand for surplus dried figs carried over might develop in normal commercial trade channels which could be fulfilled without detrimental effects on the marketing of the new crop. In order to enable the committee to make prompt disposition of such surplus after July 31, it should be permitted to sell it at negotiated prices.

The committee should file with the Secretary, by telegram or airmail letter, prior to making any offer to sell surplus dried figs, complete information with respect thereto, including the basis therefor. The Secretary should have the right to disapprove, within seven calendar days after he receives such information, the making of such an offer or any term or condition thereof. The Secretary should have opportunity to determine whether the proposed offer is justifiable in light of the order's objectives and to notify the committee of his decision.

The committee should be enabled by the order to donate surplus tonnage dried figs for use in research or promotional activities so as to encourage activities which might result in expanding the market for dried figs or in creating new uses, products or markets.

In conformity with the act, expenses incurred by the committee in receiving, handling, holding or disposing of surplus tonnage should be charged against the sales proceeds of that tonnage.

The net proceeds from the disposition of surplus tonnage should be distributed

to producers on the basis of their respective contributions to the surplus tonnage, or to their successors in interest with such appropriate quality or varietal differentials as may be established by the committee. It is only fair that the net proceeds should be paid to producers to the extent that they share, respectively, in bearing the burden of the surplus. Since a producer might assign his equity in the proceeds to another person, the provision should recognize that the successor in interest would share in the proceeds as his interest might appear. The provision also should recognize that surplus dried figs may vary in value according to quality and variety, by authorizing the committee to establish appropriate differentials for these factors. Producers generally would need to receive promptly any proceeds from the disposition of surplus tonnage to meet their financial obligations. For this reason, the committee should be authorized to make progress payments as sufficient funds become available.

The order should provide that distribution of the net proceeds could be made by the committee either directly or through handlers as agents of the committee, under safeguards to be established by it. The committee might find that it would save time and money if the distribution were made through handlers as its agents. It is contemplated that, if the committee should elect to distribute the proceeds through handlers, each handler would make distribution to the producers from whom he received surplus tonnage and to any successors in interest. It is not contemplated that the handlers would obtain custody of the proceeds. It is further intended that the committee would be in a position to check the accuracy of each calculation from the records in its possession before it approves the drafts for payment.

Prior to making any distribution of the net proceeds from the disposition of surplus tonnage, the committee should submit to the Secretary a report covering all pertinent details. The Secretary should have the right to disapprove, within seven calendar days after he receives such information, the making of the disbursement or any term or condition of it. This procedure would permit the Secretary to check and make his views known to the committee regarding the proposed disbursement method, the amounts to be distributed to equity holders, and the amount to be withheld to cover pool expenses.

(f) It would be necessary that the order contain certain reporting and record keeping requirements so that the committee and the Secretary would be provided with information needed to administer and enforce the program.

Each handler should, upon the request of the committee, file promptly with it a certified report, by varieties, of all natural condition dried figs and processed dried figs, separately, which were held by him on January 31 and July 31 of any crop year. That report should show the quantity of each variety and its location. These reporting dates are the same as those used under the State program. The reports would inform the committee relative to the quantities of the several varieties of dried figs owned or controlled by handlers, whether in the production area or on consignment, and would be of assistance to the committee in its computations of the supply of domestic dried figs available for use in normal market channels.

If a surplus percentage is established for any crop year, each handler should, upon request, file with the committee, in such manner and at such times as it may designate, a certified report showing, with respect to his acquisitions of each variety of dried figs during the period covered by the report, the surplus tonnages referable to his acquisitions of dried figs and the locations of those tonnages. The committee would need the foregoing information for administrative, compliance, fiscal and disposal purposes in connection with volume regulation. Also, in order to enable the committee to ascertain the interests of persons in surplus tonnage and to make proper distribution of the net proceeds thereof, each handler should, upon request, file with the committee, in such manner and at such times as it may prescribe, the name and address of each person from whom he acquired dried figs and the quantity of each variety acquired from each such person.

Each handler should file with the committee such price reports as may be requested by it, showing the weighted average price paid by him to producers for each variety of dried figs and the quantity purchased at each price. These reports would be needed by the committee to determine, as provided in § 964.58 (f) of the order, the minimum prices at which it would be permitted to sell surplus tonnage to handlers for use as salable tonnage, and in fixing negotiated prices for other dispositions of the fruit.

Upon the request of the committee each handler should furnish such other reports and information as are needed to enable the committee to perform its functions under the order. It is impracticable to anticipate every type of report or kind of information which the committee may need in administering the order, but it should have the authority to obtain such reports and information needed for that purpose.

By reason of the nature of reports which a handler would be required to file with the committee and the records he would need to keep, some of the information contained therein might be such as to disclose his trade secrets, or adversely affect his trade position, financial condition, or business operations if known to his competitors. Therefore, insofar as is reasonably consistent with the necessary use of such information in connection with the administration of the order, each handler should be protected against such disclosure of the confidential information furnished by him. It is concluded that this objective would be attained by having the information furnished to one or more of the employees of the committee charged specially with the responsibility of keeping such information confidential and disclosing it to no person except to the Secretary upon request. The pertinent provisions in the notice of hearing included a provision which would permit the custodians of the confidential information to disclose to the committee confidential information as to a particular handler in connection with its investigations of alleged violations by him. This provision has been omitted. The proponents testified at the hearing that only summaries of confidential information supplied by handlers would be made available to the committee members. It should be recognized in this regard that the committee would be comprised, in part, of five handler members and their alternates, and that there are ten recognized dried fig handlers. Insofar as investigations by the committee are concerned, the use of confidential information should be handled by the employees who are responsible for keeping it confidential.

Any information which is furnished to the California State authorities for their use in administering the State program would need to be treated in accordance with the applicable terms and conditions set forth in section 10 (i) of the act, namely, that "such information is relevant to transactions within the regulatory jurisdiction of such authorities, and then only upon a written agreement by such authorities that the information so furnished shall be kept confidential by them in a manner similar to that required of Federal officers and employees."

In order to enable the committee to verify the correctness of reports filed with it by handlers, and also to determine whether handlers are complying with the order, each handler should maintain records of all dried figs handled by him as prescribed by the committee. Those records should include, but not necessarily be limited to, the quantity of dried figs of each variety acquired from each person and the name and address of each such person, total acquisitions, total sales and total other disposition of each variety which he handles.

The committee, through its duly authorized representatives, should have access to any handler's premises and should be permitted to inspect his premises and any dried figs held by the handler, and any of his records with respect to the acquisition, holding or disposition of dried figs. Each handler should furnish all labor and equipment necessary to make such examinations at no expense to the committee. Each handler should store dried figs in a manner which will facilitate examination and should maintain storage records which will permit accurate identification of dried figs held or theretofore disposed of by him. The committee thus would be enabled to ascertain whether the reports and data submitted to it are accurate and whether handlers are complying with the order. All data and information obtained or received through checking and verification of reports should be treated as confidential information so that a handler's business operations would not be affected adversely.

(g) The committee should be authorized to incur such expenses (exclusive of expenses for the receiving, handling,

holding or disposing of any quantity of surplus tonnage) as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions of the order, determine to be appropriate. The funds to cover such expenses should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by an administrative agency such as the committee, and requires that each marketing order contain provisions requiring handlers to pay, pro rata, the necessary expenses. So as to assure continuance of the committee throughout the period that the order is in effect, it should be permissible to require the payment of assessments irrespective of whether particular provisions of the order are suspended or become inoperative.

The committee's recommendation as to the expenses for its maintenance and functioning and the recommended rate of assessment for each crop year together with all data supporting such recommendations, should, except for the first crop year, be filed with the Secretary not later than July 17 preceding the crop year in connection with which such recommendations are made. The committee would have determined by that date upon its marketing policy for the ensuing crop year and be in a position to estimate its expenses and the total assessable tonnage for that year. Also, the committee's submissions of such recommendations by that date should enable the Secretary to take action with respect to them near the beginning of the new crop year.

Each handler should pay to the committee, upon demand, with respect to all salable tonnage, dried figs handled by him as the first handler thereof and on all dried figs sold to him from surplus tonnage for resale, his pro rata share of such expenses which the Secretary finds will be incurred by the committee during each crop year. Each handler's pro rata share of these expenses should be equal to the ratio between the total salable tonnage handled by him as the first handler thereof plus the tonnage sold to him from surplus tonnage for resale during the applicable crop year, and the total salable tonnage of dried figs handled by all handlers as the first handlers thereof plus the tonnage sold during the same crop year to such handlers from surplus tonnage for resale. In this way, payment of assessments would be proportionate to the respective quantities of dried figs handled by handlers as the first handlers thereof and assessments would not be levied on the same dried figs more than once. Surplus tonnage sold by the committee to handlers for resale would, in effect, become salable tonnage. Therefore, it should be assessed on the same basis as salable tonnage.

The Secretary should have the authority, at any time during a crop year or thereafter, to increase the rate of assessment to obtain sufficient funds to cover the expenses of the committee. The Secretary should reduce the assessment rate applicable to all assessable tonnage of the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its functions under the order. The act requires that administrative expenses shall be paid by all handlers pro rata, and it is necessary, therefore, that any increased or decreased rate apply retroactively against all assessable dried figs handled during the particular crop year.

In order to provide funds for administration of the order during periods when sufficient assessment monies have not been received. the committee should be authorized to accept advance payments from handlers. Any such advance payments should be credited by the committee toward such assessments as may be levied later against the respective handlers. Provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing orders, and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount.

It should be provided that any money collected as assessments during any crop year and not expended in connection with that crop year's operations may be used by the committee in paying its expenses for a period not in excess of the first five months of the succeeding crop year. It should be further prescribed that the committee shall, from funds on hand, including assessments collected during the new crop year, credit, or make payment, within six months after the beginning of the new crop year, the aforesaid excess, as verified by audit, to each handler from whom an assessment was collected in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during the previous crop year. As has happened under other marketing programs, the assessment monies collected from dried fig handlers during a crop year may exceed, for various reasons, the committee's administrative expenses for that year. These excess funds could not be returned or credited to handlers until the committee's books are closed for the year and verified by audit. Also, unforeseen delays may be encountered in following rule making procedure for the approval of a budget of expenses and the establishment of a rate of assessment for the new crop year. Completion of these actions would normally require a period of time during the new crop year when assessment revenue may not be available in appreciable amounts. Therefore, it should be permissible for the committee to use such excess funds from the previous crop year which would otherwise be idle to meet expenses incurred during the first five months of the new crop year, which is considered a reasonable time limitation for this purpose. To the extent that these funds were available, the committee would not need to request handlers to make advance payments. It is contemplated that the committee would confine its use of any such excess funds in paying the expenses of operations during the succeeding crop year to such period of time as that action may be necessary in case use of the full five-month period is not needed.

Any money collected from assessments and remaining unexpended in the committee's possession upon the termination of the order should be distributed in such manner as the Secretary may direct. In exercising this authority, it is intended that, insofar as reasonably practicable, such refunds will be made pro rata to handlers of the then current crop year on the basis of their respective assessment payments after deduction of expenses incident to the operation of the order during the then current crop year up to the time of the liquidation of the committee's affairs. The Secretary should be authorized to exercise sufficient discretion to meet in an equitable and appropriate manner unusual situations which may arise upon termination of the order. These unusual situations might comprise, but would not be necessarily limited to, those involving refunds of surplus assessment funds due handlers in connection with previous crop years which have not been paid because of inability to locate handlers.

The committee should be authorized, with the approval of the Secretary, to maintain in its own name, or in the name of its members, a suit against any handler for the collection of his assessment. Such a provision is set forth in the act.

Obviously, all funds received by the committee should be used solely for the purposes, and accounted for in the manner, prescribed in the order.

The Secretary should be authorized to require the committee, at any time, to account for all receipts and disbursements. Such authority would aid in assuring careful administration and accounting of the committee's funds.

(h) The provisions of §§ 964.80 through 964.89, as hereinafter set forth, are, except as indicated below with respect to producer referendums mentioned in the last sentence of § 964.86 (b), provisions similar to those which are usually included in other marketing agreements and orders now operating. The provisions of §§ 964.94 through 964.96, as hereinafter set forth, are also included in other marketing agreements now operating. All these provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the recommended marketing agreement and order, identified by both section number and heading, are as follows: § 964.80 *Personal liability;* § 964.81 *Separability;* § 964.82 *Derogation;* § 964.83 *Duration of immunities;* § 964.84 *Agents;* § 964.85 *Effective time;* § 964.86 *Termination or suspension;* § 964.87 *Procedure upon termination;* § 964.88 *Effect of termination or amendment;* and § 964.89 *Amendments.*

Those provisions which are applicable to the recommended marketing agreement only, identified by both section number and heading, are as follows: § 964.94 *Counterparts;* § 964.95 *Additional parties;* and § 964.96 *Order with marketing agreement.*

The order properly could, and it is concluded that it should, provide that, upon recommendation of the producer members of the committee, adopted by a majority vote, a referendum would be held to determine whether a majority of the producers in the production area favor termination. But it should not be required that a referendum be held prior to 1955, or more often than once every two years. In this way, the Secretary would not be required to conduct a referendum at a time when there might be little evidence that a majority of producers favor termination, and yet it would afford producers an opportunity to express, through their representatives on the committee, their desire for a referendum, and for referendums to be conducted periodically if recommended as aforesaid. It should be understood, however, that the foregoing referendum provisions would not, in any event, affect the Secretary's right under the act to hold a referendum at any time, or to terminate the order at any time without a referendum if he should find that the provisions of the order fail to effectuate the declared policy of the act.

(4) It is provided in § 900.12 (d) of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders that the issuance of a recommended decision in connection with a proposed program of this nature "may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission." The proponents argued at the hearing that the recommended decision should be omitted in this instance so that the order might be made effective prior to the time that dried figs from the current crop are marketed in appreciable quantities and the industry could secure the benefits of the order as soon as practicable. In further support of this request, it was testified that producers and handlers, through their organizations, had signified unanimously that they desired that an order of the proposed nature be put into effect.

It is agreed that it would have been very desirable to have put this order in effect at the beginning of this crop year (August 1), or shortly thereafter. However, the circumstances are such that this will not be practicable in any event. The hearing was not held until the middle of June 1954, and considerable time has been needed to resolve satisfactorily the several difficult problems which the proposals involve. That is to say, even if the issuance of the recommended decision should be omitted, the order could not be issued and made effective until after a considerable portion of the current production of dried figs had been handled. It was testified at the hearing that the movement of dried figs to handlers begins in July; and that the bulk of the movement usually takes place in August and September. It would still be necessary to prepare and issue a decision by the Secretary and to have a referendum of producers, as well as to present the agreement to handlers for signature, the first two of which actions, of necessity, require a period of several weeks. This would be particularly true of the decision, since it would need to cover each issue in considerable detail.

One of the main objectives for the issuance of a recommended decision is to afford all interested persons an opportunity to consider the findings and conclusions which are proposed to be made by the Secretary and to give them an opportunity to file exceptions thereto. This opportunity cannot be afforded in any instance where the issuance of a recommended decision is omitted. Therefore, if practicable, such omission should normally be had only in those instances where all interested parties are obviously in agreement, first, as to the need for the proposed regulation, and, second, the general nature of what the details of such regulation should be.

In the present situation, the need for the order is being contested by manufacturers who use the major portion of the domestic dried fig production in the manufacture of fig bars. This was evidenced by questions asked witnesses for the proponents at the hearing and by a brief filed on behalf of these manufacturers after the hearing was ended. The nature of their objections is such that it is concluded that they should be afforded a reasonable opportunity to consider the proposed preliminary findings and conclusions and to file exceptions thereto if they should desire to do so. The request to omit the issuance of the recommended decision is, therefore, denied.

Rulings on proposed findings and conclusions. At the time of the hearing, the Presiding Officer set July 3, 1954, as the time by which briefs would need to be filed by interested parties with respect to facts presented in evidence and the conclusions which should be drawn. That time was later extended to July 12, 1954, by the Presiding Officer. A brief was filed on behalf of the American Bakers Association, Washington, D. C., and the Biscuit and Cracker Manufacturers Association, Los Angeles, California, by Joseph M. Creed, counsel for the first Association and by Pierce Works and William L. Scott of O'Melveny & Meyers, counsel for the second Association. The brief contained proposed findings of fact, conclusions and arguments with respect to the proposals discussed at the hearing. Every point covered in such brief has been considered carefully along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that the suggested findings and conclusions contained in that brief are inconsistent with the findings and conclusions contained herein, the request to make such findings, or to reach such conclusions, is denied on the basis of the facts found and stated in connection with this recommended decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is hereby found that:

(1) This marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This marketing agreement and order will regulate the handling of dried figs in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activities specified in, the proposed marketing agreement and order upon which a hearing has been held:

(3) The marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not carry out the declared policy of the act effectively;

(4) There are no differences in the production and marketing of dried figs in the production area covered by the marketing agreement and order which would require different terms applicable to different parts of such area; and

(5) The handling of all dried figs produced in California is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or effects such commerce. It is hereby recognized, however, that this program will be operated in conjunction with the State of California Marketing Order for Dried Figs as amended July 22, 1953, or as it may be amended thereafter, and that the two programs will complement each other pursuant to the provisions of section 10 (1) of the act.

Recommended marketing agreement and order. The following proposed marketing agreement and order [1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 964.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary under the act.

§ 964.2 *Act.* "Act" means Public Act No. 10, 73rd Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 964.3 *Person.* "Person" means an individual, partnership, corporation, association or any other business unit.

§ 964.4. *Natural condition dried figs.* "Natural condition dried figs" means and includes all figs produced in California which have been dried, either by sun-drying or artificial dehydration, to the extent necessary to inhibit rapid spoilage by fermentation, mold, souring or like cause and which have not been processed.

[1] The provisions identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed order.

§ 964.5 *Processed dried figs.* "Processed dried figs" means all dried figs which have been cleaned, or treated with water or steam, or otherwise treated in preparation for market by a handler: *Provided*, That dried figs shall not become processed dried figs at the time they are cleaned by a producer in the course of preparing them for delivery to a producer or handler.

§ 964.6 *Dried figs.* "Dried figs" means and includes all natural condition dried figs and all processed dried figs produced in California.

§ 964.7 *Variety.* "Variety" means dried figs of any one of the following kinds: Kadota, Calimyrna, Black Mission, Adriatic, or any kind or strain similar or related thereto.

§ 964.8 *Acquire.* "Acquire" means to obtain physical possession by purchase, storage arrangement, or otherwise, of natural condition dried figs as the first handler thereof.

§ 964.9 *Producer.* "Producer" means any person engaged in a proprietary capacity in the business of producing or causing to be produced for market natural condition dried figs as herein defined and for the purpose of this part shall also include a dry yard operator and any other person who buys or receives figs, dried or otherwise, for the purpose of drying, curing, sorting, or otherwise preparing natural condition dried figs for his own account.

§ 964.10 *Handler.* "Handler" means any person who acquires natural condition dried figs, processes, packages, sells, consigns, transports, ships or in any other way places dried figs in the current of commerce (except as a carrier of dried figs owned by another person), whatever may be the ultimate destination or end use of the dried figs, provided that the term handler shall not include the following persons when dealing with dried figs in the following manner: (a) Any producer selling or delivering natural condition dried figs to another producer, or to a handler within the State of California; (b) any producer receiving or obtaining natural condition dried figs from another producer; (c) any person engaging in the further handling of processed dried figs which have previously been inspected and certificated as processed dried figs pursuant to the provisions of this part and which have been shipped or otherwise finally disposed of by a handler; (d) any person engaging in manufacturing from dried figs, byproducts thereof which are not used for human consumption; (e) any person converting dried figs into distilled spirits; and (f) the State of California, the Dried Fig Advisory Board and its agents and such persons as may obtain dried figs from them in carrying out the functions of the State of California Marketing Order for Dried Figs, as Amended.

§ 964.11 *Handle.* "Handle" means to perform one or more of the functions of a handler.

§ 964.12 *Crop year.* "Crop year" means the 12-month period beginning August 1 of any year and ending July 31 of the following year: *Provided*, That the first crop year shall begin at the effective time of this subpart.

§ 964.13 *Part and subpart.* "Part" means the order regulating the handling of dried figs produced in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of dried figs produced in California shall be a "subpart" of such part.

DRIED FIG ADMINISTRATIVE COMMITTEE

§ 964.20 *Establishment of Dried Fig Administrative Committee.* A Dried Fig Administrative Committee, hereafter referred to as the committee, consisting of 10 members with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom, with their respective alternates, five shall represent producers and five shall represent handlers. The committee may nominate and recommend for appointment an eleventh member of the committee who need not be a producer nor a handler. There shall be an alternate member for each member of the committee except the eleventh member.

§ 964.21 *Selection of members of the committee*—(a) *Initial members.* The initial producer and handler members of the committee and their respective alternates shall be the same as the producer and handler members and their respective alternates of the Dried Fig Advisory Board under the Marketing Order for Dried Figs, as Amended, established under the provisions of the California Marketing Act of 1937, as Amended, who are serving in such capacities at the effective time hereof, including the eleventh member of such Dried Fig Advisory Board if there be such an eleventh member. The initial 10 members of the committee and their respective alternates shall hold office for a term ending May 31, 1955 and until their successors shall be selected and shall qualify. The eleventh member, if any, shall hold office for a term ending May 31, 1955.

(b) *Term of office of successor members.* The successors of the 10 original members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning June 1 and shall serve until their respective successors shall be selected and shall qualify; and in the event the committee shall nominate an eleventh member he may be selected by the Secretary for the balance of such year.

(c) *Selection of successor members.* Selection of the 10 successor members of the committee, and their respective alternates, shall be made by the Secretary, for the producer and handler groups from the nominations submitted for that purpose by those groups, or from among other qualified persons, in the discretion of the Secretary, but such selections shall be made upon the basis of the representation provided for in §§ 964.22, 964.23, and 964.24.

§ 964.22 *Eligibility.* Each producer member and alternate producer member of the committee shall be during his term of office a producer in the district from which he is appointed and a major portion of his income from or interest in the dried fig industry shall be as a producer. Each handler member and alternate handler member of the committee shall be either a handler of dried figs or an employee or agent of a handler of dried figs actually engaged in the handling of dried figs while he is such member or alternate member, and whose primary interest in the dried fig industry is that of a handler.

§ 964.23 *Producer representation.* Producer representation on the committee shall be by districts as described in this section or as such districts may be changed by recommendation of the committee with the approval of the Secretary to maintain equitable representation based on production. District No. 1 shall have two members and two alternate members and shall include all of the area of California north of the northern boundaries of Monterey, San Benito, Fresno and Inyo Counties. District No. 2 shall have three members and three alternate members and shall include the counties of Monterey, San Benito, Fresno and Inyo and all counties south thereof.

§ 964.24 *Nomination of successors to initial producer members of the committee.*—(a) *Nomination meetings.* Nominations for producer members and alternate producer members of the committee subsequent to the initial members and alternates, shall be made at a meeting or meetings of producers held in each of the foregoing districts. Such meetings shall be called by the committee at such times and at such places within such districts as the committee shall designate, prior to May 1 of each year. The producers at each of such meetings shall select a chairman and secretary therefor. After nominations have been made, the committee shall transmit forthwith to the Secretary its certificate showing the name of each person for whom votes have been cast, whether as a member or as alternate for a member, and the number of votes received by each such person.

(b) *Producer voting in nomination meetings.* In the nomination of producer members and alternate producer members of the committee, each producer shall be entitled to cast one vote for each member position and one vote for each alternate member position in the district in which he produces dried figs. Only producers who are personally present at such nomination meetings shall be entitled to vote for nominees. Each producer shall be entitled to vote only in one district and only for the nominees to be elected in such district.

§ 964.25 *Handler representation.* Handler representation on the committee may be without regard to districts but insofar as may be practical shall be representative of handlers generally.

§ 964.26 *Nomination of successors to initial handler members.* The committee shall cause to be held each year prior to May 1, a meeting or meetings of handlers affected by this part for the purpose of obtaining nominations of persons to serve as handler members and alternate members of the committee.

§ 964.27 *Failure to nominate.* In the event nominations for any positions on the committee except that of the eleventh member, are not received by May 5, the Secretary may select such members and their alternates without regard to nominations but each such selection shall be on the applicable basis prescribed in §§ 964.22, 964.23, and 964.25.

§ 964.28 *Acceptance.* Each person selected as a member or alternate member of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance within 15 days after receiving notice of his selection.

§ 964.29 *Alternates.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death until a successor for such member's unexpired term has been selected and has qualified.

§ 964.30 *Vacancies.* In the event of any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify or by the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated within 60 calendar days after such vacancy occurs and selected in the manner provided in this subpart insofar as applicable.

§ 964.31 *Obligations.* Upon the removal, resignation, disqualification, or expiration of the term of office of any member or alternate member of the committee, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary all property (including, but not limited to, all books and records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property, funds, and claims vested in such member or alternate member shall be vested in his successor or, until such successor has been selected and has qualified, in the committee.

§ 964.32 *Compensation and expenses.* Members of the committee and alternate members when acting as members shall serve without compensation but shall be allowed their necessary expenses as approved by the committee.

§ 964.33 *Powers.* The committee shall have the following powers:

(a) To administer the terms and provisions of this subpart;

(b) To makes rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 964.34 *Procedure*—(a) *Organization.* The committee shall select a chairman from among its members and such other officers as may be appropriate from its membership or employees. Whenever an eleventh member has been nominated by the committee and appointed by the Secretary such eleventh member shall act as chairman of the committee.

(b) *Quorum.* Not less than seven members, including alternate members acting in the place and stead of members, shall constitute a quorum of the committee.

(c) *Voting requirements.* No action shall be taken by the committee including the nomination of an eleventh member unless a quorum is present and a concurring vote of not less than three producer members and three handler members, or alternate members acting in the place and stead of members, is obtained: *Provided, however*, That any recommendation to establish volume regulation under § 964.55 of this subpart shall require the concurring vote of not less than four producer members and four handler members, or alternate members acting in the place and stead of members.

§ 964.35 *Duties.* The committee shall have, among others, the following duties:

(a) To act as intermediary between the Secretary and any producer, or handler;

(b) To keep minutes, books and other records which shall clearly reflect all of the acts and transactions of the committee and subcommittees and such minutes, books and other records shall be subject to examination by the Secretary at any time;

(c) To make scientific and other studies and assemble data on the producing, handling, shipping, and marketing conditions relative to figs and dried figs which are necessary in connection with the performance of its official duties;

(d) To adopt such rules and regulations for the conduct of the business of the committee as it may deem advisable;

(e) To appoint or employ such persons as it may deem necessary and to determine the salaries and define the duties of such persons;

(f) To submit to the Secretary not later than July 17 of each year a budget of its anticipated expenditures and the recommended rate of assessment for the ensuing crop year and the supporting data therefor, except that such submission for the first crop year shall be made as soon as practicable after the effective time of this subpart.

(g) To submit to the Secretary such available information with respect to figs and dried figs as the committee may deem appropriate or as the Secretary may request;

(h) To prepare and submit to the Secretary statements of the financial operations of the committee exclusive of surplus control operations at such times as the committee may deem appropriate or as the Secretary may request, and to make such statements together with the minutes of the meetings of said committee available for inspection at the offices of the committee by producers and handlers;

(i) To prepare and submit to the Secretary annually as soon as practicable after the end of each crop year and such other times as the committee may deem appropriate or the Secretary may request a statement of the financial operations of the committee with respect to the surplus control for such crop year and to make such statement available at the offices of the committee for inspection by producers and handlers;

(j) To cause the books of the committee to be audited by a certified public accountant at least once each crop year and at such other times as the committee may deem necessary or as the Secretary may request. Such report shall show among other things, the receipt and expenditure of funds. At least two copies of such audit report shall be submitted to the Secretary. A copy of each such report shall be available at the offices of the committee for inspection by producers and handlers.

(k) To give the Secretary the same notice of meetings of the committee and subcommittees as is given to the members of the committee or subcommittees;

(l) To give producers and handlers reasonable advance notice of meetings of the committee and to maintain all such meetings open to such persons;

(m) To investigate compliance with the provisions of this subpart and with any rules and regulations established pursuant thereto; and

(n) To establish with the approval of the Secretary such rules and procedures relative to administration of this subpart as may be consistent with the provisions contained in this subpart and as may be necessary to accomplish the purposes of the act and the efficient administration of this subpart.

MARKETING POLICY

§ 964.40 *Report of marketing policy.* Prior to the beginning of each crop year, the committee shall prepare and submit to the Secretary a report setting forth its marketing policy for the regulation of the handling of dried figs in such crop year. Such report shall include the data and information used by the committee in the formulation of such marketing policy. In developing the marketing policy, the committee shall give consideration to the following factors:

(a) The estimated tonnage of dried figs by variety from preceding crop years held by handlers;

(b) The estimated tonnage of dried figs by variety from preceding crop years held by producers;

(c) The estimated production of dried figs by variety in such crop year;

(d) An appraisal of the quality and size of dried figs by variety of the crop to be produced in such crop year;

(e) The estimated tonnage of dried figs marketed in recent crop years segregated by countries as to foreign commerce and segregated by uses as to domestic commerce;

(f) The current prices being received for dried figs by producers and handlers;

(g) The trend and level of consumer income;

(h) The estimated probable market requirements for dried figs in such crop year in domestic commerce segregated by uses and in foreign commerce, segregated by countries; and

(i) Such other factors as may have a bearing on the marketing of dried figs.

§ 964.41 *Policy meeting.* The committee shall hold a meeting for the purpose of formulating and adopting the marketing policy for any crop year not later than July 12 preceding the beginning of such crop year, except that the meeting for the first crop year shall be held as soon as practicable after the effective time of this subpart.

§ 964.42 *Time of submission.* The marketing policy report for any crop year shall be submitted to the Secretary as promptly as possible after the policy meeting and in no event later than July 17 preceding the beginning of such crop year, except that the submission for the first crop year shall be as soon as practicable after the effective time of this subpart.

§ 964.43 *Modification or change.* In the event the committee subsequently determines that such marketing policy should be modified or changed by reason of change in economic or other conditions, it shall make such modification or change in the manner provided for above for the original formulation of a marketing policy, insofar as applicable, and shall submit promptly a report of such modified or changed marketing policy to the Secretary, along with the data which it considered in connection with the making of such modification or change.

§ 964.44 *Publicity.* The committee shall promptly give reasonable publicity to producers and handlers of the contents of each marketing policy report submitted to the Secretary and of each report modifying or changing a marketing policy. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. Copies of all such reports shall be maintained in the offices of the committee where they shall be available for examination by producers and handlers.

QUALITY CONTROL

§ 964.50 *Receiving of natural condition dried figs by handlers*—(a) *General.* In order to effectuate the declared policy of the act, no handler shall acquire natural condition dried figs except in accordance with the provisions of this section.

(b) *Initial regulation.* As of the effective time of this subpart, and continuing until such regulation is superseded by other regulations prescribed by the Secretary, no handler shall acquire natural condition dried figs unless they meet the minimum standards for natural condition dried figs as set forth in § 964.90 (Exhibit A).

(c) *Superseding regulation.* In case the committee should recommend to the Secretary that the initial minimum standards as to quality, as provided for in paragraph (b) of this section, should be superseded by other minimum standards as to quality, it shall submit its recommendations to the Secretary, together with the data and information upon which it acted in making such recommendation, and such other information as the Secretary may request. The Secretary shall issue such superseding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any superseding regulations may be by variety, shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulations issued by the Secretary shall subsequently be modified, suspended, or terminated, in case he finds that the pertinent facts and circumstances so warrant; and the committee, in submitting any recommendation therefor to the Secretary, shall, in each instance, submit to him the information and data on the basis of which such recommendation is made. The committee shall give prompt publicity through newspapers having general circulation in the area and may give notice through other channels, if the committee deems it desirable, to handlers and producers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Notice of each regulation issued shall include, but not be limited to, written notice by registered mail to all handlers of whom the committee has a record.

(d) *Inspection.* (1) Each handler shall cause an inspection to be made of each lot of natural condition dried figs tendered to him. Prior to acquiring such dried figs, each handler shall obtain a certificate that the dried figs meet the minimum standards for passable dried figs as established pursuant to the provisions of paragraph (b) or (c) of this section, and said handler shall submit or cause to be submitted to the committee such certificate, together with such other instruments and records as the committee may require. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, or such other inspection agency as may be recommended by the committee and designated by the Secretary. Each lot of dried figs so certificated as meeting the applicable requirements shall be known and referred to as passable dried figs. The cost of inspection and certification of such passable dried figs shall be borne by the handler.

(2) For purposes of inspection, natural condition dried figs shall be sampled on a handler's premises in accordance with the rules and procedures established pursuant to the provisions of this subpart. Each lot of natural condition dried figs tendered to a handler shall be under the jurisdiction of the committee from the time of delivery thereof until inspection results are available. No handler may acquire natural condition dried figs failing to meet the minimum standards of quality, and no handler may return or transfer to any producer any natural condition dried figs that have been certificated as meeting minimum standards of quality.

§ 964.51 *Regulation of the handling of dried figs subsequent to their acquisition by handlers*—(a) *General.* In order to effectuate the declared policy of the act, no handler shall ship or otherwise make final disposition of natural condition dried figs or of processed dried figs, except in accordance with the terms and conditions of this section.

(b) *Initial regulation.* As of the effective time of this subpart, and continuing until such regulation is superseded by other regulations prescribed by the Secretary, except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of dried figs which fail to meet the applicable minimum standards set forth in § 964.90 (Exhibit A).

(c) *Superseding regulation.* In case the committee should recommend to the Secretary that the initial minimum standards as to quality, as provided for in paragraph (b) of this section should be superseded by other minimum standards as to quality, it shall submit its recommendation to the Secretary, together with the data and information upon which it acted in making such recommendation, and such other information as the Secretary may request. The Secretary shall issue such superseding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any superseding regulations may be by variety, shall not be below the applicable minimum standards for dried figs, as set forth in § 964.90 (c) of Exhibit A, and any such minimum standards for quality shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulations issued by the Secretary shall subsequently be modified, suspended, or terminated in case he finds that the pertinent facts and circumstances so warrant; and the committee, in submitting any recommendation therefor to the Secretary shall, in each instance, submit to him the information and data on the basis of which such recommendation is made. The committee shall give prompt publicity through newspapers having general circulation in the area and may give notice through other channels, if the committee deems it desirable, to handlers and producers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Notice of each

regulation issued shall include, but not be limited to, written notice by registered mail to all handlers of whom the committee has a record.

(d) *Inspection.* Each handler shall at his own expense, before shipping or otherwise making final disposition of dried figs, unless such figs are specifically excepted in this section, cause an inspection to be made of such dried figs to determine whether they meet the then applicable quality standards for dried figs. No handler shall ship or otherwise make final dispositon of such figs for any use, unless they are specifically excepted in this section, if they do not meet such minmum standards. Each handler shall obtain a certificate that such dried figs meet the aforementioned minimum standards and shall submit or cause to be submitted to the committee such certificate, together with such other instruments and records as the committee may require. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, or such other inspection agency as may be recommended by the committee and designated by the Secretary.

(e) *Exceptions to restrictions*—(1) *Interplant and inter-handler transfers.* Notwithstanding the restrictions contained in paragraphs (b) or (c) of this section, any handler may transfer dried figs from one plant owned by him to another plant owned by him within the State of California without having an inspection made as provided for in paragraph (d) of this section, and any handler may ship dried figs from his plant to another handler's plant within the State of California without having an inspection made as provided for in paragraph (d) of this section. A report of such inter-handler transfer shall be made promptly to the committee by the transferring handler. The receiving handler shall, before shipping or otherwise making final disposition of such dried figs, comply with the requirements of this section.

(2) *Defective dried figs.* Any defective dried figs which may be accumulated by a handler by removing them from his passable dried figs, and any dried figs acquired by a handler which fail to meet the quality standards for shipment or final disposition as dried figs, may be disposed of or marketed for disposition as animal feed, or as other dried fig products in which they are used in channels other than for human consumption. The committee shall issue any such rules and procedures as may be necessary to insure such uses.

(3) *Export shipments.* Dried figs however processed being prepare for export, except to Canada, outside of the continental limits of the United States and its possessions and territories are exempt from the quality inspection and certification requirements of this section. Handlers preparing dried figs or dried fig products for such exempted export markets shall observe rules and procedures established pursuant to the provisions of this subpart.

§ 964.52 *Above parity situations.* The provisions hereof relating to minimum standards of quality and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the season average price to producers for dried figs is in excess of the parity level specified in section 2 (1) of the act.

VOLUME REGULATION

§ 964.55 *Recommendations for designation of percentages*—(a) *Committee determinations.* If the committee concludes that the supply of and demand for any variety or varieties of dried figs make it advisable to designate the percentages of such dried figs acquired by handlers in any crop year which shall be salable and which shall be surplus, it shall recommend such percentages to the Secretary. With any recommendation respecting percentages, the committee shall also submit the information on the basis of which such recommendation was made. In the event the committee subsequently deems it desirable to modify, suspend, or terminate any such percentages, it shall submit to the Secretary its recommendation in that regard together with the information on the basis of which such modification, suspension, or termination is recommended.

(b) *Pertinent considerations.* In determining any recommendation referred to in paragraph (a) of this section, the committee shall consider and analyze the following pertinent estimated factors:

(1) The supply of dried figs, comprising any carryovers of dried figs from preceding crop years held by producers and handlers and the tonnage of dried figs to be produced in the crop year under consideration;

(2) The trade demand during the crop year for dried figs in normal market channels, both domestic and foreign;

(3) The current prices being received for dried figs by producers and handlers;

(4) The trend and level of consumer income;

(5) Present and prospective price trends for dried figs;

(6) Other pertinent economic and marketing factors relative to dried figs; and

(7) If the committee recommends volume regulation by variety, the information insofar as possible shall be furnished by variety.

(c) *Notice.* The committee shall give reasonable advance notice to producers and handlers of each meeting to consider the recommendation of the percentages to be fixed pursuant to paragraph (a) of this section, or any recommendation to modify, suspend, or terminate such percentages, and each such meeting shall be open to them. Such notice shall be given through publicity in newspapers having general circulation in the area, and may be given through other channels, if the committee deems it desirable. The committee also shall give similar notice to producers and handlers of all such recommendations submitted to the Secretary.

(d) *Filing of recommendation with the Secretary.* The original recommendation by the committee as to percentages with respect to any crop year shall be filed with the Secretary at the same time it submits its marketing policy report.

§ 964.56 *Regulation by the Secretary*—(a) *Designation of percentages.* Whenever the Secretary finds from the recommendation and supporting information supplied by the committee, or from any other available information, that to designate by variety or otherwise the percentages of natural condition dried figs acquired by handlers during any crop year which shall be salable tonnage, and surplus tonnage, respectively, would tend to effectuate the declared policy of the act, he shall so designate the percentages of such dried figs acquired by handlers during such crop year which shall be salable tonnage, and surplus tonnage, respectively. In the event the Secretary subsequently finds from the recommendations and supporting information supplied by the committee, or from any other available information, that modification, suspension, or termination of any such regulation will tend to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such regulation.

(b) *Notice.* The Secretary shall notify the committee promptly of each such percentage so fixed. The committee, in turn, shall give prompt notice thereof to producers and handlers, including, but not necessarily limited to, written notice by registered mail to each handler of whom the committee has a record.

§ 964.57 *Surplus tonnage of dried figs generally*—(a) *General requirement.* Surplus tonnage acquired by each handler shall be held by him for the account of the committee, and subject to the applicable restrictions of this subpart.

(b) *Holding and delivery.* Each handler shall hold in storage all surplus tonnage acquired by him until he has been relieved of such responsibility by the committee, either by delivery to the committee, or otherwise. Such handler shall store such surplus tonnage in such a manner as will maintain the dried figs in the same condition as when he acquired them, except for normal and natural deterioration and shrinkage, standards for which may be recommended by the committee and established by the Secretary, and except for loss through fire, acts of God, force majeure, or other conditions beyond the handler's control. The committee may, after giving reasonable notice, require a handler to deliver to it, or any one designated by it, at such handler's warehouse or at such other place as the dried figs may be stored, part, or all of the surplus dried figs held by him. The committee may require that such delivery consist of natural condition dried figs, or it may arrange for such delivery to consist of processed dried figs.

(c) *Surplus obligation and deferment thereof.* Each handler shall have in his possession, or under his control, at all times, a quantity of dried figs, by variety, equal to the quantity of surplus tonnage referable to his acquisitions of dried figs less any quantity of such sur-

plus tonnage delivered by him pursuant to instructions of the committee and any quantity of such tonnage acquired by him but subsequently sold to him by the committee: *Provided*, That the committee may defer, upon the written request of any handler and for good and sufficient cause, the meeting by such handler of such requirement for a specified period ending not later than December 15 of the particular crop year. As a condition to the granting of any such deferment, the committee shall require the handler to obtain and file with it a written undertaking that by the end of the deferment period he will have fully satisfied his obligations with respect to the holding or control by him of the surplus tonnage applicable to his acquisitions of dried figs. Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the committee, running in favor of the committee and the Secretary, and for an amount computed on the basis of the then current market value of natural condition dried figs, as determined by the committee, for the quantity for which the deferment is granted. The cost of such bond shall be borne by the handler filing same. Any sums collected through default of a handler on his bond shall, after reimbursement of the committee for any expense incurred by it in effecting collection, be deposited with the funds obtained by it from the disposition of the surplus pool and disbursed by it to producers as set forth in § 964.58 (j). In addition to the foregoing, the committee may establish other reasonable and necessary terms and conditions upon which such deferments may be granted.

(d) *Quality requirements.* Surplus tonnage delivered by any handler to the committee, or to any person designated by it, whether in the form of natural condition dried figs or processed dried figs shall meet the minimum standards provided in §§ 964.50 or 964.51 unless otherwise specified by the committee. Different minimum standard requirements may be established by the committee for individual varieties delivered to the committee from the surplus tonnage.

(e) *Payment for services.* Handlers shall be compensated for receiving, storing, and handling surplus tonnage held by them for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary.

(f) *Loans.* The committee may hypothecate binding written contracts for the sale of surplus dried figs, for the purpose of obtaining funds for the distribution of net proceeds from the disposition of surplus tonnage dried figs in accordance with the provisions of paragraph (j) of § 964.58: *Provided*, That there are included in, and made a part of, the loan agreement in connection with each such loan the following terms and conditions: (1) The recourse of the lender shall be confined to the particular sales contract, or the proceeds which are derived therefrom; (2) neither the Secretary, the committee, any of the committee's members, alternate members, officers, employees, and agents, nor any distributees as such (including their respective officers and employees) of the loan proceeds, shall be liable for the repayment, either in whole or in part, of the particular loan; and (3) the lender waives any right which he might otherwise have, in case of default in payment, to obtain either possession or control of the surplus dried figs involved. The proceeds of any such loan, after deducting a reasonable amount to help defray the surplus pool operation expenses, shall be distributed by the committee to the respective producers, or their successors in interest, on the basis of the volumes of their respective contributions to the pooled dried figs of each variety on which the loan is obtained.

§ 964.58 *Disposition of surplus tonnage.*—(a) *Handlers' pro rata shares.* In the event the committee offers surplus tonnage dried figs to handlers for purchase, or for contract processing or packing, each handler shall, insofar as practicable, be given the first opportunity to purchase or process or pack his share of the offer, which share shall be determined as the same proportion that the respective surplus tonnage received by him is of the surplus tonnage received by all handlers: *Provided*, That any surplus tonnage for which a deferment has been granted to a handler pursuant to the provisions of and as authorized in § 964.57 (c) shall be included in his receipts of surplus tonnage in determining his share: *And provided further*, That any inequities resulting from this method may be corrected by the committee. In the event that any handler declines or fails to purchase or contract for processing or packing any or all of his share of any such offer, the remaining portion thereof shall be reoffered by the committee to all handlers who purchased or contracted for processing or packing all of their respective shares of such offer, in proportion to their respective shares. Any quantity of surplus tonnage remaining unsold or not contracted for processing or packing after a reoffer shall be withdrawn from the particular offer, but may be sold or contracted to any handler or handlers notifying the committee of his or their desire to purchase or contract same.

(b) *Sales to the United States Government and foreign governments.* The committee is authorized to sell direct, or to sell to handlers for resale, surplus tonnage to the United States Government or to any agency thereof (including, but not limited to, sales for domestic or foreign relief purposes, school lunch and institutional feeding, or for foreign economic assistance), or to any foreign government.

(c) *Sales for animal feed, certain manufacturing uses and export.* The committee may sell direct, or sell to handlers for resale, any surplus dried figs for animal feed, botanicals, distillation, or for any manufacturing uses or for export which were not provided for in estimating the salable quantity of dried figs for the then current crop year. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such figs are disposed of for the respective uses for which they are sold.

(d) *Sales to handlers under specified supply conditions.*—(1) *Authorization.* If the committee finds that total contracted sales by all handlers during the crop year exceeds 80 percent of the total salable tonnage received by all handlers plus 80 percent of the estimated tonnage held unsold by producers which would become salable tonnage; or, if the committee finds that more than 20 percent of the uncontracted salable tonnage is being held so tightly by relatively few handlers or producers, as seriously to restrict commerce in dried figs, and if 75 percent of all handlers have made a written request therefor and such requesting handlers have purchased over 65 percent of the salable tonnage purchased from producers, the committee shall, in either event, offer to sell to handlers surplus dried figs from the surplus tonnage for use as salable tonnage.

(2) *Commencement date.* No such offer shall be made prior to December 15 of the crop year.

(3) *Quantity limitations.* No single sales offer of surplus tonnage to handlers shall be so excessive as to quantity that it obviously would disrupt orderly marketing conditions for the salable tonnage.

(4) *Handlers' pro rata shares.* In any offer by the committee to sell surplus tonnage to handlers pursuant to this paragraph the method for such sales shall be the same as that prescribed in paragraph (a) of this section.

(5) *Withdrawal of offer.* Any offer to sell surplus tonnage to handlers outstanding as of July 5 of any crop year shall be withdrawn and the committee shall not make any further offer to sell surplus tonnage to handlers after that date except that if the committee determines, with the approval of the Secretary, that a major change in conditions has occurred, such as the involvement of the United States in war or a serious crop shortage or a crop failure in the following year, or any other significant development which indicates a shortage of supply, the said July 5 limitation shall no longer apply.

(e) *Notice to Secretary of proposed sales of surplus.* The committee shall file with the Secretary, by telegram or air mail letter, prior to making any offer to sell surplus dried figs pursuant to this section, complete information with respect thereto, including the bases therefor. The Secretary shall have the right to disapprove, within seven days after he receives such information, the making of such an offer or any term or condition thereof.

(f) *Prices.* No sale of surplus dried figs shall be made by the committee at a price below that which reflects the weighted average price received by producers for salable tonnage of the particular variety during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports to be filed under the provisions of § 964.62, plus accrued charges for receiving, handling and storing surplus tonnage: *Provided*, That the committee may sell surplus dried figs at negotiated prices for the purposes and under the conditions specified in paragraphs (b), (c) and (h) of § 964.58 of this subpart.

(g) *Donations of surplus dried figs.* The committee may donate quantities of surplus dried figs for use in research or promotional activities.

(h) *Unsold surplus tonnage.* The committee shall endeavor to sell all dried figs in the surplus tonnage at a rate so as to achieve as nearly as may be practicable, the complete disposition of the surplus tonnage not later than July 31 of the crop year. Any surplus tonnage unsold as of July 31 shall be disposed of as soon as practicable for animal feed, distillation, or in any other outlets which are not competitive with the sale of dried figs in normal marketing channels, unless determination with respect to a shortage of supply has been made as provided for in paragraph (d) (5) of this section. The committee may dispose of unsold surplus dried figs after July 31 at negotiated prices.

(i) *Charges against sales proceeds of surplus tonnage.* Expenses incurred by the committee in receiving, handling, holding, or disposing of surplus tonnage shall be charged against the proceeds of sales of surplus tonnage.

(j) *Distribution of net proceeds.* Net proceeds from the disposition of surplus tonnage shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to the respective producers or to their successors in interest on the basis of their respective contributions to the surplus tonnage with appropriate quality or varietal differentials as may be established by the committee. Progress payments may be made by the committee in the same manner, as sufficient funds accumulate. Prior to making any such distribution, the committee shall submit to the Secretary a report including all pertinent details with respect thereto. The Secretary shall have the right to disapprove, within seven calendar days after he receives such information the making of such a disbursement or any term or condition thereof.

REPORTS AND RECORDS

§ 964.60 *Report of carryover.* Each handler shall, upon request of the committee, file promptly with the committee a certified report, by varieties, of all natural condition dried figs and processed dried figs, separately, which were held by him on January 31 and July 31 of any crop year, which report shall show the quantity of each variety, and the locations thereof.

§ 964.61 *Acquisition reports.* In the event a surplus percentage is established for any crop year, each handler shall file with the committee, on request, a certified report showing, with respect to his acquisitions of each variety of dried figs during the period covered by such report: (a) The surplus tonnages referable to his acquisitions; and (b) the locations of those surplus tonnages. Each such report shall be filed in such manner and at such times as the committee may designate. Upon request of the committee, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, the name and address of each person from whom he acquired dried figs and the quantity of each variety of dried figs acquired from each such person.

§ 964.62 *Reports of prices.* Each handler shall file with the committee such price reports as may be requested by the committee, showing the weighted average price paid by such handlers to producers for each variety of dried figs and the quantity purchased at each such price to enable the committee to determine the weighted average price received by producers for the purposes set forth in § 964.58 (f).

§ 964.63 *Other reports.* Upon the request of the committee each handler shall furnish such other reports and information as are needed to enable the committee to perform its functions under this subpart.

§ 964.64 *Confidential information.* All reports and records furnished or submitted by a handler to the committee shall be received by and at all times kept under the custody or control of one or more employees of the committee, who shall disclose to no person, except the Secretary upon request therefor, data or information obtained or extracted therefrom which would constitute a trade secret or the disclosure of which might affect the trade position, financial condition, or business operations of the particular handler from whom received: *Provided*, That the committee may require such an employee to disclose to it, or to any person designated by it or by the Secretary, information and data of a general nature, compilations of data affecting handlers as a group and any data affecting one or more handlers, so long as the identities of the individual handlers involved are not disclosed.

§ 964.65 *Records.* Each handler shall maintain such records of all dried figs handled by him as prescribed by the committee. Such records shall include, but not necessarily be limited to, the quantity of dried figs of each variety acquired from each person and the name and address of each such person, total acquisitions, total sales, and total other disposition of each variety which he handles.

§ 964.66 *Verification of reports.* For the purpose of checking and verifying reports filed by handlers, the committee, through its duly authorized representatives, shall have access to any handler's premises and shall be permitted to inspect such premises and any dried figs held by such handler, and any and all records of the handler with respect to the acquisition, holding or disposition of dried figs by him. Each handler shall furnish all labor and equipment necessary to make such examinations at no expense to the committee. Each handler shall store dried figs in a manner which will facilitate examination and shall maintain storage records which will permit accurate identification of dried figs held by him or disposed of theretofore. Insofar as is practicable and consistent with the carrying out of the provisions of this subpart, all data and information obtained or received through checking and verification of reports shall be treated as confidential information.

EXPENSES AND ASSESSMENTS

§ 964.70 *Expenses.* The committee is authorized to incur such expenses (exclusive of expenses for the receiving, handling, holding or disposing of any quantity of surplus tonnage) as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The recommendation of the committee as to these expenses and the recommended rate of assessment for each such crop year together with all data supporting such recommendations, shall be filed with the Secretary not later than July 17 preceding the crop year in connection with which such recommendations are made, except that such submission for the first crop year shall be made as soon as practicable after the effective time of this subpart.

§ 964.71 *Assessments*—(a) *Requirement for payment and rate of assessment.* The funds to cover the expenses of the committee (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) shall be obtained by levying assessments. Each handler shall pay to the committee, upon demand, with respect to all salable tonnage dried figs handled by him as the first handler thereof and on all dried figs sold to him from surplus tonnage for resale, his prorata share of such expenses which the Secretary finds will be incurred as aforesaid, by the committee during each crop year. Each handler's pro rata share of such expenses shall be equal to the ratio between the total salable tonnage of dried figs handled by him as the first handler thereof plus the tonnage sold to him from surplus tonnage for resale during the applicable crop year, and the total salable tonnage dried figs handled by all handlers as the first handlers thereof plus the tonnage sold to such handlers from surplus tonnage for resale, during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all salable tonnage dried figs handled by handlers as the first handlers thereof and on all tonnage sold to handlers from surplus tonnage for resale during such crop year to obtain sufficient funds to cover the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage of the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its functions under this subpart. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the

period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Advance payments.* In order to provide funds to carry out the functions of the committee, the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against the respective handler.

(c) *Use and refund of excess funds from assessments.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations hereunder may be used and shall be refunded by the committee in accordance with the provisions hereof. Such excess funds may be used by the committee during the period of five months subsequent to such crop year in paying the expenses of the committee incurred in connection with the new crop year. The committee shall, however, from funds on hand, including assessments collected during the new crop year, distribute or otherwise make available, within six months after the beginning of the new crop year, the aforesaid excess, as verified by audit, to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said previous crop year. Any money collected from assessments hereunder and remaining unexpended in the possession of the committee upon the termination hereof shall be distributed in such manner as the Secretary may direct.

(d) *Suits for collection.* The committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, a suit against any handler for the collection of such handler's assessment.

§ 964.72 *Funds.* All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes authorized in this subpart and shall be accounted for in the manner provided for in this subpart. The Secretary may, at any time, require the committee or its members and alternate members to account for all receipts and disbursements.

MISCELLANEOUS PROVISIONS

§ 964.80 *Personal liability.* No member or alternate member of the committee, or any employee, representative, or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 964.81 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

§ 964.82 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 964.83 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 964.84 *Agents*—(a) *Authorization by Secretary.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

(b) *Authorization by committee.* The committee may authorize any person or persons or agency to act as its agent or representative in connection with the provisions of this subpart.

§ 964.85 *Effective time.* The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated, or during suspension, in one of the ways specified in § 964.86.

§ 964.86 *Termination or suspension*—(a) *Failure to effectuate policy of act.* The Secretary may, at any time, terminate the provisions of this subpart, by giving at least one day's notice by means of a press release or in any other manner which he may determine. The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions hereof at the end of any crop year whenever he finds that such termination is favored by a majority of the producers of dried figs who during that crop year have been engaged in the production for market of dried figs in the State of California: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such dried figs produced for market within said State; but such termination shall be effected only if announced on or before July 15 of the then current crop year. The Secretary may, at any time he deems desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, beginning with 1955, if the Secretary receives a recommendation, adopted by at least a majority vote of the producer members of the committee, requesting the holding of such a referendum, the Secretary shall hold such a referendum: *Provided*, That the Secretary shall not be required to hold such a referendum upon the basis of such a request more than once every two years.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ 964.87 *Procedure upon termination.* Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of the said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall, from time to time, account for all receipts and disbursements, and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said Committee and upon said joint trustees.

§ 964.88 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 964.89 *Amendments.* Amendments to this subpart may be proposed from time to time, by any person or by the committee, and may be made a part of this subpart by the procedures provided under the act.

§ 964.90 *Exhibit A—Minimum standards for dried figs*—(a) *Defective dried figs* are the individual specimens of dried figs or separate pieces of sliced dried figs which are classified as "insect infested", "moldy", "sour", "filthy" or "worthless" as set forth under the heading of "Fig Classes" in the bulletin entitled "Fig Testing" dated July 1, 1929 by Burton J. Howard, Food and Drug Administration, United States Department of Agriculture. Such classifications are as follows:

(1) *Insect infested.* Dried figs are regarded as insect infested: (i) If worms or insects or their pupae, dead or alive, are present in the interior of the dried fig, or (ii) if the excreta are distributed in the interior of the dried fig.

(2) *Moldy.* Dried figs are regarded as moldy if the fig shows a moldy or smutty condition in an area equaling or exceeding 3/16 inch (0.5 cm.).

(3) *Sour.* Dried figs are regarded as sour: (i) If fermented as evidenced by distinct sour taste or odor, or the darkening in color characteristic of fermentation or souring, or (ii) if infested with internal rot (endosepsis).

(4) *Filthy.* Dried figs are regarded as filthy if contaminated with dirt or extraneous matter: (i) Containing extraneous matter or filth pressed into the fig, (ii) containing sand or earthy material, or (iii) showing other evidences of insanitary production or handling.

(5) *Worthless.* Dried figs are regarded as worthless if so immature, woody, or fibrous as to be practically valueless as a food.

(b) *Maximum tolerances for acquisition of natural condition dried figs.* Tolerance allowances for natural condition dried figs shall not exceed the following:

(1) Total defects not to exceed 33 percent, including

(2) Maximum tolerance of 13 percent insect infested figs.

(c) *Maximum tolerances for dried figs for shipment or other final disposition.* Tolerance allowances for such dried figs shall not be in excess of the following:

(1) For dried figs being prepared in the form of package, carton, or bulk (including dried figs for conversion into juice or concentrate), total defective dried figs shall not exceed 10 percent.

(2) For dried figs being prepared as fig paste, or sliced dried figs being prepared as sliced dried figs for manufacture into fig paste: (i) Total defective figs shall not exceed 10 percent including not more than 5 percent of insect infested dried figs, and (ii) No sliced dried figs or fig paste shall contain more than 13 insect heads per 100 grams. Head count tests shall be required only in the cases of such varieties or blends thereof as are set forth in rules and procedures established pursuant to the provisions of this subpart.

SPECIAL AGREEMENT PROVISIONS

§ 964.94 *Counterparts.** This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 964.95 *Additional parties.** After the effective date of this agreement, any handler may become a party hereto if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 964.96 *Order with marketing agreement.** Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of dried figs produced in California in the same manner as is provided for in this agreement.

Dated: October 1, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-7856; Filed, Oct. 5, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 54-39]

APPROVAL OF EQUIPMENT; CORRECTION OF PRIOR DOCUMENT; AND CHANGE IN NAME AND ADDRESS OF MANUFACTURER

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited with each item of equipment: *It is ordered*, That:

(a) All the approvals listed in this document which extend these approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and,

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority; and,

(c) The document CGFR 54-23 appearing in the FEDERAL REGISTER dated June 25, 1954 (19 F. R. 3874-3877), regarding approval of equipment, shall be corrected as indicated below; and

(d) The name and address of the manufacturer of approved equipment shall be made as indicated below:

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE)

Approval No. 160.002/46/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Noble Products Company, Box 327, Caldwell, Ohio.

Approval No. 160.002/47/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Noble Products Company, Box 327, Caldwell, Ohio.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.002)

CLEANING PROCESS FOR LIFE PRESERVERS

NOTE: Where buoyancy fillers are not removed from envelope covers during cleaning process.

Approval No. 160.006/18/0, Dix Cleaning Process for kapok life preservers as outlined in letter of June 17, 1949, from Dix Dry Cleaning, 766-70 Thirty-ninth Street, Brooklyn 32, N. Y. (Extension of the approval published in FEDERAL REGISTER July 27, 1949, effective July 27, 1954.)

Approval No. 160.006/23/0, Associated Cleaning Process for kapok life preservers as outlined in letter dated May 18, 1954, submitted by Associated Cleaners, Cornwall at Carolina, Bellingham, Wash.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.006)

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/85/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by A. L. Robertson, Inc., 113 South Gay Street, Baltimore 2, Md. (Extension of the approval published in FEDERAL REGISTER July 27, 1949, effective July 27, 1954.)

Approval No. 160.007/151/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Bucyrus Plastics, Inc., Bucyrus, Ohio.

Approval No. 160.007/152/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Carleton Manufacturing Co., 12709 Mathews Street, Carleton, Mich.

Approval No. 160.007/153/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by KO Products, 24 North Whittaker Street, Box 468, New Buffalo, Mich.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.008/614/0, 18" x 26½" x 2" rectangular buoyant cushion, 42 oz. kapok, dwg. No. 1 dated June 1, 1954, manufactured by Wm. Sommers Boat Top & Cushion Co., 10428 Duprey, Detroit 24, Mich.

Approval No. 160.008/616/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz.

kapok, dwg. No. 502 B. C. dated May 26, 1954, revised July 7, 1954, manufactured by Swan Products Co., Inc., 61 East Eleventh Street, New York 3, N. Y.

Approval No. 160.008/618/0, 13" x 18" x2" rectangular buoyant cushion, 21 oz. kapok, dwg. No. 502, dated July 12, 1954, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minn.

Approval No. 160.008/619/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, dwg. No. 504, dated July 12, 1954, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minn.

Approval No. 160.008/620/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, dwg. No. 505, dated July 12, 1954, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minn.

Approval No. 160.008/621/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, dwg. No. 508, dated July 12, 1954, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minn.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.008)

BUOYANT APPARATUS

Approval No. 160.010/13/1, 5.17' x 2.67' (7" dia. body section) elliptical, hollow aluminum buoyant apparatus, 5-person capacity, dwg. No. 3135, dated September 30, 1946, revised July 9, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.010/13/0 terminated in FEDERAL REGISTER November 22, 1952.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 6 and 17, 54 Stat. 164, 166, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 50 U. S. C. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.010)

LIFEBOATS

Approval No. 160.035/27/2, 28.0' x 9.0' x 4.0' steel, oar-propelled lifeboat, 59-person capacity, identified by general arrangement dwg. No. G–2859, dated June 10, 1948, and revised July 17, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Reinstates and supersedes Approval No. 160.035/27/1 terminated in FEDERAL REGISTER March 25, 1954.)

Approval No. 160.035/31/1, 12.0' x 4.42' x 1.92' steel, oar-propelled lifeboat, 6-person capacity, identified by construction and arrangement dwg. No. 3127, dated June 3, 1954, and revised July 14, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/31/0 terminated in FEDERAL REGISTER October 1, 1952.)

Approval No. 160.035/52/1, 26.0 x 9.0' x 3.67' steel, oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement dwg. No. 1456–D, dated April 23, 1954, and revised June 15, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/52/0 terminated in FEDERAL REGISTER October 1, 1952.)

Approval No. 160.035/97/1, 22.0' x 7.5' x 3.17' steel, motor-propelled lifeboat without radio cabin (Class B), 25-person capacity, identified by general arrangement and construction dwg. No. 49R–2219C, dated March 22, 1954, and revised May 6, 1954, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y. (Reinstates and supersedes Approval No. 160.035/97/0 terminated in FEDERAL REGISTER October 1, 1952.)

Approval No. 160.035/187/1, 36.0 x 9.0' x 3.83' steel, oar-propelled lifeboat, 53-person capacity, identified by construction and arrangement dwg. No. 3201, dated December 14, 1953, and revised July 13, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/187/0 terminated in FEDERAL REGISTER August 7, 1953.)

Approval No. 160.035/261/1, 34.0' x 7.75' x 3.33' aluminum, oar-propelled lifeboat, 37-person capacity, identified by construction and arrangement dwg. No. 3300, dated August 25, 1949, and revised June 18, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.035/261/0 published in FEDERAL REGISTER October 3, 1950.)

Approval No. 160.035/329/0, 24.0' x 8.0' x 3.5' steel, motor-propelled lifeboat without radio cabin (Class B), 40-person capacity, identified by general arrangement dwg. No. G–2440M dated, May 17, 1954, and revised June 29, 1954, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

JACKKNIFE (WITH CAN OPENER)

Approval No. 160.043/2/0, No. 850 jackknife (with can opener), dwgs. PR–110–15 and PR–110–24, dated June 22, 1954, manufactured by Imperial Knife Co., Inc., Imperial Place, Providence, R. I.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, as amended, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 481, 489, 396, 367, 50 U. S. S. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR, 1952 Supp.; 46 CFR 160.043)

PUMPS, LIFEBOAT, BILGE

Approval No. 160.044/7/0, size No. 2 lifeboat bilge pump constructed in accordance with master dwg. No. J–4582½, rev. B, dated January 8, 1953, manufactured by The Deming Company, Salem, Ohio.

Approval No. 160.044/11/0, size No. 2 lifeboat bilge pump, identified by master dwg. No. E–2450, rev. A, dated July 8, 1954, manufactured by Blackmer Pump Co., Grand Rapids, Mich.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, as amended, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 481, 489, 367, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.044)

LIGHTS (WATER), ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/2/0, light (water), electric, floating, automatic (with bracket for mounting), dwg. No. E–851, alt. 2 (sheets 1 and 2), dated June 1, 1949, manufactured by C. C. Galbraith & Son Electric Corp., 450–54 Avenue of the Americas, New York 11, N. Y. (Extension of the approval published in FEDERAL REGISTER July 27, 1949, effective July 27, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 161.001)

VALVES, SAFETY (POWER BOILERS)

Approval No. 162.001/106/1, Series ME–310, carbon steel body pop safety valve, exposed spring, maximum pressure 515 p. s. i., maximum temperature 650° F., dwg. No. A1047S, dated July 29, 1948, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Supersedes Approval No. 162.001/106/0 published in the FEDERAL REGISTER August 9, 1949.)

Approval No. 162.001/107/1, Series VM–320, carbon steel body pop safety valve, exposed spring, maximum pressure 365 p. s. i., maximum temperature 800° F., dwg. No. A1047S, dated July 29, 1948, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Supersedes Approval No. 162.001/107/0 published in the FEDERAL REGISTER August 9, 1949.)

Approval No. 162.001/109/1, Series VM–410, carbon steel body pop safety valve, exposed spring, maximum pressure 1030 p. s. i., maximum temperature 650° F., dwg. No. A1048S, dated July 29, 1948, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Supersedes Approval No. 162.001/109/0 published in the FEDERAL REGISTER August 9, 1949.)

Approval No. 162.001/110/1, Series VM–420, carbon steel body pop safety valve, exposed spring, maximum pressure 730 p. s. i., maximum temperature 800° F., dwg. No. A1048S, dated July 29, 1948, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Supersedes Approval No. 162.001/110/0 published in the FEDERAL REGISTER August 9, 1949.)

Approval No. 162.001/112/1, Series VM–510, carbon steel body pop safety valve, exposed spring, maximum pressure 1030 p. s. i., maximum temperature 650° F., dwg. No. A1049S, dated July 29, 1948, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Supersedes Approval No. 162.001/112/0 published in the FEDERAL REGISTER August 9, 1949.)

Approval No. 162.001/113/1, Series VM–520, carbon steel body pop safety valve, exposed spring, maximum pressure 730 p. s. i., maximum temperature 800° F., dwg. No. A1049S, dated July 29, 1948, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Supersedes Approval No. 162.001/113/0 published in the FEDERAL REGISTER August 9, 1949.)

Approval No. 162.001/131/1, Series VMX–310, carbon steel body duplex pop safety valve, exposed spring, maximum pressure 415 p. s. i., maximum temperature 650° F., dwg. No. F–145, dated December 10, 1946, approved for sizes 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Supersedes Approval No. 162.001/131/0 published in the FEDERAL REGISTER August 9, 1949.)

Approval No. 162.001/132/1, Series VMX–410, carbon steel body duplex pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 650° F., dwg. No. F–145, dated December 10, 1946, approved for sizes 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Supersedes Approval No. 162.001/132/0 published in the FEDERAL REGISTER August 9, 1949.)

Approval No. 162.001/133/1, Series VMX–510, carbon steel body duplex pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 650° F., dwg. No. F–145, dated December 10, 1946, approved for sizes 2" and 2½", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Supersedes Approval No. 162.001/133/0 published in the FEDERAL REGISTER August 9, 1949.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 392, 404, 411, 489, 367, 1333, 50 U. S. C. App. 1275, E. O. 10402, 17 F R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.001)

BOILERS, HEATING

Approval No. 162.003/158/0, C–2800–L steel plate steam heating boiler, dwg. No. F–7716A, Alt. A, dated May 17, 1954, and dwg. No. G–7626, dated April 29, 1954, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Cyclotherm, Division of United States Radiator Corp., Oswego, N. Y.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, VAPORIZING LIQUID TYPE

Approval No. 162.004/35/1, Pyrene 1½-quart carbon tetrachloride vaporizing liquid type hand portable fire extinguisher, assembly dwg. No. B–4593, Alt. 19, dated October 27, 1947, name plate dwg. No. A–9076, Alt. 3, dated January 23, 1948 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J. (Extension of the approval published in FEDERAL REGISTER August 9, 1949, effective August 9, 1954.)

Approval No. 162.004/86/0, Stop-Fire Redi-Grip, Model AB–20, 1-qt. chlorobromomethane vaporizing liquid stored pressure type hand portable fire extinguisher, assembly dwg. No. AC20–0–52, dated March 10, 1953, name plate dwg. No. AC20–28–52 dated April 28, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N. Y.

Approval No. 162.004/87/0, Stop-Fire Redi-Grip, Model AC–20, 1-qt. carbon tetrachloride vaporizing liquid stored pressure type hand portable fire extinguisher, assembly dwg. No. AC20–0–52, dated March 10, 1953, name plate dwg. No. AC20–28–52 dated April 28, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N. Y.

Approval No. 162.004/88/0, Stop-Fire Redi-Grip Model AB–22, 1½-qt. chlorobromomethane vaporizing liquid stored pressure type hand portable fire extinguisher, assembly dwg. No. A22–0–52, dated June 25, 1952, nameplate dwg. No. A22–28–52 dated April 28, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N. Y.

Approval No. 162.004/89/0, Stop-Fire Redi-Grip, Model AC–22, 1½-qt. carbon tetrachloride vaporizing liquid stored pressure type hand portable fire extinguisher, assembly dwg. No. A22–0–52, dated June 25, 1952, name plate dwg. No. A22–28–52, dated April 28, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N. Y.

Approval No. 162.004/90/0, Stop-Fire Redi-Grip, Model AB–24, 2½-qt. chlorobromomethane vaporizing liquid stored pressure type hand portable fire extinguisher, assembly dwg. No. AC24–0–52, dated May 21, 1952, name plate dwg. No. AC24–28–51, dated April 28, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N. Y.

Approval No. 162.004/91/0, Stop-Fire Redi-Grip, Model AC–24, 2½-qt. carbon tetrachloride vaporizing liquid stored pressure type hand portable fire extinguisher, assembly dwg. No. AC24–0–52, dated May 21, 1952, name plate dwg. No. AC24–28–51, dated April 28, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn, 1, N. Y.

Approval No. 162.004/92/0, Stop-Fire Redi-Grip, Model AB–26, 1-gal. chlorobromomethane vaporizing liquid stored pressure type hand portable fire extinguisher, assembly dwg. No. A26–0–52, dated February 5, 1953, name plate dwg. No. A26–28–51, dated December 2, 1951 (for tank barges only), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N. Y.

Approval No. 162.004/93/0, Stop-Fire Redi-Grip, Model AC–26, 1-gal. carbon tetrachloride vaporizing liquid stored pressure type hand portable fire extinguisher, assembly dwg. No. A26–0–52, dated February 5, 1953, name plate dwg. No .A26–28–51, dated December 2, 1951 (for tank barges only), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N. Y.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, as amended, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275, 46 CFR 25.30, 34.25–1, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON DIOXIDE TYPE

Approval No. 162.005/50/0, Fyr-Fyter Model 33–5, 5-lb. carbon dioxide type hand portable fire extinguished, assembly dwg. No. 33–5, rev. B, dated October 26, 1953, name plate dwg. No. 4665, rev. A, dated April 6, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.005/51/0, Fyr-Fyter Model 34–5, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 34–5, rev. C, dated November 27, 1953, name plate dwg. No. 4667, rev. A, dated April 6, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.005/52/0, Fyr-Fyter Model 35–5, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 35–5, rev. C, dated November 27, 1953, name plate dwg. No. 4669, rev. A, dated April 6, 1953 (Coast Guard Classification: Type B, Size II; and Type C, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.005/53/0, Buffalo Better-Built Model 33–6, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 33–6, rev. B, dated October 26, 1953, name plate dwg. No. 4666, rev. A, dated April 6, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

Approval No. 162.005/54/0, Buffalo Better-Built Model 34–6, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 34–6, rev. C, dated November 27, 1953, name plate dwg. No. 4668, Rev. A, dated April 6, 1953 (Coast Guard classification: Type B, Size I; and Type C, Size I), manu-

factured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

Approval No. 162.005/55/0, Buffalo Better-Built Model 35–6, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 35–6, rev. C, dated November 27, 1953, name plate dwg. No. 4670, rev. A, dated April 6, 1953 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

Approval No. 162.005/77/0, General Quick Aid Sno Fog Fire Guard, Model 5AKR (Symbol GE or GEN), 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. BC–205–XB, rev. A, dated May 7, 1953, name plate dwg. No. CG–205–2, rev. F, dated July 29, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.005/78/0, General Quick Aid Sno Fog Fire Guard, Model 10R28 (Symbol GE or GEN), 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. BC–210–XB, dated August 11, 1953, name plate dwg. No. CG–210–A1, revised August 11, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.005/79/0, General Quick Aid Sno Fog Fire Guard, Model 15R28 (Symbol GE or GEN), 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. BC–215–XB, dated August 11, 1953, name plate dwg. No. CC–215–A1, revised August 11, 1953 (Coast Guard Classification: Type B, Size II; and Type C, Size II), manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif.

Approval No. 162.005/80/0, General Quick Aid Sno Fog Fire Guard, Model 5AKR (Symbol GEP), 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. BC–205–XB, rev. A, dated May 7, 1953, name plate dwg. No. CC–205–2, rev. F, dated July 29, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif.

Approval No. 162.005/81/0, General Quick Aid Sno Fog Fire Guard, Model 10R28 (Symbol GEP), 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. BC–210–XB, dated August 11, 1953, name plate dwg. No. CC–210–A1, revised August 11, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by The General Pacific Corp. ,1501 East Washington Boulevard, Los Angeles 21, Calif.

Approval No. 162.005/82/0, General Quick Aid Sno Fog Fire Guard, Model 15R28 (Symbol GEP), 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. BC–215–XB, dated August 11, 1953, name plate dwg. No. CC–215–A1, revised August 11, 1953 (Coast Guard Classification: Type B, Size II; and Type C, Size II), manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, as amended, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.30, 34.25, 76.50, 95.50)

VALVES, RELIEF (HOT WATER HEATING BOILERS)

Approval No. 162.013/12/1, McDonnell No. 230—¾" relief valve for hot water heating boiler, relieving capacity 303,000 B. t. u. per hour, at maximum set pressure of 30 p. s. i., dwg. No. 230, dated October 9, 1951, approved for ¾" inlet size, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago 18, Ill. (Supersedes Approval No. 162.013/12/0 published in the FEDERAL REGISTER November 22, 1952.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 392, 404, 411, 489, 367, 1333, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.013)

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/31/1, Type "LT" flame arrester, open atmospheric pattern, semi-steel body, copper or aluminum alloy arrester elements, dwg. No. TS–1, rev. August 15, 1950, approved for sizes 6", 8", and 10", manufactured by The Staytite Company, 3606–12 Polk Avenue, Houston 3, Tex. (Supersedes Approval No. 162.016/31/0 published in the FEDERAL REGISTER January 12, 1950.)

Approval No. 162.016/32/1, Type "OST" flame arrester, open atmospheric pattern, semi-steel body, copper or aluminum alloy arrester elements, dwg. No. TS–2, rev. August 14, 1950, approved for sizes 3" and 4", manufactured by The Staytite Company, 3606–12 Park Avenue, Houston 3, Tex. (Supersedes Approval No. 162.016/32/0 published in the FEDERAL REGISTER January 12, 1950.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4491, as amended, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 489, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.016)

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/67/1, Figure No. 130, pressure-vacuum relief valve, enclosed pattern, weight-loaded poppets, bronze or nickel cast iron body, dwg. No. 130–A, rev. 2, dated July 1, 1954, approved for sizes 3", 4", 5" and 6", manufactured by Mechanical Marine Co., Inc., 17 Battery Place, New York 4, N. Y. (Supersedes Approval No. 162.017/67/0 published in the FEDERAL REGISTER October 11, 1952.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4491, as amended, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 489, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.017)

GAUGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/1/1, Reg. No. 2148R liquefied petroleum gas slip tube liquid level gauge, dwg. No. 2148R, rev. B, dated September 5, 1950, manufactured by The Bastian-Blessing Co. 4201 West Peterson Avenue, Chicago 30, Ill. (Supersedes approval No. 162.019/1/0 published in the FEDERAL REGISTER October 7, 1949.)

Approval No. 162.019/2/1, Model No. 62B liquefied compressed gas slip tube liquid level gauge, dwg. No. 107, sheets 1 to 15, rev. 9, dated May 23, 1951, manufactured by the Metal Goods Manufacturing Co., 106–110 South Park Avenue, Bartlesville, Okla. (Supersedes Approval No. 162.019/2/0 published in the FEDERAL REGISTER October 7, 1949.)

Approval No. 162.019/3/1, Model No. 62D liquefied compressed gas slip tube liquid level gauge, dwg. No. 106, sheets 1 to 14, rev. 3, dated January 29, 1953, manufactured by the Metal Goods Manufacturing Co., 106–110 South Park Avenue, Bartlesville, Okla. (Supersedes Approval No. 162.019/3/0 published in the FEDERAL REGISTER October 7, 1949.)

(R. S. 4405, 4417a, 4491, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. 1275, 46 CFR Part 38)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/19/0, Garland No. 14–00 deep fat fryer for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 13–7–1.001, manufactured by the Detroit-Michigan Stove Co., 6900 Jefferson Avenue East, Detroit 31, Mich. (Extension of the approval published in FEDERAL REGISTER August 9, 1954.)

Approval No. 162.020/59/0, Model No. 5331, range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1–(923–19.11, –21.1, –24.1, –26.1 and 27.1) .001, manufactured by RCA Estate Appliance Corp., Hamilton, Ohio.

Approval No. 162.020/60/0, Model No. 5333, range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1–(923–19.11, –21.1, –24.1, –26.1 and 27.1) .001, manufactured by RCA Estate Appliance Corp., Hamilton, Ohio.

Approval No. 162.020/61/0, Model No. 5335, range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1–(923–19.11, –21.1, –24.1, –26.1 and 27.1) .001, manufactured by RCA Estate Appliance Corp., Hamilton, Ohio.

Approval No. 162.020/62/0, Model No. 5337, range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1–(923–19.11, –21.1, –24.1, –26.1 and 27.1) .001, manufactured by RCA Estate Appliance Corp., Hamilton, Ohio.

Approval No. 162.020/64/0, Model No. 5339, range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1–(923–19.11, –21.1, –24.1, –26.1 and 27.1) .001, manufactured by RCA Estate Appliance Corp., Hamilton, Ohio.

Approval No. 162.020/64/0, Model No. 5341, range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1–(923–19.11, –21.1, –24.1, –26.1 and 27.1) .001, manufactured by RCA Estate Appliance Corp., Hamilton, Ohio.

(R. S 4405, 4417a, 4426, 4491, secs. 1, 2, 49 Stat. 1544, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 55.16–10)

CORRECTION OF PRIOR DOCUMENT

The Coast Guard Document CGFR 54–23 and Federal Register Document 54–4834 published in the FEDERAL REGISTER of June 25, 1954, is corrected by substituting the word "cork" for "rock" for Approval No. 160.009/31/0 under the heading "Buoys, Life, Ring, Cork or Balsa Wood" (19 F. R. 3875).

CHANGE IN NAME AND ADDRESS OF MANUFACTURER

The name and address of Garden City Renovating Co., 2307–09 Stevens Creek Road, San Jose, Calif., have been changed to Hays Mattress Co., P. O. Box 555, Morgan Hill, Calif., for Approval No. 160.006/19/0.

Dated: September 30, 1954.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 54–7850; Filed, Oct. 5, 1954; 8:51 a. m.]

[CGFR 54–40]

TERMINATIONS OF APPROVALS OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the date indicated with the item in this document. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

BUOYANT CUSHIONS, KAPOK, STANDARD

Termination of Approval No. 160.007/87/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Biewer's Fabric Mfg., Inc., 9853 Chalmers Avenue, Detroit 5, Mich. (Approved FEDERAL REGISTER October 7, 1949.)

Termination of Approval No. 160.007/92/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by California Cushion Company, 1728 Industrial Way, Los Angeles 23, Calif. (Approved FEDERAL REGISTER February 8, 1950.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.007)

BUOYANT CUSHIONS, NON-STANDARD

Termination of Approval No. 160.008/423/0, 17½" x 20" x 2½" rectangular buoyant cushion, 39 oz. kapok, dwg. dated November 28, 1949, manufactured by Bilt-Rite Sailmakers, 1342 Eleventh Street, Long Beach, Calif. (Approved FEDERAL REGISTER January 12, 1950.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.008)

WINCHES, LIFEBOAT

Termination of Approval No. 160.015/52/0, Type B–152 lifeboat winch, approved for maximum working load of 11,100 pounds pull at the drums (5,550 pounds per fall) for use on S. S. *Cape Cod* only, identified by arrangement dwg. No. 3293, dated June 14, 1949, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER July 27, 1949. Termination of approval effective July 27, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 5, 55 Stat. 244, 245, as amended, 46 U. S. C. 391a, 404, 481, 489, 396, 367, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.015)

DAVITS, LIFEBOAT

Termination of Approval No. 160.032/110/0, gravity davit, Type LO–110, approved for a maximum working load of 22,000 pounds per set (11,000 pounds per arm) using 2 part falls, identified by general arrangement dwg. No. 3160–6, dated May 25, 1948, and revised June 21, 1949, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER July 27, 1949. Termination of approval effective July 27, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Cum. Supp.; 46 CFR 160.032)

VALVES, SAFETY (POWER BOILERS)

Termination of Approval No. 162.001/108/0, Series VM–330, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 300 pounds per square inch primary service pressure rating, 900° F. maximum temperature, dwg. No. A–1047S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/111/0, Series VM–430, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 600 pounds per square inch primary service pressure rating, 900° F. maximum temperature, dwg. No. A–10483, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/114/0, Series VM–530, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 600 pounds per square inch primary service pressure rating, 900° F. maximum temperature, dwg. No. A–1049S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", and 3", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/115/0, Series VM–610, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 600 pounds per square inch primary service pressure rating, 650° F. maximum temperature, dwg. No. A–1050S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/116/0, Series VM–620, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 600 pounds per square inch primary service pressure rating, 750° F. maximum temperature, dwg. No. A–1050S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/117/0, Series VM–630, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 600 pounds per square inch primary service pressure rating, 900° F. maximum temperature, dwg. No. A–1050S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, ap-

proved for sizes 1½", 2", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/118/0, Series VM–640, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 600 pounds per square inch primary service pressure rating, 1,000° F. maximum temperature, dwg. No. A–1050S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/119/0, Series VM–910, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 900 pounds per square inch primary service pressure rating, 650° F. maximum temperature, dwg. No. A–1051S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/120/0, Series VM–920, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 900 pounds per square inch primary service pressure rating, 750° F. maximum temperature, dwg. No. A–1051S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of approval No. 162.001/121/0, Series VM–930, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 900 pounds per square inch primary service pressure rating, 900° F. maximum temperature, dwg. No. A–1051S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/122/0, Series VM–1200, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 650° F. maximum temperature, dwg. No. A–1052S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/123/0, Series VM–1210, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 650° F. maximum temperature, dwg. No. A–1052S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/124/0, Series VM–1220, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 750° F. maximum temperature, dwg. No. A–1052S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/125/0, Series VM–1230, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 900° F. maximum temperature, dwg. No. A–1052S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/126/0, Series VM–1240, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 1,000° F. maximum temperature, dwg. No. A–1052S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/127/0, Series VM–1310, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 650° F. maximum temperature, dwg. No. A–1053S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/128/0, Series VM–1320, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 750° F. maximum temperature, dwg. No. A–1053S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", and 3", manufactured by J. E. Lonergan Co., Second and Race Streets., Philadelphia 6, Pa. (Approved FEDERAL REGISTER Second and Race Streets, Philadelphia August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/129/0, Series VM–1530, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 900° F. maximum temperature, dwg. No. A–1053S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949., Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/130/0, Series VM–1540, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 1,000° F. maximum temperature, dwg. No. A–1053S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", and 3", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER Second and Race Streets, Philadelphia August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/134/0, Model WT (Duplex) carbon steel body pop safety valve, wing disc type, exposed spring, fitted with spring cover, 250 pounds per square inch maximum pressure, 450° F. maximum temperature, dwg. No. F–150, dated June 20, 1949, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 2", 2½", 3", 3½", and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4430, as amended, and as affected by sec. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3, 54 Stat. 244, 346, as amended, 46 U. S. C. 391a, 392, 404, 411, 481, 489, 526, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.30, 34.25–1, 76.50, 95.50)

FOR ESTABLISHING SUITABLE WORKING EYES.

Termination of Approval No. [illegible] Miller Precision Corporation, Detroit, Michigan, for portable radio-aid type range receiver, [illegible] approved July 2, 1947, [illegible] July 2, 1947, [illegible] August 9, 1949. Termination of approval effective August 9, 1954.)

proved FEDERAL REGISTER July 27, 1949. Termination of approval effective July 27, 1954.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.30, 34.25–1, 76.50, 95.50)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Termination of Approval No. 162.020/-14-0, Magic Chef Hot Plate Model No. 800, approved by the American Gas Association, Inc., under Certificate No. 14–2–3.001 and supplement to Certificate No. 14–2–2.001, Serial No. 1, for liquefied petroleum gas service, manufactured by Magic Chef, Inc. (formerly American Stove Co.), 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER July 27, 1949. Termination of approval effective July 27, 1954.)

(R. S. 4405, 4417a, 4426, 4491, secs. 1, 2, 49 Stat. 1544, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 45 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 55.16–10)

Dated September 30, 1954.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 54–7851; Filed, Oct. 5, 1954; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLORADO-BIG THOMPSON PROJECT

ORDER OF REVOCATION

APRIL 20, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of March 7, 1935, insofar as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 75 W.,
Sec. 14, N½, N½NE¼, SW¼, SE¼NE¼, SE¼, E½SW¼;
Sec. 23, NW¼, E½;
Sec. 24, E½;
Sec. 25, NW¼, E½SW¼, E½;
T. 3 S., R. 75 W.,
Sec. 1, All;
Sec. 12, All;
Sec. 13, All;
Sec. 24, All;
Sec. 25, All;
Sec. 36, All.

The lands aggregate 4,842 acres, more or less.

The lands are included in prior withdrawals for national forest and national park purposes.

W. G. GUERNSEY,
Associate Director, Bureau of Land Management.

[F. R. Doc. 54–7824; Filed, Oct. 5, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

DIRECTORS OF COMMODITY STABILIZATION SERVICE COMMODITY OFFICES ET AL.

DESIGNATION OF AGENTS TO RECEIVE SERVICE OF PROCESS

The Directors and Acting Directors of the Commodity Stabilization Service commodity offices and the State Administrative Officers and Acting State Administrative Officers of the State Agricultural Stabilization Conservation Committees are hereby designated as agents to receive service of process in any action to which Commodity Credit Corporation shall be a party, brought in the respective states in which the offices of such agents are located. The name and address of the individual occupying any such office at the time suit is instituted may be obtained from the local county Agricultural Stabilization Conservation Committee or from Commodity Credit Corporation, Washington 25, D. C.

This supersedes the designation of agents to receive service of process issued by the Manager of Commodity Credit Corporation and dated March 17, 1949, 14 F. R. 1274.

[SEAL] PRESTON RICHARDS,
Vice President, Commodity Credit Corporation.

SEPTEMBER 29, 1954.

[F. R. Doc. 54–7857; Filed, Oct. 5, 1954; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3292]

EASTERN AIR LINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Eastern Air Lines, Inc., for inclusion of Cincinnati, Ohio as an intermediate point on Route No. 47, the consolidation of the Memphis-Nashville-Louisville segment of Route No. 19 with Route No. 47 and consolidation of Route No. 47 as so extended with the Washington-Boston segment of Route No. 5.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 18, 1954, at 10:00 a. m., e. s. t., in Room 1213, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter Bregar.

[illegible] 1, 1954.

FEDERAL POWER COMMISSION

[Docket No. G–2580]

BYRD OIL CORP.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Byrd Oil Corporation (Applicant) a Delaware corporation with its principal office in Dallas, Texas, filed on August 26, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant and James S. Pedler, James S. Pedler, Jr., Edward T. Pedler and C. O. Bell to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant and James S. Pedler, James S. Pedler, Jr., Edward T. Pedler and C. O. Bell produce and sell natural gas in interstate commerce in the Winnsboro Field, Wood County, Texas, to the Lone Star Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 11, 1954, at 9:50 a. m. E. S. T., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the application under the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 29, 1954.

Issued: September 30, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[illegible]

proved for sizes 1½", 2", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/118/0, Series VM–640, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 600 pounds per square inch primary service pressure rating, 1,000° F. maximum temperature, dwg. No. A–1050S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/119/0, Series VM–910, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 900 pounds per square inch primary service pressure rating, 650° F. maximum temperature, dwg. No. A–1051S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/120/0, Series VM–920, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 900 pounds per square inch primary service pressure rating, 750° F. maximum temperature, dwg. No. A–1051S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of approval No. 162.001/121/0, Series VM–930, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 900 pounds per square inch primary service pressure rating, 900° F. maximum temperature, dwg. No. A–1051S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/122/0, Series VM–940, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 900 pounds per square inch primary service pressure rating, 1,000° F. maximum temperature, dwg. No. A–1051S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/123/0, Series VM–1210, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 650° F. maximum temperature, dwg. No. A–1052S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/124/0, Series VM–1220, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 750° F. maximum temperature, dwg. No. A–1052S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/125/0, Series VM–1230, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 900° F. maximum temperature, dwg. No. A–1052S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/126/0, Series VM–1240, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 1,000° F. maximum temperature, dwg. No. A–1052S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/127/0, Series VM–1510, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 650° F. maximum temperature, dwg. No. A–1053S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", and 3", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/128/0, Series VM–1520, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 750° F. maximum temperature, dwg. No. A–1053S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½", and 3", manufactured by J. E. Lonergan Co., Second and Race Streets., Philadelphia 6, Pa. (Approved FEDERAL REGISTER Second and Race Streets, Philadelphia August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/129/0, Series VM–1530, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 900° F. maximum temperature, dwg. No. A–1053S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½" and 3", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/130/0, Series VM–1540, alloy steel body pop safety valve, flanged nozzle type, exposed spring, fitted with spring cover, 1,500 pounds per square inch primary service pressure rating, 1,000° F. maximum temperature, dwg. No. A–1053S, dated July 29, 1948, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 1½", 2", 2½" and 3", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

Termination of Approval No. 162.001/134/0, Model WT (Duplex) carbon steel body pop safety valve, wing disc type, exposed spring, fitted with spring cover, 250 pounds per square inch maximum pressure, 450° F. maximum temperature, dwg. No. F–150, dated June 20, 1949, and dwg. No. B–1700S, dated February 2, 1949, approved for sizes 2", 2½", 3", 3½", and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER August 9, 1949. Termination of approval effective August 9, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 392, 404, 411, 489, 367, 1333, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.001)

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Termination of Approval No. 162.007/26/0, Miller Peerless (Symbol GE) 2½-gallon soda-acid type hand portable fire extinguisher, assembly dwg. No. S–303–X, redrawn July 2, 1947, no revision, name plate dwg. No. AS–303–14V, dated May 2, 1947, no revision, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich., for Miller Peerless Mfg. Co., 452 North Sangamon Street, Chicago 22, Ill. (Approved FEDERAL REGISTER July 27, 1949. Termination of approval effective July 27, 1954.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.30, 34.25–1, 76.50, 95.50)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Termination of Approval No. 162.020/-14/0, Magic Chef Hot Plate Model No. 800, approved by the American Gas Association, Inc., under Certificate No. 14–2–3.001 and supplement to Certificate No. 14–2–2.001, Serial No. 1, for liquefied petroleum gas service, manufactured by Magic Chef, Inc. (formerly American Stove Co.), 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER July 27, 1949. Termination of approval effective July 27, 1954.)

(R. S. 4405, 4417a, 4426, 4491, secs. 1, 2, 49 Stat. 1544, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 45 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 55.16–10)

Dated September 30, 1954.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 54–7851; Filed, Oct. 5, 1954; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLORADO-BIG THOMPSON PROJECT

ORDER OF REVOCATION

APRIL 20, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of March 7, 1935, insofar as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 N., R. 75 W.,
Sec. 14: N½, N½NE¼SW¼, SE¼NE¼SW¼, SE¼;
Sec. 21: NW¼, S½;
Sec. 22: S½;
Sec. 23: NW¼SW¼, S½SW¼.
T. 3 N., R. 75 W.,
Sec. 7: All;
Sec. 18: All;
Sec. 19: All;
Secs. 29, 30 and 32: Those portions lying within the Rocky Mountain National Park.

The above areas aggregate 4,443 acres, more or less.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 169 7729]

SEPTEMBER 30, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in prior withdrawals for national forest and national park purposes.

W. G. GUERNSEY,
Associate Director,
Bureau of Land Management.

[F. R. Doc. 54–7824; Filed, Oct. 5, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

DIRECTORS OF COMMODITY STABILIZATION SERVICE COMMODITY OFFICES ET AL.

DESIGNATION OF AGENTS TO RECEIVE SERVICE OF PROCESS

The Directors and Acting Directors of the Commodity Stabilization Service commodity offices and the State Administrative Officers and Acting State Administrative Officers of the State Agricultural Stabilization Conservation Committees are hereby designated as agents to receive service of process in any action to which Commodity Credit Corporation shall be a party, brought in the respective states in which the offices of such agents are located. The name and address of the individual occupying any such office at the time suit is instituted may be obtained from the local county Agricultural Stabilization Conservation Committee or from Commodity Credit Corporation, Washington 25, D. C.

This supersedes the designation of agents to receive service of process issued by the Manager of Commodity Credit Corporation and dated March 17, 1949, 14 F. R. 1274.

[SEAL] PRESTON RICHARDS,
Vice President,
Commodity Credit Corporation.

SEPTEMBER 29, 1954.

[F. R. Doc. 54–7857; Filed, Oct. 5, 1954; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3292]

EASTERN AIR LINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Eastern Air Lines, Inc., for inclusion of Cincinnati, Ohio as an intermediate point on Route No. 47; the consolidation of the Memphis-Nashville-Louisville segment of Route No. 10 with Route No. 47, and consolidation of Route No. 47 in its entirety with the Washington-Boston segment of Route No. 5.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 19, 1954, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter Bryan.

Dated at Washington, D. C., October 1, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54–7855; Filed, Oct. 5, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–2580]

BYRD OIL CORP.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Byrd Oil Corporation (Applicant) a Delaware corporation with its principal office in Dallas, Texas; filed on August 26, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant and James S. Pedler, James S. Pedler, Jr., Edward T. Pedler and C. O. Bell to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant and James S. Pedler, James S. Pedler, Jr., Edward T. Pedler and C. O. Bell produce and sell natural gas in interstate commerce in the Winnsboro Field, Wood County, Texas, to the Lone Star Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 11, 1954, at 9:50 a. m. E. S. T., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the application under the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 29, 1954.

Issued: September 30, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54–7836; Filed, Oct. 5, 1954; 8:48 a. m.]

[Docket No. G–2660]

RUBY OIL & GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Ruby Oil & Gas Company (Applicant), a West Virginia corporation with its principal office in Harrisville, West Virginia, filed, on August

30, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas, subject to the jurisdiction of the Commission, all as more fully represented in the application.

The application recites that Applicant produces and sells natural gas in interstate commerce in Ritchie County, West Virginia, to the Tennessee Production Company for resale.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before the 12th day of October 1954. The application is on file with the Commission for public inspection. This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on October 15, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 29, 1954.

Issued: September 30, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7837; Filed, Oct. 5, 1954; 8:48 a. m.]

[Docket Nos. G-2666, G-2667]

OLIN GAS TRANSMISSION CORP. AND CALTO OIL CO.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matter of Olin Gas Transmission Corporation, Docket No. G-2666; and Calto Oil Company, Docket No. G-2667.

Olin Gas Transmission Corporation (Olin), a Delaware corporation with its principal office in the Ouachita National Bank Building, Monroe, Louisiana, and Calto Oil Company (Calto), a Texas corporation with its principal place of business at 25½ Highland Park Village, Dallas, Texas, filed, on September 7, 1954, interdependent applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as hereinafter described.

Calto et al., as Seller, under a 20-year contract dated August 24, 1954, with Olin as the buyer, propose to construct approximately 4.3 miles of 2-inch diameter natural gas transmission pipe line, extending from the Possum Corner Field, Wilkinson County, Mississippi, to a point of connection with the Monroe-Baton Rouge Line,[1] of Olin's existing interstate natural gas pipe line facilities, and by means of such pipe line Calto proposes to transport and sell to Olin for resale a minimum of 500 Mcf of natural gas per day produced from Calto's acreage and wells in such field. The price to be paid under the contract is 10 cents per Mcf. Calto estimates the gas reserves in place to be 6 billion cubic feet—75 percent recoverable.

Olin proposes, by its application filed simultaneously with Calto's application, to construct and operate interconnecting, metering, and regulating facilities to receive into its interstate pipe-line facilities the gas proposed to be delivered by Calto. Olin estimates the quantity of gas to be purchased will approximate 182,500 Mcf per year. The gas received from Calto is to be commingled with natural gas in Olin's interstate pipeline facilities being transported and sold in interstate commerce for resale, subject to the Commission's jurisdiction.

Calto and Olin have requested that their applications be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). The applications are on file with the Commission and open to public inspection.

The Commission finds:

(1) It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to give due notice of the applications filed herein on September 7, 1954, including publication in the FEDERAL REGISTER, to consolidate the proceedings in Docket Nos. G-2666 and G-2667, and to hold a public hearing in the consolidated proceedings, all as hereinafter provided and ordered.

(2) These proceedings are proper ones for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), the applicants having requested that their applications be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however*, That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Due notice be given including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The proceedings in Docket Nos. G-2666 and G-2667 be and the same are hereby consolidated for purposes of hearing and determination.

[1] This line extends from a point in the Monroe Gas Field in northern Louisiana to near Natchez, Mississippi, thence through Adams and Wilkinson Counties, Mississippi, and into Louisiana to Baton Rouge, Louisiana.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a hearing be held on October 19, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

(D) Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10), on or before October 13, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 29, 1954.

Issued: September 30, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7838; Filed, Oct. 5, 1954; 8:48 a. m.]

[Docket No. G-2716]

KIGHT GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Kight Gas Co. (Applicant), organized under the laws of the State of West Virginia, with a principal office in Grantsville, West Virginia, filed on September 9, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in its application.

The application recites that Applicant produces natural gas in Calhoun County, West Virginia, and sells in interstate commerce to Hope Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 19, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 29, 1954.

Issued: September 30, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7839; Filed, Oct. 5, 1954; 8:49 a. m.]

[Docket No. G-2722]

OLIN GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Olin Gas Transmission Corporation (Applicant), a Delaware corporation with its principal office in the Ouachita National Bank Building, Monroe, Louisiana, filed, on September 10, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation in Adams County, Mississippi, near Natchez, Mississippi, of certain natural gas transmission pipeline facilities for the transportation and sale of natural gas to Mississippi Valley Gas Company (Mississippi Valley), subject to the jurisdiction of the Commission.

Applicant proposes to establish a delivery point to Mississippi Valley from Applicant's Fowler-Baton Rouge pipeline in Adams County, Mississippi, for delivery and sale of natural gas to Mississippi Valley for resale in the Cloverdale Subdivision, located in an area southwest of Natchez, Mississippi, and for such purpose Applicant proposes to construct a tap connection and metering and regulating facilities. The City of Natchez has natural gas service through sales for resale by Applicant to Mississippi Valley. Applicant estimates that gas usage for the Cloverdale Subdivision will approximate 5,000 Mcf per year.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). The application is on file with the Commission and open to public inspection.

The Commission finds: (1) It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to give due notice of the application filed herein on September 10, 1954, including publication in the FEDERAL REGISTER, and to hold a public hearing in the above-entitled proceeding, all as hereinafter provided and ordered.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicant having requested that its application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however*, That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a hearing be held on October 19, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

(C) Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10), on or before October 13, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 29, 1954.

Issued: September 30, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7840; Filed, Oct. 5, 1954; 8:49 a. m.]

[Docket No. G-3123]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER SUSPENDING REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

On September 1, 1954, Natural Gas Pipeline Company of America (Natural) tendered for filing Third Revised Sheets Nos. 5 and 6 to its FPC Gas Tariff, First Revised Volume No. 1, to become effective October 1, 1954, proposing an increase in rates and charges of $10,701,551, based on sales for twelve months ending June 30, 1954, as adjusted. The proposed increase is in addition to the presently effective contingent rates which are the subject of investigation in Docket No. G-2302.

In support of its proposed increase, Natural relies primarily on the "average field price" of gas at wellhead and on the increased rates filed by one of its suppliers, Colorado Interstate Gas Company, which rates are under suspension until February 1, 1955, in Docket No. G-2576.

Certain customers of Natural have protested and urged suspension of the aforesaid tariff sheets, along with the State Commissions of Wisconsin and Illinois.

The increased rates and charges provided in said new rate schedules have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to authority contained in sections 4 and 15 of the Natural Gas Act, concerning the lawfulness of Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be changed by Third Revised Sheets Nos. 5 and 6, and that said tariff sheets be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held in this proceeding on October 18, 1954, at 10 a. m., E. S. T., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be changed by Third Revised Sheets Nos. 5 and 6.

(B) Pursuant to the provisions of section 4 (e) of the Natural Gas Act, Natural shall go forward with the burden of proof imposed upon it, to present its justification of such proposed increased rates and charges.

(C) After Natural has so presented its justification, other parties, including Commission Staff Counsel, shall conduct so much of their cross-examination with respect to Natural's justification as they are then prepared to undertake. Thereupon the Presiding Examiner shall recess the hearing to a time to be fixed by further order of the Commission, in order to permit such preparation for the remainder of their cross-examination as the facts and circumstances may warrant, to expedite the proceeding.

(D) Pending such hearing and decision thereon, Natural's proposed Third Revised Sheets Nos. 5 and 6 of its FPC Gas Tariff, First Revised Volume No. 1, be and the same hereby are suspended and the use thereof deferred until March 2, 1955, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: September 29, 1954.

Issued: September 30, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7841; Filed, Oct. 5, 1954; 8:49 a. m.]

[Project No. 553]

CITY OF SEATTLE

NOTICE OF ORDER REVISING LICENSE (MAJOR)

SEPTEMBER 30, 1954.

Notice is hereby given that on September 22, 1954, the Federal Power Commission issued its order adopted September 17, 1954, revising Article 36 of license (Major) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7842; Filed, Oct. 5, 1954; 8:49 a. m.]

[Project No. 2053]

FALL RIVER POWER CO.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

SEPTEMBER 30, 1954.

Notice is hereby given that on September 23, 1954, the Federal Power Commission issued its order adopted September 17, 1954, issuing license (Major) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7843; Filed, Oct. 5, 1954; 8:49 a. m.]

[Project No. 2088]

OROVILLE-WYANDOTTE IRRIGATION DISTRICT

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

SEPTEMBER 30, 1954.

Notice is hereby given that on September 23, 1954, the Federal Power Commission issued its order adopted September 17, 1954, further amending license (Major) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7844; Filed, Oct. 5, 1954; 8:50 a. m.]

[Projects Nos. 2148, 2149]

PUGET SOUND POWER & LIGHT CO. AND PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON

NOTICE OF ORDER DENYING APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 30, 1954.

Notice is hereby given that on September 22, 1954, the Federal Power Commission issued its order adopted September 17, 1954, denying application for preliminary permit in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7845; Filed, Oct. 5, 1954; 8:50 a. m.]

[Project No. 2149]

PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

SEPTEMBER 30, 1954.

Notice is hereby given that on September 22, 1954, the Federal Power Commission issued its order adopted September 17, 1954, issuing preliminary permit in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7846; Filed, Oct. 5, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 28]

MOTOR CARRIER APPLICATIONS

OCTOBER 1, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 49 CFR 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a(b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5(2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it wil be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

NO. MC 504 SUB 17, LOUIS PATZ, doing business as HARPER MOTOR LINES, 220 N. McIntosh Street, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cereal preparations, dry*, (1) from Hamlin, Hilton, Holley, Rochester and Williamson, N. Y., to points in Georgia and South Carolina, and (2) from points in Adams County, Pa., to points in Georgia, North Carolina, and South Carolina. Applicant is authorized to conduct operations in Indiana, Georgia, and South Carolina.

NO. MC 531 SUB 57, YOUNGER BROTHERS, INC., 4904 Griggs Road, P. O. Box 14287, Houston 21, Texas. Applicant's attorney: Herbert L. Smith, 401 Perry-Brooks Building, Austin 1, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) between points in Texas on and north of U. S. Highway 190 from the Texas-Louisiana State line through Jasper, Woodville, and Livingston, Tex., to junction U. S. Highway 75, and on and east of U. S. Highway 75 from junction U. S. Highway 190 through Madisonville, Corsicana, Ennis, Dallas, McKinney, Sherman, and Denison, Tex., to the Texas-Oklahoma State line, (2) between points in Louisiana, and (3) between points in Louisiana, on the one hand, and, on the other, points in Texas on and north of U. S. Highway 190 from the Texas-Louisiana State line through Jasper, Woodville, and Livingston, Tex., to junction U. S. Highway 75, and on and east of U. S. Highway 75 from junction U. S. Highway 190 through Madisonville, Corsicana, Ennis, Dallas, McKinney, Sherman, and Denison, Tex., to the Texas-Oklahoma State line. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Tennessee, and Texas.

NO. MC 573 SUB 36, HOWARD R. WILLIAMS, INC., 4621 N. W. St. Helens Road, Portland, Oreg. Applicant's attorney: Norman E. Sutherland, 1100 Jackson Tower, Portland 5, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products*, in bulk, in tank vehicles, between Tacoma, Wash. and points within four miles thereof, on the one hand, and, on the other, United States Government installations in Washington, Oregon, Idaho, and that portion of Montana on and west of U. S. Highway 91. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, and Washington.

NO. MC 665 SUB 42, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a corporation, 1300 West 10th St., Joplin, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Military, Kans., and Crestline, Kans., over presently authorized route (Kansas Highway 26), serving no intermediate points. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, and Oklahoma.

NO. MC 665 SUB 43, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a corporation, 1300 West 10th St., Joplin, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, between junction U. S. Highways 169 and 160, located six miles north of Cherryvale, Kans., and Wichita, Kans., over U. S. Highway 169 to junction Kansas Highway 37, thence over Kansas Highway 37 to junction U. S. Highway 75, thence over U. S. Highway 75 to junction Kansas Highway 96, thence over Kansas Highway 96 to Wichita, Kans., and return over the same route, serving all intermediate points, except Augusta, Kans., and to and from the off-route points of Piedmont, Severy, Leon, Keighley, Haverhill, and Beaumont, Kans.

NO. MC 1124 SUB 116, HERRIN TRANSPORTATION COMPANY, a corporation, 2300 Walker Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, Phinney and Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, except those of unusual value and except livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highways 79 and 70 near Lehi, Ark., and Fordyce, Ark., over U. S. Highway 79, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Memphis, Tenn., and Shreveport, La., via Little Rock and Fordyce, Ark. Applicant is authorized to conduct operations in Arkansas, Louisiana, Oklahoma, Tennessee, and Texas.

NO. MC 1124 SUB 117, HERRIN TRANSPORTATION COMPANY, a corporation, 2300 Walker Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, Phinney and Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those contaminating to other lading, between LaPlace, La., and New Orleans, La., over U. S. Highway 61, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Louisiana, Oklahoma, Tennessee, and Texas.

NO. MC 1328 SUB 3, JACOB J. LONG, Alexandria, Ind. Applicant's attorney: George O. Cowan, Cowan and Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Roofing materials, building materials and insulating materials*, from Alexandria and Gimco City, Ind., and points in Indiana within one mile of each, to points in Illinois, Kentucky, Michigan, Ohio, West Virginia, Mississippi, those in Pennsylvania on and west of U. S. Highway 219, those in Scott, Cape Girardeau, Perry, St. Genevieve, Jefferson, St. Louis, St. Charles, Lincoln, Pike, Ralls, Marion, Lewis and Clark Counties, Mo., Lee, Des Moines, Louisa, Muscatine, Cedar, Scott, Clinton, Jackson and Dubuque Counties, Iowa, and those in Lafayette, Green, Rock, Walworth, Kenosha, Racine, Iowa, Dane, Jefferson, Waukesha, Milwaukee, Columbia, Dodge, Washington, Ozaukee, Fond du Lac, Winnebago, Outagamie, Brown, Kewaunee, Door, Calumet, Manitowoc and Sheboygan Counties, Wis. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, and West Virginia.

NO. MC 10928 SUB 22, SOUTHERN-PLAZA EXPRESS, INC., P. O. Box 837, Dallas, Tex. Applicant's attorney: Charles F. Riddle, Todd, Dillon & Curtiss, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, (1) between Fort Worth, Tex., and junction U. S. Highways 80 and 290 at Davis Mountain Junction, Tex., over U. S. Highway 80, and (2) between Fort Worth, Tex., and El Paso, Tex., over U. S. Highway 180, serving no intermediate points, as alternate routes, for operating convenience only, in connection with applicant's lease of operating authority granted English Freight Company, a Corporation, in Certificate No. MC 30165 dated November 17, 1952, for regular route operations between Austin and El Paso, Tex. (which is a portion of the regular route between Houston and El Paso, Tex.), and between Fort Worth and San Antonio, Tex. (which is a portion of the regular route between Dallas and San Antonio, Tex.), which lease expires February 18, 1956, unless applicant exercises its option to purchase said operating authority. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Missouri, Oklahoma, Tennessee and Texas.

NO. MC 14659 SUB 2, GEORGE C. O'DONNELL, doing business as O'DONNELL'S EXPRESS, 7 Kendall St., Houlton, Maine. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A, B, and C explosives*, for the U. S. Government only, between Boston, Mass., and U. S. Airbase, Limestone, Maine, from Boston over U. S. Highway 1 to Brunswick, Maine, thence over U. S. Highway 201 to Waterville, Maine, thence over Maine Highway 100 to Newport, Maine, thence over U. S. Highway 2 to Houlton, Maine, thence over U. S. Highway 1 to Limestone, Maine, thence via Military Highway to Airbase.

NO. MC 14948 SUB 1, ROSS R. GANDY, Box 552, Wilson, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Texas, and those in Carter County, Okla.

NO. MC 27754 SUB 10, FRANK KUBLY, 1916—12th Avenue, Monroe, Wis. Applicant's attorney: Adolph J. Bieberstein, Stephens, Bieberstein, Cooper and Bruemmer, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Monroe, Wis., to points in Illinois on and north of U. S. Highway 36 and to points in Iowa on and east of U. S. Highway 169, and *empty malt beverage containers* on return.

NO. MC 28439 SUB 60, DAILY MOTOR EXPRESS, INC., Penn and Pitt Streets, Carlisle, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Buildings*, complete, knocked down or in sections, *including all component parts, materials, supplies and fixtures when shipped with such buildings, including accessories used in the erection, construction* and *completion* thereof, between points in Pennsylvania, on the one hand, and, on the other, all points in the United States.

NO. MC 30887 SUB 53, SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's attorney: William J. Little, Baldwin, Jarman and Norris, Fidelity Building, Baltimore 1, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid Latex*, in bulk, in tank vehicles, (1) from Baltimore, Md., to Garrettsville, Ohio, St. Paul and Chemolite Siding, Minn., (approximately 16 miles south of St. Paul on U. S. Highway 61), and Roxboro, N. C., (2) From New York, N. Y., to Garrettsville, Ohio and St. Paul and Chemolite Siding, Minn. (approximately 16 miles south of St. Paul on U. S. Highway 61), and (3) from Philadelphia, Pa., to Roxboro, N. C. Applicant is authorized to conduct operations in Connecticut, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, and Wisconsin.

NO. MC 52920 SUB 15, PACIFIC HIGHWAY TRANSPORT, INC., Sixth Avenue South & Holgate, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A, B, and C explosives*, between Tacoma, Fort Lewis and Seattle, Wash., and points within 15 miles of each, on the one hand, and, on the other, Paine Field (near Everett), Wash. Applicant is authorized to conduct operations in Oregon and Washington.

NO. MC 59788 SUB 2, LAURENCE VERHAAG, doing business as COLVILLE-BOUNDARY-LAURIER AUTO FREIGHT, Colville, Wash. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Kettle Falls, Wash., as an intermediate point in connection with applicant's regular-route operations between Colville, Washington, and Boundary, Wash. Applicant is authorized to conduct operations in Washington.

NO. MC 63800 SUB 1, SIMON S. HILL, INC., 202 North 10th Street, Brooklyn, New York. For authority to operate as

a *common carrier*, over irregular routes, transporting: *Coke*, in containers, from Kearny, N. Y., to Brooklyn, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return movement.

NO. MC 64932 SUB 159, ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids*, and *chemicals* (including but not restricted to those classified in Appendix XV to Descriptions in Motor Carrier Certificates, 61 M. C. C. 209), and *chemical products;* in bulk, in tank vehicles, from Terre Haute, Ind., and Peoria, Ill., to points in Kansas. The applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, New Jersey, New York, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NO. MC 66562 SUB 1214. RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Newport, Maine and Dexter, Maine over Maine Highways 7 and 11, serving the intermediate point of Corinna, Maine.

NO. MC 67818 SUB 51, MICHIGAN EXPRESS, INC., 505 Monroe Avenue, N. W., Grand Rapids 2, Mich. Applicant's attorney: Robert H. Levy, Axelrod, Goodman & Steiner, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dicalcium phosphate, fertilizer*, and *fertilizer ingredients*, in bulk, and in packages, between points in Michigan and points in Ohio.

NO. MC 83835 SUB 31, WALES TRUCKING COMPANY, a corporation, 319 Forest Ave., Rd., Post Office Box 6186, Dallas, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products and by-products, and *machinery, equipment, materials*, and *supplies*, used in or in connection with irrigation, the drilling of water wells, salt water injection wells, wells for underground reservoir storage, and the drilling of wells for all other purposes (1) between points in Arkansas, Indiana, Iowa, Kansas, Colorado, Illinois, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Oklahoma, Texas, Utah, and Wyoming, (2) from Columbus, and Marietta, Ohio, to points in Louisiana, New Mexico, Colorado, and Arkansas, (3) between points in Kansas, Oklahoma, and Texas, on the one hand, and, on the other, points in Michigan, Ohio, Pennsylvania, and West Virginia, and (4) between points in Illinois, on the one hand, and, on the other, points in Ohio, and Pennsylvania. Applicant is presently authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, West Virginia, and Wyoming.

NO. MC 86676 SUB 2, ANTON SCHNEIDER, Post Office Box 92, Lannon, Wis. Applicant's attorney: C. R. Dineen, 341 Empire Building, 710 North Plankinton Ave., Milwaukee 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Rough stone*, and *cut stone*, from points in the townships of Menomonee, and Lisbon, and the Village of Lannon, Waukesha County, Wis., to points in Illinois, Indiana, Michigan, Iowa, and Minnesota, and return with *empty containers or other such incidental facilities* (not specified) used in transporting rough stone and cut stone. Applicant is authorized to conduct operations in Illinois, and Wisconsin.

NO. MC 90147 SUB 1, (Amended) HELMER V. CARLSON, doing business as HOPKINS AND CARLSON, 97 Hale St., Haverhill, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, between points in Essex County, Mass., and points in Belknap, Cheshire, Hillsboro, Merrimack, Rockingham and Strafford Counties, N. H., and *Household goods*, as defined by the Commission, between points in Essex County, Mass., and points in Rockingham County, N. H.

NO. MC 93980 SUB 23, VANCE TRUCKING COMPANY, INCORPORATED, Box 336, Henderson, N. C. Applicant's attorney: James E. Wilson; Roberts & McInnis, Continental Building, Fourteenth at K Northwest, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Materials, supplies*, and *equipment*, used in marketing, packing, processing and handling of leaf tobacco, between points in North Carolina, South Carolina, Virginia, Georgia, and Florida. Applicant is authorized to conduct operations in Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia.

NO. MC 92983 SUB 110, ELDON MILLER, INC., 1030 Riverside Drive, P. O. Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, between Toledo, Ohio, and Buffalo and Niagara Falls, N. Y., on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, Missouri, and Nebraska. Applicant is authorized to conduct operations in Arkansas, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

NO. MC 96568 SUB 7, ROBERT R. MUSKIN and JEROLD B. MUSKIN, doing business as MUSKIN TRUCKING CO., East Martin Street Ext., East Palestine, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Uncrated new furniture*, from Tyler, Tex., to points in Arizona, New Mexico and Florida, and *damaged, defective, or returned shipments* on return movements. Applicant is authorized to conduct operations in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

NO. MC 93890 SUB 11, McDOWALL TRANSPORT, INC., 33 West Grant Avenue, P. O. Box 3231, Orlando, Fla. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks, chassis*, and *trailers*, restricted to those manufactured by the Hudson Motor Division of American Motors, Inc., in truckaway and driveaway service, from Kenosha, Wis., to points in Florida. Applicant is authorized to conduct operations in Michigan, Indiana, Ohio, and Florida.

NO. MC 103514 SUB 3, WILLIAM D. SMITH TRUCKING CO., INC., Mount Wolf, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper products*, from the plant of the York Container Company, in Springettsbury Township, York County, Pa., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia; and *empty containers* or *other such incidental facilities* (not specified) used in transporting the commodities, and waste paper products, on return movement. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

NO. MC 105987 SUB 6, PAUL M. GILLMOR CO., A CORPORATION, Old Port, Ohio. Applicant's attorney: Richard H. Brandon, Sanborn, Nacey, and Brandon, Society for Savings Building, Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between points in Ohio. (Applicant is authorized to conduct operations in Michigan, Indiana, and Ohio, as a contract carrier and there is pending an application to convert such operations to common carrier, Docket No. MC 114230. If applicant's certificate should be issued during the consideration of this matter applicant requests that this application be considered as one for a common carrier.)

NO. MC 106398 SUB 17, NATIONAL TRAILER CONVOY, INC., Box 8096 Dawson Station, 1916 North Sheridan Road, Tulsa, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers, cabin trailers* and *bungalow trailers*, in initial movements, in driveaway service, from Atlanta and East Point, Ga., to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

NO. MC 107456 SUB 7, HARRY L. YOUNG AND SONS, INC., 542 West Sixth South Street, Salt Lake City, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ore* and *ore concentrates*, in bulk, from points in White Pine County, Nev., to railheads at Delta, Utah. Applicant is authorized to conduct operations in Nevada and Utah.

NO. MC 108991 SUB 14, SOUTHERN TRUCK LINES INC., 2381 West Beaver Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dairy products*, as defined by the Commission in Ex Parte No. MC 38, from Fayetteville and Lewisburg, Tenn., to points in Georgia, North Carolina, Florida, South Carolina, Mississippi, Alabama, Arkansas, Louisiana and Texas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Minnesota, Mississippi, North Carolina, South Carolina, Tennessee and Texas.

NO. MC 109471 SUB 9, R. A. CONYES, doing business as R. A. CONYES TANK LINES, 2884 San Pablo Avenue, P. O. Box 6, San Pablo, Calif. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Colusa, Calif., and points within ten miles thereof, to all points in Nevada. Applicant is authorized to conduct operations in California and Nevada.

NO. MC 109637 SUB 23, GASOLINE TRANSPORT CO., A Corporation, 4500 Bells Lane, Louisville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between Bradenburg, Ky., and points within 10 miles thereof, on the one hand, and, on the other, Louisville, Ky. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky and Tennessee.

NO. MC 110045 SUB 4, FRANK MARCELLO, doing business as MARCELLO'S SERVICE, 230 Park Avenue, Quakertown, Pa. Applicant's attorney: Jacob Polin, 257 Ellis Road, Havertown, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Men's shirts*, in boxes, from Masontown, Pa., to New York, N. Y., and *empty boxes, buttons*, and *processed piece goods* for men's shirts, on return. Applicant is authorized to conduct operations in New York and Pennsylvania.

NO. MC 110570 SUB 2, PRUDHOME OIL COMPANY, INC., 417 West Grant Street, Lafayette, La. Applicant's attorney: Robert A. Ainsworth, Jr., National Bank of Commerce Building, New Orleans 12, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Louisiana.

NO. MC 112063 SUB 2, P. I. & I. MOTOR EXPRESS, INC., 836 South Irvine Avenue, Masury, Ohio. Applicant's representative: G. H. Dilla, 3030 Euclid Avenue, Cleveland 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Steel* and *manufactured steel products*, from Sharon, Pa., and points within five miles thereof, to Warren, Ohio. (No service to be rendered at Warren, Ohio, except to be interchanged to American Cartage Co., for further transportation to Chicago, Ill., and Milwaukee, Wis.) Applicant is authorized to conduct operations in Pennsylvania, Indiana, and Illinois.

NO. MC 112223 SUB 22, QUICKIE TRANSPORT COMPANY, A Corporation, 1121 South Seventh Street, Minneapolis, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products including chemicals derived from petroleum and compounded oils having a petroleum base*, in bulk, in tank vehicles, between points in Minnesota. Applicant is authorized to conduct operations in Minnesota and Iowa.

No. MC 112223 SUB 23, QUICKIE TRANSPORT COMPANY, A Corporation, 1121 South Seventh Street, Minneapolis, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products including chemicals derived from petroleum and compounded oils having a petroleum base*, in bulk, in tank vehicles, between points in Wisconsin. Applicant is authorized to conduct operations in Minnesota and Iowa.

NO. MC 112223 SUB 24, QUICKIE TRANSPORT COMPANY, A Corporation, 1121 South Seventh Street, Minneapolis, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from the United States Air Force Installation located near Hastings, Minn., to the United States Air Force, the United States Navy or National Guard Installations in Minnesota, Wisconsin, Iowa, North Dakota, South Dakota and the upper peninsula of Michigan. Applicant is authorized to conduct operations in Minnesota and Iowa.

NO. MC 112474 SUB 1, WALTER ROWAN, 28 Market St., Jamestown, N. Y. Applicant's attorney: Kenneth T. Johnson, Johnson & Peterson, Jamestown, New York. For authority to operate as a common carrier, over irregular routes, transporting: *Such bulk commodities* as are transported in dump trucks, from Chautauqua County, N. Y., to points in Erie, Crawford, Warren, McKean, Potter, Venango, Forest, Elk, and Clarion Counties, Pa. (Applicant is presently authorized in Permit No. MC 59612, dated March 5, 1952, to transport such bulk commodities, except salt, as are transported in dump trucks, between Jamestown, N. Y., and points in that part of New York and Pennsylvania within 75 miles of Jamestown, N. Y. This application is for conversion of operations now conducted by applicant as a contract carrier to those of a common carrier, therefore, applicant requests that the contract carrier operations be revoked concurrently upon a grant of the authority applied for in this application.)

NO. MC 114837 SUB 1, ROLAND LEISCHOW, doing business as LEISCHOW TRUCKING, Route No. 2, Algoma, Wis. Applicant's attorney: Roger S. Bessey, 324 East Wisconsin Avenue, Milwaukee 2, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed, feed concentrates* and *fertilizer*, from points in the Minneapolis-St. Paul, Minn., and those in the Chicago, Ill., Commercial Zones, as defined by the Commission, to points in Door and Kewaunee Counties, Wis.

NO. MC 112989 SUB 1, JOHNSON TRUCK SERVICE, INC., 1403 Second Street, Tillamook, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Curry County, Oreg., to points in Josephine County, Oreg. Applicant is authorized to conduct operations in Oregon and Washington.

NO. MC 114873 (Amended), M. W. LOZEL, doing business as SEIBOLD & LOZEL, 101-42 Lefferts Boulevard, Richmond Hill, N. Y. Applicant's attorney: Wm. Walter Frankel, 276 Fifth Avenue, New York, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plate glass, window glass and mirrors requiring special equipment and handling*, from New York, N. Y., to points in New Jersey and Connecticut, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities, on return movement.

NO. MC 114929, ANDREW R. HORVATH, 3450 N. W. 79th Street, Miami, Fla. Applicant's attorney: A. C. Franks, Franks and Gordon, Seybold Building, Miami 32, Fla. For authority to operate as a *common carrier*, over regular routes, transporting: *Clay sewer pipe*, from Milledgeville, Ga., to West Palm Beach, Fort Lauderdale, Hollywood and Miami, Fla.; (1) from Milledgeville, Ga., over Georgia Highway 24 to junction Georgia Highway 15, thence over Georgia Highway 15 to junction Georgia Highway 78, thence over Georgia Highway 78 to junction Georgia Highway 29, thence over Georgia Highway 29 to junction U. S. Highway 1, thence over U. S. Highway 1 to junction Georgia Highway 121 (near Baxley, Ga.), thence over George Highway 121 to junction U. S. Highway 1 (near Racepond, Ga.), and thence over U. S. Highway 1 to West Palm Beach, Fort Lauderdale, Hollywood and Miami, Fla., also (2) from Milledgeville, Ga., over U. S. Highway 441 to junction Georgia Highway 94, thence over Georgia Highway 94 to junction Florida Highway 2, thence over Florida Highway 2 to junction U. S. Highway 90, thence over U. S. Highway 90 to junction U. S. Highway 1, and thence over U. S. Highway 1 to West Palm Beach, Fort Lauderdale, Hollywood, and Miami, Fla.; also (3) from Milledgeville, Ga., over U. S. Highway 441 to junction U. S. Highway 27, thence over U. S. Highway 27 to Miami, Fla., also (4) from Milledgeville, Ga., over the

above specified route to junction U. S. Highway 27 and Florida Highway 84, thence over Florida Highway 84 to junction U. S. Highway 441, and thence over U. S. Highway 441 to Miami, Fla., also (5) from Milledgeville, Ga., over the above specified route to junction U. S. Highway 27 and Florida Highway 60 (near Lake Wales, Fla.), thence over Florida Highway 60 to junction U. S. Highway 441, thence over U. S. Highway 441 to junction Temp. U. S. Highway 98, thence over Temp. U. S. Highway 98 to junction U. S. Highway 1 at West Palm Beach, Fla., and thence over U. S. Highway 1 to Fort Lauderdale, Hollywood and Miami, Fla.; also, (6) from Milledgeville, Ga., over the above specified route to junction U. S. Highway 441 and Temp. U. S. Highway 98 (west of Loxahatchee, Fla.), and thence over U. S. Highway 441 to Miami, Fla., serving no intermediate points, with service only at West Palm Beach, Fort Lauderdale, Hollywood and Miami, Fla.; and *lumber* from Athens, Augusta, Atlanta and Columbus, Ga., to West Palm Beach, Fort Lauderdale, Hollywood and Miami, Fla., (1) from Athens, Ga., over U. S. Highway 441 to Milledgeville, Ga., and thence over the above described routes to West Palm Beach, Fort Lauderdale, Hollywood, and Miami, Fla.; (2) from Augusta, Ga., over U. S. Highway 25 to junction U. S. Highway 301, thence over U. S. Highway 301 to junction U. S. Highway 1, and thence over U. S. Highway 1 to West Palm Beach, Fort Lauderdale, Hollywood and Miami, Fla.; (3) from Atlanta, Ga., over U. S. Highway 41 to junction U. S. Highway 441, and thence over the above specified routes to West Palm Beach, Fort Lauderdale, Hollywood and Miami, Fla.; (4) from Columbus, Ga., over U. S. Highway 27 to Tallahassee, Fla., thence over U. S. Highway 98 to junction Florida Highway 60 (also from Tallahassee, over U. S. Highway 27 to junction U. S. Highway 98 (near Perry, Fla.)), thence over Florida Highway 60 to junction U. S. Highway 27 (near Lake Wales, Fla.), and thence over the above specified routes to Miami, Fla.; also from junction U. S. Highway 27 and Florida Highway 60 over Florida Highway 60 to junction U. S. Highway 441, and thence over the above specified routes to West Palm Beach, Fort Lauderdale, Hollywood and Miami, Fla., serving no intermediate points on the above described routes, with service only at West Palm Beach, Fort Lauderdale, Hollywood, and Miami, Fla.

NO. MC 114955, HERBERT EDWARD WILSON, doing business as WILSON CARTAGE, 240 St. Mary's Blvd., Riverside, Ontario, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building supplies, medical supplies, textiles, plastics, chemicals, automotive accessories, forgings*, and *empty containers*, between the United States-Canada International Boundary line at or near Detroit, Mich., and points in the Detroit, Mich., Commercial Zone as defined by the Commission.

NO. MC 114958, GEORGE H. BROWN, Route 1, Florence, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* and *forest products*, between points in Lincoln, Lane and Douglas Counties, Oreg.

NO. MC 114961, A. DIXON, doing business as A. & R. DIXON, Camden, Ohio. Applicant's attorney: Julian E. Clark, Preble County National Bank Bldg., Eaton, Ohio. For authority to operate as a *contract carrier*, over a regular route, transporting: *Corrugated fibre board boxes*, from the site of the Atlas Plywood Corporation, located at Camden, Ohio, to the site of the Rex Manufacturing Co., located at Connersville, Ind., operating from Camden over Ohio Highway 725 to the Ohio-Indiana State line, thence over Indiana Highway 44 to Connersville, and return over the same route, serving no intermediate points.

NO. MC 114965, L. R. CYRUS, doing business as CYRUS PETROLEUM TRUCK LINE, 120 East Madison Street, Iola, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, from refining and producing points in Kansas, to points in that part of Missouri south of U. S. Highway 36, west of U. S. Highway 63, and north of U. S. Highway 60, including points on the indicated portions of the highways specified; *petroleum* and *petroleum products*, (1) from refining and producing points in Kansas and the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission, to points in that part of Missouri south of U. S. Highway 60 on and west of U. S. Highway 65; (2) from refining and producing points in Kansas and the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission, to points in that part of Missouri north of U. S. Highway 36 and on and west of U. S. Highway 63; and (3) from refining and producing points in Kansas and the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission, to Ava, Mo.; and *empty containers* for petroleum and petroleum products, from the above-specified Missouri points and from points in that part of Missouri on and south of U. S. Highway 36, and on and west of U. S. Highway 63 and on and north of U. S. Highway 60 to the origin points above-specified; *liquid petroleum products*, in bulk, in tank vehicles, from points within two miles of Iola, Kans., and Coffeyville, Kans., to Ava, Mo., and points in that part of Missouri bounded on the south by the Missouri-Arkansas State line beginning at the Missouri-Oklahoma State line and extending easterly to U. S. Highway 65, thence north along U. S. Highway 65 to junction with U. S. Highway 60, thence east along U. S. Highway 60 to junction with U. S. Highway 63, thence north along U. S. Highway 63 to the Missouri-Iowa State line, thence west along the Missouri-Iowa State line to the Missouri-Nebraska State line, thence south along the Missouri-Nebraska State line to the Missouri-Kansas State line, and thence south along the Missouri-Kansas State line, to the Missouri-Oklahoma State line, and thence south along the Missouri-Oklahoma State line to the point of beginning at the Missouri-Arkansas State line, including points along the indicated portions of the highways specified; and *damaged and contaminated liquid petroleum products*, in bulk, in tank vehicles, from points in that part of Missouri indicated above, to points in Kansas. (Applicant is presently authorized in Permits No. MC 66344, No. MC 66344 Sub 10, and No. MC 66344 Sub 13, dated June 28, 1941, April 11, 1947, and March 20, 1950, respectively, to transport the above-specified commodities in the territory described above. This application is for conversion of operations now conducted by applicant as a contract carrier to those of a common carrier, therefore, concurrently upon a grant of the authority applied for in this application, the carrier's contract carrier operations should be revoked.) Applicant is authorized to conduct operations in Kansas and Missouri.

NO. MC 114967, E. F. BOCK, doing business as BOCK TRANSPORT CO., 413 West Third St., Garner, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular route, transporting: *Petroleum* and *petroleum products*, as described in Ex Parte No. MC-45, in bulk, in tank vehicles, between points in Iowa on and north of Iowa Highway 3.

NO. MC 114968, THEODORE MONDI, 1826 South Camac Street, Philadelphia, Pa. Applicant's representative: Jacob Polin, 257 Ellis Road, Havertown, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from Newark, N. J., and New York, N. Y., to points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement.

NO. MC 114969, PROPANE TRANSPORT, INC., 5 Water Street, Milford, Ohio. Applicant's attorney: Leonard D. Slutz, Nichols, Wood, Marx & Ginter, 900 Traction Building, Cincinnati 2, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Tuscola, Ill., and points in Illinois within five miles thereof to points in Ohio, south and west of a line extending from the Ohio-Indiana State line along Ohio Highway 47 in an easterly direction to Waldo, Ohio, thence in a southerly direction along U. S. Highway 23 to Columbus, Ohio, thence in an easterly direction along U. S. Highway 40 to Zanesville, Ohio, thence in a southeasterly direction along Ohio Highway 77 to the Ohio River at Marietta, Ohio.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 12616, BYRON L. BURFORD, SR., BYRON L. BURFORD, JR., and MARY DELL BURFORD, doing business as MISSISSIPPI YOUTH TOURS, 620 Chickasaw, Jackson, Miss. Applicant's attorney: Shelby R. Rogers; Watkins & Eager, 1001–09 Plaza Building, Jackson, Miss. For a license (BMC 5) authorizing operations as a *broker* at Jackson, Miss., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in the same vehicle, in special round trip service, and also charter service, such as educational tours, sightseeing tours, and pleasure or recreational tours, including arrangements for taking care of all incidental expenses in connection with such tours, beginning and ending at Jackson, Miss., and extending to points in the United States.

NO. MC 114941, WILLIAM V. YODER and JOHN E. YODER, doing business as ROCHESTER MOTOR COACH COMPANY, 1730 Pennsylvania Ave., Monaca, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between (1) Beaver Falls, Pa., and East Liverpool, Ohio, over Pennsylvania Highway 18 from Beaver Falls through Brighton, Rochester, and Monaca, Pa. to junction Pennsylvania Legislative Route 483, thence over Pennsylvania Legislative Route 483 to Junction Pennsylvania Highway 168, thence over Pennsylvania Highway 168 to junction U. S. Highway 30, thence over U. S. Highway 30 to East Liverpool, and return over the same route, (2) Ambridge, Pa., and East Liverpool, Ohio, over the Ambridge-Aliquippa Bridge from Ambridge to Pennsylvania Highway 930, thence over Pennsylvania Highway 930 to Monaca, Pa., thence over route specified under (1) above to East Liverpool, and return over the same route, and (3) Aliquippa, Pa., and East Liverpool, Ohio, over Pennsylvania Highway 04019 from Aliquippa to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 (also over route specified under (2) above, Pennsylvania Highway 930, from Aliquippa) to Monaca, Pa., thence over routes specified under (1) and (2) above to East Liverpool, and return over the same route; serving all intermediate points on said routes.

CORRECTIONS

Application of OHIO TRI-COUNTY TRUCKING CO., Toledo, Ohio, MC 108001 Sub 5 is the correct docket number assigned to instant application published on page 6094, issue of Wednesday, September 22, 1954, in lieu of docket number MC 108011 Sub 5 as published.

Application of FLORA & RUNDLE, Dodgeville, Wis., MC 114922 is the correct docket number assigned to instant application published on page 6095, issue of Wednesday, September 22, 1954, in lieu of docket number MC 113922 as published.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

NO. MC–F–5677 published in the May 12, 1954 issue of the Federal Register, page 2754. Amendment filed September 27, 1954, to show the vendor as ALLMEN TRANSFER & MOVING COMPANY in lieu of THE ALLMEN TRANSFER & MOVING CO.

NO. MC–F–5785 published in the September 29, 1954 issue of the FEDERAL REGISTER. Amendment filed September 24, 1954, seeking temporary lease of motor carrier properties of LESTER BOYCE and BOYCE MOTOR LINES, INC., in lieu of a management contract.

NO. MC–F–5796. Authority sought for control by WILSON FREIGHT FORWARDING COMPANY, 3636 Follett Ave., Cincinnati, Ohio, of the operating rights and property of THE CLEVELAND AND CHICAGO MOTOR EXPRESS COMPANY, 1970 Scranton Road, Cleveland, Ohio, and for acquisition by LEONARD S. SHORE, S. DAVID SHORE, and DAVID M. GRANZ, Cincinnati, Ohio, of control of said carrier through the transaction. Applicants' attorney: Harry C. Ames, Jr., 227 Transportation Bldg., Washington, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Cleveland, Ohio, and Chicago, Ill., between Toledo, Ohio, and Fort Wayne, Ind., between Cleveland, Ohio, and Youngstown, Ohio, between Sandusky, Ohio, and Akron, Ohio, between Fort Wayne, Ind., and junction Indiana Highway 2 and U. S. Highway 6, between Elyria, Ohio, and junction U. S. Highway 20 and Ohio Highway 120 (west of Toledo, Ohio), between Cleveland, Ohio, and Lorian, Ohio, and between junction of U. S. Highway 20 and Ohio Highway 120 (east of Toledo) and junction of Ohio Highway 120 and U. S. Highway 20 (west of Toledo), serving numerous intermediate and off-route points; over certain routes for operating convenience only. Vendee is authorized to operate in Indiana, Ohio, Pennsylvania, New York, Maryland, Kentucky, New Jersey, Massachusetts, Virginia, North Carolina, Tennessee, West Virginia, Delaware, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5797. Authority sought for purchase by SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Blvd., St. Paul, Minn., of the operating rights of NYGREN TRANSPORTATION COMPANY, P. O. Box 348, New Brighton, Minn., and for acquisition by LLOYD W. SCHIRMER, GAILE H. SCHIRMER and G. W. BUSE, St. Paul, Minn., of control of the operating rights through the purchase. Applicants' attorney: Donald A. Morken, 1100 First National-Soo Line Bldg., Minneapolis, Minn. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank trucks, as a *common carrier*, over irregular routes, from St. Paul, Minn., to the site of the Aberdeen Municipal Airport, near Aberdeen, S. Dak.; *residual oils*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., and points within five miles of St. Paul, to Algona, Charles City, Emmetsburg, Estherville, Fort Dodge, Graettinger, Hull, Humboldt, Lytton, Mason City, Oelwein, Pocahontas, Sac City, Ansgar, Sanborn, Sibley, Sioux City, Spencer, Storm Lake, Strawberry Point, and Whittemore, Iowa, and Aberdeen, Madison, Mitchell, and Milbank, S. Dak.

NO. MC–F–5798. Authority sought for control by DOHRN TRANSFER COMPANY, Robinson Bldg., Rock Island, Ill., of the operating rights and property of STANDARD FREIGHT LINES, INC., 501 West 18th St., Chicago, Ill., and for acquisition by CHARLES H. DOHRN and ARTHUR H. LORENZEN, Rock Island, Ill., of control of said carrier through the transaction. Applicants' attorney: David Axelrod, 39 S. LaSalle St., Chicago, Ill. Operating rights sought to be controlled: *General commodities*, with certain exceptions, *including household goods*, as a *common carrier*, over regular routes, between points in Illinois, Michigan, Indiana, Ohio, and Kentucky, including routes, between Chicago, Ill., and Detroit, Mich., between Chicago, Ill., and Columbus, Ohio, between Cincinnati, Ohio, and Veedersburg, Ind., between Cincinnati, Ohio, and Richmond, Ind., between Indianapolis, Ind., and St. Marys, Ohio, between South Bend, Ind., and Louisville, Ky., and between Peru, Ind., and Richmond, Ind., serving numerous intermediate and off-route points; over various routes for operating convenience only; and over certain routes with empty equipment; *agricultural commodities, creamery products*, and *materials, supplies*, and *equipment*, used in the conduct of such business, over irregular routes, between points in a described portion of Wisconsin, on the one hand, and on the other, points in the Chicago, Ill., Commercial Zone, and a certain portion of Illinois. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5799. Authority sought for purchase by PALMER LINES, INC., Sheffield Road, Sheffield, Mass., of the operating rights and property of GEORGE F. PEASE, INC., 52 Russell St., West Springfield, Mass., and for acquisition by MELVIN B. WOOD, ROBERT K. WHEELER, GEORGE R. McCORMICK, WILFRED MARDENBOROUGH, and MARIE HEISER CAUL, Sheffield, Mass., of control of the operating rights and property through the purchase. Applicants' attorney: William L. Mobley, 1694 Main St., Springfield, Mass. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Springfield, Mass., and New York, N. Y., serving the intermediate and off-route points of Thompsonville, Hartford, Meriden, West Haven, Milford, Bridgeport, Stamford, and Greenwich, Conn., those within 15 miles of Springfield and those within 25 miles of New York, N. Y.; *boilers* and *boiler parts*, over irregular routes, from Westfield, Mass., to New York, N. Y., and points on Long Island, N. Y., and those in New York and New Jersey within 60 miles of New York, N. Y.; *soap and soap products*, from New York, N. Y., to points in Connecticut and those in Hampden County, Mass. Vendee is authorized to operate in Massachusetts, New York, Delaware, New Hampshire, Virginia,

Pennsylvania, Vermont, Maine, Ohio, New Jersey, Connecticut, Maryland, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7835; Filed, Oct. 5, 1954; 8:48 a. m.]

[4th Sec. Application 29741]

SUPERPHOSPHATE FROM EAST TAMPA, FLA., AND SHEFFIELD, ALA., TO BLYTHEVILLE AND WALPORT, ARK.

APPLICATION FOR RELIEF

OCTOBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below:

Commodities involved: Superphosphate (acid phosphate), other than ammoniated or defluorinated, in bulk, carloads.

From: East Tampa, Fla., and Sheffield, Ala.

To: Blytheville and Walport, Ark.

Grounds for relief: Rail competition, circuity, grouping, rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1433, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7828; Filed, Oct. 5, 1954; 8:46 a. m.]

[4th Sec. Application29742]

CASTOR BEANS AND OTHER COMMODITIES BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

OCTOBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. F. Brown, Agent, for carriers parties to schedule listed below.

Commodities involved: Castor beans, carloads, malted milk, carloads and less-than-carloads, aluminum wire, less-than-carloads.

Between: Points in Texas.

Grounds for relief: Rail competition, circuity, to meet intrastate rates, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 807, Supp. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7829; Filed, Oct. 5, 1954; 8:46 a. m.]

[4th Sec. Application 29743]

PAPER BOXES FROM MIDDLETOWN, OHIO TO BOGALUSA, LA., JACKSON AND MERIDIAN, MISS.

APPLICATION FOR RELIEF

OCTOBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Paper articles, viz.: boxes, fibreboard, without wooden frames, carloads.

From: Middletown, Ohio.

To: Bogalusa, La., Jackson and Meridian, Miss.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7830; Filed, Oct. 5, 1954; 8:47 a. m.]

[4th Sec. Application 29744]

COFFEE FROM HOUSTON, TEX., AND NEW ORLEANS, LA., TO ILLINOIS AND IOWA

APPLICATION FOR RELIEF

OCTOBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules, listed below.

Commodities involved: Green coffee, carloads, roasted, ground, etc., in transit.

From: Houston, Texas, and New Orleans, La.

To: Specified points in Illinois and Iowa.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4018, supp. 21. W. P. Emerson, Jr., Agent, I. C. C. No. 416, supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7831; Filed, Oct. 5, 1954; 8:47 a. m.]

[4th Sec. Application 29745]

MOTOR-RAIL-MOTOR RATES BETWEEN CHICAGO, ILL., AND KANSAS CITY, MO.; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

OCTOBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for the Chicago Great Western Railway Company, Motorways, Inc., Ringsby Truck Lines, Inc., and other motor carriers.

Commodities involved: Highway-trailers, loaded or empty, on flat cars.

Between: Chicago, Ill., and Kansas City, Mo.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, MF-I. C. C. No. 223, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7832; Filed, Oct. 5, 1954; 8:47 a. m.]

[4th Sec. Application 29746]

COAL ASHES AND CINDERS FROM MARYLAND AND PENNSYLVANIA TO VIRGINIA

APPLICATION FOR RELIEF

OCTOBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers defendants in docket 31116, 292 I. C. C. 93.

Commodities involved: Coal ashes and cinders, carloads.

From: Auchincloss, Centralia, Chester, Harwood Mines, Forest Castle, and other points in Pennsylvania, Amcelle, Cumberland and Sparrows Point, Md.

To: Charlottesville, Fredericksburg, Lynchburg, Richmond, South Boston, Stone Springs and Webster, Va.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7833; Filed, Oct. 5, 1954; 8:47 a. m.]

[4th Sec. Application 29747]

PETROLEUM PRODUCTS FROM DONIPHAN, NEBR., TO POINTS IN NEBRASKA

APPLICATION FOR RELIEF

OCTOBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Gasoline, distillate fuel oil and other petroleum products, in tank-car loads.

From: Pipe line terminal at Doniphan, Nebr.

To: Points in Nebraska.

Grounds for relief: Competition with rail carriers, circuity, competition with motor carriers.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3985, supps. 9 and 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7834; Filed, Oct. 5, 1954; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-208, 31-505]

INTERNATIONAL PAPER CO.

ORDER DECLARING SUBSIDIARY NOT TO BE AN ELECTRIC UTILITY COMPANY AND GRANTING CERTAIN RELATED REQUESTS

SEPTEMBER 30, 1954.

International Paper Company ("Paper") has filed an application, under section 2 (a) (3) of the Public Utility Holding Company Act of 1935 ("act"), for an order declaring its subsidiary, Canadian International Paper Company ("Canadian"), not to be an electric utility company as defined in that section of the act.

Paper also has filed certain applications (File Nos. 31-208 and 31-505) requesting an order making applicable to it orders previously issued in respect of its predecessors, International Paper and Power Company ("Power") and International Paper Company ("Old Paper"); or, in the alternative, requesting orders under sections 2 (a) (7) and 2 (a) (3) of the act declaring Paper not to be a holding company and not to be an electric utility company, as defined therein.

Paper has also requested permission, upon the entry of an order declaring Canadian not to be an electric utility company, to withdraw the pending applications with regard to Paper and that it be relieved of any further duty or obligation under a certain commitment (contained in Paragraph 11 of Amendment No. 2, dated January 31, 1939, to the application in File No. 31-208), made by Power and Old Paper obligating them to notify the Commission within thirty days of any material changes in any existing leases or contracts, or the terms and conditions of any new lease or contract, between Power and Old Paper and their subsidiaries, on the one hand, and International Hydro-Electric System ("IHES"), a former holding company subsidiary of Power, and The Olcott Falls Company, a former public-utility subsidiary of Old Paper, and their subsidiaries, on the other hand.

Due notice of the filing of the application for an order declaring Canadian not to be an electric utility having been given, and a hearing not having been ordered by, or requested of, the Commission; and

The Commission having examined said application, the statements contained therein, and the files pertinent thereto, and having considered the requests made in connection therewith; and

It appearing that Canadian is a corporation organized under the laws of the Province of Quebec, Canada, operates entirely in Canada, has no securities outstanding in the hands of the public, and has no subsidiaries operating in the United States; that it and its subsidiaries are all engaged in the manufacture and sale of pulp, paper, and paper products, or in owning and holding property and facilities for future development and use in connection with such manufacturing

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business; that Canadian purchases the major portion of its electric power requirements from Gatineau Power Company and the Hydro-Electric Power Commission of Ontario, non-affiliates; but that, in connection with certain of its manufacturing plants, it owns and operates certain facilities for the generation of electric energy for use in its manufacturing operations, and it sells electric energy to certain affiliated and nonaffiliated manufacturing companies, and to tenants, employees, and in a minor measure to others, residents of communities adjacent to certain of its plants; and that during the eight-year period 1946–1953, Canadian's gross revenues ranged from $87,829,910 in 1946 upwards to $174,646,438 in 1953. During the same period its revenues from the sale of electric energy ranged from $148,453 in 1946 upwards to $253,789 in 1953, of which the portion from sales to tenants, employees, and other householders ranged from $31,000 in 1946 to $58,945 in 1953 (approximately 95 percent being from tenants and employees); and

It further appearing that neither Paper nor any of its subsidiaries now owns any securities of IHES or The Olcott Falls Company and that Paper owns only 29 shares of preferred stock and 43 shares of common stock of Gatineau Power Company (a public-utility subsidiary of IHES and formerly an indirect subsidiary of Power), and 1,440 shares of common stock of New England Electric System, a registered holding company (whose predecessor was a holding company subsidiary of IHES and an indirect subsidiary of Power); and

The Commission having found that Canadian is primarily engaged in one or more businesses other than the business of an electric utility company, and that by reason of the small amount of electric energy sold by such company, all of which is sold in the Dominion of Canada, it is not necessary in the public interest or for the protection of investors or consumers that such company be considered an electric utility company for the purposes of the act; and the Commission having further found it appropriate to grant Paper's requests for permission to withdraw the pending applications pertaining to it under sections 2 (a) (7) and 2 (a) (3) of the act, and that it be relieved of any further duty or obligation under the aforesaid commitment of Power and Old Paper:

It is ordered, Pursuant to section 2 (a) (3) of the act, that Canadian be, and it is hereby, declared not to be an electric utility company.

It is further ordered, That permission be, and it hereby is, granted to Paper to withdraw the pending applications pertaining to it under section 2 (a) (3) and 2 (a) (7) of the act.

It is further ordered, That Paper be, and it hereby is, relieved of the commitment contained in Paragraph 11 of Amendment No. 2 dated January 31, 1939 to the application in File No. 31–208.

It is further ordered, Pursuant to request by applicant, that this order become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–7825; Filed, Oct. 5, 1954; 8:46 a. m.]

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VOLUME 19 NUMBER 195

Washington, Thursday, October 7, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3068

COLUMBUS DAY, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the courageous voyage on which Christopher Columbus embarked over four and one-half centuries ago opened to our ancestors the untold opportunities of this new Continent; and

WHEREAS the discovery of Christopher Columbus led to the settlement of our land and, ultimately, to the birth of our nation; and

WHEREAS it is therefore especially fitting that the memory of this great Admiral be accorded appropriate recognition each year by the people of this Nation; and

WHEREAS, in commemoration of the achievement of this intrepid explorer, the Congress of the United States, by a joint resolution approved April 30, 1934 (48 Stat. 657), requested the President to issue a proclamation designating October 12 of each year, the anniversary of the discovery of America, as Columbus Day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Tuesday, October 12, 1954, as Columbus Day, and I invite all the people of our Nation to observe this anniversary with appropriate ceremonies. I also call upon officials of the Government to arrange for the display of the flag of the United States on all public buildings on the twelfth day of October in honor of the memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 1st day of October in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 54–7918; Filed, Oct. 5, 1954; 1:02 p. m.]

PROCLAMATION 3069

NATIONAL OLYMPIC DAY, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the XVIth Olympic Games of the modern era will be held at Melbourne, Australia, November 22 to December 8, 1956, with Winter Games to be held at Cortina d'Ampezzo, Italy, January 26 to February 5, 1956, and the Pan American Games will be held at Mexico City in March 1955; and

WHEREAS by a joint resolution approved April 22, 1954 (68 Stat. 58), the Congress has declared that these games will afford an opportunity of bringing together young men and women representing more than seventy nations, of many races, creeds, and stations in life and possessing various habits and customs, all bound together by the universal appeal of friendly athletic competition; and

WHEREAS the said joint resolution calls attention to the fact that the United States Olympic Association is presently engaged in assuring maximum support for the teams representing the United States in these athletic contests, and requests the President to issue a proclamation designating the sixteenth day of October 1954 as National Olympic Day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Saturday, October 16, 1954, as National

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

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Olympic Day, and I urge all citizens of our country to do all in their power to support the XVIth Olympic Games, the Winter Games, and the Pan American Games so as to insure that the United States will be fully and adequately represented in these games.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 2d day of October in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54–7963; Filed, Oct. 6, 1954; 10:55 a. m.]

PROCLAMATION 3070

IMPOSING A QUOTA ON IMPORTS OF OATS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as added by section 31 of the act of August 24, 1935, 49 Stat. 773, reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246, and as amended by section 3 of the act of July 3, 1948, 62 Stat. 1248, section 3 of the act of June 28, 1950, 64 Stat. 261, and section 8 (b) of the act of June 16, 1951, 65 Stat. 72 (7 U. S. C. 624), the Secretary of Agriculture has advised me that he has reason to believe that oats, hulled or unhulled, and unhulled ground oats are practically certain to be imported into the United States after September 30, 1954, under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program undertaken by the Department of Agriculture with respect to oats pursuant to sections 301 and 401 of the Agricultural Act of 1949, as amended, or to reduce substantially the amount of products processed in the United States from domestic oats with respect to which such program of the Department of Agriculture is being undertaken; and

WHEREAS, on August 20, 1954, I caused the United States Tariff Commission to make an investigation under the said section 22 with respect to this matter; and

WHEREAS, the said Tariff Commission has made such investigation and has reported to me its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of the said investigation and report of the Tariff Commission, I find that oats, hulled and unhulled, and unhulled ground oats, in the aggregate, are practically certain to be imported into the United States during the period from October 1, 1954, to September 30, 1955, inclusive, under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the said price-support program with respect to oats; and

WHEREAS, I find and declare that the imposition of the quantitative limitations hereinafter proclaimed is shown by such investigation of the Tariff Commission to be necessary in order that the entry, or withdrawal from warehouse, for consumption of oats, hulled and unhulled, and unhulled ground oats will not render or tend to render ineffective, or materially interfere with, the said price-support program:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that the total aggregate quantity of oats, hulled and unhulled, and unhulled ground oats entered, or withdrawn from warehouse, for consumption during the period from October 1, 1954, to September 30, 1955, inclusive, shall not be permitted to exceed 40,000,000 bushels of 32 pounds each, which permissible total quantity I find and declare to be proportionately not less than 50 per centum of the total average aggregate annual quantity of such oats entered, or withdrawn from warehouse, for consumption during the representative period from July 1, 1948, to June 30, 1953, inclusive; and that, of the foregoing permissible total quantity, not more than 39,312,000 bushels of 32 pounds each shall be imported from Canada and not more than 688,000 bushels of 32 pounds each shall be imported from other foreign countries.

The provisions of this proclamation shall not apply to certified or registered seed oats for use for seeding and crop-improvement purposes, in bags tagged and sealed by an officially recognized seed-certifying agency of the country of production: *Provided*, (a) that the individual shipment amounts to 100 bushels (of 32 pounds each) or less, or (b) that the individual shipment amounts to more than 100 bushels (of 32 pounds each) and the written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry, or bond is furnished in a form prescribed by the Commissioner of Customs in an amount equal to the value of the merchandise as set forth in the entry, plus the estimated duty as determined at the time of entry, conditioned upon the production of such written approval within 6 months from the date of entry.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 4th day of October in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54–7962; Filed, Oct. 6, 1954; 10:55 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.231]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11, *Designation of differential posts*, is amended as follows, effective on the dates indicated.

1. Effective as of the beginning of the first pay period following October 9, 1954, paragraph (a) is amended by the deletion of the following posts:

Kirkuk, Iraq.
Samawa, Iraq.

2. Effective as of the beginning of the first pay period following October 9, 1954, paragraph (a) is amended by the addition of the following posts:

Iraq, all posts except Baghdad and Basra.

3. Effective as of the beginning of the first pay period following September 11, 1954, paragraph (b) is amended by the addition of the following post:

Zagora, Morocco.

(Sec. 102, Part I, E. O. 10,000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Acting Secretary of State.

I. W. CARPENTER,
Assistant Secretary.

SEPTEMBER 29, 1954.

[F. R. Doc. 54-7866; Filed, Oct. 6, 1954; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 Emergency Feed Program]

PART 485—1954 EMERGENCY FEED PROGRAM

FARMER'S PURCHASE ORDER; VALUE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 5466 and containing the specific requirements for the 1954 Emergency Feed Program are hereby amended as follows:

Section 485.4 (c) is amended to increase the value of Farmer's Purchase Orders from $0.60 per hundredweight to $1.00 per hundredweight, so that the amended paragraph (c) reads as follows:

§ 485.4 *Farmer's Purchase Order.*

* * *

(c) *Value.* The value of a Purchase Order shall be an amount equal to the number of hundredweight of designated surplus feed grains purchased by the farmer, but not to exceed the number of hundredweight shown in section 1 of the Purchase Order, multiplied by $1.00 per hundredweight. For the purpose of computing value, approved mixed feed designated as Mixed Feed A by the dealer shall be deemed to contain 75 percent of designated surplus feed grains even though a larger percentage of such feed grains is actually contained in the mix; approved mixed feed designated as Mixed Feed B by the dealer shall be deemed to contain 60 percent of designated surplus feed grains even though a larger percentage of such feed grains is actually contained in the mix. (Mixed Feed A must contain at least 75 percent of designated surplus feed grains and Mixed Feed B must contain at least 60 percent of designated surplus feed grains; however, larger percentages of designated surplus feed grains may be contained in either of the mixes.)

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, as amended by sec. 301, Public Law 480, 83rd Cong.; 7 U. S. C. 1427)

This amendment is effective as of September 15, 1954.

Issued this 4th day of October 1954.

[SEAL] J. A. MCCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-7897; Filed, Oct. 6, 1954; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 37]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 5207, 5604, 6079), which contains a notice of the areas in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines such areas because of said disease, is hereby further amended in the following respects:

1. Paragraph (a), relating to California, is amended to read:

(a) California: (1) Secs. 31 and 32, T. 2 S., R. 2 W., MDBM; NE. ¼ Sec. 1, T. 3 S., R. 2 W., MDBM; SW. ¼ Sec. 34, T. 3 S., R. 2 W., MDBM; Sec. 22, T. 5 S., R. 1 W., MDBM; W. ½ Sec. 8, T. 4 S., R. 1 W., MDBM; NW. ¼ Sec. 16, T. 3 S., R. 2 E., MDBM; Secs. 22 and 24, T. 3 S., R. 2 E., MDBM; SE. ¼ Sec. 35, T. 2 S., R. 2 E., MDBM; that area included within a boundary beginning at a point on W. line of Plot 4, Rancho El Valle, 10.47 chains N. from N. line Plot 3, Rancho El Valle, thence N. 53¾ W. 17.95 chains, thence N. 69° 4' E. 6.67 chains, thence N. to County Road, thence SE. along SW. line of County Road to E. line Plot 4, thence S. to point of beginning, consisting of 32.98 acres within lots 8–15; NE. ¼ Sec. 25, T. 3 S., R. 3 W., MDBM; E. ½ Sec. 13, T. 3 S., R. 3 W., MDBM; and NE. ¼ Sec. 20, T. 3 S., R. 2 E., MDBM, in Alameda County.

(2) N. ½ of NW. ¼ Sec. 22, T. 6 N., R. 11 E., MDBM, in Amador County.

(3) That area lying north of Humboldt Road, south of Eighth Avenue and Big Chico Creek, west of Ponderosa Way, and east of Forest Avenue, in Butte County.

(4) Lot 10, consisting of 162.25 acres in Garcia Ranch (land grant) located in Briones Valley, the SE. branch of Pinole Valley; SE. ¼ Sec. 33, T. 2 N., R. 3 E., MDBM; that area included within a boundary beginning at a point 200 feet east on the ¼ Section line, Sec. 27, R. 1 E., T. 2 N., MDBM, thence 75 feet north, thence 300 feet east, thence 45° northeast to a point 200 feet south and 200 feet east of the NW. ¼ Sec. lines, thence 300 feet south, thence 10 feet east, thence 500 feet south, thence 485 feet west to the NW. point of ¼ Sec. line; NE. ¼ of N. ½ Sec. 22, T. 1 N., R. 3 E., MDBM; Sec. 19, T. 1 S., R. 2 W., MDBM; that area included within a boundary beginning at a point 200 feet east on the ¼ Sec. line, Sec. 27, R. 1 E., T. 2 N., MDBM, thence south 400 feet west, thence 1050 feet south to a point in the north line of Corto Paso Road, thence 885 feet east, thence approximately 1117 feet north, thence 485 feet west on the Northern ¼ Sec. line; that part of the SE. ¼ Sec. 2, T. 1 N., R. 5 W., MDBM, lying west of the SE. ¼ of the SE. ¼ Sec. 2, T. 1 N., R. 5 W., MDBM, south of the San Pablo Creek, and north and east of the San Pablo Canal; Sec. 9, T. 1 S., R. 3 W., MDBM; and SE. ¼ Sec. 2, T. 1 N., R. 5 W., MDBM, in Contra Costa County.

(5) Sec. 17, T. 16 N., R. 1 W., HUBM, in Del Norte County.

(6) NW. ¼ Sec. 26, T. 10 N., R. 10 E., MDBM, in El Dorado County.

(7) S. ½ of SE. ¼ Sec. 30, T. 14 S., R. 19 E., MDBM; and E. ½ of SE. ¼ Sec. 34, T. 12 S., R. 21 E., MDBM, in Fresno County.

(8) That area lying north of County Road No. 57, south of County Road No. 53, west of County Road "M," and east of Glenn-Colusa Irrigation Canal, in Glenn County.

(9) Sec. 24, T. 4 S., R. 3 E., HUBM; Sec. 7, T. 2 N., R. 1 E., HUBM; Sec. 19, T. 4 S., R. 4 E., HUBM; and Sec. 30, T. 8 N., R. 1 E., HUBM, in Humboldt County.

(10) Tract 47, Sec. 24, T. 16 S., R. 12 E., SBBM; Tract 40, Sec. 30, T. 15 S., R. 16 E., SBBM; Lots 48 and 49, Sec. 15, T. 12 S., R. 14 E., SBBM; Sec. 36, T. 15 S., R. 23 E., SBBM; Tract 35, Sec. 27, T. 15 S., R. 15 E., SBBM; Tract 111, Sec. 9, T. 16 S., R. 14 E., SBBM; Tract 135, Sec. 7, T. 15 S., R. 14 E., and Sec. 12, T. 15 S., R. 13 E., SBBM, in Imperial County.

(11) NW. ¼ Sec. 17, T. 32 S., R. 24 E., MDBM; E. ½ Sec. 8, T. 31 S., R. 28 E., and SW. ¼ Sec. 21, T. 28 S., R. 27 E., MDBM; Sec. 8, T. 30 S., R. 38 E., MDBM; Sec. 15, T. 25 S., R. 25 E., MDBM; and Secs. 7 and 18, T. 28 S., R. 27 E., MDBM, in Kern County.

(12) Secs. 26 and 27, T. 14 N., R. 10 W., MDBM, in Lake County.

(13) SE. ¼ Sec. 23, T. 8 N., R. 12 W., SBBM; NE. ¼ Sec. 22, T. 8 N., R. 11 W., SBBM; NE. ¼ of NE. ¼ Sec. 14, T. 5 N., R. 14 W., SBBM; SE. ¼ Sec. 28, SW. ¼ Sec. 27, NE. ¼ Sec. 23, and NW. ¼ Sec. 34, T. 5 N., R. 15 W., SBBM; that part of the City of Torrance included within a boundary beginning at the intersection of Spencer Street and Madrona Avenue, thence west 330 feet, thence north 700 feet, thence east 330 feet, and thence south to point of beginning; that part of the City of El Monte included within a boundary beginning at the intersection of Peck Road and Clark Street, thence east 1,000 feet, thence north 700 feet, thence west 1,000 feet, and thence south to point of beginning; that part of the City of El Monte included within a boundary beginning 1,000 feet east of the intersection of Peck Road and Clark Street, thence east ½ mile, thence north ¼ mile, thence west ¼ mile, and thence south to point of beginning; that part of the City of Torrance included within a boundary beginning 330 feet west of the intersection of Spencer Street and Madrona Avenue, thence west 300 feet, thence north 700 feet, thence east 300 feet, and thence south to point of beginning; that part of the City of Pomona included within a boundary beginning at the south end of Garey Street, thence west 1 mile, thence north ½ mile, thence east 1 mile, and thence south to point of beginning; Secs. 25 and 36, T. 5 N., R. 16 W., SBBM; NE. ¼ Sec. 19, T. 5 N., R. 13 W., SBBM; that part of the City of Norwalk included within a boundary beginning at the intersection of Imperial Highway and Bloomfield Avenue, thence east ¼ mile, thence south ¼ mile, thence west ¼ mile, and thence north to point of beginning; E. ½ Sec. 36, T. 4 N., R. 17 W., and W. ½ Sec. 31, T. 4 N., R. 16 W., SBBM; that part of the City of Dominguez included within a boundary beginning ½ mile south of the intersection of Alameda and Artesia Streets, thence west ¼ mile, thence south ¼ mile, thence east ¼ mile, and thence north to point of beginning; SW. ¼ Sec. 1, T. 4 N., R. 16 W., SBBM; that part of the City of Torrance included within a boundary beginning at the intersection of Meyer Lane and Dominguez Street (190th Street), thence west ½ mile, thence south ¾ mile, thence east ½ mile, and thence north to point of beginning; Sec. 9, T. 4 N., R. 14 W., SBBM; and Sec. 9, T. 4 N., R. 15 W., SBBM, in Los Angeles County.

(14) Sec. 18, T. 2 N., R. 7 W., MDBM; Sec. 22, T. 1 N., R. 6 W., MDBM; that part of Sec. 27, T. 1 N., R. 7 W., MDBM, lying west of Panoramic Highway; Sec. 25, T. 3 N., R. 9 W., MDBM; Secs. 11, 12, 13, and 14, T. 1 N., R. 6 W., MDBM; and Secs. 9 and 10, T. 2 N., R. 6 W., MDBM, in Marin County.

(15) Sec. 27, T. 15 N., R. 12 W., MDBM, and Sec. 22, T. 19 N., R. 13 W., MDBM, in Mendocino County.

(16) Sec. 11, T. 8 S., R. 8 E., MDBM; that area lying west of Tyler Street, east of Los Banos Highway, north of Cone Avenue, and south of Childs Avenue; and Sec. 31, T. 7 S., R. 9 E., MDBM, in Merced County.

(17) NW. ¼ Sec. 2, T. 2 S., R. 26 E., MDBM, in Mono County.

(18) That part of the Town of Soledad consisting of Lots 1 and 2 as designated on map entitled "plot of Lot No. 5 of subdivision at Rancho San Vincente"; Lot 9 of Locke Paddon Colony No. 43 in the Town of Castroville; that area lying south of the Salinas River, west of Fort Ord Road, north of Monterey Road, and east of State Highway No. 1; that area lying south of Reindollar Avenue, east of State Highway No. 1, north of Fort Ord Road, and west of Sunrise Avenue; that area lying south of Carmel Avenue, east of Sunset Avenue, north of Reindollar Avenue, and west of California Avenue; Sub. C of Lot 3, Assessor Map No. 1 of San Vincente Ranch, Lots 75B, 77B, and 78B; and Secs. 2 and 3, T. 15 S., R. 2 E., MDBM, in Monterey County.

(19) That part of Napa Township lying north and east of Browns Valley Road, south of Redwood Road, and west of Napa Creek; Sec. 13, T. 4 N., R. 3 W., MDBM; Sec. 9, T. 6 N., R. 5 W., MDBM; N. ½ of NE. ¼ Sec. 12, T. 5 N., R. 4 W., MDBM; and Sec. 29, T. 8 N., R. 5 W., MDBM, in Napa County.

(20) Sec. 7, T. 15 N., R. 8 E., MDBM, in Nevada County.

(21) Sec. 7, T. 3 S., R. 9 W., SBBM; NE. ¼ Sec. 19, T. 3 S., R. 10 W., SBBM; NE. ¼ Sec. 4, T. 4 S., R. 11 W., SBBM; Sec. 26, T. 3 S., R. 11 W., SBBM; Sec. 15, T. 5 S., R. 10 W., SBBM; Sec. 27, T. 6 S., R. 8 W., SBBM; and NE. ¼ Sec. 19, T. 3 S., R. 10 W., SBBM, in Orange County.

(22) Sec. 27, T. 4 S., R. 4 W., SBBM; SW. ¼ Sec. 10, T. 3 S., R. 3 W., SBBM; SE. ¼ Sec. 31, T. 5 S., R. 2 W., SBBM; Secs. 3 and 10, T. 7 S., R. 23 E., SBBM; Sec. 16, T. 4 S., R. 4 W., SBBM; Parcels 94 and 95, Prado Basin, T. 3 S., R. 7 W., SBBM; SW. ¼ Sec. 33, T. 3 S., R. 6 W., SBBM; Lot 1, Sec. 6, T. 7 S., R. 1 W., SBBM; W. ½ Sec. 22, T. 4 S., R. 4 W., SBBM; E. ½ Sec. 17, T. 2 S., R. 2 W., SBBM; and Sec. 32, T. 4 S., R. 7 E., SBBM, in Riverside County.

(23) N. ½ of NW. ¼ Sec. 33, T. 9 N., R. 7 E., MDBM; SE. ¼ of SE. ¼ Sec. 3, T. 7 N., R. 6 E., MDBM; SE. ¼ Sec. 23, T. 7 N., R. 5 E., MDBM; S. ½ of NW. ¼ Sec. 33, T. 9 N., R. 7 E., MDBM; and SW. ¼ Sec. 16, T. 7 N., R. 6 E., MDBM, in Sacramento County.

(24) SE. ¼ of SW. ¼ Sec. 32, T. 1 N., R. 5 W., SBBM; E. ½ Sec. 15, T. 10 N., R. 3 W., SBBM; Sec. 13, Sec. 14, and Sec. 15, NW. ¼ Sec. 22, N. ½ Sec. 23, N. ½ of NW. ¼ Sec. 24, NE. ¼ Sec. 24, N. ½ of SE. ¼ Sec. 24, and S. ½ of SE. ¼ Sec. 16, T. 9 N., R. 1 E., and W. ½ of SW. ¼, and S. ½ of SE. ¼ Sec. 19, T. 9 N., R. 2 E., SBBM; W. ½ Sec. 28, T. 12 N., R. 2 E., SBBM; SE. ¼ Sec. 31, T. 2 N., R. 9 E., SBBM; Sec. 36, T. 1 S., R. 5 W., SBBM; Sec. 17, T. 6 N., R. 3 W., SBBM; N. ½ Sec. 2, T. 9 N., R. 2 W., SBBM; E. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM; Lots 1, 3, 4, 5, and 6, Sec. 25, T. 11 N., R. 21 E., SBBM; NW. ¼ Sec. 13, T. 2 S., R. 7 W., SBBM; W. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM, in San Bernardino County.

(25) SW. ¼ Sec. 30, T. 18 S., R. 1 W., SBBM; NW. ¼ Sec. 36, T. 18 S., R. 2 W., SBBM; SW ¼ Sec. 14, T. 14 S., R. 2 W., SBBM; NE. ¼ Sec. 19, T. 18 S., R. 1 W., SBBM; NE. ¼ Sec. 25, T. 18 S., R. 2 W., SBBM; W. ½ of NE. ¼ Sec. 19, T. 18 S., R. 1 W., SBBM; Lots 2, 3, and 4, Sec. 12, T. 12 S., R. 3 W., SBBM; S. ½ Sec. 23, T. 10 S., R. 3 E., SBBM; E. ½ of SE. ¼ of SE. ¼ of SW. ¼ Sec. 24, T. 18 S., R. 2 W., SBBM; NW. ¼ of SE. ¼ Sec. 34, T. 12 S., R. 1 E., SBBM; NW. ¼ Sec. 20, T. 16 S., R. 1 E., SBBM; W. ½ of NE. ¼ Sec. 26, T. 18 S., R. 2 W., SBBM; E. ½ Sec. 30, T. 14 S., R. 2 W., SBBM; N. ½ of SE. ¼ Sec. 18, T. 15 S., R. 2 E., SBBM; NW. ¼ of SW. ¼ of NE. ¼ Sec. 25, T. 18 S., R. 2 W., SBBM; NW. ¼ Sec. 33, T. 11 S., R. 4 W., SBBM; NE. ¼ Sec. 28, T. 12 S., R. 3 W., SBBM; W. ½ of NW. ¼ of NW. ¼ Sec. 32, T. 11 S., R. 4 W., SBBM; Lots 1, 2, and 3, NW. ¼ Sec. 28, T. 12 S., R. 2 W., SBBM; NW. ¼ of SW. ¼ of SE. ¼ Sec. 24, T. 16 S., R. 1 W., SBBM; Sec. 24 and Sec. 25, T. 14 S., R. 1 E., SBBM; E. ½ of NW. ¼ and E. ½ of SW. ¼ Sec. 32, T. 11 S., R. 4 W., SBBM; W. ½ of SW. ¼ Sec. 21, T. 10 S., R. 3 W., SBBM; NE. ¼ of NW. ¼ Sec. 19, T. 18 S., R. 1 W., SBBM; Sec. 30, T. 16 S., R. 1 E., SBBM; E. ½ of NE. ¼ of NE. ¼ Sec. 19 and N. ½ of NW. ¼ Sec. 20, T. 18 S., R. 1 W., SBBM; Lots 82 to 89, inclusive, Sec. 24, T. 18 S., R. 2 W., SBBM; NE. ¼ Sec. 28, T. 15 S., R. 1 E., SBBM; E. ½ of SW. ¼ of SE. ¼ of SW. ¼ Sec. 24, T. 18 S., R. 2 W., SBBM; Lots 70, 71, and 103, Sec. 24, T. 18 S., R. 2 W., SBBM; Sec. 14, T. 18 S., R. 6 E., SBBM; SE. ¼ Sec. 29, T. 15 S., R. 1 W., SBBM; SW. ¼ Sec. 24, T. 18 S., R. 2 W., SBBM; SE. ¼ Sec. 22, T. 18 S., R. 1 W., SBBM; NW. ¼ Sec. 25, T. 18 S., R. 2 W., SBBM; SE. ¼ Sec. 27, T. 15 S., R. 1 W., SBBM; and N. ½ Sec. 2, T. 15 S., R. 1 E., SBBM, in San Diego County.

(26) NW. ¼ Sec. 33, T. 5 N., R. 5 E., MDBM; Secs. 20 and 29, T. 2 S., R. 6 E., MDBM; N. ½ Sec. 5 and W. ½ Sec. 4, T. 1 N., R. 6 E., MDBM; and SE. ¼ Sec. 22, T. 1 N., R. 6 E., MDBM, in San Joaquin County.

(27) S. ½ Sec. 8, T. 26 S., R. 12 E., MDBM; NE. ¼ of NE. ¼ Sec. 15, T. 26 S., R. 12 E., MDBM; Lot 50 of Rancho Corral de Piedro (land grant) lying east of Arroyo Grande Highway; NE. ¼ Sec. 30, T. 27 S., R. 11 E., MDBM; and Lot 19, Block 23 of Atascadero Colony (land grant), in San Luis Obispo County.

(28) SW. ¼ Sec. 7, T. 3 S., R. 5 W., MDBM; SW. ¼ Sec. 12, T. 3 S., R. 6 W., MDBM; SW. ¼ Sec. 11, T. 3 S., R. 6 W., MDBM; S. ½ of SW. ¼ Sec. 36, T. 5 S., R. 4 W., MDBM; SE. ¼ Sec. 14, T. 4 S., R. 6 W., MDBM; NW. ¼ Sec. 25, T. 4 S., R. 6 W., MDBM; NW. ¼ Sec. 32, T. 7 S., R. 3 W., MDBM; NE. ¼ Sec. 26, T. 7 S., R. 3 W., MDBM; SW. ¼ Sec. 20, T. 4 S., R. 6 W., MDBM; NW. ¼ Sec. 28, T. 4 S., R. 6 W., MDBM; SE. ¼ Sec. 13, T. 4 S., R. 6 W., MDBM; NE. ¼ Sec. 26, T. 3 S., R. 6 W., MDBM; and NW. ¼ Sec. 18, T. 3 S., R. 5 W., MDBM, in San Mateo County.

(29) SE. ¼ of SE. ¼ Sec. 34, T. 5 N., R. 28 W., MDBM; NE. ¼ of NW. ¼ Sec. 12, T. 10 N., R. 33 W., MDBM; and that area included within a boundary beginning at the intersection of San Marcus and San Antonio Roads, thence south on San Antonio Road to Foothill Road, thence west ¼ mile on Foothill Road, thence north 1 mile to San Marcus Road, thence east on San Marcus Road to point of beginning, in Santa Barbara County.

(30) NE. ¼ Sec. 14, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 22, T. 6 S., R. 1 W., MDBM; that part of NE. ¼ Sec. 9, T. 6 S., R. 2 W., lying east of Sterling Road, south and east of San Francisco Bay, and north of Moffat Field; that part of the NE. ¼ Sec. 9, T. 6 S., R. 2 W., lying west of Sterling Road, east of Bayshore Highway, south of San Francisco Bay, and north of Charleston Avenue; NE. ¼ Sec. 30, T. 8 S., R. 1 E., MDBM; NE. ¼ Sec. 7, T. 8 S., R. 1 W., MDBM; NW. ¼ Sec. 15, T. 6 S., R. 2 W., MDBM; SE. ¼ of T. 5 S., R. 1 W., MDBM; that part of the City of Milpitas lying south of Alviso-Milpitas Road, north of Trimble Road, west of State Highway No. 17, and east of the Eastshore Freeway; NE. ¼ Sec. 15, T. 6 S., R. 1 W., MDBM; SE. ¼ Sec. 16, T. 7 S., R. 3 W., MDBM; NE. ¼ Sec. 19, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 34, T. 7 S., R. 1 E., MDBM; NW. ¼ Sec. 31, T. 10 S., R. 4 E., MDBM; and SE. ¼ Sec. 32, T. 8 S., R. 1 E., in Santa Clara County.

(31) Sec. 17, T. 11 S., R. 2 W., MDBM; that area lying south of Old State Highway No. 1, east of Estate Drive, north of State Highway No. 1, and west of Monte Vista Street; that area lying east of Old San Jose Road, and north, south and west of Soquel Creek; and that area lying east of Branciforte Drive, south of Happy Valley Road, west of Arana Gulch Road, and north of DeLavega Park Road, in Santa Cruz County.

(32) Sec. 32, T. 32 N., R. 5 W., MDBM, in Shasta County.

(33) N. ½ Sec. 23 and S. ½ Sec. 14, T. 45 N., R. 7 W., MDBM; and NW. ¼ Sec. 34, T. 40 N., R. 4 E., MDBM, in Siskiyou County.

(34) Secs. 28 and 33, T. 3 N., R. 3 W., MDBM; Secs. 19 and 24, T. 3 N., R. 2 W., MDBM; SW. ¼ Sec. 20 and NW. ¼ Sec. 29, T. 5 N., R. 1 W., MDBM; Sec. 7 and Sec. 18, T. 4 N., R. 2 W., MDBM; SE. ¼ Sec. 30, T. 7 N., R. 1 E., MDBM; Sec. 13, T. 4 N., R. 2 E., MDBM; and SE. ¼ Sec. 13, T. 7 N., R. 1 W., MDBM, in Solano County.

(35) That part of the Rancho Petaluma Grant lying west of Arnold Drive, south of Fowler Creek Road, north of Leveroni Road, and east of Rogers Creek; that part of Rancho Petaluma Grant lying west of Arnold Drive, east of Orange Avenue, south of Craig Avenue, and north of Grove Avenue; that part of Healdsburg Township lying south of Alexander Valley Road, east of U. S. Highway No. 101, and north and west of the Russian River; that part of Secs. 16 and 21, T. 8 N., R. 8 W., MDBM, lying south of Faught Creek and west of Faught Road; that part of Healdsburg Township lying south of Lytton

Road, north and east of Chiquilta Road, and west of U. S. Highway No. 101; NW. ¼ Sec. 30, T. 7 N., R. 9 W., MDBM; that part of Rancho Agua Caliente Grant lying south and east of Arnold Drive, west of State Highway No. 12, and north of Madrone Road; and that part of Rancho Petaluma Grant lying south and east of State Highway No. 37, west of Maffei Lane, and north of Wayne Road, in Sonoma County.

(36) SW. ¼ Sec. 5, T. 5 S., R. 9 E., MDBM; that portion of the NE. ¼ Sec. 11, T. 2 S., R. 10 E., lying south of the Stanislaus River; Sec. 17, T. 4 S., R. 8 E., MDBM; Sec. 13, T. 7 S., R. 8 E., MDBM; NW. ¼ Sec. 25, T. 3 S., R. 8 E., MDBM; and Sec. 21, T. 4 S., R. 8 E., MDBM, in Stanislaus County.

(37) Sec. 8, T. 5 N., R. 6 E., HuBM, in Trinity County.

(38) SW. ¼ Sec. 2 and SW ¼ Sec. 11, T. 18 S., R. 26 E., MDBM; NW. ¼ Sec. 15, T. 20 S., R. 24 E., MDBM; SE. ¼ Sec. 6, T. 18 S., R. 24, MDBM; NW. ¼ Sec. 36, T. 17 S., R. 26 E., MDBM; and SE. ¼ Sec. 11, T. 21 S., R. 29 E., MDBM, in Tulare County.

(39) Secs. 32 and 33, T. 2 N., R. 15 E., MDBM; and Secs. 1 and 2, T. 1 N., R. 14 E., in Tuolumne County.

(40) S. ½ Sec. 32, T. 3 N., R. 2 W., MDBM; Sec. 16, T. 2 N., R. 22 W., MDBM; N. ½ Sec. 32, T. 3 N., R. 20 W., MDBM; Sec. 33, T. 4 N., R. 24 W., MDBM; NE. ¼ Sec. 16, NW. ½ Sec. 15 and SE. ¼ Sec. 9; T. 1 S., R. 20 W., MDBM; Sec. 22, T. 1 N., R. 20 W., MDBM; and Sec. 21, T. 3 N., R. 19 W., MDBM, in Ventura County.

(41) NW. ¼ Sec. 11, T. 9 N., R. 2 E., MDBM; SE. ¼ of NW. ¼ Sec. 30, T. 10 N., R. 2 E., MDBM; and that area included within a boundary beginning at the intersection of County Roads Numbers 124 and 126, extending south ¼ mile, thence west ½ mile, thence north ¼ mile, thence east to County Road No. 124, and thence southeast along County Road No. 124 to point of beginning, in Yolo County.

(42) That area lying north of the extension of the north boundary of Marysville City Limits to the Yuba River, south of the Hallwood Sand and Gravel Company Road to the Yuba River, west of the Yuba River, and east of State Highway No. 20, in Yuba County.

2. Paragraph (c), relating to Maine, is deleted.

3. Subdivision (viii) of subparagraph (7) of paragraph (d), relating to Plymouth County in Massachusetts, is deleted.

4. Subdivision (i) of subparagraph (7) of paragraph (d), relating to Plymouth County in Massachusetts, is amended to read:

(i) That part of the City of Brockton lying south of Center Street, north of Plain Street, and east of Summer Street.

5. Subdivision (xviii) of subparagraph (8) of paragraph (d), relating to Worcester County in Massachusetts, is deleted.

6. Subdivisions (i), (ii), and (iv), of subparagraph (2) of paragraph (g), relating to Providence County in Rhode Island, are amended to read:

(i) That part of the Town of Cranston lying east of Pippin Orchard Road, west of Seven Mile Road, north of Plainfield Pike, and south of Scituate Avenue; and that part of the Town of Cranston lying south and west of Olney Arnold Road, north of Phenix and Hope Roads, and east of Pippin Orchard Road;

(ii) That part of the Town of Johnston lying east of Simmonsville Avenue, northwest of Scituate Avenue, and south of Simmonsville Lake; that part of the Town of Johnston lying east of Old Pocasset Road, west of Atwood Avenue, north of Central Pike, and south of U. S. Route No. 6; that part of the Town of Johnston lying south of Shun Pike, north of Plainfield Pike, west of Taylor Road, and east of Green Hill Road; that part of the Town of Johnston lying south of Central Avenue, north of Shun Pike, west of Cedar Swamp Brook, and east of Peck Hill Road; that part of the Town of Johnston lying south of Hartford and Stevenson Avenues, north of Pine Hill Road, and west of Cross Road; and that part of the Town of Johnston lying south of Cherry Hill Avenue, north of Hartford Avenue, west of Elsie Drive, and east of Atwood Avenue;

(iv) That part of the City of Providence lying east of Hamlin Street, west of Elena Street, north of Olney Street, and south of Mineral Spring Avenue; that part of the City of Providence lying south of Swan Point Cemetery, north of Gulf Avenue, west of the Seekonk River, and east of Grotto Avenue; that part of the City of Providence lying south of Rosner Street, north of Smart Street, west of Woodward Road, and east of Thelma Avenue; that part of the City of Providence lying south and east of Fruit Hill Avenue, and west of Olney Avenue; that part of the City of Providence lying south of Arthur Avenue, north of Gem Street, west of Washington Street, and east of Nemo Street; and that part of the City of Providence lying north of Francis Avenue, west of Pawtucket City Line, and east of Charles Street.

7. A new subdivision (xii) is added to subparagraph (2) of paragraph (g), relating to Providence County in Rhode Island to read:

(xii) That part of the Town of Howard lying south and east of Pontiac Avenue, and north and west of the Pawtuxet River.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California, Maine, Massachusetts, and Rhode Island, from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1953 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended will apply thereto.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 1st day of October 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54–7896; Filed, Oct. 6, 1954; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53617]

PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

PART 9—IMPORTATIONS BY MAIL

PRODUCTS OF INSULAR POSSESSIONS OTHER THAN PUERTO RICO

In order to provide for uniform customs treatment of articles produced in the insular possessions of the United States, except Puerto Rico, and brought into customs territory of the United States, and to conform to changes in law made by the Customs Simplification Act of 1954, the following amendments are made to the Customs Regulations:

1. Section 7.8 is amended to read as follows:

§ 7.8 *Insular possessions of the United States other than Puerto Rico* (a) When articles coming directly into the United States from an insular possession, other than Puerto Rico, in a shipment valued over $25 are sought to be admitted free of duty under the provisions of section 301, Tariff Act of 1930, as amended, relating to certain articles produced in such insular possessions,[14] there shall be filed in connection with the entry a certificate of origin covering articles shipped from insular possessions (except Puerto Rico) to the United States, customs Form 3229, signed by the chief or assistant chief customs officer at the port of shipment,[15] showing that such merchandise is the growth or product of such possession, or manufactured or produced in such possession, from materials the growth, product, or manufacture of any such possession or of the United States, or of both, which do not contain foreign materials to the value of more than 50 per centum of their total value. Such certificate shall not be required for any shipment valued at $25 or less.

(b) When articles coming directly into the United States from an insular possession, other than Puerto Rico, in a shipment valued over $25 are sought to be admitted free of duty under the provisions of section 301, Tariff Act of 1930, as amended, relating to certain articles returned to the United States,[16] there shall be filed in connection with the entry the following evidence:

(1) A certificate, customs Form 4467, of the collector of customs at the port from which the merchandise was shipped from the United States, except that no such certificate shall be required if the collector is satisfied by reason of the nature of the articles or otherwise that no drawback of duties or refund or remission of taxes was allowed on the merchandise by reason of such shipment. This certificate shall be issued on application of the importer, or of the collector at the importer's request, and shall be mailed by the issuing officer directly to the port at which it is to be used. If the merchandise was shipped from the port at which entry is made and the fact of shipment appears on the records of the customhouse, the fact of return shall be noted on such record but the filing of the certificate on Form 4467 shall not be required.

(2) A declaration of the shipper in the insular possession in the following form:

I, _____ of _____, do hereby declare that to the best of my knowledge and belief the articles identified below were sent directly from the United States on _____, 19____, to _____, _____, of _____, on the _____, and that the
(Insular possession) (Name of carrier)
articles remained in said insular possession until shipped by me directly to the United States via the _____
(Name of carrier)
on _____, 19____.

Marks	Numbers	Quantity	Description	Value

Dated at _____, this ____ day of _____, 19__.

_____
(Shipper)

Such certificate and declaration shall not be required for shipments valued at $25 or less, or in any case where the collector is satisfied by reason of the nature of the articles or otherwise that they were shipped directly to the insular possession and were returned therefrom by direct shipment, and that no drawback of duties or refund or remission of taxes was allowed when the articles were shipped from the United States.

(c) When merchandise, excluding any shipments valued at $25 or less, arrives unaccompanied by a certificate of origin or a declaration of the shipper, or when any other document necessary to complete entry is lacking, a bond for the production thereof may be taken on customs Form 7551, 7553, or other appropriate form, except that a bond for production of a bill of lading shall be taken on customs Form 7581.

(d) In determining whether an article produced or manufactured in any such insular possession contains foreign materials to the value of more than 50 per centum, a comparison shall be made between the actual purchase price of the foreign materials (excluding any material which at the time such article is entered, or withdrawn from warehouse, for consumption in the United States, may be imported into the United States from a foreign country, other than Cuba or the Philippine Republic, free of duty), plus the cost of transportation to such insular possession (but excluding duties and taxes, if any, assessed by the insular possession and any charges which may accrue after landing), and the final appraised value in the United States determined in accordance with section 402, Tariff Act of 1930, as amended, of the article brought into the United States.

(e) An invoice certified by the chief or assistant chief customs officer at the port of shipment in such insular possessions shall be required in connection with the entry of each shipment of dutiable merchandise valued over $500, except that no such invoice shall be required if the shipment would have been exempt under § 8.15 of this chapter from the requirement of a certified invoice if it had been imported from a foreign country, or when the merchandise is covered by a certificate of origin provided for in paragraph (a) of this section.

(f) Merchandise may be withdrawn from bonded warehouse under section 557, Tariff Act of 1930, as amended, for shipment to the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or the Island of Guam, without payment of duty, or with refund of duty if the duties have been paid thereon, in like manner as for exportation to foreign countries. No drawback may be allowed under section 313, Tariff Act of 1930, as amended, on articles manufactured or produced in the United States and shipped to any insular possession. No drawback of internal-revenue tax is allowable under section 313 of the Tariff Act on articles manufactured or produced in the United States with the use of domestic tax-paid alcohol and shipped to Wake Island, Midway Islands, or Kingman Reef. (See § 22.22 of this chapter.)

(68 Stat. 1139, secs. 309, 313, 482 (f), 557, 46 Stat. 690, as amended, 693 as amended, 720, 744, as amended; 19 U. S. C. 1301, 1309, 1313, 1482 (f), 1557)

2. Sections 7.9 and 7.10 are deleted.

3. Footnote 15 of Part 7 is deleted. Footnote 14 is renumbered 15 and new footnotes 14 and 16 are appended to paragraphs (a) and (b), respectively, of § 7.8, to read as follows:

[14] "There shall be levied, collected, and paid upon all articles coming into the United States from any of its insular possessions, except Puerto Rico, the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries; except that all articles the growth or product of any such possession, or manufactured or produced in any such possession from materials the growth, product, or manufacture of any such possession or of the United States, or of both, which do not contain foreign materials to the value of more than 50 per centum of their total value, coming into the United States directly from any such possession, * * * shall be admitted free of duty upon compliance with such regulations as to proof of origin as may be prescribed by the Secretary of the Treasury. In determining whether an article produced or manufactured in any such insular possession contains foreign materials to the value of more than 50 per centum, no material shall be considered foreign which, at the time such article is entered, or withdrawn from warehouse, in the United States for consumption, may be imported into the United States from a foreign country, other than Cuba or the Philippine Republic, free of duty." (Sec. 301, Tariff Act of 1930, as amended.)

[15] "* * * all articles previously imported into the United States with payment of all applicable duties and taxes imposed upon or by reason of importation which are shipped from the United States, without remission, refund, or drawback of such duties or taxes, directly to the possession from which it is being returned by direct shipment, shall be admitted free of duty upon compliance with such regulations as to proof of origin as may be prescribed by the Secretary of the Treasury." (Sec. 301, Tariff Act of 1930, as amended.)

(R. S. 251 Sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

4. Section 9.9 is amended by deleting paragraphs (c) and (d) and inserting a new paragraph (c) to read as follows:

(c) A conditionally free shipment from any United States insular possession, except Puerto Rico, valued over $25 but not over $250, when accompanied by the documentary evidence required by § 7.8 of this chapter, and any such shipment valued at $25 or less, may be passed without issuance of a mail entry if the collector is satisfied that the merchandise is entitled to free entry. In the case of each such shipment valued over $250, formal entry shall be required and the provisions of Parts 7 and 8 of this chapter shall be followed.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

New customs Form 3229, prescribed for use by §§ 7.8 and 9.9 of the Customs Regulations, as amended by this decision, will be printed and available for distribution within approximately 90 days from the date hereof. The form will not be salable. Collectors may obtain supplies thereof from the Section of Forms, Customs Information Exchange, 201 Varick Street, New York 14, New York.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 30, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54–7902; Filed, Oct. 6, 1954; 8:54 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.230]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

TREATY INVESTORS

Part 41, Chapter I, Title 22 of the Code of Federal Regulations, is amended in the following respects:

1. Paragraph (b) of § 41.76 *Burden of proof and evidence of treaty-investor status,* is amended to read as follows:

(b) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (E) (ii) of the act shall be required to present any evidence deemed necessary by the consular officer to establish that he is entitled to nonimmigrant classification under that section. Such alien shall establish specifically that:

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[illegible]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

[illegible]

[illegible]

Kyrenia, [illegible]

[illegible]

2 Effective as of the beginning of the first pay period following October 9, 1954 paragraph (a) is amended by the addition of the following posts

Iraq: all posts except Baghdad and Basra

3 Effective as of the beginning of the first pay period following September 11, 1954 paragraph (b) is amended by the addition of the following post.

Zagora, Morocco.

(Sec. 102 Part I. E O 10,000 13 F R 5453 3 CFR, 1948 Supp)

For the Acting Secretary of State.

I. W. CARPENTER,
Assistant Secretary.

SEPTEMBER 29, 1954.

[F. R. Doc. 54 7866; Filed, Oct. 6, 1954; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 Emergency Feed Program]

PART 485—1954 EMERGENCY FEED PROGRAM

FARMER'S PURCHASE ORDER; VALUE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 5466 and containing the specific requirements for the 1954 Emergency Feed Program are hereby amended as follows:

Section 485.4 (c) is amended to increase the value of Farmer's Purchase Orders from $0.60 per hundredweight to $1.00 per hundredweight, so that the amended paragraph (c) reads as follows:

§ 485.4 *Farmer's Purchase Order.* * * *

(c) *Value.* The value of a Purchase Order shall be an amount equal to the number of hundredweight of designated surplus feed grains purchased by the farmer, but not to exceed the number of hundredweight shown in section 1 of the Purchase Order, multiplied by $1.00 per hundredweight. For the purpose of computing value, approved mixed feed designated as Mixed Feed A by the dealer shall be deemed to contain 75 percent of [illegible] surplus feed grains even though a larger percentage of such feed grains is actually contained in the mix [illegible]

[illegible]

This amendment is effective as of September 15, 1954.

Issued this 4th day of October 1954.

[SEAL] J. A. MCCONNELL,
Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54 7897, Filed, Oct. 6, 1954; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 37]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 5207, 5604, 6079), which contains a notice of the areas in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines such areas because of said disease, is hereby further amended in the following respects:

1. Paragraph (a), relating to California, is amended to read:

(a) California: (1) Secs. 31 and 32, T. 2 S., R. 2 W., MDBM; NE. ¼ Sec. 1, T. 3 S., R. 2 W., MDBM; SW. ¼ Sec. 34, T. 3 S., R. 2 W., MDBM; Sec. 22, T. 5 S., R. 1 W., MDBM; W. ½ Sec. 8, T. 4 S., R. 1 W., MDBM; [illegible] Sec. 16, T. 3 S., R. 2 E., MDBM; Secs. [illegible] 21, T. 3 S., R. 2 E., MDBM; SE. ¼ Sec. [illegible] 2 S., R. 2 E., MDBM; that area included within a boundary beginning at a point [illegible] line of Plot 4, Rancho El Valle 10.17 [illegible] N. from N. line Plot 3, Rancho [illegible] thence N. 53° W. 17.95 chains thence [illegible]

[illegible]

[illegible] 1 S., R. 2 W., MDBM, that area [illegible] within a boundary beginning at a point 200 feet east on the ¼ Sec. line Sec. 27 [illegible] T. 2 N., MDBM, thence south 400 feet west, thence 1050 feet south to a point on the north line of Corto Paso Road, thence 885 feet east, thence approximately [illegible] feet north, thence 485 feet west on the Northern ¼ Sec. line; that part of the SE. [illegible] Sec. 2, T. 1 N., R. 5 W., MDBM, lying west of the SE. ¼ of the SE. ¼ Sec. 2, T. 1 N., R. 5 W., MDBM south of the San Pablo Creek, and north and east of the San Pablo Canal; Sec. [illegible] 1 S., R. 3 W., MDBM, and SE. ¼ Sec. 2, T. 1 N., R. 5 W., MDBM, in Contra Costa County.

(5) Sec. 17, T. 16 N., R. 1 W., HUBM, in Del Norte County.

(6) NW. ¼ Sec. 26, T. 10 N., R. 10 E., MDBM, in El Dorado County.

(7) S. ½ of SE. ¼ Sec. 30, T. 14 S., R. 19 E., MDBM; and E. ½ of SE. ¼ Sec. 34, T. 12 S., R. 21 E., MDBM, in Fresno County.

(8) That area lying north of County Road No. 57, south of County Road No. [illegible] west of County Road "M," and east of Glenn-Colusa Irrigation Canal, in Glenn County.

(9) Sec. 24, T. 4 S., R. 3 E., HUBM; Sec. 7, T. 2 N., R. 1 E., HUBM; Sec. 19, T. 4 S., R. 4 E., HUBM; and Sec. 30, T. 8 N., R. 1 E., HUBM, in Humboldt County.

(10) Tract 47, Sec. 24, T. 16 S., R. 12 E., SBBM; Tract 40, Sec. 30, T. 15 S., R. 16 E., SBBM; Lots 48 and 49, Sec. 15, T. 12 S., R. 14 E., SBBM; Sec. 36, T. 15 S., R. 23 E., SBBM; Tract 35, Sec. 27, T. 15 S., R. 15 E., SBBM; Tract 111, Sec. 9, T. 16 S., R. 14 E., SBBM; Tract 135, Sec. 7, T. 15 S., R. 14 E., and Sec. 12, T. 15 S., R. 13 E., SBBM, in Imperial County.

(11) NW. ¼ Sec. 17, T. 32 S., R. 24 E., MDBM; E. ½ Sec. 8, T. 31 S., R. 28 E. and SW. ¼ Sec. 21, T. 28 S., R. 27 E., MDBM; Sec. 8, T. 30 S., R. 38 E., MDBM; Sec. 15, T. 25 S., R. 25 E., MDBM; and Secs. 7 and 18, T. 28 S., R. 27 E., MDBM, in Kern County.

(12) Secs. 26 and 27, T. 14 N., R. 10 W., MDBM, in Lake County.

(13) SE. ¼ Sec. 23, T. 8 N., R. 12 W., SBBM; NE. ¼ Sec. 22, T. 8 N., R. 11 W., SBBM; NE. ¼ of NE. ¼ Sec. 14, T. 5 N., R. 14 W., SBBM; SE. ¼ Sec. 28, SW. ¼ Sec. 27, NE. ¼ Sec. 23, [illegible] that part of the City of Torrance included within a boundary beginning at the intersection of Spencer Street and Madrona Avenue, thence west 330 feet, thence north 700 feet, thence east 330 feet, and thence south to point of beginning; that part of the City of El Monte included within a boundary beginning at the intersection of Peck Road and Clark Street, thence east 1,000 feet, thence north 300 feet, thence west 1,000 feet, and thence south to point of beginning; that part of the City of El Monte included within a [illegible] Peck Road and Clark Street [illegible]

[illegible] that part of the City of Norwalk included within a boundary beginning at the intersection of [illegible] Highway and Bloomfield Avenue, thence east ¼ mile, thence south ¼ mile, thence west ¼ mile and thence north to point of beginning; [illegible] Sec. 16, T. 4 N., R. 17 W., and W. ½ Sec. 31, T. 4 N., R. 16 W., SBBM; that part of the City of Dominguez [illegible] within a boundary beginning ½ mile [illegible] of the intersection of Alameda and [illegible] Streets, thence west ¼ mile, thence south ¼ mile, thence east ¼ mile, and thence north to point of beginning; SW. ¼ Sec. 1, T. 4 N., R. 16 W., SBBM; that part of the City of Torrance included within a boundary beginning at the intersection of Meyer Lane and Dominguez Street (190th Street), thence west ½ mile, thence south ¼ mile, thence east ½ mile, and thence north to point of beginning; Sec. 9, T. 4 N., R. 14 W., SBBM; and Sec. 9, T. 4 N., R. 15 W., SBBM, in Los Angeles County.

(14) Sec. 18, T. 2 N., R. 7 W., MDBM; Sec. 22, T. 1 N., R. 6 W., MDBM; that part of Sec. 27, T. 1 N., R. 7 W., MDBM, lying west of Panoramic Highway; Sec. 25, T. 3 N., R. 9 W., MDBM, Secs. 11, 12, 13, and 14, T. 1 N., R. 6 W., MDBM; and Secs. 9 and 10, T. 2 N., R. 6 W., MDBM, in Marin County.

(15) Sec. 27, T. 15 N., R. 12 W., MDBM, and Sec. 22, T. 19 N., R. 13 W., MDBM, in Mendocino County.

(16) Sec. 11, T. 8 S., R. 8 E., MDBM; that area lying west of Tyler Street, east of Los Banos Highway, north of Cone Avenue, and south of Childs Avenue; and Sec. 31, T. 7 S., R. 9 E., MDBM, in Merced County.

(17) NW. ¼ Sec. 2, T. 2 S., R. 26 E., MDBM, in Mono County.

(18) That part of the Town of Soledad consisting of Lots 1 and 2 as designated on map entitled "plot of Lot No. 5 of subdivision at Rancho San Vincente"; Lot 9 of Locke Paddon Colony No. 43 in the Town of Castroville; that area lying south of the Salinas River, west of Fort Ord Road, north of Monterey Road, and east of State Highway No. 1; that area lying south of Reindollar Avenue, east of State Highway No. 1, north of Fort Ord Road, and west of Sunrise Avenue; that area lying south of Carmel Avenue, east of Sunset Avenue, north of Reindollar Avenue, and west of California Avenue; Sub. C of Lot 3, Assessor Map No. 1 of San Vincente Ranch, Lots 75B, 77B, and 78B; and Secs. 2 and 3, T. 15 S., R. 2 E., MDBM, in Monterey County.

(19) That part of Napa Township lying north and east of Browns Valley Road, south of Redwood Road, and west of Napa [illegible] Sec. 11, T. 5 N., R. 4 W., MDBM; and Sec. 29, T. 8 N., R. 5 W., MDBM, in Napa County.

(20) Sec. 7, T. 15 N., R. 8 E., MDBM, in Nevada County.

(21) Sec. 7, T. 3 S., R. 9 W., SBBM; NE. ¼ Sec. 19, T. 3 S., R. 10 W., SBBM; NE. ¼ Sec. 4, T. 4 S., R. 11 W., SBBM; Sec. 26, T. 3 S., R. 11 W., SBBM; Sec. 15, T. 5 S., R. 10 W., SBBM; Sec. 27, T. 6 S., R. 8 W., SBBM; and NE. ¼ Sec. 19, T. 3 S., R. 10 W., SBBM, in Orange County.

[illegible]

[illegible] County.

[illegible] in Sacramento County.

(24) [illegible] Sec. 15, T. 10 N., R. 3 W., SBBM; Sec. 13, Sec. 14, and Sec. 15, NW. ¼ Sec. 22, N. ½ Sec. 23, N. ½ of NW. ¼ Sec. 24, NE. ¼ Sec. 24, N. ½ of SE. ¼ Sec. 24 and S. ½ of SE. ¼ Sec. 16, T. 9 N., R. 1 E., and W. ½ of SW. ¼ and S. ½ of SE. ¼ Sec. 19, T. 9 N., R. 2 E., SBBM; W. ½ Sec. 28, T. 12 N., R. 2 E., SBBM; SE. ¼ Sec. 31, T. 2 N., R. 9 E., SBBM; Sec. 36, T. 1 S., R. 5 W., SBBM; Sec. 17, T. 6 N., R. 3 W., SBBM; N. ½ Sec. 2, T. 9 N., R. 2 W., SBBM; E. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM; Lots 1, 3, 4, 5, and 6, Sec. 25, T. 11 N., R. 21 E., SBBM; NW. ¼ Sec. 13, T. 2 S., R. 7 W., SBBM; W. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM, in San Bernardino County.

(25) SW. ¼ Sec. 30, T. 18 S., R. 1 W., SBBM; NW. ¼ Sec. 36, T. 18 S., R. 2 W., SBBM; SW. ¼ Sec. 14, T. 14 S., R. 2 W., SBBM; NE. ¼ Sec. 19, T. 18 S., R. 1 W., SBBM; NE. ¼ Sec. 25, T. 18 S., R. 2 W., SBBM; W. ½ of NE. ¼ Sec. 19, T. 18 S., R. 1 W., SBBM; Lots 2, 3, and 4, Sec. 12, T. 12 S., R. 3 W., SBBM; S. ½ Sec. 23, T. 10 S., R. 3 E., SBBM; E. ½ of SE. ¼ of SE. ¼ of SW. ¼ Sec. 24, T. 18 S., R. 2 W., SBBM; NW. ¼ of SE. ¼ Sec. 34, T. 12 S., R. 1 E., SBBM; NW. ¼ Sec. 20, T. 16 S., R. 1 E., SBBM; W. ½ of NE. ¼ Sec. 26, T. 18 S., R. 2 W., SBBM; E. ½ Sec. 30, T. 14 S., R. 2 W., SBBM; N. ½ of SE. ¼ Sec. 18, T. 15 S., R. 2 E., SBBM; NW. ¼ of SW. ¼ of NE. ¼ Sec. 25, T. 18 S., R. 2 W., SBBM; NW. ¼ Sec. 33, T. 11 S., R. 4 W., SBBM; NE. ¼ Sec. 28, T. 12 S., R. 3 W., SBBM; W. ½ of NW. ¼ of NW. ¼ Sec. 32, T. 11 S., R. 4 W., SBBM; Lots 1, 2, and 3, NW. ¼ Sec. 28, T. 12 S., R. 2 W., SBBM; NW. ¼ of SW. ¼ of SE. ¼ Sec. 24, T. 16 S., R. 1 W., SBBM; Sec. 24 and Sec. 25, T. 14 S., R. 1 E., SBBM; E. ½ of NW. ¼ and E. ½ of SW. ¼ Sec. 32, T. 11 S., R. 4 W., SBBM; W. ½ of SW. ¼ Sec. 21, T. 10 S., R. 3 W., SBBM; NE. ¼ of NW. ¼ Sec. 19, T. 18 S., R. 1 W., SBBM; Sec. 30, T. 16 S., R. 1 E., SBBM; E. ½ of NE. ¼ of NE. ¼ Sec. 19 and N. ½ of NW. ¼ Sec. 20, T. 18 S., R. 1 W., SBBM; Lots 82 to 89, inclusive, Sec. 24, T. 18 S., R. 2 W., SBBM; NE. ¼ Sec. 28, T. 15 S., R. 1 E., SBBM; E. ½ of SW. ¼ of SE. ¼ of SW. ¼ Sec. 24, T. 18 S., R. 2 W., SBBM; Lots 70, 71, and 103, Sec. 24, T. 18 S., R. 2 W., SBBM; Sec. 14, T. 18 S., R. 6 E., SBBM; SE. ¼ Sec. 29, T. 15 S., R. 1 W., SBBM; SW. ¼ Sec. 24, T. 18 S., R. 2 W., SBBM; SE. ¼ Sec. 22, T. 18 S., R. 1 W., SBBM; NW. ¼ Sec. 25, T. 18 S., R. 2 W., SBBM; SE. ¼ Sec. 27, T. 15 S., R. 1 W., SBBM; and N. ½ Sec. 2, T. 15 S., R. 1 E., SBBM, in San Diego County.

(26) NW. ¼ Sec. 33, T. 5 N., R. 5 E., MDBM; Secs. 20 and 29, T. 2 S., R. 6 E., MDBM; N. ½ Sec. 5 and W. ½ Sec. 4, T. 1 N., R. 6 E., MDBM; [illegible] San Joaquin County.

(27) S. ½ Sec. 8, T. 26 S., R. 12 E., MDBM; NE. ¼ of NE. ¼ Sec. 15, T. 26 S., R. 12 E., MDBM; Lot 50 of Rancho Corral de Piedro (land grant) lying east of Arroyo Grande Highway; NE. ¼ Sec. 30, T. 27 S., R. 11 E., MDBM; and Lot 19, Block 23 of Atascadero Colony (land grant), in San Luis Obispo County.

(28) SW. ¼ Sec. 7, T. 3 S., R. 5 W., MDBM; SW. ¼ Sec. 12, T. 3 S., R. 6 W., MDBM; SW. ¼ Sec. 11, T. 3 S., R. 6 W., MDBM; S. ½ of SW. ¼ [illegible]

[illegible] that area included within a boundary beginning at the intersection of San Marcus and San Antonio [illegible] south on San Antonio Road [illegible] Road, thence west ¼ mile [illegible] thence north [illegible] to San Marcus Road, thence east on San Marcus Road to point of beginning, in Santa Barbara County.

(30) NE. ¼ Sec. 14, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 22, T. 6 S., R. 1 W., MDBM; that part of NE. ¼ Sec. 9, T. 6 S., R. 2 W. lying east of Sterling Road, south and east of San Francisco Bay, and north of Moffat Field; that part of the NE. ¼ Sec. 9, T. 6 S., R. 2 W., lying west of Sterling Road, east of Bayshore Highway, south of San Francisco Bay, and north of Charleston Avenue; NE. ¼ Sec. 30, T. 8 S., R. 1 E., MDBM; NE. ¼ Sec. 7, T. 8 S., R. 1 W., MDBM; NW. ¼ Sec. 15, T. 6 S., R. 2 W., MDBM; SE. ¼ of T. 5 S., R. 1 W., MDBM; that part of the City of Milpitas lying south of Alviso-Milpitas Road, north of Trimble Road, west of State Highway No. 17, and east of the Eastshore Freeway; NE. ¼ Sec. 15, T. 6 S., R. 1 W., MDBM; SE. ¼ Sec. 16, T. 7 S., R. 3 W., MDBM; NE. ¼ Sec. 19, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 34, T. 7 S., R. 1 E., MDBM; NW. ¼ Sec. 31, T. 10 S., R. 4 E., MDBM; and SE. ¼ Sec. 32, T. 8 S., R. 1 E., in Santa Clara County.

(31) Sec. 17, T. 11 S., R. 2 W., MDBM; that area lying south of Old State Highway No. 1, east of Estate Drive, north of State Highway No. 1, and west of Monte Vista Street; that area lying east of Old San Jose Road, and north, south and west of Soquel Creek; and that area lying east of Branciforte Drive, south of Happy Valley Road, west of Arana Gulch Road, and north of DeLavega Park Road, in Santa Cruz County.

(32) Sec. 32, T. 32 N., R. 5 W., MDBM, in Shasta County.

(33) N. ½ Sec. 23 and S. ½ Sec. 14, T. 45 N., R. 7 W., MDBM; and NW. ¼ Sec. 34, T. 40 N., R. 4 E., MDBM, in Siskiyou County.

(34) Secs. 28 and 33, T. 3 N., R. 3 W., MDBM; Secs. 19 and 24, T. 3 N., R. 2 W., MDBM; SW. ¼ Sec. 20 and NW. ¼ Sec. 29, T. 5 N., R. 1 W., MDBM; Sec. 7 and Sec. 18, T. 4 N., R. 2 W., MDBM; SE. ¼ Sec. 30, T. 7 N., R. 1 E., MDBM; Sec. 13, T. 4 N., R. 2 E., MDBM; and SE. ¼ Sec. 13, T. 7 N., R. 1 W., MDBM, in Solano County.

(35) That part of the Rancho Petaluma Grant lying west of Arnold Drive, south of Fowler Creek Road, north of Leveroni Road, and east of Rogers Creek; that part of Rancho Petaluma Grant lying west of Arnold Drive, east of Orange Avenue, south of Craig Avenue, and north of Grove Avenue; that part of Healdsburg Township lying south of Alexander Valley Road, east of U. S. Highway No. 101, and north and west of the Russian River; that part of Secs. 16 and 21, T. 8 N., R. 8 W., MDBM, lying south of Faught Creek and west of Faught Road; that part of Healdsburg Township lying south of Lytton

Road, north and east of Chiquilta Road, and west of U. S. Highway No. 101; NW. ¼ Sec. 30, T. 7 N., R. 9 W., MDBM; that part of Rancho Aqua Caliente Grant lying south and east of Arnold Drive, west of State Highway No. 12, and north of Madrone Road; and that part of Rancho Petaluma Grant lying south and east of State Highway No. 37, west of Maffei Lane, and north of Wayne Road, in Sonoma County.

(36) SW. ¼ Sec. 5, T. 5 S., R. 9 E., MDBM; that portion of the NE. ¼ Sec. 11, T. 2 S., R. 10 E., lying south of the Stanislaus River; Sec. 17, T. 4 S., R. 8 E., MDBM; Sec. 13, T. 7 S., R. 8 E., MDBM; NW. ¼ Sec. 25, T. 3 S., R. 8 E., MDBM; and Sec. 21, T. 4 S., R. 8 E., MDBM, in Stanislaus County.

(37) Sec. 8, T. 5 N., R. 6 E., HuBM, in Trinity County.

(38) SW. ¼ Sec. 2 and SW ¼ Sec. 11, T. 18 S., R. 26 E., MDBM; NW. ¼ Sec. 15, T. 20 S., R. 24 E., MDBM; SE. ¼ Sec. 6, T. 18 S., R. 24, MDBM; NW. ¼ Sec. 36, T. 17 S., R. 26 E., MDBM; and SE. ¼ Sec. 11, T. 21 S., R. 29 E., MDBM, in Tulare County.

(39) Secs. 32 and 33, T. 2 N., R. 15 E., MDBM; and Secs. 1 and 2, T. 1 N., R. 14 E., in Tuolumne County.

(40) S. ½ Sec. 32, T. 3 N., R. 2 W., MDBM; Sec. 16, T. 2 N., R. 22 W., MDBM; N. ½ Sec. 32, T. 3 N., R. 20 W., MDBM; Sec. 33, T. 4 N., R. 24 W., MDBM; NE. ¼ Sec. 16, NW. ½ Sec. 15 and SE. ¼ Sec. 9; T. 1 S., R. 20 W., MDBM; Sec. 22, T. 1 N., R. 20 W., MDBM; and Sec. 21, T. 3 N., R. 19 W., MDBM, in Ventura County.

(41) NW. ¼ Sec. 11, T. 9 N., R. 2 E., MDBM; SE. ¼ of NW. ¼ Sec. 30, T. 10 N., R. 2 E., MDBM; and that area included within a boundary beginning at the intersection of County Roads Numbers 124 and 126, extending south ¼ mile, thence west ½ mile, thence north ¼ mile, thence east to County Road No. 124, and thence southeast along County Road No. 124 to point of beginning, in Yolo County.

(42) That area lying north of the extension of the north boundary of Marysville City Limits to the Yuba River, south of the Hallwood Sand and Gravel Company Road to the Yuba River, west of the Yuba River, and east of State Highway No. 20, in Yuba County.

2. Paragraph (c), relating to Maine, is deleted.

3. Subdivision (viii) of subparagraph (7) of paragraph (d), relating to Plymouth County in Massachusetts, is deleted.

4. Subdivision (i) of subparagraph (7) of paragraph (d), relating to Plymouth County in Massachusetts, is amended to read:

(i) That part of the City of Brockton lying south of Center Street, north of Plain Street, and east of Summer Street.

5. Subdivision (xviii) of subparagraph (8) of paragraph (d), relating to Worcester County in Massachusetts, is deleted.

6. Subdivisions (i), (ii), and (iv), of subparagraph (2) of paragraph (g), relating to Providence County in Rhode Island, are amended to read:

(i) That part of the Town of Cranston lying east of Pippin Orchard Road, west of Seven Mile Road, north of Plainfield Pike, and south of Scituate Avenue; and that part of the Town of Cranston lying south and west of Olney Arnold Road, north of Phenix and Hope Roads, and east of Pippin Orchard Road;

(ii) That part of the Town of Johnston lying east of Simmonsville Avenue, northwest of Scituate Avenue, and south of Simmonsville Lake; that part of the Town of Johnston lying east of Old Pocasset Road, west of Atwood Avenue, north of Central Pike, and south of U. S. Route No. 6; that part of the Town of Johnston lying south of Shun Pike, north of Plainfield Pike, west of Taylor Road, and east of Green Hill Road; that part of the Town of Johnston lying south of Central Avenue, north of Shun Pike, west of Cedar Swamp Brook, and east of Peck Hill Road; that part of the Town of Johnston lying south of Hartford and Stevenson Avenues, north of Pine Hill Road, and west of Cross Road; and that part of the Town of Johnston lying south of Cherry Hill Avenue, north of Hartford Avenue, west of Elsie Drive, and east of Atwood Avenue;

(iv) That part of the City of Providence lying east of Hamlin Street, west of Elena Street, north of Olney Street, and south of Mineral Spring Avenue; that part of the City of Providence lying south of Swan Point Cemetery, north of Gulf Avenue, west of the Seekonk River, and east of Grotto Avenue; that part of the City of Providence lying south of Rosner Street, north of Smart Street, west of Woodward Road, and east of Thelma Avenue; that part of the City of Providence lying south and east of Fruit Hill Avenue, and west of Olney Avenue; that part of the City of Providence lying south of Arthur Avenue, north of Gem Street, west of Washington Street, and east of Nemo Street; and that part of the City of Providence lying north of Francis Avenue, west of Pawtucket City Line, and east of Charles Street.

7. A new subdivision (xii) is added to subparagraph (2) of paragraph (g), relating to Providence County in Rhode Island to read:

(xii) That part of the Town of Howard lying south and east of Pontiac Avenue, and north and west of the Pawtuxet River.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California, Maine, Massachusetts, and Rhode Island, from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1953 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended will apply thereto.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 1st day of October 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-7896; Filed, Oct. 6, 1954; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53617]

PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

PART 9—IMPORTATIONS BY MAIL

PRODUCTS OF INSULAR POSSESSIONS OTHER THAN PUERTO RICO

In order to provide for uniform customs treatment of articles produced in the insular possessions of the United States, except Puerto Rico, and brought into customs territory of the United States, and to conform to changes in law made by the Customs Simplification Act of 1954, the following amendments are made to the Customs Regulations:

1. Section 7.8 is amended to read as follows:

§ 7.8 *Insular possessions of the United States other than Puerto Rico* (a) When articles coming directly into the United States from an insular possession, other than Puerto Rico, in a shipment valued over $25 are sought to be admitted free of duty under the provisions of section 301, Tariff Act of 1930, as amended, relating to certain articles produced in such insular possessions,[1] there shall be filed in connection with the entry a certificate of origin covering articles shipped from insular possessions (except Puerto Rico) to the United States, customs Form 3229, signed by the chief or assistant chief customs officer at the port of shipment,[2] showing that such merchandise is the growth or product of such possession, or manufactured or produced in such possession, from materials the growth, product, or manufacture of any such possession or of the United States, or of both, which do not contain foreign materials to the value of more than 50 per centum of their total value. Such certificate shall not be required for any shipment valued at $25 or less.

(b) When articles coming directly into the United States from an insular possession, other than Puerto Rico, in a shipment valued over $25 are sought to be admitted free of duty under the provisions of section 301, Tariff Act of 1930, as amended, relating to certain articles returned to the United States,[1] there shall be filed in connection with the entry the following evidence:

(1) A certificate, customs Form 4467, of the collector of customs at the port from which the merchandise was shipped from the United States, except that no such certificate shall be required if the collector is satisfied by reason of the nature of the articles or otherwise that no drawback of duties or refund or remission of taxes was allowed on the merchandise by reason of such shipment. This certificate shall be issued on application of the importer, or of the collector at the importer's request, and shall be mailed by the issuing officer directly to the port at which it is to be used. If the merchandise was shipped from the port at which entry is made and the fact of shipment appears on the records of the customhouse, the fact of return shall be noted on such record but the filing of the certificate on Form 4467 shall not be required.

(2) A declaration of the shipper in the insular possession in the following form:

I, _____ of _____, do hereby declare that to the best of my knowledge and belief the articles identified below were sent directly from the United States on _____, 19____, to _____, _____, of _____, on
(Insular possession)
the _____, and that the
(Name of carrier)
articles remained in said insular possession until shipped by me directly to the United States via the _____
(Name of carrier)
on _____, 19____.

Marks	Numbers	Quantity	Description	Value

Dated at _____, this ____ day of _____, 19__.

_____
(Shipper)

Such certificate and declaration shall not be required for shipments valued at $25 or less, or in any case where the collector is satisfied by reason of the nature of the articles or otherwise that they were shipped directly to the insular possession and were returned therefrom by direct shipment, and that no drawback of duties or refund or remission of taxes was allowed when the articles were shipped from the United States.

(c) When merchandise, excluding any shipments valued at $25 or less, arrives unaccompanied by a certificate of origin or a declaration of the shipper, or when any other document necessary to complete entry is lacking, a bond for the production thereof may be taken on customs Form 7551, 7553, or other appropriate form, except that a bond for production of a bill of lading shall be taken on customs Form 7581.

(d) In determining whether an article produced or manufactured in any such insular possession contains foreign materials to the value of more than 50 per centum, a comparison shall be made between the actual purchase price of the foreign materials (excluding any material which at the time such article is entered, or withdrawn from warehouse, for consumption in the United States, may be imported into the United States from a foreign country, other than Cuba or the Philippine Republic, free of duty), plus the cost of transportation to such insular possession (but excluding duties and taxes, if any, assessed by the insular possession and any charges which may accrue after landing), and the final appraised value in the United States determined in accordance with section 402, Tariff Act of 1930, as amended, of the article brought into the United States.

(e) An invoice certified by the chief or assistant chief customs officer at the port of shipment in such insular possessions shall be required in connection with the entry of each shipment of dutiable merchandise valued over $500, except that no such invoice shall be required if the shipment would have been exempt under § 8.15 of this chapter from the requirement of a certified invoice if it had been imported from a foreign country, or when the merchandise is covered by a certificate of origin provided for in paragraph (a) of this section.

(f) Merchandise may be withdrawn from bonded warehouse under section 557, Tariff Act of 1930, as amended, for shipment to the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or the Island of Guam, without payment of duty, or with refund of duty if the duties have been paid thereon, in like manner as for exportation to foreign countries. No drawback may be allowed under section 313, Tariff Act of 1930, as amended, on articles manufactured or produced in the United States and shipped to any insular possession. No drawback of internal-revenue tax is allowable under section 313 of the Tariff Act on articles manufactured or produced in the United States with the use of domestic tax-paid alcohol and shipped to Wake Island, Midway Islands, or Kingman Reef. (See § 22.22 of this chapter.)

(68 Stat. 1139, secs. 309, 313, 482 (f), 557, 46 Stat. 690, as amended, 693 as amended, 720, 744, as amended; 19 U. S. C. 1301, 1309, 1313, 1482 (f), 1557)

2. Sections 7.9 and 7.10 are deleted.

3. Footnote 15 of Part 7 is deleted. Footnote 14 is renumbered 15 and new footnotes 14 and 16 are appended to paragraphs (a) and (b), respectively, of § 7.8, to read as follows:

[14] "There shall be levied, collected, and paid upon all articles comng into the United States from any of its insular possessions, except Puerto Rico, the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries; except that all articles the growth or product of any such possession, or manufactured or produced in any such possession from materials the growth, product, or manufacture of any such possession or of the United States, or of both, which do not contain foreign materials to the value of more than 50 per centum of their total value, coming into the United States directly from any such possession, • • • shall be admitted free of duty upon compliance with such regulations as to proof of origin as may be prescribed by the Secretary of the Treasury. In determining whether an article produced or manufactured in any such insular possession contains foreign materials to the value of more than 50 per centum, no material shall be considered foreign which, at the time such article is entered, or withdrawn from warehouse, in the United States for consumption, may be imported into the United States from a foreign country, other than Cuba or the Philippine Republic, free of duty." (Sec. 301, Tariff Act of 1930, as amended.)

[16] "• • • all articles previously imported into the United States with payment of all applicable duties and taxes imposed upon or by reason of importation which are shipped from the United States, without remission, refund, or drawback of such duties or taxes, directly to the possession from which it is being returned by direct shipment, shall be admitted free of duty upon compliance with such regulations as to proof of origin as may be prescribed by the Secretary of the Treasury." (Sec. 301, Tariff Act of 1930, as amended.)

(R. S. 251 Sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

4. Section 9.9 is amended by deleting paragraphs (c) and (d) and inserting a new paragraph (c) to read as follows:

(c) A conditionally free shipment from any United States insular possession, except Puerto Rico, valued over $25 but not over $250, when accompanied by the documentary evidence required by § 7.8 of this chapter, and any such shipment valued at $25 or less, may be passed without issuance of a mail entry if the collector is satisfied that the merchandise is entitled to free entry. In the case of each such shipment valued over $250, formal entry shall be required and the provisions of Parts 7 and 8 of this chapter shall be followed.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

New customs Form 3229, prescribed for use by §§ 7.8 and 9.9 of the Customs Regulations, as amended by this decision, will be printed and available for distribution within approximately 90 days from the date hereof. The form will not be salable. Collectors may obtain supplies thereof from the Section of Forms, Customs Information Exchange, 201 Varick Street, New York 14, New York.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 30, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7902; Filed, Oct. 6, 1954; 8:54 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.230]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

TREATY INVESTORS

Part 41, Chapter I, Title 22 of the Code of Federal Regulations, is amended in the following respects:

1. Paragraph (b) of § 41.76 *Burden of proof and evidence of treaty-investor status,* is amended to read as follows:

(b) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (E) (ii) of the act shall be required to present any evidence deemed necessary by the consular officer to establish that he is entitled to nonimmigrant classification under that section. Such alien shall establish specifically that:

(1) He seeks to enter the United States solely for the purpose of developing and directing the operations of an enterprise in the United States: (i) In which he has invested, or is actively in the process of investing, a substantial amount of capital; or (ii) in which his employer has invested, or is actively in the process of investing, a substantial amount of capital: *Provided*, That such employer is a foreign person or organization of the same nationality as the applicant and that the applicant is employed by such person or organization in a responsible capacity; or

(2) He seeks to enter the United States as the spouse or child of an alien described in subparagraph (1) of this paragraph; and

(3) He is not applying for a nonimmigrant visa in an effort to evade the quota or other restrictions which are applicable to immigrants;

(4) He intends in good faith, and will be able, to depart from the United States upon the termination of his status; and

(5) The enterprise is one which actually exists or is in active process of formation, and is not a fictitious paper operation.

2. Section 41.77 *Advisory opinions in treaty-investor cases*, is hereby revoked.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: September 27, 1954.

SCOTT MCLEOD,
Administrator of the Bureau of Inspection, Security, and Consular Affairs.

[F. R. Doc. 54-7865; Filed, Oct. 6, 1954; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6105; Regs. 111, 118]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 39—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

COMPUTATION OF, AND CREDITS AGAINST NET INCOME

Regulations 118 and 111 amended to conform to sections 1 and 3 of Public Law 213 (83d Congress) approved August 7, 1953, relating to the extension of the applicable period of section 22 (b) (13) of the Internal Revenue Code of 1939 and to the definition of dependent.

On April 3, 1954, notice of proposed rule making with respect to amendments conforming the income tax regulations to sections 1 and 3 of Public Law 213 (83d Congress) approved August 7, 1953, was published in the FEDERAL REGISTER (19 F. R. 1909). No suggestions or protests were presented regarding the proposals, and the following amendments to Regulations 118 (26 CFR Part 39) and 111 (26 CFR Part 29) are hereby adopted:

PARAGRAPH 1. Section 39.22 (b) (13) is amended as follows:

(A) By striking the date "January 1, 1954" from section 22 (b) (13) wherever it appears, and by inserting in lieu thereof "January 1, 1955", and

(B) By inserting "; sec. 1, Pub. Law 213 (83d Cong.)" before the closing bracket of the historical note following section 22 (b) (13).

PAR. 2. Section 39.22 (b) (13)-1 is amended as follows:

(A) By striking from the heading and from the section the date "January 1, 1954" wherever it appears, and by inserting in lieu thereof "January 1, 1955", and

(B) By striking from the second sentence of paragraph (b) the parenthetical phrase "(including a year after 1953)" and by inserting in lieu thereof "(including a year after 1954)".

PAR. 3. Section 39.25 is amended as follows:

(A) By striking the third sentence from section 25 (b) (3) which sentence reads "For the purposes of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such person by blood." and by inserting in lieu thereof the following sentence: "For the purposes of determining whether any of the foregoing relationships exist (1) a legally adopted child of a person or (2) a child for which petition for adoption was filed by a person in the appropriate court and denied because of mental incapacity of surviving natural parent to agree to such adoption, shall be considered a child of such person by blood."

and

(B) By inserting "; sec. 3, Pub. Law 213 (83d Cong.)" before tthe closing bracket of the historical note following section 25.

PAR. 4. Section 39.25-2 is amended as follows:

(A) By inserting immediately preceding the first sentence of paragraph (e) the numeral "(1)", and

(B) By striking the sixth sentence of paragraph (e) (1), as so designated in (A) above, which sentence reads "A legally adopted child of a person shall be considered a child of such person by blood." and by inserting in lieu thereof the following sentences: "A legally adopted child of a person, or a child for which petition for adoption has been filed by a person in the appropriate court and denied because of the mental incapacity of the surviving natural parent to agree to such adoption, shall be considered to become a child of such person by blood as of the date on which the decree for adoption is issued, or the petition for adoption is denied because of the mental incapacity of the surviving natural parent to agree to such adoption. For example, during 1952, a calendar year taxpayer furnished the chief support of a child who had less than $600 of gross income for that year. A decree of adoption with respect to that child was issued in December 1952. The taxpayer is entitled to an exemption on behalf of the child for the taxable year 1952, provided the other requirements of this subparagraph, such as citizenship or residence of the dependent, are met. On the other hand, if the decree was issued in January, 1953, no exemption with respect to the child would be allowable to the taxpayer for the taxable year 1952. Similarly, if the petition for adoption was denied in December, 1952, because of the mental incapacity of the surviving natural parent to agree to such adoption, the taxpayer would be entitled to an exemption on behalf of the child for the taxable year 1952, provided the requirements of this subparagraph are otherwise met. On the other hand, if such a petition was denied in January, 1953, no exemption would be allowable to the taxpayer with respect to the child for the taxable year 1952. For the purposes of this section a decree of adoption includes an interlocutory decree of adoption, only if under the applicable State law the legal effect of such decree is to declare the child for all intents and purposes to be the child of the person so adopting."

PAR. 5. There is inserted immediately preceding § 29.25-1 the following:

PUBLIC LAW 213, 83D CONGRESS, APPROVED AUGUST 7, 1953

* * * * *

SEC. 3. (a) That the third sentence of section 25 (b) (3) of the Internal Revenue Code, relating to the definition of dependent, is amended to read as follows: "For the purposes of determining whether any of the foregoing relationships exist (1) a legally adopted child of a person or (2) a child for which petition for adoption was filed by a person in the appropriate court and denied because of mental incapacity of surviving natural parent to agree to such adoption, shall be considered a child of such person by blood."

(b) The provisions of subsection (a) shall be applicable to taxable years beginning after December 31, 1945.

PAR. 6. Section 29.25-3, as amended by Treasury Decision 5993, approved February 18, 1953, is further amended as follows:

(A) By inserting after the eighth sentence of paragraph (b) which sentence reads "A legally adopted child of a person shall be considered a child of such person by blood." the following sentence: "See paragraph (d) (5) of this section."

(B) By inserting at the end of paragraph (c) the following sentences: "In addition, a child for which petition for adoption was filed by a person in the appropriate court and denied because of the mental incapacity of the surviving natural parent to agree to such adoption shall be considered a child of such person by blood. See paragraph (d) (5) of this section."

and

(C) By deleting the sixth sentence of the first unnumbered subdivision of paragraph (d) (5) (26 CFR 29.25-3 (d) (5) (i)), which sentence reads "A legally adopted child of a person shall be considered a child of such person by blood." and by inserting in lieu thereof the following sentences: "A legally adopted child of a person, or a child for which petition for adoption has been filed by a person in the appropriate court and denied because of the mental incapacity of the surviving natural parent to agree to such adoption, shall be considered to become a child of such person by blood as of the date on which the decree for adoption is issued, or the petition for adoption is denied because of the mental incapacity of the surviving natural parent to agree to such adoption. For example, during 1948, a calendar year taxpayer furnished the chief support of a child who had less than $600 of gross income for that year. A decree of adoption with respect to that child was issued in December, 1948. The taxpayer is entitled to an exemption on behalf of the child for the taxable year 1948, provided the other requirements of this subdivision, such as citizenship or residence of the dependent, are met. On the other hand, if the decree was issued in January, 1949, no exemption with respect to the child would be allowable to the taxpayer for the taxable year 1948. Similarly, if the petition for adoption was denied in December, 1948, because of the mental incapacity of the surviving natural parent to agree to such adoption, the taxpayer would be entitled to an exemption on behalf of the child for the taxable year 1948, provided the requirements of this subdivision are otherwise met. On the other hand, if such a petition was denied in January, 1949, no exemption would be allowable to the taxpayer with respect to the child for the taxable year 1948. For the purposes of this section a decree of adoption includes an interlocutory decree of adoption, only if under the applicable State law the legal effect of such decree is to declare the child for all intents and purposes to be the child of the person so adopting."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: October 1, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7904; Filed. Oct. 6, 1954; 8:54 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1014]

IDAHO

RESERVING ADDITIONAL PUBLIC LANDS IN CONNECTION WITH NORTH LAKE WILDLIFE MANAGEMENT AREA FORMERLY CALLED NORTH LAKE STATE MIGRATORY WATER FOWL REFUGE, AND REVOKING PUBLIC LAND ORDER NO. 330 OF NOVEMBER 6, 1946

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, the act of September 2, 1937 (50 Stat. 917; 16 U. S. C. 669-669i), and the act of March 10, 1934 as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661-666c), it is ordered as follows:

Subject to valid existing rights, and to the provisions of existing withdrawals, the following-described public lands in Idaho are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use of the Department of Fish and Game of the State of Idaho, in addition to the lands reserved by Public Land Order No. 278 of May 21, 1945, in connection with the North Lake State Migratory Waterfowl Refuge, now called the North Lake Wildlife Management Area, under such conditions as may be prescribed by the Secretary of the Interior:

BOISE PRINCIPAL MERIDIAN

T. 7 N., R. 35 E.,
Sec. 20, SE¼, E½SW¼;
Sec. 29, N½, N½SW¼, NW¼SE¼;
Sec. 28, SW¼NW¼, NW¼SW¼, SE¼SW¼;
Sec. 32, Lots 1, 2, 3 and 4.
T. 6 N., R. 35 E.,
Sec. 5, Lots 3 and 5;
Sec. 6, Lots 1, 2, 4, 5 and 6.
T. 7 N., R. 34 E.,
Sec. 26, S½N½, S½;
Sec. 34, NE¼NE¼, SW¼SE¼;
Sec. 35, N½NW¼, NW¼NE¼, S½SE¼, SE¼SW¼.
T. 6 N., R. 34 E.,
Sec. 1, Lots 1, 2, 3, 4, 5, 6 and 7;
Sec. 2, N½N½, S½NE¼;
Sec. 3, N½NE¼;
Sec. 12, NW¼NW¼.

The areas described aggregate 2,392.32 acres.

There is excepted from the withdrawal made by this order the range improvement project, No. 6-C-153, consisting of a range division line fence constructed by the Bureau of Land Management along the north line of the NW¼SW¼ sec. 20, and easterly through the NE¼SW¼ and N½SE¼ sec. 20, thence continuing easterly along the east-west center lines of secs. 21 and 22, T. 7 N., R. 35 E., B. M. Those portions of the NE¼SW¼ and N½SE¼ sec. 20, T. 7 N., R. 35 E., situated north of the said fence shall be subject at all times to use by the Bureau of Land Management for livestock watering purposes and for such other uses as that Bureau may deem necessary in its administration of Idaho Grazing District No. 3.

This order shall be subject to the transmission line withdrawal of July 9, 1938, for Federal Power Commission Project No. 765, so far as such withdrawal affects the above-described lands.

This order shall take precedence over but not otherwise affect the Departmental order of November 3, 1936, establishing Idaho Grazing District No. 3.

Public Land Order No. 330 of November 6, 1946, reserving a portion of the lands above described for the use of the Department of Agriculture as a winter food lot area for experimental breeding sheep is hereby revoked.

ORME LEWIS,
Assistant Secretary of the Interior.

OCTOBER 1, 1954.

[F. R. Doc. 54-7863; Filed, Oct. 6, 1954; 8:46 a. m.]

[Public Land Order 1015]

ARIZONA

RESERVING PUBLIC LANDS IN CONNECTION WITH GILA RIVER WATERFOWL AREA PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, the act of September 2, 1937 (50 Stat. 917; 16 U. S. C. 669-669i), and the act of March 10, 1934, as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661-666c), it is ordered as follows:

Subject to valid existing rights and to existing withdrawals for power purposes, the following-described public lands in Maricopa County, Arizona, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use by the Arizona Game and Fish Commission in connection with the Gila River Waterfowl Area Project, under such conditions as may be prescribed by the Secretary of the Interior:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 1 W.,
Sec. 34, N½SE¼;
Sec. 35, S½.
T. 1 N., R. 2 W.,
Sec. 34, Lot 5.
T. 1 S., R. 2 W.,
Sec. 3, Lots 1, 2, S½SW¼, SW¼SE¼;
Sec. 4, SW¼NE¼, SE¼NW¼, SE¼;
Sec. 5, S½SE¼;
Sec. 8, N½SW¼, SW¼NE¼.
T. 1 S., R. 3 W.,
Sec. 10, SE¼SW¼, S½SE¼;
Sec. 11, NE¼SW¼, S½SW¼, N½SE¼;
Sec. 12, SW¼NE¼, S½NW¼;
Sec. 14, NW¼NW¼;
Sec. 15, N½NE¼, SW¼, S½SE¼, W½SE¼NW¼;
Sec. 17, S½NE¼, SE¼, NW¼SW¼;
Sec. 18, Lots 3, 4, E½SW¼; S½NE¼, W½SE¼, NE¼SE¼.
T. 1 S., R. 4 W.,
Sec. 13, S½SE¼, SE¼SW¼;
Sec. 14, SE¼SE¼;
Sec. 19, S½SE¼;
Sec. 20, S½S½, NE¼SE¼;
Sec. 21, S½NE¼, SE¼NW¼, N½S½, S½SW¼;
Sec. 22, NE¼, NE¼NW¼, S½NW¼, N½SW¼, NW¼SE¼;
Sec. 23, N½NE¼, NW¼;
Sec. 27, SW¼;
Sec. 28, NW¼, S½;
Sec. 29, N½N½, SE¼NE¼;
Sec. 30, Lots 1, 2, E½NW¼, NE¼, SE¼SE¼.
T. 1 S., R. 5 W.,
Sec. 25, N½SW¼, SW¼SW¼;
Sec. 26, S½;
Sec. 27, NE¼SE¼;
Sec. 33, E½SE¼;
Sec. 34, NW¼NE¼, NW¼, W½SW¼.

T. 2 S., R. 5 W.,
Sec. 4, Lot 2, SW¼NE¼, W½SE¼;
Sec. 9, NW¼NE¼, S½NE¼, SE¼;
Sec. 21, E½, SE¼NW¼, E½SW¼.

The areas described aggregate 6,896.14 acres.

The lands shall continue to be administered for grazing purposes by the Bureau of Land Management until such time as they are needed for the purposes for which they are reserved.

This order shall take precedence over, but shall not otherwise affect Departmental order of July 14, 1938, establishing Arizona Grazing District No. 3, so far as it affects the above-described lands.

ORME LEWIS,
Assistant Secretary of the Interior.

OCTOBER 1, 1954.

[F. R. Doc. 54-7864; Filed, Oct. 6, 1954; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Service Order 898, Amdt. 1]

PART 95—CAR SERVICE

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

At a session of the Interstate Commerce Commission Division 3, held at its office in Washington, D. C., on the 1st day of October A. D. 1954.

Upon further consideration of Service Order No. 898 (19 F. R. 5112), and good cause appearing therefor: *It is ordered*, That:

Section 95.898, Service Order No. 898, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This section shall expire at 11:59 p. m., January 10, 1955, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p. m., October 10, 1954.

It is further ordered, That a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7893; Filed, Oct. 6, 1954; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 81, 86]

ESTATE AND GIFT TAXES

ABATEMENT OF JEOPARDY ASSESSMENTS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1029 and 3791 of the Internal Revenue Code (53 Stat. 157, 467; 26 U. S. C. 1029, 3791).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 105 (26 CFR Part 81) and Regulations 108 (26 CFR Part 86) to Public Law 274 (83d Congress), approved August 14, 1953, relating to the abatement of jeopardy assessments, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after section 872 and before section 874 of the Internal Revenue Code which precede § 81.74 of Regulations 105 and preceding § 86.43 of Regulations 108 the following:

PUBLIC LAW 274 (83D CONGRESS [APPROVED AUGUST 14, 1953]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That • • •

• • • • •

(b) Sections 872 and 1013 (relating to the abatement of jeopardy assessments of estate and gift taxes, respectively) are hereby amended by adding at the end of each of such sections the following new subsection:

(j) *Abatement if jeopardy does not exist.* The Secretary may abate the jeopardy assessment if he finds that jeopardy does not exist. Such abatement may not be made after a decision of The Tax Court of the United States in respect of the deficiency has been rendered or, if no petition is filed with The Tax Court of the United States, after the expiration of the period for filing such petition. The period of limitation on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the tenth day after the day on which such jeopardy assessment is abated.

(c) The amendments made by this Act shall be applicable to jeopardy assessments made or in existence on the date of enactment of this Act or which are thereafter made.

PAR. 2. Section 81.74 of Regulations 105, as amended by Treasury Decision 6034, approved July 29, 1953, is further amended as follows:

(A) By changing the heading thereof to read as follows: "*Assessments*—(a) *In general.*"

(B) By adding at the end of the first paragraph of (a) the following: "For abatement of jeopardy assessments where jeopardy does not exist, see paragraph (b) of this section."

(C) By adding at the end of such section the following:

(b) *Abatement of jeopardy assessments where jeopardy does not exist.* (1) The district director may abate a jeopardy assessment which existed on August 14, 1953, or which is made on or after such date, if it is shown to his satisfaction that jeopardy does not exist. An abatement may not be made under this paragraph after a decision of the Tax Court in respect of the deficiency has been rendered, or, if no petition is filed with such Court, after the expiration of the period for filing such petition.

(2) The abatement of a jeopardy assessment, because jeopardy does not exist, will have the effect of abating any proceedings to collect the tax so assessed. The district director may then proceed to assess and collect a deficiency in the manner authorized by law as if the jeopardy assessment so abated had not existed. If a notice of deficiency had been sent to the taxpayer prior to the abatement of the jeopardy assessment, whether such notice was sent before or after the making of the assessment, the abatement of such assessment will not affect the validity of the notice or of any proceedings for redetermination based thereon. The period of limitation on the making of assessments and the beginning of distraint or a proceeding in court for collection in respect of any deficiency shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the tenth day after the date on which such jeopardy assessment is abated. The provisions of this paragraph may be illustrated by the following example.

Example. On February 15, 1954, twenty-eight days before the three-year statutory period of limitations on assessments would otherwise have expired, a jeopardy assessment was made in respect of a proposed deficiency. On April 2, 1954, before the mailing of the notice of deficiency provided for by section 872 (b), this assessment was abated. By virtue of this paragraph, the period of limitations for the making of an assessment did not expire prior to May 10, 1954, i. e., the thirty-eighth day after the date of the abatement. If the notice of deficiency provided for in section 872 (b) had been sent prior to the abatement, the running of the statute of limitations on assessments would have been suspended pursuant to the provisions of section 875.

(3) Request for abatement of a jeopardy assessment, because jeopardy does not exist, should be filed with the district director and must state fully the reasons for the request and must be supported by such evidence as will enable the district director to determine that the collection of the deficiency is not in jeopardy. See section 872 (c) and the first paragraph of § 81.74 (a) with respect to the abatement of jeopardy assessments which are excessive in amount.

PAR. 3. Section 81.92 of Regulations 105 is amended by adding at the end thereof the following: "See, however, § 81.74 with respect to requests for the abatement of jeopardy assessments."

PAR. 4. Section 86.43 of Regulations 108, as amended by Treasury Decision 5503, approved March 20, 1946, is further amended as follows:

(A) By changing the heading thereof to read as follows: "*Jeopardy assessments*—(a) *In general.*"

(B) By adding at the end of the second paragraph of (a) the following: "For abatement of jeopardy assessments where jeopardy does not exist, see paragraph (b) of this section."

(C) By adding at the end of such section the following:

(b) *Abatement of jeopardy assessments where jeopardy does not exist.* (1) The district director may abate a jeopardy assessment which existed on August 14, 1953, or which is made on or after such date, if it is shown to his satisfaction that jeopardy does not exist. An abatement may not be made under this paragraph after a decision of the Tax Court in respect of the deficiency has been rendered or, if no petition is filed with such Court, after the expiration of the period for filing such petition.

(2) The abatement of a jeopardy assessment, because jeopardy does not exist, will have the effect of abating any proceedings to collect the tax so assessed. The district director may then proceed to assess and collect a deficiency in the manner authorized by law as if the jeopardy assessment so abated had not existed. If a notice of deficiency had been sent to the taxpayer prior to the abatement of the jeopardy assessment, whether such notice was sent before or after the making of the assessment, the abatement of such assessment will not affect the validity of the notice or of any proceedings for redetermination based thereon. The period of limitation on the making of assessments and the beginning of distraint or a proceeding in court for collection in respect of any deficiency shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the tenth day after the date on which such jeopardy assessment is abated. The provisions of this paragraph may be illustrated by the following example.

Example. On February 15, 1954, twenty-eight days before the three-year statutory period of limitations on assessments would otherwise have expired, a jeopardy assessment was made in respect of a proposed deficiency. On April 2, 1954, before the mailing of the notice of deficiency provided for by section 1013 (b), this assessment was abated. By virtue of this paragraph, the period of limitations for the making of an assessment did not expire prior to May 10, 1954, i. e., the thirty-eighth day after the date of the abatement. If the notice of deficiency provided for in section 1013 (b) had been sent prior to the abatement, the running of the statute of limitations on assessments would have been suspended pursuant to the provisions of section 1017.

(3) Request for abatement of a jeopardy assessment, because jeopardy does not exist, should be filed with the district director and must state fully the reasons for the request and must be supported by such evidence as will enable the district director to determine that the collection of the deficiency is not in jeopardy. See section 1013 (c) and the second paragraph of § 86.43 (a) with respect to the abatement of jeopardy assessments which are excessive in amount.

PAR. 5. Section 86.44 of Regulations 108 is amended by adding to the end thereof the following: "See, however, § 86.43 with respect to requests for the abatement of jeopardy assessments."

[F. R. Doc. 54-7903; Filed, Oct. 6, 1954; 8:54 a. m.]

United States Coast Guard

[33 CFR Part 1]

[46 CFR Parts 1, 10, 12, 136, 137, 154]

[CGFR 54-36]

ESTABLISHMENT OF FEES FOR COPYING AND CERTIFYING CERTAIN RECORDS OR FOR DUPLICATE DOCUMENTS OR CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) that the Commandant, United States Coast Guard, is considering the establishment, pursuant to the provisions of Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290, 5 U. S. C. 140) and Bureau of the Budget Circular No. A-28, dated January 23, 1954, of a schedule of fees for the services of copying, certifying, or validating of certain records in the United States Coast Guard and the fees for issuing duplicate copies of certificates or documents.

2. All persons who desire to submit views, data or comments with respect to the proposed schedule of fees may submit them in writing in duplicate for receipt prior to October 25, 1954, by the Commandant (CAM), Coast Guard Headquarters, Washington 25, D. C. Written comments shall identify the fee or fees in question and shall include the name, business firm or organization (if any), and the address of the submitter.

3. It is proposed to add regulations to 33 CFR Part 1 and 46 CFR Part 1 and to amend 46 CFR Parts 10, 12, 136, 137, and 154 as necessary to provide for the imposition and collection of the fees proposed to be established. The regulations relating to the transactions affected are cited in the list and such regulations may be amended to include an appropriate reference to the new regulations should the latter sections be added as proposed. The fees will be in accordance with the size and volume of the work involved. If it is to the advantage of the Federal Government and permissible by law, the fee may consist of the cost of actual time and expense involved in supervising the reproduction of the record or document by a private concern authorized by the Coast Guard. The proposed establishment of fees for certain described types of records will not authorize or give a right to private individuals to demand transcripts of records where the Coast Guard has found such transcription not necessary in performance of official business.

4. It is proposed to add regulations to 33 CFR Part 1 and 46 CFR Part 1 to provide for the imposition and collection of fees (where an original record or document is made) for carbon copies, photostatic copies, or copies by any other duplicating process which may be made by the Coast Guard, of the following:

a. Record of suspension and revocation proceedings under 46 CFR Part 137, including exhibits, charts, etc.: $0.50 for a carbon copy of each page 8 by 10½ inches in size; $0.50 for each sheet of photostat or other copy process used, 18 by 24 inches or smaller in size; $1.00 for each sheet of photostat or other copy process used larger than 18 by 24 inches in size.

NOTE: One carbon copy of the record and photostats of exhibits, if material, are furnished appellant without cost.

b. Record of marine casualty under 46 CFR Part 136, including exhibits, charts, etc.: $0.50 for a carbon copy of each page 8 by 10½ inches in size; $0.50 for each sheet of photostat or other copy process, 18 by 24 inches or smaller, in size; $1.00 for each sheet of photostat or other copy process used larger than 18 by 24 inches in size.

c. Merchant vessel log book entries (each request for): $0.50 for each entry.

d. Shipping articles, excerpts from (each request for): $0.25 for each excerpt with a minimum fee of $0.50.

e. Shipping articles, photostats of: $1.00 for each sheet of photostat used.

f. Official documents or records, such as logs of Coast Guard units, sketches, charts, course recorder graphs, assistance reports, weather data reports, etc., desired or required in civil proceedings or for other purposes, excerpts from or photostatic copies of: $0.50 for each page 18 by 24 inches or smaller; $1.00 for each page larger than 18 by 24 inches in size.

5. For the certification and validation of any copy of a record or document, including excerpts from a record or docu-

ment, covered by paragraph 4, the fee shall be $1.00 for each certification or validation with appropriate seal, or $0.50 for each certification or validation without appropriate seal.

6. The fees to obtain duplicate copies of certain merchant marine certificates or documents are to be as follows:

a. Duplicate certificate of registry as staff officer (46 CFR 10.25–7 (1)): $1.50.

b. Duplicate continuous discharge book (46 CFR 12.02–23 (b)): $1.50.

c. Duplicate merchant mariner's document (46 CFR 12.02–23 (b)): $1.50.

d. Duplicate certificate of discharge (46 CFR 12.02–23 (b)): $0.35 for the first copy and $0.10 for each additional copy requested at the same time.

e. Transcript of service (46 CFR 154.07): $0.25 for each entry.

7. It is contemplated that the schedule of fees will be revised biennially and adjustments made when necessary to conform the fees charged to actual experience in the light of new or changed circumstances.

Dated: September 21, 1954.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

Approved: September 30, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54–7901; Filed, Oct. 6, 1954; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

[Docket No. AO 229–A2]

MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Court Room, City Hall, May's Island, Cedar Rapids, Iowa, beginning at 10:00 a. m., c. s. t., October 13, 1954.

Subject and issue involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the Cedar Rapids-Iowa City milk marketing area and to the provisions specified in the proposals listed below or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937 which will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937.

Amendments to the order (No. 31), as amended, were proposed as follows:

Proposed by the Johnson County Cooperative Dairy Marketing Association:

1. Change from a market-wide pool to an individual-handler pool, or in the alternative,

2. Provide separate pooling for Cedar Rapids and Iowa City,

3. Increase the price of Class III milk.

Proposed by H. J. Dane:

4. Amend § 931.11 to provide that two or more producers processing and marketing their milk cooperatively shall be considered a producer-handler.

Proposed by the Eastern Iowa Milk Producers Association:

5. Amend § 931.50 (a) to provide that the price for Class I milk shall be the price for Class II milk plus $1.65 during the entire year.

Proposed by Tony Friedman:

6. Amend § 931.76 to provide that the assessment for marketing services be reduced from 5 cents to not more than 3 cents nor less than 2 cents, and that such assessment be levied only during the months of January and December.

7. Change from a market-wide to an individual-handler pool.

Copies of this notice of hearing may be procured from the Market Administrator, 409 O. R. C. Building, Cedar Rapids, Iowa, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: October 1, 1954, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54–7895; Filed, Oct. 6, 1954; 8:52 a. m.]

Commodity Exchange Authority

[17 CFR Parts 1, 8]

WOOL IN WOOL TOP REGULATIONS AND IN GENERAL REGULATIONS UNDER COMMODITY EXCHANGE ACT

NOTICE OF PROPOSED AMENDMENTS

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given that the Secretary of Agriculture, under the authority contained in the Commodity Exchange Act (7 U. S. C. 1–17a), as amended by section 710 of Public Law 690, 83d Congress, approved August 28, 1954 (68 Stat. 913), is considering the amendment of Parts 1 and 8 of the regulations under the Commodity Exchange Act (17 CFR Parts 1 and 8, as amended) as follows:

1. By inserting "wool," after the comma following "Irish potatoes" in the definition of "commodity" in § 1.3 (e).

2. By inserting "Wool and" before "Wool Tops" in the caption of Part 8.

3. By amending § 8.00 to read as follows:

§ 8.00 *Definitions: "Cash wool"; "spot wool"; "cash wool tops"; "spot wool tops."* The term "cash wool" shall have the same meaning as the term "spot wool," and the term "cash wool tops" shall have the same meaning as the term "spot wool tops." These terms shall refer to transactions in actual wool and wool tops, respectively, as distinguished from wool futures and wool top futures.

4. By inserting "wool or" before "wool tops" in the first and third sentences of § 8.01.

5. By inserting "wool and" before "wool tops" in the second sentence of § 8.01.

6. By amending § 8.01 (c) and (d) to read, respectively, as follows:

(c) The quantity of wool and wool tops bought and the quantity sold on such contracts during the period covered by the report; and

(d) The quantity of wool and wool tops delivered and the quantity received on such contracts during the period covered by the report.

7. By inserting "wool or" before "wool top" in the first sentence of each of §§ 8.04, 8.10, 8.14, and 8.22.

8. By inserting "wool or" after "any" in the phrase "any wool top future," wherever such phrase appears in the second sentence of § 8.10 and the first sentence of § 8.23.

9. By inserting "wool and" after "open contracts in" in the second sentence of § 8.10.

10. By inserting "wool and" before "wool top" in § 8.11 (a) (1) and before "wool tops" in § 8.11 (a) (3) and (4).

11. By inserting "wool and" after "all open contracts in" in the first sentence of § 8.23.

12. By inserting "applicable" before "amount" in the first sentence of each of §§ 8.04, 8.05, 8.10, and 8.14.

13. By amending §§ 8.20 and 8.21 to read, respectively, as follows:

§ 8.20 *Amounts fixed for reporting on Form 801.* For the purpose of §§ 8.04 and 8.05, the amounts specified for reporting accounts on Form 801 are, respectively, for wool, 150,000 pounds (clean content), and for wool tops, 125,000 pounds, but such specified amounts shall not apply to special calls issued under authority of § 8.22.

§ 8.21 *Amounts fixed for reporting on Form 803.* For the purpose of §§ 8.10 and 8.14, the amounts fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 803 are, respectively, for wool, 150,000 pounds (clean content), and for wool tops, 125,000 pounds.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D. C., not later than the tenth day following the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 1st day of October, 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 54–7877; Filed, Oct. 6, 1954; 8:49 a. m.]

Commodity Stabilization Service

[7 CFR Parts 723, 725, 726, 727]

CIGAR-FILLER, CIGAR-FILLER AND BINDER, BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, AND MARYLAND TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO TOBACCO MARKETING QUOTAS FOR THE 1955–56 MARKETING YEAR

Pursuant to the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to proclaim national marketing quotas for cigar-filler tobacco, cigar-filler and binder tobacco, Burley tobacco, flue-cured tobacco, fire-cured tobacco, dark air-cured tobacco, Virginia sun-cured tobacco, and Maryland tobacco, for the 1955–56 marketing year, determine the amount of the national marketing quota for each such kind of tobacco, apportion the national marketing quotas among the several States, and convert the State marketing quotas into State acreage allotments.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1312 (a)), provides that the Secretary of Agriculture shall proclaim a national marketing quota for each marketing year for each kind of tobacco for which a national marketing quota was proclaimed for the immediately preceding marketing year. The act (7 U. S. C. 1301 (b) (15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;
Fire-cured tobacco, comprising types 21, 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55;
Cigar-filler tobacco, comprising type 41.

The act provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of this act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority the Secretary has determined (15 F. R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports on the 1951 and subsequent crops of such tobacco.

The act (7 U. S. C. 1313 (i)) provides that notwithstanding any other provision of the act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under the marketing quotas and acreage allotments established pursuant to this section would not be sufficient to provide an adequate supply for estimated market demands and carry-over requirements for such type or types of tobacco, the Secretary shall increase the marketing quotas and acreage allotments for farms producing such type or types of tobacco in the preceding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carry-over requirements. The increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco. The additional production authorized by this subsection shall be in addition to the national marketing quota established for such kind of tobacco pursuant to section 312 of this act. The increase in acreage under this subsection shall not be considered in establishing future State or farm acreage allotments.

National marketing quotas were proclaimed for the 1954–55 marketing year as follows: Cigar-filler tobacco and cigar-filler and binder tobacco—18 F. R. 6443; Burley tobacco and flue-cured tobacco—18 F. R. 7653; fire-cured tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco—18 F. R. 7653, 19 F. R. 202, and 19 F. R. 1814; and Maryland tobacco—18 F. R. 6446 and 18 F. R. 6558.

The act (7 U. S. C. 1312 (a)) provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. The act provides further that the amount of the 1955–56 national marketing quota may, not later than March 1, 1955, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. The act (7 U. S. C. 1301 (b)) defines the "total supply" of tobacco for any marketing year as the carryover at the beginning of the marketing year (or on January 1 of such marketing year in the case of Maryland tobacco) plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The act (7 U. S. C. 1312 (b)) requires that within 30 days after a national marketing quota is proclaimed for the 1955–56 marketing year for cigar-filler tobacco, fire-cured tobacco, dark air-cured tobacco, and Maryland tobacco, the Secretary shall conduct a referendum of farmers who are engaged in the production of the 1954 crop of each of such kinds of tobacco to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the quota shall not be effective thereafter. The Secretary is also required to submit to such farmers the question of whether they favor marketing quotas for a period of three years beginning with the 1955–56 marketing year. If two-thirds of the farmers voting on this question favor quotas for such three-year period, the Secretary is required to proclaim marketing quotas for such period. A separate referendum will be held for each of such kinds of tobacco and the results of any referendum will not affect the results of any other referendum.

Cigar-filler and binder, Burley, flue-cured, and Virginia sun-cured tobacco growers favored marketing quotas for the 1955–56 marketing year in referenda held pursuant to the act (7 U. S. C. 1312 (b)) as follows: Cigar-filler and binder tobacco—18 F. R. 8474; Burley tobacco—17 F. R. 11737; Flue-cured tobacco—17 F. R. 7613; and Virginia sun-cured tobacco—17 F. R. 11380.

The act (7 U. S. C. 1313 (a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 (small farms and "new" farms), among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period. The act (7 U. S. C. 1313 (g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

In making the determinations of the amounts of the national marketing quotas, the apportionment of the quotas among the several States, and the con-

version of State marketing quotas into State acreage allotments, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 1st day of October 1954.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 54-7898; Filed, Oct. 6, 1954; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Fairbanks 010912, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, of the lands described below was filed on April 10, 1954, by the Department of the Army.

The purposes of the proposed withdrawal: Radio Facilities.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Two tracts of land located adjacent to the village of Barrow, Alaska, more particularly described as follows:

PARCEL NO. 1

Starting at Corner No. 5, U. S. S. 2244, Tract B; thence S. 74°24′ W., 130.52 feet; thence S. 13°02′ E., 454.15 feet; thence N. 76°58′ E., 357.50 feet to the true point of beginning; thence S. 13°02′ E., 150 feet; thence N. 76°58′ E., 200 feet; thence N. 13°02′ W., 150 feet; thence S. 76°58′ W., 200 feet to the true point of beginning, containing 0.70 acre.

PARCEL NO. 2

Starting at the true point of beginning of Parcel No. 1; thence N. 76°58′ E., 375.68 feet to the true point of beginning of Parcel No. 2; thence S. 32°18′ E., 4,833.33 feet; thence N. 57°42′ E., 100 feet; thence N. 32°18′ W., 4,766.67 feet; thence S. 76°58′ E., 102.64 feet to the true point of beginning of Parcel No. 2, containing approximately 11.02 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-7862; Filed, Oct. 6, 1954; 8:46 a. m.]

[Doc. III—California State Office]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

SEPTEMBER 29, 1954.

Pursuant to determination of the Federal Power Commission, DA-802-California, dated August 26, 1953, and in accordance with authority delegated to me by the Director, Bureau of Land Management, by section 2.5 of Order No. 541, dated April 21, 1954 (19 F. R. 2473, 2476), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, Lot 4, section 28, T. 16 N., R. 6 E., M. D. M., Yuba County, California, so far as it is withdrawn or reserved for power purposes, is hereby open to disposition, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

The subject land is withdrawn in Power Site Classification No. 183, approved July 9, 1927.

The lands described shall be subject to application by the State of California for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act as amended.

This restoration, being made in furtherance of an indemnity State selection under the act of February 28, 1891 (26 Stat. 796; 43 U. S. C. 851), is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, granting preference rights to veterans of World War II and others.

The restored lands, having been found suitable by appropriate investigation for indemnity State selection, are classified simultaneously with the time of their restoration for conveyance to the State of California under indemnity State selection.

Inquiries regarding these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 352 New Federal Building, Sacramento, California.

L. T. HOFFMAN,
State Supervisor.

[F. R. Doc. 54-7858; Filed, Oct. 6, 1954; 8:45 a. m.]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER

SEPTEMBER 28, 1954.

1. Pursuant to authority delegated to me by the Director, Bureau of Land Management, under section 2.5 of Order No. 541, dated April 21, 1954 (19 F. R. 2473, 2476), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609) as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Los Angeles land district, embracing approximately 280 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 428

For lease and sale for homesite purposes only:

T. 9 N., R. 2 W., S. B. M.,
Sec. 10, SE¼, NE¼SW¼, S½SW¼.

The lands are located three miles southwest of the town of Barstow, in San Bernardino County, California. Access is good from U. S. Highway 66 which passes about one-quarter mile to the north. Topography of the land is rolling and there is a gradual slope northward toward the Mojave River. It appears that domestic water can be obtained from wells of moderate depth. Nearby public lands have been classified for homesite purposes for the last several years.

2. As to applications regularly filed prior to 11:20 a. m., December 10, 1952, which describe tracts in accordance with the provisions contained herein, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act, as follows:

a. *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph, either at or before 10:00 a. m. on the 35th day after the date of this order, shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

b. *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed, either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately two and one-half acres, with approximate dimensions of 330 x 330 feet, each tract forming an aliquot part of the section in accordance with the official survey thereof.

6. Preference right leases referred to in paragraph 2 will be issued only if the tract applied for conforms to or is amended to conform to the area, dimensions, and form specified in paragraph 5.

7. Leases will issue for a period of three years at an annual rental of $5.00, payable for the entire lease period in advance of issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $125.00 per tract. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of issuance.

8. Tracts will be subject to all existing rights-of-way and to additional rights-of-way, 33 feet in width on, or as near as practicable to, the boundaries thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government or the State, county, or municipality in which the tract is situated, or by any agent thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

9. All inquiries relating to the above described lands should be addressed to the Manager, Land Office, Bureau of Land Management, Room 1512, Post Office Building, Los Angeles 12, California.

L. T. HOFFMAN,
State Supervisor.

[F. R. Doc. 54-7859; Filed, Oct. 6, 1954; 8:45 a. m.]

[Dockets DA-385, DA-429]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

SEPTEMBER 23, 1954.

Pursuant to determinations DA-385 and DA-429, Oregon, of the Federal Power Commission and in accordance with Order No. 541, sections 1.5 (d) and 2.0 (a) of the Director, Bureau of Land Management, approved April 21, 1954, 19 F. R. 2473, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended:

WILLAMETTE MERIDIAN

T. 27 S., R. 12 W.,
Sec. 35, E½NE¼, SW¼NE¼, N½SE¼, W½W½, SE¼NW¼.
T. 37 S., R. 6 W.,
Sec. 13, NW¼NE¼.

The areas described contain an aggregate of 440 acres. The described lands in section 35 are reconveyed Coos Bay Wagon Road grant land, with present cover of approximately 260 acres of hardwood and coniferous seedlings and saplings and some scattered old-growth coniferous trees. The described lands in section 13 are revested Oregon and California railroad grant lands, with present cover of brush and scattered pine seedlings and saplings. The lands are classified as grazing and agricultural in character and suitable for disposal primarily through land exchange.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Oregon for a period of ninety days from date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request from the Land Office, Portland, Oregon.

G. H. SHARRER,
State Supervisor.

[F. R. Doc. 54-7861; Filed, Oct. 6, 1954; 8:46 a. m.]

WASHINGTON

SMALL TRACT CLASSIFICATION ORDER NO. 6

SEPTEMBER 28, 1954.

1. Pursuant to authority delegated to the State Supervisors by section 2.5 of Redelegation Order No. 541, issued April 21, 1954 by the Director, Bureau of Land Management, the following described lands are hereby classified for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609) as amended by the Act of June 8, 1954 (68 Stat. 239), for home site purposes:

WILLAMETTE MERIDIAN

T. 9 N., R. 28 E.,
Sec. 8, Lot 3, SW¼, SW¼NW¼, E½SE¼NW¼.

The lands described comprise 104 small tracts and contain a total of 259.15 acres.

2. The lands are located approximately three miles west of the city of Richland, Washington. The topography is level to rolling and the lands have an elevation of 600 feet. The annual precipitation average is nine inches and the temperature varies from a summer high of 100 degrees to a winter low of zero.

3. The lands will be leased and sold in approximately 2½ acre tracts of one tract to each successful applicant. Access to public highways from the tracts will be afforded by a reservation of rights of way along the boundary of each tract for road or public utility facilities which will not exceed 33 feet in width and as shown on the layout plats of the area.

4. This order shall not become effective to change the status of the lands until 10:00 a. m. on the 35th day after the date of this order. At that time the land shall, subject to valid existing rights, become subject to application as follows:

(a) *Ninety-one-day period for preference-right filings.* For a period of 91 days commencing at the hour and on the date specified above, the lands affected by this order shall be subject to application by qualified veterans of World War II and the Korean conflict. All applications filed under this paragraph, either on or before 10:00 a. m. on the 35th day after the date of this order, shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the 35th day shall be considered in the order of filing.

(b) Commencing at 10:00 a. m. on the 126th day after the date of this order any lands remaining shall become subject to application under the Small Tract Act by the public generally. All such

applications filed, either on or before 10:00 a. m. on the 126th day, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostat, or other copy, (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitute evidence of any facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference right through settlement or otherwise and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. Leases for homesites will be issued for a period of three years at an annual rental of $15, payable in advance for the entire lease period. Leases for the homesites will provide option to purchase at the appraised values ranging from $50 to $100. Before purchases may be made, the leases must have been in effect for a period of one year, and the tract must have actually been used and improved for the purposes for which the lease is issued.

In the event the right to purchase has been exercised prior to the expiration of the three year leasable period, the unearned rental paid will be applied to the purchase price. The United States reserves the right to reject any application to purchase and to cancel any lease if the property under application has been used or developed in such a manner as to detract from the value of the remaining tracts for the purposes for which they are classified.

6. Inquiries relative to these lands should be addressed to the Manager, Land Office, Bureau of Land Management, Federal Building, Spokane, Washington.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 54-7860; Filed, Oct. 6, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2399, G-2409, G-2458, G-2465, G-2491]

NORTHERN NATURAL GAS CO.

NOTICE OF POSTPONEMENT OF HEARING

SEPTEMBER 30, 1954.

Upon consideration of the request of Counsel for Northern Natural Gas Company, filed September 28, 1954, for postponement of hearing now scheduled to commence on October 12, 1954, in the above-designated matters;

Notice is hereby given that the hearing in these matters is postponed to 10:00 a. m., November 15, 1954, in the Commission's hearing room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7867; Filed, Oct. 6, 1954; 8:47 a. m.]

[Docket No. G-3175]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED RATE INCREASES

On August 31, 1954, Phillips Petroleum Company (Phillips) filed 44 contracts with amendments for the sale of natural gas containing rates in effect on June 7, 1954. These rate filings have been designated as Rate Schedules 1 through 45, inclusive, and are accepted for filing. (The identification of these Rate Schedules is shown in Appendix A hereto.)

Simultaneously with the filing of its basic Rate Schedules, Phillips filed proposed rate increases with a proposed effective date of September 1, 1954, the purpose of which is to provide for the reimbursement by the buyers under the respective Rate Schedules for an increase in the Texas Production Tax, these Supplemental Rate Schedules being identified in Appendix B hereto. The requirement of 30-days notice for such increases has been waived and such rate increases have been allowed to take effect as of the requested date.

At the same time it filed 12 proposed rate increases with proposed effective dates of September 1, 1954, the purpose of which is to recover under the rate schedules an increase in the Texas Production Tax and at the same time to establish a new method of computation of the amount of such tax increase to be recovered, these Supplemental Rate Schedules being identified in Appendix C hereto. It appears that in this change in method of computing the tax recovery Phillips may be undertaking to collect monies for taxes it does not pay and is not obligated to pay under contract. Such proposed increases have not been shown to be justified and will be suspended pending hearings.

Phillips has also proposed four rate increases pursuant to schedules of periodic increases provided in the basic rate contracts, these Supplemental Rate Schedules being identified in Appendix D hereto. Phillips has not filed any substantive support for these proposed rate increases, but merely states such increases are to be made in accordance with the terms of its contract.

Since the ruling by the United States Supreme Court on June 7, 1954 in Phillips Petroleum Company v. Wisconsin, 347 U. S. 672, that Phillips is a natural-gas company subject to the Natural Gas Act in certain respects, and the issuance of the Court's mandate in accordance therewith, Phillips has endeavored to comply with the requirements of that statute and the regulations of the Commission thereunder. However, the increases proposed in the Supplemental Rate Schedules identified in Appendices C and D hereto have not been justified and raise problems which have not been heretofore decided but which are related to the treatment to be accorded escalation clauses referred to in our order in Docket No. R-137 upon which oral argument will be heard on November 4, 1954. In the absence of proper justification, these particular increases will be suspended and brought up for consideration as soon as possible.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of the act, concerning the lawfulness of:

Supp. 13 to Rate Schedule No. 5.
Supp. 8 to Rate Schedule No. 18.
Supp. 3 to Rate Schedule No. 20.
Supp. 11 to Rate Schedule No. 26.
Supp. 2 to Rate Schedule No. 28.
Supp. 10 to Rate Schedule No. 31.
Supp. 3 to Rate Schedule No. 46.
Supp. 1 to Rate Schedule No. 8.
Supp. 14 to Rate Schedule No. 5.
Supp. 5 to Rate Schedule 9.
Supp. 6 to Rate Schedule 10.
Supp. 5 to Rate Schedule 19.
Supp. 2 to Rate Schedule 21.
Supp. 13 to Rate Schedule 32.
Supp. 4 to Rate Schedule 33.
Supp. 1 to Rate Schedule No. 7.

and that said proposed changes be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in the aforesaid Rate Schedules as proposed to be amended.

(B) Pending such hearing and decision thereon, Phillips'

Supp. 13 to Rate Schedule No. 5.
Supp. 8 to Rate Schedule No. 18.
Supp. 3 to Rate Schedule No. 20.
Supp. 11 to Rate Schedule No. 26.
Supp. 2 to Rate Schedule No. 28.
Supp. 10 to Rate Schedule No. 31.
Supp. 3 to Rate Schedule No. 46.
Supp. 1 to Rate Schedule No. 8.
Supp. 14 to Rate Schedule No. 5.
Supp. 5 to Rate Schedule No. 9.
Supp. 6 to Rate Schedule No. 10.
Supp. 5 to Rate Schedule No. 19.
Supp. 2 to Rate Schedule No. 21.
Supp. 13 to Rate Schedule No. 32.
Supp. 4 to Rate Schedule No. 33.
Supp. 1 to Rate Schedule No. 7.

are hereby suspended and the use thereof deferred until further order of the Commission, but not for more than five months from the adoption of this order, or until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: September 30, 1954.

Issued: October 1, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

APPENDIX A

Rate Schedule No.	Date of basic contract	Purchaser
1-A	Apr. 11, 1950	United Gas Pipe Line Co.
2-A	Mar. 5, 1952	Texas Eastern Trans. Corp.
3	May 15, 1951	Tennessee Gas Trans. Co.
5	Apr. 5, 1943	Panhandle Eastern Pipe Line Co.
6	June 30, 1952	Arkansas Louisiana Gas Co.
7	Jan. 1, 1953	El Paso Natural Gas Co.
8	Jan. 8, 1954	El Paso Natural Gas Co.
9	Aug. 31, 1948	El Paso Natural Gas Co.
10	Nov. 24, 1948	El Paso Natural Gas Co.
11	Jan. 1, 1953	Lone Star Gas Co.
12	Jan. 1, 1953	Lone Star Gas Co.
13	Jan. 31, 1946	United Gas Pipe Line Co.
14	July 13, 1953	Lone Star Gas Co.
15	Apr. 7, 1953	Lone Star Gas Co.
17	Jan. 23, 1950	Texas Illinois Nat. Gas P. L. Co.
18	Feb. 8, 1952	Permian Basin Pipeline Co.
19	Dec. 11, 1951	Consolidated Gas Utilities Co.
20	Jan. 29, 1953	Tennessee Gas Transmission Co.
21	Jan. 27, 1953	Colorado Interstate Gas Co.
22	Nov. 1, 1951	Mississippi River Fuel Corp.
23	July 1, 1952	Texas Gas Transmission Corp.
24	Jan. 1, 1953	Northern Natural Gas Co.
25	Sept. 15, 1953	Texas Eastern Transmission Corp.
26	May 26, 1930	Northern Natural Gas Co.
27	Apr. 3, 1950	Texas Illinois Natural Gas P. L. Co.
28	Jan. 1, 1953	Northern Natural Gas Co.
29	Feb. 23, 1954	Tennessee Gas Transmission Co.
30	Mar. 21, 1952	Tennessee Gas Transmission Co.
31	Sept. 26, 1950	Arkansas Louisiana Gas Co.
32	Oct. 13, 1945	El Paso Natural Gas Co.
33	Jan. 1, 1948	El Paso Natural Gas Co.
34	Jan. 13, 1954	Tennessee Gas Transmission Co.
35	Jan. 15, 1951	Shell Oil Co.
36	Jan. 13, 1954	Tennessee Gas Transmission Co.
37	Nov. 15, 1953	Texas Eastern Transmission Corp.
38	Oct. 29, 1949	Transcontinental Gas P. L. Corp.
39	Apr. 28, 1953	Tennessee Gas Transmission Co.
40	May 9, 1952	El Paso Natural Gas Co.
41	Jan. 5, 1954	Texas Illinois Nat. Gas Pipeline Co.
42	July 1, 1952	Texas Gas Corp.
43	Jan. 29, 1953	Tennessee Gas Transmission Co.
44	June 23, 1949	Gulf Oil Corporation.
45	Jan. 1, 1953	Lone Star Gas Co.
46	Feb. 26, 1951	El Paso Natural Gas Co.

APPENDIX B

Rate schedule	Supplement No.	Description
1-A	2	Notice of change.
2-A	5	Do.
3	4	Do.
5	3	Do.
11	1	Do.
12	1	Do.
13	20	Do.
14	2	Do.
15	3	Do.
17	1	Do.
22	1	Do.
23	2	Do.
24	2	Do.
25	3	Do.
27	3	Do.
28	1	Do.
29	3	Do.
30	3	Do.
31	9	Do.
34	1	Do.
35	1	Do.
36	2	Do.
37	3	Do.
38	5	Do.
39	2	Do.
40	2	Do.
41	2	Do.
42	3	Do.
43	2	Do.
44	2	Do.
45	2	Do.

APPENDIX C

Rate schedule	Supplement No.	Description
5	13	Letter of July 12, 1954.
7	14	Notice of change.
8	1	Do.
9	1	Do.
10	5	Do.
18	6	Do.
19	8	Do.
20	5	Do.
21	3	Do.
32	2	Do.
33	13	Do.
	4	Do.

APPENDIX D

26	11	Notice of change.
28	2	Do.
31	10	Do.
46	3	Do.

[F. R. Doc. 54-7879; Filed, Oct. 6, 1954; 8:50 a. m.]

[Docket No. G-3176]

PHILLIPS PETROLEUM CO.

ORDER ACCEPTING RATE SCHEDULES FOR FILING AND SUSPENDING CERTAIN SUPPLEMENTS THERETO

Phillips Petroleum Company (Phillips) on August 31, 1954, submitted for filing a basic contract dated December 11, 1945, and 11 amendatory agreements thereto, relating to the sale of natural gas to Michigan Wisconsin Pipeline Company. The basic contract has been designated as Phillips Petroleum Company FPC Gas Rate Schedule No. 4 and the amendatory agreements have been assigned the supplement numbers set forth in Appendix A, attached hereto and incorporated herein.

At the same time Phillips also submitted for filing Supplement No. 1 to Supp. 6 and Supplement No. 1 to Supp. No. 7 to its FPC Gas Rate Schedule No. 4, constituting notices of change based upon the increase in the Texas Gas Production Tax, effective September 1, 1954. These proposed changes purport to increase and change the method of computing the amount of tax reimbursement to be paid by Michigan Wisconsin after September 1, 1954.

As revealed by the computations submitted with its filings, Phillips interprets its FPC Gas Rate Schedule No. 4 and the supplements thereto to provide rates as of June 7, 1954, averaging 9.37958 cents per Mcf of gas delivered from its Stratford Acreage and 9.44231 cents per Mcf of gas delivered from its Dedicated Acreage.

In deriving the average rates referred to above, Phillips has purported to adjust the minimum contract prices of 8.9330 cents per Mcf for gas from the Stratford Acreage and 7.5930 cents per Mcf of gas from the Dedicated Acreage effective June 7, 1954, to give effect to the inflation adjustment clause in the contract on the basis of an assumed revenue of 35 cents per Mcf for Michigan Wisconsin.

Since the decision by the United States Supreme Court on June 7, 1954, in Phillips Petroleum Company v. Wisconsin, that Phillips is a natural-gas company subject to the Natural Gas Act and the issuance of the Court's mandate in accordance therewith. Phillips has endeavored to comply with the requirements of that statute and the regulations of the Commission thereunder. However, the increases proposed in the supplements referred to below have not been justified and raise problems not finally determined.

The rate increases proposed by Phillips in Supplement Nos. 8 and 11 to Phillips FPC Gas Rate Schedule No. 4 and Supplement No. 1 to Supplement No. 6 and Supplement No. 1 to Supplement No. 7 to its FPC Gas Rate Schedule No. 4 have not been shown to be justified and may be unjust, unreasonable and otherwise unlawful. Furthermore, the rate increases proposed in Supplement Nos. 8 and 11 relate to matters considered in Opinion No. 275, In the Matter of Michigan Wisconsin Pipe Line Company, Docket Nos. G-1678 and G-1996, and accompanying order issued July 30, 1954. On September 27, 1954, upon consideration of the application of Michigan Wisconsin Pipe Line Company for modification of Opinion No. 275 and accompanying order, the Commission granted such application to the extent only that it requested a reconsideration of that opinion and order upon the present record. In the determination of the issues thus raised, consideration must be given to the proper rates for gas purchased by Michigan Wisconsin from Phillips, and it is proper and in the public interest that pending such reconsideration the rate increases filed by Phillips applicable to gas purchased by Michigan Wisconsin be suspended.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that Phillips FPC Gas Rate Schedule No. 4 and the supplements thereto listed in Appendix A, except Supplement Nos. 8 and 11, be accepted for filing; and that the Commission enter upon a hearing pursuant to the authority contained in section 4 of the Natural Gas Act concerning the lawfulness of the rates and charges contained in Phillips FPC Gas Rate Schedule No. 4, as supplemented, as proposed to be further supplemented by Supplement Nos. 8 and 11 and Supplement Nos. 1 to Supplements Nos. 6 and 7, and that pending hearing and decision thereon, the aforesaid supplements be suspended as hereinafter provided and ordered.

The Commission orders:

(A) Phillips FPC Gas Rate Schedule No. 4 and the supplements thereto listed in Appendix A, except Supplement Nos. 8 and 11, be and the same hereby are accepted for filing.

(B) A public hearing be held at a date to be set by further order concerning

the lawfulness of the rates, charges, classifications and services contained in Phillips FPC Gas Rate Schedule No. 4, as supplemented, as proposed to be further supplemented by Supplement Nos. 8 and 11 and Supplement No. 1 to Supplements Nos. 6 and 7.

(C) Pending such hearing and decision thereon, the proposed rates and charges contained in Supplement Nos. 8 and 11 and Supplement No. 1 to Supplements Nos. 6 and 7 to Phillips FPC Gas Rate Schedule No. 4, hereby are suspended and their use deferred until February 1, 1955, unless otherwise ordered by the Commission, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(E) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in Docket No. G–1148, or in any other proceeding now pending or hereafter instituted by or against Phillips.

Adopted: September 30, 1954.

Issued: October 1, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

APPENDIX A—PHILLIPS PETROLEUM COMPANY—FPC GAS RATE SCHEDULE NO. 4

SALE TO MICHIGAN WISCONSIN PIPE LINE COMPANY

Description and date of instrument	Rate schedule designation	
	Rate schedule	Supplement
Contract, Dec. 11, 1945	4	----------
Letter, Dec. 11, 1945	4	1
Sup. Agm't, Oct. 16, 1946	4	2
Sup. Agm't, Aug. 9, 1948	4	3
Letter, June 15, 1949	4	4
Letter, Sept. 16, 1949	4	5
Sup. Agm't, Dec. 1, 1949 (dedicated acreage)	4	6
Sup. Agm't, Dec. 1, 1949 (Stratford acreage)	4	7
Letter, Oct. 30, 1951	4	8
Letter, Sept. 8, 1952	4	9
Sup. Agm't, Oct. 7, 1952	4	10
Letter, Jan. 15, 1953	4	11

[F. R. Doc. 54–7880; Filed, Oct. 6, 1954; 8:50 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1954 Supp. 105]

REINSURANCE CORP. OF NEW YORK

ACCEPTABLE REINSURING COMPANIES ON FEDERAL BONDS

OCTOBER 4, 1954.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Treasury Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223. An underwriting limitation of $867,000.00 has been established for the company.

The Reinsurance Corporation of New York, New York, N. Y.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54–7899; Filed, Oct. 6, 1954; 8:53 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1954 Supp. 104]

NATIONAL REINSURANCE CORP.

ACCEPTABLE REINSURING COMPANIES ON FEDERAL BONDS

OCTOBER 4, 1954.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Treasury Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223. An underwriting limitation of $733,000.00 has been established for the company.

National Reinsurance Corporation, New York, N. Y.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54–7900; Filed, Oct. 6, 1954; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1623]

CHANCE VOUGHT AIRCRAFT, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October A. D. 1954.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of Chance Vought Aircraft, Inc., a security listed and registered on the New York Stock Exchange.

Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 15, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54–7869; Filed, Oct. 6, 1954; 8:48 a. m.]

[File No. 7–1650]

CHANCE VOUGHT AIRCRAFT, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October A. D. 1954.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of Chance Vought Aircraft, Inc., a security listed and registered on the New York Stock Exchange.

Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 15, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54–7868; Filed, Oct. 6, 1954; 8:47 a. m.]

[File No. 7–1651]

CHANCE VOUGHT AIRCRAFT, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October A. D. 1954.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of Chance Vought Aircraft, Inc., a security listed and registered on the New York Stock Exchange.

Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 15, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54–7870; Filed, Oct. 6, 1954; 8:48 a. m.]

[File No. 7–1654]

CANADIAN WILLISTON MINERALS, LTD.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October A. D. 1954.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Capital Stock, .06¢ Par Value, of Canadian Williston Minerals, Ltd., a security listed and registered on the American Stock Exchange.

Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 20, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54–7875; Filed, Oct. 6, 1954; 8:49 a. m.]

[File No. 31–618]

ONEIDA LTD.

ORDER GRANTING EXEMPTION

OCTOBER 1, 1954.

Oneida Ltd. ("Oneida") having filed an application under section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act") for exemption from the provisions of the act; and

Due notice of the filing of the application having been given, and a hearing not having been ordered by, or requested of, the Commission; and

The Commission having examined the application and the statements therein contained; and

It appearing that Oneida is a New York corporation engaged in the manufacture of silver plate, sterling, and stainless steel tableware, and certain defense products; that it proposes to acquire all of the common stock (326 shares of $100 par value each) of the Sherrill-Kenwood Power & Light Company ("Sherrill-Kenwood"), a New York corporation organized in June 1953 for the purpose of acquiring the property and assets of The Kenwood Electric Light Company ("Kenwood"), a proprietorship engaged in furnishing electric service in the City of Sherrill and in parts of the City of Oneida and the Town of Vernon, contiguous communities in the State of New York in the area surrounding Oneida's manufacturing plant; and that upon the consummation of the transactions Sherrill-Kenwood will be an electric utility company, as defined in section 2 (a) (3) of the act, and Oneida will be a holding company as defined in section 2 (a) (7) of the act; and

Oneida having stated that it purchases from Niagara Mohawk Power Company, a non-affiliate, large quantities of electric energy for use in its manufacturing plant, and that the proposed acquisition of Sherrill-Kenwood is to insure the continuation of an existing arrangement under which Oneida, in order to procure its electric energy requirements more economically, purchases electric energy in excess of its own requirements and sells the surplus to Kenwood for resale to residential and commercial customers in the area adjacent to Oneida's plant; and

It further appearing that the acquisition of the assets of Kenwood by Sherrill-Kenwood, and the issuance by Sherrill-Kenwood of 326 shares of $100 par value common stock and the acquisition thereof by Oneida have been authorized by the New York Public Service Commission; and

It further appearing that there is substantial doubt whether the application for exemption meets the standards of section 3 (a) (3) of the act and the Commission deeming it appropriate to consider such application under the standards of section 3 (a) (1) of the act; and

The Commission having found that Oneida and Sherrill-Kenwood are predominantly intrastate in character as to their public-utility business and carry on such business in a single state in which both are organized, and the Commission having further found that the granting of the requested exemption will not be detrimental to the public interest or the interest of investors or consumers:

It is ordered, That the application of Oneida for exemption of itself as a holding company, and its subsidiary as such, be, and the same hereby is, granted pursuant to section 3 (a) (1) of the act, effective forthwith upon the acquisition by Oneida of the common stock of Sherrill-Kenwood.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54–7872; Filed, Oct. 6, 1954; 8:48 a. m.]

[File No. 70–3295]

CENTRAL POWER AND LIGHT CO.

NOTICE OF PROPOSED ACQUISITION OF NOTES OF ASSOCIATE COMPANY

OCTOBER 1, 1954.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Central Power and Light Company ("Central"), a public-utility subsidiary of Central and South West Corporation, a registered holding company. Applicant has designated sections 9 (a), 10 and 12 (f) of the act and Rules U-41, U-43 and U-45 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central proposes to enter into certain transactions with Compania Electrica de Matamoros, Sociedad Anonima, a Mexican corporation (also known as Matamoros Electric Company, and herein called "Matamoros").

All the outstanding shares of stock of Matamoros are owned by Central and South West Corporation. Matamoros is a corporation organized and existing under the laws of Mexico. It owns and operates an electric distribution system in Matamoros, Mexico, and a transmission line across the Rio Grande connecting on the north side of the river in the State of Texas with Central's electric transmission system, and is engaged primarily in furnishing electric service in Matamoros, Mexico. Matamoros derives no part of its income, directly or indirectly, from sources within the United States and is not a public-utility com-

pany operating in the United States. It has no subsidiaries and does not own any public-utility company or holding company operating, directly or indirectly, in the United States and by order of this Commission dated February 5, 1942, is exempt from all provisons of the act applicable to it as a subsidiary of a registered holding company.

Central proposes to acquire five (5) notes payable of Matamoros aggregating $98,534.53 in principal amount, each dated September —, 1954, and bearing interest at the rate of 8 percent per annum from date. One of said notes will be in the principal sum of $19,706.53, due September 15, 1955; and the other four notes will be in the principal sum of $19,707 each, due, respectively, on the 15th day of September, 1956 to 1959, inclusive. Said notes will be issued by Matamoros and accepted by Central in payment of (a) the purchase price ($70,594.53, representing the cost to Central) of certain substation equipment, materials and related facilities owned by Central, which Central has agreed to sell to Matamoros, and (b) a portion ($27,940) of the cost to Central of certain poles, line materials and supplies heretofore delivered by Central to Matamoros.

It is stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. No fees or commissions have been or are to be paid and it is estimated that expenses relating to the transactions will be nominal.

Notice is further given that any interested person may, not later than October 15, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such a request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7871; Filed, Oct. 6, 1954; 8:48 a. m.]

[File No. 812-865]

NORTHEAST CAPITAL CORP.

ORDER CONTINUING PERIOD OF EXEMPTION

OCTOBER 1, 1954.

Northeast Capital Corporation ("Northeast"), a New York corporation, having filed an application on February 4, 1954, pursuant to section 3 (b) (2) of the Investment Company Act of 1940 ("act") for an order declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, and under such section the filing of such application having exempted Northeast from all provisions of the act applicable to investment companies as such for a period of sixty days, or through April 5, 1954; and the Commission having previously granted request by Northeast extending the period of such exemption until October 1, 1954; and

Northeast having requested that a further extension of such period of temporary exemption be granted until December 1, 1954, and having represented, in connection with such request for extension, that it does not contemplate during that period the taking of any action which would require prior approval of the Commission if it were registered under the act, and having agreed that in the event it does propose any such transaction, it will give the Commission 10 days' notice thereof and comply with any directions issued by the Commission with respect thereto, as more fully set forth in such request; and

It appearing to the Commission that on the basis of the request and in the light of the representations and undertakings made by Northeast, good cause exists for granting the further extension as requested;

It is ordered, That the period of exemption granted to Northeast pursuant to section 3 (b) (2) of the act be and hereby is extended until December 1, 1954, unless the Commission shall prior thereto enter an order on the application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7873; Filed, Oct. 6, 1954; 8:49 a. m.]

[File No. 70-3296]

ATTLEBORO ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING ISSUE AND SALE BY SUBSIDIARIES OF PROMISSORY NOTES TO BANKS AND TO PARENT COMPANY

OCTOBER 1, 1954.

In the matter of Attleboro Electric Company, Essex County Electric Company, the Lowell Electric Light Corporation, Mystic Valley Gas Company, New England Power Company, Northampton Electric Lighting Company, Northern Berkshire Electric Company, Norwood Gas Company, Quincy Electric Company, Suburban Electric Company, Wachusett Gas Company, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System; File No. 70-3296.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), by New England Electric System ("NEES"), a registered holding company, and its above-named public-utility subsidiary companies (hereinafter individually referred to as "Attleboro", "Essex", "Lowell", "Mystic", "NEPCO", "Northampton", "Northern", "Norwood", "Quincy", "Suburban", "Wachusett", "Weymouth" and "Worcester" and collectively referred to as "the borrowing companies"). NEES and the borrowing companies have designated sections 7, 10 and 12 of the act and Rules U-42 (b) (2), U-43 and U-45 (b) (1) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue during the period from October 1, 1954, through December 31, 1954, short-term unsecured promissory notes (a) to banks in the aggregate principal amount of $2,125,000 and (b) to NEES in the aggregate principal amount of $14,800,000 or a total of $16,925,000. Each of the notes proposed to be issued will mature on March 31, 1955, and, except as hereinafter described, if issued by an electric company, will bear interest at the prime rate at the time of issuance thereof, and, if issued by a gas company, at such interest rate plus ¼ of 1 percent. It is stated that the present prime rate is 3 percent. Mystic, Norwood and Wachusett are gas companies and the other borrowing companies are electric companies.

Any note proposed to be issued by a borrowing company to NEES for the purpose of prepaying any then outstanding note payable to a bank, will bear interest at the same interest rate as the note to be prepaid until the due date of the prepaid note or at the prime interest rate (plus ¼ of 1 percent in the case of gas companies) on the issue date thereof, whichever is lower, and thereafter at the prime rate at the time of issuance or at such rate plus ¼ of 1 percent depending on whether the issuer is an electric or gas company.

The following table shows for each borrowing company (1) the aggregate amount of notes proposed to be issued to banks and to NEES, and (2) the estimated amount of short-term debt to be outsanding with banks and with NEES at December 31, 1954:

	Aggregate amount of notes proposed to be issued		Estimated amount of short-term debt to be outstanding at Dec. 31, 1954	
	Banks	NEES	Banks	NEES
Attleboro	----------	$290,000	----------	$1,170,000
Essex	----------	800,000	----------	800,000
Lowell	$1,300,000	----------	$5,000,000	----------
Mystic	700,000	----------	850,000	----------
NEPCO	----------	1,500,000	----------	1,500,000
Northampton	75,000	----------	375,000	----------
Northern	----------	1,410,000	----------	1,410,000
Norwood	----------	70,000	----------	695,000
Quincy	----------	1,680,000	----------	1,680,000
Suburban	----------	1,500,000	----------	1,500,000
Wachusett	50,000	----------	100,000	----------
Weymouth	----------	2,150,000	----------	2,150,000
Worcester	----------	5,400,000	----------	5,400,000
Total	2,125,000	14,800,000	6,325,000	16,125,000

The proceeds to be derived from the issuance of the proposed notes will be used by the borrowing companies to pay then outstanding notes or to pay for construction expenditures.

The joint application-declaration states that incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $100 for NEES and each borrowing company, or an aggregate of $1,400.

The joint application-declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than October 13, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7874; Filed, Oct. 6, 1954; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1706 et al.]

PAN AMERICAN WORLD AIRWAYS, INC., AND TRANS WORLD AIRLINES, INC.; REOPENED TRANSATLANTIC FINAL MAIL RATE CASE

NOTICE OF PREHEARING CONFERENCE

The Board by Order No. E-8672, dated September 29, 1954, has reopened the above-entitled proceeding for further hearing on the limited issue of the extent to which operating divisions of Pan American World Airways, Inc. and Trans World Airlines, Inc., other than the transatlantic divisions, may have available excess earnings for offset against the subsidy requirements of the transatlantic division. Notice is hereby given that a prehearing conference in this matter is hereby assigned to be held on October 18, 1954, at 10:00 a. m., e. s. t., in Room 2070, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., October 4, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-7894; Filed, Oct. 6, 1954; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29748]

SULPHUR FROM CLEMENS, TEX., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphur, carloads.

From: Clemens, Texas.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4020, supp. 105.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7881; Filed, Oct. 6, 1954; 8:50 a. m.]

[4th Sec. Application 29749]

PULPBOARD AND FIBREBOARD FROM EVADALE, TEX., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

OCTOBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Pulpboard and fibreboard, carloads.

From Evadale, Texas.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, market compensation, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4075, supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7882; Filed, Oct. 6, 1954; 8:51 a. m.]

[4th Sec. Application 29750]

PHOSPHATE ROCK FROM FLORIDA TO MANY, LA., AND WALNUT RIDGE, ARK.

APPLICATION FOR RELIEF

OCTOBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, ground or not ground, slush and floats (refuse) and washings from phosphate rock, and soft phosphate, not acidulated nor ammoniated, carloads.

From: Mines in Florida.

To: Many, La., and Walnut Ridge, Ark.

Grounds for relief: Rail competition, circuity, rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: Seaboard Air Line Railroad Company, I. C. C. No. A-8153, supp. 98; Atlantic Coast Line Railroad Company, I. C. C. No. B-3232, supp. 109.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7883; Filed, Oct. 6, 1954; 8:51 a. m.]

[4th Sec. Application 29751]

VARIOUS COMMODITIES FROM POINTS IN NEW ENGLAND TO SOUTHERN TERRITORY AND RICHMOND, VA.

APPLICATION FOR RELIEF

OCTOBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and C. R. Goldrich, Agents, for carriers parties to schedules shown in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in New England territory.

To: Points in southern territory, also Richmond, Va.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7884; Filed Oct. 6, 1954; 8:51 a. m.]

[4th Sec. Application 29752]

PHOSPHATIC FERTILIZER SOLUTION FROM RIDGEWOOD, FLA., TO BALTIMORE, MD.

APPLICATION FOR RELIEF

OCTOBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Phosphatic fertilizer solution (containing not more than 55 percent of anhydrous phosphoric acid by weight), ammoniated or not ammoniated, in tank-car loads.

From: Ridgewood, Fla.

To: Baltimore, Maryland.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7885; Filed, Oct. 6, 1954; 8:51 a. m.]

[4th Sec. Application 29753]

PHOSPHATE ROCK FROM FLORIDA TO PRAIRIE DU CHIEN, WIS.

APPLICATION FOR RELIEF

OCTOBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, crude other than ground phosphate rock, slush and floats, and soft phosphate, carloads.

From: Mines in Florida.

To: Prairie du Chien, Wis.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: Seaboard Air Line Railroad Company, I. C. C. No. A-8153, supp. 98; Atlantic Coast Line Railroad Company, I. C. C. No. B-3232, supp. 109.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7886; Filed, Oct. 6, 1954; 8:51 a. m.]

[4th Sec. Application 29754]

MOLDING SAND FROM SAULSBURY, TENN., TO AUGUSTA, ILL., AND DARIEN, WIS.

APPLICATION FOR RELIEF

OCTOBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sand, molding, carloads.

From: Saulsbury, Tenn.

To: Augusta, Ill., and Darien, Wis.

Grounds for relief: Rail competition, circuity, rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, supp. 80.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7887; Filed, Oct. 6, 1954; 8:51 a. m.]

[4th Sec. Application 29755]

COAL FROM WEST VIRGINIA AND KENTUCKY TO TERRE HAUTE, IND.

APPLICATION FOR RELIEF

OCTOBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Roy S. Kern, Agent, for carriers parties to schedule listed below.

Commodities involved: Coal, and coal briquettes, carloads.

From: Mines and stations on the Chesapeake and Ohio Railway Company in West Virginia, Kentucky, etc.

To: Terre Haute, Ind.

Grounds for relief: Rail competition, circuity, market competition, and to maintain grouping.

Schedules filed containing proposed rates: Chesapeake and Ohio Railway Company, I. C. C. No. 13164, Supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7888; Filed, Oct. 6, 1954; 8:52 a. m.]

[4th Sec. Application 29756]

MOTOR-RAIL RATES IN THE EAST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

OCTOBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Porto Transport, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: New Haven, Conn., on the one hand, and Harlem River, N. Y., Elizabeth or Edgewater, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7889; Filed, Oct. 6, 1954; 8:52 a. m.]

[4th Sec. Application 29757]

MOTOR-RAIL RATES IN THE EAST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

OCTOBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Cooper's Express, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Providence, R. I., or Worcester, Mass., on the one hand, and Harlem River, N. Y., Elizabeth or Edgewater, N. J., on the other; also between Lowell, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7890; Filed, Oct. 6, 1954; 8:52 a. m.]

[4th Sec. Application 29758]

MOTOR-RAIL RATES IN THE EAST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

OCTOBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company, and New York & Worcester Express, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Worcester, Mass., on the one hand, and Harlem River, N. Y., Elizabeth or Edgewater, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7891; Filed, Oct. 6, 1954; 8:52 a. m.]

[4th Sec. Application 29759]

MOTOR-RAIL RATES IN THE EAST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

OCTOBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Highway Express Co., Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: New Haven, Conn., on the one hand, and Harlem River, N. Y., Elizabeth or Edgewater, N. J., on the other, also between New Haven, Conn., and Boston, Mass.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7893; Filed, Oct. 6, 1954; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 196

Washington, Friday, October 8, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10569

AMENDMENT OF EXECUTIVE ORDER NO. 10334 [1] OF MARCH 26, 1952, EXEMPTING FREDERICK C. MAYER FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS by Executive Order No. 10334 of March 26, 1952, Frederick C. Mayer, organist and choirmaster at the United States Military Academy, was exempted from compulsory retirement for an indefinite period of time; and

WHEREAS, in my judgment, it is appropriate and in the public interest that the said Executive Order be amended as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), it is ordered that Executive Order No. 10334 of March 26, 1952, be, and it is hereby, amended by substituting for the words "for an indefinite period of time", occurring in the last paragraph thereof, the phrase "until December 31, 1954".

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 5, 1954.

[F. R. Doc. 54-7989; Filed, Oct. 7, 1954; 10:12 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, § 6.124 is revoked, and the positions listed below are added to § 6.112.

§ 6.112 *Department of Commerce.*

* * *

(k) *Maritime Administration.* * * *

(8) Dean of the U. S. Merchant Marine Academy.

(9) All positions on Government owned vessels or those bareboat chartered to the Government and operated by or for the Maritime Administration.

(10) Chief, Office of Ship Construction.

(11) One Special Assistant to the Administrator (Tanker Adviser).

(12) Two Special Assistants to the Deputy Administrator.

(l) *Federal Maritime Board.* (1) Secretary to the Federal Maritime Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7933; Filed, Oct. 7, 1954; 8:51 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY; DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (1) of § 6.305 and paragraph (e) (3) of § 6.311 are amended as set out below.

§ 6.305 *Department of the Army.*

* * *

(b) *General.* (1) One Administrative Assistant to the Personal Physician to the President.

§ 6.311 *Department of Agriculture.*

* * *

(e) *Office of the Solicitor.* * * *

(3) Four Associate Solicitors.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7926; Filed, Oct. 7, 1954; 8:49 a. m.]

[1] 17 F. R. 2714; 3 CFR, 1952 Supp., p. 61.

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FEDERAL REGISTER

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, subparagraph (15) is added to § 6.310 (a) as set out below.

§ 6.310 *Department of the Interior*—(a) *Office of the Secretary.* * * *

(15) One Private Secretary to the Under Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7924; Filed, Oct. 7, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL MEDIATION AND CONCILIATION SERVICE

Effective upon publication in the FEDERAL REGISTER, paragraph (e) is added to § 6.366 as set out below.

§ 6.366 *Federal Mediation and Conciliation Service.* * * *

(e) One Private Secretary to the National Office Representative.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7925; Filed, Oct. 7, 1954; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[959.311 Amdt. 1]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

Finding. (1) Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date, and (iv) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order as amended. The provisions of § 959.311 (b) (FEDERAL REGISTER August 19, 1954, 19 F. R. 5251) are hereby amended to read as follows:

(b) *Order.* (1) During the period October 11, 1954, to May 31, 1955, both dates inclusive, no handler shall ship any potatoes unless they meet the requirements of the U. S. No. 2, or better grade, and are of a size not smaller than 1⅞ inches minimum diameter.

(2) During the period beginning October 11, 1954, and ending November 1, 1954, both dates inclusive, no handler shall ship any potatoes unless such potatoes meet the requirements of subparagraph (1) of this paragraph and, in addition, are not more than "slightly skinned", as such term is defined in the U. S. Standards for Potatoes, which means that not more than 10 percent of the potatoes in any lot have more than one-fourth of the skin missing or "feathered": *Provided,* That during such period, not to exceed 100 hundredweight of each variety of such potatoes may be handled every 7 days for any producer without regard to the aforesaid skinning requirement, if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) Pursuant to § 959.54, each handler may ship not in excess of five hundredweight of potatoes per week without regard to the provisions set forth in this paragraph and §§ 959.41 and 959.60.

(4) The limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Grading or storing in the production area, (ii) certified seed, (iii) export, (iv) canning, freezing, (v) dehydration, or manufacture or conversion into starch, flour, or alcohol, (vi) charity, and (vii) livestock feed within the production area: *Provided,* That during the period October 11, 1954, to May 31, 1955, both dates inclusive, no handler shall (*a*) ship potatoes for export which do not meet the requirements of the U. S. No. 1, or better grade, or which are less than 1½ inches minimum diameter, and (*b*) ship potatoes for dehydration, or manufacture or conversion into starch, flour, or alcohol which do not meet the requirements of 85 percent of the U. S. No. 1, or better grade, and which are less than 1½ inches minimum diameter.

(5) Each handler making shipments of potatoes pursuant to subparagraph (4) of this paragraph shall (except for shipments for grading or storing in the production area and shipments for livestock feed within the production area) (i) file an application for a Certificate of Privilege pursuant to §§ 959.130 and 959.131, (ii) pay assessments pursuant to § 959.41 on shipments of certified seed, to export, to dehydration, or manufacture or conversion into starch, flour, or alcohol, or, for charity, and (iii) have such shipments (except shipments of certified seed potatoes) inspected pursuant to § 959.60, and (iv) for each shipment made pursuant to subdivisions (iii), (iv), (v), and (vi) of subparagraph (4) of this paragraph, shall furnish a record of shipment applicable thereto to the committee: *Provided,* That each application to ship potatoes made pursuant to subdivisions (iii), (iv), (v) and (vi) of subparagraph (4) of this paragraph shall be accompanied by the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application: *Provided further,* That each handler agrees in his application to furnish a copy of the bill of lading on each such shipment and, in the case of shipments made pursuant to subdivisions (iv) and (v) of subparagraph (4) of this paragraph, to bill each such shipment directly to the applicable processor.

(6) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59, as amended and grades and sizes shall have the same meaning assigned these terms in the U. S. Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 5th day of October 1954, to become effective October 11, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7935; Filed, Oct. 7, 1954; 8:51 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

SCHEDULE OF PAYMENTS TO HANDLERS TO COMPENSATE THEM FOR NECESSARY SERVICES IN CONNECTION WITH SURPLUS TONNAGE PRUNES

Notice was published in the September 18, 1954 issue of the FEDERAL REGISTER (19 F. R. 6043) that the Secretary of Agriculture was considering a rule to approve an amended schedule of payments, as set forth in such notice, to compensate handlers for necessary services rendered by them in connection with surplus tonnage prunes. The aforesaid amended schedule of payments was submitted by the Prune Administrative Committee pursuant to the applicable provisions of Marketing Agreement No. 110, as further amended, and Order No. 93, as further amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data,

views, or arguments were filed, and the period provided therefor has now expired.

It was stated in the notice that it was proposed to change the numbering of existing §§ 993.201 to 993.401 and to amend said section as set forth therein.

After consideration of all pertinent available information, it is concluded that the aforementioned amended schedule of payments, as renumbered, should be approved as set forth in the aforesaid notice of proposed rule making in that connection.

Therefore, it is hereby ordered, That the numbering of § 993.201 (15 F. R. 1888) is changed to § 993.401 and that the provisions of such renumbered section are amended to read as follows:

§ 993.401 *Schedule of payments to handlers for necessary services rendered by them in connection with surplus tonnage prunes.* (a) Surplus tonnage prunes which producers and dehydrators tender to a handler shall be held by him in proper storage until the committee shall have relieved him of the obligation of such holding.

(b) For standard prunes of the surplus tonnage, the handler so holding such prunes, who performs the necessary services thereon for the committee, shall be reimbursed, except as provided in paragraphs (c) and (e) of this section, at the rate of $18.00 per ton for the following service costs:

(1) Acquisition costs, including, but not limited to, those for salaries, commissions or brokerage fees, transportation and handling between plants and receiving stations, and other costs, including container expense incidental to acquisition or storage;

(2) Direct labor costs, including, but not limited to, those for receiving, grading, preliminary sorting and storing, including that performed by the handler at receiving station, and loading for shipment; and

(3) Plant overhead costs, including, but not limited to, superintendence and indirect labor, payroll taxes and compensation insurance, fuel, power and water, taxes and insurance on facilities, depreciation and rent, repairs and maintenance, and factory supplies and expense.

(c) A handler may, at any time, demand removal by the committee of surplus tonnage held by him. With respect to surplus tonnage prunes of any crop year, if the handler demands removal of standard prunes of such surplus tonnage prior to December 1 of the crop year, such handler automatically waives payment for any and all charges as set forth in this section. If such demand is made during December or January of the crop year, the handler making such demand shall receive payment for 50 percent of the total charges as set forth in this section. If a handler demands removal by the committee of such surplus during February of the crop year, he shall receive payment for 60 percent of such total charges; if during March of the crop year, 70 percent; if during April of the crop year, 80 percent; if during May of the crop year, 90 percent; and if during any month thereafter, 100 percent of such total charges.

(d) For substandard prunes of the surplus tonnage which a handler holds for the account of the committee, such handler shall receive payment for services performed, including, but not limited to, transportation from receiving points, in and out charges, and the placing of prunes in containers furnished by the committee, at the rate of $10.00 per ton for each ton so held, except that on any tonnage of such substandard prunes of which the handler demands removal by the committee prior to December 1 of the crop year, any and all payments due thereon shall automatically be waived by such handler.

(e) Each handler holding surplus tonnage for the account of the committee shall maintain proper insurance thereon, including fire and extended coverage, in valuations according to grade and size differentials as the committee shall establish and such handler shall be reimbursed for the actual cost of such insurance.

It is hereby found that good cause exists for not postponing the effective date of this amended schedule of payments later than the date of the publication of this document in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.), because: (1) This amended schedule of payments is applicable to payments to handlers for necessary services with respect to surplus tonnage dried prunes received and stored by a handler for the account of the Prune Administrative Committee on or after August 1, 1954; (2) it is desirable that the Prune Administrative Committee have authority as soon as practicable to make payments to handlers for such services at the rates prescribed in this amended schedule of payments; (3) handlers generally are aware of the recommendation of the Prune Administrative Committee with respect to this amended schedule of payments; and (4) handlers will not need to make any preparation for compliance with the provisions of the amended section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 5th day of October 1954, to be, and become, effective as of the date of the publication hereof in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-7934; Filed, Oct. 7, 1954; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

PART 502—SPECIAL SCHOOL MILK PROGRAM

INITIAL DIVISION OF SPECIAL SCHOOL MILK PROGRAM FUNDS

1. The heading to this part is amended to read as set forth above.

2. Section 502.109 *Effective date* is amended by removing the section designation and making it an undesignated paragraph.

3. The regulations with respect to the Special School Milk Program (19 F. R. 5963) are hereby supplemented to include the initial division of Special School Milk Program funds for the 1955 Fiscal Year among the States as follows:

§ 502.109 *Initial division of Special School Milk Program funds.*

State	Total	State agency	Withheld for private schools
Alabama	$1,817,645	$1,772,833	$44,812
Arizona	319,810	304,267	15,543
Arkansas	1,142,955	1,120,729	22,226
California	2,383,192	2,383,192	
Colorado	421,785	385,791	35,994
Connecticut	436,743	436,743	
Delaware	69,993	58,531	11,462
District of Columbia	135,863	135,863	
Florida	1,084,486	1,035,914	48,572
Georgia	1,754,943	1,754,943	
Idaho	292,576	225,630	6,946
Illinois	1,955,512	1,955,512	
Indiana	1,172,125	1,172,125	
Iowa	821,997	733,299	88,698
Kansas	545,643	545,643	
Kentucky	1,455,404	1,455,404	
Louisiana	1,268,541	1,268,541	
Maine	332,076	270,921	61,155
Maryland	668,562	553,276	115,286
Massachusetts	1,169,294	1,169,294	
Michigan	1,785,401	1,515,990	269,411
Minnesota	995,752	844,778	150,974
Mississippi	1,632,668	1,632,668	
Missouri	1,146,306	1,146,306	
Montana	181,101	162,769	18,332
Nebraska	408,375	361,564	46,811
Nevada	36,155	34,553	1,602
New Hampshire	160,989	160,989	
New Jersey	1,080,857	864,169	216,688
New Mexico	331,071	331,071	
New York	3,037,048	3,037,048	
North Carolina	2,330,856	2,330,856	
North Dakota	277,160	251,438	25,722
Ohio	2,017,100	1,731,982	285,118
Oklahoma	917,978	917,978	
Oregon	435,526	435,526	
Pennsylvania	2,846,512	2,313,701	532,811
Rhode Island	207,544	207,544	
South Carolina	1,239,891	1,227,890	12,001
South Dakota	260,448	245,879	25,569
Tennessee	1,595,889	1,558,177	37,312
Texas	2,888,523	2,888,523	
Utah	297,663	293,802	3,861
Vermont	142,080	142,080	
Virginia	1,355,518	1,313,167	42,351
Washington	631,734	589,958	41,776
West Virginia	667,292	615,318	51,974
Wisconsin	1,027,793	795,699	232,094
Wyoming	97,025	97,025	
Total	49,500,000	47,086,869	2,413,131

(Sec. 4, 68 Stat. 1070; 15 U. S. C. 714b. Interprets or applies sec. 201, 63 Stat. 1052, sec. 204, Pub. Law 690, 83d Cong.; 7 U. S. C. 1446)

Effective date: This supplement shall be effective immediately upon issuance.

Dated this 23d day of September 1954.

ROY W. LENNARTSON,
Acting Administrator.

[F. R. Doc. 54-7937; Filed, Oct. 7, 1954; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter II—United States Tariff Commission

PART 201—RULES OF GENERAL APPLICATION

PART 208—INVESTIGATIONS OF DUMPING INJURY TO DOMESTIC INDUSTRY

The Commission, on September 27, 1954, amended §§ 201.1, 201.6 (c), 201.10, and 201.11 (a) so as to make said sections read as set forth below, and, on the same date, the Commission added new Part 208, also set forth below.

1. Section 201.1, 201.6 (c), 201.10, and 201.11 (a) are amended as follows:

§ 201.1 *Applicability of general rules.* The Tariff Commission rules of general application apply to investigations under the provisions of section 332 of the Tariff Act of 1930, and, so far as pertinent, to investigations under the provisions of sections 336 and 337 of the Tariff Act of 1930 (46 Stat. 698, 701, 703; 19 U. S. C. 1332, 1336, 1337); to investigations under section 22 of the Agricultural Adjustment Act, as amended (sec. 3, Pub. Law 579, 81st Cong.; Pub. Law 50, 82d Cong.); to investigations under section 504 of the Philippine Trade Act of 1946 (60 Stat. 156; 22 U. S. C. 1354); to investigations under sections 3 and 7 of the Trade Agreements Extension Act of 1951, as amended (Pub. Law 50, 82d Cong.; Pub. Law 215, 83d Cong.); and to investigations under section 201 (a) of the Antidumping Act, 1921, as amended by sec. 301, Pub. Law 768, 83d Cong. Rules having specific application to investigations under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act, as amended, under section 504 of the Philippine Trade Act, under sections 3 and 7 of the Trade Agreements Extension Act of 1951, as amended, and under section 201 (a) of the Antidumping Act, 1921, as amended, respectively, appear separately in Parts 202 to 208, inclusive, of this chapter. In case of inconsistency between a rule of general application and a rule having specific application, the latter is controlling. No rules governing investigations under section 338 of the Tariff Act of 1930 (46 Stat. 704; 19 U. S. C. 1338) are issued because such investigations, which concern questions of possible discrimination by foreign countries against the commerce of the United States, are of a nature requiring their conduct under cover of secrecy.

§ 201.6 *Confidential information.* * * *

(c) Information submitted to the Commission in confidence should be submitted on separate pages clearly marked "Submitted in Confidence." The Commission may refuse to accept in confidence any particular information which it determines is not entitled to confidential treatment.

§ 201.10 *Public notices.* Public notice of receipt of applications or complaints properly filed, of the institution of investigations, of public hearings, of dismissal of applications or investigations, and of other formal actions of the Commission, under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act, as amended, under section 504 of the Philippine Trade Act of 1946, under sections 3 and 7 of the Trade Agreements Extension Act of 1951, as amended, and under section 201 (a) of the Antidumping Act, 1921, as amended, will be given by posting a copy of the notice at the principal office of the Commission at Washington, D. C., and at its office in New York City; and by publishing a copy of the notice in the FEDERAL REGISTER and in Treasury Decisions. Copies of such notices will also be sent to press associations, trade and similar organizations of producers, and to importers and others (including all persons named in the application or complaint concerned) known to the Commission to have an interest in the subject matter of the investigation.

§ 201.11 *Public hearings.* (a) Hearings are required by law in the case of investigations under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act, as amended, under section 504 of the Philippine Trade Act of 1946, under section 3 of the Trade Agreement Extension Act of 1951, and under certain conditions under section 7 of the Trade Agreements Extension Act of 1951, as amended. No public hearing is required in general investigations under section 332 of the Tariff Act of 1930 or in investigations under section 201 (a) of the Antidumping Act, 1921, as amended; however, when determined by the Commission to be appropriate and feasible, hearings will be held in such investigations.

(Secs. 332, 336, 337, 46 Stat. 698, 701, 703, sec. 3, 62 Stat. 1248, sec. 504, 60 Stat. 156; 7 U. S. C. 624, 19 U. S. C. 1332, 1336, 1337, 22 U. S. C. 1354; E. O. 10082, 14 F. R. 6105, 3 CFR, 1949 Supp.)

2. Part 208—Investigations of Dumping Injury to Domestic Industry is amended as follows:

Sec.
208.1 Applicability of rules regarding investigations under section 201 (a) of the Antidumping Act, 1921, as amended.
208.2 Purpose of investigation.
208.3 Institution of investigation.
208.4 Public hearings.
208.5 Written statements.
208.6 Notification of Commission determination.

AUTHORITY: §§ 208.1 to 208.6 issued under sec. 201 Pub. Law 768, 83d Cong.

NOTE: This part relates to the functions of the United States Tariff Commission under the provisions of the Antidumping Act, 1921, as amended. Responsibility for the administration of that act, except with respect to the functions to which this part relates, is vested by law in the Secretary of the Treasury. Investigations under the Antidumping Act to determine whether a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value are initiated by the Bureau of Customs.

§ 208.1 *Applicability of rules regarding investigations under section 201 (a) of the Antidumping Act, 1921, as amended.* The rules under this part are specifically applicable to investigations for the purposes of section 201 (a) of the Antidumping Act, 1921, as amended, and apply in addition to the pertinent rules of general application set forth in Part 201 of this chapter.

§ 208.2 *Purpose of investigation.* The purpose of an investigation under section 201 (a) of the Antidumping Act, 1921, is to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation into the United States of a class or kind of foreign merchandise which the Secretary of the Treasury has determined is being, or is likely to be, sold in the United States or elsewhere at less than its fair value.

§ 208.3 *Institution of investigation.* After the receipt of advice from the Secretary of the Treasury that he has determined that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, the Commission will institute an investigation for the purposes indicated in § 208.2. Public notice of such investigation will be given in the manner prescribed in § 201.10 of this chapter. Such notice will describe the class or kind of merchandise covered by the determination of the Secretary of the Treasury.

§ 208.4 *Public hearings.* If, in the judgment of the Commission, there is good and sufficient reason therefor, the Commission, in the course of its investigation, will hold a public hearing and afford interested parties opportunity to appear and be heard at such hearing. Public notice of the time and place set for such hearings will be given in the manner prescribed in § 201.10 of this chapter. In the event that no notice of public hearing issues concurrently with a notice of investigation, any interested party who believes that a public hearing should be held may, within 15 days after the date of publication in the FEDERAL REGISTER of the notice of investigation, submit a request in writing to the Secretary, United States Tariff Commission, Washington 25, D. C., that a public hearing be held, stating the reasons for such request.

§ 208.5 *Written statements.* At any time after a investigation is published in the FEDERAL REGISTER, any interested party may submit to the Commission a written statement of information pertinent to the subject matter of such investigation. If a public hearing is held in the investigation such statement may be presented in lieu of appearance at such hearing. Fifteen clear copies of such statement will be required and should be addressed to the Secretary, United States Tariff Commission, Washington 25, D. C.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b) of this chapter.

§ 208.6 *Notification of Commission's determination.* On or before the expiration of three months after the date of the receipt by the Commission of the advice from the Secretary of the Treasury referred to in § 208.3 the Commission will notify the Secretary of the Treasury of its determination.

Promulgated as of this date in pursuance of the action of the United States Tariff Commission under date of September 27, 1954, effective upon publication in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 54-7928; Filed, Oct. 7, 1954; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

RECORD OF RETROACTIVE PAYMENT OF WAGES

On August 11, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 5062) under which Part 516, issued pursuant to section 11 (c) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; as amended, 29 U. S. C. 201 et seq.), would be amended by the addition of a new paragraph and subparagraph.

A new paragraph (b) under § 516.2 would require employers to record their payments of back wages owed employees when such payments are made under the supervision of the Administrator. A new subparagraph (7) under paragraph (b) of § 516.21 would require similar recording with respect to employers of industrial homeworkers.

Interested persons were given 30 days in which to submit to the Administrator of the Wage and Hour and Public Contracts Divisions their views and arguments relative to the proposed decisions. The only objections received appear to be based on the misunderstanding that it is the purpose of the proposed amendment to require that all retroactive wage payments, made to achieve compliance with sections 6 or 7 of the act, be reported on the form provided by the Administrator. Sections 516.2 (b) and 516.21 (b) (7), as proposed, are revised to emphasize that the only purpose of this amendment is to require records and reports of payments made under the supervision of the Administrator pursuant to section 16 (c).

Accordingly the regulations contained in this part are amended as follows:

(1) Amend § 516.2 by adding a new paragraph (b), to read as follows:

(b) *Record of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16 (c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

2. Amend § 516.21 (on industrial homeworkers) by adding a new subparagraph (7) under paragraph (b), to read as follows:

(7) *Record of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16 (c) of the act, shall:

(i) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(ii) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (a) preserve a copy as part of his records, (b) deliver a copy to the employee, and (c) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(Sec. 11, 52 Stat. 1066, as amended; 29 U. S. C. 211)

This amendment shall become effective November 8, 1954.

Signed at Washington, D. C., this 5th day of October 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-7938; Filed, Oct. 7, 1954; 8:52 a. m.]

PART 710—CORSETS, BRASSIERES, AND ALLIED GARMENTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the provisions of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on August 21, 1954 (19 F. R. 5361), of my proposed decision to approve the recommendation of Special Industry Committee No. 15 for Puerto Rico for the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico, together with the Wage Order which I proposed to issue to carry such recommendation into effect.

As indicated in the notice, my findings and conclusions in this matter were set forth in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 15 for Puerto Rico for a Minimum Wage Rate in the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico."

Interested parties were given an opportunity to file exceptions to the proposed action within fifteen days of the date of publication of the notice. Two exceptions have been filed. Dandy Brassieres, Inc., objects to the proposed action (or in the alternative, requests an exemption from it) on the ground that it is just commencing operations in the industry and the proposed action will delay the day when the new plant will first show a profit. As this objection does not indicate that curtailment of employment in the industry will flow from the proposed decision, it must be denied. The regulation providing the general minimum wage for this industry is not the place to consider individual applications for learner exemptions, and the act gives me no authority to grant general exemptions for particular companies.

Exceptions have also been filed by Mr. Joel H. Fisher on behalf of Jem Manufacturing Corporation, Pan American Crafts, Inc., Puerto Rico Shoulder Strap Corporation, Inc., Atlantic Accessories, Inc., and Southern Industries, Inc. (hereinafter referred to as the "Jem Group").

The "Jem Group" objects, inter alia, to the appointment of two members of the Committee who, while appointed as representatives of employees in the industry, were officials of labor unions which have no membership in Puerto Rico. "Jem" argues that their business of representing mainland employees gives them an interest which is inimical to Puerto Rico employees and has excepted to the Proposed Decision of the Administrator on the ground that the recommendation was not made in accordance with law since Special Industry Committee No. 15 was not lawfully constituted under section 5 (b) of the act.

The error in this argument lies in the assumption that the Statute contemplates that the employee representatives will represent only Puerto Rico employees. However, section 5 (b) requires that they represent "employees in the industry" and directs the Administrator, in the appointment of persons representing each group, to "give due regard to the geographical regions in which the industry is carried on." Lest there be the slightest doubt that the phrase "representing employees in the industry" includes the representation of employees on the continent as well as those on the Island, section 5 (a) requires the membership of the Committee to include residents of Puerto Rico and of the United States outside of Puerto Rico, and section 8 recognizes the interest of the mainland in these proceedings to the extent that the Committee is obliged to avoid any recommendation which will give "any industry in Puerto Rico or in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico or the Virgin Islands."

I find therefore, that the Committee fairly represents the public and the employers and employees in the industry; that due regard has been given in the appointment of the Committee to the geographical regions in which the industry is carried on; and that the Committee has been duly constituted in accordance with law.

The "Jem Group" next objects that the Administrator failed to find that the rate proposed will not give an unfair competitive advantage to the industry on the mainland over the industry in Puerto Rico, and urges that such a finding could not be made upon the record. This objection is based on the assumption that section 8 (c) requires the proposed order to be supported by a finding that it "will not give a competitive advantage to any group in the industry." Actually section 8 (c) merely makes this consideration pertinent to the question of whether classifications within the industry should be recommended or established. As none of the objections contend that the proposed order is wrong in failing to provide classifications within the industry, there is no statutory basis for this objection.

In addition, my assessment of the evidence in the record would lead me to find that the proposed order would not give a competitive advantage to that part of the industry on the continent even if this were pertinent. The evidence in the record convinces me that the proposed order will not substantially curtail employment either in that part of the industry in Puerto Rico or in that part in the United States outside of Puerto Rico. Under the competitive conditions I have considered, this would lead me to make the finding, if it were pertinent, which the "Jem Group" complains I have not made.

The "Jem Group" next objects to any inferences concerning the profit and loss position of employers in the industry in Puerto Rico based on Administrator's Exhibit No. 5, because that exhibit gives data as to only twelve firms. These twelve firms are all those in Puerto Rico who reported this information to the income tax authorities of the Insular Government. The "Jem Group" consists of five of the twelve firms and they alone employ half of the employees in the industry in Puerto Rico. The general manager of the "Jem Group" verified the accuracy of this exhibit as it applied to them. There was no evidence indicating that this exhibit was not fairly indicative of the profit and loss position of all employers in this industry in Puerto Rico. Under these circumstances I feel it fair to, and do, infer that this exhibit fairly represents the profit and loss position of this industry in Puerto Rico.

I have reviewed all other objections and exceptions to the proposed decision and find that no new matter has been presented which I have not previously considered in the document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 15 for Puerto Rico for a Minimum Wage Rate in the Corsets, Brassieres, and Allied Garments Industry.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended 29 U. S. C. 201 et seq.) the said decision is affirmed and made final; and the Recommendation of Special Industry Committee No. 15 for Puerto Rico for a Minimum Wage Rate in the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico is hereby approved.

Sec.
710.1 Approval of recommendations of industry committee.
710.2 Wage rates.
710.3 Notices of order.
710.4 Definitions of the corsets, brassieres, and allied garments industry in Puerto Rico.

AUTHORITY: §§ 710.1 to 710.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret and apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 710.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 710.2 *Wage rates.* Wages at a rate of not less than 55 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the corsets, brassieres, and allied garments industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 710.3 *Notice of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the corsets, brassieres, and allied garments industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 710.4 *Definition of the corsets, brassieres, and allied garments industry in Puerto Rico.* (a) The manufacture of corsets, brassieres, brassiere pads, girdles, sanitary belts, foundation garments, and similar items.

(b) This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

The wage order above shall become effective November 8, 1954.

Signed at Washington, D. C., this 5th day of October 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-7939; Filed, Oct. 7, 1954; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS

GENERAL ELIGIBILITY REQUIREMENTS FOR APPOINTMENT OF OFFICERS IN REGULAR ARMY

In § 573.10 (b), the opening sentence is amended and a new subparagraph (9) is added, as follows:

§ 573.10 *General eligibility requirements.* • • •

(b) Applicants must, except for appointment in corps as indicated in subparagraphs (1) through (9) of this paragraph, have reached their 21st birthday but not their 27th birthday on date of appointment. • • •

• • • • •

(9) *Women's Army Corps.* Applicant must have reached 21st birthday but not the 27th birthday on date of appointment. This latter date may be increased by the number of years, months, and days of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to December 31, 1947 but not to exceed a total of 5 years.

• • • • •

[C4, AR 605-25, Sept. 20, 1954] (R. S. 161; 5 U. S. C. 22. Interpret or apply 61 Stat. 501, as amended; 10 U. S. C. 506)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-7920; Filed, Oct. 7, 1954; 8:48 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter E—Fellowships, Internships, Training

PART 63—NATIONAL INSTITUTES OF HEALTH TRAINEESHIPS

Notice of proposed rule making and public rule making proceedings have been omitted in the issuance of this part because it relates to grants or benefits.

1. Part 63 is hereby revised to read as follows:

Sec.
63.1 Nature and purpose of traineeships.
63.2 Minimum qualifications.
63.3 Award of traineeships.
63.4 Benefits.
63.5 Terms and conditions of award.
63.6 Termination of traineeships.
63.7 Appropriate Institute.

AUTHORITY: §§ 63.1 to 63.7 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply secs. 301, 312, 402, 403, 58 Stat. 691, as amended, 693, as amended, 707, as amended, secs. 412, 422, 62 Stat. 464, 598, sec. 433, 64 Stat. 444; 42 U. S. C. 241, 242a, 282, 283, 287a, 286a, 289c.

§ 63.1 *Nature and purpose of traineeships.* A National Institutes of Health traineeship is an award of funds to an individual for his subsistence during a period in which he is acquiring advanced training in the diagnosis, prevention or treatment of diseases of public health significance. The purpose of such traineeships is to make available in the United States for the community effort against such diseases an increased number of persons having special competence in such diagnosis, prevention or treatment.

§ 63.2 *Minimum qualifications.* Minimum qualifications for any traineeship shall be established by the Director of the appropriate Institute with the approval of the Surgeon General, and shall be uniformly applicable to all applicants in each traineeship program of such Institute. Such minimum qualifications may include requirements as to age, physical or mental condition, academic degrees, professional or other training or experience, and such other factors as may be necessary to the fulfillment of the purpose of the traineeship. To the extent the Surgeon General finds it not inconsistent with such fulfillment, however, he may in individual cases waive compliance with any minimum qualification so established if he determines

that the applicant has substantially equivalent qualifications or has such special training, experience or opportunity for service as make an award particularly appropriate.

§ 63.3 *Award of traineeships.* Subject to the regulations of this part, the Surgeon General or his delegate may award traineeships to these qualified applicants who are best able in his judgment to carry out the purpose of the traineeships. Such awards may be made in the name of the appropriate Institute.

§ 63.4 *Benefits.* Each individual awarded a traineeship shall be entitled to the following benefits:

(a) A stipend fixed in amount by the Surgeon General and payable with respect to a period of one year or such other period, including extensions or renewals, as may be specified by the Surgeon General or his delegate in making awards.

(b) An additional allowance, if requested by the trainee and approved in advance by the Surgeon General or his delegate, for travel, per diem and transportation not exceeding such amounts as may be prescribed by the Surgeon General.

§ 63.5 *Terms and conditions of award.* All traineeship awards shall be subject to the following terms and conditions:

(a) Training must be carried out at an institution found by the Director of the appropriate Institute to provide a well-rounded course of instruction in the particular field in which the traineeship is awarded. A change in the training institution may be made only with the approval of such Director.

(b) No traineeship may be utilized to compensate, nor awarded as consideration, for personal services or employment of the trainee for the United States or for any other person.

(c) In addition to any requirements imposed under the authority of the Atomic Energy Act of 1946, as amended, or under the authority of the Department of Defense and applicable to any individual receiving an award under the regulations in this part, no payments shall be made to any individual receiving such an award unless such individual (1) has executed and filed with the Public Health Service an affidavit that he does not advocate, and is not a member of and does not support any organization that advocates or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods, and (2) except, when an alien owing allegiance to other than the United States, has taken and subscribed to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic."

(d) Additional conditions consistent with the regulations in this part may be established by the Surgeon General or his delegate to the extent he finds them necessary to fulfill the purpose of the traineeship.

§ 63.6 *Termination of traineeships.* The Surgeon General or his delegate may terminate a traineeship at any time upon request of the trainee, and shall terminate any traineeship prior to the date it would otherwise expire upon a determination, made or approved by the Surgeon General, either that the trainee's performance is unsatisfactory or that he is unfit or unable to carry out the purpose of the traineeship.

§ 63.7 *Appropriate Institute.* As used in this part "appropriate Institute" shall mean the National Cancer Institute for traineeships in the field of cancer, the National Institute of Mental Health for traineeships in the field of mental disorders, the National Heart Institute for traineeships in the field of cardiovascular diseases, the National Institute of Dental Research for traineeships in the field of dental diseases and conditions, the National Microbiological Institute for traineeships in the field of infectious and tropical diseases, the National Institute of Arthritis and Metabolic Diseases for traineeship in the field of arthritis, rheumatism and metabolic disease, the National Institute of Neurological Diseases and Blindness for traineeships in the field of epilepsy, cerebral palsy, multiple sclerosis, other neurological and sensory disorders, and any other institute hereafter established by the Surgeon General under section 431 of the Public Health Service Act, as amended, for traineeships in the field of those diseases constituting the responsibility of such institute.

2. These regulations shall become effective thirty days after publication in the FEDERAL REGISTER.

Dated: September 27, 1954.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: October 4, 1954.

NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 54-7927; Filed, Oct. 7, 1954; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1016]

SOUTH DAKOTA AND WYOMING

ABOLISHING HARNEY NATIONAL FOREST AND TRANSFERRING ITS LANDS TO BLACK HILLS NATIONAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Harney National Forest, South Dakota and Wyoming, as defined by Proclamation No. 1125 of May 16, 1911 (37 Stat. 1680), and as subsequently modified, is hereby abolished, and the lands heretofore comprising said national forest are transferred to and consolidated with the Black Hills National Forest, effective July 1, 1954.

It is not intended by this order to give a national forest status to any publicly-owned lands which have not hitherto had such a status or to change the status of any publicly owned lands which have hitherto had national forest status.

ORME LEWIS,
Assistant Secretary of the Interior.

OCTOBER 4, 1954.

[F. R. Doc. 54-7905; Filed, Oct. 7, 1954; 8:45 a. m.]

[Public Land Order 1017]

IDAHO

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH CRATERS OF THE MOON AIR-TO-AIR GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands in Idaho are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force in connection with the Craters of the Moon Air-to-Air Gunnery Range:

BOISE MERIDIAN

T. 1 S., R. 24 E.,
Secs. 1 to 14, inclusive;
Sec. 15, W½, SE¼NE¼, NE¼SE¼;
Secs. 17 to 21, inclusive;
Sec. 22, W½, S½NE¼, SE¼;
Sec. 23, S½;
Secs. 24 to 35, inclusive.
T. 1 S., R. 25 E.,
Secs. 6 to 8, inclusive;
Secs. 17 and 18;
Sec. 19, Lots 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, NE¼, E½SE¼;
Sec. 20;
Sec. 21, S½;
Sec. 22, S½;
Sec. 23, S½;
Sec. 24, S½;
Secs. 25 to 29, inclusive;
Sec. 30, Lots 2, 3, 4, 5, 9, E½NE¼;
Sec. 31, Lots 1, 2, 3, 4, 5, 6;
Secs. 32 to 35, inclusive.
T. 1 S., R. 26 E., unsurveyed.
T. 1 S., R. 27 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 12, inclusive;
Sec. 13, N½, SW¼, N½SE¼, SE¼SE¼;
Secs. 21 and 22;
Sec. 23, NW¼, N½SW¼, N½NE¼, SW¼NE¼;
Sec. 24, NW¼NW¼, NE¼NE¼, S½SW¼, SE¼;
Secs. 25 to 28, inclusive;
Secs. 34 and 35.
T. 2 S., R. 24 E.,
Sec. 1;
Sec. 3;
Sec. 4, E½, SE¼SW¼;
Sec. 5, S½, NW¼, N½NE¼, SE¼NE¼;
Secs. 6 to 15, inclusive;
Sec. 17, N½, SE¼;
Sec. 18, N½, SW¼, W½SE¼;
Secs. 19 to 35, inclusive.
T. 2 S., R. 25 E.,
Secs. 1 to 4, inclusive;
Sec. 5, Lots 1, 2, 3, S½NE¼, SE¼, SE¼SW¼;
Sec. 6, Lots 2 to 14, inclusive, SW¼NE¼, W½SE¼;
Sec. 7, Lots 1 to 12, inclusive, SW¼, N½NE¼, SW¼NE¼;
Sec. 8, S½, NE¼, E½NW¼;
Secs. 9 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 2 S., R. 26 E., unsurveyed.
T. 2 S., R. 27 E.,
Secs. 1, 2, 3, 11, 12, 13, 14, 23, 24, 25, 26, 35;
Secs. 4 to 10, inclusive, 15 to 22, inclusive, 27 to 34, inclusive, unsurveyed.
T. 3 S., R. 24 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 3 S., R. 25 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 3 S., R. 26 E.,
Secs. 1, 12, 13;
Secs. 2 and 3, unsurveyed;
Secs. 10 and 11, unsurveyed;
Secs. 14 and 15, unsurveyed;
Secs. 22 to 27, inclusive, unsurveyed;
Secs. 34 to 36, inclusive, unsurveyed.
T. 3 S., R. 27 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 19 to 35, inclusive;
Secs. 4 to 9, inclusive, unsurveyed;
Secs. 17 and 18, unsurveyed.
T. 4 S., R. 24 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 4 S., R. 25 E., unsurveyed.
T. 4 S., R. 26 E., unsurveyed.
T. 4 S., R. 27 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 5 S., R. 24 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 5 S., R. 25 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 5 S., R. 26 E.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 and 35.
T. 5 S., R. 27 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 6 S., R. 24 E.,
Secs. 1 to 15, inclusive;
Secs. 17, 18, 24 and 25.
T. 6 S., R. 25 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 6 S., R. 26 E.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 and 35.
T. 6 S., R. 27 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 7 S., R. 25 E.,
Secs. 1, 2, 3, 4, 10, 11 and 12.
T. 7 S., R. 26 E.,
Secs. 1 to 12, inclusive.
T. 7 S., R. 27 E.,
Secs. 1 to 12, inclusive.

The areas described aggregate approximately 449,071 acres.

This order shall take precedence over but not otherwise affect the Departmental orders of November 3, 1936, and December 4, 1940, establishing Idaho Grazing Districts Nos. 3 and 5, respectively.

The use of the lands by the Department of the Air Force shall be subject to the following conditions:

(1) The Department of the Air Force shall take all reasonable precautions to prevent and suppress brush and range fires and the pollution of water on or in the vicinity of the land.

(2) Authorized representatives of the Department of the Interior and other Federal or state officials have the right to enter the area on official business with the permission of the commanding officer of the Air Force base.

(3) The Department of the Air Force shall not enclose roads or trails commonly in public use except at such time as it may be necessary to do so in the interest of safety or national security at the discretion of the commanding officer at the Air Force base.

(4) The Department of the Air Force is authorized to use the area each year from January 1 to March 31, and from July 1 to September 30, all dates inclusive. Grazing use of the area will be permitted by the Bureau of Land Management on the withdrawn area from April 1 to June 30 and October 1 to December 31, all dates inclusive. The Department of the Air Force will destroy all unexploded bombs and other types of ammunitions left on the area prior to April 1 and October 1 of each year.

(5) Pursuant to regulations of the Department of the Army, the Air Force will adequately post the area, specifying the dates closed and open for public use.

(6) The Department of the Air Force shall be responsible for the prevention and prompt suppression of range fires occurring within the withdrawn area between January 1 to March 31 and July 1 to September 30, and outside of the withdrawn area resulting from military use for the periods from January 1 to March 31 and July 1 to September 30 of each year. The Department of the Air Force may enter into an agreement with the local officer of the Bureau of Land Management to provide for the suppression of range fires prior to the beginning of the fire season. Such agreements may thereafter be modified if conditions warrant by mutual agreement.

(7) The Department of the Air Force will exercise every reasonable precaution to prevent the destruction of range resources and to provide for reseeding or such other rehabilitation work as may be necessary on areas damaged either by them or on public domain lands outside of the withdrawn area resulting from military use. Such rehabilitation will be accomplished under cooperative agreement mutually satisfactory to the Air Force and the Bureau of Land Management.

(8) The Department of the Air Force shall repair, restore, or replace existing and future mutually agreed upon range improvements such as roads, fences, wells, reservoirs, etc, damaged or demolished from military operations under such arrangements as may be mutually agreeable between the Department of the Army and the Bureau of Land Management.

(9) The Bureau of Land Management may with the consent of the commanding officer or other representatives designated by the Department of the Air Force authorize additional livestock use of the area during periods other than those specifically provided herein.

(10) The Department of the Air Force recognizing the presence of the need for control of poisonous plant halogeten glomeratus will enter into such cooperative agreements with the Bureau of Land Management as may be necessary to carry out such approved control measures, including chemical treatment or reseeding of disturbed areas as may be necessary to suppress and control the infestation.

ORME LEWIS,
Assistant Secretary of the Interior.

OCTOBER 4, 1954.

[F. R. Doc. 54-7906; Filed, Oct. 7, 1954; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1954 Dept. Circular 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING OCTOBER 1, 1954

OCTOBER 1, 1954.

§ 129.17 *Calendar year, 1954* • • • (d) *Quarter beginning October 1, 1954.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units, are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning October 1, 1954, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted

Country	Monetary unit	Value in terms of U. S. money	Remarks
Colombia	Peso	$0.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By monetary law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0126	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Peru	Sol	.1740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Uruguay	Peso	.6583	Present gold content of 0.582018 gram fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7923; Filed, Oct. 7, 1954; 8:48 a. m.]

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

AUTHORIZED TRADE TERRITORY; MEMBER OF

The Foreign Assets Control Regulations are hereby amended by the amendment of § 500.322.

This amendment removes from the authorized trade territory those areas of Laos and Viet-Nam which are under Communist control. The principal effect of this amendment is to make the restrictions of § 500.204 (a) (3) apply to the merchandise therein specified if such merchandise is or has been located in or transported from or through the areas of Laos or Viet-Nam under Communist control. The amendment also has the effect of withdrawing the privileges of the general license contained in § 500.506 from nationals of Communist China who are in these areas.

Section 500.322 (a) (5) is amended to read as follows:

§ 500.322 *Authorized trade territory; member of the authorized trade territory.* (a) The term "authorized trade territory" shall include:

* * * * *

(5) Afghanistan, Bhutan, British Malaya, Burma, Cambodia, Ceylon, Formosa, the French Establishments in India, Hong Kong, India, Iran, Iraq, Israel, Japan, Kuwait, Laos (except those areas under Communist control), Lebanon, Macao, Nepal, Oman, Pakistan, Portuguese India, Saudi Arabia, South Korea, Syria, Thailand, Trans-Jordan, Viet-Nam (except those areas under Communist control) and Yemen;

* * * * *

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5, E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, 1943 Cum. Supp. E. O. 9989, Aug. 20, 1948, 13 F. R. 4981; 3 CFR, 1948 Supp.)

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7921; Filed, Oct. 7, 1954; 8:48 a. m.]

PART 505—REGULATIONS PROHIBITING TRANSACTIONS INVOLVING THE SHIPMENT OF CERTAIN MERCHANDISE BETWEEN FOREIGN COUNTRIES

PROHIBITIONS

Section 505.10 of the regulations in this part is hereby amended to add those areas of Laos and Viet-Nam which are under Communist control as prohibited destinations.

Section 505.10 as amended reads as follows:

§ 505.10 *Prohibitions.* Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, rulings, instructions, licenses, or otherwise, no person within the United States, for his own account or that of another, may purchase or sell or arrange the purchase or sale of any merchandise in any foreign country or obtain from any banking institution a credit or payment in connection therewith, or attempt to do any of the foregoing, if (a) the transaction involves the shipment from any foreign country of any merchandise directly or indirectly to any destination within a country on the attached schedule, and (b) the merchandise is included in the Positive List of Commodities set forth in 15 CFR Part 399 and is identified on that list by the letter "A" in the column headed "Commodity Lists" or is of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 370.4.

SCHEDULE

Albania.
Bulgaria.
China (Communist controlled).
Czechoslovakia.
Estonia.
Germany (only those areas under control or administration of the Union of Soviet Socialist Republics or Poland).
Hungary.
Laos (only those areas under Communist control).
Latvia.
Lithuania.
North Korea.
Outer Mongolia.
Poland and Danzig.
Roumania.
Tibet.
Union of Soviet Socialist Republics.
Viet-Nam (only those areas under Communist control).

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5, E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, 1943 Cum. Supp. E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR, 1948 Supp.)

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7922; Filed, Oct. 7, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 900]

GENERAL REGULATIONS GOVERNING IMPORTS OF CERTAIN AGRICULTURAL COMMODITIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is considering the issuance, pursuant to authority contained in the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act," of general regulations to govern the importation of tomatoes, avocados, mangoes, limes, grapefruit, green peppers, Irish potatoes, cucumbers, and eggplants during periods when regulatory orders are effective under marketing orders regulating the handling of such commodities produced in the United States.

General. The act provides that, whenever a marketing order issued pursuant to section 8c thereof contains any terms or conditions regulating the grade, size, quality, or maturity of any of the agricultural commodities listed in section 8c that are produced in the United States, the importation into the United States of any such commodity during the period of time such order is in effect shall, with certain exceptions, be prohibited unless

it complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated under the act.

Additional provisions regulating imports of the particular commodities listed in the act may be issued from time to time. The provisions will be published in the FEDERAL REGISTER reasonably in advance of the date on which they will become applicable to imports. Currently, only avocados, grapefruit, and Irish potatoes are regulated under marketing order programs but the regulations will be applicable to the other listed commodities when marketing orders become applicable to them.

SUBPART—GENERAL REGULATIONS APPLICABLE TO THE IMPORTATION OF LISTED COMMODITIES

Sec.
900.150 Definitions.
900.151 Eligible imports.
900.152 Inspection and certification requirements.
900.153 Reconditioning prior to importation.

§ 900.150 *Definitions*—(a) *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

(b) *Listed commodity.* "Listed commodity" means each of the following commodities listed in section 8e (7 U. S. C. 608e) of the act:

(1) Tomatoes;
(2) Avocados;
(3) Mangoes;
(4) Limes;
(5) Grapefruit;
(6) Green peppers;
(7) Irish potatoes;
(8) Cucumbers; and
(9) Eggplants.

(c) *Department.* "Department" means the United States Department of Agriculture.

(d) *Administrator.* "Administrator" means the Administrator of the Agricultural Marketing Service of the Department or any other officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 900.151 *Eligible imports.* Whenever the importation of any listed commodity is regulated pursuant to section 8e (7 U. S. C. 608e) of the act, it shall not be deemed eligible for importation into the United States under said section 8e unless, in accordance with the provisions of this subpart, it is first inspected to ascertain whether it is in compliance with the applicable grade, size, quality, and maturity requirements and an inspection certificate is issued therefor which states that the commodity meets United States import requirements under said section 8e.

§ 900.152 *Inspection and certification requirements.* (a) Any such inspection may be performed, and an inspection certificate issued, by an inspector of the Federal or Federal-State Inspection Service or of such other governmental inspection service as may be designated, or approved, by the Administrator.

(b) In the event the required inspection is performed prior to the arrival of the commodity at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading the commodity for direct transportation to the United States; and, if the commodity is to be transported by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(c) Inspection certificates shall cover only the quantity of the commodity that is being imported at a particular port of entry by a particular importer.

(d) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any listed commodity to be imported into the United States shall set forth, among other things:

(1) The name of the applicant;
(2) The date and place of inspection;
(3) The name of the shipper;
(4) The name of the importer (consignee);
(5) The commodity inspected;
(6) The quantity of the commodity covered by the certificate;
(7) The markings on the containers;
(8) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and
(9) The following statement, if the facts warrant:

Meets U. S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

§ 900.153 *Reconditioning prior to importation.* Nothing contained in this subpart shall be deemed to preclude any importer from reconditioning any shipment of a listed commodity for the purpose of making it eligible for importation under the act.

All persons who desire to submit data, views, or arguments for consideration in connection with the proposed regulations may do so by submitting the same, in duplicate, to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D. C., not later than 30 days after the publication of this notice in the FEDERAL REGISTER.

Dated: October 4, 1954.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 54-7907; Filed, Oct. 7, 1954; 8:45 a. m.]

[7 CFR Part 943]

[Docket No. AO 231-A5]

MILK IN THE NORTH TEXAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Texas Hotel, 815 Main Street, Fort Worth, Texas, beginning at 10:00 a. m., c. s. t., October 12, 1954, for the purpose of receiving evidence with respect to emergency marketing conditions and proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the North Texas marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Other proposals on file and such other appropriate proposals as may be filed in the near future will be considered at a subsequent hearing to be scheduled later.

Amendments to the order, as amended, have been proposed as follows:

By North Texas Producers Association, Arlington, Texas:

1. Delete the table contained in § 943.51 (a) (1) (iv) and substitute therefor the following:

2-month period	Percentages		Month to which adjustment applies
	Minimum	Maximum	
January-February	121	127	April.
February-March	128	134	May.
March-April	136	142	June.
April-May	140	146	July.
May-June	135	141	August.
June-July	127	133	September.
July-August	121	127	October.
August-September	115	121	November.
September-October	109	115	December.
October-November	109	115	January.
November-December	113	119	February.
December-January	117	123	March.

2. Delete the following words in § 943.51 (a) (2): "except for adjustments pursuant to subparagraph (1) of this paragraph,".

By Producers Creamery Company of Springfield, Missouri:

3. Delete § 943.51 (a) (1) and substitute in lieu thereof the following:

(1) If the utilization percentage calculated pursuant to subparagraph (2) of this paragraph exceeds 122 percent, subtract or if it is less than 118 percent add, an amount calculated by multiplying the difference between such percentage and 118 percent, if the amount is less, or 122 percent if the amount is more, by the appropriate rate in the following schedule:

Month and Rate
April–June, add 2 and subtract 4 cents.
All other months, add 4 and subtract 4 cents.

(2) For each month, calculate the utilization percentage by dividing the average daily net amount of Class I milk disposed of from all approved plants plus Class I milk disposed of in the marketing area from unapproved plants, for a 12-month period ending with the beginning of the second preceding month into the total average pounds of producer milk during the corresponding period and multiplying by 100 and rounding the resulting figure to the nearest whole percent.

By the Dairy Division:

4. Review § 943.51 (a) in its entirety in light of proposals 1 through 3 above which relate to certain aspects of Class I pricing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 6619 Denton Drive, Dallas, Texas, or the Hearing Clerk, United States Department of Agriculture, Room 1371, South Building, Washington 25, D. C., or may be there inspected.

Dated: October 5, 1954 at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54–7936; Filed, Oct. 7, 1954; 8:51 a. m.]

Agricultural Research Service

[7 CFR Part 319]

NURSERY STOCK, PLANTS, AND SEEDS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that pursuant to § 319.37–16 of the regulations supplemental to Nursery Stock, Plant, and Seed Quarantine No. 37 (7 CFR, 1953 Supp., 319.37–16) under sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 154, 159, 162) the Administrator of the Agricultural Research Service is considering amending the introductory portion of paragraph (a) of administrative instructions (B. E. P. Q. 571, 2d Revision, effective September 1, 1953), listing approved packing materials and instructions for their use, appearing in 7 CFR, 1953 Supp., 319.37–16a (a) to read as follows:

§ 319.37–16a *Administrative instructions listing approved packing materials and instructions for their use.* (a) The following materials, when free from sand, soil, or earth, unless otherwise noted, and when they have not been previously used as packing or otherwise with living plants, are approved as packing materials for use in connection with any shipment of restricted plant material imported in accordance with §§ 319.37 to 319.37–28; and such materials when free from sand, soil, or earth, unless otherwise noted, are also approved as packing materials for plants grown exclusively in such materials which have not previously been used in association with living plants other than those that are offered for entry:

* * * * *

The above amendment would have the effect: (1) Of continuing the authorization presently contained in § 319.37–16a for the importation of plants freed of sand, soil, or earth, and packed in one of the approved packing materials; and (2) of authorizing the importation of plants which are growing, and have been grown exclusively, in any of the approved packing materials that have not previously been used in association with other living plants but have been used solely with the plants offered for entry into this country. Packing materials which contain sand, soil, or earth, (except as specified in § 319.37–16a for coral sand from Bermuda and subsoil from Japan and the Ryukyu Islands) or which have been previously used with plants other than those with which they are associated at the time of their entry into the United States, would still be disqualified.

In the inspection of imported plants emphasis would continue to be placed on the freedom from sand, soil, or earth requirement. Entry would be refused to plants found by inspection to be contaminated by sand, soil, or earth. Other conditions of entry would not be affected by this amendment.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Quarantine Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies secs. 1 and 5, 37 Stat. 315, as amended; 7 U. S. C. 154, 159)

Done at Washington, D. C., this 5th day of October 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54–7908; Filed, Oct. 7, 1954; 8:46 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Order No. E–8685; Docket No. 6873]

SLICK AIRWAYS, INC., AND FLYING TIGER LINE, INC.

ORDER ON AGREEMENT

In the matter of an agreement filed pursuant to section 412 (a) of the act between Slick Airways, Inc., and The Flying Tiger Line, Inc., Agreement CAB No. 8286; Joint application by these carriers for an exemption of said agreement from the requirements of section 408 of the act, Docket No. 6873.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 4th day of October 1954.

Order No. E–8022 (Docket No. 6047) adopted January 7, 1954, approved the merger agreement between Slick Airways, Inc. (Slick) and The Flying Tiger Line, Inc. (Tiger) subject to certain labor protective conditions. On August 20, 1954, these carriers filed a joint petition requesting substantial modification in said labor protective conditions through a summary show cause order procedure, with a hearing date on such order to be set no later than September 15, 1954. The carriers alleged that if the proposed modifications were not made an accomplished fact within a few weeks, the merger would have to be abandoned.

On September 20, 1954, the carriers filed the subject agreement (Agreement CAB No. 8286) with the Board under section 412 of the act with an application under section 416 (b) for exemption of the agreement from the requirements of section 408 of the act (Docket No. 6873). The agreement provides that (1) the merger agreement, approved in Docket No. 6047, will be abrogated; (2) Slick will sell Tiger two DC–6A aircraft for $800,000 each, a price equal to their value on Slick's books; (3) Tiger will lease to Slick the aircraft so purchased for $25,000 each a month for six years with an option to renew for three years at $5,000 each a month; (4) Tiger will lease to Slick a DC–6A owned by Tiger for $30,000 a month for three years, and will also lease seven C–46 aircraft owned by Tiger for $1,500 each a month for two years with an option to renew for two years; (5) Tiger will withdraw its application for renewal of its certificate of public convenience and necessity (Docket No. 4770) and will cease operations as a carrier of air freight between points in the United States (except under contract with the U. S. Government) during the pendency of the longest lease made or renewed under the subject agreement; (6) the carriers will settle accounts between them pursuant to a settlement agreement dated September 20, 1954; (7) the agreement is to be nullified unless Board approval or exemption of the agreement is granted prior to October 8, 1954. In support thereof, it is alleged that (1) the carriers cannot complete the merger and continue in the air freight business because of the magnitude of the potential liability under the labor protective conditions included in Order No. E–8022, and because the Board has not seen fit to modify these provisions by September 15, 1954 as requested;[1] (2) because of the shortage of DC–6A flight equipment, the carriers cannot operate independently and successfully compete with each other and with the other major carriers for the freight business; (3) continuation of operations, which in anticipation of merger have been in some degree combined, is impossible with separation in the offing; (4) compliance with section 408 would render the subject agreement impossible; unless this agreement can be put into effect by October 1 or immediately thereafter, it cannot be consummated; (5) the agreement raises no questions which were not fully tried in Docket No. 6047; (6) a hearing under section 408 would impose an undue burden on Slick, would seriously jeopardize and interfere with the service which the public receives, and is not in the public interest.

[1] The Board by Order No. E–8645, adopted September 20, 1954, denied the petition of the carriers filed on August 20, 1954.

On September 21, 1954, Carey E. Bowles on behalf of himself and other Tiger minority stockholders filed telegraphic objection to the subject application, and suggested that a full hearing was desirable. On September 27, 1954, the International Association of Machinists filed an answer alleging that a hearing is required: (1) Because the joint petition does not state in detail the facts relied upon; (2) to determine whether the agreement is motivated by economic necessity or by the desire to eliminate obligation to employees. On the same date, the Airline Pilots in Employ of Flying Tiger Line, Inc. (Tiger Pilots) filed a statement requesting denial of the joint petition, and in support thereof allege, inter alia, (a) the allegation in petition respecting the shortage of DC–6A aircraft contradicts representations in Docket No. 4770; (b) agreement is an attempt, without hearing, to consolidate Slick and Tiger without any provision for Tiger employee protection, contrary to Order No. E–8645; (c) change of circumstances since Docket No. 6047, particularly the probable financial inability of Slick to fulfill terms of the agreement, should be investigated; (d) Tiger proposes to change the character of operations without submitting the agreement to its stockholders. On September 28, 1954, the Air Line Pilots Association, International filed a petition for leave to intervene, alleging, inter alia, that approval of the agreement without an adequate inquiry into its effect upon pilots and co-pilots of the carriers and without adequate provision of preservation of pilots' rights under existing employment agreements would defeat the policies of the act and foment labor disturbances.

After consideration of all of the foregoing, we have concluded that the joint petition of Slick and Tiger should be set down for oral argument before the Board. We are not insensitive to the need of the carriers to secure expeditious relief from the problems which have beset them as a result of their combination of operations in reliance upon Board approval of the merger. In the view of the carriers, such relief calls for immediate and summary action by the Board. On the other hand, opponents to the carriers' application allege that a vindication of their rights in the situation calls for a full evidentiary hearing by the Board.

Upon review of the pleadings filed herein, we conclude that we do not possess sufficient facts to grant the petition for exemption or approve the agreement without further proceedings. On the other hand, we are not convinced that a full hearing is required at this time for the opponents to the carriers' application to make an adequate presentation of facts and argument in support of their position. The Board is desirous of receiving additional factual information and argument from the parties on the problems raised by the agreement, and believes that their resolution may result in greater expedition of these proceedings.

The Board particularly desires to receive factual material and oral argument directed to the following specific questions:

(1) Is it in the public interest to approve the agreements between Slick and Tiger relating to termination of merger operations without a hearing under section 412 of the act, and to grant the parties an exemption of said agreements from the requirements of section 408 of the act?

(2) If the answer to the foregoing is in the affirmative, should the Board attach any conditions to the grant of such approval and/or exemption?

Factual material and supporting factual data should be presented in affidavit form, and should be served upon all parties herein and three copies transmitted to the Docket Section at least three (3) days in advance of the argument.

Accordingly, it is ordered, That all parties herein be and they hereby are accorded the opportunity to submit additional factual material and data on or before October 8, 1954 and to present oral argument to the Board limited to the foregoing issues and specific questions on or before October 11, 1954.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54–7919; Filed, Oct. 7, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29760]

FISH MEAL, OIL AND RESIDUUM FROM PENNFIELD AND ST. ANDREWS, NEW BRUNSWICK, CANADA, TO CERTAIN STATES

APPLICATION FOR RELIEF

OCTOBER 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Fish meal, and oil, liquid or solidified, viz.: fish or sea animal (not edible or medicinal), also fish oil residuum, carloads and tank-car loads.

From: Pennfield and St. Andrews, New Brunswick.

To: Points in Iowa, Kansas, Minnesota, Missouri and Wisconsin.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Canadian Pacific Railway I. C. C. No. E–2577, original page 51–C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–7909; Filed, Oct. 7, 1954; 8:46 a. m.]

[4th Sec. Application 29761]

BRICK, REFRACTORIES, AND RELATED ARTICLES, FROM UTICA, MO., TO KENTUCKY AND TENNESSEE

APPLICATION FOR RELIEF

OCTOBER 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Brick and related articles, also refractories and related articles, carloads.

From: Utica, Mo.

To: Specified points in Kentucky and Tennessee.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates; W. J. Prueter, Agent, I. C. C. No. A–3973, supp. 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expira-

tion of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7910; Filed Oct. 7, 1954; 8:46 a. m.]

[4th Sec. Application 29762]

SOYBEAN OIL FROM CHAMPAIGN AND DANVILLE, ILL., TO CERTAIN POINTS IN CANADA

APPLICATION FOR RELIEF

OCTOBER 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules indicated below.

Commodities involved: Soybean oil, carloads and tank-car loads.

From: Champaign and Danville, Ill.

To: Hamilton and Toronto, Ontario, and Montreal, Quebec.

Grounds for relief: Rail competition, circuity, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4460, supp. 48; W. J. Prueter, Agent, I. C. C. No. A-3723, supp. 100, and other schedules listed in appendix "A" of the application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7911; Filed, Oct. 7, 1954; 8:46 a. m.]

[4th Sec. Application 29763]

AUTOMOBILES FROM EVANSVILLE, IND., TO ST. JOSEPH, MO., AND POINTS IN KANSAS

APPLICATION FOR RELIEF

OCTOBER 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Automobiles, passenger, carloads.

From: Evansville, Ind.

To: Specified points in Kansas and St. Joseph, Mo.

Grounds for relief: Rail competition, circuity, competition with motor carriers.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4238, supp. 111.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7912; Filed, Oct. 7, 1954; 8:46 a. m.]

[4th Sec. Application 29764]

PHOSPHATE ROCK FROM FLORIDA MINES TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, carloads.

From: Mines in Florida.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, grouping, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company, I. C. C. No. B-3232, supp. 109; Seaboard Air Line Railroad Company, I. C. C. No. A-8153, supp. 99.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7913; Filed, Oct. 7, 1954; 8:46 a. m.]

[4th Sec. Application 29765]

BITUMINOUS FINE COAL FROM MINES IN CERTAIN STATES TO ARKWRIGHT AND YATES, GA.

APPLICATION FOR RELIEF

OCTOBER 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company for itself and on behalf of carriers parties to schedules listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Alabama, eastern Kentucky, eastern Tennessee and southwest Virginia.

To: Arkwright and Yates, Ga.

Grounds for relief: Rail competition, circuity, market competition, grouping, and competition with natural gas.

Schedules filed containing proposed rates: Southern Railway Company, I. C. C. No. A-11166, supp. 22. Southern Railway Company, I. C. C. No. A-11165, supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7914; Filed, Oct. 7, 1954; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2471]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 4, 1954.

Notice is hereby given that on September 27, 1954, the Federal Power Commission issued its order adopted September 23, 1954, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7915; Filed, Oct. 7, 1954; 8:47 a. m.]

[Docket Nos. G-2526, G-2546, G-2548]

DELTA DRILLING CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 4, 1954.

In the matters of Delta Drilling Company, Docket No. G-2526; Southern Natural Gas Company, Docket No. G-2546; M. L. Mayfield, Docket No. G-2548.

Notice is hereby given that on September 28, 1954, the Federal Power Commission issued its orders adopted September 27, 1954, issuing certificates of public convenience and necessity in the above-entitled maters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7916; Filed, Oct. 7, 1954; 8:47 a. m]

[Docket No. IT-5637]

NIAGARA MOHAWK POWER CORP.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

OCTOBER 4, 1954.

Take notice that Niagara Mohawk Power Corporation (Applicant), on September 21, 1954, filed an application requesting authorization, pursuant to the provisions of section 202 (e) of the Federal Power Act, to export electric energy from the United States to Canada. Generally, Applicant seeks authorization to export a maximum of 300,000,000 kwh per year at a maximum rate of transmission of 280,000 kw by means of several existing transmission facilities and certain proposed transmission facilities crossing the St. Lawrence River. The energy proposed to be exported will be purchased in part by the Hydro-Electric Power Commission of Ontario (Hydro) and in part by Canadian Niagara Power Company, Limited. The authorization sought would modify the authorization to export electric energy to Hydro heretofore granted to the Applicant by the Commission's order issued April 8, 1954, in the above entitled matter; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the application should, on or before the 21st day of October 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's general rules and regulations. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-7917; Filed, Oct. 7, 1954; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

OLAER PATENT CO. AND COMPAGNIE GENERALE POUR L' EQUIPEMENT AERONAUTIQUE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Olaer Patent Company, Luxembourg, Luxembourg, and Compagnie Generale pour l' Equipement Aeronautique, Paris, France; Claim No. 45519; property described in Vesting Order No. 313 (7 F. R. 9848, November 25, 1942), relating to Patent Applications Serial No. 268,095 (now United States Letters Patent No. 2,308,379) and Serial No. 268,094 (now United States Letters Patent No. 2,310,802), returnable share and share alike.

Executed at Washington, D. C., on October 4, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-7929; Filed, Oct. 7, 1954; 8:50 a. m.]

ENRIQUE VINCKE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Enrique Vincke, Palamos, Gerona, Spain, Claim No. 56880, Vesting Order No. 12251; $5,630.22 in the Treasury of the United States and the following securities:

171 shares Electric & Musical Industries, Ltd., 10 shillings par value, American Ordinary, Certificates 50047 @ 100 shares and 15357 @ 71 shares, registered in the name of the Attorney General of the United States, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City;

One (1) 50/100 scrip certificate, voting trust for capital stock of Columbia Phonograph Company, Certificate No. F10680, registered in the name of Squire & Company, presently in custody of the Office of Alien Property at Washington, D. C.;

45 shares Grigsby Grunov Company, no par value common stock, Certificate No. 71119, registered in the name of Lee and Company, presently in custody of the Office of Alien Property, at Washington, D. C.

Executed at Washington, D. C., on October 4, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-7930; Filed, Oct. 7, 1954; 8:50 a. m.]

HERTHA LEYSER FETZER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hertha Leyser Fetzer, Munich, Germany; Helmut Leyser, London, England; Renate Hildegard Leyser de Friedlander, Buenos Aires, Argentina; Claim No. 42821, Vesting Order No. 849; to each claimant 1/3th of $33,331.34 in the Treasury of the United States.

Executed at Washington, D. C., on October 4, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-7931; Filed, Oct. 7, 1954; 8:50 a. m.]

Office of the Attorney General

[Order No. 60-54]

ASSISTANT ATTORNEY GENERAL, INTERNAL SECURITY DIVISION

DELEGATION OF AUTHORITY TO DETERMINE EXCEPTION FROM AGENCY STATUS UNDER THE FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

By virtue of the authority vested in me by section 360 of the Revised Statutes of the United States (5 U. S. C. 311) and section 2 of Reorganization Plan No. 2 of 1950 (15 F. R. 3173) it is ordered as follows:

There is hereby delegated to the Assistant Attorney General in charge of the Internal Security Division the authority vested in the Attorney General by subparagraph (5) of paragraph (c) of section 1 of the Foreign Agents Registration Act of 1938 as amended by section 1 of the act of April 29, 1942, 56 Stat. 248, and subsection (a) of section 20 of the Internal Security Act of 1950, 64 Stat. 1005 (22 U. S. C. 611 (c) (5)), to make a written determination that the registration of any person who is an agent of a foreign principal as defined by the said subparagraph (5) of paragraph (c) of section 1 of the Foreign Agents Registration Act of 1938, as amended, would not be in the interest of national security.

Supplement No. 57 dated February 29, 1952, to Order No. 3732, is hereby revoked.

Dated: September 29, 1954.

HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 54-7932; Filed, Oct. 7, 1954; 8:50 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 19 NUMBER 197

Washington, Saturday, October 9, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE; CORRECTION

In Federal Register Document No. 54-7140, filed September 10, 1954, in § 6.107 (d) (2) the word "Chief" should be changed to "Chiefs" and in § 6.207 (b) the word "Force" should be inserted between the words "Wright-Patterson Air" and "Base". As corrected these paragraphs will read as follows:

§ 6.107 *Department of the Air Force.*

* * *

(d) *General.* * * *

(2) Alien Scientists employed under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense.

§ 6.207 *Department of the Air Force.*

* * *

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-7966; Filed, Oct. 8, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 25]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.325 *Valencia Orange Regulation 25*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on October 7, 1954, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

All of the cumulative pocket supplements and revised books of the Code of Federal Regulations (as of January 1, 1954) are now available, except the supplements to Titles 1–3 and to the General Index.

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Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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	II	608 (2 documents)	6513
		609	6514
		610	6517
19	I	10	6512
		16	6512
		23	6512
32A	XVIII (NSA)	AGE–4	6518
47	I	16 (proposed)	6532

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 10, 1954, and ending at 12:01 a. m., P. s. t., October 17, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 381,150 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall

be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified in this section.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 8, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–8018; Filed, Oct. 8, 1954; 11:21 a. m.]

[Lemon Reg. 558]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.665 *Lemon Regulation 558*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 6, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 10, 1954, and ending at 12:01 a. m., P. s. t., October 17, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 235 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 557 (19 F. R. 6367) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 7th day of October 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–8007; Filed, Oct. 8, 1954; 8:59 a. m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

CONTROL PERCENTAGES

Notice of proposed rule making regarding the fixing of control percentages for walnuts during the marketing year beginning August 1, 1954, was published in the FEDERAL REGISTER of September 18, 1954 (19 F. R. 6042), pursuant to the provisions of Marketing Agreement No. 105 and Order No. 84, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington (19 F. R. 4214), effective under the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.). In said notice opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule fixing the percentages. Except as indicated below, no such submissions were made.

On September 20, 1954, the Walnut Control Board which administers the amended agreement and order not to review the estimates and control percentages recommendations which it had made at its August 20, 1954, meeting. The Board has submitted to the Department its revised estimates and recommendations regarding changes in control percentages adopted at its September 20, 1954, meeting.

The Board on the basis of its revised estimates has recommended that the surplus control percentages as proposed by the Department be adopted. With respect to control percentages for merchantable unshelled walnuts, however, the Board recommended that the merchantable free percentage be fixed at 66⅔ percent, instead of 70 percent as proposed by the Department, and that the merchantable restricted and merchantable allocation percentages be changed accordingly. The Board argued that a carryover of approximately 10,500,000 pounds of merchantable unshelled walnuts on August 1, 1955, would amply provide for the requirements of the domestic inshell market during the early part of the 1955–56 marketing year prior to the availability of new crop supplies. A carryover of this size would compare with 10,656,100 pounds on August 1, 1954, and an average of 11,955,400 pounds for the five seasons, 1949–50 through 1953–54. The Department concurs in the Board's view that the projected carryover of merchantable unshelled walnuts on August 1, 1955, should be revised and estimated at 10,551,000 pounds and that the merchantable free percentage should be fixed at 66⅔ percent, the merchantable restricted percentage at 33⅓ percent, and the merchantable allocation percentage at 50 percent.

Therefore, after consideration of all relevant matters, it is hereby found that that following administrative rule will tend to effectuate the declared policy of the act.

§ 984.206 *Control, merchantable allocation, and diversion percentages, for walnuts during the marketing year beginning August 1, 1954.* During the marketing year beginning August 1, 1954, the following percentages shall be in effect: Merchantable free percentage, 66⅔ percent; merchantable restricted percentage, 33⅓ percent; merchantable allocation percentage, 50 percent; marketable percentage, 92 percent; surplus percentage, 8 percent; and diversion percentage, 8.7 percent.

It is hereby found and determined that good cause exists for making this administrative rule effective upon its publication in the FEDERAL REGISTER, instead of waiting 30 days after publication, for the reasons that (1) it is desirable that the control percentages be fixed prior to or as soon as practicable after growers begin to deliver 1954 crop walnuts to handlers, (2) such deliveries of 1954 crop walnuts are beginning, and (3) compliance with this administrative rule will not require handlers to make any advance preparation of a special nature.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 5th day of October 1954, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 54-7964; Filed, Oct. 8, 1954; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53620]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PRODUCTS EXPORTED UNDER LEASE AND RETURNED

Section 10.108, Customs Regulations, relating to articles previously duty paid and reimported subsequent to leasing, added; footnote 1 to § 10.1, amended.

For the purpose of setting forth the entry procedure and requirements relating to merchandise claimed to be free of duty in accordance with section 5 of Public Law 595, 83d Congress, approved August 16, 1954, which amends paragraph 1615 (a), Tariff Act of 1930, the following amendments are made to the Customs Regulations:

1. Footnote 1 to section 10.1 is amended as follows: Subparagraph (a) of paragraph 1615, Tariff Act of 1930, as amended, is revised by substituting a semi-colon for the period at the end thereof and adding "* * *" to show that a portion of the law is omitted.

2. Part 10 is amended by adding at the end thereof the following new centerhead and section:

PRODUCTS EXPORTED UNDER LEASE AND REIMPORTED

§ 10.108 *Entry of reimported articles exported under lease.* (a) Free entry shall be accorded under paragraph 1615 (a), Tariff Act of 1930, as amended,[1] whenever it is established to the satisfaction of the collector of customs that the article for which free entry is claimed was duty paid on a previous importation, is being reimported without having been advanced in value or improved in condition by any process of manufacture or other means, was exported from the United States under a lease to a foreign manufacturer, and is being reimported by or for the account of the person who previously imported it into, and exported it from, the United States.

(b) There shall be filed in connection with the entry a statement specifying the port at which duty was previously paid on the article and the number and date of the previous entry; the date of exportation to the lessee abroad; the number and date of the export declaration; and the designation of the vessel or other carrier on which the article was exported. If such information is not filed at the time of entry, a bond as provided for in § 8.28 (a) of this chapter shall be taken for its production.

(Sec. 201 (par. 1615), 46 Stat. 674, as amended; 19 U. S. C. 1201 (par. 1615))

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 4, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7979; Filed, Oct. 8, 1954; 8:52 a. m.]

[1] "* * * and articles, previously imported, with respect to which the duty was paid upon such previous importation, if (1) reimported, without having been advanced in value or improved in condition by any process of manufacture or other means, after having been exported under lease to a foreign manufacturer, and (2) reimported by or for the account of the person who imported them into, and exported them from, the United States." (Tariff Act of 1930, par. 1615 (a), as amended, 19 U. S. C. 1201, par. 1615 (a).)

[T. D. 53619]

PART 16—LIQUIDATION OF DUTIES

PHILIPPINE ARTICLES

Duty-free treatment afforded Philippine articles. Section 16.26 (a) of the Customs Regulations amended.

In view of Public Law 474, 83d Congress, approved July 5, 1954, and Presidential Proclamation No. 3060, dated July 10, 1954 (19 F. R. 4397), which extend the duty-free treatment afforded to Philippine articles under section 201, Philippine Trade Act of 1946 (22 U. S. C. 1251), from July 3, 1954, through December 31, 1955, § 16.26 (a) of the Customs Regulations is amended by substituting "before January 1, 1956" for "before July 4, 1954"; by substituting "beginning January 1, 1956" for "after July 4, 1954"; and by inserting "and by the act of July 5, 1954 (68 Stat. 448)", and Presidential Proclamation No. 3060 of July 10, 1954 (19 F. R. 4397) made pursuant thereto (T. D. 53546)," immediately after "January 2, 1947,".

(R. S. 251, sec. 624, 46 Stat. 759, secs. 201, 202, 60 Stat. 143, 144, 68 Stat. 448; 19 U. S. C. 66, 1624, 22 U. S. C. 1251, 1252)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 4, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7978; Filed, Oct. 8, 1954; 8:52 a. m.]

[T. D. 53618]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

PENALTIES

Section 23.25 (a), Customs Regulations, relating to remission or mitigation of penalties by collectors of customs, amended.

In view of the large number of penalty cases under sections 453 and 584, Tariff Act of 1930, arising in Customs Collection District No. 10 (New York), and since there is a solicitor to the collector in that district who considers petitions for remission or mitigation in such cases, it is deemed advisable to authorize the collector for that district to remit or mitigate, in appropriate cases, penalties incurred under those sections which do not aggregate over $1,000 with respect to one offender in one case. Accordingly, § 23.25 (a) of the Customs Regulations is amended by adding at the end thereof the following:

(6) The collector of customs at the port of New York may remit or mitigate penalties incurred in his district under section 453 or 584, Tariff Act of 1930, provided the aggregate of the penalties incurred under either or both sections by the offender in the case under consideration does not exceed $1,000.

(R. S. 251, secs. 618, 624, 46 Stat. 757, 759, 19 U. S. C. 66, 1618, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 4, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7977; Filed, Oct. 8, 1954; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 4]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

RESCISSION OF SECTIONS

On June 23, 1954, the Civil Aeronautics Board rescinded § 18.12. Therefore, §§ 18.12-1 and 18.12-2 are no longer necessary and are hereby rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-7944; Filed, Oct. 8, 1954; 8:46 a. m.]

[Civil Air Regs., Amdt. 22-10]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

NIGHT FLIGHT REQUIREMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of October, 1954.

Currently effective § 22.13(g) of Part 22 of the Civil Air Regulations requires that an applicant for a free balloon pilot certificate have accomplished 2 night ascents of an average duration of 2 hours each under the supervision of a certificated free balloon pilot. This requirement was adopted with the intention of making our rules for the issuance of such a certificate conform to the recommended standards established by the International Civil Aviation Organization (ICAO). Although 2 instructional night flights are specified by ICAO before a pilot may serve as pilot in command on night flights, there is no such requirement for the issuance of a free balloon pilot certificate. Since there has been little activity in free balloon flying in the United States, this error in setting forth such a night flight requirement was not detected. The purpose of this amendment is to delete the night flight requirement for the issuance of a free balloon pilot certificate.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 22 of the Civil Air Regulations (14 CFR Part 22, as amended) effective immediately:

By amending § 22.13 (g) by deleting the phrase "2 night ascents of an average duration of 2 hours each under such supervision,".

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602; 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-7987; Filed, Oct. 8, 1954; 8:54 a. m.]

[Civil Air Regs., Amdt. 60-4]

PART 60—AIR TRAFFIC RULES

CEILING AND DISTANCE FROM CLOUDS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 6th day of October 1954.

Currently effective § 60.30 of Part 60 of the Civil Air Regulations prescribes that when operating under visual flight rules aircraft shall not be flown less than 500 feet vertically from clouds or less than 2,000 feet horizontally from clouds. The purpose of this rule is to provide clearance between aircraft breaking out from clouds and aircraft operating above, under, or between clouds. In view of the rapid rate of ascent and the increased speed of modern pressurized aircraft, it is desirable to provide greater clearance between such aircraft breaking out of clouds while climbing and aircraft operating over clouds. This amendment, therefore, changes the visual flight rules of Part 60 to provide that while flying over clouds, aircraft shall not be flown less than 1,000 feet vertically from clouds or less than 2,000 feet horizontally from clouds. It is to be noted that the 1,000-foot vertical separation when flying above clouds is not intended to affect the present 500-foot vertical separation when flying under the clouds. Therefore the word "under" has been inserted after the word "vertically".

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective November 10, 1954.

By amending § 60.30 to read as follows:

§ 60.30 *Ceiling and distance from clouds.* Aircraft shall comply with the following requirements as to ceiling and distance from clouds:

(a) *Within control zones.* Unless authorized by air traffic control, aircraft shall not be flown:

(1) Less than 500 feet vertically under, 1,000 feet vertically over, and 2,000 feet horizontally from any cloud formation; or

(2) Beneath the ceiling when it is less than 1,000 feet.

(b) *Elsewhere.* (1) When at an altitude of more than 700 feet above the surface, aircraft shall not be flown less than 500 feet vertically under, 1,000 feet vertically over, and 2,000 feet horizontally from any cloud formation;

(2) When at an altitude of 700 feet above the surface or less, aircraft shall not be flown unless clear of clouds.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601; 52 Stat. 1007, as amended; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-7985; Filed, Oct. 8, 1954; 8:54 a. m.]

[Amdt. 93]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4, of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.24, the Manhattan, Kansas, area (D-197), published on July 16, 1949, in 14 F. R. 4291 and amended on June 20, 1953, in 18 F. R. 3561 and on September 10, 1954, in 19 F. R. 5861, is further amended by changing the "Designated Altitudes" column to read: "Surface to 30,000 feet MSL."

2. In § 608.14, the San Pedro, California, area (D-292), published on July 16, 1949, in 14 F. R. 4287, is rescinded.

3. In § 608.57, a Camp Williams, Wisconsin, area (D-468) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP WILLIAMS (D-468) (Twin Cities-Green Bay Chart).	East boundary: longitude 89°59' W.; west boundary: longitude 90°07' W.; north boundary: latitude 44°16' N.; south boundary: latitude 44°12' N.	12,000 feet...	Day VFR except during summer training months when day and night VFR. Special NOTAMS will be issued prior to time of night use during summer training.	National Guard Bureau, Camp Williams, Wis.

4. In § 608.19, a Moody AFB, Georgia, area (D-469), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
MOODY AFB, (D-469) (Jacksonville Chart).	Starting at a point at latitude 31°30', longitude 82°36'; thence to latitude 30°53', longitude 82°21'; thence to latitude 30°32', longitude 82°57'; thence to latitude 31°11', longitude 83°47'; thence to latitude 31°30', longitude 83°30'; thence to a point of origin, excluding that portion in conflict with V-22 airway.	25,000 feet through 33,000 feet.	Sunset to sunrise.	Moody AFB, Georgia.

(Sec. 205, 52 Stat. 984 as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 17, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-7941; Filed, Oct. 8, 1954; 8:45 a. m.]

[Amdt. 92]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4, of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.24, the Manhattan, Kansas, area (D-197), published on July 16, 1949, in 14 F. R. 4291 and amended on June 20, 1953, in 18 F. R. 3561 and on September 10, 1954, in 19 F. R. 5861, is further amended by changing the "Designated Altitudes" column to read: "Surface to 30,000 feet MSL."

2. In § 608.14, the San Pedro, California, area (D-292), published on July 16, 1949, in 14 F. R. 4287, is rescinded.

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Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP WILLIAMS (D-468) (Twin Cities-Green Bay Chart).	East boundary: longitude 89°59' W.; west boundary: longitude 90°07' W.; north boundary: latitude 44°16' N.; south boundary: latitude 44°12' N.	12,000 feet...	Day VFR except during summer training months when day and night VFR. Special NOTAMS will be issued prior to time of night use during summer training.	National Guard Bureau, Camp Williams, Wis.

4. In § 608.19, a Moody AFB, Georgia, area (D-469), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
MOODY AFB, (D-469) (Jacksonville Chart).	Starting at a point at latitude 31°30', longitude 82°36'; thence to latitude 30°53', longitude 82°21'; thence to latitude 30°32', longitude 82°57'; thence to latitude 31°11', longitude 83°47'; thence to latitude 31°30', longitude 83°30'; thence to a point of origin, excluding that portion in conflict with V-22 airway.	25,000 feet through 33,000 feet.	Sunset to sunrise.	Moody AFB, Georgia.

(Sec. 205, 52 Stat. 984 as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 21, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-7942; Filed, Oct. 8, 1954; 8:46 a. m.]

[Amdt. 108]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
AKRON, OHIO Akron Airport, 1,051' SBMRLZ-DTV AKR Procedure No. 1 Effective date: November 12, 1954 Amendment No. 3 Supersedes Amendment No. 0-2 dated May 22, 1954 Major changes: Procedure turn distance extended. Night minimums revised	----------	----------	----------	W side S course: 201° outbound. 021° inbound. 2,300' within 15 miles.	1,800	077—0.2	2 engines or less T-dn C-d C-n A-dn	400-1 600-1 600-1½ 800-2	400-1 600-1½ 600-1½ 800-2	Within 0.2 miles, climb to 2,500' on N course of Akron LFR within 15 miles. NOTE: Procedure turn conducted W to avoid traffic at Akron-Canton, Ohio.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	400-1 700-1½ 800-2	
Procedure No. 2 Effective Date: November 12, 1954 Amendment No.—Original	----------	----------	----------	S side W course: 290° outbound. 110° inbound. 2,500' within 15 miles.	2,000	077—0.2	2 engines or less T-dn C-dn A-dn	400-1 700-1 800-2	400-1 700-1½ 800-2	Within 0.2 mile, climb to 2,500' on N course of Akron LFR within 15 miles.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	400-1 700-1½ 800-2	
ATLANTA, GA. Atlanta, 1,024' SBRAZ-VDTX Procedure No. 1 Amendment No. 11 November 12, 1954 Supersedes Amendment No. 10, dated June 19, 1954 Major changes: Lower DC-3 landing minima.	Atlanta VOR	028—9.0	2,100	E side SE course: 144° outbound. 324° inbound. 2,200' within 10 miles.	1,700	314—1.5	2 engines or less T-dn C-dn S-33 dn A-dn	300-1 400-1 400-1	300-1 500-1 400-1	Within 1.5 miles climb to 2,500' and proceed to CPN LFR via the NE course CPN LFR. CAUTION: 1,182' tower ¾mile W.
	Campbellton LFR	099—16.0	2,200							
	Stone Mountain FM	235—18.0	2,200							
	Adams Intersection	154—8.0	2,200				More than 2 engines T-dn C-dn S-33 dn A-dn	---------- ---------- ---------- All aircraft 800-2	200-½ 500-1½ 400-1	

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
VERO BEACH, FLA. Vero Beach, 25' BMH-VRB Procedure No. 1 Amendment No. 9 November 12, 1954 Supersedes Amendment M-8, dated March 25, 1954 Major changes: Increase procedure turn altitude.	Vero Beach VOR	111—4.5	1,100	S side of course: 290° outbound. 110° inbound. 1,200' within 10 miles.	600	On airport	2 engines or less T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1 800-2	Within 0 mile climb to 1,200' on course of 110° within 10 miles.* *CAUTION: Warning area beyond 10 miles.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200-½ 600-1½ 800-2	
WHITE SULPHUR SPRINGS, W. VA. Greenbriar Airport, 1,795' "H"-SSU Hours of operation: 08:00 until sundown daily Effective date: November 12, 1954 Amendment: Original Facility privately owned and operated	Lynchburg LFR	299—67	6,000	N side of course: 050° outbound. 230° inbound. 4,500' within 10 miles.	3,900	At airport	2 engines or less T-d T-n C-d C-n A-dn	1600-1 NA 2100-2 NA #NA	1600-1 NA 2100-2 NA #NA	Within 0 mile, proceed to Red Airway 37 on a course of 230°, climbing to 6,000'. Hold on Red Airway 37 S of the 230° bearing from Greenbriar. Contact Roanoke radio for further clearance. CAUTION: High terrain to 3,388' mean sea level within 2 miles of the airport contact Greenbriar Airport at least 10 miles out for traffic advisory information. #No weather reporting facilities at airport.
	Pulaski LFR	029—51	6,000							
	Elkins LFR	202—84	6,800							
	Intersection 050° bearing to Greenbriar and Red Airway 37.	050—13	6,000							
	Montebello VOR	268—67	6,000							

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
VERO BEACH, FLA. Vero Beach, 25' BVOR-VRB Procedure No. 1 Amendment No. 2 November 12, 1954 Supersedes Amendment No. 1, dated March 24, 1951 Major changes: Increase procedure turn and final approach altitude due obstruction.	Vero Beach BMH	291—4.5	1,100	S side of course: 290° outbound. 110° inbound. 1,200' within 10 miles.	700	110—4.7	2 engines or less T-dn C-dn S-11 dn A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Within 4.7 miles, climb to 1,200' on course of 110° within 10 miles.* *CAUTION: Warning area beyond 10 miles. 156' tower 0.8 mile SE of airport.
							More than 2 engines T-dn C-dn S-11 dn A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 400-1 800-2	

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11	12	13
ATLANTA, GA. Atlanta, 1,024' ILS-IAFL LOM-AT ILS and ADF Combined Procedure No. 1 Amendment No. 15 November 12, 1954 Supersedes Amendment No. 14, dated June 17, 1954. Major changes: Lower DC-3 landing minima and glide slope not utilized minima.	Atlanta LFR	LOM	284—7.0	2,200	S side W course: 088° inbound. 268° outbound. 2,400' within 10 miles.	ILS 2,450 ADF 1,400 over LOM	2,450—4.7	1,320—0.6	2 engines or less T-4n C-4n	300–1 400–1	300–1 500–1	Climb to 2,200' on E course ATL ILS or 4.7 miles after passing LOM (ADF) climb to 2,200' on a course of 88° within 25 miles, 400–1 required when glide slope not utilized. CAUTION: 1,182' tower ¼ mile W.
									8–9R ILS D-N		200–½	
									ADF D-N	400–1	500–1	
									More than 2 engines T-4n C-4n		200–½ 300–1½	
									8–9R ILS D-N		200–½	
									ADF D-N		500–1	
									All aircraft A–DN ILS ADF		600–2 800–2	
							Forrest Intersection 3.5 miles		2 engines or less T-4n C-4n 8–27L dn	300–1 400–1	300–1 500–1	Climb to 2,200' on W course ILS within 10 miles. CAUTION: 1,182' tower ¼ mile W.
										400–1	500–1	
									More than 2 engines T-4n C-4n 8–27L dn		200–½ 300–1½	
											400–1	
									All aircraft A–dn	800–2		
ATLANTA, GA. Atlanta, 1,024' ILS-IAFL LFR-ATL Procedure No. 2 Amendment No. 2 November 12, 1954 Supersedes Amendment No. 1, dated June 17, 1954. Major changes: Lower DC-3 landing minima.	Atlanta LFR	Forrest Intersection.	055—3.5	2,100	S side E course: 088° outbound. 268° inbound. 2,400' within 10 miles.	Forrest Intersection 1,700	Forrest Intersection 3.5 miles		2 engines or less T-4n C-4n 8–27L dn	300–1 400–1	300–1 500–1	
	Atlanta VOR	Forrest Intersection.	035—12.0	2,280							500–1	
	Campbellton LFR	Forrest Intersection.	091—18.0	2,280					More than 2 engines T-4n C-4n S-27L dn		200–½ 300–1½	
	ILS-LOM	Forrest Intersection.	088—10.0	2,300							400–1	
									All aircraft A–dn	800–2		

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-7791; Filed, Oct. 8, 1954; 8:59 a. m.]

[Amdt. 75]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows (listed items to be placed in appropriate sequence in the sections indicated):

1. The references to the section numbers of the Red Civil Airway minimum en route IFR altitudes, which appeared in amendments 69 through 74, inclusive, are corrected as follows:

a. In Amendment 69 (19 F. R. 4168) the section numbers in paragraphs 3 through 5 and the corrected numbers therefor in the sequence in which they appear are as follows:

Section 610.301 corrected to 610.201.
Section 610.368 corrected to 610.268.
Section 610.396 corrected to 610.296.

b. In Amendment 70 (19 F. R. 4717) the section numbers in paragraphs 3 through 6 and the corrected numbers therefor in the sequence in which they appear are as follows:

Section 610.325 corrected to 610.225.
Section 610.355 corrected to 610.255.
Section 610.368 corrected to 610.268.
Section 610.401 corrected to 610.301.

c. In Amendment 71 (19 F. R. 5128) the section numbers in paragraphs 4 through 8 and the corrected numbers therefor in the sequence in which they appear are as follows:

Section 610.304 corrected to 610.204.
Section 610.310 corrected to 610.210.
Section 610.357 corrected to 610.257.
Section 610.374 corrected to 610.274.
Section 610.383 corrected to 610.283.

d. In Amendment 72 (19 F. R. 5477) the section numbers in paragraphs 7 through 17 and the corrected numbers therefor in the sequence in which they appear are as follows:

Section 610.302 corrected to 610.202.
Section 610.302 corrected to 610.202.
Section 610.310 corrected to 610.210.
Section 610.320 corrected to 610.220.
Section 610.325 corrected to 610.225.
Section 610.330 corrected to 610.230.
Section 610.334 corrected to 610.234.
Section 610.348 corrected to 610.248.
Section 610.365 corrected to 610.265.
Section 610.368 corrected to 610.268.
Section 610.377 corrected to 610.277.

e. In Amendment 73 (19 F. R. 5884) the section numbers in paragraphs 2 through 5 and the corrected numbers therefor in the sequence in which they appear are as follows:

Section 610.320 corrected to 610.220.
Section 610.368 corrected to 610.268.
Section 610.390 corrected to 610.290.
Section 610.403 corrected to 610.303.

f. In Amendment 74 (19 F. R. 6177) the section numbers in paragraphs 3 and 4 and the corrected numbers therefor in the sequence in which they appear are as follows:

Section 610.363 corrected to 610.263.
Section 610.363 corrected to 610.263.

2. Section 610.213 *Red civil airway No. 13* is amended to read in part:

From—	To—	Minimum altitude
Wilkes-Barre, Pa. (LFR).	Stewart AFB, N. Y. (LF/RBN).	3,500
Stewart AFB, N. Y. (LF/RBN).	Poughkeepsie, N. Y. (LFR).	3,000

3. Section 610.218 *Red civil airway No. 18* is amended to read in part:

From—	To—	Minimum altitude
Stockwell (INT), Ind.	Cincinnati, Ohio (LFR).	2,300

4. Section 610.219 *Red civil airway No. 19* is amended to read in part:

From—	To—	Minimum altitude
Int. N crs. Richmond, Va. (LFR) and NW crs. Tappahannock, Va. (LFR).	Gwynn (INT), Va.	1,500
Gwynn (INT), Va.	Norfolk (Navy), Va. (LFR).	1,500

5. Section 610.233 *Red civil airway No. 33* is amended to read in part:

From—	To—	Minimum altitude
Branchville (INT), N. J.	Stewart AFB, N. Y. (LF/RBN).	3,000

6. Section 610.233 *Red civil airway No. 33* is amended by adding:

From—	To—	Minimum altitude
Buckroe Beach (INT), Va.	Richmond, Va. (LFR).	1,500

7. Section 610.251 *Red civil airway No. 51* is added to read:

From—	To—	Minimum altitude
Dinwiddie (INT), Va.	Langley, Va. (LFR).	1,500

8. Section 610.623 *Blue civil airway No. 23* added to read:

From—	To—	Minimum altitude
Norfolk (Navy), Va. (LFR).	Chincoteague (Navy), Va. (LFR).	1,500

9. Section 610.636 *Blue civil airway No. 36* is amended to delete:

From—	To—	Minimum altitude
Ranch (INT), Colo.	Akron, Colo. (LFR).	6,000

10. Section 610.648 *Blue civil airway No. 48* is amended to delete:

From—	To—	Minimum altitude
Int. NE crs. Newark, N. J. (LFR) and SE crs. Stewart, N. Y. (LFR).	Int. SE crs. Stewart, N. Y. (LFR) and S crs. Poughkeepsie, N. Y. (LFR).	3,000

11. Section 610.1001 *Direct routes; United States* is amended to read in part:

From—	To—	Minimum altitude
St. Joseph, Mo. (VOR).	Int. S crs. Lincoln, Nebr. (LFR) and 101°-284° mag. brg. Grand Island, Nebr. (LFR) and St. Joseph, Mo. (VOR), via St. Joseph, Mo. (VOR) and Grand Island, Nebr. (LFR).	2,600
Int. S crs. Lincoln, Nebr. (LFR) and 101°-284° mag. brg. Grand Island, Nebr. (LFR) and St. Joseph, Mo. (VOR).	Lincoln, Nebr. (LFR).	2,700

12. Section 610.6003 *VOR civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Vero Beach, Fla. (VOR). Via W alter.	Daytona Beach, Fla. (VOR). Via W alter.	1,300 1,400

13. Section 610.6004 *VOR civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Kansas City, Mo. (VOR), via N alter.	Tina (INT), Mo., via N alter.	[1] 3,100
Tina (INT), Mo., via N alter.	Columbia, Mo. (VOR), via N alter.	[1] 4,900

[1] 2,400'—Minimum terrain clearance altitude.

14. Section 610.6010 *VOR civil airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Great Bend [1] (INT), Kans., via Salter.	Hutchinson, Kans. (VOR), via Salter.	[2] 4,000
Kansas City, Mo. (VOR), via Salter.	Tina (INT), Mo., via Salter.	[2] 3,100
Tina (INT), Mo., via Salter.	Kirksville, Mo. (VOR), via Salter.	[2] 3,100
Bradford, Ill. (VOR), via Salter.	Marseille (INT), Ill., via Salter.	[4] 3,200
Marseille (INT) Ill., via Salter.	Naperville, Ill. (VOR) via Salter.	2,000

[1] 4,500'—Minimum reception altitude.
[2] 3,300'—Minimum terrain clearance altitude.
[3] 2,100'—Minimum terrain clearance altitude.
[4] 2,000'—Minimum terrain clearance altitude.

15. Section 610.6012 *VOR civil airway No. 12* is amended to read in part:

From—	To—	Minimum altitude
Kansas City, Mo. (VOR), via N alter.	Tina (INT), Mo., via N alter.	[1] 3,100
Tina (INT), Mo. via N alter.	Columbia, Mo. (VOR), via N alter.	[1] 4,900

[1] 2,400'—Minimum terrain clearance altitude.

16. Section 610.6047 *VOR civil airway No. 47* is amended to read in part:

From—	To—	Minimum altitude
Cincinnati, Ohio (VOR).	Hamilton (INT). Ohio. Southbound	3,000
Hamilton (INT), Ohio	Dayton, Ohio (VOR).	2,300 3,000

17. Section 610.6091 *VOR civil airway No. 91* is amended by adding:

From—	To—	Minimum altitude
Idlewild, N. Y. (VOR).	Syosset (INT), N. Y..	[1] 2,000

[1] 1,500'—Minimum terrain clearance altitude.

18. Section 610.6116 *VOR civil airway No. 116* is amended to read in part:

From—	To—	Minimum altitude
Kansas City, Mo. (VOR).	Tina (INT), Mo.	[1] 3,100
Tina (INT), Mo.	Excello (INT), Mo.	[2] 5,000

[1] 2,400'—Minimum terrain clearance altitude.
[2] 2,000'—Minimum terrain clearance altitude.

19. Section 610.6132 *VOR civil airway No. 132* is amended to read in part:

From—	To—	Minimum altitude
Great Bend [1] (INT), Kans.	Hutchinson, Kans. (VOR).	[2] 4,000

[1] 4,500'—Minimum reception altitude.
[2] 3,300'—Minimum terrain clearance altitude.

20. Section 610.6140 *VOR civil airway No. 140* is amended by adding:

From—	To—	Minimum altitude
Tulsa, Okla. (VOR) .	Fayetteville, Ark. (VOR).	2,600
Fayetteville, Ark. (VOR).	Flippin, Ark. (VOR)	3,100
Flippin, Ark. (VOR)	Walnut Ridge, Ark. (VOR).	2,100
Walnut Ridge, Ark. (VOR).	Dyersburg, Tenn. (VOR).	1,700
Dyersburg, Tenn. (VOR).	Nashville, Tenn. (VOR).	[1] 3,500

[1] 2,500'—Minimum terrain clearance altitude.

21. Section 610.6162 *VOR civil airway No. 162* is amended to read in part:

From—	To—	Minimum altitude
Harrisburg, Pa. (VOR).	Wernersville (INT), Pa.	[1] 4,500

[1] 2,500'—Minimum terrain clearance altitude.

22. Section 610.6166 *VOR civil airway No. 166* is amended by adding:

From—	To—	Minimum altitude
Parkton (INT), Md....	West Chester, Pa. (VOR).	[1] 3,000

[1] 2,000'—Minimum terrain clearance altitude.

23. Section 610.6167 *VOR civil airway No. 167* is amended to read in part:

From—	To—	Minimum altitude
Point Pleasant (INT), N. J.	Idlewild, N. Y. (VOR).	[1] 2,500
Idlewild, N. Y. (VOR)	Syosset (INT), N. Y.	[1] 2,000
Syosset (INT), N. Y....	Bridgeport (INT), Conn.	[1] 2,000
Bridgeport (INT), Conn.	Hartford, Conn. (VOR).	2,000

[1] 1,500'—Minimum terrain clearance altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective October 26, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-7940; Filed, Oct. 8, 1954; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 47 (AGE-4, Amdt. 7)]

AGE-4—Compensation Payable to Agents, General Agents and Berth Agents

COMPENSATION OF GENERAL AGENTS FOR HUSBANDING SERVICES, ETC.

Paragraph (a) of section 2, *Compensation of General Agents for husbanding services, etc.* of NSA Order No. 47 (AGE-4) published in the FEDERAL REGISTER issue of September 29, 1951 (16 F. R. 9983) as amended by Amendment 1 (16 F. R. 12019), Amendment 4 (18 F. R. 2174), Amendment 5 (19 F. R. 1410), and Amendment 6 (19 F. R. 5628), is hereby further amended by adding a new subparagraph designated "(5)" following subparagraph "(4)" which shall read as follows:

(5) *Vessels withdrawn from Reserve Fleets for repairs.* Effective as of August 1, 1954:

(i) *Mariner ships; turbine repairs and stripping.* $75.00 per day for each day the vessel is under tow from and to a Reserve Fleet and during actual stripping operation; $25.00 per day for each day such vessel is not under tow or not being stripped, as determined by the Coast Director, while assigned under this Program: *Provided*, That, if a vessel does not require stripping, compensation shall be payable in the sum of $25.00 per day for each day it is under assignment, whether or not under tow.

(ii) *Vessels in Emergency Ship Repair Program.* $50.00 per day for each day the vessel is under tow while assigned under this Program.

The Director has found that the activities of General Agents performing services for vessels included in this subparagraph "(5)" are not within the scope of sections 3 and 7 of NSA Order No. 47 (AGE-4), and pursuant to section 8 (d) of said order, has exempted said activities from the provisions of said sections and has determined that the rates prescribed in this subparagraph constitute fair and reasonable compensation for all services required to be performed by the General Agents.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Approved: October 4, 1954.

[SEAL] C. H. MCGUIRE,
Director, Office of National Shipping Authority and Government Aid.

[F. R. Doc. 54-7988; Filed, Oct. 8, 1954; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Ch. I]

NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS AND AUXILIARY PROVISIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administration Procedure Act (5 U. S. C. 1004) notice is hereby given that the Department of Agriculture has under consideration a proposed revision of the National Poultry Improvement Plan and the National Turkey Improvement Plan and auxiliary provisions recommended by the 1954 Conference of representatives of the State agencies cooperating in the administration of the plans, and it is proposed to promulgate such plans and auxiliary provisions, under section 101 (b) of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 429) to appear in Title 9, Code of Federal Regulations, Chapter I, Subchapter F, Parts 145, 146, and 147, as follows:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND CERTAIN OTHER POULTRY)

Sec.
145.1 Definitions.
145.2 Administration.
145.3 Participation.
145.4 General provisions for all participants.
145.5 Specific provisions for participating flocks.
145.6 Specific provisions for participating hatcheries.
145.7 Specific provisions for participating dealers.
145.9 Terminology and classification; hatcheries.
145.10 Terminology and classification; flocks and products.
145.11 Supervision.
145.12 Inspections.
145.13 Debarment from participation.
145.14 Blood testing.
145.15 USROP; general.
145.16 USROP; participation.
145.17 USROP; entry.
145.18 USROP; qualification of females.
145.19 USROP; qualification of males.
145.20 USROP; flock qualification as ROP Performance Tested Parent Stock.
145.21 USROP; sale of ROP and ROP Performance Tested Parent Stock products.
145.22 USROP; annual summary.
145.23 USROP; duties of ROP Supervisor.
145.24 USROP; duties of ROP Inspector.
145.25 USROP; central random sample egg production test.
145.26 USROP; central random sample meat production test.
145.27 On-the-farm performance tests; general.
145.28 On-the-farm performance test; egg production.
145.29 On-the-farm performance test; meat production.
145.30 National random sample performance testing program.

§ 145.1 *Definitions.* Except where the context otherwise requires, for the purposes of this part the following terms shall be construed, respectively, to mean:

(a) *Plan.* The provisions of the National Poultry Improvement Plan contained in this part.

(b) *Person.* A natural person, firm, or corporation.

(c) *Department.* The United States Department of Agriculture.

(d) *APH Branch.* The Animal and Poultry Husbandry Research Branch of the Agricultural Research Service of the Department.

(e) *State.* Any State, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(f) *Official State Agency.* The State authority recognized by the Department to cooperate in the administration of the Plan.

(g) *State inspector.* Any person employed or authorized under § 145.11 (b) to perform functions under this part.

(h) *Authorized agent.* Any person designated under § 145.11 (a) to perform functions under this part.

(i) *ROP Supervisor.* The person employed or authorized to perform functions under § 145.23.

(j) *ROP Inspector.* The person employed or authorized to perform functions under § 145.24.

(k) *Affiliated flockowner.* A flockowner who is participating in the Plan through an agreement with a participating hatchery.

(l) *Flock*—(1) *As applied to breeding.* All chickens of one kind of mating (breed and variety or combination of stocks) and of one classification on one farm;

(2) *As applied to disease control.* All of the chickens on one farm except that, at the discretion of the Official State Agency, any group of chickens which is segregated from another group and has been so segregated for a period of at least 21 days may be considered as a separate flock.

(m) *Hatchery.* Hatchery equipment on one premises operated or controlled by any person for the production of chicks.

(n) *Products.* Chicken breeding stock and hatching eggs, and chicks.

(o) *Baby chicks.* Chicks that have not been fed or watered.

(p) *USROP or ROP.* U. S. Record of Performance.

(q) *Strain.* Chicken breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding.

§ 145.2 *Administration.* The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan. The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and Memorandum of Understanding. The Official State Agency of any State may adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

§ 145.3 *Participation.* (a) Any person producing or dealing in poultry products may participate in the Plan when he has (1) demonstrated, to the satisfaction of the Official State Agency, that his facilities, personnel, and practices are adequate for carrying out the applicable provisions of the Plan; and (2) signed an agreement with the Official State Agency to comply with the general and the applicable specific provisions of the Plan and any regulations of the Official State Agency under § 145.2. Affiliated flockowners may participate without signing an agreement with the Official State Agency.

(b) Each participant shall comply with the Plan throughout the operating year of the Official State Agency, or until released by such Agency.

(c) A participant shall participate with all of his chicken hatching egg supply flocks and hatchery operations.

(d) No person shall be compelled by the Official State Agency to qualify products for any of the classifications described in § 145.10 (a), (b), (c), (d) and (e) as a condition of qualification for either of the classifications described in § 145.10 (f) and (g).

(e) Participation in the Plan shall entitle the participant to use the Plan emblem reproduced below:

FIGURE 1.

§ 145.4 *General provisions for all participants.* (a) Records of purchases and sales and the identity of products handled shall be maintained in a manner satisfactory to the Official State Agency.

(b) Products, records of sales and purchases of products, and material used to advertise products shall be subject to inspection by the Official State Agency at any time.

(c) Advertising must be in accordance with the Plan, and applicable rules and regulations of the Official State Agency and the Federal Trade Commission. A participant advertising products of any official classification may include in his advertising reference to associated or franchised hatcheries only when the

products of such hatcheries are of the same classification.

(d) Participants may not buy or receive for any purpose products from non-participants, or sell products of non-participants, except with the permission of the Official State Agency for use in breeding flocks or for experimental purposes.

(e) The minimum weight of chicken hatching eggs sold shall be 1 11/12 oz. each for replacement stock and 1 10/12 oz. each for broiler stock, except as otherwise specified by the purchaser of the eggs.

§ 145.5 *Specific provisions for participating flocks.* (a) Poultry houses and the land in the immediate vicinity thereof shall be kept in sanitary condition aceptable to the Official State Agency.

(b) All flocks shall consist of healthy, normal individuals characteristic of the breed and variety, cross, or other combination which they are stated to represent.

(c) A flock shall be deemed to be a participating flock at any time only if it has been officially blood tested within the past 12 months with no pullorum or typhoid reactors on the last test. (See § 145.14 relating to the official blood test.)

(d) Each bird shall be identified with a sealed and numbered band obtained through or approved by the Official State Agency, provided that exception may be made at the discretion of the Official State Agency.

§ 145.6 *Specific provisions for participating hatcheries.* (a) Hatcheries shall be kept in sanitary condition acceptable to the Official State Agency.

(b) A hatchery which keeps started poultry (poultry that has been fed or watered) must keep such poultry separated from the incubator room in a manner satisfactory to the Official State Agency.

(c) All chicks offered for sale under Plan terminology shall be normal and typical of the breed and variety, cross, or other combination represented.

(d) Eggs incubated shall be sound in shell, typical for the breed and variety, strain, or cross thereof and reasonably uniform in shape. Mediterranean breed eggs shall be reasonably free from tints. Hatching eggs shall be trayed and the chicks boxed with a view to uniformity of size.

(e) All hatcheries operated under the same name, ownership, or management within a State shall participate in the Plan if any of them are to participate.

§ 145.7 *Specific provisions for participating dealers.* Dealers in chicken breeding stock or hatching eggs or chicks shall comply with all provisions in this part which apply ot their operations.

§ 145.8 *Terminology and classification; general.* (a) The official classification terms defined in §§ 145.9 and 145.10 and the various designs illustrative of the official classifications as reproduced in § 145.10 may be used only to describe products that have met all the specific requirements of such classifications.

(b) Products produced under the Plan shall lose their identity under Plan terminology when they are purchased for resale by, or consigned to, non-participants.

(c) Participating flocks and the eggs and chicks produced from them may be designated by their own strain or trade name or pullorum-typhoid classification, or both such name and classification.

(1) When a strain designation is used, the participant shall be able by records to substantiate that the products so designated are from flocks that are composed of either (i) first or second generation stock from the breeder of such strain, or (ii) stock purchased from the breeder of the strain and mated, each year, only to males secured from such breeder.

(2) A breeder's name or trade name, (other than in a strain designation) or a trade mark, may be used in relation to the stock reproduced by a participant only with the agreement of the breeder.

(d) Domesticated waterfowl, game birds and guineas meeting the requirements for participation for any of the classifications specified in § 145.10 may be designated as coming within such classification.

§ 145.9 *Terminology and classification; hatcheries.* Participating hatcheries and dealers shall be designated as "NPIP Participating."

§ 145.10 *Terminology and classification; flocks and products.* Participating flocks, and the eggs and chicks produced from them, which have met the respective requirements specified in this § 145.10 may be designated by the following terms:

(a) *U. S. Approved.* All males and females selected by authorized agents according to standards prescribed by the Official State Agency or the State College of Agriculture.

FIGURE 2.

(b) *U. S. Certified For Eggs.* (1) All males ROP, or (2) all males and females from ROP Performance Tested Parent stock for egg production mated in the same combination as used in the parent flock.

FIGURE 3.

(c) *U. S. Certified For Meat.* All males and females from ROP Performance Tested Parent Stock for meat production, mated in the same combination as used in the parent flock.

FIGURE 4.

(d) *U. S. Record of Performance.* Females meeting prescribed standards for performance as individuals or families as provided in § 145.18 or males meeting the pedigree requirements in § 145.19.

FIGURE 5.

(e) *USROP Performance Tested Parent Stock.* Stock meeting the requirements prescribed in § 145.20.

FIGURE 6.

(f) *U. S. Pullorum-Typhoid Passed.* Flocks in which no pullorum or typhoid reactors were found on the last official blood test provided for in § 145.5 (c).

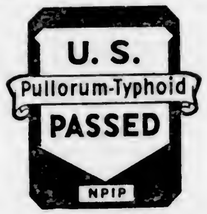

FIGURE 7.

(g) *U. S. Pullorum-Typhoid Clean.* Flocks in which no pullorum or typhoid reactors were found on two consecutive official blood tests provided for in § 145.5 (c). Flocks acquired from participating sources may qualify if no reactors are found on the first or any subsequent official test. In order to sell hatching eggs or chicks of this classification, all hatching eggs and chicks handled must meet these requirements.

FIGURE 8.

§ 145.11 *Supervision.* (a) The Official State Agency may designate qualified persons as Authorized Agents to do the selecting, blood collecting and blood testing work provided for in §§ 145.5, 145.10, and 145.14.

(b) The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform, or supervise the performance of, the selecting and testing of participating flocks and to perform the official inspections necessary to verify compliance with the requirements of the Plan.

§ 145.12 *Inspections.* (a) Each participating hatchery shall be inspected a sufficient number of times each year to satisfy the Official State Agency that the operations of the hatchery are in compliance with the provisions of the Plan.

(b) Each year a sample of the flocks selected and tested by Authorized Agents shall be inspected by a State Inspector. This must include the inspection of some flocks of each hatchery. Each flock inspection shall include the examination of a sufficient number of males and females and the blood testing of a sufficient number of birds to determine whether the work of the Authorized Agent was satisfactory and that the flock is qualified for participation.

§ 145.13 *Debarment from participation.* Non-compliance with the provisions of the Plan, or regulations of the Official State Agency under § 145.2, not corrected within the time specified by the Official State Agency, shall be grounds for the Official State Agency to bar a participant from further participation for a period to be determined in each case by the Official State Agency. Such action shall not be taken until a thorough investigation has been made by the Official State Agency and the participant has been given an opportunity for a hearing.

§ 145.14 *Blood testing.* (a) The official blood test shall be the standard tube agglutination test, the rapid serum test, or the stained-antigen, rapid, whole-blood test, conducted by an Authorized Agent or State Inspector. The recommended procedures for conducting such tests are described in Subpart A, Part 147, of this chapter. Each lot of antigen used for the whole blood test shall be approved by the Department.

(b) There shall be an interval of at least 21 days between any official blood test and any previous test with pullorum-typhoid antigen.

(c) All chickens to be used as breeders must be tested when more than five months of age.

(d) All domesticated fowl on the farm of the participant shall either be properly tested to meet the same standards as the participating flock or these birds and their eggs shall be separated from the participating flock and its eggs.

(e) All tests with salmonella antigens of flocks participating in or candidates for participation in the Plan shall be reported to the Official State Agency within 10 days following the completion of such tests. All reactors shall be considered in determining the classification of the flock.

(f) Reactors may be submitted to a laboratory for autopsy and bacteriological examination. The laboratory and the number of reactors to be submitted shall be designated by the Official State Agency. The recommended minimum procedure for bacteriological examination is described in Subpart B, Part 147 of this chapter. In case such bacteriological examination fails to demonstrate pullorum or typhoid infection, the flock shall be deemed to have had no pullorum or typhoid reactors. If other members of the Salmonella group are isolated, the Official State Agency may disqualify the flock for participation, or require such other action as is deemed necessary with respect to the infection.

§ 145.15 *USROP; general.* (a) The ROP classification may be attained by the qualification of individual birds through trapnesting and pedigree breeding, or

(b) The qualification of flocks through the performance of their progeny in a central random sample test, as specified in §§ 145.25 and 145.26, or in any other central random sample test approved for this purpose by the Department.

§ 145.16 *USROP; participation.* (a) Any person who, in the opinion of the Official State Agency, has the facilities for conducting a systematic program of poultry breeding is eligible for ROP participation.

(b) Each participant shall either trapnest the entry for ROP female qualification or enter a central random sample test for flock qualification. Participants trapnesting for ROP female qualification are also encouraged to enter central and on-the-farm random sample tests annually as a measure of the performance of their stock.

§ 145.17 *USROP; entry.* (a) The entry may consist of any breed and variety, strain, cross thereof, or hybrid combination bred for the production of eggs, meat or both.

(b) Candidates for female qualification shall be trapnested under the supervision of the Official State Agency.

(c) Candidates for flock qualification as ROP Performance Tested Parent Stock for egg production shall be represented by an entry in a central random sample egg production test (see § 145.15 (b)).

(d) Candidates for flock qualification as ROP Performance Tested Parent Stock for meat production shall be represented by an entry in a central random sample meat production test (see § 145.15 (b)).

§ 145.18 *USROP; qualification of females.* (a) Females may qualify as ROP females as follows:

(1) If an individual bird has laid at the rate of 60 percent or more during a period of at least 10 consecutive months, when trapnested a minimum of five days per month and a minimum of 100 days; or

(2) If the members of an entire family of six or more full sisters have laid at an average rate of 65 percent or more during a period of at least 10 consecutive months, when trapnested a minimum of five days per month and a minimum of 100 days; or

(3) If the members of an entire family of eight or more full sisters have laid at an average rate of 70 percent or more when trapnested a minimum of five days per week and a minimum of 13 consecutive weeks.

(b) The trapnest period for each bird shall start with the first egg laid in a trapnest by such bird.

§ 145.19 *USROP; qualification of males.* A male may qualify as an ROP male provided:

(a) The pedigree record and wing band shows that he was produced from an ROP sire and an ROP dam in a single-male mating; and

(b) He meets the following physical requirements.

(1) Exhibits health and constitutional vigor and shows no evidence of any disease, for example, misshapen pupil or deformed leg indicative of leukosis.

(2) Shows no serious physical deformities such as crooked back, wry tail, crooked beak, extremely crooked breast bone or toes.

(3) Is reasonably representative of the breed and variety and meets the minimum weight standards as currently specified in the Standard of Perfection published by the American Poultry Association.

§ 145.20 *USROP; flock qualification as ROP Performance Tested Parent Stock.* (a) Flocks offered for qualification under §§ 145.16 and 145.17 and for which reports have been made as required by § 145.22 may qualify as:

(1) ROP Performance Tested Parent Stock for egg production when progeny from such stock entered in an officially recognized central random sample egg production test (i) laid at an average rate of at least 60 percent on a henhoused basis; or (ii) ranked among the top third of the entries in rate of production. When the breeder has entries in more than one central random sample test, qualification shall be based upon the average performance records in all such tests.

(2) ROP Performance Tested Parent Stock for meat production when progeny from such stock entered in an officially recognized central random sample meat production tests (i) laid at an average rate of at least 50 percent on a henhoused basis and had an average 9 week weight of at least 2.5 pounds for pullets and 3.0 pounds for cockerels; or (ii) ranked in the top third of the entries in

rate of lay and rate of growth. When the breeder has entries in more than one central random sample test, qualification shall be based upon the average performance records in all such tests.

(b) Stock classified as ROP Performance Tested Parent Stock may retain that classification for two years after classification, provided (1) the stock is maintained under the supervision of the qualifying breeder, and is mated in the same combination, and

(2) the breeder remains eligible for ROP participation under § 145.16 (a) and maintains an entry in a central random sample test as provided for in § 145.17 (c) or (d).

§ 145.21 *USROP; sale of ROP and ROP Performance Tested Parent Stock products.* (a) When products are sold or offered for sale as ROP:

(1) The breeder must have on file evidence that such products are from single male matings of qualified ROP males and ROP females.

(2) A copy of such evidence, including records of egg production, hatching and pedigree, must be submitted routinely to the Official State Agency.

(3) Eggs sold, or set for the sale of chicks or stock, shall weigh at least 1 11/12 oz. each.

(4) Reports of trapnest records shall be in terms of percent production, except that records based on 3–, 4–, 5–, 6–, or 7-day-a-week trapnesting for a 365-day trapnest period, may be reported in number of eggs. Reports of trapnest records shall show the number of days of trapnesting on which such records were based.

(b) When products are sold or offered for sale as ROP Performance Tested Parent Stock, the breeder shall be able to substantiate by records filed with the Official State Agency that such products are from matings qualified as ROP Performance Tested Parent Stock.

§ 145.22 *USROP; annual summary.* The ROP Supervisor shall submit to the APH Branch, for publication, whichever of the following reports are appropriate for each ROP entry:

(a) A central or on-the-farm egg production test report shall comprise the following:

(1) Name and location of test;

(2) Breed and variety of entry (indicate if the entry is a crossbred, strain cross, or hybrid combination);

(3) Breeder's grade designation of chicks entered;

(4) Total number of females in the flock or flocks from which sample was drawn;

(5) Number of pullet chicks started;

(6) Number of pullets housed;

(7) Age at which pullets attained 50 percent production;

(8) Average egg weight of pullets at time 50 percent production was attained;

(9) Average egg production in number of eggs to 500 days of age, hen-housed basis, number and percent;

(10) Average egg production in number of eggs to 500 days of age, hen-day basis;

(11) Adult mortality;

(12) Average egg weight based on one or more weighing during the period January, February, and March;

(13) Average body weight based on January, February or March weighing;

(14) Interior egg quality data, if available and requested by breeder;

(b) A central or on-the-farm meat production report shall comprise the following:

(1) For the growing phase:

(i) Name and location of test;

(ii) Breed and variety of entry (indicate if the entry is a crossbred, strain cross, or hybrid combination);

(iii) Breeder's grade designation of chicks entered;

(iv) Total number of females in flock or flocks from which sample was drawn;

(v) Number of chicks started;

(vi) Mortality to 9 weeks of age;

(vii) Average 9-week weight and variability of all pullets;

(viii) Average 9-week weight and variability of all cockerels;

(ix) Number of cockerels dressed (at least 50 selected at random at 9 weeks of age);

(x) Average live weight of dressed cockerels;

(xi) Average New York dressed weight before chilling;

(xii) Average eviscerated weight, if available;

(xiii) Number of Grade A, B, and C carcasses, based on fleshing; finish; and freedom from pinfeathers;[1]

(xiv) Number of birds rejected due to crooked or dented keel, hunchback, misshapen bones, calluses and blisters, scabby or discolored backs, black, blue or green color showing through skin; and

(2) For the laying phase:

(i) Name and location of test;

(ii) Breeder's grade designation of entry (female parent stock);

(iii) Total number of females in flock or flocks from which sample was drawn;

(iv) Number of pullets housed;

(v) Adult mortality for 300 days;

(vi) Average egg production in percent for a period of 300 days, hen-housed basis;

(vii) Average egg production in percent for a period of 300 days, hen-day basis;

(viii) Average egg weight;

(ix) Hatchability (in a central test based on eggs hatched for the growing phase, and in an on-the-farm test as provided in § 145.29 (b));

(c) The report for a participant who had no entry in a performance test shall comprise the following (this report shall also be submitted for other participants at their request):

(1) Breed and variety of the entry;

(2) Total number of pullets of this breed and variety on the farm;

(3) Number of pullets of this breed and variety trapnested for entry in ROP;

(4) Number of pullets trapnested which were individually pedigreed;

(5) Number meeting the ROP requirements;

(6) Percentage of birds trapnested meeting the ROP requirements;

(7) Average egg weight of all birds trapnested (based on the average of not less than the first five and not more than the first ten individual egg weights taken by the breeder and the ROP Inspector at a time previously agreed upon by the breeder and Official State Agency);

(8) Average body weight of all birds trapnested (This is optional with the breeder).

§ 145.23 *USROP; duties of ROP Supervisor.* The ROP Supervisor shall represent the Official State Agency in its supervision of ROP participation:

(a) For participants having candidates for female qualification, he shall keep on file in his office for at least five years a record of

(1) All qualified males, with at least one-generation pedigree showing records of egg production of the female ancestors;

(2) All qualified females with records of their egg production for their qualifying period.

(3) All single-male matings; and

(4) All ROP chicks with at least one-generation pedigree.

(b) For participants having entries in performance tests, he shall keep on file in his office for at least five years all records made in performance tests.

(c) He shall submit the reports required in § 145.22.

§ 145.24 *USROP; duties of ROP Inspector.* The ROP Inspector shall work under the direction of the ROP Supervisor.

(a) For participants having candidates for female qualification, he shall:

(1) Visit, and inspect the work of, each breeder at least four times a year, his visits to be so timed that each season of the year shall be represented and at least three of these visits shall be unannounced;

(2) Trapnest on each inspection enough pens of ROP candidates to satisfy the Official State Agency as to the accuracy of the breeder's trapnest records.

(3) During the official egg weighing period for the breeder provided under § 145.22 (c) (7), weigh and record the weight of the egg laid by each bird trapnested;

(4) Examine hens apparently out of production and determine whether they are being credited with eggs;

(5) During the breeding season, examine all birds in single-male matings to see that the birds which constitute these matings are properly listed with the supervisor;

(6) Compare the number of eggs being incubated from each hen with the number she is credited with having laid during the corresponding period, and subsequently with the number of chicks reported hatched and wing-banded. (He shall have the authority to examine for fertility the eggs being incubated);

(7) Make an annual inspection of pedigree-hatching facilities and methods and chickbanding techniques.

(b) For participants having entries in performance tests, he shall:

[1] The grading will be based on United States Classes, Standards, and Grades for Poultry as contained in 7 CFR Part 70, Subpart B.

(1) Select at random the entries provided for in §§ 145.17 (c) and (d), 145.25, 145.26, 145.27, 145.28 and 145.29;

(2) Make the inspections required in §§ 145.27, 145.28 and 145.29.

§ 145.25 *USROP; central random sample egg production test.* (a) A central random sample egg production test shall be conducted at a neutral location under the supervision of an Official State Agency and shall consist of entries from two or more participants.

(b) The sample to be tested shall consist of a random sample of eggs selected by the ROP Inspector from all mated pullets used to produce the grade of chicks to be tested.

(c) At least 50 pullet chicks, hatched from these eggs, shall be started for each entry.

(d) Pen egg production and mortality shall be recorded daily until the birds are 500 days of age.

(e) At the end of the test a summary for each entry shall be submitted by the ROP Supervisor to the APH Branch, for publication, including the items specified in § 145.22 (a).

§ 145.26 *USROP; central random sample meat production test.* (a) A central random sample meat production test shall be conducted at a neutral location under the supervision of an Official State Agency and shall consist of entries from two or more participants.

(b) The sample (1) for the growing phase shall consist of a random sample of eggs selected by the ROP Inspector from all mated pullets used to produce the grade of chicks to be tested; and (2) for the laying phase shall consist of a random sample of eggs, or chicks, or 4–6 month old pullets selected at random by the ROP Inspector from the female parent stock.

(c) Hatchability shall be based on eggs hatched for the growing phase.

(d) At least 250 straight-run chicks shall be started in the growing phase for each entry.

(e) At least 50 pullets or pullet chicks shall be started in the laying phase for each entry.

(f) Pen egg production and mortality shall be recorded daily for a period of 300 days.

(g) At 9 weeks of age individual body weights shall be recorded by sex for the growing phase entry. At this time a minimum of 50 cockerels shall be selected at random and dressed under the supervision of the ROP Inspector.

(h) At the end of the test a summary for each entry shall be submitted by the ROP Supervisor to the APH Branch, for publication, including the items specified in § 145.22 (b).

§ 145.27 *On-the-farm performance tests; general.* (a) These tests shall be conducted under the supervision of the Official State Agency on the breeder's farm or at some other location under his control.

(b) Good but not impractical commercial conditions shall prevail.

(c) The entries shall be selected by the ROP Inspector and each bird shall be identified with official, sealed and numbered bands at the time of selection.

(d) Accurate mortality records shall be kept for the duration of the test, and any bird removed from the test pen shall be considered as a mortality.

(e) Trapnesting of the entry shall be optional with the participant.

(f) There shall be a minimum of six unannounced inspections, with at least two during the period January, February and March.

(g) The inspector shall determine the number of eggs laid on the day of inspection as a check on the accuracy of the breeder's records.

(h) The inspector shall weigh the eggs laid on the days of inspection during the period January, February and March either individually or as a lot, and the average egg weight shall be computed from these weights.

(i) The entry shall be housed as a unit in a separate pen or building during the time egg production is being recorded.

(j) At the end of an on-the-farm test a summary for each entry shall be submitted by the Official State Agency to the APH Branch for publication, including for an egg production test the items specified in § 145.22 (a) and for a meat production test the items specified in § 145.22 (b).

§ 145.28 *On-the-farm performance test; egg production.* (a) An entry shall consist of at least 125 pullet chicks selected at random by the ROP Inspector and identified with sealed official wing bands at hatching time.

(b) Pen egg production shall be recorded daily until the birds are 500 days of age.

(c) The inspector shall weigh the pullets on one of the days of inspection during the period January, February and March either individually or as a lot and the average body weight shall be computed from these weights.

§ 145.29 *On-the-farm performance test; Meat production.* (a) The entry shall consist of (1) 250 or more straight-run chicks of the grade to be tested, selected at random by the ROP Inspector from those produced by all mated pullets used to produce the grade of chicks to be tested; and

(2) 100 or more (February, March or April-hatched) pullets selected at random at 4 to 6 months of age from the female parent stock of the chicks to be tested.

(b) Hatchability shall be determined by the inspector by checking at random, the hatchability of at least 1,000 eggs set, of the grade to be tested.

(c) The chicks shall be floor brooded to 9 weeks of age, with no more than 1½ square feet of floor space per bird.

(d) The inspector shall weigh and record the weight and sex of each bird at 9 weeks of age. At this time a minimum of 50 cockerels shall be selected at random and dressed under the supervision of the inspector.

(e) Pen egg production and mortality shall be recorded daily for a period of 300 days.

(f) The entry shall be disqualified by any misrepresentation, falsification or use of artificial practices (except lights) such as plumping, hormones, etc.

§ 145.30 *National random sample performance testing program.* The national random sample performance testing program embodies the operation of central performance tests available to any poultry breeder in accordance with the following provisions:

(a) The program shall be conducted under the supervision and control of a governing board, which shall be composed of:

(1) Members nominated and elected by persons participating in the testing program and approved by the cooperating agencies; and

(2) One ex officio member from each cooperating agency.

(b) The tests shall be conducted cooperatively by the Department and a State Agricultural Experiment Station or other State Agency approved for the purpose by the Department.

(c) The detailed plan of operation of the tests subject to the approval of the governing board shall be as follows:

(1) The test shall be available to any poultry breeder approved by the governing board. The entry shall be limited, however, to flocks certified, by an agency recognized by the governing board, as negative to a pullorum test.

(2) The breeder may carry on any type of breeding programs desired, including hybridization, crossbreeding, etc.

(3) The test shall be conducted, insofar as possible, under favorable practical conditions. (There shall be no deliberate exposure to disease.)

(4) The results of both the egg production and meat phase shall be promptly published at the conclusion of each year's test. The publication shall include an interpretation of the statistical validity of the results.

(5) The actual performance on each reportable item shall be published rather than a ranking based on one character or combination of characters.

(6) All entries shall consist of sufficient hatching eggs (450) to produce 125 pullet chicks.

(7) Hatching eggs shall be selected at random by a disinterested person designated by the test management.

(8) Hatching eggs shall be selected from those used to produce a designated commercial grade of the breeder's chicks.

(9) The type of entry shall be designated as: "single-strain purebred" (suitable for use in breeding flocks) or "others".

(10) The eggs shall be set on a date determined by the governing board.

(11) Records shall be kept on the fertility and hatchability of the eggs submitted.

(12) Chicks shall be reared intermingled to housing time. (The same number of chicks from each entry to be brooded and reared together.)

(13) They shall be range reared.

(14) All birds removed from the test pen shall be considered as mortality. (Errors in sexing may be adjusted by deducting males from the original number started.)

(15) Rearing mortality shall be based on the period from hatching to 160 days of age.

(16) Laying house mortality shall be based on the period from 160 days to 500 days of age.

(17) All sick or dead birds removed from the test shall be autopsied.

(18) Each entry shall be housed separately not later than 160 days of age and until the end of the test period.

(19) All eggs laid subsequent to housing shall be credited to the entry.

(20) Pen production records shall be kept from the date of housing until 500 days from date of hatching.

(21) Egg weight shall be determined by grading the eggs into the market grades, with respect to weight only. The eggs from each entry shall be graded one day a week from laying to February 1, and one day a month thereafter.

(22) Body weight shall be determined in January, February or March by bulk weighing the pullets.

(23) Egg quality data shall be collected one day a months during the months of November, January, March, and May. This shall be based on measurements of all the eggs laid that day and shall include the following:

(i) Egg shape;

(ii) Shell thickness;

(iii) Meat and blood spots; and

(iv) Albumen quality (broken out basis).

(24) Feed consumption data shall be recorded from housing to the end of the test. All-mash rations approved by the test management shall be fed throughout the test.

(25) For an entry in the meat production phase, the following additional provisions shall apply:

(i) Twenty-four (24) male chicks shall be started at hatching time of the male line used to produce the meat production chicks.

(ii) Of the 24 males, eight males shall be selected and mated with the pullet entry at housing time. Rotating or shifting the males is desirable in which case 16 males would be used.

(iii) Eggs shall be collected and hatched from the test pen a minimum of twice a year and as many more times as feasible with available facilities.

(iv) A sufficient number of eggs shall be set to produce 200 straight run chicks. This figure may be modified, depending on the number of entries to be tested, the facilities available, and the number of growth trials to be conducted annually.

(v) Chicks referred to in subdivision (iv) of this subparagraph shall be reared to 10 weeks of age at which time the entire lot shall be dressed.

(26) Additional details to apply to the growing test of the meat production phase are as follows:

(i) Hatchability and fertility data shall be obtained for the eggs collected for the production of chicks for the growing test.

(ii) Livability shall be determined for the periods of hatching to two weeks of age and two weeks to 10 weeks of age.

(iii) Feed consumption to 10 weeks of age shall be collected, assuming that each entry can be reared separately.

(iv) The following additional data shall be collected at 10 weeks by sexes:

a. Individual live body weights.

b. New York dressed weight of entire lot.

c. Eviscerated weight of entire lot.

d. Percent of birds of Grade A, B, and C for fleshing; for finish; and for freedom from pinfeathers.[2]

PART 146—NATIONAL TURKEY IMPROVEMENT PLAN (TURKEYS AND CERTAIN OTHER POULTRY

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146.29 Turkey reproduction test.
146.30 Central turkey meat production test.
146.31 On-the-farm turkey meat production test.

§ 146.1 *Definitions.* Except where the context otherwise requires, for the purposes of this Part the following terms shall be construed, respectively, to mean:

(a) *Plan.* The provisions of the National Turkey Improvement Plan contained in this Part.

(b) *Person.* A natural person, firm, or corporation.

(c) *Department.* The United States Department of Agriculture.

(d) *APH Branch.* The Animal and Poultry Husbandry Research Branch of the Agricultural Research Service of the Department.

(e) *State.* Any State, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(f) *Official State Agency.* The State authority recognized by the Department to cooperate in the administration of the Plan.

(g) *State Inspector.* Any person employed or authorized under § 146.11 (b) to perform functions under this part.

(h) *Authorized agent.* Any person designated under § 146.11 (a) to perform functions under this part.

(i) *ROP Supervisor.* The person employed or authorized to perform functions under § 146.27.

(j) *ROP Inspector.* The person employed or authorized to perform functions under § 146.28.

(k) *Affiliated flockowner.* A flockowner who is participating in the Plan through an agreement with a participating hatchery.

(l) *Flock*—(1) *As applied to breeding.* All turkeys of one kind of mating (variety or combination of stocks) and of one classification on one farm;

(2) *As applied to disease control.* All of the turkeys on one farm, except that, at the discretion of the Official State Agency, any group of turkeys which is segregated from another group and has been so segregated for a period of at least 21 days may be considered as a separate flock.

(m) *Hatchery.* Hatchery equipment on one premises operated or controlled by any person for the production of poults.

(n) *Products.* Turkey breeding stock and hatching eggs, and poults.

(o) *Baby poults.* Poults that have not been fed or watered.

(p) *USROP or ROP.* U. S. Record of Performance.

(q) *Strain.* Turkey breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding. Only (1) first generation progeny (F_1) of stock originating from eggs produced under the direct supervision of the breeder, or (2) stock multiplied by persons designated by the breeder, may be designated as of the breeder's strain.

(r) *Trade name or number.* A name or number compatible with State or Federal laws and regulations applied to a specified stock or product thereof, and which has been filed with the Official State Agency together with a description of such stock.

(s) *Broad-breasted.* A term used to describe a type of turkey which at the time of selection, and no later than 30 weeks of age, has a breast width at a point 1¾ inches above the keel of at least 3½ inches, for both toms and hens.

§ 146.2 *Administration.* The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan. The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and Memorandum of Understanding. The Official State Agency of any State may adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

§ 146.3 *Participation.* (a) Any person producing or dealing in poultry products may participate in the Plan when he has (1) demonstrated, to the satisfaction of the Official State Agency, that his facilities, personnel, and practices are adequate for carrying out the applicable provisions of the Plan; and (2) signed an agreement with the Official State Agency to comply with the general and the applicable specific provisions of the Plan and any regulations of the Official State Agency under § 146.2. Affiliated flockowners may participate without signing an agreement with the Official State Agency.

(b) Each participant shall comply with the Plan throughout the operating year of the Official State Agency, or until released by such Agency.

(c) A participant shall participate with all of his turkey hatching egg supply flocks and hatchery operations.

(d) No person shall be compelled by the Official State Agency to qualify products for any of the classifications described in § 146.10 (a), (b), (c) and (d) as a condition of qualification for either of the classifications described in § 146.10 (e) and (f).

(e) Participation in the Plan shall entitle the participant to use the Plan emblem reproduced below:

FIGURE 1.

§ 146.4 *General provisions for all participants.* (a) Records of purchases and sales and the identity of products handled shall be maintained in a manner satisfactory to the Official State Agency.

(b) Products, records of sales and purchases of products, and material used to advertise products shall be subject to inspection by the Official State Agency at any time.

(c) Advertising must be in accordance with the Plan and applicable rules and regulations of the Official State Agency and the Federal Trade Commission.

(d) Participants may not buy or receive for any purpose products from nonparticipants, or sell products of nonparticipants, except with the permission of the Official State Agency for use in breeding flocks or for experimental purposes.

(e) The minimum weight of turkey hatching eggs shipped interstate shall be 2⅓ ounces each for small varieties and 2½ ounces each for other varieties, unless otherwise specified by the purchaser of the eggs.

(f) Standard and broad breasted turkeys of the same variety may not be kept on the same premises or hatched in the same hatchery.

(g) When artificial insemination is used, its use and the extent of its use shall be stated in all performance reports.

§ 146.5 *Specific provisions for participating flocks.* (a) Poultry houses and the land in the immediate vicinity thereof shall be kept in sanitary condition acceptable to the Official State Agency.

(b) All flocks shall consist of birds that have been selected for health, vigor and freedom from physical deformities of economic importance by an Authorized Agent or State Inspector.

(c) A flock shall be deemed to be a participating flock at any time only if it has been officially blood tested within the past 12 months with no pullorum or typhoid reactors on the last test. (See § 146.14 relating to the official blood test.)

(d) Each bird shall be identified with a sealed and numbered band obtained through or approved by the official State Agency.

§ 146.6 *Specific provisions for participating hatcheries.* (a) Hatcheries shall be kept in sanitary condition acceptable to the Official State Agency.

(b) A hatchery which keeps started poultry (poultry that has been fed or watered) must keep such poultry separated from the incubator room in a manner satisfactory to the Official State Agency.

(c) All poults offered for sale under Plan terminology shall be normal and typical of the variety, cross, or other combination represented.

(d) Eggs incubated shall be sound in shell and reasonably uniform in shape. Eggs shall be trayed and poults boxed with a view to uniformity of size.

(e) All hatcheries operated under the name, ownership, or management within a State shall participate in the Plan if any of them are to participate.

§ 146.7 *Specific provisions for participating dealers.* Dealers in Turkey breeding stock or hatching eggs or poults shall comply with all provisions in this Part which apply to their operations.

§ 146.8 *Terminology and classification: General.* (a) The official classification terms defined in §§ 146.9 and 146.10 and the various designs illustrative of the official classifications as reproduced in § 146.10 may be used only to describe products that have met all the specific requirements of such classifications. (See also § 146.16 (e).)

(b) Products produced under the Plan shall lose their identity under Plan terminology when they are purchased for resale by, or consigned to, non-participants.

(c) Participating flocks and the eggs and poults produced from them may be designated by their own strain or trade name or pullorum-typhoid classification, or both such name and classification.

(d) Domesticated waterfowl, game birds and guineas meeting the requirements for participation for any of the classifications specified in § 146.10 may be designated as coming within such classification.

§ 146.9 *Terminology and classification: Hatcheries.* Participating hatcheries and dealers shall be designated as "HTIP Participating."

§ 146.10 *Terminology and classification: Flocks and products.* Participating flocks, and the eggs and poults produced from them, which have met the respective requirements specified in this § 146.10 may be designated by the following terms:

(a) *U. S. Approved.* All males and females selected by authorized agents according to standards prescribed by the Official State Agency or the State College of Agriculture.

FIGURE 2.

(b) *U. S. Certified.* Flocks meeting one of the three following specifications:

(1) All males ROP or from ROP mass matings.

(2) Males and females from flocks composed of the following: ROP males or males from ROP mass matings mated to females from ROP qualified matings; or ROP mass matings; or ROP candidate matings in which 50 percent or more of the dam's family qualified for ROP. (Poults produced under this subparagraph for use in U. S. Certified

[2] The grading will be based on U. S. Classes, Standards, and Grades for Poultry as contained in 7 CFR Part 70, Subpart B.

flocks shall be properly identified at hatching time.)

(3) Males and females from Performance Tested Parent Stock. In case the tested stock is a cross of strains, the U. S. Certified flock shall be a combination of the same pure strains as used in the tested flock. (Poults produced under this subparagraph for use in U. S. Certified flocks shall be properly identified at hatching time.)

FIGURE 3.

(c) *U. S. Record of Performance.* Males and females meeting prescribed standards as provided in §§ 146.18 and 146.19. (Hatching eggs and poults designated as ROP must also meet the requirements specified in §§ 146.23 and 146.24, respectively.)

FIGURE 4.

(d) *U. S. Performance Tested Parent Stock.* Flocks represented in both a turkey reproduction test as provided for in § 146.29 and in a central turkey meat production test as provided for in § 146.30 by entries that have met the following performance standards:

(1) Average poult production of at least 20 salable poults per hen;

(2) Poult livability of at least 90 percent to eight weeks of age. As an alternative, in case of excessive mortality in the entire test, the entry shall qualify for livability if the livability is above the average of the test.

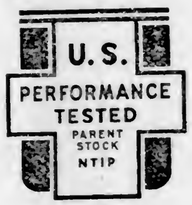

FIGURE 5.

(e) *U. S. Pullorum-Typhoid Passed.* Flocks in which no pullorum or typhoid reactors were found on the last official blood test provided for in § 146.5 (c).

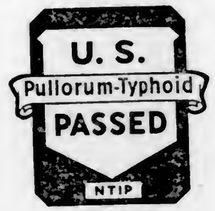

FIGURE 6.

(f) *U. S. Pullorum-Typhoid Clean.* Flocks in which no reactors were found on the first official blood test provided for in § 146.5 (c): *Provided*, That if reactors are found on the first test the flock may qualify with two consecutive official negative tests. In order to sell hatching eggs or poults of this classification, all hatching eggs and poults handled must be of this classification.

FIGURE 7.

§ 146.11 *Supervision.* (a) The Official State Agency may designate qualified persons as Authorized Agents to do the selecting, blood collecting and blood testing work provided for in §§ 146.5, 146.10, and 146.14.

(b) The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform, or supervise the performance of the selecting and testing of participating flocks and to perform the official inspections necessary to verify compliance with the requirments of the Plan.

§ 146.12 *Inspections.* (a) Each participating hatchery shall be inspected a sufficient number of times each year to satisfy the Official State Agency that the operations of the hatchery are in compliance with the provisions of the Plan.

(b) Each year at least 15 percent of the flocks selected and tested by Authorized Agents shall be inspected by a State Inspector. This must include the inspection of some flocks of each hatchery. Each flock inspection shall include the examination of a sufficient number of males and females to determine whether the work of the Authorized Agent was satisfactory and that the flock is qualified for participation.

§ 146.13 *Debarment from participation.* Non-compliance with the provisions of the Plan, or regulations of the Official State Agency under § 146.2, not corrected within the time specified by the Official State Agency, shall be grounds for the Official State Agency to bar a participant from further participation for a period to be determined in each case by the Official State Agency. Such action shall not be taken until a thorough investigation has been made by the Official State Agency and the participant has been given an opportunity for a hearing.

§ 146.14 *Blood testing.* (a) In the official blood test, the blood shall be drawn by an Authorized Agent or State Inspector and tested by an authorized laboratory, using either the Standard Tube Agglutination or Rapid Serum test. The recommended procedures for conducting such tests are described in Subpart A, Part 147, of this chapter.

(b) There shall be an interval of at least 21 days between any official blood test and any previous test with pullorum-typhoid antigen.

(c) All turkeys to be used as breeders must be tested when more than four months of age.

(d) All domesticated fowl on the farm of the participant shall either be properly tested to meet the same standards as the participating flock or these birds and their eggs shall be separated from the participating flock and its eggs.

(e) All tests with Salmonella antigens of flocks participating in or candidates for participation in the Plan shall be reported to the Official State Agency within 10 days following the completion of such tests. All reactors shall be considered in determining the classification of the flock.

(f) Reactors may be submitted to a laboratory for autopsy and bacteriological examination. The laboratory and the number of reactors to be submitted shall be designated by the Official State Agency. The recommended minimum procedure for bacteriological examination is described in Subpart B, Part 147 of this chapter. In case such bacteriological examination fails to demonstrate pullorum or typhoid infection, the flock shall be deemed to have had no pullorum or typhoid reactors. If other members of the Salmonella group are isolated, the Official State Agency may disqualify the flock for participation, or require such other action as is deemed necessary with respect to the infection.

(g) After a flock has been classified by the Official State Agency, the results of any retesting of such flocks during the current breeding and hatching season shall not adversely affect its classification for the season, except that if in the opinion of the Official State Agency the amount of reaction found in any flock is such as to be dangerous or detrimental to the operation of the Plan, the Official State Agency shall require that such flock or flocks be retested after an interval of at least 21 days, or that use of such flocks as sources of eggs for participants be immediately discontinued. Furthermore, the Official State Agency may require that the hatching eggs from such flocks be removed from the incubator and destroyed prior to hatching.

§ 146.15 *USROP; general.* The ROP classification is based on records of egg production, hatchability, and body weight made on the breeder's premises under supervision of the Official State Agency. Records made at State colleges of agriculture and State and Federal experiment stations may be recognized as USROP by Official State Agencies in qualifying birds for use of USROP breeders.

§ 146.16 *USROP; participation.* (a) Any person who, in the opinion of the Official State Agency has the facilities for conducting a systematic program of turkey breeding is eligible for ROP participation.

(b) The participant's farm and all egg production, pedigree and sales records shall be subject at all times to unannounced inspections by a State Inspector.

(c) All young hens of the variety entered which are trap-nested on the premises of an ROP participant shall be considered as entered in ROP.

(d) After the first two years of ROP participation, the participant shall maintain at least five candidate matings.

(e) The term "USROP" or "ROP" may be used in advertising products by any person only if he is a USROP participant and if his candidates have met all the requirements of this classification for the current or preceding season.

(f) The participant shall send to the ROP supervisor not later than the tenth day of each month, a complete report of all trapnesting for the previous month. At the end of each four hatches, he shall also send to the ROP Supervisor on form NPIP 8 (or substitute form) a complete record of all pedigreed eggs set, poults hatched and poults banded.

§ 146.17 *USROP; candidate matings.* These matings shall be comprised of ROP candidate hens and ROP toms to which the following provisions apply:

(a) Each hen shall be identified with an official sealed and numbered band.

(b) Only one tom, or two full brothers, shall be allowed in a mating at any one time and the date of entry and removal of toms shall be properly recorded.

(c) The hens shall be trapnested at regular intervals each day for at least 8 consecutive weeks.

(d) Each egg shall be accurately identified as to the hen that laid it.

(e) For each hen an accurate record shall be kept of (1) the eggs laid during the trapnesting period; (2) number of eggs sold; (3) number of eggs incubated; (4) number of poults hatched; and (5) number of poults banded.

(f) Each hen shall be weighed by the breeder or the ROP Inspector about the time the candidate begins egg production, and the weight shall be recorded as the nearest whole number.

(g) The poults from these matings shall be banded with sealed and numbered official wing bands marked "Cand".

§ 146.18 *USROP; qualification of hens.* An ROP candidate hen which is a reasonably good representative of the variety in the judgment of the ROP inspector, may qualify as an ROP hen if such candidate:

(a) Produces eggs at the rate of at least 50 percent for a period of at least eight consecutive weeks from the date the first normal egg is laid in a trapnest; and

(b) Produces eggs that hatch at the rate of at least 70 percent of all eggs set with a minimum of 20 poults hatched. The qualifying requirements for hatchability may be reduced to 65 percent when eggs are hatched at altitudes of 3,000 to 3,499 feet and to 60 percent at altitudes of 3,500 feet or more. All normal eggs produced by the candidate during a period of at least eight consecutive weeks shall be set. Hatchability agreed upon by the breeder and the supervisor and shall be expressed as a whole number (fractions rounded to the nearest whole number).

§ 146.19 *USROP; qualification of toms.* Toms may qualify for the ROP classification if they are: (a) Produced from ROP poults or from candidate hens which subsequently qualify as ROP hens;

(b) Good representatives of the variety with strong constitutional vigor when examined by the State Inspector not earlier than at 22 weeks of age; and

(c) Banded with an ROP sealed and numbered leg band when passed by the Inspector.

§ 146.20 *USROP; exceptions to requirements for qualification.* (a) When any disastrous event occurs that affects the breeder's ROP work, and when such event is immediately brought to the attention of his Official State Agency, this agency may, with the consent of the APH Branch, make an equitable adjustment in the application of the qualifying requirements to such breeder.

(b) To make it possible for a breeder to get started in ROP breeding work within his own strain, during the first year of such work on his farm the tom mated with ROP candidate hens in ROP candidate matings need not be a ROP tom provided he is of equal pedigree or is a U. S. Approved tom of outstanding quality. Such toms may be used in similar matings during the second year of ROP breeding work, if re-examined and passed by the inspector. No eggs or progeny from such a mating shall be sold as ROP products. Young toms whose dams qualify for ROP classification may head U. S. Certified flocks owned or controlled by the breeder and may head ROP qualified matings on the breeder's premises.

§ 146.21 *USROP; qualified matings.* These matings shall be comprised of ROP hens and ROP toms and shall be maintained in accordance with the provisions of § 146.17 (a), (b), (c), (d), and (e).

§ 146.22 *USROP; mass matings.* (a) These matings shall be comprised of ROP hens with a hatchability record of 85 percent or more, and ROP toms produced from hens with hatchability records of 85 percent or more.

(b) Pen egg production and hatchability records shall be kept.

(c) Poults from these matings shall be identified with sealed wing bands marked "Mass mated."

§ 146.23 *USROP; hatching eggs.* Such eggs shall be from qualified ROP matings. Each egg shall be marked with the number of the ROP hen that laid it and the pen or tom number of the mating.

§ 146.24 *USROP; poults.* Such poults shall be those produced only from ROP hatching eggs. The poults from each hen shall be individually pedigreed by the ROP breeder or State inspector and identified with sealed and numbered official wing bands at the time of hatching.

§ 146.25 *USROP; participants producing ROP poults from purchased Eggs.* Such participants shall:

(a) Within five days after incubation has begun, send to the Official State Agency a list of the ROP eggs purchased.

(b) Within 5 days after hatching time, send to the Official State Agency a list of the poults hatched from each dam and their respective wing band numbers.

§ 146.26 *USROP; sale of products.* (a) When ROP products are sold the seller shall, at the time of shipment, send to his ROP Supervisor a report in triplicate showing: (1) the name and address of the purchaser; (2) a list of the products sold with the pen or sire number and dam number of each; and (3) the egg production, hatchability and body weight of each dam.

(b) These reports shall be verified by the ROP Supervisor, who shall retain one copy and send one copy to the purchaser and one to the Official State Agency of the State to which the products are shipped.

§ 146.27 *USROP; duties of ROP Supervisor.* The ROP Supervisor shall represent the Official State Agency in the supervision of ROP participation. He shall: (a) keep on file in his office for at least five years a record of (1) all ROP qualified toms, with at least one-generation pedigree showing ROP records of the female ancestors; (2) all ROP qualified hens, with records of their egg production, hatchability and body weight; (3) all ROP qualified and candidate matings; and (4) all ROP poults with at least one-generation pedigree;

(b) Furnish the APH Branch, for publication, an annual summary of the ROP work under his supervision, which shall include the following information for each flock:

(1) Variety of the entry;

(2) Total number of young hens of this variety on the farm;

(3) Number of ROP candidate matings;

(4) Number of young hens entered for ROP classification;

(5) Number of young hens meeting the ROP requirements;

(6) Percentage of young hens entered meeting the ROP requirements;

(7) Average rate of egg production in percent for all candidate hens;

(8) Average hatchability of all eggs set from all candidate hens.

§ 146.28 *USROP; duties of ROP Inspector.* The ROP Inspector shall work under the direction of the ROP Supervisor. He shall: (a) Visit and inspect the work of each ROP breeder at least three times each year. His visits shall be unannounced, and at least two shall be during the trapnest period;

(b) On each visit during the trapnest period (1) do the trapnesting for the day; (2) record the eggs laid by all hens entered for ROP classification and (3) examine hens apparently out of production and determine whether they are being credited with eggs;

(c) On at least one visit examine all birds in both ROP matings and ROP candidate matings to see that birds in these matings are properly listed with the supervisor;

(d) Compare the number of eggs being incubated from each hen with the number she is credited with having laid during the corresponding period and subsequently with the number of poults reported hatched and wingbanded. (He shall have authority to examine for fertility the eggs being incubated);

(e) Weigh each ROP candidate as provided in § 146.17 (f) or check the weights of a sufficient number of candidates weighed by the breeder to satisfy himself that such weights are correct;

(f) Examine all tom and hen candidates for ROP qualification and band with sealed and numbered leg bands all qualified birds to be used or sold as being of the ROP classification. The body weight and the wing-and-leg-band numbers of all toms banded shall be recorded at the time of such examination and banding.

§ 146.29 *Turkey reproduction test.* A turkey reproduction test is a test of the reproductive (combination of egg production and hatchability) qualities of a representative sample of the entrant's stock conducted under the supervision of the Official State Agency, in accordance with the following provisions:

(a) The test shall be available to any participant whose flock is qualified for the U. S. Pullorum-Typhoid Clean classification.

(b) The entry shall consist of at least 200 hens, penned separately, which are representative of the entrant's supply flocks or his breeder replacement flocks.

(c) All eggs produced by the entry during a period of at least eight consecutive weeks designated in advance by the entrant, shall be incubated and complete records kept on the number of eggs produced, eggs set and salable poults hatched.

(d) The Official State Agency shall furnish the APH Branch, for publication, the following information for each entry:

(1) Kind of stock (variety, strain or cross; supply flock or breeder replacement);

(2) Number of breeder hens entered and total number in flocks which they represent;

(3) Average number of salable poults produced per hen entered at beginning of test.

§ 146.30 *Central turkey meat production test.* A central turkey meat production test is a test of a representative sample of the stock of two or more entrants, to fryer-roaster or mature marketing age, conducted under official supervision at a neutral location, in accordance with the following provisions:

(a) The test shall be available to any participant whose flock is qualified for the U. S. Pullorum-Typhoid Clean classification.

(b) The entry shall consist of at least 100 poults, 50 percent of each sex.

(c) A sufficient number of eggs, determined by the entrant, to produce the poults required for the entry shall be selected by a representative of the Official State Agency.

(d) The sample of eggs shall be taken at random from the entrant's supply flocks or from his breeder replacement flocks.

(e) The eggs from all entrants shall be incubated in one hatchery at the same time.

(f) Poults shall be banded in each wing with a sealed and numbered band for identification.

(g) Poults shall be brooded and reared either intermingled or separated by entries, at the option of the test management, provided that varieties of different size or color shall be separated.

(h) The duration of the test shall be determined by the test management.

(i) The following data shall be obtained and reported by the Official State Agency for each entry:

(1) Kind of stock (variety, strain or cross; supply flock or breeder replacement);

(2) Number of breeder hens in the flock or flocks from which egg sample was drawn.

(3) Mortality to two weeks of age; to eight weeks of age; and to the end of the test;

(4) Average live weight (i) of fryer-roaster entry at four weeks of age; at four week intervals thereafter; and at the close of the test; and (ii) of mature marketing entry at eight weeks of age; at 16 weeks of age; at 20 weeks of age; at two week intervals thereafter; and at the close of the test. (Such average live weights shall be based on individual weights and reported by sexes);

(5) Average eviscerated weight of all birds completing the test, by sexes;

(6) Average breast width, body depth and keel length of the New York dressed birds by sexes (the breast width shall be measured at the widest point 1¾ inches above the keel; the body depth shall be measured at the deepest point);

(7) Coefficient of variability of final live and eviscerated weights and body measurements;

(8) The number of birds in each U. S. Grade based on (i) fleshing; (ii) finish; and (iii) freedom from pin feathers, by sexes;[1]

(j) The results of the tests reported to the APH Branch by December 1 shall be published in a national summary alphabetically by test and entries, with no indication of rank.

§ 146.31 *On-the-farm turkey meat production test.* An on-the-farm turkey meat production test is a test to fryer-roaster or mature marketing age of a representative sample of the entrant's stock conducted under supervision of the Official State Agency to which the following provisions apply:

(a) The test shall be available to any participant whose flock is qualified for the U. S. Pullorum-Typhoid classification;

(b) An entry shall consist of at least 100 poults, either straight-run or 50 percent of each sex.

(c) The sample of poults shall be taken at random from the entrant's supply flocks or from his breeder replacement flocks.

(d) Poults shall be banded in each wing with a sealed and numbered band for identification.

(e) Poults shall be brooded and reared separately from other birds.

(f) The duration of the test shall be determined by the Official State Agency.

(g) The following data shall be obtained and reported by the Official State Agency for each entry:

(1) Kind of stock (variety, strain or cross; supply flock or breeder replacement);

(2) Number of hens in the flock or flocks from which poult sample was drawn;

(3) Percentage of poults started that finished the test;

(4) Average live weight by sexes based on individual weights of all birds at the close of the test;

(5) Average eviscerated weight by sexes of all birds completing the test;

(6) Average breast width, body depth and keel length of the New York dressed birds, by sexes. (The breast width shall be measured at the widest point 1¾ inches above the keel. The body depth shall be measured at the deepest point.)

(7) Coefficient of variability of all weights and body measurements.

(h) The results of the test reported to the APH Branch by December 1, shall be published in a national summary alphabetically by entries, with no indication of rank.

[1] The grading will be based on United States Classes, Standards, and Grades for Poultry as contained in 7 CFR Part 70, Subpart B.

PART 147—AUXILIARY PROVISIONS ON POULTRY AND TURKEY IMPROVEMENT PLANS

SUBPART A—BLOOD TESTING PROCEDURES

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147.1 The standard tube agglutination test.
147.2 The rapid serum test.
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SUBPART B—BACTERIOLOGICAL EXAMINATION PROCEDURE

147.11 Laboratory procedure recommended for the bacteriological examination of reactors.

SUBPART C—PROCEDURE FOR CHANGING NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS

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SUBPART A—BLOOD TESTING PROCEDURES

§ 147.1 *The standard tube agglutination test.*[1] (a) The blood samples should be collected and delivered as follows:

(1) The blood samples should be taken by properly qualified and authorized persons only, and in containers provided by the laboratory. The containers should be stout-walled test tubes preferable ⅜ by 3 inches, without lip, or small well-selected medicine vials, which have been thoroughly cleaned and dried in a hot-air drying oven. If stoppers are used they should be thoroughly cleaned and dried.

(2) Sufficient blood should be procured by making a small incision in the large median wing vein with a small sharp lancet and allowing the blood to run into the tube, or by the use of a small syringe (with 20 or 21 gage needle) which is properly cleansed between bleedings with physiological saline solution. To facilitate the separation of the serum the tubes are placed in a slanted position until the blood has solidified. After the blood has completely clotted, they are packed and shipped by mail (special delivery), rapid express, or by messenger, to the laboratory. All labeling must be clear and permanent, and may be done with a suitable pencil on etched portions of the tube, or by means of fast-gum labels.

(3) The blood samples must reach the laboratory in a fresh and unhemolyzed condition. Hemolyzed samples should be rejected. It is imperative, therefore, to cool the tubes immediately after slanting and clotting, and unless they reach the laboratory within a few hours, to pack them with ice in special containers, or by some other cooling system which will insure their preservation during transportation. In severe cold seasons, extreme precautions must be exercised to prevent freezing and consequent laking. The samples must be placed in cold (5° to 10° C.) storage, immediately upon arrival at the laboratory.

(b) The antigen shall consist of representative strains of S. pullorum which are known antigenic composition, high agglutinability, but are not sensitive to negative and nonspecific sera. The stock cultures may be maintained satisfactorily by transferring to new sloped agar at least once a month and keeping at 18° to 24° C. (average room temperature) in a dark closet or chest, following incubation for from 25 to 36 hours at 37° C. The antigenic composition and purity of the stock cultures should be checked consistently.

(c) A satisfactory medium which has been used for a long time has the following composition:

Water	1,000 cc.
Difco beef extract	4 gm. (0.4 percent)
Difco Bacto-peptone	10 gm. (1.0 percent)
Difco dry-granular agar.	20 gm. (2.0 percent)

Reaction-pH 6.8 to 7.2.

Large 1-inch test tubes, Kolle flasks or Blake bottles are streaked liberally over the entire agar surface with inoculum from 48-hour slant agar cultures prepared from the stock cultures of the selected strains. The antigen-growing tubes or bottles are incubated 48 hours at 37° C. and the surface growth washed off with sufficient phenolized (0.5 percent) saline (0.85 percent) solution to make a heavy suspension. The suspension is filtered free of clumps through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(d) Thiosulfate-Glycerin (TG) medium may be used as an alternate medium for the preparation of tube agglutination antigen. The TG medium, formerly used for the preparation of stained, whole-blood antigen, is described in more detail in the article by MacDonald, A. D., Recent Developments in Pullorum Antigen for the Rapid, Whole-Blood Test, Report of the Conference of the National Poultry Improvement Plan, pages 122–127, 1941. This medium provides a tube antigen of excellent specificity and greatly increases the yield of antigen from a given amount of medium. The TG medium has the following composition:

Beef infusion	1.000 cc.
Difco Bacto-peptone	20 gm. (2.0 percent)
Sodium thiosulfate	5 gm. (0.5 percent)
Ammonium chloride	5 gm. (0.5 percent)
Glycerin, U. S. P. (95 percent).	20 cc. (2.0 percent)
Difco. dry-granular agar.	30 gm. (3.0 percent)

Reaction-pH 6.8 to 7.2.

Large 1-inch test tubes, Kolle flasks, Blake bottles or Erlenmeyer flasks are seeded over the entire agar surface with inoculum from 24-hour beef infusion broth cultures prepared from the stock cultures of the selected strains. The antigen-growing tubes or bottles are incubated 96 hours at 37° C. and the surface growth washed off with sufficient phenolized (0.5 percent) saline (0.85 percent) solution to make a heavy suspension. The suspension is filtered free of clumps through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. The antigen is then centrifuged. The mass of bacteria is removed from the centrifuge tubes or bowl and resuspended in saline (0.85 percent) solution containing 0.5 percent phenol. After the bacterial mass has been uniformly suspended in the diluent it is again passed through a cotton pad in a Buchner funnel without the aid of suction. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(e) The diluted antigen to be used in the routine testing is prepared from the stock antigen by dilution of the latter with physiological (0.85 percent) saline (C. P.) solution containing 0.25 percent of phenol (C. P.) to a turbidity corresponding to 0.75–1.00 on the McFarland nephelometer scale. The hydrogen-ion concentration of the diluted antigen is corrected to pH 8.2 to 8.5 by the addition of dilute sodium hydroxide. New diluted antigen should be prepared each day and kept cold. The diluted antigen may be employed in 2 cc. quantities in 4 by ½ inch test tubes or 1 cc. quantities in smaller tubes in which the final serum-antigen mixtures are made and incubated. The distribution of the antigen in the tubes may be accomplished by the use of long burettes, or special filling devices made for the purpose.

(f) The maximum serum dilution employed must not exceed 1:50 for chickens nor 1:25 for turkeys. The available data indicate that 1:25 dilution is the most efficient. In all official reports on the blood test the serum dilutions shall be indicated. The sera are introduced into the agglutination tubes in the desired amounts with well-cleaned serological pipettes or special serum-delivery devices which do not permit the mixing of different sera. The antigen and serum should be well mixed before incubation. The serum and antigen mixture must be incubated for at least 20 hours at 37° C.

(g) The results shall be recorded as:

N, or —, when the tube remains uniformly turbid and there is no settling of antigen.
P, or P!, when there is a distinct clumping of the antigen, and the liquid between and above the agglutinated particles is clear (4+).
S, when the agglutination is only partial or incomplete (1+ to 3+).
M, or missing, when samples listed on the original record sheet are missing.
H, or hemolyzed, when the blood samples are hemolyzed and unsatisfactory for the test.
B, or broken, when the sample tubes are broken on arrival, and no serum is obtained.

(Some allowance must always be made for the difference in sensitiveness of different antigens and different set-ups, and therefore a certain amount of independent intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of S. pullorum.)

§ 147.2 *The rapid serum test.*[2] (a) The procedure for the collection and delivery of blood samples in the rapid serum test is the same as that described in § 147.1 (a).

(b) The antigen is prepared as follows: (1) The antigen consists of representative strains of S. pullorum which are of known antigenic composition, high agglutinability, but are not sensitive to negative and nonspecific sera.

(2) A satisfactory medium which has been used for a long time has the following composition:

Water	1,000 cc.
Difco beef extract	4 gm. (0.4 percent)
Difco Bacto-peptone	10 gm. (1.0 percent)
Difco dry-granular agar.	20 gm. (2.0 percent)

Reaction-pH 6.8 to 7.2.

(3) Large 1-inch test tubes, Kolle flasks or Blake bottles are streaked liberally over the entire agar surface with inoculum from 48-hour slant-agar cul-

[1] The procedure described is a modification of the method reported in the Proceedings of the United States Live Stock Sanitary Association, November 30 to December 2, 1932, pp. 487 to 491.

[2] The procedure described is a modification of the method reported by Runnels, Coom, Farley, and Thorpe, Amer. Vet. Med. Assoc. Jour. 70 (N. S. 23): 660–662 (1927).

tures prepared from stock cultures of the selected strains. The stock cultures may be maintained satisfactorily by transferring to new sloped agar at least once a month and keeping at 18° to 25° C. in a dark closet or chest, following incubation for from 24 to 36 hours at 37° C. The antigenic composition and purity of the stock cultures should be checked consistently.

(4) The antigen-growing tubes or bottles are incubated 48 hours at 37° C. and the surface growth washed off with a very slight amount of 12 percent solution of sodium chloride containing 0.25 to 0.5 percent phenol, filtered through lightly packed sterile absorbent cotton placed in the apex of a sterile funnel.

(5) The washings are adjusted (using 12 percent sodium chloride containing 0.25 to 0.5 percent phenol), so that the turbidity is 50 times greater than tube 0.75 of McFarland's nephelometer or to a reading of 7 mm. by the Gates nephelometer.

(6) The individual strain antigens should be tested with negative sera for their insensitivity and with positive sera for high agglutinability in comparison with known satisfactory antigen. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(c) The tests are conducted on a suitable, smooth plate. The serum-antigen dilution is made so that the dilution will not exceed 1:50 when compared to the Standard Tube Agglutination test. When testing turkey blood samples it is desirable to use a serum-antigen dilution equivalent to the 1:25 in the tube method. The serum is added to the antigen and mixed thoroughly by use of the tip of the serum pipette. Most strong positive reactions will be plainly evident within 15 to 20 seconds. The final reading is made at the end of 2 or 3 minutes. Heating the plate at approximately 37° C. will hasten agglutination. Before reading, the plate should be rotated several times.

(d) The results shall be recorded as:

N. or — (negative) when the serum-antigen mixture remains uniformly turbid.
P. or + (positive) when there is a distinct clumping of the antigen, and the liquid between the agglutinated particles is clear (4+).
S. or ? (suspicious) when the agglutination is only partial or incomplete (1+ to 3+).
M. or missing, when samples listed on the original record sheet are missing.
H. or hemolyzed, when blood samples are hemolyzed and cannot be tested.
B. or broken, when sample tubes are broken and no serum can be obtained.

(Allowance should be made for differences in the sensitiveness of different antigens and different set-ups, and therefore a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of S. pullorum.)

§ 147.3 *The stained-antigen, rapid, whole-blood test.*[3] (a) The description of the preparation of antigen is not herein included because that product is produced only under license from the Secretary of Agriculture in accordance with specific directions.

(b) A loop for measuring the correct quantity of blood can usually be obtained from the manufacturer of the antigen. A satisfactory loop may be made from a piece of No. 20 gage nichrome wire, 2½ inches long, at the end of which is fashioned a loop three-sixteenths of an inch in diameter. Such a loop when filled with blood, so that the blood appears to bulge, delivers 0.02 cc. A medicine dropper, whose tip is adjusted to deliver 0.05 cc. when operated in a vertical position, is used to measure the antigen. A glass plate about 15 inches square providing space for 48 tests has proved satisfactory for this work. The use of such a plate enables the tester to have a number of successive test mixtures under observation without holding up the work to wait for results before proceeding to the next bird.

(c) A drop of stained antigen is placed on the glass plate. A loopful of blood is taken up from the wing vein. When submerged in the blood and then carefully withdrawn, the loop becomes properly filled. On looking down edgewise at the filled loop, one observes that the blood appears to bulge. The loopful of blood is then stirred into the drop of antigen and the mixture spread to a diameter of about 1 inch. The loop is then rinsed in clean water and dried by touching it to a piece of clean blotting paper, if necessary. The test plate is rocked from side to side a few times to mix the antigen and blood thoroughly, and to facilitate agglutination. The antigen should be used according to the directions of the producer.

(d) Various degrees of reaction are observed in this as in other agglutination tests. The greater the agglutinating ability of the blood the more rapid the clumping and the larger the clumps. A positive reaction consists of a definite clumping of the antigen surrounded by clear spaces. Such reaction is easily distinguished against a white background. A somewhat weaker reaction consists of small but still clearly visible clumps of antigen surrounded by spaces only partially clear. Between this point and a negative or homogeneous smear there sometimes occurs a very fine granulation barely visible to the naked eye; this should be disregarded in making a diagnosis. The very fine marginal clumping which may occur just before drying up is also regarded as negative. In a nonreactor the smear remains homogeneous. (Allowance should be made for differences in the sensitiveness of different antigens and different set-ups, and therefore a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of S. pullorum.)

[3] The procedure described is a modification of the method reported by Schaffer, MacDonald, Hall, and Bunyea, Jour. Amer. Vet. Med. Assoc. 79 (N. S. 32): 236–240 (1931).

SUBPART B—BACTERIOLOGICAL EXAMINATION PROCEDURE

§ 147.11 *Laboratory procedure recommended for the bacteriological examination of reactors.* (a) The pericardial sac, peritoneum, oviduct and any visibly pathological tissues are cultured on beef extract agar or tryptose agar by means of sterile swabs. Sterile technique should be followed. (Primary culture of these organs in a suitable nutrient broth and transfer to a suitable nutrient agar is optional.)

(b) The following organs are aseptically collected for culture:

(1) Heart (apex, pericardial sac, and contents if present.);

(2) Liver (portions exhibiting lesions or in grossly normal organs the drained gall bladder and adjacent liver tissues.);

(3) Ovary-Testes. Entire inactive ovary or tests. If ovary is active use own judgment, but include any atypical ova.);

(4) Oviduct (if active include any debris and dehydrated ova.);

(5) Pancreas; and

(6) Spleen.

(c) A composite sample of the organs listed in § 147.11 (b) is ground in a sterile mortar or suitable blender. Individual organs may be used if desired. Nutrient broth is added as a diluent. Ten cc. of this suspension are inoculated into 100 cc. of either Selenite F broth or Tetrathionate broth and into 100 cc. of a suitable noninhibitory nutrient broth.

(d) After 24 hours incubation at 37° C. a loopful of the broth cultures from each flask is streaked on a suitable noninhibitory solid medium such as tryptose agar and one of the following selective media: Salmonella-Shigella (SS), MacConkey, Brilliant Green, Bismuth Sulfite, or Desoxycholate Citrate Lactose Sucrose (D. C. L. S.) agar. (All of these media may be obtained in dehydrated form.) If no suspicious colonies are observed after 24 hours incubation the enrichment broths are restreaked on solid media.

(e) A portion of the crop wall and intestine to include the cecal tonsils are put into either Selenite F or Tetrathionate broth and incubated for 24 hours at 37° C. Transfers are made from the broth onto agar plates as indicated in § 147.11 (d).

(f) Suspicious single colonies are subcultured on nutrient agar or triple sugar iron agar slants and incubated for 24 hours at 37° C.

(g) Cultures are transferred to the following fermentable media for identification: dextrose, lactose, sucrose (saccharose), mannite (mannitol), maltose, dulcitol, and salicin broths. Suitable tests are also conducted for the detection of indole, hydrogen sulfide, acetylmethylcarbinol, and urease production. Motility or nonmotility is demonstrated by inoculation of a suitable semisolid medium. For the Gram stain a 24 hour nutrient agar slant culture is used.

(h) All Salmonella cultures isolated should be serologically typed.

SUBPART C—PROCEDURE FOR CHANGING NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS

§ 147.21 *Definitions.* Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *NPIP.* The National Poultry Improvement Plan.

(b) *NTIP.* The National Turkey Improvement Plan.

(c) *Department.* The United States Department of Agriculture.

(d) *APH Branch.* The Animal and Poultry Husbandry Research Branch of the Agricultural Research Service of the Department.

(e) *State.* Any State, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(f) *USROP or ROP.* U. S. Record of Performance.

§ 147.22 *General.* Changes in this subchapter shall be made in accordance with the procedure described in this subpart; *Provided*, That the Department reserves the right to make changes in this subchapter without observance of such procedure, whenever, such action is deemed necessary in the public interest.

§ 147.23 *Submitting, compiling and distributing proposed changes.*

(a) Changes in this Subchapter may be proposed by any participant, Official State Agency, the Department, or other interested person or industry organization.

(b) Except as provided in § 147.25 (d) (1), proposed changes shall be submitted in writing so as to reach the APH Branch not later than 90 days prior to the opening date of the conference, and participants in a Plan shall submit their proposed changes through their Official State Agency.

(c) The name of the proponent shall be indicated on each proposed change when submitted. Each proposal should be accompanied by a brief supporting statement.

(d) The APH Branch will notify all persons on the NPIP and NTIP mailing lists concerning the dates and general procedure of the conference. Hatchery, dealer and ROP participants will be reminded of their privilege to submit proposed changes and to request copies of all the published proposed changes.

(e) The proposed changes, together with the names of the proponents and supporting statements, will be compiled by the APH Branch and issued in processed form. When two or more similar changes are submitted, the APH Branch will endeavor to unify them into one proposal acceptable to each proponent. Copies will be distributed to State officials of the NPIP and NTIP and to ROP participants. Additional copies will be made available for meeting individual requests.

§ 147.24 *Official delegates.* Each State cooperating in the NPIP shall be entitled to one NPIP official delegate, and likewise, each State cooperating in the NTIP shall be entitled to one NTIP official delegate. The official delegates shall be elected by a representative group of participating industry members and be certified by the Official State Agency. It is recommended but not required that the NPIP official delegate be an NPIP participant.

Each official delegate shall endeavor to obtain, prior to the conference, the recommendations of industry members of his State with respect to each proposed change.

§ 147.25 *General Conference Committee.* (a) The General Conference Committee shall consist of the Poultry Coordinator in Charge, National Poultry and Turkey Improvement Plans, APH Branch, and one member to be elected from each of the following regions:

(1) North Atlantic: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

(2) South Atlantic: Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida.

(3) East North Central: Ohio, Indiana, Illinois, Michigan, and Wisconsin.

(4) West North Central: Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas.

(5) Western: Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California.

(6) South Central: Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas.

(b) The committee members will be elected by the NPIP and NTIP official delegates of the respective regions. Each region shall also elect one alternate member. There shall be at least two nominees for each position and the voting shall be by secret ballot.

(c) Three members shall be elected at each National Plans Conference. At the 1954 conference, members were elected for 4-year terms for the North Atlantic, East North Central, and Western regions; whereas members were elected for 2-year terms for the South Atlantic, West North Central, and South Central regions. Thereafter, each member of the committee shall serve for a period of 4 years and may not succeed himself.

(d) The duties of the General Conference Committee are as follows:

(1) Determine whether new proposals (i. e., proposals that have not been published and submitted to the States) may be considered. New proposals will be considered only with the unanimous consent of the committee.

(2) During the interim between conferences, the committee shall represent the cooperating States in:

(i) Reviewing and giving recommendations regarding the Department's report of changes and editing of this subchapter to include the changes.

(ii) Serving in an advisory capacity with respect to administrative procedures and interpretations of the provisions of this subchapter.

(iii) Recommending such administrative changes as may be necessitated by unforeseen conditions when postponement until the next conference would seriously impair the operation of the program. Such changes shall not affect the basic provisions of this subchapter and shall remain in effect only until confirmed or rejected by the next National Plans Conference, or until rescinded by the Committee.

(iv) Assisting the APH Branch in formulating plans for the next conference.

§ 147.26 *Committee consideration of proposed changes.* (a) The following six committees shall be established to give preliminary consideration to the proposed changes, falling in their respective fields:

(1) NPIP General Provisions.
(2) NPIP Breeding.
(3) NPIP Disease Control.
(4) NTIP General Provisions.
(5) NTIP Breeding.
(6) NTIP Disease Control.

(b) Each official NPIP delegate shall be appointed a voting member in one of the committees specified in paragraph (a) (1), (2), and (3) of this section and each official NTIP delegate shall be appointed a voting member in one of the committees specified in paragraph (a) (4), (5), and (6) of this section.

(c) Since several of the proposals may be interrelated, the committees shall consider them as they may relate to others, and feel free to discuss related proposals with other committees.

(d) The committees shall make recommendations to the conference as a whole concerning each proposal. The committee report shall show any change in wording and the record of the vote on each proposal, and suggest an effective date for each proposal recommended for adoption. The individual committee reports shall be submitted to the chairman of the conference, who will combine them into one report showing, in numerical sequence, the committee recommendations on each proposal.

(e) The committee meetings shall be open to any interested person. Advocates for or against any proposal should feel free to appear before the appropriate committee and present their views.

§ 147.27 *Conference consideration of proposed changes.* (a) The chairman of the conference shall be a representative of the Department.

(b) At the time designated for voting on proposed changes by the official delegates, the chairman of the General Conference Committee and the six committee chairmen shall sit at the Speaker's table and assist the chairman of the Conference.

(c) Each committee chairman shall present the proposals which his committee approves or recommends for adoption as follows: "Mr. Chairman. The committee on NPIP General Provisions recommends the adoption of Proposal No. —, for the following reasons: I move the adoption of Proposal No. —." A second will then be called for. If the recommendation is seconded, discussion and a formal vote will follow.

(d) Each committee chairman shall present the proposals which his committee does not approve as follows: "Mr. Chairman. The committee on NPIP General Provisions does not approve

Proposal No. —." The chairman will then ask if any official delegate wishes to move for the adoption of the proposal. If moved and seconded, the proposal is subject to discussion and vote. If there is no motion for approval, or if moved, but not seconded, there can be no discussion or vote and the proposal is thereby rejected.

(e) Discussion on any motion must be withheld until the motion has been properly seconded, except that the delegate making the motion is privileged, if he desires, to give reasons for his motion at the time of making it. To gain the floor for a motion or for discussion on a motion, the official delegate in the case of a motion, or anyone in case of discussion on a motion, shall rise, address the chair, give his name and State, and be recognized by the chair before proceeding further. While it is proper to accept motions only from official delegates and to limit voting only to such delegates, it is however, equally proper to accept discussion from anyone interested. To conserve time, discussion should be pointed and limited to the pertinent features of the motion.

(f) Proposals that have not been submitted in accordance with § 147.23 will be considered by the conference only with the unanimous consent of the General Conference Committee. Any such proposals must be referred to the appropriate committee for consideration before being presented for action by the conference.

(g) Voting will be by States and each cooperating State will be allowed one vote. Unless otherwise arranged, the NPIP official delegate shall cast his State's vote on changes affecting the NPIP, and the NTIP official delegate shall cast his State's vote on changes affecting the NTIP.

(h) A roll call of States for a recorded vote will be used when requested by a delegate or at the discretion of the chairman.

(i) All motions on proposed changes shall be for adoption.

(j) Proposed changes shall be adopted by a majority vote of the official delegates present and voting.

(k) The conference shall be open to any interested person.

§ 147.28 *Approval of Conference Recommendations by the Department.* Proposals adopted by the official delegates will be recommended to the Department for incorporation into the provisions of the NPIP and NTIP. The Department reserves the right to approve or disapprove the recommendations of the conference as an integral part of its sponsorship of the NPIP and NTIP.

Present Subchapters F, G, H, and I in Chapter I of Title 9, Code of Federal Regulations would be redesignated as Subchapters G, H, I, and J, respectively.

Any interested person who wishes to submit written comments, views, or arguments with respect to the proposed revision of the National Poultry and Turkey Improvement Plans and the auxiliary provisions may do so by filing them with T. C. Byerly, Chief, Animal and Poultry Husbandry Research Branch, Agricultural Research Center, Beltsville, Maryland, not later than November 8, 1954. Such comments, views, and arguments will be considered by the Department in acting upon the recommendations made by the National Poultry and Turkey Improvement Plans 1954 Conference.

Done at Washington, D. C., this 28th day of September 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-7827; Filed, Oct. 8, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 16]

[Docket No. 10743]

LAND TRANSPORTATION RADIO SERVICES

EXTENSION OF TIME FOR FILING COMMENTS WITH RESPECT TO MOTOR CARRIER RADIO SERVICE

In the matter of amendment of Part 16, rules governing Land Transportation Radio Services, to establish a Motor Carrier Radio Service and to make other related changes; Docket No. 10743.

The Commission has under consideration a request from the General Electric Company to extend the date for the filing of comments with respect to the notice of further proposed rule making in the above-captioned matter, from October 1, 1954, to October 15, 1954, to enable the company to gather engineering and technical information relative to the pending proposal;

It appearing that good cause has been shown for extending the time as requested;

It is ordered, This 30th day of September 1954, that the time for filing comments in this proceeding is extended until October 15, 1954, and the time for filing reply comments is extended until October 25, 1954.

Released: September 30, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7957; Filed, Oct. 8, 1954; 8:48 a. m.]

NOTICES

POST OFFICE DEPARTMENT

PHILATELIC SALE OF POSTAGE DUE STAMPS

The following is the text of Order No. 55744 of the Postmaster General, dated October 4, 1954:

Postage due stamps for philatelic purposes may be purchased only through the Philatelic Agency and the stamps will be placed on sale October 15, 1954. Patrons desiring to purchase such stamps shall send their orders direct to the Philatelic Agency, Post Office Department, Washington 25, D. C.

Postage due stamps so purchased are not valid for either the prepayment or deficient payment of postage.

(R. S. 161, 396, sec. 26, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25, sec. 3, 45 Stat. 940, 68 Stat. 787; 5 U. S. C. 22, 369; 39 U. S. C. 275)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-7976; Filed, Oct. 8, 1954; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2558, Amdt. 4]

SOUTHEASTERN POWER ADMINISTRATION

ACTING ADMINISTRATOR

OCTOBER 4, 1954.

Section 3 of Order No. 2558, as amended (17 F. R. 8461; 18 F. R. 4688), is superseded and revised to read as follows:

SEC. 3. *Acting Administrator.* (a) The Chief, Division of Power Operations, shall perform the duties of the Administrator in the event of the absence, sickness, resignation, or death of the Administrator.

(b) The Chief, Division of Power Sales, shall perform the duties of the Administrator in the event of the absence, sickness, resignation, or death of the Administrator and the Chief, Division of Power Operations.

(c) The Chief, Division of Fiscal Operations, shall perform the duties of the Administrator in the event of the absence, sickness, resignation, or death of the Administrator, the Chief, Division of Power Operations, and the Chief, Division of Power Sales.

(d) The officer acting under authority of this section shall sign documents under the title "Acting Administrator."

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C. sec. 133z-15, note)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 54-7945; Filed, Oct. 8, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GEORGIA

DESIGNATION OF ADDITIONAL AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148 a-2 (a)), it is found that in the following named additional counties in the State of Georgia, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF GEORGIA

Bartow.	Macon.
Berrien.	Marion.
Catoosa.	Meriwether.
Clarke.	Miller.
Colquitt.	Murray.
Cook.	Muscogee.
Decatur.	Oconee.
Douglas.	Pierce.
Early.	Quitman.
Echols.	Schley.
Gordon.	Stewart.
Grady.	Terrell.
Habersham.	Thomas.
Hall.	Walton.
Harris.	White.
Hart.	Whitfield.
Liberty.	

After December 31, 1955, loans under section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148 a-2 (a)), will not be made in the above-named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 4th day of October 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-7965; Filed, Oct. 8, 1954; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 181]

CALIFORNIA TRADING CO. ET AL.

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of: California Trading Company, Jehoszua Pintel, Owner, 106 West Third Street, Los Angeles 13, California; Randolph H. Infield, 868 South Norton Avenue, Los Angeles 5, California; Ignacio Pintel, Avenida Mexico 157, Mexico, D. F., Mexico; Hierros Laminados, S. A., Pedro Echeverria and Jose Llamosas, Officers thereof, Av. Henry Ford No. 3309, Col. Bondojito, Villa G. A. Madero, Mexico, D. F., Mexico; Laminadoras Unidas, S. A., Gabino Alvarez and Manuel Alvarez, Officers thereof, Av. Ferrocarril No. 9, Col. Moctezuma, Mexico, D. F., Mexico; Respondents.

In connection with two separate transactions between the domestic export firm, California Trading Company, its owner Jehoszua Pintel, its then representatives in Mexico, Ignacio Pintel and Randolph H. Infield, and two nonrelated steel rolling mills in Mexico, Hierros Laminados, S. A., and Laminadoras Unidas, S. A., and their above-stated respective principals, said parties were charged with attempting to induce the export from the United States of an aggregate of $1 million of used relaying rails, by false representations and certifications on license applications and supporting documents submitted to the Office of International Trade (now the Bureau of Foreign Commerce), in violation of the Export Control Act of 1949, as amended, and the regulations issued thereunder.

The principals of Laminadoras Unidas, S. A., and their company were charged also with making false and misleading statements to United States Government officers during the investigation into the alleged violations, in an attempt to divert from themselves any responsibility in said violations.

More specifically, the charges were that two unrelated license applications filed by California Trading Company ("California") on June 12, 1952, one to export 5,500 short tons of No. 1 used relaying rails, valued at approximately $500,000, to Hierros Laminados, S. A. ("Laminados") in Mexico, and the other to export to Laminados Unidas, S. A., ("Unidas") in Mexico a like quantity of similar rails of the same approximate value, contained thereon false representations that the described rails were to be used by said consignees for relaying purposes, and concealed the material fact that such rails really were to be used in the respective rolling mills for rerolling purposes. Each said application was supported by a written contract for the stated quantity of rails, duly executed by California as seller, and Unidas and Laminados as purchaser, respectively; and each said contract provided thereon that the rails were being purchased for use for "relaying purposes in industrial sidings and railroad tracks." The Laminados license application was also supported by a letter of April 15, 1952, from Laminados to California, certifying that the rails purchased as aforesaid were urgently needed by them for relaying purposes.

The charge of false and misleading statements against the Alvarez brothers involved oral and written statements they had made to United States Government officers during the investigation of the above mentioned transaction, whereby they claimed that after their execution of the contract for the purchase of the subject rails, and without their knowledge or consent, California fabricated and inserted into said contract a false representation, to wit, the provision that the rails purchased by Unidas were for use for "relaying purposes in industrial sidings and railroad tracks."

The gravamen of the charges was that the parties to the transactions knew that United States regulations prohibited the export of used rails from the United States for rerolling purposes, but permitted the export of rails for relaying purposes; and that the parties therefore falsified and misrepresented the intended use of the subject rails as being for relaying purposes in order to induce the issuance of export licenses and to effect the exportations.

Following an investigation by Office of International Trade investigators and other United States officers, the license applications submitted as aforesaid were rejected by the Office of International Trade as contrary to the national interest, and none of the rails were exported from the United States.

Hearings on the charges were held before a Compliance Commissioner at Washington, D. C., on October 19, 20, 21 and 22, 1953, and on May 13, 1954. Except for Jehoszua Pintel and his company, none of the above-named respondents requested an oral hearing. The Laminados group and the Unidas group elected to present their defenses to the charges by written answers. Randolph H. Infield did not appear in the proceedings or contest the charges, while Ignacio Pintel, a resident of Mexico, made vague promises in writing that he would be available for testimony as to the extent of his participation in the transactions, but he thereafter failed to submit himself for such questioning in Mexico. The only respondent to appear at the hearings was Jehoszua Pintel, and he testified and presented evidence in his behalf and for California only at the hearings held in October 1953, and did not appear at the extended hearing held in May 1954.

At the said hearings the Compliance Commissioner received the evidence presented by the Bureau of Foreign Commerce in support of the charges, and the testimony of the Bureau's witnesses, the answers submitted by Laminados and Unidas, and the testimony and evidence presented by Jehoszua Pintel. He noted and entered the defaults of Randolph H. Infield and Ignacio Pintel. Thereafter, he issued his report and recommendations to the undersigned Director of the Office of Export Supply.

From the Commissioner's report, and on the evidence, and the record, the following are the facts:

Prior to March 1952, California, through its representatives Ignacio Pintel and Randolph H. Infield, negotiated for the sale of 5,500 tons of used steel rails to each prospective purchaser, Laminados and Unidas. During that period, and for some time thereafter, in accord with National Production Authority (NPA Order M-64) the Office of International Trade pursuant to its regulations was not licensing the export from the United States of used rails for rerolling purposes, unless the NPA issued written authorization for such transaction. However, the NPA was not issuing any such authorization. But, as was also provided in NPA Order M-64, the Office of International Trade was licensing for export used rails for relaying purposes, if the exporter submitted a statement from the foreign consignee which certified to the Office of International Trade that such rails would be used by the consignee for relaying purposes only.

Accordingly, California, knowing or having reason to know that Laminados and Unidas were rolling mills and would use the rails for rerolling purposes, formalized the sales of the subject rails by preparing contracts containing the false representation that the rails were to be used by the respective purchasers for relaying purposes, as aforesaid. The Laminados contract was executed by the parties on March 10, 1952; the Unidas contract was executed by the parties on April 7, 1952. Both contracts were intended to be submitted to the Office of International Trade in support of the export license applications.

However, California and Laminados also executed another contract on March 10, 1952, which had been pre-

pared by Laminados, representing thereon that the rails purchased were for rerolling purposes. This contract was evidently intended by Laminados for submission to Mexican authorities in order to obtain the advantages of a subsidy the Mexican Government was then granting to Mexican firms to import used rails for rerolling purposes.

There were thus two contracts between California and Laminados covering the same rails and containing the same general terms and provisions, except for the vital difference that one contract provided for the purported use of the rails for rerolling purposes, the other for relaying purposes.

California prepared and executed, on April 17, 1952, license applications to export the subject rails to each purchaser, attaching to the Laminados application a copy of the March 10, 1952 "relaying purpose" contract, as well as a certification letter from Laminados, dated April 15, 1952, confirming that the rails purchased were for relaying uses, and attaching to the Unidas application a copy of the contract executed on April 7, 1952. The applications were submitted to the Office of International Trade on June 12, 1952, as aforesaid.

In their answer to the charges, Laminados' primary defense was, in substance, that the aforesaid certification letter and the relaying-purpose contract had been executed by them at the insistence of Jehoszua Pintel, and merely to assist him in obtaining a U. S. export license for the rails. They claimed they were not familiar with U. S. export control regulations and necessarily relied upon Pintel's superior knowledge of U. S. export requirements. Their contentions were rejected by the Compliance Commissioner in view of the conclusion that they were conversant with the Office of International Trade regulations and the NPA order because of their many years of experience in importing U. S. rails into Mexico, and of the consequently deliberate execution of the aforesaid certification letter and the falsified contract to evade the said regulations and order.

The basic defense in the Unidas answer, i. e., that Pintel (California) knew of their intention to use the rails for rerolling purposes, and that to obtain the U. S. export license he had improperly fabricated and inserted the false relaying end-use provision in the sales contract after they had executed it, was ruled invalid by the Commissioner on the basis of a report from the FBI laboratory at Washington, D. C., to which agency the said contract had been submitted for analysis. This report held in effect that the said contract had been complete when it was prepared by California, and that it had contained the relaying-use provision which Unidas claimed was later inserted. In view thereof, the Commissioner concluded that the fabrication claim was knowingly fraudulent, and concluded further that the oral and written representations made by the Alvarez brothers to U. S. officers during the investigation herein, to the same effect, were intended to divert responsibility from themselves in the violations herein.

Finally, with respect to Jehoszua Pintel's position that he had not known that Unidas and Laminados intended to use the purchased rails for rerolling purposes, and had relied upon the integrity of their respective representations (in the contracts and the certification letter) that such rails were for relaying purposes, the Commissioner, in view of the conclusive evidence that Pintel not only knew the true intended use for the rails, but, perhaps, had conceived the plan to falsify the documents and certainly had implemented it by preparing such documents with the intent that the Office of International Trade rely upon them, held that such position was utterly without foundation and that Pintel's testimony in that respect was false.

The Compliance Commissioner then found that the evidence sustained the charges, and that the respondents thereby violated the export control law and regulations as charged, in derogation of the export control program implementing NPA Order M-64, which had been issued in the national defense. He further found that the violations were aggravated by untruthful and evasive testimony given by Jehoszua Pintel at the hearings, and by the misleading and contrived answers of the Laminados and Unidas groups. The Compliance Commissioner concluded that the respondents' attitude foreshadowed possible future violations unless effective deterrent measures were taken in the form of an order denying them export privileges.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letters, the evidentiary material, the answers of Laminados and Unidas to the charges, and the entire record. It appears therefrom that the Compliance Commissioner's findings are in accordance with the evidence and, taking into account all factors including that no actual shipments were made, it is concluded that the following order is necessary and reasonable to achieve effective enforcement of the export control law and regulations.

Now, therefore, it is ordered, as follows:

(1) All outstanding validated export licenses held by or issued in the names of respondents, or any of them, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(2) Respondents, and each of them, are hereby denied all privileges of participating, directly or indirectly in any manner or capacity, in an exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation is deemed to include and prohibit respondents' participation (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing, in any foreign country, of any commodities in whole or in part exported from the United States during the period of this order or to be exported from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall apply not only to the respondents named herein, and each of them, but shall apply and extend also to any other person, firm, corporation, or other business organization with which said respondents, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(4) This order shall extend from the date hereof; as to Jehoszua Pintel and California Trading Company for a period of eighteen (18) months; as to Hierros Laminados, S. A., Pedro Echeverria, Jose Llamosas, Laminadoras Unidas, S. A., Gabino Alvarez, and Manuel Alvarez, for a period of twelve (12) months; as to Ignacio Pintel and Randolph H. Infield, for a period of ten (10) months: *Provided, however,* That during the last six (6) months of each of said periods the export privileges which are denied by the terms of the order shall be restored to respondents without further order of the Bureau of Foreign Commerce, but no validated export licenses revoked under the order shall thereby be restored. In the event, however, that any of the respondents or the aforerelated persons and companies in Part (3) shall knowingly violate the terms of the denial order or any of the laws or regulations related to export control during the entire period of such order, the Bureau of Foreign Commerce may summarily and without notice to the person or company responsible for such violation, at such time as it shall determine that such violation has occurred, issue a supplemental order which shall deny to such person or company all export privileges for the said period which has been held in abeyance with respect to him or it, and shall revoke all validated licenses then outstanding and as to which said person or company may be a party, without thereby limiting the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted.

(5) No person, firm, corporation, or other business organization, whether in the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to an exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, store, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the respondents herein, or related companies and persons covered by Part (3) above have any interest or participation of any kind or nature, direct or indirect.

Dated: October 7, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-7980; Filed, Oct. 8, 1954; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5592]

REOPENED FAYETTEVILLE CASE

NOTICE OF PRE-HEARING CONFERENCE

The Board by Order No. E-8684 has reopened for further hearing Docket No. 5592, to be limited to the issue of whether the Board should eliminate the requirement that Central, in performing service to Dallas-Forth Worth on segment 7, shall do so through the Amon Carter Field. Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 18, 1954, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., October 6, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-7986; Filed, Oct. 8, 1954; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10379, 11014, 11015; FCC 54-1248]

KEY BROADCASTING SYSTEM, INC., ET AL.

ORDER AMENDING ISSUES

In re applications of Key Broadcasting System, Inc., Bay Shore, New York, Docket No. 10379, File No. BP-8422; the WAVZ Broadcasting Corporation (WAVZ), New Haven, Connecticut, Docket No. 11014, File No. BP-8944; Edward J. Fitzgerald, Riverhead, New York, Docket No. 11015, File No. BP-9100; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September 1954;

The Commission having under consideration a petition filed on September 3, 1954 by Wodaam Corporation, licensee of Station WOV, New York, New York, a party intervenor, requesting clarification of issues in the above-entitled proceeding;

It appearing that petitioner requests that the Commission issue an order directing the Examiner to permit introduction of evidence with respect to the character of service rendered by Station WOV, or in the alternative to modify the issues in the Hearing Order dated April 28, 1954, released April 30, 1954 to authorize the receipt of such evidence;

It further appearing that, although the petition was not filed within 15 days of the date the order of designation was published in the FEDERAL REGISTER as provided by § 1.389 of the Commission's rules, good cause is shown here in view of the decision of the Court of Appeals in Democrat Printing Company v. FCC, 202 F. 2d 298;

It further appearing that any enlargement of issues of the type here requested should be made applicable to all parties intervenor;

It is ordered, That the petition is granted and that the issues set forth in the Order adopted April 28, 1954 herein are amended so as to renumber issues 6, 7, 8 and 9 as 7, 8, 9 and 10, respectively and to include the following issue:

6. To determine the type and character of program services rendered by Stations WOV, New York, New York, WTNJ, Trenton, New Jersey and WJLK, Asbury Park, New Jersey and whether these services meet the requirements of the populations and areas proposed to lose such service, if any.

It is further ordered, That the burden of proceeding with introduction of evidence under issue 6 is placed upon the licensees of Stations WOV, WTNJ and WJLK.

Released: October 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7946; Filed, Oct. 8, 1954; 8:46 a. m.]

[Docket Nos. 10548, 10549, 10883; FCC 54-1246]

TRI-STATE BROADCASTING SERVICE ET AL.

ORDER AMENDING ISSUES

In re applications of Sam C. Phillips, Clarence A. Camp and James E. Connolly, a partnership doing business as Tri-State Broadcasting Service, Memphis, Tennessee, Docket No. 10548, File No. BP-8775; Southern Broadcasting Service, Inc., Memphis, Tennessee, Docket No. 10549, File No. BP-8802; Newport Broadcasting Company (KNBY), Newport, Arkansas, Docket No. 10883, File No. BP-9081; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September 1954;

The Commission having under consideration a petition filed August 12, 1954, by the Chief, Broadcast Bureau requesting modification of the hearing issues herein and the addition of certain parties; and an answer to said petition filed by the Tri-State Broadcasting Service;

It appearing that the hearing herein is now governed by two orders, and that the overlapping issues specified in these orders should be consolidated and the issues clarified; and

It further appearing that since issuance of the aforesaid orders the Commission adopted a new soil conductivity map on the basis of which it appears that operating as proposed Tri-State Broadcasting Service and Southern Broadcasting Service, Inc. would cause objectionable interference to and receive objectionable interference from Stations WIRJ, Humboldt, Tennessee and WJMW, Athens, Alabama and that, therefore, the licensees of these stations should be added as parties to this proceeding with the right to participate as to those issues relating to interference caused to or by them; and

It further appearing that the participation of the licensees of Stations KTRY and KWRE, already parties to the proceeding because of interference, should be similarly limited to the issues relating to interference caused to or by them;

It is ordered, That the petition of the Chief, Broadcast Bureau, is granted, to the extent hereinafter indicated:

A. The issues specified in the previous orders herein, dated June 19, 1953 and January 27, 1954 are rescinded and the following hearing issues are substituted therefor:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and population.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the operations of the proposed stations would involve objectionable interference as follows:

(a) Tri-State and Southern with WIRJ, Humboldt, Tennessee; WJMW, Athens, Alabama; and KTRY, Bastrop, Louisiana;

(b) KNBY with KTRY, Bastrop, Louisiana, and KWRE, Warrenton, Missouri;

and, if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other primary service to such areas and populations.

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the applicants would provide the more fair, efficient and equitable distribution of radio service.

6. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

B. Gibson Broadcasting Company, licensee of Station WIRJ, Humboldt, Tennessee and Athens Broadcasting Company, Inc., licensee of Station WJMW, Athens, Alabama are made parties to the proceeding, and their participation and the participation of Morehouse Broadcasting Company, licensee of Station KTRY, Bastrop, Louisiana and W. T. Zimmerman, licensee of Station KWRE, Warrenton, Missouri is limited to those issues relating to interference caused to or by them.

Released: October 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7947; Filed, Oct. 8, 1954; 8:47 a. m.]

[Docket Nos. 10931, 10933, 11096; FCC 54M-1232]

MERCER BROADCASTING CO. ET AL.

STATEMENT CONCERNING PRE-HEARING CONFERENCE AND ORDER

In re applications of Mercer Broadcasting Company, Trenton, New Jersey, Docket No. 10931, File No. BP-8714; Drew J. T. O'Keefe, Jack J. Dash & William F. Waterbury, Levittown-Fairless Hills, Pennsylvania, Docket No. 10933, File No. BP-8964; William A. Brewer, Albert W. Eastburn & Theresa Rose, a partnership, d/b as Levittown-Fairless Hills Broadcasters, Levittown, Pennsylvania, Docket No. 11096, File No. BP-9193; for construction permits.

At the pre-hearing conference held herein on September 30, 1954, the following agreements were reached among the parties and are found to be acceptable and approved by the Hearing Examiner:

(1) O'Keefe will be allowed until November 4, 1954 within which to prepare and furnish to the parties and the Examiner new information for its direct case on the basis of its specified site. This agreement was reached in the light of (1) the Commission's order of September 22, 1954, requiring O'Keefe to specify a definite site for the location of the antenna system in its application; and (2) O'Keefe's agreement at the August 18 conference to prepare and submit new information on a specified site basis if the Commission should require that applicant to specify a site.

(2) Brewer will be allowed until October 14, 1954 within which to prepare and furnish to the parties and the Examiner such additional exhibits as may be necessary to cover in its direct case the new issue relating to "real party in interest" added with respect to Brewer by the Commission's order of September 22, 1954.

(3) O'Keefe will be allowed (1) to change the last page of its Exhibit 1-C to show with respect to "source" the suitable percentage points and to show the number of spot announcements as required by FCC Form 301, section IV, paragraph 4b; and (2) to change the indications of "source" and "type" in its Exhibit 1-C to show more accurately and in conformity with the Commission's definitions the proper classification of the programs listed: *Provided, however,* All counsel reserve the right to inquire on cross-examination as to the changes made and the reasons such changes were made between the original submission of the direct case and the change which will be submitted. Such changes shall be furnished to the parties and the Examiner on or before October 14, 1954.

(4) Counsel for the various parties will not raise the formal or technical objection with respect to programming analyses in this proceeding on the basis of variance from the percentages in the analyses contained in the applications in the proceeding: *Provided, however,* All counsel reserve the right to cross-examine suitable witnesses with respect to why certain changes have occurred between the analyses stated in the applications and in the direct cases.

(5) An informal engineering conference will be held among the parties on October 12, 1954, following which Commission counsel will advise the Examiner whether the parties decide that a formal hearing conference on engineering matters is necessary. If so, a convenient date will be set, and a notice issued.

It is ordered, This 5th day of October 1954, that the foregoing requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Examiner for cause or by the Commission upon review of the Examiner's ruling.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7981; Filed, Oct. 8, 1954; 8:53 a. m.]

[Docket Nos. 11076, 11077; FCC 54M-1222]

SOUTHERN INDIANA BROADCASTERS, INC., AND MT. VERNON BROADCASTING CO.

ORDER CONTINUING PRE-HEARING CONFERENCE

In re applications of Southern Indiana Broadcasters, Inc., Newburgh, Indiana, Docket No. 11076, File No. BP-9063; Harry C. Sanders and Norman Hall d/b as Mt. Vernon Broadcasting Co., Mt. Vernon, Indiana, Docket No. 11077, File No. BP-9124; for construction permit.

On September 30, 1954, Southern Indiana Broadcasters, Inc. having filed a motion for continuance of pre-hearing conference from October 1 to November 1, 1954, movant proposing to amend to a different frequency and eliminate the conflict between the applicants, thus rendering the conference unnecessary; and the other parties having consented to the immediate consideration of the motion;

It is ordered, This 30th day of September, that the motion is granted, and the pre-hearing conference is continued from October 1 to November 1, 1954, at 2:00 p. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7948; Filed, Oct. 8, 1954; 8:47 a. m.]

[Docket No. 11174; FCC 54M-1224]

JORDAN DISPATCH SERVICE

ORDER FOR PRE-HEARING CONFERENCE

In the matter of R. C. Jordan, d/b as Jordan Dispatch Service, Plainview, Texas and Lubbock, Texas, order to show cause why the licenses of stations KKG563 and KKE970 in the Domestic Public Land Mobile Radio Service should not be revoked; Docket No. 11174.

This proceeding having been designated by the Federal Communications Commission for hearing to commence on October 26, 1954; and

It appearing that a pre-hearing conference of the parties or their attorneys, including counsel for the Chief of the Common Carrier Bureau of this Commission, is desirable particularly for the purposes of determining the possibility of stipulating with respect to facts, the limitation of the number of witnesses at the hearing, the procedure at the hearing, and other similar pertinent preliminary matters;

It is ordered, This 1st day of October 1954, that a pre-hearing conference in the above-entitled proceeding is to be held at 10 a.m. on October 18, 1954, at the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary

[F. R. Doc. 54-7949; Filed, Oct. 8, 1954; 8:47 a. m.]

[Docket Nos. 11175, 11176; FCC 54M-1226]

ABRAHAM KLEIN

ORDER FOR PRE-HEARING CONFERENCE

In re applications of Abraham Klein, Hartford, Connecticut, Docket No. 11175, File No. 1084-C2-P-54; Abraham Klein, Columbus, Ohio, Docket No. 11176, File No. 296-C2-P-54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

This proceeding having been designated by the Federal Communications Commission for hearing to commence on November 4, 1954; and

It appearing that a pre-hearing conference of the parties or their attorneys, including counsel for the Chief of the Common Carrier Bureau of this Commission, is desirable, particularly for the purposes of determining the possibility of stipulating with respect to facts, the limitation of the number of witnesses at the hearing, the procedure at the hearing, and other similar pertinent preliminary matters;

It is ordered, This 4th day of October 1954, that a pre-hearing conference in the above-entitled proceeding be held at 10 a. m. on October 25, 1954, at the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7983; Filed, Oct. 8, 1954; 8:53 a. m.]

[Docket Nos. 11177, 11178; FCC 54M-1227]

ABRAHAM KLEIN AND MEDICAL BUSINESS BUREAU, INC.

ORDER FOR PRE-HEARING CONFERENCE

In re applications of Abraham Klein, Cincinnati Ohio, Docket No. 11177, File No. 803-C2-P-54; Medical Business Bureau, Inc., Dayton, Ohio, Docket No. 11178, File No. 1495-C2-P-54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

This proceeding having been designated by the Federal Communications Commission for hearing to commence on November 5, 1954; and

It appearing that a pre-hearing conference of the parties or their attorneys, including counsel for the Chief of the Common Carrier Bureau of this Commission, is desirable, particularly for the purposes of determining the possibility of stipulating with respect to facts, the limitation of the number of witnesses at the hearing, the procedure at the hearing, and other similar pertinent preliminary matters;

It is ordered, This 4th day of October 1954, that a pre-hearing conference in the above-entitled proceeding be held at 1:00 p. m. on October 25, 1954, at the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7984; Filed, Oct. 8, 1954; 8:54 a. m.]

[Docket No. 11182]

FORT GAGE, INC.

ORDER TO SHOW CAUSE WHY LICENSE SHOULD NOT BE REVOKED

In the matter of The Fort Gage, Inc., St. Louis, Missouri; order to show cause why the license for ship radiotelephone station WE-2942 should not be revoked; Docket No. 11182.

There being under consideration the matter of ineligibility of The Fort Gage, Inc., Foot of Poplar Street, St. Louis 2, Missouri, under the Commission's Rules for the ship radiotelephone station, WE-2942;

It appearing that a ship radiotelephone license was granted on June 10, 1952 to the above-named licensee based on information contained in an Application for Ship Radiotelephone Station License (FCC Form 501-A) which caused the Commission to believe that the applicant was eligible for such license pursuant to the Commission's rules; and

It further appearing that recently information has come to the attention of the Commission indicating that the frequency and the radiotelephone station granted by said license are now not and were not on the date of the grant in accordance with §§ 8.3 (d) and 8.351 of the Commission's rules which respectively define the term "ship station" and set forth the frequencies available to ship stations employing telephony by means of amplitude modulation; and

It further appearing that in a response, dated July 28, 1954, to a letter of warning and inquiry from the Commission to the licensee on this matter, dated July 20, 1954, the licensee presented no information or assertions indicating that it is now, or was at the time of the grant eligible for a ship radiotelephone station; and

It further appearing that if all the facts about this matter had been revealed to the Commission at the time of the grant, the Commission would not have issued said radiotelephone station license to The Fort Gage, Inc.:

It is ordered, This 29th day of September 1954, pursuant to section 312 (a) (2) and (c) of the Communications Act of 1934, as amended, that the said Fort Gage, Inc. show cause why the aforesaid license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 13th day of December 1954; and

It is further ordered, That the Secretary send a copy of this Order by Registered Mail—Return Receipt Requested to the said Fort Gage, Inc., Foot of Poplar Street, St. Louis 2, Missouri.

Released: October 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7950; Filed, Oct. 8, 1954; 8:47 a. m.]

[Docket No. 11183]

AERO DESIGN AND ENGINEERING CO.

ORDER TO SHOW CAUSE WHY LICENSE SHOULD NOT BE REVOKED

In the matter of Aero Design and Engineering Company, Bethany, Oklahoma, order to show cause why the license for Aeronautical Advisory Radiotelephone Station KLH 6 should not be revoked; Docket No. 11183.

There being under consideration the matter of ineligibility of Aero Design and Engineering Company, Box 118, Bethany, Oklahoma, under the Commission's rules for aeronautical advisory radiotelephone station KLH 6 located at the Tulakes Airport, Bethany, Oklahoma;

It appearing that an aeronautical advisory radiotelephone station KLH 6 was granted on February 14, 1952 to the above-named licensee based on information contained in an Application for New or Modified Radio Station Construction Permit (FCC Form 401) and an Appli-

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that said licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

cation for Radio Station License or or Modification Thereof (FCC Form 403) to which was attached a certificate, dated January 26, 1952, sworn to by an authorized representative of said licensee, which caused the Commission to believe that the applicant was the operator of Tulakes Airport, and therefore, was eligible for such license pursuant to the Commission's rules; [1] and

It further appearing that recently information has come to the attention of the Commission indicating that said licensee is not now and was not on the date of the grant the owner or operator of a landing area at Tulakes Airport not served by an airdrome control station, so as to be eligible for an aeronautical advisory station pursuant to § 9.1001 of the Commission's rules; and

It further appearing that in a response, dated August 30, 1954, to a letter of warning and inquiry from the Commission to the licensee on this matter, dated August 24, 1954, the licensee presented no information or assertions indicating that it is now, or was at the time of the grant, eligible for an aeronautical advisory station; and

It further appearing that if all the facts about this matter had been revealed to the Commission at the time of the grant, the Commission would not have issued said aeronautical advisory station license to the Aero Design and Engineering Company:

It is ordered, This 29th day of September 1954, pursuant to section 312 (a) (1) and/or (2) and (c) of the Communications Act of 1934, as amended, that the said Aero Design and Engineering Company show cause why the aforesaid license should not be revoked and appear and give evidence in respect thereto at a hearing [2] to be held before this Commission at Washington, D. C., on the 6th day of December, 1954; and

It is further ordered, That the Secretary send a copy of this Order by Registered Mail—Return Receipt Requested to the said Aero Design and Engineering Company, Box 118, Bethany, Oklahoma.

Released: October 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7951; Filed, Oct. 8, 1954; 8:47 a. m.]

[Docket No. 11184; FCC 54-1224]

RADIO ORDER SERVICE, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio Order Service, Inc., Rochester, New York, for additional time to construct radio station KEA775 in the Domestic Public Land Mobile Radio Service, Docket No. 11184, File No. 330-C 2-MP-55.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September 1954;

The Commission having under consideration the above-entitled application for additional time to construct radio station KEA775 in the Domestic Public Land Mobile Radio Service;

It appearing that, on November 14, 1951, the Commission granted Radio Order Service, Inc. a construction permit for a two-way signaling station in the Domestic Public Land Mobile Radio Service at Rochester, New York, and that modification of the construction permit to change antenna location and extend the date of required completion of construction to January 14, 1953 was granted by the Commission, and that Radio Order Service, Inc. did not complete construction but permitted its construction permit to expire; and

It further appearing that, Radio Order Service, Inc., in 1953, filed another application for construction permit for the same facilities in the Domestic Public Land Mobile Radio Service and that the Commission granted a construction permit for the period May 11, 1953 to January 11, 1954, and that an application for additional time to complete the required construction was filed by the above-entitled applicant and that the Commission authorized an extension of time to September 1, 1954, within which to complete construction; and

It further appearing that, on August 20, 1954, Radio Order Service, Inc. filed the instant application for additional time to complete construction of its station, stating that it has been unable to complete construction within the required time due to its inability to secure access to its antenna site over a roadway allegedly owned and controlled by another who has refused to negotiate an agreement whereby the applicant may secure a right of way or access to its property; and

It further appearing that, since November 14, 1951 the public in the Rochester, New York area have not received service as reasonably anticipated at the time the construction permit was granted and that the public interest requires that the above-entitled application be designated for hearing to determine whether the construction permit should be further extended; and

It further appearing that, the Commission has advised the above-entitled applicant, by letter dated September 2, 1954, as to the reasons why its application cannot be granted without hearing, and that a reply, dated September 10, 1954, has been received from Radio Order Service, Inc., and that said reply has been duly considered;

It is ordered, That the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on December 13, 1954 upon the following issues:

1. To determine to what extent, and in what manner, Radio Order Service, Inc. has undertaken to construct the facility authorized in the subject construction permit.

2. To determine whether Radio Order Service, Inc. has proceeded, in good faith, to carry out the terms and conditions of the subject construction permit.

3. To determine whether Radio Order Service, Inc. has available any reasonable alternative means of providing the authorized service.

4. To determine whether there is any reasonable expectancy that Radio Order Service, Inc. will commence rendition of public service within the period provided in the extension of time sought herein.

5. To determine whether the public interest, convenience and necessity will be served by the further extension of the subject construction permit.

Released: October 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7952; Filed, Oct. 8, 1954; 8:47 a. m.]

[Docket No. 11185; FCC 54-1235]

YANKTON BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Yankton Broadcasting Company, Yankton, South Dakota, for construction permit; Docket No. 11185, File No. BP-9277.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September 1954;

The Commission having under consideration the above application for construction permit by Yankton Broadcasting Company for a new standard broadcast station at Yankton, South Dakota, to operate on 1450 kilocycles with a power of 250 watts, unlimited time (File No. BP-9277);

It appearing that the applicant is legally, technically, financially, and otherwise qualified to operate the proposed station; but that the proposed operation will cause objectionable interference to Station KTRI, operating on a frequency of 1470 kilocycles with a power of 5000 watts, unlimited time at Sioux City, Iowa; and

It further appearing that Sioux City Broadcasting Company, licensee of Station KTRI, by letter dated May 25, 1954 notified the Commission of its objection to the applicant's proposed operation, asking that its application be designated for hearing because of interference to KTRI; and

It further appearing that in a letter dated July 7, 1954, the Commission advised the applicant of the necessity of a hearing on the application because of interference to Station KTRI; and

It further appearing that the applicant filed a statement on September 3, 1954 in which the applicant urged a grant of the application notwithstanding the interference to KTRI; and

It further appearing that the Commission, after consideration of the reply, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas, and populations.

2. To determine whether the operation of the proposed station would involve interference with Station KTRI, Sioux City, Iowa, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the operation of the station proposed by Yankton Broadcasting Company would serve the public interest, convenience and necessity.

It is further ordered, That Sioux City Broadcasting Company, licensee of Station KTRI, Sioux City, Iowa is made a party to the proceeding.

Released: October 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7953; Filed, Oct. 8, 1954; 8:48 a. m.]

[Docket Nos. 11186, 11187; FCC 54-1236]

RADIO SERVICES OF WELLSVILLE AND ELMIRA TELEVISION

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of J. S. Mumma, J. M. Cleary, J. H. Satterwhite, J. E. Ericson, and C. S. Bromeley, d/b as Radio Services of Wellsville, Wellsville, New York, Docket No. 11186, File No. BP-9021; John S. Booth and Thompson K. Cassel, d/b as Elmira Television, Elmira, New York, Docket No. 11187, File No. BP-9121; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September 1954;

The Commission having under consideration the above-entitled application for construction permit by J. S. Mumma, J. M. Cleary, J. H. Satterwhite, J. E. Erickson, and C. S. Bromeley, doing business as Radio Services of Wellsville for a new standard broadcast station to operate on 790 kilocycles with a power of 500 watts, daytime only, at Wellsville, New York (File No. BP-9021) and the application for construction permit by John S. Booth and Thompson K. Cassel, doing business as Elmira Television for a new standard broadcast station to operate on 800 kilocycles with a power of 500 watts, daytime only, at Elmira, New York (File No. BP-9121).

It appearing that both applicants are legally, technically and otherwise qualified, except as noted below, to operate their proposed stations, and that Wellsville is also financially qualified, but that operation by the applicants as proposed would result in interference being caused to each other; and

It further appearing that the proposed Wellsville operation would cause interference to Station WPIC, Sharon, Pennsylvania and that WPIC, by its attorneys stated in a letter of August 13, 1954 that it intended to appear at a hearing in the matter; and

It further appearing that Elmira Television has not been shown to be financially qualified; and

It further appearing that Thompson K. Cassel, a co-partner in Elmira Television, is licensee of Station WATS, Sayre, Pennsylvania, and that since Elmira and Sayre are only 14 miles apart, a question is raised as to whether a grant of the Elmira application would contravene § 3.35 of the Commission's rules (Multiple Ownership Rule); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated June 17, 1954 of the aforementioned deficiencies, and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that timely replies have been received from both applicants; and

It further appearing that after consideration of the replies, the Commission is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of J. S. Mumma, J. M. Cleary, J. H. Satterwhite, J. E. Ericson, and C. S. Bromeley, doing business as Radio Services of Wellsville, would involve objectionable interference with Station WPIC, Sharon, Pennsylvania, and if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine the overlap, if any, which would exist between the service areas of the proposed station of John S. Booth and Thompson K. Cassel, doing business as Elmira Television and of Station WATS, Sayre, Pennsylvania, with particular reference to the ownership by Thompson K. Cassel in both stations; the nature and extent thereof, and whether a grant to Elmira would result in contravention of § 3.35 of the Commission rules.

4. To determine whether the applicant, John S. Booth and Thompson K. Cassel, doing business as Elmira Television, is financially qualified to construct and operate the proposed station.

5. To determine, on a comparative basis, if both applications cannot be granted, because of excessive mutual interference, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of these applicants would provide the more fair, efficient, and equitable distribution of radio service.

6. To determine, on a comparative basis, if both applications cannot be granted, because of excessive mutual interference, which of the operations proposed in the above-entitled applications would better serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That Sharon Herald Broadcasting Company, licensee of Station WPIC, Sharon, Pennsylvania, is made a party to the proceeding.

Released: October 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7954; Filed, Oct. 8, 1954; 8:48 a. m.]

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[1] Section 9.1001 (a) reads as follows:

§ 9.1001 *Eligibility for station license.* (a) Authorizations for aeronautical advisory stations will be issued only to the owner or operator of a landing area, not served by an airdrome control station.

[2] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that said licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

[Docket No. 11188; FCC 54-1237]

CENTRAL DELTA BROADCASTING CO. (WNLA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of W. L. Kent and John M. McLendon d/b as Central Delta Broadcasting Company (WNLA), Indianola, Mississippi, for construction permit; Docket No. 11188, File No. BMP-6582.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September 1954;

The Commission having under consideration the above-entitled application for a construction permit to increase the power of Station WNLA, Indianola, Mississippi, from 500 watts to 1000 watts on 1380 kilocycles, daytime only (File No. BMP-6582); and

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate Station WNLA as proposed, but that such operation may cause daytime interference to Station WTUP at Tupelo, Mississippi, operating on 1380 kilocycles with a power of 1000 watts, daytime only; and

It further appearing that the applicant and Station WTUP were informed of the above interference in a section 309 (b) letter dated August 9, 1954 and that each submitted a timely reply; the applicant stated that the interference would be insignificant and urged a grant notwithstanding the interference; WTUP requested that the subject application be designated for hearing and that WTUP be made a party thereto; and

It further appearing that the Commission, upon further consideration of the matter is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WNLA as proposed and the availability of other primary service to such areas and populations.

3. To determine whether, in the light tion of Station WNLA as proposed would involve objectionable interference with Station WTUP, Tupelo, Mississippi, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

2. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, the operation of Station WNLA as proposed would serve the public interest, convenience, and necessity.

It is further ordered, That Lee Broadcasting Company, licensee of Station WTUP, Tupelo, Mississippi is made a party to the proceeding.

Released: October 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7955; Filed, Oct. 8, 1954; 8:48 a. m.]

[Docket No. 11189; FCC 54-1238]

UNITED BROADCASTING CO. OF WESTERN MARYLAND, INC. (WARK)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of United Broadcasting Company of Western Maryland, Inc. (WARK) Hagerstown, Maryland for construction permit; Docket No. 11189, File No. BP-9361.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September 1954;

The Commission having under consideration the above application for construction permit by United Broadcasting Company of Western Maryland, Inc. (WARK) to increase the height of the antenna of Station WARK, Hagerstown, Maryland, operating on 1490 kilocycles with a power of 250 watts, unlimited time (File No. BP-9361);

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate Station WARK as proposed, but that the proposed operation would increase the existing daytime interference to Station WCUM at Cumberland, Maryland, operating on 1490 kilocycles with a power of 250 watts, unlimited time; and

It further appearing that the Commission by a section 309 (b) letter dated July 30, 1954, advised the applicant of the above-described deficiency; and

It further appearing that replies were received August 30, and September 28, 1954 from the applicant, presenting field intensity measurements purporting to show that any new interference caused to Station WCUM would be insignificant; and

It further appearing that Station WCUM informed the Commission on August 27, 1954 that a study indicated that increased interference would be caused to WCUM, and asked that the application be designated for hearing; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to the areas and populations.

2. To determine whether the operation of Station WARK, as proposed, will cause interference to Station WCUM, Cumberland, Maryland, and if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine whether in light of the evidence adduced pursuant to the foregoing issues the proposed operation of Station WARK would serve the public interest, convenience and necessity.

It is further ordered, That the Tower Realty Company, licensee of Radio Station WCUM, Cumberland, Maryland, is made a party to the proceeding.

Released: October 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-7956; Filed, Oct. 8, 1954; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2805, G-2806]

MONTANA POWER CO.

NOTICE OF APPLICATION

OCTOBER 4, 1954.

Take notice that The Montana Power Company (Applicant), a New Jersey corporation with its principal place of business in Butte, Montana, filed on September 17, 1954, an application requesting an order of the Commission, under section 3 of the Natural Gas Act, authorizing Applicant to import natural gas for a period of twenty (20) years, from Canada at a point on the Alberta-Montana border to a point near Cut Bank in Montana, in an amount of not more than one hundred million (100,000,000) cubic feet in any one day, and not more than twenty billion (20,000,000,000) cubic feet in any consecutive twelve month period. Applicant has also requested a permit to maintain and operate facilities therefor at the International Boundary pursuant to Executive Order No. 10485, dated September 3, 1953.

By order of the Commission, issued February 5, 1952, in Docket No. G-1712, and a Presidential Permit, dated February 2, 1952, granted in Docket No. G-1717, Applicant was granted authority to construct, operate, maintain, and connect certain natural-gas facilities and to import natural gas by means thereof from Canada into the United States. The presently effective authorizations provide that the natural gas imported by Applicant shall not exceed 10 billion cubic feet on an annual basis nor 40 million cubic feet on a maximum daily basis, and that such gas shall be used by Applicant exclusively for the requirements of the Anaconda Copper Mining Company for its mining, smelter and reduction operations in Montana. Said authorizations also provide that the importation of natural gas shall be accomplished in exact accordance with the act of the Legislative Assembly of the Province of Alberta, Canada, entitled "An Act to Permit the Temporary Export of Gas to Montana for Essential Defense Production", and are limited to a period to extend until April 7, 1956.

Applicant proposes to utilize the natural gas to be imported from Alberta, Canada, to supplement sources available to it within the United States, and to render service thereby to all of Applicants' present and future residential, commercial and industrial customers. Applicant states that the proposed increased importation will conserve and materially extend the life of its domestic gas reserves which are being rapidly depleted, and will also make possible the extension of new service to the City of Missoula and other communities in western Montana. The authorizations requested herein would supersede the aforesaid authorizations granted in Docket Nos. G-1712 and G-1717.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of October 1954. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7958; Filed, Oct. 8, 1954; 8:49 a. m.]

[Docket No. G-3233]

HUMBLE OIL AND REFINING CO.

ORDER ACCEPTING RATE SCHEDULE FOR FILING AND SUSPENDING PROPOSED RATE INCREASE

On September 1, 1954, Humble Oil & Refining Company (Humble) tendered for filing with the Commission, pursuant to Order No. 174-A (Docket No. R-138) a certain contract, together with two changes therein which have been designated as FPC Gas Rate Schedule No. 1, and Supplements Nos. 1 and 2, respectively. (Supplement No. 2 was filed on September 10, 1954.)

Said Rate Schedule is a contract dated July 31, 1952 covering the sale of natural gas by Humble to Trunkline Gas Company. Supplement No. 1 is a request that the charge for the gas sold be increased by approximately 0.1775 cent per Mcf, effective as of October 3, 1954, pursuant to the schedule of periodic increases provided in Rate Schedule No. 1. Supplement No. 2 is a request to put into effect a tax adjustment clause to cover the new Texas gas production tax, effective as of September 1, 1954.

The gas sold by Humble to Trunkline Gas Company, pursuant to the above-mentioned Rate Schedule, is transported and sold in interstate commerce.

In view of the fact that Humble's only justification for the increase requested in Supplement No. 1 is based on the periodic increases scheduled in the contract, such increase may be unjust, unreasonable and otherwise unlawful and should be suspended, as hereinafter provided. Moreover, the proper disposition of rate increases of the nature here involved is before the Commission for its consideration and determination in disposing of the questions posed in the reconsideration of Order No. 174-A and pending in the matters involved in Docket No. R-137 now set for argument on November 4, 1954.

The Commission finds:

(1) Humble Oil & Refining Company is a "natural-gas company" within the meaning of the Natural Gas Act, and its sale of gas to Trunkline Gas Company under FPC Gas Rate Schedule No. 1, and Supplement Nos. 1 and 2, is a sale in interstate commerce of natural gas for resale for ultimate public consumption.

(2) FPC Gas Rate Schedule No. 1, and Supplement No. 2, filed by Humble on September 1, 1954 and September 10, 1954, respectively, should be accepted for filing.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the reasonableness of the increase in rates and charges proposed by Humble in Supplement No. 1 filed on September 1, 1954, and said Supplement No. 1 be suspended as hereinafter ordered and the use thereof deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) FPC Gas Rate Schedule No. 1 and Supplement No. 2, filed by Humble Oil & Refining Company on September 1, 1954 and September 10, 1954, respectively, be accepted for filing.

(B) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission, concerning the reasonableness of the rates and charges contained in Supplement No. 1 filed by Humble on September 1, 1954.

(C) Pending such hearing and decision thereon, Supplement No. 1 be and the same is hereby suspended and the use thereof deferred until further order of the Commission, but not beyond March 3, 1955, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 1, 1954.

Issued: October 4, 1954.

By the Commission.[1]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7959; Filed, Oct. 8, 1954; 8:49 a. m.]

[1] Dissenting opinion of Commissioner Smith filed as part of original document.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3270]

CONSOLIDATED NATURAL GAS CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION IN RESPECT OF FEES AND EXPENSES

OCTOBER 5, 1954.

The Commission by order issued in the above-entitled proceeding on July 14, 1954 permitted to become effective an amended declaration filed by the Consolidated Natural Gas Company ("Consolidated"), a registered holding company, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act"), regarding the issuance and sale of $25,000,000 principal amount of Debentures, subject to a reservation of jurisdiction with respect to the fees and expenses incurred in connection therewith.

Consolidated has filed a further amendment supplying additional data including detailed memoranda in support of certain of the fees and expenses paid or proposed to be paid which are summarized as follows:

Filing fee, Securities and Exchange Commission	$2,600.00
Printing of registration statement, prospectus, indenture, temporary and definitive debentures, and other documents	44,000.00
Trustee's charges in connection with the authentication and issuance of temporary and definitive debentures	15,750.00
Legal fees and expenses	1,500.00
Accountants' fees and expenses (Price Waterhouse & Co.)	1,300.00
Engineering fees and expenses (Ralph E. Davis)	2,500.00
Original issue tax	27,500.00
Listing fee of New York Stock Exchange	3,000.00
Other miscellaneous expenses	1,500.00
Total expenses	99,650.00

In adition to the foregoing, Cahill, Gordon, Reindel & Ohl, counsel to the underwriters, are to be paid a fee of $4,000 and out-of-pocket expenses of $125, by the underwriters.

The Commission having considered the record made in respect of the above fees and expenses and finding that they are not unreasonable and deeming it appropriate in the public interest to release jurisdiction in respect thereof:

It is ordered, That the jurisdiction heretofore reserved herein with respect to the above fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-7960; Filed, Oct. 8, 1954; 8:49 a. m.]

[File No. 70-3298]

CONSOLIDATED NATURAL GAS CO.

ORDER REGARDING CHARTER AMENDMENT AND SOLICITATION OF PROXIES

OCTOBER 5, 1954.

Consolidated Natural Gas Company ("Consolidated"), a registered holding

company, has filed a declaration pursuant to sections 6 (a), 7 and 12 (e) of the Public Utility Holding Company Act of 1935 and Rule U-62 thereunder regarding (1) a proposed reclassification and increase of Consolidated's outstanding shares of capital stock and (2) the solicitation of proxies from stockholders to be voted in favor of the amendment.

Under the proposed amendment the total number of shares of capital stock which Consolidated would have authority to issue would be 8,500,000 shares of a par value of $10 per share in lieu of the presently authorized and outstanding 3,683,285 shares of a par value of $15 per share and each share of the presently outstanding stock of $15 par value would be changed into two shares of capital shares of the par value of $10 per share. This change would occur upon the filing and recording of the amendment in the State of Delaware after which the outstanding stock certificates evidencing shares of the $15 par value stock will evidence a like number of shares of the $10 par value stock. Additional certificates will be issued to evidence the additional number of shares of the $10 par value stock.

Pursuant to such change the holders of Consolidated's presently outstanding 3,683,285 shares of $15 par value capital stock, aggregating $55,249,275, would become the holders of 7,366,570 shares of the $10 par value capital stock, aggregating $73,665,700. The increase in the outstanding capital stock will be reflected by a transfer of $18,416,425 from the company's capital surplus account to the capital stock account.

In addition to the 7,366,570 shares of $10 par value capital stock which will be outstanding after the change, the proposed amendment would also authorize 1,133,430 shares of unissued stock aggregating $11,334,300 in par value.

As to the latter shares, it is represented that it will be necessary for Consolidated to seek additional capital during 1955 to pay off $20,000,000 of outstanding construction loans and that for this and other purposes it is tentatively planned to offer 920,822 shares of this capital stock to stockholders for subscription on the basis of one new share for each eight outstanding at the time of the offer. In the event any shares so offered are not subscribed for, it is planned that such shares will be promptly sold, at the subscription price, for ultimate transfer to The Alternate Thrift Trust under The Employee Thrift Plan.

Under the proposed charter amendment, 212,608 shares of the authorized but unissued stock may be issued and sold from time to time, upon order of the Board of Directors, to finance the purchase of operating properties or an interest therein, or of securities of a public utility or natural gas company, and no stckholder of Consolidated will have any preemptive or preferential right to subscribe for any such shares.

The estimated fees and expenses to be paid by Consolidated in connection with the proposed transactions aggregate $155,000, and include $70,400 for Transfer Agent's and Registrar's fees and expenses, $5,000 of legal fees, $19,200 for printing, $26,900 for State and Federal taxes and $18,400 for proxy solicitations.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and that the fees and expenses, as estimated, are not unreasonable; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7961; Filed, Oct. 8, 1954; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29766]

CRUDE TAR FROM CLEVELAND, OHIO, TO CHATTANOOGA, TENN.

APPLICATION FOR RELIEF

OCTOBER 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Tar, crude, coal, crude petroleum or crude water gas, in tank-car loads.

From: Cleveland, Ohio.

To: Chattanooga, Tenn.

Grounds for relief: Rail competition, circuity, rates constructed on the basis of the short line distance formula, additional origin.

Schedules filed containing proposed rates; H. R. Hinsch, Agent, I. C. C. No. 4510, supp. 55.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7968; Filed, Oct. 8 1954; 8:50 a. m.]

[4th Sec. Application 29768]

FERTILIZER BETWEEN POINTS IN ILLINOIS TERRITORY

APPLICATION FOR RELIEF

OCTOBER 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and C. R. Goldrich, Agents, for carriers parties to schedules listed below.

Commodities involved: Coffee, green or roasted, also coffee, extract of (condensed or instant coffee), carloads.

From: North Atlantic ports and points taking same rates, also Freehold, N. J., and Newport, N. Y.

To: Shelbyville, Ind.

Grounds for relief: Rail competition, circuity, grouping, to maintain port rate relations, and additional destination.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-986, supp. 6; C. R. Goldrich, Agent, I. C. C. No. 597, supp. 12; R. B. LeGrande, Agent, I. C. C. No. 255, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7967; Filed, Oct. 8, 1954; 8:50 a. m.]

[4th Sec. Application 29767]

COFFEE FROM CERTAIN POINTS TO SHELBYVILLE, IND.

APPLICATION FOR RELIEF

OCTOBER 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and C. R. Goldrich, Agents, for carriers parties to schedules listed below.

Commodities involved: Coffee, green or roasted, also coffee, extract of (condensed or instant coffee), carloads.

From: North Atlantic ports and points taking same rates, also Freehold, N. J., and Newport, N. Y.

To: Shelbyville, Ind.

Grounds for relief: Rail competition, circuity, grouping, to maintain port rate relations, and additional destination.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-986, supp. 6; C. R. Goldrich, Agent, I. C. C. No. 597, supp. 12; R. B. LeGrande, Agent, I. C. C. No. 255, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7968; Filed, Oct. 8 1954; 8:50 a. m.]

[4th Sec. Application 29769]

FERRO-CHROME AND RELATED ARTICLES BETWEEN POINTS IN ILLINOIS TERRITORY

APPLICATION FOR RELIEF

OCTOBER 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Ferro-chrome, ferro-chrome silicon, and ferro-silicon chrome, carloads.

Between: Points in Illinois territory.

Grounds for relief: Rail competition, circuity, to maintain grouping, and rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 823.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7969; Filed, Oct. 8, 1954; 8:51 a. m.]

[4th Sec. Application 29770]

GLASS BRICK AND BLOCKS BETWEEN POINTS IN ILLINOIS TERRITORY

APPLICATION FOR RELIEF

OCTOBER 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Brick, glass, glass faced concrete or glass blocks, carloads.

Between: Points in Illinois territory.

Grounds for relief: Rail competition, circuity, to maintain grouping, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 823.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7970; Filed, Oct. 8, 1954; 8:51 a. m.]

[4th Sec. Application 29771]

GRAIN FROM CEDAR RAPIDS, IOWA, TO MASON CITY, IOWA

APPLICATION FOR RELIEF

OCTOBER 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Grain and grain products, carloads.

From: Cedar Rapids, Iowa.

To: Mason City, Iowa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-4051, supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7972; Filed, Oct. 8, 1954; 8:51 a. m.]

[4th Sec. Application 29772]

MIXED FEED FROM PORT WENTWORTH AND SAVANNAH, GA. TO FLORIDA AND BETWEEN POINTS IN FLORIDA

APPLICATION FOR RELIEF

OCTOBER 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Feed, animal or poultry, carloads and less-than-carloads.

From: Points in Florida, Port Wentworth and Savannah, Ga.

To: Points in Florida.

Grounds for relief: Rail competition, circuity, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1308, supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the

application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7973; Filed, Oct. 8, 1954; 8:51 a. m.]

[4th Sec. Application 29773]

STEEL CYLINDERS AND RELATED ARTICLES FROM BATON ROUGE, LA., TO BEARDSTOWN, ILL.

APPLICATION FOR RELIEF

OCTOBER 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 417, pursuant to fourth-section order No. 16101.

Commodities involved: Cylinders, steel, for shipping air, gasses etc., tanks, steel plates, structural steel blanks or stampings, carloads.

From: Baton Rouge, La.

To: Beardstown, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, competition wtih water carriers, and competition with motor-water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7974; Filed, Oct. 8, 1954; 8:51 a. m.]

[4th Sec. Application 29774]

AUTOMOBILE GEAR FRAMES FROM ST. LOUIS, MO., DISTRICT TO BALTIMORE, MD., BLOOMFIELD, N. J. AND TARRYTOWN, N. Y.

APPLICATION FOR RELIEF

OCTOBER 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Gear frames, automobile, and truck extension frames, and parts, carloads.

From: East St. Louis and Granite City, Ill., and St. Louis, Mo.

To: Baltimore, Md., Bloomfield, N. J., and Tarrytown, N. Y.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-7975; Filed, Oct. 8, 1954; 8:52 a. m.]

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 19 NUMBER 198

Washington, Tuesday, October 12, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3071

VETERANS DAY, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it has long been our custom to commemorate November 11, the anniversary of the ending of World War I, by paying tribute to the heroes of that tragic struggle and by rededicating ourselves to the cause of peace; and

WHEREAS in the intervening years the United States has been involved in two other great military conflicts, which have added millions of veterans living and dead to the honor rolls of this Nation; and

WHEREAS the Congress passed a concurrent resolution on June 4, 1926 (44 Stat. 1982), calling for the observance of November 11 with appropriate ceremonies, and later provided in an act approved May 13, 1938 (52 Stat. 351), that the eleventh of November should be a legal holiday and should be known as Armistice Day; and

WHEREAS, in order to expand the significance of that commemoration and in order that a grateful Nation might pay appropriate homage to the veterans of all its wars who have contributed so much to the preservation of this Nation, the Congress, by an act approved June 1, 1954 (68 Stat. 168), changed the name of the holiday to Veterans Day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon all of our citizens to observe Thursday, November 11, 1954, as Veterans Day. On that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain. I also direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on Veterans Day.

In order to insure proper and widespread observance of this anniversary, all veterans, all veterans' organizations, and the entire citizenry will wish to join hands in the common purpose. Toward this end, I am designating the Administrator of Veterans' Affairs as Chairman of a Veterans Day National Committee, which shall include such other persons as the Chairman may select, and which will coordinate at the national level necessary planning for the observance. I am also requesting the heads of all departments and agencies of the Executive branch of the Government to assist the National Committee in every way possible.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of October in the year of our Lord nineteen hundred and [SEAL] fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 54-8050; Filed, Oct. 11, 1954; 10:43 a. m.]

PROCLAMATION 3072

NATIONAL NURSE WEEK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS this autumn marks the one hundredth anniversary of Florence Nightingale's historic contribution to the cause of nursing by her heroic leadership in alleviating human suffering in the Crimea; and

WHEREAS a continuing renewal and extension of the ranks of nurses, through the attraction of young people to the nursing profession, is of grave impor-

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FEDERAL REGISTER

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tance to the Nation's future well-being; and

WHEREAS the support of an informed and sympathetic public is essential to progress in the humanitarian efforts of our nurses; and

WHEREAS the Congress, by a joint resolution approved August 23, 1954, 68 Stat. 766, has designated the period beginning October 11, 1954, and ending October 16, 1954, as National Nurse Week, in honor of the professional nurses of America and in recognition of the vitally important service they have rendered in the promotion of the national health and welfare; and

WHEREAS the Congress, in the same resolution, has requested the President to issue a proclamation calling upon all the people of the United States to cooperate in the observance of that week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon all citizens to observe the period beginning Monday, October 11, 1954, and ending Saturday, October 16, 1954, as National Nurse Week with appropriate ceremonies and activities.

I also invite the Governors of the States, Territories, and possessions of the United States to issue similar proclamations, and I urge the medical profession, the press, and the radio and television industries, as well as other interested groups, to unite in public tribute to all those who give nursing care. And I call upon the people generally to express their appreciation of the untiring efforts of our nurses in caring for the health needs of the people of this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of October in the year of our Lord nineteen hundred and
[SEAL] fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

Denver, Colorado

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54-8049; Filed, Oct. 11, 1954, 10:42 a. m.]

RULES AND REGULATIONS

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 40]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety to the flying public. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.)* is amended by changing the name "Stewart Field, N. Y., radio range station" to read: "Stewart AFB, N. Y., nondirectional radio beacon."

2. Section 600.233 *Red civil airway No. 33 (Richmond, Va., to Boston, Mass.)* is amended by changing the name "Stewart Field, N. Y., radio range station" to read: "Stewart AFB, N. Y., nondirectional radio beacon."

3. Section 600.636 is amended to read:

§ 600.636 *Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).* From the Akron, Colo., radio range station to the intersection of the north course of the Akron, Colo., radio range and the east course of the Cheyenne, Nebr., radio range.

4. Section 600.648 *Blue civil airway No. 48 (New York, N. Y., to Poughkeepsie, N. Y.)* is revoked.

5. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended by deleting that portion which reads: "via the intersection of the Kansas City omnirange 076° True and the Columbia omnirange 291° True radials," and substituting the following in lieu thereof: "via the intersection of the Kansas City omnirange 076° True and the Columbia omnirange 292° True radials,".

6. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by deleting the portion which reads: "via the intersection of the Kansas City omnirange 076° True and the Kirksville omnirange 227° True radials;" and substituting the following in lieu thereof: "via the intersection of the Kansas City omnirange 076° True and the Kirksville omnirange 225° True radials;".

7. Section 600.6012 *VOR civil airway No. 12 (Palmdale, Calif., to Philadelphia, Pa.)* is amended by changing all after the Anthony, Kans., omnirange station to read: "Anthony, Kans., omnirange station, including a north alternate; Wichita, Kans., omnirange station, including a north alternate via the intersection of the Anthony omnirange 030° True and the Wichita omnirange 253° True radials and also a south alternate via the intersection of the Anthony omnirange 078° True and the Wichita omnirange 194° True radials; Emporia, Kans., omnirange station, including a north alternate via the intersection of the Wichita omnirange 046° True and the Emporia omnirange 259° True radials; Kansas City, Mo., omnirange station, including a north alternate; Columbia, Mo., omnirange station, including a south alternate and also a north alternate via the intersection of the Kansas City omnirange 076° True and the Columbia omnirange 292° True radials; St. Louis, Mo., omnirange station, including a north and south alternate; Vandalia, Ill., omnirange station, including a north alternate via the intersection of the St. Louis omnirange 050° True and the Vandalia omnirange 279° True radials; Terre Haute, Ind., omnirange station including a north alternate; Indianapolis, Ind., omnirange station, including a north alternate; Dayton, Ohio, omnirange station including a north alternate; Columbus, Ohio, omnirange station, including a north alternate via the intersection of the Dayton omnirange 060° True and the Columbus omnirange 281° True radials; Wheeling, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; Harrisburg, Pa., omnirange station to the West Chester, Pa., omnirange station, including a north alternate via the intersection of the Harrisburg omnirange 086° True and the West Chester omnirange 304° True radials."

8. Section 600.6024 is amended to read:

§ 600.6024 *VOR civil airway No. 24 (Aberdeen, S. Dak., to Redwood Falls, Minn.).* From the Aberdeen, S. Dak., omnirange station via the Watertown, S. Dak., omnirange station, including a north alternate; to the Redwood Falls, Minn., omnirange station, including a north alternate via the intersection of the Watertown omnirange 085° True and the Redwood Falls omnirange 305° True radials.

9. Section 600.6030 is amended to read:

§ 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis., to New York, N. Y.).* From the Milwaukee, Wis., omnirange station via the Pullman, Mich., omnirange station, including a south alternate; Litchfield, Mich., omnirange station; Waterville, Ohio, omnirange station; intersection of the Waterville omnirange 111° True radial and the west course of the Wellington, Ohio, VAR station; Wellington, Ohio, VAR station; intersection of the east course of the Wellington, Ohio, VAR station and the Youngstown omnirange 250° True radial; Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station, Allentown, Pa., omnirange station to the point of intersection of the Allentown omnirange 088° True and the Wilton, Conn., omnirange 233° True radials. From the Idlewild, N. Y., omnirange station to the point of intersection of the Idlewild omnirange 082° True and the Riverhead, N. Y., omnirange 180° True radials.

10. Section 600.6047 *VOR civil airway No. 47 (Louisville, Ky., to Detroit Mich.)* is amended by changing all before the Findlay, Ohio, omnirange station to read: "From the Louisville, Ky., omnirange station via the intersection of the Louisville omnirange 356° True and the Cincinnati omnirange 241° True radials; Cincinnati, Ohio, omnirange station; Dayton, Ohio, omnirange station, including a west alternate via the intersection of the Cincinnati omnirange 004° True and the Dayton omnirange 227° True radials; Findlay, Ohio omnirange station, including a west alternate;".

11. Section 600.6050 is amended to read:

§ 600.6050 *VOR civil airway No. 50 (St. Joseph, Mo., to Peoria, Ill.).* From the St. Joseph, Mo., omnirange station via the Kirksville, Mo., omnirange station; Quincy, Ill., omnirange station, including a south alternate via the intersection of the Kirksville omnirange 121° True and the Quincy omnirange 258° True radials; to the point of intersection of the Pontiac, Ill., omnirange 258° True and the Bradford, Ill., omnirange 188° True radials.

12. Section 600.6068 *VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.)* is amended by changing all before the Roswell, N. Mex., omnirange station to read: "That airspace over United States territory from the Albuquerque, N. Mex., omnirange station via the Corona, N. Mex., omnirange station, including a north alternate via the intersection of the Albuquerque omnirange 103° True and the Corona omnirange 328° True radials and also a south alternate via the intersection of the Albuquerque omnirange 169° True and the Corona omnirange 272° True radials; Roswell, N. Mex., omnirange station, including a north alternate;".

13. Section 600.6078 is amended to read:

§ 600.6078 *VOR civil airway No. 78 (Huron, S. Dak., to Minneapolis, Minn.).* From the Huron, S. Dak., omnirange station via the Watertown, S. Dak., omnirange station, including a south alternate; to the Minneapolis, Minn., omnirange station.

14. Section 600.6091 is amended to read:

§ 600.6091 *VOR civil airway No. 91 (New York, N. Y., to Plattsburg, N. Y.).* From the Idlewild, N. Y., omnirange station via the point of intersection of the Idlewild omnirange 042° True and

the Wilton omnirange 185° True; Wilton, Conn., omnirange station; Poughkeepsie, N. Y., omnirange station; Albany, N. Y., omnirange station to the Plattsburg, N. Y., omnirange station.

15. Section 600.6116 is amended by changing the caption to read: "*VOR civil airway No. 116 (Kansas City, Mo., to New York, N. Y.)*" and by changing all before the Litchfield, Mich., omnirange station to read: "From the Kansas City, Mo., omnirange station via the Quincy, Ill., omnirange station to the point of intersection of the Quincy omnirange 056° True and the Bradford, Ill., omnirange 188° True radials. From the Peoria, Ill., radio range station via a point at Latitude 41°10'00" North, Longitude 88°57'00" West; Naperville, Ill., omnirange station; South Bend, Ind., omnirange station; Litchfield, Mich., omnirange station, including a north alternate;".

16. Section 600.6140 is amended by changing the caption to read: "*VOR civil airway No. 140 (Tulsa, Okla., to New York, N. Y.)*", and by changing all before the Corbin, Ky., VAR station to read: "From the Tulsa, Okla., omnirange station via the Fayetteville, Ark., omnirange station; Flippin, Ark., omnirange station; Walnut Ridge, Ark., omnirange station; Dyersburg, Tenn., omnirange station; Nashville, Tenn., omnirange station; intersection of the Nashville omnirange 059° True radial and the Corbin VAR west aural course; Corbin, Ky., VAR station;".

17. Section 600.6166 is added to read:

§ 600.6166 *VOR civil airway No. 166 (Martinsburg, W. Va., to Philadelphia, Pa.).* From the Martinsburg, W. Va., omnirange station to the West Chester, Pa., omnirange station.

18. Section 600.6167 is added to read:

§ 600.6167 *VOR civil airway No. 167 (New York, N. Y. to Hartford, Conn.).* From the point of intersection of the Colts Neck, N. J., omnirange 151° True and the Idlewild omnirange 195° True radials via the Idlewild, N. Y., omnirange station to the Hartford, Conn., omnirange station.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., October 12, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8008; Filed, Oct. 11, 1954; 8:50 a. m.]

[Amdt. 40]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.636 is amended to read:

§ 601.636 *Blue civil airway No. 36 control areas (Akron, Colo., to Kimball, Nebr.).* All of Blue civil airway No. 36.

2. Section 601.648 *Blue civil airway No. 48 control areas (New York, N. Y., to Poughkeepsie, N. Y.)* is revoked.

3. Section 601.1301 is amended to read:

§ 601.1301 *Control area extension (Winslow, Ariz.).* Within 5 miles either side of the north and south courses of the Winslow radio range extending from the radio range station to points 25 miles north and south, and within 5 miles either side of the 314° and 134° True radials of the Winslow omnirange extending from the omnirange station to points 25 miles northwest and southeast.

4. Section 601.1356 is added to read:

§ 601.1356 *Control area extension (Greenville, Miss.).* That airspace within a 25-mile radius of the Greenville, Miss., AFB radio range station.

5. Section 601.1984 *Five-mile radius zones* is amended by adding the following airport:

Greenville, Miss.: Greenville AFB.

6. Section 601.2029 *Fort Worth, Tex., control zone* is amended by changing the portion on the north course of the radio range to read: "within 2 miles either side of the Fort Worth radio range extending from the radio range station to a point 10 miles north" in lieu of "to the Haslet fan marker".

7. Section 601.4214 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.)* is amended by deleting the following reporting point: "the intersection of a line bearing 52° True from the Lafayette, Ind., nondirectional radio beacon and the northwest course of the Indianapolis, Ind., radio range."

8. Section 601.4636 is amended to read:

§ 601.4636 *Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).* No reporting point designation.

9. Section 601.6078 is amended to read:

§ 601.6078 *VOR civil airway No. 78 control areas (Huron, S. Dak., to Minneapolis, Minn.).* All of VOR civil airway No. 78, including a south alternate.

10. Section 601.6116 is amended to read:

§ 601.6116 *VOR civil airway No. 116 control areas (Kansas City, Mo., to New York, N. Y.).* All of VOR civil airway No. 116, including north alternates.

11. Section 601.6140 is amended to read:

§ 601.6140 *VOR civil airway No. 140 control areas (Tulsa, Okla., to New York, N. Y.).* All of VOR civil airway No. 140.

12. Section 601.6166 is added to read:

§ 601.6166 *VOR civil airway No. 166 control areas (Martinsburg, W. Va., to Philadelphia, Pa.).* All of VOR civil airway No. 166.

13. Section 601.6167 is added to read:

§ 601.6167 *VOR civil airway No. 167 control areas (New York, N. Y. to Hartford, Conn.).* All of VOR civil airway No. 167.

14. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting point:

Gore Intersection: The intersection of the Culberson, Tex., omnirange 012° True and the Salt Flat, Tex., omnirange 085° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. October 12, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8009; Filed Oct. 11, 1954; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53594]

PART 14—APPRAISEMENT

COAL TAR PRODUCTS

Correction

In Federal Register Document 54-7585, published at page 6219 of the issue for Tuesday, September 28, 1954, the last paragraph should read as follows:

To allow sufficient time to put in effect the procedure prescribed in paragraph (o), it shall not become effective until 90 days after publication of this document in the weekly Treasury Decisions.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

SOLUBLE BACITRACIN METHYLENE DISALICYLATE

By virute of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 68 Stat. 18), the regulations for tests and methods of assay for bacitracin and bacitracin-containing drugs (21 CFR Part 141e; 19 F. R. 1141) and certification of bacitracin and bacitracin-containing drugs (21 CFR Part 141e; 19 F. R. 478, 674, 1141) are amended as indicated below:

1. Part 141e is amended by adding the following new section:

§ 141e.423 *Soluble bacitracin methylene disalicylate*—(a) *Potency.* Proceed as directed in § 141e.401 (a) (1), except in lieu of the directions for preparing the sample in § 141e.401 (a) (1) (ii) prepare the sample as follows: Place an accurately weighed sample of approximately 1 to 5 grams in a 100-milliliter volumetric flask, dissolve in water, and dilute to 100 milliliters with water. Dilute a suitable aliquot with 1-percent phosphate buffer to a concentration of 1 unit per milliliter. Its potency is satisfactory if it contains not less than 85 percent of the bacitracin activity per pound that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(c) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a solution containing 200 units per milliliter.

2. In § 146e.414 *Bacitracin-neomycin with vasoconstrictor* • • •, paragraph (a) (2) is amended by changing the words "18 months" to read "18 months or 24 months".

3. Part 146e is amended by adding the following new section:

§ 146e.423 *Soluble bacitracin methylene disalicylate*—(a) *Standards of identity, strength, quality, and purity.* Soluble bacitracin methylene disalicylate is a mixture of bacitracin methylene disalicylate, sodium carbonate, and sodium bicarbonate, with or without suitable and harmless diluents. It contains the equivalent of not less than 25 grams of the bacitracin master standard per pound. Its moisture content is not more than 8.5 percent. Its pH in an aqueous solution containing 200 units per milliliter is not less than 8.5 and not more than 9.5. The bacitracin methylene disalicylate used conforms to the requirements of § 146e.416 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging; labeling; request for certification, samples; fees.* Soluble bacitracin methylene disalicylate conforms to all requirements and procedures prescribed for bacitracin methylene disalicylate by § 146e.416 (b), (c), (d), and (e), except that the person who requests certification of a batch shall submit with his request (unless previously submitted) a sample consisting of 5 immediate containers, each containing approximately 5 grams, of the bacitracin methylene disalicylate used in making the batch.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: October 6, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-7996; Filed, Oct. 11, 1954; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6106; Regs. 118, 130]

PART 39—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

PART 40—EXCESS PROFITS TAX: TAXABLE YEARS ENDING AFTER JUNE 30, 1950

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 118 (26 CFR (1939) Part 39) and Regulations 130 (26 CFR (1939) Part 40) to sections 101–105, inclusive, of the Technical Changes Act of 1953, approved August 15, 1953, relating to the extension of certain provisions of the Internal Revenue Code of 1939, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 39.112 (b) (7) is amended by:

(A) Striking out "1951 or 1952" in section 112 (b) (7) (A) (ii) and inserting in lieu thereof "1951, 1952, or 1953", and

(B) Inserting "; Sec. 101, Technical Changes Act 1953" before the closing bracket of the historical note set forth at the end of section 112 (b) (7).

As amended, section 112 (b) (7) (A) (ii) and the historical note in § 39.112 (b) (7) will read as follows:

§ 39.112 (b) (7) *Statutory provisions; recognition of gain or loss; exchanges solely in kind; election as to recognition of gain in certain corporate liquidations.*

SEC. 112. *Recognition of gain or loss.* • • •

(b) *Exchanges solely in kind.* • • •

(7) *Election as to recognition of gain in certain corporate liquidations*—(A) *General rule.* • • •

(ii) The distribution is in complete cancellation or redemption of all the stock, and the transfer of all the property under the liquidation occurs within some one calendar month in 1951, 1952, or 1953—

• • • • •

[Sec. 112 (b) (7) as added by sec. 120 (a), Rev. Act 1943; amended by sec. 206 (a), Rev. Act 1950; sec. 316 (a), Rev. Act 1951; sec. 101, Technical Changes Act 1953]

PAR. 2. Section 39.112 (b) (7)–1 is amended by striking from the heading and the body of the section the phrase "in 1952", wherever appearing therein, and inserting in lieu thereof "in 1952 or 1953".

PAR. 3. The second sentence of § 39.112 (b) (7)–3 is amended to read as follows: "Within 30 days after the adoption of the plan of liquidation, occurring within one calendar month in 1952 or 1953, the original and one copy of Form 964 (revised) shall be filed by the shareholder or by the liquidating corporation with the Commissioner of Internal Revenue, Washington, D. C."

PAR. 4. Section 39.113 (a) (18)–1 (a) (2) (iii) is amended by striking the words "calendar year 1951 or 1952" wherever appearing therein, and inserting in lieu thereof "calendar years 1951–1953, inclusive". As amended, § 39.113 (a) (18)–1 (a) (2) (iii) will read as follows:

§ 39.113 (a) (18)–1 *Basis of property received in certain corporate liquidations*—(a) *Property included.* Section 113 (a) (18) applies only to property (other than money) acquired—

• • • • •

(2) Upon a distribution in complete liquidation of a domestic corporation

• • • • •

(iii) Pursuant to a plan of liquidation adopted after December 31, 1950, in accordance with which the distribution is in complete cancellation or redemption of all the stock and the transfer of all the property in the liquidation occurs within some one calendar month of the calendar years 1951–1953, inclusive; and

• • • • •

PAR. 5. Section 39.113 (b) (1)–1 (c) (7) is amended to read as follows:

§ 39.113 (b) (1)–1 *Adjusted basis.* • • •

(c) *Exhaustion, wear and tear, obsolescence, amortization, and depletion for periods since February 28, 1913.* • • •

(7) *Property with transferred basis.* The following rules apply in the determination of the adjustments to basis of property in the hands of a transferee, donee, or grantee which are required by section 113 (b) (2) with respect to the period the property was held by the transferor, donor, or grantor:

(i) An election, or a revocation of an election which was made on or before December 31, 1952, under section 113 (d), by a transferor, donor, or grantor, which is made after the date of the transfer, gift, or grant of the property shall not affect the basis of such property in the hands of the transferee, donee, or grantee. An election, or a revocation of an election which was made on or before December 31, 1952, made before the date of the transfer, gift, or grant of the property shall be taken into account in determining under section 113 (b) (2) the adjustments to basis of such property as of the date of the transfer, gift, or grant, whether or not an election or a revocation of an election under section 113 (d) was made by the transferee, donee, or grantee.

(ii) An election by the transferee, donee, or grantee, or a revocation of such an election which was made on or before December 31, 1952, shall be applicable in determining the adjustments to basis for the period during which the property was held by the transferor, donor, or grantor, whether or not the transferor, donor, or grantor had made an election or a revocation of an election, provided that the property was held by the transferee, donee, or grantee at any

time on or before the date on which the election was made.

PAR. 6. Section 39.113 (d) is amended to read as follows:

§ 39.113 (d) *Statutory provisions; adjusted basis for determining gain or loss; depreciation, etc., allowed before 1952.*

SEC. 113. *Adjusted basis for determining gain or loss.* • • •

(d) *Election in respect of depreciation, etc., allowed before 1952.* Any person may elect to have clause (ii) of subsection (b) (1) (B) apply in respect of periods since February 28, 1913, and before January 1, 1952. Such an election shall be made in such manner as the Secretary may by regulations prescribe and shall be irrevocable when made, except that an election made on or before December 31, 1952, may be revoked at any time before January 1, 1955. A revocation of an election shall be made in such manner as the Secretary may by regulations prescribe, and no election may be made by any person after he has so revoked an election. The election shall apply in respect of all property held by the person making the election at any time on or before December 31, 1952, and in respect of all periods since February 28, 1913, and before January 1, 1952, during which such person held such property or for which adjustments must be made under subsection (b) (2). An election or a revocation of an election by a transferor, donor, or grantor made after the date of the transfer, gift, or grant of property shall not affect the basis of such property in the hands of the transferee, donee, or grantee. No election may be made under this subsection after December 31, 1954.

[Sec. 113 (d) as added by sec. 2, Pub. Law 539 (82d Cong.); sec. 102, Technical Changes Act 1953]

PAR. 7. Section 39.113 (d)–1 is amended to read as follows:

§ 39.113 (d)–1 *Election as to amounts allowed in respect of depreciation, etc., before 1952*—(a) *In general.* (1) Any person may elect to have the adjustments to the cost or other basis of property under section 113 (b) (1) (B) determined in accordance with clause (ii) of such section, by filing with the district director of internal revenue, on or before December 31, 1954, the written statement of election provided in paragraph (b) of this section. The statement must be filed with the district director of internal revenue with whom such person is required (by section 53 (b)) to file his income tax return for the year during which the election is made. Any election made after December 31, 1952, shall be irrevocable when made, and shall apply with respect to all periods since February 28, 1913, and before January 1, 1952. The election shall apply in respect of all properties held at any time on or before December 31, 1952, by the person making the election. For rules with respect to an election made on or before December 31, 1952, see paragraph (c) of this section.

(2) A copy of the written statement of election or revocation must be filed with the first income tax return, amended return, or claim for credit or refund filed on or after the date on which the election or revocation is made.

(3) An election by a partner is not an election by the partnership of which he is a member, but a separate election must be made by the partnership. Similarly, an election by the partnership applies only with respect to the partnership, and is not applicable to the separate property of the partners. A similar rule applies with respect to elections by trusts and beneficiaries of such trusts. These rules are also applicable with respect to a revocation of an election where such election was made on or before December 31, 1952.

(4) An election which conforms in substance to the provisions of this section shall not be deemed invalid solely because it was filed prior to the date on which the regulations in this section were promulgated.

(b) *Rules applicable to making of election.* The following rules are applicable to the making of an election under section 113 (d):

(1) *Form of election.* The election shall be in the form of a statement in writing addressed to the district director of internal revenue with whom filed, shall state the name and address of the taxpayer making the election, and shall contain a statement that such taxpayer elects to have the provisions of section 113 (b) (1) (B) (ii) apply in respect of all periods since February 28, 1913, and before January 1, 1952.

(2) *Signature.* The statement shall be signed by the taxpayer making the election, if an individual, or, if the taxpayer making the election is not an individual, the statement shall be executed in the same manner as is required in the case of the income tax return of such taxpayer.

(3) *Filing.* The written statement must be filed in the office of the district director of internal revenue on or before December 31, 1954. An election shall be considered as timely filed if it is placed in the mail on or before midnight of December 31, 1954, as shown by the postmark on the envelope containing the written statement of election or as shown by other available evidence of the mailing date.

(c) *Election made on or before December 31, 1952.* An election made on or before December 31, 1952, in accordance with the provisions of section 113 (d), may be revoked by filing on or before December 31, 1954, in the same office in which the election was filed, a statement of revocation executed in the same manner as the election. Such revocation shall apply to all properties to which such election applied. Such statement made by any person is irrevocable when made with respect to such person, and no new election may thereafter be made by such person.

PAR. 8. Section 39.127 (c) is amended by:

(A) Striking out "December 31, 1952" in section 127 (c) (5) and inserting in lieu thereof "December 31, 1953", and

(B) Inserting "; sec. 127 (c) (5) as amended by sec. 103, Technical Changes Act 1953" before the closing bracket of the historical note set forth at the end of section 127 (c) (5).

PAR. 9. Section 39.127 (c)–1 (d) (2) is amended by striking "December 31, 1952" in the first sentence therein and inserting in lieu thereof "December 31, 1953".

PAR. 10. Section 39.154 is amended by:

(A) Striking out "January 1, 1954" in section 154 and inserting in lieu thereof "January 1, 1955", and

(B) Inserting "; amended by sec. 104, Technical Changes Act 1953" before the closing bracket of the historical note set forth at the end of section 154.

PAR. 11. Section 39.154–1 (a) is amended by striking "January 1, 1954" in the first sentence therein and inserting in lieu thereof "January 1, 1955".

PAR. 12. In § 39.201, section 201 (a) (1) and the historical note at the end of the section are amended to read as follows:

§ 39.201 *Statutory provisions; tax on life insurance companies.*

SEC. 201. *Life insurance companies*—(a) *Imposition of tax*—(1) *In general.* There shall be levied, collected, and paid for each taxable year upon the adjusted normal-tax net income (as defined in section 202) and upon the adjusted corporation surtax net income (as defined in section 203) of every life insurance company taxes computed as provided in section 13 (b) and in section 15 (b). In lieu of the taxes imposed by the preceding sentence, there shall be levied, collected, and paid for taxable years beginning in 1953 upon the 1953 adjusted normal-tax net income (as defined in section 203A) of every life insurance company a tax equal to the sum of the following:

3¾ per centum of the amount thereof not in excess of $200,000, plus

6½ per centum of the amount thereof in excess of $200,000.

• • • • • •

[Sec. 201 as amended by sec. 203, Rev. Act 1939; sec. 163 (a), Rev. Act 1942; sec. 121 (g) (3), Rev. Act 1950; sec. 336 (a) and (c), Rev. Act 1951; Pub. Law 468 (82d Cong.); sec. 105 (a), Technical Changes Act 1953. Pursuant to sec. 105 (b), Technical Changes Act 1953, sec. 201 (a) (1), as amended by sec. 105 (a), Technical Changes Act 1953, is applicable only to taxable years beginning in 1953. Before amendment by sec. 105 (a), Technical Changes Act 1953, "1953", wherever it appears in sec. 201 (a) (1), read "1951 and 1952". Pursuant to sec. 105 (b), Technical Changes Act 1953, the application of sec. 201 (f) is extended to taxable years beginning after December 31, 1952]

PAR. 13. Section 39.201–1 is amended as follows:

(A) By striking from the first sentence of paragraph (a) the phrase "with respect to taxable years beginning in 1952" and by inserting in lieu thereof "with respect to a taxable year beginning in 1952 or 1953".

(B) By striking from the last sentence of paragraph (b) the figures "1952" and by inserting in lieu thereof "1952 or 1953".

PAR. 14. Section 39.201–5 is amended by striking from the third sentence the phrase "taxable years beginning in "1952" and by inserting in lieu thereof "a taxable year beginning in 1952 or 1953".

PAR. 15. Section 39.201–6 is amended by striking from the first sentence the phrase "for taxable years beginning in 1952" and by inserting in lieu thereof "for a taxable year beginning in 1952 or 1953".

PAR. 16. Section 39.202–2 (b) is amended to read as follows:

§ 39.202–2 *Adjustment for certain reserves.* • • •

(b) In the case of a taxable year beginning in 1952 or 1953, an amount equal to eight times the amount of the applicable adjustment provided in paragraph (a) of this section must be added to normal-tax net income for such year as a factor in determining 1952 or 1953 adjusted normal-tax net income.

PAR. 17. Section 39.203A is amended by:

(A) Striking out "1951 and 1952" wherever appearing in section 203A and inserting in lieu thereof "1953", and

(B) Inserting "; sec. 105 (a), Technical Changes Act 1953. Pursuant to sec. 105 (b), Technical Changes Act 1953, sec. 203A, as amended by sec. 105 (a), Technical Changes Act 1953, is applicable only to taxable years beginning in 1953. Before amendment by sec. 105 (a), Technical Changes Act 1953, '1953', wherever it appears in section 203A, read '1951 and 1952'." before the closing bracket of the historical note set forth at the end of section 203A.

PAR. 18. Section 39.203A–1 is amended to read as follows:

§ 39.203A–1 *Tax on life insurance companies in the case of a taxable year beginning in 1952 or 1953.* (a) In the case of a taxable year beginning in 1952 or 1953, the tax imposed on a life insurance company for such year shall consist of a tax upon the adjusted normal-tax net income for such year equal to 3¾ percent of the amount of such income not in excess of $200,000, plus 6½ percent of the amount of such income in excess of $200,000. The term "adjusted normal-tax net income for such year" means the normal-tax net income (consisting of net income computed as provided in § 39.201–7 less the credit for partially tax-exempt interest allowed under section 26 (a) and less the credit for dividends received allowed under section 26 (b)) for the taxable year beginning in 1952 or 1953, as the case may be, plus eight times the amount of the adjustment for certain reserves computed as provided in section 202 (c) (see § 39.202–2), and minus the reserve interest credit, if any, provided in section 203A (b) (see § 39.203A–2). The reserve and other policy liability credit is not allowed for the purpose of computing the adjusted normal-tax net income in the case of a taxable year beginning in 1952 or 1953.

(b) The tax imposed upon 1952 adjusted normal-tax net income or 1953 adjusted normal-tax net income, as the case may be, by the second sentence of section 201 (a) (1) is in lieu of the tax otherwise imposed on adjusted normal-tax net income and adjusted corporation surtax net income by the first sentence of section 201 (a) (1).

PAR. 19. Section 39.203A–2 (a) is amended by striking from the first sentence the figures "1952" and by inserting in lieu thereof "1952 or 1953".

PAR. 20. There is inserted immediately preceding § 40.433 (a)–1 the following:

SEC. 105. *Extension of temporary provisions relating to life insurance companies Technical Changes Act of 1953, approved August 15, 1953*)—(a) *Tax for 1953.* Sections • • • 433 (a) (1) (H) (relating to excess profits net income of life insurance companies) are each hereby amended by striking out "1951 and 1952" wherever appearing therein and inserting in lieu thereof "1953".

(b) *Effective date.* The amendments made by subsection (a) shall apply only to taxable years beginning in 1953. • • •

PAR. 21. Section 40.433 (a)–2 (h), as amended by Treasury Decision 5992, approved February 17, 1953, is further amended by striking the phrase "1951 or 1952", wherever appearing therein, and by inserting in lieu thereof "1951, 1952, or 1953".

Because this Treasury decision merely amends Regulations 118 and 130 to conform to certain sections of the Technical Changes Act of 1953, approved August 15, 1953, relating to the extension of the time during which certain provisions of the Internal Revenue Code of 1939 are applicable, it is hereby found to be unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: October 6, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54–8004; Filed, Oct. 11, 1954; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 868—DELAY IN ORDERS TO ACTIVE DUTY

Part 868 (18 F. R. 1996; 32 CFR, 1953 Supp., Part 868) is revised in its entirety as follows:

Sec.
868.1 Purpose.
868.2 Policy.
868.3 Definitions.
868.4 Basic considerations.
868.5 Necessity for prompt action.
868.6 Criteria for delay.
868.7 Category A, "Critical Occupation".
868.8 Category B, "Key Position".
868.9 Category C, "Students".
868.10 Category D, "Hardships".
868.11 Catagory E, "Elected Officials".
868.12 Category F, "Apprentices".
868.13 Establishment of delay and appeal boards.
868.14 Authority to grant delays.
868.15 Authority to grant appeals.
868.16 Delay board decisions.
868.17 Temporary delay.
868.18 Requests for delays and appeals.
868.19 Evidence to substantiate request.
868.20 Action by Reservist pending decision or request for delay or appeal.
868.21 Request for support of delay and appeals by elements of the Air Force.

AUTHORITY: §§ 868.1 to 868.21 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 6, 62 Stat. 609, as amended; 50 U. S. C. App. 456.

DERIVATION: AFR 35–83.

§ 868.1 *Purpose.* This part establishes the basic criteria upon which requests for delay in entering active military service and appeals will be considered, and sets forth the procedures for processing and evaluation of such requests and appeals. This part does not apply to those Air Force Reservists assigned to program elements within Training Categories A, B–1, and C, with the exception that such persons may submit requests for delays of not to exceed 90 days under § 868.10 (a).

§ 868.2 *Policy.* It is to be recognized that the military strength of our nation depends to a large degree on the integrity, efficiency, and readiness of the Reserve components, and that some Reservists are engaged in production and research vital to the national military effort or activities essential to the maintenance of national health, safety, or interest. In any major national emergency, personnel with experience and skills in such occupations will be required by the Air Force and by the civilian economy in numbers far exceeding the supply. The delay policies contained in this part are designed to accommodate themselves to special instances. In order that military manpower objectives may be attained without serious impairment of production and research vital to the national military effort, or activities necessary to the maintenance of national health, safety, or interest, by the sudden withdrawal of critical skills from the civilian economy, it is essential that the military need for a Reservist's service must be weighed, balanced, and reconciled with the civilian requirements to the maximum extent possible in the interest of national security.

§ 868.3 *Definitions.* For the purpose of this part, the following definitions will apply:

(a) *Delay.* Postponement of the tentative or actual date specified for entry into active military service of Reservists. The term "delay" is not to be confused with "deferment" which is used in referring to selective service selectees whose reporting dates for military service are postponed under selective service laws.

(b) *Appeal.* A request for review by an authorized appellate body of a decision of a delay board on a request for delay.

(c) *Full-time course of instruction.* A full-time schedule prescribed for resident students, including night school students, in accordance with the regulations of the particular educational institution.

(d) *Institution of higher education.* An institution offering at least a 2-year program at college level, that is, either:

(1) Accredited by a recognized nationwide, regional, or State accrediting agency or operating under State control, or

(2) Able to furnish evidence that its credits are acceptable unconditionally (at full value) by three fully accredited institutions. (Part 3 of the Directory

of Higher Education published annually by the Office of Education, Department of Health, Education, and Welfare, contains a list of institutions meeting such qualifications.)

(e) *Reservist.* A person who has been appointed, commissioned, or enlisted as a Reserve of the Air Force or has been transferred to the Air Force Reserve under any provision of law.

§ 868.4 *Basic considerations*—(a) *Delays not indefinite exemption.* Delays granted to Reservists will not exempt them indefinitely from military service and may be terminated at any time because of overriding military considerations.

(b) *Delays granted on individual basis.* Delays will be granted on an individual basis only. Blanket delays will not be granted to groups of persons under any circumstances.

(c) *Initial delays and extension.* Initial delays will be granted for the minimum period appropriate but will not exceed 6 months. Granting of extensions of delay periods is authorized within the limits prescribed herein wherever warranted. However, a stricter application of the criteria for granting initial delays will be made in evaluating requests for extensions.

(d) *Reservists under 26 years of age with insufficient prior service.* Requests for delay submitted by Reservists under 26 years of age with insufficient prior service to be exempt from induction under the Universal Military Training and Service Act (62 Stat. 604, as amended; 50 U. S. C. App. 451–471), will be considered in exceptional instances only.

(e) *Number and duration of previous tours.* The number and duration of previous tours of active military service are elements which will be considered in every delay case.

(f) *Change in status.* Any change in the status of a Reservist granted a delay which would change his availability for active military service will be immediately reported by him to the headquarters which granted the delay. Such headquarters will notify each Reservist granted a delay of his responsibility in this regard.

(g) *Requests submitted by Reservist or employer.* Requests for delays may be submitted by the individual concerned or his employer. Where the Reservist makes the request based on employment, it must include written representation by the employer, giving specific justifications for delay. Where the employer makes the request, it must include a written statement by the Reservist with regard to his desire for delay.

§ 868.5 *Necessity for prompt action.* (a) In all instances where a delay is considered necessary, persons eligible to initiate a request for delay or appeal will initiate such action promptly as outlined in § 868.18 (c) (1).

(b) All requests for delay and appeals will be acted upon promptly by every activity processing them in order to eliminate unnecessary travel on the part of the Reservist to the maximum extent possible. Each such activity will take every positive action to notify an applicant for delay or appeal of the final action taken thereon and, if possible, will notify the Reservist prior to the date he must depart from his home to comply with his active military service orders.

§ 868.6 *Criteria for delay.* Subject to the requirements of the Air Force, and in accordance with the policies stated in § 868.2, Reservists may be considered eligible for delays if they meet the requirements of one of the categories established in §§ 868.7 through 868.12.

§ 868.7 *Category A, "Critical Occupation".* Reservists principally engaged or employed in an occupation appearing on the Department of Labor List of Critical Occupations in an activity appearing on the Department of Commerce List of Essential Activities may be delayed if it is demonstrated that their services are more important for the time being in their present employment than in the military service. For the purpose of determining whether a Reservist is in this category, all of the following elements must be found to exist:

(a) The Reservist must in fact be self-employed or employed, in an occupation appearing on the Department of Labor List of Critical Occupations.

(b) The Reservist must be self-employed or employed, in an activity appearing on the Department of Commerce List of Essential Activities.

(c) Call to active duty would cause a material loss in production services necessary to the national health, safety, or interest which would not be alleviated by such devices as job breakdown, upgrading, modification of production processes, training, and so forth.

(d) The urgency of the person's employment in the civilian job outweighs the need of the Air Force for his immediate services.

§ 868.8 *Category B, "Key Position".* (a) Persons principally engaged or employed in a key position in an activity appearing on the List of Essential Activities or in a Government activity related to the defense effort may be delayed if it is demonstrated that their services are more important for the time being in their present employment than in the military service.

(b) Generally, a key position which is not otherwise accounted for in the List of Critical Occupations is at the management level of an organization. The managerial level is generally understood to include those employees who direct, administer, and control the operations of an organization or a major part of an organization.

(c) For the purpose of determining whether a Reservist is in this category, all of the following elements must be found to exist:

(1) The Reservist must in fact be self-employed or employed in a key position as described in paragraphs (a) and (b) of this section.

(2) Call to active duty would cause a material loss in production or services necessary to the national health, safety, or interest which could not be alleviated by such devices as job breakdown, upgrading, modification of production processes, training, and so forth.

(3) The urgency of the person's employment in the civilian job outweighs the need of the Air Force for his immediate services.

§ 868.9 *Category C, "Students"*—(a) *Extent of delay.* Initial delays will not exceed 6 months. Successive renewals of delay, not to exceed 6 months each, will be granted to cover the periods specified in paragraphs (b) (1) through (11) of this section: *Provided,* That all other requirements of the applicable subparagraph are met. Delay or renewals may be denied or terminated at any time when overriding military considerations dictate such action.

(b) *Persons considered.* Reservists enrolled in educational institutions or engaged as students in research in technical or scientific fields will be considered for delay as follows:

(1) A Reservist selected for enrollment or continuance in an officer training program of the Air Force may be delayed during satisfactory progress in the course.

(2) A Reservist without prior active military service who has not attained the 20th anniversary of the day of his birth and who is satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning, or a Reservist with prior active military service who has not attained the 22d anniversary of the day of his birth and who is satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning, may be delayed while in good standing until completion of the 12th or equivalent grade.

(3) A Reservist who is satisfactorily pursuing a full-time course of instruction leading to the first academic degree granted normally at the end of at least 4 years of study in a college, university, or similar institution of learning, whose course of instruction leads to a degree in one of the professions appearing on the Department of Labor List of Critical Occupations, and whose scholastic standing during the most recent measurable period ranked him in the upper half of the male students in his class, may be delayed to complete the course.

(4) A Reservist who is currently enrolled in a full-time course of instruction leading to the first academic degree granted normally at the end of at least 4 years of study in a college, university, or similar institution of learning in a profession which does not appear on the Department of Labor List of Critical Occupations, and whose scholastic standing during the most recent measurable period ranked him in the upper half of the male students in his class, may be delayed for the then current academic year.

(5) A Reservist who is satisfactorily pursuing a full-time course of instruction as a first-year graduate student and whose scholastic standing during his last undergraduate year ranked him in the upper fourth of the male students in his class, may be delayed for the then current academic year.

(6) A Reservist who is satisfactorily pursuing a full-time course of instruction as a first-year student in a professional school of medicine, dentistry, veterinary medicine, osteopathy, or allied specialties appearing on the Department of Labor List of Critical Occupations and whose scholastic standing during his last undergraduate year ranked him in the upper half of the male students in his class, may be delayed for the then current academic year.

(7) A Reservist who has satisfactorily completed at least 1 year as a full-time graduate student in a profession appearing on the Department of Labor List of Critical Occupations, or as a student in a professional school of medicine, dentistry, veterinary medicine, osteopathy, or allied specialties appearing on that list, and is satisfactorily pursuing a full-time course leading to his graduation, may be delayed to complete such course.

(8) A Reservist who has satisfactorily completed at least 1 year as a full-time graduate student in a profession which does not appear on the Department of Labor List of Critical Occupations, and is currently enrolled in a full-time course at the time he is selected for active military service, may be delayed for the then current academic year.

(9) A Reservist who, upon completion of a graduate course is required to take State licensing examinations and/or to serve an internship period before practicing his profession, may be granted a delay not in excess of 1 year to complete such licensing examinations and/or internship.

(10) A Reservist pursuing a full-time reseach in a technical or scientific field necessary to the national health, safety, or interest, and where the importance of the civilian work of the individual outweighs the need of the Air Force for his immediate services, may be granted a delay for a maximum period of 12 months.

(11) Any Reservist within one semester or two quarters of graduation from undergraduate or graduate school, may be delayed until after graduation regardless of the nature of the course. Such delays may be in addition to any other student delays granted under this part.

(c) *Each request considered on individual merits.* Each request under this section will be considered on its individual merits with appropriate weights being given to the Reservist's current standing or his standing in the academic year most recently completed and to the remarks of the officials of the educational institution where such studies are being or will be pursued.

(d) *Vacation periods.* A student who has been accepted for admission for the next succeeding class, other than the first year of college, and who meets scholastic standards mentioned in paragraph (b) of this section will be considered as satisfactorily pursuing his course during the vacation period.

(e) *Supporting evidence.* Certification with regard to class standing, satisfactory progress, course content, acceptance for admission, and so forth, must be obtained by the Reservist from the appropriate institution of learning.

§ 868.10 *Category D, "Hardships".* Reservists whose recall would cause undue personal or community hardship, may be granted delay.

(a) *Personal hardship.* The individual must establish by documentary evidence that he or his family will, as a result of the call to active duty, suffer hardship greater than that generally being experienced by other Reservists being ordered into active service or by members of their families, and that the condition alleged will be eliminated or materially alleviated by delay. For example, Reservists who are self-employed in activities or occupations which do not appear on the Department of Commerce List of Essential Activities or the Department of Labor List of Critical Occupations may be considered for delay under this section.

(b) *Community hardship.* It must be established by documentary evidence that the withdrawal of the individual from the community will have a substantially adverse effect on the health, safety, or welfare of the community.

§ 868.11 *Category E, "Elected Officials".* The following officials of the Government will not be ordered to active service without their consent:

(a) The Vice-President of the United States.

(b) The Governors of the several States, Territories, and Possessions.

(c) All other officials chosen by the voters of an entire State, Territory, or Possession.

(d) Members of the legislative bodies of the United States, and of the several States, Territories, or Possessions.

(e) Judges of the courts of record of the United States and of the several States, Territories, or Possessions.

§ 868.12 *Category F, "Apprentices."* (a) Reservists undergoing apprenticeship training in occupations appearing on the List of Critical Occupations in an activity on the List of Essential Activities may be delayed. Renewals of delay, where appropriate, may be granted as provided in § 868.4 (c). To qualify for delay within this category, the Reservist must, in fact, be engaged in a recognized apprenticeship program which meets the standards and requirements outlined in paragraph (b) of this section and have completed not less than 2,000 hours of the apprentice training.

(b) The apprentice training program must be an organized plan, written or implied, embodying the terms and conditions of employment, training, and supervision of one or more apprentices in one or more apprenticeable occupations as defined in subparagraph (1) of this paragraph, and subscribed to by a sponsor who has undertaken to carry out the apprentice training program. The sponsor may be an employer of labor, a joint apprenticeship committee, a trade union, a group of employers of labor, or an association of journeymen.

(1) The apprentice training program must offer apprentice training in an occupation which:

(i) Customarily has been learned in a practical way through training on-the-job,

(ii) Requires 4,000 or more hours of work experience to learn,

(iii) Is clearly identified and commonly recognized throughout the industry,

(iv) Requires during each year of apprenticeship the completion of 144 hours or more of organized and systematic related trade instruction designed to provide the apprentice with learning in theoretical and technical subjects related to the occupation,

(v) Is not merely a part of an occupation normally learned through apprenticeship,

(vi) Involves a development of skill sufficiently broad to be applicable in like occupations throughout an industry rather than of restricted application to the products of one employer.

(2) The apprentice training program must have been in operation with apprentices actually being trained therein for a period of at least 1 year.

(3) Certification of the sufficiency of an apprentice program complying with subparagraph (1) of this section, must be furnished by the employer.

(c) Individuals qualify for delay because of their learning status in order to complete their apprenticeship. Upon termination of the training status, the Reservist must discharge his obligation to serve on active duty before he may become eligible for additional delay because of the acquisition of a "critical occupation" employment status. In exceptional cases only, additional temporary delay may be granted.

§ 868.13 *Establishment of delay and appeal boards*—(a) *Delay boards.* Each commander authorized to grant or to deny requests for delay will establish an adequate number of delay boards, each consisting of at least one officer and necessary clerical assistants, for the purpose of considering and determining requests for delay. The officers selected for the board will be of field grade, whenever possible, and at least one should be a member of the Judge Advocate General's Department, USAF, the Air Force Reserve (Judge Advocate General's Department), or an officer with comparable qualifications. A sufficient number of boards should be constituted to insure expeditious handling of delay requests. Classification officers, personnel officers, and technical personnel will be used to assist delay boards in those instances warranting such representation.

(b) *Appeal board.* An appeal board consisting of at least three senior Air Force officers who possess broad and diversified experience will be established as directed by Headquarters USAF. The primary function of this board will be to review, on appeal, decisions of delay boards on requests for delay.

§ 868.14 *Authority to grant delays.* All commanders authorized to order Reservists into the active military service will have authority to grant or deny requests for delay submitted by Reservists (or their employers) under their jurisdiction. All appeals from such decisions will be forwarded to the appeal activity established by § 868.13 (b).

§ 868.15 *Authority to grant appeals.* The appeal board is authorized to hear and determine appeals from decisions of

every positive action to notify an appli-

processes, training, and so forth.

No. 198——2

the delay boards and may confirm the action of the delay board or grant additional delay.

§ 868.16 *Delay board decisions*—(a) *If Reservist is to be ordered into active military service subsequent to delay.* If the decision of the delay board is that the Reservist should be ordered into active military service subsequent to the delay period, the delay board will determine the specific date after which the Reservist may be placed on active military service orders.

(b) *If Reservist is to be removed from consideration for active military service.* If the decision of the delay board is that the Reservist should be removed from consideration for active military service under existing criteria, the delay board will determine a specific date after which the Reservist may again be considered for selection for active military service.

(c) *If Reservist is granted student delay.* If the Reservist is granted a student delay, the date after which he may be placed on orders or reconsidered for active military service will be 15 days after completion of the course or the academic year, whichever is applicable, unless additional delay is granted.

§ 868.17 *Temporary delay.* When the commander responsible for taking final action on a request for a delay or an appeal is unable for any reason to make such determination before the date the person is required to report to duty, the commander, if he considers it appropriate, may grant a temporary delay not to exceed 30 days.

§ 868.18 *Requests for delays and appeals*—(a) *By whom submitted*—(1) *By Reservist or employer.* A request for delay may be submitted or an appeal may be filed by the Reservist or his employer. A request or an appeal by the employer of a Reservist must be in accordance with § 868.4 (g).

(2) *Appearance before boards.* Reservists and their employers may appear in person, be represented by counsel, or both, before delay boards and the appeal board.

(b) *Application for delay.* A request for delay or an appeal must be in writing and signed by the person initiating the request or appeal.

(c) *When submitted*—(1) *After notification or receipt of orders.* Except as indicated in subparagraph (2) of this paragraph, a request for delay may be submitted only after a Reservist has received notification of intent to order him into active military service or actual orders ordering him to such service. An appeal may be filed only after notification of the decision of a delay board.

(2) *Rehearing or reconsideration.* After a decision has been rendered by a delay board on a request for delay, that board will not reconsider the case unless new circumstances develop which were not considered in making the original decision. However, an appeal may be filed with the delay board for forwarding to the appeal board. After a decision on appeal has been rendered by the appeal board, that board will not reconsider the case unless the circumstances develop which were not considered in making the original decision on appeal.

(d) *To whom submitted*—(1) *To delay board.* Requests for delay will be submitted to the delay board at the headquarters which issued active military service orders or notification of intent to order the Reservist into active military service unless such orders or notification otherwise direct. Appeals will also be submitted to the delay board which will forward them to the appeal board for final determination.

(2) *To Chief of Air Force Chaplains.* Requests for delay and appeals filed by chaplains, ministers, priests, rabbis, and Reservists attending theological schools will be submitted by delay boards to the Chief of Air Force Chaplains for determination.

(3) *To the Surgeon General, USAF.* Requests for delay and appeals filed by Reservists holding appointments in a component of the Medical Service, USAF, will be submitted by delay boards to the Surgeon General, USAF, for determination.

§ 868.19 *Evidence to substantiate request.* The person requesting a delay or filing an appeal will identify the Reservist concerned, describe his civilian status, and set forth the reasons why a delay should be granted. Mere reference to the appropriate category applicable to the Reservist will not be sufficient.

§ 868.20 *Action by Reservist pending decision on request for delay or appeal.* Pending notification of the granting of a delay or an appeal, the Reservist will comply with his orders. In any instance, the mere submission of a request for delay or the filing of an appeal will not be considered as relieving the Reservist from responsibility for reporting as directed by active military service orders.

§ 868.21 *Request for support of delay and appeals by elements of the Air Force*—(a) *Requests by contractors.* To facilitate effective consideration of the needs of the supporting civil economy, elements of the Air Force having responsibilities for procuring supplies and services, including research and development services, are authorized to support requests by contractors for consideration of delay of Reservists in their employ. Such support will normally be rendered upon request of the contractor, subject to the strict criteria contained in this part, and only when justified by the merits of the particular case.

(b) *Presentation.* Air Force support will normally be presented in written form by a representative of the command which is responsible for the contract or, in the event of appeal, by the office of the Director of Industrial Resources, Headquarters USAF. Presentations should include such matters as the nature and essentiality of the product, whether the contractor is the sole source of supply, the extent to which schedules are being accelerated, any pertinent verification with regard to the Reservist's occupation and position in the organization, the numbers of persons of like occupation and skill in the organization, the extent to which deliveries are or threaten to fall behind schedule, or similar factors which would effect critical production. In the event that the letter of support contains classified information which cannot be made available to the contractor, such letter should be sent direct to the headquarters calling the Reservist to active duty. In addition to critical personnel of contractors, the procedures outlined in this section may also apply to subcontractors, suppliers, and other organizations of concern to the Department of Defense or the national security in general.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-7982; Filed, Oct. 11, 1954; 8:45 a. m.]

Chapter XVI—Selective Service System

[Amdt. 55]

PART 1606—GENERAL ADMINISTRATION

AUTHORIZATION OF FORMS

Section 1606.52 of the Selective Service Regulations is hereby amended to read as follows:

§ 1606.52 *Special forms must be authorized.* Whenever conditions within a State make necessary a form not prescribed by the Director of Selective Service or mentioned in the regulations in this chapter or the directives issued thereunder, the State Director of Selective Service shall, prior to adopting the proposed form, submit three copies thereof, together with a brief statement of the necessity and proposed use, to the Director of Selective Service. The form shall not be used until approved by the Director of Selective Service.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C., App. 460; E. O. 9979, July 20, 1948, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

OCTOBER 7, 1954.

[F. R. Doc. 54-8005; Filed, Oct. 11, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 027660, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on August 11, 1954, by the Department of the Army. The purposes of the proposed withdrawal: Ammunition storage facilities.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Commencing at U. S. E. D. Station "A" situated on the center line of The Alaska Railroad at railroad station 103+00; thence S. 71° 18' E. along said railroad center line for a distance of approximately 2,335 feet to a point; thence S. 18° 42' W. for a distance of 100 feet to the True Point of Beginning for this description; thence S. 8° 45' W. for a distance of 1,615 feet to a point; thence S. 48° 36' W. for a distance of 3,015 feet to a point; thence N. 41° 24' W. for a distance of 3,205 feet to a point; thence N. 48° 36' E. for a distance of 2,960 feet to a point that is 100 feet southwest of the center line of the Alaska Railroad when measured at right angle thereto; thence S. 71° 18' E., 100 feet from and parallel to said center line, for a distance of 2,500 feet to the True Point of Beginning and containing 265 acres, more or less.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-7990; Filed, Oct. 11, 1954; 8:45 a. m.]

[A-2]

UTAH

SMALL TRACT CLASSIFICATION ORDER NO. 1

1. Pursuant to authority delegated to the State Supervisors by section 2.5 of Redelegation Order No. 541, issued April 21, 1954 by the Director, Bureau of Land Management, the following described lands are hereby classified for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609); 43 U. S. C. 682a as amended by the act of June 8, 1954 (68 Stat. 239), for home sites.

SALT LAKE MERIDIAN

T. 26 S., R. 22 E.,
Sec. 17: S½NW¼, SW¼;
Sec. 20: NE¼, Lots 5, 6, 7;
Sec. 21: All.

The lands described comprise 800.26 acres.

2. The lands are located approximately three miles southeast of Moab, Utah. The topography is level to rolling and the lands have an elevation of approximately 4200 feet. The annual precipitation average is nine and one-half inches and the temperatures vary from a summer high of 111 degrees to a winter low of 28 degrees.

3. The lands will be leased and sold in approximately 2½-acre tracts with a limitation of one tract to each successful applicant. Access to public highways from the tracts will be afforded by a reservation of rights of way along the boundary of each tract for road or public utility facilities which will not exceed 33 feet in width and as will be shown on the layout plats of the area.

4. Seventy-two pending applications were legally filed prior to the date hereof for the type or use for which the land is classified. These applications will be given preference.

5. A supplemental plat of survey will be prepared. This survey when completed will subdivide the area into lots. No applications will be allowed until this supplemental plat of survey is filed with the Manager, Land Office, Room 312, Post Office Building, Salt Lake City, Utah.

(a) *91-day period for preference-right filings.* For a period of 91 days, commencing at 10:00 a. m. on the 35th day after the supplemental plat of survey is filed, the lands affected by this order shall be subject to application by qualified veterans of World War II and the Korean Conflict. All applications filed under this paragraph, either on or before 10:00 a. m. on the 35th day after the date of filing of the supplemental plat of survey, shall be treated at though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the 35th day shall be considered in the order of filing.

(b) Commencing at 10:00 a. m. on the 126th day after the date of the filing of the supplemental plat of survey any lands remaining shall become subject to application under the Small Tract Act by the public generally. All such applications filed, either on or before 10:00 a. m. on the 126th day, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostat, or other copy, (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 191.36 of Title 43 of the Code of Federal Regulations, or constitute evidence of any facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference right through settlement or otherwise and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail on facts relevant to their claims.

6. Leases for homesites will be issued for a period of three years at an annual rental of $20, payable in advance for the entire lease period. Leases will provide option to purchase at the appraised values ranging from $250 to $750. Before purchases may be made, the leases must have been in effect for a minimum period of one year, and the tract must have actually been used and improved for the purpose for which the lease is issued. Lessees will be required to comply with county zoning and building ordinances, including proportionate cost of street development and other facilities as required by Grand County Board of Commissioners. Information concerning these ordinance requirements can be secured at the office of the Chairman, Board of Grand County Commissioners, Moab, Utah.

In the event the right to purchase has been exercised prior to the expiration of the three year leasable period the unearned rentals paid will be applied to the purchase price. The United States reserves the right to reject any application to purchase and to cancel any lease if the property under application has been used or developed in such a manner as to detract from the value of the remaining tracts for the purposes for which they are classified.

7. Inquiries relative to these lands should be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Building, Salt Lake City, Utah.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 54-7991; Filed, Oct. 11, 1954; 8:45 a. m.]

Bureau of Reclamation

[Commissioner's Order 34]

REGIONAL DIRECTOR AND DISTRICT MANAGER, ALASKA DISTRICT

REDELEGATION OF AUTHORITY

SECTION 1. *Authority.* Regional Directors and the District Manager, Alaska District, each with respect to the geographic area within his jurisdiction, are authorized, except as provided in section 2 of this order, to perform the functions and exercise the authority now or here-

after delegated to the Commissioner of Reclamation by Secretary's Order No. 2765 (19 F. R. 5004) and amendments thereof.

SEC. 2. *Limitations.* Excepted from section 1 of this order is authority to:

(a) Act on behalf of the Secretary of the Interior in the submission of his proposed reports or other documents to affected States and to other Federal agencies for their views and recommendations, in compliance with the Flood Control Act of December 22, 1944 (58 Stat. 887, 888; 33 U. S. C. 701–1 (c));

(b) Determine the necessity for certification by the Secretary of the Interior as to the adequacy of soil surveys and land classification, and as to the productivity of land, as a condition precedent to the initiation of construction;

(c) Make the report of the Commissioner of Reclamation to the Secretary of the Interior on feasibility plans for proposed projects and on proposed changes in such plans;

(d) Approve for the Bureau of Reclamation or the Department of the Interior major reports which may establish future courses of Bureau action, such as basin and similar reports, exclusive of reconnaissance reports;

(e) Approve for the Commissioner Definite Plan Reports and major revisions of such reports;

(f) Withdraw or restore public lands;

(g) Approve farm unit plats, and supplemental survey plats;

(h) Approve reclassifications of lands, except the reclassification of Class 5 land to pay class;

(i) Sell land under the act of February 2, 1911 (36 Stat. 895; 43 U. S. C. 374);

(j) Reconvey lands under subsection Q, section 4, act of December 5, 1924 (43 Stat. 704; 43 U. S. C. 376); or

(k) Write off project costs.

SEC. 3. *Redelegation.* Each Regional Director, and the District Manager, Alaska District, may, in writing, redelegate to officers and employees under his direction the authority granted in this order.

SEC. 4. *Revocations.* The following documents and all amendments thereof and supplements thereto are revoked:

(a) Circular Letter 3387 (12 F. R. 8897).
(b) Commissioner's Order No.:
— (13 F. R. 5494).
— (14 F. R. 2598).
1 (14 F. R. 7746).
2 (15 F. R. 715).
3 (15 F. R. 1288).
4 (15 F. R. 9157), only as to subsections (a) through (e) of section 1.
5 (16 F. R. 732).
6 (16 F. R. 8850).
7 (16 F. R. 8850; 17 F. R. 8459).
17 (17 F. R. 9783).
19 (17 F. R. 11886).
20 (18 F. R. 583).
24 (18 F. R. 3277).
25 (18 F. R. 6270).
27 (19 F. R. 432).
29 (19 F. R. 565).
31 (19 F. R. 2195).
(c) Redelegations of authority by the Commissioner of Reclamation which were effected by letters, memoranda, teletypes, or other media, exclusive of Commissioner's Orders.

SEC. 5. *Savings clause.* Redelegations of authority not in excess of the authority redelegated by this order which were made, either by the Commissioner or by Regional Directors, to officers and employees subordinate to Regional Directors by or pursuant to the documents revoked by paragraphs (a) and (b) of section 4 of this order and which are in force on the date of this order shall continue in force for 120 days from the date of this order unless sooner revoked or superseded by orders of the Regional Directors or the District Manager, Alaska District.

W. A. DEXHEIMER,
Commissioner.

[F. R. Doc. 54–7992; Filed, Oct. 11, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION AND DELEGATION OF AUTHORITY

MARKETING AND REGULATORY SERVICES DIVISIONS

Correction

In F. R. Doc. 54–7551, appearing at page 6169 of the issue for Saturday, September 25, 1954, the citation "7 U. S. C. 608c" in subparagraph (3) and subdivision (v), as set forth in items 1 and 2, respectively, should read "7 U. S. C. 608e".

Office of the Secretary

ORGANIZATION AND FUNCTIONS

FEDERAL-STATES RELATIONS; AGRICULTURAL RESEARCH SERVICE

The statement of delegations of authority and assignment of functions (19 F. R. 74), as amended, is further amended by adding at the end of section 200 the following paragraph k:

k. Administration of responsibilities delegated to the Secretary, effective September 8, 1954, pursuant to section 201 (b) of the Federal Civil Defense Act of 1950 (64 Stat. 1248), by the Federal Civil Defense Administrator (19 F. R. 5921) which involve planning a national program and directing Federal activities concerned with research, diagnosis, strengthening of defensive barriers, and control or eradication of diseases, pests, or chemicals introduced as agents of biological or chemical warfare against animals or crops.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54–7997; Filed, Oct. 11, 1954; 8:47 a. m.]

NORTH CAROLINA

DESIGNATION OF ADDITIONAL AREAS FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, (12 U. S. C. 1148a–2 (a)), it is found that in the following named additional counties in the State of North Carolina, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF NORTH CAROLINA

Catawba County.
Henderson County.
Wilkes County.

Pursuant to the delegations of authority from the Administrator, Federal Civil Defense Administration, (18 F. R. 4609; 19 F. R. 2148 and 19 F. R. 5364) and for the purpose of making loans pursuant to section 2 (b) of Public Law 38, 81st Congress, (12 U. S. C. 1148a–2 (b)), as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, it is determined that the above named additional counties are within the area affected by the major disaster occasioned by drought as determined by the President on September 23, 1954 pursuant to Public Law 875, 81st Congress, (42 U. S. C. 1855 et seq.). It is also determined that an economic disaster exists in said above named additional counties that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under regular loan programs, or other responsible sources.

After December 31, 1955, loans under section 2 (a) or 2 (b) of Public Law 38, 81st Congress, as amended, will not be made in the above named additional counties except to borrowers who previously received such assistance.

The period for making initial production emergency loans and economic emergency loans authorized in the following counties on November 18, 1953 (19 F. R. 1523), December 4, 1953 (19 F. R. 1524) and March 2, 1954 (19 F. R. 1257) in the State of North Carolina is hereby extended to December 31, 1955.

STATE OF NORTH CAROLINA

Alexander.	Iredell.
Anson.	Lincoln.
Buncombe.	Polk.
Burke.	Rockingham.
Caldwell.	Rutherford.
Caswell.	Scotland.
Cleveland.	Surry.
Cumberland.	Union.
Gaston.	Yadkin.
Hoke.	

Done at Washington, D. C., this 7th day of October 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54–8019; Filed, Oct. 11, 1954; 8:50 a. m.]

MISSISSIPPI

DESIGNATION OF ADDITIONAL AREAS FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, (12 U. S. C. 1148a–2 (a)), it is found that in the following named additional counties in the State of Mississippi, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF MISSISSIPPI

Adams.	Lincoln.
Alcorn.	Lowndes.
Amite.	Madison.
Attala.	Monroe.
Calhoun.	Montgomery.
Carroll.	Neshoba.
Chickasaw.	Newton.
Choctaw.	Noxubee.
Claiborne.	Oktibbeha.
Clarke.	Pike.
Clay.	Pontotoc.
Copiah.	Prentiss.
Covington.	Rankin.
Franklin.	Scott.
Grenada.	Sharkey.
Hinds.	Simpson.
Issaquena.	Smith.
Itawamba.	Tippah.
Jasper.	Tishomingo.
Jefferson.	Union.
Jefferson Davis.	Warren.
Kemper.	Webster.
Lauderdale.	Wilkinson.
Lawrence.	Winston.
Leake.	Yazoo.
Lee.	

Pursuant to the delegations of authority from the Administrator, Federal Civil Defense Administration, (18 F. R. 4609; 19 F. R. 2148 and 19 F. R. 5364), and for the purpose of making loans pursuant to section 2 (b) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (b)), as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, it is determined that the following named additional counties are within the area affected by the major disaster occasioned by drought as determined by the President on September 16, 1954, pursuant to Public Law 875, 81st Congress, (42 U. S. C. 1855 et seq.). It is also determined that an economic disaster exists in said counties that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources.

STATE OF MISSISSIPPI

Adams.	Lincoln.
Alcorn.	Lowndes.
Amite.	Madison.
Attala.	Monroe.
Calhoun.	Montgomery.
Carroll.	Neshoba.
Chickasaw.	Newton.
Choctaw.	Noxubee.
Claiborne.	Oktibbeha.
Clarke.	Pike.
Clay.	Pontotoc.
Copiah.	Prentiss.
Covington.	Rankin.
Franklin.	Scott.
Grenada.	Sharkey.
Hinds.	Simpson.
Issaquena.	Smith.
Itawamba.	Tippah.
Jasper.	Tishomingo.
Jefferson.	Union.
Jefferson Davis.	Warren.
Kemper.	Webster.
Lauderdale.	Wilkinson.
Lawrence.	Winston.
Leake.	Yalobusha.
Lee.	Yazoo.

After December 31, 1955, loans under sections 2 (a) or 2 (b) of Public Law 38, 81st Congress, as amended, will not be made in the above named counties except to borrowers who previously received such assistance.

The period for making initial production emergency loans and economic emergency loans authorized in the following counties on November 24, 1953 (19 F. R. 1953), on February 3, 1954 (19 F. R. 734) and on March 2, 1954 (19 F. R. 1257) in the State of Mississippi is hereby extended to December 31, 1955.

Benton.	Marshall.
Bolivar.	Panola.
Coahoma.	Quitman.
DeSoto.	Sunflower.
Holmes.	Tallahatchie.
Humphreys.	Tate
Lafayette.	Tunica.
Leflore.	Washington.

The period for making initial production emergency loans authorized in Yalobusha County on June 21, 1954, (19 F. R. 3851), in the State of Mississippi is hereby extended to December 31, 1955.

Done at Washington, D. C., this 7th day of October 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54–8020; Filed, Oct. 11, 1954; 8:51 a. m.]

CERTAIN STATES

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF ADDITIONAL COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on the dates indicated that a major disaster occasioned by drought existed in the following States:

Alabama	Sept. 16, 1954
Arkansas	Aug. 7, 1954
Kansas	Aug. 26, 1954
Mississippi	Sept. 16, 1954
North Carolina	Sept. 23, 1954
Tennessee	Sept. 16, 1954
Texas	July 21, 1954

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148 and 19 F. R. 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, certain counties in the State of Alabama were on September 16, 1954 (19 F. R. 6243); certain counties in the State of Arkansas were on August 9, 1954, August 13, 1954 (19 F. R. 5388), as amended August 19, 1954 (19 F. R. 5647) and September 14, 1954 (19 F. R. 6127); certain counties in the State of Kansas were on August 26, 1954 (19 F. R. 5956); certain counties in the State of Mississippi were on September 16, 1954 (19 F. R. 6243); certain counties in the State of North Carolina were on September 23, 1954; certain counties in the State of Tennessee were on September 16, 1954 (19 F. R. 6243) and certain counties in the State of Texas were on August 10, 1954 (19 F. R. 5155), as amended August 13, 1954 (19 F. R. 5388), August 26, 1954 (19 F. R. 5957), September 14, 1954 (19 F. R. 6127) and September 17, 1954 determined to be the areas affected by the major disaster by drought.

Pursuant to the aforesaid delegations the Delineations and Certifications of Counties in Drought Areas, as above described, are herewith amended by adding the counties set forth below, on the dates indicated, to the major disaster areas in the designated States:

ALABAMA

September 29, 1954

Cherokee County.	Marengo County.
Etowah County.	

ARKANSAS

September 29, 1954

Lawrence County.

KANSAS

September 28, 1954

Chase.	Osage.
Coffey.	Pratt.
Lyon.	Reno.
Marion.	Saline.
McPherson.	

MISSISSIPPI

September 29, 1954

Chickasaw County.	Lee County.
Coahoma County.	Prentiss County.

NORTH CAROLINA

September 29, 1954

Cumberland County.	Union County.
Scotland County.	

TENNESSEE

September 29, 1954

Bledsoe.	Hardeman.
Cheatham.	Lincoln.
Chester.	Roane.
Cumberland.	Rutherford.
Davidson.	Shelby.
Dickson.	Smith.
Dyer.	Williamson.
Fayette.	Wilson.

TEXAS

September 29, 1954

Houston.	Lamar.
Hunt.	Stephens.
Jack.	Wilson.

Done at Washington, D. C., this 7th day of October 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54–8021; Filed, Oct. 11, 1954; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6582]

EASTERN-COLONIAL CONTROL CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 2, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., October 7, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8006; Filed, Oct. 11, 1954; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2693—G-2711]

SOUTHEASTERN DRILLING CO. ET AL.

NOTICE OF APPLICATIONS

OCTOBER 5, 1954.

In the matters of Southeastern Drilling Company, Docket No. G-2693; The Gwin Company, Docket No. G-2694; Laur Royalty Company, Docket No. G-2695; I. P. La Rue, et al., Docket No. G-2696; C. M. Dorchester, Docket No. G-2697, Frances Dorchester Harrell, and Betty Dorchester Mortimer, Docket No. G-2698; J. K. Wright, Docket No. G-2699; Alec M. Crowell, Docket No. G-2700; J. K. Wright, Jr., Docket No. G-2701; George Gardiner Green, Docket No. G-2702; Douglas Whitaker, et al., Docket No. G-2703; P. G. Lake, Docket No. G-2704; C. R. Ridgway, et al., Docket No. G-2705; Durbin Bond and Company, Inc., Docket No. G-2706; Douglas Whitaker, Docket No. G-2707; C. L. Morgan, Docket No. G-2708; I. P. La Rue and G. G. Stanford, Docket No. G-2709; Robert C. Hynson, Docket No. G-2710; Carter Foundation Production Co., Docket No. G-2711.

Take notice that the hereinafter designated persons filed on September 8, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act:

Applicant and Address

Southeastern Drilling Company, a partnership, Dallas, Tex.

The Gwin Company, a Delaware corporation, Dallas, Tex.

Laurel Royalty Company, a Mississippi corporation, Laurel, Miss.

I. P. La Rue, I. P. La Rue, Jr., and Mrs. Martha T. La Rue, individuals, Jackson, Miss.

C. M. Dorchester, an individual, Jackson, Miss.

Frances Dorchester Harrell, and Betty Dorchester Mortimer, individuals, Jackson, Miss.

J. K. Wright, an individual, Jackson, Miss.

Alec M. Crowell, an individual, New Orleans, La.

J. K. Wright, Jr., an individual, Jackson, Miss.

George Gardiner Green, an individual, Laurel, Miss.

Douglas Whitaker and J. Kenneth Wright, Sr., individuals, Shreveport, La., and Oklahoma City, Okla.

P. G. Lake, an individual, Tyler, Tex.

C. R. Ridgway, W. E. McGehee and Della Jones McGehee, individuals, Jackson, Miss.

Durbin Bond and Company, Inc., a Delaware corporation, Little Rock, Ark.

C. L. Morgan, an individual, Jackson, Miss.

I. P. La Rue and G. G. Stanford, individuals, Jackson, Miss.

Robert C. Hynson, an individual, Laurel, Miss.

Carter Foundation Production Company, a Texas corporation, Fort Worth, Tex.

Applicants, with the exception of The Gwin Company, are producers of natural gas seeking authority for the sale of gas produced from their respective acreage in the Gwinville Field located in Simpson and Jefferson Davis Counties, Mississippi. The sales are proposed to be made at the well head to The Gwin Company which in turn proposes to gather and process said gas. The Gwin Company in Docket No. G-2694 seeks authority to sell the gas acquired from the above-designated sources to Dixie Pipe Line Company for resale to Transcontinental Gas Pipe Line Corporation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of October 1954.

Applicants have each requested that these matters be considered under the shortened procedure provided for in § 1.32 of the rules of practice and procedure.

These applications are on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7995; Filed, Oct. 11, 1954; 8:46 a. m.]

[Docket No. G-2777]

TEXAS EASTERN PRODUCTION CORP. ET AL.

NOTICE OF APPLICATION

OCTOBER 5, 1954.

In the matter of Texas Eastern Production Corporation, Clegg & Hunt, and Buford Goodwin, Docket No. G-2777.

Take notice that: (1) Texas Eastern Production Corporation, a Delaware corporation with its principal place of business in Houston, Texas; (2) Clegg & Hunt, a Texas corporation with its principal place of business in Houston, Texas; and (3) Buford Goodwin, an individual whose address is 1973 W. Gray, Houston, Texas (Applicants), filed an application, on September 15, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicants to sell natural gas, subject to the jurisdiction of the Commission, all as more fully described in said application. Applicants propose to sell and deliver natural gas to Texas Gas Corporation pursuant to a contract dated the 8th day of June 1954, covering the sale from Applicants' leases in the East Jackson Pasture Area Field, Chambers County, Texas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of October 1954. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7993; Filed, Oct. 11, 1954; 8:46 a. m.]

[Project No. 1930]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF LAND WITHDRAWAL; CALIFORNIA

OCTOBER 5, 1954.

By letters dated June 15, 1945, and April 30, 1951, this Commission gave notice to the Bureau of Land Management of the reservation of 103.74 and 1.26 acres, respectively, of lands of the United States pursuant to the filing of applications, both original and amendatory, for license by the Southern California Edison Company for Project No. 1930, on April 28, 1945, and February 5, 1951.

On April 20, 1953, the license, filed on application for amendment of license to cover, among other things, the relocation and widening of a portion of the right-of-way embracing the 66 kv transmission line within the SW¼SW¼ section 29, SE¼SE¼ section 30, T. 28 S., R. 30 E., Mount Diablo Meridian, California.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that all lands lying within 50 feet of the center line survey of the transmission line relocation within the aforesaid subdivisions as shown on revised map sheet (FPC 1930-40) designated "Exhibit K" entitled "Detail Map, Kern River No. 1 Project, Southern California Edison Company", and filed with this Commission on April 20, 1953, are from said date of filing, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128) with respect to lands reserved for transmission line purposes only is applicable to the 1.93 acres of additional lands of the United States reserved pursuant to the filing of this application.

Photostatic copies of the aforesaid amendatory map FPC 1930-40, superseding FPC 1930-8, have been transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7994; Filed, Oct. 11, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29775]

MERCHANDISE FROM MEMPHIS, TENN., TO BUFFALO, N. Y., AND READING, PA.

APPLICATION FOR RELIEF

OCTOBER 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Memphis, Tenn.

To: Buffalo, N. Y., and Reading, Pa.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional origin.

Schedules filed containing proposed rates: Agent C. A. Spaninger's tariff I. C. C. No. 1305, supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7998; Filed; Oct. 11, 1954; 8:47 a. m.]

[4th Sec. Application 29776]

AUTOMOBILE PARTS FROM SHAKER CROSSING, OHIO TO MARYLAND, MASSACHUETTS, NEW JERSEY, AND NEW YORK.

APPLICATION FOR RELIEF

OCTOBER 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Automobile shock absorbers, hydraulic brake cylinders, and shock absorber parts or springs, carloads.

From: Shaker Crossing, Ohio.

To: Points in Maryland, Massachusetts, New Jersey, and New York.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-7999; Filed, Oct. 11, 1954; 8:48 a. m.]

[4th Sec. Application 29777]

SAND FROM OTTAWA, MINN., TO SOUTHWEST

APPLICATION FOR RELIEF

OCTOBER 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to tariff listed below.

Commodities involved: Silica sand, carloads.

From: Ottawa, Minn.

To: Points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; Agent Kratzmeir's tariff I. C. C. 3736, supp. No. 274.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8000; Filed, Oct. 11, 1954; 8:48 a. m.]

[4th Sec. Application 29778]

WOODPULP FROM EVADALE, TEXAS, TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

OCTOBER 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to tariff listed below.

Commodities involved: Woodpulp, carloads.

From: Evadale, Texas.

To: Points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and new producing point.

Schedules filed containing proposed rates: Agent Kratzmeir's tariff I. C. C. 4114, supp. No. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8001; Filed, Oct. 11, 1954; 8:48 a. m.]

[4th Sec. Application 29779]

FULLERS EARTH FROM POINTS IN FLORIDA AND GEORGIA TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to tariff listed below.

Commodities involved: Fullers earth, carloads.

From: Jamieson, Quincy, Fla., Attapulgus and Roddenberry, Ga.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; Agent C. A. Spaninger's tariff I. C. C. No. 1323, supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or

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formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8002 Filed, Oct. 11, 1954; 8:48 a. m.]

[4th Sec. Application 29780]

FIBREBOARD BOXES FROM AUSTIN, MINN., TO WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

OCTOBER 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to tariff listed below.

Commodities involved: Boxes, fibreboard, pulpboard, or strawboard, carloads.

From: Austin, Minn.

To: Points in Colorado, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wyoming.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Agent Prueter's tariff I. C. C. No. A-3432, supp. 188.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8003; Filed, Oct. 11, 1954; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 199

Washington, Wednesday, October 13, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (9) is added to § 6.109 as set out below.

§ 6.109 *Post Office Department*—(a) *General.* • • •

(9) One Administrative Assistant to the Assistant to the Regional Operations Manager (Cincinnati Office).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION, WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 54-8044; Filed, Oct. 12, 1954; 8:52 a. m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

Sections 24.30 and 24.98 are revoked, and § 24.121 is added to read as follows:

§ 24.121 *Student Trainee, GS-1-4, in the following codes: GS-402, 408, 455, 458, 462, 483, 802, 1311, 1341, 1371, 1521, or other code covering positions of student trainee for any professional field as follows: Any biological science (Group GS-400), any branch of engineering (Group GS-800), any physical science (Group GS-1300), architecture, landscape architecture, mathematics*—(a) *Educational requirements.* (1) For Student Trainee, GS-1: Applicants must have been graduated from an accredited high school upon the successful completion of all the high school courses required for admission to an accredited college or university in a curriculum leading to the bachelor's degree in one of the specialized fields shown in the headnote of this section, and they must have the intention of enrolling in such institution and curriculum within 4 months of the date of entrance on duty in the Student Trainee positions.

(2) Applicants for grades GS-2, 3, and 4 must have successfully completed the number of academic years of study specified below, a full academic year of study being defined as a period or combination of periods of study at college (in either cooperative or noncooperative curricula) equal in length to two semesters or three quarters:

For Student Trainee, GS-2: One full academic year of study.

For Student Trainee, GS-3: Two full academic years of study.

For Student Trainee, GS-4: Three full academic years of study.

(3) The college study specified must have been at an accredited college or university in a full 4-year or longer professional curriculum leading to a bachelor's degree with specialization in one of the fields listed in the headnote of this section. The specialized field applied for, which is the field in which the applicant will receive training on the job if appointed, must correspond to the course which the applicant is pursuing in college and to the field in which he expects to complete the requirement of major study. The required specialization must be such that at time of graduation the specific course requirements which are specified for eligibility in the U. S. Civil Service Commission examination for the corresponding GS-5 professional positions can be met.

(4) College study at an accredited junior college will be accepted if the credits are acceptable in full by a 4-year accredited college toward completion of its own curriculum in the field concerned.

(b) *Duties.* The duties of a student trainee consist of a combination of (1) on-the-job training in a Federal agency, and (2) scholastic training in a college or university. While on the job in a Federal agency, appointees participate in research or other scientific or engineering work such as development, design, surveys, investigations, computations, laboratory or field experimentation or studies, construction, testing, or standardization.

(c) *Knowledge and training requisite for performance of duties.* Student Trainees are employed at subprofes-

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

All of the cumulative pocket supplements and revised books of the Code of Federal Regulations (as of January 1, 1954) are now available, except the supplements to Titles 1–3 and to the General Index.

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sional levels for the purpose of training them for advancement to professional positions in the employing agency upon completion of the training program. Since the duties of the position involve, in addition to actual scientific or engineering work while in training, the pursuance of academic studies of the first, second, third, or fourth year of a specified undergraduate college curriculum in order to perform successfully duties at the professional level, applicants must have the specified education in order to

enroll in the required year of a standard college curriculum in an accredited college or university.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-8032; Filed, Oct. 12, 1954; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter E—Production Credit System

[FCA Order No. 605]

PART 50—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

LOANS ON COMMODITIES COVERED BY CCC PRICE SUPPORT PROGRAMS

The rules and regulations for Production Credit Associations are hereby amended by adding thereto a new section reading as follows:

§ 50.25 *Loans on commoditics covered by CCC price support programs.* Notwithstanding the regulations covering other loans made by the association, loans may be made to members on any commodity for which a CCC price support program is in effect at such rate of interest and upon such terms as the PCC may prescribe subject to the following conditions: (a) The commodity offered as security for the loan shall be eligible for price support under a CCC price support program and shall be stored in a bonded public warehouse acceptable to the CCC for storage under such support program; (b) the member shall have complied with all CCC eligibility requirements; (c) the loan shall mature not later than 30 days prior to the expiration of the period during which the CCC loan or other price support may be obtained on the commodity and shall be secured by pledge of negotiable warehouse receipts covering the commodity; and (d) the borrower shall appoint the association as his attorney-in-fact to obtain a CCC loan (or other such price support as is available) in the event that the borrower fails to do so prior to maturity or repayment of the loan.

(Sec. 20, 23, 48 Stat. 259, 261; 12 U. S. C. 1131d, 1131g)

[SEAL] T. F. MURPHY,
Acting Governor.

[F. R. Doc. 54-8031; Filed, Oct. 12, 1954; 8:49 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART B—RAISIN EXPORT PAYMENT PROGRAM VMX 95a

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518.460 General statement.
518.461 Eligible countries.
518.462 Rate of payment and determination of net weight.
518.463 Eligibility for payment.
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518.467 Persons not eligible for payments.
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518.470 Good faith.
518.471 Definitions.

AUTHORITY: §§ 518.460 to 518.471 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 518.460 *General statement.* (a) In order to encourage the exportation of raisins held as 1952 and 1953 surplus pool tonnage by the Raisin Administrative Committee which administers Marketing Agreement No. 109 and Marketing Order No. 89, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to United States exporters of such raisins subject to the terms and conditions set forth in this subpart.

(b) Information pertaining to this subpart and forms prescribed for use under this subpart may be obtained from either of the following:

Werner Allmendinger, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 226, Old Mint Building, 5th and Mission Streets, San Francisco 3, Calif.

E. M. Graham, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Fourteenth Street and Independence Avenue SW., Washington 25, D. C.

§ 518.461 *Eligible countries.* Eligible countries include all foreign countries and their territories or dependent areas except: (a) Australia, New Zealand, Cyprus, Greece (including Crete), Iran, Turkey, Spain, and the Union of South Africa; (b) those countries and areas listed in Subgroup A of Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, United States Department of Commerce; and (c) those countries, including dependencies of foreign countries, located in North, South and Central America or on the islands adjacent thereto. The islands on which such ineligible countries or dependencies are located include but are not necessarily limited to Greenland, the Bahamas, Bermuda, and the islands of the Caribbean Sea.

§ 518.462 *Rate of payment and determination of net weight.* The rate of payment applicable to raisins exported under this subpart shall be 2.0 cents per pound, net processed packed weight. The net weight of any lot exported shall be: (a) The net weight invoiced or billed to the buyers; or (b) the net weight shown in the body of the inspection certificate issued by the U. S. D. A. covering such lot, whichever is less.

§ 518.463 *Eligibility for payment*—(a) *Sales contract and application for program participation.* (1) No payment will be made under this subpart on any raisins unless they are exported to an eligible country pursuant to a sales contract (as defined in § 518.471 (h)) which the exporter has entered into on or after, but not prior to, the effective date of this subpart. To be eligible for payment, the exporter shall file, on a prescribed form, an application to participate in this program and shall obtain approval thereof by the Administrator.

(2) Exporters whose billing offices are located in California, Nevada, Utah, Arizona, Idaho, Oregon, or Washington shall file their applications with Werner Allmendinger, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Rm. 226—Old Mint Building, 5th and Mission Streets, San Francisco 3, California. Exporters whose billing offices are located in any other state shall file their applications with E. M. Graham, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. The filing of applications should not be confused with the filing of claims (§ 518.464).

(3) Applications must be filed in triplicate with respect to each sales contract, as promptly as possible after, but not prior to, the date of sale but in no event later than the date of export (see § 518.471 (f)) nor later than 12 o'clock midnight, March 14, 1955, unless, upon a written request by the exporter stating substantial reasons therefor, such time is extended as provided in paragraph (g) of this section.

(4) The Administrator will, in the order in which they are received or on such other basis as he may determine to equitable, approve applications covering sales for export which meet the requirements of this subpart so long as funds which have been allocated to this subpart are available. The Administrator will furnish to the exporter prompt written approval or disapproval, or, in the event the application fails to conform with the applicable terms and conditions of this subpart, will so notify the exporter.

(5) If the exporter finds that an application previously approved by the Administrator should be revised because of modification in the applicable sales contract or for any other reason, he shall notify promptly the person with whom he filed the application of any such requested revision of the application. The Administrator will notify the exporter promptly of his approval or disapproval of the revision of the application.

(b) *Minimum grade.* Raisins exported under this subpart, except Cluster (non-layer pack) and Cluster (layer pack) Muscat raisins, shall meet or exceed the requirements of "U. S. Grade C" or "U. S. Standard," as defined in "United States Standards for Grades of Processed Raisins," effective May 26, 1952. Cluster (non-layer pack) Muscat raisins and Cluster (layer pack) Muscat raisins shall meet or exceed the requirements for Type II, Muscat Raisins, "U. S. Grade C" or "U. S. Standard," as defined in said United States Standards for Grades of Processed Raisins, except for moisture content and pieces of stems, capstems, and seeds; shall be fairly free from shattered (or loose) berries; shall be uniformly cured; shall contain not more than 19 percent of moisture, by

weight of the raisins exclusive of stems and branches; and 30 percent or more, by weight, of the raisins shall be 3 Crown size or larger. Cluster (non-layer pack) applies to Muscat raisins packed in containers having a net weight of less than five pounds, and Cluster (layer pack) applies to Muscat raisins packed in containers having a net weight of five pounds or more.

(c) *Inspection.* The exporter shall furnish a certificate of inspection for each lot of raisins exported pursuant to this subpart. Such certificate shall be issued by the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture. The period from date of inspection to date of exportation, both dates inclusive, shall not exceed 21 calendar days: *Provided*, That, upon written request of the exporter stating substantial reasons therefor, the Administrator may, if he deems it desirable, grant an extension of time of such period. The cost of inspection and issuance of the certificates shall be borne by the exporter.

(d) *Packaging.* Raisins exported under this subpart shall be suitably packed for export in a manner which shall reasonably assure arrival in good condition in the country of destination. Export containers shall bear a lot number, code or other markings by which the applicable requirements of § 518.464 (b) may be fulfilled.

(e) *Minimum quantity.* An application will not be approved nor will payment under this subpart be made if the total quantity covered by such application is less than two thousand (2,000) pounds net weight of raisins.

(f) *Re-entry, diversion, re-exportation, or loss.* If any quantity of raisins exported under this subpart re-enters the continental United States, or is diverted or re-exported to U. S. territories or possessions or is diverted or re-exported to other than eligible countries, as described in § 518.461, payment will be withheld or, if payment has already been made by the United States Government, the exporter shall refund the amount received on such quantity: *Provided*, That, if the raisins with respect to which payment may be withheld or refund required under this section are damaged after exportation, the payment withheld or refund required shall be an amount determined by the Secretary, which, however, shall not exceed the amount realized or which might reasonably be realized by the exporter for the damaged raisins over the price at which he sold to the foreign buyer in the sales contract covered by the approved application. In case of complete loss or destruction of the raisins or any part thereof after exportation, without fault or negligence of the exporter, no refund of the payment shall be required for the quantity so lost or destroyed. The exporter shall notify the Administrator immediately upon becoming cognizant of any such re-entry, diversion or re-exportation of, or damage to, the raisins which have been exported under this subpart and shall furnish information as to any claim he may have in connection with such event.

(g) *Final dates.* (1) The final time and date for entering into a sales contract shall be 12 o'clock midnight, February 28, 1955;

(2) The final time and date for filing an application shall be 12 o'clock midnight, March 14, 1955;

(3) The final time and date of export shall be 12 o'clock midnight, March 15, 1955;

(4) The final time and date for filing claims under this subpart shall be 12 o'clock midnight, April 15, 1955;

Provided, That, upon written request of the exporter stating substantial reasons therefor, the Administrator may, if he deems it desirable, grant an extension of time for the filing of applications, the accomplishment of exportation or the filing of claims.

§ 518.464 *Claims for payment supported by evidence of compliance.* (a) If the exporter's billing office is located in California, Nevada, Utah, Arizona, Idaho, Oregon or Washington, he shall file claim for payment under this subpart with the Director, CSS Commodity Office, Commodity Stabilization Service, United States Department of Agriculture, 515 Southwest Tenth Avenue, Portland 5, Oregon. If the exporter's billing office is located in any other state, he shall file claim for payment under this subpart with the Director, CSS Commodity Office, Commodity Stabilization Service, United States Department of Agriculture, 1010 Broadway, Cincinnati 2, Ohio. Such claim shall be filed so that it will be received by the CSS Commodity Office concerned not later than the final date specified in § 518.463 (g) (4). Each claim for payment shall be filed in an original and two copies on Form CSS-21 "Public Voucher—Commodity Programs" and shall show the number assigned by the United States Department of Agriculture to the related approved application, and shall be supported by:

(1) One signed or certified copy of the sales contract.

(2) One certified copy of the sales invoice to the buyer showing the price, f. a. s. U. S. port, to be paid by the buyer. If the price basis of the sale is other than f. a. s. U. S. port, the equivalent f. a. s. U. S. port price shall be computed by the exporter on the invoice showing each cost item (such as ocean freight and marine insurance). In the case of an invoice to a party named by the buyer to be billed, the exporter shall furnish a certified copy of the directions by the buyer to bill such party.

(3) One copy of the on-board export bill of lading signed by an agent of the exporting carrier, except that, where loss, destruction or damage occurs subsequent to loading on board exporting carrier but prior to issuance of on-board bill of lading, one copy of a loading tally sheet or similar document may be submitted in lieu of such bill of lading.

(4) The original or a signed copy of the inspection certificate required in § 518.463 (c).

(5) One copy of approved "Raisin Administrative Committee Application for Purchase of Surplus Raisins for Export," except where claim is filed by the Raisin Administrative Committee.

(6) Such other documents as may be required by the Administrator, evidencing purchase, sale or exportation of the commodity on which payment is claimed under this subpart.

(b) The export bill of lading must show the quantity and description of the commodity, including the lot, code or brand markings appearing on containers, or other reference sufficient to identify the commodity loaded on board the exporting carrier as that commodity covered by the inspection certificate, the date and place of loading, the destination of the commodity, and the name and address of both the exporter and the consignee. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in the application, the exporter shall furnish with the copy of such bill of lading a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this subpart for the commodity covered by such bill of lading. If the bill of lading shows the name of a consignee different from that appearing as the buyer on the contract under which the bill of lading is made, the exporter shall accompany his claim on the exportation covered by such bill of lading with a certification that the shipment under that bill of lading is to the buyer named in the contract and is made pursuant to that contract.

(c) The foregoing required evidence will not be accepted as conclusive if the Administrator has a reason to believe that exportation of all or any quantity of the commodity was not actually accomplished or that there has not been compliance with other requirements of this subpart, and in any such instance the Administrator may require such additional evidence as he deems reasonable.

§ 518.465 *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales and deliveries of raisins exported or to be exported in connection with this subpart. Such records, accounts, and other documents relating to any transaction in connection with this subpart shall be preserved until at least April 15, 1957, and shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture.

§ 518.466 *Amendment and termination.* The Administrator may amend or terminate this subpart at any time, but such amendment or termination shall not apply to any sales contract for which an application has been approved under the subpart prior to the effective time of the amendment or termination. Such amendment or termination shall become effective on such date as the Administrator may specify in the amendment or termination, but shall not be earlier than the time of filing of the termination or amendment with the Federal Register Division.

§ 518.467 *Persons not eligible for payments.* No member of, or delegate to, Congress or resident commissioner shall be admitted any share or part of any payment made under this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit or to any such person acting in his capacity as a producer of the raisins exported.

§ 518.468 *Set-off.* The Secretary may set off, against any amount owed to any exporter under this subpart any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States. Set-off as provided herein shall not deprive the exporter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 518.469 *Joint payee or assignment.* An exporter may name a joint payee on the claim for payment or may assign the proceeds of any claim for payment as provided in this subpart. The exporter may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law No. 811, 76th Congress, as amended (31 U. S. C. 203, 41 U. S. C. 15), the proceeds of any claim to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the appropriate person specified in § 518.463 (a) (2), together with a signed copy of the instrument of assignment, in accordance with the instructions on Form CSS-66, "Notice of Assignment," which form must be used in giving notice of assignment to the Administrator. The "Instrument of Assignment" may be executed on Form CSS-347 or the assignee may use his own form of assignment. The CSS forms may be obtained from the Administrator or the CSS Commodity Offices referred to in § 518.464.

§ 518.470 *Good faith.* Whereas it is the intent of this subpart to encourage the exportation of raisins produced, processed and packed in the United States by making such raisins available to foreign buyers at prices below domestic market prices in the amount of the payment specified in § 518.462; now, therefore, if the Secretary determines that any exporter has not acted in good faith in carrying out the purpose of this subpart, has not passed on to foreign buyers the incentive payment offered in this subpart, or otherwise has failed to discharge fully any obligation assumed by him under this subpart, such exporter may be denied the right to continue participating in this subpart, or the right to receive payment under its provisions in connection with any exportations previously made under this subpart, or both.

§ 518.471 *Definitions.* As used in §§ 518.460 through 518.471, the following terms have the following meanings:

(a) "Raisins" means Natural Thompson Seedless, Muscat, and Sultana raisins: (1) Produced from grapes grown in the continental United States; (2) processed and packed and the processing and packing performed in the continental United States; (3) which meet the requirements of § 518.463 (b); and (4) which are 1952 or 1953 surplus pool raisins purchased from the Raisin Administrative Committee pursuant to an approved "Raisin Administrative Committee Application for Purchase of Surplus Raisins for Export" or which are an equivalent quantity of Natural Thompson Seedless, Muscat, or Sultana raisins substituted for such raisins so purchased, or raisins which are sold by the Raisin Administrative Committee from 1952 or 1953 surplus pool tonnage directly for export.

(b) "Secretary" means the Secretary of the United States Department of Agriculture or any person authorized to perform any act for the Secretary.

(c) "Administrator" means the Administrator, Agricultural Marketing Service, United States Department of Agriculture, or any person to whom the Administrator has delegated authority to perform as Representative of the Secretary of Agriculture functions vested in the Administrator in this subpart.

(d) "Exporter" means any individual, corporation, partnership, association, or other business entity, which is located and maintains a business organization within the United States and exports raisins, or the Raisin Administrative Committee which administers Marketing Agreement No. 109 and Order No. 89 (7 CFR, 1953 Rev., Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California.

(e) "Exported": Raisins shall be deemed to have been exported when loaded on board an ocean carrier for shipment from the continental United States.

(f) "Date of export" means the date of loading on board the ocean carrier for exportation from the continental United States as shown on the document submitted as evidence of such loading.

(g) "Application" means Form FV-361 (9-19-52), "Application for Program Participation."

(h) "Sales contract" means a contract under which the seller is clearly obligated to sell and the buyer is clearly obligated to buy a definite quantity of raisins at a definite price but may, however, be conditioned upon contingencies or events over which the exporter has no control, such as the allocation of the necessary dollars by the foreign country, the releasing by the Raisin Administrative Committee of surplus pool raisins for export, or the making of an export payment by the Secretary in connection with the particular sales contract pursuant to this subpart. A sales contract shall consist of a written instrument signed by the buyer and the seller or shall consist of a written offer and acceptance evidenced by an exchange of telegrams, cablegrams, or letters. The term includes a contract between an exporter and his foreign branch or any affiliate or associate located in an eligible country.

(i) "Date of sale" means the date on which both buyer and seller signed a firm sales contract, or the date of written acceptance of either a written offer or written counteroffer to buy or sell by which a firm sales contract is effected.

(j) "Price f. a. s." means the price to the buyer free-alongside-ship United States port and does not include the payment to be made by the Secretary.

(k) "Filed": Applications, claims and related documents are deemed to be filed when received by the appropriate office of the United States Government.

(l) "Certified" means a written, signed declaration, contained in or attached to any document, stating that the document is a true and correct copy of the original of such document.

(m) "12 o'clock midnight," as used in § 518.463 (g), means 12 o'clock midnight, standard time, at the applicable place at which the particular action should occur.

(n) "Sales invoice to buyer" means an invoice to the buyer named in the sales contract or an invoice to another party named by such buyer as the party to be billed for raisins covered by the sales contract.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This offer shall be effective October 13, 1954.

Dated this 8th day of October, 1954.

[SEAL] S. R. SMITH,
Representative of the Secretary of Agriculture.

[F. R. Doc. 54-8045; Filed, Oct. 12, 1954; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

DETERMINATION RELATIVE TO EXPENSES AND RATE OF ASSESSMENT FOR 1954-55 FISCAL PERIOD

On September 21, 1954, notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 6069) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1954-55 fiscal period under Marketing Agreement No. 89, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 939.207 *Expenses and rate of assessment for the 1954–55 fiscal period*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning July 1, 1954, and ending June 30, 1955, both dates inclusive, will amount to $23,165.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles pears shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at seven mills ($0.007) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said amended marketing agreement and order, the rate of assessment is applicable to all pears shipped during the 1954–55 fiscal period; (2) shipments of such pears are now being made; and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Control Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used in this section, the terms "handler," "handles," "shipments," "shipped," "pears," "standard western pear box," and "fiscal period" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 8, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-8046; Filed, Oct. 12, 1954; 8:52 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 503—AVAILABILITY OF RECORDS

NON-AVAILABILITY OF RECORDS

Section 503.17, the rule of the Office of Alien Property on the confidential nature of records of that office and the conditions under which disclosures may be made, refers to branches of the office, to the New York office, and to classified security information. Branches have been redesignated as sections, there no longer is a New York office, and the designation "classified security information," used in Executive Order 10290 of September 24, 1951 (16 F. R. 9795, 3 CFR, 1951 Supp.) has become obsolete by virtue of revocation of that order by Executive Order 10501 of November 5, 1953 (18 F. R. 7049, 3 CFR, 1953 Supp.) which established a new designation known as "defense information." Accordingly, § 503.17 is hereby amended to conform to these changes. Inasmuch as this amendment relates to agency management, notice, hearing, and suspension of applicability are not required.

§ 503.17 *General rule as to non-availability of records of the Office of Alien Property.* All official files, documents, records and information in the Office of Alien Property, or in the custody or control of any officer, employee, agent or delegate of the Office of Alien Property, are to be regarded as confidential. No officer, employee, agent or delegate may permit the disclosure or use of the same for any purpose other than for the performance of his official duties, except in the discretion of the Attorney General, the Deputy Attorney General, the Director, or the Deputy Director, of the Office of Alien Property, and in the case of defense information as defined in Executive Order 10501 of November 5, 1953 (18 F. R. 7049, 3 CFR, 1953 Supp.), except in accordance with the provisions of said Executive Order and the Department of Justice regulations thereunder: *Provided, however,* That each section chief, the Manager, Hawaii Office, and the Manager, Philippine Office, are generally authorized to make available or disclose such official files, documents, records and information in the Office of Alien Property, other than defense information, in the conduct of affairs of his section or office, unless otherwise instructed by the Director. Whenever a subpoena duces tecum is served to produce any such files, documents, records, or information, the officer, or employee, or agent, or delegate on whom such subpoena is served, unless otherwise expressly directed by the Attorney General, will appear in court to answer thereto and respectfully decline to produce the records specified therein, on the ground that the disclosure of such records is prohibited by this section.

(Sec. 301, 55 Stat. 839, 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9788, October 15, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 9989, August 20, 1948, 13 F. R. 4891, 3 CFR, 1948 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.)

Executed at Washington, D. C., on October 6, 1954.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 54-8033; Filed, Oct. 12, 1954; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter B—Prevention of Animal Diseases; Cooperation With States

[B. A. I. Order 375, Revised, Amdt. 1]

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

PAYMENT OF INDEMNITIES FOR CATTLE DESTROYED

Pursuant to the provisions of sections 3 and 11 of the act of May 29, 1884, as amended (21 U. S. C. 114, 114a), section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), and section 204 (e) of the Agricultural Act of 1954 (68 Stat. 900), §§ 51.2 and 51.9 (g) of the regulations pertaining to payment of indemnities for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis (9 CFR, Part 51 (18 F. R. 7489)) are hereby amended in the following respects:

1. Section 51.2 is amended to read:

§ 51.2 *Payment to owners for cattle destroyed.* Owners of cattle which are destroyed because of brucellosis, tuberculosis, or paratuberculosis may be paid an indemnity by the Department for each animal so destroyed not to exceed one-third of the difference between the appraised value of the animal and the salvage value thereof, ascertained in accordance with the provisions of §§ 51.4 and 51.7: *Provided, however,* That no such payment for cattle destroyed shall exceed $25 for any grade animal or $50 for any purebred animal: *And provided further,* That in the case of tuberculosis or paratuberculosis reactors no such payment shall exceed the amount paid or to be paid by the State where the animal was condemned.

2. Section 51.9 (g) is amended to read:

(g) If the cattle were destroyed as reactors to tests for tuberculosis, or paratuberculosis, unless the claim is to be paid in cooperation with, and supplementary to, payments to be made by the State in which said cattle were condemned.

Effective date. The foregoing amendment shall become effective upon issuance: *Provided, however,* That claims for cattle on which appraisals have been made and accepted prior to said date shall be governed by the regulations in effect immediately prior to the effective date of the amendment.

The purpose of this amendment is to provide for more liberal indemnity payment by the Federal Government for cattle destroyed because they reacted to a test for brucellosis and to provide for payment of indemnity by the Federal Government for cattle destroyed because they reacted to a test for brucellosis whether or not the State participates in such indemnity payment. Accordingly, under section 4 of the Administrative Procedures Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734; 21 U. S. C. 114, 111, 114a)

Done at Washington, D. C., this 28th day of October 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 54-8047; Filed, Oct. 12, 1954; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 592—PROCUREMENT BY NEGOTIATION

PART 606—SUPPLEMENTAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (e) is added to § 592.102 as follows:

§ 592.102 *General requirements for negotiation.* • • •

(e) Findings required by § 592.201 (d) have been made.

2. In § 592.201–2, paragraphs (c), (d), (e) and (f) are rescinded and the following substituted therefor:

§ 592.201–2 *Application.* • • •

(c) Subject to paragraph (d) of this section and instructions issued by the Heads of Procuring Activities, purchases by negotiation under the authority cited in paragraph (b) of this section may be made under any one of the circumstances set forth in Subpart B, Part 402 of this title, in the manner prescribed by this and other applicable Department of the Army regulations, and in addition thereto, in the following instances:

(1) When the Head of a Procuring Activity deems negotiation to be necessary for the purpose of implementing procurement policy as announced by the Assistant Chief of Staff, G–4, Department of the Army, and formal advertising will adversely affect accomplishment of that purpose. When negotiation is justified, the maximum practicable and reasonable degree of competition will be developed as a required part of the negotiation.

(2) Emergency procurements of a high priority nature which could not be effected by formal advertising within the time required for delivery. In this connection attention is directed to § 591.202 (b) of this subchapter.

(d) The Contracting Officer or a person empowered by the Head of a Procuring Activity to determine or establish the method of procurement to be utilized in specific actions will prepare and sign a determination and finding for inclusion in the contract file which will either:

(1) Cite section 2 (c) (1) of the Armed Services Procurement Act of 1947 as specific authority authorizing negotiation and note other authority which would be used were section 2 (c) (1) of the act not available for citation (i. e., section 2 (c) (2) through 2 (c) (17) of the Armed Services Procurement Act of 1947). Such determination and finding will include a statement outlining the reasons which justified the negotiation. In those cases where authority to negotiate is obvious from the nature of the items procured, the amount of the procurement or the place of contracting or performance (purchases not in excess of $1,000, medicines or medical supplies authorized resale, perishable subsistence, purchases outside the United States, and classified purchases), a simple statement in lieu of a determination and finding citing the appropriate authority will suffice; or

(2) Cite section 2 (c) (1) of the act, briefly stating the circumstances requiring and justifying negotiation and noting the absence of other authority for the use of negotiation. For example, this type of justification would be applicable to negotiation of set-aside portions of procurement for labor surplus areas as provided for in § 402.219 of this title. Negotiation will not be justified under this subparagraph unless exceptions 2 (c) (2) through 2 (c) (17) of the Armed Services Procurement Act of 1947 are not applicable.

(e) Requests for approval and subsequent approvals of awards of contracts negotiated pursuant to the authority of this section will be in writing. Approval of awards shall be considered to include the approval of the use of negotiation as well as approval of the award.

(f) Standard Form 1036 (Statement and Certificate of Award) will not be used to support contracts negotiated under section 2 (c) (1) of the Armed Services Procurement Act of 1947, as amended.

(g) Paragraph (e) of this section is not applicable to purchases by negotiation specifically authorized by the Secretary to be made under the authority of Title II, First War Powers Act, 1941, as amended by Public Law 921, 81st Congress.

3. Sections 606.206–7, 606.206–8, 606.207, 606.207–1, 606.207–2 and 606.207–3 are rescinded and the following substituted therefor:

§ 606.206–7 *Distribution to audit agencies of procurement contracts and other documents.* (a) Contracting Officers of the Department of the Army will distribute authenticated copies of contracts and other information as specified below to the appropriate offices of the Army Audit Agency and the audit agencies of oversea commands within 20 days after they are executed, in order that these agencies may plan and perform the independent audits contemplated by Department of the Army policy (section 401, Public Law 216, 81st Congress; and other applicable statutes).

(1) One copy of all cost (or cost sharing), cost-plus-a-fixed-fee, time and material contracts, and fixed-price contracts containing cost reimbursement provisions for portions of the contract performance (including letter contracts); also one copy of all changes, amendments, and supplements to such contracts.

(2) One copy of any other type of negotiated contract (including letter contracts) where the total compensation to be paid the Contractor is based in whole or in part, on the actual cost incurred, the quantity of work or service performed, the time element in performing the work or service, or on other similar variable factors; also one copy of all changes, amendments, and supplements to such contracts.

(3) One copy of all contracts (including letter contracts) which provide for price redetermination, price escalation, incentive price adjustment, advance payments, or progress payments; also one copy of all changes, amendments, and supplements to such contracts.

(4) One copy of all contracts which have been terminated for convenience of the Government and which were not previously forwarded under requirements of subparagraphs (1), (2), or (3) of this paragraph.

(5) When a contract supplement reflecting (i) redetermination of fixed overhead rates under a cost-type contract or (ii) redetermined prices under a price redetermination or price escalation contract or (iii) a termination settlement is forwarded to a regional office of the Army Audit Agency in accordance with the requirements of subparagraph (1), (2), (3), or (4) of this paragraph, one copy of the record of negotiations will be attached to the supplement. This record will be an extra copy of summary of negotiations necessary for proper documentation in the contract file, or for review by a board of awards (if appropriate). The preparation of a special record is not necessary to meet the requirements of this section.

(b) In addition to the contractual documents required by paragraph (a) of this section, Contracting Officer will within 5 days after receipt thereof from the Contractor forward an original and one copy of all cost statements, financial data, termination settlement proposals in connection with contracts terminated for the convenience of the Government (including inventory schedules and DD Form 546 (Schedule of Accounting Information)), and other information furnished by the Contractor in accordance with each contract referred to in paragraph (a) of this section, or requested or acquired by the Contracting Officer. The copy of the cost statements and other data furnished will be retained by the audit agency and filed with the audit work papers, and the original returned at the time of submission of the audit report or at the time the audit agency determines that an audit is not to be initiated.

(c) For contracts involving Government industrial property in possession of Contractors, Contracting Officers will furnish to the cognizant audit agency a letter notification showing contract number, name, and address of Contractor, address of office administering the property records, and location of the property records. Notifications may be consolidated and furnished weekly or monthly, depending on volume, but

separate letters will be furnished for each location of records.

(d) Within the continental United States, distribution of the above indicated contractual documents, supplementary information, and notifications will be made by the purchasing office to the cognizant audit agency regional office of the area in which the records subject to audit are located and will include one extra copy when contracts administered from within the continental limits of the United States are performed outside the continental limits of the United States. Special arrangements for furnishing the required information and documents direct from the purchasing office to branch or other subordinate office of the cognizant audit agency may be made between a purchasing office and an Army Audit Agency regional office. Classified contracts and documents will be transmitted under safeguards prescribed in AR 380–5. The addresses and jurisdictional areas of the Army Audit Agency regional offices are as follows:

Name and Address of Regional Office and Regional Jurisdiction

New York Regional Office, Army Audit Agency, 180 Varick Street, New York 14, N. Y.; First Army Area.

Philadelphia Regional Office, Army Audit Agency, 2800 South 20th Street, Philadelphia 45, Pa.; Second Army Area.

Atlanta Regional Office, Army Audit Agency, 745 Peachtree-Seventh Building, 50 Seventh Street NW., Atlanta, Ga.; Third Army Area.

San Antonio Regional Office, Army Audit Agency, Fort Sam Houston, Tex.; Fourth Army Area.

Kansas City Regional Office, Army Audit Agency, Kansas City Records Center, 5505 Independence Avenue, Kansas City, Mo.; Fifth Army Area.

San Francisco Regional Office, Army Audit Agency, 180 New Montgomery Street, San Francisco 5, Calif.; Sixth Army.

Washington Regional Office, Army Audit Agency, Wing 2, Tempo A, Washington 25, D. C.; Military District of Washington, and audit of contracts originating in the continental United States for project overseas.

(e) Contracts other than those specified in paragraph (a) of this section will not be distributed to the cognizant audit agency.

(f) In oversea commands, the commander will publish the addresses of the offices of the command audit agency to which the above indicated contractual documents, supplementary information, and notification will be furnished.

(g) On notification that either the Cost Inspection Service, United States Navy, or the Auditor General, United States Air Force, has been assigned audit cognizance under the Coordinated Audit Program, Contracting Officers may submit contractual documents specified above direct to the cognizant audit agency. In the absence of such knowledge, documents will be submitted to the regional office, Army Audit Agency, having jurisdiction, who will promptly forward the documents to the cognizant audit office or auditor.

(h) Excessive distribution is prohibited. See § 605.1506–3 (b) of this subchapter.

§ 606.207 *Audits of procurement contracts by audit agencies; general.* (a) Requirements and procedures pertaining to audits of procurement contracts are set forth in the following sections. Whenever reference is made below to the Army Audit Agency, or officials or offices thereof, the terms will be equally applicable to corresponding audit agencies and offices in oversea commands subject only to such changes as may be necessary for adaptation to the varying organizational patterns of the commands.

(b) Audits of costs claimed are mandatory on all contracts of the types included in § 606.206–7 (a) (1). Audits in connection with fixed overhead rates on proposed cost-type contracts being negotiated will be performed when requested by the Contracting Officer. Audits for the purpose of determining the reasonableness of rates specified in cost-type contracts, such as fixed overhead rates, direct labor-hour rates, or any other rate stipulated as compensation per unit of work completed, will be performed when requested by the Contracting Officer or at the discretion of the Army Audit Agency Regional Director.

(c) In connection with contracts providing for price redetermination, revision of prices escalation, audits will be performed when requested by the Contracting Officer or when deemed desirable by the Army Audit Agency Regional Director. Procedures for determining the need for and the scheduling of audits of redeterminable price contracts are set forth in § 606.207–2.

(d) Audit of termination settlement proposals of terminated cost-type or fixed-price contracts or subcontracts thereunder will be in accordance with the requirements of § 407.515 of this title.

(e) Determination of the need for audits of contracts other than the above will be made by the Contracting Officer or the Army Audit Agency Regional Director on an individual basis.

§ 606.207–1 *Cost-type contracts*—(a) *Submission of vouchers.* Unless otherwise specifically provided by contract terms and/or by written agreement between the purchasing office and the cognizant audit agency, all reimbursement vouchers under cost-type contracts will be submitted to the cognizant audit agency for audit prior to payment.

(b) *Differences and disputes.* (1) Where questions arise as to interpretation of the contract terms, or there appears to be need of either amplification, substantiation, or clarification by the Contracting Officer; or where specified approval or authentication by the Contracting Officer is required by contract terms or applicable regulations, the auditor will, to the extent practicable, present his questions or inquiries to the Contracting Officer prior to processing the cost reimbursement voucher. The Contracting Officer, in turn, will cooperate fully in the prompt resolution of any such problem. Every attempt will be made by the Contracting Officer and the auditor to resolve their problems at local level.

(2) If the audit discloses costs which, in the opinion of the auditor, do not appear to be reimbursable under the terms of the contract, or which appear to be excessive or unreasonable, the auditor will note and explain such costs of DD Form 396 (Notice of Costs Suspended and/or Disapproved). If the Contracting Officer concurs in the auditor's findings he will sign the form, furnish the required copies to the Contractor, and process the voucher for payment as reduced by the amount of costs suspended or disapproved. If the Contracting Officer does not concur in whole or in part with the auditor's findings, the notice may be forwarded to the Contractor without the signature of the Contracting Officer. The cost on which the auditor and the Contracting Officer are in agreement should be processed for payment. Disputed items will not be approved for payment in whole or in part until differences have been reconciled. Every effort will be made by the Contracting Officer and the auditor to resolve any items of difference. Conferences will be held in every case where practicable. Otherwise the matter will be handled as expeditiously as possible by correspondence. If conferences between the auditor and the Contracting Officer, and between the Contracting Officer and the Chief of the Army Audit Agency Branch Office under whose supervision the audit is being performed, do not resolve the differences of opinion in 15 days, the Army Audit Agency Branch Chief will transmit his complete file on the case to the Regional Director, Army Audit Agency, with a request for resolution of the matter. He will furnish a copy of the letter of transmittal to the Chief of the purchasing office involved. The Chief of the purchasing office will within 15 days of receipt of the copy of the above transmittal furnish to the Regional Director, Army Audit Agency, his views and any further data available considered pertinent. Upon receipt of the letter from the Chief of the purchasing office, the Army Audit Agency Regional Director will consider carefully all of the data submitted and the reasoning advanced, and will within 15 days advise the Chief of the purchasing office involved of his views in the matter.

(3) Generally, the Chief of the purchasing office and the Army Audit Agency Regional Director should be capable of resolving any differences of opinion which may exist with respect to the allowability of costs. However, if agreement cannot be reached after the procedure required in subparagraph (2) of this paragraph, the Chief of the purchasing office, within 15 days after receiving the Army Audit Agency Regional Director's reply to his previous comments, will transmit the complete file to the Head of the Procuring Activity involved, forwarding a copy of the transmittal letter to the Army Audit Agency Regional Director. Upon receipt of copy of the transmittal letter, the Army Audit Agency Regional Director will forward his complete file, including pertinent audit work papers, to the Chief, Army Audit Agency, sending a copy of his transmittal letter to the Chief of the purchasing office.

(4) Within 10 days after receipt of the files, the designated representative of the Head of the Procuring Activity concerned and the designated representative of the Chief, Army Audit Agency, acting as an informal board, will make a decision on the items in dispute. All decisions of the informal board will have the written approval of the Head of the Procuring Activity concerned and of the Chief, Army Audit Agency, or their authorized representatives. When so approved, the Head of the Procuring Activity will send the decision to the Contracting Officer who will be bound by the decision. The Chief, Army Audit Agency, will send an information copy of the approved decision to the Regional Director, Army Audit Agency.

(5) In the event that the informal board representing the Head of the Procuring Activity and the Chief, Army Audit Agency, are unable to agree, the informal board will prepare and sign a joint statement of their respective positions and opinions which will be referred to The Assistant Chief of Staff, G–4, and the Comptroller of the Army for review and decision on the issues involved. Should the issues not be resolved at this level, the dispute may be referred to higher authority through command channels.

(6) Determination reached by the informal board or higher authority will have the effect of a directive and will be so recognized by both the Contracting Officer and the Army Audit Agency auditor. Payment will be made in accordance with the decision reached. Such decisions do not preclude a Contractor from seeking redress under any applicable provisions of the contract or statutes.

(7) In oversea commands, the commanding general of the command involved will establish procedures for final determinations when the audit agency of the command and the procuring activity of the command cannot agree.

§ 606.207–2 *Fixed-price contracts*—(a) *General.* (1) The Contracting Officer has final responsibility for the administration of the contract including price redetermination negotiations. He will use audit data, if it has been determined that audit will be performed, to assist him in his task.

(2) The Army Audit Agency has the discretionary right to audit any redeterminable price contract.

(3) Time is a critical element in price redetermination. Contracting Officers and auditors must be keenly aware of the importance of the time element and of the duties, responsibilities, and problems of each other.

(4) It is not considered sound policy to arbitrarily exempt from audit any contract or group of contracts in which pricing or payment is based on cost information furnished by the Contractor. However, where there is adequate knowledge of the Contractor's accounting policies and cost systems, and previous favorable experience, both the Contracting Officer and the Regional Director, Army Audit Agency, should consider the propriety of conducting repricing negotiations on the basis of the Contractor's cost submission, without recourse to audit, after a satisfactory review and analysis by qualified personnel in either or both offices. The procedure is particularly adaptable to contracts of limited amounts. On the other hand, previous unfavorable experience, or lack of any previous experience, may indicate the advisability of initiating an audit immediately after receipt by the Army Audit Agency of a contract containing progress payment and price redetermination clauses. Such an audit ordinarily will be performed concurrently as work under the contract progresses. The Army Audit Agency will notify the Contracting Officer within 5 days after a decision to make a concurrent audit has been reached.

(b) *Reporting and scheduling redeterminable price contracts for audit.* (1) Determination of the need for audit and the scheduling of the performance of audits of contracts containing price redetermination clauses will be accomplished in accordance with the procedures prescribed below. These procedures are designed to insure the performance of audits in the order of priority necessary to meet the needs of the procuring activities.

(2) Such determination and scheduling will be accomplished through the medium of a monthly report entitled "Redeterminable Price Contract Audit Schedule (Reports Control Symbol CSGLD–556)." The report will be prepared in letter form, with report title and reports control symbol as the subject. Negative reports are not required. The report will be prepared by each purchasing office which administers contracts having price redetermination clauses. Each Audit Agency Regional Office which has audit responsibility for such contracts will take action as indicated in subparagraph (5) of this paragraph. The report will be transmitted by the purchasing office by the 20th of each month and will cover all fixed-price prime contracts having redetermination cutoff points falling within the 2 calendar months following the month in which the report is submitted. (Cutoff point is the last date of the period for which costs are to be considered for audit and will be determined under the price redetermination clause in each contract.)

(3) The purchasing office will submit the report to the appropriate Army Audit Regional Office in triplicate with a separate sheet for each contract, showing:

(i) Reporting office.

(ii) Contract number.

(iii) Contractor and location.

(iv) Dollar value of contract.

(v) Form of price redetermination clause.

(vi) Effective date of last price redetermination (if applicable).

(vii) Anticipated date of price redetermination cutoff point.

(viii) Anticipated date of receipt of cost statement (or date of cost statement if previously received).

(ix) Recommendation with respect to necessity for audit, with brief and concise reasons therefor, indicating audit essential, or audit desirable, or audit not deemed necessary.

(x) A priority number assigned to each contract reported to reflect the order of importance for Army Audit Agency action. For example, the most urgent, irrespective of the cutoff date, would be No. 1, etc.

(4) Contracts previously reported will be included in subsequent reports until one report has been issued after the Contractor's cost data have been delivered by the Contracting Officer to the Army Audit Agency. Upon receipt of Contractor's cost data, the purchasing office may revise previous recommendations and the Army Audit Agency Regional Office may revise previously indicated action. The latest available information and expression of the views of the purchasing office as to desirability and priority of audit will be stated.

(5) If audit action has not been started, the Army Audit Agency Regional Office, upon receipt of the report, will determine the auditing action to be taken and will, in any event, return one copy of the report to the reporting activity with notations to show audit action taken or planned. If indicated action varies from reporting activity recommendations, reasons therefore will be stated.

(c) *Auditing redeterminable price contracts.* (1) Promptly upon receipt of the Contractor's cost data but in any case not later than 5 working days thereafter, the Army Audit Agency will advise the Contracting Office of the estimated date of submission of the audit report. If later information indicates that the audit cannot be completed within the period originally estimated, the auditor promptly will advise the Contracting Officer of the cause of the delay and of the estimated date of completion. If the delay is caused by failure of the Contractor to maintain dependable and adequate accounting records of contract costs or to furnish requisite records or information to the auditor, the Contracting Officer will take action to require the Contractor to correct the accounting deficiencies and furnish all required data in accordance with the contract terms. However, should the auditor's original or revised estimated date of completion of audit extend beyond 21 calendar days from the date the cost statement was received by the Army Audit Agency, and if the estimated date is not agreeable to the Contracting Officer, the auditor and the Contracting Officer will review immediately the circumstances and attempt to reach a mutually agreeable date for submission of the audit report to the Contracting Officer.

(2) If mutual agreement regarding the submission date of the audit report cannot be reached by the method indicated in subparagraph (1) of this paragraph, the auditor will report through channels to Headquarters, Army Audit Agency, the reasons why the audit will take an extended period of time and why he believes audit essential for use in price redetermination of that particular contract. Similarly, the Contracting Officer will report through channels to

the Head of the Procuring Activity his position in the matter and will give substantial reasons why the Government's interest would be jeopardized if negotiations were not concluded prior to receipt of the audit report. Joint consideration will be given to the problem immediately by each echelon until the matter is resolved or until it reaches the Head of the Procuring Activity concerned and the Chief of the Army Audit Agency, which offices will attempt to resolve any problem submitted to them in this area. If agreement cannot be reached at that level, the case will be forwarded to the Assistant Chief of Staff, G–4, and the Comptroller of the Army for final disposition.

(3) Pending a final decision to redetermine without a completed audit in any case, the auditor will continue the audit until completed or until a decision is reached. If a mutual decision to redetermine prices without a completed audit is made at any level as authorized in subparagraph (2) of this paragraph, that decision will be made in writing and will be signed by representatives of the appropriate audit and procurement offices. A signed copy of this decision will be forwarded through channels to the Contracting Officer and the auditor. The auditor immediately will submit a report of his findings to the Contracting Officer for consideration in negotiations. Costs which have not been reviewed and analyzed because of the decision will be so identified in the audit report. With respect to further audit, the auditor will be governed by direction of his superiors.

(d) *Scope of audits.* Contracting Officers are urged to define specific areas of audit examination which they desire to have given special attention. However, Contracting Officers will not attempt to restrict the scope of audit nor impose time limitations for completion of the audit. The scope of audits will be the minimum under the circumstances in each case, which, in the opinion of the auditor, will provide sufficient evidence upon which to base an opinion regarding the reliability, reasonableness, and fairness of the Contractor's claims regarding costs actually incurred or projected to be incurred in the future, either as a basis for actual contract settlement or for price negotiation, as the case may be. The scope of the audit will depend upon the auditor's professional judgment regarding the Contractor's financial and accounting policies and procedures, including the reliability of his cost system and internal controls.

(e) *Discussion of cost questioned with contracts.* In order to facilitate negotiations and to insure that the audit findings are in keeping with the facts after full consideration has been given to the Contractor's accounting policies and procedures, the auditor should discuss his audit findings with the Contractor with respect to the costs questioned and the accounting basis therefor unless such discussion would not be in the best interest of the Government. The auditor should inform the Contractor that his audit findings are preliminary to the issuance of the advisory report to the Contracting Officer to assist in price negotiations.

(f) *Action of Contracting Officer upon receipt of audit report.* Contracting Officers have full responsibility for prices negotiated under contracts containing price redetermination clauses and are not bound to adhere to the audit recommendations. However, audit reports are important in that they furnish Contracting Officers information and technical advice often necessary to equitable negotiations with the Contractor's representatives. Audit reports will be considered fully and used to the best advantage. Whenever an audit has been determined to be necessary, redetermination of prices will not be negotiated until the results of audit are available to the Contracting Officer except under conditions as authorized in paragraph (c) (2) of this section. Audit reports relating to price redetermination are advisory only; however, when the audit report indicates that the costs are unusually excessive or when the costs questioned are substantial, the Contracting Officer should discuss the report with the auditor before he negotiates with the Contractor. Where appropriate or desirable the Contracting Officer should invite the auditor to act as his advisor during negotiation, and the auditor will act in such capacity when practicable.

§ 606.207–3 *General*—(a) *Evaluation of prices negotiated after audit.* Upon the negotiation of revised prices, fixed overhead rates and termination settlement in which the results of audit were employed in the negotiations and after receipt of the documents named in § 606.206 (a) (5), the Army Audit Agency will evaluate the new prices, or rates, in the light of all available information for overall reasonableness. In those cases where the new prices appear largely disproportionate to the information available, a report will be made through the Chief, Army Audit Agency to the Assistant Chief of Staff, G–4, Department of the Army, Washington 25, D. C., Attn: Chief, Purchases Branch. The Assistant Chief of Staff, G–4, will make such investigation and will take such corrective action as deemed appropriate.

(b) *Accounting counsel.* Contracting Officers may request, and the Army Audit Agency will furnish, accounting counsel whenever the Contracting Officer determines that such counsel is desirable and appropriate in the negotiation of a contract either in the initial pricing stage or during repricing or contract termination negotiations. Accounting counsel should always be sought where the accuracy or propriety of cost accounting determinations contained in the audit report are challenged by the Contractor.

(c) *Reports of irregularities.* Any information as to irregularities or unusual matters which come to the attention of the Contracting Officer will be reported promptly to the auditor, and any such information discovered by the auditor will be reported promptly to the Contracting Officer, for appropriate consideration. Reports by the auditor indicating suspicion of fraud or criminal conduct will be furnished to the Contracting Officer who will be governed by § 590.111 of this subchapter.

(d) *Audit of subcontracts.* (1) Whenever cost-type or redeterminable-price subcontracts extend below a cost-type or redeterminable-price contract in a chain unbroken by a firm fixed-price contract, the Government generally has the same interests in the costs and or prices of such subcontracts as if they were prime contracts. Accordingly, all such subcontracts are subject to audit by the Government and Contracting Officers will insure that:

(i) The right of audit is reserved to the Government in the drafting of all such subcontracts.

(ii) Copies of all such subcontracts and, as appropriate, cost statements and repricing supplements are furnished promptly to the Army Audit Agency.

(iii) Advance arrangements are made for the performance of audit, unless after consideration of the size of the subcontract, prior experience with the subcontractor, and other pertinent factors, the Contracting Officer recommends and the Army Audit Agency concurs, that audit should be waived.

(2) Ordinarily, in subcontracts of substantial size, or where auditors of the Army, Navy, or Air Force are already performing audits at a subcontractor's plant, or where negotiations between the Prime Contractor and the subcontractor are not on an arm's length basis, or where the subcontractor objects to an audit by the Prime Contractor, arrangements should be made between the appropriate Army Audit Agency regional director, the Contracting Officer, and the Prime Contractor for audit to be performed by military department auditors. Where such arrangements are made, the results of audits will be furnished to the next higher tier Contractor, the Contracting Officer for the prime contract, and the auditor of the prime contract.

(3) For subcontracts where conditions outlined in subparagraph (2) of this paragraph do not pertain, arrangements may be made for the Prime Contractor or next higher tier subcontractor, as the case may be, to perform the audits of its subcontracts: *Provided*, That:

(i) The working papers of the audit will be made available to the Army Audit Agency and the right is reserved to the Army Audit Agency to require or perform further audit if the audit performed by the higher tier Contractor is not considered adequate.

(ii) The results of audit will be furnished to the Contracting Officer and to the auditor of the prime contract.

4. In § 606.310, instructions pertaining to line 9 through line 10a (2) are rescinded and the following instructions substituted therefor:

§ 606.310 *Instructions for preparation of DA Form 377 (Monthly Summary of Procurement actions.)*

* * * * *

SPECIAL INFORMATION: Information supplied in this section is used to monitor the effectiveness of the Small Business and Simplified Procurement Programs as well as the actual use of the various small purchase forms. The fact that entries in lines 10, 11, and 12 duplicate to some extent the entries in lines 13 and 13A, B, C, and D, must be ignored. The purpose of this section is to determine, separately what use is made of (1) charge accounts, (2) call and open-end contracts, and (3) small purchase forms.

Line 9A—Suitable to small business—Total. This entry will include the following:

(a) All actions and dollar values not reported on DD 350 (lines 1 and 2: Column c for number of actions and column f for dollar value) and,

(b) All actions reported on DD 350 and actually awarded to small business (line 1: Column d for number of actions and column g for dollar value) and,

(c) The number of the reported actions awarded to large business which was in fact, in the opinion of the Contracting Officer, suitable to performance by small business firms. (Extract from line 2, column d the number, and extract from line 2, column g the dollar value of the individual DD 350 which are determined to be suitable for small business, even though not awarded to small business.

(d) Add (a), (b), and (c) above. This is the total to be entered in line 9.

Line 9a —(1) Suitable to small business—Advertised. Enter the number of actions and dollar amount of advertised procurement considered suitable for small business.

Line 9b—(2) Suitable to small business—Negotiated. Enter the number of actions and dollar amount of negotiated procurement considered suitable for small business.

Line 10—Delivery orders against open-end contracts. Enter number of orders and total dollar value of all delivery orders placed against open-end contracts regardless of the form of delivery order used to accomplish the transaction. (Include delivery orders against Interdepartmental and Interservice contracts.)

Line 11—Delivery orders against call-type contracts. Enter number of orders and total dollar value of all delivery orders placed against call-type contracts regardless of the form of delivery order used to accomplish the transaction. (Include delivery orders against Interdepartmental and Interservice contracts.)

Line 12—Charge accounts. Enter the total number of Charge Account consolidated invoices and total dollar value.

Line 12a—number of individual transactions consolidated on charge accounts. Enter the total number of individual transactions which were grouped under the charge account figure in line 12.

Line 13—Utilization of small purchase procedures. Enter the total number of actions (all types) and the dollar value of all purchases of $1,000 or less.

Line 13A—DD Form 738. Enter the number and the dollar value of all DD Forms 738 utilized, regardless of type of purchase for which this form was used. Specify in space provided whether form was used for purchases up to $1,000 or over $1,000 (including its use as a delivery order).

Line 13B—Standard Form 44. Enter the number and the dollar value of all Standard Forms 44 utilized, regardless of type of purchase for which this form was used (including its use as a delivery order).

Line 13C—Imprest funds (Form 1165). Enter the number and the dollar value of all Forms 1165 utilized, regardless of type of purchase for which this form was used.

Line 13D—Forms other than above (specify). The number of instances that forms other than those identified in 13A, B, and C are used for purchases of less than $1,000 and the total dollar value will be entered in this line. In the remarks column, list the form numbers on types of documents used to effect the transactions.

5. Subpart G, Part 606, is revised to read as follows:

SUBPART G—SMALL BUSINESS POLICY AND PROCEDURE

Sec.
606.701 Authority.
606.702 Definitions.

Sec.
606.703 Policy.
606.704 Small Business organization in the Department of the Army.
606.705 Functions to be performed by Small Business Specialists in the Department of the Army Small Business Program.
606.706 Responsibilities for implementation of Department of the Army Small Business Program.
606.707 Sample display rooms and exhibits.
606.708 Relationships between the procuring activities and Small Business Administration.
606.709 Bidders list.
606.710 Dissemination of information.
606.711 Conflicts with Labor Surplus Area policies (Defense Manpower Policy No. 4).
606.712 Small Business Committees.
606.713 Records pertaining to Small Business to be maintained by procuring activities and field purchasing offices (other than DD Form 350 and DA AGO Form 377, Reports).
606.714 Operational procedures.
606.715 Certificates of competency.
606.716 Disagreements regarding policies and procedures.
606.717 Defense production pools.

§ 606.701 *Authority.* (a) The desires and intent of the Congress regarding assistance to Small Business by governmental agencies are set forth in section 2 (b), Armed Services Procurement Act of 1947 (act of 19 February 1948, 62 Stat. 21), sections 202, 213, and 214, Small Business Act of 1953 (Title II, act of 30 July 1953, 67 Stat. 232) and in the Department of Defense Appropriation Act, 1955, Public Law 458, 83d Congress.

(b) Contracts awarded to Small Business as a result of the application of the procedures contained in this part will be made under the authority of section 2 (c) (1) of Public Law 413, 80th Congress and section 214 of Public Law 163, 83d Congress. This applies both to Joint Determinations and to Small Business Determinations.

(c) Section 214 of Public Law 163, 83d Congress (Small Business Act of 1953) states:

To effectuate the purpose of this title small business concerns within the meaning of this title shall receive an award or contract or any part thereof as to which it is determined by the Administration and the contracting procurement Agency (A) to be in the interest of mobilizing the Nation's full productive capacity, or (B) to be in the interest of war or national defense programs.

§ 606.702 *Definitions*—(a) *Certificate of competency.* (1) Section 212, Small Business Act of 1953 states:

The Administration (the Small Business Administration) shall have the power, and it is hereby directed, whenever it determines such action is necessary—

* * * * *

(d) to certify to Government procurement officers with respect to the competency, as to capacity and credit, of any small business concern or group of such concerns to perform a specific Government procurement contract;

(2) Section 213, Small Business Act of 1953, further states:

In any case in which a small business concern or group of such concerns has been certified by or under the authority of the Administration to be a competent Government contractor with respect to capacity and credit as to a specific Government procurement contract, the officers of the Government having procurement powers are directed to accept such certification as conclusive, and are authorized to let such Government procurement contract to such concern or group of concerns without requiring it to meet any other requirement with respect to capacity and credit.

(b) *Contracting officer.* Section 590.201–5 of this subchapter.

(c) *Head of a procuring activity.* Sections 590.250 of this subchapter and 400.201–4 of this title.

(d) *Intermediate headquarters concerned with procurement.* Intermediate headquarters concerned with procurement includes all offices below the level of the Secretary of the Army which have as functions the planning, supervision, control, or accomplishment of procurement.

(e) *Method of procurement.* Section 590.301 of this subchapter.

(f) *Preaward survey.* Section 590.357 of this subchapter.

(g) *Purchasing office.* Section 590.253–1 of this subchapter.

(h) *Representatives of the Small Business Administration.* Representatives of the Small Business Administration are those authorized persons effecting liaison between the Small Business Administration and the Department of the Army and other Government agencies.

(i) *Secretary.* Section 590.201–2 of this subchapter.

(j) *Small Business.* A Small Business concern is any concern which, including its affiliates, employs in the aggregate fewer than 500 persons. (Section 400.302–3 of this title.) Small Business Administration is empowered by the Small Business Act of 1953 to determine the concerns which are to be designated "Small Business concerns" for the purposes of the act. Such determinations, when made, shall be accepted by the Department of the Army; nevertheless, in the absence of such determination, the Department of the Army will observe the definition of Small Business concerns as above.

(k) *Small Business Administration.* Section 204 (a), Small Business Act of 1953, states:

In order to carry out the policies of this title there is hereby created an agency under the name "Small Business Administration" (herein referred to as the Administration), which Administration shall be under the general direction and supervision of the President and shall not be affiliated with or be within any other agency or department of the Federal Government. The principal office of the Administration shall be located in the District of Columbia, but the Administration may establish such branch offices in other places in the United States as may be determined by the Administrator of the Administration.

(l) *Small Business determination.* A determination made by the Small Business Specialist and agreed to by the Contracting Officer that an item to be procured either by formal advertising or by negotiation, can be supplied by Small Business firms, in whole or in part, with due consideration given to records of past procurement and a knowledge of the industry and the items involved. Such a determination, if initiated by re-

negotiations.

§ 590.111 of this subchapter.

determine, separately what use is made of

quest of a Representative of the Small Business Administration, shall be known as a "Joint Determination."

(m) *Small Business Specialist.* A Small Business Specialist is an individual appointed in accordance with § 606.706 (c) (2), who has been assigned the responsibility for assisting small business concerns to participate in the defense procurement program. In the Department of the Army, Small Business Specialists are appointed by name by the Head of the Procuring Activity concerned, in writing, and are responsible directly to him.

(n) *Sources of supply; Small Business.* Sections 590.201–9 of this subchapter and 400.302–3 of this title.

(o) *Suitable for procurement from Small Business.* An item or service is considered suitable for procurement from Small Business when the item or service is one which business concerns in the Small Business category presently:

(1) Are technically competent to produce;

(2) Have adequate available facilities and open capacity to produce;

(3) Can produce at competitive prices (quantity and delivery factors considered), as sources of supply as defined in § 590.201–9 of this subchapter.

(4) Are capable of producing to meet the required delivery schedule, and

(5) Are able to produce without overtaxing their financial and technical resources.

(p) *Supplies and services*—(1) *Supplies.* Section 400.201–8 of this title. All items necessary for the equipment, maintenance, and operation of a military command, including food, clothing, equipment, arms, ammunition, forage, materials, and machinery of all kind.

(2) *Services.* Services, not of a personal nature, such as research and development, transportation, packing and packaging, communications transmission, and repairing and other nonmaterial transactions which may be purchased under contract, or are pertinent to the completion of a contract.

§ 606.703 *Policy*—(a) *General.* In the interest of assisting Small Business, and of broadening the industrial base of producers, the following general policies and practices adopted:

(1) Review of the Production Allocation Program, for the purpose of determining those items which can be procured from a broad number of sources and from various classifications of industry.

(2) Maximum use of available industrial capacity, with limited use of Certificates of Necessity in those cases where necessary industrial capacity is not available.

(3) Review of military requirement and procurement methods, for the purpose of assisting Small Business and Broadening the industrial base of suppliers.

(4) Establishment of a training program for procurement personnel covering the need for procurement from Small Business and for broadening the industrial base of suppliers through the medium of procurement from Small Business.

(5) Encouragement of subcontracting, with each important and substantial negotiated purchase to be examined to determine the extent to which subcontracting may be accomplished. The extent of subcontracting shall be considered as one of the factors in the negotiation and award of prime contracts.

(6) Appointment of Small Business Specialists in procurement offices to increase Small Business participation in Department of the Army procurement.

(7) Adoption of a broad publicity program covering (i) basic objectives of broadening the industrial base of suppliers, (ii) purchase methods and practices, (iii) aids to small business, (iv) the number and dollar amounts of prime contracts awarded to Small Business, and (v) the desirability and extent of subcontracting.

(8) It is incumbent on all procurement officers to recognize their responsibilities with respect to the utilization of Small Business concerns in the accomplishment of the procurement program. The pressure of urgent work on heavily loaded staffs must not result in failure to develop new sources of supply or to exploit fully those sources which are available but which, because of the small size, do not quickly yield major results in the form of large dollar amounts of contracts placed.

(9) Positive steps will be taken by all procurement personnel to insure compliance with existing policies that Small Business shall receive a fair share of Government contracts. It is essential that special emphasis be placed on wide and judicious solicitations of proposals or quotations, using up-to-date and complete bidder's lists. Multiple awards for quantities less than the total requirement should be used to the maximum practicable extent consistent with other procurement objectives. This method of assistance to Small Business will be used both in formal advertising and in negotiated procurement.

(10) In carrying out this policy, the primary consideration of the Department of the Army shall be that of securing performance or deliveries at the time, in the quantity, and of the quality required by the defense program, and nothing stated herein shall detract from this consideration. Furthermore, actions taken under this policy shall be consistent with other procurement and military objectives.

(11) The purchasing office has responsibility for selecting the method of procurement (formal advertising or negotiation) and for the proper award of contract, and the procedures established hereunder shall be carried out in such manner as not to impair or interfere with the expeditious operation of the procurement process. The Small Business Administration representative will have no vote power in the placing or awarding of contracts.

(12) Price differentials to effectuate the above stated policies are not authorized.

(b) *Inclusion of Small Business in production planning.* As a continuing activity, production allocation procedures shall be reviewed by the planning agencies to insure that the following specific aids to Small Business are applied to production planning:

(1) Small Business Specialists assigned to current procurement offices are consulted regarding the ability and feasibility of Small Business facilities to participate in specified mobilization planning.

(2) Lists are employed similar to the current bidder's lists, to ascertain new sources.

(3) Planning requirements have been divided into reasonably small lots to further the broad base concept and eliminate undesirable industry concentrations for single and multiple item planning.

(4) Multischedules are placed to the greatest extent possible; i. e., five different schedules are placed with five different suppliers rather than one schedule with a single supplier for five items.

(5) Consistent with the above, avoid wasting skills. Place schedules in small facilities where maximum use of available manpower, skills, and equipment may be realized. Conversely, reserve large items or difficult mass production requirements for appropriate large size and volume producers.

§ 606.704 *Small Business organization in the Department of the Army.* A Small Business Advisor is appointed on a full time basis at the Department of the Army level, in an advisory capacity to the Under Secretary of the Army, and the Assistant Chief of Staff, G–4, on all matters pertaining to the Small Business Program within the Department of the Army, and to provide guidance to all Department of the Army Small Business Specialists and their staffs. Senior Small Business Specialists are appointed by Heads of Procuring Activities, to advise on small business matters, and to direct the implementation of the Department of the Army Small Business Program. Small Business Specialists are appointed in certain field purchasing offices to advise the head of such offices on Small Business matters and to participate in the implementation of the Department of the Army Small Business Program. The Small Business Specialist and his staff will be assigned to the headquarters of the purchasing office to which he is appointed and will serve under the direct supervision of the head of such purchasing office (§ 606.706 (c) (2)).

§ 606.705 *Functions to be performed by Small Business Specialists in the Department of the Army Small Business Program.* For specific assignment of responsibilities, see § 606.706 (d) and (f)).

(a) Serves as a focal point to which Small Business concerns may make or direct inquiry concerning participation in the military procurement program.

(b) Furnishes counsel and guidance to Small Business concerns on policy, procedure, and methods involved with which compliance is necessary in order to assure Small Business firms of an opportunity to become responsive and responsible suppliers on appropriate bidders' lists.

(c) Maintains liaison and exchanges information with respect to both policy and procedure with all other local and

Government agencies for the purpose of rendering the maximum amount of assistance to Small Business.

(d) Institutes programs to discover additional competent Small Business sources, if required, capable of participating in procurements to meet current and anticipated requirements.

(e) Discusses with and advises representatives of Small Business concerns, whether it is to the best interest of their concerns to attempt to compete for a prime contract or to adapt their production mainly to subcontracting where many of the risks of a prime contractor would be eliminated.

(f) Discusses the extent and capacity of equipment, manpower available, and management skill with representatives of Small Business concerns and appraises their possible use in military procurement programs for the purpose of current procurement or industrial mobilization programs of planned procurement.

(g) Furnishes advice and assistance to Small Business concerns on problems arising during performance of contracts such as financing, defense order priority and allocation ratings, inspections, and payments, or direct such Contractors to the proper agencies for assistance.

(h) Attends meetings with industry or other Government agencies to explain and describe, when requested, types of items commonly being purchased or to be purchased.

(i) Studies procurement actions and policies, in order to determine whether Small Business is an important element in procurement planning and industrial mobilization.

(j) Prepares proposals, based upon analysis, for the Assistant Chief of Staff, G–4, with respect to changes in policy and or procedure which will permit greater participation by Small Business.

(k) Observes the effect of current procurement policies on the amount of Small Business participation in the procurement program and recommends to the appointing authority changes in existing policies or the formulation of new policies to increase the amount of such participation.

(l) Serves as the procuring activity Small Business Representative on all matters concerning policy, procedure, and practices to be followed to develop and maintain cooperation between the procuring activity and the Small Business Administration in accordance with the provisions of title II, section 214, of the Small Business Act of 1953.

(m) Supervises the implementation of policies and procedures by Small Business Specialist at the field purchasing offices.

(n) Review each procurement directive issued or to be issued by his office, with value in excess of $10,000, to determine suitability for and make recommendation as to Small Business participation.

(o) Reviews and analyzes all procurement action reports (Individual Procurement Action Report) (DD Forms 350) for the purpose of (1) ascertaining subcontract possibilities for Small Business and (2) to insure the accuracy of entries regarding Small Business. In addition reviews and analyzes other reports which reflect Small Business activity, such as DA Form 377 and DA Form 1146.

(p) Participates in the preparation of directives to the Contracting Officers regarding the policy and procurement procedure to be used when a Small Business determination action has been made and included in a procurement directive.

(q) Consults with procurement commodity specialists and research and development personnel to insure that, when changes in specifications or deviations therefrom are made or permitted which makes production feasible for Small Business, they are fully recognized on future procurements.

(r) Makes recommendations to the Contracting Officer with respect to competency, capacity, and credit of a specific Small Business concern or concerns capable of producing a specific procurement or item thereof. If verification is required, as to the size of a firm, makes an independent check and statement as to the number of the firm's employees at the time that an invitation for bid (IFB) or proposal is submitted.

(s) Participates as a voting member, when both large and Small Business are involved, in meetings of Boards of Contract Awards where such boards have been or may be established.

§ 606.706 *Responsibilities for implementation of Department of the Army Small Business Program*—(a) *Department of the Army Small Business Advisor.* (1) Department of the Army Small Business Advisor exercises responsibility for initiating and developing plans, policies, and procedures with respect to the maximum utilization of small firms in the Department of the Army procurement program.

(2) In conjunction with other military departments and civilian agencies of the Government, develops Small Business policies and programs for joint use.

(b) *Department of the Army Small Business Council.* (1) There is established a Council of Senior Small Business Specialists for the Department of the Army, consisting of the Department of the Army Small Business Advisor, and the senior Small Business Specialists appointed by the chiefs of the technical services, within their respective offices. In addition to those functions listed in paragraph (d) of this section which may be exercised by the Senior Small Business Specialists, the technical service members of the Council will have the following functions and duties:

(i) Serve as assistants to the Department of the Army Small Business Advisor, on all Small Business policy and procedure which may concern their particular technical service in order to assist in developing unity of action on Small Business matters.

(ii) Present special problems of their particular technical service to the Secretarial level and the Assistant Chief of Staff, G–4, setting forth their impact on Small Business and relationship with Small Business Administration.

(iii) After coordination with the Office of Department Counselor, attend Congressional hearings when requested, which are concerned with Small Business matters, prepared to present their technical service Small Business Program, policies, and procedures, and to answer any questions if called upon by the Committee to do so.

(2) The Council shall receive and review appeals of Small Business determinations forwarded to the Office of the Assistant Chief of Staff, G–4, by the chief of a technical service or by the Washington Office of the Small Business Administration, and make appropriate recommendation to the Office of the Assistant Chief of Staff, G–4.

(3) The Council will carry out such other duties as may properly become a part of the Small Business Program.

(c) *Heads of Procuring Activities.* (1) Heads of Procuring Activities are responsible for the successful implementation and effective operation of the Small Business Program.

(2) Chiefs of technical services will appoint Small Business Specialists in their respective offices and headquarters on a full-time basis. At the headquarters of the continental armies, Military District of Washington, National Guard Bureau, and all field purchasing offices where sufficient contact with or opportunity exists for Small Business to sell to the Department of the Army, Heads of Procuring Activities will appoint Small Business Specialists on either a full- or part-time basis. Intermediate headquarters, as appropriate, will similarly have Small Business Specialists appointed for duty in such headquarters.

(i) Small Business Specialists will be appointed by name in writing by Heads of Procuring Activities. Heads of Procuring Activities will not redelegate the authority to appoint Small Business Specialists. Small Business Specialists should be personnel of the highest caliber, preferably with extensive experience in industry in the Small Business field. Civil Service or military grades should be commensurate with the procurement mission of the office.

(ii) A copy of all letters appointing Small Business Specialists will be forwarded to the Office of the Assistant Chief of Staff, G–4, Department of the Army, Washington 25, D. C., ATTN: Chief, Procurement Division. Letters of appointment will indicate the name of the office to which the Specialist is being assigned, whether or not such office is a principal purchasing office, whether or not the assignment will require full or part time duty, if part time the percentage of time devoted to the Small Business Program and Civil Service grade and status of appointee.

(3) Heads of Procuring Activities will insure that their Small Business activities are adequately staffed and fully coordinated with the procurement and industrial mobilization activities.

(4) Proper facilities will be furnished the Small Business Specialist, including exhibits of procurement items which may be manufactured by Small Business, when the procurement mission warrants.

(5) Procurement personnel will be indoctrinated in the objectives of the Small Business Program and will give full support to this activity.

(d) *Senior Small Business Specialists Appointed to Office of Head of Procuring Activity.* The Senior Small Business Specialist appointed to Office of the Head of a Procuring Activity will be responsible for the functions listed above in § 606.705 (a), (b), (c), (d), (e), (f), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (s).

(e) *Heads of field purchasing offices.* Commanding officers of field establishments engaged in procurement, where Small Business Specialists are appointed will insure that:

(1) Small Business is provided with all appropriate procurement information of the Department of the Army programs in order that they may contact the appropriate purchasing offices.

(2) Small Business is provided information on prime contracts in order that it may explore all subcontract possibilities.

(3) Displays and exhibits are made available to assist and guide prospective bidders, where the procurement mission warrants.

(4) Small Business may obtain advice and counsel with regard to methods of financing, management, and technical assistance.

(5) Suitable accommodations and administrative support are provided for the Small Business Specialist.

(f) *Small Business Specialists appointed to field purchasing offices.* The Small Business Specialists appointed to field purchasing offices of the Procuring Activity will be responsible for the functions listed in § 606.705 (a), (b), (c), (d), (e), (f), (g), (h), (i), (k), (n), (o), (q), (r), and (s).

(g) *Responsibilities for program at purchasing offices where no Small Business Specialist is appointed.* At purchasing offices where no Small Business Specialist is appointed, the head of the installation or activity will appoint a representative other than the Contracting Officer who will be responsible for the functions listed in § 606.705 (a), (b), (c), (d), (e), (f), (n), and (o), in order that the Department of the Army program of assistance to Small Business may be maintained.

§ 606.707 *Sample display rooms and exhibits.* (a) Purchasing offices will maintain or establish sample display rooms or exhibits, when directed by the Head of the Procuring Activity, to assist Small Business suppliers who wish to examine typical products or components parts procured by the Army. Such displays and exhibits have been found to be exceptionally effective in informing Small Business concerns regarding Army materiel being procured, and in facilitating the bringing together of prime contractors and subcontractors.

(b) Heads of Procuring Activities and heads of field purchasing offices, when directed, will take positive measures to encourage the establishments of display rooms and exhibits. Display rooms and exhibits in field purchasing offices should be made readily accessible to businessmen without formality. Facilities should be provided for examination of unclassified equipment and supplies currently being procured, component parts, drawings, specifications, circulars and other descriptive material. Unclassified information should be available for distribution upon request.

(c) It is the responsibility of the head of the field purchasing office, with the aid of the Small Business Specialist assigned to his office, to establish close contact with personnel in installations from which display material can be obtained, in order to insure an adequate and timely display of items to be procured. Samples of items to be procured should be obtained for display purposes as far in advance of dissemination of IFB's and request for proposals as is practicable.

§ 606.708 *Relationships between the procuring activities and Small Business Administration.*—(a) *Small Business Administration Representatives.* Small Business Administration may assign one or more representatives to purchasing offices of the Military Departments. Such representatives will be known as Small Business Administration Representatives. In furtherance of the Small Business Act of 1953 and the Department of the Army Program of assistance to Small Business, Army personnel will cooperate with Small Business Administration Representatives to the maximum extent practicable. Small Business Administration Representatives assigned to the technical services will be oriented by the respective services.

(b) *Security clearances.* Small Business Administration will obtain prior security clearances for all Small Business Administration employees and representatives assigned for duty with the Department of the Army. Proof of clearance will be presented prior to assignment to the Senior Small Business Specialist of the Procuring Activity concerned.

(c) *Small Business Administration Representatives' conduct.* Small Business Administration Representatives will be expected to comply with Army directives dealing with conduct of Army procurement personnel. Breaches by Small Business Administration personnel will be reported promptly to Small Business Administration through channels for necessary action. In this connection, particular reference is made to the premature release of procurement information contrary to standard Army practices.

(d) *Department of the Army policy and procedure.* Contact, negotiation, and finalization with the Small Business Administration on major policy and procedure matters will be made only at Department of the Army level. All such matters will be referred for appropriate action to the Assistant Chief of Staff, G–4, Department of the Army, Washington 25, D. C., through channels.

(e) *Prime contracts to Small Business Administration.* In any case in which the Small Business Administration certifies, in accordance with section 208 of Public Law 163, 83d Congress, that the Administration is competent to perform any specific Government contract, such certification shall be made by the Administrator to the Procurement Secretary of the Department of the Army.

§ 606.709 *Bidders list.* Placement of firms on bidders' lists will be in accordance with §§ 401.204 of this title and 591.204 of this subchapter, including the submission of a properly executed Standard Form 129. However, Contracting Officers will provide Small Business Administration Representatives an opportunity to recommend, within a reasonable period of time, an appropriate number of Small Business concerns for inclusion in the list of bidders or firms to be solicited with respect to any particular procurement found suitable for performance by Small Business concerns.

§ 606.710 *Dissemination of information.* (a) Instructions for preparation of synopses of proposed procurements and of contract awards are contained in §§ 590.354 and 590.355 of this subchapter.

(1) In order to assure that proposed procurements under joint determination receive widespread publicity, such procurements will be synopsized, in accordance with applicable directives, in the Department of Commerce "Synopsis of U. S. Government Proposed Procurement and Contract Awards."

(2) In transmitting procurement information to the Department of Commerce for inclusion in the Daily Synopsis, a separate transmittal will be made on those procurements which are under joint determination, and the transmittal will clearly state that "The Proposed Procurement(s) listed herein is (are) under Joint Determination."

(b) IFB's Request for Proposals, specifications, and drawings will be furnished by each purchasing office to other purchasing offices within the procuring activity for display, available to all interested concerns, in accordance with policy and instructions of the Head of the Procuring Activity concerned.

(c) Specific IFB's, Request for Proposals, specifications and drawings, not covered by a joint determination will be furnished to the Small Business Administration, Washington 25, D. C., when so recommended by the Small Business Specialists at the purchasing office.

(d) Invitations for Bid or Request for Proposal, together with applicable specifications and drawings on procurements selected for joint determinations will be made available in sufficient numbers to provide a minimum of one copy, with all attachments, for each Small Business Administration Regional and Branch Office and the Small Business Administration Washington Headquarters, except in those cases in which the Small Business Administration Representatives believe a smaller number of copies will be adequate. At the discretion of the head of the purchasing office, a reproducible master of the IFB or Request for Proposal and brown prints (Van Dykes) may be furnished the Small Business Administration Representative for reproduction of the necessary copies for the Small Business Administration.

(e) Distribution under paragraphs (c) and (d) of this section will be made by the Small Business Administration Representative.

§ 606.711 *Conflicts With Labor Surplus area policies (Defense Manpower Policy No. 4).* Cases involving conflicts between Small Business Determinations and preferential treatment under Labor Surplus Area policies and procedures will be handled in accordance with § 400.302–4 of this title.

§ 606.712 *Small Business Committees.* Small Business Committees originally formed by Armed Forces Regional Councils will be continued on an informal basis. All Small Business Specialists are encouraged to attend and participate in the regular meetings. Representatives of other Government agencies may be invited to attend the meetings as guests. The Committees will rotate the Chairmanship (either civilian or military personnel) among the military services, and will conduct their meetings in much the same manner as when they were formally constituted, except that formal minutes will not be maintained.

§ 606.713 *Records pertaining to small business to be maintained by procuring activities and field purchasing offices (other than DD Form 350 and DA Form 377 Reports).* (a) Report of SAB Certificates of Competency and Summary of Determinations for Small Business (Reports Control Symbol GSGLD–756).

(1) *Purpose.* This report is designed to obtain from purchasing offices uniform information on SBA Certificates of Competency and summaries of determinations made and awarded to Small Business firms.

(2) *Preparing agencies and report form.* The report will be prepared by each Army field purchasing office and will be accomplished on DA Form 1146 which is available through normal publications supply channels.

(3) *Frequency, forwarding, and due dates.* Each purchasing office will prepare and submit the report as of the end of each calendar month to the Senior Small Business Specialist at the appropriate Procuring Activity. The report is to be submitted in duplicate in time to arrive no later than the 10th working day of the month succeeding the month covered by the report. The initial submission will be due on or before 14 September 1954 and will include separate reports for the months of July and August.

(4) *Preparation instructions*—(i) *Columns D and E.* For each entry in column A, there must be corresponding entries in columns D and E. Each purchasing office will report consistently on all reports either by PD (procurement directive) or IFB (invitation for bid).

(ii) *Columns G, H, I, and J.* If data are not available at time of submission of initial report, they will be supplied on subsequent reports—repeating the data previously reported in columns C, D, and E. Extra sheets may be used, properly captioned, if required.

(iii) *Column J.* Indicate quality of performance—e. g., "in accordance with terms of contract," "delinquent in delivery schedule," "financial instability," etc.

(iv) *Line 6.* Obtain data from line 16 of preceding report.

(v) *Line 9.* Sum of lines 7 and 8.

(vi) *Line 10.* Enter number of procurements changed in each category in the appropriate parentheses, and enter the total number and net value in columns K and L. Entries in revised (plus or minus) do not affect column K but should be reflected dollarwise in column L.

(vii) *Line 11.* Sum of lines 9 and 10.

(viii) *Line 12.* Sum of lines 6 and 11.

(ix) *Line 15.* Sum of lines 13 and 14.

(x) *Line 16.* Line 12 minus line 15.

(xi) *Line 17.* Line 6 minus line 16.

(xii) *Line 18.* Corresponds with line 1, column A and line 1, column C of DA Form 377 (Report Control Symbol CSGLD–534).

(xiii) *Line 19.* Line 18 minus line 15.

(b) *Small Business Administration statistics and information.* Copies of Small Business Administration statistics and information which are furnished the purchasing office by the Small Business Administration will be forwarded to the Senior Small Business Specialist of the Procuring Activity (e. g., Small Business Administration Form 70, Certificates of Competency, etc.) for his information and analysis.

(c) *Release of information and statistics by the Department of the Army.* Release of information and statistics to other than authorized Department of the Army personnel will be made in accordance with current policy. When request is made through the prescribed channels, information and reports comprising regularly compiled data concerning small business activities may be released to the Small Business Administrator.

§ 606.714 *Operational procedures.* The policies and procedures herein prescribed do not in any way alter the present policy on methods of procurement (§606.103). Therefore, if formal advertising is determined by the Contracting Officer to be the appropriate method to utilize for a particular procurement, invitations for bids will be issued and awards made in precise accord with the provisions of Part 401 of this title and this subchapter, pertaining to formal advertising. In the implementation of the policies stated herein, Contracting Officers are cautioned not to engage in the practice of inviting bids for formally advertised procurement and then rejecting all bids and resorting to negotiation; for, in so doing, bidders would quickly lose confidence in the competitive bid system. Special care will be exercised to the end that small business concerns whose names appear on the appropriate bidders' lists will receive an opportunity to participate.

(a) *Screening of procurements.* The purchasing offices, through the Small Business Specialists therein or other designated representatives of the chiefs of the purchasing offices will afford the Small Business Administration representatives assigned to such offices an opportunity to jointly screen all procurements prior to issuance of invitations for bids or requests for proposals of $10,000 and over, except:

(1) Procurements classified Confidential or higher.

(2) Research and development.

(3) Procurements of an emergency nature.

Thereafter, the Contracting Officer will be advised by the Small Business Specialist or other designated representative:

(i) Whether a particular procurement is suitable for performance by small business concerns;

(ii) The minimum percentage of a particular procurement found suitable under subdivision (i) of this subparagraph which the Contracting Officer will endeavor to place with small business concerns.

While emergency purchases and classified procurements are excluded from the screening process, the Contracting Officer will inform the Small Business Administration representative, upon request, of the nature of the emergency, and in all cases will endeavor to secure small business participation when the procurements are suitable for performance by small concerns. In cases where there is no Small Business Administration representatives assigned to a field purchasing office, the Small Business Specialist will screen procurements and Small Business Determinations will be executed where appropriate.

(b) *Determinations for Small Business (joint determinations and Small Business determinations).* (1) At Department of the Army purchasing offices.

(i) Where the Small Business Administration has a representative assigned full time, only Joint Determinations will be made, except in those cases where the Department of the Army Small Business Specialist feels that a determination for small business should be made, although the Small Business Administration representative has not requested a joint determination. In such cases the Department of the Army Small Business Specialist will initiate a request for a Small Business Determination;

(ii) Where the Small Business Administration has a representative on a part time basis, a workable arrangement will be made between the purchasing office and the Small Business Administration Representative for joint screening for the purpose of making joint determinations. (On those occasions when the Small Business Administration Representative is not available for joint screening, the Department of the Army Small Business Specialist will initiate the screening and requests for Small Business Determinations.)

(iii) Where the Small Business Administration does not have a representative assigned, the Department of the Army Small Business Specialist will perform the screening process and initiate Small Business Determinations.

(2) One hundred percent joint determinations, on either formal advertising or negotiated procurement, may be entered into by a Contracting Officer when he is satisfied that there will be sufficient responsive bids or proposals from small business concerns to assure adequate competition and a fair price to the Government. In cases where 100 percent determinations are not considered ad-

visable, partial determinations may be executed in appropriate cases. In connection with a proposed partial determination, the contracting officer will determine the quantity which, because of manufacturing processes, would be a minimum economical production run and which would probably yield the most favorable price. The proposed procurement must involve at least two such quantities in order to permit the execution of a partial determination.

(3) Contracting Officers shall not consider any one of the following factors in itself as constituting a complete and valid reason for rejection of a joint determination initiated by the Small Business Administration representative:

(i) The fact that a large percentage of previous procurements of the item in question have been placed with Small Business concerns:

(ii) The item to be purchased is on a planned procurement list or under a production allocation program. In such cases:

(*a*) Partial joint determinations are permissible when appropriate, and

(*b*) One hundred percent joint determinations are permissible when the following conditions exist:

(*1*) All planned producers are small concerns, or

(*2*) It has been confirmed that large planned producers do not desire an opportunity to compete for the procurement in question.

(iii) The item to be purchased is on a Qualified Products List. In such cases, a 100 percent or partial joint determination is permissible and should be given consideration respectively when:

(*a*) Only small firms are on the list, or

(*b*) Both large and small firms are on the list.

Every opportunity should be given to small as well as large firms to qualify their products, but no procurements should be delayed pending qualification of products.

(iv) The item or service to be procured is available from only one known source.

In such cases, a joint determination is permissible when "sole source" is a small concern. It is recognized that a joint determination is manifestly inappropriate where there exists a justifiable "sole source" other than a small business. However, contracting officers should carefully scrutinize sole source procurements to determine in each case that a justifiable sole source is in fact involved. In these instances, efforts should be made to develop further qualified sources using any appropriate means, including the assistance of the Small Business Administration, but sources will not be confined to small business concerns exclusively.

(4) The Contracting Officer will endeavor to allow a minimum of 30 days from date of issue of IFB or Request for Proposal to opening or closing date on all procurements. A shorter time than 30 days, however, will not in itself be an acceptable reason for rejecting a joint determination.

(c) *Joint determination.* (See § 606.702 (d).) Joint determinations will not be made with respect to general classes of items but will be limited to individual procurement actions which are expected to involve an expenditure of $10,000 or more. In the course of screening the Small Business Administration Representative may initiate action for a joint determination in accordance with criteria set forth in section 214 of the Small Business Act of 1953, and the official designated by the purchasing office shall promptly (1) concur in the written recommendation of the Small Business Representative or (2) disapprove, stating in writing his reasons for disapproval. The Small Business Administration Representative will be permitted to appeal any such disapproval, within two full working days to the chief of the purchasing office or his designee, whose decision shall be final. Such joint determination may apply to all or a percentage of a single procurement. Joint determinations shall be binding on Contracting Officers, and such procurement or specified percentage thereof must be placed only with Small Business concerns, except as provided in paragraph (e) of this section.

(d) *Small Business determinations.* (See § 606.702 (e).) In the event a Small Business Administration Representative is not assigned to a field purchasing office or Small Business Administration personnel do not otherwise request that a joint determination be entered into, the Small Business Specialist assigned to the field purchasing office will initiate action for a Small Business determination regardless of size of procurement, in the same manner and subject to the same provisions as set forth in paragraph (b) of this section.

(e) *Withdrawals of determinations.* If in the light of the facts and circumstances existing at the time of the placement of the contract the contracting officer considers that a contract cannot be made with a Small Business concern without detriment to the Government's interest (for example, because of unreasonable price, unsatisfactory delivery schedule, insufficient capacity, lack of technical ability to produce, etc.), the Contracting Officer may request withdrawal of the determination. In the case of a joint determination, if the Small Business Administration Representative does not agree, the matter shall be referred to the chief of the purchasing office or his designee, whose decision shall be final, unless the chief or his designee decides to refer the matter to higher authority, in which event the decision of higher authority shall be final. A signed memorandum record of the withdrawal of any determination will be made and retained as a part of the specific procurement files.

(f) *Procurements involving a 100-percent determination.* (1) Procurements involving a 100-percent determination may be entered into by means of regular negotiation procedures or by a method of negotiating to be known as "Small Business Restricted Advertising." Small Business restricted advertising, including awards thereunder, will be conducted under procedures prescribed for formal advertising under Part 401 of this title, except that bids and awards will be restricted to Small Business concerns and the contract shall be awarded pursuant to the authority of section 2 (c) (1), Public Law 413, 80th Congress, as well as section 214, Public Law 163, 83d Congress. Where regular negotiation procedures are utilized to effect the procurement, competition and widespread publicity will be used to the fullest extent practicable and due consideration shall be given to placing procurements, without detriment to the Government, with qualified small concerns in need of business as against small concerns having ample workload. Each invitation for bid (request for proposal) issued in connection with a proposed procurement which has been earmarked for Small Business concerns will contain substantially the following clause:

NOTICE TO PROSPECTIVE BIDDERS

The Small Business Administration and the Contracting Officer have jointly determined, in accordance with the criteria set forth in section 214, Public Law 163, 83d Congress, to award this procurement to a small business concern. Therefore, bids (proposals) under this procurement are restricted to small business concerns, and awards will be made to the small business concern submitting the lowest responsible bid (proposal) conforming to the invitation, price and other factors considered. (The Department of Defense defines small business as any concern which, including its affiliates, employs in the aggregate, fewer than five hundred employees.) The right is reserved to reject any bid (proposal) when it is in the interest of the Government to do so. Bids (proposals) received from firms not classified as small business will be considered as non-responsive.

In cases when a Small Business determination has been made the first sentence in the above: • • • "The Small Business Administration and the Contracting Officer have jointly determined • • • to award this procurement to a small business concern.", will be deleted and the following substituted:

A small business determination has been made (in accordance with current regulations) that this procurement will be awarded to a small business concern.

(2) Where bids are received from large business at prices lower than those quoted by Small Business, it may be an indication that screening for susceptibility of the procurement from small business was not as complete as it should have been. Such bids by large firms will be regarded as courtesy bids and will be considered nonresponsive. Records of such lower bids from large business should be maintained at the purchasing office for use in determining the propriety of executing determinations in connection with future procurements of the same or similar items. Although paragraph (e) of this section permits withdrawal of a determination due to unreasonable price, all purchasing offices should only enter into 100 percent determination after careful consideration of all the factors involved, including the possibility of a bid or proposal from a large firm substantially lower than any which could be received from a Small Business.

(g) *Procurements under partial determination.* (1) When a determination for a stated percentage of less than 100 percent is entered into (paragraph (b) (2) of this section) in conjunction with a procurement to be effected by formal advertising conducted pursuant to section 3 of the Armed Services Procurement Act, the percentage under partial determination will be negotiated. In situations in which such a stated percentage is so used, the following procedure will be followed:

(i) A notification to prospective bidders, stipulating that a portion of the procurement will be exempted for procurement from small business firms, will be included in the invitation for bid and be synopsized. It will contain the following statement:

NOTICE TO PROSPECTIVE BIDDERS

Negotiation for award of the exempted portion of this procurement will be conducted only with small firms who submit bids on the advertised portion and are within 120 percent of the lowest responsive bid.

(ii) Invitations for bids will be issued, except for the portion exempted for Small Business. These invitations for bids will be issued to both large and Small Business firms and only those Small Business firms who then bid on this advertised portion and at a price not in excess of 120 percent of the lowest price bid or not in excess of 120 percent of the fair and reasonable price as determined by the Contracting Officer will be considered eligible to participate in the negotiation of the portion exempted under the partial determination. Care must be exercised that a sufficient number of Small Business firms are included on the bidders' list to insure placement of the portion exempted under the partial determination for Small Business.

(iii) After opening of bids, the portion exempted for Small Business will be negotiated with eligible Small Business firms.

(*a*) At a price equivalent to the lowest responsive bid received under the invitation for bids, when the award(s) is (are) for a single price.

(*b*) At a price determined by the Contracting Officer to be fair and reasonable but in no event at a price higher than the highest price of an award made under the invitation for bids when the award(s) is (are) at multiple prices. In the absence of changes in market trends and other factors requiring consideration, the Contracting Officer shall use for such fair and reasonable price the weighted average. The weighted average shall be ascertained by adding the total dollar amounts of all awards under the advertised portion and then dividing such grand total by the total number of units included in all awards under the advertised portion.

(iv) In conducting negotiations for the exempted portion of the procurement, it is permissible to reveal the unit price of the lowest award only.

(v) In cases where no Small Business firm submits a proposal on the portion to be negotiated with Small Business, or cannot meet the price determined in accordance with paragraph (b) of this section, the determination is automatically dissolved and the procurement may be negotiated with the successful bidder(s) on the portion not exempted

provided there is a reasonable assurance that a better price cannot be obtained by readvertising or reopening negotiations with all interested firms for the entire quantity to be procured.

(2) When a determination for a stated percentage of less than 100 percent is entered into in conjunction with a procurement to be effected by negotiation conducted pursuant to section 2 (c) (1) of the Armed Services Procurement Act, the procurement will be handled in the same manner as procurements under subparagraph (1) of this paragraph, except that the portion not exempted will be negotiated instead of formally advertised. Care must be exercised that sufficient Small Business sources are issued requests for proposals for the portion not exempted to insure competition for the exempted portion. In conducting negotiations for the exempted portion, cost or other pricing data pertaining to the award of the portion not exempted will not be divulged.

(h) *Form.* The following form of determination is recommended for use with both joint determinations and small business determinations.

1. In accordance with the provisions of section 214, Public Law 163, 83d Congress, it is hereby determined (use "jointly determined" in case of joint determination):

( ) a. To be in the interest of mobilizing the Nation's full productive capacity.

( ) b. To be in the interest of the national defense program to earmark ____ percent of the attached procurement No. ____ with small business concerns only and to award to a small business concern or concerns the portion of the attached procurement so earmarked.

( ) c. Reasons for entering into above determination:

(SBA representative)

(Military representative)

(In the case of small business determination, substitute "Small business Specialist")

2. Statement by military representative (if rejection):

(Date) (Military representative)

3. Remarks of reviewing authority:

(Date) (Signature)

WITHDRAWAL OR MODIFICATION

(Date)

4. Statement of reasons by military representative for requesting withdrawal or modification of the Small Business Determination (or Joint Determination):

Approved: ---

(Military Representative)

Disapproved: ---

Approved: ---

(Military Representative)

Disapproved ---

5. Remarks of reviewing authority:

(Date) (Signature)

§ 606.715 *Certificates of competency*—(a) *Authority.* Authority of the Small Business Administration to issue certificates of competency is contained in Public Law 163, 83d Congress. (See § 606.702 (a).)

(b) *Issuance of certificates of competency.* The Small Business Administration has the authority to certify the competence of any small business concern as to capacity and credit. Prior to making certifications, the Small Business Administration will obtain and consider such technical and financial information concerning any such firm as may be reasonably available from the purchasing office. Certifications as to financial competency reflect the judgment of Small Business Administration that the Government will not be taking an unreasonable risk of an unsatisfied judgment in the event of default, although it is not implied that the possible future claims by the Government will be fully satisfied. Contracting Officers will accept certificates of competency from Small Business Administration as conclusive without requiring the meeting of any other requirement with respect to capacity or credit.

(c) *Meaning of certificate of competency.* The following is a brief summary of Small Business Administration's understanding of the meaning of these certificates and the matters upon which they must be satisfied before they issue one.

(1) *Capacity.* With respect to capacity, Small Business Administration's certificate means that the concern or group of concerns certified has the technical ability, managerial and operational supervision, and that it possesses the necessary equipment, facilities and qualified craftsmanship to perform the contract according to its terms. Further, that it will be able to perform according to the specification and in conformity with the production and delivery schedules set forth in the contract.

(2) *Credit.* As to credit, Small Business Administration's certificate means that credit factors will not interfere with complete and timely performance. In other words, it means that Small Business Administration is satisfied, either that:

(i) The concern can finance all costs of performance out of its own funds;

(ii) It cannot do so, but the outside financing from private sources will be available; or

(iii) Outside financing is needed and is not available from private sources but will be made by the Small Business Administration.

(d) *Appeals procedure.* (1) In the event that the Contracting Officer questions the issuance of a proposed Certificate of Competency after complete interchange of information, he will so notify the representative of the Small Business Administration, stating his reasons, and request that the Administrator, Small Business Administration, consider nonissue or withdrawal of the certificate, and that the Contracting Officer be notified in writing of the action taken.

(2) In the further event that nonissue or withdrawal of the certificate is declined by Small Business Administration and a certificate is issued, and the Contracting Officer then determines that acceptance would not be in the best interest of the Government the following procedure will be followed:

(i) The Contracting Officer will withhold award of the contract, pending decision by higher authority.

(ii) The Contracting Officer will promptly forward to the Head of the Procuring Activity a written request for withdrawal of the certificate. This request shall be supported by a complete statement of the facts leading to the Contracting Officer's determination that the certificate should not be applied.

(iii) The Head of the Procuring Activity, if supporting the Contracting Officer, will refer the request to the Office of the Assistant Chief of Staff, G–4.

(3) A preaward survey is still required and awards can only be made in accordance with § 590.357 of this subchapter, "Selection of Contractors", except as amended by the Small Business Act of 1953 (§ 606.702 (a)).

(e) *Notification to Small Business Administration.* (1) Contracting officers will advise Small Business Administration Representatives with respect to small firms which, in spite of having submitted otherwise acceptable bids or proposals that would normally place them in a position to receive an award, have been found deficient as to capacity and or credit, and for this reason contemplated awards to such small business firms are being or may be withheld. Based upon this notification the Small Business Administration may, after their own investigation and evaluation, issue a Certificate of Competency. Unless a Certificate of Competency is received by the purchasing office within 10 working days after receipt by Small Business Administration of the Contracting Officer's advice on a specific small business firm, it will be assumed by the purchasing office that no certificate will be issued and the Contracting Officer will make award in accordance with normal procedures. Upon request, Small Business Administration Representatives will be supplied with all reasonably available pertinent information developed by or known to the purchasing office with respect to the small business firm under consideration. Such information shall be furnished solely by the purchasing office.

(2) *Application.* (i) This procedure will not apply to proposed awards of less than $1,000.

(ii) This procedure may be utilized by the Contracting Officer on proposed awards of $1,000 and over and less than $10,000 at his option.

(iii) This procedure will be followed on proposed awards of $10,000 and over.

(f) *Termination for default.* No contract involving a certificate of competency issued by Small Business Administration will be terminated for default without prior administrative approval of the Head of the Procuring Activity, due to the fact that another Government agency is involved.

§ 606.716 *Disagreements regarding policies and procedures.* Disagreement in matters of procedure or basic intent of the foregoing should be settled with Small Business Administration Representatives at purchasing office or intermediate command levels. Where agreement cannot be reached, the matter will be referred to the Assistant Chief of Staff, G–4, Attn: Chief, Procurement Division, through channels.

§ 606.717 *Defense production pools.* The statement of principles and procedures contained herein are applicable to small business production pools approved by the Small Business Administration as well as to defense production pools previously approved by the Defense Production Administration (DPA), both of which will be referred to simply as production pools.

(a) Contracting Officers shall use the following statement of principles for guidance in contracting with approved production pools:

(1) *Definition.* A production pool consists primarily of a group of manufacturing concerns having among themselves production facilities, whose owners have associated together for the purpose of obtaining and performing jointly, or in conjunction with each other, contracts for the production of articles, equipment, supplies, and materials and the furnishing of services for defense use, and who have agreed among themselves concerning their organization, relationship and procedure, and which has been approved as a production pool in accordance with the Defense Production Act of 1950, as amended (and/or the Small Business Act of 1953).

(2) *Exemption from Federal Anti-Trust Laws and Walsh-Healey Act.* Approved production pools have been granted certain privileges including (i) immunity from possible prosecution under the Federal Anti-Trust Laws and the Federal Trade Commission Act to the extent that the operations of such pools are held within the limits of the voluntary program approved by Small Business Administration and (ii) exemption from the requirement to conform to the definition of "manufacturer" or "regular dealer" in section 1 (a) of the Walsh-Healey Act, as set forth in § 400.201–9 of this title. In all other respects, however, financial responsibility and performance capability of the production pool will be determined as for any contractor in accordance with established procedures.

(3) *General policy.* It is the general policy to conduct business with production pools on the same basis as with all other bidders or contractors. Pools will neither be discriminated against nor favored over other bidders solely by reason of the form of their organization. Furthermore, as in the case of all other potential suppliers, pools will not be relieved of the burden of actively seeking Government contracts nor of being competitive price-wise.

(4) *Determination of status.* It is the responsibility of the Contracting Officer to determine that a group of firms seeking to do business with the Government is an authorized production pool. In the absence of an approval list published by the Department of the Army, or publication of notice in the FEDERAL REGISTER, of the approval of a production pool by Small Business Administration, such pool shall be required to enclose a photostatic copy of its notification of approval when applying for inclusion on appropriate bidders' lists.

(5) *Solicitation of bids and quotations from pools.* Upon request of a duly authorized production pool, in the form required for all persons and firms, the production pool shall be placed on appropriate bidders' lists. Invitations for bids and requests for proposals shall be furnished to production pools on an appropriate bidders' list for a specific item or group of items. Each production pool will normally be considered as one source of supply, irrespective of the number of its members, and will be generally furnished with one set of IFB's or request for proposal form. However, membership in a pool shall not of itself preclude individual members from being placed on bidders' lists for which they are individually qualified nor from bidding on appropriate procurements.

(6) *Procurement of QPL products.* A Defense Production Pool may participate in Qualified Products List (QPL) procurement by submitting bids thereunder provided, however, one or more of the members of the pool has QPL approval for the product and, provided further, such qualified members can otherwise meet requirements as to deliveries, etc. In such cases the pool should, at the time of submitting its bid, identify the qualified members and the quantities of the product to be supplied by each qualified member under the proposed contract. Members of the pool who do not have products on the QPL will not participate in the particular QPL product procurement.

(7) *Award of contracts.* (i) Bids and quotations submitted by production pools will be analyzed pursuant to the same procedures and principles which pertain to all other prospective contractors.

(ii) Approval of an organization as either a defense production pool or a small business production pool does not automatically confer upon such pools the preferences and privileges normally accorded to "Small Business" concerns. Such consideration shall be accorded only to those production pools which have also been designated as "Small Business" in accordance with the criteria set forth in § 606.702 (j).

(iii) Where the pool will substantially perform a contract in plants located in areas of labor surplus, the preferences granted to contractors performing work in such areas will be applied to the award of the contract.

(iv) Small Business Administration or Defense Production Administration approval of a production pool shall not relieve the Contracting Officer of the responsibility for determining the financial and technical ability of the contractor, whether it be a pool or a member thereof, to perform the contract. Before awarding a contract to a pool, the Contracting Officer will assure himself that:

(*a*) There will be performance, both as to quality and delivery. Preaward surveys will be conducted with respect to determining a pool's capability of performance in the same manner as for any other contractor. In order to assure the uninterrupted production of the manufacture of supplies or the furnishing of services to be undertaken by a pool, the financial resources to be employed in or available for the performance of the contract will be examined just as in the case of an individual contractor, to determine whether they are sufficient to give reasonable assurance of satisfactory performance.

(*b*) The pool agreement adequately binds each participating member who agrees to undertake part of the work on a contract to comply with his obligation.

(8) *Execution of contracts with pools.* Contracts awarded to production pools normally will be made in the name of the production pool. A written statement will be submitted by the pool, signed by each member of the pool who is to participate in the performance of the Government contract, and will be appended to the contract certifying to current membership in the pool and contain a guarantee or other assurance by each signatory firm that it will satisfactorily perform its allotted portion of the contract and set forth the extent of each participant's financial liability to the pool for such performance. If the terms of the pool agreement provide for a member to enter into a contract in the name of the member, there shall be submitted with the bid a copy of said pool agreement, together with evidence of specific authorization of the individual member to so act, and the contract may be executed in the name of the individual member who in so doing will be required to assume full responsibility for performance of the contract.

6. Subpart J, Part 606, is added as follows:

SUBPART J—TRANSPORTATION ASPECTS OF PROCUREMENTS

Sec.
606.1001 Purpose.
606.1002 General.
606.1003 General responsibilities of Contracting Officers and Contract Administering Officers.
606.1004 Sources of transportation assistance.
606.1005 Transportation considerations in the procurement cycle.

§ 606.1001 *Purpose.* The purpose of this subpart is to emphasize the consideration of transportation factors during the procurement cycle and consolidate existing policies affecting the transportation aspects of procurement.

§ 606.1002 *General.* Proper consideration of the transportation aspects of procurement is necessary in the placement of contracts to insure that procurement is on the basis most advantageous to the Government, all factors considered and that supplies arrive at the proper destination at the time required and in proper condition. Disregard of the transportation aspects of a procurement may lead to improper award of contracts, waste of time and money, and failure to have items available when and where needed.

§ 606.1003 *General responsibilities of Contracting Officers and Contract Administrators.* (a) To afford, during the procurement cycle, proper analysis and consideration of transportation factors affecting both domestic and export purchases.

(b) To seek advice, assistance, or traffic information from appropriate sources as indicated in references and in § 606.1004.

(c) To incorporate the soundest available transportation provisions in contracts and to see that transportation requirements are met during the performance of contracts.

(d) To bring to the attention of appropriate authorities any practicable improvements in procedures, practices, contract clauses, the terms or quantities of requirements, or similar methods by which transportation factors and other procurement elements may be better coordinated to the advantage of the Government.

(e) At the earliest possible phase in the procurement cycle, to provide, through installation transportation officers, information of prospective procurements or movements so as to facilitate rate negotiation or other traffic management actions.

§ 606.1004 *Sources of transportation assistance.* (a) The primary sources of transportation assistance available are:

(1) *The Chief of Transportation.* For freight rate quoting service and general transportation assistance for Contracting Officers located in Military District of Washington.

(2) *Zone Transportation Officers.* For freight rate quoting service and general transportation assistance for Contracting Officers within their respective transportation zone boundaries.

(3) *Army Transportation Officers.* For general transportation assistance for Contracting Officers within their respective Army areas.

(4) *Installation Transportation Officers.* For general transportation assistance for Contracting Officers located on or adjacent to their respective installations. This particularly includes transportation officers in procuring installations.

(b) The procedure for obtaining freight rate quoting service is set forth in SR 55–155–30. (Special regulations pertaining to freight rate quoting service).

§ 606.1005 *Transportation considerations in the procurement cycle.* Transportation considerations that should be made by Contracting Officers during the procurement cycle, when transportation is involved, are set forth below:

(a) *Preliminary phase.* From receipt of the procurement directive or other notice to effect procurement, to the preparation of invitations for bids or quotations.

(1) From destination data provided in the procurement directive determine whether FOB origin or FOB destination procurement is required, or whether bids or proposals should be taken on both bases (§ 400.306 of this title).

(2) Review the delivery schedule to see whether shipments can be made as economically as possible under the circumstances. A shipment made in less-than-carload (LCL), or less-than-truckload (LTL) lots is unnecessarily costly when consolidation into carload (CL), or truckload (TL) lots can be effected.

(3) Consider the physical characteristics of shipments. For example, shipments of items separately or setup when they could be shipped nested or knocked down is one cause of excess transportation costs.

(4) Unusually large or heavy items may not be able to be shipped by regular modes of transportation. In such cases special arrangements will have to be made for their shipment. This should be determined prior to and reflected in the issuance of requests for bids or proposals.

(5) Whenever requirements or specifications admit of discretion in the selection of methods of packing and packaging of supplies, select that method which will provide low transportation costs consistent with physical protection and overall economy.

(6) Exert every reasonable effort to determine precise or general destinations of supplies, including oversea area for which intended.

(b) *Solicitation phase.* Preparation and issuance of invitations for bids or proposals.

(1) Invitations for bids and proposals should set forth as clearly as possible those transportation responsibilities of the bidder in order that he can bid correctly and the Government can benefit by the inclusion of economical transportation charges in the bid or proposal.

(2) If destination of shipment is unknown, the invitation should specify that bids will be submitted FOB origin and shipment will be made on Government bill of lading and, if appropriate, CL or TL lots.

(3) Whenever FOB origin bids or proposals are involved, decide the basis of evaluation of freight cost. If such evaluation is abnormal (as, for instance, when a conjectural destination is available or evaluation will be on "nearest deepwater port"), inform bidders to the extent desirable to insure impartiality. If right is reserved to take advantage of any reduction of freight costs through the application of transit arrangements (see paragraph (c) (3) of this section), the invitation should express such reservation and furnish necessary information.

(4) The invitation should specify, whenever possible, the exact origin or destination of a shipment as appropriate; for example, FOB receiving dock, ---------- General Depot, ---------- State.

(5) As appropriate, each invitation should specify who is to be responsible for the following:

(i) Loading, unloading, and handling costs.

(ii) Processing required to prepare for shipment.

(iii) Drayage costs.

(iv) Transportation marking requirements.

(v) Transportation penalties.

(vi) Transportation taxes.

(vii) Supply of dunnage and lashing materials.

(viii) Transportation claims.

(6) Whenever FOB destination procurement may be involved, the invitation should inform prospective suppliers of

any destination transportation disabilities or other factors which may affect the suppliers' transportation costs.

(7) For certain types of procurement, the invitation should elicit information of the minimum size of shipments which the prospective supplier will make, so that freight evaluation may be on a realistic basis (carload, truckload, less-carload, less-truckload). The supplier should be cautioned also that if he ships in lesser quantities he may be charged with any excess costs resulting, unless the Government caused the deviation.

(c) *Evaluation and award phase.* From issuance of invitation through actual award.

(1) In evaluating bids or proposals submitted on an FOB origin basis when destinations or distribution patterns are known, the cost of transportation must be added to the bid or proposal in calculating the actual cost to the Government. Accurate weights and cubage, current transportation rates, and use of the proper modes of transportation are essential in this process. When oversea destination is known and more than one United States port is appropriate for use in the evaluation, the difference in ocean costs or other costs among the pertinent ports will be considered, so that award will reflect the most advantageous basis of cost of the supplies landed at the oversea port. In such case, the precise total cost is not important, but the comparative cost through the ports respectively serving the bidders is quite important. Pertinent information can be obtained upon request to Zone Transportation Offices.

(2) In determining, by preaward survey or otherwise, the capabilities of a bidder to carry out a contract, definite consideration should be given to the adequacy of transportation facilities at the bidder's plant, including his ability to accumulate and ship in carload or truckload lots.

(3) Consideration should be given to the possibility of obtaining benefit for the Government through the use of transit arrangements. Such arrangements permit the forwarding of a shipment in the same direction after it has been halted in transit (sometimes for as much as 2 years), for storage, processing, fabrication, or other purpose as specified by carriers; all at the through rate (as contrasted with the combination of rates in and out of the transit point) plus nominal surcharges. Transit arrangements are not universal and are varied; traffic management personnel can furnish necessary information and analysis of situations where transit may be beneficial.

(4) When comparing the initial portion of a procurement and the "set aside" portion in conjunction with "set asides" under Defense Manpower Policy No. 4 (see §§ 400.302–4, 401.205, and 402.219 of this title) or partial joint or Small Business determinations (see § 606.714 (b)), the transportation aspects involved in each portion must be considered to insure correct comparison.

(5) Whenever it appears to the Contracting Officer that award for shipment to the designated destination will plainly result in cost-hauling or back-hauling to the disadvantage of the Government, considering subsequent moves of the supplies, the matter will be brought to the attention of the requiring agency or appropriate distribution authorities.

(6) If information for possible rate negotiation purposes has not been furnished earlier, or if adjustment in such information is required, appropriate advice will be furnished the Chief of Transportation, through the local transportation officer, immediately upon execution of a contract indicating firm shipment plans.

(7) Contracts, when executed, must be specific with respect to all transportation responsibilities.

(d) *Contract administration phase.* From contract award through completion or termination of contract.

(1) During this phase numerous factors must be kept under control to assure the best results for the Government in transportation costs and service. Among these are:

(i) Ordering out.

(ii) Routing; release for port shipment; coordination of routing with basis of evaluation.

(iii) Policing of delivery schedules; shipment of carload and truckload lots whenever practicable; meeting minimum weights attached to such rates; adjustment of payments as appropriate.

(iv) Documenting; showing FOB point properly; distribution and validation of documents.

(v) Contract changes affecting transportation.

(vi) Special shipping arrangements, as for oversize and overweight shipments.

(vii) Reporting information for special rate or rating adjustments when opportunities are newly discovered.

(viii) Control of irregularities in packing, loading, loss and damage causes, sealing vehicles, tallies, ordering cars, description of articles, documented weights, and export requirements.

(ix) Small shipments problems; parcel post.

(x) State tax problems.

(xi) Use of transit arrangements.

(xii) Effect of inspection, acceptance, or rejection on transportation.

(xiii) Safety for dangerous shipments.

The foregoing and other questions must frequently be the subject of collaboration between the local transportation officer and the contract administrator.

(2) It is important to insure that the transportation factor is considered in the termination of contracts.

[APC 5, June 24, 1954; APC 7, Aug. 2, 1954; C1, APP, July 29, 1954; C2, APP, Aug. 4, 1954; and C3, APP, Aug. 13, 1954] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 54–8030; Filed, Oct. 12, 1954; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1018]

UTAH

REVOKING OR PARTIALLY REVOKING CERTAIN EXECUTIVE ORDERS INCLUDING ORDERS WHICH WITHDREW PUBLIC LANDS FOR USE IN CONNECTION WITH ESTABLISHMENT OF THE BEAR RIVER MIGRATORY BIRD REFUGE

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 5041 of February 9, 1929, withdrawing public lands in the following-described area pending determination as to their suitability for use in connection with the establishment of the Bear River Migratory Bird Refuge authorized by the act of April 23, 1928 (45 Stat. 448), is hereby revoked:

SALT LAKE MERIDIAN

T. 10 N., R. 2 W.

The public lands in the area described aggregate approximately 2,280 acres.

2. Executive Order No. 4939 of July 23, 1928, withdrawing the public lands in the following-described areas in order that the Department of Agriculture might select certain lands for use in connection with establishment of the Bear River Migratory Bird Refuge is hereby revoked.

SALT LAKE MERIDIAN

T. 7 N., Rs. 2 and 3 W.
T. 8 N., Rs. 2, 3, 4, and 5 W.
T. 9 N., Rs. 2, 3, 4, and 5 W.
T. 10 N., Rs. 3, 4, and 5 W.

The public lands in the areas described aggregate approximately 39,000 acres.

3. Executive Order No. 4234 of May 27, 1925, withdrawing the public lands in the following-described areas for classification and in aid of legislation is hereby revoked:

SALT LAKE MERIDIAN

T. 10 N., R. 4 W.,
Secs. 20, 22, 26, 28, and 34.

The withdrawn public lands in the area described have been patented with a reservation of minerals in the United States in all sections except section 26.

4. Executive Order No. 3271 of May 11, 1920, withdrawing the public lands within the following-described areas in order to adjust disputes or claims of patentees against the United States, arising from alleged incomplete or erroneous surveys is hereby revoked:

SALT LAKE MERIDIAN

T. 8 N., Rs. 2, 3, and 4 W.
T. 9 N., R. 4 W.

The public lands in the areas described aggregate approximately 15,300 acres.

5. The Executive Order of April 29, 1912, creating Public Water Reserve No. 5 is hereby revoked so far as it affects the following-described lands in Utah:

SALT LAKE MERIDIAN

T. 8 N., R. 5 W.,
Sec. 17, S½S½;
Sec. 19, NW¼NE¼, NE¼NW¼;
Sec. 20, NW¼NE¼, N½NW¼.

The areas described aggregate approximately 360 acres.

The lands in sections 17 and 19 have been patented.

The public lands described in this order are grazing lands located on the east slope of Promontory Point, and on the north shores of Great Salt Lake in Box Elder County, Utah. The soil is extremely stoney and the surface too rough and mountainous for cultivation.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the restored lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., of the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

ORME LEWIS,
Assistant Secretary of the Interior.

OCTOBER 7, 1954.

[F. R. Doc. 54–8010; Filed, Oct. 12, 1954; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[General Order 20, Revised]

PART 271—INSPECTION OF OPERATING-DIFFERENTIAL SUBSIDIZED VESSELS

PART 272—POLICY AND PROCEDURE REGARDING CONDUCTING OF SUBSIDY CONDITION SURVEYS AND ACCOMPLISHMENT OF SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

It is hereby ordered that General Order 20 (2 F. R. 3418), as amended by Supplement No. 1 (5 F. R. 2114), (§§ 271.1 through 271.21, Code of Federal Regulations), is hereby superseded by a new part designated as Part 272, which reads as follows:

Sec.
272.1 Purpose.
272.2 Subsidy condition survey requirements.
272.3 Subsidy condition survey instructions; general.
272.4 Execution of subsidy condition surveys.
272.5 Distribution.
272.6 Subsidy maintenance and repair procedure.
272.7 Modification, alterations, additions and betterments.
272.8 Classification of repairs.

AUTHORITY: §§ 272.1 to 272.8 issued under sec. 204, 49 Stat. 1887; 46 U. S. C. 1114.

§ 272.1 *Purpose.* The purpose of this part is to establish the policy and procedure to be followed by the Division of Ship Repair and Maintenance, Office of Ship Construction and Repairs, Maritime Administration, and by the subsidized steamship operators in conducting subsidy condition surveys and accomplishment of subsidized maintenance and repairs on vessels approved for operation under the Maritime Administration Operating-Differential Subsidy Agreements.

§ 272.2 *Subsidy condition survey requirements.* (a) The Division of Ship Repair and Maintenance shall be responsible for conducting a condition survey of each vessel approved for subsidized operation:

(1) At the commencement of the first subsidized voyage of each vessel placed in subsidized operation.

(2) At the commencement of the first voyage of each such vessel following the effective date of the establishment of the first maintenance (upkeep) and repair subsidy rate, if such subsidy rate was not established as of subparagraph (1) of this paragraph.

(3) Upon the discontinuance of a maintenance (upkeep) and repair subsidy rate.

(4) Upon the termination of the last voyage of each vessel in the subsidized service or at the termination of an idle status period immediately preceding withdrawal from such service (whether the vessel is withdrawn from service temporarily or permanently). A vessel shall not be considered as temporarily withdrawn if the vessel performs unsubsidized voyages in a subsidized trade route of the same operator.

(5) Upon the termination of the last voyage within each recapture period or at the end of such period with respect to subsidized vessels in idle status at that time.

(6) Upon the termination of the last voyage of each vessel in the subsidized service at the termination of the contract or at the end of such period with respect to subsidized vessels in idle status at that time.

(b) Information relative to the conditions under which subsidy surveys are required as outlined in paragraph (a) of this section will be furnished the Division of Ship Repair and Maintenance by the Division of Operating Costs and Contracts, Office of National Shipping Administration and Government Aid and will, in turn, be promptly dispatched by the Division of Ship Repair and Maintenance to appropriate Maritime Administration Field Offices.

(c) The Field Representatives of the Division of Ship Repair and Maintenance are authorized to proceed with condition surveys of subsidized vessels in the instances cited in paragraph (a) (1), (2), (3), (4), and (6) of this section without prior notification from the Division's Departmental headquarters.

(d) It shall be the responsibility of the subsidized operators to make arrangements with the appropriate Field Office of the Maritime Administration for the conducting of subsidy condition surveys as outlined in paragraph (c) of this section. The Operator shall assist (as differentiated from participation as covered in § 272.3) the representative of the Division of Ship Repair and Maintenance in the Maritime Administration field office in conducting subsidy condition surveys, and shall permit access to all parts of the vessel, its log books and official records. The Departmental Office of the Division will endeavor to furnish the appropriate Maritime Administration field office with advance information for such surveys whenever possible. However, in those instances where no advance information concerning the necessity for the survey is received from the Departmental Office, the Field Office will proceed with the survey, upon request by the operator. In all such cases, the Departmental Office should be promptly advised the name of the vessel involved, the purpose of the survey, and the date and time survey commenced or is contemplated to commence. Replies to such advices by the Departmental Office will be made only when information available in Washington is contrary to that furnished the Field Offices by the operators.

(e) A vessel commencing subsidized operation outside the continental limits of the United States shall be surveyed immediately at her first port of call in the United States, and it shall be incumbent upon the operator to make arrangements with the appropriate Maritime

Administration Field Office of the Division of Ship Repair and Maintenance for the conducting of such survey.

(f) Condition surveys of subsidized vessels which may be required in instances other than those authorized in paragraph (c) of this section will be conducted by Maritime Administration field offices only upon receipt of instructions advising of the necessity for same from the Division's Departmental headquarters.

§ 272.3 *Subsidy condition survey instructions; general.* Subsidy surveys will be reported on Form MA–58 and shall be prepared in sufficient detail to readily reveal a comprehensive picture of the conditions noted, and shall contain indication of the "Record," "Deferred," "Unsighted," and "Builder's" items. Forms MA–55 Condition Report—Turbines and Gears, MA–56 Tooth Contact Report, MA–57 Drydock Report, and MA–59 Diesel Engine Report are to be used when applicable in reporting their particular phases of the survey to the extent accomplished. At the time a subsidy condition survey is to be made the operator is to be invited to arrange for the attendance of his designated representative. However, such representative is not required to be present.

(a) *Record items.* This classification shall be indicated in the survey beside all items revealing conditions which, in conformance with good commercial practice, do not require immediate repairs.

(b) *Deferred items.* This classification shall be indicated in the survey beside all items which, in accordance with good commercial practice, require repairs, but which are postponed, or items which are classification and/or Coast Guard requirements carrying a grace period for performance thereof.

(c) *Unsighted items.* This classification shall be indicated in the survey beside all items not opened up for internal inspection and those items of the vessel's underwater body which could not be inspected due to the vessel's being afloat.

(d) *Builder's and/or repair contractor's responsibility.* This classification shall indicate those items which have been determined to be the builder's or repair contractor's responsibility.

§ 272.4 *Execution of subsidy condition surveys.* All surveys are to be signed after compilation by the port representative, or by the port engineer of the operator of the vessel involved, if such representative was in attendance, as well as by the Marine Surveyor who is conducting the survey, and by the appropriate representative of the Division of Ship Repair and Maintenance under whose jurisdiction the survey was conducted.

§ 272.5 *Distribution.* It shall be the responsibility of the respective Maritime Administration Field Offices to compile sufficient copies of the subsidy surveys in order to make distribution as follows:

(a) One copy to the Departmental Office, Division of Ship Repair and Maintenance, Washington, D. C.

(b) One copy to the operator of the subsidized vessel involved.

(c) One copy to be retained in the files of the office of the Division of Ship Repair and Maintenance under whose jurisdiction the survey was conducted.

§ 272.6 *Subsidy maintenance and repair procedure—*(a) *Maintenance and repairs; general.* (1) The preparation of specifications, the awarding of maintenance and repair contracts, the inspection and approval of maintenance and repairs as to workmanship, quality, materials, and satisfactory completion are all the responsibility of the subsidized operator.

(2) Subsidized operators shall, in sufficient time, notify the representative of the Division of Ship Repair and Maintenance in the appropriate Maritime Administration field office as to the contemplated date of arrival of a subsidized vessel, and a Marine Surveyor of the Division of Ship Repair and Maintenance shall, with the operator's representative, make an inspection of required maintenance and repairs, and check repair lists as to the necessity for the work involved.

(3) Subsidized maintenance and repairs shall be awarded on a competitive bid basis whenever practicable or advantageous. However, work awarded on a negotiated basis shall be considered eligible for subsidy consideration if the operator furnishes satisfactory reasons as to the necessity for awarding the work on other than a competitive bid basis. The Division of Ship Repair and Maintenance shall be invited to have a representative present at the negotiation of prices for such work and it shall be his responsibility to determine the justification for performance of maintenance and/or repairs by the subsidized operators on a non-competitive basis as well as reasonableness of negotiated prices. Findings in this respect shall be incorporated in the letters prepared by the Chief, Ship Repair and Maintenance Branch, transmitting to the Departmental Office in Washington, D. C., the maintenance and repair summaries covering the work involved. However, if the operator has given the district representative advance notice of his intention to negotiate the cost of repairs, the absence of such representative during the negotiations shall not, in itself, prejudice the right of the operator to receive subsidy on such repairs.

(4) The repairing and maintenance upkeep of subsidized vessels by a subsidiary of the operator, as differentiated from directly hired shore gang labor, is subject to written approval by the Maritime Administration pursuant to section 803 of the Merchant Marine Act, 1936. Requests for such approval shall be addressed to Division of Operating Costs and Contracts, Maritime Administration, Washington, D. C. When such work is performed on subsidized vessels by a subsidiary of the operator the specifications shall be itemized in detail and item priced.

(b) *Specifications.* Maintenance and Repair specifications, including those covering work to be performed by operator's shore gang are to be prepared by the operator in sufficient detail to permit determination of the reasonableness of prices, and are to include all the items necessary for maintaining the vessel in a seaworthy condition, and in an efficient state of maintenance and repair. Contractor's invoices shall contain the contractor's price on each individual item contained in the specifications, and, whenever applicable, the item number contained in the subsidy survey shall be indicated against the respective corrective items in the maintenance and repair specifications.

(c) *Completion certificates.* Marine Surveyors of the Division of Ship Repair and Maintenance, Maritime Administration, shall inspect all maintenance and repairs, and shall certify on the Completion Certificate that the work involved was necessary, was satisfactorily completed, and the prices for the work covered thereby are fair and reasonable, or state any exceptions thereto. Form MA–139 (10-53) "Certificate For Completion of Work," Exhibit I, shall be utilized for this purpose, and it shall be the responsibility of each subsidized operator to reproduce and furnish his own required supply of these forms. While provision has been made on this form for signatures of the ship's officers and shore representatives of the operator the only signature required by the Maritime Administration is that of its Marine Surveyor. The operator may or may not obtain the other signatures according to its own internal administrative policy. It shall be the responsibility of the subsidized operator to obtain the signature of the Maritime Administration Marine Surveyor on each Completion Certificate. When attendance by a Marine Surveyor, Maritime Administration, was requested by the operator at the time of repairs but the Marine Surveyor could not attend, the appropriate representative of the Ship Repair and Maintenance Branch, Maritime Administration, will execute the following certification on the Completion Certificates:

I certify attendance at the foregoing repairs was requested by the operator and the service requested could not be furnished; however, the prices for the work are considered to be fair and reasonable.

(Name and title)

The work covered by any Completion Certificate not executed in accordance with the foregoing provisions of this paragraph will not be eligible for subsidy until such deficiency is corrected. Furthermore:

(1) For accounting and auditing purposes, there must be attached one Form MA–139 to each repair specification submitted by the operator for subsidy consideration with the exception that if more than one repair specification is issued to the same contractor one Completion Certificate may be prepared in detail to cover all specifications issued to that contractor during one repair period.

(2) The Completion Certificate must apply to the actual maintenance and repair work performed by a repair contractor, or by the operator's own repair shop or shore gang, and does not apply to maintenance and repair material furnished by the operator to the vessel, regardless of whether such repair material is used by a repair contractor, by the operator's own repair shop and/or shore gang, or by the vessel's crew.

(3) In all cases where the operator furnishes material to the contractor or to his own repair shop or shore gang from (i) ship's stores, (ii) operator's warehouse, or (iii) direct purchase for a specified job, he shall submit evidence by appropriate written document to the Maritime Administration Marine Surveyor in attendance, who shall witness or obtain sufficient evidence of the actual delivery of the material specified to the contractor, or operator's repair shop or shore gang, and shall note on the invoice, requisition slip, expenditure voucher, or other form of transfer memorandum, the contract number and item number on which said material was used. The following form is suggested:

Requisitioned Materials—Necessary and Received

Voyage #_____ Order #_____ Item #_____

Marine Surveyor,
Maritime Administration.

(4) A priced copy of the certified invoice, requisition slip, expenditure voucher, or other form of transfer memorandum shall be attached by operator to the contract referred to and submitted in support of the "Subsidy Repair Summary" (Form MA–140), Exhibit II.

(5) Where a requisition covers work in the nature of services such as Boiler Water Treatment, Compass Adjusting, Typewriter Repairs, Radio Servicing, Ship's Laundry, Retinning Utensils, Survey Fees, etc., involving a total expenditure of less than $1,000.00 no Completion Certificate is required—an item priced copy of the invoice will suffice.

(d) *Repair summaries.* (1) A summary report of voyage maintenance and repairs shall be submitted by the subsidized operator for all terminated voyages whether or not subsidized to the representative of the Division of Ship Repair and Maintenance of the appropriate Maritime Administration field office. This Form MA–140 as well as all supplements thereto shall be submitted by the operator upon completion of all repairs charged to the terminating voyage, and within 120 days after the vessel involved has sailed from her last United States port of call on the next outward voyage. Any Repair Summaries and/or supplements thereto not so submitted to the appropriate Ship Repair and Maintenance field office within the prescribed 120 days after vessel's sailing from her last United States port of call (Insurance items excepted) will not be eligible for subsidy participation unless such nonsubmittal is due to circumstances beyond the operator's control.

(2) The subsidized operator shall prepare annually a cumulative repair summary, utilizing Form MA–140–A Exhibit III, covering all voyages of subsidized vessels terminating during the current calendar year.

(3) A separate report is to be prepared for each type of vessel (Cargo, Combination Passenger and Cargo, and Passenger) and submitted in duplicate to the Chief, Division of Operating Costs and Contracts at the same time as the voyage repair summaries for the month of December are submitted. It shall be the responsibility of the subsidized operator to reproduce and furnish his own required supply of these forms.

(i) Voyage maintenance and repair summaries must be carefully prepared and executed and must cover all expenditures made on requisitions for maintenance, repairs, materials (including invoices or expenditure vouchers covering the cost of materials used by operator's own repair shops or shore gang), and/or services which are customarily recorded by the industry as maintenance or repair costs including such costs incurred foreign as well as those for which Operating Differential Subsidy is requested. Form MA–140 shall be utilized for this purpose; and, as in the case of the Completion Certificates and Form MA–140–A, each operator shall furnish his own required supply of these forms. Individual contracts or orders covering services less than $1,000, each may be grouped without listing of individual contractors and contracts or job order numbers; the only supports required for such services being one copy of each respective invoice.

(ii) Except as provided heretofore in § 272.6 (c) (5) and subdivision (i) of this subparagraph the Subsidy Repair Summary submitted by the operator to the appropriate Maritime Administration field office must be supported with copies of all documents pertinent thereto, such as the repair specifications, requisitions, completion certificates, invoices for the purchase of material or services, copies of underwriters and classification society surveys, etc.

(iii) The appropriate field representative of the Division of Ship Repair and Maintenance shall make a review of the repair summary for the purpose of ascertaining that all pertinent and required information and data are attached and in order, and shall transmit the Repair Summary with all supporting data to the Chief, Division of Ship Repair and Maintenance, Washington, D. C.

(iv) After review of the Repair Summary and supporting papers, the Departmental Office of the Division of Ship Repair and Maintenance, Washington, D. C., shall furnish the operator with a letter denoting those items not considered satisfactory for subsidy participation, and the reasons therefor. One copy of this letter shall be forwarded to the Division of Audits.

(v) The subsidized operator (within 90 days from the date of the Division of Ship Repair and Maintenance letter mentioned in subdivision (iv) of this subparagraph) shall refer to the Office of the Chief, Division of Ship Repair and Maintenance, Washington, D. C., for reconsideration any and all cases in which he does not agree with the decision that a particular maintenance or repair expense shall not participate in subsidy. All decisions—unless appealed to the Division of Ship Repair and Maintenance, Washington, D. C., within the prescribed 90 days—shall be final. Insurance items disallowed by Underwriters are excepted from this rule.

(vi) The operator shall exercise due diligence and accuracy in categorizing and identifying, both in the specifications and in Form MA–140, those items on which subsidy is requested. The categories of work listed on the Form MA–140 are as follows:

(*a*) *Drydocking and underwater repairs (A–1 and A–2).* To include all expenditures for drydocking and underwater repairs including tailshaft, rudder, sea valves, sea chests, bottom painting, hull repairs and any other work that requires drydocking of vessel.

(*b*) *Boiler and machinery repairs (B–1).* To include all expenditures for repairs to main and auxiliary machinery, boilers, distilling units, compressors, pumps, piping, etc., and all appurtenances thereto.

(*c*) *Hull and deck repairs (B–2).* To include all expenditures for repairs other than electrical work, to hull (shell plating above light load line), decks, superstructure, bulkheads, access openings, hull fittings, cargo handling machinery, battens, standing and running rigging, masts, kingposts, booms, steering and anchor engines and gear, holds, tanks, ladders, airports, piping systems, cargo refrigeration machinery and appurtenances, fire fighting equipment, galley and pantry equipment, water coolers, lifeboats and handling gear, deck covering, etc.

(*d*) *Electrical repairs (B–3).* To include all expenditures for electrical repairs such as motors, armatures, electrical wiring, lighting, radio, radar, loud speaker and telephone systems, searchlights, fathometer, etc.

(*e*) *Exterior painting (C–1).* To include the cost of preparation of surfaces for, and painting exterior surfaces of hull (from light load line) decks and deck equipment, superstructure, cargo booms, masts, etc.

(*f*) *Interior painting* (C–2). To include cost of preparation of surfaces for, and painting interior surfaces of vessel, including public spaces, cabins, machinery spaces, cargo holds, tanks, etc.

(*g*) *Tank cleaning (C–3).* Include cost of cleaning domestic fresh water and feed water tanks, ballast tanks, fuel oil and lube oil tanks, removal of all dirt and debris from bilges, preparation of surfaces and application of prescribed coating to same.

(*h*) *Boiler cleaning (C–4).* To include expenditures for cleaning fire and/or watersides of boilers.

(*i*) *Miscellaneous subsidized repairs and maintenance not classified.* To include cost of recurring inspection fees and repairs and maintenance, not classifiable under the above subsidizable subclassifications (*a*) to (*h*) inclusive.

(*j*) *Improvements.* To include costs properly subsidizable in accordance with § 272.7.

(vii) (*a*) In the event a vessel to which this Order is applicable shall have terminated voyages during the calendar year which:

(*1*) Were made in more than one subsidized service, or

(*2*) Were made in both subsidized and unsubsidizable services, or

(*3*) Were made in services requiring a reduction of subsidy due to operations in domestic trades, or

(*4*) Were made in a subsidized service which was affected by subsidy rate changes,

then the operator shall be required to allocate the total maintenance (upkeep) and repair costs of the vessel which have been approved by the Division of Ship Repair and Maintenance to all voyages terminating during the calendar year on the ratio which the number of days in each such voyage (determined in accordance with General Order 27, Revised) bears to the total of the voyage days of the vessel during the year.
Those items of repair that can be definitely and entirely attributed to a specific nonsubsidized voyage will be so indicated in the letter referred to in subdivision (iv) of this subparagraph, from the Division of Ship Repair and Maintenance to the Operator and will not be eligible for subsidy participation.

(b) During any such year or shorter period, the Operator shall be entitled to receive payments on account of Operating-Differential Subsidy on repairs charged to each voyage at the rates determined by the Federal Maritime Board as applicable to the service and on the basis authorized by the Operating-Differential Subsidy agreements; necessary adjustments shall be made following the close of the year or shorter period, after giving effect to the adjustments required by paragraph (c) of this section.

§ 272.7 *Modifications, alterations, additions and betterments.* (a) Any modification, alteration, addition or betterment (work of such nature being herein called "improvements" except as provided in paragraph (h) of this section) effected during any one or a series of repair periods, whether or not in conjunction with other repairs, the aggregate cost of which does not exceed $50,000, if otherwise eligible, shall be considered for operating differential subsidy participation, in accordance with the provisions set forth in paragraphs (b) and (c) of this section, provided the vessel is not permanently withdrawn from its subsidy contract within a period of six (6) months after completion of the work.

(b) Any improvement which does not exceed in the aggregate $10,000 is to be treated as operating expenses entitled to operating differential subsidy participation at the rate in effect at the time that the contract for such improvement is awarded.

(c) (1) Any improvement involving an aggregate cost in excess of $10,000, but not in excess of $50,000, shall be set up as deferred charges, and a proportionate amount charged as operating expenses of succeeding voyages, subsidized and/or non-subsidized. The operating differential subsidy rate in effect at the time the work is contracted for is to apply on the cost of the proportionate amounts as and when charged to operating expenses of succeeding subsidized voyages. The length of time over which such charges shall be spread shall be determined by the Departmental Office of the Division of Ship Repair and Maintenance. In determining the length of time over which these charges are to be spread, there shall be taken into consideration the remaining life of the vessel based on a 20-year life expectancy from date of build, the probable length of time during which the vessel will be operated in subsidized services, and the probable useful life of such improvements.

(2) Any contract or work order involving an improvement, the aggregate cost of which is in excess of $10,000, shall be supported in its respective repair summary with an explanation by the Operator as to the reason for or purpose of such improvement.

(d) Any improvement effected during any one or series of repair periods involving an aggregate cost in excess of $50,000 shall ordinarily be considered capital expenditures. However, consideration will be given to applications, in particular instances, for the treatment of expenditures of this nature in excess of $50,000 as deferred charges entitled to operating differential subsidy participation in accordance with paragraph (c) of this section, provided such applications are made to the Chief, Division of Ship Repair and Maintenance, Washington, D. C., prior to award of the work involved, who shall, over the signature of the Chief, Office of Ship Construction and Repair, refer all such cases to Director, Office of National Shipping Authority and Government Aid with full information and recommendations thereon sufficiently in advance of commencement of the work to permit determination as to the treatment thereof.

(e) Subject to findings in each instance that the work involved constitutes reconditioning or reconstruction expenditures of this nature in excess of $50,000 will be given consideration for construction differential subsidy if application is made for such subsidy under the provisions of Title V of Merchant Marine Act, 1936, as amended, and the Federal Maritime Board grants such subsidy prior to the award of such work.

(f) When the operator desires to spread the work incident to any improvement over more than one repair period he shall make application to the Chief, Division of Ship Repair and Maintenance in writing and if such application is approved the operator shall report the total cost of such work in the Repair Summary covering the repair period in which it is finally completed, and shall attach a copy of the approval to the appropriate Repair Summary (Form MA–140).

(g) The provisions of this section shall not be applicable to improvements required to alter, outfit, or otherwise equip a vessel for its intended subsidized service which in the opinion of the Administration should have been effected prior to the initial entry of the vessel into subsidized service. Such improvements shall not be subsidizable, except in accordance with section 501 (c) of the Merchant Marine Act, 1936, as amended.

(h) Alterations or additions resulting from Union requirements and/or requirements of Regulatory Bodies issued after initial entry of a vessel into subsidized service shall not be considered Improvements under the provisions of this section, but are to be treated as Repairs.

§ 272.8 *Classification of repairs.* The determination as to which maintenance or repair items are not eligible for maintenance and repair subsidy consideration will be made pursuant to the provisions of the Operating-Differential Subsidy Agreement. The primary examples of such work are, but not limited to, the following:

(a) *"Unsighted," "deferred," and "record" items.* Repair items correcting conditions noted in "On-Subsidy Surveys" as "Unsighted," "Deferred" and/or "Record," where repairs clearly should have been made prior to the first voyage in subsidy service, or prior to the first voyage upon resumption of operation under the respective Operating-Differential Subsidy Agreement, are not eligible for participation in subsidy. The Chief, Division of Ship Repair and Maintenance, Washington, D. C., shall determine whether repairs performed in connection with an item unsighted in the initial "On-Subsidy Survey" are due to attrition after commencement of subsidized operation, or to prior non-subsidized operation, which determination shall be final. It is not the intent to pro-rate, between the periods before and after a vessel initially commences subsidy operation, the cost of individual repairs made or materials supplied.

(b) *Overdue classification and inspection requirements.* These are items required by the Classification society or a Government bureau which were due (grace periods not included) and not completed prior to the first voyage in subsidized service, or prior to the first voyage upon resumption of operation under the respective Operating-Differential Subsidy Agreement.

(c) *Foreign repairs.* Items of maintenance or repair of whatsoever nature performed outside the continental limits of the United States. Spare parts and/or material purchased in the United States but utilized in maintenance or repairs performed foreign shall be considered for subsidy participation.

(d) *Marine loss.* Repairs recoverable from insurance. (Damage repairs designated by operator in specifications of original summary submittals, as being non-collectible from Underwriter, will be approved for subsidy participation if otherwise acceptable.)

(e) *Cargo expense.* Special cargo fittings of a temporary nature (as differentiated from installations of a permanent nature), dunnage, cleaning cargo holds and tanks for cargo, reading and certification of temperatures for refrigerated cargoes, etc.

(f) *Stevedore damage.* Any damage to the vessel or cargo gear directly attributable to the stevedore proper. (Damage occurring during stevedoring operations, but due to ship's personnel or equipment for which the stevedore is not liable will, if satisfactorily supported by documentary evidence, and if otherwise acceptable, be satisfactory for subsidy participation.)

(g) *Special trade requirements.* Initial installation of (other than replacement of existing worn or damaged) equipment necessary for the vessel's particular trade route, such as Suez Canal Davit etc. New requirements coming into effect after vessel's entry into the particular subsidized service, as differentiated from previously established requirements, shall be considered for subsidy participation.

(h) *Stores, supplies, and expendable equipment.* This category shall include the cost (and related sales taxes and delivery and loading charges) of:

(1) *All consumable stores and supplies* (other than edibles, bar and slop chest supplies, fuel and water);

(2) Expendable equipment such as tools, utensils, instruments, strainers, burner parts, valve parts, machinery parts, and other spares normally carried because of frequent need and which may normally be installed by the crew (as differentiated from Spare Parts required by American Bureau of Shipping, the costs of which are included in the maintenance (upkeep) and repair category);

(3) Portable equipment such as vacuum cleaners, room electric fans, washing machines, refrigerators, furniture (not built in) and other portable equipment of a removable nature.

Those items in the categories of (1) and (2) of this paragraph when issued to ship repair yards, general repair and service contractors or shore gang labor in connection with subsidized maintenance and repairs, shall be eligible for subsidy consideration at the "Maintenance and Repair" rate, with appropriate adjustment of the amount of subsidy previously paid or payable at the "Voyage Stores, Supplies, and Expendable Equipment" rate.

(i) *Spare equipment.* The cost of equipment, major units of machinery and/or spare equipment recommended by the American Bureau of Shipping (as differentiated from spare equipment required by that Society, the costs of which are entitled to Operating-Differential Subsidy participation) will not be considered for Operating-Differential Subsidy participation until such equipment is installed, either by crew or shoreside labor, at which time it will be considered for the "Maintenance and Repair" rate in effect at that time. Examples of such items are tailshafts, propellers, lifeboats, and other complete units, which, when fastened to the vessel or installed, become an integral part thereof.

(j) *Operational.* In general, the types of items disallowed from repair and maintenance subsidy participation under this classification are those where no actual maintenance or repairs in the literal sense of the words are involved, i. e., loading stores, landing and sorting laundry, pilot service, tug charges, removing surplus equipment to warehouse, etc. Where tugboat charges, handling lines, watchman service, etc., are occasioned because of repairs which, in themselves, are properly subsidizable, then these latter three items would be subsidizable.

(k) *Builder's and/or repair contractor's liability.* Those items adjudged or noted as being Builder's and/or Repair Contractor's Guarantee Items.

(l) *Other.* Miscellaneous reasons, such as, but not limited to, the following:

(1) Completion Certificates not signed by Ship Repair and Maintenance Surveyor because of failure of operator to request his attendance.

(2) Apparent excessive maintenance and/or repair costs after operator has had opportunity to lay before the Administration all relevant facts in regard thereto. Any such costs determined to be excessive shall not be taken into account for reserve fund or recapture purposes as provided under General Order No. 31.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The effective date of this order is October 1, 1954.

By order of the Federal Maritime Board and Maritime Administrator.

Dated: October 6, 1954.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-8048; Filed, Oct. 12, 1954; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10625; FCC 54-1262]

[Rules Amdt. 2-21]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

ALLOCATION OF CERTAIN FREQUENCIES

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 5950–6200 kc, 9500–9775 kc, 11700–11975 kc, 15100–15450 kc and 17700–17900 kc; Docket No. 10625.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of October 1954;

The Commission having under consideration its proposal in the above entitled matter; and

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on August 14, 1953, and that the period for the filing of comments has now expired; and

It further appearing that no comments were filed in this proceeding and that the public interest, convenience, and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective December 2, 1954, Part 2 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Delete the present wording of footnote 2 to § 2.104 (a) (3) (i) and (iii) and in lieu thereof substitute new footnote 2 as follows:

[2] The provisions of this section, except for frequencies authorized to aircraft for communication with foreign stations, do not apply for the authorization of frequencies within the following frequency bands:

Kc	*Kc*
2035–2107	11000–11100
3500–4063	11700–11975
4177–4238	12531–12714
5450–5480	14000–15010
5500–5550	15100–15450
5950–6200	16708–16952
6265.5–6357	17700–17900
7000–7300	19990–25000
8354–8476	
9040–10005	

[F. R. Doc. 54-8034; Filed, Oct. 12, 1954; 8:50 a. m.]

[Docket No. 11110; FCC 54-1264]

[Rules Amdt. 8-11]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

ASSIGNABLE FREQUENCIES; OPERATION UNDER INTERIM SHIP STATION LICENSE

In the matter of amendment of Part 8 of the Commission's rules regarding certification of harmonic attenuation capabilities of ship transmitters operating on 2830 kc; Docket No. 11110.

The Commission instituted the above-captioned proceeding by the adoption of a notice of proposed rule making on July 14, 1954. The notice provided a period until August 17, 1954, for the submission of written comments.

The stated purpose of the notice was to provide for the early availability of 2830 kc since such availability "for intership radiotelephony in the Gulf of Mexico would aid materially in relieving the present congestion on the inter-ship radiotelephone frequency 2738 kc. Further, in accordance with § 8.358 (a) of the Commission's rules the frequency 2738 kc will no longer be available for use, as of January 1, 1955, in areas where 2830 kc is available".

Availability of the frequency 2830 kc was proposed to be conditioned upon the filing of a certification that equipment was capable of meeting certain second harmonic attenuation levels. A proposed table specified the minimum attenuation of 2830 kc second harmonic radiation which would be permitted for various ranges of transmitter power.

Of the five comments submitted in this proceeding, two were in full accord with the Commission's proposal while a third, submitted by American Waterways Operators, Inc., recommended only minor modification of the proposal and clari-

fication of the area to which the frequency 2830 kc would be made available. The final two comments, received after the period for filing comments had ended, in effect supported the comments of American Waterways Operators, Inc., insofar as use of this frequency on the Atlantic Seaboard is concerned.

The comments of American Waterways Operators, Inc., stated that many of its members are licensees of ships "engaged in the transportation of heavy commodities some of which move between points on the Mississippi River and its connecting waterways including the Gulf Intracoastal Waterway. In order to coordinate schedules and avoid delays it is necessary for these ship stations to communicate with each other. It is also important that such vessels use the same intership frequency to avoid delay, especially when they interchange traffic." Since the proposed rule making does not indicate whether the Gulf Intracoastal Waterway is to be included as a part of the "Gulf of Mexico", American Waterways Operators, Inc., request that the Gulf Intracoastal Waterway be specifically excluded. Since the Gulf Intracoastal Waterway is, for the most part, physically removed from the Gulf of Mexico, it is not considered as part of the Gulf of Mexico for frequency assignment purposes. In view of this fact, the Commission does not believe it is necessary that the rule specify that the Intracoastal Waterway is not part of the Gulf of Mexico.

American Waterways Operators, Inc., further states that "some of the operators on the Atlantic Seaboard especially in the Norfolk area report that they suffer much interference on 2738 kc. It is believed that the service in this general area would be improved if 2830 kc were added as an intership frequency. Since § 8.358 (a) of the rules does not permit the use of 2738 kc and 2830 kc as intership frequencies in the same area, it is recommended that the rule be amended so as to allow the use of both frequencies 'on the Atlantic Seaboard, including the Atlantic Intracoastal Waterway and Chesapeake Bay' ". The Commission is of the opinion that such a revision would defeat the purpose of providing separate intership frequencies for the Gulf of Mexico and those areas, other than the Gulf of Mexico, to which 2738 kc is now authorized. This purpose was to remove each area as a source of interference to the other as is experienced while sharing a common frequency.

Because existing rules provide that the intership frequency 2738 kc now used in the Gulf of Mexico will no longer be available in that area as of January 1, 1955, compliance with section 4 (c) of the Administrative Procedure Act is impracticable. Accordingly, the rule amendments are herein ordered to be finalized immediately so that licensees desiring to effect the substitution of 2830 kc for 2738 kc may commence to take steps immediately to that end. Further, if normal licensing procedures were followed, it is unlikely that the ships desiring to change to 2830 kc would be able to make the necessary certification and accomplish the steps necessary for regular use of 2830 kc before the date on which 2738 kc becomes unavailable. It is found, therefore, that an emergency exists in the matter of testing transmitters on this new frequency preparatory to certification, and a temporary general authorization until January 1, 1955, is herein provided for that limited purpose. Upon complying with the certification requirement, individual authorization may then be obtained for the regular use of the frequency 2830 kc.

As a result of the finalization herein of the proposed rules, it is appropriate simultaneously to make certain editorial and minor amendments to other rules. Thus, among others, § 8.369 is amended herein so that the frequency 2830 kc will be available for assignment in interim ship station licenses in a parallel manner to that in which the frequency is being made available in regular licenses.

In view of the foregoing: *It is ordered*, That:

1. Pursuant to sections 303 (e), (f) and (r) of the Communications Act of 1934, as amended, Part 8 of the Commission's rules is amended, effective immediately, as set forth below.

2. Pursuant to section 308 (a) (3) of the Communications Act of 1934, as amended, and, effective immediately, a temporary general authorization is granted authorizing the use until January 1, 1955, of the frequency 2830 kc for the sole purpose of testing and adjusting shipboard transmitters to meet the certification requirements of § 8.351 (d) (2), by all licensed ship stations desiring to obtain a regular authorization on 2830 kc for intership communication in the Gulf of Mexico.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: October 6, 1954.

Released: October 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 8.351 (a) is amended by deleting the present footnote [1] and substituting in lieu thereof a new footnote [1] to read as follows:

[1] By an order adopted October 6, 1954, a temporary general authorization authorized the immediate use of the frequency 2830 kc until January 1, 1955, without the necessity of obtaining individual assignment of the frequency and without the necessity of filing a certification as required by § 8.351 (d) (2). Use of the frequency under the temporary general authorization is, however, restricted solely to testing and adjusting shipboard transmitters to meet the certification requirements of § 8.351 (d) (2). Upon compliance with the certification requirement, the frequency is available for individual assignment for regular use.

2. Section 8.351 (d) (1) is amended to read as follows:

(1) The frequencies 2738 kc and 2830 kc may not be used or assigned except on condition that the licensee or applicant therefor submits to the Commission a certification in accordance with the requirements of subparagraph (2) of this paragraph.

3. Section 8.351 (d) (2) is amended to read as follows:

(2) The certification required by subparagraph (1) of this paragraph shall be that made by the manufacturer of the equipment or shall be signed by a person holding at least a second class radiotelephone operator license and shall show the number and class of such license. It shall state that by reason of tests or measurements of the transmitter therein described and performed by the certifier or under his supervision, it has been determined:

(i) That the level of any emission appearing on the second harmonic frequency of the particular carrier frequency desired to be used or assigned is attenuated below the level of the unmodulated carrier on that frequency by not less than the amount shown in the following table:

Maximum authorized transmitter power as specifically defined in § 8.7 (il):	*Attenuation (decibels)* [1]
Up to and including 150 watts	40
Over 150 watts up to and including 600 watts	50
Over 600 watts	60

[1] This provision is promulgated as an emergency measure to reduce interference with outstanding equipment. Attention is invited to the more stringent requirements proposed in Docket 10887.

and

(ii) That the transmitter meets the foregoing requirements without modification or in the event that modification of the transmitter was found to be necessary, a specific description of such modification, including a description of any wave trap or device which was utilized.

4. Section 8.351 (d) (6) is amended to read as follows:

(6) The frequency 2738 kc is authorized for use on a shared basis with ship stations of other countries, for the purpose hereinafter prescribed in this subpart.

5. Section 8.369 (a) (2) (ii) is amended to read as follows:

(ii) For ship-to-ship communication:

2638 for use in all areas;

2738 for use in all areas except the Great Lakes and, beginning January 1, 1955, except the Gulf of Mexico: *Provided*, That a certification in accordance with the requirements of § 8.351 (d) has been submitted;

2830 for use in the Gulf of Mexico; provided that a certification in accordance with the requirements of § 8.351 (d) has been submitted;

2003 for use on the Great Lakes exclusively;

[F. R. Doc. 54-8035; Filed, Oct. 12, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 900]

GENERAL REGULATIONS GOVERNING IMPORTS OF CERTAIN AGRICULTURAL COMMODITIES

NOTICE OF PROPOSED RULE MAKING

Correction

The following change should be made in F. R. Doc. 54-7907, appearing at page 6502 of the issue for Friday, October 8, 1954:

In the sixth line of the second paragraph of the document, "section 8c" should read "section 8e".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 11193; FCC 54-1263]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

FREQUENCIES FOR USE OF SHIP RADIOTELEPHONE STATIONS

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 4063–4115 kc, 8195–8230 kc and 12330–12340 kc; Docket No. 11193.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) sets forth a plan for the introduction of the frequency bands allocated for ship use under the Atlantic City Table of Frequency Allocation. In order to facilitate the introduction of the ship bands as set forth in the Geneva Agreement, the Commission proposes to amend Part 2 of its rules so that, as of March 1, 1955, frequencies in the bands 4063–4115 kc, 8195–8230 kc and 12330–12340 kc will be available for the use of ship radiotelephone stations only.

3. The proposed amendment to the rules is issued pursuant to the authority of sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication Radio Conference (Atlantic City 1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva 1951).

4. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 26, 1954 written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: October 6, 1954.

Released: October 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8036; Filed, Oct. 12, 1954; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 8333; FCC 54-1271]

RULES AND STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING DAYTIME SKYWAVE TRANSMISSIONS OF STANDARD BROADCAST STATIONS

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

1. The Commission has before it for consideration the petition to WLAC, Inc., filed September 29, 1954, requesting that the time for filing comments in the above-entitled proceedings be continued.

2. Petitioner states that the reasons advanced in its prior petition for continuance, which was granted on July 22, 1954, are still applicable and; accordingly, WLAC, Inc., requests that the time for filing such comments be continued until the Commission determines whether the basic engineering data will be adopted.

3. The Commission is of the view that a further extension in time for the filing of comments in this proceeding would serve the public interest, convenience and necessity, and is warranted.

4. In view of the foregoing: *It is ordered*, That the date for filing comments in the above-entitled proceeding is extended to December 6, 1954; and the date for filing replies to such comments is extended to December 16, 1954.

Adopted: October 6, 1954.

Released: October 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8037; Filed, Oct. 12, 1954; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11194; FCC 54-1270]

TELEVISION BROADCASTING STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments*, rules governing television broadcast stations; Docket No. 11194.

1. Notice is hereby given that the Commission has received proposals for rule making in the above-entitled matter.

2. John S. Booth and Thompson K. Cassel, d/b as Elmira Television, filed a petition on June 4, 1954, requesting that rule-making proceedings be instituted to amend the Commission's Table of Television Channel Assignments by adding VHF Channel 9 to Elmira, New York, as follows:

City	Channel No.	
	Present	Proposed
Elmira, N. Y.	18+, 24–	9–, 18+, 24–

In support of its request, the petitioner urges that the assignment of Channel 9 to Elmira would conform to the Commission's rules and can be accomplished without making any other changes in the table of assignments. Petitioner submits that the assignment of Channel 9 to Elmira would represent a fair and efficient use of the available facilities in the area.

3. On June 24, 1954, a conflicting proposal was filed by Williamsport Radio Broadcasting Associates, Inc., requesting the institution of rule-making proceedings to assign VHF Channel 9 to Blossburg, Pennsylvania, as follows:

City	Channel No.	
	Present	Proposed
Blossburg, Pa.	None	9–

Blossburg is a community of 1,933 persons located about 30 miles north of Williamsport. In support of its request, Williamsport Radio Broadcasting Associates urges that the assignment of Channel 9 to Blossburg would conform to the Commission's rules and can be accomplished without involving any other changes in the table of assignments. It is represented that an application to construct a station on Channel 9 in Blossburg will be filed in the event such an assignment is made.

4. The proposed assignment of Channel 9 in either Elmira or Blossburg would require changing the offset carrier requirements of two other assignments on Channel 9 as follows:

City	Channel No.	
	Present	Proposed
Washington, D. C.	9–	9
Greenville, N. C.	9	9–

Station WTOP-TV is presently operating on Channel 9 in Washington, and Station WNCT is operating on this frequency in Greenville.

5. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that all interested parties may submit their views to the Commission and the Commission may be apprised of such views prior to taking final action.

6. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (4) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the amendment proposed by petitioners should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before November 12, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 6, 1954.

Released: October 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8038; Filed, Oct. 12, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 167-12 (CGFR 54-35)]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF FUNCTIONS RELATING TO REENLISTMENT BONUSES

Pursuant to the authority vested in me as Secretary of the Treasury, including the authority in Title 14, United States Code, and the authority in Reorganization Plan No. 26 of 1950 (15 F. R. 4935), there are hereby delegated to the Commandant, U. S. Coast Guard, with authority to redelegate to the extent that he may deem necessary or appropriate, the functions of the Secretary of the Treasury under section 208 of the Career Compensation Act of 1949, as added by the act of July 16, 1954 (Pub. Law 506, 83d Cong.), relating to reenlistment bonuses, and all action taken thereunder prior to the effective date of this order is hereby ratified.

Dated: September 27, 1954.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-8029; Filed, Oct. 12, 1954; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 027659, for the withdrawal from all forms of appropriation under the public land laws of the lands described below was filed on August 11, 1954, by the Territorial Department of Lands.

The purposes of the proposed withdrawal: Public recreational campground.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 26 N., R. 4 W., Seward Meridian,
Sec. 29: That portion of Lot 1 which would be described in terms of normal subdivision as NW¼NW¼NW¼ and N½SW¼NW¼NW¼, containing approximately 7 acres.
Sec. 30: That portion of Lot 3 which would be described in terms of normal subdivision as NE¼SE¼NE¼, containing approximately 8 acres.
Total acreage: approximately 15 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-8011; Filed, Oct. 12, 1954; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 027045, for the withdrawal from all forms of appropriation under the public land laws of the lands described below was filed on June 24, 1954, by Alaska Road Commission.

The purposes of the proposed withdrawal: Maintenance and construction camp.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Corner No. 1 is located approximately 200 feet north of north (Fairbanks) end of Stewart Creek bridge on the right (east) right-of-way line 150 feet right of centerline of highway; thence at right angles to centerline of highway in a generally easterly direction for 311.14 feet to Corner No. 2; thence in a northerly direction parallel to centerline of highway for 700 feet to Corner No. 3; thence at right angles to centerline of highway in a westerly direction, a distance of 311.14 feet to a point on easterly right-of-way line which is Corner No. 4; thence southerly along right-of-way line a distance of 700 feet to the point of beginning.

Containing approximately 5 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-8012; Filed, Oct. 12, 1954; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application serial number Anchorage 027042, for the withdrawal from all forms of appropriation under the public land laws of the lands described below was filed on June 24, 1954, by Alaska Road Commission.

The purposes of the proposed withdrawal: Maintenance and construction camp.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Corner No. 1 is located on the edge of Porcupine Creek a distance of approximately 490 feet at right angles to centerline of highway from a point on centerline of highway 116 feet westerly from west end of Porcupine Creek bridge; thence parallel to highway, N. 70° 05' E a distance of 430 feet to Corner No. 2; thence, at right angles to centerline of highway, N 19° 55' W a distance of 520 feet to Corner No. 3; thence parallel to centerline of Highway S 70° 05' W a distance of approximately 416 feet to east edge of Porcupine Creek where is Corner No. 4; thence down Porcupine Creek following meander of east edge of creek to point of beginning.

Containing approximately 5 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-8013; Filed, Oct. 12, 1954; 8:46 a. m.]

Office of the Secretary

[Order 2769]

AREA ADMINISTRATORS AND STATE SUPERVISORS, BUREAU OF LAND MANAGEMENT

DELEGATION OF EMERGENCY AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

OCTOBER 6, 1954.

SECTION 1. *Acting Director in national defense emergency.* (a) The Area Administrator, Area 3, Bureau of Land Management, Denver, Colorado, shall perform the duties of the Director, Bureau of Land Management, if the Area Administrator determines that a national defense emergency exists and, further, that such emergency prevents the Director and those officers (Associate Director, Executive Officer, Assistant to the Director, and Cadastral Engineering Officer) authorized to act in his stead from performing the duties of the Director.

(b) The Area Administrator, Area 1, Portland, Oregon, shall perform the duties of the Director in the circumstances which under paragraph (a) of this section would enable the Area Administrator, Area 3, to perform such duties, if the Area Administrator, Area 1, determines that the Area Administrator, Area 3, is unable to perform such duties.

(c) The Area Administrator, Area 2, Salt Lake City, Utah, shall perform the duties of the Director in the circumstances under which paragraph (a) of this section would enable the Area Administrator, Area 3, to perform such duties, if the Area Administrator, Area 2, determines that both the Area Administrator, Area 3, and the Area Administrator, Area 1, are unable to perform such duties.

(d) An Area Administrator performing under authority of this section shall sign all documents as "Acting Director."

SEC. 2. *Delegation of authority.* (a) Any Area Administrator or State Supervisor is authorized to exercise the authority of the Director, Bureau of Land Management, within his area or State, respectively, if he determines that a national defense emergency exists and if he cannot ascertain whether the Director or any other official authorized to act in his stead, pursuant to section 1 of this order or otherwise, is able to perform the duties of the Director.

(b) Documents signed by an Area Administrator or State Supervisor when exercising the authority delegated in this section shall bear the phrase "For the Director."

SEC. 3. *Record of actions.* Any officer acting pursuant to sections 1 or 2 shall keep in his office a record of his determinations and of the periods during which he so acted.

SEC. 4. *Redelegation.* The authority delegated in section 2 of this order may not be redelegated.

(Sec. 2, Reorg. Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z-15, note)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 54-8014; Filed, Oct. 12, 1954; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10610, 10611; FCC 54M-1242]

ARKANSAS TELEVISION CO. AND ARKANSAS TELECASTERS, INC.

ORDER CONTINUING HEARING

In re applications of Arkansas Television Company, Little Rock, Arkansas, Docket No. 10610, File No. BPCT-1057; Arkansas Telecasters, Inc., North Little Rock, Arkansas, Docket No. 10611, File No. BPCT-1740; for construction permits for new television stations on Channel 11.

The Commission having before it a request made on the record (see Transcript page 1224) by Counsel for Arkansas Television Company, Little Rock, Arkansas, for a continuance to Thursday, October 14, 1954, of the hearing now scheduled for 10 o'clock a. m., Monday, October 11, 1954, in Washington, D. C.; and

It appearing that Counsel for Arkansas Telecasters, Inc., North Little Rock, Arkansas, and Counsel for the Broadcast Bureau of the Commission have consented to a waiver of § 1.745 of the Commission's rules so as to permit immediate consideration of this motion and have stated on the record that they do not object to a grant of the motion for continuance; and

It appearing that Arkansas Telecasters has stated on the record that in the near future it expects to file a petition seeking dismissal of its above-entitled application, and that under these circumstances a continuance as requested would conduce to the dispatch of the Commission's business and would serve the public interest;

Therefore, it is ordered, This 6th day of October 1954, that the motion of Arkansas Television Company for continuance is granted, and the hearing in the above-entitled matter now scheduled for 10 o'clock a. m., Monday, October 11, 1954, is continued to 10 o'clock a. m., Thursday, October 14, 1954, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8039; Filed, Oct. 12, 1954; 8:51 a. m.]

[Docket Nos. 10980, 10981; FCC 54M-1236]

KFJI BROADCASTERS AND KLAMATH FALLS TELEVISION, INC.

ORDER CONTINUING HEARING

In re applications of KFJI Broadcasters, Klamath Falls, Oregon, Docket No. 10980, File No. BPCT-1299; Klamath Falls Television, Inc., Klamath Falls, Oregon, Docket No. 10981, File No. BPCT-1620; for construction permits for new television stations.

In view of other hearing commitments of the Examiner, hearing in the above-entitled proceeding is, on the Examiner's own motion, continued from October 11, 1954, to November 1, 1954, at 10:00 a. m.

Dated: October 6, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8040; Filed, Oct. 12, 1954; 8:51 a. m.]

[Docket No. 11191; FCC 54-1254]

PLAINS EMPIRE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Plains Empire Broadcasting Company, Amarillo, Texas, Docket No. 11191, File No. BMPCT-2394; for extension of time to complete construction of Television Station KLYN-TV.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of October 1954;

The Commission having under consideration the above-entitled application of

Plains Empire Broadcasting Company for an extension of time to complete construction of television broadcast station KLYN–TV, Amarillo, Texas; and

It appearing, that on December 11, 1953, the Commission granted the application of Plains Empire Broadcasting Company for a permit to construct a television broadcast station on Channel 7 in Amarillo, Texas; that said permit specified that construction of the station was to be commenced by February 11, 1954, and completed by August 11, 1954; that on September 8, 1954, after careful consideration of the above-entitled application, the applicant was notified by letter that the Commission was unable to find that the applicant had been diligent in proceeding with the construction of the station or that it had been prevented from commencing construction by causes not under the applicant's control; and that the applicant was given an opportunity to reply to said letter and to request a hearing on its application; and

It further appearing, that the applicant, by letter from its attorneys dated September 20, 1954, requested a hearing on its application;

It is ordered, That the above-entitled application is designated for hearing to commence at 10: 00 a. m. on the 5th day of November 1954, in Washington, D. C., on the following issues:

1. To determine whether Plains Empire Broadcasting Company has been diligent in proceeding with the construction authorized in its construction permit (BPCT–1437).

2. To determine whether a grant of the above-entitled application would serve the public interest, convenience and necessity.

Released: October 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–8041; Filed, Oct. 12, 1954; 8: 51 a. m.]

[Change List 6]

CUBAN RADIO STATIONS

CHANGES, MODIFICATION, AND DELETIONS

AUGUST 11, 1954.

Notification of new Cuban radio stations, and of changes, modification and deletions of existing stations, in accordance with Part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

REPUBLIC OF CUBA

Call Letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
		730 kilocycles				
CMCA	Habana, Cuba (previously 1150 kc)	10	DA-1	U	II	N in O.
CMKJ	Holguin, Ote (vide: 740 kc)	5	ND	U	II	Deleted.
		740 kilocycles				
CMKJ	Holguin, Ote (previously 730 kc)	10	DA-1	U	II	N in O.
		970 kilocycles				
CMHM	Santa Clara LV (vide: 1130 kc)	1	ND	U	III	Deleted.
New	Santa Clara LV (PO. 1130 kc)	0. 25	ND	U	IV	Dec. 10, 1954.
		1130 kilocycles				
New	Santa Clara LV (vide: 970 kc)	0. 25	ND	U	II	Deleted.
CMHM	Santa Clara LV	1	ND	U	II	Immediately.
		1150 kilocycles				
CMCA	Habana, Cuba (vide: 730 kc)	1	ND	U	III	Deleted.
CMCQ	Habana, Cuba (PO. 1420 kc) (provisionally 0.25 kw).	1	ND	U	III	Immediately.
		1260 kilocycles				
New	Bayamo, Ote (change in location PO Mayari, Ote).	0. 25	ND	U	II	Dec. 10, 1954.
		1420 kilocycles				
CMCQ	Habana, Cuba (vide: 1150 kc)	1	ND	U	III	Deleted.
CMCG	Habana, Cuba (provisionally 0.25 kw)	1	ND	U	III	Immediately.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–8043; Filed, Oct. 12, 1954; 8:51 a. m.]

[Docket No. 11192; FCC 54–1259]

RADI-COMM. SERVICE

ORDER TO SHOW CAUSE WHY LICENSE SHOULD NOT BE REVOKED

In the matter of W. F. Guennewig, d/b as Radi-Comm. Service, Wood River, Illinois, Docket No. 11192, File No. 1899–C2–L–54; order to show cause why the license of station KSC648 in the Domestic Public Land Mobile Radio Service should not be revoked.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of October 1954;

The Commission having under consideration the application of W. F. Guennewig, d/b as Radi-Comm Service for construction permit for a two-way radio station in the Domestic Public Land Mobile Radio Service at Wood River, Illinois, File No. 1387–C2–P–53; the construction permit issued thereon on August 10, 1953; the application of Guennewig for a license to cover such construction permit, File No. 1899–C2–L–54; the license to cover such construction permit, issued April 9, 1954; and a report received from its Field Engineering and Monitoring Bureau, dated August 13, 1954, relating to the alleged construction and present status of such station; and

It appearing, that, the application for construction permit was granted subject to the provisions of the Communications Act of 1934, as amended, and the provisions of Part 6 of the Commission's rules requiring, among other things, that the station be actually constructed and that specified equipment and service tests be undertaken as a part of construction; and

It further appearing, that, the Commission granted the application of Guennewig for license to cover such construction permit upon the applicant's representation that construction had been completed in accordance with the terms and conditions of the construction permit and that the station was ready for operation; and

It further appearing, that, the aforesaid report received from the Commission's Field Engineering and Monitoring Bureau shows that the subject station KSC648 was not adjusted to operate within the limits of the power authorized, that construction of the station was not actually completed because the station was not actually put on the air the equipment tests required to be undertaken as a part of construction, as required by § 6.516 (a) of the Commission's rules, were not made, and the service tests of the station required to be undertaken at the time of filing an application for license to cover the construction permit, pursuant to § 6.516 (b) of the Commission's rules, were not made; and

It further appearing, that, the aforesaid report further discloses that station KSC648 was dismantled and removed from its authorized location without prior Commission authorization, in violation of § 6.313 of the Commission's rules; and

It further appearing, that, In the matter of W. F. Guennewig, etc., Docket No. 11112, the licensee of station KSC648 was apprised of the foregoing violations in the Reply of Acting Chief, Common Carrier Bureau, to Petition to Enlarge Issues, filed August 20, 1954, a copy of which was sent by mail to him on that date; and

It further appearing, that, by letter dated August 31, 1954, it was suggested to the licensee of station KSC648 that he forward the station license for radio station KSC648 to the Commission for cancellation; and

It further appearing, that, Guennewig has not forwarded such station license to the Commission for cancellation; and

It further appearing, that, all of the aforesaid actions of Guennewig constituted deliberate and willful violations of the Communications Act and Commission's rules, as cited, and that said Guennewig deliberately and willfully misrepresented essential facts to the Commission in his application of April 9, 1954, File No. 1899–C2–L–54, for license to cover the subject construction permit; and

It further appearing, that, Guennewig may lack the character and technical qualifications to be a licensee in this service, and that continuation in effect of the license of station KSC648 may not serve the public interest, convenience and necessity; and

It further appearing, that if the true facts had been known to the Commission on April 9, 1954, a license for the subject station would not have been issued:

It is ordered, That, pursuant to the provisions of section 312 (a) (1), (2), (3), (4), (c), and (d) of the Communications Act of 1934, as amended, the above-named W. F. Guennewig, d/b as Radi-Comm Service shall appear at the Commission's offices in Washington, D. C., at 10:00 a. m. on December 15, 1954, and show cause why the license of station KSC648 should not be revoked.

Released: October 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary

[F. R. Doc. 54–8042; Filed, Oct. 12, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–2529]

PERMIAN BASIN PIPELINE CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Permian Basin Pipeline Company (Applicant), a Delaware corporation with its principal place of business in Omaha, Nebraska, filed an application on August 5, 1954, which was supplemented on August 30, 1954, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation and sale of natural gas as hereinafter described and as more fully described in the application on file with the Commission for public inspection.

Applicant proposes to construct and operate fifteen taps on its pipe lines in Lea County, New Mexico, together with metering and regulation equipment, for the delivery and sale, at the proposed taps, of natural gas to the Southern Union Gas Company, up to a total of 1,000 Mcf per day, for resale in the rural areas adjacent to applicant's pipe lines in Lea County.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act that due notice of the application, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 27, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before October 22, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 5, 1954.

Issued: October 6, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54–8015; Filed, Oct. 12, 1954; 8:46 a. m.]

[Docket No. G–2665]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, filed an application on September 7, 1954, which was supplemented on September 13, 1954, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation and sale of natural gas as hereinafter described and as more fully described in the application on file with the Commission for public inspection.

Applicant proposes to construct and operate a tap on its 30-inch Permian-San Juan cross-over line in Valencia County, New Mexico, together with metering and regulation equipment, for the delivery and sale, at the proposed tap, of natural gas to the City of Socorro, for resale within and adjacent to the City of Socorro in Socorro County, New Mexico.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act that due notice of the application, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 20, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before October 15, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 5, 1954.

Issued: October 6, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54–8016; Filed, Oct. 12, 1954; 8:46 a. m.]

[Docket No. G–2670]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Northern Natural Gas Company (Applicant), a Delaware corporation with its principal office at Omaha, Nebraska, filed, on September 7, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 4.3 miles of 4-inch loop line to its Jordan, Minnesota branch line.

Applicant states that Minnesota Valley Natural Gas Company (Minnesota Valley), currently distributing or authorized to distribute natural gas in Jordan and 20 other communities in that general area, has advised that the discontinuance, prior to the 1954–55 heating season, of a steam plant operated by Northern States Power Company in Jordan will

increase its maximum day requirements to 936 Mcf. Jordan's current contract demand is 280 Mcf.

Minnesota Valley has not requested, nor is Applicant herein proposing, an increase in the present total contract demand of 36,538 Mcf for the 21 communities, all of which are included within one billing group under the group billing provisions of Applicant's tariff.

Applicant states that the present 2-inch Jordan branch line is inadequate to serve the 936 Mcf contract demand for Jordan for the 1954–55 heating season, requested by Minnesota Valley in its May 1, 1954, tariff nominations.

The estimated cost of the proposed facilities is $51,000, and Applicant proposes that financing will be out of cash on hand.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate and in the public interest, and good cause exists, that due notice of this application, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on September 7, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 26, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings, pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Federal Power Commission in accordance with the rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before October 22, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37 (f)).

Adopted: October 5, 1954.

Issued: October 6, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-8017; Filed, Oct. 12, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 29]

MOTOR CARRIER APPLICATIONS

OCTOBER 8, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 1328 Sub 3, (Amended) JACOB J. LONG, Alexandria, Ind. Applicant's attorney: George O. Cowan, Cowan and Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Roofing materials, building materials and insulating materials*, from Alexandria and Gimco City, Ind., and points in Indiana within one mile of each, to points in Illinois, Kentucky, Michigan, Ohio, West Virginia, those in Pennsylvania on and west of U. S. Highway 219, those in Mississippi, Scott, Cape Girardeau, Perry, St. Genevieve, Jefferson, St. Louis, St. Charles, Lincoln, Pike, Ralls, Marion, Lewis and Clark Counties, Mo., Lee, Des Moines, Louisa, Muscatine, Cedar, Scott, Clinton, Jackson and Dubuque Counties, Iowa, and those in Lafayette, Green, Rock, Walworth, Kenosha, Racine, Iowa, Dane, Jefferson, Waukesha, Milwaukee, Columbia, Dodge, Washington, Ozaukee, Fond du Lac, Winnebago, Outagamie, Brown, Kewaunee, Door, Calumet, Manitowoc and Sheboygan Counties, Wis. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, and West Virginia.

No. MC 1380 Sub 5, COLONIAL MOTOR FREIGHT LINE, INC., E. College Drive, High Point, N. C. Applicant's attorney: Francis W. McInerny; Macleay and Lynch, 504 Commonwealth Building, 1625 K St., NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Hopewell, and Bermuda Hundred, Va., and the Allied Chemical Plant or plants adjacent thereto, as off-route points, in connection with regular route operations between Charlotte, N. C., and Baltimore, Md. Applicant is authorized to conduct operation in Maryland, North Carolina, Virginia and the District of Columbia.

No. MC 2185 Sub 24, JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, P. O. Box 4168 East End Station, Baltimore, Md. Applicant's attorney: Dale C. Dillon, Todd, Dillon and Curtiss, Suite 944 Washington Bldg., Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sodium bichromate solution* and *sodium chromate solution*, in bulk, in tank vehicles, from Baltimore, Md., to Brooklyn, N. Y. and Clifton and East Rutherford, N. J., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return movements. Applicant is authorized to conduct operations in Maryland, New Jersey, Pennsylvania and the District of Columbia.

No. MC 2229 Sub 58, RED BALL MOTOR FREIGHT, INC., P. O. Box 3148, 1210 South Lamar Street, Dallas, Tex. Applicant's attorney: Reagan Sayers, Rawlings, Sayers Scurlock & Eidson, Century Life Bldg., Fort Worth, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, from Beaumont, Tex., over U. S. Highway 90 to Vidor, thence over Farm to Market Highway 105 to Evadale, Tex., and return over the same route, as an alternate route, for operating convenience only, serving no intermediate points, in connection with carrier's regular route operations between Beaumont, Tex., and Tenaha, Tex. Applicant intends to serve Evadale, Tex., and points in the Commercial Zone thereof.

No. MC 22195 Sub 54, DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P. O. Box 946, 41st Street and Grange Avenue, Sioux Falls, S. Dak. Applicant's attorney: John S. Whittlesey, Burnett, Bergesen, Whittlesey & Shermoen, Suite 2–3, 69½ Broadway, Fargo, N. Dak. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in North Dakota. Applicant is authorized to conduct operations in Kansas, Iowa, Minnesota, Nebraska, North Dakota and South Dakota.

No. MC 22195 Sub 55, DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., 41st and Grange Avenue, P. O. Box 946, Sioux Falls, S. Dak. Applicant's attorney: John S. Whittlesey, Burnett, Bergesen, Whittlesey & Shermoen, Suite 2–3, 69½ Broadway, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Minnesota. Applicant is authorized to conduct operations in Iowa, Kansas, Minnesota, Nebraska, North Dakota and South Dakota.

No. MC 22195 Sub 56, DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., 41st Street and Grange Avenue, P. O. Box 946, Sioux Falls, S. Dak. Applicant's attorney: John S. Whittlesey, Burnett, Bergesen, Whittlesey & Shermoen, Suite 2–3, 69½ Broadway, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in South Dakota. Applicant is authorized to conduct operations in Iowa, Kansas, Minnesota, Nebraska, North Dakota and South Dakota.

No. MC 28060 Sub 12, WILLERS, INC., doing business as WILLERS TRUCK SERVICE, a Corporation, 1400 North Cliff Ave., Sioux Falls, S. Dak. Applicant's attorney: H. Lauren Lewis, Morrell Building No. 50, P. O. Box 707, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn cribs and grain bins*, from Sioux Falls, S. Dak., to points in Iowa, Nebraska, North Dakota and Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities and *refused shipments*, on return movements.

No. MC 31865 Sub 6 (Amended), B. E. CARROLL, doing business as CARROLL'S TRANSFER, Dublin, N. C. Applicant's attorney: William M. York, York and Boyd, 201–204 Jefferson Building, Greensboro, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer and fertilizer materials, insecticides* and *fungicides*, from Wilmington, N. C., and points within fifteen (15) miles thereof, to points in Chesterfield, Marlboro, Darlington, Dillon, Florence, Marion, Horry, Williamsburg, and Georgetown Counties, S. C.; *fertilizer and fertilizer materials* and *land plaster*, from Charleston, S. C., and points within five (5) miles thereof, to Dublin, N. C., and points within fifty (50) miles thereof; and *kaolin clay*, from Aiken, S. C., to Wilmington, N. C., and points within fifteen (15) miles thereof. RESTRICTION: The proposed operation will be seasonal during the season of each year between February 1 and August 1, inclusive. Applicant is authorized to conduct operations in North Carolina.

No. MC 52869 Sub 19 (Reopened—Further Hearing), E. G. BALSAM, L. W. BALSAM, S. F. DeFRANCE AND V. I. DeFRANCE doing business as BALSAM & DeFRANCE, 707 Fort St., Miles City, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between Mandan, N. Dak., and points within 10 miles of Mandan, on the one hand, and, on the other points in Montana on and east of a line from the Montana-Wyoming State line at U. S. Highway 12, thence along U. S. Highway 12 to junction U. S. Highway 87, north of Billings, Mont., thence along U. S. Highway 87 to Lewistown, Mont., thence along Montana Highway 19 to Hilger, Mont., thence along unnumbered highways via Winifred, Mont., to Havre, Mont., thence north along unnumbered highway to the United States-Canada International Boundary line. (Applicant will be required to make available for cross-examination at the further hearing the witnesses who supported the application at the original hearing).

No. MC 52949 Sub 15, JAMES A. HANNAH, INC., P. O. Box 89, Lemont, Ill. Applicant's attorney: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Illinois. Applicant is authorized to conduct operations in Illinois, Indiana, Wisconsin and Michigan.

No. MC 52949 Sub 16, JAMES A. HANNAH, INC., P. O. Box 89, Lemont, Ill. Applicant's attorney: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Indiana. Applicant is authorized to conduct operations in Illinois, Indiana, Wisconsin and Michigan.

No. MC 52949 Sub 17, JAMES A. HANNAH, INC., P. O. Box 89, Lemont, Ill. Applicant's attorney: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Michigan. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan and Wisconsin.

No. MC 52949 Sub 18, JAMES A. HANNAH, INC., P. O. Box 89, Lemont, Ill. Applicant's attorney: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Wisconsin and Michigan.

NO. MC 55905 SUB 72, WEST COAST FAST FREIGHT, INC., 650 Hanford St., Seattle, Wash. Applicant's attorney: William B. Adams, 331 Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, transporting: *Beans, lentils, peas* or *split peas*, dried or evaporated, (1) over irregular routes, between points in Adams, Asotin, Columbia, Franklin, Garfield, Grant, Lincoln, Spokane, Walla Walla, Whitman, and Yakima Counties, Wash., Benewah, Boundary, Kootenai, Latah, and Nez Perce Counties, Idaho, and Umatilla County, Oreg., and (2) serving (A) points in California, as intermediate and off-route points in connection with (1) regular route operations between Los Angeles, Calif., and San Francisco, Calif.; Los Angeles, Calif., and Portland, Oreg.; San Francisco, Calif., and Manteca, Calif.; San Francisco, Calif., and Sacramento, Calif.; Davis Junction, Calif., and Red Bluff, Calif.; Los Angeles, Calif., and Seattle, Wash.; and junction U. S. Highway 50 and California Highway 120 near Lathrop, Calif., and junction U. S. Highways 50 and 99 north of Stockton, Calif., and (2) alternate or operating convenience route operations between Maryhill, Wash., and Weed, Calif.; Woodland, Calif., and Yuba City, Calif.; Weed, Calif., and Goshen, Oreg.; Weed, Calif., and Seattle, Wash.; and McClellan Air Force Base at McClellan, Calif., and Seattle, Wash., (B) points in Adams, Asotin, Columbia, Franklin, Garfield, Grant, Lincoln, Spokane, Walla Walla, Whitman and Yakima Counties, Wash., as intermediate and off-route points, in connection with (1) regular route operations between Tacoma, Wash., and Spokane, Wash.; Seattle, Wash., and Spokane, Wash.; Bingen, Wash., and Yakima, Wash.; Buena, Wash., and Attalia, Wash.; Seattle, Wash., and Yakima, Wash.; Portland, Oreg., and Pasco, Wash. (North-bank route); Portland, Oreg., and Spokane, Wash. (South-bank route); Seattle, Wash., and Missoula, Mont.; Seattle, Wash., and Coulee Dam, Wash.; Tacoma, Wash., and Missoula, Mont.; Tacoma, Wash., and Coulee Dam, Wash.; Wenatchee, Wash., and Coulee City, Wash.; Spokane, Wash., and Coeur D'Alene, Idaho; Tacoma, Wash., and Trinidad, Wash.; and Seattle, Wash., and Wenatchee, Wash., and (2) alternate or operating convenience route operations between Soap Lake, Wash., and Davenport, Wash.; junction Washington Highway 7 and U. S. Highway 10 near Burke Junction, Wash., and junction U. S. Highways 10 and 2 near Spokane, Wash.; Wenatchee, Wash., and Seattle, Wash.; Weed, Calif., and Seattle, Wash.; and Mary's Corner, Wash., and Yakima, Wash., (C) points in Benewah, Boundary, Kootenai, Latah, and Nez Perce Counties, Idaho, as intermediate and off-route points, in connection with regular route operations between Seattle, Wash., and Missoula, Mont.; Tacoma, Wash., and Missoula, Mont.; Spokane, Wash., and Coeur D'Alene, Idaho; and Sandpoint, Idaho, and Missoula, Mont., and (D) points in Umatilla County, Oreg., as intermediate and off-route points in connection with regular route operations between Portland, Oreg., and Spokane, Wash. (South-bank route). Above service is restricted to the transportation of the commodities specified above. Applicant is authorized to conduct operations in California, Idaho, Montana, Oregon, and Washington.

NO. MC 58948 SUB 69, UNION TRANSFER COMPANY, a corporation, doing business as UNION FREIGHTWAYS, 720 Leavenworth, Omaha, Nebr. For au-

thority to operate as a *common carrier*, over an alternate or connecting route, transporting: *General commodities*, except bank bills, coin, currency, deeds, drafts, notes, postage stamps, precious metals or articles manufactured therefrom, precious stones, revenue stamps, valuable and negotiable papers, articles or papers of extraordinary value, tank truck shipments, wild animals, dead animals, Class A and B explosives, coal, sand and gravel, and automobiles, between Fort Dodge, Iowa, and Albert Lea, Minn., over presently authorized route (U. S. Highway 169) from Fort Dodge to junction Iowa Highway 9 at or near Lakota, Iowa, thence over Iowa Highway 9 to junction U. S. Highway 69, thence over U. S. Highway 69 to Albert Lea, and return over the same route, serving no intermediate points, for operating convenience only, in connection with regular route operations between Minneapolis, Minn., and junction U. S. Highways 65 and 30; Mankato, Minn., and junction U. S. Highways 169 and 30; Fort Dodge, Iowa, and Waterloo, Iowa; junction U. S. Highways 71 and 30 near Carroll, Iowa, and junction U. S. Highways 20 and 169 near Fort Dodge, Iowa; and Austin, Minn., and junction U. S. Highways 16 and 65. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wyoming.

No. MC 59310 SUB 38, SPROUT & DAVIS, INC., 2500 Indianapolis Boulevard, Whiting, Ind. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Illinois. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Missouri and Wisconsin.

NO. MC 59310 SUB 39, SPROUT & DAVIS, INC., 2500 Indianapolis Boulevard, Whiting, Ind. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Indiana. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Missouri and Wisconsin.

NO. MC 59310 SUB 40, SPROUT & DAVIS, INC., 2500 Indianapolis Boulevard, Whiting, Ind. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Michigan. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Missouri and Wisconsin.

NO. MC 59310 SUB 41, SPROUT & DAVIS, INC., 2500 Indianapolis Boulevard, Whiting, Ind. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Missouri and Wisconsin.

NO. MC 65660 SUB 2, WARNER & SMITH MOTOR FREIGHT, INC., 318 Atlantic Avenue, Franklin, Pa. Applicant's attorney: Frederick L. Kiger, Grant Building, Pittsburgh, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Cleveland, Ohio, and North Kingsville, Ohio, over U. S. Highway 20, serving the intermediate points of Mentor, Painesville, Geneva, Ashtabula, and Willoughby, Ohio, and the off-route points of Euclid, Madison, Kingsville, Fairport, and Geneva-on-the-Lake, Ohio; (2) between Union City, Pa., and junction Pennsylvania Highway 97 and U. S. Highway 19 over Pennsylvania Highway 97, serving no intermediate points; (3) serving East Palestine, Ohio, as an off-route point in connection with regular route operations between Pittsburgh, Pa., and Cleveland, Ohio, over Ohio Highway 14; (4) serving Newton Falls, Ohio, as an off-route point in connection with regular route operations between Canfield and Warren, Ohio, over U. S. Highway 5; (5) serving Fredonia, Pa., as an off-route point in connection with regular route operations between Pittsburgh and Erie, Pa., over U. S. Highway 19, and (6) serving Slippery Rock, Pa., as an off-route point in connection with regular route operations between Butler and Riceville, Pa., over Pennsylvania Highway 8. Applicant is authorized to conduct operations in Ohio and Pennsylvania.

NO. MC 75872 SUB 13, BOSTON & MAINE TRANSPORTATION COMJANY, a corporation, 150 Causeway Street, Boston, Mass. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including commodities requiring special equipment*, but excluding commodities of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Orange and Greenfield, Mass., over Massachusetts Highway 2, serving all intermediate points. Applicant is authorized to conduct operations in Maine, Massachusetts, New Hampshire and Vermont.

NO. MC 76177 SUB 257, BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32nd Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, Wrape and Hernly, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in packages, between Kansas City, Kans., on the one hand, and, on the other, points in Alabama, Georgia, that part of Louisiana east of the Mississippi River, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. Applicant is authorized to conduct operations in Alabama.

NO. MC 83835 SUB 32, WALES TRUCKING COMPANY, a corporation, 319 South Forest Ave. Road, Box 6186, Dallas, Tex. Applicant's attorney: W. T. Brunson, Braniff Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *machinery materials, equipment*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and *commodities* which, because of size or weight, require the use of special equipment and *related parts* when their transportation is incidental to the transportation of commodities which by reason of size or weight, require special equipment, between points in Wyoming, Colorado, Kansas, Oklahoma, Texas, and New Mexico, on the one hand, and, on the other, points in Utah, and Nevada. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, West Virginia, and Wyoming.

NO. MC 88300 SUB 16, (Amended) DIXIE TRANSPORT COMPANY, a corporation, North Dixie Highway, Whitley City, Ky. Applicant's attorney: Laurence K. Walrath, Knight, Walrath, Kincaid & Young, Suite 1109 Barnett National Bank Building, Jacksonville 1, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles and trucks*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Florida and Georgia, (except those points in Towns, White, Hall, Gwinnett, Rockdale, De Kalb, Clayton, Fayette, Cowetta, Heard, Carroll, Douglas, Fulton, Cobb, Forsyth, Dawson, Lumpkin, Union, Fannin, Gilmer, Pickens, Cherokee, Paulding, Haralson, Polk, Bartow, Gordon, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd and Henry Counties, Ga.) RESTRICTION: Authority applied for to be restricted to the transportation of vehicles manufactured by the Hudson Motor Division of American Motors, Inc. Applicant is authorized to conduct operations in Florida, Georgia, Indiana, Kentucky, Michigan, Ohio and Tennessee.

NO. MC 98263 SUB 2 (reopened-further hearing), KATHERINE M. LEE AND TIM M. BABCOCK, doing business as BABCOCK AND LEE, Post Office Box 173, Miles City, Mont. Applicant's attorney: James P. Lucas, Leavitt and Lucas, Strong Block, Miles City, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between Mandan, N. Dak., on the one hand, and, on the other, points in Montana. Applicant is authorized to conduct operations in Montana under the second proviso of section 206 (a) (1) of the Interstate Commerce Act. (Applicant will be required to make available for cross-examination at the further hearing the witnesses who supported the application at the original hearing.)

NO. MC 100929 SUB 6, R. W. ISHERWOOD, INC., 39 Highland Avenue, Patchogue, L. I., N. Y. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York, 17, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sulphate of ammonia*, in bulk, from Bristol, Pa., to points in Suffolk County, N. Y.

NO. MC 101317 SUB 23, MILLS KING, doing business as KING TRANSPORT, 323 Dawson St., San Antonio, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415 Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new trucks*, and *new assembled and partially assembled automobiles chassis*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Bexar, Travis, Blanco, Gillespie, Kerr, Bandera, Real, Edwards, Val Verde, Kinney, Uvalde, Medina, Frio, Zavala, Maverick, Dimmit, Webb, LaSalle, McMullen, Atascosa, Duval Zapata, Jim Hogg, Starr, Hidalgo, Cameron, Willacy, Brooks, Kenedy, Kleberg, Jim Wells, Nueces, San Patricio, Refugio, Victoria, Bee, Goliad, De Witt, Gonzales, Guadalupe, Wilson, Kanres, Caldwell, Comal, Bastrop, Fayette, Hays, Jackson, Calhoun, Live Oak, Lavaca, Kendall, and Aransas Counties, Tex. Applicant is authorized to conduct operations in Indiana, Michigan, Ohio, Tennessee, and Texas.

NO. MC 103378 SUB 30, PETROLEUM CARRIER CORPORATION, a corporation, 369 Margaret St., Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, from Bainbridge, Ga. and points within 15 miles thereof, to points in Alabama within 150 miles of Bainbridge, Ga. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, and South Carolina.

NO. MC 105217 SUB 24, (Reopened-further hearing), RICE TRUCK LINES, a corporation, 712 Central Ave., West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 527-529 Ford Building, Great Falls, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products*, in bulk, in tank trucks, from Mandan, N. Dak. and points within ten miles thereof, to points in Montana. Applicant is authorized to conduct operations in Idaho, Montana, and Washington. (Applicant will be required to make available for cross-examination at the further hearing the witnesses who supported the application at the original hearing.)

NO. MC 105489 SUB 5, AUSTIN MURRAY, Prairie Farm, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Powdered milk, ice cream mix, cottage cheese, butter, milk*, and *cream*, from Menomonie, Clear Lake and Vesper, Wis., to Sioux Falls, S. Dak., and points in South Dakota within 100 miles thereof, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities on return movements. (Applicant is now authorized to transport the commodities specified in this application from Menomonie, Clear Lake and Vesper, Wis.; to Sioux Falls and points in South Dakota within 75 miles of Sioux Falls). Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Nebraska, South Dakota and Wisconsin.

NO. MC 105556 SUB 11, (Reopened—Further Hearing) HOUCK TRANSPORT COMPANY, a corporation, 1024—2nd Avenue, North, Billings, Mont. Applicant's attorney: William H. Swanberg, 527-529 Ford Bldg., Great Falls, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank trucks, from Mandan, N. Dak., and points within 10 miles thereof, to points in Montana. (Applicants will be required to make available for cross-examination at the further hearing the witnesses who supported the application at the original hearing.) Applicant is authorized to conduct operations in Montana, North Dakota and Wyoming.

NO. MC 106236 SUB 11, BLUE RIDGE TRANSPORTATION COMPANY, INCORPORATED, Rutledge Pike, (P. O. Box 567), Knoxville, Tenn. Applicant's attorney: James C. Havron, 206 Stahlman Building, Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt, asphalt products, coal tar, coal tar products*, and *other road building materials*, in bulk, in tank vehicles, between points in Tennessee east of U. S. Highway 31W extending northwardly from Nashville to the Tennessee-Kentucky Boundary line, and points in Tennessee east of U. S. Highway 31 extending southwardly from Nashville to the Tennessee-Georgia Boundary line, including all points on the indicated highways and including Nashville and points within 10 miles of Nashville city limits, and points in West Virginia, Virginia, North Carolina, South Carolina, and Georgia. Applicant is authorized to conduct operations in Georgia, North Carolina, and Tennessee.

NO. MC 106566 SUB 2, JOHN ASHBACK, Durango, Colo. Applicant's attorney: Benjamin E. Sweet, 635 Majestic Building, Denver 2, Colo. For authority to operate as a *contract carrier*, over a regular route, transporting: *Liquid petroleum gas*, from Kirtland, N. Mex., to Naturita, Colo., from Kirtland, N. Mex., over U. S. Highway 550 to Shiprock, N. Mex., thence over U. S. Highway 666 to Cortez, Colo., thence over U. S. Highway 160 to junction Colorado Highway 80, thence over Colorado Highway 80 to junction Colorado Highway 90, and thence over Colorado Highway 90 to Naturita, Colo., and return over the same route transporting *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified. No service is proposed to and from intermediate points.

NO. MC 107151 SUB 6, (Reopened—further hearing), H. F. JOHNSON, INC., 441 St. Johns, Billings, Mont. Applicant's attorney: William H. Swanberg, 527–529 Ford Building, Great Falls, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products*, in bulk, in tank trucks, from Mandan, N. Dak., and points within 10 miles thereof, to points in Montana. Applicant is authorized to conduct operations in Idaho, Montana, North Dakota, and Wyoming. (Applicant will be required to make available for cross-examination at the further hearing the witnesses who supported the application at the original hearing.)

NO. MC 107496 SUB 53, RUAN TRANSPORT CORPORATION, 408 S. E. 30th St., Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solution, aqua ammonia, methanol*, and *anti-freeze solutions*, in bulk, in tank trucks, from Pryor, Okla., and points within 15 miles thereof, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin.

NO. MC 108001 SUB 6, OHIO-TRI-COUNTY TRUCKING CO., A Corporation, 1915 Alexis Road, Toledo, Ohio. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pebble aggregates*, sand and limestone, between points in Indiana and Michigan within 40 miles of the Indiana-Michigan State Line. Applicant is authorized to conduct operations in Michigan and Ohio.

NO. MC 108813 SUB 2, DOMINIC MARK AND LOUIS MARK SQUICCIMARA, doing business as D & L DELIVERY SERVICE, 538 W. Rising Sun Avenue, Philadelphia 40, Pa. Applicant's attorney: Morris J. Winokur, Market Street National Bank Building, Juniper and Market Streets, Philadelphia, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *Printed material* and *graphic arts materials*, in packages not exceeding 150 pounds in weight, between Philadelphia, Pa., and New York, N. Y. (1) from Philadelphia over the Philadelphia-Camden Bridge to junction U. S. Highway 130, thence over U. S. Highway 130 to junction U. S. Highway 1, and thence over U. S. Highway 1 to New York, and return over the same route, serving the intermediate points of Elizabeth and Newark, N. J., and (2) from Philadelphia over the Philadelphia-Camden Bridge to junction New Jersey Highway 38, thence over New Jersey Highway 38 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction the interchange access highways to the New Jersey Turnpike near Fellowship, N. J., thence over said access highways to the New Jersey

Turnpike, thence over the New Jersey Turnpike to New York, and return over the same route, serving no intermediate points on said turnpike, as an alternate route for operating convenience only, in connection with the regular route hereinabove described. (Applicant is presently authorized to transport the commodities specified restricted in packages not exceeding 60 pounds in weight over route (1) described herein, one purpose of this application being to change the restriction.) Applicant is authorized to conduct operations in New York and Pennsylvania.

NO. MC 109156 SUB 2, (Reopened—Further Hearing) L. W. HAGEMAN, doing business as HAGEMAN TRANSPORT COMPANY, P. O. Box 248, Laurel, Mont. Applicant's attorney: Randall Swanberg, 527–529 Ford Bldg., Great Falls, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank trucks, from Mandan, N. Dak., and points within 10 miles thereof, to points in Montana. (Applicant will be required to make available for cross-examination at the further hearing the witnesses who supported the application at the original hearing.) Applicant is authorized to conduct operations in Montana, Wyoming and Utah.

NO. MC 109344 SUB 3, HARRY WARZYNSKI, doing business as SECURITY MOTOR SERVICE, 2036 West Dickens Avenue, Chicago, Ill. Applicant's representative: Adolph E. Solie, Solie and Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Burial cases* and *caskets*, uncrated, between points in Michigan, Minnesota, Missouri (except St. Louis), Iowa (except Dubuque, Clinton, Davenport, Muscatine, Burlington, Fort Madison and Keokuk), Ohio (except Cincinnati), and Omaha, Nebr. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Missouri, Ohio, and Wisconsin.

No. MC 109640 SUB 4, (Reopened—Further Hearing) LORIN BICE AND J. W. FRY, doing business as BICE TRUCK LINE, 505 East Main St., Laurel, Mont. Applicant's attorney: Randall Swanberg, Swanberg & Swanberg, 527–529 Ford Bldg., Great Falls, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank trucks, from Mandan, N. Dak., and points within 10 miles thereof, to points in Montana. Applicant is authorized to conduct operations in Idaho, Montana, North Dakota, and Wyoming. (Applicant will be required to make available for cross-examination at the further hearing the witnesses who supported the application at the original hearing.)

NO. MC 110687 SUB 9, R. L. ROGERS, H. L. ROGERS, AND H. L. ROGERS, JR., doing business as ROGERS TRUCK LINE, Post Office Box 116, Sidney, Nebr. Applicant's attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, materials, equipment*, and *supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except picking up or stringing pipe in connection with main or trunk pipe lines, (1) between points in Nevada; and (2) between points in Nevada, on the one hand, and, on the other, points in Utah, Colorado, Nebraska, Wyoming and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Louisiana, Mississippi, Montana, Nebraska, Oklahoma, Texas, Utah, and Wyoming.

NO. MC 110817 SUB 6, E. L. FARMER & COMPANY, P. O. Box 3512, Odessa, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415 Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, materials, equipment*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except picking up or stringing of pipe in connection with main or trunk pipe lines, (1) between points in Nevada, and (2) between points in Texas, New Mexico, Oklahoma, and Colorado, on the one hand, and, on the other, points in Nevada. Applicant is authorized to operate in Arizona, Colorado, Kansas, Montana, New Mexico, Oklahoma, Texas, Utah, and Wyoming.

NO. MC 111710 SUB 4, ROBERT L. SPENCER, doing business as ARKANSAS TRANSIT COMPANY, Box 287, Springdale, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *New tin cans and lids*, from Springdale, Ark., to Dallas, Texas, and Lawrence and Topeka, Kans., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement. Applicant is authorized to conduct operations in Arkansas, Missouri, and Oklahoma.

NO. MC 114693 SUB 1, CHARLES E. MALLETTE, doing business as REFRIGERATED DELIVERY SERVICE, 901 Leflore Avenue, Greenwood, Miss. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meat, meat products* and *meat by-products* and *dairy products*, as defined by the Commission in Ex Parte No. MC 45, in refrigerated equipment, in pool car distribution, from Greenwood, Miss., to points in that part of Mississippi bounded by a line beginning at Vicksburg, Miss., and extending east along U. S. Highway 80 to Jackson, thence north along U. S. Highway 51 to Canton, thence northeast along Mississippi Highway 16 to Carthage, thence north along Mississippi Highway 35 to Kosciusko, thence east along Mississippi Highway 12 to Weir, thence northwest along Mississippi Highway 413 to Kilmichael, thence west along U. S. Highway 82 to Winona, thence north along U. S. Highway 51 to Grenada, thence north along Mississippi Highway 7 via Coffeeville and Water Valley, to Oxford, thence west along Mississippi Highway 6 to junction U. S. Highway 61, thence west along U. S. Highway 61 to Clarksdale, thence north along unnumbered highway to Friars Point, and thence south along the Mississippi River to point of beginning at Vicksburg, Miss., including points on the indicated portions of the highways specified.

NO. MC 114908 SUB 1, EDWIN PINTO, 350 Purchase Street, New Bedford, Mass. For authority to operate as a *contract carrier*, over regular routes, transporting: *New wooden fish packing boxes, set up*, from New Bedford, Mass., to points in Newport County, and Point Judith (in town of Narragansett), R. I., and Mystic and Stonington, Conn.

NO. MC 114966, ROBERT R. WILSON AND MARJORIE H. WILSON, doing business as MOBILE HOMES TRANSPORTATION CO., Whitey's Trailer Court, Route No. 2, Jackson, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile homes* (house trailers), in initial and secondary movements, between points in Alabama, Georgia, Florida, Tennessee, South Carolina, North Carolina, Virginia, West Virginia, Arkansas, Delaware, District of Columbia, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New York, Ohio, New Jersey and Pennsylvania.

NO. MC 114974, LEON M. JOHNSON doing business as JOHNSON BROTHERS, 200 South Main Street, Ellsworth, Kans. Applicant's attorney: J. Wm. Townsend, Steiger and Townsend, 204–206 Central Building, Topeka, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Salt*, in bulk and package, from Hutchinson, Kans., to points in that part of Arkansas bounded by a line beginning at the Arkansas-Missouri State line and extending south along U. S. Highway 65 to Conway, Ark., thence west along U. S. Highway 64 to Russellville, Ark., thence along Arkansas Highway 22 via Dardanelle, Ark., to the Arkansas-Oklahoma State line, thence north along the Arkansas-Oklahoma State line to the Arkansas-Missouri State line, and thence east along the Arkansas-Missouri State line to point of beginning, including points on the indicated portions of the highways specified, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified, on return movement.

NO. MC 114977, A. D. CURRY, doing business as CURRY TRANSPORT & TRUCK SERVICE, Conrad, Iowa. Applicant's Attorney: George S. Mullins, 4704 W. Irving Park Road, Chicago 41, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles between points in Iowa.

NO. MC 114978 (Amended), GLENN M. MYERS, doing business as MYERS TRUCKING, 80 Daugherty Street, Coldwater, Mich. Applicant's attorney: L. F. Richardson, Richardson and Burwell, 1214 Michigan National Tower, Lansing, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, gravel, crushed stone, pebbles, cinders, bituminous aggregates*, dry and wet batch mix, in bulk, in dump trucks and dump trailers, between points in Saint Joseph, Branch and Hillsdale Counties, Mich., on the one hand, and, on the other, points in Williams County, Ohio, and Steuben County, Ind.

NO. MC 114981, GEORGE HARVEY CORPORATION, 636 Eleventh Avenue, New York, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Printed matter*, on skids, on camel-back winch trucks, from New York, N. Y., to New Brunswick, N. J., and *returned shipments* and *empty containers or other such incidental facilities* used in transporting the commodities specified on return movements.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

NO. MC 228 SUB 13, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy St., Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, and express, newspapers, and mail*, in the same vehicle with passengers, between (1) junction New Jersey Highway 3 and the Lincoln Tunnel Interchange of the New Jersey Turnpike in Secaucus, N. J., and junction New Jersey Highway 17 and U. S. Highway 46 in Hasbrouck Heights, N. J., over the Lincoln Tunnel Interchange of the New Jersey Turnpike from junction New Jersey Highway 3 to the New Jersey Turnpike, thence over the New Jersey Turnpike to junction the George Washington Bridge Interchange of the New Jersey Turnpike, thence over the George Washington Bridge Interchange of the New Jersey Turnpike to junction U. S. Highway 46 in Ridgefield Park, N. J., thence over U. S. Highway 46 to junction New Jersey Highway 17 in Hasbrouck Heights, and return over the same route, and (2) junction New Jersey Highway 17 and New Jersey Highway 3 in Carlstadt, N. J., and junction New Jersey Highway 3 (formerly New Jersey Highway S3) and New Jersey Highway 3 in East Rutherford, N. J., over New Jersey Highway 17 from junction New Jersey Highway 3 to junction New Jersey Highway 3 (formerly New Jersey Highway S3) in Rutherford, N. J., thence over New Jersey Highway 3 (formerly New Jersey Highway S3) to junction New Jersey Highway 3 in East Rutherford, and return over the same route; serving all intermediate points on said routes but restricted against transportation of traffic between points on these routes, on the one hand, and, on the other, New York, N. Y. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

NO. MC 54485 SUB 5, ELMER A. MORITZ, doing business as FAIRBURY-LINCOLN STAGE LINE, 2110 Sewell, Lincoln, Nebr. Applicant's attorney: J. Max Harding, 901 South 13th Street, Lincoln, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, and express, mail and newspapers*, in the same vehicle with passengers, (1) between Lincoln and Superior, Nebr., from Lincoln over U. S. Highway 77 to junction Nebraska Highway 33, thence over Nebraska Highway 33 to Crete, thence over Nebraska Highway 82 to Wilber, thence over Nebraska Highway 41 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to Fairbury, thence over Nebraska Highway 3 to junction Nebraska Highway 14, thence north over Nebraska Highway 14 to Nelson, and thence south over Nebraska Highway 14 to Superior, and return over the same route, serving all intermediate points; (2) between Fairbury and Beatrice, Nebr., over Nebraska Highway 3, serving all intermediate points; and (3) between junction U. S. Highway 77 and Nebraska Highway 33 and Beatrice, Nebr., over U. S. Highway 77, serving all intermediate points but restricted against local service between Beatrice, Nebr., and Lincoln, Nebr., over U. S. Highway 77 or points intermediate thereto on said highway. Applicant is authorized to conduct operations in Nebraska under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

NO. MC 107583 SUB 4, SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 291 Broadway, Suite 504, New York 7, N. Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in non-scheduled door-to-door service, (1) between points in Westchester County, N. Y., on the one hand, and, on the other, Atlantic City, Brigantine, Ventnor, Margate and Longport, N. J.; (2) between New York, N. Y., on the one hand, and, on the other, Brigantine, Ventnor, Margate and Longport, N. J.; (3) between Fort Dix, McGuire Air Base and Wrightstown, N. J., and points within twelve (12) miles of each, on the one hand, and, on the other, Philadelphia, Pa., Wilmington, Del., Baltimore, Md., New York, N. Y., points in Westchester County, N. Y., and the District of Columbia; and (4) between Philadelphia, Pa., Wilmington, Del., Baltimore, Md., and the District of Columbia, on the one hand, and, on the other, Brigantine, Ventnor, Margate and Longport, N. J. RESTRICTION: The service applied for to be limited to the transportation of not more than six passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

NO. MC 114975, W. R. CAULK, doing business as W. R. CAULK BUS, 112 Oak St., Campbellsville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round trip special or charter operations, beginning and ending at Campbellsville, Ky., and points within 15 miles thereof, and extending to points in Ohio and Tennessee.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

NO. MC–F–5800. Authority sought for purchase by WM. G. McCORMICK, INC., 601 Centre St., Ashland, Pa., of the operating rights and property of WILLIAM G. McCORMICK (AMY T. McCORMICK, EXECUTRIX), 601 Centre St., Ashland, Pa., and for acquisition by AMY T. McCORMICK, EDITH SMITH AND ALBERTA M. ACKLEY, Ashland, Pa., of control of the operating rights and property through the purchase. Applicants' attorney: Albert Enoch, 556 Main St., Bethlehem, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, between Ashland, Pa., and points within 25 miles of Ashland, on the one hand, and, on the other, Scranton, Ashland and Wilkes-Barre, Pa.; *household goods* as defined by the Commission, between Ashland, Pa., and points within 25 miles of Ashland, on the one hand, and, on the other, points in Pennsylvania, Ohio, West Virginia, Virginia, New Jersey, New York, Maryland, Delaware, and the District of Columbia; *cottonknit goods, used tires, used machinery, groceries, rubber goods, hardware, automobile accessories, and tires, syrup, confections, paper, paper products, shirts, glass, glass products, yarn, thread, tents and tent accessories*, from, to and between specified points in Pennsylvania, New York, New Jersey, West Virginia, Delaware, Ohio, Maryland, Virginia, and the District of Columbia. Vendee is not an interstate motor carrier, but is affiliated with the partnership of Amy T. McCormick and Edith M. Smith, doing business as A. T. McCormick, which is authorized to operate in Delaware, Pennsylvania, and Maryland. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5801. Authority sought for purchase by MANLEY TRANSFER COMPANY, INCORPORATED, 315 North Santa Fe St., Chanute, Kans., of the operating rights and property of CLARENCE M. TRENT, doing business as TRENT TRUCK LINES, 1201 N. Broadway, Pittsburg, Kans., and for acquisition by F. L. MANLEY, Chanute, Kans., of control of the operating rights and property through the purchase. Applicants' attorney: James F. Miller, 500 Board of Trade Bldg., Kansas City, Mo. Operating rights sought to be transferred: *General commodities*, with varying exceptions, including household goods, as a *common carrier*, over regular routes, between Joplin, Mo., and

Miami, Okla., between Baxter Springs, Kans., and Coffeyville, Kans., between Commerce, Okla., and junction U. S. Highways 69 and 166, between Kansas City, Mo., and Joplin, Mo., serving all intermediate points, and the off-route point of Girard, Kans.; between junction U. S. Highway 69 and Kansas Highway 57, and junction Kansas Highway 26 and U. S. Highway 66 near Riverton, Kans., as an alternate route for operating convenience only; *tile drain pipe*, over irregular routes, from Pittsburg, Kans., to Neosho, Nev., and Carthage, Mo., and Picher and Miami, Okla. Vendee is authorized to operate in Missouri, Kansas, Iowa, and Oklahoma. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5802. Authority sought for purchase by WARSAW TRUCKING CO., INC., R. R. 5, Warsaw, Ind., of the operating rights and property of DONALD WAITMAN, 2901 Freeman Ave., Hamilton, Ohio. Applicants' attorney: William J. Guenther, 1511–14 Fletcher Trust Bldg., Indianapolis 4, Ind. Operating rights sought to be transferred: *Paper mill products*, as a *contract carrier*, over regular routes, from Hamilton, Ohio, to Chicago, Ill., and from Hamilton to Rochester, N. Y., serving the intermediate points of Erie, Pa., and Buffalo, N. Y., restricted to delivery only; and *materials and supplies* used in the manufacture and shipment of paper mill products, from Chicago, Ill., to Hamilton, Ohio, and from Rochester, N. Y., to Hamilton, serving the intermediate points of Cleveland, Ohio and Buffalo, N. Y., restricted to pick-up only; *steel strapping, paper and paper products*, and *materials and supplies*, used in the manufacture and shipping of paper and paper products, *rags*, *waste materials*, and *malt beverages*, over irregular routes, from, to and between specified points in Ohio, Illinois, Indiana, Missouri, Wisconsin, Pennsylvania, New York, and Michigan. Vendee is authorized to operate in Indiana, Illinois, Ohio, Pennsylvania, Michigan, Wisconsin, West Virginia and Missouri. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8027; Filed, Oct. 12, 1954; 8:48 a. m.]

[4th Sec. Application 29781]

GRAIN FROM KANSAS CITY, MO., TO CAIRO, ILL.

APPLICATION FOR RELIEF

OCTOBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to the tariff listed below.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Kansas City, Mo.

To: Cairo, Ill.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: Agent Prueter's tariff I. C. C. No. A–3866, supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8022; Filed, Oct. 12, 1954; 8:47 a. m.]

[4th Sec. Application 29782]

GRAIN AND GRAIN PRODUCTS IN WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

OCTOBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to the tariff listed below.

Commodities involved: Grain, grain products, seeds, and related articles, carloads.

From: Minneapolis, Minnesota Transfer, St. Paul, and South St. Paul, Minn.

To: Charleston, Ill. (applicable only on traffic given transit at Beardstown, Ill.).

Grounds for relief: Competition with rail carriers, circuitous routes, and to permit transit.

Schedules filed containing proposed rates: Agent Prueter's tariff I. C. C. No. A–3866, supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8023; Filed, Oct. 12, 1954; 8:47 a. m.]

[4th Sec. Application 29783]

FLUORSPAR AND GRAVELSPAR FROM ATLANTIC PORTS TO PENNSYLVANIA AND WEST VIRGINIA

APPLICATION FOR RELIEF

OCTOBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Bohn and C. R. Goldrich, Agents, jointly for carriers parties to tariffs listed below.

Commodities involved: Fluorspar and gravelspar, carloads.

From: Boston, Mass., Switching District Stations, also Norfolk and Newport News, Va.

To: Points in Pennsylvania and West Virginia.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: Agent Goldrich's tariff I. C. C. No. 591, supp. 142; Agent R. B. LeGrande's tariff I. C. C. No. 238, supp. 140.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8024; Feild, Oct. 12, 1954; 8:47 a. m.]

[4th Sec. Application 29784]

THREAD FROM SEVIER, N. C., TO DALLAS, TEX.

APPLICATION FOR RELIEF

OCTOBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to the tariff listed below.

Commodities involved: Thread, viz: crochet, darning, embroidery or knitting cotton, in boxes, straight or mixed carloads.

From: Sevier, N. C.

To: Dallas, Tex.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: Agent Kratzmeir's tariff I. C. C. No. 4090, supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8025; Filed, Oct. 12, 1954; 8:47 a. m.]

[4th Sec. Application 29785]

MOTOR-RAIL-MOTOR RATES IN THE SOUTHWEST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

OCTOBER 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, for Missouri-Kansas-Texas Railroad Company, and The Chief Freight Lines Company and other motor carriers.

Commodities involved: Highway trailers, loaded or empty, on flat cars.

Between: Kansas City, Mo., on the one hand, and Tulsa, Oklahoma City, Okla., and Dallas, Tex., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8026; Filed, Oct. 12, 1954; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 200

Washington, Thursday, October 14, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 401.1]

PART 311—BASIC REGULATIONS

SUBPART A—GENERAL

CHANGE IN INTEREST RATES

Section 311.5 (b) in Title 6, Code of Federal Regulations (16 F. R. 7917), is amended to revise § 311.5 (b) (1) (iii) and (2) (ii), and add new § 311.5 (b) (1) (iv) and (2) (iii) as follows, to reflect an increase in interest rates for Farm Ownership loans approved after September 17, 1954:

§ 311.5 *Terms of loans.* • • •

(b) *Interest rates.* • • •

(1) For direct Farm Ownership loans, the interest rates per annum on the unpaid principal are as follows:

• • • • •

(iii) Four percent (4%) on loans approved subsequent to June 18, 1948, and prior to September 18, 1954.

(iv) Four and one-half percent (4½%) on loans approved subsequent to September 17, 1954.

(2) For insured Farm Ownership loans, the interest rates per annum on the unpaid principal are as follows:

• • • • •

(ii) Three percent (3%) on loans approved subsequent to June 18, 1948, and prior to September 18, 1954.

(iii) Three and one-half percent (3½%) on loans approved subsequent to September 17, 1954. The Administrator and individual lenders may agree on the making of these loans at a lower interest rate.

(Sec. 41 (1), 50 Stat. 529, 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (b) 2, 50 Stat. 523, 60 Stat. 1074, 62 Stat. 534, 68 Stat. 525, sec. 12 (c) (4), 60 Stat. 1076, 62 Stat. 534, 68 Stat. 525, sec. 44 (b), 60 Stat. 1069; 7 U. S. C. 1003 (b) (2), 1005b (c) (4), 1018 (b))

Issued this 8th day of October 1954.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 54-8054; Filed, Oct. 13, 1954; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

APPLICATION FOR INSPECTION OF DRESSED POULTRY AND EDIBLE PRODUCTS THEREOF FOR CONDITION AND WHOLESOMENESS

The amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70), hereinafter promulgated, is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The amendment revises the application form for inspection service by establishing an overtime charge at the rate of $3.65 per hour. In addition, a night differential charge is also provided to cover services performed during the hours of 6 p. m. to 6 a. m. These additional charges are necessary in view of recent legislation which changed the overtime rates for Federal employees.

It is hereby found that it would be impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedures with respect to this amendment or to postpone the effective date of the amendment until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that (1) legislation authorizes increased salary payment for overtime work and also provides that the services be self-supporting insofar as practicable; (2) increased costs of performing the services will go into effect on November 7, 1954; and (3) the services provided herein are permissive and the industry does not require additional time in order to comply with this amendment.

The amendment hereinafter set forth is promulgated to become effective on November 1, 1954.

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FEDERAL REGISTER

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The amendment is as follows:

Delete paragraph (a) (1) (iii) through (x) of § 70.416 *Application for inspection of dressed poultry and edible products thereof for condition and wholesomeness* and substitute, in lieu thereof, the following subdivisions:

(iii) A charge of (*a*) $116.00 per 40-hour work week for each inspector assigned to the designated plant by AMS for the inspection of dressed poultry at the time of evisceration; (*b*) $98.00 per 40-hour work week for each inspector assigned to the designated plant by AMS for the inspection of canning or other processing of poultry food products; and (*c*) $68.00 per 40-hour work week for each inspector assigned to the designated plant by AMS for the inspection of products for condition: *Provided*, That, with respect to each inspector who is employed by AMS on a "when actually employed" basis, such charges shall be computed on the appropriate hourly basis: *Provided, further*, That, no charge shall be made hereunder for any inspector during any period of leave approved by AMS for such inspector;

(iv) A charge of $3.65 per hour for each hour of overtime work performed by each inspector assigned to any type of operation described in subdivision (iii) of this subparagraph: *Provided*, That, any unscheduled overtime work performed by an inspector on a day when no work is scheduled for him, or for which he is required to return to his place of employment, shall be considered to be at least two hours in duration.

(v) A night differential charge of 10 percent of the inspector's basic hourly salary rate of compensation for each hour of any regularly scheduled work between the hours of 6:00 p. m. and 6:00 a. m.;

(vi) A charge at double the applicable hourly rate (weekly rates specified in subdivision (iii) of this subparagraph divided by 40) for any inspection service performed by an inspector on a designated holiday;

(vii) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant but whose travel headquarters is not at the designated plant, such charge to cover the period during which each such inspector is assigned to the designated plant, and travel to and from the designated plant in connection with such assignment;

(viii) A charge at the sole discretion of AMS of an amount not in excess of the actual cost to the AMS of the travel (including the cost of movement of household goods and dependents) and per diem in lieu of subsistence with respect to each inspector who is transferred from another official plant to the designated plant, when the inspector's travel headquarters is changed to the designated plant at the time of such transfer;

(ix) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant and whose travel headquarters is at the designated plant, if at the request of the designated plant, such inspector is reassigned temporarily to another official plant, such charge to cover the period during which each such inspector is reassigned to the other plant, and the travel to and from the designated plant in connection with such reassignment;

(x) A charge in an amount equal to nine and one-half (9.5) percent of the amounts prescribed in subdivisions (ii), (iv), (v), (vi), (vii), (viii), and (ix) of this subparagraph to cover approximate overhead for administrative and other costs and expenses incurred by AMS in rendering inspection service pursuant to the aforesaid regulations: *Provided*, That, after the inspection service is inaugurated in the designated plant, the minimum charge for each calendar month shall be $25.00;

(xi) The applicant shall also, upon receipt of an invoice therefor, at the inauguration of the inspection service pursuant hereto, make an advance payment in an amount to cover the estimated average cost of inspection in the designated plant for a period of one month. The advance payment will be applied to the final bill and any balance due the applicant will be refunded on termination of this contract;

(xii) The charges and credits specified in subdivisions (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), and (xiii) of this subparagraph shall be billed at the end of each calendar month. The charge for each 8-hour day, for the services of any inspector, shall be at the rate of one-fifth of the applicable charge for each 40-hour work week, as provided in subdivision (iii) of this subparagraph. Overtime and night differential charges (when applicable) shall be billed at the rates specified in subdivisions (iv) and (v) of this subparagraph; and

(xiii) The applicant will be given credit when inspectors assigned to the applicant's official plant perform inspection for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense. The amount of such credit will be based on a formula concurred in jointly by the Departments of Defense and Agriculture.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C., this 8th day of October 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54–8052; Filed, Oct. 13, 1954; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 97]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.358 *Grapefruit Regulation 97*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 30, 1954, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of the grapefruit at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., October 17, 1954, and ending at 12:01 a. m., P. s. t., December 19, 1954, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3 1/16 inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3 1/16 inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for

the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than 3 1/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 2/16 inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3 6/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 12/16 inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8096; Filed, Oct. 13, 1954; 8:55 a. m.]

[Avocado Order 3, Amdt. 3]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of the Booth 7 variety of avocados grown in South Florida.

It is, therefore, ordered as follows: The provisions in paragraph (b) (1) of § 969.303 (Avocado Order 3, as amended; 19 F. R. 5469; 5967) as pertains to the variety Booth 7 in Columns 2, 3, and 4, respectively, of the table contained therein, are hereby terminated.

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., October 15, 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 12, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8114; Filed, Oct. 13, 1954; 8:53 a. m.]

[Avocado Order 4, Amdt. 2]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 15, 1954. The present regulations, if continued in effect, would permit avocados of the Booth 5 and Booth 7 varieties to be shipped on and after October 15, 1954. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until October 9, 1954; determinations as to the time of maturity of the varieties of avocados covered by this amendment were made at a telephone meeting of said committee on October 9, 1954, after consideration of all available information relative to the time of bloom and growing conditions for such avocados, at which time the recommendations and supporting information for the amendment to the maturity regulation was submitted to the Department; such telephone meeting was held to consider recommendation for such amended regulation; the provisions of this amendment are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this amended regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is, therefore, ordered as follows:

(1) The table contained in paragraph (b) (2) of § 969.304 (Avocado Order 4, as amended; 19 F. R. 5967) is hereby amended to read as follows:

(1) Variety	(2) Beginning Date
Black Prince	Oct. 1, 1954.
Rue	Oct. 1, 1954.
Simpson	Oct. 1, 1954.
Collin Red	Oct. 15, 1954.
Sherman	Oct. 15, 1954.
Booth 5	Nov. 1, 1954.
Booth 7	Nov. 1, 1954.
Booth 7-B	Nov. 1, 1954.
Booth 10	Nov. 1, 1954.
Booth 11	Nov. 1, 1954.
Blakeman	Nov. 1, 1954.
Winslowson	Nov. 1, 1954.
Dunedin	Nov. 15, 1954.
Linda	Dec. 1, 1954.
Eagle Rock	Feb. 1, 1955.
McDonald	Feb. 1, 1955.
Schmidt	Feb. 1, 1955.

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., October 15, 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 12, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8113; Filed, Oct. 13, 1954; 8:53 a. m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

CONTROL PERCENTAGES

Correction

In Federal Register Document 54-7964, appearing at page 6511 of the issue for Saturday, October 9, 1954, the first sentence of the second paragraph should read: "On September 20, 1954, the Walnut Control Board which administers the amended agreement and order met to review the estimates and control percentages recommendations which it had made at its August 20, 1954, meeting."

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.147 is amended as set out below:

§ 6.147 *National Advisory Committee for Aeronautics.* (a) Two alien scientists having special qualifications in the field of aeronautical research where such employment is deemed by the Chairman of the National Advisory Committee for Aeronautics to be necessary in the public interest.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-8094; Filed, Oct. 13, 1954; 8:55 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

UNITED STATES INFORMATION AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (i) is added to § 6.363 as set out below.

§ 6.363 *United States Information Agency.* • • •

(i) One Staff Assistant to the Special Assistant to the Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-8095; Filed, Oct. 13, 1954; 8:55 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs. Amdt. 10]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

NONFERROUS COMMODITIES, INCLUDING ORES, CONCENTRATES, OR UNREFINED PRODUCTS

Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following particulars:

Paragraph (e) *Nickel-bearing cobalt and alloy scrap* is amended to read as follows:

(e) *Nickel-bearing alloy and cobalt scrap*—(1) *Nickel-bearing alloy scrap.* Applications for licenses to export contaminated nickel-bearing alloy scrap, Schedule B No. 654502, containing more than 67 percent nickel, and applications to export nickel-bearing stainless steel scrap, Schedule B No. 654502, shall be supported by evidence of commercial unsalability in the domestic market, as provided in subparagraph (3) of this paragraph.

(2) *Nickel-bearing cobalt scrap.* Applications for licenses to export nickel-bearing cobalt scrap, Schedule B No. 664526, Type S-816 only (alloy containing 19–21 percent nickel, 19–21 percent chrome, and 40–44 percent cobalt) shall be supported by evidence of commercial unsalability in the domestic market, as provided in subparagraph (3) of this paragraph.

(3) *Evidence of commercial unsalability.* As required in subparagraphs (1) and (2) of this paragraph, the exporter must submit evidence of commercial unsalability in the domestic market. This evidence may be in the form of a letter or other statement from the applicant, supplier, or persons to whom the scrap was offered for sale. Such evidence must be adequate to demonstrate that the scrap has been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include, as a minimum, the names and addresses of the potential users to whom the scrap has been offered, the terms at which it has been offered and the reasons for rejection of offers to sell.

This amendment shall become effective as of October 13, 1954.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-8098; Filed, Oct. 13, 1954; 8:56 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

REPORTS BY PERSONS LOCATED OUTSIDE OF THE UNITED STATES AND ITS TERRITORIES WHO CARRY ACCOUNTS FOR OTHERS

By virtue of the authority vested in the Secretary of Agriculture under sections 4i and 8a (5) of the Commodity Exchange Act, as amended (7 U. S. C. 6i, 12a (5)), and pursuant to notice published in the FEDERAL REGISTER on June 4, 1954, and August 4, 1954 (19 F. R. 3307, 4879), Part 1 of Chapter I of Title 17, Code of Federal Regulations, is hereby amended by adding immediately after § 1.46 the following new section, to be designated as § 1.47, the intent and purpose of which is to extend to persons located outside of the United States and its territories, who carry accounts for other persons trading in commodity futures on contract markets in the United States, the same reporting requirements relating to the forms enumerated in § 1.47 (a) (1) as are applicable to registered futures commission merchants and contract market members within the United States or its territories:

§ 1.47 *Reports by persons located outside of the United States and its territories who carry accounts for others.* (a) Every person located outside of the United States and its territories who shall carry for another person any account in any commodity future resulting from any transaction made on or subject to the rules of a contract market:

(1) Shall report such account to the Commodity Exchange Authority whenever the open contracts therein are equal to or in excess of the applicable amount fixed by the Secretary of Agriculture, for reporting purposes, in §§ 2.20, 3.20, 4.20, 5.20, 6.20, 7.20, 8.20, 9.20, 10.20, and 11.20 of this chapter. Such account shall be reported on:

Form 201 (grain), Form 701 (millfeeds), Form 301 (cotton), Form 801 (wool and wool tops), Form 401 (butter), Form 901 (fats), Form 501 (eggs), Form 1001 (oils), or Form 601 (potatoes), Form 1101 (meals)

as the case may be, and identified on Form 102, in conformity with the provisions of:

§§ 2.04 to 2.09 (grain), §§ 7.04 to 7.09 (millfeeds), §§ 3.04 to 3.09 (cotton), §§ 8.04 to 8.09 (wool & wool tops), §§ 4.04 to 4.09 (butter), §§ 9.04 to 9.09 (fats), §§ 5.04 to 5.09 (eggs), §§ 10.04 to 10.09 (oils), and §§ 6.04 to 6.09 (potatoes), §§ 11.04 to 11.09 (meals)

respectively, the provisions of which are hereby made applicable to persons subject to the provisions of this section: *Provided, however*, That such reports may, at the election of the person required to file the same, be transmitted weekly to the Commodity Exchange Authority, and

(2) Shall report from time to time, as called upon by the Act Administrator, all accounts carried by him in any commodity future, resulting from any transaction made on or subject to the rules of a contract market, which show open contracts in any future equal to or in excess of the amount specified in the call. Such accounts shall be reported in accordance with the instructions contained in the call.

(b) The provisions of this section shall not apply to any person if the persons for whom he carries accounts in commodity futures, resulting from transactions made on or subject to the rules of a contract market, are fully identified, and the details concerning such transactions are recorded, on the books and records of a registered futures commission merchant within the United States or its territories.

Cross references. Insert the following cross reference after §§ 2.09, 3.09, 4.09, 5.09, 6.09, 7.09, 8.09, 9.09, and 11.09 of this chapter:

CROSS REFERENCE: For requirements pertaining to reports by persons located outside of the United States and its territories who

carry accounts for others, see § 1.47 of this chapter.

This amendment shall become effective on the thirtieth day after the date of publication in the FEDERAL REGISTER.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a)

Issued this 11th day of October 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 54-8097; Filed, Oct. 13, 1954; 8:56 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Foreign Operations Administration

[FOA Reg. 4]

PART 204—GUARANTIES UNDER THE MUTUAL SECURITY ACT OF 1954

Sec.
204.1 Definitions.
204.2 Scope of this part.
204.3 Application for guaranties and place of filing.
204.4 Designation of Export-Import Bank of Washington as agent.
204.5 Effect of making investment prior to issuance of guaranty.
204.6 Saving clause.
204.7 Transitory provision.

AUTHORITY: §§ 204.1 to 204.7 issued under Sec. 413, Pub. Law 665, 83d Cong.

§ 204.1 *Definitions.* (a) The "act" means the Mutual Security Act of 1954, Public Law 665, 83d Congress.

(b) "FOA" means the Foreign Operations Administration.

(c) "Director" means the Director of the Foreign Operations Administration.

(d) "FOA guaranties" means guaranties of investments pursuant to section 413 (b) (4) of the act (other than guaranties of investments in enterprises producing or distributing informational media).

§ 204.2 *Scope of this part.* This part covers FOA guaranties, which may be made in accordance with this part in furtherance of the purposes of the act and to encourage and facilitate participation by private enterprise in achieving such purposes.

§ 204.3 *Applications for guaranties and place of filing.* Applications for FOA guaranties should be made in writing to the Investment Guaranties Branch, FOA, Washington 25, D. C. There is no prescribed form of application, but published information on current policies of the guaranty program, including the contents of applications, may be obtained on request from FOA. Each applicant will be notified in writing when his application has been found to be complete and is accepted for processing.

§ 204.4 *Designation of Export-Import Bank of Washington as agent.* Export-Import Bank of Washington is hereby designated by the Director as his agent, upon such terms as may be specified by the Director, to issue in its name, and to administer, FOA guaranties.

§ 204.5 *Effect of making investment prior to issuance of guaranty.* The purpose of the guaranty provisions of the act is to stimulate private investment from the United States which contributes to the objectives of the act. Ordinarily this purpose is not served by issuing a guaranty on an investment which has already been made. Accordingly, the making of an investment by an applicant prior to the issuance of a guaranty covering such investment shall be grounds on which the application may be denied. However, after an application has been filed and accepted as complete, the investor may obtain a statement in writing from FOA which will permit him to proceed with the investment without prejudice to the application on the above grounds.

§ 204.6 *Saving clause.* The Director may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this part.

§ 204.7 *Transitory provision.* (a) Guaranties and statements provided for in the last sentence of § 204.5 previously issued under authority of section 111 (b) (3) of the Economic Cooperation Act of 1948, as amended, and section 520 of the Mutual Security Act of 1951, as amended, and pursuant to ECA Regulation 4 issued by the Economic Cooperation Administration, as amended, or MSA Regulation 4 issued by the Mutual Security Agency, as amended, and FOA Regulation 4 issued by the Foreign Operations Administration, are reaffirmed and will continue in effect subject to the terms and conditions thereof.

(b) This revision of FOA Regulation 4 will take effect on October 15, 1954.

HAROLD E. STASSEN,
Director,
Foreign Operations Administration.

[F. R. Doc. 54-8064; Filed, Oct. 13, 1954; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6107; Regs. 118, Regs. 111, T. D. 5642]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 37—CARRY-OVERS OF RAILROADS

PART 39—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

On July 14, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 4327) to conform Regulations 118 (26 CFR (1939) Part 39) and Regulations 111 (26 CFR (1939) Part 29) to section 205 (a) and Treasury Decision 5642 (26 CFR (1939) Part 37) to section 205 (b), respectively, of the Technical Changes Act of 1953, approved August 15, 1953. No objections to the rules proposed having been received within the 30 days following such publication, the amendments set forth below are hereby adopted:

PARAGRAPH 1. Section 39.121–122 is amended by:

(A) Inserting immediately preceding subsection (c) of section 122 the following:

(E) *Loss for taxable years of corporations beginning in 1947 and ending in 1948.* * * *

(F) *Loss in case of corporations whose first taxable year began in 1949 and ended in 1950.* If the first taxable year of a corporation began in 1949 and ended in 1950, and if the corporation had a net operating loss for such first taxable year, there shall be a net operating loss carry-over for the fourth and fifth succeeding taxable years. The amount of such carry-over shall be determined in accordance with the first sentence of subparagraph (B); except that—

(I) Such carry-over for the fourth succeeding taxable year shall not exceed so much of such net operating loss as is allocable to 1950, and

(II) Such carry-over for the fifth succeeding taxable year shall not exceed the amount by which the carry-over for the fourth succeeding taxable year (as limited by clause (I) of this sentence) exceeds the net income for the fourth succeeding taxable year computed as provided in clauses (I) and (II) of the first sentence of subparagraph (B).

For the purposes of the preceding sentence, the portion of the net operating loss which is allocable to 1950 shall be an amount which bears the same ratio to such loss as the number of days in the taxable year after December 31, 1949, bears to the total number of days in the taxable year.

(B) Inserting "; sec. 205 (a) (1), Technical Changes Act 1953" before the closing bracket of the historical note following section 122.

PAR. 2. Section 39.122–4 (a) (2) is amended to read as follows:

(2) The number of taxable years to which a net operating loss may be carried back and carried over are as follows (subject to the exception set forth below):

Net operating loss for a taxable year beginning—		May be carried back to the following preceding taxable years	May be carried over to the following succeeding taxable years
After—	Before—		
Dec. 31, 1948	Jan. 1, 1950	2	3
Dec. 31, 1949	----------	1	5

The exception referred to above is that in the case of a corporation whose first taxable year began in 1949 and ended in 1950, a net operating loss sustained in such first taxable year may be carried over to the five succeeding taxable years in lieu of the three succeeding taxable years shown above. See paragraph (b) of this section for the portion of the loss which may be carried over to the fourth and fifth succeeding taxable years.

PAR. 3. Section 39.122–4 (b) is amended by adding the following new sentences at the end of the material which precedes the example: "In the case of a corporation whose first taxable year began in 1949 and ended in 1950 and which had a net operating loss for such first taxable year, the portion of such loss, otherwise determined under the provisions of this paragraph, which may be carried over to the fourth succeeding taxable year shall not exceed that amount which bears the same ratio to the loss as the number of days after December 31, 1949, in the taxable year of the loss bears to the total number of days in such taxable year. The portion of such loss which may be carried over

to the fifth succeeding taxable year shall not exceed the amount by which the carry-over for the fourth succeeding taxable year, determined as provided in the preceding sentence, exceeds the net income, if any (computed as provided in paragraph (c) of this section), for such fourth succeeding taxable year."

PAR. 4. There is inserted immediately preceding § 29.122–1 the following:

SEC. 205. NET OPERATING LOSS CARRY-OVERS (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 15, 1953).

(a) *Amendment of section 122 (b) (2).* (1) Section 122 (b) (2) (relating to net operating loss carry-over) is hereby amended by adding after subparagraph (D) the following new subparagraphs:

(E) *Loss for taxable years of corporations beginning in 1947 and ending in 1948.* If a corporation (other than a corporation which commenced business after December 31, 1945) has a net operating loss for a taxable year beginning in 1947 and ending in 1948, subparagraph (C) shall apply as if the taxable year began after December 31, 1947; except that the net operating loss carry-over for the third succeeding taxable year shall not exceed that amount which bears the same ratio to the net operating loss as the number of days in the taxable year after December 31, 1947, bears to the total number of days in the taxable year.

(F) *Loss in case of corporations whose first taxable year began in 1949 and ended in 1950.* If the first taxable year of a corporation began in 1949 and ended in 1950, and if the corporation had a net operating loss for such first taxable year, there shall be a net operating loss carry-over for the fourth and fifth succeeding taxable years. The amount of such carry-over shall be determined in accordance with the first sentence of subparagraph (B); except that—

(I) Such carry-over for the fourth succeeding taxable year shall not exceed so much of such net operating loss as is allocable to 1950, and

(II) Such carry-over for the fifth succeeding taxable year shall not exceed the amount by which the carry-over for the fourth succeeding taxable year (as limited by clause (I) of this sentence) exceeds the net income for the fourth succeeding taxable year computed as provided in clauses (I) and (II) of the first sentence of subparagraph (B).

For the purposes of the preceding sentence, the portion of the net operating loss which is allocable to 1950 shall be an amount which bears the same ratio to such loss as the number of days in the taxable year after December 31, 1949, bears to the total number of days in the taxable year.

(2) Subparagraph (A) of section 122 (b) (2) is hereby amended by striking out "subparagraph (D)," and inserting in lieu thereof "subparagraphs (D) and (E),".

(3) The amendment made by paragraph (2), and subparagraph (E) of section 122 (b) (2) of the Internal Revenue Code as added by paragraph (1), shall apply with respect to taxable years ending after December 31, 1947. Subparagraph (F) of section 122 (b) (2) of the Internal Revenue Code as added by paragraph (1) shall apply with respect to taxable years ending after December 31, 1949.

* * * * *

PAR. 5. Section 29.122–4 (a), as amended by Treasury Decision 5963, approved December 16, 1952, is further amended by changing the second paragraph thereof to read as follows:

The number of taxable years to which a net operating loss may be carried back and carried over are as follows (subject to the four exceptions set forth below):

Net operating loss for a taxable year beginning—		May be carried back to the following preceding taxable years	May be carried over to the following succeeding taxable years
After—	Before—		
Dec. 31, 1938	Jan. 1, 1942	None	2
Dec. 31, 1941	Jan. 1, 1948	2	2
Dec. 31, 1947	Jan. 1, 1950	2	3
Dec. 31, 1949	----------	1	5

(1) The first exception referred to above is that a net operating loss may not be carried back to any taxable year beginning prior to January 1, 1941; (2) the second exception referred to above is that in the case of a corporation which commenced business after December 31, 1945, the net operating loss for any taxable year beginning after December 31, 1946, and before January 1, 1948, may be carried over to the three succeeding taxable years in lieu of the two succeeding taxable years shown above. The date the corporation commenced business shall be determined for the purpose of this exception under the rules provided in the regulations promulgated under section 445, relating to the computation of the average base period net income in the case of new corporations. See § 40.445–1 of this chapter (Regulations 130); (3) the third exception referred to above is that in the case of a corporation which commenced business before January 1, 1946, the net operating loss for a taxable year beginning in 1947 and ending in 1948 may be carried over to the three succeeding taxable years in lieu of the two succeeding taxable years shown above. The date the corporation commenced business shall be determined in the same manner as in the case of the second exception provided in subparagraph (2) of this paragraph. See paragraph (b) of this section for the portion of the loss which may be carried over to the third succeeding taxable year; (4) the fourth exception referred to above is that in the case of a corporation whose first taxable year began in 1949 and ended in 1950, a net operating loss sustained in such first taxable year may be carried over to the five succeeding taxable years in lieu of the three succeeding taxable years shown above. See paragraph (b) of this section for the portion of the loss which may be carried over to the fourth and fifth succeeding taxable years.

PAR. 6. Section 29.122–4 (b), as amended by Treasury Decision 5963, approved December 16, 1952, is further amended by adding the following new sentences at the end of the first paragraph thereof: "In the case of a corporation which commenced business before January 1, 1946, and which had a net operating loss for a taxable year beginning in 1947 and ending in 1948, the portion of such loss, otherwise determined under the provisions of this paragraph, which may be carried over to the third succeeding taxable year shall not exceed that amount which bears the same ratio to the loss as the number of days after December 31, 1947, in the taxable year of the loss bears to the total number of days in such taxable year. In the case of a corporation whose first taxable year began in 1949 and ended in 1950 and which had a net operating loss for such first taxable year, the portion of such loss, otherwise determined under the provisions of this paragraph, which may be carried over to the fourth succeeding taxable year shall not exceed that amount which bears the same ratio to the loss as the number of days after December 31, 1949, in the taxable year of the loss bears to the total number of days in such taxable year. The portion of such loss which may be carried over to the fifth succeeding taxable year shall not exceed the amount by which the carry-over for the fourth succeeding taxable year, determined as provided in the preceding sentence, exceeds the net income, if any (computed as provided in paragraph (c) of this section), for such fourth succeeding taxable year."

PAR. 7. There is inserted immediately preceding § 37.1 the following:

SEC. 205. NET OPERATING LOSS CARRY-OVERS (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 15, 1953).

* * * * *

(b) *Successor Railroad Corporations.* (1) Subsection (c) of the first section of the Act of July 15, 1947 (61 Stat. 324), relating to allowance to successor railroad corporations of benefits of certain carry-overs of predecessor corporations, is hereby amended to read as follows:

(c) For the purposes of this section, if the period, beginning on the first day of the taxable year of the predecessor corporation in which the acquisition occurred and ending on the last day of the taxable year of the successor corporation in which the acquisition occurred, is not more than twelve months, then—

(1) If such net operating loss or unused excess profits credit was for a taxable year beginning before January 1, 1948, the number of succeeding taxable years to which such net operating loss or unused excess profits credit is a carry-over shall be three (instead of two, as respectively provided in section 122 (b) (2) (A) and section 710 (c) (3) (B) of such code); and

(2) If such net operating loss was for a taxable year beginning after December 31, 1947, and before January 1, 1950, the number of succeeding taxable years to which such net operating loss is a carry-over shall be four (instead of three, as provided in section 122 (b) (2) (C) of such code);

and such regulations shall prescribe (as nearly as possible in the manner respectively prescribed in sections 122 (b) (2) and 710 (c) (3) (B) of such code with respect to a net operating loss or an unused excess profits credit, as the case may be, for such taxable year) the amount to be carried over to the last of such succeeding taxable years.

(2) The amendment made by paragraph (1) shall be effective as if included in such Act of July 15, 1947, at the time of its enactment.

PAR. 8. Section 37.1 is amended as follows:

(A) By striking the heading and first sentence of paragraph (c) and inserting in lieu thereof the following:

(c) *Special rule where taxable years of predecessor and successor in which acquisition occurred begin and end in the same period of not more than 12 months*—(1) *Taxable year of loss or un-*

used credit beginning before January 1, 1948. (i) Under subsection (c) of section 1 of the act it is possible to have a carry-over for three taxable years from a taxable year which begins before January 1, 1948.

(B) By redesignating subparagraphs (2) through (6) as subdivisions (ii) through (vi) of subparagraph (1) and by redesignating subdivisions (i), (ii), and (iii) in subparagraph (1) thereof as (*a*), (*b*), and (*c*), respectively.

(C) By adding at the end thereof the following new subparagraph:

(2) *Taxable year of loss beginning after December 31, 1947, and before January 1, 1950.* Under subsection (c) of section 1 of the act it is possible to have a net operating loss carry-over for four taxable years from a taxable year beginning after December 31, 1947, and before January 1, 1950. The provisions of subsection (c) of section 1 shall be applied in such case in accord with the principles provided in subparagraph (1) of this paragraph with respect to the carry-overs from a taxable year beginning before January 1, 1948.

(53 Stat. 32, 468; 26 U. S. C. 62, 3791)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: October 7, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-8065; Filed, Oct. 13, 1954; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 56]

PART 1670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS

SUPPLYING INFORMATION FROM RECORDS

The Selective Service Regulations are hereby amended as follows:

1. a. Subparagraphs (1), (3), and (17) of paragraph (b) of § 1670.31 are amended to read as follows:

§ 1670.31 *Supplying information to Federal agencies and officials.* • • •

(b) • • •

(1) *Veterans' Administration.* The Veterans' Administration may obtain such information upon the request of (i) the Administrator of Veterans' Affairs, (ii) the Deputy Administrator, (iii) the Assistant Administrator for Administration, (iv) the Chief, Office Services Division, (v) the Manager, Veterans' Benefits Office, District of Columbia, (vi) a Manager of a District Office, (vii) a Director, Claims Service, District Office, or (viii) a Manager or an Adjudication Officer of a Regional Office or Center with Regional Office activities.

• • • • •

(3) *Department of the Army.* The Department of the Army may obtain such information upon the request of (i) the Administrative Assistant to the Secretary of the Army, (ii) the Executive Officer or the Secretary-Recorder of the Army Discharge Review Board, Washington, D. C., (iii) the Assistant Secretary-Recorder of the Army Discharge Review Board, St. Louis, Missouri, (iv) the Chairman of the Army Board on Correction of Military Records, (v) the Chief, Security Group, Intelligence Division, General Staff, United States Army, (vi) Personnel of the Counter Intelligence Corps, United States Army, (vii) the Adjutant General, (viii) the Commanding Officer, Military Personnel Records Center, St. Louis, Missouri, (ix) the Chief, Repatriation Records Branch, Office of the Quartermaster General, (x) the Chief, Personnel Branch, National Guard Bureau, (xi) the Adjutant General, Headquarters, First Army, (xii) the Executive Officer, Military Personnel Procurement Division, Headquarters, Second Army, (xiii) the Records Administrator, Headquarters, Third Army, (xiv) the Adjutant General, Headquarters, Fourth Army, (xv) the Selective Service Liaison Officer, Headquarters, Fifth Army, (xvi) the Adjutant General, Headquarters, Sixth Army, (xvii) the Adjutant General, Headquarters, Military District of Washington, (xviii) the Executive Officer, Army Finance Center, (xix) an Agent of the Criminal Investigation Division, Office of the Provost Marshal General, (xx) a Provost Marshal or an Agent of the Criminal Investigation Division of the Military District of Washington or of the First, Second, Third, Fourth, Fifth or Sixth Army, or (xxi) the Adjutant General, U. S. Army Pacific.

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(17) *Department of the Air Force.* The Department of the Air Force may obtain such information upon the request of (i) the Administrative Assistant to the Secretary of the Air Force, (ii) the Air Adjutant General, (iii) the Chief of the Personnel Records Service, Office of the Air Adjutant General, (iv) the Director, Procurement and Industrial Planning, Office of Deputy Chief of Staff, Materiel, (v) the Air Provost Marshal, the Chief of the Office of Special Investigations, or the District Commander of an office of Special Investigations District Office, Office of the Inspector General, (vi) the Judge Advocate General, United States Air Force, (vii) the Chief of Air Force Chaplains, (viii) the Chief of the Professional Division or the Chief of the Medical Personnel Division, Office of the Air Surgeon, (ix) the Director of Military Personnel, Office of Deputy Chief of Staff, Personnel, (x) the Director, Procurement and Industrial Planning, Headquarters, Air Materiel Command, (xi) the Commanding General, the Director of Personnel, or the Commander of the Air Reserve Records Center, Continental Air Command, (xii) the Commanding General, Air Training Command, (xiii) the Commanding General, First Air Force, (xiv) the Commanding General, Fourth Air Force, (xv) the Commanding General, Tenth Air Force, or (xvi) the Commanding General, Fourteenth Air Force.

b. Two new subparagraphs (20) and (21) are added to paragraph (b) of § 1670.31 to read as follows:

(20) *Department of Health, Education, and Welfare.* The Department of Health, Education, and Welfare may obtain such information upon the request of the Director, a Chief of an Area Office, or a Manager of a Field Office of the Bureau of Old-Age and Survivors' Insurance.

(21) *United States Information Agency.* The United States Information Agency may obtain such information upon the request of (i) the Administrator, or (ii) the Chief or an Agent of the Office of Security.

2. Subparagraphs (28), (33), and (50) of paragraph (b) of § 1670.32 are amended to read as follows:

§ 1670.32 *Supplying information to officials and agencies of States, the District of Columbia, Territories and possessions of the United States.* • • •

(b) • • •

(28) *State of Nebraska.* The officials of the State of Nebraska authorized to obtain such information are (i) the Adjutant General, (ii) the Secretary of State, (iii) the Attorney General, (iv) the Commissioner of Labor, and the Director of the Division of Placement and Unemployment Insurance, Department of Labor, (v) the State Engineer, (vi) the Director of Health, (vii) the Superintendent of Public Safety, Law Enforcement and Patrol, (viii) the State Tax Commissioner, (ix) the Board of Control, (x) the Presiding Judge, Nebraska Workmen's Compensation Court, (xi) the Executive Secretary, Nebraska Public Library Commission, (xii) the Director, Nebraska Merit System, (xiii) the Secretary, Nebraska State Historical Society, and (xiv) the Director of Veterans' Affairs.

• • • • •

(33) *State of New York.* The officials of the State of New York and its subdivisions authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Adjutant General, (iii) the Executive Officer of the Adjutant General's Office, (iv) the Executive Director and the Chief Investigator, Division of Placement and Unemployment Insurance, (v) the Commissioner and the Parole District Supervisors, Division of Parole, (vi) the State Director, the Deputy State Director, the Director of Research Training, the Counsel to the Division, the Special Counsel, New York City, the Area Veteran Director, Albany, the Area Veteran Director, Buffalo, and the Area Veteran Director, New York City, Division of Veterans' Affairs, (vii) the Director, Bureau of Research, Division of Housing, (viii) the Chief Inspector, Division of State Police, (ix) the Deputy Commissioner in Charge of the Division of the Treasury and the Bonus Claims Administrative Supervisor, Principal Clerk, and Senior Clerk of the New York State Veterans' Bonus Bureau, Division of the Treasury, Department of Taxation and Finance, (x) the Deputy Commissioner for Welfare and Medical Care, Department of Social Welfare, (xi) the Assistant Commissioner, Department of Mental Hygiene, (xii) the First Deputy Industrial Commissioner and the Associate Personnel Administrator, Department of Labor, (xiii) the Senior Civil Service Investigator, State Civil Service Commission, (xiv) the County Commissioners of Welfare and the Deputy County Commissioners of Welfare, Department of Public Welfare, (xv) the Commissioners and the Investigators, New York State Crime Commission, (xvi) the Commissioner, the Deputy Commissioner, the Assistant Commissioners, and the District Health Officers, Department of Health, (xvii) the Chief of the Bureau of Examinations and Testing, University of the State of New York, State Education Department, (xviii) the District Attorney, New York County, (xix) the Chief Investigator and the Investigators, Office of the District Attorney, New York County, (xx) the District Attorney and the Chief Assistant to the District Attorney, Queens County, (xxi) the Investigator, Abandonment Bureau, Office of the District Attorney, Queens County, (xxii) the District Attorney, the Assistant District Attorney in Charge of the Homicide Division, and the Assistant District Attorney in Charge of Abandonments, Kings County, (xxiii) the Acting Chief Clerk, Office of the District Attorney, Kings County, (xxiv) the District Attorney, Bronx County, (xxv) the District Attorney, Richmond County, (xxvi) the Deputy Directors, the Assistant Deputy Directors, the Director of the Bureau of Child Welfare, the Assistant Director of the Division of Children's Placement Service, the Director of the Division of Foster Home Care, the Director of the Division of Day Care, and the Director of the Department of Welfare Youth Board Project, New York City Department of Welfare, (xxvii) the Commissioner, New York City Department of Hospitals, (xxviii) the Corporation Counsel, the Acting Corporation Counsel, and the Chief Clerk, New York City Department of Law, (xxix) the Special Assistant Corporation Counsel In Charge, and the Chief Examiner of the City of New York Law Department, Torts-Trial Division, New York City Transit System, (xxx) the Chief, Bureau of Investigation, New York City Civil Service Commission, (xxxi) the Chief Inspector, the Chief of Detectives, and the Commanding Officer of the Police Academy, New York City Police Department, (xxxii) the Executive Director of Veterans' Activities, Manhattan, and the Executive Director of Veterans' Activities, Brooklyn, New York City Veterans' Service Centers, and (xxxiii) the Chief of Personnel, New York City Housing Authority.

• • • • •

(50) *State of Washington.* The officials of the State of Washington authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Personnel Officer of the Adjutant General's Office, (iii) the Commissioner, Employment Security Department, (iv) the Chief, Division of Parole and Probation, (v) the Director and the Executive Assistant to the Director, Veterans' Rehabilitation Council, (vi) the Director and the County Office Administrators, Department of Public Assistance, (vii) the Director of the Department of Health, and (viii) the Administrator, the Assistant Administrator, and the Chief Supervisor, Division of Veterans' Compensation, Office of the State Auditor.

(Secs. 6, 7, 61 Stat. 32, sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 326, 327, 460)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

OCTOBER 11, 1954.

[F. R. Doc. 54-8093; Filed, Oct. 13, 1954; 8:55 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MILWAUKEE HARBOR, WISCONSIN

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.655 governing the operation of drawbridges over the Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee Canal, all within the City of Milwaukee, Wisconsin, is hereby amended to provide for changes in closed periods for highway bridges and to provide special regulations requiring advance notice for the drawbridges over the Milwaukee River north of and including Buffalo Street bridge, as follows:

§ 203.655 *Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee Canal, Milwaukee, Wisconsin; bridges*—(a) *Regulations for all bridges owned or operated by the City of Milwaukee across the Milwaukee, Menomonee, and Kinnickinnic Rivers, including the South Menomonee Canal, except bridges across the Milwaukee River north of and including Buffalo Street Bridge.* (1) The draws of the above-named bridges shall be immediately opened for the passage of foreign vessels and "vessels of the United States" as defined by section 4311 of the Revised Statutes (46 U. S. C. 251), at all times during the day or night except between the hours of 7:30 a. m. and 8:30 a. m., and 4:30 p. m. and 5:30 p. m., upon signals to be given by blasts of a horn, steam whistle, or other approved signaling devices, as follows, viz.: For the North Plankinton Avenue bridge across the Menomonee River and the Kinnickinnic Ave. bridge across the Kinnickinnic River, four short blasts; for all other bridges specified in this subparagraph, three short blasts: *Provided*, That the exception as to hours stated in this subparagraph shall not apply to vessels having a license to carry 50 or more passengers when proceeding to or from their regular landing places on their regular trips, nor to vessels carrying United States mails, nor to vessels belonging to the United States, nor to fireboats of the City of Milwaukee; *And provided, further*, That the exception as to hours stated in this subparagraph shall not apply on Sundays and legal holidays, consisting of New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day, or on the Monday following such holidays when they occur on a Sunday.

(2) In case street traffic shall have been delayed by reason of the draws of any of the above-described bridges having been continuously open for 5 minutes or more for the passage of any of the vessels before described, the draws of said bridges may be closed but shall be again opened for the passage of said vessels as soon as practicable: *Provided*, That in such case the opening of any of the above-described bridges for the passage of any vessels before described shall not be delayed more than 5 minutes after the proper signal is given, except during the hours stated in subparagraph (1) of this paragraph.

(3) The draws shall, when the above described signals are given, except between the hours of 7:30 a. m. and 8:30 a. m., and 4:30 p. m. and 5:30 p. m., be opened as soon as practicable for all other vessels which cannot pass the closed bridges: *Provided, however*, That no vessel of this class shall be delayed for a longer period than 15 minutes, except during the hours stated herein.

(4) In case the draws cannot be immediately opened when the signals are given a red flag or ball by day, or a red light at night shall be conspicuously displayed.

(5) Pedestrians and vehicles shall not stop on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(b) *Regulations for all bridges owned and operated by the City of Milwaukee across the Milwaukee River north of and including the Buffalo Street Bridge.* (1) The draws of the above-named bridges shall be immediately opened for the passage of foreign vessels and "vessels of the United States" as defined by section 4311 of the Revised Statutes (46 U. S. C. 251), at all times during the day or night except between the hours of 7:30 a. m. and 8:30 a. m., and 4:30 p. m. and 5:30 p. m., only upon advance notice given by telephone or otherwise to the Superintendent of the Bureau of Bridges, City Hall, Milwaukee, Wisconsin, at least 2 hours in advance of the time the vessel desires to pass through the draw upon signals to be given by three short blasts of a horn, steam whistle, or other approved signaling device: *Provided*, That the exception as to hours and advance notice stated in this subparagraph shall not apply to fireboats of the City of Milwaukee, nor to vessels belonging to the United States.

(2) In case street traffic shall have been delayed by reason of the draws of any of the above-described bridges hav-

ing been continuously open for 5 minutes or more for the passage of any of the vessels before described, the draws of said bridges may be closed, but shall be again opened for the passage of said vessels as soon as practicable: *Provided*, That in such case the opening of any of the above-described bridges for the said vessels shall not be delayed more than 5 minutes after the proper signal is given, except during the hours stated under subparagraph (1) of this paragraph.

(3) The draws shall, when the above-described signals are given, except between the hours of 7:30 a. m. and 8:30 a. m., and 4:30 p. m. and 5:30 p. m., be opened as soon as practicable for all other vessels which cannot pass the closed bridges: *Provided, however*, That no vessel of this class shall be delayed for a longer period than 15 minutes, except during the hours stated herein.

(4) A copy of the regulations contained in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time; also a sign shall be placed on the downstream side of the Buffalo Street Bridge and the upstream side of the Walnut Street Bridge on the Milwaukee River stating the hours during which advance notice is required and the amount of such notice and also stating exactly how the Superintendent of the Bureau of Bridges specified in subparagraph (1) of this paragraph may be reached to give the required advance notice.

(c) *Regulations for all bridges owned and operated by the Chicago and North Western Railway Co., and the Chicago, Milwaukee, St. Paul and Pacific Railroad Co., across the Milwaukee, Menominee, and Kinnickinnic Rivers within the limits of the City of Milwaukee.* (1) The draws of the above-named bridges shall be immediately opened for the passage of foreign vessels and "vessels of the United States" as defined by section 4311 of the Revised Statutes (46 U. S. C. 251), at all times during the day or night, upon signals to be given by blasts of a horn, steam whistle, or other approved signaling device, as follows, viz: For the Chicago, Milwaukee, St. Paul and Pacific Railroad bridge across the Menominee River at North Plankinton Avenue, and the Chicago and North Western Railway bridge across the Kinnickinnic River between Kinnickinnic Avenue and South First Street, four short blasts; for all other of above-described bridges, three short blasts, except when a passenger or mail train is actually ready to pass over the bridge, but in no case shall the opening of any of the above-described bridges for the vessels above-described be delayed more than 7 minutes after the signal is given.

(2) The draws shall, when the above-described signals are given, be opened as soon as practicable for all other vessels which cannot pass the closed bridges: *Provided, however*, That no vessel of this class shall be delayed for a longer period than 15 minutes.

(3) In case the draws cannot be immediately opened when the signals are given, a red flag or ball by day or a red light at night shall be conspicuously displayed.

[Regs., Sept. 23, 1954, 823.01–ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 54–8055; Filed, Oct. 13, 1954; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 97—STAR, STEAMSHIP, AND STEAMBOAT ROUTES, AND VEHICLE SERVICE IN CITIES

NEW CONTRACTS

In § 97.29 *New contracts* amend paragraph (b) by striking out the words "star-route or screen vehicle service" wherever they appear therein and inserting in lieu thereof the words "star-route, screen vehicle service, or inland water-route".

(R. S. 161, 396, 3951, as amended; secs. 304, 309, 42 Stat. 24, 25, 68 Stat. 998; 5 U. S. C. 22, 369; 39 U. S. C. 434)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54–8083; Filed, Oct. 13, 1954; 8:53 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

ADEN (INCLUDING KAMARAN AND PERIM)

In § 127.201 *Aden (Including Kamaran and Perim)* make the following changes:

1. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters and letter packages, 25 cents per half ounce. Single post cards and air letter sheets, 10 cents each. Other Postal Union articles, 60 cents for the first 2 ounces and 40 cents for each additional 2 ounces. (See § 127.20.)

2. In paragraph (b) insert the following immediately after the table of rates in subdivision (i) of subparagraph (1):

(ii) *Air parcel rates, including transit charges:*

[Rates $1.50 first 4 ounces; $0.75 each additional 4 ounces]

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.50	4	12	$15.00
0	8	2.25	5	0	15.75
0	12	3.00	5	4	16.50
1	0	3.75	5	8	17.00
1	4	4.50	5	12	18.00
1	8	5.25	6	0	18.75
1	12	6.00	6	4	19.50
2	0	6.75	6	8	20.25
2	4	7.50	6	12	21.00
2	8	8.25	7	0	21.75
2	12	9.00	7	4	22.50
3	0	9.75	7	8	23.25
3	4	10.50	7	12	24.00
3	8	11.25	8	0	24.75
3	12	12.00	8	4	25.50
4	0	12.75	8	8	26.25
4	4	13.50	8	12	27.00
4	8	14.25	9	0	27.75
9	4	$28.50	15	12	$48.00
9	8	29.25	16	0	48.75
9	12	30.00	16	4	49.50
10	0	30.75	16	8	50.25
10	4	31.50	16	12	51.00
10	8	32.25	17	0	51.75
10	12	33.00	17	4	52.50
11	0	33.75	17	8	53.25
11	4	34.50	17	12	54.00
11	8	35.25	18	0	54.75
11	12	36.00	18	4	55.50
12	0	36.75	18	8	56.25
12	4	37.50	18	12	57.00
12	8	38.25	19	0	57.75
12	12	39.00	19	4	58.50
13	0	39.75	19	8	59.25
13	4	40.50	19	12	60.00
13	8	41.25	20	0	60.75
13	12	42.00	20	4	61.50
14	0	42.75	20	8	62.25
14	4	43.50	20	12	63.00
14	8	44.25	21	0	63.75
14	12	45.00	21	4	64.50
15	0	45.75	21	8	65.25
15	4	46.50	21	12	66.00
15	8	47.25	22	0	66.75

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

(R. S. 161, 396, 398; sec. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54–8082; Filed, Oct. 13, 1954; 8:53 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

GERMANY

In § 127.261 *Germany* (19 F. R. 4997) delete subdivision (iii) (b) of paragraph (b) (5) and substitute the following:

(iii) *Soviet Zone (including the Soviet Sector of Berlin).* • • •

(b) Gift parcels for the Soviet Zone are limited to 22 pounds in weight, must be mailed by individuals addressed to individuals, and must contain only necessary articles for the personal use of the addressee or members of his family. They may not contain phonograph records, tape recordings, photographic films, plates, or paper, geographic maps, postage stamps, or children's toys of military nature. No such parcels may contain more than 8¾ ounces of coffee, 8¾ ounces of cocoa, 10½ ounces of chocolate in any other form (including chocolate-covered candy) and/or 1¾ ounces of tobacco products. Each gift parcel must be marked on the outside "Geschenksendung, keine Mandelsware" (Gift shipment—no commercial goods).

(c) Gift parcels complying with the foregoing are subject to customs duty at normal rates. Parcels not complying therewith may be returned to origin, confiscated or charged with double duty in accordance with East German customs regulations.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54–8081; Filed, Oct. 13, 1954; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

HANDLING OF MILK IN CENTRAL MISSISSIPPI MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER; CORRECTION

In F. R. Docket 54–7025, which appeared in the FEDERAL REGISTER September 9, 1954, the following correction is made: In the fourth line of the paragraph beginning in column 2, page 5820, delete "August 12, 1954" and substitute "July 7, 1954."

Issued at Washington, D. C., this 11th day of October 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 54–8053; Filed, Oct. 13, 1954; 8:45 a. m.]

NOTICES

DEPARTMENT OF STATE

Office of German Affairs

[Public Notice 136]

REORGANIZATION OF GERMAN COAL AND IRON AND STEEL INDUSTRIES

The following Law No. 76 issued by the Allied High Commission for Germany, which amends Law No. 27 (Reorganization of German Coal and Iron and Steel Industries), is deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

LAW NO. 76—AMENDING LAW NO. 27[1] (REORGANIZATION OF GERMAN COAL AND IRON AND STEEL INDUSTRIES)

The Council of the Allied High Commission enacts as follows:

ARTICLE 1

Paragraph 1 of Article 4 of Law No. 27 is hereby amended to read as follows:

"1. The Steel Trustee Association established under United States Military Government Law No. 75 and United Kingdom Military Government Law No. 75 and Regulation No. 2 issued thereunder shall continue to exist and shall exercise the functions conferred on it by the present Law or by regulations or orders made hereunder. The Allied High Commission may remove any member of the Steel Trustee Association and appoint other members of such Association."

ARTICLE 2

Sub-paragraph (c) of paragraph 1 of Article 7 of Law No. 27 is hereby amended to read as follows:

"(c) Any other action taken in connection with reorganizations of liquidations under this Law to the extent provided by regulations or orders hereunder."

ARTICLE 3

Article 11 of Law No. 27 is hereby amended to read as follows:

"ARTICLE 11

REGULATIONS AND ORDERS

The Allied High Commission may issue such regulations and orders for the purpose of implementing any provision of this law as it shall deem necessary or proper in order to carry fully into effect the purposes of this Law."

ARTICLE 4

Article 13 of Law No. 27 is hereby amended to read as follows:

"ARTICLE 13

BOARD OF REVIEW

1. There is hereby established a Board of Review. The number, nationality, and method of appointment of members of the Board shall be determined by the Council of the Allied High Commission. Each member shall be a qualified lawyer or expert who shall not be otherwise concerned with the administration of this Law. The decision of a majority of the members of the Board shall constitute the decision of the Board. In the absence of a majority, the order which is the subject of review shall be deemed to have been confirmed.

2. The Board shall have jurisdiction to review any order issued under paragraph (c) of Article 5 of this Law on the petition of any interested person to the sole extent of determining whether the distribution made to such person has afforded him fair and equitable treatment within the provisions of the Law and of the regulations issued thereunder.

3. A petition for review of an order issued before May 15, 1952 shall be filed before November 15, 1952. A petition for review of any order issued on or after May 15, 1952, shall be filed within six months of the date of issue.

4. The petition shall be filed with the Board or with the authority which issued the order the review of which is sought.

5. In considering a petition for review the Board shall determine solely whether the order the review of which is sought is supported by substantial evidence and is correct as a matter of law. The filing and pendency of a petition shall not operate as a stay of the order except and to the extent that a stay may be directed by the Board upon a motion for such relief.

6. The Board shall establish its rules of procedure. It may take evidence of any kind and summon witnesses and experts in accordance with the provisions of the German Code of Civil Procedure. It may demand security for costs from a petitioner, but if the petition is granted in full, the security shall be refunded and no costs shall be levied against the petitioner. If the petition is not granted in full, the costs shall be assessed by the Board on the principles laid down in the Kostenordnung of November 25, 1935 (Reichsgesetzblatt I, page 1371)."

Done at Bonn, Petersberg, on April 30, 1952.

On behalf of the Council of the Allied High Commission.

IVONE KIRKPATRICK,
United Kingdom High Commissioner for Germany, Chairman.

For the Secretary of State:

GEOFFREY W. LEWIS,
Deputy Director, Office of German Affairs, Bureau of European Affairs.

OCTOBER 7, 1954.

[F. R. Doc. 54–8063; Filed, Oct. 13, 1954; 8:48 a. m.]

[1] Published in 15 F. R. 8591.

DEPARTMENT OF DEFENSE

Office of the Secretary

EXEMPTION OF DEPARTMENT FROM CERTAIN PROVISIONS UNDER TITLE II OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

1. By virtue of the authority vested in me by section 201 (a), Title II, of the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C. 481 (a)) I have determined it to be in the best interests of national security for the Department of Defense to be exempt from action taken or which may be taken by the Administrator of the General Services Administration under section 201 (a) (1), (3), and (4) of said act in (a) the prescription of policies and methods of procurement and supply of transportation and traffic management, (b) the performance of functions related to procurement and supply of transportation and traffic management, and (c) the representation in negotiations with carriers and in proceedings involving carriers before Federal and State regulatory bodies in transportation and traffic management.

2. The Department of Defense will continue to cooperate with the General Services Administration in transportation and traffic management matters of mutual interest. In those instances in which the General Services Administration and the Department of Defense have mutual interest and common objectives the Department of Defense will continue to act jointly with the General Services Administration.

3. This exemption shall become effective at 12:01 a. m., e. s. t., October 2, 1954.

C. E. WILSON,
Secretary of Defense.

[F. R. Doc. 54–8051; Filed, Oct. 13, 1954; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 22, 1954.

An application, serial number Fairbanks 010121, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on January 6, 1953, by

the Department of the Army. The purposes of the proposed withdrawal: Air National Guard Site.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Starting at Triangulation Station Bethel Mag. and Latitude 60 47'08.692" N., Longitude 161°46'21.865" W; thence north 52°23'25" east 10,620 feet to the true point of beginning; thence north 295.16 feet; thence east 295.16 feet; thence south 295.16 feet; thence west 295.16 feet, containing approximately 2 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-8060; Filed, Oct. 13, 1954; 8:47 a. m.]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

In exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the lands described hereafter have been reconveyed to the United States:

BOISE MERIDIAN IDAHO

T. 3 S., R. 18 E.,
Sec. 4, Lots 3 and 4, SW¼NE¼, E½SE¼, NW¼SE¼.

The area described aggregates 239.62 acres.

The lands described are rough to rolling lands principally of value for grazing purposes. The soil is in general shallow, volcanic ash with numerous rock outcroppings.

This order is subject to any withdrawals, reservations, rights-of-way or easements which may now affect the land, and to any withdrawals, reservations, rights-of-way or easements which may hereafter be effected.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order except that the lands are now open to application, petition, location, or selection under applicable laws, subject to valid existing rights, the requirements for classification, and withdrawal limitations. Pursuant to law, preference in consideration of competing applications will be granted as follows:

Priority category	Preferred applicant	Types of applications	Priority period closing dates (all days start at 10 a. m.)	How competing applications will be considered
1	Holders of individual preference rights based on valid settlement, statutory preference, or equitable claims.	As specified by law or regulation.	126 days from date of this notice.	Priority of right.
2	Veterans of World War II and of the Korean conflict, and other beneficiaries of the act of Sept. 27, 1944, 58 Stat. 747 (43 USC 279–284), as amended.	Homestead, desert land, small tract.	35 days from date of this notice.	Drawing at the close of the priority period.
3	Same	Same	91 days from the end of the second priority period.	Order of filing during the priority period.
4	Any other qualified person	Any type	126 days from date of this notice.	Drawing at the close of the priority period.
5	Any qualified person	Any type	Any time after the end of the fourth priority period.	Order of filing.

Persons claiming veterans' preference rights under Priority Categories 2 and 3 must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claim.

Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations, as follows:

Subject and Part

General, 295.8 and 296.
Homesteads, 166–170.
Homesites, 232.
Small Tracts, 257.
Veterans' Preference, 181.35–181.47.

Inquiries concerning these lands and applications for them shall be addressed to the Manager, Land Office, Box 2237, Boise, Idaho.

NOLAN F. KEIL,
Acting State Supervisor.

[F. R. Doc. 54-8057; Filed, Oct. 13, 1954; 8:46 a. m.]

NEW MEXICO

CLASSIFICATION ORDER

OCTOBER 6, 1954.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 541, dated April 21, 1954, 19 F. R. 2473, I hereby classify as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, the following described lands in the New Mexico land district, embracing approximately 240 acres:

NEW MEXICO SMALL TRACT CLASSIFICATION No. 36

For lease and sale for homesites only:

T. 29 N., R. 11 W., N. M. P. M.,
Sec. 3, E½SE¼SW¼;
Sec. 10, E½W½;
Sec. 15, NE¼NW¼, N½SE¼NW¼.

The south boundary of the tract is approximately one-half mile north of the town of Bloomfield, New Mexico. The tract is situated immediately west of State Highway No. 44. Half of the tracts proposed will front on this highway, and the balance will be set back slightly over 500 feet. All of the area is accessible directly from State Highway 44. Most of the area is quite level. The west row of tracts will gradually merge into the low hills along the west side of the area. Most of the tracts however, can be utilized with a minimum of grading or leveling. It may be very difficult to obtain drinking water, and especially water for garden plots. Natural gas pipelines cross the area and gas can be distributed to all of the tracts. Electricity is available along the tracts. Schools and churches are available in Bloomfield.

2. As to applications filed on these lands prior to 10:30 a. m., November 17, 1952, this order shall become effective upon the date it is signed, provided said applications are made to conform to the type of use and descriptions of lands specified in this order.

3. This order shall not otherwise become effective to change the status of such lands until 10:30 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) Ninety-one day period for preference-right filings. For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject to applications under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a) as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph, either at or before 10:30 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:30 a. m. on the said 35th day, shall be considered in the order of filing.

(b) Date for non-preference-right filings. Commencing at 10:30 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:30 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 101.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. The lands will be leased in tracts of approximately 5 acres, 660 feet by 330 feet, with the longer dimension extending east and west. Leases will be for a period of 3 years at an annual rental of $5.00 per year payable for the entire lease period in advance of the issuance of the lease.

6. Leases will contain an option to purchase clause at $300.00 per tract.

(a) Applications for purchase may be filed during the term of the lease, but not more than 30 days prior to the expiration of one year from the date of the lease, provided that minimum improvements suitable for the purpose for which the lease is issued shall have been constructed prior to the date of application to purchase. Minimum improvements shall consist of a house of not less than 300 square feet, including two rooms and bath, electricity and gas, and a water system and sewerage system that will meet the requirements of the State or County Health Departments.

(b) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as mentioned in (a) above shall have been constructed.

(c) Leases for lands upon which the improvements mentioned above shall not have been constructed at or before the expiration thereof, shall not be renewed.

7. Tracts will be subject to all existing rights-of-way and to rights-of-way for road purposes and public utilities as follows:

33 feet along west boundary of E½SE¼SW¼, Sec. 3; E½E½W½, Sec. 10; E½NE¼NW¼, Sec. 15; NE¼SE¼NW¼, Sec. 15.
33 feet along east boundary of W½E½W½, Sec. 10; W½NE¼NW¼, Sec. 15; NW¼SE¼NW¼, Sec. 15.
33 feet along the south line of E½SE¼SW¼, Sec. 3; NE¼NW¼, SE¼NW¼, NE¼SW¼, SE¼SW¼, Sec. 10; NE¼NW¼, Sec. 15.
33 feet along the north line of NE¼NW¼, SE¼NW¼, NE¼SW¼, SE¼SW¼, Sec. 10; NE¼NW¼, N½SE¼NW¼, Sec. 15.

The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of patent. If not so located, they may be subject to location after patent is issued. All rights-of-way herein mentioned and reserved, may be utilized by the Federal Government, or by the State, County or municipality in which the tract is situated, or by any agency thereof.

8. Lessees and/or their successors in interest, shall comply with all Federal, State, County and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

9. All inquiries relating to these lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 54-8092; Filed, Oct. 13, 1954; 8:54 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 7, 1954.

An application, serial number New Mexico 016354, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws but not the mineral-leasing laws, of the lands described below was filed on September 13, 1954, by the United States Department of Agriculture. The purposes of the proposed withdrawal: Laughing Water Recreation Area.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, New Mexico, Bureau of Land Management, Department of the Interior at P. O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 S., R. 25 E.,
Sec. 28, S½NE¼.

The area described contains 80 acres.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 54-8062; Filed, Oct. 13, 1954; 8:48 a. m.]

SANTA FE NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 N., R. 3 E.,
Sec. 28, SW¼NW¼, W½SE¼NW¼, NW¼SW¼, NW¼NE¼SW¼.
Sec. 29, E½E½SE¼NE¼, S½NE¼SE¼, NE¼NE¼SE¼, E½E½NW¼NE¼SE¼.

The areas described aggregate 152.50 acres.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 54-8061; Filed, Oct. 13, 1954; 8:48 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 7, 1954.

An application, serial number New Mexico 015220, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, of the lands described below was filed on June 25, 1954, by the Fish and Wildlife Service, Department of the Interior. The purposes of the proposed withdrawal: Addition to the Bitter Lake National Wildlife Refuge.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, New Mexico, Bureau of Land Management, Department of the Interior at P. O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 N., R. 3 E.,
Sec. 28, SW¼NW¼, W½SE¼NW¼, NW¼SW¼, NW¼NE¼SW¼.
Sec. 29, E½E½SE¼NE¼, S½NE¼SE¼, NE¼NE¼SE¼, E½E½NW¼NE¼SE¼.

The areas described aggregate 152.50 acres.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 54-8061; Filed, Oct. 13, 1954; 8:48 a. m.]

[No. 3 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 5, 1954.

An application, serial number Utah 013254, for the withdrawal, subject to valid existing rights, from all forms of

appropriation under the public land laws, including the mining and mineral leasing laws, of the lands described below was filed on August 4, 1954, by the United States Department of the Air Force, Corps of Engineers, San Francisco District. The purpose of the proposed withdrawal: To be used for supersonic track and testing area, and other military needs. All lands are situated in Washington County, Utah Grazing District No. 4.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Department of the Interior, at Post Office Box 777, Salt Lake City, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 40 S., R. 12 W.,
Sec. 33: S½S½.
T. 41 S., R. 12 W.,
Sec. 4: All;
Sec. 5: Lot 1, S½NE¼, SE¼;
Sec. 8: E½, E½NW¼, NE¼SW¼;
Sec. 9: N½NE¼, W½, SW¼SE¼;
Sec. 17: E½, S½SW¼;
Sec. 19: NE¼NE¼;
Sec. 20: N½;
Sec. 21: N½.

The area described aggregates 2,851.68 acres.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 54-8058; Filed, Oct. 13, 1954; 8:47 a. m.]

[No. 4 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 5, 1954.

An application, serial number Utah 012547, for the withdrawal, from all forms of appropriation under the public land laws including the mining and mineral leasing laws, of the lands described below was filed on May 24, 1954, by Salt Lake City Corporation, Salt Lake City, Utah. The purpose of the proposed withdrawal: Protection of a portion of the Salt Lake City water shed from contamination. All lands are situated in Salt Lake County, Utah Grazing District No. 2.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Department of the Interior, at Post Office Box 777, Salt Lake City, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 2 S., R. 3 E.
Sec. 10: NE¼.

The area described aggregates 160 acres.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 54-8059; Filed, Oct. 13, 1954; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Case No. 174 [1]]

DOROTHY M. MARNOCHA

APPEALS BOARD OPINION AND DECISION

In the matter of: Mrs. Dorothy M. Marnocha, 5415 Connecticut Avenue NW., Washington, D. C.; B. F. C. Case No. 174, Appeals Board Docket FC-22.

Under date of March 16, 1954, Mrs. Dorothy M. Marnocha filed with the Appeals Board for the Department of Commerce an appeal from an Order of the Bureau of Foreign Commerce Revoking licenses, Denying Export Privileges, and Barring Practice before the Bureau of Foreign Commerce, dated March 8, 1954 (Case No. 174), signed by John C. Borton, Director, Office of Export Supply, which order was issued against Mrs. Marnocha and certain other respondents. The other respondents mentioned in the said order (and hereinafter referred to as Kemeny) did not take an appeal to this Board from the said order.

The record in this case includes the transcript of a hearing before a Compliance Commissioner of the Bureau of Foreign Commerce on February 5, 1954, at which the Kemeny respondents, but not the instant appellant, appeared and gave testimony bearing on the acceptability of a Consent Order proposed to be entered in this case as to Kemeny, and which was subsequently approved and published on March 13, 1954 (19 F. R. 1426).

The Commissioner, in opening the hearing before him, noted as follows:

However, the hearing is also with respect to the charges against Dorothy M. Marnocha, who is also named as a respondent in the charging letter referred to, and who has submitted a document bearing date of October 22, 1953, directed to D. P. Medalie, Director of Investigation Staff of the Bureau of Foreign Commerce, which, in substance, deals with the charges as applicable to said Dorothy Marnocha, and in effect is her answer to the charges.

Pursuant to the regulations promulgated, Dorothy Marnocha, in view of her answer to the charges, is entitled to a hearing thereon, unless such hearing is waived.

As I construe the answer to which I have referred, I interpret the same as being a waiver of an oral hearing. Despite that fact, the Bureau of Foreign Commerce is required to show a prima facie case in support of its charges against Mrs. Marnocha, as well as in support of the charges against the other respondents named in the charging letter.

Appellant's letter of October 22, 1953, to Mr. D. P. Medalie of the Bureau of Foreign Commerce (referred to by the Commissioner in the quotation above) makes reference to the charges and enters general and specific denials with respect thereto.

The Board does not have to rely solely upon the Commissioner's interpretation of this document as waiving hearing but also takes notice of matters in the Appeals Board hearing record which reflect that appellant's attorney had been advised by counsel for Government as to the procedure, prior to the hearing before the Commissioner, that if his client desired an oral hearing she should make that known and would then be informed of the date of the hearing, and that in the absence of such request she would be given no further notice. Appellant's attorney indicated that he had been so informed. Therefore, the Board considers that the appellant, although adequately informed that a written request for an oral hearing was required, did not choose to make such request.

The substance of the charges is to the effect that the Kemeny respondents employed Marnocha as their Washington representative and "expediter" during a period of some months, and that during said period they gave to one Bennett, at that time a licensing officer of the Office of International Trade (now the Bureau of Foreign Commerce), valuable gifts.

Appellant's concern with this matter is that these gifts are alleged to have been made to Bennett on her initiative, and through her. Appellant's position is that she acted only as a "messenger" in but one instance and that she did not knowingly participate in the bribing of a Government official.

At the hearing of February 5, 1954 before the Compliance Commissioner, the Government, as noted above, was required to establish a prima facie case of Marnocha's culpability. It is the opinion of the Board that a prima facie case was established by the Government at that time by means of documentary exhibits and the testimony of the Kemeny respondents.

At the hearing before the Appeals Board, counsel for appellant sought to destroy the value of this evidence by attacking the credibility of respondents, Kemeny, insofar as they testified to the knowledge and culpability of the appellant. It is the opinion of the Board, however, that the testimony given before the Compliance Commissioner under oath, and pointed out before the Appeals Board by counsel for appellant, did not contain such irreconcilable contradictions as to establish that Kemeny respondents were deliberately making false statements as to material facts before the Commissioner and, therefore, the burden of their testimony in respect of Marnocha is deemed credible.

Counsel for appellant most ably presented all pertinent arguments in this appeal, and was of great assistance to the Board in delineating the issues and appellant's position in respect thereof. However, argument by counsel on appeal, and in the absence of any testimony by appellant in her own behalf, is not an adequate substitute for the orderly procedure available to a party respondent, but which the appellant in this case chose not to follow.

The Board notes that the Order Revoking Licenses, Denying Export Privileges, and Barring Practice before the Bureau of Foreign Commerce provides that:

Commencing on October 12, 1954, and at anytime thereafter prior to the expiration date of this order, respondent Dorothy M. Marnocha shall have the privilege of applying in writing to the Bureau for restoration of the privileges denied to her by paragraphs (2) and (3) above, and the Bureau may, upon evidence satisfactory to it, restore all or part of such privileges to said respondent upon such terms and conditions as may be deemed necessary to assure compliance by said respondent with the export law and regulations in the future.

Appellant, therefore, has the privilege of seeking early relief from the provisions of the order, which relief, if denied, does not preclude her from an appeal from such denial.

The Appeals Board finds that, on the record as established, the findings of the Compliance Commissioner and the provisions of the Order Revoking Licenses, Denying Export Privileges, and Barring Practice before the Bureau of Foreign Commerce, insofar as they refer to this appellant, are justified by the evidence.

Now, therefore: *It is ordered*, That:

1. The provisions of said Order Revoking Licenses, Denying Export Privileges, and Barring Practice before the Bureau of Foreign Commerce, insofar as they affect this appellant, are sustained in full.

2. The appeal be and it is hereby denied.

FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

OCTOBER 5, 1954.

[F. R. Doc. 54-8056; Filed, Oct. 13, 1954; 8:46 a. m.]

[1] This case appeared under Bureau of Foreign Commerce, 19 F. R. 1426.

FEDERAL POWER COMMISSION

[Docket Nos. G-1116, G-1152, G-1240, G-1317, G-1344, G-1379, G-1415, G-1417, G-1457, G-1509, G-1616, G-1625, G-1659, G-1725, G-1754, G-2057, G-2101, G-2234]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

OCTOBER 7, 1954.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1379, G-1415, G-1417, G-1725, G-1754, G-2101; City of Port Huron, Michigan, et al Municipal Corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, complainant v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G-1379; Northern Indiana Fuel and Light Co., Docket Nos. G-1457, G-2234; Missouri Central Natural Gas Co., Docket No. G-1509; The Central West Utility Company, Docket No. G-1616; Michigan Gas Utilities Company, Docket No. G-1625; City of Auburn, Illinois, Docket No. G-1659; Missouri Public Service Company, Docket No. G-2057.

Upon consideration of the request of Counsel for Panhandle Eastern Pipe Line Company, filed October 7, 1954, for postponement of hearing now scheduled to commence on October 12, 1954, in the above-designated matters;

Notice is hereby given that the hearing in this matter is postponed to 10:00 a. m., October 20, 1954, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-8071; Filed, Oct. 13, 1954; 8:50 a. m.]

[Docket Nos. G-1382, G-1533, G-1881]

NORTHERN NATURAL GAS CO.

ORDER REOPENING PROCEEDINGS FOR LIMITED PURPOSES AND FIXING DATE OF HEARING

The proceedings at Docket No. G-1382 concern proposed increased rates and charges filed by Northern Natural Gas Company (Northern) on March 27, 1950, and proposed to be made effective as of April 27, 1950. By order issued April 26, 1950, the Commission provided for a hearing concerning the lawfulness of the proposed rate schedules and suspended the operation thereof until September 27, 1950. Thereafter, upon appropriate motion of Northern, these proposed rates and charges became effective on September 27, 1950, subject to the refund of any amounts thereof subsequently ordered by the Commission.

The proceedings at Docket No. G-1533 concern other proposed increased rates and charges filed by Northern on October 27, 1950, and proposed to be made effective as of November 27, 1950. By order issued November 13, 1950, the Commission also provided for a hearing concerning the lawfulness of these proposed rate schedules and suspended the operation thereof until April 27, 1951. This order also provided that the proceedings at Docket Nos. G-1382 and G-1533 be consolidated for hearing purposes.[1] Upon appropriate motion of Northern, the proposed rate schedules as filed on October 27, 1950, became effective on April 27, 1951, subject to the refund of any amounts thereof subsequently ordered by the Commission.

The proceedings at Docket No. G-1881 concern a third group of proposed increased rates and charges filed by Northern on December 26, 1951, and proposed to be made effective in part on January 27, 1952, and in part on February 27, 1952. By order issued January 25, 1952, the Commission also provided for a hearing concerning the lawfulness of these proposed rate schedules and suspended the operation thereof for a period of five months beyond the respective proposed effective dates. Thereafter, upon proper motion of Northern, these schedules became effective in part on June 27, 1952, and in part on July 27, 1952, subject to the refund of any amounts thereof subsequently ordered by the Commission.

After due hearing, the Commission on June 11, 1952, issued its Opinion No. 228 and accompanying order whereby it rejected as unjust and unreasonable the proposed increased rates and charges which were the subject of the proceedings at Docket Nos. G-1382 and G-1533. In lieu thereof, the Commission thereby found other rates to be just, reasonable, non-discriminatory, and non-preferential and ordered that these prescribed rates be made effective as of June 11, 1952, and thereafter observed and in force.

In said Opinion No. 228, the Commission stated (page 41 of mimeographed edition):

As previously mentioned, the first increase in Northern's rates (Docket No. G-1382) became effective under bond on September 27, 1950. The second increase (Docket No. G-1533) became effective April 27, 1951, and Northern has collected such increased rates under bond to the effective date of the rate herein prescribed. Thus we must deal with two periods during each of which different rates were in effect under bond.

We have carefully examined the record in these proceedings to ascertain whether it is feasible to determine therefrom the appropriate disposition of the revenues collected under bond during the two above mentioned periods. It is our conclusion that such disposition cannot be properly accomplished based upon the data now of record. The record does not contain actual operating experience subsequent to April 1951, which was more than one year ago. Additionally, the record discloses that certain items of revenues and expenses included in our cost of service study for the test period were not actually experienced during a part of such period and that it is impossible from the record to make appropriate adjustments therefor.

For these reasons we deem it necessary to reserve the determination of the disposition of the revenues collected under bond, subject to further order of the Commission.

And the order accompanying Opinion No. 228 provided that:

The disposition of the amounts collected under bonds be, and the same is, hereby reserved for determination subject to further order of the Commission.

After due hearing, the Commission on July 30, 1952, issued its Opinion No. 233 and accompanying order in the proceedings at Docket No. G-1881. By said Opinion and order the Commission, up-

[1] By subsequent order issued February 6, 1951, there was also consolidated with these two aforementioned proceedings for hearing proceedings at Docket No. G-1607, being an investigation of other later rate filings of Northern. The proceedings at Docket No. G-1607, however, did not present the possibility of subsequent refunds, as did the proceedings at Docket Nos. G-1382 and G-1533.

on motion of Commission staff counsel, dismissed in part the increased rates proposed in the filings of December 26, 1951, and Northern was required thereby to file other rate schedules to exclude the portions of the increased rates disallowed by said Opinion No. 233 and order. The reduced rate schedules filed pursuant to this Opinion and order were made effective as of June 27, 1952, subject to the refund of any amounts thereof subsequently ordered by the Commission. The said Opinion No. 233 and order did not represent final disposition of the proceedings at Docket No. G–1881, but rather only final action upon certain of the issues presented by Northern's filings of December 26, 1951. The proceeding remained open for further hearing and further order of the Commission.

Thereafter, upon review pursuant to petitions of Northern and the State Corporation Commission of Kansas, an intervener in the proceedings before the Commission, the United States Court of Appeals for the Eighth Circuit affirmed the Commission's Opinion No. 228 and accompanying order in all respects except as to rate of return. On the latter issue only the Court reversed and remanded the case to the Commission for further proceedings consistent with the Opinion. The Court affirmed the Commission's Opinion No. 233 and accompanying order in all respects. Northern Natural Gas Company v. Federal Power Commission, 206 F. 2d 690; certiorari denied, 346 U. S. 922.

In Opinion No. 228 the Commission found that a return of 5½ per cent to Northern upon its rate base was just and reasonable, and the prescribed rates were designed to provide such a rate of return. In remanding the case to the Commission on this sole issue, the Court of Appeals directed the Commission "to make additional findings and conclusions upon its determination of the issue of Rate of Return, including its reasons and basis therefor."

While these matters were before it, the Court of Appeals entered an order staying, among others, the Opinion No. 233 and order issued July 30, 1952, from and after November 27, 1952, until further order of the Court, subject to the terms and conditions therein stated.

Further hearings not having been held, and no further orders having been issued in the proceedings at Docket Nos. G–1382, G–1533, and G–1881, it is appropriate that these proceedings be reopened for the purpose of determining (a) the portion of the increased rates and charges collected during the period commencing September 27, 1950, and continuing through November 26, 1952, that should be refunded, and (b) the disposition to be made of such refundable collections.

The Commission orders:

(A) The proceedings at Docket Nos. G–1382, G–1533, and G–1881 be and they are hereby reopened for the limited purpose of receiving evidence with respect to:

(1) Northern's actual cost of service during the period commencing September 27, 1950, and continuing through November 26, 1952, including the rate of return to be allowed Northern, and the portion thereof properly attributable to sales made under those schedules of increased rates and charges which were the subjects of the proceedings at Docket Nos. G–1382, G–1533, and G–1881.

(2) The volumes of gas sold and delivered to each customer at each point of delivery under each monthly billing period for the period of September 27, 1950, to November 26, 1952, both inclusive, and the related amounts collected under each such schedule during each billing period.

(3) The method of determining the amounts to be refunded to each of those entitled thereto, and the fixing of the amounts to be refunded to each such person, including interest at the rate of six percent (6%) per annum.

(B) The public hearing in these reopened proceedings be held commencing at 10:00 o'clock, a. m., e. s. t., on October 25, 1954, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters specified in paragraph (A) above.

(C) All parties heretofore permitted to intervene in the proceedings at Docket Nos. G–1382, G–1533, and G–1881 may participate in these reopened proceedings.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 5, 1954.

Issued: October 8, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54–8073; Filed, Oct. 13, 1954; 8:51 a. m.]

[Docket No. G–2595]

BARRON KIDD AND C. R. SMITH

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Barron Kidd and C. R. Smith (Applicants), individuals, with a principal office in Dallas, Texas, filed on August 30, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in its application.

The application recites that Applicant produces natural gas in the Amargosa Field, Jim Wells County, Texas, and sells in interstate commerce to the Texas Illinois Natural Gas Pipeline Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 29, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing dispose of the proceeding pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 5, 1954.

Issued: October 7, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54–8074; Filed, Oct. 13, 1954; 8:51 a. m.]

[Docket Nos. G–2650, G–2653, G–2679, G–2680]

J. S. STALNAKER GAS CO. ET AL.

NOTICE OF APPLICATIONS AND ORDER FIXING DATE OF HEARING

In the matters of J. S. Stalnaker Gas Co., Docket No. G–2650; Russell Messenger Gas Company, Docket No. G–2653; Burton-Pringle-Hendrick Gas Company, Docket No. G–2679; Clarence Brady Gas Company, Docket No. G–2680.

Take notice that applications were filed by J. S. Stalnaker Gas Company (Stalnaker) on September 1, 1954, Russell Messenger Gas Company (Messenger) on September 2, 1954, Burton-Pringle-Hendrick Gas Company (Burton) and Clarence Brady Gas Company (Brady) on September 7, 1954, all organized under the laws of West Virginia and all with principal offices in Glenville, West Virginia, filed applications pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in their respective applications.

The application filed by Stalnaker recites natural gas produced in Gilmer County, West Virginia, is sold to Hope Natural Gas Company; that produced by Messenger in Gilmer County, West Virginia, is sold to Equitable Gas Company; that produced by Burton in Gilmer County, West Virginia, is sold to Hope Natural Gas Company; and that produced by Brady in Gilmer County, West Virginia, is sold to Carnegie Natural Gas Company, all in interstate commerce as more fully represented in their respective applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of October 1954. The application is on file with the Commission for public inspection.

The Commission finds: It is appropriate and in the public interest to publish notice of the application and order fixing date of hearing simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 28, 1954, at 9:30 a. m., e. s. t., on Docket No. G–2650, at 9:35 a. m. Docket No. G–2653, at 9:40 a. m. Docket No. G–2679 and at 9:45 a. m. Docket No. G–2680, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the applications and matters presented therein under the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 5, 1954.

Issued: October 7, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54–8075; Filed, Oct. 13, 1954; 8:51 a. m.]

[Docket No. G–2661]

H. E. TROVILLO

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that H. E. Trovillo (Applicant), with a principal office in Burlington, Iowa, filed on September 7, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in its application.

The application recites that Applicant produces natural gas in Hugoton Field, Kearney County, Kansas, and sells in interstate commerce to Colorado Interstate Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 29, 1954, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 5, 1954.

Issued: October 7, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54–8076; Filed, Oct. 13, 1954; 8:51 a. m.]

[Docket Nos. G–2721, G–2793, G–2798, G–2801, G–2802, G–2803, G–2804, G–2945, G–3106, G–3108, G–3109, G–3110]

CITIES PRODUCTION CORP. ET AL.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Cities Production Corporation, Docket No. G–2721; Texas Gulf Producing Company and The American Oil Company, Docket No. G–2793; Forest Oil Corporation, Docket No. G–2798; Tide Water Associated Oil Company, et al., Docket No. G–2801; Tide Water Associated Oil Company, Docket No. G–2802; Tide Water Associated Oil Company, Docket No. G–2803; Forest Oil Corporation, et al., Docket No. G–2804; Natural Gas Distributing Corporation, Docket No. G–2945; Humble Oil and Refining Company, Docket No. G–3106; Humble Oil and Refining Company, Docket No. G–3108; Humble Oil and Refining Company, Docket No. G–3109; Humble Oil and Refining Company, Docket No. G–3110.

Take notice that there have been filed with the Federal Power Commission applications as hereinafter specified, each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas to United Fuel Gas Company (United Fuel).

Docket No.	Applicant	Address	Date Filed	Location of Field
G–2721	Cities Production Corp., a Delaware Corporation.	Bartlesville, Okla.	Sept. 10, 1954	Bourg Field, Terrebonne and Lafourche Parishes, La.
G–2793	Texas Gulf Producing Co., a Delaware corporation, and American Oil Co., a Maryland corporation.	Houston, Tex., and New York, N. Y.	Sept. 16, 1954	Lake Long Field, Lafourche Parish, La.
G–2798	Forest Oil Corp., a New York corporation.	Bradford, Pa.	Sept. 17, 1954	North Bourg Field, Lafourche Parish, La.
G–2801	Tide Water Associated Oil Co., a Delaware corporation.	San Francisco, Calif.	do	Erath Field, Vermilion Parish, La.
G–2802	do	do	do	North Bourg Field Lafourche Parish, La.
G–2803	do	do	do	Florence Field, Vermilion Parish, La.
G–2804	Forest Oil Corp., a New York corporation, Acadia Investments, Inc., a Delaware corporation, and certain individuals as listed in application.	Bradford, Pa., and Dover, Del.	do	Ellis Field, Acadia Parish, La.
G–2945	Natural Gas Distributing Corp., a Texas corporation.	Tyler, Tex.	Sept. 22, 1954	Killens Ferry and Lamar Fields, Texas and Franklin Parishes, La.
G–3106	Humble Oil & Refining Co., a Texas corporation.	Houston, Tex.	Sept. 24, 1954	Avery Island Field, Iberia Parish, La.
G–3108	do	do	do	Cameron Meadows Field, Cameron Parish, La.
G–3109	do	do	do	Erath Field, Vermilion Parish, La.
G–3110	do	do	do	Ellis Field, Acadia Parish, La.

The above designated Applicants propose to sell natural gas produced from the indicated fields to United Fuel. Deliveries are to be made to Gulf Interstate Gas Company's (Gulf Interstate) existing line (Docket No. G–2058) for transportation by Gulf Interstate for the account of United Fuel. The proposed sale is to be made at the respective points of interconnection of applicants' facilities with those of Gulf Interstate.

The following Applicants seek, in addition to the hereinbefore stated requests, permission to abandon the service presently being rendered under interim sales contracts as hereinafter specified.

Docket No.	Applicant	Interim purchaser
G–2721	Cities Production Corp.	United Gas Pipe Line Co.
G–2798	Forest Oil Corp.	Do.
G–2804	Forest Oil Corp., et al.	Transcontinental Gas Pipe Line Corp.
G–3106	Humble Oil & Refining Co.	United Gas Pipe Line Co.
G–3108	do	Magnolia Petroleum Co.

All Applicants have requested that their applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The applications are on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the applications herein, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the proceedings in the above designated Dockets for purpose of hearing, and to hold a public hearing in the above-entitled proceedings as hereinafter ordered.

The Commission orders:

(A) Due notice of these applications be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The aforesaid proceedings in the above designated Dockets and the same hereby are consolidated for purposes of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 26, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before October 25, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 5, 1954.

Issued: October 7, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-8072; Filed, Oct. 13, 1954; 8:50 a. m.]

[Docket Nos. G-2726, G-2727]

B. G. BYARS AND B. G. BYARS DRILLING CO.

NOTICE OF APPLICATIONS AND ORDER FIXING DATE OF HEARING

Take notice that B. G. Byars (Byars), with a principal place of business at Tyler, Texas, and B. G. Byars Drilling Company, with its principal place of business at Tyler, Texas (Drilling Company), filed on September 10, 1954, their respective applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sales of natural gas subject to the jurisdiction of the Commission, all as more fully represented in their respective applications.

The application filed by Byars recites that natural gas produced in Winnsboro Field, Wood County, Texas, is sold to Lone Star Gas Company.

The application filed by Drilling Company recites that natural gas produced by it in the Manziel Field, Wood County, Texas, is sold to Lone Star Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of October 1954. The applications are on file with the Commission for public inspection.

The Commission finds: It is appropriate and in the public interest to publish notice of the application and order fixing date of hearing simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, hearings be held on October 29, 1954, at 9:45 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after noncontested hearings, dispose of the applications and matters presented therein under the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 5, 1954.

Issued: October 7, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-8077; Filed, Oct. 13, 1954; 8:52 a. m.]

[Docket No. G-2748]

TEXAS GAS EXPLORATION CORP.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Texas Gas Exploration (Applicant), a Louisiana corporation having its principal place of business in Houston, Texas, filed, on September 13, 1954, an application for a certificate of public convenience and necessity authorizing the sale of natural gas to Texas Gas Transmission Corporation from the Sligo Field, Bossier Parish, Louisiana. All sales are made at the well-head.

The application was filed pursuant to section 7 (c) of the Natural Gas Act and in accordance with § 157.23 (18 CFR 157.23) of the Commission's rules of practice and procedure. Applicant requests that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the application, including publication in the FEDERAL REGISTER, be given as hereinafter provided.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice of this application be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 29, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 or 1.10 (18 CFR 1.8 or 1.10) on or before October 25, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 5, 1954.

Issued: October 7, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-8078; Filed, Oct. 13, 1954; 8:52 a. m.]

[Docket No. G-2772]

ARNOLD O. MORGAN

NOTICE OF APPLICATION

OCTOBER 8, 1954.

Take notice that Arnold O. Morgan (Applicant), an individual whose address is 406 South Chaparral Street, Corpus Christi, Texas, filed an application on September 15, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas, subject to the jurisdiction of the Commission, all as more fully described in said application.

Applicant proposes to sell and deliver natural gas, produced from the South Robstown Field, Nueces County, Texas, and processed in the Plomo Plant, to Tennessee Gas Transmission Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of October 1954. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-8066; Filed, Oct. 13, 1954; 8:49 a. m.]

[Docket No. G-2773]

JUSTISS-MEARS OIL CO. ET AL.

NOTICE OF APPLICATION

OCTOBER 8, 1954.

Take notice that Justiss-Mears Oil Company, a Louisiana corporation with its principal place of business at Jena, Louisiana, The Crossett Company, an Arkansas Corporation with its principal place of business at Crossett, Arkansas, and S. J. Wilson, an individual, of Montrose, Arkansas (Applicants) filed an application on September 15, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicants to sell natural gas, subject to the jurisdiction of the Commission, all as more fully described in said application.

Applicants propose to sell and deliver natural gas, produced in the Beckman Field, Morehouse Parish, Louisiana, to Texas Gas Transmission Corporation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of October 1954. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-8067; Filed, Oct. 13, 1954; 8:49 a. m.]

[Docket No. G-2783]

O. K. WILFONG GAS CO. AND GEORGE W. MILLER ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

O. K. Wilfong Gas Company, George W. Miller, et al. (Applicant), a West Virginia organization, with its principal place of business at Glenville, West Virginia, filed an application on September 15, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas subject to the jurisdiction of the Commission, all as more fully described in its application.

Applicant states that it produces natural gas in the Bear Run Field, Glenville District of Gilmer County, West Virginia, and proposes to sell natural gas in interstate commerce to Equitable Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 29, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 5, 1954.

Issued: October 7, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-8079; Filed, Oct. 13, 1954; 8:52 a. m.]

[Docket No. G-2797]

W. A. DELANEY, JR.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that W. A. Delaney, Jr. (Applicant), with a principal office in Ada, Oklahoma, filed on September 16, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in its application.

The application recites that Applicant produces natural gas in Katie Field, Garvin County, Oklahoma, and sells in interstate commerce to Lone Star Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 29, 1954, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 5, 1954.

Issued: October 7, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-8080; Filed, Oct. 13, 1954; 8:52 a. m.]

[Docket No. G-2941]

MICHIGAN GAS STORAGE CO.

NOTICE OF APPLICATION

OCTOBER 7, 1954.

Take notice that Michigan Gas Storage Company (Applicant), a Michigan corporation, with its principal place of business in Jackson, Michigan, filed, on September 21, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural gas facilities:

(1) Approximately 2,600 feet of 2-inch pipeline extending from the Riverside Gas Storage Field to the City of McBain.

(2) Metering and regulating facilities at McBain, Michigan.

(3) Metering and regulating facilities in the Winterfield Gas Storage Field.

The above facilities are proposed to be used to sell and deliver an estimated 50,000 Mcf of natural gas annually to Consumers Power Company for resale to the Village of Marion and the City of McBain, Michigan.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of October 1954.

Applicant requests that this matter be considered under the shortened hearing procedure provided for in § 1.32 of the rules of practice and procedure.

This application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-8068; Filed, Oct. 13, 1954; 8:50 a. m.]

[Docket No. G-3123]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF POSTPONEMENT OF HEARING

OCTOBER 6, 1954.

Upon consideration of the telegraphic request of Natural Gas Pipeline Company for postponement of hearing now scheduled to commence on October 18, 1954, in the above-designated matter;

Notice is hereby given that the hearing in this matter is postponed to 10:00 a. m., November 3, 1954, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-8069; Filed, Oct. 13, 1954; 8:50 a. m.]

[Project No. 2161]

RHINELANDER PAPER CO.

NOTICE OF LAND WITHDRAWAL; WISCONSIN

OCTOBER 8, 1954.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in Power Project No. 2161 for which application for license was filed July 14, 1954, by the Rhinelander Paper Company of Rhinelander, Wisconsin. Under said Section 24 these lands are, from said date of filing, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

FOURTH PRINCIPAL MERIDIAN

T. 37 N., R. 8 E.,
Sec. 8, lot 2;
Sec. 23, lot 6.

The above areas aggregate 28.50 acres none of which have heretofore been reserved for power purposes.

Copies of the project map (FPC 2161-1 to 4 incl.) have been transmitted to the Bureau of Land Management and the Geological Survey.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-8070; Filed, Oct. 13, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29786]

GASOLINE FROM MANDAN, N. DAK., TO MINNESOTA

APPLICATION FOR RELIEF

OCTOBER 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Northern Pacific Railway Company.

Commodities involved: Gasoline, distillate fuel oil, naphtha, and refined oil, in tank cars, straight or mixed carloads.

From: Mandan, N. Dak.

To: Bemidji, Hackensack, Morris, Sauk Centre, and Walker, Minn.

Grounds for relief: Competition with rail and motor carriers.

Schedules filed containing proposed rates: Northern Pacific Railway tariff I. C. C. No. 9602, supp. No. 91.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8084; Filed, Oct. 13, 1954; 8:53 a. m.]

[4th Sec. Application 29787]

LIQUEFIED PETROLEUM GAS FROM MANDAN, N. DAK., TO MINNESOTA AND WISCONSIN

APPLICATION FOR RELIEF

OCTOBER 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Northern Pacific Railway Company, for itself and on behalf of other carriers, and by the Great Northern Railway Company.

Commodities involved: Liquefied petroleum gas, tank-car loads.

From: Mandan, N. Dak.

To: Minneapolis, Minnesota Transfer, St. Paul, Duluth, Minn., Superior, Wis., and adjacent stations.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: Northern Pacific Railway Tariff I. C. C. No. 9602, supp. 91; Great Northern Railway Tariff I. C. C. No. A-8163, supp. 89.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8085; Filed, Oct. 13, 1954; 8:53 a. m.]

[4th Sec. Application 29788]

PETROLEUM OIL FROM MANDAN, N. DAK., TO MINNESOTA AND WISCONSIN

APPLICATION FOR RELIEF

OCTOBER 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Northern Pacific Railway Company, for itself and on behalf of other carriers, and by the Great Northern Railway Company.

Commodities involved: Petroleum residual fuel oil and distillate fuel oil, tank-car loads.

From: Mandan, N. Dak.

To: Minneapolis, Minnesota Transfer, St. Paul, Duluth, Minn., Superior, Wis., and adjacent stations.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: Northern Pacific Railway tariff I. C. C. No. 9602, supp. 91. Great Northern Railway tariff I. C. C. No. A-8163, supp. 89.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8086; Filed, Oct. 13, 1954; 8:53 a. m.]

[4th Sec. Application 29789]

PETROLEUM AND PETROLEUM PRODUCTS FROM POINTS IN SOUTHWESTERN AND KANSAS-MISSOURI TERRITORIES TO WHITE PINE, MICH.

APPLICATION FOR RELIEF

OCTOBER 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to the tariff listed below.

Commodities involved: Petroleum and petroleum products, carloads.

From: Points in southwestern and Kansas-Missouri territories.

To: White Pine, Mich.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: Agent Kratzmeir's tariff I. C. C. No. 3825, supp. 218.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8087; Filed, Oct. 13, 1954; 8:53 a. m.]

[4th Sec. Application 29790]

CEMENT BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

OCTOBER 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-948.

Commodities involved: Cement, common, hydraulic, natural, or Portland, and masonry cement, mortar cement, or dry building mortar, carloads.

From: Points in official territory.

To: Points in Virginia, Maryland, West Virginia, Kentucky, and North Carolina, and Cincinnati, Ohio.

Grounds for relief: Rail competition, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Agent Boin's tariff I. C. C. No. A-960, supp. No. 10, and tariffs of individual line carriers listed in the application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8088; Filed, Oct. 13, 1954; 8:54 a. m.]

[4th Sec. Application 29791]

OYSTER SHELL LIME FROM NORFOLK, PINNERS POINT, AND PORTSMOUTH, VA. TO WILLIAMSTON, N. C.

APPLICATION FOR RELIEF

OCTOBER 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company.

Commodities involved: Lime, oyster shell, burnt or ground, agricultural, carloads.

From: Norfolk, Pinners Point, and Portsmouth, Va.

To: Williamston, N. C.

Grounds for relief: Competition with rail carriers, and to maintain grouping.

Schedules filed containing proposed rates: Agent C. A. Spaninger's tariff I. C. C. 1221, supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8089; Filed, Oct. 13, 1954; 8:54 a. m.]

[4th Sec. Application 29792]

COFFEE FROM JACKSONVILLE, FLA., AND NEW ORLEANS, LA., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

OCTOBER 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to the tariff listed below.

Commodities involved: Coffee, roasted, carloads.

From: Jacksonville, Fla., and New Orleans, La.

To: Chicago, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and restoration of port relations.

Schedules filed containing proposed rates: Agent W. P. Emerson, Jr.'s, tariff I. C. C. No. 416, supp. 64.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8090; Filed, Oct. 13, 1954; 8:54 a. m.]

[4th Sec. Application 29793]

CAUSTIC SODA FROM MEMPHIS, TENN., TO BOGALUSA, LA.

APPLICATION FOR RELIEF

OCTOBER 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to the tariff listed below.

Commodities involved: Soda, caustic (liquid), tank-car loads.

From: Memphis, Tenn.

To: Bogalusa, La.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: Agent C. A. Spaninger's tariff I. C. C. No. 1062, supp. 174.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8091; Filed, Oct. 13, 1954; 8:54 a. m.]

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Washington, Friday, October 15, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3073

IMPOSING IMPORT FEES ON SHELLED AND PREPARED ALMONDS AND ON SHELLED FILBERTS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as added by section 31 of the Act of August 24, 1935, 49 Stat. 773, reenacted by section 1 of the Act of June 3, 1937, 50 Stat. 246, and amended by section 3 of the Act of July 3, 1948, 62 Stat. 1248, section 3 of the Act of June 28, 1950, 64 Stat. 261, and section 8 (b) of the Act of June 16, 1951, 65 Stat. 72 (7 U. S. C. 624), on April 13, 1950 the President caused the United States Tariff Commission to make an investigation to determine whether almonds, filberts, walnuts, Brazil nuts, or cashews are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, certain programs undertaken by the Department of Agriculture with respect to almonds, pecans, filberts, or walnuts, or to reduce substantially the amount of any product processed in the United States from almonds, pecans, filberts, or walnuts with respect to which any such program is being undertaken; and

2. WHEREAS the said Commission instituted such an investigation on April 13, 1950, which it has been conducting since that date on a continuing basis and in the course of which it has from time to time reported to the President regarding the need for the imposition of restrictions pursuant to the said section 22 in order to prevent imports of almonds, filberts, walnuts, Brazil nuts, or cashews from rendering ineffective, or materially interfering with, the said programs, or from reducing substantially the amount of any product processed in the United States from almonds, pecans, filberts, or walnuts with respect to which any such program is being undertaken; and

3. WHEREAS import fees on shelled almonds and blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste) imposed pursuant to the President's proclamation of September 29, 1953 (Proclamation 3034; 18 F. R. 6345), which proclamation was issued under the authority of the said section 22, will cease to apply to such articles entered, or withdrawn from warehouse, for consumption after September 30, 1954; and

4. WHEREAS further in the course of the said investigation, on September 24, 1954, the said Commission reported to me its findings regarding the need for import restrictions under the said section 22 on certain tree nuts after September 30, 1954; and

5. WHEREAS, on the basis of such report of September 24, 1954, I find that shelled almonds, and blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste), and shelled filberts, whether or not blanched, are practically certain to be imported into the United States during the period October 1, 1954, to September 30, 1955, both dates inclusive, under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the programs undertaken by the Department of Agriculture under the Agricultural Marketing Agreement Act of 1937, as amended, with respect to almonds and filberts, which programs will be in operation during such period; and

6. WHEREAS I find and declare that the imposition of the import fees hereinafter proclaimed is shown by such investigation of the Commission to be necessary in order that the entry of almonds and filberts described in the fifth recital of this proclamation will not render or tend to render ineffective, or materially interfere with, the said programs undertaken by the Department of Agriculture:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that a fee of 10 cents per pound, but not more than 50 per centum ad valorem, shall be imposed upon shelled almonds and blanched, roasted, or otherwise prepared or preserved almonds (not

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FEDERAL REGISTER

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(For use during 1954)

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RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Avocado Order 3, Amdt. 2]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

Findings. 1. Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of the Lula variety of avocados grown in "District 2" in South Florida.

It is, therefore, ordered as follows: The provisions in paragraph (b) (1) of § 969.303 (Avocado Order 3, as amended; 19 F. R. 5469, 5967) as pertains to the variety Lulu (corrected to read Lula), in Columns 2, 3 and 4, respectively, of the table contained therein, are hereby further amended to read as follows:

(1) Variety	(2) Beginning date	(3) Minimum weight in ounces	(4) Ending date
Lula (District 1)	Oct. 18, 1954	16	Nov. 1, 1954
Lula (District 2)	Oct. 18, 1954	14	Nov. 1, 1954

Effective time. The provisions of this amendment shall become effective at 12: 01 a. m., e. s. t., October 18, 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Marketing Service, Agricultural Marketing Service.

[F. R. Doc. 54-8112; Filed, Oct. 14, 1954; 8: 48 a. m.]

[Avocado Order 4, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATIONS

Findings. 1. Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time, and this amendment relieves restrictions on the handling of the Blair variety of avocados grown in South Florida.

It is, therefore, ordered as follows:

1. The provisions in paragraph (b) (2) of § 969.304 (Avocado Order 4; 19 F. R. 5967) as pertains to the variety Blair in Columns 1 and 2, respectively, of the table contained therein are hereby terminated; and

2. The table contained in paragraph (b) (1) of § 969.304 (Avocado Order 4; 19 F. R. 5967) is hereby amended to read as follows:

(1) Variety	(2) Beginning date	(3) Minimum weight in ounces	(4) Ending date
Fairchild	Sept. 15, 1954	16	Sept. 20, 1954
Nairody	Sept. 29, 1954	16	Oct. 1, 1954
Vaca	Oct. 6, 1954	14	Oct. 20, 1954
Nelson	Oct. 25, 1954	14	Nov. 8, 1954
Avon	Nov. 1, 1954	12	Nov. 15, 1954
Blair	Oct. 18, 1954	16	Nov. 1, 1954

30, 1955, both dates inclusive, in excess of an aggregate quantity of 6,000,000 pounds. The said fees shall be in addition to any other duties imposed on the importation of such almonds and filberts.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of October in the year of our Lord nineteen hundred and [SEAL] fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
Acting Secretary of State.

[F. R. Doc. 54-8175; Filed, Oct. 14, 1954; 10:35 a. m.]

including almond paste) entered, or withdrawn from warehouse, for consumption during the period October 1, 1954, to September 30, 1955, both dates inclusive, in excess of an aggregate quantity of 5,000,000 pounds; and that a fee of 10 cents per pound, but not more than 50 per centum ad valorem, shall be imposed upon shelled filberts, whether or not blanched, entered, or withdrawn from warehouse, for consumption during the period October 1, 1954, to September

Effective time. The provisions of this amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8115; Filed, Oct. 14, 1954; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 9[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

AUSTRIA

Section 373.66 *Austria or Sweden* is amended in the following particulars:

a. The title of the section is amended by deleting the words "or Sweden" to read as follows: "§ 373.66 *Austria*".

b. The first sentence of paragraph (a) is amended by deleting the words "or Sweden" to read as follows: "Each applicant for a license to export commodities to Austria shall show in the import permit number item on the application (Form IT- or FC-419), the number of the import certificate or other import authorization[2] upon which the application is based."

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of October 7, 1954.

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-8134; Filed, Oct. 14, 1954; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-451]

PART 222—CHEMICAL SOIL CONDITIONER INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules, as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of October 15, 1954.

Statement by the Commission. Trade practice rules for the Chemical Soil Conditioner Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The rules are directed to the maintenance of free and fair competition in the industry and to the elimination and prevention of unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses. To this end they afford helpful guidance to all members of the industry.

The industry for which such trade practice rules are established is composed of persons, firms, corporations, and organizations engaged in the production or marketing of commercial products having as their active ingredients materials falling within the following groups: Polyelectrolytes such as polyvinyls and polyacrylics, and cellulose derivatives, and lignin derivatives, which are represented as having a primary function of stabilizing aggregates in soil to which they have been applied and thereby improving the resistance of such soil to the slaking action of water, increasing its water and air permeability, improving the resistance of its surface to crusting, improving its ease of cultivation, and/or otherwise favorably modifying its structural or physical properties.

Proceedings leading to the establishment of rules were instituted pursuant to an application by the industry. A general industry conference was held under the auspices of the Commission in its offices in Washington, D. C., at which proposals for rules were submitted for consideration of the Commission. Thereafter, a draft of proposed rules was released by the Commission and public hearing thereon was held in New York City, at which all interested or affected parties were afforded opportunity to present their views, suggestions, or objections regarding the rules.

Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved the rules hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
222.0 Definition.
222.1 Misrepresentation and deception in the sale of industry products.
222.2 Guarantee, warranties, etc.
222.3 Fictitious price lists.
222.4 Substitution of products.
222.5 Defamation of competitors or false disparagement of their products.
222.6 Imitation of trade-marks, etc.
222.7 Misrepresentation as to character of business.
222.8 Procurement of competitors' confidential information.
222.9 Selling below cost.
222.10 Prohibited discrimination.
222.11 Prohibited forms of trade restraints (unlawful price fixing, etc.).
222.12 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 222.0 to 222.12 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

General statement. The unfair trade practices embraced in the rules in this part are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 222.0 *Definition.* As used in this part, the term "industry product" or "industry products" means any synthetic organic chemical substance, or chemically modified natural substance, which is represented as having a primary function of forming and/or stabilizing soil aggregates in soil to which it has been applied and thereby improving the resistance of such soil to the slaking action of water, increasing its water and air permeability, improving the resistance of its surface to crusting, improving its ease of cultivation, and/or otherwise favorably modifying its structural or physical properties.

NOTE: Present commercial products within the above definition have as their active ingredients materials falling within the following groups: Polyelectrolytes such as polyvinyls and polyacrylics, and cellulose derivatives, and lignin derivatives, which may with more exactitude be described as follows: Synthetic acidic or basic organic chemical substances and salts thereof: any synthetic organic substance which on contact with the soil generates a synthetic acidic or basic organic chemical substance or salt thereof; acidic or basic non-nitrogenous naturally-occurring products and salts thereof; and acidic or basic non-nitrogenous chemically modified naturally-occurring products and salts thereof.

§ 222.1 *Misrepresentation and deception in the sale of industry products.* (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to represent or imply, either with or without accompanying qualifications or statements, that an industry product:

(1) Will effect a beneficial crop response in each and every type and kind of soil;

(2) Is a substitute, in any significant degree, for nutrient material;

(3) Is a complete substitute for added natural organic matter, except in its potential to form and/or stabilize soil aggregates;

(4) Will effect an appreciable modification of the texture (i. e., sand-silt-clay ratio) of any soil; and

(5) Will permanently exert a conditioning effect upon a treated soil.

(b) It is also an unfair trade practice in the sale, offering for sale, or distribution of industry products, to represent or imply that:

(1) A particular quantity, or the contents of any package or container of an industry product, will effectively treat any specified area of soil, without clear and adequate disclosure, in conjunction with such representation, of the depth to which such area will be effectively benefited;

(2) An industry product will effectively form and/or stabilize soil aggregates, when the maximum benefit is dependent upon preparation of the soil for application of the industry product or adequate mixing of said product with the soil, without clear disclosure of all relevant information regarding such preparation and/or mixing;

(3) An industry product, which has been mixed, packaged or otherwise combined with a plant nutrient, will exert a beneficial effect as a soil conditioner and/or fertilizer, without clear and adequate disclosure, in conjunction with such representation, of (i) the area and depth of soil which will be effectively conditioned (see subparagraph (1) of this paragraph) and (ii) the percentage of the weight of the entire mixture which is represented by each fertilizing constituent present in said mixture.

(4) Except to the extent that surface crusting is reduced, erosion in some degree controlled, and emergence of germinating plants facilitated, the surface application of industry products on uncultivated or untilled soil, either by dusting in the case of dry material, or sprinkling in the case of a liquid, is sufficient to "condition" the soil. [Rule 1]

§ 222.2 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to use, or cause to be used, any guarantee or warranty which is false, misleading, deceptive, or unfair to the purchasing or consuming public.

(b) The inhibitions of this section are applicable with respect to any guarantee or warranty in which the terms and conditions relating to the obligations of the guarantor or warrantor are deceptively minimized or stated, or in which the obligations of the guarantor or warrantor are impractical of fulfillment; and also applicable to the use of any guarantee or warranty in respect of which the guarantor or warrantor fails or refuses to observe scrupulously his obligations thereunder.

(c) It is also an unfair trade practice to represent any industry product as being "guaranteed" unless the nature and extent of the undertaking, and the identity of the guarantor, are conjunctively disclosed. [Rule 2]

§ 222.3 *Fictitious price lists.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, or reports as to production or sales, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 3]

§ 222.4 *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitutions and with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 4]

§ 222.5 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, services, or conditions of employment, is an unfair trade practice. [Rule 5]

§ 222.6 *Imitation of trade-marks, etc.* The practice of imitating, or causing to be imitated, or directly or indirectly promoting or aiding the imitation of, the trade-marks, trade names, or other exclusively owned symbols or marks of identification of competitors which have not been directly, or by operation of law, dedicated to the public, where such imitation has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 6]

§ 222.7 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through use of the word "mill" or "mills," or the word "manufacturer," or any other word, term, or representation of similar import or meaning, in his corporate or trade name, or otherwise, that he is a manufacturer of industry products, or that he is the owner or operator of a mill, factory, or producing company manufacturing industry products, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 7]

§ 222.8 *Procurement of competitors' confidential information.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade. [Rule 8]

§ 222.9 *Selling below cost.* The practice of selling industry products at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in the production or sale of such products, is an unfair trade practice. As used in this section, the term "cost" means the total cost to the seller, including the costs of acquisition, processing, preparation for marketing, sale, and delivery. [Rule 9]

§ 222.10 *Prohibited discrimination*[1]—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, commissions, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, commission, or other form of price differential, where such rebate, refund, discount, credit, commission, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing contained in this paragraph shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where in response to

[1] This amendment was published in Current Export Bulletin No. 738, dated October 7, 1954.

[2] For exportations to Austria, the applicant must show the Austrian import identification number. Such numbers run in series from 1,000 to 399,999 inclusive, and in all instances will be preceded by the letters "IKN."

[1] As used in section 10, the term "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

(g) *Purchases by U. S. Government; applicability of Robinson-Patmuan Anti-discrimination Act to same.* In an opinion submitted to the Secretary of War under date of December 28, 1936, the U. S. Attorney General advised that the Robinson-Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539.)

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. See section 2 (b), Clayton Act.

[Rule 10]

§ 222.11 *Prohibited forms of trade restraints (unlawful price fixing, etc.)* [1] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 11]

§ 222.12 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the rules in this part, or of any other unfair method of competition or unfair or deceptive act or practice. [Rule 12]

Issued: October 12, 1954.

Promulgated by the Federal Trade Commission October 15, 1954.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-8104; Filed, Oct. 14, 1954; 8:46 a. m.]

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53626]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

OVERTIME COMPENSATION

The Customs Regulations are amended as stated hereinafter, for the following purposes:

a. To conform to the amendment of section 451 of the Tariff Act of 1930, as amended (19 U. S. C. 1451), by the Customs Simplification Act of 1954 by providing that cash may be deposited in an amount to be fixed by the collector of customs or his authorized representative, in lieu of the giving of a bond to secure reimbursement for services at night, or on a Sunday or holiday, under the customs overtime laws (19 U. S. C. 267, 1451).

b. To authorize the collector of customs, prior to the expected arrival of a pleasure vessel or private aircraft, to designate a customs employee to proceed to the place of expected arrival to receive an application for night, Sunday, or holiday services in connection with the arrival of such vessel or aircraft, together with the required cash deposit or bond.

Sections 4.10, 4.30, 5.2, and 24.16 are amended as follows:

1. Section 4.10 is amended by deleting the last sentence and substituting therefor the following: "Such request shall not be approved unless the required cash deposit or bond on customs Form 7567 or 7569 shall have been received."

(Secs. 448, 451, 624, 46 Stat. 714, 715, as amended, 759; 19 U. S. C. 1448, 1451, 1624)

2. Section 4.30 (c) is amended by substituting "Such request shall not be approved unless the required cash deposit or bond [2] on customs Form 7567 or 7569 shall have been received" for "Such request for overtime services shall not be approved by the collector unless a bond [2] on customs Form 7567 or 7569 shall have been filed" in the fifth sentence.

3. Footnote 62, appended to § 4.30 (c), is amended to read as follows:

[2] "Before any such special license to unlade shall be granted, the master, owner, or agent of such vessel or vehicle, or the person in charge of such vehicle, shall be required to deposit sufficient money to pay, or to give a bond in an amount to be fixed by the Secretary conditioned to pay, the compensation and expenses of the customs officers and employees assigned to duty in connection with such unlading at night or on Sunday or a holiday, in accordance with the provisions of section 5 of the act of February 13, 1911, as amended (U. S. C., 1952 edition, title 19, sec. 267). In lieu of such deposit or bond the owner or agent of any vessel or vehicle or line of vessels or vehicles may execute a bond in an amount to be fixed by the Secretary of the Treasury to cover and include the issuance of special licenses for the unlading of such vessels or vehicles for a period not to exceed one year. • • •" (Tariff Act of 1930, section 451, as amended, 19 U. S. C. 1451.)

(R. S. 2793, as amended, secs. 448, 450–454, 490, 46 Stat. 714, 715, as amended, 716, 726; 19 U. S. C. 288, 1448, 1450–1454, 1490)

4. Section 5.2 (c) is amended by substituting "the required cash deposit or bond on customs Form 7567, 7569, or 7597 shall have been received" for "a bond on customs Form 7567, 7569, or 7597 shall have been filed".

(Secs. 451, 624, 46 Stat. 715, as amended, 759; 19 U. S. C. 1451, 1624)

5. The first two sentences of footnote 4, appended to § 24.16 (a) are amended to read as follows:

[4] Before any such special license to unlade shall be granted, the master, owner, or agent of such vessel or vehicle, or the person in charge of such vehicle, shall be required to deposit sufficient money to pay, or to give a bond in an amount to be fixed by the Secretary conditioned to pay, the compensation and expenses of the customs officers and employees assigned to duty in connection with such unlading at night or on Sunday or a holiday, in accordance with the provisions of section 5 of the Act of February 13, 1911, as amended (U. S. C., 1952 edition, title 19, sec. 267). In lieu of such deposit or bond the owner or agent of any vessel or vehicle or line of vessels or vehicles may execute a bond in an amount to be fixed by the Secretary of the Treasury to cover and include the issuance of special licenses for the unlading of such vessels or vehicles for a period not to exceed one year. • • •

6. The third sentence of footnote 4, appended to § 24.16 (a), is amended by inserting "deposits sufficient money to pay, or" after "person requesting such services" and by substituting "an amount" for "a penal sum".

7. Section 24.16 (c) is amended to read as follows:

(c) *Application and bond.* (1) Except as provided for in subparagraph (2) of this paragraph, an application for services of customs employees at night or on a Sunday or holiday, customs Form 3171, or 3853, supported by the required cash deposit or bond, shall be filed in the office of the collector before the assignment of such employees for reimbursable overtime services. The cash deposit to secure reimbursement shall be fixed by the collector or his authorized representative in an amount sufficient to pay the maximum probable compensation and expenses of the customs employees in connection with the particular services requested. The bond to secure reimbursement shall be on customs Form 7597 or 7599 and in an amount to be fixed by the collector, unless another bond containing a provision to secure reimbursement is on file.

(2) Prior to the expected arrival of a pleasure vessel or private aircraft the collector may designate a customs employee to proceed to the place of expected arrival to receive an application for night, Sunday, or holiday services in connection with the arrival of such vessel or aircraft, together with the required cash deposit or bond. In each such case the assignment to perform services shall be conditional upon the receipt of the appropriate application and security.

(3) An application on customs Form 3853 for overtime services of customs employees, when supported by the required cash deposit or bond on customs Form 7599, may be granted for any period not longer than for 1 year nor longer than the period of the supporting bond. In such a case, the application must show the exact times when the overtime services will be needed, unless arrangements are made so that the proper customs officer will be seasonably notified during official hours in advance of the services requested as to the exact times that the services will be needed.

(Sec. 5, 36 Stat. 901, as amended, secs. 450, 451, 452, 624, 46 Stat. 715, as amended, 759, sec. 6, 49 Stat. 1385, as amended; 19 U. S. C. 261, 267, 1450, 1451, 1452, 46 U. S. C. 382b)

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: October 11, 1954.

H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*

[F. R. Doc. 54-8126; Filed, Oct. 14, 1954; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Foreign Operations Administration

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO COOPERATING COUNTRIES

Sec.
201.1 Definition of terms.
201.2 What this part does.

Subpart A—Authorization Procedure

201.3 Non-project type assistance: Allotments, procurement authorization applications, procurement authorizations and sub-authorizations.
201.4 Project type assistance: Allotments for projects, project proposals, project agreements and project implementation orders.
201.5 Contracts and deliveries eligible for financing under procurement authorizations and project implementation orders.
201.6 General provisions incorporated in procurement authorizations and project implementation orders.
201.7 Ocean transportation.
201.8 Ships' dollar disbursements.
201.9 Procurement by U. S. Government agencies.

Subpart B—Responsibilities of Importers and Suppliers

201.10 Use of procurement authorization or project implementation order number.
201.11 Contracts and deliveries.
201.12 Marking requirements.
201.13 Information to United States small business.

Subpart C—Reimbursement for Assistance

201.14 Types of reimbursement.
201.15 Reimbursement for specific procurement payments by a cooperating country.
201.16 Letter of commitment to a banking institution.
201.17 Letter of commitment to a supplier.
201.18 Documents required for reimbursement.
201.19 Procurement by U. S. Government agencies.

Subpart D—Price Provisions

201.20 Purchase in bulk of commodities.
201.21 Purchase prices.

Subpart E—Responsibilities of Banking Institutions

201.22 Responsibilities of banking institutions in connection with letters of commitment issued to them.

Subpart F—Waiver Authority and Transitory Provisions

201.23 Waiver and amendment authority.
201.24 Continuation in effect of certain prior issuances.
201.25 Transitory provisions.

AUTHORITY: §§ 201.1 to 201.25 issued under sec. 525, Pub. Law 665, 83d Cong. Interpret or apply secs. 131, 132, 201, 302, 504, 509, 510, 522, Pub. Law 665, 83d Cong.

§ 201.1 *Definition of terms.* For the purposes of this part:

(a) "The act" means the Mutual Security Act of 1954 (Pub. Law 665, 83d Cong.).

(b) "FOA" means the Foreign Operations Administration, including, when applicable, each USOM (paragraph (e) of this section).

(c) "The Director" means the Director of the Foreign Operations Administration or the Deputy Director or any person authorized to perform the functions of the Director or Deputy Director in respect of this part.

(d) "Cooperating country" means any country in which FOA has a program under the act.

(e) "USOM" means the FOA mission to any cooperating country.

(f) "The Director, USOM" means the head of the FOA mission to any cooperating country or the Deputy Director of any such mission or any person authorized to perform the functions of the Director or Deputy Director, USOM, in respect of this part.

(g) "Banking institution in the United States" means a banking institution organized under the laws of the United States, any State, territory or possession thereof, or the District of Columbia.

(h) "Approved applicant" means the cooperating country or any person or organization, governmental or otherwise, named as approved applicant in any letter of commitment issued to a banking institution in the United States pursuant to Subpart C of this part; and shall include any agent authorized to act on behalf of an approved applicant.

(i) "Reimbursement" means any of the methods set forth in Subpart C of this part used by FOA to pay for any commodity or service furnished to a cooperating country under the act.

(j) "Delivery" means the transfer to or for the account of a cooperating

country of custody and right of possession of any commodity or the rendering to or for the account of a cooperating country of any service.

(k) "Importer" means any person or organization, governmental or otherwise, to which a cooperating country has made a subauthorization (see § 201.3 (d)), or which has been designated as an "authorized agent" in a project implementation order (hereinafter called "PIO") or subauthorized by any such authorized agent (see § 201.4).

(l) "Supplier" means any person or organization, governmental or otherwise, which furnishes any commodity or service under the act.

(m) "Source" means the country or area from which a commodity is shipped to the cooperating country. Where, however, a commodity is shipped from a free port or bonded warehouse in the form in which received therein, "source" shall mean the country or area from which the commodity was shipped to the free port or bonded warehouse.

(n) "Commission" means any sum paid or to be paid to an agent, broker, or other representative in connection with a sale financed by FOA.

(o) "Discount" means that amount by which the supplier's gross sales price is reduced by a credit, refund or other allowance made or to be made to the buyer or consignee.

(p) "Project" means a single integrated undertaking or enterprise within a cooperating country, which has been mutually agreed upon by FOA and the cooperating country government and which requires financing by FOA of services and/or commodities specifically needed for the accomplishment of the undertaking or enterprise.

§ 201.2 *What this part does.* (a) (1) Subpart A of this part describes the procedures for enabling cooperating countries to use FOA funds to get commodities and services under the act. Subpart A is divided into two broad categories. The first category deals with the authorization procedures for procurement of commodities and services in non-project type assistance programs. In general, it provides for the submission of procurement authorization applications by cooperating countries and the issuance of procurement authorizations (hereinafter called "PAs") by FOA and sub-authorizations thereunder by cooperating countries.

(2) The second broad category deals with the authorization procedures for the procurement of commodities and services required for projects. In general, it provides for the development of a project proposal jointly by the cooperating country and the applicable USOM, the execution of a project agreement between the cooperating country and FOA, and the issuance of PIOs thereunder. PIOs may be issued for various segments of a project but the only PIOs subject to this part (except where otherwise indicated in the applicable PIOs) are those PIOs which provide for the procurement of those commodities and services covered by the FOA Commodity Code Book.

(b) In general, the fact that a particular purchase is to be paid for by FOA will not basically affect the way in which an importer or supplier does business. Subpart B of this part, however, describes certain things which an importer must do when he has been told that he is buying under the act, and which a supplier must do when he obtains an order that is to be paid with FOA funds.

(c) Subpart C of this part describes the procedures for obtaining reimbursement for assistance furnished under the act.

(d) Subpart D of this part contains the price provisions applicable to purchases of commodities that are to be paid with FOA funds.

(e) Subpart E of this part describes the responsibility of banking institutions in the United States in connection with letters of commitment issued to them by the Director.

SUBPART A—AUTHORIZATION PROCEDURE

§ 201.3 *Non-project type assistance: Allotments, procurement authorization applications, procurement authorizations and sub-authorizations*—(a) *Allotments and procurement authorization applications.* FOA will from time to time determine an amount of FOA funds to be allotted for various cooperating countries for non-project type assistance, to be available for the purchase of commodities and services. From time to time the cooperating country will indicate on PA applications the dollar and/or local currency amounts of the commodities and services which the cooperating country desires to procure with its allotted funds. Supplementary information with respect to PA applications may be required from time to time.

(b) *Procurement authorizations.* (1) FOA will review each PA application to determine that the proposed purchases of commodities and services for delivery to the cooperating country are in accordance with the objectives of the act. Upon such a determination, FOA will, as soon as practicable, issue appropriate PAs for acceptance by the cooperating country. These PAs will cover the commodities and services for the purchase of which the cooperating country may make sub-authorizations to importers, and will specify the maximum dollar and/or local currency amounts which FOA will finance, the source from which the commodities and services (other than ocean transportation) are to be obtained, the periods during which contracts and/or deliveries are to be made, and any other provisions deemed necessary by FOA. Each PA will bear a PA number, and the issuance of a PA will constitute authority to the cooperating country to sub-authorize its importers to use the procurement authorization number in placing orders for the purchase of the commodities and services specified in the procurement authorization to be delivered to the cooperating country. Cooperating countries may request FOA to make changes in PAs.

(2) PA numbers will indicate the cooperating country to which the authorization is given, the commodity code number, the source from which the commodity or services are to be obtained, and a serial number. An example of a PA number is as follows:

40	010	00	5001
Cooperating country	Commodity code	Source	Serial No.
Greece	Bread Grains.	U. S. and Possessions.	

(c) *Commodity codes.* PA applications will be made in terms of the FOA Commodity Codes which are listed in the official FOA Commodity Code Book, as revised July 1, 1952, or in subsequent revisions. Authorization will normally be made in the same commodity codes, but in certain instances the PA may be restricted to one or more commodities within a commodity code.

(d) *Sub-authorizations.* For all procurement under PAs, the cooperating country will make sub-authorizations to importers within the terms of the PAs. The cooperating country, in sub-authorizing, will instruct the importer to use the PA number in placing orders, and will specify to importers the commodities or services, source, applicable currency, periods during which contracts and deliveries must be made, and all of the special provisions of the PA which are applicable to the sub-authorization.

§ 201.4 *Project type assistance: Allotments for projects, project proposals, project agreements and project implementation orders*—(a) *Allotments for projects and project proposals.* Apart from the allotments referred to in § 201.3 (a), FOA will from time to time determine an amount of FOA funds to be allotted for project purposes. From time to time project proposals developed jointly by the applicable USOM and the cooperating country will be prepared showing the nature of the project and the dollar and/or local currency amounts of commodities and services needed for the project.

(b) *Project agreements and project implementation orders.* (1) FOA will review each project proposal to determine that the proposed project and purchases of commodities and services for the project are in accordance with the objectives of the act, and, upon such a determination, FOA will, as soon as practicable, enter into an appropriate project agreement with representatives of the cooperating country. The project agreement will describe the nature of the project, indicate amounts of funds by currency allocated to the project by FOA and the cooperating country, respectively, the duration of the agreement, and such other provisions as may be deemed necessary by FOA. Procurement for the project of commodities and services covered by the FOA Commodity Code Book shall, unless otherwise provided, be made only upon issuance of a PIO and in accordance with the terms of the PIO issued by FOA in Washington, D. C. or the applicable USOM and accepted by the cooperating country representative. With regard to the use of FOA funds, these PIOs will cover the commodities and services to be procured for the project, will designate the importers authorized to purchase such commodities and services therefor, and will specify the maximum dollar and/or local currency amounts which FOA will finance, the source from which the commodities and services (other than ocean transportation) are to be obtained, the periods during which contracts and/or deliveries are to be made, and any other provisions deemed necessary by FOA. Each PIO will have a PIO number, and the issuance of a PIO will constitute authority to importers to use the PIO number in placing orders for the purchase of the commodities and services specified in the PIO to be delivered to the project on behalf of the cooperating country. Cooperating countries may request FOA to make changes in any PIO.

(2) PIO numbers will indicate the applicable cooperating country, the field of activity (e. g., public health, education), the project number, and a serial number. An example of a PIO number is as follows:

65	23	001	550001
Cooperating country	Activity	Project No.	Serial No.
Iran	Industry (cement plant).		

(c) *Commodity codes.* Commodities and services needed for projects will be indicated on project proposals in terms of the FOA Commodity Codes which are listed in the official FOA Commodity Code Book, as revised July 1, 1952, or in subsequent revisions.

§ 201.5 *Contracts and deliveries eligible for financing under procurement authorizations and project implementation orders*—(a) *Commodity and service PAs and PIOs*—(1) *Contracts.* (i) Contracts for the purchase of commodities and services will not be eligible for financing under a PA or PIO if made prior to the date of issuance, or in the event that an initial contracting date is specified, if made prior to the specified date.

(ii) PAs and PIOs will indicate, in addition to an initial contracting date, a contract cut-off date. The contract cut-off date will normally be three to six months subsequent to the first day of the month following the month in which the PA or PIO is issued. In making sub-authorizations under a PA or PIO the cooperating country or authorized agent, as the case may be, must specify that contracts under the sub-authorizations must be made on or before the contract cut-off date. Contracts made after the contract cut-off date will not be eligible for financing under the PA or PIO unless deliveries under such contracts are made within the specified delivery period (see subparagraph (3) of this paragraph).

(2) *Reporting.* With respect to PAs only, the cooperating country shall, in accordance with instructions issued by FOA, report within 30 days after the contract cut-off date the total or estimated total value of all contracts entered into pursuant to sub-authorizations made under the PA, whether or not deliveries have actually been made. If the total or estimated total value of such contracts, as so reported, is less than the total dollar and/or local currency amount of the PA, the PA will be reduced by the amount of the difference. If no such report is filed by the cooperating country within 30 days after the contract cut-off date, FOA will assume that the PA has been fully sub-authorized and contracted for, and no reduction in the PA will be made.

(3) *Deliveries.* Each PA or PIO will also state a delivery period. The period will be indicated normally by two dates: (i) The date before which deliveries may not be made (initial delivery date) and (ii) the date on or before which deliveries must be made (terminal delivery date). Where however, an initial delivery date is not specified, the date of issuance of the PA or PIO shall be deemed to be the initial delivery date. Deliveries made before the initial delivery date or after the terminal delivery date will not be eligible for FOA financing under the PA or PIO. FOA may extend the terminal delivery date for limited periods on an individual contract basis, if the contract was made on or before the contract cut-off date.

(b) *Submission of documentation of delivery.* In the case of reimbursement by letter of commitment to a bank, the submission of documentation shall be in accordance with § 201.16 (c) (2). In the case of other types of reimbursement, proper documentation of deliveries, in accordance with § 201.18 must be presented within 90 days after the latest date on which deliveries may take place under the PA or PIO, to the Controller, FOA, Washington, D. C., or to the appropriate USOM Controller if so specified in the PA or PIO.

(c) *Ocean transportation PAs or PIOs.* Ocean transportation PAs or PIOs will not be subject to the provisions of paragraphs (a) and (b) of this section, but will be subject to the following provisions:

(1) *Deliveries.* (i) Delivery of ocean transportation services may be made at any time on or after the initial delivery date and on or before the terminal delivery date specified on the PA or PIO.

(ii) The date of delivery of ocean transportation services shall be deemed to be the date of the relative bill of lading, airway bill, or the cablegram alternatively submitted under § 201.18.

(2) *Submission of documentation of delivery.* In the case of reimbursement by letter of commitment to a bank, the submission of documentation shall be in accordance with § 201.16 (c) (2). In the case of other types of reimbursement, proper documentation in accordance with § 201.18 (b) must be presented, within 120 days after the date of the bill of lading covering ocean shipment, to the Controller, FOA, Washington, D. C. or to the appropriate USOM Controller if so specified in the PA or PIO.

§ 201.6 *General provisions incorporated in PAs and PIOs.* Each PA or PIO issued shall be deemed to incorporate the following provisions:

(a) *Reimbursement.* Upon receipt of the documents required for reimbursement by this part, FOA will make reimbursement up to the amount specified in the PA or PIO for the assistance described in the PA or PIO, such reimbursement to be made by any one of the methods prescribed in Subpart C of this part.

(b) *Assignment of right to receive reimbursement.* The right to receive reimbursement under a PA or PIO may be assigned, in whole or in part, to a banking institution in the United States, but no such assignment shall be valid unless the proposed assignee has been named in a letter of commitment or otherwise approved by the Director or a Director, USOM.

(c) *Modification or revocation.* The Director reserves the right at any time and from time to time, and for any reason or cause whatsoever, to supplement, modify, or revoke any PA or PIO (including termination of deliveries under the PA or PIO). In the event of any supplement, modification, or revocation, the right of reimbursement will be modified or terminated accordingly, except that if a letter of commitment has been issued, the rights of the holder of any such letter of commitment shall not be affected except to the extent specified in such letter of commitment.

(d) *Refund to Director.* (1) The cooperating country will pay promptly to the Director upon demand the entire amount reimbursed (or such lesser amount as the Director may demand) whenever full documentation is not furnished within the specified time, or whenever it appears to the Director that the documentation submitted by or on behalf of the cooperating country (or any approved applicant named in a letter of commitment) does not support the expenditure for which the reimbursement was made, or whenever the Director determines that the reimbursement was improper as being in violation of any of the provisions of the act, any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of FOA promulgated under any of said acts.

(2) Demands for refunds from cooperating countries under this part may be made by the Director within five years after the date of reimbursement by FOA.

(e) *Discounts.* If a contract for which reimbursement is claimed provides for one or more discounts, only the invoice amount after discount (seller's gross price less all discounts) will be eligible for reimbursement.

(f) *Commissions* — (1) *Purchasing agents.* No commisison paid or to be paid to an agent, broker or other representative of an importer will be eligible for reimbursement.

(2) *Sales agents.* A commission paid or to be paid to an agent, broker, or other representative of the supplier (domestic or foreign) is not prohibited and will be eligible for reimbursement. However, if the amount of any such commission exceeds the amounts paid by the supplier's competitive sellers or exceeds the amounts paid by the supplier in

comparable sales, the Director may, subsequent to reimbursement, request repayment from the importing country of the amount of such commission. The amount of such commission shall be fully reported by the supplier on FOA Form 280 (see § 201.18 (d)). A payment, credit, or other allowance to a foreign distributor of a supplier, in connection with direct imports by such a distributor for his own account, however, is not to be considered as an agent's commission but as a discount, as defined in paragraph (e) of this section, and must be deducted from the gross amount of the supplier's invoice.

(g) *Adjustment refunds and adjustment credits.* (1) If an importer receives an adjustment refund, or an adjustment credit, arising out of the terms of a contract or out of the normal customs of the trade, the Director will, in making reimbursement directly to a cooperating country, withhold the amount of such refund or credit; in case of other types of reimbursement, the Director will request repayment of the amount of such refund or credit from the cooperating country.

(2) Upon settlement of a claim for an adjustment refund or an adjustment credit, the supplier shall immediately give written notice to the Controller, FOA, Washington, D. C., indicating the PA or PIO number, the name and address of the importer, the date and amount of the original invoice, and the reason for the refund or credit and the amount thereof.

(h) *Insurance.* (1) Dollar payments of premiums for ocean marine insurance (including war risk insurance) on FOA-financed commodities procured in the United States will be eligible for financing by FOA under a commodity PA or PIO if such insurance is:

(i) Placed by the importer (or by the supplier or any other person if authorized so to do by the importer in a cable, written document, or the letter of credit); and

(ii) Placed at the lowest available competitive rate.

(2) The importer, supplier, or other person placing such insurance shall furnish the PA or PIO number to the insurer. The supplier shall state the name and address of the insurer on the Invoice-and-Contract Abstract (see reverse side of Form FOA–280 set out in § 201.18 (d)).

(3) The insurer shall file a statement with the Controller, FOA, Washington, D. C., by the twentieth of each month, setting forth the PA or PIO number for each insurance policy issued during the previous calendar month under FOA financing, and indicating in detail the character of the coverage, the amounts of such policies, amounts of premiums, names and addresses of the insured, names and addresses of persons receiving discounts or commissions in connection with such policies, and the amount of each such discount or commission. Accompanying such statement shall be a certificate in substantially the following form signed by the insurer:

The undersigned certifies to the Director of the Foreign Operations Administration that the attached statement of accounts relating to FOA-financed ocean marine insurance policies is, to the best of its knowledge, complete and correct; and that the undersigned, in issuing such insurance policies, has not given or received any benefit, by way of side payments, "kickbacks" or otherwise, except as is indicated in the attached statement.

(4) Upon settlement of a claim on account of insurance financed by FOA, the insurer shall immediately give written notice to the Controller, FOA, Washington, D. C., indicating the PA or PIO number, the name and address of the insured, and the amount of the insurance recovery. FOA will request repayment from the cooperating country of the dollar amount of insurance recovered by the insured.

(i) *Airmail distribution of ocean bills of lading.* The cooperating country or authorized agent will instruct importers to advise shippers to airmail at the time of loading one copy (or photostat) of ocean or charter party bill of lading or airway bill to the Controller, USOM, American Embassy, in the capital city of the cooperating country receiving the shipment.

(j) *Price limitations.* FOA will not make reimbursement directly to a cooperating country for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States, adjusted as provided in § 201.20, nor will FOA make reimbursement directly to a cooperating country for a purchase of any commodity at a price higher than the price calculated in accordance with the applicable price provisions in § 201.21; in cases of other types of reimbursement, the Director will demand repayment from the cooperating country of the entire amount so reimbursed.

(k) *Export licenses.* Where procurement is effected in the United States for any commodity covered by a PA or PIO, export license, to the extent required, must be obtained from the U. S. Department of Commerce. All exports from the United States of commodities furnished under the act are subject to such export quotas as may be established and such export license controls as may be exercised by the U. S. Department of Commerce.

(l) *Diversions.* (1) The cooperating country agrees, and, as a condition of the receipt by an importer of authority to use the PA or PIO in placing orders, the importer shall be deemed to have agreed, that, upon a determination by the Director that such action is necessary to accomplish the purposes of the act, FOA shall be vested with title to FOA-financed commodities which have been delivered but not then off-loaded in ports of the cooperating country, and the cooperating country will, upon such determination, assign, execute and furnish, or cause to be assigned, executed and furnished, to FOA documents requested by FOA relating to such FOA-financed commodities including, but not limited to, negotiable bills of lading, supplier's invoices, packing lists and inspection certificates. The Director is authorized to take such action with respect to such commodities as he may deem necessary and proper including, without limiting the generality of the foregoing, the following: (i) To direct masters of vessels carrying such commodities to divert them from the designated ports of destination to such other ports as may be designated by FOA, and (ii) to cause to be inserted in relevant charter parties, bills of lading and other shipping documents a diversion clause substantially in the following form:

FOA may designate an alternate port of discharge within the range of ports covered by the applicable conference tariff. Diversion charges as per tariff to apply including deviation insurance and extra handling cost if incurred.

(2) In the event of any such determination by the Director and action taken pursuant to subparagraph (1) of this paragraph, FOA will, subject to availability of funds therefor, assume responsibility for extra costs of transportation services (including, where applicable, marine insurance and extra handling costs) caused by such action but FOA shall not be subject to any liability to the cooperating country, its importers or the approved applicant, except for the payment of such costs as FOA, in its sole discretion, may deem appropriate under the circumstances.

(3) Notwithstanding the foregoing subparagraphs (1) and (2) of this paragraph, if a letter of commitment has been issued, the rights of the holder of any such letter of commitment shall not be affected except to the extent specified in such letter of commitment.

(m) *Re-export.* The re-export of commodities financed by FOA, within three years of the date of reimbursement therefor, in the form or substantially in the form received, except as authorized by FOA, is not permitted, and in the event of any unauthorized re-export the cooperating country will pay promptly to the Director upon demand the entire amount reimbursed or such lesser or greater amount as the Director may deem appropriate under the circumstances of the particular transaction, not to exceed, however, the amount realized from the sale of any such commodity.

(n) *Special provisions.* The provisions of this part may be waived, amended or supplemented by special provision in the PA or PIO, or otherwise, pursuant to § 201.23.

§ 201.7 *Ocean transportation.* (a) Ocean transportation PAs or PIOs and, in the case of c. & f. (cost and freight) or c. i. f. (cost, insurance and freight) shipments, the PAs or PIOs for the commodity involved, may be used by the cooperating country to cover dollar and/or local currency services furnished in connection with the shipment of:

(1) FOA-financed cargoes to the cooperating country on flag vessels other than those of the cooperating country, (i) where FOA dollar reimbursement is requested, to the extent that payment for such services is made in dollars in accordance with the custom of the trade, or, if not in accordance with the custom of the trade, only if approved by the Office of Transportation, FOA, Washington, D. C.; and (ii) where FOA local currency reimbursement is requested, to the extent that payment for such services is made in the specified local currency in accordance with the custom of the trade or other acceptable local currencies.

(2) Non-FOA-financed cargoes to any cooperating country on United States flag vessels.

(3) Non-FOA-financed cargoes on flag vessels other than those of the cooperating country, but only in special circumstances where specifically authorized in writing by FOA to do so pursuant to a request in writing.

(b) The rate charged by a supplier of ocean transportation services shall not exceed the prevailing rate for similar freight contracts, nor the rate paid to the supplier for similar ocean transportation services by other customers similarly situated.

(c) Reimbursement will be made as follows:

(1) *Dry bulk cargo shipments.* (i) Reimbursement will be made for cost of shipment from ports of loading to ports of discharge at rates established by charter parties; provided that reimbursement of 90 percent of such cost will be made on presentation, in accordance with § 201.18, of documents covering at least 90 percent of the freight cost, the balance, if any, to be payable within 60 days after final settlement of dispatch/demurrage claims and documented by the vessel's signed laytime statement(s).

(ii) Reimbursement for loading, trimming and other related shipping expenses may be made when such expenses are not for the account of the ship nor included in inland transportation charges.

(iii) Reimbursement will not be made for demurrage incurred in excess of dispatch earnings. Amounts earned for dispatch shall be credited first against demurrage, if any, incurred in connection with the same voyage; the balance supported by the vessel's signed laytime statement(s), shall then be refunded to the Controller, FOA, Washington, D. C., within 90 days after date of discharge of the cargo on which dispatch was earned.

(iv) No brokerage commissions in excess of 2½ percent of the freight and no address commission will be eligible for reimbursement; the names of all persons participating in the eligible brokerage commission must be indicated on the charter party.

(2) *Dry cargo liner shipments.* (i) Reimbursement will be made for cost of shipment from ports of loading to ports of discharge at the rates indicated in the bill of lading, but not in excess of the conference rates for such services.

(ii) Reimbursement for related shipping expenses may be made when such expenses are not for the account of the ship nor included in inland transportation charges.

(3) *Tanker shipments.* (i) Reimbursement will be made for cost of shipment from ports of loading to ports of discharge at rates established by charter parties or contracts of affreightment.

(ii) Reimbursement for related shipping expenses may be made when such expenses are not for the account of the ship nor included in inland transportation charges.

(d) All charters (whether single voyage charters, or consecutive voyage charters, or time charters) of all vessels must be submitted to the Office of Transportation, FOA, Washington, D. C., for the prior review and approval.

(e) The requirements for use of United States flag vessels are contained in section 509 of the act, section 106 of the Mutual Security Appropriation Act, 1955 (Pub. Law 778, 83d Congress) and section 901 (b) of the Merchant Marine Act, 1936, added by Pub. Law 664, 83d Congress. These provisions generally require that at least 50 percent of the tonnage of FOA-financed commodities transported on ocean vessels be so transported on United States flag commercial vessels.

§ 201.8 *Ships' dollar disbursements.* Ships' dollar disbursement PAs may be authorized by FOA in special circumstances and may be used by the cooperating country to cover dollar costs of bunker supplies (and bunker trimming) for flag vessels of the cooperating country under rules and procedures to be specified by FOA.

§ 201.9 *Procurement by U. S. Government agencies.* When a determination has been made that any commodity or service authorized on a PA or PIO is to be procured by a U. S. Government agency, FOA will authorize the U. S. Government agency to procure the commodity or service in accordance with procedures established for such procurement. In the event that such determination is made prior to the issuance of a PA, FOA may issue a "Procurement Authorization and U. S. Government Agency Purchase Requisition."

SUBPART B—RESPONSIBILITIES OF IMPORTERS AND SUPPLIERS

§ 201.10 *Use of PA or PIO number.* (a) Each importer must inform his supplier that the transaction is to be financed by FOA, and must give to his supplier the PA or PIO number that has been given to him. The supplier should request the importer to furnish information regarding, and the importer must inform the supplier of, any special provisions which affect the supplier in carrying out the transaction.

(b) The supplier must put the PA or PIO number on all documents required for reimbursement (see § 201.18), and, when procurement is effected in the United States, should put the PA or PIO number on his export license application (see § 201.6 (k)).

§ 201.11 *Contracts and deliveries.* An importer must comply with the specified contract and delivery dates. A supplier must not accept orders identified by a PA or PIO number unless he expects to comply with the specified contract and delivery dates as notified to him by the importer.

§ 201.12 *Marking requirements.* (a) All commodities, and their shipping containers, furnished to cooperating countries under FOA financing (whether from the U. S. or other source country), must carry the official FOA emblem designed for the purpose. This identification may be affixed by metal plate, decalcomania, stencil, label, tag, or other means, depending upon the type of commodity or shipping container and the nature of the surface to be marked. The emblems placed on the commodities should be approximately as durable as the goods themselves; the emblems on the shipping containers must be legible until they reach the point of destination.

(b) (1) The size of the emblem may vary depending upon the size of the commodity, package or shipping container to be marked, but should be large enough to be clearly visible at a reasonable distance; wherever possible, the height of the emblem on the shipping container should be at least twice the height of the lettering used in the shipper's marks. In addition, the shipping container will indicate clearly the last four digits of the FOA PA or PIO number and the name of the cooperating country, in characters at least equal in height to the shipper's marks.

(2) The emblem will appear in the colors shown on the samples available in the Office of the Controller, Foreign Operations Administration, Washington 25, D. C.

(c) (1) Raw materials (including grain, coal, petroleum, oil and lubricants) shipped in bulk, vegetable fibers packaged in bales, and semi-finished products which are not packaged or crated are, to the extent compliance is impracticable, excepted from the marking requirements of this section.

(2) If compliance with the provisions of this section is found to be impracticable with respect to other commodities, the cooperating country or supplier will promptly request the Office of the Controller, Foreign Operations Administration, Washington 25, D. C., for an exception from the requirements of this section.

§ 201.13 *Information to United States small business.* To permit FOA, in accordance with section 504 of the act, to give United States suppliers (particularly small business firms) an opportunity to participate in supplying commodities and services financed by FOA, the importer (if not a United States Government agency) shall to the maximum extent possible provide the following information to the Office of Small Business, FOA, Washington 25, D. C., at least 30 days prior to placing any order in excess of $5,000:

(a) A brief general description and the quantity of commodities or services, with specifications written in English and in such a way as to enable United States suppliers to make offers;

(b) Bid closing date and applicable invitation number; and

(c) Address where invitations or specifications may be obtained.

SUBPART C—REIMBURSEMENT FOR ASSISTANCE

§ 201.14 *Types of reimbursement.* The financing of procurement of commodities or services may be by:

(a) Reimbursement directly to a cooperating country for payments made by it for procurement (see § 201.15);

(b) Issuance of letters of commitment to banking institutions in the United States, undertaking to make reimbursement for payments made by them to suppliers through commercial letters of credit or otherwise on behalf of a cooperating country or an approved applicant (see § 201.16);

(c) Issuance of letters of commitment to suppliers in connection with specific contracts with or on behalf of a cooperating country providing for payments for commodities or services (see § 201.17);

(d) Charges to funds allocated to other departments, agencies, or establishments of the U. S. Government to cover costs incurred in procurement of commodities or services which the Director authorizes from time to time (see § 201.19).

§ 201.15 *Reimbursement for specific procurement payments by a cooperating country.* Reimbursement shall be allowed only for specific payments made by a cooperating country for procurement covered by PAs or PIOs and supported by the documents required for reimbursement by § 201.18.

§ 201.16 *Letter of commitment to a banking institution.* (a) For the purpose of financing procurement through commercial letters of credit or other forms of bank credit, the Director or a Director, USOM, may, at the request of a cooperating country or its authorized agent, issue a letter of commitment to a banking institution in the United States for the purpose of assuring reimbursement, not in excess of a specified amount in dollars or other specified currency and in accordance with the terms of such letter of commitment, for sight payments made for the account of an approved applicant including sight payments for procurement outside the United States (including its territories and possessions). Any such payment by a banking institution in the United States made in anticipation of a letter of commitment and falling within the scope of payments authorized by such letter when issued will be deemed to be payments to be reimbursed by the Director thereunder. The letter of commitment shall be substantially in the form of Exhibit I,[1] adapted to special circumstances. Each letter of commitment may also be issued with the PA or PIO in one document substantially in the form of Exhibit 1–A.[1]

(b) Reimbursement under a letter of commitment to a banking institution shall be effected in the amounts specified therein upon presentation of the documents required for reimbursement by § 201.18 and by the letter of commitment.

(c) Each letter of commitment to a banking institution issued shall be deemed to incorporate the following terms and provisions:

(1) The application or request for, and any agreement relating to, any commercial letter of credit issued or confirmed, or payment made, under a letter of commitment to a banking institution in the United States, may be in such form and contain such terms and provisions as the approved applicant and banking institution may agree upon, and the approved applicant and banking institution may agree to any extension of the life of, or any other modification of, or variation from, the terms of any such letter of credit or any agreement covering payments to be made by the banking institution: *Provided*, That such terms and provisions and any such extension, modification or variance are in no respect inconsistent with or contrary to the terms and provisions of the letter of commitment, and in case of any inconsistency or conflict, the terms and provisions of the letter of commitment shall control. In any event every application for a letter of credit and every request for payment shall include the substance of the directions as to documentation required for reimbursement by this part.

(2) Reimbursement shall be made by the Director promptly (but in no event later than 30 days) after receipt by the Director of the documents required for reimbursement by this part, which documents in normal course should be forwarded to the Director promptly, after the banking institution has made the payment for the amount of which reimbursement is sought.

(i) The Voucher SF–1146 shall bear the following certification by the payee: "I certify that the above bill is correct and just; that payment therefor has not been received," shall be addressed to the Foreign Operations Administration, and shall be signed as "Payee" by the approved applicant, or by the banking institution as agent for and in behalf of the approved applicant.

(ii) The banking institution shall have no responsibility for the truth or accuracy of the statements contained in the supplier's certificate, or invoice-and-contract abstract. The right of reimbursement for payments made by the banking institution will not be affected by the fact that such abstract may be incomplete, or may indicate non-compliance with any provision of this part, or of the PA or PIO, or of the letter of commitment, or may be inconsistent with other documents required for reimbursement.

(3) The banking institution shall make available to the Director, upon request, a copy of each letter of credit issued or confirmed by it, together with any extension or modification thereof; a copy of each application and agreement relating to such a letter of credit, or to a payment instruction or request, together with any extension or modification thereof; a copy of each document in its possession received by it against payment; and detailed advice of the interest, commissions, expenses, or other items charged by it in connection with each such letter of credit or payment instruction or request.

(4) Reimbursement to the approved applicant shall be made by check mailed to the banking institution and payable to its order for the account of the approved applicant.

(5) Acceptance by the banking institution of any document in the ordinary course of business in good faith as being a genuine and valid document and sufficient in the premises, and the delivery thereof to the Director, shall constitute full compliance by the banking institution with any provision of this part, the PA, PIO, or of the letter of commitment requiring delivery of a document of the sort that the document actually so delivered purports to be. The banking institution shall be entitled to receive and retain reimbursement of the amount of all payments made by it against documents so accepted, notwithstanding that such payments may be made in connection with a purchase at a price in excess of the market price prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment, or in excess of the price calculated in accordance with the applicable provisions of §§ 201.7 and 201.21.

(6) The Director, or a Director, USOM, reserves the right at any time and from time to time, and for any reason or cause whatsoever, to supplement, modify, or revoke the PA or PIO (including termination of deliveries thereunder): *Provided, however*, That no supplement, modification or revocation shall become effective as to the banking institution until the receipt by it from the Director, or a Director, USOM, of written notice of such supplement, modification or revocation, and such supplement, modification or revocation shall in no event affect or impair the right of reimbursement to the extent of any payment made prior to receipt of such notice, or any obligation incurred under an irrevocable letter of credit issued or confirmed prior to receipt of such notice, for which the banking institution has not been repaid by the approved applicant (without, however, any obligation on its part to obtain such repayment). The term "PA" or "PIO" as used in a letter of commitment shall be deemed to include each such supplement or modification from and after receipt by the banking institution from the Director, or a Director, USOM, of written notice of the same, subject always, however, to the foregoing terms and provisions preserving rights of reimbursement in its behalf.

(7) In the event the Director, or a Director, USOM, shall direct termination of deliveries under the PA or PIO or revoke such PA or PIO or supplement or modify the same in relation to the disposition of any document or documents and shall give the banking institution written notice thereof, the banking institution shall in all respects comply with the instruction of the Director, or a Director, USOM, to the extent it may do so without impairing or affecting any irrevocable obligation or liability theretofore incurred by it under any letter of credit issued or confirmed by it, and it shall be repaid and reimbursed by the Director for the costs, expenses and liabilities paid or incurred by it in relation to such instruction. The banking institution shall have no obligation or liability whatsoever to the approved applicant for anything done or omitted to be done by it pursuant to such instructions of the Director, or a Director, USOM.

[1] Filed with the original document.

(8) In the event that the banking institution shall file with FOA a certificate as specified in the third paragraph of § 201.18 (a) (3), or a modified certificate as permitted in § 201.22 (o), it shall be repaid and reimbursed by the Director for the costs, expenses and liabilities paid or incurred by it subsequent to the receipt by FOA of the certificate, as a result either of its following instructions received from the Director, or of its continued holding of documents pending the receipt of such instructions.

(9) The letter of commitment shall inure to the benefit of the banking institution's legal successors and assigns.

§ 201.17 *Letter of commitment to a supplier.* (a) For the purpose of financing specific procurement contracts, the Director or a Director, USOM, may, at the request of a cooperating country or its authorized agent, issue a letter of commitment to a supplier assuring reimbursement under such contract not in excess of a specified amount of dollars and/or local currency. The letter of commitment will be issued only in connection with a specific contract, will specify the PA or PIO under which it is issued, and will contain such further provisions as may be required by the Director or a Director, USOM.

(b) The monies due or to become due under such letter shall be assignable by the supplier only through signing the certification in the space provided on the letter, and only to a banking institution in the United States. If a notice of assignment is sent to the Director and the Department of the Treasury under the Assignment of Claims Act of 1940, as amended, such notice shall not be effective unless the date and fact of such notice is indicated on the letter of commitment.

(c) Reimbursement under a letter of commitment to a supplier shall be effected in the amounts specified therein upon presentation of the documents required for reimbursement by § 201.18 and the letter of commitment.

§ 201.18 *Documents required for reimbursement.* Claims for reimbursement must be supported by the following documents (each of which must be identified by the appropriate PA or PIO number), except when and to the extent specifically waived in writing by the Director, or a Director, USOM:

(a) For cost of any commodity, including ocean freight in c. & f. (cost and freight), and ocean freight and insurance in c. i. f. (cost, insurance and freight) transactions:

(1) Voucher SF–1146 in original and three copies, to be prepared by the supplier or his assignee where a letter of commitment is issued by FOA to the supplier; or, in other cases, by the cooperating country, by the approved applicant, or by the banking institution as assignee, or as agent for and in behalf of the approved applicant.

(2) (i) Supplier's certificate, in duplicate, with invoice-and-contract abstract on reverse side (Form FOA–280, set out in paragraph (d) of this section), covering the following:

(*a*) The cost of the commodity, including ocean freight in c. & f., and ocean freight and insurance in c. i. f. transactions, to be executed by the supplier of the commodity.

(*b*) The cost of ocean freight in c. & f. and c. i. f. transactions, to be executed by the carrier.

(ii) In the case of financing by reimbursement directly to a cooperating country for payments made by it for procurement (this does not include financing by letters of commitment to banking institutions in the United States or letters of commitment to suppliers), the supplier may, if he desires, submit, and FOA will accept, in lieu of either of the above, a supplier's certificate in duplicate, with invoice-and-contract abstract completed in all applicable respects except as to class of supplier, information as to agents' commissions, domestic and foreign, and domestic unit price information, accompanied by a sealed envelope, addressed to the Controller, FOA, Washington, D. C., with the following statement upon its face, signed by the supplier:

> The undersigned certifies that enclosed in this envelope is a copy of an executed Supplier's Certificate (Form FOA–280) covering the item invoiced, which has been filled in wherever applicable. This envelope contains a document intended only for FOA and is to be opened only by FOA.

(iii) If such alternative procedure is used, the signer of the supplier's certificate shall be deemed to have satisfied the requirement in paragraph (10) of the supplier's certificate (paragraph (d) of this section) that he has filled in the applicable portions of the invoice-and-contract abstract.

(3) (i) One copy (or photostat) of ocean or charter party bill of lading, or airway bill, or parcel post receipt.

(ii) In the case of tanker shipments only, one copy (or photostat) of cablegram from ship's agent showing loaded cargo figures and a certificate by the supplier that the bill of lading is not immediately available, and that a copy (or photostat) of the bill of lading will be submitted by the supplier to the Controller, FOA, Washington, D. C., within 120 days from the date of loading.

(iii) In the case of any commodity shipped from the continental United States (excluding Alaska) and financed under a letter of commitment to a banking institution in the United States, FOA will accept in lieu of the documents referred to in the two preceding paragraphs, a certificate from the banking institution to the effect that it has been informed by the approved applicant or supplier that the sale is on an f. o. b. or f. a. s. basis and it is impracticable to furnish an ocean or charter party bill of lading, airway bill or parcel post receipt, and that either:

(*a*) The banking institution has received a common carrier bill of lading, warehouse receipt, mate's receipt, master's receipt, dock receipt or domestic parcel post receipt (if in non-negotiable form, showing that the commodity has been consigned to or is being held for a person or organization designated by the approved applicant); it has delivered or sent the same, in accordance with the instructions of the approved applicant, to a person or organization designated by the approved applicant; and it has in its possession a written undertaking of such person or organization (*1*) to arrange for ocean shipment and to deliver to the banking institution a copy (or photostat) of the ocean or charter party bill of lading, airway bill, or parcel post receipt for forwarding to FOA, or (*2*) if unable to arrange for ocean shipments within 90 days of the date of the undertaking, to so notify the Controller, FOA, Washington, D. C., and at such time as FOA may request, to deliver to the banking institution for forwarding to FOA, a common carrier bill of lading or warehouse receipt in negotiable form for the commodity; or

(*b*) The banking institution has received a common carrier bill of lading or warehouse receipt in negotiable form, and is in possession of the same; it has been unable to deliver the same to a person or organization designated by the approved applicant against the written undertaking described in (*a*) of this subdivision; and it is holding the negotiable common carrier bill of lading or negotiable warehouse receipt subject to the instructions of FOA, and will forward same to FOA when and if so instructed, except that if it becomes possible before any such instructions are received, it will proceed in accordance with (*a*) of this subdivision.

(4) One copy (or photostat) of supplier's detailed invoice showing quantity, description, gross sales price, net sales price (after deducting all discounts and purchasing agents' commissions applicable) and basis of delivery (e. g., f. o. b. vessel, f. a. s.) of the commodities or services, and either (i) marked "Paid" by the supplier or (ii) endorsed by, or accompanied by a certificate of, an officer of a banking institution indicating that payment has been made in the amount shown on the invoice.

(5) Such additional or substitute documentation as may be required for reimbursement by endorsement upon the PA or PIO or letter of commitment, if any.

(b) For cost of ocean transportation, including ocean freight paid by the supplier of the commodity in f. o. b. and f. a. s. transactions:

(1) Voucher SF–1146 in original and three copies to be prepared by the cooperating country, by the approved applicant, or by the banking institution as assignee, or as agent for and in behalf of the approved applicant.

(2) Supplier's certificate, in duplicate, with invoice-and-contract abstract on reverse side (Form FOA–280, set out in paragraph (d) of this section) to be executed by the supplier of the ocean transportation. If the supplier of ocean transportation is not the carrier, an additional supplier's certificate, in duplicate, with invoice-and-contract abstract on reverse side, executed by the carrier, covering the cost of ocean freight.

(3) (i) For cargoes shipped under charter party, one copy (or photostat) of charter party. In the case of tanker shipments only, if shipment is not made under charter party, one copy (or photostat) of the contract of affreightment.

(ii) In the case of a term charter party or term contract of affreightment, FOA will accept, in lieu of either of the above, a certificate by the supplier of the ocean transportation, to the effect that a copy (or photostat) of the charter party or contract of affreightment has previously been submitted to FOA in support of a request for reimbursement.

(4) One copy (or photostat) of ocean or charter party bill of lading or airway bill. In the case of tanker shipments only, one copy (or photostat) of cablegram from ship's agent showing loaded cargo figures, and a certificate by the supplier of the ocean transportation that the bill of lading is not immediately available, and that a copy (or photostat) of the bill of lading will be submitted by the supplier of the ocean transportation to the Controller, FOA, Washington, D. C., within 120 days from date of loading.

(5) One copy (or photostat) of the detailed invoice of the supplier of the ocean transportation indicating the vessel, flag and the dollar and/or local currency cost of ocean freight and related transportation charges, and either (i) marked "Paid" by the supplier of the ocean transportation or (ii) endorsed by, or accompanied by a certificate of, an officer of a banking institution indicating that payment has been made in the amount shown on the invoice. If the bill of lading (required by subparagraph (4) of this paragraph) meets the requirements of this subparagraph no invoice is required.

(6) Such additional or substitute documentation as may be required for reimbursement by endorsement upon the PA, PIO, or letter of commitment, if any.

(c) For the cost of services (other than ocean transportation):

(1) Voucher SF–1146, in original and three copies, to be prepared by the supplier or his assignee where letter of commitment is issued by FOA to the supplier; or, in other cases, by the cooperating country, by the approved applicant, or by the banking institution as assignee, or as agent for and in behalf of the approved applicant.

(2) Supplier's Certificate, in duplicate, with invoice-and-contract abstract on reverse side (Form FOA–280, set out in paragraph (d) of this section), covering the total amount for which reimbursement is requested, to be executed by the supplier.

(3) One copy (or photostat) of supplier's detailed invoice describing the services performed, itemizing in detail all dollar and/or local currency costs reimbursable by FOA (showing separately costs of travel, material and equipment, if any) and fees earned and payable, and either (i) marked "Paid" by the supplier, or (ii) endorsed by, or accompanied by a certificate of an officer of a banking institution indicating that payment has been made in the amount shown on the invoice. The invoice shall also indicate: (*a*) The total estimated dollar and/or local currency cost of services and fees under the contract and reimbursable by FOA; (*b*) the total amount previously received and/or claimed from FOA as partial payments, detailed by amounts and dates; (*c*) the amount invoiced; (*d*) total estimated cost of services and fees not yet invoiced and reimbursable by FOA. In addition, attached to or endorsed on the invoice, shall be one copy of a Works Progress Certificate signed by the supplier in the following form:

The undersigned certifies that the cost of services reimbursable to the supplier and the amount of fee earned by the supplier up to the date of this certificate are not less than the total payments received or claimed by the supplier under the contract (including the payment claimed under the invoice), and that the supplier has fully complied with the terms and conditions of the contract.

(4) In the event that the dollar and/or local currency cost of services reimbursable by FOA to the supplier includes travel or material or equipment costs:

(i) Receipted vendors' invoices, appropriately detailed as to quantity, description and price; provided that, in respect of individual transactions involving less than $50 each, the supplier may furnish, in lieu of such receipted invoices, a detailed itemization of the vendors invoices with payment indicated by the supplier's check numbers or other certification.

(ii) In the case of material or equipment costs only, one copy (or photostat) of the ocean bill of lading, airway bill, parcel post receipt or a certificate by the supplier as follows:

It is impracticable to furnish to FOA an ocean bill of lading, airway bill or parcel post receipt as evidence of delivery of—(material or equipment)—, which has been delivered to the undersigned for use in performing services under the contract. Covering vouchers in the files of the undersigned are available for inspection.

(5) Certificate by an authorized representative of the cooperating country as follows:

The undersigned certifies that (i) the services for which reimbursement is requested have been satisfactorily rendered; (ii) the costs thereof are properly reimbursable, and the fees earned, in accordance with the terms of the contract; and (iii) any reports or recommendations required under the terms of the contract have been received.

(6) Such additional or substitute documentation as may be required for reimbursement by endorsement upon the PA, PIO or letter of commitment, if any.

(d) The supplier shall in all cases execute the supplier's certificate (Form FOA–280) referred to in paragraphs (a) (2), (b) (2) and (c) (2) of this section, which certificate is as follows:

Form 280 (10–54 Revised)
Foreign Operations Administration

SUPPLIER'S CERTIFICATE

FOA Proc. Auth. or Project Implementation Order No. ----

The supplier hereby acknowledges notice that the sum indicated on the acompanying invoice, as claimed to be due and owing under the terms of the underlying contract, is to be paid out of funds made available by the United States under the Mutual Security Act, as in effect on the date hereof, and subject to FOA Regulation 1, as amended, and further certifies and agrees with the Director of the Foreign Operations Administration as follows:

(1) The supplier is entitled under said contract to the payment of the sum claimed, and he will promptly make appropriate refund to FOA upon request of the Director, in the event of his nonperformance, in whole or in part, under said contract, or for any breach by him of the terms of this certificate.

(2) Adjustment refunds or credits arising out of the terms of the contract or the customs of the trade shall be made direct to the buyer, but the supplier will promptly notify the Director concerning any such adjustment refunds or credits, so that the Director may obtain appropriate refund from the cooperating country. If an adjustment results in an additional charge to the purchaser, the supplier will promptly notify the Director of such additional charge.

(3) If the said contract is on a c. & f. (cost and freight) or c. i. f. (cost, insurance, and freight) basis, the supplier is entitled to payment, under FOA Regulation 1, as amended, of any ocean freight charges included in the sum claimed. The supplier is entitled to payment, under FOA Regulation 1, as amended, of any ocean marine insurance premium charges included in the sum claimed.

(4) The supplier is the producer, manufacturer, processor, or exporter of, or a regular dealer in the commodity, or furnishes the service covered by said contract and has not employed any person to obtain said contract under any agreement for a commission, percentage, or contingent fee, except to the extent, if any, of the payment of a commission to a bona fide established commercial or selling agent employed by the supplier as disclosed on the reverse of this form.

(5) The supplier has not given or received and will not give or receive by way of side payments, "kickbacks," or otherwise, any benefit in connection with said contract except as is disclosed on the reverse of this form, or as is the result of the adjustments referred to in Paragraph 2.

(6) If the supplier is the producer, manufacturer or processor of a commodity, said contract is not a cost-plus-a-percentage-of-cost contract.

(7) The supplier further certifies, on the basis of information obtained from such sources as are available to him, that to the best of his information and belief the purchase price is no higher than the market price (which shall mean the export market price, where such a price is customary in the trade) prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(8) The supplier further certifies that (a) on the basis of information obtained from such sources as are available to him, and to the best of his information and belief, the purchase price is no higher than the price calculated in accordance with the applicable price provisions of FOA Regulation 1, as amended, and he has complied with the rules provided therein; and (b) he has allowed all discounts, including discounts for quantity purchases and prompt payment, customarily allowed his other customers similarly situated.

(9) If the supplier furnishes only a service, he shall not be deemed to certify to paragraphs 7 and 8 but instead certifies that the rate indicated on the reverse of this form for the service rendered does not exceed the prevailing rate, if any, for similar services or the rate paid to the supplier for similar services by other customers similarly situated.

(10) The supplier has filled in the applicable portions of the invoice-and-contract abstract on the reverse hereof, certifies to the correctness of the information shown therein, and will furnish promptly to the Director at his request such additional information in such form as the Director may require concerning price or any other details of the purchase.

Date ----------
Place executed (City, State, Country) ------

(Authorized signature)

(Title)

NOTES: (a) Any amendments, deletions of applicable provisions, or substitutions will invalidate this certificate.

(b) False statements herein are punishable by United States law.

(c) The word "Duplicate" must be written after signature on all signed copies other than the original.

Before executing the supplier's certificate, the supplier shall fill in the invoice-and-contract abstract on the reverse side in accordance with the instructions attached to the form. The certificate shall be signed by a responsible official of the supplier, indicating capacity in which signed. The information required by the abstract is generally as follows:

(1) Invoice information, including the supplier's name and address, the importer's name and address, and detailed billing and shipping data.

(2) Information relating to agents' commissions payable.

(3) Contract and price information including a reconciliation of the contract, invoice and domestic unit prices applicable.

(4) Normally, only the original of the Supplier's Certificate (Form FOA–280) should be signed; if for any reason, copies other than the original need to be signed, they should be clearly marked "Duplicate" after the signature.

§ 201.19 *Procurement by United States Government agencies.* When procurement of a commodity or service is made through United States Government procurement facilities in accordance with § 201.9, arrangements will be made for the reimbursement of the procuring department, agency or establishment by FOA.

SUBPART D—PRICE PROVISIONS

§ 201.20 *Purchase in bulk of commodities*—(a) *Adjusted market price.* The term "adjusted market price" means the market price prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment, as determined by the Director.

(b) *Scope.* This section establishes the procedures for compliance with section 510 of the act, which section applies to all purchases in bulk.

(c) *Determination of adjusted market price.* Determination of the adjusted market price may be made by the Director in such manner as to reflect commonly accepted trade practices. In the case of purchases in bulk made outside the United States, the Director may determine that the purchase price complies with said section 510 of the act, if he determines that such price, plus cost of transportation and related charges at established rates from place of purchase to the cooperating country, does not exceed the market price prevailing in the United States (adjusted for differences in quality and terms of payment), plus cost of transportation and related charges at established rates to the cooperating country. If the price of any purchase in bulk exceeds the adjusted market price, the cooperating country shall pay promptly to the Director upon demand the entire amount of the purchase price.

§ 201.21 *Purchase prices*—(a) *Scope of this section.* (1) (i) Section 510 of the act establishes an upper limit to the prices that may be approved by FOA for purchases in bulk of commodities (see § 201.20). Within that limitation, it is the policy of FOA to make payment for purchases of commodities, whether or not in bulk, which are made at prices that approximate, as nearly as practicable, lowest competitive market prices. It is expected that buyers, making adequate solicitation of suppliers from authorized sources and exercising prudence in their negotiations, will agree to pay no more than such prices.

(ii) The rules set forth in this section are intended as a guide to buyers and sellers in conducting their negotiations. The rules in this part fix the point beyond which purchases will not be eligible for reimbursement by FOA. Compliance with them will make a purchase eligible for financing, and post-audit will be made by FOA to determine whether there has been compliance. If, apart from the rules set forth herein, it appears that the objective of lowest competitive market prices is not being met, FOA will take appropriate action to impose additional limitations, and may, in cases where failure to follow this policy is deemed unreasonable by the Director, require from the cooperating country a refund of the entire amount reimbursed.

(2) The provisions of this section shall apply to all purchases.

(b) *Meaning of terms in this section*—(1) *Similar commodity.* One commodity shall be deemed similar to another commodity if both have the same use, afford the purchaser equivalent serviceability, and belong to a type which would ordinarily be sold in the same price line.

(2) *Comparable sale.* (i) The term "comparable sale" includes all sales which are comparable as to quantity, quality, grade, period of delivery, supply area, terms of sale and class of customer.

(ii) If special market conditions exist in a country other than the United States, a sale for export to such country shall not necessarily be deemed to be comparable to a sale for export to any other country.

(3) *Competitive sellers.* "Competitive sellers" shall mean sellers of the same class (manufacturers, merchant exporters, etc.) who are selling the same or similar commodities from the same supply area.

(4) *Manufacturers, producers or processors.* "Manufacturers, producers or processors" shall mean sellers who operate a factory, mill, assembly plant, well, mine or similar facility in which, by mechanical or chemical apparatus or other similar means, raw materials or ingredients are processed, component parts assembled or manipulated, in the preparation of the product for sale. A seller shall not be deemed to be a manufacturer, producer or processor in an export sale which involves a commodity which he did not manufacture, produce or process.

(5) *Export differential.* "Export differential" shall mean the difference between a domestic sale price and an export sale price computed either as a percentage of the domestic price or in accordance with any other established practice of the seller.

(6) *Time of purchase.* "Time of purchase" shall mean the day as of which the purchase price, or the method for determining the price, is established between the buyer and the seller.

(c) *Comparison of prices.* (1) Wherever, in this section, the term "same or a similar commodity" is used, comparison, where possible, shall be made with reference to the same commodity. Where such comparison is not possible, comparison shall then be made with a reference to a similar commodity.

(2) Wherever, in this section, a comparison with a domestic sales prices is required and such domestic price is on a different delivered basis than the export sales price as, for example, where the domestic price is on an f. o. b. plant basis and the export price is on an f. a. s. basis, addition of inland transportation costs and other related and necessary inland costs to the domestic price may be made in order to afford a proper comparison with the export sales price.

(3) This section requires comparison of a purchase price with other prices at the "time of purchase." In cases where a purchase price is established between the parties substantially in advance of the day on which delivery is to be made, the Director may refuse to recognize such price for reimbursement, if:

(i) The price is excessive in comparison with other prices for the same or a similar commodity at the time of delivery, and

(ii) It is not customary in the trade for such a long term contract to be made, or it is not customary for such a contract to be made without a provision for a change in price to reflect generally prevailing prices for the commodity at the time of delivery.

(d) *Prices for purchases in the United States*—(1) *Class I; certain listed commodities.* (i) Transactions in Class I shall include all purchases in the United States of any of the following listed commodities:

Cotton, raw.
Cotton, linters.
Cotton waste.
Silk, raw.
Wool, raw.
Soft hemp.
Flax fiber.
Ramie fiber.
Abaca or manila fiber.
Rye.
Sesame seed oil.
Sisal or henequen fiber.
Istle or tula fiber.
Couch grass or broom root fiber.
Jute fiber.
Coir or cocos fiber.
Animal hairs other than wool.
Corn.
Oats.
Barley.
Grain sorghum.
Buckwheat.
Rye flour.
Wheat flour.
Corn flour.
Corn grits.
Cornmeal.
Rolled oats.
Soy flour.
Rice.
Babassu kernels or nuts.
Castor beans.
Castor oil.
Cocoa butter.
Cottonseed oil.
Coconut oil.
Copra.

Fatty acids; animal, vegetable or marine origin.
Fish oils.
Flaxseed.
Wheat.
Soap.
Soybeans.
Soybean oil.
Sperm oil.
Sunflower seed.
Sunflower seed oil.
Tallow.
Tung oil.
Whale oil.
Cottonseed cake or meal.
Soybean cake or meal.
Linseed cake or meal.
Peanut cake or meal.
Other oilseed cakes and meals.
Wheat mill feeds.
Mixed animal and poultry feeds.
Fish scrap and meal.
Corn byproducts feeds.
Milk byproducts feeds.
Grease, inedible.
Lanolin.
Lard.
Linseed oil.
Mustard seed.
Mustard seed oil.
Neat's foot oil.
Olive oil.
Palm oil.
Palm kernels.
Palm kernel oil.
Peanuts.
Peanut oil.
Rapeseed.
Rapeseed oil.
Sesame seed.
Meat byproducts feeds.
Brewers and distillers byproducts feeds.
Turpentine.
Natural resins.
Tall oil, crude and refined.
Beans, dry edible.
Cocoa beans.
Coffee, green.
Fruit, dried.
Fruit, fresh.
Peas, dry edible.
Sugar, raw.
Sugar, refined.

(ii) The price (not including ocean freight or ocean marine insurance) for a Class I purchase shall not exceed the price prevailing in the United States in comparable sales of the commodity, at the time of the purchase, as evidenced by current bid and ask quotations in the appropriate market, adjusted by costs customarily and necessarily incurred in making the export sale.

(2) *Class II; purchases of unlisted commodities from manufacturers, producers or processors (primary sellers).* (i) Transactions in Class II shall include all purchases in the United States from a manufacturer, producer, or processor of any commodity except commodities listed in Class I, or subject to special rules under Class IV below.

(ii) The price (not including ocean freight or ocean marine insurance) for a Class II purchase shall in no case exceed any price charged by the supplier at the time of purchase in a comparable export sale of the same or a similar commodity. Nor shall it exceed the sum of the applicable figures determined under (*a*) and (*b*) of this subdivision.

(*a*) *Domestic price base.* (*1*) The price charged by the supplier in comparable domestic sales of the same or a similar commodity made during the period in which the supplier's current domestic prices have been in effect. If, during that period, more than one price was charged in such sales, the figure under this subdivision shall be the price charged in the comparable domestic sale made nearest, in point of time, to the purchase being submitted for FOA reimbursement.

(*2*) If the supplier made domestic sales of the same or a similar commodity during the aforementioned period, but such sales were not comparable, the figure under this subdivision shall be the price charged in the domestic sale made nearest, in point of time, to the purchase being submitted for FOA reimbursement, adjusted by the supplier's customary differential between such sales and the sale involved in the FOA transaction.

(*3*) If the supplier made no domestic sales of the same or a similar commodity during the aforementioned period, the figure under this subdivision shall be the price prevailing in the United States at the time of purchase, in comparable domestic sales of the same or a similar commodity by the supplier's competitive sellers.

(*b*) *Export differential.* (*1*) An export differential, if any, customarily used by the supplier in comparable sales of the same or a similar commodity or currently being used by the supplier in comparable non-FOA sales of the same or a similar commodity.

(*2*) If the supplier has not previously made any export sales of the same or a similar commodity, the figure under this subdivision shall be an export differential which would be recognized for reimbursement by FOA, in comparable sales, at the time of purchase of the same or a similar commodity by any of the supplier's competitive sellers.

(iii) With respect to Class II transactions, FOA may refuse to recognize for reimbursement any purchase price which includes an export differential that is patently out of line with appropriate export differentials of the supplier's competitive sellers.

(*3*) *Class III; purchases of unlisted commodities from sellers (secondary sellers) other than manufacturers, producers or processors.* (i) Transactions in Class III shall include all purchases within the United States from a seller other than a manufacturer, producer, or processor of any commodity except commodities listed in Class I or subject to special rules under Class IV below.

(ii) The price (not including ocean freight or ocean marine insurance) for a Class III purchase shall in no case exceed any price charged by the supplier at the time of purchase in a comparable export sale of the same or a similar commodity except to the extent necessary to reflect a difference in his acquisition cost of the commodity. Nor shall it exceed the sum of the applicable figures determined under (*a*) and (*b*) of this subdivision:

(*a*) *Domestic price base.* (*1*) The domestic price of the manufacturer, producer or processor of the commodity, in effect at the time of the purchase by the importer.

(*2*) If the supplier is unable to ascertain the domestic price of the manufacturer, producer or processor of the commodity, the figure under this subdivision shall be the domestic price of manufacturers, producers or processors of the same or a similar commodity, prevailing at the time of purchase by the importer.

(*3*) If the same or a similar commodity is not sold in the domestic market, the figure under this subdivision shall be the supplier's cost of acquisition.

(*b*) *Export differential.* (*1*) An export differential, if any, customarily used by the supplier in comparable sales of the same or a similar commodity or currently being used by the supplier is comparable non-FOA sales of the same or a similar commodity.

(*2*) If the supplier has not previously made any export sales of the same or a similar commodity the figure under this subdivision shall be an export differential which would be recognized for reimbursement by FOA, in comparable sales at the time of purchase of the same or similar commodity by any of the supplier's competitive sellers.

(iii) With respect to Class III transactions, FOA may refuse to recognize for reimbursement any purchase price which includes an export differential that is patently out of line with appropriate export differentials of the supplier's competitive sellers.

(*4*) *Class IV; special rules for certain commodities.* Special rules for certain commodities may be established from time to time by the Director.

(i) *Petroleum products.* (*a*) Purchases from any source: A price for a purchase of a petroleum product from any source will not be approved for reimbursement if it results in a delivered cost to the cooperating country which is in excess of the lowest prevailing delivered cost on the date the purchase price is fixed for a comparable export sale of the same or similar commodity to such cooperating country from any alternative source of supply from which the commodity is available for export in sufficient quantity.

(*b*) Purchases from sources other than the United States: A price for a purchase of a petroleum product from sources other than the United States will be approved for reimbursement if it complies with the requirements of § 201.20 and of paragraph (e) (2) of this section, and, unless from a supply area excepted by FOA, does not exceed the lowest competitive market price in the United States for a comparable export sale of the same or a similar commodity on the date the purchase price is fixed.

(*c*) For purposes of this subdivision "price" shall mean the realized f. o. b. price or realized netback.

(e) *Prices for purchases outside the United States—(1) Commodities listed in Class I in paragraph (d) (1) of this section.* (i) (*a*) The price plus cost of transportation to the port of entry in the cooperating country for a purchase outside the United States of a commodity listed in Class I in paragraph (d) (1) of this section shall not exceed the price prevailing in the United States in comparable sales of the commodity at the time of purchase, as evidenced by current bid and ask quotations, adjusted by costs customarily and necessarily incurred in making the export sale, plus cost of transportation to the port of entry in the cooperating country.

(*b*) Nor shall the price exceed the prevailing export market price at the time of purchase in comparable sales of the commodity from the source country.

(ii) Sugar: In addition, in the case of sugar, the purchase price shall not exceed the world price as derived from the daily market quotation on World Raws, No. 4 Contract, F. A. S. Cuban Ports, adjusted for differences in quality, bagging, cost of transportation to destination, and other appropriate considerations.

(2) *Unlisted commodities.* A price for a purchase outside the United States of a commodity which is not listed in Class I in paragraph (d) (1) of this section or subject to special rules under Class IV in paragraph (d) (4) of this section will be approved for reimbursement if:

(i) It does not exceed any price charged by the supplier at the time of purchase in a comparable export sale of the same or a similar commodity; and

(ii) It does not exceed the export market price prevailing at the time of purchase in comparable sales of the same or a similar commodity by the "principal suppliers" in the source country, determined by applying to that country as nearly as may be, the rules set forth in paragraph (d) (2) of this section; and

(iii) (*a*) It results in a delivered cost to the port of entry in the cooperating country no higher than the delivered cost which would have been incurred in a purchase for export of the same or a similar commodity from one of the "principal suppliers" in the United States.

(*b*) For the purposes of this subparagraph, a supplier shall be deemed a "principal supplier" if he is one of the group of the largest volume suppliers responsible for 50 percent of the export sales of the commodity from the United States, or source country, whichever is applicable.

SUBPART E—RESPONSIBILITIES OF BANKING INSTITUTIONS

§ 201.22 *Responsibilities of banking institutions in connection with letters of commitment issued to them.* (a) Documents required for reimbursement are enumerated in § 201.18. Any additional documents required for reimbursement with respect to any particular transaction will be specified as such in the PA or PIO related to that transaction and to the corresponding letter of commitment, or in the letter of commitment itself. A banking institution in the United States (called "bank" in this subpart) holding a letter of commitment is not required by FOA to obtain any documents other than those enumerated in § 201.18 and any additional documents so specified.

(b) A bank is not responsible for the truth or accuracy of the statements contained in any of the documents required for reimbursement. A bank is not obliged to look beyond these documents nor to make independent investigation as to the accuracy of statements made therein. A bank has no responsibility for the terms or conditions of any project agreement.

(c) (1) A bank's examination of the documents required for reimbursement [3] must be made in accordance with good commercial practice. A bank is responsible to see that the documents required for reimbursement are consistent with the relative PA or PIO and letter of commitment in the following particulars, and no other:

(i) Delivery, to the extent described in paragraph (d) of this section;

(ii) Source, to the extent described in paragraph (e) of this section;

(iii) Destination, to the extent described in paragraph (f) of this section;

(iv) Description, to the extent described in paragraph (g) of this section;

(v) Discounts and purchasing agents' commissions, to the extent described in paragraph (h) of this section;

(vi) If the bank is to be responsible for any additional particulars, these will be specified in the PA, PIO or letter of commitment as additional documents required for reimbursement, or as additional statements to be contained in the documents required for reimbursement.

(2) The right of reimbursement for payments made by a bank in accordance with good commercial practice will not be affected by the information contained in the invoice-and-contract abstract, nor, except with respect to those particulars listed in subdivisions (i) through (vi) of subparagraph (1) of this paragraph, by the fact that the other documents received by the bank, or information or notice received from any source, indicate noncompliance with any provision of this part, or of the PA, PIO or of the letter of commitment.

(3) The foregoing shall not be construed to limit any rights the Director may have against a supplier by reason of statements contained in the supplier's certificate, nor against a cooperating country under § 201.6 (d).

(d) *Delivery.* Section 201.5 (a) (3) and (c) (1) permit delivery under a PA or PIO at any time on or after the initial delivery date and on or before the terminal delivery date specified on the PA or PIO. If any of the documents specified in § 201.18 (a) (3), (b) (4), or (c) (3) (or in the PA, PIO, or letter of commitment) are dated at any time within the period during which delivery is permissible under the above subsections, or any other period permitted by FOA, they are acceptable.

(e) *Source.* If the documents required for reimbursement show shipment from or storage in the area shown as "source" in the PA or PIO, they are acceptable. If such documents show shipment from or storage in another area, the requirement as to source will be satisfied if the bank receives a certificate from the supplier, indicating that the area of "source", as that term is defined in § 201.1 (m), is in fact the same as that indicated in the PA or PIO.

(f) *Destination.* The PA or PIO will show the recipient country. If the documents required for reimbursement are consistent, under good commercial practice, with shipment or transshipment to such country, they are acceptable.

(g) *Description.* The PA or PIO will show the commodity or services by description and FOA commodity code number. In issuing or confirming credits, a bank should see that the commodities or services described are not inconsistent with the FOA description and commodity code number. In making payment, whether under letters of credit or otherwise, the bank should act in accordance with good commercial practice, based on the description contained in the documents required for reimbursement, and without regard to the commodity code number.

(h) *Discounts and purchasing agents' commissions.* A bank is not required to make independent inquiry as to whether an invoice price includes either discounts or commissions payable to purchasing agents, but should not make payment of any such items when disclosed by the documents required for reimbursement.

(i) *General provisions of PAs and PIOs.* (1) Section 201.6 sets forth certain provisions to be deemed incorporated in each PA or PIO, unless otherwise specified. The documents required for reimbursement by § 201.18 include a supplier's certificate showing compliance with some of these provisions. A bank is entitled to rely on such certificate. Special certificates may also be required by the terms of particular PAs or PIOs or letters of commitment; in such cases, a bank is entitled to rely on such certificates.

(2) Certain other provisions of § 201.6 are included solely for the instruction of suppliers, purchasers, and the cooperating countries themselves, and are not matters for which banks are to assume responsibility. In this category are the provisions of § 201.6 (f) (2), (g), (h), (i), (j), (k), (l) and (m).

(j) *Ocean transportation.* A bank which obtains a supplier's certificate is not required to assume responsibility for compliance with § 201.7, regardless of whether other documentation or information received indicates compliance or non-compliance with such section.

(k) *Contracting and reporting under PAs and PIOs.* Banks financing transactions under letters of commitment or PAs or PIOs are not required to assume responsibility for compliance with the provisions of § 201.5 (a) (1) and (2).

(l) *Responsibilities of importers and suppliers.* Subpart B of this part (§§ 201.10 to 201.13) contains provisions concerning use of the PA or PIO number, placement of orders and delivery dates, markings of commodities, and notice to the FOA Office of Small Business. Banks financing transactions under letters of commitment or PA's or PIO's are not required to assume responsibility for compliance with this subpart.

(m) *Bank letter of commitment; expiration in letter of credit transactions.* The letter of commitment constitutes an obligation to reimburse for any drafts or documents negotiated under letters of credit prior to the date of maturity specified in the letter of commitment, even though such drafts or documents are paid after such date.

(n) *Bank letter of commitment; payment to third persons.* The right of reimbursement for a payment made by a bank under a letter of commitment will not be affected by the fact that such payment is made to the approved applicant named in the letter of commitment, or, at the request of the approved applicant, to a person other than the supplier, provided the bank has complied with the other requirements of the letter of commitment and has satisfied itself in good

[3] In paragraphs (c), (e), (f), (g), and (h) of this section, the phrase "documents required for reimbursement" does not include the invoice-and-contract abstract, as to which, see § 201.16 (c) (2) (ii).

faith that the person to whom it makes payment has made payment to the supplier.

(o) *Bank unable to deliver or send non-negotiable document to forwarding agent under § 201.18 (a) (3).* The right of reimbursement for payment made by a bank under a letter of commitment will not be affected by the fact that the bank is unable to deliver or send a non-negotiable shipping document or receipt to the designated person as contemplated by § 201.18 (a) (3) (i), if the bank is prevented from doing so because of any action by the United States Government or other causes beyond its control. In such case, the bank's certificate may be altered accordingly, and may state that the bank does not have a written undertaking from the designated person, but the certificate may not be altered in any other way, and the bank will continue to hold the document involved subject to the instructions of FOA, except that if it becomes possible before any such instructions are received, the bank will deliver or send such document to the designated person.

SUBPART F—WAIVER AUTHORITY AND TRANSITORY PROVISIONS

§ 201.23 *Waiver and amendment authority.* The Director may waive, withdraw, or amend at any time, or from time to time, any or all of the provisions of this part.

§ 201.24 *Continuation in effect of certain prior issuances.* Cooperating country allotments, PAs, U. S. Government agency purchase requisitions, letters of commitment to banking institutions and letters of commitment to suppliers, issued by ECA under ECA Regulation 1, as amended and by MSA under MSA Regulation 1, as amended, and by FOA under FOA Regulation 1, as amended, are reaffirmed and will continue in effect, subject to the terms and conditions thereof. The provisions of this part may be satisfied by the submission of a certificate or writing in a form: (a) Prescribed by or provided for by corresponding provisions of ECA Regulation 1, as in effect on December 29, 1951, or authorized by ECA on that date, or referring to an ECA Commodity Code number; or (b) prescribed by or provided for by corresponding provisions of MSA Regulation 1, as in effect on July 31, 1953, or authorized by MSA on that date, or referring to an MSA Commodity Code number; or prescribed by or provided for by corresponding provisions of FOA Regulation 1, as in effect on October 14, 1954, or authorized by FOA on that date, or referring to an FOA Commodity Code number. Authorizations, bank contracts, letters of guaranty to banking institutions or suppliers issued by The Institute of Inter-American Affairs, the Technical Cooperation Administration and the Foreign Operations Administration, all prior to October 15, 1954, are reaffirmed and will continue in effect subject to the terms and conditions thereof. Amendments to any of the above documents may continue to be made in accordance with the procedures in effect prior to October 15, 1954.

§ 201.25 *Transitory provision.* This revision of FOA Regulation 1 will take effect on October 15, 1954, but will not be applicable to claims for reimbursement from, or payments made to, a supplier pursuant to letters of credit issued, confirmed or advised, or payment instructions received, prior to October 15, 1954.

HAROLD E. STASSEN,
Director,
Foreign Operations Administration.

[F. R. Doc. 54-8136; Filed, Oct. 14, 1954; 8:52 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter G—Enrollment and Reallotment of Indians

PART 54—ENROLLMENT OF INDIANS OF THE CABAZON, AUGUSTINE, AND TORRES-MARTINEZ BANDS OF MISSION INDIANS IN CALIFORNIA

PERSONS TO BE ENROLLED

Section 54.5 (c) is amended to read as follows:

(c) Descendants, living on June 30, 1949, of allottees.

(Sec. 10, 54 Stat. 64)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

OCTOBER 7, 1954.

[F. R. Doc. 54-8102; Filed, Oct. 14, 1954; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter J—Procurement

[CGFR 54-38]

PART 116—PROCEDURES FOR PURCHASING

PART 118—CONTRACTS

PART 120—BONDS AND GUARANTIES

MISCELLANEOUS AMENDMENTS

The amendment to § 116.01-40 sets forth a definition of liquidated damages and authorizes Coast Guard contracting officers to specify a rate of liquidated damages for repairs to vessels contracts at not less than $25.00 per day.

A new section designated § 116.01-146 prescribes a statement for use in invitations for bids when Federal Qualified Products Lists are used.

The amendment to § 116.01-169 eliminates written contracts for electricity, gas, water, sewerage, and steam services when the suppliers' rates are subject to public regulation and the annual cost is estimated to be $2,400 or less. Existing contracts are not affected by this change.

A new section designated § 116.01-170 requires Coast Guard use of Armed Services Petroleum Purchasing Agency lubricating oil contracts.

The amendment to § 116.02-47 sets forth additional debarment of bidders procedure.

The amendment to § 116.02-112 prescribes the use of a uniform time period of 20 days for bidders' use in quoting customary and optional discounts for prompt payment.

The amendment to § 116.02-140 eliminates preparation of Standard Form 1036, Statement and Certificate of Award, at Coast Guard units subject to site or comprehensive audit by the General Accounting Office: *Provided*, That all information usually shown on that form is otherwise available in the records of the unit.

The amendments to §§ 116.02-141, 116.02-142, 116.02-143, 116.03-32, 116.03-40, 116.03-70, 116.03-71, 118.01-1, 118.01-2, 118.01-3, 118.01-4, 118.02-1, 118.02-2, 118.02-3, and 118.02-4 are editorial in nature to clarify the requirements of existing procedures.

A new section designated § 116.03-25 authorizes Coast Guard contracting officers to effect purchasing by negotiation by means of fixed price purchase orders when the aggregate amount involved in one transaction does not exceed $5,000.

The amendment to § 118.01-17 sets forth revised contract numbering instructions for contracts of $20,000 or less.

A new section designated § 118.02-6 requires insertion of an index or a table of contents in lengthy contracts.

The amendment to § 118.03-5 sets forth a revised "Examination of Records" contract clause.

The amendments to §§ 120.01, 120.01-2, 120.01-3, 120.02-1, 120.02-2, 120.02-3, 120.02-4, 120.02-5, and 120.02-6 and a new section designated § 120.02-7 set forth revised instructions for the use of bonds in conection with Coast Guard contracts.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), the following amendments are prescribed:

1. Section 116.01-140 is amended by revising paragraphs (a) and (c) (1) to read as follows:

§ 116.01-140 *Liquidated damages—*(a) *General.* A contract provision for liquidated damages is essentially an agreement of the contracting parties that a predetermined amount of money will be paid as damages for the breach of a contract where actual damages would be extremely difficult or impossible to ascertain. When such a provision is used in Coast Guard contracts, it is not meant to be an exclusive measure of damages, but is intended solely as compensation for delay in performance. Discretion must be used in setting the time for delivery or completion on a realistic basis considering possible delays in obtaining material or unexpected difficulties encountered in prosecuting the work due to weather or the site. Too short a time for performance causes disputes and poor contractual relations, especially when a number of extensions are later requested for reasons which might have been foreseen and when a longer time would have well served the original need.

* * * * * *

(c) *Construction contracts (Standard Form 23)—*(1) *Repairs to vessels.* A liquidated damage clause shall be inserted in all contracts for repairs to vessels. The rate of liquidated damages shall be fixed at not less than $25.00 per day. When the operational schedule of a vessel requires its availability at a given date to meet patrol commitments, etc., the rate of liquidated damages should be fixed at a rate high enough to insure, insofar as possible, completion of the work and delivery of the vessel within the contract performance time.

2. Part 116 is amended by adding a new § 116.01-146 reading as follows:

§ 116.01-146 *Use of Federal Qualified Products Lists—*(a) *Contracts entered into by formal advertising.* Whenever procurement of products included in a Federal Qualified Products List is to be made pursuant to formal advertising, each solicitation of bids shall contain a statement substantially as follows: "Bids will be considered only for such products as have, prior to the bid opening date, been tested and approved for inclusion in the Federal Qualified Products List(s) (insert here the title of the applicable Federal Qualified Products List or Lists) whether or not such products have actually been so listed by that date. Manufacturers are urged to communicate with the (insert name and address of the applicable office) and arrange to have the product they propose to offer tested for qualification. (Time may not permit qualification for eligibility under this invitation, but products which qualify would be eligible under future invitations.)"

(b) *Contracts entered into by negotiation.* Reference to Federal Qualified Products Lists in connection with actions leading to contracts to be entered into by negotiation is permissible.

3. Section 116.01-169 is amended by revising paragraph (c) to read as follows:

§ 116.01-169 *Procurement of public utility services.* * * *

(c) *Coast Guard contracts—*(1) *Authority for execution.* When there is no General Services Administration contract in effect or contemplated, district commanders and commanding officers of Headquarters units may execute contracts with suppliers of utility services at points of recurring demand. Such contracts shall be limited to utilities of a routine nature, such as electricity, gas, water, sewerage, garbage and trash removal, and steam. Unusual utility service requirements, such as street cleaning and maintenance, fire and police protection services, etc., will not be procured unless specifically authorized by the Commandant.

(2) *Requirements for contracts.* When the furnishing of utility services is governed by Federal, State, or other public regulatory bodies, which fix or authorize the rates to be charged, procurement shall be effected by negotiation. Contracts falling into this category may be executed for the period from the effective date of the contract through the end of the current fiscal year and continuing thereafter until further notice (e. g., for the period July 1, 1954 through June 30, 1955 and continuing thereafter until further notice). However, if the particular type of service is available from more than one source of supply, and is not governed by a Federal, State, or other public regulatory body, contract award shall be made on a competitive basis and the contract term shall be limited to one fiscal year.

(i) *Electricity, gas, water, sewerage, and steam services.* Contracts shall not be executed for these utility services when the supplier's rates are regulated by a Federal, State, or other public regulatory body and whenever the annual cost of the service to be procured is estimated at the time of initiation of the service to be $2,400 or less, except as follows: whenever the supplier requires the execution of a contract or application form; whenever a connection charge is involved; whenever the negotiation and execution of a contract is deemed to be advantageous to the Government. When the above utility services are purchased without written contract, the procurement authority and the certification of the receipt of the service as billed shall be evidenced in as simplified a manner as possible. Rate schedules will not be required with each monthly billing whenever the rate schedule applicable to the service is in possession of the unit which will certify the account for payment, or the invoice or billing includes the total units of services rendered, the rate charged per unit of service and the total amount of charges. Petty cash procedure may be used whenever applicable.

(ii) *Garbage and trash disposal.* Garbage is of two classes, salable and nonsalable. The disposal of salable garbage will be by sale to the term contractor or to the highest bidder if no term contract is in effect. Disposal of unsalable garbage and trash may be made under contract or such other methods as local conditions require.

(3) *Contract forms.* Except as otherwise provided in subparagraph (2) of this paragraph, utility service contracts shall be executed on Standard Form 33 (Invitation, Bid, and Award), after deleting inapplicable portions and inserting complete information as to delivery points, meters, voltage, character of service, etc., and pertinent contract conditions. The supplier will be required to attach copies of applicable rate schedules. Changes in utility rates authorized by a Federal, State, or other regulatory body shall be made the subject of a Change Order (Form CG-3473), making reference to the date of approval of the change, and attaching copies of the new rate schedule. Copies of the change order and the new rate schedule shall be given the same distribution as the basic contract.

4. Part 116 is amended by adding a new § 116.01-170 reading as follows:

§ 116.01-170 *Purchase of lubricating oils—*(a) *General.* Coast Guard requirements of the types of lubricating oils covered by contracts of the Armed Services Petroleum Purchasing Agency shall be obtained from such contracts, unless otherwise exempted by paragraph (b) of this section. The "Oil Contract Bulletin" issued for each fiscal year by the Armed Services Petroleum Purchasing Agency sets forth procedure to be followed by purchasing units in obtaining their lubricating oil requirements.

(b) *Exemptions.* Procurement under Armed Services Petroleum Purchasing Agency contracts is not required when:

(1) The maximum single order is less than the minimum quantity obtainable under the Armed Services Petroleum Purchasing Agency contracts; or

(2) Container sizes required are smaller than those available from Armed Services Petroleum Purchasing Agency contracts; or

(3) Purchase without regard to existing Armed Services Petroleum Purchasing Agency contracts is otherwise specifically authorized by the Commandant.

5. Section 116.02-47 is amended by adding new paragraphs (c) (6) and (d) (4) and by revising paragraph (e) to read as follows:

§ 116.02-47 *Debarment of bidders.*
* * *

(c) *Bases for debarment and ineligible list entry.* * * *

(6) *Regulations of the Secretary of Labor, 29 CFR 5.6 (b).* Those listed by the Comptroller General in accordance with the provisions of 29 CFR 5.6 (b), regulations of the Secretary of Labor issued pursuant to authority granted under Reorganization Plan 14 of 1950, as found by the Secretary of Labor to be in aggravated or willful violation of the prevailing wage or overtime pay provisions of any of the following statutes:

(i) Davis-Bacon Act, as amended, 46 Stat. 994.

(ii) Anti-Kickback Act, as amended, 48 Stat. 948, 62 Stat. 740, 63 Stat. 108, 18 U. S. C. 874, 40 U. S. C. 276b, c.

(iii) Eight Hour Law, as amended, 27 Stat. 340, 37 Stat. 726, 37 Stat. 137, as amended, 54 Stat. 884, 39 Stat. 1192, 40 U. S. C. 321 et seq.

(iv) National Housing Act, as amended, 53 Stat. 804; 12 U. S. C. 1703 et seq.

(v) Hospital Survey and Construction Act, 60 Stat. 1040; 42 U. S. C. 291 et seq.

(vii) Housing Act of 1949, 63 Stat. 413; 42 U. S. C. 1401 et seq.

(viii) School Survey and Construction Act of 1950, 64 Stat. 967 et seq.; 20 U. S. C. 251 et seq.

* * * * * *

(d) *Treatment to be accorded firms or individuals in debarred or ineligible status.* * * *

(4) *Restrictions under statutes designated in the regulations of the Secretary of Labor, Title 29 of the Code of Federal Regulations.* A contractor listed on the basis of paragraph (c) (6) of this section or any firm, corporation, partnership, or association in which such contractor has a controlling interest, shall be ineligible for a period of three years (from the date of publication by the Comptroller General) to receive any

contracts subject to any of the statutes listed in paragraph (c) (6) of this section.

• • • • •

(e) *Causes and conditions applicable to determination of debarment.* Each executive agency, including the Coast Guard, is authorized to debar in the public interest a firm or individual for any of the causes and under all appropriate conditions listed below. (See paragraph (a) (3) of this section.)

(1) *Causes.* (i) Conviction for commission of a criminal offense as an incident to obtaining a contract or in an attempt to obtain a contract or in the performance thereof.

(ii) Conviction under the Federal Antitrust Statutes arising out of the submission of bids or proposals.

(iii) Violation of contract provisions, as follows, of a character which is regarded by the agency involved to be so serious as to justify debarment action: willful failure to perform in accordance with the specifications or within the time limit provided in the contract; a history of unsatisfactory performance of one or more Government contracts; violation of the contractual provision against contingent fees; acceptance of a contingent fee, which is paid in violation of contractual provision against contingent fees.

(iv) Debarment by some other executive agency.

(2) *Conditions.* (i) Debarment for any of the above causes shall be made only upon approval of the head of the executive agency (the Commandant in the case of the Coast Guard) or his duly authorized representative.

(ii) Causes (i) and (ii) of subparagraph (1) of this paragraph shall have been established by criminal conviction by a court of competent jurisdiction. In the event appeal taken from such conviction results in reversal of conviction, the debarment shall be removed if the bidder so requests. Criminal conviction for the above mentioned offenses does not necessarily require that the firm or individual be debarred, since the decision to debar is still within the discretion of the executive agency concerned. The seriousness of the offense, the civil satisfaction received by the Government or available to the Government, and all mitigating factors should be considered in making the determination to debar.

(iii) Cause (iii) of subparagraph (1) of this paragraph shall be established by evidence which the executive agency determines to be clear and convincing.

(iv) Debarment for cause (iv) of subparagraph (1) of this paragraph shall be made on the same bases as provided for whichever of causes (i) to (iii) of subparagraph (1) of this paragraph is appropriate, and may be based entirely upon the record of facts obtained by the original debarring agency, or upon a combination of additional facts with the record of facts of the original debaring agency.

(v) The debarment shall be for a reasonable, definitely stated period of time commensurate with the seriousness of the offense.

(vi) The firm or individual shall be given written notice of the debarment or of the intent to debar, except in the case of cause (iv) of subparagraph (1) of this paragraph. The notice shall state as a minimum the period of the proposed debarment, including effective dates; the reasons for debarment, including a statement of the specific instances of dereliction; and shall provide reasonable opportunity for the contractor to present information for consideration upon his behalf. When the contractor does present such information he shall be given written notice of the final decision, and, if the decision provides for debarment, the period and effective dates thereof.

6. Section 116.02–112 is amended to read as follows:

§ 116.02–112 *Discounts: determination of award*—(a) *General.* In evaluating bids, Coast Guard contracting officers will consider only discounts for payment within 20 days. Discounts for payment within shorter periods will be disregarded. Longer periods will be evaluated as though the discounts had been quoted for the standard 20-day period. Invitations to bid will convey this basic information to all bidders. The offered discount of a successful bidder will form a part of the award, whether or not such discount was considered in the evaluation of his bid, and such discount will be taken if payment is made within the discount period. If a bid is the lowest one received from a responsible bidder solely by reason of the discount offered and it is determined that the discount cannot be taken, a full statement of the facts and circumstances and of the reasons for the action taken shall be entered upon Form CG–3477, Abstract of Bids, and on Standard Form 1036, Statement and Certificate of Award, or the record substituted for Standard Form 1036 under the conditions set forth in § 116.02–140 (c).

(b) *Amendment of Standard Form 33.* When Standard Form 33 (Nov. 1949), Invitation, Bid, and Award, is used, the following shall be made a part of the general provisions: "Paragraph 3 (a) of the Terms and Conditions of the Invitation for Bids is inapplicable and the following paragraph is substituted therefor—Bids will be evaluated only on the basis of payment within twenty (20) days. No discount offered for payment within less than twenty (20) days will be considered in evaluating bids for award. Bids offering discounts for payment within periods in excess of twenty (20) days will be evaluated for purpose of award as though they are discounts offered for payment within twenty (20) days."

7. Section 116.02–140 and the center headnote immediately preceding it are amended to read as follows:

STATEMENT AND CERTIFICATE OF AWARD

§ 116.02–140 *Requirements for statement and certificate of award*—(a) *Applicability.* The provisions of this section and §§ 116.02–141 through 116.–02–143 apply to procurement by formal advertising as distinguished from negotiation. Instructions for the use of Standard Form 1036 (Statement and Certificate of Award) when procurement is effected by negotiation are contained in §§ 116.03–70 and 116.03–71.

(b) *When Standard Form 1036 is required.* Except as otherwise provided in paragraph (c) of this section, a contracting officer signing an award shall prepare and execute a Statement and Certificate of Award (Standard Form 1036) in connection with every purchase made by formal advertising. Standard Form 1036 will bear the same date as the award and will specify either that the bid was or was not the lowest bid received. If award is made on other than the lowest bid received, the contracting officer shall list on Standard Form 1036 all lower bids received and set forth his reasons for not accepting such bids. The name of the contractor shall be inserted at the top of the form above the space provided for the contract number. Standard Form 1036 must also indicate the appropriation and subhead defraying the cost of the procurement.

(c) *When Standard Form 1036 is not required.* The preparation of Standard Form 1036 (Statement and Certificate of Award) is not required by contracting officers attached to Coast Guard units the records of which are subject to site or comprehensive audit by the General Accounting Office: *Provided,* That all information usually shown thereon is otherwise available in the records of the unit. In such cases, the retained contractual document shall contain information indicating the basis on which the particular contract is issued (i. e., to the lowest bidder, etc.) and other pertinent information which can be used in selecting the supporting files to be examined during the course of the audit. When this authority is exercised, the requirements of §§ 116.02–141 and 116.02–142 for explanations to be made on Standard Form 1036 shall be made under the contracting officer's signature in other form (i. e., by statement on Form CG–3477, Abstract of Bids, by memorandum, etc.). This authority shall extend only to those units at which the contracting office and the accounting office are located in the immediate proximity of each other. It shall not extend to a district unit, or to a Headquarters unit which submits its records to the Commandant for off-site accounting purposes. Preparation of Standard Form 1036 by contracting officers of units falling into these latter categories shall be mandatory.

8. Section 116.02–141 is amended to read as follows:

§ 116.02–141 *Explanation of acceptance of other than low bid(s)*—(a) *Representative examples.* The following are representative examples of award on other than the lowest bid(s) received which require reporting on Standard Form 1036:

(1) Low bid disregarded in consequence of a mistake in bid;

(2) Low bid rejected for violation of covenant against contingent fees;

(3) Low bid rejected on ground of unauthorized agency or undisclosed principal;

(4) Low bid rejected on ground of nonconformity to essential requirements of invitation for bids;

(5) Low bid rejected because bidder determined not to be responsible;

(6) Low bid rejected because of award on basis of factors other than price; or

(7) Low bid not accepted because of bid expiration.

(b) *Reasons for nonacceptance of lower bids.* When an award is made to other than the lowest bidder, the contracting officer shall make on Standard Form 1036 a full statement of the facts and circumstances and of the reasons for the nonacceptance of all lower bids received. When the invitation for bids does not permit alternate bids and the lowest bidder offers an alternate product, it will ordinarily be sufficient for the contracting officer to state on Standard Form 1036 that the rejected bid does not conform to the specifications in stated material respects and that the invitation for bids did not authorize alternate bids. If the alternate bid is considerably lower than the accepted bid and the alternate product is not suitable for the purpose intended, the contracting officer will so state on Standard Form 1036. If the invitation permits alternate bids and the low alternate bid is rejected, the contracting officer will specify in detail on Standard Form 1036 wherein the alternate product does not conform to the specifications. In the case of lower bids rejected on the ground that the bidders are determined not to be responsible, the contracting officer will make the determination of nonresponsibility on Standard Form 1036.

9. Section 116.02–142 is amended to read as follows:

§ 116.02–142 *Additional statements to be made by contracting officer*—(a) *Assistance to small business concerns and labor surplus areas.* In each case where an award is made in favor of a small business concern or is placed in a labor surplus area, the circumstances under which the award was made shall be briefly recited on Standard Form 1036 (Statement and Certificate of Award), together with a statement that the award will further the Congressional policy with respect to small business expressed in section 2 (b) of the Armed Services Procurement Act of 1947 or will further the policy with respect to labor surplus areas, or both, as the case may be.

(b) *Mistakes in bids.* Where an award involves a mistake in bid and the matter has been resolved by administrative action, Standard Form 1036 (Statement and Certificate of Award) will be accompanied by a copy of the resulting instructions as received in the premises, together with other pertinent documents supporting the case. If an award involves a mistake in bid on which the Comptroller General has rendered a decision, Standard Form 1036 will contain a citation by number and date of the decision or a copy thereof securely attached to the form.

10. Section 116.02–143 is amended to read as follows:

§ 116.02–143 *Distribution of statement and certificate of award*—(a) *Numbered contracts.* The original Standard Form 1036 (Statement and Certificate of Award) shall be attached to the original contract and forwarded to the cognizant accounting office for filing in accordance with § 118.02–10 of this subchapter. A copy shall be retained with the file copy of the contract at the contracting office.

(b) *Unnumbered contracts.* The original and one copy of Standard Form 1036 (Statement and Certificate of Award) shall be attached to the original and one copy of the accepted bid and forwarded to the accounting office which will effect settlement of the contractor's account in accordance with § 118.02–11 of this subchapter. A copy shall be retained with the file copy of the bid at the contracting office.

(c) *When Standard Form 1036 is not required.* When preparation of Standard Form 1036 (Statement and Certificate of Award) has been waived, the contract documents submitted to the accounting office pursuant to paragraphs (a) and (b) of this section shall contain all pertinent information required by § 116.02–140 to effect prompt settlement and subsequent audit of the contractor's accounts.

11. Part 116 is amended by adding a new § 116.03–25 reading as follows:

§ 116.03–25 *Purchase orders not in excess of $5,000*—(a) *Authority.* Except as the authority of individual units may be specifically limited by § 116.01–6, contracting officers designated in §§ 116.01–23 and 116.01–24 are authorized to effect purchasing by negotiation by means of fixed price purchase orders, when the aggregate amount involved in any one transaction does not exceed $5,000 and does not require the use of a contract form. In determining the aggregate amount involved, there must be included all supplies and services which properly would be grouped together in a single transaction and which would be included in a single invitation for bids if the procurement were being effected by formal advertising. Requirements aggregating more than $5,000 will not be broken down into several purchases which are less than $5,000 merely for the purpose of permitting procurement by this method.

(b) *Competition.* Reasonable solicitation of quotations from qualified and eligible suppliers will be secured to assure that the procurement is made to the advantage of the Government, price and other factors considered, including the administrative cost of the purchase. Quotations estimated to exceed $1,000 generally will be solicited by issuing Request for Quotation (Form CG–2982) in accordance with § 116.03–21. However, when appropriate, quotations may be obtained by letter, telegram, telephone, or from suppliers' catalogs. In soliciting quotations, an effort shall be made to obtain prompt payment discounts on the basis of a minimum payment period of 20 days (see § 116.02–112).

(c) *Purchase order forms.* Contracting officers designated in §§ 116.01–23 and 116.01–24 will prepare and issue purchase orders over $1,000 and not in excess of $5,000 on Form CG–2557 (Purchase Order). If the purchase is less than $1,000, the order may be issued either on Form CG–2557 (Purchase Order) or Standard Form 44 (U. S. Government Purchase Order-Invoice-Voucher), subject to the provisions of § 118.02–13 of this subchapter.

12. Section 116.03–32 *Public exigency (sec. 2 (c) (2))* is amended by revising the last sentence of the section to read as follows: "Every contract negotiated under the authority of this section shall be accompanied by a statement signed by the contracting officer justifying the procurement."

13. Section 116.03–40 is amended by revising paragraph (b) to read as follows:

§ 116.03–40 *Supplies or services for which it is impracticable to secure competition by formal advertising (sec. 2 (c) (10)).* • • •

(b) Every contract negotiated under the authority of this section shall be accompanied by a statement signed by the contracting officer justifying the procurement, unless the contract is with a supplier of public utility services whose rates are regulated by a public regulatory body.

14. Section 116.03–70 and the center headnote immediately preceding it are amended to read as follows:

STATEMENT AND CERTIFICATE OF AWARD

§ 116.03–70 *Requirements for statement and certificate of award*—(a) *Applicability.* The provisions of this section and § 116.03–71 apply to procurement by negotiation as distinguished from formal advertising. Instructions for the use of Standard Form 1036 (Statement and Certificate of Award) when procurement is effected by formal advertising are contained in §§ 116.02–140 through 116.02–143.

(b) *Elimination of Standard Form 1036 during national emergency.* During the period of the present national emergency, Standard Form 1036 (Statement and Certificate of Award) is not required in connection with negotiated contracts. However, Standard Form 1036 may be used for preparation of the contracting officer's justifications required by § 116.03–71.

15. Section 116.03–71 is amended to read as follows:

§ 116.03–71 *Negotiated contracts requiring justification*—(a) *Contracts to be justified.* Except for contracts with suppliers of utility services whose rates are regulated by a Federal, State, or other public regulatory body, every contract that is negotiated under the authority of section 2 (c) (2) or section 2 (c) (10) of the Armed Services Procurement Act of 1947 (see §§ 116.03–32 and 116.03–40) shall be accompanied by a signed statement of the contracting officer justifying the use of these exceptions. In the event an award is made to a concern other than the one submitting the lowest quotation, the records of the unit shall contain a statement from the contracting officer setting forth his reasons for not accepting the lowest quotation.

(b) *Distribution of justifications.* Justifications prepared by contracting officers in accordance with paragraph (a) of this section shall be distributed and filed in the same manner prescribed for Standard Form 1036 (Statement and Certificate of Award) in § 116.02–143.

16. Section 118.01–1 is amended to read as follows:

§ 118.01–1 *Forms of agreement.* Coast Guard contractual obligations shall be recorded on separate award type contracts, combination award type contracts, or purchase orders in accordance with § 116.03–25 of this subchapter and §§ 118.02–1, and 118.02–2.

17. Section 118.01–2 *Separate award type contracts* is hereby revoked.

18. Section 118.01–3 *Combination type contracts* is hereby revoked.

19. Section 118.01–4 *Purchase orders (informal contracts)* is hereby revoked.

20. Section 118.01–17 is revised to read as follows:

§ 118.01–17 *Contracts required to be numbered*—(a) *General.* The General Accounting Office requires that the contracts designated in paragraph (b) of this section shall be numbered with approved letter symbols and serial numbers for identification, audit, and filing purposes. Documents coming within the purview of this paragraph include purchase orders, contracts, letter orders, letters of intent, leases, easements, proposal and acceptance documents or other documents evidencing in whole or in part an agreement between the parties, which involve the payment of appropriated funds or collection of funds for credit to the Treasurer of the United States, and hereinafter referred to as "contracts." Small purchase agreements utilizing Standard Form 44 (U. S. Government Purchase Order-Invoice-Voucher) do not come within the purview of this section. When documents of the above description do not require numbering in the uniform contract ("Tcg") series, they shall be identified by other means (i. e., purchase order number, invitation number, etc.) and distributed in accordance with § 118.02–11.

(b) *Mandatory numbering requirements.* The following contracts shall be numbered in accordance with the uniform contract numbering system prescribed in § 118.02–4 and distributed in accordance with § 118.02–10. In case of doubt as to whether the amount to be paid (or collected) under a contract is more or less than $20,000 or whether more than one payment (or collection) may be necessary, the contract shall be numbered. Likewise, where later determination is made that the amount to be paid or collected equals $20,000 or more, a number must also be assigned to such contract.

(1) All contracts involving the payment of $20,000 or more on a single payment voucher.

(2) All multiple payment contracts, regardless of amount. "Multiple payment contracts" include term contracts, leases, open-end contracts, and contracts involving partial payments or more than one payment.

(3) All sales contracts involving the collection of $20,000 or more.

(4) All multiple delivery sales contracts, regardless of amount.

21. Section 118.02–1 is amended to read as follows:

§ 118.02–1 *Separate award type contracts*—(a) *General.* The separate award type, or "long form," contract contemplates the reduction of an agreement to a single written document signed by both parties at the end thereof, which is drawn and prepared after acceptance of bids or quotations. Bonds, drawings, specifications, conditions, and/or other relevant papers are incorporated as necessary.

(b) *Authorized forms.* Separate award type contracts used by Coast Guard contracting officers shall be limited to the following, unless otherwise specifically authorized by the Commandant:

(1) *Standard Form 2, Lease.* Leases of real property.

(2) *Standard Form 23, Construction Contract.* Construction and repair of vessels, aircraft, and real property (as defined in § 118.03–3) for amounts of $2,000 or more.

(3) *Standard Form 40, Contract for Telephone Service.* Telephone facilities and service.

(4) *Coast Guard Contract for Professional Services.* Negotiated contracts for architect-engineering professional services.

22. Section 118.02–2 is amended to read as follows:

§ 118.02–2 *Combination type contracts*—(a) *General.* A combination type, or "short form," contract consists of the invitation for bids, the bid, and the award, contained in one instrument. Bonds, drawings, specifications, conditions, and/or other relevant papers are incorporated as necessary. Standard Form 33 (Invitation, Bid, and Award) is the only combination type contract used by the Coast Guard.

(b) *Authorized use.* Standard Form 33 (Invitation, Bid, and Award) shall be used for all formally advertised supply contracts. It may also be used for the execution of contracts for the following resulting from either formal advertising or negotiation:

(1) Nonpersonal services.

(2) Utility services.

(3) Solid fuels.

(4) Construction and repair of vessels, aircraft, and real property (as defined in § 118.03–3), provided the contract does not exceed $2,000 and does not require the use of bonds.

23. Section 118.02–3 *Purchase orders (informal contracts)* is hereby revoked.

24. Section 118.02–4 is amended to read as follows:

§ 118.02–4 *Uniform contract numbering system* — (a) *General.* Section 118.01–17 designates Coast Guard procurement (and sales) documents which require assignment of contract numbers in the uniform series prescribed by the General Accounting Office. Contract numbers shall be assigned only by the Commandant and allotment administrative officers in the field to whom contracting authority has been delegated in accordance with § 116.01–24 of this subchapter. See also § 118.01–15 re control of contract numbers.

(b) *Assignment of contract numbers.* Contract numbers, when required, will be placed in the space provided therefor on the printed contract form, or, if no such space is provided, in the upper right-hand corner separate from all other information. The contract number shall consist of an identification symbol followed by a hyphen and the serial number assigned the particular procurement (or sale). Example: T12cg–8.

(1) The capital letter "T" shall preface each contract number to identify the Treasury Department.

(2) When a contract number is assigned by a field unit, the allotment symbol of the unit (district office or Headquarters unit) shall be shown immediately after the letter "T"; thus, the numeral "12" used in the above example identifies the 12th Coast Guard District.

(3) The small letters "cg" shall then be inserted, identifying the document as a Coast Guard contract.

(4) The letters "cg" are followed by a hyphen and the serial number of the contract; in the example, "8" identifies the eighth contract assigned a number by the 12th Coast Guard District. See paragraph (c) of this section.

(c) *Number series.* Contracts shall be numbered serially in unbroken sequence by each unit authorized to assign contract numbers, beginning with number 1 and going through 99,999 without regard to fiscal year or type of contract. When the serial number reaches 99,999, a new series will be used beginning with the number 1 and adding the capital letter "A" as a suffix; the next series will use the capital letter "B" as a suffix, etc. Supplemental agreements, renewals of leases, and change orders will bear the same identification as the original contract.

25. Part 118 is amended by adding a new § 118.02–6 to read as follows:

§ 118.02–6 *Contract indexes.* Lengthy contracts shall contain an index or table of contents for the information and assistance of contractors, technical personnel, and others concerned in locating specific contract clauses, drawings, etc. Where practicable, the index or table of contents should follow the cover sheet and preface the actual documents comprising the contract.

26. Section 118.03–5 is amended by revising paragraph (i) (2) to read as follows:

§ 118.03–5 *Special contract clauses.*

* * *

(i) *Examination of records.* * * *

(2) *Contractor-subcontractor transactions.* The following provision will be made a part of a subcontract (or contractor's purchase order) issued by a contractor when the subcontract (or contractor's purchase order) is in an amount, or by subsequent change order(s) is increased to an amount, in excess of $1,000 and does not cover the rendering of public utility services at rates established for uniform applicability to the general public:

The contractor further agrees to include in all his subcontracts hereunder which may hereafter be made, a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $1,000 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

27. Section 120.01–1 is amended to read as follows:

§ 120.01–1 *Purpose of bid guaranties.* The purpose of a bid guaranty (commonly referred to as a "bid bond") is to assure that the bidder will execute a contract in the event his bid is accepted. Bid guaranties may be required when, and only when, the solicitation of bids for a contract to be entered into as a result of formal advertising specifies that the contract is to be supported by a performance bond or by performance and payment bonds (see §§ 120.02–1 through 120.02–7). When the contracting officer deems a bid guaranty necessary for the protection of the Government, it shall be in the penal sum of 5 percent of the bid price.

28. Section 120.01–2 is amended to read as follows:

§ 120.01–2 *Form of guaranty*—(a) *Authorized bond forms.* Standard bid bond forms authorized for Coast Guard use are listed in subparagraphs (1), (2) and (3) of this paragraph. Detailed instructions for preparation, corporate certifications, surety requirements, etc., are set forth on the reverse of each form. Under most conditions, bid guaranties will be limited to Standard Form 24 (Bid Bond). However, bid guaranties may be furnished in the form of securities (see paragraph (b) of this section), or by an annual bid bond (Standard Form 34) submitted on a fiscal year basis.

(1) *Standard Form 24, Bid Bond.* This form shall be used for construction work or the furnishing of supplies or services whenever a bid bond is required, except as indicated in subparagraph (2) of this paragraph.

(2) *Standard Form 34, Annual Bid Bond.* This form may be used in connection with the procurement of supplies or services in lieu of Standard Form 24 (Bid Bond); it may not be used for bids on construction contracts. An annual bid bond shall be limited to a specific fiscal year. Annual bid bonds shall be forwarded to the Commandant for examination and approval, after which they will be returned to the contracting officer for filing.

(3) *Standard Form 28, Affidavit of Individual Surety.* This form shall be completed and attached to Standard Form 24 (Bid Bond) or Standard Form 34 (Annual Bid Bond) whenever the sureties on those bonds are individuals.

(b) *Options in lieu of sureties.* While bid guaranties connected with Coast Guard invitations for bids normally will be furnished on the standard forms indicated in paragraph (a) of this section, the bidder may deposit securities in lieu of furnishing corporate or individual sureties on bonds. When securties are furnished by the bidder, the procedure set forth in §§ 120.01–3 (b) and 120.02 (b) shall be followed.

29. Section 120.01–3 is amended to read as follows:

§ 120.01–3 *Custody and return of bid guaranties*—(a) *Bid bonds.* Standard Form 24 (Bid Bond) forms a part of the pertinent bid and shall be filed with the original bid. When an annual bid bond (Standard Form 34) is used, the pertinent bid shall be cross-referenced to the file containing the annual bid bond. Affidavits of individual sureties (Standard Form 28) shall be filed with the applicable bid bond (Standard Form 24 or Standard Form 34). (See paragraph (b) of this section regarding special penal bonds for security furnished in the form of United States bonds or notes.)

(b) *Securities*—(1) *Return to unsuccessful bidders.* If determination of contract award can be made at the close of bid openings, the contracting officer shall return by registered mail (return receipt requested), or person-to-person delivery (receipt required) if the bidders or their authorized representatives are present, all bid guaranties of unsuccessful bidders. The guaranties of unsuccessful bidders will be returned in the form in which received, except for cash to be returned to a bidder who is not present (either in person or by an authorized representative) and cannot be contacted for person-to-person delivery. In the latter case, the contracting officer will deliver the cash guaranty to the collection clerk for deposit and refund to the bidder on a Public Voucher for Refunds (Standard Form 1047). Likewise, if determination of award cannot be made at the close of bid openings, cash and securities made payable to the Treasurer of the United States shall be deposited with the collection clerk and refunded to the unsuccessful bidder on Standard Form 1047 when the award is made.

(2) *Disposition of securities furnished by successful bidders*—(i) *United States bonds and notes.* When United States bonds or notes are accepted as security in lieu of surety or sureties, the bidder will be required to execute a locally prepared penal bond and a power of attorney and agreement for collection or sale of the securities in event of default, in the format prescribed by Treasury Department Circular No. 154 (February 6, 1935). The penal bond form shall be filed with the original bid. The contracting officer may hold United States bonds and notes received as a bid guaranty, at his own risk, in secure storage (i. e., fireproof, combination lock safe) until the contract has been awarded and the related performance and/or payment bonds are received. Upon receipt of the surety bond(s), the United States bonds and notes, and the accompanying power of attorney and agreement, shall be returned to the successful bidder or his authorized representative by person-to-person delivery (receipt required) or registered mail (return receipt requested) without application from the bidder. If the bidder so requests, the United States bonds or notes may be retained and applied as part of the requisite surety bond(s) on his contract, in accordance with § 120.02–7 (b) (1).

(ii) *Certified or cashier's checks, bank drafts, money orders, or currency.* Security accepted by the contracting officer in the form of a certified or cashier's check, bank draft, or money order made payable to the "Treasurer of the United States," or currency, shall be turned over to the collection clerk for deposit. Upon receipt of the surety bond(s), the bid guaranty held in the above deposit account will be refunded to the bidder on a Public Voucher for Refunds (Standard Form 1047), without application from the bidder. If the bidder so requests, the bid guaranty may be retained and applied as part of the requisite surety bond(s) on his contract, in accordance with § 120.02–7 (b) (1).

(3) *Record of disposition of bid guaranties.* The contracting officer shall maintain a record of the receipt and disposition of all bid guaranties on Form CG–3477 (Abstract of Bids) or by a memorandum attached to the related bids.

30. Section 120.02–1 is amended to read as follows:

§ 120.02–1 *Purpose of performance and payment bonds*—(a) *Performance bonds.* A performance bond is a legal document executed in connection with a contract, for the purpose of providing financial responsibility for fulfillment of all the undertakings, covenants, terms, conditions, and agreements contained in the contract. By the terms of such a bond the contractor, as principal, and a corporate bonding company (or in rare instances an individual), as surety, are obligated to the United States up to a maximum dollar amount, called the penal sum of the bond, to defray damages caused by improper performance.

(b) *Payment bonds.* A payment bond is an obligation, similar to the performance bond, which secures the payment of all persons who supply labor and material in the prosecution of the work provided for in the contract.

31. Section 120.02–2 is amended to read as follows:

§ 120.02–2 *When bonds are required*—(a) *Construction contracts.* The act of August 24, 1935, 49 Stat. 793, as amended (40 U. S. C. 270a–270e), known as the "Miller Act," requires performance and payment bonds for all contracts exceeding $2,000 in amount for the construction, alteration, or repair of any public building or public work of the United States. "Public work" shall be construed to include the construction, alteration, or repair of vessels, aircraft, aids to navigation, shore structures, bridges, roads, etc., and dredging.

(b) *Supply contracts.* Performance bonds may be required under supply contracts when the contracting officer deems them necessary to protect the interests of the Government. However, performance bonds are not a usual adjunct to Coast Guard supply contracts unless the amount exceeds $25,000. Payment bonds may also be required to guarantee payment to those who supply the prime contractor with labor and materials necessary to the performance of the contract.

(c) *Waiver of bond requirements.* Contracting officers are authorized to waive the requirements of performance and payment bonds for work under contracts performed in foreign countries if they find that it is impracticable for the contractors to furnish such bonds.

32. Section 120.02–3 is amended to read as follows:

§ 120.02–3 *Penal sum of performance bonds*—(a) *Construction contracts.* Performance bonds shall be required in the penal sum fixed for the payment bonds. (See § 120.02–4.)

(b) *Supply contracts.* Performance bonds may be required by the contracting officer in such amount as he shall deem adequate to protect the Government.

33. Section 120.02–4 is amended to read as follows:

§ 120.02–4 *Penal sum of payment bonds*—(a) *Construction contracts.* Payment bonds prescribed by § 120.02–2 (a) shall be required in the following sums:

Amount of Contract and Penal Sum of Bond

(1) $1,000,000 or less: 50 percent of the contract price.

(2) Over $1,000,000 but less than $5,000,000: 40 percent of the contract price.

(3) Over $5,000,000: $2,500,000.

(b) *Supply contracts.* If the contracting officer deems a payment bond necessary in connection with a supply contract, the penal sum of the bond should be fixed under the same criteria prescribed for construction contracts in paragraph (a) of this section.

34. Section 120.02–5 is amended to read as follows:

§ 120.02–5 *Standard bond forms*—(a) *General.* Standard performance and payment bond forms authorized for Coast Guard use are listed in paragraph (b) of this section. Detailed instructions for preparation; corporate certification, surety requirements, etc., are set forth on the reverse of each form. Under most conditions, performance and payment bonds used with Coast Guard contracts will be limited to Standard Form 25 (Performance Bond) and Standard Form 25A (Payment Bond). However, other combinations of forms or individual forms shown in paragraph (b) may be furnished for use under specific contracts, or during a specific fiscal year in the case of an annual performance bond (Standard Form 35).

(b) *Authorized forms*—(1) *Standard Form 25, Performance Bond.* This form shall be used for construction work or the furnishing of supplies or services, whenever a performance bond is required, except as follows:

(i) *Optional use of annual performance bond.* Standard Form 35 (Annual Performance Bond) may be used in connection with the procurement of supplies or services in lieu of Standard Form 25 (Performance Bond); it may not be used for construction contracts. When Standard Form 35 has been used and has been completely obligated in an amount equal to the penal sum thereof, an additional bond shall be obtained. An annual performance bond shall be limited to a specific fiscal year.

(ii) *When corporate co-sureties used.* See subparagraph (3) of this paragraph.

(2) *Standard Form 25A, Payment Bond.* This form, for the protection of persons supplying labor and material, shall be used whenever a payment bond is required, except when corporate co-sureties are used (see subparagraph (4) of this paragraph).

(3) *Standard Form 27, Performance Bond (Corporate Co-Surety Form).* This form shall be used for construction work or the furnishing of supplies or services whenever a performance bond is required and two or more corporate sureties, each limiting its liability to a portion only of the total penalty, are to execute the bond.

(4) *Standard Form 27A, Payment Bond (Corporate Co-Surety Form).* This form, for the protection of persons supplying labor and material, shall be used whenever a payment bond is required and two or more corporate sureties, each limiting its liability to a portion only of the total penalty, are to execute the bond.

(5) *Standard Form 27B, Continuation Sheet (Corporate Co-Surety Bond).* This form shall be attached to Standard Form 27 (Performance Bond—Corporate Co-Surety Form) and Standard Form 27A (Payment Bond—Corporate Co-Surety Form) whenever more than 11 sureties are to execute those bonds.

(6) *Standard Form 28, Affidavit of Individual Surety.* This form shall be completed and attached to Standard Form 25 (Performance Bond), Standard Form 25A (Payment Bond), or Standard Form 35 (Annual Performance Bond) whenever the sureties on those bonds are individuals.

35. Section 120.02–6 is amended to read as follows:

§ 120.02–6 *Contracting officers authorized to examine and approve bonds*—(a) *General.* Upon receipt of a bond given in support of a contract, the contracting officer shall ascertain that the bond tendered is in the penal sum required and that it properly describes the contract. The contracting officer shall exercise caution to ascertain that the attorney-in-fact who executes a bond furnishes evidence to support his authority to execute the obligation. It is not necessary to refer the bond to the Commandant for approval prior to execution of the contract: *Provided,* That the contracting officer makes the required examination as to sufficiency of amount, contract description, and authority of signature. When the contract has been executed, the bonds shall be forwarded to the Commandant under letter of transmittal for reference to the Section of Surety Bonds, Treasury Department. After examination and approval by the Section of Surety Bonds, the bonds will be returned to the contracting officer by the Commandant for filing with the original contract.

(b) *Annual performance bonds.* Annual performance bonds (Standard Form 35) shall be submitted to the Commandant for examination and approval at the time tendered. After approval has been obtained, the original bond will be returned to the contracting officer for filing. The contracting officer shall maintain an accurate record of all contractual obligations against the penal sum of such bonds to avoid overdraft thereon.

36. Part 120 is amended by adding a new § 120.02–7 to read as follows:

§ 120.02–7 *Sureties on bonds*—(a) *General requirements of sureties.* Every bond required or used in connection with Coast Guard contracts shall be supported by good and sufficient surety (corporate or individual).

(1) *Corporate sureties.* The surety on bonds tendered in support of Coast Guard contracts may be any corporation authorized by the Secretary of the Treasury to act as a surety.

(2) *Individual sureties.* Two responsible individuals may be used as sureties on a bond in lieu of a corporate surety. A firm, as such, will not be accepted as a surety, nor a partner for copartners or for a firm of which he is a member. Stockholders of a corporate principal may be accepted as sureties provided their qualifications as such are independent of their stock holdings therein. Sureties, if individuals, shall be citizens of the United States, except that sureties on bonds executed in any foreign country, in the Canal Zone, Puerto Rico, Hawaii, Alaska, Guam, or any possession of the United States, for the performance of contracts entered into in those places, need not be citizens of the United States, but if not citizens of the United States shall be domiciled in the place where the contract is to be performed.

(b) *Options in lieu of sureties.* While bonds connected with Coast Guard contracts normally will be furnished on the standard forms listed in § 120.02–5, any one or more of the types of security indicated in subparagraphs (1) and (2) of this paragraph may be deposited by the contractor in lieu of furnishing corporate or individual sureties on bonds.

(1) *United States bonds or notes*—(i) *General.* In accordance with the provisions of the act of February 24, 1919, as amended (6 U. S. C. 15) and Treasury Department Circular No. 154 (February 6, 1935) (31 CFR Part 225), any person required to furnish a bond has the option, in lieu of furnishing surety or sureties thereon, of depositing United States bonds or notes in an amount equal at their par value to the penal sum of the bond, together with an agreement authorizing the collection or sale of such United States bonds or notes in the event of default on the penal bond. Treasury Department Circular No. 154 (31 CFR Part 225) contains detailed instructions and specimen forms (i. e., receipts for securties, powers of attorney and agreements for the sale—assignment—transfer of securities, and penal bonds applicable to securities) for the acceptance, deposit, and return or other disposition of bonds, notes or other obligations issued or guaranteed by the United States as security in lieu of surety or sureties on penal bonds. For the purpose of this paragraph, contracting officers are "bond-approving officers" and shall comply with the provisions of Treasury Department Circular No. 154 (31 CFR Part 225).

(ii) *Disposition of bonds or notes by contracting officers.* United States bonds or notes received by contracting officers as security, and such other bonds or notes as may be substituted therefor from time to time as security, shall be deposited by the contracting officer with the Treasurer of the United States, a Federal Reserve bank or any branch Federal Reserve bank having the requisite facilities, or other depositary duly designated for that purpose by the Secretary of the Treasury, for safekeeping. All bonds or notes received in the District of Columbia shall be deposited with the Treasurer of the United States. Depositaries of public moneys are not authorized to act as depositaries for bonds or notes accepted as security for the performance of a penal bond, unless specifically designated for that purpose by the Secretary of the Treasury. As soon as security for the performance of the penal bond is no longer necessary, the bonds or notes deposited in lieu of surety or sureties on such penal bond, together with the power of attorney and agreement accompanying such bonds or notes, shall be returned to the contractor by the contracting officer, without application therefor from the contractor. Transmittal of bonds or notes to and from contractors or depositaries shall be via hand-to-hand delivery (receipt required) or registered mail (return receipt requested). Bonds or notes accepted by a contracting officer shall be kept in secure storage (i. e., fireproof, combination lock safe) pending deposit or return to the contractor.

(2) *Certified or cashier's checks, bank drafts, money orders, or currency*—(i) *General.* Any person required to furnish a bond has the option, in lieu of furnishing surety or sureties thereon, of depositing a certified or cashier's check, a bank draft, a Post Office money order, or currency, in an amount equal to the penal sum of the bond: *Provided,* That the penal sum of the bond is not in excess of $50,000. Certified or cashier's checks, bank drafts, or Post Office money orders shall be drawn to the order of the "Treasurer of the United States."

(ii) *Disposition of funds by contracting officers.* Any security accepted by the contracting officer in the form of certified or cashier's checks, bank drafts, money orders, or currency, shall be delivered promptly to the collection clerk for deposit. Collection Receipt (Form CG–2688), fully describing the purpose of the deposit, shall be furnished the contractor by the collection clerk. As soon as the contractor's bonding obligation has ceased, the contracting officer shall initiate action for the refund of the amount of the security to the contractor without application from that party.

(c) *Consent of surety.* A consent of surety is an instrument by which the surety on a bond or bonds supporting a contract consents to a supplemental agreement which goes beyond the scope of the contract, or a change order in excess of $25,000, and agrees that the bond or bonds previously given to support the basic contract shall apply to the contract as modified. When the consent of a surety is required, it should be obtained in writing in substantially the form shown in subparagraph (1) or (2) of this paragraph, titled "Consent of Surety," dated, and completed in the same manner as the basic bond as to signatures, seals, and attests.

(1) *Consent of surety to a modification providing for an increase in the penal sums of bonds previously given.*

Consent of surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby. The principal and surety further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by ---------- dollars, and the penalty of the aforementioned payment bond or bonds is hereby increased by ---------- dollars.

(2) *Consent of surety without providing for an increase in the penal sums of bonds previously given.*

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby.

(62 Stat. 21; 41 U. S. C. 151–161)

Dated: October 8, 1954.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 54–8125; Filed, Oct. 14, 1954; 8:50 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL REGULATIONS

COMMERCIAL AUTOMOBILES AND BUSSES

Paragraph (a) of § 1.36 *Commercial automobiles and busses* is amended by deleting the language in parentheses after the words "Grand Canyon," and before the word "Zion," in the first sentence, and inserting the following language: "(except the service road branch of the south entrance road serving Park headquarters and Grand Canyon Village, including the portion of the south entrance road which lies between the Park boundary and said service road),".

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 8th day of October 1954.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 54–8101; Filed, Oct. 14, 1954; 8:46 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 108—FEDERAL ASSISTANCE BEGINNING JULY 1, 1954, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Part 108 is added to 45 CFR, Subtitle B, Chapter I, and, among other things, establishes regulations for the filing and processing of applications for Federal Grants for school construction under Title III of Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as amended by Public Law 731, 83d Congress (68 Stat. 1005); establishes a cut-off date for filing such applications and provides for priority indices to establish the order of approval of applications and of making payments from funds available on the cut-off date.

Part 108 reads as follows:

Subpart A—Filing and Processing of Complete Applications

Sec.
108.1 Definitions.
108.2 Procedure if funds are inadequate to make all payments.
108.3 Determination of priority indices for applications under section 305.
108.4 Determination of available and usable school facilities.
108.5 Criteria for waiver under section 305 (e), Title III of the act.
108.6 School facilities for children whose membership is of temporary duration only.
108.7 Certification of payments.
108.8 Additional payments under section 308 of the act.
108.9 Priority and approval of applications; conditioned upon readiness to proceed with construction.
108.10 Preceding provisions not exhaustive of jurisdiction of the Commissioner.

Subpart B—Establishment of Deadline for Filing Applications

108.20 First deadline for applications during fiscal year 1955.

AUTHORITY: §§ 108.1 to 108.21 issued under sec. 208, 64 Stat. 975; 20 U. S. C. 278. Interpret or apply secs. 210, 301–311, 64 Stat. 976, secs. 1, 2, 67 Stat. 522, secs. 1–8, 68 Stat. 1005; 20 U. S. C. 280, 291–301.

SUBPART A—FILING AND PROCESSING OF COMPLETE APPLICATIONS

§ 108.1 *Definitions.* All terms used in this part which are defined in Public Law 815, 81st Congress (64 Stat. 967), as amended by Public Law 246, 83d Congress (67 Stat. 522), and Public Law 731, 83d Congress (68 Stat. 1005), and not defined in this section shall have the meaning given to them in Public Law 815 as amended. As used in this part, for purposes of this part and determinations under the act as hereinafter defined, the following terms shall have the meaning indicated in paragraphs (a) to (q) of this section:

(a) *Act.* "The act" means title III of Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as amended by Public Law 731, 83d Congress (68 Stat. 1005), and such provisions of titles I and II of Public Law 815 as

are made applicable to title III by Public Law 246.

(b) *Title III.* "Title III" means title III of Public Law 815, 81st Congress, as added by Public Law 246, 83d Congress, and as amended by Public Law 731, 83d Congress, and such provisions of titles I and II of Public Law 815 as are made applicable to it by Public Law 246.

(c) *Commissioner.* "Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare or his delegatee.

(d) *Local educational agency.* "Local educational agency" means a board of education or other legally constituted local school authority (including, where applicable, a State agency which directly operates and maintains facilities for providing free public education) having exclusive administrative control and direction of free public education, or some phase thereof, in a county, township, independent, or other school district located within a State. If the local educational agency so defined does not have responsibility for providing school facilities and such responsibility is vested in a State agency, the term shall include such State agency together with the agency having exclusive administrative control and direction of other phases of free public education.

(e) *Free public education.* "Free public education" means education which is provided at public expense, under public supervision and direction, and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria.

(f) *Applicant.* An "applicant" is a local educational agency which has filed a complete application for assistance in school construction under the act and this part.

(g) *Complete application.* Where an applicant submits only one project by a filing date, the "complete application" at that time consists of both Part I (Maximum Grant) and Part II (Project) of the application Form RSF–2 prescribed by the Commissioner for use under this act, properly completed and executed, together with all documents, amendments, and communications in support thereof. Where applicant submits more than one project by a filing date, the Part I form and all Part II forms, properly executed and completed, together with all documents, amendments, and communications in support thereof on file at that time, shall be considered as the "complete application." Where more than one Part II application is submitted by an applicant, the applicant shall indicate the order in which its project applications are to be considered by the Commissioner. Only applications meeting the conditions for approval under title III (other than section 306 (b) (3)) and this part shall be considered complete applications under title III.

(h) *Project application.* "Project application" means Form RSF–2, Part II, properly completed and executed, making application for Federal assistance for constructing school facilities under title III.

(i) *Filing of applications.* An application will not be deemed to be "filed" unless all necessary parts of the complete application, bearing the required certifications and verifications by the State educational agency, are received by the Commissioner, or enclosed in a cover addressed to the Commissioner and postmarked, on or before the applicable filing date as may be established by Subpart B of this part.

(j) *Minimum school facilities.* "Minimum school facilities" means those instructional and auxiliary rooms (and initial equipment), exclusive of single purpose auditoriums, single purpose gymnasiums and any built-in spectator space, necessary to operate a program of free public education for the school members of the applicant at normal capacity in accordance with the laws and customs of the State.

(k) *Available and usable school facilities.* "Available and usable school facilities" means those facilities containing pupil stations counted in ascertaining children who are "unhoused" or "without minimum school facilities."

(l) *Normal capacity.* The "normal capacity" of a school room is the number of pupil stations which the room accommodates under ordinary conditions in accordance with the laws and customs of the State governing free public education, provided that where kindergartens may be conducted on a two-session-per-day basis the number of pupil stations of the rooms used for that purpose shall be doubled in determining kindergarten needs.

(m) *Children who are unhoused or without minimum school facilities.* Children who are "unhoused" or "without minimum school facilities" are those children in excess of the normal capacity of available and usable minimum school facilities.

(n) *Membership.* Unless governed by State law or State regulation, a pupil is a "member" of a class or school from the date he presents himself at school and is placed on the current roll until he permanently leaves the class or school for one of the causes recognized as sufficient by the State. The date of permanent withdrawal should be the date on which it is officially known that the pupil has left school, and not necessarily the first day after the date of last attendance.

(o) *Average daily membership.* In a given school year, the "average daily membership" for a given school is the aggregate days of membership of individual children in the school divided by the number of days school was actually in session. Only days on which pupils were under the guidance and direction of teachers in the teaching process may be considered as days in session. The average daily membership for groups of schools having varying lengths of terms is the sum of the average daily memberships obtained for the individual schools.

(p) *Membership of children of temporary duration only.* "Membership of children of temporary duration only" means the school membership of children whose residence in the school area the Commissioner determines probably will be for less than six years beyond the date of the approval of the complete application and whose number is required to be excluded from computation of maximum payments under section 305.

(q) *Priority indices.* The "priority indices" are the indices established pursuant to this part based on relative urgency of need for the purpose of determining, under title III, the order of approval of applications, and the order of payments.

§ 108.2 *Procedure if funds are inadequate to make all payments.* Section 303, title III, reads in part as follows:

> The Commissioner shall from time to time set dates, the last of which shall not be later than June 30, 1956, by which applications for payments under this title with respect to construction projects must be filed. If the funds appropriated under this title and remaining available on any such date for payments to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under this title have not already been obligated), the Commissioner shall by regulation prescribe an order of priority, based on relative urgency of need, for approval of such applications.

§ 108.3 *Determination of priority indices for applications under section 305.* When the Commissioner has set a date by which complete applications must be filed, the priority indices for approval of such applications shall be determined as follows:

(a) A priority index will be determined for the first construction project for each applicant under section 306 by adding (1) the percentage that the estimated membership of the eligible Federally-connected children in the school district (or in the approved attendance area) is of the total estimated membership of all children in such area at the close of the regular school year 1955–56 to (2) the percentage of the estimated school membership within the school district (or in the approved attendance area) which at the same time is without minimum school facilities: *Provided,* That in no case shall the total of the two percentages used in determining the priority index exceed twice the percentage in subparagraph (1) of this paragraph. No priority shall be established for any applicant having less than 20 unhoused children in the school district (or in the approved attendance area).

(b) In those cases where an applicant has filed more than one project application, the priority index for the second project will be determined by: (1) Dividing the normal capacity of the first project by the total estimated membership at the close of the regular school year 1955–56; and (2) reducing the applicant's priority index by twice the percentage so obtained. Where more than two project applications have been filed, the applicant's priority index for each succeeding project shall be reduced by the cumulative total capacity, as provided in the first sentence of this paragraph, of all the approved projects of the applicant.

(c) In those cases where the jurisdictional area of the applicant with respect to which the application is made

comprises an extensive territory and the Federal activity is localized within the area served by one or more attendance centers, and the other attendance centers within the district are practically unavailable to meet the needs of the attendance areas affected by Federal activities, then, in such case, the percentages described in subparagraphs (1) and (2) of paragraph (a) of this section will be determined with respect to the "Federally affected attendance areas," and not with respect to the entire school district. (The conditions of this paragraph may be met only in large county unit school systems and, possibly, in other extensive districts having large housing projects constructed for defense workers or military personnel which have overburdened one or more attendance centers to such an extent that additional school facilities are required to house the children.)

§ 108.4 *Determination of available and usable school facilities.* The following school facilities shall be counted as usable and available in determining "unhoused children" or "children without school facilities":

(a) All school facilities which were constructed for school use and which have been used continuously for classroom purposes shall be considered as available and usable unless such facilities have become unsafe or otherwise unusable to the extent that use of such facilities or partial use of such facilities has been abandoned or must be abandoned during the fiscal year in which the application is approved. Basement rooms, hallways, or other space the use of which for classroom purposes, in view of their character, inaccessibility or other equally cogent reason, seriously prejudices educational objectives or has impaired or will impair the health or safety of the school children will not be considered to be available and usable. These criteria shall apply to all facilities owned by other Federal agencies which are available or which may be made available for the education of children counted by applicants.

(b) All school facilities for the construction of which contracts have been let on or before any final date for filing applications shall be considered to be available and usable for the purpose of the applications filed on such date; and all school facilities which have been approved under title II, title III, or title IV of Public Law 815 shall be considered as available and usable as of the date of approval.

§ 108.5 *Criteria for waiver under section 305 (e) of the act.* (a) The Commissioner's authority in section 305 (e) of the act to waive or reduce the percentage requirement or requirements in section 305 (c), to waive the requirement contained in the first sentence of subsection 305 (d) thereof, or to reduce the percentage specified in clause (2) of such sentence will not be exercised unless:

(1) The applicant meets all conditions of eligibility under title III or, on the basis of the authorized waiver or reduction of one or more of the requirements, would meet such conditions;

(2) The applicant specifically states the extent to which it desires the Commissioner to exercise his authority to waive or reduce one or more of such requirements and makes appropriate requests therefor, agreeing that, if such a request is granted in whole or in part, in computing maximum payment under title III only membership of children within the Federally impacted attendance area shall be considered;

(3) The applicant has two or more attendance centers, and its jurisdictional area is county-wide or is sufficiently extensive as to be reasonably analogous to a county-wide school system;

(4) There has been an unusually large Federal impact from the close of the regular school year 1953–54 to the close of the regular school year 1955–56 in an attendance area affecting one or more attendance centers;

(5) It would not be practicable to transport students in the Federally impacted attendance area to other available school facilities of the applicant because of distance, topography or other equally cogent reasons; and

(6) The Commissioner of Education determines that other exceptional circumstances exist which in his judgment require such waiver or reduction to avoid inequity and to avoid defeating the purposes of title III.

(b) If the Commissioner, on the basis of the minimum criteria above set forth, determines, under subsection 305 (e), to exercise his authority to waive or reduce one or more of the specified requirements:

(1) He shall determine which requirement or requirements he will waive, or reduce, and if the latter, the extent of such reduction;

(2) He shall determine the geographical area of the applicant which shall be considered as constituting the "Federally impacted attendance area"; and

(3) The application otherwise will be processed under title III and this part, taking into consideration only the established "Federally impacted attendance area" but in no case shall payments hereunder exceed the amounts computable on the basis of the district as a whole taking into consideration the waivers or reductions approved by the Commissioner.

§ 108.6 *School facilities for children whose membership is of temporary duration only.* (a) If the Commissioner determines that the membership of some of the children of the applicant, representing otherwise countable Federal increases under section 305 of the act, will be of temporary duration only, as defined in § 108.1 (p), the membership of such children will be excluded in computing maximum payments under section 305.

(b) The Commissioner, when proper request therefor is made in a Part I application, (1) may make available to such applicant such temporary school facilities as may be necessary to take care of the membership of such children as the Commissioner determines will be members of the applicant's school system for a sufficient period of time to justify the expense; or (2) he may, where the applicant gives assurance in a complete application that at least minimum school facilities will be provided for such children, pay (on such terms and conditions as he deems appropriate to carry out the purposes of title III) to such applicant for use in constructing school facilities an amount not greater than the amount which he estimates will be necessary to make available temporary facilities for such children, provided that the amount so paid shall not exceed the cost, in the school district of the applicant, of constructing minimum school facilities for such children. In no case will provision for such children be made unless they are deemed to be without minimum school facilities.

§ 108.7 *Certification of payments.* Payments to an applicant will be made only on the basis of a complete application satisfying conditions for payment under the act and this part, and will be restricted in amount to the cost of providing minimum school facilities for unhoused children; however:

(a) Within the maximum otherwise payable under title III (except as provided in § 108.8), the Federal share of the cost of a title III project which will be certified for payment shall be equal to the cost but shall in no case exceed the cost in the school district of the applicant of constructing minimum school facilities and shall in no case exceed the cost in such district of constructing minimum school facilities for the estimated number of children who will be in the membership of the school of such applicant at the close of the regular school year 1955–56 and who will otherwise be unhoused.

(b) Nothing contained in the regulations in this part shall be deemed to bar an applicant under title III, with the approval of the State educational agency, from using for an approved project, in addition to the Federal grant, monies otherwise obtained to provide a higher type or larger or better implemented school facility. The applicant will be required to show in such cases that the added cost is being thus independently met.

§ 108.8 *Additional payments under section 308 of the act.* Pursuant to the authority vested in the Commissioner by section 308 of the act:

(a) Not to exceed 10 percentum of any amount appropriated under title III (exclusive of any sums appropriated for administration) is reserved and may be used by the Commissioner to make grants to applicants under title III when (1) the application would be approved under the title but for the applicant's inability, unless aided by such grant, to finance the non-Federal share of the cost of a project; or (2) after the approval of the application the project cannot, without such grant, be completed because of flood, fire or similar emergency affecting either the work on the project or the applicant's ability to finance the non-Federal share of the cost of the project.

(b) Under the authority of paragraph (a) (1) of this section, a complete application under title III (except

an application with respect to which the Commissioner has waived or reduced eligibility requirements under section 305 (e) of the act and § 108.5) may be considered for payment of part or all of the non-Federal share of the cost of any project which does not include more than minimum facilities for unhoused children, provided: (1) That the application contains a request for payment hereunder; (2) that the estimated number of children countable for payment under title III for the school year 1955–56 equals or exceeds the number obtained by taking 10 percent of the average daily membership of the applicant district for the school year 1953–54; (3) that the applicant has exhausted all fiscal resources, including State aid, bonding authority and Federal aid, which are practicably available to it and is unable to pay the non-Federal share of the cost of the project; (4) that it has been reached on the priority indices established by this part; and (5) that Federal monies reserved under paragraph (a) of this section are available. The additional payment to the applicant under this provision shall not exceed the non-Federal share of the cost of the project less all financial resources practicably available to the applicant; nor shall it exceed the difference between the average cost in the State of providing minimum school facilities for the Federally connected pupils eligible for payment under the act, and the Federal funds made available to the school district under section 305 of the act.

(c) Under the authority of paragraph (a) (2) of this section, a request by the applicant may be considered for the additional payment of part or all of the funds required to complete a project (to the extent that the completed project will not provide more than minimum school facilities for unhoused children) for which a project application under title III has been approved, provided: (1) Federal monies reserved under paragraph (a) of this section are available; (2) the applicant cannot complete the project because of flood, fire or similar emergency affecting either the work on the project or the applicant's ability to finance the non-Federal share of the cost of the project; and (3) that the applicant has exhausted all financial resources practicably available to it, including State aid, bonding authority and Federal aid. The payment to be made under this paragraph shall not exceed the amount required to pay the additional cost caused by the emergency less any financial resources of the applicant practicably available for such purpose, including the proceeds of any insurance.

§ 108.9 *Priority and approval of applications; conditioned upon readiness to proceed with construction.* Initial approval of a project application meeting the conditions for approval under the act and under this part will be subject to cancellation in the event the applicant is not ready to proceed with construction within 90 days after the date of initial approval, unless such period is extended by the Commissioner for good cause shown; and the applicant's rights to approval and payment may be subordinated by reason thereof to other project applications of lower rank or the applicant may forfeit its priority in the discretion of the Commissioner.

§ 108.10 *Proceeding provisions not exhaustive of jurisdiction of the Commissioner.* No provision of this part now or hereafter promulgated shall be deemed exhaustive of the jurisdiction of the Commissioner under the act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant.

SUBPART B—ESTABLISHMENT OF DEADLINE FOR FILING APPLICATIONS

§ 108.20 *First deadline for applications during fiscal year 1955.* Pursuant to section 303 of title III and § 108.2, December 1, 1954, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under title III from funds then available or later made available for such purpose shall be filed.

[SEAL] S. M. BROWNELL,
United States Commissioner of Education.

Approved: October 11, 1954.

NELSON A. ROCKEFELLER,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 54-8122; Filed, Oct. 14, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

FEDERAL TRADE COMMISSION

[16 CFR Part 184]

[File No. 405]

FOUNTAIN PEN AND MECHANICAL PENCIL INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

In the matter of proposed revision of existing trade practice rules 4 and 9 for Fountain Pen and Mechanical Pencil Industry involving, respectively, use of word "free," and fictitious prices, price lists, etc.; and addition of a proposed "push-money" rule; File No. 405.

Opportuntiy is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed revision and extension of the trade practice rules for the Fountain Pen and Mechanical Pencil Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose copies of the proposed rules may be obtained upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than November 3, 1954. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. s. t., November 3, 1954, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which the revised and extended trade practice rules are under consideration in these proceedings consists of all persons, firms, corporations, and organizations engaged in manufacturing (or assembling) and selling or placing on the market fountain pens, ball-point pens, dip pens, or mechanical pencils, of any type and in any combination, and any parts or accessories for such pens and pencils. Institution of the instant proceedings was in response to an application by an industry group.

Issued: October 12, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-8137; Filed, Oct. 14, 1954; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72–75, 77, 78]

[Notice 17; Docket 3666]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

OCTOBER 8, 1954.

The Commission is in receipt of applications for early amendment of the above entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code and Part II of the Interstate Commerce Act.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix, hereof.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] GEORGE W. LAIRD,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 commodity list (18 F. R. 5270, Sept. 1, 1953) (17 F. R. 7279, Aug. 9, 1952) (17 F. R. 9833, Nov. 1, 1952) (15 F. R. 8262, 8265, 8269, 8271, 8272, 8273, Dec. 2, 1950) (49 CFR 1950 Rev., 1953 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Aldrin mixtures, liquid, with more than 60 percent aldrin.	Pois. B	73.361	Poison	55 gallons.
Aldrin mixtures, dry, with more than 65 percent aldrin.	Pois. B	73.376	do	200 pounds.
Dicumyl peroxide	Oxy. M	73.153, 73.154	Yellow	25 pounds.
Propellant explosives, class B	Expl. B	No exemption, 73.93	Red#	10 pounds.
Vinyl methyl ether, inhibited	F. G	73.302, 73.306, 73.314	Red Gas	20 pounds.
Wet nitrocellulose—30 percent alcohol or solvent.	F. L	73.118, 73.127	Red	25 pounds.
Add				
*Aldrin, cast solid	See § 73.376 (b)			
*Aldrin mixtures, liquid, with 60 percent or less aldrin.	See § 73.361 (b)			
*Aldrin mixtures, dry, with 65 percent or less aldrin.	See § 73.376 (b)			
Ammonium nitrate (organic coating)	Oxy. M	73.153, 73.182	Yellow	100 pounds.
Ammonium nitrate—phosphate mixtures.	Oxy. M	73.153, 73.182	do	Do.
Ammonium nitrate—carbonate mixtures.	Oxy. M	73.153, 73.182	do	Do.
*Ammonium nitrate mixed fertilizer	Oxy. M	73.153, 73.182	do	Do.
Chromic anhydride. *See* Chromic acid.				
Chromium trioxide. *See* Chromic acid.				
Methylhydrazine	Cor. L	No exemption, 73.276	White	5 pints.
Propellant explosives, class A	Expl. A	No exemption, 73.64(d)		See § 73.86.
Soda amatol. See High explosives.				
Strontium nitrate	Oxy. M	73.153, 73.182	Yellow	100 pounds.
Trinitrobenzoic acid, dry. See High explosives.				
Trinitrobenzoic acid, wet, not exceeding 16 ounces.	See § 73.192			
Trinitrobenzoic acid, wet with not less than 10 percent water, *in excess of 16 ounces but not exceeding 25 pounds.*	F. S	No exemption, 73.193	do	25 pounds.
Trinitrobenzoic acid, wet, with not less than 10 percent water, over 25 pounds. See High explosives.				
Uns-dimethylhydrazine	Cor. L	No exemption, 73.276	White	5 pints.
Cancel				
Ammonium nitrate fertilizer	Oxy. M	73.153, 73.182	Yellow	100 pounds.
Ammonium nitrate limestone	Oxy. M	73.153, 73.182	do	Do.
Calcium ammonium nitrate	Oxy. M	73.153, 73.182	do	Do.
*Nitrate fertilizer mixture	Oxy. M	73.153, 73.182	do	Do.
Propellant explosives, class A. See High explosives.				
Strontium nitrate. See Nitrates, n. o. s.				
Wet nitrocellulose (collodion cotton)—20 percent water.	F. S	73.153, 73.184	do	Do.

PART 73—SHIPPERS

Amend Part 73 as follows:

Cancel the third paragraph following the source citation for Part 73 (15 F. R. 8824, Dec. 13, 1950) (49 CFR, 1950 Rev.) reading as follows:

Documents accompanying all shipments made by way of common, contract, and private carriers, subject to Parts 71–78 of this chapter, shall bear license numbers of the consignees of such shipments according to requirement of the Director, United States Bureau of Mines; and that all losses and thefts of explosives in transit by way of such carriers shall be reported promptly to the Bureau of Service, Interstate Commerce Commission for transmission to the said Bureau of Mines, by the carrier in whose control the explosives were at the time of any such loss or theft.

• • • • • •

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Add paragraph (c) to § 73.21 (18 F. R. 802, Feb. 7, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.21) to read as follows:

§ 73.21 *Prohibited packing.* • • •

(c) The offering for transportation of any package or container of any material which will cause a dangerous evolution of heat or gas under conditions normally incident to transportation is forbidden.

2. Amend § 73.25 (a) (19 F. R. 3258, June 3, 1954) (49 CFR 1950 Rev., 1953 Supp., 73.25) to read as follows:

§ 73.25 *Specification containers in outside containers.* (a) Outside specification shipping containers containing no acids or corrosive liquids may be shipped when tightly packed in strong outside fiberboard boxes or drums, wooden boxes, barrels or crates, metal barrels or drums, or other enclosures. The outside shipping container must be marked with the prescribed name of contents and labeled as required. Packages required by the regulations in this part to be marked "This Side Up" or "This End Up" must be packed in the outside package with their filling holes up, and the outside package must be marked "THIS SIDE UP" or "THIS END UP". The outside container must also be marked "INSIDE PACKAGES COMPLY WITH PRESCRIBED SPECIFICATIONS" unless the specification markings on the inside packages are visible through openings in the outside package.

• • • • • •

3. Cancel Note 1 to paragraph (a) § 73.28 (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.28, 1950 Rev.)

§ 73.28 *Reused containers.* (a) • • •

(Note 1: Canceled.)

[No change in Note 1 to paragraph (a) (1)]

• • • • • •

4. Amend § 73.31 (g), Notes 1 and 2 (19 F. R. 3258, June 3, 1954) (49 CFR 1950 Rev., 1953 Supp., 73.31) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* • • •

(g) • • •

NOTE 1: Periodic retests of metal tanks, safety valves, and heater systems of tank cars, except as provided in Note 2, except those in chlorine service, and except tanks made to specification 106A500, 106A500X, 106A800, 106A800X, or 107A (§§ 78.275, 78.276, or 78.277 of this chapter) now required to be made as prescribed in paragraph (g) of this section may be waived because of the present emergency and until March 31, 1955, or until further order of the Commission.

NOTE 2: Periodic retests of metal tanks, safety valves, and heater systems of specification 103A, 103A–W, 103C, 103C–W, and 103C–AL (§§ 78.266, 78.281, 78.268, or 78.283 of this chapter) tank cars, now required to be made as prescribed in paragraph (g) of this section, may be made at 5-year intervals up to 10 years of service, thereafter at 3-year intervals up to 22 years of service, and annually after 22 years of service until March 31, 1955, or until further order of the Commission.

• • • • • •

5. Amend § 73.34 (k) (11); add paragraph (k) (13) (17 F. R. 1558, Feb. 20, 1952) (15 F. R. 8284, Dec. 2, 1950) (49 CFR 1950 Rev., 1953 Supp. 73.34) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* • • •

(k) • • •

(11) Cylinders made in compliance with specifications ICC–4B, ICC–4BA, and ICC–26–300.[1] (§§ 78.50, 78.51 of this chapter) used exclusively for methyl chloride, or liquefied petroleum gas, or dichlorodifluoromethane, difluoroethane, difluoromonochloroethane, monochlorodifluoromethane, monochlorotetrafluoroethane, monochlorotrifluoroethylene or mixtures thereof or mixtures of one or more with trichloromonofluoromethane, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.) may be retested decennially (see Note 2) instead of quinquennially, or, such cylinders may be subjected to an internal hydrostatic pressure equal to at least 2 times the marked service pressure without determination of expansions (see Note 1), but this type of test must be repeated quinquennially after expiration of the first ten-year period (see Note 2). When subjected to this latter test cylinders must be carefully examined under the test pressure and removed from service if leaks or other harmful defects exist. All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

(Notes 1 and 2 remain the same.)

• • • • •

(13) Cylinders made in compliance with specification ICC–3A480 (§ 78.36 of this chapter) used exclusively for anhydrous ammonia, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as painting, etc.) may be retested decennially instead of quinquennially. All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

• • • • •

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.53 (a) and (b); add paragraph (v) (17 F. R. 1559, Feb. 20, 1952) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 1950 Rev., 1953 Supp., 73.53) to read as follows:

§ 73.53 *Definition of class A explosives*—(a) *Type 1.* Solid explosives which can be caused to deflagrate by contact with sparks or flame such as produced by safety fuse or an electric squib, but cannot be detonated (See Note 1) by means of a No. 8 test blasting cap (See Note 2). Example: Black powder and low explosives.

(b) *Type 2.* Solid explosives which contain a liquid explosive ingredient, and which, when unconfined (See Note 3), can be detonated by means of a No. 8 test blasting cap (See Note 2); or which can be exploded in at least 50 percent of the trials in the Bureau of Explosives' Impact Apparatus (See Note 4) under a drop of 4 inches or more, but cannot be exploded in more than 50 percent of the trials under a drop of less than 4 inches. Example: Commercial dynamite containing a liquid explosive ingredient.

• • • • •

(v) *Type 9.* Propellant explosives, class A, are solid chemicals or solid chemical mixtures which are designed to function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, class A, include some types of smokeless powder and some types of solid propellant explosives for jet thrust units, rockets, or other device. Any propellant explosive is class A which detonates in any one out of five trials when tested in the packages in which it is offered for transportation. In conducting the test, one propellant container shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and absence of flame shall be considered as evidences of detonation.

2. Amend § 73.61 (d) (15 F. R. 8288, Dec. 2, 1950) (49 CFR 73.61, 1950 Rev.) to read as follows:

§ 73.61 *High explosives.* • • •

(d) Cartridges shall consist of a column of explosives completely inclosed in a shell made of strong paper or polyethylene or a combination of paper and polyethylene, so treated that it will not absorb the liquid ingredient of the explosive.

• • • • •

3. Amend § 73.63 (e) (2) (17 F. R. 1559, Feb. 20, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.63) to read as follows:

§ 73.63 *High explosive with liquid explosive ingredient.* • • •

(e) • • •

(2) Spec. 23F, 23G, or 23H (§§ 78.214, 78.218, or 78.219 of this chapter). Fiberboard boxes. Spec. 23G must be packed in an outer container consisting of at least 7-ply heavy Kraft paper (See § 73.25 for additional required marking).

• • • • •

4. Amend the heading of § 73.64 and add paragraph (d) (15 F. R. 8289, Dec. 2, 1950) (49 CFR 73.64, 1950 Rev.) to read as follows:

§ 73.64 *High explosives with no liquid explosive ingredient and propellant explosives, class A.*

• • • • •

(d) Propellant explosives, class A, must be packed in containers as prescribed in § 73.93. Each outside container must be plainly marked "PROPELLANT EXPLOSIVES, CLASS A".

5. In § 73.65 amend the introductory text of paragraph (b) and the introductory text and subparagraphs (2) and (3) of paragraph (e) (17 F. R. 7280, Aug. 9, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.65) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* • • •

(b) Ammonium picrate, nitroguanidine, nitrourea, urea nitrate, picric acid, tetryl, trinitroresorcinol, trinitrotoluene, pentolite, cyclotrimethylenetrinitramine (desensitized) and soda amytal, in dry condition, in addition to containers prescribed in paragraph (a) (1) to (5) of this section, may be shipped in containers complying with the following specifications:

• • • • •

(e) Ammonium picrate, picric acid, urea nitrate, trinitrobenzene, trinitroresorcinol, trinitrotoluene, cyclotrimethylenetrinitramine, and trinitrobenzoic acid when wet with not less than 10 pounds of water to each 90 pounds of dry material must be shipped in containers complying with the following specifications:

• • • • •

(2) (See § 73.192 for shipments of wet ammonium picrate, wet picric acid, wet trinitrobenzoic acid, and wet urea nitrate not in excess of 16 ounces and § 73.193 for shipments of wet picric acid, wet trinitrobenzoic acid, and wet urea nitrate not in excess of 25 pounds.) (See § 73.212 for shipments of wet trinitrobenzene and wet trinitrotoluene not in excess of 16 ounces.)

(3) Spec. 5B (§ 78.82 of this chapter) metal barrels or drums or Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter) fiber drums. Authorized only for cyclotrimethylenetrinitramine wet with not less than 10 pounds of water to each 90 pounds of dry material in inside containers which must be bags made of at least 10-ounce cotton duck, rubber or rubberized cloth and securely closed. The dry weight of cyclotrimethylenetrinitramine in one container must not exceed 300 pounds. These bags containing the cyclotrimethylenetrinitramine must then be placed in a rubber bag, rubberized cloth bag or bag made of suitale watertight material which must be securely closed and then placed in the drum. If shipment of cyclotrimethylenetrinitramine is to take place at a time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol and water of such proportions that freezing will not occur in transit.

• • • • •

6. In § 73.88 amend paragraph (f), and add Note 2 to paragraph (f) (17 F. R. 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.88) to read as follows:

§ 73.88 *Definition of class B explosives.* • • •

(f) *Propellant explosives, class B.* Propellant explosives, class B, are solid chemicals or solid chemical mixtures which function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Any propellant explosive is class B which fails to detonate in five trials when tested (see Note 2) in the packages in which it is offered for shipment. Propellant explosives, class B, include smokeless powder for small arms, smokeless powder for cannon, smokeless powder or solid propellant explosives for rockets, jet thrust units, or other devices. Black powder is not included in this classification and is defined specifically in § 73.53 (a).

(No change in Note 1.)

NOTE 2: In conducting the test, one propellant container shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and absence of flame shall be considered as evidences of detonation.

7. Amend § 73.91 (g) (1) (15 F. R. 8294, Dec. 2, 1950) (49 CFR 73.91, 1950 Rev.) to read as follows:

§ 73.91 *Special fireworks.* • • •

(g) • • •

(1) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or 78.190 of this chapter) wooden boxes, or spec. 12B (§ 78.205 of this chapter) fiberboard boxes which must be constructed to comply with § 78.205–30 of this chapter. Not more than 20 one-quarter gross cartons totalling not more than 5 gross of toy torpedoes are authorized per fiberboard box. Gross weight of fiberboard box must not exceed 25 pounds. Gross weight of wooden box must not exceed 65 pounds.

• • • • •

8. Amend § 73.93 (e) (17 F. R. 1561, Feb. 20, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.93) to read as follows:

§ 73.93 *Propellant explosives for cannon, small arms, rockets, guided missiles, or other devices.* • • •

(e) Each outside container must be plainly marked "PROPELLANT EXPLOSIVES, CLASS B" or "PROPELLANT EXPLOSIVES, CLASS B IN WATER", as the case may be. There may be added such additional marking as "Smokeless Powder for Cannon" or "Smokeless Powder for Small Arms", as the case may be.

• • • • •

9. Amend § 73.100 (d) and (s) (15 F. R. 8295, Dec. 2, 1950) (17 F. R. 4294, May 10, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.100) to read as follows:

§ 73.100 *Definitions of class C explosives.* • • •

(d) Cordeau detonant fuse is a fuse containing a core of pentaerythrite tetranitrate or cyclotrimethylene trinitramine not exceeding 160 grains per linear foot, overspun with tapes, yarns and plastics or waterproofing compounds. Wire countering is permissible.

• • • • •

(s) Igniter cord consists of textile yarns and/or a wire uniformly covered with a combustible chemical mixture, with or without additional textile or wire counterings, waterproofing or finishing coatings which, when ignited, burns externally at various rates according to design. Igniter cord must be packed in strong, tight, outside fiberboard boxes or drums, wooden boxes or metal container plainly marked "IGNITER CORD."

SUBPART C—FLAMMABLE LIQUIDS, DEFINITION AND PREPARATION

1. Amend § 73.118 (a) and (b) (16 F. R. 11777, Nov. 21, 1951) (15 F. R. 8298, Dec. 2, 1950) (49 CFR 1950 Rev., 1953 Supp., 73.118) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* (a) Flammable liquids, except those enumerated in paragraph (c) of this section, in inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking, labeling, and placarding requirements for transportation by rail freight or highway. When for transportation by carrier by water, they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(b) Flammable liquids, except those enumerated in paragraph (c) of this section, in inside containers having a capacity not over 1 pint or 16 ounces by weight each, packed in strong outside containers, are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight, rail express or highway. When for transporation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

• • • • •

2. In § 73.128 amend the introductory text of paragraph (c) (15 F. R. 8301, 8302, Dec. 2, 1950) (49 CFR 73.128, 1950 Rev.) to read as follows:

§ 73.128 *Paints and related materials.* • • •

(c) Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor, in glass or earthenware containers of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight and highway. Unless exempt by § 73.118 when offered for transportation by rail express such shipments are exempt from specification packaging requirements but must be marked with name of contents and bear the red label as prescribed in § 73.405. When offered for transportation by carrier by water such shipments are exempt from specification packaging, marking other than name of contents, and labeling requirements. When fiberboard box is used for such shipments by rail freight, rail express, highway, or water, gross weight must not exceed 65 pounds.

• • • • •

3. Amend § 73.129 (b) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.129, 1950 Rev.) to read as follows:

§ 73.129 *Polishes, metal, stove, furniture and wood, liquid.* • • •

(b) Polishes, metal, stove, furniture and wood, liquid, in glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements. (See § 73.118 (b) for rail express exemptions.)

4. Add paragraph (a) (7) to § 73.141 (16 F. R. 11777, Nov. 21, 1951) (49 CFR 1950 Rev., 1953 Supp., 73.141) to read as follows:

§ 73.141 *Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.* (a) • • •

(7) Spec. 105A300, 105A300–W, 105A-400, 105A400–W, 105A500, 105A500–W, 105A600, or 105A600–W. (Sections 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274 or 78.289 of this chapter.) Tank cars.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend § 73.153 (a) and (b) (15 F. R. 8303, Dec. 2, 1950) (19 F. R. 3260, June 3, 1954) (49 CFR 1950 Rev., 1953 Supp., 73.153) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* (a) Flammable solids, and oxidizing materials, except those as enumerated in paragraph (c) of this section, in inside containers not over 1 pound net weight each, in outside containers not exceeding 25 pounds net weight each, are exempt from specification packaging, marking, labeling, and placarding requirements, unless otherwise provided, for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements. (See paragraph (c) of this section for articles not exempted, § 73.183 for exemptions for nitrates and paragraph (b) of this section for exemptions for organic peroxide.)

(b) Liquid or solid organic peroxides (see § 73.244 (a)), except acetyl benzoyl peroxide, solid, and benzoyl peroxide in strong outside containers having not over 1 pint or 1 pound net weight of the material in any one such package, having inside containers securely packed and cushioned with incombustible cushioning, are exempt from specification packaging, marking, labeling and placarding requirements, unless otherwise provided, for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

• • • • •

2. Amend § 73.176 (g) (16 F. R. 9374, Sept. 15, 1951) (49 CFR 1950 Rev., 1953 Supp., 73.176) to read as follows:

§ 73.176 *Matches.* • • •

(g) Matches, strike-on-box, book and card, must be packed in outside fiber-

board or wooden boxes. They may be packed in the same outside container with nonflammable articles when compactly packed in tightly closed inside containers or securely wrapped so as to prevent accidental ignition. When so packed, they are exempt from specification packaging, marking, labeling, and placarding requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging and labeling requirements, but each outside container shall be marked "BOOK MATCHES," "STRIKE-ON-BOX MATCHES," or "CARD MATCHES," as the case may be.

3. Amend § 73.180 (b) (15 F. R. 8307, Dec. 2, 1950) (49 CFR 73.180, 1950 Rev.) to read as follows:

§ 73.180 *Motion-picture film, and X-ray film, unexposed.* • • •

(b) Motion-picture film and X-ray film, unexposed (nitrocellulose base), are exempt from specification packaging, marking other than name of contents, labeling and placarding requirements for transportation by rail freight and highway.

4. In § 73.181 amend the introductory text of paragraph (a) (15 F. R. 8307, Dec. 2, 1950) (49 CFR 73.181, 1950 Rev.) to read as follows:

§ 73.181 *Motion-picture film; exemptions.* (a) Motion-picture film as follows is exempt from specification packaging, marking, labeling and placarding requirements for rail freight, rail express, or highway transportation, but when for transportation by carrier by water is exempt from specification packaging, marking other than name of contents, and labeling requirements.

5. Amend entire § 73.182 (19 F. R. 3260, June 3, 1954) (19 F. R. 1277, 1278, Mar. 6, 1954) (49 CFR 73.182, 1950 Rev.) to read as follows:

§ 73.182 *Nitrates.* (a) Aluminum nitrate, ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate-carbonate mixture, ammonium nitrate-phosphate mixture, ammonium nitrate mixed fertilizer,[1] barium nitrate, calcium nitrate, guanidine nitrate, lead nitrate, magnesium nitrate, nitrates, n. o. s., nitrate of soda and potash, nitro carbo nitrate, potassium nitrate, silver nitrate, sodium nitrate, and strontium nitrate, when offered for transportation by rail freight, rail express, highway, or carriers by water shall be packed in containers as follows:

(1) Wooden or fiberboard boxes with glass, metal, or other strong inside containers; in metal or fiber drums; in kegs or barrels; or in strong metal cans. When so packed they are exempt from specification packaging, labeling and placarding requirements by rail or highway. Ammonium nitrate-carbonate mixtures and ammonium nitrate mixed fertilizers so packed are exempt from labeling requirements when for transportation by water carriers.

(b) Aluminum nitrate, ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate-carbonate mixture, ammonium nitrate-phosphate mixture, ammonium nitrate mixed fertilizer,[1] barium nitrate, calcium nitrate, guanidine nitrate, nitrate of soda and potash, potassium nitrate, and sodium nitrate, when offered for transportation by rail freight, rail express, highway, or carriers by water, in addition to containers prescribed in paragraph (a) of this section, may be packed as follows:

(1) In bulk in tight closed freight cars which shall be free of loose boards, cracks, holes, or exposed decayed spots; interior of cars must be swept clean, doors of cars must have tight closure; journals and boxes must be in good condition; and ammonium nitrate, ammonium nitrate (organic coating), or guanidine nitrate must not be shipped in all-metal cars.

(2) In bulk in sift proof closed or open type motor vehicles which must be swept clean.

(3) In bulk on cargo vessels subject to the Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant, United States Coast Guard (46 CFR Part 146).

(4) In bags not exceeding 200 pounds net weight, moisture-proof, made tight against sifting, and of strength not less than bags made of 8-ounce burlap. Ammonium nitrate-carbonate mixtures, calcium nitrate, sodium nitrate, or nitrate of soda and potash when so packed are exempt from labeling requirements. Rail shipments must be in clean closed cars which shall be free of loose boards, cracks, holes, or exposed decayed spots; interior of cars must be swept clean and be free of any projections capable of injuring bags; doors of cars must have tight closures; journals and boxes must be in good condition; and ammonium nitrate, ammonium nitrate (organic coating), or guanidine nitrate must not be shipped in all-metal cars (see also § 74.541 (a) (1) of this chapter). Highway shipments must be in closed or open type motor vehicles which must be swept clean and be free of any projections capable of injuring bags; and when shipped in open type motor vehicles the lading shall be suitably covered (see also § 77.823 (a) (4) and (5) of this chapter). Water shipments are also subject to Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant, United States Coast Guard (46 CFR Part 146).

6. Amend § 73.192 (a) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.192, 1950 Rev.) to read as follows:

§ 73.192 *Picrate of ammonia (ammonium picrate), picric acid, trinitrobenzoic acid, and urea nitrate, wet.* (a) Picrate of ammonia (ammonium picrate), picric acid, trinitrobenzoic acid, and urea nitrate, wet with not less than 10 percent water, in quantity not exceeding 16 ounces in one outside package, may be shipped as drugs, medicines, or chemicals, when in glass bottles securely stoppered, each bottle inclosed in a strong fiber carton properly cushioned in the outside shipping case. No restrictions other than packing prescribed by this section are required when these materials are offered for transportation.

7. Amend entire § 73.193 (15 F. R. 8309, Dec. 2, 1950) (17 F. R. 7281, Aug. 9, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.193) to read as follows:

§ 73.193 *Picric acid, trinitrobenzoic acid, or urea nitrate, wet.* (a) Picric acid, trinitrobenzoic acid, or urea nitrate, wet with not less than 10 percent water must be packed in specification containers as follows:

(1) Spec. 15A (§ 78.168 of this chapter). Wooden box with inside containers of tightly closed glass or earthenware, cushioned, in outside container. The net weight in an outside package must not exceed 25 pounds dry weight. (See § 73.65 (e) for shipment of wet picric acid, wet trinitrobenzoic acid and wet urea nitrate in excess of 25 pounds, and § 73.192 for exemption up to 16 ounces.)

8. Amend § 73.217 (b) (19 F. R. 1279, Mar. 6, 1954) (49 CFR 1950 Rev., 1953 Supp., 73.217) to read as follows:

§ 73.217 *Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.* • • •

(b) Strong outside wooden or fiberboard packages containing inside containers of glass or metal not over five pounds capacity each, except that metal inside containers not over seven and one-half pounds capacity each are authorized for material in tablet form only, are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight, rail express, or highway. When for transportation by water, strong wooden or fiberboard packages containing inside containers of metal not over five pounds capacity each are exempt from specification packaging only.

9. Amend § 73.218 (a) (1) (19 F. R. 3260, June 3, 1954) (49 CFR 1950 Rev., 1953 Supp., 73.218) to read as follows:

§ 73.218 *Isopropyl percarbonate, unstabilized.* (a) • • •

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers of not over 2 gallons capacity each which must be maintained at a temperature below 0° F. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

10. Amend § 73.220 (b) and (c) (19 F. R. 6268, Sept. 29, 1954) (49 CFR 1950 Rev., 1953 Supp., 73.220) to read as follows:

§ 73.220 *Magnesium scrap (borings, clippings, shavings, sheets, or turnings).* • • •

(b) Magnesium scrap consisting of clipping or scrap sheets may be shipped in bulk in carload or truckload quantities. Cars must be tight box cars or tightly closed steel covered gondola cars and trucks or trailers must have closed or completely covered bodies.

(c) Magnesium scrap consisting of clippings or sheets in closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking, labeling, or placarding requirements.

11. Amend § 73.223 (b) (16 F. R. 5325, June 6, 1951) (49 CFR 1950 Rev., 1953 Supp., 73.223) to read as follows:

§ 73.223 *Peracetic acid.* • • •

(b) Peracetic acid solutions not exceeding 40 percent strength packed in strong wooden or fiberboard boxes, with not more than one inside glass container not exceeding 1 pint or 1 pound capacity, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat, and with such cushioning material in sufficient quantity to completely absorb the contents of the bottle, are exempt from specification packaging, marking, other than name of contents, labeling and placarding requirements.

12. Amend § 73.226 (b) (18 F. R. 3135, June 2, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.226) to read as follows:

§ 73.226 *Thorium metal, powdered.* • • •

(b) Thorium metal powder packed in tightly and securely closed metal cans, cushioned with incombustible material in strong outside wooden or fiberboard boxes, and not exceeding 4 ounces net weight in one outside shipping container, is exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight, rail express, highway, and carriers by water, except that shipments by water carrier shall be subject to the marking requirements to the extent of showing the name of the contents on the packages.

13. Amend § 73.229 (c) (17 F. R. 9837, Nov. 1, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.229) to read as follows:

§ 73.229 *Chlorate and borate mixtures and chlorate and magnesium chloride mixtures.* • • •

(c) Chlorate and borate mixtures and chlorate and magnesium chloride mixtures containing no other hazardous additives and containing less than 50 percent chlorate, packed in strong tight metal or fiber drums or in wooden boxes with tight inside metal containers are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight or highway.

14. Amend § 73.231 (a) (3) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.231) to read as follows:

§ 73.231 *Calcium, metallic, crystalline.* (a) • • •

(3) Spec. 17C or 17H (§§ 78.115 or 78.118 of this chapter). Metal drums (single-trip), gross weight not over 350 pounds.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.244 (a); add paragraphs (c) (49) and (50) (19 F. R. 1278, Mar. 6, 1954) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.244, 1950 Rev.) to read as follows:

§ 73.244 *Exemptions for acids and other corrosive liquids.* (a) Acids and other corrosive liquids, except those enumerated in paragraph (c) of this section, in inside bottles having a capacity not over 1 pound or 16 ounces by volume each inclosed in a metal can in the outside container are exempt from specification packaging, marking, labeling and placarding requirements unless otherwise provided, for transportation by rail freight or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements, unless otherwise provided.

• • • • • •

(c) • • •

(49) Methylhydrazine.

(50) Uns-dimethylhydrazine.

2. Amend § 73.247 (a) (5) (15 F. R. 8313, 8314, Dec. 2, 1950) (49 CFR 73.247, 1950 Rev.) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) • • •

(5) Spec. 5A or 17C (single-trip) (§§ 78.81 or 78.115 of this chapter). Metal barrels or drums with openings not exceeding 2.3 inches in diameter. Benzyl chloride must be stabilized when packed in unlined containers.

• • • • • •

3. Amend § 73.249 (c) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.249, 1950 Rev.) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids.* • • •

(c) Inside containers of not more than 8-fluid ounces capacity each, resistant to lading, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight, rail express or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

4. In § 73.250 amend the introductory text of paragraph (a) (18 F. R. 803, Feb. 7, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.250) to read as follows:

§ 73.250 *Automobiles or other self-propelled vehicles.* (a) Automobiles or other self-propelled vehicles equipped with charged electric storage batteries, or with charged electric storage batteries removed from vehicles; and charged electric storage batteries when included in carload or truckload shipments of automobile parts or assembled material are exempt from specification packaging, marking, labeling and placarding requirements as follows: (See also § 73.257 (b)).

• • • • • •

5. Amend § 73.260 (d) (15 F. R. 8316, Dec. 2, 1950) (49 CFR 73.260, 1950 Rev.) to read as follows:

§ 73.260 *Electric storage batteries.* • • •

(d) Electric storage batteries, containing electrolyte or corrosive battery fluid, of the nonspillable type, protected against short circuits and completely and securely boxed are exempt from specification packaging, marking, labeling and placarding requirements, for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

• • • • • •

6. Amend § 73.263 (b) (2) (15 F. R. 8317, Dec. 2, 1950) (49 CFR 73.263, 1950 Rev.) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, and sodium chlorite solution.* • • •

(b) • • •

(2) Inside containers of not more than 8-fluid ounces capacity each, resistant to lading, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

• • • • • •

7. Amend § 73.271 (a) (8) (18 F. R. 6779, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.271) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) • • •

(8) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles when tanks are lead-lined or nickel-lined. If nickel-lined, the lining shall comprise at least 1/32 inch of uncontaminated nickel at all points including rivets, welds and other joints, and edges of tank plates.

• • • • • •

8. Amend § 73.272 (b) (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.272, 1950 Rev.) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(b) Sulfuric acid solutions of not over 25 percent concentrations, in inside containers of not more than 8 ounces capacity each, resistant to the lading, packed in strong outside containers and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in event of breakage, are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight, rail express or highway. When for transportation by carrier by water they are exempt from specification packaging and labeling requirements and marking other than name of contents.

• • • • • •

9. In § 73.276 amend the heading and introductory text of paragraph (a) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.276, 1950 Rev.) to read as follows:

§ 73.276 *Anhydrous hydrazine, hydrazine solution, methylhydrazine and uns-dimethylhydrazine.* (a) Anhydrous hydrazine, hydrazine solution containing 50 percent or less of water, methylhydrazine and uns-dimethylhydrazine must be packed in specification containers as follows:

• • • • •

10. Amend § 73.277 (d) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.277, 1950 Rev.) to read as follows:

§ 73.277 *Hypochlorite solutions.* • • •

(d) Glass or earthenware container of not more than 4-fluid ounces capacity each, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

11. Amend § 73.279 (b) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.279, 1950 Rev.) to read as follows:

§ 73.279 *Anisoyl chloride.* • • •

(b) Inside containers of not more than 8-fluid ounces capacity each, resistant to lading, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

12. Amend § 73.282 (a) (1) (19 F. R. 3260, June 3, 1954) (49 CFR 73.282, 1950 Rev.) to read as follows:

§ 73.282 *Isopropyl percarbonate, stabilized.* (a) • • •

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers of not over 2 gallons capacity each which must be maintained at a temperature below 75° F. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

13. Add paragraph (a) (10) to § 73.289 (16 F. R. 11779, Nov. 21, 1951) (49 CFR 1950 Rev. 1953 Supp., 73.289) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(10) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other nonfragile plastic material resistant to the lading, not over 1 gallon capacity each, suitably cushioned to prevent movement within the box. Gross weight of complete package must not exceed 65 pounds.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.302 amend the introductory text of paragraph (a) (18 F. R. 3136, June 2, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.302) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) Compressed gases, except poisonous gases as defined by § 73.326 (a), when in accordance with either subparagraphs (1), (2), (3), (4), (5), or (6) of this paragraph, are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight, rail express, highway, and carriers by water, except that shipments by water carrier shall be subject to the marking requirements to the extent of showing the name of the contents on the packages.

• • • • •

2. Cancel Note 1 to paragraph (c) § 73.304 (19 F. R. 1279, Mar. 6, 1954) (49 CFR 73.304, 1950 Rev.).

§ 73.304 *Filling limits.* • • •

(c) • • •

(Note 1: Canceled.)

• • • • •

3. In § 73.308 amend entire Table to paragraph (a) (17 F. R. 9837, 9838, Nov. 1, 1952) (18 F. R. 5272, Sept. 1, 1953) (18 F. R. 6779, Oct. 27, 1953) (19 F. R. 1279, Mar. 6, 1954) (19 F. R. 6269, Sept. 29, 1954) (49 CFR 1950 Rev., 1953 Supp., 73.308) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (c)
Anhydrous ammonia	54	ICC–4; ICC–3AA480; ICC–3AAX480; ICC–3A480X; ICC–4AA480; ICC–4AAX480; ICC–3.
Carbon dioxide—nitrous oxide mixtures	68	ICC–3AA1800; ICC–3AAX1800; ICC–3.
Carbon monoxide. (See Note 13)		ICC–3AA1800; ICC–3AAX1800; ICC–3
Chlorine. (See Note 6)	125	ICC–3AA480; ICC–3AAX480; ICC–25, ICC–3BN480.
Cyclopropane	55	ICC–3AA225; ICC–3AA480X; ICC–3AAX225; ICC–3HB225; ICC–4A225; ICC–4AA480; ICC–4HB225; ICC–4BA225; ICC–3–300; ICC–3; ICC–3E1800.
Dichlorodifluoromethane	119	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–9.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	(2)	ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4A240; ICC–4H240; ICC–4BA240; ICC–9.
Difluoroethane	79	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Difluoromonochloroethane	100	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Dimethylamine, anhydrous	59	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Ethane	35.8	ICC–3A1800; ICC–3AA1800; ICC–3.
Ethane	36.8	ICC–3A2000; ICC–3AA2000.
Ethylene	31.0	ICC–3A1800; ICC–3AA1800; ICC–3.
Ethylene	32.5	ICC–3A2000; ICC–3AA2000.
Hydrogen chloride	60	ICC–3A1800; ICC–3AA1800; ICC–3.
Hydrogen sulfide	68	ICC–3A480; ICC–3AA480; ICC–3B480; ICC–4A480; ICC–4B480; ICC–4BA480; ICC–26–480.
Insecticide, liquefied gas. (See Note 8)	(2)	ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4B300; ICC–4BA300; ICC–9, ICC–40; ICC–41.
Liquefied carbon dioxide. (See Notes 3 and 5).	68	ICC–3A1800; ICC–3AA1800; ICC–3.
Liquefied nonflammable gases, liquids other than those classified as flammable, corrosive, or poisonous and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air. (See Note 10).	(2)	ICC–3A300; ICC–3AA300; ICC–4B300 ICC–4BA300; ICC–4D300.
Methyl chloride. (See Note 4)	84	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–3; ICC–4; ICC–25; ICC–26–300; ICC–38.
Methyl mercaptan	80	ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4BA240.
Monochlorodifluoromethane	105	ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4BA240; ICC–4H240.
Monochloropentafluoroethane	110	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225.
Monochlorotrifluoromethane	100	ICC–3A1800; ICC–3AA1800; ICC–3.
Monomethylamine, anhydrous	60	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Nitrosyl chloride	110	ICC–3HN400 only.
Nitrous oxide. (See Note 2)	68	ICC–3A1800; ICC–3AA1800; ICC–3.
Sulfur dioxide	125	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–3; ICC–4; ICC–25; ICC–26–150; ICC–38.
Sulfur hexafluoride	110	ICC–3A1800; ICC–3AA1800; ICC–3.
Tetrafluoroethylene, inhibited	(2)	ICC–3A1200; ICC–3AA1200; ICC–4B1200.
Trifluorochloroethylene	115	ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4A300; ICC–4B300; ICC–4BA300; ICC–4D300.
Trimethylamine, anhydrous	57	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Vinyl chloride, inhibited. (See Note 7)	84	ICC–4B300, without brazed seams; ICC–4BA300, without brazed seams; ICC–3A300; ICC–3AA300; ICC–25.
Vinyl methyl ether, inhibited. (See Note 7).	68	ICC–4B150, without brazed seams; ICC–4BA225, without brazed seams; ICC–3A150; ICC–3AA150; ICC–3B150; ICC–25.

[2] § 73.304 (a) and (b).

[3] § 73.304 (a) and (b) and the pressure in the container must not at 130° F. exceed 5/4 the marked service pressure of the container.

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note
	Percent	
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.)	Note 3	ICC–105A300, 105A300W, 105A500W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 105° F.)	Note 3	ICC–105A400, 105A400W, 105A500W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 105° F.)	Note 3	ICC–105A500, 105A500W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 130° F.)	Note 4	ICC–106A500, 106A500X.
Liquefied petroleum gas (pressure not exceeding 450 pounds per square inch at 105° F.)	Note 3	ICC–105A600, 105A600W, Notes 5 and 9.
Methyl chloride	84	ICC–106A500, 106A500X, Note 12.
Methyl mercaptan	80	ICC–105A300, 105A300W.
Monochlorodifluoromethane	105	ICC–105A300, 105A300W, 105A500W, Note 12.
Monochloropentafluoroethane	110	ICC–105A300, 105A300W, 105A500W, Note 12.
Monochlorotrifluoromethane	100	ICC–105A300, 105A300W, 105A500W, Note 12.
Monomethylamine, anhydrous	60	ICC–105A300, 105A300W, 105A500W, Note 12.
Nitrosyl chloride	110	ICC–106A500X, Note 12.
Nitrous oxide	Note 5	ICC–107A.
Nitrogen	Note 6	ICC–106A500, 106A500X, 105A300, 105A300W.
Nitrogen fertilizer solution	110	ICC–106A500X, Notes 12 and 17.
Nitrosyl chloride	124	ICC–105A300W, Note 15.
Oxygen	Note 5	ICC–107A.
Sulfur dioxide	125	ICC–105A300, 105A300W, 105A500W, Note 12.
	115	ICC–106A300, 106A300X, 106A500, 106A500X, Note 12.
	125	ICC–105A300, 105A300W, 105A500W, Note 12.
Trifluoroethylene, anhydrous	57	ICC–106A300, 106A300X, 106A500, 106A500X, Note 12.
Trimethylamine, anhydrous	59	ICC–105A300, 105A300W, 105A500W, Note 12.
Vinyl chloride, inhibited. (See Note 14)	84	ICC–105A300, 105A300W, 105A500W, Note 12.
Vinyl methyl ether, inhibited. (See Note 14)	68	ICC–104A, 104A–W, 105A300, 105A300W, 105A500W.

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.345 amend the introductory text of paragraph (a) (19 F. R. 1280, Mar. 6, 1954) (49 CFR 73.345, 1950 Rev.) to read as follows:

§ 73.345 *Exemptions for poisonous liquids, class B.* (a) Poisonous liquids, class B, as defined in § 73.343, except those as enumerated in paragraph (b) of this section, or as provided for in § 73.359 (c), in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water are exempt from specification packaging, marking other than name of contents, and labeling requirements:

• • • • •

2. Amend § 73.346 (a) (10) (16 F. R. 9378, Sept. 15, 1951) (49 CFR 1950 Rev. 1953 Supp., 73.346) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) • • •

(10) Spec. 103, 103W, 103A, 103A–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W (§§ 78.265, 78.280, 78.266, 78.281, 78.269, 78.284, 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, 78.289 of this chapter), or ARA–IV–A.[1] Tank cars.

• • • • •

3. Amend § 73.357 (b) (1) (17 F. R. 1562, Feb. 20, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.357) to read as follows:

§ 73.357 *Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.* • • •

(b) • • •

(1) Spec. 3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, 4BA, or 4C (§§ 78.36, 78.37, 78.38, 78.40, 78.41, 78.42, 78.49, 78.50, 78.51 or 78.52 of this chapter). Metal cylinders of not over 250 pounds water capacity

[1] Use of existing tank cars authorized, but new construction not authorized.

(No change in Notes.)

• • • • •

4. In § 73.313 amend the introductory text of paragraph (a) (15 F. R. 8327, 8328, Dec. 2, 1950) (49 CFR 73.313, 1950 Rev.) to read as follows:

§ 73.313 *Refrigerating machines.* (a) Refrigerating machines of the self-contained type containing not over 50 pounds of gas in each pressure vessel and containing not more than two charged pressure vessels, refrigerating machines of the remote-control type consisting of separate units shipped separately and each containing not over 25 pounds weight of gas, or other similar apparatus assembled for shipment containing not over 15 pounds weight of gas or liquid for their operation, when shipped under the following conditions are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight, rail express, or highway, but when for transportation by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

• • • • •

5. In § 73.314 amend the entire Table to paragraph (a) (17 F. R. 9838, Nov. 1, 1952) (18 F. R. 3136, June 2, 1953) (18 F. R. 5272, Sept. 1, 1953) (19 F. R. 1279, Mar. 6, 1954) (19 F. R. 3261, June 3, 1954) (49 CFR 1950 Rev., 1953 Supp., 73.314) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note
	Percent	
Anhydrous ammonia	50	ICC–106A300, 106A300X, Note 12.
	57	ICC–107A, 105A300, 105A300W.
	Note 5	ICC–107A.
	Note 3	ICC–104A, 104A–W, Note 9.
Argon	Note 10	ICC–105A500, 105A500W, 105A600W.
Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.), inhibited		ICC–106A300, 106A300X, Note 12.
Carbon dioxide, liquefied	125	ICC–107A, Note 11.
	125	ICC–106A300, 106A300X, Note 12.
		ICC–105A300, 105A300W, Notes 3 and 13.
Chlorine	Note 6	ICC–106A500, 106A500X, 105A300, 105A300W.
	119	ICC–106A500, 106A500X, 110A500W, Note 12.
Dichlorodifluoromethane	125	ICC–105A300, 105A300W.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	Note 6	ICC–106A300, 106A300X, Note 12.
Dichlorodifluoromethane-monofluorotrichloromethane mixture	Note 10	ICC–106A500, 106A500X, 106A600W, Note 12.
		ICC–105A300, 105A300W.
Difluoroethane	79	ICC–106A500, 106A500X, Note 12.
Difluoromonochloroethane	100	ICC–106A500, 106A500X, Note 12.
Dimethylamine, anhydrous	59	ICC–105A300, 105A300W.
	60	ICC–105A300, 105A300W.
Dimethyl ether	62	ICC–106A300, 106A300X.
	69	ICC–105A300, 105A300W.
Dispersant gas, n. o. s.	Note 15	ICC–106A500, 106A500X, Note 12.
Fertilizer ammoniating solution containing free ammonia	Note 6	ICC–106A500, 106A500X, 105A300, 105A300W.
Helium	Note 5	ICC–107A.
Hydrogen	Note 5	ICC–107A, Note 7.
Hydrogen sulfide	68	ICC–106A500, 106A500X, Notes 12 and 13.
Liquid hydrocarbon gas (pressure not exceeding 75 pounds per square inch at 105° F.)	Note 6	ICC–104A, 104A–W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 225 pounds per square inch at 105° F.)	Note 6	ICC–105A300, 105A300W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 300 pounds per square inch at 105° F.)	Note 6	ICC–105A400, 105A400W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 105° F.)	Note 6	ICC–105A500, 105A500W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 130° F.)	Note 6	ICC–106A500, 100A500X.
Liquid hydrocarbon gas (pressure not exceeding 450 pounds per square inch at 105° F.)	Note 6	ICC–105A600, 105A600W, Note 9.
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.)	Note 3	ICC–104A, 104A–W, Note 9.

(nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (see § 73.25).

• • • • •

4. Amend entire § 73.361 (17 F. R. 7283, Aug. 9, 1952) (18 F. R. 5273, Sept. 1, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.361) to read as follows:

§ 73.361 *Aldrin mixtures, liquid, with more than 60 percent aldrin.* (a) Aldrin mixtures, liquid, with more than 60 percent aldrin must be shipped in specification containers as follows:

(1) As prescribed in § 73.346.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums. Authorized only for viscous mixtures or those which may become partially solid.

(3) Spec. 17C or 17H (§ 78.115 or § 78.118 of this chapter). Metal drums (single-trip). Drums with opening exceeding 2.3 inches in diameter authorized only for viscous mixtures or those which may become partially solid.

(b) Aldrin mixtures, liquid, containing 60 percent or less aldrin and no other material classed as dangerous under these regulations are not subject to Parts 71–78 of this chapter.

5. In § 73.364 amend the introductory text of paragraph (a) (19 F. R. 1280, 1281, Mar. 6, 1954) (49 CFR 1950 Rev., 1953 Supp., 73.364) to read as follows:

§ 73.364 *Exemptions for poisonous solids, class B.* (a) Poisonous solids, class B, except beryllium metal powder; cyanides, other than as specified in § 73.370 (b) and (d); hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, other than as specified in § 73.377 (e); in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, labeling and placarding requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

• • • • •

6. In § 73.370 amend the introductory text of paragraph (b) and introductory text of paragraph (d) (18 F. R. 805, Feb. 7, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.370) to read as follows:

§ 73.370 *Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.* • • •

(b) *Cyanides, except cyanide of calcium and mixtures thereof; exemptions.* Cyanides, except cyanide of calcium and mixtures thereof (see par. (d) of this section), when packed and described as follows are exempt from specification packaging, labeling and placarding requirements:

• • • • •

(d) *Cyanide of calcium and mixtures thereof; exemptions.* Cyanide of calcium and mixtures thereof when packed and described as follows are exempt from specification packaging, labeling and placarding requirements:

• • • • •

7. Amend entire § 73.376 (17 F. R. 7283, Aug. 9, 1952) (18 F. R. 3137, June 2, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.376) to read as follows:

§ 73.376 *Aldrin mixtures, dry, with more than 65 percent aldrin.* (a) Aldrin mixtures, dry, with more than 65 percent aldrin, must be packed in specification containers as follows:

(1) As prescribed in § 73.365.

(b) Dry mixtures containing 65 percent or less aldrin, or aldrin, cast solid, and containing no other material classed as dangerous under these regulations are not subject to Parts 71–78 of this chapter.

8. Amend § 73.377 (e) (18 F. R. 5273, Sept. 1, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.377) to read as follows:

§ 73.377 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.* • • •

(e) Dry mixtures containing not more than 2 percent by weight of hexaethyl tetraphosphate, methyl parthion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, are exempt from specification packaging, marking, labeling and placarding requirements.

9. Amend § 73.393 (f) (15 F. R. 8339, Dec. 2, 1950) (49 CFR 73.393, 1950 Rev.) to read as follows:

§ 73.393 *Packing and shielding.* • • •

(f) The outside shipping container for any radioactive material unless specifically exempt by § 73.392 must be a wooden box specification 15A or 15B (§ 78.168 or § 78.169 of this chapter), fiber drum specification 21A or 21B (§ 78.222 or § 78.223 of this chapter), or a fiberboard box specification 12B (§ 78.205 of this chapter), except that equally efficient containers may be used when approved by the Bureau of Explosives.

• • • • •

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. Amend § 73.432 (a) (15 F. R. 8344, Dec. 2, 1950) (49 CFR 73.432, 1950 Rev.) to read as follows:

§ 73.432 *Tank car shipments.* (a) Tank cars containing flammable liquids having a flash point of 80° F. or below, except liquid road asphalt or tar, must not be offered for shipment unless originally consigned or subsequently reconsigned to parties having private-siding (see Note 1 of this section) or to parties using railroad-siding facilities which have been equipped for piping the liquid from tank cars to permanent storage tanks of sufficient capacity to receive contents of car.

• • • • •

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. Amend § 74.525 (b) (12) (17 F. R. 4296, May 10, 1952) (49 CFR 1950 Rev., 1953 Supp., 74.525) to read as follows:

§ 74.525 *Loading packages of explosives in cars, selection, preparation, inspection of car and certificate.* • • •

(b) • • •

(12) Except as provided in § 74.584 (h), a car must not be loaded with any explosives, class A, until it shall have been thoroughly inspected by a competent employee of the carrier who shall certify as to its proper condition under this section and shall sign certificate No. 1 prescribed in paragraph (c) (2) and (3) of this section.

• • • • •

2. Amend § 74.526 (a) (15 F. R. 8346, Dec. 2, 1950) (49 CFR 74.526, 1950 Rev.) to read as follows:

§ 74.526 *Loading explosives into cars.* (a) Boxes or other containers of class A explosives named in §§ 73.53 to 73.87 of this chapter when marked "This Side Up" must be loaded accordingly. Boxes may be loaded crosswise or lengthwise of the car, but not so that the ends of wooden boxes will bear against the sides of fiberboard boxes, or so that the end of any box will cause a high pressure on a small area of another box.

• • • • •

SUBPART D—UNLOADING FROM CARS

1. Amend § 74.560 (a) (15 F. R. 8352, Dec. 2, 1950) (49 CFR 74.560, 1950 Rev.) to read as follows:

§ 74.560 *Tank car delivery.* (a) Tank cars containing flammable liquids having a flash point of 80° F. or below, except liquid road asphalt or tar, must not be delivered unless originally consigned or subsequently reconsigned to parties having private-siding (see Note 1 of this section) or to parties using railroad-siding facilities which have been equipped for piping the liquid from tank cars to permanent storage tanks of sufficient capacity to receive contents of tank cars.

• • • • •

2. In § 74.564 amend the introductory text of paragraph (b) (15 F. R. 8353, Dec. 2, 1950) (49 CFR 74.564, 1950 Rev.) to read as follows:

§ 74.564 *Removal and disposition of explosives and other dangerous articles at destination.* • • •

(b) *Delivery at agency stations.* Carrier must require consignee to remove shipments of explosives and other dangerous articles from carrier's property within 48 hours after notice of arrival has been sent or given. Saturdays, Sundays, and holidays are not included. If not so removed, carrier must immediately dispose of the shipments as follows:

• • • • •

3. Amend § 74.566 (d) (15 F. R. 8353, 8354, Dec. 2, 1950) (49 CFR 74.566, 1950 Rev.) to read as follows:

§ 74.566 *Cleaning cars.* • • •

(d) Any railroad car which has been contaminated by radioactive material must be thoroughly cleaned by the consignee, or by a qualified authorized agent of the consignee receiving the radioactive material, in such a manner as to reduce the radiation in any part of the railroad car to not more than 10 milliroentgens in 24 hours at any time thereafter as a result of the contamination, and a certificate to that effect must be furnished to the local agent of the carrier.

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

1. Amend § 74.582 (a) (17 F. R. 4296, May 10, 1952) (49 CFR 1950 Rev., 1953 Supp., 74.582) to read as follows:

§ 74.582 *Movement to be expedited.* (a) Carriers must forward shipments of explosives and other dangerous articles promptly and within 48 hours, Saturdays, Sundays, and holidays excluded, after acceptance at originating point or receipt at any yard, transfer station, or interchange point, except that where biweekly or weekly service only is performed, shipments of explosives and other dangerous articles must be forwarded on the first available train.

• • • • •

2. Amend § 74.584 (h) (18 F. R. 6781, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 74.584) to read as follows:

§ 74.584 *Waybills, switching orders, or other billing.* • • •

(h) At stations, or other points, where other shipments of any material are loaded into a properly certified and placarded car received with shipments of explosives, or when shipments of explosives are transferred or reloaded, or carload shipments are reconsigned, a record must be kept of the car, originating point, carrier's name and date of car certificate. The blocking or bracing at these points to secure the lading must be inspected as provided in § 74.525 and certified for compliance with these regulations by the person making the inspection who shall sign the car certificates immediately below the signature which appears on certificate No. 2 of the original car certificates attached to the car.

3. Amend § 74.596 (a) and (b) (15 F. R. 8358, Dec. 2, 1950) (49 CFR 74.596, 1950 Rev.) to read as follows:

§ 74.596 *Inspection of tank cars.* (a) Placarded loaded tank cars must be inspected by the carrier before acceptance at the originating points and when received in interchange to see that they are not leaking and that the air and hand brakes, journal boxes, and trucks are in proper condition for service.

(b) Empty tank cars previously containing a dangerous article tendered for movement or when received in interchange must have manhole covers, outlet valve reducers, outlet valve caps, outlet valve cap plugs, end plugs, and plugs or caps of other openings securely in their proper places; except that heater coil inlet and outlet pipes must be left open for drainage.

• • • • •

PART 75—CARRIERS BY RAIL EXPRESS

Amend § 75.656 (a) (15 F. R. 8360, Dec. 2, 1950) (49 CFR 75.656, 1950 Rev.) to read as follows:

§ 75.656 *Removal at destination.* (a) Shipments of explosives and other dangerous articles as defined by Part 73 of this chapter which cannot be delivered within 48 hours after arrival at destination, Saturdays, Sundays, and holidays not included, or shipments which are refused by the consignee, must be promptly disposed of (1) by return to the shipper, if in proper shipping condition, or (2) by storage, provided a suitable storage place for such articles is available off the carrier's property, or (3) by sale, or (4) when necessary to safety, by destruction: *Provided*, That charged electric batteries may be held for 30 days after arrival at destination, pending delivery or disposition.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART B—LOADING AND UNLOADING

Amend § 77.835 (h) (15 F. R. 8365, Dec. 2, 1950) (49 CFR 77.835, 1950 Rev.) to read as follows:

§ 77.835 *Explosives.* • • •

(h) *Lading within body or covered, tailgate closed.* Except as provided in paragraphs (g), (k), and (m) of this section, dealing with the transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in § 73.53 (e) of this chapter, all of that portion of the lading of any motor vehicle which consists of explosives shall be contained entirely within the body of the motor vehicle, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation. Every motor vehicle transporting explosives must either have a closed body or have the body thereof covered with a tarpaulin, and in either event care must be taken to protect the load from moisture and sparks. The exterior of the cargo carrying body of every motor vehicle the date of manufacture of which is subsequent to December 31, 1955, if used for the transportation of class A or class B explosives, and of every such vehicle used after December 31, 1956 for the transportation of such explosives, shall be made of metal, including the top, sides, ends, and bottom, provided that this requirement shall not be construed so as to forbid the painting of such metal. No vehicle without a metal top shall be used for the transportation of such explosives.

• • • • •

SUBPART D—VEHICLES AND SHIPMENTS IN TRANSIT; ACCIDENTS

Add paragraph (d) to § 77.860 (15 F. R. 8371, Dec. 2, 1950) (49 CFR 77.860, 1950 Rev.) to read as follows:

§ 77.860 *Accidents; poisons.* • • •

(d) *Cleaning vehicles.* Any motor vehicle which has been contaminated by radioactive material must be thoroughly cleaned by the consignee, or by a qualified authorized agent of the consignee receiving the radioactive material, in such a manner as to reduce the radiation in any part of the motor vehicle to not more than 10 milliroentgens in 24 hours at any time thereafter as a result of the contamination, and a certificate to that effect must be furnished the carrier or to the driver of the motor vehicle.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Amend § 78.92–9 (a) (15 F. R. 8442, Dec. 2, 1950) (49 CFR 78.92–9, 1950 Rev.) to read as follows:

§ 78.92 *Specification 5P; lagged steel drums.*

• • • • •

§ 78.92–9 *Safety devices.* (a) Each container must be provided with safety devices approved as to type and location by the Bureau of Explosives and found to prevent the bursting of the normally charged container when it is placed in a fire. See § 73.124 (a) (4) of this chapter.

2. Amend § 78.116–8 (c) (15 F. R. 8449, Dec. 2, 1950) (49 CFR 78.116–8, 1950 Rev.) to read as follows:

§ 78.116 *Specification 17E; steel drums.*

• • • • •

§ 78.116–8 *Closures.* • • •

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more threads; two drainage holes of not over $\frac{5}{16}$ inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place. *Provided*, That for containers having a capacity of 12 gallons and less the seat (flange, etc.) for plug, or cap, must have two or more complete threads and plug, or cap, must have sufficient length of thread to engage two threads when screwed home with gasket in place.

3. Amend § 78.118–8 (c) (15 F. R. 8450, Dec. 2, 1950) (49 CFR 78.118–8, 1950 Rev.) to read as follows:

§ 78.118 *Specification 17H; steel drums.*

• • • • •

§ 78.118–8 *Closures.* • • •

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more threads; two drainage holes of not over $\frac{5}{16}$ inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place. *Provided*, That for containers having a capacity of 12 gallons and less the seat (flange, etc.) for plug, or cap, must have two or more complete threads and plug, or cap, must have sufficient length of thread to engage two threads when screwed home with gasket in place.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. Add § 78.205–30 (15 F. R. 8476, Dec. 2, 1950) (49 CFR 78.205–30, 1950 Rev.) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

• • • • •

§ 78.205–30 *Special box; authorized only for toy torpedoes.* (a) Must comply with this specification and the following: Must be one-piece type fabricated of double-wall corrugated fiberboard having minimum strength of 350 pounds per square inch, Mullen or Cady test. Box shall be provided with double-face lining on all sides and top and bottom pads. Gross weight not to exceed 25 pounds.

2. In § 78.222–2, paragraph (a) Table, amend the 1st figure of the 5th column to read "590" instead of "500" (19 F. R. 6275, Sept. 29, 1954) (49 CFR 78.222–2, 1950 Rev.)

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSFORTATION

Add § 78.325 (15 F. R. 8554, Dec. 2, 1950) (49 CFR 78.325, 1950 Rev.) to read as follows:

§ 78.325 *Specification MC 304; steel cargo tanks for transporting flammable liquids having vapor pressures above 18 pounds per square inch absolute at 115° F., but not classified as compressed gas.*

§ 78.325–1 *Requirements for design.* (a) Tanks shall be of seamless or welded steel construction and shall be designed and constructed in accordance with Section VIII of the ASME Boiler Construction Code, Rules for Construction of Unfired Pressure Vessels, 1950 Edition, except that Section W of the API-ASME Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1943 Edition, may be substituted for like matters covered by the ASME Code. Compliance with the following shall not be required: Paragraph UG–125 to UG–134, inclusive, of the ASME Code, and Paragraph W–601 to W–606, inclusive, of the API-ASME Code. Hereinafter either or both of the aforementioned codes will be referred to as the "Code".

§ 78.325–2 *Design working pressure.* (a) The design working pressure shall not be less than the highest of the gauge vapor pressures of the commodities to be transported therein at 115° F. nor less than three pounds per square inch gauge.

§ 78.325–3 *Material.* (a) All material utilized in the construction of the tank and appurtances shall be suitable for use with the commodity to be transported, shall not be subject to destructive attack by the contents, and shall conform to any specification in the Code. Non-malleable metals shall not be employed in the construction of valves, piping, and fittings.

§ 78.325–4 *Pipe joints.* (a) Welded pipe joints shall be used wherever possible. Joints in copper tubing shall be of the brazed type or of any equally strong metal union type. The melting point of brazing material must not be less than 1000° F. Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads.

§ 78.325–5 *Strength of piping, fittings, hose, and hose couplings.* (a) Non-welded fittings shall be extra heavy. Hose, piping, fittings and pumps shall be designed for a bursting pressure at least four times the design working pressure of the tank with which they are used and not less than four times the pressure to which, in any instance, they may be subjected in service by the action of the pump or other device (not including safety relief valves), the action of which may be to subject certain portions of the pump, tank piping or hose to pressures greater than the design working pressure of the tank. Any coupling used on hose to make connections shall be designed for a working pressure not less than 20 percent in excess of the design working pressure of the hose and shall be so designed that there will be no leakage when connected.

§ 78.325–6 *Bulkheads.* (a) Every cargo tank having a total capacity in excess of 1,500 gallons shall be divided by bulkheads into compartments none of which shall exceed 1,200 gallons except that a manufacturing tolerance of ten percent (10%) shall be allowed for capacities of individual compartments or tanks. Flat bulkheads without reinforcement by rolling, dishing, corrugating, or other equally strong means are prohibited.

(b) Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable liquids and liquids classified as nonflammable by the regulations, shall be provided with an air space between compartments. This air space shall be equipped and maintained with drainage facilities operative at all times.

§ 78.325–7 *Baffles.* (a) Every cargo tank and every compartment of a cargo tank over ninety inches in length shall be provided with baffles, the number of which shall be such that the linear distance between two adjacent baffles, or between any tank head or bulkhead and an adjacent baffle, shall in no case exceed 60 inches. The cross-sectional area of each baffle shall not be less than 80 percent of the cross-sectional area of the tank at the same point.

§ 78.325–8 *Anchoring of tank.* (a) Adequate hold down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce under concentration of stresses. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices for drawing the tank down tight on the frame of the motor vehicle, and such devices shall be designed with a factor of safety of not less than four, and shall be built to withstand loadings in any direction equal to two times the weight of the tank and attachments when filled with water.

(b) Suitable stops and anchors shall be attached to the motor vehicle and the tank to prevent relative movement between them due to starting, stopping, and turning. These steps or anchors shall be installed so as to be readily accessible for inspection and maintenance, except that lagging for lagged tanks is permitted to cover such steps and anchors.

(c) Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those covered in the Code.

§ 78.325–9 *Filling and discharge shut-off valves.* (a) Filling and discharge lines shall be provided with shut-off valves located as close to the tank outlet as is practicable. If such valves are not manually operated, they shall be of an automatic quick-closing internal valve type or an automatic shut-off type provided that if such valves are used, the lines must have a manually-operated shut-off valve located in the line ahead of the hose connection. Stop-check or excess flow valves cannot be used to satisfy the requirements of this section.

§ 78.325–10 *Gauging devices.* (a) Every cargo tank, except tanks filled by weight, shall be equipped with one or more gauging devices which shall indicate accurately the maximum permitted liquid level. Additional gauging devices may be installed but may not be used as primary controls for filling of cargo tanks. Acceptable gauging devices are the rotary tube, the adjustable slip tube, and the fixed length dip tube. Gauge glasses are not permitted to be installed on any cargo tank.

(b) All liquid level gauging devices, except those on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20 Fahrenheit degrees to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. In the event that it is impracticable to put these markings on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.

(c) A fixed length dip tube gauging device, when used, shall consist of a dip pipe of small diameter equipped with a valve at the outer end, and extending into the tank to a specified fixed length. On horizontally-mounted cylindrical tanks the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid, at a point equidistant from the heads of the tank in a vertical plane containing the longitudinal axis of the tank, reaches the maximum level permitted by these regulations. On spherical tanks and on vertically-mounted cylindrical tanks the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point on the vertical axis of the tank in its normal position reaches the maximum level permitted by the regulations in this part.

§ 78.325–11 *Safety devices* (a) Each compartment of each tank shall be provided with one or more safety devices which, unless otherwise authorized, shall be safety relief valves of the spring-loaded type, and they shall be arranged to discharge upward and unobstructed in such a manner as to prevent any impingement of escaping gas upon the tank.

(b) Safety relief valves on any tank shall be set to start to discharge at a pressure not in excess of the design working pressure of the tank and shall have a total relieving capacity sufficient to prevent a maximum pressure in the tank of more than 120 percent of the design working pressure, in accordance with Fetterly's formula. The required relieving capacity of safety relief valves for lagged tanks shall be based upon the heat input to a bare tank, except in the case of fully insulated tanks covered by a sheet metal jacket of not less than 16 gauge nominal thickness.

(c) Each safety relief valve shall be plainly and permanently marked (1) with the pressure in pounds per square inch gauge at which it is set to discharge, (2) with the actual rate of discharge of the device in cubic feet per minute of the gas at 60° F. and atmospheric pressure, and (3) with the manufacturer's name and catalogue number. The rated discharge capacity of the device shall be determined at a pressure of 120 percent of the design working pressure of the tank.

(d) Connections to safety relief valves shall be of sufficient size to provide the required rate of discharge through the safety relief valves.

(e) Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If the pressure setting or adjustment is external, the safety relief valves shall be provided with suitable means for sealing the adjustment.

(f) No shut-off valves shall be installed between the safety relief valves and the tank except, in cases where two or more safety relief valves are installed on the same tank, a shut-off valve may be used where the arrangement of the shut-off valve or valves is such as always to afford full required capacity flow through at least one safety relief valve.

(g) Connection of safety relief valve to vapor space: Safety relief valves shall have direct communication with the vapor space of the tank.

(h) Any portion of liquid piping or hose which at any time may be closed at each end must be provided with a safety relief valve to prevent excessive hydrostatic pressure. This safety relief valve must not have an intervening shut-off valve installed.

(i) Automatic excess-flow valves: Each cargo tank outlet shall be provided with a suitable automatic excess-flow valve or, in lieu thereof, may be fitted with a quick-closing internal valve actuated by an independent fluid medium or by the contents if designed, installed, and operated so as to assure against escape of the contents in event of failure of the outlet. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve, except that safety device connections and liquid level gauging devices which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening are not required to be equipped with excess-flow valves.

(j) Excess-flow valves shall be so installed and adjusted that they close automatically at the rated flows of gas or liquid as specified by the valve manufacturer.

(k) Capacity of connections to valves: The connections or lines on each side of an excess-flow valve, including valve fittings, etc., shall have a greater capacity than the rated flow of the excess-flow valve.

(l) By-pass valve: Excess-flow valves may be designed with a by-pass not to exceed a No. 60 drill size opening, to allow equalization of pressures.

(m) Utilization of stop-check valves forbidden: The use of combination stop-check valves to satisfy with one valve requirements of § 78.325–9 and of paragraphs (j) to (k) of this section is forbidden.

§ 78.325–12 *Pumps.* (a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage or other damage to the pumps or associated piping by collisions, and kept in good condition. They may be driven by motor vehicle power take-off or other mechanical, electrical, or hydraulic means. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

§ 78.325–13 *Provision for expansion and vibration.* (a) Suitable provision shall be made in every case to allow for expansion, contraction, and jarring, and to prevent excessive vibration of all pipe. Slip joints shall not be used for this purpose.

§ 78.325–14 *Tank outlets.* (a) Outlet fixtures of tanks shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.325–15 *Shear section.* (a) There shall be provided between each excess-flow valve seat or equivalent, and draw-off valve, a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the excess-flow valve seat intact in case of accident to the draw-off valve or piping.

§ 78.325–16 *Protection of piping and appurtenances.* (a) Piping, fittings, and draw-off valves projecting beyond the frame, or if the vehicle be frameless beyond the shell, shall be adequately protected by steel bumpers or other equally effective devices, against collision. Any other part of any cargo tank connected with its cargo space and similarly protruding shall be similarly protected.

§ 78.325–17 *Overturn protection.* (a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The guards shall be designed with a minimum factor of safety of four to withstand loadings in any direction equal to two times the weight of the tank and attachments when filled with water. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage facilities which will permit drainage at or near the front of the tank.

§ 78.325–18 *Test requirements.* (a) The cargo tank shall withstand without leakage a hydrostatic pressure test as prescribed in the appropriate Code under which the cargo tank was constructed. While under test pressure, the tank shall be inspected for leakage, corroded areas, bad dents, or other conditions which indicate weakness that might render the tank unsafe for transportation service, and it shall be rejected if evidence of any such unsafe condition is discovered. The tank lagging and its jacket, if installed, need not be removed unless it is found to be impossible to reach the test pressure and to maintain a condition of pressure equilibrium after the test pressure is reached during tank testing.

(b) Every tank and accessories shall be leakage tested with gas or air after installation and proved tight at not less than the design working pressure of the tank or such greater pressure as they may contain due to pump action. The requirements of this rule shall apply with equal force to all hose used on such tanks, except that such hose may be so tested either before or after installation on the tank.

§ 78.325–19 *Data report for tank.* (a) A copy of the manufacturer's data report required by the Code under which the tank is fabricated shall be retained in the files of the motor carrier as long as the cargo tank is subject to its control.

§ 78.325–20 *Marking of cargo tanks—* (a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number.[1]
Manufacturer's Name.[2]
Date of Manufacture.[2]
ICC MC 304.
Design Working Pressure--------- P. S. I. G.
Nominal Tank Capacity------- U. S. Gallons
Size of Compartments-------- U. S. Gallons

(b) *Test date markings.* The date and pressure of the last test or retest required by this specification and the due date of the next required routine test or retest shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Certification by markings.* The markings specified in paragraphs (a) and (b) of this section shall serve to certify that the information thereby set forth is correct.

APPENDIX

Section, Paragraph, and Reason for Amendment

72.5, commodity list, provides additions and amendments to keep commodity list on a current basis.

Part 73, 3d paragraph following source citation, to remove obsolete material.

73.21 (c), to prohibit the shipment of chemically unstable materials.

73.25 (a), to correct a printer's error.

73.28 (a), Note 1, to discontinue use of non-specification drums due to improved container situation.

73.31 (g), Notes 1 and 2, to extend the expiration date of periodic retests that are presently waived for certain tank cars.

73.34 (k) (11), clarification of test procedure.

73.34 (k) (13), to extend retest period for ICC 3A480 cylinders used exclusively in anhydrous ammonia service.

73.53 (a), to delete propellant explosives from definition Type 1 of class A explosives.

73.53 (b), to delete propellant explosives from definition Type 2 of class A explosives.

73.53 (v), to provide for and define class A propellant explosives, and provide a method of determination.

73.61 (d), to provide added enclosures for explosive cartridges.

73.63 (e) (2), to provide spec. 23G fiberboard box for high explosives (gelatin dynamites).

73.64, heading and (d), to provide shipping containers for propellant explosives, class A.

73.65 (b), to provide for the transportation of soda amatol, dry.

73.65 (e), (e) (2), to provide for the transportation of wet trinitrobenzoic acid.

73.65 (e) (3), to provide spec. 5B metal barrels or drums for the transportation of cyclotrimethylenetrinitramine.

73.88 (f), to define propellant explosives, class B.

73.88 (f), Note 2, to provide test for the determination of a class B propellant explosive.

73.91 (g) (1), to provide spec. 12B fiberboard box for the packaging of toy torpedoes.

73.93 (e), to provide for proper outside marking for class B propellant explosives.

73.100 (d), to incorporate specific limits in defining cordeau detonant fuse.

73.100 (s), to incorporate latest type of igniter cord in definitions and packing therefor.

73.118 (a) and (b), to provide exemption from placarding requirements for limited shipments of flammable liquids.

73.128 (c), to provide exemption from placarding requirements for limited shipments of paints and related materials.

73.129 (b), to provide exemption from placarding requirements for limited shipments of polishes, metal, stove, furniture and wood, liquid.

73.141 (a) (7), to provide tank cars of 105A type for the transportation of certain mercaptans.

73.153 (a) and (b), to provide exemption from placarding requirements for limited shipments of flammable solids and oxidizing materials.

73.176 (g), to provide exemption from placarding requirements for limited shipments of strike-on box, book and card, matches.

73.180 (b), to provide exemption from placarding requirements for certain types of motion picture film and X-ray film, unexposed.

73.181 (a), to provide exemption from placarding requirements for limited shipments of motion-picture film.

73.182, entire section to coordinate ICC and Coast Guard regulations on nitrates.

73.192 (a), to provide exemptions for certain shipments of trinitrobenzoic acid, wet.

73.193, entire section, to provide shipping containers for the transportation of trinitrobenzoic acid, over 16 oz.

73.217 (b), to provide exemption from placarding requirements for limited shipments of calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.

73.218 (a) (1), to allow contract carriers to transport isopropyl percarbonate, unstabilized.

73.220 (b), to delete reference to magnesium chunks.

73.220 (c), to provide exemption from placarding requirements for limited shipments of magnesium scrap.

73.223 (b), to provide exemption from placarding requirements for limited shipments of peracetic acid solutions not exceeding 40% strength.

73.226 (b), to provide exemption from placarding requirements for limited shipments of thorium metal, powdered.

73.229 (c), to provide exemption from placarding requirements for limited shipments of chlorate and borate mixtures and chlorate and magnesium chloride mixtures.

73.231 (a) (3), to provide spec. 17H metal drums for calcium, metallic, crystalline.

73.244 (a), to provide exemption from placarding requirements for limited shipments of acids and other corrosive liquids.

73.244 (c) (49) and (c) (50), to specify that no exemptions are allowed any quantity of shipments of methylhydrazine and uns-dimethylhydrazine.

73.247 (a) (5), to provide spec. 17C steel drums for certain corrosive liquids.

73.249 (c), to provide exemption from placarding requirements for limited shipments of alkaline corrosive liquids.

73.250 (a), to provide exemption from placarding requirements for limited shipments of electric storage batteries loaded with self-propelled vehicles.

73.260 (d), to provide exemption from placarding requirements for limited shipments of electric storage batteries containing electrolyte or corrosive battery fluid.

73.263 (b) (2), to provide exemption from placarding requirements for limited shipments of muriatic acid.

73.271 (a) (8), to provide nickel-lined cargo tanks of spec. MC 310 and MC 311 for the transportation of phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

73.272 (b), to provide exemption from placarding requirements for limited shipments of sulfuric acid.

73.276 (a), to provide for the transportation of methylhydrazine and unsdimethylhydrazine.

73.277 (d), to provide exemption from placarding requirements for limited shipments of hypochlorite solutions.

73.279 (b), to provide exemption from placarding requirements for limited shipments of anisoyl chloride.

73.282 (a) (1), to allow contract carriers to transport isopropyl percarbonate, stabilized.

73.289 (a) (10), to provide spec. 12B fiberboard box for formic acid and formic acid solutions.

73.302 (a), to provide exemption from placarding requirements for limited shipments of compressed gases.

73.304 (c), Note 1, to discontinue the 10% overfilling of certain cylinders with compressed gases other than liquefied or dissolved gases.

73.308 (a), Table, to provide spec. 3A480X and 4AA480 cylinders for cyclopropane; to provide spec. 4B240ET for monochlorodifluoromethane.

73.313 (a), to provide exemption from placarding requirements for limited shipments of refrigerating machines.

73.314 (a), Table, to provide for the transportation of vinyl methyl ether, inhibited in tank cars.

73.345 (a), to provide exemption from placarding requirements for limited shipments of poisonous liquids, class B.

73.346 (a) (10), to provide additional tank cars for the transportation of poisonous liquids not specifically provided for.

73.357 (b) (1), to provide spec. 4BA cylinders for the transportation of chlorpicrin and mixtures of chlorpicrin containing no compressed gas or poisonous liquid, class A.

73.361, entire section, to provide for the transportation of aldrin mixtures liquid, with more than 60% aldrin.

73.364 (a), to provide exemption from placarding requirements for limited shipments of poisonous solids, class B.

73.370 (b), to provide exemption from placarding requirements for limited shipments of cyanides.

73.370 (d), to provide exemption from placarding requirements for limited shipments of cyanide of calcium and mixtures thereof.

73.376, entire section, to provide for the transportation of aldrin mixtures dry, containing more than 65% aldrin.

73.377 (e), to provide exemption from placarding requirements for limited shipments of certain class B poisons.

73.393 (f), to provide spec. 21B fiber drums for the transportation of radioactive materials.

73.432 (a), to clarify the requirements authorized for offering shipments of flammable liquids in tank cars.

74.525 (b) (12), to clarify restrictions against acceptance of rail car for class A explosives.

74.526 (a), to specify loading patterns that will facilitate the loading of class A explosives.

74.560 (a), to clarify the requirements authorized for delivery of tank car shipments of flammable liquids.

74.564 (b), to exclude Saturday in counting detention when unloading dangerous goods.

74.566 (d), to make consistent with the requirements of § 73.395 (a).

74.582 (a), to exclude Saturday when counting detention in movement of dangerous goods from stations.

74.584 (h), to provide for inspection and certification of loading and bracing of explosives placed in partially loaded cars.

74.596 (a), to specify tank cars that are required to be inspected.

74.596 (b), to clarify inspection requirements pertaining to certain empty tank cars.

75.656 (a), to exclude counting Saturday when calculating detention in unloading dangerous goods.

77.835 (h), to require metal exteriors for trucks transporting explosives.

77.860 (d), to make consistent with the requirements of § 73.395 (a).

78.92–9 (a), to reference the type of safety device required on spec. 5P drum when used for the transportation of ethylene oxide.

78.116–8 (c), to provide for other thread form on closures for spec. 17E steel drum.

78.118–8 (c), to provide for other thread form on closures for spec. 17H steel drum.

78.205–30, to provide additional container of type spec. 12B fiberboard box for toy torpedoes only.

78.222–2 (a), Table, to correct an error.

78.325, entire section, to provide a new cargo tank specification for flammable liquids having vapor pressures above 18 pounds per square inch absolute at 115° F.

[F. R. Doc. 54–8028; Filed, Oct. 14, 1954; 8:45 a. m.]

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN".

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[475.443]

CLOTH CLASSIFIABLE AS WATERPROOF CLOTH

TARIFF CLASSIFICATION

The Bureau by its letter to the collector of customs at New York, New York, dated October 11, 1954, ruled that cloths of a kind which are not generally used in the manufacture of articles which are designed to afford protection against water to the extent expected in raincoats, protective sheeting, dress shields, umbrella fabrics, and similar articles, even when such cloths possess water repelling characteristics, are not properly classifiable as "waterproof cloth" within the meaning of that term as it is used in paragraph 907, Tariff Act of 1930.

Insofar as this decision results in the assessment of duty at a rate of duty higher than that which has heretofore been assessed under a uniform practice, it shall be applied only to merchandise entered, or withdrawn from warehouse, for consumption after 90 days from the date of publication of this decision in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 54–8127; Filed, Oct. 14, 1954; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 185]

WILLIAM C. CHANG

ORDER CONDITIONALLY RESTORING EXPORT PRIVILEGES

In the matter of William C. Chang, 3611 Sacramento Street, San Francisco, California, respondent; Case No. 185.

William C. Chang having complied with the provisions of paragraph V of the Order Revoking Export Licenses and Denying Export Privileges, Case No. 185 (19 F. R. 4974, August 6, 1954) by submitting to the Director of the Investigation Staff, Bureau of Foreign Commerce, an affidavit that he has fully and fairly complied with all terms thereof during the period from August 2, 1954 until October 2, 1954, and that he has not during such period knowingly violated any provision of the Export Control Act of 1949, as amended, or any regulations issued thereunder; and no facts having been brought to the attention of the Bureau of Foreign Commerce demonstrating to the contrary, all export privileges are hereby restored to him, and the remaining period of suspension under the said order shall be held in abeyance subject to the terms and conditions of paragraph V of the said order.

Dated: October 12, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54–8099; Filed, Oct. 14, 1954; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1777733]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM TUCUMCARI PROJECT

OCTOBER 11, 1954.

An order of the Bureau of Reclamation of December 29, 1950, concurred in by the Assistant Director, Bureau of Land Management, May 3, 1951, revoked the Departmental orders of June 21, 1939 and August 11, 1944, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described lands in connection with the Tucumcari Project, New Mexico, and provided that such revocation should not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 N., R. 30 E., Sec. 5, NW¼SW¼.
T. 10 N., R. 32 E., Sec. 2, NE¼SW¼.
T. 12 N., R. 33 E., Sec. 29, E½NW¼.
T. 13 N., R. 33E., Sec. 16, SW¼SW¼.

The areas described aggregate 200 acres.

The land in T. 11 N., R. 30 E., is located about four miles northwest of Tucumcari, New Mexico. This land lies on a rough and rocky mesa suitable only for grazing. Vegetation consists of tobosa grass, a trace of grama, and considerable yucca.

The land in T. 10 N., R. 32 E., is situated three miles south and 12 miles east of Tucumcari on a river terrace adjacent to Barranca Creek. The tract has an elevation of about 3,900 feet, and lies in the 16 inch rainfall belt. The topography is level, and the soil is sandy loam, terrace soil with slightly heavier subsoil. None of the tract or adjacent lands appear to have been cultivated. The area supports a good stand of perennial grasses which makes the tract valuable for grazing.

The land in T. 12 N., R. 33 E., is located four miles north and 14 miles east of Tucumcari on an escarpment facing the Tucumcari Creek. The tract has an elevation of about 4,000 feet, and lies in the 16 inch rainfall belt. It is dominated by rough and rocky terrain and extensive outcrops of a sterile maroon shale. About 15 acres of level land in the valley floor support a sparse cover of salt-tolerant grass, and 8 acres on the rim, some vegetation. The remainder of the tract is essentially barren. The land is used for limited grazing and is not suited to cultivation.

The land in T. 13 N., R. 33 E., is located one mile south and two miles west of the Town of Logan, New Mexico. It is located on a terrace of the Canadian River and has a level to rolling topography. The area has an elevation of about 4,000 feet, and lies in the 16 inch rainfall belt. The tract is at present used for grazing.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the restored lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same lands shall be treated as

though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

W. G. GUERNSEY,
Associate Director.

[F. R. Doc. 54-8100; Filed, Oct. 14, 1954; 8:45 a. m.]

Office of the Secretary

[Order 2771]

SOUTHWESTERN POWER ADMINISTRATION

MARKETING OF ELECTRIC POWER AND ENEGRY; ACTING ADMINISTRATOR

OCTOBER 8, 1954.

SECTION 1. *Designation as marketing agency.* The Southwestern Power Administration is designated as the agency to market available surplus electric power and energy generated at the following sources pursuant to the act of December 22, 1944 (58 Stat. 887):

Blakeley Mountain.
Denison.
Narrows.
Norfolk.
Bull Shoals.
Table Rock.
Fort Gibson.
Tenkiller Ferry.
Whitney.

SEC. 2. *Contracts.* The Southwestern Power Administrator may, subject to the applicable provisions of the act of December 22, 1944, enter into contracts for the sale or interchange of electric power and energy in the performance of the functions assigned by section 1 of this order. The Administrator may, in writing, redelegate to officers and employees of the Administration the authority granted in this section.

SEC. 3. *Designation of Acting Administrator.* (a) The Assistant Administrator is authorized to perform the duties of the Administrator, in case of the death, resignation, absence or sickness of the Administrator.

(b) The Chief, Division of Administrative Services is authorized to perform the duties of the Administrator, in case of the death, resignation, absence or sickness of the Administrator and the Assistant Administrator.

(c) The Chief, Division of Operations and Engineering is authorized to perform the duties of the Administrator, in case of the death, resignation, absence or sickness of the Administrator, the Assistant Administrator, and the Chief, Division of Administrative Services.

(d) The Chief, Division of Rates and Customer Service is authorized to perform the duties of the Administrator, in case of the death, resignation, absence or sickness of the Administrator, the Assistant Administrator, the Chief, Division of Administrative Services, and the Chief, Division of Operations and Engineering.

(e) An officer performing under the authority of this section shall sign all documents under the title "Acting Administrator."

SEC. 4. *Revocation.* Orders Nos. 2135 (10 F. R. 14527), 2498 as amended (13 F. R. 6891; 16 F. R. 473, 9199; 17 F. R. 4715), and 2671 are revoked.

(Sec. 2, Reorg. Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z-15, note)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 54-8103; Filed, Oct. 14, 1954; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11101, 11102; FCC 54M-1256]

GREENWOOD BROADCASTING CO., INC., AND CHEROKEE BROADCASTING CO.

NOTICE OF PRE-HEARING CONFERENCE

In re applications of Greenwood Broadcasting Company, Inc., Chattanooga, Tennessee, Docket No. 11101, File No. BP-9133; Max M. Blakemore and E. C. Blakemore d/b/a Cherokee Broadcasting Company, Murphy, North Carolina, Docket No. 11102, File No. BP-9210; for construction permit.

Notice is hereby given that, pursuant to §§ 1.813 and 1.841 (c) of the Commission's rules, as amended, a pre-hearing conference will be held at the office of the undersigned Hearing Examiner in Room 1702, Tempo T. Building, Washington, D. C., beginning at 4:00 p. m., Friday, October 15, 1954, on the applications in the above-entitled consolidated proceeding, for the purpose of considering the following matters:

(1) Narrowing the issues or the areas of inquiry and proof at the hearing;

(2) Admissions of fact and of documents which will avoid unnecessary proof;

(3) Reports and letters relating to surveys or contracts;

(4) Assumptions regarding the availability of equipment;

(5) Network programming;

(6) Assumptions regarding the availability of networks proposed;

(7) Offers of letters in general;

(8) The method of handling evidence relating to the past cooperation of existing stations owned and/or operated by the applicants with organizations in the area;

(9) Proof of contracts, agreements, or understandings reduced to writing;

(10) Stipulations;

(11) Need for depositions;

(12) The numbering of exhibits;

(13) The order of offer of proof with relationship to docket number;

(14) The date for the exchange of exhibits between the applicants, as required by Section 1.841, *supra;*

(15) Such other matters as will be conducive to an expeditious conduct of the hearing.

No witnesses will be examined on the date indicated and the record will not be opened.

Dated this 11th day of October 1954 at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HUGH B. HUTCHISON,
Hearing Examiner.

[F. R. Doc. 54-8147; Filed, Oct. 14, 1954; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2340, G-2341]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS EASTERN PENN-JERSEY TRANSMISSION CORP.

NOTICE OF ORDER APPROVING FORM OF LEASE, DIRECTING FILING AND TERMINATING PROCEEDINGS

OCTOBER 11, 1954.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-2340; Texas Eastern Penn-Jersey Transmission Corporation, Docket No. G-2341.

Notice is hereby given that on October 1, 1954, the Federal Power Commission issued its order adopted September 29, 1954, approving form of lease and directing filing, and terminating proceedings in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8108; Filed, Oct. 14, 1954; 8:47 a. m.]

[Docket Nos. G-2559, G-2565]

WISCONSIN SOUTHERN GAS CO. AND GEORGIA GAS CO.

NOTICE OF DECLARATIONS OF EXEMPTIONS

OCTOBER 11, 1954.

In the matters of Wisconsin Southern Gas Company, Docket No. G-2559; Georgia Gas Company, Docket No. G-2565.

Notice is hereby given that on October 1, 1954, the Federal Power Commission issued its declarations of exemptions from the provisions of the Natural Gas Act adopted September 29, 1954, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8109; Filed, Oct. 14, 1954; 8:47 a. m.]

[Docket No. G-2886]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

OCTOBER 11, 1954.

United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed on September 21, 1954, an application for a certificate of public convenience and necessity authorizing the sale of natural gas to Willmut Gas and Oil Company for resale in Braxton, Mississippi, and the construction and operation of necessary tap and metering facilities on its 8-inch Jackson-Hattiesburg line to make the deliveries. The metering facilities Applicant proposes to install will be capable of measuring a maximum of 90 Mcf per day.

Applicant proposes to finance the estimated cost of the proposed facilities out of current working funds.

Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, § 1.8 or § 1.10 (18 CFR 1.8 or 1.10) on or before the 29th day of October 1954.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8110; Filed, Oct. 14, 1954; 8:48 a. m.]

[Docket No. ID-1128]

ARNOLD HOGAN

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

OCTOBER 11, 1954.

Notice is hereby given that on October 4, 1954, the Federal Power Commission issued its order adopted October 1, 1954, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8111; Filed, Oct. 14, 1954; 8:48 a. m.]

[Projects Nos. 2148, 2149]

PUGET SOUND POWER & LIGHT CO. AND PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASH.

CORRECTION OF NOTICE CONCERNING PRELIMINARY PERMITS

OCTOBER 11, 1954.

Notice is hereby given that on September 22, 1954, the Federal Power Commission issued its orders adopted September 17, 1954, in the above-entitled matters, denying application for preliminary permit for Project No. 2148 and issuing preliminary permit for Project No. 2149.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8107; Filed, Oct. 14, 1954; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

REVISED DELEGATION OF AUTHORITY, WITH RESPECT TO CONTRACTS FOR PROCUREMENT OF PUBLIC UTILITY SERVICES FOR PERIODS NOT EXCEEDING TEN YEARS

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 383; 64 Stat. 591), authority is hereby delegated to the Secretary of Defense to enter into contracts for public utility services (power, gas, water, and communications) for periods extending beyond a current fiscal year but not exceeding ten years, under one or more of the following circumstances:

(a) Where there are obtained lower rates, larger discounts or more favorable conditions of service than those available under contracts the firm term of which would not extend beyond a current fiscal year;

(b) Where connection or special facility charges payable under contracts the firm term of which would not extend beyond a current fiscal year are eliminated or reduced;

(c) The utility refuses to render the desired service except under a contract the firm term of which extends beyond a current fiscal year.

2. Copies of, and other pertinent data and information with respect to such contracts executed by the Department of Defense for such utility services under the authority of this delegation will be furnished to the General Services Administration unless distribution thereof is inadvisable for reasons of security.

3. This authority shall be exercised strictly in accordance with the applicable provisions of the "Statement of areas of understanding between the Department of Defense and General Services Administration" entitled "Procurement of Utility Services (Power, Gas, Water) (15 F. R. 8227), and "Procurement of Communication Services" (15 F. R. 8226).

4. The authority herein delegated may be redelegated to any officer, official or employee within the Department of Defense.

5. This delegation of authority shall be effective as of the date hereof, and supersedes prior delegation of August 14, 1951 (16 F. R. 8309).

Dated: October 11, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54-8156; Filed, Oct. 13, 1954; 4:28 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3206]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF EXTENSION OF BANK LOAN AGREEMENT

OCTOBER 11, 1954.

On March 22, 1954, the Commission issued its order herein pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") permitting a declaration to become effective regarding a credit agreement between Arkansas Louisiana Gas Company ("Arkansas"), a public-utility subsidiary of Cities Service Company, a registered holding company and Guaranty Trust Company of New York ("Guaranty"). Under such credit agreement, which was entered into on March 25, 1954, Arkansas has the right to borrow on or prior to November 1, 1954, up to $8,500,000 at 3¼ percent per annum. Arkansas has borrowed $1,000,000 thereunder and expects to borrow an additional $4,000,000 thereunder on or prior to November 1, 1954. Arkansas has filed an amended declaration pursuant to sections 6 (a) and 7 of the act proposing to enter into a letter agreement with Guaranty providing in substance for the extension to August 1, 1955, of the portion of Guaranty's commitment under the credit agreement not exceeding $3,500,000 as is unused on November 1, 1954. The letter agreement will provide that Arkansas pay a commitment fee equal to ½ of 1 percent per annum on the daily average amount of the commitment as remains unborrowed during the period from November 1, 1954, to August 1, 1955. Any amounts borrowed will mature February 1, 1956.

Notice is further given that any interested person may, not later than October 26, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, and the nature of his interest and the issues of fact or law raised by said amended declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after October 28, 1954, said amended declaration, as filed or as amended, may be permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions, as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8105; Filed, Oct. 14, 1954; 8:47 a. m.]

[File No. 70-3301]

BLACKSTONE VALLEY GAS AND ELECTRIC CO. ET AL.

NOTICE OF PROPOSED ISSUANCE AND SALE OF SHORT-TERM PROMISSORY NOTES BY SUBSIDIARIES TO BANKS AND PARENT

OCTOBER 11, 1954.

In the matter of Blackstone Valley Gas and Electric Company, Brockton Edison Company, Eastern Utilities Associates; File No. 70-3301.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its public-utility subsidiaries, Blackstone Valley Gas and Electric Company ("Blackstone") and Brockton Edison Company ("Brockton"), have filed a joint application-declaration pursuant to sections 7, 10, and 12 (f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules U-42 (b) (2) and U-43 promulgated thereunder with respect to the following proposed transactions:

Blackstone and Brockton propose to borrow $870,000 and $1,100,000, respectively, from banks and EUA on or before July 31, 1955, such borrowings to be evidenced by unsecured promissory notes maturing on July 31, 1955. Such notes will bear interest for the initial quarter at the prime rate at the time of issuance as charged by banks for similar loans which, according to the filing, is 3 percent per annum at the present time and such notes may be prepaid, in whole or in part, without penalty prior to maturity. For subsequent quarterly periods the interest rate will be the prime rate in effect at the beginning of each such period.

The proceeds of said borrowings will be used to pay outstanding bank loan indebtedness, at or prior to maturity, or to pay for hurricane damage or for construction expenditures.

The application - declaration states that no fees, expenses, or other remuneration are to be paid in connection with the proposed transactions except legal fees and disbursements of counsel for Blackstone and Brockton. The application-declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Applicants-declarants request that this Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than October 25, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended hereafter, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8106; Filed, Oct. 14, 1954; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SOCIETE ANONYME DOGNIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Anonyme Dognin, Villeurbanne (Rhone) France, Claim No. 41698; property described in Vesting Order No. 667 (8 F. R. 4995, April 17, 1943), relating to United States Letters Patent Nos. 2,039,419 and Reissue 20,809; 2,058,989; 2,066,298; and 2,231,808.

Executed at Washington, D. C., on October 6, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-8129; Filed, Oct. 14, 1954; 8:51 a. m.]

SOCIETE PRODUITS CHIMIQUES "LION NOIR" PRODUITS D'ENTRETIEN "LION NOIR-ECLIPSE"

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Produits Chimiques "Lion Noir" Produits d'Entretien "Lion Noir-Eclipse", Paris, France; Claim No. 41689; property described in Vesting Order No. 255 (7 F. R. 8903, November 3, 1942), relating to United States Trademark Registration Nos. 161,629; 161,630 and 161,631.

Executed at Washington, D. C., on October 6, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-8130; Filed, Oct. 14, 1954; 8:51 a. m.]

ANDRE VICTOR LEON CLEMENT DEBRIE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Andre Victor Leon Clement Debrie, Paris, France; Claim No. 41389; property described in Vesting Order No. 666 (8 F. R. 5027, April 17, 1943), relating to United States Letters Patent Nos. 1,907,253; 1,988,981; 2,061,562; 2,106,115; 2,127,768; and 2,191,849.

Executed at Washington, D. C., on October 6, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-8131; Filed, Oct. 14, 1954; 8:51 a. m.]

KUNIGUNDE LEITNER AND ROSALIA OFNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kunigunde Leitner, Leoben, Steiermark, Austria; $483.95 in the Treasury of the United States;

Rosalia Ofner, St. Marein, Steiermark, Austria; $483.95 in the Treasury of the United States; Claim No. 41207, Vesting Order No. 2678.

Executed at Washington, D. C., on October 6, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-8132; Filed, Oct. 14, 1954; 8:51 a. m.]

BERNARD FIRSZT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bernard Firszt, Tel Aviv, Israel; Claim No. 57708, Vesting Order No. 693; $430.69 in the Treasury of the United States.

Executed at Washington, D. C., on October 6, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-8133; Filed, Oct. 14, 1954; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29794]

LIGHTING FIXTURES, FLUORESCENT, FROM CEDARS AND STOUT, MISS., TO PACIFIC COAST TERRITORY

APPLICATION FOR RELIEF

OCTOBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Lighting fixtures, fluorescent, and related articles, carloads.

From: Cedars and Stout, Miss.

To: Pacific coast territory.

Grounds for relief: Rail competition, circuity, market competition, and to maintain grouping.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. 1559, supp. 62.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8117; Filed, Oct. 14, 1954; 8:49 a. m.]

[4th Sec. Application 29796]

SCRAP IRON FROM ST. LOUIS, MO., AND EAST ST. LOUIS, ILL., TO EMCO, ALA.

APPLICATION FOR RELIEF

OCTOBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1329, pursuant to fourth-section order No. 16101.

Commodities involved: Scrap iron or steel, carloads.

From: St. Louis, Mo., and East St. Louis, Ill.

To: Emco, Ala.

Grounds for relief: Rail competition, circuity, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8116; Filed, Oct. 14, 1954; 8:48 a. m.]

[4th Sec. Application 29795]

STEEL OR WROUGHT IRON PIPE FROM OFFICIAL, WESTERN TRUNKLINE, SOUTHERN AND SOUTHWESTERN TERRITORIES TO TEXAS POINTS

APPLICATION FOR RELIEF

OCTOBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Steel or wrought iron pipe and related articles, carloads.

From: Points in official, western trunk-line, southern and southwestern territories.

To: McCamey, Odessa and Warfield, Tex., and adjacent points in Texas.

Grounds for relief: Rail competition, circuity, market competition, to maintain grouping, and additional destinations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4116, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8118; Filed, Oct. 14, 1954; 8:49 a. m.]

[4th Sec. Application 29797]

ENGINES, STEAM OR INTERNAL COMBUSTION, FROM DETROIT, MICH., TO ENTERPRISE, ALA.

APPLICATION FOR RELIEF

OCTOBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Engines, steam or internal combustion; traction or tractors, steam or internal combustion, carloads.

From: Detroit, Mich.

To: Enterprise, Ala.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8119; Filed, Oct. 14, 1954; 8:49 a. m.]

[4th Sec. Application 29798]

CONTAINERS FROM NILES, WARREN AND NORTH WARREN, OHIO, TO NEW YORK AND MAINE

APPLICATION FOR RELIEF

OCTOBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No.

4542, pursuant to fourth-section order No. 17220.

Commodities involved: Containers, cans, sheet iron or steel, with or without equipment, carloads.

From: Niles, Warren and North Warren, Ohio.

To: Brooklyn and New York, N. Y., and Lucaston, Maine.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8120; Filed, Oct. 14, 1954; 8:49 a. m.]

[4th Sec. Application 29799]

AUTOMOBILE BODIES FROM CHICAGO, ILL., TO NORFOLK, VA., AND FROM IONIA, MICH., TO METUCHEN, N. J.

APPLICATION FOR RELIEF

OCTOBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Bodies, automobile, carloads.

From: Ionia, Mich., to Metuchen, N. J., and from Chicago, Ill., to Norfolk, Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8121; Filed, Oct. 14, 1954; 8:49 a. m.]

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THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

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VOLUME 19 NUMBER 202

Washington, Saturday, October 16, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corportation, Department of Agriculture

PART 402—POLICY FOR CERTAIN COMMODITIES AVAILABLE FOR SALE

The regulations published in 15 F. R. 1583, 18 F. R. 176 and 19 F. R. 1593 are hereby revised and reissued to read as follows:

Sec.
402.101 General.
402.102 Submission of offers, terms and conditions.
402.103 Information.
402.104 Other sales.

AUTHORITY: §§ 402.101 to 402.104 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 68 Stat. 901.

§ 402.101 *General.* Notice is hereby given of the policy of the Commodity Credit Corporation to facilitate sales in private trade channels of commodities acquired under the Corporation's price support programs by the issuance of monthly lists announcing various quantities of such commodities available for sale and containing information as to the price thereof. Those commodities available for export at reduced prices will be set forth in an export price list. Commodities not so listed, but listed on a domestic price list for unrestricted use, may be obtained for export at the domestic price. The lists may vary from month to month as additional commodities become available and as other commodities formerly available are dropped, and such lists may not necessarily be inclusive of all commodities which the Corporation may have available at any time. The lists are to be issued for the purpose of public information and shall not be deemed to constitute an offer to sell by Commodity Credit Corporation.

§ 402.102 *Submission of offers, terms and conditions.* The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any commodities on the current lists. Offers accepted by Commodity Credit Corporation will be subject to terms and conditions prescribed by the Corporation. These terms include, among others, payment by cash or irrevocable letter of credit before delivery of the commodity, removal of the commodity from Commodity Credit Corporation storage within a reasonable period of time, and, in sales for export, proof of exportation.

§ 402.103 *Information.* The terms and conditions of sale with respect to any commodity appearing on the monthly lists will be furnished upon request, addressed to the Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C.

§ 402.104 *Other sales.* The general policy of Commodity Credit Corporation of making sales on a competitive or negotiated basis will continue to apply to all sales not covered by this announcement. Inquiries with respect to such sales may be addressed to the Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C.

Issued: October 12, 1954.

[SEAL] WALTER C. BERGER, *Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 54-8172; Filed, Oct. 15, 1954; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 722—COTTON

PROCLAMATION RELATING TO NATIONAL MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR 1955 CROP OF UPLAND COTTON

Sec.
722.601 Basis and purpose.
722.602 Findings and determinations with respect to a national marketing quota for the 1955 crop of cotton.
722.603 Determination of a national acreage allotment for the 1955 crop of cotton.

AUTHORITY: §§ 722.601 to 722.603 issued under sec. 375, 52 Stat. 66, as amended;

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FEDERAL REGISTER

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7 U. S. C. 1375. Interpret or apply secs. 301, 341–348, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1341–1348.

§ 722.601 *Basis and purpose.* (a) This proclamation is issued to announce findings made by the Secretary of Agriculture with respect to the total supply and the normal supply of upland cotton for the marketing year beginning August 1, 1954, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national acreage allotment for the 1955 crop of upland cotton are required under the provisions of the Agricultural Adjustment Act of 1938, as amended (referred to herein as the "act"). The term "upland cotton" (referred to herein as "cotton") and the data appearing in §§ 722.602 and 722.603 do not include extra long staple cotton described in section 347 (a) of the act or similar types of such cotton which are imported. Section 342 of the act provides, in part, that, whenever during any calendar year the Secretary determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year. Whenever a national marketing quota is proclaimed, the Secretary is required by section 344 (a) of the act to determine and proclaim a national acreage allotment for the crop of cotton to be produced in the next calendar year. The act further provides that the proclamation with respect to a national marketing quota shall be made not later than October 15 of the calendar year in which the determinations relating thereto are made.

(b) The terms "total supply", "carry-over", and "normal supply", as they relate to cotton, are defined in section 301 of the act as follows:

"Total supply" of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

"Normal supply" of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carry-over.

(c) The findings and determinations made by the Secretary are contained in §§ 722.602 and 722.603 and have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and determinations, notice was published in the FEDERAL REGISTER (19 F. R. 5915) in accordance with the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary was preparing to examine the supply situation with respect to cotton to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto, postmarked not later than 15 days from the date of publication of the notice, which was September 11, 1954. All written expressions submitted pursuant to such notice have been duly considered in connection with making the findings and determinations.

§ 722.602 *Findings and determinations with respect to a national marketing quota for the 1955 crop of cotton—*(a) *Total supply.* The total supply of cotton for the marketing year beginning August 1, 1954 (in terms of running bales or the equivalent), is 21,487,052 bales, consisting of (1) a carry-over on August 1, 1954, of 9,048,052 bales, (2) estimated production from the 1954 crop of 12,389,000 bales, and (3) estimated imports into the United States during the marketing year beginning August 1, 1954, of 50,000 bales.

(b) *Normal supply.* The normal supply of cotton for the marketing year beginning August 1, 1954 (in terms of running bales or the equivalent), is 17,680,000 bales, consisting of (1) estimated domestic consumption for the marketing year beginning August 1, 1954, of 9,100,000 bales, (2) estimated exports during the marketing year beginning August 1, 1954, of 4,500,000 bales, and (3) 30 percent of the sum of subparagraphs (1) and (2) of this paragraph as an allowance for carry-over, or 4,080,000 bales.

(c) *National marketing quota.* It is hereby determined and proclaimed that the total supply of cotton for the marketing year beginning August 1, 1954, will exceed the normal supply of cotton for such marketing year. Therefore, a national marketing quota shall be in effect for the crop of cotton produced in the calendar year 1955. It is further determined and proclaimed that the amount of the national marketing quota for the 1955 crop of cotton shall be 10,000,000 bales (standard bales of 500 pounds gross weight). The amount of such quota has been determined under section 342 of the act which, in effect, provides that the 1955 quota shall be the larger of the following:

(1) The number of bales of cotton (standard bales of 500 pounds gross weight) adequate, together with (i) the estimated carry-over at the beginning of the 1955–56 marketing year and (ii) the estimated imports during the 1955–56 marketing year, to make available a normal supply of cotton. The number of bales of cotton determined under this provision is 9,742,948 bales.

(2) The number of bales of cotton (standard bales of 500 pounds gross weight) equal to the smaller of (i) 10,000,000 bales, or (ii) 1,000,000 bales less than the estimated domestic consumption plus exports of cotton for the marketing year ending July 31, 1954. The number of bales of cotton determined under subdivision (ii) of this subparagraph (2) would be 11,354,526 bales. Therefore, the smaller of subdivisions (i) and (ii) of this subparagraph would be 10,000,000 bales.

§ 722.603 *Determination of national acreage allotment for the 1955 crop of cotton.* It is hereby further determined and proclaimed that a national acreage allotment shall be in effect for the crop of cotton produced in the calendar year 1955. The amount of such national acreage allotment shall be 18,113,208 acres. The amount of such national acreage allotment has been determined under section 344 (a) of the act, which provides that the national acreage allotment for cotton shall be that acreage, based upon the national average yield per acre of cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop on amount of cotton equal to the national marketing quota.

Done at Washington, D. C., this 14th day of October 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54-8196; Filed, Oct. 14, 1954; 3:59 a. m.]

PART 722—COTTON

PROCLAMATION RELATING TO NATIONAL MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR 1955 CROP OF EXTRA LONG STAPLE COTTON

Sec.
722.1201 Basis and purpose.
722.1202 Findings and determinations with respect to a national marketing quota for the 1955 crop of extra long staple cotton.
722.1203 Determination of a national acreage allotment for the 1955 crop of extra long staple cotton.

AUTHORITY: §§ 722.1201 to 722.1203 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 341–348, 53 Stat. 38, as amended, Pub. Law 117, 83d Cong.; 7 U. S. C. 1301, 1341–1348.

§ 722.1201 *Basis and purpose.* (a) This proclamation is issued to announce findings made by the Secretary of Agriculture with respect to the total supply and the normal supply of extra long staple cotton for the marketing year beginning August 1, 1954, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national acreage allotment for the 1955 crop of extra long staple cotton are required under the provisions of the Agricultural Adjustment Act of 1938, as amended (referred to herein as the "act"). (b) The term "extra long staple cotton", as used in § 722.1202 (a) and (b), means the kinds of cotton described in section 347 (a) of the act, including all American-Egyptian cotton, Sea Island cotton in both the continental United States and Puerto Rico, and Sealand cotton, and all imports of similar type cotton produced in Egypt and Peru. The term "extra long staple cotton", as used in §§ 722.1202 (c) and 722.1203, means the kinds of cotton described in section 347 (a) of the act. The term "carry-over" as used herein does not include the stocks of extra long staple cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act. Section 347 (c) of the act provides that, with certain exceptions, all provisions of the act shall, insofar as applicable, apply to marketing quotas and acreage allotments for extra long staple cotton.

(c) The terms "total supply", "carry-over", and "normal supply", as they relate to cotton, are defined in section 301 of the act as follows:

"Total supply" of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

"Normal supply" of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carry-over.

(d) Section 347 (b) of the act provides that whenever during any calendar year, not later than October 15, the Secretary of Agriculture determines that the total supply of extra long staple cotton for the marketing year beginning in such calendar year will exceed the normal supply thereof for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect

for the crop of such cotton produced in the next calendar year. Whenever a national marketing quota is proclaimed under the act, the Secretary is also required to determine and proclaim a national acreage allotment for the crop to be produced in the next calendar year.

(c) The findings and determinations made by the Secretary are contained in §§ 722.1202 and 722.1203 and have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and determinations, notice was published in the FEDERAL REGISTER (19 F. R. 6043) in accordance with the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary was preparing to examine the supply situation with respect to extra long staple cotton to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto, postmarked not later than 15 days from the date of publication of such notice, which was September 18, 1954. All written expressions submitted pursuant to such notice have been duly considered in connection with making the findings and determinations.

§ 722.1202 *Findings and determinations with respect to a national marketing quota for the 1955 crop of extra long staple cotton*—(a) *Total supply.* The total supply of extra long staple cotton for the marketing year beginning August 1, 1954 (in terms of running bales or the equivalent) is 279,907 bales, consisting of (1) a carryover on August 1, 1954, of 152,907 bales, (2) estimated production from the 1954 crop of 27,000 bales, and (3) estimated imports into the United States during the marketing year beginning August 1, 1954, of 100,000 bales.

(b) *Normal supply.* The normal supply of extra long staple cotton for the marketing year beginning August 1, 1954 (in terms of running bales or the equivalent), is 130,000 bales, consisting of (1) estimated domestic consumption for the marketing year begining August 1, 1954, of 100,000 bales, (2) estimated exports during the marketing year beginning August 1, 1954, of none, and (3) 30 percent of the sum of subparagraphs (1) and (2) of this paragraph as an allowance for carry-over, or 30,000 bales.

(c) *National marketing quota.* It is hereby determined and proclaimed that the total supply of extra long staple cotton for the marketing year beginning August 1, 1954, will exceed the normal supply of such cotton for such marketing year by more than 8 per centum. Therefore, a national marketing quota shall be in effect for the crop of extra long staple cotton produced in the calendar year 1955. It is further determined and proclaimed that the amount of the national marketing quota for the 1955 crop of extra long staple cotton shall be 30,000 bales of cotton (standard bales of 500 pounds gross weight). Under section 347 (b) of the act, the amount of the national marketing quota in terms of the quantity of cotton needed to make available a normal supply, taking into account the estimated carry-over on August 1, 1955, and the estimated imports during the 1955–56 marketing year, would be substantially smaller than 30,000 bales. However, section 347 (b) of the act also provides that the national marketing quota for the 1955 crop of extra long staple cotton shall not be less than the larger of 30,000 bales or the number of bales equal to 30 per centum of the estimated domestic consumption plus exports for the 1954–55 marketing year.

§ 722.1203 *Determination of national acreage allotment for the 1955 crop of extra long staple cotton.* It is hereby determined and proclaimed that the national acreage allotment for the 1955 crop of extra long staple cotton shall be 46,154 acres. The amount of such national acreage allotment has been determined under section 344 (a) of the act, which provides that the national acreage allotment shall be that acreage, based upon the national average yield per acre of cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop an amount of cotton equal to the national marketing quota.

Done at Washington, D. C., this 14th day of October 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54-8195; Filed, Oct. 14, 1954; 3:59 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 26]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.326 *Valencia Orange Regulation 26*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on October 14, 1954, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 17, 1954, and ending at 12:01 a. m., P. s. t., October 24, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 369,600 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified in this section.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 15, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8219; Filed, Oct. 15, 1954; 11:26 a. m.]

[Orange Reg. 264]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.698 *Orange Regulation 264*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than October 18, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are currently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until October 18, 1954; the recommendation and supporting information for continued regulation subsequent to October 17, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 18, 1954, and ending at 12:01 a. m., e. s. t., November 1, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida oranges (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 13, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8168; Filed, Oct. 15, 1954; 8:50 a. m.]

[Grapefruit Reg. 210]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.699 *Grapefruit Regulation 210*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than October 18, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until October 18, 1954; the recommendation and supporting information for continued regulation subsequent to October 17, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 18, 1954, and ending at 12:01 a. m., e. s. t., November 1, 1954, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iv) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2," "Standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 13, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8170; Filed, Oct. 15, 1954; 8:51 a. m.]

[Tangerine Reg. 150]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.700 *Tangerine Regulation 159*—(a) *Findings.* (1) Pursuant to the mar-

keting agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than October 18, 1954. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until October 18, 1954; the recommendation and supporting information for continued regulation subsequent to October 17, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 18, 1954, and ending at 12:01 a. m., e. s. t., November 1, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 150 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 13, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8169; Filed, Oct. 15, 1954; 8:51 a. m.]

[Lemon Reg. 559]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.666 *Lemon Regulation 559*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 13, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 17, 1954, and ending at 12:01 a. m., P. s. t., October 24, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 225 carloads;

(iii) District 3: 15 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 14th day of October 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[Storage date: October 10, 1954]

DISTRICT NO. 2

[12:01 a. m. October 17, 1954, to 12:01 a. m. October 31, 1954]

Handler	Prorate base (percent)
Total	100.000
American National Foods, Inc., Corona	.091
American National Foods, Inc., Fullerton	.165
American National Foods, Inc., Upland	.279
Buenaventura Lemon Co	1.015
Consolidated Lemon & Orange Co	.399
Ventura Pacific Co	3.121
Chula Vista Mutual Lemon Association	.523
Euclid Lemon Association	.960
Index Mutual Association	.162
La Verne Cooperative Citrus Association	1.453
Ventura Coastal Lemon Co	2.795
Ventura Processors	2.497

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Glendora Lemon Growers Association	1.783
La Verne Lemon Association	.345
La Habra Citrus Association	.430
Yorba Linda Citrus Association	.431
Escondido Lemon Association	2.053
Cucamonga Mesa Growers	.260
Etiwanda Citrus Fruit Association	.084
San Dimas Lemon Association	1.871
Upland Lemon Association	3.858
Central Lemon Association	.417
Irvine Citrus Association, The	.293
Placentia Mutual Orange Association	.240
Corona Citrus Association	.062
Corona Foothill Lemon Co	1.308
Jameson Co	.757
Arlington Heights Citrus Co	.414
College Heights Orange & Lemon Association	3.531
Chula Vista Citrus Association	.964
Escondido Cooperative Citrus Association	.074
Fallbrook Citrus Association	.886
Lemon Grove Association	.169
Carpinteria Lemon Association	3.147
Carpinteria Mutual Citrus Association	3.043
Goleta Lemon Association	5.678
Johnston Fruit Co	5.778
Briggs Lemon Association	3.050
Fillmore Lemon Association	1.483
Oxnard Citrus Association	7.546
Rancho Sespe	.747
San Fernando Heights Lemon Association	1.680
Santa Clara Lemon Association	5.948
Santa Paula Citrus Fruit Association	4.167
Saticoy Lemon Association	5.139
Seaboard Lemon Association	6.574
Somis Lemon Association	4.139
Ventura Citrus Association	1.371
Ventura County Citrus Association	.221
Limoneira Co	2.917
Teague-McKevett Association	.765
East Whittier Citrus Association	.049
Murphy Ranch Co	.358
North Whittier Heights Citrus Association	.325
Sierra Madre Lamanda Citrus Association	.289
Par West Produce Distributors	.003
Paramount Citrus Association, Inc	1.673
Santa Rosa Lemon Co	.008

[F. R. Doc. 54-8201; Filed, Oct. 15, 1954; 8:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter D—Procurement, Property, Patents, and Contracts

PART 737—THE PATENT ROYALTY REVISION BOARD

HEARING; FAIR AND JUST RATES AND AMOUNTS OF ROYALTIES PAYABLE FOR AN INVENTION

1. Section 737.1 (a) is revised to read as follows:

(a) The hearing pursuant to section 1 of the Royalty Adjustment Act of 1942 (56 Stat. 1013) is informal and opportunity is afforded the parties involved to be heard in person, by their attorneys, or to be present in writing such evidence, memoranda or briefs as have a bearing on the issues involved.

2. Section 737.2 (a) is revised to read as follows:

(a) The conditions of wartime production and procurement for the national defense.

3. Section 737.2 (b) is revised to read as follows:

(b) The production and use of the invention prior to any increase due to wartime or national defense procurement, including:

(1) Any established royalty rate;

(2) The volume on which royalty was paid;

(3) The yearly aggregate royalty paid; and

(4) The circumstances under which the licensing and the establishment of the royalty rate occurred.

(Sec. 8, 56 Stat. 1014; 35 U. S. C. 96. Interpret or apply sec. 1, 56 Stat. 1013; 35 U. S. C. 89)

By direction of the Secretary of the Navy.

IRA H. NUNN,
Rear Admiral, U. S. Navy, Judge Advocate General of the Navy.

OCTOBER 11, 1954.

[F. R. Doc. 54-8142; Filed, Oct. 15, 1954; 8:46 a. m.]

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

RESERVE APPOINTMENTS FOR WARRANT OFFICERS AND ENLISTED MEN; ACTIVE DUTY

In § 1101.1, paragraph (e) is revoked and paragraph (h) is amended by revising subparagraph (3) and adding subparagraph (4) and follows:

§ 1101.1 *General.* • • •

(e) *Reserve appointments for warrant officers and enlisted men.* [Revoked]

• • • • • •

(h) *Active duty.* • • •

(3) *T/O assignment.* In time of peace, an officer of a National Guard unit who is ordered to active duty for a period in excess of six months may, unless otherwise absorbed, be transferred to and carried as an additional active officer of the State Headquarters and Headquarters Detachment from date of entry on active duty and for a period of three months following his release from active duty.

(4) Upon the termination of the specified period subsequent to relief from active duty, such additional officers as have not been assigned to T/O & E vacancy will be either subject to termination of their Federal recognition by the Chief, National Guard Bureau, and transfer to the Army Reserve, or may be transferred to the Inactive National Guard.

[C1, NGR 20, August 9, 1954] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, Acting The Adjutant General.

[F. R. Doc. 54-8154; Filed, Oct. 15, 1954; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 3-24]

PART 3—RADIO BROADCAST SERVICES

EDITORIAL CHANGES IN TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission has under consideration the desirability of making certain editorial changes in § 3.606 of its rules and regulations.

Footnotes 0 and 00 to the assignments of Hatfield, Indiana, and Parma-Onondaga, Michigan, respectively, in the Table of Assignments, § 3.606, were occasioned by the pendency of litigation affecting these assignments. In view of the decision rendered in C. A. D. C. Case No. 11601, these footnotes are no longer necessary and therefore may be deleted.

The amendment adopted herein is editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately.

The amendment adopted herein is issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1954, as amended.

It is ordered, This 13th day of October 1954, that, effective immediately, § 3.606 (b) of the Commission's rules and regulations is amended by deleting footnotes 0 and 00 and the respective designators after Hatfield, Indiana and Parma-Onondaga, Michigan.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies Sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: October 13, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8162; Filed, Oct. 15, 1954; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

PUDGET SOUND AREA, WASH.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.750 (n) governing the use and navigation of a naval restricted area in

the waters of Carr Inlet, Puget Sound, Washington, for use as an acoustic testing range is hereby amended to permit a slight shift in the range line and for the use of revolving beacon lights on signal towers in lieu of signal flags, and other minor changes, as follows:

§ 207.750 *Puget Sound Area, Wash.*

• • •

(n) *Carr Inlet, naval restricted area.*

• • •

(2) *The regulations.* • • •

(ii) No marine craft of any type shall at any time approach or remain within one hundred yards of the hydrophone buoys or the hydrophone cable connection house. The hydrophone buoys will be anchored in Carr Inlet on a line perpendicular to the course line opposite Ketner's Point, and about one mile from the Fox Island shore. The course line, or range, will bear 134° 38' 21" (314° 38' 21") true, and will be marked by range beacons erected near the shore line approximately one mile north-northeast of Steilacoom and approximately two miles north-northeast of Home. The cable connection house will be framed on piling in Carr Inlet approximately 20 yards off the Fox Island shore, opposite Ketner's Point.

(iii) The remainder of the area shall be open to navigation at all times except when the range is in use or when hydrophones are being calibrated. When the range is in use or hydrophones are being calibrated, revolving beacon lights will be displayed on the following signal towers:

Signal tower No.	Location	Visible sector (bearings true)
1	Gibson Point	039° to 285°.
2	Fox Island, 2,500 yards northwest of Ketner's Point.	295° to 111°.
3	Green Point	135° to 330°.
4	Penrose Point	310° to 120°. (000° to 050°.
5	Pitt Island	170° to 225°.
6	Hyde Point	050° to 230°.

The beacon lights on Towers Nos. 1, 4, 5, and 6 will be red, and on Towers Nos. 2 and 3 will be either red or green. The beacon lights will show 1 quick flash every 10 seconds. The lights will be obscured except for the above tabulated visible sectors. The ranging of vessels or calibration of hydrophones requiring restrictions will be conducted at intervals during two 3-hour periods, that is, between the hours of 9 a. m. to 12 noon and 1 p. m. to 4 p. m., Monday through Friday, except for national holidays consisting of New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day, and will total approximately 150 days spread throughout the year. Shutting off of beacon lights will indicate termination of use of the range for the remainder of that period. Insofar as possible, the schedule of operations giving the days the range will be in use for each forthcoming month will be published in local newspapers and in the local U. S. Coast Guard Notice to Mariners.

(iv) When the red beacon lights are displayed indicating that the range is in use or hydrophones are being calibrated, navigation within the area will be restricted as follows:

* * * * *

(*b*) Power vessels shall not operate within the area, except that traffic in either direction between Hale Passage and upper Carr Inlet, within 200 yards of the low water mark off Green Point, will be cleared by signal for approximately 15 minutes total time within this area at the termination of individual ranging runs, while the vessel being ranged takes position for the next run. Clearance to traverse the area around Green Point will be indicated by extinguishing the red beacon lights and displaying the green beacon lights on Signal Tower No. 2 on Fox Island and Signal Tower No. 3 on Green Point.

(*c*) Non-powered marine craft shall not operate within one mile of the course line bearing 134° 38' 21" (314° 38' 21") true, and within two miles to the southeast and two miles to the northwest of the hydrophone buoys situated in Carr Inlet opposite Ketner's Point: *Provided, however,* Non-powered craft may operate within four hundred yards of the low water mark on the northeast side of McNeil Island, within two hundred yards of the low water mark at Green Point, and within two hundred yards of the low water mark on the southwest shore of Fox Island except for maintaining the required one-hundred yard clearance around the cable connection house. (See subdivision (ii) of this subparagraph.)

* * * * *

(*g*) Red or green signal flags will be displayed on the signal towers in case of failure of the red or green beacon lights. The display of the signal flags at the top of the flag masts will have the same significance as the beacon lights.

* * * * *

[Regs., Sept. 23, 1954, 800.2121 (Puget Sound, Wash.)—ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 54-8155; Filed, Oct. 15, 1954; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

PETITIONS FOR REHEARING, REARGUMENT, OR RECONSIDERATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 4th day of October A. D. 1954.

There being under consideration Rule 101 of the general rules of practice (§ 1.101 *Petitions for rehearing, reargument, or reconsideration*):

It is ordered, that Rule 101 of the general rules of practice (§ 1.101) be amended as follows:

1. Delete the phrase "or by an appropriate appellate division" from paragraph (f) *Successive petitions on same grounds, not entertained* of § 1.101. Also in the same paragraph substitute the word "submitted" in lieu of the word "filed." As amended, paragraph (f) will read:

(f) *Successive petitions on same grounds, not entertained.* A successive petition under paragraph (d) of this section submitted by the same party or parties, and upon substantially the same grounds as a former petition, which has been considered and denied by the entire Commission will not be entertained.

2. Add a new paragraph to § 1.101 as follows:

(g) *Petitions for reconsideration of appellate division decisions on review of board decisions.* When an appellate division has denied a petition seeking a reversal, change, or modification of an original determination by a board of employees, any further petition for reconsideration by the same party or parties upon substantially the same grounds will not be entertained. If in the consideration of such a petition, however, by the appellate division, the previous determination of the board of employees has been reversed, changed, or modified, a further petition may be filed by any party to the proceeding adversely affected by the decision of the appellate division, within the time specified in paragraph (e) of this section, and the petition will be considered and disposed of by the same appellate division which passed upon the initial petition.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec 1, 56 Stat. 285; 49 U. S. C. 12, 17, 301, 305, 904, 1003)

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8153; Filed, Oct. 15, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 955]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIFORNIA, AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1954–55 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $18,125.00 will be necessarily incurred during the fiscal period August 1, 1954, to July 31, 1955, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships grapefruit shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, the rate of assessment at $0.0125 per standard box of fruit shipped by such handler as the first handler thereof during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used in this section, "handler," "shipped," "fruit," "fiscal period" and "standard box" shall have the same meaning as is given to each term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 13, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8138; Filed, Oct. 15, 1954; 8:45 a. m.]

Commodity Stabilization Service

[7 CFR Part 811]

SUGAR REQUIREMENTS, QUOTAS, AND QUOTA DEFICITS FOR CALENDAR YEAR 1955

NOTICE OF HEARING AND PROPOSED RULE MAKING

Pursuant to the authority contained in the Sugar Act of 1948 (7 U. S. C. Sup. 1100), the Secretary of Agriculture is preparing to determine the sugar requirements and to establish sugar quotas for the calendar year 1955 (1) for the continental United States pursuant to sections 201 and 202 of the act, and (2) for local consumption in Hawaii and in Puerto Rico pursuant to sections 201 and 203 of the act. The Secretary is also preparing to determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market the quota for such area in 1955 and to reallot, pursuant to section 204, any quota deficit so determined.

Section 201 of the act provides that the Secretary of Agriculture shall determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States. In making such determinations, the Secretary is directed to use as a basis the amount of sugar distributed for consumption during the 12 months ending October 31 of the preceding calendar year and to adjust such amount for any deficiency or surplus in inventories of sugar and for changes in consumption because of the changes in population and demand conditions. The Secretary is also directed to take into consideration certain standards with a view to providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry. The standards to be taken into consideration include those enumerated above and also the level and trend of consumer purchasing power and the relationship between the prices at wholesale for refined sugar that would result from such determination and the general cost of living in the United States as compared with the relationship between prices at wholesale for refined sugar and the general cost of living in the United States obtaining during 1947 prior to the termination of price control.

Section 202 of the act provides for fixed quotas for the domestic areas and for the Republic of the Philippines and for the apportionment of the balance of the requirements to foreign countries other than the Republic of the Philippines in accordance with stated percentages.

Section 203 of the act provides that the Secretary also shall determine in accordance with such provisions of section 201 as he deems applicable, the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and shall establish quotas for local consumption in such areas equal to the amounts so determined.

Section 204 of the act provides that the Secretary shall from time to time determine whether in view of various factors specified in the act, any area will be unable to market the quota for such area. Section 204 further provides that upon a finding that any such area will be unable to market its quota, the deficit so determined shall be reallocated, in accordance with a stated formula.

A public hearing will be held in Washington, D. C., in the Auditorium, South Building, United States Department of Agriculture, on November 9, 1954, at 9:30 a. m., e. s. t., for the purpose of affording interested persons an opportunity to present orally any data, views, or arguments with respect to the determination of sugar requirements and the establishment of sugar quotas for the continental United States for the calendar year 1955. The principal matters for consideration at the hearing relate to (1) the manner of determining deficiencies or surpluses in inventories of sugar, (2) the effect upon requirements of various changes in demand conditions, (3) the effect of the prospective 1955 level and trend of consumer purchasing power, (4) the manner in which the relationship between the wholesale price of refined sugar and the general cost of living in the United States should be employed or considered, and (5) the relative importance of the foregoing factors in determining the sugar requirements for 1955.

Prior to the issuance of regulations setting forth the sugar requirements for the continental United States for the calendar year 1955 and the sugar quotas for 1955 for domestic and foreign areas, consideration will be given to any data, views, or arguments pertaining thereto which are presented at the hearing or which are submitted in writing to the Director, Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. Prior to the issuance of regulations setting forth (1) the sugar requirements for Hawaii and for Puerto Rico for the calendar year 1955 and the sugar quotas for 1955 for local consumption in such areas, and (2) the amount by which any area will be unable to market the quota for such area in 1955 and the reallotment of such deficit, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Sugar Division, Commodity Stabilization Service. Written data, views, or arguments must be submitted in duplicate and must be received not later than November 29, 1954. Such data, views, or arguments submitted at the hearing will be accepted as a part of the record, but will not be copied into the transcript of the oral testimony given at the hearing. All such data, views or arguments will be available for examination at the office of the Hearing Clerk.

Issued at Washington, D. C., this 12th day of October 1954.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 54-8173; Filed, Oct. 15, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 54-41]

PERSON INVOLVED IN CERTAIN NARCOTIC VIOLATIONS OR WHO IS USER OF OR ADDICTED TO USE OF NARCOTIC DRUGS

DENIAL OR REVOCATION OF SEAMAN'S DOCUMENTS

The provisions of Public Law 500, 83d Congress, 68 Stat. 484, approved July 15, 1954, which provides for the revocation of merchant marine documents to persons involved in certain narcotic violations, reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act—

(a) The term "narcotic drug" shall have the meaning ascribed to that term by paragraph (a) of the first section of the Narcotic Drugs Import and Export Act, as amended (21 U. S. C., sec. 171 (a)), and also shall include marihuana as defined in section 3238 (b) of the Internal Revenue Code.

(b) The term "Secretary" means the head of the department in which the Coast Guard is operating.

(c) The term "seaman's document" means any document authorized by law or regulation to be issued to a merchant mariner by the Secretary.

SEC. 2. The Secretary may—

(a) Deny a seaman's document to—

(1) Any person who, within ten years prior to the date of the application therefor, has been convicted in a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, which conviction has become final; or

(2) Any person who, unless he furnishes satisfactory evidence that he is cured, has ever been a user of or addicted to the use of a narcotic drug; and

(b) Take action, based on a hearing before a Coast Guard examiner, under hearing procedures prescribed by the Administrative Procedure Act, as amended (U. S. C., title 5, secs. 1001–1011), to revoke the seaman's document of—

(1) Any person who, subsequent to the effective date of this act and within ten years prior to the institution of the action, has been convicted in a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, the revocation to be subject to the conviction's becoming final; or

(2) Any person who, unless he furnishes satisfactory evidence that he is cured, has been, subsequent to the effective date of this act, a user of or addicted to the use of a narcotic drug.

The term "seaman's document," as defined in section 1 of Public Law 500, therefore includes any and all types of licenses, certificates, and documents issued to merchant mariners by the United States Coast Guard and predecessor agencies.

The Acting Secretary of the Treasury in Treasury Department Order 167-9, CGFR 54-33, dated August 3, 1954, and published in the FEDERAL REGISTER dated August 17, 1954 (19 F. R. 5195), delegated to the Commandant, United States Coast Guard, with authority to redelegate, the functions vested in the Secretary of the Treasury by Public Law 500, 83d Congress, 2d Session, 68 Stat. 484, to revoke or deny seaman's documents to persons involved in certain narcotics violations.

Therefore, by virtue of the authority vested in me as Commandant, United States Coast Guard, by this Treasury Department Order 167-9: *It is ordered,* That:

(a) The procedures applicable to the denial of a seaman's document based in whole or in part on Public Law 500, as well as any appeal from such denial, shall be in accordance with those governing denial for other causes and the appeal therefrom contained in the applicable rules and regulations in 46 CFR Parts 3, 10, and 12.

(b) The procedures and proceedings seeking the revocation of a seaman's document based in whole or in part on Public Law 500, as well as the appeal therefrom, shall be in accordance with the applicable rules and regulations contained in 46 CFR Parts 4 and 137 except where those requirements may be inconsistent with Public Law 500. Contrary to past practices, these proceedings shall be predicated upon holding an outstanding seaman's document, regardless of whether or not the holder is in the service of a vessel. Since Public Law 500 provides for revocation only, a seaman's document in this instance shall not be suspended nor shall a temporary document be issued pending the determination of an appeal.

(c) The Coast Guard District Commanders and the Officers in Charge, Marine Inspection, are hereby delegated authority in accordance with Public Law 500 to deny issuing a seaman's document to any person.

(d) The Coast Guard examiners are hereby delegated authority in accordance with Public Law 500 to revoke a seaman's document held by any person.

Every applicant for a merchant mariner's document will be required to indicate on the application whether or not the applicant has ever been convicted of violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States. If the answer is "yes," the applicant will be required to state the place, date, and particulars of each conviction. The applicant will also be required to indicate whether or not the applicant has ever used or has ever been addicted to the use of narcotics. If the answer is "yes," further information regarding the place, date, and particulars of use or addiction to the use of narcotics will be required. An applicant's failure to answer or refusal to answer one or more questions in the application will be considered as one of the reasons for refusal to issue the document in question.

In every case where there is reason to believe the holder of a seaman's document is no longer entitled thereto under the provisions of Public Law 500 the Coast Guard will institute proceedings under the applicable rules and regulations in 46 CFR Parts 4 and 137, looking to the revocation of the Coast Guard document.

Dated: October 11, 1954.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 54-8163; Filed, Oct. 15, 1954; 9:27 a. m.]

[CGFR 54-39]

APPROVAL OF EQUIPMENT; CORRECTION OF PRIOR DOCUMENT; AND CHANGE IN NAME AND ADDRESS OF MANUFACTURER

Correction

In F. R. Doc. 54-7850, appearing at page 6451 of the issue for Wednesday, October 6, 1954, the following changes should be made:

1. In the 2d column on page 6452, the 18th line should read "Approval No. 160.035/187/1, 26.0' x 9.0' " and the 29th line should read "Approval No. 160.035/261/1, 24.0' x ".

2. In the 3d column on page 6452, in the 1st paragraph following the heading "VALVES, SAFETY (POWER BOILERS)", "Series ME-310" should read "Series VM-310".

3. In the 2d column on page 6454, in the 2d paragraph following the heading "FLAME ARRESTERS FOR TANK VESSELS", "Park Avenue" should read "Polk Avenue".

4. In the 3d column on page 6454, the 11th line should read "(Supersedes approval No. 162.019/1/0" and the 5th line from the bottom should read "Approval No. 162.020/63/0. Model No.".

[CGFR 54-40]

TERMINATIONS OF APPROVALS OF EQUIPMENT

Correction

In F. R. Doc. 54-7851, appearing at page 6455 of the issue for Wednesday, October 6, 1954, the following changes should be made:

1. In the 3d column on page 6455, the 19th line should read "temperature, dwg. No. A-1048S, dated."

2. In the 1st column on page 6456, the 1st line should read "proved for sizes 1½", 2", 2½", 3" and 4";".

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Amdt. 1]

ALASKA

SHORESPACE RESTORATION ORDER NO. 486 AND SMALL TRACT CLASSIFICATION ORDER NO. 63

OCTOBER 6, 1954.

Pursuant to the delegation of authority from the Area Administrator, Bureau of Land Management, Area 4, under sections 2.21 and 2.22 (a) (3) of order No. 1, Bureau of Land Management, Area 4, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), Shorespace Restoration Order No. 486 and Small Tract Classification Order No. 63, dated August 13, 1952, is hereby amended as follows:

That portion of the order which classified Lot 12, U. S. Survey 2803 as a business site is amended to classify those lands as a residence site.

FRED J. WEILER,
Area Lands and Minerals Officer.

[F. R. Doc. 54-8139; Filed, Oct. 15, 1954; 8:45 a. m.]

[61287]

MISSOURI

NOTICE OF FILING OF PLAT OF SURVEY

OCTOBER 12, 1954.

Notice is given that the plat of original survey of the following described lands, accepted February 15, 1954, will be officially filed in the Bureau of Land Management effective at 10:00 a. m. on the 35th day after the date of this notice:

FIFTH PRINCIPAL MERIDIAN, MISSOURI

T. 34 N., R. 13 W.,
Sec. 13, Lot 1, containing 10.74 acres;
Sec. 14, Lot 1, containing 2.27 acres.

The plat represents the survey of an island in Gasconade River, which was not included in the original survey of the township as represented by the plat approved June 1, 1823.

Available information indicates that the island is a clay loam formation with some silt; that it reaches approximately 10 feet above the bed of the Gasconade River; that the west end and a strip along the side are subject to overflow; that the Gasconade River is not navigable; that at the time of survey the ripples were about 6 inches in depth and the holes reached approximately two feet in depth.

No applications for these lots may be allowed under the homestead or small tract or any other nonmineral public land laws unless the land has been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour specified on the above-mentioned 35th day, the said lands shall become subject to application, petition, location or selection, under applicable laws, subject to valid existing rights, the provisions of existing withdrawals and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Supervisor, Eastern States Office, Department of the Interior, Washington 25, D. C.

For the Director.

C. R. DREXILIUS,
Supervisor, Eastern States Office.

[F. R. Doc. 54-8140; Filed, Oct. 15, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

OCTOBER 1954 DOMESTIC AND EXPORT PRICE LISTS

Pursuant to the Policy of Commodity Credit Corporation published in F. R. Doc. 54-8172, supra, and subject to the conditions stated therein, the following commodities are available for sale in the quantities stated and on the price basis set forth:

OCTOBER 1954 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales list
Dairy products	F. a. s. U. S. port of export, or "in store"[2] at location of stocks at f. a. s. price less export freight rate to agreed port of export.
Cheddar cheese,[1] cheddars, flats, twins and rindless blocks (standard moisture basis, in carload lots only), 428,000,000 pounds.	U. S. Grade A: 25.5 cents per pound basis port of export. U. S. Grade B: 24.5 cents per pound basis port of export.
Nonfat dry milk solids[1] (in carload lots only), 185,000,000 pounds spray; 45,000,000 pounds roller.	Spray process, 11.75 cents per pound basis port of export. Roller process, 10 cents per pound basis port of export.
Salted creamery butter[1] (in carload lots only), 447,000,000 pounds.	U. S. Grade A: Not less than 41 cents per pound basis port of export. U. S. Grade B: Not less than 39 cents per pound basis port of export.
Wheat, bulk[1]	Any of the above commodities are available through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C. Sales made for export pursuant to Announcement GR 261 and 262 at prices announced daily. Available Dallas, Chicago, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Sales also made for delivery at U. S. ports under GR 212 at market price on date of sale at points of delivery. Sales may be made for the export of wheat as flour. Available Dallas, Chicago, and Portland CSS Commodity offices.
Corn, bulk[1]	The price as determined by CCC for grade, class, and quality at point of delivery at time of sale. Available Kansas City, Chicago, and Minneapolis CSS Commodity offices.
Barley[1]	Price as determined by CCC on date of sale at point of delivery. Available Minneapolis and Portland CSS Commodity offices. Offerings may be made on a written competitive bid basis to be announced from time to time by the Minneapolis and Portland CSS Commodity offices.
Rye[1]	Offerings may be made on a written competitive bid basis to be announced from time to time by the Minneapolis CSS Commodity Office. Available Minneapolis CSS Commodity Office.
Cottonseed oil,[1] crude, 480,000 pounds.	Bid basis, in store at point of export or f. o. b. tankcars or tankwagons at producers' mills. On in-store sales, if buyer and CCC agree in writing, CCC will effect loading of oil into vessel or tankcars or tankwagons, with buyer compensating for all costs incurred. Available New Orleans CSS Commodity office.
Pinto beans,[1] 1953 crop (bagged), 435,000 hundredweight.	$7.25 per 100 pounds U. S. No. 1 grade, basis West Coast, Gulf, and Mexico border points. Available Portland office for shipment to West Coast ports (CCC's option) and Mexico border points Nogales and West. Kansas City and Minneapolis offices for shipment to West Gulf ports and Mexico-Texas border points east of Nogales. U. S. No. 2 grade, 25 cents discount.
Pink beans,[1] 1953 crop (bagged), 40,000 hundredweight.	$7.25 per 100 pounds U. S. No. 1 grade, f. a. s. San Francisco Bay area. U. S. CHP, 15 cents premium; U. S. No. 2, 25 cents discount. Available Portland CSS Commodity office.
Small red beans,[1] 1953 crop (bagged), 69,000 hundredweight.	$7.25 per 100 pounds U. S. No. 1 grade, f. a. s. Gulf and Columbia River ports (CCC's option). U. S. CHP, 15 cents premium; U. S. No. 2, 25 cents discount. Available Portland CSS Commodity office.

[1] These same lots also are available from the domestic list announced today. Where no quantity is specified, quantity available is indefinite.

[2] "In store" means at the processors' plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

OCTOBER 1954 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales list
Nonfat dry milk solids[1] (in carload lots only) 185,000,000 pounds spray; 45,000,000 pounds roller.	Spray process, U. S. Extra Grade, 17 cents per pound. Roller process, U. S. Extra Grade, 15.25 cents per pound. Prices apply "in store" at location of stocks.[2] Available through Cincinnati, Minneapolis, and Portland CSS Commodity offices.
Salted creamery butter[1] (in carload lots only), 447,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 60.5 cents per pound New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico, 61.25 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A price. Prices apply "in store" at location of stocks.[2] Available Cincinnati, Minneapolis, and Portland CSS Commodity offices.
Cheddar cheese,[1] cheddars, flats, twins and rindless blocks (standard moisture basis, in carload lots only), 428,000,000 pounds.	U. S. Grade A and higher: All States except those listed below 35¼ cents per pound, New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico, 36¼ cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. All prices are subject to usual adjustment for moisture content. Prices apply "in store" at location of stocks.[2] Available Cincinnati, Minneapolis, and Portland CSS Commodity offices.
Cottonseed oil, crude,[1] 480,000 pounds.	Market price but not less than 15 cents per pound prime, Valley basis, f. o. b. tankcars or tankwagons at producers' mills, subject to premiums or discounts comparable to those in Bulletin 3 of the 1954 crop cottonseed price support program. Price will not be reduced during period ending Aug. 31, 1955. Available New Orleans CSS Commodity office.

See footnotes at end of table.

OCTOBER 1954 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales list
Oats, bulk[1]—Continued (For feed only)—1952 crop or older and 1953 crop from Alabama, Arkansas, Georgia, Louisiana, Mississippi, Florida, South Carolina, North Carolina, and Tennessee.	Market price for feed, basis in store. Available Dallas CSS Commodity office.
Grain sorghums, bulk	110 percent of the applicable county loan rate, f. o. b. buyer's conveyance, at point of country storage in area of production. In cases where an eligible warehouse purchases grain sorghums f. o. b. his warehouse, that is stored in CCC bins, an amount equal to the applicable handling charge may be paid as specified in the Uniform Grain Storage Agreement. At points other than points of county storage 110 percent of the applicable loan rate f. o. b. buyer's conveyance. Available Dallas, Kansas City, Minneapolis, and Portland CSS Commodity offices. On all other storable lots of 1,000 bushels or more, market price but will not be made at less than the 1953 support price during the period ending Oct. 31, 1954. Available Minneapolis and Chicago CSS Commodity offices.
Flaxseed, bulk (for crushing only)	All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Prices are for seed of basic specifications. Premiums and discounts in accordance with CSS 301 will be accepted for less than warehouse specifications or for grades not quoted. On all seeds except flaxseed, carlot as prescribed by railroad carrier's regulations at point of storage.
Seeds (bagged)	Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable. For other grades of all beans, adjust by differentials at point of storage.
Red clover seed (uncertified) as available	$35 per 100 pounds. Available Chicago, Kansas City, Minneapolis, and Dallas CSS Commodity offices.[3]
Red clover seed (certified) Cumberland—as available	$35 per 100 pounds. Available Portland, Kansas City, and Minneapolis CCS Commodity offices.[3]
Red clover seed (Kenland certified) as available	$40 per 100 pounds. Available Portland CSS Commodity office.
Ladino clover seed (certified) 1953 crop—hundredweight	$55 per 100 pounds. Available Portland, Minneapolis, and Kansas City CSS Commodity offices.[3]
Crimson clover seed as available	$18 per 100 pounds. Available Portland and Dallas CSS Commodity offices.
Reseeding crimson clover—1953 crop (certified), as available	$20.75 per 100 pounds. Available Portland CSS Commodity office.
Biennial sweet clover seed, as available	$10 per 100 pounds. Available Kansas City and Chicago CSS Commodity offices.[3]
Alsike clover seed, 10,000 hundredweight	$25 per 100 pounds. Available Portland, Kansas City, Chicago, and Minneapolis CSS Commodity offices.[3]
Hairy vetch seed, 300,000 hundredweight	1953 county support rates, ranging from $11.65 to $12.40 plus $1 per 100 pounds. Available Portland, Dallas, and Chicago CSS Commodity offices.
Birdsfoot trefoil seed, 1,000 hundredweight	$70 per 100 pounds. Available Portland CSS Commodity office.
Alfalfa seed, northern, 150,000 hundredweight	$35 per 100 pounds. Available Portland, Chicago, Minneapolis, and Kansas City CSS Commodity offices.[3]
Alfalfa seed central, 19,300 hundredweight	$30 per 100 pounds. Available Portland and Kansas City CSS Commodity offices.[3]
Alfalfa seed (certified), Ranger, as available: Ladak, 8,900 hundredweight; Grimm, 5,400 hundredweight; Baltic, 1,000 hundredweight; Atlantic, as available	$40 per 100 pounds. All available in Portland; all except Atlantic at Kansas City; all but Buffalo and Atlantic in Minneapolis and only Atlantic in Dallas CSS Commodity offices.[3]
Tall fescue seed (common), 36,500 hundredweight	$20 per 100 pounds. Available Portland, Dallas, Kansas City, and Chicago CSS Commodity offices.[3]
Tall fescue seed (certified) 88,400 hundredweight	$22 per 100 pounds. Available Portland, Dallas, Chicago, and Minneapolis CSS Commodity offices.[3]
Rough peas, 225 hundredweight	$6.50 per 100 pounds. Available Dallas CSS Commodity office.

[1] These same lots also are available at export sales prices announced today. Where no quantity is specified, quantity available is indefinite.
[2] "In store" means at the processors' plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[3] Prices will not be reduced during the period ending June 30, 1955.
[4] Country storage will be offered to producers for paid-in grain in CCC bins and at local warehouses in the area where grown and on which no inbound freight has been paid.

Issued: October 12, 1954.

WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[SEAL]

[F. R. Doc. 54-8171; Filed, Oct. 15, 1954; 8:51 a. m.]

OCTOBER 1954 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales list
Cottonseed oil, refined, 685,000,000 pounds	Market price but not less than the minimum crude price with appropriate adjustments for refining, location, and quality f. o. b. tankcars or tankwagons at points of storage locations. Price will not be reduced during period ending Aug. 31, 1955. Available New Orleans CSS Commodity office and Oils & Peanut Division, CSS, Washington 25, D. C.
Linseed oil, raw, 62,000,000 pounds	Market price on date of sale but not less than the equivalent of the 1953 price support rate. No change in pricing policy during the period ending Oct. 31, 1954. Available Cincinnati, Portland, and Minneapolis CSS Commodity offices.
Peanuts, farmers' stock, 2,000 tons	Bid basis, f. o. b. points of storage locations, subject to the terms and conditions of Announcement CCC Peanut Form 4a. In addition, farmers' stock peanuts from CCC stocks, may be offered under separate announcements for domestic crushing subject to the terms and conditions of CCC Peanut Form 4a.
Wool, shorn and pulled grease (including some scoured), 112,000,000 pounds	The highest of (1) the market value, or (2) 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area. Sales will be made ex-warehouse where stored. Available Boston CSS Commodity office.
Dry edible beans, (bagged)	Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable. For other grades of all beans, adjust by differentials at point of storage.
Large lima beans 1953 crop, 130,000 hundredweight	$11.53 per 100 pounds for U. S. No. 1 basis California points of production.
Pinto beans,[1] 1953 crop, 435,000 hundredweight	$7.65 per 100 pounds for U. S. No. 1, f. o. b. points of production, Denver rate area. For other locations, adjust by 1954 support price differentials. Available Kansas City, Minneapolis, and Portland CSS Commodity offices.
Small red beans,[1] 1953 crop, 69,000 hundredweight	$8.72 per 100 pounds for U. S. No. 1, f. o. b. Washington points of production.
Pinto beans,[1] 1953 crop, 40,000 hundredweight	$4.42 per 100 pounds for U. S. No. 1, f. o. b. California points of production.
Corn bulk,[1] 50,000,000 bushels	Available Portland CSS Commodity office.
Wheat[1]	Commercial corn producing areas 110 percent of the applicable 1954 county loan rate, f. o. b. buyers conveyance, at point of country storage in area of production. In cases where an eligible warehouseman purchases corn f. o. b. his warehouse that is stored in CCC bins, an amount equal to the applicable handling charge may be paid as specified in Uniform Grain Storage Agreement. At points other than points of country storage in commercial corn producing areas, 110 percent applicable county loan rate plus average paid in freight f. o. b. buyers conveyance. Corn in noncommercial corn producing areas is available at prices comparable to the sales prices applicable in commercial areas. Available Kansas City, Dallas, Chicago, and Minneapolis CSS offices.
	Basis in store, the market price but not less than the domestic minimum price basis in store. The market price for the single grades, quality and location, plus: (1) 30 cents per bushel if received by truck, or (2) 20 cents per bushel if received by rail or barge.
	Examples of minimum price per bushel (ex rail or barge): Kansas City, No. 1 H. W., $2.71; Minneapolis, No. 1 D. N. S., $2.77; Chicago, No. 1 H. W., $2.74. Available Dallas, Kansas City, Chicago, Minneapolis, and Portland CSS Commodity offices.
Barley, bulk	Market price at point of applicable county loan rate, f. o. b. buyers conveyance, at 110 percent of country storage in area of production. In cases where an eligible warehouseman purchases barley f. o. b. his warehouse that is stored in CCC bins, an amount equal to the applicable handling charge may be paid as specified in Uniform Grain Storage Agreement. At points other than points of country storage 110 percent applicable loan rate f. o. b. buyers conveyance. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity offices.
Rye, bulk: (Unrestricted use)	Market price at point of production, basis in store, but not less than the applicable 1954 loan rate, plus: (1) 21 cents per bushel if received by truck, or (2) 15 cents per bushel if received by rail or barge.
(For feed only)	Example of minimum price per bushel (ex rail or barge): Minneapolis No. 2 or better, $1.79.
Oats, bulk:[1] (Unrestricted use)	Market price for feed only, basis in store. Available Minneapolis, Kansas City, Chicago, Portland, and Dallas CSS Commodity offices.
	110 percent of applicable county loan rate, f. o. b. buyers conveyance, at point of country storage in area of production. In cases where an eligible warehouseman purchases oats f. o. b. his warehouse, that is stored in CCC bins, an amount equal to the applicable handling charge may be paid as specified in Uniform Grain Storage Agreement. At points other than points of country storage 110 percent applicable county loan rate plus average paid in freight f. o. b. buyers conveyance. Available Minneapolis, Chicago, Dallas, Portland, and Kansas City CSS Commodity offices.

See footnotes at end of table.

CIVIL AERONAUTICS BOARD

[Docket Nos. 4644, 4773]

NORTHWEST AIRLINES, INC.

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearings are assigned to be held on October 26, 1954, at 10:00 a. m., c. s. t., in Room 313, U. S. Post Office, Fargo, North Dakota, before Examiner Thomas L. Wrenn on the following:

1. The application of Northwest Airlines, Inc., for suspension of service at Aberdeen, South Dakota, or elimination of Aberdeen from its certificate for route No. 3, Docket No. 4644.

2. The application of Northwest Airlines, Inc., for suspension or elimination of Jamestown, North Dakota, from its certificate for route No. 3, Docket No. 4773.

Dated at Washington, D. C., October 13, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8164; Filed, Oct. 15, 1954; 8:50 a. m.]

[Docket Nos. 4774, 4775, 6186]

NORTHWEST AIRLINES, INC., AND UNITED AIRLINES, INC.

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearings are assigned to be held on October 28, 1954, at 10:00 a. m., P. s. t., in the Assembly Room, Spokane County Medical Building, North 817 Jefferson, Spokane, Washington, before Examiner Thomas L. Wrenn on the following:

1. The application of Northwest Airlines, Inc., to eliminate Bozeman, Montana, from the certificate of route No. 3 or authorize temporary suspension, Docket No. 4774.

2. The application of Northwest Air Lines, Inc., to eliminate Kalispell, Montana, from the certificate for route No. 3 or to authorize temporary suspension, Docket No. 4775.

3. The application of United Air Lines, Inc., to delete The Dalles, Oregon, from the certificate for route No. 1, Docket No. 6186.

Dated at Washington, D. C., October 13, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8165; Filed, Oct. 15, 1954; 8:50 a. m.]

[Docket No. 5592]

REOPENED FAYETTEVILLE CASE

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

At the request of Counsel for the City of Dallas, based upon a conflicting engagement, the prehearing conference in the subject proceeding heretofore assigned to be held on October 18, 1954, is hereby postponed and will be held on Thursday, October 21, 1954, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., October 12, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8167; Filed, Oct. 15, 1954; 8:50 a. m.]

[Docket No. 6582]

EASTERN-COLONIAL CONTROL CASE

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on November 2 is postponed to November 3, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, 14th and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., October 12, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8166; Filed, Oct. 15, 1954; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10982, 10983; FCC 54 M-1247]

OWENSBORO ON THE AIR, INC., AND OWENSBORO PUBLISHING CO.

ORDER CONTINUING HEARING

In re applications of Owensboro on the Air, Inc., Hatfield, Indiana, Docket No. 10982, File No. BPCT-1787; Owensboro Publishing Company, Hatfield, Indiana, Docket No. 10983, File No. BPCT-1790; for construction permits for new television stations (Channel 9).

To accommodate other and prior hearing commitments of the Examiner, hearing in the above-entitled proceeding is, on the Examiner's own motion, continued from October 12, 1954, to November 8, 1954.

Dated: October 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8160; Filed, Oct. 15, 1954; 8:49 a. m.]

[Docket No. 11195; FCC 54-1277]

R. J. LAROS & BRO.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of R. J. & W. J. Laros, tr/as R. J. Laros & Bro., 514 N. 22d Street, Allentown, Pennsylvania, for an authorization for a new Special Industrial Radio Station; Docket No. 11195, File No. 285-D4-P/L-J.

1. The Commission has before it for consideration (1) a protest filed on September 10, 1954, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Peter T. Kroeger, d/b/a Mobile Radio Dispatch Service (here called Kroeger or protestant) against the Commission's action of August 11, 1954, granting without hearing the above-entitled application; (2) a "Reply to Protest" filed on September 23, 1954, by R. J. and W. J. Laros (here called Laros); and (3) an "Opposition to Reply" filed on September 24, 1954 by Kroeger.

2. On July 7, 1954 Laros filed an application for authorization to operate in Lehigh County, Pennsylvania, one base station and ten mobile units in the Special Industrial Radio Service. The applicant stated that its principal business is that of a plumbing and heating contractor (listing the types of operations involved in that business) and, insofar as here pertinent, appeared to establish eligibility in the Special Industrial Radio Service under § 11.501 (a) of the Commission's rules.[1] The application was granted on August 11, 1954.

3. In his protest, Kroeger alleges that he is the licensee of station KGA 479 in the Domestic Public Land Mobile Radio Service at Allentown, Pennsylvania; that, as a common carrier protestant has the obligation to render service to the public and has been doing so since April 1951; that for several years protestant was rendering radio service to Laros as one of his subscribers; that Laros discontinued taking service from protestant and applied for its own station in the Special Industrial Radio Service to which it is not entitled under the eligibility rules of the Commission; and that protestant is a party in interest because he will lose revenue as the direct result of the unauthorized grant to Laros.

4. In addition to the above allegations which seem to be directed toward his standing as a "party in interest" under section 309 (c) of the act, protestant alleges on information and belief that Laros misrepresented the facts to the Commission, in that it is primarily engaged in the servicing work and secondarily in the installation of oil burners and heating systems, rather than construction and fabrications upon which it relied in the application. Hence, protestant alleges that Laros is not eligible for an authorization in the Special Industrial Radio Service, and that he "cannot survive as a common carrier if persons engaged in servicing and maintenance work receive authorizations from the Commission which are available only to persons engaged in production and fabrication activities".

[1] This section, in relevant part, provides that "A person is eligible to hold an authorization to operate a radio station in the Special Industrial Radio Service when such person is engaged in an industrial activity the primary function of which is devoted to production, construction, fabrication, manufacturing, or similar processes as distinguished from activities of a service or distribution nature. • • •".

5. In view of all of the foregoing, Kroeger requests that the Commission postpone the effective date of the grant to Laros and set the application for hearing on the issues specified in the protest.

6. In its reply, Laros requests that the protest be dismissed for the reasons that the protest fails to specify with the particularity required by section 309 (c) any facts which show Kroeger to be a party in interest and to support a conclusion that protestant will lose revenue as a result of the grant to Laros; that protestant does not and cannot show that Laros will again become his customer should this application be ultimately denied or revoked; that, in fact, regardless of the outcome of this protest, Laros will not again become a customer of protestant; that Laros and Kroeger are not competitors for business in any sense; that the protestant's allegation that Laros is not eligible in the Special Industrial Radio Service is directly controverted by the specific information supplied in the application; and that mere allegations on information and belief are not sufficient to support a protest under section 309 (c) of the act without specification of facts upon which the information and belief was based. Finally, Laros contends that if the Commission should grant the protest, the effective date of the grant should not be postponed because the authorization is necessary to the maintenance and conduct of an existing service, within the meaning of the last sentence of section 309 (c).

7. In his opposition to the reply filed by Laros, Kroeger states, among other things, that he does not claim to have a legal right to any revenue or business from Laros, but that he claims that in view of his obligation as a common carrier to render service to the public, he is entitled to protection from operations not authorized by the Commission's rules.

8. The first consideration here is whether Kroeger, by his allegations in the protest, established that he is a "party in interest" under section 309 (c). The section requires that the protest "contain such allegations of fact as will show the protestant to be a party in interest." We are of the opinion that the protestant has met this burden.

9. The general boundary of who is a "party in interest" turns upon interpretation of the case of FCC v. Sanders Brothers Radio Station, 309 U. S. 470, for Congress has clearly indicated that the Sanders case is the touchstone of a determination of who is a "party in interest" from an economic standpoint under section 309 (c).[2] We have previously expressed the view that the term "party in interest" is a limited one, and we adhere to that view. We are of the opinion, however, that the allegations herein that Laros was a customer of Kroeger, that it discontinued taking service from him, that it applied for and obtained a private radio station authorization from the Commission, and that Kroeger will lose revenue as a result of this grant, are, taken together, sufficient to spell out an economic injury which gives the protestant a standing as a "party in interest." While Laros denies that Kroeger is a "party in interest", it does not deny the allegations on which Kroeger based that conclusion. The fact that Kroeger and Laros are not competitors cannot be relied on to defeat the former's standing to protest, where, as here, there is a specific allegation of a loss of revenue and customer. For it is precisely such loss of revenue or customers, or both, that gives substance to an allegation of economic injury in a competitive situation. We therefore find that a sufficient showing to constitute protestant a "party in interest" within the intendment of section 309 (c) has been made.

10. The Commission further finds that the protestant has specified with particularity the facts, matters and things relied upon as required by section 309 (c) of the Communications Act to warrant the designation of the above-entitled application for hearing substantially upon the seven issues set forth in the protest. Since the facts bearing upon these issues are peculiarly within the applicant's knowledge, the issues specified by the protestant are being specifically adopted by the Commission, with appropriate modifications so that the burden of proof and burden of proceeding with the introduction of evidence should be upon Laros. The contention of Laros that the protestant's allegations "on information and belief" are insufficient without specification of facts upon which the information and belief was based is without merit. The latter are evidentiary matters to be brought out in the hearing. In any event, the protestant has stated that his allegations concerning the lack of eligibility are based on his examination of the business of Laros.

11. Similarly, we do not find that the instant authorization is "necessary to the maintenance or conduct of an existing service" within the meaning of section 309 (c) so as not to require the Commission to postpone its effective date.

12. *Accordingly, it is ordered,* This 8th day of October 1954, pursuant to section 309 (c) of the Communications Act of 1934, as amended, that effective immediately, the effective date of the grant of the above-entitled application is postponed pending final determination by the Commission with respect to the protest filed herein by Peter T. Kroeger, and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., to commence at 10:00 a. m. on the 15th of November, 1954, on the following issues:

(1) To determine what percentage of the activities of R. J. Laros & Bro. in terms of gross volume of business and payroll is devoted to the following activities referred to in the application:

(a) The erection and installation of plumbing and heating systems,

(b) Electrical conduit and air-duct fabrication and installation tie-in with heating facility,

(c) Ground excavation for sewerage lines and/or installation of fuel storage facilities, and

(d) Modification of existing structures to install heating and/or plumbing systems, and to what extent the radio station applied for would be used in connection with any or all of these activities.

(2) To determine what percentage of the activities of R. J. Laros & Bro. in terms of gross volume of business and payroll is devoted to the servicing of oil burner equipment, an activity not referred to in the application, and to what extent the radio station applied for would be used in connection with this activity.

(3) To determine whether R. J. Laros & Bro. made a full and accurate disclosure of its activities and the purpose for which it planned to use radio in its above-entitled application.

(4) To determine in the light of the evidence adduced with respect to the foregoing issues, whether the above-entitled application of R. J. Laros & Bro. should be granted.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the above issues shall be on the applicant, R. J. Laros & Bro.

It is further ordered, That the protestant and the Chief of the Safety and Special Radio Services Bureau are hereby made parties to the proceeding herein.

Released: October 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8161; Filed, Oct. 15, 1954; 8:49 a. m.]

[Docket Nos. 7287, 8782, 11006-11008; FCC 54M-1271]

ALLEGHENY BROADCASTING CORP. ET AL.

ORDER CONTINUING PRE-HEARING CONFERENCE

In re applications of Allegheny Broadcasting Corporation, McKeesport, Pennsylvania, Docket No. 7287, File No. BPCT-147; WCAE, Incorporated, Wilkinsburg, Pennsylvania, Docket No. 8782, File No. BPCT-293; William G. Matta and George C. Matta d/b as Matta Enterprises, Braddock, Pennsylvania, Docket No. 11006, File No. BPCT-1467; Wespen Television, Inc., Irwin, Pennsylvania, Docket No. 11007, File No. BPCT-1732; Irwin Community Television Company, Irwin, Pennsylvania, Docket No. 11008, File No. BPCT-1742; for construction permits for new television stations (Channel 4).

Upon oral motion by counsel for Allegheny Broadcasting Corporation, one of the applicants in this proceeding, made on October 12, 1954, with unanimous consent of all counsel to the proceeding and for good cause, the pre-hearing conference now scheduled in the above-entitled proceeding is continued until October 18, 1954, at 10:00 a. m.

Dated this 12th day of October 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8174; Filed, Oct. 15, 1954; 8:53 a. m.]

[2] Senate Report No. 44 on S. 658, 82d Congress, 1st Session.

[3] Commissioners Hennock, Bartley, Doerfer and Lee not participating; Commissioner Webster dissenting.

FEDERAL POWER COMMISSION

[Docket No. E-6435]

SOUTHERN UTAH POWER CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING RENEWAL OF PROMISSORY NOTE

OCTOBER 12, 1954.

Notice is hereby given that on September 30, 1954, the Federal Power Commission issued its supplemental order adopted September 29, 1954, authorizing renewal of short-term promissory note in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8143; Filed, Oct. 15, 1954; 8:46 a. m.]

[Docket No. G-2464]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 12, 1954.

Notice is hereby given that on October 7, 1954, the Federal Power Commission issued its findings and order adopted October 5, 1954, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8149; Filed, Oct. 15, 1954; 8:47 a. m.]

[Docket No. G-2541]

LONE STAR GAS CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 12, 1954.

Notice is hereby given that on October 8, 1954, the Federal Power Commission issued its findings and order adopted October 5, 1954, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8150; Filed, Oct. 15, 1954; 8:47 a. m.]

[Docket No. G-2554]

WITCO CHEMICAL CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 12, 1954.

Notice is hereby given that on October 1, 1954, the Federal Power Commission issued its order adopted September 29, 1954, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8144; Filed, Oct. 15, 1954; 8:46 a. m.]

[Docket Nos. G-2561—G-2564, G-2663, G-2664]

SHIPPENSBURG GAS CO. ET AL.

NOTICE OF DECLARATIONS OF EXEMPTIONS

OCTOBER 12, 1954.

In the matters of Shippensburg Gas Company, Docket No. G-2561; Bangor Gas Company, Docket No. G-2562; Citizens Gas Company, Docket No. G-2563; Huntingdon Gas Company, Docket No. G-2564; Lawrenceburg Gas Company, Docket No. G-2663; Mayfield Gas Company, Docket No. G-2664.

Notice is hereby given that on October 7, 1954, the Federal Power Commission issued its declarations of exemptions from the provisions of the Natural Gas Act adopted October 5, 1954, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8148; Filed, Oct. 15, 1954; 8:47 a. m.]

[Docket No. G-2860]

LLANO GRANDE CORP.

NOTICE OF APPLICATION

OCTOBER 12, 1954.

Take notice that Llano Grande Corporation (Applicant), a Texas corporation having its principal place of business in Houston, Texas, filed on September 20, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the sale of natural gas to El Paso Natural Gas Company for resale in interstate commerce. The natural gas which Applicant proposes to sell is surplus residue gas from its gasoline plant under construction in the Dean-Wright Field in Cochran County, Texas.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of November 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8151; Filed, Oct. 15, 1954; 8:47 a. m.]

[Docket Nos. ID-1111, ID-1240]

M. P. MCGLONE AND ROBERT O. WHITMAN

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

OCTOBER 12, 1954.

In the matters of M. P. McGlone, Docket No. ID-1111; Robert O. Whitman, Docket No. ID-1240.

Notice is hereby given that on October 8, 1954, the Federal Power Commission issued its orders adopted October 5, 1954, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8152; Filed, Oct. 15, 1954; 8:47 a. m.]

[Project No. 713]

UTAH POWER & LIGHT CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

OCTOBER 12, 1954.

Notice is hereby given that on October 4, 1954, the Federal Power Commission issued its order adopted September 29, 1954, further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8145; Filed, Oct. 15, 1954; 8:46 a. m.]

[Project No. 1289]

PACKWOOD ELECTRIC CO.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

OCTOBER 12, 1954.

In the matter of Paul W. Billings, Uno Ostrom and J. W. Russell, doing business as Packwood Electric Company, and Packwood Electric Co., a corporation.

Notice is hereby given that on October 4, 1954, the Federal Power Commission issued its order adopted September 29, 1954, approving transfer of license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8146; Filed, Oct. 15, 1954; 8:46 a. m.]

VETERANS' ADMINISTRATION

ORGANIZATION

CENTRAL OFFICE

The Veterans' Administration statement of organization (19 F. R. 2917) is amended as follows:

In section 2, new paragraph (e) (1) (vi) and (3) (vii) are added as follows:

SEC. 2. *Central Office.* • • •

(e) *Departments*—(1) *Department of Medicine and Surgery.* • • •

(vi) *Area medical office.* (a) Conducts supervisory activities in all field

stations under the jurisdiction of the Department of Medicine and Surgery, and takes corrective action within the limits of existing Central Office policy, regulations, and operational directives.

(b) Performs additional operating duties as specifically assigned by the Chief Medical Director.

(c) Area medical offices are located in the following cities: Atlanta, Georgia; Boston, Massachusetts; San Francisco, California; St. Louis, Missouri; St. Paul, Minnesota; and Trenton, New Jersey.

• • • • • •

(3) *Department of Veterans Benefits.*

• • •

(vii) *Area supervision office.* (a) Conducts continuous supervision of all operations in field stations within an assigned area and appraises for the Assistant Deputy Administrator (Field) the effectiveness of station management in carrying out the overall mission of the Department in the field.

(b) Advises the Assistant Deputy Administrator (Field) of the current effectiveness of field operations and makes recommendations with respect thereto.

(c) Conducts special studies as assigned.

(d) Area supervision offices are located in the following cities: Atlanta, Georgia; Chicago, Illinois; Dallas, Texas; Hartford, Connecticut; and San Francisco, California.

• • • • • •

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-8197; Filed, Oct. 15, 1954; 8:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1138]

JULIAN & KOKENGE CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

OCTOBER 12, 1954.

The Julian & Kokenge Co., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, No Par Value, from listing and registration on the American Stock Exchange and on the Cincinnati Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

(1) The concentration of the stock amounts to 86½ percent of the shares in the hands of 3 families, employees and others close to the applicant, leaving only 16,279 of the 122,030 shares in the hands of 262 other public holders as of September 7, 1954, of which, in turn, 9,956 shares are held by 139 shareholders residing in Columbus or elsewhere in Ohio.

(2) Activity on the Cincinnati Stock Exchange is negligible and activity on the American Stock Exchange has averaged less than 125 shares per month over the past 7 years.

(3) Delisting was approved by unanimous vote of shareholders at a meeting on January 21, 1952, at which approximately 70 percent of the outstanding shares including about 34 percent of the shares not owned by the 3 controlling families were voted, and as of September 7, 1954, the applicant had only 57 shareholders owning a total of 4,140 shares who were not shareholders on January 21, 1952.

In view of the concentrated holdings and small trading volume, the Cincinnati Stock Exchange has waived the requirements of its rule having to do with withdrawal of securities from listing. The delisting rules of the American Stock Exchange have been complied with.

Upon receipt of a request, prior to October 28, 1954, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8157; Filed, Oct. 15, 1954; 8:48 a. m.]

[File No. 24D-1376]

FOUR STATES URANIUM CORP.

ORDER SUSPENDING EXEMPTION AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 11, 1954.

Four States Uranium Corporation, 618 Rood Avenue, Grand Junction, Colorado, having filed with the Commission on August 16, 1954, a notification on Form 1-A and an offering circular relating to a proposed public offering of 300,000 shares of its $1 par value common stock, and amendments to the notification and offering circular on September 21, 1954, and September 24, 1954, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission having reasonable cause to believe that the terms and conditions of said Regulation A have not been complied with in that (1) an offering circular has not been and is not being delivered to offerees and purchasers of the said stock as required by Rule 219 (a) and (2) the offering was commenced and securities sold prior to the time permitted by Rule 219 (e):

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 that the exemption under Regulation A be, and it hereby is, suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Four States Uranium Corporation and Joe Rosenthal personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8158; Filed, Oct. 15, 1954; 8:49 a. m.]

[File No. 70-3300]

NATIONAL FUEL GAS CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF COMMON STOCK PURSUANT TO RIGHTS OFFERING

OCTOBER 11, 1954.

Notice is hereby given that National Fuel Gas Company ("National Fuel"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 (a) and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

National Fuel proposes to issue and sell, without an underwriting, 381,018 shares of its authorized but unissued common stock, no par value, pursuant to a rights offering to its stockholders on the basis of one share of additional common stock for each ten shares of outstanding common stock at a price to be fixed prior to the offering and which will be supplied by amendment. The additional shares are to be offered to stockholders of record at the close of business on or about November 8, 1954, and the subscription offer will expire at 3:30 p. m., e. s. t., on November 29, 1954.

The right to subscribe for the additional shares of common stock will be evidenced by transferable warrants expressed in terms of "rights", one right being issued for each share of the presently outstanding common stock, and ten rights will be necessary to exercise the privilege of subscribing for one full share of additional common stock ("Basic Right").

No fractional shares are to be issued. However, subject to allotment, any holder of a warrant evidencing a number of rights in excess of ten but not evenly divisible by ten may subscribe for one more full share than he would be entitled to under the Basic Right, and any holder of a warrant evidencing less than ten rights may subscribe for one full share ("Primary Privilege"). No subscriber may exercise more than one such Primary Privilege.

Under a proposed Secondary Subscription Privilege ("Secondary Privilege") and subject to allotment, any holder of a warrant who has exercised either the Basic Right or the Primary Privilege, or both, may subscribe for such additional number of shares as the holder may elect.

As to the allotment in respect of the Primary and Secondary Privileges, any shares not subscribed for under the Basic Right will be issued and sold to persons exercising one or both of the Privileges. However, all subscriptions pursuant to the Primary Privilege will be filled before any subscription under the Secondary Privilege is recognized. In the event there are insufficient shares to fill all Primary Privilege subscriptions, those exercised on the basis of nine rights will be filled first, then those on the basis of eight rights, seven, six and so on in that order. Should it be possible to fill some but not all subscriptions in any one of these groups the subscriptions will be filled in order of their receipt. If there should remain insufficient shares to fill all subscriptions under the Secondary Privilege the remaining shares will be allotted in proportion, as nearly as is practicable, to the number of rights covered by all warrants containing a subscription under the Secondary Privilege rather than upon the basis of the number of shares requested.

Warrants issued to common stockholders whose addresses are outside the continental United States, Canada and Cuba will not be mailed but will be held for their accounts until 10:00 a. m., e. s. t., November 26, 1954, when (if no instructions have been received) they will be sold and the net proceeds, if any, shall be either remitted to them or held for the account of each such stockholder.

The declaration states that the net proceeds from the sale of the additional shares of common stock will be used either to repay a portion of National Fuel's outstanding bank loans now aggregating $8,700,000, which were obtained to provide monies for the purchase of common stock of or for loans to its operating subsidiary companies; or to purchase additional common stock of or for new loans to such subsidiaries.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed issuance and sale of common stock.

The fees and expenses to be incurred in connection with the proposed transactions are estimated as follows:

Item	Amount
Federal stamp tax	$11,400
Filing fee, Securities and Exchange Commission	700
Fees and expenses of subscription agent (The Hanover Bank)	21,000
Fees and expenses of counsel:	
Stryker, Tams & Horner	6,250
Kenefick, Bass Letchworth, Baldy & Phillipps	250
Gifford, Graham, MacDonald & Illig	100
Brooks, Cromarty & Baker	100
Cahill, Gordon, Reindel & Ohl (Blue Sky)	4,300
Auditors' fee (price Waterhouse & Co.)	2,000
Printing of Form S-1, Prospectus, Exhibits, etc	19,000
Printing and engraving securities	5,500
Miscellaneous, including postage and insurance	12,400
Total	83,000

Notice is further given that any interested person may, not later than November 5, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time thereafter said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8159; Filed, Oct. 15, 1954; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provision of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Adamsville Garment Co., Inc., Adamsville, Tenn., effective 9-24-54 to 3-23-55; 40 learners for plant expansion purposes (men's and boys' sport shirts).

Blue Bell, Inc., Luray, Va., effective 9-23-54 to 3-22-55; 30 learners for plant expansion purposes (dungarees).

Blue Bell, Inc., Tupelo, Miss., effective 10-13-54 to 10-12-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (western shirts).

C. B. S. Dress Co., Inc., 116 Second Street, Henderson, Ky., effective 10-8-54 to 10-7-55; 5 learners for normal labor turnover purposes (women's and misses' cotton dresses).

Cleveland Overall Co., 1768 East 25th Street, Cleveland, Ohio, effective 9-27-54 to 9-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work garments for men).

Fairmont Manufacturing Co., Inc., Mitchell Building, Fairmont, N. C., effective 9-23-54 to 3-22-55; 10 learners for plant expansion purposes (ladies' gowns and pajamas).

Honey Bee Blouse, Branchdale, Pa., effective 9-24-54 to 9-23-55; 10 learners for normal labor turnover purposes (ladies' blouses).

Levi Strauss and Co., 220 North Houston Avenue, Denison, Tex., effective 9-27-54 to 9-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (denim waistband overalls, coats or jackets).

Mid-American Manufacturing Co., Inc., 304 South First Street, Ponca City, Okla., effective 9-27-54 to 3-26-55; 20 learners for plant expansion purposes (men's, boys', ladies' and girls' denim jeans).

Rosenau Bros., Inc., Main Street, Red Hill, Pa., effective 10-6-54 to 10-5-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Rosenau Bros., Inc., Fulton Street, Ephrata, Pa., effective 10-6-54 to 10-5-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Southland Manufacturing Co., Inc., 1510 South Third Street, Wilmington, N. C., effective 9-27-54 to 9-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

The Warner Bros. Co., Moultrie, Ga., effective 10-8-54 to 10-7-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (corsets and brassieres).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F. R. 8633).

Budd Cigar Co., Alabama, 309 Sixth Avenue, Dothan, Ala., effective 10-1-54 to 3-31-55; 40 learners for expansion purposes. Occupations: cigar machine operating, 320 hours; cigar packing (cigars retailing for 6

cents or less), 160 hours; machine stripping, 160 hours; each at 65 cents per hour.

Budd Cigar Co., Alabama, 309 Sixth Avenue, Dothan, Ala., effective 9-23-54 to 9-22-55; 10 percent of the total number of factory production workers engaged in the occupations listed below, for normal labor turnover purposes. Occupations: cigar machine operating, 320 hours; cigar packing (cigars retailing for 6 cents or less), 160 hours; and machine stripping, 160 hours; each at 65 cents per hour.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Rockwood Undergarment Co., Inc., Rockwood, Pa., effective 10-8-54 to 10-7-55; 5 learners for normal labor turnover purposes (ladies' rayon panties).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

Feldt Manufacturing Co., Inc., 107-109 South Main Street, Temple, Tex., effective 9-23-54 to 3-22-55; 100 learners for plant expansion purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

The following special learner certificates were issued to the school-operated industries listed below:

Enterprise Academy, Enterprise, Kans., effective 9-1-54 to 8-31-55; 4 learners in print shop in the occupations of compositor, pressman, and related skilled and semiskilled occupations; 350 hours at 60 cents per hour; 325 hours at 65 cents per hour, and 325 hours at 70 cents per hour.

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Airflex, Inc., Bayamon, P. R., effective from 9-20-54 to 3-19-55; 10 learners in the occupations of assembly operations and polishing; 160 hours at 45 cents per hour (metal expansion watch bands).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 27th day of September 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-8141; Filed, Oct. 15, 1954; 8:45 a. m.]

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 19 NUMBER 203

Washington, Tuesday, October 19, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10570

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE PULLMAN COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between The Pullman Company, a carrier, and certain of its employees represented by the Order of Railway Conductors and Brakemen, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by The Pullman Company, or by its employees, in the conditions out of which the said dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 16, 1954.

[F. R. Doc. 54-8230; Filed, Oct. 18, 1954; 9:14 a. m.]

EXECUTIVE ORDER 10571

INCLUDING CERTAIN LANDS IN THE NANTAHALA NATIONAL FOREST

WHEREAS on March 8, 1954, the Tennessee Valley Authority and the United States Department of Agriculture entered into an agreement (designated as Second Supplemental Agreement of Transfer) providing for the transfer by the said Authority to the said Department of the right of possession and all other right, title, and interest which the Authority may have in or to certain lands therein designated and described in Graham County, North Carolina, within the authorized boundaries of the Nantahala National Forest, so that such lands might be included in and reserved as a part of the Nantahala National Forest, in accordance with the terms and conditions of the agreement and subject to the approval thereof by the President of the United States; and

WHEREAS I have this day approved the said agreement between the Tennessee Valley Authority and the United States Department of Agriculture; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that the inclusion of such lands in the Nantahala National Forest would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103, and the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 471, 473), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, I hereby include in and reserve as part of the Nantahala National Forest the following-described lands, such inclusion and reservation to be in accordance with and subject to the terms and conditions of the said agreement of March 8, 1954, between the Tennessee Valley Authority and the United States Department of Agriculture.

LANDS INCLUDED IN THE NANTAHALA NATIONAL FOREST

Land lying in the Yellow Creek Township of Graham County, State of North Carolina, on the southwest shores of Fontana Lake and on the south side of Cheoah Lake, approximately ½ mile south of Fontana Dam, and more particularly described as follows:

Beginning at a metal marker (Coordinates: N. 653, 334; E. 563, 176) in the boundary of the United States of America's land at a corner of the lands of the Whiting Manufacturing Company and the Carolina Aluminum Company.

From the initial point,
N. 85° 34' E., 861 feet to a metal marker;
S. 89° 33' E., 1152 feet to a metal marker;
S. 39° 11' E., 508 feet to a metal marker;

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CFR SUPPLEMENTS

(For use during 1954)

All of the cumulative pocket supplements and revised books of the Code of Federal Regulations (as of January 1, 1954) are now available, except the supplements to Titles 1–3 and to the General Index.

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S. 0° 59' E., 843 feet, passing a metal marker at 274 feet and a metal marker at 742 feet, to a point in the road leading to Fontana Village;

S. 48° 40' E., 799 feet, passing a metal marker at 108 feet, to a metal marker;

S. 69° 49' E., 1784 feet to a metal marker in the boundary of the land presently leased to Government Services, Incorporated, by the Tennessee Valley Authority;

With the boundary of the leased area,

S. 0° 22' W., 216 feet to a metal marker;

S. 35° 32' E., 237 feet;

N. 23° 46' E., 216 feet to a metal marker;

Leaving the boundary of the leased area,

N. 89° 59' E., 612 feet to a metal marker;

N. 50° 13' E., 790 feet to a metal marker;

N. 26° 46' E., 524 feet to a metal marker;

N. 78° 40' E., 3096 feet, passing a metal marker on the east side of the access road to Fontana Dam at 2843 feet, to a metal marker (Coordinates: N. 652, 381; E 572, 510) in the 1723-foot contour;

N. 78° 40' E., 20 feet, more or less, to a point in the center line of a drain;

With the center line of the drain as it meanders downstream approximately 20 feet to a point in the 1710-foot contour on the shore of an inlet of Fontana Lake;

With the 1710-foot contour as it meanders in a general easterly direction and subsequently in a general southwesterly direction to a point in the boundary of the land presently leased to Government Services, Incorporated, by the Tennessee Valley Authority;

Leaving the said contour,

With the boundary of the leased area,

N. 87° 41' W., 850 feet, more or less, to a metal marker (Coordinates: N. 650, 535, E. 572, 585);

S. 31° 11' W., 438 feet to a metal marker;

N. 69° 55' W., 400 feet;

N. 61° 09' W., 1374 feet to a metal marker;

S. 74° 19' W., 1449 feet to a metal marker;

S. 83° 46' W., 406 feet to a metal marker;

S. 1° 37' E., 326 feet to a metal marker on the north right-of-way line of an access road to Fontana Dam, the said metal marker being 50 feet north of and opposite approximate survey station 19 + 30 on the surveyed center line of the access road;

With the said right-of-way line in a general easterly direction to a metal marker 50 feet north of and opposite approximate survey station 5 + 65, the said right-of-way line varying in distance from the center line of the road as follows: 50 feet between approximate survey station 19 + 30 and survey station 19 + 00, 70 feet between survey stations 19 + 00 and 18 + 00, 50 feet between survey stations 18 + 00 and 12 + 50, 80 feet between survey stations 12 + 50 and 10 + 00, and 50 feet between survey station 10 + 00 and approximate survey station 5 + 65;

Leaving the right-of-way line,

S. 20° 59' E., 421 feet to a metal marker;

S. 85° 19' E., 852 feet to a metal marker;

N. 82° 39' E., 602 feet to a metal marker;

N. 67° 17' E., 500 feet to a metal marker;

S. 76° 26' E., 631 feet to a metal marker (Coordinates: N. 649, 720; E. 572, 970);

N. 80° 03' E., 100 feet, more or less, to a point in the 1710-foot contour on the shore of Fontana Lake;

Leaving the boundary of the leased area,

With the 1710-foot contour as it meanders in a general easterly direction to a point in the boundary of the United States of America's land;

Leaving the contour,

With the United States of America's boundary,

S. 45° 39' W., 30 feet, more or less, to a metal marker in the 1723-foot contour;

S. 46° 42' W., 625 feet to a metal marker (Coordinates: N. 649, 468; E. 576, 704);

S. 41° 46' W., 105 feet to a metal marker;

S. 47° 09' W., 1299 feet to a metal marker;

N. 80° 31' W., 407 feet to a metal marker;

N. 0° 34' E., 611 feet to a metal marker;

N. 84° 41' W., 2535 feet to a metal marker;

S. 73° 45' W., 1502 feet to a metal marker;

N. 88° 06' W., 3061 feet to a metal marker;

S. 55° 07' W., 6541 feet to a metal marker;

N. 89° 28' W., 1681 feet to a metal marker in the boundary of the land presently leased to Government Services, Incorporated, by the Tennessee Valley Authority;

Leaving the United States of America's boundary,

With the boundary of the leased area,

Due north, 303 feet to a metal marker;

N. 77° 16' E., 1470 feet to a metal marker;

N. 85° 25' E., 602 feet to a metal marker;

N. 56° 26' E., 3594 feet to a metal marker;

N. 22° 32' W., 846 feet to a metal marker;

N. 45° 31' W., 1480 feet to a metal marker;

S. 77° 06' W., 1603 feet to a metal marker;

S. 25° 15' W., 2429 feet, passing a metal marker at 598 feet, to a metal marker;

S. 67° 32' W., 2818 feet, passing a metal marker at 1625 feet and a metal marker at 2266 feet, to a metal marker in the boundary of the United States of America's land;

Leaving the boundary of the leased area,

With the United States of America's boundary,

N. 3° 26' W., 898 feet to a metal marker;

N. 70° 30' E., 445 feet to a metal marker;

N. 6° 56' W., 677 feet to a 36-inch chestnut stump;

S. 81° 30' W., 55 feet to a metal marker;

N. 39° 43' E., 1816 feet to a metal marker;

N. 59° 06' E., 3237 feet to a metal marker;

N. 15° 32' W., 2431 feet, passing a metal marker at 2286 feet, to the point of beginning.

Also an island formed by the 1710-foot contour and lying in Fontana Lake immediately north of the most easterly portion of the above described mainland, the said island having a length of approximately 1350 feet and an approximate maximum width of 600 feet.

The land as described above contains a total of 928 acres, more or less.

The positions of corners and directions of lines are referred to the North Carolina State Coordinate System. The contour elevations are based on MSL datum as established by the USC&GS Southeastern Supplementary Adjustment of 1936.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 18, 1954.

[F. R. Doc. 54-8263; Filed, Oct. 18, 1954; 11:45 a. m.]

RULES AND REGULATIONS

TITLE 26—INTERNAL REVENUE, 1954

ESTABLISHMENT OF NEW TITLE

EDITORIAL NOTE: The enactment of the Internal Revenue Code of 1954 makes it desirable to establish a new title in the Code of Federal Regulations to be designated "Title 26—Internal Revenue, 1954." The new title will contain those administrative rules and regulations, general and permanent in nature, which are effective as to all matters to which the Internal Revenue Code of 1954 is applicable. The new title does not supersede the present "Title 26—Internal Revenue" as to those facts or circumstances to which the provisions of the Internal Revenue Code of 1939 are applicable.

The new Title 26 should be cited as "26 CFR." Thus, the approved abbreviated citation of § 1.213 in Title 26, (relating to medical, dental, etc., expenses) would be "26 CFR 1.213." If reference is made to regulations under the Internal Revenue Code of 1939, that date should be shown in the reference. Thus, in referring to Part 29 of the former Title 26 (Treasury Regulations 111, relating to income taxes for taxable years beginning after 1941 and before 1952), the reference should be to "26 CFR (1939) Part 29".

The present plans of the Internal Revenue Service generally call for issuance of new regulations (such as regulations relating to income taxes, estate tax, gift taxes, wine, etc.), each of which will be designated as a particular part of the new title. It may be necessary in some cases, however, to issue portions of the regulations as Treasury decisions as soon as these portions are developed prior to issuing the complete regulations on that subject in one document. For example, according to present plans for issuing new regulations relating to income tax, approximately 60 separate Treasury decisions will be involved. These separate Treasury decisions will be brought together at a later date and named the Income Tax Regulations (1954 ed.), and will appear as Part 1 of the new Title 26 of the Code of Federal Regulations. The name and appropriate CFR citation will be used as the official designation. The Internal Revenue Service does not expect to assign a separate Internal Revenue Service number (such as Regulations 111 or Regulations 118) to regulations which will be issued under the Internal Revenue Code of 1954.

The pattern and range of part numbers for the new Title 26 are shown by the following table:

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

Subchapter A—Income Tax (Parts 1–19)
Subchapter B—Estate and Gift Taxes (Parts 20–29)
Subchapter C—Employment Taxes (Parts 30–39)
Subchapter D—Miscellaneous Excise Taxes (Parts 40–169)
Subchapter E—Alcohol, Tobacco and Other Excise Taxes (Parts 170–299)
Subchapter F—Procedure and Administration (Parts 300–499)
Subchapter G—Regulations under Tax Conventions (Parts 500–599)

CHAPTER II—TAX COURT OF THE UNITED STATES

(Parts 701–799)

NOTE: For promulgation of Parts 501 and 502 of Subchapter G of Chapter I of new Title 26, see F. R. Documents 54-8193 and 54-8194, *infra*.

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter G—Regulations Under Tax Conventions

[T. D. 6108]

PART 501—INCOME TAX WITHHOLDING; AUSTRALIA

Release or refund of excess tax withheld, and exemption from, or reduction in rate of, withholding of tax at source in the case of Australian residents, as affected by the income tax convention between the United States and Australia proclaimed by the President of the United States on December 22, 1953.

Sec.
501.1 Introductory.
501.2 Dividends.
501.3 Interest.
501.4 Natural resource royalties and real property rentals.
501.5 Copyright royalties.
501.6 Pensions and annuities.
501.7 Release of excess tax withheld at source.
501.8 Addressee not actual owner.
501.9 Information to be furnished in ordinary course.
501.10 Beneficiaries of a domestic estate or trust.
501.11 Refund of excess tax withheld during 1953.

AUTHORITY: §§ 501.1 to 501.11 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 501.1 *Introductory.* (a) The income tax convention between the United States and Australia, signed on May 14, 1953, and proclaimed by the President of the United States on December 22, 1953, hereinafter referred to as the convention, provides in part as follows, effective January 1, 1953:

ARTICLE I

(1) The taxes which are the subject of this Convention are—

(a) In Australia: The Commonwealth income tax and social services contribution, including the tax at the further rates of tax payable in respect of income from property and the additional tax assessed in respect of the undistributed amount of the distributable income of a private company (hereinafter referred to as "Australian tax");

(b) In the United States: The Federal income taxes, including surtaxes and excess profits taxes (hereinafter referred to as "United States tax").

(2) This Convention shall also apply to any other tax of a substantially similar character imposed by either Contracting State after the date of signature of this Convention.

ARTICLE II

(1) In this Convention, unless the context otherwise requires—

(a) The terms "one of the Contracting States" and "the other Contracting State" mean the United States or Australia, as the context requires;

(b) The term "Australia" means the Commonwealth of Australia and includes the Territories of Papua, New Guinea and Norfolk Island;

(c) The term "United States" means the United States of America and when used in a geographical sense includes only the States thereof, the Territories of Alaska and Hawaii, and the District of Columbia;

(d) The term "tax" means Australian tax or United States tax, as the context requires;

(e) The terms "resident of one of the Contracting States" and "resident of the other Contracting State" mean a United States resident or an Australian resident, as the context requires;

(f) The term "Australian resident" means any person (other than a citizen of the United States or a United States corporation) who is a resident of Australia and not resident in the United States for the purposes of United States tax, but a corporation (other than a United States corporation) which is a resident of Australia shall not be deemed to be resident in the United States even though that corporation is engaged in trade or business within the United States;

(g) The term "United States resident" means any individual who is resident in the United States for the purposes of United States tax and not a resident of Australia, and any United States corporation and any partnership created or organized in or under the laws of the United States, being a corporation or partnership which is not a resident of Australia;

(h) The term "resident of Australia" has the meaning which it has under the laws of Australia relating to Australian tax;

(i) The terms "enterprise of one of the Contracting States" and "enterprise of the other Contracting State" means a United States enterprise or an Australian enterprise, as the context requires;

(j) The term "Australian enterprise" means an industrial or commercial enterprise or undertaking carried on by an Australian resident;

(k) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on by a United States resident;

(l) The term "company" has the meaning which it has under Australian law relating to Australian tax;

(m) The term "United States corporation" means a corporation, association or other like entity created or organized in or under the laws of the United States;

(n) The term "industrial or commercial profits" includes the profits of an industrial or commercial enterprise or undertaking but does not include income in the form of dividends, interest, rent, royalties, management charges, remuneration for personal services, or income from the operation of ships or aircraft;

(o) The term "permanent establishment" means a branch, agency, management or fixed place of business and includes a factory, workshop, mine, oilwell, office or agricultural or pastoral property, or the use or installation of substantial equipment or machinery by, for, or under contract with, an enterprise of one of the Contracting States. Where an enterprise or a resident of one of the Contracting States—

(i) Carries on business dealings in the other Contracting State through a bona fide commission agent or broker acting in the ordinary course of his business as such and receiving remuneration in respect of those dealings at the rate customary in the class of business in question; or

(ii) Maintains in that other State a fixed place of business exclusively for the purchase of goods or merchandise; or

(iii) Has a subsidiary corporation which is engaged in trade or business in that other State, whether through a permanent establishment or otherwise; or

(iv) Has an agent in that other State (other than an agent who has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of that enterprise, or regularly fills orders on its behalf from a stock of goods or merchandise located in that other State),

That enterprise or resident shall not, merely by reason thereof, be deemed to have a permanent establishment in that other State;

(p) The term "taxation authority" means, in the case of the United States, the Commissioner of Internal Revenue as authorized by the Secretary of the Treasury and, in the case of Australia, the Commissioner of Taxation or his authorized representative.

(2) In the application of the provisions of this Convention by one of the Contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that State relating to the taxes which are the subject of this Convention.

* * * * *

ARTICLE VI

(1) A dividend paid to a United States resident by a United States corporation which is not a resident of Australia shall be exempt from Australian tax.

(2) A dividend paid to an Australian resident by a company which is a resident of Australia (other than a United States corporation) shall be exempt from United States tax.

ARTICLE VII

(1) The amount of Australian tax on dividends paid by a company which is a resident of Australia to a United States resident who is liable for United States tax thereon and is not engaged in trade or business in Australia through a permanent establishment in Australia shall not exceed 15 per centum of the dividend.

(2) The rate of United States tax on dividends derived from sources within the United States by an Australian resident who is liable for Australian tax thereon and is not engaged in trade or business in the United States through a permanent establishment in the United States shall not exceed 15 per centum.

* * * * *

ARTICLE X

Royalties (not being royalties in relation to motion picture films or the reproduction by any means of images or sound produced directly or indirectly from those films) for the use, production or reproduction of, or for the privilege of using, producing or reproducing, a literary, dramatic, musical or artistic work in which copyright subsists, being royalties derived from sources within one of the Contracting States by a resident of the other Contracting State not engaged in trade or business in the former State through a permanent establishment in that State, shall be exempt from tax by the former State.

ARTICLE XI

A resident of one of the Contracting States deriving from sources within the other Contracting State—

(a) Royalties in respect of the exploitation of mines, quarries or other natural resources; or

(b) Rentals from real property, may elect for any taxable year to be subject to the tax of the other State on a net basis as if that resident were engaged in trade or business within the other State through a permanent establishment in that State.

ARTICLE XII

(1) A pension (including a Government pension) and an annuity, derived from sources within one of the Contracting States by a resident of the other Contracting State, shall be exempt from tax by the former State.

(2) The term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in consideration of money paid.

* * * * *

ARTICLE XVI

Each Contracting State shall, so far as it is practicable to do so, collect, and pay to the other Contracting State, amounts equivalent to amounts due to the other Contracting State by way of taxes which are the subject of this Convention, being amounts the collection of which is necessary in order to ensure that the benefit of exemptions from tax, or of reductions in rates of tax, provided for by this Convention is not received by persons not entitled to that benefit.

* * * * *

ARTICLE XVIII

(1) The taxation authorities of the Contracting States shall exchange such information (being information available under the respective taxation laws of the Contracting States) as is necessary for carrying out the provisions of this Convention or for the prevention of fraud or for the administration of statutory provisions against avoidance of the taxes which are the subject of this Convention.

(2) Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those (including a Court or a reviewing authority) concerned with the assessment or collection of the taxes, which are the subject of this Convention, or the determination of appeals in relation thereto.

(3) No information shall be exchanged which would disclose any trade secret or trade process.

ARTICLE XIX

The taxation authority of each Contracting State may communicate directly with the taxation authority of the other Contracting State for the purpose of giving effect to the provisions of this Convention.

ARTICLE XX

The provisions of this Convention shall not—

(a) Be construed as restricting in any manner any exemption, deduction, credit or other allowance now or hereafter accorded by the laws of one of the Contracting States in the determination of the tax payable to that State; or

* * * * *

ARTICLE XXI

(1) This Convention shall be ratified and the instruments of ratification shall be exchanged at Canberra as soon as possible.

(2) This Convention shall become effective—

(a) In the case of United States tax, on the first day of January in the year in which the exchange of instruments of ratification takes place; and

(b) In the case of Australian tax, for the year of income commencing on the first day of July next succeeding the date upon which this Convention becomes effective in the case of United States tax.

(3) This Convention shall continue in effect indefinitely but either Contracting State may, on or before the thirtieth day of June in any year after 1955, give to the other Contracting State notice of termination and, in that event, this Convention shall cease to be effective—

(a) In the case of United States tax, on and after the first day of January next following the giving of that notice of termination; and

(b) In the case of Australian tax, for the year of income commencing on the first day of July next succeeding the date on which this Convention ceases to be effective in the case of United States tax, and for all subsequent years.

* * * * *

(b) As used in this part, any term defined in the convention shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws. As indicated in Article II (1) (h) of the convention, the term "resident of Australia" shall have the meaning which it has under the laws of Australia relating to Australian tax.

§ 501.2 *Dividends*—(a) *General.* (1) Dividends paid on or after January 1, 1953, to a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or to a foreign corporation by a company (other than a United States corporation) which is a resident of Australia are exempt from United States tax under the provisions of Article VI of the convention, if such alien or foreign corporation is a resident of Australia. As to what consitutes a "company" for such purpose, see Article II (1) (l) of the convention.

(2) The rate of United States tax imposed by the Internal Revenue Code upon dividends (other than dividends falling within the scope of subparagraph (1) of this paragraph) derived from sources within the United States on or after January 1, 1953, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or by a foreign corporation shall not exceed 15 percent under the provisions of Article VII of the convention, if such alien or foreign corporation (i) is a resident of Australia, (ii) is liable for Australian tax on such dividends, and (iii) at no time during the taxable year in which such dividends are derived has engaged in trade or business within the United States through a permanent establishment situated therein. As to what constitutes a permanent establishment, see Article II (1) (o) of the convention.

(3) Thus, if a nonresident alien individual who is a resident of Australia performs personal services within the United States during the taxable year, has at no time during such year engaged in trade or business within the United States through a permanent establishment situated therein, and is liable for Australian tax on a dividend described in subparagraph (2) of this paragraph which was derived in that year from United States sources, he is entitled to the reduced rate of tax with respect to such dividend, as provided in Article VII of the convention, even though under the provisions of section 871 (c) of the Internal Revenue Code of 1954 he has engaged in trade or business within the United States during such year by reason of his having rendered personal services therein.

(4) The fact that the payee of a dividend described in subparagraph (2) of this paragraph is not required to pay Australian tax on such dividend because of the application of reliefs or exemptions under Australian tax laws does not prevent the application of the reduction in rate of United States tax with respect to such dividend. If the payee would have been required to pay Australian tax on such dividend had he derived an income large enough to require payment of such tax, then liability for Australian tax exists for the purpose of the reduction in rate of United States tax.

(b) *Effect of address in Australia on withholding in case of dividends.* (1) For the purpose of paragraph (c) (1) of this section every nonresident alien (including a nonresident alien individual, fiduciary, and partnership) and every foreign corporation, having an address in Australia, shall be deemed by United States withholding agents to be a nonresident alien or a foreign corporation, respectively, qualifying as a taxpayer who is a resident of Australia.

(2) For the purpose of paragraph (c) (2) of this section every nonresident alien (including a nonresident alien individual, fiduciary, and partnership) and every foreign corporation, having an address in Australia, shall be deemed by United States withholding agents to be a nonresident alien or a foreign corporation, respectively, qualifying as a taxpayer who is (i) a resident of Australia, (ii) liable for Australian tax on the dividends concerned, and (iii) not engaged in trade or business within the United States through a permanent establishment situated therein.

(c) *Withholding of United States tax.* (1) No withholding of United States tax is required in the case of dividends paid by a company (other than a United States corporation) which is a resident of Australia to a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or to a foreign corporation, having an address in Australia, in any case except that in which, prior to the date of payment of such dividends, the Commissioner of Internal Revenue has notified the withholding agent that the exemption from withholding shall not apply.

(2) Withholding at source, as required under the internal revenue laws, in the case of dividends (other than dividends falling within the scope of subparagraph (1) of this paragraph) derived from sources within the United States by nonresident aliens (including a nonresident alien individual, fiduciary, and partnership) and by foreign corporations, having addresses in Australia, shall be at the rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, the Commissioner of Internal Revenue has notified the withholding agent that the reduced rate of withholding shall not apply.

(3) The provisions of subparagraphs (1) and (2) of this paragraph are based upon the assumption that the payee of the dividend is the actual owner of the capital stock from which the dividend is derived. As to action by the recipient who is not the owner of the dividend, see § 501.8.

(4) The rate at which United States tax has been withheld from any dividend paid at any time after the expiration of the thirtieth day after the date on which this part is published in the FEDERAL REGISTER to any person whose address is in Australia at the time the dividend is paid shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

§ 501.3 *Interest.* The convention does not change the rate of United States tax imposed pursuant to sections 871, 881, and 882 of the Internal Revenue Code of 1954 upon interest. The withholding of United States tax with respect to such income derived from sources within the United States by a nonresident alien who is a resident of Australia, or by a foreign corporation which is a resident of Australia, is not changed by the convention.

§ 501.4 *Natural resource royalties and real property rentals.* The convention does not change the rate of United States tax imposed pursuant to sections 871, 881, and 882 of the Internal Revenue Code of 1954 upon natural resource royalties and real property rentals. The withholding of United States tax with respect to such items derived from sources within the United States by a nonresident alien who is a resident of Australia, or by a foreign corporation which is a resident of Australa, is not changed by the convention.

§ 501.5 *Copyright royalties*—(a) *General.* (1) Royalties for the use, production, or reproduction of, or for the privilege of using, producing, or reproducing, any literary, dramatic, musical, or artistic work in which copyright subsists, which are derived from sources within the United States on or after January 1, 1953, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or by a foreign corporation are exempt from United States tax under the provisions of Article X of the convention, if such alien or foreign corporation (i) is a resident of Australia and (ii) at no time during the taxable year in which such royalties are derived has engaged in trade or business within the United States through a permanent establishment situated therein. Such royalties are, therefore, not subject to the withholding of United States tax at source. As to what constitutes a permanent establishment, see Article II (1) (o) of the convention.

(2) The provisions of this section shall have no application to royalties in respect of motion picture films or in respect of the reproduction by any means of images or sound produced directly or indirectly from those films.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at source in the case of the royalties to which paragraph (a) of this section is applicable, the nonresident alien or the foreign corporation shall notify the withholding agent by letter in duplicate that such royalties are exempt from United States tax under the provisions of Article X of the convention. The letter of notification

shall be signed by the owner of the royalties, trustee, or agent and shall show the name and address of the obligor and the name and address of the owner of the royalties. It shall contain a statement (i) that the owner is neither a citizen nor a resident of the United States but is a resident of Australia under the laws of Australia relating to Australian tax, or, in the case of a corporation, (ii) that the owner is a corporation (other than a United States corporation) which is a resident of Australia under the laws of Australia relating to Australian tax; and, in addition, a statement that the owner has at no time during the current taxable year engaged in trade or business within the United States through a permanent establishment situated therein.

(2) This letter of notification, which shall constitute authorization for the payment of such royalties without withholding of United States tax at source, shall be filed with the withholding agent for each successive three-calendar-year period during which such income is paid. For this purpose, the first such period shall commence with the beginning of the calendar year in which such income is first paid on or after January 1, 1954. Each such letter filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period, or, if that is not possible because of special circumstances, as soon as possible after such first payment.

(3) If such letter is also to be used as authorization for the release, pursuant to § 501.7 (a), of excess tax withheld from royalties, it shall also contain a statement that, at the time when the royalties were derived from which the excess tax was withheld, (i) the owner was neither a citizen nor a resident of the United States but was a resident of Australia under the laws of Australia relating to Australian tax, or, in the case of a corporation, (ii) the owner was a corporation (other than a United States corporation) which was a resident of Australia under the laws of Australia relating to Australian tax; and, in addition, a statement that the owner at no time during the taxable year in which such royalties were derived was engaged in trade or business in the United States through a permanent establishment situated therein.

(4) Once a letter has been filed in respect of any three-calendar-year period, no additional letter need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that an additional letter shall be filed by the taxpayer. If, after filing a letter of notification, the taxpayer ceases to be eligible for the exemption from United States tax granted by the convention in respect to such royalties, such taxpayer shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the royalties as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(5) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

§ 501.6 *Pensions and annuities*—(a) *General.* Private and government pensions, and annuities as defined in Article XII (2) of the convention, derived from sources within the United States on or after January 1, 1953, by an Australian resident are exempt from United States tax under the provisions of Article XII (1) of the convention. Such items of income are, therefore, not subject to the withholding of United States tax at source. As to what constitutes an Australian resident for such purpose, see Article II (1) (f) of the convention.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at source in the case of the items of income to which paragraph (a) of this section is applicable, the Australian resident shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article XII (1) of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and the owner of the income, and shall contain a statement that the owner is an Australian resident within the meaning of Article II (1) (f) of the convention.

(2) If such letter is also to be used as authorization for the release, pursuant to § 501.7 (a), of excess tax withheld from such items of income, it shall also contain a statement that, at the time when the income was derived from which the excess tax was withheld, the owner was an Australian resident within the meaning of Article II (1) (f) of the convention.

(3) This letter shall constitute authorization for the payment of such items of income without withholding of United States tax at source unless the Commissioner of Internal Revenue subsequently notifies the withholding agent that the tax shall be withheld with respect to payments of such items of income made after receipt of such notice. If, after filing a letter of notification, the owner of the income ceases to be eligible for the exemption from United States tax granted by the convention in respect to such income, such owner shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of such income as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(4) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

§ 501.7 *Release of excess tax withheld at source*—(a) *General.* (1) In order to give the convention effective application at the earliest practicable date, the exemptions from, and reduction in the rate of, withholding of United States tax at source granted by this part are hereby made effective beginning January 1, 1954, contingent upon compliance with the applicable provisions of §§ 501.2 through 501.6.

(2) In the case of dividends to which § 501.2 (a) (1) is applicable, which are derived from sources within the United States and paid to a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or to a foreign corporation, whose address at the time of payment was in Australia, if United States tax at the statutory rate (30 percent as of the date of approval of this part) has been withheld from such dividends on or after January 1, 1954, there shall be released by the withholding agent and paid over to the person from whom it was withheld an amount equal to the tax so withheld.

(3) In the case of dividends to which § 501.2 (a) (2) is applicable, which are derived from sources within the United States and paid to a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or to a foreign corporation, whose address at the time of payment was in Australia, if United States tax at the statutory rate (30 percent as of the date of approval of this part) has been withheld from such dividends on or after January 1, 1954, there shall be released by the withholding agent and paid over to the person from whom it was withheld the difference between the tax so withheld and the tax required to be withheld pursuant to § 501.2 (c) (2).

(4) In the case of every taxpayer whose address at the time of payment was in Australia and who furnishes to the withholding agent the letter of notification prescribed in §§ 501.5 (b) and 501.6 (b) as authorization for the release of excess tax withheld, if United States tax at the statutory rate (30 percent as of the date of approval of this part) has been withheld on or after January 1, 1954, from royalties to which § 501.5 is applicable, government pensions, private pensions, and annuities as defined in Article XII (2) of the convention, there shall be released by the withholding agent and paid over to the person from whom it was withheld an amount equal to the tax so withheld from such items.

(5) The provisions of this section (other than paragraph (b)) shall have no application to excess tax withheld at source which has been paid by the withholding agent to the district director of internal revenue.

(b) *Amounts withheld during 1953.* For provisions respecting the refund of excess tax withheld during the calendar year 1953, see § 501.11.

§ 501.8 *Addressee not actual owner*—(a) *General.* (1) If the recipient in Australia of any dividend, with respect to which no United States tax has been withheld at source pursuant to § 501.2 (c) (1), is a nominee or representative through whom such dividend flows to a person other than one described in § 501.2 (a) (1) as being entitled to the exemption from United States tax, such recipient in Australia shall withhold upon such dividend (to the extent constituting gross income from sources within the United States) United States tax at the statutory rate (30 percent as of the date of approval of this part).

(2) If the recipient in Australia of any dividend, with respect to which United States tax at the reduced rate of 15 percent has been withheld at source pursuant to § 501.2 (c) (2), is a nominee or representative through whom such dividend flows to a person other than one described in § 501.2 (a) (2) as being entitled to such reduced rate, such recipient in Australia shall withhold an additional amount of United States tax equivalent to the United States tax which would have been withheld if the convention had not been in effect (30 percent as of the date of approval of this part) minus the 15 percent which has been withheld at the source.

(3) In any case in which a fiduciary or partnership with an address in Australia receives, otherwise than as a nominee or representative, a dividend with respect to which no United States tax has been withheld at source pursuant to § 501.2 (c) (1), or with respect to which United States tax at the reduced rate of 15 percent has been withheld at source pursuant to § 501.2 (c) (2), if a beneficiary of such fiduciary or partner in such partnership is not entitled to the exemption from, or reduction in rate of, United States tax granted by Article VI or VII of the convention, as the case may be, the fiduciary or partnership shall withhold the required or additional United States tax with respect to the portion of such dividend included in such beneficiary's share, or in such partner's share, of the income of such fiduciary or partnership which is includible in the gross income of such beneficiary or partner. The amount of the tax to be withheld is to be calculated in the same manner as under subparagraph (1) or (2) of this paragraph, whichever is applicable.

(4) If any amount of United States tax is released pursuant to § 501.7 by the withholding agent in the United States with respect to a dividend paid to such a person (nominee, representative, fiduciary, or partnership) with an address in Australia, the latter shall also withhold from such released amount any United States tax, otherwise required to be withheld by the preceding provisions of this section in respect of such dividend, in the same manner as if at the time of payment of such dividend no United States tax, or United States tax at the rate of only 15 percent, whichever is appropriate, had been withheld at source therefrom.

(b) *Returns filed by Australian withholding agents.* The amounts withheld pursuant to paragraph (a) of this section by any withholding agent in Australia shall be deposited, without converting such amounts into United States dollars, with the Australian Commissioner of Taxation on or before the 15th day after the close of the quarter of the calendar year in which such withholding in Australia occurs. The withholding agent making such deposit shall render therewith such appropriate Australian form as may be prescribed by the Commissioner of Taxation. The amounts so deposited should be remitted by the Commissioner of Taxation by draft in United States dollars to the District Director of Internal Revenue, Baltimore 2, Maryland, U. S. A., on or before the end of the calendar month in which the deposit is made, and should be accompanied by such Australian form as may be required to be rendered by the withholding agent in Australia in connection with such deposit.

§ 501.9 *Information to be furnished in ordinary course*—(a) *General.* In compliance with the provisions of Article XVIII of the convention the Commissioner of Internal Revenue will transmit to the Australian Commissioner of Taxation, as soon as practicable after the close of the calendar year 1954 and of each subsequent calendar year during which the convention is in effect, the duplicate copy of each available Form 1042 Supplement filed for the preceding calendar year pursuant to paragraph (b) of this section.

(b) *Information return.* (1) To facilitate compliance with Article XVIII of the convention, every United States withholding agent shall make and file in duplicate with the district director of internal revenue for the district in which the withholding agent is located an information return on Form 1042 Supplement, with respect to Australian addressees, which shall be filed for the calendar year 1954 and subsequent calendar years. This return shall be filed simultaneously with Form 1042.

(2) There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income (and, for 1955 and subsequent years, amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235 of the Internal Revenue Code of 1954, which are considered to be gains from the sale or exchange of capital assets) derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations, whose addresses at the time of payment were in Australia, including such items of income upon which, in accordance with this Treasury decision, no withholding of United States tax is required.

§ 501.10 *Beneficiaries of a domestic estate or trust.* A nonresident alien who is a resident of Australia and who is a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in rate of, United States tax granted by Articles VI, VII, and X of the convention with respect to dividends and copyright royalties to the extent such item or items are included in that portion of the income of such estate or trust which is (or would, but for such exemption, be) includible in the gross income of the beneficiary, provided that he otherwise satisfies the requirements of these respective articles. In order to be entitled in such instance to the exemption from, or reduction in rate of, withholding of United States tax such beneficiary must otherwise satisfy such requirements and shall, where applicable, execute and submit to the fiduciary of such estate or trust in the United States the appropriate letter of notification prescribed in § 501.5 (b).

§ 501.11 *Refund of excess tax withheld during 1953.* (a) If United States tax withheld at the source during the year 1953 from dividends, copyright royalties, pensions, or annuities is in excess of the income tax imposed under the internal revenue laws, as modified by the convention, a claim by the taxpayer for the refund of any overpayment resulting therefrom shall be made under subchapter B of chapter 66 of the Internal Revenue Code of 1954 by filing Form 843 together with Form 1040NB, Form 1040NB–a, Form 1040B, Form 1120, or Form 1120NB, whichever is applicable, or with an amended return.

(b) The taxpayer's total gross income from sources within the United States, including every item of capital gain subject to tax under the provisions of section 211 (a) (1) (B) or 211 (c) of the Internal Revenue Code of 1939, shall be disclosed on the return. In the event that securities are held in the name of a person other than the actual or beneficial owner, the name and address of such person shall be furnished with the claim. There shall also be included in such claim for refund:

(1) A statement that, at the time when the item or items of income were derived from which the excess tax was withheld, (i) the taxpayer was neither a citizen nor a resident of the United States but was a resident of Australia under the laws of Australia relating to Australian tax, or, in the case of a corporation, (ii) the taxpayer was a corporation (other than a United States corporation) which was a resident of Australia under the laws of Australia relating to Australian tax;

(2) A statement that the taxpayer at no time during the taxable year in which the income was derived was engaged in trade or business within the United States through a permanent establishment situated therein;

(3) In the case of a claim involving an overpayment of tax upon dividends to which § 501.2 (a) (1) is applicable, a statement that such dividends were paid by a company (other than a United States corporation) which was a resident of Australia at the time of payment; and

(4) In the case of a claim involving an overpayment of tax upon dividends to which § 501.2 (a) (2) is applicable, a statement that the taxpayer was liable for Australian tax on such dividends.

(c) If, however, the taxpayer derived during the taxable year from sources within the United States income which consists exclusively of dividends to which § 501.2 (a) (1) is applicable, and/or pensions or annuities to which § 501.6 is applicable, the statement specified in para-

graph (b) (2) of this section shall not be required.

Because it is necessary to bring into effect at the earliest practicable date the rules of this Treasury decision respecting release or refund of excess tax withheld, and exemption from, or reduction in rate of, withholding of tax, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: October 13, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-8193; Filed, Oct. 18, 1954; 8:49 a. m.]

[T. D. 6109]

PART 502—INCOME TAX WITHHOLDING; GREECE

Release or refund of excess tax withheld and exemption from withholding of tax at source in the case of residents of Greece and of Greek corporations, as affected by the income tax convention and protocol between the United States and Greece proclaimed by the President of the United States on January 15, 1954.

Sec.
502.1 Introductory.
502.2 Dividends.
502.3 Interest.
502.4 Natural resource royalties and real property rentals.
502.5 Patent and copyright royalties.
502.6 Private pensions and life annuities.
502.7 Release of excess tax withheld at source.
502.8 Information to be furnished in ordinary course.
502.9 Beneficiaries of a domestic estate or trust.
502.10 Refund of excess tax withheld during 1953.

AUTHORITY: §§ 502.1 to 502.10 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7305.

§ 502.1 *Introductory.* (a) The income tax convention and protocol between the United States and Greece, signed February 20, 1950, and April 20, 1953, respectively, and proclaimed by the President of the United States on January 15, 1954, referred to in this part as the convention, provides in part as follows effective January 1, 1953:

ARTICLE I

(1) The taxes which are the subject of the present Convention are:

(a) In the case of the United States of America: the Federal income tax, including surtaxes (hereinafter referred to as United States tax).

(b) In the case of the Kingdom of Greece: the income tax, including the schedular or analytical tax, the complementary tax and the professional or business tax (hereinafter referred to as Greek tax).

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either Contracting State subsequently to the date of signature of the present Convention.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires—

(a) The term "United States" means the United States of America and when used in a geographical sense means the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(b) The term "Greece" means the territories of the Kingdom of Greece.

(c) The term "United States Corporation" means a corporation, association or other like entity created or organized in or under the laws of the United States.

(d) The term "Greek Corporation" means a legal entity established under the laws of Greece.

(e) The terms "corporations of one Contracting State" and "corporation of the other Contracting State" mean a United States corporation or a Greek corporation, as the context requires.

(f) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on in the United States by a citizen or resident of the United States or by a United States corporation.

(g) The term "Greek Enterprise" means an industrial or commercial enterprise or undertaking carried on in Greece by a subject or resident of Greece or by a Greek corporation.

(h) The terms "enterprise of one of the Contracting States" and "enterprise of the other Contracting State" mean a United States enterprise or a Greek enterprise, as the context requires.

(i) The term "permanent establishment", when used with respect to an enterprise of one of the Contracting States, means a branch, factory or other fixed place of business, but does not include an agency unless that agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has a stock of merchandise from which he regularly fills orders on behalf of such enterprise. An enterprise of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business dealings in such other Contracting State through a bona fide commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the Contracting States maintains in the other Contracting State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. When a corporation of one Contracting State has a subsidiary corporation which is a corporation of the other Contracting State or which is engaged in trade or business in such other Contracting State, such subsidiary corporation shall not, merely because of that fact, be deemed to be a permanent establishment of its parent corporation.

(j) The term "competent authority" or "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his duly authorized representative; in the case of Greece, the General Director of Direct Taxes, or his duly authorized representative.

(2) In the application of the provisions of the present Convention by either of the Contracting States, any term which is not defined in the present Convention shall, unless the context otherwise requires, have the meaning which that term has under the laws of such Contracting State relating to the taxes which are the subject of the present Convention.

* * * * *

ARTICLE VI

(1) Interest (on bonds, securities, notes, debentures, or on any other form of indebtedness) received from sources within the United States by a resident or corporation of Greece not engaged in trade or business in the United States through a permanent establishment therein, shall be exempt from United States tax; but such exemption shall not apply to such interest paid by a United States corporation to a Greek corporation controlling, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation.

(2) Interest (on bonds, securities, notes, debentures, or on any other form of indebtedness) received from sources within Greece by a resident or corporation of the United States not engaged in trade or business in Greece through a permanent establishment therein, shall be exempt from Greek tax but only to the extent that such interest does not exceed 9 percent per annum; but such exemption shall not apply to such interest paid by a Greek corporation to a United States corporation controlling, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation.

ARTICLE VII

Royalties for the right to use copyrights, patents, designs, secret processes and formulae, trade marks and other analogous property, and royalties (including rentals), (other than those in respect of motion picture films) for the use of industrial, commercial or scientific equipment, derived from sources within one of the Contracting States by a resident or corporation of the other Contracting State not engaged in trade or business in the former State through a permanent establishment therein, shall be exempt from tax by the former State.

ARTICLE VIII

A resident or corporation of one of the Contracting States, deriving from sources within the other Contracting State royalties in respect to the operation of mines, quarries, or other natural resources, or rentals from real property, may elect for any taxable year to be subject to the tax of such other Contracting State on the basis of net income as determined under the laws of such other Contracting State during such taxable year.

ARTICLE IX

Dividends and interest paid by a Greek corporation shall be exempt from United States tax except where the recipient is a citizen, resident or corporation of the United States.

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ARTICLE XI

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(2) Private pensions and life annuities derived from within one of the Contracting States by an individual who is a resident of the other Contracting State shall be exempt from taxation by the former Contracting State.

(3) The term "pensions" as used in this Article means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "life annuities" as used in this Article means a stated sum payable periodically at stated times during life or during life, an obligation to make the payments in return for adequate and full consideration in money or money's worth.

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ARTICLE XV

(1) The authorities of each of the Contracting States, in accordance with the practices of that State, may prescribe regulations necessary to carry out the provisions of the present Convention.

(2) With respect to the provisions of the present Convention relating to exchange of information and mutual assistance in the collection of taxes, the Contracting States may, in accordance with their respective practices, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, minimum amounts subject to collection, and related matters.

ARTICLE XVI

(1) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the Contracting States in the determination of the taxes imposed by such State.

(2) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, the competent authorities of the Contracting States shall undertake to settle the question by mutual agreement.

(3) The citizens or subjects of one of the Contracting States shall not, while resident in the other Contracting State, be subjected therein to other or more burdensome taxes than are the citizens or subjects of such other Contracting State residing in its territory. The term "citizens" or "subjects", as used in this Article, includes all legal persons, partnerships and associations deriving their status from, or created or organized under, the laws in force in, the respective Contracting States. In this Article the word "taxes" means taxes of every kind or description whether national, federal, state, provincial or municipal.

* * * * *

ARTICLE XVIII

The competent authorities of the Contracting States shall exchange such information (being information which such authorities have at their disposal) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment, and collection of the taxes which are the subject of the present Convention. No information shall be exchanged which would disclose a technical secret, or process relating to trade, industry, business, or a profession.

* * * * *

ARTICLE XX

(1) In no case shall the provisions of Article XVIII and XIX be construed so as to impose upon either of the Contracting States the obligation

(a) To carry out administrative measures at variance with the regulations and practice of either Contracting State, or

(b) To supply information which is not procurable under its own legislation or that of the State making application.

(2) The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it. Nevertheless, such State may refuse to comply with the request for reasons of public policy or if compliance would involve disclosure of a technical secret or process relating to trade, industry, business, or a profession. In such case it shall inform, as soon as possible, the State making the application.

ARTICLE XXI

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Athens as soon as possible.

(2) The present Convention shall become effective on the first day of January of the year in which the exchange of the instruments of ratification takes place. It shall continue effective for a period of five years beginning with that date and indefinitely after that period, but may be terminated by either of the Contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.

* * * * *

(b) As used in this part, any term defined in the convention shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws.

§ 502.2 *Dividends.* (a) Dividends paid on or after January 1, 1953, by a Greek corporation are exempt from United States tax under the provisions of Article IX of the convention if the recipient is not a citizen, resident, or corporation of the United States. Such dividends are, therefore, not subject to the withholding of United States tax at source.

(b) The convention does not change the rate of United States tax imposed pursuant to sections 871, 881, and 882 of the International Revenue Code of 1954 upon dividends paid by a corporation other than a Greek corporation. The withholding of United States tax with respect to such dividends derived from sources within the United States by nonresident aliens who are residents of Greece, or by Greek corporations, is not changed by the convention.

§ 502.3 *Interest*—(a) *General.* (1) Interest paid on or after January 1, 1953, by a Greek corporation is exempt from United States tax under the provisions of Article IX of the convention if the recipient is not a citizen, resident, or corporation of the United States. Interest paid to such recipients is, therefore, not subject to the withholding of United States tax at source.

(2) Interest (other than interest falling within the scope of paragraph (b) of this section) on bonds, securities, notes, debentures, or on any other form of indebtedness, including interest on obligations of the United States, obligations of instrumentalities of the United States, and mortgages and bonds secured by real property, which is paid by a person other than a Greek corporation and which is received from sources within the United States on or after January 1, 1953, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Greece, or by a Greek corporation, is exempt from United States tax under the provisions of Article VI (1) of the convention if such alien or corporation at no time during the taxable year in which such interest is received has engaged in trade or business within the United States through a permanent establishment situated therein. Such interest is, therefore, not subject to the withholding of United States tax at source. As to what constitutes a permanent establishment, see Article II (1) (i) of the convention.

(b) *Exemption not applicable to interest paid by subsidiary corporation to its parent corporation.* Under the exception contained in Article VI (1) of the convention any interest received from sources within the United States and paid by a domestic corporation to a Greek corporation is not exempt from United States tax if such Greek corporation controls, directly or indirectly, at the time the interest is paid more than 50 percent of the entire voting power of all classes of stock of such domestic corporation. The exemption from United States tax provided by Article VI (1) of the convention does not, therefore, apply to such interest paid by such domestic corporation.

(c) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at source in the case of coupon bond interest to which paragraph (a) (2) of this section is applicable, the nonresident alien who is a resident of Greece, or the Greek corporation, shall for each issue of bonds file Form 1001–G in duplicate when presenting the interest coupons for payment. This form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor, the name and address of the owner of the interest, and the amount of the interest. It shall contain a statement (i) that the owner is a resident of Greece, or is a Greek corporation, (ii) that the owner is not engaged in trade or business within the United States through a permanent establishment situated therein, and, in the case of interest paid by a domestic corporation to a Greek corporation, (iii) that the owner does not control, directly or indirectly, more than 50 percent of the entire voting power of all classes of stock of the United States domestic corporation.

(2) The exemption from United States tax contemplated by Article VI (1) of the convention, insofar as it concerns coupon bond interest, is applicable only to the owner of the interest. The person presenting the coupon or on whose behalf it is presented shall, for the purpose of the exemption from tax, be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon or on whose behalf it is presented is not the owner of the bond, Form 1001, and not Form 1001–G, shall be executed.

(3) The original and duplicate of Form 1001–G shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. Form 1001–G need not be listed on Form 1012.

(4) To avoid withholding of United States tax at source in the case of interest, other than coupon bond interest, to which paragraph (a) (2) of this section is applicable, the nonresident alien who is a resident of Greece, or the Greek corporation, shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax

under the provisions of Article VI (1) of the convention. The letter of notification shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor and the name and address of the owner of the interest. It shall contain a statement (i) that the owner is neither a citizen nor a resident of the United States but is a resident of Greece, or, in the case of a corporation, that the owner is a Greek corporation, (ii) that the owner has at no time during the current taxable year engaged in trade or business within the United States through a permanent establishment situated therein, and, in the case of interest paid by a domestic corporation to a Greek corporation, (iii) that the owner does not control, directly or indirectly, more than 50 percent of the entire voting power of all classes of stock of the United States domestic corporation.

(5) This letter of notification, which shall constitute authorization for the payment of such interest without withholding of United States tax at source, shall be filed with the withholding agent for each successive three-calendar-year period during which such income is paid. For this purpose, the first such period shall commence with the beginning of the calendar year in which such income is first paid on or after January 1, 1954. Each such letter filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period, or, if that is not possible because of special circumstances, as soon as possible after such first payment.

(6) If such letter is also to be used as authorization for the release, pursuant to § 502.7, of excess tax withheld from interest, other than coupon bond interest, it shall also contain a statement (i) that, at the time when the interest was received from which the excess tax was withheld, the owner was neither a citizen nor a resident of the United States but was a resident of Greece, or, in the case of a corporation, the owner was a Greek corporation, (ii) that the owner at no time during the taxable year in which such interest was received was engaged in trade or business within the United States through a permanent establishment situated therein, and, in the case of interest paid by a domestic corporation to a Greek corporation, (iii) that the owner did not control, directly or indirectly, at the time when such interest was paid, more than 50 percent of the entire voting power of all classes of stock of the United States domestic corporation.

(7) Once a letter has been filed in respect of any three-calendar-year period, no additional letter need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that an additional letter shall be filed by the taxpayer. If, after filing a letter of notification, the taxpayer ceases to be eligible for the exemption from United States tax granted by the convention in respect to such interest, such taxpayer shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the interest as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(8) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

(d) *Interest paid by domestic corporation to Greek corporation where degree of stock ownership uncertain.* (1) In any case in which a Greek corporation anticipates the receipt of interest from a domestic corporation and the relationship existing between the Greek corporation and the domestic corporation is such as to render uncertain whether, by reason of the exception contained in Article VI (1) of the convention, the exemption will apply to such interest, the Greek corporation shall not undertake to file any Form 1001–G or letter of notification prescribed by paragraph (c) of this section unless it has, prior to such filing, applied for and received from the Commissioner of Internal Revenue, Washington 25, D. C., a determination that such Greek corporation does not control, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation. The application to the Commissioner shall contain a full statement of all the facts pertinent to a determination of the question.

(2) As soon as practicable after the application has been filed, the Commissioner of Internal Revenue will determine whether the Greek corporation has such control of the domestic corporation as to render the exemption provided by Article VI (1) of the convention inapplicable to interest paid by such domestic corporation to such Greek corporation and shall notify the Greek corporation of his determination. The Greek corporation shall forthwith file with the domestic corporation a copy of the Commissioner's letter of notification.

(3) If the Commissioner's determination is that the Greek corporation does not control, directly or indirectly, more than 50 percent of the entire voting power of all classes of stock of the domestic corporation, the Greek corporation may thereafter avoid withholding at the source with respect to subsequent payments of such interest by complying with the provisions of paragraph (c) of this section, that is, by submitting Form 1001–G in the case of coupon bond interest, or the letter of notification for each three-calendar-year period in the case of interest other than interest payable by means of coupons.

(4) A determination of the Commissioner that the Greek corporation does not have such control of the domestic corporation as to render the exemption provided by Article VI (1) of the convention inapplicable will apply until such time as the stock ownership of the domestic corporation has changed to the extent that interest to be received from the domestic corporation by the Greek corporation is no longer exempt from United States tax under Article VI (1) of the convention. If such change in stock ownership occurs, the Greek corporation shall promptly notify both the Commissioner of Internal Revenue and the domestic corporation of the then existing facts with respect to such stock ownership.

(5) In any case in which a Greek corporation has received on or after January 1, 1954, interest from a domestic corporation and the relationship existing between the Greek corporation and the domestic corporation was at the time the interest was paid such as to render uncertain whether, by reason of the exception contained in Article VI (1) of the convention, such interest was exempt from United States tax, the Greek corporation shall apply to the Commissioner of Internal Revenue for a similar determination as to the degree of control at the time the interest was paid. If the Commissioner's determination is that at such time the degree of control was such as to permit the application of the exemption provided by Article VI (1) of the convention, his letter of notification may, subject to the provisions of § 502.7 (b), authorize the release of excess tax withheld with respect to such exempt interest.

§ 502.4 *Natural resource royalties and real property rentals.* The convention does not change the rate of United States tax imposed pursuant to sections 871, 881, and 882 of the Internal Revenue Code of 1954 upon natural resource royalties and real property rentals. The withholding of United States tax with respect to such items derived from sources within the United States by nonresident aliens who are residents of Greece, or by Greek corporations, is not changed by the convention.

§ 502.5 *Patent and copyright royalties*—(a) *General.* (1) Royalties for the right to use copyrights, patents, designs, secret processes and formulae, trade marks, and other analogous property, and royalties and rentals for the use of industrial, commercial, or scientific equipment, which are derived from sources within the United States on or after January 1, 1953, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Greece, or by a Greek corporation, are exempt from United States tax under the provisions of Article VII of the convention if such alien or corporation at no time during the taxable year in which such income is derived has engaged in trade or business within the United States through a permanent establishment situated therein. Such royalties are, therefore, not subject to the withholding of United States tax at source. As to what constitutes a permanent establishment, see Article II (1) (l) of the convention.

(2) The provisions of this section shall have no application to rentals or royalties in respect of motion picture films.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at source in the case of the income to which paragraph (a) of this section is applicable, the nonresident alien who is a resident of Greece, or the Greek corporation, shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article VII of the convention. The provisions of § 502.3 (c) (other than those pertaining to the degree of control of voting power) relating to the execution, filing, and effective period of the letter of notification prescribed therein with respect to interest, including its use for the release of excess tax withheld, are equally applicable with respect to the income falling within the scope of this section.

(2) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

§ 502.6 *Private pensions and life annuities*—(a) *General.* Private pensions and life annuities, as defined in Article XI (3) and (4) of the convention, derived from sources within the United States on or after January 1, 1953, by a nonresident alien individual who is a resident of Greece are exempt from United States tax under the provisions of Article XI (2) of the convention. Such items of income are, therefore, not subject to the withholding of United States tax at source.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at source in the case of the items of income to which paragraph (a) of this section is applicable, the nonresident alien individual who is a resident of Greece shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article XI of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and the owner of the income, and shall contain a statement that the owner, an individual, is neither a citizen nor a resident of the United States but is a resident of Greece.

(2) If such letter is also to be used as authorization for the release, pursuant to § 502.7 (a), of excess tax withheld from such items of income, it shall also contain a statement that the owner was, at the time when the income was derived from which the excess tax was withheld, neither a citizen nor a resident of the United States but was a resident of Greece.

(3) This letter shall constitute authorization for the payment of such items of income without withholding of United States tax at source unless the Commissioner of Internal Revenue subsequently notifies the withholding agent that the tax shall be withheld with respect to payments of such items of income made after receipt of such notice. If, after filing a letter of notification, the owner of the income ceases to be eligible for the exemption from United States tax granted by the convention in respect to such income, he shall promptly notify the withhholding agent by letter in duplicate. When any change occurs in the ownership of such income as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(4) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

§ 502.7 *Release of excess tax withheld at source*—(a) *General.* (1) In order to give the convention effective application at the earliest practicable date, the exemptions from withholding of United States tax at source granted by this part are hereby made effective beginning January 1, 1954, contingent upon compliance with the applicable provisions of §§ 502.2 through 502.6.

(2) In the case of dividends and interest paid by a Greek corporation to a recipient other than a citizen, resident, or corporation of the United States, if United States tax at the stautory rate has been withheld on or after January 1, 1954, there shall be released by the withholding agent and paid over to the person from whom it was withheld, an amount equal to the tax so withheld from such items.

(3) In the case of every taxpayer whose address at the time of payment was in Greece and who furnishes to the withholding agent the letter of notification prescribed in §§ 502.3 (c), 502.5 (b), and 502.6 (b) as authorization for the release of excess tax withheld, if United States tax at the statutory rate (30 percent as of the date of approval of this part) has been withheld on or after January 1, 1954, from interest (other than coupon bond interest), copyright royalties and other items to which § 502.5 (a) is applicable, and from private pensions and life annuities as defined in Article XI, there shall be released (except as provided in paragraph (b) of this section) by the withholding agent and paid over to the person from whom it was withheld an amount equal to the tax so withheld from such items.

(4) In the case of every taxpayer whose address at the time of payment was in Greece and who furnishes to the withholding agent Form 1001–G clearly marked "Substitute" and executed in accordance with § 502.3 (c), if United States tax at the statutory rate has been withheld from coupon bond interest on or after January 1, 1954, there shall be released (except as provided in paragraph (b) of this section) by the withholding agent and paid over to the person from whom it was withheld an amount equal to the tax so withheld from such interest. One such substitute form shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which such excess is released.

(5) The original and duplicate of substitute Form 1001–G shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. Substitute Form 1001–G need not be listed on Form 1012.

(6) The provisions of this section (other than paragraph (c) of this section) shall have no application to excess tax withheld at source which has been paid by the witholding agent to the district director of internal revenue.

(b) *Interest paid where degree of stock ownership is determined.* If United States tax at the rate of 28 percent or 30 percent, as the case may be, has been withheld on or after January 1, 1954, from interest paid by a domestic corporation to a Greek corporation whose address at the time of payment was in Greece, and if the relationship existing between the Greek corporation and the domestic corporation, was, at the time the interest was paid, such as to render uncertain whether, by reason of the exception contained in Article VI (1) of the convention, such interest was exempt from United States tax, the withholding agent shall release and pay over to the Greek corporation an amount equal to the tax so withheld only if the Greek corporation (1) furnishes to the domestic corporation a copy of the Commissioner's authorization of release prescribed in § 502.3 (d) and (2) files the letter of notification prescribed in § 502.3 (c), or the substitute Form 1001–G prescribed in paragraph (a) of this section, whichever is applicable.

(c) *Amounts withheld during 1953.* For provisions respecting the refund of excess tax withheld during the calendar year 1953, see § 502.10.

§ 502.8 *Information to be furnished in ordinary course*—(a) *General.* In compliance with the provisions of Article XVIII of the convention the Commissioner of Internal Revenue will transmit to the Greek General Director of Direct Taxes, as soon as practicable after the close of the calendar year 1954 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The duplicate copy of each available Form 1042 Supplement filed pursuant to paragraph (b) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001–G, filed pursuant to § 502.3 (c), and substitute Form 1001–G, filed pursuant to

§ 502.7 (a) and (b), in connection with coupon bond interest.

(b) *Information return.* (1) To facilitate compliance with Article XVIII of the convention, every United States withholding agent shall make and file in duplicate with the district director of internal revenue for the district in which the withholding agent is located an information return on Form 1042 Supplement, with respect to Greek addressees, which shall be filed for the calendar year 1954 and subsequent calendar years. This return shall be filed simultaneously with Form 1042.

(2) There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income (and, for 1955 and subsequent years, amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235 of the Internal Revenue Code of 1954, which are considered to be gains from the sale or exchange of capital assets) derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations, whose addresses at the time of payment were in Greece, including such items of income upon which, in accordance with this part, no withholding of United States tax is required; except that any of such items which constitute interest in respect of which Form 1001–G or substitute Form 1001–G has been filed in duplicate with the withholding agent are not required to be reported on such Form 1042 Supplement.

§ 502.9 *Beneficiaries of a domestic estate or trust.* A nonresident alien who is a resident of Greece and who is a beneficiary of a domestic estate or trust shall be entitled to the exemption from United States tax granted by Articles VI, VII, and IX of the convention with respect to dividends, interest, and copyright royalties and the like, to the extent such item or items are included in that portion of the income of such estate or trust which is (or would, but for such exemption, be) includible in the gross income of the beneficiary, provided that he otherwise satisfies the requirements of these respective articles. In order to be entitled in such instance to the exemption from withholding of United States Tax such beneficiary must otherwise satisfy such requirements and shall, where applicable, execute and submit to the fiduciary of such estate or trust in the United States the appropriate letter of notification prescribed in §§ 502.3 (c) and 502.5 (b).

§ 502.10 *Refund of excess tax withheld during 1953.* (a) If United States tax withheld at the source during the year 1953 from dividends, interest, copyright royalties and the like, pensions, or life annuities is in excess of the tax imposed under the internal revenue laws, as modified by the convention, a claim by the taxpayer for the refund of any overpayment resulting therefrom shall be made under subchapter B of chapter 66 of the Internal Revenue Code of 1954 by filing Form 843 together with Form 1040NB, Form 1040NB–a, Form 1040B, Form 1120, or Form 1120NB, whichever is applicable, or with an amended return.

(b) The taxpayer's total gross income from sources within the United States, including every item of capital gain subject to tax under the provisions of section 211 (a) (1) (B) or 211 (c) of the Internal Revenue Code of 1939, shall be disclosed on the return. In the event that securities are held in the name of a person other than the actual or beneficial owner, the name and address of such person shall be furnished with the claim. In the case of a claim involving an overpayment of tax upon dividends or interest paid by a Greek corporation, a statement that the dividends or interest were paid by such a corporation shall be included in the claim. If the claim relates to other interest, copyright royalties and the like, pensions, or life annuities, there shall also be included in such claim:

(1) A statement that, at the time when such item or items of income were derived from which the excess tax was withheld, (i) the taxpayer was neither a citizen nor a resident of the United States but was a resident of Greece, or, in the case of a corporation, (ii) the taxpayer was a Greek corporation;

(2) A statement that the taxpayer at no time during the taxable year in which such income was derived was engaged in trade or business within the United States through a permanent establishment situated therein; and

(3) In the case of a claim involving an overpayment of tax upon interest paid by a domestic corporation to a Greek corporation, a statement that the Greek corporation, at the time when the interest was paid, did not control, directly or indirectly, more than 50 percent of the entire voting power of all classes of stock of the United States domestic corporation. If the relationship existing between the Greek corporation and the domestic corporation at the time when such interest was paid was such as to render uncertain whether the exemption granted by Article VI (1) of the convention is applicable to such interest, there shall be furnished a full statement of all the facts pertinent to a determination of the question.

(c) If, however, the taxpayer is an individual who during the taxable year derived from sources within the United States income which consists exclusively of pensions or life annuities entitled to the benefit of Article XI of the convention, the statement specified in paragraph (b) (2) of this section shall not be required.

Because it is necessary to bring into effect at the earliest practicable date the rules of this Treasury decision respecting release or refund of excess tax withheld, and exemption from withholding of tax, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: October 13, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54–8194; Filed, Oct. 18, 1954; 8:49 a. m.]

TITLE 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Commerce

PART 1—REGULATIONS UNDER THE FEDERAL-AID ROAD ACT OF JULY 11, 1916, AS AMENDED AND SUPPLEMENTED

HIGHWAY PLANNING AND RESEARCH PROJECTS

Section 1.13 of the regulations under the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, published and effective August 27, 1952, is hereby amended to read as follows, effective upon publication in the FEDERAL REGISTER:

§ 1.13 *Highway planning and research projects.* Each State highway department shall prepare and submit a detailed program of proposed engineering and economic investigations and highway research necessary in connection therewith, showing the amount of Federal and State funds proposed for expenditure on each item thereof. Subject to the approval and project agreement procedure provided for construction projects, not to exceed 1½ percent of the amount apportioned for any year to each State for expenditure on the Federal-aid primary highway system, the Federal-aid secondary highway system, the Federal-aid primary highway system in urban areas, and the national system of interstate highways, respectively, shall be used for highway planning and research projects, and the funds programmed for such purposes may be pooled and administered as a single fund for the financing of the various items of work. Pending the submission and approval of the final detailed program, 1½ percent of the amount apportioned for any year to each State for expenditure on each of said Federal-aid systems shall be programmed for highway planning and research projects.

(Sec. 18, 42 Stat. 216 as amended; 23 U. S. C. 19)

Recommended:

[SEAL] HENRY J. KALTENBACH,
Acting Commissioner of Public Roads.

Issued:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54–8190; Filed, Oct. 18, 1954; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 109]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (inbound and outbound); altitudes; limiting distances	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9
KNOXVILLE, TENN. McGhee-Tyson, 980' SBRAZ-VDT TYS Procedure No. 1 Amendment No. 10 November 19, 1954 Supersedes Amendment M–4, dated August 21, 1954. Major changes: Change procedure turn to *W* (standard). Add Caution Note.	Piedmont FM	243–23	2,400	W side *N* course: 354° outbound. 174° inbound. 3,000' within 10 miles.	2 engines or less	300–1 500–1 500–1½	500–1 500–1½ 800–2	Within 2.7 miles, climb to 3,000' on W (250°) course within 25 miles. •CAUTION: Do not descend on final below 2,500' until on-course inbound.
	Talassee FM	012–23	2,500					
	Inskip FM (final)*	174–11	2,000					
	Knoxville—BVOR	230–5	2,400		More than 2 engines	200–½ 500–1½	500–1½ 800–2	11
					T–dn			
					C–dn			
					S–22L			
					D–dn			
					A–dn			
SHREVEPORT, LA. Greater Shreveport, 251' SBRAZ-DTV SHV Procedure No. 1 Amendment M–3, November 19, 1954 Supersedes Amendment M–2, dated April 23, 1953. Major changes: Lowers visibility minimums, deletes reference to Dixie FM. Raises final approach altitude over SHV LFR. Lowers No. 1 missed approach altitude. Removes T. O. restriction.	Dixie MHW (final)	146–10.0	1,100	F side NW course.* 326° outbound. 146° inbound. 1,700' within 10 miles. Beyond 10 miles not authorized.	2 engines or less	300–1 600–1 600–2 800–2		Within 9 miles, turn left, climb to 1,400' on course of 135°, intercept and proceed S on S course of SHV LFR within 25 miles, or when directed by ATC, climb to 1,500', intercept and proceed SW on SW course of DAD LFR within 25 miles. •Turn nonstandard due ATC.
	Shreveport VOR	159–14.0	1,700		More than 2 engines	200–½ 600–1½ 600–2 800–2		
					T–dn			
					C–dn			
					C–n			
					A–dn			

Hearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
PITTSBURGH, PA. Allegheny County, 1,252' Radiobeacon MKP Effective November 19, 1954 Amendment No. 4 Supersedes Amendment No. 3 (Combination ILS-ADF), dated December 8, 1953. Major changes: Includes transitions from Parkway MH and Butler MH.	Pittsburgh LFR	091°—8	2,600	N. side of course: 095° outbound. 275° inbound. 2,600' within 10 miles.	2,600	275—6.3	2 engines or less			Within 6.3 miles, climb to 2,500' proceeding to Cecil MH.
	Mount Pleasant Intersection.	322°—17	2,500				T-dn	300-1	300-1	
	New Alexandria MH	263°—23	2,600				C-dn	500-1	500-1	
	Butler MH	166°—25	2,900				S-dn 28	500-1	500-1	
	Parkway MH	118°—23	2,900				A-dn	800-2	800-2	
							More than 2 engines			
							T-dn		200-½	
							C-dn		500-1½	
							S-dn 28		500-1	
							A-dn		800-2	

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
KNOXVILLE, TENN. McGhee-Tyson, 989' BVOR TYS Procedure No. 1 Amendment No. 1, November 19, 1954 Major changes: Increase altitude from Inskip FM. Add note re: Final approach from Piedmont FM. Amends original amendment, dated August 21, 1954	Inskip FM	140—9	3,000	N side of course: 63° outbound. 243° inbound. 3,000' within 10 miles.	1,900 over VOR* 1,600 over Rockford Fix*	222—7.7 3.6	2 engines or less			Within 7.7 miles after passing TYS BVOR climb to 3,000' on course of 250° within 25 miles. *Rockford Fix—Intersecting 222° final approach course and 270° bearing to LFR. Descent below 1,600' not authorized unless 270° bearing to LFR received. #Maintain 2,400' until 6 miles past Piedmont FM.
	Piedmont FM (final) #	243—18	1,900				T-dn	300-1	300-1	
	Knoxville LFR	050—5	2,400				C-dn	500-1½	500-1½	
							S-22R d	500-1	500-1	
							n	500-1½	500-1½	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn		200-½	
							C-dn		500-1½	
							S-22R d		500-1	
							n		500-1½	
							A-dn		800-2	

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercption inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished.
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	Type aircraft		
										75 m.p.h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11	12	13
HOUSTON, TEX. Municipal, 50' ILS-HOU LOM-OU Combination ILS and ADF procedure No. 1, Amendment M-13, November 19, 1954. Supersedes Amendment M-12, dated May 1, 1954. Major Changes: Remove G/S inoperative restriction. Revise transitions. Add ADF missed approach procedure.	Houston VOR	OM	219—6.0	1,200	S side SW course: 215° outbound. 035° inbound. 1,300' within 10 miles. Beyond 10 miles not authorized.	ILS 1,300 ADF 700 over LOM	1,260—4.8	250—0.7	2 engines or less			Climb to 1,600' on NE course, ILS within 25 miles or when directed by ATC, turn left, climb to 1,700' on NW course, HOU LFR or HOU VOR radial 305° within 25 miles. 4.8 miles after passing LOM (ADF) climb to 1,600' on course of 035° within 25 miles.
	Houston LFR	LOM	241—6.0	1,200					T-dn	300-1	300-1	
	Houston FM	LOM	168—8.0	1,400					C-dn	400-1	500-1	
	Arcola FM	ILS SW course	015—5.0	1,200					S-3 ILS	200-½	200-½	
	Monument RBN	LOM	215—19.0	1,400					ADF	400-1	400-1	
	Intersection SE course HOU LFR and 039° M bearing from PER Radiobeacon.	LOM	273—9.0	1,200					More than 2 engines			
									T-dn		200-½	
									C-dn		500-1½	
									S-3 ILS		200-½	
									ADF		400-1	
									All aircraft			
									A-dn ILS		600-2	
									ADF		800-2	
PITTSBURGH, PA. Allegheny County, 1,252' ILS AGC Radiobeacon MKP Combination ILS-ADF Procedure No. 1 December 8, 1953 Amendment No. M-3	ILS PROCEDURE CANCELED EFFECTIVE WITH DECOMMISSIONING OF ILS (SEPTEMBER 15, 1954). ADF PROCEDURE AMENDED NOVEMBER 19, 1954 (AMENDMENT NO. 4).											

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425 Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-7943; Filed, Oct. 18, 1954; 8:45 a. m.]

[Amdt. 110]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BILLINGS, MONT. Municipal, 3,612' SBRAZ-DTV BIL Procedure No. 1 Effective, November 26, 1954 Amendment No. 6 Supersedes Amendment M-5 dated January 21, 1952 New format and minor changes	Nibbe FM (final)	234—25.0	4,500	N side E course: 054° outbound. 234° inbound. 5,000' within 25 miles.	4,500	252—1.4	2 engines or less T-dn C-d C-n A-dn	300-1 400-1 400-2 800-2	300-1 500-1 500-2 800-2	Within 1.4 miles, climb to 5,500' on W course within 15 miles of BIL LFR. Deviation from standard criteria authorized for Items 2, 5, and 6.
	Park City FM	067—21.0	5,500				More than 2 engines T-dn C-d C-n A-dn	---------- ---------- ---------- ----------	300-1 500-1½ 500-2 800-2	
	BIL VOR	064—6.0	5,500							
BUTTE, MONT. Municipal, 5,554' Whitehall LFR HIA and Homestake FM Effective September 24, 1954 Procedure No. 1 Original Replaces LFR procedure No. 2 Canceled September 14, 1954	Whitehall LFR	275—12.0 (To Homestake FM)	9,500	(None)	Homestake FM 9,500	275—4.0 (From Homestake FM)	2 engines or less T-d T-n C-d C-n A-d A-n	1,500-1 1,500-2 2,500-1 2,500-2 2,500-1 2,500-2	1,500-1 1,500-2 2,500-1 2,500-2 2,500-1 2,500-2	Within 4 miles, make climbing left turn. Proceed to Whitehall LFR on NW course Whitehall LFR 095° inbound at 10,000'. CAUTION: High terrain (8,300 mean sea level) 2 miles E of airport. ADF approach not authorized. Sliding scale not authorized for landing.
							More than 2 engines T-d T-n C-d C-n A-d A-n	---------- ---------- ---------- ---------- ---------- ----------	1,500-1 1,500-2 2,500-1½ 2,500-2 2,500-1½ 2,500-2	
MERCED, CALIF. Merced Airport, 155' MRAWZ (Castle AFB LFR) MER Procedure No. 1 Effective November 26, 1954 Amendment No. 3 Supersedes amendment No. 2 dated Dec. 12, 1953 Major changes: Lower missed approach altitude to conform to en route altitude in the area and restrict missed approach to within 1 miles to preclude entry into Runway 14.	----------	----------	----------	N side NE course: 033° outbound 213° inbound. 1,700' within 15 miles. Not authorized beyond 15 miles.	1,200	158—3.0	2 engines or less T-dn C-dn A-dn	300-1 500-1 800-2	300-1 600-1 800-2	Within 3 miles, climb to 2,000' on SW course within 15 miles of LFR.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200-½ 600-1½ 800-2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
MILES CITY, MONT. Municipal, 2,631' SBMRAZ-DTV MLS Procedure No. 1 Effective November 26, 1954 Amendment No. 7 Supersedes amendment 6 dated July 19, 1954 Major changes: New format and correct course to LFR from VOR	MLS VOR	360—1.5	4,500	S side W course: 233° outbound. 053° inbound. 4,500' within 25 miles.	3,500	055—2.2	2 engines or less T-dn C-d C-n A-dn	300-1 400-1 400-2 800-2	300-1 500-1 500-1½ 800-2	Within 2.2 miles, climb to 4,300' on E course within 20 miles of MLS LFR.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200-½ 500-1½ 800-2	

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name; elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
RENO, NEV. Reno Municipal, 4,404' VORW-DTV RNO Procedure No. 1 Effective November 26 1954 Amendment No. 2 Supersedes amendment No. 1 dated May 19, 1953 Major Changes: New format; reduce initial approach, procedure turn and missed approach altitudes; add BCOH to alternate minimums.	Wadsworth FM	220—21.0	9,000	S side course:* 050° outbound. 230° inbound. 9,000' within 10 miles. Not authorized beyond 10 miles.	7,900	230—5.9	All aircraft T-dn C-dn A-dn	1,000-3 2,500-3 2,500-3 (BCOH)	1,000-3 2,500-3 2,500-3 (BCOH)	Within 5.9 miles, turn right, climb to 9,000' on course of 050° within 10 miles of Reno VOR. CAUTION: If contact not established at minimums, missed approach must be started immediately due to high terrain W. NOTE: Monitoring—Class 3. *Procedure turn S for more favorable terrain.
	Reno LFR	081—6.0	9,000							

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercepuon inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
BILLINGS, MONT. Billings Airport 3,612' ILS-BIL Procedure No. 2 Effective November 26, 1954 Original Procedure	BIL LFR	W course ILS	247—2.0	5,200	S side W course: 5,200' within 5 miles of BIL VOR. 253° outbound. 073° inbound. 5,500' within 10 miles. Not authorized beyond 10 miles.	BIL VOR 4,700	BIL VOR to runway 074—3.8		2 engines or less			Climb to 5,000' on E course BIL ILS 073° outbound within 10 miles.
	BIL VOR	W course ILS	0.0	5,200					T-dn	300-1	300-1	
	Park City FM	W course ILS	058—4.0	5,200					C-d	400-1	500-1	
									C-n	400-2	500-2	
									S-7			
									d	400-1	400-1	
									n	400-2	400-2	
									A-dn	800-2	800-2	
									More than 2 engines			
									T-dn	----------	300-1	
									C-d	----------	500-1½	
									C-n	----------	500-2	
									S-7			
									d	----------	400-1	
									n	----------	400-2	
									A-dn	----------	800-2	
PHILADELPHIA, PA. International, 10' ILS-PHL LOM-PH Combination ILS-ADF Procedure No. 1 Effective date: November 26, 1954 Amendment No. 5 Supersedes Amendment No. 4 dated August 6, 1954 Major changes: Missed approach altitude revised.	Boothwyn FM (final)	LOM	085—7	1,500 (ILS) 900 (ADF)	S side W course: 265° outbound 085° inbound. 1,500' within 10 miles of LOM.	ILS 1,500 ADF 900 over LOM	1,300—5.3	230—0.7	2 engines or less			Within 5.3 miles after passing LOM (ADF) climb to 2,500' on NE course of Philadelphia LFR to Mount Holly Intersection. Alternate missed approach procedure (when requested by ATC) make a right climbing turn, proceed to Elmer Intersection at 1,500'.
	Philadelphia LFR	LOM	251—2.8	1,500					T-dn	300-1	300-1	
									C-dn ILS	400-1	500-1	
									C-dn ADF	500-1	500-1	
									S-dn 9 ILS	200-½	200-½	
									S-dn 9 ADF	500-1	500-1	
									A-dn ILS	600-2	600-2	
									A-dn ADF	800-2	800-2	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	500-1½	
									S-dn 9 ILS	----------	200-½	
									S-dn 9 ADF	----------	500-1	
									A-dn ILS	----------	600-2	
									A-dn ADF	----------	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercepuon inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
SALT LAKE CITY, UTAH Salt Lake City No. 1, 4,222' ILS SLC Procedure No. 2* Effective November 26, 1954 Amendment No. 5 Supersedes Amendment No. 4, dated January 23, 1951 Major changes: New format and minor corrections	Riverton FM	S course ILS	343—0.0	7,500	No procedure turn authorized. Final approach course 343° inbound.	7,500	5,560—4.6	4,440—0.6	2 engines or less			Climb to cross SLC LFR not above 6,500', then climb to 8,000' on W course SLC LFR to Stansbury Intersection, then to 9,000' on track of 335° to promontory point. Alternate missed. Approach when directed by ATC: Cross SLC LFR or VOR not above 6,500' then climb to 11,000' on W course SLC LFR or on 248° outbound track from SLC VOR. #500-2 required for take-off Runway 7. %Glide path must be operating. *For stratus condition only: ACFT must be on top, inbound on glide slope before starting final approach, tops between Riverton FM and SLC not to exceed 7,500' mean sea level. (Otherwise procedure No. 1 shall be used.)
									#T-dn	300-1	300-1	
									C-dn	500-1	600-1	
									%S-dn Rwy 34	300-¾	300-¾	
									A-dn	600-2	600-2	
									More than 2 engines			
									#T-dn	----------	200-½	
									C-dn	----------	600-1½	
									%S-dn Rwy 34	----------	300-¾	
									A-dn	----------	600-2	

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Runway No.	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Precision approach (PAR): 75 m. p. h. or less	Ceiling and visibility minimums: Precision approach (PAR): More than 75 m. p. h.	Ceiling and visibility minimums: Surveillance approach (ASR): 75 m. p. h. or less	Ceiling and visibility minimums: Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
LOS ANGELES, CALIF. International, 125' Procedure No. 1 Effective November 26, 1954 Amendment No. 6 Supersedes amount No. 5, dated April 5, 1954 Major changes: New format, delete 25R from PAR and add 16-34 to ASR.	All bearings are to the radar with sector azimuths progressing clockwise. Within 5 miles: 165°-194°—1,700'. 195°-164°—1,500'. Within 10 miles: 165°-194°—2,000'. 195°-330°—1,500'. 331°-360°—2,000'. 001°-090°—1,500'. 091°-164°—2,500'. Within 15 miles: 091°-194°—3,000'. 195°-240°—2,000'. 241°-314°—1,500'. 315°-360°—2,500'. 001°-090°—1,500'. Within 20 miles: 091°-220°—5,000'. 221°-090°—3,000'. Within 25 miles: 091°-164°—5,000'. 165°-220°—7,000'. 221°-264°—3,500'. 265°-314°—3,000'. 315°-360°—4,000'. 001°-090°—4,000'.	25L only for PAR and all runways for ASR.	2 engines or less					Climb to 2,000' on W course of Los Angeles LFR within 25 miles of LAX LFR. Air carrier note: 300-I required for take-off on runway 16.
			T-dn	300-I	300-I	300-I	300-I	
			C-dn	400-I	600-I	400-I	600-I	
			S-dn	200-½	200-½	400-I	600-I	
			A-dn	600-2	600-2	600-2	600-2	
			More than 2 engines					
			T-dn	----------	200-½	----------	200-½	
			C-dn	----------	600-1¼	----------	600-1½	
			S-dn	----------	200-½	----------	600-1½	
			A-dn	----------	600-2	----------	600-2	

GCA STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums				Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication with ground controller is lost for more than 4 seconds, (b) directed by ground controller, (c) visual reference is not established upon descent to the authorized landing minimums, or (d) landing is not accomplished
		Runway No.	Condition	Precision approach (PAR)	Surveillance approach (ASR)	
				75 m. p. h. or less / More than 75 m. p. h.	75 m. p. h. or less / More than 75 m. p. h.	
1	2	3	4	5 / 6	7 / 8	9
MILWAUKEE, WIS. General Mitchell, 698' Procedure No. 1 Effective date: October 27, 1954 Amendment: Original Supersedes: None Major changes: None—ASR commissioned.	All sectors 2,500' within 25 miles..... At 2,500' 3 miles lateral separation required from TV tower 1,700' mean sea level 10 miles N of airport.	All runways.....	2 engines or less: T-dn C-dn A-dn	300-1 600-1½ 800-2	300-1 600-1½ 800-2	Runway 1: Climb on 15° magnetic heading to 2,700' within 10 miles. CAUTION: TV tower 1,700' mean sea level 10 miles N. Runway 19: Climb outbound on localizer course to 2,000' within 10 miles. Runways 7, 13, 25, 31: Climb to 2,100' southbound to LOM within 10 miles.
			More than 2 engines: T-dn C-dn A-dn	200-1½ 600-1½ 800-2		
			All aircraft: S-dn	400-1	400-1	
		1, 19, 7.....	All aircraft		500-1	
		13.....	All aircraft		500-1	
		25, 31.....	All aircraft		600-1	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 001, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-8128; Filed, Oct. 18, 1954; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 581—PERSONNEL REVIEW BOARDS

ARMY DISABILITY REVIEW BOARD; ARMY DISCHARGE REVIEW BOARD

In § 581.1 (a) (2), subdivision (iv) is revoked; and § 581.2 is revised to read as follows:

§ 581.1 *Army Disability Review Board*—(a) *General.* * * *

(2) *Application for review.* * * *

(iv) [Revoked.]

* * * * *

§ 581.2 *Army Discharge Review Board*—(a) *Constitution, purpose, and jurisdiction.* (1) The Army Discharge Review Board is an administrative agency created within the Department of the Army, under authority of section 301, title I, act of June 22, 1944 (58 Stat. 286; 38 U. S. C. 693h), to review upon its own motion or upon application by or on behalf of the individual concerned, the type and nature of the discharge certificate or other documentary evidence of discharge or dismissal given by reason of former members of the armed forces. The scope of the inquiry of the board will be to determine whether the type of discharge received was equitably and properly given. When the board determines in an individual case that the type of discharge was not equitably and properly given, it is authorized, in the manner herein prescribed, to direct The Adjutant General to take appropriate action; that is, to change, correct, or modify any discharge or dismissal, and to issue a new discharge, such direction being subject to review and modification by the Secretary of the Army. Such remedial action is intended primarily to insure that no member is discharged or dismissed former members of the armed forces will be deprived unjustly of any benefit provided by law for former members of the military service by reason of a type of discharge or dismissal inequitably or improperly given.

(2) *Secretary-Recorder.* The Secretary-Recorder shall have the authority contained in Article 136, Manual for Courts-Martial 1951 (16 F. R. 1303), and perform such other duties as may be prescribed by the president. The Secretary-Recorder will not serve as counsel for the applicant or for the Government.

(c) *Administrative personnel.* Such administrative personnel as are required for the proper functioning of the board will be furnished by the Secretary of the Army.

(d) *Application for review.* (1) The applicant will submit a written request for a review by the board and such other statements or affidavits as he desires to present.

(2) The request will be made on DD Form 293 (Application for Review of Discharge or Separation from the Armed Forces of the United States), which may be obtained from The Adjutant General, Washington 25, D. C. The request will state in brief the full name, service number, and grade and organization or assignment at date of discharge of the person whose discharge or dismissal is in question; the date and place of discharge; the type and nature of the discharge or dismissal; the basis of the claim for review; what corrective action is desired of the board; whether the applicant desires to appear personally before the board; whether the applicant desires to be represented by counsel before the board and, if so, the name and address of counsel so designated; whether such appearance of applicant, or counsel, or both, is desired to be before the board in Washington, D. C., or San Juan, Puerto Rico; and the address to which all correspondence in connection with the review is to be sent.

(3) The request will be signed by the former officer or enlisted man or woman or, if deceased, by the surviving spouse, next-of-kin, or legal representatives. Proof of death must accompany the request. If the applicant is mentally incompetent, his or her spouse, next-of-kin, or legal guardian will sign the request. Such request must be accompanied by legal proof of the mental incompetency.

(4) No application for review will be granted unless received by the Department of the Army prior to June 22, 1959, or within 15 years after the effective date of the discharge or dismissal of the former service man or woman concerned, whichever date is the later.

(5) The request for review will be forwarded to either:

The Adjutant General,
Washington 25, D. C., or
Military Personnel Records Center,
TAGO,
4700 Goodfellow Boulevard,
St. Louis 20, Missouri.

NOTE: If the applicant is a resident of Puerto Rico, the request will be forwarded to:

Army Discharge Review Board,
Headquarters, United States Army Forces, Antilles,
APO 851, c/o Postmaster, New York, New York.

(6) Upon receipt of an application, The Adjutant General will assemble the originals or certified copies of all available Department of the Army records pertaining to the former service man or woman named in such application. Such records, together with the application and any supporting documents, will be transmitted to the president of the board.

(e) *Convening of board.* (1) The board will be convened at the call of its president and will recess or adjourn at his order. In the event of the absence or incapacity of the president, the next senior member will serve as acting president for all purposes.

(2) Unless otherwise designated by the president, the board will convene in Washington, D. C., at the time and place indicated by him. Panels of the board currently convene in Washington, D. C., and San Juan, Puerto Rico.

(3) The board will assemble in open or closed session for the consideration and determination of cases presented to it. Cases in which no request for hearing is made by the applicant will be considered in closed session on the basis of all documentary evidence presented to the board; that is, any briefs submitted by or on behalf of the applicant.

(f) *Hearings*—(1) *General.* (i) An applicant, upon request, is entitled by law to appear before the board in open session either in person or by counsel of his own selection. As used in this section, the term "counsel" will be construed to include members of the Federal bar in good standing, the bar of any State in good standing, accredited representatives of veterans' organizations recognized by the Veterans Administration under section 200 of the act of June 29, 1936 (49 Stat. 2031; 38 U. S. C. 101), and such other persons not barred by law, regulations, or customs who, in the opinion of the board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses or compensation of counsel for the applicant be paid by the Government.

(ii) In every case in which a hearing is requested, the secretary will transmit to the applicant and to designated counsel for the applicant, if any, a written notice stating the time and place of hearing. The record will contain the certificate of the secretary that written notice was given applicant and his counsel, if any, and the time and manner thereof.

(iii) Records, in the case of an applicant who requests a hearing and who, after being dully notified of the time and place of hearing, fails to appear at the appointed time, either in person or by counsel, will be held in suspense for a 10-day period and then returned to file without action.

(2) *Conduct of hearing.* (i) Conduct of hearing will be, so far as practicable, as provided in section II, SR 15-20-1 (procedural guide for investigating officers and boards of officers in conducting investigations), except that neither the applicant nor his counsel will have access to any classified reports of investigation or papers related thereto or any document received from the Federal Bureau of Investigation. When it is necessary to acquaint the applicant with the substance of a document such as above described, the Assistant Chief of Staff, G-2, Department of the Army, on the request of the board, will prepare a summary of, or extract from, the document, deleting all references to sources of information and other matter the disclosure of which, in his opinion, would be detrimental to the public interest. Such summary then may be made available to the applicant or his counsel.

(ii) In the conduct of its inquiries, the board will not be limited by the restrictions of common law rules of evidence.

(iii) In all cases in which the applicant appears in person or is represented by counsel, a reporter will record the proceedings of the board and the testimony taken before it. Shorthand may be used in the initial instance.

(3) *Witnesses.* The testimony of witnesses may be presented either in person or by affidavits. If a witness testifies in person he will be subject to examination by members of the board.

(4) *Continuances.* The board may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted, in the board's discretion, if a continuance appears necessary to insure a full and fair hearing.

(5) *Withdrawal.* The board may, at its discretion and for good cause shown, permit an applicant to withdraw his request for review without prejudice at any time before the board begins its deliberations.

(6) *Expenses.* Expenses incurred by the applicant, his witnesses, or in the procurement of their testimony, whether in person, by affidavit, or by deposition, will not be paid by the Government.

(g) *Findings and conclusions.* (1) The board will make written findings in closed session in each case. The findings will indicate the salient points on which the board bases its conclusions.

(2) On the basis of its findings in each case the board, in closed session, will prepare written conclusions as to whether corrective action will be taken by the Department of the Army with respect to the discharge under consideration. No corrective action which exceeds the jurisdiction of the board, as defined in paragraph (a) of this section, will be taken.

(3) The findings and conclusions of a majority of the board will constitute the findings and conclusions of the board.

(h) *Directive to The Adjutant General.* The president or acting president of the board will, in the name of the Secretary of the Army, issue a directive to The Adjutant General specifying the action to be taken.

(i) *Record of proceedings.* (1) When the board has concluded its proceedings in any case, the secretary will prepare a complete record thereof. Such record will include the application for review; a transcript of the hearing, if any; affidavits, papers, and documents considered by the board; all briefs and written arguments filed in the case; the report of the examiner; the findings and conclusions of the board and the directive to The Adjutant General; any minority report prepared by dissenting members of the board; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the president and authenticated by the secretary as being true and complete. In the event of the absence of incapacity of the secretary, the record may be authenticated by a second participating member of the board.

(2) All records of proceedings of the board shall be without classification and will be available for perusal by the Administrator of Veterans' Affairs or his duly authorized representative.

(j) *Transmittal of records and action by The Adjutant General.* The record

of proceedings in each case, including a transcript of the testimony before the board, will be transmitted, in duplicate, by the secretary, to The Adjutant General for appropriate Department of the Army action to be taken to carry out the directions of the board. The Adjutant General will perform such administrative acts as may be necessary, and thereafter will notify the applicant and his counsel, if any, of the action taken. Written notice specifying the action taken and the date thereof will be transmitted by The Adjutant General to the president of the board to be filed by the Secretary as a part of the records of the board pertaining to each case. The Adjutant General will, upon written request from the applicant, his guardian, or legal representative, furnish a copy of a transcript of the testimony, a copy of the findings and conclusions of the Army Discharge Review Board, and a copy of the directive of the Secretary of the Army. If it should appear that furnishing a copy of the transcript of the testimony and findings and conclusions of the board would prove injurious to the physical or mental health of the applicant, such information will be furnished only to the guardian or legal representative of the applicant.

(k) *Consideration on the board's own motion.* The board may, at any time, on its own motion consider and determine a case which appears, on the face of the record, likely to result in a decision favorable to the former soldier and does so result without the knowledge or presence of the former soldier. If such a case does not result in a decision favorable to the former soldier, it will be returned to the files with no formal action recorded and will be considered without prejudice if and when an appeal is made by the former soldier in question. If, upon consideration by the board on its own motion, such a case results in a decision favorable to the former soldier, The Adjutant General will be directed to notify the former soldier at his last known address.

(l) *Rehearings.* When the board has formally considered the case of the applicant and its decision has been approved in the name of the Secretary of the Army, it will not grant a rehearing unless the basis of the request indicates material evidence, not available at the time of the original hearing, which will likely result in a decision contrary to that reached at the original hearing.

(m) *Changes in procedure of board.* The board may initiate recommendation for such changes in procedures as established herein as may be deemed necessary for the proper functioning of the board. Such changes will be subject to the approval of the Secretary of the Army.

[DA Memo 15–160–1, Sept. 20, 1954; AR 15–180, Sept. 20, 1954] (R. S. 161; 5 U. S. C. 22. Interpret or apply 58 Stat. 286; 38 U. S. C. 693h)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 54–8191; Filed, Oct. 18, 1954; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. P. L. 8[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
548098	Carbon or graphite products (natural and artificial): Spectroscopic carbons [1 2 3]	Lb.	FILM	25	RO
601704	Steel ingots, blooms, billets, slabs, sheet bars, and tinplate bars: Alloy steel including stainless: Billets, projectile and shell steel containing 1 percent or more nickel.	S. ton	STEE	100	RO
619063	Wire products, n. e. c. (report wire nails, staples, and spikes in 618267–618273): Wire rope, cord, and cable, except guard rail and insulated (report guard rail in 619065; and insulated rope and strand in 709810–709875): Wire rope and cord made of phosphor bronze, suitable for aircraft.[1]	Lb.	NONF	100	RO
619066	Wire strand, including guard rail cable (report strand wire in 608200): Wire strand made of phosphor bronze, suitable for aircraft.[1]	Lb.	NONF	100	RO
619950	Metal manufactures, n. e. c., and parts, n. e. c.: Other metals, except precious (specify by name and type of metal): Monel metal manufactures [3]	Lb.	CDGS	25	RO
619950	Other nickel manufactures, n. e. c.[3]	Lb.	CDGS	100	RO
642900	Copper castings and forgings, rough and semifinished [1 4]	Lb.	NONF	200	RO
645710	Phosphor-bronze cable, bare, suitable for aircraft [1]	Lb.	NONF	100	RO
709855	Insulated wire and cable: Coaxial cable suitable for use at frequencies of 3,000 megacycles or over (specify dielectric material and type number).[1]	Lb.	NONF	100	RO
764910	Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c. (electric, gas, gasoline and kerosene operated): Tubular heat exchangers designed to operate at pressures of 300 p. s. i. and above and with all flow-contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 60 percent or more nickel, and specially fabricated parts therefor (report tubing shipped as spares or replacements under tubular products according to material).[1]	.....	GIEQ	100	RO
774490	Automatic control or regulating valves, n. e. c. (any pipe valve having a mechanism partially integral, i. e., directly attached by adaptors and bolts, or wholly integral, for automatically regulating or controlling its operation): Automatic control valves associated with electronic or electrical process-control instruments.[1]	No.	GIEQ 5	50	RO
775055	Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 750850; report furnaces under appropriate Schedule B No. according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals, 707415): Equipment especially designed for the production of chlorine (gaseous or liquid), sodium and magnesium.[1]	.....	GIEQ 1	250	RO
775055	Equipment for the production or concentration of deuterium oxide.[1 2 4]	.....	GIEQ 1	None	RO
775998	Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n. e. c. (specify by name): Equipment for the production of military explosives, n. e. c. (report chemical processing equipment for the production of explosives in 775055).[1]	.....	GIEQ 1	None	RO
813593	Medicinal chemicals, including U.S.P. and N.F., bulk (dosage forms excluded except as indicated): Inorganic medicinal chemicals, n. e. c., bulk, for which export controls on other grades are indicated elsewhere on the Positive List (specify by name) (report dosage forms in 812400 for liquids, 812790 for solids, 813591 for parenteral solutions or ampoules).[1 7]	.....	DRUG	Export controls applicable to each chemical under this classification are the same as the controls for other grades of the same chemicals indicated elsewhere on the Positive List.	
813595	Organic medicinal chemicals, n. e. c., bulk (coal tar origin included), for which export controls on other grades are indicated elsewhere on the Positive List (specify by name) (report dosage forms in 812400 for liquids, 812790 for solids, 813591 for parenteral solutions or ampoules).[1 7]	.....	DRUG	Export controls applicable to each chemical under this classification are the same as the controls for other grades of the same chemical indicated elsewhere on the Positive List.	

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 738, dated October 7, 1954.

3. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
206000	Tires, tire casings and inner tubes, new and used (solid and pneumatic) (report scrap, scrap tire casings and scrap inner tubes, cut or uncut, under 207200): Truck and bus tires and tire casings: (a) all sizes, combat or run-flat construction; (b) all sizes 650 x 16, 650 x 20, and 700 x 16 of 6-ply rating and over; 750 x 20, 750 x 20, 900 x 16, and 900 x 20 of 8-ply rating and over; and (c) all sizes 34 x 7 of 10-ply rating and over; and (d) all sizes 1200 x 24 and 1400 x 20 of 12-ply rating and over; (specify type of tire tread design, tire size and ply).[2]	No.	RUBR 10	100	RO
206430	Off-the-road tires and tire casings (except farm tractor and implement): (a) all sizes, combat or run-flat construction; (b) all sizes 650 x 16, 650 x 20, and 700 x 16 of 6-ply rating and over; (c) all sizes 750 x 20, 750 x 20, 900 x 16, and 900 x 20 of 8-ply rating and over; (d) size 34 x 7 of 10-ply rating and over; (e) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; and (f) size 1400 x 21 and over of 36-ply rating and over (specify type of tire tread design, tire size and ply).[2]	No.	RUBR 10	100	RO
206490	Industrial tires and tire casings (except farm tractor and implement): (a) all sizes, combat or run-flat construction; (b) all sizes 650 x 16, 650 x 20, 700 x 16, 750 x 20, 900 x 16, and 900 x 20 of 8-ply rating and over; (c) all sizes 34 x 7 of 10-ply rating and over; (d) size 34 x 7 of 10-ply rating and over; (e) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; and (f) size 1400 x 21 and over of 36-ply rating and over (specify type of tire tread design, tire size and ply).[2]	No.	RUBR 10	100	RO
481500	Fine paper: For dielectric use, uncoated, 0.0015 inches (0.038 mm.) or less in thickness (describe fully, stating thickness) (report uncoated dielectric paper cut to size or otherwise processed in 489000; and coated, whether or not further processed, in 489600).[14]	Lb.	PULP 1	15	RO
482700	Paper for dielectric use, uncoated, 0.0015 inches (0.038 mm.) or less in thickness, (describe fully, stating thickness) (report uncoated dielectric paper cut to size or otherwise processed in 489000; and coated, whether or not further processed, in 489600).[14]	Lb.	PULP 1	15	RO
485600	Paper, paperboard, and products, n. e. c.: For dielectric use, coated or uncoated, 0.0015 inches (0.038 mm.) or less in thickness (describe fully, stating thickness and whether coated or uncoated) (report uncoated dielectric paper, not cut to size or otherwise processed, in 481500 and 482700; and coated, whether or not further processed, in 489600).[14]	Lb.	PULP 1	15	RO
501800	Refined oils: Jet fuels, all types (barrels of 42 gallons) [11]	Bbl.	PETR 1	25	RO
501900	Kerosene, except distillate fuel oil (barrels of 42 gallons) (report jet fuel in 501800).[12]	Bbl.	PETR 1	*25	RO
539200	Refractories, except graphite (brick and shapes reported in this and the following equivalent): Magnesite brick and shapes, composed of 97 percent or more by weight of magnesium oxide.[13 15]	M	BLDG 31	None	RO
539810	Firebrick and shapes, except plastic, n. e. c., composed of 97 percent or more by weight of beryllium oxide or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide.[13]	M	BLDG 31	None	RO
539830	High-temperature refractory cements or bonding mortars composed of 97 percent or more by weight of beryllium oxide, magnesium oxide, or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide (report magnesia cement in 572240).[13]	Lb.	BLDG 31	None	RO
539850	Plastic refractories (including fire-brick shapes, and by weight of fibers) composed of 97 percent or more zirconium oxide, or composed of magnesium oxide, or zirconium oxide stabilized with lime and/or magnesium oxide.[13]	Lb.	BLDG 31	None	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
825980	Plastics and resin materials: Plastic film and sheeting, including printed, embossed, plain sheet, or otherwise treated surfaces: Polyvinylbutyral [4 5]	Lb.	RESN 60	100	RO
832965	Organic fluorine compounds (specify by name): Tetrafluoroethylene [4 5 6]	Lb.	SALT 1	1	RO
832960	Organic chemicals not of coal-tar origin, n. e. c. (specify by name): Tetrafluoroethylene [4 5 6]	Lb.	SALT 1	1	RO
839750	Metal salts of organic compounds, except paint and varnish driers (specify by name) (report paint and varnish driers in 843600): Naphthenates of all metals, and mixtures containing naphthenates in solution, except cobalt, lead or zinc naphthenates in kerosene	Lb.	SALT	None	R
919080	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.: Glass electrodes for non-continuous pH meters, including titrimeters and aquameters.[1]	Lb.	SATE	100	RO

[1] This commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective November 22, 1954.

[2] This commodity is subject to DL restrictions (see § 374.2 of this subchapter), and is excepted from the Time Limit licensing procedure (see Part 377 of this subchapter), effective November 6, 1954.

[3] This commodity is excepted from the provisions of General License GIT (see § 371.9 (c) of this subchapter), effective November 6, 1954.

[4] This commodity may be exported under the Periodic Requirements licensing procedure (see Part 376 of this subchapter).

[5] This commodity may be exported under the Foreign Distribution licensing procedure (see Part 378 of this subchapter).

[6] This commodity may be exported under General License GLV to R and O destinations, only within the dollar value limit specified on the Positive List (see § 371.10 (c) of this subchapter), effective October 14, 1954.

[7] A single shipment hereunder may include two or more chemicals, each up to the GLV limit.

This part of the amendment shall become effective as of 12:01 a. m., October 14, 1954.

2. The following commodities are deleted:

Dept. of Commerce Schedule B No.	Commodity
603505	Other electrical (steel) sheets, and strip.
610050	Castings, iron and steel, rough and semifinished: Locomotive wheel tires for turbine locomotives of general service (line) and industrial types with a gauge greater than 4' 8½" or an individual axle load greater than 12 metric tons.
610518	Wheels, without axles (if alloy, specify and give analysis) (report chilled iron wheels in 610050): Locomotive wheels and tires for turbine locomotives of general service (line) and industrial types, with a gauge greater than 4' 8½", or an individual axle load greater than 12 metric tons.
610528	Axles, whether or not finished (if alloy, specify and give analysis): Locomotive axles for turbine locomotives of general service (line) and industrial types, with a gauge greater than 4' 8½" or an individual axle load greater than 12 metric tons.
610538	Wheels and axles, mounted (if alloy, specify and give analysis): Locomotive mounted wheels and axles for turbine locomotives of general service (line) and industrial types, with a gauge greater than 4' 8½", or an individual axle load greater than 12 metric tons.
730840	Earth and rock drilling machines, n. e. c., and parts, n. e. c.: Parts for diamond-core drilling machines, n. e. c., specially fabricated for core drills.
791220	Engines (for assembly) for automobiles, trucks and busses: Motor truck and bus engines: Gas and kerosene, over 10 horsepower.
791250	Engines for replacement (motor truck, bus, and passenger car engines): Gas and kerosene, over 10 horsepower.
829530	Gaskets, compressed, liquified and solidified, except liquified petroleum gases: Fluorinated [4]

[1] Export authorization for fluorine is under the jurisdiction of the Department of State (see § 370.4 (a) of this subchapter).

This part of the amendment shall become effective as of 12:01 a. m., October 7, 1954.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Refractories, except graphite (brick and shapes reported in thousands, 9-inch equivalent)—Continued				
526800	Refractories, n. e. c., composed of 97 percent or more by weight of beryllium oxide, magnesium oxide, or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide (specify by name).[13]	----------	BLDG 31	None	RO
	Steel ingots, blooms, billets, slabs, sheet bars, and tinplate bars:				
	Alloy steel including stainless:				
601702	Ingots, alloy steel, including stainless, special types only. (1 and 2) [24 25]	S. ton	STEE	100	RO
601702	Ingots, other stainless steel containing 1 percent or more nickel. (1) [20]	S. ton	STEE	100	RO
601708	Billets, blooms, slabs, sheet bars, and tinplate bars, alloy steel, including stainless, special types only. (1 and 2) [24 25]	S. ton	STEE	100	RO
601708	Billets, blooms, slabs, sheet bars, and tinplate bars, other stainless steel containing 1 percent or more nickel (report projectile and shell steel billets in 601701). (1) [20]	S. ton	STEE	100	RO
601810	Semifinished material for seamless pipe and tubing, alloy steel, including stainless, special types only. (1 and 2) [24 25]	S. ton	STEE	100	RO
601810	Semifinished material for seamless pipe and tubing, other stainless steel containing 1 percent or more nickel. (1) [20]	S. ton	STEE	100	RO
601910	Wire rods, alloy steel, including stainless, special types only. (1 and 2) [24 25 26]	Lb.	STEE	100	RO
601910	Wire rods, other stainless steel containing 1 percent or more nickel. (1) [1 20]	Lb.	STEE	100	RO
601950	Skelp, alloy steel, including stainless, special types only. (1 and 2) [24 25]	Lb.	STEE	100	RO
601950	Skelp, other stainless steel containing 1 percent or more nickel. (1) [20]	Lb.	STEE	100	RO
	Steel bars, including bar size shapes:				
	Bars, cold finished (all cold drawn or cold rolled flats and rounds in coils or cut to lengths, and special sections):				
602050	Stainless steel, special types only. (1 and 2) [24]	Lb.	STEE 10	100	RO
602050	Other stainless steel containing 1 percent or more nickel. (1) [1 4 7 20]	Lb.	STEE	100	RO
602060	Alloy steel, except stainless, special types only [20 24]	Lb.	STEE 10	100	RO
	Bars, hot-rolled, except tool and hollow drill steel bars (all regular bars, including bars in coils and special sections and bar shapes under 3 inches) (report tool steel bars in 602650; hollow drill steel bars in 602670; and special sections and bar shapes, 3 inches and over in 604510–604580):				
602500	Stainless steel, special types only. (1 and 2) [1 24 26]	Lb.	STEE 11	100	RO
602500	Other stainless steel containing 1n percent or more nickel. (1) [1 7 20]	Lb.	STEE	100	RO
602630	Alloy steel, except stainless, special types only (report projectile and shell steel in 602610).[1 20 24]	Lb.	STEE 11	100	RO
602650	Tool steel bars, alloy steel, special types only [20 24]	Lb.	STEE	100	RO
602670	Hollow drill steel bars, alloy steel, special types only [20 24]	Lb.	STEE	100	RO
	Steel plates, including boiler plate (hot or cold-rolled), not fabricated: [5]				
603135	Stainless steel (including stainless-clad plates), special types only. (1 and 2) [24 26]	Lb.	STEE 9	100	RO
603135	Other stainless steel containing 1 percent or more nickel. (1) [1 7 20]	Lb.	STEE	100	RO
603145	Alloy steel, except stainless, special types only [20 24]	Lb.	STEE 9	100	RO
	Steel sheets, black, ungalvanized (including painted):				
	Stainless steel:				
603540	Hot-rolled, special types only. (1 and 2) [24 25]	Lb.	STEE 3	100	RO
603540	Hot-rolled, other stainless steel containing 1 percent or more nickel. (1) [1 7 20]	Lb.	STEE 5	100	RO
603560	Cold-rolled, special types only. (1 and 2) [24 25]	Lb.	STEE 3	100	RO
603560	Cold-rolled, other stainless steel containing 1 percent or more nickel. (1) [1 7 20]	Lb.	STEE 5	100	RO
	Alloy steel, except stainless:				
603570	Hot-rolled, special types only [20 24]	Lb.	STEE 3	100	RO
603580	Cold-rolled, special types only [20 24]	Lb.	STEE 3	100	RO
603595	Electrical (steel) sheets, and strip with a core loss of 0.5 watts per pound at B-13,000 gauses and 50 cycles per second or less, or with a thickness of 0.063 inch and less (report punchings in 709920). (1) [1 18]	Lb.	STEE 2	100	RO
	Steel strip, coated or uncoated, except electrical (report electrical steel strip in 603595):				
603710	Cold-rolled carbon steel, gilding metal clad [1]	Lb.	STEE 6	100	RO
603750	Cold-rolled stainless steel, special types only. (1 and 2) [1 24 26]	Lb.	STEE 8	100	RO
603750	Other cold-rolled stainless steel containing 1 percent or more nickel. (1) [1 7 20]	Lb.	STEE 7	100	RO
603790	Cold-rolled alloy steel, except stainless, special types only.[1 20 24]	Lb.	STEE 8	100	RO
603810	Hot-rolled carbon steel, gilding metal clad [1]	Lb.	STEE 6	100	RO
603850	Hot-rolled stainless steel, special types only. (1 and 2) [1 24 26]	Lb.	STEE 8	100	RO
603850	Other hot-rolled stainless steel containing 1 percent or more nickel. (1) [1 7 20]	Lb.	STEE 7	100	RO
603890	Hot-rolled alloy steel, except stainless, special types only.[1 20 24]	Lb.	STEE 8	100	RO
	Structural shapes and piling:				
	Structural shapes, not fabricated:				
604530	Stainless steel, special types only. (1 and 2) [1 24]	S. ton	STEE 14	1,000	RO
604530	Other stainless steel containing 1 percent or more nickel. (1) [1 20]	S. ton	STEE	1,000	RO
604580	Alloy steel, except stainless, special types only [1 20 24]	S. ton	STEE 14	1,000	RO
	Pipes, tubes, and tubing, n. e. c., new and used (except scrap) (report pipe assemblies specially fabricated for particular machines or equipment as parts of such machines, or equipment):				
	Pressure tubes, and tubing (including boiler tubes and tubing):				
606110	Seamless, alloy steel, except stainless, special types only. [24 25]	Lb.	STEE 12	100	RO
606130	Welded, alloy steel, except stainless, special types only. [24 25]	Lb.	STEE 12	100	RO
	Oil country pipe (including drill pipe, casing and tubing) (see § 399.2, Int. 1):				
606210	Seamless casing and tubing, carbon steel. (1) [1]	Lb.	STEE 16	100	RO
606230	Seamless casing and tubing, alloy steel, except stainless. (2) [1]	Lb.	STEE 16	100	RO
606240	Welded drill pipe, carbon steel. (1) [1]	Lb.	STEE 15	100	RO
606260	Welded drill pipe, alloy steel, except stainless. (1) [1]	Lb.	STEE 15	100	RO
	Line pipe, carbon and alloy steel, except stainless (if alloy, specify and give analysis) (see § 399.2, Int. 1):				
606270	Seamless, over 24 inches O. D.[1]	Lb.	STEE 17	100	RO
606280	Welded, over 24 inches O. D.[1]	Lb.	STEE 17	100	RO
607430	Mechanical tubing, alloy steel, except stainless, special types only.[1 20 24]	Lb.	STEE	100	RO
607500	Pipe and tubing, stainless steel, special types only (1 and 2) [1 24 25 26]	Lb.	STEE	100	RO
607500	Pipe and tubing, other stainless steel containing 1 percent or more nickel. (1) [1 7 20]	Lb.	STEE	100	RO
607710	Pipe and tubing, n. e. c., alloy steel, except stainless, special types only.[1 20 24]	Lb.	STEE	100	RO
	Steel wire, n. e. c. (all round, shaped, and flat wire regardless of use) (report electrical insulated wire and cable in 709810–709885):				
608130	Uncoated wire, alloy steel, except stainless, special types only.[1 20 24]	Lb.	STEE 18	100	RO
608150	Uncoated wire, stainless steel, special types only. (1 and 2) [1 24 25]	Lb.	STEE 18	100	RO
608150	Uncoated wire, other stainless steel containing 1 percent or more nickel. (1) [1 20]	Lb.	STEE 20	100	RO
608210	Coated wire, except galvanized, alloy steel, including stainless, special types only. (1 and 2) [1 24 25]	Lb.	STEE 18	100	RO
608210	Coated wire, except galvanized, other stainless steel containing 1 percent or more nickel. (1) [1 20]	Lb.	STEE 20	100	RO
	Castings, iron and steel, rough and semifinished:				
610410	Carbon steel gun castings [2 24]	Lb.	STEE 4	100	RO
610491	Gun castings, alloy steel, except stainless [24]	Lb.	STEE	100	RO
610491	Other castings, alloy steel, except stainless, special types only [20 24]	Lb.	STEE	100	RO
610492	Grinding balls, stainless steel, special types only. (1) [20 24]	Lb.	STEE	100	RO
610492	Other castings, stainless steel, special types only. (2 and 3) [24 25]	Lb.	STEE	100	RO
610492	Castings, other stainless steel containing 1 percent or more nickel. (2) [20]	Lb.	STEE	100	RO

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Forgings, rough and semifinished:				
610493	Carbon steel gun forgings.[1 24]	Lb.	STEE 4	100	RO
610495	Grinding balls, alloy steel, including stainless, special types only. (1) [20 24]	Lb.	STEE 1	100	RO
610495	Other forgings, alloy steel, including stainless, special types only. (2 and 3) [1 24 25 26]	Lb.	STEE 1	100	RO
610495	Forgings, other stainless steel containing 1 percent or more nickel. (2) [7 20]	Lb.	STEE	100	RO
	Fabricated steel products:				
618964	Perforated sheets, alloy steel, including stainless, special types only.[24]	Lb.	STEE	100	RO
618964	Perforated sheets, other stainless steel containing 1 percent or more nickel.[1 20]	Lb.	STEE	100	RO
	Wire products, n. e. c. (report wire nails, staples, and spikes in 618267–618273):				
	Wire cloth:				
619057	Woven wire mesh composed of wire containing 95 percent or more nickel with 60 or more wires per linear centimeter.[13]	Sq. ft.	CDGS	None	RO
	Wire rope, cord, and cable, except guard rail and insulated (report guard rail in 619065; and insulated rope and strand in 709810–709875):				
619061	Wire rope and cord made of stainless steel, suitable for aircraft.[1 6]	Lb.	STEE 21	100	RO
619065	Wire strand made of stainless steel, suitable for aircraft.[1 6]	Lb.	STEE 21	100	RO
619069	Woven wire mesh composed of wire containing 95 percent or more nickel with 60 or more wires per linear centimeter.[13]	Sq. ft.	CDGS	None	RO
	Metal powders:				
619159	Nickel-chrome-boron powder. (3) [7]	Lb.	NONF	100	RO
619159	Nickel powder. (5) [4]	Lb.	NONF	None	RO
	Metal manufactures, n. e. c., and parts, n. e. c.:				
	Other metals, except precious (specify by name and type of metal):				
619950	Permanent magnets. (2) [1]	No.	CDGS	25	RO
619950	Zirconium manufactures (wholly of zirconium) (specify hafnium content). (4) [13]	Lb.	CDGS	None	RO
619950	Zirconium alloy manufactures (wholly or zirconium alloys) containing more than 50 percent zirconium (specify hafnium content). (5) [13]	Lb.	CDGS	None	RO
630070	Aluminum metal and alloys in crude form (including ingots, pigs, blooms, and slabs). (1 and 2) [27]	Lb.	NONF	100	RO
	Aluminum alloy semifabricated forms in which: (1) the average copper content is 1 percent or more irrespective of other elements; (2) the average copper content is less than 1 percent and the zinc content is 4 percent or more, or the silicon content is 3.5 percent or more or the magnesium content is 9.5 percent or more, as follows:				
630301	Aluminum plates and sheets, flat and coiled (including corrugated) (0.006 inch and over in thickness). (1 and 2) [28]	Lb.	NONF	100	RO
642400	Copper rods and bars, n. e. c. (report copper wire bars and copperweld rods for drawing into wire in 641200; copper or copperweld ground rods and copper bus bars in 709495) [15]	Lb.	NONF 15	100	RO
654502	Nickel metal in ingots, bars, rods, and other crude forms, and scrap. (1 and 3) [29]	Lb.	NONF	100	RO
654504	Nickel metal sheets, plates, and strips. (1) [7 9]	Lb.	NONF	100	RO
654504	Nickel alloy metal sheets, plates and strips (report nickel-silver in 644000–645000). (2) [7 9]	No.	NONF	100	RO
654508	Nickel-chrome electric resistance wire except insulated (report insulated wire in 709885).[18]	Lb.	NONF	100	RO
	Bismuth:				
661510	Matte, slimes, residues, and base bullion [7]	Lb.	MINL	100	RO
661512	Metals and alloys [7]	Lb.	MINL	100	RO
	Tantalum:				
661560	Ores and concentrates (report slag in 664998) [7 9]	Lb.	MINL	100	RO
661562	Metal and alloys in crude form, and scrap (report slag in 664998).[7]	Lb.	MINL	100	RO
664563	Semifabricated forms, n. e. c., including rings and wire (specify by name) [7]	Lb.	MINL	100	RO
	Nonferrous metals and alloys in crude form, scrap, and semifabricated forms, n. e. c. (specify by name): [4]				
664998	Germanium metal. (2) [7 9]	Lb.	MINL 3	None	RO
664998	Columbium-niobium-bearing slag. (8) [1]	Lb.	MINL	100	RO
664998	Tantalum-bearing slag. (9) [1 7 9]	Lb.	MINL	100	RO
	Steam turbine generator sets (turbogenerators):				
700807	Over 7,500 kilowatts up to but not including 10,000 kilowatts (specify rating). (1) [20]	No.	ELME 1	None	R
700807	10,000 kilowatts and over (specify rating). (2) [20]	No.	ELME 1	None	RO
	Electrical quantity and characteristic measuring and testing instruments, and parts (report automotive-type electrical testing instruments in 793185):				
703620	Electrometers, except student type. (1) [7 13]	No.	ELME 3	None	RO
703620	Galvanometers capable of measuring currents of less than 1 micro-microampere. (2) [7 13]	No.	ELME 3	None	RO
703825	Electrical testing instruments, n. e. c. (specify by name).[13]	No.	ELME 3	25	RO
703850	Parts, n. e. c., specially fabricated for electrometers, except student type. (1) [7 13]	----------	ELME 3	25	RO
703850	Other parts, n. e. c., specially fabricated for electrical quantity indicating instruments, and electrical testing instruments (specify by name). (2) [20]	----------	ELME 3	25	RO
707415	Electric industrial melting and refining furnaces (specify by name).[13]	No.	ELME 7	None	RO
707425	Electric industrial heat-treating furnaces (specify by name).[13]	No.	ELME 7	100	RO
707435	Parts, n. e. c., specially fabricated for electric industrial melting and refining furnaces. (1) [13]	----------	ELME 7	100	RO
707435	Parts, n. e. c., specially fabricated for electric industrial heat-treating furnaces. (2) [13]	----------	ELME 7	100	RO
	X-ray apparatus and parts, n. e. c.:				
707507	X-ray tubes designed or intended for use in X-ray diffraction analysis.[7 9]	No.	SATE	None	RO
707550	X-ray diffraction units. (1) [7 9]	No.	SATE	None	RO
707559	Parts, n. e. c., specially fabricated for X-ray diffraction units. (2) [7]	----------	SATE	None	RO
	Electronic-type components:				
	Electron tubes (report X-ray tubes in 707505 and 707507):				
707803	Receiving-type tubes (specify by type number) (report television picture tubes in 707815).[18]	No.	RARA 51	25	R
707830	Radio and television transmitting type tubes (specify by type number) (report television camera tubes in 707812). (2) [18]	No.	RARA 51	50	RO
	Insulated wire and cable:				
709885	Nickel and nickel alloy wire, insulated [9]	Lb.	NONF	100	RO
709920	Electrical steel punchings, with a core loss of 0.5 watts per pound at B-13,000 gauses and 50 cycles per second or less, or with a thickness of 0.003 inch and less.[1]	Lb.	STEE 2	100	RO
	Electrical apparatus, n. e. c., and parts, n. e. c. (specify by name):				
709998	Parts specially fabricated for 3-phase type resistance welding sets. (1) [18]	----------	ELME 4	100	R
	Steam engines and turbines, n. e. c., and parts, n. e. c.:				
711410	Water wheels and water turbines, 2,000 horsepower and over (specify horsepower).[31]	No.	ELME 1	500	RO
711900	Parts, n. e. c., specially fabricated for water wheels, and water turbines 2,000 horsepower and over (specify by name and horsepower). (1) [31]	----------	ELME 1	100	RO
	Internal-combustion engines, n. e. c., and parts, n. e. c.:				
715900	Parts, n. e. c., specially fabricated for diesel engines 50 brake horsepower and over (specify brake horsepower, and RPM).[2]	----------	TRAN	500	R
	Construction and maintenance equipment, n. e. c., and specially fabricated parts, n. e. c.:				
722045	Parts and accessories, n. e. c., specially fabricated for contractors' wheel-type tractors, 4-wheel drive, 100 brake horsepower and over. (3) [4]	----------	CONS	500	RO
	Earth and rock drilling machines, n. e. c., and parts, n. e. c.:				
730890	Parts and accessories, n. e. c., specially fabricated for earth and rock drill bits and reamers (including well drilling machine bits and reamers) included on the Positive List under Schedule B Nos. 730870 through 730880 (report tool bit blanks and inserts in 617903 or 617905). (2) [20]	----------	MINE 3	100	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Power-driven metalworking machine tools (non-portable), and parts):				
740308	Other spinning lathes (including floturn), except those with spindle drive motor of 10 horsepower or less. (3) [18]	No.	TOOL	500	RO
740409	Boring machines, production types, capable of an accuracy of 0.001 inch or better. (3) [16]	No.	TOOL	500	RO
741305	Honing machines and combination honing and lapping machines (except gear) with multiple work stations.[20]	No.	TOOL	500	RO
744319	Contour band sawing and band filing machines designed to permit operator to select rate of cutting speed and to vary such speed while in operation, and to maintain at all times the desired rate of speed with a variation of less than 2 percent. (1) [18]	No.	TOOL	500	R
	Metal working presses and specially fabricated parts, n. e. c.:				
744410	Machinery for working and forming of sheet, plate or extrusions for aircraft, and specially fabricated parts, n. e. c. (1) [18]	.....	TOOL	500	RO
	Forging machinery, and specially fabricated parts, n. e. c.:				
744700	Machinery for working and forming of aircraft extrusions, and specially fabricated parts. (2) [18]	.....	TOOL	500	RO
	Foundry equipment and parts:				
745298	Parts and accessories for molding machines, artillery casting.[18]	.....	TOOL	500	RO
	Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c. (electric, gas, gasoline and kerosene operated):				
764650	Reciprocating compressor units having any of the following characteristics: (a) designed for a delivery pressure of 450 p. s. i. g. or over and requiring 300 horsepower or over; (b) capable of handling a mass flow of 2,500 pounds per minute or more and designed for an intake pressure above atmospheric; (c) all flow-contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel (specify capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel or alloy containing 60 percent or more nickel).[19]	No.	GIEQ	None	RO
764710	Centrifugal refrigerating units having any of the following characteristics: (a) designed for a delivery pressure of 450 p. s. i. g. or over and requiring 300 horsepower or over; (b) capable of handling a mass flow of 2,500 pounds per minute or more and designed for an intake pressure above atmospheric; (c) capacity over 35,300 c. f. m. and a compression ratio of 2:1 or more; and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel (specify capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel).[22]	No.	GIEQ	None	RO
766010	Blowers and fans (turbo, centrifugal, and axial-flow types), specially fabricated for air-conditioning and refrigerating equipment having any of the following characteristics: (a) capacity over 35,300 c. f. m. and a compression ratio of 2:1 or more; (b) capable of handling a mass flow of 2,500 pounds per minute or more and designed for an intake pressure above atmospheric; (c) all flow-contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel; (d) designed for a delivery pressure of 450 p. s. i. g. or over and requiring 300 horsepower or over; and specially fabricated parts therefor (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel).[5 13 22]	.....	GIEQ	100	RO
766070	Vacuum gauges, ionization type, and specially fabricated parts. (2) [7 9]	.....	GIEQ 8	None	RO
	Geophysical and mineral prospecting equipment, n. e. c.:				
766995	Electronic or fluxgate magnetometers; well-logging instruments and equipment; and specially fabricated parts, n. e. c.[4 13 16 20]	.....	MINE	None	RO
766995	Gravity meters; seismic or seismograph equipment; and specially fabricated parts, n. e. c.[1 13 20]	.....	MINE	50	R
	Air compressors:				
	Stationary, capacity not over 25 cubic feet:				
770400	Turbo, centrifugal, and axial flow types of compressors having all flow-contact surfaces made of nickel or alloy containing 60 percent or more nickel (specify type, capacity, inlet pressure, discharge pressure, and whether all flow-contact surfaces are made of nickel or alloy containing 60 percent or more nickel).[11 13]	No.	CONS 2	500	RO
770500	Centrifugal, axial, rotary and reciprocating compressors having any of the following characteristics: (a) mainstream internal air flow exceeding a MACH number of 0.7; (b) capacity over 35,300 c. f. m. and a compression ratio of 2:1 or more; (c) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (d) capacity over 50 c. f. m. and all flow-contact surfaces made of aluminum; (e) all flow-contact surfaces made of nickel or alloy containing 60 percent or more nickel; (f) designed for a delivery pressure of 450 p. s. i. g. or over, and requiring 300 horsepower or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel or alloy containing 60 percent or more nickel, and if meeting requirements of (a) the MACH number.[11 13 20]	No.	CONS 2	None	RO
	Portable, capacity under 60 cubic feet:				
770610	Turbo, centrifugal, and axial flow types of compressors having either of the following characteristics: (a) capacity over 50 c. f. m. and all flow-contact surfaces made of aluminum; (b) all flow-contact surfaces made of nickel or alloy containing 60 percent or more nickel (specify type, capacity, inlet pressure, discharge pressure, and whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel.[11 13 20]	No.	CONS 2	500	RO
	Portable, capacity 60 cubic feet, and over:				
770615	Centrifugal, axial, rotary, and reciprocating compressors having any of the following characteristics: (a) mainstream internal air flow exceeding a MACH number of 0.7; (b) capacity over 35,300 c. f. m. and a compression ratio of 2:1 or more; (c) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (d) capacity over 50 c. f. m. and all flow-contact surfaces made of aluminum; (e) all flow-contact surfaces made of nickel or alloy containing 60 percent or more nickel; (f) designed for delivery pressure of 450 p. s. i. g. or over, and requiring 300 horsepower or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel, and if meeting requirements of (a), the MACH number).[11 13 20]	No.	CONS 2	None	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Gas compressors, n. e. c.:				
770625	Centrifugal, axial, rotary, and reciprocating compressors having any of the following characteristics: (a) mainstream internal air flow exceeding a MACH number of 0.7; (b) capacity over 35,300 c. f. m. and a compression ratio of 2:1 or more; (c) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (d) capacity over 50 c. f. m. and all flow-contact surfaces made of aluminum; (e) all flow-contact surfaces made of nickel or alloy containing 60 percent or more nickel; (f) designed for a delivery pressure of 450 p. s. i. g. or over, and requiring 300 horsepower or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel, and if meeting the requirements of (a), the MACH number.[11 13 20]	No.	CONS 2	None	RO
770630	Parts, n. e. c., specially fabricated for air and gas compressors included on the Positive List under Schedule B Nos. 770400 through 770625. (Complete knockdown compressors should be reported in the proper compressor classifications, whether the integral components are shipped simultaneously or in a series of partial shipments.) [11 13]	.....	CONS 2	500	RO
	Blowers, n. e. c., turboblowers, and parts:				
770700	Centrifugal blowers (except turboblowers) having any of the following characteristics: (a) capacity over 35,300 c. f. m. and compression ratio 2:1 or more; (b) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for intake pressure above atmospheric; (c) capacity over 50 c. f. m. and all flow-contact surfaces made of aluminum; (d) all flow-contact surfaces made of nickel or alloy containing 60 percent or more nickel; (e) designed for a delivery pressure of 450 p. s. i. g. or over, and requiring 300 horsepower or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, and whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel).[11 13 20]	No.	CONS 2	500	RO
770710	Axial blowers (except turboblowers) having any of the following characteristics: (a) capacity over 35,300 c. f. m. and compression ration 2:1 or more; (b) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for intake pressure above atmospheric; (c) capacity over 50 c. f. m. and flow-contact surfaces made of aluminum; (d) all flow-contact surfaces made of nickel or alloy containing 60 percent or more nickel; (e) designed for a delivery pressure of 450 p. s. i. g. or over, and requiring 300 horsepower or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel).[11 13 20]	No.	CONS 2	500	RO
770720	Turboblowers, having any of the following characteristics: (a) mainstream internal air flow exceeding a MACH number of 0.7; (b) capacity over 35,300 c. f. m. and a compression ratio of 2:1 or more; (c) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (d) capacity over 50 c. f. m. and all flow-contact surfaces made of aluminum; (e) all flow-contact surfaces made of nickel or alloy containing 60 percent or more nickel; (f) designed for a delivery pressure of 450 p. s. i. g. or over, and requiring 300 horsepower or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel, and if meeting requirements of (a), the MACH number).[7 9 11 13 20]	No.	CONS 2	500	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
770775	Blowers, n. e. c., turboblowers, and parts—Continued Blowers, n. e. c., having any of the following characteristics: (a) mainstream internal air flow exceeding a MACH number of 0.7; (b) capacity over 35,300 c. f. m. and a compression ratio of 2:1 or more; (c) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (d) capacity over 50 c. f. m. and all flow-contact surfaces made of aluminum; (e) all flow-contact surfaces made of nickel or alloy containing 60 percent or more nickel; (f) designed for a delivery pressure of 450 p. s. i. g. or over, and requiring 300 horsepower or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel, and if meeting requirements of (a), the MACH number). (1) [11 13 20]	No.	CONS 2	500	RO
	Mechanical vacuum pumps:				
770820	Mechanical vacuum pumps capable of producing a vacuum of 0.1 mm. of mercury pressure absolute or less.[3 7 9]	No.	GIEQ 1	None	RO
770850	Diffusion vacuum pumps, less than 5 inches in diameter (diameter measured inside the barrel at the inlet jet).[3]	No.	GIEQ 1	None	RO
770870	Diffusion vacuum pumps, 5 inches in diameter up to but not including 12 inches in diameter (diameter measured inside the barrel at the inlet jet).[3 7 9]	No.	GIEQ 1	None	RO
770890	Pumping equipment, n. e. c. (specify type of pump by generic name according to following classifications): Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases) having any of the following characteristics: (1) designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 300 g. p. m.; (2) all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F) (specify type, capacity in g. p. m., delivery pressure and kinds of material).[11 13 18]	No.	CONS 3	None	RO
770910	Turbine pumps (delivering liquids separately or in combination with solids and/or gases), having any of the following characteristics: (1) designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 300 g. p. m.; (2) all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F) (specify type, capacity in g. p. m., delivery pressure and kinds of material).[18]	No.	CONS 3	None	RO
770920	Rotary pumps (delivering liquids separately or in combination with solids and/or gases), having any of the following characteristics: (1) designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 300 g. p. m.; (2) all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F), (specify type, capacity in g. p. m., delivery pressure and kinds of material).[18]	No.	CONS 3	None	RO

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Pumping equipment, n. e. c. (specify type of pump by generic name according to following classifications—Continued				
770960	Diaphragm pumps (delivering liquids separately or in combination with solids and/or gases), having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Teflon), or polytrifluorochloroethylene (Kel-F), (specify type, capacity in g. p. m., delivery pressure and kinds of material).[18]	No.	CONS 3	None	RO
770970	Reciprocating steam pumps (delivering liquids separately or in combination with solids and/or gases), having either of the following characteristics: (1) designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 300 g. p. m.; (2) all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Teflon), or polytrifluorochloroethylene (Kel-F), (specify type, capacity in g. p. m., delivery pressure and kinds of material).[18]	No.	CONS 3	None	RO
770950	Other reciprocating pumps (delivering liquids separately or in combination with solids and/or gases) having either of the following characteristics: (1) designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 300 g. p. m.; (2) all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon either separately or combined; (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Teflon), or polytrifluorochloroethylene (Kel-F), (specify type, capacity in g. p. m., delivery pressure and kinds of material).[18]	No.	CONS 3	None	RO
770980	Pumps, n. e. c. (delivering liquids separately or in combination with solids and/or gases), having any of the following characteristics: (1) designed to move molten metals by electromagnetic forces, (2) designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 300 g. p. m.; (3) all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Teflon), or polytrifluorochloroethylene (Kel-F) (specify type, capacity in g. p. m., delivery pressure and kinds of material).[18]	No.	CONS 3	None	RO
770995	Parts, n. e. c., specially fabricated for vacuum pumps included on the Positive List under Schedule B Nos. 770820 through 770870. (Complete knockdown pumps should be reported in the proper pump classifications, whether the integral components are shipped simultaneously or in a series of partial shipments). (2)[2]	----------	GIEQ 1	None	RO
771149	Condensers, tubular (heat exchanger type), designed to operate at pressures of 300 p. s. i. and above and with all flow-contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium or alloys containing 60 percent or more nickel, and specially fabricated parts therefor (report tubing shipped as spares or replacements under tubular products according to material).[3] [15]	----------	GIEQ	100	RO
771200	Heat exchangers (except refrigeration type), and steam specialty heaters, and specially fabricated parts, n. e. c. (specify by name): Tubular heat exchangers designed to operate at pressures of 300 p. s. i. and above and with all flow-contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium or alloys containing 60 percent or more nickel, and specially fabricated parts therefor (report tubing shipped as spares or replacements under tubular products according to material). (3)[3] [15]	----------	GIEQ	100	RO
	Pipe valves, except automatic control or regulating:				
774450	Iron or steel: Other valves and cocks having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy), chromium or nickel, either separately or combined; (d) polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F) (give full specifications). (2)[18]	No.	GIEQ 5	50	RO
774465	Brass, bronze, or other nonferrous metals: Other valves and cocks having all flow-contact surfaces made of the following materials: (a) 90 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy), chromium or nickel, either separately or combined; (d) polytetrafluoroethylene (Teflon) or poly trifluorochloroethylene (Kel-F) (give full specifications). (2)[18]	No.	GIEQ 5	50	RO
774480	Nonmetal valves: Nonmetal valves and cocks having all flow-contact surfaces made of polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F).[4] [11] [19]	No.	GIEQ 5	50	RO
774490	Automatic control or regulating valves, n. e. c. (any pipe valve having a mechanism partially integral, i. e., directly attached by adaptors and bolts, or wholly integral, for automatically regulating or controlling its operation): Automatic control valves, fitted with bellows seal, wholly made of or lined with aluminum, nickel or alloy containing 60 percent or more nickel. (2)[21]	No.	GIEQ 5	50	RO
774490	Other automatic control valves having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy), chromium or nickel, either separately or combined; (d) polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F) (give full specifications) except the following types of valves: (1) check, nonreturn and float valves; (2) pressure relief valves designed for working pressures of less than 450 p. s. i. (30 kgs. per sq. cm.); (3) valves and cocks specially designed for milling machines and for electrical household refrigerators and home freezers. (1)[18]	No.	GIEQ 5	50	RO
774498	Parts, n. e. c., specially fabricated for pipe valves included on the Positive List under Schedule B Nos. 774450 through 774490 (state Schedule B number of valve for which parts are intended, valve size, type, working pressure, and whether parts are for a valve having pressure parts wholly made of or wholly lined with corrosion-resistant materials).[4] [11]	----------	GIEQ 5	50	RO

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 740850; report furnaces under appropriate Schedule B number according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals, 707415):				
775055	Cast iron shafts for pyrites roasters [18] [22]	----------	MINE 5	None	R
775055	Nitrators. (8)[3]	----------	GIEQ 2	250	RO
775055	Other chemical processing equipment for the production of military explosives. (9)[3]	----------	GIEQ 2	250	RO
775055	Piping specially fabricated for chemical and pharmaceutical processing and manufacturing machines, and made of or lined with polytetrafluoroethylene (Teflon) or polytrifluorochlorothylene (Kel-F). (10)[7] [8] [13]	----------	GIEQ 1	None	RO
775080	De-ionizing or ion-exchange units employing resins, for demineralization and treatment of water.[1] [17]	----------	MINE	1,000	R
775360	Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name) (report ore and coal separating machines in 730750; and electrostatic precipitators, precipitron type, in 770790): Centrifugal counter-current solvent extractors and specially fabricated parts, n. e. c. (1)[2] [7]	----------	GIEQ 1	100	RO
775998	Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n. e. c. (specify by name): Assembling jigs, and fixtures and accessories therefor, for military equipment (report jigs and fixtures for machine tools under 744380). (1)[3]	----------	GIEQ 2	None	RO
775998	Shell loading or filling machines. (4)[3]	----------	GIEQ 2	500	RO
775998	Piping specially fabricated for industrial manufacturing and service-industries machines, n. e. c., and made of or lined with polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F). (5)[7] [13]	----------	GIEQ 1	None	RO
795155	Parts, n. e. c., specially fabricated for watercraft 40 feet and over in length.[17]	----------	TRAN	100	R
795170	Propeller shafts for watercraft 40 feet and over in length (specify metal).[17]	Lb.	TRAN 9	250	R
829940	Radioactive isotopes, compounds and preparations thereof, radium emanation (Radon), and radium salts and compounds, all forms (including radium needles and radium ore concentrate) (state radium content) (report paints containing radium in 843800).[16]	----------	DRUG	None	RO
829984	Hydraulic fluids, synthetic (excludes hydraulic fluids of castor oil base) (report hydraulic fluids of petroleum origin in 505900).[18]	Gal.	SALT	100	R
836220	Boron trifluoride. (1)[16]	Lb.	SALT	100	RO
	Gases, compressed, liquefied and solidified, except liquefied petroleum gases:[4]				
839560	Bromine trifluoride. (1)[4]	----------	SALT	100	RO
839590	Chlorine trifluoride. (2)[4]	----------	SALT	100	RO
	Other industrial chemicals:				
839900	Beryllium salt and compounds (including, but not limited to, beryllium oxide, beryllium nitrate, beryllium sulfate, beryllium carbonate, zinc beryllium silicate). (3)[4]	----------	SALT	500	RO
839900	Calcium molybdate. (4)[3] [12]	Lb.	SALT	100	RO
839900	Deuterium and deuterium compounds, including heavy water. (6)[4] [5] [14]	----------	SALT	None	RO
839900	Gallium salts and compounds. (7)[16]	----------	SALT	None	RO
839900	Lithium salts and compounds. (11)[16]	Lb.	SALT	10	RO
839900	Nickel salts and compounds, n. e. c. (15)[18]	----------	SALT 65	100	RO
919060	Spectrophotometers, except glossmeters and reflectometers (includes monochromators, photometers, spectroscopes, and spectrometers, including X-ray types). (1)[18] [23]	No.	SATE	None	RO
919066	Fluorophotometers (fluorimeters) employing ultra-violet light as the exciting source and photo-multiplier tubes or photo-cells as detecting and amplifying devices. (1)[13]	No.	SATE	None	RO
919066	Parts, n. e. c. specially fabricated for fluorophotometers (fluorimeters) employing ultra-violet light as the exciting source and photo-multiplier tubes or photo cells as detecting and amplifying devices. (2)[13]	----------	SATE	25	RO
919066	Microphotometers. (3)[7]	No.	SATE	None	RO
919066	Parts, n. e. c., specially fabricated for microphotometers. (4)[7]	----------	SATE	25	RO
919066	Spectrographs. (5)[7] [9]	No.	SATE	None	RO
919066	Parts, n. e. c., specially fabricated for spectrographs. (6)[14]	----------	SATE	25	RO
	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.:				
919080	Densitometers. (6)[7] [9]	No.	SATE	None	RO
919080	Parts, n. e. c., specially fabricated for densitometers. (7)[7] [9]	----------	SATE	25	RO
919080	Betatrons. (3)[4] [13]	No.	SATE	None	RO
919080	Synchrotrons. (4)[4] [13]	No.	SATE	None	RO
919080	Parts, n. e. c., specially fabricated for betatrons and synchrotrons. (5)[4] [13]	----------	SATE	None	RO

[1] The GLV dollar-value limit is increased.
[2] The GLV dollar-value limit is decreased, effective October 14, 1954.
[3] The processing code is changed or related commodity group number is changed (see § 372.5 (f)).
[4] The letter "A" is added in the column headed "Commodity Lists," indicating that the commodity is subject to the IC/DV procedure (see § 373.2), effective November 22, 1954.
[5] The letter "A" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the IC/DV procedure (see § 373.2).
[6] The letter "B" is added in the column headed "Commodity Lists," indicating that the commodity is subject to DL restrictions (see § 374.2), and is excepted from the Time Limit licensing procedure (see Part 377), effective November 6, 1954.
[7] The letter "B" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to DL restrictions (see § 374.2), and is no longer excepted from the Time Limit licensing procedure (see Part 377).
[8] The letter "C" is added in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the provisions of General License GIT (see § 371.9 (c)), effective November 6, 1954.
[9] The letter "C" is deleted in the column headed "Commodity Lists," indicating that the commodity may now be exported under General License GIT (see § 371.9 (c)).
[10] The letter "E" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under the Periodic Requirements licensing procedure (see Part 376).
[11] The letter "E" is deleted in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the Periodic Requirements licensing procedure (see Part 376), effective November 6, 1954.
[12] The letter "F" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under the Foreign Distribution licensing procedure (see Part 378).
[13] The letter "F" is deleted in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the Foreign Distribution licensing procedure (see Part 378), effective November 6, 1954.
[14] The letter "G" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under general license GLV to R and O destinations, only within the dollar-value limit specified on the Positive List (see § 371.10 (c)), effective October 14, 1954.
[15] The letter "G" is deleted in the column headed "Commodity Lists," indicating that the commodity may be exported to Group O destinations under General License GLV within the $500 dollar-value limit (see § 371.10 (c)).
[16] The destination control is changed from R to RO, effective October 14, 1954.
[17] The destination control is changed from RO to R.
[18] The commodity description is revised without substantive change.
[19] The unit of quantity is changed.
[20] The commodity coverage has been decreased.
[21] For the most part the commodity coverage is decreased; however, the revised entry also reflects some minor increase in commodity coverage. The added coverage is effective October 14, 1954.
[22] The commodity coverage is increased, effective October 14, 1954.
[23] The requirement to specify type of tire tread design, tire size and ply is added.
[24] For export control purposes, "special types" of alloy steels (including stainless) includes the following: (1) AISI types 309, 310, 314, 317, and 347; (2) molybdenum high-speed tool steel; (3) tungsten-molybdenum high-speed tool steel; (4) 19-9 WMo electrode steel; and (5) any alloy steel containing 6 percent or more molybdenum (but 3 percent or more molybdenum in any alloys containing more than 14 percent chromium); or 6 percent or more cobalt; or 0.25 percent or more columbium or tantalum; or nickel-bearing steels, n. e. c., containing a total of 35 percent or more of alloying elements.
[25] Nickel-bearing stainless steel items specified in footnote 24 are made subject to the IC/DV procedure (see § 373.2), effective November 22, 1954.
[26] Nickel-bearing stainless steel items are no longer subject to DL restrictions (see § 374.2), and are no longer excepted from the Time Limit licensing procedure (see Part 377).

See footnotes at end of table.

[27] The effect of this revision is to subject aluminum slugs to the Periodic Requirements licensing procedure (see Part 376); to except this commodity from the provisions of General License GIT (see § 371.9 (c)), effective November 6, 1954; and to reduce the GLV dollar-value limit, effective October 14, 1954.

[28] The effect of this revision is to except corrugated aluminum sheets from the provisions of General License GIT (see § 371.9 (c)), effective November 6, 1954.

[29] The effect of this revision is to except nickel slugs from the provisions of General License GIT (see § 371.9 (c)), effective November 6, 1954; and to increase the GLV dollar-value limit on other nickel metal in crude forms and scrap.

[30] The requirement to specify rating is added.

[31] The requirement to specify horsepower is added.

[32] Presently included on the Positive List under Schedule B No. 775150.

• The GLV dollar value limit for shipments to Mexico is $1,000.

ᵇ Armor plate, classified in Schedule B No. 693165, requires export authorization from the Department of State. See § 370.4 (a) of this subchapter.

ᶜ Electric conducting cable suitable for sweeping magnetic mines or for harbor defense requires export authorization from the Department of State. See § 370.4 (a).

ᵈ Export authorization for thorium metals and alloys and uranium metal classified under Schedule B No. 664998 is under the exclusive jurisdiction of the Atomic Energy Commission. See § 370.4 (d) of this subchapter.

ᵉ Export authorization for diffusion vacuum pumps, 12 inches and larger in diameter, classified under Schedule B number 770870, is under the exclusive jurisdiction of the Atomic Energy Commission. See § 370.4 (d) of this subchapter.

ᶠ All working pressures are based on tests with water at a temperature not exceeding 125° F.

ᵍ Export authorization for fluorine, Schedule B No. 839520, is under the jurisdiction of the Department of State (see § 370.4 (a) of this subchapter).

ʰ All outstanding licenses for exportation of spectrometers issued by the Atomic Energy Commission remain valid until they expire or are revoked.

This part of the amendment shall become effective as of October 7, 1954, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 3 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., October 14, 1954, may be exported under the previous general license provisions up to and including November 6, 1954. Any such shipment not laden aboard the exporting carrier on or before November 6, 1954, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

[SEAL] LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-8135; Filed, Oct. 18, 1954; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

PERSONS INCLUDED IN THE ACTS IN ADDITION TO COMMISSIONED OFFICERS AND ENLISTED MEN; CONCURRENT PAYMENT OF TWO BENEFITS TO THE SAME PERSON

1. In Part 3, paragraph (p) of § 3.1 is amended to read as follows:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men.* • • •

(p) *Commissioned officers of the Coast and Geodetic Survey.* (1) Pursuant to section 2, Public Law 786, 77th Congress, commissioned officers of the Coast and Geodetic Survey who are assigned during the period of World War II to duty on projects for the War Department or the Navy Department in areas outside the continental United States or in Alaska, or in coastal areas of the United States, determined by the War or Navy Department to be of immediate hazard, shall, while on such duty, be considered as performing active military or naval service: *Provided,* Commissioned officers of the Coast and Geodetic Survey serving in the Philippine Islands on December 7, 1941, will be considered as in the active military or naval service from and including that date: *Provided,* That compensation under this act may not be awarded concurrently with United States employees compensation: *And provided further,* That benefits may not be awarded prior to December 3, 1942.

(2) Public Law 450, 82d Congress, extended section 2, Public Law 786, 77th Congress, to include April 1, 1953. Public Law 12, 83d Congress, further extended the time limitation to include July 1, 1953.

(3) Public Law 593, 83d Congress, amended section 2, Public Law 786, 77th Congress, to provide coverage for commissioned officers who in time of war or national emergency declared by the President are assigned to duty on projects for the Military Departments in areas determined by the Secretary of Defense to be of immediate military hazard. Benefits payable only by virtue of Public Law 593, 83d Congress, may not be awarded for any period prior to August 16, 1954.

• • • • • •

2. In Part 4, paragraph (d) (1) of § 4.51 is amended to read as follows:

§ 4.51 *Concurrent payment of two benefits to the same person.* • • •

(d) *Employees compensation.* (1) Where a person is entitled to compensation from the Bureau of Employees' Compensation based upon death due to service in the Armed Forces and is also entitled based upon the same death to compensation or pension under the laws administered by the Veterans' Administration, he shall elect which benefit he shall receive. Compensation or pension may not be paid in such instances by the Veterans' Administration concurrently with compensation from the Bureau of Employees' Compensation. Election by a widow controls the rights of any of the veteran's children regardless of whether they are in the widow's custody and regardless of the fact that such children may not be eligible to receive benefits under the laws administered by the Bureau of Employees' Compensation, Department of Labor. Except as to claims based on service in the Public Health Service, and cases where the Bureau of Employees' Compensation has made a lump sum settlement in lieu of monthly payments (authorized by section 14 of the Federal Employees' Compensation Act), election to receive benefits from the Bureau of Employees' Compensation does not preclude the allowance of death compensation by the Veterans' Administration upon receipt of a reelection. The provisions of this paragraph are not applicable where the benefit paid by the Bureau of Employees' Compensation is for death resulting from civilian employment; however, where the death cause, held by the Bureau of Employees' Compensation to have been incurred in civilian employment, is also the basis of an award of death compensation by the Veterans' Administration predicated on death due to military service, the Bureau of Employees' Compensation will be notified of the award of death compensation and they will discontinue payment of their benefit, as they hold the two findings to be incompatible.

• • • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective October 19, 1954.

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-8199; Filed, Oct. 18, 1954; 8:50 a. m.]

PART 17—MEDICAL

MISCELLANEOUS AMENDMENTS

1. In § 17.45, paragraph (d) is amended to read as follows:

§ 17.45 *Persons entitled to hospital observation and physical examination.* • • •

(d) Claimants or benficiaries of other Federal agencies:

(1) Veterans' Affairs section, Civil Division, Department of Justice—plaintiffs in Government insurance suits.

(2) United States Civil Service Commission—annuitants or applicants for retirement annuity, and such examinations of prospective appointees as may be requested.

(3) Bureau of Employees' Compensation —to determine identity, severity, or persistence of disability.

(4) Railroad Retirement Board—applicants for annuity under Public No. 162, 75th Congress.

(5) Other Federal Agencies.

• • • • • •

2. In § 17.46, a new paragraph (a) (6) is added as follows:

§ 17.46 *Persons entitled to hospital treatment or domiciliary care.* • • •

(a) • • •

(6) Persons included in paragraph III, Part I, and in paragraph V, Part II, Veterans Regulation 1 (a) (38 U. S. C. ch. 12).

• • • • •

3. In § 17.47, paragraphs (a) (1) and (4) and (b) (4) are amended to read as follows:

§ 17.47 *Eligibility for hospital treatment or domiciliary care of persons discharged, released, or retired from active military or naval service.* • • •

(a) Hospital treatment for:

(1) Persons who served in the active military or naval forces during the period of World War I as defined in paragraphs I and IV, Veterans Regulation 10, as amended (38 U. S. C. ch. 12); or in any war prior to the Spanish-American War; or during the Spanish-American War, Philippine Insurrection, or Boxer Rebellion from April 21, 1898, to July 4, 1902 (or to July 15, 1903, if the service was in Moro Province), or on or after December 7, 1941, and before January 1, 1947, including those who had active duty as a member of the Women's Army Auxiliary Corps, Women's Army Corps, Women's Reserve of the Navy and Marine Corps, and the Women's Reserve of the Coast Guard—when discharged or released under other than dishonorable conditions from a period of war service, and when suffering from an injury or disease incurred or aggravated in line of duty in that period of active military or naval service, and for which they are medically determined to be in need of hospital treatment.

• • • • • •

(4) Persons included in paragraph V, Part II, Veterans Regulation 1 (a), who, on or after December 7, 1941, and before January 1, 1947, or who on or after June 27, 1950, and prior to such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress, suffered an injury or disease in line of duty for which they are receiving disability compensation and for which they are in need of hospital treatment (Public Law 300, 78th Congress, Public Law 463, 83d Congress).

• • • • • •

(b) Hospital treatment for: • • •

(4) Persons included in paragraph V, Part II, Veterans Regulation 1 (a), who on or after August 27, 1940, and prior to December 7, 1941, suffered an injury or disease in line of duty for which they are receiving disability compensation and for which they are in need of hospital treatment (Public Law 300, 78th Congress, Public Law 463, 83d Congress).

• • • • • •

4. In § 17.60, paragraph (a) (2) is amended to read as follows:

§ 17.60 *Outpatient treatment.* (a) • • •

(2) Persons included in paragraph III, Part I, Veterans Regulation 1 (a) (June 6, 1933), and paragraph V, Part II, Veterans Regulation 1 (a), who are in need of treatment for an injury or disease incurred in line of duty and for which they are receiving disability compensation (Public Law 300, 78th Congress, Public Law 463, 83d Congress).

• • • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652, as amended; 38 U. S. C. 706, 706a)

This regulation is effective October 20, 1954.

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-8200; Filed, Oct. 18, 1954; 8:50 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

MISCELLANEOUS AMENDMENTS

1. In § 36.4302, paragraphs (a), (b), and (c) are amended and paragraph (j) is deleted as follows:

§ 36.4302 *Computation of guaranties or insurance credits.* (a) For the purpose of computing guaranty in respect to a loan to a veteran, the following maxima cannot be exceeded:

(1) 501 (b) Loans: 60 percent of the original principal amount, or $7,500, whichever is less.

(2) Real estate loans except 501 (b) loans: 50 percent of the original principal amount, or $4,000, whichever is less.

(3) Non-real estate loans except 501 (b) loans: 50 percent of the original principal amount, or $2,000, whichever is less.

(4) Combination real estate and non-real estate loans: 50 percent of the original principal amount, or $4,000, whichever is less. On the real estate portion of the loan allow not to exceed 50 percent of such portion but not to exceed $4,000. Subtract the amount of guaranty so allowed from $4,000. If any guaranty entitlement remains available not to exceed one-half thereof may be allowed on the non-real estate portion of the loan, but the amount so allowed shall not exceed 50 percent of such portion. The aggregate amount of guaranty shall relate to the entire loan.

(b) An amount equal to 15 percent of the original principal amount of each insured loan shall be credited to the insurance account of the lender and shall be charged against the guaranty entitlement of the borrower: *Provided,* That no loan may be insured unless the borrower has sufficient entitlement remaining to permit such credit, and that the aggregate use of entitlement consequent on such insurance credit shall not exceed the maxima prescribed in section 500 (a) of the act.

(c) Subject to the provisions of paragraph (g) of § 36.4303, the following formula shall govern the ascertainment of the amount of the guaranty or insurance entitlement which remains available to an eligible veteran after prior use of entitlement: Add to the amount of such entitlement previously used for realty, twice the amount previously used for non-realty purposes. Subtract this sum from $4,000. The sum remaining is the amount available for the guaranty or insurance of a real estate loan other than a section 501 (b) loan and one-half of such sum is available for a non-real estate loan. For the purpose of ascertaining the amount of guaranty entitlement which remains available for a section 501 (b) loan after prior use of entitlement, add to the amount of such entitlement previously used for realty, twice the amount previously used for non-realty purposes. Subtract this sum from $7,500. The sum remaining is the amount of entitlement available for section 501 (b) purposes.

• • • • • •

(j) [Deleted.]

2. In § 36.4312, the headnote and paragraph (a) are amended and a new paragraph (d) is added as follows:

§ 36.4312 *Allowable fees and charges.* (a) Incident to the making of a guaranteed or insured loan no charge shall be made against, or paid by, the borrower except those expressly permitted under the schedule set forth in paragraph (d) of this section, and no loan shall be guaranteed or insured unless the lender certifies to the Administrator that it has not imposed and will not impose any charges or fees against the borrower in excess of those permissible under such schedule. Any charge which is proper to make against the borrower under the provisions of this paragraph may be paid out of the proceeds of the loan. Except as provided in the regulations concerning the guaranty or insurance of loans to veterans, no brokerage or service charge or their equivalent may be charged against the debtor or the proceeds of the loan either initially, periodically or otherwise.

• • • • • •

(d) The following schedule of permissible fees and charges shall be applicable to all Veterans' Administration guaranteed or insured loans made on or after November 1, 1954, excepting loans made pursuant to a certificate of commitment issued by the Administrator prior to such date:

PART I—LOANS FOR THE PURCHASE, CONSTRUCTION, REPAIR, ALTERATION, OR IMPROVEMENT OF RESIDENTIAL PROPERTY (SEC. 501)

A. The veteran may pay reasonable and customary amounts for any of the following items:

(1) Fee of Veterans' Administration appraiser and of compliance inspectors designated by Veterans' Administration except appraisal fees incurred for the predetermination of reasonable value requested by others than veteran or lender.

(2) Recording fees and recording taxes or other charges incident to recordation.

(3) Credit report.

(4) That portion of taxes, assessments and other similar items for the current year chargeable to the borrower and his initial deposit (lump-sum payment) for the tax and insurance account.

(5) Hazard insurance required by § 36.4326.

(6) Survey, if required by lender or veteran.

(7) Title examination and title insurance, if any.

(8) Such other items as may be authorized in advance by the Deputy Administrator for Veterans Benefits as appropriate for inclusion under this subparagraph as proper local variances.

B. A lender may charge and the veteran may pay a flat charge not exceeding 1 percent of the amount of the loan, provided that such flat charge shall be in lieu of all other charges relating to costs of origination not expressly specified and allowed in this schedule.

C. In cases where a lender makes advances to a veteran during the progress of construc-

tion, alteration, improvement, or repair, either under a commitment (VA Form 4–1866) of the Veterans' Administration to issue a guaranty certificate or insurance credit upon completion, or where the lender would be entitled to guaranty or insurance on such advances when reported under automatic procedure, the lender may make a charge against the veteran of not exceeding 2 percent on advances so disbursed for its services in supervising the making of advances and the progress of construction. Such charge may be in addition to the 1 percent charge allowed under paragraph B above.

D. In alteration, improvement or repair loans, including supplemental loans made pursuant to § 36.4355, where no charge is permissible under the provisions of paragraph C above (i. e., in cases in which advances are not made during the progress of construction, alteration, improvement, or repair), the lender may charge and the veteran may pay a flat sum not exceeding 1 percent of the amount of the loan. Such charge may be in addition to the 1 percent allowed under paragraph B above.

PART II—LOANS FOR THE PURCHASE, CONSTRUCTION, REPAIR, ALTERATION OR IMPROVEMENT OF FARM OR BUSINESS REALTY (SECS. 502 AND 503)

In the case of farm or business real estate loans a lender may charge and the veteran may pay those charges or fees which are permitted in Part I above for real estate home loans.

PART III—NON-REAL ESTATE LOANS FOR FARM OR BUSINESS PURPOSES (SECS. 502 AND 503)

On non-real estate farm or business loans the lender may charge and the borrower may pay any reasonable costs or expenses normally charged to a purchaser or lienor under local lending customs.

PART IV—LOANS TO REFINANCE DELINQUENT INDEBTEDNESS (SEC. 507)

In refinancing any delinquent indebtedness secured by a lien on real estate the lender may charge and the borrower may pay any of those items allowed under paragraph A and paragraph B of Part I hereof.

In refinancing delinquent indebtedness not secured by a lien on real estate those charges allowed under Part III hereof may be made by the lender and paid by the borrower.

PART V

The fees and charges permitted under Parts I through IV of this schedule are maximums and are not intended to preclude a lender from making alternative charges against the veteran which are not specifically authorized in the schedule provided the imposition of such alternative charges would not result in an aggregate charge or payment in excess of the prescribed maximum.

3. Section 36.4348 is revised to read as follows:

§ 36.4348 *Purchase, construction, alteration, improvement or repair loans made under section 501 (b).* Loans for the purchase, construction, alteration, improvement or repair of residential property shall be ineligible for guaranty or insurance under section 501 (b) of the act if made in combination with a section 502 or section 503 loan or which include the purchase, construction, alteration, improvement or repair of property containing any business unit, nor is a loan to refinance delinquent indebtedness pursuant to section 507 of the act eligible under section 501 (b) thereof.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective November 1, 1954.

[SEAL] R. C. FABLE, Jr.,
Assistant Deputy Administrator.

[F. R. Doc. 54-8198; Filed, Oct. 18, 1954; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter P—Manning of Vessels

[CGFR 54-43]

PART 157—MANNING REQUIREMENTS

ENFORCEMENT OF OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936

New regulations designated 46 CFR Subpart 157.18, containing §§ 157.18–1 to 157.18–15, inclusive, regarding enforcement of the Officers' Competency Certificates Convention, 1936, were promulgated by the Commandant, United States Coast Guard, on December 15, 1953, and published in the FEDERAL REGISTER dated December 19, 1953 (18 F. R. 8582), which became effective on and after January 18, 1954. These regulations required that every master or person in charge of a vessel subject to R. S. 4438a, as amended (46 U. S. C. 224a), or the Officers' Competency Certificates Convention, 1936, shall file with the Collector of Customs a complete list of the officers employed aboard the vessel upon application for final clearance for a foreign port or for an application for a permit to touch and trade.

Article 5 of the Officers' Competency Certificates Convention, 1936, sets forth provisions for enforcement. The regulations in 46 CFR 157.18–1 to 157.18–15 established procedures considered necessary for enforcement of this Convention on vessels of the United States subject to the provisions of R. S. 4438a and vessels of other countries which have ratified the Convention. The application of these regulations to vessels of other countries which have ratified the Officers' Competency Certificates Convention, 1936, is no longer necessary because such countries have adequate measures to enforce the Convention insofar as vessels registered in their territories are concerned. Therefore, the Coast Guard will no longer require the master or person in charge of a foreign vessel subject to the Officers' Competency Certificates Convention to file with the Collector of Customs a complete list of officers employed aboard the vessel. If the United States Coast Guard or the Collector of Customs shall otherwise find a breach of this Convention in connection with any foreign vessel which is registered in the territory of another member which has also ratified this Convention, the United States Coast Guard or the Collector of Customs will communicate with the consul of the member country in accordance with paragraph 3 of Article 5 of this Convention.

It is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is not necessary because the amendments set forth in this document are relaxations from prior requirements applicable to foreign vessels and that notice and public procedure thereon are contrary to the public interest.

The requirements for vessels of the United States subject to the provisions of R. S. 4438a, as amended (46 U. S. C. 224a), have not been changed and are necessary to carry out the obligations imposed upon the United States as a signatory member to the Officers' Competency Certificates Convention.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate rules and regulations in accordance with the statutes cited with the regulations below, the following amendments to §§ 157.18–1 to 157.18–15, inclusive, are prescribed which shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

SUBPART 157.18—OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936

Sec.

157.18–1 Vessels subject to requirements of this subpart.
157.18–5 Detention of vessel.
157.18–10 Right of appeal.
157.18–15 Filing lists of officers with Collector of Customs.

AUTHORITY: §§ 157.18–1 to 157.18–15 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4438a, as amended; 46 U. S. C. 224a; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 157.18–1 *Vessels subject to requirements of this subpart.* (a) Paragraph (1) of R. S. 4438a, as amended (46 U. S. C. 224a), states:

(1) That the Officers' Competency Certificates Convention, 1936 (International Labor Organization Draft Convention Numbered 53, "concerning the minimum requirement of professional capacity for masters and officers on board merchant ships"), as ratified by the President on September 1, 1938, with understandings appended, and this section shall apply to all vessels, however propelled, navigating on the high seas, which are registered, enrolled and licensed, or licensed under the laws of the United States, whether permanently, temporarily, or provisionally, including yachts enrolled and licensed, or licensed, with the exception of—

(a) Ships of war;

(b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;

(c) Wooden ships of primitive build, such as dhows and junks;

(d) Unrigged vessels;

(e) All vessels of less than two hundred gross tons.

(b) All vessels of the United States subject to R. S. 4438a, as amended (46 U. S. C. 224a) are subject to the requirements of this subpart.

§ 157.18–5 *Detention of vessel.* (a) The Collector of Customs, or the Coast Guard District Commander, by written order served upon the master or person in charge of a vessel, may detain any vessel of the United States which he has reason to believe is not in compliance with the requirements of R. S. 4438a, as amended (46 U. S. C. 224a), until he is satisfied that all officers employed aboard such vessel, who are required to be licensed by the Coast Guard, are in possession of the required licenses. If a vessel is detained by a written order of a Coast Guard District Commander, he should give immediate notice of such detention to the Collector of Customs from whose port the vessel will either clear or secure a permit to touch and trade in order that clearance or the issuance of a permit to touch and trade may be withheld.

§ 157.18–10 *Right of appeal.* Whenever a vessel is detained, the master may appeal, within five days to the Commandant, U. S. Coast Guard, who may, after investigation, affirm, set aside, or modify the order of detention.

§ 157.18–15 *Filing lists of officers with Collector of Customs.* The master of any vessel of the United States subject to the provisions of R. S. 4438a, as amended (46 U. S. C. 224a), shall, upon application for final clearance for foreign port or upon application for a permit to touch and trade, file with the Collector of Customs a complete list of the officers employed aboard the vessel and the Coast Guard serial number and description of license held by each officer.

[SEAL] A. C. RICHMOND,
Dated: October 12, 1954.

Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 54-8192; Filed, Oct. 18, 1954; 8:48 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. E-6570]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING ACQUISITION AND MERGER OR CONSOLIDATION OF FACILITIES AND ISSUANCE OF SECURITIES

OCTOBER 13, 1954.

Notice is hereby given that on October 8, 1954, the Federal Power Commission issued its order adopted October 6, 1954, authorizing acquisition and merger or consolidation of facilities and issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8184; Filed, Oct. 18, 1954; 8:47 a. m.]

[Docket No. E-6581]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF COMMON STOCK

OCTOBER 13, 1954.

Notice is hereby given that on October 8, 1954, the Federal Power Commission issued its order adopted October 6, 1954, authorizing issuance of common stock in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8185; Filed, Oct. 18, 1954; 8:47 a. m.]

[Docket No. G-2298]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 13, 1954.

Notice is hereby given that on October 7, 1954, the Federal Power Commission issued its order adopted October 5, 1954, issuing certificate of public convenience and necessity and authorizing abandonment of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8186; Filed, Oct. 18, 1954; 8:47 a. m.]

[Docket Nos. G-2432, G-2449]

SOUTH JERSEY GAS CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 13, 1954.

Notice is hereby given that on October 8, 1954, the Federal Power Commission issued its order adopted October 5, 1954, in the above-entitled matter, declaring exemption from the provisions of the Natural Gas Act, and dismissing proceeding in Docket No. G-2449.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8187; Filed, Oct. 18, 1954; 8:47 a. m.]

[Docket No. G-2528]

UNITED FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 13, 1954.

Notice is hereby given that on October 8, 1954, the Federal Power Commission issued its order adopted October 5, 1954, issuing a certificate of public convenience and necessity and authorizing and approving abandonment of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8188; Filed, Oct. 18, 1954; 8:48 a. m.]

E-6340]

DEPARTMENT OF INTERIOR, SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF ORDER EXTENDING DATE OF CONFIRMATION AND APPROVAL OF RATE SCHEDULES

OCTOBER 13, 1954.

Notice is hereby given that on September 30, 1954, the Federal Power Commission issued its order adopted September 29, 1954, extending to December 31, 1954, confirmation and approval of rate schedules in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8189; Filed, Oct. 18, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-875]

HAMILTON MANAGEMENT CORP. AND HAMILTON TRUST SHARES

NOTICE OF FILING OF APPLICATION FOR APPROVAL OF FEE

OCTOBER 13, 1954.

Notice is hereby given that an application and an amendment thereto for an order pursuant to section 26 (a) (2) (C) of the Investment Company Act of 1940 ("act") has been filed by Hamilton Management Corporation ("Management"), a Delaware corporation and the depositor of and principal underwriter for Hamilton Trust Shares ("Trust"), a common-law trust organized under Colorado law and a registered unit investment trust under the act. The application requests the issuance of an order prescribing a fee of $31,638.69 as reasonable compensation to Management for its performance of certain bookkeeping and other administrative services for Trust and approving the payment of such fee to Management subject to certain conditions, including the immediate assignment and transfer of the amount allowed to the City National Bank and Trust Company of Kansas City, Missouri ("City National"), the present custodian and trustee of Trust, in settlement of all claims which might be asserted by said trustee as a result of certain transactions by Management in the years 1949, 1950, and 1951.

Section 26 (a) (2) (C) of the act makes it unlawful for a principal underwriter or depositor of a unit investment trust to sell securities of that trust unless the trust indenture pursuant to which the securities are issued provides that no payment to the depositor of or principal underwriter for such trust shall be allowed the trustee as an expense, except for the payment to such person "of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services, of a character normally performed by the trustee or custodian itself."

The application as amended discloses the following facts:

Trust has outstanding both fully paid and periodic payment certificates issued pursuant to a trust indenture, as amended, under which City National serves as trustee and custodian. The certificates represent interests in a fixed list of portfolio securities, originally 30 in number but since reduced to 6, and in cash held temporarily pending investment. Trust discontinued offering these certificates to the public on April 30, 1948. As of December 31, 1953, Trust's net assets had a value of $1,044,825 and Trust had 1,550 certificates outstanding held by 1,533 investors. Of these, 152 certificates were issued after November 21, 1941, and are designated as the "30,000 series."

The trust indenture pursuant to which certificates of Trust have been issued provides that the trustee shall deduct from the income of the trust a general administration fee of 3/16ths of 1 percent of the market value of the underlying securities at the end of each quarter of the year. The amount of the fee so collected applicable to certificates issued prior to November 21, 1941, is paid to Management, which pays the trustee a fee for its services and retains the balance as compensation for its own services. The indenture was amended on November 21, 1941 to provide that the amount of this fee applicable to certificates issued on or after November 21, 1941, shall be credited at the end of each quarter to an Administration Expense Fund. The only charges which have been made against this Fund are the fees payable to the Trustee for his services. The indenture as amended provides that after payment of the Trustee, Management shall be entitled to such reasonable compensation from the Fund as this Commission may allow pursuant to section 26 (a) (2) of the act for performing bookkeeping and other administrative services. The trustee has delegated the performance of certain of these services to Management, which is now applying for reimbursement for actual expenses incurred by it in performing such services for the period, December 1, 1941, through April 30, 1953.

During that period, a total of $66,485.85 has been accumulated in the Administration Expense Fund. It is represented that overall expenses incurred by Management in the performance of administrative services for Trust totalled $124,710.05, of which $31,638.69 is applicable to the "30,000 series" certificates, issued on or after November 21, 1941. The allocation of expenses as between these certificates and those issued prior thereto was made by applying to the various items of expense for each yearly period, one of three different ratios for that period, as deemed consistent with good accounting practice, reflecting the relative amounts of asset values, dollars invested and account activity of the two groups of certificates.

The application states that in 1950 suggestions were made that Management may have made itself liable to the Trust for excessive depletion of the tax reserve of the Trust; for profits made on the disposition of underlying securities which it initially received on the liquidation in kind of certificates acquired from certain certificate holders desiring to terminate their interests in the Trust and who assigned said certificates to Management instead of presenting them for liquidation; for loss occasioned the Trust through the payment of distributions to Management while it held the above mentioned certificates; and for unnecessary brokerage charges incurred by the Trust in the purchase of underlying securities to replace those received by Management on said in-kind liquidations. By reason of such assertions, the trustee made an extensive investigation into the facts and law involved in such transactions and initiated negotiations with Management to protect the interests of the security holders. The dollar amount of the asserted claims is approximately $50,000.

Management denies all imputations of error, negligence, wrongdoing or bad judgment in connection with the asserted claims and contends that the transactions in question were proper in all respects and create no liability on its part either to Trust or to its certificate holders. However, in recognition of the fact that litigation to test the merit or lack of merit of the alleged claims would be both expensive and uncertain as to outcome, Management agreed to a settlement of the claims. The agreement provides that if the Commission should determine and fix the amount due Management as reasonable compensation for the delegated bookkeeping and other administrative services performed by it on behalf of Trust for the period to April 30, 1953, at not less than $29,250 Management would immediately turn over to the trustee the sum allowed in settlement of the asserted claims. As a condition to the agreement, it is further provided that if the Commission should institute, or cause to be instituted, any action or proceeding against Management within two years of March 19, 1953, on the basis of the aforesaid claims or the transactions giving rise to them, the parties are to be restored to their respective former positions and rights without prejudice. The agreement also permits the trustee to apply to a proper court to determine to which specific present and former certificate holders the benefits to be derived by the trustee from the agreement are to be paid and in what amounts.

It is further stated in the application that if the Commission grants the allowance requested, the excess above such allowance in the Administration Expense Fund will be transferred to the Income Account of the Trust for distribution to certificate holders in accordance with the provisions of the indenture. To avoid further delay arrangements have been made to place $24,485.85 of the Administration Expense Fund in the Income Account of the Trust for distribution to certificate holders entitled thereto as of July 31, 1954.

Management has requested the issuance of an order finding that it incurred an expense of not less than $31,638.69 in the performance of delegated bookkeeping and administrative services applicable to certificates issued on and after November 21, 1941, and determining that Management is entitled to $31,638.69 as reasonable compensation under section 26 (a) (2) (C) of the act for the performance of the said delegated services through April 30, 1953.

Notice is further given that any interested person may, not later than October 26, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8183; Filed, Oct. 18, 1954; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 575]

MANAGER, OUTER CONTINENTAL SHELF OFFICE

DELEGATION OF AUTHORITY WITH RESPECT TO MINERAL LEASES

OCTOBER 13, 1954.

Pursuant to the authority contained in Order No. 2583 of the Secretary of the Interior, as amended September 17, 1954, the Manager, Outer Continental Shelf Office is authorized to take all actions in connection with the following:

1. *Mineral leases of submerged lands of the Outer Continental Shelf.* (a) The making of determinations respecting the compliance or noncompliance of mineral leases issued by a State with the requirements of section 6 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U. S. C. 1331 et seq.): *Provided*, That such determinations shall be submitted to the Solicitor for concurrence.

(b) Mineral leases pursuant to the act of August 7, 1953 (67 Stat. 462; 43 U. S. C. 1331 et seq.), and the regulations under 43 CFR Part 201.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 54-8176; Filed, Oct. 18, 1954; 8:45 a. m.]

Bureau of Reclamation

MISSOURI RIVER BASIN PROJECT, COLORADO

ORDER OF REVOCATION

FEBRUARY 16, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 FR 1937), I hereby revoke Departmental Order of December 22, 1949, insofar as said order affects the following described land: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 S., R. 44 W.,
Sec. 21, Lot 2;
Sec. 22, Lot 4;
Sec. 28, Lots 7 and 10;
Sec. 35, Lots 17 and 18.

The above area aggregates 26.32 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 52784]

I concur. The records of the Bureau of Land Management will be noted accordingly.

The land is located approximately six miles south of Idalia, Colorado. It is not suitable for crop production due to shallow, sandy soils, low average annual precipitation, and lack of water for irrigation.

No application for the land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m., on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same land; otherwise, priority of filing shall govern.

Inquiries regarding the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

W. G. GUERNSEY,
Associate Director,
Bureau of Land Management.

OCTOBER 13, 1954.

[F. R. Doc. 54-8178; Filed, Oct. 18, 1954; 8:45 a. m.]

COLORADO-BIG THOMPSON PROJECT, COLORADO

ORDER OF REVOCATION

APRIL 3, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of August 20, 1937 and September 14, 1937, insofar as said orders affect the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

6TH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 79 W.
Sec. 7, E½SW¼, NW¼SW¼;
Sec. 17, SW¼NW¼, NW¼SW¼, N½S½ SW¼, SW¼SE¼;
Sec. 18, S½NE¼, E½NW¼, E½E½SE¼;
Sec. 20, E½NE¼, NW¼NE¼, E½NE¼ SE¼;
Sec. 21, N½SW¼, NE¼SE¼SW¼, S½ SE¼;
Sec. 27, W½W½, SE¼SW¼;
Sec. 28, N½SE¼;
Sec. 34, NW¼NE¼, S½NE¼, NW¼, S½.

The above area aggregates 2,070 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 1593455]

I concur. The records of the Bureau of Land Management will be noted accordingly.

Portions of the above-described lands have been patented and other portions are included in National Forest or Power Site withdrawals.

The remaining lands are in the vicinity of Green Mountain Dam, Grand County, Colorado. This land is not suitable for crop production due to steep slopes and shallow rocky soils supporting limited amounts of sagebrush and scrubby conifer trees, with some grasses. They are suitable for grazing.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

W. G. GUERNSEY,
Associate Director,
Bureau of Land Management.

OCTOBER 13, 1954.

[F. R. Doc. 54-8179; Filed, Oct. 18, 1954; 8:46 a. m.]

Office of the Secretary

BLACKFEET TRIBE OF MONTANA

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Blackfeet Indian Reservation was duly adopted by the Blackfeet Tribe of Montana which has jurisdiction over the area of Indian country included in the resolution:

1. That before any person, association, firm, corporation, or partnership, or any individual or group of individuals, may engage in the wholesale beer business within the exterior boundaries of the Blackfeet Indian Reservation, whether or not the principal place of business of said beer wholesaler is located within the exterior boundaries of the Blackfeet Indian Reservation, he must first make application to the Blackfeet Tribal Business Council for, and obtain a permit or license to engage in, said wholesale beer business. Either maintaining a wholesale beer establishment upon said reservation or making delivery and/or sales of beer at wholesale any place within the exterior boundaries of the Blackfeet Indian Reservation shall constitute engaging in the wholesale beer business.

2. With such application, the applicant shall tender a fee of One Hundred ($100.00) Dollars. If a license or permit is issued to the applicant by the Blackfeet Tribal Business Council, it shall run from June 30 of one (1) year, to the 30th day of June the next following year. If the application is made when there is more than six (6) months of said yearly period remaining, there shall be no reduction in the amount of the license fee. If less than six (6) months remain, then the license fee shall be cut in half. If such license or permit is denied, the fee shall be returned to the applicant.

3. Before a permit or license shall be issued by the Blackfeet Tribal Business Council, the applicant shall be investigated as to moral character and as to whether or not such person is acceptable to the members of the Blackfeet Tribe to engage in said wholesale beer business upon the Blackfeet Indian Reservation. Once a permit or license is granted by the Blackfeet Tribal Business Council, such permit or license may be revoked only for cause and upon a hear-

ing with notice being mailed by registered mail to the owner of such permit or license ten days prior to such hearing, except such permit or license may not be transferred without the approval and consent of the Blackfeet Tribal Council. Cause shall mean the failure to pay license fees each year, and/or the violation of tribal ordinances duly passed or the laws of the State of Montana, or transfer or attempted transfer of such permit or license without the approval and consent of the Blackfeet Tribal Council. The Blackfeet Tribal Council may adopt such ordinances for the maintenance of law and order on the Blackfeet Indian Reservation and regulations of the wholesale beer business conducted on said reservation not inconsistent with the laws of the State of Montana and rules and regulations of the Montana Liquor Control Board but such ordinances shall not become effective until thirty (30) days after their passage and the mailing of a copy of such ordinance by registered mail to each permittee or licensee engaged in the wholesale beer business, on the Blackfeet Indian Reservation.

4. The issuance of a license or permit by the Blackfeet Tribal Business Council and the payment of a fee, as hereinabove provided, shall be a condition of eligibility before any person, firm, association, corporation, partnership, individual or group of individuals may engage in the wholesale beer business in the area within the exterior boundaries of the Blackfeet Indian Reservation, or receive a license from the State of Montana for such purposes, and until such person or organization wishing to engage in the wholesale beer business satisfies said condition, he shall not be permitted to engage in the wholesale beer business or make deliveries or sales of beer at wholesale within the external boundaries of the Blackfeet Indian Reservation.

5. This ordinance is supplementary to, and shall not supersede or otherwise modify, the Blackfeet Tribal Ordinance, approved by the Secretary of the Interior on February 17, 1954, and published in the FEDERAL REGISTER on February 24, 1954, governing the retail sale of liquor and beer within the exterior boundaries of the Blackfeet Reservation.

ORME LEWIS,
Acting Secretary of the Interior.

OCTOBER 12, 1954.

[F. R. Doc. 54-8180; Filed, Oct. 18, 1954; 8:46 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 106-53]

CIVIL RIGHTS CONGRESS; REGISTRATION AS COMMUNIST-FRONT ORGANIZATION

NOTICE OF HEARING

Herbert Brownell, Jr., Attorney General of the United States, petitioner, v. Civil Rights Congress, respondent.

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong. 50 U. S. C. 781 et seq.), particularly section 13 of said act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the respondent to register as a Communist-front organization pursuant to section 7 of said Act (50 U. S. C. 786), will be held commencing on Monday, November 15, 1954, at 10:00 a. m., e. s. t., in Hearing Room 113, in the Lafayette Building, 811 Vermont Avenue NW., Washington, D. C.

Dated at Washington, D. C., October 14, 1954.

[SEAL] THOMAS J. HERBERT,
Chairman.

[F. R. Doc. 54-8231; Filed, Oct. 18, 1954; 10:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29800]

LIQUEFIED PETROLEUM GAS FROM TIOGA, N. DAK., TO POINTS IN MINNESOTA, WISCONSIN, NORTH DAKOTA AND SOUTH DAKOTA

APPLICATION FOR RELIEF

OCTOBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Great Northern Railway Company, for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Tioga, N. Dak.

To: Minneapolis, Minnesota Transfer, St. Paul, Duluth, Minn., Superior, Wis., and other points in Minnesota, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: Great Northern Railway Company, I. C. C. No. A-8764.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position the intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8181; Filed, Oct. 18, 1954; 8:46 a. m.]

CLASS I MOTOR CARRIERS OF PROPERTY AND PASSENGERS

QUARTERLY AND ANNUAL REPORTS; TOTAL MAN-HOURS ACTUALLY WORKED BY DRIVERS AND HELPERS

OCTOBER 4, 1954.

Notice was given June 11, 1954, that the Commission by Division 1 had approved a change in the form of annual reports for the year 1954 and quarterly reports for the year 1955, to require all Class I motor carriers of both property and passengers to report total man-hours actually worked by drivers and helpers, in addition to total man-hours paid for as now required. Upon reconsideration the Commission on September 13, 1954, rescinded the proposed change in reporting requirements pending further investigation.

After again considering all representations received in response to the notice of June 11, 1954, and having investigated the use being made of wage statistics now published, the Commission finds that, effective with quarterly and annual reports filed for periods subsequent to December 31, 1954, all Class I motor carriers of property should be required to report the total man-hours actually worked by drivers and helpers.

[SEAL] GEORGE W. LAIRD.
Secretary.

[F. R. Doc. 54-8182; Filed, Oct. 18, 1954; 8:46 a. m.]

FEDERAL REGISTER

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Washington, Wednesday, October 20, 1954

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN FRENCH FRIED POTATOES[1]

On May 20, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 2944) regarding a proposed issuance of United States Standards for Grades of Frozen French Fried Potatoes.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen French Fried Potatoes are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946. (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.)

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.2391 Product description.
52.2392 Styles of frozen french fried potatoes.
52.2393 Grades of frozen french fried potatoes.

FACTORS OF QUALITY

52.2394 Ascertaining the grade.
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52.2398 Texture.

LOT CERTIFICATION TOLERANCES

52.2399 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2400 Score sheet for frozen french fried potatoes.

AUTHORITY: §§ 52.2391 to 52.2400 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

[1] Compliance with these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2391 *Product description.* Frozen french fried potatoes are prepared from mature, sound, white or Irish, potatoes (Solanum tuberosium). The potatoes are cleaned, peeled, sorted, trimmed, washed, cut into strips, and are deep fried in a suitable fat or oil. They are frozen in accordance with good commercial practice and stored at temperatures necessary for the preservation of the product.

§ 52.2392 *Styles of frozen french fried potatoes.* "French style" means potatoes cut into strips. The cross sectional dimensions of the strips may vary from approximately ¼ by ¼ to approximately ½ by ½ inches.

§ 52.2393 *Grades of frozen french fried potatoes.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen french fried potatoes that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically free from defects; that possess a good texture; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen french fried potatoes that possess similar varietal characteristics; that possess a reasonably good flavor; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good texture; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the grade of frozen french fried potatoes that fail to meet the requirements of "U. S. Grade B" or "U. S. Extra Standard."

FACTORS OF QUALITY

§ 52.2394 *Ascertaining the grade.* (a) The grade of frozen french fried potatoes is ascertained by considering the factors of quality which are not scored and those which are scored, as follows:

(1) *Factors which are not scored.* (i) Varietal characteristics. (ii) Flavor.

(2) *Factors which are scored.* The relative importance of each factor which

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is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
Color	30
Defects	40
Texture	30
Total	100

(b) "Good flavor" means the good characteristic flavor and odor of properly prepared french fried potatoes. Such flavor is free from rancidity and bitterness; from pronounced scorched, or caramelized flavors and from off flavors and off odors of any kind.

(c) "Reasonably good flavor" means that the product may be somewhat lacking in good flavor and odor but it free from objectionable flavors and objectionable odors of any kind.

§ 52.2395 *Ascertaining the rating for the factors which are scored.* (a) The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "21 to 24 points" means 21, 22, 23, or 24 points.)

(b) The factors of color and defects are evaluated by observing the product in the frozen state and after it has been heated in a suitable manner.

(c) The factor of texture is evaluated within three minutes after the product has been prepared by heating in a suitable manner and while it is well above room temperature.

(d) "Heated in a suitable manner" means heated in the following manner:

(1) Place the product while still in the frozen state on a piece of crumpled and partially straightened aluminum foil of sufficient size so that at least nine ounces of the product may be spread in a single layer on the foil. The aluminum foil may be supported by a piece of sheet metal or a shallow pan.

(2) Place foil and frozen contents into a properly ventilated oven preheated to 400 degrees F. and allow to remain 15 minutes or until the interior portions of the larger pieces are properly cooked.

Heating may be accomplished by any other method which will give comparable results.

§ 52.2396 *Color*—(a) *(A) classification.* Frozen french fried potatoes that possess a good color may be given a score of 25 to 30 points. "Good color" means that the units possess a characteristic light cream to golden color typical of properly prepared frozen french fried potatoes; that the product is bright, practically uniform in color and, after heating, is practically free from units which vary markedly from the predominating color.

(b) *(B) classification.* If the frozen french fried potatoes possess a reasonably good color, a score of 21 to 24 points may be given. Frozen french fried potatoes that fall into this classification may not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the units may possess a variable color ranging from light cream to brown typical of frozen french fried potatoes; that the product may be dull but not off color and, after heating, the variation in color of the units does not seriously affect the appearance of the product.

(c) *(SStd) classification.* Frozen french fried potatoes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.2397 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from harmless vegetable material, dark carbon specks, unpeeled areas, broken pieces, small pieces, slivers, and irregular pieces, and from units blemished (including those seriously blemished) by sunburn, hollowheart, burned ends, abnormal discoloration, dried cut surfaces, or by other means.

(1) "Blemished" means that the areas affected on a unit materially affect the appearance or eating quality of the unit.

(2) "Seriously blemished" means that the blemished areas on a unit are of such a nature as to seriously affect the appearance or eating quality of the unit.

(3) "Small piece" means any strip less than one inch in length.

(4) "Sliver" means any strip of substantially smaller cross section than the predominating size of the unit.

(5) "Irregular pieces" means pieces that do not have the general conformation of strips.

(b) *(A) classification.* Frozen french fried potatoes that are practically free from defects may be given a score of 35 to 40 points. "Practically free from defects" means that (1) there may be present not more than one piece of harmless extraneous vegetable material for each 32 ounces of the frozen product; (2) the surfaces of the units are practically free from carbon specks; (3) not more than 15 percent, by count, of the units are small pieces, slivers, or irregularly cut pieces; and (4) not more than 3 percent, by count, of the units are blemished or seriously blemished of which not more than 1 percent, by count, of all the units are seriously blemished. To score in this classification there may be present not more than 200 units per each 16 ounces of the frozen product, except that if the predominating size of the cross sections of the units is less than ⅜" by ⅜" this provision does not apply but the presence of small units may not adversely affect the appearance of the product.

(c) *(B) classification.* Frozen french fried potatoes that are reasonably free from defects may be given a score of 28 to 34 points. Frozen french fried potatoes that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that (1) there may be present not more than one piece of harmless extraneous vegetable material for each 16 ounces of the frozen product; (2) the surfaces of the units are reasonably free from carbon specks; (3) not more than 30 percent, by count, of the units are small pieces, slivers, or irregularly cut pieces; and (4) not more than 10 percent, by count, of the units are blemished or seriously blemished of which not more than 4 percent, by count, of all the units are seriously blemished.

(d) *(SStd) classification.* Frozen french fried potatoes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.2398 *Texture*—(a) *(A) classification.* Prepared french fried potatoes that possess a good texture may be given a score of 25 to 30 points. "Good texture" means that the external surfaces of the units are moderately crisp, show no noticeable separation from the inner portion, and are not excessively oily; the interior portions are well cooked, tender, and practically free from sogginess.

(b) *(B) classification.* If the prepared french fried potatoes possess only a reasonably good texture a score of 21 to 24 points may be given. Frozen french fried potatoes that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good texture" means that the external surfaces of the units may be slightly hard or slightly tough, show no more than a moderate separation from the interior portion, and are not excessively oily; the interior portions are well cooked, reasonably tender, and reasonably free from sogginess.

(c) *(SStd) classification.* Frozen french fried potatoes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.2399 *Tolerances for certification of officially drawn samples.* When certifying samples that have been officially drawn and which represent a specific lot of frozen french fried potatoes the grade for such lot will be determined by averaging the total scores of the containers comprising the sample if all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, and with respect to those factors which are scored:

(a) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(b) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(c) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(d) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2400 *Score sheet for frozen french fried potatoes.*

Size and kind of container ____
Container mark or identification ____
Label ____
Net weight (ounces) ____
Style and cross-sec. dimension ____

Factors	Score points	
Color	30	(A) 25-30; (B) [1] 21-24; (SStd.) [1] 0-20
Defects	40	(A) 35-40; (B) [1] 28-34; (SStd.) [1] 0-27
Texture	30	(A) 25-30; (B) [1] 21-24; (SStd.) [1] 0-20
Total score	100	

Similar varieties ____
Good flavor ____
Grade ____

[1] Indicates limiting rule.

Effective time. The United States Standards for Grades of Frozen French Fried Potatoes (which is the first issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: October 14, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-8221; Filed, Oct. 19, 1954; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 94]

PART 608—DANGER AREAS

NORTH CAROLINA

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.41, the Cherry Point, North Carolina, No. 2, area (D-125), published on April 21, 1949, in 14 F. R. 1913, and on July 16, 1949, in 14 F. R. 4287, and amended on August 16, 1950, in 15 F. R. 5429 and on November 8, 1952, in 17 F. R. 10139 and on December 3, 1952, in 17 F. R. 10903, is further amended by changing the "Designated Altitudes" column to read: "From 11,000 feet MSL to 45,000 feet MSL. During the hours of darkness, that portion overlapping Amber civil airway No. 9 shall include only that airspace from 11,000 feet to 16,000 feet and from 23,000 feet to 45,000 feet ASL."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 26, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8202; Filed, Oct. 19, 1954; 8:46 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 11]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended by adding a new paragraph (g) thereto to read as follows:

(g) *Refined copper, copper scrap and copper-base alloy scrap*—(1) *General.* (i) License applications to export refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes), Schedule B No. 641200; copper scrap (new and old), Schedule B No. 641300; and copper-base alloy scrap (new and old), Schedule B No. 644000 (except copper produced in the U. S. from non-U. S. origin materials under toll or conversion arrangements) will be considered by the Bureau of Foreign Commerce only when the applications contain the certifications described in subparagraphs (2) and (3) of this paragraph and include one of the following statements:

"The foreign consumer of the commodities covered by this application is the same as that shown in Item 7 on this application."

If the foreign consumer is not the same as that shown in Item 7:

"The name and address of the foreign consumer is ----------"

(ii) Where the ultimate consignee is different from the foreign consumer named in the application a consignee statement in accordance with the provisions of § 373.65 shall be submitted from both the ultimate consignee and the foreign consumer.

(2) *Evidence of availability required*—(i) *Evidence required from producers or generators.* An applicant who is a producer of refined copper or a generator of scrap for which an export license is requested and who has the commodities in his possession and available for immediate exportation shall enter the following certification on the export license application:

(I) (we) certify that (I) (we) have full legal title to the entire quantity of copper materials described on this license application and that they are in (my) (our) possession and are available for immediate export by (me) (us).

(ii) *Evidence required from non-producers or non-generators.* An applicant who is not a producer or generator of the copper commodities for which an export license is requested shall supply evidence of availability of the material proposed for export as described below:

(*a*) *Evidence of ownership.* Where the applicant has title to the commodities covered by the application, the following certification shall be shown on the application:

(I) (we) certify that (I) (we) have full legal title to the copper commodities described on this license application and that these commodities are in (my) (our) possession or will be in (my) (our) possession not later than ---------- for immediate export. (Date)

(*b*) *Evidence of commitment.* Where the applicant does not have full legal title to the commodities covered by the application, but does have a written firm commitment dated October 1, 1954, or subsequent thereto, from a person who has title to such commodities, the application shall include the following certification:

(I) (we) certify that (I) (we) have a written firm commitment dated ------, from
---

(Name and address of firm having full legal title to the commodities covered by the application)
to deliver to us on or before ----------

(Approximate delivery dates)
for immediate export the commodities in the quantities described on this application.

All documents evidencing title and including the written firm commitment set forth above must be kept available for inspection, upon demand, by the Bureau of Foreign Commerce for three years from the date of receipt of the application, as shown on the Acknowledgment Card, Form IT- or FC-116.

(3) *Toll or conversion agreements.* The Bureau of Foreign Commerce will license without restriction exports of copper produced in the United States under toll or conversion contracts from materials received from foreign sources. Applicants shall state on Form IT- or FC-419, where applicable, that the proposed exportation covers commodities which have been produced from non-U. S. origin materials under a toll or conversion agreement.

(4) *Validity period.* Licenses to export the copper materials covered by this paragraph, except licenses for copper materials to be exported under toll or conversion agreements, will be issued for a validity period not to exceed two months.

(5) *Amendments to export licenses.* Except for export licenses issued under toll or conversion agreements, no amendments requesting an extension of the validity period of the license will be granted for export licenses issued under this procedure.

2. Section 380.2 *Amendments or alterations of licenses*, paragraph (f) *Where to file* is amended in the following particulars:

Subdivision (iv) of subparagraph (3) *Amendment requests on which field offices may not take action* is amended to read as follows:

(iv) Requests for amendments or extensions for aluminum scrap (Schedule B No. 630050), refined copper in cathodes, billets, ingots, wire bars and other crude forms, including anodes (Schedule B No. 641200), copper scrap (Schedule B No. 641300), and copper base alloy scrap (Schedule B No. 644000).

3. Part 380—Amendments, Extensions, Transfers is amended by adding a new section, § 380.5, to read as follows:

§ 380.5 *Amendments to licenses issued for the exportation of refined copper, copper scrap and copper-base alloy scrap.* Except for export licenses issued under toll or conversion agreements, export licenses issued under the provisions of § 373.41 (g) of this subchapter may not be amended to grant an extension of the validity period of the license.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62, 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of October 19, 1954.

THOMAS R. WILSON,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-8285; Filed, Oct. 19, 1954; 10:43 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

MISCELLANEOUS AMENDMENTS

Purpose of amendments. On September 9, 1954, the Commission published notice that it had under consideration proposed amendments to its rules and forms under the Securities Act of 1933 and the Securities Exchange Act of 1934, designed primarily to conform existing rules to the changes in those statutes made by Public Law 577, 83d Congress, which will be effective October 10, 1954. All interested persons were invited to comment upon the proposed amendments. The Commission has considered all comments and suggestions received and has determined to adopt the amendments in the form set forth below.

The most important change effected by Public Law 577 involves section 5 of the Securities Act of 1933. Other amendments to that statute and to the Trust Indenture Act of 1939 and the Investment Company Act of 1940 were enacted as necessary to accommodate the provisions of those acts to the amendment of section 5. The Securities Act as amended by Public Law 577 will permit the making of written offers to sell and solicitations of offers to buy during the waiting period by means of a preliminary or summary prospectus filed with the Commission prior to its use. In other respects it will expand the authority of the Commission to permit the use of written material in addition to the full prospectus in connection with the offering of securities for sale. The amendment, however, will continue to prohibit the sale of securities or the making of contracts to sell or contracts of sale prior to the effective date of the registration statement.

The amendments set forth below do not relate to the use of such summary prospectuses as may be permitted under section 10 (b), or expanded advertisements under section 2 (10) (b), of the amended statute. The nature and form of such advertisements, communications and summary prospectuses are presently under consideration by the Commission and it is expected that proposals for the adoption of appropriate rules may be published for comment within the near future.

Statutory basis. The amendments are adopted pursuant to the authority vested in the Commission by the Securities Act of 1933, particularly sections 18 and 19 (a), and the Securities Exchange Act of 1934, particularly section 23 (a), and the Investment Company Act of 1940, particularly section 38 (a).

The text of the action follows: [1]

I. Section 230.120 (Rule 120) is amended to read as follows:

§ 230.120 *Inspection of registration statements.* Except for material contracts or portions thereof accorded confidential treatment pursuant to § 230.485, all registration statements are available for public inspection, during business hours, at the principal office of the Commission in Washington, D. C.

II. Section 230.131 (Rule 131) is rescinded.

III. a. Section 230.132 (Rule 132) is amended by deleting the words "proposed form of prospectus" wherever such words appear in the rule and substituting therefor the words "preliminary prospectus".

b. Paragraph (b) of § 230.132 is amended by deleting the reference therein to § 230.131 and substituting therefor § 230.433.

c. Paragraph (d) (15) of § 230.132 is amended by deleting the words "offer to buy or sell" from the second sentence of the legend contained therein and substituting therefor the words "purchase or sale of".

d. The amendments mentioned in a through c read as follows:

§ 230.132 *Definition of "offer to sell," "offer for sale," "attempt or offer to dispose of," and "solicitation of an offer to buy" as used in section 2 (3) in connection with certain identifying statements*—(a) *General provision.* For purposes of section 5 only, sending or giving to any person or publishing an identifying statement, and communications between underwriters and dealers reasonably related to the contemplated use and distribution of an identifying statement and preliminary prospectus, shall not constitute an "offer to sell," "offer for sale," "attempt or offer to dispose of," or "solicitation of an offer to buy" as used in section 2 (3) of the act: *Provided,* • • •

(b) *Definition of "identifying statement" and "preliminary prospectus."* For the purpose of this section, the term "identifying statement" means a written communication or advertisement meeting the requirements set forth below; the term "preliminary prospectus" means a document meeting the requirements of § 230.433.

(c) *Required information.* • • •

(2) The identifying statement shall indicate from whom copies of the prospectus or preliminary prospectus may be obtained and shall include a detachable form for use in requesting such copies: *Provided,* That this information need not be included in the identifying statement as filed, in which event it must be added by the person who sends, gives, or publishes the statement. The detachable form shall be substantially as follows:

Please send me a copy of the prospectus [or preliminary prospectus] • • •
• • • • •

[1] Parts of the adopted material are identical or similar to the proposed material published in the September 18, 1954 issue, 19 F. R. 6048.

(d) *Optional information.* • • •

(15) A legend in substantially the following form (or any part thereof):

The registration statement covering these securities is not yet effective. No purchase or sale of the securities should be made and no offer to purchase the securities will be accepted until the registration statement has become effective. The publication of this notice is no assurance that the proposed offering will be made or as to the amount of securities, if any, that will be available for distribution by this firm.

IV. Section 230.153 (Rule 153) is amended to insert "(a)" after the words "section 10" wherever they appear in that rule. The clause immediately preceding subparagraph (1) of this rule is amended as follows:

§ 230.153 *Definition of "preceded by a prospectus", as used in section 5 (b) (2), in relation to certain transactions.* (a) • • • *Provided,* That as to any transaction occurring prior to the expiration of forty days after the effective date of the registration statement or the expiration of forty days after the first date upon which the security was bona fide offered to the public by the issuer or by or through an underwriter after such effective date, whichever is later (exclusive of the time during which a stop order issued under section 8 is in effect as to such security):

• • • • • •

V. Section 230.162 (Rule 162) is rescinded.

VI. Section 230.400 (Rule 400) is amended by adding a second sentence as follows:

§ 230.400 *Application of §§ 230.400 to 230.494.* • • • For purposes of §§ 230.400 to 230.494, except § 230.427, the term "registration statement" shall include any amendment filed pursuant to the provisions of section 24 (e) (1) of the Investment Company Act of 1940.

VII. Section 230.404 (Rule 404) is amended by adding a new paragraph (d) as follows:

§ 230.404 *Preparation of registration statement.* • • • (d) The facing page of every registration statement shall set forth the approximate date of proposed sale to the public.

VIII. Section 230.405 (Rule 405) is amended by adding a new definition:

§ 230.405 *Definitions of terms.* • • •

(q-1) *Prospectus.* Unless otherwise specified or the context otherwise requires the term "prospectus" means a prospectus meeting the requirements of section 10 (a) of the act.

IX. Section 230.411 (Rule 411), paragraph (b) is amended as follows:

§ 230.411 *Incorporation of certain information by reference.* • • •

(b) Any financial statement or part thereof filed with the Commission pursuant to any act administered by the Commission may be incorporated by reference in any registration statement if it substantially conforms to the requirements of the appropriate form and is not required to be included in the prospectus. However, a financial schedule incorporated by reference to an annual report

filed with the Commission pursuant to any act administered by it need not be certified, if such schedule was not required to be certified in connection with the filing of the annual report, any requirement of any registration form to the contrary notwithstanding.

X. Section 230.413 (Rule 413) is amended as follows:

§ 230.413 *Registration of additional securities.* Except as provided in section 24 (e) (1) of the Investment Company Act of 1940, the registration of additional securities of the same class as other securities for which a registration statement is already in effect shall be effected through a separate registration statement relating to the additional securities.

XI. Section 230.414 (Rule 414) is amended by adding a second sentence as follows:

§ 230.414 *Identifying statements.* • • • Notwithstanding the foregoing, a registration statement filed pursuant to § 230.415, a registration statement relating to an exchange offering or to an offering to security holders pursuant to rights where none of the registered securities are to be offered by or through an underwriter, and a registration statement (or amendment pursuant to section 24 (e) (1) of the Investment Company Act of 1940) relating to the registration of additional securities issued by a face amount certificate company or to additional redeemable securities issued by an open-end management company or unit investment trust may, but need not, include such exhibit.

XII. a. In § 230.415 (Rule 415), paragraph (a) is amended as follows:

§ 230.415 *Competitive bidding registration statements.* (a) A registration statement covering securities to be offered at competitive bidding shall contain undertakings by the registrant (1) to file an amendment to the registration statement reflecting the results of the bidding, the terms of the reoffering and related matters to the extent required by the applicable form, not later than the first use, authorized by the registrant after the opening of the bids, of a prospectus relating to the securities offered at competitive bidding, unless no further public offering and such securities by the registrant and no reoffering thereof by the purchasers is proposed to be made, and (2) to use its best efforts to distribute prior to the opening of bids, to prospective bidders, underwriters and dealers a reasonable number of copies of a prospectus which at that time meets the requirements of section 10 (a) of the act, and relating to the securities offered at competitive bidding, as contained in the registration statement, together with any supplements thereto. Any order declaring the registration statement effective shall be deemed to declare an amendment thereto filed pursuant to the first such undertaking effective in accordance with paragraph (b) of this section.

• • • • •

b. Paragraph (c) of the rule is amended to delete the first sentence of the rule, and to insert "(a)" after the words "section 10" wherever they appear in that paragraph.

XIII. Section 230.423 (Rule 423) is amended as follows:

§ 230.423 *Date of prospectuses.* Each prospectus used after the effective date of the registration statement shall be dated approximately as of such effective date: *Provided, however,* That a revised or amended prospectus used thereafter need only bear the approximate date of its issuance. Each supplement to a prospectus shall be separately dated the approximate date of its issuance.

XIV. a. In § 230.424 (Rule 424), paragraph (b) is amended as follows:

§ 230.424 *Filing of prospectuses; number of copies.* • • •

(b) Within 5 days after the effective date of a registration statement or the commencement of a public offering after the effective date of a registration statement, whichever occurs later, 25 copies of each form of prospectus used after the effective date in connection with such offering shall be filed with the Commission in the exact form in which it was used: *Provided, however,* That this paragraph shall not apply in respect of a form of prospectus contained in a registration statement and relating solely to securities offered at competitive bidding which prospectus is intended for use prior to the opening of bids.

b. Paragraph (c) of § 230.424 is amended by inserting the clause "After the effective date of a registration statement" at the beginning of the first sentence of this paragraph.

c. The first sentence of paragraph (d) of § 230.424 is revised as follows:

(d) Every prospectus consisting of a radio or television broadcast shall be reduced to writing.

d. Paragraph (e) of § 230.424 is amended as follows:

(e) Three copies of every form of prospectus sent or given to any person prior to the effective date which varies from the form of prospectus filed pursuant to paragraph (a) of this section shall be filed as part of the registration statement not later than the date such form of prospectus is first sent or given to any person. Twenty-five copies of each form of prospectus used prior to the effective date of the registration statement shall be filed with the Commission not later than the date such form of prospectus is first sent or given to any person: *Provided,* That only five such copies need be filed in respect of a form of prospectus contained in a registration statement and relating solely to securities offered at competitive bidding which prospectus is intended for use prior to the opening of bids.

XV. Section 230.427 (Rule 427) is amended as follows:

§ 230.427 *Contents of prospectuses used after 9 months.* There may be omitted from any prospectus used more than 9 months after the effective date of the registration statement any information previously required to be contained in the prospectus insofar as later information covering the same subjects, including the latest available certified financial statements, as of a date not more than 16 months prior to the use of the prospectus is contained therein.

XVI. a. In § 230.428 (Rule 428) paragraph (b) of this rule is revised as follows: • • •

§ 230.428 *Invitations for competitive bids.* • • • (b) the communication states that prior to the acceptance of any bid, the bidder will be furnished a copy of a prospectus which meets the requirements of section 10 (a) of the act at that time. • • •

b. This rule would be further revised by adding a third sentence as follows: "Any such form of communication to be sent or given to any person shall be filed as an exhibit to the registration statement."

XVII. Section 230.429 (Rule 429) is amended to read as follows:

§ 230.429 *Contents of prospectus when several statements in effect.* When two or more registration statements become effective for different blocks of securities of the same class, a prospectus which meets the requirements of the act and the rules and regulations of the Commission for use in connection with the securities covered by the latest registration statement will be deemed to meet such requirements for use in connection with the securities covered by the earlier registration statements, provided (except for a prospectus relating to a security currently offered by an issuer described in the last sentence of section 24 (d) of the Investment Company Act of 1940, as amended) such prospectus also contains the information contained in the earlier prospectuses with respect to (a) the underwriting, marketing and distribution arrangements, (b) the price to the public, underwriting discounts and commissions and proceeds to the registrant, and (c) the application of the proceeds.

XVIII. a. In § 230.431 (Rule 431), the first paragraph of this rule is amended as follows:

§ 230.431 *Prospectuses supplementing preliminary material supplied previously.* For the purposes of section 5 (b), a prospectus may consist of a copy of the latest proposed form of prospectus meeting the requirements of § 230.433 and a document containing such additional information that both together contain all of the information required to be included in a prospectus meeting the requirements of section 10 (a) at that time: *Provided,* That • • •

b. This rule would also be amended by deleting "and" at the end of subparagraph (2), changing the period to a semicolon and adding the word "and" at the end of subparagraph (3), and adding a fourth subparagraph as follows:

(4) Three copies of the document have been filed as a part of the registration statement, and, in addition, five additional copies shall be filed with the Commission prior to its use.

XIX. Section 230.432 (Rule 432) is adopted as follows:

§ 230.432 *Application of amendments to rules governing contents of prospectuses.* (a) The form and contents of any prospectus need conform only to the applicable rules in effect, and contain the information including financial statements specified therein, at the time the registration statement became effective (or, if amended pursuant to the provisions of section 24 (e) of the Investment Company Act of 1940 as amended, the effective date of the latest such amendment which contains a revised prospectus) notwithstanding subsequent amendments to such rules, except as otherwise provided in any such amendment or in paragraph (b) of this section.

(b) When a stop order entered under section 8 (d) ceases to be effective as to a registration statement, the form and contents of any prospectus used thereafter for securities covered by such statement shall conform to the applicable rules in effect at the date such stop order ceases to be effective.

XX. Section 230.433 (Rule 433) is adopted as follows:

§ 230.433 *Prospectus for use prior to effective date.* A form of prospectus filed as a part of the registration statement shall be deemed to meet the requirements of section 10 of the act for the purpose of section 5 (b) (1) thereof prior to the effective date of the registration statement, provided the following conditions are met:

(a) Such form of prospectus contains substantially the information required by the act and the rules and regulations thereunder to be included in a prospectus meeting the requirements of section 10 (a) of the act for the securities being registered, or contains substantially that information except for the omission of information with respect to the offering price, underwriting discounts or commissions, discounts or commissions to dealers, amount of proceeds, conversion rates, call prices, or other matters dependent upon the offering price, and

(b) The outside front cover page of such form of prospectus shall bear, in red ink, the caption "Preliminary Prospectus," the date of its issuance, and the following statement printed in type as large as that generally in the body thereof:

A registration statement relating to these securities has been filed with the Securities and Exchange Commission, but has not yet become effective. Information contained herein is subject to completion or amendment. These securities may not be sold nor may offers to buy be accepted prior to the time the registration statement becomes effective. This prospectus shall not constitute an offer to sell or the solicitation of an offer to buy in any State in which such offer or solicitation would be unlawful prior to registration or qualification under the securities laws thereof.

XXI. In § 230.457 (Rule 457), paragraph (a) is amended as follows:

§ 230.457 *Computation of fee.* (a) At the time of filing a registration statement, or any amendment thereto pursuant to the provisions of section 24 (e) (1) of the Investment Company Act of 1940 as amended, the registrant shall pay to the Commission a fee of one one-hundredth of 1 percent of the maximum aggregate price at which the securities are proposed to be offered, but in no case shall such fee be less than $25.

• • • • •

XXII. Section 230.460 (Rule 460) is adopted as follows:

§ 230.460 *Preparation and distribution of preliminary prospectus.* (a) Pursuant to the statutory requirement that the Commission in ruling upon requests for acceleration of the effective date of a registration statement shall have due regard to the adequacy of the information respecting the issuer theretofore available to the public, the Commission will consider whether the persons making the offering have taken reasonable steps to make the information contained in the registration statement conveniently available to underwriters and dealers who it is reasonably anticipated will be invited to participate in the distribution of the security to be offered or sold.

(b) As a minimum, reasonable steps to make the information conveniently available would involve the distribution, to each underwriter and dealer who it is resonably anticipated will be invited to participate in the distribution of the security, a reasonable time in advance of the anticipated effective date of the registration statement, of as many copies of the proposed form of preliminary prospectus permitted by § 230.433 as appears to be reasonable to secure adequate distribution of the preliminary prospectus.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, in the event that the form of preliminary prospectus, which has been distributed by the issuer or underwriter, is found to be inaccurate or inadequate in material respects, acceleration of the effective date of a registration statement will not be granted until the Commission has received satisfactory assurance that appropriate correcting material has been sent to all underwriters and dealers who received such preliminary prospectus or prospectuses in quantity sufficient for their information and the information of others to whom the inaccurate or inadequate material was sent.

(d) Notwithstanding the provisions of paragraphs (a) to (c) of this section, the granting of acceleration will not be conditioned upon the distribution of a preliminary prospectus in any State where such distribution would be illegal.

(e) Notwithstanding the provisions of paragraphs (a) to (d) of this section, the granting of acceleration will not be conditioned upon the distribution of a preliminary prospectus (1) in the case of a registration statement relating solely to securities to be offered at competitive bidding, provided the undertaking in paragraph (a) (2) of § 230.415 is included in the registration statement, or (2) in the case of a registration statement relating to securities currently offered by an issuer described in the last sentence of section 24 (d) of the Investment Company Act of 1940 as amended.

(f) In addition, in passing upon requests for acceleration, the Commission will consider whether there has been a bona fide effort to make the prospectus reasonably concise and readable, so as to facilitate an understanding of the information required or permitted to be contained in the prospectus.

XXIII. Section 230.461 (Rule 461) is adopted as follows:

§ 230.461 *Requests for acceleration of effective date of registration statement.* Requests for acceleration of the effective date of a registration statement shall be made in writing by the registrant, the managing underwriters of the proposed issue, and the selling security holders, if any. Such requests should also state the date upon which it is desired the registration statement becomes effective.

XXIV. Section 230.470 (Rule 470) is expanded by deleting the period at the end thereof and adding the following clause, "except that an amendment filed pursuant to section 24 (e) (1) of the Investment Company Act of 1940 shall conform to the appropriate form for registration in effect at the time of filing of the amendment."

XXV. In § 230.473 (Rule 473), the first sentence is amended by deleting "offering" and substituting therefor "sale" to read as follows:

§ 230.473 *Delaying amendments.* An amendment altering the proposed date of the public sale may be made by telegram or by letter. • • •

XXVI. In § 230.478 (Rule 478), subparagraph (1) of paragraph (a) is amended as follows:

§ 230.478 *Powers to amend or withdraw registration statement.* • • • (a) • • • (1) by filing of a delaying amendment as provided in Rule 473; • • •

XXVII. In § 230.494 (Rule 494), the first sentence of paragraph (a) is revised as follows:

§ 230.494 *Newspaper prospectuses.* (a) This section shall apply only to newspaper prospectuses relating to securities, as to which a registration statement has become effective, issued by a foreign national government with which the United States maintains diplomatic relations. • • •

The foregoing action shall be effective as of the opening of business on October 11, 1954.

(Sec. 19, 48 Stat. 85 as amended; 15 U. S. C. 77s. Interpret or apply sec. 23, 48 Stat. 901, as amended, sec. 38, 54 Stat. 841, 15 U. S. C. 78w, 80a–37)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 8, 1954.

[F. R. Doc. 54–8217; Filed, Oct. 19, 1954; 8:49 a. m.]

UNIVERSITY OF MICHIGAN LIBRARIES

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

FORMS FOR REGISTRATION STATEMENTS

The first sentence of the first instruction of the Instructions As To Newspaper Prospectuses contained in Form S–1 (17 CFR 239.11) and in Form S–9 (17 CFR 239.22) is amended to read as follows:

The term "newspaper prospectus" means an advertisement of securities, as to which a registration statement has become effective, in newspapers, magazines, or other periodicals which are admitted to the mails as second-class matter and which are not distributed by the advertiser.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 8, 1954.

[F. R. Doc. 54–8214; Filed, Oct. 19, 1954; 8:49 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

MISCELLANEOUS AMENDMENTS

I. Section 240.0–1 (Rule X-1) is amended by adding a paragraph (d) as follows:

§ 240.0–1 *Definitions.* • • •

(d) Unless otherwise specified or the context otherwise requires, the term "prospectus" means a prospectus meeting the requirements of section 10 (a) of the Securities Act of 1933 as amended.

II. Section 240.12b–2 (Rule X-12B–2) is amended by adding paragraph (v), a definition of prospectus, as follows:

§ 240.12b–2 *Definitions.* • • •

(v) *Prospectus.* Unless otherwise specified or the context otherwise requires, the term "prospectus" means a prospectus meeting the requirements of section 10 (a) of the Securities Act of 1933 as amended.

III. Section 240.13a–4 (Rule X-13A–4) is revised as follows:

§ 240.13a–4 *Incorporation of information contained in a prospectus.* Any registrant which has filed with the Commission pursuant to § 230.424 of this chapter under the Securities Act of 1933 copies of a prospectus meeting the requirements of section 10 of that act after the effective date of the registration statement may incorporate in its annual report pursuant to § 240.13a–1 any information, including financial statements, contained in the prospectus, provided a copy of the prospectus is filed as an exhibit to the annual report.

IV. Section 240.15d–4 (Rule X-15D–4) is revised as follows:

§ 240.15d–4 *Incorporation of information contained in a prospectus.* Any registrant which has filed with the Commission pursuant to § 230.424 of this chapter under the Securities Act of 1933 copies of a prospectus meeting the requirements of section 10 of that act after the effective date of the registration statement may incorporate in its annual report pursuant to § 240.15d–1 any information, including financial statements, contained in the prospectus, provided a copy of the prospectus is filed as an exhibit to the annual report.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

The foregoing action shall be effective as of the opening of business on October 11, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 8, 1954.

[F. R. Doc. 54–8216; Filed, Oct. 19, 1954; 8:49 a. m.]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

DEFINITION OF TERMS USED

Section 270.0–1 (Rule N–1) is amended by adding a paragraph (d) as follows:

§ 270.0–1 *Definition of terms used in this part.* • • •

(d) Unless otherwise specified or the context otherwise requires, the term "prospectus" means a prospectus meeting the requirements of section 10 (a) of the Securities Act of 1933 as amended.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a–37)

The foregoing action shall be effective as of the opening of business on October 11, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 8, 1954.

[F. R. Doc. 54–8215; Filed, Oct. 19, 1954; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

STREPTOMYCIN FOR INHALATION THERAPY

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for streptomycin (or dihydrostreptomycin) and streptomycin- (or dihydrostreptomycin-) containing drugs (21 CFR Part 141b; 19 F. R. 1141) and certification of streptomycin (or dihydrostreptomycin) and streptomycin- (or dihydrostreptomycin-) containing drugs (21 CFR Part 146b; 19 F. R. 672, 1141) are amended as indicated below:

1. Section 141b.117 is revised to read:

§ 141b.117 *Streptomycin for inhalation therapy, dihydrostreptomycin for inhalation therapy*—(a) *Potency*—(1) *Streptomycin content.* Proceed as directed in § 141b.101, except if it is packaged with inert gases proceed as follows: Use not less than 6 immediate containers. Place one-half the number of such containers in a suitable sharp freezing unit having a temperature not higher than −30° C. After freezing, cut open the containers and transfer the contents of each to a suitable beaker and allow gas to evaporate. After gas has evaporated, wash and dry the residue remaining in the container into the beaker with sterile distilled water, after which wash the entire contents of the beaker into a 500-milliliter volumetric flask and make to mark with sterile distilled water. Use an appropriate aliquot of each of these solutions and proceed as directed in § 141b.101 to determine the average total quantity of streptomycin in each container. Expel the drug from each of the remaining containers as directed in its labeling. After all gas (with drug) has been expelled, cut open the containers and place each in a large beaker containing 500 milliliters of sterile distilled water. Let stand for not less than 15 minutes, with frequent agitation. Remove an aliquot and proceed as directed in § 141b.101 to determine the quantity of streptomycin that remains in each container. The quantity of streptomycin expelled is determined by subtracting the average amount of the residue found from the average total amount contained in the containers. Its potency is satisfactory if it contains not less than 90 percent, or 85 percent if it is packaged with inert gases, of the number of milligrams of streptomycin that it is represented to contain.

(2) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (1) of this paragraph, except use the dihydrostreptomycin working standard as a standard of comparison. Its potency is satisfactory if it contains not less than 90 percent, or 85 percent if it is packaged with inert gases, of the number of milligrams of dihydrostreptomycin that it is represented to contain.

(b) *Unless it is packaged with inert gases, toxicity, histamine, moisture, pH, streptomycin content (if it is dihydrostreptomycin), crystallinity (if it is crystalline dihydrostreptomycin).* Proceed as directed in §§ 141b.103, 141b.105, 141b.106, 141b.108 (b), and 141b.5 (c) of this chapter.

(c) *If it is packaged with inert gases, moisture.* Proceed as directed in § 141a.7 (c) of this chapter, but in lieu of the directions for preparing the sample in § 141a.7 (c) (3) of this chapter prepare the sample and calculate as follows: Freeze the container as described in paragraph (a) of this section. After freezing, open the container and remove a representative 10-milliliter aliquot. Place this sample in a dry titrating vessel, immediately add an excess of Karl Fischer reagent, and back-titrate with water-methanol solution until the endpoint is reached.

$$\text{Percent moisture} = \frac{(v_1 - V_2 f) Xe}{100}$$

2. Section 146b.112 *Streptomycin for inhalation therapy* • • • is amended in the following respects:

a. Paragraph (a) is amended to read:

(a) Streptomycin for inhalation therapy is streptomycin that conforms to the requirements of § 146b.101 (a) for streptomycin, except § 146b.101 (a) (2) and (4), and except that if it is packaged with inert gases its moisture content is not more than 0.5 percent. Dihydrostrepomycin for inhalation therapy is dihydrostreptomycin that conforms to the requirements of § 146b.103 (a) for dihydrostreptomycin, except the standards for sterility and pyrogens, and except that if it is packaged with inert gases its moisture content is not more than 0.5 percent.

b. Paragraph (b) *Packaging* is amended by changing the last sentence to read: "Each such container shall contain not less than 50 milligrams and may contain one or more suitable and harmless inert gases or each may be packaged in combination with a container of a suitable and harmless solvent."

c. In paragraph (c) *Labeling*, subparagraph (1) (ii) is amended to read:

(ii) The number of milligrams in the immediate container, or (if it is packaged with one or more inert gases), the number of grams that shall be ejected when used as directed in the labeling.

d. Paragraph (c) (1) (iii) is amended to read:

(iii) The statement "Expiration date ----," the blank being filled in with the date which is 24 months if it is packaged with inert gasses, or 48 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

e. Paragraph (c) (2) (i) is amended by changing the period at the end thereof to a comma and adding the following clause: "unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled."

f. Paragraph (c) (2) (ii) is amended by inserting after the word "dispensing" the following clause: "and it is intended for use by man,".

g. Paragraph (c) is further amended by adding the following new subparagraph:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

h. In paragraph (d) *Requests for certification* • • •, subparagraph (2) (i) (*a*) is amended by inserting after the words "5 immediate containers" a comma and the parenthetical clause: "(or if it is packaged with inert gases, not less than 7 immediate containers and not more than 12 immediate containers)".

i. Paragraph (d) (2) is further amended by renumbering subdivision (ii) as (iii) and inserting the following new subdivision between subdivision (i) and renumbered subdivision (iii):

(ii) If it is packaged with inert gases and the streptomycin or dihydrostreptomycin used has not been previously submitted; 5 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: October 14, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54–8218; Filed, Oct. 19, 1954; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 81—DETERMINATION OF HEIRS AND APPROVAL OF WILLS, EXCEPT AS TO MEMBERS OF THE FIVE CIVILIZED TRIBES AND OSAGE INDIANS

DECISION; PRESUMPTION OF DEATH

1. Section 81.15 is amended to read as follows:

§ 81.15 *Decision.* The Examiner of Inheritance shall, except as provided in § 81.21, decide the issues of fact and law involved in the proceeding and shall incorporate his findings and conclusions in a decision. Every decision determining the heirs of an Indian who died intestate shall cite the law of descent and distribution in accordance with which the decision was made. Every decision approving the will of an Indian shall state the devisees and legatees who take under the will and the particular property which each is to receive, and shall construe any ambiguous provision of the will. Every decision shall state those claims against the estate which are allowed and those claims which are disallowed. A copy of the decision shall be mailed to each person who is found by the Examiner to be entitled to share in the estate, to each person whose claim to share in the estate was considered and denied by the Examiner, and to the Superintendent.

2. Section 81.20 is amended to read as follows:

§ 81.20 *Presumption of death.* In accordance with the regulations in this part pertaining to other hearings, an Examiner of Inheritance may hear and determine the issue of whether an Indian, by reason of his unexplained absence, is to be presumed dead. If he concludes that the Indian is to be presumed dead, the Examiner shall proceed as in cases where the fact of death is established without such a presumption.

(Secs. 1, 2, 36 Stat. 855, 856, as amended, sec. 1, 38 Stat. 856, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; 25 U. S. C. 372, 373, 374, 377, 373a, 373b)

ORME LEWIS, *Acting Secretary of the Interior.*

OCTOBER 13, 1954.

[F. R. Doc. 54–8205; Filed, Oct. 19, 1954; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1884]

PART 160—GRAZING LEASES

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

PREFERENCE RIGHT LEASES FOR LANDS RESTORED FROM WITHDRAWAL; ISSUANCE OF LICENSES AND PERMITS

1. Section 160.8 is amended to read as follows:

§ 160.8 *Leases of withdrawn or reserved lands; preference right leases for lands restored from withdrawal.* (a) The signing officer may issue leases for public lands withdrawn for resurvey, or withdrawn and reserved in aid of legislation, or for power sites, classification or other public purposes,[1] if the use of the land for grazing is not inconsistent with the purposes of the withdrawal. Lands included in stock driveway and public water reserve withdrawals may be leased in accordance with the § 295.7 (c) of this chapter. Any lease issued covering withdrawn lands must contain the stipulations which have been prescribed for the protection and use of the land for the purpose for which it was withdrawn or reserved.

[1] Certain lands withdrawn for reclamation purposes are, pursuant to the cooperative agreement of February 28, 1945, between the Bureau of Reclamation and the Bureau of Land Management, leased in accordance with principles of section 15 leases, under authority of subsection (I) of section 4, act of December 5, 1924 (43 Stat. 703, 43 U. S. C. sec. 501.) Those lands withdrawn for reclamation purposes which are not subject to the Cooperative Agreement of February 28, 1945, will, upon restoration from the reclamation withdrawal become subject to the provisions of paragraph (b) of this section.

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(b) Where public lands are restored from a withdrawal and the signing officer determines that a grazing lease for the lands may be issued, the party using such lands or part thereof for grazing purposes under authority of the agency which had jurisdiction over the land immediately prior to their restoration, shall have a superior preference to lease the restored lands previously used by him. The preference right must be asserted and an application for lease on combined application and lease Form 4–721 (see § 160.5) must be filed not more than 90 days after the date of signing of the order of revocation of the withdrawal, or not more than 90 days after the end of the current lease year under which the land is being used, whichever is the later. The application must be accompanied by a copy of the prior lease, license, permit or other authority upon which the preference claim is based. The new lease will be dated as of the first day following the end of such current lease year, or as of the date of its issuance, in the discretion of the signing officer and for such term as he may determine.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a. Interprets or applies sec. 15, 48 Stat. 1275, as amended; 43 U. S. C. 315m)

2. Paragraph (e) of § 161.6 of the Federal Range Code for Grazing Districts (43 CFR 161.6 (e)) is amended as follows:

i. The caption is amended to read:

(e) *Administration of lands additionally available; preference right for lands restored from withdrawal.* • • •

ii. The present paragraph (e) is designated as subparagraph (1) of paragraph (e).

iii. A new subparagraph is added as follows:

(2) Where public lands are restored from withdrawal and the range manager determines that the lands are available for grazing use, the party using such lands or part thereof for grazing purposes under authority of the agency which had jurisdiction over the lands immediately prior to their restoration, shall have a superior preference to the further grazing use of such lands. The preference right must be asserted and an application for license or permit, on Form I–291 obtainable from the range manager, must be filed with that officer not more than 90 days after the date of signing of the order of revocation of the withdrawal, or not more than 90 days after the end of the current lease year under which the land is being used, whichever is the later. The application must be accompanied by a copy of the prior lease, license, permit or other authority upon which the preference claim is based. The range manager may issue to such applicant an annual license or a term permit as he shall determine, authorizing such grazing use subject to the applicable regulations in this part.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a. Interprets or applies sec. 9, 48 Stat. 1273, as amended; 43 U. S. C. 315h)

ORME LEWIS,
Acting Secretary of the Interior.

OCTOBER 12, 1954.

[F. R. Doc. 54–8177; Filed, Oct. 18, 1954; 3:29 p. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC–5]

PART 174—SURETY BONDS AND POLICIES OF INSURANCE

COMMON CARRIERS, CARGO INSURANCE; EXEMPT COMMODITIES

In the matter of security for the protection of the public as provided in Part II of the Interstate Commerce Act and of rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the Interstate Commerce Act.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 7th day of October A. D. 1954.

Upon consideration of the record in this proceeding, and of the petition of The Billy Baker Company, Toledo, Ohio, Docket No. MC–30727, for amendment of § 174.1 (b) of our rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements prescribed by our order entered in this proceeding on March 3, 1949 (49 CFR 174.1 (b)), and relating to the matter of security for the protection of the public, and

It appearing, that in view of the nature of this amendment, the procedure set out in section 4 (a) of the Administrative Procedure Act (5 U. S. C., sec. 1003 (a)) is not applicable:

It is ordered, That the proviso of § 174.1 (b) of said rules and regulations be, and it is hereby, amended by adding "cement, dry, in containers or in bulk" after the term "cement building blocks" in the list of commodities, the transportation of which is exempt from the requirements of § 174.1 (b).

It is further ordered, That the amended § 174.1 (b) shall be effective upon publication in the FEDERAL REGISTER by reason of the fact that the amendment is interpretive and also relieves certain motor carriers from restrictions in the rule, thereby falling within the terms of section 4 (a) of the Administrative Procedure Act (5 U. S. C. sec. 1003 (a)).

And it is further ordered, That notice of this order shall be given to the public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing with the Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies sec. 215, 49 Stat. 557; 49 U. S. C. 315)

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–8210; Filed, Oct. 19, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS ON RAW AGRICULTURAL COMMODITIES

NOTICE OF PROPOSED RULE MAKING

Notice is given that the Secretary of Health, Education, and Welfare, in accordance with the Federal Food, Drug, and Cosmetic Act, as amended, sections 408 and 701, 68 Stat. 511 and 52 Stat. 1053, 21 U. S. C. 348 and 371, and the Administrative Procedure Act, section 4, 60 Stat. 238, 5 U. S. C. 1003, hereby offers an opportunity to all interested persons to submit their views in writing and to request a hearing on them to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within sixty days from the date of publication of this notice in the FEDERAL REGISTER, upon the proposed regulations set forth below:

§ 120.1 *Definitions and interpretations.* (a) Secretary, without qualification, means the Secretary of Health, Education, and Welfare.

(b) Department, without qualification, means the Department of Health, Education, and Welfare.

(c) Commissioner means the Commissioner of Food and Drugs.

(d) Pesticide Branch means the unit established within the Food and Drug Administration charged with administration of the Pesticide Residue Amendment to the Federal Food, Drug, and Cosmetic Act, section 408.

(e) Raw Agricultural Commodities include, among other things, fresh fruits whether or not they have been washed and colored or otherwise treated in their unpeeled natural form; vegetables in their raw natural state whether or not they have been stripped of their outer leaves, waxed, prepared into fresh green salads, etc.; grains, nuts, eggs, raw milk, meats, and similar agricultural produce. It does not include foods which have been processed, fabricated, or manufactured by cooking, freezing, dehydrating or milling.

(f) Where raw agricultural commodities bearing residues within a tolerance permitted under section 408 are used, the processed foods will not be considered unsafe within the meaning of section 406 if:

(1) The poisonous or deleterious pesticide residues have been removed to the extent possible in good manufacturing practice, and

(2) The concentration of the pesticide in the preserved or processed food when ready to eat is not greater than the tolerance permitted on the raw agricultural commodity.

§ 120.2 *Pesticide chemicals considered unsafe.* (a) In general pesticide chemicals are not generally recognized as safe for use, for the purposes of section 408 (a), except sulfur, lime, and lime sulfur.

(b) Upon written request, the Pesticide Branch will advise interested persons whether a pesticide chemical should be considered as poisonous or deleterious, or one not generally recognized by qualified experts as safe.

(c) The training and experience necessary to qualify experts to evaluate the safety of pesticide chemicals for purposes of section 408 (a) are essentially the same as training and experience necessary to qualify experts to serve on advisory committees prescribed by section 408 (g). See § 120.11.

§ 120.3 *Tolerances for related pesticide chemicals.* (a) Pesticide chemicals which cause related pharmacological effects will be regarded, in the absence of evidence to the contrary, as having an additive deleterious action. (For example, pesticide chemicals within each of the following groups have related pharmacological effects: Many chlorinated hydrocarbons, arsenic-containing chemicals, metallic dithiocarbamates, many organic phosphates).

(b) Tolerances established for such related pesticide chemicals may limit the amount of a common component such as As_2O_3 which may be present, or may limit the amount of biological activity such as cholinesterase inhibition which may be present, or may limit the total amount of related pesticide chemicals such as chlorinated hydrocarbons which may be present.

§ 120.4 *Certification of usefulness and residue estimate.* The time period for the Department's consideration of a petition will not begin to run until the Secretary of Agriculture certifies that the pesticide chemical involved is useful and gives an opinion as to the residue likely to be present in or on a raw agricultural commodity when a pesticide chemical is used in the manner proposed. The tolerance thereafter established ordinarily will not exceed the amount of residue estimated to remain.

§ 120.5 *Zero tolerances.* A zero tolerance means that no amount of the pesticide chemical remains on the raw agricultural commodity when it is offered for shipment. A zero tolerance for a pesticide chemical on a raw agricultural commodity may be established because, among other reasons:

(a) A safe level of the pesticide chemical in the diet of two different species of warm blooded animals has not been reliably determined.

(b) The chemical is carcinogenic, or has other alarming physiological effects, to one or more of the species of the test animals used when fed in the diet of such animals.

(c) The pesticide chemical is toxic but is normally used at times when, or in such manner that, fruit, vegetables, or other raw agricultural commodities will not bear or contain it.

(d) All residue of the pesticide chemical is normally removed through good agricultural practice such as washing or brushing or through weathering or other changes in the chemical itself.

§ 120.6 *Exemptions from the requirement of a tolerance.* (a) An exemption from a tolerance shall be granted when it appears that the total quantity of the pesticide chemical in or on all raw agricultural commodities for which it is useful under conditions of unrestricted use will involve no hazard to the public health.

(b) When applied to growing crops, in accordance with good agricultural practice, the following pesticide chemicals are exempt from the requirement of a tolerance:

(1) The following copper compounds: Bordeaux mixture, copper acetate, copper carbonate, basic (malachite green), copper-lime mixtures, copper oxychloride, copper silicate, copper sulfate, basic, copper-zinc-chromate, cuprous oxide.

(2) N-Octylbicycle (2,2,1)-5-heptene-2,3-dicarboximide).

(3) Petroleum oils.

(4) Piperonyl butoxide.

(5) Piperonyl cyclonene.

(6) N-Propyl isome.

(7) Pyrethrum and pyrethrins.

(8) Rotenone or derris or cube roots.

(9) Ryonia.

(10) Sabadilla.

These pesticides are not exempted from the requirement of a tolerance when applied to a crop at time of or after harvest.

§ 120.7 *Petitions proposing tolerances or exemptions for pesticide residues on raw agricultural commodities.* (a) Petitions to be filed with the Department under provisions of section 408 (d) shall be submitted in duplicate to Pesticide Branch. If any part of the material submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation. The petition shall be accompanied by an advance deposit for fees prescribed in § 120.33. The petition shall state petitioner's mail address to which notice of objection under section 408 (d) (5) may be sent.

(b) Petitions shall be submitted in the following form:

PETITION FOR TOLERANCE FOR A PESTICIDE CHEMICAL	DO NOT USE THIS SPACE
Form FD ------	Petition No. ----------
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE	Received ----------
FOOD AND DRUG ADMINISTRATION	Filed ----------
Original ---- or Supplemental ---- Petition	Applicant notified
Name of petitioner ----------	----------
Mail address ----------	----------
Date ----------	
Name of pesticide chemical ----------	

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To Pesticide Branch, Food and Drug Administration, Washington 25, D. C.

DEAR SIR:

The undersigned, ----------, submits this petition with respect to a pesticide chemical pursuant to section 408 (d) (1) of the Federal Food, Drug, and Cosmetic Act. Attached hereto, in duplicate and constituting a part of this petition are the following:

A. The name, chemical identity, and composition of the pesticide chemical.

If the pesticide chemical is an ingredient of an economic poison, the complete quantitative formula of the resulting economic poison should be submitted.

B. The amount, frequency, and time of application of the pesticide chemical.

C. Full reports of investigations made with respect to the safety of the pesticide chemical. (These reports should include, where necessary, detailed data derived from appropriate animal or other biological experiments in which the methods used and the results obtained are clearly set forth.)

D. The results of tests on the amount of residue remaining, including a description of the analytical method used.

Sufficient information should be submitted about the analytical method to permit competent investigators to apply it successfully.

E. Practicable methods for removing residue which exceeds any proposed tolerance.

F. Proposed tolerances for the pesticide chemical if tolerances are proposed.

G. Reasonable grounds in support of the petition.

Enclosed is { money order / bank draft / certified check } for $ .00

payable to the Treasurer of the United States to cover clerical operations, initial administrative review and the cost incurred in considering the petition after it has been filed.

Very truly yours,

---------- (Petitioner)

Per ----------

---------- (Indicate authority)

Mail address ----------

This petition must be signed by the petitioner or by his attorney or agent or, if a corporation, by an authorized official.

The data specified under the several numbered headings should be on separate sheets or sets of sheets, suitably identified.

The petitioner will be notified of the date on which his petition is filed. An incomplete petition will not be filed but the petitioner will be notified in what respect his petition is incomplete.

All Petitions Should Be Submitted in Duplicate. A Single Copy Will Not Be Accepted for Filing

(c) A petition shall not be accepted for filing if any of the data prescribed by section 408 (d) are lacking or are not set forth so as to be readily understood, nor until any sample of the pesticide chemical requested by the Department has been furnished. Data in a petition entitled to protection as a trade secret will be held confidential and not revealed unless it is necessary to do so in administrative or judicial proceedings under section 408.

(d) The Pesticide Branch shall notify applicant of acceptance or non-acceptance of a petition and if not accepted the reasons therefor. Copy of the notice shall be sent to the Plant Pest Control Branch, Department of Agriculture. If accepted the date of notification becomes the date of filing for the purposes of section 408 (d) (1). If applicant desires he may supplement a deficient petition after notification as to deficiencies. If the supplementary material or explanation of petition is deemed acceptable, petitioner shall be notified and date of such notification becomes the date of filing. There shall be published in the FEDERAL REGISTER a notice of filing, together with date of filing, name of petitioner and a brief outline of the petition, including description of analytical method or reference to publication in which it appears if such publication is generally available.

(e) The Department shall specify in its request for a sample of the pesticide chemical, a quantity which it deems adequate to permit tests of analytical methods used to determine residues of the pesticide chemical, and of methods proposed by the petitioner for removing any residues of the chemical which exceed the tolerance he proposes.

(f) In case the method described for the determination of pesticide residues appears of doubtful suitability for the purpose proposed, the petition may be accepted and published but later rejected or held in abeyance if trials of the method confirm the fact that it is unsuitable.

(g) The date of receipt from the Secretary of Agriculture of certification as to usefulness shall be the date used for computing the ninety-day limit for the purposes of section 408 (d) (2).

§ 120.8 *Withdrawal of petitions without prejudice.* In some cases the Pesticides Branch or an advisory committee to which the petition has been referred, will notify the petitioner that the petition, while technically complete, is inadequate to justify the establishment of a tolerance or the tolerance requested by petitioner. This may be due to the fact that the data are not sufficiently clear or complete. In such cases, the petitioner may withdraw the petition pending its clarification or the obtaining of additional data. This withdrawal may be without prejudice to a future filing. Upon refiling, the time limitation will begin to run anew from the date of refiling and a deposit for fees as specified in § 120.33 shall accompany the resubmission of the petition.

§ 120.9 *Substantive amendments to petitions.* After a petition has been filed, or referred to an advisory committee, the Petitioner may submit additional information or data in support thereof, but in such cases the petition will be given a new filing date or a new initial date of consideration by the advisory committee, and the time limitation will begin to run anew.

§ 120.10 *Referral of petition to advisory committee.* (a) If within the prescribed period a person filing a petition requests that the petition be referred to an advisory committee, he shall make such request in writing to the Commissioner and forward with such request an advance deposit for fees prescribed by § 120.33.

(b) In case the Commissioner on his own initiative deems it necessary to refer a petition to an advisory committee, he shall so advise the person filing the petition in writing.

§ 120.11 *Appointment of advisory committee.* (a) Whenever the referral of a petition or proposal to an advisory committee is requested or the Commissioner otherwise deems such referral necessary the Commissioner will request the National Academy of Sciences to select qualified experts, including at least one representative from land-grant colleges, willing to serve on the advisory committee. All such experts shall have had sufficient training and experience in biology, medicine, physiology, toxicology, pharmacology, veterinary medicine, or other appropriate science to evaluate the safety of pesticide chemicals. The Department will request the National Academy of Sciences, when it furnishes the names of such experts to furnish a biographical sketch showing the background of their experience and their connection, if any, with academic and commercial institutions. Such experts in the employ of land-grant colleges shall be considered as representatives from land-grant colleges.

(b) Each advisory committee shall consist of not less than three experts, at least one of whom is from a land-grant college. The Commissioner may specify a larger number to serve. He shall appoint one member of the committee as chairman and the chairman shall be the spokesman of the committee for receiving and forwarding reports, and other functions of the committee.

§ 120.12 *Procedure for advisory committee.* (a) The Commissioner shall submit to the chairman of the committee the petition for tolerances together with certification by the Secretary of Agriculture and such other relevant reliable information as may be available. When the Commissioner submits a proposal to an advisory committee on his own initiative, he shall advise the petitioner and furnish him copies of material, other than the petition and certification, which is furnished the committee. The chairman of the committee shall acknowledge receipt of information and readiness of the committee to act and the date of such acknowledgment shall be considered the beginning of period allowed for consideration by the committee. Copy of this acknowledgment shall be forwarded to the petitioner by the chairman of the committee.

(b) A secretariat to advisory committees will be established by the Commissioner. The secretariat shall furnish members of the committee with copies of proposal or petition and certification from the Secretary of Agriculture, and any relevant data received by the chairman. If the chairman of the committee believes that a meeting of the committee is necessary before making a recommendation, he shall so advise the Commissioner. Such meetings shall be held in Washington, D. C., or such other place as the Commissioner may designate. The Commissioner shall furnish a suitable meeting place for the committee. If a meeting is held the secretariat shall keep the minutes and provide clerical assistance.

(c) As soon as practicable but not later than sixty days after acknowledging receipt of proposal or petition (unless the time has been extended as provided in paragraph (d) of this section), the chairman shall certify to the Commissioner the report of the committee including any minority report, and shall return the petition for tolerances and certification by the Secretary of Agriculture. The report will include copies of all relevant material considered by the committee, except that in the case of scientific literature readily available in scientific libraries proper reference can be made to it instead of furnishing actual copies. The report of the advisory committee shall be available for inspection by any interested person after a tolerance or exemption resulting from the petition is published.

(d) If at any time within sixty days the chairman believes the advisory committee needs more time, he shall so advise the Commissioner in writing in which case he shall make the certification contemplated by section 408 (d) (3) of the act within the additional thirty days.

(e) The date of receipt of the committee report will be the date for computing time for the Commissioner to act for the purposes of both section 408 (d) (3) and 408 (e).

(f) The chairman of the committee after consultation with the committee members will advise the National Academy of Sciences of the committee's opinion as to the member who may best represent the committee at a hearing, if one occurs.

(g) More than one petition or proposal may be handled by a committee concurrently.

(h) Persons authorized under section 408 (h) to discuss proposals or petitions with the committee shall notify the chairman and if practicable make appointments through him. The report of the committee shall show the names of persons other than committee members discussing proposals or petitions with the committee. Except for discussions with authorized persons the committee shall not disclose data originating with a petitioner prior to publication of a regulation.

(i) The Food and Drug Administration shall execute a contract with each committee member specifying a reasonable per diem as compensation for time spent in traveling to and from the committee meetings, if they are held outside of the city of his residence, and in committee meetings; and providing for the payment of necessary travel and subsistence expenses while the member is serving away from his place of residence.

§ 120.13 *Objections to regulations and requests for hearings.* (a) Objections under section 408 (d) (5) shall be submitted in quintuplicate to the Hearing Clerk of the Department. Each objection to a provision of the regulation shall be separately numbered.

(b) A statement of objections shall not be accepted for filing if:

(1) It fails to establish that the objector is adversely affected by the regulation; or

(2) It does not specify with particularity the provisions of the regulation to which objection is taken; or

(3) It does not state reasonable grounds for each objection raised. Grounds which it is reasonable to conclude are capable of being established by reliable evidence at the hearing and which if proved would call for changing the provisions specified in the objections will be deemed reasonable grounds.

(c) If the statement of objections may not be filed, the Commissioner shall advise the objector of the reasons.

(d) If objections to a regulation issued pursuant to a petition are filed by a person other than the petitioner, the Food and Drug Administration shall send a copy of the objections by registered mail, return receipt requested, to the petitioner at the address given in the petition. Petitioner shall have 2 weeks from the date of receipt of the objections to make written reply.

§ 120.14 *Public hearing, notice.* (a) If the objections and statements filed by any person, when they are considered with the record in the proceeding, including any reply to the objections which the petitioner may have filed, show that the person filing the objections is adversely affected and that the grounds stated in support of the objections are reasonable, the Commissioner shall cause to be published in the FEDERAL REGISTER a notice reciting the objections and announcing a public hearing to receive evidence on them. The notice shall designate the place where the hearing will be held, specify the time within which appearances must be filed, and specify the time, not earlier than thirty days after the date of the notice, when the hearing will start. The hearing shall convene at the place and time announced in the notice but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof by the presiding officer at the hearing.

§ 120.15 *Presiding officer.* The hearing shall be conducted by a presiding officer, who shall be a hearing examiner appointed as provided in the Administrative Procedure Act and designated by the Secretary for conducting the hearing. Any such designation may be made or revoked by the Secretary at any time. Hearings shall be conducted in an informal but orderly manner in accordance with these regulations and the requirements of the Administrative Procedure Act. The presiding officer shall have the power to administer oaths and affirmations, to request the member of an advisory committee designated as provided by section 408 (d) (5) to testify with respect to the report and recommendations of the committee, to rule upon offers of proof, admissibility of evidence and receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to hold conferences for the simplification of the issues, and to dispose of procedural requests but shall not have power to decide any motion which involves final determination of the merits of the proceeding.

§ 120.16 *Parties, burden of proof, appearances.* At the hearing, the person whose objections raised the issues to be determined shall be, within the meaning of section 7 (c) of the Administrative Procedure Act, the proponent of the order sought, and accordingly shall have the burden of proof. Any interested person shall be given an opportunity to appear at the hearing, either in person or by his authorized representative, and to be heard with respect to matters relevant to the issues raised by the objections. Any interested person who desires to be heard at the hearing in person or through a representative shall, within the time specified in the notice of hearing, file with the presiding officer a written notice of appearance setting forth his name, address and employment. If such person desires to be heard through a representative, such person or such representative shall file with the presiding officer a written appearance setting forth the name, address, and employment of such person. Any person or representative shall state with particularity in the appearance his interest in the proceedings, and shall set forth the specific provisions of the regulations concerning which objections have been made on which such person desires to be heard. The appearance shall also set forth with particularity the position to be taken concerning the objections on which he wishes to be heard. No person shall be heard if he failed to file his appearance within the time prescribed in the absence of a clear showing of good cause why the appearance was not filed. All present at the hearing shall conform to all reasonable standards of orderly and ethical conduct.

§ 120.17 *Pre-hearing and other conferences.* (a) The presiding officer, on his own motion or on the motion of any party or his representative, may direct all parties or their representatives to appear at a specified time and place for a conference to consider:

(1) The simplification of the issues;

(2) The possibility of obtaining stipulations, admissions of facts and documents;

(3) The limitation of the number of expert witnesses;

(4) The scheduling of witnesses to be called;

(5) The advance submission of all documentary evidence;

(6) Such other matters as may aid in the disposition of the proceeding.

The presiding officer shall make an order which recites the action taken at the conference, the agreements made by the parties or their representatives, the schedule of witnesses, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(b) The presiding officer also may direct all parties and their representatives to appear at conferences at any time during the hearing with a view to simplification, clarification or shortening the hearing.

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§ 120.18 *Submission of documentary evidence in advance.* (a) All documentary evidence which is to be offered at the hearing shall be submitted to the presiding officer and to the parties sufficiently in advance of the offer of such documentary evidence for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The presiding officer after consultation with the parties at a conference called in accordance with § 120.17 shall make an order specifying the time at which documentary evidence shall be submitted. He shall also specify in his order the time within which objection to the authenticity of such documents must be made to comply with paragraph (d) of this section.

(c) Documentary evidence not submitted in advance in accordance with the requirements of paragraphs (a) and (b) of this section shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner.

(d) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the presiding officer upon notice to the other parties within the time specified by the presiding officer in accordance with paragraph (b) of this section, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 120.19 *Excerpts from documentary evidence.* When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the presiding officer and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document should be made available for examination and for use by opposing counsel for purposes of cross-examination.

§ 120.20 *Submission and receipt of evidence.* (a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify or the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) The presiding officer shall admit only evidence which is relevant, material and not unduly repetitious.

(d) Opinion evidence shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) The presiding officer shall file as exhibits the FEDERAL REGISTER promulgating the regulation to which objections were taken and any report, recommendations, underlying data, and reasons which were certified to the Secretary by an advisory committee pursuant to section 408 (d) (3). The report, recommendations, underlying data, and reasons shall be subject to section 7 (c) of the Administrative Procedure Act. All documents constituting the record accumulated up to the start of the hearing shall be open for inspection by interested persons during office hours in the office of the Hearing Clerk.

(f) The member of an advisory committee, if any, designated to testify, or any member requested to testify by the petitioner, the Department, or the presiding officer, or who upon his own initiative requests to be heard, shall appear and testify with respect to the report, recommendations, underlying data, and reasons of the committee. The designated member shall receive per diem, and travel and subsistence expenses when incurred, as though he were attending a meeting of the advisory committee. The expenses shall be paid from deposit made to cover the acceptance for filing of objections.

(g) If any person objects to the admission or rejection of any evidence, or other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the presiding officer. A ruling of the presiding officer on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

§ 120.21 *Transcript of the testimony.* Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the presiding officer of their authenticity, relevancy, and materiality, shall be received in evidence subject to section 7 (c) of the Administrative Procedure Act. Exhibits shall, if practicable, be submitted in quintuplicate. In case the required number of copies are not made available, the presiding officer shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute, or to a report or document, the presiding officer shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

§ 120.22 *Oral and written arguments.* (a) Unless the presiding officer shall issue an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The presiding officer shall announce at the hearing a reasonable period within which interested persons may file written arguments based solely upon the evidence received at the hearing, citing the pages of the transcript of the testimony or of properly identified exhibits where such evidence occurs.

§ 120.23 *Indexing of record.* (a) Whenever it appears to the presiding officer that the record of hearing will be of such length that an index to the record will permit a more orderly presentation of evidence and reduce delay, the presiding officer shall require counsel for the parties to prepare a daily topical index which will be available to the presiding officer and all parties. Preparation of such an index shall be apportioned among all counsel present in such manner as appears just and proper in the circumstances.

(b) The index should include each topic of testimony upon which evidence is taken, the name of each witness testifying upon the topic, the page of the record at which each portion of his testimony appeared, and the number of each exhibit relating to the topic. The index should also contain the name of each witness followed by the topics upon which he testified and the page of the record at which such testimony appears.

§ 120.24 *Certification of record.* At the close of the hearing the presiding officer shall afford interested persons a short time, except in unusual cases not longer than one week, in which to point out errors which may have been made in transcribing the testimony. The presiding officer shall promptly thereafter order such corrections made as in his judgment are required to make the transcript accurately conform to the testimony, and he shall certify the transcript of testimony and the exhibits to the Secretary.

§ 120.25 *Filing the record of the hearing.* As soon as practicable after the close of the hearing, the complete record of the hearing shall be filed in the office of the Hearing Clerk. The record shall include the transcript of the testimony, any exhibits, and any written arguments that may have been filed.

§ 120.26 *Copies of the record of the hearing.* The Department will make provisions for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purposes. Any person desiring a copy of the record of the hearing or of any part thereof shall be entitled to the same upon payment of the costs thereof.

§ 120.27 *Proposed order.* As soon as practicable after the time for filing written arguments has ended the Commissioner shall prepare and cause to be published in the FEDERAL REGISTER a proposed order which shall incorporate findings of fact, recommend decisions on the objections which were the subject of the hearing and a tentative regulations. The proposed order shall specify a reasonable time, ordinarily not to exceed 30 days, within which any interested person may file exceptions. The exceptions shall point out with particularity the alleged errors in said proposed order, and shall contain a specific reference to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied by a memorandum brief.

§ 120.28 *Final order.* As soon as practicable after the time for filing exceptions has passed, the record and the exceptions shall be presented to the Secretary and he shall cause to be published in the FEDERAL REGISTER his final order promulgating the regulation.

§ 120.29 *Adoption of tolerance on initiative of the Secretary or on request of an interested person.* (a) Upon the request of an interested person (other than a person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act) furnishing reasonable grounds therefor, and upon advance deposit to cover fees as prescribed in § 120.33, the Commissioner shall propose the issuance of a regulation establishing a tolerance for a pesticide chemical or exempting it from the necessity of a tolerance. Reasonable grounds shall include an explanation showing wherein the person has a substantial interest in such a tolerance or exemption from tolerance, information, if available, as to why registrant of the pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act has not petitioned for a tolerance or exemption from tolerance and adequate data on subjects outlined in clauses A, B, C, D, E, and F of section 408 (d) (1).

(b) The notice of the proposal shall show whether it is made on initiative of the Commissioner or at the request of an interested person, naming such person.

(c) If within thirty days after publication of the proposal a person who has registered, or who has submitted an application for registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical named in the proposal, requests in writing that the proposal be referred to an advisory committee and makes advance deposit to cover fees as provided by § 120.33, the Commissioner shall appoint a committee as provided in § 120.11 and refer the proposal and relevant data to such committee. The Department and the committee shall proceed as prescribed in section 408 and this part.

§ 120.30 *Judicial review.* (a) The Secretary of Health, Education, and Welfare hereby designates the Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare as the officer upon whom copy of petition for judicial review shall be served. Such officer shall be responsible for filing in the court a transcript of proceedings and the record on which the order of the Secretary of Health, Education, and Welfare is based. The transcript and record shall be certified by the Secretary.

(b) Before forwarding the transcript and record to the court the Department shall advise the petitioner of costs of preparing it and as soon as payment to cover fees is made shall forward the transcript of proceeding and record to the court.

§ 120.31 *Temporary tolerances.* (a) A temporary tolerance (or exemption from a tolerance) established under authority of section 408 (j) of the act shall be deemed to be a tolerance (or exemption from the requirement of a tolerance) for the purposes of section 408 (a) (1) of the act.

(b) (1) A request for a temporary tolerance or a temporary exemption from a tolerance by a person who has obtained an experimental permit for a pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act shall be accompanied by a copy of such experimental permit, and such data as are available on subjects outlined in clauses A, B, C, D, E, F and G of section 408 (d) (1) and an advance deposit to cover fees as provided in § 120.33.

(2) Before an experimental permit has been obtained, the Pesticide Branch upon request of the Department of Agriculture or a person who proposes to apply for an experimental permit will consider available data and discuss its adequacy for the purpose of justifying a tolerance or exemption from a tolerance.

(c) A notice of the issuance of a temporary tolerance outlining any additional restrictions as to use of the chemical imposed under the experimental permit under the Federal Insecticide, Fungicide, and Rodenticide Act may be published in the FEDERAL REGISTER if the Secretary deems such publication desirable.

(d) A temporary tolerance or exemption from a tolerance may be issued for a period designed to allow the orderly marketing of the raw agricultural commodities produced while testing a pesticide chemical under an experimental permit issued under authority of the Federal Insecticide, Fungicide, and Rodenticide Act when the Department concludes that the public health can be adequately protected during such marketing. A temporary tolerance or exemption from a tolerance may be revoked if the experimental permit is revoked, or may be revoked at any time if it develops that the application for a temporary tolerance contains a misstatement of a material fact or that new scientific data or experience with the pesticide chemical indicates that it may be hazardous to the public health.

§ 120.32 *Procedure for amending and repealing tolerances or exemptions from tolerances.* (a) The Commissioner on his own initiative or on request from an interested person furnishing reasonable grounds therefor, shall propose the issuance of a regulation amending or repealing a tolerance for a pesticide chemical on raw agricultural commodities or granting or repealing an exemption from tolerance for such chemical. Requests for such amendment or repeal shall be made in writing and accompanied by an advance deposit to cover fees as provided in § 120.33.

(b) Reasonable grounds shall include an explanation showing wherein the person has a substantial interest in such tolerance or exemption from tolerance and an assertion of facts (supported by data if available), showing that new data are available as to toxicity of the chemical, or that experience with the application of the tolerance, or exemption from tolerance, may justify its amendment or repeal.

(c) The notice announcing the proposal to amend or repeal a regulation shall show whether the proposal was made on the initiative of the Commissioner or at the request of an interested person, naming such person. From this point the proceedings shall be the same as prescribed by paragraph (e) of section 408, beginning with the second sentence of such paragraph, and the regulations applicable to paragraphs (d), (e), (f), and (g) of section 408.

§ 120.33 *Fees.* (a) A $50.00 nonreturnable fee will be charged for clerical handling and administrative review of each of the following:

(1) Petition or request proposing the issuance of a regulation.

(2) Referral of a petition or proposal to an Advisory Committee.

(b) Except as noted in paragraph (c) of this section each petition or request for the establishment of a tolerance shall be accompanied by a deposit of $500.00. Of this, $50.00 is the fee specified in paragraph (a) of this section, and $450.00 is a fee for considering the petition after it has been filed, or for processing the request. After the petition is filed or processing of the request is started, the $450.00 fee shall not be returned.

(c) In case a petition or request for the establishment of a tolerance proposes the extension of a tolerance already established for a pesticide chemical on one raw agricultural commodity to additional raw agricultural commodity or commodities it shall be accompanied by a deposit of $140.00. Of this, $50.00 is the fee specified in paragraph (a) of this section, and $90.00 is a nonreturnable fee for considering the petition after it has been filed or for processing the request. After the petition is filed or processing of the request is started, the $90.00 fee shall not be returned.

(d) If a petition is not accepted for filing because it is technically incomplete, the deposit, less cost specified in paragraph (a) of this section, shall be returned, unless the petitioner indicates that he wishes to submit a supplement in which case the deposit will be held by the Department and the supplement shall be accompanied by a nonreturnable fee of $50.00.

(e) (1) In the event of a referral of a petition or proposal under this section to an advisory committee, the costs shall be borne by the person who requests the referral of the data to the advisory committee.

(2) Cost of the advisory committee including expenses of the secretariat will not exceed $75.00 per member per day plus cost of necessary travel and subsistence of committee members while they are away from their respective places of

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residence, plus cost of duplicating documents referred to the committee.

(3) An advance deposit shall be made in the amount of $2500.00 to cover these costs, and the fee specified in paragraph (a) of this section, and further advance deposits of $2500.00 each shall be made upon request of the Commissioner when necessary to prevent arrears in the payment of such costs. Any deposits in excess of actual expenses will be refunded to the depositor.

(f) When a petition is withdrawn after filing and resubmitted it shall be accompanied by a nonreturnable fee of $150.00.

(g) After a petition has been filed, any additional information or data submitted in support of it (i. e., any substantive amendment) shall be accompanied by a nonreturnable fee of $150.00.

(h) Objections under section 408 (d) (5) shall be accompanied by a nonreturnable filing fee of $250.00.

(i) All deposits and fees required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Food and Drug Administration, collectible at par at Washington, D. C. All deposits and fees shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C., whereupon after making appropriate records thereof they will be transmitted to the Treasurer of the United States, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(j) The Department may waive or refund such fees in whole or in part when in the Commissioner's judgment such action will promote the public interest.

(k) Any person who believes that payment of these fees will work a hardship on him may petition the Secretary to waive or refund the fees.

Dated: October 8, 1954.

[SEAL] NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 54-8123; Filed, Oct. 19, 1954; 8:45 a. m.]

[21 CFR Part 120]

[Docket No. FDC-57]

TOLERANCES FOR POISONOUS OR DELETERIOUS RESIDUES IN OR ON FRESH FRUITS AND VEGETABLES [1]

NOTICE OF PROPOSED RULE MAKING

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 406, 701, 52 Stat. 1049, 1055; 21 U. S. C. 346, 371; 67 Stat. 18), upon the basis of evidence of record at the hearing held pursuant to the notice published in the FEDERAL REGISTER on September 17, 1949 (14 F. R. 5724), and after consideration of briefs and proposed findings filed by interested persons, it is proposed that the following order be promulgated:

Findings of fact. [2] 1. Growing plants that yield edible fruits and vegetables are subject to attack by insect pests and plant-disease micro-organisms. The resulting injury in either case may vary from slight, with little or no damage to the edible portions of the plant, to the complete destruction of the crop. (R. 43-47, 52-56, 82, 83, 89, 90-92, 97, 142, 144, 145, 291, 362, 376-382, 458-460, 507, 551-571, 580-586, 611, 642, 650, 729, 1266-1271)

There are many species of insect pests. Sometimes insects of the same species will attack several kinds of food plants. Some of the factors that affect the size of the insect population are available food supply, climate, and the presence of predators. In the United States the same fruits and vegetables are often grown in different areas under conditions of climate that vary widely, and the potential damage to crops from the same insect pest varies widely in different areas. (R. 32, 34, 36, 37, 59, 60, 61, 62, 83-86, 94, 145-147, 217, 222, 223, 255, 267-271, 291, 333, 346, 362, 422-425, 455, 460-462, 612, 728, 1353, 1442, 1584-1587, 1951-1952, 2182, 2230, 3718)

3. Damage from attacks by insect pests may be reduced in several ways, but the method most widely used in the United States is to apply to the growing plant substances that are poisonous to the attacking insects. Most substances poisonous to insects are also poisonous to warm-blooded animals and man. However, there may exist great differences in this respect, and the different species of insects may vary in their susceptibility to different poisonous substances. The effectiveness of an insecticide against certain types of insects is not the same in different areas. No one poisonous substance is effective against all insect pests. The number of poisonous substances available for use against insect pests is steadily increasing. Research looking toward the synthesis of new insect poisons is being conducted by scientific institutions and government agencies concerned with the problem of pest control and by many companies interested in the sale of pesticides. (R. 27-28, 33, 35, 56, 65, 81, 100-105, 109, 335, 386, 495-497, 621, 670-700, 776, 779, 984, 1092-1093, 1102-1108, 1299, 1466, 1468, 1586-1604, 1608-1638, 1765-1766, 1792-1793, 1846-1847, 1861, 1970-1971, 2176-2180, 2358, 2467, 3785, 4171-4174)

4. Many of the poisonous chemicals used to combat insects and plant diseases tend to injure the plants to which they are applied, and the amounts used must be limited or the damage from the chemical may be greater than from the insect pests or plant diseases they control. Considerable experimental work with new chemicals for combatting insects (insecticides) and plant diseases (fungicides) is necessary before they are ready for commercial distribution. (R. 120, 171, 182-183, 302, 326, 484, 931, 998, 1134, 1136, 1260, 1444, 1716-1717, 3596-3598, 4127, 4882-4883)

5. There are many different types of plant diseases. As in the case of insect pests, the most common method of controlling plant diseases is also by the application of chemicals to the plants attacked. Many substances capable of destroying micro-organisms in man or other animals are of some value in destroying micro-organisms responsible for plant diseases, but most such substances have no practical use for this purpose because they severely injure the plants to which they are applied. The number of substances used to combat plant diseases was rather limited until a few years ago, but the number is now rapidly expanding. For many years compounds of copper, sulfur, and of sulfur and lime were used almost exclusively. In recent years an increasing number of organic chemicals have been used to control plant diseases, and new compounds are being developed by research. (R. 888-894, 896-902, 911-928, 940-959, 1346-1352, 1359-1376, 1448, 2008-2036, 2517-2519, 3289-3294, 3311-3312, 3331, 4011-4015, 4716-4729, 4746-4747, 4804-4808, 4842-4846, 5741-5743, 6322-6324)

6. Some plant diseases are transmitted from one generation of plants to another through seed. In recent years it has become standard practice to treat vegetable seeds with poisonous substances to destroy the spores of micro-organisms capable of causing certain plant diseases. The evidence indicates that such seed treatment causes no measurable uptake of poisonous substances by the plant. For this reason, some very toxic substances such as compounds containing mercury, which should not be applied to growing plants, may be used for treating seed without danger to the consumer of vegetables grown from the treated seed. (R. 894-896, 965, 1066-1068, 1079-1080, 2400, 2660-2661, 2720-2723, 2977-2979, 4071-4072, 4138, 4195, 4320, 4339-4344, 4825-4826, 4860-4864, 5122, 5338-5742, 6313-6314, 6904)

7. The United States Department of Agriculture is constantly engaged in investigating problems connected with pest control. Often these investigations are conducted in cooperation with State agencies. Practically every State operates an agricultural experiment station or other official agency to carry on investigations on subjects of local interest and to furnish advice and suggestions to interested persons. One of the services rendered by most such agencies is the issuance of spray-schedule recommendations, designed to protect fruits and vegetables against the pests most likely to attack them. Growers of fruits and vegetables usually use the substances recommended by their State agencies but do not always follow the recommendations as to the amounts to be applied and the time of application. They may at times use substances not recommended by State agencies. (R. 29, 30, 80, 112, 122-126, 298, 347, 359, 360, 363, 426, 481-495, 507-511, 520, 587-589, 666, 1135, 1640-1641, 2121-2123, 2165, 2314, 2353, 2479, 2962, 3114, 3116-3117, 3152, 3153, 3482, 3910, 4081-4084, 4107, 4213, 4415, 4788-4806, 5138, 5231-5232)

[1] The findings of fact and proposed regulations are based on hearings held in 1950. They do not take into account technical and research advances made since that time.

[2] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

8. Fruit and vegetable growing is subject to many vicissitudes. There may be overproduction at times, with low prices, while at other times high prices fail to bring a profitable return to growers because of low yields. Economic factors, including the cost of the various pesticides available, influence growers in the amounts and kinds of such products they use. Generally speaking, the application of effective insecticides and fungicides is a necessary part of the business of growing fruits and vegetables commercially, and the cost of applying such substances is a recognized and anticipated part of the cost of production. The application of pesticides may be looked upon in one sense as an insurance against crop failure. (R. 42, 43, 69, 70, 82, 455-457, 467-468, 518-520, 562-569, 722, 984, 996, 1019-1024, 1533-1541, 1762-1764, 1769-1771, 2180-2182, 2393-2395, 2602, 2817-2818, 3196, 3245, 3719, 3950, 4031-4032, 4233-4235, 4526-4528, 4551, 4595)

9. In most instances there is a choice of using one of several substances to control a particular insect on a particular crop. These substances may vary in effectiveness, availability, cost, and method of application. A substance may become less effective after continued use, since some insects apparently develop a resistance to its poisonous effects. In a particular situation some poisonous control substances may be necessary, but a particular substance cannot be singled out as the only one necessary for the purpose. In this respect fungicides are in a situation similar to insecticides. For the purpose of section 406 of the Federal Food, Drug, and Cosmetic Act, it is reasonable, in the case of fresh fruits and vegetables, to include in the category of "required" poisonous or deleterious substances those that have been found on the basis of testimony by competent investigators at a hearing held under authority of section 701 of the act to be effective in controlling pests, and to establish such tolerances for residues as are necessary to protect the public health. (R. 56-58, 68, 70, 112, 113, 162, 165, 170, 174-175, 182-183, 185, 189, 194, 196, 232, 426-430, 455, 728, 997-1016, 1346-1352, 1541-1544, 1665-1673, 2241, 2381, 2466, 2686, 3094, 3111-3114, 3126, 3146, 3153, 3783, 3883-3984, 4015-4016, 4063, 4253, 4439-4440, 4525-4526, 4606-4607, 4857-4860, 5144-5146, 6248-6249)

10. Most insecticides and fungicides applied to fruit and vegetable plants leave detectable surface residues on the fruit and vegetables at harvest. The quantity of such residues is affected by a number of factors, including amount and frequency of application, time of application with respect to development and size of the edible portion of the plant, and the length of time between the last application and harvest. A natural decrease in quantity of residue results from various causes, such as volatilization, decomposition, and weathering. Some pesticides volatilize or decompose, or do both, with such rapidity that within a few days after application no detectable residue remains. Others are lost at a slower rate. When fruits and vegetables increase in size after application of the pesticide, there is a decrease in the relative amount of residue in comparison with the weight of the food. The type of vegetable to which the pesticide is applied is also an important factor that affects the amount of residue. In many instances the edible portion of the vegetable is so protected that substances that are applied do not penetrate to the edible portions. Such is the situation in the case of pesticides applied to foliage of root crops, if there is no translocation. In vegetables, such as peas and beans that are sold to consumers in the pods, poisonous residues remaining on the pods must, for practical administrative purposes, be considered as added to the food. This is true even though the pods may, on occasion, be discarded before the food is eaten. In the case of some leafy vegetables, the large surfaces may result in relatively high residues in proportion to the weight of the food, and in others the physical structure of the leaf may cause a greater retention of the residue. In some leafy vegetables, however, outer leaves containing considerable amounts of residue fall off before harvesting. (R. 338, 398-400, 598-599, 700-703, 711-741, 776-788, 833, 836, 845-847, 1073-1074, 1218, 1317, 1403, 2203, 2355, 2523, 2692-2693, 2720, 2752, 3281, 3996, 4129, 4356, 4896, 4945-4948, 4971-4974)

11. With few exceptions, pesticides are not taken up from the soil by the roots or absorbed through the foliage of fruit and vegetable plants and translocated. There was evidence indicating that benzene hexachloride and other chlorinated hydrocarbons applied to the soil may be absorbed and affect the flavor of some vegetables. Direct application of this substance to growing fruit may affect the flavor of the mature fruit. The development of off-flavor from the use of pesticides may render fruits or vegetables adulterated for reasons other than danger to health. Limits on the use of pesticides for such a reason should not be confused with limits imposed for protection of the public health. (R. 652, 1469, 1643-1650, 2962, 2971-2972, 3078-3079, 3636, 3908, 3978, 4188, 4661, 5034, 6516-6522)

12. Usually the application of insecticides and fungicides is made to fruit-producing trees and plants after the fruit has formed and results in contamination of the surface of the fruit with these substances. Certain applications of pesticides sometimes referred to as dormant sprays are made to fruit trees or plants before the fruit has formed. There was no evidence to suggest that applications of pesticides prior to formation of fruit result in the addition of poisonous or deleterious substances to the fruits. (R. 1524, 2246, 2355, 4088, 4109, 4139-4140, 4146, 4367, 4976-4979, 5122-5127, 5885-5886)

13. The possibility of danger to health of consumers from poisonous residues was recognized many years ago. At times, due to high insect population and their resistance to insecticides, it was considered necessary by growers to apply relatively large amounts of insecticides at frequent intervals, resulting in excessive poisonous residues at time of harvest. Some insecticides are of such a high order of toxicity that relatively small amounts remaining as residues are a potential health hazard. The necessity of removing excessive poisonous residues from fruit and vegetables before shipment is well recognized. There has been considerable research by governmental agencies and the interested industries to determine the best means of removing excessive residues. Washing in specially prepared solutions for the purpose of removing residues resulting from the application of lead arsenate and fluorine-containing compounds has been extensively used in past years on apples, pears, and some vegetables. Washing has also been successfully employed to remove excessive poisonous residues from other fruits and vegetables. Wiping and brushing have been found to remove excessive residue from some fruits and vegetables. Stripping the outer leaves or stalks of leafy vegetables often removes substantial portions of the residues. (R. 114-116, 198-209, 231-237, 318, 364-388, 442-447, 463-464, 484, 574, 598-599, 713, 1154-1184, 1470-1486, 1559-1579, 1650-1651, 2476-2478, 2758, 2830, 2832, 3131, 3154, 3292-3293, 3673-3675, 3804, 3838, 3879, 3890, 4024, 4049, 4154-4155, 4260-4263, 4424, 4543, 4561, 4580)

14. The use of pesticides in excess of the minimum amounts needed to give effective control is unnecessary, may injure the plant, and results in economic waste. The use of excessive amounts of pesticides may leave unnecessarily high residues and result in consumers ingesting poisonous substances in quantities that may be harmful. From a known spray schedule persons trained in the use of insecticides and fungicides can estimate with a fair degree of accuracy the maximum amount of substances, applied according to the schedule, that will remain as residues at harvest. Qualified and experienced persons can formulate spray schedules utilizing different poisonous substances so that such schedules, if followed, will give effective protection against anticipated pests while the amount of residues remaining at harvest can be expected to fall below predetermined amounts. The recommendations of State entomologists and plant pathologists are made on the basis of experience, usually covering a period of more than a single year. Occasionally, however, pests attack crops unexpectedly and existing recommendations are inadequate for control. In such cases emergency measures may be suggested. For example, attacks by grasshoppers may occur unexpectedly and necessitate the use of pesticides not normally recommended. (R. 347-350, 395, 470-474, 1007-1016, 1035-1065, 1136-1137, 1261, 1435-1436, 1439, 1452, 1525-1526, 2480, 2859, 3116-3117, 3258-3259, 3524-3525, 3628-3629, 3865-3866, 3910-3911, 3914-3915, 3920, 3975-3976, 4064-4066, 4271-4273, 4416-4419, 4500, 4506, 4511, 4572, 4784)

15. A number of organic chemicals have been found to possess the property of killing different species of plants selectively. Some of these chemicals are also sometimes applied directly to fruit

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trees at blossomtime to control fruit set and at harvesttime to control fruit drop. These chemicals have been widely used in recent years for destroying weeds in various crops, including berries, peas, corn, etc., and to defoliate certain plants. These practices are growing. When applied directly there may be an addition of the chemical to the fruit, and a tolerance should be provided. The proper use of these chemicals does not in most cases result in residues in or on fruits or vegetables. However, there may be some unintentional contamination even when good agricultural practice is followed. Protection of the public health from the addition of such poisonous substances to fruits and vegetables when it cannot be avoided by sound agricultural practice requires the adoption of tolerances for certain herbicides. (R. 886–888, 3755, 3810, 5933–5944, 5951–5952, 6168–6170, 6197–6199, 6729–6731)

16. There are a number of chemicals used for liberating poisonous gases in the soil. They are commonly referred to as soil fumigants and are used primarily to control microscopic worm-like animals, known as nematodes, and to some extent other organisms in the soil that interfere with the growth of plants. The principal soil fumigants are carbon bisulfide, carbon tetrachloride, chloropicrin, ethylene dibromide, methyl bromide, dichloropropane, and dichloropropene. Such substances are commonly applied to soil before plants are set out, since contact between chemical and plants may result in injury to the plant. There is no evidence of any uptake of any of these named substances into the edible portions of fruits and vegetables. Research is under way on possible uptake of certain less volatile chlorinated hydrocarbons. (R. 321, 703–704, 1684–1687, 2087, 2351–2352, 2354, 2685, 2724–2729, 3294–3295, 3314–3316, 4072, 4122, 4148, 4330–4335, 4397–4398, 4610–4612, 4616, 4658–4660, 5619–5621, 5624, 6012–6032, 6075–6076, 6143–6159, 6540–6544, 6903; Ex. 717, 718, 978)

17. Certain organic chemicals (in addition to those referred to in finding 15) similar in composition to some of the plant hormones are applied to fruit trees or plants at blossomtime to improve the set of fruit. Some are used to reduce the amount of set to such an extent that the trees will be able to produce mostly large fruit. Other chemicals are applied to aid in the set of certain fruits, such as tomatoes, in cool weather. Application of such chemicals at blossomtime has not been shown to cause any contamination of the fruit at harvest. Among the chemicals used for these purposes are some of the dinitrophenols, which are quite toxic. The practices described in this finding can be regulated so that no poisonous or deleterious substance is added to fruit. The evidence does not indicate that tolerances are now needed. (R. 4612–4613, 5944–5945, 5955, 5958–5970, 5981–6009)

18. Some of the substances needed by plants for normal growth, and which are commonly obtained through their root systems, may at times be unavailable in the soil. In some instances, the needed substance can be supplied by spraying it on the foliage of the plant. It has become accepted practice to observe the growth of citrus trees (and to a lesser extent other plants), and where there is indication of a lack of certain elements to spray the trees with a dilute solution or suspension of compounds containing the needed substances. Compounds of manganese, zinc, boron, and iron are commonly applied in this manner. Although these substances may be added to the fertilizers used, the results obtained by adding them to the soil are often delayed and less effective. When applied to the foliage according to good agricultural practice the amounts of the substances added to fruit are small. The substances used are of low toxicity, and there is no likelihood of consumer injury if good agricultural practice is followed. (R. 1065, 3359, 3436–3437, 3477–3478, 3487, 3500, 3517–3518, 3526–3538, 3550–3551, 3754–3755, 3810–3812, 4631–4632, 5851–5866)

19. Lead arsenate is sometimes applied to citrus trees, particularly to grapefruit, to retard the development of acid in the fruit. Small amounts may be absorbed, and traces of lead have been detected in the interior portions of grapefruit from trees sprayed with lead arsenate. In States where citrus fruit is grown there are often laws limiting the addition of lead arsenate. Where permitted by State laws, the application of lead arsenate to citrus trees can be considered as required. A tolerance should be established to prevent danger from excessive use. (R. 3408–3417, 3428, 3450, 3454–3475, 3484, 3501, 3539–3546, 3555–3556, 3758–3759)

20. Witnesses familiar with agricultural practices in all parts of the United States testified on the basis of their experience as to the use of insecticides, fungicides, and other pesticides on fruits and vegetables. Some data as to the quantities of residues that might be expected at harvest were available for many such substances. A condensed summation of the testimony as to the use of pesticides has been prepared to show those pesticides recommended by qualified persons or institutions for each fruit and vegetable mentioned in the testimony. Where available, the residue likely to be found before cleaning, if recommendations are followed, is also shown. Where fruits or vegetables are commonly washed, polished, or otherwise cleaned, the probable reduced quantity of residue is also shown.

FRUITS

APPLES

Name of pesticide	Reference to method of application	Range in quantity of residues
Benzene hexachloride (Ex. 689, 834)	Ex. 689, 834	
bis (2-hydroxy-5-chlorophenyl-sulfide) (Ex. 430, 787, R. 2911).	Ex. 430, 787	
Cadmium compounds—inorganic (Ex. 430).	Ex. 430	None.
Cadmium—organic (Ex. 430; R. 4979)	Ex. 430	
Calcium cyanamide (Ex. 787)	Ex. 787	None.
Calcium cyanide (Ex. 351)	Ex. 351	None.
Carbon disulfide (Ex. 351)	Ex. 351	None.
Chlordane (Ex. 769, 834, 1041)	Ex. 769, 834, 1041	0.575 p. p. m. (Ex. 388).
Chloroethyl butylphenoxy-methylethyl sulfite (Ex. 301, 762; R. 1844).	Ex. 301	0.2–3.7 p. p. m. (Ex. 1227).
Copper compounds—inorganic (Ex. 769, 834).	Ex. 769, 834	Approximately 20 p. p. m. (R. 913–914).
Copper-8-quinolinolate (Ex. 787)	Ex. 787	
DDT (Ex. 834)	Ex. 834	Less than 7 p. p. m. in most cases (R. 127; Ex. 23, 34, 42, 54, 55, 56, 58, 60, 61, 161, 181A, 181B, 181F, 181G, 181K, 251, 258, 285, 297, 334, 344, 386, 388, 389, 5011, 642, 729, 732, 749, 750). Some residues run as high as 18.4 p. p. m. (Ex. 181H).
Dichloro-diphenyl ethane (Ex. 787)	Ex. 787	
2,3-dichloro-1,4-naphtho-quinone (Ex. 430, 745).	Ex. 430	None (Ex. 1257).
Dinitro compounds (Ex. 153, 721, 769, 834)	Ex. 721, 769, 834	0.1–1.0 p. p. m. (Ex. 974).
di(parachlorophenyl) methylcarbinol (Ex. 294, 834).	Ex. 294, 831	
Ethyl paranitrophenylthiobenzenephosphonate (Ex. 762, 834).	Ex. 834	Trace; 0.30 p. p. m. (Ex. 1008C).
Ferbam (Ex. 504, 834, 1041)	Ex. 504, 1041	0.03–255 p. p. m. (Ex. 1009E).
Fluorine compounds—inorganic (Ex. 153, 689, 834).	Ex. 689, 834	Less than 7 p. p. m. in most cases, after fruit is washed (R. 8817-8820; Ex. 182A, 183A, 184B, 258, 344, 642). Some residues on washed fruit run as high as 31.4 p. p. m. (Ex. 1821D). Unwashed residues range from 8.5 p. p. m. (Ex. 34) to 123 p. p. m. (Ex. 1821H).
Glyoxalidines (Ex. 22A, 156, 168, 430, 745)	Ex. 430	0–4 p. p. p. m. (Ex. 1276).
Lauryl pyridinium bromide (Ex. 787)	Ex. 787	
Lauryl quinolinium bromide (Ex. 787)	Ex. 787	
Lead arsenate (Ex. 330, 509, 689, 834)	Ex. 330, 509, 689, 834	Lead: Less than 7 p. p. m. after fruit is washed, in most cases. (Ex. 56, 99, 183A, 183B, 284, 288). Some residues on washed fruit run as high as 11.1 p. p. m. (Ex. 509). On unwashed fruit residues range from 0.2 p. p. m. (Ex. 23) to 68.6 p. p. m. (Ex. 183A). Arsenic: Less than 3.5 p. p. m. after fruit is washed (Ex. 254, 258, 749, 750). Residues on washed fruit run as high as 7.7 p. p. m. (Ex. 749). Residues on unwashed fruit range from 0.1 p. p. m. (Ex. 23) to 54.6 p. p. m. (Ex. 749).
Lime (Ex. 234, 834)	Ex. 834	
Manganese compounds—inorganic (Ex. 301, 834).	Ex. 301, 834	
Mercury compounds—inorganic (Ex. 787)	Ex. 787	None.

FRUITS—Continued

APRICOTS—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Oil (Ex. 153, 178, 769, 834)	Ex. 153	
Paraffinic hydrocarbons (Ex. 286, 834)	Ex. 286, 834	0.2 p. p. m. 45-60 days after application (Ex. 161).
Parathion (Ex. 153, 178, 834)	Ex. 153	0.02-0.14 p. p. m. (Ex. 285). 0.02-0.13 p. p. m. 81-53 days after application (Ex. 297). 0.12-0.28 p. p. m. 14-8 days after application (Ex. 87). Less than 0.18 p. p. m. 33 days after application (Ex. 124S).
Pyrethrin (Ex. 161, 834)	Ex. 161	
Rotenone (Ex. 16)	Ex. 16	
Sulfur (Ex. 178, 834)	Warning against use (Ex. 286, 834).	
Tetraethyl pyrophosphate—TEPP (Ex. 286)	Ex. 286	
Toxaphene—chlorinated camphene (Ex. 762, 834).	Ex. 834	
Zinc compounds (sulfate)—inorganic (Ex. 286, 760).	Ex. 760	
Zinc dimethyldithiocarbamate—Ziram (Ex. 286, 760).	Ex. 168 (32A)	

APRICOTS

Name of pesticide	Reference to method of application	Range in quantity of residues
Mercury compounds—organic (Ex. 504, 745, 760, 834, 1041).	May be applied as late as second cover spray. (Ex. 504, 745, 760, 834 (N. 11.), 1041).	Residues from typical schedule range from 0.00 to 0.22 p. p. m. (Ex. 430). Other residues: 0.025–0.357 p. p. m. (Ex. 1039); 0.0004–0.0295 p. p. m. (Ex. 1040); 0–0.025 p. p. m. (Ex. 820). 1 percent nitric acid wash removes all mercury residue (Ex. 830).
Methoxychlor (Ex. 762, 834)	Ex. 762, 834	1.2–5.5 p. p. m. (Ex. 285, 297, 749, 1008C).
Nalam (Ex. 787)	Ex. 787	
Nicotine compounds (Ex. 310, 504, 834, 846).	Ex. 301, 834, 846	Less than 5 p. p. m. in most cases, on unwashed fruit (Ex. 34, 54, 57, 424, 608). Some residues on unwashed fruit run as high as 12.5 p. p. m. (Ex. 51). Washing reduces residue to 0.9–1.4 p. p. m. from 80 p. p. m. (Ex. 57). Weathering reduces residue to 0.3–1.0 p. p. m. (Ex. 1040).
Oil (Ex. 509, 733, 834)	Ex. 509, 834	
Parathion (Ex. 153, 721, 834)	Recommended as late as Aug. 4; Ex. 301, 721, 834.	Most residues at harvest below 0.1 p. p. m. (Ex. 54, 55, 161, 185A, 185B, 266, 285, 297, 344, 380, 5011, 642, 732). Residues at harvest range from 0.00 to 1.00 p. p. m. (Ex. 732). Residues sprayed approximately 2 weeks after apricots ripened (Ex. 87) 0.3 p. p. m. (Ex. 854-Table 17; Ex. 344, 1245). 0.3 p. p. m. (Ex. 854-Table 17; Ex. 344, 1245). 0.02–0.08 p. p. m. on fruit at harvest (Ex. 34).
Phenothiazine (Ex. 301)	Ex. 301	
Polyethylene polysulfid (Ex. 787)	Ex. 787	
Lyrethrum (Ex. 351, 834 (Idaho))	Ex. 834 (Idaho)	
Rotenone (Ex. 834 (Washington), 301)	Ex. 834 (Washington)	
Sulfur (Ex. 153, 284, 834)	Ex. 153, 284, 834	
TDE (Ex. 153, 301, 834)	Ex. 153, 301, 834	1.2–6.1 p. p. m. (Ex. 161, 297, 5011, 749).
TEPP (Ex. 153, 834, 846)	Ex. 153, 834, 846	
Thiram (Ex. 156, 787)	Ex. 156, 787	
Toxaphene (Ex. 762; R. 183, 197)	Ex. 762; R. 183, 197	0.7–1.4 p. p. m. (Ex. 881).
3-trichloromethylthiotetrahydrophthalimide (Ex. 430; R. 2883).	Ex. 430	1.1 p. p. m. (Ex. 1030D).
2,4-D (Ex. 846 (30))	Ex. 168 (31)	
Urea (Ex. 430)	Ex. 430	
Zinc compounds—inorganic (Ex. 834, 1041C).	Ex. 834, 1041C	
Zineb (Ex. 787, 834)	Ex. 787	
Ziram (Ex. 163, 787)	Ex. 787	

APRICOTS

Name of pesticide	Reference to method of application	Range in quantity of residues
Benzene hexachloride (Ex. 762, 769, 834)	Ext. 834	
Calcium arsenate (Ex. 153)	Ex. 153	
Chlordane (Ex. 762, 769)	Ex. 769	
Chloroethyl butylphenoxymethylethyl sulfite—Aramite (Ex. 762).		
Copper compounds—Inorganic	Ex. 153	5.4 p. p. m. or less (Ex. 161, 285, 297, 1248).
DDT—TDE—Rhothane (Ex. 133, 762, 769)	Ex. 153, 154	
DDT (Ex. 153, 834)	Ex. 153, 154	Generally less than 4 p. p. m. (Ex. 161, 285, 1245 (3.4 p. p. m.)); 6.3 p. p. m. (Ex. 297).
2,3 dichloro-1,4 naphthoquinone—Phygon (Ex. 168 (16A), 231).	Ex. 234	
Dinitro compounds—DN-111 (Ex. 762, 769).	Ex. 769	
Ethyl paranitrophenyl thiobenzenephosphonate—EPN (Ex. 762).		
Ferric dimethyldithiocarbamate—Ferbam (Ex. 163, 234).	Up to 3 days before harvest (Ex. 234).	
Fluorine compounds—inorganic—Cryolite (Ex. 178).	Just after blossoming (R. 999).	
Lead arsenate (Ex. 153, 178, 834)	Ex. 834	5.4 p. p. m. (Ex. 285).
Lime (Ex. 178, 769, 834)	Ex. 769	
Manganese salts (Ex. 9)	Used in soil or injected into tree to supply deficiency of manganese (Ex. 9).	
Methoxychlor (Ex. 153, 785)	Ex. 153	Under 10 p. p. m. except where determined before harvest (Ex. 297, 1008C, 1248).
Nicotine (Ex. 178, 834)	Used against aphids and recommended during blossom time.	

BERRIES

AVOCADOS

Name of pesticide	Reference to method of application	Range in quantity of residues
Benzene hexachloride (Ex. 533; R. 3260)	Ex. 533	
Copper—inorganic (Ex. 533)	Ex. 533	
Copper compounds (Ex. 642)	Ex. 642	
Copper-zinc-chromate complex (Ex. 642)	Ex. 642	
DDT (Ex. 161)	Ex. 161	1.7–2.6 p. p. m. on surface (Ex. 161, 642). 1.2–1.4 p. p. m. subsurface (Ex. 161, 642).
Lead arsenate (Ex. 161, 533)	Ex. 161	
Nicotine sulfate (R. 3262)	Ex. 3262	
Oil (Ex. 533)	(R. 3262)	
Pyrethrin (Ex. 161, 533)	Ex. 161	
Sulfur (Ex. 161, 533, 902 (p. 11))	Ex. 161	

BLUEBERRIES

Name of pesticide	Reference to method of application	Range in quantity of residues
Arsenicals—calcium or lead (R. 3018; Ex. 162).	Ex. 162	As_2O_3 5.72–0.57 p. p. m. (Ex. 162).
Copper compounds-inorganic (Ex. 163, 787).	To control botrytis twig blight (Ex. 162).	Copper 3.12–7.22 p. p. m. (Ex. 162).
DDT (Ex. 690)	Ex. 690	0.33–0.86 p. p. m.; samples 40 days after dusting (Ex. 720).
Ferric dimethyldithiocarbamate—Perbam (Ex. 787 (p. 53))		
Fluorine compounds—inorganic (Ex. 690)	Ex. 690	
Zinc dimethyldithiocarbamate—Ziram (Ex. 787 (p. 53))		
Lime sulfur (Ex. 787 (p. 53))		

CHERRIES (SWEET AND SOUR)

Name of pesticide	Reference to method of application	Range in quantity of residues
Benzene hexachloride—BHC (Ex. 834)	Ex. 834	
Calcium arsenate (Ex. 161)	Ex. 161	0.14–1.70 p. p. m. (Ex. 399).
Copper compounds (Ex. 153, 834)	Ex. 321	
Copper-8-quinolinolate—Bioquin (Ex. 787).	Ex. 787	
DDT (Ex. 161, 289, 323, 834)	Ex. 834	0.4–1.9 p. p. m. (Ex. 334).
2,3 dichloro 1,4 naphthoquinone—Phygon (Ex. 168, 234)	Ex. 787, 834	0.61–1.60 p. p. m. (Ex. 1841).
1,1 dichloro 2,2 bis (parachlorophenyl) ethane—DDD—TDE—Rhothane (Ex. 153, 762).		
Dinitro compounds (Ex. 153, 155, 769, 839).	Ex. 834	

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FRUITS—Continued

CHERRIES (SWEET AND SOUR)—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Ferric dimethyldithiocarbamate—Ferbam (Ex. 156, 834).	Ex. 834	3.6 p. p. m. (Ex. 1009E).
Glyoxalidines (Ex. 156, 323, 830)	Ex. 834	0.5 p. p. m. (Ex. 1261).
Lauryldimethylbenzyl ammonium bromide (Ex. 787)		
Lead arsenate (Ex. 509, 769, 834)	Ex. 834	Lead: 1–22.4 p. p. m. (Ex. 397). As_2O_3: 0.43–12.1 p. p. m. (washing removed practically all residue) (Ex. 397). Lead: 0.1–21.3 p. p. m. (Ex. 399). As_2O_3: 0.1–12.1 p. p. m. (Ex. 399). Lead, 10% dust analyzed 30 days after treatment 0.27–5.54 p. p. m. 3 lb./100 gal. 17 days after treatment 19.12–27.93 p. p. m. Same 30 days after treatment 15.43–21.08 p. p. m.
Lime (Ex. 156, 769, 834)	Ex. 834	
Mercury compounds—organic (Ex. 234, 787).	Ex. 787	
Methoxychlor (Ex. 17, 155, 834)	Ex. 834	7.71 p. p. m. (Ex. 188). 0.58–8.1 p. p. m. (Ex. 1006C). 2.6–23.0 p. p. m. (Ex. 1245).
Nabam—disodium ethylene bisdithiocarbamate (Ex. 787, 834).	Ex. 787, 834	
Nicotine (Ex. 178, 235, 286, 834)	Ex. 834	
Oil (Ex. 153, 178, 235, 834)	Ex. 834	
Paradichlorobenzene (Ex. 834)	Ex. 834	
Parathion (Ex. 153, 155, 355, 834)	Ex. 153	At least 14 days after spray maximum residue 0.81 p. p. m. with 7 of 15 samples below 0.5 p. p. m. (Ex. 1851I). 0.2–0.5 p. p. m. (Ex. 334). 0.35 p. p. m. 7 days after application. 0.06 p. p. m. 16 days after application. 0.10 p. p. m. 33 days after application. 0.03 p. p. m. 36 days after application (Ex. 871).
Pyrethrum (Ex. 286, 834)	Ex. 286	
Rotenone (Ex. 178, 286, 834)	Ex. 286	
Sulfur (Ex. 155, 178, 235)	Ex. 280	
Tetraethyl pyrophosphate—TEPP (Ex. 155, 164, 286, 834).	Ex. 834	
Tetramethylthiuram disulfide—Thiram or TNTD (Ex. 430).	Ex. 430	
Zinc ethylene bisdithiocarbamate—Zineb (Ex. 787).	Ex. 787	
Zinc dimethyldithiocarbamate—Ziram (Ex. 234, 787).	Ex. 234, 787	

CITRUS FRUITS

Name of pesticide	Reference to method of application	Range in quantity of residues
Antimony compounds (inorganic)—tartar emetic (Ex. 612).	Ex. 642	Maximum 3 p. p. m. residue effectively removed by normal packing-house washing operation (Ex. 642).
Benzene hexachloride (gamma isomer)—Lindane (E. 3662).		
bis (parachlorophenoxy) methane—Neotran (Ex. 161).	Ex. 161	Maximum 1.5 p. p. m. (Ex. 642). 0.2–14.0 p. p. m. 14 days after application (Ex. 973). Reduced from 8.1–1.6 p. p. m. by commercial washing. (Ex. 973).
Chlordane (Ex. 598)	Ex. 598	
Chloroethyl butylphenoxymethylethyl sulfite—8SR—Aramite (Ex. 161).	Ex. 161	
Copper compounds—inorganic (Ex. 533, 642).	Ex. 533, 642	0.39–0.94 p. p. m. (Ex. 604). 1.10–1.60 p. p. m. (Ex. 636).
DDT (Ex. 642)	Ex. 642	10.0–25.0 p. p. m. in peel (Ex. 161). 1.7–2.6 p. p. m. surface and 1.2–1.4 p. p. m. subsurface (Ex. 161). 0.7–28.7 p. p. m. in peel (Ex. 642). Surface residues generally less than 10 p. p. m. and as much as 90 percent removed in normal 1.7–2.6 p. p. m. surface and 1.2–1.4 p. p. m. subpacking-house soap wash. No DDT found in pulp portion of fruit (Ex. 642).
1,1 dichloro 2,2-bis (parachlorophenyl) ethane—DDD—TDE—Rhothane (Ex. 642).	Ex. 642	
2,4 dichlorophenoxyacetic acid—2,4-D (Ex. 642)	Ex. 642	

FRUITS—Continued

CITRUS FRUITS—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Dinitro compounds (Ex. 533, 642, 692)	Ex. 642	Less than 1.0 p. p. m. (Ex. 642). 0.005–0.19 p. p. m. unwashed (Ex. 636). 0.028 p. p. m., washed (Ex. 637). 0.57–3.16 p. p. m., unwashed; 0.057–0.21, washed (Ex. 975).
Flourine compound—Cryolite (Ex. 642)	Ex. 642	0.05–0.27 p. p. m. surface; 0.15–0.71 p. p. m. peel; 0–0.05 p. p. m. pulp (Ex. 976). 1.5 p. p. m., 75 percent removed in normal packing-house wash (Ex. 642).
Hydrocyanic acid (Ex. 642)	Ex. 642	None.
Lime (Ex. 533)	Ex. 533	
Manganese salts (Ex. 642)	Ex. 642	
Neotran—K–1875—bis (parachlorophenoxy) methane (Ex. 642).	Ex. 642	Less than 1.5 p. p. m. (Ex. 642). 0.2–14.0 p. p. m. 14 days after application (Ex. 973). Wash reduced residue from 8.1–1.6 p. p. m. (Ex. 973).
Nicotine	Ex. 642	Initial deposit of 1.18, 1.28, and 2.04 p. p. m. reduced to 0.18, 0.27, and 0.32 p. p. m., respectively in 16 days (Ex. 642).
Oil (Ex. 553, 642, 834)	Ex. 642, 1049	Maximum 70–120 p. p. m. after 3 weeks (Ex. 1049).
Parachlorophenyl parachlorobenzylsulfonate—K–6151 (Ex. 161).	Ex. 161	1 lb. to 100 gal. 1.5–3.8 p. p. m. 10 days after application. 10 lb. to 100 gal. 2.3–2.4 p. p. m. 10 days after application. 2 lb. to 100 gal. (initial) 11.2 p. p. m.; same after wash averaged 3.1 p. p. m.
Parachlorophenylphenyl sulfone—R–242 (Ex. 642).	Ex. 642	
Parathion (Ex. 642)	Ex. 642	Less than 0.1 p. p. m. in pulp and juice (Ex. 642). Less than 4.2 p. p. m. in peel 30 days after application (Ex. 161). Less than 5 p. p. m. in peel 10 days after application (Ex. 633). Less than 1.0 p. p. m. 10 days after application and 0.03 p. p. m. 30 days after application on basis of whole fruit (Ex. 633).
Pyrethrum (Ex. 642)	Ex. 642	None (Ex. 642).
Rotenone (Ex. 642)	Ex. 642	
Sabadilla (Ex. 642)	Ex. 642	
Schoddin (Ex. 7)		None (Ex. 1055).
Sulfur (Ex. 533, 642, 834)	Ex. 642	
Tetraethyl pyrophosphate—TEPP (Ex. 642).	Ex. 642	
Toxaphene—chlorinated camphene (Ex. 533, 598).	Ex. 533	
Zinc salts (Ex. 533, 642)	Ex. 642	0.56–2.47 p. p. m. (Ex. 604). 1.310–2.021 p. p. m., unwashed (Ex. 637). None to 0.053 p. p. m. washed (Ex. 637).

CRANBERRIES

Name of pesticide	Reference to method of application	Range in quantity of residues
Copper compounds—inorganic (Ex. 15, 18, 234).	Ex. 15	
Cyanides—inorganic (Ex. 15)	Ex. 15	
DDT (Ex. 15, 18)	Ex. 15, 18	0.2–3.9 p. p. m. (Ex. 261). Less than 2 p. p. m. 40 days after application, 6 lb. per acre, when sprayed July 20. Same concentration under drought conditions gave 4.4 p. p. m. residue 60–80 days after application (Ex. 10).
Ferbam—ferric dimethyldithiocarbamate (Ex. 15, 163).	Ex. 163	
Fluorine compounds—inorganic (Ex. 15)	Ex. 10, 15	18, 4, 8, 9, 7, 12 p. p. m. and two negligible (Ex. 10). 0.12–0.33 p. p. m. (5 samples) (Ex. 10). 0.1–0.5 p. p. m. (Ex. 261).
Lead arsenate (Ex. 15)	Ex. 15	0.6 p. p. m. lead (Ex. 261).
Lime sulfur (Ex. 15)	Ex. 15	
Methoxychlor (Ex. 18)	Ex. 18	None (Ex. 168 (p. 28b)).
Nicotine (Ex. 15)	For spittle insect, June 15 (Ex. 1.)	

FRUITS—Continued

CRANBERRIES—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Oil (Ex. 15, 18)	Ex. 15; R. 2766	
Paradichlorobenzene (Ex. 15)	Ex. 15	
Pyrethrum (Ex. 10, 15)		
Rotenone (Ex. 15)	R. 2751	
Sodium arsenate (Ex. 18)	As a herbicide (Ex. 18)	
Zineb—zinc ethylene bisdithiocarbamate (Ex. 163, 787).	R. 3053	
Ziram—zinc dimethyldithiocarbamate (Ex. 163, 234).	R. 3053	

CURRANTS

Name of pesticide	Reference to method of application	Range in quantity of residues
Copper compounds—inorganic (Ex. 232, 725, 834).	Ex. 725	
DDT (Ex. 161, 834)		
Dinitro compounds (Ex. 155, 725, 834)	Ex. 155	
Ferric dimethyldithio-carbamate—Ferbam—Fermate (Ex. 156, 834).		
Lead arsenate (Ex. 199, 232, 725, 769)	Ex. 199	Pb on unwashed fruit 2.9–19.1 p. p. m.; Pb on washed fruit 0.3–4.3 p. p. m. As on unwashed fruit 1.1–8.6 p. p. m.; As on washed fruit 0.1–1.6 p. p. m.
Lime (Ex. 155, 232, 725, 769, 834)	Ex. 155	
Nicotine (Ex. 153, 232, 769, 834)	Ex. 232	
Oil (Ex. 155, 725, 769)		
Parathion (Ex. 834)	Ex. 871	0.09–0.42 p. p. m. 40–49 days after application (Ex. 871). 0.03–0.44 p. p. m. 30–37 days after application (Ex. 406).
Pyrethrum (Ex. 725, 834)	Ex. 725	
Rotenone (Ex. 155, 725, 769, 834)	Ex. 725	
Sulfur (Ex. 232, 725, 834)	Ex. 232	
Tetraethyl pyrophosphate—TEPP (Ex. 834).	R. 2320	

DATES

Name of pesticide	Reference to method of application	Range in quantity of residues
Copper compounds—inorganic (Ex. 787 (table 28)).		
Ferris dimethyldithiocarbamate—Ferbam (Ex. 787).	Ex. 642	5–16 p. p. m. 65 percent removable in wash (Ex. 642 (p. 8)).
Parathion (Ex. 642; R. 3815)	Ex. 642	0.2–0.04 p. p. m. 60 days after application (Ex. 642 (p. 8)).
Sulfur (Ex. 692, 787)	Ex. 642	75–180 p. p. m., 95 percent removable in wash (Ex. 642 (p. 8)).

FIGS

Name of pesticide	Reference to method of application	Range in quantity of residues
Copper compounds—inorganic (Ex. 787)	R. 911	
Oil (Ex. 288)	Ex. 288	
Parathion (Ex. 288)	Ex. 297	0.02 p. p. m. 27 days after application; 0.06 p. p. m. 7 days after application (Ex. 297).
Tetraethyl pyrophosphate TEPP (Ex. 288).	Ex. 288	

GOOSEBERRIES

Name of pesticide	Reference to method of application	Range in quantity of residues
Copper compounds—inorganic (Ex. 155, 232, 725, 834).	Ex. 232, 834	
DDT (Ex. 161, 834)		
Dinitro compounds (Ex. 155, 725, 834)	Ex. 155, 725, 834	
Ferbam (Ex. 156, 834)		
Lead arsenate (Ex. 199, 725, 769, 834)	Ex. 769	
Lime (Ex. 155, 232, 769, 834)	Ex. 769	
Nicotine (Ex. 155, 232, 769, 834)	Ex. 834	
Oil (Ex. 155, 725, 769, 834)		
Phenyl mercury compounds (Ex. 156 (Connecticut)).		

FRUITS—Continued

GOOSEBERRIES—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Parathion (Ex. 358)	Ex. 358	
Pyrethrum (Ex. 725, 834)	Ex. 834	
Rotenone (Ex. 155, 725, 769, 834)	Ex. 834	
Sulfur (Ex. 156, 232, 725, 834)	Ex. 834	
Tetraethyl pyrophosphate—TEPP (Ex. 834).	R. 1628	
Thiram (Ex. 156)		
Zineb (Ex. 787 (table 29))		

GRAPES

Name of pesticide	Reference to method of application	Range in quantity of residues
Benzene hexachloride (Ex. 288) (Ex. 288)	Ex. 288	
bis (parachlorophenoxy) methane—K–1875—Neotran (Ex. 286).	Ex. 286	
Calcium cyanide (Ex. 161, 288)	Ex. 288	
Chlordane (Ex. 286)	Ex. 286	
Chloropicrin (Ex. 787)	Ex. 787	
Copper compounds—inorganic (Ex. 155, 318, 689, 834).	Ex. 155	
Copper-8-quinolinolate—Bioquin (Ex. 787).		
DDT (Ex. 286, 834)	Ex. 834	6.8–0.9 p. p. m. 11 to 106 days after application (Ex. 161). 8.3 to 0.4 p. p. m. (Ex. 260). 9.7 to 0.9 p. p. m. 20 to 108 days after application (Ex. 285). 0.7 p. p. m. 59 days after application (Ex. 297). 13.88–4.37 p. p. m. 43–87 days after application (Ex. 320). Pomace from grapes having 4 sprays range 113.0–161.0 p. p. m.; no residue in juice (Ex. 320). Under 7 p. p. m. if only two sprays used on grapes, Erie County, Pa. (Ex. 321). 8 p. p. m. from 4 sprays, no oil (Ex. 322). 20 p. p. m. from 4 sprays; oil used (Ex. 322). Average 11.2 p. p. m. 50 days after application, 4 applications (Ex. 404). Average 7.7 p. p. m. 50 days after application, 3 applications (Ex. 401). Average 3.1 p. p. m. 80-plus days after application, 2 applications (Ex. 404). Ex. 405 shows substantially the same as Ex. 404. 1.6–0.4 p. p. m. from 1 to 20 days after application of 5 percent dust 30 lb. per acre (Ex. 642). 7.12–1.19 p. p. m. 22–40 days after application, 2 to 4 sprays (Ex. 729).
2,3 dichloro 1,4 naphthoquinone—Phygon (Ex. 787).		
Dinitro compounds (Ex. 787)		
di(parachlorophenyl) methylcarbinol—Dimite—DMC (Ex. 286).	Ex. 286	
Ferric dimethyldithiocarbamate—Ferbam (Ex. 155, 318, 509, 834).	Ex. 155	
Fluorine compounds—inorganic (Ex. 288)	Ex. 288	Trace, 2.2 p. p. m. (Ex. 260).
Formaldehyde (Ex. 787)		
Lead arsenate (Ex. 155, 288, 340, 509, 721, 834).	Ex. 155	0.4–23.2 p. p. m. lead (Ex. 69). 0.4–10.8 p. p. m. As_2O_3 (Ex. 69). 0.6–11.8 p. p. m. lead (Ex. 260). 0.1–4.0 p. p. m. As_2O_3 (Ex. 260). 4.34–14.0 p. p. m. lead (Ex. 321).
Lime (Ex. 155, 296, 318, 834)		
Mercury compounds—organic (Ex. 787)	Ex. 1042	0.053 p. p. m. whole grapes without stems following 3 sprays (Ex. 1042).
Methoxychlor (Ex. 357, 762)	Ex. 357	
Methyl bromide (Ex. 787)		
Nabam—Dithane—D–14—disodium ethylene bisdithiocarbamate (Ex. 787).	Ex. 787	
Nicotine (Ex. 509, 834)	Ex. 834	0.4–2.2 p. p. m. (Ex. 69).
Oil (Ex. 315, 721, 834)		

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FRUITS—Continued

GRAPES—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Parathion (Ex. 286, 357, 318)	Ex. 357	0.02 p. p. m. 57 days after application; 0.50 p. p. m. 14 days after application (Ex. 69). 0.1–0.3 p. p. m. 30 days after application (Ex. 285). 0.34 p. p. m. 38 days after application (Ex. 297). 0–0.75 p. p. m. 22 days after application (Ex. 404). 0.005 p. p. m. 20 days after application (Ex. 642). 0.17 p. p. m. 15 days after application, 2 applications (Ex. 871). 0.9 p. p. m. 42 days after application, 4 applications (Ex. 871).
Rotenone (Ex. 834)		
Sodium arsenate (Ex. 288)		
Sulfur (Ex. 156, 286)	Ex. 288	
Tartar emetic (Ex. 263)	Ex. 263	
TDE-DDD-Rhothane—1,1 dichloro 2,2 bis (parachlorophenyl) ethane (Ex. 357).	Ex. 357	
TEPP (Ex. 286)		
Tetramethylthiuram disulfide—Thiram (Ex. 156).		
Zinc compounds—inorganic (Ex. 286)	Ex. 286	
Zinc ethylene bisdithiocarbamate—Zineb (Ex. 533, 787).		

GUAVAS

Benzene hexachloride (R. 3263)		
DDT (R. 3263)		
Ferbam (Ex. 787)		
Parathion (R. 3263)		
Rotenone (R. 3263)		
TEPP (R. 3263)		
Zineb (Ex. 787)		

MANGOES

Benzene hexachloride—BHC (Ex. 533)		
Copper compounds—inorganic (Ex. 533)		
Copper-8-quinolinolate (Ex. 787)		
DDT (Ex. 533)		
Ferbam (R. 3356)		
Lead arsenate (R. 3264)		
Lime		
Oil (Ex. 554)		
Parathion (Ex. 533)		
Sulfur (Ex. 533)		

PAPAYAS

Copper compounds—inorganic (Ex. 787)		
Chlordane (Ex. 533; R. 3265)	Ex. 533.	
DDT (Ex. 533; R. 3265)	Ex. 533.	
Ferbam (Ex. 787)		
Sulfur (Ex. 533; R. 3265)	R. 3265.	

PEACHES

Benzene hexachloride (Ex. 340, 509, 533, 834).	Ex. 340	0.1–0.5 p. p. m. (Ex. 62). 0.03–2.95 p. p. m. (Ex. 687). 0.4–2.2 p. p. m. (Ex. 1245).
Chlordane (Ex. 155, 509, 769, 834)	Ex. 155	0.1–0.4 p. p. m. (Ex. 62). 2.5–7.5 p. p. m. (Ex. 788). 2.4–3.2 p. p. m. (Ex. 1245).
Chlorethyl butylphenoxymethylethyl sulfite—Aramite (Ex. 762).		
Chloropicrin (Ex. 698, 787)	Ex. 698	
Copper compounds (Ex. 238, 769, 834)		
Copper-8-quinolinolate (Ex. 787)		

FRUITS—Continued

PEACHES—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Parathion (Ex. 155, 178, 340, 733, 834)	Ex. 834	Ave. 0.11 p. p. m. 13 days after application (Ex. 62; Tab. 6). Ave. 0.03 p. p. m. 19 days after application (Ex. 62; Tab. 7). 0.15 p. p. m. 25 days after application (Ex. 63). 0.16–0.42 p. p. m. 31 days after application (Ex. 63). 0.6 p. p. m. (Ex. 285). 0.2–0.39 p. p. m. 16 days after application (Ex. 297). 0.6–0.49 p. p. m. 8 days after application (Ex. 297). 0.2–0.5 p. p. m. (Ex. 334). 0.005–0.11 p. p. m. 30 days after application (Ex. 336). 1.55 p. p. m. peel 11 days after application (Ex. 336). 1.15 p. p. m. 10 days after application (Ex. 400). 0.2–0.6 p. p. m. 30 days after application (Ex. 642). 0.01–0.38 p. p. m. (Ex. 687). 0.01–0.3 p. p. m. 20–60 days after application (Ex. 738). 1.5 p. p. m. 10 days after application (peel) (Ex. 871). 0.01–0.3 p. p. m. 98–24 days after application (peel) (Ex. 871).
Pyrethrum (Ex. 16, 834)	Ex. 16	
Rotenone (Ex. 16)	Ex. 16	
Sulfur (Ex. 155, 164, 834)	Ex. 155	
TDE—1,1-dichloro 2,2-bis (parachlorophenyl) ethane (Ex. 164, 308, 721, 769, 834).	Ex. 164	
Tetraethyl pyrophosphate—TEPP (Ex. 155, 287, 308, 834).	Ex. 287	
Thiram (Ex. 787)		
Toxaphene (Ex. 762, 834)	Ex. 834	2.5–5.7 p. p. m. (surface) (Ex. 687).
Zinc compounds—inorganic (Ex. 156, 340, 834).	Ex. 834	1.03–1.32 p. p. m. (Ex. 62). 1.1–2.8 p. p. m. (Ex. 881).
Zineb—Dithane—zinc ethylene bisdithiocarbamate (Ex. 787).		
Ziram—Zerlate—zinc dimethyl dithiocarbamate (Ex. 164, 235, 787, 834).	Ex. 834	

PEARS

Cadmium compounds—inorganic (Ex. 430).	Ex. 430	
Calcium arsenate (Ex. 238, 834)	Ex. 238	
Calcium cyanamide (Ex. 787)		
Copper compounds—inorganic (Ex. 153, 234, 769, 834).	Ex. 834	None (Ex. 161).
Copper-8-quinolinolate—Bioquin (Ex. 787).		
DDT (Ex. 153, 155, 238, 834)	Ex. 153	8.4–2.1 p. p. m. 4 applications (Ex. 42). 3.7–0.8 p. p. m. 30 days after application (Ex. 161). 3.5–0.3 p. p. m. (Ex. 184B). 4.9–0.9 p. p. m. (Ex. 181D). 6.3–0.1 p. p. m. (Ex. 184K). 6.0–2.1 p. p. m. (Ex. 251). 5.7–0.3 p. p. m. (Ex. 259). 36 percent to 59 percent removal with Balab wash (Ex. 284). 4.2–0.8 p. p. m. (Ex. 285). 10.2–0.3 p. p. m. (Ex. 297). 2.7–0.4 p. p. m. (Ex. 642).
2,3-dichloro 1,4-naphtho-quinone—Phygon (Ex. 787).		
2,4 - dichlorophenoxyacetic acid—2,4-D (Ex. 168).	Ex. 168	
Dinitro compounds (Ex. 155, 238, 834)	Ex. 238	
Ferbam (Ex. 153, 156, 234, 769, 834)	Ex. 153	
Fluorine compounds—inorganic (Ex. 153, 834).	Ex. 153	Generally 7 p. p. m. or below (Ex. 183C).

FRUITS—Continued

PEACHES—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
DDT (Ex. 155, 164, 340, 834)	Ex. 834	0.7–6.0 p. p. m. (Ex. 34). 6.0–10.0 p. p. m. 11 days after application (Ex. 63). 5.0–10.0 p. p. m. 17 days after application (Ex. 63). 4.0–7.0 p. p. m. 25 days after application (Ex. 63). 2.6–4.5 p. p. m. 32 days after application (Ex. 63). 2.0–14.0 p. p. m. 93 to 31 days after application (Ex. 63). Brushing can reduce residue up to 50 percent (Ex. 63). 2.7 p. p. m. (Ex. 285). 2.1 p. p. m. 26 days after application (Ex. 297). 8.0–9.7 p. p. m. 30 days after application (Ex. 344). 2.3–8.8 p. p. m. (Ex. 400). 0.39–4.39 p. p. m. (Ex. 729). 6.9 p. p. m. (Ex. 1245).
2,3 dichloro 1,4 naphthoquinone—Phygon (Ex. 164, 234, 834).	Ex. 834	
Dichloropropene—DD Mixture (Ex. 696, 787).	Ex. 696	
Dinitro compounds—DN compounds (Ex. 296, 509, 834).	Ex. 296	
di(parachlorophenyl) methyl carbinol—Dimite—DMC (Ex. 287, 769).	Ex. 287	
Ethylene dibromide (Ex. 696, 787)	Ex. 696	
Ethylene dichloride (Ex. 5, 733, 834)	Ex. 834	
Ferbam (Ex. 164, 234, 787)		
Fluorine compounds—inorganic (Ex. 164; R. 360).	Ex. 164	1.9–0.3 p. p. m. (Ex. 62).
Glyoxalidines — 1-heptadecylglyoxalidine—Crag 341-C (Ex. 787).		
Lead arsenate (Ex. 287, 721, 769, 834)	Ex. 834	0.4–0.7 p. p. m. As_2O_3 (Ex. 62). 1.3–2.1 p. p. m. Pb (Ex. 62). 0.5–0.01 p. p. m. As_2O_3 28–40 days after application (Ex. 62). 1.5–0.03 p. p. m. Pb 28–40 days after application (Ex. 62). 4.9–2.0 p. p. m. Pb. Pb residues reduced ⅓ to ½ by brushing (Ex. 62; Tab. 9). 1.0 p. p. m. As_2O_3 (Ex. 161). 2.2–2.6 As_2O_3 (Ex. 738).
Lime (Ex. 156, 340, 834)	Ex. 156	
Manganese compounds—inorganic (Ex. 5).	Tree injection; Ex. 5.	
Mercury compounds—organic (Ex. 156, 164, 234, 834).	Ex. 156	
Methoxychlor (Ex. 155, 762, 834)	Ex. 155	1.01–1.33 p. p. m. (Ex. 62). 52.3–3.38 p. p. m. 1–45 days after application (Ex. 1006C). 9.9. p. p. m. 28 days after application (Ex. 1245).
Methyl bromide (Ex. 787)		
Nabam (Ex. 787)		
Nicotine (Ex. 161, 834)	Ex. 161	
Oil (Ex. 155, 287, 834)	Ex. 287	
Paradichlorobenzene-PDB (Ex. 291, 733, 834).	Ex. 834	
Parathion (Ex. 155, 178, 340, 733, 834)	Ex. 834	0.14–0.16 p. p. m. 9 days after application (Ex. 34). 0.16–0.13 p. p. m. 39 days after application (Ex. 34). Peel 0.65–3.18 p. p. m. 1 day after application (Ex. 62; Tab. 5). Pulp 0.07–0.21 p. p. m. 1 day after application (Ex. 62; Tab. 5). Peel 0.04–0.11 p. p. m. 28 days after application (Ex. 62, Tab. 5). Pulp 0.0005–0.04 p. p. m. 28 days after application (Ex. 62, Tab. 5). 0.22–1.55 p. p. m. 11 days after application (Ex. 62, Tab. 6). Ave. 0.02 p. p. m. 28 days after application (Ex. 62, Tab. 6).

FRUITS—Continued

PEARS—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Glyoxalidines—Crag 341-C (Ex. 163, 787)		
Lead arsenate (Ex. 153, 155, 238, 340, 834)	Ex. 153	32/39 samples 7 p. p. m. Pb (Ex. 183C). 3/39 samples 14 p. p. m. Pb (Ex. 183C). 0.3–6.8 p. p. m. Pb (Ex. 259). 0.1–3.3 p. p. m. As (Ex. 259). 5–18 p. p. m. lead arsenate Ex. 285).
Lime (Ex. 153, 155, 234, 769, 834)	Ex. 155	
Mercury compounds—organic (Ex. 430, 787).	Ex. 430	
Nabam (Ex. 787)		
1-naphthaleneacetic acid (Ex. 168, 925)	Ex. 925	
Nicotine (Ex. 155, 834)	Ex. 155	
Oil (Ex. 153, 155, 834)	Ex. 153	
Parathion (Ex. 153, 155, 834)	Ex. 153	2 lb. per gal.: 1 day after application 2.5 p. p. m.; 7 days after application 0.6 p. p. m.; 14 days after application 0.4 p. p. m.; 28 days after application 0.3 p. p. m. (Ex. 21). 0.1 p. p. m. 30 days after application (Ex. 161). 0.08 p. p. m., days after application not indicated (Ex. 285). 0.09 p. p. m. 39 days after application (Ex. 297). 0.03–0.08 p. p. m. 21 days after application (Ex. 642). 0.01–0.04 p. p. m. 33 days after application (Ex. 642). 0.01 p. p. m. 14 days after application (Ex. 667). 0.03–0.05 p. p. m. 30 days after application (Ex. 871). 0.01–0.04 p. p. m. 30+ days after application (Ex. 185).
Pyrethrum (Ex. 834)		
Rotenone (Ex. 153, 834)	Ex. 834	
Sulfur (Ex. 153, 156, 234, 834)	Ex. 834	
TDE—DDD—Rhothane (Ex. 286, 834)	Ex. 286	1.8 p. p. m. (Ex. 161).
Tetraethyl pyrophosphate—TEPP (Ex. 153, 834).	Ex. 153	
Thiram (Ex. 787)		
Toxaphene (Ex. 834)	Ex. 834	
Zinc compounds—inorganic (Ex. 5)		
Zineb (Ex. 153, 787, 834)		
Ziram (Ex. 153, 163, 787)		

PINEAPPLE

(All data obtained from Exhibit 780)

BHC	For mealy bugs and ants.	
Chlordane	do	
DDT [1]	do	0–0.1 p. p. m. on flesh basis (Ex. 780). 3.3–7.6 p. p. m. on shell 3 days after application (Ex. 780). 0.2–3.1 p. p. m. on shell 11–40 days after application (Ex. 780).
Diethylparanitrophenyl-phosphate	do	
EPN [1]	do	
Lindane	do	
Methoxychlor	do	
Octomethylpyrophosphoramide	do	
Oil emulsions [1]	do	
Parathion	do	0–0.2 p. p. m. flesh 14 days after application (Ex. 780). 0–2.0 p. p. m. on shell 30 days after application (Ex. 780).
Aldrin	For soil treatment.	
Chloropicrin [1]	do	
DDT [1]	do	
Dieldrin	do	
Ethylene chlorobromide [1]	do	
Ethylene dibromide [1]	do	
Calcium chloride [1]	For plant growth promotion.	
Ethylene [1]	do	
Sodium alphanaphthaleneacetic acid [1]	do	

[1] Indicates chemicals in use during 1950.

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FRUITS—Continued

PINEAPPLE—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Sodium betanaphthoxyacetic acid [1]	For plant growth promotion.	
Sodium phenoxy-alphapropionic acid [1]	do	
Pentachlorophenol [1]	As a herbicide	
Sodium pentachlorophenate [1]	do	
Sodium trichloroacetate [1]	do	

PLUMS

Name of pesticide	Reference to method of application	Range in quantity of residues
Benzene hexachloride (Ex. 315, 356, 834)	Ex. 315	
Calcium arsenate (Ex. 16)		
Chlordane (Ex. 155, 724, 834)	Ex. 155	
Chloroethyl butylphenoxymethylethyl sulfite—Aramite (Ex. 762).		
Copper compounds—inorganic (Ex. 155, 295, 315, 340, 834).	Ex. 709	
DDT (Ex. 153, 155, 164, 834)	Ex. 155	0.5–1.0 p. p. m. (Ex. 297).
Dinitro compounds	Ex. 350	0–0.2 p. p. m. (Ex. 974).
di(parachlorophenyl) methylcarbinol—Dimite—DMC (Ex. 154).	Ex. 154	
Ethylene dichloride (Ex. 356, 834)	Ex. 356	
Ethyl paranitrophenylthiophosphonate—EPN (Ex. 762).	Ex. 1008C	0.002–0.55 p. p. m. (Ex. 1008C).
Ferbam (Ex. 156, 164, 834)	Ex. 156	
Fluorine compounds—inorganic (Ex. 293)	Ex. 293	
Glyoxalidines (Ex. 787)		
Lead arsenate (Ex. 164, 237, 340, 834)	Ex. 155	
Lime (Ex. 153, 156, 533, 834)	Ex. 155	
Mercury compounds—organic (Ex. 787)		
Methoxychlor (Ex. 156, 762)	Ex. 155	0.85–3.96 p. p. m. (Ex. 1006C).
Nabam (Ex. 787)		
Nicotine (Ex. 237, 356, 709, 834)	Ex. 356	
Oil (Ex. 153, 155, 237, 834)	Ex. 356	
Paradichlorobenzene (Ex. 153, 356, 834)	Ex. 356	
Parathion (Ex. 155, 178, 315, 834)	Ex. 153	0.01 p. p. m. 60 days after application (Ex. 161). 0.01 p. p. m. 68–98 days after application (Ex. 297). 0.5–0.6 p. p. m. at harvest (Ex. 354). 0.19 p. p. m. 10 days after application (Ex. 402). 0–0.38 p. p. m. 5 days after application (Ex. 871).
Propylene dibromide (Ex. 356, 834)		
Pyrethrum (R. 1418)		
Rotenone (Ex. 153)		
Sulfur (Ex. 153, 156, 237, 834)	Ex. 155	
Tartar emetic (R. 1061)		
TDE-DDD-Rhothane (Ex. 153, 315, 762)	Ex. 153	0.6 p. p. m. (Ex. 161).
Tetraethyl pyrophosphate—TEPP (Ex. 153, 155, 315, 834).	Ex. 153	0.14–0.92 p. p. m. (Ex. 297).
Thiram (Ex. 787)		
Toxaphene (Ex. 762, 834)	Ex. 834	
Zinc compounds—inorganic (Ex. 156, 284, 745, 834).	Ex. 834	
Zineb (Ex. 787)		
Ziram (Ex. 787)		

QUINCES

Name of pesticide	Reference to method of application	Range in quantity of residues
Cadmium compounds—inorganic (Ex. 430).	Ex. 430	
Copper compounds—inorganic (Ex. 163, 430, 787).	Ex. 163	
DDT (Ex. 155, 354)	Ex. 155	3–7 p. p. m. (Ex. 403).
Dinitro compounds (Ex. 354)	Ex. 354	
Ferbam (Ex. 155, 163, 430)	Ex. 430	
Glyoxalidine—Crag 341–C (Ex. 163)	Ex. 163	
Lead arsenate (Ex. 155, 354)	Ex. 354	
Lime (Ex. 155, 163, 354)	Ex. 163	
Mercury compounds—organic (Ex. 430)	Ex. 430	
Nicotine (Ex. 155)	Ex. 155	
Oil (Ex. 354)	Ex. 354	Experimental residue study: 66 p. p. m. 21 days after application (Ex. 1029).
Parathion (Ex. 354)	Ex. 354	

[1] Indicates chemicals in use during 1950.

FRUITS—Continued

QUINCES—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Rotenone (Ex. 155)	Ex. 155	
Sulfur (Ex. 155, 163)	Ex. 430	
Thiram (Ex. 787)		
Ziram (Ex. 163)	Ex. 163	

RASPBERRIES

Name of pesticide	Reference to method of application	Range in quantity of residues
Calcium arsenate (Ex. 835)	Ex. 835	
Chlordane (Ex. 834)	Ex. 834	
Chloropicrin (Ex. 787)		
Copper compounds—inorganic (Ex. 156, 230, 696, 721, 834).	Ex. 696	
DDT (Ex. 155, 199, 295, 509, 834)	Ex. 295	
2,3 dichloro 1,4 naphthoquinone (Ex. 156).		
Dinitro compounds (Ex. 155, 168, 453, 721)	Ex. 453	
Ferbam (Ex. 155, 453, 725, 834)	Ex. 155	
Fluorine compounds (Ex. 168)	Ex. 75	1–6.3 p. p. m. (Ex. 75). 0.6–7.0 p. p. m. (Ex. 192).
Formaldehyde (Ex. 787)		
Glyoxalidine (Ex. 787)		
Lead arsenate (Ex. 155, 199, 725, 769, 834)	Ex. 155, 834	Maximum 1933/36, 8 p. p. m. As_2O_3 (Ex. 75). Maximum 1933/36, 21 p. p. m. Pb (Ex. 75).
Lime (Ex. 155, 696, 725, 769)	Ex. 834	
Mercury compounds—organic (Ex. 156, 787).		
Methoxychlor (Ex. 168 (28c))		
Nabam (Ex. 163, 787)		
Oil (Ex. 199, 769)	Ex. 199, 769	
Parathion (Ex. 161, 295, 834)	Ex. 295	0.02–0.1 p. p. m., 7 days after application (Ex. 192).
Pyrethrum (Ex. 725)	Ex. 725	
Rotenone (Ex. 75, 509, 725, 834)	Ex. 509	
Sulfur (Ex. 156, 295, 690, 721, 834)	Ex. 690	
TDE—DDD—Rhothane (Ex. 168, 199, 295).	Ex. 199	1.0–12.5 p. p. m. (Ex. 192). 1.1–13.4 p. p. m. (Ex. 199).
TEPP (Ex. 161, 689, 834)	Ex. 834	
Thiram (Ex. 787)		
Toxaphene (Ex. 834)	Ex. 834	
Zineb (Ex. 457, 898b, 787)		
Ziram (Ex. 453, 787)	Ex. 453	

RHUBARB

Name of pesticide	Reference to method of application	Range in quantity of residues
Copper compounds—inorganic (Ex. 195, 787).	Ex. 156	
DDT (R. 439)	R. 439	
Formaldehyde (Ex. 156)	Ex. 156	
Lime-aluminum-sulfate (R. 439)	R. 439	
Mercury compounds—inorganic (Ex. 156)	Ex. 156	

STRAWBERRIES

Name of pesticide	Reference to method of application	Range in quantity of residues
Benzene hexachloride (Ex. 834)		
Calcium arsenate (Ex. 71, 281, 834)	Ex. 71, 834	
Chlordane (Ex. 153, 530, 751, 834)	Ex. 153	
Chloropicrin (Ex. 787)		
Copper compounds—inorganic (Ex. 156, 281, 696, 709, 834).	Ex. 696	
DDT (Ex. 530, 689, 834)	Ex. 689	1 p. p. m. (Ex. 161). 3.4 p. p. m. (Ex. 206). 0.6 p. p. m. (Ex. 285).
Dinitro compounds (Ex. 281, 689)	Ex. 689	
Ethylene dibromide (Ex. 696, 787)	Ex. 696	
Ferbam (Ex. 745, 787)	Ex. 745	
Fluorine compounds—inorganic (Ex. 71, 834).	Ex. 834	
Formaldehyde (Ex. 787)		
Lead arsenate (Ex. 530, 709, 834)	Ex. 709	
Lime (Ex. 709, 834)	Ex. 709	
Methoxychlor (Ex. 709)		
Methyl bromide (Ex. 787)		

FRUITS—Continued

STRAWBERRIES—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Nabam (Ex. 156, 787)	Ex. 156	
Nicotine (Ex. 153, 281, 530, 834)	Ex. 153	
Oil (Ex. 153, 834)	Ex. 834	
Parathion (Ex. 153, 360, 689, 751)	Ex. 153	0.20–0.1 p. p. m. 4 days after application (Ex. 642). None 30 days after application (Ex. 642). 0.2 p. p. m. 10 days after application (Ex. 871).
Pyrethrum (Ex. 834, 723)		
Rotenone (Ex. 733, 769, 834)	Ex. 769	
Sabadilla (Ex. 751)		
Sulfur (Ex. 281, 530, 689, 834)	Ex. 689	
TDE—DDD—Rhothane (Ex. 360, 762)	Ex. 360	
Tetraethyl pyrophosphate—TEPP (Ex. 153, 689, 834).	Ex. 153	
Thiram (Ex. 787)		
Toxaphene (Ex. 834)	Ex. 834	
Zineb (Ex. 156)	Ex. 156	

VEGETABLES

ARTICHOKES

Name of pesticide	Reference to method of application	Range in quantity of residues
Arsenic-metaldehyde baits (Ex. 290)	Ex. 290	
DDT (Ex. 290)	Ex. 290	
Nicotine (Ex. 290)	Ex. 290	
Parathion (Ex. 290)	Ex. 290	0–0.22 p. p. m. (Ex. 285). 0.22 p. p. m. 17 days after application (Ex. 297). 0.03 p. p. m. 58 days after application (Ex. 297). 1.00 p. p. m. 30 days after application (Ex. 161).

ASPARAGUS

Name of pesticide	Reference to method of application	Range in quantity of residues
BHC (Ex. 161)		
Calcium arsenate (Ex. 165, 834)		
Chloropicrin (Ex. 787)		
DDT (Ex. 201, 834, 887)	Not applied commercially; Ex. 364.	Experimental: 5.9 p. p. m. 3 days after application (Ex. 205); 1.7 p. p. m. 3 days after application and processing (Ex. 898).
Ethylene dibromide (Ex. 787)		
Ferbam (Ex. 787)		
Lead arsenate (Ex. 364, 834)	Ex. 364	
Methoxychlor (Ex. 699, 887)	Ex. 699	
Methyl bromide (Ex. 787)		
Nicotine (Ex. 726)		
Pyrethrum (R. 2936)	R. 2936	
Rotenone (Ex. 155, 164, 834, 887)	Ex. 165	
Sulfur (Ex. 513, 787; R. 2981)		
Toxaphene (Ex. 726)	Ex. 726	

BEANS—LIMA

Name of pesticide	Reference to method of application	Range in quantity of residues
Benzene hexachloride (Ex. 886)	To pods; Ex. 886	
Chlordane (Ex. 751)	To pods; Ex. 751, 834	
DDT (Ex. 702, 886)	To pods, Ex. 886	
Ferbam (Ex. 787)		
Fluorine compounds (Ex. 834)	To pods, Ex. 834	
Magnesium arsenate (Ex. 762)		
Mercury compounds—organic (Ex. 854)	To seed; Ex. 854	
Methoxychlor (Ex. 702, 834 (New Jersey))	To pods; Ex. 834	
Nabam (Ex. 787)		
Nicotine (Ex. 834, 886)	To pods; Ex. 886	
Parathion (Ex. 702, 834 (New Jersey))	To pods; Ex. 834	
Pyrethrum (Ex. 834)	To pods, Ex. 834 (New Jersey).	
Rotenone (Ex. 762, 834 (New Jersey))	To pods; Ex. 834 (New Jersey).	
Sabadilla (Ex. 834)	To pods; Ex. 834 (Louisiana).	
Sulfur (Ex. 886)	To pods; Ex. 834 (New Jersey), 886.	
Tetraethyl pyrophosphate (Ex. 161)	To pods; Ex. 161	

VEGETABLES—Continued

BEANS—LIMA—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Thiram (Ex. 513)	Ex. 513	
Toxaphene (Ex. 533, 762)		
Zineb (Ex. 710, 787)	Ex. 787	
Ziram (Ex. 787)		

BEANS—SNAP (SUCCULENT)

Name of pesticide	Reference to method of application	Range in quantity of residues
Benzene hexachloride (Ex. 886)	Ex. 886	
Chlordane (Ex. 834)	Ex. 834 (Louisana)	
DDT (Ex. 161, 762)	Ex. 161, 886	1 p. p. m. 5 percent dust (Ex. 375). 0.1–0.41 p. p. m. at harvest (Ex. 1246). 0.8–0.31 p. p. m. after blanching (Ex. 1246). 0.02–0.11 p. p. m. canned (Ex. 1246).
Fluorine compounds—inorganic (Ex. 834)	Ex. 834	
Magnesium arsenate (Ex. 762)		
Mercury compounds—organic (Ex. 853)	Ex. 853	
Methoxychlor (Ex. 834, 762)	Ex. 834	0.09–0.15 p. p. m. after canning (Ex. 1246).
Nicotine (Ex. 886)	Ex. 886	
Parathion (Ex. 762, 834 (New Jersey))	Ex. 762, 834	0.80–0.34 p. p. m. few hours after application (Ex. 204). 0.09 p. p. m. 2 days after application (Ex. 204). 0.08–0.14 p. p. m. 7 days after application (Ex. 204). 0.01 p. p. m. 5 days after application (Ex. 375). 0.09–0.88 p. p. m. (Ex. 871). Parathion 20 percent and 80 percent methyl ester: (3 lb./100 gal.) 2.1 p. p. m. 4 days after application; 1.0 p. p. m. 8 days after application; 0.4 p. p. m. 11 days after application; 0.2 p. p. m. 16 days after application (Ex. 878). Parathion 20 percent and 80 percent methyl ester (3 lb./100 gal.); 7 p. p. m.–0 p. p. m. 4 days after application; 12 p. p. m.–0.3 p. p. m. 4 days after application (1 lb./100 gal.); 30 p. p. m.–1.0 p. p. m. 4 days after application (3 lb./100 gal.) (Ex. 879). 0.09 p. p. m.–0.08 p. p. m. 2 to 7 days after application, ½ percent dust, 50 lb. per acre (Ex. 898B). 0.23 p. p. m. 0 days after application dusted 0.31 lb. per acre; 0.01 p. p. m. 4 days after application 0.31 lb. per acre (Ex. 1246).
Pyrethrum (Ex. 834 (New Jersey))	Ex. 834 (New Jersey)	
Rotenone (Ex. 762, 834)	Ex. 834 (New Jersey)	
Sabadilla (Ex. 834)	Ex. 834 (Louisiana)	
Sulfur (Ex. 834, 886)	Ex. 834 (New Jersey) 834.	
TEPP (Ex. 165)	Ex. 165	
Thiram (Ex. 513)	Ex. 513, 745	
Toxaphene (Ex. 533, 762)		
Zineb (Ex. 157)	Ex. 157	10.2–3.0 p. p. m. 0–5 days after application (Ex. 1010B).

BEANS NOT OTHERWISE SPECIFIED

Name of pesticide	Reference to method of application	Range in quantity of residues
Benzene hexachloride (Ex. 161, 866)	Ex. 161	Ex. 161.
Bismuth subsalicylate (Ex. 787 (Tab. 67))		
Calcium arsenate (Ex. 201)		
Calcium cyanamide (Ex. 787)		
Carbon disulfide (Ex. 201)		
Chlordane (Ex. 525, 834)	Ex. 161	
Copper compounds—inorganic (Ex. 513, 745, 787).	Ex. 513, 843	
Copper arsenite (Ex. 161, 533, 834)	Ex. 161, 533	
DDT (Ex. 201, 533, 834)	Ex. 834	0.8–4.1 p. p. m. 3 and 5% dust 3 days after application (Ex. 205).
2,3 dichloro 1,4 napthoquinone (Ex. 156)	Ex. 156	0.6–1.8 p. p. m. (Ex. 285 (p. 15)).
Dinitro compounds (R. 591)	R. 591	
Ethylene dibromide (Ex. 161)	Ex. 161	
Ferbam (Ex. 555, 745, 787)	Ex. 555	
Fluorine compounds (Ex. 71, 201, 834)		
Mercury compounds—inorganic (Ex. 787)		

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VEGETABLES—Continued

BEANS NOT OTHERWISE SPECIFIED—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Mercury compounds—organic (Ex. 787)		
Methoxychlor (Ex. 161, 834)	Ex. 161, 834	0.3–1.4 p. p. m. (Ex. 285). 0.5 p. p. m. 3 days after application (Ex. 898B 11).
Nabam (Ex. 555, 787)	Ex. 555	
Nicotine (Ex. 201)		
Parathion (Ex. 533, 834)	Ex. 834	0.8 p. p. m. (Ex. 285).
Rotenone (Ex. 161, 834)	Ex. 161, 834	
Sulfur (Ex. 161, 555)	Ex. 161, 555	
TDE, DDD, Rhothane (Ex. 161, 533)	Ex. 161, 533	
Thiram (Ex. 745)	Ex. 745	
Toxaphene (Ex. 745)		
Zineb (Ex. 555)	Ex. 555	
Ziram (Ex. 834)	Ex. 834	Green beans: 9.8 p. p. m.; 17.3 p. p. m. 3 days after application; 3.2 p. p. m. 6 days after application (Ex. 1009 F).

BEETS

Benzene hexachloride (Ex. 161, 699)	To tops; Ex. 699	
Chlordane (Ex. 529, 726, 887, 889)	To tops; Ex. 887	
Copper compounds (Ex. 156, 834, 886)	To tops; Ex. 834 (Ohio).	
DDT [3] (Ex. 161, 699, 726, 887)	To tops; Ex. 161, 699 Ex. 834 (Louisiana) (Texas), 201.	
Dichloropropane (Ex. 161)	To soil, Ex. 161	Ex. 978.
Ethylene dibromide (Ex. 161)	do	Ex. 978.
Ferbam (R. 3310)	To tops; R. 3310	
Fluorine compounds [1] (Ex. 699, 834 (Louisiana) (Texas)).	To tops; Ex. 699 Ex. 834 (Louisiana) (Texas).	
Mercury compounds—organic (Ex. 71, 156, 163).	To seed; Ex. 71, 156, 163.	
Methoxychlor (Ex. 889)	To tops; Ex. 889	
Nabam (Ex. 787, 834; R. 3310)	To tops; R. 3310	
Nicotine (Ex. 161, 699)	To tops, Ex. 165, 699	
Parathion (Ex. 699)	To tops; Ex. 699. To soil; Ex. 871.	0.03 p. p. m. surface 67 days after application soil treatment 25 lb. acre (Ex. 871). 0.06 p. p. m. surface 67 days after application soil treatment 100 lb. acre (Ex. 871).
Pyrethrum (Ex 699, 887)	To tops; Ex. 887	
	To roots; Ex. 699	
Rotenone (Ex. 699, 726, 834)	To tops; Ex. 699, 834	
Sulfur (Ex. 834)	To tops; Ex. 834	
TEPP (Ex. 699)	To tops; Ex. 165, 699	
Zineb (Ex. 787, 834; R. 3310)	To tops; R. 3310	
Ziram (Ex. 787, 834; R. 3310)	To tops; R. 3310	

BROCCOLI

Benzene hexachloride (Ex. 362, 533)	Ex. 362	
Calcium arsenate [2] (Ex. 71; R. 1267)	Ex. 71	
Chlordane (Ex. 165, 362, 527)	Ex. 527	
Copper compounds—inorganic (Ex. 745)	Ex. 745	
Copper-8-quinolinolate	For seed treatment (Ex. 156).	
DDT [3] (Ex. 165, 362, 507, 527)	Ex. 527, 834	10.2, 7.6, 4.8 p. p. m. (Ex. 205). 4.8 p. p. m. (processed) (Ex. 285).
2,3 dichloro 1,4 naphthoquinone (Ex. 555, 787, 853).	To seed and soil; Ex. 555, 787, 853.	
Ferbam (Ex. 745)	Ex. 745	
Fluorine compounds—inorganic [2] (Ex. 71; R. 1267).	Ex. 71	
Lime (Ex. 745)	To soil; Ex. 745	
Mercury compounds—inorganic (Ex. 507, 513, 745).	To seed; Ex. 745 To soil; Ex. 513 To roots; Ex. 507	
Mercury compounds—organic (Ex. 156, 787).	To seed, Ex. 156	
Methoxychlor (Ex. 834 [4])		

[3] Not used if tops are to be eaten.
[4] Not recommended for use after heads form, Ex. 71, 165, 507.

VEGETABLES—Continued

BROCCLI—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Nabam (Ex. 555, 787)		
Nicotine (Ex. 71, 362, 533, 834)	Ex. 71, 362	
Parathion (Ex. 362, 527, 533)	Ex. 362, 527, 533	0.22 p. p. m. 2 days after application (airplane); 0.42 p. p. m. 2 days after application (ground duster); 0.47 p. p. m. 7 days after application (hand duster) (Ex. 264). 0.48 p. p. m. 1 day after application, heads; 0.50–0.73 p. p. m. 1 day after application, leaves; 0.83 p. p. m. 2 days after application, heads; 0.29–0.36 p. p. m. 2 days after application, leaves; 0.66 p. p. m. 7 days after application, heads; 0.21 p.p.m. 7 days after application, leaves (Ex. 531). 0.3 p. p. m. 2 days after application, surface (Ex. 871). 0.47–0.5 p. p. m. 7 days after application (Ex. 898B 11).
Pyrethrum (Ex. 71, 362, 507)	Ex. 71, 362	
Rotenone (Ex. 71, 165, 362, 507)	Ex. 71, 362	
Sabadilla (Ex. 834 (Texas))	Ex. 834 (Texas)	
Sulfur (Ex. 787, 834)		
TDE [4] (Ex. 362, 886)	To seedbeds; Ex. 362	
TEPP (Ex. 165, 362, 527)	Ex. 362, 527	
Thiram (Ex. 533, 745, 853)	To seed; Ex. 533, 745	
Toxaphene (Ex. 527)	Ex. 527	
Zinc compounds—inorganic (Ex. 472, 787)	To seed and soil; Ex. 472, 787.	
Zineb (Ex. 745, 787)	Ex. 745	
Ziram (Ex. 555, 745)	Ex. 555, 745	

BRUSSELS SPROUTS

Aldrin (Ex. 200)	Ex. 200	
Arsenic-metaldehyde baits (Ex. 200)	Ex. 200	
Benzene hexachloride (Ex. 200, 699, 762)	To seed; Ex. 200, 699	
Calcium arsenate [2] (Ex. 71)	Ex. 71, 835	
Chlordane (Ex. 200, 362, 834)	Ex. 200, 362	
Copper compounds—inorganic (Ex. 555, 787).	Ex. 555	
Copper-8-quinolinolate (Ex. 156)	To seed; Ex. 156	
DDT [3] (Ex. 155, 200, 699, 834)	Ex. 155, 200, 699, 834 (Louisiana).	
2-3 dichloro 1,4 naphtho-quinone—Phygon (Ex. 555, 787, 853).	To seed; Ex. 555, 853	
Ferbam (Ex. 555, 787; R. 3310)	Ex. 555	
Fluorine compounds [1] (Ex. 71, 699)	Ex. 71, 699	
Mercury compounds—inorganic (Ex. 362, 472, 787, 834).		
Mercury compounds—organic (Ex. 156, 787, 853).	Ex. 156	
Methoxychlor (Ex. 762, 834)		
Nabam (Ex. 555, 787)	Ex. 555	
Nicotine (Ex. 155, 200, 699, 831)	Ex. 699	
Parathion (Ex. 200, 834)	Ex. 200	0.4–0.7 p. p. m. 4 days after application; 0.1 p. p. m. 11 days after application; none 17 days after application; 1.9–0.8 p. p. m. 4 days after application; 2.9–0.2 p. p. m. 11 days after application; 1.5–0 p. p. m. 17 days after application (Ex. 871).
Pyrethrum (Ex. 156, 699, 834)	Ex. 699	
Rotenone (Ex. 155, 699, 834)	Ex. 200, 699	
Sabadilla (Ex. 699, 834)	Ex. 699	
Sulfur (Ex. 787, 834)	To seedbeds; Ex. 834 (Louisiana.) [4]	
TDE (R. 2397)	R. 2397	
Tetrachlorobenzoquinone—Spergon (Ex. 71, 555, 834).	Ex. 834	
Tetraethyl pyrophosphate (Ex. 200, 699, 834).	Ex. 200, 699	

[4] Not recommended to be used after heads form; Ex. 362.
[4] Not to be used after sprouts begin to form; Ex. 71, 155, 200, 834.

VEGETABLES—Continued

BRUSSELS SPROUTS—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Thiram (Ex. 71)	To seed and seedlings (Ex. 71)	
Zineb (Ex. 555, 787)	Ex. 555	
Ziram (Ex. 555, 787)	Ex. 555	

CABBAGE

Arsenic-metaldehyde bait (Ex. 200)	Ex. 200	
Benzene hexachloride (Ex. 200, 699)	Ex. 200, 699	
Bioquin (Ex. 156)	Ex. 156	
Calcium arsenate [6] (Ex. 71, 161, 201, 733)	Ex. 71	Ex. 161.
Chlordane (Ex. 200, 507, 726, 834)	Ex. 200, 726	Ex. 161.
Chloropicrin (Ex. 787)	Ex. 787	
Copper arsenate (Ex. 835 (p. 32); R. 1846, 1855).	To small plants; Ex. 835 (p. 32); R. 1855.	0.1–4.7 p. p. m. As_2O_3 (Ex. 66). 0.04–11.3 p. p. m. As_2O_3 (Ex. 66).
Copper compounds—inorganic (Ex. 513, 555, 745, 889).	Ex. 745	
DDT [6] (Ex. 155, 201, 527, 826, 834)	Ex. 155, 327	0.02–9.0 p. p. m. whole head (Ex. 68). 54.5–59.9 p. p. m. outer leaves (Ex. 68). 0.2–1.1 p. p. m. (Ex. 161). 4.2 p. p. m. outer leaves (Ex. 285). 1.1 p. p. m. inner leaves (Ex. 285).
2,3 dichloro 1,4 naphthoquinone—Phygon (Ex. 555, 787, 853).	To seedbeds; Ex. 555, 853.	
Dieldrin (Ex. 327)	Ex. 327	
Ethylene dibromide (Ex. 787)		
Ferbam (Ex. 163, 555, 710, 787)	Ex. 555, 710	
Fluorine compounds—inorganic (Ex. 699, 733, 889).	Ex. 699	1.2 p. p. m. (Ex. 68).
Lime (Ex. 513, 745)		
Mercury—inorganic compounds (Ex. 507, 513, 699, 726, 834).	Ex. 507	
Mercury—organic compounds (Ex. 507)	To seed; Ex. 507	
Methoxychlor (Ex. 533, 834, 889)		5.8–13.5 p. p. m. (Ex. 1006C).
Methyl bromide (Ex. 787)		
Nabam (Ex. 527, 787)	Ex. 527	
Nicotine (Ex. 155, 201, 362, 834)	Ex. 699	None (Ex. 161).
Parathion (Ex. 200, 362, 527, 834)	Ex. 527	0.1–3.7 p. p. m. (Ex. 871). 0.5 p. p. m. (Ex. 285). 0.0–0.13 p. p. m. 32 days after application (Ex. 642).
Parzate—disodium ethylene bisdithiocarbamate (Ex. 527, 745, 787, 886).	Ex. 527	
Pyrethrum (Ex. 155, 201, 507, 699)	Ex. 699	
Rotenone (Ex. 726, 751, 834)	Ex. 889	23.2–48.6 p. p. m. before rain; 1.9–3.6 p. p. m. after rain (Ex. 124). None (Ex. 161).
Sabadilla (Ex. 699, 733, 834)	Ex. 699	
Sulfur (Ex. 787, 834)		
TDE—Rhothane—DDD (Ex. 68, 327, 337, 348, 373).	Ex. 327	
TEPP (Ex. 200, 362, 527, 699)	Ex. 527, 699	None (Ex. 161).
Thiram (Ex. 71, 745, 853)	To seed; Ex. 745	
Toxaphene (Ex. 527)	Ex. 527	2.4–4.0 p. p. m. outer leaves; none on heads (Ex. 881).
Zinc salts (Ex. 472, 527, 787)	Ex. 527	
Zineb (Ex. 527, 745, 787, 886)	Ex. 527	
Ziram (Ex. 163, 533)	Ex. 163	

CANTALOUPES OR MUSKMELONS

Benzene hexachloride (Ex. 533, 834 (Texas)).	Ex. 834	
Calcium arsenate (Ex. 71, 201, 726)	Ex. 71	
Chlordane (Ex. 533, 889)		
Copper compounds—inorganic (Ex. 71, 156, 472, 507, 825).	Ex. 71, 156	
Copper-8-quinolinolate (Ex. 787)	Ex. 787	

[6] Not to be used after heads begin to form; Ex. 71, 155.

VEGETABLES—Continued

CANTALOUPES OR MUSKMELONS—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Copper-zinc-chromate complex (Ex. 787)		
DDT (Ex. 165, 201, 726, 733, 834)	Ex. 834 (Ohio)	
2,3 dichloro 1,4 naphtho-quinone—Phygon (Ex. 787).		
Dithane—disodium ethylene bisdithiocarbamate (Ex. 733, 825, 834, 889).	Ex. 733	
Ethylene dibromide (Ex. 555)		
Ferbam (Ex. 156, 533, 834)	Ex. 156	
Fluorine compounds—inorganic (Ex. 533, 699, 834, 889).	Ex 71	
Lime (Ex. 533; R. 3821)	R. 3821	
Mercury compounds—inorganic	To seed; Ex. 71, 156	
Mercury compounds (organic)—Semesan (Ex. 156, 473, 507, 513, 533)	Ex. 156	
Methoxychlor (Ex. 513, 534, 699, 834)	Ex. 834	
Methyl bromide (Ex. 476)	As soil fumigant	
Nabam (Ex. 533, 733, 787)		
Nicotine (Ex. 201, 513, 533, 834)	Ex. 201	
Parathion (Ex. 71, 533, 834)	Ex. 831	None 1–5 weeks after application (Ex. 161).
Pyrethrum (Ex. 513, 699, 726, 834)	Ex 834	
Rotenone (Ex. 699, 726, 834, 889)	Ex. 71, 834	
Sabadilla (Ex. 699, 733, 834, 889)	Ex. 834	
Sulfur (Ex. 165, 472)	Ex. 165	
Tetraethyl pyrophosphate (Ex. 161, 165, 533, 726).	Ex. 165, 726	None 1–6 weeks after application (Ex. 161).
Tetrachlorobenzoquinone—Spergon (Ex. 156).	Ex. 156	
Thiram (Ex. 156, 507, 533)	Ex. 156	
Zinc compounds—inorganic (R. 5013)		
Zineb (Ex. 733, 825, 834, 889)	Ex 733	
Ziram (Ex. 156, 513, 825, 834)	Ex 156	

CARROTS

Calcium arsenate (Ex. 835 (p. 33))		
Chlordane (Ex. 165, 527)		
Chloropicrin (Ex. 476, 787)		
Copper arsenate (Ex. 835 (p. 32))		
Copper compounds—inorganic (Ex. 156, 476, 507, 513, 710, 745, 834).		
DDT (Ex. 201, 726, 751, 834)		1 p. p. m. (Ex. 376).
2,3 dichloro 1,4 naphthoquinone—Phygon (Ex. 787; R. 2644).		
Ethylene dibromide (Ex. 161, 476, 555)		
Ferbam (Ex. 747)		
Fluorine compounds (Ex. 161, 834)		
Mercury compounds—inorganic (Ex. 710, 787).		
Mercury compounds—organic (Ex. 156, 163).		
Methyl bromide (Ex. 787)		
Nabam (Ex. 533, 787)		
Naphthalene (Ex. 71, 168)		
Oil (Ex. 834)		
Parathion (Ex. 161, 763, 1265A)		0.12 p. p. m. roots 5–13 days after application; 0.90 p. p. m. tops 5–13 days after application (Ex. 642). 0.56 p. p. m. 82 days after application 25 lb./acre 0.93 p. p. m. 82 days after application 100 lb./acre (Ex. 871).
Pyrethrum (Ex. 161)		
Rotenone (Ex. 726, 834)		
Sulfur (Ex. 886, 902)		
TDE (Ex. 161)		
Tetrachlorobenzoquinone—Spergon (Ex. 473, 507, 513, 533, 853).		
Tetraethyl pyrophosphate (R. 3818)	Against red spider	
Thiram (Ex. 156, 473, 507, 513, 533)		
Toxaphene (Ex. 762; R. 3225)		
Zineb (Ex. 476, 745, 834)		
Ziram (Ex. 476, 533, 745, 834)		

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VEGETABLES—Continued

CAULIFLOWER

Name of pesticide	Reference to method of application	Range in quantity of residues
Benzene hexachloride (Ex. 507, 533, 699, 762).	Ex. 362	
Calcium arsenate [1] (Ex. 71, 201)	Ex. 71, 201	
Chlordane (Ex. 165, 362, 527, 607, 726, 834).	Ex. 527	
Copper arsenate (Ex. 835 (p. 330))	As baits; Ex. 835	
Copper compounds—inorganic (Ex. 513, 555, 745).	Ex. 513	
Copper-8-quinolinolate (Ex. 156)	Ex. 156	
DDT (Ex. 155, 201, 507, 527, 834)	Ex. 527	0–5.8 p. p. m. whole head (Ex. 367). 0–0.06 curd only (Ex. 367).
2,3 dichloro 1,4 naphthoquinone—Phygon (Ex. 555, 787, 853).	Ex. 555	
Ferbam (Ex. 555, 710, 745)	Ex. 555	
Fluorine compounds—inorganic (Ex. 201, 699, 834).	Ex. 201, 699	
Lime (Ex. 513, 745)	Ex. 745	
Mercury compounds—inorganic (Ex. 155, 362, 507, 834).	Ex. 362, 507	
Mercury compounds—organic (Ex. 156, 787).	Ex. 156, 362	
Methoxychlor (Ex. 533, 762, 834, 887)	Ex. 834	
Nabam (Ex. 527, 555, 787)	Ex. 555	
Nicotine (Ex. 155, 201, 362, 834)	Ex. 201, 834	
Parathion (Ex. 527, 726, 834)	Ex. 527, 834	0.21 p. p. m. 7 days after application, 5 percent dust 75 lb./acre (Ex. 204). 0.1 p. p. m. 10 days after application (Ex. 898B II).
Pyrethrum (Ex. 155, 201, 507, 834)	Ex. 156, 362	
Rotenone (Ex. 155, 165, 201, 507, 834)	Ex. 834	
Sabadilla (Ex. 699, 834)	Ex. 699	
Sulfur (Ex. 787, 834)	Ex. 834	
TDE, DDD, Rhothane (Ex. 362, 533)	Ex. 362	
Tetrachlorobenzoquinone—Spergon (Ex. 527, 710, 787, 853).	To seedbed (Ex. 527, 555, 710).	
Tetraethyl pyrophosphate (Ex. 699, 733, 889).	Ex. 527, 699	
Thiram (Ex. 71, 745, 853)	Ex. 745, 853	
Toxaphene (Ex. 527)	Ex. 527	
Zinc compounds—inorganic (Ex. 472, 527, 787).	Ex. 527	
Zineb (Ex. 527, 555, 745, 787)	Ex. 555	
Ziram (Ex. 533, 555, 787)	Ex. 555	

CELERY

Calcium arsenate (Ex. 834)	Ex. 834 (New Jersey)	0.43 p. p. m. As_2O_3 (Ex. 512).
Chloropicrin (Ex. 555, 787)	Ex. 555	
Copper compounds—inorganic (Ex. 156, 294, 507, 555, 834).	Ex. 156, 555	6–100 p. p. m. (Ex. 832). 6–15 p. p. m. (Ex. 892).
Copper-8-quinolinolate (Ex. 156)	Ex. 156	
DDT (Ex. 533, 834)	Ex. 834	1.4–2.5 p. p. m. (Ex. 334). 7.48–50.47 p. p. m. (Ex. 534).
2,3 dichloro 1,4 naphthoquinone (Ex. 156)	Ex. 156	
Ethylene dibromide (Ex. 555, 787)	Ex. 555	
Ferbam (Ex. 533, 787)		
Formaldehyde (Ex. 476, 787)	Ex. 476	
Lead arsenate (Ex. 834)		
Lime (Ex. 71, 834)		
Mercury compounds—inorganic (Ex. 156, 473, 476, 745).	For seed treatment (Ex. 156, 473).	
Mercury compounds—organic (Ex. 787)		
Methyl bromide (Ex. 787)		
Nabam (Ex. 533, 787)	Ex. 476, 555	1.3–6.7 p. p. m. unwashed (Ex. 1010C). 0.72–4.0 p. p. m. washed (Ex. 1010C).
Nicotine (Ex. 533, 726, 834)		
Oil (Ex. 161)		
Parathion (Ex. 533, 726, 834)		0.13–1.38 p. p. m. 1–7 days after application (Ex. 531). 0–0.46 p. p. m. 3–20 days after application (Ex. 871). 0.07–0.40 p. p. m. 14–21 days after application (Ex. 898B II).
Pyrethrum (Ex. 71, 161, 726)		
Rotenone (Ex. 161)		
Sabadilla (Ex. 787)		

[1] Before heads begin to form, Ex. 71, 201.

VEGETABLES—Continued

CELERY—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Sulfur (Ex. 834)		
Tetraethyl pyrophosphate (Ex. 533, 834)		
Thiram (Ex. 507, 533)		
Toxaphene (Ex. 533)		All data corrected for control: No residue after washing stalks when applied 2, 4, or 6 lb. per acre: 1.9 p. p. m. washed stalks 13 days after application 10 lb. per acre (Ex. 881). 8–20 p. p. m. on foliage unwashed, 10 lb. per acre (Ex. 881). None on unwashed stalks 2–6 lb. per acre (Ex. 881). 2.6 p. p. m. unwashed stalks 10 lb. per acre (Ex. 881).
Zinc compounds—inorganic (Ex. 507)		
Zineb (Ex. 156, 533, 834)	Ex. 156, 476, 555	
Ziram (Ex. 476)	Ex. 476	

CORN

Aldrin (Ex. 733)		
Benzene hexachloride (Ex. 733)		
Calcium arsenate (Ex. 201)		
Chlordane (Ex. 533, 733, 887, 889)		
Copper compounds—inorganic (Ex. 787)		
Copper arsenite (Ex. 533)		
DDT (Ex. 155, 533, 772, 834)		0.63–2.1 p. p. m. (kernels and cob) (Ex. 161). 0–0.4 p. p. m. (Ex. 205). 0–2.1 p. p. m., ears (Ex. 297). No residue at ear tip (Ex. 383). 0–3.7 p. p. m., grain (Ex. 642). 0.04–.08 p. p. m., kernels (Ex. 773). 0.0.4 p. p. m. (Ex. 878B II).
2,3 dichloro 1,4 naphthoquinone Phygon (Ex. 156, 787).		
Ethylene dibromide (Ex. 887)		
Ferbam (R. 3310)		
Fluorine compounds—inorganic (Ex. 160, 201)		
Lime (Ex. 787 (p. 103))		
Mercury compounds (Ex. 156, 787)		
Methoxychlor (Ex. 161, 533, 762, 887)		
Nabam (Ex. 787)		
Nicotine (Ex. 533, R. 4433)		
Oil (Ex. 219, 733, 834, 887)		
Parathion (Ex. 533, 751, 772, 834)		None (Ex. 384, 642, 1241). 0.01–0.06 p. p. m. 24–29 days after application (Ex. 871). 1 p. p. m. or less 8 days after application (Ex. 878). None 11 days after application (Ex. 878).
Piperonyl butoxide (Ex. 161)		
Pyrethrin (Ex. 161, 762)		No residue, 3 applications (Ex. 161).
Rotenone (Ex. 507, 726, 834)		
Ryania (Ex. 155, 507, 751, 772, 834)		
Sulfur (Ex. 787)		
TDE—DDD-Rhothane (Ex. 155, 699, 726, 834).		
Tetrachlorobenzoquinone—Spergon (Ex. 156, 473, 513, 533, 853, 854).		
Thiram (Ex. 156, 473, 507, 513, 533, 853)		
Toxaphene (Ex. 533, 733, 762, 887)		
Zineb (Ex. 560, 787)		
Ziram (R. 3310)		

CUCUMBERS

Aliphatic thiocyanates (R. 698)		
Benzene hexachloride (Ex. 533, 733, 834)		
Calcium arsenate (Ex. 201, 507, 726)		
Calcium cyanide (Ex. 677–678, 698)		
Chlordane (Ex. 533, 733, 889)		
Copper compounds—inorganic (Ex. 156, 507, 513, 710, 787, 889)		Less than 1 p. p. m. (Ex. 892).
Copper-8-quinolinolate (Ex. 787)		

VEGETABLES—Continued

CUCUMBERS—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Copper-zinc-chromate complex (Ex. 787; R. 943).		
DDT (Ex. 201, 726, 834)		
2,3 dichloro 1,4 naphthoquinone—Phygon (Ex. 787).		
Ferbam (Ex. 533, 787, 834)		
Fluorine compounds—Inorganic (Ex. 533, 699, 733, 834, 889).		3.12–17.80 p. p. m. (Ex. 703).
Lime (Ex. 71, 507, 533, 726)		
Mercury compounds—organic—Semesan (Ex. 156, 473, 513, 854).		
Methoxychlor (Ex. 513, 699, 726, 834, 889)		
Methyl bromide (Ex. 476)		
Nabam (Ex. 533, 787)		
Naphthalene (R. 698)		
Nicotine (Ex. 201, 513, 533, 726, 834)		
Parachlorobenzenesulfonate (R. 698)		
Parathion (Ex. 533, 834)		Applied by aerosol: None (Ex. 1241)·0.2 p. p. m. 3 days after application, 0.62 p. p. m. 2 hrs. after application, 0.01 p. p. m. 7 days after application (Ex. 1214).
Pyrethrum (Ex. 726, 834, 889)		
Rotenone (Ex. 507, 699, 726, 834)		
Sabadilla (Ex. 699, 733, 834, 889)		
Sulfur (Ex. 854, R. 942)		
Tetrachlorobenzoquinone—Spergon (Ex. 71, 156, 473, 513, 854).		
Tetraethyl pyrophosphate (Ex. 533, 698, 726).		
Thiram (Ex. 71, 507, 533)		
Toxaphene (Ex. 726)		
Zinc compounds (R. 5007)		
Zineb (Ex. 156, 533, 825, 834)		0.3–3.9 p. p. m. (Ex. 1010B).
Ziram (Ex. 156, 513, 787, 825)		

CUCURBITS

Actidione (Ex. 787)		
Aldrin (R. 3156)		
Benzene hexachloride (Ex. 762; R. 1996)		
Calcium arsenate (Ex. 762; R. 1556)		
Chloropicrin (Ex. 787)		
Copper compounds (Ex. 745, 834, 853)		
DDT (Ex. 751, 762; R. 1960)		
2,3 dichloro 1,4 naphtho-quinone—Phygon (R. 2644).		
Ethylene dibromide (Ex. 787)		
Ferbam (Ex. 787)		
Fluorine compounds (Ex. 762)		
Mercury compounds (organic) Semesan (Ex. 745, 853; R. 2644)		
Methoxychlor (Ex. 751, 762, 834)		
Nabam (Ex. 745)		
Nicotine (Ex. 762, 834)		
Parathion (Ex. 762; R. 1966, 3124)		
Pyrethrum (Ex. 155; R. 2086)		
Rotenone (Ex. 155, 762, 834)		
Sabadilla (Ex. 751, 762, 834)		
Sulfur (Ex. 787)		
TDE-DDD—Rhothane (R. 1966-1967)		
Thiram (Ex. 745, 853; R. 2644)		
Zineb (Ex. 745, 787)		
Ziram (Ex. 155, 787; R. 2662)		

EGGPLANTS

Aramite (Ex. 762)		
BBC (Ex. 533)		
Bioquin—copper-8-quinolinolate (Ex. 156, 787).		
Calcium arsenate (Ex. 507, 834, 889)		
Chlordane (Ex. 727, 886, 889)		
Chloropicrin (Ex. 787)		
Copper (Ex. 156, 507, 699, 834)		

VEGETABLES—Continued

EGGPLANTS—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
DDT (Ex. 201, 507, 527, 726, 834)		
2,3 dichloro 1,4 naphthoquinone—Phygon (Ex. 787, 853).		
Ethylene dibromide (Ex. 555, 787)		
Ferbam (Ex. 787)		
Fluorine compounds (Ex. 726, 834, 889)		
Formaldehyde (Ex. 513)		
Lead arsenate (Ex. 834)		
Lime (Ex. 507, 710, 834)		
Mercury compounds—organic (Ex. 156, 787).		
Methoxychlor (Ex. 762, 889)		
Methyl bromide (Ex. 787)		
Nabam (Ex. 555, 787, 889)		
Nicotine (Ex. 533, 834)		
Oil (Ex. 834)		
Parathion (Ex. 834)		
Rotenone (Ex. 507, 726, 834, 889)		
Sabadilla (Ex. 834)		
SR-406 [1]		
Sulfur (Ex. 533, 787, 834)		0.8–7.2 p. p. m. (Ex. 1030D).
TDE—DDD-Rhothane (Ex. 361, 726, 887).		
TEPP—Tetraethyl pyrophosphate (Ex. 527, 762, 834).		
Thiram (Ex. 473, 507, 513, 853)		
Toxaphene (Ex. 726)		
Zinc compounds—inorganic (Ex. 533, 787)		
Zineb (Ex. 555, 787, 889)		
Ziram (Ex. 156, 513, 787, 889)		

ENDIVE

Copper compounds—Inorganic (R. 3310)		
Copper-8-quinolinolate (Ex. 156)		
DDT (Ex. 513)		
Mercury compounds—organic (Ex. 156, 787).		
Nabam (Ex. 3310)		
Pyrethrum (Ex. 513)		
Rotenone (Ex. 513)		
Sulfur (Ex. 513)		
Tetrachlorobenzoquinone (Ex. 156, 158, 473, 787).		
Tetraethyl pyrophosphate (Ex. 762)		
Thiram (Ex. 787)		
Zineb (R. 3310)		

ESCAROLE

Copper compounds—Inorganic (R. 3310)		
Nabam (R. 3310)		
Tetrachlorobenzoquinone—Spergon (Ex. 533).		
Thiram (Ex. 533)		
Zineb (R. 3310)		

HORSERADISH

Calcium arsenate (Ex. 201)		
Copper compounds—inorganic (Ex. 787)		
DDT (Ex. 201)		
2,3 dichloro 1,4 naphthoquinone (Ex. 787)		

FERBAM (EX. 787)

Fluorine compounds—inorganic (Ex. 201)		
Mercury compounds (organic)—Semesan (Ex. 787).		

[1] Not recommended but residue reported.

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VEGETABLES—Continued

FERBAM (EX. 787)—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Nabam (Ex. 787)		
Pyrethrum (Ex. 201)		
Rotenone (Ex. 201)		
Sulfur (Ex. 156, 787)		
Zinc compounds—inorganic (Ex. 787)		
Zineb (Ex. 787)		
Ziram (Ex. 787)		
KALE AND COLLARDS		
Benzene hexachloride (Ex. 699, 762)		
Calcium arsenate (Ex. 71, 201, 734)		
Chlordane (Ex. 527, 889)		
Copper compounds (Ex. 787, 873, 889)		
Copper-8-quinolinolate (Ex. 156)		
Copper metallic dust—basic (Ex. 889)		
DDT (Ex. 201, 527, 699, 733, 834)		
2,3-dichloro 1,4 naphthoquinone—Phygon (Ex. 787, 853).		
Ferbam (Ex. 710, 787; R. 3310)		
Fluorine compounds (Ex. 201, 699, 733, 889).		
Mercury compounds—inorganic (Ex. 156, 158, 473, 787).		
Mercury compounds (organic) (Ex. 156, 473, 507, 513).		
Methoxychlor (Ex. 762, 889)		
Nabam (Ex. 787; R. 3310)		
Nicotine (Ex. 201, 699, 733, 889)		
Parathion (Ex. 527, 699; R. 1945)		
Pyrethrum (Ex. 201, 733, 834)		
Rotenone (Ex. 201, 699, 733, 834, 889)		
Sabadilla (Ex. 733, 834, 889)		
Sulfur (Ex. 156, 834)		
TEPP (Ex. 699, 1946)		
Tetrachlorobenzoquinone (Ex. 71, 710, 834, 853).		
Thiram (Ex. 71, 787)		
Zinc compounds—inorganic (Ex. 787)		
Zineb (Ex. 156, 787; R. 3310)		
Ziram (Ex. 787, R. 3310)		
KOHLRABI		
Benzene hexachloride (Ex. 762)	Ex. 762	
Calcium arsenate (Ex. 71)	Ex. 71	
Copper compounds—inorganic (Ex. 156, 787; R. 3310).	Ex. 156, 787	
Copper-8-quinolinolate (Ex. 156)	For seed treatment	
Copper-zinc-chromate (Ex. 787)	For seed treatment	
2,3, dichloro 1,4 naphthoquinone (Ex. 787).	Ex. 787	
DDT (Ex. 762)	Ex. 762	
Ferbam (Ex. 472, 787; R. 3310)	Ex. 472, 787; R. 3310	
Fluorine compounds—inorganic (Ex. 71)	Ex. 71	
Mercury compounds—organic (Ex. 156, 473, 787).	For seed treatment	
Mercury compounds—inorganic (Ex. 156, 472, 473, 787).	For seed treatment	
Methoxychlor (Ex. 762)	Ex. 762	
Nabam (Ex. 787; R. 3310)	Ex. 787; R. 3310	
Nicotine (Ex. 71, 762)	Ex. 71, 762	
Pyrethrum (Ex. 71, 156, 762)	Ex. 71, 156, 762	
Rotenone (Ex. 71, 762)	Ex. 71, 762	
Spergon (Ex. 71, 156, 472 787, 854)	Ex. 156, 787, 472; for use on plants in seedbed only.	
Sulfur (Ex. 156)	Ex. 156	
Thiram (Ex. 71, 787)	Ex. 787	
Zinc compounds—inorganic (Ex. 472, 787)	Ex. 472, 787	
Zineb (Ex. 156, 787, R. 3310)	Ex. 156, 787	
Ziram (Ex. 787, R. 3310)	Ex. 787	

VEGETABLES—Continued

LETTUCE

Name of pesticide	Reference to method of application	Range in quantity of residues
Benzene hexachloride (Ex. 886)		
Calcium cyanamide (Ex. 787)		
Chlordane (Ex. 161, 887; R. 3224)		
Copper (Ex. 156, 507, 555)		
Copper arsenite (R. 698)		
Copper compounds—inorganic (Ex. 156, 507, 555).		
Copper-8-quinolinolate (Ex. 156)		
DD mixture of dichloropropane and dichloropropene (Ex. 161, 787).		
DDT (Ex. 165, 733, 834, 887)		0.1–4.1 p. p. m. 2–24 days after application (Ex. 367). 5.42 p. p. m. 4 days after application, 6 applications market heads (Ex. 367). 0.31–66, 3 p. p. m. lower leaves (Ex. 367). 0.07 p. p. m. whole head (Ex. 898B II).
Ferbam (Ex. 710, 787)		
Fluorine compounds (Ex. 733, 887)		
Mercury compounds—inorganic (Ex. 156, 476, 787, 507).		
Methoxychlor (R. 4360)		0.05 p. p. m. whole plant (Ex. 898B II).
Nabam (Ex. 163, 787; R. 3224)		
Nicotine (Ex. 71; R. 677)		
Pyrethrum (Ex. 699, 726, 733, 834)		
Rotenone (Ex. 699, 733, 834)		
Sabadilla (Ex. 733)		
Sulfur (Ex. 787, 834)		
Tetrachlorobenzoquinone Phygens (Ex. 787).		
Tetraethyl dithiopyrophosphate (R. 698)		
Tetraethyl pyrophosphate (Ex. 161, 834; R. 679).		
Thiram (Ex. 476, 533, 710)		
Toxaphene (R. 3164, 3224)		
Zinc compounds—inorganic (Ex. 156, 473)		
Zineb (Ex. 163, 555, 710, 745)		
Ziram (Ex. 163, 787)		
MUSHROOMS		
DDT (R. 1839)	R. 1839	0.1–0.75 p. p. m. (Ex. 326, part 2).
Hydrogen cyanide (R. 491)	For use before easing (R. 491).	
Methoxychlor (Ex. 326; R. 1839)	Ex. 326	2.2–7.8 p. p. m. (Ex. 326, part 2). None to 7.8 p. p. m. (Ex. 1000C).
Nicotine (R. 491)	R. 491	
Pyrethrum (Ex. 326)	Ex. 326	
Sulfur (R. 1839)	For fumigation; R. 1839.	
TEPP (R. 685)	R. 685	
MUSTARD GREENS		
Benzene hexachloride [9] (Ex. 699)	Ex. 699	
Chlordane	To seedbed R. 527	
Copper compounds—inorganic (R. 3310)		
DDT [10] (Ex. 699, 886)	Ex. 699, 886	Ex. 886.
Ferbam (R. 3310)		
Fluorine compounds—inorganic (Ex. 699, 733).	For bait; Ex. 699; R. 493.	
Mercury compounds—organic	For seed treatment; Ex. 533, 787.	
Nabam (R. 3310)		
Nicotine (Ex. 699, 834)	Ex. 699, 834	
Parathion [9] (Ex. 699)	Ex. 699	
Rotenone (Ex. 699, 733, 834, 886; R. 493)	Ex. 699, 834, 886	
Sabadilla (Ex. 733; R. 493)		
Tetraethyl pyrophosphate (Ex. 699)	Ex. 699	
Thiram	For seed treatment; Ex. 787.	
Zineb (R. 3310)		

[9] Not to be used later than 3 weeks prior to harvest.
[10] Not to be used within 10 to 14 days of harvest.

VEGETABLES—Continued

OKRA

Name of pesticide	Reference to method of application	Range in quantity of residues
Benzene hexachloride (R. 3251)		
Chlordane (R. 3251)		
DD mixture (dichloropropane and dichloropropene).	As soil fumigant; Ex. 555.	
DDT (R. 3251)		
Ethylene dibromide	As soil fumigant; Ex. 555.	
Fluorine compounds—inorganic (Ex. 834)	Ex. 834	
Nicotine (Ex. 533, 699, 834)		
Parathion [11] (R. 3251)		
Sabadilla (Ex. 834)		
Tetraethyl pyrophosphate (Ex. 533; R. 3251).		
Toxaphene (Ex. 533; R. 3251)		
ONIONS		
Benzene hexachloride (Ex. 156, 533, 886)		
Chlordane (Ex. 161, 726, 887; R. 3217)	For soil treatment; R. 3217.	
Chloropicrin (Ex. 787)	As soil fumigant; Ex. 787.	
Copper compounds—inorganic (Ex. 156, 263, 834).		
Copper-8-quinolinolate (Ex. 156)	For seed treatment (Ex. 156).	
DD mixture (Ex. 787)	As soil fumigant; Ex. 787.	
DDT (Ex. 155, 156, 161, 201, 533, 699, 726, 751, 834, 886, 887, 889; R. 1268, 2357, 3217).		On bulbs, average 25 plots less than 0.1 p. p. m.; maximum sample 0.2 p. p. m. (Ex. 367; R. 2358).
Ferbam (Ex. 156, 476, 787; R. 3310)	For seed treatment; Ex. 476.	
Formaldehyde (Ex. 71, 156, 201, 476, 513, 787).	For soil treatment; Ex. 71, 201.	
Lime-sulfur spray (Ex. 156, 163)		
Malachite green (Ex. 234)		
Mercury compounds—inorganic (Ex. 71, 156, 201, 473, 787, 834).	For seed treatment (Ex. 71, 156). For seed treatment (Ex. 201).	
Mercury compounds—organic (Ex. 507, 787, 851).	For seed treatment; Ex. 507.	
Methyl bromide (Ex. 787)	As soil fumigant; Ex. 787.	
Nabam (Ex. 787; R. 3310)		
Nicotine (Ex. 71, 161, 263)		
Oil-petroleum spray (Ex. 834; R. 2357)	Applied during 1st 3 weeks when plants very small (R. 2357).	
Parathion (Ex. 834, 2358)		0.02–0.11 p. p. m. on bulbs grown in soil treated with parathion (Ex. 871).
Pyrethrum (Ex. 263)		
Rotenone (Ex. 726, 834; R. 2362)	N. Y. recommends rotenone as only insecticide to be used on onions to be harvested as green-bunching (R. 2362).	
Sabadilla (Ex. 834)		
Tartar emetic (Ex. 71, 263, 699, 834)	Not to apply if to be used as green onions (Ex. 263).	
Tetrachlorobenzoquinone (Ex. 854)	For seed treatment (Ex. 854).	
Tetraethyl pyrophosphate (Ex. 834)	May be applied to onions used as green-bunching (Ex. 834).	
Thiram (Ex. 156, 473, 476, 507, 513, 726, 787, 834).	For seed treatment (Ex. 156, 473).	
Toxaphene (Ex. 834, 887; R. 3217)		
Zinc compounds—inorganic (Ex. 886)		
Zineb (Ex. 156, 234, 745, 886; R. 3310)		
Ziram (R. 3310)		

[11] Until 30 days before harvest.

VEGETABLES—Continued

PARSLEY

Name of pesticide	Reference to method of application	Range in quantity of residues
Copper compounds—inorganic (Ex. 156, 854).	For seed treatment; Ex. 854.	
2,3 dichloro 1,4 naphthoquinone		
Mercury compounds—organic (Ex. 156, 158, 473, 787, 854).	For seed treatment; Ex. 156, 158, 473, 787, 854.	
Nicotine (Ex. 834)	Ex. 834	
Rotenone (Ex. 834)	Ex. 834	
Tetrachlorobenzoquinone (Ex. 156, 158, 473, 787, 854).	For seed treatment; Ex. 156, 158, 473, 787, 854.	
Thiram (Ex. 156, 787)	For seed treatment (Ex. 156, 787).	
Zineb (Ex. 156)		
PARSNIPS		
Copper compounds—inorganic (Ex. 507, 834, 854).	For seed treatment (Ex. 507, 854).	
DDT (R. 1268)		
Mercury compounds—inorganic (Ex. 71)		
Mercury compounds—organic (Ex. 158, 473, 507, 787, 854).	For seed treatment; Ex. 158, 473, 507, 787, 854.	
Nicotine (Ex. 726)		
Parathion (Ex. 726)		
Pyrethrum (Ex. 726)		
Tetrachlorobenzoquinone (Ex. 158, 473, 787, 854)	For seed treatment; Ex. 158, 473, 787, 854.	
Thiram (Ex. 787)	For seed treatment; Ex. 787.	
Zinc, compounds—inorganic (Ex. 507)	For seed treatment; Ex. 507.	
PEANUTS		
Benzene hexachloride (Ex. 733)		
Chlordane (Ex. 733)		
Copper (Ex. 160, 733, 787)		
DDT (Ex. 160, 533, 699, 733)		
2,3 dichloro 1,4 naphthoquinone (Ex. 787)		
Ferbam (Ex. 787)		
Fluorine compounds (Ex. 160, 533, 699)		
Mercury compounds-organic (Ex. 733, 787, 853).	For seed treatment; Ex. 787.	
Nabam (Ex. 787)		
Spergon (Ex. 787, 853)	For seed treatment; Ex. 853.	
Sulfur (Ex. 160, 533, 733, 787)		
Thiram (Ex. 787, 853)	For seed treatment; Ex. 787, 853.	
Toxaphene (Ex. 699, 733)		
Zinc 2,4,5 trichlorophenate (Ex. 733, 787, 853).	For seed treatment; Ex. 787, 853.	
Zineb (Ex. 787)		
Ziram (Ex. 787)		
PEAS—ENGLISH PEAS, COWPEAS		
Benzene hexachloride (Ex. 533, 762, 886; R. 3224, 4278).	Ex. 533, 886	
Chlordane (Ex. 834, 886, 889)	For soil treatment; Ex. 834.	
Copper compounds—inorganic (Ex. 787, 853, 854).	Ex. 787	
DD mixture (Ex. 555, 726)	As soil fumigant; Ex. 555, 726.	
DDT (Ex. 155, 156, 165, 201, 529, 699, 726, 733, 762, 834, 886, 887, 889; R. 494, 1269, 3216, 3224, 4278).	Ex. 201 and others	No residue (Ex. 161). Less than 1 p. p. m. on pods and on peas (Ex. 382). On shelled peas, dry weight, 0.41 p. p. m. (Ex. 512).

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VEGETABLES—Continued

PEAS—ENGLISH PEAS, COWPEAS—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
2,3 dichloro 1,4 naphthoquinone (Ex. 507, 787, 853; R. 4856).	For seed treatment; Ex. 507, R. 4856.	0.3 p. p. m. or less 1 or more days after application (Ex. 382). No residue 19 days after use (Ex. 512). No evidence of translocation (Ex. 512). Not to be used later than 30 days before harvest (Ex. 533).
Ethylene dibromide (Ex. 555, 726; R. 494).	As soil fumigant; Ex. 555, 726.	
Ferbam (R. 3310)		
Fluorine compounds (Ex. 699, 831, 889; R. 494).	Ex. 699	
Mercury compounds—inorganic (Ex. 787).	For seed treatment; Ex. 787.	
Mercury compounds—organic (Ex. 156, 473, 507, 787, 853, 854).	For seed treatment; Ex. 156.	
Methoxychlor (Ex. 165; R. 1269)	Ex. 165	
Nabam (Ex. 787, 827; R. 3310)		
Nicotine (Ex. 201, 507, 513, 726, 834; R. 494)	Ex. 201 and others	
Parathion (Ex. 529, 533, 762, 834; R. 3216, 3224).	Ex. 529, 533, 834	
Polyethylene polysulfide (Ex. 787)		
Rotenone (Ex. 155, 156, 165, 513, 699, 726, 733, 834, 887; R. 494, 1269, 4278).	Ex. 165 and others	
Sabadilla (Ex. 834)	Ex. 834	
Sulfur (Ex. 155, 156, 165, 507, 513, 533, 699, 787, 834, 854, 886, 889; R. 494, 3310).	Ex. 155 and others.	
TDE (R. 3216, 4278)	R. 4278	
Tetrachlorobenzoquinone (Ex. 156, 473, 473, 507, 513, 533, 555, 787, 853, 854).	For seed treatment; Ex. 155 and others.	
Tetraethyl pyrophosphate (Ex. 165, 726, 834; R. 3224).		
Thiram (Ex. 156, 473, 507, 533, 555, 787)	For seed treatment; Ex. 473.	
Toxaphene (R. 3216, 3224)		
Zineb (Ex. 787, 889; R. 3310)	Ex. 889	
Ziram (Ex. 787)		

PEPPERS

Benzene hexachloride (Ex. 886, R. 3219)		Not to be used later than 30 days before harvest (Ex. 533). No residue (Ex. 871).
Calcium arsenate (Ex. 834, 889)	Ex. 834	
Chlordane (Ex. 886, 889; R. 3218)	For soil treatment; R. 3218.	
Copper compounds—inorganic (Ex. 156, 513, 533, 555, 710, 745, 787, 834, 853, 854).		
Copper-8-quinolinolate (Ex. 156)	For seed treatment; Ex. 156.	
DD mixture (Ex. 555)	For seedbed treatment, Ex. 555.	
DDT (Ex. 361, 533, 726, 834, 886, 889, R. 3218).	Ex. 361, 533	
2,3 dichloronapthoquinone (Ex. 787, 853)	For seed treatment; Ex. 787.	
Ethylene dibromide (Ex. 555)	For seedbed treatment; Ex. 555.	
Ferbam (Ex. 787)		
Fluorine compounds (Ex. 533, 889)	Ex. 533	
Formaldehyde (Ex. 513)		
Lead arsenate (Ex. 834)	Ex. 834	
Lime (Ex. 473)	For seed treatment; Ex. 473.	
Mercury compounds—organic (Ex. 156, 473, 507, 513, 533, 710, 787, 853, 854).	For seed treatment; Ex. 156, 473.	
Mercury compounds—inorganic (Ex. 156, 473, 513, 710, 787).	For seed treatment; Ex. 156, 473.	
Methoxychlor (Ex. 762, 889)	Ex. 762	
Nabam (Ex. 787)	Ex 533	
Nicotine (Ex. 513, 533, 699, 834)	Ex. 533	
Parathion (Ex. 533, 834; R. 3158, 3219)	R. 3158	
Rotenone (Ex. 361, 513, 726, 834, 889)	Ex. 361	
Sabadilla (Ex. 834)	Ex. 834	
Sulfur (Ex. 513, 787)		

VEGETABLES—Continued

PEPPERS—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
TDE (Ex. 361, 726, 889)	Ex. 361	
TEPP (Ex. 762, 834; R. 3219, 3158)	R. 3158	
Tetrachlorobenzoquinone (Ex. 787, 853, 854).	For seed treatment; Ex. 787.	
Thiram (Ex. 507, 513, 787, 853)	For seed treatment; Ex. 507.	
Toxaphene (R. 3158, 3219)	For bait	
Zinc salts (Ex. 533)	Ex. 533	
Zineb (Ex. 533, 745, 787, 889)	Ex. 533	
Ziram (Ex. 156, 533, 787, 889)	Ex. 533	

POTATOES, WHITE

Aldrin (Ex. 409; R. 1870, 2351, 4340)	Soil treatment; Ex. 409.	Tubers from chlordane-treated soil, 0.12 p. p. m. (Ex. 898).
Arsenicals—paris green, calcium arsenate (Ex. 71, 201, 512, 513, 726, 834, 835; R. 1268).		
Calcium cyanide (R. 2351)	As fumigant; R. 2351	
Carbon disulfide (R. 2351)	As fumigant; R. 2351	
Chlordane (Ex. 409, 512, 533, 545, 887; R. 4340).		
Copper compounds—inorganic (Ex. 71, 156, 160, 488, 513, 710, 745, 751, 787, 825, 834, 889, 889).		Within limits of experimental error, treated potatoes had no more Cu, Zn, or Cr than untreated (Ex. 865).
Copper-zinc-chromate complex (Ex. 234, 488, 512, 513, 787).		
DD mixture (Ex. 726; R. 2351)	As fumigant; Ex. 726; R. 2351.	
DDT (Ex. 160, 165, 201, 512, 513, 533, 545, 699, 726, 751, 762, 834, 887, 889; R. 1268, 2003, 2347).		No trace on tubers when foliage received 3 percent DDT dusting schedule (Ex. 898).
Dichlorobutane (Ex. 489)	For soil treatment; Ex. 489.	
Dichlorodiphenyl ethane (Ex. 787)		
2,3 dichloro 1,4 naphthoquinone (Ex. 489, 787).	For seed treatment; Ex. 787.	
β,β dithiocyano diethyl ether (Ex. 834)		
Ethylene dibromide (Ex. 489, 512, 726, 834; R. 2351).	As fumigant; R. 2351	
Ferbam (Ex. 787)		
Fluorine compounds—inorganic (Ex. 71, 699, 834).		
Formaldehyde (Ex. 488, 533, 787; R. 3340)	As fumigant; R. 3340	
Heptachlor (Ex. 409; R. 2351)	Soil treatment; Ex. 409.	
Lead arsenate (Ex. 835)		
Lime (Ex. 488, 834)		
Mercury compounds—inorganic (Ex. 156, 488, 533, 745, 787).	For seed treatment; Ex. 156.	
Mercury compounds—organic (Ex. 488, 745, 787, 834, 853).	For seed treatment; Ex. 488.	
Methoxychlor (Ex. 762)		
Methyl bromide (Ex. 489)	As fumigant; Ex. 489	
Nabam (Ex. 156, 488, 512, 513, 533, 745, 787, 825, 834, 889, 889).		
Nicotine (Ex. 160, 512, 513, 533, 726, 834)		
Parathion (Ex. 512, 545, 726, 751, 834; R. 2349).		0.10–0.13 p. p. m. residue tubers from parathion-treated soil (Ex. 297). No residue found in canned potatoes from parathion-treated crop (Ex. 761). 0.04–0.10 p. p. m. in tubers from parathion-treated soil (Ex. 871). 0.013 p. p. m. residue on tubers, parathion used as soil treatment (Ex. 898).
Pyrethrum (Ex. 71, 726)		
Rotenone (Ex. 71, 160, 726; R. 1268)		
Sulfur (Ex. 71, 165, 488, 787, 834, 887)		
TDE (R. 2003)		
Tetrachloropara-benzoquinone—Chloranil (Ex. 787).		
Tetraethyl pyrophosphate (Ex. 165, 533, 545, 751).		
Thiram (Ex. 787)	For seed treatment; Ex. 787.	

VEGETABLES—Continued

POTATOES, WHITE—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Toxaphene (Ex. 545, 726, 762)		0.02 p. p. m. in tubers from toxaphene-treated soil (Ex. 898).
Trichlorophenol (Ex. 489)	For seed treatment; Ex. 489.	
Zinc compounds—inorganic (Ex. 160, 488, 834, 886).		
Zineb (Ex. 156, 488, 513, 533, 710, 745, 787, 825, 834, 886, 889).		
Ziram (Ex. 156, 488, 787, 834		

PUMPKINS

Calcium arsenate (Ex. 71)		
Chloranil—tetrachloroparabenzoquinone (Ex. 156, 473, 513, 787).	For seed treatment; Ex. 156.	
Copper compounds (Ex. 156, 157, 507, 787; R. 3310).		
Copper-8-quinolinolate (Ex. 787)		
Copper-zinc-chromate complex (Ex. 787)		
DDT (Ex. 156, 365, 834)		
2,3 dichloro 1,4 naphthoquinone (Ex. 156, 787).	For seed treatment; Ex. 156.	
Ferbam (Ex. 787, 834, R. 3310)		
Fluorine compounds (Ex. 71, 834)		
Mercury compounds (Ex. 473, 507, 513, 787).	For seed treatment; Ex. 473.	
Methoxychlor (Ex. 365, 834)		
Nabam (Ex. 787; R. 3310)		
Nicotine (Ex. 71, 834)		
Parathion (Ex. 365)		
Pyrethrum (Ex. 156, 365)		
Rotenone (Ex. 71, 156, 365, 834)		
Sabadilla (Ex. 834)		
Thiram (Ex. 156, 507, 787)	For seed treatment (Ex. 156, 507).	
Zineb (Ex. 156, 787, 834; R. 3310)		
Ziram (Ex. 156, 157, 787, 834; R. 3310)		

RADISHES

Benzene hexachloride (Ex. 533)		0.02 p. p. m. in radishes 36 days old from parathion-treated soil (soil treated 85 days prior to planting) (Ex. 871).
Chloranil (Ex. 156, 787, 854; R. 3310)	For seed treatment; Ex. 854.	
Chlordane (Ex. 887)		
Copper compounds (Ex. 745, 787)		
DDT (Ex. 155, 699, 834, 887; R. 3321)		
2,3 dichloro 1,4 naphthoquinone (Ex. 156, 787; R. 3310).	For seed treatment; Ex. 156, 787.	
Ferbam (Ex. 745)		
Fluorine compounds (Ex. 71)		
Mercury compounds (Ex. 71, 155, 158, 362, 473, 507, 513, 787, 854).	For seed treatment; Ex. 155, 473.	
Methoxychlor (Ex. 887)		
Nabam (Ex. 787; R. 3310)		
Nicotine (Ex. 155, 834, 887)		
Parathion (Ex. 834; R. 3224)		
Pyrethrum (Ex. 155)		
Rotenone (Ex. 71, 155, 362, 699, 834, 887)		
Tetraethyl pyrophosphate (R. 3224)		
Thiram (Ex. 156, 513, 878)	For seed treatment; Ex. 156, 513.	
Toxaphene (R. 3224)		
Zinc compounds (Ex. 158, 787)	For seed treatment; Ex. 787.	
Zineb (Ex. 745, 787; R. 3310)		
Ziram (Ex. 787)		

VEGETABLES—Continued

RUTABAGAS

Name of pesticide	Reference to method of application	Range in quantity of residues
Chloranil—tetrachloroparabenzoquinone (Ex. 854).	For seed treatment; Ex. 854.	
Chlordane (R. 1848)		
DDT (R. 1848)		
Mercury compounds (Ex. 158, 473, 513, 854).	For seed treatment; Ex. 158.	
Sulfur (Ex. 163)		
Tetraethyl pyrophosphate (Ex. 762)		

SALSIFY

Chloranil (Ex. 158, 473)	For seed treatment; Ex. 158, 473.	
Copper compounds (Ex. 156, 787)		
Mercury compounds (Ex. 158, 473)	For seed treatment; Ex. 158, 473.	
2,3 dichloro 1,4 naphthoquinone (Ex. 787)		
Zineb (Ex. 787)		

SPINACH

Benzene hexachloride (Ex. 699)	Ex. 699	Apply only early while plants small and follow with rotenone or pyrethrum to avoid residues (R. 2940). Do not apply within 10-14 days of harvest; Ex. 886. Apply only early while plants small and follow with rotenone or pyrethrum to avoid residue; R. 2940. 2.6 to 4.0 p. p. m.; Ex. 285. Before washing, 17.4 to 51 p. p. m. After washing and blanching, 1.6 to 5.1 p. p. m. (Ex. 285). Applied 1 week before harvest; residue before processing 0.05–0.46 p. p. m. (Ex. 898B).
Calcium arsenate (R. 2940)	R. 2940	
Chloranil—tetrachloroparabenzoquinone (Ex. 71, 156, 787, 853, 854).	For seed treatment; Ex. 71, 156.	
Chloropicrin (Ex. 787)	As fumigant: Ex. 787	
Copper compounds—inorganic (Ex. 156, 473, 507, 787, 853, 854; R. 2644, 3310).	For seed treatment; Ex. 2644, 3310.	
Cuprie-gamma-chloroacetoacetanilide (Ex. 787).	For seed treatment; Ex. 787.	
DD mixture (Ex. 787)	For soil treatment; Ex. 787.	
DDT (Ex. 886; R. 260)	Ex. 886; R. 2940	
2,3 dichloro 1,4 naphthoquinone (Ex. 156, 787, 853; R. 2644).	For seed treatment; Ex. 156, R. 2644.	
Ethylene dibromide (Ex. 787)	For soil treatment; Ex. 787.	
Ferbam (R. 3310)	For seed treatment; R. 3310.	
Fluorine compounds (Ex. 71; R. 4203)	As baits; R. 4203	
Lime (Ex. 513; R. 1936)	Ex. 513; R. 1936	
Mercury compounds (Ex. 473, 507, 787, 853, 854).	For seed treatment; Ex. 473.	
Methyl bromide (Ex. 787)	For soil treatment; Ex. 787.	
Nabam (Ex. 787; R. 3310)	For seed treatment; R. 3310.	
Nicotine (Ex. 71, 156, 161, 201, 364, 513, 699, 834; R. 1936).	R. 1936	
Parathion (R. 1934)	R. 1934	
Pyrethrum (Ex. 201, 513, 834; R. 1932)	R. 1932	
Rotenone (Ex. 71, 699, 834)	Ex. 71	
Sulfur (Ex. 834)	Ex. 834	
TDE (Ex. 533)	Ex. 533	
Tetraethyl pyrophosphate (Ex. 161, 364)	Ex. 161, 364	
Thiram (Ex. 156, 158, 473, 507, 513, 787, 853; R. 2644).	For seed treatment; R. 2644.	
Zinc compounds—inorganic (Ex. 158, 473, 513, 787).	For seed treatment; Ex. 158.	

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VEGETABLES—Continued

SPINACH—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Zineb (Ex. 555, 787; R. 3310)	For seed treatment; Ex. 3310.	
Ziram (R. 3310)	For seed treatment; R. 3310.	

SQUASH

Benzene hexachloride (Ex. 533; R. 3157)		Cryolite 9.50 to 9.71 p. p. m. immediately after dusting; 2.42 to 2.91 p. p. m. 5 days later; barium fluosilicate 10.68 to 12.13 p. p. m. immediately after dusting; 4.17 to 4.21 p. p. m. 5 days later; (Ex. 703).
Calcium arsenate (Ex. 71, 201, 726; R. 4095).		
Chloranil (Ex. 156, 158, 472, 473, 513, 787)	For seed treatment; Ex. 156.	
Chlordane (Ex. 156, 533, 887, 889)		
Copper compounds (Ex. 156, 157, 234, 472, 507, 726, 787, 889).		
Copper-8-quinolinolate (Ex. 787)		
Copper-zinc-chromate complex (Ex. 787)		
DD Mixture (Ex. 555)	As fumigant; Ex. 555.	
DDT (Ex. 156, 165, 201, 365, 834; R. 1968)		
2,3 dichloro 1,4 naphthoquinone (Ex. 156, 507, 787).	For seed treatment; Ex. 156, 507.	
Ethylene dibromide (Ex. 555)	As fumigant; Ex. 555.	
Ferbam (Ex. 472, 533, 787, 834)		
Fluorine compounds (Ex. 71, 533, 699, 726, 834, 889; R. 4095).		
Mercury compounds (Ex. 158, 472, 473, 507, 513, 710, 787).	For seed treatment; Ex. 158.	
Methoxychlor (Ex. 365, 726, 834, 887, 889).		
Nabam (Ex. 533, 555, 787)		
Nicotine (Ex. 71, 201, 533, 699, 726, 834; R. 4094).		
Parathion (Ex. 365, 533, 834; R. 1968, 3157).		
Pyrethrum (Ex. 365, 726, 834, 887, 889)		
Rotenone (Ex. 71, 365, 699, 726, 834, 889; R. 4095).		
Sabadilla (Ex. 105, 201, 699, 726, 834, 889) R. 4095).	R. 4094	
Sulfur (Ex. 157, 472, 886)		
Tetraethyl pyrophosphate (Ex. 533, 726; R. 3157, 4094).		
Thiram (Ex. 156, 507, 787)	For seed treatment; Ex. 156, 507.	
Zinc 2,4,5 trichlorophenate (Ex. 787)	For seed treatment; Ex. 787.	
Zineb (Ex. 156, 472, 533, 555, 787, 834, 889)		
Ziram (Ex. 156, 157, 472, 787, 834)		

SWEETPOTATOES

Calcium arsenate (Ex. 71, 834)	To spray or dust foliage; Ex. 71, 834.	
Chloranil—tetrachloroparabenzoquinone (Ex. 156, 745, 787).	To treat seed roots and dip sprouts before setting out; Ex. 156.	
DDT (Ex. 699)	To spray or dust on foliage; Ex. 699.	
2,3 dichloro 1,4 naphthoquinone (Ex. 156, 787).	To treat seed roots and dip sprouts; Ex. 156, 787.	
Ferbam (Ex. 156, 573, 787; R. 2907)	To treat soil in seed bed and/or dip seed roots and/or sprouts; R. 2907.	
Fluorine compounds (Ex. 71)	To dust foliage; Ex. 71.	
Formaldehyde (Ex. 787)	To treat seed roots, dip sprouts; Ex. 787.	
Lead arsenate (Ex. 834)	To dip sprouts, spray or dust foliage, Ex. 834.	

VEGETABLES—Continued

SWEETPOTATOES—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Lime (Ex. 834)	To use with arsenicals for foliage dust; Ex. 834.	
Mercury compounds (Ex. 156, 513, 710, 745, 787; R. 2907).	To treat seed roots, dip sprouts; R. 2907.	
Nabam (Ex. 787)	To treat seed roots, dip sprouts; Ex. 727.	
Rotenone (Ex. 156)	To spray or dust foliage; Ex. 156.	
Sulfur (Ex. 787; R. 2909)	As soil treatment in fields to lower pH; R. 2909.	
Thiram (Ex. 513, 787; R. 2907)	To treat seed roots; Ex. 787.	
Zineb (Ex. 787)	To treat seed roots; Ex. 787.	
Ziram (Ex. 513, 787)	To treat seed roots; Ex. 513.	

SWISS CHARD

Benzene hexachloride (Ex. 699)	Ex. 699	Not to be applied later than 3 weeks to harvest (Ex. 699).
Chloranil—tetrachloroparabenzoquinone (Ex. 156, 787).	For seed treatment; Ex. 156, 787.	
Copper compounds (Ex. 71, 156, 473, 507, 787).	Ex. 787	
2,3 dichloro 1,4 naphthoquinone (Ex. 156, 507, 787).	Ex. 787	
Mercury compounds (Ex. 156, 473, 507, 513, 787).	For seed treatment; Ex. 507, 513, 787.	
Nicotine (Ex. 156, 364, 699; R. 2087)	Ex. 156, R. 2087	
Parathion (Ex. 699)	Ex. 699	Not to be applied later than 3 weeks to harvest (Ex. 699).
Rotenone (Ex. 71, 699)	Ex. 71, 699	
Tetraethyl pyrophosphate (Ex. 364, 699)	Ex. 364, 699	
Thiram (Ex. 156, 473, 507, 513, 787)	For seed treatment; Ex. 507, 513, 787.	
Zinc compounds (Ex. 787)	For seed treatment; Ex. 787.	
Zineb (Ex. 787)	Ex. 787	

TOMATOES

Aldrin (R. 3257)		0.54 to 0.86 p. p. m. (Ex. 903).
Allyl bromide (Ex. 787)	For soil treatment; Ex. 787.	
Arsenate of calcium (Ex. 71, 161, 201, 331, 332, 507, 513, 726, 834, 889; R. 3257.	R. 3257	(As As_2O_3) 1.0 p. p. m. (Ex. 161). 1.0 to 8.0 p. p. m. unwashed (Ex. 275, 278, 285). 0.1 to 0.56 p. p. m. washed (Ex. 275, 278, 285).
Arsenate of copper (Ex. 834, R. 698	R. 698	
Arsenate of lead (Ex. 513, 834)	Ex. 513	(As Pb) Unwashed 0.7 to 6.7 p. p. m. (Ex. 278). (As Pb) Washed 0.1 to 0.7 p. p. m. (Ex. 275). 0.1 p. p. m. from soil treatment (Ex. 285). 0.1 p. p. m. from soil treatment (Ex. 297).
Benzene hexachloride (Ex. 377, 533, 545; R. 675, 698)	R. 675	
Calcium cyanamide (Ex. 555, 787)	For soil treatment; Ex. 555.	
Calcium cyanide (R. 676, 687, 698)	As greenhouse fumigant; R. 698.	
Chloranil (Ex. 71, 156, 533, 745, 787, 853)	For seed treatment; Ex. 533, 853.	
Chlordane [11] (Ex. 161, 533, 545, 834, 886, 887, 889; R. 3257). [11]	Ex. 834	
Parachlorophenoxyacetic acid (Ex. 159)	As plant stimulant to promote fruit set; Ex. 159.	
Parachlorophenyl parachlorobenzene sulfonate (R. 698).		
Chloropicrin (Ex. 745, 787)	For soil treatment; Ex. 787.	

[11] Not to be applied to tomatoes within 30 days of harvest. (Ex. 834) Not to be used within 10 to 14 days of harvest. (Ex. 886) Used on undamaged plants. (Ex. 887.)

VEGETABLES—Continued

TOMATOES—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Copper compounds—inorganic (Ex. 71, 156, 193, 234, 507, 513, 533, 555, 710, 733, 745, 787, 814, 834, 853, 886, 887, 889; R. 911, 2993).	Ex. 71	(As Cu) 0.19 to 3.14 p. p. m. (Ex. 577). (As Cu) 1 p. p. m. (Ex. 892).
Copper-8-quinolinolate (Ex. 787)	Ex. 787	
Copper-zinc-chromate complex (Ex. 787; R. 943).	Ex. 787	
DD Mixture (Ex. 331, 555, 745, 787)	For soil treatment; Ex. 331.	
DDT [12] (Ex. 156, 161, 201, 331, 332, 533, 545, 699, 726, 733, 762, 834, 886, 887, 889; R. 492, 495, 675, 689, 698, 3257).	R. 492	No residue (Ex. 161). 1.8 p. p. m. (Ex. 205). 0.1 to 1.7 p. p. m. unwashed (Ex. 277, 278, 285). 0 to 0.8 p. p. m. washed (Ex. 277, 278, 285). 0.2 to 1.4 p. p. m. (Ex. 297). 0.1 p. p. m. (Ex. 376). 0.13 to 1.04 p. p. m. (Ex. 531). 0 to 1.8 p. p. m. (Ex. 898). 0.5 to 1.05 p. p. m. (Ex. 1244).
2,3 dichloro 1,4 naphthoquinone (Ex. 156, 555, 787, 853; R. 2453, 2995).	Ex. 787	0.023-1.43 p. p. m. (Ex. 1257).
Ethylene dibromide (Ex. 331, 555, 745, 787)	For soil treatment; Ex. 331, 787.	
Ferbam (Ex. 163, 745, 787; R. 943, 2995)	Ex. 787	
Fluorine compounds (Ex. 71, 191, 201, 332, 699, 834, 889).	Ex. 71	No residue, as F from Cryolite (Ex. 161). 0.7 to 15 p. p. m. as F, unwashed (Ex. 275). 0.1 to 0.7 p. p. m. washed (Ex. 275).
Formaldehyde (Ex. 787)	For soil treatment; Ex. 787.	0.7 to 15 p. p. m. as F, unwashed; 0.1 to 0.7 p. p. m. as F, washed (Ex. 275).
Manganese ethylenebisdithiocarbamate (Ex. 787).	Ex. 787	
Mercury compounds (Ex. 71, 473, 507, 513, 745, 787).	For seed treatment; Ex. 787.	
Methoxychlor [14] (Ex. 702, 834, 853, 886, 889; R. 3257).	R. 3257	0.2 to 1.0 p. p. m. unwashed (Ex. 278). 0.1 to 0.8 p. p. m. washed (Ex. 278). 0.08 to 2.0 p. p. m. (Ex. 1006).
Methyl bromide (Ex. 476, 787)	For soil treatment; Ex. 476, 787.	
Nabam (Ex. 156, 513, 533, 555, 787, 834, 889; R. 2995).	Ex. 787	0.1 to 5.3 p. p. m. (Ex. 1010).
Nicotine (Ex. 71, 156, 331, 377, 513, 699, 834; R. 678, 685, 698, 2453).	Ex. 71	
Parathion [13] (Ex. 377, 533, 545, 787, 834; R. 675, 685, 698, 2453, 3257).	R. 698	Less than 0.01 p. p. m. (Ex. 376). 0.1 to 1.37 p. p. m. sampled same day applied. (Ex. 377). 0.01 p. p. m. sampled 15 days later. (Ex. 377). 0 to 1.5 p. p. m. (Ex. 531). 0.4 p. p. m. (Ex. 642). 0 to 0.14 p. p. m. (Ex. 871). 0.68 to 2.51 p. p. m. sampled within 3 days after application. (Ex. 1244). 0.14 to 0.83 p. p. m. sampled 12 or more days after application. (Ex. 1244).
Pyrethrum (Ex. 201, 331, 886)	Ex. 201	
Rotenone (Ex. 71, 156, 507, 513, 726, 834, 887, 889; R. 698).	Ex. 71	
Sabadilla (Ex. 533, 834)	Ex. 533, 834	
Sulfur (Ex. 161, 331, 332, 787, 834, 886, 887; R. 492, 698).	Ex. 787	Ex. 161.
TDE (Ex. 161, 331, 332, 545, 726, 733, 886, 889; R. 685, 3257).	Ex. 685	1.4 p. p. m. (Ex. 161). Unwashed 1.0 to 1.3 p. p. m. (Ex. 277, 278, 285). Washed 0.1 to 0.5 p. p. m. (Ex. 277, 278, 285). 0.15 to 1.42 p. p. m. (Ex. 297).
Tetraethyl dithiopyrophosphate (R. 681, 698).	R. 681, 698	0.01 to 0.04 p. p. m. (Ex. 1244).
Tetraethyl pyrophosphate (Ex. 762, 834; R. 495, 681, 698).	Ex. 834	
Thiram (Ex. 71, 156, 473, 507, 513, 745, 787, 853).	For seed treatment; Ex. 473, 507, 853.	
Toxaphene [15] (Ex. 161, 533, 545, 762, 834; R. 3257).	R. 3257	0.2 to 4.4 p. p. m. unwashed (Ex. 278). 0.2 to 1.9 p. p. m. washed (Ex. 278). 0 to 1.2 p. p. m. (Ex. 546).

[12] Not to be applied to edible portion later than 30 days prior to harvest (Ex. 834); not to be dusted within 10 days of harvest (Ex. 887).

[13] Not to be applied to edible portion later than 30 days prior to harvest (Ex. 834).

[14] Not to be applied within 30 days of harvest. (R. 3257 and Ex. 834). Treatment with parathion to be made only before first fruit sets. (Ex. 377)

[15] Should not be applied within 30 days of harvest. (Ex. 834)

VEGETABLES—Continued

TOMATOES—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Zinc compounds (Ex. 156, 513, 533, 787)	Ex. 156	
Zinc 2,4,5, trichlorophenate (Ex. 787)	For seed treatment; (Ex. 787).	
Zineb (Ex. 156, 513, 533, 555, 733, 745, 787, 814, 834, 886, 889; R. 2995).	Ex. 156, 513	0 to 1.7 p. p. m. (Ex. 1010).
Ziram (Ex. 156, 513, 745, 787, 814, 834, 889; R. 2995).	Ex. 513; R. 2995	0.13 to 2.4 p. p. m. (Ex. 1009).

TURNIPS

Benzene hexachloride (Ex. 362, 533, 699)		Not to be used closer than 3 weeks to harvest. (Ex. 699).
Calcium arsenate (Ex. 71)		
Chloranil (Ex. 156, 787, 853, 854)	For seed treatment; Ex. 853, 854.	
Chlordane (Ex. 362, 887)		
Copper compounds (Ex. 745, 787; R. 3310)		
DDT (Ex. 155, 362, 699, 834)		
2,3 dichloro 1,4 naphthoquinone (Ex. 156, 787, 853).	For seed treatment; Ex. 156, 787.	
Ferbam (Ex. 745, 787; R. 3310)		
Fluorine compounds (Ex. 71, 699)		
Mercury compounds (Ex. 155, 158, 362, 473, 507, 513, 787, 853, 854).	For seed treatment; Ex. 155, 158.	
Methoxychlor (Ex. 887)		
Nabam (Ex. 555, 787; R. 3310)		
Nicotine (Ex. 71, 155, 362, 532, 699, 834, 889).		
Parathion (Ex. 699, 834)		Not to be applied later than 3 weeks to harvest. (Ex. 699).
Pyrethrum (Ex. 71, 155, 362, 889)		
Rotenone (Ex. 71, 155, 156, 362, 532, 699, 834, 887; R. 4204).		
Sabadilla (Ex. 699; R. 4204)		
Sulfur (Ex. 787, 889)		
Tetraethyl pyrophosphate (Ex. 699, 762)		
Thiram (Ex. 156, 513, 787, 853)	For seed treatment; Ex. 156, 513.	
Zinc compounds (Ex. 787)		
Zineb (Ex. 555, 745, 787; R. 3310)		
Ziram (Ex. 787; R. 3310)		

WATERMELONS

Benzene hexachloride (Ex. 533, 834)	Ex. 533, 834	
Calcium arsenate (Ex. 161, 507, 726)	Ex. 161	
Chloranil (Ex. 158, 473, 513, 533, 555, 787)	For seed treatment; Ex. 158, 473.	
Chlordane (Ex. 161, 889)	Ex. 161, 889	
Copper compounds—inorganic (Ex. 71, 157, 507, 533, 555, 710, 726, 733, 787, 834, 889).	Ex. 71	
Copper-zinc-chromate complex (Ex. 787)	Ex. 787	
Copper-8-quinolinolate (Ex. 787)	Ex. 787	
DD mixture (Ex. 555)	As soil fumigant; Ex. 555.	
DDT (Ex. 161, 834)	Ex. 61, 834	
2,3 dichloro 1,4 naphthoquinone (Ex. 787)	Ex. 787	
Ethylene dibromide (Ex. 555)	As soil fumigant; Ex. 555.	
Ferbam (Ex. 787, 834; R. 944)	R. 944	
Fluorine compounds (Ex. 71, 161, 699, 700, 834, 889).	Ex. 71	
Mercury compounds (Ex. 71, 158, 473, 513, 533, 555, 710, 787).	For seed treatment; Ex. 158, 473.	
Methoxychlor (Ex. 699, 700, 726, 834, 899).	Ex. 699	
Nabam (Ex. 555, 787)	Ex. 787	
Nicotine (Ex. 71, 161, 699, 700, 726, 834)	Ex. 71	
Parathion (Ex. 161, 834)	Ex. 161, 834	Not to be applied within 30 days of harvest. (Ex. 834).
Pyrethrum (Ex. 726, 834, 889)	Ex. 726	
Rotenone (Ex. 507, 699, 700, 726, 834, 889)	Ex. 507, 699	
Sabadilla (Ex. 161, 733, 834, 889)	Ex. 161	
Sulfur (Ex. 157, 787)	Ex. 787	
Tetraethyl pyrophosphate (Ex. 161, 726)	Ex. 161, 726	

VEGETABLES—Continued

WATERMELONS—continued

Name of pesticide	Reference to method of application	Range in quantity of residues
Thiram (Ex. 555, 787)	For seed treatment; Ex. 555.	
Zineb (Ex. 533, 555, 710, 733, 787, 834, 889)	Ex. 533, 555	
Ziram (Ex. 157, 555, 787, 825, 834)	Ex. 157	

21. Generally speaking, it has been found that substances that kill insects are poisonous or deleterious to higher animals. Likewise, practically all the substances that are capable of destroying the micro-organisms causing plant diseases have been found to be deleterious to humans. The substances used as weed killers, to defoliate plants, and to affect fruit set and fruit drop often contain chemicals known to be deleterious to humans. For the purpose of applying the provisions of section 406 of the act, it is reasonable to classify any substance falling in the above categories as deleterious substances unless reliable pharmacological experiments have shown otherwise. (R. 31, 62, 4849–4857, 7092–7093)

22. From results obtained in feeding experimental animals, and from physiological or other effects on man where human exposure has occurred, it is possible to predict the probable effect on humans of the long-continued ingestion of poisonous or deleterious substances. In interpreting such data on a poisonous or deleterious substance, the following points must be borne in mind:

a. Any lack of uniformity of response within and among animal species.

b. The occurrence of unusually alarming reactions such as production of cancer or blood disorders.

c. The occurrence of sensitivity, tolerance, or idiosyncrasy in response to exposure.

In predicting the quantity of a poisonous or deleterious substance that may be consumed over a long period without hazard to man, it is reasonable and advisable to assume that:

a. Man is ten times more prone to injury from the substance than other species of warm blooded animals.

b. The most sensitive men are ten times more susceptible to injury from the substance than the average man.

Thus, in dealing with new substances to which the human race has not been exposed extensively, it is proper in estimating the quantity that may be consumed without hazard to man to apply a combination of these two factors and use a combined safety factor of 100. Where there has been extensive exposure of humans to the poisonous or deleterious substance and data are available concerning any physiological or other effects on humans, a safety factor of somewhat less than 100 may be employed. Where unusually alarming reactions have occurred from exposure of humans or other animals to the substance it may be desirable to employ a safety factor somewhat greater than 100.

Combinations of poisonous or deleterious substances of similar pharmacological properties require special regulation. (R. 6897, 7301–7303, 7391, 7393, 8511–8513, 8539)

23. Since many poisonous and deleterious substances are found in pesticide residues and the possible additive effect on the public health from all combinations of such substances is not known, and since the amounts of the separate poisonous and deleterious substances which experts believe may be tolerated by humans without hazard to man are at best only estimates, it will aid in the protection of the public health to limit the amount of such substances tolerated on fresh fruits and vegetables so that in no case is the amount tolerated greater than the maximum amount required for the protection of the fruits and vegetables against pests that may attack them.

24. In establishing tolerances, consideration should be given to the quantities of the different fruits and vegetables likely to contain poisonous residues that may be consumed by humans under any probable condition. Some persons may attempt to exist for rather extended periods on diets consisting almost entirely of one or more fresh fruits or vegetables. No data are available on the amount of the maximum consumption of fruits or vegetables under such conditions. Limited surveys have been made of the quantities of commercially grown fruits and vegetables that have been purchased by consumers for food use.

It is not possible to determine accurately the maximum, minimum, or average per capita consumption of each fresh fruit and vegetable or of combinations of these. There are wide geographical, seasonal, and family variations in amounts and kinds of fresh fruits and vegetables consumed.

Investigations have been made of the fresh fruits and vegetables purchased by households in a few cities in the United States. For the purpose of establishing tolerances it can reasonably be assumed that the fresh fruits and vegetables purchased are consumed. These investigations reveal that citrus fruits and melons constitute the fruits bought in greatest quantity by weight. Generally speaking, tolerances for poisonous substances added to citrus fruits and melons should be limited to the amounts necessary to protect such fruits against pests.

In arriving at estimates of the weight of different fruits that may be consumed regularly, for the purpose of estimating possible consumption of pesticide residues, it is reasonable to assume that quantities purchased per week may be consumed at the same level for longer periods and that the use in estimating consumption of a quantity between the average and maximum amounts purchased is better calculated to insure the purpose of achieving general protection of the public health than the use of the average quantities purchased.

As an estimate of the possible daily consumption of fruits in terms of weight, the following figures may be used as a guide for establishing tolerances:

	Daily consumption in pounds
Citrus fruits and melons	1.5
Apples and pears	1.0
All other fruits except tropical or semi-tropical	0.5

Where tropical and subtropical fruits are used they would replace some of the above, and 1 pound a day would be a reasonable figure for a guide.

In the case of vegetables, potatoes constitute the vegetable used in greatest quantity by weight. Since the insecticides and fungicides used in the production of potatoes normally add to the edible portion of the potato only very small quantities, if any, of the poisonous or deleterious substances used, this vegetable may be considered separately when estimating the weight of vegetables consumed that may carry pesticide residues. As a reasonable basis for calculation, it is unlikely that consumption of fresh vegetables other than potatoes will exceed 1 pound per day. Due to the large quantities of potatoes consumed regularly, poisonous substances added to them should be restricted as much as possible. (R. 6934–6949; Ex. 1065)

25. In some cases poisonous and deleterious substances that occur in pesticide residues may also be introduced into the general food supply from other sources. Data on this point are meager. In the case of compounds containing lead, the average diet contains detectable quantities that may amount to as much as ⅓ milligram a day.

Small amounts of arsenic from various sources are also present in the average diet. This may amount to as much as 0.5 milligram a day.

Compounds containing fluorine are found in practically all ground water. The concentration is frequently less than 1 part per million, the average amount necessary to insure maximal dental health. However, the amount of fluorine in ground water varies considerably from place to place, and is so great (2 to 7.2 parts per million) in a few areas that injury to the teeth results. The balance is a delicate one. Fluorides have been added to the water supply in some areas in which the fluorine content of the water is less than 1 part per million.

Minute amounts of mercury are found in soot and dust. The amount that may be absorbed by humans from such sources is not known.

Selenium is widely distributed in soils. Grains grown in certain areas of the United States contain several parts per million of selenium taken up from the soil. (R. 7012–7037, 6919–6923, 8685–8686, 8694; Ex. 1087, 1088)

26. The adoption of the following principles in setting tolerances for poisonous and deleterious substances in pesticide residues will protect the public health and also enable growers of fresh fruits and vegetables to obtain adequate protection against pests:

a. If the quantity of a poisonous or deleterious substance that may be contributed to the diet from all sources, including that derived from residues on fruits or vegetables when these are consumed in quantities that may be reasonably anticipated, exceeds the quantity estimated to be safe, the tolerance for such substance on fresh fruits and vegetables is set at the point of estimated safety.

b. In the case of such similar or related substances as the arsenicals used as pesticides, the various compounds whose action depends on their fluorine content, and the metallic salts of thiocarbamic acid it is proper to set tolerances for the active components common to each class in order to avoid hazards to man.

In the case of the various chlorinated hydrocarbons, the poisonous properties of each such compound are apparently not directly proportional to its chlorine content. On the basis of our present knowledge, it is proper, in order to avoid hazard to man, to limit combinations of such substances so that if two or more such compounds are present in pesticide residue and the quantity of each compound is calculated as the percent of its applicable tolerance, the sum of such percentages is not more than 100. A similar combined tolerance for organic phosphates is proper.

c. If the total quantity of a poisonous or deleterious substance that may be ingested from all sources does not exceed the quantity estimated to be reasonably safe for consumption, the tolerance for such substance on each fruit or vegetable crop is based on the quantity of such substance necessary to protect the crop.

d. If the quantity of a poisonous or deleterious substance that may be ingested from all sources, including that derived from the use of fruits or vegetables, exceeds the amount estimated to be safe for consumption, but where cleaning methods are available for use in ordinary commercial practice whereby the amount of residue may be so reduced that it, together with the amount derived from other sources, is within safe limits, the quantity remaining after such commercial cleaning is set as the amount tolerated.

e. Although the moisture content of fresh fruits and vegetables varies, it is impracticable to establish tolerances on the basis of the dry matter of such fruits and vegetables, and tolerances for these must be set for each product as it is found, when such product is subject to the requirements of the Federal Food, Drug, and Cosmetic Act.

27. Some poisonous or deleterious substances are applied to fruits or vegetables in such manner that there is no reasonable possibility that residues remaining when the crop is marketed will endanger the public health. Under these circumstances, a tolerance is not required. (These substances should be exempted from the necessity of a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act which became law after the hearings referred to herein.) (R. 776–786, 6900)

28. The following substances used as pesticides do not cause residues that are considered poisonous or deleterious: Sulfur, lime-sulfur, slaked lime. (R. 6899)

29. The following chemicals are poisonous or deleterious. After the designation of each chemical, facts having a bearing on what tolerance should be established are set forth. A conclusion is drawn as to what tolerance should be adopted to protect the public health.

Aldrin. Aldrin is the name recognized by the United States Department of Agriculture for a chemical insecticide containing not less than 95 percent of the compound 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-dimethanonaphthalene and 5 percent of insecticidally active related chlorinated hydrocarbons.

Aldrin is a recently developed insecticide that has been found effective against a number of important pests. It has been found useful in the control of grasshoppers. It has been used only to a limited extent on fruits and vegetables but has shown promise in various trials against a variety of insects.

Although it tends to be dissipated after application, residues of aldrin may, under certain conditions, remain for some time. Methods for the determination of residues of aldrin are reported. These include the general method for chlorine in organic combination and a special colorimetric method.

Aldrin is quite toxic. Its use should be restricted as to quantity and the number of fruits and vegetables on which used. (R. 5776–5777, 5785–5788, 8416–8480, 8483–8496; Ex. 903, 1216, 1217, 1218, 1219)

A tolerance for aldrin of 0.1 part per million on fruits and vegetables on which it is required will be without hazard to man.

Allethrin. Allethrin is a name adopted by the United States Department of Agriculture for the chemical insecticide *dl*-2-allyl-4-hydroxy-3- methyl-2-cyclopenten-1-one esterified with a mixture of cis and trans *dl*-chrysanthemum monocarboxylic acid. (R. 6884; Ex. 1062)

This is a relatively new synthetic insecticide material. It has been used experimentally but the record does not show that it is necessary. There is no record basis for establishing a tolerance for this substance.

Aramite. See *2-(Paratertiarybutylphenoxy)-1-methylethyl-2 - chloroethyl sulfite.*

Arathane. See *Dinitrocaprylphenyl crotonate.*

Arsenic compounds other than lead arsenate and calcium arsenate. In addition to lead arsenate and calcium arsenate, a number of other arsenic compounds are occasionally used as insecticides. The reasons for using these arsenicals instead of lead arsenate or calcium arsenate is not clearly shown by the record. The following arsenic compounds are involved:

Basic copper arsenate.
Copper-aceto-arsenite (paris green).
Magnesium arsenate.
Manganese arsenate.
Sodium arsenate.

(R. 5229–5230)

Basic copper arsenate has some special fungicidal properties due to its content of copper. It has been used on apples, peaches, beans, potatoes, and tomatoes and has potential insecticidal value in the same way as other arsenicals. (Ex. 834, 1292)

The toxicity of all these arsenic compounds is in proportion to their content of arsenic. The same analytical method for arsenic is applicable to all of them, and analyses are properly reported in terms of arsenic trioxide.

A tolerance based on the arsenic trioxide content such as is adopted for calcium arsenate should be applicable to these arsenicals.

BHC. See *Benzene hexachloride.*

Benzene hexachloride; BHC; 1,2,3,4,5,6-hexachlorocyclohexane (a mixture of several isomers); lindane (the gamma isomer of benzene hexachloride). Both benzene hexachloride (a mixture of several isomers) and the gamma isomer known as lindane have recently come into general use as insecticides. The record is replete with evidence that they are widely used on both fruits and vegetables. The use of crude benzene hexachloride, however, may sometimes alter the flavor of the fruit or vegetable to which it is applied. (R. 6858–6875)

The residues of benzene hexachloride or lindane (when no other chlorinated hydrocarbon has been applied) can be determined by the general method for organic chlorine. (R. 867–868) A specific method for benzene hexachloride has been reported. (R. 872–873; Ex. 152)

Some data on actual residues are reported. These range from less than 1.0 part per million to around 15 parts per million in the case of some vegetables.

A tolerance for lindane of 10 parts per million on fruits and vegetables on which it is required will be without hazard to man.

Commercial benzene hexachloride containing a mixture of isomers, particularly because of the beta isomer, is more toxic than lindane.

A tolerance for commercial benzene hexachloride of 5 parts per million on fruits and vegetables on which it is required will be without hazard to man. (R. 6488–6489, 6494–6500, 6522–6524, 8497, 8509–8515, 8529–8567)

Bioquin. See *Copper-8-quinolinolate.*

Bis(2-hydroxy-5-chlorophenyl) sulfide. This is the fungicide designated by the trade name CR 305. (R. 2011; Ex. 430, 787)

Although this chemical is mentioned in the record, sufficient evidence is not supplied on which to base findings as to the need for its use or its safety.

Bismuth subsalicylate. This compound is mentioned in the record as being used on beans for white mold. No information on residue was given. In view of the toxic nature of bismuth compounds, more data are needed before any tolerance can be set. (R. 6901; Ex. 787)

Bis(parachlorophenoxy) methane. This chemical is sold under the trade name of Neotran, and is used as an insecticide for the control of mites.

It has been used on citrus fruits. (R. 3568, 3615, 3761, 3797; Ex. 640, 642)

The record does not contain data adequate to permit an accurate determination of the toxicity of this chemical. There is no record basis for establishing a tolerance.

1,1-Bis(parachlorophenyl)-2-nitrobutane (a component of Dilan). See *Dilan.*

1, 1 - Bis(parachlorophenyl) - 2 - nitropropane. This is one of the components of Dilan. See *Dilan.*

2, 2 - Bis(paramethoxyphenyl) 1, 1, 1-trichlorethane. See *Methoxychlor.*

Bordeaux mixture, copper-lime mixture. See *Copper compounds.*

Boron compounds. See finding 18.

Bulan. This is a trade name for 1,1-bis(parachlorophenyl) - 2 - nitrobutane, one of the components of Dilan. See *Dilan.*

CR-305. See *Bis(2-hydroxy-5-chlorophenyl) sulfide.*

CR-1639. See *Dinitrocaprylphenyl crotonate.*

CS 645A. A component of Dilan. See *Dilan.*

Cadmium compounds. The record indicates that the use of compounds of cadmium should be restricted to that which does not add this substance to the fresh fruit or vegetable shipped.

Calcium arsenate. This arsenical was once quite widely used as an insecticide on a number of fruits and vegetables that were not injured by its application. To a certain extent it has been used interchangeably with lead arsenate, but is more apt to injure foliage than lead arsenate. It is now used to a limited extent on a number of fruits and vegetables, such as apples, pears, asparagus, broccoli, cabbage, cauliflower, celery, etc. (R. 20–22, 1263–1270, 1854–1858, 2222–2223, 2939; Ex. 835)

The amount of residue on fruits and vegetables resulting from use of calcium arsenate can be determined. (R. 805)

There are little or no data on residues where calcium arsenate was used alone but considerable data on total arsenical residues.

The toxicity of arsenicals is dependent on the quantity of arsenic present. Calculated as As_2O_3, about 3 milligrams a day can be tolerated without hazard to man. (R. 7010)

For the purpose of establishing a tolerance, calcium arsenate should be grouped with other arsenicals and an over-all tolerance should be established in terms of the quantity of As_2O_3 present in the residue.

A tolerance for arsenicals of 3.5 parts per million of As_2O_3 on fruits and vegetables on which they are required will be without hazard to man.

Calcium cyanide. This chemical has a limited use in vineyards and in greenhouses in connection with cucumbers and tomatoes. The record indicates that its insecticidal action is due to the liberation of hydrocyanic acid gas, which is soon dissipated. It is said to leave no residue. (R. 698, 715, 5421)

No tolerance is justified. This chemical should be used only under conditions which leave no residue on fruits or vegetables as prepared for market.

Captan. See *SR 406.*

Chloranil. See *Tetrachloroparabenzoquinone.*

Chlordane. Chlordane is the coined name for 1,2,4,5,6,7,8,8-octachloro-2,3,-3a,4,7,7a - hexahydro - 4, 7 - methanoindene. Octa-Klor, Octachlor, and Velsicol 1068 are trade names for this same chemical. (R. 5592, 5603)

Chlordane is used to protect fruit from attacks by grasshoppers. (R. 739, 1266, 5592; Ex. 155, 527, 530, 721, 769, 834, 886-889)

Residues resulting from the use of chlordane may be determined by the method for organic chlorine and application of a suitable factor. (R. 5594)

Chlordane is extremely toxic. (R. 8255)

A tolerance for chlordane of 0.1 part per million on fruits and vegetables on which it is required will be without hazard to man.

Chlorinated camphene. Toxaphene is the name recognized by the U. S. Department of Agriculture for this chemical insecticide.

Chlorinated camphene has been used successfully on a number of fruits and vegetables. It has about the same potential range of usage as DDT and methoxychlor.

Amounts of residue that may be expected when it is used, in general are less than 7 parts per million. This figure may be exceeded if excessive amounts are used. (Ex. 520, 535, 546, 642, 687, 881)

Residues resulting from the use of chlorinated camphene may be determined by the method for organic chlorine and application of a suitable factor. (R. 807–809)

The toxicity of chlorinated camphene is about the same as that of DDT. (R. 7452–7459, 7541–7549)

A tolerance for chlorinated camphene of 7 parts per million on fruits and vegetables on which it is required will be without hazard to man.

Chloropicrin. This is a soil fumigant the technical designation of which is trichloronitromethane.

Copper compounds other than copper arsenate, copper-aceto-arsenite (paris green), copper-8-quinolinolate, and cupric - N - nitroso - phenylhydroxylamine. The fungicidal effect of compounds of copper has been known and utilized for many years. Many other compounds of copper are now used. In some of these copper has been combined with organic compounds in an attempt to obtain the combined effect of copper and the organic compound. (Ex. 895)

The toxicity of copper compounds now in use as fungicides, except copper arsenate and arsenite, copper-8-quinolinolate, and cupric-N-nitroso-phenylhydroxylamine, varies only slightly, and they may be placed in one group. (R. 6900, 8596–8605, 8616–8643)

The copper fungicides are so widely used that no attempt will be made here to list all the fruits and vegetables involved. They cannot be used interchangeably, however, as several may cause injury to certain plants. The need for selecting the suitable copper compound is recognized in good agricultural practice. (Finding 20; Ex. 891–899)

If used according to good agriculture practice, no hazard to man will result from the use of the following:

Bordeaux mixture.
Copper acetate.
Copper carbonate, basic (malachite green).
Copper-lime mixtures.
Copper oxychloride.
Copper silicate.
Copper sulfate.
Copper sulfate, basic.
Copper-zinc-chromate.
Cuprous oxide.

(R. 5396–5402, 6909, 8625–8643)

These compounds should be exempted from the requirement of a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act.

Copper cupferron. See *Cupric-N-nitroso-phenylhydroxylamine.*

Copper-8-quinolinolate. This chemical fungicide is also known as Bioquin. The extent of its use is not clear. It is mentioned as having been experimentally used on avocados. (Ex. 642)

There is no record basis for establishing a tolerance.

Craig 341. See *2-Heptadecyl glyoxalidine.*

Cryolite (sodium aluminum fluoride). Cryolite has been an important insecticide for use on apples and pears. It now has a limited use on citrus fruits and beans and possibly on other vegetables.

When used on apples and pears the quantity of residue varies, but when apples or pears are washed the quantity of cryolite remaining contains not more than 7 parts of combined fluorine per one million parts of apples or pears. The amount on citrus fruit after preparing for market is somewhat less than this.

Analytical methods are available for determining the fluorine component of residues of cryolite. Excessive quantities of cryolite and other inorganic fluorine-containing compounds in the diet are capable of causing injury to the teeth of children during the period of tooth formation.

A tolerance for cryolite of 7 parts of fluorine per million parts by weight of fruit or vegetables on which it is required will be without hazard to man.

Cube, cube root. This is the root of a tropical plant. It contains varying amounts of rotenone. The value of the cube root depends on its rotenone content. See *Rotenone* for a discussion of uses, toxicity, and tolerances. (R. 6781-6782)

Cupric - N - nitroso - phenylhydrotylamine. This chemical is also known as copper cupferron and M–294.

In recent years it has shown some promise as a fungicide on cucurbits and tomatoes. Experimental work to determine toxicity has been started. (R. 2991, 2995, 6211–6215)

There is no record basis for establishing a tolerance.

D–14: See *Disodium ethylene bisdithiocarbamate.*

DDD, TDE, Rhothane. DDD and TDE are common names and Rhothane a trade name for 1,1-dichloro-2, 2-bis-(parachlorophenyl) ethane. This compound has also been called tetrachlorodiphenyl-ethane and dichloro-diphenyl-dichloroethane. (R. 6387–6389)

This insecticide is quite similar in composition and mode of action to DDT. The same general analytical methods can be used for determining DDD in

residue as is used for determining DDT. (R. 6390–6393)

Amounts of residue found on fruits and vegetables generally are less than 7 parts per million. (R. 6396–6397; Ex. 1015)

The toxicity of DDD is comparable with that of DDT. (R. 7893–7900, 7905–7940)

A tolerance for DDD of 7 parts per million on fruits and vegetables on which it is required will be without hazard to man.

DDT. DDT is the common abbreviated name of a product having the generic chemical designation dichlorodiphenyl-trichloroethane. Technical DDT is a complex mixture containing about 75 percent of 1,1,1-trichloro-2,2-bis(parachlorophenyl) ethane, the other major component being 1,1,1-trichloro-2-(orthochlorophenyl)-2-(parachlorophenyl) ethane.

DDT is used on 20 or more fruits and 20 or more vegetables. Residues in general have been less than 7 parts per million. (Finding 20)

Analytical methods for determination of DDT in residues are available, although such methods do not differentiate DDT from all similar chlorinated hydrocarbons. (R. 781; Ex. 137–140)

The toxicity of DDT has been studied by a number of investigators who are not in complete agreement as to the amounts which can be consumed by humans without risk of injury. Probably this amount is between 2.5 and 5 milligrams of DDT per day.

A tolerance for DDT of 7 parts per million on fruits and vegetables on which it is required will be without hazard to man.

DFDT (difluorodiphenyl trichloroethane). A product similar to DDT, which contains fluorine as a replacement for the chlorine of DDT.

There is no record basis for establishing a tolerance.

DMC. See *Di(parachlorophenyl) methylcarbinol.*

DN–111, DN Dust D–4, DNOCHP. See *Dicyclohexylamine salt of dinitro-O-hexylphenol.*

Derris. A family or genus of tropical plants that contain the active insecticidal material rotenone. For toxicity, tolerances, etc., see *Rotenone.*

1,1 - Dichloro - 2,2 - bis(parachlorophenyl) ethane. This chemical is known as DDD, TDE, and Rhothane. For detailed findings, see *DDD.*

Dichlorodiphenyl ethane. This chemical is listed as a fungicide. (Ex. 787)

There is no record basis for establishing a tolerance.

2,3-Dichloro-1,4-naphthoquinone. This chemical is known under the trade names of Phygon and Phygon XL. (R. 5279)

It is used for fungicidal purposes on plants as well as for the treatment of seed. It has been used to some extent on apples, peaches, tomatoes, and celery. (R. 5298–5321; Ex. 845, 846)

A method of determining the quantity of this chemical in residues has been reported, but no residue data have yet been obtained through use of the method. (R. 5280–5285; Ex. 843, 1256)

There is a lack of data on results of long-term feeding experiments with this chemical.

There is no record basis for establishing a tolerance.

2,4-Dichlorophenoxy acetic acid. This chemical is commonly known as 2,4-D. It is widely used as a weed killer, and when so used it may accidentally contaminate fruits or vegetables. It is applied directly to apples and pear trees near harvesttime to lessen premature fruit drop. The residue resulting from that use is quite small, since the 2,4-D is applied in a very dilute solution. It is also applied to citrus trees. There should be no more residue on citrus fruit than on apples. (R. 1060, 5964, 6074–6075; Ex. 829, 920, 927, 929, 930)

An analytical method for determining 2,4-D in residue has been reported. (R. 6034; Ex. 979)

The amount that could be taken daily without hazard to man ranges from 5 to 10 milligrams. (R. 8070–8075, 8084–8098)

A tolerance for 2,4-D of 5 parts per million on fruits and vegetables on which it is required will be without hazard to man.

Dicyclohexylamine salt of dinitro-O-hexylphenol, dicyclohexylamine salt of 2,4-dinitro-6-cyclohexylphenol or 2-cyclohexyl-4,6-dinitrophenol dicyclohexylamine salt. The trade designations of this insecticide are DNOCHP, DN–111, DN Dust D–4.

This chemical has recently been developed and used as a miticide on apples and also on pears, cherries, peaches, plums, prunes, strawberries, raspberries, beans, and citrus fruit. (R. 5902–5907; Ex. 220, 221, 293, 295, 340, 344, 351, 509, 722)

A method for the determination of this chemical in residues is reported. (R. 6040, 6077; Ex. 984)

The principal use of this type of compound has been as a dormant spray, with no residue problem. Data on residues of this chemical on apples, peaches, prunes, plums, and citrus fruit indicate that it will usually be present in quantities less than 1 part per million, but may sometimes reach 5 parts per million. (R. 6078; Ex. 939, 976)

In view of the potential hazards from this type of poisonous substance, residues from it should be held at a low level. (R. 7999–8013; Ex. 1175)

A tolerance for this chemical of 1 part per million on fruits and vegetables on which it is required will be without hazard to man.

Dieldrin. Dieldrin is the name accepted by the United States Department of Agriculture for the chemical 1,2,3,4, 10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8, 8a-octahydro-1,4,5,8-dimethanonaphthalene. (Ex. 903)

Dieldrin has been used for soil treatments and to a limited extent on citrus fruit against certain ants and also to a limited extent on a few fruits and vegetables against other insects. (R. 1284, 1946, 1957, 2363, 3637, 3807)

Residues resulting from use of dieldrin may be determined by the method for organic chlorine and application of a suitable factor. A bio-assay method may be used under some conditions. (Ex. 135, 1287)

The toxicity of dieldrin is about the same as that of aldrin. (R. 8383–8387, 8392–8401, 8404–8415, 8483–8496; Ex. 1214, 1215, 1220).

A tolerance for dieldrin of 0.1 part per million on fruits and vegetables on which it is required will be without hazard to man.

O-O-Diethyl-thiophosphoric acid ester of 7-hydroxy-4-methylcoumarin. This chemical has been distributed under the trade name of Potasan. (R. 8836–8846, 9182; Ex. 1242)

It has been used experimentally on lima beans, cabbage, potatoes, and tomatoes. (R. 8839, 9185; Ex. 1243A, 1244)

A method is available for determining residues of this chemical where it is known to have been the only poison used. (R. 9182–9186; Ex. 1243A)

Pharmacological work so far done has established that this chemical is quite toxic. Chronic-toxicity tests are not reported. (R. 8840–8846, 9188)

There is no record basis for establishing a tolerance.

O-O-Diethyl O-paranitrophenyl thiophosphate. See *Parathion.*

Dilan. Dilan is the trade name for a mixture of 1 part of 1,1-bis(parachlorophenyl)-2-nitropropane and 2 parts of 1,1 - bis(parachlorophenyl) - 2 - nitrobutane. (R. 6219–6227; Ex. 1004)

The two chemicals have been tested separately and together on a few fruits and vegetables and found effective as insecticides. (R. 6235; Ex. 1005)

A method for the determination of these two chemicals in residues on fruits and vegetables is reported. (Ex. 1004, 1261)

Chronic-toxicity experiments with animals have not been completed. (R. 7413–7441; Ex. 1143–1144, 1263)

In the absence of chronic-toxicity data there is no record basis for establishing a tolerance.

Dimite. See *Di(parachlorophenyl) methylcarbinol.*

2,6-Dinitro-6-capryl phenyl crotonate. This chemical has been designated at times as Arathane, Karathane, and CR 1639. (R. 6369)

It has shown promise as a fungicide and insecticide. (R. 3816, 6371; Ex. 156, 174, 414, 504F, 739, 826)

There was no evidence showing that a method for determining the quantity of this chemical in residues was available, and no data were furnished on probable amounts of residues and chronic toxicity. (R. 7941–7945, 7960)

There is no record basis for establishing a tolerance.

2,4-Dinitro-O-sec. butylphenol triethanolamine salt or triethanolamine salt of dinitro-O-sec. butylphenol. The trade designations DNOSBP, DN–289, and Elgetol 318 are used for this chemical.

It has recently been developed as an insecticide. It is commonly applied as a dormant spray on apples, pears, cherries, apricots, plums, and prunes. (R. 5885–5901; Ex. 155, 289, 291, 301, 330, 341, 344, 351, 509K, 688, 721, 722, 741, 746, 751, 834, 888, 1041)

There is no evidence concerning a method for the determination of this

chemical in residues on fruits or vegetables.

There are no data as to toxicity of this particular chemical.

There is no record basis for establishing a tolerance.

Dinitro-O-sec. butylphenol. This chemical is used as a weed killer in connection with the growing of peas. (R. 5942, 5951; Ex. 956)

Its toxicity has not been determined by feeding experiments carried on over the lifespan of the animals. Six-month feeding experiments showed considerable toxicity to rats. It was found to cause cataracts in ducklings. (R. 8033–8041; Ex. 1180)

No tolerance is justified. This chemical should be used only where no residue will be left on fruits or vegetables as prepared for market.

Dinitro-O-cresol (sodium salt of). This chemical has been used as a weed killer and for application to apple and peach trees for thinning fruit. (R. 5943, 5983–5989; Ex. 937–941)

The toxicity of this chemical is high and there was a high incidence of cataracts in ducklings when they ingested it. (Ex. 1175–1176)

No tolerance is justified. This chemical should be used only under conditions that leave no residue on fruits and vegetables as prepared for market.

Di(parachlorophenyl) methylcarbinol. This chemical is sold under the trade names of Dimite and DMC.

It has had some use as a miticide and against red spiders on apples, pears, and peaches and has been used in greenhouses on unspecified plants. No residue data were offered. (R. 9149, 9155; Ex. 1288, 1289)

Where present alone, the quantity in residue can be determined by the Schechter-Haller method for DDT. (R. 9152; Ex. 1289)

Chronic-toxicity data on this chemical are not reported.

There is no record basis for establishing a tolerance.

Disodium-3, 6-endoxo-hexahydrophthalate. This chemical is known by the trade name of Endothal.

It has been shown by experiments to have promise as a herbicide and defoliant. (R. 6203)

A method for its determination on fruits and vegetables is reported. (Ex. 1000)

Tests to determine its toxicity have begun but have progressed only far enough to show that the product is toxic to some extent. (R. 8799–8808)

The record contains no residue data on fruits or vegetables on which it may be found.

There is no record basis for establishing a tolerance.

Disodium ethylene bisdithiocarbamate. This chemical is known under the common name nabam and the trade names Dithane and D–14.

Evidence shows that disodium ethylene bisdithiocarbamate is not applied as such to plants but that a zinc salt is mixed with it before application, causing the formation of zinc ethylene bisdithiocarbamate. See *Zinc ethylene bisdithiocarbamate.*

Since the record indicates that the sodium salt is changed to the zinc salt before application to plants, a tolerance for the zinc salt should be set, but not a tolerance for the sodium salt.

Dithane. See *Disodium ethylene bisdithiocarbamate.*

Dithane (Z–78). See *Zinc ethylene bisdithiocarbamate.*

EPN. See *O - Ethyl - O - paranitrophenyl benzenethiophosphonate.*

Endothal. See *Disodium-3,6-endoxohexahydrophthalate.*

O-Ethyl-O-paranitrophenyl benzenethiophosphonate. This chemical is also known as EPN. It has been found effective against several insect pests. (R. 6283–6295; Ex. 1008)

There is record of the use of EPN on apples (Ex. 1005–1008), blackberries (Ex. 690), cherries (Ex. 390), citrus fruit (Ex. 642) dewberries (Ex. 690), peaches (R. 6290), pears (R. 1509), pineapples (Ex. 787), prunes (R. 6289), raspberries and strawberries (Ex. 690), beans (Ex. 212), beets (R. 1267); corn (Ex. 698), cucurbits (R. 1266), lettuce (R. 1267), potatoes (Ex. 212), spinach (R. 1266), and turnips (Ex. 212).

The Averill and Norris method for the determination of parathion can be used for the determination of the quantity of EPN in residues. (R. 842–844)

Residue data are reported on apples, citrus fruit, peaches, and pears showing amounts varying from traces to 2–3 parts per million on citrus fruits (the highest reported). (Ex. 642, 1008)

The pharmacological properties of this chemical are similar to those of parathion but it is somewhat less toxic. It is estimated that 4 milligrams per day may be tolerated. (R. 7696–7715, 7716–7722; Ex. 1160)

A tolerance for EPN of 3 parts per million on fruits and vegetables on which it is required will be without hazard to man.

Ethylene dibromide. This is a soil fumigant.

Ethylene dichloride. This is a soil fumigant.

Ferbam, fermate. See *Ferric dimethyldithiocarbamate.*

Ferric dimethyldithiocarbamate. This chemical is known under the names of ferbam and Fermate. (R. 6298)

Ferbam has been used as a fungicide on apples, cherries, pears, quinces, grapes, bush fruits, celery, and spinach. (R. 6305–6306)

A method for the determination of the quantity of this chemical in residue is reported. (R. 6345–6349; Ex. 1011, 1012)

Residue data are reported on apples and cherries (2.5 and 3.6 parts per million). (R. 6309; Ex. 1009) A combination of this chemical with zinc dimethyldithiocarbamate (ziram) when applied to celery resulted in residues as high as 14.3 parts per million on whole stalks and 33.4 parts per million on the upper portion before washing. After washing, amounts found ranged from 1.4 to 6.1 parts per million. (Ex. 1009)

For findings about toxicity and a safe tolerance, see *Zinc ethylenebisdithiocarbamate.*

Glyoxalidine. This general designation is sometimes used for 2-heptadecyl glyoxalidine. The trade name Crag 341 is also used for this chemical.

H–258. This is said to be an organic compound containing cadmium. The record does not show the definite identity of H–258.

Heptachlor. Heptachlor is the trade name for the chemical 1,4,5,6,7,8,8a-heptachloro - 3a,4,7,7a - tetrahydro - 4,7-methanoindene.

Heptachlor is one of the components of chlordane. (R. 5600, 8330; Ex. 885)

It has proved effective against ants and grasshoppers.

The quantity present in residues may be determined by the general method for organic chlorine. (R. 5601)

The toxicity of heptachlor is probably about the same as that of technical chlordane. (R. 8337–8339)

A tolerance for heptachlor of 0.1 part per million on fruits and vegetables on which it is required will be without hazard to man.

2-Heptadecyl glyoxalidine. This chemical is also known as Crag 341. (R. 5383)

It has been used as a fungicide for control of apple scab and cherry leaf spot. (R. 5373–5386; Ex. 790, 861, 862)

A method for determining the quantity of this chemical in residues is reported. Residues on experimentally sprayed apples and cherries are reported, the quantity on the apples averaging around 1 part per million and the cherries around 4 parts per million. (R. 5408–5415; Ex. 866, 1275)

The toxicity of this chemical to rats, guinea pigs, and dogs has been studied. (R. 5408–5415, 7379–7392; Ex. 866, 1135–1139, 1275)

A tolerance for 2-heptadecyl glyoxalidine of 5 parts per million on fruits and vegetables on which it is required will be without hazard to man.

1,2,3,4,5,6 - Hexachlorocyclohexane. See *Benzene hexachloride.*

1,2,3,4,10,10 - Hexachloro - 6,7 - epoxy-1,4 4a,5,6,7,8,8a - octahydro - 1,4,5,8,- dimethanonaphthalene. See *Dieldrin.*

1,2,3,4,10,10 - Hexachloro - 1,4,4a 5,-8 8a - hexahydro - 1,4,5,8 - dimenthanonaphthalene. See *Aldrin.*

Hexaethyl tetraphosphate and tetraethyl pyrophosphate. These chemicals are known as HETP and TEPP, respectively. Insecticides containing these substances have been sold under a number of fanciful names such as Vapotone, Killex, etc. (Ex. 180)

Although the two chemicals named above are not identical, the commercial preparations in use under these names appear to be mixtures of the two. Tetraethyl pyrophosphate is the active ingredient of these mixtures. (R. 6549; Ex. 145)

Tetraethyl pyrophosphate is widely used as an insecticide. The residues rapidly decompose into relatively inert ingredients but the undecomposed product itself is extremely toxic. (R. 845; Ex. 1029)

The record shows use on 20 or more fruits and a like number of vegetables. (R. 679, 698, 1063, 1624, 1632, 1964, 3201, 3208, 6563; Ex. 161, 164, 180, 512, 533, 534, 642, 751, 834). There should be no residue problem if these chemicals are applied 3 days or more before harvest. (R. 8580; Ex. 1029)

Although acutely toxic, these chemicals do not cause a residue problem if used according to good agricultural practice. (R. 6904, 8588)

No tolerance is justified. This chemicals should be used only under conditions that leave no residue on fruits or vegetables as prepared for market.

Hydrocyanic acid. This chemical is applied as a fumigant to citrus trees to control scale. The trees may carry fruit at the time of application. The hydrocyanic acid is quickly dissipated, and no residue can be detected after 36 hours. (R. 3727–3728, 3789; Ex. 641)

Hydrocyanic acid is acutely toxic, but under the conditions of use on citrus fruit trees should cause no health hazard to the consumer of citrus fruit.

No tolerance is justified. This chemical should be used only under conditions that leave no residue on fruits or vegetables as prepared for market.

K–1875. See *Bis(parachlorophenoxy) methane.*

K–6451. See *Parachlorophenyl parachlorobenzene sulfonate.*

Karathane. See *2,6-Dinitro-6-caprylphenyl crotonate.*

Lauryl pyridinium bromide and lauryl pyridimium chloride. There is no evidence of use other than as soil fumigants; no tolerance appears necessary.

Lead arsenate (basic lead arsenate). Lead arsenate has been widely used as an insecticide for many years. Prior to the introduction of organic insecticides it was the insecticide in most general use in the United States. It is still used extensively. (R. 5247; Ex. 836, 837)

Methods are available for the determination of both the lead and arsenic components of lead arsenate. (R. 775, 804–805)

Residue data on lead arsenate are voluminous.

Where several applications of lead arsenate are made to fruits or vegetables the residues will probably be in excess of 7 parts per million of lead before washing; after washing it should be below this figure. (Ex. 23, 34, 54–56, 181B, 183A, 183B, 183C, 254, 258, and others)

The toxicity of lead arsenate to animals and man has been studied extensively. The toxic action of lead arsenate is cumulative. The long-continued daily ingestion of lead arsenate containing more than 1 milligram of lead is not safe. (R. 7034, 7051–7053)

Experience has shown that lead arsenate on apples and pears in amounts such that its lead content is not more than 7 parts per million parts of the fruit is not likely to cause injury. (R. 6989–6991)

A tolerance of 7 parts per million for the lead component of lead arsenate on fruits and vegetables, except for citrus fruit, on which the lead component should not exceed 1 part per million, will be without hazard to man.

Lindane (gamma isomer of benzene hexachloride). See *Benzene hexachloride.*

MGK–264, Octacide, Van Dyk 264. See *N-Octylbicyclo (2,2,1)-5-heptene-2,3-dicarboximide.*

M–294. See *Cupric-N-nitroso-phenylhydroxylamine.*

Malachite green. Presumably this is the basic carbonate of copper. See *Copper compounds.*

Mercury compounds. These fall into two classes, one class being for application to seed, the other for use on growing plants. When applied to seed there is no evidence that mercury is later taken up by the growing plant.

The mercury compounds for use on growing plants include phenylmercuric triethanolammonium lactate, phenylmercuric acetate, and phenylmercuric methanol ammonium acetate.

These compounds have been used experimentally as fungicides, and there has been some use on fruit trees before fruit is formed. (R. 900; Ex. 430)

The organic mercury compounds are effective against apple scab and have a limited use on other fruit trees. (R. 922, 2501, 6608–6707)

A method is available for the determination of mercury in residues, and data were presented showing what residues may be expected on apples when phenylmercuric compounds are used against apple scab. (Ex. 831, 1032, 1039, 1040)

The toxicity of mercury compounds depends to some extent on the chemical combination of the mercury. The phenylmercuric compounds are among the most toxic for continued ingestion, since in this form the mercury component is absorbed by the body and is stored. (R. 8644–8652)

The exact combination of mercury in residue from phenylmercuric compounds has not been determined, but there is some evidence that it may no longer be the same as when the phenylmercuric compounds are applied. Mercury that is stored in the body is unsafe in any amount. (R. 6616, 8650)

No tolerance is justified. The compounds of mercury should be used only under conditions where no residue will remain on fruits or vegetables as prepared for market.

Metacide. This is the trade name for the methyl homologue of parathion. The commercial preparation under this designation contains some parathion. (R. 5534–5535; Ex. 878)

The methyl homologue of parathion has the same general properties and range of use as parathion. (R. 5545, 5549–5551)

The Averill-Norris method for the determination of parathion can be used to determine the methyl homologue. (R. 5540)

The toxicity of the methyl homologue of parathion is about the same as parathion. (R. 7251–7252)

A tolerance for Metacide of 1 part per million on fruits and vegetables on which it is required will be without hazard to man.

Methoxychlor. This is the common name for the chemical 1,1,1-trichloro-2,2-bis(paramethoxyphenyl) ethane. This chemical is similar to DDT in its molecular configuration. It has insecticidal properties similar to DDT, and its use in general parallels that of DDT. (R. 6263–6275; Ex. 1007)

Methoxychlor in residues can be determined by the Schechter-Haller method for DDT. A specific method for methoxychlor is reported. (R. 6346, 6347, 8878; Ex. 1247)

Data showing the residues from the use of methoxychlor are reported for a few fruits and vegetables. Since many of the results reported do not represent amounts remaining after weathering, they are higher than would be expected in the ordinary use. Under normal conditions the residues from methoxychlor should be about the same as from DDT. (R. 6257–6258)

The toxicity of methoxychlor to animals is somewhat less than that of DDT. (R. 7683, 7691–7692; Ex. 1158)

A tolerance for methoxychlor of 14 parts per million on fruits and vegetables on which it is required will be without hazard to man.

Nabam. See *Disodium ethylene bisdithiocarbamate.*

Naphthalene acetic acid. Naphthalene acetic acid and the sodium salt of beta-naphthalene acetic acid are not used as insecticides or fungicides but as synthetic plant hormones. Naphthalene acetic acid has been used in low concentration to prevent premature dropping of apples and pears. (R. 5960–5963; Ex. 829)

Since this chemical is applied in very minute quantities, the residue, if any, will be low.

A tolerance of 1 part per million will permit all necessary agricultural use and will constitute no hazard to man.

Neotran. See *Bis(parachlorophenoxy) methane.*

Nicotine and nicotine compounds. Nicotine and nicotine sulfate have been widely used for many years as insecticides on many fruits and vegetables, including citrus fruits and leafy vegetables. (R. 389, 998, 1603, 3045, 3262, 3634; Ex. 20, 22, 71, 161, 178, 232, 253, 327, 509X, 726, 834)

Methods for the determination of nicotine in residues are available. Some data are reported. (Ex. 349, 424, 642)

Nicotine compounds are toxic. When water-insoluble nicotine preparations are employed, a spray residue may result. (R. 776)

No tolerance is justified. This chemical should be used only under conditions that leave no residue on fruits or vegetables as prepared for market.

Octachlor, Octa-Klor. See *Chlordane.* 1,2,4,5,6,7,8,8-Octachloro-2,3,3a,4,7,7a-hexahydro - 4,7 - methanoindene. The commonly used designation for this chemical is chlordane. See *Chlordane.*

Octacide 264, MGK-264. See *N-Octylbicyclo (2,2,1)-5-heptene-2,3-dicarboximide.*

Octamethyl pyrophosphoramide. This chemical is also known as bis(dimethylamino) phosphonous anhydride. It has been used as an insecticide against aphids and mites in England. The product has not been used commercially in the United States. It is absorbed to some extent by plants on which applied, so that their foliage becomes toxic to some insects. (R. 7794–7801; Ex. 1162, 1163)

Plants sprayed with this chemical were fed to large animals, without evidence of acute toxicity. (R. 7802–7818; Ex. 1164)

The chemical itself is very toxic. No study is reported of its chronic toxicity. (R. 7818–7832, 7851–7862; Ex. 1166)

There is no record basis for establishing a tolerance.

N-Octylbicyclo (2,2,1)-5-heptene-2,3-dicarboximide. This chemical is known as Octacide 264 and MGK–264. It has also been referred to in the record as Van Dyk 264. (R. 6844, 6847)

It has been found useful as a synergist for pyrethrum and allethrin. (R. 6844–6850)

When used as a synergist with pyrethrum this chemical should cause no health hazard if the mixtures are used according to good agricultural practice. (R. 6900)

This compound should be exempted from the requirement of a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act.

Ovotran. See *Parachlorophenyl-parachlorobenzene sulfonate.*

Parachlorophenoxy acetic acid. This chemical is used to affect fruit size and fruit set, including the set of tomatoes. (R. 5959, 5967; Ex. 931–934)

The record contains no reference to a method for determining quantity of residue, no estimates of residue, and no evidence concerning toxicity.

There is no record basis for establishing a tolerance.

Parachlorphenyl - parachlorobenzene sulfonate. This chemical is also known as K-6451 and by trade names such as Ovotran.

This insecticide has been used for the control of mites. It has so far been used only experimentally. (R. 8126–8127; Ex. 161 (p. 23))

A method for the determination of this chemical in residues on fruits and vegetables is reported. Some data relative to quantity of residue on a few fruits are reported. (Ex. 1250–1251)

The data on the toxicity of this chemical are not extensive. (R. 8126–8135; Ex. 1198)

In view of the lack of long-term feeding experiments, there is no record basis for establishing a tolerance.

Parachlorophenyl phenylsulfone. This chemical has been referred to as R-242. (R. 6462)

It has shown some promise for control of mites on apples, pears, prunes, citrus fruit, beans, celery, and cucumbers. (R. 9169; Ex. 642, 1022)

The quantity of the residue may be estimated by use of the organic chlorine method. A specific method for this chemical is also described. (R. 9176)

Residue data on experimentally treated oranges, apricots, and pears are reported. (R. 9173–9175)

Short-term experiments with rats and dogs are reported, but data concerning chronic toxicity of the compound are not reported. (R. 7626–7637, 9178; Ex. 1154, 1154A)

There is no record basis for establishing a tolerance.

2 - (Paratertiarybutylphenoxy) - 1-methylethyl-2-chloroethyl sulfite. This chemical is the active principle of a recently developed miticide known as Aramite. (R. 5327)

It has been found to be useful against mites on apples, citrus fruit, grapes, peaches, apricots, cherries, plums, beans, celery, tomatoes, and strawberries. (R. 8911)

A method for determining residual amounts of this chemical on fruits and vegetables is reported. (Ex. 1254)

A very limited amount of data on residues are reported. On apples a residual amount of 3.5 parts per million is reported. (Ex. 1254)

Extensive studies on rats and dogs on the toxicity of this chemical are under way. (R. 6905, 8159–8189; Ex. 1204)

There is no record basis for establishing a tolerance.

Parathion. This chemical is also known by several trade names. Parathion is the common name for the chemical O,O-diethyl-O-paranitrophenyl thiophosphate. It has come into general use on a number of fruits and vegetables. (R. 857, 5461)

A method for determining the quantity of parathion residue on fruits and vegetables has been evolved, and considerable data on residues are available. (R. 782, 842, 5445; Ex. 147)

Data on residues on applies, apricots, blackberries, blueberries, cherries, citrus fruit, and a number of other products are reported. In general, these results show less than 1 part per million on the fruit or vegetable. (R. 397–400, 1178, 1266, 1273, 1619–1620, 1630, 3016, 3264, 3490, 3560, 3735, 3815, 3818, 3994, 4432; Ex. 62, 84–87, 89, 90, 268, 297, 354, 512, 529, 535, 633, 642, 780, 871, 1246, 1265A)

The acute toxicity of parathion is very great, but it becomes dissipated very rapidly after application, so that it can be used without leaving residues that are actuely toxic. (R. 7237–7250, 7253–7281, 7282–7319; Ex. 1129–1133)

A tolerance for parathion of 1 part per million on fruits and vegetables on which use is required will be without hazard to man.

Paris green. Paris green is the commonly used name for the chemical copper acetoarsenite. See *Arsenic compounds other than lead arsenate and calcium arsenate.*

Parzate. See *Zinc ethylene bisdithiocarbamate.*

P. E. P. S. This is a designation for polyethylene polysulfide. The record does not furnish sufficient data to establish the status of this substance as a fungicide.

Petroleum oils. Several fractions of petroleum are used as insecticides or fungicides. There is record of the use of petroleum oils on a number of fruits, including apples, pears, apricots, berry fruits, citrus fruit, figs, grapes, guava, mangoes, peaches, and plums. (R. 1419, 1772, 3032, 3264; Ex. 161, 230, 291, 295, 548, 619, 834)

Petroleum oils have been used to a lesser extent on vegetables. Use is reported on beans, cabbage, carrots, celery, corn, cucumbers, onions, peas, and tomatoes. (R. 4200, 6742; Ex. 161, 512, 834)

Petroleum oil, when used in this manner, does not constitute a health hazard and should be exempted from the requirement of a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act.

Phenothiazine. This chemical has been used as an insecticide on apples. (Ex. 301) A method for the determination of the quantity of phenothiazine in residues is available.

The toxicity of phenothiazine has been studied. (R. 7222–7232)

A tolerance for phenothiazine of 7 parts per million on apples will be without hazard to man.

Phygon XL. See *2,3-Dichloro-1,4-naphthoquinone.*

Piperonyl butoxide and piperonyl cyclonene. These chemicals increase the effectiveness of pyrethrum and rotenone and are used in combination with these insecticides as synergists. (R. 6773) They may be used with pyrethrum and rotenone for all purposes for which these substances are used. The toxicity of these compounds is of a low order. (R. 7984–7986; Ex. 1201–1202)

When used as synergists with pyrethrum and rotenone the residues present no health hazard. (R. 6900)

These chemicals should be exempted from the requirement of a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act.

Potasan. See *O,O-Diethyl-thiophosphoric acid ester of 7-hydroxy-4-methylcoumarin.*

Potassium ammonium selenium sulfide. See *Selenium compounds.*

Prolan, a component of Dilan. See *Dilan.*

N-Propyl isome. This chemical is a synergist for use with ryania and pyrethrum and increases their effectiveness. It has little toxicity itself. (R. 5260–5263, 6900)

This chemical should be exempted from the requirement of a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act.

Pyrethrum, pyrethrum flowers. The basic product consists of the dried flowers of *Chrysanthemum cinerareafolium.* (R. 6800) The active ingredients of pyrethrum flowers are known as pyrethrins. Ground pyrethrum flowers and pyrethrins in mixtures with various carriers have been widely used as insecticides, particularly on vegetables. (R. 6777) Synergists may be added to increase effectiveness of the pyrethrins.

These substances decompose rapidly after application to fruits and vegetables and lose their toxicity. (R. 6805)

No health hazards are to be anticipated as pyrethrum or pyrethrins, with or without synergists, are used today. (R. 6900)

These substances should be exempted from the requirement of a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act.

R–242. See *Parachlorophenylsulfone.*

Rhothane. See *DDD.*

Rotenone. Rotenone is the name applied to an insecticide ingredient obtained from cube and derris. Powdered cube and derris roots may be used as insecticides, or the active ingredient

rotenone may be extracted and used in various formulations. Piperonyl cyclonenes and other synergists may be added. (R. 6781–6783) Rotenone preparations have been widely used, particularly on vegetables.

No health hazards are to be anticipated from the present-day use of rotenone or rotenone with synergists. (R. 6900)

This substance should be exempted from the requirement of a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act.

Ryania. The ryania used for insecticide purposes is the finely ground stemwood of the plant *Ryania speciosa.* The principal use of ryania is against the corn borer. (R. 5261, 5269–5270; Ex. 840, 842). *N*-propyl isome is often used as a synergist.

No health hazards are to be anticipated from the present-day use of ryania. (R. 6900)

This substance should be exempted from the requirement of a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act.

SR-406. This is a trade designation for N-trichloromethyl-thiotetrahydrophthalimide. It has sometimes been called Orthocide-406. (R. 6579; Ex. 1030A) The name captan has been accepted by the United States Department of Agriculture for this pesticide.

The acute toxicity reported for this chemical is low. Sub-acute tests are under way. No data on chronic toxicity were available. (R. 7964, 7967; Ex. 1199–1200)

There is no record basis for establishing a tolerance for this chemical.

Sabadilla seed. Sabadilla is a tropical or subtropical plant, the seed of which has insecticidal properties. (R. 6448–6453; Ex. 1021A and B)

Sabadilla seed are reported as useful on cabbage and squash.

No health hazards are to be anticipated from the present-day use of this substance. (R. 6900)

Sabadilla seed should be exempted from the requirement of a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act.

Selenium compounds. Selocide is the trade name for a concentrated solution of a mixture of potassium hydroxide, ammonium hydroxide, sulfur, and selenium in the proportions corresponding to the empirical formula $(KNH_4S)_3Se$ (R. 6814; Ex. 280 (p. 117)).

The reactions that occur when a concentrated solution of Selocide is diluted with water, as in preparing a spray mixture, are not known. When such a dilution occurs, there is produced a finely divided dark-red precipitate which appears to be the red allotropic form of selenium. This form of the element may be converted into soluble combined states by water and mild oxidizing agents or by bacteria. (R. 6828; Ex. 280 (pp. 117, 144)). Selocide has been used on apples, pears, peaches, and citrus fruit against mites. (R. 6813) Selenium is one of the most toxic elements known. Its chronic toxicity is great when it is present in inorganic or organic compounds. (R. 7554). When selenium is present in the diet of cats in a dietary concentration of about 0.3 part per million, it causes signs of intoxication. (R. 7555). The record is replete with other evidence of the toxicity of selenium compounds. (R. 7553–7616; Ex. 1151, 1152)

Selenium is more toxic to young, growing animals than to adults. (R. 7558)

Small quantities of elemental selenium appearing in the diet over a long period of time may be absorbed. (R. 7613)

No tolerance is justified. Selenium or selenium compounds should not be used under any condition that will leave a residue in or on fruits or vegetables as prepared for market.

Selocide. See *Selenium compounds.*

Sesamin. Sesamin is the name given to a constituent of sesame oil. This substance has no insecticidal properties but is useful as a synergist for pyrethrum and possibly other insecticides.

The record indicates that its principal use is in connection with pyrethrum as a fly repellent. (R. 6877–6883)

No data on toxicity, if any, of sesamin are reported.

There is no record basis for establishing a tolerance.

Sodium aluminum fluoride. This chemical, when obtained from the naturally occurring mineral product, is commonly known as cryolite. See *Cryolite.*

Sodium fluosilicate. There is very little evidence about this compound. It possibly may be useful under some conditions, but the evidence does not show what these conditions are.

Spergon. See *Tetrachloroparabenzoquinone.*

Sulfotepp. See *Tetracthyl dithiopyrophosphate.*

Sulfur. Sulfur is not classed as a poisonous or deleterious substance.

Tartar emetic. Tartar emetic is the common name for potassium antimonyl tartrate. It has been used, mixed with sugar, for the control of thrips on citrus trees. It has also been used to some extent on onions. In both cases it has been found to be reasonably effective. (R. 7657)

There is an adequate method for the determination of the antimony component of tartar emetic in residues. When used on citrus fruit the residue varies, but may be as high as 10–20 parts per million before the fruit is washed. After washing, amounts reported were below 5 parts per million. (Ex. 672)

The acute toxicity of tartar emetic is high. The chronic toxicity, based on the antimony content, is about the same as that of arsenic trioxide. (R. 7661–7662)

A tolerance for tartar emetic of 3.5 parts per million of antimony trioxide on citrus fruit and on onions will be without hazard to man.

TDE. See *DDD.*

TEPP. See *Hexacthyl tetraphosphate.*

Tetrachloroparabenzoquinone. This chemical, sometimes called by the chemical name chloranil, is distributed under the trade name of Spergon for use as a fungicide in treating seed.

It has been used in limited experiments on lima beans, broccoli, brussels sprouts, cabbage, cauliflower, collards, and kohlrabi. (Ex. 472, 527, 710, 733, 857)

An analytical method for determining amounts of this chemical in residues has been worked out. (R. 5322; Ex. 849)

Residue data and chronic-toxicity data are not reported. There is no record basis for establishing a tolerance.

Tetracthyl dithiopyrophosphate. Tetraethyl dithiopyrophosphate, also known as sulfotepp, has been used experimentally on greenhouse tomatoes, cucumbers, and lettuce. (R. 8850–8858; Ex 1244)

Insufficient data are available on which to base a tolerance for this substance on fresh fruits or vegetables.

Tetramethylthiuram disulfide. This chemical is sold under the designation thiram for agricultural use. The principal use is for treating seeds. No tolerance is justified from such use.

Thiram. See *Tetramethylthiuram disulfide.*

Toxaphene. See *Chlorinated camphene.*

1,1,1 - Trichloro - 2,2 - bis(parachlorophenyl) ethane and 1,1,1-trichloro-2-(orthochlorophenyl) - 2 - (parachlorophenyl) ethane. See *DDT.*

1,1,1 - Trichloro-2,2-bis(paramethoxyphenyl) ethane. See *Methoxychlor.*

N - Trichloromethylthiohydrophthalimide. See *SR–406.*

N-Trichloronitromethane. See *Chloropicrin.*

Trichlorophenol. This chemical is used as a soil fumigant. No tolerance is justified.

2,4,5-Trichlorophenoxy acetic acid, 2,4,5,-T. The record does not permit findings as to the insecticidal or fungicidal use of this chemical.

U. S. I. 469. This compound has been tried experimentally as a synergist. (R. 6773, 6787; Ex. 1053)

Its acute toxicity is low but no data on chronic toxicity are reported. There is no record basis for establishing a tolerance.

Van Dyk 264. See *N-octylbicycloheptene dicarboximide.*

Velsicol 1068. See *Chlordane.*

Xanthates. The following xanthates have been recognized to have properties placing them in the class of defoliants and selective weed killers; Potassium ethyl xanthate, potassium isopropyl xanthate, potassium methyl xanthate, sodium ethyl xanthate, sodium isopropyl xanthate, sodium methyl xanthate. (R. 6729; Ex. 1048)

The use of these chemicals has been mainly on an experimental basis. (R. 6729–6731)

No data on residue were presented. All these compounds are thought to break down rapidly into harmless substances but no definite evidence on this point was available. (R. 6731, 7639–7650)

There is no record basis for establishing a tolerance.

Z-78. See *Zinc ethylenebisdithiocarbamate.*

Zinc dimethyldithiocarbamate. This chemical is known by the coined name of ziram.

Zinc dimethyldithiocarbamate has been used as a fungicide on apples, apricots, cherries, and other fruits and

on vegetables. It has the same general applicability as the iron salt. (R. 899, 6303)

For findings about toxicity and a safe tolerance, see *Zinc ethylenebisdithiocarbamate.*

Zinc ethylenebisdithiocarbamate. This chemical is known under the coined name of zineb and the trade names Dithane, Z–78, and Parzate. The substance is widely used as a fungicide on fruits and vegetables; its use generally parallels that of sulfur. (Ex. 286, 442, 533, 550, 555, 558, 710, 745, 798, 1006, 1010; R. 955, 956, 3310, 3870, 6309)

A method for the determination of this chemical in residues is reported. (Ex. 1012, 1016) Very little data showing residues from actual commercial use are reported.

The toxicity of ferbam, ziram, and zineb is proportional to the quantity of the dithiocarbamic acid component that each contains. Since this is essentially the same for each compound, a tolerance for the three chemicals, singly or in combination, may be established properly in terms of the total amount of dithiocarbamic acid component present in the residue. For practicable application of such a tolerance, the total amount of dithiocarbamic acid component present in residues may be calculated to the corresponding amount of zinc ethylenebisdithiocarbamate.

The acute toxicity of ferbam, ziram, and zineb is low. However, they have goitrogenic properties, and a limitation on the amounts that may remain as residues is required. (R. 7726–7729, 7768–7786, 7869–7886; Ex. 1161, 1168)

A tolerance for ferbam, ziram, or zineb or any combination of the three, of 7 parts per million of metallic dithiocarbamates, calculated as zinc ethylenebisdithiocarbamate, on fruits or vegetables on which they are required will be without hazard to man.

Zineb. See *Zinc ethylene bisdithiocarbamate.*

Ziram. See *Zinc dimethyl dithiocarbamate.*

Conclusions. From the foregoing findings of fact it is concluded that:

1. As used in agriculture today, the following poisonous or deleterious substances constitute no hazard to man:

Bordeaux mixture	Octacide 264 (N-octylbicyclo (2,2,1)-5-heptene-2-3-dicarboximide).
Copper acetate	Petroleum oils.
Copper carbonate, basic (malachite green)	Piperonyl butoxide.
Copper-lime mixtures	Piperonyl cyclonene.
Copper oxychloride	N-Propyl isome.
Copper silicate	Pyrethrum and pyrethrins.
Copper sulfate	Rotenone or derris or cube roots.
Copper sulfate, basic	Ryania.
Copper-zinc chromate	Sabadilla.
Cuprous oxide.	

No tolerances need be established for the residues of these pesticides on fruits or vegetables under section 406 of the Federal Food, Drug, and Cosmetic Act. These materials should be exempted under section 408 from the requirement of a tolerance when applied to growing crops.

2. The following poisonous or deleterious substances should not be used under conditions that will leave any toxic residues from them on fruits or vegetables as prepared for market.

Calcium cyanide.
Dinitro-O-sec. butylphenol.
Dinitro-O-cresol (sodium salt).
Hexaethyl tetraphosphate.
Mercury-containing compounds.
Hydrocyanic acid.
Nicotine and nicotine-containing materials.
Selenium and selenium compounds.
Tetraethyl pyrophosphate.

3. The poisonous and deleterious substances for which tolerances are set in proposed § 120.101 are required or cannot be avoided in the production of the fresh fruits and fresh vegetables in or on which residues from such substances are tolerated.

4. The tolerances for pesticide residues provided in § 120.101 will protect the public health.

Therefore, it is proposed that the title of Part 120 be changed to read Part 120—Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; that § 120.1 *Fluorine; limit for the quantity remaining as insecticidal residue on apples and pears* be repealed; and that the following new section be inserted in Part 120:

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

§ 120.101 *Tolerances for pesticide residues in or on fresh fruits and vegetables.* (a) (1) This section designates the poisonous or deleterious substances that, for the purposes of section 406 of the Federal Food, Drug, and Cosmetic Act, are found to be required in the production of the fruits or vegetables named in paragraph (e) of this section. The tolerances established for such substances apply only to residues resulting from their application prior to harvest. A tolerance in terms of parts by weight for the poisonous or deleterious substance, or poisonous or deleterious residue resulting from its addition, to 1 million parts by weight of the fruit or vegetable is set forth after the name of each of the required substances.

(2) For the purposes of this section, the following substances are not considered as poisonous or deleterious substances: Sulfur, lime, lime-sulfur.

(b) The poisonous and deleterious substances for which tolerances are established by this section are named by their common names wherever practicable, otherwise by their chemical names or by names assigned to them by the United States Department of Agriculture. For the purposes of this section, the substances for which common, group, or Department of Agriculture names are used are as follows:

Name	*Refers to—*
Aldrin	A product consisting of 95 percent of the compound 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-dimethanonaphthalene and 5 percent chlorinated hydrocarbons.
Chlordane	1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-4,7-methanoindene.
DDT	A product consisting of a complex mixture of 1,1,1-trichloro-2,2-bis (parachlorophenyl) ethane and 1,1,1,-trichloro-2-(orthochlorophenyl)-2-(parachlorophenyl) ethane.
Dieldrin	1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4,5,8-dimethanonaphthalene.
EPN	O-ethyl O-paranitrophenyl benzene thiophosphonate.
Ferbam	Ferric dimethyl dithiocarbamate.
Fluorine compounds	Cryolite, synthetic cryolite (sodium aluminum fluoride).
Heptachlor	1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene.
Lindane	The gamma isomer of benzene hexachloride.
Methoxychlor	2,2-bis(paramethoxyphenyl)-1,1,1-trichloroethane.
Nicotine compounds	Nicotine sulfate and other salts of nicotine; nicotine as the alkaloid.
Parathion	O,O-diethyl-O-paranitrophenyl thiophosphate.
TDE	1,1-dichloro-2,2-bis(parachlorophenyl) ethane.
TEPP	Tetraethyl pyrophosphate.
Toxaphene	Chlorinated camphene.
Zineb	Zinc ethylene bisdithiocarbamate.
Ziram	Zinc dimethyl dithiocarbamate.

(c) (1) Where a tolerance is established by this section for parathion, the methyl homologue of parathion may replace all or part of the parathion permitted by such tolerance.

(2) For the purposes of this section, where a tolerance of 5 parts per million for benzene hexachloride is set, it shall be deemed applicable to commercial benzene hexachloride, which is a mixture of several isomers. If the gamma isomer, known as lindane, is used exclusively of other isomers, the tolerance shall be 10 parts per million.

(3) For the purposes of this section, where a tolerance is established for more than one pesticide containing arsenic, found on a fruit or vegetable, the total amount of such pesticides shall not yield more than 3.5 parts per million of As_2O_3 on the fruit or vegetable to which added.

(4) For the purposes of this section, where a tolerance is established for more than one metallic dithiocarbamate (ferbam, ziram, or zineb), the total amount of such metallic dithiocarbamates found on a fruit or vegetable shall not yield more than 7 parts per million of metallic dithiocarbamates, calculated as zinc ethylenebisdithiocarbamate.

(5) For the purposes of this section:

(i) The following compounds are members of the class of chlorinated hydrocarbons:

Aldrin.
Benzene hexachloride.
Chlordane.
Chlorinated camphene (toxaphene).
DDD (TDE or Rhothane).
DDT.
2,4-Dichlorophenoxy acetic acid.
Dieldrin.
Heptachlor.
Lindane.
Methoxychlor.

(ii) The following compounds are members of the class of organic phosphates:

EPN
Methyl homologue of parathion (Metacide).
Parathion.

(iii) Where residues from two or more chemicals in the same class are present on a fruit or vegetable the tolerance for all such residues shall be the same as that for the chemical having the lowest numerical tolerance, with the exception that if there are available chemical or biological methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(a) Determine the quantity of each residue present.

(b) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(c) Add the percentages so obtained for all residues present.

(d) The sum of the percentages shall not exceed 100 percent.

(d) Residues of the following poisonous or deleterious substances should not remain on fruits or vegetables as prepared for market:

Calcium cyanide.
Dinitro-O-sec. butylphenol.
Dinitro-O-cresol.
Hexaethyl tetraphosphate.
Tetraethyl pyrophosphate.
Hydrocyanic acid.
Mercury-containing compounds.
Nicotine and nicotine-containing materials.
Selenium and selenium compounds.

(e) Each subparagraph of this paragraph lists, under the names of the fresh fruits and vegetables specified, the substances found to be required in their production and the tolerances for the residues of these substances remaining in or on such fresh fruits or vegetables. The abbreviation "p. p. m." means parts per million.

FRUITS

(1) *Apples, pears, and quinces.*

Pesticide	*Tolerance*
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
2,4-Dichlorophenoxy acetic acid	5 p. p. m.
Dicyclohexylamine salt of dinitro-O-hexylphenol.	1 p. p. m.
Dieldrin	0.1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
2-Heptadecyl glyoxalidine	5 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Naphthalene acetic acid	1 p. p. m.
Parathion	1 p. p. m.
Phenothiazine	7 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

FRUITS—continued

(2) *Apricots.*

Pesticide	*Tolerance*
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-O-hexylphenol.	1 p. p. m.
Dieldrin	0.1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Ziram	7 p. p. m.

(3) *Avocados.*

Pesticide	*Tolerance*
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Parathion	1 p. p. m.

(4) *Blackberries.* For tolerances established for pesticide residues on blackberries, see subparagraph (27) of this paragraph.

(5) *Blueberries (huckleberries).*

Pesticide	*Tolerance*
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Ziram	7 p. p. m.

(6) *Cherries.*

Pesticide	*Tolerance*
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-O-hexylphenol.	1 p. p. m.
Dieldrin	0.1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
2-Heptadecyl glyoxalidine	5 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(7) *Citrus fruits (grapefruit, lemons, oranges, tangerines).*

Pesticide	*Tolerance*
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
2,4-Dichlorophenoxy acetic acid	5 p. p. m.
EPN	3 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	1.0 p. p. m. of combined lead.
Parathion	1 p. p. m.
Tartar emetic	3.5 p. p. m. of combined antimony trioxide.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.

FRUITS—continued

(8) *Cranberries.*

Pesticide	Tolerance
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(9) *Currants.*

Pesticide	Tolerance
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Parathion	1 p. p. m.

(10) *Dates.*

Pesticide	Tolerance
Ferbam	7 p. p. m.
Parathion	1 p. p. m.

(11) *Figs.*

Pesticide	Tolerance
Parathion	1 p. p. m.

(12) *Gooseberries.*

Pesticide	Tolerance
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(13) *Grapefruit.* For tolerances established for pesticide residues on grapefruit, see subparagraph (7) of this paragraph.

(14) *Grapes.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-O-hexylphenol.	1 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
Sodium arsenate	3.5 p. p. m. of combined As_2O_3.
Tartar emetic	3.5 p. p. m. of combined antimony trioxide.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(15) *Guavas.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Parathion	1 p. p. m.

(16) *Lemons.* For tolerances established for pesticide residues on lemons, see subparagraph (7) of this paragraph.

(17) *Loganberries.* For tolerances established for pesticide residues on loganberries, see subparagraph (27) of this paragraph.

FRUITS—continued

(18) *Mangoes.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Parathion	1 p. p. m.

(19) *Nectarines.* For tolerances established for pesticide residues on nectarines, see subparagraph (22) of this paragraph.

(20) *Oranges.* For tolerances established for pesticide residues on oranges, see subparagraph (7) of this paragraph.

(21) *Papayas.*

Pesticide	Tolerance
DDT	7 p. p. m.
Ferbam	7 p. p. m.

(22) *Peaches and nectarines.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-O-hexylphenol.	1 p. p. m.
Dieldrin	0.1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(23) *Pears.* For tolerances established for pesticide residues on pears, see subparagraph (1) of this paragraph.

(24) *Pinapples.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
EPN	3 p. p. m.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.

(25) *Plums (fresh prunes).*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-O-hexylphenol.	1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.

(26) *Quinces.* For tolerances established for pesticide residues on quinces, see subparagraph (1) of this paragraph.

(27) *Raspberries, blackberries, loganberries, and related berries.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-O-hexylphenol.	1 p. p. m.

FRUITS—continued

Pesticide	Tolerance
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
2-Heptadecyl glyoxalidine	5 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(28) *Rhubarb.*

Pesticide	Tolerance
DDT	7 p. p. m.

(29) *Strawberries.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-O-hexylphenol.	1 p. p. m.
EPN	3 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.

(30) *Tangerines.* For tolerances established for pesticide residues on tangerines, see subparagraph (7) of this paragraph.

VEGETABLES

(31) *Artichokes.*

Pesticide	Tolerance
DDT	7 p. p. m.
Parathion	1 p. p. m.

(32) *Asparagus.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.

(33) *Beans, green beans, snap beans, lima beans, and black-eyed peas.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-O-hexylphenol.	1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Magnesium arsenate	3.5 p. p. m. of combined As_2O_3.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.

VEGETABLES—continued

Pesticide	Tolerance
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(34) *Beets (with or without tops) or beet greens alone.*

Pesticide	Tolerance
DDT	7 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(35) *Black-eyed peas.* For tolerances established for pesticide residues on black-eyed peas, see subparagraph (33) of this paragraph.

(36) *Broccoli.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(37) *Brussels sprouts.* For tolerances established for pesticide residues on brussels sprouts, see subparagraph (38) of this paragraph.

(38) *Cabbage, brussels sprouts, kohlrabi, cauliflower.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Copper arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(39) *Carrots (with or without tops) or carrot tops.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Copper arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(40) *Cauliflower.* For tolerances established for pesticide residues on cauliflower, see subparagraph (38) of this paragraph.

VEGETABLES—continued

(41) *Celery.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-O-hexylphenol.	1 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Parathion	1 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(42) *Collards.* For tolerances established for pesticide residues on collards, see subparagraph (48) of this paragraph.

(43) *Corn.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
EPN	3 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.

(44) *Cucumbers.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(45) *Eggplants.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(46) *Endive.*

Pesticide	Tolerance
DDT	7 p. p. m.
Zineb	7 p. p. m.

(47) *Escarole.*

Pesticide	Tolerance
Zineb	7 p. p. m.

VEGETABLES—continued

(48) *Kale and collards.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(49) *Kohlrabi.* For tolerances established for pesticide residues on kohlrabi, see subparagraph (38) of this paragraph.

(50) *Lettuce.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(51) *Lima beans.* For tolerances established for pesticide residues on lima beans, see subparagraph (33) of this paragraph.

(52) *Melons, including cantaloupes, muskmelons, watermelons, and other melons.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(53) *Mushrooms.*

Pesticide	Tolerance
DDT	7 p. p. m.
Methoxychlor	14 p. p. m.

(54) *Mustard greens.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Parathion	1 p. p. m.
Zineb	7 p. p. m.

(55) *Okra.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Parathion	1 p. p. m.
Toxaphene	7 p. p. m.

VEGETABLES—continued

(56) *Onions.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Dieldrin	0.1 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Tartar emetic	3.5 p. p. m. of combined antimony trioxide.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(57) *Parsley.*

Pesticide	Tolerance
Zineb	7 p. p. m.

(58) *Parsnips (with or without tops) or parsnip greens alone.*

Pesticide	Tolerance
DDT	7 p. p. m.
Parathion	1 p. p. m.

(59) *Peanuts.*

Pesticide	Tolerance
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(60) *Peas.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(61) *Peppers.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(62) *Potatoes.* Tolerances are not needed for those pesticides applied only to the foliage of potatoes.

Pesticide	Tolerance
Aldrin	0.1 p. p. m.
Chlordane or heptachlor	0.1 p. p. m.

VEGETABLES—continued

(63) *Pumpkins.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(64) *Radishes (with or without tops) or radish tops.*

Pesticide	Tolerance
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(65) *Rutabagas (with or without tops) or rutabaga tops.*

Pesticide	Tolerance
DDT	7 p. p. m.

(66) *Salsify.*

Pesticide	Tolerance
Zineb	7 p. p. m.

(67) *Spinach.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
EPN	3 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.

(68) *Squash, summer squash.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(69) *Sweetpotatoes.*

Pesticide	Tolerance
Aldrin	0.1 p. p. m.

(70) *Swiss chard.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Parathion compounds	1 p. p. m.
Zineb	7 p. p. m.

VEGETABLES—continued

(71) *Tomatoes.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Copper arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined flourine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(72) *Turnips (with or without tops) or turnip greens.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined flourine.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(f) In accordance with section 408 (k) of the Federal Food, Drug, and Cosmetic Act, these tolerances shall be deemed also tolerances under section 408.

Any interested person whose appearance was filed at the hearing may, within 60 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Fourth Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in this tentative order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which such exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs shall be submitted in quintuplicate.

Dated: October 11, 1954.

[SEAL] NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 54-8124; Filed, Oct. 19, 1954; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

[192-31.1]

CUSTOMS DISTRICTS AND PORTS

NOTICE OF PROPOSED REVOCATION OF THE DESIGNATIONS OF EAGLE, ALASKA, FAIRBANKS, ALASKA, AND SKAGWAY, ALASKA, AS PORTS OF DOCUMENTATION

Notice is hereby given that, under the authority of section 2 of the act of July 5, 1884, as amended (46 U. S. C. 2) and section 1 of the act of February 16, 1925, as amended (46 U. S. C. 18) it is proposed to revoke the designations of Eagle, Alaska, Fairbanks, Alaska, and Skagway, Alaska, as ports of documentation and to amend § 1.1 (c), Customs Regulations (19 CFR 1.1 (c)), to indicate such revocation. It is also proposed to transfer the marine records of these ports to Juneau, Alaska, and to make Juneau, Alaska, the home port of all vessels now home-ported at these ports on the effective date of the revocation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed action may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. In order to assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 14, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-8229; Filed, Oct. 19, 1954; 8:52 a. m.]

[19 CFR Part 1]

[192-31.1]

CUSTOMS DISTRICTS AND PORTS

NOTICE OF PROPOSED REVOCATION OF DESIGNATION OF CRAIG, ALASKA, AS A CUSTOMS PORT OF ENTRY

Notice is hereby given that, pursuant to the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), and delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, of September 17, 1951 (3 CFR, 1951 Supp., Ch. II), it is proposed to revoke the designation of Craig, Alaska, as a customs port of entry in Customs Collection District No. 31 (Alaska); and it is further proposed to amend § 1.1 of the Customs Regulations (19 CFR 1.1) by deleting the name "Craig" from the list of ports of entry in said district.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed action may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 14, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-8228; Filed, Oct. 19, 1954; 8:52 a. m.]

POST OFFICE DEPARTMENT

[39 CFR Parts 1–137]

REVISED POSTAL REGULATIONS

The Postmaster General has condensed and revised the postal regulations covered by Parts 1 to 137, inclusive, of Chapter I, Title 39, Code of Federal Regulations.

The revised regulations will become effective November 20, 1954.

The revised postal regulations consolidate and reconcile overlapping, conflicting, and duplicated materials from the old Post Office Manual, Postal Laws and Regulations, Postal Guide, and Code of Federal Regulations.

The revised postal regulations fall within the exceptions from the notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003). However, in compiling this revision from so many sources, errors of omission and commission may have been made. The Postmaster General desires to afford patrons of the Postal Service an opportunity to present written data, views, or arguments for consideration by the Post Office Department prior to November 20, 1954, the effective date of the revised regulations.

Written data, views, or arguments may be submitted to the Deputy Postmaster General, Post Office Department, Washington 25, D. C., prior to November 20, 1954.

Chapters I and II of the revised regulations (the regulations which affect the public) are being submitted for publication in the FEDERAL REGISTER.[1] The regulations also are published in the "Postal Manual" of October 18, 1954. Copies of the "Postal Manual" of October 18, 1954, can be obtained from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C., for 65 cents per copy.

[1] To be published at the earliest practicable date.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-8284; Filed, Oct. 19, 1954; 9:19 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN GRAPE JUICE CONCENTRATE FOR GRAPE BEVERAGE[1]

U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Grape Juice Concentrate for Grape Beverage pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1921 et seq.). This issuance, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

Sec.
52.2451 Product description.
52.2452 Types of frozen grape juice concentrate.
52.2453 Styles of frozen grape juice concentrate.
52.2454 Grades of frozen grape juice concentrate.

FILL OF CONTAINER

52.2455 Recommended fill of container.

FACTORS OF QUALITY

52.2456 Ascertaining the grade and score for frozen grape juice concentrate.
52.2457 Ascertaining the rating for the factors which are scored.
52.2458 Color.
52.2459 Defects.
52.2460 Flavor.

EXPLANATIONS

52.2461 Definition of terms used in these standards.

LOT CERTIFICATION TOLERANCE

52.2462 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2463 Score sheet for frozen grape juice concentrate.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act. The product covered by these standards is essentially sweetened concentrated grape juice usually with acid added but is generally marketed under the name "Frozen Concentrated Grape Juice."

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.2451 *Product description.* Frozen grape juice concentrate for grape beverage, hereinafter called grape juice concentrate is the frozen product of concentrated, unfermented juice obtained from sound properly matured, fresh grapes. The product is prepared from unfermented single strength grape juice, which, with or without aging, depectinization, is then concentrated. Single strength grape juice, or a combination of single strength grape juice and natural grape essence is then mixed to the concentrate and packed with the addition of nutritive sweetening ingredient and with or without ascorbic acid. Fruit acid may be added to adjust the flavor. The product is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.2452 *Types of frozen grape juice concentrate*—(a) *Type I.* Concord type (prepared from grapes of the slip-skin varieties of the Concord type of the Labrusca species).

(b) *Type II.* Any type other than Concord type (prepared from a single variety of grapes other than Concord type).

(c) *Type III.* Blended type (prepared from two or more varieties of grapes).

§ 52.2453 *Style of frozen grape juice concentrate.* Frozen grape juice concentrate shall have a Brix value of the finished concentrate (exclusive of added sweetening ingredient) and a Brix value of the finished concentrate (including added sweetening ingredient) of not less than the following:

Dilution factor	Brix value of the finished concentrate exclusive of added nutritive sweetening ingredient and fruit acid (minimum Brix value)	Brix value of the finished concentrate including added nutritive sweetening ingredient and fruit acid	
		Minimum Brix value	Maximum Brix value
1 plus 3	30.0 degrees	42.5 degrees	

Frozen grape juice concentrate of any dilution factor of more than "1 plus 3" shall have had a Brix value exclusive of any added sweetening ingredient (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 8.5 degrees; and the finished frozen grape juice concentrate shall result in a Brix value including any added sweetening ingredient (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 12.0 degrees.

§ 52.2454 *Grades of frozen grape juice concentrate.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen grape juice concentrate which reconstitutes properly; possesses a good color; is practically free from defects; possesses a good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen grape juice concentrate which reconstitutes properly and of which the reconstituted product possesses a reasonably good color; is reasonably free from defects; possesses a reasonably good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(c) "Substandard" is the quality of frozen grape juice concentrate that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.2455 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be filled with frozen grape juice concentrate as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.2456 *Ascertaining the grade.* (a) The grade of frozen grape juice concentrate is ascertained by considering the factors of quality which are not scored and those which are scored as follows:

(1) *Factors which are not scored.* Ease of mixing into grape beverage.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	40
Defects	20
Flavor	40
Total score	100

(b) The scores for the factors of color, defects, and flavor are determined immediately after the beverage has been prepared by thoroughly mixing the frozen grape juice concentrate with a specific volume of water as directed by the manufacturer.

§ 52.2457 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2458 *Color*—(a) *(A) classification.* Frozen grape juice concentrate of which the prepared beverage possesses a good color may be given a score of 34 to 40 points. "Good color" has the following meanings with respect to the types of frozen grape juice concentrate:

(1) *Type I.* A bright purple or bright reddish-purple characteristic color that reflects the appearance of a beverage properly prepared from juice of Concord type grapes.

(2) *Types II and III.* A bright characteristic color that reflects the appearance of a beverage properly prepared

from juice of any varietal type or varietal types of grapes other than Concord type grapes.

(b) *(B) classification.* If the prepared beverage possesses a reasonably good color, a score of 28 to 33 points may be given. Frozen grape juice concentrate that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" has the following meanings with respect to the types of frozen grape juice concentrate:

(1) *Type I.* A purple or reddish-purple characteristic color that reflects to a reasonable extent the appearance of a beverage prepared from juice of Concord type grapes and which color may be slightly dull purple, slightly dull bluish-purple, or slightly dull reddish-purple but which is not off color for any reason.

(2) *Types II and III.* A characteristic color that reflects to a reasonable extent the appearance of a beverage prepared from juice of any varietal type or varietal types of grapes other than Concord type grapes and which color may be slightly dull but not off color for any reason.

(c) *(SStd.) classification.* Frozen grape juice concentrate that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2459 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from sediment and other residue, from tartrate crystals, from particles of skin, particles of seed, and from other defects.

(b) *(A) classification.* Frozen grape juice concentrate of which the prepared beverage is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present not more than a slight amount of sediment and residue of an amorphous nature; may possess not more than a trace of sediment and residue of a nonamorphous nature; is practically free from tartrate crystals; and is free from particles of skin, particles of seed, and from other defects.

(c) *(B) classification.* If the prepared beverage is fairly free from defects, a score of 14 to 16 points may be given. Frozen grape juice concentrate that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present not more than a slight amount of sediment and residue of an amorphous or non-amorphous nature; may possess a slight amount of tartrate crystals; may possess not more than a trace of particles of skin, particles of seed, and other defects.

(d) *(SStd.) classification.* If the prepared beverage fails to meet the requirements of paragraph (c) of this section, a score of 0 to 13 points may be given. Frozen grape juice concentrate that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2460 *Flavor*—(a) *(A) classification.* Frozen grape juice concentrate of which the prepared beverage possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the flavor is a fine distinct and normal flavor, typical of well-matured grapes for the variety or varieties and is free from any objectionable flavors and objectionable odors of any kind. To score in this classification the prepared beverage shall meet the following additional requirements:

Brix—not less than 13.0 degrees.
Acid—not less than 0.40 gram per 100 milliliters nor more than 0.60 gram per 100 milliliters, calculated as tartaric acid.
Brix acid ratio—the ratio of Brix value to acid is not less than 26 to 1 nor more than 36 to 1.

(b) *(B) classification.* If the prepared beverage possesses a fairly good flavor, a score of 28 to 33 points may be given. Frozen grape juice concentrate that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means a reasonably typical flavor of reasonably well matured grapes for the varietal type of varietal types and is free from objectionable flavors and objectionable odors of any kind. To score not less than 28 points the prepared beverage shall meet the following additional requirements:

Brix—not less than 12.0 degrees.
Acid—not less than 0.30 gram per 100 milliliters nor more than 0.60 gram per 100 milliliters, calculated as tartaric acid.
Brix acid ratio—the ratio of Brix value to acid is not less than 22 to 1 nor more than 40 to 1.

(c) *(SStd.) classification.* If the frozen grape juice concentrate fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Frozen grape juice concentrate that falls into this classification shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS

§ 52.2461 *Definition of terms used in these standards.* (a) "Brix" means the degrees Brix of the reconstituted grape juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing grape juice at a temperature other than 20 degrees C. (68 degrees F.), the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of grape juice may be determined by any other method which gives equivalent results.

(b) "Acid" means the grams of acid (calculated as tartartic acid) per 100 milliliters of the reconstituted grape juice determined by titration with standard sodium hydroxide solution using phenolphtalein as an indicator.

(c) "Brix-acid ratio" means the ratio between the degrees Brix as determined in this section and the acid in grams per 100 milliliters of reconstituted grape juice.

(d) "Dilution factor" is the value obtained by dividing a volume of grape juice by the volume of concentrate grape juice used in its preparation when such grape juice is prepared in accordance with the manufacturer's directions.

LOT CERTIFICATION TOLERANCES

§ 52.2462 *Tolerances for certification of officially drawn samples.* When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrated grape juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, and with respect to those factors which are scored:

(a) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(b) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(c) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(d) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2463 *Score sheet for frozen grape juice concentrate for grape beverage.*

Size and kind of container	....
Container mark or identification	....
Label (including dilution factor)	....
Net contents (fluid ounces)	....
Type (Concord, other, blended)	....
Brix of the reconst. beverage	....
Acid (as tartaric) (Gms/100 ml.)	....
Brix-acid ratio	....

Factors		Score points	
Color	40	(A)	34-40
		(B)	28-33
		(SStd)	0-27
Defects	20	(A)	17-20
		(B)	14-16
		(SStd)	0-13
Flavor	40	(A)	34-40
		(B)	28-33
		(SStd)	0-27
Total score	100		
Grade			....

[1] Indicates limiting rule.

Dated: October 14, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 54-8220; Filed, Oct. 19, 1954; 8:50 a. m.]

Commodity Stabilization Service

[7 CFR Part 728]

WHEAT

NOTICE OF FORMULATION OF REGULATIONS RELATING TO MEASUREMENT OF WHEAT ACREAGE, MARKETING OF WHEAT, COLLECTION OF MARKETING PENALTIES, STORAGE OF WHEAT, AND RECORDS AND REPORTS, 1955–56 MARKETING YEAR

A national marketing quota proclamation for the 1955 crop of wheat was issued by the Secretary of Agriculture on June 21, 1954 (19 F. R. 3863), and the quota was approved by wheat producers voting in a referendum on July 23, 1954. Farm acreage allotments were established pursuant to section 334 of the Agricultural Adjustment Act of 1938, as amended; and notices thereof mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

Pursuant to the authority contained in the applicable provisions of the act, as amended and supplemented (7 U. S. C. 1301, 1331–1340, 1372–1375), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations covering the measurement of farms, the determination of farm normal yields and farm marketing excesses, the issuance of marketing cards, the identification of wheat, the storage and delivery of wheat to avoid or postpone payment of penalties, the collection and refund of penalties, and the records and reports incident thereto with respect to the 1955 crop of wheat.

It is proposed that the regulations be substantially the same as the regulations in effect for the 1954–55 marketing year (19 F. R. 202, 1481, 2763, 6134), except that § 728.455 relating to measurements of farms will be written so as more fully to set out the duties of county committees and producers relating to measurements of farms.

Prior to the issuance of such regulations consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued this 14th day of October 1954.

[SEAL] EZRA TAFT BENSON,
Secretary.

[F. R. Doc. 54-8222; Filed, Oct. 19, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 138]

[Delegation of Authority No. 23-B]

DELEGATION OF AUTHORITY FOR PROCUREMENT TRANSACTIONS

By virtue of the authority vested in the Secretary of State by the act of May 26, 1949 (63 Stat. 111; 22 U. S. C. Supp. 811a) and by virtue of the authority vested in the Secretary of State by delegation of authority dated August 9, 1950 (15 F. R. 6130–6131), signed by Jess Larson, Administrator of General Services, and in accordance with the authority conferred by section 307 of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended, upon the "Agency Head" as defined in section 309 (a) of said act, there is hereby delegated to the officials listed below (and to any official legally designated to act for one of those enumerated during the absence or incapacity of the latter) authority to make purchases and contracts, to sign and issue purchase orders, contracts, and certificates of award in connection therewith, and to use the procurement procedures contained in title III of the above-cited Public Law 152, as amended, subject to the provisions of the above-mentioned delegation of authority from the Administrator of General Services and the specific limitations indicated below. The authority hereby delegated is subject to all other applicable provisions of law and to all instructions, regulations, and directives which are now in effect or which may be issued hereafter by the Department of State, or by any other Government Agency of competent jurisdiction, governing purchasing and contracting functions.

1. *Office of General Services.* Chief, Division of Supply Management;

Chief, Supply Operations Branch;

Contract Specialist, Supply Operations Branch;

Procurement Officer, Supply Operations Brands;

Purchase Agent, Supply Operations Branch.

Limitations: The following limitations as to dollar amount per transaction apply to the positions indicated: Chief, Supply Operations Branch, $50,000; Contract Specialist, $20,000; Procurement Officer, $2,500; Purchase Agent, $500. No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305 (a) or paragraphs (11) and (12) of section 302 (c). Authority to make determinations or decisions specified in paragraph (10) of section 302 (c) is delegated only to the Chief, Division of Supply Management, and said authority is limited to contracts which will not require the expenditure of more than $25,000. Authority to authorize cost, cost-plus-a-fixed-fee, or any other incentive-type contract, either within or outside the United States and its possessions, and to make the determinations and decisions specified in section 304 (b) is delegated to the Chief, Division of Supply Management only.

2. *Office of Libraries and Intelligence Acquisition.* Chief and Assistant Chief, Library Division. Limitations: For the purchase of newspapers, books, maps, and periodicals. No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305 (a) or paragraphs (10), (11) and (12) of section 302 (c). No authority is delegated to authorize cost, cost-plus-a-fixed-fee, or any other incentive-type contract or to make the determinations and decisions specified in section 304 (b).

3. *Office of Foreign Buildings Operations.* Director, Office of Foreign Buildings Operations. Limitations: Chargeable to funds available in the appropriation "Acquisition of Buildings Abroad" or in other appropriations available for foreign buildings operations. No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305 (a) or paragraphs (10), (11), and (12) of section 302 (c). No authority is delegated to authorize cost, cost-plus-a-fixed-fee, or any other incentive-type contract or to make the determinations and decisions specified in section 304 (b).

4. *Miscellaneous.* Imprest Fund Cashiers.

Limitations: The authority delegated to Imprest Fund Cashiers employed in the Supply Management Division is limited to purchases not involving more than $100 per transaction; other Imprest Fund Cashiers are limited to $50 per transaction and are, in addition, limited to the types of purchases indicated in the documents designating them as Imprest Fund Cashiers. No authority is delegated to use the procurement procedure contained in Title III of Public Law 152, as amended.

This delegation of authority supersedes Delegation of Authority No. 23–A, dated October 13, 1952, and Supplement 1 to Delegation of Authority No. 23–A, dated May 26, 1954.

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary of State for Personnel and Administration.

OCTOBER 13, 1954.

[F. R. Doc. 54-8206; Filed, Oct. 19, 1954; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

AIR-NAVIGATION SITE REVOKED; AMENDMENT

The order of the State Supervisor of Utah revoking Air Navigation Site Withdrawal No. 224, published in 19 F. R. 6311–6312 on September 30, 1954, as F. R. Document 54–7653 is hereby amended to read as follows:

Air Navigation Site Withdrawal No. 224 dated April 17, 1945, is hereby revoked, effective immediately. This site involved the following described land:

SALT LAKE MERIDIAN

T. 42 S., R. 14 W.,
Sec. 7: Lots 6 and 9 containing 70.90 acres.

This tract is primarily valuable for grazing, will be administered as part of Utah Grazing District No. 4, and is not open to entry or location under the nonmineral public land laws until further notice.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 54-8203; Filed, Oct. 19, 1954; 8:46 a. m.]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; AMENDMENT

The order of the State Supervisor of Utah withdrawing and reserving from all forms of entry, including the mining and mineral leasing laws, of 2323.67 acres of land in the Davis County Experimental Watershed, published in 19 F. R. 6311 on September 30, 1954, as F. R. Document 54-7652 is hereby amended to describe lands in Sec. 24, T. 3 N., R. 1 E., Salt Lake Meridian, as follows:

SALT LAKE MERIDIAN

T. 3 N., R. 1 E.,
Sec. 24: W½NW¼, NW¼NE¼, SE¼NE¼, NE¼SW¼, SW¼SE¼.

The balance of the order remains unchanged as first published.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 54-8204; Filed, Oct. 19, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3669]

CHRISTIE, MITCHELL & MITCHELL CO.

ORDER SUSPENDING PROPOSED RATE INCREASE

On September 13, 1954, Christie, Mitchell & Mitchell (Christie) filed a contract with amendments for the sale of natural gas to Cities Service Gas Company containing rates in effect on June 7, 1954. These rate filings have been designated as Rate Schedule 1 and Supplement No. 1 (Letter dated March 1, 1954) and Supplement No. 2 (Notice of change).

Christie proposes in Supplement No. 2 to increase its rate from 6 cents to 10 cents pursuant to schedule of periodic increases provided in the basic rate contract. Christie has not filed any substantive support for the proposed rate increase, but merely states such increase is to be made in accordance with the terms of its contract. The total annual increase is estimated at $48,000. The proposed effective date of the increase is July 23, 1954. The proposed increase has not been shown to be justified and may be unjust, unreasonable, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Supplement No. 2 of Christie's FPC Gas Rate Schedule No. 1 and that said proposed change be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in the aforesaid Rate Schedule as proposed to be amended.

(B) Pending such hearing and decision thereon, Christie's Supplement No. 2 of its FPC Gas Rate Schedule No. 1 be and the same is hereby suspended and the use thereof deferred until December 23, 1954, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 13, 1954.

Issued: October 14, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8208; Filed, Oct. 19, 1954; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-188]

EASTERN UTILITIES ASSOCIATES

ORDER RELEASING JURISDICTION WITH RESPECT TO CERTAIN FEES AND EXPENSES IN CONNECTION WITH PLAN

OCTOBER 13, 1954.

On August 24, 1954, the Commission issued an order for hearing (Holding Company Act Release No. 12632) relating to the applications for fees and expenses of certain applicants in the above entitled proceeding. Subsequent to the issuance of such order each such applicant, after discussions with members of the staff of the Division of Corporate Regulation of the Commission and with representatives of Eastern Utilities Associates ("EUA"), agreed to accept the amounts set forth opposite his name below, in full settlement of his claim for compensation and reimbursement of expenses for services rendered herein. Each such applicant has filed an amended application requesting that the Commission approve such amounts for him, and EUA has filed a statement confirming its agreement with each applicant and expressing its willingness to pay such amounts to him.

Name and capacity	Fee	Expenses
Guggenheimer & Untermyer; counsel for Ellis committee	$112,500	$4,004 42
W. Kent Cochran, committeeman and financial expert for Ellis committee	14,000	2,582 87
Sullivan & Sullivan; financial and engineering expert for Ellis committee	35,000	1,356 15
Wolf, Block, Schorr and Solis-Cohen and Nathaniel S. Hyman; counsel for Robach committee	75,000	394 26
Marshall, Bratter, Schuson & Klein and Harold P. Seligson and Bernard S. Kenton; counsel for Cromwell committee	75,000	4,999 67
Richard P. Cromwell and Enos Curtin, committeemen for Cromwell committee	3,000	274 20
James M. Landis, Harold Brown and Saul H. Waldman, counsel for certain common shareholders	25,000	3,322 46

The Commission has reviewed the full record, has considered the application of each such applicant, as originally filed and as subsequently amended, and is of the opinion that the amounts for fees and reimbursement of expenses itemized above are not unreasonable and are for necessary services, that an order should be entered approving and directing the payment thereof, and that the jurisdiction heretofore reserved with respect thereto should be released:

It is therefore ordered, That the applications for fees and reimbursement of expenses, in the amounts hereinabove specified and to the persons or firms named, be, and the same hereby are, approved, that EUA be, and hereby is, directed to pay such amounts, and that the jurisdiction heretofore reserved with respect thereto be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8212; Filed, Oct. 19, 1954; 8:48 a. m.]

[File No. 70-3296]

ATTLEBORO ELECTRIC CO. ET AL.

ORDER AUTHORIZING ISSUE AND SALE BY SUBSIDIARIES OF PROMISSORY NOTES TO BANKS AND TO PARENT COMPANY

OCTOBER 14, 1954.

In the matter of Attleboro Electric Company, Essex County Electric Company, The Lowell Electric Light Corporation, Mystic Valley Gas Company, New England Power Company, Northampton Electric Lighting Company, Northern Berkshire Electric Company, Norwood Gas Company, Quincy Electric Company, Suburban Electric Company, Wachusett Gas Company, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System.

New England Electric System ("NEES"), a registered holding company, and its above-named public-utility subsidiary companies (hereinafter individually referred to as "Attleboro", "Essex", "Lowell", "Mystic", "NEPCO", "Northampton", "Northern", "Norwood", "Quincy", "Suburban", "Wachusett", "Weymouth" and "Worcester" and collectively referred to as "the borrowing companies") have filed a joint application-declaration with this Commission pursuant to sections 7, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 (b) (2), U-43 and U-45 (b) (1) promulgated thereunder regarding the following proposed transactions:

The borrowing companies propose to issue during the period from October 1, 1954, through December 31, 1954, short-term unsecured promissory notes (a) to banks in the aggregate principal amount of $2,125,000 and (b) to NEES in the aggregate principal amount of $14,800,000 or a total of $16,925,000. Each of the notes proposed to be issued will mature on March 31, 1955, and, except as hereinafter described, if issued by an electric company, will bear interest at the prime rate at the time of issuance thereof, and, if issued by a gas company, at such interest rate plus ¼ of 1 percent. It is stated that the present prime rate is 3 percent. Mystic, Norwood and Wachusett are gas companies and the other borrowing companies are electric companies.

Any note proposed to be issued by a borrowing company to NEES for the purpose of prepaying any then outstanding note payable to a bank, will bear interest at the same interest rate as the note to be prepaid until the due date of the prepaid note or at the prime interest rate (plus ¼ of 1 percent in the case of gas companies) on the issue date thereof, whichever is lower, and thereafter at the prime rate at the time of issuance or at such rate plus ¼ of 1 percent depending on whether the issuer is an electric or gas company.

It is further proposed that no further borrowings will be made by the borrowing companies pursuant to the Commission's Order dated February 25, 1954 (Holding Company Act Release No. 12377) and that the aggregate of notes payable to be outstanding at any one time during the period subsequent to October 1, 1954, through December 31, 1954, will not exceed for each of the borrowing companies the amounts indicated under the column "Estimated Amount of Short-Term Debt To Be Outstanding at December 31, 1954" shown below.

The following table shows for each borrowing company (1) the aggregate amount of notes proposed to be issued to banks and to NEES, and (2) the estimated amount of short-term debt to be outstanding with banks and with NEES at December 31, 1954:

	Aggregate amount of notes proposed to be issued		Estimated amount of short-term debt to be outstanding at Dec. 31, 1954	
	Banks	NEES	Banks	NEES
Attleboro	----------	$290,000	----------	$1,150,000
Essex	----------	800,000	----------	800,000
Lowell	$1,300,000	----------	$5,000,000	----------
Mystic	700,000	----------	850,000	----------
NEPCO	----------	1,500,000	----------	1,500,000
Northampton	75,000	----------	375,000	----------
Northern	----------	1,410,000	----------	1,410,000
Norwood	----------	70,000	----------	535,000
Quincy	----------	1,680,000	----------	1,680,000
Suburban	----------	1,500,000	----------	1,500,000
Wachusett	50,000	----------	100,000	----------
Weymouth	----------	2,150,000	----------	2,150,000
Worcester	----------	5,400,000	----------	5,400,000
Total	2,125,000	14,800,000	6,325,000	16,125,000

The proceeds to be derived from the issuance of the proposed notes will be used by the borrowing companies to pay then outstanding notes or to pay for construction expenditures.

The joint application-declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Due notice of the filing of said application-declaration having been given in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8213; Filed, Oct. 19, 1954; 8:48 a. m.]

[File No. 70-3297]

LOUISIANA POWER & LIGHT CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

OCTOBER 13, 1954.

Louisiana Power & Light Company ("Louisiana"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission and an amendment thereto pursuant to sections 6 (a), 7 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 (b) (2) and U-50 promulgated thereunder with respect to proposed transactions, which are summarized as follows:

Louisiana proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $18,000,000 principal amount of First Mortgage Bonds __ Percent Series, due 1984. The bonds, which are to be dated as of October 1, 1954, are to be secured by the company's Mortgage and Deed of Trust dated April 1, 1944, as heretofore supplemented and as to be further supplemented by a Fourth Supplemental Indenture, to be dated October 1, 1954. The interest rate applicable to the new bonds (which is to be a multiple of ⅛ of 1 percent) and the price to be paid Louisiana (which is to be not less than 100 percent nor more than 102.75 percent of principal amount) are to be fixed at competitive bidding.

The declaration states that the net proceeds from the sale of the bonds will be used to redeem and retire Louisiana's First Mortgage Bonds, 4 percent Series, due 1983, presently outstanding in the aggregate principal amount of $12,000,000; to pay for the cost of constructing new facilities; and to provide Louisiana with funds for other corporate purposes. The filing further states that the estimated cost of construction to be built by Louisiana during the calendar years 1954 and 1955 will approximate $30,600,000, of which $8,200,000 had been expended by July 31, 1954.

The filing states that the proposed issuance and sale of securities are subject to no state or Federal regulatory body or agency other than this Commission.

The record is not completed in respect of all fees and expenses to be paid in connection with the proposed transactions.

Louisiana has requested that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of said declaration and a hearing not having been requested of or ordered by the Commission; the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and observing no basis requiring any adverse determinations, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, should be permitted to become effective forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

It is further ordered, That jurisdiction be, and hereby is, reserved over all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8211; Filed, Oct. 19, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 30]

MOTOR CARRIER APPLICATIONS

OCTOBER 15, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to

other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 19300 Sub 3, SANTINI MOVING CORPORATION, 2497 Webster Avenue, Bronx 58, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between New York, N. Y., on the one hand, and, on the other, points in Maine, Rhode Island and Virginia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont and the District of Columbia.

No. MC 41915 Sub 18, PAUL W. HIVELY, doing business as MILLER'S MOTOR FREIGHT SERVICE, Zinn's Quarry Road, York, Pa. Applicant's attorney: Norman T. Petow, 25 S. Duke St., York, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lubricating oils and greases*, in cases, cans, and drums, from points in Venango County, Pa., to points in Delaware, Maryland, Virginia, and West Virginia, and return with *empty containers or other such incidental facilities* (not specified) used in transporting lubricating oils and greases. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia.

No. MC 42487 SUB 290, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby Street, Portland, Oreg. Applicant's attorney: W. S. Pilling, P. O. Box 3618, Portland 8, Oreg. For authority to operate as a *common carrier*, transporting *Class A and B explosives*, over the regular alternate route described in Certificate No. MC 42487 Sub 249, dated June 15, 1954, and to remove restriction contained in such certificate on traffic moving to and from points in California, except Los Angeles. Certificate No. MC 42487 Sub 249, authorizes applicant to transport *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, over an alternate route for operating convenience only, between Casper, Wyo., and Pocatello, Idaho, serving no intermediate points and serving Casper for the purpose of joinder only; with service over this route restricted to traffic moving to or from points in Washington, Oregon and Idaho; from Casper over Wyoming Highway 220 through Alcova, Wyo., to junction U. S. Highway 287, at Muddy Gap, Wyo., thence over U. S. Highway 287 through Lamont, Wyo., to Rawlins, Wyo., thence over U. S. Highway 30 through Rock Springs, Wyo., to junction U. S. Highway 30–N about five miles south of Granger, Wyo., thence over U. S. Highway 30–N through Kemmerer, Sage, and Border, Wyo., and Montpelier, Soda Springs, and McCammon, Idaho, to Pocatello, and return over the same route. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, California, Nevada, Minnesota, Montana, Utah, Wisconsin and Illinois.

No. MC 43251 Sub 5, H. MAYNARD GOULD CO., A Massachusetts Trust, Washington Street, East Walpole, Mass. Applicant's attorney: Raymond E. Bernard, 15 State Street, Boston, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper felts*, from Phillipsdale, R. I., to New London, Conn.; and *finished floor covering*, from New London, Conn., to Walpole and Norwood, Mass. Applicant is authorized to conduct operations, as a contract carrier, in Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire and New York.

No. MC 43867 Sub 13, ALTON LEANDER McALISTER, 807 Second St., P. O. Box 2214, Wichita Falls, Texas. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, materials, equipment*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except picking up or string pipe in connection with main or trunk pipe lines, (1) between points in Nevada, and (2) between points in Texas, Oklahoma and Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Nevada. Applicant is authorized to conduct operations in Oklahoma, Kansas, Texas, New Mexico, Arizona, Colorado, Utah, Wyoming, Idaho, Montana, Illinois, Indiana, Kentucky, and Missouri.

No. MC 45984 Sub 2, (Reopened—further hearing), PETROLEUM TRANSPORTATION CO., INC., 348 Central Street, Fall River, Mass. Applicant's attorney: Richard C. Levin, Fall River National Bank Building, Fall River, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, between points in New London and Windham Counties, Conn., and Rhode Island, and those in Massachusetts on and east of U. S. Highway 1, including Boston. Applicant is authorized to conduct operations in Massachusetts, and Rhode Island.

No. MC 47038 Sub 11, SHIP BY TRUCK COMPANY, a corporation, doing business as GRAHAM-SHIP-BY-TRUCK CO., 1321 West 8th St., Kansas City, Mo. Applicant's attorney: James P. Cashin, Suite 414 Brotherhood Bldg., Kansas City, Kans. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, from Bonner Springs, Kans., to Natural Storage Cave, Kans., approximately one (1) mile west of Loring, Kans., as follows: from Bonner Springs, Kans., over unnumbered County Highway to Loring, Kans., thence over unnumbered highway to Natural Storage Cave, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Kansas and Missouri.

NO. MC 47142 Sub 54, amended, C. I. WHITTEN TRANSFER COMPANY, a corporation, 200—19th Street, Huntington, W. Va. Applicant's attorney: Chas. T. Dodrill, Dodrill, Barrett & Dunbar, West Virginia Building, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A, B and C explosives, blasting supplies*, and *used empty containers* for explosives, blasting supplies and powder, between points in Indiana within eight miles of Jeffersonville, Ind., including Jeffersonville, located on U. S. Highway 31E, and points in Ohio, Virginia, West Virginia, Kentucky, Pennsylvania, that portion of North Carolina on and west of a line formed by U. S. Highway 220 from the Virginia-North Carolina State line to junction U. S. Highway 74 (near Rockingham, N. C.), thence along U. S. Highway 74 to Rockingham, N. C., and thence along U. S. Highway 1 to the North Carolina-South Carolina State line, points in Maryland on and west of U. S. Highway 15, and Kenvil, N. J., and points within five miles thereof. Applicant is authorized to conduct operations in Illinois, Kentucky, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia.

NO. MC 58936 Sub 5, JOHNSON FREIGHT LINES, INC., 4015 Airport Way, Seattle, Wash. Applicant's attorney: George R. LaBissoniere, 10520 – 20th Avenue, N. E., Seattle 55, Wash. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Portland, Oreg., and Kelso, Wash., over U. S. Highway 99, serving no intermediate points, as an alternate or connecting route, in connection with the carrier's regular route operations (1) between St. Helens, Oreg., and Kelso, Wash., which is a portion of the carrier's regular route between St. Helens, Oreg., and Seattle, Wash.; and (2) between Portland, Oreg., and Westport, Oreg. Applicant is authorized to conduct operations in Oregon and Washington.

NO. MC 61440 SUB 64, LEE WAY MOTOR FREIGHT, INC., P. O. Box 2488, 3000 West Reno, Oklahoma City, Okla. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except fresh fish, bulk liquids, light and bulky articles, gold bullion, paper money, silver, articles of value, commodities injurious or contaminating to other lading, and commodities requiring specialized equipment and handling, between Dallas, Tex., and Amarillo, Tex., from Dallas over Texas Highway 114 to junction U. S. Highway 287, thence over U. S. Highway 287 to Amarillo, and return over the same routes, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Oklahoma City, Okla., and Amarillo, Tex., and between Houston, Tex., and Oklahoma City, Okla. Applicant is authorized to conduct operations in Kansas, Missouri, New Mexico, Oklahoma, and Texas.

NO. MC 64932 Sub 160, ROGERS CARTAGE CO., a corporation, 1934 S. Wentworth Ave., Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid urea resin*, in bulk, in tank vehicles, from Union which is located in McHenry County, Ill. and points within five miles thereof, to points in Minnesota. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Michigan, Mississippi, New Jersey, Louisiana, Tennessee, Texas, and Wisconsin.

NO. MC 70296 Sub 2, S. A. BINGAMAN, doing business as PITTSBURGH-LATROBE MOTOR EXPRESS, Corner Linden and North Avenues, Post Office Box 352, Latrobe, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Latrobe, Pa., and Seward, Pa., from Latrobe, over unnumbered highway to Kingston, thence over U. S. Highway 30 to Ligonier, and thence over Pennsylvania Highway 711 to Seward, and return over the same route, serving all intermediate points, and the off-route points of Waterford, Fort Palmer, Liberty Hall, West Fairfield, Bolivar, and Ross Mountain Park, Pa.; and (2) between Latrobe, Pa., and Myersbrook, Pa., from Latrobe, over the above-specified route to Ligonier, thence over Pennsylvania Highway 711 to Donegal, and thence over Pennsylvania Highway 31 to Myersbrook, and return over the same route, serving all intermediate points, and the off-route points of Mansville, Camp Wesco, Kregar, Crisp, Rector, and Laughlinstown, Pa. Applicant is authorized to conduct operations in Pennsylvania.

NO. MC 74846 SUB 39, LEWIS G. JOHNSON, West Union Extension, P. O. Box 135, Newark, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen fruit* and *frozen vegetables*, from Aspers, Pa., to Hamlin, Hilton, Holley and Williamson, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, including *returned shipments* on return movements. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia.

NO. MC 78213 SUB 2, (Amended), ALBERT C. POUNDER, doing business as POUNDER TRUCK SERVICE, Corbett, Oreg. Applicant's attorney: Norman E. Sutherland, White, Sutherland and Parks, 1100 Jackson Tower, Portland 5, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cryolite*, in bulk, *carbon electrodes* with stub, *pot linings, pot lining materials*, and *raw materials*, used or not used, reclaimed or not reclaimed, incidental to the reduction of or manufacture of aluminum (including fluoride, fluorspar, soda ash, alumina, coke, coal and scrap copper), in bulk, in dump trucks, between points in Multnomah County, Oreg., on the one hand, and, on the other, points in Cowlitz County, Wash. Applicant is authorized to conduct operations in Washington and Oregon.

NO. MC 85445 Sub 1, (Reopened-Further Hearing) LEE WALKER, 922 North Closner, Edinburg, Tex. Applicant's attorney: Sid L. Hardin, First State Bank & Trust Co., Edinburg, Tex., and James E. Little, Gulf Bldg., Edinburg, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and other minerals; *machinery, equipment, materials* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines; and *contractors' equipment, heavy machinery and such commodities which, because of size of weight, require the use of special equipment or special handling*, between all points in Texas. Applicant conducts operations in Texas under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

NO. MC 88220 Sub 11, FRED M. MENEELY, Rural Route No. 4, Brazil, Ind. Applicant's representative: W. L. Jordan, 201 National Building, 7 South Sixth Street, Terre Haute, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Clay products, joint compound* and *joint compound solvent*, from points in Clay County, Ind., to points in Kentucky (except Louisville and Owensboro, Ky.), Missouri (except those located in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, as defined by the Commission), and Wisconsin; *containers* and *pallets* (used and empty), from points in Illinois, Wisconsin, Kentucky, Missouri, Iowa, those in that part of Michigan on and south of U. S. Highway 12, and those in that part of Ohio on and west of U. S. Highway 23, to points in Clay County, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, and Ohio.

NO. MC 97556 Sub 2, JAMES O. BALLARD, doing business as BALLARD DRIVE-AWAY SERVICE, 6441 Benham Street, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles and trucks*, in initial movements, in truckaway service, from Detroit, Mich., to South Bend, Elkhart, Mishawaka, Michigan City, Lakeville, Rochester, Plymouth and Argos, Ind. Applicant is authorized to conduct operations in Michigan.

NO. MC 106069 Sub 6, D. E. McALISTER, doing business as McALISTER TRUCKING COMPANY, P. O. Box 839, 1618 S. Treadway Blvd., Abilene, Texas. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, materials, equipment*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except picking up or stringing pipe in connection with main or trunk pipe lines, (1) between points in Nevada, and (2) between points in Texas, Oklahoma, and New Mexico, on the one hand, and, on the other, points in Nevada. Applicant is authorized to conduct operations in Texas, Oklahoma, Louisiana, New Mexico, Colorado, Wyoming, Utah and Montana.

NO. MC 106379 Sub 21, GULF SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 5812 Brock Street,

Houston, Texas. Applicant's attorney: Joe G. Fender, Minter & Fender, Melrose Building, Houston 2, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road building equipment, earth moving equipment*, and *construction equipment* and *parts thereof*, in truckaway service, between points in the Cleveland, Ohio, Commercial Zone, as defined by the Commission, on the one hand, and on the other, points in the United States, including the District of Columbia.

NO. MC 106379 Sub 22, GULF SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 5812 Brock Street, Houston, Tex. Applicant's attorney: Joe G. Fender, Minter & Fender, Melrose Bldg., Houston 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products and by-products; and *machinery, equipment, materials* and *supplies* used in, or in connection with irrigation, the drilling of water wells, salt water injection wells, wells for underground reservoir storage, and the drilling of wells for all other purposes, (1) between points in Arkansas, Louisiana, New Mexico, and Texas; (2) between points in Mississippi, Alabama, Georgia, and Florida; (3) between points in Alabama, Georgia, and Florida, on the one hand, and, on the other, points in New Mexico, Texas, Arkansas, and Louisiana; (4) between points in Texas, on the one hand, and, on the other, points in North Dakota on and west of North Dakota Highway 30, and those in South Dakota west of the Missouri River and on and north of U. S. Highway 14; (5) between points in Michigan, on the one hand, and, on the other, points in Illinois, Indiana, and Ohio; (6) between points in Texas, on the one hand, and, on the other, points in Ohio and the lower peninsula of Michigan; and (7) from Columbus, Ga., to Dallas, Texas.

NO. MC 106379 Sub 23, GULF SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 5812 Brock Street, Houston, Tex. Applicant's attorney: Joe G. Fender, Minter & Fender, Melrose Bldg., Houston 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; *machinery, equipment, materials* and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products and by-products; and *machinery, equipment, materials* and *supplies* used in, or in connection with irrigation, the drilling of water wells, salt water injection wells, wells for underground reservoir storage, and the drilling of wells for all other purposes, (1) between points in Nevada, and (2) between points in Nevada, on the one hand, and, on the other, points in Texas.

NO. MC 106920 Sub 7, RIGGS DAIRY EXPRESS, INC., P. O. Box 57, Versailles, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salad dressing*, requiring temperature protection moving in mixed shipments with dairy products and constituting not over 16% of the shipment, from Indianapolis, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NO. MC 107403 Sub 182, E. BROOKE MATLACK, INC. 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, Shertz, Barnes & Shertz, 801–804 I. B. M. Building, 226 South 15th Street, Philadelphia, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Varnish*, in bulk, in tank vehicles, from Toledo, Ohio to Newnan, Ga. Applicant is authorized to conduct operations in Maryland, New Jersey, Pennsylvania and the District of Columbia.

NO. MC 110358 Sub 2, WILLIAM STRELBSKI, doing business as DUNCANNON TRANSPORTATION COMPANY, 154 Churchville Pike, Feasterville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail bakery concerns, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, (1) between Philadelphia, Pa., on the one hand, and, on the other, points in Massachusetts, West Virginia, that part of Maryland on and west of a line starting at Washington, D. C., thence along U. S. Highway 240 to junction Maryland Highway 27, thence north along Maryland Highway 27 to junction Maryland Highway 31, thence north along Maryland Highway 31 to junction Maryland Highway 30, thence north along Maryland Highway 30 to the Maryland-Pennsylvania State Line, and that part of Virginia on and west of U. S. Highway 29, and (2) between Buffalo, N. Y., on the one hand, and, on the other, points in Connecticut, Delaware, Pennsylvania, New York, New Jersey, Maryland, Massachusetts, Rhode Island, Virginia, and West Virginia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia.

NO. MC 110503 Sub 1, NIEL F. MacKENZIE, Main Street, Chester, Vt. For authority to operate as a *common carrier*, over irregular routes, transporting: *Excelsior*, wood, in bales, from Lebanon, N. H. to Schenectady, N. Y. and points in Massachusetts, Connecticut, Rhode Island and Vermont.

NO. MC 110698 Sub 17 (Reopened-Further Hearing, including the further development of applicant's fitness), MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, P. O. Box 457, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank trucks, between Greensboro, N. C., on the one hand, and, on the other, points in New York, New Jersey, Ohio, Illinois, Kentucky, Pennsylvania, Maryland and Delaware. Applicant is authorized to conduct operations in South Carolina, Georgia, North Carolina, West Virginia, Virginia, Maryland, Tennessee, Alabama, Florida and Louisiana.

NO. MC 110698 Sub 48, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, J. FRANK DICKSON, Trustee, P. O. Box 457, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid glue*, in bulk, in tank vehicles, from Savannah, Ga. to points in Florida, Alabama, South Carolina, North Carolina, and Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia.

NO. MC 111103 Sub 2 (Amended), PROTECTIVE MOTOR SERVICE COMPANY, INC., 725 South Broad Street, Philadelphia 47, Pa. Applicant's attorney: Peter Platten, Ballard, Spahr, Andrews & Ingersoll, 1035 Land Title Building, Philadelphia 10, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting *Silver coin* and *gold and silver bullion*, between Atlanta, Ga., Baltimore, Md., Birmingham, Ala., Boston, Mass., Buffalo and New York, N. Y., Charlotte, N. C., Chicago, Ill., Cincinnati and Cleveland, Ohio, Detroit, Mich., Jacksonville, Fla., Little Rock, Ark., Louisville and Fort Knox, Ky., Memphis and Nashville, Tenn., Minneapolis, Minn., New Orleans, La., Philadelphia and Pittsburgh, Pa., Richmond, Va., Kansas City and St. Louis, Mo., Dallas, Houston and San Antonio, Tex., Oklahoma City, Okla., Omaha, Nebr., and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania, New Jersey and Delaware.

NO. MC 111159 Sub 14, H. D. MILLER (General Partner), J. A. MILLER, H. D. MILLER, JR., S. F. MILLER, D. M. MILLER, R. L. MILLER and J. S. MILLER (Limited Partners), doing business as MILLER PETROLEUM TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Butler, Snow, O'Mara, Stevens & Cannada, Suite 900 Milner Bldg., P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Chalmette and Meraux, La., to Crupp, Miss. and points in Mississippi on and south of U. S. Highway 80. Applicant is authorized to conduct operations in Alabama, Georgia, Louisiana, Mississippi and Tennessee.

NO. MC 111401 Sub 54, GROENDYKE TRANSPORT, INC., 2204 North Grand, Post Office Box 632, Enid, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Nebraska, Colorado and Kansas. Applicant is authorized to conduct operations in Colorado, Kansas, New Mexico, Oklahoma and Texas.

NO. MC 111427 Sub 3, RAY KAHLER, 325 West 3rd St., Winner, S. Dak. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Seeds, livestock feed, and poultry feed; brick tile, lumber* (other than millwork); and *commercial fertilizer, farm machinery and farm tractors*, not including parts therefor, from Omaha and South Sioux City, Nebr., to Sioux City, Iowa, over irregular routes, thence over a regular route, operating from Sioux City over U. S. Highway 77 to junction South Dakota Highway 50, near Vermillion, S. Dak., thence over South Dakota Highway 50, via Yankton, Tyndall and Avon, S. Dak., to junction unnumbered highway, thence over unnumbered highway, via Wheeler, S. Dak., to junction U. S. Highway 18, thence over U. S. Highway 18 to Colome, S. Dak., and return over the same route, serving the intermediate points of Gregory and Burke, S. Dak., and the off-route points of Winner and Witten, S. Dak., and (2) *commercial fertilizer*, from Sioux City, Iowa to Colome, S. Dak., over the above-described route to Colome, S. Dak., and return over the same route, serving the intermediate points of Gregory and Burke, S. Dak., and the off-route points of Winner and Witten, S. Dak. Applicant has authority to conduct operations in Iowa and South Dakota.

NO. MC 112040 SUB 1, FLOYD CLINTSMAN AND ROBERT CLINTSMAN, doing business as FLOYD CLINTSMAN & SON, Greenwood, Wis. Applicant's representative: A. R. Fowler, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed* and *fertilizer*, from points in Iowa and Minnesota (except those in the Minneapolis-St. Paul Commercial Zone as defined by the Commission), to points in Clark (except the towns of Eaton, Warner, Beaver, Mead, Hendren, Loyal, Longwood, Reseberg, and Green Grove), Marathon, and Wood Counties, Wis. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, and Wisconsin.

NO. MC 112668 SUB 6, HARVEY R. SHIPLEY, NORMAN E. SHIPLEY, HERBERT R. SHIPLEY, AND FLOYD K. SHIPLEY, doing business as HARVEY R. SHIPLEY & SONS, 24 Westminster Road, Reisterstown, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from Berryville and Front Royal, Va., to points in Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in the District of Columbia, Maryland, New Jersey, New York, Pennsylvania and Virginia.

NO. MC 112886 SUB 3, VERMONT TRANSFORT COMPANY, INC., South Main Street, Barre, Vt. For authority to operate as a *common carrier* over irregular routes, transporting: *Granite*, from points in Berlin, Barre and Northfield Townships and Montpelier, in Washington County, Vt., to points in Ohio. Applicant is authorized to conduct operations in Vermont, Pennsylvania, and Delaware.

NO. MC 113057 SUB 2, THE DENVER WHOLESALE FLORISTS COMPANY, A Corporation, 1090 Cherokee Street, Denver, Colo. Applicant's attorney: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Bagging* and *bolted textile materials*, and *paper and paper products, including cardboard and corrugated boxes, cartons* and *cases*, from Atlanta, Ga., to Denver, Colo., and points within 100 miles of Denver, and (2) *horticultural products, including cut flowers* and *florists' greens*, from Denver, Colo., to Memphis, Tenn., and Atlanta, Ga.

NO. MC 114178 SUB 1, (Amended), Jose Rodriguez Y Casal, doing business as MEXICO U. S. TRUCK LINE, 133 West Olive St., San Ysidro, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth St., Los Angeles, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk requiring special tank equipment, or commodities requiring special equipment, between San Ysidro, Calif., and the United States-Mexico International Boundary line, over U. S. Highway 101, serving no intermediate points.

NO. MC 114227 SUB 4, ALBERT MEEUSEN AND CLIFFORD RUSSELL, doing business as A & C CARRIERS, 2955 Laketon Ave., Muskegon, Mich. Applicant's attorney: J. David Sullivan, 207 W. Superior Street, Alma, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Elsie, Mich., to points in Indiana. Applicant is authorized to conduct operations in Michigan and Indiana.

NO. MC 114959, CLARENCE H. WILSON, North 1st Ave., Coralville, Iowa, Box 109, Iowa City, Iowa. Applicant's attorney: Kenneth M. Dunlop, Iowa State Bank & Trust Building, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from petroleum products loading terminals located in Iowa, to points in Iowa.

NO. MC 114972, GREYLOCK AIRWAYS, INC., doing business as AIR FREIGHT SERVICE, Pittsfield Municipal Airport, Pittsfield, Mass. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between the Pittsfield Municipal Airport, Pittsfield, Mass., and Bradley Field, Windsor Locks, Conn., from the Pittsfield Municipal Airport, Pittsfield, Mass., over U. S. Highway 20 to Westfield, Mass., thence over Massachusetts Highway 10 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 10 to Granby, Conn., and thence over Connecticut Highway 20 to Bradley Field, Windsor Locks, Conn., and return over the same route, serving no intermediate points. (The purpose of this application is to request authority to transport air freight consigned to applicant, between the two airports.)

NO. MC 114980. NORWOOD OUTBOARD SERVICE, INC., 866 Providence Highway, Norwood, Mass. Applicant's attorney: George C. O'Brien, Ten State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pleasure boats and accessories therefor*, requiring special equipment, from Algena, Cadillac, Holland and Manistee, Mich., Sandusky, Ohio, and Chattanooga, Tenn., to Boston, Mass., and points in Massachusetts, Maine, New Hampshire, and Rhode Island within 100 miles of Boston, Mass.

NO. MC 114982, ROY L. ESTES, doing business as ROY ESTES TRUCKING COMPANY, 533 Jackson St., Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, Grant Bldg., Kingsport, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bricks, concrete blocks*, and *cinder blocks*, between Kingsport, Tenn., and points in Macon, Jackson, Transylvania, Haywood, Buncombe, Madison, Henderson, Rutherford, McDowell, Burke, Polk, Yancey, Caldwell, Alexander, Watauga, Mitchell, Wilkes, Yadkin, Forsyth, Surry, Alleghany, Ashe, Iredell, Davie, Catawba, Avery, Guilford, Clay, Cherokee, Stokes, Rockingham, Davidson, Rowan, and Randolph Counties, N. C.

No. MC 114987, SARGENT TRUCKING CO., INC., High Street, Ellsworth, Maine. For authority to operate as a *contract carrier*, over a regular route, transporting: *Motor boats*, approximately 30 feet in length, between Bluehill, Maine, and the U. S. Naval Shipyard at Bayonne, N. J., over Maine Highway 172 from Bluehill to North Bluehill, Maine, thence over Maine Highway 15 to junction U. S. Alternate Highway 1 (Maine Highway 3), thence over U. S. Alternate Highway 1 (Maine Highway 3) to junction U. S. Highway 1, thence over U. S. Highway 1 to Portland, Maine, thence over the Maine Turnpike to junction access roads thereto at or near Kittery, Maine, thence over said access roads to junction U. S. Highway 1, thence over U. S. Highway 1 to junction Massachusetts Highway 128 at or near Lynnfield, Mass., thence over Massachusetts Highway 128 to junction U. S. Highway 20 near Waltham, Mass., thence over U. S. Highway 20 to junction Massachusetts Highway 15 at or near Sturbridge, Mass., thence over Massachusetts Highway 15 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 15 to Hartford, Conn., thence over U. S. Highway 5 to New Haven, Conn., thence over U. S. Highway 1 to the U. S. Naval Shipyard at Bayonne, N. J., and return over the same route from the U. S. Naval Shipyard at Bayonne, N. J. to Bluehill,

Maine, with *empty containers or other such incidental facilities* (not specified) used in transporting motor boats; serving the intermediate point of Wiscasset, Maine.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

NO. MC 89221 Sub 2, FRANK L. ROSSI AND JOHN A. ROSSI, doing business as HARFORD MOTOR COACH COMPANY, 2739 Greenmount Avenue, Baltimore 18, Md. Applicant's attorney: Robert E. Goldstein, 1407 Broadway, New York 18, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and express, mail and newspapers, in the same vehicle with passengers, (1) between Washington, D. C., and Cape May, N. J., from Washington, D. C., over U. S. Highway 1 to Baltimore, Md., thence over U. S. Highway 40 to Malaga, N. J., thence over New Jersey Highway 47 to Millville, N. J., thence over New Jersey Highway 49 to Tuckahoe, N. J., thence over New Jersey Highway 50 to junction U. S. Highway 9 at Seaville, N. J., thence over access road to the Seaville interchange of the Garden State Parkway, thence over the Garden State Parkway to junction U. S. Highway 9 in Lower Township, N. J., and thence over U. S. Highway 9 to Cape May, N. J., and return over the same route; (2) between Washington, D. C., and Baltimore, Md., over the Baltimore-Washington Express Parkway; (3) between Seaville, N. J., and Lower Township, N. J., from the junction of New Jersey Highway 50 and U. S. Highway 9 at Seaville, N. J., over U. S. Highway 9 to junction with the Garden State Parkway, at Lower Township, N. J., and return over the same route; (4) between Burleigh, N. J., and Lower Township, N. J., from junction U. S. Highway 9 and Cape May County Road 585, at Burleigh, N. J., over Cape May County Road 585 via North Wildwood, Wildwood, and Wildwood Crest, to junction with U. S. Highway 9 at Lower Township, N. J., and return over the same route. Service is proposed to and from all intermediate points on the above-described routes, restricted to traffic moving between points on the routes in the States of Maryland, Delaware and the District of Columbia, on the one hand, and points on the routes in the State of New Jersey south and east of, but not including, Malaga, N. J., on the other hand.

NO. MC 109627 Sub 3, JERSEY SHORE BUS LINES, INC., 123 Main Street, Matawan, New Jersey. Applicant's attorney: Edward W. Currie, 123 Main St., Matawan, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, during the authorized racing seasons at said tracks, (1) between Easton, Bethlehem, and Allentown, Pa., and Garden State Race Track, near Camden, N. J., (a) from Greyhound Post House at Front and Bushkill Streets in Easton, Pa., thence over Front, Bushkill, and Third Streets and access road to U. S. Highway 22, thence over U. S. Highway 22 to Pennsylvania Highway 512 (also Center Street) in Bethlehem, Pa., thence over Center Street, Elizabeth Avenue, and North New Street to American Hotel Terminal at Broad and North New Streets in Bethlehem, Pa., thence over West Broad Street to Allentown, Pa., thence over Hanover Avenue; Hamilton and South Sixth Streets to Allentown Bus Terminal, thence over South Fifth, Hamilton, South Sixth, Union and Lehigh Streets to U. S. Highway 309, thence over U. S. Highway 309, through Center Valley and Sellersville to Pennsylvania Highway 63, thence over Pennsylvania Highway 63 to U. S. Highway 611 at Willow Grove, Pa., thence over U. S. Highway 611 through Jenkintown, Pa., to Pennsylvania Highway 73, thence over Pennsylvania Highway 73 to U. S. Highway 1 in Philadelphia, thence over U. S. Highway 1 to Pennsylvania Highway 73, thence over Pennsylvania Highway 73, Tacony-Palmyra Bridge and New Jersey Highway 73 to U. S. Highway 130, thence over U. S. Highway 130 to Haddonfield Sorrel Horse Road, thence over Haddonfield Sorrel Horse Road to New Jersey Highway 70, thence over New Jersey Highway 70 to Garden State Race Track, (b) between Bethlehem, Pa., and Allentown, Pa., from intersection of U. S. Highway 22 and Pennsylvania Highway 512, thence over U. S. Highway 22 to Pennsylvania Highway 145 (also North Seventh Street) near Allentown, Pa., thence through Allentown, Pa., over North Seventh Street, Hamilton and North Sixth Streets to Allentown Bus Terminal, thence over South Fifth, Hamilton Streets to intersection of Hamilton and South Sixth Streets in Allentown, Pa., (c) from intersection of New Jersey Highway 73 and U. S. Highway 130, thence over New Jersey Highway 73 to New Jersey Highway 41, thence over New Jersey Highway 41 to New Jersey Highway 70, thence over New Jersey Highway 70 to the Garden State Race Track, and return, and (d) between Easton, Pa., and Garden State Race Track, near Camden, N. J., from Greyhound Post House at Front and Bushkill Streets in Easton, Pa., thence over Front Street and access road to U. S. Highway 22, thence along U. S. Highway 22 through Phillipsburg, Bloomsbury, and Clinton, N. J., to the intersection of U. S. Highway 22 and New Jersey Highway 69, thence over New Jersey Highway 69, through Flemington and Ringoes to Trenton, N. J., thence through Trenton over New Jersey Highway 69 (also Pennington Avenue), Calhoun Street, Stacy Park, Fitch Way, and Lalor Street to U. S. Highway 206, thence over U. S. Highway 206 to U. S. Highway 130 near Bordentown, N. J., and thence over U. S. Highway 130 through Bordentown and Burlington, N. J., to the intersection of U. S. Highway 130 and New Jersey Highway 73, (2) between Easton, Bethlehem and Allentown, Pa., and Atlantic City Race Track, near Mays Landing, N. J., (a) from Greyhound Post House as in 1 (a) above to New Jersey Highway 73 through Marlton, N. J., to intersection with U. S. Highway 30, thence over U. S. Highway 30 via Atco and Waterford Works to intersection with New Jersey Highway 50 in Egg Harbor City, N. J., thence over New Jersey Highway 50 to intersection with U. S. Highway 322, thence over U. S. Highway 322 to the Atlantic City Race Track, (b) between Bethlehem, Pa., and Allentown, Pa., from intersection of U. S. Highway 22 as in 1 (b) above, and (c) between Easton, Pa., and Atlantic City Race Track, near Mays Landing, N. J., from Greyhound Post House at Front and Bushkill Streets in Easton, Pa., as in 1 (d) above to U. S. Highway 206, thence over U. S. Highway 206, through Bordentown, Columbus and Atsion, N. J., to intersection with U. S. Highway 30. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

NO. MC 109736 SUB 3, CAPITAL BUS COMPANY, a corporation, 313 Chestnut St., Harrisburg, Pa. Applicant's attorney: James E. Wilson, Roberts & McInnis, Continental Bldg., 14th at "K" NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations in round-trip tours, beginning and ending at points in Dauphin and Cumberland Counties, Pa., and extending to points in New Jersey, New York, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and the District of Columbia. Applicant is authorized to conduct operations in Maryland and Pennsylvania.

NO. MC 109736 SUB 4, CAPITAL BUS COMPANY, a corporation, 313 Chestnut St., Harrisburg, Pa. Applicant's attorney: James E. Wilson, Roberts & McInnis, Continental Bldg., 14th at "K" NW., Washington 5, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between York Springs, Pa., and Hanover, Pa., over Pennsylvania Highway 94 to Hanover, serving all intermediate points. Applicant is authorized to conduct operations in Maryland and Pennsylvania.

NO. MC 114986, TWIN CITY LINES, INC., P. O. Box 4107, Winston-Salem, N. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from Winston-Salem, N. C., to Virginia Beach, Richmond and Charlottesville, Va., Washington, D. C., and Myrtle Beach, Charleston, Anderson, and Aiken, S. C., and return to point of origin.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

No. MC-F-5790 (amended) published in the September 29, 1954, issue of the FEDERAL REGISTER, page 6295. Amendment filed October 12, 1954, to show that WERNER TRANSPORTATION COMPANY seeks authority to control MOTOR EQUIPMENT COMPANY (not a motor carrier), and COORDINATED TRANSPORT, INC. of ILLINOIS, through the purchase of the capital stock of Motor Equipment Company, and to merge with Werner Transportation Company the operating rights and properties of Coordinated Transport, Inc. of Illinois, and the properties of Motor Equipment Company. Also, Stanley C. Bickness and Milton Gerwin are each the owner of 10,000 of 30,000 issued and outstanding shares of Motor Equipment Company, and the remaining 10,000 shares outstanding are owned by Coordinated Transport, Inc. of Illinois, and that Motor Equipment Company is the owner of 100 shares representing all of the issued and outstanding shares of Coordinated Transport, Inc. of Illinois. Petition filed October 12, 1954, for reconsideration of order of the Commission, Division 4, entered September 30, 1954, denying the application filed under Section 210a (b).

NO. MC-F-5804. Authority sought for purchase by BEKINS MOVING & STORAGE CO., 88 West Burnside, Portland, Oreg., of the operating rights and property of A. C. FARRINGTON, doing business as PACIFIC VAN AND STORAGE COMPANY, 59½ West Fifth St., Eugene, Oreg., and for acquisition by CLAUDE BEKINS, FRED BEKINS, and BRUCE J. BEKINS, Portland, Oreg., of control of the operating rights and property through the purchase. Applicants' attorney: Lucien W. Shaw, 1335 South Figueroa St., Los Angeles, Calif. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between points in Lane, Lynn, Coos, Deschutes, Benton, Lincoln, and Douglas Counties, Oreg., and that part of Klamath County, Oreg., north of the southern boundary of Crater Lake, Oreg. Vendee is authorized to operate in Oregon. A motion to dismiss the Section 5 application and a request for revocation of vendor's certificate were submitted with the section 5 application. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5805. Authority sought for purchase by ALLIED VAN LINES, INC., 25th Avenue and Roosevelt Road, Broadview, Ill., of the operating rights of WALLACE WAREHOUSE & CARTAGE LTD., (hereinafter called Wallace) 225 Church St., Moncton, New Brunswick, Canada, and CITY TRANSFER COMPANY, INCORPORATED, (hereinafter called City) 702 East 5th St., Owensboro, Ky. Applicant's attorney: John R. Turney, 2001 Massachusetts Ave., NW., Washington, D. C. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, (Wallace) between the boundary of the United States and Canada at Ports of Entry of Calais, Maine, and Rouses Point, N. Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts and New York; and (City) between Owensboro, Ky., on the one hand, and, on the other, St. Louis, Mo., and points in Illinois, Indiana, Kentucky, Ohio, and Tennessee, and those in the lower peninsula of Michigan. Vendee is authorized to operate in all states in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5807. Authority sought for control and merger by THE O. K. TRUCKING COMPANY, 1810 South St., Cincinnati, Ohio, of the operating rights and property of C. I. M. & L. TRANSIT CORPORATION, Madison, Ind., and for acquisition by JOHN H. HOLMES, A. C. MENNE, and A. C. LITTON, Cincinnati, Ohio, of control of the operating rights and property through the transaction. Applicants' attorney: Jack B. Josselson, 809 Atlas Bank Bldg., Cincinnati, Ohio. Operating rights sought to be controlled and merged: *General commodities* with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Cincinnati, Ohio, and Louisville, Ky., between Vevay, Ind., and Indianapolis, Ind., between Versailles, Ind., and Madison, Ind., between Versailles, Ind., and Aurora, Ind., between junction of Indiana Highways 62 and 107, and junction of Indiana Highways 107 and 29, between Greensburg, Ind., and Clarksburg, Ind., serving numerous intermediate and off-route points; *dangerous explosives*, between Aurora, Ind., and Versailles, Ind., and between junction Indiana Highways 107 and 62, and junction Indiana Highways 107 and 29, serving no intermediate points. Vendee is authorized to operate in Ohio, West Virginia and Kentucky. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5808. Authority sought for purchase by MURROW'S TRANSFER, INC., 167 Homestead Ave., High Point, N. C., of a portion of the operating rights of M. L. BYRD, doing business as BYRD MOTOR LINE, P. O. Box 12, Lexington, N. C., and for acquisition by W. C. MURROW, C. C. MURROW and J. L. MURROW JR., High Point, N. C., of control said operating rights through the purchase. Applicants' attorneys: Robert M. Martin, 309 Security Bank Bldg., High Point, N. C., and Francis McInerny, 504 Commonwealth Bldg., Washington, D. C. Operating rights sought to be transferred: *New furniture*, as a *common carrier*, over irregular routes, from High Point, N. C., and points within ten miles of High Point, to points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Vendee is authorized to operate in North Carolina, Tennessee, Georgia, Virginia, West Virginia, and South Carolina. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8209; Filed, Oct. 19, 1954; 8:47 a. m.]

[4th Sec. Application 29801]

IRON AND STEEL FROM SOUTH TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

OCTOBER 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Iron and steel articles, carloads.

From: Points in southern territory.

To: Points in official (including Illinois) territory.

Grounds for relief: Rail competition, circuity, market competition, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1258, supp. 87; C. A. Spaninger, Agent, I. C. C. No. 1454.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8223; Filed, Oct. 19, 1954; 8:50 a. m.]

[4th Sec. Application 29802]

BLACKSTRAP MOLASSES FROM LOUISIANA TO SOUTHWESTERN, WESTERN TRUNK-LINE AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

OCTOBER 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Molasses, blackstrap, mixed with not to exceed 10 percent urea, and with or without not to exceed 6 percent of other ingredients, in tank-car loads.

From: Points in Louisiana.

To: Points in southwestern, western trunk-line and Illinois territories.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, and additional related commodity.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4024, supp. 18; W. P. Emerson, Jr., Agent, I. C. C. No. 395, supp. 147.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission

in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8224; Filed, Oct. 19, 1954; 8:51 a. m.]

[4th Sec. Application 29803]

PAPER BOXES FROM KRANNERT, GA., TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

OCTOBER 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1218, pursuant to fourth-section order No. 16101.

Commodities involved: Boxes, fibreboard, pulpboard or strawboard (paper boxes), and cartons, bottle carrying, carloads.

From: Krannert, Ga.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8225; Filed, Oct. 19, 1954; 8:51 a. m.]

[4th Sec. Application 29804]

TOBACCO STEMS FROM VIRGINIA AND NORTH CAROLINA TO WINCHESTER, VA., PAW PAW AND MARTINSBURG, W. VA.

APPLICATION FOR RELIEF

OCTOBER 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Tobacco stems, carloads.

From: Danville and South Boston, Va., Durham, Henderson, Reidsville, Rocky Mount, and Winston-Salem, N. C.

To: Winchester, Va., Paw Paw and Martinsburg, W. Va.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1384, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8227; Filed, Oct. 19, 1954; 8:51 a. m.]

[4th Sec. Application 29805]

LIQUID CAUSTIC SODA FROM MCINTOSH, ALA., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

OCTOBER 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: McIntosh, Ala.

To: New Orleans, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional route.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1295, supp. 80.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8226; Filed, Oct. 19, 1954; 8:51 a. m.]

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), Marketing Agreement No. 111 and Order No. 94 (7 CFR, 1953 Rev., Part 994) regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina, it is hereby found and determined that the provisions of § 994.6 (b) (2) and (3) of said agreement and order and, § 994.501 (7 CFR, 1953 Rev., 994.501) of the supplementary regulations, no longer tend to effectuate the declared policy of the act and that said provisions should be suspended.

The aforesaid provisions require all pecan handlers to furnish to the Secretary on specific days information with respect to prices which they have paid and received for pecans during the then current week. Experience under order operations indicate that it is impracticable to obtain full compliance of all handlers with these provisions. Some large handlers purchase few, if any, pecans directly from growers, and for that reason have not been able to furnish the required information on prices paid to growers. Throughout the five-State area, numerous itinerant truckers and small dealers carry on handling operations, and it has been found extremely difficult and impracticable to obtain the weekly reports regularly from many of the handlers.

The order is principally concerned with the requirement that all pecan shipments from the five-States for inshell distribution meet minimum standards of quality and size rather than with supplying price information to growers and others. The discontinuance in effect of these price reporting requirements will not seriously interfere with future administration on the basis of these minimum standards. It is, therefore, concluded that the mandatory price reporting provisions should be suspended.

It is hereby ordered, That § 994.6 (b) (2) and (3) of Marketing Agreement No. 111 and Order No. 94 regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR 1953 Rev., Part 994) and § 994.501 (See 7 CFR 1953 Rev., 994.501 of the supplementary regulations) be, and they hereby are, suspended.

Notice of proposed rule making, public participation therein and delay in making this order effective later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest in that the effect of this action is to remove requirements imposed upon handlers and it is desirable that the removal of such requirements be made effective as soon as practicable. No prior preparation in this regard on the part of handlers will be necessary.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 18th day of October 1954 to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] EARL L. BUTZ, *Assistant Secretary of Agriculture.*

[F. R. Doc. 54-8281; Filed, Oct. 20, 1954; 8:54 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.232]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

PETTY OFFENSES UNDER THE IMMIGRATION LAWS

Paragraph (c) *Purely political offenses* of § 42.42 *Classes of aliens ineligible to receive immigrant visas* is amended to read as follows:

(c) *Criminal and political offenses*—(1) *Single offense involving misde-*

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FEDERAL REGISTER

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(For use during 1954)

All of the cumulative pocket supplements and revised books of the Code of Federal Regulations (as of January 1, 1954) are now available, except the supplements to Titles 1–3 and to the General Index.

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meanor. An alien shall not be ineligible to receive a visa under the provisions of section 212 (a) (9) of the act (i) solely by reason of the conviction of a single offense which, if committed in the United States, would be a misdemeanor punishable by imprisonment not to exceed one year, and for which the penalty actually imposed was imprisonment not to exceed six months or a fine not to exceed $500, or both; or (ii) solely by reason of the admission of the commission of a single offense or the commission of acts constituting the essential elements of a single offense which, if committed in the United States, would be a misdemeanor punishable by imprisonment not to exceed one year.

(2) *Political offenses.* The term "purely political offense", as used in sections 212 (a) (9) and (10) of the act, shall include offenses which, the evidence presented to the consular officer clearly establishes, were involved in convictions obviously based on trumped-up charges or predicated upon repressive measures against racial, religious, or political minorities. The admission by an immigrant that he has committed acts which would not constitute a crime under the laws of the United States, but which would have been punishable under the laws or decrees of a foreign country which, the evidence presented to the consular officer clearly establishes, were predicated upon the repression of racial, religious, or political minorities shall be considered as the admission of the commission of a purely political offense within the meaning of section 212 (a) (9) of the act. The mere fact that an alien is or was a member of a racial, religious, or political minority shall not be considered as sufficient in itself to warrant a conclusion that the crime of which he was convicted was a purely political offense.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: October 14, 1954.

SCOTT MCLEOD,
Administrator of the Bureau of Inspection, Security, and Consular Affairs.

[F. R. Doc. 54-8323; Filed, Oct. 20, 1954; 9:02 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 261—HOME REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

Sec.
261.1 Incorporation by reference.
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261.3 Certificate by Administrator to Commissioner.
261.4 Standards and conditions of acceptability.
261.5 Dwelling units on property.
261.6 Maximum mortgage amount; dollar limitation.
261.7 Maximum mortgage amount; loan-to-value limitation.
261.8 Mortgage obligation in multiples.
261.9 Mortgagor's minimum investment.
261.10 Supervision of mortgagor.
261.11 Effective date.

AUTHORITY: §§ 261.1 to 261.11 issued under sec. 211, 52 Stat. 23, 12 U. S. C. 1715b.

§ 261.1 *Incorporation by reference.* (a) All of the provisions of Part 221 of this chapter, concerning eligibility requirements of mortgages covering one- to four-family dwellings under section 203 of the National Housing Act, apply with full force and effect to home mortgages covering one- to eleven-family dwellings insured under section 220 of the National Housing Act, except the following provisions:

§ 221.17 Maximum amount of mortgage and mortgagor's minimum investment.
§ 221.27 Project must be economically sound.
§ 221.37 Dwelling unit located on property.
§ 221.39 Location of property.
§ 221.42 Eligibility of miscellaneous type mortgages.
§ 221.44 Effective date.

(b) For the purposes of this part all references in Part 221 of this chapter to section 203 of the National Housing Act shall be deemed to refer to section 220 of the National Housing Act.

§ 261.2 *Location of property.* The mortgaged property must be located in:

(a) The area of an existing slum clearance and urban redevelopment project covered by a Federal-aid contract executed or prior approval granted (pursuant to Title I of the Housing Act of 1949, as amended) before the effective date of the Housing Act of 1954, or

(b) An urban renewal area in a community which has a workable program to eliminate and prevent the spread of slums and urban blight, and respecting which the Housing and Home Finance Administrator has made the findings prescribed in Title I of the Housing Act of 1949, as amended.

§ 261.3 *Certificate by Administrator to Commissioner.* Except as to property located in an area as described in § 261.2 (a), no mortgage may be insured until a redevelopment or urban renewal plan has been approved for the area by the governing body of the locality involved and by the Housing and Home Finance Administrator and the Administrator has certified to the Commissioner that:

(a) The redevelopment plan or the urban renewal plan conforms to a general plan for the locality as a whole, and

(b) There exist the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan.

§ 261.4 *Standards and conditions of acceptability.* The mortgaged property must meet such standards and conditions as the Commissioner shall prescribe to establish the acceptability of such property for mortgage insurance. These will include standards and conditions designed to restore the quality of the area to a condition which would justify mortgage insurance.

§ 261.5 *Dwelling units on property.* At the time the mortgage is insured there must be located on the mortgaged property a dwelling designed principally for residential use of not more than eleven families. Such dwelling may be connected with other dwellings by a party wall or otherwise.

§ 261.6 *Maximum mortgage amount; dollar limitation.* The mortgage shall involve a principal obligation in a dollar amount not in excess of:

(a) $20,000 in the case of dwellings designed principally for one or two-family residences; or

(b) $27,500 in the case of a three-family residence; or

(c) $35,000 in the case of a four-family residence; or

(d) $35,000 plus not to exceed $7,000 for each additional family unit in excess of four.

In addition to the dollar limitation prescribed in this section the mortgage is subject to a loan-to-value limitation as provided in § 261.7.

§ 261.7 *Maximum mortgage amount; loan-to-value limitation.* In addition to meeting the dollar limitation as set forth in § 261.6 the mortgage shall meet a loan-to-value limitation as follows:

(a) Where the mortgagor is the occupant of the property the mortgage shall be in an amount not in excess of:

(1) 95 percent of $9,000 of the appraised value, as of the date the mortgage is accepted for insurance, if the dwelling is approved for mortgage insurance prior to the beginning of construction or rehabilitation; or 90 percent of $9,000 of the appraised value, as of the date the mortgage is accepted for insurance, and

(2) 75 percent of the appraised value in excess of $9,000.

(b) Where the mortgagor is not the occupant of the property the principal obligation of the mortgage shall not exceed 85 percent of the amount computed under the formula in paragraph (a) of this section.

§ 261.8 *Mortgage obligation in multiples.* The mortgage shall involve a principal obligation in an amount of $100 or multiples thereof except that a mortgage having a principal obligation of less than $10,000 may be in an amount of $50 or multiples thereof.

§ 261.9 *Mortgagor's minimum investment.* At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 5 percent of the Commissioner's estimate of the cost of acquisition, or such larger amount as the Commissioner may determine, in cash or its equivalent.

§ 261.10 *Supervision of mortgagor.* The mortgagor must enter into such regulatory or other agreements as the Commissioner may provide under which the mortgagor will be regulated or restricted as to rents or sales, charges, capital structure, rate of return and methods of operation.

§ 261.11 *Effective date.* The provisions of this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 262—HOME REHABILITATION INSURANCE: RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Sec.
262.1 Incorporation by reference.
262.2 Effective date.

AUTHORITY: §§ 262.1 and 262.2 issued under sec. 211, 52 Stat. 23, 12 U. S. C. 1715b.

§ 262.1 *Incorporation by reference.* (a) All of the provisions of Part 222 of this chapter, covering mortgages insured under section 203 of the National Housing Act apply with full force and effect to home mortgages covering one- to eleven-family dwellings insured under section 220 of the National Housing Act, except the following provisions:

§ 222.7 Mutual mortgage insurance fund.
§ 222.8 Distribution of participation shares.
§ 222.9 Rights to participation shares.
§ 222.18 Effective date.

(b) For the purposes of this part all references in Part 222 of this chapter to section 203 of the National Housing Act shall be deemed to refer to section 220 of the National Housing Act and all references to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the Section 220 Housing Insurance Fund.

§ 262.2 *Effective date.* The provisions of this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 263—MULTIFAMILY REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Sec.
263.1 Incorporation by reference.
263.2 Location of property.
263.3 Certificate by Administrator to Commissioner.
263.4 Standards and conditions of acceptability.
263.5 Development of property.
263.6 Maximum mortgage amount; dollar limitation.
263.7 Maximum mortgage amount; loan-to-value limitation.

Sec.
263.8 Maximum mortgage amount; leaseholds.
263.9 Alaska, Guam and Hawaii requirements.
263.10 Effective date.

AUTHORITY: §§ 263.1 to 263.10 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

§ 263.1 *Incorporation by reference.* (a) All of the provisions of Part 232 of this chapter, concerning eligibility requirements of mortgages covering multifamily housing under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 220 of the National Housing Act, except the following provisions:

§ 232.4 Eligibility for insurance.
§ 232.11 Soundness of project.
§ 232.30 Eligibility of miscellaneous-type mortgages.
§ 232.31 Eligibility of refinanced mortgages.
§ 232.32 Reinsurance of Commissioner-held mortgages.
§ 232.35 Effective date.

(b) For the purposes of this part all references in Part 232 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 220 of the National Housing Act.

§ 263.2 *Location of property.* The mortgaged property must be located in:

(a) The area of an existing slum clearance and urban redevelopment project covered by a Federal-aid contract executed or a prior approval granted (pursuant to Title I of the Housing Act of 1949, as amended), before the effective date of the Housing Act of 1954, or

(b) An urban renewal area in a community which has a workable program to eliminate and prevent the spread of slums and urban blight, and respecting which the Housing and Home Finance Administrator has made the findings prescribed in Title I of the Housing Act of 1949, as amended.

§ 263.3 *Certificate by Administrator to Commissioner.* Except as to property located in an area as described in § 263.2 (a), no mortgage may be insured until a redevelopment or urban renewal plan has been approved for the area by the governing body of the locality involved and by the Housing and Home Finance Administrator and the Administrator has certified to the Commissioner that:

(a) The redevelopment plan or the urban renewal plan conforms to a general plan for the locality as a whole, and

(b) There exist the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan.

§ 263.4 *Standards and conditions of acceptability.* The mortgaged property must meet such standards and conditions as the Commissioner shall prescribe to establish the acceptability of such property for mortgage insurance. These will include standards and conditions designed to restore the quality of the area to a condition which would justify mortgage insurance.

§ 263.5 *Development of property.* At the time the mortgage is insured the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property or to rehabilitate existing housing accommodations thereon designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than five rental dwelling units on one site and may be detached, semi-detached, or row houses, or multi-family structures; except that the Commissioner may insure a mortgage on a completed project constructed pursuant to a commitment to insure upon completion. Such dwelling units, including improvements, if any, must not violate any material zoning or deed restrictions applicable to the project site, and must comply with all applicable building and other governmental regulations; and any project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

§ 263.6 *Maximum mortgage amount; dollar limitation.* (a) The dollar amount of the mortgage on a structure without elevators shall not exceed, for such part of such property or project as may be attributable to dwelling use, $2,250 per room (or $8,100 per family unit if the number of rooms in such property or project does not equal or exceed four per family unit).

(b) Where the project consists of elevator type structures, the Commissioner may, in his discretion, increase the dollar amount limitation of $2,250 per room to not more than $2,700 per room and may also, in his discretion, increase the dollar amount limitation of $8,100 per family unit to not to exceed $8,400 per family unit, as the case may be, to compensate for the higher costs incident to the construction of elevator type structures of sound standards of construction and design. The Commissioner may increase the foregoing limits by not more than $1,000 per room, in any geographical area where he finds that cost levels so require.

(c) A mortgage executed by a private mortgagor may involve a principal obligation not to exceed $5,000,000 and a mortgage executed by a public mortgagor may involve a principal obligation not to exceed $50,000,000.

(d) The dollar limitation set forth in this section is in addition to the loan-to-value limitation as set forth in § 263.7.

§ 263.7 *Maximum mortgage amount; loan-to-value limitation.* In addition to meeting the dollar limitation set forth in § 263.6 the mortgage shall be in an amount not to exceed 90 percent of the estimated value of the property or project when the proposed improvements are completed. The value of the property or project may include the land, the proposed physical improvements, utilities within the boundaries of the property or project, architect's fees, taxes, and interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner.

§ 263.8 *Maximum mortgage amount; leaseholds.* The maximum mortgage amount is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

§ 263.9 *Alaska, Guam and Hawaii requirements.* The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska, in Guam or in Hawaii, it is not feasible to construct dwellings on property located in Alaska, in Guam or in Hawaii, without sacrifice of sound standards of construction, design and livability, within the limitations as to maximum mortgage amounts provided in §§ 263.6 to 263.7, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages otherwise meeting the requirements covering property located in Alaska, in Guam or in Hawaii, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

§ 263.10 *Effective date.* The provisions of this part are effective as to all mortgages on which the commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 264—MULTIFAMILY REHABILITATION INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

Sec.
264.1 Incorporation by reference.
264.2 Effective date.

AUTHORITY: §§ 264.1 and 264.2 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

§ 264.1 *Incorporation by reference.* (a) All of the provisions of Part 233 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 220 of the National Housing Act, except the following provision:

§ 233.14 Effective date.

(b) For the purposes of this part all references in Part 233 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 220 of the National Housing Act and all references to the Housing Insurance Fund or the Housing Fund shall be construed to refer to the Section 220 Housing Insurance Fund.

§ 264.2 *Effective date.* The provisions of this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 266—HOME RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING SINGLE FAMILY DWELLINGS

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Sec.
266.5 Maximum mortgage amount; dollar limitation.
266.6 Maximum mortgage amount; loan-to-value limitation.
266.7 Mortgage obligation in multiples.
266.8 Mortgagor's minimum investment.
266.9 Adjustment of mortgage amount.
266.10 Eligible occupants.
266.11 Effective date.

AUTHORITY: §§ 266.1 to 266.11 issued under sec. 211, 52 Stat. 23; U. S. C. 1715b.

§ 266.1 *Incorporation by reference.* (a) All of the provisions of Part 221 of this chapter concerning eligibility requirements of mortgages covering one-to four-family dwellings under section 203 of the National Housing Act apply with full force and effect to mortgages on single family dwellings insured under section 221 of the National Housing Act except the following provisions:

§ 221.17 Maximum amount of mortgage and mortgagor's minimum investment.
§ 221.27 Project must be economically sound.
§ 221.37 Dwelling unit located on property.
§ 221.39 Location of property.
§ 221.42 Eligibility of miscellaneous type mortgages.
§ 221.44 Effective date.

(b) For the purpose of this part all references in Part 221 of this chapter to section 203 of the National Housing Act shall be deemed to refer to section 221 of the National Housing Act.

§ 266.2 *Request for insurance.* Mortgage insurance under the provisions of this part is to be made available only in those localities or communities which shall have requested such insurance to be provided.

§ 266.3 *Certificate by Administrator to Commissioner.* The total number of dwelling units in properties covered by insured mortgages, in a given locality or community, cannot exceed a figure which the Housing and Home Finance Administrator from time to time determines and certifies to the Commissioner to be the number of units needed for the relocation of displaced families eligible to obtain the benefits of insurance.

§ 226.4 *Dwelling unit on property.* At the time a mortgage is insured there must be located on the mortgaged property a dwelling designed principally for residential use of a single family.

§ 226.5 *Maximum mortgage amount; dollar limitation.* The dollar limitation on the amount of the mortgage to be insured is an amount not in excess of $7,600, except that the Commissioner may increase this amount to not to exceed $8,600 in any geographical area where he finds that cost levels so require. The dollar limitation is in addition to the loan-to-value limitation provided in § 266.6.

§ 266.6 *Maximum mortgage amount; loan-to-value limitation.* In addition to meeting the dollar limitation as set forth in § 266.5 the mortgage shall be in an amount not to exceed:

(a) 95 percent of the appraised value, as of the date the mortgage is accepted for insurance, where the mortgagor is the occupant of the property and the dwelling is approved for mortgage insurance prior to the beginning of construction or rehabilitation, or

(b) 85 percent of the appraised value, as of the date the mortgage is accepted for insurance, if the mortgagor is not the owner and occupant, provided (1) the property is to be built or acquired or rehabilitated for sale, and (2) the insured mortgage financing is required to facilitate the construction or the repair or rehabilitation of the dwelling and provide financing pending the subsequent sale thereof to a qualified owner occupant.

§ 266.7 *Mortgage obligation in multiples.* The mortgage shall involve a principal obligation in an amount of $50 or multiples thereof.

§ 266.8 *Mortgagor's minimum investment.* At the time the mortgage is insured, the mortgagor shall have paid on account of the property at least 5 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine, in cash or its equivalent.

§ 266.9 *Adjustment of mortgage amount.* The provisions of §§232.24–232.29 of Subchapter D of this chapter relating to the certification of cost and adjustment of mortgage amount apply with full force and effect to mortgages insured under the provisions of this part.

§ 266.10 *Eligible occupants.* It shall be established, in a manner satisfactory to the Commissioner, that preference or priority of opportunity to purchase or rent dwelling units covered under the provisions of this part will be given to eligible families to be displaced as the result of governmental action in the community.

§ 266.11 *Effective date.* The provisions of this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 267 HOME RELOCATION INSURANCE: RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Sec.
267.1 Incorporation by reference.
267.2 Assignment option.
267.3 Option period.
267.4 Amount of debentures.
267.5 Date and maturity of debentures.
267.6 Debenture interest rate.
267.7 No vested right in fund.
267.8 Effective date.

AUTHORITY: §§ 267.1 to 267.8 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

§ 267.1 *Incorporation by reference.* (a) All of the provisions of Part 222 of this chapter, covering mortgages insured under section 203 of the National Housing Act, apply with full force and effect to mortgages on single family dwellings insured under section 221 of the National Housing Act except the following provisions:

§ 222.7 Mutual mortgage insurance fund.
§ 222.8 Distribution of participation shares.
§ 222.9 Rights to participation shares.
§ 222.18 Effective date.

(b) For the purposes of this part all references in Part 222 of this chapter to section 203 of the National Housing Act shall be deemed to refer to section 221 of the National Housing Act and all references to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the Section 221 Housing Insurance Fund.

§ 267.2 *Assignment option.* The mortgagee has the option to assign, transfer and deliver to the Commissioner the original credit instrument and the insured mortgage securing the same, provided such mortgage is not in default at the expiration of 20 years from the date it was endorsed for insurance. When such option has been exercised the obligation of the mortgagee to pay the premium charges shall cease.

§ 267.3 *Option period.* The mortgagee may exercise its option to assign, as provided in § 267.2, within one year following the twentieth anniversary of the date the mortgage was endorsed for insurance.

§ 267.4 *Amount of debentures.* Upon the exercise of the assignment option as provided in § 267.2 the Commissioner shall issue to the assignor mortgagee debentures having a total face value equal to the amount of the original principal obligation of the mortgage which was unpaid on the date of the assignment, plus accrued interest to such date.

§ 267.5 *Date and maturity of debentures.* The debentures issued pursuant to the exercise of an assignment option shall be dated as of the date the mortgage is assigned to the Commissioner and shall mature 10 years after such date.

§ 267.6 *Debenture interest rate.* The debentures issued pursuant to the exercise of an assignment option shall bear interest at the "going Federal rate" at date of issuance. The "going Federal rate" means the annual rate of interest specified by the Secretary of the Treasury as applicable to the 6-month period which includes the issuance date of the debentures. The Secretary of the Treasury shall determine this applicable rate by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May or the month of November, as the case may be, next preceding such 6-month period, on all outstanding marketable obligations of the United States having a maturity date of 8 to 12 years from the first day of May or November, as the case may be. If there should be no outstanding marketable obligations of the United States having the 8- to 12-year maturity at the time the Secretary of the Treasury is required to determine the debenture rate involved, the obligation next shorter than 8 years and the obligation next longer than 12 years respectively shall be used.

§ 267.7 *No vested right in fund.* Neither the mortgagee nor the mortgagor shall have any vested or other right in the Section 221 Housing Insurance Fund.

§ 267.8 *Effective date.* The provisions of this part are effective as to all mort-

gages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 268—MULTIFAMILY RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Sec.
268.1 Incorporation by reference.
268.2 Request for insurance.
268.3 Certificate by Administrator to Commissioner.
268.4 Eligible mortgagors; private non-profit entities.
268.5 Development of property.
268.6 Maximum mortgage amount; limitations.
268.7 Maximum mortgage amount; leaseholds.
268.8 Aggregate commitments.
268.9 Alaska, Guam and Hawaii requirements.
268.10 Eligible occupants.
268.11 Effective date.

AUTHORITY: §§ 268.1 to 268.11 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

§ 268.1 *Incorporation by reference.* (a) All of the provisions of Part 232 of this chapter concerning eligibility requirements of mortgages covering multifamily housing under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 221 of the National Housing Act, except the following provisions:

§ 232.4 Eligibility for insurance.
§ 232.11 Soundness of project.
§ 232.17 Eligible mortgagors.
§ 232.18 In general.
§ 232.19 Required supervision of private mortgagors.
§ 232.23 Development of property.
§232.30 Eligibility of miscellaneous-type mortgages.
§232.31 Eligibility of refinanced mortgages.
§232.32 Reinsurance of Commissioner-held mortgages.
§232.35 Effective date.

(b) For the purpose of this part all references in Part 232 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 221 of the National Housing Act.

§ 268.2 *Request for insurance.* Mortgage insurance under the provisions of this part is to be made available only in those localities or communities which shall have requested such insurance to be provided.

§ 268.3 *Certificate by Administrator to Commissioner.* The total number of dwelling units in properties covered by insured mortgages, in a given locality or community, cannot exceed a figure which the Housing and Home Finance Administrator from time to time determines and certifies to the Commissioner to be the number of units needed for the relocation of displaced families eligible to obtain the benefits of insurance.

§ 268.4 *Eligible mortgagors; private non-profit entities.* The mortgagor shall be a private non-profit corporation or association or other acceptable private non-profit organization regulated or supervised under Federal or State laws or by political subdivisions of States or agencies thereof as to rents, charges and methods of operations. The regulation or supervision of the mortgagor must be in such form and in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this part.

§ 268.5 *Development of property.* At the time the mortgage is insured the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property or to rehabilitate existing housing accommodations thereon, designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than ten rental dwelling units on one site and may be detached, semi-detached, or row houses, or multifamily structures; except that the Commissioner may insure a mortgage on a completed project constructed pursuant to a commitment to insure upon completion. Such dwelling, including improvements, if any, must not violate any material zoning or deed restrictions applicable to the project site, and must comply with all applicable building and other governmental regulations; and any project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

§ 268.6 *Maximum mortgage amount; limitations.* The mortgage shall involve a principal obligation in an amount not to exceed $5,000,000 and not to exceed:

(a) $7,600 per family unit for such part of the property or project attributable to dwelling use, except that the Commissioner may increase this amount to not more than $8,600 in any geographical area where he finds that cost levels so require, or

(b) 95 percent of the Commissioner's estimate of the value of the property or project when constructed or repaired and rehabilitated.

§ 268.7 *Maximum mortgage amount; leaseholds.* The maximum mortgage amount is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

§ 268.8 *Aggregate commitments.* The aggregate amount of any commitment or commitments issued and outstanding at any time with respect to a project or projects in the same area or locality and involving the same mortgagor (or substantially the same mortgagor as determined by the Commissioner) shall not exceed $5,000,000.

§ 268.9 *Alaska, Guam and Hawaii requirements.* The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska, in Guam or in Hawaii, it is not feasible to construct dwellings on property located in Alaska, in Guam or in Hawaii without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 268.6, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages otherwise meeting the requirements of this section covering property located in Alaska, in Guam or in Hawaii, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

§ 268.10 *Eligible occupants.* It shall be established, in a manner satisfactory to the Commissioner, that preference or priority to purchase or rent dwelling units covered under the provisions of this part will be given to families to be displaced as the result of governmental action in the community.

§ 268.11 *Effective date.* The provisions of this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 269—MULTIFAMILY RELOCATION INSURANCE, RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Sec.
269.1 Incorporation by reference.
269.2 Assignment option.
269.3 Option period.
269.4 Amount of debentures.
269.5 Date and maturity of debentures.
269.6 Debenture interest rate.
269.7 Effective date.

AUTHORITY: §§ 269.1 to 269.7 issued under sec. 211, 52 Stat. 23; 12 U. S. C., 1715b.

§ 269.1 *Incorporation by reference.* (a) All of the provisions of Part 233 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 221 of the National Housing Act, except the following provisions:

§ 233.14 Effective date.

(b) For the purpose of this part all references in Part 233 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 221 of the National Housing Act and all references to the Housing Insurance Fund or the Housing Fund shall be construed to refer to the Section 221 Housing Insurance Fund.

§ 269.2 *Assignment option.* The mortgagee has the option to assign, transfer, and deliver to the Commissioner the original credit instrument and the insured mortgage securing the same, provided such mortgage is not in default at the expiration of 20 years from the date it was endorsed for insurance. When such option has been exercised the obligation of the mortgagee to pay the premium charge shall cease.

§ 269.3 *Option period.* The mortgagee may exercise its option to assign, as provided in § 269.2, within one year following the twentieth anniversary of the date the mortgage was endorsed for insurance.

§ 269.4 *Amount of debentures.* Upon the exercise of the assignment option as provided in § 269.2 the Commissioner shall issue to the assignor mortgagee debentures having a total face value equal to the amount of the original principal obligation of the mortgage which was unpaid on the date of the assignment, plus accrued interest to such date.

§ 269.5 *Date and maturity of debentures.* The debentures issued pursuant to the exercise of an assignment option shall be dated as of the date the mortgage is assigned to the Commissioner and shall mature 10 years after such date.

§ 269.6 *Debenture interest rate.* The debentures issued pursuant to the exercise of an assignment option shall bear interest at the "going Federal rate" at date of issuance. The "going Federal rate" means the annual rate of interest specified by the Secretary of the Treasury as applicable to the 6-month period which includes the issuance date of the debentures. The Secretary of the Treasury shall determine this applicable rate by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May or the month of November, as the case may be, next preceding such 6-month period, on all outstanding marketable obligations of the United States having a maturity date of 8 to 12 years from the first day of May or November, as the case may be. If there should be no outstanding marketable obligations of the United States having the 8- to 12-year maturity at the time the Secretary of the Treasury is required to determine the debenture rate involved, the obligation next shorter than 8 years and the obligation next longer than 12 years respectively shall be used.

§ 269.7 *Effective date.* The provisions of this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 54-8271; Filed, Oct. 20, 1954; 8:52 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

BELGIUM

In Part 127, International Postal Service: Postage Rates, Service Available and Instructions for Mailing, make the following changes:

a. In § 127.140 *Service available* change "Belgium (surface only)" to read "Belgium."

The foregoing amendment is effective November 1, 1954.

b. In § 127.216 *Belgium* make the following changes:

1. In paragraph (b) (1) amend the tabulated information appearing under the table of rates in subdivision (ii), by changing "Insurance: Yes (surface parcels only)" to read "Insurance: Yes."

2. In paragraph (b) (5), amend subdivision (i) to read as follows:

(i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rates applicable, in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	*Fee, cents*
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $165	60

The foregoing amendments are effective November 1, 1954.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-8235; Filed, Oct. 20, 1954; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

GERMANY

Correction

In Federal Register Document 54-8081, published on page 6610 of the issue for Thursday, October 14, 1954, the last sentence of (b) of § 127.261 (b) (5) (iii) should read "Each gift parcel must be marked on the outside "Geschenksendung, keine Handelsware" (Gift shipment—no commercial goods)."

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 900]

PART 95—CAR SERVICE

CHICAGO & EASTERN ILLINOIS RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3 held at its office in Washington, D. C., on the 15th day of October A. D. 1954.

It appearing that because of the abandonment of operation by The St. Louis and O'Fallon Railway Company of its entire line of railroad which is located in St. Clair County, Illinois, the service to and from points located on said line of railroad has been discontinued; that the Chicago & Eastern Illinois Railroad Company under Finance Docket No. 18687 has applied to the Commission for authority to extend its operations so as to include operations over the line of railroad formerly operated by The St. Louis and O'Fallon Railway Company; and that The St. Louis and O'Fallon Railway Company has agreed thereto; the Commission is of the opinion that there is need for railroad service at points formerly served by The St. Louis and O'Fallon Railway Company pending action of the Commission in Finance Docket No. 18687, and that the operation by the Chicago & Eastern Illinois Railroad Company of the line of railroad formerly operated by The St. Louis and O'Fallon Railway Company will best promote the service in the interest of the public and the commerce of the people: It is ordered, that:

§ 95.900 *Chicago & Eastern Illinois Railroad Co.*—(a) *Car service.* The Chicago & Eastern Illinois Railroad Company be, and it is hereby authorized to operate trains over the line of railroad formerly operated by The St. Louis and O'Fallon Railway Company in St. Clair County, Illinois, in order to move inbound loaded cars and to supply empty cars for outbound loading, as well as the movement of loaded cars outbound.

(b) *Application.* The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This section shall become effective at 12:01 a. m., October 18, 1954.

(d) *Expiration date.* The provisions of this section shall expire at 11:59 p. m., January 15, 1955, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that copies of this order and direction shall be served upon the Illinois railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8264; Filed, Oct. 20, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 930]

[Docket No. AO–72 A19]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Toledo, Ohio, on March 29 through April 1, 1954, pursuant to notice thereof which was issued on February 24, 1954 (19 F. R. 1120) and March 3, 1954 (19 F. R. 1289).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service on August 13, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 18, 1954 (19 F. R. 5229).

The material issues and the findings and conclusions of the recommended decision (19 F. R. 5229, F. R. Doc. 54–6403) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following revision:

1. Insert after the paragraph ending at the top of column 1, page 5230, the following:

One of the parties filing exceptions requested that official notice be taken of new milk sanitation regulations adopted subsequent to the hearing by Lucas County. Such notice could be taken, but would not constitute an adequate basis for enlarging the marketing area to include the entire county. The only serious competitive situation which was claimed to have existed in Lucas County was in that portion of the county which is already in the marketing area, and the ability of any handler to rely principally on other source milk has been dealt with by changing the definition of a fluid milk plant.

2. In the first paragraph beginning in column 2, page 5230, change "10 days" to "15 days" and "five or more days" to "seven or more days".

3. After the first paragraph beginning in column 2, page 5232, insert the following:

Several handlers who are regulated under the Detroit order filed exceptions to that feature of the recommended decision which would delete from the Toledo order the requirement that payments as made on milk sold in other Federal marketing areas, under specified conditions. Under the Detroit order the stated Class I differential, exclusive of the supply-demand adjustment, is the same in all months of the year, and the incentive for even production is provided by a base rating plan. Under the Toledo order, by contrast, the stated Class I differential varies seasonally. Commonly, therefore, the Toledo Class I price has been below the Detroit price in the flush months and above it in the short months. Toledo handlers selling in the Detroit marketing area have had to meet the Detroit price during the flush months, through payments to their own producers. However, neither the Toledo nor Detroit order has required the Detroit handlers to equalize Class I prices in the short months when they have had a Class I price advantage. During the 12-month period preceding the hearing, the Class I prices under the Toledo order averaged 11.7 cents below the Class I price payable to plants located in the Detroit marketing area. The Class I price at Adrian, Michigan, one of the competitive points, is 16 cents below the Detroit marketing area price and, therefore, 4.3 cents below the Toledo price. During the 12-month period ending July 31, 1954, the Toledo Class I price was 12.1 cents below the Detroit marketing area Class I price. It is concluded that the exceptions filed by the Detroit handlers should be denied.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of July, 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Toledo, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Amended hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area," and "Other Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 18th day of October 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area

§ 930.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Toledo, Ohio, on March 29 through April 1, 1954, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as set forth below:

1. Amend § 930.6 to read as follows:

§ 930.6 *Fluid milk plant.* "Fluid milk plant" means a milk plant (a) where milk is processed and packaged and from which milk is disposed of as Class I milk in the marketing area, either on the premises or to wholesale or retail stop(s) or (b) from which transfers of milk, skim milk, or cream to a plant(s) described in paragraph (a) of this section are made on 15 or more days in any of the months of September through December or on 7 or more days in any of the months of January through August; and all or a portion of the milk, skim milk, or cream so transferred is assigned to Class I utilization in the transferee plant.

2. Delete paragraphs (b) and (c) of § 930.42, and substitute therefor the following:

(b) Skim milk and butterfat disposed of in the form of milk, skim milk or cream by a handler to a nonhandler's plant located less than 250 miles from the City Hall at Toledo, Ohio, by the shortest highway distance as determined by the market administrator, shall be Class I milk, unless (1) utilization in Class II is indicated in writing to the market administrator by the handler on or before the 5th day after the end of the month within which such transfer was made, (2) the nonhandler had actually used in the month of such transfer an equivalent amount of skim milk and butterfat in Class II, and (3) the nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization.

(c) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream by a handler to a nonhandler's plant located 250 miles or more from the City Hall at Toledo, by the shortest highway distance as determined by the market administrator, shall be Class I milk.

(d) For the purposes of paragraphs (b) and (c) of this section, skim milk and butterfat shall not be deemed to have been "disposed of" to a nonhandler's plant if merely retained in or transferred between trucks or other vehicles which enter the premises or come within the orbit of such plant in the course of movement elsewhere.

3. Delete the last phrase of § 930.75 (a) and substitute therefor the phrase "and a certification that the association has an unterminated membership contract with each producer, which contract authorizes the claimed deduction."

4. Delete § 930.80 (c).

[F. R. Doc. 54–8280; Filed, Oct. 20, 1954; 8:54 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 9288; FCC 54–1293]

RESTRICTED RADIATION DEVICES

FURTHER EXTENSION OF TIME FOR FILING COMMENTS

The Commission having under consideration the promulgation of rules and regulations governing restricted radiation devices:

It appearing, that a notice of further proposed rule making in the above-entitled matter was adopted by the Commission on April 14, 1954, providing that written comments in connection therewith be filed by interested persons on or before June 16, 1954; and

It further appearing, that as a result of several requests from interested parties the time for filing comments was extended to August 16, 1954, and again to October 15, 1954; and

It further appearing, that the Commission has recently received an additional petition for more time in which to file comments from the Radio-Electronics-Television Manufacturers Association. The reason given for this request is that additional time is needed for the completion of technical studies now under way by the Engineering Department of this organization. The Radio-Electronics-Television Manufacturers Association has stated that these studies are being actively pursued and will form the basis for comment on the technical aspects of the Commission's proposed rule making; and

It further appearing, that in view of the foregoing facts, the public interest would be served by extending the time for filing comments to the above-entitled proceeding for a period of 80 days but that in order to enable the Commission to complete its consideration of the proceeding at the earliest possible date, parties not filing their final comments prior thereto should advise the Commission as to their interim views on the matters set forth in this proceeding on or before November 15, 1954.

It is ordered, This 15th day of October 1954, that the date for filing of formal comments in this proceeding is hereby extended until January 3, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54–8278; Filed, Oct. 20, 1954; 8:53 a. m.]

[47 CFR Parts 34, 35]

[Docket No. 11201; FCC 54–1280]

UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH, WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

CONTINUOUS PROPERTY RECORD REQUIRED

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the uniform systems of accounts for radiotelegraph carriers and for wire-telegraph and ocean-cable carriers (Parts 34 and 35, respectively) with respect to requirements pertaining to continuous property records, to become effective six months after publication in the FEDERAL REGISTER of the final order herein; *Provided, however,* That the carriers may, if they so desire, place this amendment into effect immediately upon the issuance of the final order herein.

3. The proposed amendment set forth below provides relief to the carriers by elimination of the following reporting requirements: "* * * and shall include material lists for assemblies, together with the quantity-unit designation applicable to each property unit and to the integral or associated parts thereof." The Commission is of the opinion that these data need no longer be filed and that should data be needed with respect to any individual carrier's plant or segment thereof, they could be obtained from the records of the carrier.

4. The proposed amendment is issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before November 10, 1954, a statement or brief setting forth his comments. At the same time, persons favoring the amendment as proposed may file statements in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within ten days of the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing of such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: October 13, 1954.

Released: October 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Delete from the second sentence of paragraph (b) of § 34.1–8 *Continuous property-record required* the following words: " • • • and include material lists for assemblies, together with the quantity-unit designation applicable to each property unit and to the integral or associated parts thereof."

Paragraph (b) as revised will read as follows:

(b) Not later than June 30, 1940, each carrier shall submit to this Commission, for consideration and approval, a complete plan of the methods to be used in the compilation of the continuous property-record, the installation and maintenance of which are prescribed in paragraph (a) of this section. The plan shall include a list of the property units proposed for use, classified to conform with the operated plant accounts prescribed in this system of accounts. A narrative statement shall accompany such list of proposed units, describing in detail the content and method of maintenance of all forms and other records which are designed for use in compiling the continuous property-record, to the end that a ready analysis with respect to the sufficiency thereof may be made.

2. Delete from the second sentence of paragraph (b) of § 35.1–8 *Continuous property-record required* the following words: " • • • and shall include material lists for assemblies, together with the quantity-unit designation applicable to each property unit and to the integral or associated parts thereof."

Paragraph (b) as revised will read as follows:

(b) Not later than June 30, 1943, each carrier shall submit to this Commission, for consideration and approval, a complete plan of the methods to be used in the compilation of the continuous property-record, the installation and maintenance of which are prescribed in paragraph (a) of this section. The plan shall include a list of the property units proposed for use, classified to conform with the operated plant accounts prescribed in this system of accounts. A narrative statement shall accompany such list of proposed units, describing in detail the content and method of maintenance of all forms and other records which are designed for use in compiling the continuous property-record, to the end that a ready analysis with respect to the sufficiency thereof may be made.

[F. R. Doc. 54–8279; Filed, Oct. 20, 1954; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 021275, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on June 5, 1952, by The Alaska Railroad.

The purposes of the proposed withdrawal: Railroad purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

A tract of land at Seward, Alaska, more particularly described as follows:

Beginning at Corner No. 1 of U. S. Survey No. 243; thence N. 78° 30' W., 758.34 feet to Corner No. 5 of U. S. Survey No. 243, identical with Corner No. 1, M. C. of U. S. Survey No. 1117, Cliff Addition to Seward Townsite; thence on a meander line N. 16° 22' 21" W., 311.05 feet; thence N. 21° 18' E., 123.93 feet; thence N. 89° 50' E., 88.30 feet; thence N. 49° 15' E., 37.10 feet; thence N. 31° 33' E., 93.88 feet; thence N. 27° 23' E., 112.04 feet; thence N. 0° 05' E., 80.00 feet; thence N. 23° 20' W., 54.45 feet; thence N. 41° 43' W., 66.99 feet; thence N. 27° 26' W., 127.40 feet; thence N. 12° 56' E., 68.66 feet; thence N. 17° 41' E., 52.48 feet; thence N. 20° 51' E., 53.51 feet; thence N. 7° 41' W., 50.45 feet; thence N. 54° 35' W., 86.28 feet; thence N. 15° 13' W., 51.82 feet; thence N. 1° 18' W., 50.02 feet; thence N. 4° 24' E., 56.27 feet to Corner No. 4, M. C. of U. S. Survey No. 1117, identical with Corner No. 2, M. C., of U. S. Survey No. 241; thence on a meander line N. 31° 27' E., 211.20 feet; thence N. 71° 50' E., 198.00 feet; thence N. 52° 15' E., 528.90 feet more or less, to a point which lies westerly 100.00 feet from the center line of the main track of the railroad, measured at right angles therefrom; thence in a southerly direction, 2,048.34 feet more or less, parallel to and 100.00 feet westerly from the center line of the main track of the railroad, along the following courses; southerly 57.77 feet on a taper curve to the left; thence S. 1° 31' W., 1,203.00 feet; thence southerly 91.57 feet on a taper curve to the left; thence southerly 696.00 feet more or less, on a curve to the left of radius 2,964.82 feet to the point of beginning, containing 25.28 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54–8232; Filed, Oct. 20, 1954; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 021325, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on June 24, 1954, by The Alaska Railroad.

The purposes of the proposed withdrawal: Railroad purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

A tract of land at Gold Creek Station of The Alaska Railroad, mileage 263.25, latitude 62° 46' 00" N., longitude 149° 42' 30" W. described as follows:

Beginning at a point on the northwesterly boundary line of the 200 foot right-of-way of The Alaska Railroad which lies N. 63° 52' 30" W., 100.0 feet from the center line of the main track at survey station 11,902 plus 70.0; thence N. 26° 07' 30" E., 400.0 feet parallel to, and 100.0 feet from the center line of the main track; thence N. 63° 52' 30" W., 200.0 feet; thence S. 26° 07' 30" W., 400.0 feet; thence S. 63° 52' 30" E., 200.0 feet to the point of beginning, containing 1.84 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54–8266; Filed, Oct. 20, 1954; 8:51 a. m.]

COLORADO

RESTORATION OF RECLAMATION WITHDRAWN LANDS TO MINERAL LOCATION, ENTRY AND PATENT; CORRECTION

OCTOBER 14, 1954.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 541, section 2.5, dated April 21, 1954 (19 F. R. 2473), the Order of Restoration of Reclamation Withdrawn Lands to Mineral Location, Entry and Patent, dated August 18, 1954 (19 F. R. 5448), is corrected to delete Lot 9, Section 18, T. 10 S., R. 103 W., Sixth Principal Meridian, and add Lot 3, Section 18, T. 10 S., R. 103 W., 6th Principal Meridian, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 54–8233; Filed, Oct. 20, 1954; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 13, 1954.

An application, serial number Colorado 06785, for the withdrawal from location and entry under the general mining laws was filed on May 15, 1953, by the Forest Service, U. S. Department of Agriculture. The purpose of the proposed withdrawal: For use as the Buckeye Administrative Site by the Forest Service.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at 429 Post Office Building, Denver, Colorado. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

These lands are within the boundary of the Manti-LaSal National Forest.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 48 N., R. 20 W.,
Sec. 3: Lots 3 and 4.

The area described above aggregates 99.35 acres.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 54–8234; Filed, Oct. 20, 1954; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 12, 1954.

Applications, supplemental to serial number Colorado 09006, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing laws, of the lands described below were filed on September 8, 1954, and September 10, 1954, by the Department of the Air Force. The purposes of the proposed withdrawal: for use in the establishment of the Air Force Academy authorized under Public Law 325, 83d Congress.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at 429 Post Office Building, Denver, Colorado. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 11 S., R. 67 W.,
Sec. 32: W½W½, E½SW¼.
T. 12 S., R. 67 W.,
Sec. 5: Lot 4, SW¼NW¼, SW¼;
Sec. 8: All;
Sec. 17: All;
Sec. 20: All;
Sec. 28: N½SW¼;
Sec. 29: All;
Sec. 32: All;
Sec. 33: W½.

The area described above aggregates 4080.75 acres.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 54–8267; Filed, Oct. 20, 1954; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

ARIZONA, CALIFORNIA AND NEW MEXICO

NOTICE OF PUBLIC HEARING ON QUARANTINING ON ACCOUNT OF KHAPRA BEETLE

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161), that the Administrator of the Agricultural Research Service has information that the khapra beetle (Trogoderma granarium Eberts), a dangerous insect not heretofore widely prevalent or distributed within or throughout the United States, has recently been discovered in certain parts of Arizona, Californa, and New Mexico.

It is therefore proposed under the authority of said section 8 of the Plant Quarantine Act to quarantine the States of Arizona, California, and New Mexico, and to restrict or prohibit the movement from said States, or from any localities therein designated as infested, of (1) all grains and grain products (such as barley, corn, oats, rye, and wheat) whether moved as such or in connection with other articles or things; (2) dried seeds and seed products of field and vegetable crops (such as alfalfa seed, cottonseed, cottonseed meal and cake, flax seed, sorghum seed, soybean meal, pinto beans, and black-eyed peas); (3) bags and bagging; (4) dried milk, dried blood, fish meal, and meat scraps; and (5) any other article or thing which by reason of exposure constitutes a hazard of spreading the khapra beetle in any stage of development.

A public hearing will be held before a representative of the Agricultural Research Service in room 41A, New Custom House Building, 19th and Stout Streets, Denver, Colorado, at 10 a. m., December 1, 1954, at which hearing any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., on or before December 1, 1954, or with the presiding officer at the hearing.

Done at Washington, D. C., this 18th day of October 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 54–8282; Filed, Oct. 20, 1954; 8:55 a. m.]

Rural Electrification Administration

[Administrative Order 4710]

WASHINGTON

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 18T Spokane	$597,430

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54–8236; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4711]

WASHINGTON

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 39G Nespelem	$125,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54–8237; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4712]

ARKANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 26V Fulton	$1,060,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-8238; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4713]

IOWA

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 49R Hardin	$110,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-8239; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4714]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 65T Rusk	$170,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-8240; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4715]

ILLINOIS

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 26W Iroquois	$518,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-8241; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4716]

INDIANA

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 41F LaGrange	$278,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-8242; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4717]

INDIANA

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 14L Shelby	$90,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-8243; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4718]

IOWA

LOAN ANNOUNCEMENT

SEPTEMBER 7, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 84E Hamilton	$7,278,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-8244; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4719]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 8, 1954.

I hereby amend Administration Order No. 4705, dated August 23, 1954, by correcting paragraph (a) appearing therein as:

(a) Administrative Order No. 183, dated January 31, 1938, by changing the project designation appearing therein as "North Dakota 8011B1 Cass" in the amount of $60,772 to read "North Dakota 8011B1 Cass" in the amount of $53,924.29 and "North Dakota 26TP1 LaMoure (North Dakota 8011B1 Cass)" in the amount of $6,847.71.

to read:

(a) Administrative Order No. 183 dated January 31, 1938, as amended by Administrative Order No. 4546, dated April 14, 1954, by changing the project designation appearing therein as "North Dakota 8011B1 Cass" in the amount of $26,693.20 to read "North Dakota 8011B1 Cass" in the amount of $19,845.49 and "North Dakota 26TP1 LaMoure (North Dakota 8011B1 Cass)" in the amount of $6,847.71.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-8245; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4720]

COLORADO

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 31N Larimer	$130,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-8246; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4721]

MISSISSIPPI

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 41V Pike	$450,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-8247; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4722]

COLORADO

LOAN ANNOUNCEMENT

SEPTEMBER 11, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 29S Phillips	$435,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-8248; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4723]

TENNESSEE

LOAN ANNOUNCEMENT

SEPTEMBER 11, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 49G Fayette	$250,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-8249; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4724]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 59P Olmsted	$1,060,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-8250; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4725]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 17, 1954.

Inasmuch as Southwest Electric Cooperative has transferred certain of its properties and assets to Sho-Me Power Corporation, and Sho-Me Power Corporation has assumed in part the indebtedness to United States of America, of Southwest Electric Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 2177, dated June 14, 1949, by changing the project designation appearing therein as "Missouri 53P, R Polk" in the amount of $930,000 to read "Missouri 53P, R Polk" in the amount of $858,823.50 and "Missouri 59TP2 Cole (Missouri 53P, R Polk)" in the amount of $71,176.50.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-8251; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4726]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 17, 1954.

Inasmuch as Howell-Oregon Electric Cooperative, Inc., has transferred certain of its properties and assets to Sho-Me Power Corporation, and Sho-Me Power Corporation has assumed in part the indebtedness to United States of America, of Howell-Oregon Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1540, dated June 14, 1948, by changing the project designation appearing therein as "Missouri 49P,S Howell" in the amount of $1,100,000 to read "Missouri 49P,S Howell" in the amount of $1,024,761.24 and "Missouri 59TP3 Cole (Missouri 49P,S Howell)" in the amount of $75,238.76.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-8252; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4727]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 20, 1954.

I hereby amend:

(a) Administrative Order No. 326, dated March 11, 1939, by reducing the allocation of $12,000 therein made for "Arkansas R9024W1 Washington" by $4,443.87 so that the reduced allocation shall be $7,556.13; and

(b) Administrative Order No. 610, dated July 25, 1941, by rescinding the allocation of $47,000 therein made for "Arkansas 2024W2 Washington".

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 54-8253; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4728]

GEORGIA

LOAN ANNOUNCEMENT

SEPTEMBER 22, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 22W Colquitt	$720,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 54-8254; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4729]

FLORIDA

LOAN ANNOUNCEMENT

SEPTEMBER 22, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 16U Sumter	$645,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 54-8255; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4730]

MARYLAND

LOAN ANNOUNCEMENT

SEPTEMBER 24, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Maryland 7AB Caroline	$500,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-8256; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4731]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 24, 1954.

Pursuant to Section 3 (c) of the Rural Electrification Act of 1936, as amended, and upon information and data in the files of the Rural Electrification Administration, I hereby determine that the number of farms not receiving central station electric service for each State and the number of such farms for the United States at the beginning of the current fiscal year are as set forth in the following schedule, and I hereby allot from the sum of $67,500,000, being fifty per centum of the total sum made available for the current fiscal year, the respective sums for loans in the several States as hereinafter set forth.

	Farms without central station electric service July 1, 1954	Allotment for loans during the fiscal year ending June 30, 1955
United States	416,172	$67,500,000
Alabama	26,985	4,214,574
Arizona	760	123,266
Arkansas	27,941	4,532,309
California	7,260	1,177,518
Colorado	2,827	458,518
Connecticut	16	2,595
Delaware	474	76,879
Florida	8,366	1,356,903
Georgia	14,445	2,342,871
Idaho	925	150,515
Illinois	7,963	1,291,539
Indiana	4,962	804,799
Iowa	5,826	944,934
Kansas	8,095	1,312,949
Kentucky	18,851	3,057,492
Louisiana	9,264	1,502,552
Maine	3,707	601,248
Maryland	1,704	276,376
Massachusetts	1,737	281,728
Michigan	3,361	545,129
Minnesota	6,642	1,077,283
Mississippi	63,770	10,343,019
Missouri	17,958	2,912,654
Montana	4,290	695,806
Nebraska	3,885	630,118
Nevada	984	159,598
New Hampshire	247	40,062
New Jersey	732	118,725
New Mexico	6,011	974,939
New York	6,904	1,119,777
North Carolina	8,823	1,431,025
North Dakota	8,658	1,404,263
Ohio	3,811	618,116
Oklahoma	23,098	3,746,321
Oregon	964	156,354
Pennsylvania	8,744	1,418,212
Rhode Island	157	25,464
South Carolina	16,453	2,668,554
South Dakota	4,870	789,878
Tennessee	10,748	1,743,246
Texas	39,413	6,397,361
Utah	451	73,149
Vermont	857	138,999
Virginia	4,530	734,732
Washington	652	105,750
West Virginia	9,941	1,612,356
Wisconsin	6,836	1,108,748
Wyoming	1,238	200,794

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-8257; Filed, Oct. 20, 1954; 8:49 a. m.]

[Administrative Order 4732]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 29, 1954.

Inasmuch as (1) Southwest Electric Membership Corporation has transferred all of its properties and assets to Southwest Public Power District, and Southwest Public Power District has assumed all of the indebtedness of Southwest Electric Membership Corporation to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) Southwest Electric Membership Corporation with the consent of United States of America, has assigned to Southwest Public Power District, and Southwest Public Power District has accepted the assignment of certain rights and obligations of Southwest Electric Membership Corporation arising out of loans contracted to be made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1013, dated February 25, 1946, by changing the project designation appearing therein as "Nebraska 86A Dundy" in the amount of $325,000 to read "Nebraska 101TP1 Dundy District Public (Nebraska 86A Dundy)";

(b) Administrative Order No. 1331, dated September 4, 1947, by changing the project designation appearing therein as "Nebraska 86B Dundy" in the amount of $885,000 to read "Nebraska 101TP1 Dundy District Public (Nebraska 86B Dundy)";

(c) Administrative Order No. 1588, dated August 27, 1948, by changing the project designation appearing therein as "Nebraska 86C Dundy" in the amount of $432,000 to read "Nebraska 101TP1 Dundy District Public (Nebraska 86C Dundy)";

(d) Administrative Order No. 1874, dated February 21, 1949, by changing the project designation appearing therein as "Nebraska 86D Dundy" in the amount of $480,000 to read "Nebraska 101TP1 Dundy District Public (Nebraska 86D Dundy)";

(e) Administrative Order No. 612, dated August 4, 1941, as amended by Administrative Order No. 2280, dated August 19, 1949, by changing the project designation appearing therein as "Nebraska 86 Dundy (Colorado 2029D1 Phillips)" in the amount of $300,523.35 to read "Nebraska 101TP1 Dundy District Public (Nebraska 86 Dundy [Colorado 2029D1 Phillips])"; and

(f) Administrative Order No. 2539, dated February 20, 1950, by changing the project designation appearing therein as "Nebraska 86E Dundy" in the amount of $560,000 to read "Nebraska 101TP1 Dundy District Public (Nebraska 86E Dundy)" in the amount of $303,975.60 and "Nebraska 101TA1 Dundy District Public (Nebraska 86E Dundy)" in the amount of $256,024.40.

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-8258; Filed, Oct. 20, 1954; 8:49 a. m.]

[Administrative Order 4733]

ARKANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 22P Clay	$885,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-8259; Filed, Oct. 20, 1954; 8:49 a. m.]

[Administrative Order 4734]

WISCONSIN

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 32R Pierce	$72,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-8260; Filed, Oct. 20, 1954; 8:49 a. m.]

[Administrative Order 4735]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 30, 1954.

I hereby amend:

(a) Administrative Order No. 2397, dated December 12, 1949, by rescinding the loan of $300,000 therein made for "Utah 17A Kane".

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-8261; Filed, Oct. 20, 1954; 8:50 a. m.]

[Administrative Order 4736]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 30, 1954.

I hereby amend:

(a) Administrative Order No. 498, dated August 8, 1940, by rescinding the allocation of $25,000 therein made for "Georgia 1-8100R1 Walton".

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-8262; Filed, Oct. 20, 1954; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 765]

PRACTICES, OPERATIONS, ACTIONS, AGREEMENTS, OF OCEAN FREIGHT FORWARDERS AND RELATED MATTERS

ORDER OF INVESTIGATION

At a session of the Federal Maritime Board, held at its office in Washington, D. C., on the 6th day of October A. D. 1954, a certain order was entered in the above entitled cause which reads as follows:

It appearing, that the persons named in Appendix A [1] hereto carry on the business of forwarding in foreign commerce and are registered pursuant to Federal Maritime Board General Order 72; and,

It further appearing, from information before the Board, that some of such forwarders (1) waive, fail to collect, or reduce their forwarding fees by reason of collection of ocean freight brokerage, or follow a variation of this procedure, (2) use business methods or practices which may result in unjustly discriminatory or unduly preferential treatment of carriers, shippers, consignees and or others, (3) may be collecting ocean freight brokerage under unlawful circumstances, and (4) may be sharing ocean freight brokerage under unlawful circumstances; and

It further appearing, from information before the Board, that freight forwarders and others may have entered into agreements or cooperative working arrangements subject to section 15, Shipping Act, 1916, as amended, and/or may have taken concerted action without obtaining approval of the Board pursuant to said section and act; and

It further appearing, that the public interest requires a general inquiry to determine the existence and/or the extent of said practices, operations, actions, agreements, cooperative working arrangements, and/or related activities among all forwarders subject to said act and the lawfulness thereof under sections 15, 16, and/or 17, Shipping Act, 1916, as amended,

It is ordered, That the Board on its own motion enter upon a proceeding of inquiry and investigation pursuant to section 22, Shipping Act, 1916 (46 U. S. C. 821), section 19, Merchant Marine Act, 1920 (46 U. S. C. 876), and section 204, Merchant Marine Act, 1936 (46 U. S. C. 1114) and the Board's rules of practice and procedure (18 F. R. 3717) to determine the lawfulness of practices, operations, actions, agreements, cooperative working arrangements, and/or related activities of ocean freight forwarders with a view toward amending or supplementing the Board's General Order 72, as amended, and/or taking such other action in the premises as may be warranted by the record,

It is further ordered, That all forwarders now or hereafter named in Appendix A be, and they are hereby, made respondents in this proceeding.

It is further ordered, That a copy of this order be served upon each of said respondents; and

It is further ordered, That this proceeding be assigned for hearing at such time and place as the Board may hereafter direct.

Dated: October 15, 1954.

By the Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-8263; Filed, Oct. 19, 1954; 9:16 a. m.]

[1] Filed as part of original document.

Office of the Secretary

[Department Order 153, Amdt. 2]

BUREAU OF FOREIGN COMMERCE

ESTABLISHMENT, ORGANIZATION AND FUNCTIONS

The material appearing at 18 F. R. 6789 and 19 F. R. 1521 is hereby further amended by the following:

Department Order No. 153 of October 12, 1953, as amended, is amended further as follows:

The title of the Transportation, Communications and Utilities Division is revised; there also is established within the Office of Intelligence and Services a new division to discharge responsibilities relating to international trade fairs and exhibitions. Section 2 (d) hereby is amended by amending subparagraph (4) and adding subparagraph (5) as follows:

(4) Transportation and Utilities Division.

(5) Trade Fair Operations Division.

Effective date: October 1, 1954.

SINCLAIR WEEKS,
Secretary of Comerce.

[F. R. Doc. 54-8265; Filed, Oct. 20, 1954; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10655, 10656; FCC 54-1292]

TIMES-WORLD CORP. AND RADIO ROANOKE, INC.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Times-World Corporation, Roanoke, Virginia, Docket No. 10655, File No. BPCT-1056; Radio Roanoke, Incorporated, Roanoke, Virginia, Docket No. 10656, File No. BPCT-1743; for construction permits for new television broadcast stations.

1. The Commission has before it for consideration a variety of pleadings arising from the consequences of the death, on March 24, 1954, of J. P. Fishburn (Decedent), a principal stockholder of Times-World Corporation, presently competing with Radio Roanoke, Incorporated, for Channel 7 in Roanoke, Virginia. According to the Times-World application of June 30, 1952, the voting rights in 100 percent of the stock and the legal title to 98 percent of the stock were owned by various members of the J. B. Fishburn family of Roanoke, J. B. Fishburn being the father of Decedent. Decedent was legal and beneficial owner of 49 percent of the stock which he also voted. In addition, he voted 2 percent of the stock the legal title to which was in the First National Exchange Bank of Roanoke (Bank) as Trustee under the will of Decedent's mother. Finally, he and George S. Shackelford, Jr., a brother-in-law, held the legal title and voting rights to 4 percent of the stock as co-trustees under inter vivos trusts created by Decedent's father. The taking of testimony in the above-entitled proceeding began on March 16, 1954, and, as previously noted, Decedent passed away on March 24, 1954. As a result of the death, Times-World, on April 22, 1954, filed an application requesting involuntary transfer of control (BTC-1718) which application was granted by the Commission on May 12, 1954.[1] On May 17, 1954, Times-World petitioned the Examiner for leave to amend its application to reflect, principally, the changes occasioned by Decedent's death. This petition was unopposed and, on May 25, 1954, the Examiner accepted the amendment.

2. Under Decedent's will, legal title to the 49 percent interest mentioned above passes to the Bank as Executor-Trustee for the benefit of Decedent's wife and children. Voting rights to the 49 percent, however, are vested in Decedent's father, J. B. Fishburn, and, "upon his death, refusal, declination or incapacity to exercise such voting rights", in the Bank. J. B. Fishburn has full and complete rights to an additional 40 percent and now, therefore, votes 89 percent of the stock. With respect to the 2 percent of the stock held by the Bank but voted by Decedent, George S. Shackelford, Jr. now has the voting rights. With respect to the 4 percent which was held and voted by Decedent and Shackelford as co-trustees, 0.8 percent passed to a beneficiary on her twenty-fifth birthday (January 19, 1954) and the remaining has passed to the Bank to be held in trust and to be voted by the Bank. The Bank thus holds legal title to 54.2 percent of the stock, 3.2 percent of which it votes itself, and appears to have unrestricted authority, under the terms of the trusts in question, to sell all of the stock in the trust estates. The Bank has a total of 25 Directors, three of whom are Henry E. Thomas, Robert Lynn and B. J. Fishburn.[2] According to Commission records, Thomas is Vice President and Lynn and B. J. Fishburn are two of nine Directors of Shenandoah Life Insurance Company. Shenandoah Life Insurance Company is, at present, a stock company; Mr. Lynn, however, is one of a group of five Directors which holds approximately 93.4 percent of the stock as Trustee under a plan of mutualization. Mr. Thomas is Vice President, Assistant Secretary and Director of Shenandoah Life Stations, Inc., licensee of WSLS, WSLS-FM and WSLS-TV, Roanoke, and all of whose stock is owned by the insurance company.

3. On June 1, 1954, Radio Roanoke filed a "Motion to Dismiss Application and for Immediate Grant of Application of Radio Roanoke, Incorporated." The principal contention advanced in the foregoing pleading is that, by reason of the above amendment of May 25, 1954, the Times-World application became, in substance and in fact, a new one. Thus, argues Radio Roanoke, the application must be dismissed under the provisions of § 1.387 (b) (3) of the Commission's rules, which provides that applications, to be eligible for comparative hearing, must be filed at least 30 days prior to the date on which the hearing is scheduled to commence. In partial support of its contention that the amendment makes the Times-World application a new one, Radio Roanoke relies upon the changes in the legal ownership and voting rights of the Times-World stock set forth in the preceding paragraph; upon the fact that the Bank, as Trustee, apparently has the power to convey a majority of the Times-World stock; and upon an allegation that the transfer application of April 22, 1954, lists the Bank as transferee of control. In further support, Radio Roanoke points to what it terms material and substantial changes in the officers and board of directors of Times-World. In this connection the amendment of May 25, 1954, shows that M. W. Armistead, who owns

[1] Times-World is licensee of WDBJ and WDBJ-FM, Roanoke, Virginia.

[2] B. J. Fishburn is a resident of Roanoke; his relationship, if any, to the other Fishburns is not disclosed.

and votes no stock, has been advanced from Vice President and Associate Publisher to President and Publisher, succeeding Decedent; that J. B. Fishburn, formerly a Vice President, is now Chairman, of the Board; that Decedent's wife, who formerly held no office, is now Vice President; that W. B. Smith is no longer a Vice President and that John W. Eure and Cranston Williams, Jr. have been elected Assistants to the President and to the General Manager, respectively [3]; and that the number of directors has been increased from 5 to 6, with Decedent's wife and Armistead being added and Decedent being dropped.[3a] Radio Roanoke asserts that the amount and type of Decedent's testimony is further indication that the applicant is not the same without him. Thus, it is stated, although Times-World has completed a substantial part of its affirmative case, having presented 10 witnesses, Decedent has been the only stockholder called. Decedent's importance is further illustrated, it is said, by the fact that he testified with respect to such matters as the editorial policies of the Times-World newspapers, the advertising policies of the newspapers and radio stations, and the policies of the proposed television station.

4. The second contention made by Radio Roanoke is that a grant of the Times-World application is prohibited by the Commission's multiple ownership rules. In support of this contention Radio Roanoke calls attention to the fact that three of the Bank's Directors have interests in WSLS, WSLS–FM, and WSLS–TV in Roanoke. At the same time, says Radio Roanoke, the Bank is the legal owner of a majority of the stock of a television applicant having an AM and an FM station in Roanoke (WDBJ and WDBJ–FM). In connection with its contentions that the Times-World application is in violation of §§ 1.387 (b) (3) and 3.636 (a), Radio Roanoke asserts that Times-World has not requested a waiver of those rules under § 1.361 (c), and that the application must, under the latter rule, be dismissed.

5. In connection with its position that Times-World is now a different applicant, Radio Roanoke contends that its original Points of Reliance were cast with an eye to the dominance of Deceased in the Times-World organization. Now, says Radio Roanoke, the applicability of its Points of Reliance to the facts in the case have been materially altered. Radio Roanoke also contends that the Commission's finding of the legal qualification of Times-World has now been vitiated and that before a redetermination can be made, it must obtain full and complete information concerning officers, directors and stockholders of the Bank. Radio Roanoke maintains that it has a right to recast the whole framework of its case, including its Points of Reliance; that the previous proceedings have been rendered a nullity; and that the hearing, if one indeed be necessary, will have to commence ab initio.

6. The Broadcast Bureau takes the position [4] that the May 25th amendment does not constitute a new application within the meaning of the Commission's rules, pointing out that no new stockholders have been added and that there is no allegation that program and policy proposals of the applicant will be changed as a result of the death of J. P. Fishburn. The Bureau also points out that by letter of May 1, 1954, filed with the application for transfer of control, an officer of the Bank swears that all of the officers and directors of the Bank are U. S. citizens and that it is not an agent of a foreign government. In this connection the Bureau recites that the Bank's legal qualifications have been passed upon and that no doubt has been raised with respect to the previous findings that Times-World is legally, financially and technically qualified. The Bureau feels that Radio Roanoke's rights will be protected if Times-World makes available to it such additional information as may reasonably be said to be required by the changed circumstances and if Radio Roanoke is afforded reasonable opportunity by the Examiner to modify the matters upon which it proposes to rely.

7. With respect to the multiple ownership question, the Bureau states that neither the Times-World application as of the time it was designated for hearing nor the application for involuntary transfer of control called the Commission's attention to the duality of directorships in the Bank and in the Shenandoah Life stations in Roanoke. Although these facts, in the view of the Bureau, are not sufficient to justify dismissal of the Times-World application, they do raise a serious question as to whether Times-World is violating the rules of the Commission. Accordingly, the Bureau requests enlargement of the issues to include an issue designed to determine whether the Commission's rules and policies with respect to multiple ownership are being violated.

8. Times-World denies [5] that the May 25th amendment constitutes a new application, contending that control of the applicant is still vested in the same individuals who were principals of the application prior to the amendment. Further, says Times-World, there has been no change in the policies or intentions with respect to the television application and the only new person added as an officer and director as a result of J. P. Fishburn's death is his wife, who is now a Director and a Vice President. Times-World contends that a corporation has a legal entity entirely separate and distinct from the individuals who compose it and that it has a capacity of continuous existence or succession notwithstanding changes in its membership. In this connection, Times-World points out that J. P. Fishburn's testimony with respect to the plans and policies of the applicant was given in his capacity as President and that the applicant is still bound by this testimony. With respect to the question of control, Times-World maintains that the Bank is not a stockholder in the true sense of the word, calling attention to the fact that J. B. Fishburn has the voting rights to the stock formerly owned by his son. Further, says Times-World, the distinction between the legal ownership and the voting rights was called to the Commission's attention in the transfer application, and the Commission's Public Notice of May 12, 1954 states that the Commission "Granted involuntary transfer of control of licensee corporation from J. P. Fishburn, deceased, to J. B. Fishburn (BTC-1718)."

9. Times-World asserts that inasmuch as Radio Roanoke did not oppose Times-World's Petition for Leave to Amend, it cannot now be heard to complain. Further, it is argued, Radio Roanoke has presented no facts not before the Commission at the times of the previous actions taken upon the Times-World matters. With respect to the question of possible violation of the Commission's multiple ownership rules, Times-World insists that its application cannot be dismissed inasmuch as only a hearing can adduce the facts to support a conclusion that Commission rules would or would not be violated. Times-World requests that "oral argument on the instant motion be permitted before the Commission en banc before any final decision, order or dismissal of the Times-World application is entered in this proceeding."

10. With respect to the Broadcast Bureau's position that the issues be enlarged, Times-World asserts [6] that the Bureau's "Opposition" raises questions not raised in Radio Roanoke's Motion to Dismiss. Times-World contends that under Section 1.730, parties have 10 days in which to oppose petitions to enlarge filed under Section 1.389, and 5 days to reply to oppositions. Thus, states Times-World, by incorporating a petition to enlarge within an opposition, the Broadcast Bureau cut to 5 days the time within which parties must reply.[7]

11. Radio Roanoke replies [8] that Times-World's arguments with respect to a corporation's power of immortality ignore the Commission's long-standing practice of looking beyond a specific corporate structure to determine the background and qualifications of those who will, in fact, be responsible for the operation of a licensee of the Commission. Thus, it is stated, inasmuch as the Bank has "the right to determine the repository of actual control" of the Times-World stock, the amendment constitutes a new application. Radio Roanoke repeats the assertion that the duality of interests in the existing and the proposed Roanoke television stations makes mandatory a dismissal of the Times-World application.

12. On July 13, 1954, pursuant to an order of the Examiner entered June 9, 1954, a further hearing conference was held in the above-entitled proceedings. On July 19, 1954, the Examiner issued a Memorandum Opinion and Order (FCC 54M–884) in which he, inter alia, made certain findings of fact, and, on the basis of those findings, ordered Times-World to furnish Radio Roanoke with certain specified information with respect to the Bank, its stockholders, officers and directors. On July 22, 1954, Times-World filed a "Petition for Review and Request for Reversal of Examiner's Ruling and Order", contending that the Examiner erred in certain of his findings and conclusions and that it should not be required to furnish all of the information requested by the Examiner.

13. In paragraph 4 of the Memorandum Opinion and Order, after setting forth certain of the contentions of the parties, the Examiner found that "under the terms of the J. P. Fishburn will Bank will become trustee owner with voting rights of the 49 percent interest when settlement of the estate is completed." In paragraph 5 he concludes that the Bank has a majority interest in the Times-World stock; that it is a principal stockholder in the applicant; that, although their legal qualifications are not to be challenged, the comparative qualifications of the Bank and its principals are appropriate mattters for inquiry; and that "Bank's relationship to Times-World will be changed in that its fiduciary ownership of 49 percent of the stock will later become a trustee ownership with broad powers of control, sale, and transfer of the Times-World stock." For these reasons the Examiner ordered Times-World to furnish certain information, including:

> (c) The names and addresses of all officers, directors and stockholders in First National Exchange Bank, provided that if there are more than 50 stockholders then only those having 1 percent or more of Bank's stock are to be listed.
>
> (d) As to each individual referred to in subparagraph (c), there shall be shown the name and nature of each and every business enterprise in which such individual either owns a 25 percent or greater interest or is an officer or director.
>
> (e) A list of the names and types of any other businesses in which Bank has a direct interest of 25 percent or more by reason of stock ownership or trustee relationships or other estate administrations.

At the hearing conference of July 13, 1954, the Examiner specified (Tr. 1175) that "I would point out in connection with this matter, that of course the requirement to supply information extends to that information which can be supplied. Your inability to comply with the requirements, for good and sufficient reason, of course relieves the applicant of responsibility provided the failure is for good and sufficient reason."

14. It is Times-World's principal contention that the Examiner erred in requiring the information set forth in the subparagraph (c), (d), and (e), quoted above. Times-World argues that the Examiner bases these requirements upon a faulty premise that the "Bank will become trustee owner with voting rights of the 49 percent interest when settlement of the estate is completed." In support of this argument, Times-World asserts that the voting rights in the stock are vested in J. B. Fishburn by the terms of the will. Times-World insists that the Bank is not "a party to the application" (within the meaning of the application form) and that a bank functioning as an executor is a separate and distinct entity from the bank acting in its commercial capacity. Times-World maintains that the Bank, in its commercial capacity (by virtue of the Federal Reserve Act), can never own stock in the applicant and that, in its fiduciary capacity, must be viewed as a mere collection agent until J. B. Fishburn dies or abandons his voting rights. As further reason for reversing the Examiner's order, Times-World claims that Radio Roanoke has made no showing with respect to the materiality or relevance of the information requested.

15. Times-World also contends that it is not within its power to furnish the information requested and that the Examiner erred in making the requirement mandatory and without qualification in the order. In this connection it has attached a letter from the Vice President and Trust Officer of the Bank in which it is stated that the Bank "does not have and possess the information requested with respect to the directors and stockholders of the Bank, and hence is not in a position to furnish to you such information"; that the "stock and other business interests which it holds in a fiduciary capacity with respect to other trusts and estates is of a highly confidential nature and cannot, with propriety and without violating its confidential relationship, be disclosed"; that the Bank will furnish "the names and addresses of all of its officers and the name and nature of each business enterprise in which such individual officer owns a 25 percent or greater interest or is an officer or director"; and that the Bank will furnish "a list of the names and types of any other business in which said Bank has a direct proprietary interest" of 25 percent or more. Times-World contends that to make public the private business interests of the directors and stockholders of the Bank as well as the Bank's fiduciary accounts gives an unfair advantage to their business competitors in Raleigh and that to require production of the information is a violation of the rights of the parties under the Fourth Amendment to the Constitution.[9]

16. Times-World also urges that Radio Roanoke's request for information are related to and tied to its pleadings previously filed and that the contentions advanced there and here should have been advanced at the time of Times-World's application for transfer of control and petition for leave to amend. Times-World feels that it should not be required to produce any information until the motion previously filed by Radio Roanoke has been disposed of by the Commission. Accordingly, it is of the view that joint consideration should be given all the matters that have been brought before the Commission as a result of J. P. Fishburn's death. In its prayer, Times-World asks that the Examiner be reversed in his Opinion and Order of July 20, 1954; that, because of the new and novel questions raised herein, oral argument be permitted; that all pleadings arising out of J. P. Fishburn's death be considered at the same time; and that further proceedings be stayed until these pleadings are disposed of.

17. The Broadcast Bureau is of the view [10] that the Examiner's finding that the Bank will have voting rights in the 49 percent after settlement of the estate is not supported by the record, but that the Bank will have sufficiently broad powers over the stock to warrant the furnishing of information required by the subparagraphs of the Examiner's order set forth above. The Bureau contends that the Examiner has the authority to require information supplementary to the applications and that the Examiner has made it clear in the record that Times-World will be relieved for "good and sufficient reason" from a failure to comply with the requirements of the order. With respect to the requirement (subparagraph (e)) that Times-World furnish the list of businesses in which the Bank has a 25-percent interest "by reason of stock ownership or trustee relationships or other estate administrations", the Bureau agrees with Times-World that such requirement is too broad in scope and appears to require the public disclosure of business over which the Bank's activities are purely that of a fiduciary. With respect to the request for stay, the Bureau points out that the hearing has been continued indefinitely pending determination of the previous pleadings and that, therefore, the application for stay is premature at this time.

18. Radio Roanoke maintains [11] that the Bank, being a stockholder of record, is a party to the Times-World application within the meaning of FCC Form 301, and that, accordingly, the same information should be furnished as is required from all other corporations owning the stock of broadcast applicants. Radio Roanoke contends that even though the Bank does not have voting rights to the stock, it has a duty, as a

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[3] Radio Roanoke had previous knowledge of the changes with respect to Smith, Eure and Williams, Smith having retired and Eure and Williams having been elected on January 18, 1954.

[3a] Armistead was elected a Director on January 18, 1954, and Radio Roanoke had previous knowledge of this fact. The increase in the number of directors from 5 to 6 was apparently effective on that date.

[4] "Opposition of Chief, Broadcast Bureau to 'Motion to Dismiss Application and for Immediate Grant of Application of Radio Roanoke, Incorporated' and Petition for Enlargement of the Issues", filed June 15, 1954.

[5] "Answer and Motion to Dismiss Radio Roanoke, Incorporated Motion to Dismiss Application, etc.," filed June 17, 1954.

[6] "Reply to Opposition of Chief, Broadcast Bureau, to 'Motion to Dismiss Application and for Immediate Grant of Application of Radio Roanoke, Incorporated' and Petition for Enlargement of the Issues", filed June 22, 1954.

[7] Times-World's Reply was filed 7 days after the filing of the Bureau's "Opposition." Radio Roanoke's Reply was filed 9 days after the said filing.

[8] "Reply to Oppositions to Motion to Dismiss", filed June 24, 1954. "Notice of Correction to Reply", filed June 25, 1954.

[9] "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated • • •"

[10] "Opposition of Chief, Broadcast Bureau, to Petition for Review and Request for Reversal of Examiner's Ruling and Order Filed by Times-World Corporation", filed July 28, 1954.

[11] "Opposition to 'Petition for Review and Request for Reversal of Examiner's Ruling and Order' ", filed August 2, 1954.

fiduciary, to make certain that the stock is voted for the best interests of the trust estates. With respect to the disclosure by the Bank of information which it considers confidential, Radio Roanoke feels that the Bank should resign as trustee of the Times-World stock if it thinks its position inconsistent with its obligations to other bank customers. Radio Roanoke states that the Examiner's requirements cannot be considered an unlawful search or seizure inasmuch as there has been no order issued subpoenaing the records of the Bank.

19. In reply to the Broadcast Bureau, Times-World contends [12] that the conditions orally stated by the Examiner for the production of the information were not included in the written order and that the failure to so include them was error. Times-World also contends that the position taken by the Bureau with respect to the requirement of subparagraph (e) is equally applicable to the requirements of subparagraphs (c) and (d), especially since the relevance of the information requested has not been shown.

20. In reply to Radio Roanoke,[13] Times-World contends, in the main, that a bank acting in a fiduciary capacity as the executor of an estate is different than the bank acting in its ordinary commercial banking capacity; that Federal laws prevent the Bank acting in its commercial capacity from owning stock in any corporation; that, accordingly, it cannot be made subject to the same conditions as an ordinary legal stockholder of an applicant; and that Radio Roanoke's requests constitute a fishing expedition into confidential matters that the Bank has a duty not to disclose.

21. We turn first to a consideration of the question of whether the Times-World amendment of May 25, 1954, constituted a new application the dismissal of which is required by § 1.387 (b) (3) of our rules.[14] In our view, the changes in the make-up of the Times-World applicant, reflected in the said amendment, are not of such magnitude as to persuade us to Radio Roanoke's position. Times-World contends that a corporation has a legal entity entirely separate and distinct from the individuals who compose it and that it has a capacity of continuous existence of succession notwithstanding changes in its membership. We agree, however, with Radio Roanoke that a corporation's power of perpetual existence is not a bar to the Commission's looking beyond a specific corporate structure to determine the effect of changes in stock ownership and related matters. In so looking, we note that no new stockholders have been added to the Times-World applicant. It is true that legal title to a majority of the stock is vested in the Bank as Executor-Trustee and that the Bank appears to have unrestricted authority to dispose of the stock it holds. It is also true that a transfer of the right to convey a majority of a licensee's stock is one requiring prior Commission approval. The Commission is more deeply concerned, however, with the disposition of the voting rights in a licensee's stock, for it is the holder of the voting rights who must be said to exercise the greatest influence in determining the licensee's operating policies.[15] Prior to his son's death, J. B. Fishburn owned and voted 40 percent of the Times-World stock, served as a Vice President and a Director, and thus occupied a prominent position in the applicant corporation. His succession to the voting rights, then, of an additional 49 percent of the stock, held in trust for the benefit of his son's wife and children, is not so substantial a change as to constitute Times-World a new applicant. Nor can the other changes complained of by Radio Roanoke be so regarded. Thus, M. W. Armistead's promotion from Vice President and Associate Publisher to President and Publisher, and the addition of Decedent's wife as a Vice President and a Director do not materially alter the make-up of the Times-World applicant. And, with respect to the changes which occurred of January 18, 1954, Radio Roanoke had previous notice and cannot now be heard to complain. Finally, on this question of whether the Times-World application must now be considered to be a new one, we do not believe that the amount and type of Decedent's testimony has been such as to support Radio Roanoke's position. Although he has testified with respect to such matters as the plans and policies of the proposed television station, this testimony appears to have been given in his capacity as President of the company. Times-World is as bound today by this testimony as it was at the time it was offered, and we cannot assume that changes in program and policy proposals will be effected.

22. We next consider Radio Roanoke's contention that a grant of the Times-World application is prohibited by § 3.636 of the Commission's rules and that the application must, therefore, be dismissed. As heretofore noted, three of the Bank's twenty-five directors have interests in WSLS, WSLS-FM and WSLS-TV in Roanoke. Times-World, in addition to being a television applicant herein, is the licensee of WDBJ and WDBJ-FM, also in Roanoke. In support of its contention, Radio Roanoke relies, principally, upon language appearing in a letter dated December 3, 1952 and addressed by the Commission to Macon Television Company, at that time an applicant for a new television broadcast station. The stock of Macon Television Company was owned equally by two competing standard broadcast stations in the same community. In the above letter, written pursuant to the provisions of section 309 (b) of the Communications Act, the Commission declared that, "as a matter of general policy, the Commission has required that there be complete divorcement of management, ownership and other interests between stations of the same class in the same community or serving substantially the same area." Macon Television Co., 8 RR 703, 704 (1952). Times-World insists that there is nothing in § 3.636 which requires, per se, the dismissal of its application, and that only a hearing can adduce the facts to support a conclusion that the Commission's Rules would or would not be violated. The Broadcast Bureau agrees that the duality of interests as set forth herein are insufficient to justify outright dismissal of the Times-World application and that a definitive conclusion as to whether Times-World is violating the Commission's Rules and policies on multiple ownership should await a full determination of all the pertinent facts. In this connection, the Broadcast Bureau points out that the letter in the Macon Television case, supra, contains additional language to the effect that if the deficiencies noted by the Commission therein could not be eliminated, the applicant would be designated for hearing. In view of its foregoing position, the Broadcast Bureau requests that the issues in this proceeding be enlarged to include an issue designed to determine whether the Commission's Rules and policies with respect to multiple ownership are being violated. We are of the view that the facts already developed raise serious questions as to whether a grant of the Times-World application would be consistent with our Rules and policies on multiple ownership. We do not believe, however, under the circumstances here present, that the Times-World application can be summarily dismissed. Accordingly, we feel that the issues in this proceeding must be enlarged to include issues designed to permit inquiry into the question of whether a grant of the Times-World application would be consistent with the provisions of § 3.636 of the Commission's rules and policies promulgated thereunder. With respect to Times-World's procedural objections to the Broadcast Bureau's request for enlargement of issues (see paragraph 10), we observe that the Commission has no prescribed form for the presentation of such a request. The fact that the Bureau included in one document an opposition to Radio Roanoke's motion and a petition for enlargement of the issues did not cut to 5 days the time within which Times-World was required to file an opposition. Times-World's lack of conviction in its argument in this regard is illustrated by the fact that its response to the Broadcast Bureau's pleading was filed 7 days after the filing of that document.

23. In what must be considered an alternative request to its motion that the Times-World application be dismissed, Radio Roanoke urges that the proceedings already held with respect to the above-entitled applications have been rendered a nullity and that the hearing will have to commence ab initio. In this connection, Radio Roanoke asserts that it has a right to recast the whole framework of its case, including its Points of Reliance. We agree with the Broadcast Bureau's position that Radio Roanoke's rights will be adequately protected if Times-World makes available to it such aditional information as may reasonably be said to be required by the changed circumstances and if Radio Roanoke is afforded reasonable opportunity by the Examiner to modify the matters upon which it proposes to rely. The Examiner's Memorandum of Opinion and Order of July 19, 1954 (FCC 54M-884) appears to be consistent with this position, and the major question presented by Times-World's petition for review is whether the information requested by the Examiner "may reasonably be said to be required."

24. We are of the view that even though the Bank can vote but 3.2 percent of Times-World's stock, its legal ownership of an additional 51 percent is an interest of sufficient importance to require the furnishing of information with respect to the Bank, its officers, stockholders and directors. We have given careful consideration to the Examiner's requests for information contained in subparagraphs (c) and (d) of paragraph 6 of his Memorandum Opinion and Order and hold that they are reasonable and wholly proper under the circumstances of this case. With respect to subparagraph (e), however, we agree with Times-World and the Broadcast Bureau that the requests contained therein appear to require the public disclosure of business over which the Bank's activities are purely that of a fiduciary. Accordingly, we feel that Times-World should be relieved of the requirement of furnishing information with respect to businesses in which the Bank has an interest only by virtue of a trustee or other fiduciary relationship. Times-World contends that it is not within its power to furnish the information requested and that the Examiner erred in making the requirement mandatory and without qualification in the order. The Examiner has made it clear in the record, however, that Times-World will be relieved for "good and sufficient reason" from a failure to comply with the requirements of the order. Accordingly, there was no error in not repeating the qualification in the written order.

25. The sole remaining questions concern Times-World's requests for stay and for oral argument before the Commission en banc. The question raised in the pleadings here under consideration are, of course, interlocutory, and it is the Commission's policy not to allow oral argument on interlocutory matters. Times-World has set forth no facts justifying a departure from this policy in the instant case. Times-World's request for stay would appear to have been rendered moot by our simultaneous consideration of all pleadings presently pending before us.

26. In view of the foregoing: *It is ordered*, That the "Motion to Dismiss Application and for Immediate Grant of Application of Radio Roanoke, Incorporated", filed June 1, 1954 by Radio Roanoke, Incorporated, is denied.

27. *It is further ordered*, That the "Petition for Enlargement of the Issues", filed June 15, 1954 by Chief, Broadcast Bureau, is granted insofar as it requests the addition of issues designed to permit inquiry into the question of whether a grant of the Times-World application would be consistent with the provisions of § 3.636 of the Commission's rules and the policies promulgated thereunder.

28. *It is further ordered*, That the Examiner's Memorandum Opinion and Order of July 20, 1954 (FCC 54M-884), insofar as it is not inconsistent with the rulings and determinations expressed herein is affirmed, and that, accordingly, the "Petition for Review and Request for Reversal of Examiner's Ruling and Order", filed July 22, 1954 by Times-World Corporation, is denied,

29. *It is further ordered*, That the issues in the above-entitled proceeding are enlarged by the addition of the following issues:

To determine the stock ownership and management interests of The First National Exchange Bank of Roanoke, Virginia, its stockholders, officers and directors in existing television broadcast stations.

To determine whether, in light of the evidence adduced at the hearing with respect to the preceding issue, a grant of the application of Times-World Corporation would be consistent with the provisions of § 3.636 of the Commission's rules and the policies promulgated thereunder.

Adopted: October 14, 1954.

Released: October 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8272; Filed, Oct. 20, 1954; 8:52 a. m.]

[Docket Nos. 11081—11083; FCC 54-1291]

WORZ, INC. ET AL.

ORDER AMENDING ISSUES

In re applications of WORZ, Inc., Orlando, Florida, Docket No. 11081, File No. BPCT-1153; WHOO, Inc., Orlando, Florida, Docket No. 11082, File No. BPCT-1207; Mid-Florida Television Corp., Orlando, Florida, Docket No. 11083, File No. BPCT-1801; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of October 1954;

The Commission having under consideration a petition filed July 14, 1954, by Mid-Florida Television Corp. to enlarge issues with respect to the legal and other qualifications of WORZ, Inc.; a statement of Chief, Broadcast Bureau regarding the said petition to enlarge issues, filed July 29, 1954; an opposition to the petition to enlarge issues, filed July 28, 1954, by WORZ, Inc.; and a reply to the opposition to enlarge issues, filed August 2, 1954, by Mid-Florida Television Corp.; and

It appearing that the petitioner requests that the issues be enlarged by adding issues to determine whether WORZ, Inc. and its officers, directors and stockholders are legally and otherwise qualified; to determine whether WORZ, Inc. and Central Florida Broadcasting Corporation have filed full and complete reports with the Commission and whether they have been truthful in reports and applications filed with the Commission; and to determine whether William Oliver Murrell is a party in interest in the above-entitled proceeding and, if so, whether it is in the public interest to make a grant of that application; and

It further appearing that, on the basis of the information contained in the petition, a reasonable showing has been made to warrant the inclusion of specific issues with respect to the character and other qualifications of WORZ, Inc. and Central Florida Broadcasting Corporation, but that such showing does not go to the legal qualifications of WORZ, Inc., as such, as defined in In re Application of WGAL, Inc., 9 RR 117;

It is ordered, That the following issues be added to the issues set forth in our order dated June 24, 1954:

(a) To determine whether in their applications and other reports to the Commission WORZ, Inc. and Central Florida Broadcasting Corporation have made misstatements of material facts and/or have omitted to state material facts regarding the ownership and/or management of WORZ, Inc. and Central Florida Broadcasting Corporation.

(b) To determine whether William Oliver Murrell is a party in interest, directly or indirectly, in the application of WORZ, Inc. herein, and

(c) To determine in the light of the evidence adduced under the foregoing issues, whether it is in the public interest, convenience and necessity to make a grant of the application of WORZ, Inc.

Released: October 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8273; Filed, Oct. 20, 1954; 8:52 a. m.]

[Docket Nos. 11196—11198]

SOUTHWESTERN BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of Southwestern Bell Telephone Company

[12] "Reply of Times-World Corporation to Opposition of Chief, Broadcast Bureau, to Petition for Review and Request for Reversal of Examiner's Ruling and Order Filed by Times-World Corporation", filed August 4, 1954. "Notice of Correction to Reply", filed August 5, 1954.

[13] "Reply of Times-World Corporation to Opposition to Petition for Review and Request for Reversal of Examiner's Ruling and Order," filed August 9, 1954.

[14] Times-World asserts that Radio Roanoke's contentions in this regard are matters which should have been advanced in opposition to the petition for leave to amend, filed May 17, 1954. Under § 1.730 of the Commission's rules, oppositions to petitions must be filed within 10 days from the filing of the petition. In view of the fact that the Examiner did not wait until the expiration of the 10-day period before passing upon the petition, and in view of the filing of Radio Roanoke's motion shortly thereafter, it would not be appropriate, in our view, to dispose of the motion on this procedural ground.

[15] In its application for involuntary transfer of control, filed April 22, 1954 (BTC-1718), Times-World designates as transferee "The First National Exchange Bank of Roanoke, and J. B. Fishburn, (both of) Roanoke, Va." In granting consent to the said transfer of control on May 12, 1954, the Commission listed only J. B. Fishburn as transferee.

for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Clarence Spradley d/b as Haslet Telephone Company, Haslet, Texas; Docket No. 11196, File No. P-C-3504.

In the matter of the application of Southwestern Bell Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Donald Morgan and Charlotte M. Morgan d/b as Farley Telephone Company, Farley, Missouri; Docket No. 11197, File No. P-C-3510.

In the matter of the application of Southwestern Bell Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of The Miami County Mutual Telephone Company, Paola, Kansas; Docket No. 11198, File No. P-C-3515.

The Commission having under consideration applications filed by Southwestern Bell Telephone Company for certificates under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by it of certain telephone plant and properties of Clarence Spradley d/b as Haslet Telephone Company, Donald Morgan and Charlotte M. Morgan d/b as Farley Telephone Company, and The Miami County Mutual Telephone Company, furnishing telephone service in and around Haslet, Texas, Farley, Missouri, and Paola, Kansas, respectively, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 14th day of October 1954 that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above applications are assigned for public hearing for the purpose of determining whether the proposed acquisitions will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said applications be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 15th day of November 1954, and that a copy of this order shall be served upon Southwestern Bell Telephone Company, the Governors of Texas, Missouri and Kansas, Missouri Public Service Commission, Kansas State Corporation Commission, each of the above-named telephone companies, and the Postmasters of Haslet, Texas, Farley, Missouri, and Paola, Kansas;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in the above-mentioned communities and the counties in which the properties are located and shall furnish proof of such publication at the hearing herein.

Released: October 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8274; Filed, Oct. 20, 1954; 8:53 a. m.]

[Docket No. 11199]

SOUTHERN BELL TELEPHONE AND TELEGRAPH CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of Southern Bell Telephone and Telegraph Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Mayport Telephone Company, Inc., Jacksonville, Florida; Docket No. 11199, File No. P-C-3511.

The Commission having under consideration an application filed by Southern Bell Telephone and Telegraph Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by it of certain telephone plant and properties of Mayport Telephone Company, Inc. furnishing telephone service in and around Mayport, Florida will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 14th day of October 1954, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 15th day of November 1954, and that a copy of this order shall be served upon Southern Bell Telephone and Telegraph Company, Mayport Telephone Company, Inc., the Governor of Florida, Florida Railroad and Public Utilities Commission and the Postmaster of Mayport, Florida;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Mayport and Duval County, Florida, and shall furnish proof of such publication at the hearing herein.

Released: October 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8275; Filed, Oct. 20, 1954; 8:53 a. m.]

[Docket No. 11200]

CHESAPEAKE AND POTOMAC TELEPHONE CO. OF VIRGINIA

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of The Chesapeake and Potomac Telephone Company of Virginia for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of The Peninsula Telephone Corporation, Toano, Virginia; Docket No. 11200, File No. P-C-3512.

The Commission having under consideration an application filed by The Chesapeake and Potomac Telephone Company of Virginia for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by it of certain telephone plant and properties of The Peninsula Telephone Corporation furnishing telephone service in and around Toano, Virginia, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 14th day of October 1954, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 15th day of November 1954; and that a copy of this order shall be served upon The Chesapeake and Potomac Telephone Company of Virginia, The Peninsula Telephone Corporation, the Governor of Virginia, Virginia State Corporation Commission, and the Postmaster of Toano, Virginia;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Toano, Virginia and James City and Kent Counties, Virginia and shall furnish proof of such publication at the hearing herein.

Released: October 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8276; Filed, Oct. 20, 1954; 8:53 a. m.]

[Docket No. 11205; FCC 54-1287]

RADIO CLEVELAND (WCLE)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of J. A. Gallimore tr/as Radio Cleveland (WCLE), Cleveland, Tennessee, for construction permit; Docket No. 11205, File No. BP-9197.

1. The Commission has before it a protest filed on September 17, 1954, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Robert W. Rounsaville (hereinafter referred to as WBAC), licensee of Station WBAC, Cleveland, Tennessee, protesting the Commission's action of August 18, 1954 granting without hearing the above-entitled application of J. A. Gallimore, tr/as Radio Cleveland (hereinafter referred to as J. A. Gallimore) for a new standard broadcast station to operate on 1570 kilocycles with 1000 watts power, daytime only at Cleveland, Tennessee; and an opposition to the protest filed by J. A. Gallimore on October 8, 1954.

2. In the protest, WBAC alleges in substance that protestant's station, WBAC, and the station authorized by the Commission's action in question are the only two local radio stations assigned to Cleveland, Tennessee; that protestant and J. A. Gallimore "will be in direct competition for the radio advertising dollar"; that "any revenue received by J. A. Gallimore will be at the expense of [protestant], and will cause serious economic injury to [protestant]"; that as a result of the grant of the above-entitled application WBAC has been economically injured and will continue to suffer economic injury; and that, therefore, it is a "party in interest" within the purview of section 309 (c) of the Communications Act of 1934, as amended.

3. In support of its protest WBAC alleges that the Commission erred in finding J. A. Gallimore to be financially qualified to construct and operate the proposed Cleveland station and that the proposed program structure is not one arrived at on the basis of time and care devoted to its preparation as is required by the Commission. For these reasons WBAC asks the Commission to set aside the grant in question and to designate the above-entitled application for hearing on issues set forth in its protest, together with such further issues as the Commission may prescribe; and to designate the protestant as a party to said hearing.

4. Petitioner has submitted the results of a comprehensive study and analysis of the potential demand for radio advertising in the Cleveland, Tennessee, area in support of his contention that he will suffer economic injury as a result of the Commission's action. This analysis indicates that the potential advertising revenue may be limited and that it is improbable that a second station can derive revenue from the area without decreasing that now flowing to the protestant's station. In light of this showing and the fact that the protestant is the licensee of Station WBAC, Cleveland, Tennessee; that the protestant derives operating revenue from the Cleveland, Tennessee area; that the grant herein protested establishes the second standard broadcast station in Cleveland, Tennessee in direct competition with WBAC; and that protestant has alleged that it has been and will continue to be financially injured by the grant complained of, it is the Commission's opinion that WBAC is a "party in interest" within the meaning of section 309 (c) of the Communications Act.

5. It is clear that once a protestant has established standing to protest as a party in interest, it must then meet the further jurisdictional requirements of section 309 (c) that the protestant "shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally". As the Commission stated in the Allen [1] and Salinas [2] cases, "The clear import of this requirement is that a protestant must do something more than set forth in his protest vague, non-specific, conclusionary arguments and allegations, he must allege those facts upon which his conclusions as to the impropriety of the Commission's grant without hearing are predicated. These facts must be alleged with specificity; they must be concrete, basic facts".

6. Protestant has set out in detail the specific points relied upon concerning the questions as to the financial qualifications and the "basic character" qualifications of the permittee and has specified the following issues on which he asks for an opportunity to present evidence:

1. To determine whether the Cleveland market will provide sufficient revenues to the proposed station so as to permit the applicant to adequately serve his public.

To determine whether the advertising potential of the Cleveland market is such as may indicate that both stations, the existing and the proposed, will go under with the result that a portion of the listening public will be left without adequate service.

3. To determine whether the advertising potential of the Cleveland market is so slight that by a division of the field both stations, the existing and the proposed, will be compelled to render inadequate service.

4. To determine whether the applicant is financially qualified to construct, own and operate the proposed station.

5. To determine whether the applicant possesses the basic character qualifications necessary to permit him to be the licensee of the proposed station.

6. To determine whether, considering the above issues, a grant of the application would serve the public interest, necessity and convenience.

7. Issues 1, 2 and 3 as specified by WBAC all relate to economic injury. An analysis of potential broadcast revenue and an economic study of the Cleveland, Tennessee market area form the factual basis of these three issues. These issues, however, designed to show that the public interest would suffer by the establishment of a second station in Cleveland, Tennessee, in all likelihood, are not pertinent because of considerations already set out by the Commission in re Voice of Cullman, 6 RR 164 (1950). In a more recent case, in re Van Curler Broadcasting Corporation, 11 RR 215, the Commission stated "There is a grave doubt as to whether a showing of economic injury on the part of a protestant would entitle him to a hearing on an issue related to the competition which the protestant would suffer from the operation of another station in his community." Pending further consideration of the general problem, the Commission will not exclude Issues 1, 2 and 3 in this case. However, these three issues are not being adopted by the Commission and the burden of proof thereon both in proving the facts alleged and in demonstrating their materiality and relevency will be on the protestant.

8. With respect to Issue 4 the protestant points out that J. A. Gallimore estimated the cost of constructing the proposed Cleveland Station to be $22,900 and that conceding J. A. Gallimore's ability to finance the construction and initial operation of the proposed Cleveland station, the fact remains that J. A. Gallimore has heretofore committed himself to finance the construction and initial operation of Station WLFA, Lafayette, Georgia. On October 7, 1953, the Commission granted J. A. Gallimore and Virginia F. Gallimore (his wife) doing business as Radio Dixie, a construction permit for a new station (WLFA) to operate on 1590 kilocycles with 5 kilowatts power daytime only at Lafayette, Georgia. The grant required the permittee to submit an application for modification of construction permit to specify a transmitter site and antenna system meeting the requirements of the Standards of Good Engineering Practice. On January 12, 1954, the Commission approved an application specifying a transmitter site and antenna system for Station WLFA. Subsequently, on September 10, 1954, the Commission granted an application to modify further the WLFA construction permit to change the type of transmitter and to change studio location. Station WLFA has not commenced either equipment or program tests. The original estimated cost of construction of Station WLFA was $30,150; the actual costs are yet to be determined. While J. A. Gallimore submitted a personal balance sheet with the Cleveland application indicating a net worth of approximately $65,000 as of November 30, 1953, WBAC properly raises the question as to whether the assets listed by Mr. Gallimore are sufficiently liquid to enable J. A. Gallimore to finance the construction and initial operation of the proposed Cleveland station after he has contributed his share for the construction and initial operation of Station WLFA. In the Commission's opinion the protestant has stated with particularity sufficient facts, matters and things relied upon as required by the provisions of section 309 (c) to warrant the designation of the above-entitled application for hearing upon the issue of financial qualifications. Accordingly said issue is adopted by the Commission and the burden of proof thereon is placed upon J. A. Gillimore.

9. In support of Issue "5" quoted above, WBAC maintains that the programming and staffing plans of the subject Cleveland proposal submitted on March 1, 1954, are completely identical with the programming and staffing proposals submitted by J. A. Gallimore in his application filed March 3, 1953 for Station

[1] In re Application of T. E. Allen & Sons, Inc., 9 RR 590a.

[2] In re Application of Salinas Broadcasting Corporation et al., 9 RR 595.

WLFA, Lafayette, Georgia. Upon the basis of such facts WBAC contends that J. A. Gallimore is completely indifferent to the programming needs of the Cleveland community he proposes to serve and that therefore he does not possess the basic character qualifications necessary to be a broadcast licensee. Therefore, with respect to Issue "5" it is the Commission's opinion that the protestant has stated with particularity the facts, matters and things relied upon as required by the provisions of section 309 (c) to warrant the inclusion of Issue "5". However, in making this finding we do not determine or imply that even if the facts with respect to such issues are as alleged by the protestant, they are such that they would result in a determination that the grant to the applicant herein was improper, contrary to the public interest or should be set aside. Accordingly, said issue is not being adopted by the Commission and the burden of proof thereon both in proving the facts alleged and in demonstrating their materiality and relevancy will be on the protestant.

10. In view of the foregoing: *It is ordered*, That, insofar as the subject protest requests reconsideration of the Commission's action of August 18, 1954, it is denied, except with respect to the hearing provided for below; that pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission with respect to the hearing described below, and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether the Cleveland market will provide sufficient revenues to the proposed station so as to permit the applicant to adequately serve his public.

2. To determine whether the advertising potential of the Cleveland market is such as may indicate that both stations, the existing and the proposed, will go under with the result that a portion of the listening public will be left without adequate service.

3. To determine whether the advertising potential of the Cleveland market is so slight that by a division of the field both stations, the existing and the proposed, will be compelled to render inadequate service.

4. To determine whether the applicant is financially qualified to construct, own and operate the proposed station.

5. To determine whether the applicant possesses the basic character qualifications necessary to permit him to be the licensee of the proposed station.

6. To determine, in light of the evidence adduced with respect to the foregoing issues, whether the public interest, convenience or necessity require that the Commission's action of August 18, 1954 granting the above-entitled application should be vacated.

The burden of proof as to Issue "4" is placed on J. A. Gallimore. The burden of proof as to Issues 1, 2, 3, and 5 is placed on Robert W. Rounsaville.

11. *It is further ordered*, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on November 15, 1954, before an Examiner to be specified by the Commission; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than November 1, 1954.

Adopted: October 13, 1954.

Released: October 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8277; Filed, Oct. 20, 1954; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FABRIQUES DE PRODUITS CHIMIQUES DE THANN ET DE MULHOUSE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Fabriques de Produits Chimiques de Thann et de Mulhouse, Thann (Haut-Rhin) France; Claim No. 40680; property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943), relating to United States Patent Application Serial No. 265,605 (now United States Letters Patent No. 2,326,275).

Executed at Washington, D. C., on October 14, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8268; Filed, Oct. 20, 1954; 8:51 a. m.]

KATHARINA HERTZ ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Katharina Hertz, Weeze, Kreis Gelders, Germany; Julius Hertz, Rheydt, Rhineland, Germany; John Hermann Hertz, Delmar, New York; Claim No. 13831; Vesting Order No. 691; $698.38 in the Treasury of the United States in the following proportions: 3/8 to Katharina Hertz; 3/8 to Julius Hertz; 1/4 to John Hermann Hertz.

Executed at Washington, D. C., on October 14, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8269; Filed, Oct. 20, 1954; 8:51 a. m.]

[Vesting Order 18023, Amdt.]

MAX MELZER

In re: Estate of Max Melzer, deceased. File No. D-28-13007, E. T. sec. 17135.

Vesting Order 18023 dated June 12, 1951, is hereby amended as follows and not otherwise:

By deleting from paragraph 1 of said vesting order the name Hildegard Ruter and substituting therefor the following: "Hildegard Küter or Kueter."

All other provisions of said Vesting Order 18023 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on October 14, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8270; Filed, Oct. 20, 1954; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 206

Washington, Friday, October 22, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3074

DETERMINING THE DRUGS 3-METHOXY-N-METHYLMORPHINAN (EXCEPT ITS DEXTROROTATORY ISOMER) AND KETOBEMIDONE TO BE OPIATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 3228 (f) of the Internal Revenue Code provides in part as follows:

OPIATE.—The word "opiate" as used in this part and subchapter A of chapter 23 shall mean any drug (as defined in the Federal Food, Drug and Cosmetic Act) found by the Secretary of the Treasury, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary. * * *;

AND WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found that each of the following-named drugs has addiction-forming and addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

3-methoxy-N-methylmorphinan, its racemic and levorotatory forms and their salts, but excepting its dextrorotatory form and its salts.

4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone (ketobemidone) and its salts.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found that each of the aforementioned drugs (except the dextrorotatory form of 3-methoxy-N-methylmorphinan and its salts) has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of October in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

[SEAL] DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54-8354; Filed, Oct. 20, 1954; 4:48 p. m.]

PROCLAMATION 3075

IMPOSING A QUOTA ON IMPORTS OF BARLEY AND BARLEY MALT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as added by section 31 of the act of August 24, 1935, 49 Stat. 773, re-enacted by section 1 of the act of June 3, 1937, 50 Stat. 246, and as amended by section 3 of the act of July 3, 1948, 62 Stat. 1248, section 3 of the act of June 28, 1950, 64 Stat. 261, and section 8 (b) of the act of June 16, 1951, 65 Stat. 72 (7 U. S. C. 624), the Secretary of Agriculture has advised me that he has reason to believe that barley, hulled or unhulled, including rolled barley and ground barley, and barley malt are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program undertaken by the Department of Agriculture with respect to barley pursuant to sections 301 and 401 of the Agricultural Act of 1949, as amended, or to reduce substantially the amount of products processed in the United States from domestic barley with respect to which such program of the Department of Agriculture is being undertaken; and

WHEREAS, on August 20, 1954, I caused the United States Tariff Commis-

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THE PRESIDENT

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FEDERAL REGISTER

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the said price-support program with respect to barley; and

WHEREAS I find and declare that the imposition of the quantitative limitations hereinafter proclaimed is shown by such investigation of the Tariff Commission to be necessary in order that the entry, or withdrawal from warehouse, for consumption of barley, hulled and unhulled, including rolled barley and ground barley, and barley malt will not render or tend to render ineffective, or materially interfere with, the said price-support program:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that the total aggregate quantity of barley, hulled and unhulled, including rolled barley and ground barley, and barley malt entered, or withdrawn from warehouse, for consumption during the period from October 1, 1954, to September 30, 1955, both dates inclusive, shall not exceed 27,500,000 bushels, which permissible total quantity I find and declare to be proportionately not less than 50 per centum of the total average aggregate annual quantity of such barley and barley malt entered, or withdrawn from warehouse for consumption during the representative period from July 1, 1948, to June 30, 1953, both dates inclusive; and that, of the said permissible total quantity not more than 27,225,000 bushels shall be imported from Canada, and not more than 275,000 bushels shall be imported from other foreign countries.

For the purposes of this proclamation, 48 pounds of barley, hulled or unhulled, including rolled barley or ground barley, shall be considered equal to one bushel, and 34 pounds of barley malt shall be considered equal to one bushel.

The provisions of this proclamation shall not apply to certified or registered seed barley for use for seeding and crop-improvement purposes, in bags tagged and sealed by an officially recognized seed-certifying agency of the country of production: Provided, (a) that the individual shipment amounts to 100 bushels (of 48 pounds each) or less, or (b) that the individual shipment amounts to more than 100 bushels (of 48 pounds each) and the written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry, or bond is furnished in a form prescribed by the Commissioner of Customs in an amount equal to the value of the merchandise as set forth in the entry, plus the estimated duty as determined at the time of entry, conditioned upon the production of such written approval within 6 months from the date of entry.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of October in the year of our Lord nineteen hundred and [SEAL] fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54–8355; Filed, Oct. 20, 1954; 4:48 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Amdt. 2, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP CORN RESEAL LOAN PROGRAM

AVAILABILITY; TIME

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service, published in 18 F. R. 5359 and 6983 and 19 F. R. 1595, 2712, and 5591 and containing the specific requirements for the 1953-Crop Corn Reseal Loan Program, are hereby amended as follows:

Section 421.63 (b) (2) is amended to allow producers with corn under purchase agreements who notified the county committee before July 31, 1954, of their intention to participate in the reseal loan program more time for the execution of loan documents by changing the date in the third sentence from September 30, 1954, to November 30, 1954, so that the amended subparagraph (2) reads as follows:

§ 421.63 *Availability.* • • •

(b) *Time.* • • •

(2) The producer who signed a purchase agreement on farm-stored corn is required, under the 1953 Corn Price Support Program, to notify the county committee not later than July 31, 1954, if he intends to deliver the corn to CCC. If the producer has notified the county committee, on or before July 31, 1954, of his intention to deliver the corn or to participate in this program, he may obtain a farm-storage loan on the corn. The loan documents must be executed by the producer on or before the final date for delivery, specified in the delivery instructions, or on or before November 30, 1954, if the producer has not requested delivery instructions. The loan documents must be presented for disbursement within 15 days after execution.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 19th day of October 1954.

[SEAL] J. A. MCCONNELL,
Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54–8325; Filed, Oct. 21, 1954; 8:54 a. m.]

TITLE 13—BUSINESS CREDIT

Chapter II—Small Business Administration

[Amdt. 4 to Loan Policy Statement, Revised as of Nov. 16, 1953]

PART 101—LOAN POLICY STATEMENT

DISASTER LOANS

Section 101.6 (b) is revised to read as follows:

§ 101.6 *Disaster loans under section 207 (b) of the Small Business Act.* • • •

(b) Interest on disaster loans, including interest on the unpaid principal of disaster loans approved subsequent to September 28, 1953, shall be at the rate of three percent (3%) per annum.

(Sec. 204, 67 Stat. 233; 15 U. S. C. 633)

This amendment is effective as of September 29, 1954.

SMALL BUSINESS ADMINISTRATION,
LOAN POLICY BOARD,
WENDELL B. BARNES,
Administrator, Chairman.

OCTOBER 6, 1954.

[F. R. Doc. 54–8318; Filed, Oct. 21, 1954; 8:53 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

APPLICATION FOR REGISTRATION OF INVESTMENT ADVISER

Form ADV adopted June 24, 1954, 19 F. R. 4080 as § 279.4 should be corrected to read § 279.1.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

OCTOBER 14, 1954.

[F. R. Doc. 54–8300; Filed, Oct. 21, 1954; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1019]

FLORIDA

TRANSFER OF LAND FROM ST. MARKS NATIONAL WILDLIFE REFUGE TO APALACHICOLA NATIONAL FOREST

By virtue of the authority vested in the President by the act of March 3, 1891, as amended (26 Stat. 1095, 1103; 16 U. S. C. 471) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

The following-described tract of land which was reserved as a part of the St. Marks National Wildlife Refuge, Florida, by Executive Order No. 7977 of September 19, 1938, is hereby transferred from the Refuge to the Apalachicola National Forest, and reserved as a part thereof under jurisdiction of the Department of Agriculture, and shall hereafter be subject to all laws and regulations applicable thereto:

TALLAHASSEE MERIDIAN

T. 5 S., R. 2 W.,
Sec. 2, that part of the W½SW¼ lying north of the center line of U. S. Highway No. 319 (Wakulla-Sopchoppy Road).

The area described contains 2.75 acres.

The lands were acquired by the United States together with other lands in the same legal subdivision, under the authority of section 302 of the act of June 15, 1935, (49 Stat. 381; 16 U. S. C. 715d–1), in exchange for lands acquired by the United States under the authority of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195) and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), the purpose of such exchange having been to acquire the remainder of the W½SW¼ for wildlife purposes. The lands are within the limits of the Apalachicola National Forest, are separated from the Refuge by U. S. Highway No. 319, are thus of no value for wildlife conservation purposes, and can best be administered as a part of the National Forest.

ORME LEWIS,
Assistant Secretary of the Interior.

OCTOBER 14, 1954.

[F. R. Doc. 54–8290; Filed, Oct. 21, 1954; 8:47 a. m.]

[Public Land Order 1020]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 487 OF JUNE 16, 1948

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 487 of June 16, 1948, withdrawing the public lands within certain described areas in Alaska for classification and examination and in aid of proposed legislation, is hereby revoked so far as it affects the following described lands:

SEWARD MERIDIAN

(a)
T. 3 N., R. 12 W.,
Unit No.:
7 Sec. 26, S½SE¼ and S½SW¼;
16 Sec. 14, S½NW¼ and N½SW¼;
18 Sec. 15, NW¼;
19 Sec. 14, N½NE¼;
Sec. 11, W½SE¼;
21 Sec. 10, SE¼.

The areas described contain 800 acres which are considered suitable for cultivation.

No application for the above-described lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 809; 43 U. S. C. 461) as amended, unless the lands shall be classified as valuable or suitable for such type of application upon consideration of an application.

(b)

SEWARD MERIDIAN

T. 2 N., R. 12 W.,
Sec. 2, S½NW¼NE¼;
Sec. 3, lots 1, 2, 3, 4, 5, 6, and 8, S½N½, E½SE¼, and NW¼SW¼;
Sec. 4, lot 1, S½NE¼, SE¼NW¼, E½SW¼, W½SE¼, and NE¼SE¼;
Sec. 9, lots 1, 2, 5, 6, E½W½, SE¼;
Sec. 10.
T. 3 N., R. 11 W.,
Sec. 31, lot 11;
Sec. 32, lots 5, 8, 13, 14, 15, and 16.
T. 3 N., R. 12 W.,
Sec. 1, lot 6;
Sec. 2, lots 1, 2, 6, and 7;
Sec. 12, lots 2, 5, 8, 9, 12, and 13;
Sec. 13, lots 2, 3, 4, 7, 10, and NW¼NW¼;
Sec. 15, SW¼, W½SE¼;
Sec. 21, E½;
Sec. 22, N½NW¼, SW¼NW¼ and SW¼SW¼;
Sec. 24, SW¼NW¼;
Sec. 25, lots 8, 9, and S½SE¼;
Sec. 27, lot 8 and S½S½;
Sec. 28, E½;
Sec. 33, E½;
Sec. 34;
Sec. 35, S½.
T. 4 N., R. 12 W.,
Sec. 35, lot 1.

The areas described contain 6,183.86 acres which are not considered suitable for cultivation.

(c)
T. 3 N., R. 12 W.,
Sec. 16.

The area described, containing 512.55 acres, is reserved for the support of the common schools of Alaska by the act of March 4, 1915 (38 Stat. 1214, 1215; 48 U. S. C. 353).

2. This order shall not otherwise become effective to change the status of the restored lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands in paragraph 1 (a) and 1 (b) affected by this order shall be subject only to (1) application under the homestead laws or the Alaska Homesite Act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461) or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and the Korean conflict and other qualified persons entitled to perference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as maybe authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations, and applications under the said Alaska Homesite Act of May 26, 1934, and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in §§ 64.6 to 64.10, inclusive, and Part 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ORME LEWIS,
Assistant Secretary of the Interior.

OCTOBER 18, 1954.

[F. R. Doc. 54–8291; Filed, Oct. 21, 1954; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

CROSS REFERENCE: For an amendment to the tabulation in § 17.3, see Public Land Order 1019 in Appendix C to Title 43, Chapter I, *supra*, transferring land reserved as a part of the Saint Marks National Wildlife Refuge, Florida, by Executive Order 7977, to the Apalachicola National Forest.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 541, Amdt. 5]

REDELEGATIONS OF AUTHORITIES CONCERNED WITH LANDS AND RESOURCES

OCTOBER 18, 1954.

PART I—REDELEGATION OF AUTHORITY TO AREA ADMINISTRATORS

1. Section 1.2 (a) is amended to read as follows:

(a) *Oaths.* Authorize any employee designated to make investigations of matters under the jurisdiction of the Bureau to administer any oath, affirmation, affidavit or deposition provided under the act of October 14, 1940 (5 U. S. C. 498), whenever necessary in the performance of such employee's official duties.

2. Section 1.3 (b) is amended to read:

(b) *Contributions and refunds.* (1) Accept contributions toward the administration, protection and improvements of lands within or without grazing districts and remit or refund any unappropriated balances of such contributions pursuant to section 9 of the Taylor Grazing Act (43 U. S. C. sec. 315h).

(2) Accept contributions for the purpose of surveying federally-controlled or intermingled lands when authorized by law.

3. Section 1.5 (b) (1) (*g*) is amended to read:

(*g*) Concur with Bureau of Reclamation on withdrawals and restorations in accordance with Department Order 2765 of July 30, 1954.

4. Section 1.7 (a) (2) is amended by adding paragraph (*d*) as follows:

(*d*) The act of March 29, 1928 (45 Stat. 380).

5. Section 1.7 (a) is further amended by adding paragraphs 7 and 8 as follows:

(7) Hold hearings when necessary in connection with the modification of grazing district boundaries. The orders must be approved by the range officer in the Director's office or his delegate prior to publication in the FEDERAL REGISTER.

(8) Approve articles of incorporation, constitutions and by-laws for local associations of stockmen pursuant to 43 CFR 161.13.

6. Section 1.7 (c) is amended to read:

(c) *Appropriation of water.* Applications under State laws to appropriate water on lands under the administration of the Bureau of Land Management where required in connection with projects for the development, control or utilization of water; and procurement of easements or rights-of-way upon or over private lands, and also upon or over federally-owned lands not under the administration of the Bureau and upon or over State, county, and municipally-owned lands where improvements are installed.

7. Section 1.9 (d) is amended to read:

(d) *Exchanges.* Take actions in all matters relating to exchanges of lands and of timber for lands, except where the value of the selected lands or timber exceeds $250,000, and issue quit claim deeds authorized by section 6 of the act of April 28, 1930 (46 Stat. 257).

8. Section 1.9 (i) is amended to read:

(i) Sites for recreational or any public purpose. Take all actions with respect to conveyances and leases to Federal, State, Territory and local governmental units and to non-profit associations and corporations pursuant to 43 CFR Part 254, and other applicable regulations.

9. Section 1.9 (n) is amended to read:

(n) *Rights-of-way.* (1) Grant rights-of-way and easements over public and acquired lands, including revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road Grant Lands in Oregon and over reservations other than Indian Reservations, when authorized by law. However, only the Secretary of the Interior may issue an order pursuant to 43 CFR 244.9 (m), requiring discontinuance without liability or expense to the United States of the use of a right-of-way for the purpose granted. Approve construction in advance of the issuance of a permit or the granting of easements. Actions involving lands within the jurisdiction of any other agency may be taken only with the approval of the head of the Bureau or agency administering the land.

(2) Consent to the appropriation of Federal agencies under the principles of the instructions of January 13, 1916 (44 1d 513; 43 CFR 205.13–205.15) of rights-of-way over unreserved or withdrawn lands. (See 43 CFR, Part 244, footnote 1.)

10. Section 1.9 (v) is amended to read:

(v) *Certificates, scrip and lieu selections.* Take all actions in connection with certificates and scrip under 43 CFR Parts 61 and 130 to 133, inclusive and also forest lieu selections, in accordance with footnote 1, to Part 130, subject to approval of the validity of the scrip or other right.

PART III-A—DELEGATION TO LAND OFFICE MANAGERS

Section 3.9 (i) and (j) are amended to read:

(i) *Sites for recreational or any public purposes.*

(j) *Motion or sound pictures.* Authority limited to lands outside of established grazing and forest districts.

PART IV—REDELEGATION OF AUTHORITY TO THE EASTERN STATES OFFICE SUPERVISOR

Section 4.11 (j) is amended to read:

(j) *Mineral leases of submerged lands of Outer Continental Shelf.* (1) The making of determinations respecting the compliance or non-compliance of mineral leases issued by a State with the requirements of section 6 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U. S. C. 1331 et seq.), provided that such determinations shall be submitted to the Solicitor for concurrence.

(2) Act on all matters involving mineral leases pursuant to the act of August 7, 1953 (67 Stat. 462; 43 U. S. C. 1331 et seq.) and the regulations under 43 CFR, Part 201.

W. G. GUERNSEY,
Acting Director.

[F. R. Doc. 54–8289; Filed, Oct. 21, 1954; 8:47 a. m.]

Bureau of Reclamation

DESCHUTES PROJECT, OREGON

FIRST FORM RECLAMATION WITHDRAWAL

OCTOBER 6, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described land from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

WILLAMETTE MERIDIAN, OREGON

T. 12 S., R. 12 E.,
Sec. 27, Lots 12, 13 and 14.

The above areas aggregate 30.53 acres.

W. A. DEXHEIMER,
Commissioner.

[Misc. 55211]

OCTOBER 18, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

W. G. GUERNSEY,
Acting Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Deschutes Project, Oregon

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Oregon, for use in connection with the proposed development of the Deschutes Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponent of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

W. A. DEXHEIMER,
Commissioner.

[F. R. Doc. 54-8292; Filed, Oct. 21, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

NOTICE OF STUDY OF DAIRY PROGRAMS

Section 204 (f) of the Agricultural Act of 1954 provides as follows:

The Secretary of Agriculture is directed to make a study of the various methods of production control and of the various methods of price support which could be made applicable to milk and butterfat and their products, including programs to be operated and financed by dairymen; and to submit to Congress on or before the 3d day of January, 1955, a detailed report thereof showing among other things the probable costs and effects of each type of operation studied and the legislation, if any, needed to put it into effect. The purpose of the study and report is to develop basic material which can be used by Congress in formulating an improved agricultural program for milk and butterfat and their products. Alternative programs are to be submitted for consideration by Congress and for possible submission to a referendum of dairy farmers. The Secretary may conduct such hearings and receive such statements and briefs in connection with such study as he deems appropriate.

Pursuant to such statute, the Secretary of Agriculture is making a study of the various methods of production control and of price support which could be made applicable to milk and butterfat and their products with the view of submitting a detailed report to the Congress on or before January 3, 1955.

Any interested person may submit any statement or brief concerning any method for controlling the production of milk or for supporting the prices of dairy products. All submissions should be addressed to the Secretary of Agriculture, U. S. Department of Agriculture, Washington 25, D. C. Submissions should be made as soon as possible but in no event later than November 15, 1954, in order that they may be analyzed thoroughly.

Done at Washington, D. C., this 19th day of October 1954.

[SEAL] FREDERICK V. WAUGH,
Director, Agricultural Economics Division, Marketing Research and Statistics.

[F. R. Doc. 54-8324; Filed, Oct. 21, 1954; 8:54 a. m.]

Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY THE NORTH CAROLINA STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE WITH RESPECT TO MARKETING QUOTA REGULATIONS FOR 1955 CROP

Section 729.630 of the Marketing Quota Regulations for the 1955 Crop of Peanuts (19 F. R. 6134), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State Committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the North Carolina State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the person to whom the authority has been redelegated:

NORTH CAROLINA

Sections 729.620 and 729.628—A. P. Hassell, Jr., Chief, Administrative Division, of the Office of the State ASC Committee.

Section 729.622—J. L. Nicholson, Program Specialist, of the Office of the State ASC Committee.

Section 729.624 (b)—H. D. Godfrey, Administrative Officer, of the Office of the State ASC Committee.

Issued at Washington, D. C., this 19th day of October 1954.

[SEAL] J. A. MCCONNELL,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 54-8326; Filed, Oct. 21, 1954; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 166]

N. V. HANDELMAATSCHAPPIJ BLESSING-ETRA AND E. T. R. A. TECHNISCHE ONDERNEMING N. V.

ORDER MODIFYING DENIAL ORDER AND DELETING THE NAMES OF TWO COMPANIES THEREIN

In the matter of: N. V. Handelmaatschappij Blessing-Etra, E. T. R. A. Technische Onderneming N. V., Oostzeedijk 218, Rotterdam, Netherlands, petitioners; Case No. 166.

The Bureau of Foreign Commerce issued an order on November 6, 1953 (18 F. R. 7179) denying United States export privileges for the duration of export controls to Handelshuis J. M. A. Klaasen & Co. et al., Rotterdam, Netherlands, and to such other persons and firms as might be related to said company by ownership, control, position of responsibility or other connection in the conduct of trade involving exports from the United States or services connected therewith. By its terms said order applied to N. V. Handelmaatschappij Blessing-Etra, and E. T. R. A. Technische Onderneming N. V., of Rotterdam, Netherlands, reported to be companies with which said J. M. A. Klaasen & Co. was then associated.

It is established by due proof that on or about June 3, 1954, said N. V. Handelmaatschappij Blessing-Etra and E. T. R. A. Technische Onderneming N. V. disassociated themselves from J. M. A. Klaasen & Co. and since that date have not been related to the latter firm within the meaning of the terms and conditions of the aforesaid denial order; that they have petitioned the Bureau of Foreign Commerce by affidavit dated September 22, 1954 for removal of their names from the said order and for relief from the applicability thereof as to them.

It appearing from said petition and from the affidavit and documents in support thereof that said firms are no longer connected with J. M. A. Klaasen & Co. and that they are therefore entitled to relief as requested, and there appearing to be no reasonable basis to continue to extend the prohibitions of said order to them,

Now, therefore, it is ordered, as follows:

The Bureau of Foreign Commerce order of November 6, 1953 (18 F. R. 7179) is hereby amended and modified by deleting therefrom the names of N. V. Handelmaatschappij Blessing-Etra and E. T. R. A. Technische Onderneming N. V., Rotterdam, Netherlands, and vacating the terms and provisions of said order as they apply to said companies, and each of them. Except as so amended and modified the said order shall continue in full force and effect.

Dated: October 18, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-8287; Filed, Oct. 21, 1954; 8:46 a. m.]

[Case No. 190]

IRVING H. MILLER ET AL.

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of: Irving H. Miller, t/a Dixie Auto Parts, Dixie Export Company, Parts Sales Company, 1630 N. W. 20th Street, Miami, Florida, respondent; Case No. 190.

The respondent, Irving H. Miller, engaged in the export business and doing business under the firm names and styles of Dixie Auto Parts, Dixie Export Company and Parts Sales Company, at 1630 N. W. 20th Street, Miami, Florida, was charged by the Director of the Investigation Staff, Bureau of Foreign Commerce, Department of Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, in that, as alleged, during the period May 1951–September 1952, (1) he applied for two export licenses to ship carbon steel rope to a named ultimate consignee in Cuba, which licenses were granted, and thereafter he shipped quantities of such wire rope under said licenses and export declarations related thereto, to a consignee or consignees other than the one named in the licenses and declarations; (2) he shipped steel wire or wire rope to a number of consignees in Cuba without first obtaining necessary export licenses and without filing necessary declarations; (3) under an export license granted to him and an export declaration executed and filed by him in connection therewith, he shipped a quantity of automotive lubricating oil to a consignee in Cuba other than the one named in his license and export declaration and (4) he attempted to ship to Cuba a large quantity of miscellaneous merchandise under an export declaration in which he did not disclose the true values or nature of the merchandise to be shipped, which merchandise was seized by U. S. Customs.

Respondent duly appeared in this proceeding, was represented by counsel and attended a formal hearing before the Compliance Commissioner, at which evidence in support of the charges was presented.

At the completion of the presentation of evidence in support of the charges, respondent's attorney moved that they be dismissed and his motion was denied on the ground that a prima facie case had been established as to all the charges. Following the denial of the motion to dismiss and during the course of the hearing but before any substantial evidence in opposition to the charges was presented, respondent's counsel requested a recess for the purpose of offering a proposal that a consent order be entered herein. Negotiations for that purpose had been conducted sporadically prior to and at intervals during the hearing. The proposal made by respondent's counsel, in his presence, on the record, was concurred in by the attorney for the Director of Investigation, and it has been approved by the Compliance Commissioner who has recommended that this order be made on the basis of said proposal.

Now, after careful consideration of the entire record, upon the consent of the respondent, Irving H. Miller and the Director of the Investigation Staff, and also upon the recommendation of the Compliance Commissioner, and being of the opinion that this order is necessary to achieve effective enforcement of the law:

It is hereby ordered:

I. All outstanding validated export licenses held by or issued in the name of Irving H Miller, or in any of his trade names, Dixie Auto Parts, Dixie Export Company Parts Sales Company, or any other trade name or corporate successor thereto, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. For the period of one year, commencing October 25, 1954, respondent, individually and t/a Dixie Auto Parts, Dixie Export Company, and Parts Sales Company and his agents, servants and employees, be and they hereby are suspended from and denied all privileges of participating, directly or indirectly in any manner or capacity, in an exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit respondent's participation, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to respondent, but also to any person, firm, corporation, or business organization with which he may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

IV. Upon condition that, during the period commencing October 25, 1954 and until October 24, 1955, the respondent complies in all respects with this order, permits freely and without restriction the inspection by agents of the Bureau of Foreign Commerce and the Bureau of Customs of all records relating to the business of exporting in any capacity, answers all reasonable inquiries by such agents and complies fully with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, respondent may, commencing November 15, 1954, engage in the limited business of representing exporters named in export licenses or exporting under general licenses for the sole purpose of forwarding or transporting the commodities exported or being exported by such persons from the United States provided that he, the respondent, shall have no interest in or profit from any such exportation and his only function in connection therewith shall be the usual, normal and ordinary function of a forwarding agent for which service he shall receive no compensation greater than the usual, normal and ordinary compensation paid by exporters for such services.

V. Upon condition that, during the period commencing October 25, 1954 and until October 24, 1955, the respondent complies in all respects with this order, permits freely and without restriction the inspection by agents of the Bureau of Foreign Commerce and the Bureau of Customs of all records relating to the business of exporting in any capacity, answers all reasonable inquiries by such agents and complies fully with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, respondent may, commencing February 7, 1955, engage in all export privileges otherwise denied to him under Part II hereof.

VI. The privileges conditionally restored to respondent, under Parts IV and V hereof may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that the respondent has, during any portion of the period commencing October 25, 1954 and prior to October 25, 1955, failed to comply with any of the conditions or provisions upon which or whereby, by Parts IV and V hereof, he has been permitted to engage in any phase of the export business otherwise denied to him under Part II hereof, without prejudice to any other action which may be taken by reason of any such new or additional violation. In the event that it be so determined that respondent has breached the conditions of Parts IV or V hereof, the suspension and denial of respondent's export privileges shall be deemed to commence on the day of such determination and shall continue for thirty-seven weeks thereafter or until October 24, 1955, whichever is later.

VII. No person, firm, corporation, or other business organization, during any time when the respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with the respondent while he is engaging in any activity prohibited hereunder, or (c) do any of the foregoing acts with respect to any commodity or exportation in which the respondent may have a proprietory interest of any kind or nature,

direct or indirect, during any time when he is denied any export privileges.

Dated: October 19, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-8288; Filed, Oct. 21, 1954; 8:46 a. m.]

[Case No. 192]

BOOSTERS IRON & METAL CORP. ET AL.

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Boosters Iron & Metal Corporation, Melville B. Boorster, J. George Fox, 2104 East Fifteenth Street, Los Angeles 21, California, Respondents; Case No. 192.

Compliance proceedings were instituted on March 23, 1954, by the transmission of a charging letter issued by the Investigation Staff of the Bureau of Foreign Commerce, United States Department of Commerce, to Boosters Iron & Metal Corporation, Melville B. Boorster and J. George Fox, president and secretary-treasurer, respectively, as well as managing principals of said corporation. After receiving said charging letter said respondents conferred by and through their counsel with officials of the Bureau of Foreign Commerce and thereafter submitted to the Bureau of Foreign Commerce, with the advice of and through such counsel, a statement dated September 22, 1954, admitting, for the purpose of this compliance proceeding only, the charges in said charging letter, waiving a hearing thereon, and consenting to the entry of an export-privilege denial order, the terms of which are set forth below.

The charges to which said respondents have entered their consents, as aforesaid, are that they violated the Export Control Act of 1949, as amended, and the regulations promulgated thereunder in substance as follows:

In connection with the proposed exportation to Japan of 8,000 tons of No. 1 heavy melting steel scrap and No. 2 melting steel scrap and 2,000 tons of baled sheet melting scrap valued at $450,000 for which respondents held an order, they applied to the Office of International Trade (predecessor of the Bureau of Foreign Commerce) on July 24, 1953 for a validated license authorizing the exportation of said quantity of material. In the application respondents represented they had purchased the material from numerous suppliers, mainly auto wreckers, although without submitting evidence thereof as then required by § 373.3 of the export control regulations (15 CFR 373.3).

By reason of having failed to append to the license application the evidence of availability as aforesaid, and for other reasons, OIT returned the application to respondents without action. Thereafter, respondents filed with the Appeals Board of the Department of Commerce an appeal from the action of OIT. In support of the appeal respondents submitted, through counsel, on August 7, 1953, a signed appeal brief in which it was represented, inter alia, that Boosters Iron & Metal Corporation then had on hand ready for immediate delivery 10,000 tons of scrap steel which the corporation had acquired in January 1953.

At the hearing on appeal held before the Appeals Board at Washington, D. C. on September 1, 1953, counsel for respondents was requested by the Board to have respondents furnish the Board with evidence of the availability of the quantity of steel scrap which respondents represented they had acquired in January 1953. Pursuant thereto, respondents transmitted to the Board on October 14, 1953, photostats of three documents purporting to be renewals of original purchase orders entered into between Boosters Iron & Metal Corporation and three separate scrap metal suppliers, all located in the Los Angeles area, covering the sale to Boosters Iron & Metal Corporation of 2,500 tons of No. 1 heavy melting steel and No. 2 heavy melting steel by each named supplier. Each of the aforesaid photostated order renewals was a one-page document on Boosters Iron & Metal Corporation letterhead and bore the date of January 10, 1953; two of the documents were executed by the sellers on September 30, 1953; the other on October 3, 1953.

The facts, however, are that respondents had not purchased 10,000 tons of steel scrap in January 1953 as represented on the license application and in the brief filed with the Appeals Board, as aforesaid. The purported renewal orders submitted to the Board in October 1953 were mere options granted to Boosters Iron & Metal Corporation, on the respective dates of execution by the alleged sellers, cancellable at the will of either party thereto without liability or recourse, and the parties to the option arrangements had not entered into scrap sales contracts on January 10, 1953 or at any other time. Moreover, it was developed that the option agreements between Boosters Iron & Metal Corporation and the alleged sellers, as aforesaid, were two pages in length, the second page thereof, which had been severed by respondents and not submitted to the Board, containing the clear and unmistakable language of the option. It was also established that at the time the license application was filed with OIT, and when the brief was submitted to the Board, that respondents had on hand for delivery only a small part of the scrap under consideration.

The charging letter and the above-stated proposal for a consent order were submitted to a Compliance Commissioner of the Bureau of Foreign Commerce for review as provided in § 382.10 of the export control regulations (15 F. R. 382.10), and the Compliance Commissioner informally reviewed the evidence presented by the Investigation Staff in support of the charges as well as the extenuating circumstances claimed by respondents at a hearing held before him at Washington, D. C. on September 8, 1954. Thereafter he issued his report to the undersigned Director of the Office of Export Supply, therein making the finding that the charges were fully supported by the evidence and that the respondents had violated the Export Control Act and regulations as charged. He also made the finding that the terms and conditions of the proposed denial order as consented to by respondents were fair and reasonable and recommended that such order be issued.

In his report the Compliance Commissioner discussed the deliberate violations of the respondents, as aforesaid, and pointed out that they constituted flagrant misrepresentations to OIT as well as to the Appeals Board. He stated therein that had not the respondents admitted the charges and consented to an order and thereby saved the Government the time and expense of a contested hearing, he would have recommended more serious administrative action than that taken herein. He rejected the extenuating circumstances claimed by respondents as unworthy of credence, pointing out that their alleged inexperience with export transactions offered no excuse for their wilful falsifications and could not be condoned under any circumstances.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the evidentiary material, the proposal for a consent order, and the entire record, from all of which it appears that the Compliance Commissioner's findings are in accordance with the evidence and that his recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses held by or issued in the names of respondents, Boosters Iron & Metal Corporation, Melville B. Boorster, or J. George Fox, or any of them, or any person, firm, corporation, or other business organization with which they, or any of them, are now related by ownership, control, position of responsibility, or other connection, in the conduct of trade involving exports from the United States or services connected therewith, are revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(2) Respondents and each of them are hereby denied all privileges of participating directly or indirectly in any manner or capacity in an exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges participation in an exportation shall be deemed to include and prohibit respondents' participation (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining, applying for, or using of any validated or general license or other export control document, (c) in the receiving in any foreign country of any commodities in whole or in part exported from the United States during the period of this order or to be exported from the United States, and (d) in the financing, forwarding, transporting or other servicing of exports from the United States.

(3) Such denial of export privileges shall apply not only to said respondents, their officers, directors, agents, representatives and employees, but also to any person, firm, corporation, or other business organization with which they, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(4) This order shall extend for a period of twenty four (24) months from the date of issuance, or for the duration of export controls, whichever expires earlier: *Provided, however,* That during the last six (6) months of said period the export privileges which are denied by the terms of this order shall be restored to said respondents without further order of the Bureau of Foreign Commerce, but no validated export licenses revoked under this order shall thereby be restored. In the event, however, that any of the named respondents or persons or firms covered by (3) above shall knowingly violate the terms and provisions of this order or any of the laws or regulations relating to export control during the entire twenty four (24) months period of this order, the Bureau of Foreign Commerce may summarily and without notice to the person or firm responsible for such violation, at such time as it shall determine that such violation has occurred, issue a supplemental order which shall deny to such person or firm all export privileges for the said period which has been held in abeyance with respect to him or it, and shall revoke and cancel all validated export licenses then outstanding and as to which such person or firm may be a party, without thereby limiting the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted.

(5) No person, firm, corporation, or other business organization shall knowingly apply for or obtain any export license, shipper's export declaration, bill of lading, or other export control document relating to an exportation of any commodity from the United States to any foreign destination under validated or general export licenses, or of exportation to Canada, or finance, transport, forward, receive, or otherwise service any commodities thereunder, to or for the named respondents, or any of them, or any person, firm, corporation or other business organization covered by (3) above, without prior disclosure of such facts to, and specific authorization from, the Bureau of Foreign Commerce.

Dated: October 18, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-8286; Filed, Oct. 21, 1954; 8:46 a. m.]

Federal Maritime Board

[Docket No. 767]

PACIFIC COAST EUROPEAN CONFERENCE

NOTICE TO SHOW CAUSE WHY AGREEMENT AND PRACTICES PERTAINING TO BROKERAGE SHOULD NOT BE DISAPPROVED

Notice is hereby given that at a session of the Federal Maritime Board held

at its office in Washington, D. C., on the 19th day of October, 1954, the Board entered the following order:

Whereas, the Pacific Coast European Conference has amended its rule covering brokerage, and

Whereas, the amendment as set forth in the first paragraph of Rule 21, Freight Brokerage, 2nd Revised Page N, of Pacific Coast European Conference Tariff No. 12, issued October 5, 1954, effective September 29, 1954 (Correction No. 231), provides in part "Member Lines must refuse to pay brokerage to any Broker who solicits for, or receives brokerage from, a non-conference line competitor and such Broker will be excluded from the Conference's List of Approved Freight Brokers," and

Whereas, such amendment to said rule appears to be in violation of section 16, (First) and possibly contrary to sections 15 and 17 of the Shipping Act, 1916, and

Now, therefore, pursuant to sections 15, 16, 17, 22 and 25 of the Shipping Act, 1916, and section 9 of the Administrative Procedure Act: *It is, upon the Board's own motion, ordered,* That:

Anglo Canadian Shipping Co., Ltd.; Blue Star Line, Ltd.; Canadian Transport Co., Ltd.; Compagnie Generale Transatlantique (French Line); The East Asiatic Company, Ltd. (A/S Det Ostasiatiske Kompagni); Fruit Express Line A/S; Furness, Withy & Co., Ltd. (Furness Line); Hamburg-Amerika Linie (Hamburg American Line); "Italia" Societa Per Azioni di Navigazione (Italian Line); Dampskibsaktieselskapet Jeanette Skinner, Skibsaktieselskapet Pacific, Skibsaktieselskapet Marie Bakke, Dampskibsaktieselskapet Golden Gate, Dampskibsaktieselskapet Lisbeth (Knutsen Line-Joint Service); Nippon Yusen Kaisha; Norddeutscher Lloyd (North German Lloyd); N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland-America Line); Osaka Shosen Kaisha, Ltd.; Fred. Olsen & Co. (Fred. Olsen Line); Rederiaktiebolaget Nordstjernan (Johnson Line); Rederiet Ocean A/S (J. Lauritizen, Managing Owners) (Lauritizen Line); Royal Mail Line, Ltd.; Seaboard Shipping Company, Ltd.; States Marine Corporation, States Marine Corporation of Delaware (States Marine Lines-Joint Service); Westfal-Larsen & Company A/S (Interocean Line); Western Canada Steamship Company, Limited; regular members of the Pacific Coast European Conference and American President Lines, Ltd., an associate member of said conference; be, and they are hereby, made respondents in this proceeding; and that a copy of this order be served upon each of said respondents;

And it is further ordered, That said respondents show cause before the Board within twenty (20) days after service of this order why their conference agreement (including rules and regulations, understandings and other arrangements) to which respondents or any of them are parties, should not be disapproved;

And it is further ordered, That unless the amendment issued October 5, 1954 to said Freight Brokerage Rule 21 (Correction No. 231) shall be withdrawn pending consideration by the Board, and notice of such withdrawal be transmitted to the Board not later than November 1, 1954, the approval heretofore given to the Pacific Coast European Conference (Agreement No. 5200) shall thereupon, be immediately revoked;

And it is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: October 19, 1954.

By the Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-8327; Filed, Oct. 20, 1954; 8:54 a. m.]

DEPARTMENT OF STATE

Office of German Affairs

[Public Notice 137]

REORGANIZATION OF GERMAN COAL, IRON AND STEEL INDUSTRIES

The following Order No. (V) 6-G issued by the Combined Steel Group of the Allied High Commission for Germany pursuant to Allied High Commission Law No. 27 (Reorganization of German Coal, Iron and Steel Industries), as amended by Allied High Commission Law No. 76, is deemed to be of interest to certain United States citizens as having legal effect upon them or their property. Provision for review of this order will be found in Article 13 of Law No. 27, as amended by Article 4 of Law No. 76.[1]

ORDER No. (V) 6-G

To:

1. Vereinigte Stahlwerke Aktiengesellschaft in Liquidation auf Grund des Gesetzes Nr. 27 uber die Umgestaltung des deutschen Kohlenbergbaues und der deutschen Stahl- und Eisen-Industrie, in Dusseldorf.
2. Rheinstahl-Union Maschinen- und Stahlbau Aktiengesellschaft, in Dusseldorf.
Hannoversche Maschinenbau-Aktien-Gesellschaft vormals Georg Egestorff (Hanomag), Hannover-Linden.
Eisenwerk Wanheim Gesellschaft mit beschrankter Haftung, Duisburg-Wanheim.
Nordseewerke Emden Gesellschaft mit beschrankter Haftung, Emden.
Dortmunder Union Bruckenbau Aktiengesellschaft, Dortmund.
Siegener Eisenbahnbedarf Aktiengesellschaft, Dreis-Tiefenbach, Kreis Siegen.
Concordiahutte Gesellschaft mit beschrankter Haftung, Bendorf/Rhein.
Wagner & Co. Werkzeugmaschinenfabrik Gesellschaft mit beschrankter Haftung, Dortmund.
Gelsenkirchener Bergwerks-Aktien-Gesellschaft, in Essen-Ruhr.
Dortmunder Bergbau Aktiengesellschaft, Dortmund.
Rheinelbe Bergbau Aktiengesellschaft, Gelsenkirchen.
Hansa Bergbau Aktiengesellschaft, Dortmund.
Erin Bergbau Aktiengesellschaft, in Castrop-Rauxel.
Hamborner Bergbau Aktiengesellschaft, in Duisburg-Hamborn.
Dortmund-Horder Huttenunion Aktiengesellschaft, in Dortmund.
Rheinische Rohrenwerke Aktiengesellschaft, in Mulheim-Ruhr.
Huttenwerke Phoenix Aktiengesellschaft, in Duisburg-Ruhrort.

[1] Law No. 27 appears in 15 FEDERAL REGISTER at page 8591. Law No. 76 appears in 19 FEDERAL REGISTER at page 6611.

Rheinisch-Westfalische Eisen- und Stahlwerke Aktiengesellschaft, in Mulheim-Ruhr.

Eisenwerke Mulheim/Meiderich Aktiengesellschaft, Mulheim-Ruhr.

Eisenwerke Gelsenkirchen Aktiengesellschaft, Gelsenkirchen.

Huttenwerke Siegerland Aktiengesellschaft, in Siegen 1/W.

Friedrichshutte Aktiengesellschaft, Herdorf.

3. All other Successor Companies, including their Subsidiaries, of Vereinigte Stahlwerke Aktiengesellschaft in Liquidation.

4. The National City Bank of New York, in New York; Irving Trust Company, in New York; Kreditanstalt fur Wiederaufbau, in Frankfurt/M.

Whereas the Liquidators of Vereinigte Stahlwerke Aktiengesellschaft in Liquidation under Law No. 27 on Reorganization of German Coal and Iron and Steel Industries (hereinafter referred to as "Vereinigte Stahlwerke AG i.L.") have submitted a Plan dated 10 December 1953 (hereinafter referred to as "Plan") for the treatment of claimants under the following dollar bond and debenture issues (hereinafter referred to as "Old Bond Issues"):

Rheinelbe Union Twenty-Year 7 percent Sinking Fund Mortgage Gold Bonds, issued under Indenture, dated as of 1 January 1926. Trustee: Irving Trust Company.

Vereinigte Stahlwerke Aktiengesellschaft, 25-Year 6½ percent Sinking Fund Mortgage Gold Bonds, Series A, issued under Indenture, dated as of 1 June 1926. Trustee: The National City Bank of New York.

Vereinigte Stahlwerke Aktiengesellschaft, 25-Year 6½ percent Sinking Fund Mortgage Gold Bonds, Series C, issued under said Indenture, dated as of 1 June 1926. Trustee: The National City Bank of New York.

Vereinigte Stahlwerke Aktiengesellschaft, 20-Year 6½ percent Sinking Fund Debentures, Series A, issued under Indenture, dated as of 1 July 1927. Trustee: Irving Trust Company,

and

Whereas the Plan provides for the refunding of the outstanding debt under the said Old Bond Issues and the transfer of the debt so refunded to the following successor companies, and no others, derived from Vereinigte Stahlwerke AG i. L. (hereinafter referred to as "Obligor Companies") in the following respective percentages:

	Percent
Rheinstahl-Union Maschinen- und Stahlbau Aktiengesellschaft, Dusseldorf	9. 5000
Gelsenkirchener Bergwerks-Aktiengesellschaft, Essen	25. 3400
Hamborner Bergbau Aktiengesellschaft, Duisburg-Hamborn	1. 5837
Erin Bergbau Aktiengesellschaft, Castrop-Rauxel	4. 7512
Dortmund-Horder Huttenunion Aktiengesellschaft, Dortmund	14. 7065
Rheinische Rohrenwerke Aktiengesellschaft, Mulheim-Ruhr	12. 9414
Huttenwerke Phoenix Aktiengesellschaft, Duisburg-Ruhrort	12. 9414
Rheinisch-Westfalische Eisen- und Stahlwerke Aktiengesellschaft, Mulheim-Ruhr	12. 3535
Huttenwerke Siegerland Aktiengesellschaft, Siegen	5. 8823
	100. 0000

and

Whereas the Obligor Companies will issue their Obligations pursuant to the Plan and to the provisions of the Declaration and Agreement of Deposit attached thereto as Annex 16 (hereinafter referred to as "Declaration"), which Obligations are to be secured by security mortgages to be registered on operating properties (real estate and mining properties) of the following companies (hereinafter referred to as "Mortgagor Companies"), all as provided in the Plan:

Hannoversche Maschinenbau-Aktiengesellschaft, vormals Georg Egestorff (HANOMAG), Hannover-Linden	$712, 500	
Eisenwerk Wanheim Gesellschaft mit beschrankter Haftung, Duisburg-Wanheim	712, 500	
Nordseewerke Emden Gesellschaft mit beschrankter Haftung, Emden	475, 000	
Dortmunder Union Bruckenbau Aktiengesellschaft, Dortmund	190, 000	
Siegener Eisenbahnbedarf Aktiengesellschaft, Dreis-Tiefenbach Kreis Siegen	118, 750	
Concordiahutte Gesellschaft mit beschrankter Haftung, Bendorf/Rhein	95, 000	
Wagner & Co., Werkzeugmaschinenfabrik Gesellschaft mit beschrankter Haftung, Dortmund	71, 250	
		$2, 375, 000
Dortmunder Bergbau Aktiengesellschaft, Dortmund	2, 375, 625	
Rheinelbe Bergbau Aktiengesellschaft, Gelsenkirchen	3, 167, 500	
Hansa Bergbau Aktiengesellschaft, Dortmund	791, 875	
		6, 335, 000
Hamborner Bergbau Aktiengesellschaft, Duisburg-Hamborn		396, 000
Erin Bergbau Aktiengesellschaft, Castrop-Rauxel		1, 188, 000
Dortmund-Horder Huttenunion Aktiengesellschaft, Dortmund		3, 677, 000
Rheinische Rohrenwerke Aktiengesellschaft, Mulheim-Ruhr		3, 235, 000
Huttenwerke Phoenix Aktiengesellschaft, Duisburg-Ruhrort		3, 235, 000
Eisenwerke Mulheim/Meiderich Aktiengesellschaft, Mulheim-Ruhr	1, 235, 200	
Eisenwerke Gelsenkirchen Aktiengesellschaft, Gelsenkirchen	1, 852, 800	
		3, 088, 000
Huttenwerke Siegerland Aktiengesellschaft, Siegen	1, 176, 800	
Friedrichshutte Aktiengesellschaft, Herdorf	294, 200	
		1, 471, 000
		25, 000, 000

and

Whereas such Obligations will be the several Obligations of the respective Obligor Companies and will not provide for any form of joint liability on the part of any of them within the meaning set forth in Annex 15 to the Plan, and

Whereas Kreditanstalt fur Wiederaufbau has agreed to undertake its unconditional guaranty for the fulfillment of the said Obligations and of the Declaration as set forth in the Plan, and

Whereas The National City Bank of New York and Irving Trust Company have, by letter dated 10 December 1953, agreed to act in accordance with the terms of the Plan as Depositaries of the Obligations to be issued by the above-named Obligor Companies, and

Whereas the Combined Steel Group has determined that the Plan provides fair and equitable treatment to the claimants under the Old Bond Issues in compliance with Article 5 of Law No. 27 without prejudicing the rights of other claimants to such fair and equitable treatment.

The combined steel group hereby orders as follows:

ARTICLE I

(1) The "Plan for the Treatment of Claimants under United States Dollar Bond and Debenture Issues of Vereinigte Stahlwerke Aktiengesellschaft in Liquidation"[1] attached hereto and incorporated herein, is approved and enters into force. The refunding and the transfer of the debt so refunded as provided for in the Plan becomes effective as from 1 January 1953. If an Obligor Company was not yet in existence at that date, the debt allocable to it is being transferred to it as of 1 January 1953, effective as of the date of its registration in the commercial register.

(2) Vereinigte Stahlwerke AG i. L., each of the Obligor Companies, each of the Mortgagor Companies, The National City Bank of New York, Irving Trust Company and Kreditanstalt fur Wiederaufbau shall forthwith take, each in its own capacity, all action necessary for the implementation and execution of the Plan. The National City Bank of New York and Irving Trust Company, as Depositaries, shall, in particular, accept and hold the Obligations to be issued by the Obligor Companies subject to the terms and provisions of the Plan and of the Declaration and shall distribute to the claimants under the Old Bond Issues Participation Certificates and Scrip in the form and manner provided in the Declaration.

ARTICLE II

(1) The Mortgagor Companies shall secure the liabilities resulting from the respective Obligations by registering in favor of The National City Bank of New York and Irving Trust Company security mortgages on operating properties (real estate and mining properties) of such mortgagor companies as provided in Article VII of the Plan. These mortgages shall be in the respective amounts set out in Column (2) of Annex 10 of the Plan in currency of the United States of America; no consent of any German authority will be required for the entry of the mortgages in currency of the United States of America; Paragraph 15 of the "Verordnung uber die Entragung von Hypotheken in auslandischer Wahrung vom 13. Februar 1920 (RGBl. S. 231) in der Fassung des Gesetzes vom 12. Marz 1931 (RGBl I S. 31)" shall not be applicable. The mortgages shall be entered as first mortgage liens in the land registers of the real estate to be mortgaged and in the mining registers of the mining properties to be mortgaged; in the cases specified in Article VII, Paragraph 2, sentence 2 of the Plan, the mortgages shall be registered at the rank immediately after the existing liens referred to in Annex 13 to the Plan, but they shall move up to the first rank as soon as and to the extent that the prior liens are either cancelled or revert to the owner, and, in order to assure this result, preliminary notices of cancellation shall be registered in favor of The National City Bank of New York and Irving Trust Company.

(2) The transfer of the mortgages and of the claims secured thereby to successors and assigns of The National City Bank of New York and Irving Trust Company is governed by the general rules of law.

ARTICLE III

(1) To the extent that reservations of priority (Rangvorbehalte) or preliminary notices (Vormerkungen) provided for in previous orders of the Combined Steel Group and the Combined Coal Control Group have been entered in the land registers, the mortgages shall be entered in exercise of such reservations of priority or in cancellation of such preliminary notices.

(2) To the extent that such reservations of priority or such preliminary notices will not be fully utilized by the entry of a mortgage, or will not be made use of for the entry of a mortgage, the reservation of priority or the preliminary notice, ranking after such mortgage, will remain in existence in such a way that the owner shall be entitled to make use of the remaining reservation of priority or of the remaining preliminary notice in favor of any creditor, without prejudicing, however, the rights of any person other than the creditors of the refunded debt to claim a rank below that required for securing such debt.

ARTICLE IV

(1) To prove to the land registry that a real estate or a mining property of a Mortgagor Company is or is not a real estate or a mining property to be mortgaged in accordance with Article II of this Order, the written statement of the Managing Directors (Vorstand) or of the Managers (Geschaeftsfuehrer) of such company shall be sufficient, which statement is not required to be in the form prescribed in Paragraph 29 of the land register ordinance (Grundbuchordnung).

(2) No consent of the party in interest will be required either for the cancellation of a preliminary notice entered pursuant to a previous order of the Combined Steel Group or for the correction of the land register to the extent that such notice was not utilized for the entry of the mortgage.

ARTICLE V

Pursuant to the provisions of Article 5 of Regulation No. 6 under Law No. 27, Vereinigte Stahlwerke AG i.L., is hereby released from any and all liability under any of the Old Bond Issues as from 1 January 1953 and from any and all liability under the refunded new debt as from the date of its transfer to the Obligor Companies. Neither The National City Bank of New York nor Irving Trust Company as Trustees nor any holder of any bond or debenture including interest coupons pertaining thereto under the Old Bond Issues, or of any claim based thereon, shall have any right to enforce the same or any of the provisions of any of the indentures referred to herein against either Vereinigte Stahlwerke AG i.L., or its Liquidators, or against any of its successor companies, or against any of the properties of either Vereinigte Stahlwerke AG i.L. or any of its successor companies or of any subsidiary of any such successor company, and no holder of any such bond or debenture, including interest coupons, under the Old Bond Issues or of any claims based thereon shall have any other right or claim by reason of the holding or ownership thereof, or otherwise, except to surrender the said bond or debenture or interest coupons in exchange for Participation Certificates or Scrip, or both, in the manner provided in the Declaration, after such bond or debenture or interest coupons shall have been validated pursuant to the Validation Law for German Foreign Currency Bonds, dated 25 August 1952, or, in the case of non-validation, to claim compensation uder Part V of said Law against the Obligor Companies, severally, in the respective percentages indicated above.

ARTICLE VI

Article 7, Paragraph 1 of Law No. 27 applies to all measures which will be taken in compliance with the provisions of the Plan or of its Order. The term "Taxes and other duties" used in Law No. 27 will include turnover taxes and transfer taxes as well as other duties, fees and costs, which otherwise would have to be paid in consequence of these measures, subject to the provisions of the following sentence. The treatment of the deconcentration measures for profit and property taxation purposes is determined by the orders of the competent highest fiscal authority of the Land which will establish them in agreement with the persons subject to taxation.

ARTICLE VII

The English and German texts of the Plan and its Annexes are equally authentic.

ARTICLE VIII

This Order, under the authority granted in Regulation No. 22 under Law No. 27 of the Allied High Commission, shall be issued and become effective on 1 October 1954 and is to be published as provided in Decision No. 16 of the Allied High Commission.

W. G. DANIELS,
Acting U. S. Chairman.
E. A. JANET,
French Chairman.
A. H. DAUNCEY,
U. K. Chairman.

For the Secretary of State:

GEOFFREY W. LEWIS,
Deputy Director, Office of German Affairs, Bureau of European Affairs.

OCTOBER 13, 1954.

[F. R. Doc. 54-8207; Filed, Oct. 21, 1954; 8:45 a. m.]

[1] Copies of the Plan may be obtained by interested bondholders by application to the Combined Steel Group, c/o The Allied General Secretariat, Allied High Commission for Germany, Bonn, Germany.

Copies of the Plan are available for inspection by interested bondholders at the following places:

Office of German Affairs, Department of State, Twenty-first Street and Virginia Avenue NW., Washington, D. C.

Corporate Trust Department, The National City Bank of New York, 55 Wall Street, New York, N. Y.

Corporate Trust Department, Irving Trust Company, 1 Wall Street, New York, N. Y.

Public Reference Room, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

The following other offices of the Securities and Exchange Commission:

Federal Building, Post Office Square, Boston, Mass.

Room 350, Peachtree-Seventh Building, Atlanta, Ga.

Room 630, Bankers Building, 105 West Adams Street, Chicago, Ill.

Room 162, New Custom House, 19th and Stout Street, Denver, Colo.

Room 301, United States Court House, 10th and Lamar Streets, Fort Worth, Tex.

42 Broadway, New York, N. Y.

Room 334, Appraisers Building, 630 Sansome Street, San Francisco, Calif.

Room 304, 905 Second Avenue Building, Seattle, Wash.

Room 1628, Standard Building, 1370 Ontario Street, Cleveland, Ohio.

Room 1074, Federal Building, Detroit, Mich.

Room 1737, United States Post Office and Court House, 312 North Spring Street, Los Angeles, Calif.

Room 400, Pioneer Building, Fourth and Roberts Streets, St. Paul, Minn.

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 441]

NOTICE OF RESIGNATION FROM AND APPOINTMENT TO SPECIAL INDUSTRY COMMITTEES NOS. 16A AND 16B FOR PUERTO RICO

On October 18, 1954, David Sternback of San Juan, Puerto Rico, resigned as a member of Special Industry Committees Nos. 16A and 16B.

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby appoint Pablo Ortiz Garcia of Guayama, Puerto Rico, to serve on Committee No. 16A as a representative of employees in the industry for which that Committee was appointed, and Miguel Garriga of Santurce, Puerto Rico, to serve on Committee No. 16B as a representative of employees in the industry for which that Committee was appointed.

Signed at Washington, D. C., at 1:06 p. m., e. s. t., this 18th day of October 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-8293; Filed, Oct. 20, 1954; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11009, 11010, 11012; FCC 54M-1281]

INDEPENDENT TELEVISION, INC., ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Independent Television, Inc., Whitefish Bay, Wisconsin, Docket No. 11009, File No. BPCT-1831; Cream City Broadcasting Company, Inc., Whitefish Bay, Wisconsin, Docket No. 11010, File No. BPCT-1832: The Hearst Corporation, Whitefish Bay, Wisconsin, Docket No. 11012, File No. BPCT-1833; for construction permits for new television broadcast stations (Channel 6).

The Commission having under consideration a motion filed by The Hearst Corporation on October 13, 1954, requesting that the date for exchange by the applicants in this proceeding of their direct cases be extended from October 18, 1954, to October 20, 1954, for the reason that additional time is required by Hearst to complete reproduction of material to be included in its direct case, and

It appearing that counsel for each applicant and for the Chief of the Broadcast Bureau have informally expressed their consent to the immediate consideration and grant of the instant motion, and that a grant thereof will conduce to the orderly dispatch of the Commission's business, and

It further appearing that counsel for all parties have expressed informally their consent to the one-day postponement of the date for the further confer-

ence as hereinafter ordered, now therefore

It is ordered, This 15th day of October 1954 that the above motion for extension of time be and it is hereby granted and the date for submitting the direct affirmative case written exhibits referred to in § 1.841 (a) is extended from October 18, 1954, to October 20, 1954, and it is further ordered that the date for the further conference in this proceeding shall be continued from 10:00 a. m., e. s. t., November 3, 1954, to 10:00 a. m., e. s. t., November 4, 1954, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8319; Filed, Oct. 21, 1954; 8:53 a. m.]

[Docket Nos. 11169-11173; FCC 54M-1278]

TRIAD TELEVISION CORP. ET AL.

FIRST STATEMENT CONCERNING PRE-HEARING CONFERENCES AND ORDER CONTINUING HEARING

In re applications of Triad Television Corporation, Parma, Michigan, Docket No. 11169, File No. BPCT-1846; Booth Radio & Television Stations, Inc., Parma, Michigan, Docket No. 11170, File No. BPCT-1866; Television Corporation of Michigan, Inc., Onondaga, Michigan, Docket No. 11171, File No. BPCT-1870; Jackson Broadcasting & Television Corporation, Parma, Michigan, Docket No. 11172, File No. BPCT-1871; Michigan State Board of Agriculture, Onondaga, Michigan, Docket No. 11173; File No. BPCT-1885; for construction permits for new television stations Channel 10).

1. Pre-hearing conferences were held herein on October 8 and October 11, 1954, and the following agreements were reached among the parties and are found to be acceptable and approved by the Hearing Examiner:

(a) The direct cases, in written form, shall be prepared as follows:

(1) The testimony of each witness shall be prepared in narrative form and shall be submitted under the affidavit of the particular witness.

(2) All narrative statements shall be prepared in double-spaced form. Carbon copies will not be acceptable.

(3) Parties shall be designated by abbreviated names, as follows: Triad, Booth, Michigan, Jackson, Board and Commission Counsel.

(4) Each party shall mark its exhibits with its name and a number. Narrative statements shall be numbered in series, beginning with one. An exhibit connected with a narrative statement shall be given the same number as the narrative statement, plus an identifying letter in series, such as "Triad No. 1-A."

(b) The "direct case" will include the affirmative proposals of each of the parties with respect to its own application, i. e., all data desired to be submitted by the applicant in connection with his qualifications and proposals, and will not include testimony or exhibits in the nature of rebuttal with respect to the proposals of the other parties.

(c) Where the direct case in written form contains testimony of witnesses whose direct testimony appropriately could have been taken by deposition, parties will not object to taking cross-examination of such witnesses through deposition procedures rather than requiring those witnesses to be brought to Washington.

(d) With reference to program proposals, each applicant will submit, as a minimum: (1) Complete program schedule of programs, including the classification of each program by type and source, (2) non-network program descriptions, (3) analyses of proposed typical week by type and source, together with information on spot announcements as required by FCC Form 301.

(e) Each applicant will furnish a minimum of 2 copies (3 copies, if possible without re-doing material already prepared) of its exhibits to each of the other applicants and 1 copy, each, to Commission Counsel and the Examiner.

(f) All parties stipulated that syndicated and feature film is available to all applicants.

(g) Requests for additional information, if needed, should be made at the first pre-hearing conference following the exchange of the exhibits comprising the "direct case." [1]

2. Commission Counsel stated his views as to the showing necessary for the applicants to make in order to meet the issues regarding "overlap" (see Tr. 91-94, 120).

3. After discussion of possible petitions to change the issues, which are contemplated by some of the parties, the Examiner ruled that parties should proceed to prepare their direct cases on the issues as presently constituted, and that, if new issues are added, parties would be given an opportunity to supplement their direct cases to the extent of furnishing exhibits to cover the new issues that are added.

4. In view of heavy and conflicting commitments of some counsel in other pending cases, which were due to circumstances beyond their control, the Examiner found that good cause had been shown for some continuance of the hearing beyond its presently scheduled date. In view of this determination, a series of dates for conferences and for hearing was scheduled, as set forth below. It is recognized, however, that it may be necessary to postpone further the actual hearing date in order to accomplish the pre-hearing procedures contemplated in the Commission's new rules.

[1] After discussion, the Examiner ruled that material not included in an applicant's exhibits, which was later furnished by such applicant on request, could not properly be offered by such applicant as part of its "direct case." Whether it may properly be offered as part of such applicant's rebuttal case will be ruled on if and when a specific offer is made.

October 29, 1954, 2:00 p. m.: Pre-hearing Conference.

December 1, 1954, 2:00 p. m.: Pre-hearing Conference at which parties will exchange exhibits comprising their direct cases on issues as presently constituted.

December 9, 1954, 10:00 a. m.: Pre-hearing Conference for purposes of § 1.841 (c).

December 10, 1954, 10:00 a. m.: Hearing for receiving exhibits and taking testimony.

It is ordered, This 15th day of October 1954, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Examiner for cause or by the Commission upon review of the Examiner's ruling.

It is further ordered, That the hearing, heretofore scheduled for November 22, 1954, is hereby continued until December 10, 1954, and that pre-hearing conferences are scheduled at the dates and times specified in paragraph 4, above.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8320; Filed, Oct. 21, 1954; 8:53 a. m.]

[Docket Nos. 11202, 11203, 11204; FCC 54-1286]

MINERS BROADCASTING SERVICE, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Miners Broadcasting Service, Inc., Ambridge, Pennsylvania, Docket No. 11202, File No. BP-9102; Louis Rosenberg, Tarentum, Pennsylvania, Docket No. 11203, File No. BP-9192; Theodore H. Oppegard and Carl R. Lee, doing business as Somerset Broadcasting Company, Painesville, Ohio, Docket No. 11204, File No. BP-9358; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of October 1954;

The Commission having under consideration the above-entitled applications of the Miners Broadcasting Service, Inc.; Louis Rosenberg and the Somerset Broadcasting Company, for construction permits for new standard broadcast stations to operate on 1460 kilocycles with a power of 500 watts, daytime only, at Ambridge, Pennsylvania; Tarentum, Pennsylvania, and Painesville, Ohio, respectively;

It appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 6, 1954, of deficiencies in their respective applications and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing, that each applicant replied and requested a comparative hearing; and

It further appearing, that each applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the operation of Miners Broadcasting Service, Inc. is mutually exclusive with the proposal of Louis Rosenberg; would cause interference to the proposal of the Somerset Broadcasting Company; and may not provide the recommended minimum of interference-free service within its normally protected daytime contour (0.5 mv/m) because of interference from Station WBNS, Columbus, Ohio, and the proposal of the Somerset Broadcasting Company; that the operation of Louis Rosenberg is mutually exclusive with the proposal of the Miners Broadcasting Service, Inc.; and would cause interference to the proposal of the Somerset Broadcasting Company; that the proposed operation of the Somerset Broadcasting Company would cause interference to the proposal of the Miners Broadcasting Service, Inc.; and would cause borderline interference to the proposal of Louis Rosenberg; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine whether the operations proposed by the Somerset Broadcasting Company and the Miners Broadcasting Service, Inc., would involve objectionable interference with each other, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the installation and operation of the station proposed by Miners Broadcasting Service, Inc., would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing the required minimum of interference-free service within its normally protected daytime contour (0.5 mv/m) because of interference from Station WBNS, Columbus, Ohio, and the proposal of the Somerset Broadcasting Company.

4. To determine whether the operations proposed by Louis Rosenberg and the Somerset Broadcasting Company would involve objectionable interference with each other, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the operations proposed by Louis Rosenberg and the Somerset Broadcasting Company would involve objectionable interference with each other, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8321; Filed, Oct. 21, 1954; 8:54 a. m.]

[Change List 87]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 30, 1954.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power kw	Antenna	Schedule	Class	Probable date to commence operation
		650 kilocycles				
CKYL	Peace River, Alberta (assignment of call letters).	0.25	DA-1	U	III	
		710 kilocycles				
New	Leamington, Ontario	0.25	DA	D	II	E. I. O. Sept. 29, 1955.
		900 kilocycles				
CJBR	Rimouski, Province of Quebec	10 kw	DA-N	U	II	Sept. 29, 1955.
		1110 kilocycles				
CKGR	Galt, Ontario	0.25	ND	D	II	Assignment of call letters. Now in operation.
		1280 kilocycles				
CJOC	Lethbridge, Alberta	10 kw D/5 kw N	DA-N	U	II	Sept. 29, 1955.
		1230 kilocycles				
CFCW	Camrose, Alberta	0.25	ND	U	IV	Assignment of call letters.
		1340 kilocycles				
CHRD	Drummondville, Province of Quebec (assignment of call letters).	0.25	ND	U	IV	Jan. 30, 1955.
		1400 kilocycles				
New	Bathurst, New Brunswick	0.25	ND	U	IV	Sept. 29, 1955.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8322; Filed, Oct. 21, 1954; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1382, G-1533, G-1881]

NORTHERN NATURAL GAS CO.

ORDER AMENDING ORDER REOPENING PROCEEDINGS FOR LIMITED PURPOSES AND FIXING DATE OF HEARING

Upon further consideration of the order issued herein on October 8, 1954, the Commission orders: paragraphs (A) through (D) thereof be and they are hereby amended to read as follows:

(A) The proceedings at Docket Nos. G-1382 and G-1533 be and they are hereby reopened for the limited purpose of receiving evidence with respect to:

(1) Northern's actual cost of service during the period commencing September 27, 1950, and continuing through June 26, 1952, including the rate of return to be allowed Northern, and the portion thereof properly attributable to sales made under those schedules of increased rates and charges which were

the subjects of the proceedings at Docket Nos. G–1382 and G–1533.

(2) The volumes of gas sold and delivered to each customer at each point of delivery under each monthly billing period for the period of September 27, 1950, to June 26, 1952, both inclusive, and the related amounts collected under each such schedule during each billing period.

(3) The method of determining the amounts to be refunded to each of those entitled thereto, and the fixing of the amounts to be refunded to each such person, including interest at the rate of six percent (6%) per annum.

(B) The proceedings at Docket No. G–1881 be and they are hereby reopened for the limited purpose of receiving evidence to show whether the increased rates and charges set forth in the rate schedules filed pursuant to the aforesaid Opinion No. 233 and accompanying order at Docket No. G–1881, which are designated as Third Revised Sheet No. 5 and First Revised Sheet No. 12 (a) of Northern's FPC Gas Tariff, First Revised Volume No. 2, and effective as of June 27, 1952, are justified for the period June 27, 1952, through December 26, 1953, or whether a portion thereof should be found not justified and ordered to be refunded.

(C) The public hearing in these reopened proceedings be held commencing at 10:00 o'clock, a. m., e. s. t., on October 25, 1954, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters specified in paragraphs (A) and (B) above.

(D) All parties heretofore permitted to intervene in the proceedings at Docket Nos. G–1382, G–1533, and G–1881 may participate in these reopened proceedings.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 14, 1954.

Issued: October 15, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–8295; Filed, Oct. 21, 1954; 8:48 a. m.]

[Docket No. G–2499]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

The Applicant in this proceeding has requested that its application for a certificate of public convenience and necessity to construct and operate certain facilities and to sell and deliver natural gas as described in its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application was filed on July 23, 1954, pursuant to section 7 of the Natural Gas Act, and a supplement was filed August 30, 1954. Due notice of the filing of the application was given, including publication in the FEDERAL REGISTER on August 11, 1954 (19 F. R. 5067). Several petitions to intervene were filed on August 6 and 25, 1954.

The Commission finds:

(1) This proceeding is not a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

(2) It is necessary and proper in the public interest and in aid of the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in sections 7 and 15 of the act, concerning the matters involved in and the issues raised by the application of Southern Natural Gas Company in this proceeding.

The Commission orders:

(A) Southern Natural Gas Company's request for a hearing pursuant to the terms of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure be and the same is hereby denied.

(B) Pursuant to the authority contained in sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 9, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–8313; Filed, Oct. 21, 1954; 8:52 a. m.]

[Docket No. G–2555]

AMERE GAS UTILITIES CO.

ORDER AMENDING ORDER SUSPENDING PROPOSED TARIFF SHEETS

Amere Gas Utilities Company (Amere), on July 20, 1954, tendered for filing its proposed FPC Gas Tariff, Second Revised Volume No. 1, proposing an increase in rates and charges to Bluefield Gas Company to become effective August 20, 1954. On August 19, 1954, the Commission issued an order suspending the proposed increase for five months provided by section 4 (e) of the Natural Gas Act until January 20, 1955.

Subsequently, on September 13, 1954, Amere filed an application for reconsideration and amendment of the Commission's order issued August 19, 1954. Such an application is, in effect, an application for rehearing, provision for which is made under section 19 (a) of the Natural Gas Act, and we shall consider it as such. In its application, Amere requests that the Commission reconsider and amend its order issued August 19, 1954, so far as it relates to the suspension of the proposed increase in rates and charges to Bluefield Gas Company until January 20, 1955.

Amere's principal supplier has filed a proposed increase in rates which may become effective on November 1, 1954, subject to refund.

The Commission orders: Paragraph (B) of the order issued August 19, 1954, in this docket be and the same hereby is amended to read as follows:

(B) Pending such hearing and decision thereon, Amere's FPC Gas Tariff, Second Revised Volume No. 1, be and the same is hereby suspended and the use thereof is deferred until November 1, 1954, and until such further time thereafter as said proposed FPC Gas Tariff, Second Revised Volume No. 1, may be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

Adopted: October 14, 1954.

Issued: October 14, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–8294; Filed, Oct. 21, 1954; 8:48 a. m.]

[Docket No. G–2723]

HOLLY DEVELOPMENT CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Holly Development Company (Applicant), organized under the laws of the State of California with a principal place of business at Los Angeles, California, filed, on September 10, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas, subject to the jurisdiction of the Commission, all as more fully represented and described in the application.

The application recites that Holly Development Company is engaged in the sale of natural gas in interstate commerce to Mountain Fuel Supply Company in the South Baxter Basin Field, Sweetwater County, Wyoming.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on November 2, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–8296; Filed, Oct. 21, 1954; 8:49 a. m.]

[Docket No. G–2765]

TASCOSA GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Tascosa Gas Company (Applicant) a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, filed an application on September 14, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas subject to the jurisdiction of the Commission, all as more fully described in its application.

Applicant states that it produces natural gas in the Texas-Hugoton Field in Sherman and Hansford Counties, Texas, and the Guymon-Hugoton Field in Texas County, Oklahoma, and proposes to sell natural gas in interstate commerce to Phillips Petroleum Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 5, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–8314; Filed, Oct. 21, 1954; 8:52 a. m.]

[Docket No. G–2774]

M. A. HALSEY

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

M. A. Halsey (Applicant), an individual whose address is P. O. Box 494, Tulsa, Oklahoma, filed an application on September 15, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas subject to the jurisdiction of the Commission, all as more fully described in his application.

Applicant states that he produces natural gas in the Athens Field, Claiborne Parish, Louisiana; that he has sold and proposes to continue to sell natural gas in interstate commerce to Arkansas-Louisiana Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 5, 1954, at 9:35 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–8315; Filed, Oct. 21, 1954; 8:52 a. m.]

[Docket No. G–2820]

KINRICH GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Kinrich Gas Company (Applicant), operating as a partnership in the State of Kentucky with a principal place of business at Prestonburg, Kentucky, filed, on September 20, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas, subject to the jurisdiction of the Commission, all as more fully represented and described in the application.

The application recites that Kinrich Gas Company, a partnership, is engaged in the sale of natural gas in interstate commerce to Kentucky West Virginia Gas Company in Pike County, Kentucky.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on November 2, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–8297; Filed, Oct. 21, 1954; 8:49 a. m.]

[Docket No. G–2823]

KING-LOC PETROLEUM CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that King-Loc Petroleum Company (Applicant), an Arizona corporation with its principal office in Phoenix, Arizona, filed on September 20, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act,

authorizing Applicant to make sales of natural gas as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Blanco (Mesa Verde formation) and South Blanco (Pictured Cliff formation) Fields in Rio Arriba County, New Mexico, which it sells to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of October, 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 5, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8316; Filed, Oct. 21, 1954; 8:53 a. m.]

[Docket No. G-2833]

STEWARTS CREEK GAS COMPANY #1

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Stewarts Creek Gas Company No. 1 (Applicant), a West Virginia organization, with its principal place of business at Glenville, West Virginia, filed an application on September 20, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas subject to the jurisdiction of the Commission, all as more fully described in its application.

Applicant states that it produces natural gas from acreage located in Stewarts Creek Field, Gilmer County, West Virginia, and proposes to sell natural gas in interstate commerce to Equitable Gas Company.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of November 1954. The application is on file with the Commission for public inspection.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 5, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8298; Filed, Oct. 21, 1954; 8:49 a. m.]

[Docket No. G-2852]

JOHN A. WALTERS AND O. W. KERSHAW

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

John A. Walters and O. W. Kershaw (Applicants), whose address is Box 949, Manhattan, Kansas, filed an application on September 20, 1954, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to sell natural gas subject to the jurisdiction of the Commission, all as more fully described in said application.

Applicants state that they produce natural gas in the Hugoton Gas Field of Kansas, and propose to sell natural gas in interstate commerce to Northern Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 2, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8317; Filed, Oct. 21, 1954; 8:53 a. m.]

[Docket No. G-2842]

FAIN & MCGAHA

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Fain & McGaha (Applicant), operating under the laws of the State of Texas, with a principal office in Wichita Falls, Texas, filed, on September 20, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to make sales of natural gas, subject to the jurisdiction of the Commission, all as more fully represented and described in the application.

The application recites that Applicant is engaged in the sale of natural gas in interstate commerce to Lone Star Gas Company in the Moran Field, Callahan County, Texas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure

Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 5, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8299; Filed, Oct. 21, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-338]

ALLEGHANY CORP.

ORDER POSTPONING HEARING

OCTOBER 18, 1954.

On July 7, 1954, this Commission issued its notice of and order for hearing in these proceedings (Investment Company Act Release No. 1990) ordering that hearings herein be held July 27, 1954. On July 19, 1954, Alleghany Corporation filed a motion to postpone said hearings until a date to be subsequently determined, and pursuant to stipulations between Alleghany and the Commission said hearings were postponed from time to time until October 19, 1954.

Alleghany having renewed its motion to postpone, on October 15, 1954, it was further stipulated between Alleghany and the Commission that the hearings in these proceedings be further postponed subject to call of the Trial Examiner but with not less than 15 days notice to Alleghany: *Provided, however,* That if the Interstate Commerce Commission, before call of the Trial Examiner, revokes, modifies or suspends its order dated June 5, 1945, entered in Finance Docket 14692, in such manner as to relieve Alleghany from compliance with certain provisions of the Interstate Commerce Act specified in said order, then until the conclusion of the hearings herein Alleghany will not, without first obtaining the approval of this Commission, engage in any act or consummate any transactions which, if Alleghany were registered under the Investment Company Act of 1940, would by the terms of that Act either be prohibited or require an order of this Commission exempting or approving such transactions before their consummation.

The Commission being of the opinion, on the basis of the stipulation of October 14, 1954, above recited, that the motion to postpone the hearings in these proceedings may appropriately be granted in the public interest and the interest of investors:

It is hereby ordered, That the motion to postpone the hearings ordered to be held on October 19, 1954, in these proceedings be, and the same hereby is granted and said hearings be and the same are hereby postponed subject to call of the Trial Examiner but with not less than 15 days notice to Alleghany.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8301; Filed, Oct. 21, 1954; 8:50 a. m.]

[File No. 812-894]

DETROIT AND CLEVELAND NAVIGATION CO.

NOTICE OF FILING REQUESTING ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATED PERSONS

OCTOBER 20, 1954.

Notice is hereby given that Detroit and Cleveland Navigation Company ("D & C"), a registered closed-end, non-diversified investment company, has filed an application pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 (the "act") for exemption from the provisions of section 17 (a) (2) of the participation by any affiliated person of D & C or an affiliated person of such a person in a proposed exchange of securities.

Subject to the affirmative vote of 2/3 of its shareholders, D & C proposes to partially liquidate by offering to each of its shareholders the opportunity to surrender part or all of his holdings of shares of the company for cancellation and redemption, and to receive in exchange certain of D & C's portfolio common stocks and cash having an aggregate value of $16.25 for each of D & C's shares surrendered. The portfolio securities to be exchanged and the price per share assigned for such purpose are as follows: Fruehauf Trailer Company at $28¼, American Optical Company at $37⅞ and Denver Chicago Trucking Company, Inc. at $13. Approximately 90 percent of D & C's assets of about $7,000,000 consists of 115,900 shares of Fruehauf Trailer Company, 54,100 shares of American Optical Company and 150,000 shares of Denver-Chicago Trucking Company, Inc.; the other assets consist of certain vessels and a small amount of cash and cash items.

Shareholders of D & C will have the right to specify first and second choices of the stocks which they will accept in exchange and such choices will be honored in order either in full or pro rata. No fractional shares of portfolio stocks will be exchanged and any balances will be paid in cash. The right of shareholders to effect exchanges will expire 20 days after mailing of the notice thereof.

The application indicates that the exchange offer represents a compromise between D & C shareholders desiring an immediate liquidation of the company in its entirety (represented by a majority of the Board of Directors) and George J. Kolowich, former President of the company, and his associates, who are opposed to immediate liquidation.

Kolowich has agreed with the Board of Directors of D & C to vote his shares in favor of the proposed exchange offer and to take certain steps in implementation thereof. Kolowich has further agreed not to accept the exchange offer and to endeavor to persuade his associates to do the same. It is a condition to Kolowich's agreement that a derivative law suit brought against Kolowich and others on behalf of the company and its shareholders, in the United States District Court for the Eastern District of Michigan, be dismissed: In accordance with this condition a Motion for Dismissal has been filed by the Plaintiffs and will be heard on October 26, 1954. The application states that the fairness of the proposed exchange will of necessity be submitted to and scrutinized by the Court prior to the entry of an order dismissing said action. The agreement with Kolowich also provides that upon dismissal of said suit D & C will pay the attorneys for the Plaintiffs the sum of $40,000 for their service to D & C.

The price of $16.25 at which D & C's shares are proposed to be exchanged is stated to have been arrived at in arm's-length negotiations between the various interests in said law suit.

The price of the stocks of Fruehauf Trailer Corporation and American Optical Company is the closing price of these stocks on the New York Stock Exchange on September 22, 1954. The price of the Denver Chicago Trucking Company stock, which is not listed on any stock exchange, is stated to have been arrived at by arm's-length negotiations.

Section 17 (a) (2) of the act prohibits, among other things, an affiliated person of a registered investment company or an affiliated person of such a person, from purchasing any security from such registered company, subject to certain exceptions not here material, unless the Commission, upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a). Under the terms of section 17 (b) an exemption shall be granted by the Commission if evidence establishes: that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act; and that the proposed transaction is consistent with the general purposes of the act. D & C has requested that the Commission issue an order exempting the transaction from the provisions of section 17 (a) (2) to the extent applicable, pursuant to an order under section 17 (b) of the act.

D & C represents that the terms of the proposed transaction are reasonable and fair; that the partial liquidation to be effected by the exchange is consistent with the only policy stated in its registration statement, namely that of possible liquidation of the company, and consistent with the purposes of the act.

Notice is further given that any interested person may not later than November 1, 1954, at 5:30 p. m., submit to

the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N–5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–8351; Filed, Oct. 21, 1954; 8:54 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 34]

SOUTH CAROLINA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about October 15, 1954, because of the disastrous effects of hurricane, floods and excessive rainfall, damage resulted to residences and business property located in certain areas in the State of South Carolina; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Dillon, Georgetown, Horry, Marion.

Small Business Administration Regional Office, Southern States Building, Seventh and Main Streets, Richmond 19, Va.

Small Business Administration Branch Office, Independence Building, Room 1315, 102 West Trade Street, Charlotte, N. C.

2. A special field office will be established October 22, 1954 at the City Hall, Myrtle Beach, South Carolina, to receive and process such applications.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to April 30, 1955.

Dated: October 18, 1954.

W. NORBERT ENGLES, *Acting Administrator.*

[F. R. Doc. 54–8302; Filed, Oct. 21, 1954; 8:50 a. m.]

[Declaration of Disaster Area 35]

NORTH CAROLINA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about October 15, 1954, because of the disastrous effects of hurricane, floods and excessive rainfall, damage resulted to residences and business property located in certain areas in the State of North Carolina; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Beaufort, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Franklin, Greene, Harnett, Johnston, Jones, Lenoir, Nash, New Hanover, Onslow, Pamlico, Pender, Pitt, Robeson, Sampson, Vance, Wayne, Wake, Wilson, Warren.

Small Business Administration Regional Office, Southern States Building, Seventh and Main Streets, Richmond 19, Va.

Small Business Administration Branch Office, Independence Building, Room 1315, 102 West Trade Street, Charlotte, N. C.

2. A special field office will be established October 22, 1954 at Room 100–A, Custom House, Wilmington, North Carolina, to receive and process such applications.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to April 30, 1955.

Dated: October 18, 1954.

W. NORBERT ENGLES, *Acting Administrator.*

[F. R. Doc. 54–8303; Filed, Oct. 21, 1954; 8:50 a. m.]

[Declaration of Disaster Area 36]

NEW JERSEY

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about October 15, 1954, because of the disastrous effects of hurricane, floods and excessive rainfall, damage resulted to residences and business property located in certain areas in the State of New Jersey; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Mercer, Ocean, Burlington, Camden, Gloucester, Atlantic, Salem, Cumberland, Cape May.

Small Business Administration Regional Office, 1015 Chestnut Street, Room 1118, Philadelphia 7, Pa.

2. Special field offices to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to April 30, 1955.

Dated: October 18, 1954.

W. NORBERT ENGLES, *Acting Administrator.*

[F. R. Doc. 54–8304; Filed, Oct. 21, 1954; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

DISPOSITION OF RAW OPTICAL GLASS BLANKS HELD IN NATIONAL STOCK PILE

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 597, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of 668 pieces of raw optical glass blanks now held in the National Stock Pile.

This quantity of raw optical glass blanks is no longer needed in the National Stock Pile because of a revised determination on October 4, 1954, by the Office of Defense Mobilization that newer and better designs render the present material no longer useful in time of war. The material is therefore obsolescent within the meaning of said section 3 (e).

The Department of the Air Force which has a requirement for optical glass has expressed itself as interested in acquiring this material for current requirements. Accordingly, it is proposed to transfer the 668 pieces of raw optical glass blanks to the Air Force on and after April 22, 1955, on the basis of reimbursement for actual costs to stockpile funds. The proposed disposition will have no disruptive effect on the market for raw optical glass blanks.

Disposition of the 668 pieces of raw optical glass blanks as outlined above has been proposed in order to avoid (1) expensive and costly waste of this material, and (2) continuing storage charges.

Dated: October 20, 1954.

A. J. WALSH, *Commissioner, Emergency Procurement Service.*

[F. R. Doc. 54–8372; Filed, Oct. 21, 1954; 12:03 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29806]

PULPWOOD FROM EVADALE, TEXAS, TO WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

OCTOBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Pulpwood, carloads.

From: Evadale, Tex.

To: Points in Iowa, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

Grounds for relief: Rail competition, circuity, market competition, grouping, rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4122, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8305; Filed, Oct. 21, 1954; 8:51 a. m.]

[4th Sec. Application 29807]

CEMENT FROM CENTRAL TERRITORY TO POINTS IN EAST

APPLICATION FOR RELIEF

OCTOBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinseh, Agent, for carriers parties to schedules indicated below.

Commodities involved: Cement and related articles, carloads.

From: Producing points in Illinois, Indiana, Ohio, New York, and Pennsylvania.

To: Points in Virginia, Maryland, West Virginia, Kentucky, North Carolina, and Cincinnati, Ohio.

Grounds for relief: Rail competition, circuity, market competition, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 3826, supplement 71, and other schedules listed in appendix "A" of the application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8306; Filed, Oct. 21, 1954; 8:51 a. m.]

[4th Sec. Application 29808]

ASPHALT FROM BLAKELY, ALA., TO BIRMINGHAM, ALA., DISTRICT

APPLICATION FOR RELIEF

OCTOBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Asphalt (asphaltum), in tank-car loads.

From: Blakely, Ala.

To: Birmingham, Ala., and points in the Birmingham district.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 424, supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8307; Filed, Oct. 21, 1954; 8:51 a. m.]

[4th Sec. Application 29809]

CLAY FROM POINTS IN SOUTH TO POINTS IN NORTH CAROLINA AND GEORGIA

APPLICATION FOR RELIEF

OCTOBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Clay, kaolin or pyrophyllite, carloads.

From: Points in Florida, Georgia, North Carolina, South Carolina, and Virginia.

To: Waynesboro, Ga., Fairmont, Laurinburg, Lumberton, and Red Springs, N. C.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula, and additional origins and destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1323, supp. 64.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position the intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8308; Filed, Oct. 21, 1954; 8:51 a. m.]

[4th Sec. Application 29810]

BEET SUGAR FINAL MOLASSES FROM BINGHAM, EAST GRAND FORKS, AND WILDS, MINN., TO MILWAUKEE, WIS.

APPLICATION FOR RELIEF

OCTOBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application

for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Beet sugar final molasses, in tank-car loads.

From: Bingham, East Grand Forks, and Wilds, Minn.

To: Milwaukee, Wis.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: V. P. Brown, Agent, I. C. C. No. 2, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8309; Filed, Oct. 21, 1954; 8:51 a. m.]

[4th Sec. Application 29811]

GRAIN FROM MEMPHIS, TENN., TO POINTS IN LOUISIANA

APPLICATION FOR RELIEF

OCTOBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Memphis, Tenn.

To: New Orleans and Baton Rouge, La., and points in Louisiana (west of the Mississippi River).

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3940, supp. 42; C. A. Spaninger, Agent, I. C. C. No. 1353, supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8310; Filed, Oct. 21, 1954; 8:51 a. m.]

[4th Sec. Application 29812]

CAUSTIC SODA FROM BATON ROUGE, LA., TO FOLEY, FLA.

APPLICATION FOR RELIEF

OCTOBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Caustic soda, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Foley, Fla.

Grounds for relief: Competition with rail carriers, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1400, supp. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8311; Filed, Oct. 21, 1954; 8:52 a. m.]

[4th Sec. Application 29813]

AMMUNITION BOXES FROM TRUNK-LINE AND NEW ENGLAND TERRITORIES TO CHICAGO AND SAVANNA, ILL., AND LA PORTE, IND.

APPLICATION FOR RELIEF

OCTOBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedules shown in exhibit "A" of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Ammunition boxes, carloads.

From: Specified points in trunk-line and New England territories.

To: Chicago and Savanna, Ill., and La Porte, Ind.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8312; Filed, Oct. 21, 1954; 8:52 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 19 NUMBER 207

Washington, Saturday, October 23, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (12) is added to § 6.304 as set out below.

§ 6.304 *Department of Defense*—(a) *Office of the Secretary.* • • •

(12) One Executive Assistant to the Assistant Secretary of Defense for Legislative and Public Affairs.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-8352; Filed, Oct. 22, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 27]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.327 *Valencia Orange Regulation 27*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on October 21, 1954, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 24, 1954, and ending at 12:01 a. m., P. s. t., October 31, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 369,600 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

All of the cumulative pocket supplements and revised books of the Code of Federal Regulations (as of January 1, 1954) are now available, except the supplements to Titles 1–3 and to the General Index.

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified in this section.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 22, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8428; Filed, Oct. 22, 1954; 11:22 a. m.]

[Lemon Reg. 559, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order as amended. The provisions in paragraphs (b) (1) (ii) and (iii) of § 953.666 (Lemon Regulation 559; 19 F. R. 6674) are hereby amended to read as follows:

(ii) District 2: 245 carloads.
(iii) District 3: 20 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 20, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8356; Filed, Oct. 22, 1954; 8:50 a. m.]

[Lemon Reg. 560]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.667 *Lemon Regulation 560*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 20, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 24, 1954, and ending at 12:01 a. m., P. s. t., October 31, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 230 carloads;
(iii) District 3: 10 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 559 (19 F. R. 6674) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 21, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8399; Filed, Oct. 22, 1954; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 27]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

MAINTENANCE-TIME LIMITATIONS

The purpose of this revision is to reflect a change in policy with respect to the establishment and revision of maintenance-time limitations. Language similar to that used in CAM 40 and CAM 41 has been incorporated to standardize the establishment and revision of maintenance-time limitations for all air carrier aircraft irrespective of the basis for certification.

1. Section 42.31–3 is deleted.

2. Section 42.32–5 is changed to a policy and paragraph (b) revised to read as follows:

§ 42.32–5 *Maintenance manual (CAA policies which apply to § 42.32 (d) (1)).*

• • •

(b) *Maintenance-time limitations.* The approved time limitations for inspection and overhauling of aircraft, aircraft engines, propellers, and appliances must be those time limitations substantiated by, and approved for, the air carrier operator by the Administrator. Initial approval of the time limitations or approval of amendments to the time limitations will be accomplished by the regional office of the region in which the principal maintenance base is located. This approval will be based, to a large extent, on the recommendation of the Aviation Safety Agent—Aircraft Maintenance assigned to the operation. The inspection and overhaul time limitations applicable to airframes, powerplants, propellers, and appliances will be revised on the basis of service experience. When the service records indicate that any component or subcomponent consistently requires repair, adjustment, or other maintenance because of damage, wear, or deterioration, within the current time limitations, the air carrier will be responsible for initiating corrective action. The procedures for amendment of such time limitations are as follows:

(1) *Notification of intent to amend time limitations.* An operator desiring to amend the currently approved time limitations should advise the Aviation Safety Agent—Aircraft Maintenance assigned to his operation at least 15 days prior to the submission of his intention to amend the time limitations indicating the components involved and the desired change.

(2) *Application for amendment.* The operator shall submit a written application in the form of a letter outlining the desired changes and attaching complete substantiating data. The letter shall include a statement to the effect that the operating, service, and overhaul records of the involved components for the past 90 days indicate that the changes requested will not adversely affect the continuous condition of airworthiness and safety of operation of the involved component. The substantiating data to be submitted with this letter will include a record of all mechanical irregularities, and malfunctions, and flight interruptions experienced during the preceding 90 days of operation. It will also include overhaul and inspection records pertaining to the most recent overhauls and inspections conducted on the involved components, under the currently approved time limitations.

(3) *Procedure for establishing initial or revised time limitations.* Time limitations may be established in terms of hours of operation, multiples of engine overhaul periods, or multiples of inspection periods. Time limitations for components on which deterioration is not necessarily a function of operating hours, such as electronic units, pitot tubes, and emergency flotation equipment, may be established in terms of calendar months. Certain items may be maintained on an on-condition overhaul basis. On-condition overhaul is applicable to components on which a determination of airworthiness may be made by visual inspection, measurements, tests, or other means without a teardown inspection or overhaul.

(i) *Airframe, initial time limitations.* The initial time limitations for overhauls, inspections, or checks of airframes may be established on a recurrent fixed time basis or by adoption of a structural inspection specification covering procedures, such as pattern inspections, block overhauls, or progressive inspections. Regardless of the basis upon which the time limitations are established, the same basic standards will be applicable. The maintenance program must specify checks, inspections, and overhauls to be performed and times at which they will be performed.

(ii) *Appliances, initial time limitations.* Initial time limitations for inspections, bench checks, major inspections, or overhaul, as applicable, to the appliance involved, should not be greater than those limitations applicable to the same or similar appliances used in existing aircraft operated by the air carrier. When the usage or installation of such appliances differs to a substantial extent from the previous usage or installation, the time limitations shall be adjusted to reflect the extent of such difference. When new usage or installation is involved, conservative time limitations should be established until service experience shows that more liberal time limits can be used. In those cases where an appliance has a subcomponent which is subject to wear with time in service, the air carrier will establish maintenance procedures for periodic inspection of such subcomponent to insure its continued airworthiness.

(iii) *Powerplants; initial time limitations.* (*a*) The initial overhaul time limitations for any engine used on multi-engine aircraft which has never been used in air carrier service will tentatively be established at 1000 hours. However, a sample overhaul of a representative number of engines, but not less than three, will be accomplished at each increment of 100 hours, beginning at 800 hours, unless such new model engine incorporates certain unconventional features not previously employed in air carrier operations, in which case, the initial overhaul period will be established by the Administrator. Satisfactory teardown inspection will be necessary before increasing the fleet overhaul period to the next higher increment. This sample overhaul procedure and evaluation of service experience will provide the operator with necessary information to substantiate the basic 1000-hour overhaul.

(*b*) The initial time limitations for overhaul of an engine model which has received substantial air carrier service experience, but not by the applicant, will tentatively be established at 1000 hours. An engine model will not be considered as having substantial air carrier service experience unless it has been satisfactorily operated by another carrier on an approved 1000-hour or higher overhaul period. However, it will be required that the basic 1000-hour overhaul period be substantiated on the same basis as outlined for a new engine except that sample overhauls of a representative number of engines will be accomplished in increments of 100-hour periods beginning at 900 hours. The initial time limitations for overhaul of accessories which are a part of the power package, including propellers, will be established at the overhaul period fixed for the engine itself, unless service experience permits or requires higher or lower overhaul periods.

(*c*) The following procedures will be applicable in establishing initial overhaul time limitations for engines used in single-engine air carrier aircraft:

(*1*) Initial overhaul time limitation for single-engine aircraft powerplants will be established in accordance with the manufacturer's recommended periods for new air carrier operators using such equipment. Where the manufacturer does not recommend specific periods for overhaul of the engine, one of the two following conditions will be applicable.

(*i*) Operators who have previously operated and satisfactorily maintained the engine in question (as revealed by service and overhaul records) may have the initial overhaul time limitation for that engine established at a figure not to exceed 600 hours.

(*ii*) Operators who have not had the experience necessary to demonstrate the ability to operate and maintain the pertinent engine in accordance with (*i*) of this subdivision, may have initial overhaul time limitations established at a figure not to exceed 500 hours for the engine concerned.

(iv) *Airframe; revision of time limitation.* The increases of time limitations for overhaul (or major inspection in case of pattern system, etc.) of airframes will be based on evaluation of all pertinent service records and examination of at least one aircraft, of the model involved, that has been overhauled at the currently approved time limitations. When a pattern or block overhaul type of maintenance system is used, it will be permissible to reschedule individual items in another block or pattern, if performance and condition of the specific item warrants such an increase.

(v) *Powerplants and associated mechanical appliances; revision of time limitations.* Increases in engine overhaul periods will not be approved in inerements greater than 100 hours. Increases in time limitations above the 1000-hour basic engine overhaul period will be considered on the basis of satisfactory service experience at the currently approved time limitations. The operator may make application to amend the currently approved time limitations by submitting a letter to the assigned CAA agent, indicating the desired time limitations on the particular engines involved and designating three to five engines for disassembly inspection by the CAA agent. The engines chosen for exhibit must have operated in a satisfactory manner for the maximum time permissible, under currently approved time limitations, in relation to the established operation schedules. If, after disassembly and inspection of the exhibit engines and related components, it is found that the new time limitations are justified, the air carrier may then submit a formal application requesting the extension of the overhaul period on the components of the same type and model. Engine accessories may be operated to double or triple the approved engine overhaul time limitations if it is found that previous satisfactory service and overhaul experience, including the service to be performed at each engine change period, would justify the increase as not adversely affecting the continuous condition of airworthiness of the component involved. The procedure for requesting, and granting, increases in overhaul time limitations, for such components, will be the same as used for the basic engine.

(vi) *Appliances, general; revision of time limitations.* Increases in established times for inspections, bench tests, or overhaul periods will be based on consideration of the following factors: (*a*) Geographical area or areas of operation; (*b*) number of landings, long haul versus short haul; (*c*) maintenance organization and inspection procedures; (*d*) manufacturers' recommendations; (*e*) service history, particularly of known or evident trends toward malfunctioning. When electrical/electronic appliances are overhauled on an on-condition basis, special consideration will be given to the continued airworthiness of mechanical components of such equipment.

(vii) *Emergency equipment.* The inspection periods for first aid kits, flotation equipment, and other emergency equipment will assure the continued serviceability and immediate readiness of such equipment for its intended emergency purposes. Major inspection periods will be established for the purpose of determining that all components of the emergency equipment are complete and airworthy and may be expected to remain in this condition until the next major inspection or actual use under emergency conditions. Routine inspection periods will be established to assure that such equipment (or any component thereof) is installed or stored properly, has not been tampered with, damaged, or had articles removed since the last inspection. All inspection periods will be adjusted in accordance with service experience and pertinent operating conditions.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, as amended, and 1010; 49 U. S. C. 551, 554, 555)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8330; Filed, Oct. 22, 1954; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 575—FEDERAL CIVIL AIRPORTS ON CANTON AND WAKE ISLANDS AND COLD BAY, ALASKA

COLD BAY, ALASKA, AIRPORT

Part 575 is hereby amended to provide charges and fees for use of the CAA-operated airport facilities at Cold Bay, Alaska, at the same level as those provided for the facilities which CAA operates at Canton and Wake Islands.

1. The title of Part 575 is amended to read as set forth above.

2. Section 575.1 (b) is amended to read as follows:

§ 575.1 *Explanation of terms.* • • •

(b) *Airport.* "Airport" shall mean the Canton Island airport, the Wake Island airport, and the Cold Bay, Alaska, airport, operated by the Civil Aeronautics Administration.

(Sec. 10, 62 Stat. 453; 49 U. S. C. 1159)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8328; Filed, Oct. 22, 1954; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

REPORTS BY PERSONS LOCATED OUTSIDE OF THE UNITED STATES AND ITS TERRITORIES WHO CARRY ACCOUNTS FOR OTHERS

Correction

In F. R. Doc. 54-8097, appearing at page 6605 of the issue for Thursday, October 14, 1954, § 1.47 (a) (1) should read as follows:

(1) Shall report such account to the Commodity Exchange Authority whenever the open contracts therein are equal to or in excess of the applicable amount fixed by the Secretary of Agriculture, for reporting purposes, in §§ 2.20, 3.20, 4.20, 5.20, 6.20, 7.20, 8.20, 9.20, 10.20, and 11.20 of this chapter. Such account shall be reported on:

Form 201 (grain),
Form 301 (cotton),
Form 701 (butter),
Form 501 (eggs),
Form 601 (potatoes),
Form 701 (millfeeds),
Form 801 (wool and wool tops),
Form 901 (fats),
Form 1001 (oils), or
Form 1101 (meals),

as the case may be, and identified on Form 102, in conformity with the provisions of:

§§ 2.04 to 2.09 (grain),
§§ 3.04 to 3.09 (cotton),
§§ 4.04 to 4.09 (butter),
§§ 5.04 to 5.09 (eggs),
§§ 6.04 to 6.09 (potatoes),
§§ 7.04 to 7.09 (millfeeds),
§§ 8.04 to 8.09 (wool and wool tops),
§§ 9.04 to 9.09 (fats),
§§ 10.04 to 10.09 (oils), and
§§ 11.04 to 11.09 (meals),

respectively, the provisions of which are hereby made applicable to persons subject to the provisions of this section: *Provided, however,* That such reports may, at the election of the person required to file the same, be transmitted weekly to the Commodity Exchange Authority, and

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

CONTRACT PROVISIONS

The regulations contained in paragraph (c) of § 5.5 are hereby amended in the following manner:

Delete § 5.5 (c) and substitute the following:

(c) In any construction contract of $2,000 or less, to which the Federal Government or the District of Columbia is a party, the Agency Head may cause or require to be inserted in lieu of the provisions required by paragraph (a) of this section the following provisions relating to "Non-Rebate of Wages" and "Sub-Contracts—Termination," and in lieu of the provisions required by paragraph (b) of this section if applicable, the following provisions relating to "Eight-Hour Laws—Overtime Compensation":

EIGHT-HOUR LAWS—OVERTIME COMPENSATION

The Eight-Hour Laws (40 U. S. C. 321-326) are applicable to this contract. (In substance they provide that laborers and mechanics employed by the contractor or sub-contractors shall be paid not less than time and a half for work in excess of eight hours a day. Violations are punishable as prescribed in 40 U. S. C. 322, and are subject to the penalty prescribed in 41 U. S. C., Appendix, sec. 54.13, art. 11.)

NON-RATE OF WAGES

The Anti-Kickback Regulations issued by the Secretary of Labor (29 CFR Part 3) are applicable to this contract. (In substance, they provide that no deductions may be made from wages except those required by law or permitted by the Regulations; that contractors and sub-contractors shall preserve for three years after completion of the work, payrolls which contain for each employee his name, address, correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid, and shall submit weekly an affidavit of compliance, the form of which is stated in the Regulations.)

SUB-CONTRACTS—TERMINATION

The contractor agrees to insert the foregoing clauses in all sub-contracts. Breach of the requirements of such clauses may be ground for termination of this contract. The term "contractor" as used in such clauses in any sub-contract shall be deemed to refer to the sub-contractor.

(64 Stat. 967, 20 U. S. C. 251)

Signed at Washington, D. C., this 14th day of October 1954.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 54-8371; Filed, Oct. 22, 1954; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1015]

ARIZONA

RESERVING PUBLIC LANDS IN CONNECTION WITH GILA RIVER WATERFOWL AREA PROJECT

Correction

In F. R. Doc. 54-7864, appearing in the issue for Thursday, October 7, 1954, on page 6477, the second line of land description under "T. 1 S., R. 2 W.," should read "Sec. 4, SW¼NE¼, SE¼ NW¼, NE¼SW¼, SE¼;".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON AND WASHINGTON

BUDGET OF EXPENSES OF WALNUT CONTROL BOARD AND RATES OF ASSESSMENT FOR MARKETING YEAR BEGINNING AUGUST 1, 1954

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule set forth herein pursuant to the provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington (19 F. R. 4214), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such administrative rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if said tenth day after publication should fall on a Saturday, Sunday, or holiday, such submission may be received by the Director not later than the close of business on the next following work day.

The proposed budget of $130,000, the assessment rate of 0.15 cent per pound of merchantable unshelled walnuts handled or certified for handling, and the assessment rate of 0.18 cent per pound of shelled walnuts handled during the marketing year beginning August 1, 1954, were unanimously recommended by the Walnut Control Board, the administrative agency under said amended agreement and order, at a duly called meeting in San Francisco on September 20, 1954.

The proposed budget and assessment rates appear to be reasonable.

The proposed budget is approximately $44,000 above the actual expenses of the Walnut Control Board (under both the Federal and State of California orders) for the 1953–54 marketing year. However, it is expected that the expenses of the Control Board in the 1954–55 marketing year will be substantially greater than in 1953–54 in view of the fact that it will be operating for the first time the amended agreement and order which provides for overall surplus control as well as merchantable inshell control.

Section 984.65 of the amended agreement and order provides for a finding by the Secretary of the reasonable and likely expenses to be incurred by the Walnut Control Board during each marketing year, and that such expenses shall be prorated between merchantable unshelled walnuts handled or certified for handling and shelled walnuts handled on the general basis of the respective estimated costs of operation. In § 984.66, it is required that the assessment rates on these two categories be fixed separately and with the view of insuring that each category will provide sufficient funds to pay its prorated part of the estimated costs of operation. Of the estimated total expenses of $130,000, it is anticipated that the regulation of the first category mentioned will cost about $95,000, and that the regulation of the second category mentioned will cost about $35,000. As indicated above, it is believed that the respective volumes of the two categories, when multiplied by the respective proposed assessment rates, should provide sufficient revenue to cover the estimated expenses.

Therefore, the proposed administrative rule is as follows:

§ 984.306 *Budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1954*—(a) *Budget of expenses.* Expenses in the amount of $130,000 are reasonable and likely to be incurred by the Walnut Control Board for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of amended agreement and order, determine to be appropriate for the marketing year beginning August 1, 1954.

(b) *Rate of assessment.* Each handler shall pay to the Control Board on demand from time to time 0.15 cent per pound of merchantable walnuts handled or certified for handling and 0.18 cent per pound of shelled walnuts handled by him during the marketing year beginning August 1, 1954.

Done at Washington, D. C., this 20th day of October 1954.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 54-8357; Filed, Oct. 22, 1954; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

NOTICE OF PROPOSED RULE MAKING

OCTOBER 12, 1954.

Having under consideration the accounting procedure to be observed by railroad companies to record changes in transportation property, the Commission by Division 1 has approved changes in the prescribed accounting regulations as shown below. These modifications prescribe a list of accounting units to designate those items of property the cost of which shall be written out of property accounts when the property is retired, and also rules to be followed to record changes in line of roadway, relocation of yard tracks, and major renewals of roadway facilities and rolling stock.

Any interested party may on or before November 22, 1954, file with the Commission a written statement of reasons why the attached modifications should not be made, and may request oral argument thereon. Unless otherwise decided after consideration of objections so filed, an order will be entered making the modification effective January 1, 1955.

[SEAL] GEORGE W. LAIRD,
Secretary.

1. In § 10.01–7 *Road property retired* cancel paragraph (e) and substitute the following for it:

(e) The term "unit of road property" means those items of road property that are listed in § 10.01–15.

2. After § 10.01–7 *Road property retired* insert the following additional instruction:

§ 10.01–8 *Property changes*—(a) *Changes in line of road.* When changes are made in a line of road for the purpose of reducing curves or grades, or to eliminate bridges, tunnels, or other physical features, the part of the line so changed shall be considered property retired and its ledger value credited to the property accounts. The new line of road, including land, grading, ballast, track elements, and other transportation facilities serving it, shall be considered an addition and its cost charged to the property accounts. The cost of such track changes which do not involve change in the existing roadbed shall be charged to operating expenses, even though the tracks may be dismantled in the process, but resulting track extensions or reductions shall be accounted for as additions or retirements, as appropriate, and the betterment cost of improved parts applied shall be charged to property accounts.

(b) *Relocation of yard tracks.* The cost of shifting or rearranging tracks within a yard shall be charged to operating expenses, even though the tracks may be dismantled in the process, but resulting increases or decreases in grading, ballast, or track length shall be accounted for as additions or retirements, as appropriate, and the betterment cost of improved parts applied shall be charged to the property accounts. However, dismantled tracks which are replaced by other tracks outside the existing yard shall be retired from the property accounts. In that case the replacement tracks plus any net increase in trackage due to the yard reconstruction shall be accounted for as additions.

(c) *Major renewals.* When the cost of renewals of a unit of road property, or of a unit of equipment, exclusive of the expense of dismantling and of repairs of old parts reused exceeds fifty percent of the replacement cost new of the kind and class as rebuilt at the time of rebuilding, the unit shall be considered as rebuilt. This rule does not apply to renewal of a unit of roadway property the replacement cost new of which does not exceed $35,000.

(1) The rebuilt unit shall be accounted for as an addition and the old unit accounted for as retired from service. The term "cost of renewals" means the cost of material (other than second-hand parts remaining in the rebuilt unit) plus the cost of labor used in the rebuilding process, exclusive of the expense of dismantling and repairing old parts reused.

(2) The charge to the appropriate road and equipment account for the rebuilt units shall be the sum of (i) the value of the reused parts determined by deducting a fair allowance for depreciation from current prices of new material, and (ii) the cost of labor and additional material applied; both exclusive of the expense of dismantling and repairing old parts reused.

3. After § 10.01–14 *Submission of questions* insert the following additional instruction:

§ 10.01–15 *List of accounting units of property for railroads.* (a) This list of units is established for the purpose of designating the items of property the cost of which shall be written out of road and equipment accounts when the property is retired and replaced. When property is retired and not replaced the cost thereof shall be written out of road and equipment accounts whether or not it constitutes a unit as established in this list.

(b) The cost of replacing minor items, i. e., the component parts of which units of property are composed, shall be charged to operating expenses except for betterments.

(c) The cost of additional units of property, or of additions to units of property in the form of minor items, shall be charged to road and equipment accounts, except as excluded therefrom under the minimum rule.

(d) The units listed are to be considered representative and not as excluding from any account analogous units which are omitted from the list. Where additional units are desired in a given account, appropriate designations may be selected, preferably from a list in other accounts. It is contemplated that the list of units contained herein will be revised and amended from time to time as experience and conditions warrant. All items listed are subject to the effective minimum rule.

Account 3, Grading

A retaining wall, riprap (hand placed), a protecting dyke, a protecting crib, a wing dam, a revetment, mattress, pipe or other structures to provide drainage. Each entire installation.

Account 5, Tunnels and Subways

The entire masonry, entire timber, and entire metal lining of a tunnel or subway, including portals and wing walls.
Drainage. Each entire installation.
Lighting. Each entire installation.
Ventilation. Each entire installation.

Account 6, Bridges, Trestles, and Culverts

A steel superstructure.
A concrete or stone substructure.
A concrete trestle, a complete bridge or approach.
A timber trestle, a complete bridge or approach.
Complete machinery for operating a movable span.
A protecting dyke, a protecting crib (a fender), a wing dam, a complete culvert. Each entire installation.

Account 7, Elevated Structures

Any applicable units listed under account 6, "Bridges, trestles, and culverts".

Account 13, Fences, Snowsheds, and Signs

A complete snowshed.
One continuous mile of right-of-way fence.
One continuous mile of permanent sand or snow fence.

Account 16, Station and Office Buildings

A complete building, including attached platform.
A complete platform structurally detached from a building.
Each retaining wall installation.
Each timber trestle installation.
Each coal pocket installation.
Each outside steam, water, air, etc., pipe line installation.
Each storm or sanitary sewer installation.
A complete fence.
Paving. Each complete installation.
A station stockyard. Each complete installation.
A track scale.
A track scale pit.
An outside crane or conveying system for handling freight.
A motor truck.
A motor tractor.
Any applicable units listed under other accounts.

Account 17, Roadway Buildings

Any applicable units listed under accounts 16, "Station and office buildings," and 44, "Shop machinery."

Account 18, Water Stations

A complete water supply piping system.
A dam or reservoir.
A pump house.
Pumping machinery. Each complete installation.
A water tank. Each complete installation.
A complete track trough at one location.
A water crane. Complete with pit.
A water treating plant.

Account 19, Fuel Stations

A trestle-type coaling station.
Mechanical coaling station. Each complete installation.
A complete fuel supply system, including appurtenances.
A pump house.
A fuel oil storage tank (large).

Account 20, Shops and Engine Houses

A complete building, including attached platform.
A complete platform structurally detached from a building.
A turntable.
A turntable pit.
A transfer table with machinery.
A transfer table pit.
A cinder pit. Each complete installation.
A sand storage and handling and drying apparatus.
Outdoor bins complete. Each complete installation.
A smoke stack not mounted on boiler.
A lorry track system (outside).
A boiler washing plant. Each complete installation.
An overhead crane. Outside.
Each outside pipe installation, steam, air, water, etc.
Each sewer installation, storm or sanitary.
Paving. Each complete installation.
Each shop fence or wall installation.
Any applicable unit under account 16, "Station and office buildings".

Account 21, Grain Elevators

A complete building, including attached platform.
A complete platform structually detached from a building.
A conveyor system complete.
An elevator system complete.
A blowing system complete.
For additional items see account 16, "Station and office building," and 44, "Shop machinery".

Account 22, Storage Warehouses

A complete building, including attached platform.
A complete platform structurally detached from a building.
For additional items see account 16, "Station and office buildings," and 44, "Shop machinery".

Account 23, Wharves and Docks

A timber float bridge.
A steel float bridge.
A wharf (including pile clusters).
A timber incline.
A bulkhead.
Jetties or breakwater.
Ferry racks (including pile clusters).
Float racks.
Each complete machinery installation.
For additional items, see accounts 3, "Grading," 6, "Bridges, trestles, and culverts," and 44, "Shop machinery".

Account 24, Coal and Ore Wharves

Car dumper complete.
Timber bridges.
Steel bridges.
Each complete machinery installation.
A loading or unloading machine complete.
Each coal or ore pocket installation.
For additional items, see accounts 6, "Bridges, trestles, and culverts," 16, "Station and office buildings," 20, "Shops and engine houses," 23, "Wharves and docks," and 44, "Shop machinery".

Account 26, Communication Systems

A complete mile section or complete installation if less than a mile of pole line including cross arms, wires and appurtenances.
Each mile or complete installation of cable with associated parts.
Each mile or complete installation of conduit with associated part.
A complete tower.
A complete installation at each location constituting a separate means of communication, such as radio, radar, carrier telephone, teletype, or other communication systems.
For additional items see account 16, "Station and office buildings".

Account 27, Signals and Interlockers

A signal system installation complete, or section thereof, with associated parts, including masts, batteries, relays, ladder, et cetera.
A complete mile section or complete installation if less than a mile, of pole line including cross arms, wires and appurtenances.
Each mile or complete installation if less than one mile of cable with associated parts.
Each mile or complete installation if less than one mile of conduit with associated parts.
Switch movement with associated parts.
A complete building.

An interlocking plant complete (excluding machine).
An interlocking machine.
Signal bridge complete.
Each highway crossing protection installation complete.
Each car retarder installation complete.
A traffic control or C. T. C. system installation complete.

Account 29, Power Plants

Any applicable units listed under accounts 16, "Station and office buildings," and 20, "Shops and enginehouses".

Account 31, Power Transmission Systems

A continuous mile, or a separate installation if less than a mile, of catenary complete including catenary hangers, trolley wire and appurtenances.
A continuous mile, or a separate installation if less than a mile, of transmission line, including poles, wires, transformers, switches and other appurtenances.
Each outside steam, air, etc., pipe line installation.
A manhole.
Substation or switching station complete.
Each mile, or installation if less than a mile, of third rail.
A catenary bridge or support.
A high-tension transmission tower.
Any applicable units listed under accounts 26, "Communication systems," and 27, "Signals and interlockers".

Account 35, Miscellaneous Structures

Any applicable units listed under other accounts.

Account 37, Roadway Machines

Each roadway machine complete including accessories.

Account 39, Public Improvements—Construction

Any applicable units listed under other accounts.

Account 44, Shop Machinery

A machine (including foundation and motor, if any), such as lathe shapers, slotters, boring machines.
Equipment, such as ash handling.
A furnace.
A boiler installation complete.
A motor vehicle used in shops only.
Testing equipment.
Overhead crane, complete.

Account 45, Power Plant Machinery

A power plant machine, including foundation, such as a turbine, rectifier, dynamo, generator.
Any applicable unit listed under account 44, "Shop machinery".

Account 51, Steam Locomotives

A complete locomotive.
A locomotive, exclusive of tender.
A tender.
A locomotive booster.

Account 52, Other Locomotives

Diesel electric. Lead or booster, i. e., "A" or "B" units.
Diesel electric. Extra or spare motors.
Electric locomotive.
Gasoline locomotive.
Gas turbine locomotive.

Account 53, Freight-Train Cars

A complete car.
Motor equipment of a motor driven car.
A propulsion motor including generator.
A freight container, complete.

Account 54, Passenger-Train Cars

A complete car, including interior furnishings.
Motor equipment of a motor driven car.
A propulsion motor, including generator.

Account 56, Floating Equipment

A complete vessel or boat, exclusive of machinery.
Machinery: a boiler, a motor, an engine.

Account 57, Work Equipment

(a) Rail equipment:
(1) A complete car or machine.
(2) A boiler.
(3) An engine.
(4) A motor.
(5) Machinery equipment (with or without tractive machinery) such as concrete mixer, snow plow, derrick, steam shovel, or pile driver.
(6) A complete motor equipment.
(b) Floating equipment—Work:
(1) A complete vessel or boat.
(2) A boiler.
(3) An engine.
(4) A motor.
Any applicable units listed under other accounts.

Account 58, Miscellaneous Equipment

A complete vehicle.

4. In § 10.50 *Equipment* delete the eleventh undesignated paragraph of the text, which deals with accounting for equipment rebuilt, including paragraphs (a), (b) and (c).

5. In § 10.50 *Equipment* cancel Note A to the text and substitute the following for it:

NOTE A: The term "retired from service" as applied to equipment means equipment which has been permanently withdrawn from transportation service. (See also § 10.01–8 (c)).

6. In § 10.50 *Equipment* cancel the last sentence of the text and also the list of units of equipment which that last sentence introduces, substituting the following for them: "Units of equipment, the ledger value of which shall be credited to the equipment accounts at the time of retirement, are designated in § 10.01–15."

[F. R. Doc. 54–8348; Filed, Oct. 22, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS)

DELEGATION OF AUTHORITY WITH RESPECT TO CERTIFICATION OF CONSTRUCTION, REPLACEMENT OR REACTIVATION OF BAKERY, LAUNDRY OR DRY-CLEANING FACILITIES

By virtue of the authority vested in me pursuant to section 202 (f) of the National Security Act of 1947, as amended, 5 U. S. C. 171a, the following designation and delegation of authority is effective this date.

1. The Assistant Secretary of Defense (Properties and Installations) shall exercise the functions, duties and authority conferred on me by section 604 of the Military Public Works Appropriation Act, 1952 (65 Stat. 765), by section 804 of the Military Public Works Appropriation Act, 1953 (66 Stat. 647), by section 804, Supplemental Appropriation Act, 1954 (67 Stat. 429), by section 736 of the Department of Defense Appropriation Act, 1955 (68 Stat. 357), and by section 905, Supplemental Appropriation Act, 1955 (68 Stat. 821) to certify in writing, in appropriate cases, that the products or services to be furnished by any bakery, laundry or dry-cleaning facilities proposed for construction, replacement or reactivation are not obtainable from commercial sources at reasonable rates.

2. The Assistant Secretary of Defense (Properties and Installations) shall not redelegate the authority contained herein.

C. E. WILSON,
Secretary of Defense.

OCTOBER 15, 1954.

[F. R. Doc. 54–8335; Filed, Oct. 22, 1954; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6911]

CARIBOO AIR CHARTER LTD.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Cariboo Air Charter Ltd. for a foreign air carrier permit issued pursuant to section 402 of the Civil Aeronautics Act to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 28, 1954, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 20, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54–8353; Filed, Oct. 22, 1954; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Fairbanks 010082, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on October 16, 1952, by the Department of the Air Force.

The purposes of the proposed withdrawal: Military purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 1 S., R. 4 E., F. M.,
Sec. 8: All;
Sec. 9: All;
Sec. 10: W½ lying south of Chena River;
Sec. 15: W½;
Sec. 16: All;
Sec. 17: That portion lying south of the Chena River;
Sec. 18: That portion lying south of the Chena River;
Sec. 19: N½;
Sec. 20: All;
Sec. 21: N½ and SW¼;
Sec. 22: NW¼.

Containing approximately 4,100 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54–8331; Filed, Oct. 22, 1954; 8:45 a. m.]

LOUISIANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 19, 1954.

An application, serial number BLM 037482, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on May 9, 1950, by the Department of the Army.

The purposes of the proposed withdrawals: Bayou Bodeau Dam and Reservoir Project.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Supervisor, Eastern States Office, Bureau of Land Management, Department of the Interior at Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

LOUISIANA MERIDIAN

T. 20 N., R. 11 W.,
Sec. 3, Lot 11.

The area described aggregates 4.12 acres.

C. R. DUHCHIN,
Supervisor.

[F. R. Doc. 54–8336; Filed, Oct. 22, 1954; 8:47 a. m.]

Bureau of Reclamation

CARLSBAD PROJECT, NEW MEXICO

ORDER OF REVOCATION

SEPTEMBER 4, 1952.

Pursuant to authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of April 14, 1903, January 25, 1905, September 14, 1905, May 6, 1908, November 14, 1912, October 9, 1912, October 19, 1912, October 9, 1913, January 18, 1915, April 12, 1916, March 31, 1921, August 16, 1928, May 25, 1928, December 10, 1928, and December 22, 1928, insofar as said orders affect the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 6 N., R. 23 E.,
Sec. 33, NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, SW¼SW¼, SE¼;
Sec. 34, N½, N½SE¼.
T. 5 N., R. 24 E.,
Sec. 11, NW¼, N½SW¼, SE¼SW¼;
Sec. 14, NE¼;
Sec. 16, W½NE¼, NW¼, E½SW¼, SE¼.
T. 19 S., R. 26 E.,
Sec. 1, SW¼SW¼;
Sec. 13, W½NW¼;
Sec. 23, W½NW¼;
Sec. 27, W½NE¼, W½;
Sec. 34, NW¼, W½SW¼.
T. 20 S., R. 26 E.,
Sec. 3, NW¼, NE¼SW¼;
Sec. 9, W½NE¼, NW¼, SW¼, NW¼SE¼;
Sec. 17, All.
T. 21 S., R. 26 E.,
Sec. 9, SE¼NE¼;
Sec. 10, SW¼NW¼, NW¼SW¼, SW¼SW¼, SE¼SE¼;
Sec. 11, SE¼SE¼;
Sec. 14, N½NE¼, SW¼NE¼, NW¼, SW¼, NW¼SE¼;
Sec. 24, NE¼, NE¼NW¼, SW¼SW¼, N½SE¼, SW¼SE¼;
Sec. 25, N½;
Sec. 26, NW¼NE¼, W½NW¼, SE¼SE¼.
T. 18 S., R. 27 E.,
Sec. 19, N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 29, N½NW¼;
Sec. 30, NE¼NE¼; N½NW¼.
T. 21 S., R. 27 E.,
Sec. 19, S½.
T. 22 S., R. 27 E.,
Sec. 20, SE¼NE¼.
T. 24 S., R. 27 E.,
Sec. 1, 12, 13, 25, 26, All.
T. 22 S., R. 28 E.,
Sec. 19, SW¼SW¼;
Sec. 29, NW¼SE¼.
T. 23 S., R. 28 E.,
Sec. 10, SE¼;
Sec. 13, SW¼SW¼;
Sec. 14, S½NE¼, NE¼SE¼;
Sec. 24, SW¼NE¼, NW¼NW¼, SE¼NW¼, N½SE¼;
Sec. 26, N½NE¼.
T. 24 S., R. 28 E.,
Sec. 1, SW¼NW¼;
Sec. 3, NE¼SE¼;
Sec. 4, SW¼SE¼;
Sec. 12, SW¼NW¼, NW¼SW¼.
T. 24 S., R. 29 E.,
Sec. 18, W½NW¼, NE¼SW¼.

The above aggregates approximately 10,880 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 1322257]

I concur. The records of the Bureau of Land Management will be noted accordingly.

The following-described lands released from withdrawal by this order are grazing lands located within New Mexico Grazing District No. 6:

T. 24 S., R. 27 E.,
Sec. 25, E½.
T. 22 S., R. 28 E.,
Sec. 19, SW¼SW¼.

The remaining lands released from withdrawal by this order have been patented.

No application for the restored lands will be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the restored lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as

though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

W. G. GUERNSEY,
Acting Director,
Bureau of Land Management.

OCTOBER 20, 1954.

[F. R. Doc. 54-8332; Filed, Oct. 22, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DISASTER ASSISTANCE

DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.), the President determined on the dates indicated that a major disaster occasioned by drought existed in the following States:

Alabama: September 16, 1954.
Colorado: July 1, 1953.
Georgia: September 16, 1954.
Kansas: August 26, 1954.
Mississippi: September 16, 1954.
North Carolina: September 23, 1954.
Tennessee: September 16, 1954.
Wyoming: July 21, 1954.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, certain counties in the State of Alabama were on September 16, 1954 (19 F. R. 6243) as amended (19 F. R. 6557); certain counties in the State of Colorado were on August 10, 1954 (19 F. R. 5155) as amended (19 F. R. 5648; 19 F. R. 5956; 19 F. R. 6127); certain counties in the State of Georgia were on September 16, 1954 (19 F. R. 6243); certain counties in the State of Kansas were on August 26, 1954 (19 F. R. 5956) as amended (19 F. R. 6557); certain counties in the State of Mississippi were on September 16, 1954 (19 F. R. 6243) as amended (19 F. R. 6557); certain counties in the State of North Carolina were on September 23, 1954 (19 F. R. 6417) as amended (19 F. R. 6557); certain counties in the State of Tennessee were on September 16, 1954 (19 F. R. 6243) as amended (19 F. R. 6557); and certain counties in the State of Wyoming were on August 10, 1954 (19 F. R. 5155) as amended (19 F. R. 6127) determined to be the areas affected by the major disaster by drought.

Pursuant to the aforesaid delegation the Delineations and Certifications of Counties in Drought areas, as above described, are herewith amended by adding the counties, and parts of counties, set forth below, on October 12, 1954, to the major disaster area in the following designated States:

ALABAMA

Bullock.	Covington.
Butler.	Crenshaw.
Calhoun.	Lee.
Chambers.	Macon.
Choctaw.	Monroe.
Clarke.	Pike.
Cleburne.	Randolph.
Conecuh.	

COLORADO

Yuma County.

GEORGIA

Baker.	Heard.
Banks.	Jackson.
Barrow.	Lee.
Bartow.	Macon.
Calhoun.	Madison.
Carroll.	Marion.
Catoosa.	Meriwether.
Chattahoochee.	Miller.
Cherokee.	Murray.
Clarke.	Muscogee.
Clay.	Oconee.
Cobb.	Paulding.
Coweta.	Pickens.
De Kalb.	Polk.
Dougherty.	Quitman.
Douglas.	Randolph.
Early.	Schley.
Forsyth.	Stephens.
Franklin.	Stewart.
Fulton.	Sumter.
Gordon.	Terrell.
Gwinnett.	Troup.
Habersham.	Walton.
Hall.	Webster.
Haralson.	White.
Harris.	Whitfield.
Hart.	Worth.

KANSAS

Dickinson County. Ellsworth County.

MISSISSIPPI

Alcorn.	Jasper.
Clarke.	Simpson.

NORTH CAROLINA

Alleghany.	Randolph.
Ashe.	Richmond.
Cabarrus.	Rockingham.
Caswell.	Surry.
Chatham.	Vance.
McDowell.	Wilkes.
Mecklenburg.	Yadkin.
Person.	

TENNESSEE

Anderson.	Lewis.
Bedford.	McNairy.
Blount.	Macon.
Bradley.	Monroe.
Campbell.	Montgomery.
Cannon.	Moore.
Claiborne.	Morgan.
Clay.	Obion.
Cocke.	Overton.
Decatur.	Perry.
De Kalb.	Polk.
Fentress.	Putnam.
Grainger.	Robertson.
Greene.	Sequatchie.
Hamblen.	Sevier.
Hamilton.	Stewart.
Hancock.	Sumner.
Hardin.	Trousdale.
Hawkins.	Unicoi.
Henderson.	Union.
Henry.	Warren.
Jackson.	Washington.
Jefferson.	Wayne.
Knox.	Weakley.
Lake.	White.
Lawrence.	

WYOMING

Big Horn County. Park County.

also

All that part of Campbell, Hot Springs, Johnson and Weston counties, said areas being the remainder of said counties and which was not designated on August 10, 1954 (19 F. R. 5155) and that part of Fremont and Sweetwater counties east of the Continental Divide

Done at Washington, D. C., this 19th day of October 1954.

[SEAL] ROSS RIZLEY,
Assistant Secretary.

[F. R. Doc. 54-8334; Filed, Oct. 22, 1954; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 766]

PONCE CEMENT CORP., INCREASED RATE ON "TRAILER RATE CARGO N. O. S."

ORDER OF INVESTIGATION

At a session of the Federal Maritime Board, held at its office in Washington, D. C., on the 14th day of October 1954, a certain order was entered in the above entitled cause which reads as follows:

It appearing, that there has been filed with the Federal Maritime Board the following schedule to become effective as shown:

Fifth Revised Page No. 74
Tariff F. M. B. F-No. 2
Ponce Cement Corporation
Effective: October 17, 1954

It further appearing, that under the foregoing tariff schedule the "Trailer Rate Cargo N. O. S." item appearing thereon will be increased on traffic from Miami and Port Everglades, Florida, to Ponce, Puerto Rico and self-propelled vehicles excluded from the application thereof; that the rate increase and exclusion of self-propelled vehicles therefrom so proposed is the subject of protest from Trans-Caribbean Motor Transport, Inc., and that the Board is of the opinion that its effective date should be suspended pending a hearing as to its lawfulness;

It further appearing, that the rate item as a whole may be unjust or unreasonable to the detriment of the shipping public, in violation of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, as amended;

It is ordered, That the Board enter upon an investigation as to the lawfulness of the rate item "Trailer Rate Cargo N. O. S." as set forth in Tariff F. M. B. F-No. 2 Ponce Cement Corporation.

It is hereby further ordered, That the "Trailer Rate Cargo N. O. S." item on Fifth Revised Page of its Tariff F. M. B. F-No. 2 be, and it is hereby, suspended, and that its use be, and it is hereby, deferred until February 17, 1955, unless otherwise ordered by the Board;

It is further ordered, That Ponce Cement Corporation shall follow the procedure outlined in Rule 20 of the Board's Tariff Circular No. 3, covering suspension of tariff publications; and

It is further ordered, That a copy of this order shall be forthwith served upon Ponce Cement Corporation; that said carrier be duly notified of the time and place of hearing herein ordered; and that notice of such hearing be published in the FEDERAL REGISTER.

Dated: October 20, 1954.

By the Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-8358; Filed, Oct. 22, 1954; 8:51 a. m.]

MEMBER LINES OF U. S. ATLANTIC GULF/AUSTRALIA-NEW ZEALAND CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. § 814.

(1) Agreement No. 6200-3, between the Member Lines of the U. S. Atlantic Gulf/Australia-New Zealand Conference, modifies the basic agreement of that Conference (No. 6200) by deleting therefrom the provisions pertaining to the apportionment of sailings between said members in the New York-Australia/New Zealand trade.

(2) Agreement No. 7345-3 between the Members of the California Association of Port Authorities modifies and clarifies the voting provision of the basic agreement of that Association (No. 7345) which provides for establishment and maintenance of just and reasonable, and as far as practicable, of uniform terminal rates, charges, classifications, rules, regulations and practices at the members terminals in the State of California.

(3) Agreement No. 7745-2, between Farrell Lines Incorporated and Mississippi Shipping Company, Inc., modifies transshipment agreement 7745, as amended, which covers the transportation of cargo under through bills of lading in the trade between Harbel, Liberia, and United States Gulf ports, with transshipment at Monrovia, Liberia, by changing the basis for division of the through freight between the parties to the agreement.

(4) Agreement No. 7746-2, between Farrell Lines Incorporated and Elder Dempster Lines, Ltd., changes the basis for the division of the through rates under transshipment Agreement No. 7746, which covers the transportation of cargo under through bills of lading between Harbel, Liberia, and United States Atlantic ports, with transshipment at Monrovia, Liberia.

(5) Agreement No. 7747-2, between Farrell Lines Incorporated and the Carriers Comprising the Barber-West African Line Joint Service, changes the basis for the division of the through rates under transshipment Agreement No. 7747, which covers the transportation of cargo under through bills of lading between Harbel, Liberia, and United States Atlantic ports, with transshipment at Monrovia, Liberia.

(6) Agreement No. 7992, between Farrell Lines Incorporated and States Marine Corporation, covers the transportation of cargo under through bills of lading between Harbel, Liberia, and United States Atlantic ports, with transshipment at Monrovia, Liberia.

Agreement No. 7992-1, modifies the above identified agreement by changing the basis for the division of the through rates.

(7) Agreement No. 7996, between the Carriers Comprising the American & Australian Steamship Line Joint Service and the Carriers Comprising the Port and Associated Lines, Joint Service, covers a sailing arrangement in the trade from New York to ports in Australia and New Zealand.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 20, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-8359; Filed, Oct. 22, 1954; 8:51 a. m.]

Federal Maritime Board and Maritime Administration

MOORE-MCCORMACK LINES, INC.

NOTICE OF APPLICATION

Notice is hereby given of the application of Moore-McCormack Lines, Inc., seeking written permission of the Maritime Administration under section 805 (a), of the Merchant Marine Act, 1936, 46 U. S. C. 1223, to own, operate or charter a tanker vessel for carriage of liquid bulk cargoes exclusive of lubricating oils, vegetable oils (including coconut), or fatty oils (including tallow), or detergents, in the domestic coastwise or intercoastal trade.

Under the provisions of section 805 (a), the Federal Maritime Board and Maritime Administrator may not grant such application if the Board and Administrator find it will result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service or that it will be prejudicial to the objects and policy of the Act.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) shall notify the Secretary, Federal Maritime Board/Maritime Administration on or before October 28, 1954, and should file petitions for leave to intervene in accordance with § 201.81 of the Federal Maritime Board/Maritime Administration's rules of procedure (18 F. R. 3716).

In the absence of receipt of any such request for hearing and petition for leave to intervene the Maritime Administrator will take such action with respect to the application as may be deemed appropriate.

Dated: October 20, 1954.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-8385; Filed, Oct. 22, 1954; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops, wage rates and the effective and expiration dates of the certificates are set forth below. In each case, the wage rates are established at rates not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or at wage rates stipulated in the certificate, whichever is higher.

Morgan Memorial, Inc., 85 Shawmut Avenue, Boston, Mass.; at a rate of not less than 40 cents per hour for a training period of 40 hours and 45 cents thereafter. Certificate is effective September 1, 1954, and expires on August 31, 1955.

Association for the Help of Retarded Children, Inc., A. H. R. C. Training Center and Workshop, 724 Nostrand Avenue, Brooklyn 16, N. Y.; at a rate of not less than 10 cents per hour. Certificate is effective October 1, 1954, and expires on September 30, 1955.

Association for the Help of Retarded Children, Inc., A. H. R. C. Training Center and Workshop, 303 Fourth Avenue, New York, N. Y.; at a rate of not less than 10 cents per hour. Certificate is

effective October 1, 1954, and expires on September 30, 1955.

Goodwill Union Mission and Industries, Inc., 713 East Tuscarawas Street, Canton 2, Ohio; at a rate of not less than 43 cents per hour. Certificate is effective September 7, 1954, and expires on August 31, 1955.

Goodwill Industries of Toledo, Inc., 601 Cherry Street, Toledo, Ohio; at a rate of not less than 25 cents per hour for a training period of 40 hours and 50 cents thereafter in the Transportation and Salvage Division; a rate of not less than 15 cents per hour for a training period of 80 hours and 17 cents thereafter in the Contract Division. Certificate is effective August 25, 1954, and expires on July 31, 1955.

The Volunteers of America, 320 North Illinois Street, Indianapolis, Ind.; at a rate of not less than 35 cents per hour. Certificate is effective September 1, 1954, and expires on October 31, 1954.

Wisconsin Workshop for the Blind, 2385 North Lake Drive, Milwaukee 11, Wis.; at a rate of not less than 35 cents per hour for a training period of 160 hours and 50 cents thereafter in the Government Contract Department only. Certificate is effective October 1, 1954, and expires on September 30, 1955.

Adult Training Center of the New Mexico School for the Blind, 408 Pennsylvania Avenue, Alamogordo, N. Mex.; at a rate of not less than 40 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective October 1, 1954, and expires on September 30, 1955.

Goodwill Industries of San Antonio, Inc., 3822 Pleasanton Road, San Antonio 4, Tex.; at a rate of not less than 40 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective October 1, 1954, and expires on September 30, 1955.

Goodwill Industries of Santa Clara County, Inc., 351 Lincoln Avenue, San Jose, Calif.; at a rate of not less than 65 cents per hour. Certificate is effective October 16, 1954, and expires on October 15, 1955.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 5th day of October 1954.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 54-8337; Filed, Oct. 22, 1954; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2497]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed July 22, 1954, pursuant to section 7 of the Natural Gas Act, for (1) permission and approval to abandon and (2) a certificate of public convenience and necessity authorizing the construction and operation of certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on August 11, 1954 (19 F. R. 5066-67).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 9, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 19, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8340; Filed, Oct. 22, 1954; 8:48 a. m.]

[Docket Nos. G-2754, G-2758]

PIPE ROYALTY CO. AND KERR-McGEE OIL INDUSTRIES, INC.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING AND FIXING DATE OF HEARING

Take notice that Pipe Royalty Company (Pipe), a Texas corporation with its principal place of business at San Antonio, Texas, and Kerr-McGee Oil Industries, Inc., (Kerr-McGee) a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, filed on September 14, 1954, their respective applications for certificate of public convenience and necessity, pursuant to the Natural Gas Act, authorizing sales of natural gas subject to the jurisdiction of the Commission, all as more fully described in the respective applications.

The application filed by Pipe states that natural gas produced in the West Panhandle Field in Carson and Gray Counties, Texas, is sold to Kerr-McGee.

The application filed by Kerr-McGee states that natural gas purchased in the West Panhandle Field, State of Texas, is sold to Northern Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of November 1954. The applications are on file with the Commission for public inspection.

The Commission finds: It is appropriate and in the public interest to (a) consolidate the above-entitled proceedings for the purpose of hearing, and (b) publish notice of the applications and order consolidating and fixing date of hearing simultaneously.

The Commission orders: Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, Docket Nos. G-2754 and G-2758 be and the same are hereby consolidated for the purpose of hearing and that a hearing be held on November 12, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the applications and matters presented therein under the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 19, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8341; Filed, Oct. 22, 1954; 8:48 a. m.]

[Docket No. G-2821]

SELLWOOD-MYERS

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Sellwood-Myers (Applicant), with a principal office in Shreveport, Louisiana, filed on September 20, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas subject to the jurisdiction of the Commission.

Applicant through Sidney G. Myers, lease operator states Applicant produces and sells natural gas in interstate commerce in Caddo Parish, Louisiana, to the Arkansas Louisiana Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 23, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the application under the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 19, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8342; Filed, Oct. 22, 1954; 8:48 a. m.]

[Docket No. G-2822]

KINGERY DRILLING CO., INC.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Kingery Drilling Co., Inc., (Applicant), a Texas corporation with its principal office in Saint Jo, Texas, filed, on September 20, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas subject to the jurisdiction of the Commission.

The application recites that Applicant produces and sells natural gas in interstate commerce to the Long Star Gas Company near Saint Jo, Texas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 23, 1954, at 9:35 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 19, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8343; Filed, Oct. 22, 1954; 8:48 a. m.]

[Docket No. G-2849]

E. M. DAVIS

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that E. M. Davis (Applicant), an independent producer of natural gas with his principal place of business in Dallas, Texas, filed, on September 20, 1954, an application for a certificate of convenience and nececessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas produced from acreage in the Gwinville Gas Field, Jefferson Davis County, Mississippi, to Southern Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 8, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 14, 1954.

Issued: October 19, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8344; Filed, Oct. 22, 1954; 8:49 a. m.]

[Docket No. G-2932]

CITY OF MONTGOMERY, MISSOURI

NOTICE OF APPLICATION

OCTOBER 18, 1954.

Take notice that City of Montgomery, Missouri (Applicant), a municipal corporation organized and existing under the laws of the State of Missouri, address Montgomery, Missouri, filed on September 21, 1954, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its transportation facilities with Applicant's proposed facilities and to sell and deliver its natural gas requirements.

Applicant proposes to interconnect with Panhandle's facilities by means of a 4 inch transmission line which will connect to the terminus of Panhandle's lateral at Wellsville, Missouri.

Applicant's annual gas requirements are stated to be 47,470 Mcf for the first year and 83,080 Mcf for the fifth year. Its first year peak day requirements are stated to be 459 Mcf while its fifth year peak day is estimated at 766 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of November 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8338; Filed, Oct. 22, 1954; 8:48 a. m.]

[Docket No. G-3159]

TOWN GAS COMPANY OF ILLINOIS

NOTICE OF APPLICATION

OCTOBER 18, 1954.

Take notice that Town Gas Company of Illinois (Applicant), an Illinois corporation, address Virden, Illinois, filed on September 27, 1954, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its transportation facilities with Applicant's proposed facilities and to sell and deliver

natural gas to Applicant for local distribution to the public in the communities of Virden, Girard, and Thayer, Illinois.

Applicant proposes to interconnect the communities to be served with lateral lines to be connected with Panhandle's main line in the near vicinity of the junction of Panhandle's system with that of Trunkline Gas Company at Tuscola, Illinois.

Applicant estimates that it will require less than 500 Mcf per day for its 1955 requirements and not more than 2,000 Mcf per day for the winter months of its fifth year.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of November 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8339; Filed, Oct. 22, 1954; 8:48 a. m.]

[Docket No. G-3820]

BRIDWELL OIL CO.

ORDER ACCEPTING RATE SCHEDULE AND SUPPLEMENT FOR FILING AND SUSPENDING OTHER SUPPLEMENTS

On September 16, 1954, Bridwell Oil Company (Applicant) tendered for filing with the Commission, pursuant to Order No. 174-A issued August 6, 1954, in Docket No. R-138, a certain contract, together with two changes therein, which have been designated as FPC Gas Rate Schedule No. 3, and Supplements Nos. 1 and 2 thereto, respectively. A further change, tendered for filing on September 27, 1954, has been designated Supplement No. 3 thereto.

Additionally, on September 24 and 27, 1954, Applicant tendered for filing two letters providing for certain changes in its FPC Gas Rate Schedule No. 4, which have been designated as Supplements Nos. 1 and 2 thereto.

Applicant's FPC Gas Rate Schedule No. 3 is a contract dated January 23, 1953, covering the sale of natural gas by Applicant to Tennessee Gas Transmission Company (Tennessee). Supplement No. 1 thereto is a supplemental agreement dated November 27, 1953. Supplement No. 2 is a request that the charge for the gas sold be increased by approximately 1.54574 cents per Mcf, effective August 1, 1954, based upon redetermination provisions in the basic contract. Supplement No. 3 is a further request that the charge for the gas sold be increased by approximately 0.35763 cent per Mcf because of favored-nation provisions in the basic contract. The foregoing increases would raise the price of gas to Tennessee to 11.54574 cents and 11.90337 cents per Mcf, respectively. Applicant requests that Supplement No. 3 become effective November 1, 1954.

Supplements Nos. 1 and 2 to Applicant's FPC Gas Rate Schedule No. 4 provide for increases of 1.76505 cents and 0.35763 cent per Mcf for gas sold to Tennessee due to redetermination and favored-nation provisions, respectively, in the basic contract. Such increases are proposed to be effective August 1 and November 1, 1954. The supplements raise the price of gas to Tennessee to 11.76505 cents and 12.12268 cents per Mcf, respectively.

The gas sold by Applicant to Tennessee, pursuant to the foregoing rate schedules and supplements thereto, is transported and sold in interstate commerce.

In view of the fact that Applicant's only justification for the increases requested is based on the redetermination and favored-nation provisions of the basic contracts, such increases may be unjust, unreasonable, and otherwise unlawful and should be suspended, as hereinafter provided.

The Commission finds:

(1) Bridwell Oil Company is a "natural-gas company" within the meaning of the Natural Gas Act, and its sale of gas to Tennessee Gas Transmission Company under FPC Gas Rate Schedules Nos. 3 and 4, and supplements thereto, is a sale in interstate commerce of natural gas for resale for ultimate public consumption.

(2) FPC Gas Rate Schedule No. 3, and Supplement No. 1 thereto, filed by Applicant on September 16, 1954, should be accepted for filing.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the reasonableness of the increases in rates and charges proposed by Applicant in Supplements Nos. 2 and 3 to its FPC Gas Rate Schedule No. 3 filed on September 16 and 27, 1954, and in Supplements Nos. 1 and 2 to its FPC Gas Rate Schedule No. 4 filed on September 24 and 27, 1954, and said supplements be suspended as hereinafter ordered and the use thereof deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) FPC Gas Rate Schedule No. 3 and Supplement No. 1 thereto filed by Bridwell Oil Company on September 16, 1954, be and the same hereby are accepted for filing.

(B) Nothing contained in this order shall be construed as a waiver of the requirements of section 7 (c) of the Natural Gas Act; nor shall it be construed as constituting approval by this Commission of any service, rate charge, classification, or any rule, regulation, contract or practice affecting such service or rate, nor shall this be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate.

(C) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission, concerning the reasonableness of the rates and charges contained in Supplements Nos. 2 and 3 to FPC Gas Rate Schedule No. 3 filed on September 16 and 27, 1954, and in Supplements Nos. 1 and 2 to FPC Gas Rate Schedule No. 4 filed on September 24 and 27, 1954.

(D) Pending such hearing and decision thereon, Supplements Nos. 2 and 3 to FPC Gas Rate Schedule No. 3 and Supplements Nos. 1 and 2 to FPC Gas Rate Schedule No. 4 be and the same are hereby suspended and the use thereof deferred until further orders of the Commission, but not beyond March 17, 1955, with respect to Supplement No. 2 to FPC Gas Rate Schedule No. 3, March 25, 1955, with respect to Supplement No. 1 to FPC Gas Rate Schedule No. 4, and April 1, 1955, with respect to Supplement No. 3 to FPC Gas Rate Schedule No. 3 and Supplement No. 2 to FPC Gas Rate Schedule No. 4, and until such further time as such supplements may be made effective in the manner prescribed by the Natural Gas Act.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(F) This order is without prepudice to any finding or orders which have been or may hereafter be made by this Commission in any proceeding now pending, or hereafter instituted, by or against Bridwell Oil Company.

Adopted: October 14, 1954.

Issued: October 19, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8345; Filed, Oct. 22, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3299]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

ORDER AUTHORIZING PROPOSED ISSUANCE AND SALE OF FIRST MORTGAGE BONDS AND SHARES OF COMMON STOCK, AND ACQUISITION OF SUCH STOCK BY PARENT

OCTOBER 18, 1954.

Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company, and one of its public utility subsidiaries, Wisconsin Michigan Power Company ("Wisconsin Michigan"), have filed a joint application-declaration with this Commission pursuant to sections 6, 7, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43, U-46 and U-50 thereunder with respect to proposed transactions which are summarized as follows:

Wisconsin Michigan proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1984, to be dated October 15, 1954, and to mature October 15, 1984. The bonds will be issued under and secured by the company's Mortgage and Deed of Trust dated July 15, 1936, as heretofore supplemented and amended and as to be further supplemented by a Sixth Supplemental Indenture to be dated October 15, 1954.

Wisconsin Michigan also proposes to issue an additional 125,000 shares of its Common Stock of the par value of $20 per share of which 50,000 shares are to be sold to Wisconsin Electric for $1,000,000, the aggregate par value thereof, and the remaining 75,000 shares are to be issued to Wisconsin Electric as a stock dividend. As to the proposed stock dividend, Wisconsin Michigan will, by the issuance of such stock, convert its capital surplus amounting to $42,942 and $1,457,058 of its earned surplus into an equivalent aggregate amount of additional par value common stock. Wisconsin Michigan states that at June 30, 1954, it had earned surplus of $2,725,983 and believes that the remaining earned surplus, estimated at over $1,200,000 after completion of the proposed transactions, will be adequate for Wisconsin Michigan's needs.

According to the filing Wisconsin Michigan desires to effect the proposed sale of bonds and stock to secure capital funds needed to meet expenditures required for additions, extensions and improvements to its utility plant and to retire short-term promissory notes aggregating $1,700,000 which will mature on November 30, 1954, and December 5, 1954.

The Michigan Public Service Commission has authorized the proposed issuance and sale of common stock and bonds by Wisconsin Michigan; the Public Service Commission of Wisconsin has authorized the proposed issuance and sale of common stock by Wisconsin Michigan and the acquisition thereof by Wisconsin Electric, and has also authorized the submission of the bonds of Wisconsin Michigan to competitive bidding, indicating that when the interest rate, price to the company and other data in respect of the bonds have been determined by such bidding and found to be reasonable, the issuance and sale of the bonds will be authorized.

Due notice having been given of the filing of the joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission having examined the filing and finding that the record is incomplete in respect of the legal and accountants' fees and expenses incurred and to be paid in connection with the proposed transactions, but that otherwise the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and that no adverse findings are necessary; and the Commission deeming it appropriate in the public interest and the interest of investors and consumers that the joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to a reservation of jurisdiction in respect of the fees and expenses referred to above:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, subject to the terms and conditions prescribed in Rules U-24 and U-50.

It is further ordered, That jurisdiction be, and hereby is, reserved in respect of the fees and expenses to be incurred and paid to the Accountants, Company Counsel and Counsel for the Underwriters in connection with the proposed transactions, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8333; Filed, Oct. 22, 1954; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SAINT FRERES, SOCIETE ANONYME

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Saint Freres, Societe Anonyme, Paris, France; Claim No. 41219; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to United States Patent Application Serial Nos. 338,620 (now United States Letters Patent No. 2,356,425) and 341,578 (now United States Letters Patent No. 2,313,300).

Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,248,281; 2,252,470; 2,247,307 and 2,248,282.

Property described in Vesting Order No. 666, relating to an undivided one-half interest in United States Letters Patent No. 2,238,658.

Executed at Washington, D. C., on October 19, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8349; Filed, Oct. 22, 1954; 8:50 a. m.]

JENS M. FRIIS SOELBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jens M. Friis Soelberg, 9 Skogveien, Jar per Oslo, Norway; Claim No. 36977; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943), relating to United States Letters Patent No. 1,974,125.

Executed at Washington, D. C., on October 19, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8350; Filed, Oct. 22, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29814]

AMMUNITION BOXES FROM POINTS IN THE SOUTHWEST TO CENTRAL AND SOUTHWESTERN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Ammunition boxes, carloads.

From: Specified points in southwestern territory.

To: Specified points in central and southwestern territories.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8346; Filed, Oct. 22, 1954; 8:49 a. m.]

[4th Sec. Application 29815]

CATALOGUES AND FIBREBOARD BOXES FROM CHICAGO, ILL., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedules shown in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Catalogues, catalogue parts, and fibreboard boxes, carloads.

From: Chicago, Ill.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8347; Filed, Oct. 22, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 208

Washington, Tuesday, October 26, 1954

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 28]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 5207, 5604, 6079, 6472), is hereby further amended to read as follows:

§ 76.27 *Notice and quarantine.* Notice is hereby given that swine in the following specified States are affected with vesicular exanthema, and the following areas in such States are hereby quarantined because of said disease:

(a) *California:* (1) Secs. 31 and 32, T. 2 S., R. 2 W., MDBM; NE. ¼ Sec. 1, T. 3 S., R. 2 W., MDBM; Sec. 22, T. 5 S., R. 1 W., MDBM; Secs. 22, 24, and SW. ¼ Sec. 34, T. 3 S., R. 2E., MDBM; SE. ¼ Sec. 35, T. 2 S., R. 2 E., MDBM; that area included within a boundary beginning at a point on W. line of Plot 4, Rancho El Valle, 10.47 chains N. from N. line Plot 3, Rancho El Valle, thence N. 53° W. 17.95 chains, thence N. 69° 4' E. 6.67 chains, thence N. to County Road, thence SE. 100 feet along SW. line of County Road, thence S. to point of beginning, consisting of 32.98 acres within lots 8–15; NE. ¼ Sec. 25, T. 3 S., R. 3 W., MDBM; E. ½ Sec. 13, T. 3 S., R. 3 W., MDBM; and NE. ¼ Sec. 20, T. 3 S., R. 2 E., MDBM, in Alameda County.

(2) N. ½ of NW. ¼ Sec. 22, T. 6 N., R. 11 E., MDBM, in Amador County.

(3) That area lying north of Humboldt Road, south of Eighth Avenue and Big Chico Creek, west of Ponderosa Way, and east of El Monte Avenue, except that tract of land in Sections 19 and 30, T. 22 N., R. 2 E., MDBM, included within a boundary beginning at the point on the north line of Humboldt Road from whence the southeast corner of Humboldt Subdivision bears north 81° 9', west 2,077.6 feet, thence north 0° 26', thence east 1,599.3 feet, thence south 0° 26', thence west 1,353.1 feet to north line of Humboldt Road, thence along said road to point of beginning; and Secs. 19 and 20, T. 23 N., R. 2 E., MDBM, in Butte County.

(4) Lot 10, consisting of 162.25 acres in Garcia Ranch (land grant) located in Briones Valley, the SE. branch of Pinole Valley; SE ¼ Sec. 33, T. 2 N., R. 3 E., MDBM; that area included within a boundary beginning at a point 200 feet east on the ¼ Section line, Sec. 27, R. 1 E., T. 2 N., MDBM, thence 75 feet north, thence 300 feet east, thence 45° northeast to a point 200 feet south and 200 feet east of the NW. ¼ Sec. lines, thence 300 feet south, thence 10 feet east, thence 500 feet south, thence 485 feet west to the NW. point of ¼ Sec. line; NE. ¼ of N. ½ Sec. 22, T. 1 N., R. 3 E., MDBM; Sec. 19, T. 1 S., R. 2 W., MDBM; that area included within a boundary beginning at a point 200 feet east on the ¼ Sec. line, Sec. 27, R. 1 E., T. 2 N., MDBM, thence south 400 feet west, thence 1,050 feet south to a point in the north line of Corto Paso Road, thence 885 feet east, thence approximately 1,117 feet north, thence 485 feet west on the Northern ¼ Sec. line; and SE. ¼ Sec. 2, T. 1 N., R. 5 W., MDBM, in Contra Costa County.

(5) Sec. 17, T. 16 N., R. 1 W., HUBM., in Del Norte County.

(6) NW. ¼ Sec. 26, T. 10 N., R. 10 E., MDBM, in El Dorado County.

(7) S. ½ of SE. ¼ Sec. 30, T. 14 S., R. 19 E., MDBM; and NW. ¼ Sec. 28, T. 14 S., R. 22 E., MDBM, in Fresno County.

(8) That area lying north of County Road No. 57, south of County Road No. 53, west of County Road "M", and east of Glenn-Colusa Irrigation Canal, in Glenn County.

(9) Sec. 24, T. 4 S., R. 3 E., HUBM; Sec. 7, T. 2 N., R. 1 E., HUBM; and Sec. 19, T. 4 S., R. 4 E., HUBM, in Humboldt County.

(10) Tract 47, Sec. 24, T. 16 S., R. 12 E., SBBM; Lots 48 and 49, Sec. 15 and SW. ¼ Sec. 15, T. 12 S., R. 14 E., SBBM; Sec. 36, T. 15 S., R. 23 E., SBBM; Tract 35, Sec. 27, T. 15 S., R. 15 E., SBBM; Tract 111, Sec. 9, T. 16 S., R. 14 E., SBBM; Tract 135, Sec. 7, T. 15 S., R. 14 E., and Sec. 12, T. 15 S., R. 13 E., SBBM, in Imperial County.

(11) NW. ¼ Sec. 17, T. 32 S., R. 24 E., MDBM; E. ½ Sec. 8, T. 31 S., R. 28 E., and SW. ¼ Sec. 21, T. 28 S., R. 27 E., MDBM; Sec. 15, T. 25 S., R. 25 E., MDBM; and Secs. 7 and 18, T. 28 S., R. 27 E., MDBM, in Kern County.

(12) SE. ¼ Sec. 23, T. 8 N., R. 12 W., SBBM; NE. ¼ Sec. 22, T. 8 N., R. 11 W., SBBM; NE. ¼ of NE. ¼ Sec. 14, T. 5 N., R. 14 W., SBBM; SE. ¼ Sec. 28, SW. ¼ Sec. 27, NE. ¼ Sec. 23, and NW. ¼ Sec. 34, T. 5 N., R. 15 W., SBBM; that part of the City of Torrance included within a boundary beginning at the intersection of Spencer Street and Madrona Avenue, hence west 330 feet,

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FEDERAL REGISTER

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thence north 700 feet, thence east 330 feet, and thence south to point of beginning; that part of the City of El Monte included within a boundary beginning at the intersection of Peck Road and Clark Street, thence east 1,000 feet, thence north 700 feet, thence west 1,000 feet, and thence south to point of beginning; that part of the City of El Monte included within a boundary beginning 1,000 feet east of the intersection of Peck Road and Clark Street, thence east ¼ mile, thence north ¼ mile, thence west ¼ mile, and thence south to point of beginning; that part of the City of Torrance included within a boundary beginning 330 feet west of the intersection of Spencer Street and Madrona Avenue, thence west 300 feet, and thence south to point of beginning; that part of the City of Pomona included within a boundary beginning at the south end of Garey Street, thence west 1 mile, thence north ½ mile, thence east 1 mile, and thence south to point of beginning; Secs. 25 and 36, T. 5 N., R. 16 W., SBBM; NE. ¼ Sec. 19, T. 5 N., R. 13 W., SBBM; E. ½ Sec. 36, T. 4 N., R. 17 W., and W. ½ Sec. 31, T. 4 N., R. 16 W., SBBM; that part of the City of Dominguez included within a boundary beginning ½ mile south of the intersection of Alameda and Artesia Streets, thence west ¼ mile, thence south ¼ mile, thence east ¼ mile, and thence north to point of beginning; SW. ¼ Sec. 1, T. 4 N., R. 16 W., SBBM; that part of the City of Torrance included within a boundary beginning at the intersection of Meyer Lane and Dominguez Street (190th Street), thence west ½ mile, thence south ¾ mile, thence east ½ mile, and thence north to point of beginning; Sec. 9, T. 4 N., R. 14 W., SBBM; and Sec. 9, T. 4 N., R. 15 W., SBBM; in Los Angeles County.

(13) That part of Sec. 27, T. 1 N., R. 7 W., MDBM, lying west of Panoramic Highway; SW. ¼ Sec. 25, T. 3 N., R. 9 W., MDBM; Secs. 11, 12, 13, and 14, T. 1 N., R. 6 W., MDBM, in Marin County.

(14) Sec. 27, T. 15 N., R. 12 W., MDBM, and Sec. 22, T. 19 N., R. 13 W., MDBM, in Mendocino County.

(15) Sec. 11, T. 8 S., R. 8 E., MDBM; that area lying west of Tyler Street, east of Los Banos Highway, north of Cone Avenue, and south of Childs Avenue; and Sec. 31, T. 7 S., R. 9 E., MDBM, in Merced County.

(16) NW. ¼ Sec. 2, T. 2 S., R. 26 E., MDBM, in Mono County.

(17) Lot 9 of Locks Paddon Colony No. 43 in the Town of Castroville; that area lying south of the Salinas River, west of Fort Ord Road, north of Monterey Road, and east of State Highway No. 1; that area lying south of Reindollar Avenue, east of State Highway No. 1, north of Fort Ord Road, and west of Sunrise Avenue; that area lying south of Carmel Avenue, east of Sunset Avenue, north of Reindollar Avenue, and west of California Avenue; Sub. C of Lot 3, Assessor Map No. 1 of San Vincente Ranch, Lots 75B, 77B, and 78B; and Secs. 2 and 3, T. 15 S., R. 2 E., MDBM, in Monterey County.

(18) That part of Napa Township lying north and east of Browns Valley Road, south of Redwood Road, and west of Napa Creek; Sec. 13, T. 4 N., R. 3 W., MDBM; N. ½ of NE. ¼ Sec. 11, T. 5 N., R. 4 W., MDBM; and Sec. 29, T. 8 N., R. 5 W., MDBM, in Napa County.

(19) Sec. 7, T. 15 N., R. 8 E., MDBM, in Nevada County.

(20) Sec. 7, T. 3 S., R. 9 W., SBBM; NE. ¼ Sec. 4, T. 4 S., R. 11 W., SBBM; Sec. 26, T. 3 S., R. 11 W., SBBM; and Sec. 27, T. 6 S., R. 8 W., SBBM, in Orange County.

(21) That area lying north and west of U. S. Highway No. 40, south of Grove Creek, and east of U. S. Highway No. 99E, in Placer County.

(22) Sec. 27, T. 4 S., R. 4 W., SBBM; SW. ¼ Sec. 10, T. 3 S., R. 3 W., SBBM; SE. ¼ Sec. 31, T. 5 S., R. 2 W., SBBM; Secs. 3 and 10, T. 7 S., R. 23 E., SBBM; Sec. 16, T. 4 S., R. 4 W., SBBM; Parcels 94 and 95, Prado Basin, T. 3 S., R. 7 W., SBBM; SW. ¼ Sec. 33, T. 3 S., R. 6 W., SBBM; Lot 1, Sec. 6, T. 7 S., R. 1 W., SBBM; W. ½ Sec. 22, T. 4 S., R. 4 W., SBBM; and E. ½ Sec. 17, T. 2 S., R. 2 W., SBBM, in Riverside County.

(23) N. ½ of NW. ¼ Sec. 33, T. 9 N., R. 7 E., MDBM; SE. ¼ of SE. ¼ Sec. 3, T. 7 N., R. 6 E., MDBM; SE. ¼ Sec. 23, T. 7 N., R. 5 E., MDBM; S. ½ of NW. ¼ Sec. 33, T. 9 N., R. 7 E., MDBM; and SW. ¼ Sec. 16, T 7 N., R. 6 E., MDBM, in Sacramento County.

(24) SE. ¼ of SW. ¼ Sec. 32, T. 1 N., R. 5 W., SBBM; E. ½ Sec. 15, T. 10 N., R. 3 W., SBBM; Sec. 13, Sec. 14, and Sec. 15, NW. ¼ Sec. 22, N. ½ Sec. 23, N. ½ of NW. ¼ Sec. 24, NE. ¼ Sec. 24, N. ½ of SE. ¼ Sec. 24, and S. ½ of SE ¼ Sec. 16, T. 9 N., R. 1 E., and W. ½ of SW. ¼ and S. ½ of SE. ¼ Sec. 19, T. 9 N., R. 2 E., SBBM; W. ½ Sec. 28, T. 12 N., R. 2 E., SBBM; SE. ¼ Sec. 31, T. 2 N., R. 9 E., SBBM; Sec. 36, T. 1 S., R. 5 W., SBBM; Sec. 17, T. 6 N., R. 3 W., SBBM; N. ½ Sec. 2, T. 9 N., R. 2 W., SBBM; E. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM; Lots 1, 3, 4, 5, and 6, Sec. 25, T. 11 N., R. 21 E., SBBM; NW. ¼ Sec. 13, T. 2 S., R. 7 W., SBBM; W. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM, in San Bernardino County.

(25) NW. ¼ Sec. 36, T. 18 S., R. 2 W., SBBM; SW. ¼ Sec. 14, T. 14 S., R. 2 W., SBBM; NE. ¼ Sec. 19, T. 18 S., R. 1 W., SBBM; W. ½ of NE ¼ Sec. 19, T. 18 S., R. 1 W., SBBM; Lots 2, 3, and 4, Sec. 12, T. 12 S., R. 3 W., SBBM; S. ½ Sec. 23, T. 10 S., R. 3 E., SBBM; NW. ¼ of SE. ¼ Sec. 34, T. 12 S., R. 1 E., SBBM; NW. ¼ Sec. 20, T. 16 S., R. 1 E., SBBM; W. ½ of NE. ¼ Sec. 26, T. 18 S., R. 2 W., SBBM; E. ½ Sec. 30, T. 14 S., R. 2 W., SBBM; N. ½ of SE. ¼ Sec. 18, T. 15 S., R. 2 E., SBBM; NW. ¼ Sec. 33, T. 11 S., R. 4 W., SBBM; NE. ¼ Sec. 28, T. 12 S., R. 3 W., SBBM; W. ½ of NW. ¼ of NW. ¼ Sec. 32, T. 11 S., R. 4 W., SBBM; NW. ¼ of SW. ¼ of SE. ¼ Sec. 24, T. 16 S., R. 1 W., SBBM; Sec. 24 and Sec. 25, T. 14 S., R. 1 E., SBBM; E. ½ of NW. ¼ and E. ½ of SW. ¼ Sec. 32, T. 11 S., R. 4 W., SBBM; W. ½ of SW. ¼ Sec. 21, T. 10 S., R. 3 W., SBBM; Sec. 30, T. 16 S., R. 1 E., SBBM; Lots 82 to 89, inclusive, Sec. 24, T. 18 S., R. 2 W., SBBM; NE. ¼ Sec. 28, and SE. ¼ Sec. 3, T. 15 S., R. 1 E., SBBM; E. ½ of SW. ¼ of SE. ¼ of SW. ¼ Sec. 24, T. 18 S., R. 2 W., SBBM; SE. ¼ Sec. 29 and NE. ¼ Sec. 23, T. 15 S., R. 1 W., SBBM; SW. ¼ Sec. 24, T. 18 S., R. 2 W., SBBM; SE. ¼ Sec. 22, T. 18 S., R. 1 W., SBBM; SE. ¼ Sec. 27, T. 15 S., R. 1 W., SBBM; and N. ½ Sec. 2, T. 15 S., R. 1 E., SBBM, in San Diego County.

(26) NW. ¼ Sec. 33, T. 5 N., R. 5 E., MDBM; Secs. 20 and 29, T. 2 S., R. 6 E., MDBM; N. ½ Sec. 5 and W. ½ Sec. 4, T. 1 N., R. 6 E., MDBM; and SE. ¼ Sec. 22, T. 1 N., R. 6 E., MDBM, in San Joaquin County.

(27) S. ½ Sec. 8, T. 26 S., R. 12 E., MDBM; NE. ¼ of NE. ¼ Sec. 15, T. 26 S., R. 12 E., MDBM; Lot 50 of Rancho Corral de Piedro (land grant) lying east of Arroyo Grande Highway; NE. ¼ Sec. 30, T. 27 S., R. 11 E., MDBM; Lot 19, Block 23 of Atascadero Colony (land grant), and SW. ¼ Sec. 15, T. 27 S., R. 8 E., MDBM and including that adjacent portion of the Rancho Santa Rosa Land Grant which lies northwest of State Highway No. 1, in San Luis Obispo County.

(28) SW. ¼ Sec. 7, T. 3 S., R. 5 W., MDBM; SW. ¼ Sec. 12, T. 3 S., R. 6 W., MDBM; SW. ¼ Sec. 11, T. 3 S., R. 6 N., MDBM; S. ½ of SW. ¼ Sec. 36, T. 5 S., R. 4 W., MDBM; SE. ¼ Sec. 14, T. 4 S., R. 6 W., MDBM; NW. ¼ Sec. 25, T. 4 S., R. 6 W., MDBM; NW. ¼ Sec. 32, T. 7 S., R. 3 W., MDBM; NE. ¼ Sec. 26, T. 7 S., R. 3 W., MDBM; SW. ¼ Sec. 20, T. 4 S., R. 6 W., MDBM; NW. ¼ Sec. 28, T. 4 S., R. 6 W., MDBM; SE. ¼ Sec. 13, T. 4 S., R. 6 W., MDBM; NE. ¼ Sec. 26, T. 3 S., R. 6 W., MDBM; and NW. ¼ Sec. 18, T. 3 S., R. 5 W., MDBM; in San Mateo County.

(29) SE. ¼ of SE. ¼ Sec. 34, T. 5 N., R. 28 W., MDBM; NE. ¼ of NW. ¼ Sec. 12, T. 10 N., R. 33 W., MDBM; and that area included within a boundary beginning at the intersection of San Marcus and San Antonio Roads, thence south on San Antonio Road to Foothill Road, thence west ¼ mile on Foothill Road, thence north 1 mile to San Marcus Road, thence east on San Marcus Road to point of beginning, in Santa Barbara County.

(30) NE. ¼ Sec. 14, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 22, T. 6 S., R. 1 W., MDBM; that part of the NE. ¼ Sec. 9, T. 6 S., R. 2 W., lying west of Sterling Road, east of Bayshore Highway, south of San Francisco Bay, and north of Charleston Avenue; NE. ¼ Sec. 30, T. 8 S., R. 1 E., MDBM; NE. ¼ Sec. 7, T. 8 S., R. 1 W., MDBM; NW. ¼ Sec. 15, T. 6 S., R. 2 W., MDBM; SE. ¼ of T. 5 S., R. 1 W., MDBM; that part of the City of Milpitas lying south

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of Alviso-Milpitas Road, north of Trimble Road, west of State Highway No. 17, and east of the Eastshore Freeway; NE. ¼ Sec. 15, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 19, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 34, T. 7 S., R. 1 E., MDBM; NW. ¼ Sec. 31, T. 10 S., R. 4 E., MDBM; and SE. ¼ Sec. 32, T. 8 S., R. 1 E., MDBM in Santa Clara County.

(31) Sec. 17, T. 11 S., R. 2 W., MDBM; that area lying south of Old State Highway No. 1, east of Estate Drive, north of State Highway No. 1, and west of Monte Vista Street; that area lying east of Old San Jose Road, and north, south and west of Soquel Creek; that area lying east of Branciforte Drive, south of Happy Valley Road, west of Arana Gulch Road, and north of DeLavega Park Road; and SE. ¼ Sec. 32, T. 9 S., R. 2 W., MDBM, in Santa Cruz County.

(32) Sec. 32, T. 32 N., R. 5 W., MDBM, in Shasta County.

(33) N. ½ Sec. 23 and S. ½ Sec. 14, T. 45 N., R. 7 W., MDBM; and NW. ¼ Sec. 34, T. 40 N., R. 4 E., MDBM, in Siskiyou County.

(34) Secs. 28 and 33, T. 3 N., R. 3 W., MDBM; Secs. 19 and 24, T. 3 N., R. 2 W., MDBM; SW. ¼ Sec. 20 and NW. ¼ Sec. 29, T. 5 N., R. 1 W., MDBM; Sec. 7 and Sec. 18, T. 4 N., R. 2 W., MDBM; SE. ¼ Sec. 30, T. 7 N., R. 1 E., MDBM; Sec. 13, T. 4 N., R. 2 E., MDBM; and SE. ¼ Sec. 13, T. 7 N., R. 1 W., MDBM, in Solano County.

(35) That part of Secs. 16 and 21, T. 8 N., R. 8 W., MDBM, lying south of Faught Creek and west of Faught Road; that part of Healdsburg Township lying south of Lytton Road, north and east of Chiquilta Road, and west of U. S. Highway No. 101; NW. ¼ Sec. 30, T. 7 N., R. 9 W., MDBM; that part of Rancho Aqua Calente Grant lying south and east of Arnold Drive, west of State Highway No. 12, and north of Madrone Road; and that part of Rancho Petaluma Grant lying south and east of State Highway No. 37, west of Maffei Lane, and north of Wayne road, in Sonoma County.

(36) SW. ¼ Sec. 5, T. 5 S., R. 9 E., MDBM; that portion of the NE. ¼ Sec. 11, T. 2 S., R. 10 E., lying south of the Stanislaus River; and Sec. 17, T. 4 S., R. 8 E., MDBM; in Stanislaus County.

(37) Sec. 8, T. 5 N., R. 6 E., HUBM, in Trinity County.

(38) SW. ¼ Sec. 2 and SW. ¼ Sec. 11, T. 18 S., R. 26 E., MDBM; NW. ¼ Sec. 15, T. 20 S., R. 24 E., MDBM; SE. ¼ Sec. 6, T. 18 S., R. 24., MDBM; NW. ¼ Sec. 36, T. 17 S., R. 26 E., MDBM; and SE. ¼ Sec. 11, T. 21 S., R. 29 E., MDBM, in Tulare County.

(39) Secs. 32 and 33, T. 2 N., R. 15 E., MDBM; and Secs. 1 and 2, T. 1 N., R. 14 E., in Tuolumne County.

(40) S. ½ Sec. 32, T. 3 N., R. 2 W., MDBM; Sec. 16, T. 2 N., R. 22 W., MDBM; N. ½ Sec. 32, T. 3 N., R. 20 W., MDBM; Sec. 33, T. 4 N., R. 24 W., MDBM; NE. ¼ Sec. 16, NW. ¼ Sec. 15 and SE. ¼ Sec. 9, T. 1 S., R. 20 W., MDBM; Sec. 22, T. 1 N., R. 20 W., MDBM; and Sec. 21, T. 3 N., R. 19 W., MDBM, in Ventura County.

(41) NW. ¼ Sec. 11, T. 9 N., R. 2 E., MDBM; SE. ¼ of NW. ¼ Sec. 30, T. 10 N., R. 2 E., MDBM; and that area included within a boundary beginning at the intersection of County Roads Numbers 124 and 126, extending south ¼ mile, thence west ½ mile, thence north ¼ mile, thence east to County Road No. 124, and thence southeast along County Road No. 124 to point of beginning, in Yolo County.

(42) That area lying north of the extension of the north boundary of Marysville City Limits to the Yuba River, south of the Hallwood Sand and Gravel Company Road to the Yuba River, west of the Yuba River, and east of State Highway No. 20, in Yuba County.

(b) *Connecticut:* (1) All of Hartford County except the following:

(i) That part of the Town of Bloomfield lying southwest of Blue Hills Avenue, north of Wintonbury Avenue, west of Bloomfield Avenue, and east of Woodlawn Avenue; and that part of the Town of Bloomfield lying southwest of Blue Hills Avenue, west of Windsor Road, northeast of Dudley Town Road, and east of Bloomfield Avenue;

(ii) That part of the Town of Enfield lying south of Farm and Wallop Roads, west of State Route No. 191, and east of the Scantic River;

(iii) That part of the Town of Manchester lying south of Spencer Street, west of Hillstown Road, and north of Woodside Street;

(iv) That part of the Town of Plainville lying south of New Britain Avenue, north of Woodford Street, west of Ledge Road, and east of State Route No. 10;

(v) That part of the Town of Rocky Hill lying southwest of Dividend Road, north of Forest Street, and east of State Route No. 9;

(vi) That part of the Town of Simsbury lying southwest of Stratton Brook Road, west of Canal Street, north of Sand Hill Road, and east of Bushy Hill Road and State Route No. 167;

(vii) That part of the Town of Wethersfield lying south of Wells Road, north of Prospect Street, west of Willow Street, and east of Goff Road;

(viii) That part of the Town of East Hartford lying south of Goodwin Street, west of Long Hill Road, north of Tolland Street, and east of School Street; and

(ix) That part of the Town of Windsor lying south of Park Avenue, west of Matianuck Avenue, and north of King's Farm.

(2) All of New Haven County except the following:

(i) That part of the Town of Branford lying west, south, and east of Laurel Hill Road and north of Pond Lily Stream; that part of the Town of Branford lying west of Brushy Plains Road, north of Parish Farm Road, east of Todd's Hill Road, and south of Hosley Road; and that part of the Town of Branford lying west of Farmington Avenue, east of Plant's Orchard, south of U. S. Route No. 1, and north of Burban Drive;

(ii) That part of the Town of New Haven lying east of the Quinnipiac River and northwest of State Route No. 17; and that part of the Town of New Haven lying east of Eastern Street and south of State Route No. 80;

(iii) That part of the Town of North Haven lying east of the Quinnipiac River, west of U. S. Route No. 5A, and south of Waterman's Brook; and

(iv) That part of the Town of Madison lying south and east of Warpas Road, north of Green Hill Road, west of State Route No. 79, and east of Copse Road.

(c) *Massachusetts:* (1) Suffolk County.

(2) The following areas in Bristol County:

(i) That part of the Town of Dartmouth lying west of Hixville Road and north of Albro Road; and that part of the Town of Dartmouth lying south of Old Fall River Road, north of the New York, New Haven, and Hartford Railroad, and west of Reed Street;

(ii) That part of the Town of Dighton lying north of Main Street, south of Center Street, west of Pine and Milk Streets, and east of Williams Street;

(iii) That part of the Town of Easton lying south and east of State Route No. 123, north of State Route No. 106, and west of the New York, New Haven, and Hartford Railroad and Prospect Street;

(iv) That part of the Town of Fairhaven lying north of U. S. Route No. 6 and east of New Boston Road;

(v) That part of the City of Fall River lying north of Indian Town Road, east of Yellow Hill Road and Bell Rock Road, and west of Cobecut Road;

(vi) That part of the Town of Mansfield lying south of the New York, New Haven, and Hartford Railroad, north of Elm Street and Richardson Avenue, west of Elm Street, and east of Gilbert and North Worcester Streets;

(vii) That part of the Town of North Attleboro lying north of May and Depot Streets, south of Mendon Road, east of the New York, New Haven, and Hartford Railroad, and west of Cumberland Avenue and U. S. Route No. 1;

(viii) That part of the Town of Seekonk lying north of County Street, south of Chestnut Street, west of Hammond Street, and east of Arcade Avenue and Mill Road; that part of the Town of Seekonk lying north of Ledge Road and Jacobs Street, south of Woodward Avenue, east of Runnins River, and west of Prospect Street; and that part of the Town of Seekonk lying south of County Street, north of Anthony Street, west of Bradley and Asylum Streets and east of Olney Street; and

(ix) That part of the Town of Westport lying south of U. S. Route No. 6, north of State Route No. 117, east of Bread and Cheese Brook, and west of Forge Road; and that part of the Town of Westport lying south of Old Bedford Road, north of the New York, New Haven, and Hartford Railroad, and east of Davis Road.

(3) The following areas in Essex County:

(i) That part of the Town of Danvers lying south of Lions Mouth Road, north of Haverhill Road, east of Kimball Road, and west of Highland Street; and that part of the Town of Danvers lying south of State Route No. 114, west of the Newburyport Turnpike, and east of the Ipswich River;

(ii) That part of the Town of Georgetown lying north of State Route No. 97, and west of Parker River;

(iii) That part of the Town of Groveland lying east of State Route No. 97 and southwest of Center Street;

(iv) That part of the Town Mathuen lying north of Brookdale Avenue, east of Hawks Brook, and west of State Route No. 110;

(v) That part of the Town of North Andover lying east of State Route No. 125, north of State Route No. 133, and south of Barker Street;

(vi) That part of the City of Peabody lying north of Lynnfield Street, south of State Route No. 128, and west of Farm Avenue; that part of the city of Peabody lying south of Forest Street, north of Locust Street, northwest of State Route No. 128, and east of U. S. Route No. 1; that part of the City of Peabody lying south of Farm Avenue, northwest of Lynnfield Street, and east of Farm Avenue; that part of the City of Peabody lying south of State Route No. 128, north of Lynnfield Street, west of Summit Street, and east of Farm Avenue; that part of the City of Peabody lying north of Lowell Street, east of U. S. Route No. 1, and west of Prospect Street; that part of the City of Peabody lying north of Lynnfield Street, south of State Route No. 128, and east of Farm Avenue; that part of the City of Peabody lying south of State Route No. 128 and north and west of Golthwaite Brook; and that part of the City of Peabody lying north of Lowell Street and west of Birch Street;

(vii) That part of the Town of Rowley lying southeast of Boxford Road and southwest of Newbury Street; and

(viii) That part of the Town of Salisbury lying north of the Merrimack River, east of U. S. Route No. 1 and south of Beach Road.

(4) The following areas in Hampden County:

(i) That part of the Town of Agawam lying north and west of River Road, south of School Street, and east of Main Street; and that part of the Town of Agawam lying north of Suffield Street, south and west of Springfield and Miller Streets, and east of Cooper Street;

(ii) That part of the Town of Chester lying north, south, and west of the Westfield River, and east of the Boston and Albany Railroad;

(iii) That part of the Town of Chicopee lying south of Exchange Street, Front Street, Wheatland Avenue, Archie Street, Broadway, Sheridan Street, Fuller Road, and Burnett Road, west of Indian Orchard, Main, and Parker Streets, and north of U. S. Route No. 20 and State Street;

(iv) That part of the Town of Hampden lying south of Monson Road, north and east of Chapin Road, and north and west of Thrasher Road;

(v) That part of the Town of Ludlow lying north and west of Alden Street, south of East Street, and east of Miller Street;

(vi) That part of the Town of Russell lying north of Mountain Road, south of Blandford Road and State Route No. 23, west of Westfield Road, and east of General Knox Road;

(vii) That part of the Town of Southwick lying south of Springfield Road, east of South Longyard Road, west of West Street, and north of Barry Road; and that part of the Town of Southwick north of Westfield Road, south of Springfield Road, east of North Longyard Road, and west of West Street;

(viii) That part of the City of Springfield lying east of Parker Street, south of Cooley Street, west of Allen Street, and north of Wilbraham Road; and that part of the City of Springfield lying east of Parker Street, south of Wilbraham and Pinkham Roads, west of Stonyhill Road, and north of Allen and Potter Roads; and

(ix) That part of the Town of Wilbraham lying south of Stonyhill Road, north and west of Allen Street, and east of Porter Road.

(5) The following areas in Middlesex County:

(i) That part of the Town of Billerica lying north of Treble Cove Road, east of State Route No. 4, south of Rangeway Road, and west of U. S. Route No. 3;

(ii) That part of the Town of Boxboro lying north of State Route No. 111 and west of Liberty Square Road;

(iii) That part of the Town of Dracut lying north of Wheeler Road, and south and east of State Route No. 113;

(iv) That part of the Town of Framingham lying south of State Route No. 135, west of Sherborn Road, and east of Western Avenue;

(v) That part of the Town of Holliston lying north of High Street and east of Concord Road;

(vi) That part of the Town of Hudson lying north of Main Street, and east of State Route No. 62; that part of the Town of Hudson lying south of Shapen Road and west of River Road; and that part of the Town of Hudson lying south of Main Street, west of White Pond Road, and east of Parmanteer Road;

(vii) That part of the Town of Lexington lying south of Mellex Road, west of State Route No. 128, and east of West View Street; and that part of the Town of Lexington lying north of Blossom Street, south and west of Allen Street, and east of Waltham Street;

(viii) That part of the Town of Lincoln lying north of State Route No. 117, south of State Route No. 2, and east of Conant Road; that part of the Town of Lincoln lying north of State Route No. 2A and east of Virginia Road; and that part of the Town of Lincoln lying south of State Route No. 117 and east of Tower Road;

(ix) That part of the City of Lowell lying north of Varnum Avenue, east of Totman Road, and west of Westmeadow Road; and that part of the City of Lowell lying east of Chelmsford Street, south of Plain Street, and west of River Meadow Brook;

(x) That part of the Town of Marlboro lying north of U. S. Route No. 20, west of Hop Brook, and east of Wilson Road;

(xi) That part of the Town of Maynard lying north of Main Street, west of State Route No. 27, and east of Summer Street;

(xii) That part of the Town of Sudbury lying north of State Route No. 27, south of State Route No. 117, and west of Mossman Road; and that part of the Town of Sudbury lying north of State Route No. 117, and west of Old Marlboro Road;

(xiii) That part of the Town of Tewksbury lying north of the Salem Branch of the Boston and Lowell Railroad, east of South Street, and west of North Branch of Sutton's Brook; that part of the Town of Tewksbury lying north of Range Line and ditch running from Tewksbury Line to Wilmington Branch of the Boston and Maine Railroad, south of the Salem Branch of the Boston and Lowell Railroad, and west of the Wilmington Branch of the Boston and Maine Railroad; and that part of the Town of Tewksbury lying north of Astle Street, east of the Lowell City Line, south of Old Southern Division of the Boston and Maine Roadbed, and west of State Route No. 38;

(xiv) That part of the City of Waltham lying south of Winter Street and west of Hobbs Brook;

(xv) That part of the Town of Wayland lying north of U. S. Route No. 20, south of the Boston and Maine Railroad, west of Plain Road, and east of State Route No. 126;

(xvi) That part of the Town of Westford lying north of State Route No. 2A, west of State Route No. 27, and east of State Route No. 110;

(xvii) That part of the Town of Weston lying south of South Avenue, and west of Wellesley Street; and that part of the Town of Weston lying north of State Route No. 30, south of U. S. Route No. 20, west of Wellesley Street, and east of Highland Street; and

(xviii) That part of the City of Woburn lying north of Merrimac Street, east of State Route No. 38, and west of Wilmington.

(6) The following areas in Norfolk County:

(i) That part of the Town of Bellingham lying south of Arm Street, north of Drake Pond, east of Farm Street and west of Hartford Avenue;

(ii) That part of the Town of Cohasset lying south and west of Jerusalem Road, north of Sohier and Green Streets, and east of King Street;

(iii) That part of the Town of Franklin included within a boundary beginning at the Southwest corner of the junction of Elm and Lincoln Streets, thence westerly for a distance of approximately 210 yards, thence southwesterly for a distance of approximately 565 yards, thence easterly to Lincoln Street, thence northerly along Lincoln Street to point of beginning, consisting of about 27 acres, owned and occupied by Max Garelick; that part of the Town of Franklin included within a boundary beginning at a point on Lincoln Street approximately 620 yards southerly from the junction of Elm and Lincoln Streets, thence westerly for a distance of approximately 200 feet, thence southerly for a distance of approximately 300 feet, thence easterly for a distance of approximately 150 feet to Lincoln Street, thence northerly along Lincoln Street to point of beginning, consisting of about two acres, owned and occupied by Walter Griffin; and that part of the Town of Franklin lying south and west of Daniels Street, north of Brook Street, and east of Lincoln Street; and

(iv) That part of the Town of Randolph lying north of Gold Street, south of Canton Street, east of High Street, and west of Irving Street.

(7) The following areas in Plymouth County:

(i) That part of the City of Brockton lying south of Center Street, north of Plain Street, and east of Summer Street;

(ii) The Town of Marion;

(iii) The Town of Marshfield;

(iv) That part of the Town of Mattapoisett lying north of Prospect Road and east of Marion Road;

(v) That part of the Town of Middleboro lying south of Grove Street, east of Rhode Island Road and South Street, and west of Wood Street;

(vi) That part of the Town of Pembroke lying south of School Street and west of Center Street;

(vii) That part of the Town of Plympton lying west of Palmer and Pleasant Streets;

(viii) That part of the Town of Rockland lying north of Summer Street and south of West Water Street and the New York, New Haven, and Hartford Railroad; that part of the Town of Rockland lying north of Forest Street, east of Union Street, and west of Weymouth Street; and that part of the Town of Rockland lying north of Summer Street, south of Centre Street, east of Plymouth Street (Abington), and west of Spring Street; and

(ix) The Town of Wareham.

(8) The following areas in Worcester County:

(i) That part of the Town of Auburn lying north of Oxford Street, south of U. S. Route No. 20, and west of the junction of Oxford Street and U. S. Route No. 20; that part of the Town of Auburn lying north of Rochdale Street, east of the junction of Leicester Town Line and the Boston and Maine Railroad, and west of Auburn Road;

(ii) That part of the Town of Bolton lying north of State Route No. 117, south of the junction of Harvard and Golden Run Roads, east of Harvard Road, and west of Sugar Road;

(iii) That part of the Town of Boylston lying north and west of the Wachusett Reservoir and south and east of State Route No. 110; that part of the Town of Boylston lying north of Mill Street, south of South Road, east of State Route No. 70, and west of Sewell Street; and that part of the Town of Boylston lying north of Shrewsbury Street, south of Temple Street, and west of State Route No. 70;

(iv) That part of the Town of Brookfield lying north of State Route No. 9, south and west of Smithfield Road, and east of Harrington Street;

(v) That part of the Town of East Brookfield lying north of North Sturbridge Road, south of Flag Road, east of West Sturbridge Road, and west of William Casey Road;

(vi) That part of the Town of Grafton lying north of Millbury Street, south of Brigham Hill Road, and west of the junction of Crosby Road and Brigham Hill Road;

(vii) That part of the Town of Holden lying north of Malden Street, south of Paul Street, east of the junction of Harris and Bullard Streets, and west of Malden Brook;

(viii) That part of the Town of Leicester lying south of the junction of Charlton Road and State Route No. 56, east of Charlton Street, and west of State Route No. 56; that part of the Town of Leicester lying north and west of Henshaw Street, south of State Route No. 9, and east of Hill Street; and that part of the Town of Leicester lying north of Hemlock Street, east of Whittemore Street, and west of Marshall Street;

(ix) That part of the Town of North Brookfield lying north of Shore Road, south of Ward Street, east of Old East Brookfield Road, and west of Green Road;

(x) That part of the Town of Oakham lying north of Beecham and Town Roads, south of Crawford Road, east of North Brookfield Road, and west of East Hill Street;

(xi) That part of the Town of Oxford lying north of Dand Road, south of Federal Hill Road, east of Brown Street, and west of Hudson Street; that part of the Town of Oxford lying north of Federal Hill Road, south of Depot Road, east of State Route No. 12, and west of Millbury Street; and that part of the Town of Oxford lying north of Rocky Hill Road, south of the junction of State Route No. 12 and the Boston and Albany Railroad, east of the Boston and

Albany Railroad, and west of State Route No. 12;

(xii) That part of the Town of Shrewsbury lying north of Main Street, south of Sewall Street, east of Holden Street, and west of Gulf Street;

(xiii) That part of the Town of South Royalston lying north of South Royalston Road, south of Winchendon Road, east of the junction of South Royalston and Winchendon Roads, and west of Beaver Brook;

(xiv) That part of the Town of Spencer lying north of State Route No. 9, south of Smithville Road, east of Harrington Street, and west of Green Laundry Road;

(xv) That part of the Town of Sterling lying west of State Route No. 140; and that part of the Town of Sterling lying north and east of Greenland Road, south of State Route No. 62, and west of Jewett Road;

(xvi) That part of the Town of Sutton lying north of the Hartford Turnpike, south of McClellan Road, east of the Worcester and Providence Turnpike, and west of Hill Road;

(xvii) That part of the Town of Winchendon lying north of U. S. Route No. 202, south of Elmwood Road, east of the junction of Elmwood Road and State Route No. 122A, and west of Rindge Street; and

(xviii) That part of the City of Worcester lying north of U. S. Route No. 20, south of the junction of Granite Street and Broad Meadow Brook, east of Granite Street, and west of Broad Meadow Brook.

(d) *New Jersey:* (1) Bergen, Camden, and Hunterdon Counties.

(2) That area consisting of Union, Monmouth, and Ocean Counties and all of Middlesex County except that part of the City of New Brunswick lying east of U. S. Route No. 130, south of State Route No. 18, west of U. S. Route No. 1, and north of the North Brunswick Township line, and except that part of North Brunswick Township lying south of the New Brunswick City line, northeast of the Raritan River Railroad, and northwest of U. S. Route No. 1.

(3) That area in Lower Township in Cape May County lying east of U. S. Highway No. 9.

(4) That area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east, State Highway No. 550 on the north and west, and State Highway Spur No. 550 on the west.

(5) All of Burlington County except Delran, Washington, Shamong, Tabernacle, and Bass River Townships, and except that part of North Hanover Township lying south of Old Monmouth Road.

(6) All of Hudson County except that part of North Bergen Township lying north of Secaucus Road, west of the New York, Susquehanna, and Western Railroad, and south and east of the Pennsylvania Railroad.

(7) All of Atlantic County except that part of Hamilton Township lying south and east of the Wrangleboro Road, west of County Route No. 575, and north of U. S. Route No. 40.

(8) All of Morris County except that part of Parsippany-Troy Hills Township north of U. S. Route No. 46, east of Baldwin Road, south of Vail Road, and west of North Beverwyck Road.

(9) All of Gloucester County except that part of Deptford Township lying south and east of Little Timber Creek, west of the Westville-Almonesson Road, and north of a line perpendicular to the Westville-Almonesson Road, said line beginning at a point on the Westville-Almonesson Road 300 feet north of the New Jersey Turnpike right-of-way, running in a westerly direction and ending at Little Timber Creek, owned by Joseph Riddle, R. D. 1, Westville, New Jersey.

(e) *New York:* That area in the Town of Clarkstown lying north of State Route No. 59, in Rockland County.

(f) *Rhode Island:* (1) All of Bristol County except the following:

(i) That part of the Town of Barrington lying north and west of the Barrington River, south of Waumpanaug Trail, and east of County Road;

(ii) That part of the Town of Bristol lying north of Chestnut Street, south of Bayview Avenue, east of Metacom Avenue, and west of Hope Street; that part of the Town of Bristol lying south of Mount Hope Avenue, north of Woodlawn Avenue, west of Metacom Avenue, and east of DeWolfe Avenue; that part of the Town of Bristol lying south of Massasoit Avenue, north of Tower Street, west of the Kickamuit River, and east of Metacom Avenue; that part of the Town of Bristol lying south of Hopewood Avenue, north of King Phillip Avenue, west of Mount Hope Bay, and east of Metacom Avenue; and that part of the Town of Bristol lying south and east of Broad Common Road, north of Gooding Avenue, and west of Metacom Avenue; and

(iii) That part of the Town of Warren lying south of School House Road, north of Palmer Avenue, west of Market Street, and east of the Warren River.

(2) All of Providence County except the following:

(i) That part of the Town of Cranston lying east of Pippin Orchard Road, west of Seven Mile Road, north of Plainfield Pike, and south of Scituate Avenue; and that part of the Town of Cranston lying south and west of Olney Road, north of Phenix and Hope Roads, and east of Pippin Orchard Road;

(ii) That part of the Town of Johnston lying east of Simmonsville Avenue, northwest of Scituate Avenue, and south of Simmonsville Lake; that part of the Town of Johnston lying east of Old Pocasset Road, west of Atwood Avenue, north of Central Pike, and south of U. S. Route No. 6; that part of the Town of Johnston lying south of Shun Pike, north of Plainfield Pike, west of Taylor Road, and east of Green Hill Road; that part of the Town of Johnston lying south of Central Avenue, north of Shun Pike, west of Cedar Swamp Brook, and east of Peck Hill Road; that part of the Town of Johnston lying south of Hartford and Stevenson Avenues, north of Pine Hill Road, and west of Cross Road; and that part of the Town of Johnston lying south of Cherry Hill Avenue, north of Hartford Avenue, west of Elsie Drive, and east of Atwood Avenue;

(iii) That part of the Town of Scituate lying west of Matteson Road, south of Hope Furnace Road, east of Burnt Hill Road, and north of Tunk Hill Road;

(iv) That part of the City of Providence lying east of Hamlin Street, west of Elena Street, north of Olney Street, and south of Mineral Spring Avenue; that part of the City of Providence lying south of Swan Point Cemetery, north of Gulf Avenue, west of the Seekonk River, and east of Grotto Avenue; that part of the City of Providence lying south of Rosner Street, north of Smart Street, west of Woodward Road, and east of Thelma Avenue; that part of the City of Providence lying south and east of Fruit Hill Avenue, and west of Olney Avenue; that part of the City of Providence lying south of Arthur Avenue, north of Gem Street, west of Washington Street, and east of Nemo Street; and that part of the City of Providence lying north of Francis Avenue, west of Pawtucket City Line, and east of Charles Street.

(v) That part of the Town of Cumberland lying south and east of Cherokee Avenue, north of Rain Street, and west of Spencer Street;

(vi) That part of the Town of Gloucester lying north of Douglas Hook Road, west of Gazza Road, and east of Spring Brook Road;

(vii) That part of the Town of Chepachet lying south of Cooper Road, north of Douglas Hook Road, west of Gazza Road, and east of the Chepachet River;

(viii) That part of the Town of Pascoag lying south of Church Street, north of Eagle Peak Road, west of Broad and High Streets, and east of Ross Road;

(ix) That part of the Town of Manville lying north and east of Little Pond County Road and south and west of Diamond Hill Road;

(x) That part of the City of North Providence lying south of Arro Street, north of Mineral Spring Avenue, west of View Avenue, and east of Easter Street; and that part of the City of North Providence lying south of Young Street, north of Goes Street, west of Crest Avenue, and east of Palm Street;

(xi) That part of the Town of Smithfield lying south of Whipple Road, north of Twin River Road, and east of Douglas Pike; and

(xii) That part of the Town of Howard lying south and east of Pontiac Avenue, and north and west of the Pawtuxet River.

(3) All of Kent County except the following:

(i) That part of the Town of Coventry lying east of Hill Farm Road, west of Philips Hill Road, north of Flat River Road, and south of Harkney Hill Road;

(ii) That part of the Town of Lincoln lying north of Whipple and Jencks Hill Roads, south of Twin River Road, and east of Lousquesset Pike;

(iii) That part of the Town of East Greenwich lying north of Middle Road, south of Frenchtown Road, east of South County Trail, and west of Tillinghast Road;

(iv) That part of the Town of West Greenwich lying north of Division Street, south of Henry Brown Road, east of Hopkins Hill Road, and west of New London Pike; and

(v) That part of the Town of East Providence lying south of Warren Avenue, north of Wampamoag Trail, west of Amaral Street, and east of Pawtucket Avenue.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes the following areas within the areas quarantined because of vesicular exanthema:

SW. ¼ Sec. 34, T. 3 S., R. 2 E., MDBM, in Alameda County; Secs. 19 and 20, T. 23 N., R. 2 E., MDBM, in Butte County; NW. ¼ Sec. 28, T. 14 S., R. 22 E., MDBM, in Fresno County; SW. ¼ Sec. 15, T. 12 S., R. 14 E., SBBM, in Imperial County; that area lying north and west of U. S. Highway No. 40, south of Grove Creek, and east of U. S. Highway No. 99E, in Placer County; SE. ¼ Sec. 3, T. 15 S., R. 1 E., SBBM; and NE. ¼ Sec. 23, T. 15 S., R. 1 W., SBBM, in San Diego County; SW. ¼ Sec. 15, T. 27 S., R. 8 E., MDBM and including that adjacent portion of the Rancho Santa Rosa Land Grant which lies northwest of State Highway No. 1, in San Luis Obispo County; and SE. ¼ Sec. 32, T 9 S., R. 2 W., MDBM, in Santa Cruz County, in California.

That part of the Town of North Attleboro lying north of May and Depot Streets, south of Mendon Road, east of the New York, New Haven, and Hartford Railroad, and west of Cumberland Avenue and U. S. Route No. 1, in Bristol County; and that part of the Town of Chicopee lying south of Exchange Street, Front Street, Wheatland Avenue, Archie Street, Broadway, Sheridan Street, Fuller Road, and Burnett Road, west of Indian Orchard, Main, and Parker Streets, and north of U. S. Route No. 20 and State Street, in Hampden County, in Massachusetts.

Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR Part 76, Subpart B, as amended, will apply to such areas.

The amendment also excludes certain areas in California, Massachusetts, and New York from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1953 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, and relieves certain restrictions presently imposed. It must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 19th day of October 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-8401; Filed, Oct. 25, 1954; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 465.2]

PART 372—FARM OWNERSHIP LOANS

SUBPART B—TRANSFERS OF FARMS WITH RELEASE FROM PERSONAL LIABILITY

MISCELLANEOUS AMENDMENTS

Subpart B in Part 372 of Title 6, Code of Federal Regulations (18 F. R. 4783), is amended as follows:

1. Section 372.23 (f) (1) and (2) are revoked.

2. Section 372.24 (k) is revised to read as follows:

§ 372.24 *Other matters affecting preliminary arrangements and closing.* • • •

(k) *Loan limitations.* If a subsequent loan or credit sale of land is involved in connection with a transfer, all of the loan limitations prescribed in §§ 311.21 to 311.25 and §§ 311.27 to 311.29 of this chapter will be applicable. If no subsequent loan or credit sale of land is involved, only the loan limitations prescribed in §§ 311.21 and 311.23 of this chapter apply in connection with the transfer.

3. Section 372.25 is amended by deletion of the last sentence of paragraph (c).

4. Section 372.25 (d) is revoked.

5. Section 372.26 is amended by deleting the second sentence, and the last sentence of paragraph (b), reading "The memorandum will include:", including subparagraphs (1) to (4) thereunder.

6. Sections 372.23 (f) (5), 372.24 (g), 372.25 (d), and 372.26 (a) and (b) are amended to provide for use of Form FHA–922, "Farm Transfer Information," in place of Form FHA–923, "Certifications Concerning Transfer of Farm Ownership Farm."

7. Section 372.25 (j) is amended to delete reference to Form FHA–923, "Certifications Concerning Transfer of Farm Ownership Farm."

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1))

Issued this 21st day of October 1954.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 54-8403; Filed, Oct. 25, 1954; 8:50 a. m.]

[FHA Instruction 465.12]

PART 373—FARM HOUSING LOANS

SUBPART A—GENERAL SECURITY SERVICING

SUBPART B—SALE OF FARM BY BORROWER

SALE OF FARMS SECURING FARM HOUSING LOANS

In Part 373 of Title 6, Code of Federal Regulations, § 373.9 (17 F. R. 4281) is hereby revoked, and a new Subpart B is added as follows:

SUBPART B—SALE OF FARM BY BORROWER

Sec.
373.21 General.
373.22 Delegation of authority to State Field Representative.
373.23 Consent of Government to sale.
373.24 Special policies applicable to section 503 loans within first five years of loan.
373.25 General terms and conditions of transfers.
373.26 Preparation of transfer docket in county office.
373.27 Closing.

AUTHORITY: §§ 373.21 to 373.27 issued under sec. 510 (g), 62 Stat. 438; 42 U. S. C. 1480 (g). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 373.21 *General.* This subpart provides the authority, policies, and procedures for the transfer or sale by Farm Housing borrowers of farms which are security for loans made under Title V of the Housing Act of 1949, for the assumption of Farm Housing debts by the purchasers of such farms, and for the release of the Farm Housing borrowers from liability. When a sale involves such assumption and release, the transaction for the purposes of this subpart will be known as a "transfer."

(a) *Policy.* When a borrower sells or asks the consent of the Government to the sale of his mortgaged farm, it will be the policy to require payment of the loan in full, or transfer of the indebtedness to an eligible applicant.

(b) *Requirements.* Consent may be may be given to the transfer and the borrower released from liability provided:

(1) The purchaser:

(i) Is a citizen of the United States.

(ii) Has shown a proper attitude toward meeting his debt obligations.

(iii) Possesses the character, ability, and experience necessary to carry out successfully the undertakings required of him under the Farm Housing program.

(iv) Is not under legal disability of minority.

(v) Is willing to cooperate with the Farmers Home Administration in making satisfactory arrangements with respect to farm development which was planned in connection with the making of the Farm Housing loan.

(vi) Is without sufficient resources on his own account to purchase the farm and pay off the Farm Housing loan, and is unable to secure the necessary credit from other sources upon terms and conditions which he could reasonably be expected to fulfill.

(vii) Has income from the farm and other sources which is sufficient to meet (*a*) reasonable farm operating expenses, normal capital replacements, and usual family living expenses, (*b*) payments required on any existing loans, and (*c*) payments required on the Farm Housing loan.

(viii) Assumes the entire outstanding Farm Housing indebtedness and all the covenants of the mortgage.

(2) The Government will retain a mortgage interest in the property when the transaction is closed at least as favorable as its position prior to the transfer.

(3) Consent is obtained from the holder of any prior mortgage which requires such consent.

(c) *Authority of Administrator.* The Administrator, subject to the conditions set forth in Title V of the Housing Act of 1949 and such further conditions as he determines, may adjust and modify the terms and conditions of Farm Housing mortgages, contracts, agreements, and other loan instruments, including the compromise of indebtedness in connection with the transfer of a farm by a borrower.

(Secs. 501, 510, 63 Stat. 432, 437; 42 U. S. C. 1471, 1480)

§ 373.22 *Delegation of authority to State Field Representative.* The State Field Representative is authorized to approve the transfer of a Farm Housing farm, release the transferor from personal liability for his Farm Housing indebtedness, and cause instruments of record to be modified, released, or discharged.

(Secs. 501, 510, 63 Stat. 432, 437; 42 U. S. C. 1471, 1480)

§ 373.23 *Consent of Government to sale*—(a) *Consent not required.* A Farm Housing mortgage prepared prior to October 1, 1950, does not contain a provision requiring the consent of the Government to sale of the farm covered thereby. When a borrower plans to sell or has sold his farm subject to such a mortgage, the County Supervisor will request, first, payment of the loan in full

if possible or, second, transfer of the Farm Housing debt to the purchaser if eligible. If payment in full cannot be obtained, and if the purchaser is not eligible or is not willing to assume the debt, the account will be carried in the name of the borrower and all correspondence, notices, and statements of account will be addressed and sent to the borrower, unless the borrower requests in writing that they be sent to the purchaser. Payments may be accepted from the purchaser and scheduled for application on the account of the borrower. In such cases, the County Supervisor will issue Form FHA–37, "Receipt for Payment," in the name of the borrower, will indicate thereon that the remittance was received from the purchaser (by name) for application on the borrower's Farm Housing loan account, and will deliver the receipt to the purchaser.

(b) *Consent required.* A Farm Housing mortgage prepared on or after October 1, 1950, contains a provision requiring the consent of the Government to sale of the farm covered thereby. When a borrower plans to sell or has sold his farm subject to such a mortgage, the County Supervisor will first try to obtain payment of the loan in full. If unsuccessful, he will next try to transfer the Farm Housing debt to the purchaser if eligible. If the purchaser is ineligible or unwilling to assume the debt, the County Supervisor will require full payment of the loan.

(Sec. 502 (b), 63 Stat. 433; 42 U. S. C. 147 (b))

§ 373.24 *Special policies applicable to section 503 loans within first five years of loan.* (a) Whenever a section 503 borrower sells his farm within five years from the date of such loan, Form FHA–441C, "Farm Housing Contribution Agreement," will be cancelled to avoid future benefits under the agreement from accruing to the purchaser. The cancellation will be effected as of the date of the sale by the use of Form FHA–942, "Notice of Cancellation of Farm Housing Contribution Agreement."

(b) Whenever a section 503 borrower sells his farm or plans to sell his farm within five years from the date of such loan and contributions have been made, the County Supervisor will determine whether the borrower (1) has acted in good faith, (2) has diligently carried out the farm developments or improvements that were planned to increase his income, and (3) has complied with the other requirements of the contribution agreement. If the County Supervisor makes favorable findings on all these points, contributions already made on the loan will remain as a credit to the account. If the finding is unfavorable on any one or more of these points, the contributions already made will be voided and the County Supervisor will add on Form FHA–942 the following sentence: "The Government also voids the credit heretofore made on the said indebtedness pursuant to the Agreement."

(Sec. 503, 63 Stat. 434; 42 U. S. C. 1473)

§ 373.25 *General terms and conditions of transfers*—(a) *Transferee's repayment schedule.* A Farm Housing debt assumed by a transferee will be paid within the remaining period of time provided in the notes, bonds, or agreements executed by the transferor.

(1) Any delinquency on the transferor's account will be collected by the County Supervisor prior to or at the time of the transfer whenever possible. If any delinquency cannot be collected, the transferee will execute Form FHA–941, "Transfer Supplementary Payment Agreement," providing for the payment of the delinquency within an agreed period of time in addition to the regular payments called for in Form FHA–97, "Agreement for Assumption of Indebtedness." The time allowed the transferee to pay a delinquency existing at the time of transfer should be the shortest period needed, in no case exceeding five (5) years from the date of Form FHA–97.

(2) The amount of each annual installment provided for in Form FHA–97 will be the same as that provided for in the note of the transferor. The transferee's first installment provided for in Form FHA–97 will be made payable on December 31 following the date of Form FHA–97.

(b) *Disposition of Farm Housing funds unexpended by transferor.* Any Farm Housing funds remaining in the supervised bank account of the transferor, to the extent necessary to cover approved expenditures, will be transferred to a supervised bank account established for the transferee at the time of closing the transfer. Any additional Farm Housing funds remaining in the transferor's supervised bank account will be returned as a refund on the transferor's Farm Housing indebtedness prior to requesting a statement of the transferor's Farm Housing account from the National Finance Office.

(c) *Collections on pending transfers.* All collections made after the date of the certified statement of account obtained in connection with the transfer will be scheduled and receipted for in the name of the transferee. If the collection is made from some one other than the transferee, the fact will be indicated on Form FHA–37, the nature of and disposition to be made of the payment will be outlined, and the receipt will be given to the party making the payment.

(d) *Title evidence.* Title to the farm will be examined for the period subsequent to the date of closing the Farm Housing loan and any liens against the property that have occurred without the consent of the Farmers Home Administration subsequent to recording of the Farm Housing mortgage must be removed prior to consummation of the transfer unless upon the advice of the representative of the Office of the Solicitor satisfactory arrangements are made with respect to the disposition of the claims. Title evidence may be any type authorized for a Farm Housing loan. When there is mortgagee's title insurance on the farm, a new policy need not be obtained unless the representative of the Office of the Solicitor advises that the transaction will cause the existing policy of the mortgagee's insurance to become void.

(Secs. 501, 502 (b), 510 (c), 63 Stat. 432, 433, 437; 42 U. S. C. 1471, 1472 (b), 1480 (c))

§ 373.26 *Preparation of transfer docket in county office*—(a) *Preliminary arrangements between transferor and transferee.* The transferor and the transferee, in consultation with the County Supervisor, should reach an agreement with respect to such matters as payment of taxes and property insurance, disposition of rent if farm is rented, transfer expenses, and so forth. Such agreements will be reflected on Form FHA–922, "Farm Transfer Information."

(b) *County committee recommendations.* If the County Supervisor finds that (1) the transferee is eligible for Farm Housing assistance, (2) the transferee does not have sufficient resources to provide necessary housing and other farm buildings, and (3) the transfer of the farm will carry out the purpose of Title V of the Housing Act of 1949, and (4) recommends that the transferee be permitted to assume the Farm Housing indebtedness, it will execute Form FHA–439, "County Committee Recommendations."

(c) *Tentative transfer date.* In selecting a tentative date for effecting the transfer, reasonable allowances must be made for all foreseeable time requirements. The transfer will be closed, if possible, on the date entered on Form FHA–97. If it is not possible to consummate the transfer on this date, it will be closed as soon thereafter as possible, effective as of the tentative date selected. In no event will the closing be effected prior to the date entered on Form FHA–97.

(Secs. 508, 510 (c), 63 Stat. 436, 437, 42 U. S. C. 1478, 1480 (c))

§ 373.27 *Closing*—(a) *New mortgages.* Ordinarily the transferee will not be required to execute a mortgage or other security instrument to secure the obligations covered by the assumption agreement except in Louisiana. However, in particularly complicated cases, a promissory note, bond, mortgage, or other security instrument in addition to Form FHA–97 may be required. In Louisiana the transferee will execute a new mortgage, which will be effective simultaneously with the deed of conveyance, as security for the obligation assumed and will execute such supplementary evidence of debt as may be necessary for proper identification of the debt with the new mortgage.

(b) *Procedure.* After all requirements of closing have been met, the County Supervisor will execute on behalf of the Government Form FHA–97 and Form FHA–437, "Release from Personal Liability." The original of Form FHA–437 will be delivered to the transferor as evidence of his release from personal liability and one signed copy of Form FHA–97 will be delivered to the transferee.

(Secs. 502 (b), 510 (c), 63 Stat. 433, 437; 42 U. S. C. 1472 (b), 1480 (c))

Issued this 20th day of October 1954.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 54-8104; Filed, Oct. 25, 1954; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 41]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety to the flying public. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.16 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.)* is amended between Blackstone, Va., and Norfolk, Va., to read: "Blackstone, Va., radio range station; the intersection of the east course of the Blackstone, Va., radio range and the southwest course of the Richmond, Va., radio range excluding the portion which overlaps Camp Pickett danger area, (D–44); Richmond, Va., radio range station; Norfolk, Va., radio range station to the Norfolk Municipal Airport, Norfolk, Va."

2. Section 600.109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.)* is amended by changing the portion which reads: "(excluding the portions between 11,000 feet and 16,000 feet and between 21,000 feet and 45,000 feet above mean sea level, during the hours of darkness which lie within the Cherry Point, N. C., night danger area D–125);" to read: "(excluding the portions between 11,000 feet and 16,000 feet and between 23,000 feet and 45,000 feet above mean sea level, during the hours of darkness, which lie within the Cherry Point, N. C., night danger area D–125);".

3. Section 600.219 *Red civil airway No. 19 (Detroit, Mich., to Norfolk, Va.)* is amended by adding a last portion to read: "thence to the Norfolk, Va., Navy radio range station excluding the portion which overlaps Plum Tree Island danger area D–49."

4. Section 600.233 is amended by changing the caption to read: "*Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.)*, and changing the portion before the Gordonsville, Va., radio range station to read: "From the intersection of the east course of the Langley, Va., AFB radio range and the north course of the Norfolk, Va., Navy radio range via the Langley, Va., AFB radio range station excluding the portion which overlaps the Plum Tree Island danger area D–49; Richmond, Va., radio range station; Gordonsville, Va., radio range station;".

5. Section 600.251 is added to read:

§ 600.251 *Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).* From the intersection of the east course of the Blackstone, Va., radio range and the southwest course of the Richmond, Va., radio range via the intersection of the east course of the Blackstone, Va., radio range and the west course of the Langley, Va., AFB radio range to the Langley, Va., AFB radio range station excluding the portion which overlaps Plum Tree Island danger area D–49.

6. Section 600.623 is added to read:

§ 600.623 *Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).* From the Norfolk, Va., Navy radio range station to the Chincoteague, Va., Navy radio range station excluding the portions which overlap Chincoteague Inlet danger area D–45 and Ship Shoal Island danger area D–47.

7. Section 600.6027 *VOR civil airway No. 27 (Santa Barbara, Calif., to Seattle, Wash.)* is amended by changing all after the Hoquiam, Wash., omnirange station to read: "Hoquiam, Wash., omnirange station to the Seattle, Wash., omnirange station, excluding the portion above 14,500 feet above mean sea level which lies beneath, and which conflicts with, the Olympic Danger area (D–241)."

8. Section 600.6089 is amended to read:

§ 600.6089 *VOR civil airway No. 89 (Cheyenne, Wyo., to Rapid City, S. Dak.).* From the Cheyenne, Wyo., omnirange station via the Chadron, Nebr., omnirange station, including an east alternate via the intersection of the Cheyenne omnirange 054° True and the Chadron omnirange 197° True radials; to the Rapid City, S. Dak., omnirange station, including an east alternate and excluding the portion which overlaps the Scenic Danger area (D–190).

9. Section 600.6168 is added to read:

§ 600.6168 *VOR civil airway No. 168.* (Unassigned.)

10. Section 600.6169 is added to read:

§ 600.6169 *VOR civil airway No. 169 (Sidney, Nebr., to Rapid City, S. Dak.).* From the Sidney, Nebr., omnirange station via the intersection of the Sidney omnirange 335° True and the Chadron omnirange 197° True radials; Chadron, Nebr., omnirange station; to the Rapid City, S. Dak., omnirange station, including an east alternate and excluding the portion which overlaps the Scenic Danger area (D–190).

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. October 26, 1954.

[SEAL] S. A. KEMP,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 54-8360; Filed, Oct. 25, 1954; 8:45 a. m.]

[Amdt. 41]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.233 is amended to read:

§ 601.233 *Red civil airway No. 33 control areas (Norfolk, Va., to Boston, Mass.).* All of Red civil airway No. 33.

2. Section 601.251 is added to read:

§ 601.251 *Red civil airway No. 51 control areas (Blackstone, Va., to Norfolk, Va.).* All of Red civil airway No. 51.

3. Section 601.623 is added to read:

§ 601.623 *Blue civil airway No. 23 control areas (Norfolk, Va., to Chincoteague, Va.).* All of Blue civil airway No. 23.

4. Section 601.1091 is amended to read:

§ 601.1091 *Control area extension (Detroit, Mich.).* That airspace within a 15-mile radius of the Detroit omnirange station including the airspace north of the Detroit-Wayne Major Airport bounded on the west by Green civil airway No. 2, on the north by Red civil airway No. 63, on the east by Red civil airway No. 20, and on the south by a line extending from a point at latitude 42°30'30", longitude 83°24'45" to a point at latitude 42°32'00", longitude 83°13'35".

5. Section 601.1149 is amended to read:

§ 601.1149 *Control area extension (Norfolk, Va.).* That airspace within a 55-mile radius of a point located at latitude 36°57'44", longitude 76°24'44", excluding the airspace which overlaps all danger areas, warning areas and caution areas and excluding the portion below 2,000 feet beyond the shoreline of the United States.

6. Section 601.1187 is amended to read:

§ 601.1187 *Control area extension (Jackson, Mich.).* Within 5 miles either side of a 313° True bearing extending from the Jackson, Mich., nondirectional radio beacon to a point 25 miles northwest.

7. Section 601.2328 is amended to read:

§ 601.2328 *Manchester, N. H., control zone.* Within a 3-mile radius of Grenier AFB and within 2 miles either side of lines bearing 337° True and 157° True from the Manchester nondirectional radio beacon extending from the Grenier AFB control zone to a point 10 miles southeast of the nondirectional radio beacon.

8. Section 601.4233 is amended by changing caption to read: "*Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).*"

9. Section 601.4251 is added to read:

§ 601.4251 *Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).* No reporting point designation.

10. Section 601.4623 is added to read:

§ 601.4623 *Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).* No reporting point designation.

11. Section 601.6089 is amended to read:

§ 601.6089 *VOR civil airway No. 89 control areas (Cheyenne, Wyo., to Rapid City, S. Dak.).* All of VOR civil airway No. 89 including east alternates.

12. Section 601.6168 is added to read:

§ 601.6168 *VOR civil airway No. 168 control areas.* (Unassigned.)

13. Section 601.6169 is added to read:

§ 601.6169 *VOR civil airway No. 169 control areas (Sidney, Nebr., to Rapid City, S. Dak.).* All of VOR civil airway No. 169 including an east alternate.

14. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting points to read:

Grants, N. Mex., omnirange station.
Bradford, Ill., omnirange station.
Scottsbluff Intersection: The intersection of the Cheyenne, Wyo., omnirange 054° True and the Sidney, Nebr., omnirange 335° True radials.

and by revoking the following reporting point:

Delaware Springs Intersection: The intersection of the Salt Flat, Tex., omnirange 085° True and the Carlsbad, N. Mex., omnirange 215° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. October 26, 1954.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-8361; Filed, Oct. 25, 1954; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter C—Regulations Under Specific Acts of Congress

[File No. 205-4]

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

REASONABLE AND REPRESENTATIVE TESTS OF CERTAIN TEXTILE FABRICS

On September 21, 1954, a notice of proposed rule making by the Federal Trade Commission was published in the FEDERAL REGISTER. Such notice stated that the Commission would, on October 7, 1954, give consideration to an amendment of § 302.7 (a) (2) of the regulations under the Flammable Fabrics Act. A draft of the proposed amendments was made part of the notice.

Interested parties participated by submitting in writing their views, arguments or other pertinent data, and these have been made a part of the record.

After due consideration of the proposed amendments to § 302.7 (a) (2) of the regulations under the Flammable Fabrics Act, together with all views, arguments and other data submitted, § 302.7 (a) (2) of the regulations under the Flammable Fabrics Act is hereby amended to read as follows:

§ 302.7 *Reasonable and representative tests under section 8 of the act.* • • •

(a) • • •

(2) *Plain surface textile fabrics weighing less than two ounces per square yard.* (i) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, such fabric exhibits a burning time of between 3½ and 6 seconds, both inclusive, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at least once at intervals of not more than three months thereafter while in production.

(ii) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, such fabric exhibits a burning time in excess of 6 seconds, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at least once at intervals of not more than six months thereafter while in production.

(iii) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, none of the specimens ignite, such initial test may suffice for any fabric of the same fiber composition, construction and finish type.

(iv) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, such fabric ignites but the flame is extinguished before the stop cord is burned, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at least once at intervals of not more than one year thereafter while in production.

Promulgated and made effective as of October 26, 1954, by reason of necessity for the rules and regulations to conform with the amended act, and need of reasonable and representative test under section 8 of the act for plain surface textile fabrics weighing less than two ounces per square yard which ignite but immediately extinguish.

(Sec. 5, 67 Stat. 112; 15 U. S. C. A. 1194)

Issued: October 21, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-8384; Filed, Oct. 25, 1954; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

REPORTS BY PERSONS LOCATED OUTSIDE OF THE UNITED STATES AND ITS TERRITORIES WHO CARRY ACCOUNTS FOR OTHERS

Correction

In the list of forms appearing in the correction at page 6831 of the issue for Saturday, October 23, 1954, "Form 701 (butter)," should read "Form 401 (butter),".

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53634]

PART 6—AIR COMMERCE REGULATIONS

The regulations in §§ 6.1 to 6.13, inclusive, in this part have been issued, and amended from time to time, jointly by the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, and the Commissioner of Customs, with the approval of the Secretary of the Treasury, and have been codified in Subpart K of Part 71, Title 42, Code of Federal Regulations, as well as in this title and part. Although the regulations have been issued jointly, the legal authority of each agency for prescribing them is separate. It has been determined that the disadvantages of joint issuance outweigh the advantages and that issuing and amending such regulations jointly should be discontinued. Therefore, the regulations in this part are amended as set forth below for the purpose of eliminating the provisions relating only to matters administered by the Public Health Service. The elimination of these provisions from this title shall not affect them as they appear in Title 42.

Part 6 is amended to read as follows:

Sec.
6.1 Scope and definitions.
6.2 Landing requirements.
6.3 Entry and clearance.
6.4 Entry of aircraft of scheduled airlines.
6.5 Clearance of aircraft of scheduled airlines.
6.6 Documents; form.
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6.8 Documents for clearance.
6.9 Residue cargo.
6.10 General provisions.
6.11 Penalties.
6.12 International airports; regulations.
6.13 List of international airports.

AUTHORITY: §§ 6.1 to 6.13 issued under R. S. 161, 251, secs. 431, 624, 644, 46 Stat. 710, as amended, 759, 761, secs. 7, 9, 11, 44 Stat. 572, as amended, 573, as amended, 574, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1431, 1624, 1644, 49 U. S. C. 177, 179, 181.

§ 6.1 *Scope and definitions.* (a) The regulations in this part shall not be applicable in the islands of Guam, Midway, American Samoa, Wake, and Kingman Reef, the Virgin Islands and other insular possessions not specified herein.

(b) The term "United States" when used in a geographical sense means the territory comprising the several States, Territories, possessions, and the District of Columbia, including the territorial waters thereof and the overlying air space, but shall not include the Canal Zone.

(c) The term "area" shall mean any one of the following parts of the United States:

(1) The mainland.
(2) Alaska.
(3) Hawaii.
(4) Puerto Rico.

(d) The term "aircraft" means civil aircraft, that is, any aircraft not used exclusively in the governmental service of the United States or a foreign country, and includes any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(e) The term "aircraft commander" means the person serving on the aircraft having charge or command of its operation and navigation.

(f) The term "scheduled airline" means any individual, partnership, corporation, or association engaged in air transportation upon regular schedules to, over, or away from the United States, or from area to area, and holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity issued pursuant to the Civil Aeronautics Act of 1938.

(g) The term "international airport" means any airport designated by the Secretary of the Treasury or the Commissioner of Customs as a port of entry for aircraft arriving in the United States from any place outside thereof and for the merchandise carried on such aircraft, by the Attorney General as a port of entry for aliens arriving on such aircraft, and by the Secretary of Health, Education, and Welfare as a place for quarantine inspection.

§ 6.2 *Landing requirements*—(a) *Place of landing.* Every aircraft coming into any area from any place outside thereof shall land in such area unless exempted from this requirement by the Administrator of the Civil Aeronautics Administration, Washington 25, D. C. The first landing shall be at an international airport unless permission to land elsewhere shall first be granted by the Commissioner of Customs, in cases of aircraft operated by scheduled airlines, and in all other cases by the collector or other customs officer in charge at the port of entry or customs station nearest the intended place of first landing. When the Commissioner of Customs grants permission to land elsewhere than at an international airport, he shall immediately notify the heads of the Public Health Service, the Immigration and Naturalization Service, and of any other agency likely to be concerned with the landing, and, when a collector or other customs officer grants such permission, he shall immediately notify the principal local officer of each such agency. In cases where such permission is given, the owner, operator, or person in charge of the aircraft shall pay the additional expenses, if any, incurred in inspecting the aircraft, passengers, employees, and merchandise, including baggage, carried therein. When such permission is granted to a scheduled airline to land aircraft operating on a schedule, no inspection charge shall be made except for overtime service performed by customs officers.

(b) *Advance notice of arrival.* (1) Except as hereinafter provided for, no aircraft coming into any area from any place outside the United States may land in such area unless timely notice of the intended flight shall have been furnished previously, either by or at the request of the aircraft commander, to the collector or other customs officer in charge at or nearest the intended place of first landing in such area, who shall notify the officers in charge of the other services concerned at or nearest the intended place of first landing. Such advance notice will not be required in the case of aircraft of a scheduled airline arriving in accordance with the regular schedule filed with the collector of customs for the district in which the place of first landing in the area is situated. If dependable facilities for giving notice are not available before departure any radio equipment the plane possesses shall be utilized to give notice during its approach so far as feasible. If timely notice has not been given, or if the Government officers have not arrived, the aircraft commander on landing shall hold the aircraft and any merchandise, including baggage, thereon intact and keep the passengers and crew members in a segregated place until the inspection officers arrive. Except where the uncertainty of communication facilities is already known to the Government officers in charge, any aircraft commander for whose aircraft timely notice has not been given shall furnish a statement of the reasons for his failure to do so.

(2) Each notice of an intended flight shall specify the type of aircraft, the registration marks thereon, the name of the aircraft commander, the place of last departure, the international airport or other place at which landing has been authorized, number of alien passengers, number of citizen passengers, and the estimated time of arrival; and shall be sent so as to be received in sufficient time to enable the officers designated to inspect the aircraft to reach the international airport or such other place of first landing prior to the arrival of the aircraft.

(c) *Permission to discharge or depart.* No aircraft arriving in the United States from any place outside thereof, or in an area from another area carrying residue foreign cargo (see § 6.9) shall depart from the place of landing, or discharge any passengers or merchandise, including baggage, without receiving permission from the customs officers in charge.

(d) *Permit to proceed; foreign aircraft.* (1) Aircraft are subject to customs entry when brought in for repairs or when otherwise treated as imported articles. Before an aircraft which is not treated as an imported article, which is registered in a foreign country, and which arrives in the United States carrying passengers for hire or merchandise is ferried (proceeds in ballast) from the airport of first arrival to one or more airports in the United States, its commander shall obtain from the collector of customs at the airport of first arrival a permit on customs Form 4449 allowing the aircraft to proceed from airport to airport in the United States, which shall be retained on board such aircraft while in the United States. At each airport visited, the customs officer there, or, if there is none, the airport manager, shall make an endorsement on the back of such permit showing the name of the airport, date and time of arrival, date and time of departure, and purpose of the visit. The permit shall be surrendered to the collector of customs at the port of final clearance for a foreign destination, who shall satisfy himself prior to the issuance of clearance that the aircraft received proper customs treatment while in this country. The permit shall then be returned to the collector of customs at the port of issue.

(2) A copy of the permit shall be retained by the collector at the port where issued. If within 60 days after the issuance of such permit the said collector does not receive a report of the outward clearance of the aircraft covered thereby, the matter shall be reported to the supervising customs agent for investigation.

(3) Civil aircraft registered in the United States and arriving from a foreign country with passengers carried for hire or merchandise, after proper customs treatment of all such passengers and merchandise, may be allowed to proceed upon their identity being established.

(e) *Monthly and annual requests for overtime services and licenses to unlade and lade.* A special license on customs Form 3851 running for any period up to 1 month and in multiples of months thereafter, but not to exceed 1 year nor longer than the period of the supporting bond, may be granted to a scheduled airline to unlade passengers or merchandise, including baggage, or to lade merchandise, including baggage, in the case of any or all of its planes at night or on a Sunday or holiday when customs supervision is required. The application for such a special license shall be on customs Form 3851 and shall be supplemented by a request on customs Form 3853 (modified) for overtime services of customs officers. Such request for overtime services must show the exact times when overtime services will be needed unless arrangements are made so that the proper customs officer will be notified during official hours in advance of the services requested as to the exact times that the services will be needed. The special license shall not be granted until the required bond on customs Form 3627, 7567, or 7569 shall have been filed.

(f) *Monthly and annual permits to unlade and lade.* The collector may also issue a permit running for any period

up to 1 month and in multiples of months thereafter, but not to exceed 1 year, to unlade or lade during official hours any or all of the planes of a scheduled airline. Customs Form 3851 shall be used for such purpose.

(g) *Emergency or forced landing.* Should any aircraft coming into the United States from any place outside thereof, or into any area from any other area, make an emergency or forced landing in the United States, the aircraft commander shall not allow any merchandise, including baggage, to be removed from the landing place without permission of the customs officer, nor allow any passengers or persons employed thereon to depart from the landing place without permission of the customs officer, unless such removal or departure is necessary for purposes of safety, communications with customs authorities, or the preservation of life, health or property. As soon as practicable, the aircraft commander, or a member of the crew in charge, or the owner of the aircraft, shall communicate with the customs officer at the intended place of first landing or at the nearest international airport or other customs port of entry in that area and make a full report of the circumstances of the flight and of the emergency or forced landing. Mail carried as such may be removed from such aircraft upon making an emergency or forced landing, but if so removed shall be delivered at once to a responsible officer or employee of the Postal Service.

§ 6.3 *Entry and clearance.* (a) Aircraft coming into any area from any place outside the United States shall be entered in such area if landing is made therein and if carrying passengers for hire or commercial cargo (see § 6.7). Aircraft proceeding from one area into another shall be entered in the latter area if landing is made therein and if carrying residue cargo. Aircraft not required to enter under this paragraph are subject to other customs requirements (see § 6.2).

(b) Entry shall be made by the aircraft commander, or by any other authorized agent of the owner or operator of the aircraft (hereinafter referred to as an authorized person),[1] at the international airport at which the first landing is made in the area. If, pursuant to § 6.2 (a), the first landing occurs at a place not an international airport, entry shall be made at the nearest international airport or customs port of entry, unless some other place is designated for that purpose by the Commissioner of Customs.

(c) Aircraft departing for any area for foreign territory, or to take aboard or discharge persons or merchandise anywhere outside the United States, or departing from any area for another area carrying merchandise destined to or through Puerto Rico or residue cargo shall be cleared (see § 6.8) in the area from which departing. Clearance is not required of aircraft not carrying passengers for hire or merchandise, but such aircraft are subject to certain requirements under the export and import licensing regulations of the Department of State relating to international traffic in arms.[2]

(d) The clearance shall be obtained by the aircraft commander or an authorized person at the customs port of entry (whether or not an international airport) at or nearest the place of last takeoff from the area, unless some other place is designated for that purpose by the collector of customs.

(e) This section shall not apply to the entry of aircraft of scheduled airlines complying with the terms of § 6.4 nor to the clearance of such aircraft complying with the terms of § 6.5, nor to the clearance of any aircraft holding a permit issued by the Secretary of Commerce authorizing departure without clearance.

§ 6.4 *Entry of aircraft of scheduled airlines.* (a) Aircraft operated by scheduled airlines coming into any area from any place outside the United States shall be entered in the area of first landing.

(b) Aircraft operated by scheduled airlines coming from one area into another area shall be entered therein if carrying residue cargo (§ 6.9).

(c) Entry required by this section in an area shall be made at the place of landing provided for under § 6.2.

§ 6.5 *Clearance of aircraft of scheduled airlines.* (a) Aircraft operated by scheduled airlines departing for any place outside the United States may clear from the area of departure, but clearance shall be mandatory only during any period covered by a proclamation of the President that a state of war exists between foreign nations, or the aircraft is—

(1) Beginning a flight in that area; or

(2) Carrying from that area merchandise which must be listed in its general clearance declaration (§ 6.8).

(b) Aircraft operated by scheduled airlines departing from any area for another area shall clear in the area from which departing if carrying merchandise destined to or through Puerto Rico or residue foreign cargo.

(c) Clearance required by this section may be obtained by the aircraft commander or an authorized person at the customs port of entry (whether or not an international airport) at or nearest each place at which merchandise or passengers, or both, are taken aboard for discharge beyond the area. In such case the clearance shall be limited to the passengers and merchandise taken aboard at such place. Otherwise the clearance shall be obtained at the customs port of entry (whether or not an international airport) at or nearest the place of last take-off in the area unless some other place for clearance is designated by the collector of customs.

§ 6.6 *Documents; form.* (a) The forms described in §§ 6.7 and 6.8 shall be the primary documents required for entry and clearance of aircraft and the listing of passengers and merchandise carried thereon. The forms shall be approximately but not to exceed $8\frac{1}{2}$" wide and 14" long and shall be on white bond paper that will not discolor or become brittle within 20 years. If these forms are dittoed or if the entries on them are to be dittoed, the paper must be substance 40, 17" x 22", 1,000-sheet basis; if printed or typewritten, at least 25 percent rag, substance 26, 17" x 22", 1,000-sheet basis. These forms and the entries thereon must be dittoed, typewritten, or printed in the English language, with ink or dye that will not fade or "feather" within 20 years. The forms to be used for the entry and clearance of the aircraft, passengers, crew members, and merchandise carried thereon shall be forms approved by the Commissioner of Customs.

(b) The forms described in §§ 6.7 and 6.8, except the air passenger manifest, may be obtained from collectors of customs upon prepayment by the owner or operator of the aircraft. A small quantity of each of such forms shall be set aside by collectors of customs for free distribution and official use. The form of air passenger manifest may be obtained upon prepayment from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. The forms of general declaration and air passenger manifest may be printed or dittoed by private parties, provided the forms so printed or dittoed conform to the officially manufactured forms currently in use, with respect to size, wording, arrangement, style and size of type, and paper specifications.

§ 6.7 *Documents for entry.* (a) At the time any aircraft arriving from outside the United States lands in any area in which entry is required by § 6.3 or 6.4, the aircraft commander or an authorized person shall deliver a general declaration on customs Form 7507 in accordance with this section. If an aircraft arrives in an area from another area, the documents specified in § 6.9 (b) shall be delivered.

(b) A general declaration shall contain or have attached thereto the following information:

(1) A crew manifest. This manifest is not required if the aircraft is arriving directly on a trip which originated in Canada.

(2) A passenger manifest, which shall show the surname, given name, and middle initial of each arriving passenger. This manifest is not required if the aircraft is arriving directly on a trip which orginated in Canada.

(3) A cargo manifest. The cargo manifest on the general declaration, properly executed and having airway bills or consignment notes attached, will be acceptable if it bears a notation such as "Express as per airway bills attached" and shows the airway bill or consignment note numbers, if any. If the airway bills or consignment notes are not attached to the general declaration or to the separate form of cargo manifest, the full information indicated in the cargo manifest on the general declaration shall be furnished. Customs Form 5119 may be used in lieu of the cargo manifest if the baggage or other merchandise consists of a single shipment and does not exceed $250 in value. No cargo manifest or store list shall be required for merchandise, including baggage, arriving from a foreign country and departing for the same or another foreign country on the same through flight, although any such documents on board may be inspected if necessary. (For rule applicable to arrival in an area from another area, see § 6.8 (e).)

(4) In the case of aircraft arriving in the United States on a trip which started in contiguous foreign territory, the total number of pieces of accompanied checked baggage on board shall be shown on the air cargo manifest, unless the number of pieces of baggage belonging to each passenger and crew member appears opposite the name of the respective passenger or crew member on any passenger or crew manifest required under the regulations in this part. In the case of aircraft arriving in the United States on a trip which started in noncontiguous foreign territory, the collector may require the pertinent baggage declaration number, or, in the absence of such declaration, the number of pieces of accompanied baggage belonging to each passenger and crew member, to be shown opposite the name of the respective passenger or crew member on the passenger and crew manifest, or, if passenger and crew manifest is not required, on a separate baggage list. At ports where this information is not required, a rubber-stamp endorsement reading "Baggage as per baggage declarations filed on entry" shall be made upon the passenger and crew manifest or the baggage list, as the case may be. The baggage list, if required, shall contain, in addition to the information mentioned above, information identifying the flight as specified in the heading of the form of air passenger manifest, and that form, appropriately modified, may be used for this purpose. Unaccompanied baggage arriving in the United States under a check number from any foreign country by air shall be shown on the air cargo manifest under the following headings:

Check No.	Description of package	Where from	Destination

On the right of the foregoing information, two blank columns, one headed "Name of examining officer" and on the right thereof another column headed "Disposition" shall be provided on the air cargo manifest for use of customs officers. Unaccompanied unchecked baggage arriving as air express or air freight shall be manifested as other air express or freight.

(5) Such other information and statements as are indicated on the general declaration form.

(c) The general declaration required by this section shall be filed in three copies with one copy of each attached passenger manifest and three copies of each attached cargo manifest. These documents shall be disposed of as follows:

(1) Two copies of the general declaration, one copy of each attached passenger manifest, and two copies of each cargo manifest shall be delivered by the aircraft commander or an authorized person immediately to the customs officer in charge at the airport or other place of arrival. One copy of the general declaration and one copy of each cargo manifest shall be retained by the aircraft commander or authorized person and forwarded promptly by him to the comptroller of customs in whose district such airport or place is located.

(2) One copy of the general declaration and one copy of each attached cargo manifest delivered to the customs officer shall be forwarded by him to the comptroller of customs mentioned in subparagraph (1) of this paragraph with appropriate notations thereon showing the disposition of the merchandise covered thereby. One copy of the general declaration delivered to the customs officer shall be retained by him as a record of the entry of the aircraft.

(d) The provisions of section 466, Tariff Act of 1930, as amended (19 U. S. C. 257, 258), are applicable to any aircraft of United States registry engaged in trade and arriving in the United States, as defined in section 401 (k), Tariff Act of 1930, as amended (19 U. S. C. 1401 (k)), whether from a contiguous or noncontiguous foreign country, and a notation as to any equipment installed on, or repairs made to, any such aircraft in a foreign country shall be made in the aircraft journey log book, which shall set forth a general description of the equipment or repairs and a statement of any necessity therefor. The aircraft commander or an authorized person, on the first subsequent arrival of the aircraft in the United States, shall exhibit the journey log book to the customs officer at the place of arrival. In no case is the filing of customs Form 3417 required for any such aircraft. Except as specified hereafter in this paragraph, any such equipment purchased or repairs made shall be subject to entry and deposit of duty as prescribed by § 4.14 of this chapter, but the following may be added to the entry in lieu of the filing of customs Form 3415:

This entry contains a complete account of the equipment purchased for and the repairs made to the within-mentioned aircraft during the flight covered hereby, together with the cost of such equipment and the expenses of such repairs (including the cost of installation of equipment and the cost of repair parts and material used). Application is hereby made for the ascertainment of the amount of duty due under section 466, Tariff Act of 1930, as amended.

The filing of customs Form 3415 and entry and deposit of duty on such equipment or repairs shall not be required if (1) the aircraft belongs to a scheduled airline, or to an air carrier generally authorized to operate contract passenger or cargo flights and operating between the United States and foreign territory, (2) the aircraft commander or an authorized person executes and files with the entry of the aircraft a certificate in the form set forth below, and (3) the collector is satisfied from an inspection of the journey log book and such further investigation as he may deem necessary that the facts with respect to the installation of the equipment and making of repairs were as set forth in such certificate.

CERTIFICATE RESPECTING EQUIPMENT PURCHASED FOR OR REPAIRS MADE TO UNITED STATES AIRCRAFT WHILE IN A FOREIGN COUNTRY

District No. _____
Port of _____
Date _____

I, _____, certify that the installation of equipment and making of repairs noted in the journey log book of aircraft No. _____, flight No. _____, now entering from _____, exhibited herewith were necessary by reason of stress of weather or other casualty occurring since such aircraft last left the United States and were required to secure the safety and airworthiness of the aircraft in accordance with Civil Aeronautics Administration regulations to enable the aircraft to continue its flight; or that the equipment installed and materials used in making the repairs were of the growth, produce, or manufacture of the United States and the work incident to such installation or repairs was performed by the regular crew of the aircraft or by residents of the United States.

Title _____

(e) The provisions of section 446, Tariff Act of 1930 (19 U. S. C. 1446), relating to supplies and stores retained on board, shall be applicable to aircraft arriving in the United States from any foreign port or place.

(f) Crew baggage declarations required by § 10.22 (b) of this chapter shall be filed by the officers and members of the crew of aircraft arriving from contiguous or noncontiguous foreign territory.

§ 6.8 *Documents for clearance.* (a) At the time of the departure of any aircraft from any area from which clearance is required by § 6.3 or § 6.5, the aircraft commander or an authorized person shall deliver to the customs officer in charge shipper's export declarations on Commerce Form 7525–V for all cargo on the aircraft (also for the aircraft itself if it is being exported from the United States for foreign account), and a general declaration in accordance with this section. The foregoing documents may be filed pro forma if the aircraft is departing from the United States and prior to departure a proper bond is given, in which case the completed documents are to be delivered pursuant to the bond not later than the fourth day after departure: *Provided*, That, during any period covered by a proclamation of the President that a state of war exists between foreign nations, no aircraft shall be cleared for a foreign destination until

[1] Section 431, Tariff Act of 1930, as amended (19 U. S. C. 1431): "(b) Whenever a manifest of articles or persons on board an aircraft is required for customs purposes to be signed, or produced or delivered to a customs officer, the manifest may be signed, produced, or delivered by the pilot or person in charge of the aircraft, or by any other authorized agent of the owner or operator of the aircraft, subject to such regulations as the Secretary of the Treasury may prescribe. If any irregularity of omission or commission occurs in any way in respect of any such manifest, the owner or operator of the aircraft shall be liable for any fine or penalty prescribed by law in respect of such irregularity."

[2] Information regarding requirements relating to the licensing for export and import of articles defined as arms, ammunition, and implements of war may be obtained at any customhouse.

the shipper's export declarations have been filed with the customs officer in charge.[3]

(b) The general declaration shall be on the same form as is required by § 6.7. Any cargo manifest delivered with the general declaration shall also be on the same forms as are required by § 6.7.

(c) When the aircraft is departing from the United States, the general declaration required by this section shall be prepared in duplicate, with a single copy of each cargo manifest. One copy of the general declaration and each air cargo manifest shall be delivered by the aircraft commander or an authorized person to the customs officer in charge to be retained by him as a record of outward clearance.

(d) One copy of the general declaration for departure from the United States shall constitute a clearance certificate when endorsed by the customs officer in charge to show that clearance is granted.

(e) One extra copy of the general declaration and one copy of the air cargo manifest shall be prepared if the aircraft is carrying merchandise other than residue cargo between the mainland and Puerto Rico. Such declaration and manifest shall be delivered to the customs officer in the area from which the aircraft is departing and shall be retained by him. If the aircraft is carrying residue cargo, a copy of the general declaration retained on board at the time of departure must have the endorsement of the customs officer in the area from which the aircraft is departing that permit to proceed is granted. (For residue cargo see § 6.9.)

§ 6.9 *Residue cargo.*[4] (a) Aircraft arriving in the United States with cargo on board shown by the manifest to be destined to other ports in the same or in some other areas of the United States or outside the United States may be permitted to proceed with such cargo from port to port in the United States or to a foreign country for the unlading thereof under the procedure prescribed in paragraph (b) of this section, upon the giving of a bond on customs Form 7567 or 7569. When an aircraft arriving from outside the United States has on board no cargo and immediate clearance is requested, it may be permitted to proceed if a bond on customs Form 7567 or 7569 is on file covering such aircraft.

(b) When applying for clearance from the airport or place of first entry in the United States, the aircraft commander or an authorized person shall present to the collector (1) two copies[5] of a general declaration and two copies of each manifest[6] forming a part thereof (referred to hereinafter as abstract general declarations and manifests), covering all foreign residue cargo, or passengers, not yet cleared by customs or other interested governmental agency and manifested or destined for discharge at other domestic or foreign airports and of all crew members, and (2) one certified copy of the original complete general declaration which was filed upon the arrival of the aircraft at such airport or place, and of the manifests forming a part thereof[7] required on entry of aircraft from noncontiguous foreign territory (referred to hereinafter as the traveling general declaration and manifest). If clearance is in order, a permit to proceed from one airport to another, which may be stamped, mimeographed, or printed on one of the abstract general declarations or on a separate sheet of paper attached thereto, shall be dated and signed by the appropriate customs officer at the airport of clearance. The documents presented by the aircraft commander or authorized person when applying for clearance shall be delivered to the aircraft commander, together with the permit to proceed, for deposit at the next international airport. The permit to proceed and a related declaration of the aircraft commander or an authorized person, to be executed on entry at a following airport, shall be substantially as follows:

PERMIT TO PROCEED FROM ONE AIRPORT TO ANOTHER

Airport of Departure _____
Date _____

Permission is hereby given aircraft _____ to proceed to _____
(Next international airport)

The aircraft, which has arrived from and is destined to the places shown in the general declaration, is proceeding to such places of destination to discharge residue cargo, passengers, or crew members and their purchases, as listed in the attached manifests. Bond was given at the initial international airport for the cargo retained on board. Items of cargo manifested for delivery at this airport appear to have been landed.

Number of crew members not cleared by Public Health for: Quarantine _____; medical examination of aliens _____.
Number of passengers not cleared by Public Health for: Quarantine _____; medical examination of aliens _____.
Number of crew members not cleared by Customs _____.
Number of passengers not cleared by Customs _____.
Number of pieces of cargo not cleared _____.

_____
Customs officer (title)

DECLARATION ON ENTRY OF AIRCRAFT AT FOLLOWING AIRPORT

Airport of Arrival _____
Date _____

I, _____, commander or authorized representative of the aircraft identified in this document, declare and guarantee that there were not, when such aircraft departed from the airport of _____, nor have been since, nor now are, any more or other goods, wares, or merchandise on board than was stated in the manifests attached hereto.

Title _____

(c) Upon arrival of the aircraft at the next airport, the aircraft commander or an authorized person shall make entry by presenting the abstract general declarations and manifests and the traveling general declaration and manifest, together with the permit to proceed, to the customs officer after the declaration at the bottom of the permit to proceed has been properly executed. The declarations and entries of crew members (customs Form 5123) who leave the aircraft at that airport with their purchases shall be detached from the traveling manifest and retained at that port. Upon departure from the second airport of arrival with foreign residue cargo, passengers, or crew members and their purchases not yet cleared by customs or other interested governmental agency, the procedure shall be the same as at the airport of first arrival, except that no new traveling general declaration and manifest shall be prepared, but the traveling general declaration and manifest as certified at the first international airport shall be delivered to the aircraft commander for deposit at the next airport of entry.

(d) The same procedure as set forth in paragraph (c) of this section shall be followed at any following airport to which the aircraft may proceed with foreign residue cargo, passengers, or crew members and their purchases not yet cleared by customs or other interested governmental agency. The traveling general declaration and manifest shall be retained by the collector of customs at the last domestic port of discharge.

(e) The provisions of this section shall be applicable to aircraft arriving in the United States from either contiguous or noncontiguous foreign territory. Except as specified in this section, the customs requirements applicable to residue vessel cargo (see § 4.85 of this chapter) shall apply to residue aircraft cargo.

§ 6.10 *General provisions.* Except as otherwise provided for in this part, aircraft arriving from contiguous foreign territory and the persons and merchandise, including baggage, carried thereon shall be subject to the customs laws and regulations applicable to vehicles arriving from contiguous foreign territory; and aircraft and the passengers and merchandise, including baggage, carried thereon, arriving from any other place, shall be subject to the customs laws and regulations applicable to vessels so arriving, insofar as such laws and regulations are applicable to aircraft.

§ 6.11 *Penalties.* (a) Any person violating any customs requirements prescribed in this part or any provision of the customs laws or regulations made applicable to aircraft by § 6.10 shall be subject to a civil penalty of $500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture, as provided for in the customs laws. Such penalty and forfeiture may be remitted or mitigated in accordance with the provisions of §§ 23.23 to 23.25 of this chapter.

§ 6.12 *International airports; regulations.* (a) International airports will be designated after due investigation to establish the fact that a sufficient need exists in any particular district or area to justify such designation and to determine the airport best suited for such purpose.

(b) A specific airport will be designated in each case, rather than a general area or district which may include several airports.

(c) The designation as an international airport may be withdrawn if it is found that the volume of business clearing through the port does not justify maintenance of inspection equipment and personnel, if proper facilities are not provided and maintained by the airport, if the rules and regulations of the Federal Government are not complied with, or if it is found that some other location would be more advantageous.

(d) International airports shall be municipal airports, unless particular conditions which prevail warrant a departure from this requirement.

(e) Each international airport shall provide without cost to the Government suitable office and other space for the exclusive use of Federal officials connected with the port. A suitable surfaced loading area shall be provided by each airport at a convenient location with respect to such office space. Such loading area shall be reserved for the use of aircraft entering or clearing through the airport.

(f) International airports shall be open to all aircraft for entry and clearance purposes and no charge shall be made for the use of said airports for such purposes. However, in any case where an international airport authorizes any such aircraft to use such airport for the taking on or discharging of passengers or cargo, or as a base for other commercial operations or for private operations, this paragraph shall not be interpreted to mean that charges may not be made for such commercial or private use of such airport.

(g) All aircraft entering or clearing through an international airport shall receive the required servicing by airport personnel promptly and in the order of arrival or preparation for departure without discrimination. The charges made for such servicing shall in no case exceed the schedule of charges prevailing at the airport in question. A copy of said schedule of charges shall be posted in a conspicuous place at the office space provided for the use of Federal officials connected with the port.

(h) International airports shall adopt and enforce observance of such requirements for the operation of airports, including airport rules, as may be prescribed or recommended by the Civil Aeronautics Administration.

(i) Requirements in addition to all the foregoing may be imposed at a particular airport as the needs of the district or area to be served by the airport may demand.

§ 6.13 *List of international airports.*[8] The following is a list of international airports of entry designated by the Secretary of the Treasury without time limit:

Location and Name

Akron, Ohio, Municipal Airport.
Albany, N. Y., Municipal Field.
Baudette, Minn., Baudette Municipal Airport.
Bellingham, Wash., Bellingham Airport.
Brownsville, Tex., Rio Grande Valley International Airport.
Buffalo, N. Y., Municipal Airport.
Burlington, Vt., Burlington Municipal Airport.
Calexico, Calif., Calexico Municipal Airport.
Caribou, Maine, Caribou Municipal Airport.
Cleveland, Ohio, Cleveland Hopkins Airport.
Cut Bank, Mont., Cut Bank Airport.
Detroit, Mich., Detroit Municipal Airport and Detroit-Wayne Major Airport.
Douglas, Ariz., Bisbee-Douglas Airport.
Eagle Pass, Tex., Eagle Pass Airport.
El Paso, Tex., El Paso International Airport.
Fort Lauderdale, Fla., Broward County Airport.
Fort Yukon, Alaska, Fort Yukon Airfield.
Friday Harbor, Wash., Friday Harbor.
Grand Forks, N. Dak., Grand Forks Municipal Airport.
Great Falls, Mont., Gore Field.
Havre, Mont., Havre-Hill County Airport.
International Falls, Minn., International Falls Municipal Airport.
Juneau, Alaska, Juneau Airport (seaplane base only) and C. A. A. Field.
Ketchikan, Alaska, Ketchikan Airport (seaplane base only).
Key West, Fla., Meacham Field.
Laredo, Tex., Laredo Municipal Airport.
Malone, N. Y., Malone-Dufort Airport.
Massena, N. Y., Massena Airport.
Miami, Fla., Chalks Flying Service Seaplane Base and Miami International Airport.
Nogales, Ariz., Nogales International Airport.
Ogdensburg, N. Y., Ogdensburg Harbor and Ogdensburg Municipal Airport.
Oroville, Wash., Dorothy Scott Municipal Airport and Dorothy Scott Seaplane Base.
Pembina, N. Dak., Fort Pembina Airport.
Portal, N. Dak., Portal Airport.
Port Huron, Mich., St. Clair County Airport.
Port Townsend, Wash., Port Townsend Airport.
Put-in-Bay, Ohio, Put-in-Bay Airport.
Rochester, N. Y., Rochester Municipal Airport.
Rouses Point, N. Y., Rouses Point Seaplane Base.
San Diego, Calif., San Diego Municipal Airport (Lindbergh Field).
Sandusky, Ohio, John G. Hinde Airport.
San Juan, P. R., Isla Grande Airport.
Sault Ste. Marie, Mich., Sault Ste. Marie Airport.
Seattle, Wash., Boeing Municipal Air Field and Lake Union.
Skagway, Alaska, Skagway Municipal Airport.
Spokane, Wash., Felts Field.
Tampa, Fla., Tampa International Airport.
Watertown, N. Y., Watertown Municipal Airport.
West Palm Beach, Fla., Palm Beach International Airport.
Wrangell, Alaska, Wrangell Seaplane Base.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 15, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-8392; Filed, Oct. 25, 1954; 8:49 a. m.]

[T. D. 53638]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 9—IMPORTATIONS BY MAIL

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 16—LIQUIDATION OF DUTIES

INVOICE REQUIREMENTS AND EXEMPTIONS

In order to simplify customs requirements relating to certified invoices and to extend the list of articles which may be entered without the production of a certified invoice, the Customs Regulations are hereby amended as follows:

1. Section 8.11 is amended by substituting "$500" for "$250" in the second sentence of paragraph (c).

2. Section 8.13 (c) is amended by substituting "$500" for "$250" in the first sentence.

3. Section 8.15 (a) is amended by substituting "$500" for "$250" in subparagraphs (1) and (2); by inserting "an ad valorem rate of duty or to" after "sub-

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[3] For export of aircraft, see 22 CFR Part 75.

[4] "* * * Any vessel arriving from a foreign port or place having on board merchandise shown by the manifest to be destined to a port or ports in the United States other than the port of entry at which such vessel first arrived and made entry may proceed with such merchandise from port to port or from district to district for the unlading thereof." (19 U. S. C. 1442.)

"Merchandise arriving in any vessel for delivery in different districts or ports of entry shall be described in the manifest in the order of the districts or ports at or in which the same is to be unladen. Before any vessel arriving in the United States with any such merchandise shall depart from the port of first arrival, the master shall obtain from the collector a permit therefor with a certified copy of the vessel's manifest showing the quantities and particulars of the merchandise entered at such port of entry and of that remaining on board." (19 U. S. C. 1443.)

"Within twenty-four hours after the arrival of such vessel at another port of entry, the master shall report the arrival of his vessel to the collector at such port and shall produce the permit issued by the collector at the port of first arrival together with the certified copy of his manifest." (19 U. S. C. 1444.)

[5] Other copies of abstract manifests may be required by other interested governmental agencies.

[6] Includes air bills or consignment notes used as manifests.

[7] If crew purchases are not listed on abstract manifests but references are made thereon to the declarations and entries of crew members (customs Form 5123) on which the articles are listed, the declaration and entries of the crew members who have not yet left the aircraft with their purchases shall be attached to the traveling manifest.

[8] "(b) *Designation of ports of entry; detail of officers; application of customs laws.* The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs laws to such extent and upon such conditions as he deems necessary.

"(c) *Application of laws relating to entry and clearance of vessels.* The Commissioner of Customs is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary." (49 U. S. C. 177 (b), (c).)

ject to" in subparagraph (2) (1); by inserting "or" after "tea;" in subparagraph (2) (7); by deleting subparagraph (2) (8); and by redesignating the remaining subdivisions under the first subparagraph (2) as (i) through (viii), respectively.

4. Section 8.15 (c) (1) is amended by substituting "$500" for "$250", and § 8.15 (c) (2) is amended by substituting "$1,000" for "$500."

(Sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

5. Section 9.1 (b) is amended by substituting "$500" for "$250" in the first sentence.

(Sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

6. Section 10.1 is amended by substituting "$500" for "$250" in paragraph (a) (1) and in the first sentence of paragraph (b).

7. Section 10.90 (e) is amended by substituting "$500" for "$250."

(Secs. 201 (par. 1615), 484, 46 Stat. 674, as amended, 722, as amended; 19 U. S. C. 1201 (par. 1615), 1484)

8. Section 16.23 is amended by substituting "$500" for "$250" in the second sentence of paragraph (b).

(Sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 21, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-8391; Filed, Oct. 25, 1954; 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter 8B—Forms Used in Activities of the Bureau of Indian Affairs

PART 296—LIST OF FORMS

MISCELLANEOUS AMENDMENTS

1. Section 296.1 *Education forms* is recaptioned and revised to read as follows:

§ 296.1 *Availability of forms.* Forms upon which applications and related documents may be filed and upon which rights and privileges may be granted may be inspected and procured at the Bureau of Indian Affairs, Washington 25, D. C., and at the office of any Area Director or Agency Superintendent.

2. Sections 296.2 to 296.11 are herewith revoked.

(R. S. 161; 5 U. S. C. 22)

DOUGLAS MCKAY,
Secretary of the Interior.

OCTOBER 19, 1954.

[F. R. Doc. 54-8363; Filed, Oct. 25, 1954; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess-Profits Taxes

[T. D. 6110; Reg. 118]

PART 39—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

EXCLUSION FROM GROSS INCOME OF PROCEEDS OF SPORTS PROGRAMS CONDUCTED FOR AMERICAN RED CROSS

On July 2, 1954, a notice of proposed rule making regarding amendments to conform Regulations 118 (26 CFR (1939) Part 39) to the provisions of sections 1, 2, and 3 of Public Law 465, 82d Congress, approved July 8, 1952, relating to exclusion from gross income of proceeds of sports programs conducted for the American Red Cross, was published in the FEDERAL REGISTER (19 F. R. 4035). No objections to the rules proposed having been received, the amendments set forth below are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 39.22 (c) the following:

§ 39.22 (b) (16)–1 *Proceeds from certain sports programs conducted for the benefit of the American National Red Cross*—(a) *In general.* Under section 22 (b) (16), a corporation primarily engaged in the furnishing of sports programs may exclude from its gross income amounts received as proceeds from a sports program conducted by such corporation if each of the following requirements is met:

(1) The corporation agrees in writing with the American National Red Cross after July 8, 1952, to conduct such sports program exclusively for the benefit of the American National Red Cross;

(2) The sports program is conducted after July 8, 1952;

(3) The corporation turns over to the American National Red Cross all the proceeds from such sports program, less only the expenses paid or incurred by such corporation which would not have been paid or incurred but for such sports program and which would be allowable as deductions under section 23 (a) (1) (A) but for the last sentence of such section; and

(4) The facilities of the corporation used in conducting such sports program are not regularly used during the taxable year for the conduct of sports programs to which section 22 (b) (16) applies.

(b) *Certain corporations ineligible.* Section 22 (b) (16) does not apply in the case of a corporation organized or operated primarily to conduct or furnish, or to participate in the conduct or furnishing of, one or more sports programs for the American National Red Cross.

(c) *Proceeds from a sports program.* The proceeds from a sports program conducted for the benefit of the American National Red Cross include all amounts received by the conducting corporation, irrespective of when received, on account of such sports program, which amounts would be includible in the gross income of such conducting corporation, except for the provisions of section 22 (b) (16). Where the activities carried on in connection with the sports program include the sale or rental of radio, television, or movie rights, refreshments, souvenirs, parking facilities, programs, advertising, or other goods and services, whether sold or rented directly or through concessionaires, the amounts received by the conducting corporation from such sports program include all amounts received from such activities, but only where such amounts would not have been received by the conducting corporation but for the presentation of the particular sports program. Where the conducting corporation receives payments for concessions on an annual or seasonal basis, and such payments are not increased because of the particular sports program, such payments are not considered as proceeds from such sports program, and any expenses paid or incurred by the conducting corporation on account of such concession operations are not deductible under section 22 (b) (16) (B) in determining the amount of the proceeds from such sports program which the conducting corporation is required to turn over to the American National Red Cross; nor are the proceeds of a sports program considered to include amounts received by the conducting corporation for the State and turned over to the State, such as taxes or the breakage on a pari-mutuel wagering pool.

(d) *Sports programs.* (1) Section 22 (b) (16) applies where the program furnished by the conducting corporation consists of sports events such as baseball, football, or basketball games, racing programs, or the like, but it does not apply to programs or events such as motion pictures, circuses, dance programs, or the like, which are primarily amusements rather than competitive athletic sporting events.

(2) A sports program includes all of the events normally making up a full program in the particular sport. A single race of a racing program consisting of more than one race would not constitute a sports program, nor would one baseball or basketball game of a doubleheader program constitute a sports program.

PAR. 2. Section 39.23 (a)–1 is amended by adding at the end thereof the following sentence: "In the case of any sports program to which section 22 (b) (16) applies, expenses described in section 22 (b) (16) (B) shall be allowable as deductions under section 23 (a) only to the extent that such expenses exceed the amount excluded from gross income under section 22 (b) (16)."

PAR. 3. Section 39.23 (q)–1 (a) is amended by adding at the end thereof the following sentence: "For the purposes of section 23 (q), amounts excluded from the gross income of the taxpayer under section 22 (b) (16) are not to be considered contributions or gifts."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: October 20, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-8394; Filed, Oct. 25, 1954; 8:50 a. m.]

[T. D. 6111; Regulations 118]

PART 39—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

COMPUTATION OF NET INCOME

On January 29, 1954, notice of proposed rule making with respect to amendments conforming the income tax regulations to section 203 of the Technical Changes Act of 1953, approved August 15, 1953, was published in the FEDERAL REGISTER (19 F. R. 514). After consideration of such relevant suggestions as were presented by interested persons regarding the proposals, the following amendments to Regulations 118 (26 CFR (1939) Part 39) are hereby adopted:

PARAGRAPH 1. Section 39.113 (a) (5) is amended as follows:

(A) By inserting immediately after the words "revoke the trust" in the second sentence of section 113 (a) (5) the following: "or to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust".

(B) By adding at the end of the historical note immediately preceding the closing bracket the following: "; sec. 203 (a), Technical Changes Act of 1953. Under sec. 203 (b), Technical Changes Act of 1953, the amendment made by sec. 203 (a) shall apply (1) only in the case of property transferred by grantors dying after December 31, 1951, and (2) only with respect to taxable years ending after December 31, 1951."

PAR. 2. Section 39.113 (a) (5)–1 is amended by inserting immediately at the end thereof the following:

(h) *Property acquired by certain transfers in trust.* Property shall, for the purposes of section 113 (a) (5) and of this section, be considered as property passing under an instrument which is treated as though it were a will executed on the day of the grantor's death if:

(1) The property was transferred in trust to pay the income for life to or upon the order or direction of the grantor, with the right reserved to the grantor at all times prior to his death to revoke the trust, or

(2) The property was transferred in trust by a grantor dying after December 31, 1951, to pay the income for life to or upon the order or direction of the grantor, with the right reserved to the grantor at all times prior to his death to revoke the trust or to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: October 21, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-8393; Filed, Oct. 25, 1954; 8:49 a. m.]

No. 208——3

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

PART 557—SERVICE CLUBS AND LIBRARIES

MISCELLANEOUS AMENDMENTS

In § 557.2, paragraphs (a) and (b) are revised, and in § 557.6 (c), subparagraphs (2), (4) and (5) are amended, as follows:

§ 557.2 *Responsibility.* (a) Under the supervision of the Assistant Chief of Staff, G–1, The Adjutant General formulates plans, policies, and procedures governing Army service clubs, determines civilian personnel and supply requirements, and prepares budget estimates for appropriated funds necessary for administering and operating the service club program.

(b) The technical services, in accordance with existing logistic assignments, perform the service of purchase, storage, and maintenance of service club supplies and equipment purchased with appropriated funds for The Adjutant General. Issues are controlled and administered by The Adjutant General.

* * * * * *

§ 557.6 *Personnel.* * * *

(c) *Qualifications.* * * *

(2) (i) All service club personnel will possess the prerequisite personal qualifications of acceptable personality traits, integrity, and discretion and appointment will be subject to the determination that employment is clearly consistent with the interests of national security.

(ii) Nonappropriated fund personnel will be subject to at least a National Agency Check, with favorable results. DA Form 873 (Certificate of Clearance and/or Security Determination Under Executive Order 10450) will be completed on all such personnel, including those appointed to nonsensitive positions, in which case part IV of the form will include a statement that the employee is paid from nonappropriated funds and will cite this section as authority for completion of the certificate. Entrance on duty in nonsensitive positions need not be delayed pending completion of the required investigation.

* * * * * *

(4) A combination of education and experience is required for all positions. Professional experience involving progressive degrees of responsibility for an organized recreation program with recognized social, recreational, or similar organizations may be substituted for college education at the rate of 1 year of experience for each year of education lacking, not to exceed 2 years of experience for 2 years of college training.

(5) Qualifications for service club positions are as follows:

(i) *Recreational assistant.* * * *

(b) *Age at selection:*

* * * * * *

Maximum—35 years. [Revoked.]

(ii) *Assistant service club director and program director.* (a) Must meet requirements for recreational assistant and in addition have 2 years professional experience involving progressive degrees of responsibility for an organized recreation program with recognized social, recreational, or similar organizations. One year of this experience as a recreational assistant with an Army or Air Force service club is desirable.

(b) Age at selection:

* * * * * *

Maximum—40 years. [Revoked.] ---

(iii) *Service club director.* (a) Must meet requirements for recreational assistant and in addition have 4 years professional experience involving progressive degrees of responsibility for an organized recreation program with recognized social recreational, or similar organizations, 1 year of which must have been in an Army or Air Force service club. Demonstrated ability to supervise personnel is required.

(b) Age at selection:

* * * * * *

Maximum—40 years. [Revoked.]

(iv) *Post service club director.* (a) Must meet requirements for recreational assistant and in addition have 4 years professional experience involving progressive degrees of responsibility for an organized recreation program with recognized social, recreational, or similar organizations, 2 years of which must have been in an Army or Air Force service club. Demonstrated ability to supervise personnel is required.

(b) Age at selection:

* * * * * *

Maximum—42 years. [Revoked.]

(v) *Staff service club director, assistant staff service club director, field service club director, and staff program director.* (a) Must meet requirements for recreational assistant and in addition have a minimum of 5 years professional experience involving progressive degrees of responsibility for an organized recreation program with recognized social, recreational, or similar organizations, at least 3 years of which must have been in an Army or Air Force service club including 1 year as a club director. Demonstrated ability to supervise personnel and perform administrative duties is required.

(b) Age at selection:

* * * * * *

Maximum—45 years. [Revoked.]

(vi) *Age restrictions.* [Revoked.]

* * * * * *

[Cl. AR 680–60, 20 September 1954] (R. S. 161; 5 U. S. C. 22)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 54-8383; Filed, Oct. 25, 1954; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS

DISCLOSURE OF VOCATIONAL REHABILITATION AND EDUCATION INFORMATION TO EDUCATIONAL INSTITUTIONS COOPERATING WITH VETETANS' ADMINISTRATION

Section 1.517 is revised to read as follows:

§ 1.517 *Disclosure of vocational rehabilitation and education information to educational institutions cooperating with the Veterans' Administration.* Requests from educational institutions and agencies cooperating with the Veterans' Administration in the vocational rehabilitation and education of veterans for the use of vocational rehabilitation and education records for research studies will be forwarded to central office with the Manager's recommendation for review by the Deputy Administrator for Veterans Benefits. Where the request to conduct a research study is approved by the Deputy Administrator for Veterans Benefits, the Manager is authorized by this section to release information for such studies from vocational rehabilitation and education records as required: *Provided, however,* That any data or information obtained shall not be published without prior approval of the Deputy Administrator for Veterans Benefits and that data contained in published material shall not identify any individual veteran.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426. Interpret or apply sec. 30, 43 Stat. 615, as amended, Vet. Reg. 11, as amended; 38 U. S. C. 456, ch. 12)

This regulation is effective October 26, 1954.

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-8406; Filed, Oct. 25, 1954; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1021]

IDAHO

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH CONSTRUCTION OF LUCKY PEAK RESERVOIR DAM PROJECT

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands in Idaho are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the construction of the Lucky Peak Reservoir and Dam Project under supervision of the Department of the Army as authorized by the act of July 24, 1946 (60 Stat. 641): *Provided, however,* That the lands shall continue to be administered for grazing purposes by the Bureau of Land Management until such time as the exclusive use of the lands is required for the purpose for which they are reserved by this order:

BOISE MERIDIAN

T. 2 N., R. 3 E.,
Sec. 12, lot 5, NE¼SE¼;
Sec. 13, NW¼;
Sec. 14, NE¼.
T. 2 N., R. 4 E.,
Sec. 4, W½W½SW¼SW¼;
Sec. 5, lots 2 to 11, inclusive, N½SE¼, SE¼SE¼;
Sec. 6, lots 6, 8, 9, 10, S½S½NE¼, NW¼SE¼, S½NE¼SW¼;
Sec. 7, NE¼NE¼.
T. 3 N., R. 4 E.,
Sec. 8, NE¼NE¼, E½NW¼NE¼;
Sec. 9, S½NE¼NW¼, NW¼NW¼, W½SW¼;
Sec. 11, lots 1, 2, 3, 4, 8, 9, 10, 11, NW¼SW¼;
Sec. 12, lots 1, 2, 3, S½SW¼NW¼; W½W½SE¼SW¼, S½W½W½NE¼SW¼;
Sec. 14, lots 2 to 6, inclusive;
Sec. 15, lots 1, 2, 3, 7, 8, and 9;
Sec. 17, NW¼SE¼;
Sec. 21, lots 9 to 14, inclusive and SE¼NW¼;
Sec. 22, N½SW¼NE¼;
Sec. 28, lots 1, 4, and 5, NE¼NE¼, SW¼NE¼, NE¼SW¼;
Sec. 29, lot 3;
Sec. 31, E½SE¼NE¼, E½NE¼SE¼, NE¼SE¼SE¼;
Sec. 32, lots 1, 4, 5, 6, 8, 9, and 10.

The areas described aggregate 2,507 acres.

This order shall take precedence over but not otherwise affect existing withdrawals of the lands for national forest, reclamation, and power purposes.

ORME LEWIS,
Assistant Secretary of the Interior.

OCTOBER 19, 1954.

[F. R. Doc. 54-8366; Filed, Oct. 25, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

FREE, RESERVE AND SURPLUS PERCENTAGES FOR 1954–55 CROP YEAR

Notice is hereby given that there is being considered a proposed rule to establish free tonnage percentages, reserve tonnage percentages, and surplus tonnage percentages, as hereinafter set forth, in connection with raisins produced from raisin variety grapes grown in California and acquired by handlers during the 1954–55 crop year. These percentages are proposed after consideration of the recommendation submitted by the Raisin Administrative Committee and other information available to the Secretary, in accordance with applicable provisions of Marketing Agreement No. 109 and Order No. 89 (7 CFR, 1953 Rev., Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). It does not appear from data currently available that average returns to California producers of 1954 crop raisins will exceed the price level specified in section 2 (1) of the act.

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission should be received by the Director not later than the close of business on the next following business day.

The proposed rule is as follows:

§ 989.208 *Free, reserve, and surplus tonnage regulation for the 1954–55 crop year.* The percentages of each varietal type of raisins acquired by handlers during the crop year beginning August 15, 1954 and ending August 14, 1955, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are as follows: (a) Natural (sun-dried) Thompson Seedless raisins: Free tonnage percentage, 82 percent; reserve tonnage percentage, 18 percent; and surplus tonnage percentage, zero percent; (b) natural (sun-dried) Muscat raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (c) natural (sun-dried) Sultana raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (d) natural (sun-dried) Zante currant raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (e) artificially dehydrated Sultana raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus

tonnage percentage, zero percent; (f) artificially dehydrated Zante Currant raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (g) Layer Muscat raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (h) Golden Bleached raisins: Free tonnage percentage, 80 percent; reserve tonnage percentage, 20 percent; and surplus tonnage percentage, zero percent; (i) Sulfur Bleached raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (j) Soda Dipped raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; and (k) Valencia raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent.

Issued this 21st day of October 1954.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 54-8400; Filed, Oct. 25, 1954; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11206; FCC 54-1316]

TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations; docket No. 11206.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. Tri-County Broadcasting Company, permittee of television station WFTL-TV operating on Channel 23 at Fort Lauderdale, Florida, filed a petition on October 14, 1954, requesting that the Commission's Table of Assignments set forth in § 3.606, rules governing broadcast stations, be amended, alternatively, as follows:

City	Channel No.	
	Delete	Add
(a) Miami, Fla.	27+, 33	29, 35.
(b) Miami, Fla.	27+	39.
(c) Miami, Fla.	27+	Any UHF channel above 40.

3. Television Station WMIE–TV is authorized to operate on Channel 27 at Miami, and Station WMFL–TV is authorized to operate on Channel 33 at Miami. Tri-County further requests that the Commission issue an Order to Show Cause why each of the above permittees should not be required to shift its operations to a channel specified in the alternatives above.

4. In support of its petition Tri-County submits that Miami and Fort Lauderdale are about 23.8 miles apart; that due to intermodulation effects, Channel 23 at Fort Lauderdale and Channel 27 at Miami must be separated by 20 miles; that this limits the permittees in the selection of suitable sites; that the selection of a site with high antenna height is further limited by the requirement of the Civil Aeronautical Authority that such high antennas, in the order of 600–1,000 feet, be placed within an "antenna farm" located 14 miles north of Miami and 10 miles south of Fort Lauderdale; that the amendments as proposed would afford permittees greater latitude in selection of sites for greater coverage; and that these amendments conform to the Commission's rules and standards.

5. As noted above, petitioner points out that the CAA has provided that tall antennas in the Miami area be located within an "antenna farm" located 14 miles north of Miami. However, it appears that the alternative UHF channels suggested by petitioner for Miami could not be utilized from the "antenna farm" because of sub-minimum spacings. The Commission believes that petitioner's objective can be achieved by making a simple channel change in two communities; and the Commission is therefore proposing to amend its Table of Television Channel Assignments as follows:

City	Channel No.	
	Delete	Add
Belle Blade, Fla.	25–	27+
Miami Fla.	27+	39

Under this proposal only one existing authorization would have to be altered.

6. WMIE–TV, Inc., is presently authorized to construct a station on Channel 27 at Miami, and the Commission's rule-making proposal herein would substitute Channel 39 for Channel 27 in that city. It should be noted that Channel 39 can be utilized from the "antenna farm" in the Miami area. WMIE–TV, Inc., is ordered to show cause in this proceeding why its outstanding authorization should not be modified to specify operation on Channel 39 in lieu of Channel 27. A reply in writing to the aforesaid Order to Show Cause should be filed on or before the same date for filing comments in this proceeding.

7. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the amendment proposed should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before November 1, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before November 5, 1954. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments before taking final action in this matter, and if any comment appears to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 21, 1954.

Released: October 21, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8431; Filed, Oct. 25, 1954; 8:47 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 10377; FCC 54-1303]

STATIONS ON LAND AND SHIPBOARD IN MARITIME SERVICES

FIFTH FURTHER NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation by coast stations, ship stations and aircraft stations on currently assignable frequencies for telephony within the band 4000 kc to 18000 kc; and to include authority for operation by such stations on other frequencies for telephony within the same band.

1. On May 6, 1953, the Commission adopted a report and order in the above-designated docket finalizing a plan of assignment for all areas other than the Mississippi River and connecting inland waters (except the Great Lakes) which would be used as a basis for carrying out the maritime mobile radiotelephone portion of the Geneva Agreement (1951) in the frequency bands between 4000 kc and 18000 kc. However, the effective dates of deletion of existing frequencies and the availability of new frequencies were to be made the subject of later proceedings. First, Second, Third, and Fourth Further Notices of Proposed Rule Making in this Docket specifying such dates for many of the frequencies under the above-referred to plan have heretofore been promulgated and finalized.

2. This Fifth Further Notice of Proposed Rule Making is issued because it is now deemed feasible to propose a specific date for the deletion of certain existing frequencies and the availability of additional frequencies listed in the plan. These frequencies are set forth below. It is proposed to make the effective date of the deletion and the availability of the frequencies coincide with the effective date of the Order finalizing the proposed rule. This notice is issued under the authority recited in the

original notice of proposed rule making in this docket.

3. Any interested party who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before November 22, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Replies to original comments may be filed within ten days from the last day for filing original comments. The Commission will consider all comments and briefs presented to it before taking final action in this matter.

4. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments should be furnished the Commission.

Adopted: October 20, 1954.

Released: October 21, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

A. The following frequencies for telephony currently available to public coast or ship stations at the locations indicated would be deleted:

Coast

Location:
San Francisco, Calif., 4280 kc.
San Francisco, Calif., 8630 kc.

Ship

San Francisco, Calif., 8840 kc.
San Francisco, Calif., 13220 kc.
New York, N. Y., 17610 kc.

B. The following frequencies for telephony would be made available to public coast or ship stations at the locations indicated:

Coast

Location:
San Francisco, Calif., 4372.4 kc.
San Francisco, Calif., 8747.6 kc.

Ship

San Francisco, Calif., 8198.4 kc.
San Francisco, Calif., 12380.4 kc.
New York, N. Y., 16487.3 kc.
Territory of Hawaii, 12372.7 kc.

[F. R. Doc. 54-8398; Filed, Oct. 25, 1954; 8:50 a. m.]

NOTICES

POST OFFICE DEPARTMENT

REGIONAL HEADQUARTERS TO BE ESTABLISHED AT PHILADELPHIA, PA., FOR PENNSYLVANIA; NEW JERSEY, EXCEPT HUDSON AND BERGEN COUNTIES; AND NEW CASTLE COUNTY, DEL.

The following is the text of order of the Postmaster General No. 55750, dated October 11, 1954:

Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes will become effective on October 18, 1954:

1. On the effective date there will be established a regional headquarters at Philadelphia, Pennsylvania, under a Regional Operations Manager. Geographically this region will embrace the States of Pennsylvania and New Jersey, except for Hudson and Bergen Counties, and for New Castle County, Delaware. The Regional Operations Manager will be responsible to the Assistant Postmaster General, Bureau of Post Office Operations, for the direction of post office operations in this region. The Regional Operations Manager will also be subject to all policies affecting regional operations prescribed by the Department in Washington. There will also be a Regional Controller in the regional office who, for the time being, will be responsible to the Controller. The Regional Personnel Manager will be administratively responsible to the Regional Operations Manager so far as Bureau of Operations activities are concerned, and functionally to the Assistant Postmaster General, Personnel. Functions, such as those listed below, which were formerly discharged by various headquarters, bureaus and offices in Washington, will now be discharged by the regional staff.

A. Personnel functions, including such items as recruitment, selection and placement of personnel; training activities; labor relations; safety and health programs; classification of positions; awards and efficiency rating systems; review and disposition of disciplinary actions; and liason with the Civil Service Commission in the region.

B. Service functions, including recommendations to the Department for the establishment or discontinuance of post offices, classified stations and branches; approval of requests for allowances of funds; maintenance of high standards of service in all post offices; and effective control of costs.

C. Industrial engineering functions, including administration of cost reduction programs; improvement in work methods; endorsement of requests for capital expenditures; maintenance of work standards; layout of facilities; provision of work simplification methods and training; and development of systems and procedures, other than accounting and fiscal procedures.

D. Controller functions including the direction of accounting, budget and cost analysis activities.

E. Public information functions, including encouragement of public cooperation and participation in improving postal methods; and maintaining good relations with federal, state, and municipal officials.

2. Bureaus and offices other than the following are unaffected by this order:
A. Bureau of Operations.
B. Bureau of Personnel.
C. Bueau of Controller.
All other bureaus and offices, however, are expected to coordinate and cooperate with this new regional organization. Decentralization of other departmental functions and the placing of activities already decentralized into the regional organization will be carried forward as soon as possible. Orders effectuating these changes will be issued from time to time.

3. The region will be divided into seven districts. All postmasters in each district will report directly to their district manager.

4. Previous orders or instructions concerning the routing of communications from postmasters to the abovementioned bureaus in Washington are hereby superseded. All communications, with respect to the functions set forth in this order will be directed to the appropriate district manager, with the exceptions of monthly and quarterly accounts, which will continue to be routed as at present.

5. District headquarter cities, and the jurisdiction of each district are as follows:

DISTRICT NO. 1—PHILADELPHIA, PA.

New Castle County in Delaware, Chester, Delaware, Montgomery, and Bucks Counties in Pennsylvania.

DISTRICT NO. 2—ERIE, PA.

Pennsylvania Counties of Erie, Crawford, Mercer, Jefferson, Elk, Clarion, Forest, McKean, Venango, Warren, Armstrong, Cameron, Tioga, Potter, Beaver, Butler, Lawrence, and Clearfield.

DISTRICT NO. 3—NEWARK, N. J.

New Jersey Counties of Morris, Somerset, Union, Hunterdon, Sussex, Warren, Monmouth, Passaic, Essex, and Middlesex.

DISTRICT NO. 4—PITTSBURGH, PA.

Pennsylvania Counties of Bedford, Somerset, Indiana, Cambria, Westmoreland, Allegheny, Fayette, Greene, and Washington.

DISTRICT NO. 5—HARRISBURG, PA.

Pennsylvania Counties of Lancaster, Adams, Cumberland, York, Dauphin, Juniata, Perry, Lebanon, Northumberland, Lycoming, Clinton, Montour, Franklin, Fulton, Huntingdon, Mifflin, Snyder, Union, Center, and Blair.

DISTRICT NO. 6—READING, PA.

Pennsylvania Counties of Berks, Lehigh, Schuylkill, Carbon, Northampton, Monroe, Columbia, Bradford, Sullivan, Wyoming, Susquehanna, Luzerne, Wayne, Pike, and Lackawanna.

DISTRICT NO. 7—CAMDEN, N. J.

New Jersey Counties of Camden, Gloucester, Salem, Atlantic, Cape May, Cumberland, Ocean, Burlington, and Mercer.

6. The Philadelphia Postmaster will report directly to the Regional Operations Manager.

7. District Managers will be designated in a separate announcement. They will act for and be responsible to the Regional Operations Manager on post office matters within their districts. Each District Manager will be responsible for functions delegated to him by the Regional Operations Manager, including such things as: Making major operating decisions within his district; recommending action on all supervisory appointments; recommending action on requests for funds; advising Regional Operations Manager on district matters and conditions; carrying out regional policies in the district; interpreting departmental and regional policies and recommending changes; coordinating with other bureaus and government agencies in the district; taking necessary actions on complaints; directing the control of expenditures in the district; and maintaining essential records.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-8368; Filed, Oct. 25, 1954; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53636]

LAE, NEW GUINEA AND TANANARIVE, MADAGASCAR

ADDITIONS TO "NO CONSUL" LIST

OCTOBER 19, 1954.

In accordance with a recommendation from the Department of State, Lae, New Guinea, and Tananarive, Madagascar, are hereby added to the "No consul" list (1950), T. D. 52407, as amended.

Under the provisions of section 482 (f), Tariff Act of 1930 (19 U. S. C. 1482 (f)), an invoice for merchandise, for which a certified invoice is required under § 8.15 of the Customs Regulations (19 CFR 8.15), from the above-named places on foreign service Form 138, or in lieu thereof, a commercial invoice containing the information required by section 481, Tariff Act of 1930 (19 U. S. C. 1481), may be accepted if certified by a consular officer of a nation at the time in amity with the United States. If no such consular officer is available, the invoice shall be executed before a notary public or other officer having an official seal.

[SEAL] D. B. STRUBINGER,
Assistant Commissioner of Customs.

[F. R. Doc. 54-8390; Filed, Oct. 25, 1954; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Eastern States Office Order No. 1]

DISTRICT FORESTER, RUSSELLVILLE, ARK.

DELEGATION OF AUTHORITY TO TAKE ACTION ON PUBLIC SALES

OCTOBER 20, 1954.

Pursuant to the authority contained in section 4.1 of Bureau Order No. 541 and subject to the limitations contained therein, the District Forester, Russellville, Arkansas, is authorized to take all actions on public sales pursuant to 43 CFR Part 250, in the State of Arkansas.

C. R. DREXILIUS,
Supervisor,
Eastern States Office.

Approved:

W. G. GUERNSEY,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 54-8365; Filed, Oct. 25, 1954; 8:45 a. m.]

FORESTER, COEUR D'ALENE, IDAHO

DELEGATION OF AUTHORITY TO TAKE ACTION WITH RESPECT TO GRAZING LEASES AND DISPOSITION OF FOREST PRODUCTS; CORRECTION

OCTOBER 20, 1954.

The geographical area described in Federal Register Document 54-7098 appearing on page 5869 of the issue for September 10, 1954, should read as follows:

Beginning at the point where the township line between Tps. 24 and 25 N., Boise Meridian, closes against the Idaho-Oregon State line, thence east along the township line between Tps. 24 and 25 N., to the Salmon River; thence eastward along the Salmon River to the county line between Lemhi and Idaho counties, Idaho; thence to the northeast along said county line to the Idaho-Montana State boundary line; thence north along the Idaho-Montana State line to the National boundary between Canada and the United States; thence westerly along the United States-Canada boundary to the point where the Idaho-Washington State boundary joins onto the United States-Canada boundary; thence south along the Washington-Idaho State line to the point where Idaho-Washington and Oregon corner; thence south along the Idaho-Oregon State line to the township line between Tps. 24 and 25 N., Boise Meridian, the point of beginning.

W. G. GUERNSEY,
Acting Director.

[F. R. Doc. 54-8364; Filed, Oct. 25, 1954; 8:45 a. m.]

TOWN SITE OF PORT ANGELES, WASHINGTON

SALE OF TOWN LOT

OCTOBER 15, 1954.

1. *Authority.* Pursuant to the authority delegated by Section 2.0 of the Bureau of Land Management Order No. 541, of April 21, 1954 (19 F. R. 3200) the unsold lot described below in the townsite of Port Angeles, Washington will be disposed of under the provisions of sections 2382-2386, Revised Statutes. The plot of survey of this townsite was approved October 18, 1949.

T. 30 N., R. 6 W., Willamette Meridian, Washington,
Lot 22, Block 32, Port Angeles Townsite.

2. *Area and price.* The area of the lot contains 2000 square feet and has been appraised at $750.

3. *Public sale.* The lot will be offered for sale at a public sale, and will be sold to the highest bidder at the Land Office, Spokane, Washington, starting at 10:00 a. m. on November 9, 1954.

4. *Payment.* The lot will not be sold for less than the appraised price of $750, and payment must be made at the time of the sale for the full amount bid.

5. *Manner of sale.* Bids and payments may be made in person or by agent, either personally at the sale or by mail. Bids sent by mail will be considered only if received prior to the hour fixed for the sale. These bids must be accompanied by certified checks or post office money orders, made payable to the Bureau of Land Management, for the amounts of the bids and must be enclosed in sealed envelopes. The envelopes must be marked substantially as follows: "Public sale bid, Port Angeles Townsite, November 9, 1954."

6. *Citizenship requirements.* The individual purchasing the lot will be required to furnish evidence that he is a citizen of the United States, or that he has declared his intention to become a citizen, and every corporation purchasing the lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States, or of some State, Territory, or possession thereof, and it is authorized to acquire and hold a real estate in the State of Washington.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for the lot, and to suspend, adjourn or postpone the sale of the lot. If the sale is adjourned, the unsold lot will be held for future disposition at public sale.

8. *Reservations.* Patent for the lot, when issued, will contain a reservation of rights of way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391).

9. *Warning.* All persons are warned against bargaining in a manner, forming any combination or entering any agreements, which will prevent the lot from selling advantageously or which will in any way hinder or prevent this sale. Any person so offending will be subject to prosecution under 18 U. S. C. 1860.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 54-8367; Filed, Oct. 25, 1954; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 024207, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on June 2, 1953, by The Alaska Railroad. The purposes of the proposed withdrawal: Railroad purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management,

Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 16 N., R. 1 W., Seward Meridian,
Sec. 13: Lot 2;
Sec. 23: Lots 1, 2 and 5, E½SE¼;
Sec. 24: Lots 1, 2, 3, 4 and 5; NE¼NE¼; S½N½; SW¼; W½SE¼; SE¼SE¼, that portion lying northwesterly of the right-of-way of the Glenn Highway;
Sec. 25: N½, that portion lying northwesterly of the right-of-way of the Glenn Highway;
Sec. 26: NE¼; N½SE¼, that portion lying northwesterly of the right-of-way of The Alaska Railroad.

The above lands as described aggregate 1192 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-8386; Filed, Oct. 25, 1954; 8:48 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Fairbanks 010753, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on January 12, 1954, by the Department of the Army. The purposes of the proposed withdrawal: Buffer zone for ammunition storage area.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at U. S. C. & G. S. Station "Big Delta Airport"; thence N. 4° 55' 47.300" E., 11,997.64 feet; thence East 10,560.00 feet; thence South 18,680.00 feet to the True Point of Beginning; thence East 1,000.00 feet; thence South 7,000.00 feet; thence West 1,000.00 feet; thence North 7,000.00 feet to the point of beginning, containing approximately 160 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-8387; Filed, Oct. 25, 1954; 8:48 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Fairbanks 010165, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on February 23, 1953, by the Department of the Air Force. The purposes of the proposed withdrawal: Military purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

A parcel of land situated within the Fourth Judicial Division, Territory of Alaska, and being approximately 195 miles west of the City of Anchorage. Said parcel being more particularly described as follows:

Commencing at Triangulation Station "SPARR" as established in September 1951, by the Corps of Engineers, Alaska District, said station being at Latitude 61°07'30" North and Longitude 155°39'00" West; thence North 4,580 feet to Corner No. 1 and the True Point of Beginning for this description; thence East 10,560 feet to Corner No. 2; thence South 4,000 feet to Corner No. 3; thence West 2,560 feet to Corner No. 4; thence South 4,000 feet to Corner No. 5; thence West 2,000 feet to Corner No. 6; thence South 10,000 feet to Corner No. 7; thence West 6,000 feet to Corner No. 8; thence North 10,000 feet to Corner No. 9; thence West 2,000 feet to Corner No. 10; thence North 8,000 feet to Corner No. 11; thence East 2,000 feet to Corner No. 1 and the Point of Beginning, containing approximately 3,462 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-8388; Filed, Oct. 25, 1954; 8:48 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Fairbanks 010084, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on March 18, 1952, by the Department of the Air Force. The purposes of the proposed withdrawal: Military purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 2 S., R. 3 E., F. M.,
Sec. 19 (unsurveyed): NE¼; SE¼NW¼, NE¼SW¼; N½SE¼SW¼; N½SE¼; N½S½SE¼;
Sec. 20 (unsurveyed): NW¼; W½NE¼; N½N½SW¼.

Containing approximately 660 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-8389; Filed, Oct. 25, 1954; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PACIFIC TRANSPORT LINES, INC.

NOTICE OF APPLICATION

Notice is hereby given of the application of Pacific Transport Lines, Inc., seeking the written permission of the Federal Maritime Board under section 805 (a), Merchant Marine Act, 1936, 46 U. S. C. 1223, for the SS Hongkong Transport to perform one round voyage in the Intercoastal Service under charter to the Pacific-Atlantic Steamship Company, said voyage to commence at San Francisco, California, in the early part of November 1954.

Under the provisions of section 805 (a), the Federal Maritime Board may not grant any such application if it finds it will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or that it will be prejudicial to the objects and policy of the act.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should notify the Secretary, Federal Maritime Board, on or before October 27, 1954, and should file petitions for leave to intervene in accordance with § 201.81 of the Federal Maritime Board/Maritime Administration's rules of procedure (W. F. R. 6076).

In the absence of receipt of any such request for hearing and petition for leave to intervene, the Federal Maritime Board will take such action with respect to the application as may be deemed appropriate.

Dated: October 20, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-8362; Filed, Oct. 25, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY GEORGIA STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

Section 729.630 of the Marketing Quota Regulations for the 1955 Crop of Peanuts (19 F. R. 6134), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State Committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Georgia State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the person to whom the authority has been redelegated:

GEORGIA

Sections 729.611 (1) (2) and 729.624 (b)—Chairman, State ASC Committee; Acting Chairman, State ASC Committee; Chief, Programs Division; Marketing Quota Specialist.

Sections 729.618, 729.620 (a), 729.622 (a) and 729.627—Chairman, State ASC Committee; Acting Chairman, State ASC Committee; Chief, Programs Division; Chief, Audit and Statistical Division.

Sections 729.619 (b) and 729.628—Chairman, State ASC Committee; Acting Chairman, State ASC Committee; Chief, Programs Division; Chief, Audit and Statistical Division; Farmer Fieldman.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88 as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 20th day of October 1954.

[SEAL] WALTER C. BERGER,
Acting Administrator, Commodity Stabilization Service.

[F. R. Doc. 54-8402; Filed, Oct. 25, 1954; 8:50 a. m.]

Office of the Secretary

DELAWARE AND MARYLAND

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), it is found that in the following named counties in the following States, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF DELAWARE

Kent.	New Castle.
Sussex.	

STATE OF MARYLAND

Anne Arundel.	Prince Georges.
Calvert.	Saint Marys.
Caroline.	Somerset.
Charles.	Wicomico.
Dorchester.	Worcester.

After December 31, 1955, loans under section 2 (a) of Public Law 38, 81st Congress, as amended, will not be made in the above named counties in the above States except to borrowers who previously received such assistance.

Done at Washington, D. C., this 21st day of October 1954.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54-8405; Filed, Oct. 25, 1954; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11136; FCC 54M-1305]

CENTRE BROADCASTERS, INC. (WMAJ)

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed against Centre Broadcasters, Inc. (WMAJ), State College, Pennsylvania.

The Commission having under consideration the petition of Centre Broadcasters, Inc., respondent herein, filed October 12, 1954, that the hearing in the above-entitled proceeding, which is presently scheduled to commence November 1, 1954, be continued indefinitely;

It appearing that, during the past several weeks, conferences have been held between counsel for petitioner and for the Commission's Broadcast Bureau relative to the violations of the rules which are alleged in the order of designation herein, and that, as a result of such conferences, respondent is preparing and will submit affidavits to the Commission in support of an appropriate petition requesting that the proceedings be vacated;

It appearing further that the Broadcast Bureau, the only other party to the case, consents to the granting of the relief herein sought;

It appearing further that, under the circumstances here present, the continuance sought is appropriate, pending decision by the Commission upon petitioner's request to vacate, supra;

It is ordered, This 18th day of October 1954, that the instant petition is granted, and that the hearing in the above-entitled proceeding is continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8395; Filed, Oct. 25, 1954; 8:50 a. m.]

[Docket No. 11137; FCC 54M-1306]

CLEARFIELD BROADCASTERS, INC. (WAKU)

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed against Clearfield Broadcasters, Inc. (WAKU), Latrobe, Pennsylvania.

The Commission having under consideration a petition filed October 12, 1954, by Clearfield Broadcasters, Inc., requesting that the above-entitled hearing now scheduled to begin on November 1, 1954, be continued; and

It appearing that the continuance is sought for the purpose of enabling Clearfield Broadcasters, Inc., to prepare certain affidavits relating to matters which were the basis for the charge of alleged violations of the Commission's rules and regulations, that the said affidavits will be submitted to the Commission together with an appropriate pleading requesting reconsideration and dismissal of the cease and desist order without hearing; and

It appearing that counsel for the Chief, Broadcast Bureau, Federal Communications Commission has consented to the continuance of the hearing date, that good cause for the granting of the application has been shown;

It is ordered, This the 19th day of October 1954 that the petition to continue the hearing date is granted and the hearing is continued from November 1, 1954, to January 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8396; Filed, Oct. 25, 1954; 8:50 a. m.]

[Docket No. 11199]

SOUTHERN BELL TELEPHONE AND TELEGRAPH CO.

ORDER ASSIGNING APPLICATION FOR PUBLIC HEARING

In the matter of the application of Southern Bell Telephone and Telegraph

Company, Docket No. 11199, File No. P–C–3511; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Mayport Telephone Company, Inc., Jacksonville, Florida.

The Commission having under consideration an application filed by Southern Bell Telephone and Telegraph Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by it of certain telephone plant and properties of Mayport Telephone Company, Inc., furnishing telephone service in and around Mayport, Florida, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 14th day of October 1954, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 15th day of November 1954, and that a copy of this order shall be served upon Southern Bell Telephone and Telegraph Company, Mayport Telephone Company, Inc., the Governor of Florida, Florida Railroad and Public Utilities Commission and the Postmaster of Mayport, Florida;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Mayport and Duval County, Florida, and shall furnish proof of such publication at the hearing herein.

Released: October 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54–8397; Filed, Oct. 25, 1954; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–2721, G–2793, G–2798, G–2801—2804, G–2945, G–3106, G–3108—3110, G–3148, G–3209, G–3216, G–3298, G–3643—3647, G–3765]

CITIES PRODUCTION CORP. ET AL.

NOTICE OF APPLICATIONS AND ORDER FURTHER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Cities Production Corporation, Docket No. G–2721; Texas Gulf Producing Company and The American Oil Company, Docket No. G–2793; Forest Oil Corporation, Docket No. G–2798; Tide Water Associated Oil Company, et al., Docket No. G–2801; Tide Water Associated Oil Company, Docket No. G–2802; Tide Water Associated Oil Company, Docket No. G–2803; Forest Oil Corporation, et al., Docket No. G–2804; Natural Gas Distributing Corporation, Docket No. G–2945; Humble Oil and Refining Company, Docket No. G–3106; Humble Oil and Refining Company, Docket No. G–3108; Humble Oil and Refining Company, Docket No. G–3109; Humble Oil and Refining Company, Docket No. G–3110; The Mid-Gulf Exploration Company, Docket No. G–3148; Pan American Production Company, Docket No. G–3209; Pan American Production Company, Docket No. G–3216; E. G. Bateman, d. b. a. Bateman, Drilling Company, Docket No. G–3298; The Texas Company, Docket No. G–3643; The Texas Company, et al., Docket No. G–3644; The Texas Company, Docket No. G–3645; The Texas Company, et al., Docket No. G–3646; The Texas Company, Docket No. G–3647; The Atlantic Refining Company, Docket No. G–3765.

Take notice that there have been filed with the Federal Power Commission applications as hereinafter specified, each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas to United Fuel Gas Company (United Fuel).

Docket No.	Applicant	Address	Date filed	Location of field
G–3148	Mid-Gulf Exploration Co., a Maryland corporation.	Houston, Tex.	Sept. 27, 1954	Valentine field, Lafourche Parish, La.
G–3209	Pan American Production Co., a Delaware corporation.	do	do	Church Point and Northwest Branch Areas, Acadia Parish, La.
G–3216	do	do	do	South Pecan Lake and Little Pecan Lake fields, Cameron Parish, La., and Lake Sand field, Saint Mary and Iberia Parishes, La.
G–3298	E. G. Bateman, d. b. a. Bateman Drilling Co., an individual, filing for himself and others.	New Orleans, La.	do	Ellis field, Acadia Parish, La.
G–3643	The Texas Co., a Delaware corporation.	Houston, Tex.	Sept. 29, 1954	East Mud Lake field, Cameron Parish, La.
G–3644	The Texas Co., a Delaware corporation, for itself and others, as listed in the application.	do	do	Valentine field, Lafourche Parish, La.
G–3645	The Texas Co, a Delaware corporation.	do	do	Bayou Sale and Horseshoe Bayou fields, St. Mary Parish, La.
G–3646	The Texas Co., a Delaware corporation, for itself and others, as listed in the application.	do	do	Erath field, Vermilion Parish, La.
G–3647	The Texas Co., a Delaware corporation.	do	do	Various fields in Terrebonne, Lafourche, St. Charles, and Jefferson Parishes, La.
G–3765	The Atlantic Refining Co., a Pennsylvania corporation.	Dallas, Tex.	Sept. 30, 1954	Midland-Easterwood field, Acadia Parish, La.

The above-designated Applicants propose to sell natural gas produced from the indicated fields to United Fuel. Deliveries are to be made to Gulf Interstate Gas Company's (Gulf Interstate) existing line (Docket No. G–2058) for transportation by Gulf Interstate for the account of United Fuel. The proposed sale is to be made at the respective points of interconnection of Applicants' facilities with those of Gulf Interstate.

The following Applicants seek, in addition to the hereinbefore stated requests, permission to abandon the service presently being rendered under interim sales contracts as hereinafter specified.

Docket No.	Applicant	Interim purchaser
G–3209	Pan American Production Co.	Texas Northern Gas Corp. and United Gas Pipe Line Co., under operators' agreement.
G–3298	E. G. Bateman	Transcontinental Gas Pipe Line Corp.
G–3765	Atlantic Refining Co.	Tennessee Gas Transmission Co.

All Applicants have requested that their applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's Rules of Practice and Procedure. The applications are on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the applications herein, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to further consolidate the proceedings in the above-designated dockets for purpose of hearing, and to hold a public hearing in the above-entitled proceedings as hereinafter ordered.

(3) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's Rules of Practice and Procedure (18 CFR 1.32 (b)), each Applicant having requested that its application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however*, That no request to be heard, protest or petition is filed raising an issue of substance.

(4) For good cause, the date fixed for hearing should be less than the 15 days required by section 1.19 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Due notice of these applications be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The aforesaid proceedings in the above-designated dockets and the same hereby are consolidated for purposes of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 28, 1954, at 9: 30 a. m. (e. s. t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before October 27, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 21, 1954.

Issued: October 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–8434; Filed, Oct. 25, 1954; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3295]

CENTRAL POWER AND LIGHT CO.

ORDER REGARDING ACQUISITION OF NOTES OF ASSOCIATE COMPANY

OCTOBER 20, 1954.

An application having been filed with this Commission, pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act"), by Central Power and Light Company ("Central"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, concerning transactions therein proposed, which are summarized as follows:

Central proposes to enter into certain transactions with Compania Electrica de Matamoros, Sociedad Anonima, a Mexican corporation (also known as Matamoros Electric Company, and herein called "Matamoros").

All the outstanding shares of stock of Matamoros are owned by Central and South West Corporation. Matamoros is a corporation organized and existing under the laws of Mexico. It owns and operates an electric distribution system in Matamoros, Mexico, and a transmission line across the Rio Grande connecting on the north side of the river in the State of Texas with Central's electric transmission system, and is engaged primarily in furnishing electric service in Matamoros, Mexico. Matamoros derives no part of its income, directly or indirectly, from sources within the United States and is not a public-utility company operating in the United States. It has no subsidiaries and does not own any securities of any public-utility company or holding company operating, directly or indirectly, in the United States and by order of this Commission dated February 5, 1942, is exempt from all provisions of the act applicable to it as a subsidiary of a registered holding company.

Central proposes to acquire five (5) notes payable of Matamoros aggregating $98,534.53 in principal amount and bearing interest at the rate of 8 percent per annum from date. One of said notes will be in the principal sum of $19,706.53, due September 15, 1955; and the other four notes will be in the principal sum of $19,707 each, due respectively on the 15th day of September, 1956 to 1959, inclusive. Said notes will be issued by Matamoros and accepted by Central in payment of (a) the purchase price ($70,-594.53, representing the cost to Central) of certain substation equipment, materials and related facilities owned by Central, which Central has agreed to sell to Matamoros, and (b) a portion ($27,940) of the cost to Central of certain poles, line materials and supplies heretofore delivered by Central to Matamoros.

It is stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. No fees or commissions have been or are to be paid and it is estimated that expenses relating to the transactions will be nominal.

Due notice having been given of the filing of the application and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that the application should be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54–8370; Filed, Oct. 25, 1954; 8:46 a. m.]

[File No. 812–987]

COLONIAL FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES FROM UNDERWRITING SYNDICATE

OCTOBER 19, 1954.

Notice is hereby given that The Colonial Fund, Inc. ("Colonial"), a registered, open-end, investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940, for an order of the Commission exempting from the provisions of section 10 (f) the proposed purchase by Colonial of not exceeding 7,000 shares of common stock of Peerless Casualty Company ("Peerless").

The application recites that Stedman Buttrick, one of the seven directors of Colonial, is a partner of Estabrook and Co., an investment banking firm, which expects to be a member of a group of investment bankers who will underwrite the unsubscribed portion, if any, of the 170,000 shares of common stock of Peerless which are to be offered to its common stockholders through subscription rights.

It is represented that the Board of Directors of Colonial has authorized the purchase by the Applicant of not exceeding 7,000 shares of any unsubscribed shares of the common stock of Peerless, subject to market conditions at the time of the offering. Such purchase is to be made from underwriters or members of the selling group, if any, other than Estabrook and Co., except to the extent that the latter might be included if a purchase were to be made from Kidder, Peabody & Co., Representative, for the account of the several underwriters.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person, unless the Commission by order grants an exemption therefrom. Since Buttrick is by definition under the act an affiliated person of Estabrook and Co. the proposed transaction is subject to the provisions of section 10 (f) of the act.

Peerless is engaged in a general casualty insurance, fire insurance and bonding business, both as a direct underwriter and as a re-insurer of other insurance companies writing direct lines of business. It is regarded as a multiple-line company as it is qualified to write all lines of insurance except life insurance. Peerless now owns 70.71 percent of the outstanding common stock of United Life and Accident Insurance Company of Concord, New Hampshire which is engaged in the life insurance business.

The application further states that from time to time Colonial's investments have included securities of insurance companies and Applicant considers it desirable to be in a position to purchase said common stock of Peerless during the underwritten offering in order to have reasonable assurance of being able to obtain a substantial block of the stock, and to avoid the possibility of a higher price after the underwriting syndicate has been dissolved.

The application further states that if the Applicant were to purchase the entire 7,000 shares of common stock, it would acquire 4.1 percent of the total offering, and on the basis of the current market price of $25 per share, the purchase would represent an investment of $175,000 or less than 1 percent of the total assets of the Applicant as at September 30, 1954.

Notice is further given that any interested person may, not later than October 28, 1954, at 5:30 p. m., submit to the Commission in writing any facts

bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8369; Filed, Oct. 25, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29816]

MOTOR-RAIL-MOTOR RATES; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

OCTOBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for the Missouri-Kansas-Texas Railroad Company, Missouri-Kansas-Texas Railroad of Texas, Jones Truck Lines, Inc., Southern Plaza Express, Inc., and other motor carriers.

Commodities involved: Highway trailers, loaded or empty, on flat cars.

Between: Kansas City, Kans., on the one hand, and Oklahoma City and Tulsa, Okla., or Dallas, Tex., on the other.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, MF-I. C. C. 223, supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8373; Filed, Oct. 25, 1954; 8:47 a. m.]

[4th Sec. Application 29817]

ANHYDROUS AMMONIA FROM MORGANTOWN, W. VA., TO SPECIFIC POINTS IN CERTAIN STATES

APPLICATION FOR RELIEF

OCTOBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Morgantown, W. Va.

To: Specified points in Alabama, Florida, North Carolina, South Carolina and Tennessee.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-968, supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8374; Filed, Oct. 25, 1954; 8:47 a. m.]

[4th Sec. Application 29818]

PHOSPHATIC FEED SUPPLEMENTS FROM ILLINOIS AND MISSOURI TO MINNESOTA, NORTH DAKOTA AND SOUTH DAKOTA

APPLICATION FOR RELIEF

OCTOBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Defluorinated phosphate and superphosphate, phosphate, di-calcium, and bone meal, carloads.

From: Chicago, Ill., and points taking Chicago rates, Chicago Heights, Ill., East St. Louis and Joliet, Ill., and St. Louis, Mo.

To: Points in Minnesota, North Dakota and South Dakota.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-4036, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8375; Filed, Oct. 25, 1954; 8:47 a. m.]

[4th Sec. Application 29819]

WROUGHT IRON PIPE AND RELATED ARTICLES FROM FAIRLESS, PA., TO POINTS IN THE SOUTHWEST

APPLICATION FOR RELIEF

OCTOBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Wrought iron and steel pipe and related articles, carloads.

From: Fairless, Pa.

To: Points in the southwest.

Grounds for relief: Rail competition, circuity, grouping, to apply over short tariff routes, rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4116, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8376; Filed, Oct. 25, 1954; 8:47 a. m.]

[4th Sec. Application 29820]

ANHYDROUS AMMONIA FROM EL DORADO, ARK., TO THE SOUTH

APPLICATION FOR RELIEF

OCTOBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: El Dorado, Ark.

To: Destinations in Alabama, Arkansas (Helena group), Florida, Georgia, Louisiana and Mississippi, and points grouped therewith.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4112, supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8377; Filed, Oct. 25, 1954; 8:47 a. m.]

[4th Sec. Application 29821]

ETHYLENE OXIDE FROM ORANGE, TEX., TO WEST VIRGINIA, OHIO AND KENTUCKY

APPLICATION FOR RELIEF

OCTOBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Ethylene oxide, in tank-car loads.

From: Orange, Tex.

To: Charleston, Institute and South Charleston, W. Va., Cincinnati, Ohio and Louisville, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 395.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8378; Filed, Oct. 25, 1954; 8:47 a. m.]

[4th Sec. Application 29822]

CATALOGUES FROM CHICAGO, ILL., TO NEW ORLEANS, LA., AND MEMPHIS, TENN.

APPLICATION FOR RELIEF

OCTOBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent R. G. Raasch's tariff I. C. C. No. 776, pursuant to fourth-section order No. 16101.

Commodities involved: Catalogues and catalogue parts, carloads.

From: Chicago, Ill.

To: New Orleans, La., and Memphis, Tenn.

Grounds for relief: Rail competition, circuity, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8379; Filed, Oct. 25, 1954; 8:47 a. m.]

[4th Sec. Application 29823]

CLASS RATES BETWEEN CHARLESTON, S. C., GROUP AND SAVANNAH AND PORT WENTWORTH, GA.

APPLICATION FOR RELIEF

OCTOBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Savannah & Atlanta Railway Company and Southern Railway Company.

Involving: Class rates (Docket 28300).

Between: Charleston, S. C., and points grouped therewith, on the one hand, and Savannah and Port Wentworth, Ga., on the other.

Grounds for relief: Competition with rail carriers and circuitous routes and additional routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8380; Filed, Oct. 25, 1954; 8:47 a. m.]

[4th Sec. Application 29824]

AMMONIUM SULPHATE FROM NEW ORLEANS, LA., TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

OCTOBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Ammonium sulphate, in bulk, carloads.

From: New Orleans, La.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Rail competition, circuity, competition with water carriers, and market competition.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 417, supp. 84.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8381; Filed, Oct. 25, 1954; 8:47 a. m.]

[4th Sec. Application 29825]

AMMONIUM SULPHATE FROM NEW ORLEANS, LA., TO ST. LOUIS, MO. AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

OCTOBER 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Ammonium sulphate, in bulk, carloads.

From: New Orleans, La.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with water carriers.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 417, supp. 84.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8382; Filed, Oct. 25, 1954; 8:47 a. m.]

e Room

FEDERAL REGISTER

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Chapter I—Civil Aeronautics Board

[Reg. SR-408]

PART 60—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; DELEGATION OF AUTHORITY TO THE ADMINISTRATOR TO ESTABLISH RULES APPLICABLE TO A HIGH DENSITY AIR TRAFFIC ZONE IN THE WASHINGTON, D. C., AREA

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of October 1954.

Currently effective Part 60 of the Civil Air Regulations contains air traffic rules for aircraft operating anywhere in the United States or in its several Territories and possessions. In general terms, the Civil Air Regulations provide for the conduct of two types of flight: Visual Flight (VFR) and Instrument Flight (IFR). Aircraft operated in control areas in accordance with the Instrument Flight Rules are required to be operated under air traffic control. The procedures employed in this control of air traffic have been designed to provide a safe and orderly flow of the traffic being operated under IFR conditions. The philosophy behind the Visual Flight Rules is that aircraft being flown in accordance with these rules are operated in "see and be seen" weather conditions permitting the pilots to observe and avoid other traffic. Only a few rules have to be observed even in control zones under VFR conditions.

A number of problems that affect the movement of air traffic become more critical in areas of high traffic density. Because of the congestion of traffic in the vicinity of certain large metropolitan airports, the increase in use of high speed aircraft, the wide range of speeds in aircraft, and the many different types of aircraft in use, it appears necessary to establish additional means of affording safety and efficiency in the movement of all aircraft in such critical areas.

Recent studies have disclosed that traffic congestion in certain major terminal areas is not only the prime cause for delays, confusion, and disarrangement of traffic throughout the air traffic system but also the cause of near misses. In an effort to find a solution to some of the problems relating to areas of high density traffic, a special working group of the Air Coordinating Committee, Air Traffic Control and Navigation Panel, has developed recommended procedures which, if applied, will constitute an important step toward implementation of the "common system" of air navigation and result in increased safety and efficiency of VFR operations in high density areas. On February 18, 1954, the Panel recommended proposed standards for an experimental high density air traffic zone plan for the Washington, D. C., area.

The purpose of this regulation is to delegate to the Administrator sufficient authority to permit him to designate a "High Density Air Traffic Zone" in the Washington, D. C. area and to establish procedures for the zone on a temporary basis. These proposed procedures are expected to facilitate movement of traffic in the zone under VFR conditions in a safer and more efficient manner and to the benefit of all users. The authorization provided by this regulation does not permit the Administrator to alter the rules applicable to IFR operations. The delegation does, however, permit the Administrator to establish additional rules for VFR operation within the zone. Such rules will be promulgated in accordance with the notice and public procedure requirements of the Administrative Procedure Act.

This regulation further provides that the delegation of authority to the Administrator shall be for a period of one year. This will enable the Administrator to obtain necessary experience with these procedures, or such modifications thereof as he may make from time to time as experience dictates. The Board may later make such procedures applicable to other high density zones, if it is found that a need exists and that they will, in fact, contribute to safer and more efficient control of air traffic. A special working group of the Air Traffic Control and Navigation Panel will closely observe the procedures established by the Administrator under this regulation and make recommendations with respect to problems which may arise during this experimental period. Private individ-

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FEDERAL REGISTER

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(For use during 1954)

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uals and representatives of organizations may, upon request, participate on this working group.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In view of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following special civil air regulation, effective November 25 1954:

The Administrator is authorized to designate a zone to be known as a "High Density Air Traffic Zone" in the Washington, D. C., area, to include all airspace located within the Washington control zone extending from the surface upward to 3,000 feet above the elevation of the Washington National Airport.

There is hereby delegated to the Administrator authority to prescribe such additional rules to be applicable in the Washington High Density Air Traffic Zone during VFR weather conditions as he shall find are necessary or desirable, for the purpose of conducting experiments with respect to procedures and rules necessary for the safe and efficient movement of air traffic in high density air traffic zones.

All operations of aircraft within the Washington High Density Air Traffic Zone shall be in compliance with the rules and procedures prescribed by the Administrator.

This special civil air regulation is to be effective for a period of one year.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN, *Secretary*

[F. R. Doc. 54-8445; Filed, Oct. 26, 1954; 8:52 a. m.]

[1] Adams, Member, dissented.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 111]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

City and State; airport name; elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility, within distance specified, or landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
HOUSTON, TEX. Municipal, 50' SBRAZ–DTV HOU Procedure No. 1 Effective date: December 3, 1954 Amendment No. 15 Supersedes Amendment No. M-14, 7/24/54. Major changes: Areola FM transitional altitude, Column 4, raised.	Intersection SE course HOU LFR and 039° M BRN (final).	309—5.0	700	E side SE course: 129° outbound. 309° inbound. 1,200' within 10 miles. Beyond 10 miles not authorized.	700	309—2.2	Within 2.2 miles, climb to 1,700' on NW course within 25 miles. •56' per minute descent required at 120 miles per hour.	2 engines or less 300–1 400–1 400–2 800–2	More than 2 engines T–1¼ 200–1¼ C–1¼ 500–1¼ S–30 400–1 A–1¼ 800–2	
	Areola FM	038—16.0	1,400							
	Houston FM	129—9.0	1,300							
	Houston VOR	130—2.0	1,200							
HOUSTON, TEX. Municipal, 50' SBRAZ–DTV HOU Procedure No. 2 Effective date: December 3, 1954 Amendment No. 9 Supersedes Amendment No. M-8, dated July 29, 1951 Major changes: Areola FM transitional altitude, column 4, raised.	Intersection SE course HOU LFR and 039° M bearing from PER RBN.	309—5.0	1,200	W side NW course: 309° outbound. 129° inbound. 1,700' within 10 miles.	1,500 over HOU FM	120—5.6	Within 5.6 miles from Houston FM climb to 1,100' on SE course within 15 miles.	2 engines or less 300–1 400–1 400–2 800–2	More than 2 engines T–1¼ 200–1¼ C–1¼ 500–1¼ S–12 400–1 A–1¼ 800–2	
	Areola FM	038—16.0	1,400							
	Intersection NW course HOU LFR and NE course RIM LFR (final).	129—10.0	1,500							
	Houston VOR	130—2.0	1,200							

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet above airport elevation. If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
AUSTIN, TEX. Mueller (Municipal), 631' ILS-LOM AU Procedure No. 1 Amendment M-2 Effective November 1, 1952	SUPERSEDED BY COMBINATION ILS-ADF PROCEDURE DATED DECEMBER 3, 1954.									
SCHENECTADY, N. Y. Schenectady County, 362' LOM AL (Albany, New York) Procedure No. 1 Amendment No. 1 Supersedes Amendment "Orig." dated May 29, 1954 Effective date: December 3, 1954 Major changes: Procedure published for public use.	Albany LFR	010—1.5	2,500	N side of course: 123° outbound, 303° inbound, 2,500' within 10 miles. Not authorized beyond 10 miles.	2,000	303—6.3	2 engines or less T-dn C-dn S-dn 28, 33 A-dn	300-1 600-1½ 600-1 800-2	300-1 600-1½ 600-1 800-2	Within 6.3 miles, make a climbing right turn to Albany LOM at 2,500'. CAUTION: Terrain rises rapidly 3 miles W of airport. 758' tank 3.5 miles SE of airport.
	Schenectady FM	103—9	2,500				More than 2 engines T-dn C-dn S-dn 28, 33 A-dn	---------- ---------- ---------- ----------	300-1½ 600-1½ 600-1 800-2	
	Round Lake FM	212—9	2,500							
	Albany VOR	011—5	2,500							

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
HOUSTON, TEX. Municipal, 50' EVOR-HOU Procedure No. 1 Original, Effective March 24, 1954.	PROCEDURE CANCELED EFFECTIVE DECEMBER 3, 1954.									
Procedure No. 2 M-4, Effective July 29, 1954.	PROCEDURE CANCELED EFFECTIVE DECEMBER 3, 1954.									
Major changes: Procedures canceled due to lack of utilizational requirements.										

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
AUSTIN, TEX. Mueller, 631' ILS-IAUS LOM-AU ILS and ADF Combination Procedure No. 1 Amendment No. 9 December 3, 1954 Supersedes ILS M-8 November 1, 1952 and ADF M-2 November 1, 1952 Major changes: Bearings and distances revised. Add transition from Cedar Creek Intersection. Insert minimums with glide slope inoperative.	Austin VOR	ILS-LOM	148—11.0	2,000	E side of SE course: 122° outbound, 305° inbound, 2,000' within 10 miles. Beyond 10 miles not authorized.	ILS 2,000 (*) ADF 1,200 over LOM	2,120—6.1	820—0.7	2 engines or less T-dn C-dn	300-1 500-1	300-1 500-1	Climb to 2,500' on NW course of ILS or within 6.1 miles after passing LOM (ADF) track 305 magnetic from ILS LOM within 25 miles or when directed by ATC turn right and climb to 2,100' on NE course of AUS LFR within 25 miles. *2,000' will intercept glide slope 0.5 mile after passing OM. **Authorized on 16R, 34L, 12R, and 30L. AIR CARRIER NOTES: 400-1 required when operating pursuant to section 29 (a) or 29 (b) of the operations specifications.
	Austin LFR	ILS-NW course.	118—1.5	1,900					S-30L dn ILS	300—¾	300—¾	
	Smithville Radiobeacon	ILS-SE course.	295—29	1,900					ADF	400-1	400-1	
	Cedar Creek Intersection	OM	330—12	1,700					More than 2 engines T-dn C-dn	---------- (**) ----------	300-1 200-½ 500-1½	
									S-30L dn	----------	300-¾	
									ADF	----------	400-1	
									All aircraft A-dn ILS ADF	600-2 800-2	---------- ----------	
BINGHAMTON, N. Y. Broome County, 1,629' ILS-BGM LMM-GM MHW-BGM Combination ILS-AOP Procedure No. 1 Amendment No. 3 Effective date: December 3, 1954 Supersedes Amendment No. 2 dated April 1, 1954 Major changes: LOM decommissioned. Binghamton MHW commissioned. Procedure turn and final approach altitudes revised	Binghamton VOR	BGM-MHW	117—13	3,500	E side SE course: 158° outbound, 338° inbound, 3,500' within 10 miles of Binghamton MHW.	ILS 3,500 ADF 3,000 over BGM-MHW	2,750—4.6 BGM-MHW 3,540—7.9	1,825—0.7	2 engines or less T-dn C-dn	300-1 400-1	300-1 500-1	7.9 miles after passing BGM-MHW (ADF), climb to 3,500' on course of 338° outbound from LMM within 15 miles. *ADF minimums premised on use of both Binghamton MHW and LMM. If LMM inoperative or not used, following landing minimums apply to all aircraft: S-d 500-1 S-n 500-2 C-d 500-1½ C-n 500-2
	Elmira LFR	BGM-MHW	104—53	3,500					S-dn 34 ILS	300—¾	300—¾	
	Intersection N course Wilkes Barre LFR and bearing 38° to BGM MHW.	BGM-MHW	038—15	3,500					*ADF	400-1	400-1	
									A-dn	800-2	800-2	
	Intersection bearing 266° to Elmira LFR and 225° to ILS LMM.	LMM	225—14	3,500					More than 2 engines T-dn C-dn		200-1½ 500-1½	
	Wilkes Barre-Scranton VOR.	BGM-MHW	345—48	4,000					S-dn 34 ILS		300—¾	
									*ADF		400-1	
									A-dn		800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
CHARLESTON, S. C. Charleston, 45' ILS-ICHS LOM-CH ILS and ADF combination Procedure No. 1 Amendment No. 11 December 3, 1954 Supersedes Amendment No. 10, dated August 30, 1954. Major changes: Raise missed approach altitude. Remove air carrier restrictions. Correct error in 2-engine takeoff visibility.	Charleston LFR	LOM	001—4.0	1,200	W side NW course: 328° outbound. 148° inbound. 1,200' within 10 miles.	ILS 1,200 ADF 700 over LOM	1,100—4.6	245—0.7	2 engines or less			Climb to 1,800' on SE course of ILS 4.6 miles after passing LOM (ADF) climb to 1,800' on course of 148° within 25 miles.
	Charleston VOR	OM	217—1.5	1,200					T-dn	300-1	300-1	
									C-dn	400-1	500-1	
									S-15 dn ILS	200-½	200-½	
									ADF	400-1	400-1	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	500-1½	
									S-15 dn ILS	----------	200-½	
									ADF	----------	400-1	
									All aircraft			
									A-dn ILS	600-2		
									ADF	800-2		
DENVER, COLO. Stapleton Airfield, 5,331' ILS-DEN LOM-DE Combination ILS-ADF Procedure No. 1 Effective December 3, 1954 Amendment No. 19 Supersedes amendment 18 dated August 16, 1954 Major changes: New format and correct course from Bennett Intersection to LOM.	DEN LFR	LOM	099—9.0	7,000	N side E course: 7,000' within 5 miles. 076° outbound. 255° inbound.	7,000'	6,997—6.3 ADF 7,000	5,571—0.7	2 engines or less			Within 6.3 miles after passing LOM (ADF) turn right, climb to 6,300' on N course DEN LFR within 20 miles. Alternate missed approach: When directed by ATC, turn right, climb to 6,600' on E course DEN LFR. CAUTION: 5,918' mean sea level radio tower 4.7 miles ESE of airport. 5,579' mean sea level tank 0.9 mile SE MM.
	DEN VOR	LOM	161—7.0	7,000					T-dn	300-1	300-1	
	Aurora "H"	LOM	049—9.0	7,000					C-dn ILS	400-1	500-1	
	Dupont Intersection	LOM	122—11.0	7,000					ADF	900-1	900-1	
	See Bee Intersection	LOM	215—16.0	7,000					S-dn RY 26L ILS	200-½	200-½	
	Intersection E course ILS and S course DEN LFR.	LOM	076—7.0	7,000					ADF	900-1	900-1	
	Bennett Intersection	LOM	256—31.0	7,000					A-dn ILS	600-2	600-2	
									ADF	900-2	900-2	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn ILS	----------	500-1½	
									ADF	----------	900-1½	
									S-dn RY 26L ILS	----------	200-½	
									ADF	----------	900-1	
									A-dn ILS	----------	600-2	
									ADF	----------	900-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
SAVANNAH, GA. Travis Field, 50' ILS-ISAV LOM-SA ILS and ADF Combination. Procedure No. 1 Amendment No. 1 December 3, 1954 Supersedes original amendment dated April 23, 1954. Major changes: Add note re approach lights and glide slope not utilized minima.	Savannah LFR	LOM	320—12.0	1,300	N side course: 271° outbound. 091° inbound. 1,400' within 10 miles.* Beyond 10 miles not authorized.	ILS 1,400 ADF 900 over LOM	1,350—5.5	217—0.6	2 engines or less			**Make immediate left turn, climb to 1,400' on NW course (321°) LFR or VOR radial 300° or 5.5 miles after passing LOM (ADF) make immediate left turn.** climb to 1,400' on course of 321° from LOM within 25 miles. *Nonstandard due danger area 3 miles S. **Due simultaneous approaches at Hunter AFB. AIR CARRIER NOTES: 200-½ authorized when length of runway available exceeds by 3,000' the length of runway required by the applicable aircraft performance requirements of the CARs and high intensity runway lights are operating on the entire length of runway. 400-¾ required when glide slope not utilized.
	NE course SAV-LFR and E course LOC.	LOM	271—19.0	1,500					T-dn	300-1	300-1	
	Savannah VOR	OM	260—12.0	1,300					C-dn	400-1	500-1	
									S-dn 9 ILS	300-¾	300-¾	
									ADF	400-1	400-1	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	500-1½	
									S-dn 9 ILS	----------	300-¾	
									ADF	----------	400-1	
									All aircraft			
									A-dn ILS	600-2		
									ADF	800-2		

5. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are feet above airport elevation.
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Precision approach (PAR): 75 m. p. h. or less	Ceiling and visibility minimums: Precision approach (PAR): More than 75 m. p. h.	Ceiling and visibility minimums: Surveillance approach (ASR): 75 m. p. h. or less	Ceiling and visibility minimums: Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to authorized landing minimums; or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
HOUSTON, TEX. Municipal, 50' Procedure No. 1 Effective date: December 3, 1954. Amendment No. 2 Supersedes Amendment No. 1 dated July 29, 1954. Major changes: Raise maneuvering altitude, column 2, and missed approach altitude, column 9.	2,000' within 25 miles							Climb to 2,000' straight ahead then proceed to Houston LFR or VOR or proceed as directed by ATC.
					2 engines or less			
		All	T-dn	----------	----------	300-1	300-1	
		3, 12, 30	S-dn	----------	----------	400-1	400-1	
		3, 12, 30	C-dn	----------	----------	400-1	500-1	
		17, 35	S-dn	----------	----------	500-1	500-1	
		17, 35	C-dn	----------	----------	500-1	500-1	
		21	S-dn	----------	----------	600-1	600-1	
		21	C-dn	----------	----------	600-1	600-1	
		All	A-dn	----------	----------	800-2	800-2	
					More than 2 engines			
		All	T-dn	----------	----------	----------	200-½	
		3, 12, 30	S-dn	----------	----------	----------	400-1	
		3, 12, 30	C-dn	----------	----------	----------	500-1½	
		17, 35	S-dn	----------	----------	----------	500-1	
		17, 35	C-dn	----------	----------	----------	500-1½	
		21	S-dn	----------	----------	----------	600-1	
		21	C-dn	----------	----------	----------	600-1½	
		All	A-dn	----------	----------	----------	800-2	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8329; Filed, Oct. 26, 1954; 11:15 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO INSPECTION

SUBPART D—ORDERS OF DESIGNATION OF TOBACCO MARKETS

TOBACCO AUCTION MARKET OF NEWPORT, TENN.

Upon a referendum conducted, pursuant to prior notice (19 F. R. 5667), during the period October 7, 1954–October 9, 1954, both dates inclusive, among tobacco growers, who during the 1953–54 marketing season, sold tobacco at auction on the market at Newport, Tennessee, it is found that more than two-thirds of the growers voting in such referendum favor the designation of such market under section 5 of the Tobacco Inspection Act (7 U. S. C. 511 et seq.) for the free and mandatory inspection and certification of tobacco sold on such market. Therefore, pursuant to the authority vested in the Administrator of the Agricultural Marketing Service, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR 29.601) are amended by adding thereto at the end thereof the following paragraph (qq):

§ 29.601 *Designation of tobacco markets.* * * *

(qq) *The tobacco market at Newport, Tennessee.* Effective 30 days after October 27, 1954, no tobacco of any type shall be offered for sale at auction on the market at Newport, Tennessee, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under the Tobacco Inspection Act (7 U. S. C. 511 et seq.): *Provided, however,* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service.

(Sec. 14, 49 Stat. 734; 7 U. S. C. 511m)

Issued this 22d day of October 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 54-8444; Filed, Oct. 26, 1954; 8:52 a. m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR LETTUCE[1]

On September 4, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 5642) regarding a proposed revision of United States Standards for Lettuce.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Lettuce are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.2510 U. S. No. 1.
51.2511 U. S. No. 2.

UNCLASSIFIED

51.2512 Unclassified.

APPLICATION OF TOLERANCES

51.2513 Application of tolerances.

STANDARD PACK

51.2514 Standard pack.

SOLIDITY

51.2515 Solidity.

DEFINITIONS

51.2516 Similar varietal characteristics.
51.2517 Fresh.
51.2518 Burst.
51.2519 Doubles.
51.2520 Damage.
51.2521 Fairly well trimmed.
51.2522 Closely trimmed.
51.2523 Serious damage.
51.2524 Fairly uniform in size.

AUTHORITY: §§ 51.2510 to 51.2524 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2510 *U. S. No. 1.* "U. S. No. 1" consists of heads of lettuce of similar varietal characteristics which are fresh, which are not soft, split, or burst, and which are free from decay, doubles, and from damage caused by tipburn, opening, seedstems, broken midribs, freezing, dirt, sunburn, discoloration, disease, aphis or other insects, or mechanical or other means. Each head shall be fairly well trimmed unless specified as closely trimmed. Not less than 75 percent of the heads in any lot of Iceburg type lettuce shall be hard or firm, unless a lower percentage is specified in connection with the grade statement. Heads of Big Boston type lettuce shall be fairly firm. (See § 51.2515.)

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the heads in any lot may fail to meet the requirements of this grade, including therein not more than one-fifth of this amount, or 2 percent, for decay affecting any portion of the head exclusive of wrapper leaves. No part of any tolerance shall be allowed to reduce the percentage of hard or firm heads required in the grade.

§ 51.2511 *U. S. No. 2.* "U. S. No. 2" consists of heads of lettuce of similar varietal characteristics which are not split or burst and which are free from decay, and from serious damage caused by seedstems, wilting, tipburn, freezing, disease, insects, or mechanical or other means. There are no solidity requirements in this grade for Big Boston type lettuce, but heads of Iceberg type lettuce which are distinctly open and leafy with practically no head formation shall not be permitted.

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the heads in any lot may fail to meet the requirements of this grade, including therein not more than one-half of this amount, or 5 percent, for decay affecting any portion of the head exclusive of wrapper leaves.

UNCLASSIFIED

§ 51.2512 *Unclassified.* "Unclassified" consists of heads of lettuce which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2513 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 30 specimens or less, individual packages may contain not more than double the tolerance specified; and.

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective specimen may be permitted in any package.

STANDARD PACK

§ 51.2514 *Standard pack.* Heads of lettuce shall be fairly uniform in size, and tightly packed in uniform layers according to the approved and recognized methods, except that a "bridge" may be used with sizes smaller than 5-dozen count.

(a) In order to allow for variations incident to proper packing, not more than a total of 15 percent of the containers in any lot may not meet the requirements for Standard Pack, but no part of this allowance shall be permitted for packs which are excessively loose in the layers.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

SOLIDITY

§ 51.2515 *Solidity.* (a) The following terms are used in describing the solidity of lettuce:

(1) *Hard.* "Hard" means that the head is compact and solid. This term represents the highest degree of solidity.

(2) *Firm.* "Firm" means that the head is compact, but may yield slightly to moderate pressure.

(3) *Fairly firm.* "Fairly firm" means that although the head is not firm, it is not soft and spongy. A fairly firm head has good head formation and edible content.

(4) *Soft.* "Soft" means that the head is easily compressed or spongy.

DEFINITIONS

§ 51.2516 *Similar varietal characteristics.* "Similar varietal characteristics" means that the heads in any container have the same characteristic leaf growth. For example, lettuce of the Iceberg and Big Boston types shall not be mixed.

§ 51.2517 *Fresh.* "Fresh" means that the head as a whole has normal succulence but the wrapper leaves and the outermost head leaves may be slightly wilted.

§ 51.2518 *Burst.* "Burst" means that the head is broken open.

§ 51.2519 *Doubles.* "Doubles" means two heads on the same stem.

§ 51.2520 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the lettuce except defects affecting wrapper leaves as restricted under definitions of "fairly well trimmed", and "closely trimmed". Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Tipburn when more than one spot is present, or when the area of any spot exceeds that of a rectangle one-fourth inch in length and one-eighth inch in width;

(b) Opening in a hard or firm head which has one-fourth or more of the head separated from the remainder, or any degree of opening in a fairly firm head;

(c) Seedstems which are apparent upon external examination of the head;

(d) Broken midribs when more than 2 of the outer head leaves have midribs broken in two;

(e) Freezing when the head leaves show a brown discoloration over more than half of the crown, or when more than 3 of the head leaves are materially blistered or show appreciable injury by freezing;

(f) Dirt when the head is smeared with mud, or when wrapper leaves are badly smeared with mud, or when the basal portion of the head is caked with mud or dry dirt;

(g) Sunburn when the head leaves show a brown discoloration over more than half of the crown of the head; and,

(h) Aphis when the head proper is infested, or when the wrapper leaves are badly infested.

§ 51.2521 *Fairly well trimmed.* "Fairly well trimmed" means that the butt is trimmed off close to the point of attachment of the outer leaves; that wrapper leaves are free from serious injury by any cause; that, on a head of Iceberg type lettuce, wrapper leaves do not exceed 8 in number, not more than 6 of which may be excessively large and coarse, and, that the outermost leaves of the head show some shade of green color on a part of the leaves. "Wrapper leaves" means all leaves which do not fairly closely enfold the compact portion of the head. A head shall not be considered fairly well trimmed when the wrapper leaves show yellow or brown discoloration or brown margins to an extent that the appearance of the head is seriously injured. Any blistering except that causing yellow or brown discoloration which seriously affects the appearance of the wrapper leaves or any tearing of wrapper leaves shall not be considered as serious injury.

§ 51.2522 *Closely trimmed.* "Closely trimmed" means that the head meets all requirements of "fairly well trimmed" except that the wrapper leaves shall be not more than 3 in number, none of which may be excessively large and coarse.

§ 51.2523 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the lettuce. The loss of crispness due to freezing shall not be considered serious damage. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Seedstems which have caused the head to split or which are protruding through the outer head leaves; and

(b) Tipburn when any spot is more than 1½ inches in length or three-fourths inch in width.

§ 51.2524 *Fairly uniform in size.* "Fairly uniform in size" means that not more than 10 percent, by count, of the heads in any one container may be one standard size smaller than the standard size head for the count packed.

(a) *Example of standard size head.* The standard size head for a 4-dozen pack is that size which will pack tightly 4 rows with 4 heads of uniform size in each row in a layer in a standard crate, assuming that the head has the average number of wrapper leaves found on all the heads in the crate.

The United States Standards for Lettuce contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Lettuce which have been in effect since March 15, 1934.

Dated: October 22, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 54-8443; Filed, Oct. 26, 1954; 8:52 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

CHANGE IN CHAPTER HEADING

In order to conform to the provisions of the Agricultural Adjustment Act of 1938, as amended, including amendments in the Agricultural Act of 1954, the heading of Chapter VII, Title 7, is changed by inserting the words "and Acreage Allotments" after "Farm Marketing Quotas" so that the heading reads as set forth above.

Done at Washington, D. C., this 21st day of October 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54-8429; Filed, Oct. 26, 1954; 8:49 a. m.]

[Amdt. 4]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR 1954 CROP

WAIVER OF BOND OF INDEMNITY FOR STATE, STATE INSTITUTION OR OTHER STATE AGENCY, OR FEDERAL AGENCY

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to wheat and is made for the purpose of amending paragraph (d) of § 728.482 to permit the waiver in the case of a State, or State institution or other State agency, or Federal agency of the bond of indemnity to secure the payment of the penalty where the farm marketing excess has been stored.

Since the bulk of the 1954 wheat crop has already been harvested, it is imperative that this amendment be approved and made effective as soon as possible. Therefore, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure thereon, and effective date is unnecessary and contrary to the public interest, and the amendment herein shall become effective upon the date of filing of this document with the Director, Division of the Federal Register.

Section 728.482 of the 1954 wheat marketing quota regulations is hereby amended by adding the following new sentence at the end of paragraph (d) thereof: "The bond of indemnity provided for in this paragraph may be waived by the county committee, with the approval of the State committee, if the excess wheat was produced by a State or State institution or other agency of a State or Federal agency: *Provided,* That as a condition of the waiver of the bond of indemnity the head of the State institution or other State agency or Federal agency shall agree in writing to comply with all other provisions of the regulations in § 728.450 to 728.496 with

respect to the stored farm marketing excess."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies 55 Stat. 203, as amended; 7 U. S. C. 1340)

Done at Washington, D. C., this 21st day of October 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54-8430; Filed, Oct. 26, 1954; 8:49 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I — Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

PART 8—SPECIAL PROVISIONS APPLICABLE TO WOOL AND WOOL TOPS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act (7 U. S. C. 1–17a), as amended by section 710 of Public Law 690, 83d Congress, approved August 28, 1954 (68 Stat. 913), and pursuant to notice published in the FEDERAL REGISTER on October 7, 1954 (19 F. R. 6480), Parts 1 and 8, as amended, of Chapter I of Title 17, Code of Federal Regulations (17 CFR Parts 1, 8; 17 CFR, 1953 Supp., Part 8), are hereby amended as follows:

1. By inserting "wool," after the comma following "Irish potatoes" in the definition of "commodity" in § 1.3 (e).

2. By inserting "Wool and" before "Wool Tops" in the caption of Part 8, so that it reads as set forth above.

3. By amending § 8.00 to read as follows:

§ 8.00 *Definitions: "Cash wool"; "spot wool"; "cash wool tops"; "spot wool tops."* The term "cash wool" shall have the same meaning as the term "spot wool," and the term "cash wool tops" shall have the same meaning as the term "spot wool tops." These terms shall refer to transactions in actual wool and wool tops, respectively, as distinguished from wool futures and wool top futures.

4. By inserting "wool or" before "wool tops" in the first and third sentences of § 8.01.

5. By inserting "wool and" before "wool tops" in the second sentence of § 8.01.

6. By amending § 8.01 (c) and (d) to read, respectively, as follows:

(c) The quantity of wool and wool tops bought and the quantity sold on such contracts during the period covered by the report; and

(d) The quantity of wool and wool tops delivered and the quantity received on such contracts during the period covered by the report.

7. By inserting "wool or" before "wool top" in the first sentence of each of §§ 8.04, 8.10, 8.14, and 8.22.

8. By inserting "wool or" after "any" in the phrase "any wool top future," wherever such phrase appears in the second sentence of § 8.10 and the first sentence of § 8.23.

9. By inserting "wool and" after "open contracts in" in the second sentence of § 8.10.

10. By inserting "wool and" before "wool top" in § 8.11 (a) (1) and before "wool tops" in § 8.11 (a) (3) and (4).

11. By inserting "wool and" after "all open contracts in" in the first sentence of § 8.23.

12. By inserting "applicable" before "amount" in the first sentence of each of §§ 8.04, 8.05, 8.10, and 8.14.

13. By amending §§ 8.20 and 8.21 to read, respectively, as follows:

§ 8.20 *Amounts fixed for reporting on Form 801.* For the purpose of §§ 8.04 and 8.05, the amounts specified for reporting accounts on Form 801 are, respectively, for wool, 150,000 pounds (clean content), and for wool tops, 125,000 pounds, but such specified amounts shall not apply to special calls issued under authority of § 8.22.

§ 8.21 *Amounts fixed for reporting on Form 803.* For the purpose of §§ 8.10 and 8.14, the amounts fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 803 are, respectively, for wool, 150,000 pounds (clean content), and for wool tops, 125,000 pounds.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Interpret or apply sec. 710, Pub. Law 690, 83d Cong.)

These amendments operate to make the regulations under the Commodity Exchange Act applicable to wool, which was added to the commodities subject to the act by section 710 of Public Law 690, 83d Congress, which becomes effective October 27, 1954. It is necessary that these amendments become effective at the same time in order to avoid confusion and to provide persons who trade in wool futures on or subject to the rules of contract markets with information as to the requirements of the law and regulations at the time that the law goes into effect. Accordingly, under section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)), it is hereby found that good cause exists for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

NOTE: The record-keeping and reporting requirements of these amendments have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

These amendments shall become effective October 27, 1954.

Issued this 25th day of October 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-8478; Filed, Oct. 26, 1954; 8:54 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

DEALER RESERVE ACCOUNTS AND GUARANTEES

Section 201.4 (c) is hereby amended to read as follows:

(c) *Dealer reserve accounts and guarantees.* Reserve accounts to assure against losses on loans reported to the Commissioner for insurance are prohibited. A dealer or other person may be required to endorse or guarantee payment of notes so long as no reserve account is involved, but any such guarantee must cover the full amount due on the note. The provisions of this paragraph shall not be interpreted to apply to agreements between insureds as to the transfer of loans already reported for insurance.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703)

Issued at Washington, D. C., October 21, 1954.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 54-8412; Filed, Oct. 26, 1954; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter D—Procurement, Property, Patents, and Contracts

PART 737—THE PATENT ROYALTY REVISION BOARD

Correction

In Federal Register Document 54-8142, appearing at page 6675 of the issue for Saturday, October 16, 1954, the following changes should be made:

1. In § 737.1 (a) the phrase "to be present", in the sixth line, should read "to present".

2. The authority citation should read: "(Sec. 8, 56 Stat. 1014. Interpret or apply sec. 1, 56 Stat. 1013)."

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter M—Personnel

PART 135—GENERAL

SECURITIES STANDARDS

In § 135.53 *Security standards* amend subdivision (iv) of paragraph (b) (1) to read as follows:

(iv) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, secs. 1, 2, 3, 64 Stat. 476; 5 U. S. C. 22, 22–1, 22–2, 22–3, 369; E. O. 10450, 18 F. R. 2489; E. O. 10548, 19 F. R. 4871)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-8427; Filed, Oct. 26, 1954; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 54-1305]

[Rules Amdt. 1-68]

PART 1—PRACTICE AND PROCEDURE

PROCEDURE FOR PROCESSING APPLICATIONS FOR TELEVISION BROADCAST STATIONS; CONTENTS OF APPLICATIONS

In the matter of amendment of Part 1, Practice and Procedure of Commission's rules and regulations with respect to processing of TV applications.

1. The Commission has under consideration § 1.371 of its rules and regulations relating to practice and procedure.

2. The Commission stated in a Public Notice (FCC 54-244) that the need for issuing a bi-monthly priority list of TV applications had been eliminated, that applications would be considered chronologically, and that footnote 10 to § 1.371 would be amended accordingly.

3. Pertinent portions of footnote 10 have been incorporated into a new rule which is set forth below.

4. The temporary processing procedure contained a provision that "an application by a licensee or the permittee of a television broadcast station which seeks to modify an outstanding license or permit to specify a channel other than that authorized in said license or permit will not be accepted for filing by the Commission, with the exception of applications filed pursuant to Commission Show Cause Orders." This "anti-straddling rule" was necessary to effectuate the expeditious development of television under the Commission's Table of Assignments. Prior to the lifting of the television freeze, the Commission had not considered applications for new television stations for almost four years, and during that time, an exceptionally heavy demand for new television stations had developed, as evidenced by the great number of applications filed with the Commission while the freeze was still in effect, despite the Commission's request that applicants withhold the filing of applications until the new television rules were adopted. Because of this pent-up demand for television stations, it was unavoidable that long administrative delays would be encountered before a significant number of new television facilities could be authorized, and the Commission was of the view that it should expedite the consideration of television applications wherever possible in order to bring television to all parts of the nation as soon as possible. Thus, within the framework of complete fairness to the applicants for such facilities, the Commission sought to prevent undue procedural obstruction of its administrative process by the parties themselves. The Commission adopted the "anti-straddling rule" in order to insure that the holder of a construction permit or an existing station license specifying a particular channel would proceed with its existing authorization, or would make that channel available to others before seeking to institute proceedings to obtain a grant on another channel. This provision, for example, prevented parties already having a grant on a channel from tying up another channel in the same community and delaying the advent of a competitive service at a time when television was in its infancy and still unavailable to many.

5. In adopting its "anti-straddling rule", the Commission was applying a remedy made necessary by the peculiar situation with which it was faced at the lifting of the television freeze. However, the Commission has now reached the point in the processing of television applications where it believes that the "anti-straddling rule" is no longer required in the administrative process. Outstanding grants of authority to construct television stations now number over 570 and open the way for television service in virtually all parts of the country. The Commission is no longer faced with a huge backlog of applications: All of the uncontested applications have received Commission consideration and the processing of such uncontested applications is now on a current basis. In addition, all of the contested applications, which require comparative hearings, have all been designated for hearing. Accordingly, the Commission believes that there is no longer any necessity for retaining the "anti-straddling rule", and we are dispensing with this provision at the same time that we are deleting the temporary processing procedure.

6. The amendment adopted herein is procedural in nature and prior notice of proposed rule making is unnecessary. It is believed that the public interest would be served by making such amendment effective immediately.

7. Authority for the adoption of the amendment herein is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, That effective October 20, 1954, Part 1 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Adopted: October 20, 1954.

Released: October 21, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

I. Footnote 10 with its designator in § 1.371 is deleted and a new section is added to read as follows:

§ 1.378 *Procedure for processing applications for television broadcast stations.* The following procedures shall apply with respect to the processing of applications for television broadcast stations and for the designation for hearing of such mutually exclusive applications.

(a) Applications for television stations will be processed in the order in which they are accepted for filing.

(b) Regardless of the number of applications filed for channels in a city or the number of assignments available in that city, those applications which are mutually exclusive, i. e., which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if Channels 6, 13, 47, and 53 have been assigned to City X and there are pending two applications for Channel 6 and one application for each of the remaining channels, the latter three applications will be considered for grants without hearing and the two mutually exclusive applications requesting Channel 6 will be designated for hearing. If there are two pending applications for Channel 6 and two applications for Channel 13, separate hearings will be held.

(c) Where applications are mutually exclusive because the distance between their respective proposed transmitter sites is contrary to the station separation requirements set forth in § 3.610 of this chapter, said applications will be processed and designated for hearing at the time the application with the lower file number is processed. If the question concerning transmitter sites is resolved before a decision is rendered in the matter, the application with the higher file number will be returned to its appropriate place on the processing line. In order to be considered mutually exclusive with a lower file number application, the higher file number must have been accepted for filing at least one day before the lower file number application has been acted upon by the Commission. If the lower file number application is in hearing status at the time the higher file number application is accepted for filing, the 60-day cut-off date specified in § 1.387 (b) (3) will be applicable.

(d) Where a mutually exclusive application on file becomes unopposed, or where an amended application or a new application is filed in place of the several competing applications and the applicant formed by such a merger is completely or substantially the same parties as the parties to the original application or applications, the remaining application may be available for consideration on its merits by the Commission at a succeeding regular meeting as promptly as processing and review by the Commission can be completed.

II. Section 1.304 is amended by the addition of the following sentence: "An application for a television broadcast station must request a specific channel provided for in table of assignments (§ 3.606 of this chapter) for the city in which the applicant proposes to construct a station."

[F. R. Doc. 54-8437; Filed, Oct. 26, 1954; 8:50 a. m.]

[Docket No. 11190; FCC 54-1308]

[Rules Amdt. 3-26]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 11190.

1. The Commission has before it for consideration its notice of proposed rule making and order to show cause issued in this proceeding on September 30, 1954 (FCC 54-1240) and published in the FEDERAL REGISTER on October 2, 1954 (19 F. R. 6379). The notice of proposed rule making advised that Greylock Broadcasting Corporation, permittee of television station WMGT on Channel 74 in North Adams, Massachusetts, had filed a petition requesting that the Table of Television Channel Assignments be amended by substituting Channel 19 for Channel 74 in North Adams, to be accomplished by making certain other changes in the Table of assignments. In addition, Greylock Broadcasting Corporation was directed to show cause in this proceeding why its outstanding authorization for Station WMGT should not be modified to specify operation on Channel 19 in place of Channel 74.

2. No comments opposing the proposed amendment have been filed. Greylock Broadcasting Corporation filed a comment supporting its proposed channel change. Greylock stated that it was experiencing technical difficulties in its present operation on Channel 74 and that the utilization of Channel 19 would permit the station to cover its contemplated service area with the necessary power. It is urged that the proposed amendment would comply with the Commission's rules and would not affect any existing authorizations or pending applications. In response to the Order to Show Cause, Greylock states that it consents to the modification of its authorization to specify Channel 19 in place of Channel 74.

3. The Commission has always adhered to the view that, for assignment purposes, no distinctions should be made among the various UHF channels. However, the Commission does recognize that in light of equipment problems, television service can, at this time, be rendered more expeditiously on the lower UHF channels. While on a long-range basis we believe that there should be no distinction among the UHF channels, we do recognize, as a practical matter, that there currently is a significant difference in light of equipment problems with respect to the higher UHF channels. The manufacturers have developed satisfactory equipment for the lower portion of the UHF band; however, as indicated by Greylock, they have not yet solved all of the problems with respect to the higher UHF channels. We believe, therefore, that where a community is ready to proceed with television but a high UHF channel has been assigned to it, and a lower channel can be shifted to this community from another community, the Commission should, in an effort to expedite the establishment of television service, substitute the lower UHF channel in those cases where the community to which such lower UHF channel has been assigned is not yet ready to proceed with television. In the instant case, the community of North Adams is ready to proceed immediately with the establishment of a UHF television station, while the other communities where low UHF frequencies are now assigned, are apparently not yet ready to proceed. We believe, therefore, that the lower UHF channel should be shifted to North Adams, where Greylock is already on the air. When the other communities are ready to proceed with television, it is expected that the manufacturers will have solved the problems now facing them in developing equipment for the higher channels. We believe, therefore, that adoption of the amendment as proposed by Greylock would serve the public interest by expediting the establishment of a satisfactory television service in the North Adams area.

4. Since the amendment adopted herein involves an existing authorization, the Commission believes that the public interest, convenience, and necessity would be served by making the amendment effective immediately.

5. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That, effective immediately, the outstanding authorization of Station WMGT in North Adams, Massachusetts (BMPCT-2483) is modified to specify operation on Channel 19 in lieu of Channel 74, and an appropriate authorization will be issued to Greylock Broadcasting Corporation.

7. *It is further ordered*, That, effective immediately, the Table of Assignments contained in § 3.606, rules governing television broadcast stations is amended, insofar as the cities named are concerned, as follows:

City:	Channel No.
North Adams, Mass	19, *80
Portsmouth, N. H	15
Utica-Rome, N. Y	13, *25+, 54-
Bennington, Vt	74+

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: October 20, 1954.

Released: October 21, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8438; Filed, Oct. 26, 1954; 8:51 a. m.]

[Docket No. 11158; FCC 54-1307]

[Rules Amdt. 3-25]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, rules governing television broadcast stations; Docket No. 11158.

1. The Commission has under consideration its Notice of Proposed Rule Making issued in the above-entitled proceeding on September 7, 1954 (FCC 54-1122) and published in the FEDERAL REGISTER on September 11, 1954 (19 F. R. 5916) proposing to change the offset carrier requirement for Channel 11 at Fargo, North Dakota, and International Falls, Minnesota, in response to a petition filed by the Midcontinent Broadcasting Company, Sioux Falls, South Dakota.

2. The last day for filing comments in this proceeding was October 4, 1954. No comments opposing the proposed amendment have been filed. In support of the proposed amendment petitioner urged that it is the permittee of television Station KELO-TV operating on Channel 11 with zero offset carrier at Sioux Falls, South Dakota; that this station is only 234 miles from the assignment of Channel 11 at Fargo, North Dakota also with zero offset carrier; that such operation may needlessly deprive a large area and population of a television broadcast service; and that the proposed changes comply with the Commission's rules and standards.

3. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered*, That effective December 1, 1954, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the cities named are concerned, to read as follows:

City:	Channel No.
International Falls, Minn	11
Fargo, N. Dak	6, 11+, 34-, 40

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: October 20, 1954.

Released: October 21, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8439; Filed, Oct. 26, 1954; 8:51 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

PROPOSED MODIFICATION OF CERTAIN ACCOUNTS AND INSTRUCTIONS

OCTOBER 21, 1954.

The Commission, Division 1, has approved modifications in the Uniform System of Accounts for Railroad Companies; (1) to provide in § 10.02 *General instructions* that expense accounts of officers and other employees shall be supported by receipted bills, wherever practicable, and shall be separated between lodging, meals, and incidental expenses, with an explanation of unusually large incidental expenses; and (2) to provide that superintendence accounts 201, 301, 351, and 371, together with accounts 451, Salaries and Expenses of General Officers, and 454, Law Expenses, shall all be so maintained by appropriately numbered subaccounts that amounts charged to each such primary account will be separated as between: salaries of officers, office expenses, other expenses of officers, and pay and expenses of clerks and attendants.

Any interested party may on or before November 22, 1954, file with the Commission a written statement of reasons why such modifications should not be made, and may request oral argument thereon. Unless otherwise decided after consideration of objections so filed, an order will be entered making the modifications effective January 1, 1955.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8425; Filed, Oct. 26, 1954; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

NOTICE OF PROCEDURES FOR CONDUCTING OF ADVISORY BOARD ELECTION, NEW MEXICO GRAZING DISTRICT NO. 3, AMENDED

Pursuant to the authority delegated to the former Regional Administrators, Regions I, II and V, Bureau of Land Management, by order of the Secretary of the Interior, dated September 14, 1953, 18 F. R. 5631, which authority has been delegated to me pursuant to Order No. 541, of the Director of the Bureau of Land Management, dated April 21, 1954, Part I, section 1.7 and Part II, section 2.7, the Notice of Procedures for Conducting of Advisory Board Election, New Mexico Grazing District No. 3, dated September 30, 1953, 18 F. R. 6416, is amended so as to continue in effect for the calendar year 1954, and thereafter until revoked or modified.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 54-8409; Filed, Oct. 26, 1954; 8:45 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 18, 1954.

An application, serial number BLM 62863 Washington 01483, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws of the United States of the lands described below was filed on September 21, 1954, by the Department of Agriculture, Forest Service.

The purposes of the proposed withdrawal: Maintaining public camp grounds.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Room 209, Federal Building, Spokane, Washington. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WASHINGTON—WILLAMETTE MERIDIAN

CHELAN NATIONAL FOREST

Cottonwood Recreational Area

T. 34 N., R. 14 E. (unsurveyed),
Sec. 9, NE¼NE¼.

The area described aggregates 40 acres.

Holden Recreation Area

T. 31 N., R. 16 E. (unsurveyed),
Sec. 12, SE¼NW¼.

The area described contains 40 acres.

High Bridge Recreation Area

T. 33 N., R. 16 E. (unsurveyed),
Sec. 3, S½SE¼.

The area described contains 80 acres.

Tumwater Recreation Area

T. 33 N., R. 16 E. (unsurveyed),
Sec. 3, E½NW¼, W½NE¼.

The area described contains 160 acres.

Bridge Creek Recreation Area

T. 34 N., R. 16 E. (unsurveyed),
Sec. 21, W½NE¼, E½NW¼.

The area described contains 160 acres.

Dolly Varden Recreation Area

T. 34 N., R. 16 E. (unsurveyed),
Sec. 33, E½NE¼;
Sec. 34, W½NW¼.

The area described contains 160 acres.

Rainbow Falls Recreation Area

T. 33 N., R. 17 E. (unsurveyed),
Sec. 23, NE¼SW¼.

The area described contains 40 acres.

Fireweed Recreation Area

T. 34 N., R. 17 E. (unsurveyed),
Sec. 3, SW¼SE¼.
Sec. 10, NW¼NE¼.

The area described contains 80 acres.

Domke Lake Recreation Area

T. 31 N., R. 18 E. (unsurveyed),
Sec. 15, SW¼;
Sec. 16, E½SE¼;
Sec. 21, E½NE¼;
Sec. 22, N½, N½SE¼.

The area described contains 720 acres (including water surface).

Purple Point Recreation Area

T. 33 N., R. 18 E. (unsurveyed),
Sec. 31, NE¼SW¼, except land included in HES 264.

The area described contains approximately 35 acres.

Harts Pass Recreation Area

T. 37 N., R. 18 E. (unsurveyed),
Sec. 7, NW¼SW¼.

The area described contains 40 acres.

GIFFORD PINCHOT NATIONAL FOREST

Spirit Lake Recreation Area

T. 9 N., R. 5 E.,
Sec. 1, Lots 9, 10, and 11;
Sec. 2, S½S½;
Sec. 10, Lots 1, 2, 3, and 4;
Sec. 12, Lots 1, 5, 6, 7, 8, and 9;
Sec. 14, Lots 1, 2, 3, and 4, SE¼NW¼, NE¼SE¼;
Sec. 34, NE¼;
Exchange survey #279 in secs. 1 and 12;
Exchange survey #278 in sec. 1.

T. 9 N., R. 6 E.,
Exchange survey #278 in sec. 6.

The area described contains 1,099.93 acres.

Pine Creek Recreation Area

T. 7 N., R. 6 E.,
Sec. 26, W½.

The area described contains 320 acres.

Meta Lake Recreation Area

T. 9 N., R. 6 E.,
Sec. 5, Lot 2.

The area described contains 40.44 acres.

Cora Recreation Area

T. 12 N., R. 8 E.,
Sec. 17, NE¼NE¼.

The area described contains 40 acres.

Cat Creek Recreation Area

T. 10 N., R. 9 E.,
Sec. 13, E½NE¼.

The area described contains 80 acres.

Soda Springs Recreation Area

T. 14 N., R. 10 E.,
Sec. 13, E½SE¼NE¼, E½NE¼SE¼.
T. 14 N., R. 11 E.,
Sec. 18, W½SW¼NE¼, S½NW¼, N½SW¼, W½NW¼SE¼.

The area described contains 240 acres.

MOUNT BAKER NATIONAL FOREST

Gold Basin Recreation Area

T. 30 N., R. 8 E.,
Sec. 13, S½SW¼SW¼;
Sec. 14, S½SE¼;
Sec. 23, N½NE¼, N½SE¼NE¼;
Sec. 24, W½NW¼.

The area described contains 280 acres.

Silverton Recreation Area

T. 30 N., R. 9 E.,
Sec. 23, N½SE¼SW¼, S½NE¼SW¼.

The area described contains 40 acres.

OLYMPIC NATIONAL FOREST

Rainbow Recreation Area

T. 26 N., R. 2 W.,
Sec. 3, NW¼SE¼, exclusive of HES #253.

The area described contains approximately 35 acres.

Collins Recreation Area

T. 25 N., R. 3W.,
Sec. 2, N½SW¼SE¼, N½SW¼SW¼SE¼, S½SW¼NW¼SE¼, SE¼NW¼SE¼, SW¼NE¼SE¼, N½NW¼SE¼SE¼.

The area described contains 55 acres.

Elkhorn Recreation Area

T. 26 N., R. 3W., (unsurveyed)
Sec. 20, SE¼NW¼.

The area described contains 40 acres.

Dungeness Recreation Area

T. 29N., R. 3W.,
Sec. 30, S½NW¼SE¼, N½SW¼SE¼.

The area described contains 40 acres.

Bear Gulch Recreation Area

T. 23 N., R. 5W.,
Sec. 10, NW¼NE¼NW¼.

The area described contains 10 acres.

WENATCHEE NATIONAL FOREST

Chiwaukum Lake Recreation Area

T. 26 N., R. 16E.,
Sec. 30, Lots 1, 2, 5, 6.

The area described contains 163.80 acres.

Tumwater Recreation Area

T. 25N., R. 17E.,
Sec. 9, Lots 2, 3, 6, 7 and 8, N½NW¼SW¼NW¼.

The area described contains 206.65 acres.

Silver Falls Recreation Area

T. 28 N., R. 18E. (unsurveyed),
Sec. 2, N½.

The area described contains 320 acres.

A portion of the lands in the NE¼NE¼, section 17, T. 12 N., R. 8 E., comprising 30 acres, Gifford Pinchot (formerly Columbia) National Forest, and a portion of the lands in Section 23, T. 30 N., R. 9 E., described as the N½SE¼SW¼, S½NE¼SW¼, comprising 40 acres, Mount Baker National Forest, were withdrawn as Administrative Sites on August 1, 1907, and November 23, 1906, respectively, and for such lands this proposed withdrawal will supersede the prior withdrawals at such time as they are revoked.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 54-8410; Filed, Oct. 26, 1954; 8:45 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATON OF LANDS

OCTOBER 18, 1954.

An application, serial number BLM 62864, Washington 01484, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws of the United States, of the lands described below was filed on September 21, 1954, by The Department of Agriculture, Forest Service.

The purposes of the proposed withdrawal: Protecting road rights of way, roadside, and waterfront zones.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at 209 Federal Building, Spokane, Washington. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WASHINGTON—WILLAMETTE MERIDIAN

SNOQUALMIE NATIONAL FOREST

Mather Memorial Parkway Zone

T. 16 N., R. 10 E. (unsurveyed),
Sec. 11, SE¼ except that part within Rainier National Park;
Sec. 12, All except that part within Rainier National Park;
Sec. 13, W½ except that part within Rainier National Park;
Sec. 14, All.
T. 17 N., R. 10 E. (unsurveyed),
Sec. 3, W½;
Sec. 4, E½ except that part within Rainier National Park.
T. 18 N., R. 10 E. (unsurveyed),
Sec. 5, W½SW¼;
Sec. 6, All;
Sec. 7, E½E½;
Sec. 8, W½;
Sec. 17, W½;
Sec. 18, E½NE¼;
Sec. 20, N½NE¼SW¼, SE¼;
Sec. 21, S½;
Sec. 27, W½;
Sec. 28, N½, SE¼;
Sec. 33, E½;
Sec. 34, W½.
T. 19 N., R. 10 E. (unsurveyed),
Sec. 30, W½.
T. 16 N., R. 11 E. (unsurveyed),
Sec. 1, NW¼NW¼;
Sec. 2, N½N½;
Sec. 3, NE¼, NE¼NW¼, S½NW¼, SE¼;
Sec. 4, S½S½, NE¼SE¼;
Sec. 5, S½S½;
Sec. 6, S½SE¼;
Sec. 7, N½;
Sec. 8, N½N½;
Sec. 9, N½N½.
T. 17 N., R. 11 E. (unsurveyed),
Sec. 25, S½, S½NE¼;
Sec. 34, S½S½;
Sec. 35, NE¼, SE¼NW¼, SW¼, W½SE¼, NE¼SE¼;
Sec. 36, NW¼.
T. 17 N., R. 12 E. (unsurveyed),
Sec. 13, SE¼NE¼, S½SW¼, SE¼;
Sec. 22, S½SE¼;
Sec. 23, S½NE¼, SW¼, N½SE¼;
Sec. 24, NW¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½NE¼, NW¼, W½SW¼, NE¼SW¼.
T. 17 N., R. 13 E.,
Sec. 8, S½S½;
Sec. 9, S½S½;
Sec. 10, S½;
Sec. 11, S½N½, N½S½, S½SW¼;
Sec. 12, N½, N½SW¼;
Sec. 15, N½N½;
Sec. 16, N½;
Sec. 17, N½;
Sec. 18, Lots 2, 3, and 4, NE¼, E½W½.
T. 16 N., R. 14 E.,
Sec. 1, Lots 1, 2, 3, 4, 5, 6, and 9, S½NE¼, SE¼NW¼, E½SE¼;
Sec. 12, NE¼NE¼.
T. 17 N., R. 14 E.,
Sec. 4, S½;
Sec. 5, S½SW¼, NE¼SW¼, SE¼;
Sec. 7, Lots 1 and 2, NE¼, E½NW¼;
Sec. 8, NW¼;
Sec. 9, E½, E½W½;
Sec. 15, SW¼NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 16, NE¼;
Sec. 22, Lot 1, NE¼, SE¼SE¼;
Sec. 23, Lots 1, 2, and 3, W½NW¼, NE¼SW¼;
Sec. 25, Lot 1, NW¼SW¼;
Sec. 26, Lots 1, 2, and 3, SE¼NE¼, W½NE¼, S½NW¼, N½SE¼, SW¼SE¼;
Sec. 35, Lots 1, 5, and 6;
Sec. 36, Lots 1, 2, 3, 4, 5, 6, and 7, SE¼NW¼, N½SE¼.

The area described contains 16,443.61 acres.

GIFFORD PINCHOT AND SNOQUALMIE NATIONAL FORESTS

Randle-Yakima Highway Zones

T. 13 N., R. 10 E. (unsurveyed),
Sec. 6, NW¼.
T. 14 N., R. 10 E.,
Sec. 8, SE¼;
Sec. 17, E½;
Sec. 20, E½;
Sec. 21, All;
Sec. 22, W½SW¼, SE¼SW¼;
Sec. 25, S½NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 26, N½, NE¼SE¼;
Sec. 27, NE¼, N½NW¼, SE¼NW¼;
Sec. 28, NW¼NW¼;
Sec. 29, NE¼, S½;
Sec. 30, SE¼SE¼;
Sec. 31, Lots 3 and 4, E½, E½SW¼;
Sec. 32, NW¼NW¼;
Sec. 36, NE¼NE¼.
T. 13 N., R. 11 E. (unsurveyed),
Sec. 1, N½, SW¼;
Sec. 2, E½, SW¼;
Sec. 3, S½SE¼;
Sec. 4, W½SW¼;
Sec. 5, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 6, NE¼NE¼;
Sec. 8, NE¼NE¼;
Sec. 9, N½;
Sec. 10, All;
Sec. 11, N½.
T. 13 N., R. 12 E. (unsurveyed),
Sec. 1, N½, N½SE¼;
Sec. 2, N½NE¼;
Sec. 5, N½.
T. 14 N., R. 12 E. (unsurveyed),
Sec. 32, S½N½, S½;
Sec. 33, S½N½, S½;
Sec. 34, S½, S½N½;
Sec. 35, SW¼, S½SE¼;
Sec. 36, S½SW¼.
T. 13 N., R. 13 E.,
Sec. 6, NW¼, N½SW¼.

The area described contains 10,156.80 acres.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 54-8411; Filed, Oct. 26, 1954; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 163]

CHARLES Y. ROFE AND JOHART INTERNATIONAL CORP.

ORDER CONDITIONALLY RESTORING EXPORT PRIVILEGES

In the matter of Charles Y. Rofe, Johart International Corporation, 15 Whitehall Street, New York 4, New York; respondents; Case No. 163.

Charles Y. Rofe, individually, and on behalf of his company, Johart International Corporation, having complied with the provisions of Paragraph 4 of the Order Revoking Licenses and Denying License Privileges, Case No. 163 (18 F. R. 6365, October 6, 1953) by submitting to the Director, Investigation Staff, Bureau of Foreign Commerce, an affidavit that they have fully and fairly complied with all the terms thereof during the period from October 1, 1953 until October 2, 1954 and that they have not during such period knowingly violated any provision of the Export Control Act of 1949, as amended, or any regulations issued thereunder; and no facts having been brought to the attention of the Bureau of Foreign Commerce demonstrating to the contrary;

It is, therefore, ordered: That all export privileges are hereby restored to Charles Y. Rofe and to Johart International Corporation, and the remaining period of suspension until October 2, 1955 under said order shall be held in abeyance subject to the terms and conditions of Paragraph 4 of said order.

Dated: October 22, 1954.

WALLACE S. THOMAS,
Acting Director,
Office of Export Supply.

[F. R. Doc. 54-8416; Filed, Oct. 26, 1954; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8739, 11070-11074; FCC 54M-1314]

MATHESON RADIO CO., INC. ET AL.

ORDER SCHEDULING HEARING

In re applications of Matheson Radio Company, Inc., Boston, Massachusetts, Docket No. 8739, File No. BPCT-248; Greater Boston Television Corporation, Boston, Massachusetts, Docket No. 11070, File No. BPCT-1657; Columbia Broadcasting System, Inc., Boston, Massachusetts, Docket No. 11071, File No. BPCT-1707; Massachusetts Bay Telecasters, Inc., Boston, Massachusetts; Docket No. 11072, File No. BPCT-1844; Allen B. DuMont Laboratories, Inc., Boston, Massachusetts, Docket No. 11073, File No. BPCT-1854; Post Publishing Company, Boston, Massachusetts, Docket No. 11074, File No. BPCT-1861; for television construction permits (Channel 5).

With the agreement of all parties to the proceeding and the Examiner: *It is ordered*, This 20th day of October 1954, that the hearing conference herein, presently scheduled for October 26, 1954, is canceled, and, that the formal hearing in the matter will commence on November 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8440; Filed, Oct. 26, 1954; 8:51 a. m.]

[Docket Nos. 10911, 10959; FCC 54M-1318]

PHIL BIRD AND LAWTON BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Phil Bird, Lawton, Oklahoma, Docket No. 10911, File No. BP-9018; Lawton Broadcasting Company, Inc., Lawton, Oklahoma, Docket No. 10959, File No. BP-8840; for construction permits.

On the Examiner's own motion, hearing in the above-entitled proceeding is continued from October 28, 1954, to November 18, 1954.

Dated: October 20, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8441; Filed, Oct. 26, 1954; 8:51 a. m.]

[Docket Nos. 10982, 10983; FCC 54M-1317]

OWENSBORO ON THE AIR, INC., AND OWENSBORO PUBLISHING CO.

ORDER CONTINUING HEARING

In re applications of Owensboro On The Air, Inc., Hatfield, Indiana, Docket No. 10982, File No. BPCT-1787; Owensboro Publishing Company, Hatfield, Indiana, Docket No. 10983, File No. BPCT-1790; for construction permits for new television stations (Channel 9).

Without objection by any participant in this proceeding, hearing in the above-entitled proceeding is continued, on the Examiner's own motion, from November 8, 1954, to December 6, 1954.

Dated: October 20, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8442; Filed, Oct. 26, 1954; 8:51 a. m.]

[Docket No. 11174; FCC 54M-1320]

JORDAN DISPATCH SERVICE

MEMORANDUM AND ORDER CONTINUING HEARING

In re application of R. C. Jordan, d/b as Jordan Dispatch Service, Plainview, Texas, and Lubbock, Texas, order to show cause why the licenses of stations KKG563 and KKE970 in the Domestic Public Land Mobile Radio Service should not be revoked; Docket No. 11174.

As directed by order of the undersigned Hearing Examiner dated October 1, 1954, a pre-hearing conference in the above-entitled proceeding was held at the offices of the Commission at Washington, D. C., on October 18, 1954. At such pre-hearing conference counsel for the respondent, R. C. Jordan, d/b as Jordan Dispatch Service, requested postponement of consideration of matters relative to stipulating with respect to facts involved in this proceeding, the limitation of the number of witnesses at the hearing and depositions, in order that such pre-hearing conference might proceed to a discussion of the means whereby such respondent could satisfy this Commission with regard to questions of its full compliance with the Rules of this Commission relating to the said respondent's operations of its stations KKG563 and KKE970 in the Domestic Public Land Mobile Radio Service.

The pre-hearing conference thereafter principally was devoted to consideration of some nine specific items of respondent's methods of operation as to which respondent's counsel indicated there would be changes made by the respondent in an endeavor to demonstrate to this Commission full compliance with its applicable rules.

Counsel for the respondent, R. C. Jordan, d/b as Jordan Dispatch Service, Plainview, Texas, and Lubbock, Texas, requested a substantial postponement of the date for hearing in order to allow the said party respondent time to adopt procedures and make arrangements which could be considered by this Commission as being in compliance with its rules applying to the Domestic Public Land Mobile Radio Service.

Counsel for said respondent further requested a continuance of the hearing date in this proceeding to allow him a reasonable time (in the light of the state of health of Mr. R. C. Jordan) to confer with his said client and to develop the necessary service arrangements thereafter relative to the matters considered at the pre-hearing conference.

Respondent's counsel further advised that when in respondent's view it had perfected modifications and changes in its methods of operation of its stations KKG563 and KKE970, such, as in its opinion, to be corrective of conditions leading to the issuance of the Order to Show Cause in this proceeding, and which in its further opinion would be in full compliance with the rules of the Commission relating to the Domestic Public Land Mobile Radio Service, the said respondent would thereupon apply to this Commission for relief from the Order to Show Cause by filing with the Commission a Petition for Reconsidera-

tion and Withdrawal of the Order to Show Cause, reciting the facts upon which it relies and to be supported by affidavits and any other exhibits deemed by it to be pertinent in support of such Petition.

Upon the foregoing recitations respondent by its attorney moved for an extension of the hearing date in this proceeding to December 1, 1954; and upon argument, and there being no objection thereto by counsel for the Chief of the Common Carrier Bureau of this Commission; and for other good cause shown; therefore

It is ordered, This 19th day of October 1954, that the motion of the respondent for a continuance of the hearing date from October 26, 1954 to December 1, 1954, be and it hereby is granted, and the hearing in this matter is hereby continued and rescheduled to be held at the offices of this Commission in Washington, D. C., at 10:00 a. m. on December 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8446; Filed, Oct. 26, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6584]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF APPLICATION

OCTOBER 20, 1954.

Take notice that on October 18, 1954, Black Hills Power and Light Company (Applicant), a corporation organized and existing under the laws of the State of South Dakota with its principal place of business at Rapid City, South Dakota, filed an application for authorization, pursuant to section 204 of the Federal Power Act for the issuance of (1) 9,950 shares of cumulative preferred stock (par value $100 per share); and (2) such number of shares of its cumulative preferred stock (par value $25 per share) as will result in an aggregate offering price of that issuance not to equal or exceed $1,000,000.

The $100 par value preferred shares to be issued constitute a portion of the unissued shares of Applicant's only authorized series of preferred stock. The $25 par value preferred shares to be issued are part of a new series of preferred stock proposed to be created which will be convertible to Applicant's common stock.

The Applicant states that the proposed issuance of $100 par value preferred shares will be sold to institutional investors and that the proposed issuance of $25 par value preferred shares will be sold through underwriting. Applicant further states that it proposes to employ Dillon, Read & Co., Inc., as its agent for the private placement of the issuance of $100 par value preferred shares and to enter into an underwriting agreement with that Company covering the proposed issuance of $25 par value preferred shares. The fees to be paid to the underwriters in connection with the proposed issuance of $25 preferred stock and the fees to be paid in connection with the private placement of the proposed issuance of the $100 par value preferred stock wil be set forth along with other things by amendment to the application; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 10th day of November 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's general rules and regulations. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8419; Filed, Oct. 26, 1954; 8:47 a. m.]

[Docket Nos. G-2306, G-2311, G-2327, G-2328]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

NOTICE OF OPINION NO. 276 AND ORDER

OCTOBER 30, 1954.

In the matters of American Louisiana Pipe Line Company, Docket No. G-2306; Texas Gas Transmission Corporation, Docket No. G-2311; Michigan Wisconsin Pipe Line Company, Docket No. G-2327; Michigan Consolidated Gas Company, Docket No. G-2328.

Notice is hereby given that on October 1, 1954, the Federal Power Commission issued its opinion and order adopted September 30, 1954, in the above-entitled matters, granting certificates of public convenience and necessity to American Louisiana Pipe Line Company, Docket No. G-2306 and Texas Gas Transmission Corporation, Docket No. G-2311; and the hearings on the applications of Michigan Wisconsin Pipe Line Company, Docket No. G-2327 and Michigan Consolidated Gas Company, Docket No. G-2328, reserved for disposition subject to further order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8420; Filed, Oct. 26, 1954; 8:47 a. m.]

[Docket Nos. G-2386—G-2388, G-2395]

CITY OF SUMMERVILLE, GA., ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 20, 1954.

In the matters of City of Summerville, Georgia, Docket No. G-2386; City of LaFayette, Georgia, Docket No. G-2387; City of Trion, Georgia, Docket No. G-2388; City of Dalton, Georgia, Docket No. G-2395.

Notice is hereby given that on October 8, 1954, the Federal Power Commission issued its orders adopted October 5, 1954, in the above-entitled matters, directing Southern Natural Gas Company to establish physical connection of its facilities, and sale of natural gas to the City of Summerville, Georgia, Docket No. G-2386; City of LaFayette, Georgia, Docket No. G-2387; City of Trion, Georgia, Docket No. G-2388; and City of Dalton, Georgia, Docket No. G-2395.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8421; Filed, Oct. 26, 1954; 8:48 a. m.]

[Docket No. G-2463]

TOWN OF RALEIGH, MISS.

NOTICE OF FINDINGS AND ORDER

OCTOBER 20, 1954.

Notice is hereby given that on October 7, 1954, the Federal Power Commission issued its order adopted October 5, 1954, in the above-entitled matter, directing Southern Natural Gas Company to establish physical connection of its facilities, and sale of natural gas to Town of Raleigh, Mississippi, Docket No. G-2463.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8422; Filed, Oct. 26, 1954; 8:48 a. m.]

[Docket No. G-3940]

WUNDERLICH DEVELOPMENT CO.

ORDER ACCEPTING RATE SCHEDULE FOR FILING AND SUSPENDING SUPPLEMENT THERETO

Wunderlich Development Company (Applicant) on September 20, 1954, tendered for filing a basic contract dated May 17, 1954, together with a letter dated September 17, 1954, relating to the sale of natural gas to Cities Service Gas Company (Cities Service). The basic contract has been designated Applicant's FPC Gas Rate Schedule No. 1 and the letter as Supplement No. 1 thereto.

By such supplement Applicant gives notice that it proposes to increase the charge for gas sold to Cities Service effective as of September 1, 1954, pursuant to an interim increase provision in the basic contract. It is estimated that the annual increase to Cities Service will be $43,800.

The gas sold by Applicant to Cities Service pursuant to the foregoing rate schedule and supplement is transported and sold in interstate commerce.

The increase proposed in the aforesaid supplement has not been justified and may be unjust, unreasonable and otherwise unlawful.

The Commission finds:

(1) Wunderlich Development Company is a "natural-gas company" within the meaning of the Natural Gas Act, and its sale of gas to Cities Service under Applicant's FPC Gas Rate Schedule No. 1 and Supplement No. 1 thereto is a sale in interstate commerce of natural gas for resale for ultimate public consumption.

(2) FPC Rate Schedule No. 1 filed by Applicant on September 20, 1954, should be accepted for filing.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of the increase in rates and charges proposed by Applicant in Supplement No. 1 to its FPC Gas Rate Schedule No. 1 filed on September 20, 1954, and that said supplement be suspended as hereinafter ordered and the use thereof deferred pending hearing and decision thereon, except as it may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) FPC Gas Rate Schedule No. 1 filed by Wunderlich Development Company on September 20, 1954, be and it is hereby accepted for filing.

(B) Nothing contained in this order shall be construed as a waiver of the requirements of section 7 (c) of the Natural Gas Act; nor shall it be construed as constituting approval by this Commission of any service, rate, charge, classification, or any rule, regulation, contract or practice affecting such service or rate, nor shall this be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate.

(C) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classifications or services contained in Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1 filed on September 20, 1954.

(D) Pending such hearing and decision thereon, Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1 be and it is hereby suspended and the use thereof deferred until further order of the Commission, but not beyond February 1, 1955, and until such further time as such supplement may be made effective in the manner prescribed by the Natural Gas Act.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(F) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending, or hereafter instituted, by or against Wunderlich Development Company.

Adopted: October 19, 1954.

Issued: October 20, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8418; Filed, Oct. 26, 1954; 8:47 a. m.]

[Project No. 553]

CITY OF SEATTLE, WASH.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

OCTOBER 20, 1954.

Public notice is hereby given that City of Seattle, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of the license for water-power Project No. 553 located on the Skagit River in Whatcom County, Washington, to authorize the installation of the fourth and final generating unit of 120,000 horsepower at the Ross powerhouse as provided in the license for the project. The necessary power tunnel facilities, penstock, turbine pit and powerhouse space for the proposed additional unit have been constructed in accordance with plans made part of the license at the time the initial installation of three units was authorized.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is November 23, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8423; Filed, Oct. 26, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. S 7-93]

COLUMBIA GAS SYSTEM, INC.

NOTICE OF FILING OF PETITION

OCTOBER 21, 1954.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a petition requesting that the Commission amend its Rule U-48 of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 ("act") so as to exempt from sections 9 (a) and 6 (a) of the act, the acquisition and guarantee by a registered holding company or subsidiary company thereof of securities evidencing loans or advances to officers or employees pursuant to a personnel policy of general application.

Columbia requests that the Commission (i) change the title of Rule U-48 to read "Certain Exemptions in Connection with Appliance Sales and Loans to Officers or Employees"; (ii) add as division "(a)" the caption entitled "Exemptions in Connection with Appliance Sales" and renumber the present divisions (a), (b), (c) and (d) as subdivisions "(1)", "(2)", "(3)" and "(4)" under the new division "(a)"; and (iii) add a new division as follows:

(b) *Exemption in connection with loans to officers or employees*—(1) *Acquisition of loan papers.* Any registered holding company or subsidiary company thereof shall be exempt from section 9 (a) of the act with respect to the acquisition of any evidence of indebtedness executed by an officer or employee of such registered holding company or subsidiary company thereof in consideration of a loan or advance made to such officer or employee pursuant to a personnel policy of general application.

(2) *Guarantee.* Any registered holding company or subsidiary company thereof shall be exempt from the provisions of section 6 (a) of the act with respect to the guarantee, by endorsement or otherwise, of any such officer's or employee's evidence of indebtedness.

Columbia states that, in connection with the efficient and economical administration of its system, it is necessary at times to transfer personnel, both officers and employees, from one location to another within the system, and that such transfers sometimes entail financial hardship because the transferee finds it necessary to purchase a home at the new location and does not have sufficient capital immediately available to consummate the purchase. If the proposed amendment to Rule U-48 is adopted, Columbia proposes to adopt, as a part of its personnel policy, provisions for loans to its officers and employees on a personal loan basis to assist them in purchasing new homes under the aforesaid circumstances, each such loan to be evidenced by a promissory note signed by the employee and his wife and to bear interest at a rate not exceeding the prevailing rate for mortgage loans. Where the transferee owned a home at his old location, the loan would not exceed one year's salary, would be for a period not exceeding six months, and would be payable in full upon completion of the sale of the home at the old location. Where the transferee was unable to realize from the sale of his old home sufficient capital to purchase a home at the new location, or where he resided in rental quarters at the old location, the loan would not exceed six months' salary and would be payable through equal monthly payroll deductions over a period not to exceed five years.

Columbia states that, although it would have no objection to limiting the proposed amendment of Rule U-48 merely to exempt the type of loans which it proposes to make to its own officers and employees, it has proposed the amendment in broader form because it does not believe that any such limitations are necessary or appropriate in the public interest or in the interest of investors and consumers, and because any such limitations might unduly and unnecessarily limit other registered holding companies and their subsidiaries, whose conditions and methods of operation are not the same as those of Columbia.

Columbia expresses the opinion that the acquisition or guarantee of loan papers of officers or employees pursuant to a personnel policy of general application is appropriate in the ordinary course of business of a registered holding company or subsidiary company thereof and is not detrimental to the public interest or the interest of investors and consumers; and that therefore the proposed amendment of Rule U-48 is within the exemptive power of the Commission pursuant to sections 9 (c) (3) and 3 (d) of the act.

All interested persons are invited to submit in writing data, views and comments regarding Petitioner's request on or before December 1, 1954, addressed to the Secretary, Securities and Ex-

change Commission, Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8413; Filed, Oct. 26, 1954; 8:46 a. m.]

[File Nos. 54-177, 54-165]

PENNSYLVANIA GAS & ELECTRIC CORP ET AL.

ORDER APPROVING AND RELEASING JURISDICTION WITH RESPECT TO CERTAIN FEES AND EXPENSES

OCTOBER 21, 1954.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Crystal City Gas Company, Penn-Western Service Corporation; File Nos. 54-177 and 54-165.

The Commission, on August 19, 1954, issued its order herein approving and authorizing payment of fees and expenses incurred in connection with these proceedings to the persons and in the amounts as indicated in such order and ordered that a hearing be held with respect to applications for fees and expenses filed by other persons therein named.

Thereafter amendments to said applications were filed by such other persons requesting payments of reduced amounts, and Pennsylvania Gas & Electric Corporation and North Penn Gas Company indicated by a filing with the Commission a willingness to pay such reduced amounts.

The Commission having considered the record to date, and being of the opinion that the allowances hereinafter itemized in Table I are reasonable and are for necessary services performed to the date of the filing of the respective fee applications, and that an order should be entered approving and directing the payment thereof:

It is ordered, That the applications for allowances for services and reimbursement of expenses, in the following amounts and to the persons named, be, and hereby are, approved, and Pennsylvania Gas & Electric Corporation to the extent that it has funds and North Penn Gas Company with respect to the balance are directed to pay such amounts to the extent any portion thereof has not heretofore been paid:

TABLE I

Applicants	Fees	Expenses
Representatives of class A stockholders of Pennsylvania Gas & Electric Corp.:		
George H. McNeely, Jr., committee member	$1,500	
Joseph R. Goldfarb, committee member	1,500	$158.68
William L. Fox and James E. Riley, counsel	47,000	[1] 6,374.44
Raymond A. Ransom, expert	17,000	128.33
Theodore R. Mackoul, expert	14,000	214.22
Total	$81,000	6,875.67

[1] Includes expenses advanced to Raymond A. Ransom, Theodore R. Mackoul and Frank E. Eckert in the amounts of $1,117.03, $204.20, and $360 respectively.

It is further ordered, That of the expense allowance to William L. Fox and James E. Riley, $750, $2,000, and $2,250 shall be paid, respectively, to George H. McNeely, Joseph R. Goldfarb and Thomas M. Searles to repay advances made by said persons to said counsel.

It is further ordered, That the jurisdiction heretofore reserved with respect to the allowances herein approved be and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8414; Filed, Oct. 26, 1954; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 34, Amdt. 1]

SOUTH CAROLINA

DECLARATION OF DISASTER AREA

Declaration of Disaster Area 34 for the State of South Carolina, dated October 18, 1954, is hereby amended as follows:

By deleting the address of the Small Business Administration Regional Office and substituting the following address:

900 North Lombardy Street, Richmond, Va.

Dated: October 22, 1954.

W. NORBERT ENGLES, *Acting Administrator.*

[F. R. Doc. 54-8432; Filed, Oct. 26, 1954; 8:50 a. m.]

[Declaration of Disaster Area 35, Amdt. 1]

NORTH CAROLINA

DECLARATION OF DISASTER AREA

Declaration of Disaster Area 35 for the State of North Carolina, dated October 18, 1954, is hereby amended as follows:

By deleting the address of the Small Business Administration Regional Office and substituting the following address:

900 Lombardy Street, Richmond, Va.

Dated: October 22, 1954.

W. NORBERT ENGLES, *Acting Administrator.*

[F. R. Doc. 54-8433; Filed, Oct. 26, 1954; 8:50 a. m.]

[Declaration of Disaster Area 37]

MARYLAND

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about October 15, 1954, because of the disastrous effects of hurricane, floods and excessive rainfall, damage resulted to residences and business property located in certain areas in the State of Maryland; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by either of the offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, Worcester.

Small Business Administration Regional Office, 900 North Lombardy Street, Richmond 19, Va.

Small Business Administration Branch Office, Calvert Building, Room 307, Fayette and St. Paul Streets, Baltimore, Md.

2. A special field office will be established in the Post Office Building, Salisbury, Maryland, to receive and process such applications.

3. Applications for disaster loans under the authority of this Order will not be accepted subsequent to April 30, 1955.

Dated: October 21, 1954.

W. NORBERT ENGLES, *Acting Administrator.*

[F. R. Doc. 54-8415; Filed, Oct. 26, 1954; 8:46 a. m.]

[Declaration of Disaster Area 37, Amdt 1]

MARYLAND

DECLARATION OF DISASTER AREA

Declaration of Disaster Area 37 for the State of Maryland, dated October 21, 1954, is hereby amended as follows:

1. By adding the following counties (including any areas adjacent thereto) to the counties referred to in paragraph 1 of said declaration:

Anne Arundel.	St. Marys.
Calvert.	Harford.
Charles.	Baltimore.
Prince Georges.	

2. Applications made pursuant to this amendment may be filed at any of the following offices:

Small Business Administration Regional Office, 900 Lombardy Street, Richmond, Va.

Small Business Administration Branch Office, Calvert Building, Room 307, Fayette and St. Paul Streets, Baltimore, Md.

Small Business Administration, Room 401, Lafayette Building, 811 Vermont Avenue NW., Washington 25, D. C.

Dated: October 22, 1954.

W. NORBERT ENGLES, *Acting Administrator.*

[F. R. Doc. 54-8435; Filed, Oct. 26, 1954; 8:50 a. m.]

[Declaration of Disaster Area 38]

DELAWARE

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about October 15, 1954, because of the disastrous effects of hurricane, floods and excessive rainfall, damage resulted to residences and business property located in certain areas in the State of Delaware; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the Office below indicated from persons or firms whose property situated in the following counties suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Kent, New Castle, Sussex.

Small Business Administration Regional Office, Jefferson Building, Room 1118, 1015 Chestnut Street Philadelphia 7, Pa.

2. Special field offices to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to April 30, 1955.

Dated: October 22, 1954.

W. NORBERT ENGLES, *Acting Administrator.*

[F. R. Doc. 54-8436; Filed, Oct. 26, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 31]

MOTOR CARRIER APPLICATIONS

OCTOBER 22, 1954.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and State address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

NO. MC 200 Sub 171, RISS & COMPANY, INC., 15 West 10th Street, Kansas City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, live poultry, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company Plant at Mawah, N. J., as an off-route point in connection with applicant's authorized regular route operations to and from New York, N. Y., as described in Certificate No. MC 200 Sub 46, dated January 5, 1954, wherein applicant is authorized to transport the above-named commodities, over specified routes: (1) Between Kansas City, Mo., and New York, N. Y., (2) between Albany, N. Y., and New York, N. Y., (3) between Kingdom City, Mo., and New York, N. Y., and (4) between New York, N. Y., and Springfield, Mass., subject to the restrictions contained therein. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

NO. MC 1494 Sub 12, GROSS COMMON CARRIER, INC., West Grand, Wisconsin Rapids, Wis. Applicant's attorney: Claude J. Jasper, One West Main St., Madison 3, Wis. For authority to operate as a *common carrier*, transporting: (1) *General commodities*, including *Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Badger Ordnance Works located immediately south of Baraboo, Wis., on U. S. Highway 12, as an off-route point, in connection with regular route operations between (a) junction Wisconsin Highways 23 and 33, and Milwaukee, Wis., (b) Baraboo, Wis., and junction Wisconsin Highways 33 and 136, and (c) Lake Delton, Wis., and junction Wisconsin Highway 33 and U. S. Highway 12, and (2) *Class A and B explosives*, over and along regular and alternate routes, in and through Minnesota, and Wisconsin, as described in Certificates issued in Docket No. MC 1494 and Subs 1, 5, 6, 7, 9, and 10 thereof, wherein carrier is authorized to transport general commodities, with certain exceptions among which are Class A and B explosives; as a removal of said present restriction against transportation of Class A and B explosives so that same may be transported between the Badger Ordnance Works, on the one hand, and, on the other hand, all points presently being served in performance of above-referred to regular and alternate route operations. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

NO. MC 2202 Sub 125, ROADWAY EXPRESS, INC. (DEL-CORP), 147 Park St., Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over an alternate or connecting route, transporting: *General commodities*, except livestock, Class A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Greenville, S. C., and junction of U. S. Highways 19 and 64 near Ranger, N. C., over U. S. Highway 123 from Greenville to Clemson, S. C., thence over U. S. Highway 76 to Blairsville, Ga., thence over U. S. Highway 19 to junction U. S. Highway 64 near Ranger, N. C., and return over the same route, serving no intermediate points, and serving the termini for joinder purposes only, for operating convenience only, in connection with regular route operations between Columbia, S. C., and Asheville, N. C., and alternate route operations between Cleveland, Tenn., and Asheville, N. C. Applicant is authorized to conduct operations in Alabama, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NO. MC 2765 Sub 27, SQUARE DEAL CARTAGE COMPANY, a corporation, 13401 Eldon, Detroit 34, Mich. Applicant's attorney: George S. Dixon, Matheson, Dixon & Brady, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new automobile bodies, new automobile chassis*, in initial movements, in truckaway and driveaway service, from Kenosha, Wis., to points in Illinois, Indiana, Michigan, Missouri, Iowa, Ohio, West Virginia, Pennsylvania, and those in Kentucky on that part of the Ohio River forming the Ohio-Kentucky and the Indiana-Kentucky boundary line. RESTRICTED to the transportation of vehicles manufactured by the Hudson Motor Car Division of American Motors, Inc. Applicant is authorized to conduct

operations in Michigan, Illinois, Indiana, Missouri, Iowa, Ohio, West Virginia, Pennsylvania, and Kentucky.

NO. MC 10875 Sub 7, BRANCH MOTOR EXPRESS COMPANY, a corporation, 455 West 16th Street, New York, N. Y. Applicant's attorney: Dale C. Dillon, Todd, Dillon and Curtiss, Suite 944, Washington Bldg., Washington 5, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between junction U. S. Highway 222 and Pennsylvania Highway 72, at or near Willow Street, Pa., and junction U. S. Highway 222 and Pennsylvania Highway 72 near Wakefield, Pa., over Pennsylvania Highway 72, serving no intermediate points, as an alternate route in connection with carrier's regular-route operations between Allentown, Pa., and Conowingo, Md. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York and Pennsylvania.

NO. MC 10875 Sub 8, BRANCH MOTOR EXPRESS COMPANY, a corporation, 455 West 16th Street, New York, N. Y. Applicant's attorney: Dale C. Dillon, Todd, Dillon and Curtiss, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highway 22 and Pennsylvania Highway 100 at Fogelsville, Pa., and junction U. S. Highway 222 and Pennsylvania Highway 100 at Trexlertown, Pa., over Pennsylvania Highway 100, serving no intermediate points, as an alternate or connecting route in connection with carrier's regular-route operations between Newark, N. J., and Lebanon, Pa., and between Allentown, Pa., and Conowingo, Md. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York and Pennsylvania.

NO. MC 13026 Sub 1, ARTHUR A. FREDA, doing business as FREDA'S TRUCKING COMPANY, 318 Talbot Avenue, Braddock, Pa. Applicant's attorney: Arthur J. Diskin, 924 Frick Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building stone*, from McDermott, Ohio, to Pittsburgh, Pa., and points within fifty miles thereof, and *damaged shipments* on return movement. Applicant is authorized to conduct operations in Ohio, Pennsylvania and West Virginia.

NO. MC 13026 SUB 2 ARTHUR A. FREDA, doing business as FREDA'S TRUCKING COMPANY, 318 Talbot Avenue, Braddock, Pa. Applicant's attorney: Arthur J. Diskin, 924 Frick Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick* and *tile*, from West Darlington, Beaver County, Pa., and Bessemer, Lawrence County, Pa., to points in West Virginia on and south of U. S. Highway 50, and *damaged shipments* on return movement. Applicant is authorized to conduct operations in Ohio, Pennsylvania, and West Virginia.

NO. MC 13087 SUB 10, FRED J. STOCKBERGER, doing business as STOCKBERGER TRANSFER & STORAGE, 524 Second Street, S. W., Mason City, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, as defined by the Commission in Ex Parte No. MC 45, in bulk, in tank vehicles, between points in Iowa. Applicant is authorized to conduct operations in Minnesota and Iowa.

NO. MC 22229 SUB 18, TERMINAL TRANSPORT COMPANY, INC., 180 Harriet Street, S. E., Atlanta 1, Ga. Applicant's attorney: Jack Goodman, Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Valdosta, Ga., and Waycross, Ga., over U. S. Highway 84, serving no intermediate points, as an alternate or connecting route, in connection with the carrier's regular route operations (a) between Baldwin, Fla., and Atlanta, Ga., and (b) between Jacksonville, Fla., and Perry, Ga.; (2) between Baldwin, Fla., and Callahan, Fla., over U. S. Highway 301, serving no intermediate points, but serving Callahan, Fla., for joinder purpose only, as an alternate or connecting route, in connection with the carrier's regular route operations (a) between Tampa and Jacksonville, Fla., and (b) between Jacksonville, Fla., and Perry, Ga. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, and Kentucky.

NO. MC 29988 SUB 54, as amended, DENVER-CHICAGO TRUCKING COMPANY, INC., 2501 Blake Street, Denver 5, Colo. Applicant's attorney: Truman D. Stockton, Jr., Stockton, Linville & Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities, including liquids and compressed gases*, in bulk, when moving on United States Government-owned trailers, but excluding commodities of unusual value, Class A and B explosives, and household goods as defined by the Commission, from, to, and between the same points in Arizona, California, Connecticut, Colorado, Idaho, Illinois, Indiana, Kansas, Massachusetts, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Washington and Wyoming, over regular and irregular routes, which applicant is presently authorized to operate under Certificates Nos. MC 29988, MC 29988 Sub 28, MC 29988 Sub 29, MC 29988 Sub 32, MC 29988 Sub 39, MC 29988 Sub 40, MC 29988 Sub 41, and MC 29988 Sub 48. The highways are specifically described in the above-numbered certificates, and in the application copies of which are on file at the Interstate Commerce Commission, Washington, D. C., and the State Board of each State in or through which it is proposed to operate. (A) Regular routes: as authorized in Certificate No. MC 29988 dated May 17, 1950 (1) from Denver, Colo., to Tacoma, Wash., service is authorized to and from all intermediate points in Idaho without restriction; from those in Utah restricted to pick-up; and to Yakima and Seattle, Wash., restricted to delivery; (2) from Seattle, Wash., to Denver, Colo., service is authorized to all intermediate points in Idaho, Utah, and Wyoming, restricted to delivery of fish, including shell fish, and frozen fruits and vegetables; (3) from Seattle, Wash., to Denver, Colo., service is authorized to all intermediate points in Idaho, Utah, and Wyoming, restricted to delivery only; (4) between Denver, Colo., and Chicago, Ill., and St. Louis, Mo., from Denver to Chicago, and return, and from Denver to St. Louis, and return, service is authorized to and from named intermediate points for pick-up and delivery of designated traffic with restrictions; and the terminus St. Louis, Mo., for delivery of commodities moving from points west of Limon, Colo., and pick-up of commodities moving to Denver, Colo., and off-route points within one mile of U. S. Highway 40 between Limon and Denver, Colo., restricted to pick-up of beans on east-bound traffic; (5) between junction U. S. Highway 30 and Alternate U. S. Highway 30 near Galt, Ill., and Chicago, Ill., service is not authorized to or from intermediate points; (6) between Denver, Colo., and Tucson, Ariz., and San Diego, Calif., from Denver to Tucson, and return, from Denver to San Diego, and return, service is authorized to and from all intermediate points, except that traffic shall not originate at or be destined to points in New Mexico, originate at points in California for delivery to points in Arizona, or originate at points in Arizona for delivery to points in California; service is authorized to and from intermediate and off-route points in the Los Angeles Commercial Zone and the Los Angeles Harbor Commercial Zone, as defined in Los Angeles, Calif., Commercial Zone, 3 M. C. C. 248, subject to the following restriction: The service authorized in this clause shall be limited to shipments moving to or from points served by said carrier in States located east of Idaho, Utah, and New Mexico; (7) between Chicago, Ill., and New York, N. Y.; (8) between Albany, N. Y., and New York, N. Y., and for (7) and (8) service is authorized to and from all intermediate points and the off-route points of La Porte, Ind., Rochester, N. Y., Waterbury, Conn., those in the Chicago Commercial Zone as defined in Chicago, Ill., Commercial Zone, 1 M. C. C. 673, and those within 15 miles of New York, N. Y.; (9) between Newburgh, N. Y., and junction New Jersey Highway 3 and U. S. Highway 1 as an alternate route for operating convenience only, service is not authorized to and from intermediate points. As authorized in Certificate No. MC 29988 Sub 28 dated January 11, 1949 (10) service is authorized to and from points in the St. Louis, No.-East St. Louis, Ill., Commercial Zone as defined in 1 M. C. C. 656 and 2 M. C. C. 285, Robertson, Mo., the site of the Ford Motor Company's plant and Lambert Air Field Near Robertson, Ferguson, Mo., and the site of the Emerson Electric Manufacturing Company's plant near Ferguson, as intermediate or off-route points in connection with carrier's presently authorized regular route operation to and from St. Louis. As authorized in Certificate No. MC 29988 Sub 29 dated January 12, 1949 (11) service is authorized to and from points in the Kansas City, Mo.-Kans. Commercial Zone as defined by the Commission as intermediate and off-route points in connection with said carrier's presently authorized regular route operations to and from Kansas City, Mo.-Kans. and with the same restrictions as apply to presently authorized operations in Certificate No. MC 29988. As authorized in Certificate No. MC 29988 Sub 32 dated June 21, 1951 (12) between junction U. S. Highways 30 and 138 near Big Springs, Nebr., and Cheyenne, Wyo., over alternate route for operating convenience only, service is not authorized to or from intermediate points. As authorized in Certificate No. MC 29988 Sub 39, dated November 14, 1952 (13) between junction U. S. Highway 20 and New York Highway 18B, on the one hand, and, on the other, junction New York Highways 18B and 130 at Cheektowaga, N. Y.; (14) between junction New York Highways 33 and 78, on the one hand, and, on the other, junction New York Highways 78 and 5; (15) between Catskill, N. Y., on the one hand, and, on the other, junction New York Highway 32A and U. S. Highway 9W, routes (14) and (15) are over alternate routes for operating convenience only. As authorized in Certificate No. MC 29988 Sub 40 dated January 10, 1952 (16) between junction U. S. Highway 410 and Washington Highway 8 (formerly Washington Highway 8E) east of Prosser, Wash., and Pendleton, Oreg., over alternate route for operating convenience only in connection with carrier's presently authorized regular route operations, service is not authorized to or from intermediate points. As authorized in Certificate No. MC 29988 Sub 41 dated May 15, 1952 (17) service is authorized to and from the site of the United States Atomic Energy Plant at or near Marshall, Colo., as an off-route point in connection with regular route operations held by the carrier on March 31, 1952, to and from Denver, Colo. As authorized in Certificate No. MC 29988 Sub 48 dated May 17, 1954 the following routes (13) through (28) both inclusive, are alternate regular routes, for operating convenience only, in connection with authorized regular routes in Certificate No. MC 29988 issued January 3, 1947, subject to the same conditions and restrictions as contained therein; (18) between Tucson, Ariz., and Mesa, Ariz., serving no intermediate points; (19) between junction Arizona Highways 84 and 87 near Picacho, and junction Arizona Highways 187 and 87 near Olberg, Ariz., serving no intermediate points; (20) between Denver, Colo., and Fort Collins, Colo., serving no intermediate points; (21) between Rupert, Idaho, and junction Idaho Highway 25 and U. S. Highway 30 at or near Bliss, Idaho, serving no intermediate points; (22) between Boise, Idaho, and junction Idaho Highway 44 and U. S. Highway 30, approximately three miles north of Caldwell, Idaho, serving no intermediate points; (23) between Boise, Idaho, and Caldwell, Idaho, serving no intermediate points; (24) between junction U. S. Highway 20 and Indiana Highway 2 near Rolling Prairie, Ind., and Elkhart, Ind., serving no intermediate points; (25) between junction Pennsylvania Highway 5 and U. S. Highway 20 near West Springfield, Pa., and Silver Creek, N. Y., serving no intermediate points; (26) between junction U. S. Highways 20 and 62 approximately four miles north of Hamburg, N. Y., and junction U. S. Highway 20 and New York Highway 130 near Depew, N. Y., serving no intermediate points; (27) between junction U. S. Highway 20 and New York Highway 78 near Depew, N. Y., and Batavia, N. Y., serving no intermediate points; (28) between Buffalo, N. Y., and Batavia, N. Y., serving no intermediate points. (B) Irregular routes; as authorized in Certificate No. MC 29988 dated May 17, 1950, between Denver, Colo., and Denver Ordnance Plant at Remaco, Colo., RESTRICTION: Service at Denver Ordnance Plant is restricted to traffic moving to or from points except Denver, which said carrier is presently authorized to serve in connection with its operations between Denver, Colo., and Chicago, Ill., and St. Louis, Mo. Duplication as to commodities with present authority to be eliminated. Applicant is authorized to conduct operations in Arizona, California, Connecticut, Colorado, Idaho, Illinois, Indiana, Kansas, Massachusetts, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Washington and Wyoming.

NO. MC 30319 Sub 47, SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 N. San Jacinto, P. O. Box 4054, Houston, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Austin, Tex., and Kerrville, Tex., operating from Austin over U. S. Highway 290 to Fredericksburg, Tex., thence over Texas Highway 16 to Kerrville, and return over the same route, serving the off-rail points of Oak Hill, Cedar Valley, Dripping Springs, Henly, Johnson City, Hye, Stonewall, and Fredericksburg, Tex., as intermediate points. Applicant is authorized to conduct operations in Texas and Louisiana.

NO. MC 30837 Sub 174, KENOSHA AUTO TRANSPORT CORPORATION, 4519—76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, Suite 316–318, Chamber of Commerce Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *New Knocked-down motor trucks*, and *new motor truck parts when* moving in mixed loads with new knocked-down motor trucks, from Fort Wayne, Ind., and Springfield, Ohio, to the United States-Mexico International Boundary line at Roma, and Hidalgo, Tex. Applicant is authorized to conduct operations throughout the United States.

NO. MC 35469 Sub 14, MODERN TRANSFER CO., INC., Hanover Avenue and Maxwell Street, Allentown, Pa. Applicant's attorney: Paul F. Barnes, 801–804 I. B. M. Building, 226 South 15th St., Philadelphia 2, Pa. For authority to operate as a *common carrier*, over alternate or connecting routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Allentown, Pa., and Newburgh, N. Y., over Pennsylvania Highway 987 from Allentown to Bath, Pa., thence over Pennsylvania Highway 512 to junction Pennsylvania Highway 12, thence over Pennsylvania Highway 12 to junction with U. S. Highway 209 at or near Sciota, Pa., thence over U. S. Highway 209 to Wurtsboro, N. Y., thence over New York Highway 17K to Newburgh, and return over the same route, serving no intermediate points, for operating convenience only, in connection with (a) regular route operations between New York, N. Y., and Schenectady, N. Y.; Baltimore, Md., and Easton, Pa.; Allentown, Pa., and Philadelphia, Pa.; Allentown, Pa., and New York, N. Y.; and Allentown, Pa., and Pittsburgh, Pa., and (b) alternate route operations between the Carlisle Toll Gate to the Pennsylvania Turnpike, and Allentown, Pa.; and Allentown, Pa., and Pittsburgh, Pa., and (2) between Netcong, N. J., and Newburgh, N. Y., over U. S. Highway 206 from Netcong to junction New Jersey Highway 565, thence over New Jersey Highway 565 to Sussex, N. J., thence over New Jersey Highway 84 to the New Jersey-New York State line, thence over New York Highway 84 to Slate Hill, N. Y., thence over U. S. Highway 6 to junction New York Highway 207, thence over New York Highway 207 to Newburgh, and return over the same route, serving no intermediate points, for operating convenience only, in connection with regular route operations between New York, N. Y., and Schenectady, N. Y.; and Allentown, Pa., and New York, N. Y. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, and Pennsylvania.

NO. MC 37007 Sub 1, DAVID LURIE, 288 Jersey Street, New Brighton, Staten Island, N. Y. Applicant's attorney: Ralph D. Elmer, 257 West 38th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Materials, cut and uncut goods, linings, interlinings, trimmings, buttons, clips, clasps* and any *other articles* to be utilized in the manufacture of wearing apparel, *hangers* on which the finished articles of wearing apparel are to be transported, and *finished articles of wearing apparel on*

hangers, between Perth Amboy and Elizabeth, N. J., on the one hand, and, on the other, points in the Borough of Richmond, New York, N. Y.

NO. MC 44790 Sub 17, MAUGHAN TRANSPORT, INC., 2303-3rd Avenue North, Fargo, N. Dak. Applicant's attorney: Alan Foss, Van Osdel & Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in initial movement, in truckaway service, from Kenosha, Wis., to points in North Dakota, and Billings, Lewiston and Anaconda, Mont. RESTRICTION: Restricted to the transportation of vehicles manufactured by the Hudson Motor Car Division of American Motors, Inc. Applicant is authorized to conduct operations in Michigan, Minnesota, and North Dakota.

NO. MC 44934 Sub 3, RALPH A. LALONDE, INC., 1502 Ford Street, Ogdensburg, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, uncrated, requiring special handling equipment employed by household goods movers, between points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Delaware, Illinois, Indiana, Maryland, Michigan, Ohio, Rhode Island, Virginia, West Virginia and the District of Columbia, on the one hand, and, on the other, Ogdensburg, N. Y. and points within 100 miles of Ogdensburg.

NO. MC 52858 Sub 39, CONVOY COMPANY, a corporation, 3900 N. W. Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *New, used and wrecked automobiles, trucks, busses*, and *chassis*, in secondary movements, in truckaway service, between points in Montana and Wyoming, on the one hand, and, on the other, points in South Dakota and Nebraska (except from Sioux Falls, Mitchell, Huron and Aberdeen, S. Dak., to points in Montana, and except from points in Nebraska to points in Carbon, Yellowstone, Big Horn, Treasure, Musselshell, Golden Valley, Stillwater and Rosebud Counties, Mont., and those in Park, Big Horn, Crook and Washakie Counties, Wyo.). Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington and Wyoming.

NO. MC 64658 SUB 2, BOTTOMS-FISKE TRUCK LINES, INC., Westchester Drive, High Point, N. C. Applicant's attorney: Francis W. McInerny, Macleay and Lynch, Commonwealth Building, 1625 K Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between High Point, N. C., and Madison, N. C., from Hight Point over North Carolina Highway 68 to junction U. S. Highway 220, thence over U. S. Highway 220 to Madison, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Charlotte, N. C., and Martinsville, Va. Applicant is authorized to conduct operations in North Carolina, South Carolina and Virginia.

NO. MC 64932 Sub 164, ROGERS CARTAGE CO., a corporation, 1934 S. Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Madison, Wis., and points within fifteen (15) miles thereof, to points in Illinois on and north of U. S. Highway 30. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

NO. MC 64932 Sub 165, ROGERS CARTAGE CO., a corporation, 1932 So. Wentworth Ave., Chicago, Ill. Applicant's attorney: Jack Goodman, Axelrod, Goodman & Steiner, 39 South LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Acids*, in bulk, in tank vehicles, from Dubuque, Iowa, and points within ten (10) miles thereof, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio and Wisconsin, and (2) *acids and chemicals*, in bulk, in tank vehicles, from Seneca, Ill., and points within ten (10) miles thereof, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

NO. MC 75320 Sub 63, CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 E. Mill St., P. O. Box 390, Springfield, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction U. S. Highways 65 and 82 and Jackson, Miss., operating from junction U. S. Highways 65 and 82, approximately five (5) miles east of Lake Village, Ark., over U. S. Highway 65 to junction U. S. Highway 80, thence over U. S. Highway 80 to Jackson, Miss., and return over the same route, serving no intermediate points, as an alternate or connecting route in connection with carrier's regular-route operations (1) between Memphis, Tenn., and New Orleans, La., and (2) between Greenville, Miss., and Greenwood, Miss. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NO. MC 75320 Sub 64, CAMPBELL SIXTY-SIX EXPRESS, INC., 233 E. Mill St., P. O. Box 390, Springfield, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction U. S. Highways 71 and 64 at Alma, Ark., and Little Rock, Ark., operating from junction U. S. Highways 71 and 64 over U. S. Highway 64 to junction U. S. Highway 65 at Conway, Ark., thence over U. S. Highway 65 to Little Rock, Ark., and return over the same route, serving no intermediate points, as an alternate or connecting route in connection with carrier's regular-route operations between Little Rock, Ark., and Fort Smith, Ark. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NO. MC 75463 Sub 10, REED LINES, INC., 209 Canal St., Defiance, Ohio. Applicant's representative: G. H. Dilla, 3030 Euclid Ave., Cleveland 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glass containers*, including *glass bottles and jars, jelly glasses, jar tops, jelly glass tops, carboys*, and *demijohns, extra paper boxes* for repacking purposes, and *advertising matter* which advertises the commodity transported, from Huntington, and Parkersburg, W. Va., to points in Illinois, Indiana, Ohio, Wisconsin, and the lower peninsula of Michigan, and return with *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities.

NO. MC 83539 Sub 17, C & H TRANSPORTATION CO., INC., 2135 Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Braniff Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: Machinery, equipment, *materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, *machinery, materials, equipment* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipelines, and *commodities* the transportation of which, because of their size or weight, require the use of special equipment and parts thereof, when moved in connection with such commodities, (1) from points in Pennsylvania to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, North Dakota, Oklahoma, South Dakota and Wyoming, and (2) from points in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma and Texas, to points in Pennsylvania. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin.

NO. MC 97710 Sub 2, WALTER F. PETERS AND MYRON D. PETERS, doing business as PETERS TRUCK LINES, 905 South Main St., Yreka, Calif. Applicant's attorney: Frank Loughran, 155 Sansome St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading between (1) South San Francisco, Calif., and the California-Oregon State line at points where intersected by U. S. Highways 99 and 97, over U. S. Highway 101 from South San Francisco, to San Francisco, Calif, thence over the San Francisco Bay Bridge to Oakland, Calif., thence over city streets to Berkeley, Calif., thence over U. S. Highway 40 B. P. to junction U. S. Highway 40, thence over U. S. Highway 40 to junction U. S. Highway 99W at or near Davis, Calif., thence over U. S. Highway 99W to junction U. S. Highway 99 at or near Red Bluff, Calif. (also over U. S. Highway 40 from junction U. S. Highway 99W at or near Davis to Sacramento, Calif., thence over U. S. Highway 99E to junction U. S. Highways 99 and 99W at or near Red Bluff, Calif.), thence over U. S. Highway 99 to Weed, Calif., thence from Weed over U. S. Highway 99, and also over U. S. Highway 97 to the California-Oregon State line, and return over the same highways, serving the intermediate points of San Francisco, Oakland, Berkeley, Albany, El Cerrito, Richmond, San Pablo, Sacramento, North Sacramento, Piedmont, Emeryville, Redding, and those located on U. S. Highway 99 between Castella (including Castella) and the California-Oregon State line, and on U. S. Highway 97 between Weed (including Weed) and the California-Oregon State line and the off-route points of Alameda, San Leandro, Hayward, Mt. Hebron, Grenada, Hornbrook, Edgewood, Hilt, and all those in California located within one mile of that portion of U. S. Highway 97 extending between Weed and the California-Oregon State line, (2) Yreka, Calif., and Montague, Calif., over California Highway 82, serving all intermediate points, (3) Yreka, Calif., and Callahan, Calif., over California Highway 82 from Yreka to Etna, Calif., thence over unnumbered county road to Callahan, and return over the same route, serving all intermediate points, and (4) between the junction of U. S. Highway 97 and an unnumbered California Highway near the California-Oregon State line, and Newell, Calif., over said unnumbered California Highway from junction U. S. Highway 97 to junction California Highway 139 at or near Hatfield, Calif., thence over California Highway 139 to Newell, Calif., and return over the same route, serving all intermediate points, and all off-route points in California located within one mile of said route, and those within 10 miles of Tulelake, Calif. Said service being restricted against local service between points located south of Castella (not including Castella), and service at Redding restricted to traffic moving to and from points north of Castella (including Castella). Applicant is conducting operations in interstate or foreign commerce in California under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

NO. MC 103880 SUB 133, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: David Axelrod, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Paints, paint products*, and *all liquids used in the manufacturing and/or processing of paints, lacquers, and varnishes, alkyd and vinyl resin solutions*, in bulk, in tank vehicles, from Louisville, Ky., and points within five (5) miles thereof, to points in Indiana, Illinois, Ohio, Pennsylvania, New York, New Jersey, Maryland, Virginia, West Virginia, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Oklahoma, Arkansas, Georgia, Alabama, Mississippi, Tennessee, North Carolina, South Carolina, Louisiana, Texas, and Florida; (2) *Tall oil*, in bulk, in tank vehicles, from Fox, and Bay Minette, Ala., to Louisville, Ky.; and (3) *linseed oil*, in bulk, in tank vehicles, from Minneapolis, Minn., to Louisville, Ky. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin.

NO. MC 106509 Sub 14, YOUNGER BROS.—J. M. ENGLISH TRUCK LINES, INC., 4904 Griggs Road, Houston, Texas. Applicant's attorney: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, materials, equipment*, and *supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, except picking up or stringing pipe in connection with main or trunk pipe lines, (1) between points in Nevada; and (2) between points in Texas, Oklahoma, Colorado, and those in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Nevada. Applicant is authorized to conduct operations in Alabama, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NO. MC 107403 Sub 184, E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, Shertz, Barnes & Shertz, 801-804 I. B. M. Building, 226 South 15th St., Philadelphia, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Metal lubricating grease*, in bulk, in tank vehicles, between Conshohocken, Pa., and Gary, Ind.

NO. MC 108398 SUB 26, FORTIER TRANSPORTATION COMPANY, a corporation, P. O. Box 431, East and Jensen Avenues, Fresno, Calif. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *General commodities, including household goods* as defined by the Commission, *articles requiring special equipment* except those requiring refrigeration equipment, and *wine and olive oil*, in bulk, but excluding articles of unusual value, livestock, Class A and B explosives, and commodities in bulk other than wine and olive oil, between Los Angeles, Calif., on the one hand, and, on the other, points north of Los Angeles, Calif., located on U. S. Highway 99 within 50 miles of Los Angeles, and (2) *cement*, in bulk, and in sacks, from Monolith, Calif., and points within five miles thereof, to points in Nevada, points in Mohave, Yuma, Yavapai, Coconino, Navajo, and Apache Counties, Ariz., and those in Washington, and Iron Counties, Utah. Applicant is authorized to conduct operations in California.

NO. MC 109634 SUB 2, TRAILER CONVOYS, INC., 1123 Dixie Highway, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New trailers, semi-trailers and chassis*, in towaway service, from Louisville, Ky., to points in Arizona, California, Florida, Iowa, Minnesota, Nebraska, New Mexico, North Carolina, Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Kentucky, Alabama, Arkansas, Connecticut, Georgia, Illinois, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

NO. MC 110325 SUB 5, TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles, Calif. Applicant's attorney: Wentworth E. Griffin, Reeder, Gisler & Griffin, Suite 1010, 1012 Baltimore Avenue, Kansas City 5, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Compressed gas*, from Oklahoma City, Okla., to Albuquerque, N. Mex., operating from Oklahoma City over U. S. Highway 66 to El Reno, Okla., thence over U. S. Highway 81 to junction U. S. Highway 64, thence over U. S. Highway 64 to Guymon, Okla. (also from El Reno over U. S. Highway 270 to junction Okla-

homa Highway 3, and thence over Oklahoma Highway 3 to Guymon), thence over U. S. Highway 64 via Boise City, Okla., to junction unnumbered Oklahoma Highway east of Wheeless, Okla., thence over unnumbered Oklahoma and New Mexico Highways via Wheeless and Mexhoma, Okla., to junction New Mexico Highway 18, thence over New Mexico Highway 18 to Clayton, N. Mex., thence over New Mexico Highway 58 to Springer, N. Mex., thence over U. S. Highway 85 to Albuquerque, and *empty government-owned trailers for the U. S. Government* from Albuquerque over the above described route to Oklahoma City, serving no intermediate points.

NO. MC 111758 SUB 9, (further amended), published as amended in the September 2, 1954 issue of the FEDERAL REGISTER, page 5620. LIQIUD CARRIERS, INC., P. O. Box 241, Bay Minette, Alabama. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Black sulphate liquor skimmings*, in bulk, in tank vehicles, from Foley, Fla., to Bay Minette, Ala.; *Muriatic acid*, in bulk, in tank vehicles, from Houston, Tex., to Marrero and New Orleans, La., and from Baton Rouge, La., to Tyler, Luling, and Pearsall, Tex., and *liquid neutral salts*, in bulk, in tank vehicles, from Bay Minette, Ala., to Cantonment, Fla. Applicant is authorized to conduct operations in Florida and Alabama.

NO. MC 112497 SUB 32, HEARIN TANK LINES, INCORPORATED, 6440 Rawlins St., P. O. Box 3096, Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from McIntosh, Anniston, and Huntsville, Ala., to points in Tennessee, Georgia, Florida and Mississippi.

NO. MC 113333 SUB 6 (amended) published in the August 18, 1954 issue of the FEDERAL REGISTER, page 5247. ARMORED CAR, INC., 2654 Poydras Street, New Orleans, La. Applicant's attorney: Phelps, Dunbar, Marks & Claverie, Tenth Floor United Fruit Building, New Orleans 12, La. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin* and *bullion*, (1) from The United States Mint in Philadelphia, Pa., to Federal Reserve Banks or Branches in Kansas City and St. Louis, Mo., Oklahoma City, Okla., El Paso, Dallas, San Antonio and Houston, Tex., Little Rock, Ark., Nashville and Memphis, Tenn., New Orleans, La., Birmingham, Ala., Atlanta, Ga., Charlotte, N. C., Jacksonville, Fla., Louisville, Ky., and Washington, D. C., and (2) between Federal Reserve Banks or Branches in Kansas City and St. Louis, Mo., Oklahoma City, Okla., El Paso, Dallas, San Antonio and Houston, Tex., Little Rock, Ark., Nashville and Memphis, Tenn., New Orleans, La., Birmingham, Ala., Atlanta, Ga., Charlotte, N. C., Jacksonville, Fla., Louisville, Ky., and Washington, D. C. Applicant is authorized to conduct operations in Alabama, Florida, Louisiana and Mississippi.

NO. MC 112835 SUB 2, MORRIS H. APPLEBAUM, 6206 North Bernard Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Television sets, radio sets, phonographs, recording sets*, and *combinations thereof*, between Chicago, Ill., and Charlotte, Mich., on the one hand, and, on the other, Bloomfield, Clifton, East Paterson, Harrison, Kearney, Newark, Nutley, Passaic, Paterson and Plainfield, N. J. RESTRICTION: Service between Chicago, Ill., and the above New Jersey points shall be performed, in every instance, through Charlotte, Mich. Applicant is authorized to conduct operations in Illinois, Michigan and New York.

NO. MC 113334 SUB 1, JAMES CARBONE, doing business as JAMES CARBONE TRUCKING SERVICE, 900 N. Vermillion Street, Streator, Ill. Applicant's representative: George S. Mullins, 4704 W. Irving Park Road, Chicago 41, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Glass containers, including equipment of caps, covers, tops rings or stoppers*, and *Fiberboard boxes*, from Streator, Ill., to points in Indiana on and south of U. S. Highway 40, and points in Kentucky and Tennessee, and *returned shipments* on return.

No. MC 114782 SUB 1, MRS. HENRIETTA KINNEY, P. O. Box 402, Cornelia, Ga. Applicant's attorney: R. Graham Waitt, McKenzie, Kaler & Shulman, Suite 321, 161 Spring Street Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *Motion and sound films, equipment* and *supplies* used in the maintenance and operation of theaters, and *newspapers*, books, and periodicals, from Cornelia, Ga., over U. S. Highway 441 to Franklin, N. C., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return, serving all intermediate points.

NO. MC 114985, VERNAL HENDERSON AND WAYNE B. SMITH, doing business as HENDERSON AND SMITH, Grand Meadow, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plant food products* (fertilizer), from Mason City, Iowa to points in that part of Minnesota on and south of a line beginning at Ortonville, Minn., and extending along U. S. Highway 12 to junction Minnesota Highway 25 at Montrose, Minn., thence along Minnesota Highway 25 to junction U. S. Highway 169, thence along U. S. Highway 169 to junction Minnesota Highway 19, and thence along Minnesota Highway 19 to the Minnesota-Wisconsin State line, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movements.

NO. MC 114989, EDWARD L. BRACEY AND COLEMAN MARTIN, doing business as BRACEY & MARTIN, 1834 South Walnut Street, Hopkinsville, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from Terre Haute, Ind., to Clarksville, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

NO. MC114989 Sub 1, EDWARD L. BRACEY AND COLEMAN MARTIN, doing business as BRACEY & MARTIN, 1834 South Walnut Street, Hopkinsville, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Clarksville, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement.

NO. MC 114989 Sub 2, EDWARD L. BRACEY and COLEMAN MARTIN, doing business as BRACEY & MARTIN, 1834 South Walnut Street, Hopkinsville, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from St. Joseph, Mo., to Clarksville, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement.

NO. MC 114991, L. P. MILLER and WALTER HAYNES, JR., doing business as M & H TRANSFER COMPANY, #4 Elk Mountain Road, Asheville, N. C. Applicant's attorney: Harry C. Martin, Law Building, Asheville, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, together with *personal property* in said trailers, between points in the United States including the District of Columbia, restricted against the transportation of new house trailers in so-called haulaway service from factories to sales points.

NO. MC 114996, HARRY ORNER, Grant Street, Salisbury, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal, sand, stone* and *such bulk commodities* as are usually transported in dump trucks, between Meyersdale, Pa., and points in Pennsylvania within 15 miles of Meyersdale, on the one hand, and, on the other, Cumberland, Md., and points in Maryland and West Virginia within 15 miles of Cumberland.

NO. MC 115004, EXCEL TRUCKING CORPORATION, 391 20th Street, Brooklyn 15, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Iron pipe and steel pipe*, and *wrought iron pipe and wrought steel pipe*, from Morrisville, Pa., and points in the New York, N. Y. Commercial Zone, as defined by the Commission, to points in Nassau, Suffolk and Westchester Counties, N. Y., and those located in the New York, N. Y. Commercial Zone, as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement.

NO. MC 115006, EDWIN HAUPTLI, Francesville, Ind. Applicant's attorney: Robert C. Smith, Cowan and Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer and ingredients thereof*, in bulk, and in bags, from Danville, Ill., and points within five miles thereof, to points in Indiana on and north of U. S. Highway 36 and U. S. Highway 40, beginning at the Indiana-Illinois State line, thence along U. S. Highway 36 to junction U. S. Highway 40 at Indianapolis, Ind., thence along U. S. Highway 40 to the Indiana-Ohio State line, and points in Cass, Saint Joseph, Branch, Hillsdale, Van Buren, Kalamazoo, Calhoun, Jackson, and Berrien Counties, Mich.

NO. MC 115007, INTERNATIONAL DETECTIVE SERVICE, INC., 17 Exchange Street, Providence, R. I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R. I. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin and/or* bullion, between the Federal Reserve Banks and/or the U. S. Treasury Department at Boston, Mass., New York, N. Y., Philadelphia, Pa., and Washington, D. C., and Bureau of Mints at Philadelphia, Pa., on the one hand, and, on the other, the U. S. Treasury Department and/or Federal Reserve Banks and Branches thereof, located at points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

NO. MC 115007 SUB 1, INTERNATIONAL DETECTIVE SERVICE, INC., 17 Exchange Street, Providence, R. I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R. I. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bonds, bullion, jewelry, legal tender, monies, negotiable and non-negotiable instruments and securities, postage stamps, precious metals, precious stones, rare objects, revenue stamps, stocks*, and other *valuable documents and/or articles*, requiring transportation by armored vehicle, between points in Connecticut, Massachusetts and Rhode Island within 60 miles of Providence, R. I., including Providence.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

NO. MC 20625 Sub 1, Glenridge Coach Co., Inc., 791 Fairview Ave., Ridgewood 27, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter or special operations, from New York, N. Y., to points in Florida, and return. Applicant is authorized to conduct operations in Connecticut, District of Columbia, New Jersey and New York.

No. MC 28457 Sub 4, (Further amended) published as amended in the August 18, 1954, issue of the FEDERAL REGISTER, page 5248, DELAWARE VALLEY TRANSPORTATION CO., a corporation, 213 North Ninth St., Stroudsburg, Pa. Applicant's attorney: Forrest J. Mervine, Court House Square, Stroudsburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from points in Monroe County, and points in Porter and Greene Townships, Pike County, Pa., to points in New York, New Jersey, Maryland, Virginia, Delaware, and the District of Columbia, and return. Applicant is authorized to conduct operations in Pennsylvania.

NO. MC 114871, CHARLIE W. BONDS, Route No. 1, Frolona, Ga. Applicant's attorney: D. T. Ware, Roanoke, Ala. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers*, in special operations who work in the Callaway Mills at La Grange, Ga., from Gray Hill Church, approximately six (6) miles north of Omaha, Randolph County, Ala., to La Grange, Ga., operating from Gray Hill Church over County Road S. A. C. P. 489–C to Omaha, thence over F. A. S. Route No. 245 to Foster's Gin, Randolph County, Ala., thence over unnumbered County Road to Rock Mills, Ala., thence west over Alabama Highway 63 to Roanoke, Ala., and thence return over Alabama Highway 63 to Rock Mills, thence over unnumbered County Road to Bacon Level, Randolph County, Ala., thence over unnumbered County Road to Hickory Flat, Chambers County, Ala., thence over unnumbered County Road to the Alabama-Georgia State line, thence over Georgia Highway 244 to La Grange, and return over the same route, serving all intermediate points between Gray Hill Church and Hickory Flat, Ala.

NOTE: Applicant proposes to transport only mill workers from their homes to the mills, and return.

NO. MC 114976, STEUBENVILLE BUS CO., a corporation, 1023 Sixth St., Steubenville, Ohio. Applicant's attorney: D .H. Armstrong, 16 East Broad St., Columbus, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between (1) Steubenville, Ohio, and Stratton, Ohio, over 6th Street from a point thereon in Steubenville opposite the Pennsylvania Railroad Station to junction Market Street, thence over Market Street to junction North 7th Street (U. S. Highway 22), thence over North 7th Street (U. S. Highway 22) to junction Stanton Boulevard (Ohio Highway 7), thence over Stanton Boulevard (Ohio Highway 7) to the Corporate limits of Steubenville, thence continue over Ohio Highway 7 through Toronto, and Empire, Ohio to Stratton, and return over the same route, serving all intermediate points, and (2) between Steubenville, Ohio, and the State Highway Garage located on U. S. Highway 22 about 1.5 miles west of Wintersville, Ohio and a point located on Ohio Highway 43 about 1.5 miles northwest of Wintersville, Ohio, over 3rd Street from the junction of Adams Street in Steubenville to the junction of Market Street (U. S. Highway 22), thence over Market Street (U. S. Highway 22) to the junction of Ohio Highway 43 at Thompson's Corners in Wintersville, Ohio, and thence from Thompson's Corners in Wintersville (a) over U. S. Highway 22 to the State Highway Garage, and (b) over Ohio Highway 43 to a point located thereon about 1.5 miles northwest of Wintersville, and return over the same highways to Steubenville, serving all intermediate points.

NO. MC 114993, GEORGE W. SMITH, R. R. No. 1, Ashton, Mo. Applicant's attorney: E. J. McManus, McManus & McManus, 11 North Fifth St., Keokuk, Iowa. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers*, between Luray, Mo., and Keokuk, Iowa, over U. S. Highway 136, serving the intermediate points of Ashton, Medill, Kahoka, Wayland, and Alexandria, Mo.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

NO. MC–F–5809. Authority sought for purchase by C & D MOTOR DELIVERY COMPANY, 1035 Flint Street, Cincinnati, Ohio, of the operating rights and property of JESS WILSON, doing business as TENNESSEE MOTOR LINES (JAMES E. COVINGTON, receiver), Nashville, Tenn., and for acquisition by LOUIS J. HUGHES and A. J. WILLENBORG, Cincinnati, Ohio, of control of the operating rights and property through the purchase: Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, with certain exceptions not including household goods, as a *common carrier*, over regular routes, between Louisville, Ky., and Monterey and Carthage, Tenn., serving certain intermediate and off-route points; *general commodities*, with certain exceptions, including household goods, between Louisville, Ky., and Chattanooga, Tenn.; between Nashville, Tenn., and Columbia, Tenn.; between Tompkinsville, Ky., and Nashville, Tenn.; and between Tompkinsville, Ky., and Louisville, Ky.; serving certain intermediate and off-route points; over regular routes for operating convenience only, between Glasgow, Ky., and Westmoreland, Tenn.; between Murfreesboro, Tenn., and Bransford, Tenn. Vendee is authorized to operate in Ohio, Kentucky, Indiana and West Virginia. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5810. Authority sought for purchase by RAYMOND MOTOR TRANSPORTATION, INC., 221 Lincoln Avenue, S. E., St. Cloud, Minn., of the operating rights and property of L. O. ERICKSON, doing business as SILVER EXPRESS, Sisseton, S. Dak., and for acquisition by GORDON F. RAYMOND, St. Cloud, Minn., of control of the operating rights and property through the purchase. Applicants' attorney: Perry R. Moore, Eleven Hundred First National-Soo Line Building, Minneapolis 2, Minn. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Sisseton, S. Dak., and St. Paul, Minn., and between Aberdeen, S. Dak., and Greenville, S. Dak., serving certain intermediate and off-route points; *household goods*, as defined by the Commission, *farm machinery, agricultural products*, and *livestock*, over irregular routes, between points in that

part of South Dakota east of U. S. Highway 281, and north of U. S. Highway 212, including points on the indicated portions of the highways specified, on the one hand, and on the other, points in Minnesota and Iowa. Vendee is authorized to operate in Minnesota and North Dakota. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8426; Filed, Oct. 26, 1954; 8:49 a. m.]

[4th Sec. Application 29826]

CEMENT FROM TRUNK LINE TERRITORY TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Cement and related articles, carloads.

From: Producing points in New York, New Jersey, Maryland, Pennsylvania, and West Virginia.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, market competition, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-1037.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8424; Filed, Oct. 26, 1954; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Blue Ridge Shirt Manufacturing Co., Fayetteville, Ark., effective 10-20-54 to 10-19-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

Burro Manufacturing Co., 107 East Markham Street, Little Rock, Ark., effective 10-11-54 to 4-10-55; 10 learners for plant expansion purposes (men's work shirts, pants, and coveralls).

Burro Manufacturing Co., 107 East Markham Street, Little Rock, Ark., effective 10-11-54 to 6-22-55, 14 learners for normal labor turnover purposes (work clothing) (replacement certificate).

Carbondale Children's Dress Co., 30 Seventh Avenue, Carbondale, Pa., effective 10-23-54 to 10-22-55, 10 percent of the total number of factory production workers for normal labor turnover purposes (children's and girls' dresses).

Cowden Manufacturing Co., 120-22 South Bank Street, Mt. Sterling, Ky., effective 10-23-54 to 10-22-55, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work clothing).

Harrisburg Children's Dress Co., Fourteenth and Howard Streets, Harrisburg, Pa., effective 10-23-54 to 10-22-55, 10 percent of the total number of factory production workers for normal labor turnover purposes (children's and girls' dresses).

Heavy Duty Manufacturing Co., Gainesboro, Tenn., effective 10-26-54 to 10-25-55, 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

F. Jacobson & Sons, Inc., Charlottesville, Va., effective 10-7-54 to 10-6-55, 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas).

Langwear, Inc., 608 North Clark Street, River Falls, Wis., effective 10-11-54 to 10-10-55, 10 percent of the total number of factory production workers for normal labor turnover purposes (denim work and sport clothing).

Lebanon Garment Co., Inc., East Market Street, Lebanon, Tenn., effective 10-4-54 to 10-3-55, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

Lerner Slone Clothing Corp., Forrest City, Ark., effective 10-11-54 to 4-10-55, 40 learners for plant expansion purposes (men's dress trousers and slacks).

Locust Dale Manufacturing Co., Locust Dale, Pa., effective 10-11-54 to 10-10-55, 5 learners for normal labor turnover purposes (ladies dresses).

Monarch-Fitzgerald Co., Fitzgerald, Ga., effective 10-8-54 to 10-7-55, 10 learners for normal labor turnover purposes (Jackets, longies, shorts, children's sportswear).

Penn Children's Dress Co., 831 Lackawanna Avenue, Mayfield, Pa., effective 10-23-54 to 10-22-55, 10 percent of the total number of factory production workers for normal labor turnover purposes (children's and girls' dresses).

Press Dress and Uniform Co., Hummelstown, Pa., effective 10-19-54 to 10-18-55, 10 percent of the total number of factory production workers for normal labor turnover purposes (maids and nurses uniforms and cotton dresses).

Royal Manufacturing Co., Inc., Washington, Ga., effective 10-30-54 to 10-29-55, 10 percent of the total number of factory production workers engaged in the production of woven sport shirts for normal labor turnover purposes (sport shirts).

Vernon Manufacturing Co., Inc., Vernon, Tex., effective 10-11-54 to 4-10-55, 18 learners for plant expansion purposes (men's and boys' trousers).

The Warner Brothers Co., Dothan, Ala., effective 10-9-54 to 4-8-55, 40 learners for plant expansion purposes (corsets and brassieres).

The Warner Brothers Co., Dothan, Ala., effective 10-9-54 to 10-8-55, 10 learners for normal labor turnover purposes (corsets and brassieres).

Wide Awake Shirt Co., Inc., 2047 Kutztown Road, Reading, Pa., effective 10-27-54 to 10-26-55, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Good Luck Glove Co., Carbondale, Ill., effective 10-15-54 to 10-14-55, 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton, jersey, and leather combinations).

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended September 20, 1954, 9 F. R. 5312).

Hooper Telephone Co., Hooper, Nebr., effective 10-30-54 to 10-29-55.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Rice-Stix Factory No. 17, Houston, Miss., effective 10-9-54 to 10-8-55, 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shorts).

Royal Manufacturing Co., Inc., Crawfordville, Ga., effective 10-28-54 to 10-27-55, 5 learners for normal labor turnover purposes (men's and boys' underwear).

Royal Manufacturing Co., Inc., Washington, Ga., effective 10-30-54 to 10-29-55, 5 percent of the total number of factory production workers engaged in the manufacture of men's and boys' underwear for normal labor turnover purposes (men's and boys' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Glen L. Evans, Inc., 306 Paynter Avenue, Caldwell, Idaho, effective 10-4-54 to 4-3-55, 10 percent of the total number of factory production workers for normal labor turnover purposes. Occupation: fly tyers, 320 hours at least 65 cents an hour for the first 160 hours and not less than 70 cents an hour for the remaining 160 hours (fishing tackle).

The following special learner certificates were issued to the school-operated industries listed below:

Wisconsin Academy, Columbus, Wis., effective 10-11-54 to 8-31-55, furniture shop as assembler (furniture), woodworking machine operator, furniture finisher helper, and related skilled and semiskilled occupations, 7 learners, 250 hours each at 60 cents per hour, 250 hours at 65 cents per hour and 250 hours at 70 cents per hour.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Boricua Shoe Co., Inc., Rio Grande, P. R., effective 10-4-54 to 4-3-55, 30 learners in the manufacture of shoes excluding the following operations: Inspecting, packing, and stamping, sealing and handling of boxes, maintenance, warehousing, custodial, supervisory, clerical or office occupations or other nonproductive factory occupations, such as elevator operator, truck driver and the like, bagger, insoles or outsoles; catcher outsoles; channel lipwetter; floorboy; floorgirl; insole presser; rack changer; rack shover or pusher; sock lining getter, 240 hours at 30 cents an hour and 240 hours at 35 cents an hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 12th day of October 1954.

MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 54-8417; Filed, Oct. 26, 1954; 8:47 a. m.]

Room

NATIONAL ARCHIVES LITTERA

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards

Lerner Slone Clothing Corp., Forrest City, Ark., effective 10-11-54 to 4-10-55, 40 learn-

Caldwell, Idaho, effective 10-4-54 to 4-3-55, 10 percent of the total number of factory

FEDERAL REGISTER

VOLUME 19 NUMBER 210

Washington, Thursday, October 28, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10572

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED VALUE EXCESS-PROFITS, CAPITAL STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), it is hereby ordered that any income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax return for the years 1947 to 1953, inclusive, shall, during the Eighty-third Congress, be open to inspection by the Senate Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, in connection with its studies of welfare and pension funds with a view to initiating legislation to protect and conserve these funds for the beneficiaries, subject to the conditions stated in Treasury Decision 6064, relating to inspection of returns by certain committees of the Congress, approved by me February 11, 1954.

The order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 26, 1954.

[F. R. Doc. 54-8544; Filed, Oct. 27, 1954; 10:34 a. m.]

EXECUTIVE ORDER 10573

AMENDING EXECUTIVE ORDER NO. 10530 [1] TO AUTHORIZE THE HOUSING AND HOME FINANCE ADMINISTRATOR TO EXERCISE CERTAIN AUTHORITY OF THE PRESIDENT

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (65 Stat. 713), and as President of the United States, it is ordered that section 4 of Executive Order No. 10530 of May 10, 1954 (19 F. R. 2709), entitled "Providing for the Performance of Certain Functions Vested in or Subject to the Approval of the President", be, and it is hereby, amended by adding thereto at the end thereof the following subsection:

"(f) The authority vested in the President by Title II of the act of June 28, 1940, 54 Stat. 681, as affected by Reorganization Plan No. 3 of 1947 (61 Stat. 954) and as amended (42 U. S. C. 1501-1505), to determine that housing administered or assisted by the Public Housing Administration under the said title is no longer needed to assure the availability of dwellings for persons engaged in national-defense activities: *Provided*, That such determinations hereunder shall require the concurrence of the Secretary of Defense."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 26, 1954.

[F. R. Doc. 54-8545; Filed, Oct. 27, 1954; 10:34 a. m.]

[1] 19 F. R. 2709.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 28—OFFICIAL PERSONNEL FOLDER

Effective November 12, 1954, Part 28 is revised and amended as set out below.

Sec.
28.1 Coverage.
28.2 Establishment and maintenance of Official Personnel Folder.
28.3 Type of folder to be used.
28.4 Disposition of folder after transfer or separation.
28.5 Use of existing Official Personnel Folder upon transfer or reemployment.

AUTHORITY: §§ 28.1 to 28.5 issued under sec. 4, E. O. 10561, 19 F. R. 5963.

§ 28.1 *Coverage.* The regulations in this part shall apply to all executive departments and independent establishments (hereinafter referred to as "agencies"), including any corporation wholly owned or controlled by the United States, and, with respect to positions subject to the Civil Service Rules and Regulations, they also apply to the legislative and judicial branches of the Federal Government and the government of the District of Columbia.

§ 28.2 *Establishment and maintenance of Official Personnel Folder.* (a) An Official Personnel Folder shall be

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FEDERAL REGISTER

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established for each employee occupying any position subject to the regulations in this part, except as provided in § 28.5. Only one Official Personnel Folder shall be maintained for each employee.

(b) The Official Personnel Folders of persons employed in positions subject to the Civil Service Act of January 16, 1883, as amended (22 Stat. 403) shall be under the jurisdiction and control of, and shall be a part of the records of, the United States Civil Service Commission.

(c) The heads of agencies are hereby required to maintain in the Official Personnel Folder, the reports of selection and other personnel actions specified in section 2 of the Civil Service Act. The folder shall also contain permanent and temporary records affecting the employee's status and service as required by the Commission's instructions.

§ 28.3 *Type of folder to be used.* Official Personnel Folders procurable from Federal Supply Service contracts or stock shall be used for the folders required to be established by the regulations in this part.

§ 28.4 *Disposition of folder after transfer or separation.* (a) Official Personnel Folders of persons transferring to another agency shall be transferred to the new employing agency, upon request.

(b) Official Personnel Folders of persons separated from the service shall be retained by the last employing agency for one year after separation and then transferred to the General Services Administration, Federal Records Center, St. Louis, Missouri.

(c) Records of temporary value shall be removed from the Official Personnel Folder and disposed of in accordance with the provisions of General Schedule No. 1 promulgated by the General Services Administration (CSA Reg. 3–IV–104.02a) before it is transferred to another agency or to the Federal Records Center.

§ 28.5 *Use of existing Official Personnel Folder upon transfer or reemployment.* Whenever an agency hires a person who has served, on or after April 1, 1947, in a position subject to the regulations in this part, it shall request the transfer of the Official Personnel Folder pertaining to such person's employment. The folder so obtained shall be used in lieu of establishing a new Official Personnel Folder.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54–8495; Filed, Oct. 27, 1954; 8:56 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Amdt. 2]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1954-CROP PRICE SUPPORT PROGRAMS FOR GRAINS AND RELATED COMMODITIES

LIQUIDATION OF LOANS AND DELIVERY UNDER PURCHASE AGREEMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 967 and 1595 and containing regulations of a general nature with respect to price support programs for certain grains and other commodities produced in 1954 are amended as follows:

Section 421.418 (e) is amended by adding a subparagraph (4) at the end thereof and by making reference to the new subparagraph (4) in subparagraphs (1) and (2) so that the amended paragraph (e) reads as follows:

§ 421.418 *Liquidation of loans and delivery under purchase agreements.*
* * *

(e) *Applicable support rate for settlement.* The provisions of this paragraph apply only to barley, corn, flaxseed, grain sorghums, oats, rye, soybeans, and wheat.

(1) In the case of commodities stored in an approved warehouse, settlement shall be made at the applicable support rate for the county in which the warehouse is located, except as otherwise

provided in subparagraphs (3) and (4) of this paragraph.

(2) In the case of commodities delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except as otherwise provided in subparagraphs (3) and (4) of this paragraph. If the producer is directed by the county committee to deliver his commodity to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC) for the additional cost of hauling the commodity any distance greater than the distance from the point where the grain is stored by the producer to the customary shipping point.

(3) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

(4) In the case of corn stored in an approved warehouse or delivered under loan or purchase agreement from other than approved warehouse storage, if the corn is produced in the commercial corn-producing area and stored or delivered outside the commercial corn producing area, or vice versa, settlement shall be made at the support rate for the county where the corn was produced.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 66 Stat. 758, 15 U. S. C. 714c; 7 U. S. C. 1441, 1447, 1421)

Issued this 22d day of October 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-8480; Filed, Oct. 27, 1954; 8:53 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The 1954 C. C. C. Grain Price Support Bulletin 1, 19 F. R. 967 and 1595, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for certain grains and other commodities produced in 1954, was supplemented by 1954 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn, 19 F. R. 3365, containing the specific requirements applicable to price support operations on corn of the 1954 crop. These regulations are further supplemented as follows:

§ 421.494 *Support rates*—(a) *County support rates.* (1) Basic county support rates for corn placed under loan and for corn delivered under purchase agreements are as set forth in this paragraph. Both farm-storage and warehouse-storage loans will be made at the support rate established for the county in which the corn is stored: *Provided*, That if two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county and such support rate shall be the highest support rate of the counties involved: *And provided further*, That if the corn is produced in the commercial corn-producing area and delivered outside the commercial corn-producing area, or vice versa, the applicable support rate shall be the support rate for the county where the corn was produced.

(2) Basic county support rates per bushel for corn grading No. 3, except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, except for moisture, are set forth below:

ALABAMA

County	Rate per bushel
All counties	$1.34

ARIZONA

County	Rate per bushel
All counties	$1.38

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$1.33	Lee	$1.34
Ashley	1.33	Lincoln	1.33
Baxter	1.28	Little River	1.29
Benton	1.27	Logan	1.28
Boone	1.28	Lonoke	1.31
Bradley	1.33	Madison	1.28
Calhoun	1.33	Marion	1.28
Carroll	1.27	Miller	1.30
Chicot	1.33	Mississippi	1.70
Clark	1.30	Monroe	1.33
Clay	1.69	Montgomery	1.28
Cleburne	1.30	Nevada	1.31
Cleveland	1.33	Newton	1.28
Columbia	1.32	Ouachita	1.32
Conway	1.30	Perry	1.30
Craighead	1.72	Phillips	1.34
Crawford	1.28	Pike	1.28
Crittenden	1.31	Poinsett	1.30
Cross	1.31	Polk	1.28
Dallas	1.32	Pope	1.28
Desha	1.33	Prairie	1.31
Drew	1.33	Pulaski	1.30
Faulkner	1.30	Randolph	1.27
Franklin	1.28	St. Francis	1.33
Fulton	1.28	Saline	1.30
Garland	1.28	Scott	1.28
Grant	1.31	Searcy	1.28
Greene	1.71	Sebastian	1.28
Hempstead	1.30	Sevier	1.28
Hot Spring	1.30	Sharp	1.28
Howard	1.28	Stone	1.28
Independence	1.30	Union	1.33
Izard	1.28	Van Buren	1.30
Jackson	1.30	Washington	1.28
Jefferson	1.33	White	1.30
Johnson	1.28	Woodruff	1.31
Lafayette	1.31	Yell	1.28
Lawrence	1.28		

CALIFORNIA

County	Rate per bushel
All counties	$1.42

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.24	Larimer	$1.24
Alamosa	1.26	Las Animas	1.24
Arapahoe	1.24	Lincoln	1.24
Archuleta	1.28	Logan	1.22
Baca	1.24	Mesa	1.30
Bent	1.24	Moffat	1.30
Boulder	1.24	Montezuma	1.31
Cheyenne	1.23	Montrose	1.30
Conejos	1.27	Morgan	1.23
Costilla	1.24	Otero	1.24
Crowley	1.24	Ouray	1.31
Custer	1.24	Phillips	1.21
Delta	1.30	Pitkin	1.28
Dolores	1.31	Prowers	1.23
Douglas	1.25	Pueblo	1.24
Elbert	1.24	Rio Blanco	1.30
El Paso	1.25	Rio Grande	1.28
Fremont	1.25	Routt	1.28
Garfield	1.30	Saguache	1.27
Grand	1.27	San Miguel	1.31
Huerfano	1.24	Sedgwick	1.21
Jefferson	1.25	Washington	1.22
Kiowa	1.23	Weld	1.23
Kit Carson	1.22	Yuma	1.21
La Plata	1.30		

CONNECTICUT

County	Rate per bushel
All counties	$1.42

DELAWARE

County	Rate per bushel
All counties	$1.78

FLORIDA

County	Rate per bushel
All counties	$1.35

GEORGIA

County	Rate per bushel
All counties	$1.34

IDAHO

County	Rate per bushel
All counties	$1.32

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.63	Kane	$1.65
Alexander	1.68	Kankakee	1.64
Bond	1.65	Kendall	1.64
Boone	1.64	Knox	1.64
Brown	1.64	Lake	1.65
Bureau	1.64	La Salle	1.64
Calhoun	1.64	Lawrence	1.66
Carroll	1.62	Lee	1.64
Cass	1.65	Livingston	1.64
Champaign	1.63	Logan	1.65
Christian	1.65	McDonough	1.63
Clark	1.64	McHenry	1.64
Clay	1.65	McLean	1.65
Clinton	1.65	Macon	1.64
Coles	1.63	Macoupin	1.65
Cook	1.65	Madison	1.65
Crawford	1.65	Marion	1.65
Cumberland	1.64	Marshall	1.65
De Kalb	1.64	Mason	1.65
De Witt	1.64	Massac	1.67
Douglas	1.63	Menard	1.65
Du Page	1.65	Mercer	1.62
Edgar	1.63	Monroe	1.66
Edwards	1.66	Montgomery	1.65
Effingham	1.65	Morgan	1.65
Fayette	1.65	Moultrie	1.68
Ford	1.63	Ogle	1.63
Franklin	1.66	Peoria	1.64
Fulton	1.64	Perry	1.66
Gallatin	1.67	Piatt	1.63
Greene	1.65	Pike	1.64
Grundy	1.64	Pope	1.67
Hamilton	1.65	Pulaski	1.68
Hancock	1.63	Putnam	1.64
Hardin	1.67	Randolph	1.66
Henderson	1.62	Richland	1.66
Henry	1.63	Rock Island	1.62
Iroquois	1.64	St. Clair	1.66
Jackson	1.67	Saline	1.67
Jasper	1.65	Sangamon	1.65
Jefferson	1.65	Schuyler	1.64
Jersey	1.65	Scott	1.64
Jo Daviess	1.62	Shelby	1.64
Johnson	1.67	Stark	1.64

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Stephenson	$1.63	Wayne	$1.65
Tazewell	1.67	White	1.66
Union	1.63	Whiteside	1.62
Vermilion	1.66	Will	1.65
Wabash	1.66	Williamson	1.25
Warren	1.63	Winnebago	1.63
Washington	1.66	Woodford	1.65

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.65	Lawrence	$1.65
Allen	1.65	Madison	1.64
Bartholomew	1.65	Marion	1.64
Benton	1.64	Marshall	1.63
Blackford	1.65	Martin	1.65
Boone	1.64	Miami	1.64
Brown	1.23	Monroe	1.64
Carroll	1.63	Montgomery	1.63
Cass	1.63	Morgan	1.64
Clark	1.66	Newton	1.64
Clay	1.63	Noble	1.64
Clinton	1.64	Ohio	1.66
Crawford	1.24	Orange	1.65
Daviess	1.65	Owen	1.63
Dearborn	1.66	Parke	1.63
Decatur	1.65	Perry	1.66
De Kalb	1.65	Pike	1.65
Delaware	1.65	Porter	1.64
Dubois	1.65	Posey	1.66
Elkhart	1.64	Pulaski	1.63
Fayette	1.65	Putnam	1.64
Floyd	1.66	Randolph	1.65
Fountain	1.63	Ripley	1.65
Franklin	1.65	Rush	1.65
Fulton	1.63	St. Joseph	1.64
Gibson	1.66	Scott	1.65
Grant	1.61	Shelby	1.64
Greene	1.64	Spencer	1.66
Hamilton	1.64	Starke	1.64
Hancock	1.64	Steuben	1.65
Harrison	1.66	Sullivan	1.65
Hendricks	1.61	Switzerland	1.24
Henry	1.65	Tippecanoe	1.63
Howard	1.64	Tipton	1.64
Huntington	1.61	Union	1.65
Jackson	1.65	Vanderburgh	1.66
Jasper	1.64	Vermillion	1.63
Jay	1.65	Vigo	1.63
Jefferson	1.66	Wabash	1.64
Jennings	1.65	Warren	1.63
Johnson	1.64	Warrick	1.66
Knox	1.65	Washington	1.66
Kosciusko	1.64	Wayne	1.65
Lagrange	1.64	Wells	1.65
Lake	1.64	White	1.63
La Porte	1.64	Whitley	1.64

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.58	Dubuque	$1.60
Adams	1.59	Emmet	1.53
Allamakee	1.57	Fayette	1.58
Appanoose	1.60	Floyd	1.55
Audubon	1.57	Franklin	1.55
Benton	1.59	Fremont	1.59
Black Hawk	1.57	Greene	1.56
Boone	1.56	Grundy	1.56
Bremer	1.56	Guthrie	1.57
Buchanan	1.58	Hamilton	1.55
Buena Vista	1.54	Hancock	1.54
Butler	1.56	Hardin	1.56
Calhoun	1.55	Harrison	1.53
Carroll	1.56	Henry	1.61
Cass	1.58	Howard	1.56
Cedar	1.61	Humboldt	1.54
Cerro Gordo	1.54	Ida	1.55
Cherokee	1.55	Iowa	1.59
Chickasaw	1.56	Jackson	1.61
Clarke	1.59	Jasper	1.57
Clay	1.54	Jefferson	1.60
Clayton	1.58	Johnson	1.60
Clinton	1.61	Jones	1.60
Crawford	1.56	Keokuk	1.59
Dallas	1.57	Kossuth	1.54
Davis	1.60	Lee	1.62
Decatur	1.59	Linn	1.59
Delaware	1.59	Louisa	1.61
Des Moines	1.62	Lucas	1.59
Dickinson	1.53	Lyon	1.53

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Madison	$1.58	Ringgold	$1.59
Mahaska	1.57	Sac	1.55
Marion	1.58	Scott	1.61
Marshall	1.56	Shelby	1.57
Mills	1.59	Sioux	1.54
Mitchell	1.54	Story	1.56
Monona	1.57	Tama	1.57
Monroe	1.59	Taylor	1.59
Montgomery	1.59	Union	1.59
Muscatine	1.61	Van Buren	1.60
O'Brien	1.54	Wapello	1.59
Osceola	1.53	Warren	1.58
Page	1.59	Washington	1.60
Palo Alto	1.53	Wayne	1.59
Plymouth	1.55	Webster	1.55
Pocahontas	1.54	Winnebago	1.54
Polk	1.57	Winneshiek	1.57
Pottawattamie	1.59	Woodbury	1.55
Poweshiek	1.57	Worth	1.54
		Wright	1.54

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.22	Linn	$1.22
Anderson	1.63	Logan	1.23
Atchison	1.61	Lyon	1.21
Barber	1.24	McPherson	1.21
Barton	1.23	Marion	1.21
Bourbon	1.22	Marshall	1.59
Brown	1.60	Meade	1.24
Butler	1.23	Miami	1.63
Chase	1.21	Mitchell	1.60
Chautauqua	1.24	Montgomery	1.24
Cherokee	1.24	Morris	1.21
Cheyenne	1.21	Morton	1.24
Clark	1.24	Nemaha	1.60
Clay	1.59	Neosho	1.23
Cloud	1.59	Ness	1.23
Coffey	1.22	Norton	1.60
Comanche	1.24	Osage	1.61
Cowley	1.24	Osborne	1.20
Crawford	1.64	Ottawa	1.20
Decatur	1.20	Pawnee	1.23
Dickinson	1.20	Phillips	1.59
Doniphan	1.60	Pottawatomie	1.60
Douglas	1.61	Pratt	1.23
Edwards	1.23	Rawlins	1.21
Elk	1.23	Reno	1.23
Ellis	1.21	Republic	1.59
Ellsworth	1.21	Rice	1.23
Finney	1.23	Riley	1.59
Ford	1.23	Rooks	1.20
Franklin	1.62	Rush	1.23
Geary	1.20	Russell	1.21
Gove	1.23	Saline	1.21
Graham	1.21	Scott	1.23
Grant	1.23	Sedgwick	1.23
Gray	1.23	Seward	1.24
Greeley	1.23	Shawnee	1.60
Greenwood	1.23	Sheridan	1.21
Hamilton	1.23	Sherman	1.22
Harper	1.24	Smith	1.59
Harvey	1.23	Stafford	1.23
Haskell	1.23	Stanton	1.24
Hodgeman	1.23	Stevens	1.24
Jackson	1.60	Sumner	1.24
Jefferson	1.61	Thomas	1.22
Jewell	1.59	Trego	1.23
Johnson	1.62	Wabaunsee	1.60
Kearny	1.23	Wallace	1.23
Kingman	1.23	Washington	1.59
Kiowa	1.23	Wichita	1.23
Labette	1.24	Wilson	1.23
Lane	1.23	Woodson	1.23
Leavenworth	1.62	Wyandotte	1.22
Lincoln	1.21		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$1.33	Bracken	$1.72
Allen	1.77	Breathitt	1.35
Anderson	1.32	Breckenridge	1.27
Ballard	1.71	Bullitt	1.73
Barren	1.77	Butler	1.75
Bath	1.33	Caldwell	1.72
Bell	1.35	Calloway	1.71
Boone	1.28	Campbell	1.28
Bourbon	1.34	Carlisle	1.71
Boyd	1.30	Carroll	1.70
Boyle	1.79	Carter	1.31

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Casey	$1.34	Lyon	$1.72
Christian	1.73	McCracken	1.71
Clark	1.34	McCreary	1.34
Clay	1.35	McLean	1.72
Clinton	1.34	Madison	1.34
Crittenden	1.70	Magoffin	1.35
Cumberland	1.33	Marion	1.77
Daviess	1.69	Marshall	1.28
Edmonson	1.32	Martin	1.34
Elliott	1.33	Mason	1.29
Estill	1.35	Meade	1.70
Fayette	1.34	Menifee	1.34
Fleming	1.30	Mercer	1.33
Floyd	1.35	Metcalfe	1.33
Franklin	1.30	Monroe	1.33
Fulton	1.71	Montgomery	1.34
Gallatin	1.28	Morgan	1.34
Garrard	1.34	Muhlenberg	1.30
Grant	1.30	Nelson	1.76
Graves	1.71	Nicholas	1.32
Grayson	1.30	Ohio	1.30
Green	1.77	Oldham	1.70
Greenup	1.29	Owen	1.30
Hancock	1.69	Owsley	1.35
Hardin	1.72	Pendleton	1.30
Harlan	1.35	Perry	1.35
Harrison	1.32	Pike	1.35
Hart	1.77	Powell	1.35
Henderson	1.69	Pulaski	1.34
Henry	1.30	Robertson	1.30
Hickman	1.71	Rockcastle	1.35
Hopkins	1.72	Rowan	1.33
Jackson	1.35	Russell	1.34
Jefferson	1.70	Scott	1.32
Jessamine	1.33	Shelby	1.30
Johnson	1.34	Simpson	1.76
Kenton	1.28	Spencer	1.75
Knott	1.35	Taylor	1.77
Knox	1.35	Todd	1.73
Larue	1.76	Trigg	1.73
Laurel	1.35	Trimble	1.28
Lawrence	1.31	Union	1.69
Lee	1.35	Warren	1.77
Leslie	1.35	Washington	1.77
Letcher	1.35	Wayne	1.34
Lewis	1.29	Webster	1.70
Lincoln	1.34	Whitley	1.35
Livingston	1.71	Wolfe	1.35
Logan	1.74	Woodford	1.32

LOUISIANA

County	Rate per bushel
All counties	$1.34

MAINE

County	Rate per bushel
All counties	$1.44

MARYLAND

County	Rate per bushel	County	Rate per bushel
Caroline	$1.78	Queen Annes	$1.78
Carroll	1.78	Somerset	1.78
Cecil	1.78	Talbot	1.78
Dorchester	1.78	Washington	1.78
Frederick	1.78	Wicomico	1.78
Harford	1.78	Worcester	1.78
Kent	1.78	All other counties	1.34
Montgomery	1.78		

MASSACHUSETTS

County	Rate per bushel
All counties	$1.42

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.26	Cheboygan	$1.26
Alger	1.26	Chippewa	1.26
Allegan	1.66	Clare	1.26
Alpena	1.26	Clinton	1.68
Antrim	1.26	Crawford	1.26
Arenac	1.26	Delta	1.26
Baraga	1.26	Dickinson	1.26
Barry	1.66	Eaton	1.68
Bay	1.26	Emmet	1.26
Benzie	1.26	Genesee	1.68
Berrien	1.65	Gladwin	1.26
Branch	1.66	Gogebic	1.26
Calhoun	1.66	Grand Traverse	1.26
Cass	1.65	Gratiot	1.68
Charlevoix	1.26		

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Hillsdale	$1.66	Missaukee	$1.26
Houghton	1.26	Monroe	1.68
Huron	1.26	Montcalm	1.68
Ingham	1.68	Montmorency	1.26
Ionia	1.68	Muskegon	1.26
Iosco	1.26	Newaygo	1.26
Iron	1.26	Oakland	1.68
Isabella	1.68	Oceana	1.26
Jackson	1.68	Ogemaw	1.26
Kalamazoo	1.66	Ontonagon	1.26
Kalkaska	1.26	Osecola	1.26
Kent	1.68	Oscoda	1.26
Keweenaw	1.26	Otsego	1.26
Lake	1.26	Ottawa	1.24
Lapeer	1.26	Presque Isle	1.26
Leenanau	1.26	Roscommon	1.26
Lenawee	1.68	Saginaw	1.68
Livingston	1.68	St. Clair	1.26
Luce	1.26	St. Joseph	1.65
Mackinac	1.26	Sanilac	1.26
Macomb	1.26	Schoolcraft	1.26
Manistee	1.26	Shiawassee	1.68
Marquette	1.26	Tuscola	1.26
Mason	1.26	Van Buren	1.65
Mecosta	1.26	Washtenaw	1.68
Menominee	1.26	Wayne	1.68
Midland	1.68	Wexford	1.26

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.16	Marshall	$1.13
Anoka	1.56	Martin	1.52
Becker	1.14	Meeker	1.55
Beltrami	1.14	Mille Lacs	1.16
Benton	1.55	Morrison	1.53
Big Stone	1.51	Mower	1.54
Blue Earth	1.54	Murray	1.52
Brown	1.54	Nicollet	1.55
Carlton	1.16	Nobles	1.52
Carver	1.56	Norman	1.13
Cass	1.15	Olmsted	1.54
Chippewa	1.52	Otter Tail	1.52
Chisago	1.55	Pennington	1.13
Clay	1.13	Pine	1.16
Clearwater	1.14	Pipestone	1.52
Cook	1.16	Polk	1.13
Cottonwood	1.53	Pope	1.53
Crow Wing	1.15	Ramsey	1.17
Dakota	1.55	Red Lake	1.13
Dodge	1.54	Redwood	1.53
Douglas	1.53	Renville	1.54
Faribault	1.52	Rice	1.55
Fillmore	1.54	Rock	1.52
Freeborn	1.54	Roseau	1.13
Goodhue	1.55	St. Louis	1.16
Grant	1.52	Scott	1.55
Hennepin	1.56	Sherburne	1.55
Houston	1.55	Sibley	1.55
Hubbard	1.14	Stearns	1.55
Isanti	1.16	Steele	1.54
Itasca	1.16	Stevens	1.52
Jackson	1.52	Swift	1.53
Kanabec	1.16	Todd	1.53
Kandiyohi	1.54	Traverse	1.51
Kittson	1.13	Wabasha	1.55
Koochiching	1.16	Wadena	1.15
Lac Qui Parle	1.51	Waseca	1.54
Lake	1.16	Washington	1.56
Lake of the Woods	1.14	Watonwan	1.53
Le Sueur	1.55	Wilkin	1.51
Lincoln	1.51	Winona	1.55
Lyon	1.52	Wright	1.55
McLeod	1.55	Yellow Medicine	1.52
Mahnomen	1.13		

MISSISSIPPI

All counties $1.34

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.63	Benton	$1.65
Andrew	1.60	Bollinger	1.68
Atchison	1.59	Boone	1.65
Audrain	1.65	Buchanan	1.62
Barry	1.25	Butler	1.26
Barton	1.65	Caldwell	1.63
Bates	1.63	Callaway	1.66

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Camden	$1.25	Mercer	$1.60
Cape Girardeau	1.68	Miller	1.25
Carroll	1.64	Mississippi	1.68
Carter	1.26	Moniteau	1.66
Cass	1.63	Monroe	1.65
Cedar	1.24	Montgomery	1.66
Chariton	1.64	Morgan	1.66
Christian	1.25	New Madrid	1.68
Clark	1.63	Newton	1.25
Clay	1.63	Nodaway	1.59
Clinton	1.63	Oregon	1.27
Cole	1.66	Osage	1.25
Cooper	1.66	Ozark	1.27
Crawford	1.26	Pemiscot	1.26
Dade	1.24	Perry	1.68
Dallas	1.25	Pettis	1.65
Daviess	1.61	Phelps	1.26
De Kalb	1.61	Pike	1.65
Dent	1.26	Platte	1.63
Douglas	1.26	Polk	1.24
Dunklin	1.68	Pulaski	1.26
Franklin	1.67	Putnam	1.61
Gasconade	1.67	Ralls	1.65
Gentry	1.60	Randolph	1.64
Greene	1.25	Ray	1.63
Grundy	1.62	Reynolds	1.26
Harrison	1.60	Ripley	1.26
Henry	1.64	St. Charles	1.66
Hickory	1.24	St. Clair	1.65
Holt	1.60	St. Francois	1.26
Howard	1.65	St. Louis	1.67
Howell	1.27	Ste. Genevieve	1.68
Iron	1.26	Saline	1.65
Jackson	1.63	Schuyler	1.61
Jasper	1.24	Scotland	1.62
Jefferson	1.68	Scott	1.68
Johnson	1.64	Shannon	1.26
Knox	1.63	Shelby	1.64
Laclede	1.26	Stoddard	1.68
Lafayette	1.64	Stone	1.25
Lawrence	1.25	Sullivan	1.62
Lewis	1.64	Taney	1.26
Lincoln	1.66	Texas	1.26
Linn	1.63	Vernon	1.64
Livingston	1.63	Warren	1.67
McDonald	1.25	Washington	1.26
Macon	1.64	Wayne	1.68
Madison	1.26	Webster	1.25
Maries	1.25	Worth	1.59
Marion	1.64	Wright	1.26

MONTANA

All counties $1.22

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.57	Franklin	$1.57
Antelope	1.55	Frontier	1.59
Arthur	1.20	Furnas	1.59
Banner	1.22	Gage	1.58
Blaine	1.18	Garden	1.21
Boone	1.55	Garfield	1.56
Box Butte	1.22	Gosper	1.59
Boyd	1.56	Grant	1.20
Brown	1.18	Greeley	1.56
Buffalo	1.57	Hall	1.57
Burt	1.57	Hamilton	1.56
Butler	1.57	Harlan	1.58
Cass	1.58	Hayes	1.20
Cedar	1.55	Hitchcock	1.20
Chase	1.20	Holt	1.56
Cherry	1.19	Hooker	1.19
Cheyenne	1.22	Howard	1.57
Clay	1.57	Jefferson	1.58
Colfax	1.56	Johnson	1.59
Cuming	1.55	Kearney	1.57
Custer	1.58	Keith	1.20
Dakota	1.55	Keyapaha	1.18
Dawes	1.22	Kimball	1.22
Dawson	1.58	Knox	1.55
Deuel	1.21	Lancaster	1.57
Dixon	1.55	Lincoln	1.59
Dodge	1.57	Logan	1.19
Douglas	1.58	Loup	1.18
Dundy	1.20	McPherson	1.19
Fillmore	1.57	Madison	1.55

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Merrick	$1.56	Saunders	$1.57
Morrill	1.22	Scotts Bluff	1.22
Nance	1.56	Seward	1.57
Nemaha	1.59	Sheridan	1.21
Nuckolls	1.57	Sherman	1.57
Otoe	1.58	Sioux	1.22
Pawnee	1.59	Stanton	1.55
Perkins	1.20	Thayer	1.57
Phelps	1.58	Thomas	1.19
Pierce	1.55	Thurston	1.55
Platte	1.56	Valley	1.57
Polk	1.56	Washington	1.58
Red Willow	1.59	Wayne	1.55
Richardson	1.59	Webster	1.57
Rock	1.18	Wheeler	1.17
Saline	1.58	York	1.56
Sarpy	1.58		

NEVADA

All counties $1.38

NEW HAMPSHIRE

All counties $1.43

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Cumberland	$1.82	Somerset	$1.82
Gloucester	1.82	Warren	1.82
Hunterdon	1.82	All other counties	1.36
Mercer	1.82		
Salem	1.82		

NEW MEXICO

All counties $1.32

NEW YORK

All counties $1.36

NORTH CAROLINA

County	Rate per bushel	County	Rate per bushel
Beaufort	$1.78	Martin	$1.78
Camden	1.78	Nash	1.78
Chowan	1.78	Northampton	1.78
Craven	1.78	Onslow	1.78
Currituck	1.78	Pasquotank	1.78
Duplin	1.78	Perquimans	1.78
Edgecombe	1.78	Pitt	1.78
Gates	1.78	Tyrrell	1.78
Greene	1.78	Washington	1.78
Halifax	1.78	Wayne	1.78
Hertford	1.78	Wilson	1.78
Johnston	1.78	All other counties	1.34
Jones	1.78		
Lenoir	1.78		

NORTH DAKOTA

Richland $1.50
All other counties 1.12

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.68	Gallia	$1.28
Allen	1.65	Geauga	1.29
Ashland	1.69	Greene	1.66
Ashtabula	1.29	Guernsey	1.28
Athens	1.70	Hamilton	1.66
Auglaize	1.65	Hancock	1.66
Belmont	1.29	Hardin	1.66
Brown	1.68	Harrison	1.29
Butler	1.65	Henry	1.66
Carroll	1.29	Highland	1.67
Champaign	1.66	Hocking	1.69
Clark	1.66	Holmes	1.70
Clermont	1.67	Huron	1.69
Clinton	1.66	Jackson	1.69
Columbiana	1.29	Jefferson	1.29
Coshocton	1.70	Knox	1.68
Crawford	1.67	Lake	1.29
Cuyahoga	1.28	Lawrence	1.69
Darke	1.65	Licking	1.68
Defiance	1.65	Logan	1.66
Delaware	1.67	Lorain	1.70
Erie	1.69	Lucas	1.67
Fairfield	1.68	Madison	1.67
Fayette	1.67	Mahoning	1.29
Franklin	1.67	Marion	1.67
Fulton	1.66	Medina	1.70

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Meigs	$1.28	Ross	$1.68
Mercer	1.65	Sandusky	1.68
Miami	1.65	Scioto	1.68
Monroe	1.29	Seneca	1.67
Montgomery	1.65	Shelby	1.65
Morgan	1.70	Stark	1.71
Morrow	1.68	Summit	1.28
Muskingum	1.70	Trumbull	1.29
Noble	1.28	Tuscarawas	1.71
Ottawa	1.68	Union	1.66
Paulding	1.65	Van Wert	1.65
Perry	1.69	Vinton	1.69
Pickaway	1.67	Warren	1.66
Pike	1.68	Washington	1.28
Portage	1.29	Wayne	1.70
Preble	1.65	Williams	1.65
Putnam	1.66	Wood	1.67
Richland	1.68	Wyandot	1.67

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$1.27	LeFlore	$1.28
Alfalfa	1.24	Lincoln	1.26
Atoka	1.27	Logan	1.25
Beaver	1.24	Love	1.26
Beckham	1.24	McClain	1.25
Blaine	1.24	McCurtain	1.28
Bryan	1.27	McIntosh	1.27
Caddo	1.24	Major	1.24
Canadian	1.24	Marshall	1.27
Carter	1.26	Mayes	1.25
Cherokee	1.27	Murray	1.26
Choctaw	1.28	Muskogee	1.27
Cimarron	1.24	Noble	1.25
Cleveland	1.24	Nowata	1.24
Coal	1.27	Okfuskee	1.26
Comanche	1.24	Oklahoma	1.25
Cotton	1.24	Okmulgee	1.26
Craig	1.24	Osage	1.25
Creek	1.26	Ottawa	1.25
Custer	1.24	Pawnee	1.26
Delaware	1.26	Payne	1.26
Dewey	1.24	Pittsburgh	1.27
Ellis	1.24	Pontotoc	1.26
Garfield	1.24	Pottawatomie	1.25
Garvin	1.26	Pushmataha	1.28
Grady	1.25	Roger Mills	1.24
Grant	1.24	Rogers	1.25
Greer	1.24	Seminole	1.26
Harmon	1.24	Sequoyah	1.27
Harper	1.24	Stephens	1.25
Haskell	1.27	Texas	1.24
Hughes	1.27	Tillman	1.24
Jackson	1.24	Tulsa	1.26
Jefferson	1.25	Wagoner	1.26
Johnston	1.27	Washington	1.25
Kay	1.25	Washita	1.24
Kingfisher	1.24	Woods	1.24
Kiowa	1.24	Woodward	1.24
Latimer	1.28		

OREGON

All counties $1.38

PENNSYLVANIA

County	Rate per bushel	County	Rate per bushel
Adams	$1.79	Lebanon	$1.79
Berks	1.79	Lehigh	1.79
Blair	1.79	Lycoming	1.79
Bucks	1.79	Mifflin	1.79
Carbon	1.79	Montgomery	1.79
Centre	1.79	Montour	1.79
Chester	1.79	Northampton	1.79
Clinton	1.79	Northumberland	1.79
Columbia	1.79	Perry	1.79
Cumberland	1.79	Schuylkill	1.79
Dauphin	1.79	Snyder	1.79
Delaware	1.79	Union	1.79
Franklin	1.79	York	1.79
Fulton	1.79	All other counties	1.34
Huntingdon	1.79		
Juniata	1.79		
Lancaster	1.79		

RHODE ISLAND

All counties $1.42

SOUTH CAROLINA

All counties $1.34

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Armstrong	$1.16	Jackson	$1.16
Aurora	1.51	Jerauld	1.51
Beadle	1.51	Jones	1.16
Bennett	1.17	Kingsbury	1.51
Bon Homme	1.51	Lake	1.50
Brookings	1.50	Lawrence	1.17
Brown	1.14	Lincoln	1.51
Brule	1.52	Lyman	1.53
Buffalo	1.52	McCook	1.50
Butte	1.17	McPherson	1.14
Campbell	1.15	Marshall	1.13
Charles Mix	1.51	Meade	1.16
Clark	1.52	Mellette	1.15
Clay	1.51	Miner	1.50
Codington	1.52	Minnehaha	1.51
Corson	1.16	Moody	1.50
Custer	1.18	Pennington	1.16
Davison	1.50	Perkins	1.16
Day	1.52	Potter	1.16
Deuel	1.51	Roberts	1.51
Dewey	1.16	Sanborn	1.50
Douglas	1.50	Shannon	1.18
Edmunds	1.14	Spink	1.52
Fall River	1.19	Stanley	1.16
Faulk	1.15	Sully	1.15
Grant	1.51	Todd	1.16
Gregory	1.52	Tripp	1.53
Haakon	1.16	Turner	1.50
Hamlin	1.51	Union	1.51
Hand	1.51	Walworth	1.16
Hanson	1.50	Washabaugh	1.16
Harding	1.16	Washington	1.17
Hughes	1.15	Yankton	1.51
Hutchinson	1.50	Ziebach	1.16
Hyde	1.14		

TENNESSEE

County	Rate per bushel	County	Rate per bushel
Anderson	$1.35	Lauderdale	$1.71
Bedford	1.34	Lawrence	1.32
Benton	1.30	Lewis	1.31
Bledsoe	1.34	Lincoln	1.34
Blount	1.36	Loudon	1.36
Bradley	1.36	McMinn	1.36
Campbell	1.35	McNairy	1.30
Cannon	1.34	Macon	1.34
Carroll	1.29	Madison	1.29
Carter	1.36	Marion	1.36
Cheatham	1.74	Marshall	1.33
Chester	1.29	Maury	1.32
Claiborne	1.35	Meigs	1.35
Clay	1.34	Monroe	1.36
Cocke	1.36	Montgomery	1.74
Coffee	1.34	Moore	1.34
Crockett	1.72	Morgan	1.35
Cumberland	1.34	Obion	1.70
Davidson	1.32	Overton	1.34
Decatur	1.30	Perry	1.30
De Kalb	1.34	Pickett	1.34
Dickson	1.30	Polk	1.36
Dyer	1.71	Putnam	1.34
Fayette	1.29	Rhea	1.35
Fentress	1.34	Roane	1.35
Franklin	1.35	Robertson	1.75
Gibson	1.71	Rutherford	1.33
Giles	1.34	Scott	1.35
Grainger	1.35	Sequatchie	1.35
Greene	1.36	Sevier	1.36
Grundy	1.34	Shelby	1.29
Hamblen	1.36	Smith	1.34
Hamilton	1.36	Stewart	1.74
Hancock	1.35	Sullivan	1.36
Hardeman	1.29	Sumner	1.77
Hardin	1.31	Tipton	1.71
Hawkins	1.35	Trousdale	1.33
Haywood	1.72	Union	1.35
Henderson	1.29	Unicoi	1.36
Henry	1.72	Van Buren	1.34
Hickman	1.30	Warren	1.34
Houston	1.30	Washington	1.36
Humphreys	1.30	Wayne	1.31
Jackson	1.34	Weakley	1.71
Jefferson	1.36	White	1.34
Johnson	1.36	Williamson	1.32
Knox	1.36	Wilson	1.33
Lake	1.70		

TEXAS

County	Rate per bushel	County	Rate per bushel
Anderson	$1.27	Gregg	$1.28
Andrews	1.27	Grimes	1.28
Angelina	1.28	Guadalupe	1.29
Aransas	1.29	Hale	1.26
Archer	1.27	Hall	1.26
Armstrong	1.25	Hamilton	1.27
Atascosa	1.29	Hansford	1.25
Austin	1.28	Hardeman	1.26
Bailey	1.26	Hardin	1.29
Bandera	1.28	Harris	1.29
Bastrop	1.28	Harrison	1.29
Baylor	1.27	Hartley	1.25
Bee	1.29	Haskell	1.27
Bell	1.27	Hays	1.28
Bexar	1.29	Hemphill	1.25
Blanco	1.28	Henderson	1.27
Borden	1.27	Hidalgo	1.29
Bosque	1.27	Hill	1.27
Bowie	1.28	Hockley	1.27
Brazoria	1.29	Hood	1.27
Brazos	1.28	Hopkins	1.27
Briscoe	1.26	Houston	1.28
Brooks	1.29	Howard	1.27
Brown	1.27	Hudspeth	1.30
Burleson	1.28	Hunt	1.27
Burnet	1.27	Hutchinson	1.25
Caldwell	1.28	Irion	1.28
Calhoun	1.29	Jack	1.27
Callahan	1.27	Jackson	1.29
Cameron	1.29	Jasper	1.29
Camp	1.28	Jefferson	1.29
Carson	1.25	Jim Hogg	1.29
Cass	1.28	Jim Wells	1.29
Castro	1.26	Johnson	1.27
Chambers	1.29	Jones	1.27
Cherokee	1.27	Karnes	1.29
Childress	1.26	Kaufman	1.27
Clay	1.27	Kendall	1.28
Cochran	1.27	Kent	1.27
Coke	1.27	Kerr	1.28
Coleman	1.27	Kimble	1.28
Collin	1.27	King	1.27
Collingsworth	1.25	Kinney	1.29
Colorado	1.29	Kleberg	1.29
Comal	1.28	Knox	1.27
Comanche	1.27	Lamar	1.27
Concho	1.28	Lamb	1.26
Cooke	1.27	Lampasas	1.27
Coryell	1.27	La Salle	1.29
Cottle	1.26	Lavaca	1.29
Crosby	1.27	Lee	1.28
Dallam	1.25	Leon	1.28
Dallas	1.27	Liberty	1.29
Dawson	1.27	Limestone	1.27
Deaf Smith	1.26	Lipscomb	1.25
Delta	1.27	Live Oak	1.29
Denton	1.27	Llano	1.28
De Witt	1.29	Lubbock	1.27
Dickens	1.27	Lynn	1.27
Dimmit	1.29	McCulloch	1.28
Donley	1.25	McLennan	1.27
Duval	1.29	McMullen	1.29
Eastland	1.27	Madison	1.28
Edwards	1.29	Marion	1.28
Ellis	1.27	Martin	1.27
El Paso	1.30	Mason	1.28
Erath	1.27	Matagorda	1.29
Falls	1.27	Maverick	1.29
Fannin	1.27	Medina	1.29
Fayette	1.28	Menard	1.28
Fisher	1.27	Midland	1.29
Floyd	1.26	Milam	1.27
Foard	1.26	Mills	1.27
Fort Bend	1.29	Mitchell	1.27
Franklin	1.28	Montague	1.27
Freestone	1.27	Montgomery	1.28
Frio	1.29	Moore	1.25
Gaines	1.27	Morris	1.28
Galveston	1.29	Motley	1.26
Garza	1.27	Nacogdoches	1.28
Gillespie	1.28	Navarro	1.27
Goliad	1.29	Newton	1.29
Gonzales	1.29	Nolan	1.27
Gray	1.25	Nueces	1.29
Grayson	1.27	Ochiltree	1.25

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Oldham	$1.25	Stonewall	$1.27
Orange	1.29	Sutton	1.29
Palo Pinto	1.27	Swisher	1.26
Panola	1.29	Tarrant	1.27
Parker	1.27	Taylor	1.27
Parmer	1.26	Terry	1.27
Pecos	1.29	Throckmorton	1.27
Polk	1.28	Titus	1.28
Potter	1.25	Tom Green	1.28
Presidio	1.29	Travis	1.28
Rains	1.27	Trinity	1.28
Randall	1.25	Tyler	1.29
Real	1.29	Upshur	1.28
Red River	1.28	Uvalde	1.29
Reeves	1.29	Val Verde	1.29
Refugio	1.29	Van Zandt	1.27
Roberts	1.25	Victoria	1.29
Robertson	1.28	Walker	1.28
Rockwall	1.27	Waller	1.29
Runnels	1.27	Washington	1.28
Rusk	1.28	Webb	1.29
Sabine	1.29	Wharton	1.29
San Augustine	1.29	Wheeler	1.25
San Jacinto	1.28	Wichita	1.26
San Patricio	1.29	Wilbarger	1.26
San Saba	1.28	Willacy	1.29
Schleicher	1.29	Williamson	1.27
Scurry	1.27	Wilson	1.29
Shackelford	1.27	Wise	1.27
Shelby	1.29	Wood	1.27
Sherman	1.25	Yoakum	1.27
Smith	1.27	Young	1.27
Somervell	1.27	Zapata	1.29
Starr	1.29	Zavala	1.29
Stephens	1.27		

UTAH

All counties	$1.36

VERMONT

All counties	$1.43

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$1.78	Southampton	$1.78
Isle of Wight	1.78	Surry	1.78
Nansemond	1.78	Sussex	1.78
Norfolk	1.78	All other counties	1.34
Northampton	1.78		
Princess Anne	1.78		

WASHINGTON

All counties	$1.38

WEST VIRGINIA

Berkeley	$1.78
Jefferson	1.78
All other counties	1.34

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.62	Green Lake	$1.63
Ashland	1.22	Iowa	1.62
Barron	1.20	Iron	1.22
Bayfield	1.21	Jackson	1.61
Brown	1.23	Jefferson	1.64
Buffalo	1.60	Juneau	1.62
Burnett	1.20	Kenosha	1.65
Calumet	1.23	Kewaunee	1.24
Chippewa	1.21	La Crosse	1.60
Clark	1.22	Lafayette	1.62
Columbia	1.63	Langlade	1.23
Crawford	1.60	Lincoln	1.22
Dane	1.63	Manitowoc	1.24
Dodge	1.64	Marathon	1.22
Door	1.24	Marinette	1.23
Douglas	1.20	Marquette	1.63
Dunn	1.60	Milwaukee	1.24
Eau Claire	1.61	Monroe	1.61
Florence	1.23	Oconto	1.23
Fond du Lac	1.64	Oneida	1.23
Forest	1.23	Outagamie	1.23
Grant	1.60	Ozaukee	1.24
Green	1.63	Pepin	1.60

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Pierce	$1.60	Taylor	$1.22
Polk	1.60	Trempealeau	1.60
Portage	1.22	Vernon	1.60
Price	1.22	Vilas	1.23
Racine	1.65	Walworth	1.64
Richland	1.61	Washburn	1.20
Rock	1.64	Washington	1.23
Rusk	1.21	Waukesha	1.64
St. Croix	1.60	Waupaca	1.23
Sauk	1.62	Waushara	1.63
Sawyer	1.21	Winnebago	1.64
Shawano	1.23	Wood	1.22
Sheboygan	1.24		

WYOMING

All counties	$1.23

(b) *Premiums and discounts*—(1) *Farm storage.* In the case of eligible corn delivered from farm storage under purchase agreements and in the case of farm-storage loans, the applicable premiums and discounts shown in the "Schedule of Premiums and Discounts," in this paragraph, except for eligible corn under loan grading "mixed," shall be applied to the basic rate at the time of settlement. In the case of eligible corn, grading "mixed," placed under a farm-storage loan, the discount shall be applied to the basic rate at the time the loan is completed.

(2) *Warehouse storage.* In the case of warehouse-storage loans, the applicable premiums and discounts for eligible corn shown in the "Schedule of Premiums and Discounts" in this paragraph shall be applied to the basic support rate at the time the loan is completed. In the case of eligible corn represented by warehouse receipts tendered to C. C. C. under a purchase agreement, the applicable premiums and discounts shall be applied to the basic support rate at the time of settlement. The discounts for weevily and for moisture content are not applicable since corn in approved warehouse storage which grades weevily or contains in excess of 13.5 percent moisture is not eligible.

(3) *Schedule of premiums and discounts.*

Premiums	Cents per bushel
Grade No.:	
2 or better	1

Discounts	Cents per bushel
Moisture content (percent):	
0–14.0	0
14.1–15.5	1
15.6–16.0	2
16.1–16.5	3
16.6–17.0	4
17.1–17.5	5
Weevily	2
Mixed	2

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C., 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C., 714c, 7 U. S. C., 1441, 1421)

Issued this 22d day of October 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-8479; Filed, Oct. 27, 1954; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 857.7]

PART 857—SUGARCANE, PUERTO RICO

PROPORTIONATE SHARES FOR SUGARCANE FARMS IN PUERTO RICO FOR 1954–55 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (herein referred to as "act"), the following determination is hereby issued:

§ 857.7 *Proportionate shares for sugarcane farms in Puerto Rico for the 1954–55 crop*—(a) *Farm proportionate share.* A proportionate share shall be established for the farm, as constituted November 1, 1954, in terms of sugar, 96° basis, in the manner provided in this paragraph and such share shall be used on that basis until converted to its raw value equivalent in accordance with paragraph (b) of this section for the purpose of computing the payment for the farm.

(1) *Farm bases.* A base shall be established for each farm from which sugarcane was marketed (or processed) for the extraction of sugar or liquid sugar from any of the 1947–48, 1948–49, 1949–50, 1950–51 and 1951–52 crops (herein referred to as the "base period") by adding (i) 40 percent of the highest production of sugar, raw value, from sugarcane marketed (or processed) from the farm from any crop in the base period and (ii) 60 percent of the result obtained by dividing by 4 the total production of sugar, raw value, for the farm for the other four years of the base period.

(2) *Old farms*—(i) *Farms with bases in excess of 400 hundredweight.* The proportionate share for any farm having a farm base in excess of 400 cwt. as established under subparagraph (1) of this paragraph, shall be the larger of 400 cwt. and the amount determined by multiplying such base by the applicable percentage factor in the following table:

Number of crops produced in the base period:	Percentage factor
5	84.0
4	94.0
3	100.0
2	109.0
1	125.0

(ii) *Farms with bases not in excess of 400 hundredweight.* The proportionate share for any farm having a farm base not in excess of 400 cwt., as established under subparagraph (1) of this paragraph, shall be the larger of 120 percent of the higher production from the 1952–53 and 1953–54 crops, but not in excess of 200 cwt., and the amount determined by multiplying such base by the applicable percentage factor in the following table:

Number of crops produced in the base period:	Percentage factor
5, 4 or 3	100.0
2	109.0
1	125.0

(iii) *Farms having production only in the 1952–53 or 1953–54 crop years.* The proportionate share for any farm without a farm base but with production only in the crop years 1952–53 or 1953–54, or both, shall be the smaller of the 1953–54 production and the 1953–54 crop proportionate share.

(iv) *Adjusted shares.* Notwithstanding the foregoing, the proportionate share for any farm for which the 1953–54 crop share was adjusted pursuant to the appeals procedure applicable to such crop, or an adjustment made under the appeals procedure applicable to the 1952–53 crop was extended for the 1953–54 crop, shall be not less than such adjusted share: *Provided,* That such adjusted share may be modified for the 1954–55 crop to the extent determined equitable by the Caribbean Area ASC Committee (herein referred to as "Committee").

(v) *Minimum proportionate shares for old farms.* The minimum proportionate share for any old farm from which sugarcane is marketed (or processed) for the extraction of sugar or liquid sugar for the crop year 1954–55 shall be 100 cwt.

(3) *New farms.* The proportionate share for any farm from which sugarcane is marketed (or processed) for the extraction of sugar or liquid sugar in the 1954–55 crop year for the first time since the 1946–47 crop year, shall be 100 cwt.

(4) *Transfer of farm bases.* The farm base established or which would have been established for any land which is removed from sugarcane production because of acquisition by purchase or lease by any Federal, Insular, or other agency having a right of eminent domain shall be available for use in providing an equitable farm base for land owned, purchased, or leased by the owner of the land so acquired by any of such agencies. Upon application to the Area ASC Office, within five years from the date of such acquisition, any such owner shall be entitled to a farm base for any other land owned, purchased, or leased by him equal to the farm base which would have been established for such other land, plus the farm base which would have been established for the land so acquired: *Provided,* That neither the farm base nor the combined farm bases shall exceed the production capacity for the farm so owned, purchased, or leased as determined by the Area ASC Office.

(5) *Tolerances.* The requirements of section 301 (b) of the act with respect to the amount of sugarcane grown and marketed (or processed) from the farm shall be deemed to have been met if the amount of sugar recovered therefrom does not exceed the proportionate share for such farm by more than the applicable tolerance in the table below: *Provided,* That any amount of sugar within the applicable tolerance shall be excluded in computing the amount of sugar on which payment is made with respect to such farm under section 302 (a) of the act.

[Short tons of sugar, 96° basis]

Proportionate shares:	Tolerance
Not more than 15	1.0
More than 15 but not more than 25	1.5
More than 25 but not more than 40	2.0
More than 40 but not more than 65	2.5
More than 65 but not more than 100	3.0
More than 100 but not more than 150	3.5
More than 150 but not more than 300	4.0
More than 300 but not more than 750	4.5
More than 750	(1)

[1] 5.0 or ¼ of 1 percent of the proportionate share, whichever is larger.

(6) *Delegation.* Farm bases and farm proportionate shares shall be established by the Director of the Caribbean Area Agricultural Stabilization and Conservation Office (herein referred to as "Director") in accordance with this determination and instructions issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

(7) *Appeals.* A producer of sugarcane who believes that the proportionate share established for his farm pursuant to this determination is inequitable, may, not later than 60 days after notice thereof is issued, file an appeal in writing with the Committee. The Committee may adjust such proportionate share to the extent determined by it to be necessary to carry out the provisions of this determination and the act, and to establish a proportionate share for the farm which is fair and equitable as compared with the proportionate shares established for all other farms. The Committee shall notify such producer of its decision in writing as soon as possible. Any producer who is dissatisfied with the decision of the Committee may appeal in writing to the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C., and his decision shall be final.

(b) *Sugar for payment.* For the purpose of determining payments pursuant to Title III of the act, the proportionate share established in accordance with this determination and the amount of sugar recoverable, 96° basis, from sugarcane of the 1954–55 crop marketed from the farm shall be converted to raw value on the basis of the average polarization of the sugar produced from 1954–55 crop sugarcane at the mill or mills where the sugarcane was processed. Such conversion shall be made in accordance with section 101 (h) of the act.

(c) *Share tenant and share cropper protection.* In addition to compliance with the proportionate share for the farm in accordance with this determination, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) That the number of share tenants or share croppers engaged in the production of sugarcane of the 1954–55 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the Director; and

(2) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or share croppers would be entitled if their leasing or cropping agreements for the previous crop were in effect.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. Section 301 (b) of the act provides as a condition for payment to producers, that there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight or recoverable sugar content) of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, as determined by the Secretary pursuant to section 302 of the act. For Puerto Rico, the term "proportionate share" means the individual farm's share of the total quantity of sugar required to be processed from sugarcane marketed from the farms to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary, for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed) not in excess of the proportionate share for the farm.

Section 302 (b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants or share croppers.

General. Pursuant to the foregoing provisions of the act, restrictive proportionate shares are required in any area when the indicated sugar supply will be greater than the quantities needed to fill the quota and provide a normal carryover inventory for such area. Compliance with proportionate shares is required as one of the conditions for payment.

Restrictive proportionate shares were effective in Puerto Rico for both the 1952–53 and 1953–54 crops. The 1952–53 crop determination resulted in the production of 1,182,000 tons of sugar and the determination for the 1953–54 crop resulted in the production of about 1,204,000 tons. Marketings of Puerto Rican sugar in 1954 and 1955 should equal the sum of the Island's mainland and local consumption quotas. Therefore, the carryover of sugar on January 1, 1955, will approximate 164,000 tons or about 24,000 tons greater than the carryover on January 1, 1954. Accordingly,

tural Marketing Agreement Act of 1937, included in one lot. Certification of any vision: *Provided,* That in the event di-

this determination will permit the production of sufficient sugar to enable the area to fill its 1955 quotas and provide a normal carryover.

Public hearing. An informal public hearing was held in Santurce, Puerto Rico, on August 16, 1954, to receive information and recommendations for the 1954–55 proportionate share program. In announcing the hearing on August 3, 1954, the Department suggested that the provisions of the 1954–55 crop determination be similar to those issued for the previous determination, with certain modifications for small and new farms and adjustments for current conditions. This plan was presented and explained at the hearing by Department representatives. The hearing was attended by 43 persons, eight of whom presented testimony. In addition, two briefs were filed subsequent to the hearing. Although there was general concurrence with the method suggested by the Department, recommendations to modify certain proposed provisions were presented. The principal recommendation was to include a provision for the proration of deficits in farm shares within mill areas rather than making an allowance for such deficits in computing the factors to be used in establishing proportionate shares. The other changes recommended were of a minor nature, and included special consideration for producers having short production records.

Determination. In developing this determination, consideration has been given to the testimony presented at the hearing, to the production and inventory situation, and to experience gained under recent restrictive programs.

Farm bases will be established as provided in the two previous determinations, using the same crop years (1947–48 through 1951–52) and weightings of the standards of "past production" and "ability to produce".

The adjustment factors of 125, 109, 100 and 94 percent for farms with bases in excess of 400 cwt. and having production in only 1, 2, 3, or 4 years, respectively, of the base period, remain unchanged from the 1953–54 crop determination. Since 1952–53 and 1953–54 crop production have not been included in the base period, the adjustment factors for farms which did not have production in all of the crop years of the base period were established so as to give consideration to production in these two crop years. The adjustment factor of 84 which will be applicable to farms with bases in excess of 400 cwt. and having production in all five years of the base period was determined by dividing the estimated production required on such farms, by their total bases. Appropriate allowances for possible deficits in individual farm shares, appeals, and shares accruing to "new farms" were made in the computation of the adjustment factor. The percentage factor of 84 compares with the percentage factor of 89 for the 1953–54 crop.

The proportionate shares for farms with bases in excess of 400 cwt. will be the larger of 400 cwt. and the amount determined by multiplying the farm bases by the applicable factor.

The proportionate share for any farm having a farm base of 400 cwt. or less will be the largest of (a) the base for a farm having production in three or more years of the base period, 109 percent of the base for a farm having production in only two years of the base period, 125 percent of the base for a farm having production in only one year of the base period; (b) 120 percent of the larger of the 1952–53 or 1953–54 production, but not in excess of 200 cwt.; or (c) 100 cwt.

The proportionate shares for farms which had only one or two years of history during the base period will be established in a manner that will give partial consideration to 1952–53 and 1953–54 production. These farms in 1953–54 numbered only 162, or .8 percent of the total number of farms and their combined proportionate shares were only .4 percent of the total proportionate shares. In the 1953–54 crop program, approximately three-fourths of the sugarcane farms in Puerto Rico produced less than 400 cwt. each and they accounted for only about 9 percent of the total production. Accordingly, the exemption from adjustment of farms producing less than 400 cwt. will have a minor effect on the shares of the larger farms.

For farms having production in the crop years 1952–53 or 1953–54, or both, but no production during the base period, the proportionate share will be the larger of the 1953–54 production and 100 cwt. but not in excess of the 1953–54 proportionate share.

The proportionate share for any "new farm" has been established at 100 cwt. as compared with 200 cwt. under the previous two determinations. Because of the continued need for restrictions, it is deemed reasonable to limit the proportionate shares for new farms to 100 cwt.

The recommendation made at the hearing on August 16, 1954, to provide for a proration of farm deficits within mill areas has not been adopted. As was the case for the previous crop's determination, an allowance has been made for such deficits in the computation of the adjustment factors. It is deemed advisable to continue the practice followed for the 1953–54 crop because it is believed that equity to a greater number of producers will result from this method.

Provision has been made for the consideration by the Committee of appeals for adjustments in proportionate shares as well as for further appeals to the Department. The provisions of the 1952–53 and 1953–54 crop determinations relating to marketing tolerances and share tenant and share cropper protection remain unchanged.

It is believed that this determination provides an equitable basis for establishing proportionate shares for the 1954–55 Puerto Rican crop.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Issued this 25th day of October 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–8503; Filed, Oct. 27, 1954; 8:57 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 913—MILK IN THE GREATER KANSAS CITY MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING; CORRECTION

In F. R. Document 54–7785 which appeared in the FEDERAL REGISTER October 2, 1954 (19 F. R. 6363), the following correction is made: The reference to "§ 913.6" appearing in § 913.16 is corrected to read "§ 913.65".

Done at Washington, D. C., this 25th day of October 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 54–8498; Filed, Oct. 27, 1954; 8:56 a. m.]

PART 980—MILK IN THE TOPEKA, KANSAS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING; CORRECTION

In F. R. Document 54–7786 which appeared in the FEDERAL REGISTER October 2, 1954 (19 F. R. 6368) the following corrections are made:

1. The word "March" appearing in § 980.17 is hereby corrected to read "February"; and

2. The word "daily" appearing in § 980.67 (b) (1) is hereby corrected to read "dairy".

Done at Washington, D. C., this 25th day of October 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 54–8499; Filed, Oct. 27, 1954; 8:57 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

ADMINISTRATIVE RULES AND PROCEDURES

Notice was published in the October 1, 1954, issue of the FEDERAL REGISTER (19 F. R. 6339) that the Secretary of Agriculture was considering a proposed rule to approve further amendments, submitted by the Prune Administrative Committee, of the amended administrative rules and procedures, issued pursuant to the applicable provisions of Marketing Agreement No. 110, as further amended, and Order No. 93, as further amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed, and the period provided therefor has now expired.

After consideration of all pertinent available information, it is concluded that the proposed amendments of the amended administrative rules and procedures as set forth in the aforesaid notice would tend to effectuate the declared policy of the act and should be approved.

Therefore, it is hereby ordered, That the aforesaid amended administrative rules and procedures (19 F. R. 5297) be further amended as set forth below:

1. Amend the provisions of § 993.105 to read as follows:

§ 993.105 *Lot.* "Lot" as used in §§ 993.148 and 993.150 (a) means (a) any number of tenders accepted by a handler from one producer or from one dehydrator, the net weight of which does not exceed 50,000 pounds in the aggregate, or (b) in the event a single tender has a net weight in excess of 50,000 pounds, any portion of such tender, the net weight of which does not exceed 50,000 pounds: *Provided*, That no lot shall include prunes of any tender that is not tentatively accepted by the handler on the same day as other tenders included in such lot, except that this time limitation shall not apply to prunes tendered exclusively in "ton box" containers or to prunes tendered in lug boxes on pallets and remaining intact thereon: *And provided further*, That each lot of prunes shall be reasonably uniform in quality and condition, and shall not include any container of prunes which obviously is inferior in quality or condition to the quality and condition of the prunes in the rest of the containers in such lot.

2. Amend the provisions of § 993.148 (b) (1) to read as follows:

§ 993.148 *Receiving of prunes by handlers.* • • •

(b) *Incoming inspection*—(1) *General.* For each tender of prunes made to a handler by a producer or dehydrator, the handler shall, immediately upon tentative acceptance thereof, issue to the producer or dehydrator a door receipt or weight certificate showing the name and address of such producer or dehydrator, the weight of the tender, and any other information necessary to identify the tender. Any prunes so tendered to a handler must, prior to their acceptance, be inspected at an inspection station, and in order to be received as standard prunes must be certified as standard prunes. The handler shall identify each tender tentatively accepted by him pending inspection with its corresponding door receipt or weight certificate until the prunes in such tender have been inspected and accepted by him or returned to the producer or dehydrator tendering the prunes. A separate inspection shall be made of each lot and an inspection certificate shall be limited to the prunes included in one lot. Certification of any lot shall be made and computed on the basis of the net weight of prunes included in such lot, and the handler shall supply such information to the inspector. At the time of inspection of any lot, the handler shall provide the inspector with any assistance necessary in drawing samples. When necessary, in order to perform proper inspection, the inspector may require the handler to dump containers to permit proper sampling. Each lot shall be inspected immediately following tentative acceptance by a handler of all of the prunes to be included in such lot, except that any lot of prunes tendered to a handler by a producer or dehydrator in "ton box" containers or tendered in lug boxes on pallets and remaining intact thereon which cannot be dumped for sampling at the time of such acceptance, because of inadequate handling equipment, may be held for later inspection: *Provided*, That each lot of prunes so held is identified by the handler to the satisfaction of the inspector until the lot is inspected. After inspection, each lot of prunes shall be promptly accepted by the handler or returned to the producer or dehydrator. When a lot of prunes is inspected at other than a handler's plant, the inspector shall forward, with such lot to the handler, the handler's copies of the certificate.

3. Amend the provisions of § 993.161 (e) to read as follows:

§ 993.161 *Surplus tonnage.* • • •

(e) *Diversion privileges.* Any producer who desires to divert prunes in accordance with the provisions of § 993.62 shall make application to the committee for permission to avail himself of such privilege on Form PAC 10.1, "Application for Green Diversion of Prunes," containing the following information: (1) The date and the name and address of the applicant; (2) the exact location of the orchard or orchards or the name and location of the dehydrator at which the diversion is to take place; (3) the total bearing acreage of prunes operated by the applicant; (4) the applicant's estimate of his then current crop of prunes in equivalent dried tons; (5) the applicant's estimate of the dried tonnage equivalent of the quantity proposed for green diversion; (6) the proposed method of diversion, if harvested, indicating whether the prunes are to be fed to livestock or otherwise destroyed; (7) the proposed method of diversion, if unharvested, indicating whether the prunes are to be diverted by disking, pasturing, or irrigating the orchard; (8) the period during which diversion will take place, and the estimated date on which proof thereof can be supplied; (9) the name and address of the handler to whom salable tonnage covered by the diversion certificate, together with such certificate, will be delivered, if known; and (10) the name and address of the producer or other person to whom the diversion certificate will be transferred, if known. Each such application submitted to the committee shall be accompanied by a deposit of $25.00 to apply against the costs of appraisal and supervision: *Provided*, That in the event diversion is accomplished at one dehydrator location and four or more producers shall designate the dehydrator as their agent for the purpose of accomplishing the green diversion, a deposit of $100.00 shall be made by such dehydrator. The charge for any diversion certificate so issued shall be based on actual costs: *Provided*, That the charge for the issuance of any such certificate shall not exceed $3.00 per ton, or fractional part of a ton in excess of one-half ton, on a dried weight basis, of prunes diverted, but there shall be a minimum charge of $25.00 in the event the amount to be charged on such basis would be less than $25.00: *And provided further*, That the minimum charge shall be $100.00 in the event four or more producers shall designate a dehydrator as their agent for the purpose of green diversion at one location. In the event an application is rejected without an appraisal being made, the committee shall remit the full amount of the applicant's deposit. If an application is rejected or withdrawn after an appraisal is made, the committee shall remit to the applicant that portion of the deposit which is over and above the actual cost of the appraisal. The committee shall notify the applicant promptly of its decision, and, upon submission of proof of diversion satisfactory to the committee, it shall issue a diversion certificate.

It is hereby found that good cause exists for not postponing the effective date of these amendments of the amended administrative rules and procedures later than the date of the publication of this document in the FEDERAL REGISTER, (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.), because: (1) A new crop year under the aforesaid marketing agreement and order began August 1, 1954, and it is desirable that the said further amendments of the amended administrative rules and procedures be published and made effective as soon as practicable; (2) handlers generally are aware of the recommendation by the Prune Administrative Committee with respect to these further amendments of said amended administrative rules and procedures, and, as indicated above, notice of the proposed rule thereon was heretofore published and opportunity to file written data, views, or arguments was afforded, but none was received; and (3) handlers will not need to make any preparation for compliance with the requirements of these further amended administrative rules and procedures.

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Issued this 22d day of October 1954, to be, and become, effective as of the date of the publication hereof in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54–8477; Filed, Oct. 27, 1954; 8:53 a. m.]

Government, the value to the recipient,

shall be made by every air carrier which

respondent with violation of section 3 of the Clayton Act, respondent's answer,

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP–1955, Supp. 3]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1955

LEVELING LAND FOR MORE EFFICIENT USE OF IRRIGATION WATER AND TO PREVENT EROSION; CONSTRUCTING OR LINING DAMS, PITS, OR PONDS FOR IRRIGATION WATER

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 National Agricultural Conservation Program, approved July 1, 1954 (19 F. R. 4138), as amended August 3, 1954 (19 F. R. 4953), and September 15, 1954 (19 F. R. 6059), is further amended as follows:

1. Section 1101.680 is amended by revising the first sentence following the headnote to read as follows: "No Federal cost-sharing will be allowed for floating or restoration of grade, or for leveling land if the primary purpose of the leveling is to bring additional land into agricultural production."

2. Section 1101.681 is amended by revising the first sentence following the headnote to read as follows: "No Federal cost-sharing will be allowed for constructing or lining dams, pits, or ponds, the primary purpose of which is to bring additional land into agricultural production, or for the excavation of pits for the interception of underground water."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or applies secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304, 904; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 25th day of October 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–8500; Filed, Oct. 27, 1954; 8:57 a. m.]

[ACP–1955–Alaska, Supp. 1]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1955

EXCESS ACREAGE OF BASIC AGRICULTURAL COMMODITIES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, 68 Stat. 904, and the Department of Agriculture Appropriation Act, 1955, the 1955 Agricultural Conservation Program for Alaska, approved August 3, 1954 (19 F. R. 4954), is amended as follows:

Section 1104.441 is deleted in its entirety and the following substituted therefor:

§ 1104.441 *Excess acreage of basic agricultural commodities.* (a) Any person who knowingly harvests any basic agricultural commodity or causes any basic agricultural commodity to be harvested on any farm in which he has an interest, in excess of the 1955 acreage allotment for the farm for such basic agricultural commodity under the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment of cost-shares whatsoever on that farm or on any other farm under 1955 programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. A basic agricultural commodity shall not be deemed to have been knowingly harvested on any farm in excess of the farm acreage allotment for such basic agricultural commodity if it is determined under applicable price support regulations that the acreage allotment for the commodity has not been knowingly exceeded.

(b) Any person who makes application for payment of cost-shares with respect to any farm shall file with such application a statement that he has not knowingly harvested any basic agricultural commodity or caused any basic agricultural commodity to be harvested on any farm in which he has an interest, in excess of the 1955 acreage allotment established for the farm for such basic agricultural commodity under the Agricultural Adjustment Act of 1938, as amended.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304, 904; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 25th day of October 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–8501; Filed, Oct. 27, 1954; 8:57 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 2—SERVICE RECORDS; FEES

PART 8—REOPENING AND RECONSIDERATION

PART 341a—CERTIFICATE OF CITIZENSHIP—HAWAIIAN ISLANDS

MISCELLANEOUS FEES

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of September 23, 1954 (19 F. R. 6166), and in which there was stated in full the terms of proposed amendments of the rules relating to fees for service, documents, papers, and records not specified in the Immigration and Nationality Act. Representations which were received concerning the proposed amendments have been considered. The rules, as stated below, are hereby adopted. The provisions of the adopted rules are the same as those stated in the notice of proposed rule making.

1. The third, fifth, sixth, and fifteenth items in § 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act* are amended and a new item is added, so that, when taken with the introductory material, they will read as follows:

§ 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act.* In addition to the fees enumerated in sections 281 and 344 of the Immigration and Nationality Act, the following fees and charges are prescribed:

* * * * * *

For filing an appeal from, or a motion to reopen or reconsider, a decision in an exclusion or deportation proceeding. (The minimum fee of $25 shall be charged whenever such an appeal or motion is filed by or on behalf of two or more aliens and all of such aliens are covered by one decision.) ---------- 25.00

* * * * * *

For filing a motion to reopen or a motion to reconsider in any case arising under the Immigration and Nationality Act, except from a decision in an exclusion or deportation proceeding. (The minimum fee of $10.00 shall be charged whenever a motion to reopen or reconsider is filed by or on behalf of two or more aliens and all of such aliens are covered by one decision.) ---------- 10.00

For filing application for Alien Registration Receipt Card or Form 257a, Form I–94C, or Form I–95A in lieu of one lost, mutilated or destroyed, or in changed name, or in lieu of Form AR–3 or AR–103---------- 5.00

* * * * * *

For filing application for Certificate of Citizenship—Hawaiian Islands-- 12.00

* * * * * *

For filing application for stay of deportation under § 243.3 (b) of this chapter, except when made concurrently with a motion to reopen or reconsider a decision in an exclusion or deportation proceeding-- 25.00

2. The first sentence of paragraph (f) *Fees* of § 8.11 *Motion to reopen or reconsider* is amended to read as follows: "Except as otherwise provided in this paragraph, a motion filed under this part shall be accompanied by a fee specified by, and remitted in accordance with, the provisions of Part 2 of this chapter."

3. The third sentence of § 341a.11 *Application; fee* is amended to read as follows: "The application shall be accompanied by a fee of $12.00, by three photographs of the applicant as prescribed in Part 333 of this chapter, and by documentary evidence or pertinent excerpts therefrom, as described in § 341.12 of this chapter, tending to establish the applicant's citizenship."

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103 Interpret or apply sec. 501, 65 Stat. 290; 5 U. S. C. 140)

The rules stated above shall become effective on the thirty-first day following the date of publication in the FEDERAL REGISTER.

The basis and purpose of the rules are to establish fee increases and prescribe new fees for certain services not specified in the Immigration and Nationality Act commensurate with the cost to the Government, the value to the recipient, and the public policy or interest served.

Dated: October 20, 1954.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: October 18, 1954.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 54–8496; Filed, Oct. 27, 1954; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. ER–200]

PART 261—FILING OF AGREEMENTS

WHO SHALL FILE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of October 1954.

Section 412 (a) of the Civil Aeronautics Act of 1938, as amended, requires air carriers which are parties to certain contracts or agreements to file with the Board a copy of such contract or agreement. Section 261.1 (a) of the Board's Economic Regulations requires each air carrier which is a party to a contract or agreement fileable under section 412 (a) of the act to file with the Board two copies of such contract or agreement or, when it has been previously filed by another carrier, to submit to the Board within a prescribed time limit a signed statement of concurrence. This requirement appears to the Board to be an unnecessary burden with respect to matters formally reduced to writing and subscribed to by all parties, although it continues to be appropriate for informal or oral contracts and agreements.

Accordingly, the Board is now amending § 261.1 (a) to provide that in the case of formal contracts and agreements executed after the date of this amendment, reduced to writing, and subscribed by all parties thereto, there shall be a presumption that a filing with the Board by one of the parties is made on behalf of all parties to the agreement. This will obviate the necessity for the remaining carriers who are parties to the agreement to file letters of concurrence.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter submitted. Since this amendment imposes no additional burden on any person it may be made effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 261 of the Economic Regulations (14 CFR Part 261, as amended), effective immediately, as follows:

By amending § 261.1 (a) to read as follows:

§ 261.1 *Who shall file.* (a) The filing of copies of contracts and agreements which are required to be filed under the provisions of section 412 (a) of the Civil Aeronautics Act of 1938, as amended, shall be made by every air carrier which is a party thereto as follows:

(1) *Written contracts and agreements.* In the case of contracts and agreements executed after October 25, 1954, formally reduced to writing and subscribed by the parties thereto, there shall be a presumption that if the required number of copies are filed by any air carrier which is a party to such contract or agreement, such filing has been made on behalf of itself and all other parties subscribed thereto. Written contracts and agreements executed prior to October 25, 1954, shall be filed in accordance with the rules contained in subparagraph (2) of this paragraph.

(2) *Oral and informal contracts and agreements.* In the case of oral or memorandum contracts and agreements, if the required number of copies of memoranda thereof are filed by any air carrier which is a party to such contract or agreement, any other air carrier which is a party shall be deemed to have complied with this requirement if it transmits to the Board within the time prescribed by § 261.4 a signed statement to the effect that it concurs in such filing.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 412, 52 Stat. 1004; 40 U. S. C. 492)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54–8505; Filed, Oct. 27, 1954; 8:58 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5685]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

REVLON PRODUCTS CORP.

Subpart—*Dealing on exclusive and tying basis:* § 3.670 *Dealing on exclusive and tying basis.* In connection with the offering for sale, sale, or distribution of cosmetic products in commerce: (1) Selling or making any contract or agreement for the sale of respondent's cosmetic products on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in or sell cosmetic products supplied by any competitor or competitors of respondent; (2) enforcing or continuing in operation or effect any condition, agreement, or understanding in, or in connection with, any existing contract of sale, which condition, agreement, or understanding is to the effect that the purchaser of respondent's cosmetic products will deal in and sell only cosmetic products supplied by respondent; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 3, 38 Stat. 731; 15 U. S. C. 14) [Cease and desist order, Revlon Products Corporation, New York, N. Y., Docket 5685, Sept. 23, 1954]

This proceeding was heard by Earl J. Kolb, hearing examiner, upon the complaint of the Commission, charging respondent with violation of section 3 of the Clayton Act, respondent's answer, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of, and in opposition to, the allegations of the complaint, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel; and said examiner, having duly considered the record in the matter, made his initial decision comprising certain findings as to the facts, conclusions drawn therefrom, and order.

Thereafter, following respondent's appeal from said initial decision, the filing of briefs in support of and in opposition thereto, and oral argument, and the filing of a motion by respondent, opposed by counsel supporting the complaint, requesting reargument, the matter was disposed of by "Decision of the Commission", Docket 5685, dated September 23, 1954, which found no prejudicial error in the examiner's rulings; for the reasons set forth in its accompanying opinion adopted said initial decision as that of the Commission with certain additions and modifications as in said decision specified; for the reasons there set out in its said decision denied respondent's motion for reargument; and required compliance with the order to cease and desist in said initial decision; as follows:

This matter came before the Commission upon an appeal by the respondent, Revlon Products Corporation, from an initial decision of the hearing examiner holding that it has violated section 3 of the Clayton Act. Briefs have been filed in support of and in opposition to this appeal and oral argument has been heard. Respondent also has filed a motion requesting reargument, which motion is opposed by counsel supporting the complaint.

The Commission has reviewed the rulings made by the hearing examiner at the hearings and finds that no prejudicial error was committed. It has considered the initial decision, respondent's exceptions thereto, the briefs and oral argument and the entire record in the case and, for the reasons set out in the written opinion of the Commission issued simultaneously herewith, is of the opinion that the initial decision should be adopted as the decision of the Commission with the following additions and modifications:

1. Respondent excepts to the finding that it is a dominant factor in the nail enamel and lipstick fields. As to lipstick, the record shows that respondent is one of the leading sellers of lipstick. However, it does not support a finding that it dominates the field. As to nail enamel, respondent's officials testified that it is by far the leader in the more expensive nail enamel field. Testimony of competitors shows that Revlon has eighty percent of the nail enamel and adjunct line in the beauty parlor field and is dominant in the sale of these products in that field. Other companies

sell large quantities of inexpensive nail

It is ordered, therefore, That respond-

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tee upon which the member of Congress the Legislative Branch when accom- diately above be provided on any given

sell large quantities of inexpensive nail enamel, principally to drug and ten-cent stores, but respondent clearly dominates in the quality enamel field. Therefore, this finding is modified so as to hold that respondent is dominant in the quality nail enamel field and is a leading seller of lipsticks.

2. The last sentence in Paragraph Six of the hearing examiner's finding is hereby modified by striking from it the phrase "Based upon the testimony of beauty supply jobbers with reference to the various competitive items handled by them." The remainder of the sentence is retained as respondent admits in its exceptions that many manufacturers voluntarily do not sell to beauty supply jobbers.

3. Paragraph Eighteen of the initial decision is modified to clearly state that many of respondent's franchised jobbers sold products, other than nail enamel, which are competitive with respondent's products in violation of their franchise agreements. The hearing examiner so held, in general effect, in ruling on respondent's requested finding number 20, but did not so state in his findings.

4. Paragraph Nineteen of the initial decision is modified by striking the following sentence: "Representatives of 19 of these beauty supply jobbers appeared as witnesses, but, while they denied certain conversations with Breslauer as to their reasons for limiting their business to Revlon nail enamel, it is quite clear that these jobbers did not handle nail enamel competitive with that supplied by respondent."

And by substituting therefor: Representatives of 19 of these beauty supply jobbers appeared as witnesses; of these, 12 testified that they sold Revlon nail enamel exclusively. The others did not testify on this point. Certain of these denied having told Breslauer they wouldn't handle competing nail enamels because of their exclusive dealing agreements with respondent. One, H. L. Reid of Reid and Sibell, testified that he got rid of a competitive nail enamel shortly after becoming a Revlon jobber upon being directed to do so by a Revlon representative who had checked his stock and found the competitive product."

The Commission has considered all of the exceptions to the initial decision and arguments set out in respondent's brief. They are rejected except to the extent the initial decision is hereinabove modified.

Respondent has moved for reargument before the Commission for the reason that two of the present five Commissioners were not members and did not hear the oral argument of counsel, and for the further reason that principles of law bearing on this decision have been announced by the Commission since oral argument herein. The Commission is of the opinion that the able briefs and oral argument and its familiarity with its own recent decisions are sufficient to fully apprise it of all of the issues herein. For that reason, it is of the further opinion that reargument would serve no useful purpose.

It is ordered, therefore, That respondent's motion for reargument is hereby denied.

It is further ordered, That respondent's appeal from the initial decision of the hearing examiner is hereby denied except to the extent hereinabove set out.

It is further ordered, That the initial decision, with the modifications and additions hereinabove set out, is hereby adopted as the decision of the Commission.

It is further ordered, That respondent Revlon Products Corporation shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist set out in the initial decision, a copy of which its attached hereto.[1]

The order, compliance with which was thus required, is as follows:

It is ordered, That the respondent Revlon Products Corporation, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of cosmetic products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Selling or making any contract or agreement for the sale of respondent's cosmetic products on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in or sell cosmetic products supplied by any competitor or competitors of respondent;

2. Enforcing or continuing in operation or effect any condition, agreement, or understanding in, or in connection with, any existing contract of sale, which condition, agreement, or understanding is to the effect that the purchaser of respondent's cosmetic products will deal in and sell only cosmetic products supplied by respondent.

Issued: September 23, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-8491; Filed, Oct. 27, 1954; 8:54 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

CONTRACT PROVISIONS

Correction

In Federal Register Document 54-8371, published at page 6831 of the issue for Saturday, October 23, 1954, the headnote "Non-Rate of Wages" should read "Non-Rebate of Wages".

[1] Filed as part of the original document.

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense

PART 60—REIMBURSABLE AND NONREIMBURSABLE TRAVEL BY MILITARY AIRCRAFT

This part replaces order effective April 16, 1952, 17 F. R. 3535, April 22, 1952, 32 CFR 1954, Supp. Subtitle A.

Sec.
60.1 Travel without reimbursement.
60.2 Travel with reimbursement.
60.3 Authority for certain nongovernmental travel.
60.4 General policy on nongovernmental travel.

AUTHORITY: §§ 60.1 to 60.4 issued under sec. 202, 61 Stat. 500; 5 U. S. C. 171a, E. O. 9826, 12 F. R. 5689, 3 CFR, 1947 Supp.

§ 60.1 *Travel without reimbursement*—(a) *Sponsored travel.* Sponsored travel is defined as and confined to military air transportation furnished by a military department to its own officials or to Members of Congress and other Government officials or other persons to whom an invitation to travel has been extended by the Office of the Secretary of Defense or by one of the military departments. The military departments (Army, Navy and Air Force) are granted the authority to extend such invitations unilaterally to congressional committees and staff members, individual Members of Congress, and other Government officials, when the purpose of the travel is of primary concern to the military department extending the invitation.

(1) *Officials of the Department of Defense, Military Departments, etc.* Travel without reimbursement by officials and by military and civilian personnel of the Department of Defense, the three military departments and the boards and other agencies of the Department of Defense shall be governed by such regulations as the Secretary of Defense may from time to time prescribe.

(b) *Nonsponsored travel.* Nonsponsored travel is defined as and confined to military air transportation furnished pursuant to an official request upon the Secretary of Defense or to a military department from a department, agency or official of the Government outside of the Department of Defense.

(1) *Officials of other Executive Departments or agencies or Judicial Branch.* Requests for travel without reimbursement by Government officials of the other Executive Departments or agencies or Judicial Branch, whose travel is of primary interest to the Department of Defense, will be screened and approved in writing by the head of the agency to which the official is attached and the approved request then forwarded to the Secretary of Defense for disposition.

(2) *Officials of the Legislative Branch.* (i) Requests for travel without reimbursement by members of Congress and committee staff members, whose travel is of primary interest to the Department of Defense, should be submitted in writing to the Secretary of Defense by the Chairman of the Congressional committee upon which the member of Congress is serving. The committee chairman should state in his request whether or not he believes the travel to be of primary interest to the Department of Defense.

(ii) Members of Congress who hold valid reserve status in the Army, Navy, Air Force or Marine Corps may continue to utilize air transportation in accordance with existing policies of the respective military departments (Army, Navy and Air Force) applicable to the reserve officer and enlisted personnel of those departments.

(3) *Nonofficial passengers (sponsored and/or nonreimbursable trips).* Exceptions to the general policy of prohibiting accompanying travel of dependents on Department of Defense sponsored nonreimbursable trips are as follows:

(i) To permit travel of dependents of attaché mission or military commission personnel as may be designated by the respective Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, the Chiefs of Staff of the Army and Air Force, the Chief of Naval Operations and the Commandant of the Marine Corps in overseas areas on attaché or mission aircraft.

(ii) To permit travel of dependents of other military or civilian personnel of the Department of Defense when authorized by the Secretary of Defense, or by the respective Secretaries of the Military Departments, the Chiefs of Staff of the Army and Air Force, the Chief of Naval Operations or the Commandant of the Marine Corps, as being in the national interest, essential to the proper accomplishment of the mission, desirable because of diplomatic or public relations, or as necessary for the health or morale of the principals concerned.

(iii) To permit the accompanying travel without reimbursement of dependents of officials of the other Executive Departments or agencies, of the Judicial Branch, or of the Legislative Branch, when accompanying their principals on a sponsored trip, and when authorized in each instance by the Secretary of Defense as being in the national interest, essential to the proper accomplishment of the mission, desirable because of diplomatic or public relations, or as necessary for the health and morale of the individuals concerned.

Requests for the accompanying travel without reimbursement on military aircraft by dependents of officials of the other Executive Departments or agencies, of the Judicial Branch, or of the Legislative Branch should be referred to the Secretary of Defense.

(4) *Nonofficial passengers (nonsponsored and/or reimbursable trips).* The rule generally prohibiting passage of dependents on Department of Defense sponsored nonreimbursable trips is also applicable to nonsponsored and/or reimbursable trips. However, exceptions to the rule may be authorized under certain circumstances. Current exceptions to the rule would be: To permit accompanying travel on nonsponsored and/or reimbursable trips of dependents of officials of other Executive Departments or agencies, of the Judicial Branch, or of the Legislative Branch when accompanying their principals and when authorized in each instance by the Secretary of Defense as being essential to the proper accomplishment of the mission, desirable because of diplomatic or public relations, or as necessary for the health or morale of the individuals concerned.

(5) *Use of attache aircraft by Members of the Congress.* (i) In those instances where Congressional committees or members thereof find it necessary while abroad to request travel in Air Force or Navy aircraft allocated to the attaches or military missions, such trips may be authorized if commercial facilities are not available, if such use of the attache or mission aircraft will not interfere in any way with its normally assigned mission, if the purpose of the trip is specifically indicated by the chairman of the committee or subcommittee or member as essential to the mission of the committee, subcommittee or member.

(ii) A report of each trip so flown will be made to the appropriate military department by the attaché concerned, which report will indicate the names and numbers of passengers carried, the duration, destinations and purpose of the trip.

§ 60.2 *Travel with reimbursement.* In cases not covered by the preceding section, the Department of the Navy and the Department of the Air Force may provide air transportation with reimbursement therefor, and subject to other restrictions thereon, in accordance with the provisions of applicable law, when the traffic is of official concern to the Executive Departments or agencies, or to the Legislative or Judicial Branches of the Government. Requests for transportation in this category should be directed to the Secretary of the Air Force with procurement authority chargeable or a clear indication of the method by which reimbursement is to be accomplished.

§ 60.3 *Authority for certain nongovernmental travel.* In order to facilitate Department of Defense operations at home and abroad, nongovernmental passengers and cargo not within the scope of the foregoing provisions may be furnished air transportation by the Department of the Navy or the Department of the Air Force to or from places outside of the Continental United States, with reimbursement therefor, at not less than current commercial rates (including taxes) upon certification by the head of the interested Executive Department or agency that the furnishing of such transportation is in the national interest. In cases covered in this paragraph it will be within the purview of the Secretary of the Navy or the Secretary of the Air Force to refuse to authorize the transportation if deemed advisable.

§ 60.4 *General policy on nongovernmental travel.* As a general policy, the aviation organizations of the Armed Forces shall not be placed in a position of competing with United States commercial transportation. Therefore, in no case will air transportation under the provisions of the two paragraphs immediately above be provided on any given route if, in the opinion of the Departments of the Army, Navy or Air Force, United States civil air carriers adequate to handle the traffic are in operation on the route.

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

OCTOBER 11, 1954.

[F. R. Doc. 54-8447; Filed, Oct. 27, 1954; 8:46 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 864—ENLISTED RESERVE

SERVICE OBLIGATIONS UNDER THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT

1. Paragraph (c) is added to § 864.31 as follows:

§ 864.31 *Purpose.* • • •

(c) The Reserve and service obligations described apply to male members of the Air Force.

2. Paragraph (d) of § 864.33 is changed to read as follows:

§ 864.33 *Definitions.* For the purpose of §§ 864.31 to 864.43, unless otherwise specifically indicated, the following definitions will apply:

• • • • • •

(d) *Satisfactory participation in organized unit.* The term "organized unit," as used in §§ 864.31 to 864.43, applies only to those units and training program elements of the Reserve components of the Air Force which require a minimum of 35 scheduled drills or training periods or days of active Federal service, or any combination thereof each year. These units and program elements are listed in subparagraph (1) of this paragraph. The term "satisfactory participation" includes membership in an organized unit and attendance at not less than 90 percent of the scheduled training activities thereof.

(1) *Organized units of Reserve components of Air Force.* Each of the following units and program elements is considered to be an organized unit:

(i) All units of the Air National Guard of the United States.
(ii) Combat support wings and units.
(iii) Combat wings and units.
(iv) Flying training wings and units.
(v) Replacement training squadrons.
(vi) Air Reserve Units (category B-1 status only).
(vii) Mobilization assignment Reserve sections (mobilization assignees will be deemed to be members of organized units).

(2) *Participation.* Minimum participation standards are established for each unit and program element of the Reserve components of the Air Force and are set forth in applicable directives pertaining thereto. Persons whose obligation under the Universal Military Training and Service Act is predicated upon satisfactory participation also must meet all of the following requirements:

(i) Assignment to an organized unit.

(d) Authority to sever service-con-

(ii) Attendance at all scheduled drills, unit training assemblies, training periods or days of active Federal service of the unit, unless excused by proper authority. A person's excused absences may not exceed 10 percent of these scheduled activities. A person whose absences exceed 10 percent because of temporary illness or disabling injury may be permitted by the unit commander to make up these excess absences without pay provided that the person:

(*a*) Requests permission to make up his absences.

(*b*) Furnishes a certificate from a medical officer or licensed doctor of medicine substantiating the reason for his absences.

(*c*) Makes up the excess absences within a 12-month period, and

(*d*) Performs such training activities, as are approved in advance by the unit commander. This training may include but is not limited to satisfactory completion of extension courses, performance of duties directly related to the administration of the unit, or attendance at extra scheduled drills, unit training assemblies, or training periods of his or another unit. While this training is authorized for "makeup" purposes, points for retention and retirement purposes cannot be credited retroactively for a prior retention period or retirement year.

(iii) Satisfactory performance of duties as determined by unit commanders.

* * * * * * *

(AFR 45–35A) (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 4, 62 Stat. 605, as amended; 50 U. S. C. App., 454)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54–8449; Filed, Oct. 27, 1954; 8:46 a. m.]

Subchapter G—Personnel

PART 888—STANDARDS OF CONDUCT RELATING TO CONFLICT BETWEEN PRIVATE INTERESTS AND OFFICIAL DUTIES

STATUTORY PROVISIONS RELATING TO FORMER PERSONNEL; AFFIDAVITS

1. Paragraph (b) (1) of § 888.2 is changed to read as follows:

§ 888.2 *Statutory provisions.* * * *

(b) *Statutes relating specifically to former personnel.* (1) It is unlawful for former personnel, within two years after their incumbency, to prosecute or to act as counsel, attorney, or agent for prosecuting, any claim against the United States which involves any subject matter directly connected with which such persons were employed or performed duty. (Interprets or applies sec. 1, 62 Stat. 698, as amended; 18 U. S. C. 284.)

NOTE: The Attorney General has construed this statute to mean that every person who has been employed in any Government agency, including commissioned officers assigned to duty in such Agency, is disqualified for a period of two years after such employment or service has ceased from representing in any manner or capacity any interest opposed to the United States in any matter with which such person was directly connected during the time he was in Government service. No distinction is to be drawn between monetary claims against the Government and nonmonetary claims, nor between affirmative claims and defensive claims. However, the Department of Justice has also advised that the statute was not designed to go beyond specific matters or cases upon which a person worked or concerning which he gained information while employed by the Government. Where a person acquires or expands his professional knowledge in some particular field while with the Government, he is entitled to use such professional knowledge in pursuing his livelihood after he leaves Government service so long as he does not, within the two year period specified by the statute, employ such knowledge in connection with a specific matter with which he became directly connected while in Government service.

* * * * * * *

2. Paragraph (c) of § 888.6 is changed to read as follows:

§ 888.6 *Affidavits.* * * *

(c) *Further consideration and decision.* In any instance where a doubt exists concerning whether the conduct of the former Government employee is prohibited by statute or contravenes the policy set forth in this part, the matter will be submitted for consideration and decision to the appropriate major air command and, if considered advisable by that command, to the Commander, Air Materiel Command. In those instances where the Commander, Air Materiel Command, is unable to resolve the issues, the matter will be submitted to Headquarters USAF for referral to the Office of the Secretary of the Air Force for consideration and decision.

(AFR 30–30A) (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54–8448; Filed, Oct. 27, 1954; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.2, paragraph (a) is amended to read as follows:

§ 3.2 *Persons not included in the acts.* (a) *Members of the National Guard.* Members of the National Guard ordered to active duty for training are not, under section 112 of the National Defense Act of June 3, 1916, as amended June 15, 1933, or under Public No. 159, 75th Congress, entitled to compensation. (See, however, § 3.1 (l) (2).)

* * * * * * *

2. Sections 3.3 and 3.4 are revised to read as follows:

§ 3.3 *Jurisdiction of adjudication division.* Within the jurisdiction of field adjudication activities, the adjudication division in each regional office under the direction of an adjudication officer, will be responsible for the preparation and adjudication of claims for disability compensation or pension and determining, upon proper request, service-connection for the condition or conditions for which outpatient treatment only is requested; for determining whether the character of discharge is a bar to benefits, including benefits under Titles II and III of Public Law 346, 78th Congress, as amended, Titles II, III, and IV, Public Law 550, 82d Congress, and hospital treatment, domiciliary care, and outpatient treatment for service connected disabilities under Public No. 2, 73d Congress, as amended, in doubtful cases; for determining whether disabilities are service-connected and compensable for purposes of vocational rehabilitation; for determining whether the injury or disability for which discharged, in those instances where the veteran served less than 90 days was incurred or aggravated in line of duty for the purposes of Titles II and III, Public Law 346, 78th Congress, as amended; and Titles II, III, and IV, Public Law 550, 82d Congress, for the preparation and adjudication of claims involving Public Law 314, 78th Congress.

§ 3.4 *Jurisdiction of authorization unit.* The authorization unit will have jurisdiction over the determination of basic eligibility for monetary benefits in claims under the jurisdiction of the field office; the development of claims in conformity with established Veterans' Administration policy; the adjudication of all claims upon completion of rating action; the development and certification of appeals; the certification, upon proper request, of data for consideration in determining eligibility for domiciliary care or hospital or outpatient treatment; the determination whether the character of discharge is a bar to benefits including benefits under Titles II and III of Public Law 346, 78th Congress, as amended, under Titles II, III, and IV, Public Law 550, 82d Congress, and hospital treatment, domiciliary care, and outpatient treatment for service-connected disabilities under Public No. 2, 73d Congress, as amended, in doubtful cases; the furnishing of technical information, through correspondence or otherwise, to veterans or their representatives in explanation of action taken upon individual claims, and the carrying out of such duties in relation to the foregoing and adjudication matters, general or otherwise, as may be properly assigned by Central Office.

3. In § 3.5, paragraphs (a), (d), and (e) are amended to read as follows:

§ 3.5 *Jurisdiction of rating board.* (a) The rating boards are vested with authority to determine questions of service-connection of disability flowing from diseases and injuries (including such determinations for purposes of Public Law 346, 78th Congress, as amended and Public Law 550, 82d Congress), in cases in which the jurisdiction is temporarily or permanently vested in the field office concerned; to determine the necessity for, type of, sufficiency of, and appropriate date of examinations and reexaminations, including hospitalization for observation, for rating purposes; to determine and

to evaluate the disability resulting from each and from all such diseases and injuries and to determine whether any such disease or injury is due to the willful misconduct or misconduct of the veteran; to determine the competency or incompetency of claimants in proper cases; to determine whether the veteran was insane at time of commission of offense resulting in discharge otherwise precluding entitlement to benefits; to determine whether children of veterans are insane, idiotic, or otherwise helpless by reason of mental or physical condition; to determine entitlement under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress, and under paragraph 4, part VII, Veterans Regulation 1 (a), as amended.

* * * * * * *

(d) In the event of a dissenting opinion by a rating specialist, no payment will be made based upon the decision, until it has been authoritatively determined whether an appeal will be taken. If appeal from any decision is taken by any of the officials designated in § 19.7 of this chapter, no change in payments based on the decision appealed from will be made until a decision is rendered by the Board of Veterans Appeals and the claims folder is returned to the appropriate activity.

(e) If it is decided that an appeal is to be taken by one of the officials designated in § 19.7 of this chapter, the claimant or his representative will be promptly informed concerning the question at issue and concerning his right of appearance or representation before the rating board or the Board of Veterans Appeals. The hearing will not be accepted to serve as a basis for reversal of the majority decision, but such action as may be indicated will be taken where new and material evidence is submitted or where the further development of evidence would appear to be advisable on information submitted by or in behalf of the claimant. A transcribed record of the hearing will be filed. If ,upon being informed of the administrative appeal, the claimant or his representative elects to present additional evidence or argument, such election will be deemed to be an appeal and the two appeals will be merged and considered in accordance with the provisions of § 3.328.

4. Sections 3.6 and 3.7 are revised to read as follows:

§ 3.6 *Decisions to conform to existing laws, regulations, and defined policies.* All decisions will conform strictly to the laws, regulations, Administrator's Decisions, and defined policies as enunciated by the Administrator. All opinions of the General Counsel which constitute a precedent are embodied either in Administrator's Decisions or opinions which are approved by the Administrator. Conclusions reached in individual cases are frequently influenced by peculiar facts or local statutes and, consequently, will not be followed as precedents. However, where it is apparent beyond question that the situation is identical, such conclusions may be followed as a matter of consistency in the adjudication of claims under the law or regulations applicable.

§ 3.7 *Information on all decisions to be furnished to veterans.* The claimant will, in all cases in which he appears personally before a rating board, be informed by the board of the decision reached and the reason therefor. The claimant will also be advised, upon completion of adjudicative action based upon the decision, of the provisions thereof, and his entitlement or nonentitlement thereunder, and of his right of appeal, and of the time within which appeal must be taken. Failure to receive written notice of right to, and time for, appeal will not extend the time for filing appeal.

5. In § 3.9, paragraphs (a), (b), and (d) are amended to read as follows:

§ 3.9 *Revision of rating board decisions.* (a) No rating board will reverse or amend, except upon new and material evidence, a decision rendered by the same or any other rating board, or by an appellate authority, except where such reversal or amendment is clearly warranted by a change in law or by a specific change in interpretation thereof specifically provided for in a Veterans' Administration issue: *Provided*, That a rating board may reverse or amend a decision by the same or any other rating board where such reversal or amendment is obviously warranted by a clear and unmistakable error shown by the evidence in file at the time the prior decision was rendered. (See also § 3.201.) Where the severance of service-connection is considered warranted on the facts of record, see paragraph (d) of this section.

(b) Whenever a rating board may be of the opinion that a revision or an amendment of a previous decision is warranted on the facts of record in the case at the time the decision in question was rendered, a difference of opinion being involved rather than a finding of clear and unmistakable error, the complete file will be forwarded, accompanied by a complete and comprehensive statement of the facts in the case and a detailed explanation of the matters supporting the conclusion that a revision or amendment of the prior decision is in order to the Deputy Administrator for Veterans Benefits. A rating decision will not be effected in any such case pending the return of the claims folder following Central Office consideration. The commencing date of benefits in such cases if otherwise payable will be the date of the action by Central Office authority authorizing a favorable rating based on a difference of opinion. The foregoing is applicable regardless of whether there is a pending claim in file. Where the initial rating for death compensation or pension purposes is favorable, the commencing date of death benefits will be determined without regard to the fact that the death rating may reverse, on a difference of opinion, an unfavorable rating for disability purposes, entered by a rating agency other than the Board of Veterans Appeals, which was in effect at the date of the veteran's death.

* * * * * * *

(d) Authority to sever service-connection upon the basis of clear and unmistakable error (the burden of proof being upon the Government), is vested in regional offices. Service-connection will not be severed in any case on a change of diagnosis in the absence of the certification hereinafter provided. Accordingly, in reports of examinations submitted for rating purposes, where a change in diagnosis of service-connected disability is made, the examining physician or physicians, or other proper medical authority, will be required to certify, in the light of all accumulated medical evidence, that the prior diagnosis on which service-connection was predicated was not correct. This certification will be accompanied by a summary of the facts, findings, and reasons supporting the conclusion reached. When the examining physician or physicians, or other proper medical authority, are unable to make the certification provided herein, service-connection will be continued by the rating agency. Where this certification is made, the case will be carefully considered by the rating agency, and in the event it is determined in consideration of all the accumulated evidence that service-connection should be continued, a decision to that effect will be rendered, citing this section as authority. If in the light of all the accumulated evidence, it is determined that service-connection may not be maintained, it will be severed. The claimant will be immediately notified in writing of the contemplated action and the detailed reasons therefor and will be given a reasonable period, not to exceed 60 days from the date on which such notice is mailed to his last address of record, for the presentation of additional evidence pertinent to the question. This procedure is for application except (1) in case of fraud; (2) in case of a change in law; (3) in case of a change of interpretation of law specifically provided in a Veterans' Administration issue; or (4) where the evidence establishes the service-connection to be clearly illegal. (See Veterans' Administration claims procedures.)

* * * * * * *

6. Section 3.10 is revised to read as follows:

§ 3.10 *Adjudication of applications.* Applications for disability compensation or pension will be adjudicated in the appropriate regional office when the applicant's entire military or naval service was subsequent to July 15, 1903, or Coast Guard service subsequent to January 27, 1915, except when jurisdiction is otherwise vested in the Veterans Benefits Office, D. C. under § 3.1025.

7. Section 3.11 *Adjudication of applications of veterans residing without the continental limits of the United States* is revoked.

8. Section 3.12 *Adjudication of applications of employee-claimants* is revoked.

9. Sections 3.27 and 3.28 are revised to read as follows:

§ 3.27 *Informal claims.* Any communication from or action by a claimant or his duly authorized representative, or

thoritative proof of the data shown

(iii) In Veterans Benefits Office cases,

a prisoner-of-war status; (3) parole by the Japanese from a prisoner-of-war

some person acting as next friend of a claimant who is not sui juris, which clearly indicates an intent to apply for disability or death compensation or pension, may be considered an informal claim. To constitute an informal claim, the communication must specifically refer to and identify the particular benefit sought. When such informal claim is received and a formal application is forwarded for execution by the claimant, such application shall be considered as evidence necessary to complete the initial application, and, unless a formal application is received within 1 year from the date it was transmitted for execution by the claimant, no award shall be made by virtue of such informal claim. If received within 1 year in such instances, it will be considered filed as of the date of receipt of the informal claim by the Veterans' Administration. However, a communication received from a service organization, pension attorney, or pension agent may not be accepted as an informal claim if a power of attorney was not executed at the time the communication was written. When benefits are being resumed under §3.299 and an informal claim has been filed for a disability incurred or aggravated in the second period of service, the requirements of the third and fourth sentences of this section are not for application. Under Executive Order 6017, February 7, 1933, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration, and therefore an informal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative.

§ 3.28 *Abandoned claims.* (a) In an original claim or a claim for increase in which no response has been made within 1 year after the request for the evidence or order for physical examination by the Veterans' Administration, the claimant's failure or disregard will constitute abandonment of the claim and sufficient grounds for its rejection. After the expiration of 1 year, further action may not be taken unless a new application is received. Should the claim be finally established, pension or compensation shall commence from the date of filing the new application.

(b) Where payments of compensation or pension have been suspended on or after July 1, 1933, because a veteran's or payee's whereabouts is unknown, payments may not be resumed until the date the Veterans' Administration receives evidence showing his continued existence, entitlement, and present whereabouts.

(Par. II (a) and (b), Part I, Veterans Regulation 2 (a), Veterans Regulation 2 (d); 38 U. S. C. 12)

10. In § 3.30, paragraph (a) is amended to read as follows:

§ 3.30 *Written testimony to be certified and oral testimony to be under oath; administration of oaths by employees.* (a) All written testimony, whether lay or medical, submitted by or in behalf of a claimant in support of service-connection as proof that the claimant is entitled to such benefits, will be duly certified. For the purpose of establishing service-connection, the physical examination reports, clinical records, and transcript of records received from State, county, municipal, and recognized private institutions and contract hospitals, referred to in § 3.216 (c), must also be certified by the responsible officials of such institutions. This requirement of certification prevails whether the report, record, or transcript is submitted at the instance of the claimant or in his behalf or pursuant to Veterans' Administration request. Claimants, their legal representatives, and witnesses in their behalf, appearing before any rating or appellate body for the purpose of presenting oral testimony, will be duly sworn.

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11. Section 3.31 is revised to read as follows:

§ 3.31 *Physicians' and lay statements.* (a) Full credence shall be given to the evidence submitted in proper form in support of claims for disability compensation, unless there is sound basis for doubt as to the conditions set forth in the physician's or layman's statement, by reason of other conflicting evidence or otherwise. A mere belief that a statement or affidavit is made from memory, without some sound basis therefor, is not sufficient ground for questioning its integrity. If conflicting evidence develops, the field office will reconcile the conflict by correspondence, and travel will not be resorted to for this purpose unless it is absolutely essential, and accurate and positive information cannot be obtained in any other manner.

(b) Where the veteran was engaged in combat with the enemy in active service with a military or naval organization of the United States during a war, campaign, or expedition, satisfactory lay or other evidence of service incurrence or aggravation of a disease or injury will be accepted as sufficient proof establishing that fact if consistent with the circumstances, conditions, or hardships of such service, notwithstanding there is no official record of such incurrence or aggravation: *Provided*, That service-connection is not rebutted by clear and convincing evidence. The benefit of every reasonable doubt will be resolved in favor of such veterans, and the reasons for granting or denying service-connection in each such case shall be recorded in full. (Pub. Law 361, 77th Congress.) (See § 3.77 (b).) The proximity of the manifestation of a disability to the date of discharge from service and the evidentiary showing of the circumstances of imprisonment or continuity of significant symptomatology will be given careful consideration.

(55 Stat. 847; 38 U. S. C. 726)

12. In § 3.32, paragraph (b) is amended and paragraph (c) is deleted as follows:

§ 3.32 *Evidence required from a foreign country and release of original documents from files of the Veterans' Administration for authentication.* • • •

(b) (1) When documents received, other than those involving claims within the jurisdiction of the Veterans Benefits Office, D. C., require authentication, they will be forwarded to the Department of State through the head of the activity concerned in Central Office, and subsequently through the contact and foreign service, Department of Veterans Benefits, for the purpose of authentication. The excepted class will be forwarded direct to the Department of State. The Department of State will be informed that any expense which may accrue incident to the authentication must be borne by the claimant. The name and address of the person submitting the document and information as to the purpose for which it is to be used will be furnished. (In compliance with the recommendation of the State Department, the use of the word "visaed" in connection with papers submitted in proof of claim will be avoided as it is often misunderstood by the applicants in whose minds the word is associated with visas granted immigrants.)

(2) When a document which requires authentication, other than one in the excepted class set forth in subparagraph (1) of this paragraph is transmitted to the Veterans' Administration by the embassy or legation of a foreign country, it will be returned, if not properly authenticated, through the head of the activity concerned in Central Office, and subsequently through the contact and foreign service, Department of Veterans Benefits, to such embassy or legation for authentication and for submittal through the Department of State for further authentication. Documents emanating from China or Japan will not be returned direct to the embassies of these countries for authentication. The documents, other than those in the excepted class, will be forwarded to the Department of State, through the contact and foreign service, with a request for proper authentication by that Department. Documents in the excepted class will be disposed of in accordance with the foregoing directly by the Veterans Benefits Office, D. C.

(c) [Deleted]

13. Section 3.33 is revised to read as follows:

§ 3.33 *Value of service records for evidence of discharge.* For the purpose of securing authoritative information in regard to discharge, with the view to making pension or compensation payments, if merited, the possession by the Veterans' Administration of any one of the following documents will furnish proof of such discharge and will be accepted by the Veterans' Administration at face value as credible evidence. An actual certificate of discharge; an authoritative notice from the respective service departments as to the facts of such discharge; or lastly, any copy or abstract of the certificate of discharge which has been certified by a notary public or any other person who has the authority under law to administer oaths. In any case in which such evidence or a photostat of the certificate of discharge is received, it will be accepted as authoritative proof of the data shown therein, for the purpose of making awards of disability or death benefits. These data need not be verified where they alone are sufficient to determine entitlement to disability or death compensation or pension benefits, unless there is some reason to question the genuineness of the document or accuracy of the information contained therein. This does not preclude the securing of additional information which may not be disclosed on the certificate of discharge or copy.

14. Section 3.42 is revised to read as follows:

§ 3.42 *Definition of child for purposes of Public No. 2, 73d Congress, Public No. 141, 73d Congress, Public No. 484, 73d Congress, Public No. 269, 74th Congress.* On or after July 13, 1943, for the purposes of Public No. 2, 73d Congress, and Public No. 141, 73d Congress, as amended by Public Law 144, 78th Congress, the term "child" means a person unmarried and under the age of 18 years, unless prior to reaching the age of 18 years the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, who is a legitimate child, a child legally adopted, a stepchild if a member of the veteran's household; an illegitimate child, but as to the father, only if the requirements of § 3.45 are met. As to the mother of an illegitimate child, proof of birth is all that is required: *Provided*, That the payment of pension or compensation shall be continued after the 18th birthday and until completion of education or training (but not after such child reaches the age of 21 years) to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university, particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly, the approval shall be withdrawn.

(Sec. 3, 48 Stat. 1281, 49 Stat. 614, sec. 1, 57 Stat. 554; 38 U. S. C. 368, 505, ch. 12 note)

15. Section 3.44 is revised to read as follows:

§ 3.44 *Veteran's child adopted by another person.* A child of a veteran adopted out of the family of the veteran is, nevertheless, a "child" within the meaning of that term as defined in paragraph VI. Veterans Regulation 10 (a) (38 U. S. C. ch. 12); except that no apportionment will be authorized other than in the additional amount specifically provided by Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress, to be paid on account of the child.

16. In § 3.45, paragraph (b) (3) (iii) is amended to read as follows:

§ 3.45 *Evidence to establish relationship of child, for compensation, pension, and subsistence allowance purposes.* • • •

(b) *Illegitimate child.* • • •

(3) • • •

(iii) In Veterans Benefits Office cases, the chief, veterans claims division, a section chief, dependents claims division, or the chief, vocational rehabilitation and education division.

17. In § 3.51, paragraph (b) is amended to read as follows:

§ 3.51 *Effect of divorce decrees.* • • •

(b) If the decree is subject to direct or collateral attack in the State of the United States in which it was granted, notwithstanding personal service as described in paragraph (a) of this section, or if the decree was entered in a foreign country and it is established that the plaintiff to whom the divorce was granted was not a bona fide resident of the jurisdiction wherein the decree was granted, the decree will not be accepted as effecting a change in the marital status of the parties for the purpose hereof. (See Veterans' Administration claims procedures.)

18. A new § 3.53 is added as follows:

§ 3.53 *Determinations by other activities.* Current determinations of relationship and dependency and domestic relations questions made in accordance with existing instructions by either the vocational rehabilitation and education activity or the adjudication activity will be binding one upon the other in the absence of clear and unmistakable error. The same rule will be applicable as to determinations made by adjudication activities and insurance activities.

19. In § 3.55, paragraph (f) is amended to read as follows:

§ 3.55 *Proof of death.* • • •

(f) In cases wherein proof of death, as defined in paragraphs (a) to (e) of this section cannot be furnished, the director, claims service, in district office cases, or the chief, dependents claims division, in cases under the jurisdiction of Veterans Benefits Office, District of Columbia, may make a finding of fact of death where death is otherwise shown by competent evidence. Where it is indicated that the veteran died under circumstances which precluded recovery or identification of the body, the fact of death should be established by the best evidence, which from the nature of the case must be supposed to exist.

20. Section 3.56 *Contact with other Government departments through central office* is revoked.

21. In § 3.59, paragraph (c) is amended to read as follows:

§ 3.59 *Active service under Public No. 2, 73d Congress.* • • •

(c) The period of active service of the members of the regular components of the Philippine Commonwealth Army while serving with the Armed Forces of the United States will be from the date certified by the Armed Forces as the date of enlistment or the date of report for active duty, whichever is the later, to the date of release from active duty, discharge, death, or June 30, 1946, whichever is the earlier. The release from active duty will include (1) leaving one's organization in anticipation of or due to the capitulation; (2) escape from a prisoner-of-war status; (3) parole by the Japanese from a prisoner-of-war status; (4) beginning of missing-in-action status, except where the factual recitation of the service department establishes that the veteran at the time he was so reported was actually in active service with his unit, or under the provisions of section 5, Public Law 490, 77th Congress, as amended, death is presumed to have occurred while the veteran's name was carried in such status; (5) the capitulation on May 6, 1942, except that periods of recognized guerrilla service or unrecognized guerrilla service under a recognized commissioned officer or periods of service in units which continued organized resistance against the Japanese prior to formal capitulation will be considered as a return to active duty for the period of such service. Active service of a Philippine Scout or a member of the Philippine Commonwealth Army serving with the Armed Forces of the United States, will include a "Prisoner-of-war" status immediately following: (i) A period of active duty; (ii) recognized guerrilla service or unrecognized guerrilla service under a recognized commissioned officer; (iii) a period of inactive service as defined in § 3.1 (c) and this paragraph, where it is shown by all the evidence, including service department reports establishing the basis of the affirmative finding of the service department, that the veteran's arrest by the Japanese was brought about by reason of anti-Japanese activities or his former service in the Armed Forces of the United States. In this connection due consideration will be given to the character and length of the veteran's former active service in the Armed Forces of the United States. A prisoner-of-war status based upon arrest during a general zonification will not be sufficient of itself to bring a case within the definition of return to military control. The active service of members of the irregular forces, "guerrillas," will be that period covered by the certification of the Armed Forces.

22. In § 3.62, the introductory paragraph is amended and a new paragraph (c) is added as follows:

§ 3.62 *Eligibility of persons discharged to accept a commission or to change status.* The discharge of a service person to accept appointment as a commissioned or warrant officer, or from a reserve or regular commission to accept a commission in the other component, or to reenlist, prior to the date set forth in paragraph (a), (b), or (c) of this section, whichever is applicable, is a qualified and conditional discharge and does not constitute a termination of the person's war service for compensation and pension purposes. The entire service in such case constitutes one period of service, and the conditions of final termination of active service will govern and determine basic eligibility to compensation or pension.

• • • • • •

(c) Service on and after June 27, 1950. (See § 3.0 (c).) The foregoing principles are applicable to service in the Regular Establishment whenever a conditional discharge is involved.

23. In § 3.63, paragraphs (a) and (f) are amended to read as follows:

§ 3.63 *Service-connection, sound condition at the time of entrance into service, aggravation, and natural progress, under Public No. 2, 73d Congress, as amended, Part I and Part II, Veterans Regulation 1 (a) (38 U. S. C. ch. 12).*

(a) Service-connection connotes many factors. In general and fundamentally, it means establishment of the incurrence of injury or disease or aggravation of a preexisting injury or disease resulting in disability coincidentally with the period of active military or naval service. This may be accomplished by the presentation of affirmative facts showing the inception or aggravation of an injury or disease during active service or through the operation of statutory or regulatory presumptions. Determinations as to service-connection, in general, should be based on review of the entire evidence of record in the individual case, with due consideration extended to the defined and consistently applied policy of the Veterans' Administration to administer the law under a broad and liberal interpretation consistent with the facts shown in each case. When, after careful consideration of all procurable and assembled data, a reasonable doubt arises regarding service-connection, such doubt will be resolved in favor of the veteran. By reasonable doubt is meant one which exists by reason of the fact that the evidence does not satisfactorily prove or disprove the claim, yet a substantial doubt and one within the range of probability as distinguished from pure speculation or remote possibility. It is not a means of reconciling actual conflict or a contradiction in the evidence; the claimant is required to submit evidence sufficient to justify a belief in a fair and impartial mind, that his claim is well grounded. Mere suspicion or doubt as to the truth of any statements submitted, as distinguished from impeachment or contradiction by evidence or known facts, is not a justifiable basis for denying the application of the reasonable doubt doctrine if the entire, complete record otherwise warrants invoking this doctrine. The reasonable doubt doctrine is also applicable even in the absence of official records, particularly if the basic incident allegedly arose under combat or similarly strenuous conditions and is consistent with the probable results of such known hardships.

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(f) There are certain medical principles so well and universally recognized as definitely to constitute fact, and when, in accordance with these principles, existence prior to entrance into service is established, no further additional or confirmatory facts are necessary. For example, with notation or discovery, during service, of residual conditions, such as scars, fibrosis of the lungs, atrophies following disease of the central or peripheral nervous system, healed fractures, absent, displaced, or resected parts of organs, supernumerary parts, congenital malformations, hemorrhoidal tags or tabs, with no evidence of the pertinent antecedent active injury or disease during service, the established facts are so convincing as to impel the conclusion that the residual condition existed prior to entrance into active service, without further proof of this fact. Similarly, manifestation of lesions or symptoms of chronic disease from date of enlistment, or so close to that date that the disease could not have originated in so short a period, will be accepted as clear and unmistakable proof that the disease existed prior to entrance into active service. Conditions of infectious origin are to be considered with regard to the circumstances of infection, the incubation period, etc. Manifestation of disease within less than the minimum incubation period after enlistment will be accepted as showing inception prior to service. In neuropsychiatric conditions, situational reactions, characteristic of a life pattern indicating psychopathic personality, chronic psycho-neurosis of long standing, or other neuropsychiatric symptoms shown to have existed prior to service with the same manifestations during service, which were the basis of the diagnosis in service, will be accepted as manifesting preexistent neuropsychiatric condition and not merely as neurotic traits or predisposition. These principles, in relation to type, length, and circumstances of service, are to be considered in the question of service-connection. Mere congenital or developmental defects, refractive error of the eye, psychopathic personality, and mental deficiency, are not diseases or injuries in the meaning of applicable legislation.

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24. In § 3.64, paragraphs (c) and (d) are amended to read as follows:

§ 3.64 *Character of discharge under Public No. 2, 73d Congress, as amended, and under Public Law 346, 78th Congress.* • • •

(c) The acceptance of an undesirable discharge to escape trial by general court-martial will, by the terms of section 1503, Public Law 346, 78th Congress, be a bar to benefits under Public No. 2, 73d Congress, as amended, and Public Law 346, 78th Congress, as amended, as it will be considered the discharge was under dishonorable conditions.

(d) An undesirable discharge issued because of homosexual acts or tendencies generally will be considered as under dishonorable conditions and a bar to entitlement under Public No. 2, 73d Congress, as amended, and Public Law 346, 78th Congress, as amended. (As to the effect of alienage, see § 3.1 (j).)

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25. In § 3.65, paragraph (c) is amended to read as follows:

§ 3.65 *Willful misconduct.* • • •

(c) In determining whether an act is due to willful misconduct, the precedents under World War Veterans' Act, 1924, as amended, are for application except as to venereal diseases meeting the requirements of section 2, Public Law 439, 78th Congress. Generally, these precedents are to the effect that an act to be one of "willful misconduct" must be "malum is se" or "malum prohibitum" if involving conscious wrongdoing or known prohibited action. (Mere technical violation of police regulations or ordinances will not per se constitute "willful misconduct" but are factors for consideration in the light of the attendant circumstances.) Pursuant to Public Law 339, 81st Congress, every disease, injury, or death incurred without willful misconduct on the part of the service person while in confinement under sentence of a court martial or a civil court will be deemed to have been incurred in line of duty unless disability was the result of a material interference with performance of military duty or unless the court-martial sentence involved an unremitted dishonorable discharge or, in the case of officers, separation under similar conditions, or the sentence of the civil court involved conviction of a felony, as defined by the laws of the jurisdiction where the person was convicted. The provisions of this paragraph will apply equally to those instances where the disability occurs during confinement prior to the actual remission of the dishonorable discharge, or separation under similar conditions: *Provided, of course,* That the dishonorable discharge or separation under similar conditions is subsequently remitted. Despite the remission of the dishonorable discharge or separation under similar conditions, there must always be borne in mind the necessity of determining under established criteria whether the presently existing discharge was under other than dishonorable conditions. If it was under dishonorable conditions, a statutory bar to entitlement exists. The determination whether the offense for which the veteran was convicted by a civil court constituted a felony will, in other than obvious cases, be made by the Chief Attorney of the regional office located in the State in which the civil court is also located, except in Veterans Benefits Office cases the determination will be made by the Chief Attorney or the General Counsel. (As to the effective dates of evaluation, see § 3.148 (e).)

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26. Section 3.66 is revised to read as follows:

§ 3.66 *"Line of duty" under Parts I and II, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* (a) Parts I and II, Veterans Regulation 1 (a), as amended, requires that a disabling condition for which compensation is claimed, shall have been incurred in line of duty, except in cases where a right to compensation is preserved by Veterans Regulation 4. The records of service departments will be accepted in determining line of duty status of diseases and injuries, unless considerations set forth in paragraph VIII, Veterans Regulation 10, as amended by Public Law 439, 78th Congress, and the legal presumptions of the various laws may warrant a different finding. Any evidence which is properly admissable or acceptable according to the practice of the Veterans' Administration, and which is of a nature competent to demonstrate that the incurrence of disability was or was not in line of duty, according to conditions specified in paragraph VIII, Veterans Regulation 10, as amended by Public Law 439, 78th Congress, may be used as a basis for adjudications, despite any official military or naval record with respect to manner of incurrence. These determinations will be made by the officials of the Veterans' Administration charged with the responsibility of deciding claims for monetary or other benefits in the administration of laws in which line of duty is a factor. The provisions of paragraph VIII, Veterans' Regulation 10, as amended by Public Law 439, 78th Congress, will be observed carefully in effecting all adjudication where a question of incurrence of disease or injury in line of duty is pertinent. On or after June 16, 1938, the date of approval of Public No. 648, 75th Congress, the fact that the injury was suffered or the disease was contracted while the person on whose account benefits are claimed was on authorized leave (irrespective of the duration of such leave) will not of itself bar a finding that the disability or death resulting therefrom was incurred in line of duty. In cases in which a determination is required as to whether disability was incurred while "avoiding duty by • • • absenting himself without leave materially interfering with the performance of military duties," consideration is to be given to the evidence, including the report of the service department, as to the fact and extent of interference with performance of duty. Generally, it is to be concluded that material interference does not result from brief absence for a period during which no specific duty assignment was made or would have been made if the person had not been absent without leave, unless a specific duty assignment was avoided by absence without leave.

(b) Whenever the adjudication activity, regional office or Veterans Benefits Office, District of Columbia, the adjudication activity, district office, or the insurance activity has made a determination of the question of line of duty status for the purpose of compensation, pension, or insurance under the provisions of this section, such determination shall be binding upon any of these activities for any of the purposes mentioned, unless it be clearly and unmistakably in error. This determination shall not be subject to question by reason of a difference of opinion, except as to whether such determination is clearly and unmistakably erroneous, in which case if the question involves only a regional office or Veterans Benefits Office, District of Columbia, and a district office, it shall be referred to the Deputy Administrator for Veterans Benefits for decision; if the Department of Insurance and the Department of Veterans Benefits are involved, it shall be referred to the Deputy Administrator of Veterans Affairs for his determination.

(Parts I and II, Veterans Regulation 1 (a), as amended, paragraph VIII, Veterans Regulation 10, as amended; 38 U. S. C. ch. 12)

27. In § 3.67, paragraph (c) (1) and (3) is amended to read as follows:

§ 3.67 *Disability of veteran (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war (Public Laws 359, 77th Congress, 868, 80th Congress).* • • •

(c) • • •

(1) Service under conditions simulating war is extra hazardous, and other service will be considered extra hazardous if (i) performed under conditions recognized as exceptionally dangerous or (ii) involving risks beyond those ordinarily encountered in routine peacetime duties. Examples of service recognized as falling within the first category, as being exceptionally dangerous, include the following: While actually engaged in performance of service duty in aircraft, submarine, or diving operations; or dangerous testing operations of instrumentalities of war in differentiation from service involving their routine peacetime use. Every injury or disease resulting directly from or aggravated by these operations, from preparation for flight to the final landing, as of an airplane, or from the casting off to the final berthing, as of a submarine, is considered as incurred in extra hazardous service. Servicing the aircraft while the propeller revolves or loading or unloading explosives from aircraft is considered extra hazardous. During a postwar period pending approval of treaty of peace or other final termination of a technical state of war, service passengers on service airplanes are considered as performing extra hazardous service where their presence on an airplane was required by service orders. Testing or demonstrating explosives and demolition work with explosives are considered extra hazardous. This refers to experimental testing as in developing new weapons, testing of untried equipment upon ordnance proving grounds, or other work not ordinarily included in routine duties. It does not apply to cases as routine demonstrating of ordnance equipment in connection with routine peacetime military duty. Other examples are duty on convoy or patrol vessels and while manning guns on merchant vessels. Service falling within the second category, as involving risks beyond those ordinarily encountered in routine peacetime duties, includes among others the following: Under climatic or other conditions which subject the person to excessively high or low temperatures and predispose to disease, or upon exposure to any conditions which he would not customarily or ordinarily be called upon to endure in ordinary peacetime service. Individual actions incident to performance of service duties of exceptional risk or danger, as extinguishing a serious fire or conflagration, serving where explosives are stored in quantity, rescues at sea, from drowning, or from burning buildings, may be considered extra hazardous, if the element of risk or danger above and beyond the routine of the service is clearly apparent. It is particularly to be noted that accidents with firearms or other instrumentalities of war on land or sea, unless directly traceable to the performance of duties incident to extra hazardous service as above outlined, are considered as involving only the routine risk or danger of the soldier or sailor.

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(3) The act specifies "extra hazardous service, including such service under conditions simulating war." The expanding Army and Navy in 1940–41, from the standpoint of their training and operations, are to be regarded as under emergency conditions in relation to national defense in the face of threatened war. The haste of this organization and training, the introduction of new methods of combat training, the inclusion of large numbers of men who would not expect to serve their country under arms except in time of war are intended to be given special recognition in the act.

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28. The centerhead immediately following § 3.69 is changed to read as follows: "Examinations".

29. Section 3.75 *Preliminary action by authorization unit* is revoked.

30. Section 3.76 is revised to read as follows:

§ 3.76 *Original examination for disability compensation or pension.* In original claims for disability compensation or pension, either for peacetime or wartime service, service-connected or otherwise, an examination will not be authorized unless and until evidence is of record, either from the service departments, or in the form of certified statements, indicating the reasonable probability of a valid claim. If, after the development of the case, it is indicated that probability of a valid claim exists, an examination may be requested. Where the claimant appears in person and preliminary inquiry establishes the reasonable probability of a valid claim, an immediate physical examination may be requested (Veterans Regulation No. 1 series, 38 U. S. C. ch. 12). Where a claim is filed within 6 months from date of separation, it may be rated initially on the records of the service department unless it would appear that error might result from such rating. Otherwise, no rating will be made without first obtaining an official Veterans' Administration examination. (See § 3.185.) Physical examination reports, clinical records, and transcripts of records received from State, county, municipal, and recognized private institutions and contract hospitals, referred to in § 3.216 (c), are acceptable for initial ratings upon the same basis as official Veterans' Administration examination reports, subject to the requirements of §§ 3.30 (a), and 3.216 (c) as to certification.

31. Section 3.78 is revised to read as follows:

§ 3.78 *Service-connection on a factual basis under Public No. 2, 73d Congress, and Public No. 141, 73d Congress.* Sections 3.80 through 3.101 are not to be interpreted to the exclusion of the permanent policy of the Veterans' Administration that service-connection may be granted for any disease properly diagnosed after discharge from war or peacetime service when all the evidence, including lay evidence and all evidence pertinent to the circumstances of service, establishes under the usual rules, including resolution of reasonable doubt in the claimant's favor, that the disease was incurred in service. The 1-year pre-

American War, Boxer Rebellion, Philip-

sumptive period is not intended to limit service-connection in cases involving initial diagnosis at a later date when warranted by the evidence. Section 3.63 (a) provides the general basis of service connection. The presumptive provisions of the law and regulations are intended as liberalizations applicable when the evidence would not warrant service connection without their aid and should in no instance be applied restrictively when direct service-connection is warranted.

32. Section 3.79 *Presumption of soundness under Public No. 141, 73d Congress* is revoked.

33. In § 3.80, paragraphs (a) and (b) are amended to read as follows:

§ 3.80 *Service-connection for chronic or tropical diseases.* (a) Under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), a chronic or tropical disease becoming manifest to a degree of 10-percent or more within 1 year (within 2 years as to multiple sclerosis or within 3 years as to tuberculosis) from the date of separation from active wartime service or service within the purview of Public Law 28, 82d Congress, or within 1 year or 2 years as to multiple sclerosis or 3 years as to tuberculosis after the date prior to which a disability must have been incurred as provided in Veterans Regulation 1 (a), as amended, whichever is the earlier, will be considered as having been incurred in service when the conditions specified in paragraph I (c), Part I, Veterans Regulation 1 (a), as amended, are met. Service incurrence will be established under paragraph I (a), Part I, Veterans Regulation 1 (a), as amended, for any of the tropical diseases listed in § 3.86 (b), when shown to exist at a time when standard and accepted treatises indicate that the incubation period of the diseases commenced during active service. Under paragraph I (d), Part II, Veterans Regulation 1 (a), as amended, a tropical disease becoming manifest to a degree of 10 percent or more within 1 year from date of separation from service or at a time when standard accepted treatises indicate that the incubation period thereof commenced during active service will be considered as having been incurred in service, when the conditions specified in paragraph I (d), Part II, Veterans Regulation 1 (a), as amended, are met. The factual basis may be established by medical evidence, competent lay evidence, or both. Medical evidence should set forth the physical findings and symptomatology elicited by examination within the 1-year (2-year as to multiple sclerosis or 3-year as to tuberculosis) period; and lay evidence should not merely contain conclusions based upon opinion but describe the material and relevant facts as to the veteran's disability observed during such period. Where there is affirmative evidence to show that a chronic disorder is due to an intercurrent disease or injury suffered between the date of separation from active service and the onset of the chronic disorder, service-connection under this section will not be accorded. When service-connection is established, subsequent manifestations of the same chronic disease, unless clearly attributable to intercurrent causes, at no matter how remote a date, are service-connected. This rule does not mean that any manifestation of joint pain, any abnormality of heart action or heart sounds, any urinary findings of casts, or any cough, in service, will permit service-connection of arthritis, disease of the heart, nephritis, or pulmonary disease, first shown as a clear-cut clinical entity at some later date. For the showing of chronic disease in service, there is required a combination of manifestations sufficient to identify the disease entity and sufficient observation to establish chronicity at the time, not merely isolated findings or diagnosis including the word "chronic." When the etiological identity is perfect, as leprosy, tuberculosis, syphilis, etc., there is no requirement of evidentiary showing of continuity. Continuity of symptomatology is required only where the condition noted during service is not in fact shown to be chronic or where the diagnosis of chronicity may be legitimately questioned. When the fact of chronicity during service is not, in the opinion of the adjudicating agency, adequately supported, then there may be reason to require some showing of continuity after discharge to support the claim. Hospital confirmation of such diagnoses made after discharge from service is not routinely required. However, the veteran may well be held at the regional office, hospital, or center for recheck on the following day, particularly for recheck of blood pressure, urinalysis, and further laboratory procedures, if in order. When hospitalization is required, it should not be longer than absolutely necessary for confirmation of the diagnosis.

(b) Evidence which may be considered in rebuttal of service incurrence of a chronic or tropical disease will be any evidence of a nature usually accepted as competent to indicate the time of existence or inception of disease, and medical judgment will be exercised in making determinations relative to the effect of intercurrent injury or disease. However, healed primary type tuberculosis shown by X-ray evidence in the form of calcification of nodules and glands as existing at the time of entrance into active service will not be taken as evidence to rebut direct or presumptive service-connection for active reinfection type pulmonary tuberculosis, if otherwise in order. The expression "affirmative evidence to the contrary," appearing in paragraph I (c), Part I, Veterans Regulation 1 (a), as amended, or the expression "clear and unmistakable evidence," appearing in paragraph I (d), Part II, Veterans Regulation 1 (a), as amended, will not be taken to require a conclusive showing, but such showing as would in sound medical reasoning and in the consideration of all evidence of record support a conclusion that the disease in question was not incurred in service within the meaning of Part I or II, Veterans Regulation 1 (a), as amended. As to tropical diseases incurred in either wartime or peacetime service, the fact that the veteran had no service in a locality having a high incidence of the disease may be considered as evidence to rebut the presumption. The record must be negative as to inception prior or subsequent to service, and residence during the year following this service must not have been in a region where the particular disease is endemic. The known incubation period for such diseases should be used as a factor in the rebuttal of presumptive service-connection, that is, to show inception prior or subsequent to active service. (For list of chronic and tropical diseases, see § 3.86.) Existing procedure whereby service-connection may be granted for malaria without diagnosis on VA examination remains unchanged.

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34. In § 3.86, paragraphs (d) (4), (h), and (j) are amended to read as follows:

§ 3.86 *Chronic and tropical diseases under Public No. 2, 73d Congress, as amended.* • • •

(d) • • •

(4) When, in a case in which prior activity of pulmonary or nonpulmonary tuberculosis has been satisfactorily established in accordance with § 3.133, with evidence as to the present condition establishing inactivity or arrest, without, however, evidence to establish activity or inactivity over the intervening period, activity of the disease will be presumed for 1 year only, following the last date of activity established by the evidence. This subparagraph is not for application to running awards, but is intended to apply only to new claims filed after the period of activity, and reopened claims. The beginning date of graduated ratings for arrested tuberculosis will be the day following expiration of this 1-year period.

• • • • •

(h) Where service-connection is granted under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended, the effective date of evaluation of disability will be in accordance with § 3.148 (a), and when claim is filed more than 1 year after date of separation from active wartime service or service within the purview of Public Law 28, 82d Congress, or after 1 year prior to which a disability must have been incurred (2 years as to multiple sclerosis or 3 years as to tuberculosis), as provided in Veterans Regulation 1 (a), as amended, whichever is the earlier, notation will be made of the items of evidence showing the existence of the disease within the 1-year period (2 years as to multiple sclerosis or 3 years as to tuberculosis): *Provided*, That as to bronchiectasis, calculi of the kidney, bladder, or gallbladder, cirrhosis of the liver, coccidioidomycosis, osteomalacia, Raynaud's disease, scleroderma, tumor of the peripheral nerves, peptic ulcers (gastric or duodenal), and the tropical diseases, resultant disorders or diseases originating because of therapy administered in connection with such diseases or as a preventative thereof, listed in paragraph (b) of this section, service-connected under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended, the evaluation will not be prior to June 24, 1948: *Provided further*, That as to active pulmonary tuberculosis, multiple sclerosis, or nonpulmonary tuberculosis, service-connected under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended by Public Laws 573, 81st Congress, 174, 82d Congress, and 241, 83d Congress, the evaluations will not be prior to June 23, 1950, October 12, 1951, or August 8, 1953, respectively.

• • • • •

(j) The effective date of an award based upon the foregoing provisions will be in accordance with § 3.212: *Provided*, That no award for bronchiectasis, calculi of the kidney, bladder, or gallbladder, cirrhosis of the liver, coccidioidomycosis, osteomalacia, Raynaud's disease, scleroderma, tumors of the peripheral nerves, peptic ulcers (gastric or duodenal), service-connected under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended, or the tropical diseases and resultant disorders or diseases originating because of therapy administered in connection with such diseases or as a preventative thereof, listed in paragraph (b) of this section, service-connected under paragraph I (c), Part I, or paragraph I (d), Part II, Veterans Regulation 1 (a), as amended, shall be effective prior to June 24, 1948: *Provided further*, That no award for active pulmonary tuberculosis, multiple sclerosis, or nonpulmonary tuberculosis, service-connected under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended by Public Laws 573, 81st Congress, 174, 82d Congress, and 241, 83d Congress, shall be made effective prior to June 23, 1950, October 12, 1951, or August 8, 1953, respectively.

35. A new § 3.87 is added as follows:

§ 3.87 *Rating policy in cases of anterior poliomyelitis.* For purposes of service-connection, 35 days following discharge from the service will be considered the incubation period of anterior poliomyelitis. If the first manifestations of acute poliomyelitis present themselves in a veteran within a period of 35 days following discharge from military service, it is probable that the infection occurred during service. If the prodromal manifestations of the acute anterior poliomyelitis occur after this period of time, it is probable that the infection was incurred after discharge.

36. Section 3.93 is revised to read as follows:

§ 3.93 *Presumptive service-connection for amebic dysentery.* Where it is shown (by a report of physical examination or acceptable medical or lay statements, duly certified) that a veteran had amebic dysentery developing a 10-percent degree of disability or more prior to January 1, 1925, in accordance with the Schedule for Rating Disabilities, 1945 Edition, and where it is not shown by clear and unmistakable evidence that such disability was incurred prior to or subsequent to enlistment or acceptance into active military or naval service, a rating will be made that the amebic dysentery is presumed to have been incurred in service.

(Sec. 200, 43 Stat. 615, as amended, sec. 27, 48 Stat. 524, 60 Stat. 319; 38 U. S. C. 471, 471a, 736–738)

37. In § 3.96, a new paragraph (b) is added and former paragraph (b) is redesignated paragraph (c), so that the added and redesignated material reads as follows:

§ 3.96 *Service-connection for tuberculous diseases.* • • •

(b) *Service-connection for reinfectious tuberculosis noted at induction or enlistment.* A notation of inactive tuberculosis of the reinfectious type at induction or enlistment definitely prevents the grant of service-connection under paragraph I (c), Part I, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), for active tuberclosis, regardless of the fact that it was shown within the appropriate presumptive period.

(c) *Presumptive service-connection for active tuberculous.* Where an active tuberculous disease of 10-percent degree or more in accordance with the Schedule for Rating Disabilities, 1945 Edition, is shown to have developed prior to January 1, 1925, such active tuberculous disease will be considered as incident to service in accordance with the second proviso of section 200 of the World War Veterans' Act, 1924, as amended, as reenacted under Title III, Public No. 141, 73d Congress: *Provided*, That the claimant had active military or naval service between April 6, 1917, and November 11, 1918, inclusive, or prior to April 2, 1920, with the United States Military forces in Russia. (See § 3.89.)

38. Section 3.97 is revised to read as follows:

§ 3.97 *Evidence necessary to show active pulmonary tuberculosis.* The showing of active tuberculous disease of 10-percent degree or more prior to January 1, 1925, will be contingent upon reports of physical examination or acceptable certified medical or lay statements, citing the facts that would demonstrate the existence of such condition. Lay statements, when relevant, competent, and material, will be given due consideration in connection with the other evidence submitted. Such statements to be acceptable must be confined to statements of fact and not of opinion.

39. The centerhead "Wartime Service-Connection For Malaria And Chronic Diseases Characteristically Tropical In Origin" immediately preceding § 3.102 is deleted.

40. Section 3.102 *Wartime service-connection* is revoked.

41. Sections 3.104 and 3.105 are revised to read as follows:

§ 3.104 *Required period of service.* Compensation may be awarded for a dental condition under Part I, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), and Title III, Public No. 141, 73d Congress, where active service was performed on or after April 6, 1917, and prior to November 12, 1918, or prior to April 2, 1920, for persons who served with the United States military forces in Russia, or on or after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918, or (under Veterans Regulation 1 (a) only) where active service was performed in the Spanish-American War, Boxer Rebellion, Philippine Insurrection, or World War II, as defined by §§ 3.0 (a) and (b), 3.1000 (a), 3.1001 (a), 3.1002 (a), and 3.1017. For the purposes of Veterans Regulation 1 (a), the veteran must have been discharged under conditions other than dishonorable, and under Public No. 141, 73d Congress, not dishonorably discharged, and the disability must have been incurred in or aggravated by active service during the defined periods and not due to willful misconduct. However, where incurrence of the disability is shown prior to the beginning date of the war concerned or where the enlistment commenced subsequent to the termination thereof, service-connection may be established only in accordance with Part II, Veterans Regulation 1 (a).

(Sec. 200, 43 Stat. 615, as amended, sec. 5, 50 Stat. 661, Part I, Vet. Reg. 1 (a), as amended; 38 U. S. C. 424a, 471, ch. 12)

§ 3.105 *Determination of service connection.* Determinations relative to the origin or aggravation in active service of dental conditions will be in accordance with the requirements of paragraph I (a), Part I, and paragraph I (a), Part II, respectively, of the Veterans Regulation No. 1 series, as amended (38 U. S. C. ch. 12), and section 28, Title III, Public No. 141, 73d Congress. Service-connection will not be considered as having been established when the evidence clearly shows that the disabilities or conditions existed or were recorded at the time of enlistment subject to the provisions of § 3.107 (a) or originated subsequent to discharge from causes not related to service. Each missing or defective tooth and each disease of the investing tissues will be considered separately, and service-connection will be granted for disease or injury of individual teeth and of the investing tissues, shown by the evidence to have been incurred in or aggravated by service.

(Sec. 20, 48 Stat. 309, as amended, Parts I and II, Vet. Reg. 1 (a), as amended; 38 U. S. C. 722, ch. 12)

42. In § 3.106, paragraph (b) is amended and a new paragraph (c) is added as follows:

§ 3.106 *Evidence to establish service-connection.* • • •

(b) Where, however, after all sources of information have been exhausted and all variations in the records reconciled, there remains notation of filled teeth at time of discharge or release from active service and there was no notation of these teeth as defective or filled at induction or entrance into active service, service-connection may be granted in exceptional cases for such teeth, notwithstanding there is no record of treatment during active service, provided the veteran alleges treatment in service, giving the time and place of treatment, and the conditions and circumstances of his service at the time support his allegation and inception in service is consistent with sound dental judgment. Exceptional cases contemplated in this category are where the veteran had a considerable period of service, particularly in a combat area where records of treatment may not always have been recorded

due to the stress and strain encountered under battle conditions or where entitle the veteran to a finding of direct

under subparagraph (q), paragraph II

due to the stress and strain encountered under battle conditions or where extenuating circumstances are shown in those instances where the veteran served in this country or in other than combat. Salivary deposits is a type of routine dental condition which has no relation to service. Malposed teeth with no pathology shown will not be service-connected. Service-connection should not be granted for the 3d molars at any time unless there is a definite record showing such teeth to have been diseased after a reasonable period of service. The 3d molars shown as present at induction and missing at discharge will not be granted service-connection unless there is an actual record of extraction for reasons other than malposition or impaction.

(c) Vincent's disease should not be granted service-connection if the service records are entirely negative. To warrant favorable action on Vincent's disease, chronicity, continuity of treatment, or the residual thereof, that is, periodontoclasia or pyorrhea, should be shown by the service records as chronic. Vincent's disease with infrequent episodes of short duration in the active service should be considered as an acute condition and may not be service-connected. Gingivitis is not considered a disease entity and is not ratable. Diagnosis of pyorrhea in service after a reasonable period of service will require confirmation by Veterans' Administration examination, including X-ray, before grant of service-connection, unless examination is contraindicated by factors such as extraction of all pyorrheic teeth. Pyorrhea shown during service after a reasonable period of service, involving one or more teeth necessitating extraction, is a sufficient basis for grant of service-connection for the tooth or teeth involved.

43. In § 3.107, paragraph (a) is amended to read as follows:

§ 3.107 *Service-connection where dental disability is not of compensable degree.* • • •

(a) The furnishing of treatment or prosthesis for noncompensable dental conditions during service will not be considered per se as aggravation of a dental condition shown to have existed prior to entrance into active service. Teeth noted at entry into active service as carious restorable will not be held as service-connected, either direct or by aggravation, notwithstanding enlargement of the original cavity or development of additional cavitation on the same or another surface; nor on the basis of the insertion of a filling during service unless new caries develop after expiration of a reasonable time after the original cavity has been filled, amelioration rather than worsening or aggravation ensuing in such cases. Service-connection by aggravation will be conceded in such teeth, carious restorable at entry into service, whether or not filled, but which necessitate extraction after the expiration of a reasonable time after entry into active service. A filling recorded at induction followed by a reasonable period of service and extraction or replacement because of new caries will entitle the veteran to a finding of direct service-connection for the new condition. Likewise, aggravation is allowed where pyorrhea is noted at enlistment but after reasonable service necessitates extraction of a tooth or teeth during service. Conversely, service-connection by aggravation will not be conceded if the tooth at enlistment was classified as defective but was not restorable.

• • • • •

44. Section 3.108 is revised to read as follows:

§ 3.108 *Adjudication of application for dental treatment.* A formal application by or in behalf of a veteran is not required where claim is made for dental treatment only.

45. In § 3.131, paragraph (f) is deleted.

§ 3.131 *Principles for determining entitlement to the statutory award for the anatomical loss or loss of use of a creative organ.* • • •

(f) [Deleted.]

46. Section 3.132 is revised to read as follows:

§ 3.132 *Payment of statutory award of $67 per month for arrested tuberculosis.* Under the third paragraph of section 202 (7), World War Veterans' Act, 1924, as amended July 2, 1926, as reenacted by Public No. 141, 73d Congress, and as subsequently amended, and under paragraph II (q), Part I or Part II, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), any veteran having had a service-connected active tuberculosis disease of compensable degree, which has reached a condition of complete arrest, whose aggregate disabilities, including that resulting from tuberculosis, evaluated in percentage terms in accordance with the Schedule for Rating Disabilities, 1945 Edition, entitle him to a monthly award of compensation of less than $67, shall be entitled to a statutory award of not less than $67 per month as compensation in full for all disabilities, including that resulting from tuberculosis. However, for any period during which the veteran's disabilities, including that resulting from the tuberculous disease, evaluated in accordance with the Schedule for Rating Disabilities, 1945 Edition, entitled him to an aggregate award of $67 or more per month, the provisions of this section regarding the statutory award for arrested tuberculosis will be met by awarding the veteran the amount determined in accordance with the Schedule and Extensions thereto. *Provided however,* That the statutory award under section 202 (3) of the World War Veterans' Act, 1924, as amended, is payable in addition to the statutory award for arrested tuberculosis under section 202 (7) thereof, even where the loss or loss of use is due to tuberculosis. However, the special monthly compensation under subparagraph (k), paragraph II, Part I, Veterans Regulation 1 (a), as amended (or the corresponding peacetime rate), is not payable in addition to the award under subparagraph (q) thereof. The greater benefit is payable. In no event will disability compensation be awarded under subparagraph (q), paragraph II, Part I, Veterans Regulation 1 (a) (or the corresponding peacetime rate), prior to August 1, 1952.

(Sec. 202, 43 Stat. 618, as amended, sec. 20, 48 Stat. 309, as amended, sec. 2, 60 Stat. 910, par. II (q), Parts I and II, Vets. Reg. 1 (a), as amended; 38 U. S. C. 471a–3, 473, 480, 722, ch. 12)

47. Section 3.136 *Rating of arrest in nonpulmonary tuberculosis* is revoked.

48. Section 3.137 *Rating of reactivation in cases of arrested tuberculosis* is revoked.

49. In § 3.141, paragraph (c) is deleted.

§ 3.141 *Use of 1925 and 1945 Rating Schedules* • • •

(c) [Deleted.]

50. In § 3.142, paragraph (a) is amended to read as follows:

§ 3.142 *Special action where evaluations provided under the Rating Schedule, 1945, are considered inadequate or excessive.* (a) Exceptional cases to which the application of the 1945 Schedule is not understood, or with regard to which evaluation under this Schedule is considered inadequate or excessive, may be submitted by the adjudication officer or chief, veterans claims division, Veterans Benefits Office, D. C., for advisory opinion or for reevaluation to the director, veterans service, central office. Questionable special monthly compensation cases and cases involving severe disabilities considered total, but for which current procedure does not authorize a total rating, will be similarly submitted. However, cases will not be withdrawn from appellate channels for submission under this paragraph, except as the Board of Veterans Appeals may join in reference of such cases with their recommendation. (Vet. Reg. 3 (a), 38 U. S. C. ch. 12)

• • • • •

51. In § 3.148, paragraph (d) is amended to read as follows:

§ 3.148 *Effective dates of evaluations, 1945 Schedule, in original ratings.* • • •

(d) When service-connection, World War II, is granted under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), the effective date of evaluation of disability will be determined as above outlined. When claim is filed more than a year from date of discharge or (where service began prior to January 1, 1947, and extended thereafter) July 25, 1947, or 3 years as to tuberculosis, whichever is the earlier, notation will be made of the items of evidence showing the existence of the disease within the 1-year or 3-year periods or showing minimal, moderately advanced, or far advanced, active pulmonary tuberculosis within the 42-month, 45-month, or 48-month periods, respectively.

• • • • •

52. In § 3.149, paragraph (a) is amended to read as follows:

§ 3.149 *Effective dates of evaluation, 1945 Schedule, in claims for increase.* (a) Evaluations under the 1945 Schedule and Extensions in claims for increase will be effective from the date of the receipt of the evidence, i. e., statements

of physicians or other evidence submitted by the veteran showing an additional disability, or an increase in the condition for which he is receiving compensation; or the date of the official report of physical examination made in a Veterans Administration hospital, or by a designated examiner in connection with compensation, pension, or treatment pursuant to proper authority. The effective date of the evaluation will not, however, necessarily control award action. (See § 3.216.)

• • • • •

53. In § 3.155, paragraph (f) is deleted.

§ 3.155 *Combined ratings.* • • •

(f) [Deleted.]

54. In § 3.173, paragraph (e) is amended to read as follows:

§ 3.173 *Determinations of incompetency or competency.* • • •

(e) A determination that a veteran is incompetent may be made only in the event it is conclusively shown that he is wholly incapable of disbursing the funds he is to receive from the Veterans' Administration in a reasonably prudent manner. In other words, it must be clear that due to the utter lack of consideration of values or complete disregard of his own or his dependents' needs he would wantonly dissipate his funds. Where there is any doubt as to whether he is capable of administering his funds such doubt will be resolved in favor of his competency and an award will be made to him. However, where the veteran is maintained in a Veterans' Administration hospital or center, unless assured that the veteran has made a marked recovery since last examination, and that his release from the hospital or center may be anticipated in a relatively short time, and that he will be able to handle his funds as a competent patient while hospitalized, an opinion of incompetency would be justified and consistent with the purpose of hospitalization, and should be so expressed in the report of examination. The same reasoning is equally applicable to mentally ill veterans in other U. S. Government and State hospitals. The rating boards will bear in mind the consistency of a rating of incompetency of a hospitalized veteran with a mental disability evaluated as 100 percent or with a finding of incompetency by a court of competent jurisdiction when a veteran has been adjudged by the court to be mentally ill or under a legal disability for commitment purposes only.

55. Section 3.184 is revised to read as follows:

§ 3.184 *Claimants required to report when requested.* Every person applying for, or in receipt of, compensation or pension for disability shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a duly authorized medical examiner of the Veterans' Administration, including a period of observation in a hospital, if necessary. (For failure to report, see §§ 3.251 and 3.266.)

56. In § 3.185, subparagraph (3), (4), and (5) of paragraph (b) are deleted.

§ 3.185 *Reexaminations for disability rating purposes.* • • •

(b) • • •

(3) [Deleted.]

(4) [Deleted.]

(5) [Deleted.]

• • • • •

57. Section 3.200 *Disallowance of claims* is revoked.

58. In § 3.201, paragraph (f) is amended to read as follows:

§ 3.201 *Adjudication of claims involving compensation based upon new and material evidence presented after prior disallowance.* • • •

(f) Where the new and material evidence consists of a supplemental report from the service department and it is received subsequent to the expiration of the appeal period or, in the event of an appeal, subsequent to the decision of the Board of Veterans Appeals, the supplemental report from the service department will be considered under Veterans Regulation 2 (c) (38 U. S. C. ch. 12) and the appropriate rating and award accomplished under the applicable instructions. This comprehends official records of and in service which presumably have been misplaced and have now been located and forwarded to the Veterans' Administration. Also included are corrections by the service department of former errors of commission or omission in the preparation of the prior report or reports and identified as such. The retroactive evaluation of disability resulting from disease or injury subsequently service-connected on the basis of new evidence from a service department must be adequately supported by medical evidence, and, where the additional records received from the service department clearly support the assignment of a specific rating over a part or the entire period of time involved, a retroactive evaluation will be assigned accordingly except as it may be affected by the filing date of the original claim.

59. In § 3.212, paragraph (a) is amended to read as follows:

§ 3.212 *Effective dates of awards of disability compensation.* (a) Initial awards of disability compensation will be payable in accordance with the provisions of paragraph I, Part I, Veterans Regulation 2 (a) (38 U. S. C. ch. 12), as amended by section 17, Public Law 144, 78th Congress, provided an appropriate claim therefor has been filed and, if incomplete, the necessary evidence to complete such claim is submitted within 1 year from the date of request therefor. The phrase "date of discharge" in section 17, Public Law 144, 78th Congress, refers to the date the claimant for disability benefits was discharged from that period of service in which his disability was acquired or in which an existing disability was aggravated, and where claim is not filed within 1 year from date of discharge from such period of service, compensation may not be awarded prior to the date of claim.

• • • • •

60. In § 3.213, paragraph (a) is amended to read as follows:

§ 3.213 *Effective dates of awards pursuant to Part III, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* (a) Awards pursuant to Part III, Veterans Regulation 1 (a), as amended, will be effective as of the date of the receipt of a claim or the date upon which permanent total disability arose, whichever is the later. When a claim under the cited regulation has been finally denied but a subsequent report of physical examination made by a full-time, part-time, or designated (or fee-basis) physician of the Veterans' Administration in connection with compensation, pension, or treatment pursuant to proper authority, issued either prior or subsequent to treatment or an examination report or record within the purview of § 3.216 (c), shows permanent and total disability, such report of examination, hospitalization, or record constitutes an informal claim to reopen. Where the examination or hospitalization was at Veterans' Administration expense, the date of examination or admission to the hospital is the effective date of the award, if otherwise in order. However, where the examination or hospitalization is not at Veterans' Administration expense, the effective date of benefits will be the date of receipt by the Veterans' Administration of the report of hospitalization or examination constituting the claim to reopen, if otherwise in order. If the veteran has never filed a formal claim for disability pension and is not on the compensation rolls on the date when a Veterans' Administration hospital report shows permanent and total non-service-connected disability to exist, disability pension is payable in accordance with the provisions of the first sentence of this paragraph. If a veteran is on the compensation rolls on the date of receipt of a Veterans' Administration examination report showing permanent and total non-service-connected disability, such examination report may be accepted as an informal claim for disability pension, and it is not necesary for the veteran to file a VA Form 8–526. If a veteran's original claim for compensation was finally disallowed for any reason and he has never been on the disability compensation rolls, the Veterans' Administration examination report may not be accepted as an informal claim for disability pension in view of the express provisions of paragraph II (b), Part I, Veterans Regulation 2 (a), which provides that "for the purpose of this regulation, increased pension shall be taken to mean any award of pension, amending, reopening, or supplementing a previous award, authorizing any payments not theretofore authorized to the particular individual involved." In a case involving a renouncement, a Veterans' Administration examination report may not be accepted as an informal claim for disability pension inasmuch as the veteran was not on the compensation rolls on the critical date.

• • • • •

61. In § 3.216, paragraph (c) is amended to read as follows:

§ 3.216 *Application for increase based upon changed physical condition.* • • •

for any period of less than 30 days in-

(c) *Physical examination reports, clinical records, and transcripts of records received from State, county, municipal, and recognized private institutions and contract hospitals.* Generally, physical examination reports, clinical records, and transcripts of records from State, county, municipal, and recognized private institutions and contract hospitals relative to veterans will be accorded the same consideration for the purpose of rating claims for compensation or pension as though the records were received from a Veterans' Administration field station. These records, however, must present the essentials upon which ratings are to be founded, that is the disabling conditions must be adequately identified; sufficient findings must be reported to permit proper evaluation of the condition, and they must be certified by Chief Medical Officers or their physician designates. As to private institutions, the hospitals listed in the hospitals number of "The Journal of the American Hospital Association" (usually published in June of each year) are recognized. This publication indicates that the hospital has been fully or provisionally approved by the Joint Commission on Accreditation of Hospitals as meeting unconditionally its minimum requirements for general standardization. If the name of the private hospital at which the veteran was examined or treated does not appear on the approved list, the Chief Medical Officer or his physician designate will be requested to advise whether the hospital meets the minimum requirements for the care and treatment of Veterans' Administration patients and for hospital facilities as prescribed in current directives of the Department of Medicine and Surgery. Depending upon the advice of the Chief Medical Officer or his physician designate, the report will be accepted or corroborative examination by the Veterans' Administration requested. It is to be understood that such records, in those instances where maintenance is not at the expense of the Veterans' Administration, should not be accepted as claims for increase if they are routinely submitted, but only where there is an indication that they are being submitted for the purpose of claiming increased benefits. Even when submitted for such purpose, where the hospitalization is not at Veterans' Administration expense, the effective date of benefits will be the date of receipt by the Veterans' Administration of the report of hospitalization constituting the claim for increase or to reopen.

62. Section 3.218 *Award where identical amounts are involved* is revoked.

63. In § 3.228, new subparagraphs (7) through (10) of paragraph (b) and subparagraphs (11) through (17) of paragraph (c) are added, and paragraph (j) is amended as follows:

§ 3.228 *Computation of annual income for the purposes of Part III, Veterans Regulations 1 (a) 138 U. S. C. ch. 12), or section 1 (c) of Public No. 198, 76th Congress (act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress, and Public Law 357, 82d Congress.* • • •

(b) *Benefits excluded from computation.* • • •

(7) Proceeds of a fire-insurance policy.

(8) The rental value of property owned by and resided in by the claimant.

(9) The separate income of the wife of a disabled veteran.

(10) The value of an increase in stock inventory of a business at the end of a year.

(c) *Income included in computation.* • • •

(11) Retirement pay received direct from a service department.

(12) Reasonable value of allowances to a person in military or naval service in addition to base pay, such as clothing, subsistence, and quarters.

(13) Insurance paid under the Merchant Marine Act of 1936, as amended.

(14) Where monthly payments of employees' compensation payable by a Federal or State agency are withheld until the value equals a lump sum paid as damages by a third party, it will be considered that the claimant is receiving the income on a monthly basis.

(15) Where personal services are received in lieu of rent, the fair rental value of the property will be considered income.

(16) Proceeds of stocks and bonds received by inheritance, or otherwise, will not be considered income until converted into cash.

(17) Additional allowances received by a claimant from a charitable welfare or relief agency for members of his or her family may not be divided per capita in determining the amount of the claimant's income.

• • • • •

(j) Failure to return annual income questionnaire. (See § 3.229 (b).)

• • • • •

64. In § 3.229, paragraph (b) is amended to read as follows:

§ 3.229 *Annual income questionnaire.* • • •

(b) *Failure to return questionnaire.* When payments have been discontinued because of failure to return the annual income questionnaire, pension may be payable, if otherwise in order, from the date of last payment, provided the questionnaire or other evidence that the claimant's income is not in excess of the statutory limitation is received within 1 year from the date of issuance of the questionnaire. Otherwise, pension may not be paid for any period prior to the date of receipt of the questionnaire or a new claim (formal or informal).

• • • • •

65. Section 3.235 is revised to read as follows:

§ 3.235 *Statutory awards, section 202, World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress.* The statutory awards provided in section 202 of the World War Veterans' Act, 1924, as amended, are payable under section 27 or 28, Title III, Public No. 141, 73d Congress, as follows:

(a) Under section 202 (3):

(1) First paragraph, the statutory rates for specified conditions as provided therein and as amended.

(2) Third paragraph, the additional compensation of $47 monthly for the loss of the use of a creative organ or for the loss of the use of one or more feet or hands, independent of any other compensation (Public No. 866, 76th Congress, Public Law 662, 79th Congress, and Public Law 427, 82d Congress.)

(b) Under section 202 (5), an allowance not exceeding $67 per month for a nurse or attendant.

(c) Under section 202 (7), an award of not less than $67 per month to a person shown to have had an active tuberculosis disease of a compensable degree which has reached a condition of complete arrest; and compensation under the minimum rating of 25 percent for arrested or apparently cured tuberculosis.

(Sec. 202, 43 Stat. 618, as amended, sec. 20, 48 Stat. 309, as amended, sec. 27, 48 Stat. 524, sec. 2, 60 Stat. 910, 66 Stat. 296, 38 U. S. C. 471a, 471a–3, 473, 478, 480, 722)

66. In § 3.236, paragraph (c) (4) and (5) is amended to read as follows:

§ 3.236 *Special monthly compensation specified by or fixed pursuant to paragraph II, Parts I and II, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), as amended by Public Laws 182, 659, and 662, 79th Congress, and Public Law 427, 82d Congress.* • • •

(c) *Intermediate rates fixed pursuant to law.* • • •

(4) With the requirements for any of the rates provided in paragraph II (l) to (n), inclusive, Part I, or the corresponding peacetime rate, and additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 per centum or more, the rate will be intermediate, i. e., $290 per month, if the basic rate is $266, $333 per month, if the basic rate is $313, or $377 per month, if the basic rate is $353, or the corresponding peacetime rate. Since this subparagraph contemplates that such additional disability be permanent in character, the graduated ratings for arrested tuberculosis as provided under extensions 6 and 6–A, 1945 Schedule, will not be utilized in determining entitlement to such special monthly compensation.

(5) With the requirements for any of the rates provided in paragraph II (l) to (n), inclusive, Part I, or the corresponding peacetime rate, and additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be the next higher rate authorized in paragraph II (m) to (o), Part I, or the corresponding peacetime rate. Since this subparagraph contemplates that such additional disability be permanent in character, the graduated ratings for arrested tuberculosis as provided under Extensions 6 and 6–A, 1945 Schedule, will not be utilized in determining entitlement to such special monthly compensation.

• • • • •

67. In § 3.237, paragraph (b) (7) is amended and paragraph (c) is deleted as follows:

§ 3.237 *Additional allowance or increased compensation or pension for nurse and attendant and adjustment of awards during institutionalization.* • • •

(b) *Reductions during hospitalization.* • • •

(7) In cases other than blindness, rendering the person so helpless as to be in need of regular aid and attendance, entitling under subparagraph (m), additional compensation of $47 (or $37.60) per month under paragraph II (k), Part I, or the corresponding peacetime rate, or on account of 50 percent disability or 100 percent disability in excess of the conditions entitling under paragraph II (l), (m), or (n), Part I, or the corresponding peacetime rate, is not subject to reduction on account of being furnished nursing or attendant's service. The reduced rate of compensation or pension in such instances will be effective as of the beginning of the maintenance of the disabled veteran in an institution by the Veterans' Administration. The compensation or pension in all cases contemplated in this subparagraph is subject to the limitations contained in § 3.255.

(c) [Deleted.]

68. In § 3.245, paragraph (c) is amended to read as follows:

§ 3.245 *Rates of pay for disability or death the result of training, hospitalization, or medical or surgical treatment under section 31, Public No. 141, 73d Congress, examination under section 12, Public No. 866, 76th Congress, and paragraph 4, Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* • • •

(c) For other than World War service, see §§ 3.1087 to 3.1089, inclusive.

69. Section 3.250 is revised to read as follows:

§ 3.250 *Reduction or discontinuance of disability compensation or pension.* The effective date of the reduction or discontinuance of awards of disability compensation or pension will be in accordance with the provisions of paragraph III, Part I, Veterans Regulation 2 (a) (38 U. S. C. Ch. 12), except as otherwise provided. Reduction or discontinuance because of ceasing school attendance shall be effective upon the last day which the child attended school, unless attendance is discontinued by failing to report after holidays or a vacation period, but in no event will pension or compensation be paid for a period beyond the day preceding the child's 21st birthday. (See § 3.287 and § 4.98 (c) of this chapter.)

(Par. III, Part I, Vet. Reg. 2 (a); 38 U. S. C. Ch. 12)

70. Section 3.256 is revised to read as follows:

§ 3.256 *Adjustment of award of veteran upon termination of institutionalization by the Veterans' Administration.* (a) (1) Where a veteran, whose pension, compensation, or retirement pay has been reduced or discontinued as provided in § 3.255 (a) and (c), is discharged from treatment or care upon certification of the officer in charge of the hospital, institution, or home that maximum benefits have been received or release is approved, the award to or on behalf of the veteran will be adjusted in accordance with the last valid rating, if otherwise in order, effective as of the day the veteran is discharged or released from the hospital or institution, and the award will include such additional amount as will equal the total sum by which the pension, compensation, or retirement pay has been reduced. Where the veteran receives an approved discharge from hospital treatment or domiciliary care upon certification by the officer in charge of the hospital, institution, or home that maximum benefits have been received or that release is approved, the compensation or pension withheld under § 3.255 is payable upon discharge, and the veteran is not subject to immediate reduction upon readmission. The granting of a disciplinary discharge in lieu of an enforced furlough does not constitute a discharge "upon certification by the officer in charge • • • that release is approved," and the withheld compensation or pension may not be paid until the expiration of 6 months from the date of such discharge. The situation where the member accepts the enforced furlough and receives a discharge at the expiration thereof is contingent upon whether the discharge following enforced furlough is an approved release or a disciplinary discharge.

(2) When the reduction or discontinuance has been effected pursuant to the provisions of § 3.255 (b), payment of the amount equal to the amount by which the pension, compensation, or retirement pay was reduced, as well as the amount which was not paid on account of the $1,500 limitation on or after August 8, 1946, will be awarded 6 months following the finding of competency, if such finding is still in effect at the time the award is approved.

(3) In the event treatment or care is terminated by a competent veteran against medical advice or as the result of disciplinary action on or after August 8, 1946, payment of the amount by which the pension, compensation, or retirement pay was reduced will be awarded the veteran at the expiration of 6 months after the termination of treatment or care. Where a veteran in the last category is subsequently readmitted and continues such treatment or care until discharged upon certification by the officer in charge of the hospital, institution, or home in which treatment or care was furnished that maximum benefits have been received or that release is approved, he shall be paid in a lump sum such additional amount as would equal the total sum by which his pension, compensation, or retirement pay has been reduced under § 3.255 (a) subsequent to such readmission.

(b) While a veteran is on temporary absence from an institution where he is being maintained at Veterans' Administration expense, no adjustment of his award by reason thereof will be made for any period of less than 30 days, inclusive of the day on which he left the institution. The "temporary absence" referred to connotes a furlough, trial visit, or similar absence prior to a discharge in fact, and this section is not to be applied to withhold payment in a lump sum of the moneys withheld under § 3.255 (a) to a veteran who has received an approved discharge from hospital or domiciliary care irrespective of the fact that he may reenter prior to the expiration of 30 days. If the veteran reenters the same or other Veterans' Administration institution at any time thereafter, the compensation or pension is not subject to reduction until the first day of the seventh calendar month subsequent to such readmission. A veteran, if otherwise entitled thereto, should be paid additional compensation or increased compensation or pension for aid and attendance except for such periods as he received aid and attendance in kind at the expense of the Veterans' Administration, even though the trial visit or other temporary absence is less than 30 days. However, such adjustments will not be accomplished until after the veteran's discharge from institutionalization or until he is granted furlough, trial visit, or temporary absence of 30 days or more. If such temporary absence is for a period of 30 days or more, the award to or on behalf of the veteran will be adjusted in accordance with the last valid rating, if otherwise in order, effective as of the day the veteran departs. However, a furlough, trial visit, or other temporary absence for a period of 30 days or more is not tantamount to a discharge within the purview of paragraph (a) (1) of this section, and the veteran may not be awarded the moneys withheld under § 3.255 (a) in a lump sum when he leaves the institution on such a temporary absence. Upon return from such a temporary absence the veteran's award shall be immediately reduced to the institutional rate, if otherwise in order. If the veteran is discharged without returning to the institution, the award will be adjusted in accordance with paragraph (a) of this section. The report of such absence will be made to the office having custody of the claims folder, in accordance with effective procedure.

(Sec. 1, 60 Stat. 908, as amended; 38 U. S. C. 739)

71. In § 3.270, paragraphs (a) and (c) are amended to read as follows:

§ 3.270 *Readjustment of awards to incompetent veterans under section 1, Public Law 662, 79th Congress.* (a) Where payments of compensation or pension were properly discontinued because the estate of the incompetent veteran equaled or exceeded $3,000 (limitation under section 202 (7) of the World War Veterans' Act, 1924, as amended) or $1,500, as the case may be, and there exists only a claim against a defunct bank or other institution, or the entire estate is the subject of litigation, or consists of investments which have an undetermined value, and there is no income to provide for clothing and other

needs and comforts for the veteran, the Chief Attorney may permit the present guardian to submit a sworn statement setting forth the facts and estimating what the said claim or chose in action would sell for in the open market. If, based upon such showing, the Chief Attorney is satisfied that the value of the estate, as so determined, does not exceed $500, he will prepare a certificate to that effect and forward it to the proper adjudicating agency. Upon receipt of the certificate, the adjudicating agency will award, effective the first day of the month in which the action is taken, such payments as are in order.

• • • • •

(c) If a special case arises which does not fall within the provision of this section, or where money is urgently needed for the veteran, the complete facts should be reported to the office of the General Counsel.

72. Section 3.278 *Funds available to beneficiary on a trial visit or upon discharge* is revoked.

73. In § 3.281, former paragraph (c) is deleted and former paragraphs (d) and (e) are redesignated paragraphs (c) and (d), so that the redesignated material reads as follows:

§ 3.281 *Disappearance of incompetent veterans; payment to dependents.* • • •

(c) Where a veteran's whereabouts become known to the Veterans' Administration after an award to dependents has been made as provided in this section, the award to the dependents will be discontinued, effective the last day of the month in which the award action is taken, and appropriate action will be taken to adjust the veteran's award in accordance with the facts found.

(d) Awards to dependents under Part VI, Veterans Regulation 1 (g), or section 8, Public No. 304, 75th Congress, will not be continued for more than 7 years from date of disappearance of the veteran in any case where the facts are such as to bring into effect the presumption of death provided in Public Law 591, 77th Congress.

74. Section 3.287 is revised to read as follows:

§ 3.287 *Discontinuance of additional compensation under Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress; effective dates.* Where additional disability compensation is being paid to a veteran in behalf of a wife, child or children, or a dependent parent or parents, the effective date of discontinuance of the additional compensation for the dependents shall be fixed in accordance with the facts found, that is, in the event of death, the date of death; divorce, the date preceding the date of divorce; in the case of a child, the date preceding the 18th or 21st birthday, or cessation of school attendance, during a school term (for rule during a vacation period—see § 4.98 (c) (3) and (4) of this chapter) or the date preceding the date of marriage; in the case of a dependent parent, the date on which dependency ceased.

(62 Stat. 1219, as amended, Vet. Reg. 2 (a); 38 U. S. C. 710-743, ch. 12)

75. In § 3.296, paragraph (c) is amended to read as follows:

§ 3.296 *Concurrent payment of benefits to same person.* • • •

(c) Regarding concurrent payments of disability compensation, pension, or retired pay and pay from the service departments, see § 3.299.

• • • • •

76. Section 3.299 is revised to read as follows:

§ 3.299 *Action where veteran returns to active-duty status.* Compensation or pension may not be paid concurrently with the receipt of active service pay and where any person in receipt of compensation or pension returns to active-duty status with any of the Armed Forces of the United States, or active service in the United States Coast Guard, benefits will be suspended, effective the day preceding reentrance, if known, or the date of last payment. In the latter instance the correct date on which the veteran reentered active-duty status will be ascertained and a corrected Stop (or Suspend) Payment Notice, VA Form 521, or amended award then executed as of the correct date. Time spent by members of the ROTC in drills as a part of their activities as members of the corps is not active duty. On and after October 29, 1949, veterans who are Reserve members of the Armed Forces may waive or relinquish their pension, compensation, or retirement pay for periods of field training, instruction, other duty or drill. A waiver is not acceptable if it covers any period prior to October 29, 1949. However, a valid waiver may include prospective periods and contain a right of recoupment for the days which the Reservist did not receive payment for Reserve duty training by reason of failure to report for duty. Official information showing the date upon which the veteran actually reentered and terminated active duty will be secured. Payments may be resumed the day following release from active duty, provided the person is otherwise entitled. The determination of service-connection upon which the award of benefits was originally made will not be disturbed. The resumption of payment of compensation as to amount will be at a rate commensurate with the degree of disability found to exist at the time of restoration of the award. Information will be obtained from the Service Department, and the claim will be adjudicated upon a basis including the pertinent facts in the most recent period of active service. If a disability is incurred or aggravated in the second period of service, the benefits payable on account thereof cannot be paid unless a claim therefor is filed. (See § 3.27.)

(Par. XIII, Vet. Reg. 10, as amended, sec. 610, Public Law 434, 81st Congress; 38 U. S. C. ch. 12)

77. In § 3.310, the introduction and paragraph (d) are amended to read as follows:

§ 3.310 *Apportionments authorized.* Disability pension, disability compensation (including additional compensation for dependents provided by Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress), emergency officers retirement pay, and on and after October 17, 1940, service pension and pension for service prior to April 21, 1898, amounting to more than $33 monthly, will be apportioned according to the table provided in § 3.311, except where otherwise authorized or provided in this section.

• • • • •

(d) In those cases where an incompetent veteran with a wife, child, or dependent parent, and for whom no guardian or other legal fiduciary has been appointed, is maintained in an institution by the United States or a political subdivision thereof, the disability pension payable under Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), unless paid in the discretion of the Administrator to the wife of such veteran for the use of the veteran and his dependents, will be apportioned, if otherwise in order, in accordance with the schedule set out in this paragraph. Prior to authorizing an apportionment of disability pension as provided in this section adequate development will be accomplished for the purpose of determining the need therefor, and the evidence to establish the marital status, relationship, and dependency in the case of a parent, will be secured.

Where there is (are):

A wife but no child or where all children are in her custody—portion to wife, $53.40 monthly.

A child but no wife—portion for child, $42.60 monthly.

Two or more children but no wife—portion for children, $53.40 monthly (to be divided equally between them).

A dependent parent but no wife or child—portion for parent, $42.60 monthly.

Two dependent parents but no wife or child—portion for parents, $53.40 monthly (to be divided equally between them).

Any increase in pension by reason of the veteran having attained the age of 65, having been rated permanently and totally disabled and in receipt of pension for a continuous period of 10 years or more or having qualified for pension under Public Law 149, 82d Congress, as amended, will be added to the amount allowed the dependents as hereinabove described. There will be paid to the Manager, if a Veterans' Administration hospital or center, or such other proper official in charge of the institution any sum remaining unawarded. When the apportionments provided in this section are believed to work a hardship upon one or more parties in interest, recourse then may be had to the provisions of § 3.315 for a special apportionment under the approved procedure relating thereto. Running awards not consistent with the foregoing provisions will not be automatically reviewed for such purpose but will be adjusted when the particular case otherwise requires award action.

78. In § 3.312, paragraphs (e), (g), and (h) are amended to read as follows:

§ 3.312 *Apportionment not authorized.* • • •

(e) Under § 3.310, where the monetary benefit payable is $33 monthly or less.

• • • • •

(g) Of the additional amount authorized by the last paragraph of section 202 (3) or section 202 (5), World War Veterans' Act, 1924, as amended, or the additional amount payable under paragraph II (k), Part I, Veterans Regulation 1 (a), as amended, or the corresponding peacetime rate; or in those cases where an amount in excess of that provided for total disability is payable, of any amount in excess of the rate prescribed for total disability. Where pension is being paid under Public No. 299, 71st Congress (act of June 2, 1930) as amended, or under Public No. 541, 75th Congress, as amended, no amount in excess of $96.75 monthly will be subject to apportionment.

(h) Where the wife, child, father, or mother of the disabled veteran is shown by evidence satisfactory to the Administrator of Veterans Affairs to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or its allies. (See § 3.69 (d).)

• • • • •

79. Section 3.315 is revised to read as follows:

§ 3.315 *Special apportionments.* Where it is clearly shown by competent evidence that the application of the provisions of §§ 3.276, 3.310, and 3.311, or the fact that no apportionment is authorized under § 3.312, will result in undue hardship upon the disabled person or any one of his dependents and relief can be afforded without undue hardships to the other persons in interest, the complete case file will be forwarded by the authorization officer or the attorney reviewer with appropriate recommendation as to the exact manner of the proposed relief, to the adjudication officer, assistant adjudication officer, or the chief, or assistant chief, veterans claims division, Veterans Benefits Office, D. C., who will determine without regard to the provisions of §§ 3.276, 3.310, 3.311, and 3.312, the disability pension, service pension, disability compensation, or emergency officers retirement pay, which will be apportioned and the exact amount to be apportioned to each individual in interest. Should an appeal from such apportionment be received, the claims folder will be referred to the adjudication officer, assistant adjudication officer, or the chief, or assistant chief, veterans claims division, Veterans Benefits office, in order that the special apportionment from which the appeal is taken may be reconsidered in the light of any additional evidence developed in connection with the appeal. When it is found that no change is warranted, VA Form 8, properly prepared, will be approved. Thereafter regular appellate procedure will be for application. (See Veterans' Administration appeals procedures.)

(Sec. 3, 54 Stat. 1195; 38 U. S. C. 49a)

80. Section 3.317 is revised to read as follows:

§ 3.317 *Discontinuance of apportionments; effective dates.* Where disability pension, disability compensation, service pension, or emergency officers retirement pay is apportioned between the veteran and his dependents and payments have been or are being made to the dependents subsequent to the date of cessation of the condition on which it is predicated, the effective date of discontinuance of the apportioned benefit to the dependent shall be the date of last payment and the award to the veteran will be adjusted accordingly; except that in the event of death, the date of death (upon the death of an apportionee, all or any part of the unpaid apportioned disability pension, compensation, or retirement pay will be paid to the veteran or to any other dependent or dependents as may be determined by the Administrator of Veterans Affairs—sec. 12, Public Law 144, 78th Congress); divorce, the date preceding the date of divorce; in the case of a child, the date preceding the 18th or 21st birthday, or cessation of school attendance (see § 3.287 and § 4.98 of this chapter), or the date preceding the date of marriage; in the case of a dependent parent, the date on which dependency ceases, will be the effective date. Where a minor child of a disabled person being paid apportioned disability compensation, pension, or emergency officers retirement pay enters the active military or naval service, such apportioned award will be discontinued as of the date of last payment and, effective as of the next day, such child's apportioned share will be added to the disability compensation, pension, or emergency officers retirement pay otherwise payable to the veteran. Where the estranged wife of a disabled veteran is receiving apportioned disability compensation, pension, or emergency officers retirement pay in behalf of herself and a minor child and such minor child enters the active military or naval service, the apportioned share for the estranged wife will be continued in the same amount as was payable prior to the child's entry into active service, such increased amount to continue during the child's minority or until the cessation of the condition upon which the apportionment was made.

(Sec. 4, 48 Stat. 9, sec. 3, 54 Stat. 1195, Vet. Reg. 2 (a); 38 U. S. C. 49a, 704, ch. 12)

81. Section 3.329 is revised to read as follows:

§ 3.329 *Restriction as to change in payments pending determination of administrative appeals.* In the event of an administrative appeal by the Manager or the adjudication officer in a regional office, or the chief, veterans claims division, in cases adjudicated by the disability rating board, Veterans Benefits Office, D. C., no change in payments based on the result of the review or determination will be made until a decision is rendered by the Board of Veterans Appeals.

82. Section 3.350 is revised to read as follows:

§ 3.350 *Adjudication of benefits in emergency officers retirement claims.* After a determination as to entitlement or nonentitlement is made by the Board of Veterans Appeals, and after the approval of the necessary award action by the veterans claims division, Veterans Benefits Office, D. C., claims for emergency officers retirement will be decentralized to the proper regional office or center, except where jurisdiction is vested in the Veterans Benefits Office, D. C., as provided in § 3.1025, and will thereafter be adjudicated by the adjudication division in the field offices for the purpose of awarding or apportioning emergency officers retirement payments, pension, or compensation: *Provided,* That where denial is made by the Board of Veterans Appeals in its capacity as a body of original jurisdiction in claims for emergency officers retirement pay, decentralization will be effected upon the expiration of a period of 1 year from the date on which notice of the decision is dispatched to the claimant, if in the meantime an appeal is not filed: *And provided further,* That where denial is made by the Board of Veterans Appeals on appeal, decentralization will be withheld for a period of 6 months from the date on which notice of the decision is sent to the claimant. Payment Card, VA Finance Form 1071, will be retained in the finance division, Veterans Benefits Office, D. C.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective October 28, 1954.

[SEAL] R. C. FABLE, Jr.,
Assistant Deputy Administrator.

[F. R. Doc. 54-8407; Filed, Oct. 27, 1954; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Gen. Order 20, Revised]

PART 272—POLICY AND PROCEDURE REGARDING CONDUCTING OF SUBSIDY CONDITION SURVEYS AND ACCOMPLISHMENT OF SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

FEDERAL MARITIME BOARD OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

In F. R. Doc. 54-8048, appearing in the issue for Wednesday, October 13, 1954, at page 6581, the words "Maritime Administration Operating-Differential Subsidy Agreements" at the end of § 272.1 should read "Federal Maritime Board Operating-Differential Subsidy Agreements."

Dated: October 25, 1954.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-8506; Filed, Oct. 27, 1954; 8:58 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10816; FCC 54-1319]

[Rules Amdt. 63-8]

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

PUBLICATION AND POSTING OF NOTICES

In the matter of amendment of Part 63 of the Commission's rules and regulations governing extension of lines and discontinuance of service by carriers; Docket No. 10816.

1. On October 8, 1953, the American Communications Association (ACA), a union representing certain employees of The Western Union Telegraph Company (Western Union), filed a petition requesting that the Commission amend Part 63 of its rules to add to the current requirements for posting and publishing notice of applications filed with the Commission by carriers for authority to discontinue, reduce or impair telegraph service, pursuant to section 214 of the Communications Act of 1934, as amended and to require that hearings be held on all formal applications to discontinue, reduce or impair telegraph service to which objections are filed within a specified period of time. The specific amendments proposed by the union are described more fully hereinafter.

2. The Commission released a notice of proposed rule making herein on December 21, 1953, in order to afford interested parties an opportunity to present their views to the Commission concerning the proposals of the ACA. The notice was published in the FEDERAL REGISTER on December 24, 1953 (18 F. R. 8701). Statements in support of the proposed rule changes were filed by petitioner and The Commercial Telegraphers' Union, another union representing certain of Western Union's employees. Letters and petitions urging the adoption of the proposed rule changes were also received from a large number of persons, most of whom indicate that they are employees of Western Union. Statements in opposition to the proposed rule changes were filed by Western Union, by RCA Communications, Inc. (RCAC), and by the American Cable and Radio Corporation (AC&R) on behalf of All America Cables and Radio, Inc., The Commercial Cable Company, and Mackay Radio and Telegraph Company, Inc. A reply to the statements of such companies was filed by petitioner. Oral argument on the matter was held before the Commission on July 19, 1954, at which petitioner, Western Union and RCAC appeared and presented argument.

3. In support of its proposals, petitioner contends generally that the present rules are completely ineffective for the purpose of giving notice to the public of a proposed closure of a branch telegraph office, and that, in a sharply contested situation, it is difficult for the Commission to determine the facts without a public hearing and the opportunity to challenge, by cross-examination, statements by the applicant and the objector. The Commercial Telegraphers' Union takes the position that it is wrong to grant an application where any interested person requests a hearing and that it is equally wrong to process such applications without sufficient advance notice to all interested persons.

4. The above-named carriers take the position generally that the present rules are adequate, that the proposed rules are unnecessary, and that the proposed rules would be unduly burdensome for both the carriers and the Commission and should not be adopted. In addition, RCAC urges that, if the Commission believes that additional notification procedures are required for other carriers, the international telegraph carriers should be specifically excluded from such requirement because there have been no extensive curtailments by such carriers in the past and there is no reasonable likelihood of extensive curtailments in the future.

5. The ACA requests that § 63.90 (a) be amended to provide that, immediately upon the filing of applications and informal requests to discontinue, reduce, or impair communications service (except applications filed under §§ 63.67, 63.68 or 63.69), a carrier shall post a public notice of such filing in the window of any office having window space fronting on a public street. Currently, § 63.90 (a) provides that such public notice shall be posted "in a conspicuous place" at the telegraph office, telephone exchange, or public coast station affected.

6. In our opinion, a requirement that such public notice should be posted in the window of every office having a window fronting on a public street would not necessarily provide reasonable notice to those persons making use of the office. For example, it would seem that no useful purpose would be served by posting notice in the window of an office located on an upper floor even though it had a window fronting on a public street. On the other hand, the posting of a notice within a given office would provide notice only to those persons who come in the office during the period that the notice is posted. We conclude that, in order to afford reasonable notice to the public of a proposed curtailment of service at an office, a carrier should post the notice in the window of the office, if it has window space fronting on a public street at the street level, as well as in a conspicuous place within the office. Accordingly, we will amend § 63.90 (a) to require all carriers to so post public notices of applications filed with this Commission for authority to curtail communication service at telegraph offices, telephone exchanges or public coast stations.

7. At the oral argument, counsel for Western Union displayed a sample of the public notice which the company posts in its offices pursuant to § 63.90 (a) of the rules. Except for the word "notice" appearing at the top of the sample, the printed material was not legible at a distance of about 10 feet from the notice and it appeared that a member of the public would have to approach to within a few feet in order to read the information contained in such notice. The rules currently provide that the posted notice shall be "at least" 20 inches by 24 inches "with letters of commensurate size." Accordingly, we will expect Western Union promptly to revise the form of notice and the size of the letters so that the information contained in the notice will be legible at a reasonable distance.

8. The petitioner proposes that § 63.90 (b) be amended by deleting the proviso following the words "of the community affected" and that a new paragraph (c) be added to § 63.90 as follows:

(c) Immediately upon the filing of an application or informal request (except a request under §§ 63.67, 63.68 or 63.69) affecting a telegraph office or a branch office, the applicant shall mail or deliver by messenger a notification containing information similar to that specified in paragraph (a) of this section to each telegraph user served by messenger callbox circuit, or tieline terminating at the office or branch office affected, and to each person to whom a telegram is delivered by messenger from said office or branch office during the 20 days following the making of such application.[1]

The effect of the proposed amendment would be to require both publication of notice in a newspaper and delivery of actual notice to those served through all main and branch telegraph offices. As indicated above, the current rule permits the carrier to give actual notice as an alternative to publication of notice in cases of branch offices.

9. The currently effective § 63.90 (b) of the Commission's rules was adopted following the rule making proceeding in Docket No. 9304, In the matter of amendment of § 63.90 of the Commission's rules and regulations regarding publication and posting of notice of the filing of applications to close, or reduce hours of service at, branch telegraph offices. In that proceeding, the Commission considered generally the same question that is presented here, viz., whether both types of notice are necessary. Petitioner herein filed comments in that proceeding requesting that the rules be amended to require both types of notice. After considering all the comments filed therein, including comments of petitioner herein, the Commission adopted the current rule. We are of the opinion that the existing rule reasonably provides for notice to interested persons and that no change therein is necessary.

10. Finally, the petitioner proposes that a new section be added to Part 63 of the Commission's rules as follows:

Whenever an application is filed to discontinue, reduce or impair telegraph service, pursuant to Section 63.62 and wherever, within twenty days of the filing of the application, posting of the notice as required by 63.90 (a), or mail or delivery of the notice as provided in 63.90 (c) (whichever shall be later), objection to the proposed action by the carrier shall be received by the Commission, the Commission shall, on ten days' notice to the carrier, to the objecting person or persons and to the Public Service Commission of the state in which any discontinuance, reduction or impairment is proposed, hold a hearing upon the said application, pursuant to § 1.802 et seq. of Part 1 of the rules and regulations of the Commission.

The Commission's rules do not now require that hearings shall be mandatory when an objection is filed to an application.

11. Substantially the same proposal was previously made by petitioner herein in the proceeding in Docket No. 7982, In the matter of The Western Union Telegraph Company investigation of plans to discontinue, reduce or impair service and standards to be applied. In its memorandum opinion and order in that case, issued May 16, 1949, the Commission stated:

It is to be observed that Congress, in section 214 (a) of the act, did not include a requirement for a hearing on applications made under that Section. In passing upon the merits of each application filed by Western Union for an authorization under section 214 of the Communications Act, the Commission has considered whether a public hearing should be held in the matter on the basis of the showing made in the application by Western Union, the facts contained in communications from the public or the telegraph employees' unions concerning the applications and all other available relevant data, including information developed by the Commission's staff in those cases where it has been possible to make an on-the-spot investigation of the matter. We believe that such a procedure has provided an adequate basis for deciding in each case whether a public hearing is required in order to determine whether the particular curtailment in service might adversely affect the public convenience and necessity. In any event, the question whether a public hearing should be held on such applications is one that should be decided on the facts and circumstances in each case.

No facts have been presented in this proceeding to cause us to change our views regarding the procedures to be followed in designating for hearing applications filed pursuant to section 214 of the act.

12. In view of the foregoing, and pursuant to sections 4 (i) and 214 of the Communications Act of 1934, as amended: *It is ordered*, This 21st day of October 1954, that, effective January 3, 1955, § 63.90 (a) of the rules is amended to read as follows:

§ 63.90 *Publication and posting of notices.* (a) Immediately upon the filing of an application or informal request (except a request under §§ 63.67, 63.68 or 63.69) for authority to close or otherwise discontinue the operation, or reduce the hours of service at, a telephone exchange, a telegraph office (except an agency office, a jointly operated office, or an office or exchange located at a military establishment), or a public coast station, the applicant shall post a public notice at least twenty inches (20") by twenty-four inches (24"), with letters of commensurate size, in a conspicuous place in the exchange, office, or public coast station affected, and also in the window of any such exchange, office, or station having window space fronting on a public street at street level. Such notice shall be posted for at least fourteen (14) days and shall contain the following information, as may be applicable:

(1) Date of first posting of notice;

(2) Name of applicant;

(3) A statement that application has been made to the Federal Communications Commission;

(4) Date when application was filed in the Commission;

(5) A description of the discontinuance, reduction or impairment of service for which authority is sought, including the address or other appropriate identification of the exchange, office or station involved;

(6) If applicant proposes to reduce hours of service, a description of present and proposed hours of service;

(7) A complete description of the substitute service, if any, to be provided if the application is granted;

(8) A statement that any member of the public desiring to protest or support the application may communicate in writing with the Federal Communications Commission, Washington 25, D. C., on or before a specified date which shall be twenty (20) days from the date of first posting of the notice.

NOTE: In cases where a public coast station is not ordinarily accessible to the general public for the purpose of filing or accepting delivery of messages, but an associated public office is provided by the applicant for that purpose, the public notice herein referred to shall be posted in the public office.

It is further ordered, That, except as provided above, the above-mentioned petition of the American Communications Association is denied and the proceeding in Docket No. 10816 is terminated.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply Sec. 214, 48 Stat. 1075; 47 U. S. C. 214)

Released: October 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-8493; Filed, Oct. 27, 1954; 8:55 a. m.]

[1] In addition to the foregoing requirements for notification to the public, § 63.90 provides that carriers shall give written notice of the filing of an application to discontinue, reduce or impair service, together with a copy of such application, to the State commission which has jurisdiction with respect to intra-State operations of carriers in each State in which any discontinuance, reduction or impairment of service is proposed. When the posting, publication and notification have been completed, the carrier is required to certify such facts to this Commission, stating the name of the newspaper in which such publication was made, the names of the commissions notified, and the dates of posting, publication and notification. Further, pursuant to section 214 of the act, this Commission sends copies of all formal applications to discontinue, reduce, or impair service to the Secretary of the Army, the Secretary of the Navy and the Governor of each State in which such discontinuance, reduction or impairment of service is proposed. Also, it is the practice of the Commission, in cases involving the discontinuance, reduction or impairment of domestic telegraph service, to send copies of all such applications to the petitioner herein or The Commercial Telegraphers' Union, depending upon which union is the bargaining representative of the Western Union employees in the area where the office affected is located.

[2] Separate comments of Commissioner Hennock and additional statement of Commissioners Bartley and Doerfer filed as part of the original document.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 941]

[Docket No. AO-101-A18]

HANDLING OF MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Chicago, Illinois, on June 1-4, June 7-11, and June 14-15, all in 1954, pursuant to notice thereof which was issued on May 20, 1954 (19 F. R. 3028).

A recommended decision (19 F. R. 4730) filed on July 28, 1954, by the Deputy Administrator of the Agricultural Marketing Service, and a decision by the Secretary on August 16, 1954 (19

F. R. 5268), dealt with issue No. 1, as listed herein, and certain aspects of issues No. 2 and No. 3. This recommended decision deals with the remaining matters under issues numbered 2 through 16, except for issue No. 5 (prices for milk picked up at the farm by tank trucks), on which action is deferred.

The material issues on the record of the hearing were:

1. Establishment of a plan for paying producers so as to increase the incentive for even production;
2. Limitation of the supply-demand adjustment;
3. The price for Class II milk;
4. Seasonal price differentials for Class I milk over the basic formula price;
5. Prices on milk picked up at the farm by tank trucks;
6. The price for Class IV milk including special pricing of milk used in the manufacture of cheese;
7. Price differentials for location at which milk is received;
8. Change in the classification provisions to require separate accounting for skim milk and butterfat;
9. Classification of skim milk which is dumped;
10. Classification of milk transferred from a regulated plant to another plant;
11. Classification of powdered ice cream mix, powdered cream, and other powdered products derived from milk or cream;
12. Months in which a producer's milk may be diverted without the producer losing his status;
13. Classification of and pricing of inventory variations and shrinkage;
14. Price at which reconciliation is to be made;
15. Price for packaged milk sold outside the marketing area; and
16. Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing:

2. *Supply-demand adjustment.* The adjustment due to the supply-demand ratio should be limited so that deductions from or additions to Class I and Class II differentials do not exceed 24 cents per hundredweight.

A proposal was made by producers to establish a limit of 24 cents with respect to plus or minus adjustments due to the supply-demand ratio.

For the period of March through August 1954 the amount of deduction due to the supply-demand ratio was limited by amendment to the order so as to not result in deductions exceeding 24 cents. A further amendment, effective September 1, 1954, based on the record of the hearing concluded June 15, 1954, continued this limitation through November 1954. In the recommended decision filed by the Assistant Administrator in July 28, 1954, and adopted in the decision of the Secretary issued August 16, 1954 (19 F. R. 5268) it was stated that "continuation of the 24-cent limitation through these three fall months will permit examination of the supply-demand adjustment provision in the context of proposed changes in the whole price structure that would include possible revisions of the class price differentials."

Official notice is hereby taken of information published by the market administrator on August 27, 1954, which showed that for the month of September 1954 the supply-demand ratio indicated a deduction of 30 cents per hundredweight if the limitation did not apply.

If a deduction of 24 cents were to continue to apply during the coming twelve-month period, this amount deducted from the Class I differentials in the attached proposed amendment to the order, would result in effective differentials of 86 cents for months with higher differentials, and 56 cents in other months. Such reduction in the differentials by the supply-demand factor is intended to have some influence in bringing the supply of milk into adjustment with fluid needs of the market.

In the case of the Class II differentials of 70 cents and 45 cents proposed herein, these would be reduced to 46 cents and 21 cents, respectively, by deduction of the 24-cent adjustment.

Data in the record show that the number of producers on the market in January 1954 was greater than in any month in recent years. Since that time the number of producers has declined. Official notice is hereby taken of information published by the market administrator on August 16, 1954, indicating that the number of producers (farm units) in the market for July 1954 was 23,636. This represents nearly a 3 percent decline in number of producers from the January level.

This indication of a downward trend in the number of producers suggests that prices for Class I and Class II milk have been reduced sufficiently to bring about an orderly adjustment of supply in relation to demand. Furthermore, it is noted that there has been an upward trend in Class I utilization in recent years. Average monthly volume of Class I milk in 1951 was about 167.4 million pounds; in 1952, 168.7 million pounds; and in 1953, 169.5 million pounds. Sales of packaged fluid milk and fluid milk products show a greater increase, but this has been offset to some degree by less sales of milk in bulk.

In view of the trends evidenced in producer numbers and in Class I sales, there is some question as to whether further reductions in the price differentials which might result from unlimited action of the supply-demand adjustment would allow adequate incentive to producers such as to assure a stable supply of milk for the market. It is desirable under these conditions that the 24-cent limit on such deductions from the Class I and Class II differentials be continued.

As mentioned above, it was also proposed that in the case of additions to the price differentials due to the supply-demand ratio, a similar 24-cent limit should apply. An upper limit of 24 cents on these adjustments would allow for a 48-cent increase from the present price level. After a change of such magnitude re-examination in a public hearing would be advisable before further increases in class price differentials are effected.

3. *Price for Class II milk.* The seasonal Class II price differentials should be revised to be 70 cents for the months of August through November, and 45 cents in other months.

The Class II price differentials in the order are 40 cents for May and June, 70 cents for July through November, and 50 cents in other months. These differentials are subject to the same supply-demand adjustment as Class I differentials, which for some months has been a deduction of 24 cents.

Pursuant to a suspension order issued June 30, 1954 (19 F. R. 4060) the differential for July and August 1954 was established at 50 cents. In an amending order effective September 1, 1954 (19 F. R. 5533) the 50-cent differential was continued through November, 1954. It was stated in the decision (August 16, 1954, 19 F. R. 5268) "that pricing of Class II milk for delivery periods after November 1954 should not be revised until further study is made of the record evidence relating to all aspects of class pricing."

Proposals made at the hearing by both handlers and producers would result in some reduction in the annual level of the differential. Differentials now in the order average 56.7 cents.

A producers' association suggested the adoption of a differential of $0.50 for Class II milk during all months of the year, except for frozen cream in such class, which would carry a differential of $0.35 in May and June. Such differentials would be subject to the same supply-demand adjustment as Class I milk. An ice cream manufacturers' association proposed that the differential applicable to (1) that portion of Grade A Class II milk utilized in ice cream and allied products sold and delivered outside the city of Chicago, and (2) Class II milk frozen and stored in April, May and June for later resale as ice cream or allied products, should be $0.10 over the price for Class IV milk. In the latter connection, it was testified by proponents that a "freezing allowance" of 25 cents per hundredweight of milk would be appropriate and reasonable with respect to milk utilized for frozen cream in April, May and June, thus differentiating in such months the price of frozen cream from that of sweet cream for current disposition in fluid form. A group of handlers also proposed 10-cent reductions in the Class II differentials for April, July and August.

The producer proposal for a reduction in the Class II price level was based on the expectation that such reduction would result in some restoration of the volume of disposition in Class II which has declined in recent years. Review of the data on classification of milk in the hearing record discloses marked decreases in the disposition of the major products in Class II milk (it should be noted that the "3.5 percent milk equivalent" of butterfat used determines the volume of milk priced in this class). Except for fluid sweet cream of 6–16 percent butterfat, which has shown increasing popularity for several years, sales of the remaining products of high butterfat content in Class II milk have decreased to a substantial degree. Sales of fluid sweet cream of 6–16 percent butterfat have held steady since 1951, but have increased more than 80 percent since 1946. By comparison, fluid cream of 16–30 percent butterfat has decreased 18 percent during the past 12 months, 31 percent since 1951, and 74 percent since 1946. Compared with 1951 and 1946 data, 1953 figures for cream of more than 30 percent butterfat show a decline of 14 percent. The net decrease in all fluid sweet cream sales was 9 percent since 1951 and 26 percent since 1946. The volume of pooled butterfat in cream utilized for ice cream manufacture also has declined substantially: 8.8 percent between 1951 and 1953, and 28.5 percent from 1946 to 1953. All Class II milk in the pool declined 9 percent in the past two years and 27.4 percent between 1946 and 1953.

Seasonal adjustment of the Class II differentials, as now in the order price provisions, has served to provide incentive to handlers to store cream during spring flush months for use in the fall months. Such a practice of storing cream is of benefit to the market in view of the decided seasonal variation of milk available for such use. The seasonal Class II price differentials have also been part of the order price structure designed to provide incentive for producers to even out production. Changes in the Class II differentials seasonally have accordingly been co-ordinated with changes in the Class I price differentials.

Although a base-excess plan for payment to producers has been established under the order effective beginning in September 1954, the effects of this plan may be expected to be relatively mild, and as pointed out in the findings and conclusions with respect to Class I prices, some continuation of seasonal pricing would appear needed. Coordination of the Class II prices with the Class I price pattern proposed herein calls for continuance of about the same relationship between Class II prices and Class I prices as would result under the current regular price provisions of the order.

A particular consideration in the relationship of Class I and Class II prices is the fact that milk for Class II uses in Chicago must meet the same sanitary requirements as whole milk for fluid consumption. In these circumstances, the Class II price should be at a level which contributes a reasonable share of the returns to producers needed to maintain a supply for combined Class I and Class II needs.

In view of these considerations, it is decided that the difference between Class I and Class II prices should not be widened as much as would result from the proposal for a constant 50-cent Class II differential. On the other hand, some seasonal price changes should be continued for reasons discussed above. The Class II differentials recommended herein are 45 cents for the months of December through July and 70 cents for other months. These differentials would result in seasonal changes at the same times as changes in Class I differentials. It may be noted that the seasonal change, 25 cents, is as large as the freezing allowance requested for storing cream.

The principal reason given by the producer group for reducing the Class II price was to promote sales in Class II uses. The Class II differentials here recommended for the period beginning in December this year, and the 50-cent differential in effect for July through November this year, would mean that a level of Class II prices as low as requested by the producer group will continue in effect for a 13-month period ending with July 1955. This period should provide opportunity for observation as to the effect of the reduced price upon sales.

While proposals by producers and handlers would provide a special seasonal decline in the case of cream placed in storage during May and June, no substantial reasons were offered for denying consumers of fluid cream in May and June of the advantage which would accrue from seasonally lower prices to producers on cream put in storage. Thus no distinction should be made during such months between the price of milk utilized to produce fluid sweet cream and that processed into frozen cream for storage and later used in ice cream and allied products.

The proposal to apply a price lower than the Class II price for Grade A milk and cream used in manufacture of ice cream for sale outside the city of Chicago is similar to proposals dealt with in previous decisions. This matter was dealt with in a decision issued August 13, 1952 (17 F. R. 7505). Official notice is hereby taken of such decision.

Testimony at the hearing, bearing on this matter, dealt with a comparison of prices for cream at wholesale in Chicago as compared to prices outside the city. There is some doubt that data presented make possible an accurate comparison of price differences. Existence of some discounts from quoted prices, as mentioned on the record, also makes the significance of the data indefinite. Evidence in the record on this issue does not show any aspects not dealt with in the previous decision mentioned which would justify change in order pricing of Grade A milk used for ice cream sold outside the City of Chicago.

4. *Class I seasonal price differentials.* The Class I price differentials for May and June should be increased to 80 cents, and compensating changes should be made in other months.

Modifications of the seasonal pattern of Class I price differentials were proposed by both producers and handlers. The producer proposal would increase the differentials in the two months when they are lowest (May and June) by 20 cents per hundredweight. This would increase the annual average of the Class I differentials from 89.2 cents to 92.5 cents. The proposal by handlers would make seasonal changes more gradual with practically no change in the annual average.

The evidence in the record does not support any increase in the annual level of the Class I price differentials. There is an adequacy of supply under present price provisions of the order. For some months, the supply has been at a level such that the "supply-demand ratio" in the order has resulted in reducing the regular price differentials. For the current period this adjustment is limited so that deductions may not be more than 24 cents, but current data for June 1954, would have resulted in a 30-cent deduction if no limitation were effective.

Producer testimony in favor of the increased level of the differentials was based on the consideration that with the reductions they proposed in Class II and Class IV prices, the overall result would give about the same uniform price to producers as under current order provisions. However, no change in the Class IV price is proposed herein, and the proposed reduction in Class II prices, which would result in a slight reduction in the annual level, would not be justification for raising the Class I price level.

The basis for the handler proposal was principally the desire to smooth out seasonal changes, so as to minimize any adverse reaction of consumers to price increases. It was pointed out that the change from a 60-cent differential in June to $1.10 in July is equivalent to more than a penny per quart at retail.

The matter of changes in the Class I differentials is related also to recent changes in the order establishing a base-excess plan for paying producers. Both the base-excess plan and seasonal pricing are intended to provide incentive for farmers to even out production. However, the base plan is expected to be relatively mild in effect, and accordingly some seasonal price differentials should be continued.

The schedule of Class I differentials contained in the attached proposed amendment to the order would set the May and June differentials at 80 cents, an increase of 20 cents. This change would result in an 80-cent differential for all of the months of December through June. Such an increase in the May and June differentials is needed because of the effects of the base plan and location differentials, which would otherwise result in an unreasonably low price for excess milk in the more distant parts of the milkshed.

A further change is needed with respect to differentials in other months to offset the increase in May and June. Rather than spread this offsetting reduction through the months of the shorter production season, it is concluded that all of the offset should be in July, which is not a month of short production. The resulting schedule of differentials would have only two changes each year, each equivalent to less than 1 cent per quart.

5. *Producer milk picked up at the farm by tank trucks.* The procurement of milk by pick-up at the farm in tank trucks is a relatively new development in the Chicago market. This method of milk procurement was introduced about 18 months prior to the hearing, and at the time of the hearing the milk of about 600 producers was being picked up by this method.

The present provisions of the Chicago order give no basis for different pricing treatment under the order than that

accorded to milk picked up at farms in cans. The minimum price for such milk, as in the case of milk received in cans, is established by the order at the plant at which it is first received and the person operating such plant is responsible for reporting such receipts and accounting for the utilization of such milk.

Several amendments were proposed at the hearing to apply particularly to milk picked up at farms in tank trucks. A producer group proposed that in the case of such milk the location adjustments which apply to the uniform price should be on the basis of the location of the farm, rather than the location of the plant at which milk is received. Farms in each township would be zoned according to the railroad or highway distance from the market, whichever is shorter, and zone price differentials would be assigned on the same basis as they are now assigned to plant locations. Another producer proposal would modify the definitions of handler and producer for the purpose of assigning specific responsibility for accounting for the milk so received. In some cases this might well involve making the hauler who received such milk be the handler responsible for reporting receipt of milk and payment therefor.

A further proposal made by producers would establish, within the framework of minimum prices fixed by the order, premiums to be paid by handlers to farmers on milk picked up at the farm in tank trucks.

Several problems of pricing and accounting which arise because of bulk tank handling are indicated by the record. The method of procurement by tank truck pick-up at farms permits a greater flexibility in the movement of milk, much the same as would apply to milk in tank trucks moved out of receiving plants. It has permitted delivery direct to the marketing area from greater distances than in the case of milk received in cans and may eliminate the need for a substantial number of country receiving stations. Relative to delivery of producer milk in cans, there is much greater likelihood that an individual producer's milk will be received at different plants from month to month or even from day to day during the month. Thus, confusion as to the location at which the minimum price for such milk should be established and as to the permanency of the producer's relationship to the market may arise.

The uniform price for milk received from farms at plants in the marketing area is 10 cents higher than the uniform price for milk received in the 70-mile zone. In view of the longer haul which is practicable in the case of milk picked up at farms in tank trucks, increased quantities of milk may be moved directly to plants in the marketing area. When such milk is not needed in the marketing area, it can be moved to local manufacturing plants and, under current terms of the order, continue to be priced at the marketing area level. Producer testimony at the hearing in this connection questioned whether the 6 cents now contributed by the market pool to the payment of the 10-cent differential for milk received in the marketing area should be furnished by the market pool in the case of bulk tank milk. It was proposed that the full 10 cents be paid directly by handlers receiving such milk in the marketing area.

A further possible difficulty, pointed out in testimony, is that one truckload of milk might be delivered to two or more plants. The problem of establishing the identity of the handler responsible for reporting the receipt and utilization of such milk could be complicated, particularly if the first plant of delivery is not the same on each trip. Another difficulty is that sales of Chicago approved milk to secondary markets might be made directly to those markets in the bulk tank pick-up trucks. Under these circumstances, such milk, when used mainly to supply Class I sales, would not be included in Chicago pool, but when it is not needed in the secondary market and is diverted to a Chicago pool plant for manufacturing purposes, it would be pool milk.

It was mentioned in the record that receipt of milk at farms in tank trucks is an innovation not only in the Chicago market but also in some other markets where Federal orders exist. It appears likely that it will spread to many areas. It may reasonably be expected that there will be considerable similarity in the problems arising under order regulations in several markets with respect to this method of procurement. Therefore, it is concluded that action on this issue be deferred until study can be made of the problems in various markets so as to determine whether it is possible to establish a uniform method of pricing and accounting for bulk tank milk.

6. *Price for Class IV Milk.* No change should be made in the operating "allowance" in the Class IV price formula, and the Class IV price should continue to apply to milk used in the manufacture of American cheese.

A proposal was made to increase the operating allowance now 75.2 cents, in the Class IV price formula by approximately 2 cents per hundredweight. It was suggested further that the operating allowance be varied seasonally so that the allowance provided for April, May, and June would be 5 cents per hundredweight greater than that contained in the price formula for the other nine months of the year.

Statistical cost data offered in support of the increase requested, purported to show, in the case of one large producer organization manufacturing butter and nonfat dry milk solids, a current manufacturing cost of 77.35 cents per hundredweight for milk used in such products. Another producer association presented cost data indicating a manufacturing cost for nonfat dry milk solids of 46.679 cents per hundredweight of whole milk. Such association disposes of butterfat to others for manufacture into butter, but stated that if the butter manufacturing cost (per hundredweight of milk) of the first producer group, referred to above, is added to the manufacturing cost of 46.679 cents, a total butter-nonfat dry milk solids manufacturing cost of 77.167 cents per hundredweight of milk results. Other testimony of the associations supporting the increase in allowance was to the effect that (1) a "break-even" basis of pricing Class IV milk will not be achieved without adoption of the proposal, and (2) a seasonal adjustment in the allowance would improve the Class IV price formula in view of the seasonal variation in manufacturing costs.

The adequacy of the information presented as a basis for revising the Class IV price formula is open to question. First, cost data as used for the purpose of the Class IV price formula represent only one guide to a reasonable level of price for Grade A milk available for manufacture into the products covered by such class. As to the particular cost data offered, it may be noted that they are not fully comparable with those included in the record on which the present 75.2 cents allowance is based. The prior record contained cost figures on a fairly wide selection of plants manufacturing butter and nonfat dry milk solids, and the apparent variation in plant operating costs among plants indicates that the data included in the present record, even if accepted without question, do not prove that there has been a general increase in Class IV operating costs throughout the milkshed.

When determining an operating margin based upon actual cost data, for use in a producer price formula which is designed to reflect as nearly as possible the full value of milk for manufacture within the milkshed, it does not appear appropriate to include items that are not typical items of cost at a plant exclusively engaged in the processing of butter and nonfat dry milk solids. Certain fees and expenditures extraneous to the butter-nonfat dry milk solids operation were included in cost data presented as proof of need for an increased margin. When all such payments are eliminated from the cost data offered, the record indicates that current manufacturing costs at the plants of proponents probably do not exceed the amount of the allowance provided in the present order. Also, this record does not disclose the Class IV price to be out of line with prices paid by unregulated plants with primary interest in butter-nonfat dry milk solids manufacture.

In view of the above it is concluded that the present record does not provide a basis for a revision of the allowance in the Class IV price formula.

One handler suggested that the allowance be increased to 80 cents per hundredweight, since such an amount is recognized under the formula for computing the parity equivalent for manufacturing milk in connection with the nation-wide program for the support of milk prices at 75 percent of parity. However, in view of the large-scale manufacturing operations carried on in the Chicago milkshed and in consideration of past experience in securing adequate outlets for reserve market supplies, it does not seem necessary to increase the operating margin in this area to the equivalent of that considered necessary on a country-wide basis.

A proposal was made by a producer cooperative to establish a separate price for milk used in the manufacture of American cheese. Such milk, along with milk used for other types of cheese (excluding cottage cheese) is included in Class IV, as well as butterfat used in butter. The proposal also contemplated use of this new formula in computing the basic formula price.

The proposed cheese price formula would be based principally on the price quoted by the Wisconsin Cheese Exchange. A yield factor of 9.745 would be applied to this price, also a yield factor of 0.3 would be included for whey butter, and 46.8 cents would be deducted as a making allowance.

Testimony in this matter was presented by the manager of the proponent association which is engaged in the manufacture of American cheese. He stated that it was based on cost experienced by all producer cooperative plants producing American cheese under the order in 1953 and also one other plant. The witness stressed the importance of American cheese as a use for surplus producer milk, pointing to the volume of producer milk currently so used.

The most recent record data for a twelve-month period showing separately the utilization of milk used in American cheese, is for the twelve months ending September 1953. In that period, of the total use in manufacturing classes (Classes III, III (a), and IV), about 16 percent was accounted for as used in American cheese, about 66 percent as used for butter, and less than 9 percent in Classes III and III (a).

Examination of the prices resulting from the proposed formula shows that they would differ considerably from the Class IV prices. During 1953 such prices would have averaged about 14 cents less than the Class IV price, with somewhat greater differences in months of 1954. The formula prices indicated for the twelve months of 1953 would have averaged about 9 cents less than prices reported as paid at factories in Wisconsin to farmers for milk used in making American cheese, and would have continued at a lesser figure in the months of 1954 for which information is contained in the record. It was pointed out in testimony that at times the formula would have resulted in a price higher than the Class IV price. During the period beginning with August, 1946 and up to the time of the hearing, the formula would have produced a higher price in 18 months.

American cheese, butter, and nonfat dry milk are products purchased under the Government price support program. Market price quotations for these products have remained close to the support prices. Under the support program, the prices for cheese as well as for butter and powder are designed to reflect the required level of price to dairy farmers for manufacturing milk. It would not be consistent with the principles upon which such support prices were established to have an order price for milk used in cheese lower than that obtainable from use in butter and nonfat dry milk. It is concluded, therefore, that the proposed price formula should not be adopted.

7. *Price differentials for location at which milk is received.* The location adjustments to producers and the location adjustment credits to handlers should not be changed at this time.

The present provisions of the Chicago order provide that uniform prices to producers are subject to location adjustments. Zone prices to producers are the announced uniform prices for the 55- to 70-mile zone less 2 cents per hundredweight for each 15 miles, or fraction thereof, that the location of the pool plant to which the milk is delivered exceeds 70 miles from the Chicago City Hall. Milk delivered to plants in the marketing area to 55-mile zone, and to plants located within the marketing area is priced at the announced uniform price plus 2 cents, and 10 cents, per hundredweight, respectively. The handler pays 4 cents of the 10 cent marketing area payment with the remaining 6 cents paid out of the pool as a handler credit.

The current location adjustment credit allowed handlers for fluid milk and skim milk classified as Class I milk, at the plant where received from producers, or moved to a plant 70 miles or less from Chicago City Hall is 2 cents per hundredweight for each 15 miles, or fraction thereof, that the location of the former plant exceeds 70 miles from the Chicago City Hall.

It was proposed that the rate of adjustment to both producers and handlers for plant locations beyond the 70-mile zone be increased from 2 to 2½ cents per 15-mile zone. It was further proposed that the additional payments to producers for milk delivered to plants between the marketing area and the 55–70 mile zone be changed from 2 to 2½ cents per hundredweight, and the additional payment to producers for milk delivered to plants inside the marketing area be changed from 10 to 5 cents per hundredweight. It was proposed also that the 6 cents per hundredweight credit allowed handlers from the pool for milk received at marketing area plants be eliminated.

The suggested revision in prices to producers for milk delivered to plants located in the marketing area was based on the contention that these payments are being made on an increasing amount of milk which is delivered to marketing area plants. It was stated that when the present order provisions were proposed it was not intended that the cost to the pool would increase through the eligibility of additional quantities of milk for the 6-cent pool credit. Evidence in the record clearly shows that pool milk receipts have increased substantially since this provision was incorporated into Order 41 effective July 1, 1951. However, the relative increase in pool receipts at marketing area plants has been much less than for plants located outside of the marketing area, and the cost per hundredweight of pool milk attributable to the 6-cent credit has shown a significant decrease.

Testimony in support of increasing the location adjustment rate from 2 to 2½ cents per hundredweight per zone was based on a purported general increase in trucking costs in the Chicago milk supply area with specific reference to milk hauling rates from various points in the milk supply area to the City of Chicago. The rates quoted were from undisclosed sources and were somewhat inconclusive in nature. It is concluded that revisions to present location adjustments to producers or location adjustment credits to handlers would not be warranted on the basis of the information placed in evidence.

8. *Butterfat and skim milk accounting.* The order should not be changed at this time to substitute the butterfat-skim milk basis of accounting for the "milk equivalent" basis now in use.

A handler's association proposed that the butterfat-skim milk basis of accounting for milk be substituted for the milk equivalent basis that has been in use in the Chicago milk market since the introduction of the order in 1939. Proponents supported their proposal by testimony to the effect that:

(a) Under the present system of accounting no recognition is made of the fact that skim milk and butterfat are basic components of milk and each has various uses separate from those of whole milk;

(b) The present accounting system necessitates payment for milk upon butterfat usage only in Classes II, III, and IV and results in cost inequities among handlers;

(c) A butterfat-skim milk basis would provide more accurate statistical data on usage since the amounts of both butterfat and skim milk would be shown in the usage reports; e. g., under the system now in use, if butterfat is used in Class II milk, and the skim milk in Class IV milk, the reported data shows all of the milk in Class II milk, resulting in "inflated" data for higher class usages;

(d) The butterfat-skim milk basis makes it simpler to determine not only price relationships between the two principal components of raw milk but also price relationships among the various finished products;

(e) Accounting for milk on a butterfat-skim milk basis would be less involved than the present system and would not work an administrative hardship on handlers; and

(f) The merit of the butterfat-skim milk basis is indicated by the fact that it is used in most of the Federal order markets.

Certain other testimony stating opposition to adoption of the proposed plan was submitted by handlers and producers. It was contended that (a) handlers have become accustomed to the milk equivalent accounting system and related "reconciliation" procedures; (b) handlers are opposed to the probability of additional bookkeeping involved; and (c) use of the present system has resulted in certain price relationships of finished products which would be dislocated by the adoption of butterfat-skim milk accounting and cause disruption to wholesale and retail markets. It was contended further that sufficient information i. e., the data necessary for

dividing the value of whole milk into appropriate values for butterfat and skim milk, is not currently available.

Adoption of the butterfat-skim milk basis of accounting involves solving a number of problems on which adequate information is lacking in the record. Because of the sizable quantities of producer milk separated into skim milk and cream for manufacture into nonfat dry milk solids and butter, it would be necessary to ascertain separate values for skim milk and butterfat in Class IV milk. This involves the computation of separate "make allowances" for the two components of whole milk to be used in the Class IV price formula. A sufficiently accurate basis for accomplishing this was not offered by proponents and other testimony does not provide the basis of such a computation.

Butterfat differentials for other classes must be computed also. However, such differentials (or butterfat value) for each class cannot be reasonably computed until a proper basis for determining the value(s) of butterfat in manufacturing uses has been derived. The proper determinations of such values are very important since, as in the case of nonfat dry milk solids and butter, the prices of some of the products covered by Class I milk and Class II milk depend largely upon their skim milk or butterfat content. The importance of establishing appropriate butterfat differentials in such classes may be illustrated by the fact that on the present 57 cents per pound butter market, a change of 10 percent in the class butterfat differential inversely changes the producer price of skim milk in the class by approximately 21 cents per hundredweight. Thus, the butterfat differential for the class will have separate significance for the handler of a product made primarily of skim milk as compared with the handler who processes and sells a product produced primarily of butterfat. The particular differentials adopted could have substantial impact on the prices of the finished products produced and therefore further opportunity for expressions on specific differentials should be afforded.

The particular levels of butterfat differentials established also may affect the utilization of producer milk in the higher-valued classes. A relatively high butterfat differential for Class I or II milk might tend to discourage either the total use of butterfat in these classes or the type of products made, or perhaps both. Producer income is decreased when butterfat is diverted to lower class uses and unduly high butterfat differentials for Class I and Class II uses might tend to increase such diversion. In connection with their contention that the present accounting plan results in cost inequities among handlers, proponents compared the use of skim milk for ice cream by one handler with the use of skim milk for nonfat dry milk solids or cottage cheese by another handler. Under the present system it was stated, both handlers pay the same price (assuming identical class usage of butterfat derived from the milk) even though ice cream must be made from inspected milk for sale in Chicago and is generally recognized as a higher-valued use for skim milk than nonfat dry milk solids or cottage cheese. It was contended that such an inequity would be eliminated by the use of the butterfat-skim milk basis of accounting.

Inequities in cost would result only if handlers were charged varying prices for the same component of milk for a specified use. The present pricing and accounting system, however, applies similar prices to all handlers for skim milk and butterfat for each use. If there is overvaluation or undervaluation of either component of milk for a specified use a problem of classification may arise, but this should not imply inequity of cost for one handler as compared with another.

These matters require additional consideration in a hearing before a butterfat-skim milk basis of accounting may be adopted. Because of the complex nature of the dairy industry in the Chicago area—the extensiveness of the milkshed and diversification among handlers as to the products handled and manufactured—the comparative information developed from operation of the plan in other Federally regulated markets as offered in the record is not sufficient to support the adoption for the Chicago market. However, the plan has inherent value and merits further consideration. It is suggested that the proposal be introduced for further discussion at the next hearing held on order amendments.

9. *Classification of skim milk dumped.* The classification of dumped skim milk as Class IV milk was proposed as part of the proposal to change to the butterfat and skim milk accounting system. Inasmuch as that method of accounting is not being adopted, no action is needed with respect to this issue.

10. *Classification of milk transferred.* The transfer rules contained in § 941.40 should not be changed except to specify the extent to which the market administrator shall audit unregulated plants located within the surplus milk manufacturing area.

Order 41 contains a section consisting of five paragraphs which set out in considerable detail the classification rules applicable to the transfer of milk, skim milk and cream from regulated plants to (a) plants regulated under another marketing agreement or order; (b) plants located outside of a specified surplus milk manufacturing area; (c) commercial food or drug processors, or unregulated manufacturing plants located within the surplus milk manufacturing area; (d) other unregulated plants located inside the surplus milk manufacturing area; and (e) regulated plants of another handler. One of the proposals considered at the hearing would replace present transfer rules with others which differ from the present rules in many respects.

The primary effect of the proposed rules would be to increase substantially the amount of milk classified in the manufacturing classes. This would be accomplished in part by greatly expanding the area in which milk, skim milk or cream could be transferred from a regulated plant to an unregulated plant and be classified as Class III (a), Class III or Class IV milk. In lieu of the presently defined surplus milk manufacturing area there would be substituted an area covering the State of Wisconsin and all territory in other States that is within 300 miles of the City Hall of Chicago. Such an area would extend well into Minnesota, Iowa, Missouri, Kentucky, and Michigan; all of Indiana and most of Illinois would also be included. Milk and skim milk which moves outside of this area would be classified as Class I milk. Cream moving outside the area would be classified as Class II milk unless certain conditions were met, in which case cream would be classified as Class III or Class IV milk.

Instead of determining the classification of milk transferred on a daily basis, as the order now provides, a monthly accounting basis would be substituted. If an unregulated plant, engaged in distributing fluid milk or cream permitted the market administrator to examine its books and records, the Order 41 milk would receive a residual classification after receipts from dairy farmers shipping directly to the plant have been allocated to the highest utilization. At the present time, milk and skim milk transferred to an unregulated plant located in the surplus milk manufacturing area, which is not engaged in manufacturing specified products, is classified as Class I milk, and cream is classified as Class II milk. This is also true with respect to transfer to a plant where milk is priced under another marketing agreement or order. The proposed rules did not specifically cover such plants.

Transfer rules governing the classification of milk under an order must be designed to fit the requirements of the market. For example, rules which serve the needs of a deficit market, where outlets for handling surplus milk are not readily available, are not necessary in a market like Chicago where manufacturing facilities are within close proximity to most plants. The rules contained in Order 41 have been reviewed and revised many times during the 15 years since the promulgation of the order. It would not be reasonable to eliminate these rules and substitute new ones without substantial evidence showing that the present rules are inadequate and that the new rules would better serve the needs of the market.

In some respects the proposed rules do not appear to fit actual circumstances in the Chicago market. For example, one of the proposed rules relates to the classification of milk, skim milk or cream transferred from an approved plant to a producer-handler, a type of operation so rare in the market that it does not require definition in the order. With respect to the proposal that would have the effect of greatly increasing the present surplus milk manufacturing area, the record does not show that the manufacturing facilities available in the present area are inadequate to meet the needs of the market. The proponents of the change testified that they had not encountered difficulty in finding adequate outlets for their surplus milk. If it can be demonstrated that there are manufacturing facilities outside of the present surplus milk manufacturing area which are convenient to the market and might be used for handling surplus milk, consideration can be given to the incorporation of additional territory in the designated surplus milk manufacturing area by amendment to the order as has been done in the past.

With respect to the procedure for allocating Order 41 milk transferred to an unregulated plant, the record does not show wherein it would be desirable to change from a daily accounting basis to a monthly accounting basis. Nor is there any substantial evidence to show why Order 41 milk should be allocated to the lowest use classification when it is transferred to a fluid milk plant located inside the surplus milk manufacturing area. Historically the Chicago market has been an important source of supplementary supplies for many fluid milk markets. At the present time, such supplies are classified at the highest use classification on the grounds that the Chicago market should not furnish the needs of other markets at lower prices than are charged for milk going to the Chicago market itself. There was no contention that this policy is unreasonable. If the proposed rules were adopted, they not only would tend to decrease the prices received by Chicago milkshed producers, but also could disrupt other fluid milk markets which are within 300 miles of Chicago. For these reasons the proposed transfer rules should not be adopted.

The market administrator of Order 41 proposed that § 941.40 (c) be revised to clarify how far he should go to ascertain the ultimate classification of milk, skim milk, or cream transferred from a regulated plant to an unregulated manufacturing plant located within the surplus milk manufacturing area when such an unregulated plant normally utilizes receipts from regulated plants in manufactured products. The specific use of the regulated milk may be accounted for, or if the regulated receipts are commingled with other receipts at the plant, enough butterfat may be utilized in manufactured products to account for the receipts from regulated plants. However, at times unregulated plants do not use enough butterfat in manufacturing operations to account for the utilization of receipts from regulated plants because they find it more advantageous to dispose of milk, skim milk, or cream to another unregulated plant located within the surplus milk manufacturing area. As an auditing practice, the market administrator follows such milk, skim milk, or cream to the second plant to ascertain its classification for the purpose of arriving at the classification of all receipts at the first unregulated plant. The classification of receipts from the regulated plant is then established on the basis of the use in or disposition from the second unregulated plant. The revision adopted will specify that milk, skim milk or cream will not be followed beyond utilization at the latter plant.

11. *Classification of milk used in powdered cream or powdered ice cream.* Milk used in the production of powdered cream or powdered ice cream mix should be classified as Class III milk.

Under the present provisions of Order 41 "powdered cream" and "powdered ice cream mix" are Class II milk products. One handler proposed that Order 41 milk used in the production of these products in an unregulated plant located within the surplus milk manufacturing area be classified as Class III (a) milk. In support of this proposal, it was pointed out that powdered cream and powdered ice cream mix are manufactured in essentially the same manner and are similar in texture to whole milk powder which is classified as Class III (a) milk under Order 41. Powdered cream is used principally in coffee vending machines and candy manufacture. Powdered ice cream mix is sold primarily to the U. S. Army under contracts; some is sold for use on ships. Powdered cream and powdered ice cream mix are also available to consumers in some grocery stores. The markets where powdered cream and powdered ice cream mix are being sold do not require that they be made from Grade A milk nor that they be produced in a Grade A plant. The Chicago handler requesting the change in classification of these products is producing them in an unregulated and ungraded plant. His principal competitors operate similar plants in other areas.

Proponent also pointed out that the Order 41 Class II price is higher than the price paid farmers for ungraded milk at unregulated plants. Consequently, he contended that it is uneconomical to use surplus Order 41 milk in the production of powdered cream and powdered ice cream mix.

The classification of powdered cream and powdered ice cream mix were considered at public hearings on proposed amendments to Order 41 held January 14–17, 1951, and April 14–17, 1952. Following those hearings it was concluded that these products should be Class II milk products, mainly on the grounds that they could not be sold in the main segments of the marketing area if they were made from unapproved milk. Testimony in this record shows that powdered cream is being sold in the marketing area through vending machines and grocers. Powdered ice cream mix is also being sold by grocers in the marketing area. In view of the foregoing it is concluded that the order should be amended to classify milk which is used in the production of powdered cream and powdered ice cream mix in the same manner as other products for which Grade A milk is not required.

The proponent requested that these products be assigned to Class III (a). The record does not establish that such a special price, which at times may not be representative of the general level of competitive prices for milk for manufacturing purposes, should apply in this case. It is concluded that the Class III price, which is the higher of the condensery pay prices or the butter-powder formula price, would establish a more appropriate value for milk used in these products.

There does not appear to be any basis for granting the proposal to a lower classification to these products only when they are made in an unregulated plant. Therefore, the new classification will apply regardless of the type of plant where the product is made. However, if either product should be used in the manufacture of a Class II product such as ice cream, such utilization would be basis for reclassification to Class II milk, and the order as amended so provides.

12. *Diversion of producer milk.* It was proposed by a milk handlers' association with plants in the marketing area that the period for diversion under the definition of "producer" be extended to include August and September as well as December through July.

The definition of the term "producer" now provides that a farmer will retain his producer status if his milk is caused by the handler to be delivered during the months of December through July to a nonpool plant.

The witness testifying on this proposal stated that the handlers favoring such change, with one exception, have no manufacturing facilities, and that it is accordingly necessary for them to divert milk to nonpool plants during the season of high production. He pointed out that the problem of handling surplus milk would be eased for these handlers and others with limited or no manufacturing facilities if the diversion provision were extended for two additional months, August and September. The witness indicated this would eliminate the cumbersome procedure of first receiving the milk at the handler's plant and then reshipping it to a nonpool manufacturing plant. This procedure was followed to maintain producer status for the farmers involved.

Such modification of the diversion provision was effected for a period including part of August 1953 and ending with September 7, 1953 by a suspension order. No opposition was indicated on the record to the extension of the provision to include all of the months of December through the following September, nor was there any indication that the privilege of diversion had been abused. It is concluded that the proposal should be adopted.

13. *Classification and Pricing of Inventory Variations and Shrinkage.* No change need be made in the order provisions with respect to the classification or price of milk accounted for in inventory variations or in shrinkage.

A handler group proposed that milk utilization accounted for in inventory variations and allowable shrinkage be designated as Class V milk, and be charged to the handler at the lower of the Class III (a) or Class IV prices. Both of these items are now included in Class IV utilization. The change in the price applied to shrinkage was requested on the basis that shrinkage represents milk which provides no return to the handler and accordingly should be charged at the lowest price applicable to any class. Testimony with respect to inventory variations merely indicated such items should go along in the same class with shrinkage.

The order accounting with respect to inventories is designed merely to require handlers to pay producers a reasonable

charge for milk or milk products held in inventory, with subsequent adjustment of the charge depending on the manner of final disposal of such products. This adjustment is accomplished without necessarily identifying the particular items which move out of inventory into other disposition. Over a period of months, very little change in total payments by handlers would result from the proposed change in inventory accounting. The present method of accounting for shrinkage as Class IV milk is designed to charge the handler a representative price for manufacturing milk for shrinkage up to the allowable 2 percent. The Class IV price is more generally representative of manufacturing operations under the order than the Class III (a) price and it is concluded that it should continue to apply in the case of allowable shrinkage. For the same reason it is appropriate that the Class IV price continue to apply to inventory variations.

14. *Reconciliation.* No change should be made in the method of reconciliation.

A handler group proposed that the reconciliation of total classification with receipts from producers be made at the higher of the Class III (a) or Class IV prices.

Reconciliation credit to handlers is now given at the lower of the Class III (a) or Class IV prices. In testimony for the proposal, it was contended that such a method was not consistent with the use of the higher of the manufacturing class prices for the basic formula price to which the Class I and Class II differentials are added. It was pointed out, however, that in the case of a handler with most of his manufacturing utilization in the lowest priced class, the proposed method could result in reducing the cost of such milk below the lowest priced class.

An alternate proposal by the same witness suggested a provision similar to the provision in the Milwaukee order with respect to reconciliation. Such a provision would give a handler reconciliation credit in the lowest priced class in the same proportion as the butterfat in such lowest price class bears to total butterfat in all classes.

The present system of reconciliation was established on the basis of considerations as to equity among handlers. It is not clear on the basis of record testimony that either of the alternate proposals would improve such equity among handlers.

It was indicated in connection with the proposal to adopt skim milk and butterfat accounting, that parties in the market would give further consideration to such a new method of accounting. Accordingly, it is concluded no change should be made in the reconciliation procedure at this time.

15. *Outside market pricing.* The order should not be amended to establish reduced prices during certain months for packaged Class I milk sold outside the Chicago, Illinois, marketing area.

A handlers' association proposed that reduced prices be established in certain months for packaged Class I milk sold outside the Chicago marketing area. Specifically, the proposal would establish a price for such milk which would, during each of the months of February through August, inclusive, be $0.15 per hundredweight less than the regular Class I price for the respective month. During the months of September through January, inclusive, this differential would not be applicable; in addition, the differential would not be applicable at any time that the supply-demand adjustment results in zero or a plus figure.

The proposal was supported by testimony to the effect that: (a) Outside market sales were built up, principally, during a period (1951–1953 inclusive) when milk was in short supply in the out-market areas, (b) such sales had increased the Class I usage of Order 41 producer milk and, consequently, had increased returns to Chicago producers substantially, and (c) milk is now in ample supply in the out-market areas, and because of the present unfavorable competitive position of Order 41 handlers in purchasing milk, such sales might be lost, thus reducing returns to Order 41 producers.

In other testimony it was pointed out that: (a) Order 41 handlers are in direct competition in nonregulated areas with handlers under other Federal orders as well as with local, unregulated distributors, (b) Chicago prices greatly influence the levels of farm prices negotiated between dairy farmers and distributors in the nonregulated marketing areas under consideration, and (c) Class I prices provided by the order should be established only at such a level as will bring forth an adequate, but not excessive, supply of milk for consumption in the Chicago marketing area, and if the prices established do bring forth a greater supply, the problem should be remedied by price adjustments on all Class I and Class II milk rather than by reducing prices on out-of-market sales alone. It was contended that adoption of the proposal would: (a) Give competitive advantage to Order 41 handlers over competing handlers regulated under other orders, which would necessitate reduced prices on outside sales made from other regulated markets, (b) weaken the bargaining position of dairy farmers supplying the unregulated outside markets and induce similar price reductions to such dairy farmers, and (c) cause the consumer in the Chicago marketing area to pay a higher farm price for milk than would be necessary otherwise, thus in effect subsidizing the farm price of milk to the out-of-market customer.

An amount of packaged Class I milk in excess of 17 million pounds is being sold outside the marketing area as defined in Order 41. The period of greatest increase within a given twelve-month period appears to have been the twelve months between June 1952 and June 1953 when such sales increased from 11.8 to 17.0 million pounds. Such increase in sales was made without price concession from the level of the Class I price applicable to sales in the Chicago marketing area. At the same time, some handlers making out-area sales returned to producers even more than the minimum price required by the Chicago order. This was effected by reducing hauling charges on farm to plant deliveries below the prevailing rate for the area from which the milk was drawn. It may be noted also from the record that distributors regulated under other Federal orders where Class I prices are as high, or higher, than in the Chicago market also compete in some of the out-area markets under consideration without price concession under the other orders.

Certain data on prices received by dairy farmers in a number of out-area markets were introduced by proponents. Such reported prices, which related to the September 1951–April 1954 period, are not (and were not represented as being) comparable to the Class I price in the Chicago order but rather are "flat" prices paid to the dairy farmer supplying the local market for all milk delivered. As such they compare to the blended, or uniform, price computed under the Chicago order and therefore do not provide an accurate measure of comparison between prices paid for milk for fluid use in Chicago and in the out-area markets. In addition, a number of errors in such data is indicated in the record which places their usefulness in further doubt as a measure of price comparison. In any case it may not be concluded from the data presented that Chicago handlers are being disadvantaged in competition with local handlers. It appears that in the period when the greatest advance in out-area sales by Chicago handlers took place, the prices paid farmers by out-area distributors averaged lower than the Class I price in Chicago by substantially more than the price reduction of 15 cents per hundredweight proposed. For example, on acceptance of the figures presented, the amounts by which average pay prices for the February–August (the months for which price concession is requested) period in 1953 in the out-area markets for which price data were offered were disclosed to be below the Class I price (55–70 milk zone) for Chicago as follows:

	Cents
Champaign	21.9
Bloomington	12.4
Danville	16.9
Dixon	30.2
Waterman	30.2
Logansport	21.7

Principal reasons offered by proponents for the proposed price reduction are that it would (a) prevent potential loss of returns to Chicago producers, and (b) encourage orderly marketing. It was contended by proponents that the continued sale of milk in fluid form in outside markets, even at reduced prices, would help to maintain producer returns and mitigate the seasonal problem of surplus since without such sales the milk involved would have to be disposed of in manufacturing uses at the Class III or Class IV price.

The record indicates that the Chicago order price level has an undeniable influence on the prices paid by local handlers in outside markets. In many instances it is a dominant factor in price negotiations between dairy farmers and distributors in the particular market. The record indicates also that the outside markets are longer in supply than

in previous years. Thus, it might be expected that the price reduction proposed would result in increased pressure on prevailing prices to dairy farmers in out-of-area markets either by direct influence on price negotiation or indirectly through the displacement of fluid milk sales by local distributors with increased sales by Chicago handlers. To the extent that Chicago milk might replace local supplies in outside markets for fluid milk uses, no net gain in the matter of surplus disposal would result since the surplus disposal problem would merely be shifted to the local distributors and dairy farmers in the outside market. The maintenance of returns and orderly marketing for Chicago producers at the expense of other dairy farmers and the local distributors has little to recommend it when direct measures taken under the order to accomplish these objectives are possible. A similar objection to the proposed method of pricing was voiced in the hearing by representatives of Chicago producers. In this connection, it should be further noted that since, in the long run, any price concession to Order 41 handlers undoubtedly would force comparable price concessions to competitive handlers, there would be no comparative gain to Order 41 handlers and a loss to all producers involved might well result.

It is concluded that the proposal submitted should not be adopted.

16. *Administrative provisions.* (a) The Class I price should be rounded to the nearest full cent.

At present class prices are rounded to the nearest $\frac{1}{10}$ of a cent. The elimination of the fraction of a cent would not materially affect handlers' costs or producers' returns since over a period of time the amounts by which the prices are rounded upward should equal the amounts rounded downward. It would be more convenient for the industry to have prices announced in even dollars and cents. It would simplify somewhat the preparation of handlers' receipts and utilization reports and the computation of the market-wide pool.

(b) The order should be amended so that all its provisions apply to a handler whose only sources of supply are receipts from own production and from other handlers. At the present time, such a handler is required only to make reports to the market administrator upon request. When such a handler experiences overrun, he is not required to make a payment for it to the producer-settlement fund. On the other hand, any handler whose source of receipts is another handler is required to comply with all provisions of the order, including payment for overrun. The fact that a handler has his own farm production should not be a basis for such difference in treatment of handlers. The proposed change would leave only those handlers who receive all their milk supplies from own farm production as exempt from all provisions of Order 41, except the reporting provisions. There is no need to price milk of such handlers.

(c) The producer-settlement fund reserve should be increased by 2 cents per hundredweight of milk. Since its inception, Order 41 has provided that a producer-settlement fund "reserve" of between 4 cents and 5 cents per hundredweight of milk be set aside each month in making pool computations. Many handlers' obligations to the producer-settlement fund following the announcement of the uniform price are not received by the market administrator prior to the time payments from the fund are due other handlers. The reserve is designed primarily to enable the market administrator to make such payments before all monies due the fund are in hand. In addition, audit adjustment credits due handlers from the producer-settlement fund reserve are facilitated At times, the reserve has not been sufficient to enable the market administrator to meet all of the producer-settlement fund obligations on time. A reserve of between 6¢ and 7¢ per hundredweight of milk should be adequate to enable the fund to meet all of these obligations.

(d) Paragraph (d) of § 941.51 should be eliminated since the provision is now obsolete.

In § 941.52 (d), subparagraph (4) is now obsolete and should be deleted.

A change in language should be made in § 941.67 (l) (i) that will clarify its meaning but will in no way change its substance. The words "concentrated milk, condensed skim milk" should be inserted after the words "skim milk" in that subdivision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detained and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. In § 941.7 (b) delete the word "July" and substitute the word "September."

2. In § 941.40 (b) after the words "plastic cream," delete the words "powdered cream."

3. Delete § 941.40 (c) and substitute the following:

(c) Any milk moved as milk, skim milk, or cream in fluid form from a regulated plant to the establishment of a commercial food or drug processor located within the surplus milk manufacturing area or to an unregulated milk plant so located, which milk plant manufactured during the delivery period butter, cheese, evaporated milk, condensed milk or skim milk, whole milk powder, nonfat dry milk solids, casein, powdered ice cream mix, or powdered cream, shall be classified under § 941.41 as follows:

(1) If the unregulated plant or establishment maintains adequate daily records showing the utilization of the milk, skim milk or cream, it shall be classified according to its use;

(2) If the unregulated plant or establishment maintains adequate daily records showing the utilization of all receipts of milk and milk products, and the milk, skim milk or cream received from the regulated plant are commingled with other receipts, the receipts of milk, or skim milk from the regulated plant shall be allocated, according to such daily records, to the available quantity of Class III (a) milk, Class III milk, Class IV milk, Class II milk and Class I milk, in that sequence; and any such receipts of cream from the regulated plant shall be allocated to Class IV milk, Class III milk, Class III (a) milk, Class II milk and Class I milk, in that sequence;

(3) If such unregulated plant or establishment does not make available to the market administrator adequate utilization records on a daily basis, but does make available to the market administrator adequate utilization records on a monthly basis, the milk or skim milk received from the regulated plant shall be allocated to the available quantity of Class I milk, Class II milk, Class III milk, Class III (a) milk and Class IV milk, in that sequence; and the cream received from a regulated plant shall be allocated to the available quantities of Class II milk, Class III milk, Class III (a) milk, Class IV milk and Class I milk, in that sequence;

(4) If the unregulated plant or establishment described in subparagraphs (1), (2), and (3) of this paragraph, disposes of milk, skim milk or cream in bulk to another unregulated milk plant lo-

cated within the surplus milk manufacturing area which is engaged in manufacturing one of the products named in this paragraph, the classification of such milk, skim milk or cream shall be ascertained at the second unregulated milk plant in the manner prescribed in subparagraphs (1), (2), or (3) of this paragraph whichever would be applicable to the second unregulated plant; and

(5) If the unregulated plant or establishment described in subparagraphs (1), (2) or (3) of this paragraph, disposes of milk, skim milk or cream in bulk to another unregulated plant located within the surplus milk manufacturing area which is not engaged in manufacturing one of the products named in this paragraph, such milk moved as milk or skim milk shall be classified as Class I milk, and such milk moved as cream in fluid form shall be classified as Class II milk.

4. In § 941.41 (b) after the words "plastic cream," delete the words "powdered cream," and after the words "ice cream mix liquid" delete the words "or powder."

5. In § 941.51 delete paragraph (d).

6. In § 941.52 (d) delete subparagraph (4).

7. Delete § 941.52 (a) (1) and substitute the following:

(1) The price for Grade A Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: August, September, October, and November, $1.10; all others, $0.80: *Provided*, That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of the supply-demand ratio.

8. Delete § 941.52 (b) (1) and substitute the following:

(1) The price for Grade A Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: August, September, October, and November, $0.70; all others, $0.45: *Provided*, That such Class II price differential shall be adjusted by the amount of any adjustment made in the Class I price differential for the same delivery period pursuant to the proviso of paragraph (a) (1) of this section.

9. In § 941.52 delete paragraph (c) and substitute:

(c) *Class III milk.* The price per hundredweight for Class III milk shall be the higher of the prices resulting from the formula set forth in paragraph (d) of this section and the average (adjusted to the nearest full cent) of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator: *Provided*, That the price resulting from the formula set forth in this paragraph shall apply at all times to Class III (a) milk.

Companies and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

10. In § 941.52 (d) (3) delete the period at the end of the sentence and add the following: "and adjust to the nearest full cent."

11. In § 941.60 delete the words "and from other handlers."

12. In § 941.67 (a) (1) (i) after the words "skim milk" insert the words "concentrated milk, condensed skim milk."

13. In § 941.71 (f) delete the words "4 cents nor more than 5 cents," and substitute therefor the words "6 cents nor more than 7 cents."

Filed at Washington, D. C., this 22d day of October 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-8476; Filed, Oct. 27, 1954; 8:52 a. m.]

[7 CFR Part 952]

[Docket No. AO-256]

HANDLING OF MILK IN THE AUSTIN-WACO, TEXAS, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended governing formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Austin-Waco, Texas, marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the proposed marketing agreement and order were formulated was called by the Agricultural Marketing Service, United States Department of Agriculture, following receipt of a petition filed by the Central Texas Milk Producers Association. A hearing was held at Austin, Texas, May 31–June 4, 1954 pursuant to notice published in the FEDERAL REGISTER on May 15, 1954 (19 F. R. 2824), and the period until July 16, 1954 was reserved to interested parties for filing of briefs on the record. The material issues of record related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;
(b) The classification of milk;
(c) The level and method of determining class prices;
(d) The method to be used in distributing proceeds to producers; and
(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the Austin-Waco marketing area is in the current of interstate commerce and directly burdens, obstructs and affects interstate commerce in the handling of milk and its products.

Substantial quantities of milk produced in states other than Texas are imported to supply the needs of handlers in the Austin-Waco area. Such imports are presently required only in the fall months of seasonally low production of milk in the area. During the months of September through December 1953, more than one-half million pounds of milk were imported from Wisconsin and Iowa sources by one Waco handler. Smaller quantities of milk from Missouri sources were also received during this period by Austin handlers. In addition to imports of fluid whole milk, concentrated milk products such as condensed skim milk and nonfat dry milk solids are imported from out of state sources and used for the reconstitution and fortification of fluid milk products. Substantial volumes of milk are sold in the Austin-Waco area by handlers subject to the North Texas milk marketing order. These handlers receive milk from producers whose farms are located in Missouri, Arkansas, and Oklahoma. Such milk is sold in competition with that of handlers with plants located in the Austin-Waco area.

2. *The need for regulation.* Marketing conditions in central Texas require the issuance of an order to promote orderly marketing, to provide uniformity in returns to producers and in prices paid by handlers for milk purchased from producers in accordance with its use, and to advance the interests of producers.

Producers in this area have no effective participation in many of the decisions which affect the marketing of their milk. Handlers buy milk on a "base-surplus" system whereby they determine the conditions under which producers establish bases. The handlers determine the prices which will be paid for base and surplus milk and the volume of milk to be paid for at base prices and at surplus prices. Producers have no way of knowing the relationship between a handler's purchases of base milk and his fluid sales. In at least one case, producers were paid surplus prices for some of their milk at the same time that the handler making such payment was importing milk to supply his fluid sales.

Producers have been unsuccessful in their attempts to establish a bargaining relationship with handlers for the sale of their milk. A cooperative association representing a substantial percentage of the producers supplying the area has not been able to provide marketing services, such as checking of tests and weights of milk for its members, because handlers have not agreed to arrangements whereby such services could be performed. Neither have handlers recognized the association's contracts for collection of membership dues. Handlers have failed or refused to enter into any bargaining arrangements with the association concerning prices for milk or the conditions under which it is marketed.

Some of the local plants have been unable or have failed to secure sufficient milk from producers to supply their fluid milk requirements. Milk to supply the remainder of their requirements is imported from outside sources. Such imports for the short production season use are normally from points outside of Texas. One local plant has not developed a supply of purely local milk adequate for its needs at any season of the year. Milk has been regularly received from the Houston milkshed for a considerable period of time. The record indicates that this supply of milk has been available to this plant at prices considerably lower than Houston handlers would have had to pay for milk for sale in Houston and also at less than the producer price level at Austin. Such milk is currently surplus to Houston needs. Marketing arrangements in Houston are apparently effective in preventing its use for fluid distribution in that market at less than the established Houston price, but allow it to be disposed of in Austin at less than either the Houston or the Austin price. For a period one Austin handler supplied a local competitor with milk for fluid use at a price more than $1.50 per hundredweight less than the base price he paid producers for the milk he himself sold in fluid form. Such action was explained on the basis that the second handler could purchase Houston surplus milk at the lower price and that use of the milk in manufactured dairy products by the selling handler would bring an even lower return than that actually received.

Handlers purchasing milk from local producers at the local base prices cannot compete effectively for sales at State institutions, Federal military bases and the like when surplus milk from other markets is allowed to be used to supply such outlets. The availability of surplus milk, whether from the local market or neighboring markets, for fluid use at less than the full fluid milk price, creates a situation in which the fluid price will, in time, approach the manufacturing milk price. Under such conditions, an adequate supply of milk of the quality required for fluid use in the market cannot be maintained.

The issuance of an order in this market is required in order to establish uniform prices to handlers for milk received from producers in accordance with the use made of such milk and thus provide stability to the marketing system. The public procedures incident to order administration will provide producers an opportunity to have a voice in the marketing of their milk. Through an order, producers will be provided with marketing services either by the market administrator or their cooperative associations, and will receive market information which the hearing record indicates is presently needed not only by producers but also by all interests in the market. It is concluded that issuance of an order for this market will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act.

3 (a) *Scope of regulation.* It is necessary to designate clearly what milk and what persons would be subject to the various provisions of the order. This can best be done by providing definitions which set forth the categories of persons, plants and milk products for purposes of classification and of application of other provisions of the order.

Marketing area. The marketing area should be defined to include the Counties of Travis, Hays, Caldwell, Bastrop, Lampasas, Burnet, Williamson, Bell, Falls, McLennan, Coryell, Comal, and Guadalupe, all in the State of Texas, including all municipal corporations and Federal reservations, facilities and bases partially or wholly within the boundaries of such counties.

The largest centers of urban population in this area are the Cities of Austin in Travis County with a population of more than 130,000 people, Waco in McLennan County with a population of approximately 85,000 people, and Temple in Bell County with more than 25,000 people. The Cities of Taylor (Williamson County), San Marcos (Hays County), Seguin (Guadalupe County) and New Braunfels (Comal County) are cities of approximately 10,000 to 12,000 population each. Fort Hood military reservation in Coryell County and Bergstrom Field in Travis County form substantial markets for milk. The Cities of Belton and Killeen (Bell County) Marlin (Falls County) Lampasas (Lampasas County) and Lockhart and Luling (Caldwell County) range in population from approximately 5,000 to 7,500 people.

Austin handlers sell throughout the proposed area with the exception of the northern counties of Falls and McLennan. In Bell and Coryell Counties they compete for sales with the principal handler whose plant is located at Waco and with handlers with plants located at Temple and Belton. Waco handlers are the principal distributors of milk in McLennan and Falls Counties. Handlers with plants in New Braunfels and Seguin compete with Austin handlers for sales in Hays, Comal and Guadalupe Counties and sell some milk in Austin. There is thus a community of competition for milk sales by handlers within all the counties to be defined as the marketing area.

Handlers regulated by the order for the North Texas marketing area also distribute milk throughout much of this area. One such handler formerly operated a processing plant in Austin and has maintained his distribution facilities even though he has ceased processing there. This handler has additional distribution facilities at Waco and at Temple. Two other North Texas handlers have storage and distribution facilities at Waco. At least one handler regulated by the order for the San Antonio marketing area sells some milk in the southern portion of the defined area.

Milk ordinances of the principal cities and health regulations of the State of Texas relating to milk are all based on the standard milk ordinance of the United States Public Health Service. While milk which is not Grade A milk may be sold in unincorporated areas, as a practical matter there is little if any such milk sold.

It is not administratively feasible nor is it necessary to include within the marketing area all territory within which handlers to be regulated may be distributing any milk. Within the area defined handlers with local plants distribute the preponderance of the milk. The remainder is distributed almost exclusively by North Texas and San Antonio handlers who will remain subject to the regulation of the respective orders in effect for their marketing areas. While there is minor distribution from a Houston plant at one point in Caldwell County, it appears that the operator of this plant expects to serve these sales from his Austin plant if an order becomes effective.

Proposals to include some ten additional counties in the marketing area are denied. The Counties of Limestone, Freestone, Hill, Bosque and Hamilton are situated between the area defined and the North Texas marketing area. These counties should not be included in the marketing area because milk sales are made exclusively by Waco and North Texas distributors and hence no useful purpose would be served by the inclusion of these counties in the defined area at this time. Llano, Mills and Gonzales Counties should not be included because it does not appear that any substantial proportion of the sales of Austin-Waco handlers are in these areas. The record contains conflicting testimony concerning the proportion of sales in Milam County by handlers to be regulated and by a handler with plants in Bryan and Houston and does not support the conclusion that this county need be included in the defined area at this time. To do so might bring under regulation a considerable volume of milk for which the primary market is elsewhere, and for which prices have been historically higher than in the proposed marketing area.

Definition of plants. Milk sold for fluid consumption in the marketing area must meet the Grade A inspection requirements of the various city and county health authorities. These authorities issue permits to dairy farmers and to milk plants supplying Grade A milk to consumers. The local health ordinances and regulations of the State of Texas are based on the United States Public Health Ordinance and Code. Fluid milk may be imported for fluid consumption in the principal cities of the marketing area, provided that such milk meets the standards of the United States Public Health Ordinance and originates from a market with a United States Public Health Service rating equal to or higher than that which prevails in the importing area.

In order to qualify under the definitions of the order, any dairy farmer or any milk plant should have the approval of an appropriate health authority for the production or disposition of milk for consumption as Grade A fluid milk. Since approval to produce or distribute milk in the proposed marketing area may be extended to farmers or plants under the inspection of other health authorities no requirement should be made that a dairy farm or a milk plant must hold a permit actually issued by a health authority in the marketing area.

The record shows that milk plants supplying the Austin-Waco marketing area fall into two broad categories. These are "distributing plants", which package Grade A fluid products such as milk, milk drinks and cream distributed to consumers, stores, restaurants, and government institutions and "supply plants" from which distributing plants draw supplemental supplies. Since these two classes of plants engage in different types of operations, separate standards should be provided in order to distinguish which plants in each category will be subject to regulation.

The record discloses that the distributing plants which are located in the Austin-Waco marketing area are primarily fluid milk operations. The major portion of the milk received at such plants is distributed in fluid form to outlets located in the proposed marketing area. All plants which fall in this category should be fully regulated under the order. There are also substantial quantities of milk distributed in the marketing area from plants located outside the marketing area, as previously stated. Four of such plants are located in the North Texas and the San Antonio marketing areas. The milk received at these plants is subject to the pricing and payment provisions of the respective orders for these markets. It is not necessary therefore, to extend full regulation under this order to the plants which dispose of a major portion of their receipts in another regulated area and are subject to such regulation. To do so would subject such plants to duplicate regulation.

There are also minor quantities of milk distributed in the proposed marketing area by other plants located outside the marketing area. It is concluded that it would be inappropriate to extend regulation to plants from which only minor quantities of milk are distributed in the marketing area. Such plants are selling primarily in competition with unregulated handlers outside the marketing area. So long as the limits as to the sales such a plant may make in the marketing area are kept low, the volume of unpriced milk in the market would not, under present circumstances, present an unstabilizing factor in the market.

It is concluded that this limit should be placed at five percent of the "Grade A" milk received at such plant from all sources or an average of 500 pounds of Class I milk a day, whichever is less. Any plant from which a volume of Class I milk greater than these prescribed quantities is disposed of in the marketing area should be designated as a distributing plant and be fully subject to regulation.

Any plant from which Class I milk is disposed of in the marketing area but which does not meet the standards for a distributing plant should be defined as an "approved plant" and be required to file reports and submit to audit by the market administrator to verify the status of such plants.

There are a few bulk supply plants or receiving stations located in or near the Austin-Waco marketing area which ship supplemental milk to distributing plants. One plant located in the marketing area is equipped to assemble milk but was not being used for this purpose at the time of the hearing. Another plant has made more or less regular shipments of milk to a distributing plant which would be regulated pursuant to the order. In months of lowest production, these shipments absorb a substantial proportion of the milk received at such plant from dairy farmers. Full regulation should extend to a plant in this category. Another receiving station located in the same general area and operated by the same handler at times serves as a source of supply for this same distributing plant.

Other distributing plants purchase supplemental supplies of milk during the short production season from more distant sources. A plant which is not primarily associated with the market and which furnishes only incidental shipments of milk to the market or supplies limited quantities of milk only during the short production season need not be fully regulated. It is necessary, therefore, to provide supply plant standards in order to extend full regulation to those plants which are closely associated with the market and exclude those plants which furnish only incidental or seasonal supplemental supplies.

These objectives will be accomplished by defining a "supply plant" as any plant which is approved to furnish "Grade A" milk and milk is moved from such plant to a distributing plant (a) for the months of February through July, on four or more days during the month or in an amount equal to an average of 3,300 pounds or more per day; and (b) for the period of August through January, (1) on 10 or more days during the month or in an amount equal to an average of 8,300 pounds or more per day or (2) on four or more days during the month or in an amount equal to an average 3,300 pounds or more per day and such plant was a supply plant pursuant to (a) during any month of the immediately preceding period of February through July.

Shipments of milk from plants not subject to full regulation would be considered as other source milk. However, any plant which ships Grade A milk or skim milk to a distributing plant should be defined as an "approved plant" and required to submit reports to the market administrator. These reports should be subject to verification by the market administrator in order to establish the appropriate status of the plant.

A "fluid milk plant" is defined to mean any distributing plant and any supply plant in order to distinguish between plants which are subject to full regulation and other approved plants which are subject to only the reporting and verification provisions of the order.

Handler. Handler should be defined as the operator of any plant from which milk is supplied directly or through another plant to the marketing area. The handler is the person to whom the provisions of the regulation are applicable. He is the person who receives the milk and who is responsible for reporting receipts and utilization of milk. If the milk is priced, he is responsible for paying producers minimum prices. In case a person operates more than one plant at which milk is to be priced, he is to be a handler with respect to the combined operations of such plants. In case a handler operates unregulated plants this definition is not intended to include such person in his capacity as an operator of such plants. The handler definition should include the operators of approved plants which do not qualify as a fluid milk plant and producer-handlers in order to require such persons to report to the market administrator as may be needed to determine their status.

Producer. Producer should be defined as any person, other than a producer-handler, who produces milk in compliance with "Grade A" inspection requirements of a duly constituted health authority and such milk is received at a fluid milk plant. Provision should be made that the milk of producers regularly received at a fluid milk plant may be diverted for the account of a handler to a non-fluid milk plant during limited periods without such producers losing their status as producers under the order. Diverted milk shall be deemed to have been received at the plant from which it was diverted.

Route. The definition of a route is included in the order to clarify other definitions and to facilitate a provision for the custom bottling of milk. The term route means the delivery (including disposition of milk by a vendor or sale at a plant store) of milk, skim milk, buttermilk, cream or flavored milk drinks other than (1) in bulk to a milk processing plant or (2) deliveries in consumer packages from a milk processing plant to a distributing plant in a volume not in excess of the volume of producer milk transferred to such distributing plant and classified as Class I milk. This is necessary because it may be advantageous to both producers and handlers to provide a privilege of custom bottling under the proposed order. It is necessary to limit the transfer of milk for custom bottling to producer milk classified as Class I milk in order that unpriced milk will not displace Class I sales of producer milk in the marketing area.

"Producer milk" should include all skim milk and butterfat contained in milk produced by producers and received at the fluid milk plant directly from producers or diverted by a handler from such plant. All provisions concerning the classification of producer milk should apply also to the milk received from handlers' own herds. This is necessary to obtain an equitable allocation between the handlers production and the production of producers.

Producer-handler. Persons who are engaged in the production of milk and distribute only milk of their own herd should be subject to the order only to the extent that they must submit reports to the market administrator as required and maintain and make available to the market administrator accounts, records and facilities so that he may verify that such persons are producer-handlers. It would serve no purpose to require that a producer-handler pay any particular price for milk produced on his own farm. Since producer-handlers dispose of most of their milk directly to consumers for fluid use, they could not, in any event, be required to pool their milk with other producers under a handler pool.

The classification provisions of the proposed order should provide that any milk, skim milk or cream transferred by a handler to a producer-handler will be Class I milk. Any supplemental milk which a producer-handler obtains from other handlers must, by virtue of the nature of the operation involved, be presumed to be needed for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler. Any milk which a handler receives from a producer-handler should be considered as other source milk and allocated to the lowest class utilization at the fluid milk plant of a handler after the allocation of shrinkage on producer milk. Milk disposed of to another handler by a producer-handler must be presumed to be surplus to the operation of the producer-handler.

Other source milk. Other source milk should be defined as all skim milk and butterfat contained in milk and milk products utilized by the handler in his operations except milk received from producers and Class I products received from other fluid milk plants. Thus, other source milk would represent skim milk and butterfat which may not be subject to the pricing provisions of this order. It will include, all fluid milk and fluid milk products from plants other than fluid milk plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It will include those manufactured products from a plant's own production which are made in one month and are reprocessed or converted into another product during a later month.

(b). *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Under an order, only producer milk is priced. Milk is received, however, at fluid milk plants directly from producers, from other handlers and from other sources. Milk from all of these sources is intermingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk to afford a means to establish the classification of producer milk and apply the classified price plan.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers and, therefore, should be classified separately according to their separate uses.

Products which should be included in Class I milk are those required by the health regulations to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting approved milk produced and delivered to the market in the quantities required make it necessary to provide a price for milk used in "Grade A" Class I products somewhat above the ungraded or manufacturing milk price. This higher return for Class I milk is necessary to yield a blend price to producers that will encourage production of enough milk to meet market needs.

Excess milk not needed seasonally or at other times for Class I use must be disposed of for manufactured products. These products are not required to be made from approved milk and must be sold or used in other products sold in competition with products made from unapproved milk. Milk so used should be classified as Class II milk to provide a system of pricing in accordance with its value in such uses.

Handlers should be responsible for full accounting of all their receipts of skim milk and butterfat in any form. A handler who first receives milk from producers should be responsible to the market administrator to establish the classification of and make payment to producers for such milk. All skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk except for allowable shrinkage in Class II milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use. It is necessary to place the burden of proof on the handler to establish the utilization of any milk as other than Class I milk.

In accordance with the above stated standards, Class I milk should be defined so as to include all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour), any mixture of cream and milk or skim milk and skim milk and butterfat not accounted for as Class II milk.

All products which are to be included in Class I milk are required by the health authorities to be made from "Grade A" milk. Class I products which contain concentrated skim milk, such as skim milk drinks to which extra solids have been added and are disposed of in fluid form, should be included under this definition. The solids for such use must be derived from "Grade A" milk.

All skim milk and butterfat used to produce products other than those classified as Class I milk should be Class II milk. Included as Class II milk are products such as frozen storage cream, aerated cream products, ice cream, ice cream mix and other frozen desserts and mixes; eggnog, yogurt, condensed and evaporated milk, and fluid milk products in hermetically sealed containers; butter, cheese (including cottage cheese); nonfat dry milk solids, dry whole milk, condensed or dry buttermilk; and, other nonfluid milk products. It is not required by the health ordinances that those products be made from locally approved milk.

The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through recognized testing procedures. Some of these products, such as ice cream and condensed products present a problem of testing in that some of the water contained in the milk has been removed. It is necessary in the case of such products, to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in or used to produce these products. This may be accomplished through the use of adequate production records, made available to the market administrator, or by means of standards and conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any condensed skim milk products should be based on the pounds of milk or skim milk required to produce such products.

Butterfat and skim milk used to produce Class II milk products will be considered to be disposed of when so used. Handlers will need to maintain stock records on such products to permit audit of their utilization records by the market administrator and for accounting for such products which may be re-used by the handler at a later date. Class II products from any source used in the production of products included in Class I milk should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Cream which is placed in storage and frozen should be classified as Class II milk since such cream is intended primarily for use in ice cream and ice cream mixes. Ungraded cream may be used for such uses. Frozen cream which may be later used in a fluid milk plant would be considered as other source milk at the time of such use and assigned to the lowest price utilization in the plant. Any skim milk which is disposed of and used for livestock (including poultry) feed should be classified as Class II milk.

Shrinkage should be determined by subtracting from the total pounds of skim milk and butterfat received by the handler, his total established utilization of skim milk and butterfat, respectively, in various products. If his total receipts include both producer and other source milk, the total shrinkage should be prorated, between producer and other source milk on the basis of the pounds received from each source. None of the shrinkage should be assigned to milk received from other fluid milk plants because shrinkage on such milk will be allowed to the transferring handler.

A fluid milk plant which is operated in a reasonably efficient manner and for which complete and accurate records of receipts and utilization are maintained should have total shrinkage of less than 2 percent of total receipts. It is concluded, therefore, that actual shrinkage which is not more than 2 percent of total receipts of producer milk and other source milk should be classified as Class II milk and any shrinkage in excess of this quantity should be classified as Class I milk.

It is possible, however, that during periods of flush production, handlers may have small quantities of skim milk which cannot be readily disposed of in a product and the quantity of milk involved is not sufficient to justify the movement of such milk to a plant which can process it. The butterfat of such milk can be recovered but the skim milk may, at times, have to be dumped. Because the plants in the marketing area are widely scattered, a provision for dumped milk is not administratively feasible. Unless some provision is made, any dumped skim milk would be considered as shrinkage or unaccounted for milk. To the extent it exceeds 2 percent of receipts it would be classified as Class I milk. It is concluded, therefore, that a maximum shrinkage allowance on skim milk in Class II milk of 5 percent should be allowed during the months of April, May and June.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Inventory is intended to include stocks on hand of bulk milk, skim milk and cream and bottled milk and other fluid milk products designated as Class I milk. Manufactured products (Class II) on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for as Class II milk. As previously indicated, handlers will need to keep stock records of such products but they will not be included in inventory for the purpose of accounting for current receipts.

It is concluded that inventory should be accounted for as Class II milk. If fluid milk products in inventory are accounted for as Class II milk at the end of a month, it will be necessary to provide a method to deal with producer milk inventory which is used in the current month for Class I purposes but which the handler accounted for to producers as Class II milk at the end of the previous month. In plants which engage primarily in a fluid milk business, it is quite possible that a decrease in inventory, in any given month, may exceed their total utilization of milk in Class II. Handlers, at times, also use other source milk in their operations. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt in the following month and by subtracting such receipt (under the allocation procedure) in series starting with Class II milk following the subtraction of other source milk. To the extent that opening inventory is allocated to Class I milk and there was an equivalent amount of producer milk classified in Class II milk in the previous month (after the allocation of other source milk), such milk should be reclassified at a rate equal to the difference between the Class I price in the current month and the Class II price in the preceding month. This reclassification value will be added in the computation of the handlers obligation to producers for current receipts of producer milk. This method of inventory accounting will promote equality in the cost of milk among handlers and returns to producers irrespective as to whether or not such producer milk is from the previous month's ending inventory or is a current receipt.

Transfers. Classification of butterfat and skim milk used in the production of Class II items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, since some of the Class I items may be disposed of to other plants for Class II use, classification of any product so transferred to another plant should be determined according to its utilization in a plant to which transferred.

Milk, skim milk or cream or other products designated as Class I milk transferred by a handler to the fluid milk plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, sufficient Class II utilization must be available at a transferee plant for such assignment after prior allocation of shrinkage and other source milk, as described below. On the other hand, if the transferring handler had other source milk during the month, the assignment of products transferred to another plant to the Class I utilization of such plant should be limited so that other source milk in the transferring handler's plant will not be allocated to Class I milk while at the same time producer milk is allocated to Class II milk in the transferee handler's plant.

Milk, skim milk and cream disposed of to a nonfluid milk plant including milk which is diverted (sent directly to the nonfluid milk plant from the producer's farm) should be classified as Class I milk unless the nonfluid milk plant meets certain conditions. Such plant should be located not more than 400 miles from the transferring plant. This distance should be adequate to dispose of reserve milk for Class II uses. Milk moving greater distances is normally for Class I usage. It is not administratively feasible to check the utilization of milk at greater distances. In order for diverted or transferred milk to be classified as Class II milk, the receiving nonfluid milk plant must have no Class I milk in excess of that which may be assigned to receipts of milk from dairy farmers directly supplying such plant. The operator of such nonfluid milk plant must make his books and records available to the market administrator for the purpose of verifying the receipt and utilization of milk in such nonfluid milk plant. In case more than one fluid milk plant transfers milk to the same nonfluid milk plant, and only a portion of this milk is assigned to Class I milk, such Class I usage should be prorated between the transferring plants in accordance with the total receipts from such plants during the month. Provision for verification by the market administrator is reasonable and necessary to assure that producer milk will be paid for in accordance with its utilization. As mentioned heretofore, Class I milk transferred to a producer-handler should not be subject to reclassification.

Allocation. In view of the fact that the order class prices apply only to producer milk, it is necessary, if a plant has butterfat or skim milk other than that received in producer milk, to determine the quantities of milk in each class to be assigned to current receipts from producers. The milk producers who are primarily engaged in supplying the market should be assigned the Class I utilization first. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain other source milk whenever it was advantageous to do so for Class I use while producer milk in the plant was utilized in Class II, the order could not be effective in carrying out the purposes of the act in that the market would be deprived of a dependable supply of milk. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in § 952.46 of the order.

Under this procedure, the skim milk and butterfat, respectively, remaining in each class is assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;

(2) Custom bottled milk (from Class I milk);

(3) Other source milk;

(4) Beginning inventory;

(5) Receipts from other handlers according to classification); and

(6) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month. To apply a shorter accounting period, would place an accounting and reporting burden upon handlers and increase the cost of administering the order.

5. *Class prices.* Class I prices should be established at a level which, in conjunction with Class II prices hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate but not excessive supply of quality milk to meet the requirements of the marketing area.

The maintenance of stable conditions in the market requires that the Class I price be adjusted whenever the supply of milk is out of line in relation to sales of fluid milk. If prices remain too low, insufficient milk will be produced to assure that the Class I market will be fully supplied. On the other hand, if prices are too high, production will be over stimulated and consumption curtailed with the result that more milk will be produced than is needed to satisfy the demand for Class I milk and unnecessary and uneconomic surpluses of "Grade A" milk will develop. Class I prices in the Austin-Waco marketing area should not, in any case, be set at levels which will bring the cost of such milk above the cost of regular dependable supplies of quality milk from other sources.

Because of changing supply and demand conditions for milk both in the local market and throughout the country, it is necessary in order to maintain an appropriate balance between local supplies and sales to provide a method of fixing Class I prices which will reflect such changing conditions. Pricing formulas which cause prices to change automatically with changes in market conditions are in general use for the pricing of milk to farmers in Federally regulated markets.

It was proposed that the Class I price be established at 25 cents over the North Texas (Order No. 43) Class I price. The record shows that substantial quantities of milk are disposed of on retail and wholesale outlets in the northern and central portion of the Austin-Waco marketing area by plants located in the North Texas marketing area. Such milk is priced to producers under the North Texas order. It is necessary, therefore, that the level of Class I prices in the proposed marketing area be established at an appropriate relationship with the Class I price under the North Texas order and that price changes under the two orders be closely correlated. If this is not done, handlers located in one regulated area will have a competitive advantage in the procurement of raw milk as compared with handlers in the other area.

Class I prices under the North Texas order are determined by adding a Class I differential of $2.00 during the months of April, May and June and $2.20 in other months, to a basic formula (manufacturing milk) price. This system of pricing provides a method for maintaining fluid milk prices in alignment with manufacturing milk prices. This in turn, provides changes in the Class I price in accordance with changes in general supply and demand conditions in the dairy industry. The North Texas Class I price is also adjusted to reflect more local supply and demand situations by changing the Class I price in accordance with the relationship of market receipts of producer milk to Class I sales. It is concluded, therefore, that the use of the North Texas Class I price as a basis for establishing the Class I price in the proposed marketing area will conform with the criteria of providing flexible Class I prices in this area and will adjust such prices in accordance with changing supply and demand conditions.

Considerable testimony was presented at the hearing by North Texas handlers to support different levels of Class I prices in 3 zones of the proposed marketing area with a differential of 20 cents in the Waco area, 40 cents in the Austin area and 50 cents in the southernmost counties. Producers at the hearing supported the same level of prices for the Austin-Waco portion of the marketing area on the basis that production conditions in the two areas are very similar and a different level of prices would cause undue shifting of producers and result in an even greater shortage of milk in the deficit Waco market.

The record shows that handlers located in the southern portion of the marketing area (Guadalupe and Comal Counties) dispose of a substantial proportion of their receipts in these counties. The principal competition for the procurement of milk by handlers located in this area is from handlers of the San Antonio market. Comal and Guadalupe Counties are situated adjacent to Bexar County which comprises the San Antonio marketing area. Class I prices under the San Antonio order are established at a level of 50 cents above the North Texas Class I price.

It is concluded that the minimum Class I price which applies to milk received at a fluid milk plant located in Zone I should not be less than the North Texas price plus 45 cents per hundredweight. Zone I is defined to include all territory south of the northern boundaries of Guadalupe and Comal and a number of counties immediately to the west and south of U. S. Road No. 90 to the east as far as the Colorado River and thence south. The differential applying at plants located in and adjacent to the remainder of the marketing area should be the North Texas Class I price plus 20 cents. These differentials would provide a Class I price at plants located in Guadalupe and Comal Counties at a proper relationship to the San Antonio price. The two principal handlers located in Comal and Guadalupe Counties were until the beginning of this year regulated under the San Antonio order and therefore were required to pay producers the Class I price established under that order. The record indicates that a differential of more than 20 cents over the North Texas price for plants located in the marketing area outside of Zone I would create a competitive problem in the northern portion of the marketing area.

In the proposed order, the stated Class I price will be determined for Zone I. The Class I price applying to the remainder of the marketing area as well as for plants located outside of Zone I will be determined on the basis of location with respect to Zone I. This is accomplished through a schedule of location adjustments discussed later herein. These location adjustments approximate the cost of moving milk from the North Texas market and from more distant northern supply areas to the respective zones of the proposed marketing area.

Class II milk. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

All products included in Class II may be made from unapproved milk. Approved milk which may be used in such products by regulated handlers should be priced at a level which is competitive with the cost of milk or ingredients that they may need for Class II products processed in conjunction with their fluid milk business.

Ice cream is one of the most important outlets for reserve supplies of milk in the marketing area. Several handlers are engaged in the manufacture of ice cream. The record indicates that a Class II pricing formula, based on the wholesale prices of butter and nonfat milk solids will provide a reasonable price for Class II milk in this market during most months of the year. A proposal was made for a somewhat lower price to be applied during the period from December 15 through July 31 of each year for milk used in the production of cheese (other than cottage cheese). The price for such milk was to be based on the average price paid by four cheese plants located in Texas. The record indicates that the prices paid for milk by these plants are considerably lower than the proposed Class II price and also lower than prices paid for milk by other Texas milk manufacturing plants. Normally the Class II price will reflect an appropriate value for milk manufactured into all dairy products, and hence, no special price for milk used in the production of cheese is necessary under the conditions existing at this time in this market.

More efficient utilization of Class II milk can be achieved by introducing a degree of seasonal variation into the Class II price. This can be accomplished by applying the proposed butter-powder formula during July through March and the prices paid by the local manufacturing plants during April through June. This method of pricing is now employed under the North Texas order whereby the average prices paid by three manufacturing plants namely Carnation Company, Sulphur Springs, Texas; Borden Company, Mt. Pleasant, Texas; Lamar Creamery, Paris, Texas establish the level of Class II prices during the months of April, May and June. It is concluded, therefore, that the average prices paid by these plants should be adopted as the basis for pricing Class II milk during the months of April, May and June in the Austin-Waco marketing area.

Location differentials. In order to provide a means for applying different levels of Class I prices in the two zones of the marketing area and to recognize the cost of moving Class I milk from dis-

tant plants which might become regular sources of supply for the Austin-Waco marketing area, it is necessary to establish the Class I price for Zone I and to provide a schedule of location adjustments (deductions from the price of Class I milk) which will apply to milk received at regulated plants located outside of this area. This can be accomplished by providing that the Class I price established for Zone I shall be reduced for Class I milk received at plants located outside of Zone I at specified distances, as measured from New Braunfels, Texas (in Zone I) by straight line distance as determined by the market administrator, according to the following schedule:

Distance (miles):	Rate (cents)
More than 20 but not more than 180	25
More than 180 but not more than 360	45
For each additional mile beyond 360, an additional	20

This method of adjusting prices will provide a level of Class I prices for plants located in and adjacent to the marketing area outside of Zone I at 20 cents above the North Texas Class I price. For a fluid milk plant located in the North Texas marketing area, the Class I price under the proposed order will be equal to the North Texas Class I price. The location adjustment applying to more distant plants approximates the cost of moving bulk tank milk from such plants to the marketing area.

The prices paid producers delivering milk to which location differentials apply likewise should be reduced to reflect the lower value of such milk at the plant to which it is delivered.

Butterfat differentials. As pointed out previously herein, butterfat and skim milk should be accounted for separately for classification purposes. It will be necessary, therefore, to adjust Class I and Class II prices in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in value of the milk due to variations in the butterfat content. The values resulting from multiplying the average price of 92-score butter at Chicago by 0.120 for Class I milk and by 0.110 for Class II milk will provide an appropriate basis for adjusting such prices in this market, since they will reflect changes in the central market prices of butterfat. The basing point from which such adjustments are made should be 4.0 percent butterfat. This is the basis now used in the proposed marketing area.

The use of butterfat differentials in this manner follows standard practices in most fluid milk markets for adjusting for butterfat variations. In order that the Class I butterfat differential may be announced early each month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I differential at the same time that the Class I price is announced.

Class II prices and butterfat differentials will not be announced until after the end of the month. Handlers, however, will know that the price of such milk will follow the central market prices for butter and non-fat solids and the local competitive price for manufacturing milk.

6. *Distribution of proceeds to producers.* The individual-handler type of pool should be included in the order as a means of distributing to producers the returns from the sale of their milk.

The act specifies that an order must provide for (1) the payment to all producers delivering milk to the same handler of uniform prices for all milk delivered by them or (2) the payment to all producers delivering milk to all handlers of uniform prices for all milk so delivered, irrespective of the uses made of such milk by the individual-handler to whom it is delivered. The former method of payment is commonly known as the individual-handler pool and the latter as the market-wide pool. Under either type of pool, all handlers pay the same class prices for producer milk, except for adjustments for location and butterfat content of the milk received.

Under the individual-handler pool, the minimum prices to be paid producers will be uniform to all producers delivering their milk to the same handler. The "blend", "base" and "excess" prices will depend on the proportion of the producer's milk used in Class I and Class II milk by the handler. Although each handler will be required to pay minimum uniform prices to all the producers who deliver milk to him during each month, the prices paid by different handlers may differ because the proportion of milk used in each class may vary.

It appears that the individual-handler pool will tend to result in optimum allocation of the available supply of producer milk among handlers according to their Class I needs and in maximum returns to producers from their milk. The record indicates that no handler in the Austin-Waco marketing area is carrying an undue proportion of excess milk in order to supply other handlers supplemental milk. It has not been a common practice for handlers to transfer milk to their competitors even though some plants may be short of milk at the same time that other plants may have more milk than is needed for Class I sales. Moreover, the cooperative association has not been able to transfer milk of its members from one handler's plant to another.

Producers proposed and supported in the hearing a market-wide pool. The testimony, however, did not reveal how the problem of plant identification and association with the market could be dealt with. Some of the plants which dispose of milk in the marketing area are associated primarily with other unregulated markets. The record does not afford a sound basis for the development of standards for participation in a market-wide pool. The individual-handler pool eliminates the need for such standards.

It was also proposed to safeguard a proposed market-wide pooling arrangement and the classified pricing plan by equalization payments on all unpriced or other source milk which was disposed of as Class I milk in the marketing area. Other proposals made at the hearing would exclude a plant from the pricing and pooling arrangements of the order if such plant disposed of less than a specified percentage of its sales on routes in the marketing area. The milk disposed of by plants not qualifying for pool plant status would be considered as other source milk. Under these proposals, handlers would be required to equalize with the market pool the difference between the cost of such unpriced milk and the order Class I price. This was to assure that the users of such milk would not have a competitive advantage over the handlers using producer milk exclusively, for Class I sales. The problem of unpriced fluid milk, however, can best be dealt with under the circumstances of this market, by extending regulation to all plants which dispose of sufficient milk to be an effective competitive factor in the market.

A handler who disposes of a greater proportion of his Class I sales in another marketing area regulated by an order issued pursuant to the act than he disposes of in the Austin-Waco area should make reports to the market administrator as may be required with respect to his total receipts and utilization of milk. Such reports are necessary for the market administrator to determine the status of such handler and to afford a basis for assembling statistical information with respect to the disposition of milk in the marketing area. Although the market administrator should have the power to require reports from such handlers, reports may not be necessary on a routine basis because such information will be available from the records in the office of the administrator of the order to which such handler is subject.

A proposal to require a handler subject to another order to equallze the difference between a lower Class I price in that order and the Class I price of the Austin-Waco order should be denied. Proponents of such payments contended that handlers located in the regulated North Texas area where Class I prices will be lower than those prevailing in the Austin-Waco area would afford the distributors of milk from that area a competitive advantage over local handlers for Class I sales in the proposed marketing area.

Handlers regulated by the North Texas order are subject to almost identical reporting, accounting, classification, pricing, payment and auditing procedures as are handlers who would be subject to this order. Handlers in the Northern Texas area must pay order prices for their Class I milk. This Class I price is the same regardless of whether or not such milk is disposed of inside or outside of the other marketing area. Producers and handlers in the Austin-Waco marketing area, therefore, are assured that distributors in the North Texas area are required to pay their producers the Class I prices specified by that order for all of the fluid milk that is disposed of on routes in the Austin-Waco area.

Since Class I prices in the Austin-Waco area will be properly aligned with Class I prices in the North Texas area, there will be no competitive advantage in the procurement of raw milk accruing to handlers located in that area. This factor has been fully considered in the establishing of the Class I pricing arrangement recommended herein.

Base-excess plan. A "base and excess" plan of distributing the returns for milk among producers should be employed in connection with the individual-handler pool.

Base and excess plans in one form or another are commonly used within the milkshed area at present, although these programs may vary considerably among handlers. The base and excess method of distributing price returns during the months of flush production has wide support among both producers and handlers and should be continued. Although data with respect to the receipts of milk are inadequate to determine the exact seasonal variation, the evidence indicates that receipts vary considerably in between summer and winter in relation to Class I sales. Consequently, there is a need for an incentive to maintain production in the fall and winter months relative to spring and summer levels. Some handlers have difficulty in utilizing efficiently all milk delivered to them in the months of seasonally high production. Base rating plans have proved an effective means of improving the seasonal pattern of milk deliveries.

The base and excess plan proposed by producers would establish for each producer a base equal to his average daily deliveries during the four-month period, September through December. In the event a producer did not deliver milk to the market during the entire period, the days of actual delivery but not less than 90 would be used. During these months all producers would receive the same blend or average price paid by the handler to whom they deliver their milk.

Under the producer proposal for each of the months of January through August, separate uniform prices for "base milk" and "excess milk" would be computed so that Class I sales would first be allocated to base milk. Base milk would be that quantity of milk delivered by each producer up to his average daily base multiplied by the number of days in the month on which he delivers milk to any fluid milk plant. The excess milk price would be the minimum order Class II price unless total Class I sales of the handler exceed the total quantity of base milk received from producers in a given month. In this case the fact that some excess milk was used for Class I sales would be reflected in the price of such milk or in the excess blend price.

The proposed months for establishing bases, September through December, are considered to be those of relative low milk production in relation to fluid sales. Producers who enter the market during the fall and early winter months when additional milk is usually needed should be permitted to establish a base on deliveries made during a portion of the base-forming period. The proposal for the establishment of bases should be adopted.

The base-operating period during which payments are made after the base plan need not include all months that are not included in the base-forming period to achieve the objectives of the plan. The base-operating period (payment for base and excess milk) should be limited to the months of February through July. By so doing, a desired degree of flexibility will be provided. Bases can then be announced in advance of the base-operating period. Omission of August from the base-operating period will permit all producers to adjust their production programs immediately preceding the fall shortage months without being influenced by the base plan operating during this month.

The order should provide that the market administrator will notify each producer and the handler to whom he is currently selling milk of the amount of his daily base on or before January 20 of each year. The daily base established by each producer will be calculated by the market administrator from the handler's payroll record.

Even though the order cannot be made effective prior to the start of the base-forming period, it is concluded that the proposed plan should be applied in paying producers during the flush production season of 1955. Handlers have used this method of paying producers in the past. Producers have been informed of the proposal to include a base plan under an order, both at the hearing and through numerous news releases prior to and at the time of the hearing. In order to announce bases, it would be necessary for the market administrator to depend on handler's payroll records for two or more months prior to the effective date of the order. In view of these facts, it is concluded that the base-forming period in 1954 should be limited to the months of November and December for all producers.

It is necessary to provide certain rules in connection with the establishment and transfer of bases in order to provide reasonable administrative workability of the plan. To accomplish this and to preserve the effectiveness of the base plan, transfers of bases should be limited to entire bases of producers. Transfer of a base should be recognized by the market administrator upon certification of transfer signed by the transferor prior to the last day of the month for which such transfer is to be effective. Since the base plan is effective in determining producer payments in only six of the twelve months in each year and since all producers must establish a new base this year, other provisions in those contained herein for the establishment and transfer of bases are unnecessary.

Uniform prices, including base and excess prices, to be paid producers by each handler should be computed for milk containing 4.0 percent butterfat which is in accordance with current market practices. In distributing proceeds for milk to producers, a differential should be applied to recognize different values of milk in accordance with its butterfat content. The producer butterfat differential in no way effects the handlers cost of milk. It is concluded that a producer butterfat differential determined by multiplying the wholesale price of 92-score butter at Chicago by 0.110 will be appropriate for this market. This differential is identical to that applied in the San Antonio order and at the same general level as applied under the North Texas order. The differential will be applied for each one-tenth percent that the test of each producer's milk varies from 4.0 percent butterfat.

The location differentials applying to milk received at plants located outside of Zone I, heretofore discussed, should be applied to prices paid producers. Such differentials should be applied to uniform prices during the months of August through January and to base prices during the months of February through July.

Payment to producers. The order should provide that each handler make final payments to each producer for milk received at his plant at the appropriate price(s) on or before the 15th day after the end of each month. It has been a customary practice for handlers to pay producers twice monthly. In order to continue this practice, provision should be made for partial payments to producers on or before the 28th day of the month for milk delivered during the first 15 days of the month at not less than the price per hundredweight of Class II milk for the preceding month. This price need not be adjusted for the butterfat differential inasmuch as it represents an interim payment. Final payment for milk received each month will be made on or before the 15th day after the month in which delivery is made. During the base-operating period, final payment to each producer for milk will be made at the uniform base price and the uniform excess price as applicable. Provision is made for handlers to deduct for goods and services furnished or for money advanced to a producer, as the producer may authorize the handler. At the time the final payment is made, each handler will be required to furnish to each producer a monthly statement showing the pounds and butterfat tests of milk received from him together with the rate or rates of payment for such milk and a description of any deductions claimed by the handler. Provision is made for handlers to pay a cooperative association, which so requests, and which is authorized to collect payment, an amount equal to the sum of the payments otherwise payable to the producer members of such association. Such payments should be made two days in advance of payments made to individual producers.

Other administrative provisions. In addition to those provisions herein determined to be appropriate, certain other provisions should be contained in the order to carry out, from an administrative viewpoint, the purposes of the regulation. Certain terms and definitions are desirable in the interest of brevity and to assure that the usage of a term implies the same meaning. The terms that are defined in the proposed order are common to many other Federal milk orders. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agent.

Records and reports. Provisions should be included in the order for the purpose of requiring handlers to maintain

powers or to perform the duties of the

adequate records of their operations and to make certain reports as may be required by the market administrator. Certain time limits must be prescribed for filing such reports and for making payments to producers. Dates must also be established for the announcement of prices by the market administrator. The following schedule will afford interested parties sufficient time to perform the functions as indicated below:

Day of month and function—6th. Announcement by market administrator of the Class I price and butterfat differential for the current month; and the Class II price and butterfat differential for the preceding month.

7th. Submission by handlers of the monthly report of receipts and utilization for the preceding month.

12th. Announcement by market administrator of uniform price for each handler and notification to handlers of the value of their producer milk received during the preceding month.

15th. Final payments by handler to individual producers for milk received during the preceding month and payments of marketing services deductions and expense of administration.

20th. Submission of producer payroll report by handlers for the preceding month.

28th. Partial payments to producers for milk received during the first 15 days of the month.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, and such facilities as are necessary to determine the accuracy of the information, submit such reports to the market administrator as he may deem necessary and furnish to him or his representative any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the order.

Provision should be made for handlers to notify the market administrator of their intention to divert producer milk. Information such as this, on a market-wide basis, may help handlers to locate local sources of producer milk and thereby to expedite transfers of such milk among handlers.

It is necessary, that handlers retain records to prove the utilization of the milk received from, and that proper payments were made to, producers. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be kept for a reasonable period of time.

The order should provide for specific limitations of the time that handlers should be required to retain their books and records of the period of time in which obligations under the order should terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on June 30, 1947 following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Expense of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 5 cents per hundredweight, or such lesser amounts as the Secretary may from time to time prescribe, on (a) producer milk (including such handler's own production), (b) other source milk in a fluid milk plant which is classified as Class I milk, and (c) Class I milk disposed of in the marketing area from a non-fluid milk plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by handlers to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including handlers' own production) and other source milk allocated to Class I milk.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 5 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 5 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. A provision should be included in the order for furnishing marketing services to producers, such as verifying of tests and weights and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program is to furnish producers with correct market information. As previously discussed, detailed information regarding market conditions is not now regularly available either to producers or to cooperative associations. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a market-wide basis to all producers.

To enable the market administrator to furnish such services, provision should be made for a maximum deduction of 6 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the secretary to adjust the rate downward without the necessity of a hearing.

General findings. (a) The proposed marketing agreement and the order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusion. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order.

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DEFINITIONS

§ 952.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 952.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 952.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this subpart.

§ 952.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 952.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 10, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 952.6 *Austin-Waco marketing area.* "Austin-Waco Marketing Area" hereinafter called the marketing area means all territory, including all municipal corporations and all Federal military reservations, facilities and installations, located within or partially within the boundaries of Travis, Hays, Lampasas, Burnet, Caldwell, Bastrop, Williamson, Bell, Falls, McLennan, Coryell, Comal and Guadalupe Counties, all in the State of Texas.

§ 952.7 *Zone I.* "Zone I" means all territory south of the northern boundaries of Guadalupe, Comal, Kendall, Kerr, Edwards and Val Verde Counties, all in the State of Texas and all territory south of a boundary formed by United States Highway 90 east of the marketing area to the Colorado River and thence south along the Colorado River.

§ 952.8 *Distributing plant.* "Distributing plant" means any milk processing or packaging plant from which Class I milk equal to more than an average of 500 pounds per day or 5 percent, whichever is less, of the Grade "A" milk and skim milk received from dairy farmers or other plants, is disposed of on a route(s) operated partially or wholly in the marketing area.

§ 952.9 *Supply plant.* "Supply plant" means any plant from which milk is received at a distributing plant:

(a) For each of the months of February through July, on four or more days during the month, or in an amount equal to a daily average of not less than 3,300 pounds for such month; and

(b) For each of the months of August through January:

(1) On ten or more days during the month, or in an amount equal to a daily average of not less than 8,300 pounds for such month; or

(2) On four or more days during the month, or in an an amount equal to a daily average of not less than 3,300 pounds for such month, and such plant was a supply plant pursuant to (a) during any month of the immediately preceding period of February through July.

§ 952.10 *Fluid milk plant.* "Fluid milk plant" means a distributing plant or a supply plant.

§ 952.11 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 952.12 *Approved plant.* "Approved plant" means: (a) A fluid milk plant, (b) any milk plant from which Class I milk is disposed of on a route in the marketing area, or (c) any plant from which milk or skim milk approved by the appropriate health department for distribution as Class I milk in the marketing area is shipped to a distributing plant during the month.

§ 952.13 *Handler.* "Handler" means any person in his capacity as the operator of one or more approved plants.

§ 952.14 *Route.* "Route" means the delivery (including delivery by a vendor or sale at a plant store) of milk, skim milk, buttermilk, cream or flavored milk drinks other than as follows:

(a) Delivery in bulk to a fluid milk plant, or

(b) Delivery in consumer packages from a milk processing plant to a distributing plant in an amount not in excess of the amount of producer milk received by such processing plant during the month from the operator of such distributing plant and classified as Class I milk: *Provided*, That for the purposes of this paragraph milk so transferred to such processing plant shall be considered to be producer milk to the extent that total receipts during the month of producer milk by the operator of such distributing plant exceed his gross Class I sales less: (1) Receipts of Class I milk from other fluid milk plants; (2) milk transferred as Class I milk to such milk processing plant; and (3) milk received in consumer packages from such milk processing plant.

§ 952.15 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant or (b) diverted for his account by the operator of a fluid milk plant from such plant to a nonfluid milk plant during the months of March through July and December 16 through December 31: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 952.16 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received at a fluid milk plant directly from producers or diverted from such a plant pursuant to § 952.15.

§ 952.17 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 952.41 (a) (1), except (1) such products received from other

fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 952.41 (b) (1) from any source (including those produced at the plant) which are reprocessed or converted into another product during the month.

§ 952.18 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk from other dairy farmers.

§ 952.19 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 952.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 952.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 952.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 952.95 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 952.94) necessarily incurred by him in maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to § 952.30 and § 952.32, inclusive, or payments pursuant to § 952.90 to § 952.93, inclusive;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 952.50 and the Class I butterfat differential computed pursuant to § 952.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 952.51 and the Class II butterfat differential computed pursuant to § 952.52 (b), both for the previous month;

(2) On or before the 12th day after the end of each of the months of August through January, the uniform price for each handler computed pursuant to § 952.72 and the butterfat differential computed pursuant to § 952.91; and

(3) On or before the 12th day after the end of each of the months of February through July, the uniform prices for base milk and for excess milk for each handler computed pursuant to § 952.73 and the butterfat differential computed pursuant to § 952.92;

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler:

(1) The amount and value of producer milk in each class and the totals thereof;

(2) For the months of February through July, the amounts and value of his base and excess milk, respectively;

(k) On or before the 12th day after the end of each month, report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(l) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and such information concerning the operations hereof as are necessary and essential to the proper functioning of this part.

REPORTS, RECORDS AND FACILITIES

§ 952.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants as follows:

(a) The quantities of skim milk and butterfat contained in producer milk and for the months of February through July, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 952.41 (a) received from fluid milk plants of other handlers;

(c) The quantities of skim milk and butterfat in other source milk;

(d) The quantities of skim milk and butterfat contained in inventories of products designated as Class I milk pursuant to § 952.41 (a) on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of Class I milk outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 952.31 *Payroll reports.* On or before the 20th day of each month each handler, except a producer-handler, shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month for each of his fluid milk plants which shall show for each producer:

(a) His name and address;

(b) The total pounds and the average butterfat test of milk received and for the months of February through July such producers' deliveries of base milk and excess milk;

(c) The number of days if less than the entire month for which milk was received;

(d) Net amount of such handler's payment, together with the price(s) paid and the nature and amount of any deductions.

§ 952.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, who causes milk to be diverted for his account directly from producers' farms to an unapproved plant, shall prior to such diversion, report to the market administrator and to the cooperative association, of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plan to which such milk is to be diverted.

§ 952.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator

to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions authorized by producers and disbursement of money so deducted;

§ 952.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 952.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat at fluid milk plants which is required to be reported for the month pursuant to § 952.30, shall be classified by the market administrator pursuant to the provisions of §§ 952.41 to 952.46, inclusive.

§ 952.41 *Classes of utilization.* Subject to the conditions set forth in §§ 952.43 and 952.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers), and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Disposed of and used for livestock feed;

(3) Contained in inventory of milk and milk products designated as Class I milk pursuant to subparagraph (a) (1) of this section on hand at the end of the month; and

(4) In shrinkage not to exceed 2 percent (5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, in producer milk and other source milk.

§ 952.42 *Shrinkage.* The market administrator shall assign shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 952.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 952.44 *Transfers.* Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk, if transferred in the form of products designated as Class I milk in § 952.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 952.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 952.46 (a) (3) and (b) and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both handlers have other source milk as defined pursuant to § 952.16 (a) during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of products designated as Class I milk in § 952.41 (a) (1);

(c) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located more than 400 miles distant by the shortest highway distance as determined by the market administrator;

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located not more than 400 miles distant by the shortest highway distance as determined by the market administrator, unless the following conditions are met:

(1) The transferring-handler claims Class II utilization in a product specified in § 952.41 (b);

(2) The operator of such nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(3) The Class I milk, as defined pursuant to § 952.41 (a) in such nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers, who the market administrator determines, constitute the regular source of supply for such plant: *Provided*, That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, skim milk, or cream so transferred or diverted.

§ 952.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 952.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 952.45 the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 952.42 (b);

(2) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received as Class I products in consumer packages from a nonfluid milk plant which are not in excess of the pounds of skim milk transferred or diverted by the handler to such nonfluid milk plant as Class I milk;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk as defined pursuant to § 952.17;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the month and classified pursuant to § 952.41 (b) (3);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 952.41 (a) (1) received from the fluid milk plants of other handlers, according to the classifi-

cation of such skim milk as determined pursuant to § 952.44 (a);

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 952.50 *Class I milk.* Subject to the provisions of §§ 952.52 and 952.53 the minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class I milk shall be the price for Class I milk established under Federal Order No. 43 regulating the handling of milk in the North Texas marketing area, plus 45 cents.

§ 952.51 *Class II milk.* Subject to the provisions of § 952.52 the minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to paragraph (a) of this section for the months of April, May and June; and for each of the other months the price computed pursuant to paragraph (a) of this section or the price computed pursuant to paragraph (b) of this section, whichever is higher:

(a) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from dairy farmers at the following plants or places for which prices have been reported to the market administrator or to the Department:

Carnation Co., Sulphur Springs, Texas.
The Borden Co., Mount Pleasant, Texas.
Lamar Creamery, Paris, Texas.

(b) The sum of the plus values computed as follows:

(1) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b., manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and multiply by 0.96.

§ 952.52 *Butterfat differential to handlers.* For milk containing more or less than 4 percent butterfat, the class prices pursuant to §§ 952.50 and 952.51 shall be increased or decreased, respectively, for each one-tenth of one percent butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.110.

§ 952.53 *Location adjustments to handlers.* For milk which is received from producers at a fluid milk plant located outside of Zone I and classified as Class I milk, the price shall be the price effective pursuant to § 952.50 less the rate set forth in the following schedule for the straight line distance to such plant from New Braunfels, Texas, as determined by the market administrator:

Distance:	*Rate per hundredweight (cents)*
More than 20 but not more than 180 miles	25
More than 180 but not more than 360 miles	45
For each additional mile beyond 360 miles, an additional	20

APPLICATION OF PROVISIONS

§ 952.60 *Producer-handlers.* §§ 952.40 through 952.46, 952.50 through 952.53, 952.70 through 952.73, 952.80 through 952.83 and 952.90 through 952.96 shall not apply to a producer-handler.

§ 952.61 *Plants subject to other Federal orders.* (a) An approved plant will be considered to be a non-fluid milk plant during the month for the purpose of this subpart if the Secretary determines that (1) a larger volume of Class I milk is disposed of from such plant in the marketing area of another order issued pursuant to the act than is distributed in the Austin-Waco marketing area (i) to wholesale or retail outlets (other than to a distributing plant(s)) during the month, or (ii) to a distributing plant(s) in each of the preceding months of September through December, and (2) such plant would be subject to regulation pursuant to such order.

(b) The operator of such approved plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, in lieu of the reports required pursuant to § 952.30 and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 952.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 952.46 (a) (7) and (b) by the applicable class price;

(c) Add an amount computed as follows:

(1) Determine the pounds if any, that the skim milk or butterfat in inventory, subtracted from Class I milk pursuant to § 952.46 (a) (4) and (b) is not in excess of the pounds in producer milk classified as Class II milk (other than as shrinkage) for the preceding month; and (2) multiply such pounds by the difference between the Class I price in the current month and the Class II price in the preceding month adjusted by the appropriate butterfat differentials;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 952.71 *Computation of aggregate value used to determine uniform prices.* For each month the market administrator shall compute an aggregate value for each handler from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Add to the amount computed pursuant to § 952.70 the total value of the location differential pursuant to § 952.90 (b) or (c);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, as determined pursuant to § 952.91 and multiplying the result by the total hundredweight of producer milk; and

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month.

§ 952.72 *Computation of uniform prices for handlers.* For each of the months of August through January, the market administrator shall compute a uniform price for producer milk received by each handler as follows:

(a) Divide the aggregate value computed pursuant to § 952.71 by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, at fluid milk plants in Zone I.

§ 952.73 *Computation of the price for base milk and for excess milk for handlers.* For each of the months of February through July, the market administrator shall compute for each handler with respect to his producer milk a price for base milk and for excess milk as follows:

(a) Compute the value of excess milk, subject to the conditions set forth in paragraph (b) of this section, received by such handler by multiplying the quantity of such milk by the Class II price;

(b) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (a) of this section from the value obtained pursuant to § 952.71 (c): *Provided*, That if such resulting value is greater than an amount computed by multiplying the hundredweight of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (a) of this section to the extent the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated on a volume basis between excess and base milk;

(c) Divide the value obtained pursuant to paragraph (b) of this section by the hundredweight of base milk. This result, less any fraction of a cent per hundredweight shall be the price for such handler for base milk of 4.0 percent butterfat content at fluid milk plants in Zone I; and

(d) Add the value represented by any fraction of a cent subtracted pursuant to paragraph (c) of this section to the value obtained pursuant to paragraph (a) of this section and divide by the hundredweight of excess milk. This result, less any fraction of a cent per hundredweight, shall be known as the price for such handler for excess milk of 4.0 percent butterfat content at the fluid milk plant.

BASE RATING

§ 952.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December by the number of days from the first day milk is received from such producer during said months to the last day of December, inclusive, but not less than 90 days: *Provided*, That for the year 1954 the daily base shall be calculated on the basis of milk received from such producer during the months of November and December divided by 61.

§ 952.81 *Computation of base.* The base of each producer to be applied during the months of February through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days for which such producer's milk was received by the handler during the month.

§ 952.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) The base shall be assigned to the producer for whose account milk is received by a handler during the months of September through December;

(b) An entire base may be transferred by the producer by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice: *Provided*, That if the base is held jointly and such joint holding is terminated, the entire base transferable by any joint holder shall be his portion of such jointly held base as indicated by the joint holders.

§ 952.83 *Announcement of established bases.* On or before January 20 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 952.90 *Payments to producers.* Except as provided in paragraph (d) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each of the months of August through January for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 952.72 subject to the butterfat differential computed pursuant to § 952.91 and the location differential computed pursuant to § 952.92; plus or minus adjustments for errors made in previous payments to such producers; and less (1) payment made pursuant to paragraph (a) of this section; (2) marketing service deductions pursuant to § 952.94 and (3) proper deductions authorized by such producer;

(c) On or before the 15th day after the end of each of the months of February through July, for milk received during such month after allowance for payment made pursuant to paragraph (a) of this section, adjustments for errors made in previous payments to such producer, marketing service deductions pursuant to § 952.94 and proper deductions authorized by such producer, an amount computed:

(1) At not less than the price per hundredweight for base milk computed pursuant to § 952.73 for the quantity of base milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 952.91 and the location differential computed pursuant to § 952.92; and

(2) At not less than the price per hundredweight for excess milk computed pursuant to § 952.72 for the quantity of excess milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 952.91;

(d) On or before the 13th and 26th days of each month in lieu of the payments pursuant to paragraphs (a) and (b) and (c) of this section respectively, each handler shall pay to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers;

(e) In making the payments to producers pursuant to paragraphs (b) and (c) or (d) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 952.91 *Butterfat differential to producers.* The applicable uniform prices to be paid pursuant to § 952.90 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the Chicago butter price for the month by .110.

§ 952.92 *Location differential to producers.* In making payment to producers pursuant to § 952.90, the uniform price and the base price to be paid for producer milk received at a fluid milk plant located outside of Zone I, shall be such price computed pursuant to §§ 952.72 and 952.73 less the rate set forth in the following schedule for the straight line distance to such plant from New Braunfels, Texas, as determined by the market administrator:

Distance:	*Rate per hundredweight (cents)*
More than 20 but not more than 180 miles	25
More than 180 but not more than 360 miles	45
For each addditional mile beyond 360 miles, an additional	2

§ 952.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 952.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 952.90, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is

actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 13th day after the end of each month and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer. In lieu of such statement, the handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 952.31.

§ 952.95 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handlers' own production; (b) other source milk at a fluid milk plant which is classified as Class I milk; and (c) Class I milk disposed of during the month on routes located in the marketing area from a nonfluid milk plant other than a plant defined in § 952.61.

§ 952.96 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 952.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 952.101.

§ 952.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 952.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 952.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 952.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 952.111 *Separability of provisions.* If any provision of this part or its application to any person or circumstances is held invalid the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 25th day of October 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-8497; Filed, Oct. 27, 1954; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11168]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

NOTICE OF EXTENSION OF TIME WITHIN WHICH TO FILE REPLIES TO COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations; Docket No. 11168.

1. On September 16, 1954, the Commission issued a notice of proposed rule making (FCC 54-1172) in the above-entitled matter which specified that comments were to be filed on or before October 15, 1954, and replies thereto within 10 days from that date. Commonwealth Broadcasting Corporation, petitioner in this proceeding has requested an extension until October 29, 1954, for time in which to file replies to comments. Commonwealth states that due to the number of opposing pleadings, it will not have sufficient time to prepare satisfactory replies by October 25, 1954.

2. It is our view that a sufficient showing has been made to warrant the extension of time for filing replies to comments beyond October 25, 1954. Accordingly, notice is hereby given that the time for filing replies to comments filed in the above-entitled matter is extended to October 29, 1954.

Adopted: October 22, 1954.

Released: October 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8494; Filed, Oct. 27, 1954; 8:55 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 4061, Amdt.]

RUDOLF ALLERT

In re: Trust under the last will and testament of Rudolf Allert, deceased. File No. D-28-1786; E. T. sec. 990.

Vesting Order 4061 dated August 25, 1944, is hereby amended as follows and not otherwise:

By inserting immediately after the words "All right, title, interest and claim of any kind or character whatsoever of", the name "Charlotte Louise Margarete Seibert, nee Allert", and by inserting immediately under the columnar headings "Nationals:" and "Last Known Address:", the following name and address: "Charlotte Louise Margarete Seibert, nee Allert, Germany".

All other provisions of said Vesting Order 4061 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 22, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8482; Filed, Oct. 27, 1954; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

RECREATION AND PUBLIC PURPOSES CLASSIFICATION ORDER NO. 1

OCTOBER 21, 1954.

Pursuant to the delegation of authority contained in section 2.21 of Order No. 1, Bureau of Land Management, Area 4, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), it is ordered as follows:

1. The lands hereinafter described are hereby classified as chiefly suitable for sale for public purposes under the act of June 14, 1926 (44 Stat. 741), as amended by the act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869), and are hereby segregated from all forms of appropriation, including location under the mining laws:

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Sec. 27: N½SW¼, W½NW¼, SE¼NW¼, S½NE¼NW¼, and NW¼NE¼NW¼.
Sec. 28: E½NE¼, SW¼NE¼, N½SE¼, W½NW¼NW¼, and NW¼SW¼NW¼.

Containing approximately 460 acres.

2. All applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be made on Form 4-1267 and shall be acted upon in accordance with the regulations contained in Part 254 of Title 43 of the Code of Federal Regulations to the extent that they are applicable.

FRED J. WEILER,
Area Lands and Minerals Officer.

[F. R. Doc. 54-8451; Filed, Oct. 27, 1954; 8:47 a. m.]

[A-42059, 44159]

ARIZONA

CORRECTION OF ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 22, 1954.

Order providing for opening of public lands, undated, (F. R. Doc. 54-7244, 19 F. R. 5990) is hereby corrected to the extent of the title, date and first paragraph thereof to read as follows:

PARTIALLY REVOKING AIR NAVIGATION SITE WITHDRAWAL NO. 60

SEPTEMBER 8, 1954.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214) and pursuant to Order No. 541 of the Director, Bureau of Land Management (19 F. R. 2473), it is ordered as follows:

The order of the Assistant Secretary of the Interior of May 29, 1931, withdrawing certain public lands in Arizona for use by the Department of Commerce in the maintenance of Air Navigation facilities is hereby revoked so far as it affects the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 2 W.,
Sec. 6: SW¼NW¼NW¼, SW¼NW¼, W½SW¼ (SW¼ Lot 4, Lots 5, 6, 7).

The area described contains 126.24 acres of public lands.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 54-8450; Filed, Oct. 27, 1954; 8:46 a. m.]

[Misc. NM-2]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 20, 1954.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 S., R. 25 E.,
Sec. 31, lots 1, 2, 3, 4, E½NW¼, NE¼.
T. 17 S., R. 25 E.,
Sec. 6, lot 4.
T. 25 S., R. 25 E.,
Sec. 24, SE¼.
T. 18 S., R. 29 E.,
Sec. 5, S½.

The lands described aggregate 920.24 acres.

The topography of the lands described in T. 16 S., R. 25 E., T. 17 S., R. 25 E., and T. 25 S., R. 25 E. is flat with a heavy clay loam soil type. Principal vegetation is tobosa and burro grass. The topography of the land in T. 18 S., R. 29 E. is flat with a light gravelly loam soil type. Principal vegetation is mesquite and black grama. Some of the lands are within the Roswell Artesian Basin which is closed to the drilling of wells for irrigation.

No application for these lands may be allowed under the homestead, small tract, desert-land or any other nonmineral public-land laws unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Each application filed on these lands will be considered on its merits.

This order shall not otherwise become effective to change the status of such lands until 10:30 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:30 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:30 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:30 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:30 a. m. on the 126th day after the date of this order, shall be

treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 54-8454; Filed, Oct. 27, 1954; 8:47 a. m.]

UTAH

RESTORATION OF RECLAMATION WITHDRAWN LANDS TO MINERAL LOCATION, ENTRY AND PATENT; AMENDMENT

OCTOBER 18, 1954.

The order of the State Supervisor of Utah of August 18, 1954, opening lands in Utah to mining location, entry, and patent, published in 19 F. R. 5447-5448 on August 26, 1954, as F. R. Doc. 54-6684 is hereby amended to describe lands in Sec. 26, T. 20 S., R. 25 E., Salt Lake Meridian, as follows:

SALT LAKE MERIDIAN

T. 20 S., R. 25 E.
Sec. 26: Lots 1 to 5, incl., E½W½, NW¼NW¼.

The balance of the order remains unchanged as first published.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 54-8452; Filed, Oct. 27, 1954; 8:47 a. m.]

[No. 5 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 18, 1954.

An application for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, of the lands described below was filed by the United States Department of Interior, Fish and Wildlife Service. The purpose of the proposed withdrawal: protecting wildlife conservation area at Topaz Lake, Millard County, Utah. The lands are located within Utah Grazing District No. 10.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Department of the Interior, at Post Office Box 777, Salt Lake City, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 15 S., R. 8 W.,
Sec. 31: All.
T. 16 S., R. 8 W.,
Sec. 5: All;
Sec. 6: All;
Sec. 7: All;
Sec. 8: All;
Sec. 18: All.

The area described aggregates 4,142.13 acres.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 54-8453; Filed, Oct. 27, 1954; 8:47 a. m.]

Southwestern Power Administration

CHIEF, DIVISION OF RATES AND CUSTOMER SERVICE

DELEGATION OF AUTHORITY WITH RESPECT TO MARKETING OF ELECTRIC POWER AND ENERGY

Under the authority of section 2, Department of the Interior Order No. 2771 (19 F. R. 6664), the Chief, Division of Rates and Customer Service may also, subject to the applicable provisions of the act of December 22, 1944, enter into contracts for the sale or interchange of electric power and energy in the performance of the functions assigned by section 1 of Order No. 2771.

DOUGLAS G. WRIGHT,
Administrator.

[F. R. Doc. 54-8455; Filed, Oct. 27, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[Notice 4—1954]

ENTRY OF SUGAR OR LIQUID SUGAR INTO THE CONTINENTAL UNITED STATES

REQUIREMENT OF CERTIFICATION

Pursuant to § 817.4 (13 F. R. 127, 14 F. R. 1169, 16 F. R. 12847), notice is hereby given that the 1954 sugar quota for the Territory of Hawaii, amounting to 1,052,000 short tons, raw value, has been filled to the extent of 80 per centum or more. Accordingly, pursuant to § 817.4 (7 CFR 817.4) after the close of business October 27, 1954, and for the remainder of the calendar year 1954, entry into the continental United States from the Territory of Hawaii of any sugar may not be made unless and until the certification described in § 817.4 (a) is issued to the Collector of Customs.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153, 13 F. R. 127, 14 F. R. 1169, 16 F. R. 12847)

Issued this 22d day of October 1954.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 54-8502; Filed, Oct. 27, 1954; 8:57 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 191]

LAMINADORA ATZCAPOTZALCO, S. A. ET AL.

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of: Laminadora Atzcapotzalco, S. A., Federico Reyes Zamudio, Manuel Verduzco Valdes, 128 Poniente No. 665 Atzcapotzalco, D. F., Mexico; respondents; Case No. 191.

In this proceeding, commenced by the Director, Investigation Staff, Bureau of Foreign Commerce, Department of Commerce, Federico Reyes Zamudio, Manuel Verduzco Valdes, Laminadora Atzcapotzalco, S. A., and others, were charged with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder. The charges against some of the others joined with these named respondents have been determined in Case No. 182, 19 F. R. 4095, and Case No. 184, 19 F. R. 4112, while those against two remaining respondents, unnamed in accordance with the requirements of Regulation 382.14, are being dismissed in an order being issued simultaneously herewith because the Compliance Commissioner has found the evidence insufficient to justify a conclusion that said respondents committed the acts charged against them.

Respondents Reyes, Verduzco and Laminadora, though duly served with the charging letter, did not appear herein and they are therefore in default. Evidence in support of the charges, nevertheless, has been submitted to the Compliance Commissioner and he has submitted his report and recommendation to the undersigned Director, Office of Export Supply, who has carefully considered the whole record, the report and the recommendation and, after such consideration and upon the whole record, the undersigned hereby makes the following:

Findings of fact. 1. At all times hereinafter mentioned Federico Reyes Zamudio was president and Manuel Verduzco Valdes was general manager of Laminadora Atzcapotzalco, S. A., a steel rolling mill in Atzcapotzalco, D. F., Mexico, and the acts hereinafter found to have been performed by said individuals were performed by them on behalf of and in the course of their activities as officers and employees of said firm. (The individuals are hereinafter referred to as Reyes or Verduzco while the firm is called Laminadora.)

2. That as of August 20, 1951, National Production Authority, Department of Commerce, Order M-64 provided that no person was permitted to deliver or receive used rails except in accordance with written authorization of that agency unless such rails were to be delivered to a person for track-laying purposes, in which event the receiver was required to certify to the supplier that the intended use of such rails was in compliance with NPA Orde- M-64. NPA Order M-64 was in effect during all times hereinafter mentioned.

3. That as of August 20, 1951, and at all times hereinafter mentioned, in accordance with the policy of NPA, the Office of International Trade (now the Bureau of Foreign Commerce) did not issue validated licenses to export used rails to Mexico for rerolling purposes, but did allow exportations of such rails for re-laying purposes. Applications to export used rails for re-laying purposes were required to be supported by written certifications from ultimate consignees that the rails were to be used by them in compliance with NPA Order M-64.

4. That Reyes and Laminadora, for the purpose of having exported used rails from the United States to Laminadora and other rolling mills associated with it and, knowing the policy of the Office of International Trade with respect thereto, entered into an arrangement with Commercial Metals Company of Dallas, Texas, whereby they obtained from ostensible users of rails for relaying purposes, such users to be the recipients thereof, written certificates of compliance with NPA Order M-64, and delivered such certificates to Commercial Metals Company for use by it in support of applications for export licenses.

5. That between and including November 1951 and January 1952 Commercial Metals Company submitted to the OIT a number of applications for licenses to export to named consignees in Mexico material therein described by them as rails for relaying purposes and, in support of said applications, Commercial Metals Company represented and stated to the OIT that the consignees named therein intended to use such rails for relaying purposes and offered in further support thereof the certificates of alleged compliance with NPA Order M-64.

6. That at the time of the submission of such applications, Reyes and Laminadora knew that the consignees named therein were not the true consignees, that the rails sought to be exported were not to be used for relaying purposes, and that the rails were to be diverted by said Reyes, Laminadora and Verduzco, after arrival in Mexico, to rolling mills to be used for rerolling purposes.

7. That upon the representations and statements contained in and submitted in connection with the applications by Commercial Metals Company, the OIT issued to Commercial Metals Company export licenses authorizing the exportation of used rails for relaying purposes to the consignees named therein.

8. That Commercial Metals Company, Reyes and Laminadora thereafter utilized such licenses to effectuate the exportation from the United States of used rails by executing and stating or causing to be executed and stated in export declarations filed at the time of such exportation that the rails being exported were relaying rails, that the ultimate consignees were the consignees named in the export licenses and that the exportations were being made under the authority of such licenses.

9. That such statements were false, to respondents' knowledge, in that the rails were intended for rerolling, the ultimate consignees were rolling mills and not the consignees named therein or in the licenses, and the licenses mentioned did not authorize such exportations.

10. That after the rails arrived in Mexico, Reyes, Laminadora and Verduzco, who knew that the said rails had been exported from the United States under the authority of licenses permitting their shipment to the consignees named therein, caused the said rails to be diverted from the consignees named in the said export licenses and in the export declarations related thereto, and caused them to be delivered to themselves and to other rolling mills in Mexico for the purpose of rerolling and not for track laying purposes, the reason given for their exportation from the United States.

And, from the foregoing, it is concluded:

A. That respondents Reyes and Laminadora knowingly made and caused to be made to the OIT false and misleading statements, representations and certifications, and concealed material facts, in applications for export licenses and documents submitted in support of such applications, and in shipper's export declarations, in violation of § 381.1 (b) of the export control regulations, then in effect;

B. That respondents, Reyes and Laminadora used and permitted the use of validated export licenses and shipper's export declarations to effect exportations from the United States of commodities not in accord with the provisions of said documents and respondents Reyes, Laminadora and Verduzco effected unauthorized changes in ultimate consignees and purchasers therein named, in violation of §§ 381.3 (a), (b) (2), and 379.1 (d) of the export control regulations, then in effect.

The Compliance Commissioner, in making his recommendation, has stated that he has taken into consideration the action taken in the Commercial Metals portion of this proceeding (Case No. 182, 19 F. R. 4095), which involved a business substantially larger than that of respondents herein, the cooperation given by Reyes in the investigation, the fact that Reyes was guided in what he did by an officer of Commercial Metals Company, the fact that American rails may not, at this time, be imported into Mexico and the fact that Verduzco's role in this case did not appear to be as active as that of Reyes, in addition to the usual factors. He has recommended that the time measure in the Commercial Metals case be a standard here inasmuch as the impact on these respondents, by reason of the nature and size of their business and the restrictions on the importation of rails into Mexico, will be considerably less than the impact on Commercial Metals Company. The recommendation of the Compliance Commissioner, upon the facts and circumstances appearing in the record, appears to be fair, reasonable and necessary to achieve effective enforcement of the law and it is accordingly adopted.

It is now therefore ordered:

I. All outstanding validated export licenses authorizing exports from the United States, in which are named in any capacity the respondents, or any of them, or any person, firm, corporation or other business organization with which they or any of them are related by ownership, control, position of responsibility, or other connection, in the conduct of trade involving exports from the United States, be and the same hereby are revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Respondents and each of them are hereby denied all privileges of participating directly or indirectly in any manner or capacity in an exportation of any commodity from the United States. Without limitation of the generality of the foregoing, participation in an exportation is deemed to include and prohibit respondents' participation (a) as a party or as a representative of a party to any validated export application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the ordering, receiving, buying, selling, using, or disposing, of any commodities exported or to be exported from the United States, and (d) in the financing, forwarding, transporting or other servicing of exports from the United States.

III. Such denial of export privileges shall extend not only to said respondents, but also to any person, firm, corporation or business organization with which they or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith, includ-

ing but not limited to the officers, directors, and stockholders of the corporate respondent.

IV. The term of this order shall be for a period of twelve months from the date hereof, provided however, as to Reyes and Laminadora during the last six months thereof, and as to Verduzco during the last eight months thereof, the export privileges which are denied by the terms of the order shall be restored to respondents without further order of the Bureau of Foreign Commerce, but no validated export licenses revoked under the order shall thereby be restored. In the event, however, that any of the respondents or the aforerelated persons and companies in Part III shall knowingly violate the terms of the denial order or any of the laws or regulations related to export control during the entire term of this order, the Director of the Bureau of Foreign Commerce, or such other officials as may at that time be performing the functions now being performed by him, may summarily and without notice to the person or company responsible for such conduct, at such time as he shall determine that such conduct has occurred, issue a supplemental order which shall deny to such person or company all export privileges for the said period of the order which has been held in abeyance with respect to him or it, and shall revoke all validated licenses then outstanding and as to which said person or company may be a party, without thereby limiting the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted.

V. No person, firm, corporation, or other business organization shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of Parts I–III hereof have any interest of any kind or nature, direct or indirect.

Dated: October 22, 1954.

WALLACE S. THOMAS,
Acting Director,
Office of Export Supply.

[F. R. Doc. 54–8481; Filed, Oct. 27, 1954; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6871]

COMPANIA DOMINICANA DE AVIACION, C. POR A.

NOTICE OF HEARING

In the matter of the application of Compania Dominicana De Aviacion, C. Por A., for an amendment to its foreign air carrier permit.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 29, 1954, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 22, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54–8504; Filed, Oct. 27, 1954; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10379, 11014; FCC 54M–1321]

KEY BROADCASTING SYSTEM, INC., AND WAVZ BROADCASTING CORP. (WAVZ)

ORDER CONTINUING HEARING

In re applications of Key Broadcasting System, Incorporated, Bay Shore, New York, Docket No. 10379, File No. BP–8422; The WAVZ Broadcasting Corporation (WAVZ) New Haven, Connecticut, Docket No. 11014, File No. BP–8944; for construction permits.

Pursuant to the request of counsel and the agreement stated on the record by all parties at the conference concluded October 21, 1954:

It is ordered, This 21st day of October 1954, that the hearing herein now scheduled to commence October 25, 1954, is continued and rescheduled to commence at 10:00 a. m. Friday, November 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54–8492; Filed, Oct. 27, 1954; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–2260, G–2576]

COLORADO INTERSTATE GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

On September 2, 1953, Colorado Interstate Gas Company (Colorado Interstate) tendered for filing in Docket No. G–2260 certain revised tariff sheets proposing a system-wide increase in its rates and charges for gas sold for resale subject to the jurisdiction of the Commission. Such rates as were subject to suspension were suspended by order of the Commission issued September 28, 1953. Thereafter by order issued January 21, 1954, the suspended rates were permitted to go into effect subject to Colorado Interstate's undertaking to refund with interest any portion of the increase found by the Comission not to be justified. Hearings have begun in Docket No. G–2260 and on August 20, 1954, the Presiding Examiner recessed such hearings to reconvene on November 1, 1954.

On July 30, 1954, Colorado Interstate tendered for filing in Docket No. G–2576 certain revised tariff sheets proposing a further increase in its rates and charges for gas sold for resale subject to the jurisdiction of the Commission. Such rates as were subject to suspension were suspended until February 1, 1955, by order of the Commission issued August 26, 1954, which order further provided that a hearing date in said proceeding would be fixed by further order of the Commission.

The Commission finds:

(1) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the proceedings in Docket Nos. G–2260 and G–2576 be consolidated for purpose of hearing.

(2) It is necessary and appropriate to postpone the hearing in Docket No. G–2260 fixed for November 1, 1954, to the date hereinafter fixed for hearing in the consolidated proceeding.

(3) It is necessary and appropriate that at the consolidated hearing Colorado Interstate shall first present and complete its case-in-chief in support of its rate filings in Docket Nos. G–2260 and G–2576, and that thereafter the consolidated proceeding be recessed until further order of the Commission.

The Commission orders:

(A) The proceedings in Docket Nos. G–2260 and G–2576 be and the same are hereby consolidated for purpose of hearing.

(B) A public hearing in said consolidated proceeding be held commencing on November 30, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(C) At the hearing, Colorado Interstate shall first present and complete its case-in-chief in support of its rate filings in Docket Nos. G–2260 and G–2576.

(D) Colorado Interstate on or before November 22, 1954, shall serve upon all parties copies of all exhibits proposed to be offered by it at the hearing, including 5 copies upon Commission Staff Counsel.

(E) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 20, 1954.

Issued: October 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–8459; Filed, Oct. 27, 1954; 8:49 a. m.]

[Docket Nos. G–2538, G–3140]

R. H. FULTON AND NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of R. H. Fulton, Docket No. G–2538; and Natural Gas Pipeline Company of America, Docket No. G–3140.

Take notice that R. H. Fulton, an independent producer with his principal place of business in Lubbock, Texas, filed, on August 10, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the acts or operations hereinafter described.

R. H. Fulton produces natural gas from acreage located in the Hansford Field, Hansford County, Texas and proposes to sell such gas to Natural Gas Pipeline Company of America at the latter's existing pipeline at an initial base price of 15 cents per Mcf in accordance with the terms of a contract dated August 2, 1954. Average initial daily deliveries are estimated at 2000 Mcf with the contract providing for deliveries based on a ratio to estimated commercially recoverable reserves. R. H. Fulton proposes to construct and operate 3½ miles of 6-inch pipeline to enable him to make deliveries to the buyer

Take notice that Natural Gas Pipeline Company of America (Natural), a Delaware corporation with its principal place of business in Chicago, Illinois, filed on September 27, 1954, an application interdependent with that of R. H. Fulton in Docket No. G–2538 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing construction and operation of certain natural-gas facilities as hereinafter described.

Natural proposes to construct and operate a tap connection between its existing main pipeline facilities in Hansford County, Texas, and the proposed 6-inch pipeline of R. H. Fulton, referred to above, for the purpose of receiving natural gas produced by said R. H. Fulton.

R. H. Fulton was issued temporary authorization on August 12, 1954, to perform the acts or operations described herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of November 1954. The application is on file with the Commission for public inspection.

Both applicants have requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) Good cause exists for consolidation of the proceedings in Docket Nos. G–2538 and G–2140 on the ground that the applications therein are interdependent.

(2) It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

(3) These proceedings, absent proper protest or petition to intervene in opposition to the applications, are proper ones for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The proceedings in Docket Nos. G–2538 and G–3140 be and they are hereby consolidated for purposes of hearing and disposition.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 10, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Adopted: October 20, 1954.

Issued: October 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–8466; Filed, Oct. 27, 1954; 8:50 a. m.]

[Docket Nos. G–2544, G–2568]

LOWRY OIL CO. ET AL.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Lowry Oil Company, Docket No. G–2544; and Tim G. Lowry, et al., Docket No. G–2568.

Take notice that Lowry Oil Company (Lowry Oil), an Illinois corporation and independent producer with its principal place of business in Chicago, Illinois, filed, on August 13, 1954, as supplemented August 23 and 25, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the proposed acts or operations hereinafter described.

Lowry Oil proposes to purchase casinghead gas produced in the South Blanco Tocito Field, Ria Arriba County, New Mexico, and resell such gas to El Paso Natural Gas Company (El Paso) in contract volumes of 1,750 Mcf a day at an initial base price of 10 cents per Mcf for a period of 20 years. Lowry Oil proposes to purchase such gas at the separators, gather such gas and construct and operate a 226 horsepower field compressor station in order to permit delivery to El Paso. Lowry Oil states that El Paso will receive such deliveries through facilities authorized in Docket Nos. G–1177 and G–1630.

Take notice that Tim G. Lowry, having his principal place of business in Chicago, Illinois, filed, on August 23, 1954, an application interrelated with that of Lowry Oil in Docket No. G–2544 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the proposed acts or operations hereinafter described.

Tim G. Lowry filed said application in Docket No. G–2568 as operator on behalf of the following individuals who have entered into a contract dated May 15, 1954, with Lowry Oil for the sale of casinghead gas for resale as described above; Ernest Breech, Louis B. Mayer, Lorena Mayer, George D. Hatie and Donald G. Harrison, Carl E. Siegesmund, Ernest Kanzler, individually and as trustee, Mary H. Zimmerman, as trustee and guardian, and George Herbert Zimmerman, as trustee and guardian. The price to be paid Lowry Oil for such gas is ⅓rd of the gross proceeds from the sale of residue gas and products extracted and the primary term of the contract is 10 years.

Both Lowry Oil and Tim G. Lowry were granted temporary authorization on September 22, 1954, for the construction and operation of facilities necessary for the proposed sales.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds:

(1) Good cause exists for consolidation of the proceedings in Docket Nos. G–2544 and G–2568 on the ground that the applications therein are interrelated.

(2) It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

The Commission orders:

(A) The proceedings in Docket Nos. G–2544 and G–2568 be and they are hereby consolidated for purposes of hearing and disposition.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 and the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 12, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 20, 1954.

Issued: October 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–8467; Filed, Oct. 27, 1954; 8:51 a. m.]

[Docket No. G–2545]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, filed an application on August

16, 1954, which was supplemented on August 25, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation and sale of natural gas as hereinafter described and as more fully described in the application on file with the Commission for public inspection.

Applicant proposes to construct and operate approximately 13.1 miles of 8⅝-inch pipeline in Ector County, Texas, extending from the Headlee Processing Plant to a point of connection with Applicant's existing 12¾-inch Loop Snyder Line, together with metering facilities at the outlet side of the Headlee Processing Plant. The proposed facilities, in conjunction with Applicant's existing facilities, will be operated to make residue gas from the Headlee Processing Plant available to markets and resale customers served by Applicant's transmission line system. The estimated cost of proposed facilities is $217,452 and their financing is to be out of Applicant's available treasury funds.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to give due notice of the application filed herein, including publication in the FEDERAL REGISTER, and to hold a public hearing in the above-entitled proceeding, all as hereinafter provided and ordered.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicant having requested that its application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however,* That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15 and 16 of the Natural Gas Act, and the Commission's General Rules and Regulations, including rules of practice and procedure (18 CFR Chapter I), a hearing be held on November 17, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

(C) Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10), on or before November 12, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 20, 1954.

Issued: October 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8460; Filed, Oct. 27, 1954; 8:49 a. m.

[Docket No. G-2713]

PUEBLO GAS AND FUEL CO.

NOTICE OF APPLICATION

OCTOBER 22, 1954.

Take notice that the Pueblo Gas and Fuel Company (Applicant) having its principal place of business in Pueblo, Colorado, filed on September 9, 1954, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Colorado Interstate Gas Company (Colorado) to establish physical connection of its transmission facilities near Pueblo, Colorado, with proposed facilities of Applicant and to deliver and sell natural gas to Applicant for resale as hereinafter described:

Applicant proposes to construct a distribution system in the Wherry Housing Project adjacent to the Pueblo Ordnance Depot, and a lateral from Colorado's main line to the distribution system. Applicant also proposes to serve the Ordnance Depot.

Applicant requests that Colorado be directed to install a meter station and deliver gas to Applicant. Applicant estimates peak requirements for the housing project in the third year of operation to be 159 Mcf, and its annual requirements to be 15,218 Mcf. The estimated peak requirements for the Ordnance Depot is 1,989 Mcf and annual requirement of 295,691 Mcf in the third year.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of November 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8458; Filed, Oct. 27, 1954; 8:49 a. m.]

[Docket No. G-2737]

CITIES SERVICE GAS PRODUCING CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Cities Service Gas Producing Company (Applicant), a Delaware corporation with its principal place of business in Oklahoma City, Oklahoma, filed, on September 13, 1954, an application for a certificate of public convenience and necessity authorizing the sale of natural gas to Cities Service Gas Company from the Guymon-Hugoton Field, Texas County, Oklahoma, and the Panhandle Field in Carson and Gray Counties, Texas, and to Northern Natural Gas Company by Cabot Carbon Company on behalf of Applicant from the Guymon-Hugoton Field in Texas County, Oklahoma. All sales are made at the well-head.

The application was filed pursuant to section 7 (c) of the Natural Gas Act and in accordance with §§ 157.23 et seq. (18 CFR 157.23 et seq.) of the Commission's rules of practice and procedure. Applicant requests that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the application, including publication in the FEDERAL REGISTER, be given as hereinafte. provided.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 12, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 or 1.10 (18 CFR 1.8 or 1.10) on or before November 8, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 20, 1954.

Issued: October 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8468; Filed, Oct. 27, 1954; 8:51 a. m.]

[Docket No. G-2747]

PITTSBURGH CONSOLIDATION COAL CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Pittsburgh Consolidation Coal Company (Applicant), a Pennsylvania corporation with its principal place of business in Pittsburgh, Pennsylvania, filed, on September 13, 1954, an application for a certificate of public convenience and necessity authorizing the sale of natural gas to United Fuel Gas Company and Kentucky West Virginia Gas Company in Knott and Pike Counties, Kentucky. Applicant seeks authority to make annual deliveries of approximately 77,000 Mcf annually at 15.325 psia to United Fuel Gas Company and of approximately 60,000 Mcf annually at 15.225 psia to Kentucky West Virginia Gas Company.

The application was filed pursuant to section 7 (c) of the Natural Gas Act and in accordance with §§ 154.91 and 157.23 (18 CFR 154.91 and 157.23) of the Commission's rules of practice and procedure in the form provided for Class B Independent Producers.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the application, including publication in the FEDERAL REGISTER, be given as hereinafter provided.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 12, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 or 1.10 (18 CFR 1.8 or 1.10) on or before November 8, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 20, 1954.

Issued: October 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8469; Filed, Oct. 27, 1954; 8:51 a. m.]

[Docket No. G-2749]

G. C. HALL ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

G. C. Hall, et al. (Applicants), doing business as individuals and not incorporated, with their principal place of business in Jefferson, Texas, filed, on September 13, 1954, an application for a certificate of public convenience and necessity authorizing the sale of natural gas to Arkansas-Louisiana Gas Company from the Wallace Johnson Field in Near, Jefferson, and Marion Counties, Texas. The application was filed pursuant to section 7 (c) of the Natural Gas Act and in accordance with §§ 154.91 and 157.23 (18 CFR 154.91 and 157.23) of the Commission's rules of practice and procedure in the form provided for Class B Independent Producers.

Applicants seek authority to sell to Arkansas-Louisiana Gas Company at the well-head minimum annual volumes of 182,500 Mcf of natural gas at 14.65 psia.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the application, including publication in the FEDERAL REGISTER, be given as hereinafter provided.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 12, 1954, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 or 1.10 (18 CFR 1.8 or 1.10) on or before November 8, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 20, 1954.

Issued: October 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8470; Filed, Oct. 27, 1954; 8:51 a. m.]

[Docket No. G-2771]

ARNOLD O. MORGAN

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Arnold O. Morgan (Applicant), an individual, whose address is 406 Chaparral Street, Corpus Christi, Texas, filed an application on September 15, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant produces natural gas in the Rob Welder Field, Victoria County, Texas, which he sells to Tennessee Gas Transmission Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 19, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 20, 1954.

Issued: October 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8461; Filed, Oct. 27, 1954; 8:49 a. m.]

[Docket No. G-2784]

NEW YORK STATE NATURAL GAS CORP. AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

OCTOBER 22, 1954.

Take notice that on September 16, 1954, New York State Natural Gas Corpo-

ration and Texas Eastern Transmission Corporation (Applicants) filed an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities for the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission.

Applicants request authority to install and operate certain field pipe lines in the Murrysville Pool, Westmoreland County, Pennsylvania to connect additional wells as a part of the Oakford Storage Project.

Applicants request authority to acquire, as tenants in common from The Peoples Natural Gas Company (Peoples) a 2,000 horsepower field gathering compressor station presently operated by Peoples within the Oakford Storage Area and certain auxiliary equipment and pipe lines used in connection therewith. Applicants also seek authority to install and operate in connection with the compressor station to be acquired from Peoples, an additional 1,980 horsepower unit and to install field lines essential to the operation of such unit.

The total cost of the facilities for which authorization is requested is $1,160,044. New York State Natural Gas Corporation proposes to finance its share of the cost in part from funds on hand and in part from funds to be obtained by issuing long term notes or stock, or both at face or par value, to its parent, Consolidated Natural Gas Company. Texas Eastern Transmission Corporation proposes to finance its share from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, 441 G Street NW., Washington, D. C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of November 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8457; Filed, Oct. 27, 1954; 8:49 a. m.]

[Docket No. G-2791]

BLACK GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Black Gas Company (Applicant), a West Virginia corporation with its principal office in Abbott, West Virginia, filed on September 16, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Upshur County, West Virginia, which it sells to Equitable Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 22, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 20, 1954.

Issued: October 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8462; Filed, Oct. 27, 1954; 8:50 a. m.]

[Docket No. G-2792]

M. C. F. GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that M. C. F. Gas Company, (Applicant), a West Virginia corporation with its principal office in Clarksburg, West Virginia, filed on September 16, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant produces natural gas in the Salt Lick District, Braxton County, West Virginia, which he sells to Equitable Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 22, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 20, 1954.

Issued: October 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8463; Filed, Oct. 27, 1954; 8:50 a. m.]

[Docket No. G-2813]

HOWARD V. STOUT LEASE

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that L. D. Nutter, Agent for Howard V. Stout Lease (Applicant), an individual, whose address is 200 E. Third Street, Weston, West Virginia, filed an application on September 17, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Blanco Field in Rio Arriba County, New Mexico, which it sells to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 19, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 20, 1954.

Issued: October 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8471; Filed, Oct. 27, 1954; 8:51 a. m.]

[Docket No. G-2825]

CANDADO PRODUCTION CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Candado Production Company (Applicant), a New Mexico corporation with its principal office in Aztec, New Mexico, filed on September 20, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Blanco Field in Rio Arriba County, New Mexico, which it sells to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 15, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 20, 1954.

Issued: October 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8472; Filed, Oct. 27, 1954; 8:51 a. m.]

[Docket No. G-2831]

TEXAS GULF PRODUCING CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Texas Gulf Producing Company (Applicant), a Delaware corporation with its principal office in Houston, Texas, filed on September 20, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant will produce natural gas in the Headlee Field in Ector County, Texas, which it proposes to sell to El Paso Natural Gas Company for resale in interstate commerce. The natural gas, which Applicant proposes to sell is surplus residue gas from a processing plant under construction by Applicant in the Headlee Field.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 17, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 20, 1954.

Issued: October 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8464; Filed, Oct. 27, 1954; 8:50 a. m.]

[Docket No. G-2839]

KINGSLEY-LOCKE OIL CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Kingsley-Locke Oil Company (Applicant), a New Mexico corporation with its principal office in Aztec, New Mexico, filed on September 20, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Blanco Field in Rio Arriba County, New Mexico, which it sells to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November

16, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 20, 1954.

Issued: October 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8465; Filed, Oct. 27, 1954; 8:50 a. m.]

[Docket No. G-3941]

ARKANSAS FUEL OIL CORP.

ORDER SUSPENDING PROPOSED RATE INCREASE

On September 7, 1954, and September 27, 1954,[1] Arkansas Fuel Oil Corporation (Arkansas Fuel), a West Virginia corporation, with its principal place of business in Shreveport, Louisiana, tendered for filing with the Commission, pursuant to Order No. 174-A (Docket No. R-138), a contract, together with two changes therein. The contract and the changes have been designated in the files of the Commission as FPC Gas Rate Schedule No. 5 and Supplement Nos. 1 and 2, respectively.

FPC Gas Rate Schedule No. 5 is a contract dated November 27, 1950, between Arkansas Fuel and Tennessee Gas Transmission Company (Tennessee), providing for the sale of natural gas from Texas Railroad Commission District 4 by Arkansas Fuel to Tennessee. Tennessee owns and operates a natural-gas transmission pipeline system through which it transports natural gas in interstate commerce. The gas sold by Arkansas Fuel to Tennessee pursuant to the above-mentioned FPC Gas Rate Schedule No. 5, and the proposed changes thereto, is transported by Tennessee in interstate commerce.

Supplement No. 1 to FPC Gas Rate Schedule No. 5 is notice of a change in the rate from 10 cents per Mcf to 10.246 cents per Mcf, to recover ¾ of the increase in the Texas production tax effective September 1, 1954.

Supplement No. 2 to FPC Gas Rate Schedule No. 5 is a notice of change effective November 1, 1954, increasing the rate and charges to be paid by Tennessee from 10.246 cents per Mcf to 12.12268 cents per Mcf. This proposed change is made pursuant to a two-party favored nations clause in FPC Gas Schedule No. 5. The increased price is purported to equal the highest price being paid in Texas Railroad Commission District No. 4 by Tennessee.

In view of the fact that Arkansas Fuel's only justification for the increase in rates proposed in Supplement No. 2 is based on the provisions of the contract (FPC Gas Rate Schedule No. 1), such increase has not been shown to be justified and may be unjust, unreasonable or otherwise unlawful.

The Commission finds:

(1) Arkansas Fuel Oil Corporation is a "natural-gas company" within the meaning of the Natural Gas Act, and its sale of gas to Tennessee under FPC Gas Rate Schedule No. 5, and supplements thereto, is a sale in interstate commerce of natural gas for resale for ultimate public consumption.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Supplement No. 2 of Arkansas Fuel's FPC Gas Rate Schedule No. 5, and that said proposed change be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in the aforesaid Rate Schedule No. 5 as proposed to be amended by Supplement No. 2.

(B) Pending such hearing and decision thereon, Arkansas Fuel's Supplement 2 to Rate Schedule No. 5 be and the same is hereby suspended and the use thereof deferred until April 1, 1955, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 20, 1954.

Issued: October 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8473; Filed, Oct. 27, 1954; 8:52 a. m.]

[Docket No. G-4017]

DELTA GULF DRILLING CO. ET AL.

ORDER ACCEPTING RATE SCHEDULE FOR FILING AND SUSPENDING SUPPLEMENT THERETO

On September 24, 1954, Delta Gulf Drilling Company, et al. (Applicant) tendered for filing a basic contract dated January 1, 1953, and an undated notice of change, relating to the sale of natural gas to Trunkline Gas Company (Trunkline). The basic contract has been designated as Applicant's FPC Gas Rate Schedule No. 1 and the notice of change has been designated Supplement No. 1 thereto.

By such supplement Applicant gives notice that it proposes to increase the charge for the gas sold to Trunkline effective October 1, 1954, pursuant to a periodic-increase provision in the basic contract. The annual amount of the increase to Trunkline is estimated to be $2,678.

The gas sold by Applicant to Trunkline pursuant to the foregoing rate schedule and supplement is transported and sold in interstate commerce.

The increase proposed in the aforesaid supplement has not been justified and may be unjust, unreasonable and otherwise unlawful.

The Commission finds:

(1) Delta Gulf Drilling Company, et al., is a "natural-gas company" within the meaning of the Natural Gas Act, and its sale of gas to Trunkline under Applicant's FPC Gas Rate Schedule No. 1 and Supplement No. 1 thereto is a sale in interstate commerce of natural gas for resale for ultimate public consumption.

(2) FPC Gas Rate Schedule No. 1 filed by Applicant on September 24, 1954, should be accepted for filing.

(3) Is is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of the increase in rates and charges proposed by Applicant in Supplement No. 1 to its FPC Gas Rate Schedule No. 1 filed on September 24, 1954, and that said supplement be suspended as hereinafter ordered and the use thereof deferred pending hearing and decision thereon, except as it may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) FPC Gas Rate Schedule No. 1 filed by Delta Gulf Drilling Company, et al. on September 24, 1954, be and it is hereby accepted for filing.

(B) Nothing contained in this order shall be construed as a waiver of the requirements of section 7 (c) of the Natural Gas Act; nor shall it be construed as constituting approval by this Commission of any service, rate, charge, classification, or any rule, regulation, contract or practice affecting such service or rate, nor shall this be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate.

(C) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classification and services contained in Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1 filed on September 24, 1954.

(D) Pending such hearing and decision thereon, Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1 be and it is hereby suspended and the use thereof deferred until further order of the Commission, but not beyond March 25, 1955, and until such further time as such supplement may be made effective in the manner prescribed by the Natural Gas Act.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(F) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending, or hereafter instituted, by or against Delta Gulf Drilling Company, et al.

Adopted: October 22, 1954.

Issued: October 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8474; Filed, Oct. 27, 1954; 8:52 a. m.]

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[1] There was included in the original tender on September 7, 1954, a notice of an increase in rate to 12.05447¢ per Mcf effective November 1, 1954, as the result of a redetermination clause based upon the three highest prices being paid for gas under similar circumstances in Texas Railroad Commission District 4. This notice was withdrawn by the September 27 filing of Supplement No. 2 to FPC Gas Rate Schedule No. 5, which proposes an increase to 12.1268¢ per Mcf effective November 1, 1954.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3304]

INTERSTATE POWER CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING AND REDEMPTION OF OUTSTANDING PREFERRED STOCK AND BANK NOTES

OCTOBER 22, 1954.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Interstate Power Company ("Interstate"), a registered holding company and also a public-utility company. Declarant has designated sections 6 (a), 7, 9 (a) and 12 (c) of the act and Rules U-42 and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Interstate proposes to issue and sell, pursuant to the requirements of Rule U-50, 200,000 shares of its -- percent Preferred Stock, par value $50 per share. The dividend rate (which shall be expressed in a multiple of 1/100 of 1 percent and the price to be paid to Interstate (which shall be not less than $50 nor more than $51.37 per share) are to be fixed at competitive bidding.

The declaration states that the net proceeds from the sale of the preferred stock will be used by Interstate, to the extent necessary, to redeem the 100,000 shares of its presently outstanding 4.70 percent Preferred Stock, par value $50 per share, at the redemption price thereof of $52.50 per share plus accrued dividends to the date of redemption, and to prepay without premium the $2,000,000 principal amount of its 3¼ percent bank loan notes. The remaining proceeds will be added to Interstate's treasury funds and will be applied to extensions, additions and improvements to its properties and to other corporate purposes.

The filing states that no State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 15, 1954 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law, if any, raised by such declaration which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request shall bear the caption of this notice and shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after November 15, 1954, said declaration, as filed or as hereafter amended, may be permitted to become effective, as provided in Rule U-23 of the general rules and regulations promulgated under the act, or the Commission may exempt such transactions, as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8475; Filed, Oct. 27, 1954; 8:52 a. m.]

VETERANS' ADMINISTRATION

DELEGATIONS OF AUTHORITY WITH RESPECT TO VETERANS' CLAIMS

The following changes are made in the statements of delegations of authority:

1. Section 3.24 (appearing in the issue of Saturday, November 27, 1948 (13 F. R. 7010)), is redesignated section 6 and paragraph (c) is amended, so that the redesignated and amended material reads as follows:

SEC. 6. *Delegation of authority to certain employees.* (a) All adjudication officers, assistant adjudication officers, authorization officers, employees designated to act as authorization officers, attorney reviewers, employees designated to act as attorney reviewers, and claims reimbursement authorizers, are hereby delegated authority to make findings and decisions thereon under the applicable laws, regulations, precedents, and instructions, as to rights of claimants to benefits under all laws administered by the Veterans' Administration governing the payment of monetary benefits to veterans and their dependents.

(b) The chairman, central committee on waivers and forfeitures, alternate chairman, central committee on waivers and forfeitures, chairmen and alternate chairmen, committee on waivers, are hereby delegated authority to take final action in the waiver of the recovery of payments from any person pursuant to the provisions of title 38, sections 33, 453, 507a, and 809, U. S. Code, as amended, subject to any limitations imposed by current regulations and instructions.

(c) The authority delegated by paragraphs (a) and (b) of this section, also the authority heretofore delegated to the designated employees individually, will terminate upon separation from service or change to a position not designated in paragraphs (a) and (b) of this section.

2. Section 3.25 *Verification of signatures of employees delegated authority under § 3.24 (a) and (b)* (appearing in the issue of Saturday, November 27, 1948 (13 F. R. 7010)) is revoked.

[SEAL] R. C. FABLE, Jr., *Assistant Deputy Administrator.*

[F. R. Doc. 54-8408; Filed, Oct. 27, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29827]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM LAKE CHARLES, LA., TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

OCTOBER 25, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for Texas and New Orleans Railroad Company and Gulf, Mobile and Ohio Railroad Company.

Commodities involved: Fresh meats packing house products, and related articles, carloads.

From: Lake Charles, La.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4036, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8483; Filed, Oct. 27, 1954; 8:53 a. m.]

[4th Sec. Application 29828]

SCRAP PAPER FROM CHICAGO, ILL., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

OCTOBER 25, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent R. G. Raasch's tariff I. C. C. No. 776, pursuant to fourth-section order No. 16101.

Commodities involved: Paper, scrap or waste, carloads.

From: Chicago, Ill.

To: New Orleans, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8484; Filed, Oct. 27, 1954; 8:53 a. m.]

[4th Sec. Application 29829]

ANHYDROUS AMMONIA FROM NEW ORLEANS, LA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 25, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: New Orleans, La.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, market competition, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1381, supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8485; Filed, Oct. 27, 1954; 8:53 a. m.]

[4th Sec. Application 29830]

PHOSPHATIC FEED SUPPLEMENTS FROM ST. LOUIS, MO., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 25, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Defluorinated phosphate and superphosphate, and phosphate, di-calcium, feed grade, carloads.

From: St. Louis, Mo.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, market competition, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1434, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8486; Filed, Oct. 27, 1954; 8:53 a. m.]

[4th Sec. Application 29831]

GRAIN FROM POLLOCKSVILLE, N. C., TO NORFOLK AND NEWPORT NEWS, VA.

APPLICATION FOR RELIEF

OCTOBER 25, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Barley, corn, oats, rye, soybeans and wheat, in bulk, carloads.

From: Pollocksville, N. C.

To: Norfolk and Newport News, Va., for export.

Grounds for relief: Competition with rail carriers, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1325, supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8487; Filed, Oct. 27, 1954; 8:54 a. m.]

[4th Sec. Application 29832]

SILICA GEL CATALYST FROM WEST LAKE CHARLES, LA., TO BAYTOWN, TEX.

APPLICATION FOR RELIEF

OCTOBER 25, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Kansas City Southern Railway Company and Beaumont, Sour Lake & Western Railway Company (Guy A. Thompson, Trustee).

Commodities involved: Silica gel catalyst, carloads.

From: West Lake Charles, La.

To: Baytown, Texas.

Grounds for relief: Rail competition, and circuitous routes.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, I. C. C. No. 4040, supp. 112.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8488; Filed, Oct. 27, 1954; 8:54 a. m.]

[4th Sec. Application 29833]

ALCOHOL FROM TUSCOLA, ILL., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

OCTOBER 25, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent R. G. Raasch's tariff I. C. C. No. 776, pursuant to fourth-section order No. 16101.

Commodities involved: Alcohol (other than denatured or wood alcohol), in bond, in tank-car loads.

From: Tuscola, Ill.

To: New Orleans, La.

Grounds for relief: Rail competition, circuity, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8489; Filed, Oct. 27, 1954; 8:54 a. m.]

[4th Sec. Application 29834]

CEMENT FROM INDIANA AND OHIO TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 25, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Cement and related articles, carloads.

From: Limedale, Mitchell and Speed, Ind., East Fultham, Fairborn, Fultonham, and Superior, Ohio.

To: Points in southern territory, including Helena and West Helena, Ark.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4532, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8490; Filed, Oct. 27, 1954; 8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning periods for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Ann Lee Frocks, 108-112 South Main Street, Pittston, Pa., effective 10-13-54 to 10-12-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Ashland-Benton Corp., Ashland, Miss., effective 10-11-54 to 10-10-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

B-J Dress Co., 30 Susquehanna Street, Jim Thorpe, Pa., effective 9-29-54 to 9-28-55; 5 learners for normal labor turnover purposes (children's dresses).

Blue Bell, Inc., Tishomingo, Miss., 9-27-54 to 3-26-55; 75 learners for plant expansion purposes (work pants).

Jane Evans Frocks, Inc., North Front and East Chestnut Streets, Souderton, Pa.; effective 10-6-54 to 10-5-55; 5 learners for normal labor turnover purposes (dresses).

Hollywood Corset Co., 109 East Commerce Street, Eastland, Tex.; effective 10-4-54 to 7-24-55; 10 learners for normal labor turnover purposes (replacement Certificate) (brassieres).

Laurens Shirt Corp., Laurens, S. C.; effective 9-27-54 to 9-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts).

Midville Shirt Co. of Georgia, Inc., Midville, Ga.; effective 9-30-54 to 9-29-55; 10 learners for normal labor turnover purposes (sport shirts).

Monroe Trouser Manufacturing Co., Inc., Smithville, Miss., effective 10-13-54 to 10-12-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

New Bloomfield Dress Co., New Bloomfield, Pa., effective 9-29-54 to 9-28-55; 10 learners for normal labor turnover purposes (ladies' dresses).

Piedmont Blouse Co., Inc., 321 South Davis Street, Greensboro, N. C.; effective 10-4-54 to 10-3-55; 6 learners for normal labor turnover purposes (ladies' and children's woven slips).

Renee Dress Co., 665 Washington Avenue, Jermyn, Pa., effective 9-30-54 to 9-29-55; 5 learners for normal labor turnover purposes (dresses).

T & T Pants Manufacturing Co., Inc., 1101 Wyoming Avenue, Scranton, Pa.; effective 10-4-54 to 10-3-55; 10 learners for normal labor turnover purposes (men's trousers).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Wells Lamont Corp., Elsberry, Mo.; effective 9-29-54 to 9-28-55; 10 percent of the total number of machine stitchers for normal labor turnover purposes (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.46, as amended May 3, 1954, 19 F. R. 1761).

C. W. Anderson Hosiery Co., Inc., Clinton, S. C.; effective 9-30-54 to 9-29-55; 3 learners for normal labor turnover purposes.

Slatedale Knitting Mills, Inc., Slatedale, Pa.; effective 10-15-54 to 10-14-55; 5 percent

of the total number of factory production workers for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Port City Hosiery Mills, Inc., 715 Greenfield Street, Wilmington, N. C.; effective 10–5–54 to 10–4–55; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' knitted underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Airflex, Inc., Bayamon, P. R., effective 9–20–54 to 3–19–55; 10 learners in the occupations of assembly operations and polishing; 160 hours at 45 cents per hour (metal expansion watch bands).

Gordonshire Knitting Mills, Cayey, P. R., effective 9–27–54 to 3–26–55; 42 learners; in the occupations of looping and mending, 240 hours at 30 cents an hour, 240 hours at 35 cents an hour, 240 hours at 40 cents an hour, and 240 hours at 45 cents an hour; in the occupations of knitting and inspecting, 160 hours at 30 cents an hour, 160 hours at 37½ cents an hour, and 160 hours at 45 cents an hour (seamless hosiery).

Porto Rico Telephone Co., Bayamon, P. R., effective 9–30–54 to 1–6–55; 15 learners; in the occupations of telephone operator, 240 hours at 53 cents an hour and 240 hours at 58 cents an hour; in the occupations of installers, repairmen and switchmen, 320 hours at 53 cents an hour, 320 hours at 58 cents an hour, and 320 hours at 63 cents an hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 6th day of October 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54–8456; Filed, Oct. 27, 1954; 8:48 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 19 NUMBER 211

Washington, Friday, October 29, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3076

COPYRIGHT—INDIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 9 of title 17 of the United States Code, entitled "Copyrights", as codified and enacted by the act of Congress approved July 30, 1947, 61 Stat. 652, provides in part that the copyright secured by such title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

and

WHEREAS section 1 of the said title 17 provides in part as follows:

Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

* * * * *

(e) To perform the copyrighted work publicly for profit if it be a musical composition; * * * *Provided*, That the provisions of this title so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.

and

WHEREAS section 9 of the said title 17 further provides:

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require * * *

and

WHEREAS satisfactory official assurances have been received that after August 15, 1947, as before that date, the laws of India have granted to citizens of the United States the benefit of copyright on substantially the same basis as to citizens of India, including rights similar to those provided by section 1 (e) of the said title 17:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do declare and proclaim:

That after August 15, 1947, as before that date, the conditions specified in sections 9 (b) and 1 (e) of the said title 17 of the United States Code have, as between the United States and India, existed and been fulfilled, and that citizens of India, after August 15, 1947, as before that date, have been and are entitled to all the benefits of the said title 17, except those conferred by the provisions embodied in the second paragraph of section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-first day of October in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
Acting Secretary of State.

[F. R. Doc. 54–8575; Filed, Oct. 27, 1954; 4:42 p. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

All of the cumulative pocket supplements and revised books of the Code of Federal Regulations (as of January 1, 1954) are now available, except the supplements to Titles 1–3 and to the General Index.

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (8) is added to § 6.305 as set out below.

§ 6.305 *Department of the Army*—(a) *Office of the Secretary.* * * *

(8) One Special Assistant to the Deputy Assistant Secretary of the Army (Manpower and Reserve Forces).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-8519; Filed, Oct. 28, 1954; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE; U. S. INFORMATION AGENCY

Effective upon publication in the FEDERAL REGISTER, subparagraphs (1) and (3) of § 6.302 (q) are revoked and paragraph (j) is added to § 6.363 as set out below.

§ 6.363 *United States Information Agency.* * * *

(j) One Chief, Office of Research and Intelligence.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-8542; Filed, Oct. 28, 1954; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter F—Banks for Cooperatives

[FCA Order 606]

PART 70—LOAN INTEREST RATES AND SECURITY

DECREASE IN INTEREST RATE; COLUMBIA BANK FOR COOPERATIVES

OCTOBER 25, 1954.

Effective November 1, 1954, the rates of interest which shall be charged by the Columbia Bank for Cooperatives on loans, as specified in Part 70, Chapter I, Title 6, Code of Federal Regulations, are hereby changed as follows:

1. In § 70.4, change to 3¼ per centum per annum.

2. In § 70.7, change to 4¼ per centum per annum.

(Sec. 8, 46 Stat. 14, as amended; 12 U. S. C. 1141f)

[SEAL] R. B. TOOTELL,
Governor.

[F. R. Doc. 54-8518; Filed, Oct. 28, 1954; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter B—Prevention of Animal Diseases; Cooperation With States

[B. A. I. Order 375, Revised, Amdt. 1]

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

PAYMENT OF INDEMNITIES FOR CATTLE DESTROYED

Correction

In F. R. Doc. 54-8047, appearing at page 6566 of the issue for Wednesday, October 13, 1954, the last paragraph should read:

Done at Washington, D. C., this 8th day of October 1954.

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 38]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Correction

In F. R. Doc. 54-8401, appearing at page 6843 of the issue for Tuesday, October 26, 1954, the bracket heading should read as set forth above.

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense

PART 50—RELEASE OF INFORMATION FROM MEDICAL RECORDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES

This part supersedes Part 50 appearing at 19 F. R. 3446.

Sec.
50.1 General.
50.2 Individuals and agencies to whom medical records may be released.

AUTHORITY: §§ 50.1 and 50.2 issued under sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 171a.

§ 50.1 *General.* This policy governs the release of information from the medical records of members and former members of the Armed Forces by those bureaus and offices designated by the Secretaries of the Army, Navy and Air Force, to the individuals and agencies hereinafter named. Those bureaus and offices will determine the extent of and the form in which medical information will be furnished. The information will be treated as confidential. Only that information will be furnished which is necessary to the accomplishment of the legitimate purpose for which the information is required.

§ 50.2 *Individuals and agencies to whom medical records may be released.*
(a) Department of the Treasury.
(b) Department of the Army.
(c) Department of Justice.
(d) The Post Office Department.
(e) Department of the Navy.
(f) Department of Commerce (Coast and Geodetic Survey).
(g) Department of Labor (Bureau of Employees' Compensation).
(h) Department of the Air Force.
(i) Department of State and Central Intelligence Agency (for use in considering prospective employees).
(j) Civil Service Commission (to consider claims under section 2, act of June 27, 1944 (5 U. S. C. 851; 58 Stat. 387), as amended by sections 205 (a) and 305 (a), act of July 26, 1947 (61 Stat. 501, 508), section 1, act of January 19, 1948 (62 Stat. 3), act of July 2, 1948 (62 Stat. 1233), act of August 26, 1949 (63 Stat. 666), section 1, act of December 27, 1950 (64 Stat. 1117), and section 1, act of July 14, 1952 (66 Stat. 626). In addition, for personnel security investigations conducted under pertinent acts and Executive orders, accredited agents of the Civil Service Commission may have access, for review purposes, to material designated as records of medical treatment included in official personnel folders of former civilian or military personnel of the Military Departments, subject to the following conditions:

(1) Access to these records shall be only for investigations required by law or Executive order, or pursuant to special agreement between the Civil Service Commission and the Military Department concerned.

(2) Information contained in the medical treatment records shall be considered confidential in nature and will be used only as a basis for determining security risk.

(3) Such medical information or any other information which may be contained in any reports or other communications contained therein from any agency or source other than the Department of Defense may not be extracted or otherwise used without the prior permission of the originating agency.

(4) Except for the restrictions set forth in subparagraph (3) of this paragraph, the information extracted under the policies set forth herein may be furnished to the employing agency to be used only as a basis for determining security risk.

(k) Department of Health, Education, and Welfare (Public Health Service).
(l) Selective Service.
(m) Veterans' Administration.

(n) Duly accredited representatives of the National Academy of Sciences-National Research Council, when engaged in cooperative studies undertaken at the specific request or with the consent of the Surgeon General, U. S. Army; the Surgeon General, U. S. Navy; or the Surgeon General, U. S. Air Force.

(o) Federal or State mental hospitals or penal institutions when the member or former member is a patient or inmate therein.

(p) Registered civilian physicians, upon request of the individual or his legal representative, when required in connection with the treatment of the member or former member of the above services.

(q) The member or former member upon request, except information contained in the medical record which would prove injurious to his physical or mental health. In the latter case the medical information may be furnished to the next of kin, upon request of the individual, or to his legal representative upon his furnishing a certified copy of the court order of appointment (see section 3, act of August 27, 1940 (54 Stat. 859), as amended (50 U. S. C. App. 403 (a)) and subsection 9 (a) Universal Military Training and Service Act (62 Stat. 614; 50 U. S. C. App. 459 (a)).

(r) Directly to the next of kin or legal representative (upon submission by the latter of a certified copy of the court order of appointment), when the member or former member has been adjudged insane or is dead. Next of kin or legal representative will be required to furnish the releasing office with a copy of the court order adjudging the member or former member to be insane, or to furnish adequate proof of death of the member or former member in cases where proof of death is not on file in the office concerned.

(s) A representative, other than a physician or legal representative, specifically authorized in writing by the individual whose records are involved, who is to perform a service for such individual. The next of kin may likewise authorize a representative, where the member or former member is insane or dead. The purpose for which the information is to be used and the nature of the service to be performed must be furnished.

Nothing in this statement of policy is intended to preclude the release of appropriate information concerning the current health and welfare of the individuals in the armed services, or vital statistical data, including proof of death, concerning such personnel, nor to preclude compliance with court orders calling for the production of medical records in connection with litigation or criminal prosecutions, nor to preclude release of information from medical records when required by law.

C. E. WILSON,
Secretary of Defense.

OCTOBER 5, 1954.

[F. R. Doc. 54-8507; Filed, Oct. 28, 1954; 8:45 a. m.]

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

PART 557—SERVICE CLUBS AND LIBRARIES

PERSONNEL

In § 557.12, paragraph (a) (4) is revised and paragraphs (b) and (c) are amended as follows:

§ 557.12 *Personnel*—(a) *General.* • • •

(4) All library personnel will possess the prerequisite personal qualifications of acceptable personality traits, integrity, and discretion and their appointment will be subject to determination that employment is clearly consistent with the interests of national security. Nonappropriated fund personnel will be subject to at least a National Agency Check, with favorable results. DA Form 873 (Certificate of Clearance and/or Security Determination Under Executive Order 10450) will be completed on all such personnel, including those appointed to nonsensitive positions, in which case Part IV of the form will include a statement that the employee is paid from nonappropriated funds and will cite this section as authority for completion of the certificate. Entrance on duty in nonsensitive positions need not be delayed pending completion of the required investigation.

• • • • • •

(b) *Duties.* • • •

(5) *Library assistant.* (i) Works under the direction of a librarian and performs work of a subprofessional or clerical nature in the circulation and maintenance of the library collection, including tasks such as preparation of library materials for circulation and reference, charging and discharging of library materials, shelf and catalog maintenance, record keeping and relative activities.

(ii) Operates a small library at an installation with a military strength not greater than 1,500 or a branch library of approximately 5,000 volumes under the close supervision of the staff or installation librarian in instances where it is determined by the major command concerned that detailed skills and knowledge in library science are not required to administer this small unit.

(c) *Qualifications*—(1) *Staff librarian.* • • •

(viii) Minimum age at selection is 30 years.

(2) *Assistant staff librarian.* • • •

(iv) Minimum age at selection is 28 years.

(3) *Chief librarian; installations.* • • •

(vi) Minimum age at selection is 23 years.

(4) *Librarian in charge of a branch library, station hospital type library, field library, bookmobile, or specialized department within a library system.* • • •

(iv) Minimum age at selection is 21 years.

(5) *Library assistant.* • • •

(ii) Three years of college education. One year of general library experience may be accepted in lieu of each year of college education.

• • • • • •

[C3 and C4, AR 680-50, Sept. 30 and Oct. 13, 1954] (R. S. 161; 5 U. S. C. 22)

[SEAL] HERBERT M. JONES,
Major General, U. S. A.,
Acting The Adjutant General.

[F. R. Doc. 54-8531; Filed, Oct. 28, 1954; 8:50 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

Subchapter A—Patents

PART 1—RULES OF PRACTICE IN PATENT CASES

FEES AND CHARGES

The following amendment is made, to take effect on the date of publication in the FEDERAL REGISTER.

Section 1.21 is amended by adding the following item:

§ 1.21 *Fees and charges.* • • •

32. For publication in the Official Gazette of a notice of the availability of a patent for licensing or sale, each patent $3.00

The nature of the amendment, being a charge for an optionally available new service, is such that publication of a proposed rule in advance and deferment of the time of taking effect are not considered necessary, and would serve no good purpose.

(R. S. 481, 483, as amended; 35 U. S. C. 6. Interprets or applies sec. 1, 66 Stat. 796; 35 U. S. C. 41)

[SEAL] ROBERT C. WATSON,
Commissioner of Patents.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54-8522; Filed, Oct. 28, 1954; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

CLAIMS ALLEGING INSURANCE CONTRACT WHERE NO APPLICATION FOR INSURANCE ON FILE; PARENTS, BROTHERS AND SISTERS OF ILLEGITIMATES

1. Section 8.70 is revised to read as follows:

§ 8.70 *Claims alleging insurance contract where there is no application for insurance on file.* In those cases where claim is made alleging that a person made valid application for National Service life insurance, and that the insurance is subject to reinstatement or a waiver of payment of premiums is in order, or that the insurance matured by reason of the death of the insured at a time when the insurance was in force, and that there was a valid designation of beneficiary, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government relative to the question as to whether the person made a valid application for insurance will be considered and, if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained, a record of insurance will be established in accordance with such finding. However, if it be determined that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or determined that any insurance applied for as alleged would not be valid or not subject to reinstatement, or determined that the said person did not die at a time when the insurance would have been in force if insurance had been applied for, or, in case of death, if it be determined that there was no valid designation of beneficiary, the claimant will be so informed and will be notified that, unless he desires to appeal to the Administrator, a disagreement exists as to the matters in controversy as contemplated by the provisions of section 617 of the National Service Life Insurance Act of 1940, as amended, as far as the Veterans' Administration is concerned. Further, the claimant will be informed that an appeal may be taken from the decision to the Administrator of Veterans Affairs by giving notice in writing in accordance with § 19.2 of this chapter. The Assistant Deputy Administrator (Underwriting) will make all original determinations as to whether a person made valid application for insurance as alleged. The determination as to the validity of beneficiary designations, in death cases, will be made by the dependents claims service in Veterans Benefits Office, D. C., or by the claims service in the district office, as may be appropriate in the particular case.

2. In § 8.71, paragraph (c) is amended to read as follows:

§ 8.71 *Parents, brothers, and sisters of illegitimates.* • • •

(c) (1) Brothers or sisters, if children of the same mother.

(2) Brothers or sisters, if children of the same father and if it is shown to the satisfaction of the Administrator that the family relationship usual between brothers and sisters existed between them and the serviceman at the time he entered the service.

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective October 29, 1954.

[SEAL] R. C. FABLE, JR.,
Assistant Deputy Administrator.

[F. R. Doc. 54-8543; Filed, Oct. 28, 1954; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter F—Color of Title and Riparian Claims

[Circular 1885]

PART 141—COLOR OF TITLE AND RIPARIAN CLAIMS APPLICABLE TO PARTICULAR STATES

COLOR OF TITLE CLAIMS, MICHIGAN

Section 141.27 is completely revised to read as follows:

§ 141.27 *Statutory authority and provisions; applicable regulations.* (a) The act of June 30, 1948 (62 Stat. 1171), as amended August 28, 1954 (68 Stat. 916), directs the Secretary of the Interior to issue a patent to a tract or tracts of public land in Monroe County, Michigan, not exceeding in the aggregate 160 acres, upon payment for the land at the rate of $1.25 per acre, where prior to June 30, 1955, it is shown to his satisfaction that the land has been held in good faith and in peaceable adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years prior to June 30, 1948, under claim or color-of-title and where improvements have been placed on the land or some part thereof reduced to cultivation. For purposes of the act, the term "citizen" includes corporations organized under the laws of the United States or any State or Territory thereof.

(b) Applications under the act must be filed and will be processed in accordance with the regulations contained in §§ 140.5, 140.6 (a-d), 140.7 (a), 140.10, 140.11, and 140.12 of this chapter.

(R. S. 2478; 43 U. S. C. 1201)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

OCTOBER 25, 1954.

[F. R. Doc. 54-8509; Filed, Oct. 28, 1954; 8:45 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1022]

OREGON

PARTIALLY REVOKING THE EXECUTIVE ORDER OF MARCH 31, 1911, CREATING RESERVOIR SITE RESERVE NO. 2

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of March 31, 1911, reserving certain public lands in Oregon as Reservoir Site Reserve No. 2, is hereby revoked so far as it affects the following-described land:

WILLAMETTE MERIDIAN

T. 18 S., R. 41 E.,
Sec. 7, Lots 2, 3, 6, 7, 10 and 11.

The area described aggregates 245.33 acres.

The land is located about four miles north and west of Westfall, Oregon. A county road runs through lots 2 and 6. The soil is a medium light sandy loam and in some places is mixed with sand and gravel. The land is covered with sagebrush, cheatgrass, bunchgrass, and weeds. Annual precipitation is 8.90 inches. The land is valuable for grazing and part of the tract is suitable for cultivation, if water can be made available.

No application for the land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m., on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Veterans preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same land; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

OCTOBER 25, 1954.

[F. R. Doc. 54-8510; Filed, Oct. 28, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 907]

[Docket No. AO-212-A8]

HANDLING OF MILK IN MILWAUKEE, WISCONSIN, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Milwaukee, Wisconsin, July 23, 1954, pursuant to notice thereof which was issued on July 15, 1954 (19 F. R. 4478).

The material issues on the record of the hearing were:

1. Limitation of the supply-demand adjustment; and

2. The price for Class II milk.

Temporary action for the months of September through November 1954, was taken on these issues in an amendment effective September 1, 1954 (19 F. R. 5573). The recommended decision filed by the Deputy Administrator on August 4, 1954, and the decision of the Secretary on August 16, 1954 (19 F. R. 4998 and 19 F. R. 5267, respectively), indicated further action on this record would be taken for months after November 1954.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing:

1. *Limitation of supply-demand adjustment.* Deductions from or additions to the Class I and Class II price differentials due to the supply-demand ratio should be limited to 24 cents per hundredweight.

It was proposed by producers that deductions due to the supply-demand ratio continue to be limited to 24 cents per hundredweight, and that upward adjustments also be limited to 24 cents.

The order provides for computation of a supply-demand ratio which is the basis for automatic price adjustments. For this purpose, supply and utilization data from the Chicago market are used rather than receipts and utilization in the Milwaukee market, because of the dominating influence of Chicago upon conditions in this market. Supply areas of the two markets overlap, and Chicago pool milk has from time to time been a source of supply for this market. In recognition of the relationship of the markets, the price provisions under this order regularly provide for Class I prices equal to the Chicago zone 3 price and Class II prices identical with the Chicago prices.

Deductions due to the supply-demand ratio have been limited to 24 cents under this order and the Chicago order for the period beginning March 1, 1954, through November 1954. In a recommended decision on proposed amendments to the Chicago order it is concluded that the limitation should be continued after November. The same action is recommended for this market.

As mentioned above, it was also proposed that in the case of additions to the price differentials due to the supply-demand ratio, a similar 24-cent limit should apply. An upper limit of 24 cents on these adjustments would allow for a 48-cent increase from the present price level. After a change of such magnitude reexamination in a public hearing would be advisable before further increases in class price differentials are effected, and it is concluded that such an upper limit should be adopted.

2. *Class II price.* The Class II price differential should be 70 cents for August through November each year and 45 cents in other months.

Handlers proposed at the hearing that the Class II price differential be set at 50 cents for all months, except that during May and June, for milk frozen as cream for eventual use as Class II milk, the differential should be $0.35.

The price differentials in the order for Class II milk are 40 cents per hundredweight for May and June; 70 cents for July through November; and 50 cents for all other months. These differentials are added to the basic formula price in determining the Class II price. The same supply-demand adjustment applies to these differentials as applies to the Class I differentials.

For the month of August 1954, a Class II price differential of 50 cents per hundredweight over the basic formula price was effected by suspension of the regular 70-cent differential which would otherwise apply in that month. The 50-cent differential was continued, by amendment effective September 1, 1954, for the months of September, October, and November 1954.

The request for the lower Class II differentials was based upon the existence of an increased supply of milk for all uses and the need for coordination of prices under the Milwaukee order with prices established under the Chicago milk order. It was pointed out that some handlers in the Milwaukee market are regulated under the Chicago order. It was testified also that some Milwaukee handlers customarily draw supplementary supplies of milk from plants regulated under the Chicago order.

In a recommended decision on the Chicago milk order, it is concluded that the Class II differentials in that market should be 45 cents for the December-July period, and 70 cents for the September–November period. The seasonal Class II price differentials and basic formula prices to which the differentials are added have been regularly the same in the Milwaukee and Chicago orders. Also, the supply-demand adjustment affecting these differentials has been the same as the similar adjustment under the Chicago order. The identity of the Class II formulas in the two markets should be continued by adopting such changes as are made in the Class II differentials under the Chicago order. Testimony in the record did not indicate any reason for not following such a pricing pattern, and the modifications from the present seasonal pattern and the slightly reduced annual average level of differentials are appropriate under conditions in this market.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions, which affect market supply and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and amendment to the order. The following order amending the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions

thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. In § 907.51 (a) delete the proviso and substitute: *"Provided,* That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio computed pursuant to paragraph (e) of this section is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents due to the supply-demand ratio."

2. In § 907.51 delete paragraph (b) and substitute:

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amounts as indicated: August, September, October and November, 70 cents; all other months, 45 cents: *Provided,* That such Class II price differentials shall be adjusted by the amount of any adjustment made in the Class I price differential for the same month pursuant to the proviso of paragraph (a) of this section.

Done at Washington, D. C., this 26th day of October 1954.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 54-8538; Filed, Oct. 28, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY FLORIDA STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE WITH RESPECT TO MARKETING QUOTA REGULATIONS FOR 1955 CROP

Section 729.630 of the Marketing Quota Regulations for the 1955 Crop of Peanuts (19 F. R. 6134), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Florida State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the person to whom the authority has been redelegated:

FLORIDA

Sections 729.611 (i) 2, 729.617 (b) 5, 729.618, 729.620, 729.622 (a), 729.624 (b), 729.627 (a), and 729.628—State Administrative Officer or Acting State Administrative Officer of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1350, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 25th day of October 1954.

[SEAL] WALTER C. BERGER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 54-8539; Filed, Oct. 28, 1954; 8:51 a. m.]

Office of the Secretary

NEW JERSEY

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), it is found that in the following named counties in the State of New Jersey, a production disaster occasioned by a hurricane termed "Hazel", which occurred on October 15, 1954, has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF NEW JERSEY

Atlantic.	Mercer.
Burlington.	Monmouth.
Camden.	Ocean.
Cumberland.	Salem.
Gloucester.	

After June 30, 1955, loans under section 2 (a) of Public Law 38, 81st Congress, as amended, will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 26th day of October 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-8540; Filed, Oct. 28, 1954; 8:52 a. m.]

LOUISIANA

DESIGNATION OF ADDITIONAL AREAS FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), it is found that in the following named additional parishes in the State of Louisiana, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF LOUISIANA

Concordia Parish.	Madison Parish.
East Carroll Parish.	Ouachita Parish.
Grant Parish.	

Pursuant to the delegations of authority from the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148 and 19 F. R. 5364) and for the purpose of making loans pursuant to section 2 (b) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (b)), as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, it is determined that the above named additional parishes are within the area affected by the major disaster occasioned by drought as determined by the President on September 20, 1954 pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.). It is also determined that an economic disaster exists in said above named additional parishes that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources.

After December 31, 1955, loans under section 2 (a) or 2 (b) of Public Law 38, 81st Congress, as amended, will not be made in the above named additional parishes except to borrowers who previously received such assistance.

The period for making initial production emergency loans and economic emergency loans authorized in the following parishes on February 3, 1954 (19 F. R. 734) in the State of Louisiana is hereby extended to December 31, 1955.

STATE OF LOUISIANA

Avoyelles.	Lincoln.
Beauregard.	Morehouse.
Bienville.	Natchitoches.
Bossier.	Red River.
Caddo.	Richland.
Caldwell.	Sabine.
Catahoula.	Tensas.
Claiborne.	Union.
De Soto.	Vernon.
Franklin.	Webster.
Jackson.	West Carroll.
La Salle.	Winn.

Done at Washington, D. C., this 26th day of October 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-8541; Filed, Oct. 28, 1954; 8:52 a. m.]

NORTH CAROLINA

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), it is found that in the following named counties in the State of North Carolina, a production disaster occasioned by a hurricane termed "Hazel" has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF NORTH CAROLINA

Beaufort.	Jones.
Bertie.	Lenoir.
Brunswick.	Martin.
Camden.	New Hanover.
Carteret.	Northampton.
Chowan.	Onslow.
Columbus.	Pamlico.
Craven.	Pasquotank.
Currituck	Pender.
Dare.	Perquimans.
Duplin.	Pitt.
Edgecombe.	Robeson.
Gates.	Tyrrell.
Greene.	Washington.
Hertford.	Wayne.
Hyde.	Wilson.
Johnston.	

Pursuant to the delegations of authority from the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148 and 19 F. R. 5364) and for the purpose of making loans pursuant to section 2 (b) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (b)), as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, it is determined that the above named counties are within the area affected by the major disaster occasioned by a hurricane termed "Hazel" as determined by the President on October 17, 1954, pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq). It is also determined that an economic disaster exists in said above named counties that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources.

After December 31, 1955, loans under section 2 (a) or 2 (b) of Public Law 38, 81st Congress, as amended, will not be made in the above named counties except to borrowers who previously received such assistance.

The period for making initial production emergency loans and economic emergency loans authorized in the following counties on November 18, 1953 (19 F. R. 1523) in the State of North Carolina is hereby extended to December 31, 1955.

STATE OF NORTH CAROLINA

Bladen.	Nash.
Cumberland.	Sampson.
Franklin.	Scotland.
Granville.	Vance.
Halifax.	Wake.
Harnett.	Warren.
Hoke.	

Done at Washington, D. C., this 25th day of October 1954.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 54–8517; Filed, Oct. 28, 1954; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 767]

PACIFIC COAST EUROPEAN CONFERENCE

NOTICE TO SHOW CAUSE WHY AGREEMENT AND PRACTICES PERTAINING TO BROKERAGE SHOULD NOT BE DISAPPROVED

Notice is hereby given that at a session of the Federal Maritime Board held at its office in Washington, D. C. on the 22d day of October 1954, the Board entered the following new order, which supersedes and cancels the order appearing in the FEDERAL REGISTER issue of October 22, 1954 (19 F. R. 6815):

Whereas, the persons named in Appendix A below are parties to a certain Agreement No. FMB 5200 approved by the Federal Maritime Board pursuant to section 15 of the Shipping Act, 1916, as amended (46 U. S. C. A. 814) and pursuant to that agreement act jointly as the Pacific Coast European Conference for the purpose of jointly establishing, regulating and maintaining among their membership uniform practices relating to rates and the payment of freight brokerage and for other purposes, and

Whereas, effective September 29, 1954, said Pacific Coast European Conference amended Rule 21 of the Pacific Coast European Conference Tariff No. 12 by the inclusion of the following provision: "Member Lines must refuse to pay brokerage to any Broker who solicits for, or receives brokerage from, a non-conference line competitor and such broker will be excluded from the Conference's list of Approved Freight Brokers," and

Whereas, Rule 21 including the amendment described above may be in violation of sections 15, 16 and 17 of the Shipping Act, 1916,

Now, therefore, pursuant to sections 15, 16, 17, 22 and 25 of the Shipping Act, 1916 and section 9 of the Administrative Procedure Act:

It is ordered, That the persons described in Appendix A below are Respondents herein, and

It is ordered, That said Respondents show cause at a hearing, time and place to be fixed by further order of the Board, why Rule 21 of the Pacific Coast European Conference Tariff No. 12 should not be modified or canceled, or failing such modification or cancellation by the Conference, why the Federal Maritime Board should not disapprove, or cancel its approval of, said Agreement No. 5200, and

It is ordered, That pursuant to Rule 5 (g) of the Board's rules of practice and procedure (46 C. F. R. 201.67) Respondents shall file an answer herein on or before twenty days from October 19, 1954 (or November 8, 1954), and

It is ordered, That a copy of this order be served upon all persons named as Respondents herein and be published in the FEDERAL REGISTER.

This order supersedes and cancels order heretofore served in this docket on October 19, 1954.

Dated: October 22, 1954.

By the Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

APPENDIX A

Anglo Canadian Shipping Co., Ltd.; Blue Star Line, Ltd.; Canadian Transport Co., Ltd.; Compagnie Generale Transatlantique (French Line); The East Asiatic Company, Ltd., (A/S Det Ostasiatiske Kompagni); Fruit Express Line A/S; Furness, Withy & Co., Ltd. (Furness Line); Hamburg-Amerika Linie (Hamburg American Line); "Italia" Societa Per Azioni di Navigazione (Italian Line); Dampskibsaktieselskapet Jeanette Skinner, Skibsaktieselskapet Pacific, Skibsaktieselskapet Marie Bakke, Dampskibsaktieselskapet Golden Gate, Dampskibsaktieselskapet Lisbeth, (Knutsen Line—Joint Service); Nippon Yusen Kaisha; Norddeutscher Lloyd (North German Lloyd); N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland-America Line); Osaka Shosen Kaisha, Ltd.; Fred. Olsen & Co. (Fred Olsen Line); Rederiaktiebolaget Nordstjernan (Johnson Line); Rederiet Ocean A/S (J. Lauritzen, Managing Owners) (Lauritzen Line); Royal Mail Line, Ltd.; Seaboard Shipping Company, Ltd.; States Marine Corporation, States Marine Corporation of Delaware (States Marine Lines—Joint Service); Westfal-Larsen & Company A/S (Interocean Line); Western Canada Steamship Company, Limited; regular members of the Pacific Coast European Conference and American President Lines, Ltd., an associate member of said conference.

[F. R. Doc. 54–8568; Filed, Oct. 28, 1954; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6580]

AIR COACH TRANSPORT ASSN. AND INDEPENDENT MILITARY AIR TRANSPORT ASSN. AGREEMENTS CASE; COMMERCIAL CHARTER RESOLUTIONS

NOTICE OF HEARING

In the matter of the disapproval or approval of the commercial charter resolutions filed by the Air Coach Transport Association (Agreement No. CAB 7594) and the Independent Military Air Transport Association (Agreement Nos. CAB 4838—A8 and CAB 6943).

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 412 (a) and (b), 1001, and 1002 of said act, and the Board's order No. E–8159, adopted March 9, 1954, that a hearing in the above-entitled proceeding will be held on November 8, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented by the applicants particular attention will be directed to the following questions:

1. Whether Agreement Nos. CAB 4838–A8, 6943, and 7594 are each adverse to the public interest as defined in section 2 or in violation of the act and therefore should be disapproved by the Board under section 412 (b) of the act?

2. Whether if said agreements are not adverse to the public interest or in violation of the act and therefore subject to approval by the Board, Part 291 of the Board's Economic Regulations relating to the permissible scope of operating authority conferred upon Irregular Air Carriers should be amended so as to authorize operations by members of the said association in conformance with said agreements in whole or in part?

For further details as to the service proposed and the authorization requested, interested parties are referred to the agreements on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before November 8, 1954, a statement setting forth the pertinent issues of fact or law which he desires to controvert.

Dated at Washington, D. C., October 26, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54–8537; Filed, Oct. 28, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–2751]

HUVAL & DUNIGAN

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Huval & Dunigan (Applicant), a Texas corporation with its principal office in Pampa, Texas, filed an application on September 13, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the West Panhandle Field, Texas, which it sells to Northern Natural Gas Company at the well-head for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 16, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 20, 1954.

Issued: October 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–8511; Filed, Oct. 28, 1954; 8:46 a. m.]

[Docket No. G–4016]

M. H. MARR

ORDER ACCEPTING RATE SCHEDULE AND SUPPLEMENT FOR FILING AND SUSPENDING PROPOSED RATE INCREASE

On September 27, 1954, M. H. Marr (Applicant) tendered for filing with the Commission, pursuant to Order No. 174–A issued August 6, 1954, in Docket No. R–138, a contract, together with two changes therein, which have been designated as FPC Gas Rate Schedule No. 1 and Supplements Nos. 1 and 2 thereto.

Applicant's FPC Gas Rate Schedule No. 1 is a contract dated April 24, 1950, covering the sale of natural gas by Applicant to Mississippi River Fuel Corporation (Mississippi). Supplement No. 1 thereto is a supplemental agreement also dated April 24, 1950. Supplement No. 2 thereto gives notice that Applicant proposes to increase the charge for the gas sold to Mississippi pursuant to a periodic price-increase provision in the basic contract. The annual amount of increase to Mississippi is estimated to be $2,400. Applicant requests that Supplement No. 2 become effective October 30, 1954.

The gas sold by Applicant to Mississippi pursuant to the foregoing rate schedule and supplements is transported and sold in interstate commerce.

The rate increase proposed by Applicant in Supplement No. 2 to its FPC Gas Rate Schedule No. 1 has not been justified and may be unjust, unreasonable, and otherwise unlawful.

The Commission finds:

(1) M. H. Marr is a "natural-gas company" within the meaning of the Natural Gas Act, and his sale of gas to Mississippi River Fuel Corporation under the aforesaid rate schedule and supplements is a sale in interstate commerce of natural gas for resale for ultimate public consumption.

(2) FPC Gas Rate Schedule No. 1 and Supplement No. 1 thereto, filed by Applicant on September 27, 1954, should be accepted for filing.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of the increase in rates and charges proposed by Applicant in Supplement No. 2 to its FPC Gas Rate Schedule No. 1, and that said supplement be suspended as hereinafter ordered and the use thereof deferred pending hearing and decision thereon, except as it may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) FPC Gas Rate Schedule No. 1 and Supplement No. 1 thereto, filed by M. H. Marr on September 27, 1954, be and they are hereby accepted for filing.

(B) Nothing contained in this order shall be construed as a waiver of the requirements of section 7 (c) of the Natural Gas Act; nor shall it be construed as constituting approval by this Commission of any service, rate, charge, classification, or any rule, regulation, contract or practice affecting such service or rate, nor shall this be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate.

(C) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classifications and services contained in Supplement No. 2 to FPC Gas Rate Schedule No. 1 filed by Applicant on September 27, 1954.

(D) Pending such hearing and decision thereon, Supplement No. 2 to FPC Gas Rate Schedule No. 1 be and it is hereby suspended and the use thereof deferred until further order of the Commission, but not beyond March 30, 1955, and until such further time as such supplement may be made effective in the manner prescribed by the Natural Gas Act.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(F) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending, or hereafter instituted, by or against M. H. Marr.

Adopted: October 22, 1954.

Issued: October 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–8512; Filed, Oct. 28, 1954; 8:46 a. m.]

[Docket No. G-4018]

TAYLOR OIL AND GAS CO. AND MAYFAIR MINERALS, INC.

ORDER SUSPENDING PROPOSED INCREASES IN RATES

Taylor Oil and Gas Company and Mayfair Minerals, Inc. (Applicants), co-owners of certain leases on September 24, 1954, tendered for filing with the Commission Supplements No. 2 to their FPC Gas Rate Schedules No. 1, being similar instruments dated September 23, 1954, relating to the sale of natural gas to Trunkline Gas Company (Trunkline).

By such supplements Applicants give notice that they propose to increase the charge for gas sold to Trunkline effective October 27, 1954, pursuant to provisions in the basic contracts providing for a periodic increase in price. Both Applicants show that the estimated total annual amount of the increase to Trunkline will be $30,767.

The gas sold by the Applicants to Trunkline pursuant to the foregoing rate schedules and supplements is transported and sold in interstate commerce.

The rate increases proposed by Applicants in Supplements No. 2 to their FPC Gas Rate Schedules No. 1 have not been justified and may be unjust, unreasonable, and otherwise unlawful.

The Commission finds:

(1) Taylor Oil and Gas Company and Mayfair Minerals, Inc. are "natural-gas companies" within the meaning of the Natural Gas Act, and their sale of gas to Trunkline under the aforesaid rate schedules and supplements is a sale in interstate commerce of natural gas for resale for ultimate public consumption.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of the increases in rates and charges proposed by Applicants in Supplements No. 2 to their FPC Gas Rate Schedules No. 1, and that said supplements be suspended as hereinafter ordered and the use thereof deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classifications and services contained in Supplements No. 2 filed by Applicants on September 24, 1954, to their FPC Gas Rate Schedules No. 1.

(B) Pending such hearing and decision thereon, Supplements No. 2 filed by Applicants on September 24, 1954, to their FPC Gas Rate Schedules No. 1 be and they are hereby suspended and the use thereof deferred until further order of the Commission, but not beyond March 27, 1955, and until such further time as such supplements may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(D) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending, or hereafter instituted, by or against Taylor Oil and Gas Company and Mayfair Minerals, Inc.

Adopted: October 22, 1954.

Issued: October 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8513; Filed, Oct. 28, 1954; 8:46 a. m.]

[Docket No. G-4019]

HUMBLE OIL & REFINING CO.

ORDER SUSPENDING PROPOSED RATE INCREASE

Humble Oil & Refining Company (Applicant), on September 27, 1954, tendered for filing a letter dated September 24, 1954, relating to the sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern). Such letter has been designated as Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 19.

By such supplement Applicant gives notice that it proposes to increase the charge for gas sold to Texas Eastern effective November 1, 1954, pursuant to provisions in FPC Gas Rate Schedule No. 19 providing for a periodic increase in price. The annual amount of the increase to Texas Eastern is estimated to be $21,599.

The gas sold by Applicant to Texas Eastern pursuant to the foregoing rate schedule and supplement is transported and sold in interstate commerce.

The rate increase proposed by Applicant in Supplement No. 3 to its FPC Gas Rate Schedule No. 19 has not been justified and may be unjust, unreasonable, and otherwise unlawful.

The Commission finds:

(1) Humble Oil & Refining Company is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission in its order in Docket No. G-3233 issued October 4, 1954, and Applicant's sale of natural gas under FPC Gas Rate Schedule No. 19 and Supplement No. 3 thereto, is a sale in interstate commerce of natural gas for resale for ultimate public consumption.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of the increase in rates and charges proposed by Applicant in Supplement No. 3 to its FPC Gas Rate Schedule No. 19, and that said supplement be suspended as hereinafter ordered and the use thereof deferred pending hearing and decision thereon, except as it may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classifications, and services contained in Supplement No. 3 filed on September 27, 1954, to Applicant's FPC Gas Rate Schedule No. 19.

(B) Pending such hearing and decision thereon, Supplement No. 3, filed by Applicant on September 27, 1954, to its FPC Gas Rate Schedule No. 19, be and it is hereby suspended and the use thereof deferred until further order of the Commission, but not beyond April 1, 1955, and until such further time as such supplement may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(D) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending, or hereafter instituted, by or against Humble Oil & Refining Company.

Adopted: October 22, 1954.

Issued: October 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8514; Filed, Oct. 28, 1954; 8:46 a. m.]

[Docket No. G-4020]

ARNOLD O. MORGAN

ORDER SUSPENDING PROPOSED INCREASE IN RATE

Arnold O. Morgan (Applicant), on September 24, 1954, tendered for filing a letter dated September 15, 1954, and designated Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 1 relating to the sale of natural gas to Tennessee Gas Transmission Company (Tennessee).

By such supplement Applicant gives notice that it proposes to increase the charge for gas sold to Tennessee effective November 1, 1954, pursuant to favored-nation provisions in Applicant's FPC Gas Rate Schedule No. 1. It is estimated that the annual amount of the increase to Tennessee will be $24,000.

The gas sold by Applicant to Tennessee pursuant to the foregoing rate schedule and supplement is transported and sold in interstate commerce.

The rate increase proposed by Applicant has not been justified and may be unjust, unreasonable, and otherwise unlawful.

The Commission finds:

(1) Arnold O. Morgan is a "natural-gas company" within the meaning of the Natural Gas Act and his sale of gas to Tennessee under the aforesaid rate schedule and supplement is a sale in interstate commerce of natural gas for resale for ultimate public consumption.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of the increase in rates and charges proposed in Supplement No. 3 to Applicant FPC Gas Rate Schedule No. 1, and that said supplement be suspended and the use thereof deferred pending hearing and decision thereon, except as it may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classifications, and services contained in Supplement No. 3 filed by Applicant on September 24, 1954, to its FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 3 filed by Applicant on September 24, 1954 to its FPC Gas Rate Schedule No. 1 be and it is hereby suspended and the use thereof deferred until further order of the Commission, but not beyond April 1, 1955, and until such further time as such supplement may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(D) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending, or hereafter instituted, by or against Arnold O. Morgan.

Adopted: October 22, 1954.

Issued: October 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8515; Filed, Oct. 28, 1954; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-619, 70-3305]

ARKANSAS LOUISIANA GAS CO. ET AL.

NOTICE OF FILING REGARDING SALE BY HOLDING COMPANY OF SHARES OF STOCK OF SUBSIDIARY PUBLIC-UTILITY COMPANY AND APPLICATION BY PURCHASER OF SUCH STOCK FOR EXEMPTION AS TEMPORARY HOLDING COMPANY, ORDER OF CONSLIDATION OF PROCEEDINGS, AND ORDER FOR HEARING WITH RESPECT TO CONSOLIDATED PROCEEDINGS

OCTOBER 25, 1954.

In the matter of Arkansas Louisiana Gas Company, Cities Service Company, Gas Advisers, Inc., File No. 70-3305; W. R. Stephens Investment Company, Inc., File No. 31-619.

Notice is hereby given that Cities Service Company ("Cities"), a registered holding company, its public-utility company subsidiary, Arkansas Louisiana Gas Company ("Arkla"), and its service company subsidiary, Gas Advisers, Inc. ("Advisers"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"). Applicants-declarants have designated sections 11 (b), 12 (c), 12 (d), and 12 (f) of the act and Rules U-42, U-43, U-44 and U-50 of the general rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Cities proposes, pursuant to a contract dated October 15, 1954, between Cities and W. R. Stephens Investment Company, Inc. ("Stephens"), to sell to Stephens all of Cities' holdings, consisting of 1,958,189 shares, of $5 par value common stock of Arkla at the price of $12.50 per share, for an aggregate cash consideration of $24,477,362.50, plus $2,682.45 for each day from October 1, 1954, to the closing date. Cities proposes to apply the proceeds received from the sale of such common stock of Arkla toward the purchase of additional shares of common stock or other securities of certain non-utility subsidiaries as shall be designated by Cities in an amendment to be filed to the application-declaration.

On the date of the consummation of the proposed sale by Cities to Stephens of Arkla common stock, Arkla proposes to sell to Advisers, and Advisers proposes to purchase for retirement, 130 shares of $100 par value capital stock of Advisers now held by Arkla for $13,000, and concurrently therewith to terminate the service contract between Arkla and Advisers dated January 1, 1938.

Cities requests that the proposed sale of Arkla common stock be excepted from the competitive bidding requirements of Rule U-50. Cities also requests that the order herein approving the proposed sale of Arkla common stock contain appropriate findings and recitals conforming to the requirements of part VI of subchapter O of chapter 1 of the Internal Revenue Code of 1954.

Applicants-declarants represent that no State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that Stephens, a securities dealer as defined in section 3 (a) (5) of the Securities Exchange Act of 1934, proposes, as above indicated, to purchase from Cities at the price of $12.50 per share the 1,958,189 shares of common stock of Arkla to be sold by Cities; and in addition Stephens proposes:

(a) To make an offer to all other common stockholders of Arkla to purchase at $12.50 per share all shares of common stock of Arkla tendered pursuant to such offer to a New York agent designated by applicant within fifteen days after the order of the Commission authorizing the sale by Cities to, and the purchase thereof by Stephens, of the shares of Arkla common stock to be sold by Cities;

(b) Upon consummation of the proposed acquisition of Arkla's common stock from Cities, to use its best efforts to cause the divestment by Arkla, to a company to be organized, of Arkla's production, gathering and extraction facilities, which at December 31, 1953, aggregated, before deduction of depletion and depreciation reserves, an estimated $30,801,000 out of a total plant account of $104,937,000, the distribution of the capital stock of such new company to the stockholders of Arkla, and the sale by Stephens to Mississippi River Fuel Corporation, a nonaffiliated gas pipe line company, of all of the shares of the new company received by applicant as a stockholder of Arkla;

(c) Upon consummation of the transactions contemplated in (b) above, to divest itself of all shares of Arkla then held, and cease to be a holding company.

Stephens, recognizing that, upon the acquisition of the Arkla common stock proposed to be acquired from Cities, it will become a holding company as defined in section 2 (a) (7) of the act, has filed with this Commission an application, pursuant to section 3 (a) (4) of that act, for exemption, as a holding company, from the provisions thereof.

All interested persons are referred to the joint application-declaration of Cities, Arkla, and Advisers, and to the application of Stephens, on file in the offices of the Commission, for a complete statement in respect of the proposed transactions and related matters.

It appearing that the application-declaration of Cities, Arkla, and Advisers, and the application of Stephens involve common issues of law and fact, that the consolidation of the proceedings in respect thereof would expedite disposition of the issues raised thereby; and

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in respect of said proposed transactions, and that the application-declaration of Cities, Arkla, and Advisers, and said application of Stephens shall not be granted and permitted to become effective except pursuant to the further order or orders of the Commission:

It is ordered, That the proceedings on the said application-declaration of Cities, Arkla, and Advisers (File No. 70-3305) and the application of Stephens (File No. 31-619) be, and they are hereby, consolidated for the purposes of receiving evidence, subject, however, to the Commission's right, on its own motion or upon application of an interested person, to sever said proceedings, in whole or in part, either for hearing or disposition, as may be deemed appropriate; and that a hearing in the consolidated proceedings be held on November 12, 1954, at 10:00 a. m., at the offices of the Commission, 425 Second Street NW., Washington, D. C., in such

room as may be designated by the Hearing Room Clerk in Room 193.

It is further ordered, That any person desiring to be heard in connection with the proceeding, or otherwise to participate herein, shall file with the Secretary of the Commission, Washington 25, D. C., on or before November 10, 1954, his request or application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That Edward C. Johnson, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in the consolidated proceedings; and that the officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration of Cities, Arkla, and Advisers, and of the application of Stephens, and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed sale by Cities of Arkla common stock is necessary to effectuate the provisions of section 11 (b) of the act and is otherwise in conformity with the Commission orders of May 5 and October 12, 1944 (Holding Company Act Release Nos. 5028 and 5350), directing Cities to divest itself of its interest, direct and indirect, in Arkla among other companies.

2. Whether it is appropriate in the public interest and in the interest of investors and consumers to exempt the proposed sale of Arkla common stock from the competitive bidding requirements of Rule U-50.

3. Whether the consideration to be received by Cities for the 1,958,189 shares of common stock of Arkla is reasonable and whether competitive conditions have been maintained.

4. Whether the terms and provisions of the proposed sale by Cities of its interest in Arkla is fair and equitable to all persons affected thereby.

5. Whether any fees, commissions and other remuneration to be paid by Cities in connection with the proposed sale of Arkla common stock are not unreasonable and for necessary services.

6. Whether the accounting entries to be made by Cities to record the consummation of the proposed sale of Arkla common stock conforms to sound accounting principles and are otherwise appropriate.

7. Whether the proposed sale by Arkla and the proposed acquisition for retirement by Advisers of the shares of the capital stock of Advisers owned by Arkla is in the public interest and in the interest of investors and consumers, whether the consideration to be received by Arkla and paid by Advisers is reasonable, whether any fees, commissions and other remuneration to be paid in connection therewith are not unreasonable and are for necessary services, and whether the accounting entries to be made by Arkla and Advisers to record the consummation of such transactions conform to sound accounting principles and are otherwise appropriate.

8. Whether any terms and conditions should be imposed for the protection of the public interest or the interest of investors and consumers in connection with the proposed sale by Cities of the Arkla common stock, and, if so, the nature of such terms and conditions.

9. Whether any terms and conditions should be imposed to protect the public interest or the interest of investors and consumers in connection with the transactions proposed by Arkla and Advisers.

10. Whether the transactions proposed by Stephens will result in the creation of a holding company which is temporarily a holding company solely by reason of the acquisition of securities for purposes of liquidation or distribution in connection with a bona fide arrangement for the underwriting or distribution of securities.

11. Whether any terms and conditions should be imposed for the protection of the public interest or the interest of investors and consumers in connection with any exemption granted to Stephens, and, if so, the nature of such terms and conditions.

It is further ordered, That at said hearing special attention be given to the above matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of said hearing by serving a copy of this notice and order by registered mail, return receipt requested, on Cities, Arkla, Advisers, Stephens, the Federal Power Commission, Arkansas Public Service Commission, Louisiana Public Service Commission, Texas Railroad Commission, the Mayors of the cities of Little Rock, North Little Rock, Pine Bluff, Hot Springs, El Dorado, Texarkana and Camden, Arkansas; Shreveport and Bossier City, Louisiana; and Texarkana, Texas; and that notice shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission shall be distributed to the press and mailed to those persons appearing on the Commission's mailing list for releases under the act.

It is further ordered, That, at least 14 days prior to the date of such hearing, Cities give notice of such hearing to all stockholders of record, other than Cities, of Arkla not earlier than 30 days prior to such hearing (insofar as the identity of such holders is known and their addresses available to the company) by mailing a copy of this notice and order to each such holder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8516; Filed, Oct. 28, 1954; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SOCIETE SADIR-CARPENTIER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Sadir-Carpentier, Paris, France, Claim No. 40682; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to United States Patent Application Serial Nos. 436, 535 (now United States Letters Patent No. 2,369,556); 442,373 (now United States Letters Patent No. 2,375,547) and 442,374 (now United States Letters Patent No. 2,350,747).

Property described in Vesting Order No. 720 (8 F. R. 2163, February 18, 1943), relating to United States Patent Application Serial No. 455,378 (now United States Letters Patent No. 2,380,229).

Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,230,160 and 2,285,669.

Executed at Washington, D. C., on October 22, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8532; Filed, Oct. 28, 1954; 8:50 a. m.]

SOCIETE ANONYME LE CARBONE LORRAINE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Anonyme Le Carbone Lorraine, Paris, France, Claim No. 42250; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to forty-two (42) United States Letters Patent, more particularly described in Schedule A as set forth below.

Executed at Washington, D. C., on October 22, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

SCHEDULE A—PROPERTY CLAIMED BY SOCIETE ANONYME LE CARBONE LORRAINE

PATENTS VESTED BY VESTING ORDER NO. 666

Patent No.	Date Issued	Inventor	Title
1,563,673	Dec. 1, 1925	Ernest Auguste, George Street	Process for Impermeabilizing Substances for Absorbing Gas.
1,574,844	Mar. 2, 1926	Rene Oppenheim	Process for Protecting Gas Absorbing Substances from Penetration by Liquid.
1,574,845	do	do	Electric Battery.
1,585,849	May 25, 1926	Eugene Gindre	Means for Connecting Electric Cables to Carbon Brushes or the Like.
1,588,607	June 15, 1926	Rene Oppenheim	Process for Rendering a Porous Powder Impermeable to Liquids.
1,588,608	do	do	Galvanic Battery.
1,592,222	July 13, 1926	do	Electric Battery Cell.
1,599,061	Sept. 7, 1926	do	Dry Battery or Battery with a Solidified Electrolyte.
1,606,326	Nov. 9, 1926	Ernest Auguste, George Street, et al	Electric Cell.
1,631,642	June 7, 1927	Rene Oppenheim	Positive Electrode for Electric Batteries.
1,678,407	July 24, 1928	do	Process for Rendering Gas Absorbent Bodies Air Tight in Liquids.
1,687,307	Oct. 9, 1928	do	Battery Electric Accumulator and Electrolyzing Apparatus.
1,716,461	June 11, 1929	Fernand Charles, Frederic Portail	Galvanic Battery.
1,717,244	do	Rene Oppenheim	Gas Accumulator.
1,752,596	Apr. 1, 1930	Fernand Charles Frederic Portail	Carburation Device.
1,769,768	July 1, 1930	Fernand Pascal Caussc	Sensitive Weighing and Counting Apparatus.
1,780,135	Nov. 25, 1930	Marcel Oswald	Carbon for Electrotechnical Uses and Process of Manufacture Thereof.
1,795,037	Mar. 3, 1931	Fernand Charles, Frederic Portail	Carbureting Process and Apparatus.
1,842,191	Jan. 19, 1932	Rene Oppenheim	Terminal for Electric Resistances.
1,842,197	do	Fernand Charles, Frederic Portail	Method of Converting by Catalysis Mineral and Vegetable Oils.
1,852,422	June 7, 1932	Marcel Oswald	Arc Lamp Electrode.
1,896,780	Feb. 7, 1933	Rene Oppenheim	Gasoline Atomizer for Internal Combustion Engines.
1,902,887	Mar. 28, 1933	do	Carburetor.
1,926,109	Sept. 12, 1933	do	Carburetor for Heavy Oils.
1,931,875	Oct. 24, 1933	do	Process and Apparatus Permitting the Utilization of Heavy Fuels for Feeding Engines.
1,939,391	Dec. 12, 1933	do	Electric Connection Particularly Applicable to Junction Boxes.
1,941,487	Jan. 2, 1934	Fernand Charles, Frederic Portail	Carbureting Process and Apparatus.
1,950,646	Mar. 13, 1934	Eugene Gindre	Electric Resistance.
1,952,810	Mar. 27, 1934	Louis Edmond Lemaigre	Electric Arc Carbon.
1,960,951	May 29, 1934	Rene Oppenheim	Method of Converting by Catalysis Mineral and Vegetable Oils.
1,974,722	Sept. 25, 1934	do	Apparatus for Catalyzing Oil.
2,028,518	Jan. 21, 1936	do	Cell of the Solid Electrolyte Type.
2,044,123	June 16, 1936	do	Alkali Primary Cell with Depolarization by Air.
2,044,923	June 23, 1936	Harrison G. Thompson	Battery.
2,086,209	June 29, 1937	Rene Oppenheim	Alkali Primary Cell with Depolarization by Air.
2,088,598	do	do	Electric Cells Connected in a Battery.
2,097,057	Oct. 26, 1937	do	Depolarizing Electrode for Electric Batteries.
2,118,712	May 24, 1938	do	Primary Cell.
2,140,881	Dec. 20, 1938	Jean Parisot	Intensive Electric Arc Carbon.
2,146,318	Feb. 7, 1939	Fernand Charles, Frederic Portail	Primary Battery.
2,185,679	Jan. 2, 1940	Jean Parisot	Arc Lamp Cathodes.
2,221,196	Nov. 12, 1940	Fernand Charles Portail	Electric Battery.

[F. R. Doc. 54-8533; Filed, Oct. 28, 1954; 8:50 a. m.]

ETABLISSEMENTS ROTATISS, S. A. R. L.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Etablissements Rotatiss, S. A. R. L., Paris, France, Claim No. 42514; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,765,246; 1,930,371 and 1,947,924; property described in Vesting Order No. 666, relating to an undivided one-half interest in United States Letters Patent No. 2,238,658.

Executed at Washington, D. C., on October 22, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8534; Filed, Oct. 28, 1954; 8:51 a. m.]

KATHARINA LAMMEL AND MICHAEL MIKULITSCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Katharina Lammel, Lackendorf Nr. 85, Burgenland, Austria, Claim No. 33811, $438.09 in the Treasury of the United States; Michael Mikulitsch, Ettenreichgasse 9/22, Vienna, Austria, Claim No. 33811, $438.09 in the Treasury of the United States; Vesting Order No. 2368.

Executed at Washington, D. C., on October 22, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8535; Filed, Oct. 28, 1954; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

COMMISSIONER, COMMUNITY FACILITIES AND SPECIAL OPERATIONS

DELEGATION OF AUTHORITY WITH RESPECT TO RESERVE OF PLANNED PUBLIC WORKS

The Commissioner, Community Facilities and Special Operations, is hereby authorized to execute the powers and functions vested in the Housing and Home Finance Administrator under the provisions of section 702 (a) of the Housing Act of 1954 (68 Stat. 590, 641).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 29th day of October 1954.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 54-8536; Filed, Oct. 28, 1954; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29835]

COAL FROM VIRGINIA, WEST VIRGINIA, AND KENTUCKY TO EAST ST. LOUIS, (GRANITE CITY), AND COCHEM, ILL.

APPLICATION FOR RELIEF

OCTOBER 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Roy S. Kern, Agent, for carriers parties to schedules listed below.

Commodities involved: Bituminous coal, carloads.

From: Mines in Virginia, West Virginia and Kentucky in the so-called inner and outer crescent districts.

To: East St. Louis (Granite City), and Cochem, Ill.

Grounds for relief: Rail competition, circuity, competition with water, or

water-rail carriers, market competition and to maintain grouping.

Schedules filed containing proposed rates: Chesapeake and Ohio Railway Company, I. C. C. No. 13163, supp. 128; New York Central Railroad Company, I. C. C. No. 1206, supp. 39; Norfolk and Western Railway Company, I. C. C. No. 3379–B, supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–8523; Filed, Oct. 28, 1954; 8:48 a. m.]

[4th Sec. Application 29836]

GRAIN FROM NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA TO MOREHEAD CITY, N. C.

APPLICATION FOR RELIEF

OCTOBER 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Barley, corn, oats, rye, soybeans and wheat, in bulk, carloads.

From: Points in North Carolina, South Carolina, and Georgia.

To: Morehead City, N. C., for export or coastwise movement.

Grounds for relief: Competition with rail carriers, circuity, and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1325, supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–8524; Filed, Oct. 28, 1954; 8:48 a. m.]

[4th Sec. Application 29837]

PETROLEUM PRODUCTS FROM IRVING, TEX. TO VARIOUS POINTS

APPLICATION FOR RELIEF

OCTOBER 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum products, carloads.

From: Irving, Texas.

To: Points in Illinois, official, southern, southwestern and western trunk-line territories.

Grounds for relief: Rail competition, circuity, grouping, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4086, supp. 40; F. C. Kratzmeir, Agent, I. C. C. No. 4118, supp. 9; F. C. Kratzmeir, Agent, I. C. C. No. 3825, supp. 222; F. C. Kratzmeir, Agent, I. C. C. No. 3651, supp. 345; F. C. Kratzmeir, Agent, I. C. C. No. 4056, supp. 32; F. C. Kratzmeir, Agent, I. C. C. No. 4066, supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–8525; Filed, Oct. 28, 1954; 8:49 a. m.]

[4th Sec. Application 29838]

PIG IRON FROM BUFFALO AND HARRIET, N. Y., TO ROEBLING, N. J.

APPLICATION FOR RELIEF

OCTOBER 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedules listed below.

Commodities involved: Pig iron, carloads.

From: Buffalo, N. Y., stations, and Harriet, N. Y.

To: Roebling, N. J.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: B. & O. R. R. Tariff I. C. C. No. 23873, supp. No. 23; D. L. & W. R. R. Tariff I. C. C. No. 23929, supp. No. 96; Erie R. R. Tariff I. C. C. No. 20891, supp. No. 14; L. V. R. R. Tariff I. C. C. No. C-9292, supp. No. 31; N. Y. C. R. R. Tariff I. C. C. No. NYC No. 17045, supp. No. 229; P. R. R. Tariff, I. C. C. No. 3088, supp. No 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–8526; Filed, Oct. 28, 1954; 8:49 a. m.]

[4th Sec. Application 29839]

GRAIN, GRAIN PRODUCTS AND ALFALFA MEAL BETWEEN SOUTHWESTERN TERRITORY AND RELATED POINTS

APPLICATION FOR RELIEF

OCTOBER 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Involving: Alfalfa meal, carloads, from southwest Kansas to points in southwestern territory, St. Louis, Mo., and East St. Louis, Ill.

Grain and grain products, carloads, from Colorado and Kansas to Corpus Christi, Tex., for export.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: A. T. & S. F. Tariff, I. C. C. No. 14774, supp. No. 8; A. T. & S. F. Tariff, I. C. C. No. 14663, supp. No. 36; F. C. Kratzmeir, Agent, I. C. C. No. 3940, supp. No. 43; F. C. Kratzmeir, Agent, I. C. C. No. 3941, supp. No. 92; F. C. Kratzmeir, Agent, I. C. C. No. 3942, supp. No. 37; F. C. Kratzmeir, Agent, I. C. C. No. 3938, supp. No. 30; F. C. Kratzmeir, Agent, I. C. C. No. 3939, supp. No. 60.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–8527; Filed, Oct. 28, 1954; 8:49 a. m.]

[4th Sec. Application 29840]

FERTILIZER FROM ARKANSAS AND LOUISIANA TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer and fertilizer materials.

From: Points in Arkansas and Louisiana.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4112, supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–8528; Filed, Oct. 28, 1954; 8:49 a. m.]

[4th Sec. Application 29841]

SALT CAKE FROM ST. LOUIS, MO., AND EAST ST. LOUIS, ILL., TO NORTH CAROLINA, SOUTH CAROLINA, AND DUBLIN, GA.

APPLICATION FOR RELIEF

OCTOBER 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Salt Cake (crude sulphate of soda), carloads.

From: St. Louis, Mo., and East St. Louis, Ill.

To: Specified points in North Carolina and South Carolina, and Dublin, Ga.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1062, supp. 180.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–8529; Filed, Oct. 28, 1954; 8:50 a. m.]

[4th Sec. Application 29842]

ASPHALT FROM VIRGINIA TO CATLETTSBURG, KY.

APPLICATION FOR RELIEF

OCTOBER 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Asphalt (asphaltum) in tank-car loads, returned to original shipping point.

From: Points in Virginia.

To: Catlettsburg, Ky.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1062, supp. 181.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

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TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—ORANGE AND GRAPEFRUIT EXPORT PAYMENT PROGRAM VMX 135A

Sec.

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AUTHORITY: §§ 517.440 to 517.452 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 517.440 *General statement.* (a) In order to encourage the exportation of fresh and processed oranges and grapefruit produced in the United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress as amended, offers to make payments to U. S. exporters of products listed in § 517.442 which are exported to an eligible country designated in § 517.441, subject to the terms and conditions set forth in this subpart.

(b) Information pertaining to this offer and forms prescribed for use under this subpart may be obtained from the following Representatives of the Secretary.

West Coast States: Warren C. Noland, Fruit and Vegetable Division, AMS, U. S. Department of Agriculture, 1031 South Broadway, Room 1005, Los Angeles 15, Calif. (Phone: Prospect 4711, Ext. 286.)

Florida: M. F. Miller, Fruit and Vegetable Division, AMS, U. S. Department of Agriculture, P. O. Box 19, Lakeland, Fla. (Phone: Mutual 6–6731.)

All Other States: Norman F. Horsey, Fruit and Vegetable Division, AMS, U. S. Department of Agriculture, Washington 25, D. C. (Phone: Republic 7–4142, Ext. 2037.)

§ 517.441 *Eligible countries.* An eligible country is any country or area specifically named in this section.

Austria.
Belgium.
Denmark.
Finland.
France.
Germany, Federal Republic of.
Greenland.
Iceland.
Ireland (Eire).
Luxembourg.
Netherlands, The.
Norway.
Sweden.
Switzerland.
United Kingdom—for canned (hot-pack) concentrated orange juice only.

§ 517.442 *Eligible products and rate of payment.* The applicable rate of payment per unit, or equivalent quantity, for the eligible products listed shall be as follows:

Eligible products	Unit	Rate
Fresh:		
Oranges	Standard nailed box or wirebound crate (1⅗ bushels or larger).	$0.75
	Half-box carton (⅗ bushel or larger).	.375
Grapefruit	Standard nailed box or wirebound crate (1⅗ bushels or larger).	.60
	Half-box carton (⅗ bushel or larger).	.30
Processed:		
Single strength orange juice.	Net gallon	.13
Single strength grapefruit juice.	do	.12
Blended orange and grapefruit juice.	do	.125
Citrus salad	Net pound	.025
Grapefruit sections	do	.025
Concentrated orange juice:		
41.5° to 49° Brix	Net gallon	.33
60° Brix or more	do	.55
Concentrated grapefruit juice:		
38° to 48° Brix	do	.30
55° Brix or more	do	.45
Concentrated blended orange and grapefruit juice: 40° to 45° Brix.	do	.315

§ 517.443 *Eligibility for payment*—(a) (1) *Application for export payment.* No payment will be made under this subpart, unless the exporter files an application (see § 517.452 (c)) with the designated Representative of the Secretary, as indicated in § 517.440 (b), near-

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est the principal office of the exporter, and such application is approved by the Representative of the Secretary. The application must be prepared separately for each sales contract and sshall be filed as promptly as possible after the date of sale but in no event later than the date of export. No payment will be made if such application is filed after the date of export unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives this requirement. The Secretary will approve applications meeting the requirements of this program, so long as funds which have been allocated to this program are available, in the order in which the applications are received or on such other basis as he may determine to be equitable, will give written notice of approval or disapproval to the exporter, and will notify the exporter

as promptly as possible after receipt of any application if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum indicated in the approved application, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, approves a larger amount.

(2) In the event the sales contract covered by any approved application is cancelled or will not be completely fulfilled, the exporter shall promptly request the Representative of the Secretary who approved the application to cancel the quantity which will not be exported. Such request shall be made not later than thirty (30) days after the intended date of export shown in the approved application.

(b) *Date of export.* No payment under this subpart will be made in connection with any exportation unless the products are exported during the period specified in paragraph (h) of this section, for the respective eligible products. Products shall be deemed to have been exported when loaded on board the exporting carrier provided such products are not thereafter unloaded from such carrier in the United States, its territories, or possessions, and are not diverted to an ineligible country. The date of export of any lot shall be considered to be the date of loading on board the exporting carrier on which movement of such lot from the United States is effected. The date of the on-board bill of lading (or loading tally sheet, see § 517.445 (a) (3)) shall be considered to be the date the products were loaded on board, unless an "on-board" date is shown.

(c) *Minimum size of lot.* No payment will be made under this subpart for the exportation of any lot of less than one hundred (100) units of any one eligible product. A unit is 1 box of fresh fruit, 1 case of citrus products, or 1 gallon or equivalent of concentrated juice. A lot is that quantiy of any one eligible product loaded to any one export carrier at any one departure to any one consignee.

(d) *Inspection.* Exporters shall furnish, at no expense to the Secretary, certificates of inspection or reinspection, as provided in this subpart, for fresh or processed products exported pursuant to this offer indicating that the product meets the applicable requirements set forth in §§ 517.443 and 517.444. Such certificates for fresh fruit shall be issued by representatives of the Federal or Federal-State Inspection Services and for processed products by representatives of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, USDA. Inspection of all concentrated products containing sweetening ingredients or preservatives shall be performed during the process of manufacture and also on the finished product after processing. For fresh oranges and grapefruit the period from date of inspection for standards for export to date of exportation, both dates inclusive, must not exceed ten (10) days, and for processed products the period from date of completion of inspection to date of exportation, both dates inclusive, must not exceed ninety (90) days: *Provided,* That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time of such period: *Provided, also,* That the Secretary may, at his discretion, require the exporter to have any lot of fresh oranges or grapefruit reinspected at port of export for standards for export, whenever he has information indicating such lot may not then meet such standards for export. Any fruit found not to meet program requirements will not be eligible for payments under this program.

(e) *Packing.* (1) All products to be exported under this program shall be suitably packed for export in new boxes, crates, cartons, or cases (or new kegs or barrels for preserved concentrate if so specified in sales contract) acceptable for export shipment in accordance with standard commercial practice and in a manner which reasonably shall assure their arrival in good condition in the country of destination. The best known practices to prevent shrinkage and decay shall be followed in packing fresh fruit for export shipment.

(2) For fresh fruit, only containers meeting the following minimum specifications may be used but the Secretary, upon request by the exporter, may approve [1] other containers:

Name or kind of container and description

Orange and grapefruit box—nailed: Freight container tariff Nos. 635 and 675 (inside dimensions $11\frac{1}{2}$ x $11\frac{1}{2}$ x $23\frac{15}{16}$ inches or 12 x 12 x 24 inches).

Wirebound citrus crate: Freight container tariff No. 3690 (inside dimensions $11\frac{15}{16}$ x $11\frac{15}{16}$ x $24\frac{1}{4}$ inches), or the identical container without the center divider.

Fibreboard citrus carton: Half box ($\frac{7}{10}$ or $\frac{8}{10}$ bushel) made of double-faced corrugated fibreboard, telescope type, or with a one-piece inside liner around the sides and ends.

The described containers are not intended to be all inclusive but indicate the minimum container requirements under the program. Other containers of heavier construction, which are suitable for exporting fresh fruit, also may be used without prior approval of the Secretary.

(f) *Export shipment.* Fresh oranges shall be exported in refrigerated space on ocean carriers. The export bill of lading shall show that the oranges are stowed in refrigerated space.

(g) *Re-entry or diversion.* The exporter shall undertake, as a part of his application, which is required in paragraph (a) of this section, that the products exported under this program will thereafter not re-enter the United States or its territories or possessions, or be diverted to other than an eligible country as listed herein, in fresh or processed form. In the event of such re-entry or diversion to other than an eligible country, the exporter shall refund to the Secretary any export payment received under this offer with respect to the quantity so re-entered or diverted.

(h) *Period for export.* Products to be exported under applications approved pursuant to this program shall be exported during the following periods, both dates inclusive:

Fresh oranges and grapefruit produced in California or Arizona November 1, 1954, to September 30, 1955.

Fresh oranges and grapefruit produced in Florida or Texas November 1, 1954, to June 15, 1955.

All processed products November 1, 1954, to October 31, 1955.

§ 517.444 *Product specifications.* No payment will be made under this subpart unless the respective products exported meet the following applicable requirements.

(a) *Fresh fruit.* (1) Fresh oranges produced in California and Arizona shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality: *Provided,* That not more than a total tolerance of 5 percent shall be allowed for defects causing serious damage. In addition, such oranges shall meet the requirements of Standards for Export, shall be individually wrapped with biphenyl treated paper, or packed in containers treated with biphenyl or lined with biphenyl paper, and shall be packed in accordance with the requirements of Standard Pack: *Provided,* That oranges jumble packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled. As used in this paragraph, "U. S. No. 1," "U. S. No. 2," "Standard Pack" and "Standards for Export" shall have the same meanings as defined in "U. S. Standards for Oranges (Calif. & Ariz.)," effective March 8, 1953.

(2) Fresh oranges produced in Florida and Texas, except for discoloration, shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality. In addition, such oranges shall at least meet the requirements of U. S. No. 1 Bronze grade for discoloration, shall be individually wrapped with biphenyl treated paper, or packed in containers treated with biphenyl or lined with biphenyl paper, and shall be packed in accordance with the requirements of Standard Pack: *Provided,* That oranges packed in $1\frac{2}{5}$ bushel boxes shall be regarded as "fairly uniform in size" when not more than 10 percent, by count, of the oranges in any container are not more than one standard size larger or smaller than the standard size orange for the count packed: *And provided further,* That oranges jumble packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled. Such oranges shall also meet the following standards for export: Not more than a total of 10 percent, by count, of the fruit in any container shall be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, growth cracks, damage by creasing, or serious

[1] Such approval may be conditioned upon agreement by the exporter that a report will be filed with the Representative of the Secretary stating whether (a) the container was acceptable to the carrier, (b) the container was acceptable to the foreign buyer, and (c) the container carried the fruit satisfactorily.

damage by dryness or mushy condition, except that for any lot

Not more than 5 percent of the fruit shall be soft;
Not more than ½ of 1 percent of the fruit shall be affected by decay;
Not more than 5 percent of the fruit shall be damaged by skin breakdown;
Not more than 3 percent of the fruit shall have broken skins which are not healed;
Not more than 3 percent of the fruit shall have growth cracks;
Not more than 5 percent of the fruit shall be damaged by creasing; and
Not more than 5 percent of the fruit shall be seriously damaged by dryness or mushy condition.

Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the fruit in any container has any of the defects enumerated in the standards for export. As used in this paragraph, "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 2" and "Standard Pack" shall have the same meanings as defined in "U. S. Standards for Florida Oranges," effective September 28, 1952, and "United States Standards for Oranges," effective August 23, 1954, for Texas oranges.

(3) *Fresh grapefruit produced in California and Arizona* shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality: *Provided*, That not more than a total tolerance of 5 percent shall be allowed for defects causing serious damage. In addition, such grapefruit shall meet the requirements of Standards for Export, shall be individually wrapped with biphenyl treated paper, or packed in containers treated with biphenyl or lined with biphenyl paper, and shall be packed in accordance with the requirements of Standard Pack: *Provided*, That grapefruit jumble packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled. As used in this paragraph "U. S. No. 1," "U. S. No. 2," "Standard Pack" and "Standards for Export" shall have the same meanings as defined in "U. S. Standards for Grapefruit (California and Arizona)," effective January 9, 1950.

(4) Fresh grapefruit produced in Florida and Texas, except for discoloration, shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality. In addition, such grapefruit shall at least meet the requirements of U. S. No. 1 Bronze Grade for discoloration, shall be individually wrapped with biphenyl treated paper, or packed in containers treated with biphenyl or lined with biphenyl paper, and shall be packed in accordance with the requirements of Standard Pack: *Provided*, That grapefruit packed in 1⅗ bushel boxes shall be regarded as "fairly uniform in size" when not more than 5 percent, by count, of the grapefruit in any container are not more than one standard size larger or smaller than the standard size grapefruit for the count packed: *And provided, further*, That grapefruit jumble packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled. Such grapefruit shall also meet the following standards for export: Not more than a total of 10 percent, by count, of the fruit in any container shall be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, growth cracks, or serious damage by dryness or mushy condition, except that for any lot

Not more than 5 percent of the fruit shall be soft;
Not more than ½ of one percent of the fruit shall be affected by decay;
Not more than 5 percent of the fruit shall be damaged by skin breakdown;
Not more than 3 percent of the fruit shall have broken skins which are not healed;
Not more than 3 percent of the fruit shall have growth cracks; and
Not more than 5 percent of the fruit shall be seriously damaged by dryness or mushy condition.

Any lot of grapefruit shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the fruit in any container has any of the defects enumerated in the standards for export. As used in this paragraph, "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 2" and "Standard Pack" shall have the same meanings as defined in "U. S. Standards for Florida Grapefruit," effective September 14, 1952, and in "United States Standards for Grapefruit," effective August 20, 1954, for Texas grapefruit.

(b) *Processed products.* All processed products shall be prepared and processed under sanitary conditions and in accordance with good commercial practices; and, the product(s), including any labeling, shall conform in every respect with the provisions of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder. All containers shall be sound and clean. Cans shall be free from rust and serious dents.

(1) Canned (single-strength) orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Canned Orange Juice," effective October 19, 1954.

(2) Canned (single-strength) grapefruit juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Canned Grapefruit Juice," effective October 19, 1954.

(3) Canned (single-strength) blended grapefruit and orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice," effective October 19, 1954.

(4) Frozen concentrated orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Orange Juice," effective September 23, 1950.

(5) Frozen concentrated grapefruit juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Grapefruit Juice," effective December 10, 1951.

(6) Frozen concentrated blended grapefruit and orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Blended Grapefruit Juice and Orange Juice," effective December 10, 1951.

(7) Canned citrus salad shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Grapefruit and Orange for Salad," effective August 7, 1950.

(8) Canned or frozen grapefruit sections shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Grapefruit," effective November 25, 1952, and as amended January 19, 1954, or as defined in "United States Standards for Grades of Frozen Grapefruit" effective February 20, 1948, whichever is applicable.

(9) Canned (hot-pack) or preserved concentrated grapefruit juice shall meet the following requirements:

(i) General: The product shall be prepared from the unfermented juice obtained from sound, mature fruit of the grapefruit tree (Citrus paradisi). Canned concentrated juices shall be sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. Preserved concentrated grapefruit juice shall be prepared with the addition of suitable chemical preservatives as specified. All containers shall be sound and clean. Cans shall be free from rust and serious dents.

(ii) Canned concentrated grapefruit juice (55° Brix or more) shall meet the requirements of "Tentative United States Standards for Grades of Canned Concentrated Grapefruit Juice," effective November 15, 1945.

(iii) Preserved concentrated grapefruit juice (55° Brix or more): The concentrated grapefruit juice, prior to the addition of chemical preservatives, shall meet the requirements of subdivision (ii) of this subparagraph. Sulphur dioxide alone or sodium benzoate or benzoic acid or any combination of sodium benzoate and benzoic acid shall be added within the following ranges but only in a quantity as a preservative for the respective concentrations:

Sulphur dioxide, 350 p. p. m. to 750 p. p. m.
Sodium benzoate and/or benzoic acid 1/10 of 1 percent to 4/10 of 1 percent.

(iv) Chemical methods: Chemical analyses shall be made in accordance with the methods of the Association of the Official Agricultural Chemists or in accordance with methods that give equivalent result.

(10) Canned (hot-pack) concentrated (3 plus 1) orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, Dilution factor of "1 plus 3," as defined in "United States Standards for Grades of Canned Concentrated Orange Juice," effective December 12, 1953.

(11) Canned (hot-pack) concentrated (60° Brix or more) orange juice shall meet the requirements of U. S. Grade A Style I, or U. S. Grade A for Manufacturing, Dilution factor of "1 plus 5" or "1 plus 6" whichever is applicable, as defined in "United States Standards for Grades of Canned Concentrated Orange Juice," or "United States Standards for Grades of Concentrated Orange Juice for Manufacturing," effective December 12, 1953. The canned concentrate, if produced from navel oranges, may possess a characteristic bitter flavor in the reconstituted product, provided such bitterness does not seriously affect the palatability of the product, and provided further, that the sales contract specifically calls for navel concentrated orange juice.

(12) Preserved concentrated orange juice (60° Brix or more) shall meet the requirements of U. S. Grade A for Manufacturing, Dilution factor of "1 plus 5" or "1 plus 6", whichever is applicable, as defined in "United States Standards for Grades of Concentrated Orange Juice for Manufacturing," effective December 12, 1953. The canned concentrate, if produced from navel oranges, may possess a characteristic bitter flavor in the reconstituted product, provided such bitterness does not seriously affect the palatability of the product, and provided further, that the sales contract specifically calls for navel concentrated orange juice.

(i) Sulphur dioxide alone or sodium benzoate or benzoic acid or any combination of sodium benzoate and benzoic acid shall be added within the following ranges but only in a quantity necessary as a preservative for the respective concentration:

Sulphur dioxide, 350 p. p. m. to 750 p. p. m.
Sodium benzoate and/or benzoic acid, 1/10 of 1 percent to 4/10 of 1 percent.

(ii) Chemical methods: Chemical analyses shall be made in accordance with the methods of the Association of the Official Agricultural Chemists or in accordance with methods that give equivalent result.

§ 517.445 *Claims for payment supported by evidence of compliance.* (a) The exporter shall file claims for payment with the CSS office specified in the approved application not later than sixty (60) days after the date of export of such lot: *Provided*, That, upon request of the exporter indicating substantial reason therefor, the Secretary may, if he deems it desirable, grant an extension of time for such filing. Each claim for payment shall be filed in an original and two copies on voucher Form CSS–21, "Public Voucher—Commodity Programs," shall show the serial number of the related approved application, and shall be supported by:

(1) One certified copy of the sales contract;

(2) One certified copy of the sales invoice to the buyer showing:

(i) The f. a. s. sales price,

(ii) The payment to be made by the Secretary,

(iii) The balance f. a. s. U. S. port to be paid by the buyer (other charges, if any, such as ocean freight, insurance, etc., shall be shown separately on the invoice), and

(iv) In the case of an invoice to a party named by the buyer as the party to be billed, the exporter shall furnish a certified copy of the directions by the buyer to bill such party;

(3) One copy of the on-board export bill of lading signed by an agent of the exporting carrier (except that where loss, destruction or damage occurs subsequent to loading on board exporting carrier but prior to issuance of the on-board bill of lading, one copy of a loading tally sheet or similar document may be submitted in lieu of such bill of lading) and in the case of exportation via a contiguous country, one signed copy of the on-board bill of lading covering the movement from such contiguous country;

(4) The original (or a signed copy) of the inspection certificate(s) required in paragraph (d) of § 517.443, and;

(5) Such other documents, if any, as may be required by the Secretary, evidencing purchase, sale and exportation of the commodity on which payment is claimed.

(b) The export bill of lading must show the quantity and description of the commodity, inspection certificate number, or other reference sufficient to relate the commodity loaded on board the export carrier to the commodity covered by the related inspection certificate, the date and place of loading, the fact that such commodity is on board, the destination of the commodity, the name and address of both the exporter and consignee, and in the case of fresh oranges, that they are stowed in refrigerated space. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in the application, the exporter shall furnish with each copy of such bill of lading a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this program for the commodity covered by such bill of lading. If the bill of lading shows the name of a consignee different from that appearing as the buyer on the contract under which the bill of lading is made, the exporter shall accompany his claim on the exportation covered by such bill of lading with a certification that the shipment under that bill of lading is to the buyer named in the contract and is made pursuant to that contract.

(c) The foregoing required evidence will not be accepted as conclusive if the Secretary has reason to believe that exportation of all or any quantity of the product was not actually accomplished or that there has not been compliance with other requirements of this offer, and in any such instance the Secretary may require such additional evidence as he deems reasonable.

§ 517.446 *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales, and deliveries of products exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for at least two years after the effective date of this program.

§ 517.447 *Amendment and termination.* The Secretary may amend or terminate this program at any time upon public announcement thereof. Such amendment or termination, however, shall not apply to applications approved under the program prior to the effective time of such amendment or termination.

§ 517.448 *Persons not eligible.* No member of, or Delegate to Congress or Resident Commissioner shall be admitted to any payment under this program or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit, or to such person in his capacity as a farmer (grower of the product exported).

§ 517.449 *Set-off.* The Secretary may set-off, against any amount owed to any exporter hereunder, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States. Setting-off as provided in this subpart shall not deprive the exporter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 517.450 *Joint payment or assignment.* An exporter may name a joint payee on vouchers for payment or may assign the proceeds of any application for export payment to a recognized financing institution, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law No. 811, 76th Congress, as amended: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of assignment, in accordance with the instructions on Form CSS–66 "Notice of Assignment" which form must be used in giving notice of assignment to the Representative of the Secretary. The "Instrument of Assignment" may be executed on Form CSS–347 or the assignee may use his own form of assignment. The CSS forms may be obtained from any Representative of the Secretary.

§ 517.451 *Good faith.* Whereas it is the intent of this program to encourage the exportation of fresh and processed oranges and grapefruit produced in the United States by making such products available to foreign buyers at prices below domestic market prices in the amount of the payment offered in this subpart; now, therefore, if the Secretary determines that any exporter has not acted in good faith in carrying out the purpose of this program, has not passed on to foreign buyers the incentive payment offered in this subpart, or otherwise fails to discharge fully any obliga-

tion assumed by him under this program, such exporter may be denied the right to continue participating in this program, or the right to receive payment under this program in connection with any exportations previously made under this program, or both.

§ 517.452 *Definitions.* As used in §§ 517.440 to 517.452, the following terms have the following meanings:

(a) "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized Representative of the Secretary.

(b) "Exporter" means any individual, corporation, partnership, association, or other business entity, located in the United States and engaged in the business of selling and exporting fresh or processed citrus fruits, produced and packed in the continental United States.

(c) "Application" means Form V–461, "Application for Export Payment."

(d) "Sales contract" may be in the form of offer and acceptance, confirmation of sale or purchase, or other documentary evidence of consummation of sale including contracts between exporter and buyer, and includes a transaction involving the transfer of a product from an exporter to his foreign branch, affiliate or associate. Such sales contract may, however, be conditioned upon contingencies or events over which the exporter has no control, such as the allocation of the necessary dollars by the eligible foreign country, or the making of an export payment by the Secretary in connection with the particular sales contract pursuant to this offer.

(e) "Date of sale" means the date on which both buyer and seller signed a written contract, or the date on which buyer accepts an offer of sale or confirms the purchase, or the date on which the seller accepts an offer to purchase or confirms the sale. In the absence of documentary evidence establishing the date of consummation of sale the date of sale shown in the application will be considered to be the date the sale was consummated.

(f) "F. a. s." means free alongside ship or other export carrier.

(g) "On-board export bill of lading" includes any bill of lading covering the exportation of fresh or processed oranges or grapefruit from the United States.

(h) "Public announcement" and "public notice" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

(i) "Certified" means a written, signed declaration, contained in or attached to any document, stating that the document is a true and correct copy of the original of such document.

(j) "Filed." Applications, claims and related documents are deemed to be filed when they are postmarked, if mailed, or when received by the designated AMS or CSS office if otherwise delivered.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This offer shall be effective November 1, 1954.

Dated this 27th day of October, 1954.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 54–8580; Filed, Oct. 29, 1954; 8:52 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL SERVICE COMMISSION

Effective upon publication in the FEDERAL REGISTER, paragraph (d) is added to § 6.145 as set out below.

§ 6.145 *Civil Service Commission.* • • •

(d) Positions of Members of the International Organizations Employees Loyalty Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54–8569; Filed, Oct. 29, 1954; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 211]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.702 *Grapefruit Regulation 211*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 1, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until November 1, 1954; the recommendation and supporting information for continued regulation subsequent to October 31, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 1, 1954, and ending at 12:01 a. m., e. s. t., November 15, 1954, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iv) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than $3^{11}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2," "Standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 27, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–8577; Filed, Oct. 29, 1954; 8:51 a. m.]

[Orange Reg. 265]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.701 *Orange Regulation 265*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 1, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are currently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until November 1, 1954; the recommendation and supporting information for continued regulation subsequent to October 31, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 1, 1954, and ending at 12:01 a. m., e. s. t., November 29, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida oranges (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 27, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–8578; Filed, Oct. 29, 1954; 8:51 a. m.]

[Tangerine Reg. 151]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.703 *Tangerine Regulation 151*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 1, 1954. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until November 1, 1954; the recommendation and supporting information for continued regulation subsequent to October 31, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 1, 1954, and ending at 12:01 a. m., e. s. t., November 15, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2}$ x $9\frac{1}{2}$ x $19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1" and "standard pack"

shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 27, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8579; Filed, Oct. 29, 1954; 8:52 a. m.]

[Lemon Reg. 561]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.668 *Lemon Regulation 561*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 27, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 31, 1954, and ending at 12:01 a. m., P. s. t., November 7, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 222 carloads;
(iii) District 3: 18 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 28, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[Storage date: October 24, 1954]

DISTRICT NO. 2

[12:01 a. m. October 31, 1954, to 12:01 a. m. November 14, 1954]

Handler	Prorate base (percent)
Total	100.000
American National Foods, Inc., Corona	.188
American National Foods, Inc., Fullerton	.219
American National Foods, Inc., Upland	.332
Buenaventura Lemon Co	.870
Consolidated Lemon & Orange Co	.590
Ventura Pacific Co	2.669
Chula Vista Mutual Lemon Association	.516
Euclid Lemon House	1.174
Index Mutual Association	.174
La Verne Cooperative Citrus Association	1.761
Ventura Coastal Lemon Co	3.534
Ventura Processors	1.958
Santa Barbara Coastal Lemon Co	.000
Glendora Lemon Growers Association	2.065
La Verne Lemon Association	.569
La Habra Citrus Association	.488
Yorba Linda Citrus Association	.245
Escondido Lemon Association	1.991
Cucamonga Mesa Growers	.359
Etiwanda Citrus Fruit Association	.059
San Dimas Lemon Association	2.001
Upland Lemon Growers Association	4.191
Central Lemon Association	.425
Irvine Citrus Association, The	.310

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Placentia Mutual Orange Association	0.216
Corona Citrus Association	.085
Corona Foothill Lemon Co	1.545
Jameson Co	.858
Arlington Heights Citrus Co	.480
College Heights Orange & Lemon Association	4.214
Chula Vista Citrus Association, The	.858
Escondido Cooperative Citrus Association	.056
Fallbrook Citrus Association	.734
Lemon Grove Citrus Association	.199
Carpinteria Lemon Association	2.861
Carpinteria Mutual Citrus Association	2.380
Goleta Lemon Association	5.718
Johnston Fruit Co	5.381
Briggs Lemon Association	3.104
Fillmore Lemon Association	1.252
Oxnard Citrus Association	7.473
Rancho Sespe	.819
San Fernando Heights Lemon Association	2.293
Santa Clara Lemon Association	5.760
Santa Paula Citrus Fruit Association	3.939
Saticoy Lemon Association	4.797
Seaboard Lemon Association	6.074
Somis Lemon Association	4.235
Ventura Citrus Association	1.367
Ventura County Citrus Association	.245
Limoneira Co	2.487
Teague-McKevett Association	.610
East Whittier Citrus Association	.120
Murphy Ranch Co	.410
North Whittier Heights Citrus Association	.350
Sierra Madre-Lamanda Citrus Association	.313
Far West Produce Distributors	.005
Paramount Citrus Association, Inc	2.068
Santa Rosa Lemon Co	.006

DISTRICT NO. 3

Total	100.000
Consolidated Lemon & Orange Co	12.551
Phoenix Citrus Packing Co	.000
Pioneer Fruit Co	1.257
Arizona Citrus Growers	41.026
Chandler Heights Citrus Growers	2.086
Desert Citrus Growers Co	28.923
Tempeco Groves	7.414
San Dimas Lemon Association	.000
Arlington Heights Citrus Co	5.697
H. Lorain Leppla	.000
James Macchiaroli Fruit Co	.000
Sunny Valley Citrus Packing Co	1.043

[F. R. Doc. 54-8620; Filed, Oct. 29, 1954; 8:47 a. m.]

[Avocado Order 5]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY REGULATION

§ 969.305 *Avocado Order 5*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that

the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 1, 1954. Shipments of avocados, grown in South Florida, are presently subject to maturity regulations, pursuant to the marketing agreement and order; a reasonable determination as to the quality, the supply of and demand for, such avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until October 26, 1954; recommendation as to the need for and the extent of, regulation of the quality of shipments of such avocados was made at a meeting of said committee on October 26, 1954, after consideration of all available information as to the quality, the supply of and demand for such avocados, at which time the recommendations and supporting information for quality regulation was submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 1, 1954, and ending at 12:01 a. m., e. s. t., December 1, 1954, no handler shall handle:

(i) Any avocados, grown in South Florida, which do not grade at least No. 2 Grade, as defined in § 969.130 (b) of the supplementing rules and regulations (19 F. R. 5439): *Provided*, That such avocados may fail to meet the requirements of such grade with respect to anthracnose (black spot).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 27, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8595; Filed, Oct. 29, 1954; 8:47 a. m.]

[Docket No. AO-197-A2 RO-1]

PART 995—MILK IN THE LIMA, OHIO, MARKETING AREA

Sec.
995.0 Findings and determinations.

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AUTHORITY: §§ 995.1 to 995.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 995.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lima, Ohio, on August 17–19, 1953, upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lima, Ohio, marketing area. The hearing was reopened in Lima on May 27, 1954. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that;

(1) The said order, as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, effective not later than November 1, 1954. Any delay beyond that date in making this order amending the order effective will tend to disrupt the orderly marketing of milk in the Lima, Ohio, marketing area. The changes effected by this order amending the order do not require persons affected to make substantial or extensive preparation prior to the effective date. Proposed amendments which would result in changes similar to those effected by this order amending the order were considered at a public hearing held on August 17–19, 1953, and reopened May 27, 1954; recommended decisions in this proceeding, to which interested parties were given an opportunity to file written exceptions, were issued on March 5 and August 9, 1954; and a final decision in this proceeding was issued on October 1, 1954. Under these circumstances persons affected by this order amending the order have been afforded a reasonable time within which to prepare for its effective date. Therefore, good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act, (Public Law 404, 79th Congress, 60 Stat. 237) for

making this order amending the order effective November 1, 1954.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Lima, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Lima, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, as set forth below:

DEFINITIONS

§ 995.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1946 ed. 601 et seq.).

§ 995.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 995.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 995.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 995.5 *Lima, Ohio, marketing area.* "Lima, Ohio, marketing area", called the "marketing area" in this subpart, means all the territory within Allen County, including the City of Lima, and all the territory within the corporate limits of Findlay, all in the State of Ohio.

§ 995.6 *Grade A milk.* "Grade A milk" means milk produced by a person holding a dairy farm inspection permit issued by the Board of Health of Lima, of the Allen County General Health District, or of Findlay, Ohio, for the production of Grade A milk, which is permitted by such health authority to be disposed of as Grade A milk.

§ 995.7 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of Grade A milk all or a portion of which is sold or disposed of in the marketing area as Class I milk.

§ 995.8 *Producer.* "Producer" means any person who produces Grade A milk received (a) at a fluid milk plant, or (b) at any other plant by diversion from a fluid milk plant for the account of a handler or a cooperative association.

§ 995.9 *Producer-milk.* "Producer-milk" means milk produced by one or more producers under the conditions set forth in § 995.8.

§ 995.10 *Handler.* "Handler" means any person who (a) operates a fluid milk plant; (b) receives milk at a plant and either directly or indirectly disposes of milk, skim milk, buttermilk, or flavored milk drink from such plant to a wholesale or retail stop(s) in the marketing area other than a fluid milk plant; or (c) any coperative association with respect to producer milk diverted by it from a fluid milk plant to any plant not a fluid milk plant for the account of such association.

§ 995.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided,* That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 995.12 *Other source milk.* "Other source milk" means all skim milk and butterfat received other than producer milk, except (a) receipts from a producer-handler, and (b) any non-fluid milk product received and disposed of in the same form.

§ 995.13 *Cooperative association.* "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 995.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 995.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 995.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 995.76:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 995.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 995.30 or § 995.31, or (2) payments pursuant to §§ 995.70, 995.71, 995.76, 995.77, 995.78, or 995.80;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month the minimum prices for skim milk and butterfat for each class computed pursuant to §§ 995.51, and 995.52 and the butterfat differential computed pursuant to § 995.75; and

(2) On or before the 12th day after the end of such month, the uniform price computed pursuant to § 995.61.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this subpart as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 995.30 *Monthly reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the month at his fluid milk plant(s) (in the case of a handler not operating a fluid milk plant, all other source milk received), and milk diverted pursuant to §§ 995.8 and 995.82:

(a) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 995.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request: On or before the 22d day after the end of each month his producer payroll for the month, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amounts and dates of payments to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 995.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 995.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 995.40 *Basis of classification.* All skim milk and butterfat (in any form) received at a fluid milk plant as (a) producer milk, (b) a transfer from another fluid milk plant, and (c) other source milk, shall be classified in the classes set forth in § 995.41.

§ 995.41 *Classes of utilization.* Subject to the conditions set forth in §§ 995.42, 995.43, 995.44, and 995.45, the classes of utilization of milk shall be:

(a) Class I milk shall be all skim milk and butterfat disposed of (1) in fluid form (other than as livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cultured milk products, concentrated milk, and sweet or sour cream, eggnog and any cream product in fluid form having more than 8 percent butterfat; and (2) as all skim milk and butterfat not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat accounted for as (1) used to produce a product other than those specified in paragraph (a) of this section, (2) having been dumped or disposed of for livestock feeding, (3) actual plant shrinkage of skim milk and butterfat received in producer milk but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (4) actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided,* That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each such source to their total.

§ 995.42 *Interplant transfers.* Skim milk and butterfat disposed of in the form of milk, cream, or skim milk by a handler to any milk processing or milk manufacturing plant, including any other fluid milk plant, shall be Class I milk, unless (a) Class II use is indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 7th day after the end of the month within which such disposition was made, and (b) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such reported utilization: *Provided,* That, in no event shall the amount so reported be greater than the total amount so used by the receiver.

§ 995.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 995.44 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 995.45 *Allocation of butterfat classified.* The market administrator shall determine the classification of butterfat in producer milk received by each handler as follows:

(a) Subtract from the total pounds of butterfat in Class II milk the total pounds of butterfat shrinkage pursuant to § 995.41 (b) (3) and (4).

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class.

(c) Subtract from the pounds of butterfat in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another Federal order and disposed of in the same form as received.

(d) Subtract from the pounds of butterfat remaining in each class, in sequence beginning with Class II milk, the pounds of butterfat in other source milk other than butterfat shrinkage in other source milk subtracted pursuant to paragraph (a) of this section.

(e) Add to the pounds of butterfat remaining in Class II milk the pounds of butterfat shrinkage in producer milk subtracted pursuant to paragraph (a) of this section; and if the remaining pounds of butterfat in all classes exceed the pounds of butterfat received in producer milk, subtract such excess from the remaining pounds of butterfat in each class, in sequence beginning with Class II milk. The pounds of butterfat remaining shall be the pounds in each class allocated to producer milk.

§ 995.46 *Allocation of skim milk classified.* Skim milk shall be allocated to each class in accordance with the same procedure as outlined for butterfat in § 995.45.

MINIMUM PRICES

§ 995.51 *Class I milk prices.* Subject to the provisions of § 995.53, the minimum prices per hundredweight to be paid by each handler for milk of 3.5 percent butterfat content received from producers at his fluid milk plant during the month, which is classified as Class I milk, shall be determined by the market administrator as follows:

(a) Ascertain the Class I minimum price for milk of 3.5 percent butterfat

content for the month as determined pursuant to the order, as amended, regulating the handling of milk in the Cleveland, Ohio marketing area (Order No. 75; Part 975 of this chapter).

(b) Deduct the location adjustment rates on Class I milk which would be applicable pursuant to Part 975 of this chapter at a pool plant located at Lima; and

(c) On sweet or sour cream, eggnog, and any cream product in fluid form having more than 8 percent butterfat, also make any deduction specified by the proviso in § 975.61 (a) of this chapter.

§ 995.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class II milk, shall be determined by the market administrator by computing (to the nearest tenth of a cent) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices have been reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Defiance Milk Products Co. Defiance, Ohio.
Pet Milk Co., Coldwater, Ohio.
Nestles Milk Products Co., (uninspected milk price), Marysville, Ohio.
Fisher Dairy and Cheese Co., Wapakoneta, Ohio.
Swift and Co., Lima, Ohio.

§ 995.53 *Handler butterfat differentials.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 995.51 and 995.52 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.55 and divide the result by 10.

(b) *Class II milk.* Multiply by 1.10 and divide the result by 10.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 995.60 *Value of producer milk.* The value of producer milk received by each handler during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, and adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator: *Provided,* That, if a handler after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his reports for the month, pursuant to § 995.30, has been credited to his producers as having been received from them, there shall be added to the value of his producer milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to §§ 995.45 (d) and 995.46 by the applicable class price.

§ 995.61 *Computation of uniform price.* For each month the market administrator shall compute for each handler a "uniform price" per hundredweight of producer milk received by such handler by:

(a) Subtracting from the value of milk computed for such handler pursuant to § 995.60, if the weighted average butterfat test of all producer milk represented by such value is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 995.75 multiplied by 10;

(b) Adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator;

(c) Adjusting the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph (e) of this section for the previous month to the nearest cent;

(d) Dividing the result by the total hundredweight of producer milk represented by the amounts computed pursuant to § 995.60; and,

(e) Adjusting the resulting figure to the nearest cent.

§ 995.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price for such handler computed pursuant to § 995.61, and the butterfat differential computed pursuant to § 995.75; and,

(c) The amounts to be paid by such handler pursuant to §§ 995.76 and 995.77.

PAYMENTS

§ 995.70 *Time and method of final payment.* On or before the 18th day after the end of each month, each handler shall pay to each producer, or to a cooperative association with respect to milk which was caused to be delivered to him by such association either directly or from producers who have authorized such association to collect payment for them, for milk received from such producer or so delivered by such cooperative association, respectively, during such month not less than the uniform price for such handler adjusted by the butterfat differential pursuant to § 995.75, less the amount of payment made pursuant to § 995.71.

§ 995.71 *Partial payments.* On or before the last day of each month each handler shall pay to each producer, or to a cooperative association authorized to collect payment, for the milk received from such producer or caused to be delivered to such handler by such cooperative association during the first fifteen days of each month at a rate computed as follows:

(a) Deduct 75 cents from the uniform price for such handler for the preceding month.

(b) Add or subtract any amount by which the Class I price differential for the current month is greater than or less than, respectively, the differential for the preceding month.

(c) Round off the result to the nearest multiple of 10 cents.

Provided, That in the event any producer discontinues shipping to such handler during any month, such partial payments need not be made and full payment for all milk received from such producer during such month shall be made pursuant to the provisions of § 995.70.

§ 995.75 *Producer butterfat differential.* In making payments pursuant to § 995.70 the uniform price for each handler shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest tenth of a cent) computed as follows: Multiply by 1.3 the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, and divide the result by 10.

§ 995.76 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 995.22 (d), each handler shall pay the market administrator, on or before the 14th day after the end of each month, 3 cents per hundredweight of milk, or such amount not to exceed 3 cents as the Secretary may from time to time prescribe, with respect to receipts during such month, of (a) producer milk (including any milk of such handler's own production), and (b) other source milk classified as Class I milk: *Provided,* That a handler who receives only other source milk shall make such payments with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk.

§ 995.77 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 995.70, with respect to all milk received each month from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight of milk, or such amount not to exceed 6 cents as the Secretary may from time to time prescribe, and on or before the 18th day after the end of such month shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the Association has an unterminated membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the Association's claim and shall pay the amount deducted to the Association within 18 days after the end of the month.

§ 995.78 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator, pursuant to §§ 995.76 or 995.77 or (b) any producer or cooperative association from such handler pursuant to § 995.70 the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 995.80 *Milk subject to other Federal orders.* Milk received by a handler the handling of which is subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act shall not be subject to the pricing and payment provisions of this subpart.

§ 995.81 *Milk caused to be delivered by cooperative associations.* Milk referred to as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

§ 995.82 *Milk diverted.* (a) Producer milk diverted by an operator of a fluid milk plant from such plant to a plant not a fluid milk plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(b) Producer milk diverted by a cooperative association from a fluid milk plant to a plant not a fluid milk plant shall be deemed to have been received by such association.

§ 995.83 *Producer-handlers.* Sections 995.40 through 995.46, 995.50 through 995.52, 995.60 through 995.62 and 995.70 through 995.78 shall not apply to the milk of a producer-handler.

TERMINATION OF OBLIGATIONS

§ 995.90 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not oegin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 995.100 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 995.101 *When suspended or terminated.* Whenever the Secretary finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this subpart, or any such provision of this subpart.

§ 995.102 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this subpart, these are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 995.103 *Liquidation.* Upon the suspension of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 995.110 *Agents.* The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 995.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this subpart, to other persons or circumstances shall not be effected thereby.

Issued at Washington, D. C., this 26th day of October 1954 to be effective on and after the 1st day of November 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-8546; Filed, Oct. 29, 1954; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

REVISION OF POSTAL REGULATIONS

(a) The following changes in Chapter I of Title 39, Code of Federal Regulations, shall be effective November 20, 1954.

(b) Parts 1 to 137, inclusive, and Part 155 (with the exception of Parts 92, 93, 94, 96, 127, 150, and 151) are rescinded, and the following is inserted in lieu thereof.

(c) Parts 150 and 151 are redesignated Parts 201 and 202, respectively; Part 127 is redesignated Part 172.

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

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3 Confidential treatment of mail.
4 Information on postal matters.
5 Complaints.
6 Fractions.

Subchapter B—How to Wrap and Mail

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12 Envelopes.
13 Addresses.
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15 Matter mailable under special rules.
16 Bulk mailings.

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114 Documentation.
115 Export licenses and certificates.
116 Consular and commercial invoices.

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122 International insured mail.
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124 Special delivery (exprès).
125 Special handling.
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Subchapter N—How to Wrap and Mail

131 Preparation, addressing and postage.
132 Prohibited and restricted articles.
133 Documentation.

Subchapter O—Undelivered Mail

141 Inquiries and complaints.
142 Undeliverable articles.

Subchapter P—Indemnities

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152 Indemnity limits.

Subchapter Q—Importations

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162 Plants and plant products.

Subchapter R—International Postal Service: Postage Rates, Service Available, and Instructions for Mailing

172 International postal service: Postage rates, service available, and instructions for mailing.

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SUBCHAPTER U—PROCEDURES

Subchapter U—Procedures

201 Procedures of the Post Office Department.
202 Procedures before the Solicitor.

Subchapters A–J—Post Office Services, Domestic

Subchapter A—Introduction

PART 1—WHAT SUBCHAPTERS A–J COVER

§ 1.1 *What Subchapters A–J cover.* Subchapters A–J contain the regulations of the Post Office Department which are intended to assist the users of its domestic services in obtaining the maximum benefits from its personnel and facilities. Thus, include the specified rates for stamps and postage and the restrictions governing their use, the particulars distinguishing the various classes of mails and the conditions entitling the public to the privileges of those classes, the requirements for proper wrapping and mailing of matter to be mailed, an explanation of the collection and delivery services of the Department, and details of the special mail and nonmail facilities of the Department.

(R. S. 161, 396; 5 U. S. C. 22, 369)

PART 2—DOMESTIC MAIL SERVICE

§ 2.1 *Domestic mail service.* Domestic mail means mail addressed for one or more of the following purposes:

(a) For local delivery or for transmission from one place to another within the United States. (The term United States includes Hawaii and Alaska.)

(b) For transmission to or from or between the possessions of the United States. (The term possessions of the United States includes Puerto Rico, Virgin Islands, Canton Island, Guam, Tutuila and Manua and other islands of the Samoan group east of longitude 171° west of Greenwich, Wake Island, and the Canal Zone.)

(c) For transmission to or from the United States or its possessions.

(R. S. 161, 396; 5 U. S. C. 22, 369)

PART 3—CONFIDENTIAL TREATMENT OF MAIL

§ 3.1 *Confidential treatment of mail.* Sealed mail while in the custody of the Post Office Department is accorded absolute secrecy. No persons in the Postal Service, except those employed for that purpose in dead-mail offices may break or permit the breaking of the seal of any mailed matter, without a legal warrant, even though it may contain criminal or otherwise unmailable matter, or furnish evidence of the conviction of a crime.

(R. S. 161, 396; 5 U. S. C. 22, 369)

PART 4—INFORMATION ON POSTAL MATTERS

Sec.
4.1 Inquiries.
4.2 General postal publications.
4.3 Confidential matter.
4.4 Available records.

AUTHORITY: §§ 4.1 to 4.4 issued under R. S. 161, 396; 5 U. S. C. 22, 369.

§ 4.1 *Inquiries.* Make all inquiries in regard to mail of your postmaster. If you have good reason to keep the knowledge of your inquiry from your postmaster, address your inquiry to the Post Office Department, Washington 25, D. C.

§ 4.2 *General postal publications*—(a) *The Postal Manual.* (1) The Postal Manual contains the regulations governing the operation of the Postal Service.

(2) Chapter 1 of the Postal Manual contains the regulations governing domestic mail service intended to assist the mailing public in obtaining maximum use of this service.

(3) Chapter 2 contains corresponding regulations governing the International Mail Service.

(4) You may obtain in pamphlet form chapters 1 and 2 from the Superintendent of Documents, Washington 25, D.C., for 65 cents per copy.

(b) *Directory of post offices.* A directory of post offices is to be issued during 1955. It will replace the directory in Part I of the Postal Guide.

§ 4.3 *Confidential matter.* The following records, documents, and information are confidential, and may not be disclosed by subordinate officers or employees of the Department without authorization:

(a) Records of Post Office Inspectors.

(b) Records of the Post Office Inspection Service.

(c) Names of post office box holders.

(d) Names of post office patrons and names and addresses of former patrons.

(e) Records regarding mail matter.

(f) Records regarding postal savings accounts.

(g) Records regarding money orders.

§ 4.4 *Available records*—(a) *Formal hearing records.* You may inspect formal records of proceedings in which a hearing has been held or tendered if you have a proper interest in them.

(b) *Conditions.* You may inspect all other records of the Department or field service if permitted to do so by the head of a Bureau or Office in the Post Office Department. In making such determinations, the following items will be taken into consideration:

(1) The interest of the person requesting permission to make the inspection.

(2) Whether disclosure of the information contained in the records will violate the privacy of mail matter.

(3) Whether the release of the record will jeopardize future Government access to information.

(4) Whether the release of the record at the time is premature and will improperly affect a pending action.

(5) Whether the disclosure of the record will have the effect of hindering free administrative decisions in the same or similar matters in the future.

(6) Whether the purpose for which the record is sought is prejudicial to the public interest.

(7) Whether the record is already otherwise made public, such as reports of public hearings and conferences, recorded maps, plats and documents, records published for the information of the public, and material of a similar public nature.

(c) *Transfer of records.* All records of the Post Office Department and its field service are the property of the Department. Postmasters and other employees are not authorized to turn over such records to other persons without authorization from the head of a Bureau or Office of the Post Office Department.

(d) *Compliance with subpenas duces tecum.* Postmasters and postal employees will comply with a proper subpena duces tecum issued by a court of record only after consultation with the Post Office Department and authorization from the Department. When employees are authorized to comply with subpenas duces tecum, they will not leave the records themselves with the court but will leave copies prepared for that purpose.

(e) *Compliance with summons.* A postmaster or other postal employee will comply with a summons requiring his appearance in court. He will not testify in regard to reports of Post Office Inspectors or other records of the Post Office Inspection Service. A postmaster or other postal employee will not testify as to names and address of post office patrons, mail matter, postal savings accounts, or money orders unless he is specifically directed to do so by the court after first calling attention of the court to this section.

(f) *Costs.* The head of any Bureau or Office of the Post Office Department may authorize copies of records which are open to public inspection to be furnished to members of the public at the cost of the person requesting them.

PART 5—COMPLAINTS

§ 5.1 *Complaints.* Make complaints concerning any phase of the Postal Service to your postmaster. If you have good reason to keep the knowledge of your complaint from your postmaster, address your complaint to the Postmaster General, Washington 25, D. C.

(R. S. 161, 396; 5 U. S. C. 22, 369)

PART 6—FRACTIONS

§ 6.1 *Fractions.* In the sale of postage, and the computation of rates, fees, and other charges, any fraction of a stated basic unit is treated as a whole unit, by the following rules:

(a) *Money.* Fractions of a cent are treated as a whole cent. The rule on fractions does not apply to dollars.

(b) *Weight.* Fractions of the stated unit are treated as a whole unit, thus: 3 cents an ounce means 3 cents an ounce or fraction of an ounce; 2 cents each 2 ounces means 2 cents for each 2 ounces or fraction of 2 ounces; 2 cents each half-pound means 2 cents for each half-pound or fraction of a half-pound.

(c) *Length.* Fractions of any stated unit of length—inches, feet, yards, rods, miles, etc.—are treated as a whole unit.

(d) *Time.* Fractions of the stated unit—hours, days, months, quarters, years, etc.—are treated as a whole unit, except that in the computation of post office box rent the rent for the first quarter in which the box is rented is prorated by days.

(R. S. 161, 396; 5 U. S. C. 22, 369)

Subchapter B—How to Wrap and Mail

PART 11—PACKAGES

Sec.
11.1 Adequacy of packaging standards.
11.2 Cartons and boxes.
11.3 Internal protection.
11.4 Outside wrapping (closure).
11.5 Marking on packages.

AUTHORITY: §§ 11.1 to 11.5 issued under R. S. 161, 396, sec. 24, 20 Stat. 361, sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250.

§ 11.1 *Adequacy of packaging standards.* This part contains standards and methods for ordinary packaging and wrapping of parcels. Certain types of items are excluded from the mails unless packaged so as to assure safe transit. For such special packaging regulations, see Part 15 of this chapter.

§ 11.2 *Cartons and boxes*—(a) *Types of shipping containers.* Shipping containers must be strong enough to retain and protect their contents from the weight of other mails. Boxes or cartons of the following materials are commonly used: Corrugated or solid fiberboard, kraftboard, chipboard (for small items), fiber mailing tubes with metal ends, metal, and wood. Heavy wrapping paper or burlap or similar cloth may be used for parcels containing unbreakable goods which would not be damaged by the weight of other mails. The strength of carton required will depend on the weight, size, and nature of the article shipped as well as the distance it is to go. Parcels addressed to distant zones receive more handling and therefore require stronger containers than parcels addressed to nearby points.

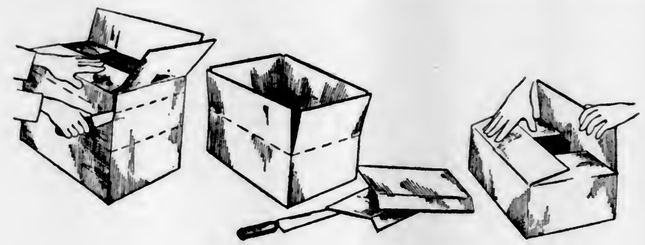
(b) *Size of container.* The outer shipping container should be the proper size to hold the goods shipped with enough space for cushioning material inside. If the container is too large, the contents are liable to shift while in transit. If it is too small, or if too much is put into it, there will not be enough room for protective internal cushioning. An overstuffed carton may burst in transit.

(c) *Used containers.* You may obtain a good used corrugated fiberboard box at a grocery or drug store. Select one in good rigid condition with the four top flaps intact. If a box of the desired size cannot be found a larger one may be cut down as shown in illustration 11.2 (c). Bend the four sides over the articles which have been cushioned in the box.

(d) *Chipboard boxes.* Small rigid telescoping chipboard boxes are usually used for small articles such as watches, jewelry, pens, etc.

§ 11.3 *Internal protection*—(a) *Purpose of cushioning.* (1) If a single item is shipped, sufficient cushioning material should surround the item so that it will be protected from outside impact against the carton in which it is shipped.

(2) If two or more items are shipped in the same carton or box, the cushioning should protect the items from damaging one another, in addition to



protecting against outside impact. Each item should be separately wrapped so that no damage will result regardless of the position of the package inside a mail sack.

(b) *Cushioning materials.* (1) Excelsior, flexible corrugated fiberboard, or felt are commonly used to cushion heavy articles. Cellulose materials, cotton, clothing, shredded paper, or tissue paper are used for lighter items. The amount of cushioning needed will depend on size and nature of items mailed.

(2) About 2 inches of cushioning material should be evenly and firmly placed on all sides of the fragile item.

(3) Heavy and lightweight items should not be packed together in the same compartment. Pack them so the heavy item will remain in a fixed position.

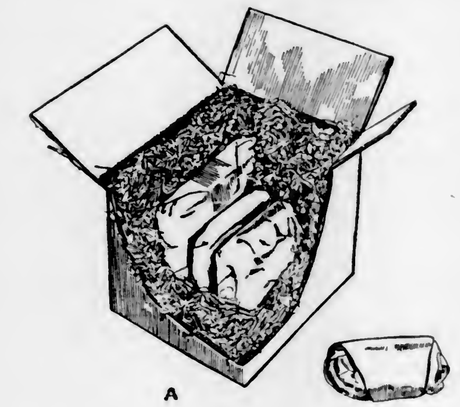
(c) *Chinaware.* (1) The pieces must be individually cushioned.

(2) If shredded paper or excelsior is used, at least 2 inches of either should be placed on all four sides of the box and on top and bottom. Each piece must be properly spaced and cushioned to avoid strain or damage to other pieces. About one-half of an inch cushioning between flat pieces will be adeqate.

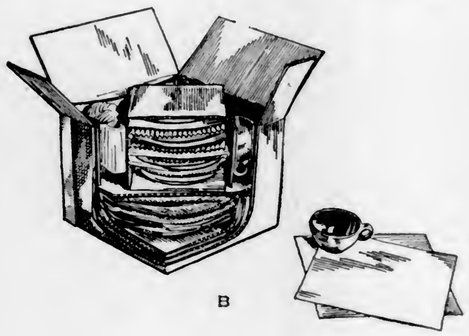
(3) Breakage of one item when packed with soft cushioning material may result in general loosening of other articles in the carton with further damage. If corrugated interior packing is used such as trays, pads, partitions, compartments, etc., they must be arranged so that individual items do not touch the wall of the shipping carton or each other. Flexible packing pads between each item of the same size may be used in nesting.

(4) The weight of upper compartments should be borne by corrugated packing and not by articles in lower compartments.

(5) Illustration A shows the manner of cushioning several odd shaped items in a parcel while illustration B shows a commercial pack.

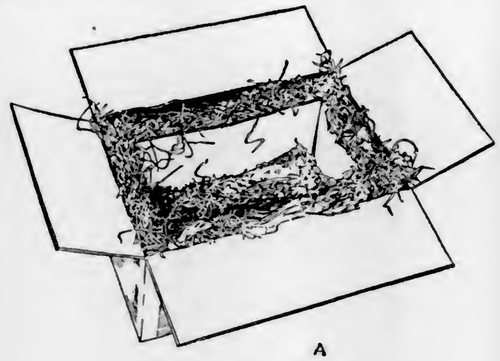


A

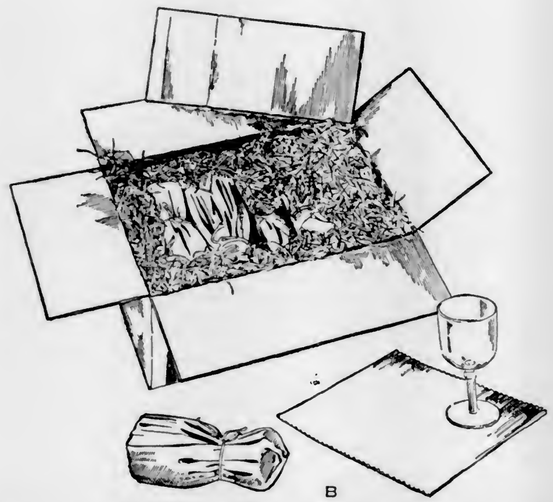


B

(d) *Stemware.* These pieces may be very fragile and in case of faulty manufacture they may be damaged by temperature or climatic changes. See illustrations 11.3 (d) (A) and 11.3 (d) (B) for packing.



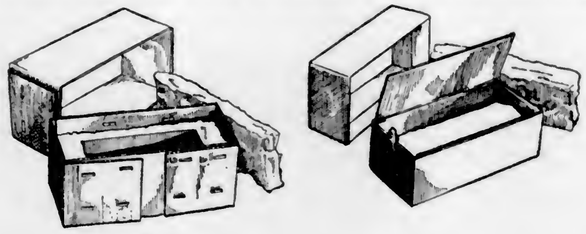
A



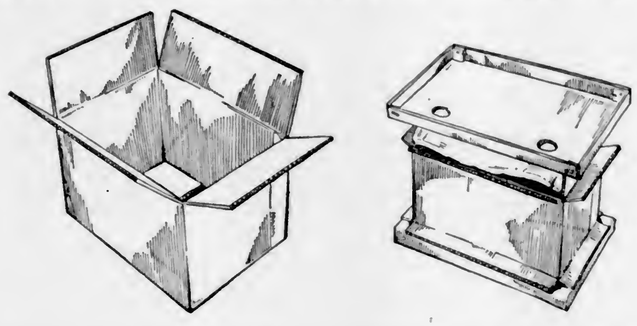
B

(e) *Framed pictures.* These items should be cushioned on both sides and packed in a strong shipping carton. Illustration 11.(e) shows one way of packing a framed picture. The newspaper is folded to form rolls which are placed around the picture.

(f) *Optical goods and spectacles.* These items should be cushioned in an exceptionally strong shipping carton as shown in illustration 11.3 (f). The chipboard box shown on the right has a liner of corrugated fiberboard for added strength.



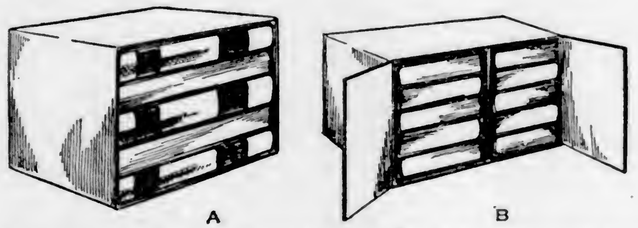
(g) *Radios.* Plastic radio cases are susceptible to damage. The radio should be packed in an inner carton, cushioned within the other by 2 inches of material on all sides, top and bottom. A commercial package is shown in illustration 11.3 (g).



(h) *Books.* (1) Pack single books in corrugated cardboard, so as to protect edges and corners against damage.

(2) The number of books in a carton will vary according to their weight and size. As many as 10 average size, cloth bound books can be shipped together safety. If the books are larger than average, no more than 5 should be packed together.

(3) When 2 to 5 books are shipped together, stagger the way they face, so that the open edge of one book will alternate with the backbone of another. See illustration A.



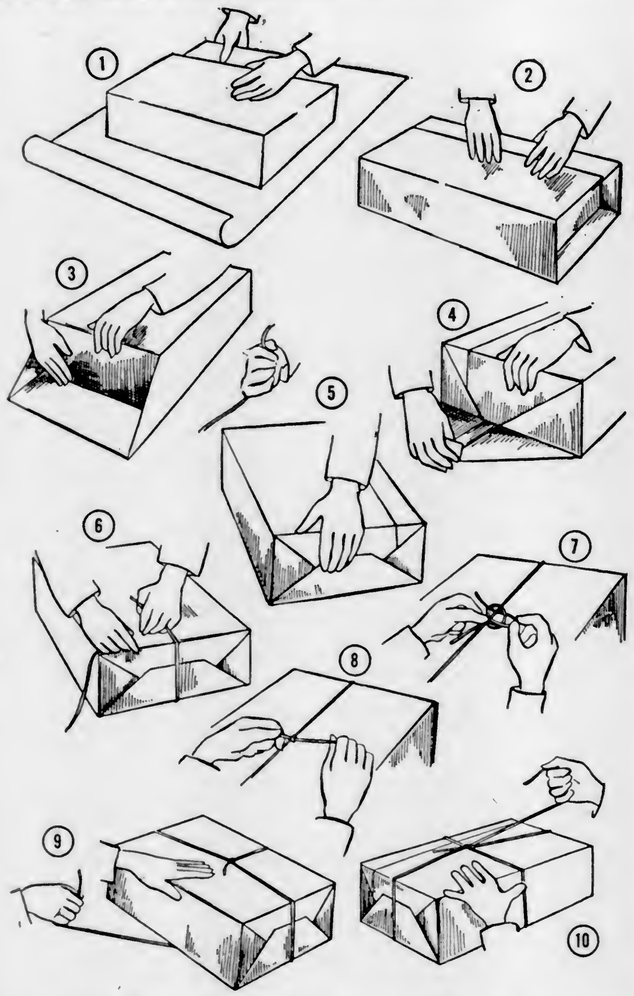
A B

(4) If 6 to 10 average books are packed together, divide them evenly into 2 groups separated by corrugated cardboard. See illustration B.

(5) Do not pack books so that the open side of one faces the open side of another. They are apt to interlace and damage each other.

§ 11.4 *Outside wrapping (closure).* (a) Small telescoping chipboard boxes may have metal clasps which fold over and hold the two parts of the box together. Further reinforcement is not required.

(b) Fiberboard cartons may be wrapped and tied with strong twine or rope as shown in illustration 11.4 (b). This affords the greatest protection to contents. A fiberboard carton in good condition need not be wrapped. The seams may be taped if desired, to exclude dust, and the box then tied securely. The use of tape alone on large cartons is not recommended.



(c) Dry, nonfragile materials may be wrapped in heavy paper and tied with twine. Thin paper bags are not acceptable.

(d) Articles which are self-contained may be mailed without outside packaging or wrapping. The Post Office Department will not be responsible, however, if the surface or finish of the article becomes marred or damaged.

§ 11.5 *Marking on packages*—(a) *Fragile.* Packages containing articles of a delicate nature such as glass, chinaware, electrical appliances, jewelry, musical instruments and radios, must be marked by the mailer "Fragile."

(b) *Perishable.* Products which decay quickly, such as fresh meats, fresh fruits, and vegetables, shall be marked "Perishable."

(c) *Conditional labeling.* (1) Words like "Do Not Bend, Do Not Fold or Crush" may be used only when content is fully protected with stiffening material.

(2) Words like "Rush or Do Not Delay" may be used only on packages intended for shipment as Special Delivery or Special Handling Mail.

(d) *Unauthorized labeling.* (1) Labels and markings printed on cartons or on wrappers of parcels or on gummed tape on parcels are not permitted in lieu of any required label.

(2) Obsolete markings or labels shall be covered or obliterated.

(3) Parcels improperly labeled as to nature of contents are not acceptable.

PART 12—ENVELOPES

Sec.
12.1 Color.
12.2 Quality.
12.3 Size.
12.4 Window envelopes.

AUTHORITY: §§ 12.1 to 12.4 issued under R. S. 161, 396; 5 U. S. C. 22, 369.

§ 12.1 *Color.* Use any light color that does not interfere with legible address and postmark.

§ 12.2 *Quality.* Use paper of sufficient strength to withstand normal handling. Highly glazed paper, or paper with an overall design, is not satisfactory for showing the address and necessary postal endorsements.

§ 12.3 *Size.* Envelopes of standard sizes are more easily and quickly handled. Envelopes less than 2¾ by 4 inches, or larger than 9 by 12 inches, are not recommended.

§ 12.4 *Window envelopes.* Window envelopes, or open panel envelopes, may be used when the following conditions are met:

(a) The window shall not be closer than 1⅜ inches from the top of the envelopes, nor ⅜ of an inch from the bottom or ends.

(b) The window must be parallel with the length of the envelope.

(c) Only one window is permissible.

(d) Nothing but the name and address shall appear through the window.

(e) The return address must appear in the upper left corner.

(f) No printing is permissible within ⅜ of an inch of the window.

(g) The address disclosed through the window must be on white paper or paper of a very light color.

PART 13—ADDRESSES

Sec.
13.1 General information.
13.2 Arrangement of address.
13.3 Where to put handling instructions.
13.4 Simplified address.
13.5 Correction of mailing list addresses.

AUTHORITY: §§ 13.1 to 13.5 issued under R. S. 161, 396; 5 U. S. C. 22, 369.

§ 13.1 *General information.* (a) All mail must bear a clear and legible address.

(b) Write the names and addresses clearly and legibly.

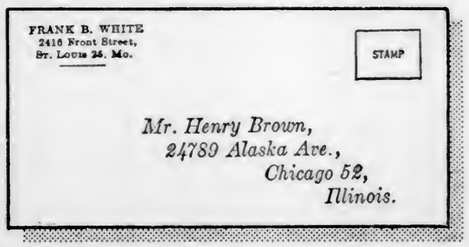
(c) Mail addressed to letter-carrier offices must include the street and number, or post office box number.

(d) Include the postal delivery unit number on mail addressed to cities using that system.

(e) Matter bearing dual addresses, or the names of more than one post office in the return address or in the recipient's address is not acceptable for mailing.

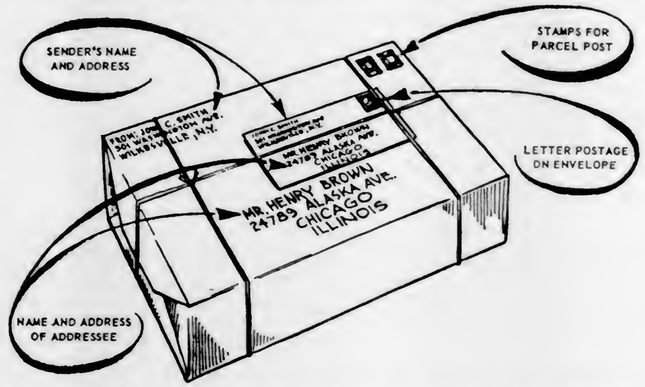
(f) Matter bearing instructions to return to "Point of Mailing" (postmark) is not acceptable for mailing.

§ 13.2 *Arrangement of address.* (a) The proper place for the address on all mail is in the lower right portion of the address side; the postage (stamps or metered or printed postage impressions) in the upper right corner; and the return address of the sender in the upper left corner.



(b) Leave sufficient space on the address side of all mail for necessary directions or endorsements, and the postage stamps and postmarking. Leave at least 3½ inches of clear space, from top to bottom, at the right end of the address side of envelopes, folders, or labels. In the case of large envelopes or mailing pieces leave a clear rectangular space of not less than 5 by 3 inches for the address, stamps, postmarks, etc.

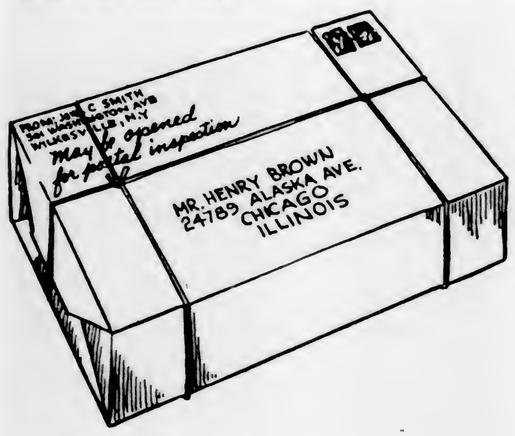
(c) Illustration of how to fix a first-class letter on a parcel:



§ 13.3 *Where to put handling instructions*—(a) *Pledge to pay return or forwarding postage (or both).* Below the return address of the sender. (Only on second-, third- and fourth-class matter.)

(b) *Form 3547 requested (notice of new address).* Printed in lower left corner. (Only on third- and fourth-class matter.)

(c) *Authority to open.* In the upper left corner below the return address (and pledge). This authorization must be placed on all sealed parcels prepaid at the third- or fourth-class rates of postage (except in the case of miscellaneous printed matter weighing less than 8 ounces, which may not be mailed sealed at the third-class rate). The authorization may be handwritten, typewritten, handstamped, printed, or put on by any other method.



§ 13.4 *Simplified address*—(a) *Style.* Where general distribution of mail is desired for all patrons, a simplified address is permitted provided each piece is addressed in one of the following styles:

(1) Rural or Star-Route Boxholder.
(2) Post Office Boxholder.
(3) Patron (or Householder), Letter Carrier Route.
(4) Postal Patron. (This style may be used instead of styles (1), (2), or (3).)
(5) Residential Patron.
(6) Business Patron.

(b) *Post office address.* Any of the styles shown in paragraph (a) of this section may be followed by the name of the post office and State, or by the word "Local."

(c) *"Occupant" mail.* To address mail to a specific street number without addressing the occupant by name, the following style may be used:

Occupant

(Street and Number)

(Post Office and State, or Local)

(d) *Preparation requirements.* (1) All pieces for the same post office must be put up by the mailer, so far as practicable, in packages of 50 and labeled by means of a facing slip as to the distribution desired, such as: rural route, letter carrier, post office boxholder, etc. If the pieces are put up in quantities other than 50 for each separation, the number of pieces must be shown on the facing slip.

(2) If selective distribution is desired, a sufficient number of pieces must be presented to cover the route or routes selected and the route numbers must be shown on the facing slips.

(3) Postage at the proper rate must be fully prepaid by a method that does not require cancellation: in money under permit, or by means of precanceled stamps, precanceled stamped envelopes, or precanceled postal cards.

(4) Designations such as "Farmer," "Food Buyer," "Voter," etc., are not permitted.

(e) *Number of patrons.* Upon request, postmasters will furnish without charge the number of patrons served, as follows:

(1) Route numbers, and number of residential and business patrons on each carrier-delivery route. If you furnish the boundary lines of a territory where you want mail delivered, this information will be furnished for the whole of each route serving that territory.

(2) Number of post office boxholder patrons.

(3) Route numbers, and number of patrons on each rural and star route.

§ 13.5 *Correction of mailing list addresses*—(a) *Service available.* Mailing lists will be corrected but not compiled. Mailing lists submitted by departments of State governments, municipalities, religious, fraternal and recognized charitable organizations, and mailing lists used by concerns for the solicitation of business by mail, will be corrected as frequently as requested at the expense of the owners of the lists.

(b) *Charge.* The charge is 25 cents for a list of less than 25 names and 1 cent per name for lists of 25 or more names, payable in advance by cash or money order, including return postage. Lists used by Members of Congress and Federal agencies are corrected without charge.

(c) *Method of submission.* Lists should be submitted on cards, one name to a card. Cards should be approximately the size and quality of a postal card. The owner's name should appear in the upper left corner of each card. Lists should be submitted by mail only, except in the case of local firms presenting large lists for correction.

(d) *Type of corrections made.* Names to which mail cannot be delivered or forwarded will be crossed off; incorrect house, rural, or post office box numbers will be corrected; initials will be corrected where apparently the name is known to the owner of the list; and the head of the family will be indicated, if known, when two or more names are shown for the same address. New addresses for patrons who have moved will be furnished when permanent forwarding orders are on file. New names will not be added to a list.

(e) *"Occupant" mailing lists.* Lists for mail addressed to "Occupant" at a street address will be corrected by indicating on each card the information, as far as applicable, set forth in paragraph (d) of this section. Numbers representing incorrect street addresses will be crossed off, but no numbers will be added to the cards or any numbers changed. Numbers representing addresses of business houses will be indicated by writing "Business" opposite the number. Numbers served by rural route will be indicated by the word "Rural." Numbers not shown on the mailing lists and to which delivery can be effected will not be added to the lists. The cards will be separated by routes and arranged in the order of delivery before being returned to the owner. Each carrier will place a card on top of those for his route showing (1) the number of possible deliveries to business patrons, and (2) the number of all other possible deliveries on the route.

PART 14—NONMAILABLE MATTER

Sec.
14.1 Introduction.
14.2 Harmful matter.
14.3 Obscene and indecent matter.
14.4 Libelous materials.
14.5 Lotteries and frauds.
14.6 Intoxicating liquors.
14.7 Disloyalty and threats to the President.
14.8 Copyright violations.
14.9 Foreign communications.

AUTHORITY: §§ 14.1 to 14.9 issued under R. S. 161, 396, sec. 1, 62 Stat. 740, 763, 768, 769, 781, 782, sec. 15, 20 Stat. 359, secs. 3, 4, 25 Stat 873, 874; 5 U. S. C. 22, 369, 18 U. S. C. 871, 1302, 1461, 1463, 1716, 1717, 1718, 39 U. S. C. 227, 255, 256.

§ 14.1 *Introduction*—(a) *Description.* Nonmailable matter includes all matter which is by law, regulation, or treaty stipulation prohibited from being transmitted in the mails or which cannot be forwarded to its destination bacause of illegible, incorrect or insufficient address.

(b) *Applicability.* The harmful or objectionable things identified or described in this part are some of the matter which may not be sent through the mails, as a matter of absolute prohibition. See Part 15 of this chapter for matter mailable only under special rules or conditions.

(c) *Penalties for violation.* Severe penalties, by fine or imprisonment, or both, are provided for persons who knowingly mail or cause to be mailed, any matter which has been declared nonmailable under law.

(d) *Nonconformity with postal regulations.* Regardless of its nature, matter may not be mailed in any form if done in violation of postal regulations for such reasons as failure to pay postage, improper size or weight, improper permits, improper addresses, etc.

(e) *Responsibility of sender.* If you are in doubt as to whether any matter is properly mailable, you should ask the postmaster. Even though the Post Office Department has not expressly declared any matter to be nonmailable, the sender of such matter may be held fully liable for violation of law if he does actually send nonmailable matter through the mails.

§ 14.2 *Harmful matter*—(a) *General provisions of law.* Any articles, compositions, or materials, which may kill or injure another, or injure the mails or other property, are nonmailable. This includes but is not limited to:

(1) All kinds of poison or matter containing poison.
(2) All poisonous animals, insects, and reptiles.
(3) All disease germs or scabs.
(4) All explosives, inflammable material, infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode.

(b) *General examples of harmful matter.* Harmful matter includes, among others, that which is liable to destroy, deface, or otherwise damage the contents of the mail bags or harm the person of anyone engaged in the postal service, such as caustic poisons (acids and alkalies), oxidizing materials, or highly flammable solids; or which are likely under conditions incident to transportation to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from manufacturing or processing; explosives or containers previously used for shipping high explosives having a liquid ingredient (such as dynamite), ammunition; fireworks; highly flammable liquids or substances; radioactive materials; matches; or articles exhaling a bad odor.

(c) *Acceptability if properly packed.* When authorized by the Postmaster General, various of the articles specified in this part as being nonmailable may be sent through the mails if they conform to special regulations as to preparation and packaging and if they are not outwardly dangerous, or of their own force dangerous or injurious to life, health, or property. See Part 15 of this chapter.

§ 14.3 *Obscene and indecent matter*—(a) *Lewd or filthy matter.* Obscene, lewd, lascivious, or filthy publications or writings, or mail containing information concerning where, how, or from whom such may be obtained, and matter which is otherwise mailable but which has on its wrapper or envelope any indecent, lewd, lascivious, or obscene writing or printing. Any mail containing any filthy, vile, or indecent thing.

(b) *Contraceptive and abortive materials.* (1) Anything intended to prevent conception or produce abortion.

(2) Anything advertised or described so as to lead another to use it for preventing conception or producing abortion.

(3) Any written or printed matter giving information as to how to obtain any article or to use any means for preventing conception or producing an abortion.

(4) Any other written or printed matter intended to induce, or incite to, the prevention of conception or the production of abortion.

(c) *Inciting to violence.* Any matter of a character tending to incite arson, murder, or assassination.

§ 14.4 *Libelous materials.* Any matter otherwise mailable which has upon its outside wrapper or envelope, or any postal card or post card carrying on it:

(a) Any libelous, scurrilous, defamatory or threatening language, whether written or printed, obviously intended to reflect injuriously upon the character or conduct of another, or

(b) Any language asking for payment of a bill, which by its "manner or style of display" is defamatory and reflects injuriously on the character of addressee.

§ 14.5 *Lotteries and frauds*—(a) *Lotteries.* (1) Any letter, package, postal card or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part on lot or chance.

(2) Any lottery ticket or part thereof or substitute.

(3) Any form of payment for a lottery ticket or share.

(4) Any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of a lottery or similar enterprise.

(b) *Fishing contest exception.* The provisions of paragraph (a) of this section do not apply to any fishing contest not conducted for profit wherein prizes are awarded for the species, size, weight, or quality of fish caught by contestants in any bona fide fishing or recreational event.

(c) *Fraudulent enterprises.* Anything mailed in pursuance of any scheme for obtaining money or property of any kind through the mails, by means of false or fraudulent pretenses, representations, or promises.

(d) *Fictitious matter.* Any matter addressed to a person using any fictitious, false or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, through the mails, any business scheme or device in violation of law. The recipient must appear at the post office of receipt and be identified. If the addressee fails to appear and

ment of the facts in the case. Postage- eases, and the parcel containing such

be identified, after notification, or if the fictitious character of such mail is satisfactorily established, it is forwarded to the dead letter office as fictitious matter.

§ 14.6 *Intoxicating liquors.* (a) Spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind containing more than 3.2 percent of alcohol by weight.

(b) Intoxicating liquors containing not more than 3.2 percent of alcohol by weight when addressed to a Territory or district of the United States, the laws of which prohibit the manufacture or sale therein of alcoholic beverages of that content.

(c) Beer, lager beer, ale, porter, wine or other liquors, regardless of alcoholic content, when mailed to Indian wards anywhere or into any Indian reservation.

§ 14.7 *Disloyalty and threats to the President.* (a) Any letter, publication, or thing containing any matter advocating or urging treason, insurrection or forcible resistance to any law of the United States.

(b) Any letter or other matter containing any threat to take the life of, or to inflict bodily harm upon, the President of the United States.

§ 14.8 *Copyright violations.* Publications which violate copyrights granted by the United States.

§ 14.9 *Foreign communications.* (a) Matter addressed to foreign countries, posted in violation of law or treaty stipulations.

(b) Matter of any kind giving or offering to give information concerning procurement of a divorce in a foreign country and designed to solicit business in connection with such procurement.

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

Sec.
15.1 Legal restrictions.
15.2 Adequacy of preparation and packaging.
15.3 Perishable matter.
15.4 Shipments under Federal regulations.
15.5 Concealable firearms.
15.6 Identification and marking.
15.7 Airmail.

AUTHORITY: §§ 15.1 to 15.7 issued under R. S. 161, 396, sec. 1, 62 Stat. 781, as amended, sec. 24, 20 Stat. 361; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250.

§ 15.1 *Legal restrictions*—(a) *Harmful matter.* (1) Certain items which are barred from the mails, as set forth in Part 14 of this chapter, may be mailed if prepared and packaged in accordance with special regulations of the Postmaster General. These are items which are not outwardly or of their own force dangerous or injurious to life, health, or property. Such items may be mailed in accordance with the standards and rules prescribed in this part.

(2) Notwithstanding any statement contained in this part, which covers generally some of the more common situations, the burden rests with the mailer to assure that he has complied with the law and that anything shipped by him has been properly prepared and packaged. The ordinary test of adequate preparation and packaging is whether the contents of a parcel are safely perserved under ordinary hazards of mail handling and transportation.

(3) Products, materials and devices are created or modified with such frequency that the Post Office Department is unable to issue general rulings in advance to govern adequate preparation and packaging. Any mailer may, however, request the Post Office Department, in advance, for a specific ruling as to mailability of his item. The request should be addressed to the local postmaster, who will forward it to the Bureau of Post Office Operations, Mail Classification Division, Washington 25, D. C.

(b) *Applicability of other laws.* (1) Although not unmailable, as defined in Part 14 of this chapter, certain other items may be mailed only if they comply with applicable Federal laws and regulations.

(2) Any special conditions or limitations placed on transportation or movement of certain things shall govern admissibility to the United States mails, when imposed under law by the U. S. Department of the Treasury, U. S. Department of Agriculture, U. S. Department of Commerce, U. S. Department of Health, Education, and Welfare, Interstate Commerce Commission or any other Federal department or agency possessing legal jurisdiction.

(c) *Penalties.* Severe penalties of fine or imprisonment, or both, are provided by law, for anyone who knowingly deposits for mailing or delivery, or causes to be mailed or delivered, anything declared nonmailable under law. Failure to comply with the regulations of the Postmaster General, prescribed in this part, as to matter otherwise nonmailable, constitutes a violation of law.

§ 15.2 *Adequacy of preparation and packaging*—(a) *General nature of precautions required.* (1) The restrictions against mailing of harmful matter, from which relief is granted by this part, are intended to prevent damage or harm to postal and transportation personnel, to prevent damage or destruction of other mail and of property, to avoid obnoxious odors, and to prevent the spread of disease and infection. Special preparation and packaging are required to protect against such contingencies.

(2) Basic precautions, covered generally in this section, relate to the inner containers holding the harmful matter, internal cushioning and protection, and exterior packaging and marking.

(b) *Liquids (noninflammable) and powders.* (1) Precautions to take in the case of liquids generally, pastes, salves, ink powders, pepper, snuff or other pulverized materials are against damage to mails and property from leakage and against caustic, irritant, toxic or soiling effect on mail handling personnel.

(2) Containers shall meet any applicable Interstate Commerce Commission or other Federal specifications. Closures must effectively seal the contents against leakage. Friction tops must be fastened so that they will not come off under impact. This may be done by soldering, clips, or otherwise.

CROSS REFERENCE: For shipping container specifications issued by the Interstate Commerce Commission, see 49 CFR Part 78.

(3) Particularly where the containers of liquids are of glass or other breakable material, they must be packaged to withstand handling en route. The container shall be cushioned inside the carton to absorb shock and impact. Where feasible, absorbent material shall be used, to take up all the liquid in case of breakage.

(4) Poisons for scientific use, which are not outwardly or of their own force dangerous or injurious to life, health or property, may be shipped between manufacturers, dealers, bona fide research or experimental scientific laboratories and employees of the Federal, state or local governments who have official use for such poisons. Any such employee must be designated by the head of his agency to receive or send such poisons. The preparation and packaging of such poisonous articles shall be under the same conditions as applied to other articles covered by this part.

(c) *Combustible and gaseous.* (1) In addition to precautions specified in paragraph (b) of this section, containers of inflammable liquids must have sufficient air space to allow for vapor expansion under variations. This is to guard against bursting from internal pressure.

(2) Safety matches of a strike-only-on-box or book variety may be mailed provided they are insulated adequately with aluminum foil, asbestos or other fire retardant material. Strike-anywhere matches may not be mailed.

(3) Compressed gas containers shall be of metal or nonshattering steel types, as required by the Interstate Commerce Commission or other Federal agencies. In addition to being cushioned to absorb shock, containers with release mechanisms shall be protected against damage or accidental discharge in transit.

(d) *Radioactive materials.* In addition to special packaging precautions, as prescribed in this part, a package containing radioactive materials must not emit from its exterior any significant alpha, beta, or neutron radiations and the gamma radiation at any surface of the package must be less than 10 milliroentgens for 24 hours.

(e) *Sharp edges and firearms.* (1) Sharp pointed or sharp edged instruments such as knives, tools, icepicks, razor blades, etc., shall be wrapped to protect their points and edges from cutting through the outer carton in which they are shipped.

(2) Rifles or shotguns are mailable if they are not loaded. The mailer may be required by the post office clerk to establish this to the clerk's satisfaction either by opening the parcel or by giving him a written statement certifying that the gun is unloaded.

§ 15.3 *Perishable matter*—(a) *Time factor.* Live animals that are otherwise mailable, and perishable foods, game and furs may not be sent through the mails unless there is sufficient time in ordinary transit for them, after mailing, to reach their destinations in good condition. Certain perishable foods may be shipped at the sender's risk, provided they are not subject to rapid decay and the generating of obnoxious odors. Airmail, special handling and special delivery services are advisable.

(b) *Highly perishable food, game, and furs.* (1) Crates, boxes, baskets or other containers used to ship highly perishable goods should be so constructed as to protect the contents while preventing their escape.

(2) Berries, fruits and vegetables are not mailable unless presented in dry condition.

(3) Water ice used as a refrigerant must be packed as though it were a liquid, in accordance with § 15.2 (b). Dry ice (carbon dioxide solid) is acceptable when wrapped securely in heavy paper. Dry ice must not be packed in glass, metal or other air-tight containers. Sufficient insulation is necessary if a fiberboard box is used, in order to prevent condensation and wetting of the shipping carton.

(c) *Live day-old poultry.* Live day-old chicks, ducks, geese, guinea fowl and turkeys are acceptable in the continental surface mails under the following conditions:

(1) They must be presented for mailing in the original unopened hatchery box from the hatchery of origin.

(2) The date and hour of hatching must be noted on the box by a representative of the hatchery who has personal knowledge thereof (in the case of c. o. d. shipments made by a hatchery for the accounts of others the name or initials and address of the hatchery, or the post office box number and address of the hatchery shall be prominently shown in connection with this requirement).

(3) They must not be over 24 hours old.

(4) The box must be properly ventilated and of proper construction and strength to bear safe transmission in the mails. (These boxes may be stacked 10 high in cars.)

(5) They can be delivered to the addressee within 60 hours of the time of hatching regardless of whether the addressee resides in town or on a rural or star route.

(6) They must be mailed sufficiently early in the week to avoid receipt at the office of address, in case of missed connections, on a Sunday, national holiday or on the afternoon preceding a Sunday or holiday.

(7) Shipments shall not be forwarded to the addressee from the office of original address nor returned to sender if delivery cannot be made to either the addressee or sender within 60 hours of the time of hatching. Shipments that are delayed beyond the 60-hour limit by washouts, snow blockades, wrecks, and the like, will be disposed of by postmasters in accordance with instructions in subparagraph (8) of this paragraph.

(8) If a shipment cannot be returned to the sender, it will be sold to the best advantage possible and the amount realized therefrom, less a commission of 10 percent, but in no case less than 15 cents, transmitted to the sender with a statement of the facts in the case. Postage-due stamps representing the amount retained as a sales commission will be affixed to the parcel or to a tag or sheet of paper attached to the article, canceled, and delivered with the matter to the purchaser. Sale will not be made to the addressee except under the conditions set forth in subparagraph (9) of this paragraph.

(9) If a shipment is received at the office of address and it is not promptly accepted by the addressee, it will be held for delivery until the expiration of the 60-hour period from the time of hatching, if there is a possibility that delivery may be effected within that period. If, at the expiration of the 60-hour period, the shipment has not been accepted, it will be sold. Such shipments will not be sold to the original addressee unless paid for in full. If the parcel is sent collect-on-delivery, the c. o. d. charges plus the money order fee will show the minimum amount which may be accepted from the addressee, which is the amount that would have been collected from the addressee had the parcel been accepted when originally offered for delivery. If the parcel is sent as ordinary or insured mail and the price is not known to the postmaster, the addressee will not be permitted to buy the chicks after refusing to accept them.

(10) Boxes of day-old poultry of approximately the same size which are securely fastened together to prevent their becoming separated in transit may be accepted for mailing as a single parcel provided such parcel does not exceed 100 inches in length and girth combined. Three regular size boxes would exceed the 100-inch limit.

(11) Day-old poultry originally shipped by air express or air cargo and then presented for mailing must be in first-class condition and be prepared in accordance with subparagraphs (1) to (6) of this paragraph. They must not be over 24 hours old at time of mailing.

(12) The shipments must bear special delivery or special handling postage in addition to regular postage.

(13) Day-old poultry vaccinated with Newcastle Disease (live virus) are nonmailable.

(14) Each box should bear, in addition to the address label on top, another address label on the side, or the narrow end, if the box is rectangular in shape, to eliminate unnecessary handling when boxes are stacked.

§ 15.4 *Shipments under Federal regulations*—(a) *Nursery shipments*—(1) *Nursery stock, etc.* Nursery stock, including all field grown florists' stock, trees, shrubs, vines, cuttings, grafts, cions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots, may be admitted to the mails only when accompanied with a certificate from a State or Government inspector to the effect that the nursery or premises from which such stock is shipped has been inspected within a year and found free from injurious insects and plant diseases, and the parcel containing such stock is plainly marked to show the nature of the contents and the name and address of the sender.

(2) *Plant quarantines applying to the continental United States.* When any State or area is quarantined by order of the Secretary of Agriculture, under authority of the Plant Quarantine Act, or by an authorized State plant pest official cooperating with the Secretary of Agriculture, on account of a plant disease or insect infestation, the mailing of plants, plant products, or other articles covered by such quarantine or regulatory order from such State or area into or through any State or area is subject to the restrictions imposed by such order.

CROSS REFERENCE: For quarantine regulations of the U. S. Department of Agriculture, see 7 CFR Chapter III.

(3) *Preparation and packaging.* The wettable packing material and the roots or butts of the plants must be wrapped or boxed in a waterproof material heavy enough to withstand safe transmission in the mails without leakage or loss of packing material. The term "waterproof material" means a tar-centered paper or kraft paper waxed on one side or a kraft paper with a waxed or tarred paper liner or plastic wrap. If a box is used, it must have a similar lining to prevent leakage or loss of contents and to insure retaining a moisture content for the roots of the plants without weakening the box. The tops of all bundles must be wrapped with a covering of paper, straw or similar material to protect the plant from injury and drying out and if the plant has thorns or other pointed projects, the wrapper shall be punctureproof to avoid injury to postal employees handling such bundles.

(b) *Meats and meat products.* Meats and meat products may be sent through the mails only if they conform with regulations of the U. S. Department of Agriculture under Federal statutes. Required certificates shall be filed.

CROSS REFERENCE: For regulations with respect to meat and meat products issued by the U. S. Department of Agriculture, see 9 CFR Chapter I.

(c) *Dead wild animals.* The dead bodies, or parts thereof, of any wild animals, wild birds or their eggs, are acceptable for mailing only when they have been lawfully killed or taken and their shipment is not prohibited by law of the United States or of the State, Territory, district or foreign country or subdivision thereof in which killed or taken or offered for shipment. Mailing of fresh game is also subject to requirements of § 15.3.

(d) *Furs, hides, skins or pelts.* (1) Parcels containing furs, hides, skins or pelts of wild animals are mailable when properly dried or cured; have no offensive odor; and are plainly marked, labeled or tagged on the outside with the names and addresses of the shipper and the addressee together with such other endorsement, if any, as may be required by the game laws of the State, Territory, or district in which mailed. Hides and pelts shall be wrapped when necessary to prevent damage to other mails.

(2) Furs mailed from Alaska are subject to rules of the Alaska Game Commission. Each package in which game animals, game birds, land fur-bearing animals, or parts thereof are transported shall have clearly and conspicuously marked on the outside an accurate statement of each kind of game animals, game birds, land fur-bearing animals, or parts thereof in the parcel; and if the package contains skins of beavers or marten, the serial number of the Commission's seal attached thereto shall also be similarly marked on the package.

CROSS REFERENCE: For regulations of the Alaska Game Commission, see 50 CFR Chapter II.

(e) *Insects and dried reptiles.* (1) Queen bees and honey bees are acceptable in the continental surface mails and queen bees only in air mails when shipped in accordance with Federal and State regulations to assure that they are free of disease. They must bear special delivery or special handling postage.

(2) Other live, nonpoisonous and nondisease conveying insects, may be sent through the mails when properly prepared and packaged and when shipped in accordance with regulations of the U. S. Department of Agriculture.

§ 15.5 *Concealable firearms*—(a) *When mailable.* Unloaded pistols, revolvers and other firearms capable of being concealed on a person are mailable only to:

(1) Officers of the Army, Navy, Coast Guard, Marine Corps or Officers Reserve Corps.

(2) Officers of the National Guard or militia of a State, Territory or district.

(3) Officers of the United States or of a State, territory or district whose official duty is to serve warrants of arrest or commitment.

(4) Employees of the postal service.

(5) Officers and employees of enforcement agencies of the United States.

(6) Watchmen engaged in guarding the property of the United States, a State, territory or district.

(7) Manufacturers of firearms or bona fide dealers therein, from one to the other, in customary trade shipments.

(b) *Filing affidavits.* An affidavit of the addressee shall be filed with the postmaster by the sender or his agent at the time of mailing setting forth that he is qualified to receive the firearm under the particular category (1) through (6) of paragraph (a) of this section and that the firearm is intended for his official duty use. The affidavit shall bear a certificate stating that the firearms are for the use of the addressee, for his official duty, signed by one of the following as appropriate:

(1) For officers of Armed Forces a certificate signed by his commanding officer.

(2) For officers and employees of enforcement agencies a certificate signed by a judge of the Federal court for the official district in which the addressee's official services are rendered or, in the case of a State officer, a certificate signed by a judge of a court of record for the jurisdiction in which the addressee's official services are rendered.

(3) For watchmen a certificate signed by the chief clerk of the department, bureau or independent branch of the Government of either the United States, the State, Territory or district by which such watchman is employed.

A qualified manufacturer or bona fide dealer need not file an affidavit but must file with the postmaster a statement signed by the sender that he is a manufacturer of firearms or that he is a bona fide dealer therein and that the parcels are customary trade shipments or other articles for repair or replacement of parts and to the best of his knowledge or belief the addressees are manufacturers of firearms or bona fide dealers therein. If satisfied that the sender is as stated by him the postmaster shall accept the parcel for mailing.

(c) *Marking of parcels.* The parcel shall be plainly marked by the sender with the word "FIREARMS" in bold, block letters, one inch high and of corresponding width. The particular class of persons to which the addressee belongs, as specified in categories (1) through (7) of paragraph (a) of this section, shall be indicated by stating underneath the word firearms "for Army officer" or "for manufacturer" or "for bona fide dealer," etc. as the case may be.

(d) *Identification of addressee.* The postmaster at the office of delivery shall require the addressee of any parcel covered by this section to call at the post office and establish his identity to the satisfaction of the postmaster. The parcel may then be delivered after the addressee signs a receipt which shall be filed by the postmaster for not less than 3 years. Before delivery to an addressee who is a manufacturer of firearms or bona fide dealer therein, the postmaster shall satisfy himself that the addressee is actually such manufacturer or dealer.

(e) *Official shipments.* Without regard to the provisions of paragraphs (a) through (d) of this section, firearms may be accepted for mailing when offered by authorized agent of the Federal Government for shipment to any qualified addressee as listed in categories (1) through (6) of paragraph (a) of this section. The parcels shall bear plainly written or printed the official title and address of the sender together with the words "official shipment." The postmaster shall satisfy himself as to the identity of the addressee before making delivery.

§ 15.6 *Identification and marking*—(a) *Identification of contents.* The identity or nature of contents of anything mailed under any of the provisions of this part shall be stated plainly on the outside of the parcel, as a condition of mailing.

(b) *Identification of sender and addressee.* The full name and address of both the sender and the addressee shall be written in ink, rubber-stamped or pasted on the outside of any package whose mailing is covered by this part.

(c) *Labels.* Any labels required under Federal law or under any regulations issued by any Federal agencies pursuant to Federal law shall be pasted to the outside of the parcel.

§ 15.7 *Airmail.* Any matter acceptable in the domestic surface mails may be sent by airmail, except:

(a) Anything susceptible to damage, or which may be rendered harmful by changes in temperature or atmospheric pressures and not protected against the effects of such changes.

(b) Permanent magnetic materials with unconfined fields.

(c) Safety matches.

(d) Matter specifically excluded by appropriate Federal agencies from air shipment.

PART 16—BULK MAILINGS

Sec.
16.1 Second class publications.
16.2 Third class mailings.

AUTHORITY: §§ 16.1 and 16.2 issued under R. S. 161, 396, secs. 5, 6, 18 Stat. 232, 233, as amended, secs. 304, 309, 42 Stat. 24, 25, sec. 203, 62 Stat. 1262, sec. 3, 65 Stat. 673; 5 U. S. C. 22, 369, 39 U. S. C. 283, 285, 290a–1.

§ 16.1 *Second class publications*—(a) *Folding.* (1) Fold publications to a size not larger than 9 by 12 inches when practicable.

(2) Newspapers and light magazines should be folded to the size of an eighth of a newspaper page, or about 5 by 12 inches.

(b) *Wrapping.* (1) Paper used for wrapping should be plain white or manila.

(2) Use wrappers that may be removed and replaced without destroying the wrappers or enclosures.

(3) Envelopes used as wrappers must show in the upper left corner of the address side the name and address of the publication and in the upper right corner a notice of entry.

(4) Heavy magazines should be wrapped singly. The singly wrapped copies for each office should be tied in bundles and each bundle addressed to the post office. The twine and paper used should be strong enough for the size and weight of the bundle.

(c) *Addressing.* (1) All publications should be addressed in a legible hand or plain type not smaller than 10 point.

(2) When several unwrapped copies for subscribers at the same post office are sent under one wrapper, each copy should bear the name and address of the subscriber.

(3) The name of the post office and State should be the most prominent part of the address.

(4) Write or print addresses with black ink or ink of some other strongly contrasting color. Addresses should not be written in pencil.

(5) If the Dick or similar system of addressing is used the strips should be printed with black ink on white or yellow paper.

(6) When the address is placed on the wrapper it should appear on the flat side; never on the fold.

(7) Individually addressed, unfolded periodicals mailed in bundles without separate wrappers should have the addresses placed upside down in the lower right corner of the front cover page. An alternate position on periodicals is lengthwise along the bound edge, near the top of the publication.

(8) Individually addressed, unwrapped, folded newspapers and periodicals mailed in bundles to a post office should have the addresses in the upper left corner of the publication when grasped with the right hand along the folded edge.

(9) Individually addressed copies of publications may be sent singly or, when more than five are intended for the same post office they must be securely wrapped or tied in one package. If there are more than 30 pieces weighing 15 pounds or more, they must be placed in a separate sack addressed to the same post office.

(10) Copies addressed to Army-Air Force post offices must be individually wrapped when 15 copies or less are addressed to the same APO. When more than 15 copies are addressed to one APO, tie the copies securely in bundles and make up direct sacks to the APO's of address.

(d) *Place of mailing.* (1) Mailing is to be done at post office of entry. Publishers may request the privilege of delivering copies at their own expense and risk to other post offices or elsewhere. Application should be made for this privilege at the office of original second-class entry.

(2) The postmaster shall consider the application on the basis of the facts and approve or disapprove it on his own responsibility.

(e) *Determination of weight*—(1) *Procedure for determining bulk weight of one issue.* When postage is to be computed on the bulk weight of one issue, the weight shall be obtained by multiplying the total number of copies of the issue mailed by the average weight of one copy. The number of copies of a single issue mailed shall be obtained from the statement on Form 3542. The average weight of one copy shall also be obtained from the statement on Form 3542 and shall be determined by the publisher as prescribed in this section.

(2) *How to determine average weight per copy of one issue.* The average weight per copy must include the wrapping and binding materials and shall be obtained by the publisher as follows:

(i) Count a reasonable number of copies selected in such a manner for test purposes that when wrapped and bundled they will bear a proper ratio to the total number of copies to be mailed individually wrapped and wrapped in bundles.

(ii) Weigh in bulk the copies which have been counted, after they are wrapped and bundled for mailing.

(iii) Divide the bulk weight of the test copies by the number of test copies to obtain the average weight per copy in pounds. Record fractions of pounds as decimals with six digits to the right of the decimal point.

(3) *Procedure for determining bulk weight of all issues mailed during a calendar month.* When publications are regularly printed on sheets of uniform weight, postmasters are not required to compute the postage on the bulk weight of each issue. Postage on such publications may be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month. The total bulk shall be obtained by multiplying the average number of copies mailed by the combined weight of one copy from each issue. The average number of copies of each issue mailed during the month shall be obtained from the statement on Form 3542. The combined weight of one copy from each issue shall also be obtained from the statement on Form 3542 and shall be determined by the publisher in the manner prescribed in this section.

(4) *How to determine combined weight of one copy from each issue mailed during a calendar month.* The combined weight of one copy from each issue mailed during a calendar month must include the wrapping and binding materials and shall be obtained by the publisher as follows:

(i) Determine by the method prescribed in subparagraph (2) of this paragraph the average weight of one copy of any one issue selected by the postmaster for testing and verifying during the month.

(ii) Divide the average weight of one copy by the number of sheets in the copy to determine the weight of one sheet in pounds. Record fractions of pounds as decimals with six digits to the right of the decimal point.

(iii) Select one copy of each of the issues mailed during the month and count the sheets in all of the selected copies to determine the total number of sheets in the selected copies.

(iv) Multiply the total number of sheets in the selected copies by the weight of one sheet.

(f) *Prepayment of postage.* The postage on all second-class matter shall be collected in money before the matter is dispatched. Postmasters may receive from publishers deposits of money sufficient to pay for as many mailings as desired. Receipts Form 3544 shall be issued for the deposits.

(g) *Statement of mailing.* (1) When postage is to be computed on the bulk weight of one issue fill out Form 3542 to show the number of copies included in each zone or other separation necessary to compute postage and to show the average weight per copy.

(2) When postage is to be computed at the end of each calendar month the computation is based on the total bulk weight of all issues mailed during the month. Under this procedure file Form 3542 with the first mailing of the last issue mailed each month and complete the form to show the average number of copies of each issue included in each separation, the weight of one sheet, and the combined weight of one copy from each issue.

(h) *Filing of copies.* (1) The publisher shall mark the copy filed to show the portion which is advertising and the portion which is not advertising. The term "advertisements" includes display, classified, and all other forms of advertisement and all editorial or other reading matter for the publication of which money or other valuable consideration is paid, accepted or permitted. This includes advertising by a newspaper or periodical of its own services or issues or any other business of the publisher in the form of either display advertisements or editorial or reading matter.

(2) The advertising content must be marked by the publisher in such a way that it may be verified when necessary.

(3) The total advertising and non-advertising portions shall be determined by column inches, square inches, pages or by any other recognized units of measure. The publisher shall show by endorsement on the first page of the copy the percent of advertising space to total space.

§ 16.2 *Third class mailings*—(a) *Mailing statement.* Complete and submit with each mailing:

(1) Mailing statement, Form 3602, for mail with printed postage impressions; or

(2) Mailing statement, Form 3602–PC, for mail bearing precanceled stamps or metered postage impressions.

(b) *Preparation of mailing.* Sort, face and tie bulk mail into packages both lengthwise and crosswise with twine strong enough to withstand handling in the mails (a breakingpoint of 10 pounds or more will qualify). Labels should be large enough to cover the address on the exposed piece of mail and to keep the label from sliding out from under the twine. Prepare packages as follows:

(1) *Direct package.* When there are 10 or more pieces for any one post office (or station or branch if its name forms part of the address), face all addresses one way, except the last. Reverse the last piece to expose its address on the outside of the package. Do not label direct packages.

(2) *State package.* After direct-package pieces are removed, if there are 10 or more pieces remaining for any one State, face all addresses one way and tie the pieces into a package. Cover the top address with a label bearing the name of the State.

(3) *Mixed packages.* If there are less than 10 pieces per State (for instance, 6 for Delaware, 8 for Maryland, 5 for Virginia), face all addresses one way and tie the pieces into a package. Cover the top address with a label bearing the words "mixed states."

(c) *Prepayment required.* All third-class mail must be fully prepaid at the appropriate rate before dispatch from the office of mailing.

Subchapter C—Mail Classification and Rates

PART 21—FIRST CLASS

Sec.
21.1 Rates.
21.2 Classification.
21.3 Weight and size limits.
21.4 Payment of postage.
21.5 Mail sent by members of the U. S. Armed Forces.
21.6 Ship letters.

AUTHORITY: §§ 21.1 to 21.6 issued under R. S. 161, 396, 3896, 3913, secs. 7–9, 24, 32, 20 Stat. 358, 361, 362, as amended, sec. 5, 41 Stat. 583, as amended, sec. 2, 45 Stat. 940, sec. 1, 65 Stat. 672; 5 U. S. C. 22, 369, 39 U. S. C. 221, 222, 250, 271, 273, 280, 298, 303, 356, 358.

§ 21.1 *Rates.*

Kind of Mail and Rate

All first-class mail except postal and post cards and drop letters: 3 cents per ounce.

Drop letters: 2 cents per ounce.

Single postal cards and post cards: 2 cents each.

Double postal cards and post cards (reply portion of double post card does not have to bear postage when originally mailed): 4 cents (2 cents each portion).

Business reply cards: 3 cents each, collected when delivered.

Mail enclosed in business reply envelopes: 3 cents per ounce plus 1 cent per piece, collected when delivered.

§ 21.2 *Classification*—(a) *Description.* (1) First-class mail includes:

(i) Letters.

(ii) Postal and post cards.

(iii) All matter wholly or partly in writing, except authorized additions to second-, third-, and fourth-class mail.

(iv) Matter sealed or closed against inspection.

(2) The term "letters" includes all letters whether they are old or have previously passed through the mail, sent singly or in packages. Exception: Packages of letters, bills, and statements prepared at a central office of a concern that provides service at some other place, each bearing proper postage at the first-class rate and mailed to the post office at that place for local delivery, and packages of letters remailed unopened to the same addressee, may be sent at other than the first-class rate of postage.

(3) Two or more persons or firms, or a person acting as the agent of two or more persons or firms, may not mail in one envelope to a mutual customer the bills, statements of account, or other letters of the persons or firms. No two firms that are distinct entities may send their letters in one envelope even though they are affiliated or jointly owned.

(4) Applications for automobile, drivers', and other licenses are "letters" when sent for the purpose of securing a license. The application of each individual or company constitutes a separate letter. Applications of various persons may not be mailed in one package by a compensated representative of the applicants unless the package is endorsed on the outside to show the number of applications enclosed and enough postage is paid to cover the first-class rate on each application. Agents of the licensing authority may receive applications and forward them to any other office in a package with postage paid at the first-class rate computed on the bulk weight of the package.

(5) Drop letters are letters mailed for local delivery at post offices where free delivery by carrier is not established and that are not collected or delivered by rural or star-route carriers.

(6) Postal cards are sold by the post office at the postage value represented by the postage stamp printed on the card.

(7) Post cards are manufactured by private concerns and must conform to the following specifications:

(i) *Size.* Not larger than 3 9/16 by 5 9/16 inches, nor smaller than 2 3/4 by 4 inches.

(ii) *Material.* An unfolded piece of cardboard of approximately the quality and weight of a postal card. Thickness not less than 0.0085 or more than 0.0095 of an inch, and the cardboard to be uniform in thickness and as near 0.0090 as possible.

(iii) *Color.* Any light color that does not interfere with legible address and postmark.

These specifications apply to single post cards and each part of double post cards.

(8) Written matter includes:

(i) Handwritten or typewritten matter (including identical copies prepared by automatic typewriter), and manifold or carbon copies of such matter.

(ii) Imitations or reproductions of handwritten or typewritten matter, unless mailed at a point designated by the postmaster in a minimum quantity of 20 identical unsealed copies.

(iii) Manuscript or typewritten copy, except when accompanied by related proof sheets.

(iv) Autograph albums containing writing.

(v) Notebooks or blank books containing written or typewritten entries or stenographic or shorthand notes.

(vi) Blank printed forms filled out in writing or with amounts due, signatures, or other writing such as notices, certificates, receipts, and checks either canceled or uncanceled.

(vii) Printed price lists containing written figures changing individual items.

(viii) Bills or statements of account produced by any photographic or mechanical process, unless presented in a minimum quantity of 20 identical unsealed copies.

(ix) Printed cards or letters bearing a written date, where the date is not the date of the card but gives information as to when something will occur or has occurred.

(x) Printed cards or coupons that, by having a signature attached, are converted into personal communications, such as receipts and orders. (This does not apply to Christmas or similar printed greeting cards.)

(xi) Punched tabulating cards that convey information, unless presented in a minimum quantity of 20 identically punched cards.

(xii) Identical communications entirely in print, excepting the name of the sender, sent by several persons to the same addressee.

(9) Sealed matter includes mail of any class so wrapped as not to be easily examined except third- or fourth-class matter sealed subject to postal inspection. (See §§ 24.8 and 25.7 of this chapter.)

(b) *Use of postal and post cards.* (1) Double postal and post cards are two attached cards, one of which is to be detached by the receiver and returned through the mail as a reply. The following rules apply to double cards:

(i) Double cards must be folded before mailing and the first half detached when the reply half is mailed for return. If the first half is not detached when the reply half is mailed for return, the card is subject to the letter rate of postage.

(ii) The reply portion of a double card must be used for reply purposes only; it must not be used to convey a message to the original addressee of the double card, to cover up the message on the original portion, or to send statements of account.

(iii) Double cards must be prepared so that the address on the reply portion is on the inside when the double card is mailed.

(iv) Plain stickers or seals or a single wire stitch may be used to fasten the edges, provided they are so fixed that the inner folds of the cards can be readily examined.

(v) Enclosures are prohibited.

(2) Additions to postal cards and post cards are limited to the following:

(i) The face of the card may be divided by a vertical line, the left half to be used for the message and the right half for the address only.

(ii) The message on a single card, or on the first portion of a double card, may consist of advertising, illustrations, or any kind of writing, and may occupy the space to the left of the vertical line and the entire back of the card.

(iii) Very thin sheets of paper may be attached to the card, provided they are completely stuck to it.

(3) Post cards not conforming with prescribed specifications and bearing a message wholly or partly in writing or the words "Post Card" or "Private Mailing Card" are charged the letter rate. If entirely in print and without the words "Post Card" or "Private Mailing Card," they are charged the third-class rate.

(4) Cards enclosed in envelopes, transparent or not, are charged the letter rate, if sealed; if unsealed, they are charged according to the character of the message. Stamps on matter enclosed in envelopes do not count as postage.

(c) *Business reply cards, envelopes, and labels.* (1) A business reply card or envelope is a card or envelope prepared for use in replying to the permit holder who distributes them.

(2) A business reply label is a label cut from a newspaper or other publication, or a gummed label, to be stuck on plain envelopes or cards for return to the addressee.

(3) Postage is collected on all types of business reply mail when it is returned to the original distributor. Postage is computed at the first-class rate plus 1 cent for each piece. (See § 21.1.)

(4) A permit to distribute business reply mail is required. Business Reply Permit Application, Form 3614, must be filed at the post office where the mail will be returned. There is no charge for the permit. If business reply cards or envelopes are distributed from a central office to be returned to branches or dealers in other cities, one permit obtained from the post office where the central office is located may be used to cover all.

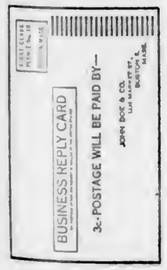
(5) Business reply cards, envelopes, and labels may be distributed:

(i) In any quantity for return by surface or air mail. (See § 26.1 of this chapter for airmail rate.)

(ii) To any post office in the United States and its Territories and possessions, including military post offices overseas; except in the Canal Zone, where they may not be returned without prepayment of postage. They should not be sent to any foreign country.

(iii) In any manner except by depositing in receptacles provided by patrons for receipt of mail. Examples: Renewal form inserted between magazine pages; label printed in newspaper; envelope enclosed with other mail.

(6) Specifications for business reply cards and envelopes are printed on the Permit, Form 3616. The three approved forms are illustrated below:



(7) The use of business reply cards and envelopes is restricted as follows:

(i) May be used to transmit communications only.

(ii) May not be attached to parcels either to carry messages or to serve as address tags or labels without prepayment of postage.

(iii) May not be used to return parcels without prepayment of postage on both the business reply piece and the parcel.

(8) The distributor guarantees payment on delivery of postage on returned business reply cards or envelopes. Any concern distributing business reply cards or envelopes under one permit for return to its branches or dealers, guarantees to pay postage on any returns refused by any authorized addressee.

§ 21.3 *Weight and size limits*—(a) *Weight.* Maximum limits same as for fourth-class mail. (See § 25.3 (a) of this chapter.)

(b) *Size.* No limit.

§ 21.4 *Payment of postage*—(a) *Method.* Postage may be paid by:

(1) Adhesive postage stamps.

(2) Stamped cards or envelopes.

(3) Metered postage impressions.

(4) Printed postage impressions.

(b) *Insufficient prepayment.* First-class mail on which one full rate of postage has been paid is dispatched to its destination, and any unpaid portion is collected on delivery. (One full rate is the amount specified in § 21.1 for the particular type of mail involved.) If the postage is short-paid no more than one full rate, only the deficient postage is charged; if short-paid more than one full rate, the deficient postage plus 1 cent for each short-paid ounce is collected on delivery.

§ 21.5 *Mail sent by members of the U. S. Armed Forces.* Letters sent by soldiers, sailors, airmen, and marines in the United States military service located in the United States or other places where United States domestic mail service operates, addressed to places in the United States, may be dispatched for collection on delivery, under the following conditions:

(a) The address side of the letter must be marked "Soldier's Letter", "Airman's Letter", "Sailor's Letter", or "Marine's Letter", as appropriate.

(b) Under the marking, the letter must bear the signature and official designation, either with facsimile handstamp or in writing, of a commissioned officer to whose command the soldier or airman belongs, or of a surgeon or chaplain at a hospital where he is; and in the Navy and Marine service of a commissioned officer attached to the vessel on which the member is serving, or an officer commanding a hospital or detachment ashore where he is.

(c) Postage, at single rate, is collected on delivery. (See § 27.7 for free mail for certain members of the Armed Forces.)

§ 21.6 *Ship letters*—(a) *Vessels not regular mail carriers.* Letters for delivery in the United States, carried by vessels not regularly employed in carrying the mail, are charged double rate of postage, to cover the fee paid to the vessel. The postage may be collected at the office of delivery or prepaid with United States postage stamps.

(b) *Vessels operating over post road.* Letters and packages from one port to another in the United States over a water route that is wholly a post road by law, in a private ship or vessel, are charged single rate of postage. If part of the water route is not a post road, double rates of postage are charged.

(c) *Delivery by the master of a vessel.* Wholly unpaid printed matter delivered to the post office by the master of a vessel arriving from a foreign port and not regularly engaged in carrying mail, is charged with double the third-class rate of domestic postage, to be collected on delivery, and dispatched to its destination.

village letter-carrier service (and for delivery at publishers' headquarters office except when second-class zone rates are higher):

(i) By carrier:

Weekly newspapers (minimum ⅛ cent per copy): 1 cent per pound.

Newspapers issued more often than weekly: 1 cent per copy.

Periodicals (all publications issued less frequently than weekly): Copies weighing 2 ounces or less: 1 cent per copy. Copies weighing over 2 ounces, any weight: 2 cents per copy.

(ii) Through post-office boxes or general delivery, and for delivery by rural or star-route carriers (minimum ⅛ cent per copy): 1 cent per pound.

(2) For delivery at offices having city or village letter-carrier service other than the office of mailing (minimum ⅛ cent per copy): 1 cent per pound.

(3) For delivery at all offices including office of mailing not having city or village letter-carrier service:

(i) If publication is printed in whole or in part in the county, one copy to each subscriber residing within the county: Free.

(ii) If publication is not printed in whole or in part in the county (minimum ⅛ cent per copy): 1 cent per pound.

(b) *Outside the county of publication*—(1) *All publications, except those accepted at the special rate.* (i) Reading portion (also advertising portion when it does not exceed 5 percent of the total space): 1½ cents per pound, plus 30 percent (minimum ⅛ cent per copy).

(ii) Advertising portion, when it exceeds 5 percent of the total space, and single sheets or portions of sheets sent to advertisers to prove the insertion of advertisements:

First and second zone	1½ cents per pound.
Third zone	2 cents per pound.
Fourth zone	3 cents per pound.
Fifth zone	4 cents per pound.
Sixth zone	5 cents per pound.
Seventh zone	6 cents per pound.
Eighth zone	7 cents per pound.

Plus 30 percent; Minimum ⅛ cent per copy.

(iii) When the total weight of any one edition or issue of a publication mailed to any one zone does not exceed 1 pound: 1¢ for each zone to which a mailing is made.

(iv) The 30 percent additional charge to total postage does not apply to any religious, educational, or scientific publication designed specifically for use in school classrooms or in religious instruction classes.

(2) *Special rate publications.* Issued by religious, educational, scientific, phil-

anthropic, agricultural, labor, veterans, or fraternal organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, when specifically authorized by the Department: Reading and advertising portions combined: 1½ cents per pound (minimum ⅛ cent per copy).

(c) *Transient rate.*

1. Copies mailed by public. 2. Sample copies in excess of 10 percent allowance. 3. Copies to persons not included in list of subscribers.	2 cents for first 2 ounces; 1 cent each additional 2 ounces or fraction thereof, or the fourth-class rate, whichever is lower.

(d) *Second-class rates to other countries*—(1) *Canada.* Daily newspapers issued as frequently as six times a week:

(i) Reading portion: 1½ cents per pound, plus 30 percent (minimum ⅛ cent per copy).

(ii) Advertising portion: 7 cents per pound, plus 30 percent (minimum ⅛ cent per copy).

Publications issued less frequently than six times a week, including copies of Sunday issues, newspapers to subscribers who do not subscribe to the weekday issues: 1 cent for each 4 ounces or fraction of 4 ounces.

(2) *Other countries.* Copies addressed to Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Republic of Honduras, Mexico, Morocco (Spanish Zone), Nicaragua, Panama, Paraguay, Peru, Republic of Philippines, El Salvador, Spain (including the Balearic Islands, Canary Islands and Spanish Offices in Northern Africa), Spanish Guinea, Spanish West Africa, Uruguay, and Venezuela:

(i) Reading portion: 1½ cents per pound, plus 30 percent; add 33⅓ percent to total (minimum ⅛ cent per copy).

(ii) Advertising portion: 7 cents per pound, plus 30 percent; add 33⅓ percent to total (minimum ⅛ cent per copy).

(iii) Special rate publications: 1½ cents per pound; plus 33⅓ percent (minimum ⅛ cent per copy).

(e) *Bulk Weight.* The pound rates are computed on the bulk weight of the mailings of each issue.

§ 22.2 *Qualifications for second-class privileges*—(a) *Alternative qualifications.* Only mailable newspapers and other periodical publications may qualify for second-class rates and privileges. The qualifications that must be met are divided between basic qualifications and added qualifications. The differences between these two kinds of qualifications are as follows:

Basic qualifications	*Added qualifications*
Must be circulated to paid subscribers.	Circulation to paid subscribers not required if general advertising is not printed but is required if general advertising is printed.
May print general advertising.	
May be owned by any class of publisher.	May be owned only by named institutions and societies.

Publications meeting the basic qualifications are not required to meet any of the added qualifications. Publications meeting the added qualifications must also meet all the basic qualifications except those requiring a paid subscription list and prohibiting free circulation or circulation at nominal rates. (See paragraph (b) (5), (7), and (8) of this section.) Some publications may meet both the basic qualifications and the added qualifications.

(b) *Basic qualifications*—(1) *Regular issuance.* Publishers must determine the number of issues they will publish each year and adopt a statement of frequency that will show at what regular intervals the issues will appear. Examples of statements of frequency are:

Daily.
Weekly.
Monthly.
Quarterly.
Monthly except during July and August.
Semiweekly.
Biweekly.
Semimonthly.
Weekly during school year.
Four times a year in January, February, October, and November.

A publication may not be published under a frequency that provides for less than four issues each year. Issues must be published regularly as called for by the statement of frequency. Publishers may change the number of issues scheduled, and adopt a new statement of frequency by filing an application for second-class reentry. (See § 22.3 (d).)

(2) *Issuance at known office.* Publications must be issued and mailed at a known office or place of publication. A known office or place of publication is a public office where the business of the publication is transacted during the usual business hours. The office must be maintained at the place where second-class mail privileges are originally authorized. Offices for the transaction of business may be maintained at more than one place, but mailings may be accepted at the second-class pound rates only at the post offices where original or additional mail privileges have been authorized.

(3) *Preparation.* Publications must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding. They may not be produced by the stencil, mimeograph, or hectograph process or in imitation of typewriting.

(4) *Contents.* Publications must be originated and published for the purpose of disseminating information of a public character, or they must be devoted to literature, the sciences, art, or some special industry.

(5) *List of subscribers.* Publications must have a list of persons who have subscribed by paying or promising to pay for copies to be received during a stated time. When news agents purchase copies for resale or receive copies on consignment for sale, only the persons who buy copies from the news agents may be included in the subscription list.

(6) *Advertising publications.* Publications designed primarily for advertising purposes may not qualify for second-class privileges. They include:

(i) Those having advertising in excess of 75 percent in more than one-half of their issues during any 12-month period.

(ii) Those owned or controlled by individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them.

(iii) Those that consist principally of advertising and editorial write-ups of the advertisers.

(iv) Those that consist principally of advertising and that have only a token list of subscribers, the circulation being mainly free.

(v) Those that have only a token list of subscribers and that print advertisements free for advertisers who pay for copies to be sent to a list of persons furnished by the advertisers.

(vi) Those published under a license from individuals or institutions and that feature other businesses of the licensor.

(7) *Free circulation publications.* Publications designed primarily for free circulation may not qualify for second-class privileges. Publications that are not circulated principally to a list of subscribers are considered to be designed for free circulation. All copies printed and circulated either by mail or by the publishers' carriers, and at the second-class pound rates or the transient rate, are considered in determining whether a publication is designed for free circulation.

(8) *Nominal rate publications.* Publications designed primarily for circulation at nominal rates may not qualify for second-class privileges. They include those for which subscriptions are sold:

(i) At a token subscription price that is so low that it cannot be considered a material consideration.

(ii) At a reduction to the subscriber, under a premium offer or any other arrangements, of more than 50 percent of the regular advertised annual subscription price. The value of a premium is considered to be its actual cost to the publisher, the recognized retail value, or the represented value, whichever is highest.

(c) *Added qualifications.* (1) Publications that do not have subscribers and that are issued as follows may contain only the publishers' own advertising and not under any conditions the advertising of other persons, institutions, or concerns: By a regularly incorporated institution of learning, a regularly established State institution of learning supported in whole or in part by public taxation, including bulletins issued by State boards of health, State conservation and fish and game agencies or departments, and State boards or departments of public charities and corrections.

(2) Publications that do not have subscribers and that are issued as follows may contain only the publishers' own advertising: By or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having an actual membership of not less than 1,000 persons, or of a trades-union; or as the publications of strictly professional, literary, historical, or scientific societies.

These publications may also contain advertising of other persons, institutions, or concerns, under the following conditions:

(i) The publication must not be designed or published primarily for advertising purposes.

(ii) The publication must be originated and published to further the objects and purposes of the society.

(iii) The circulation must be limited to copies mailed to members who pay either as a part of their dues or assessments, or otherwise, not less than 50 percent of the regular subscription price; to other actual subscribers; to exchanges; and 10 percent of such circulation as sample copies.

(iv) When members pay for their subscriptions as a part of their dues or assessments, individual subscriptions or receipts are not required.

(3) Periodical publications issued by State departments of agriculture may not contain advertising and must be published for the purpose of furthering the objects of the departments.

(4) Foreign newspapers and periodicals must be of the same general character as those classified as second-class in the United States, and must not violate any copyright granted by the United States.

(d) *Identification statements in copies.* Copies of publications must be identified as second-class mail by having the following items printed on one of the first five pages in a position where they may be easily located by postal employees and other interested persons:

(1) Name of publication: The name of the publication must be shown on the front in a position and in a style and size of type that will make it clearly distinguishable from the name of the publisher or other items on the front.

(2) Date of issue.

(3) Statement of frequency.

(4) Issue number: The copies of each issue must be numbered consecutively. The consecutive numbering of published issues may not be broken by assigning numbers to issues unavoidably omitted.

(5) Subscription price if the publication has one.

(6) Name of known office or place of publication, including street and number when there is letter-carrier service, must be printed in a position or in a style and isze of type or with a designation that will make it clearly distinguishable from the names of other offices of the publication. When there is not a post office at the place where published, the name of the post office where mailed must be shown as the office or place of publication.

(7) Notice of second-class entry reading: Second-class mail privileges authorized at _____.

(8) Notice of pending application, when copies are mailed under a temporary permit, reading: Application for second-class mail privileges is pending at _____.

§ 22.3 *Applications for second-class privileges*—(a) *Applications for publications and news agents that do not have second-class privileges.* An application must be filed by the publisher before a publication may be mailed at the second-class rates. Two copies of the issue described in the application must also be filed. If the publication is printed in a foreign language, a brief translation of the contents of the copies must be furnished. A synopsis of each article and advertisement is usually sufficient. News agents must file applications before they may mail second-class publications at the second-class rates. Copies of all application forms may be obtained from local postmasters. The headings on the forms describe what information must be furnished by publishers and news agents. Use the following forms:

(1) File application Form 3501 for second-class mail privileges for a publication that meets the basic qualifications at the post office of the place where the known office of publication is located.

(2) File application Form 3501–B for second-class mail privileges for a publication that meets the added qualifications at the post office of the place where the known place of publication is located.

(3) File application Form 3501–A for permission to mail foreign publications in the United States at the post office at which the copies are to be mailed.

(4) File application Form 3501–C for registry of a person or firm as a news agent with the privilege of mailing second-class publications at the post office where mailings are to be made.

(b) *Temporary acceptance after application has been filed.* While an application is pending, mailings of a publication may be made by either publishers or news agents under a temporary permit. The postmaster will issue the permit on Form 3503. Money must be deposited with the postmaster to cover postage at third- or fourth-class rates on the mailings. If second-class privileges are authorized, postage at the second-class rates will be deducted from the deposits, and the balance will be returned to the publisher or news agent. If second-class mail privileges are not authorized, postage at third- or fourth-class rates will be deducted from the deposits, and the balance, if any, will be returned to the publisher or news agent.

(c) *Applications for publications that have second-class privileges.* After a publication has obtained second-class mail privileges, applications may be filed for the following additional privileges:

(1) Publishers of newspapers or periodicals of nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations may file applications by letter to the postmaster for the special rate. They must also submit evidence to establish their nonprofit status.

(2) Publishers of religious, educational, or scientific publications designed for use in school classrooms or in religious instruction classes may file applications by letter to the postmaster for exemption from the 30 percent increase in rates applicable to other publications, showing that their publications are of this character and for the uses stated.

(3) If a publisher desires to mail copies at another office in addition to the one where he has second-class mail privileges, he may file a written application stating the approximate number and weight of copies to be mailed at the additional office, and the territory to be served. A form is not provided for this kind of application. The application must be filed at the office where the second-class mail privileges were originally obtained. If the additional entry is authorized, all copies for delivery at the original office must be mailed there, and all copies for delivery at the additional office must be mailed at that office.

(4) An application to deliver copies of a second-class publication at the publishers' expense and risk to other post offices or elsewhere may be filed by the publisher at the office where the publication has second-class mail privileges. A form is not provided for this kind of application.

(d) *Reentry because of change in name, frequency, or location.* When the name or frequency is changed, an application for reentry must be filed on Form 3510 at the post office of original entry, accompanied by two copies of the publication showing the new name or frequency. When the location is changed, an application for reentry must be filed on Form 3510 at the new office, accompanied by two copies of the publication showing the name of the new office as the known office or place of publication. Copies of Form 3510 may be obtained from local postmasters.

(e) *Fees.* The fees to accompany applications for second-class original entry, reentry, or additional entry, or for registration as a news agent, are:

Kind	*Amount*
Original entry—circulation not more than 2,000	$25
Original entry—circulation 2,001 to 5,000	50
Original entry—circulation 5,001 and over	100
News-agent registry	20
Reentry because of change in title, frequency of issue, office of publication, or other reasons	10
Additional entry	10

If an application for original second-class entry is denied, one-half of the fee is returned to the publisher.

§ 22.4 *What may be mailed at the second-class rates*—(a) *Complete copies.* Copies of the regular issues containing all of the pages may be mailed at the second-class rates. Incomplete copies having pages or portions of pages removed must be charged with postage at the third- or fourth-class rates.

(b) *Editions or issues.* The following kinds of extra or special editions or issues may be mailed at the second-class rates:

(1) Extra issues or editions issued for the purpose of communicating additional news and information received too late for insertion in the regular edition and not for advertising purposes.

(2) Separate editions of the issues of a second-class publication. Separate publications will not be accepted as editions.

(3) Special issues containing annual reports, directories, lists, and similar text but the copies may not be distinguished from the regular issues by bearing designations which indicate they are annuals, directories, catalogs, yearbooks, or other types of separate publications. The regular annual subscription price must include the copies of the special issues.

(c) *Back numbers and reprints.* The following kinds of back numbers and reprints may be mailed at the second-class rates:

(1) Unbound copies of back numbers as long as entry is in effect.

(2) Unbound reprint copies of daily publications printed within one week after the date of issue.

(3) Unbound reprint copies of other than daily publications printed before the next issue is printed.

Other reprints and bound back numbers are charged with postage at the third- or fourth-class rates.

(d) *Supplements.* (1) Issues may include supplements subject to the following conditions:

(i) The supplement must be germane to the issue, and prepared in order to complete it, having been omitted for want of space, time, or greater convenience.

(ii) A supplement must bear the title of the publication preceded by the words "Supplement to" and the date of the regular issue.

(iii) Supplements must be folded and mailed with the regular issue.

(2) Enclosures that may be accepted as supplements include:

(i) Legal notices such as statutes, ordinances, proceedings of public boards or conventions, tax rates, and delinquent tax lists, required by law to be published, may be mailed as supplements even though the publisher is paid for printing the notices.

(ii) Maps, diagrams, and illustrations that form a necessary part of a publication may be either loose or attached and need not bear the words "Supplement to."

(3) Enclosures that may not be accepted as supplements include:

(i) Independent publications entirely distinct from and independent of the regular issue and complete in themselves.

(ii) Circulars, handbills, posters, and other third-class mail.

(iii) Advertising pages, or pages containing advertising and nonadvertising, issued by or for advertisers.

(e) *Parts or sections.* (1) The regular pages of publications may be prepared in parts or sections. Enclosures prohibited as supplements may not be prepared as parts or sections.

(2) Each part or section must show the title of the publication.

(3) The number of parts or sections in which the issue is published must be stated on the first page of the first part or section.

(4) Publishers must pay at a rate that is not nominal for parts or sections produced by others. The parts or sections may not be issued by or for advertisers. Publishers must submit to the Bureau of Post Office Operations, Division of Mail Classification, contracts entered into with producers of parts or sections.

(f) *Copies not paid for by the addressee*—(1) *Sample copies.* (i) Complete copies of regular issues or editions may be mailed as samples at the second-class pound rates.

(ii) Samples may be mailed at any time during a calendar year to the extent of 10 percent of the total estimated weight of copies to be mailed to subscribers during the calendar year.

(iii) The words "Sample Copy" must be shown on the address side of the envelopes or wrappers or the outside cover of unwrapped copies.

(iv) Samples may not be accepted free of postage under the free-in-county mailing privilege.

(v) The transient second-class rate must be paid on samples mailed in excess of the 10 percent limit.

(vi) Copies mailed for advertising purposes under arrangements with advertisers or others and copies mailed by a publisher acting as an agent for an advertiser may not be mailed as samples.

(2) *Copies paid for by advertisers.* Copies paid for by advertisers or others for advertising purposes, may be mailed only at the transient second-class rate. When copies are being furnished free to the addressees, publishers may be required to inform the postmaster the purpose for sending the copies, the amount that the publisher received for the copies, and whether the purchaser is an advertiser.

(3) *Copies paid for as gifts.* A minor portion of the subscription list may consist of persons whose subscriptions were paid for as gifts. Subscriptions paid for by advertisers or other interested persons to promote their own interests are not gift subscriptions.

(4) *Exchange copies.* A minor portion of the subscription list may consist of publishers to whom exchange copies are sent, one copy for another.

(5) *Expired subscriptions.* Copies will be accepted at the pound rates of postage for a period of 6 months after a subscription has expired, if the publisher attempts during the 6 months to obtain payment or a promise to pay for a renewal. Postage at the transient second-class rate will be charged on copies sent after 6 months to persons who have not renewed.

(6) *Advertisers' proof copies.* One complete copy of each issue may be mailed at the pound rates to each advertiser in the issue to prove that the advertisements have been printed.

(g) *Advertiser's proof sheets.* Single sheets or portions of sheets sent to an advertiser or his agent as proof of insertion of an advertisement must be enclosed in unsealed envelopes or wrappers bearing in the upper left corner the printed inscription "Advertiser's proof copy" and in the upper right corner a notice of second-class entry.

(h) *Enclosures, additions, and novelty pages*—(1) *Enclosures.* Bills, receipts, and orders for subscriptions may be enclosed either loose or bound in. No other enclosures are permitted. They may show only the name of the publication, place where published, subscription price, and the amount of the subscription due. They may be prepared in the following ways:

(i) They may be either printed or written.

(ii) They may be printed on cards and envelopes including business replies, and on cardboard arranged with coin receptacles.

(iii) They may be prepared as combination forms for two or more second-class publications issued by the same publishers.

(2) *Additions.* Additions consist of words that may be added to the copies after they are printed or that may be placed on the envelopes or wrappers in which the copies are mailed. Only the following additions may be made:

(i) Name and address of the person to whom copies are sent.

(ii) Index figures of subscription book, either printed or written.

(iii) Printed title of publication and place of its publication.

(iv) Printed or written name and address without addition of advertisement of the publisher or sender, or both.

(v) Written or printed words or figures, or both, indicating the date on which the subscription will end.

(vi) Correction of any typographical error.

(vii) A mark, except by written or printed words, to designate a word or passage to which it is desired to call attention.

(viii) The words "Sample Copy" when the copies are sent as samples.

(ix) The words "Marked Copy" when the copies contain a marked item or article.

(x) A pledge to pay forwarding or return postage on copies undeliverable as addressed.

(xi) The number of copies enclosed may be shown on the wrapper or face of a package.

(3) *Novelty pages.* Novelty pages are printed sheets that may be used for purposes other than reading, or printed sheets with novel characteristics. Blank sheets may not be carried as pages. The total number of novelty pages in the copies may constitute only a minor portion of the total pages. An excessive use of novelty pages may give a publication the characteristics, both as to format and purpose, of books, catalogs, or other third- or fourth-class mail. The following kinds of pages are examples of novelty pages that may be included in second-class publications:

(i) Printed pages bearing words, perforations, or symbols indicating they are for detachment.

(ii) Pages having printed pictures for cutting out.

(iii) Printed pages having blank spaces for writing or marking in.

(iv) Pages having printed illustrations pasted to them.

(v) Pages with coupons or application or order forms occupying not more than one-half of the page.

(i) *Advertisements.* All advertising pages in periodicals must be permanently attached. The pages may be die-cut or deckle-edged, and prepared for folding out horizontally, vertically, or both. Different advertisements may occupy the same space in different copies of the same issue.

§ 22.5 *Second-class mailing privilege for news agents*—(a) *Definition.* News agents are persons or concerns engaged in selling two or more second-class publications published by more than one publisher.

(b) *Information required from news agents.* News agents must furnish postmasters evidence that copies of publications offered for mailing are entitled to second-class postage rates, and that they are sent to actual subscribers or to other news agents for the purpose of sale. A printed notice of second-class entry in the copies is sufficient evidence that a publication is entitled to be mailed at second-class rates. The addresses on bulk packages must show that the packages are sent to other news agents.

(c) *Remailing without payment of postage.* A news agent may not remove packages of copies from a post office, write an address on each copy, and return them to the office for dispatch or delivery without paying additional postage, except when the publication is entitled to free-in-county mail privileges.

(d) *When subject to transient second class rates.* Unsold copies returned to publishers or other news agents, or copies sent to other news agents except for purpose of sale, or to persons not subscribing to the news agent, are subject to the transient second-class rate.

(e) *Return of portions of unsold publications.* The head or small portions of publications returned to publishers to show that copies have not been sold are subject to postage at third- or fourth-class rates according to weight.

§ 22.6 *Sworn ownership and circulation statements*—(a) *Filing and publishing.* The editor, publisher, business manager, or owner must file, in duplicate, not later than October 1 of each year on Form 3526 a sworn statement showing the ownership and management of their publication. The statement must be published in the second issue of the publication printed next after the statement has been filed. Copies of Form 3526 are furnished by the local postmaster. The two copies of Form 3526 and one copy of the issue in which the statement is published must be filed with the postmaster at the office where the publication has original second-class mail privileges.

(b) *Circulation.* Statements filed by daily, weekly, semiweekly, and triweekly publications must show the average number of copies of each issue sold or distributed to paid subscribers during the preceding 12 months.

(c) *Exemptions.* Religious, fraternal, temperance, scientific, or other similar publications are not required to file ownership, management, and circulation statements. Publishers may be required by the postmaster to furnish evidence that their publications are entitled to exemption.

(d) *Failure to file and publish statement.* A publication may be denied the privileges of second-class mail if the publisher fails to file and publish a statement within 10 days after he has been notified by registered letter that he has not filed and published a statement.

§ 22.7 *Marking of paid reading matter.* Editorial or other reading matter for the publication of which money or other valuable consideration is paid, accepted, or promised must be plainly marked "advertisement". Failure to do this will subject the editor or publisher upon conviction in any court having jurisdiction to a fine of not less than $50 nor more than $500.

§ 22.8 *Cancellation of second-class privileges.* (a) Second-class mail privileges may not be suspended or annulled until a hearing has been granted to the parties interested.

(b) Before revocation, annulment, or suspension of any second-class entry, the Bureau of Post Office Operations, Mail Classification Division, will fully advise the publisher of the facts that may warrant such action. The publisher will be given an opportunity to demonstrate or achieve compliance with all the lawful requirements within a reasonable specified time limit.

PART 23—CONTROLLED CIRCULATION PUBLICATIONS

Sec.
23.1 Rates.
23.2 Permits.
23.3 Identification statements.
23.4 Filing of marked copy.
23.5 Enclosures.

AUTHORITY: §§ 23.1 to 23.5 issued under R. S. 161, 396, sec. 203, 62 Stat. 1262; 5 U. S. C. 22, 369, 39 U. S. C. 291b.

§ 23.1 *Rates.*

Copies not over 8 ounces: 10 cents per pound, minimum 1 cent per piece.

Copies over 8 ounces: 11 cents per pound.

§ 23.2 *Permits*—(a) *Qualifications.* Publications must:

(1) Contain at least 24 pages.

(2) Contain at least 25 percent nonadvertising.

(3) Be issued at regular intervals of four or more times a year.

(4) Be circulated free or mainly free.

(5) Not be owned and controlled by individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them.

(b) *Applications.* Apply by letter to the postmaster at the office where mailings are to be made. A form is not provided for this kind of application. State the name of the publication, frequency of issue, where published, and the name of the publisher. Submit two copies of the issue published nearest to the date of application.

(c) *Deposits to cover postage.* While an application is pending, deposits in money to cover postage on mailings at the third- or fourth-class rates may be made by the publisher. The excess deposits will be returned if a permit is issued.

§ 23.3 *Identification statements.* The following items must be printed on one of the first five pages of each copy, in a position where they may be easily located by postal employees and other interested persons:

(a) Name of the publication must be shown on the front.

(b) Date of issue.

(c) Frequency of issue.

(d) Address of publisher.

(e) Subscription price, if the publication has one.

(f) Notice of authority for acceptance, reading: "Accepted as controlled circulation publication at _____."

(g) Notice of pending application when copies are mailed under deposits of money, reading: "Application for acceptance as controlled circulation publication pending at _____."

A notice must be printed or handstamped on the envelopes or wrappers in which copies are mailed, reading: "Accepted as controlled circulation publication at _____."

§ 23.4 *Filing of marked copy.* A copy of each issue, with at least 25 percent of the nonadvertising marked by the publisher so that it may be verified, must be filed with the postmaster at the time of mailing. The percentage of nonadvertising must be written on the first page of the copy. Advertising includes paid advertising and the publisher's own advertising. The advertising may be in display, classified, or editorial style.

§ 23.5 *Enclosures.* Enclosures are not permitted.

PART 24—THIRD CLASS

Sec.
24.1 Rates.
24.2 Classification.
24.3 Weight and size limitations.
24.4 Payment of postage.
24.5 Nonprofit organizations.
24.6 Permissible additions.
24.7 Permissible enclosures.
24.8 Sealing.

AUTHORITY: §§ 24.1 to 24.8 issued under R. S. 161, 369, sec. 8, 20 Stat. 358, as amended, sec. 1, 25 Stat. 1, as amended, sec. 5, 41 Stat. 583, as amended, sec. 206, 43 Stat. 1067, as amended, 46 Stat. 526, secs. 2, 3, 65 Stat. 672, 673; 5 U. S. C. 22, 369, 39 U. S. C. 221, 221a, 235, 249, 289a, 290a–1, 291a.

§ 24.1 *Rates.*

Kind of mail	Rate	
	Single	Bulk mailings
Books and catalogs, having 24 pages or more (at least 22 of which are printed); seeds, cuttings, bulbs, roots, cions, and plants.	2 cents first 2 ounces, 1½ cents each additional 2 ounces or fraction of 2 ounces; authorized nonprofit organizations: 1½ cents for each 2 ounces or fraction.	10 cents each pound or fraction; 1¼ cents minimum charge per piece except 1 cent for authorized nonprofit organizations.
Circulars and other printed matter, merchandise.	2 cents first 2 ounces; 1 cent each additional ounce or fraction of an ounce.	14 cents each pound or fraction; 1¼ cents minimum charge per piece except 1 cent for authorized nonprofit organizations.
Any article of odd size or form	3 cents minimum per piece (applicable only when regular charge does not exceed 3 cents.)	
Hotel and steamship room keys		5 cents each 2 ounces.
Transient copies of Congressional Record mailed at Washington, D. C.		1 cent per copy (unsealed).

§ 24.2 *Classification*—(a) *Description.* The following articles are included in third-class mail:

(1) Books and catalogs of 24 pages or more with at least 22 printed pages; and seeds, cuttings, bulbs, roots, cions, and plants.

(2) Circulars and other printed matter; proof sheets and corrected proof sheets with related manuscript copy; bills or statements of account produced by any photographic or mechanical process when presented in 20 or more identical copies; merchandise; and unsealed letters for the blind in point print or raised characters, or on sound reproducing records.

(3) Hotel and steamship room keys with metal or fiber tags stamped with the name and post office address of the hotel or steamship of origin and instructions that the key be returned.

(4) Transient copies of the Congressional Record mailed only at Washington, D. C.

(5) All other matter within the weight limitation (8 ounces) not included in the first or second class.

(b) *Application of rates.* The rates in § 24.1 are applied as follows:

(1) The single rate is applied to each piece according to its weight.

(2) The bulk rate is applied to mailings of separately addressed identical pieces in quantities of not less than 20 pounds, or of not less than 200 pieces. Postage is computed at pound rates on the entire bulk mailed at one time, except that in no case shall less than the minimum charge per piece be paid. The annual bulk mailing fee must be paid at or before the first mailing each year. (See Part 16 of this chapter and § 24.4 for other conditions governing acceptance of bulk mailings.)

(3) The minimum charge for pieces of odd size or form applies to all articles (mailed singly or in bulk) exceeding 9 inches in width or 12 inches in length, or less than 2¾ inches in width or 4 inches in length; round, cylindrical, or other irregular-shaped pieces, and those with contents forming a hump or which are otherwise so uneven as to prevent stacking or tying in packages; also articles in bags or addressed by means of tags.

§ 24.3 *Weight and size limitations*—(a) *Weight.* The weight of each addressed piece may not exceed 8 ounces, except letters for the blind. (See Part 28 of this chapter.)

(b) *Size.* No limit.

§ 24.4 *Payment of postage*—(a) *Single-piece mailings.* Mailers of third-class mail at other than bulk rates may:

(1) Use any method of paying postage.

(2) Mail any number of pieces at one time.

Authorized nonprofit organizations which mail books and catalogs, seeds, cuttings, bulbs, roots, cions, and plants at the special single piece rate for these articles must mark the articles "Nonprofit Organization" in the upper right corner adjacent to the postage and show the complete name and address of the organization in the upper left corner of the mail.

(b) *Bulk mailings.* To mail at bulk rates:

(1) A permit to use one of the methods of paying postage must be obtained.

(2) A fee of $10 each calendar year is required. Lettershops must pay a fee of $10 for each customer for whom mailings are made, unless the customer pays it. A receipt on Form 3603 is issued for each fee paid.

(3) Postage must be prepaid:

(i) By metered postage impressions.

(ii) By precanceled stamps or precanceled stamped envelopes.

(iii) In cash for mail with printed postage impressions.

(4) If you have been authorized to mail as a nonprofit organization, print as part of the metered or printed postage impression, or adjacent to such impression or the precanceled postage stamp, the words "Nonprofit Organization" and show the complete name and address of the organization in the upper left corner of the mail.

See Part 16 of this chapter for instructions on mailing third-class mail in bulk.

§ 24.5 *Nonprofit organizations*—(a) *Types.* Religious, educational, scientific, philanthropic, agricultural, labor, veterans', and fraternal organizations or associations not organized for profit and none of the net income of which benefits any private stockholder or individual may mail at the special rates shown in § 24.1.

(b) *Applications.* A nonprofit organization must submit to the Bureau of Post Office Operations, Mail Classification Division, through the postmaster, an application on Form 3624, with evidence of its eligibility. The application will be approved or denied by the Department, and the applicant notified through the postmaster.

(c) *Temporary mailings.* Until final action is taken on the application, postage paid on the mailings may be at the special rates provided the mailer deposits with the postmaster an amount sufficient to cover the additional postage at the higher rates. This deposit will be returned to the mailer if the application is approved. If the application is denied, the deposit will not be returned.

§ 24.6 *Permissible additions.* The following are permissible additions on third-class matter and its covers or labels:

(a) Manuscript dedication or inscription not in the nature of personal correspondence.

(b) Marks to call attention to any word or passage in text.

(c) Corrections of typographical errors in:

(1) *Circulars or printed matter.* Handwritten or typewritten changes in the body of a circular are limited to corrections of actual typographical errors.

(2) *Proof sheets.* Corrections in proof sheets include corrections of typographical and other errors, alterations of text, insertion of new text, marginal instructions to the printer, and rewrites of part if necessary for correction. Corrections should be on margins or attached to the manuscript. Do not enclose manuscript of another article.

(d) Any printed matter mailable as third class.

(e) Hand-stamped imprints, except when the added matter is in itself personal or converts the original matter to a personal communication. In the latter case, however, the mailing at one time at the post office window or other depository designated by the postmaster of not less than 20 identical, unsealed copies will be sufficient evidence of impersonal character to entitle such matter to the third-class rate.

(f) All additions permitted for fourth-class mail. (See § 25.5 of this chapter.)

§ 24.7 *Permissible enclosures*—(a) *Books and catalogs.* Loose enclosures relating exclusively to the book or catalog they accompany may be enclosed and mailed at the book and catalog rate. Loose enclosures are restricted to:

(1) Single reply envelope or reply post card, or both.

(2) Single order form.

(3) Printed circular of a single sheet not larger, when unfolded, than the size of the book or catalog it accompanies.

(4) If no other circular is enclosed, a printed price list listing only articles featured in the catalog and showing only the same prices and discounts as the catalog.

(5) An invoice, same as for fourth-class mail. (See § 25.5 (b) (3) of this chapter.)

Samples of cloth or other merchandise cannot be enclosed, either loose or attached. If circular and other printed matter is attached to a book or catalog, it does not have to conform to the conditions for loose enclosures. Attached means pasted along the entire bound edge of, or fastened with at least two stitches or stapled to, securely enough to form an integral part of, the book or catalog.

(b) *All other third-class matter.* The following may be enclosed with articles mailed as third class at other than the book or catalog rate:

(1) An invoice, same as fourth-class mail. (See § 25.5 (b) (3) of this chapter.)

(2) Second class, if combined weight does not exceed 8 ounces.

Circulars and advertisements of other persons or firms that are printed or manufactured elsewhere and turned over to a mailer may not be inserted and mailed with his own mail at bulk rates but are subject to the single piece rates.

§ 24.8 *Sealing.* (a) Merchandise, sound reproducing records, books, catalogs, seeds, cuttings, bulbs, roots, cions, and plants may be sealed provided the mail is marked to permit postal inspection as required in Part 32 of this chapter.

(b) Circulars, other printed matter, and all other articles mentioned in § 24.2 (a) except in paragraph (a) of this section may not be sealed. When these articles are sealed they are subject to the first-class rate.

(c) Envelopes having one small spot of gum to hold a loose flap are accepted as unsealed. The words "Full Out for Postal Inspection" must be printed on, or adjacent to, the loose flap and must be entirely exposed when the envelope is ready for mailing. The closing outside flap that folds over the loose flap must not be gummed on the surface touching the loose flap.

PART 25—FOURTH CLASS

Sec.
25.1 Rates.
25.2 Classification.
25.3 Weight and size limits.
25.4 Payment of postage.
25.5 Written additions.
25.6 Enclosures.
25.7 Sealing.
25.8 Place of mailing.
25.9 Nonprofit organizations.

AUTHORITY: §§ 25.1 to 25.9 issued under R. S. 22, 396, 3879, secs. 7, 24, 20 Stat. 361, as amended, sec. 1, 25 Stat. 1, as amended, 29 Stat. 282, as amended, sec. 207, 43 Stat. 1067, as amended, sec. 204, 62 Stat. 1262.

§ 25.1 *Rates*—(a) *Fourth class (parcel post) zone rates.*

Weight	Zones								
	Local	1 and 2	3	4	5	6	7	8	
		1 lb to 150 miles	150 to 300 miles	300 to 600 miles	600 to 1,000 miles	1,000 to 1,400 miles	1,400 to 1,800 miles	Over 1,800 miles	
Over 8 ounces to—	$0.47	$1.02	$1.26	$1.62	$2.11	$2.67	$3.34	$3.93	
21 pounds	.49	1.06	1.32	1.69	2.21	2.79	3.50	4.12	
22 pounds	.50	1.10	1.37	1.76	2.30	2.91	3.65	4.30	
23 pounds	.52	1.14	1.42	1.83	2.39	3.03	3.80	4.48	
24 pounds	.53	1.22	1.47	1.90	2.48	3.15	3.95	4.66	
25 pounds	.55	1.26	1.52	1.97	2.58	3.27	4.10	4.84	
26 pounds	.56	1.30	1.57	2.04	2.67	3.39	4.25	5.02	
27 pounds	.58	1.34	1.63	2.11	2.75	3.51	4.41	5.20	
28 pounds	.59	1.38	1.68	2.18	2.85	3.63	4.55	5.38	
29 pounds	.62	1.42	1.74	2.25	2.94	3.73	4.70	5.56	
30 pounds	.63	1.46	1.78	2.31	3.01	3.87	4.85	5.71	
31 pounds	.65	1.50	1.83	2.38	3.13	3.99	5.02	5.92	
32 pounds	.65	1.50	1.89	2.45	3.22	4.11	5.17	6.09	
33 pounds	.65	1.54	1.93	2.52	3.31	4.23	5.32	6.28	
34 pounds	.69	1.58	1.99	2.59	3.40	4.35	5.47	6.46	
35 pounds	.69	1.62	2.04	2.66	3.51	4.47	5.62	6.64	
36 pounds	.71	1.66	2.09	2.73	3.59	4.59	5.78	6.82	
37 pounds	.72	1.70	2.14	2.80	3.69	4.71	5.93	7.00	
38 pounds	.71	1.71	2.19	2.87	3.78	4.83	6.08	7.18	
39 pounds	.75	1.75	2.24	2.94	3.87	4.95	6.23	7.36	
40 pounds	.75	1.85	2.30	3.01	3.96	5.06	6.38	7.54	
41 pounds	.75	1.93	2.35	3.07	4.05	5.18	6.53	7.73	
42 pounds	.79	1.95	2.40	3.14	4.14	5.30	6.69	7.91	
43 pounds	.82	1.97	2.45	3.21	4.23	5.42	6.84	8.09	
44 pounds	.85	2.01	2.55	3.35	4.33	5.54	6.99	8.27	
45 pounds	.87	2.05	2.60	3.42	4.52	5.78	7.14	8.45	
46 pounds	.87	2.09	2.64	3.49	4.61	5.90	7.45	8.63	
47 pounds	.90	2.13	2.71	3.56	4.70	6.02	7.75	8.99	
48 pounds	.91	2.17	2.76	3.63	4.79	6.14	7.90	9.17	
49 pounds	.92	2.25	2.85	3.75	4.98	6.38	8.06	9.35	
50 pounds	.94	2.29	2.91	3.82	5.07	6.50	8.21	9.53	
51 pounds	.95	2.33	2.96	3.90	5.17	6.62	8.36	9.71	
52 pounds	.97	2.37	3.02	3.97	5.26	6.74	8.51	9.89	
53 pounds	1.00	2.41	3.12	4.04	5.35	6.86	8.66	10.07	
54 pounds	1.03	2.53	3.27	4.25	5.63	7.22	9.12	10.61	
55 pounds	1.04	2.60	3.36	4.38	5.81	7.45	9.42	10.96	
56 pounds	1.05	2.64	3.43	4.48	5.94	7.62	9.63	11.20	
57 pounds	1.07	2.68	3.48	4.52	6.00	7.69	9.73	11.32	
58 pounds	1.08	2.72	3.53	4.59	6.09	7.81	9.88	11.50	
59 pounds	1.10	2.76	3.58	4.66	6.18	7.93	10.03	11.68	
60 pounds	1.11	2.80	3.63	4.73	6.28	8.05	10.18	12.06	
61 pounds	1.13	2.84	3.69	4.80	6.37	8.17	10.34	12.24	
62 pounds	1.14	2.88	3.74	4.87	6.46	8.29	10.49	12.42	
63 pounds	1.16	2.92	3.79	4.94	6.55	8.41	10.64	12.60	
64 pounds	1.17	2.96	3.79	5.01	6.65	8.53	10.79	12.78	
65 pounds	1.19								
66 pounds	1.20								
67 pounds	1.22								
68 pounds	1.23								
69 pounds	1.25								
70 pounds	1.26								

EXCEPTIONS

a. In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rates shown for the third zone.

b. Articles weighing less than 10 pounds, and measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10 pound parcel for the zone to which addressed.

c. For catalogs weighing up to 10 pounds, see paragraph (h) of this section.

d. For books and library books, see paragraphs (e) and (d) of this section.

e. For 16-millimeter films, 16-millimeter film catalogs and related materials, see paragraphs (e) and (d) of this section.

f. Field mails within Alaska or from Alaska to the United States and possessions: 2 cents each ounce or fraction, regardless of distance.

Weight	Zones								
	Local	1 and 2	3	4	5	6	7	8	
		1 lb to 150 miles	150 to 300 miles	300 to 600 miles	600 to 1,000 miles	1,000 to 1,400 miles	1,400 to 1,800 miles	Over 1,800 miles	
Over 8 ounces to—	$0.18	$0.23	$0.23	$0.21	$0.26	$0.28	$0.30	$0.32	
1 pound	.20	.27	.29	.27	.30	.30	.40	.51	
2 pounds	.21	.31	.34	.30	.35	.32	.61	.69	
3 pounds	.23	.35	.39	.33	.45	.34	.76	.87	
4 pounds	.24	.39	.44	.36	.54	.36	.91	1.05	
5 pounds	.25	.43	.49	.39	.63	.38	1.06	1.23	
6 pounds	.27	.47	.54	.42	.73	.40	1.22	1.41	
7 pounds	.28	.51	.59	.45	.82	.42	1.37	1.59	
8 pounds	.30	.55	.64	.48	.92	.44	1.52	1.77	
9 pounds	.32	.59	.68	.51	1.01	.46	1.67	1.95	
10 pounds	.33	.63	.73	.54	1.10	.48	1.82	2.13	
11 pounds	.35	.67	.78	.57	1.19	.50	1.98	2.31	
12 pounds	.36	.71	.83	.60	1.28	.52	2.13	2.49	
13 pounds	.37	.75	.88	.63	1.37	.54	2.28	2.67	
14 pounds	.39	.79	.93	.66	1.46	.56	2.43	2.85	
15 pounds	.40	.83	.98	.69	1.55	.58	2.58	3.03	
16 pounds	.42	.87	1.03	.72	1.64	.60	2.73	3.21	
17 pounds	.43	.91	1.08	.75	1.73	.62	2.89	3.39	
18 pounds	.44	.95	1.13	.78	1.82	.64	3.04	3.57	
19 pounds	.46	.99	1.18	.81	1.91	.66	3.19	3.75	
20 pounds	.46	1.03	1.21	.84	2.00	.68			

(b) *Catalogs and similar printed advertising matter.*

Pounds	Zone							
	Local	First and second	Third	Fourth	Fifth	Sixth	Seventh	Eighth
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1	12	13	14	15	17	18	19	20
1½	13	14½	16	17½	20½	22	24	26
2	13½	16	18	20	23½	26	29	32
2½	14½	17½	20	22½	27	30	34	38
3	15	19	22	25	30	34	39	44
3½	16	20½	24	27½	33½	38	44	50
4	16½	22	26	30	36½	42	49	56
4½	17½	23½	28	32½	40	46	54	62
5	18	25	30	35	43	50	59	68
5½	19	26½	32	37½	46½	54	64	74
6	19½	28	34	40	49½	58	69	80
6½	20½	29½	36	42½	53	62	74	86
7	21	31	38	45	56	66	79	92
7½	22	32½	40	47½	59½	70	84	98
8	22½	34	42	50	62½	74	89	104
8½	23½	35½	44	52½	66	78	94	110
9	24	37	46	55	69	82	99	116
9½	25	38½	48	57½	72½	86	104	122
10	25½	40	50	60	75½	90	109	128

EXCEPTION: In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rate shall be the same as for the third zone.

(c) *Books; and 16-millimeter films and 16-millimeter film catalogs.*

Kind of mail	Rate (without regard to zone)	
	First pound	Each additional pound or fraction
	Cents	*Cents*
Books; and 16-millimeter films and 16-millimeter film catalogs (rate applies for films and catalogs except when mailed to commercial theaters)	8	4

(d) *Library books, 16-millimeter films, 61-millimeter film catalogs and related materials.* (These rates are restricted to public libraries and certain nonprofit organizations and associations.) (See § 25.9.)

Kind of mail	Rate (these rates are applicable only in the local zone, and zones 1, 2, and 3, or to any zone in the State where mailed)	
	First	Each additional pound or fraction
	Cents	*Cents*
Library books; and 16-millimeter films, filmstrips, transparencies and slides, microfilms, sound recordings and catalogs of such materials (rate restricted to mailings by or to certain organizations. See § 25.2 (a) (2).)	4	1

§ 25.2 *Classification*—(a) *Description.* (1) Fourth-class mail includes merchandise, printed matter, mailable live animals, and all other matter not included in the first-, second-, or third-class.

(2) Zone rates in § 25.1 (a) are applicable to all fourth-class mail except the items described in § 25.1 (b), (c), and (d).

(3) Catalogs and similar printed advertising matter in bound form, having 24 or more pages, at least 22 of which are printed, weighing more than 8 ounces but not exceeding 10 pounds, and individually addressed, may be mailed at the zone rates in § 25.1 (b).

(4) Books of 24 pages or more, at least 22 of which are printed, permanently bound for preservation and consisting wholly of reading matter or reading matter with incidental blank spaces for students' notations and containing no advertising matter other than incidental announcements of books; 16-millimeter films, which must be positive prints in final form for viewing; and 16-millimeter film catalogs of 24 pages or more, at least 22 of which are printed, may be mailed at the rates in § 25.1 (c), except that films and film catalogs mailed at this rate may not be sent to commercial theaters.

(5) The rates in § 25.1 (d) are for:

(i) Library books consisting wholly of reading matter and containing no advertising other than incidental announcements of books, when sent by public libraries, organizations, and associations as a service to county or other unit libraries, or as a loan to readers, or when returned by the latter libraries or readers to the public libraries, organizations, or associations.

(ii) 16-millimeter films, filmstrips, transparencies and slides, microfilms, all of which must be positive prints in final form for viewing; sound recordings and catalogs of such materials having 24 or more pages, at least 22 of which are printed, when sent to or from schools, colleges, universities, or public libraries, and to or from nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organizations or associations.

(b) *Application of rates.* (1) The rates in § 25.1 (a) and (b) are applied on the basis of weight of the individual piece and zone (or distance) to which mailed.

(2) To ascertain the parcel post zone, consult the State List of Post Offices for the name of the post office to which the parcel is to be mailed. At the right of the name is the number of the parcel post unit in which that post office is located. This number (or the group of numbers including it) is then located in the parcel post zone key for the office from which the parcel is to be mailed. The figure in the column opposite the line containing the number on the key is the parcel post zone.

(3) The rates in § 25.1 (c) and (d) are computed on the basis of the weight of the piece regardless of the zone to which addressed.

(4) The local rate in § 25.1 (a) and (b) applies to parcels mailed at any post office for local delivery at that office; at any city letter-carrier office or at any point within its delivery limits for delivery by carriers from that office; at any office from which a rural route starts for delivery on the same route; and on a rural route for delivery at the office from which the route starts or on any rural route starting from that office.

(5) The eighth zone rates apply:

(i) Between the United States and Hawaii;

(ii) Between Hawaii and Alaska;

(iii) Between the United States and the Canal Zone;

(iv) To, from, or between Canton Island, Guam, Wake Island, American Samoa, Trust Territory of the Pacific, and the United States or any other of its possessions.

(6) Gold coin, gold bullion, and gold dust, between any two points in Alaska, or between any point in Alaska and any point in the United States or its possessions, are charged the rate in § 25.1 (a), footnote f. The gold must be enclosed in sealed packages not exceeding 50 pounds in weight and sent by registered mail.

§ 25.3 *Weight and size limits*—(a) *Weight.* The weight of an addressed piece must exceed 8 ounces, but not more than the following limits:

(1) Parcels mailed at a first-class post office in the continental United States for delivery at another first-class post office in the continental United States are limited to 40 pounds when addressed for delivery in the local, first, and second zone; and to 20 pounds when addressed to the third through the eighth zones; except that parcels mailed on or addressed for delivery on a rural or star route, or parcels containing baby poultry, nursery stock, agricultural commodities, books, and Braille-writers and other appliances for the blind, are subject to the limit set forth in subparagraph (2) of this paragraph. (The term "agricultural commodities" includes any product grown or produced incident to an agricultural activity on a farm or in a garden, orchard, nursery, or forest, but does not include manufactured products of such commodities.) Parcels containing such articles must be endorsed to show the nature of the contents, unless such information can be ascertained by outward examination of the parcel.

(2) Parcels mailed at or to any second-, third-, or fourth-class post office; to or from any rural or star route; to or from any Army-Air Force or Fleet Post Office; or to, from, or between any territory or possession of the United States, including the Canal Zone and Trust Territory of the Pacific Islands, must not exceed 70 pounds.

(3) When more than 200 pounds of parcel post, other than perishable matter, is offered for mailing by one sender to one addressee on the same day and the delivery to destination will involve transportation over a star route, the shipment will not be accepted unless the postmaster obtains special permission from the Assistant Postmaster General, Bureau of Transportation.

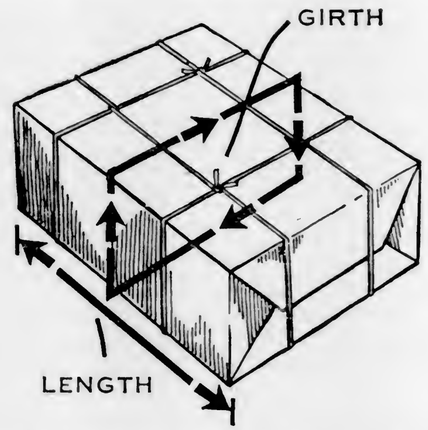
(b) *Size.* Parcels mailed at a first-class post office in the continental United States, for delivery at another first-class post office in the continental United States, and subject to the limits of weight shown in paragraph (a) (1) of this section must not exceed 72 inches length and girth combined. All other parcels are limited to 100 inches in length and girth combined. To compute the size of a parcel:

(1) Measure the longest side to get the length.

(2) Measure the distance around the parcel at its thickest part to get the girth.

(3) Add the length and the girth to get the size.

Two or more packages may be mailed as a single parcel if they are about the same size or shape or if they are parts of one article. They must be securely wrapped or fastened together and must not, together, exceed the weight or size limit.



§ 25.4 *Payment of postage.* Mailers of fourth-class articles may use any method of paying postage.

§ 25.5 *Written additions*—(a) *Required.* (1) The return address of the sender must be shown on all fourth-class mail.

(2) Parcels containing baby poultry, live plants, trees, shrubs, agricultural commodities, books, and Braille-writers and other appliances for the blind, mailed at a first-class post office addressed for delivery at another first-class post office, and that exceed the weight limits in § 25.3 (a) (1) or a size limit of 72 inches in length and girth combined, must be marked to show the type of contents. If contents are readily identifiable by outward examination, no marking is required.

(3) Catalogs mailed at the rates in § 25.1 (b) must be marked "Catalogs."

(4) Books and 16-millimeter film and 16-millimeter film catalogs mailed at the rates in § 25.1 (c) must be marked "Book."

(5) Library books, 16-millimeter films, filmstrips, sound recordings, and other articles mailed at the rates in § 25.1 (d) must be marked "Library book."

(6) Marks specified in Part 11 of this chapter to show nature of contents or service desired must be added.

(b) *Permissible.* The following written additions, which may be placed on the cover tag, or label attached to the parcel, or on an article within the parcel, are permitted for all fourth-class mail. (Sufficient space must be provided on the address side for address, return card, postage, and postal endorsements.)

(1) Marks, numbers, name, or letters descriptive of contents.

(2) "Please do not open until Christmas," "Merry Christmas," "Happy Birthday," "With Best Wishes," and similar inscriptions.

(3) An invoice or similar document enclosed for descriptive purposes only, showing any or all of the following:

(i) Name and address of sender and addressee.

(ii) Names and quantities of articles enclosed.

(iii) Description of articles enclosed, including price, style, stock number, size, and quality; and if defective, nature of defect.

(iv) Order or file number, date of order, date and manner of shipment.

(v) Initials or name of packer or checker.

§ 25.6 *Enclosures*—(a) *Catalogs.* Catalogs mailed at the rates in § 25.1 (b) may have any or all of the following enclosures, provided the loose enclosures form only an incidental portion of contents:

(1) Order forms, reply envelopes, and circulars.

(2) One each of a printed blotter, illustrated display sheet, poster, dealer's card, or similar printed advertising matter.

(b) *Books.* The following may be enclosed with books mailed at the rates in § 25.1 (c):

(1) Reply envelope or post card, or single order form, and single sheet not larger than the book page, relating exclusively to the book with which it is enclosed.

(2) Incidental announcements of books, appearing in book pages or as loose circulars.

(3) An invoice.

§ 25.7 *Sealing.* Fourth-class mail must be wrapped or packaged so that it can be easily examined. If sealed, the wrapper or cover shall be marked in accordance with Part 11 of this chapter.

§ 25.8 *Place of mailing.* (a) Fourth-class articles may be mailed at a post office, branch, or station, or handed to a rural or star route carrier. They may not be mailed at railway post office cars.

(b) Parcels exceeding the limits of size and weight for articles mailed at first-class post offices that originate in and are prepared in cities or towns served by first-class post offices may not be diverted to other post offices or to a rural or star route carrier for mailing.

§ 25.9 *Nonprofit organizations.* Rates in § 25.1 (d) are restricted to mailings mailed by or addressed to non-profit organizations or associations as follows:

(a) *Library books.* A public library, organization, or association desiring to mail books to county or other unit libraries or as a loan to readers, or to have such books returned, at the rate in § 25.1 (d), must first submit to the postmaster at the office where the books will be mailed, a request for such privilege together with satisfactory evidence, such as its articles of incorporation, constitution, or by-laws, to establish that it is not organized for profit and that none of its net income benefits any private stockholder or individual. Books will not be accepted for mailing at the library book rate until the request has been approved. No permit is required to return books to organizations that are authorized to mail at this special rate.

(b) *16-millimeter films, filmstrips, etc.* Each parcel containing 16-millimeter films, filmstrips, and the related material listed in § 25.1 (d), must show in the address or the return address the name of a nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organization or association. No permit is required.

PART 26—AIRMAIL

Sec.
26.1 Rates.
26.2 Classification.
26.3 Weight and size limits.
26.4 Payment of postage.
26.5 Additions and enclosures.
26.6 Marking, sealing, and depositing.

AUTHORITY: §§ 26.1 to 26.6 issued under R. S. 161, 396, sec. 2, 60 Stat. 1062, secs. 1, 201, 62 Stat. 1097, 1261; 5 U. S. C. 22, 369, 39 U. S. C. 462a, 463a, 475.

§ 26.1 *Rates.*

Weight	Rate	
8 ounces or less.	Air postal or post cards.	4 cents each.
	Business reply air cards.	5 cents each, collected when delivered.
	Letters and packages.	6 cents an ounce.
	Airmail in business reply envelopes.	6 cents an ounce, plus 1 cent per piece, collected when delivered.

Weight	Rate					
	Zones 1, 2, and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
Over 8 ounces to—						
1 pound	$0.60	$0.65	$0.70	$0.75	$0.75	$0.80
2 pounds	1.08	1.15	1.26	1.39	1.47	1.60
3 pounds	1.56	1.65	1.82	2.03	2.19	2.40
4 pounds	2.04	2.15	2.38	2.67	2.91	3.20
5 pounds	2.52	2.65	2.94	3.31	3.63	4.00
6 pounds	3.00	3.15	3.50	3.95	4.35	4.80
7 pounds	3.48	3.65	4.06	4.59	5.07	5.60
8 pounds	3.96	4.15	4.62	5.23	5.79	6.40
9 pounds	4.44	4.65	5.18	5.87	6.51	7.20
10 pounds	4.92	5.15	5.74	6.51	7.23	8.00
11 pounds	5.40	5.65	6.30	7.15	7.95	8.80
12 pounds	5.88	6.15	6.86	7.79	8.67	9.60
13 pounds	6.36	6.65	7.42	8.43	9.39	10.40
14 pounds	6.84	7.15	7.98	9.07	10.11	11.20
15 pounds	7.32	7.65	8.54	9.71	10.83	12.00
16 pounds	7.80	8.15	9.10	10.35	11.55	12.80
17 pounds	8.28	8.65	9.66	10.99	12.27	13.60
18 pounds	8.76	9.15	10.22	11.63	12.99	14.40
19 pounds	9.24	9.65	10.78	12.27	13.71	15.20
20 pounds	9.72	10.15	11.34	12.91	14.43	16.00
21 pounds	10.20	10.65	11.90	13.55	15.15	16.80
22 pounds	10.68	11.15	12.46	14.19	15.87	17.60
23 pounds	11.16	11.65	13.02	14.83	16.59	18.40
24 pounds	11.64	12.15	13.58	15.47	17.31	19.20
25 pounds	12.12	12.65	14.14	16.11	18.03	20.00
26 pounds	12.60	13.15	14.70	16.75	18.75	20.80
27 pounds	13.08	13.65	15.26	17.39	19.47	21.60
28 pounds	13.56	14.15	15.82	18.03	20.19	22.40
29 pounds	14.04	14.65	16.38	18.67	20.91	23.20
30 pounds	14.52	15.15	16.94	19.31	21.63	24.00
31 pounds	15.00	15.65	17.50	19.95	22.35	24.80
32 pounds	15.48	16.15	18.06	20.59	23.07	25.60
33 pounds	15.96	16.65	18.62	21.23	23.79	26.40
34 pounds	16.44	17.15	19.18	21.87	24.51	27.20
35 pounds	16.92	17.65	19.74	22.51	25.23	28.00
36 pounds	17.40	18.15	20.30	23.15	25.95	28.80
37 pounds	17.88	18.65	20.86	23.79	26.67	29.60
38 pounds	18.36	19.15	21.42	24.43	27.39	30.40
39 pounds	18.84	19.65	21.98	25.07	28.11	31.20
40 pounds	19.32	20.15	22.54	25.71	28.83	32.00
41 pounds	19.80	20.65	23.10	26.35	29.55	32.80
42 pounds	20.28	21.15	23.66	26.99	30.27	33.60
43 pounds	20.76	21.65	24.22	27.63	30.99	34.40
44 pounds	21.24	22.15	24.78	28.27	31.71	35.20
45 pounds	21.72	22.65	25.34	28.91	32.43	36.00
46 pounds	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
47 pounds	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
48 pounds	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
49 pounds	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

mail is not given special delivery to the addressee unless a special delivery fee is paid in addition to the airmail postage.

(b) *Articles acceptable.* Mail of all classes, except that which may be damaged by low temperatures or high altitudes, is accepted for airmail.

(c) *Application of rates.* (1) Postage is charged on airmail (except postal and post cards) according to weight and not according to class of mail. In computing postage for airmail weighing more than 8 ounces, the weight and the zone of address are used. (See § 26.1.)

(2) Air post cards must conform to the size and conditions prescribed for post cards. (Size § 21.2 (a) (7) of this chapter.)

(3) Each portion of a double air post card must be prepaid at the air card rate when originally mailed, except when the reply portion is prepared as a business reply air card. See § 21.2 (c) of this chapter for information regarding business reply mail.

(4) The eighth zone airmail rates apply to articles mailed between continental United States or its territories and possessions and the Canal Zone, overseas Army-Air Force and Fleet post offices, naval vessels addressed in care of Fleet post offices, and Islands of the Trust Territory in the Pacific, except that rates according to zone apply between the United States and Alaska, Puerto Rico, and the Virgin Islands.

§ 26.3 *Weight and size limits*—(a) *Weight.* Airmail may weigh up to 70 pounds, except airmail (other than official mail) addressed to APO's and FPO's is limited to 2 pounds.

(b) *Size.* Airmail is limited to 100 inches in combined length and girth, except that airmail (other than official mail) addressed to APO's and FPO's is limited to 30 inches in combined length and girth. See § 25.3 (b) of this chapter for instructions on how to measure parcels.

§ 26.4 *Payment of postage*—(a) *Method.* Postage on airmail may be paid by adhesive postage stamps, stamped cards or envelopes, or metered or printed postage impressions. The use of airmail stamps is recommended.

(b) *Insufficient prepayment.* Airmail weighing 8 ounces or less, on which the rate for one ounce is prepaid, is dispatched to its destination, and any unpaid portion is collected on delivery. Airmail weighing more than 8 ounces is dispatched [illegible] if it bears at least 50 percent of the full amount of air postage. If it bears less than 50 percent of the full amount of air postage, the piece is returned to sender. If prepaid postage is enough for surface transportation and the piece would be delayed by return, it is sent on as surface mail.

(c) *No prepayment.* If any mail, except business reply mail, by mistake reaches its destination without any prepayment, double the prepaid rates will be charged and collected on delivery.

§ 26.5 *Additions and enclosures.* There are no special restrictions with respect to written additions and enclosures in airmail. An airmail parcel weighing over 8 ounces, subsequently forwarded or returned from place of original address by surface mail would be subject to the restrictions as to additions and enclosures according to the class of mail involved.

§ 26.6 *Marking, sealing, and depositing.* (a) Place the word "Airmail," prominently on the address side of flat mail, and on the top, bottom, and sides of parcels. The return address of the sender must be shown on the address side of each air parcel mailed at zone rates of postage.

(b) Airmail may be sealed or left unsealed without affecting the air rate.

(c) Deposit airmail weighing 8 ounces or less at the post office or in a special airmail letter box or drop, if available, to insure fastest dispatch, or in any collection box. Airmail weighing over 8 ounces must be deposited at the post office, branch, or station, or handed to a rural or star route carrier.

PART 27—FRANKED, PENALTY, AND FREE MAIL

Sec.
27.1 Franked mail.
27.2 Penalty mail.
27.3 Diplomatic and consular mail.
27.4 Mail to Government departments.
27.5 State employment security mailings.
27.6 Absentee balloting materials.
27.7 Free mail sent by members of the U. S. Armed Forces.
27.8 Free mail sent by public health [illegible].

AUTHORITY: [illegible]

§ 27.1 *Franked mail*—(a) *Authorized users.*

[illegible]

Persons authorized to use the frank	Matter that may be franked	Marking required	Period during which the frank may be used
Secretary of Agriculture, Members of and Delegates to Congress.	Seeds and agricultural reports from the Department of Agriculture.	The word "Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until 9 months following the expiration of their terms of office.
Vice President of the United States, Members and Members-elect of and Delegates and Delegates-elect to Congress, and Resident Commissioners.	Official correspondence not exceeding 4 ounces in weight.	The word "Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until December 1 following expiration of their respective terms of office.
Vice President, Members and Members-elect of and Delegates and Delegates-elect to Congress, and Resident Commissioners.	Official correspondence when addressed to a Government official by title may exceed 4 ounces in weight, but must not exceed 4 pounds.	The word "Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until December 1 following expiration of their respective terms of office.
Widows of former Presidents of the United States.	All mail	Written autograph signature, or a facsimile, in the upper right of the address side, with the word "Free."	Life.

(b) *Description.* Franked mail is mail sent without prepayment of postage bearing written signature or a printed facsimile signature instead of a postage stamp. Mail accepted under frank, and the officials and other persons authorized to use franked mail, are shown in paragraph (a) of this section.

(c) *Restrictions.* The following restrictions apply to franked mail:

(1) Official correspondence transmitted under frank of the Vice President, Members and Members-elect of and Delegates and Delegates-elect to Congress, and Resident Commissioners, must be on official or departmental business.

(2) No franked mail will be admitted to the mails unless admissible as ordinary mail.

(3) A person entitled to use franked mail may not loan his frank or permit its use by any committee, organization, or association; or permit its use by any person for the benefit or use of any committee, organization, or association. This restriction does not apply to any committee composed of Members of Congress.

(4) Franked mail is forwarded like any other mail, but when once delivered to the addressee it may not be remailed. A package of franked pieces may be sent to a person entitled to the franking privilege, to one addressee, who, on receipt and opening the package, may [illegible]

[illegible]

§ 27.2 *Penalty mail*—(a) *Description.* Penalty mail is official mail sent without prepayment of postage bearing a printed clause citing the penalty for private use instead of postage stamps. The following kinds of mail may be sent as penalty mail by those authorized to use this privilege:

(1) Official mail relating exclusively to the business of the Government of the United States mailed by officers of the executive and judicial branches of the Government; official mail of legislative counsel for the House of Representatives and the Senate; official mail of the superintendent of documents; and official correspondence concerning the Congressional Directory under direction of the Joint Committee on Printing.

(2) Official mail of the Smithsonian Institution, the Pan American Union, and the Pan American Sanitary Bureau.

(3) All correspondence, bulletins, and reports relating to agricultural extension work and home economics carried on in cooperation with the United States Department of Agriculture, when mailed by the college officer or other person connected with the extension department of the college who has been designated by the Secretary of Agriculture. Mailings may be deposited by the designated officer only at the authorized post office. Correspondence must be conducted under the name of the designated officer. Correspondence with autograph signatures may be sealed but all other matter must be left unsealed.

(4) Bulletins and reports of agricultural experiment stations established under the act of March 2, 1887, or stations conducted under the act of July 2, 1862, as follows:

(i) The officer in charge of a station that claims the privilege of mailing bulletins and reports free through the mails must file an application with the [illegible]

act of Congress referred to in this section, and whether any other agricultural experiment station in the same State or Territory is considered, or claims to be, also entitled to the privilege.

(ii) Only bulletins or reports issued after the application of the experiment station has been approved may be transmitted free under this privilege.

(iii) Reports of State agricultural departments or boards may not be adopted by agricultural experiment stations to secure free circulation of such State reports.

(iv) The bulletins and reports of progress issued by agricultural experiment stations may be sent free only to the newspapers in the State or Territory in which the station is located and to persons engaged in farming who have requested them. Annual reports may be sent to any address.

(5) Annual reports of Government-aided colleges established under the act of July 2, 1862, when addressed to the Secretary of the Interior, the Secretary of Agriculture, and to any other Government-aided college. The postmaster receiving the annual reports from an officer of the college will use a post office penalty envelope or label to send it through the mails.

(6) Copyright material sent to the Register of Copyrights with claim for registration, as follows:

(i) Postmasters receiving the claim for registration and any articles that are required to accompany the claim will use a post office penalty envelope or label to send the matter to the Register of Copyrights, Washington 25, D. C.

(ii) If requested to do so, the postmaster will give a receipt for articles delivered to him to accompany a claim for registration.

(iii) When desired, the person submitting copyright matter to the postmaster may also present the fee for copyright registration enclosed in a sealed envelope addressed to Register of Copyrights, Washington 25, D. C., which must have postage prepaid at the letter rate. The postmaster, after canceling the postage stamps, will enclose the envelope containing the fee together with the copyright material in the post office penalty envelope sent to the Register of Copyrights.

(iv) Matter for copyright enclosed in post office penalty envelopes will not be dispatched as registered mail unless the registry fee is prepaid.

(b) *Markings required.* [illegible]

§ 26.1 *Rates.*

Weight	Rate	
8 ounces or less.	Air postal or post cards. Business reply air cards. Letters and packages. Airmail in business reply envelopes.	4 cents each. 5 cents each, collected when delivered. 6 cents an ounce. 6 cents an ounce, plus 1 cent per piece, collected when delivered.

Weight	Rate					
	Zones 1, 2, and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
Over 8 ounces to—						
1 pound	$0.60	$0.65	$0.70	$0.75	$0.75	$0.80
2 pounds	1.08	1.15	1.26	1.39	1.47	1.60
3 pounds	1.56	1.65	1.82	2.03	2.19	2.40
4 pounds	2.04	2.15	2.38	2.67	2.91	3.20
5 pounds	2.52	2.65	2.94	3.31	3.63	4.00
6 pounds	3.00	3.15	3.50	3.95	4.35	4.80
7 pounds	3.48	3.65	4.06	4.59	5.07	5.60
8 pounds	3.96	4.15	4.62	5.23	5.79	6.40
9 pounds	4.44	4.65	5.18	5.87	6.51	7.20
10 pounds	4.92	5.15	5.74	6.51	7.23	8.00
11 pounds	5.40	5.65	6.30	7.15	7.95	8.80
12 pounds	5.88	6.15	6.86	7.79	8.67	9.60
13 pounds	6.36	6.65	7.42	8.43	9.39	10.40
14 pounds	6.84	7.15	7.98	9.07	10.11	11.20
15 pounds	7.32	7.65	8.54	9.71	10.83	12.00
16 pounds	7.80	8.15	9.10	10.35	11.55	12.80
17 pounds	8.28	8.65	9.66	10.99	12.27	13.60
18 pounds	8.76	9.15	10.22	11.63	12.99	14.40
19 pounds	9.24	9.65	10.78	12.27	13.71	15.20
20 pounds	9.72	10.15	11.34	12.91	14.43	16.00
21 pounds	10.20	10.65	11.90	13.55	15.15	16.80
22 pounds	10.68	11.15	12.46	14.19	15.87	17.60
23 pounds	11.16	11.65	13.02	14.83	16.59	18.40
24 pounds	11.64	12.15	13.58	15.47	17.31	19.20
25 pounds	12.12	12.65	14.14	16.11	18.03	20.00
26 pounds	12.60	13.15	14.70	16.75	18.75	20.80
27 pounds	13.08	13.65	15.26	17.39	19.47	21.60
28 pounds	13.56	14.15	15.82	18.03	20.19	22.40
29 pounds	14.04	14.65	16.38	18.67	20.91	23.20
30 pounds	14.52	15.15	16.94	19.31	21.63	24.00
31 pounds	15.00	15.65	17.50	19.95	22.35	24.80
32 pounds	15.48	16.15	18.06	20.59	23.07	25.60
33 pounds	15.96	16.65	18.62	21.23	23.79	26.40
34 pounds	16.44	17.15	19.18	21.87	24.51	27.20
35 pounds	16.92	17.65	19.74	22.51	25.23	28.00
36 pounds	17.40	18.15	20.30	23.15	25.95	28.80
37 pounds	17.88	18.65	20.86	23.79	26.67	29.60
38 pounds	18.36	19.15	21.42	24.43	27.39	30.40
39 pounds	18.84	19.65	21.98	25.07	28.11	31.20
40 pounds	19.32	20.15	22.54	25.71	28.33	32.00
41 pounds	19.80	20.65	23.10	26.35	29.55	32.80
42 pounds	20.28	21.15	23.66	26.99	30.27	33.60
43 pounds	20.76	21.65	24.22	27.63	30.99	34.40
44 pounds	21.24	22.15	24.78	28.27	31.71	35.20
45 pounds	21.72	22.65	25.34	28.91	32.43	36.00
46 pounds	22.20	23.15	25.90	29.55	33.15	36.80
47 pounds	22.68	23.65	26.46	30.19	33.87	37.60
48 pounds	23.16	24.15	27.02	30.83	34.59	38.40
49 pounds	23.64	24.65	27.58	31.47	35.31	39.20
50 pounds	24.12	25.15	28.14	32.11	36.03	40.00
51 pounds	24.60	25.65	28.70	32.75	36.75	40.80
52 pounds	25.08	26.15	29.26	33.39	37.47	41.60
53 pounds	25.56	26.65	29.82	34.03	38.19	42.40
54 pounds	26.04	27.15	30.38	34.67	38.91	43.20
55 pounds	26.52	27.65	30.94	35.31	39.63	44.00
56 pounds	27.00	28.15	31.50	35.95	40.35	44.80
57 pounds	27.48	28.65	32.06	36.59	41.07	45.60
58 pounds	27.96	29.15	32.62	37.23	41.79	46.40
59 pounds	28.44	29.65	33.18	37.87	42.51	47.20
60 pounds	28.92	30.15	33.74	38.51	43.23	48.00
61 pounds	29.40	30.65	34.30	39.15	43.95	48.80
62 pounds	29.88	31.15	34.86	39.79	44.67	49.60
63 pounds	30.36	31.65	35.42	40.43	45.39	50.40
64 pounds	30.84	32.15	35.98	41.07	46.11	51.20
65 pounds	31.32	32.65	36.54	41.71	46.83	52.00
66 pounds	31.80	33.15	37.10	42.35	47.55	52.80
67 pounds	32.28	33.65	37.66	42.99	48.27	53.60
68 pounds	32.76	34.15	38.22	43.63	48.99	54.40
69 pounds	33.24	34.65	38.78	44.27	49.71	55.20
70 pounds	33.72	35.15	39.34	44.91	50.43	56.00

EXCEPTION: Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10 pound parcel for the zone to which addressed.

§ 26.2 *Classification*—(a) *Description.* Airmail is mail carried by air and by the fastest connecting surface carriers, and is given the most expeditious handling in dispatch and delivery. Airmail is not given special delivery to the addressee unless a special delivery fee is paid in addition to the airmail postage.

(b) *Articles acceptable.* Mail of all classes, except that which may be damaged by low temperatures or high altitudes, is accepted for airmail.

(c) *Application of rates.* (1) Postage is charged on airmail (except postal and post cards) according to weight and not according to class of mail. In computing postage for airmail weighing more than 8 ounces, the weight and the zone of address are used. (See § 26.1.)

(2) Air post cards must conform to the size and conditions prescribed for post cards. (Size § 21.2 (a) (7) of this chapter.)

(3) Each portion of a double air post card must be prepaid at the air card rate when originally mailed, except when the reply portion is prepared as a business reply air card. See § 21.2 (c) of this chapter for information regarding business reply mail.

(4) The eighth zone airmail rates apply to articles mailed between continental United States or its territories and possessions and the Canal Zone, overseas Army-Air Force and Fleet post offices, naval vessels addressed in care of Fleet post offices, and Islands of the Trust Territory in the Pacific, except that rates according to zone apply between the United States and Alaska, Puerto Rico, and the Virgin Islands.

§ 26.3 *Weight and size limits*—(a) *Weight.* Airmail may weigh up to 70 pounds, except airmail (other than official mail) addressed to APO's and FPO's is limited to 2 pounds.

(b) *Size.* Airmail is limited to 100 inches in combined length and girth, except that airmail (other than official mail) addressed to APO's and FPO's is limited to 30 inches in combined length and girth. See § 25.3 (b) of this chapter for instructions on how to measure parcels.

§ 26.4 *Payment of postage*—(a) *Method.* Postage on airmail may be paid by adhesive postage stamps, stamped cards or envelopes, or metered or printed postage impressions. The use of airmail stamps is recommended.

(b) *Insufficient prepayment.* Airmail weighing 8 ounces or less, on which the rate for one ounce is prepaid, is dispatched to its destination, and any unpaid portion is collected on delivery. Airmail weighing more than 8 ounces is dispatched by air if it bears at least 50 percent of the full amount of air postage. If it bears less than 50 percent of the full amount of air postage, the piece is returned to sender. If prepaid postage is enough for surface transportation and the piece would be delayed by return, it is sent on as surface mail.

(c) *No prepayment.* If any mail, except business reply mail, by mistake reaches its destination without any prepayment, double the prepaid rates will be charged and collected on delivery.

§ 26.5 *Additions and enclosures.* There are no special restrictions with respect to written additions and enclosures in airmail. An airmail parcel weighing over 8 ounces, subsequently forwarded or returned from place of original address by surface mail would be subject to the restrictions as to additions and enclosures according to the class of mail involved.

§ 26.6 *Marking, sealing, and depositing.* (a) Place the word "Airmail," prominently on the address side of flat mail, and on the top, bottom, and sides of parcels. The return address of the sender must be shown on the address side of each air parcel mailed at zone rates of postage.

(b) Airmail may be sealed or left unsealed without affecting the air rate.

(c) Deposit airmail weighing 8 ounces or less at the post office or in a special airmail letter box or drop, if available, to insure fastest dispatch, or in any collection box. Airmail weighing over 8 ounces must be deposited at the post office, branch, or station, or handed to a rural or star route carrier.

PART 27—FRANKED, PENALTY, AND FREE MAIL

Sec.
27.1 Franked mail.
27.2 Penalty mail.
27.3 Diplomatic and consular mail.
27.4 Mail to Government departments.
27.5 State employment security mailings.
27.6 Absentee balloting materials.
27.7 Free mail sent by members of the U. S. Armed Forces.
27.8 Free mail sent by public health officers.

AUTHORITY: §§ 27.1 to 27.8 issued under R. S. 161, 396, secs. 304, 309, 19 Stat. 335, 336, as amended, 42 Stat. 24, 25, secs. 5, 7, 18 Stat. 343, as amended, secs. 5, 8, 54 Stat. 695, secs. 201–211, 58 Stat. 136–140, as amended, secs 301–306, 62 Stat. 1048, 1049, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 321, 321–1, 3211–321n, 325, 329, 50 U. S. C. 321–331.

§ 27.1 *Franked mail*—(a) *Authorized users.*

Persons authorized to use the frank	Matter that may be franked	Marking required	Period during which the frank may be used
Vice President of the United States, Members of and Members-elect of and Delegates-elect to Congress, Resident Commissioners, Secretary of the Senate, Clerk of the House.	Public documents printed by order of Congress.	The words "Public Document—Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until June 30 following expiration of their respective terms of office.
Members of and Delegates to Congress and Resident Commissioners.	Congressional Record or any part of it, or speeches or reports contained in it.	The words "Part of Congressional Record—Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	During term of office only.
Secretary of Agriculture, Members of and Delegates to Congress.	Seeds and agricultural reports from the Department of Agriculture.	The word "Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until 9 months following the expiration of their terms of office.
Vice President of the United States, Members and Members-elect of and Delegates and Delegates-elect to Congress, and Resident Commissioners.	Official correspondence not exceeding 4 ounces in weight.	The word "Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until December 1 following expiration of their respective terms of office.
Vice President, Members and Members-elect of and Delegates and Delegates-elect to Congress, and Resident Commissioners.	Official correspondence when addressed to a Government official by title may exceed 4 ounces in weight, but must not exceed 4 pounds.	The word "Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until December 1 following expiration of their respective terms of office.
Widows of former Presidents of the United States.	All mail	Written autograph signature, or a facsimile, in the upper right of the address side, with the word "Free."	Life.

(b) *Description.* Franked mail is mail sent without prepayment of postage bearing written signature or a printed facsimile signature instead of a postage stamp. Mail accepted under frank, and the officials and other persons authorized to use franked mail, are shown in paragraph (a) of this section.

(c) *Restrictions.* The following restrictions apply to franked mail:

(1) Official correspondence transmitted under frank of the Vice President, Members and Members-elect of and Delegates and Delegates-elect to Congress, and Resident Commissioners, must be on official or departmental business.

(2) No franked mail will be admitted to the mails unless admissible as ordinary mail.

(3) A person entitled to use franked mail may not loan his frank or permit its use by any committee, organization, or association; or permit its use by any person for the benefit or use of any committee, organization, or association. This restriction does not apply to any committee composed of Members of Congress.

(4) Franked mail is forwarded like any other mail, but when once delivered to the addressee it may not be remailed. A package of franked pieces may be sent by a person entitled to the franking privilege, to one addressee, who, on receiving and opening the package, may on behalf of such person, place addresses on the franked articles and mail them.

(5) Franked mail is handled as ordinary mail. If special services are desired, the prescribed fee for the special service must be paid.

(d) *Weight and size limits*—(1) *Weight.* Official correspondence is limited to 4 ounces, except that when addressed to a Government official by title the limit is 4 pounds.

(2) *Size.* No limit.

(e) *Postal revenue.* Postage on mail sent under the franking privilege by the Vice President, Members and Members-elect of Congress, the Delegates and Delegates-elect from Alaska and Hawaii, the Resident Commissioner from Puerto Rico, the Secretary of the Senate, and the Clerk of the House of Representatives must be paid by a lump-sum appropriation to the Post Office Department.

§ 27.2 *Penalty mail*—(a) *Description.* Penalty mail is official mail sent without prepayment of postage bearing a printed clause citing the penalty for private use instead of postage stamps. The following kinds of mail may be sent as penalty mail by those authorized to use this privilege:

(1) Official mail relating exclusively to the business of the Government of the United States mailed by officers of the executive and judicial branches of the Government; official mail of legislative counsel for the House of Representatives and the Senate; official mail of the superintendent of documents; and official correspondence concerning the Congressional Directory under direction of the Joint Committee on Printing.

(2) Official mail of the Smithsonian Institution, the Pan American Union, and the Pan American Sanitary Bureau.

(3) All correspondence, bulletins, and reports relating to agricultural extension work and home economics carried on in cooperation with the United States Department of Agriculture, when mailed by the college officer or other person connected with the extension department of the college who has been designated by the Secretary of Agriculture. Mailings may be deposited by the designated officer only at the authorized post office. Correspondence must be conducted under the name of the designated officer. Correspondence with autograph signature may be sealed but all other matter must be left unsealed.

(4) Bulletins and reports of agricultural experiment stations established under the act of March 2, 1887, at colleges endowed under the act of July 2, 1862, as follows:

(i) The officer in charge of a station that claims the privilege of sending bulletins and reports free through the mails must file an application with the Bureau of Post Office Operations, Mail Classification Division, through the post office where the station is located, stating the date of establishment of the station, its name or designation, its official organization, the names of its officers, the name of the college, school or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment, and any other legislation granting it the benefits of the act of Congress referred to in this section, and whether any other agricultural experiment station in the same State or Territory is considered, or claims to be, also entitled to the privilege.

(ii) Only bulletins or reports issued after the application of the experiment station has been approved may be transmitted free under this privilege.

(iii) Reports of State agricultural departments or boards may not be adopted by agricultural experiment stations to secure free circulation of such State reports.

(iv) The bulletins and reports of progress issued by agricultural experiment stations may be sent free only to the newspapers in the State or Territory in which the station is located and to persons engaged in farming who have requested them. Annual reports may be sent to any address.

(5) Annual reports of Government-aided colleges established under the act of July 2, 1862, when addressed to the Secretary of the Interior, the Secretary of Agriculture, and to any other Government-aided college. The postmaster receiving the annual reports from an officer of the college will use a post office penalty envelope or label to send it through the mails.

(6) Copyright material sent to the Register of Copyrights with claim for registration, as follows:

(i) Postmasters receiving the claim for registration and any articles that are required to accompany the claim will use a post office penalty envelope or label to send the matter to the Register of Copyrights, Washington 25, D. C.

(ii) If requested to do so, the postmaster will give a receipt for articles delivered to him to accompany a claim for registration.

(iii) When desired, the person submitting copyright matter to the postmaster may also present the fee for copyright registration enclosed in a sealed envelope addressed to Register of Copyrights, Washington 25, D. C., which must have postage prepaid at the letter rate. The postmaster, after canceling the postage stamps, will enclose the envelope containing the fee together with the copyright material in the post office penalty envelope sent to the Register of Copyrights.

(iv) Matter for copyright enclosed in post office penalty envelopes will not be dispatched by registered mail unless the registry fee is prepaid.

(b) *Markings required.* Envelopes, cards, labels, tags, and wrappers used in transmitting official mail under the penalty privilege must bear in the upper right corner of the address side the printed statement of the penalty for misuse: "Penalty for Private Use To Avoid Payment of Postage, $300." The following additional markings are also required:

(1) Official mail of the Government of the United States, the Smithsonian Institution, the Pan American Union, and the Pan American Sanitary Bureau, transmitted as penalty mail must show over the words: "Official Business" in the upper left corner of the address side

the name and address of the department, bureau, office or officer.

(2) Official mail of designated State extension directors must bear in the upper left corner the name of the agricultural college and the name of the post office at which the mail is to be accepted free, followed by the name and title of the designated officer and the words "Free—Cooperative Agricultural Extension Work—Acts of May 8 and June 30, 1914."

(3) The official bulletins and reports of agricultural experiment stations must bear in the upper left corner of the address side the name of the station, the name of the post office at which the matter is to be accepted, and the name and title of the officer in charge of the station, followed by the words "Free—Annual Report, or Bulletin or Progress Report." The title of the bulletin or report, preceded by the word "Free," may be substituted for these words.

(4) The printed statement of the penalty for misuse may not be handstamped, handwritten, or typewritten.

(c) *Restrictions of use.* The use of markings authorized on official mail as shown in paragraph (b) of this section may not be placed on other mail to avoid payment of postage or registry fee. The following restrictions apply to the use of envelopes, cards, labels, and tags bearing the penalty statement:

(1) Any department or office authorized to use the penalty privilege may furnish self-addressed penalty envelopes or labels to persons or concerns for their convenience in submitting official information desired by any U. S. Government department or agency. Reply envelopes may not be furnished to bidders or contractors, or to enable private persons or concerns to send free reports or other information which they are required by law to make.

(2) The right of an officer to use the penalty privilege ceases immediately upon his going out of office.

(3) Official mail may not be sent by special delivery or by airmail in penalty envelopes without prepayment of postage, except in the case of urgent official communications of the Post Office Department.

(4) A quarterly certification from the head of each independent establishment of the Government, that nothing was transmitted through the mails in violation of section 306, 62 Stat. 1049; 39 U. S. C. 321n, must be submitted to the Post Office Department, Bureau of Post Office Operations, Mail Classification Division.

(d) *Weight and size limits*—(1) *Weight.* No article or package of official matter, or number of articles or packages of official matter, constituting, in fact, a single shipment exceeding 4 pounds in weight may be admitted to the mails under the penalty privilege except stamped paper and supplies sold or used by the postal service, and books or documents published or circulated by order of Congress when mailed by the Superintendent of Documents. Official matter in packages exceeding 4 pounds, if otherwise mailable, will be accepted upon payment of postage at the fourth-class rates within the limits of weight prescribed for such matter. (See § 25.3 of this chapter.) Such parcels may be sealed or unsealed, and may include written matter when mailed at those rates. Official matter of the postal service, and books and documents circulated by order of Congress, when mailed by the Superintendent of Documents may weigh up to 70 pounds.

(2) *Size.* There is no size limit prescribed for penalty mail. Official matter weighing more than 4 pounds that is subject to the prepayment of postage is subject to the size limits prescribed in § 25.3 of this chapter.

(e) *Postal revenue.* Departments, agencies, and establishments of the U. S. Government must reimburse the Post Office Department quarterly in amounts equivalent to the amount of postage due on their penalty mail. Instructions governing the manner of reimbursement are issued by the Post Office Department to the departments and agencies concerned.

§ 27.3 *Diplomatic and consular mail*—(a) *Diplomatic mail.* All correspondence (written or printed) of members of the Diplomatic Corps of the countries of the Pan American Postal Union and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage. Such correspondence may not exceed 4 pounds in weight. The envelopes, cards, tags, wrappers, and labels must show in the upper left corner of the address side the name of the ambassador or the minister, or the name of the embassy or legation, together with the post office address; and in the upper right corner the inscription "Diplomatic Mail" over the word "Free." These inscriptions may be handwritten, handstamped, or printed.

(b) *Consular mail.* The official correspondence (written or printed) exchanged between consulates (consuls and vice consuls) of the countries of the Pan American Postal Union and Spain stationed in the United States, and correspondence directed by those consulates to the Government of the United States or their respective embassies or legations, may be transmitted in the domestic mails free of postage. Such correspondence may not exceed 4 pounds in weight. The envelopes, labels, etc., covering correspondence of consulates must show over the words "Official Correspondence," in the upper left corner of the address side, the name and address of the consul or consulate, and the name of the country represented; and, in the upper right corner, the inscription "Consular Mail," over the word "Free." These inscriptions may be handwritten, handstamped, or printed. (See Subchapters K–T of this chapter for a list of countries where reciprocity exists.)

§ 27.4 *Mail to government departments*—(a) *Census mail.* All mail, of whatever class, relating to the census and addressed to the Census Office, or to any official thereof, and endorsed "Official Business, Census Office," will be transmitted free of postage. Census mail may not exceed 4 pounds.

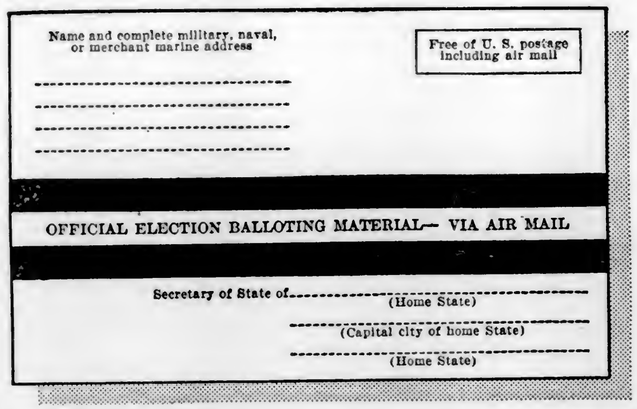
(b) *Immigration and Naturalization Service mail.* All mail of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official of either, and endorsed "Official Business," will be transmitted free of postage and so marked. Mail relating to naturalization may not exceed 4 pounds.

§ 27.5 *State employment security mailings.* All mail, including parcels, of State employment security offices, cooperating with the Department of Labor that bears in the upper right corner of the address side the words "Official Business," printed immediately below the name and address of the State Employment Agency, and in the upper right corner the words "Employment Security Mail—United States Postage Accounted for Under Act of Congress," will be accepted without prepayment of postage. Postage chargeable on such mail is collected periodically under a special arrangement with the Post Office Department. When it is desired to send such matter by air, airmail postage must be prepaid. Such matter sent as registered, special delivery, or special handling mail also requires prepayment of the applicable fees.

§ 27.6 *Absentee balloting materials*—(a) *Purpose.* To aid absentee voting (as provided in 50 USC, ch. 14, subch. II) by persons serving in the U. S. Armed Forces or in the merchant marine of the United States and for civilians outside the United States attached to and serving with the U. S. Armed Forces, balloting materials referred to in the act (application cards, ballots, voting instructions, and envelopes) are sent through the mails free of postage, including airmail postage.

(b) *Elections affected.* The materials may be sent for any general election at which electors for President and Vice President or Senators and Representatives in Congress are to be voted for and for other general, primary, and special elections.

(c) *Markings required on ballot envelopes and post card applications.* Envelopes used to send balloting material and envelopes supplied for return of the ballot must have printed across the face two parallel horizontal red bars, each ¼ inch wide, extending from one side of the envelope to the other side, with an intervening space of ¼ inch, the top bar to be 1¼ inches from the top of the envelope, and the words "Official Election Balloting Material—Airmail," or similar language as prescribed by State law, between the bars. There must be printed in the upper right corner of each envelope in a rectangular box the words "Free of U. S. Postage, Including Airmail." All printing on the face must be in red with an appropriate inscription or blanks for return address of sender in the upper left corner.



§ 27.7 *Free mail sent by members of the U. S. Armed Forces.* Any first-class letter mail sent by a member of the active service of the Armed Forces of the United States in Korea, or while hospitalized outside the continental limits of the United States, when such hospitalization is a result of service in Korea, may be transmitted in the mails free of postage to any person in the United States including the Territories and its possessions, subject to the following conditions:

(a) The free mail privilege is restricted to personal letter mail including messages on post and postal cards.

(b) The sender must write in his own handwriting on the address side of the letter or card: (1) The word "Free," in the upper right corner, and (2) his name, serial number, and rank or rating, and the designation of the service to which he belongs, in the upper left corner.

(c) Mail weighing not more than 1 ounce will be sent by air if space is available. Such letters intended for airmail should be prominently marked "Airmail" just below the word "Free."

§ 27.8 *Free mail sent by Public Health officers.* The free mail privilege accorded members of the Armed Forces of the United States applies also to commissioned officers of the United States Public Health Service while in active service in time of war; while detailed for duty in the Army, Navy, Air Force, or Coast Guard; and active service outside the continental limits of the United States or Alaska in time of war; and while the service is part of the military forces of the United States pursuant to Executive order of the President.

PART 28—FOR THE BLIND

Sec.
28.1 Rates.
28.2 Description.
28.3 Classification.

AUTHORITY: §§ 28.1 to 28.3 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 33 Stat. 313, 50 Stat. 66; 5 U. S. C. 22, 369, 39 U. S. C. 293c, 332.

§ 28.1 *Rates.*

Kind of matter	Who may mail	Purpose for which sent	Rate of postage	Markings required	Application
LETTERS					
Letters written in point print or raised characters or on sound reproduction records.	Blind individuals	Correspondence	Third-class rate of 2 cents for the first 2 ounces and 1 cent for each additional ounce.	None required	Not required.
READING MATTER FOR THE BLIND					
Books, pamphlets, and other reading matter published either in raised characters or in the form of sound reproduction records which contain no advertising or other matter. Weight limit for each package 15 pounds.	Public institutions for the blind, public libraries or blind readers returning the matter to loaning institutions or libraries.	Loan to blind readers or return to the loaning institutions or libraries.	Free	The name and address of sender in upper left corner of address side and word Free over the words "Reading Matter for the Blind or Sound Reproduction Records for the Blind" in upper right corner.	Not required.
PERIODICALS FOR THE BLIND WITHOUT SUBSCRIPTION CHARGE					
Magazines, periodicals, and other regularly issued publications in raised characters or on sound reproduction records which contain no advertising and for which no subscription fee is charged.	Publisher of matter	Use of the blind	Free	In printing on the first page of the publication (a) name of publication, (b) place where published, (c) date of issue, (d) frequency of issue, (e) the words under "Accepted as free matter for use of the blind at ....." These identification statements may be printed on labels and affixed to sound reproduction records.	Required.[1]
PERIODICALS FOR THE BLIND HAVING SUBSCRIPTION CHARGE					
Magazines, periodicals, and other regularly issued publications in raised characters or on sound reproduction records, that contain no advertisements, furnished to blind persons at a price no greater than the cost price thereof.	Organization, institution, or association not conducted for private profit.	Use of the blind	1 cent for each pound or fraction.	Name and address of sender in upper left corner of address side below which must appear the words "Periodicals for the Blind."	Required.[1]
VOLUMES OF HOLY SCRIPTURES FOR THE BLIND FURNISHED WITHOUT CHARGE					
Volumes of holy scriptures or parts thereof published in raised characters or in the form of sound reproduction records that contain no advertising and are furnished to a blind person without charge.	Organization, institution, or association not conducted for private profit.	Use of the blind	Free	Name and address of the sender in upper left corner of address side below which must appear the words "Holy Scriptures for the Blind." The word Free must appear in the upper right corner.	Required.[1]

See footnote at end of table.

Kind of matter	Who may mail	Purpose for which sent	Rate of postage	Markings required	Application
VOLUMES OF HOLY SCRIPTURES FOR THE BLIND FURNISHED WITHOUT CHARGE					
Volumes of holy scriptures or parts thereof published in raised characters or in the form of sound reproduction records that contain no advertising, furnished to a blind person at a price not greater than cost.	Organization, institution, or association not conducted for private profit.	Use of the blind	1 cent for each pound or fraction.	The name and address of the sender in the upper left corner of address side below which must appear the words "Holy Scriptures for the Blind." Required postage must be affixed in upper right corner.	Required.[1]
REPRODUCERS FOR SOUND REPRODUCTION RECORDS AND APPLIANCES FOR THE BLIND					
(1) Reproducers for sound reproduction records for the blind or parts thereof that are the property of the United States Government.	Blind persons, organizations, institution, public library, or association for the blind not conducted for private profit to an agency not conducted for private profit or by such an agency to a blind person or an organization, institution, public library or association for the blind not conducted for private profit.	Sent for repair or returned after repair.	1 cent for each pound or fraction.	Name and address of sender in upper left corner of address side below which must appear the inscription: "Appliance for the Blind."	Not required.
(2) Reproducers for sound reproduction records for the blind or parts thereof, Braille writers and other appliances for the blind or parts thereof belonging to blind individuals, state governments, subdivision thereof, or public libraries or private agencies for the blind not conducted for private profit.	Blind person, organization, institution, public library or association for the blind not conducted for private profit to an agency not conducted for private profit or by such an agency to a blind person or an organization, institution, public library or association for the blind not condücted for private profit.	Sent for repair or other purpose.	1 cent for each pound or fraction.	Name and address of sender in upper left corner of address side below which must appear the inscription: "Appliance for the Blind."	Not required.

[1] Application for privilege must be submitted to the Bureau of Post Office Operations, Mail Classification Division, through postmaster at the office where mailings are to be made.

§ 28.2 *Description.* Mail for the blind includes letters, books, pamphlets, and other material written or published in point print or raised characters or reproduced on sound reproduction records; reproducers for sound reproduction records or parts of reproducers; Braille-writers and other appliances used by or for blind persons to convey information for any purpose.

§ 28.3 *Classification*—(a) *Letters for the blind.* Letters for the blind include those written in point print or raised characters or produced on sound reproduction records for purpose of correspondence. The rates are the same for third-class printed matter. See Part 24 of this chapter.

(b) *Other matter for the blind.* (1) Books, pamphlets, and other material published either in raised characters or in the form of sound reproduction records that contain no advertising or other matter when sent unsealed by public institutions for the blind, or by public libraries as a loan to blind readers or when returned by the readers to such institutions or libraries may be mailed free of postage. The name and address of sender must appear in the upper left corner of the address side and the word "Free" over the words "Reading Matter for the Blind or Sound Reproduction Records for the Blind" in the upper right corner. No special authorization is required. Weight is limited to 15 pounds for each package.

(2) Magazines, periodicals, and other regularly issued publications in raised characters or on sound reproduction records that contain no advertising and for which no subscription fee is charged may be mailed free under the following restrictions:

(i) The publisher must file a written application through his postmaster to be sent to the Bureau of Post Office Operations, Mail Classification Division, together with a copy of the publication showing its name, frequency of issue, and a statement that it contains no advertising and that the subscription is free.

(ii) A deposit to cover rates of postage otherwise applicable to such mail may be made with the post office for any mailings made while the application is pending. Deposits will be returned when the application is approved.

(iii) On the first page of a publication authorized to be accepted as free matter must be printed the following: name of publisher; place where published; date of issue; frequency of issue; and the words "Accepted as free matter for use of the blind at ________________________."

(iv) Publications on sound reproduction records must have a label bearing printed indicia shown in (iii) of this subparagraph.

(3) Magazines, periodicals, and other regularly issued publications in raised characters, or sound reproduction records, that contain no advertisements, furnished by an organization, institution, or association not conducted for private profit, to a blind person at a price not greater than cost, may be mailed at the rate of 1 cent for each pound or fraction of a pound under the following conditions:

(i) The mailer must file a written application through the postmaster at the office where the matter is to be mailed accompanied by satisfactory evidence that the organization, institution, or association is not conducted for private profit and that their publications when mailed will be furnished at a price not exceeding cost, to be sent to the Bureau of Post Office Operations, Mail Classification Division.

(ii) No mailing will be accepted at the 1-cent-a-pound rate until the application has been approved.

(iii) The mail must be wrapped in a manner to permit easy examination and must bear the words "Periodicals for the Blind" below the name and address of the sender which must appear in the upper left corner of the address side.

(4) Volumes of Holy Scriptures, or parts thereof, published in raised characters or in the form of sound reproduction records and containing no advertising when mailed by an organization, institution, or association not conducted for private profit may be mailed at special rates under the following conditions:

(i) When furnished to a blind person without charge, postage is free.

(ii) When furnished to a blind person at a price not greater than cost, postage is 1 cent for each pound or fraction of a pound.

(iii) The organization, institution, or association desiring to mail at the special rates must file an application through the postmaster at the post office where the matter is to be mailed to be sent to the Bureau of Post Office Operations, Mail Classification Division, accompanied by satisfactory evidence that the organization, institution, or association is not conducted for private profit and that the volumes will be furnished to a blind person (*a*) without charge or (*b*) at a price not greater than cost.

(iv) In the upper left corner of the address side must appear the name of the sender over the words "Holy Scriptures for the Blind," together with the word "Free" in the upper right corner when the volume is furnished without charge. The word "Free" is not shown on volumes subject to prepayment of postage when furnished at a price not greater than cost.

(5) Reproducers and sound reproduction records, Braille-writers, and other appliances, or parts, for use by the blind may be mailed at the postage rate of 1 cent for each pound or fraction of a pound under the following conditions:

(i) Reproducers or parts that are the property of the United States Government may be shipped for repair purposes between a blind person and an organization, institution, public library, or association for the blind, not conducted for profit, or between any such organization or institution.

(ii) Reproducers, or parts, Braille-writers and other appliances or parts that are the property of blind individuals, state governments or subdivisions, public libraries, or private agencies of the blind, not conducted for private profit, may be sent to a blind person or an organization, institution, public library, or association for the blind, not conducted for profit.

(iii) The name and address of sender must be shown in the upper left corner below which must appear: "Appliance for the Blind."

(iv) Organizations, institutions, libraries, or other agencies desiring to send and receive reproducers or other appliances or parts at this special rate must furnish the postmaster for submission to the Bureau of Post Office Operations, Mail Classification Division, satisfactory evidence that they are not conducted for private profit.

(v) Parcels containing reproducers and other appliances for the blind may not exceed 70 pounds in weight.

Part 29—Mixed Classes

Sec.
29.1 Mail of a higher class enclosed with mail of a lower class.
29.2 Combination mailings of two classes.

Authority: §§ 29.1 and 29.2 issued under R. S. 161, 396, sec. 1, 62 Stat. 784; 5 U. S. C. 22, 369, 18 U. S. C. 1723.

§ 29.1 *Mail of a higher class enclosed with mail of a lower class.* When mail of a higher class is enclosed with mail of a lower class, the rate of postage on the entire piece or package is that of the higher class. Persons knowingly concealing or enclosing matter of a higher class in that of a lower class to avoid payment of the correct postage are liable to a fine of not more than $100. See § 29.2 for attachment of letters to parcels of second-, third-, and fourth-class mail.

§ 29.2 *Combination mailings of two classes*—(a) *Letters attached to other mail.* A letter or other mail of the first class may be placed in an envelope carrying postage at the first-class rate, or airmail rate in case of air parcels, and tied or otherwise securely attached to the address side of a parcel or package. The envelope must be addressed the same as the parcel. Combination envelopes or containers having separate portions for a letter and mail of another class may be used for mailing together two classes of mail.

(b) *Postage.* Postage on a parcel of second-, third-, or fourth-class mail must be prepaid at the appropriate rate for the class involved and placed in the upper right corner of the address space. Postage for the letter must be attached to the envelope or portion of container in which the letter is enclosed.

(c) *Markings required.* If a letter is a printed circular prepaid at the third-class rate the envelope must be left unsealed and endorsed "Third Class." Envelopes containing first-class mail attached to parcels of other classes may be marked "First Class" or "Letter Enclosed." In every case the address and return card should appear on the envelope and the parcel, except in the case of combination envelopes or containers having separate portions for a letter and mail of another class. The address of the letter may be considered as the address of the whole piece.

(d) *Treatment.* Combination mailing pieces are treated as second-, third-, or fourth-class mail as the case may be and are subject to the same conditions for forwarding or return as other second-, third-, or fourth-class mail. (See Parts 47 and 48 of this chapter.)

(e) *Special services.* Combination mailing pieces may be sent as special delivery or in the case of fourth-class parcels as special handling, and only one fee applicable to the parcel is required. If combination pieces are mailed by air, the envelope containing the letter must bear the airmail rate in addition to the postage on the parcel to which attached. Combination pieces may not be registered, but parcels with letters or mail of another class attached to the outside may be sent insured or c. o. d., the insurance to cover only the value of the parcel.

Subchapter D—Postage

Part 31—Stamps, Envelopes, and Cards

Sec.
31.1 Postage stamps (adhesive).
31.2 Plain envelopes and cards.
31.3 Printed stamped envelopes (special-request).
31.4 Purchase of postage.
31.5 Exchanges of stamps.
31.6 Validity of stamps.
31.7 Unlawful transactions.

Authority: §§ 31.1 to 31.7 issued under R. S. 161, 396, 3914, 3915, 3916, sec. 1, 18 Stat. 231 as amended, sec. 1, 65 Stat. 672; 5 U. S. C. 22, 369, 39 U. S. C. 351, 354, 356.

§ 31.1 *Postage stamps (adhesive)*—(a) *Adhesive stamps available.*

Purpose	Form	Denomination and prices
Ordinary postage	Single or sheet	½, 1, 1½ cents; 2 through 10, 20, 30, 40, and 50 (even) cents; $1 and $5.
	Book	12 2-cent 25 cents; 12 3-cent, 37 cents; 24 3-cent, 73 cents; 24 2-cent, 49 cents.
	Coil	1, 1½, 2, and 3 cents: Coils of 500 and 1,000 sidewise, gummed in.
		1, 2, and 3 cents: Coils of 3,000 sidewise, gummed in, for vending machines.
		1, 1½, 2, and 3 cents: Coils of 3,000, sidewise, gummed out, for fixing machines.
		(Orders for coils of 3,000 must specify gummed in or gummed out.)
Airmail postage (for use on airmail only).	Single or sheet	4, 6, 10, 15, 25, and 80 cents.
	Book	12 6-cent: 73 cents.
	Coil	6-cent: Coils of 500.
Precanceled postage	Coils and sheets	Available on special order to permit holders only (see part 32 of this chapter). Coils precanceled sidewise are available only in minimum lots of 250,000 of a single denomination.
Postage-due (for post office use only).	Single or sheet	½, 1, 2, 3, 5, 30, and 50 cents: $1 and $5 (available to public for stamp collections only through the Philatelic Agency, Post Office Department, Washington 25, D. C.
Special delivery (see part 56 of this chapter).	Single or sheet	10, 15, and 20 cents. Good only for special-delivery fee.
Special handling (see part 57 of this chapter).	Single or sheet	10, 15, and 20 cents. Good only for special-handling fee.

(b) *Use of stamps.* (1) Use stamps of the highest suitable denomination.

(2) Fix stamps firmly in the upper right corner of the address side of the mail cover.

(3) Any stamp partly concealed by an overlapping stamp may not be counted as postage.

(4) Postal employees are not required to fix stamps to mail.

(c) *Perforating.* Postage and special delivery stamps may be perforated with an identifying mark if the holes do not exceed $\frac{1}{32}$ of an inch in diameter and if the space taken by the mark is not larger than ½-inch square.

(d) *Reuse prohibited.* Reuse of stamps with intent to cause loss to the Government is punishable by fine and imprisonment.

§ 31.2 *Plain envelopes and cards*—(a) *Plain stamped envelopes available.*

Kind	Size	Denomination (cents)	1,000	500	250	100	50	25	Less than 25
Regular	5	2	$25.06	$12.53					
	5	3	35.06	17.53					
	8	2	26.54	13.27	$6.64	$2.66	$1.33	$0.67	$0.03
	8	3	36.54	18.27	9.14	3.66	1.83	.92	.04
	13	2	25.26	12.63	6.32	2.53	1.27	.64	.03
	13	3	35.26	17.63	8.82	3.53	1.77	.89	.04
Window	5	2	25.74	12.87					
	5	3	35.74	17.87					
	7	2	26.70	13.35	6.68				
	7	3	36.70	18.35	9.18				
	8	2	26.98	13.49	6.75				
	8	3	36.98	18.49	9.25				
	13	2	25.86	12.93					
	13	3	35.86	17.93					
Precanceled	8	1	16.66	8.33	4.17				
	8	1½	21.66	10.83	5.42				
	13	1	15.54	7.77					
	13	1½	20.54	10.27					
Airmail (use for airmail only)	8	6	66.58	33.29	16.65	6.66	3.33	1.67	.07
	13	6	65.82	32.91	16.46	6.59	3.30	1.65	.07

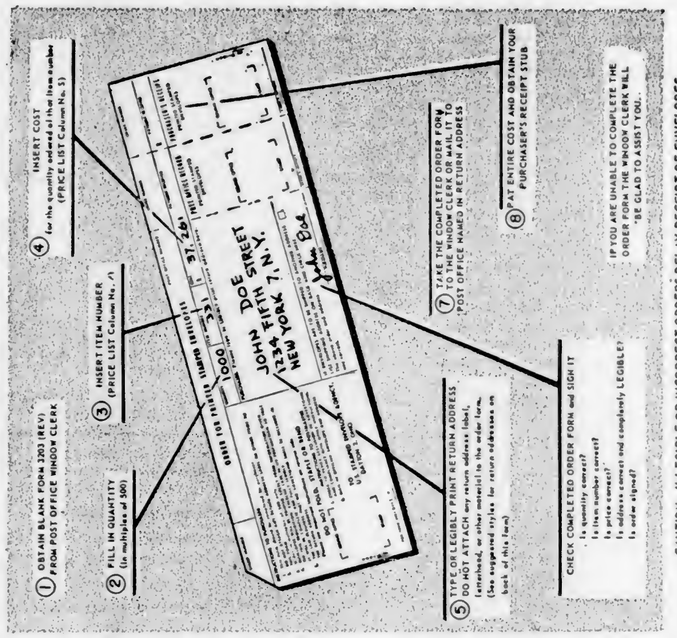


Illustration 31.3 (b)

(1) *Sales at post offices.* Only sizes 8 and 13 regular and airmail will be sold in less than full box lots.

(2) *Precanceled envelopes.* Precanceled envelopes are sold only to patrons holding permits for the mailing of third-class matter at bulk rates. Only nonprofit organizations or associations covered in § 24.5 of this chapter may purchase 1-cent precanceled envelopes.

(3) *Window envelopes.* Window envelopes are sold to the public in full box lots only. To be mailable, the sender's name and address must appear in the upper left-hand corner.

(4) *Dimensions of envelopes.*

Size 5	3½ by 6⅝ inches.
Size 7	3⅞ by 8⅞ inches.
Size 8	4⅛ by 9½ inches.
Size 13	3¾ by 6¾ inches.

(5) *Private printing.* You may have stamped envelopes privately printed in any style, provided you leave at least 3½ inches of clear space at the right end of the address side of the envelope.

(b) *Postal cards available.*

Stock No. and dimensions	Kind	Price each (cents)	Sheets: Number of cards per sheet	Sheets: Cards per case
5 (3″ x 5″)	Domestic single	2	20 (4 x 5 cards)	5,000
8 (3¼″ x 5½″)	Domestic single	2	40 (4 x 10 cards)	10,000
6 (3¼″ x 5½″)	Domestic double	4	20 (4 x 5 cards)	5,000
7 (3¼″ x 5½″)	Foreign single	2	Postal cards in sheets, for use in printing, must be cut to regulation size before mailing. Cases may not be broken for sale to printers. Return privilege on postal cards in sheets does not apply. Precanceled postal cards are not available from the post office.	
7 (3¼″ x 5½″)	Foreign double	4		
12 (3¼″ x 5½″)	Foreign single	3		
4 (3¼″ x 5½″)	Foreign double	6		
	Domestic airmail single (use for airmail only)	4		

§ 31.3 *Printed stamped envelopes (special request).*—(a) *Printed stamped envelopes available.*

1 Size (see § 31.2 (a) (4))	2 Denomination (cents)	3 Kind	4 Item No.	5 Prices: 500	5 Prices: 1,000
5	2	Regular	521	$13.53	$27.06
5	2		821	14.37	28.74
8	3		831	19.27	38.54
13	3		321	13.63	27.26
13	2		331	18.63	37.26
5	2	Window	522	13.87	27.74
7	3		792	14.35	28.70
7	2		732	19.35	38.70
8	3		822	14.49	28.98
13	3		832	19.49	38.98
13	2		322	13.63	27.26
8	3		342	18.63	37.26
13	1½	Precanceled	853	11.83	23.66
13	1½		313	8.77	17.54
8	6	Airmail (use for airmail) only.	353	11.27	22.54
13	6		861	34.29	68.58
13	6		361	33.91	67.82

(b) *How to order printed stamped envelopes.* Prepare Order for Printed Stamped Envelopes, Form 3203, in accordance with Illustration 31.3 (b). Submit the order through the post office named in the return address. However, if undeliverable letters are to be returned to the main office of a firm in another city, you may order envelopes at the post office where they will be mailed.

(c) *Return address requirements.* (1) Your printed return address must include:

(i) Local address (rural route number and box number, street address, post office box, name of building and room or apartment number including street address, or names of intersecting streets specifying which corner). The adequacy of the address, to ensure return of undeliverable mail will be determined by the postmaster.

(ii) Where your name as part of the return address indicates or incidentally discloses the nature of your business or vocation, it may be printed if the name is a bona fide business name that is used in a corporate charter, copartnership agreement, or other articles of organization, or is the name under which you actually do business with the public.

(iii) The name may be that of an individual, firm, corporation, institution, association, or society. It may include the name and title of an officer of the

concern (as "John Doe, Treasurer, Washington Educational Association") and such titles as "M. D.", "D. D. S.", "Rev.", and "LL. D.", when they are clearly for identification and not for advertising.

(iv) The name of a branch or department of your business may be printed only when other branches or departments are located at the same post office address, to ensure the return of undeliverable mail.

(3) No other matter may be printed, nor are such forms as phone numbers, "Mr.", "Esq.", permissible.

(4) Styles of return addresses available are:

(i) For first-class mail—

After 5 days, return to
(this line optional)
JOHN DOE
1234 Fifth Street
NEW YORK 7, N. Y.

(ii) For third-class mail—

After 5 days, return to
RICHARD ROE
1234 Ninth Avenue
CHICAGO 2, ILL.
Return postage guaranteed

(If sender desires return of undeliverable mail only of obvious value)

CHARLES JONES
610 Seventh Avenue
NEW YORK 11, N. Y.

(d) *Rejection of envelopes.* You may reject special-request envelopes because of defective manufacture, or mistakes in printing, denomination, quality, size, etc. If the mistake was made by you, the value of the postage only will be returned. If the mistake was made by the post office or its contractor, the entire invoiced value of the envelopes will be returned.

§ 31.4 *Purchase of postage*—(a) *Acceptable form of payment.* Foreign or mutilated money is not acceptable. When the post office cannot make change, you must pay the exact amount of your purchase. Postal employees are not required to accept personal checks. To send money by mail use money order or certified check.

(b) *Purchase receipts.* If you want a receipt for money paid for postage, prepare the receipt in advance and the postal employee will sign or stamp it when you pay.

(c) *Postage due.* Postage due must be paid in cash. Postage-due stamps may not be used for paying postage. They may be purchased, for stamp collections only, through the Philatelic Agency, Post Office Department, Washington 25, D. C.

§ 31.5 *Exchange of stamps*—(a) *Post office mistakes.* You may correct post office mistakes in selling damaged or unserviceable stamps by exchange of stamps at full value, within two business days after purchase.

(b) *Your mistakes.* You may correct your mistakes in buying adhesive stamps of the wrong denomination, or stamped envelopes or postal cards of the wrong kind, size, or denomination by exchange of stamps at full value, within two business days after purchase.

(c) *Unserviceable and spoiled envelopes or cards.* You may exchange unserviceable and spoiled stamped envelopes or postal cards, if uncanceled, for other postage-stamped paper as follows:

(1) Stamped envelopes (mutilated no more than is necessary to remove contents) for postage value only;

(2) Unmutilated letter sheets for 90 percent of postage value;

(3) Unmutilated postal cards for 75 percent of postage value;

(4) Sheet postal cards, spoiled in the process of cutting to size may be redeemed at full value if all cut sections are submitted.

Stamped envelopes or letter sheets with a printed return card or address, and postal cards with any printed matter of the purchaser, may be exchanged only by the purchaser. If there is no purchaser's printing, they may be exchanged by any responsible person. Where redemption cannot be made at time of presentation the postmaster will furnish a receipt on Form 3210 for uncanceled unserviceable or spoiled envelopes or postal cards left in his custody.

(d) *Nonexchangeable.* (1) Adhesive stamps, unless mistakes were made in purchasing;

(2) Stamps cut from postal cards, stamped envelopes, or letter sheets;

(3) Parts and pieces of postal cards;

(4) Postal cards treated by a coating process;

(5) Mutilated and defaced stamps.

§ 31.6 *Validity of stamps.* All postage stamps issued by the United States since 1860 are good for postage from any point in the United States or from any other place where the United States domestic mail service operates, except from the Panama Canal Zone where special Canal Zone stamps are used. The following are not good for postage:

(a) Mutilated or defaced stamps;

(b) Stamps cut from stamped envelopes, letter sheets, or postal cards;

(c) Nonpostage stamps (documentary internal revenue stamps, Migratory-bird hunting stamps, U. S. saving and thrift stamps, etc.);

(d) Postage-due, special-delivery, and special-handling stamps.

§ 31.7 *Unlawful transactions.* (a) Unlawful transactions include use of stamps, by postal employees entrusted with the sale or custody of postage stamps, in payment of debts or purchase of salable articles, and sale of stamps, except for cash or for more or less than face value.

(b) Counterfeit stamps are confiscated and forwarded to the inspector-in-charge of the division in which the post office is located. A receipt identifying the stamps will be given to persons from whom counterfeits are confiscated.

PART 32—PRECANCELED POSTAGE

Sec.
32.1 Purpose of precanceling.
32.2 Use of precanceled postage stamps.
32.3 Precancel postage permit.
32.4 Mailings of percanceled postage mail.

AUTHORITY: §§ 32.1 to 32.4 issued under R. S. 161, 396, 3921, sec. 12, 39 Stat. 162; 5 U. S. C. 22, 369, 39 U. S. C. 365.

§ 32.1 *Purpose of precanceling*—(a) *Definition.* Precanceling means the cancellation of postage stamps, stamped envelopes, or postal cards in advance of mailing. Adhesive postage stamps may be precanceled only by the post office. (See § 32.3 (b).)

(b) *Benefits.* The use of precanceled postage reduces the time and costs of mail handling. Precanceled mail, sorted and tied in packages by the mailer, requires less processing time in the post office, and is therefore dispatched more quickly.

§ 32.2 *Use of precanceled postage stamps*—(a) *Classes of mail.* You may use precanceled stamps to pay postage on:

(1) Post cards, but on no other first-class mail, unless specifically authorized by the postmaster on Form 3620. (See paragraph (b) of this section.)

(2) Second-, third-, and fourth-class mail.

(b) *Prohibited.* You may not use precanceled postage stamps on matter mailed in boxes, cases, bags, or other containers designed to be reused for mailing purposes.

(c) *Overprinting.* If precanceled postage on a single piece is over 8 cents, the precanceled stamps must be overprinted or handstamped in black ink with your initials and the numerical abbreviations of the month and year of use; for example, A, B, Co. 9–54. Precanceled stamps overprinted in this way are acceptable on mail during the month shown, and through the 10th of the following month.

(d) *Resale.* Precanceled postage stamps may not be sold by permit holders.

§ 32.3 *Precancel postage permit*—(a) *Application for permit.* Submit a completed Precancel Application, Form 3623, to the post office where you will mail. A fee is not required.

(b) *Issuance of permit.* When your application is approved by the postmaster, you will receive a Precancel Permit, Form 3620. If the permit covers the privilege of precanceling stamped envelopes or postal cards with your own cancellation mark, it must contain a statement to that effect. Your canceling mark must include the name of the post office and State; your permit number; and, for first-class mail only, the date of mailing. (See illustration below.) A specimen must be furnished the post office.

(c) *Revocation.* (1) Your permit may be revoked if used in operating any scheme or enterprise of an unlawful character, or for the purpose of purchasing or acquiring stamps for other than mailing purposes, or for nonuse during any 12-month period, or for any

noncompliance with the instructions on the Permit, Form 3620.

(2) The permit holder will be notified by the postmaster at the post office that issued the permit that it is to be canceled, and the reasons for cancellation. The permit holder will be allowed 10 days within which to file a written statement why the permit should not be revoked. Where no answer is filed, the postmaster will cancel the permit. If an answer is filed, decision will be made by the Assistant Postmaster General, Bureau of Post Office Operations, whether the permit shall be continued in effect. Notice of decision will be given the permit holder through the postmaster.

§ 32.4 *Mailings of precanceled postage mail.* Precanceled mail must be mailed at the post office where the stamps were purchased. Any number of pieces may be mailed at one time, regardless of whether they are identical, except for third-class bulk mailings. (See Parts 16 and 24 of this chapter.)

PART 33—METERED POSTAGE

Sec.
33.1 Postage meter.
33.2 Meter permit.
33.3 Use of meter.
33.4 Metered postage impressions.
33.5 Reply postage.
33.6 Mailings.

AUTHORITY: §§ 33.1 to 33.6 issued under R. S. 161, 396, sec. 5, 41 Stat. 583 as amended; 5 U. S. C. 22, 369, 39 U. S. C. 273, 291a.

§ 33.1 *Postage meter*—(a) *Description.* A postage meter is a privately manufactured mechanism for printing and recording postage. It can be set for a given number of impressions or a given amount of postage. It automatically locks when the set number or amount has been used.

(b) *Approval.* A manufacturer must get each postage-meter model approved by the Post Office Department before he may lease it to mailers. Meters manufactured by the following concerns have been approved:

(1) Commercial Controls Corp., Rochester, N. Y.

(2) International Postal Supply Co., Brooklyn, N. Y.

(3) National Cash Register Co., Dayton, Ohio.

(4) Pitney-Bowes, Inc., Stanford, Conn.

(c) *Control.* The manufacturer of a meter must maintain control of it and be responsible for servicing and maintaining it. The keys for the meter recording mechanism must be deposited with and remain in the hands of the postmaster.

§ 33.2 *Meter permit*—(a) *Application.* You may obtain a Meter Permit Form 3601–A, by submitting an Application, Form 3612, to the post office where you will mail. No fee is charged. The application must specify the manufacturer and model number of the meter, and be accompanied by a specimen metered postage impression. When the Application is approved the postmaster will issue a permit.

(b) *Revocation.* The permit may be revoked if used in operating any scheme or enterprise of an unlawful character, for nonuse during any consecutive 12 months, or for any noncompliance with instructions on the Meter Permit, Form 3601–A. The method of revoking the permit is described in § 32.3 (c) of this chapter.

§ 33.3 *Use of meter*—(a) *Sealing of meter.* You may not have custody of any postage meter until it has been set and sealed at the post office that issued the permit. A booklet Form 3602–A is issued at the time of initial setting.

(b) *Payment of postage.* You must bring the meter, and booklet Form 3602–A, to the main post office or designated station or branch, for settings and payment of postage. Postage must be paid at the time of setting. The postmaster will issue a Meter Setting Receipt, Form 3603–A. If a meter is not reset within a 3 month period, it must be presented at the post office, station or branch which made the last setting, with Form 3602–A showing daily register readings, for examination.

(c) *Restricted use.* The meter must remain in the custody of the permit holder. Tampering with or misuse of the meter is punishable by law.

(d) *Faulty mechanism.* If the printing and recording mechanism is faulty in any way, do not use the meter but take it promptly to the post office, branch, or station where it is regularly set for checking out of service.

(e) *Discontinuance.* When you discontinue use of a postage meter, take it to the post office with booklet Form 3602–A. Unused postage in the meter may be transferred to another meter used by yourself and registered at the same post office, or the postmaster may refund the amount, in accordance with provisions on the Permit form. The booklet Form 3602–A is returned to you and should be kept on file for at least 1 year from the date of final entry. Application for refund should be made on Form 3533 or on a special form furnished by the meter manufacturer.

(f) *Refunds for faulty impressions.* When complete and legible meter impressions cannot be used because of misprints, spoiled envelopes or cards, and the like, you may apply to the postmaster for refund of postage up to 90 percent of postage value. (See § 37.2 of this chapter.)

§ 33.4 *Metered postage impressions*—(a) *Legibility.* Metered postage impressions must be legible and not overlap. Illegible or overlapping impressions will not be counted in determining postage paid.

(b) *Impressions on tape.* When impressions are printed on tape, only tape approved by the Post Office Department may be used.

(c) *Position.* Impressions must be printed or stuck in the upper right corner of the mail cover, address label, or tag.

(d) *Content.* Metered postage impressions must show city, State, meter number, and amount of postage for all classes of mail. When it is necessary to print multidenomination impressions on more than one label or sticker, the circle showing the post office and date must appear on each label or sticker.

(e) *Date of mailing.* Metered postage impressions must show the date of mailing on first-class mail, special delivery, or airmail; on all mail sent registered, insured, or c. o. d.; and when printed on separate labels or stickers, used on first-class mail. The month and year must be shown on labels and stickers used on second-, third-, and fourth-class mail, but the day may be omitted. When labels or stickers are not used, the date should not be shown in metered postage impressions on second-, third-, or fourth-class mail.

(f) *Hour of mailing.* The hour of mailing may be shown only on first-class, air, or special delivery mail, and then only when it is mailed in time to be dispatched at the hour shown.

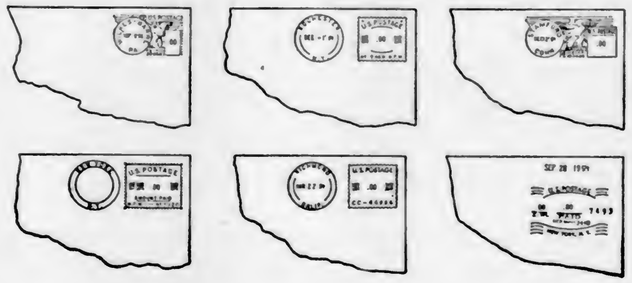
(g) *Additions.* Slogans may be printed simultaneously with metered postage impressions, provided the plates are obtained from authorized manufacturers of the meters. Slogans must not be in the form of a circle resembling a postmark or other postal markings ("Insured", "special", etc.), must not be objectionable or misleading, and must not be so large as to be confused with the metered postage impression, address, or return address.

§ 33.5 *Reply postage.* Metered postage impressions may be used to prepay reply or return postage under the following conditions:

(a) Impressions must be made directly on the envelope or card that bears the printed return address of the permit holder.

(b) The words "No postage stamp necessary—postage has been prepaid by --------" must be printed immediately above the return address.

(c) Reply or return mail prepaid by metered postage impressions will be delivered only to the printed address shown on the return card. If printed address is altered, the mail will be held for postage.



§ 33.6 *Mailings*—(a) *Where to mail.* Metered mail must be mailed from the post office shown in the meter postmark. Second-class metered mail must be mailed in quantities of not less than 300 pieces. Other classes may be mailed in any quantity. (See Part 16 of this chapter for mailing of third-class bulk mail.) You may deposit first-class metered mail in street or building receptacles, if you tie it in bundles so that it will not get mixed with other mail. Deposit all other at the post office. Deposit metered mail on the same day it is metered if the metered postage impressions include dates. You must separate, face, and tie mail into bundles by class of mail, unless packages are too irregular.

(b) *Record of meter register readings.* Record daily on Form 3602–A the figures appearing in the ascending and descending registers of the meter. If the sum of the two figures does not equal the total entered at the last setting the meter should be taken promptly to the post office, station or branch where it was set for examination.

PART 34—PRINTED POSTAGE IMPRESSIONS

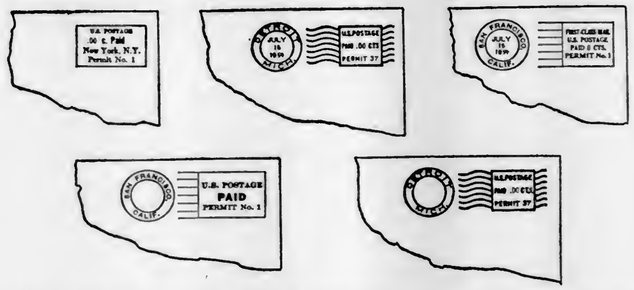
Sec.
34.1 Permit.
34.2 Form of printed postage impressions.
34.3 Content of printed postage impression.
34.4 Additions.
34.5 Mailings with printed postage impressions.
34.6 Additional services.
34.7 Improper use of printed postage impressions.

AUTHORITY: §§ 34.1 to 34.7 issued under R. S. 161, 396, 5, 41 Stat. 583 as amended; 47 Stat. 647; 5 U. S. C. 22, 369, 39 U. S. C. 273, 273a.

§ 34.1 *Permit*—(a) *Application.* If you wish to use printed postage impressions and pay postage in cash at the time of mailing, obtain a Permit, Form 3601, by submitting Application, Form 3612, with a fee of $10, to the post office where you will mail. The postmaster will give you a receipt for the fee on Form 3603. No other fee for use of printed postage impressions has to be paid so long as the permit is active.

(b) *Revocation.* The permit may be revoked if used in operating any scheme or enterprise of an unlawful character, for nonuse during any consecutive 12 months, or for any noncompliance with instructions on Nonmetered Permit, Form 3601. The method of revoking permit is described in § 32.3 (c) of this chapter.

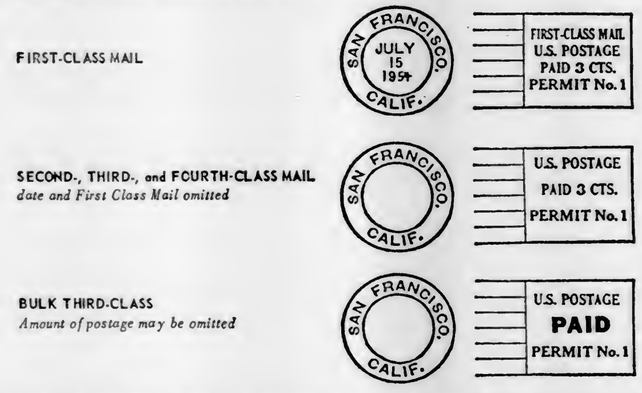
§ 34.2 *Form of printed postage impressions.* The printed postage impression must be made by printing press, lithography, mimeograph, mutigraph, addressograph, or similar device and must not be handstamped or in facsimile of typewriting. The type, size, and style of impression must conform with those illustrated below. The impression must be printed in a color that contrasts sufficiently with the paper to make the impression readable, and must be placed in the upper right corner of the address side of each piece.



§ 34.3 *Content of printed postage impression.* Printed postage impressions must show:

(a) *For first-class mail.* City and State; date (hour may be included with date if mailing is made in time to be dispatched at that hour); the words "First-Class Mail" and "Paid" with the amount of postage; and the permit number.

(b) *For second-, third-, and fourth-class mail.* Same as first-class, except the date and the words "First-Class Mail" are omitted. The amount of postage may be omitted on matter mailed at bulk third-class rates.



§ 34.4 *Additions.* Any additions should not be placed so as to confuse or obstruct the printed postage impression, and must conform with the requirements for the class of mail that bears the additions.

§ 34.5 *Mailings with printed postage impressions*—(a) *Minimum quantities.* Except as stated in paragraph (b) of this section, minimum quantities required to be mailed at one time are as follows:

(1) *First-class mail.* 300 pieces of identical weight.

(2) *Second- and third-class mail.* 300 pieces of identical matter, except 20 pounds or 200 pieces of identical third-class bulk mail (see Parts 16 and 24 of this chapter).

(3) *Fourth-class mail.* 250 pieces of identical matter.

(b) *Exceptions to minimum quantities.* When any mailing consists of less than the required minimum, enter an explanation on the Mailing Statement, Form 3602. Exceptions may be made for the following reasons only:

(1) *First-class mail.* Occasional exception for a mailer whose total daily mailings are not much more than 300 but who, to cooperate with the post office, presents a portion of his mailings early in the day.

(2) *All classes of mail.* When a large mailing extends over two or more consecutive days and the last deposit, made to complete the mailing, is less than the minimum.

(c) *Preparation for mailing.* All classes of mail must be faced. You must separate second-, third- (nonbulk), and fourth-class by cities and States according to postmaster's instructions. You must separate first- and fourth-class according to postage paid on each piece; that is: put pieces subject to 3 cents each in one lot, those subject to 6 cents each in another lot, etc. (See Part 16 of this chapter for mailing of third-class bulk mail.)

(d) *Place of mailing.* Deposit mail at the post office that issued the permit, or at a deposit point designated by the postmaster.

(e) *Mailing statement.* Prepare and sign a Mailing Statement, Form 3602, for each mailing. The statement must be prepared by typewriter, ink, or indelible pencil to show your address, permit number, class of mail, number of pieces in the mailing, and weight of single piece. For third-class bulk mailings,

additional information required by the Mailing Statement must be shown.

(f) *Payment of postage.* You must pay for each mailing when it is presented at the post office, or make an advance deposit of enough to cover more than one mailing. When the deposit becomes less than enough to pay for an entire mailing, an additional amount must be deposited before any mailings are made. The postmaster will give you a receipt for each payment, on Form 3539 for second-class mail, and on Form 3603 for other classes, Credit for postage is not allowed. Postage on a mailing must be paid by only one method; that is, postage may not be paid partly in money and partly by postage stamps.

§ 34.6 *Additional services.* Mail with printed postage impressions may be registered, or sent as insured or c. o. d. mail.

§ 34.7 *Improper use of printed postage impressions.* Mail bearing printed postage impressions must not be distributed otherwise than through the mails, and will not be accepted at any post office except that shown in the impression. Matter bearing printed postage impressions must not be used as enclosures.

PART 35—PHILATELY

Sec.
35.1 The Philatelic Agency.
35.2 New stamp issues.
35.3 Airmail first-flight covers.
35.4 Stamp exhibits.
35.5 Stamp booklet.

AUTHORITY: §§ 35.1 to 35.5 issued under R. S. 161, 396; 5 U. S. C. 22, 369.

§ 35.1 *The Philatelic Agency*—(a) *Establishment and purpose.* The Philatelic Agency was established on November 25, 1921, to make available to stamp collectors United States postage stamps of selected quality. Stamps sold by the Agency are the best available, having been selected for good centering, and freedom from tears and other flaws.

(b) *Stamps available.* In addition to stamps of the ordinary series, the Agency has for sale commemorative, airmail, special delivery, special handling, postage-due, and Migratory-Bird Hunting stamps. To get a list of items available for sale, send a self-addressed stamped envelope with your request to the Philatelic Agency, Post Office Department, Washington 25, D. C. The list is revised when a new stamp is announced or an old one withdrawn.

(c) *Order for stamps.* All stamps are for sale at face value, plus return postage at the first-class rate. Registration of stamp shipments is recommended but not required. Address your order to the Philatelic Agency.

(d) *Remittance.* Remittance should be by money order or certified check. Postage stamps, personal checks and foreign or mutilated money are not acceptable. If you send cash, register your letter.

§ 35.2 *New stamp issues*—(a) *Notification.* Issuance of new stamps is announced by notices displayed in the lobbies of post offices, and through the press and philatelic periodicals.

(b) *First-day sale.* A post office selected because of some historical connection with the person or event commemorated is authorized to have exclusive sale of a new stamp on its first day of sale. All other post offices may sell the stamp the following day.

(c) *First-day covers.* (1) First-day covers are envelopes bearing a new stamp cancelled on its first day of sale with a special die reading "First Day of Issue." If you want first-day cancellations of a new stamp, send addressed envelopes to the postmaster in the city where the new stamp is to be placed on sale, with remittance to cover the cost of stamps (see § 35.1 (d)).

(2) Cover envelopes should be of ordinary letter size and each must be properly addressed. Place an enclosure of medium weight in each envelope, and either turn in the flap or seal it. Endorse the envelope, enclosing the covers to the postmaster, "First-Day Covers." Put a pencil notation in the upper right corner of each cover to show the number of postage stamps to be stuck there.

(3) With orders for first-day covers, do not include requests for uncanceled stamps.

(4) The Philatelic Agency does not service first-day covers.

§ 35.3 *Airmail first-flight covers*—(a) *Cachets authorized.* Official cachets are authorized when airmail service is inaugurated on a new airmail route, segment of a new route, or at a new stop point on an existing route. Notice of the flight is published as far in advance of the inaugural date as practicable.

(b) *How to get first-flight cachets.* Address covers to receive first-flight cachets to the postmaster at the office where service is to be inaugurated, prepaid at the airmail rate. Include a letter requesting the postmaster to hold the covers for the first flight and apply the cachet. Put an enclosure of medium weight in each envelope to obtain a better impression and leave a space approximately 2½ by 2½ inches on the left of the address side for the cachet. After cachets have been applied, covers will be flown to a designated office for backstamping and then forwarded to their destinations.

(c) *Restrictions.* Double postal cards and double post cards intended for return reply purposes are not acceptable as first-flight covers. No provision is made for point-to-point covers.

§ 35.4 *Stamp exhibits*—(a) *Loan exhibits.* The Post Office Department has a set of valuable stamp exhibit frames which are available for display at stamp exhibitions and conventions. These are sent upon request to national and international exhibits as well as to the conventions of the larger stamp societies. Requests should be addressed to the Division of Philately, Post Office Department, Washington 25, D. C.

(b) *Philatelic exhibit.* The Philatelic Agency maintains a comprehensive exhibit of United States postage stamps, containing die proofs of all domestic stamps since 1847. There are also approximately 40,000 stamps of other countries in this exhibit, from every postal administration in the world. Equipment used in the production of postage stamps, such as a plate and transfer roll, is shown to illustrate methods of manufacture. Philatelic publications are on file for the benefit of students and collectors.

§ 35.5 *Stamp booklet.* The Post Office Department publishes a booklet entitled "Postage Stamps of the United States," containing reproductions and information of interest to collectors on all United States stamps issued from 1847 to the latest revision date. The booklet, which is revised from time to time, may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. The price of the current edition is 65 cents a copy.

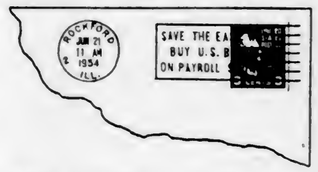
PART 36—SPECIAL CANCELLATIONS

Sec.
36.1 Postmarking dies for advertising purposes.
36.2 Conditions.
36.3 Application.
36.4 Authorization.
36.5 Revocation.

AUTHORITY: §§ 36.1 to 36.5 issued under R. S. 161, 396, secs. 1, 2, 42 Stat. 539, 540; 5 U. S. C. 22, 369, 39 U. S. C. 368.

§ 36.1 *Postmarking dies for advertising purposes*—(a) *Description.* Advertising cancellations are applied to stamped mail by use of special dies in postal canceling machines. The cancellation is placed to the right of the postmark circle and is used to deface the postage stamp or stamps. See § 35.2 (c) of this chapter for first-day cover cancellations.

(b) *Use.* These special dies are used in place of regular canceling dies for canceling postage stamps on letter mail.



§ 36.2 *Conditions.* (a) The event to be advertised must:

(1) Be for some national purpose for which Congress has made an appropriation, or

(2) Be of general public interest and importance, and

(3) Endure for a definite period of time, and

(4) Not be conducted for private gain or profit.

(b) The sponsor must pay the cost of manufacturing the special canceling die hub or adapting canceling machines for use of the hub.

(c) The cancellation may not be used longer than 6 months and duration of event.

(d) The cancellation may be used only in a first- or second-class post office.

(e) The slogan should be limited to approximately three lines of not more than 20 letters, numbers, or spaces on each line.

§ 36.3 *Application.* Application for use of a special cancellation must be submitted in writing to the Bureau of Post Office Operations, Division of Mail Classification, Post Office Department, Washington 25, D. C. It may be submitted through the postmaster at the post office where the cancellation is to be used. The application must provide the following information:

(a) Complete description of the event to be advertised, including evidence that it is not being conducted for private profit.

(b) Wording and design of the proposed cancellation.

(c) Name of post office or post office where it is desired the cancellation be used.

(d) Number of die hubs desired.

(e) Period of use desired.

(f) Name and address of sponsor who will pay the cost of special die hub.

§ 36.4 *Authorization.* The sponsor will be informed of approval or denial of application. If approved, arrangements will be made by the Department for manufacture of the die hub and the postmaster instructed as to its use. The manufacturer will bill the sponsor direct for cost of the die hub. Remittance in settlement must be sent to the manufacturer and not to the Department. The special die hub becomes the property of the Post Office Department and shall not leave the custody of the service.

§ 36.5 *Revocation.* Authorization to use any special cancellation for advertising will be revoked in the event it is necessary to use special postmarking dies for purposes of the Government.

PART 37—POSTAGE PREPAYMENT AND REFUNDS

Sec.
37.1 Prepayment of postage required.
37.2 Refunds.

AUTHORITY: §§ 37.1 and 37.2 issued under R. S. 161, 396, 3896, 3898, 3900, sec. 26, 20 Stat. 361 as amended, sec. 2, 33 Stat. 1091, 47 Stat. 647 as amended, sec. 1, 64 Stat. 210, Sec. 5, 65 Stat. 674.

§ 37.1 *Prepayment of postage required*—(a) *Exceptions.* Postage on all mail must be prepaid at the time of mailing, with the following exceptions:

(1) Business Reply Mail, see § 21.2 (c) of this chapter.

(2) Franked, Penalty, and Free Mail, see Part 27 of this chapter.

(3) Certain Mail for the Blind, see Part 28 of this chapter.

(4) Mail Sent by Members of the Armed Forces, see § 21.5 of this chapter.

(5) Letters and printed matter carried or delivered by vessels not regularly employed in carrying mail, see § 21.6 of this chapter.

(6) Hotel and steamship keys returned to owners, see § 24.2 of this chapter.

(b) *Double postage, when charged.* If any mail, on which postage is required by paragraph (a) of this section to be prepaid, by mistake reaches its destination without prepayment, double the prepaid rate will be charged and collected on delivery.

(c) *Insufficient prepayment.* Mail received at the mailing post office without full prepayment must be returned for the additional amount due, except in the following cases:

(1) First-class mail having one full rate prepaid, see § 21.4 (b) of this chapter.

(2) Air mail, see § 26.4 (b) of this chapter.

(3) Special Delivery Mail, see § 56.2 (c) of this chapter.

(4) Mail bearing return address showing sender to be located at another post office will be treated as follows:

(i) First-class mail prepaid less than one full rate and mail of any other class having obvious value, must be held for two weeks and notice of the amount due sent to the sender on card Form 3540–A. If no response is received mail is then treated as in subparagraph (5) of this paragraph.

(ii) Mail other than first class of no obvious value will be disposed of.

(5) Mail without return address, the sender of which is unknown, will be treated as follows:

(i) First-class mail prepaid less than one full rate and mail of any other class having obvious value will be held for 3 weeks and notice of the amount due sent to the addressee on card Form 3548.

(ii) Mail other than first class of no obvious value will be disposed of.

(d) *Postage on mail insufficiently prepaid.* Postage stamps stuck to mail are canceled when the mail is first received in the post office. Postage stamps or metered postage impressions originally affixed to insufficiently prepaid mail will, when it is again presented for mailing, be accepted in payment of postage to the amount of their face value.

§ 37.2 *Refunds*—(a) *Conditions that justify refund.* When postage or special service fees have been paid on mail for which no service is rendered, or collected in excess of the lawful rate, a refund may be made.

(b) *Application.* A written application should be submitted to the postmaster together with the envelope or wrapper, or the portion thereof having names and addresses of sender and addressee, canceled postage and postal markings, or other evidence of payment of the amount of postage and fees for which refund is desired. At first-class post offices the application should be made on Form 3533.

(c) *Meters.* The postage value of unused units set in a postage meter surrendered to the post office to be checked out of service may be refunded or, if desired, an equivalent amount will be transferred to another meter used by the same permit holder. If the meter is withdrawn from service because of faulty mechanical operation, a postage adjustment or refund will be withheld pending report of the meter manufacturer of the cause of faulty operation. If the meter is damaged by fire, a refund or transfer of postage will be made only if the registers are legible, or can be reconstructed by the meter manufacturer.

(d) *Metered postage impressions.* Unused metered postage impressions that are complete and legible, accompanied by an application in duplicate, within 1 year from the dates appearing in the impressions, will be considered for refund of 90 percent of their postage value. Such unused impressions may include those on labels or stickers that have not been stuck to wrappers, but no refund will be made for impressions on stickers that do not show the name of the post office and the date. See Part 33 of this chapter regarding complete and legible metered postage impressions.

(e) *Second-class fees.* One half of an original second-class application fee will be refunded if the application is not approved. (See § 22.3 (e) of this chapter.)

(f) *Bulk mailing fees.* The annual fee for bulk mailings of third-class matter will be refunded only if no bulk mailings are made during the year for which the fee has been paid.

(g) *Application fees for permit to use printed postage impressions.* No refund will be made of an application fee paid for a permit to use printed postage impressions.

(h) *Airmail.* A refund of the difference between the airmail rate and the appropriate surface mail rate for the class of matter involved may be refunded when an airmail article fails to receive air transportation due to fault of the postal service.

(i) *Special services.* (1) Special delivery and special handling fees may be refunded when the article fails to receive the special service for which the fee has been paid.

(2) Registered, insured, and c. o. d. fees are not refundable after the mail has been accepted by the post office even though the article is subsequently withdrawn from the mailing post office.

(3) The fees paid for restricted delivery of registered, insured, or c. o. d. mail, and the fee paid for return receipt on registered or insured mail, may be refunded when failure to render service is the fault of the Postal Service. (See § 51.4 (e) of this chapter.)

Subchapter E—Collection and Delivery

PART 41—SERVICE IN POST OFFICES

Sec.
41.1 Hours of business.
41.2 Post office boxes.
41.3 General delivery.
41.4 Unauthorized use of post office premises.

AUTHORITY: §§ 41.1 to 41.4 issued under R. S. 161, 396, 3839, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 4.

§ 41.1 *Hours of business*—(a) *Business days.* Post offices maintain window service for the delivery of mail and the sale of stamps every business day during the hours when the principal business houses of the community are open. Special services are available as follows:

(1) *Registry service.* First-class post offices, and stations and branches of first-class offices, maintain window service for the registration of mail and the delivery of registered mail until 6 p. m. Offices other than first-class maintain such service during the hours observed by the principal business houses.

(2) *Money-order service.* First-class offices maintain window service for the transaction of money-order business from 9 a. m. to 5 p. m.; second-class offices from 8 a. m. to 6 p. m.; and

stations and branches of first- and second-class offices from 8 a. m. to 6 p. m. Third- and fourth-class offices maintain money-order service during the hours observed for the transaction of postal business.

(3) *Postal savings.* Post offices designated as postal-savings depositories provide for the receipt and withdrawal of deposits every weekday during the hours prescribed for the transaction of money-order business.

(b) *Night service.* Post offices are not ordinarily open for business at night. Lobbies of some post offices are open at night to permit the public to deposit mail and to obtain mail from lock boxes.

(c) *Holiday service.* Post offices are kept open on holidays for such time as may be necessary to meet the reasonable postal requirements of the public. Special-delivery mail is delivered on holidays, but delivery service is not given on letter carrier or rural routes. The following holidays are observed:

(1) New Year's Day, January 1.

(2) Washington's Birthday, February 22.

(3) Memorial Day, May 30.

(4) Independence Day, July 4.

(5) Labor Day, first Monday in September.

(6) Veterans' Day, November 11.

(7) Thanksgiving Day, fourth Thursday in November.

(8) Christmas, December 25.

(9) Other days set aside by the President as holidays.

§ 41.2 *Post office boxes*—(a) *Purpose of boxes.* Post office boxes (which term includes post office drawers) are for the convenience of the public in the delivery of mail. The service affords patrons privacy, eliminates the necessity of waiting in line at delivery windows, and permits them to obtain mail after regular post office hours where the lobby is kept open. Postmasters will not disclose the names of box holders to any person outside the Postal Service.

(b) *How to rent a box.* Submit a Post Office Box Application, Form 1092½, to the postmaster with the names of two references. A Reference Verification, Form 1092, will be sent to each reference. When the application is approved by the postmaster, a box will be assigned.

(c) *Box rental rates.*

Gross receipts of post office (rates adjusted July 1 each year based on gross receipts for the preceding calendar year)	Rate per quarter						
	Call boxes—Size No.		Lock boxes and drawers—Size No.				
	1	2	1	2	3	4	5
	Cubic-inch capacity		Cubic-inch capacity				
	To 225	225 to 500	To 225	225 to—	500 to—	900 to—	3,000 and over—
To $500	$0.15	$0.20	$0.30	$0.35	$0.50	$0.65	$0.90
$500 to	.20	.30	.35	.50	.65	.90	1.10
$1,500 to	.30	.35	.50	.65	.90	1.10	1.50
$5,000 to	.35	.50	.65	.90	1.10	1.50	2.25
$10,000 to	.50	.65	.90	1.10	1.50	2.25	3.00
$40,000 to	.65	.90	1.10	1.50	2.25	3.00	4.50
$100,000 to	.90	1.10	1.50	2.25	3.00	4.50	6.00
$300,000 to	1.10	1.50	2.25	3.00	4.50	6.00	7.50
$1,000,000 to	1.50	2.25	3.00	3.40	6.00	7.50	9.00
$5,000,000 to	2.25	3.00	4.50	5.00	7.50	9.00	10.50
$15,000,000 and over	3.00	4.50	6.00	7.50	9.00	10.50	12.00

(d) *Payment of box rents.* Box rents must be paid in advance. A receipt on Form 1538 is given for each payment. When a box is surrendered, no portion of the rent will be refunded. Box rent may be paid quarterly or annually, as follows:

(1) *Quarterly.* When a box is rented after the beginning of a quarter, a pro rata amount must be paid for the remainder of the quarter. Thereafter, the rent is payable in advance four times a year before the beginning of each succeeding quarter.

(2) *Annually.* When a box is rented on an annual basis, the rent must be paid on a pro rata basis for the remaining days in the quarter in which it is first rented, and for the remaining full quarters within the fiscal year ending June 30. Thereafter, the rent may be paid annually before July 1 of each year.

(e) *Use of box*—(1) *Individuals.* An individual renting a box may have placed in it:

(i) Mail addressed to himself.

(ii) Mail directed to a temporary visitor.

(iii) Mail addressed to his care or to the number of his box by persons who wish him to take care of it for them not more than 30 days.

(iv) Mail addressed to members of his family.

(v) Mail addressed to his servants or other employees who live in his house.

(vi) Mail addressed to a relative or other person who lives permanently in his house as do the other members of his family. Boarders or roomers are not considered members of the family.

(2) *Firms or corporations.* A firm renting a box may have placed in it:

(i) Mail addressed to its name.

(ii) Mail addressed to any of its officials and office employees.

(iii) By the consent of all members of a firm, any member may have mail addressed to himself or members of his family deposited in the firm's box.

(3) *Students.* Mail addressed to students at a educational institution may be deposited in the box rented by it, if consistent with its rules.

(4) *Public institutions.* Mail addressed to inmates of a public institution may be deposited in the box rented by it, if consistent with its rules.

(5) *Associations.* An association or society may rent a box, but it may not be used for individual members, other than officers addressed by their official titles.

(6) *Hotel or boarding house.* Mail addressed to guests or transient broadders at a hotel or boarding house should be placed in the box assigned to it or its proprietor.

(7) *Mail addressed to box number.* Mail addressed only to a box number may be delivered to the box holder as long as no improper or unlawful business is conducted in this manner.

(f) *Keys and key deposits.* A deposit of 22 cents is required for each key furnished. Renters of lock boxes are not permitted to use any keys except those regularly issued through the post office, and must return all keys when a box is surrendered.

(g) *Restrictions*—(1) *Not rented for improper purposes.* A box will not be rented to anyone who the postmaster has good reason to believe will use it for the purpose of deception, for immoral or improper purposes, or for the conduct of a fraudulent or lottery business.

(2) *Not rerented to persons who misuse.* A box will not be rerented to anyone who does not take proper care of it, or who disregards the rules concerning its use.

(3) *Matter without postage not to be put in box.* Bills and circulars will not be placed in boxes without payment of regular postage.

§ 41.3 *General delivery*—(a) *Use of.* General-delivery service is designed primarily for the use of patrons at offices not having carrier-delivery service. Mail bearing as a part of its address the indorsement, "Transient," "To Be Called For," "General Delivery," or other words indicating that it is intended for a transient person, will be placed in the general-delivery case to be delivered to the addressee on his application and proper identification.

(b) *Where carrier deliveries are provided.* General-delivery service is provided at offices having carrier-delivery service for transients and patrons who are not permanently located. Persons intending to remain for 30 days or more in a city having carrier service should file their names and street addresses at the post office so that their mail may be delivered by carrier unless lock-box service is desired. Persons residing in cities having carrier-delivery service may for good and sufficient reasons satisfactory to the postmaster receive their mail at general-delivery windows.

§ 41.4 *Unauthorized use of post office premises.* Advertisements, circulars, or notices relating to any private business, of a political character, or concerning any election, shall not be placed on any portion of post office premises.

PART 42—WHO MAY CARRY LETTERS

Sec.
42.1 Postal service a monopoly.
42.2 What are letters.
42.3 Permissible carriage of letters.

AUTHORITY: §§ 42.1 to 42.3 issued under R. S. 161, 396, 3980, 3989, 3990, 3991, 3993, 4026 as amended, 62 Stat. 776, 777, 5 U. S. C. 22, 369, 18 U. S. C. 1694, 1695, 1696, 1697, 39 U. S. C. 495, 497, 498, 499, 500, 700.

§ 42.1 *Postal service a monopoly.* The Post Office Department has a monopoly over the transportation of letters for others over post routes. This monopoly was created prior to the adoption of the Constitution and has existed, with varying provisions, continuously from that time to the present. This subchapter defines the types of matters which constitute letters and hence which are subject to the monopoly. It sets forth the types of transportation covered under the monopoly. It also prescribes exceptions to the monopoly.

§ 42.2 *What are letters*—(a) *Definition of letters.* (1) A letter is generally defined as a message in writing and may be written in any language, or in a code. It need not be in handwriting but may be written by a system of checking from a list of printed statements or punching holes or by point print or in raised characters used by the blind.

(2) For purposes of the exercise of the postal monopoly, the term letters may embrace circulars inasmuch as the term circular is defined to be a printed letter which is being sent to several persons in identical terms.

(3) A writing is not a letter unless addressed to or intended for some particular person or concern.

(4) In addition to communications of a purely personal nature, the word letter includes any matter conveying live, current information between the sender and the addressee. If the sender expects or intends the addressee to act, rely or refrain from acting on the information, the information is live and current.

(5) A letter may be in a sealed envelope, in an unsealed envelope or not in an envelope at all.

(6) Factors of weight and size do not exempt letters from being subject to the Postal monopoly.

(7) A telegraphic message is not a letter.

(b) *Rulings on letters.* The examples set forth in this subchapter do not comprise every type of matter which would fall either within or without the scope of letters covered by the Postal monopoly. The sender or carrier of matter who has any doubt as to whether such matter is or is not a letter may obtain, upon request, a specific ruling from the Solicitor of the Post Office Department.

(c) *Examples of letters*—(1) *Orders.* Orders for merchandise to be filled by the recipient are letters. Orders are also letters when forwarded by a salesman or a store to the main office to be filled. Orders include requisitions from one department of a business house on another department, when carried over post routes.

(2) *Bills and statements of account.* Bills and statements of account are letters when sent by business concerns or persons selling goods or rendering service to their customers. This includes store accounts, premium notices, water bills, bank statements and receipts and receipted statements of account when sent from a creditor to the debtor.

(3) *Reports.* Reports are letters when sent from the person, office or firm making the report to the person, office, firm or governmental agency to whom the report is made. Examples are:

Income or other tax returns.
Proofs of loss filed by an insured under an insurance policy.
Monthly and weekly reports of business transactions made to a central office.
Reports of insurance agents to their companies' home offices.

(4) *Applications.* An application transmitted from the applicant to the person or governmental agency to whom it is made is generally a letter. Examples are:

Application for driver licenses and automobile licenses and other permits.
Applications for loans.
Contest entries.

(5) *Interoffice communications.* Any written or printed matter sent between offices of a concern, over post routes, which conveys to the addressee office live, current information upon which the latter is expected to act, rely or refrain from acting, constitutes a letter. The following are examples of such letters:

Requisitions which are orders from one department to another department within the same organization.

All types of matter sent from a branch store to the main office to supply information upon which charges and credits to the branch store or office are made or to verify the accuracy of items in the accounts between the main office and branch office or store.

Retail price lists, catalogs, bulletins and notices sent to advise a store or branch office of the price the latter should charge its customers or to advise the latter of discounts, market quotations, and the like.

(6) *Checks and drafts.* Bank checks are letters if they show upon their face or by stubs attached to them or by statement sheets accompanying them any information in explanation of such checks.

(d) *Examples of matter not letters*—(1) *Commercial papers.* Commercial papers are not classed as letters since they are valued as evidence of rights of the holder rather than for any information they may carry when shipped from one person to another. Such commercial papers include contracts, stock certificates, promissory notes, bonds and other negotiable securities, insurance policies, title policies, abstracts of title, mortgages, deeds, leases and articles of incorporation.

(2) *Legal papers and documents.* Legal papers and documents are not letters. This class of matter is intended for use in law suits or formal quasijudicial proceedings, orders of court and the like.

(3) *Official records.* Examples of official records which are not letters are: birth and death certificates, election ballots, and tally sheets, lists of registration of voters and certificates to practice certain professions.

(4) *Drawings, etc.* A picture or other visual representation of a physical thing, actual or projected, would not be a letter. Examples are drawings, blueprints, maps and plat surveys.

(5) *Advertising and directory materials.* Catalogs are not letters except as stated in paragraph (c) (5) of this section. Directories and unaddressed advertising handbills or circulars are not letters.

(6) *Interoffice communications.* Examples of interoffice communications which are not letters are:

Carbon copy of a letter previously sent to the same address if it contains no information not in the original.

Matters sent for filing and storage only and not intended for the recipient's own use.

Matters sent for auditing to determine whether charges and credits are correct, when the results of the audit are not used to adjust accounts within the organization.

Data sent to a central office for preparation of customers bills if the data is returned to the sender and no part of the information is retained by the central office.

(7) *Checks and drafts.* Bank checks in their ordinary form containing only the names of the drawer, payee, bank upon which drawn, amount of money and date of issue are not letters. An exception to this is stated in paragraph (c) (6) of this section. Checks, notes and drafts sent by banks to other banks for collection or payment are not letters. Canceled checks and drafts may be returned to the drawer without being classed as letters.

(8) *Matters sent for auditing or preparation of bills.* Freight bills, invoices, paid bills, sales slips, receipts, records of receipts and disbursements and the like are forwarded for the sole purpose of having them audited internally on behalf of the sender are not letters. Such matter becomes letters when the person or office which receives them takes any corrective action or adjusts accounts between the sender and addressee, or otherwise makes use either of the material forwarded or the results of the audit. This same rule applies to material sent to a central office for the sole purpose of preparing customers statements, unless other use is made or action taken by that central office. The subsequent mailing of the bills to the customers by the central office would not cause the working matter sent to that office to be considered letters. Similarly, matter forwarded for the performance of purely mechanical work such as photostating or mathematical computation would not constitute letters.

(9) *Old correspondence and other matters sent for filing, storage, or destruction.* Old correspondence, records and any other type of matter sent from one office to another for filing, storage or destruction are not letters since there is no purpose of communicating any intelligence to the addressee. The matter so sent will be considered as a letter if it is sent for the purpose of establishing a file from which the addressee may at some time take information on which it will then act, rely or refrain from acting.

(10) *Examination papers.* Examination papers forwarded for scoring to a central scoring agency are not regarded as letters provided the scoring agency does not make use of the scores or other information derived from the papers. Examination papers with scores marked on them would normally be considered letters when returned to the school or person who previously sent them for scoring or when forwarded to a third person who may be expected to take action based on the results of the examination. Any subsequent use of the

examination papers, after the scoring by the central agency, places them in the category of letters.

(11) *Manuscript and news items.* Manuscript intended for publication when not accompanied by any matter in the nature of personal correspondence is not a letter. Mere news matter prepared by press correspondents for the columns of their publications are not letters. News matter to be used for the purpose of radio broadcasting is not a letter.

§ 42.3 *Permissible carriage of letters*—(a) *Exemptions from postal monopoly.* Under certain conditions, letters may be carried outside the postal system without payment of U. S. postage.

(b) *Current business of carrier.* (1) Letters which relate to the current business of a carrier do not come under the Postal monopoly. These are letters written by or addressed to officers or employees of the carrier, in their official capacities, on the business of the carrier.

(2) Any business of the carrier is deemed to be its current business when it comes up in such a way as to call for a current communication.

(3) This exemption applies only where the employees of the carrier are used to carry their employers letters between offices but the use of an independent contractor who makes regular trips between any two points on a post route is not permissible.

(4) The different units of a railroad system or other system of carriers, as long as they are separate, independent operating units are, third parties to each other and consequently are not considered a single carrier for the purpose of this exemption.

(c) *Cargo documents.* (1) A carrier may transport letters which relate exclusively to some part of the cargo of the same conveyance or to some article carried at the same time by the same conveyance. This exemption permits a carrier to convey, without the payment of postage, letters such as invoices, bills of lading, shippers bills, way bills, freight bills, and the like, when they accompany shipments to which they exclusively relate.

(2) Receipts evidencing delivery of goods by a carrier are not letters.

(3) Live, current information in a letter, extraneous to the shipment it accompanies, takes it out of the exemption for letters which relate to some article carried at the same time.

(d) *Carriage without compensation.* Letters may be transmitted by private hands without compensation. A person or firm engaged in the transportation of goods or persons for hire cannot be considered "private hands without compensation." The phrase just quoted denotes transportation of a letter which does not take place in the course of business of the person or firm carrying the letter.

(e) *Special messengers.* (1) A special messenger may be employed, for the particular occasion only, to transmit letters when not more than 25 letters are involved. A special messenger is one who at the request of either the sender or the addressee of the letter, picks it up from the sender's home or place of business and carries it to the addressee's home or place of business.

(2) If, however, letters are picked up by one messenger and taken to a central office for delivery by another, neither the messenger picking up the letter nor the messenger delivering it to the addressee could then be considered a special messenger.

(3) This exemption as to the use of special messengers is restricted to isolated instances in which there is no regularity in use by the sender or addressee of the particular messenger or the organization by which he is employed.

(4) A messenger or a carrier operating regularly between fixed points is not a special messenger.

(f) *Where postage is paid.* (1) Letters may be carried by an individual, express company, or any other person outside the mails to any point within or without the United States provided the conditions specified in this section are followed.

(2) Each letter carried outside the mails must be placed in a sealed envelope bearing the appropriate amount of postage. The amount of postage required must be the same as would have been required had the letter been sent through the mails at the first-class rate or by air if so carried. The amount of postage need not include registry or insurance fees even if the letter is privately insured. If postage is in the form of stamps, they must be canceled with ink by the sender. The sender must write the date of the letter on the envelope, or the person carrying it must write on the envelope the date he received the letter. The name and address of the person for whom the letter is intended must be written on the envelope.

(3) Letters which the sender is entitled to send through the mails without a charge for postage may be sent in a similar manner outside the mails without the payment of postage. This would apply in the case of certain official Government mail and mail of certain diplomatic and consular officers of other nations. If the free mailing privilege does not extend to airmail then such letters must bear the appropriate air mail postage, if sent by air express.

(4) It is permissible to establish a service for collecting for the addressees letters received at the post office, provided the letters remain unopened. Letters received through the mails at one office of a firm may be forwarded by surface means outside the mails without payment of additional postage so long as they remain unopened. This applies likewise to letters addressed to one firm in care of another to which they are to be forwarded. If any such letters are forwarded by air express or air freight, sufficient additional postage must be placed on each piece of mail to bring the total postage on that piece up to the air mail rate. Moreover, if the letters are opened before they are forwarded, the forwarding of the open letters would be considered a new shipment of the matter. Such forwarding will then be regarded as the transmission of letters upon which additional postage will be due, if they are intended to convey to the ultimate addressee live, current information upon which he may act, rely or refrain from acting.

PART 43—MAIL DEPOSIT AND COLLECTION

Sec.
43.1 Collection times.
43.2 Ordinary deposit of mail.
43.3 Deposit of mail with postal transportation clerks.
43.4 Mail chutes.
43.5 Separation of mail by sender.
43.6 Recall of mail.

AUTHORITY: §§ 43.1 to 43.6 issued under R. S. 161, 396, sec. 1, 24 Stat. 560, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 156.

§ 43.1 *Collection times.* Mail is collected in residential and business sections served by city carriers at times to connect with mail dispatches. Mail is also collected in business sections at frequent intervals to keep boxes from becoming overloaded and to provide an even flow of mail to the post office. Patrons are urged to deposit mail as early in the day as possible. Early mailings advance delivery time.

§ 43.2 *Ordinary deposit of mail*—(a) *Post office lobbies.* Letter drops are provided in lobbies of all post offices for the deposit of mail.

(b) *Collection boxes.* Collection boxes for the deposit of mail are placed at convenient points where city letter carriers are employed. Schedules are posted on these boxes showing collection times.

(c) *Rural boxes.* Mail on which postage has been paid may be deposited for collection in mail boxes on rural routes.

§ 43.3 *Deposit of mail with postal transportation clerks*—(a) *Acceptable mail.* The following types of mail may be handed for dispatch to postal transportation clerks on duty in mail cars or transfer offices, and at airmail fields:

(1) *First-class mail.* On which postage has been paid.

(2) *Medicines and serums.* Third- or fourth-class mail, presented by representatives of manufacturers or distributors of medicines or serums, when endorsed: "Emergency—This package has been weighed and bears necessary postage. Any additional postage found to be due is guaranteed by sender."

(b) *Restrictions.* Second-, third-, and fourth-class mail, other than that described in paragraph (a) of this section, and mail to be sent registered, insured, or c. o. d., is not mailable with postal transportation clerks at mail cars, transfer offices, or airmail fields.

§ 43.4 *Mail chutes.* Mail chutes and receiving boxes may be placed, subject to the approval of the postmaster, in public buildings, railroad stations, hotels, and office buildings of not less than four stories in height, and apartment houses with not less than 40 residential apartments. Mail chutes must conform to the requirements in the pamphlet containing mail-chute rules, regulations, and specifications, copies of which may be secured through the postmaster.

§ 43.5 *Separation of mail by sender.* Patrons having large mailings should separate them into packages marked "Local" and "Out of Town." Labels with these designations, Form 1500, may be secured from the post office. Mail thus separated is usually dispatched earlier.

§ 43.6 *Recall of mail*—(a) *Who may recall mail.* Mail deposited in a post office may be recalled by the sender, by the parent or guardian of a minor child, or by the guardian of a person of unsound mind.

(b) *Application.* Submit Mail Recall Application, Form 1509, which is obtainable at any post office, to the postmaster at the office of mailing.

(c) *Expenses.* You must pay all expenses of recalling mail, including the cost of any necessary telegrams, and the regular rate of return postage (except for first-class mail, which is returned with additional postage), when the mail is returned.

(d) *Notification.* If the mail has been delivered before receipt of the recall application or message, you will be notified. The addressee will not be informed that recall was requested.

(e) *Original postage.* If mail recalled before dispatch is again presented for mailing, the original stamps will be accepted for postage at face value. This does not apply to stamps in payment of registry, insurance, or c. o. d. fees.

PART 44—CONDITIONS OF DELIVERY

Sec.
44.1 Delivery to persons.
44.2 Delivery of addressee's mail to another.
44.3 Jointly addressed mail.
44.4 Delivery to public and private officials.
44.5 Delivery of mail addressed to incorporated and unincorporated firms.
44.6 Delivery of mail addressed to persons at firms, hotels, institutions, schools, etc.
44.7 Conflicting orders by two or more parties for delivery of same mail.
44.8 Delivery of packages.

AUTHORITY: §§ 44.1 to 44.8 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

§ 44.1 *Delivery to persons*—(a) *Delivery to addressee.* The addressee may control delivery of his mail. In the absence of a contrary order, the mail is delivered as addressed. Mail addressed to several persons may be delivered to any one of them. Where a person claiming to be the addressee of certain mail is unknown to the postmaster, the mail may be withheld pending identification of the claimant.

(b) *Delivery to persons having similar names.* Unless persons with similar names adopt some means to distinguish their mail, postmasters will use their judgment in making delivery.

(c) *Mail delivered to wrong person.* A person receiving mail not intended for him should promptly return it to the post office endorsed "Opened by Mistake" with his signature.

(d) *Pension mail.* Delivery of pension mail may not be made to an attorney, claim agent, or broker, even though the addressee orders such delivery.

(e) *Mail marked in care of another.* Mail marked "In Care of" another is delivered to the first of the two persons named who may call for it; or to the address of the person in whose care it is directed in the absence of instructions from the addressee.

§ 44.2 *Delivery of addressee's mail to another*—(a) *Delivery to addressee's agent.* A person or number of persons may designate an agent to receive their mail. Unless otherwise directed, an addressee's mail may be delivered to his servant or member of his family. Ordinary mail bearing the word "Personal" is delivered as other mail for the addressee.

(b) *Delivery of mail to minors.* A minor's guardian may control delivery of mail addressed to the minor. If there is no guardian, and the minor is unmarried, then the father or, if he is dead, the mother may receive delivery of the minor's mail.

(c) *Delivery of mail to incompetents.* Where a person has been legally declared an incompetent, his mail may be delivered in accordance with the order of his guardian or conservator. Where there is no legal representative, the mail is delivered as addressed.

(d) *Mail addressed to deceased persons.* Mail addressed to deceased persons may be delivered to the executor or administrator. When there will be no court action on the deceased's estate, the mail may be delivered as agreed upon by all the heirs.

§ 44.3 *Jointly addressed mail*—(a) *Delivery of jointly addressed mail.* Where mail is jointly addressed, for example, "Mr. and Mrs. John Doe," "John and Jane Doe," neither party can control delivery of such mail over the objection of the other. But that mail is delivered as addressed by the senders so long as one of the parties can receive it there.

(b) *Delivery of mail addressed to husbands and wives.* Neither party may control delivery of mail addressed to the other. In the absence of instructions from the wife, her mail is placed with the husband's and delivered to him with his own.

§ 44.4 *Delivery to public and private officials.* Mail addressed to a public or private official by his official title is delivered to the person actually holding such office. If the mail does not specify his title, then it is delivered in accordance with the person's order.

§ 44.5 *Delivery of mail addressed to incorporated and unincorporated firms.* (a) Mail addressed to corporations is delivered as addressed or to an authorized agent. In cases where disagreement arises among corporate officers and others connected with the company, the mail is delivered in accordance with the order of the president of the corporation.

(b) Mail addressed to unincorporated firms or partnerships is delivered as addressed so long as the business is being conducted under the same name at the same address despite some members of the firm breaking off relations.

§ 44.6 *Delivery of mail addressed to persons at firms, hotels, institutions, schools, etc.* (a) Mail addressed to patients or inmates at institutions, unless otherwise directed by the addressee, is delivered to the institution authorities, who in turn will deliver the mail to the addressee in accordance with the institution's rules and regulations.

(b) Mail addressed to persons at firms, hotels, schools, and similar places is delivered with the other mail directed to the firm, hotel, or school, unless otherwise ordered by the addressee. If the addressee is no longer at that address, the mail should be redirected to the addressee's current address. If the forwarding address is unknown, the mail should be returned to the post office.

§ 44.7 *Conflicting orders by two or more parties for delivery of same mail*—(a) *Delivery to receiver.* Where persons make conflicting orders for delivery of the same mail, and they are unable to agree among themselves as to which of the parties may receive the mail, the mail may be delivered to a named receiver or third party unanimously agreed upon by the disputing parties.

(b) *Reference to solicitor for ruling.* Where the disputing parties are unable to agree upon a receiver, each party shall furnish the postmaster all available evidence on which he relies to exercise control over the disputed mail. If after receipt of such evidence the postmaster is still in doubt as to who should receive the mail, the potsmaster will submit the case to the Solicitor for a ruling.

(c) *Delivery of mail in accordance with court order.* When the same mail is claimed by different persons, and a court decides to whom delivery should be made, the mail will be delivered in accordance with the court order.

§ 44.8 *Delivery of packages*—(a) *Heavy or bulky packages.* Heavy or bulky packages of any class will be delivered as addressed if facilities are available.

(b) *Unprotected places.* Parcels will not be left on porches, steps, or elsewhere unprotected, except on the written order of the patron.

(c) *Multiple-floor buildings.* Parcel post, registered, insured, and special-delivery articles will be delivered to the addressee or his authorized agent in person without regard to the floor on which his office or apartment is located. Cooperation of patrons is requested, however, in making arrangements for mail to be delivered on the first floor.

(d) *Second-attempt delivery.* If an ordinary parcel fails of delivery on the carrier's first attempt, a notice will be left at the address indicating that the parcel is being held awaiting call at the post office or carrier delivery station. A second attempt will be made only if requested by the addressee.

(e) *Street-address delivery for box renters.* Parcel post mail for patrons residing within the city delivery limits who receive mail through rented boxes will be delivered to a designated street address by carrier upon written request.

PART 45—CITY DELIVERY

Sec.
45.1 Establishing city delivery.
45.2 Extension of city delivery.
45.3 Submission of petitions.
45.4 Mail receptacles.
45.5 Out-of-bounds patrons.

AUTHORITY: §§ 45.1 to 45.5 issued under R. S. 161, 396, sec. 1, 24 Stat. 355, 36 Stat. 911; 39 U. S. C. 151, 152.

§ 45.1 *Establishing city delivery.* City delivery service may be established at any post office with postal receipts of at least $10,000 for the preceding fiscal year and having a population of approximately 2,500 living within territory possessing good continuous sidewalks, surfaced streets, house numbers, street signs, and mail receptacles or door slots. The territory must also be 50 percent improved with houses. When two or more building lots constitute the grounds of one residence, the plot may be regarded as improved. Where all other requirements are met, that regarding sidewalks is waived if there are suitable walks from streets to houses. Walks of any material, including gravel and cinders, that render them passable throughout the year are acceptable.

§ 45.2 *Extension of city delivery.* To extend existing city delivery service to new areas, 50 percent of the proposed new territory must be improved with houses, and meet the other requirements for the establishment of city delivery.

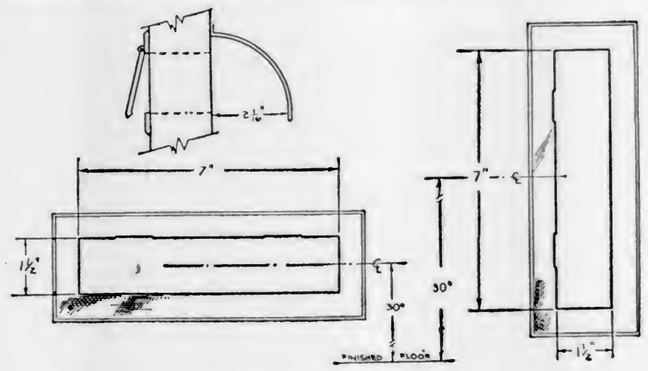
§ 45.3 *Submission of petitions.* Requests or petitions for the establishment, change, or extension of city delivery service must be addressed to the local postmaster. No formal petition is prescribed.

§ 45.4 *Mail receptacles*—(a) *Obligation of patron.* Patrons of the carrier-delivery service must provide mail receptacles or door slots. Business houses are not required to provide mail receptacles or door slots if they are open and someone is on hand to receive the mail when the carrier calls. Where an office building is equipped with an elevator, carriers will deliver to individual offices, provided they are open when the carrier arrives. If they will not be open, mail receptacles or door slots must be provided.

(b) *Door slot specifications.* The clear rectangular opening in the outside slot plate must be 1½ inches wide, and 7 inches long. The slot must have a flap, hinged at the top if placed horizontally, and hinged on the side away from the hinge side of the door if placed vertically. When a hooded plate is used inside to provide greater privacy, the bottom line of the hooded portion must not be more than ¾ inch below the bottom line of the slot in the outside plate, if placed horizontally, or more than ¾ inch beyond the side line of the slot in the outside plate nearest the hinge edge of the door, if placed vertically. The hood at its greatest projection must not be less than 2 1/16 inches beyond the inside face of the door. Door slots must be placed not less than 30 inches above the finished floor line.

(c) *Apartment-house mail receptacles.* Apartment-house mail receptacles must conform to the apartment-house receptacle pamphlet, which may be secured through the postmaster. One receptacle should be provided for each apartment in apartment houses, family hotels, and flats containing three or more apartments, except where the management has arranged that mail for the tenants be delivered at the office or desk for distribution by its employees. Directory boards, showing the names of all persons receiving mail, should be provided in apartment houses where there are 25 or more receptacles.

§ 45.5 *Out-of-bounds patrons.* Patrons located outside city-delivery limits may be given delivery service if they erect boxes on the carrier's regular line of travel. Special delivery, parcel post, insured, c. o. d., and registered mail will be delivered to the residences of out-of-bounds patrons, if the residences are not more than three blocks from the carrier's line of travel, and provided walks have been constructed or the street is not impassable; otherwise, a notice will be left in the box requesting that the patron call for the mail. If an ordinary parcel is involved and it can be placed in the box, delivery will be made in that manner.



PART 46—RURAL SERVICE

46.1 Rural stations.
46.2 Delivery routes.
46.3 Carrier service.
46.4 Payment of postage.
46.5 Rural boxes.
46.6 Postal maps.

AUTHORITY: §§ 46.1 to 46.6 issued under R. S. 161, 396, sec. 1, 39 Stat. 4; 39 U. S. C. 191, 192.

§ 46.1 *Rural stations*—(a) *Establishment.* Rural stations are established and maintained in communities where a considerable number of people would be seriously inconvenienced if required to transact postal business with rural or star route carriers only, and where it is determined inadvisable to establish post offices.

(b) *Functions.* Rural stations dispatch, receive and deliver mail, issue money orders, register mail, and sell stamps.

(c) *Hours.* Rural stations are open during ordinary business hours each weekday, except holidays.

(d) *Treatment of mail.* Mail addressed to a rural station will be retained there to be called for, unless the addressee is a patron of a rural route starting from the station, or of a contiguous route, in which case the mail will be delivered to the patron's box by the carrier.

§ 46.2 *Delivery routes*—(a) *Establishment.* A majority of the patrons who are heads of families residing on a proposed rural route may by written petition ask the Post Office Department to establish a route.

(b) *Road conditions.* Roads on which rural delivery service is desired must be in good condition and so maintained, unobstructed by gates. There must be no unbridged streams not fordable at all seasons of the year.

(c) *Obstructions to travel.* Patrons and roads supervisors or officials in charge of highways will be notified on Form 4024 of road conditions obstructing the delivery of mail. If repairs are not made promptly, the postmaster will report the facts to the Assistant Postmaster General, Bureau of Post Office Operations, with his recommendation for a change in the route to withdraw it from impassable or unsuitable roads.

(d) *Multiple routes.* A patron residing on a road traveled by two or more rural carriers may select the carrier by whom he prefers to have his mail delivered and collected, in which case only the designated carrier will handle his mail. Unless such selection is made by the patron, each carrier passing the box will deliver mail to it and collect from it any mail that he can expedite in dispatch or delivery, provided the box is on the right-hand side of the road as traveled by the carrier.

(e) *Star-route delivery.* Patrons living on or near a star route, where the contract calls for box delivery and collection service, and not within the corporate limits of any town nor within one-fourth mile of any post office, may have their mail deposited on the line of the star-carrier route in a box erected so that the carrier may deliver and collect mail without dismounting from his vehicle. Star-route carriers are agents of the patrons for whom they deliver and collect mail along their routes and are not employees of the Postal Service. Persons residing on roads traveled by both rural and star-route carriers may qualify as patrons of either or both routes.

§ 46.3 *Carrier service*—(a) *Availability.* Rural carrier service is provided to persons who erect approved boxes on the line of travel of the rural carriers, except those residing within city-delivery limits.

(b) *Parcel delivery.* Rural carriers will deliver outside of boxes parcel-post packages that are too large to go in the boxes, provided the addressees have filed with the postmaster written orders for delivery in this manner. The written order must provide that the Post Office Department and the carriers are relieved of all responsibility in case of loss or depredation. Where a patron lives within hailing distance of a route, the carrier will, before making delivery in this manner, make a reasonable effort to hail the patron so that he may come to the mail box to receive the parcel.

(c) *Contagious disease.* A rural carrier will deliver mail to the box of a patron in whose family a contagious disease exists, when this can be done without exposure to contagion; but no mail other than first-class mail or printed matter will be collected from such box while the quarantine is in force.

(d) *Withdrawal of service.* Service will not be withdrawn from any box without specific authority from the Post Office Department in Washington.

§ 46.4 *Payment of postage*—(a) *Acceptance of mail.* A rural carrier will accept any mailable matter tendered to him, provided the postage is fully prepaid or money equal to the required postage is furnished, unless the purpose of thus handing mail to the carrier for deposit into one office is to "boycott" another office or deprive it of legitimate revenue. When a rural carrier finds unstamped mail in a patron's box and the requisite amount of money for postage, he will collect the mail and money and pay the necessary postage, provided the money is properly wrapped, is in a coin-holding receptacle, or is attached to the mail by means of a clip or other suitable fastener.

(b) *Postage uncertain.* When matter is tendered to a rural carrier for mailing, and he is unable to determine the postage, he will accept from the sender an amount sufficient to insure full payment of postage and return to the sender on the next trip any excess amount collected.

(c) *Insufficient postage.* When mailable matter is deposited in a box for dispatch and the required postage has not been paid or sufficient money left for the purchase of stamps, the rural carrier will, when the identity of the sender is known, place in the box a notice that such matter cannot be dispatched until the necessary postage is paid. If the identity of the sender is unknown, the matter will be taken to the post office and treated as unpaid mail. (See §§ 21.4, 24.4, 25.4, and Part 37 of this chapter.)

(d) *Unpaid mailable matter in box.* When a rural carrier finds in a rural box mailable matter on which postage has not been paid, addressed to or intended for the person in whose box it is deposited, the carrier will take such matter to the post office to be held for postage.

§ 46.5 *Rural boxes*—(a) *Specifications.* There are two approved sizes of mail boxes for use on rural routes. Size 1 is approximately 19 inches long, 6½ inches wide, and 8½ inches high. Size 2 is approximately 23½ inches long, 11½ inches wide, and 13½ inches high. New boxes must have been constructed by authorized manufacturers in accordance with official specifications and drawings which may be obtained from the Assistant Postmaster General, Bureau of Post Office Operations, Washington 25, D. C. The following list includes manufacturers of mail boxes whose samples have been approved:

Akron Metal Sales Co., Post Office Box 275, Hartville, Ohio.

American Metal Works, Post Office Box 547, New Orleans 1, La.

Cincinnati Pump & Manufacturing Co., 117 East Liberty Street, Cincinnati 10, Ohio.

Dayton Plastic & Metal Stampings, 321 North Western Avenue, Post Office Box 852, Dayton 7, Ohio.

The Deshler Mail Box Co., 101 East Maple Street, Deshler, Ohio.

Inland Steel Products Co., Post Office Box 393, Milwaukee 1, Wis.

Montgomery Ward & Co., 619 West Chicago Avenue, Chicago 10, Ill.

Northwest Metal Products, Inc., 55 Spokane Street, Seattle 4, Wash.

Northwestern Mail Box Co., 2655–2723 Spruce Street, Saint Louis 3, Mo.

Phillips & Buttorff Mfg. Co., 217–223 Third Avenue North, Nashville 3, Tenn.

Reed Engineering & Manufacturing Co., Thirteenth and John Streets, Newport, Ky.

Reynolds Metals Co., 2000 South Ninth Street, Louisville 1, Ky.

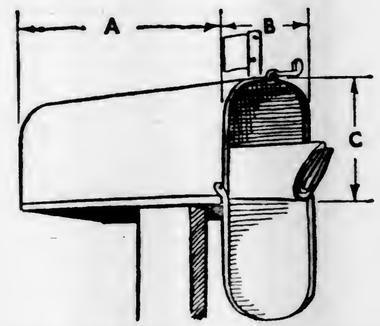
Sears, Roebuck & Co., Department 609, Chicago 7, Ill.

Superior Sheet Metal Works Co., 3201–3–5–7–9 Roosevelt Avenue, Indianapolis 1, Ind.

United States Steel Products Co., Boyle Manufacturing Division, 5100 Santa Fe Avenue, Los Angeles 11, Calif.

J. E. Weatherford & Son Tool & Die Co., 115 North Fourth Street, Nashville, Tenn.

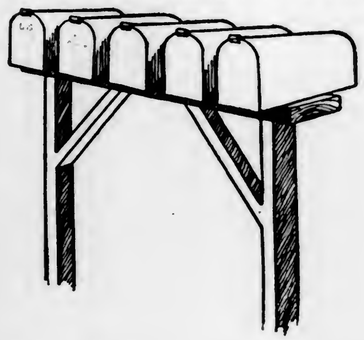
(b) *Painting and identification.* Rural mail boxes should be painted white, but aluminum paint is permissible. Posts or supports should also be painted white, but may be of the same color scheme as guard rails on main highways. The name of the owner of each box must be inscribed in neat black letters about 1 inch high on the side of the box that is visible to the carrier as he regularly approaches, or on the door if boxes are grouped. Advertising on boxes or supports is prohibited.



(c) *Posts and supports.* No special designs of posts or supports have been adopted. The use of supports intended to represent figures or mechanical objects is prohibited. Posts or other supports must be of neat design; may be of wood, metal, or concrete, of suitable strength and dimensions; and may be either round or square, plain or ornamental, with or without fixed or movable arm. A receptacle for newspapers, not restricted to any one paper, may be placed above the mail box if it will not obstruct the view of the flag or present a hazard to the carrier.

(d) *Location.* Rural boxes must be placed so that they may be conveniently served by carriers without leaving their conveyances, and must be located on the right-hand side of the road in the direction of travel of the carriers in all cases where traffic conditions are such that it would be dangerous for the carriers to drive to the left in order to reach the boxes, or where their doing so would constitute a violation of traffic laws and regulations. On new rural routes all boxes must be located on the right of the road in the direction of travel of the carrier. Boxes must be placed to conform with State laws and highway regulations. Patrons must remove obstructions, including snow, that make delivery difficult.

(e) *Grouping.* Boxes should be grouped wherever possible, especially at or near cross roads or at other places where a considerable number of boxes are located. A simple and practicable support consists of a board erected on firmly planted posts, with the shelf on which the boxes are placed about 3½ to 4 feet above the ground.



(f) *More than one family.* More than one family, but not more than five families, may use the same box, provided a written notice of agreement, signed by the heads of the families, or by the individuals who desire to join in the use of such box, is filed with the postmaster at the distributing office.

(g) *Locks.* The use of locks on boxes is not required. If patrons provide locks, the keys should be delivered only to the postmaster, who will assign them to the carrier. The carrier will unlock and lock the boxes when serving them. To facilitate the carrier's work, patrons should, as far as practicable, adopt locks for each route of such pattern that a master key may be provided the carrier for unlocking the boxes.

(h) *Unstamped newspapers.* Rural boxes are to be used for mail only, except that publishers of newspapers regularly mailed as second-class mail may, for Sundays and National holidays only, place copies of the Sunday or holiday issues in the rural and star-route boxes of subscribers, with the understanding that copies will be removed from the boxes before the next day on which mail deliveries are scheduled.

(i) *Boxes that do not conform to regulations.* Rural carriers will report to postmasters any boxes that do not conform to the regulations, and send to the owners of these boxes Form 4056 requesting that the irregularities or defects be remedied.

§ 46.6 *Postal maps*—(a) *Content of maps.* Every rural delivery route in the United States is shown either on a county or a local road map on which the roads traveled by rural carriers are plainly indicated. The sites of post offices are shown, and houses, schools, and churches are located from the latest survey data available at the time the map was originally drawn.

(b) *County maps.* Where much of the area of a county is covered by rural delivery service and adequate survey data are available, a county map is available showing all routes emanating from post offices within the county. (See paragraph (d) of this section.)

(c) *Local maps.* Local maps show rural delivery routes not included on any county map. Each local map covers the area served from an individual post office. Many of these maps are based on land surveys, but where such basic information was not available the maps have been drawn from sketches furnished by postal inspectors, postmasters, and other sources.

(d) *Index to rural maps.* To determine which type of map is available for a particular county, refer to the County List in the Postal Guide, Part I.

(e) *Purchase of maps.* Rural delivery maps may be ordered from the Division of Postal Funds, Post Office Department, Washington 25, D. C. The price of county maps is 55 cents each, and of local maps 45 cents. Maps are folded for mailing unless unfolded maps are specifically requested. Payment for postal maps must be made in advance by money order or certified check. Postage stamps are not acceptable.

(f) *Current status of maps.* No attempt is made to keep maps current on items other than postal data. Copies furnished are prints of the original maps that are revised from time to time as changes in the line of travel are authorized. It is not possible to keep all originals up to date at all times, and no assurance can be given that any map purchased will show the latest changes in service.

PART 47—FORWARDING MAIL

Sec.
- 57.1 Order to change address.
- 57.2 Time limit of order.
- 57.3 Forwarding postage.
- 57.4 Address changes of persons in U. S. service.
- 57.5 Forwarding due to change in post office service.
- 57.6 Reforwarding.
- 57.7 Guarantee to pay forwarding postage.

AUTHORITY: §§ 57.1 to 57.7 issued under R. S. 161, 396, sec. 1, 64 Stat. 210; 5 U. S. C. 22, 396, 39 U. S. C. 278a.

§ 47.1 *Order to change address*—(a) *Ordinary mail.* To have mail delivered to a new address, the file Form 22, Order to Change Address, which is available at any post office or from any carrier. A written and signed order or a telegram is acceptable. The order or telegram must be sent by you, your agent, or the person in whose care the mail will be accepted. The old and new addresses must always be furnished. Mail addressed to persons for whom an Order to Change Address is on file will be sent by the post office of original address to the new address.

(b) *Registered, insured, and c. o. d. mail.* Your Order to Change Address for ordinary mail will cover your registered, insured, and c. o. d. mail unless the sender has given other instructions or unless you have moved outside the United States. The sender's instructions should be written or printed on the envelope or wrapper. Examples: "Do not forward; If not accepted within ---- days return to sender." Exceptions:

(1) C. o. d. mail will not be forwarded to the Canal Zone or to overseas military post offices.

(2) Domestic registered articles mailed outside the continental United States and addressed for delivery in the United States will not be forwarded to the Canal Zone if the stamps indicate the articles were valued at more than $100. Articles mailed in the Canal Zone addressed for delivery in the United States will not be forwarded to any place outside the continental United States if there is reason to believe the value exceeds $100.

(3) Insured and c. o. d. parcels that have the mailers' instructions to abandon or to sell perishable items, written or printed on the envelope or wrapper, will be treated according to the instructions. Examples:

Do not forward or return. If not accepted within ---- days, treat as abandoned. Notify mailer of final disposition.

Do not forward or return. If undelivered after ---- days, sell contents to highest bidder and remit proceeds, less commission, to mailer.

Do not forward or return. If undeliverable after ---- days, destroy. Notify mailer of final disposition.

A commission of 10 percent, but not less than 15 cents, is retained by the Postal Service from the amount for which perishable items are sold.

(4) C. o. d. mail may have written or printed on it a request that it be forwarded to a new addressee. The name and address of the new addressee must be shown in a bordered space with instructions that the mail be delivered either with or without the collection of c. o. d. charges. The mailers' pledge to pay return and forwarding postage must be placed on the mail if it is not charged with first-class postage.

§ 47.2 *Time limit of order.* (a) An order without a time limit expires in 2 years.

(b) An unlimited order affecting general delivery mail at a carrier office expires in 30 days.

(c) To have mail forwarded for a limited time, state the beginning and expiration dates. If you return to your old address before the expiration date, cancel the order.

§ 47.3 *Forwarding postage*—(a) *Change in local address.* Where a change is made to an address served by the same post office, mail of all classes will be delivered as directed and additional postage will not be required. (See § 25.2 (b) (4) of this chapter regarding local delivery.)

(b) *Change to another post office.* When mail is forwarded to another post office it is subject to additional postage as follows, to be computed the same as if the piece were originally mailed at the office from which it is forwarded.

(1) First-class mail: No charge is made for forwarding first-class mail, including postal and post cards, when postage has been fully prepaid by the sender. No additional charge is made for forwarding first-class mail that is not fully prepaid, but any amount shortpaid at the time of original mailing will be collected on delivery. (See § 21.4 (b) of this chapter.) Drop letters when forwarded are rated for collection of additional postage for the difference between the amount prepaid and the total postage computed at the first-class rate.

(2) Second-class mail, when forwarding postage is guaranteed by the sender or addressee, will be charged with postage due at the second-class transient rate computed on each individually addressed copy or package of unaddressed copies. (See § 22.1 (c) of this chapter.)

(3) Third-class mail is subject to collection of additional postage for forwarding at the single-piece rate. (See § 24.1 of this chapter.) Such matter is forwarded only if it is of obvious value or when the sender or addressee has guaranteed forwarding postage. Mail that does not have obvious value or does not bear a forwarding-postage guarantee will be disposed of as undeliverable mail. (See § 48.2 (c) of this chapter.)

(4) Fourth-class mail is subject to the collection of additional postage for forwarding at the applicable rate of postage. (See § 25.1 (a) through (c) of this chapter.)

(5) Airmail: No additional charge is made for forwarding airmail articles weighing 8 ounces or less. These articles are sent by air when air service to the new address is available. First-class mail of this weight may also be forwarded by air upon prepayment of the difference between the surface and air rates. Airmail weighing over 8 ounces is forwarded by air at the applicable air zone rate to be collected on delivery except when the article bears the sender's specific instructions to forward it by surface mail. When forwarded by surface mail, forwarding postage at the applicable rate according to class of mail is collected on delivery. (See § 26.1 of this chapter.)

(6) Registered, insured, and c. o. d. mail is forwarded without the payment of additional fees, but the ordinary forwarding postage charges, if any, must be paid.

§ 47.4 *Address changes of persons in U. S. service.* Mail of all classes addressed to persons in the United States service (civil and military) serving at any place where the United States mail service operates, whose change of address is caused by official orders, will be forwarded until it reaches the addressee and no additional postage will be charged. Mail so forwarded is endorsed by the forwarding office Change of Address Due to Official Orders. This provision for free forwarding from one post office to another applies to mail for the accompanying members of the families of persons in the United States service.

§ 47.5 *Forwarding due to change in post office service*—(a) *Addressed to a discontinued post office.* Mail of any class addressed to a discontinued post office may be forwarded to any other post office designated by the addressee without additional charge when the office to which such mail is ordered sent by the Department is not convenient for the addressee.

(b) *Forwarded due to change in rural delivery service.* Patrons of any office who, on account of the establishment of or a change in rural delivery service, receive their mail from the rural carrier of another office may have their mail sent to the latter office and delivered by rural carrier without a new prepayment of postage, provided they first file with the postmaster at the former office a written request to that effect.

§ 47.6 *Reforwarding.* The address (but not the name) may be changed and the mail reforwarded as many times as necessary to reach the addressee. Each time second-, third-, or fourth-class mail, and airmail weighing over 8 ounces, is reforwarded, it is charged additional postage at the appropriate rate.

§ 47.7 *Guarantee to pay forwarding postage.* When either the sender or the addressee desires to have second-, third-, or fourth-class mail forwarded when the addressee has moved to another post office, forwarding postage must be guaranteed under one of the following conditions:

(a) The addressee may guarantee to pay forwarding postage on any or all of these classes by so indicating on his Order to Change Address. (See § 47.1.)

(b) The sender may guarantee payment of forwarding postage on third- or fourth-class mail by printing "Forwarding Postage Guaranteed" below his return address. On second-class mail the guarantee must be printed on the envelope or wrapper or on one of the outside covers of unwrapped copies and must be immediately preceded by the sender's name and address. Mail bearing this pledge is accepted with the understanding that the sender will pay both the forwarding and return postage if the mail is returned as undeliverable from the post office to which it is forwarded. Where an addressee has unqualifiedly refused to pay forwarding postage on other mail of the same class, the mail will not be forwarded even though it bears the sender's pledge guaranteeing forwarding postage.

PART 48—UNDELIVERABLE MAIL

Sec.
- 48.1 Description.
- 48.2 Treatment by classes.
- 48.3 Return address required.
- 48.4 Mail not to be returned.
- 48.5 Notice to sender on third- and fourth-class mail.
- 48.6 Directory service.
- 48.7 General delivery or transient mail.
- 48.8 Dead mail.

AUTHORITY: §§ 48.1 to 48.8 issued under R. S. 161, 396, sec. 1, 46 Stat. 269, sec. 2, 64 Stat. 210; 39 U. S. C. 261, 278b.

§ 48.1 *Description.* Mail that cannot be delivered because of incomplete or incorrect address, or the removal of the addressee, or is unclaimed or refused by the addressee, will be treated in accordance with this part at the office where the mail is found to be undeliverable.

§ 48.2 *Treatment by classes*—(a) *First-class mail.* First-class mail, except postal and post cards, is returned to the sender, if known, without additional charge. Only postal and post cards that bear the sender's guarantee to pay return postage are returned, and postage at the card rate is collected on delivery to the sender. Mail paid at the drop-letter rate is returned to the sender at the same post office without additional charge. If the sender is at another post office, additional postage for the difference between the amount prepaid and total postage computed at the first-class rate is collected on delivery. Any postage due because of failure to fully prepay postage at the time of mailing will be collected from the sender when the undeliverable mail is returned.

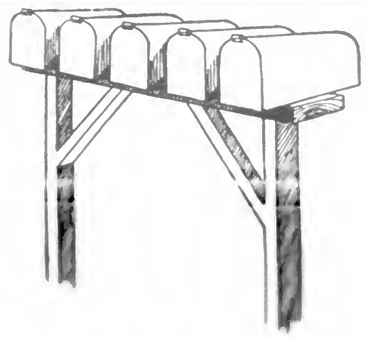
(b) *Second-class mail.* Undeliverable mail bearing a pledge to pay return postage will be returned to the sender, and return postage at the transient rate collected on delivery. Other undeliverable mail sent by a publisher or news agent will be treated as follows:

(1) *Change in local address.* Mail will be delivered to a new local address for 3 months without additional charge. Thereafter the postmaster will send to the publisher or news agent portions of the wrapper or cover containing the old address and notice of the new address on Form 3579 with postage due at 3 cents for each notice. Copies received after a notice is sent are treated as waste.

(2) *Other changes in address.* When the first copy of a second-class publication is undeliverable for any reason other than a change in local address (and does not bear a pledge to pay return postage), the postmaster will send to the publisher or news agent that portion of the wrapper carrying the old address, and a notice of the new address or other reason for nondelivery on Form 3579, charged with 3 cents postage due. Copies received after the notice is sent are treated as waste.

(c) *Third-class mail.* Undeliverable third-class mail of obvious value or bearing the sender's pledge to pay return postage will be returned to the sender, and postage at the single-piece rate will be collected on delivery. (See § 24.1 of this chapter.) Such mail having no obvious value, and without a pledge to pay return postage, will be treated as waste.

(d) *Fourth-class mail.* Undeliverable fourth-class mail will be returned to the sender, and postage at the fourth-class rate will be collected on delivery. (See § 25.1 of this chapter.)



boxes are to be used for mail only, except that publishers of newspapers regularly mailed as second-class mail may, for Sundays and National holidays only, place copies of the Sunday or holiday issues in the rural and star-route boxes of subscribers, with the understanding that copies will be removed from the boxes before the next day on which mail deliveries are scheduled.

(i) *Boxes that do not conform to regulations.* Rural carriers will report to postmasters any boxes that do not conform to the regulations, and send to the owners of these boxes Form 4056 requesting that the irregularities or defects be remedied.

§ 46.6 *Postal maps*—(a) *Content of maps.* Every rural delivery route in the United States is shown either on a county or a local road map on which the roads traveled by rural carriers are plainly indicated. The sites of post offices are shown, and houses, schools, and churches are located from the latest survey data available at the time the map was originally drawn.

(b) *County maps.* Where much of the area of a county is covered by rural delivery service and adequate survey data are available, a county map is available showing all routes emanating from post offices within the county. (See paragraph (d) of this section.)

(c) *Local maps.* Local maps showing rural delivery routes originating at one post office [illegible]. Each rural map covers the area served from an individual post office. Many of these maps are based on [illegible] but where such base information was not available the maps have been drawn from sketches furnished by postal inspectors, postmasters, and other sources.

(d) *Index to rural maps.* To determine which type of map is available for a particular county, refer to the County List in the Postal Guide, Part I.

(e) *Purchase of maps.* Rural delivery maps may be ordered from the Division of Postal Funds, Post Office Department, Washington 25, D. C. The price of county maps is 55 cents each, and of local maps 45 cents. Maps are folded for mailing unless unfolded maps are specifically requested. Payment for postal maps must be made in advance by money order or certified check. Postage stamps are not acceptable.

(f) *Current status of maps.* No attempt is made to keep maps current on items other than postal data. Copies furnished are prints of the original maps that are revised from time to time as changes in the line of travel are authorized. It is not possible to keep all originals up to date at all times, and no assurance can be given that any map purchased will show the latest changes in service.

PART 47—FORWARDING MAIL

Sec.
- 47.1 Order to change address.
- 47.2 Time limit of order.
- 47.3 Forwarding postage.
- 47.4 Address changes of persons in U. S. service.
- 47.5 Forwarding due to change in post office service.
- 47.6 Reforwarding.
- 47.7 Guarantee to pay forwarding postage.

AUTHORITY: §§ 57.1 to 57.7 issued under R. S. 161, 396, sec. 1, 64 Stat. 210; 5 U. S. C. 22, 396, 39 U. S. C. 278a.

§ 47.1 *Order to change address*—(a) *Ordinary mail.* To have mail delivered to a new address, the file Form 22, Order to Change Address, which is available at [illegible] person in whose care the mail will be accepted. The old and new addresses must always be furnished. Mail addressed to persons for whom an Order to Change Address is on file will be [illegible] by the post office of original address to the new address.

(b) *Registered, insured, and c. o. d. mail.* Your Order to Change Address for ordinary mail will cover your registered, insured, and c. o. d. mail unless you have moved outside the United States. The sender's instructions should be written or printed on the envelope or wrapper. Examples: "Do not forward. If not accepted within ____ days, return to sender." "Do not forward. If not accepted within ____ days, destroy."

(c) *Domestic registered, [illegible] mailed outside the continental United States and addressed for delivery in the United States will not be forwarded to the Canal Zone if the stamps indicate the articles were valued at more than $100. Articles mailed in the Canal Zone addressed for delivery in the United States will not be forwarded to any place outside the continental United States if there is reason to believe the value exceeds $100.*

(3) Insured and c. o. d. parcels that have the mailers' instructions to abandon or to sell perishable items, written or printed on the envelope or wrapper, will be treated according to the instructions. Examples:

Do not forward or return. If not accepted within ____ days, treat as abandoned. Notify mailer of final disposition.

Do not forward or return. If undelivered after ____ days, sell contents to highest bidder and remit proceeds, less commission, to mailer.

Do not forward or return. If undelivered after ____ days, destroy. Notify mailer of final disposition.

A commission of 10 percent, but not less than 15 cents, is retained by the Postal Service from the amount for which perishable items are sold.

(4) C. o. d. mail may have written or printed on it a request that it be forwarded to a new addressee. The name and address of the new addressee must be shown in a bordered space with instructions that the mail be delivered either with or without the collection of c. o. d. charges. The mailers' pledge to pay return and forwarding postage must be placed on the mail if it is not charged with first-class postage.

§ 47.2 *Time limit of order.* (a) An order without a time limit expires in 2 years.

(b) An unlimited order affecting general delivery mail at a carrier office expires in 30 days.

(c) To have mail forwarded for a limited time, state the beginning and expiration dates. If you return to your old address before the expiration date, cancel the order.

[illegible] postage will not be required. (See § [illegible] (b) (4) of the chapter regarding [illegible] delivery.)

(2) Change to another post office. When mail is forwarded to another post office it is subject to additional postage as follows, to be computed the same as if the piece were originally mailed at the office from which it is forwarded.

(i) First-class mail. No charge is made for forwarding first-class mail, including postal and post cards, when postage has been fully prepaid by the sender. No additional charge is made for forwarding first class mail that is not fully prepaid, but any additional postage at the time of delivery will be collected on delivery. (See § 25.4 (b) of this chapter.) Drop letters which [illegible] are ruled for collection of additional postage for the difference between the amount prepaid and the total postage [illegible] at the first-class rate.

(ii) Second-class mail when forwarded to subscribers is governed by the sender's instructions. If the sender has elected to be charged with postage at the second-class transient rate computed on each individually addressed copy or package of unaddressed copies. (See § 22.1 (c) of this chapter.)

(iii) Third-class mail is subject to collection of additional postage for forwarding at the single-piece rate. (See § 24.1 of this chapter.) Such matter is forwarded only if it is of obvious value or when the sender or addressee has guaranteed forwarding postage. Mail that does not have obvious value or does not bear a forwarding-postage guarantee will be disposed of as undeliverable mail. (See § 48.2 (c) of this chapter.)

(iv) Fourth-class mail is subject to the collection of additional postage for forwarding at the applicable rate of postage. (See § 25.1 (a) through (c) of this chapter.)

(v) Airmail: No additional charge is made for forwarding airmail articles weighing 8 ounces or less. These articles are sent by air when air service to the new address is available. First-class mail of this weight may also be forwarded by air upon prepayment of the difference between the surface and air rates. Airmail weighing over 8 ounces is forwarded by air at the applicable air zone rate to be collected on delivery except when the article bears the sender's specific instructions to forward it by surface mail. When forwarded by surface mail, forwarding postage at the applicable rate according to class of mail is collected on delivery. (See § 26.1 of this chapter.)

(vi) Registered, insured, and c. o. d. mail is forwarded without the payment of additional fees, but the ordinary forwarding postage charges, if any, must be paid.

§ 47.4 *Address changes of persons in U. S. service.* Mail of all classes addressed to persons in the United States service (civil and military) serving at any place where the United States mail service operates, whose change of address [illegible] gress Due to Office Or Sess. This provision for free forwarding from one post office to another applies to mail for the accompanying members of the families of persons in the United States service.

§ 47.5 *Forwarding due to change in post office service*—(a) *Addressed to a discontinued post office.* Mail of any class addressed to a discontinued post office may be forwarded to any other [illegible] the addressee without additional charge when the office to which such mail is ordered sent by the Department is not convenient for [illegible]

[illegible] Forwarding due to change in location of the establishment of rural delivery service routes. Mail from the rural routes of [illegible] may have the [illegible] to the post office and delivered in [illegible] without a new prepayment of postage provided they first file with the postmaster at the former office a written request to that effect.

§ 47.6 *Reforwarding.* The address but not the name may be changed and the mail reforwarded as many times as necessary to reach the addressee. Each time second-, third-, or fourth-class mail and airmail weighing over 8 ounces, is reforwarded, it is charged additional postage at the appropriate rate.

§ 47.7 *Guarantee to pay forwarding postage.* When either the sender or the addressee desires to have second-, third-, or fourth-class mail forwarded when the addressee has moved to another post office, forwarding postage must be guaranteed under one of the following conditions:

(a) The addressee may guarantee to pay forwarding postage on any or all of these classes by so indicating on his Order to Change Address. (See § 47.1.)

(b) The sender may guarantee payment of forwarding postage on third- or fourth-class mail by printing "Forwarding Postage Guaranteed" below his return address. On second-class mail the guarantee must be printed on the envelope or wrapper or on one of the outside covers of unwrapped copies and must be immediately preceded by the sender's name and address. Mail bearing this pledge is accepted with the understanding that the sender will pay both the forwarding and return postage if the mail is returned as undeliverable from the post office to which it is forwarded. Where an addressee has unqualifiedly refused to pay forwarding postage on other mail of the same class, the mail will not be forwarded even though it bears the sender's pledge guaranteeing forwarding postage.

PART 48—UNDELIVERABLE MAIL

Sec.
- 48.1 Description.
- 48.2 Treatment by classes.
- 48.3 Return address required.
- 48.4 Mail not to be returned.

[illegible] 408, Dead mail

[illegible] 396, sec. 1, 40 Stat. 269, sec. 2, 64 Stat. 210; 39 U. S. C. 261, 278b.

§ 48.1 *Description.* Mail that cannot be delivered because of incomplete or incorrect address, or the removal of the addressee, or is unclaimed or refused by the addressee, will be treated in accordance with this part at the office where the mail is found to be undeliverable.

§ 48.2 *Treatment by classes*—(a) *First-class mail.* First-class mail except postal and post cards is returned to the sender if known without additional charge. Only postal and post cards that bear the sender's guarantee to pay return postage are returned and postage at the card rate is collected on delivery to the sender. Mail paid at the drop letter rate is returned to the sender at the same post office without additional charge. If the sender is at another post office additional postage for the difference between the amount prepaid and total postage computed at the first-class rate is collected on delivery. Any postage due because of failure to fully prepay postage at the time of mailing will be collected from the sender when the undeliverable mail is returned.

(b) *Second-class mail.* Undeliverable mail bearing a pledge to pay return postage will be returned to the sender, and return postage at the transient rate collected on delivery. Other undeliverable mail sent by a publisher or news agent will be treated as follows:

(1) *Change in local address.* Mail will be delivered to a new local address for 3 months without additional charge. Thereafter the postmaster will send to the publisher or news agent portions of the wrapper or cover containing the old address and notice of the new address on Form 3579 with postage due at 3 cents for each notice. Copies received after a notice is sent are treated as waste.

(2) *Other changes in address.* When the first copy of a second-class publication is undeliverable for any reason other than a change in local address (and does not bear a pledge to pay return postage), the postmaster will send to the publisher or news agent that portion of the wrapper carrying the old address, and a notice of the new address or other reason for nondelivery on Form 3579, charged with 3 cents postage due. Copies received after the notice is sent are treated as waste.

(c) *Third-class mail.* Undeliverable third-class mail of obvious value or bearing the sender's pledge to pay return postage will be returned to the sender, and postage at the single-piece rate will be collected on delivery. (See § 24.1 of this chapter.) Such mail having no obvious value, and without a pledge to pay return postage, will be treated as waste.

(d) *Fourth-class mail.* Undeliverable fourth-class mail will be returned to the sender, and postage at the fourth-class rate will be collected on delivery. (See § 25.1 of this chapter.)

(e) *Airmail.* Airmail weighing 8 ounces or less is returned by surface transportation at no additional charge. Airmail weighing more than 8 ounces is returned by surface transportation at the appropriate rate according to class of mail; except that, when the mail bears instructions of the sender to return by airmail, it is returned at the airmail rate to be collected on delivery to sender.

(f) *Registered, insured, and c. o. d.*—(1) *Registered and insured.* When registered and insured mail is undeliverable as addressed, a notice is sent to the mailer on Form 3858 showing the reason. By completing the form and returning it in an envelope bearing first-class postage, the mailer may tell the postmaster what to do with the mail. The mail will be returned to the mailer if he does not tell the postmaster not to return it. The postage charge, if any, for returning the mail, but not registration or insurance fees, will be collected from the mailer. Exception: When registered mail is addressed to a person who has moved and left no forwarding address, Form 3858 will not be sent and the mail will be returned immediately to the mailer.

(2) *C. o. d.* Each post office that receives a c. o. d. article holds it 15 days, or any time less than 15 days that the mailer requests, after which the article is returned to the mailer. Exceptions: Mail not bearing special instructions from the mailer will be returned immediately, when:

(i) The addressee is not found.

(ii) The address does not exist.

(iii) The addressee is deceased and delivery cannot be made to anyone for him.

(3) *Special instructions on c. o. d. parcels.* A request to receive a notice that c. o. d. mail has not been delivered may be written or printed on a parcel by the mailer. The request may include directions to send the notice to the mailer or to his representative. When the mailer's representative is designated, the representative's name and local or nearby address must be shown in a bordered space with instructions, reading: "Do not deliver to mailer's designated representative without collecting c. o. d. charges, or deliver without collecting c. o. d. charges to mailer's designated representative."

(4) *Disposal.* Registered mail that cannot be delivered to the sender or addressee will be sent to a dead mail office. Insured and c. o. d. mail will be sent to a dead mail office and held for 6 months, during which time it may be called for, if it is:

(i) Undeliverable to both sender and addressee.

(ii) Refused by the sender upon its return. This cancels the insurance.

(g) *Perishable mail.* Undeliverable parcels containing perishable items that cannot be forwarded to the addressee or returned to the sender before spoiling, as well as parcels of day-old chicks, that cannot be delivered or returned within the 60-hour limit, if salable will be disposed of by the postmaster through competitive bidding. Sale by bid will not be made to the addressee. The postmaster will send the proceeds of the sale, less a commission of 10 percent (but not less than 15 cents), to the mailer, with an explanation of the action taken.

§ 48.3 *Return address required.* The return address of the sender must be shown on the address side of mail in order to secure its return. The following rules apply:

(a) The proper location is in the upper left corner on envelopes, cards, labels, tags, or wrappers. On second- or third-class mail, it is essential that the sender place "Return Postage Guaranteed" below the return address. Use of the pledge to pay return postage is also recommended for fourth-class mail.

(b) The sender may in his return address request that mail be held for not less than 3 days or more than 30 days. Examples:

Return in 5 days to
Frank B. White
2416 Front Street,
St. Louis 25, Mo.

Return in 30 days to
Frank B. White
2416 Front Street,
St. Louis 25, Mo.
Return Postage Guaranteed

§ 48.4 *Mail not to be returned.* (a) First-class mail, drop letters and airmail bearing no return address are treated as dead mail. (See § 48.8.)

(b) Third-class mail of no obvious value and bearing no pledge to pay return postage is disposed of as waste.

(c) Fourth-class mail of no value to the sender is disposed of at the post office that last attempts delivery to the addressee when mail bears the instructions of the sender printed in the lower left corner of the address space: "Treat as Abandoned."

§ 48.5 *Notice to sender on third- and fourth-class mail*—(a) *Mail to be marked.* If the sender wants to be notified when third- or fourth-class mail is undeliverable as addressed, he must:

(1) Print in the lower left corner of the address side, "Form 3547 Requested."

(2) Show his return address in the upper left corner.

(3) Accept and pay the 3-cent fee for each card notice, or pay the return postage on mail sent back as undeliverable.

(b) *Conditions.* Mail bearing a request for Form 3547 will be treated as follows:

(1) When the change is to another local address, the notice on Form 3547 will show the original address (together with any key number used by the mailer) and the new address.

(2) When the change is to another post office and the piece is forwardable under the sender's or addressee's guarantee to pay forwarding postage, or when the mail is of obvious value, the notice on Form 3547 will show the same information as subparagraph (1) of this paragraph.

(3) When the change is to another post office but forwarding postage is not guaranteed, the mail itself is returned with a notation showing the new address, and is rated for collection of return postage due at the appropriate single-piece rate.

(4) When the mail is undeliverable as addressed and no new address is on file, the reason for nondelivery is noted on the mail, and it is returned rated for collection of return postage at the appropriate single piece rate.

§ 48.6 *Directory service.* Directory service is not generally available, but at carrier offices where a directory is available, directory service is given to registered, insured, c. o. d., special delivery, and special handling mail; to perishable matter and parcels of obvious value; and to international mail, except circulars. Incorrectly or incompletely addressed mail from overseas Armed Forces is given directory service and is not returned to the sender until every effort is made to deliver it.

§ 48.7 *General delivery or transient mail.* Before returning or sending to dead mail, mail bearing the words, "Transient," "To Be Called for," "General Delivery," or the like, and letters from out of town not specifically addressed, are placed in general delivery for the standard retention period (see § 48.8) to await claimant.

§ 48.8 *Dead mail*—(a) *At post office of addressee*—(1) *Treatment.* Mail undeliverable as addressed that cannot be forwarded or returned, domestic letters wholly unpaid or paid less than one full rate, mail unclaimed or refused by addressee, articles found loose or insufficiently identified in the mails, and overweight and oversize parcels, are sold, abandoned, or destroyed in accordance with law or the sender's instructions, or are sent to the dead-mail office. When insured or c. o. d. mail is destroyed by sender's request, Notice to Sender, Form 3861, is sent to the sender.

(2) *Retention periods.* Retention periods before disposal are as follows:

(i) First-class mail, 30 days.

(ii) Second-class mail, immediately after notice to sender. (See § 48.2 (b).)

(iii) Third- and fourth-class mail, not less than 30 days.

(iv) Articles found loose or unaddressed in the mails, and of obvious value, not less than 60 days.

(v) Money or uncanceled postage stamps, 30 days.

(vi) Mail of obvious value (including first-class mail not in the form of a letter addressed to a foreign country) mailed in violation of law or treaty, not less than 6 months.

(vii) Parcels on which claims are pending are held until claims are settled.

(3) *Disposal.* Dead mail is sent to the dead-mail office after the prescribed waiting period, except the following:

(i) Domestic ordinary, insured, or c. o. d. articles, and mail from other countries, bearing senders' instructions to abandon are disposed of immediately.

(ii) Insured and c. o. d. articles, bearing senders' instructions to destroy, are held for not more than 30 days and destroyed.

(iii) Packages containing medicine, perishable articles, liquids, or articles likely to injure other mail or to attract pests, are destroyed as soon as they are known to be undeliverable.

(iv) Letters from Canada or Mexico with return addresses are returned to the postmaster at the post office of origin.

(v) Mail addressed to a deceased person is delivered to the executor or administrator of the estate, or if there is no executor or administrator, to the widow or widower, or other claimants, except that U. S. Government pension mail is returned to the mailing Federal agency.

(vi) Unclaimed penalty or franked mail from a Member of Congress and unclaimed official reports and bulletins sent by State agricultural colleges and experiment stations are returned to the postmaster at office of origin if it is known. If office of origin is not known, mail is sent to the post office at Washington, D. C. Undeliverable mail bearing card of the White House, the Senate, or the House of Representatives, with or without postage stamps, is returned to the post office at Washington, D. C.

(vii) Santa Claus letters, with postage fully prepaid (or local unpaid or partly paid), with no identification of person for whom they are intended, are sent to institutions or persons who may request them to use for exclusively philanthropic purposes. If there is no voluntary request, they are sent to dead-mail office.

(b) *At dead-mail office.* (1) Treatment: At the dead-mail office, mail is examined, and opened when necessary, to find the name and address of the sender or addressee.

(2) Retention periods, if the sender or addressee cannot be identified are:

(i) Letters of domestic origin with enclosures of value, 1 year.

(ii) Other letters, none.

(iii) Letters containing merchandise, and third- and fourth-class mail containing valuables (including first-class mail not in the form of a letter addressed to another country), 60 days; if posted in violation of law or treaty, 6 months.

(3) Disposal: Dead mail that cannot be delivered to addressee or sender is destroyed or sold.

Subchapter F—Special Mail Services

PART 51—REGISTRY

Sec.
51.1 Why mail is registered.
51.2 Registration.
51.3 Declaration by sender.
51.4 Fees, surcharges, and return receipts.
51.5 Preparation for mailing.
51.6 Withdrawal or recall.
51.7 Delivery.

AUTHORITY: §§ 51.1 to 51.7 issued under R. S. 161, 396, 3926, as amended, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 245f, 381.

§ 51.1 *Why mail is registered.* You may obtain added protection for your valuable and important mail and evidence that it has been delivered by having it registered.

§ 51.2 *Registration*—(a) *What may be registered.* (1) First-class mail.

(2) Airmail not liable to damage from freezing.

(3) Second-class mail.

(4) Third-class mail.

(5) Fourth-class mail prepaid with postage at the first-class rate.

(6) Business reply cards and envelopes if you pay only the registration fee.

(b) *Where to mail.* You may obtain registration by presenting your mail to:

(1) *Post offices and their branches and stations.* Postmasters will accept mail of unusually high value only at the main office or the larger branches and stations.

(2) *Letter carriers.* Carriers will accept only letters and small, light packages. Carriers serving business districts are not required to accept mail for registration.

(3) *Rural carriers.* Mail and cash may be left in a rural box, and the change, if any, will be handed to the sender or placed in an envelope and left in the box on the carrier's next trip.

(c) *Registration not available.* You may not obtain registration if:

(1) Articles are placed in street letter boxes or in mail drops in post offices, even though the articles bear sufficient stamps to cover all charges. The articles will be dispatched with the registered mail but a registration receipt will not be issued, and liability for the loss or rifling of or damage to such mail will not be accepted by the Postal Service.

(2) Articles are addressed to post offices to which they cannot be transported with safety.

§ 51.3 *Declaration by sender*—(a) *Value.* You must tell the postal clerk the full value of articles that you register even though you have commercial insurance on the articles. You may use the following guides as aids in determining the full value:

(1) Negotiable securities — Market value on date of mailing.

(2) Nonnegotiable securities (including certificates of stock), warehouse receipts, and valuable papers (checks, drafts, deeds, wills, abstracts, and similar documents)—No value.

(b) *Fragile mail.* You must tell the postal clerk whether your mail is fragile, and describe how you have it packed if he requests you to do so.

§ 51.4 *Fees, surcharges, and return receipts*—(a) *Registry fees and surcharges (in addition to postage).*

Indemnity limit:	Fee
No indemnity	$0.30
$0.01 to $5	.40
$5.01 to $25	.55
$25.01 to $50	.65
$50.01 to $75	.75
$75.01 to $100	.85
$100.01 to $200	.95
$200.01 to $300	1.05
$300.01 to $400	1.15
$400.01 to $500	1.25
$500.01 to $600	1.35
$600.01 to $700	1.45
$700.01 to $800	1.55
$800.01 to $900	1.65
$900.01 to $1,000	1.75
	Cents
Restricted delivery	20
Return receipts requested at time of mailing:	
Showing to whom and when delivered	7
Showing to whom, when, and address where delivered	31
Requested after mailing: Showing to whom and when delivered	15

SURCHARGES

To be paid when the declared value exceeds the maximum indemnity provided by the registry fees paid by $1,000 or more:

	Local and first zone	Second zone	Third zone	Fourth zone	Fifth and sixth zones	Seventh and eighth zones
From $1,000 to $1,000,000 (per $1,000 or fraction)	$0.12	$0.14	$0.16	$0.17	$0.18	$0.19
Following are total surcharges for values—						
Over $1,000,000 to $2,000,000	$170	$210	$260	$290	$320	$360
Over $2,000,000 to $3,000,000	227	285	355	410	460	525
Over $3,000,000 to $4,000,000	280	360	455	520	590	690
Over $4,000,000 to $5,000,000	330	430	545	635	725	850
Over $5,000,000 to $6,000,000	380	500	635	745	855	1,010
Over $6,000,000 to $7,000,000	425	565	725	855	985	1,160
Over $7,000,000 to $8,000,000	465	625	810	960	1,115	1,315
Over $8,000,000 to $9,000,000	500	685	895	1,065	1,235	1,465
Over $9,000,000 to $10,000,000	540	735	975	1,165	1,355	1,610
Over $10,000,000 to $11,000,000	570	790	1,055	1,265	1,475	1,750
Over $11,000,000 to $12,000,000	610	840	1,135	1,365	1,590	1,890
Over $12,000,000 to $13,000,000	645	885	1,205	1,460	1,710	2,025
Over $13,000,000 to $14,000,000	690	930	1,280	1,560	1,820	2,160
Over $14,000,000 to $15,000,000	710	970	1,340	1,650	1,930	2,290

When the declared value exceeds $15,000,000, additional charges may be applied, based on considerations of weight space, and value of the shipments.

(b) *Matter not having intrinsic value.* Matter not having intrinsic value may be registered on payment of the minimum registration fee of 30 cents. You may pay a higher fee and declare a value to cover the cost of duplicating the article so that you may be reimbursed for the cost if the article is lost.

(c) *Matter having intrinsic value.* You must pay a registration fee of at least 40 cents. If the value of the article exceeds $25, a fee of at least 55 cents must be paid. You are not obliged to pay a registration fee of more than 55 cents for any matter registered, although you may pay any of the higher fees based on the value declared.

(d) *Return receipts.* You may obtain return receipts by paying fees, in addition to the registration fee and postage, under the following conditions:

(1) At the time of mailing by informing the postal clerk or by writing on the mail Return Receipt Requested or Return Receipt Requested Showing Address Where Delivered.

(2) After mailing by request and showing registration receipt at the post office where the registered article was mailed. The return receipt will not show the address where delivery was made.

(3) Return by air: You may obtain a return receipt by airmail if postage

stamps to cover the postal card airmail rate are fixed to the return receipt and it is endorsed Return by Air Mail.

(e) *Restricted delivery.* You may at the time of mailing direct that the registered article be delivered only to the addressee or to some one named by him in writing. An additional fee is required. The mail will be endorsed Deliver to Addressee Only or Deliver to Addressee or Order. After mailing and before delivery, you may direct such action by written order through the mailing postmaster.

(f) *Refunds.* Registration fees will not be refunded after the mail is accepted. Return receipt or restricted delivery fees will be refunded only when the failure to furnish a return receipt or to give restricted delivery was the fault of the Postal Service. Receipts for fees must be submitted with requests for refunds.

(g) *Free registration of mail.* (1) All mail relating to the census and addressed to the Census Office, or to any official thereof, that is endorsed "Official Business, Census Office," may be sent by registered mail without payment of a registration fee.

(2) All mail relating to naturalization, including duplicate papers required to be sent to the Immigration and Naturalization Service by clerks of State or Federal courts addressed to the Department of Justice or to the Immigration and Naturalization Service, may be sent by registered mail without payment of a registration fee, if endorsed "Official Business."

(3) Correspondence may be transmitted by registered mail between members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain stationed in the United States without payment of the registration fee. Indemnity will not be paid for loss of such mail. The same privilege applies to consuls of such countries stationed in the United States, and vice consuls discharging the functions of such consuls.

(4) Currency sent to the Treasurer of the United States, Washington, D. C., for redemption, contained in letters or parcels with postage prepaid by the sender, and redeemed currency mailed to the Treasurer of the United States, may be transmitted by registered mail without payment of registration fee, under the following conditions:

(i) The contents must be exhibited to the postmaster and a list furnished giving a detailed description of the money. For currency the letter, number, of series, date, and denomination must be given. Coin need be described only by number and denomination of pieces.

(ii) After the contents have been compared with the list and found correct, the letter or parcel must be sealed in the presence of the postmaster.

(iii) The list must be left with the postmaster.

(iv) No idemnity is assumed by the Postal Service. If idemnity coverage is desired the regular registration fees must be paid.

(5) Official matter of executive departments or independent Government institutions located in Washington, D. C., or of the Public Printer may be registered free. Government officers officially stationed at Washington, D. C., whose official mail is registered free from there, have the same privilege elsewhere when temporarily away from Washington if the mail is endorsed "Temporarily Absent from Washington, D. C." This privilege does not apply to officers not officially stationed at Washington or those in the field service of their departments.

(6) Letters or parcels relating exclusively to the business of the United States Civil Service Commission, Washington, D. C., and addressed to the Commission by members of local boards of examiners outside Washington, are registered free.

§ 51.5 *Preparation for mailing*—(a) *Letter mail.* Enclose letter mail in an envelope and seal it securely. Envelopes that appear to have been opened and resealed will not be registered. Do not place paper strips or wax or paper seals over the intersections of the flaps where the postmark impressions are made. Place the complete name and address of sender and addressee on the envelope.

(b) *Parcels.* Wrap and seal with mucilage or glue, or with plain paper strips. Parcels that appear to have been opened and resealed will not be registered. Parcels containing currency or securities may not be sealed exclusively by the use of paper strips, but must first be sealed securely with mucilage or glue. Place the complete name and address of sender and addressee on the parcel. Parcels mailed at the third-class postage rates may not be sealed.

(c) *Window envelopes.* Envelopes must have panels covering the opening. If transparent panels are glued to the envelopes, they may contain only matter without intrinsic value. If the panel is part of the envelope, the envelope may be used for all registered mail.

(d) *Firm registration books.* If you regularly mail three or more articles at one time, you should obtain free from your postmaster and use firm registration books, Form 3877.

§ 51.6 *Withdrawal or recall.* You may withdraw or recall registered mail without charge before its delivery under the following conditions:

(a) Before dispatch by writing on your receipt "Withdrawn before dispatch," and signing and surrendering the receipt.

(b) After dispatch by filing at the post office where the article was mailed a written request for its return, giving names and addresses of sender and addressee, the registry number, and date of mailing. Costs of telegrams must be paid by you.

§ 51.7 *Delivery*—(a) *Procedure.* The responsibility of the Postal Service for registered mail ends with its proper delivery. Mail for delivery by carriers is taken on the first trip after it is received unless the addressee has requested the postmaster to hold his mail at the post office. You may obtain the name and address of the sender, and you may look at registered mail while it is held by the postal employee, before accepting delivery and signing the delivery receipt. Identification will be required if the applicant for registered mail is unknown. The mail will not be given to the addressee until the delivery receipt is obtained by the postal employee.

(b) *Recipient.* Delivery may be made to:

(1) The addressee or a person bearing the addressee's written authorization to accept delivery.

(2) The legal representative of a deceased or insane addressee. If there is no legal representative the article will be returned to the sender.

(3) A person or organization in whose care the mail is addressed.

(4) A person other than the addressee designated by the sender in a written order verified by the postmaster at the office of mailing.

(5) Persons designated by the management of a hotel or apartment house in an agreement with the Postal Service.

(6) Persons named in written orders of clubs, fraternities, and sororities, unless otherwise indicated by addressee.

(7) Persons named in written orders of Y. M. C. A.'s, Y. W. C. A.'s, Salvation Army shelters, missions, and the like; or, in the absence of written orders, to any responsible person who customarily receives the ordinary mail of the institution.

(8) A minor living with his parents or guardian subject to the parents' or guardian's control unless it is for restricted delivery. If restricted and delivery is forbidden by parents or guardian, the mail will be treated as undeliverable.

(9) Responsible persons to whom the addressee's ordinary mail is delivered.

(10) Authorized mail orderlies of military organizations.

(11) The person presently holding the title or performing the duties of the office when mail obviously of an impersonal nature is addressed to a former public officer or to a former officer or employee of a private organization by his name and former title.

(c) *When not delivered.* The addressee may be required to call at the post office for registered mail if its delivery by a carrier would not be safe.

(d) *Notice of arrival.* The carrier will leave you a notice if you are not at home to accept registered mail.

(e) *Rural delivery.* Rural carriers will deliver registered mail to your residence if it is not more than ½ mile from the route and if there is a passable road leading to it. Otherwise, the carrier will leave a notice in your box so that you may either meet him at the box on his next trip or call at the post office for the mail.

(f) *Star-route delivery.* Star-route carriers may deliver registered mail only when the addressee has authorized the postmaster in writing to give the mail to the carrier. The carrier is then considered the representative of the addressee, and the responsibility of the Postal Service ends at the time of delivery to the carrier.

(g) *Restricted delivery.* Registered mail marked "Deliver to addressee only" will be delivered only to the person addressed. The fee for this service must be paid at the time of mailing. If the restriction is to the addressee or order, delivery will be made to the addressee or to a person designated in writing by the addressee to receive the mail. Restricted delivery to the addressee only will not be made when the registered mail is addressed to the heads of the executive, legislative, and judicial branches of the Government of the United States, or of the States and Territories, or to members of the diplomatic corps. When a registered article is addressed jointly to two or more persons and delivery has been restricted, the addressees will be notified to be present to accept delivery together, and the receipt obtained must be signed by all the addressees. The registered article may be delivered to any one of the addressees, unless the others object, in which case delivery will not be made until all of them sign a written statement designating the one to receive delivery.

(h) *Bad condition.* If you accept a registered article that has been repaired with sealing stamps or reenclosed in a new envelope or wrapper, you must open it in the presence of the delivering employee. If anything is missing, the envelope or wrapper must be given to the employee after it has been endorsed to show what was missing.

PART 52—INSURANCE

Sec.
52.1 Description.
52.2 Fees.
52.3 Mailing.
52.4 Special services.
52.5 Delivery.

AUTHORITY: §§ 52.1 to 52.5 issued under R. S. 161, 396, sec. 1, 41 Stat. 581, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 245f, 382.

§ 52.1 *Description*—(a) *Purpose.* You may obtain payment for loss of, rifling of, or damage to domestic mail by having it insured.

(b) *Classes of mail to which applicable.* You may insure only third- and fourth-class mail. The mail must bear the complete names and addresses of sender and addressee. The following are not acceptable for insurance:

(1) Parcels marked "Insured" but not insured by the Postal Service.

(2) Parcels containing matter offered for sale, addressed to prospective purchasers who have not ordered or authorized their sending. If such matter is received in the mails, indemnity for loss, rifling, or damage will not be paid.

(3) Nonmailable matter.

§ 52.2 *Fees*—(a) *Fees (in addition to postage).*

Indemnity:	Fee
$0.01 to $5	$0.05
$5.01 to $10	.10
$10.01 to $25	.15
$25.01 to $50	.20
$50.01 to $100	.30
$100.01 to $200	.35

Indemnity for insured mail is limited to $200.

(b) *Restricted delivery.*

(Not available for mail insured for $10 or less)	$0.20

(c) *Return receipts.*

(Not available for mail insured for $10 or less):

(1) Requested at time of mailing:

Showing to whom and when delivered	$0.07
Showing to whom, when, and address where delivered	.31

(2) Requested after mailing:

Showing to whom and when delivered	.15

§ 52.3 *Mailing*—(a) *Payment of fees and postage.* Insurance fees must be paid in addition to the regular postage. The mailer guarantees to pay return and forwarding postage unless he writes special instructions on the wrapper or envelope.

(b) *Where to mail.* You must mail parcels that you insure at a post office, branch, or station, or give them to a rural carrier. They must not be deposited in mail drops at post offices, nor in or on street mailboxes. They must not be left on, but may be placed in, rural mailboxes.

(c) *Individual receipts for mailing.* You are issued a receipt for each insured parcel mailed. You must enter the name and address of the addressee on the receipt and retain it. You must submit the receipt if you file an application for payment of insurance or if you file an inquiry concerning the parcel.

(d) *Firm mailing books.* Mailing books, Form 3877–A, are furnished without charge to patrons who mail an average of three or more parcels at one time. Spaces are provided for entering the description of parcels to be insured. The sheets of these books become the senders' receipts and the post office records. The books must be presented with the parcels to be mailed. Following are instructions for their use:

(1) Parcels on which 5- and 10-cent fees are paid are not numbered and should be listed on separate sheets or grouped together. Prepare only one copy.

(2) For parcels on which more than the 10-cent fee is paid, the postmaster will assign a series of numbers. The mailer must number the articles and the items in the book to correspond. Entries must be made in duplicate with carbon paper.

(e) *Temporary receipts.* A temporary receipt showing only the total number of parcels accepted may be issued when a large number of articles are mailed. The permanent receipt will be issued as soon as possible.

(f) *Mailing on rural routes.* You may give the mail to the rural carriers; or you may leave the mail in rural mailboxes, provided stamps are fixed for postage and fee, or money for postage and fee is left in the box. The sender must leave a note stating the amount of insurance desired. The Postal Service assumes no responsibility for articles or money left in rural mailboxes until the articles are receipted for.

§ 52.4 *Special services*—(a) *Restricted delivery service.* You may at the time of mailing direct that a parcel insured for over $10 be delivered only to the addressee or to someone named by him in writing. The mail will be endorsed: "Deliver to Addressee Only or Deliver to Addressee or Order."

(b) *Return receipt.* You may request a return receipt for a parcel insured for more than $10. Request at the time of mailing may be made either to the postal employee or by endorsement on the mail reading "Return Receipt Requested," or "Return Receipt Requested Showing Address Where Delivered." Request after mailing must be made at the post office where the insured parcel was mailed. The insurance receipt must be shown and the prescribed additional fee for this service paid. When the request is made after mailing, the return receipt will not show the address where delivery was made.

§ 52.5 *Delivery*—(a) *At letter carrier offices.* (1) Insured mail is held for the period specified in the sender's return card, but not in excess of 15 consecutive days. If no return period is specified, the mail is held for 15 days. The retention period of 15 days applies also to offices to which the mail may be forwarded.

(2) Insured parcels will be delivered to your home once, or if you receive your mail in a post office box or through general delivery, you will be furnished a notice of the arrival of the parcel. If you do not accept the parcel when it is delivered to you, it will be returned to the post office and held for the length of time directed by the sender, but never more than 15 days. You may go to the post office and obtain the parcel or you may request that it be delivered to your home again. The mailer may also request that it be delivered again.

(3) A request that a second attempt be made by a carrier to deliver an insured parcel that was refused the first time must be accompanied by postage at the local rate. A parcel that was not refused will be delivered a second time only if the addressee gives assurance that it will be accepted. No extra postage charge is made in such a case. A request by the sender for renewed delivery service must be accompanied by postage at the local rate.

(4) When delivery of an insured parcel has been attempted twice by carrier, postage at the local rate must be paid for each additional attempt.

(b) *At offices not having carrier delivery service.* The addressee is notified when an insured parcel is on hand for delivery. The notice is placed in the general delivery or in a post office box.

(c) *On star routes affording delivery service.* (1) Parcels insured for not over $10 will be delivered by the carrier without a written order of the addressee.

(2) Parcels insured for more than $10 are not delivered by star route carrier unless the addressee so requests in a written order filed with the postmaster. When such order is given, the carrier is regarded as the representative of the addressee and the responsibility of the

Postal Service ends when delivery has been made to the carrier.

(d) *Examination of mail.* The addressee or his representative may read and copy the name and address of the mailer from insured mail while it is in the possession of the postal employee. Examination of the contents may be made only after delivery has been made.

(e) *Type of delivery service.* Receipts are not obtained for the delivery of parcels insured for $10 or less. Parcels insured for over $10 are delivered in accordance with the regulations for the delivery of registered mail (see § 51.7 of this chapter), except that when delivery has not been restricted, mail addressed to a person at a hotel, apartment house, or the like, may be delivered to any person in a supervisory or clerical capacity to whom the mail is customarily delivered. Delivery receipts are obtained by the delivering carrier.

PART 53—C. O. D.

Sec.
53.1 Description.
53.2 Fees (in addition to postage).
53.3 Mailing.
53.4 Special services.
53.5 Delivery.
53.6 Registered c. o. d. mail.

AUTHORITY: §§ 53.1 to 53.6 issued under R. S. 161, 396, sec. 1, 41 Stat. 581, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 245f, 382.

§ 53.1 *Description*—(a) *Purpose.* You may mail an article for which you have not been paid and have the price and the cost of the postage collected from the addressee when the article is delivered. This is collect-on-delivery service, which is usually called c. o. d. service. The amount collected is returned to you by a postal money order. The fees for c. o. d. service include insurance against loss, rifling, or damage to the article and failure to receive the amount collected from the addressee. You may also register articles which you mail c. o. d.

(b) *Classes of mail to which applicable.* Third- and fourth-class mail and sealed mail of any class (registered or unregistered) bearing postage at the first-class rate, may be sent c. o. d. The mail must bear the complete names and addresses of sender and addressee. The largest amount that will be collected from the addressee is $200. The amount of the c. o. d. collection ordinarily governs the c. o. d. fee, but the sender may pay a larger c. o. d. fee to secure additional indemnification above the amount of the collection for value up to $200; but he may not pay a fee less than prescribed for the c. o. d. collection. The c. o. d. service cannot be used for:

(1) Sending articles to addressees who have not ordered them or agreed to accept them.

(2) Collection agency purposes.

(3) Return of merchandise about which some dissatisfaction has arisen, unless the new addressee has consented in advance to such return.

(4) Sending only bills or statements of indebtedness, even though the sender may establish that the addressee has agreed to the collection in this manner. However, when a legitimate c. o. d. shipment consisting of merchandise, bill of lading, etc., is being mailed, the balance due on a past or anticipated transaction may be included in the charges on a c. o. d. article, provided the addressee has consented in advance to such action.

(5) Parcels containing moving-picture films mailed by exhibitors to moving picture manufacturers, distributors, or exchanges. Such parcels may be sent as insured mail, or, if sealed, by first-class registered mail.

(c) *Restrictions on military c. o. d. service.* C. o. d service to overseas military intallations is restricted to official shipments and shipments to Armed Forces agencies. Such mail addressed to Navy, Marine Corps, and Coast Guard is limited to such personnel stationed at land establishments or receiving ships permanently located at particular points in the continental United States.

§ 53.2 *Fees (in addition to postage).*

Indemnity (and c. o. d. collection to $200)	C. o. d. fees	
	Registered (see §53.6)	Unregistered
$0.01 to $5	$0.80	$0.30
$5.01 to $10	.80	.40
$10.01 to $25	1.10	.60
$25.01 to $50	1.10	.70
$50.01 to $100	1.20	.80
$100.01 to $150	1.40	.90
$150.01 to $200	1.40	1.00
$200.01 to $300	1.50	Indemnity for unregistered c. o. d. mail is limited to $200; for registered c. o. d. $1,000, same as for other registered mail. Collection for c. o. d. mail, unregistered or registered, is limited to $200.
$300.01 to $400	1.60	
$400.01 to $500	1.70	
$500.01 to $600	1.80	
$600.01 to $700	1.90	
$700.01 to $800	2.00	
$800.01 to $1,000	2.10	
Restricted delivery	.20	$0.20
Notice of nondelivery	.05	.05
Alteration of charges or delivery	.10	.10

§ 53.3 *Mailing*—(a) *Payment of fees and postage.* Fees and postage must be prepaid. The sender guarantees to pay any return and forwarding postage unless otherwise specified on the parcel.

(b) *Where to mail.* You must mail c. o. d. parcels at a post office, branch, or station or give them to a rural carrier. They may not be deposited in mail drops at post offices, nor in or on street mail boxes. They may not be left on, but may be placed in, rural mailboxes. (See also paragraph (h) of this section regarding mailing c. o. d. matter on rural routes.)

(c) *Individual receipts for mailing.* You are issued a receipt for each c. o. d. parcel mailed.

(d) *Firm mailing books and c. o. d. tags.* Firm mailing books, Form 3877–A, are furnished without charge to patrons who mail an average of three or more parcels at one time. Spaces are provided for entering the description of parcels to be sent c. o. d. The sheets of these books become the senders' receipts and the post office records. The books must be presented with the parcels to be mailed. Following are instructions for their use:

(1) The postmaster will assign a series of numbers. The mailer must number the articles and the items to correspond. Entries must be made in duplicate with carbon paper.

(2) A c. o. d. tag must be securely fixed by the sender to each c. o. d. article showing post office and date of mailing, article number, names and addresses of sender and addressee, amount due sender, and amount of money order fee necessary to make remittance. The necessary particulars must be filled in by sender. Stock tags are furnished by the post office without charge. There are three types of tags eyeletted for tying to parcels, and one uneyeletted type for attaching by gummed tape. Specially printed c. o. d. tags approved by the Postal Service are also used. The eyeletted tag, Form 3816, composed of delivery office portion, delivering employee's coupon, mailing office record and sender's receipt, is intended for use by patrons mailing less than three articles at one time.

(3) The particulars required on the tag must be filled in by the sender with ink, indelible pencil (not ordinary lead pencil), or typewriter. The Postal Service is not responsible for errors by senders in stating charges to be collected.

(4) When the c. o. d. remittance is to be sent to someone other than the actual mailer, the name and address of the person to whom the money is to be sent must appear in the proper spaces on the address side of the c. o. d. tag. The name and address of the actual mailer must be placed on the back of the delivery office portion of the tag. The name and address of the person to whom the money is to be paid must be shown as sender on the c. o. d. parcel itself, together with directions as to return, if undeliverable.

(e) *Nursery stock shipments.* Firms mailing nursery stock may print special c. o. d. tags bearing instructions as to disposition of shipments that are not immediately delivered. These tags must contain a coupon that will be returned with money order. The following rules apply:

(1) If the sender does not desire to have the parcel, if undeliverable, disposed of to the highest bidder, the sender's instructions on the back of the delivery-office portion of the c. o. d. tag (i), and on the sender's coupon (ii), should read:

(i) If addressee refuses to pay charges for any reason, deliver at once without collecting the charges. Notify sender at once if parcel is not delivered, and if no reply is received in 15 days, destroy parcel. See sender's coupon for further instructions.

(ii) Return this coupon with money order. If parcel is delivered without collection of charges, or is destroyed after 15 days, check disposition and send coupon to sender in penalty envelope.

☐ Delivered to addressee without collecting charges.

☐ Destroyed after 15 days.

(2) If sender desires to have the parcel, if undeliverable, disposed of to the highest bidder, the sender's instructions on the back of the delivery office portion of the c. o. d. tag (i), and on the sender's coupon (ii), should read:

(i) If addressee refuses to pay charges for any reason, deliver at once without collecting the charges. Notify sender at once if parcel is not delivered and if no reply is received in 15 days, sell to highest bidder and remit proceeds less commission. If sale cannot be made destroy parcel. See sender's coupon for further instructions.

(ii) Return this coupon with money order. If parcel is delivered without collection of charges, is destroyed after 15 days, or is sold, check disposition and send coupon to sender in penalty envelope.

☐ Delivered to addressee without collecting charges.

☐ Destroyed after 15 days.

☐ Sold for $_____. Remittance, less commission, herewith.

(f) *Multiple mailing forms.* Specially designed and privately printed multiple mailing forms are found by many mailers to be advantageous. They provide in one operation, by carbon or spot carbon process, address labels, firm mailing and post office records, and c. o. d. tags or labels to be stuck on stock c. o. d. tags. Specially designed recapitulation sheets are used for receipting purposes. Mailers desiring to use multiple forms should consult printers specializing in business forms, and submit specimen proofs to their local postmasters before printing.

(g) *Temporary receipt.* When, at the discretion of the postmaster, the number of articles presented for c. o. d. at one time warrants, a temporary receipt showing only the total number of parcels accepted may be issued. The permanent receipt will be issued as soon as possible.

(h) *Mailing on rural routes.* You may present mail to rural carriers for c. o. d. service. For c. o. d. mail the sender must fill in a c. o. d. tag with ink, indelible pencil (not ordinary lead pencil), or typewriter. You may leave mail in rural mail boxes for c. o. d. service provided sufficient stamps are fixed for postage and fee, or money for postage and fee is left in the box. If indemnity coverage for more than the c. o. d. charges is desired, a note should be left so stating. The Postal Service assumes no responsibility for articles or money left in rural mail boxes until the articles are receipted for.

§ 53.4 *Special services*—(a) *Restricted delivery service.* You may, at the time of mailing, direct that a c. o. d. parcel be delivered only to the addressee or to someone named by him in writing. The mail will be endorsed "Deliver to Addressee Only" or "Deliver to Addressee or Order."

(b) *Alteration or cancellation of c. o. d. charges or delivery.* Alteration or cancellation of c. o. d. charges or delivery to another address may be directed by the sender upon payment of the prescribed additional fee. The request must be made at office of mailing. Such change may be directed by telegram, the telegram being authorized and paid for by the sender but sent in the name of the postmaster.

§ 53.5 *Delivery*—(a) *At letter carrier offices.* (1) A c. o. d. parcel will be delivered to your home once, or if you receive your mail in a post office box or through general delivery, you will be furnished a notice of the arrival of the parcel. If you do not accept the parcel when it is delivered to you, it will be returned to the post office and held for the length of time directed by the sender, but never more than 15 days. You may go to the post office and obtain the parcel or you may request that it be delivered to your home again. The mailer may also request that it be delivered again.

(2) A request that a second attempt be made by a carrier to deliver a c. o. d. parcel that was refused the first time must be accompanied by postage at the local rate. A parcel that was not refused will be delivered a second time only if the addressee gives assurance that it will be accepted. No extra postage charge is made in such case. A request by the sender for renewed delivery service must be accompanied by postage at the local rate.

(3) When delivery of a c. o. d. parcel has been attempted twice by carrier, postage at the local rate must be paid for each additional attempt.

(4) No local rate of postage is charged for renewed attempts to deliver c. o. d. mail prepaid at the letter rate of postage.

(b) *At offices not having carrier delivery service.* You will be notified when a c. o. d. parcel is on hand for delivery. The notice is placed in the general delivery or in a post office box.

(c) *On star routes affording delivery service.* Your c. o. d. mail will not be delivered by star route carrier unless you so request in a written order filed with the postmaster. When such order is given, the carrier is regarded as your representative and the responsibility of the Postal Service ends when delivery has been made to the carrier. Delivery of c. o. d. mail is not made to a star route carrier until the c. o. d. charges are paid.

(d) *Type of delivery service.* C. o. d. parcels are delivered in accordance with the regulations for delivery of registered mail (see § 51.7 of this chapter), except that when delivery has not been restricted, mail addressed to a person at a hotel, apartment house, or the like, may be delivered to any person in a supervisory or clerical capacity to whom the mail is customarily delivered. Delivery receipts are obtained by the delivering carrier.

(e) *Examination of mail.* The addressee or his representative may read and copy the name and address of the mailer from c. o. d. mail while it is in the possession of the postal employee. Examination of the contents may be made only after the c. o. d. charges have been paid and delivery has been made.

§ 53.6 *Registered c. o. d. mail.* Sealed domestic mail of any class bearing postage at the first-class rate may be sent as registered c. o. d. mail. Such mail is handled the same as other registered mail. The maximum amount of charges collectible on a parcel is $200, but additional indemnity may be obtained over $200 up to the regular registry limit of $1,000 by payment of a higher fee. Registered c. o. d. mail is subject to surcharges applicable to other registered mail, except that the basis of the surcharge is the amount by which the declared actual value of the article exceeds the limit of indemnity covered by the fee paid.

PART 54—PAYMENT FOR LOSSES

Sec.
54.1 Indemnities paid.
54.2 Indemnities not paid.
54.3 Requests for payment of postal insurance.
54.4 Information required.
54.5 Recovery.

AUTHORITY: §§ 54.1 to 54.5 issued under R. S. 161, 396, 3928 as amended, sec. 1, 41 Stat. 581; 5 U. S. C. 22, 369, 39 U. S. C. 381, 382.

§ 54.1 *Indemnities paid.* The amount paid as indemnity for domestic registered, insured, and c. o. d. mail will not exceed the maximum amount of indemnity prescribed in §§ 51.4, 52.2, and 53.2 of this chapter, for the fee paid. The following rules apply to payments by the Postal Service:

(a) When an article is lost or damaged so that it cannot be repaired, the market value of the article at the time of loss, or its value on the date of mailing if the date of loss cannot be ascertained, is paid.

(b) In case of partial damage, the amount of the damage, or the actual and necessary cost of repairs, is paid.

(c) Actual, direct, and necessary expenses of duplicating valuable papers, or original cost when not duplicated, is paid. Indemnity will not be allowed for attorneys' fees incurred in the duplication of valuable papers, bonds, or securities.

(d) An indemnity is paid for remittances not received for delivered c. o. d. articles.

(e) All claims for indemnity involving mail that is also insured with commercial insurance companies or other insuring agencies, will be adjusted by the Post Office Department on a pro rata basis as a coinsurer with the commercial insurance companies or other insuring agencies.

(f) When the sender is incompetent or deceased and has no legal representative or cannot be located, the Department reserves the right to pay indemnity to such relative or representative of the sender as may in its judgment be entitled to receive the amount due. The Department also reserves the right to pay the addressee or the owner of the matter mailed, when indemnity is claimed by him under these circumstances, without the consent of the sender.

(g) The postage (not the fee) paid on any article lost or totally damaged will be refunded.

(h) The total amount to be paid to the claimant (indemnity plus postage) will be included in one check, also any unearned special delivery or special handling charges.

(i) The indemnity limit for registered articles mailed to the Canal Zone from Alaska, Hawaii, and all island possessions of the United States is $100.

(j) In all claims involving insured mail, and those involving c. o. d. mail which was delivered to the addressee, the Federal or State sales tax on merchandise lost or irreparably damaged may be allowed, when claimed, within the limit prescribed for the fee paid.

(k) If no agreement is reached in the case of a conflicting claim, indemnity will be paid to such person as may legally be entitled to receive it.

§ 54.2 *Indemnities not paid.* No indemnity will be paid:

(a) For the loss, rifling, or damage to, any matter that was not rightfully in the mails, or in the registered, insured, or c. o. d. mails, or was not lost, rifled, or damaged while in the custody of the Postal Service, or for which other compensation or reimbursement has been made through the Postal Service.

(b) When the sender knowingly and willfully failed to state, at the time of mailing, the full value of registered or insured mail treated as registered mail, except that the Department may pay such indemnity as is considered equitable in the light of the evidence.

(c) For the loss or rifling of, or damage to, any article remailed after proper delivery, unless the article was reregistered or reinsured after delivery, and the evidence established that the loss, rifling, or damage occurred in the Postal Service.

(d) For indirect, remote, and unnecessary expenses incident to repairs, or duplication of papers, or for any consequential loss.

(e) For the loss or rifling of, or damage to, any article without intrinsic value.

(f) For loss resulting from delay to a registered article.

(g) For the loss or rifling of, or damage to, an article before acceptance or after proper delivery.

(h) For loss of or damage to any registered mail or insured mail treated as registered mail upon which postage, fee, or any required surcharge has not been paid.

(i) For damage to incandescent lamps, radio tubes, and the like, where the glass bulbs are intact (not damaged or broken), unless it is established that the damage was due to improper handling in the mails.

(j) For damage to articles that are so fragile as to prevent their safe carriage in the mails regardless of the packaging.

(k) If the receipt issued at the time of mailing of an insured parcel, or the wrapper of the article bearing names and addresses of sender and addressee and the endorsement that the mail was insured, is not submitted.

(l) For consequential loss resulting from nondelivery, wrong delivery, damage, or delay in dispatch, transmission, or delivery of any article as distinguished from the actual value of, or the cost of repairs to, the article itself.

(m) For death of baby poultry, honeybees, and harmless live animals, unless their death is the fault of the Postal Service.

(n) For abrasion, scarring, or scraping of suitcases, handbags, and the like, when they were not packaged.

(o) For the spoiling or deterioration of perishable matter because of delays beyond the control of the Postal Service.

(p) For the freezing, melting, spoiling, or deterioration of matter directly due to the temperature (natural or artificial) to which such matter may have been subjected while in the custody of the Postal Service, except that indemnity will be paid where such damage was directly due to the fault of the Postal Service.

(q) For spoiling of perishable matter when the parcel could not possibly have reached the addressee in good condition in the ordinary course of the mails.

(r) For the loss of or injury to any matter mailed in the execution of any fraudulent scheme or enterprise.

(s) For damage to fragile type phonograph records.

(t) For the amount of an agent's commission, as distinguished from the amount of deposit by the addressee on the contents of a c. o. d. parcel, included as a part of the charges thereon, usually involved in shipments by mail order companies.

(u) If claim is not made within 1 year from the date of mailing of the article, unless it is established to the satisfaction of the Department that the delay in filing the claim was unavoidable and not the fault of the claimant.

(v) For incidental first- or second-class matter enclosed in insured parcels sent by airmail.

§ 54.3 *Requests for payment of postal insurance*—(a) *Request forms.* You must use Form 565 to request payment for registered mail losses, and Form 3812 to request payment for insured and c. o. d. mail losses. Copies of these forms may be obtained from your local postmaster.

(b) *Where to file requests.* You may file Forms 565 and 3812 at any post office. They do not have to be filed at the office where the articles were mailed or the offices to which they were addressed.

(c) *Who may file requests.* Forms 565 and 3812 may be filed by the person or firm who mailed the article or by the person or firm to whom the article was mailed.

(d) *Waiting period before filing claim.* A reasonable time must have elapsed for the article to have been received by the addressee, taking into account that the mail may be held at the post office of address if undelivered for varying periods before return. These retention periods are governed by the sender's instructions on the article mailed. If no retention period was stated on the mail, the following periods, plus transportation time, must be observed before claim is filed:

(1) Registered mail: 10 days.
(2) Insured mail: 15 days.
(3) C. o. d. mail: 15 days.

(e) *Time limit for filing claim.* All claims must be filed within 1 year from the date of mailing of registered, insured, or c. o. d. articles.

§ 54.4 *Information required.* Evidence that the mail was registered, insured, or sent c. o. d. must be submitted with Forms 3812 and 565. This evidence is either:

(a) The receipt issued at the time of mailing, or

(b) The wrapper or envelope of the article bearing names and addresses of sender and addressee and the endorsement that the mail was sent registered, insured, or c. o. d.

§ 54.5 *Recovery.* When a lost registered, insured, or c. o. d. article is recovered, you must accept the article and reimburse the United States for the full indemnity paid if the article is undamaged, or such pro rata amount as may be determined equitable by the Post Office Department if the article is damaged or has depreciated in value, or if the contents are not intact.

PART 55—CERTIFICATES OF MAILING

Sec.
55.1 Purpose.
55.2 Fees.
55.3 Forms.
55.4 Additional certificates after mailing.
55.5 Payment and certification.

AUTHORITY: §§ 55.1 to 55.5 issued under R. S. 161, 396; 5 U. S. C. 22, 369.

§ 55.1 *Purpose.* Certificates of mailing furnish evidence of mailing only. A receipt is not obtained upon delivery of the mail to the addressee. The fee paid for certificates of mailing does not insure the article against loss or damage.

§ 55.2 *Fees*—(a) *Ordinary mail of any class.*

Original certificate: 3 cents for each piece of mail described.
Additional certificates (or copies): 1 cent for each piece of mail described.

(b) *Identical pieces of first- and third-class mail.*

Certificate covering:	Cents
1–200 pieces	10
201–1,000 pieces	15
Each additional 1,000 pieces, or fraction	3

When the time required by postal employees to make the count and issue the certificate is longer than 30 minutes, the fee charged will be based on the time consumed at an hourly rate of $1.62. The fee for additional (duplicate) certificates is 5¢ each.

(c) *Registered, insured, and c. o. d. mail.* No charge other than the prescribed registration, insurance, or c. o. d. fee is made for the original certificate. Each additional certificate will cost 1¢ for each piece of mail described.

§ 55.3 *Forms*—(a) *Who prepares.* (1) Certificates of mailing are prepared by the mailer, except mailers on rural routes. Individual and firm mailing book certificates must show the name and address of both the sender and the addressee, and may show the amount of postage paid. Identifying invoice or order numbers also may be placed on the certificate.

(2) Patrons of rural routes may deliver mail to the rural carrier together with the fee for the certificate. The carrier will obtain the certificate at the post office, attach the stamps, cancel them by postmark, and deliver the certificate to the sender on his next trip.

(b) *Individual certificates.* Form 3817 is used for an individual certificate for ordinary mail of any class.

(c) *Firm mailing books.* Firm mailing books Forms 3877 or 3877–A or forms printed at the mailer's expense may be used for certificates for three or more pieces of mail of any class presented at one time. Individual certificates may be obtained.

(d) *Bulk mailings.* Certificates for mailings of identical pieces of first- and third-class advertising matter are made on Form 3606. This is a certification that a specified number of pieces has been mailed.

(e) *Quantity mailings.* When the number of articles ordinarily presented justifies such action, mailers will be required to comply with the following:

(1) When individual certificates on Form 3817 are desired, the forms must either be fixed by the stub to the articles or the forms must be consecutively numbered and fastened together. If the certificates are numbered, the articles also should be lightly numbered at a uniform place to permit relating the parcels and certificates.

(2) When the articles are descriptively listed on firm mailing sheets or on special approved forms, they should, if practicable, be presented in the order in which they are entered on the sheets; otherwise, each entry must be consecutively numbered by the mailer, and the articles must be lightly numbered to show the sheet and line number on which they are described.

§ 55.4 *Additional certificates after mailing.* To obtain an additional certificate after mailing domestic ordinary mail, the sender must present the original certificate issued together with the additional certificate to be issued, the latter being endorsed "duplicate" or "copy." The additional certificate must show the dates of mailing of the matter involved, and will be postmarked to show the current date.

§ 55.5 *Payment and certification.* Mailers are required to fix uncanceled stamps or metered postage impressions to cover the fee for certificates of mailing. This will be canceled by the postmark of the mailing office. Signatures or initials of accepting employees are not required on Form 3817 or on firm mailing sheets when used as certificates of mailing for ordinary mail. The postmark shows the genuineness of the certificate. Form 3606 for bulk mailings will be certified by the postmaster.

PART 56—SPECIAL DELIVERY

Sec.
56.1 Description of special delivery.
56.2 Payment for special delivery.
56.3 Hours of delivery.
56.4 Delivery procedures.
56.5 Undelivered mail.
56.6 Acceptance by letter carriers and messengers.

AUTHORITY: §§ 56.1 to 56.6 issued under R. S. 161, 396, sec. 12, 65 Stat. 676; 39 U. S. C. 246f.

§ 56.1 *Description of special delivery*—(a) *Points of delivery.* Special-delivery mail is given immediate delivery at the office of address during prescribed hours to:

(1) Points within a radius of 1 mile of any post office, station, or branch.

(2) Points within the delivery limits of any post office having letter carrier service.

(3) Points within one-half mile of a rural route, if there is a passable road leading to the addressee's dwelling or place of business.

(b) *Transporting and delivering.* Special-delivery mail is handled and transported in the same manner and with the same expedition as first-class mail. Payment of a special-delivery fee does not insure safety of delivery or provide for the payment of indemnity. Money or other valuables sent special delivery should also be registered. Insured and c. o. d. mail may be sent special delivery.

§ 56.2 *Payment for special delivery*—(a) *Special-delivery fees.*

Class of mail	Weight		
	Not more than 2 pounds	More than 2 pounds but not more than 10 pounds	More than 10 pounds
	Cents	Cents	Cents
First class	20	35	50
All other classes	35	45	60

Special-delivery fees on airmail are chargeable according to the class of matter being transported.

(b) *Prepayment of fee.* Prepay special-delivery fee by special-delivery stamps or ordinary postage stamps. The special-delivery fee must be prepaid in addition to regular postage. Official matter in penalty or franked envelopes is not entitled to free special delivery, except urgent official communications of the Post Office Department.

(c) *Insufficient postage*—(1) *Letters.* The failure of the sender to place the correct postage on a special-delivery letter will not hinder or delay the transmission and special delivery of the letter. Postage due will be collected as provided in subparagraph (4) of this paragraph.

(2) *First-class mail other than letters.* First-class mail other than letters, when prepaid one full rate by stamps in addition to the special-delivery stamp, is dispatched and postage due will be collected as provided in subparagraph (4) of this paragraph. Matter with postage wholly unpaid, although bearing a special-delivery stamp, will be held for postage.

(3) *Second-, third-, and fourth-class mail.* Insufficiently prepaid matter of the second, third, or fourth class, although bearing a special-delivery stamp, is held for postage, provided that when through error a third- or fourth-class parcel prepared for special delivery is partly but not fully prepaid, and it is not practicable to collect the deficiency from the sender without delaying the parcel, it is rated with the amount due and dispatched.

(4) *Postage-due collections.* Postage due on special-delivery matter is collected on delivery. The regular first-class rate of postage is required on special-delivery first-class letters weighing 1 ounce or less when sent without prepayment of postage. On first-class letters weighing more than 1 ounce and sent without prepayment of postage, the deficient postage at the regular rate, plus an additional charge of 1 cent for each ounce, computed on the unpaid weight, is collected on delivery. All other special-delivery mail that reaches its destination with no prepayment of postage is charged with postage due at double rates.

§ 56.3 *Hours of delivery*—(a) *Weekdays.* Special delivery is made at city-delivery offices from 7 a. m. to 11 p. m. and at all other post offices from 7 a. m. to 7 p. m. and after the arrival of the last mail if that is not later than 9 p. m. Later hours for delivery may be fixed in particular cases.

(b) *Sundays and holidays.* Special delivery is made at first- and second-class offices on Sunday and at other offices if the mail or mails arrive between the closing hour on Saturday and 6 p. m. on Sunday. Special delivery is made at all offices on holidays.

§ 56.4 *Delivery procedures*—(a) *To whom delivery may be made.* Ordinary special-delivery mail is delivered to the addressee or to anyone authorized to receive his mail. At letter-carrier offices, special-delivery mail, other than registered and insured, addressed to a post office box, or to the general delivery, is delivered to the box or held for delivery through the general delivery window, unless the addressee has given written notice that such mail be delivered to his residence or place of business. When special-delivery mail is received at a letter-carrier office addressed to a street address and the addressee usually receives his mail through a post office box or through the general-delivery window, the mail is delivered as addressed, unless the addressee files a written notice directing delivery to his box or through the general-delivery window. At offices not having letter-carrier service, all special-delivery mail is delivered to the residence or place of business of the addressee, unless the addressee files a written request that such mail be deposited in his post office box or held for delivery through the general-delivery window.

(b) *Delivery in mail receptacles.* When no one is at the address to receive mail, the messenger, if he can determine that the occupants are absent for not more than 1 day, will leave the mail and a notice on Form 3955.

(c) *Notice of attempted delivery.* When mail cannot be delivered as described in paragraph (b) of this section, the notice Form 3955, left under the door or in the receptacle, will state where the special-delivery mail is being held, the name of the addressee, the messenger's number, the date, and whether it is registered, insured, c. o. d., or marked or known to be perishable.

(d) *Delivery to rural boxes.* Special-delivery mail for an addressee who lives more than one-half mile from the rural route is delivered to his box. If he lives within one-half mile of the route and delivery cannot be made to his residence or place of business, it is deposited in his box, and a notice of non-delivery on Form 3955 is left at his residence or place of business. (See § 46.3 (b) of this chapter for parcels that are too large for the box.)

(c) *Delivery to general delivery.* Special-delivery mail addressed to a post office box, or to the general delivery, is delivered to the box or held for delivery through the general delivery window, unless the addressee has given written notice that such mail be delivered to his residence or place of business. When special-delivery mail is received at a letter-carrier office addressed to a street address and the addressee usually receives his mail through a post office box or through the general-delivery window, the mail is delivered as addressed, unless the addressee files a written notice directing delivery to his box or through the general-delivery window. At offices not having letter-carrier service, all special-delivery mail is delivered to the residence or place of business of the addressee, unless the addressee files a written request that such mail be deposited in his post office box or held for delivery through the general-delivery window.

(d) *Delivery to rural boxes.* Special-delivery mail for an addressee who lives more than one-half mile from the rural route is delivered to his box. If he lives within one-half mile of the route and delivery cannot be made to his residence or place of business, it is deposited in his box, and a notice of non-delivery on Form 3955 is left at his residence or place of business. (See § 46.3 (b) of this chapter for parcels that are too large for the box.)

§ 56.5 *Undelivered mail.* Special-delivery mail that cannot be delivered as addressed is returned to the sender, unless he has requested that it be forwarded. Special-delivery mail addressed to a person who has left no forwarding address is returned to the sender.

§ 56.6 *Acceptance by letter carriers and messengers.* Letter carriers and messengers are not required to accept special-delivery mail for delivery at points beyond the limits of the delivery service.

(e) *Military posts and camps.* No special-delivery service is provided by military personnel at military posts and camps. Special delivery by messenger is made only to addresses such as officer's homes, headquarters, hospitals, and other places where it is definitely known that delivery can be made.

(f) *Forwarded special-delivery mail.* Special-delivery mail that is forwarded is not entitled to special delivery at the second office, unless a forwarding order had been given by the addressee at the office of original address in advance of the arrival of the mail. Registered mail will not be forwarded without authority as explained in Part 51 of this chapter.

§ 56.5 *Undelivered mail.* Special-delivery mail is not delivered in receptacles, left under the door, or delivered a second time if the mail bears a specific request that it be returned to the sender if prompt delivery cannot be made. Special-delivery mail that cannot be delivered is treated the same as other undeliverable matter.

§ 56.6 *Acceptance by letter carriers and messengers.* Letter carriers, whether assigned to delivery or collection duty, and special-delivery messengers, will accept prepaid matter bearing a special-delivery stamp handed to them on their trips, and deliver it to the proper clerk immediately upon their arrival at the post office. Letter carriers will not turn over local matter for special delivery directly to messengers.

PART 57—SPECIAL HANDLING

Sec.
57.1 Description of special handling.
57.2 Special-handling fees.
57.3 Marking of parcels.
57.4 Forwarding.

AUTHORITY: §§ 57.1 to 57.4 issued under R. S. 161, 396, sec. 204, 62 Stat. 1262, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 245f, 292a.

§ 57.1 *Description of special handling.* Special-handling service is available for fourth-class mail only including that which is insured or sent c. o. d. It provides the most expeditious handling, dispatch, and transportation available, but does not provide special delivery. Special-handling parcels are delivered as parcel post is ordinarily delivered, on regular scheduled trips. The special-handling fee must be paid on all parcels that must be given special attention in handling, transportation, and delivery, such as parcels containing baby chicks or other baby poultry, package bees carried outside mail bags, baby alligators, etc.

§ 57.2 *Special-handling fees.*

Weight:	Fee (cents)
Not more than 2 pounds	15
More than 2 pounds but not more than 10 pounds	20
More than 10 pounds	25

The special-handling fee is in addition to regular fourth-class postage, and may be prepaid by special-handling stamps or by ordinary postage stamps.

§ 57.3 *Marking of parcels.* The words "Special Handling" should be marked or stamped immediately above the name of the addressee.

§ 57.4 *Forwarding.* Parcels undeliverable as originally addressed and forwarded to the addressee at a new address are given special handling without requiring an additional special-handling fee. Additional postage at the regular fourth-class rate is collected on delivery.

Subchapter G—Nonmail Services

PART 61—MONEY ORDERS

Sec.
61.1 How to buy a domestic money order.
61.2 How to buy an international money order.
61.3 How to cash a money order.
61.4 Lost or damaged money orders.

AUTHORITY: §§ 61.1 to 61.4 issued under R. S. 161, 396, 4027, secs. 304, 309, 42 Stat. 24, 25, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 245f, 711.

§ 61.1 *How to buy a domestic money order*—(a) *Where to buy.* You may buy domestic money orders at all post offices, branches, and stations in the United States and its possessions, except for certain offices in Alaska. You may also buy international money orders at most of these offices and stations. Money order facilities are also provided for members of the Armed Forces of the United States. Special procedures for rural patrons are explained in paragraph (e) of this section.

(b) *Money order fees.*

Amount of money order	Amount of fee	
	Domestic	International
$0.01 to $5	$0.10	$0.20
$5.01 to $10	.15	.30
$10.01 to $50	.25	.50
$50.01 to $100	.35	.70

(c) *Making application*—(1) *Application form.* To buy a money order you must obtain an application, Form 6001, at any post office. Enter on this form:

(i) The amount.

(ii) The name and address of the person (payee) to whom the order is to be made payable.

(iii) The name and address of the purchaser (or purchasers).

Business concerns who wish to include money order applications with advertising matter to their customers may obtain them through their local postmaster.

(2) *To whom payable.* Money orders may be made payable:

(i) To yourself, if desired.

(ii) To only one firm or person, by complete name. Don't put the name "Smith" for an individual. But you may address "Smiths" if it is the name of a company or firm.

(iii) To payees (the persons to whom payable) by their official titles. For example, you can designate: Cashier, First National Bank; Superintendent of Insurance, New York State; Director of Internal Revenue, Baltimore.

(iv) To persons who have adopted a name in a religious order, such as Sister Theresa, or Brother Joseph.

(3) *Identifying data.* Always add your insurance account, policy number, or other identification to help speed payment. Designate government agencies directly, as: Director of Internal Revenue; Superintendent of Documents; Veterans Administration.

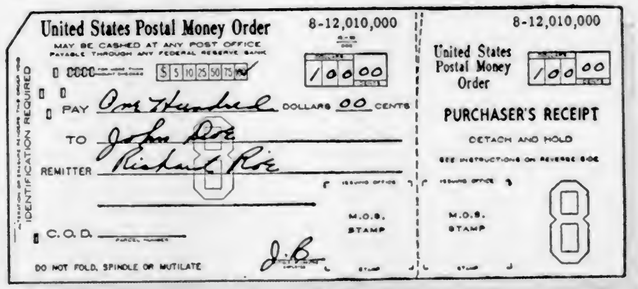
(4) *Money order amounts.* The maximum amount for a single money order is $100. There is no limitation on the number of orders that may be purchased at one time, except when the Department may require temporary restrictions.

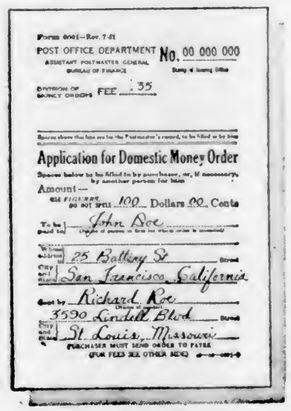
(5) *Paying for your money order.* Money order fees are stated in paragraph (b) of this section. Pay for your money order in American money. You cannot use promissory notes in payment. Post offices may accept, from a person whose endorsement is acceptable, a Federal Government check in payment of a money order. Post office personnel are not required to accept personal checks in payment of money orders.

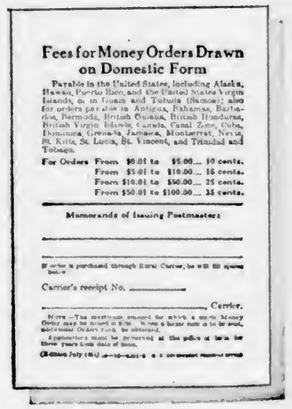
(d) *Errors and alterations.* Make sure that the money order you receive agrees with the application form you submitted. If you discover an error, request that another order be issued to you. Never make an alteration on a money order. That could make it invalid. If you must return a money order after it has been issued and made a matter of record, your postmaster will issue a new one. If he was at fault, no fee will be charged for the new one.

(e) *Procedures for rural patrons*—(1) *Application form.* Obtain an application from your rural carrier. You will be given a numbered receipt when you return the completed application form with the money. If the carrier cannot give you the correct change in payment, he is authorized to meet you on his next trip or to place the change in a special envelope and place it in your rural box. Never deposit money in your rural box. You do so at your own risk. When carriers do find money in a box with a completed application, Form 6001, they will take it to their post office for issue of the money order. Carriers will deliver money orders to patrons on their next regular trip with the receipt attached.

(2) *Requesting the mailing of order to payee.* If you want the money order mailed to the payee, instruct the carrier to deliver an addressed envelope, furnished by you with appropriate postage, to the post office. The carrier will enclose the money order and mail the envelope. No fee or charge is required for this service. The rural carrier will not give you the receipt, since he has previously given one to you at the time the application was received with the money.







§ 61.2 *How to buy an international money order*—(a) *Where to buy.* You may buy an international money order at almost all first-class post offices. Some second-, third-, and fourth-class post offices have also been designated to provide this service. International money orders will be issued to addressees in those countries that have agreed with the United States to conduct such business.

(b) *Making application.* (1) Apply for an international money order on Form 6701.

(2) For some countries, you use the same form as for a domestic money order. Your post office will advise you. Canada, Cuba, Canal Zone, Bermuda and Trinidad are in this category.

(3) For money order service to European, African, and Asiatic countries, use the international money order form. In some cases, the order is written in foreign currency. In most cases, the amount is written in United States dollars and converted into foreign currency in the country where payable.

(4) You must use Form 6083, written in the foreign language, when you send money orders payable in Greece, Lebanon, Syria and Yugoslavia. Money orders payable through Japan, when the purchaser and payee are Chinese, Japanese, or Korean, follow the same method.

(5) When the international money order form is used, you will be given a receipt. The postmaster will arrange for sending the order abroad.

(6) You must state the following details in your application regarding the payee: full name, exact address, name of city, town, or village; name of the canton, department, or district as the case may be. If the payee is a woman, state whether single, married, or a widow.

(7) The amounts of orders sent on the international form may not be repaid to you here until the foreign postal department authorizes such action.

§ 61.3 *How to cash a money order*—(a) *Time limits.* You must cash a money order within 1 year from the last day of the month in which it was issued. For example, a money order purchased on October 2 of one year must be cashed on or before October 31 of the next year. To obtain payment of a money order that is more than 1 year old, consult your local postmaster.

(b) *Where to cash.* (1) You may cash a domestic or international money order at full face value in American money at any post office, station, or branch.

(2) If you are a patron of a rural route, your rural carrier will cash your money order. You must endorse it in his presence. No fee or compensation is required for this service.

(c) *Signature requirements*—(1) *Acceptance of signature.* The paying post office may accept any signature of the payee, remitter, or endorsee that is not different from the name given on the order.

(2) *Signature by mark.* Patrons who cannot write must use a mark. Marks (usually X) must be witnessed by someone who is not a post office employee.

(3) *Signature by firms, organizations, and their representatives.* All money orders payable to a business firm, an organization, society, institution, or government agency must be signed in the name of the organization by a representative authorized to do so. It may be necessary for such authority to be presented and filed. The representative must also sign with his own name and organizational title. If drawn in favor of an official by name and presented by a successor, the latter must sign as follows: "William Jones, Treasurer, successor to George Thompson."

(4) *Use of titles.* Use of such titles as "Dr., Rev., Prof., Madam, Mrs., M. D.," or "D. D. S.," are not required in signing a money order for payment, whether or not such title is used on the face of the money order.

(5) *Stamped signatures.* A stamped signature is acceptable as an endorsement on a money order when drawn in favor of a firm, corporation, association, society, or individual, provided the money order is presented to a bank for payment. A post office will also accept stamped signatures, provided an agreement is filed in advance regarding the responsibility for the correctness of such payments.

(d) *Identification.* You must be able to prove your identity if you want your money order cashed. Your driver's permit, military identification card, or similar items are helpful in establishing identity.

(e) *Payment of orders to other than payee*—(1) *Transfer of money order*—(i) *By purchaser or payee.* The payee or purchaser of a money order may endorse it to any other person or firm.

(ii) *On power of attorney.* A person with a power of attorney may cash money orders in behalf of the payee who gave him that authority. The power of attorney must be filed at the office of payment.

(iii) *On separate written order.* You may file a separate written order with the post office authorizing payment to another person. Such a person must be designated by name as the one to receive payment.

(2) *Upon assignment.* When a payee, such as an individual or firm, makes an assignment, and intends that money orders be paid to the assigned person, he must file a power of attorney or a written order in the post office. The person designated to receive payment must receipt the money order and indicate below his signature the capacity in which he acts.

(3) *On death of payee.* A money order belonging to a deceased owner may be paid or repaid to the executor or administrator of the estate appointed by the court. A certified copy of the appointment as executor or administrator must be filed with the local postmaster. Payments will be made in accordance with the laws of the State of which the deceased was a resident.

(4) *To a concern no longer in business.* Money orders will be paid to the legal representative of a firm, association, or company that has ceased to exist.

(5) *To a committee or a guardian.* Money orders will not be paid to a ward when declared incompetent by a court. They will be paid only to the committee, guardian, or other duly authorized person.

(6) *To minors.* A money order payable to a minor may be paid to the father or mother as natural guardian unless prohibited by court order.

(f) *When orders will not be paid*—(1) *When there is a second endorsement.* A money order with more than one endorsement is invalid. Consult your local post office for proper procedure to obtain a duplicate.

(2) *When there is a question on a c. o. d. parcel.* No payment will be made when a money order has been issued in return for a c. o. d. parcel, and is presented by the addressee (purchaser) and the money order has not been endorsed by the payee (shipper) or the payee has not expressly authorized payment to the purchaser by written approval.

(g) *Non-payment because of fraud*—(1) *Stop payment.* If you are the purchaser and you have proof that the order was purchased because of false representations or other fraudulent action of the payee, or that the payee is engaged in conducting a scheme or device for obtaining money fraudulently through the mails, you may request the post office to withhold payment. The post office will take appropriate action in such matters.

(2) *When payments are forbidden.* Your post office will not make payments under any circumstances when an order has been issued by the Postmaster General forbidding payment of money orders to any person or firm.

§ 61.4 *Lost or damaged money orders*—(a) *When you lose a money order.* A money order that is lost within 1 year from the last day of the month of issue will be replaced without charge by the Post Office Department. Make application through your local postmaster.

(b) *Making application.* The postmaster at the issuing office will wait 36 days after the date of the issue of the original order before forwarding the application for the duplicate, except that an application may be accepted, certified, and forwarded at once if the person in whose favor the application is made executes Indemnity Bond, Form 6116. The Indemnity Bond must be in an amount not less than that of the money order, conditioned on refund if after payment of the duplicate a valid claim is presented.

(c) *Consent of payee or endorsee.* Where a money order has been endorsed, the consent of the payee or the endorsee must be obtained before a duplicate can be issued. In the case of a money order lost before endorsement, a duplicate will be issued to the payee upon application. A duplicate will be issued to the remitter on consent of the payee, or endorsee if any. When a waiver of claim is shown on the application form for a duplicate, Form 6402, the payee's or endorsee's signature must be certified by his local postmaster. Where the payee or endorsee is deceased, his legal representative must sign the form and also produce necessary authority that he properly acts in that capacity.

(d) *When original order is not available.* If the original order is not available, the local post office will send your application to the issuing post office for processing.

(e) *Payment of duplicate orders.* A duplicate money order will be paid at any post office under the same conditions governing the payment of the original money order.

PART 62—NON-POSTAL STAMPS, AND BONDS

Sec.
62.1 Documentary internal revenue stamps.
62.2 Migratory-bird hunting stamps.
62.3 United States savings stamps.
62.4 United States savings bonds.

AUTHORITY: §§ 62.1 to 62.4 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 245f, 711.

§ 62.1 *Documentary internal revenue stamps.* You may purchase documentary internal revenue stamps at all first- and second-class post offices, and at third- and fourth-class offices located in county seats.

§ 62.2 *Migratory-bird hunting stamps*—(a) *Availability.* You may purchase migratory-bird hunting stamps at all first- and second-class post offices, and at certain designated third- and fourth-class offices where there is a demand for them.

(b) *Price.* Migratory-bird hunting stamps cost $2 each.

§ 62 3 *United States savings stamps*—(a) *Availability.* You may purchase United States savings stamps at any post office where there is a demand for them. Postmasters sell savings stamps to business houses, schools, institutions, or other organizations that desire to purchase them for resale, but do not extend any savings-stamp credits.

(b) *Denominations.* Savings stamps are furnished in sheets in denominations of 10, 25 and 50 cents, and $1 and $5. The 10-cent and 25-cent stamps are also available bound in books. Books of fifty 10-cent savings stamps sell for $5 and books of forty 25-cent stamps for $10.

(c) *Savings-stamp albums.* Savings stamps will not be redeemed until stuck in an album of the appropriate denomination. You may obtain savings-stamp albums for each denomination free from the postmaster.

(d) *Payment to bearer.* Savings stamps are transferable, and are payable to bearer at any post office. Savings stamps will be redeemed for cash when presented by banks and other institutions that have accepted them in payment for United States savings bonds.

(e) *Mutilated stamps.* (1) The postmaster will accept at face value any savings stamp that has been torn, burned, or badly mutilated, when one or more fragments can be identified as constituting clearly more than one half of the same stamp. If the fragment or fragments are not so identifiable, send them (with the entire album, if the stamp had been stuck in an album before it was mutilated) to the Treasurer of the United States, Washington 25, D. C.

(2) If stamps have adhered to each other so that they cannot be separated and their value determined (which can usually be done by soaking the stamps in warm water), forward them to the Treasurer of the United States.

§ 62.4 *United States savings bonds*—(a) *Availability.* The Post Office Department acts as agent of the Treasury Department for the sale of Series E United States savings bonds at post offices in communities where no banks sell the bonds or where there are no other issuing agents.

(b) *Denominations.* Savings bonds are sold in denominations of $25, $50, $100, $200, $500, and $1,000 maturity value and in registered form only. The purchase price is 75 percent of the maturity value.

(c) *Purchase.* Application for U. S. Savings Bonds, Form 920, is supplied by the postmaster. State on the form, by denomination, the number of bonds applied for, the total amount of the purchase, and the name and address to be inscribed on the face of the bond. Form 920 may also be used in applying for bonds by mail to a Federal Reserve bank or the Treasury Department.

(d) *Errors on bonds.* If an error is discovered on a bond after it is issued, return the bond to the postmaster for correction. If returned during the month of issue and if the error was made by the postmaster, he will issue a new bond in its stead. If the bond is returned after the month of issue, or if the error was not the fault of the postmaster, he will give a receipt for it and forward it to Washington for reissue.

(e) *Safekeeping.* The postmaster will assist owners in arranging with Federal Reserve banks for the safekeeping of bonds, but will not act as safekeeping agent. Form PD 1423, used for this purpose, is available at the post office.

(f) *Certification for payment.* Postmasters do not cash savings bonds but will certify them for payment if sufficient identification is furnished and if the bonds are to be forwarded by the owner to a Federal Reserve bank or to the Treasurer of the United States for payment.

PART 63—POSTAL SAVINGS

Sec.
63.1 Purpose.
63.2 Accounts.
63.3 Deposits.
63.4 Ownership.
63.5 Interest.
63.6 Withdrawals.
63.7 Privacy of accounts.
63.8 Nuisance accounts.
63.9 Claims.

AUTHORITY: §§ 63.1 to 63.9 issued under R. S. 161, 396, sec. 1, 36 Stat. 814, as amended, secs. 304, 309, 42 Stat. 24; 5 U. S. C. 22, 369, 39 U. S. C. 951.

§ 63.1 *Purpose.* The Postal Savings System was established to provide facilities for the deposit of savings at interest with the security of the United States Government for repayment. The Postmaster General selects and designates post offices that are to be postal savings depositories.

§ 63.2 *Accounts*—(a) *Who may open*—(1) *Persons.* Any person 10 years of age or over may open a postal savings account in his or her own name. Accounts are opened in the names of individuals only. No person is permitted by law to have more than one postal savings account at the same time in his own right. A married woman may open an account in her own name, and free from any control or interference by her husband. Joint accounts may not be opened nor may a beneficiary be named.

(2) *Officials.* Officers and agents in charge of bankrupt funds may deposit them without limit in postal savings depositories in cases where local banks are unable or unwilling to give the required security.

(b) *How to open an account*—(1) *In person.* To open an account, apply in person at a depository post office.

(2) *Through a representative.* If, because of infirmity or for other reason, you are unable to appear in person, you may apply through a representative.

(3) *By mail.* If you live in a community where there is no postal savings depository, you may apply at any post office to open an account by mail at a depository post office. The money to be deposited must accompany the application, preferably by money orders, but if in cash by registered mail. The depository postmaster will issue certificates in the amount requested and mail them to you.

(4) *Identification data.* You are required to furnish information to be used in identifying yourself when the certificates are presented for payment and may be required to furnish fingerprints.

(5) *Signature.* If you usually sign your given name or names by initials, your full name must be written on the form and the application signed twice, first using your full name and then your initials or initial in the manner in which you wish the account to be maintained and certificates issued.

(c) *Record of account*—(1) *Form.* When you open an account, a card record is established, a number assigned the account, and the record maintained as the official record of the account at the office where opened.

(2) *Name.* Your name is entered on the account card in the manner in which the account is to be maintained and certificates issued.

(3) *Change in name.* A woman who marries after opening an account, or a depositor whose name is changed by court order, should so inform the postmaster and present all outstanding postal savings certificates to him. The depositor will be required to sign the new name on the record of the account, and the postmaster will annotate the certificates to show the new name. Until the depositor presents his or her certificates for proper notation, the postmaster, if aware of the change of name by marriage or by court order, will receive no further deposits for the account nor make any partial or interest payments but will make full payment to close the account if satisfied as to the depositor's identity.

(4) *Entries.* The amount of each deposit, the amount of each withdrawal and the balance on deposit are entered on the record.

(d) *Maximum balance.* The maximum balance permitted, exclusive of accrued interest, is $2,500, except for deposits of bankruptcy funds, where there is no limit.

§ 63.3 *Deposits*—(a) *Amount.* Deposits must be made in whole dollar amounts only.

(b) *Evidence of deposit*—(1) *Issuance of certificates.* Deposits are evidenced by nontransferable and nonnegotiable certificates of deposit in fixed denominations of $1, $5, $10, $20, $50, $100, $200, $500, $1,000, and $2,500. Certificates are delivered to depositors when issued, and postmasters are not authorized to accept them after issue for safekeeping.

(2) *Correction of errors.* If an error is found in a certificate after issue, the depositor should advise the issuing postmaster. The postmaster will give the depositor a receipt for the certificate, and forward the certificate to the Department for correction of the error.

(3) *Replacement.* A depositor should advise the postmaster at the office where his account is held when any of his certificates are lost, stolen, destroyed, or improperly withheld. The postmaster will furnish the depositor with an application, Form PS 607, for replacements and will transmit the completed application to the Department. If approved, new certificates identical with the originals but marked "Reissued" will be issued. If a certificate is found after it has been reissued, it must be surrendered to the depository postmaster.

§ 63.4 *Ownership.* The determination of any court of competent jurisdiction, unless appealed, is accepted as conclusive of title to postal savings accounts, and payment in accordance with such determination operates as a full and complete discharge of the United States from any further claim. An authenticated copy of the court determination must be submitted to the post office.

§ 63.5 *Interest*—(a) *Rate.* Interest is payable at 2 percent per year, except in Mississippi where the rate is 1½ percent.

(b) *Start.* Deposits begin to earn interest on the first day of the month following the date of deposit.

(c) *Compound interest.* Interest is compounded annually on whole dollar amounts on certificates issued on or after September 1, 1954.

(d) *Simple interest.* Certificates surrendered between annual periods, or for periods of less than 1 year, earn simple interest computed quarterly. Deposits made before September 1, 1954, earn simple interest until the certificates are surrendered or exchanged.

(e) *Collection.* The interest that accrues during any quarter is payable on or after the first day of the next quarter and may be collected by surrendering the certificate at the office of issue. However, the interest date for the certificate evidencing the redeposit will be the first day of the succeeding month.

(f) *Taxation.* Interest credited to postal savings accounts on moneys deposited on and after March 1, 1941, is not exempt from Federal income taxes, but interest credited to postal savings accounts on moneys deposited prior to March 1, 1941, is wholly exempt from Federal income tax.

§ 63.6 *Withdrawals*—(a) *On demand at office of issue.* You may withdraw on demand all or any part of funds deposited at the office of issue. If a withdrawal is made within 1 month from the date of issue as shown on the certificate, a service charge of 10 cents will be made for each certificate regardless of denomination.

(b) *In person.* Present the certificates you want paid at the office of issue and, if the postmaster is satisfied as to your identity, you will receive immediate payment (unless the amount is large and the postmaster has to obtain the necessary funds).

(c) *Through a representative.* If you are unable to appear in person, you may designate a representative to make a withdrawal. When it has been shown to the postmaster's satisfaction that you cannot appear in person, he will furnish the necessary blank order form. When the executed order and endorsed certificates are presented to the postmaster, he will make payment if satisfied as to your identity and that of your representative.

(d) *Powers of attorney.* Powers of attorney in connection with the withdrawal of postal savings funds will be accepted only when executed by members of the Armed Forces of the United States serving abroad and must be accompanied with a statement from the attorney-in-fact that the depositor is still living and is stationed outside the United States. The papers will be submitted by the postmaster to the Department for approval and no payment will be made until he has received approval.

(e) *By mail.* You may withdraw by mail, using Form PS 315, which will be furnished by the postmaster. The completed form and endorsed certificates must be mailed to the postmaster who, if satisfied as to your identity, will effect payment.

(f) *Withdrawal of bankruptcy funds.* Certificates must be endorsed by the depositing officer or agent (or his successor, whose appointment must be evidenced by a court order), and in addition may be countersigned by another individual in his representative court capacity if it is the requirement of the referee having jurisdiction over the funds in question. If the amount is unusually large, the postmaster will need time to obtain the necessary funds.

(g) *Deceased depositors*—(1) *Accounts of $20 or less.* A postmaster may, without specific authority, pay an account of $20 or less to the following upon presentation of proper evidence and written request by the applicant.

(i) Administrator or executor.

(ii) An entitled distributee or legatee on behalf of other distributees or legatees under a decree of distribution.

(iii) Surviving spouse, child, or parent, in the order named, or in the absence of any one of these, a brother or sister, if no administration on the depositor's estate has been asked for or granted.

(iv) The undertaker or other preferred creditor in the absence of administration or next of kin.

(2) *Accounts not requiring administration.* If a depositor dies intestate and

the amount on deposit is small ($500 or less, except when the laws of the State in which the money is deposited provide either specifically or by court decision for the payment of a larger amount without administration), the next of kin or the person who paid the funeral expenses may apply for payment.

(3) *Accounts requiring administration.* When the amount on deposit is such that more than $500 will be available for distribution to heirs after allowing for payment of preferred claims, the amount due a deceased depositor in the final settlement of his account will be payable only to the legal representative appointed under the laws of the State in which the money is deposited, unless administration is not required by such State laws. Proper authority of the legal representative must be presented to the postmaster where the account is held.

(b) *Incompetent depositors.* In cases of mental disability or other legal incompetence of a depositor, other than minority, the amount on deposit will be payable to the guardian, committee, conservator, or other legally appointed representative upon presentation of proper evidence of appointment. In cases where the depositor has been judicially declared incompetent and no guardian or other legal representative has been appointed and the gross value of the incompetent's estate is sufficiently small, application for withdrawal may be made by a State official or a member of the family if permissible under the laws of the State where the account is held.

§ 63.7 *Privacy of accounts.* Postmasters and postal employees shall not disclose the name of any postal savings depositor nor give any information concerning a particular account to any person other than the depositor himself without specific authority, except that the balance on deposit may be given in the following circumstances:

(a) When a depositor is deceased or has been adjudged mentally incompetent, the information may be furnished to the duly appointed legal representative or next of kin.

(b) Upon the request of any State or county supervisor of old-age or unemployment assistance established pursuant to the Social Security Act, if the supervisor states he believes the applicant may have a postal savings account.

(c) When the applicant for relief has given written permission to representatives of relief agencies not connected with the Social Security Act, if the relief supervisor states he believes the applicant may have a postal savings account.

§ 63.8 *Nuisance accounts.* Accounts persistently showing a rapid turnover of deposits or which are intended to serve as a safe place in which to leave funds for brief periods or which otherwise indicate an unreasonable use of postal savings facilities are considered nuisance accounts. Postmasters are authorized to notify holders of such accounts that, unless they make a more conservative use of the Postal Savings System, they will refuse further deposits. If a depositor does not comply with the request, the postmaster may refuse to accept further deposits. The postmaster may also refuse to open a new account if it is known that an applicant had previous accounts at the office that were nuisance accounts.

§ 63.9 *Claims.* When there is any dispute as to ownership, or a claim by other than the depositor is made for payment of a postal savings account, the postmaster will withhold payment of withdrawals from the account involved pending instructions from the Post Office Department in Washington.

Subchapter H—Transportation of the Mails

PART 92—TRANSPORTATION OF THE MAILS BY RAILROADS

PART 93—TRANSPORTATION OF THE MAILS BY URBAN AND INTERURBAN ELECTRIC RAILWAY COMMON CARRIERS

PART 94—MAIL-MESSENGER SERVICE

PART 96—AIR MAIL SERVICE

NOTE: Parts 92, 93, 94, and 96 are retained without change in this revision. See 39 CFR 1949 Ed. and Supp.

Subchapters I–J [Reserved]

Subchapters K–T—International Mail

Subchapter K—Postal Union Mail

PART 100—POSTAL UNION ARTICLES

Sec.

100.1 Services available and airmail rates.

100.2 Index of countries.

AUTHORITY: §§ 100.1 and 100.2 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943, 5 U. S. C. 22, 369, 372.

§ 100.1 *Services available and airmail rates.*

(See Index of Countries in § 100.2 for destinations not specified in table)

COUNTRY	Letters and letter packages, per ½ ounce	Air letter sheets and post cards	Other Postal Union articles: First 2 ounces	Other Postal Union articles: Additional 2 ounces	Registration (fee)	8-ounce merchandise packages	Small packets	Special delivery	Dutiable articles (merchandise) prepaid at letter rate	Combination packages
Key to symbols: ×=No service. ✓=Accepted. *=Accepted at risk of sender. —=Airmail letter rate applies.										
Aden	$0.25	$0.10	—	—	$0.55	×	✓	×	✓	×
Afghanistan	.25	.10	—	—	.55	×	✓	×	✓	×
Albania	.15	.10	—	—	.55	×	✓	×	✓	×
Algeria	.15	.10	$0.48	$0.28	.55	×	✓	×	✓	×
Andorra	.15	.10	.45	.25	.55	×	✓	×	✓	×
Anglo-Egyptian Sudan	.25	.10	—	—	.55	×	✓	×	✓	×
Argentina	.10	.10	.58	.38	.40	✓	✓	✓	✓	×
Ascension	.15	.10	—	—	.55	×	✓	×	✓	×
Australia	.25	.10	.84	.63	.55	×	✓	[1] ✓	✓	×
Austria	.15	.10	.45	.21	.55	×	✓	[2] ✓	✓	×
Azores	.15	.10	.41	.20	.55	×	✓	×	[3] ✓	×
Bahamas	.10	.10	.28	.07	.55	×	✓	✓	✓	×
Barbados	.10	.10	.38	.17	.55	×	✓	✓	✓	×
Bechuanaland Protectorate	.25	.10	.68	.47	.55	×	✓	×	✓	×
Belgian Congo	.25	.10	.59	.38	.55	×	✓	×	✓	×
Belgium	.15	.10	.42	.21	.55	×	✓	×	✓	×
Bermuda	.10	.10	.27	.06	.55	×	✓	×	✓	×
Bolivia	.10	.10	.40	.20	.40	✓	•	×	✓	×
Brazil	.10	.10	.55	.35	.40	✓	✓	✓	✓	×
British Cameroons	.25	.10	—	—	.55	×	✓	×	✓	×
British Guiana	.10	.10	.40	.19	.55	×	✓	✓	✓	×
British Honduras	.10	.10	.30	.10	.55	×	✓	[4] ✓	✓	×
Brunei	.25	.10	—	—	.55	×	✓	×	✓	×
Bulgaria	.15	.10	—	—	.55	×	✓	×	✓	×
Burma	.25	.10	.90	.70	.55	×	✓	×	[5] ✓	×
Cambodia	.25	.10	—	—	.55	×	✓	×	[5] ✓	×
Canada	[6] .06	(7)	—	—	[8] .55	✓	✓	[9] ✓	✓	×
Cape Verde Islands	.25	.10	—	—	.55	×	✓	×	✓	×
Ceylon	.25	.10	.69	.49	.55	×	✓	×	✓	×
Chile	.10	.10	.48	.28	.40	✓	✓	✓	✓	×
China	.25	.10	.65	.45	[10] .55	×	✓	[11] ✓	×	×
Colombia	.10	.10	.39	.19	.40	✓	✓	×	[11] ×	×
Corsica	.15	.10	—	—	.55	×	✓	✓	✓	×
Costa Rica	.10	.10	.34	.14	.40	✓	✓	×	✓	×
Cuba	.10	.10	.28	.07	.40	✓	✓	×	✓	×
Cyprus	.25	.10	—	—	.55	×	✓	[12] ✓	✓	×
Ivory Coast	$0.25	$0.10	—	—	$0.55	×	✓	×	✓	×
Jamaica	.10	.10	$0.30	$0.10	.55	×	✓	×	✓	×
Japan	.25	.10	.65	.45	.55	×	✓	✓	✓	×
Jordan (Hashemite Kingdom)	.25	.10	—	—	.55	×	✓	[13] ✓	✓	×
Kenya and Uganda	.25	.10	.65	.45	.55	×	✓	[14] ✓	✓	×
Korea	.25	.10	.70	.49	.55	×	✓	×	✓	×
Labuan	.25	.10	—	—	.55	×	✓	×	✓	×
Laos	.25	.10	—	—	.55	×	✓	×	✓	×
Latvia [15]	.15	.10	.52	.31	.55	×	✓	×	✓	×
Lebanon (Republic of)	.25	.10	.52	.31	.55	×	✓	×	✓	×
Leeward Islands	.10	.10	[16] .33	[16] .13	.55	×	✓	×	✓	×
Liberia	.25	.10	.48	.27	.55	×	•	×	•	×
Libya (United Kingdom of)	.15	.10	—	—	.55	×	✓	×	✓	×
Lithuania [15]	.15	.10	.52	.31	.55	×	✓	×	✓	×
Luxembourg (Grand Duchy)	.15	.10	.42	.21	.55	×	✓	×	✓	×
Macao	.25	.10	—	—	.55	×	✓	×	✓	×
Madagascar and Dependencies	.25	.10	—	—	.55	×	✓	×	✓	×
Madeira Islands	.15	.10	.41	.21	.55	×	✓	[17] ✓	✓	×
Malaya	.25	.10	.90	.70	.55	×	✓	×	✓	×
Malta	.15	.10	—	—	.55	×	✓	×	✓	×
Martinique	.10	.10	.35	.15	.55	×	✓	[18] ✓	✓	×
Mauritania	.25	.10	—	—	.55	×	✓	[19] ✓	✓	×
Mauritius and Dependencies	.25	.10	—	—	.55	×	✓	×	✓	×
Mexico	[20] .06	---	.30	.09	.40	✓	✓	[21] ✓	✓	×
Morocco (French Zone)	.15	.10	.45	.25	.55	×	✓	×	✓	×
Morocco (Spanish Zone)	.15	.10	.45	.25	.40	✓	✓	[22] ✓	✓	×
Morocco Tangier (International Zone)	.15	.10	.45	.25	.55	×	[23] ✓	[24] ✓	✓	×
Nauru Islands	.25	.10	—	—	.55	×	✓	×	✓	×
Netherlands	.15	.10	.42	.21	.55	×	✓	[25] ✓	✓	×
Netherlands, New Guinea	.25	.10	—	—	.55	×	✓	×	✓	×
Netherlands, West Indies	.10	.10	.38	.18	.55	×	✓	×	✓	×
New Caledonia and Dependencies	.25	.10	—	—	.55	×	✓	×	✓	×
New Guinea	.25	.10	—	—	.55	×	✓	×	✓	×
New Hebrides	.25	.10	—	—	.55	×	✓	×	✓	×
New Zealand	.25	.10	.79	.59	.55	×	✓	×	✓	×
Nicaragua	.10	.10	.35	.14	.40	✓	✓	×	✓	×
Niger	.25	.10	—	—	.55	×	✓	×	✓	×
Nigeria	.25	.10	.54	.34	.55	×	✓	×	✓	×
North Borneo	.25	.10	—	—	.55	×	✓	×	✓	×
Norway	.15	.10	.43	.23	.55	×	✓	[26] ✓	✓	×
Nyasaland Protectorate	.25	.10	—	—	.55	×	✓	×	✓	×
Pakistan	.25	.10	.63	.43	.55	×	✓	×	[27] ✓	×
Palestine, Western Arab	.25	.10	—	—	×	×	✓	×	✓	×

[1] Except in the capital cities, special delivery articles will be delivered by special messenger only if the addressee is located within 1½ miles of a post office at which a telegraph messenger is employed.

[2] Articles for special delivery in localities outside the post office town are subject to collection from the addressee of a fee which is calculated in accordance with the distance of the place of destination from the post office.

[3] Accepted, if registered.

[4] Belize only.

[5] Articles which are prepaid at the letter rate and are known or thought to contain merchandise shall be returned to the senders if the necessary green labels are not affixed to the covers. On return the articles must be appropriately endorsed as to the reason for the return.

[6] Registry return receipt, requested at time of mailing: 5 cents; after mailing: 10 cents. When a return receipt is requested for a registered article addressed for delivery in Canada (including registered mail dispatched in jacket envelopes), the mailing postmaster shall prepare and send the domestic form of return receipt (Form 3811) with the article unless he has Form 2865.

[7] Available only for letters or articles prepaid at the letter rate.

[8] Single post cards, 4 cents each; letters and other articles, 6 cents per ounce.

[9] The maximum weight limit of letter packages to the Yukon district and to members of the Canadian Armed Forces overseas addressed for delivery through the Canadian Army Post Office is 4 pounds 6 ounces.

[10] Registry service is available only to the island of Taiwan (Formosa).

[11] Special delivery service in China is confined to the delivery radius of Chinese express or delivery offices.

[12] Such articles when wrongly accepted for mailing are delivered on payment of double duty if registered and triple duty if ordinary. If refused by the addressees, they are seized by the customs.

[13] Delivery service limited to within the municipal limits of Famagusta, Kyrenia, Larnaca, Limassol, Nicosia, and Paphos.

COUNTRY—continued	Letters and letter packages, per ½ ounce	Air letter sheets and post cards	Other Postal Union articles: First 2 ounces	Other Postal Union articles: Additional 2 ounces	Registration (fee)	8-ounce merchandise packages	Small packets	Special delivery	Dutiable articles (merchandise) prepaid at letter rate	Combination packages
Key to symbols: ×=No service. ✓=Accepted. *=Accepted at risk of sender. —=Airmail letter rate applies.										
Czechoslovakia	$0.15	$0.10	$0.44	$0.23	$0.55	×	✓	[14] ✓	✓	×
Dahomey	.25	.10	—	—	.55	×	✓	×	✓	×
Denmark	.15	.10	.43	.23	.55	×	✓	✓	✓	×
Dominican Republic	.10	.10	.31	.11	.40	✓	✓	✓	✓	×
Ecuador	.10	.10	.36	.16	.40	✓	✓	[15] ✓	[15] ✓	×
Egypt	.15	.10	.52	.31	.55	×	×	[16] ✓	✓	×
Eritrea	.25	.10	—	—	.55	×	×	×	✓	×
Estonia [15]	.15	.10	.52	.31	.55	×	×	×	✓	×
Ethiopia (Abyssinia)	.25	.10	—	—	.55	×	✓	✓	✓	×
Falkland Islands	.10	.10	.58	.38	.55	×	✓	×	✓	×
Faroe Islands	.15	.10	.43	.23	.55	×	•	•	•	✓
Fiji Islands	.25	.10	.70	.50	.55	×	✓	×	✓	×
Finland	.15	.10	.46	.25	.55	×	✓	[17] ✓	✓	×
France	.15	.10	.42	.21	.55	×	✓	✓	✓	×
French Cameroons	.25	.10	—	—	.55	×	✓	×	✓	×
French Equatorial Africa	.25	.10	.65	.45	.55	×	✓	×	✓	×
French Guiana	.10	.10	.42	.22	.55	×	✓	×	✓	×
French Guinea	.25	.10	—	—	.55	×	✓	×	✓	×
French India	.25	.10	.65	.45	.55	×	✓	×	✓	×
French Oceania	.25	.10	—	—	.55	×	✓	×	✓	×
French Somaliland	.25	.10	—	—	.55	×	✓	×	✓	×
French Sudan	.25	.10	—	—	.55	×	✓	×	✓	×
French Togoland	.25	.10	—	—	.55	×	✓	×	✓	×
Gambia	.25	.10	—	—	.55	×	✓	×	✓	×
Germany	.15	.10	.43	.22	.55	×	✓	✓	✓	×
Gibraltar	.15	.10	—	—	.55	×	✓	✓	✓	×
Gilbert and Ellice Islands Colony [18]	.25	.10	—	—	.55	×	✓	×	✓	×
Gold Coast Colony	.25	.10	.52	.31	.55	×	✓	✓	✓	×
Great Britain and Northern Ireland	.15	.10	.41	.20	.55	×	✓	✓	✓	×
Greece	.15	.10	.48	.28	.55	×	•	×	×	×
Greenland	×	×	×	×	.55	×	✓	×	✓	✓
Guadeloupe	.10	.10	.34	.14	.55	×	✓	×	✓	×
Guatemala	.10	.10	.33	.12	.40	✓	✓	[19] ✓	✓	×
Haiti	.10	.10	.31	.10	.40	✓	×	×	✓	✓
Honduras (Republic of)	.10	.10	.34	.14	.40	✓	✓	✓	✓	×
Hong Kong	.25	.10	.80	.70	.55	×	✓	×	✓	×
Hungary	.15	.10	—	—	.55	×	✓	[20] ✓	✓	×
Iceland	.15	.10	.37	.16	.55	×	×	×	✓	✓
India	.25	.10	.64	.44	.55	×	×	[21] ✓	[21] ✓	×
Indonesia	.25	.10	.85	.65	.55	×	✓	×	✓	×
Iran	.25	.10	.56	.35	.55	×	✓	×	✓	×
Iraq	.25	.10	.56	.35	.55	×	✓	×	✓	×
Ireland (Eire)	.15	.10	.39	.18	.55	×	×	[22] ✓	✓	×
Israel	.25	.10	.52	.31	.55	×	✓	✓	✓	×
Italy	.15	.10	.45	.24	.55	×	×	×	✓	×

[14] Special delivery articles addressed for delivery beyond the free delivery zone of the post office of destination are subject to an additional charge to be collected from the addressee based on the distance traversed to effect delivery beyond the said zone.

[15] Articles addressed for delivery within the carrier-delivery limits of the cities of Guayaquil and Quito will be given the benefit of special delivery service.

[16] Accepted, if registered.

[17] The addressees of articles prepaid at the letter rate, whether ordinary or registered, supposed to contain dutiable articles and received without the green label, Form 2976 (C 1), affixed, are summoned to witness their opening by the customs for disposal under the regulations. Requests for return of such articles to the senders are not complied with in any case.

[18] Regulations prescribed by U. S. S. R. authorities.

[19] Special delivery service is limited to cities.

[20] Ocean and Gilbert Islands, onward from Australia by ordinary means. Ellice, Fanning, Washington and Christmas Islands, onward from Fiji by ordinary means.

[21] Accepted, if registered.

[22] Where the domicile of the addressee is located outside of the local radius, a special fee is collected at the time of delivery.

[23] Service applicable only to unregistered letters, post cards, and printed matter.

[24] Dutiable letter packages received unaccompanied by the green label, Form 2976 (C 1), or paper customs declaration, Form 2976–A, are subject to a heavy fine in addition to the customs duty.

[25] Articles sent from this country for special delivery in Ireland at a distance over 1 mile from the post office of destination are subject to the collection from the addressee of 6 pence for each additional mile or part of a mile, after the first mile.

COUNTRY—continued	Letters and letter packages, per ½ ounce	Air letter sheets and post cards	Other Postal Union articles: First 2 ounces	Other Postal Union articles: Additional 2 ounces	Registration (fee)	8-ounce merchandise packages	Small packets	Special delivery	Dutiable articles (merchandise) prepaid at letter rate	Combination packages
Key to symbols: ×=No service. ✓=Accepted. *=Accepted at risk of sender. —=Airmail letter rate applies.										
Ivory Coast	$0.25	$0.10	—	—	$0.55	×	✓	×	✓	×
Jamaica	.10	.10	$0.30	$0.10	.55	×	✓	×	✓	×
Japan	.25	.10	.65	.45	.55	×	✓	✓	✓	×
Jordan (Hashemite Kingdom)	.25	.10	—	—	.55	×	✓	[13] ✓	✓	×
Kenya and Uganda	.25	.10	.65	.45	.55	×	✓	[14] ✓	✓	×
Korea	.25	.10	.70	.49	.55	×	✓	×	✓	×
Labuan	.25	.10	—	—	.55	×	✓	×	✓	×
Laos	.25	.10	—	—	.55	×	✓	×	✓	×
Latvia [15]	.15	.10	.52	.31	.55	×	✓	×	✓	×
Lebanon (Republic of)	.25	.10	.52	.31	.55	×	✓	×	✓	×
Leeward Islands	.10	.10	[16] .33	[16] .13	.55	×	✓	×	✓	×
Liberia	.25	.10	.48	.27	.55	×	•	×	•	×
Libya (United Kingdom of)	.15	.10	—	—	.55	×	✓	×	✓	×
Lithuania [15]	.15	.10	.52	.31	.55	×	✓	×	✓	×
Luxembourg (Grand Duchy)	.15	.10	.42	.21	.55	×	✓	×	✓	×
Macao	.25	.10	—	—	.55	×	✓	×	✓	×
Madagascar and Dependencies	.25	.10	—	—	.55	×	✓	×	✓	×
Madeira Islands	.15	.10	.41	.21	.55	×	✓	[17] ✓	✓	×
Malaya	.25	.10	.90	.70	.55	×	✓	×	✓	×
Malta	.15	.10	—	—	.55	×	✓	×	✓	×
Martinique	.10	.10	.35	.15	.55	×	✓	[18] ✓	✓	×
Mauritania	.25	.10	—	—	.55	×	✓	[19] ✓	✓	×
Mauritius and Dependencies	.25	.10	—	—	.55	×	✓	×	✓	×
Mexico	[20] .06	---	.30	.09	.40	✓	✓	[21] ✓	✓	×
Morocco (French Zone)	.15	.10	.45	.25	.55	×	✓	×	✓	×
Morocco (Spanish Zone)	.15	.10	.45	.25	.40	✓	✓	[22] ✓	✓	×
Morocco Tangier (International Zone)	.15	.10	.45	.25	.55	×	[23] ✓	[24] ✓	✓	×
Nauru Islands	.25	.10	—	—	.55	×	✓	×	✓	×
Netherlands	.15	.10	.42	.21	.55	×	✓	[25] ✓	✓	×
Netherlands, New Guinea	.25	.10	—	—	.55	×	✓	×	✓	×
Netherlands, West Indies	.10	.10	.38	.18	.55	×	✓	×	✓	×
New Caledonia and Dependencies	.25	.10	—	—	.55	×	✓	×	✓	×
New Guinea	.25	.10	—	—	.55	×	✓	×	✓	×
New Hebrides	.25	.10	—	—	.55	×	✓	×	✓	×
New Zealand	.25	.10	.79	.59	.55	×	✓	×	✓	×
Nicaragua	.10	.10	.35	.14	.40	✓	✓	×	✓	×
Niger	.25	.10	—	—	.55	×	✓	×	✓	×
Nigeria	.25	.10	.54	.34	.55	×	✓	×	✓	×
North Borneo	.25	.10	—	—	.55	×	✓	×	✓	×
Norway	.15	.10	.43	.23	.55	×	✓	[26] ✓	✓	×
Nyasaland Protectorate	.25	.10	—	—	.55	×	✓	×	✓	×
Pakistan	.25	.10	.63	.43	.55	×	✓	×	[27] ✓	×
Palestine, Western Arab	.25	.10	—	—	×	×	✓	×	✓	×

[26] No service to Central Arab Palestine.

[27] Special delivery service is confined to Eldoret, Entebbe, Jinja, Kampala, Kisumu, Kitale, Lamu, Mbale, Mombasa, Nairobi, Nakuru, and Nyeri.

[28] This rate applies to Antigua only.

[29] Accepted, if registered.

[30] The importation of dutiable articles (merchandise) into Martinique in letters or letter packages is subject to the obtaining of an authorization delivered prior to the mailing at the request of the importers, by the chief of the customs service.

[31] The importation of dutiable articles (merchandise) into Mauritania in letters or letter packages is subject to the obtaining of an authorization delivered prior to the addressee prior to the mailing at the request of the importers, by the chief of the customs service.

[32] Single post cards, 4 cents each. Letters, double post cards, and letter packages, 6 cents per ounce.

[33] Special delivery and c. o. d. service available.

[34] Special delivery service is confined to offices of Alcazarquivir, Arcila, Larache, Nabor, Targuist, Tetuan, Villa Alhucemas, and Xauen.

[35] Small packets accepted for British and French Post Offices only.

[36] Through British Post Office only.

[37] Articles sent from this country for special delivery in the Netherlands, at a distance beyond the limits of local distribution at the post office of address, are subject to collection from the addressee of a fee of 40 cents for each delivery.

[38] In Norway special delivery service is limited to first-class offices.

[39] Dutiable letter packages received unaccompanied by the green label, Form 2976 (c 1), or paper customs declaration, Form 2976–A, are subject to a heavy fine in addition to the customs duty.

Key to symbols:
X = No service.
✓ = Accepted.
* = Accepted at risk of sender.
— = Airmail letter rate applies.

COUNTRY—continued	Letters and letter packages, per ½ ounce	Air letter sheets and post cards	Other Postal Union articles: First 2 ounces	Other Postal Union articles: Additional 2 ounces	Registration (fee)	8-ounce merchandise packages	Small packets	Special delivery	Dutiable articles (merchandise) prepaid at letter rate	Combination packages
Panama	$0.10	$0.10	$0.33	$0.13	$0.40	✓	X	✓	[40] ✓	X
Papua	.25	.10	—	—	.55	X	✓	X	✓	X
Paraguay	.10	.10	.50	.30	.40	✓	X	X	✓	X
Persian Gulf:										
Ports, Bahrein only	.25	.10	.60	.40	.55	X	X	X	✓	X
Ports other places	.25	.10	—	—	.55	X	X	X	✓	X
Peru	.10	.10	.45	.25	.40	✓	✓	✓	✓	✓
Philippines	[41] .25	.10	.81	.60	.55	X	✓	✓	✓	✓
Pitcairn Island	.25	.10	—	—	.55	X	X	X	✓	X
Poland	.15	.10	.46	.25	.55	X	✓	✓	✓	X
Portugal	.15	.10	.41	.20	.55	X	X	X	✓	X
Portuguese East Africa	.25	.10	.69	.49	.55	X	X	X	✓	X
Portuguese India	.25	.10	.65	.45	.55	X	X	X	✓	X
Portuguese Timor	.25	.10	—	—	.55	X	X	X	✓	X
Portuguese West Africa	[42] .25	.10	—	—	.55	X	X	X	✓	X
Reunion Island	.25	.10	—	—	.55	X	✓	X	✓	X
Rhodesia, Northern	.25	.10	—	—	.55	X	✓	X	✓	X
Rhodesia, Southern	.25	.10	—	—	.55	X	✓	X	✓	X
Rumania	.15	.10	—	—	.55	X	✓	X	✓	X
Ryukyu Islands	.25	.10	—	—	.55	X	✓	X	✓	X
St. Helena	.25	.10	.68	.47	.55	X	✓	X	✓	X
St. Pierre and Miquelon	[43] .08	—	—	—	.55	X	✓	X	✓	X
Salvador (El)	.10	.10	.33	.13	.40	✓	[42] ✓	X	✓	X
Santa Cruz Islands	.25	.10	—	—	.55	X	✓	X	✓	X
Sarawak	.25	.10	—	—	.55	X	✓	X	✓	X
Saudi Arabia	.25	.10	.60	.40	.55	X	✓	X	✓	X
Senegal	.25	.10	.44	.23	.55	X	✓	X	✓	X
Seychelles	.25	.10	—	—	.55	X	✓	X	✓	X
Sierra Leone	.25	.10	—	—	.55	X	✓	X	✓	X
Solomon Islands	.25	.10	—	—	.55	X	✓	X	✓	X
Somalia	.25	.10	—	—	.55	X	✓	[44] ✓	✓	X
Somaliland Protectorate	.25	.10	—	—	.55	X	✓	X	✓	X
Southwest Africa	.25	.10	.68	.47	.55	X	[45] ✓	X	✓	X
Spain	.15	.10	.45	.25	.40	✓	✓	✓	✓	X
Spanish Guinea	.25	.10	—	—	.40	✓	✓	✓	✓	X
Spanish West Africa	.25	.10	—	—	.40	✓	✓	✓	✓	X
Surinam	.10	.10	.41	.20	.55	X	✓	[46] ✓	✓	X
Sweden	.15	.10	.45	.24	.55	X	✓	✓	✓	X
Switzerland	.15	.10	.43	.22	.55	X	✓	✓	✓	X
Syria	.25	.10	.52	.31	.55	X	✓	X	*	X
Tanganyika Territory	.25	.10	.65	.45	.55	X	✓	X	✓	X
Thailand	.25	.10	.95	.75	.55	X	✓	X	✓	X
Tonga Islands	.25	.10	—	—	.55	X	✓	X	✓	X
Trieste	.15	.10	.45	.24	.55	X	X	X	*	X
Trinidad and Tobago	.10	.10	.38	.17	.55	X	✓	X	✓	X
Tristan da Cunha	.25	.10	.68	.47	.55	X	✓	X	✓	X
Tunisia	.15	.10	.47	.26	.55	X	✓	✓	[47] ✓	X
Turkey	.15	.10	.49	.28	.55	X	✓	X	[47] ✓	X
Turks Island	.10	.10	—	—	.55	X	✓	X	[47] ✓	X
Union of South Africa	.25	.10	.68	.47	.55	X	✓	X	[47] ✓	X
U. S. S. R.	.15	.10	.52	.31	.55	X	✓	X	*	X
Upper Volta	.25	.10	—	—	.55	X	✓	X	[47] ✓	X
Uruguay	.10	.10	.58	.38	.40	✓	X	X	[47] ✓	X
Vatican City State	.15	.10	.45	.24	.55	X	✓	X	✓	X
Venezuela	.10	.10	.38	.18	.40	✓	X	X	✓	X
Viet Nam	.25	.10	—	—	.55	X	*	X	✓	X
Western Samoa	.25	.10	—	—	.55	X	✓	X	✓	X
Windward Islands	.10	.10	—	—	.55	X	✓	X	✓	X
Yemen	.25	.10	—	—	.55	X	✓	X	✓	X
Yugoslavia	.15	.10	.43	.22	.55	X	✓	X	✓	X
Zanzibar and Pemba	.25	.10	.65	.45	.55	X	✓	X	✓	X

[40] Accepted if registered.
[41] When mailed in Guam the rate is 10 cents per half ounce.
[42] All places except Angola: Postage rate, 25 cents per half ounce. Air letter sheets and post cards, 10 cents each.
Angola only: Postage rates: Letters and letter packages, 25 cents per half ounce. Air letter sheets and post cards, 10 cents each. Other Postal Union articles, 63 cents for the first 2 ounces and 42 cents for each additional 2 ounces.
[43] Accepted, if registered.
[44] Available only in the cities of Mogadishu, Merca, Kismayu, Isha Baidoa and Bender Kassim. Special delivery articles are delivered free up to 1 mile from the office of destination. A charge of 50 cents (East African currency) is made for each additional mile or part of a mile.
[45] Small packets are accepted for Spain only. Small packets not accepted for Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa.
[46] The obligation of delivery by special messenger is limited to places served by city carriers. In other localities delivery is effected by special messenger, if possible; otherwise the addressee is notified by telephone or in some other way of the arrival of the articles so he may call at the post office for them.
[47] Generally limited to articles not subject to import quota restrictions.
[48] Special delivery articles are delivered only from head and branch offices where telegraph messengers are located. Free delivery is effected to any point within 1 mile of the special delivery office; beyond that distance there is collected a charge of 6 pence per mile or fraction thereof, in addition to the cost of any conveyance necessary.
[49] Limited to duty-prepaid packages of medicine.
[50] Accepted if registered. Such articles not bearing the green label, Form 2976 (C 1), are subject to confiscation.
[51] Per ounce.

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Chanklangshih (Kwangchowwan) (see China).
Channel Islands (Jersey, Guernsey, Alderney, and Sark). (Same as Great Britain.)
Chile.

China.
Chosen (see Korea).
Christmas Island (see Gilbert and Ellice Islands Colony).
Christmas Island (see Malaya).
Cocos Islands (see Malaya).
Colombia.
Colony of Singapore (see Malaya).
Comoro Islands (see Madagascar).
Cook Islands (same as New Zealand).
Corisco Island (see Spanish Guinea).
Corsica.
Costa Rica.
Crete (see Greece).
Cuba (including Isle of Pines).
Cumino Island (see Malta).
Curacao (see Netherlands West Indies).
Cyprus.
Cyrenaica (see Libya).
Czechoslovakia.
Dahomey.
Damao (see Portuguese India).
Danger (see New Zealand).
Denmark.
Desirade Island (see Guadeloupe).
Diu (see Portuguese India).
Dodecanese Islands (see Greece).
Doha Qatar (see Persian Gulf Ports).
Dominica (see Windward Islands).
Dominican Republic.
Dubai (see Persian Gulf Ports).
Ecuador.
Egypt.
Egyptian Sudan (see Anglo-Egyptian Sudan).
Eire (see Ireland).
Ellice Islands (see Gilbert and Ellice Islands Colony).
Elobey Island (see Spanish Guinea).
El Salvador (see Salvador, El).
England (see Great Britain and Northern Ireland).
Eritrea.
Estonia.
Ethiopia (Abyssinia).
Fakaofo (see Western Samoa [British]).
Falkland Islands.
Fanning Island (see Gilbert and Ellice Islands Colony).
Faroe Islands.
Federation of Malaya (see Malaya).
Fernando Po Island (see Spanish Guinea).
Fezzan (see Libya).
Fiji Islands.
Finland.
Formosa (Taiwan) (see China)
France.
French Cameroons.
French Equatorial Africa.
French Guiana.
French Guinea.
French India.
French Morocco (see Morocco, French zone).
French Oceania.
French Somaliland.
French Sudan.
French Togoland.
French West Africa (see Dahomey, French Guinea, French Sudan, Ivory Coast, Mauritania, Niger, Senegal, or Upper Volta).
French West Indies (see Guadeloupe or Martinique).
Friendly Islands (see Tonga Islands).
Futuna and Alofi Islands (see New Caledonia).
Gabon (see French Equatorial Africa).
Gambia.
Gambier (see French Oceania).
Germany.
Gibraltar.
Gilbert and Ellice Islands Colony.
Goa (see Portuguese India).
Gold Coast Colony.
Gozo Island (see Malta).
Grand Comoro (see Madagascar).
Great Britain and Northern Ireland.
Greece.
Greenland.
Grenada (see Windward Islands).
Grenadines (see Windward Islands).
Guadeloupe.
Guatemala.
Guernsey (Channel Islands) (same as Great Britain).
Guiana (British).
Guiana (French).
Guiana (Netherlands) (see Surinam).
Guinea (French).
Guinea, New (Mandated Territory).
Guinea (Portuguese) (see Portuguese West Africa).
Guinea (Spanish) (see Spanish Guinea).
Haiti.
Hashemite Kingdom of Jordan (see Jordan, Hashemite Kingdom).
Hervey (Cook Islands) (see New Zealand).
Hivaoa (see French Oceania).
Holland (see Netherlands).
Honduras (British).
Honduras, Republic of.
Hong Kong.
Huahine (see French Oceania).
Huan Islands (see New Caledonia).
Hungary.
Iceland.
Ifni, Territory of (see Spanish West Africa).
India.
India, French.
India, Portuguese.
Indo-China (see Cambodia, Laos and Viet-Nam).
Indonesia.
Iran.
Iraq.
Ireland (Eire).
Ireland (Northern) (see Great Britain and Northern Ireland).
Isle of Pines (see New Caledonia).
Isle of Pines, West Indies (see Cuba).
Israel, State of.
Italy.
Ivory Coast.
Jamaica.
Japan.
Jersey (Channel Islands) (same as Great Britain).
Johore (see Malaya).
Jordan (Hashemite Kingdom).
Jugoslavia (see Yugoslavia).
Kalymnos (see Greece).
Kamaran (see Aden).
Karikal (see French India).
Karpathos (see Greece).
Kassos (see Greece).
Kastellorizon (see Greece).
Kedah (see Malaya).
Keeling Islands (see Malaya).
Kelantan (see Malaya).
Kenya and Uganda.
Korea (Republic of).
Kos (see Greece).
Kowloon (see Hong Kong).
Kuchinoshima (see Ryukyu Islands).
Kuwait (see Persian Gulf Ports).
Labrador (see Canada).
Labuan.
Laos.
Latakia (see Syria).
Latvia.
Lebanon, Republic of.
Leeward Islands (French) see French Oceania).
Leeward Islands.
Leipsos (see Greece).
Leros (see Greece).
Les Saintes Island (see Guadeloupe).
Liberia.
Libya, United Kingdom of.
Liechtenstein (see Switzerland).
Lithuania.
Lord Howe Island (see Australia).
Loyalty Islands (see New Caledonia).
Luxembourg (Grand Duchy).
Macao.
Macau (same as Macao).
Madagascar and dependencies.
Madeira Islands.
Mahe (see French India).
Malacca (see Malaya).
Malaya.
Malta.
Mangaia (Cook Islands) (see New Zealand).
Manahiki (see New Zealand).
Manual (Cook Islands) (see New Zealand).
Marie Galante (see Guadeloupe).
Marquesas Islands (see French Oceania).
Martinique.
Mauke (Cook Islands) (see New Zealand).
Mauritania.
Mauritius and dependencies.
Mayotte (see Madagascar and dependencies).
Melilla (see Spain).
Mexico.
Miquelon (see St. Pierre and Miquelon).
Mitiaro (Cook Islands) (see New Zealand)
Moheli (see Madagascar and dependencies.
Monaco (see France).
Montserrat (see Leeward Islands).
Moorea (see French Oceania).
Morocco, French Zone.
Morocco, Southern Protectorate of (see Spanish West Africa).
Morocco, Spanish Zone (including the Spanish Post Office in the International Zone of Tangier).
Morocco, Tangier (International Zone).
Moyen (Middle) Congo (see French Equatorial Africa).
Mozambique (see Portugese East Africa).
Muscat (see Persian Gulf Ports).
Nansei (see Japan).
Natal, Province (see Union of South Africa).
Nauru Island.
Negri Sembilan (see Malaya).
Nepal (see India).
Netherlands.
Netherlands New Guinea.
Netherlands West Indies.
Nevis (see Leeward Islands).
New Britain (see New Guinea, Mandated Territory).
New Caledonia and dependencies.
Newfoundland (see Canada).
New Guinea (Mandated Territory).
New Guinea (Netherlands) (see Netherlands New Guinea).
New Hanover (see New Guinea, Mandated Territory).
New Hebrides.
New Ireland (see New Guinea, Mandated Territory).
New South Wales (see Australia).
New Zealand.
Nicaragua.
Niger.
Nigeria.
Nissiros (see Greece).
Niue (see New Zealand).
Norfolk Island (see Australia).
North Borneo (State of).
Northern Ireland (see Great Britain and Northern Ireland).
Northern Rhodesia (see Rhodesia, Northern).
Northern Territories (see Gold Coast Colony).
Norway.
Nossi-be (see Madagascar and dependencies).
Nukahiva (see French Oceania).
Nukunonu (see Western Samoa [British]).
Nyasaland Protectorate.
Oceania (see French Oceania).
Ocean Island (see Gilbert and Ellice Islands Colony).
Okinawa (see Ryukyu Islands).
Orange Free State (see Union of South Africa).
Oubangui-Chari (see French Equatorial Africa).
Pahang (see Malaya).
Pakistan.
Palestine (Arab controlled):
Central (see Jordan).
Western (Gaza and Khan Yunis).
Palmerston (Avarua) (see New Zealand).
Panama, Republic of.
Papua (Territory of).
Paraguay.
Parry (Cook Islands) (see New Zealand).
Pasni (Baluchistan) (see Pakistan).
Patmos (see Greece).
Pemba (see Zanzibar and Pemba).
Penang (see Malaya).
Penon de Velez de la Gomera (see Spain).
Penrhyn (Tongareva) (see New Zealand).

Perak (see Malaya).
Perim (see Aden).
Perlis (see Malaya).
Persia (see Iran).
Persian Gulf Ports.
Peru.
Petite Terre (see Guadeloupe).
Philippines, Republic of the.
Pitcairn Island.
Poland.
Pondichery (see French India).
Portugal.
Portuguese East Africa (Mozambique).
Portuguese Guinea (see Portuguese West Africa).
Portuguese India.
Portuguese Timor.
Portuguese West Africa.
Prince Island (see Portuguese West Africa).
Province Wellesley (see Malaya).
Pukapuka (see New Zealand).
Qatar (see Persian Gulf Ports).
Queensland (see Australia).
Raiatea (see French Oceania).
Rakaanga (see New Zealand).
Rapa (see French Oceania).
Rarotonga (Cook Islands) (see New Zealand).
Redonda (see Leeward Islands).
Republic of the Philippines (see Philippines).
Reunion (Bourbon) Island.
Rhodesia, Northern.
Rhodesia, Southern.
Rio de Oro (see Spanish West Africa).
Rio Muni (see Spanish Guinea).
Rodos (see Greece).
Rodrigues (see Mauritius and dependencies).
Rumania.
Ryukyu Islands.
Saar Territory (see France).
Saba (see Netherlands West Indies).
Sahara, Spanish (see Spanish West Africa).
St. Bartholomew (see Guadeloupe).
St. Christopher (see Leeward Islands).
St. Eustatius (see Netherlands West Indies).
St. Helena.
St. Kitts (see Leeward Islands).
St. Lucia (see Windward Islands).
St. Martin (Netherlands part) (see Netherlands West Indies).
St. Martin (French part) (see Guadeloupe).
St. Pierre and Miquelon.
St. Thomas Island (see Portuguese West Africa).
St. Vincent (see Windward Islands).
Ste Marie de Madagascar (see Madagascar).
Salvador (El).
Samoa, Western (British) (see Western Samoa).
San Marino (Republic of) (see Italy).
Santa Cruz Islands.
Sarawak.
Sark (Channel Island) (same as Great Britain).
Saudi Arabia (Kingdom of).
Savage Island (Niue) (see New Zealand).
Savaii Island (see Western Samoa [British]).
Scotland (see Great Britain and Northern Ireland).
Seklа el Hamra (see Spanish West Africa).
Selangor (see Malaya).
Senegal.
Seychelles.
Sharja (see Persian Gulf Ports).
Shikoku (see Japan).
Siam (see Thailand).
Sierra Leone.
Singapore (see Malaya).
Society Islands (see French Oceania).
Solomon Islands (except Bougainville and Buka).
Solomon Islands (Bougainville and Buka only) (see New Guinea Mandated Territory).
Somalia.
Somaliland (French).
Somaliland Protectorate.
South Africa (see Union of South Africa).
South Australia (see Australia).
South Georgia (see Falkland Islands).
Southern Protectorate of Morocco (see Spanish West Africa).
Southern Rhodesia (see Rhodesia, Southern).
South-West Africa (including Walvis Bay).
Spain.
Spanish Guinea.
Spanish Morocco (see Morocco, Spanish Zone).
Spanish Sahara (see Spanish West Africa).
Spanish West Africa.
Spitzbergen (see Norway).
Sudan (Anglo-Egyptian).
Sudan (French).
Surinam.
Suwarrow Islands (see New Zealand).
Swaziland (see Union of South Africa).
Sweden.
Switzerland.
Symi (see Greece).
Syria, Republic of.
Tahaa (see French Oceania).
Tahiti (see French Oceania).
Taiwan (Formosa) (see China).
Tanganyika Territory.
Tangier (International Zone) (see Morocco, Tangier (International Zone)).
Tasmania (see Australia).
Tchad (see French Equatorial Africa).
Territory of Ifni (see Spanish West Africa).
Thailand (formerly Siam).
Thursday Island (see Australia).
Tibet (see India).
Tilos (see Greece).
Timor (Nethelands) (see Indonesia).
Timor (Portuguese).
Tobago (see Trinidad and Tobago).
Togoland (British) (see Gold Cost Colony).
Togoland (French) (see French Togoland).
Tokelau (Union) Group (see Western Samoa, British).
Tonga (Friendly) Islands.
Tongareva (see New Zealand).
Torres Island (see New Hebrides).
Trans-Jordan (see Jordan (Hashemite Kingdom)).
Transvaal (see Union of South Africa).
Trieste, Free Territory of
Trengganu (see Malaya).
Trinidad and Tobago.
Tripolitania (see Libya).
Tristan Da Cunha.
Tuamotou (see French Oceania).
Tubuai (see French Oceania).
Tunisia.
Turkey.
Turks Island.
Uganda (see Kenya and Uganda).
Union Group (see Western Samoa, British).
Union of South Africa.
Union of Soviet Socialist Republics.
Upolu Island (see Western Samoa [British]).
Upper Volta.
Uruguay.
Vatican City State.
Venezuela (Republic of).
Victoria (see Australia).
Viet-Nam.
Virgin Islands (British) (see Leeward Islands).
Wales (see Great Britain and Northern Ireland).
Wallis Island (see New Caledonia).
Walvis Bay (see South-West Africa).
Washington Island (see Gilbert and Ellice Islands Colony).
Wellesley, Province (see Malaya).
Western Australia (see Australia).
Western Samoa (British).
Windward Islands.
Yanaon (see French India).
Yemen.
Yugoslavia.
Zafarani Islands (see Spain).
Zanzibar and Pemba.
Zululand (see Union of South Africa).

PART 101—LETTERS AND LETTER PACKAGES

Sec.
101.1 Surface rates.
101.2 Air rates.
101.3 Weight limits.
101.4 Dimensions.
101.5 Mailing requirements and restrictions.

AUTHORITY: §§ 101.1 to 101.5 issued under R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 101.1 *Surface rates.* The surface rate for letters and letter packages to Canada and Mexico is 3 cents per ounce. The surface rate to all other countries is 8 cents for the first ounce; 4 cents for each additional ounce.

§ 101.2 *Air rates.* For air mail rates for letters and letter packages, see § 100.1 of this chapter. The rate for air letter sheets is 10 cents each for all countries.

§ 101.3 *Weight limits.* The weight limit for letters and letter packages to all countries except Canada is 4 pounds 6 ounces; for Canada, 60 pounds.

§ 101.4 *Dimensions*—(a) *Maximum dimensions.* (1) Maximum length is 24 inches. Maximum length, breadth and thickness combined is 36 inches. When sent in the form of a roll, the length (the maximum of which may not exceed 32 inches) plus twice the diameter, may not exceed 40 inches. However, in the case of indivisible objects sent to countries listed in subparagraph (2) of this paragraph, the length (which may not exceed 40 inches) plus twice the diameter, may be 48 inches.

(2) Countries to which the conditions of the Postal Union of the Americas and Spain are applicable:

Argentina.
Bolivia.
Brazil.
Canada.
Chile.
Colombia.
Costa Rica.
Cuba.
Dominican Republic.
Ecuador.
Guatemala.
Haiti.
Honduras (Republic of).
Mexico.
Morocco (Spanish Zone).
Nicaragua.
Panama.
Paraguay.
Peru.
Philippines (Republic of).
Salvador (El).
Spain (including Balearic Islands, Canary Islands and Spanish Offices in Northern Africa).
Spanish Guinea.
Spanish West Africa.
Uruguay.
Venezuela.

(b) *Minimum dimensions.* Envelopes should not measure less than 4 inches in length and 2¾ inches in width.

§ 101.5 *Mailing requirements and restrictions*—(a) *Restrictions.* Letters and letter packages shall not contain any documents having the character of actual personal correspondence addressed to persons other than the addressee or persons residing with the latter.

(b) *Dutiable contents*—(1) *Mailability.* Articles liable to customs duty (merchandise) may be forwarded in letters or letter packages, provided such importation is not prohibited by the country of destination.

(2) *Customs label to be affixed.* You must complete and affix to the address side of such article the green (customs) label, Form 2976, referred to in § 133.1 (a) of this chapter. If you know that the contents of the package are not dutiable you may, if you prefer, omit Form 2976. Acceptance for mailing will then be at your risk, and the Post Office Department will assume no responsibility for the treatment that may be accorded the article by the foreign customs authorities. Omission of this form may, however, result in delayed delivery and possible penalties against the addressee, regardless of whether the contents are dutiable or not. Special restrictions exist with respect to certain countries.

(3) *Countries to which not acceptable.* The following countries will not accept dutiable articles sent in letters or letter packages. Countries marked with an asterisk (*) will accept dutiable articles sent in letters or letter packages only when registered:

*Azores.
Bolivia.
Brazil.
British Honduras.
China.
Colombia.
*Ecuador.
Estonia.
*Guatemala.
Italy (see note).
Japan.
Korea.
Latvia.
Lithuania.
*Madeira Islands.
*Panama.
*Peru.
Rumania.
Ryukyu Islands.
Salvador (El).
Spanish Guinea.
Spanish West Africa.
Union of Soviet Socialist Republics.
*Uruguay.
Venezuela.

NOTE: Italy will accept packages containing only small quantities of streptomycin and penicillin sent as gifts. The medicine must be prepared to be used directly for personal treatment, and will be admitted on condition that the addressees submit to the customs office the regulation permit from the Italian health authorities.

(4) *Acceptance at sender's risk.* A letter or package containing merchandise offered for mailing to one of the countries named in subparagraph (3) of this paragraph may be accepted only on condition that the sender knows that the contents are not dutiable in the country of destination, in which case form 2976 may be omitted. The Post Office Department will assume no responsibility for the treatment of these articles by the foreign customs authorities.

(c) *Endorsement.* Senders should add the words "Letter (lettre)" on the address side of letters and letter packages which, by reason of the volume or packing, may be mistaken for matter of another class.

PART 102—POST CARDS

Sec.
102.1 Surface rates.
102.2 Airmail rates.
102.3 Dimensions.
102.4 Mailing requirements.
102.5 Reply-paid post cards.

AUTHORITY: §§ 102.1 to 102.5 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 102.1 *Surface rates.* Surface rate for post cards to Canada and Mexico is 2 cents single; 4 cents reply paid. To all other countries, 4 cents single; 8 cents reply paid.

§ 102.2 *Airmail rates.* For airmail rates for post cards see § 100.1 of this chapter.

§ 102.3 *Dimensions.* Maximum dimensions, 6 inches by 2¼ inches. Minimum dimensions, 4 inches by 2¼ inches.

§ 102.4 *Mailing requirements*—(a) *Form*—(1) *How made.* Post cards shall be made of cardboard or of paper strong enough not to hinder their handling. Government postal cards may be used, adding postage if necessary. Folded sheets of paper whose two inner faces have been glued completely one over the other, so that there is no danger of other articles slipping inside, are treated as post cards. The present post card which must be of strong cardboard does not permit the making of good carbon copies as required by business concerns. By using the folded sheet of paper, satisfactory typewritten copies may be made, after which the sheet is folded in two parts, one being the face for the address and the other the back for the message. No writing is allowed on the inside of the two halves which must be firmly glued together and conform to the dimensions prescribed in § 102.3.

(2) *Enclosure prohibited.* Post cards shall be sent unenclosed, without wrapper or envelope.

(3) *Spaces for address and message.* The right half, at least, of the address side is reserved for the address of the addressee and the notations or labels relating to the service. The sender may use the back and the left half of the address side.

(4) *How postage is affixed.* Postage stamps or postage-paid impressions must appear on the address side, in the upper righthand corner of the card.

(b) *Attachments.* You may not join or attach samples of merchandise or similar articles to post cards. However, illustrations, photographs, stamps of any kind, labels and clippings of any kind, of paper or other very thin material, as well as address labels or slips to be folded back, may be glued thereto, on condition that they do not alter the character of the post cards and that they adhere completely to the card. These articles may be glued only on the back or left half of the address side of the card except address labels or slips which may occupy the entire address side. Stamps of any kind, likely to be confused with postage stamps, may be placed only on the back.

(c) *When treated as letters.* Post cards which do not fulfill the conditions laid down for that class of articles are treated as letters, with the exception of those on which the irregularity consists solely of the application of the stamps on the back. The latter are considered as unprepaid and are treated accordingly. See § 104.5 (b) of this chapter as to cards admitted as printed matter.

§ 102.5 *Reply-paid post cards*—(a) *Availability.* Reply-paid post cards, bearing the required endorsements, are available at post offices in two denominations: 2 cents on each half for Canada and Mexico; 4 cents on each half for other countries. The domestic reply-paid post postal card shall not be used in international mails.

(b) *Form.* The two parts of a reply-paid card must be folded one part over the other, so that the fold forms the upper edge, and they may not be sealed in any manner. The sender may indicate his name and address on the address side of the reply half, either in writing, printing, or by affixing a label thereto. The address on the reply half shall be folded on the inside of the article. The sender may have printed on the back of the reply half a questionnaire to be filled in by the addressee. The latter may return the inquiry half attached to the reply-portion, in which case the address on the inquiry half shall be crossed out and folded on the inside of the card.

(c) *Privately printed reply-paid post cards.* Reply-paid post cards which are privately printed for use in the international mails shall have on the front, in the French language, as the heading of the first or message part, the words "Carte postale avec réponse payée" (post card with reply paid), and the words "Carte postale réponse" (reply post card) as the heading on the second or reply part. Each of the two parts must fulfil the other conditions laid down for a single card.

(d) *Prepayment.* Prepayment of the two halves shall be by means of United States postage stamps (2 cents for Canada and Mexico and 4 cents for other countries) affixed to each half. The prepayment of the reply half by means of postage stamps of the country which has issued the cards is valid only if the two parts of the card with reply paid have arrived joined together from the country of origin and if the reply half is sent from the country where it arrived by mail and is addressed to the country of origin. If these conditions are not fulfilled, it is treated as an unprepaid post card.

PART 103—COMMERCIAL PAPERS

Sec.
103.1 Surface rates.
103.2 Airmail rates.
103.3 Weight limits.
103.4 Dimensions.
103.5 Description.
103.6 Reference slips.
103.7 Endorsements and sealing.

AUTHORITY: §§ 103.1 to 103.7 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 103.1 *Surface rates.* Surface rate for commercial papers for all countries is 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces. Minimum charge is 10 cents.

§ 103.2 *Airmail rates.* For airmail rates for commercial papers see § 100.1 of this chapter.

§ 103.3 *Weight limits.* Weight limit for commercial papers is 4 pounds 6 ounces.

§ 103.4 *Dimensions*—(a) *Maximum dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length 24 inches. When sent in the form of a

roll, the length (the maximum of which may not exceed 32 inches) plus twice the diameter, may not exceed 40 inches. However, in the case of indivisible objects sent to countries listed in subparagraph (2) of this paragraph, the length (which may not exceed 40 inches) plus twice the diameter, may be 48 inches.

(2) Countries to which the conditions of the Postal Union of the Americas and Spain are applicable:

Argentina.
Bolivia.
Brazil.
Canada.
Chile.
Colombia.
Costa Rica.
Cuba.
Dominican Republic.
Ecuador.
Guatemala.
Haiti.
Honduras (Republic of).
Mexico.
Morocco (Spanish Zone).
Nicaragua.
Panama.
Paraguay.
Peru.
Philippines (Republic of).
Salvador (El).
Spain (including Balearic Islands, Canary Islands and Spanish Offices in Northern Africa).
Spanish Guinea.
Spanish West Africa.
Uruguay.
Venezuela.

(b) *Minimum dimensions.* Envelopes should not measure less than 4 inches in length and 2¾ inches in width.

§ 103.5 *Description.* Commercial papers may be described as printed matter, business papers, or merchandise, as appropriate.

§ 103.6 *Reference slips.* Reference slips may be enclosed in commercial papers.

§ 103.7 *Endorsements and sealing.* Commercial papers may be sealed or unsealed. Endorsements may be made as provided in § 104.5 (b) of this chapter.

PART 104—PRINTED MATTER

Sec.
104.1 Surface rates.
104.2 Airmail rates.
104.3 Weight limits.
104.4 Dimensions.
104.5 Mailing requirements and restrictions.

AUTHORITY: §§ 104.1 to 104.5 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 104.1 *Surface rates.* Surface rate for printed matter for all countries is 2 cents for the first 2 ounces and 1 cent for each additional 2 ounces. Minimum charge is 10 cents.

§ 104.2 *Airmail rates.* For airmail rates for printed matter see § 100.1 of this chapter.

§ 104.3 *Weight limits.* Weight limit for printed matter is 4 pounds 6 ounces.

§ 104.4 *Dimensions*—(a) *Maximum dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length 24 inches. When sent in the form of a roll, the length (the maximum of which may not exceed 32 inches) plus twice the diameter, may not exceed 40 inches. However, in the case of indivisible objects sent to countries listed in subparagraph (2) of this paragraph, the length (which may not exceed 40 inches) plus twice the diameter, may be 48 inches.

(2) Countries to which the conditions of the Postal Union of the Americas and Spain are applicable:

Argentina.
Bolivia.
Brazil.
Canada.
Chile.
Colombia.
Costa Rica.
Cuba.
Dominican Republic.
Ecuador.
Guatemala.
Haiti.
Honduras (Republic of).
Mexico.
Morocco (Spanish Zone).
Nicaragua.
Panama.
Paraguay.
Peru.
Philippines (Republic of).
Salvador (El).
Spain (including Balearic Islands, Canary Islands and Spanish Offices in Northern Africa).
Spanish Guinea.
Spanish West Africa.
Uruguay.
Venezuela.

(b) *Minimum dimensions.* Envelopes should not measure less than 4 inches in length and 2¾ inches in width.

§ 104.5 *Mailing requirements and restrictions*—(a) *Restrictions.* Printed matter shall not contain any documents having the character of actual personal correspondence addressed to persons other than the addressee or persons residing with the latter.

(b) *Dutiable contents*—(1) *Mailability.* Articles liable to customs duty (merchandise) may be forwarded in printed matter packages, provided such importation is not prohibited by the country of destination.

(2) *Customs label to be affixed.* You must complete and affix to the address side of such article the green (customs) label, Form 2976, referred to in § 133.1 (a) of this chapter. If you know that the contents of the package are not dutiable you may, if you prefer, omit Form 2976. Acceptance for mailing will then be at your risk, and the Post Office Department will assume no responsibility for the treatment that may be accorded the article by the foreign customs authorities. Omission of this form may, however, result in delayed delivery and possible penalties against the addressee, regardless of whether the contents are dutiable or not. Special restrictions exist with respect to certain countries.

(3) *Countries to which not acceptable.* The following countries will not accept dutiable articles sent in printed matter packages. Countries marked with an asterisk (*) will accept dutiable articles sent in printed matter packages only when registered:

*Azores.
Bolivia.
Brazil.
British Honduras.
China.
Colombia.
*Ecuador.
Estonia.
*Guatemala.
Italy (see note).
Japan.
Korea.
Latvia.
Lithuania.
*Madeira Islands.
*Panama.
*Peru.
Rumania.
Ryukyu Islands.
Salvador (El).
Spanish Guinea.
Spanish West Africa.
Union of Soviet Socialist Republics.
*Uruguay.
Venezuela.

NOTE: Italy will accept packages containing only small quantities of streptomycin and penicillin sent as gifts. The medicine must be prepared to be used directly for personal treatment, and will be admitted on condition that the addressees submit to the customs office the regulation permit from the Italian health authorities.

(4) *Acceptance at sender's risk.* A package containing merchandise offered for mailing to one of the countries named in subparagraph (3) of this paragraph may be accepted only on condition that the sender knows that the contents are not dutiable in the country of destination, in which case form 2976 may be omitted. The Post Office Department will assume no responsibility for the treatment of these articles by the foreign customs authorities.

(c) *Endorsement.* Senders should add the words "Printed matter (imprimés)" on the address side of packages which, by reason of the volume or packing, may be mistaken for matter of another class.

(d) *Wrapping.* Printed matter may be sent in open wrappers, envelopes, or sealed packages.

(e) *Enclosures.* Printed matter may contain enclosures of printed matter.

PART 105—SMALL PACKETS

Sec.
105.1 Surface rates.
105.2 Airmail rates.
105.3 Weight limits.
105.4 Dimensions.
105.5 Mailing requirements and restrictions.

AUTHORITY: §§ 105.1 to 105.5 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 105.1 *Surface rates.* Surface rate for small packets for all countries is 5 cents for the first ounce and 1 cent for each additional ounce. Minimum charge is 10 cents.

§ 105.2 *Airmail rates.* For airmail rates for small packets see § 100.1 of this chapter.

§ 105.3 *Weight limits.* Weight limit for small packets is 4 pounds 6 ounces.

§ 105.4 *Dimensions*—(a) *Maximum dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length 24 inches. When sent in the form of a roll, the length (the maximum of which may not exceed 32 inches) plus twice the diameter, may not exceed 40 inches. However, in the case of indivisible objects sent to countries listed in subparagraph (2) of this paragraph, the length (which may not exceed 40 inches) plus twice the diameter, may be 48 inches.

(2) Countries to which the conditions of the Postal Union of the Americas and Spain are applicable:

Argentina.
Bolivia.
Brazil.
Canada.
Chile.
Colombia.
Costa Rica.
Cuba.
Dominican Republic.
Ecuador.
Guatemala.
Haiti.
Honduras (Republic of).
Mexico.
Morocco (Spanish Zone).
Nicaragua.
Panama.
Paraguay.
Peru.
Philippines (Republic of).
Salvador (El).
Spain (including Balearic Islands, Canary Islands and Spanish Offices in Northern Africa).
Spanish Guinea.
Spanish West Africa.
Uruguay.
Venezuela.

(b) *Minimum dimensions.* Envelopes should not measure less than 4 inches in length and 2¾ inches in width.

§ 105.5 *Mailing requirements and restrictions*—(a) *Restrictions.* Small packets shall not contain any documents having the character of actual personal correspondence addressed to persons other than the addressee or persons residing with the latter.

(b) *Dutiable contents*—(1) *Mailability.* Articles liable to customs duty (merchandise) may be forwarded in small packets, provided such importation is not prohibited by the country of destination.

(2) *Customs label to be affixed.* You must complete and affix to the address side of such article the green (customs) label, Form 2976, referred to in § 133.1 (a) of this chapter. If you know that the contents of the package are not dutiable you may, if you prefer, omit Form 2976. Acceptance for mailing will then be at your risk, and the Post Office Department will assume no responsibility for the treatment that may be accorded the article by the foreign customs authorities. Omission of this form may, however, result in delayed delivery and possible penalties against the addressee, regardless of whether the contents are dutiable or not. Special restrictions exist with respect to certain countries.

(3) *Countries to which not acceptable.* The following countries will not accept dutiable articles sent in small packets. Countries marked with an asterisk (*) will accept dutiable articles sent in small packets only when registered:

*Azores.
Bolivia.
Brazil.
British Honduras.
China.
Colombia.
*Ecuador.
Estonia.
*Guatemala.
Italy (see note).
Japan.
Korea.
Latvia.
Lithuania.
*Madeira Islands.
*Panama.
*Peru.
Rumania.
Ryukyu Islands.
Salvador (El).
Spanish Guinea.
Spanish West Africa.
Union of Soviet Socialist Republics.
*Uruguay.
Venezuela.

NOTE: Italy will accept packages containing only small quantities of streptomycin and penicillin sent as gifts. The medicine must be prepared to be used directly for personal treatment, and will be admitted on condition that the addressees submit to the customs office the regulation permit from the Italian health authorities.

(4) *Acceptance at sender's risk.* A package containing merchandise offered for mailing to one of the countries named in subparagraph (3) of this paragraph may be accepted only on condition that the sender knows that the contents are not dutiable in the country of destination, in which case form 2976 may be omitted. The Post Office Department will assume no responsibility for the treatment of these articles by the foreign customs authorities.

(c) *Endorsement.* Senders should add the words "Small packet (petit paquet)" on the address side of packages which, by reason of the volume or packing, may be mistaken for matter of another class.

(d) *Wrapping.* Small packets may be sent in open wrappers, envelopes, or sealed packages.

(e) *Enclosures.* Small packets may contain enclosures of printed matter.

roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however, in the case of indivisible objects exchanged with countries to which § 101.4 (a) of this chapter applies, the length (40 inches maximum) plus twice the diameter may be as much as 48 inches.

(b) *Minimum dimensions.* Envelopes should measure not less than 4 inches in length and 2¾ inches in width.

§ 103.5 *Description.* The following are considered as commercial papers, provided that they do not have the character of actual and personal correspondence:

(a) All papers and documents, wholly or partly written or drawn, such as out-of-date articles of correspondence (opened letters and post cards, even though they bear canceled postage stamps or postage paid impressions which have served to pay the original postage) which have already reached their original destination, and copies thereof;

(b) Papers of legal procedure;

(c) Documents of all kinds drawn up by ministerial officers;

(d) Waybills or bills of lading;

(e) Invoices;

(f) Certain documents of insurance companies;

(g) Copies of or extracts from documents under private seal written on stamped or unstamped paper;

(h) Scores or sheets of music in manuscript;

(i) Manuscripts of books or of newspapers sent separately;

(j) Original and corrected exercises of students, but without any notes not relating directly to the execution of the work;

(k) All articles (even when they have the character of actual and person correspondence) containing correspondence exchanged between students in schools: *Provided*, That such articles are sent through the intermediary of the heads of the schools concerned.

§ 103.6 *Reference slips.* The documents enumerated in § 103.5 may be accompanied by reference slips or memoranda bearing notations showing the number of the pieces composing the shipment, or references to correspondence exchanged between the sender and addressee, such as: "Enclosure to our letter of _____ addressed to _____. Our reference _____ Customer's reference _____."

§ 103.7 *Endorsements and sealing.* Commercial papers must be endorsed "Commercial Papers" and must not be sealed.

PART 104—PRINTED MATTER

See.
104.1 Surface rate.
104.2 Air mail rates.
104.3 Weight limits.
104.4 Dimensions.
104.5 Description.
104.6 Mailing requirements.
104.7 Raised print for the blind.
104.8 Books.
104.9 Endorsements and sealing.

AUTHORITY: §§ 104.1 to 104.9 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 104.1 *Surface rate.* Surface rate for printed matter to all countries is 2 cents for the first 2 ounces and 1½ cents for each additional 2 ounces or fraction. Daily newspapers issued and mailed as frequently as six times a week to bona fide subscribers in Canada by publishers or registered news agents are subject to special rates. Other second-class matter (see Part 22 of this chapter) mailed to Canada by publishers and registered news agents, 1 cent for each 4 ounces or fraction. Special rates apply to raised print for the blind. See § 104.7.

§ 104.2 *Air mail rates.* For air mail rates for printed matter see § 100.1 of this chapter.

§ 104.3 *Weight limits*—(a) *In general.* Subject to the exceptions noted in paragraph (b) of this section the weight limit on printed matter is 6 pounds 9 ounces; for volumes of printed books sent singly, 11 pounds. Special weight limits apply to printed matter for the blind. See § 104.7.

(b) *Exceptions.* The weight limit for printed matter in general to Canada is 6 pounds 9 ounces; to Paraguay and Peru, 11 pounds. Printed matter packages for the Philippines are limited to 11 pounds, except those addressed to cities and containing legal, medical, scientific or educational books, which may weigh up to 22 pounds. A single volume at the printed matter rate to Canada may weigh up to 11 pounds; to Cuba, Mexico, Panama or El Salvador, 60 pounds.

§ 104.4 *Dimensions*—(a) *Maximum dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however, in the case of indivisible objects exchanged with the countries to which § 101.4 (a) of this chapter applies, the length (40 inches maximum) plus twice the diameter, may be as much as 48 inches combined.

(b) *Minimum dimensions.* Envelopes should measure not less than 4 inches in length and 2¾ inches in width.

§ 104.5 *Description*—(a) *General definition.* The term "printed matter" applies to all impressions or reproductions obtained upon paper, or materials similar to paper, parchment, or cardboard, by means of printing, engraving, lithography, photography, or any other easily recognizable mechanical process, with the exception of the copying press, stamps with movable or immovable type, and the typewriter.

(b) *What is admissible as printed matter.* The following are admitted as printed matter:

(1) Newspapers and periodicals;

(2) Books and pamphlets;

(3) Sheet music;

(4) Visiting cards, address cards;

(5) Printing proofs (with or without the relative manuscripts);

(6) Unframed photographs, engravings;

(7) Albums containing photographs;

(8) Printed pictures, drawings, plans, maps;

(9) Patterns to be cut out;

(10) Calendars (except calendar pads with blank pages for memoranda);

(11) Catalogs, prospectuses, advertisements;

(12) Notices;

(13) Cards although bearing the title "Post Card" providing they fulfill the general conditions for prints. Those which do not fulfill these conditions are treated as post cards, or, if occasion arises, as letters.

(14) Matrices of material similar to paper or cardboard;

(15) Reproductions of handwriting or typewriting obtained by means of the printing press, mimeograph, multigraph, or similar mechanical process are acceptable as printed matter under the same conditions as are applied in the domestic service.

(c) *Not admissible as printed matter.* The following are not acceptable at the printed matter rate:

(1) Printed papers which bear any marks whatever capable of constituting a conventional language or with the exceptions specifically authorized by paragraph (d) of this section, those of which the text has been modified after printing;

(2) Stamps or forms of prepayment, canceled or not, including Internal Revenue strip stamps, and all printed papers representing a monetary value;

(3) Articles of stationery, when it appears clearly that the printed text is not the essential part of the article;

(4) Framed photographs and certificates;

(5) Photographic negatives and slides;

(6) Films;

(7) Phonograph records, and perforated papers intended to be used on automatic musical instruments;

(8) Disc or wire recordings of correspondence, etc.;

(9) Bulk shipments of printed envelopes, letterheads, billheads, calendar pads, and similar articles, as well as diaries (books), check books, greeting cards or folders, and the like, which, although containing some printed matter, such as dates, headings, etc., have blank spaces or pages in which entries are to be made in manuscript or on the typewriter. Check books to Great Britain and Northern Ireland must be sent exclusively in the letter mails;

(10) Typewritten matter, or carbon copies thereof, except as may be authorized by paragraphs (d) and (e) of this section.

(d) *Permitted additions.* The following additions may be made, either by hand or by mechanical process, on the outside or inside of printed articles:

(1) The name, title, profession, firm, and address of the sender and the addressee, as well as the date of mailing, the signature, telephone number and telephone exchange, telegraphic address and code, current postal check or bank account of the sender, as well as an order or entry number relating exclusively to the articles;

(2) Corrections of mistakes in printing;

(3) Striking, underlining or encircling of certain words or passages of the printed text, unless intended as personal correspondence;

(4) On notices concerning the departure and arrival of ships and planes: the dates and time of such departures and arrivals, as well as the names of the ships, planes, ports of departure, call, and arrival;

(5) On travelers' announcements: the name of the traveler, the date, time, and name of the place through which he contemplates passing as well as the place where he is stopping;

(6) On order, subscription or offer blanks for publications, books, newspapers, engravings, and pieces of music: the publications and number of copies ordered or offered, the prices of such publications, as well as notations representing price factors, terms of payment, the edition, the names of the authors or publishers, the catalog number and the words "broché" (stitched or paper-bound), "cartonné" (boards) or "relié" (bound);

(7) On forms used in connection with loans from libraries, the titles of books, number of copies requested or sent, names of authors or publishers, catalog numbers, number of days permitted for reading, name of person desiring to consult the book, as well as other brief indications relating to the books in question;

(8) On illustrated cards, printed visiting cards, as well as on Christmas and New Year cards: good wishes, greetings, congratulations, thanks, condolences, or other forms of politeness expressed in not more than five words or by means of not more than five conventional initials;

(9) On printing proofs: such changes and additions as relate to the correction, form and printing, as well as notes such as "Ready for printing," "O. K. for printing," or any similar note relating to the preparation of the work. In case of lack of space, the additions may be made on separate sheets;

(10) On fashion plates, maps, etc.: the colors;

(11) On current price lists, offers for advertisements, market and stock quotations, commercial circulars and prospectuses: figures and any other annotations representing price factors;

(12) On books, pamphlets, newspapers, photographs, engravings, sheet music, and in general, on all printed, engraved, lithographed, or autographed literary or artistic productions: a dedication consisting of a simple tribute; and on photographs or engravings, a very concise explanatory legend as well as other summary information concerning the photograph or engraving itself;

(13) On passages cut from newspapers and periodicals: the name, date, number, and address of the publication from which the article is taken;

(14) An order or entry number relating exclusively to the articles contained in the package;

(15) On notices of change of address: the old and the new address as well as the date of the change.

(e) *Permitted attachments.* Articles sent as prints may have the following attachments:

(1) The manuscript to corrected or uncorrected printing proofs;

(2) To books, pamphlets, newspapers, photographs, engravings, sheet music, and, in general, all prints and engraved, lithographed or autographed literary or artistic productions: an open invoice covering the article sent, reduced to its essential terms;

(3) A card, envelope or wrapper bearing the address of the sender which may be prepaid for return by means of postage stamps of the country of destination of the article of printed matter;

(4) Cut-out patterns which are marked to show that they are an integral part of a fashion magazine with which they are mailed.

§ 104.6 *Mailing requirements*—(a) *Wrapping.* Prints must be placed either under wrapper, in rolls, between cardboard, in an open case, or in an unsealed envelope, provided, if need be, with easily removable fasteners offering no danger, or be fastened with a string which can be easily untied. Articles of printed matter should not be prepared in such a manner as to allow other articles to slip into them. Prints of the shape and consistency of a card and either folded (in such a way that they can not unfold during transportation) or unfolded may be forwarded without wrapper, envelope, or fastener.

(b) *Addressing and affixing of stamps.* The right half, at least, of the address side of prints sent in the form of cards, including illustrated post cards, must be reserved for the address of the recipient and the service notes or labels. The postage stamps or postage-paid impressions must be placed on the address side, and insofar as possible on the right half of the cards.

(c) *Prohibited enclosures.* Newspapers, periodicals, or other articles of printed matter addressed to several different subscribers or addressees must not be enclosed in the same package with postage stamps affixed only to the outside wrapper of the package. However, several newspapers, periodicals, or other articles of printed matter, without separate address, may be enclosed in the same package.

(d) *Return request.* Senders desiring that ordinary (unregistered) prints be returned if they prove to be undeliverable as addressed must place their return address on the package and a notation in a language known in the country of destination requesting its return.

(e) *Dutiable prints.* Prints which are dutiable in the country to which they are addressed should have a green (customs) label, Form 2976, affixed to the address side of the article. (See § 133.1 (a) of this chapter.)

§ 104.7 *Raised print for the blind*—(a) *Surface rate.* Surface rate for raised print for the blind is 1 cent for each pound or fraction.

(b) *Air rate.* For air mail rate for raised print for the blind, see § 100.1 of this chapter.

(c) *Weight limit.* Weight limit is 15 pounds 6 ounces.

(d) *Dimensions.* See dimensions of printed matter in general, § 104.4.

(e) *Description.* Printing plates with characters for the use of the blind are treated as raised print for use of the blind. The same applies to sound recordings and special paper intended only for the use of the blind, on condition that they are sent by an officially recognized institution for the blind or addressed to such an institution.

§ 104.8 *Books*—(a) *Surface rate.* Surface rate for books, as defined in paragraph (d) of this section, is 8 cents each pound or fraction.

(b) *Airmail rates.* For airmail rates to individual countries see rates of "Other Postal Union Matter" in § 100.1 of this chapter.

(c) *Weight limit and dimensions.* Weight limit and dimensions are the same as for printed matter in general. See §§ 104.3 and 104.4.

(d) *Admissible publications*—(1) *Description.* Among the publications to which the reduced book rate applies, are the following:

(i) Books permanently bound by stitching or stapling, or by means of spiral or plastic binding, when covered with paper, cloth, leather, or other substantial material.

(ii) Books enclosed in the usual paper jackets bearing advertisements of other books.

(iii) Music books in regular bound form.

(iv) Books consisting largely of pictures, illustrations, maps, such as a view book or atlas.

(v) Bibles with customary incidental space for family record.

(2) *Exclusions.* The "book" rate does not apply to the following:

(i) Annual reports of organizations and institutions; also reports or minutes of their conventions or other meetings published primarily for the benefit of members.

(ii) Books containing write-ups, boosts or other advertisements, of other things than books, as, for instance, playing cards, merchandise, services, etc.

(iii) Books in any other than final or permanent form, including those of the loose-leaf binder type which are not complete or permanent when mailed but to which other pages are subsequently to be added.

(iv) Reports of corporations sent to stockholders.

(v) House organs, including publications designed to promote the commercial interests of a firm or organization.

(vi) Telephone and other directories, including trade directories.

(vii) Publications entered as second-class matter.

(viii) Publications consisting of pictures to be colored or cut out.

(ix) Publications other than textbooks, having blanks spaces for written entries, records or other hand work, such as almanacs, diaries, memorandum books, and similar publications.

(x) Periodical publications.

(xi) Sheet music.

(xii) Freight and passenger tariffs.

(3) *Countries.* The postage rate prescribed in paragraph (a) of this section for books, applies only to books which contain no publicity or advertising, other

than that appearing on the flyleaves, addressed for delivery in the following countries:

Argentina.	Honduras (Republic of).
Bolivia.	Mexico.
Brazil.	Nicaragua.
Chile.	Panama.
Colombia.	Paraguay.
Costa Rica.	Peru.
Cuba.	Philippines.
Dominican Republic.	Salvador, El.
Ecuador.	Uruguay.
Guatemala.	Venezuela.
Haiti.	

(4) *Permissible enclosures.* The following are permissible enclosures with books mailed at the reduced rate: A card, envelope, or wrapper bearing the address of the sender, a single order form, and a single sheet not larger than approximately the size of a page, relating exclusively to the book with which enclosed. An invoice showing the price, etc., of the book may also be enclosed.

§ 104.9 *Endorsements and sealing.* Printed matter must be endorsed "Printed Matter" or "Printed Matter for the Blind" as the case may be, and must not be sealed.

PART 105—SAMPLES OF MERCHANDISE

Sec.
105.1 Surface rate.
105.2 Airmail rates.
105.3 Weight limit.
105.4 Dimensions.
105.5 Description.
105.6 Mailing requirements.
105.7 Packing requirements for certain articles.
105.8 Endorsements and sealing.

AUTHORITY: §§ 105.1 to 105.8 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 105.1 *Surface rate.* Surface rate for samples of merchandise is 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction.

§ 105.2 *Airmail rates.* For airmail rates, see § 100.1 of this chapter.

§ 105.3 *Weight limit.* Weight limit is 13 ounces.

§ 105.4 *Dimensions*—(a) *Maximum dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however, in the case of indivisible objects exchanged with the countries to which § 101.4 (a) of this chapter applies, the length (40 inches maximum) plus twice the diameter may be as much as 48 inches combined.

(b) *Minimum dimensions.* Envelopes should measure not less than 4 inches in length and 2¾ inches in width.

§ 105.5 *Description.* The following are admitted at the sample rate: Electrotypes; single cut-out patterns; keys sent singly; fresh cut flowers; articles of natural history (dried or preserved animals and plants, geological specimens, etc.); tubes of serum and vaccines; medicaments of urgent need difficult to obtain; pathological objects rendered harmless by their mode of preparation and packing. These articles, except tubes of serum and vaccines, and medicaments of urgent need difficult to obtain, sent in the general interest by laboratories, or institutions officially recognized, must not be sent for commercial purposes. Their packing must be in accordance with the general regulations concerning samples of merchandise.

§ 105.6 *Mailing requirements* — (a) *Packing.* Samples of merchandise must be made up in such a way that they can be easily inspected. They shall be placed in bags, boxes, or wrappers which are unsealed or which have a removable fastener. No packing is required for articles consisting of a single piece, such as pieces of wood, metal, etc., which it is not customary to pack in commercial usage, on the condition that the address and the postage stamps be placed on a tag if necessary. However, the address must always be reproduced on the article itself, in the absence of which packing may be required.

(b) *Prohibited contents.* Packages containing samples of merchandise shall not contain any article having a salable value. Goods sent as gifts or in execution of an order, no matter how small the quantity, are not transmissible at the postage rates and conditions applicable to samples of merchandise. Except as provided for in paragraph (c) of this section, samples of merchandise must not bear any notation or contain any document having the character of actual personal correspondence, nor contain any postage stamps, any cancelled or uncancelled form of prepayment, or any paper representing a value. Pairs of articles, such as gloves, shoes, socks, etc. (but not such as suspenders or drawers), are not transmissible by mail to other countries at the postage rates and conditions applicable to "samples of merchandise", but one article of a pair may be so transmitted.

(c) *Permitted notations.* You may indicate, by hand or by a mechanical process, on the outside or on the inside of packages of samples, and in the latter case, on the sample itself or on a special sheet relative thereto: the name, title, profession, firm and address of the sender and the addressee, as well as the date of mailing, the signature, telephone number and telephone exchange, telegraphic address and code, current postal check or bank account of the sender, a factory mark or trade mark, a brief indication concerning the manufacturer and the jobber of the merchandise or concerning the person to whom the sample is addressed, as well as order or entry numbers, prices and any other annotations representing price factors, particulars relative to weight, measurement and size, or to the quantity to be disposed of, and such as are necessary to determine the origin and character of the goods.

§ 105.7 *Packing requirements for certain articles*—(a) *Glass.* Articles of glass or other fragile materials must be securely packed (in boxes of metal, wood, or strong corrugated cardboard), so as to avoid all danger to postal employees and the mails.

(b) *Liquids, oils, etc.* Liquids, oils, and substances which easily liquefy must be enclosed in hermetically sealed receptacles. Each receptacle must be placed in a separate box of metal, strong wood or strong corrugated cardboard containing enough sawdust, cotton, or spongy material to absorb the liquid in the event of breakage of the receptacle. The cover of the box must be fastened in such a way that it cannot be easily detached.

(c) *Fatty substances.* Fatty substances which do not easily liquefy, such as ointments, soft soap, resin, etc., as well as silkworm eggs, the transmission of which presents fewer difficulties, must be enclosed in an inside cover (box, canvas bag, parchment, etc.), which must itself be placed in a second box of wood, metal, or stout, thick leather.

(d) *Dry powdered dyes.* Dry powdered dyes such as aniline, etc., are not admitted unless enclosed in stout tin boxes, placed in turn inside wooden boxes, with sawdust between the two packings; dry noncoloring powders must be placed in boxes of metal, wood, or cardboard. These boxes themselves must be enclosed in a canvas bag or parchment.

(e) *Live organisms.* Live bees, leeches, silkworm eggs, and parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies shall be enclosed in boxes so constructed as to avoid all danger.

(f) *Deteriorating articles.* Articles which would deteriorate if packed in accordance with the general rules (as well as samples placed in transparent containers permitting verification of their contents, may, as an exception, be admitted in hermetically sealed containers. The same applies to samples of industrial or vegetable products mailed under seal by the factory or sealed by the inspection authorities of the country of origin. In such cases, the postal administration concerned may require the sender or the addressee to facilitate the verification of the contents either by opening certain articles indicated by them or in some other satisfactory manner.

§ 105.8 *Endorsements and sealing.* Samples of merchandise must be endorsed "Samples of Merchandise" and not be sealed.

PART 106—SMALL PACKETS

Sec.
106.1 Surface rates.
106.2 Airmail rates.
106.3 Weight limit.
106.4 Dimensions.
106.5 Preparation and packing.
106.6 Limitations and restrictions.
106.7 Permitted and prohibited destinations.
106.8 Endorsements, sealing and documentation.

AUTHORITY: §§ 106.1 to 106.8 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 106.1 *Surface rates.* Surface rate for all countries accepting small packets (see § 106.7) is 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction thereof. Minimum charge, 20 cents per packet.

§ 106.2 *Airmail rates.* For air mail rates for small packets, see § 100.1 of this chapter.

§ 106.3 *Weight limit.* Weight limit for small packet is 2 pounds 3 ounces.

§ 106.4 *Dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches. However, in the case of indivisible objects exchanged with Argentina, Bolivia, Brazil, Costa Rica, Dominican Republic, Ecuador, Honduras, Mexico, Nicaragua, Philippines, El Salvador, Spain, and Venezuela, the length (the maximum of which is 40 inches) plus twice the diameter may be as much as 48 inches.

§ 106.5 *Preparation and packing.* In general, "small packets" are subject to the provisions applicable to "Samples of Merchandise" with respect to preparation and packing. (See § 105.7 of this chapter.)

§ 106.6 *Limitations and restrictions*—(a) *Permitted enclosures.* You may enclose in "small packets" an open invoice reduced to its essential terms. While the full name and address of the addressee as well as that of the sender must appear on the outside of the packet, a simple copy thereof may also be included therein. Small packets may contain articles liable to customs duty and upon receipt in the country of destination will be subject to the customs regulations of such country.

(b) *Prohibited enclosures.* Small packets may not contain any letter, note or document having the character of actual personal correspondence; nor coins, bank notes, paper money, postage stamps canceled or uncanceled, or any values payable to the bearer; platinum, gold, or silver, manufactured or unmanufactured; precious stones, jewelry, or other precious articles.

§ 106.7 *Permitted and prohibited destinations*—(a) *Permitted destinations.* Small packets are accepted when addressed for delivery in the following countries:

Aden.
Afghanistan.
Albania.
Alberia.
Argentina (see note).
Ascension.
Australia.
Austria.
Bahamas.
Barbados.
Belgian Congo.
Belgium.
Bermuda.
Brazil.
British Cameroons.
British Guiana.
British Honduras.
Brunei.
Cambodia.
Ceylon.
Corsica.
Costa Rica.
Cyprus.
Czechoslovakia.
Dahomey.
Denmark.
Dominican Republic.
Ecuador.
Ethiopia (Abyssinia).
Falkland Islands.
Fiji Islands.
France.
French Cameroons.
French Equatorial Africa.
French Guinea.
French India.
French Oceania.
French Somaliland.
French Sudan.
French Togoland.
Gambia.
Germany.
Gibraltar.
Gold Coast Colony.
Great Britain and Northern Ireland.
Greece.
Guadeloupe.
Honduras (Republic of).
Hong Kong.
Hungary.
Indonesia.
Iran.
Israel (State of).
Ivory Coast.
Jamaica (including Cayman Islands).
Japan.
Jordan (Hashemite Kingdom).
Kenya and Uganda.
Korea.
Laos.
Lebanon.
Leeward Islands.
Libya.
Luxembourg.
Malaya.
Malta.
Martinique.
Mauritania.
Mauritius and dependencies.
Mexico.
Morocco (French Zone).
Morocco, Tangier (International Zone), British and French Post Offices only.
Nauru Island.
Netherlands.
Netherlands New Guinea.
Netherlands West Indies.
New Caledonia and dependencies.
New Guinea, Mandated Territory.
New Hebrides.
New Zealand.
Nicaragua.
Niger.
Nigeria.
North Borneo (State of).
Norway.
Nyasaland Protectorate.
Palestine.
Papua (Territory of).
Philippines.
Poland.
Portuguese Timor.
Reunion (Bourbon) Island.
Rhodesia, Northern.
Rhodesia, Southern.
Ryukyu Islands.
St. Helena.
St. Pierre and Miquelon.
Salvador (El) (registered).
Santa Cruz Islands.
Sarawak.
Saudi Arabia (Kingdom of).
Senegal.
Seychelles.
Sierra Leone.
Solomon Islands.
Somalia.
Somaliland Protectorate.
Spain.
Spanish Guinea.
Spanish West Africa.
Surinam.
Sweden.
Switzerland (including Liechtenstein).
Syria.
Tanganyika Territory.
Thailand.
Tonga (Friendly) Islands.
Trinidad and Tobago.
Tristan da Cunha.
Tunisia.
Turkey.
Turks and Caicos Islands.
Venezuela.
Viet-Nam.
Windward Islands.
Yemen.
Yugoslavia.
Zanzibar and Pemba.

(b) *Prohibited destinations.* Small packets are not acceptable for the following countries, which have expressed an unwillingness to accept such articles:

Anglo-Egyptian Sudan.
Azores.
Bechuanaland Protectorate.
Bulgaria.
Burma.
Canada.
Cape Verde Islands.
Chile.
China.
Colombia.
Cuba.
Egypt.
Eritrea.
Estonia.
Finland.
French Guiana.
Gilbert and Ellice Islands.
Guatemala.
Haiti.
Iceland.
India.
Iraq.
Ireland.
Italy.
Labuan.
Latvia.
Lithuania.
Macao.
Madagascar and dependencies.
Madeira Islands.
Morocco, Tangier (International Zone), Spanish Post Office.
Pakistan.
Panama.
Paraguay.
Persian Gulf Ports.
Peru.
Portugal.
Portuguese East Africa.
Portuguese West Africa.
Rumania.
Salvador (El) (ordinary).
South-West Africa.
Trieste (Free Territory).
Union of South Africa.
Union of Soviet Socialist Republics.
Uruguay.
Vatican City State.

(c) *Other destinations.* Small packets will be accepted at the risk of the sender when addressed to countries other than those listed in paragraphs (a) and (b) of this section.

§ 106.8 *Endorsements, sealing and documentation*—(a) *Endorsements and sealing.* Small packets must be endorsed "Petit Packet" (small packet), and must not be sealed.

(b) *Documentation.* Small packets, whether or not they are subject to customs inspection, must bear the green (customs) label, form 2976. See § 133.1 (a) of this chapter.

PART 107—EIGHT-OUNCE MERCHANDISE PACKAGES

Sec.
107.1 Surface rate.
107.2 Airmail rate.
107.3 Dimensions.
107.4 Weight limit.
107.5 Description.

Sec.
107.6 Sealing and documentation.
107.7 Countries for which accepted.

AUTHORITY: §§ 107.1 to 107.7 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 392.

§ 107.1 *Surface rate.* The surface rate for 8-ounce merchandise packages is 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction.

§ 107.2 *Airmail rate.* For air rates, see § 100.1 of this chapter.

§ 107.3 *Dimensions.* Same as for letter packages. See § 101.4 of this chapter.

§ 107.4 *Weight limit.* Weight limit for eight-ounce merchandise packages is 8 ounces.

§ 107.5 *Description.* "Eight-ounce merchandise packages" are not parcel post, but fall within the broad classification of "Postal Union Mails".

§ 107.6 *Sealing and documentation.* Eight-ounce merchandise packages must not have customs declarations attached and generally must not be sealed. However, when addressed to Canada they may be sealed if marked "May be opened for postal inspection if necessary".

§ 107.7 *Countries for which accepted.* Packages of merchandise weighing 8 ounces or less are accepted for the following countries:

Argentina.
Bolivia.
Brazil.
Canada.
Chile.
Colombia.
Costa Rica.
Cuba.
Dominican Republic.
Ecuador.
Guatemala.
Haiti.
Honduras (Republic of).
Mexico.
Morocco (Spanish Zone).
Nicaragua.
Panama.
Paraguay.
Peru.
Salvador (El).
Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa).
Spanish Guinea.
Spanish West Africa.
Uruguay.
Venezuela.

PART 108—COMBINATION PACKAGES; ARTICLES GROUPED TOGETHER

Sec.
108.1 Combination packages.
108.2 Articles grouped together.

AUTHORITY: §§ 108.1 and 108.2 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 108.1 *Combination packages*—(a) *Definition.* Combination packages are packages made up of two parts, firmly attached together, both addressed for delivery to the same addressee, and consisting of a sealed envelope containing a written or printed communication; and an unsealed container, with samples of merchandise or printed matter enclosed.

(b) *Postage rates.* Each part of a combination package must be fully prepaid at the appropriate rate of postage.

(c) *Countries for which accepted.* The following countries accept combination packages in the ordinary mail only, except as noted:

Austria.
Bolivia.
Brazil.
British Guiana.
British Honduras.
Bulgaria.
Canada.
Colombia.
Denmark.
Dominican Republic (ordinary or registered).
Faroe Islands.
Greenland.
Haiti.
Honduras (Republic of) (registered only).
Iceland.
Jamaica.
Mexico.
Nicaragua.
Norway.
Philippines (Republic of).
Poland.
Rumania.
Salvador (El).
Sweden.
Turks Islands.

§ 108.2 *Articles grouped together*—(a) *Grouping permitted.* You may include in a single package, commercial papers, samples of merchandise, and prints (other than prints for the use of the blind) subject to the conditions set forth in paragraph (b) of this section.

(b) *Conditions of grouping.* The articles specified in paragraph (a) of this section may be grouped together under the following conditions:

(1) Each article taken singly must not exceed the limits of weight applicable to it;

(2) The total weight must not exceed 4 pounds 6 ounces per package if it consists solely of commercial papers and samples;

(3) The weight limit is raised to 6 pounds 9 ounces if the package also contains prints, but in such case the total weight of the commercial papers and samples must not exceed 4 pounds 6 ounces;

(4) The dimensions of the package must not exceed those of letters;

(c) *Postage rate applicable.* Postage will be charged at the rate of 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction. The postage paid must be at least the minimum for commercial papers if the package contains commercial papers.

PART 109—AIRMAIL

Sec.
109.1 Weight limits and dimensions.
109.2 Rates.
109.3 Double or reply-paid post cards.
109.4 Endorsement.
109.5 Prepayment.
109.6 "AO" articles.
109.7 Air letter sheets.

AUTHORITY: §§ 109.1 to 109.7 issued under R. S. 161, 396, 398, sec. 32, 20 Stat. 362, as amended, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372, 39 U. S. C. 358.

§ 109.1 *Weight limits and dimensions.* In general, the limits of weight and dimensions and other conditions (but not postage rates) prescribed for surface mails apply to Postal Union articles for dispatch by air mail. (See Subchapter L of this chapter concerning conditions applicable to international air parcel post.)

§ 109.2 *Rates.* For air rates, including postage and the fee for air service, see § 100.1 of this chapter. The weight of the card prepared as the return receipt of a registered air mail article is not included with the weight of the article in determining the postage required.

§ 109.3 *Double or reply-paid post cards.* For double post cards or reply-paid cards, the initial or message half of such cards must be prepaid at the air mail letter rate to the country of address in order to be entitled to transmission by air.

§ 109.4 *Endorsement.* Articles for transmission by air should have affixed in the upper-left hand corner of the envelope or cover, immediately below the return card of the sender, the blue "Par Avion/By Air Mail" label form 2978. Envelopes bearing distinctive air mail markings may show the printed or rubber stamped endorsement "Par avion by air mail" in the blue capital letters in lieu of form 2978.

§ 109.5 *Prepayment.* Air mail articles must be fully prepaid to assure dispatch without delay. If they are returned to sender for additional postage, the stamps originally affixed will be accepted to the amount of their face value.

§ 109.6 *"AO" articles.* Articles in the Postal Unit mails classified as commercial papers, printed matter, raised print for the blind, samples of merchandise, and small packets, as well as 8-ounce merchandise packages, combination packages and articles grouped together, are transmissible by air provided they are prepared for mailing as prescribed for the class of article involved, as set forth in this subchapter and are prepaid at the appropriate air mail rate. This rate will be the letter rate unless a special "Other Articles" rate is in effect to the countries concerned, in which case the latter rate will apply. In either case the rate is shown in § 100.1 of this chapter.

§ 109.7 *Air letter sheets.* Air letters (aerogramme) of approved size and weight which can be folded into the form of an envelope and sealed, are acceptable for dispatch by air at a uniform rate of 10 cents each to all countries. Air letter sheets with printed postage and air mail markings are sold at all post offices at 10 cents each. Air letter sheets manufactured by private individuals or concerns, if approved by the Post Office Department for such use, may also be accepted for mailing after 10 cents in postage has been affixed. All parts of air letter sheets may be used for the sender's message, except the address side. No enclosures are permitted. Air letter sheets may be sent under registration upon payment of the required registry fee in addition to the postage.

Subchapter L—International Parcel Post

PART 110—RATES AND SHIPPING REQUIREMENTS

§ 110.1 *Rates and shipping requirements.* (See Index of Countries at end of Part 100 of this chapter for destinations not specified in table.)

Country	Weight limit (pounds)	Dimensions: Greatest length (feet)	Dimensions: Greatest length and girth combined (feet)	Sealing: R=required; O=optional	Group shipments: Y=permitted; N=not permitted (numeral indicates limit, if any, of number of parcels permitted in group)	Form 2966, customs declaration (number required)	Form 2972, dispatch note (number required)	Form 2922, parcel post sticker (number required)	Registration: Y=permitted; N=not permitted	Insurance: Y=available; N=not available	Surface parcel post rates: First pound	Surface parcel post rates: Each additional pound	Air parcel post rates: First 4 ounces	Air parcel post rates: Each additional 4 ounces
Aden	22	3½	6	O	N	1	0	1	N	N	$0.65	$0.25	------	------
Afghanistan	11	3½	6	O	Y-3	2	1	1	N	N	.94	.23	------	------
Albania	22	3½	6	R	N	1	0	1	N	N	1.14	.22	------	------
Algeria	44	(See France)		O	N	1	1	1	N	N	.63	.24	------	------
Andorra	44	(See France)		R	N	1	1	1	N	N	.45	.22	------	------
Anglo-Egyptian Sudan	22	3½	6	O	Y-3	2	1	1	N	N	.91	.23	------	------
Argentina	44	3½	6	R	[14] Y-3	2	1	1	N	N	.48	.25	$1.51	$0.76
Ascension	11	3½	6	O	N	1	0	1	N	N	.61	.38	------	------
Australia	11	3½	6	(2)	Y	1	0	1	N	N	.49	.26	1.62	1.27
Austria	22	3½	6	(2)	N	1	1	1	N	Y	.73	.25	1.05	.40
Azores	11	3½	6	(2)	N	2	0	1	[3] Y	[3] Y	.45	.22	.71	.44
Bahamas	22	3½	6	(2)	Y	1	0	1	N	Y	.45	.22	.83	.14
Barbados	22	3½	6	(1)	[4] Y	1	0	1	N	Y	.45	.22	7.65	.35
Bechuanaland Protectorate	11	3½	6	O	N	1	0	1	N	N	.57	[34] .34	------	------
Belgian Congo	44	3½	6	R	N	3	1	1	Y	N	[5] .56	.27	1.38	.79
Belgium	44	3½	6	(1)	[4] Y	2	1	1	N	Y	.45	.22	.98	.43
Bermuda	22	3½	6	O	Y	1	0	1	N	Y	.45	.22	.76	.13
Bolivia	44	3½	6	R	N	2	0	1	Y	N	1.10	[36] .30	1.08	.40
Brazil	[8] 22, 44	3½	6	R	N	2	1	1	Y	N	.78	.24	1.48	.64
British Cameroons	22	3½	6	O	[7] Y	1	0	1	N	N	1.05	.28	------	------
British Guiana	22	3½	6	(2)	[4] Y-3	1	1	1	N	N	.45	.22	1.07	.39
British Honduras	22	3½	6	O	Y	1	0	1	N	N	.45	.22	.80	.20
Brunei	22	3½	6	O	N	1	0	1	N	N	.98	.29	------	------
Bulgaria	22	3½	6	R	N	1	0	1	N	N	.47	.24	------	------
Burma	22	3½	6	O	N	2	1	1	N	N	.76	.26	------	------
Cambodia	22	3½	6	R	N	1	1	1	N	N	.78	.23	------	------
Canada	[9] 15	3½	6	[9] O	[4] Y	1	0	1	N	[9] Y	.45	.22	------	------
Cape Verde Islands	22	3½	6	(2)	Y-3	1	1	1	N	N	.68	.25	------	------
Ceylon	22	3½	6	R	Y-3	1	1	1	N	N	.93	.29	1.75	1.00
Chile	22	3½	6	R	[4] Y-3	2	0	1	N	N	.70	.22	2.31	.56
China	22, [10] 44	3½	7	O	N	2	0	1	N	N	.53	.30	1.43	1.08
Colombia	44	3½	6	R	[4] Y-3	2	1	1	N	N	.78	[37] .34	1.21	.40
Corsica	44	(See France)		(2)	N	1	1	1	N	Y	.63	.24	------	------
Costa Rica	44	3½	6	R	N	1	0	1	Y	N	.45	.22	.79	.29
Cuba	22	3½	6	R	N	1	0	1	Y	N	[38] .45	.22	[25] ------	------
Cyprus	22	3½	6	O	N	1	0	1	N	N	.81	.23	------	------
Czechoslovakia	44	3½	6	(2)	N	1	0	1	N	Y	.57	.26	.88	.48
Dahomey	44	3½	6	O	N	1	0	1	N	N	.72	.26	------	------
Denmark	44	3½	[6] 6	(2)	N	1	0	1	N	Y	.45	.22	.97	.47
Dominican Republic	44	3½	6	R	[4] Y-3	1	0	1	Y	N	.58	.22	.86	.22
Ecuador	44	3½	6	R	[4] Y-3	1	0	1	Y	N	.86	.22	1.24	.33
Egypt	22	3½	6	O	Y-3	1	1	1	N	N	.66	.22	1.35	.64
Eritrea	22	3½	6	R	N	1	1	1	N	N	.63	.25	------	------
Estonia	22	3½	6	R	N	3	1	1	N	N	.99	.23	1.66	.63
Ethiopia	44	3½	6	O	N	1	0	1	N	N	.73	.26	------	------
Falkland Islands	22	3½	6	O	N	1	0	1	N	N	.80	.23	1.26	.76
Fiji Islands	22	3½	6	O	Y	1	0	1	N	N	.66	.28	1.67	1.00
Finland	44	3½	6	(2)	N	1	0	1	N	Y	.47	.24	.88	.51
France	44	3½	6	(2)	N	1	1	1	N	Y	.45	.22	1.22	.44
French Cameroons	22	3½	6	R	N	1	0	1	N	N	.49	.26	------	------
French Equatorial Africa	[11] 22, 44	3½	6	R	N	1	0	1	N	N	.74	.26	------	------
French Guiana	11	3½	6	R	N	1	0	1	N	N	.65	.24	.79	.44
French Guinea	44	3½	6	O	N	1	0	1	N	N	.70	.25	------	------
French India	22	3½	6	O	N	1	0	1	N	N	.84	.24	1.75	7.90
French Oceania	22	3½	6	O	N	1	0	1	N	N	.51	.28	------	------
French Somaliland	22	3½	6	O	N	1	0	1	N	N	.45	.22	------	------
French Sudan	44	3½	6	O	N	1	0	1	N	N	.70	.26	------	------
French Togoland	44	3½	6	O	N	1	0	1	N	N	.72	.26	------	------
Gambia	22	3½	6	O	N	1	0	1	N	N	.99	.28	------	------
Germany	[11] 22, 44	3½	6	(2)	N	1	1	1	N	[12] Y	.45	.22	.95	.45
Gibraltar	22	3½	[6] 6	(2)	[4] Y	1	0	1	N	Y	.45	.22	.75	.50
Gilbert and Ellice Islands Colony	11	3½	6	O	N	1	0	1	N	N	.53	.27	------	------
Gold Coast Colony	22	3½	6	(2)	N	1	0	1	N	Y	.45	.22	1.18	.61
Great Britain and Northern Ireland	22	3½	6	(2)	[4] Y	1	0	1	N	Y	.46	.23	1.00	.41
Greece	22	3½	[6] 6	O	N	1	1	1	N	N	.45	.24	1.07	.57
Guadeloupe	11	3½	6	O	Y	1	0	1	N	N	.45	.22	.65	.20
Guatemala	44	3½	[6] 6	R	[4] Y-3	1	0	1	N	Y	.70	.22	1.01	.25
Haiti	44	3½	[6] 6	R	N	1	0	1	Y	N	.61	.23	.72	.21
Honduras	[8] 22, 44	3½	[6] 6	R	N	1	0	1	Y	N	.45	.22	.78	.28
Hong Kong	22	3½	6	O	N	1	0	1	N	N	.45	.22	1.74	1.39
Hungary	44	3½	[6] 6	O	N	1	1	1	N	N	.61	.28	------	------
Iceland	44	3½	[6] 6	(2)	Y	2	0	1	N	Y	.61	.21	.89	.33
India	[10, 11, 22]	3½	6	O	N	2	0	1	N	N	.70	.21	1.70	.95
Indonesia	11	3½	[6] 6	O	N	3	0	1	N	N	.61	.22	1.75	1.00
Iran	44	3½	6	R	Y-3	1	1	1	N	N	.45	.22	1.47	.72
Iraq	44	3½	6	R	Y-3	2	1	1	N	N	.66	.25	1.47	.72
Ireland (Eire)	15	3½	6	(2)	N	1	0	1	N	Y	.45	.22	.97	.57
Israel	22	3½	6	O	N	2	0	1	N	N	.66	.25	1.42	.67
Italy	44	[13] 3½	[6] 6	R	N	1	1	1	N	Y	.53	.22	1.08	.50
Ivory Coast	44	3½	6	O	N	1	0	1	N	N	.45	.22	------	------
Jamaica	22	3½	6	O	N	1	0	1	Y	N	.45	.22	------	------
Japan	22	[15] 3½	[6] 6	(2)	[4] Y	1	0	1	N	Y	.48	.25	1.27	.91
Jordan (Hashemite Kingdom)	22	3½	6	O	Y-3	1	1	1	N	N	1.01	[16] .27	------	------
Kenya and Uganda	11	3½	6	O	N	1	0	1	N	N	.53	.24	1.35	.85
Korea	22	[17] 3½	[6] 6	O	N	1	0	1	N	N	.48	.25	1.37	1.01
Labuan	22	3½	6	O	N	1	0	1	N	N	.78	.27	------	------
Laos	22	3½	6	R	N	1	1	1	N	N	.78	.23	------	------
Latvia	22	[18] 3½	[6] 6	R	N	3	1	1	N	N	.90	.23	1.66	.63

See footnotes at end of table.

Country	Weight limit (pounds)	Dimensions: Greatest length (feet)	Dimensions: Greatest length and girth combined (feet)	Sealing: R=required; O=optional	Group shipments: Y=permitted; N=not permitted (numeral indicates limit, if any, of number of parcels permitted in group)	Form 2966, customs declaration (number required)	Form 2972, dispatch note (number required)	Form 2922, parcel post sticker (number required)	Registration: Y=permitted; N=not permitted	Insurance: Y=available; N=not available	Surface parcel post rates: First pound	Surface parcel post rates: Each additional pound	Air parcel post rates: First 4 ounces	Air parcel post rates: Each additional 4 ounces
Lebanon (Republic of)	11,[11] 44	3½	6	R	N	2	1	1	N	N	$0.53	$0.22	$1.22	$1
Leeward Islands	22	3½	6	(2)	N	1	0	1	N	Y	[22] .45	[22] .22	[22] .50	[22] .20
Liberia	22	3½	6	O	N	1	0	1	Y	N	.45	.22	.80	.56
Libya (United Kingdom of)	22	[20] 3½	[20] 6	R	N	1	1	1	N	N	.68	.24	------	------
Lithuania	22	[20] 3½	[20] 6	R	N	3	1	1	N	N	.90	.23	1.05	.63
Luxembourg	44	[20] 3½	[20] 6	(2)	[4] Y	2	1	1	N	N	.45	.23	.98	.63
Macao	22	[20] 3½	[20] 6	O	N	1	0	1	N	[1] Y	.78	.23	------	------
Madagascar and Dependencies	11	3½	6	O	N	1	0	1	N	N	.82	.25	------	------
Madeira Islands	22	3½	6	(2)	Y-3	1	1	1	[1] Y	[1] Y	.93	.27	.77	.53
Mahiya	22	3½	6	O	Y	1	0	1	N	N	.88	.26	1.77	1.09
Malta	22	3½	6	O	Y	1	0	1	N	N	.68	.24	1.10	.70
Martinique	11	3½	6	O	N	2	0	1	N	N	.45	.22	.87	.57
Mauritania	44	3½	6	O	N	1	0	1	N	N	.70	.25	------	------
Mauritius and Dependencies	11	3½	6	O	N	1	0	1	N	N	.65	.42	------	------
Mexico	44	[20] 3½	[20] 6	R	[4] Y-3	1	0	1	N	N	.45	.22	.64	.38
Morocco, French Zone	44	3½	6	R	N	1	0	1	N	N	.45	.22	1.19	.54
Morocco, Spanish Zone	[6] 11, 44	[20] 3½	[20] 6	R	N	2	1	1	Y	N	.71	.24	1.25	.79
Morocco, Tangier (International Zone)	44	3½	6	R	N	1	0	1	[66] Y	N	.71	.24	1.19	.74
Nauru Island	11	3½	6	O	N	1	0	1	N	N	.53	.27	------	------
Netherlands	44	[20] 3½	[20] 6	(2)	Y	3	1	1	N	Y	.45	.22	.89	.61
Netherlands New Guinea	11	[20] 3½	[20] 6	O	Y-3	2	0	1	N	N	.87	.25	------	------
Netherlands West Indies	44	[20] 3½	[20] 6	(2)	Y	1	0	1	N	Y	.45	.22	.72	.50
New Caledonia and Dependencies	44	3½	6	O	N	1	0	1	N	N	.53	.24	------	------
New Guinea Mandated Territory	11	3½	6	O	N	1	0	1	N	N	.53	.27	------	------
New Hebrides	11	3½	6	O	N	1	0	1	N	N	.58	.28	------	------
New Zealand	22	[20] 3½	[20] 6	(2)	[4] Y	1	0	1	N	Y	.45	.22	1.82	1.17
Nicaragua	44	[20] 3½	[20] 6	R	N	1	0	1	Y	Y	.45	.22	.80	.29
Niger	44	3½	6	R	N	1	0	1	N	N	.72	.26	------	------
Nigeria	[7] 11, 22	3½	6	O	Y	1	0	1	N	N	1.05	.28	1.25	.68
North Borneo	22	3½	6	O	Y	1	0	1	N	N	.98	.29	------	------
Norway	44	3½	6	(2)	N	1	0	1	N	N	.47	.24	1.02	.47
Nyasaland	11	3½	6	O	Y	1	0	1	N	N	.70	.47	------	------
Pakistan	22	3½	6	O	N	2	1	1	N	N	[46] .70	[6] .24	1.63	.84
Palestine, Western Arab	11	3½	6	O	Y-3	1	1	1	N	N	1.01	.25	------	------
Panama (Republic of)	[6] 11, 70	[32] 3½	[32] 7	R	N	1	0	1	N	N	.70	.22	.91	.51
Papua	11	3½	6	O	N	1	0	1	N	N	.53	.27	------	------
Paraguay	22	[20] 3½	[20] 6	R	[4] Y-3	1	1	1	N	N	.53	.24	------	------
Persian Gulf Ports	22	[20] 3½	[20] 6	(2)	N	2	1	1	N	N	.46	.23	[6] 1.35	.77
Peru	44	[20] 3½	[20] 6	R	N	1	0	1	N	N	.95	.23	1.23	.57
Philippines (Republic of the)	[18] 11, 22, 44	[20] 3½	[20] 6	O	N	1	0	1	N	N	.45	.23	1.81	1.26
Pitcairn Island	11	3½	6	O	N	1	0	1	N	N	.45	.22	------	------
Poland	44	[20] 3½	[20] 6	O	N	2	0	1	N	N	.53	.22	1.06	.72
Portugal	[6] 11, 22	3½	6	(2)	N	2	0	1	Y	Y	.45	.22	.71	.44
Portuguese East Africa (Mozambique)	22	[20] 3½	[20] 6	(2)	Y	1	1	1	N	Y	.73	.22	1.64	1.09
Portuguese India	11	3½	6	R	Y-3	1	1	1	N	N	.86	.23	1.81	.88
Portuguese Timor	22	2	4	R	Y-3	2	1	1	N	N	.74	.23	------	------
Portuguese West Africa	22	[20] 3½	[21] 6	(2)	Y-3	1	1	1	N	N	[6] .71	[6] .23	[21] 1.45	.81
Reunion	44	3½	6	R	N	1	0	1	N	N	.81	.27	------	------
Rhodesia, Northern	11	3½	6	O	N	1	0	1	N	N	.73	.30	------	------
Rhodesia, Southern	11	3½	6	O	N	1	0	1	N	N	.65	.42	------	------
Rumania [67]	44	[20] 3½	[20] 6	O	Y-3	1	0	1	N	N	.73	.25	------	------
Ryukyu Islands	22	[20] 3½	[20] 6	(2)	[4] Y	1	0	1	N	N	[23] .50	[6] .25	1.27	.81
St. Helena	11	3½	6	O	N	1	0	1	N	N	.61	.38	1.31	.94
St. Pierre and Miquelon	22	3½	6	O	Y	1	0	1	N	N	.45	.22	------	------
Salvador (El)	44	[20] 3½	[20] 6	R	[4] Y-3	2	1	1	N	Y	1.19	.26	1.02	.39
Santa Cruz Islands	11	3½	6	O	N	1	0	1	N	N	.61	.26	------	------
Sarawak	22	3½	6	O	N	1	0	1	N	N	.98	.29	------	------
Saudi Arabia	22	3½	6	O	Y-3	2	1	1	N	N	.69	.24	1.03	.83
Senegal	44	3½	6	O	N	1	0	1	N	N	.70	.25	.80	.50
Seychelles	11	3½	6	O	N	1	0	1	N	N	.77	.30	------	------
Sierra Leone	22	3½	6	O	N	1	0	1	N	N	.69	.25	------	------
Solomon Islands	11	3½	6	O	N	1	0	1	N	N	.84	.27	------	------
Somalia	22	[20] 3½	[20] 6	R	N	1	0	1	N	N	.68	.25	------	------
Somaliland Protectorate	22	3½	6	O	Y	1	0	1	N	N	.68	.27	------	------
Southwest Africa	11	3½	6	O	N	1	0	1	N	N	.77	.31	1.39	.91
Spain	[6] 11, 44	[20] 3½	[20] 6	R	N	2	[3] 3	1	N	Y	.70	[6] .24	[6] 1.27	.79
Spanish Guinea	44	[20] 3½	[20] 6	R	N	2	[3] 3	1	N	Y	.99	.26	------	------
Surinam	44	[20] 3½	[20] 6	(2)	Y	2	0	1	N	Y	.45	.22	.92	.61
Sweden	44	3½	[24] 6 [12]	(2)	N	1	0	1	N	Y	.47	.24	.87	.61
Switzerland (including Liechtenstein)	44	[20] 3½	[20] 6	(2)	[4] Y-3	1	1	1	N	Y	.48	.25	.92	.61
Syria (Republic of)	[21] 11, 22, 44	3½	6	R	N	2	1	1	N	N	.63	.24	1.22	.81
Tanganyika Territory	11	3½	6	O	N	1	0	1	N	N	.53	.24	1.02	.68
Thailand	22	[20] 3½	[20] 6	O	N	1	0	1	N	N	.69	.22	2.29	1.52
Tonga (Friendly) Islands	11	3½	6	O	N	1	0	1	N	N	.77	.28	------	------
Trieste (Free Territory of)	22	[20] 3½	[20] 6	R	N	1	1	1	N	N	.53	.22	1.08	.72
Trinidad and Tobago	22	3½	6	O	Y	1	0	1	Y	N	.45	.22	1.03	.68
Tristan da Cunha	11	3½	6	O	N	1	0	1	N	N	.87	.34	1.30	.91
Tunisia (Tunis)	44	3½	6	O	N	1	1	1	N	N	.59	.22	1.11	.74
Turkey	44	[20] 3½	[20] 6	O	Y-3	2	1	1	N	N	.47	.24	1.15	.57
Turks Island (including Caicos Islands)	22	3½	6	O	N	1	0	1	Y	N	.45	.22	------	------
Union of South Africa	11	3½	6	O	N	1	0	1	N	N	.47	[6] .20	1.30	.91
U. S. S. R.	22	[20] 3½	[20] 6	R	N	3	1	1	N	N	.80	[6] .20	1.66	.93
Upper Volta	44	[20] 3½	6	O	N	1	0	1	N	N	.45	.22	------	------
Uruguay	44	[20] 3½	6	R	[4] Y-3	1	1	1	[1] Y	N	[38] .45	[6] .22	1.28	.81
Vatican City State	44	[20] 3½	[20] 6	O	N	1	0	1	N	N	.58	.22	1.08	.68
Venezuela (Republic of)	44	3½	6	R	[4] Y-3	4	1	1	N	N	.88	.27	1.27	.86
Viet Nam	22	3½	6	R	N	1	0	1	N	N	.78	.23	------	------
Western Samoa (British)	11	[20] 3½	[20] 6	(2)	[4] Y	1	0	1	N	Y	.45	.22	------	------
Windward Islands	22	3½	6	(2)	[4] Y	1	0	1	N	Y	.45	.22	------	------
Yugoslavia	44	[20] 3½	[20] 6	(2)	[4] Y	1	0	1	N	Y	.47	.24	.87	.52
Zanzibar and Pemba	11	3½	6	O	N	1	0	1	N	N	1.01	.30	1.35	.85

[1] The relative customs declarations should indicate the number of parcels constituting the group (2 or 3) and the combined gross weight of the parcels comprised in the group, and bear the letter indicating the particular group in case there is more than one group.

[2] Registered or insured parcels must be sealed; sealing of ordinary parcels is optional.

[3] Same as for Portugal.

[4] Ordinary parcels only.

[5] Surface parcels only.

[6] Parcels exceeding 22 pounds accepted for the following offices only: Belem (Para), Belo Horizonte, Florianopolis, Fortaleza, Manaus, Pelotas, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Rio Grande (Rio Grande do Sul), Salvador (Bahia), Santos, and Sao Paulo.

[7] Permitted to Buea, Dalaoul, and Victoria only.

[8] Parcels for members of the Canadian Armed Forces overseas addressed for delivery through the Canadian Army Post Office must not exceed 10 pounds in weight.

[9] Insured parcels of more than ordinary value should be sealed.

[10] Parcels exceeding 22 pounds are accepted only for dispatch by surface means to Talpel, Chilung, and Kaohsiung, Taiwan.

[11] The following offices, listed by territories, are authorized to participate in the parcel post service up to the weight limits indicated:

Gabon: Cocobeach,[a] Fernand-Vaz,[a] Lambarene,[a] Libreville,[a] Mayumba,[a] Mouila,[a] N'Djole,[a] N'Gome,[a] Owendo,[a] Oyem,[a] Port-Gentil,[a] Sam-Kita,[a] Sindara.[a]

Moyen (Middle) Congo: Berberati, Brazzaville,[a] Carnot, Dolisie,[a] Franceville, Impfondo,[a] Komono, Liranga, Loudima,[a] Madingou,[a] Mindouli,[a] Mongoumba,[a] Mossaka,[a] M'Vouil,[a] N'Dongou,[a] Nola, Ouesso,[a] Point Kilometrique 102,[a] Pointe-Noire.[a]

Oubangui-Chari: Bambari, Bangasson, Bangui, Bossangoa, Batangafo, Birao, Boali, Bouar, Bouca, Bozoum, Bria, Damara, Fort-Crampel, Fort-Sibut, M'Baiki, Mobaye, Mounden, Molssala, N'Dele, Zemio.

Tchad: Fort-Archambault, Fort-Lamy.

[a] Offices accepting parcels in excess of 22 pounds.

[12] Parcels weighing in excess of 22 pounds, and insured parcels, may be accepted "only" for the American, British and French Zones (Western Zone) of Germany, including the corresponding sectors of Berlin. Service to the Soviet Zone, including the Soviet sector of Berlin, is limited to uninsured parcels not exceeding 22 pounds in weight.

[13] Parcels exceeding 22 pounds accepted for Amapala, Comayagua, La Ceiba, Olanchito, Progreso, Puerto Castilla, Puerto Cortez, San Pedro Sula, Tegucigalpa, and Tela.

[14] Weight limit for Tibet.

[15] Parcels exceeding 11 pounds in weight are not accepted to the following offices: Ain-Zhalta, Baino, Falougha, Hermel, Koubayat, Maaser-el-Chouf, Ras-Baalbeck, Souk-el-Gharb.

[16] Air parcel limit.

[17] Parcel post packages exceeding 11 pounds in weight may be accepted for the following offices: Aba, Abakaliki, Abeokuta, Ado-Ekiti, Afikpo, Agbor, Agege, Akwanebede, Akassa, Akure, Apapa, Asaba, Awka, Badagry, Bansaru, Barakin Ladi, Baro, Bauchi, Benin City, Bida, Bonny, Brass, Bukuru, Buruttu, Calabar, Dumaturu, Degema, Duchi-Wai, Ebute Metta, Ede, Effurin, Enugu, Epe, Forcados, Funtua, Gusau, Ibadan, Ibara, Idah, Ife, Ifon, Ijebu Ode, Ikom, Ikotekpene, Ilaro, Ilesha, Ilorin, Imo River, Ito, Jebba, Jos, Kabba, Kaduna, Kaduna Junction, Kafanchan, Kano, Katsina, Kaura Namoda, Koko, Kwale, Lagos, Lokoja, Maiduguri, Makurdi, Mallam Madurl, Minna, Nemle, Nsuru, Obiaruku, Offa, Ogbomosho, Obetlm, Okigwi, Okltipupa, Okrika, Ondo, Onitsha, Opobo, Oron, Oshogbo, Otunkpo, Owerri, Owo, Oyo, Port Harcourt, Potiskum, Sapele, Sokoto, Umuahia, Uyo, Uzunkell, Warri, Zaria.

[18] Parcels for the following offices are limited to 22 pounds in weight:

Post office	Province
Aberlan	Palawan.
Abra de Ilog	Mindoro.
Aglangan	Quezon.
Agoo	La Union.
Agutaya	Palawan.
Alabat	Quezon.
Allen	Samar.
Almagro	Quezon.
Alonero	Cavite.
Amadeo	Leyte.
Anabawan	Tarlac.
Anao	Pangasinan.
Anda	Pampanga.
Angeles	Pampanga.
Apalit	La Union.
Arlugay	Camarines Sur.
Baco	Leyte.
Babatngon	Palawan.
Bacuit	Davao.
Bagauga	Cavite.
Ballea	Palawan.
Balabac	Samar.
Balangiga	Samar.
Baleno	Masbate.
Bamban	Tarlac.
Banayoyo	Ilocos Sur.
Bantuy	Ilocos Sur.
Bantayan	Cebu.
Basey	Samar.
Bato	Camarines Sur.
Bato	Leyte.
Bauang	La Union.
Bautista	Pangasinan.
Bayambang	Pangasinan.
Bigan	Bulacan.
Biliran	Leyte.
Binan	Laguna.
Bislig	Surigao.
Bobon	Samar.
Bocaue	Bulacan.
Bongao	Sulu.
Brooke's Point	Palawan.
Buenavista	Iloilo.
Bulil	Camarines Sur.
Bulacan	Bulacan.
Buluan	Cotabato.
Bunawan	Agusan.
Burdaos	Quezon.
Burgos	Ilocos Sur.
Cuba	La Union.
Caballan	Leyte.

Post office	Province
Cabuegayan	Leyte.
Cabusao	Camarines Sur.
Cabuyao	Laguna.
Cagayan de Sulu	Sulu.
Calbiran	Leyte.
Cajidiocan	Romblon.
Calamba	Laguna.
Calasiao	Pangasinan.
Calauag	Quezon.
Calubian	Leyte.
Calumpit	Bulacan.
Camalig	Albay.
Candaba	Pampanga.
Candelaria	Quezon.
Cnoayan	Ilocos Sur.
Capas	Tarlac.
Capul	Samar.
Caraga	Davao.
Caramay	Palawan.
Caramoan	Camarines Sur.
Carmona	Cavite.
Casiguran	Quezon.
Catanauan	Quezon.
Catarman	Misamis Oriental.
Catarman	Samar.
Catel	Davao.
Catubig	Samar.
College	Laguna.
Concepcion	Iloilo.
Concepcion	Romblon.
Concepcion	Tarlac.
Corcuera	Romblon.
Cordova	Cebu.
Coron	Palawan.
Cuartero	Capiz.
Culion	Palawan.
Cuyapo	Nueva Ecija.
Cuyo	Palawan.
Dao	Capiz.
Dapa	Surigao.
Dapitan	Zamboanga.
Daraga	Albay.
Dasmarinas	Cavite.
Del Gallego	Camarines Sur.
Dinegat	Surigao.
Dingas	Iloilo.
Dalawan	Cotabato.
Dumaling	Capiz.
Dumarao	Capiz.
Enrique Villanueva	Negros Oriental.
Esperanza	Agusan.
Fort Stotsenburg	Pampanga.
Gapan	Nueva Ecija.
General Luna	Quezon.
General Luna	Surigao.
Gerona	Tarlac.
Glan	Cotabato.
Governor Generoso	Davao.
Guiguinto	Bulacan.
Guinayangan	Quezon.
Guinobatan	Albay.
Gumaca	Quezon.
Hilongos	Leyte.
Hinatuan	Surigao.
Hindang	Leyte.
Hinunangan	Leyte.
Hinundayan	Leyte.
Hondagua	Quezon.
Imus	Cavite.
Inopacan	Leyte.
Iriga	Camarines Sur.
Isabel	Leyte.
Ibayat	Batanes.
Jaen	Nueva Ecija.
Jaro	Iloilo.
Jones	Romblon.
Jordan	Iloilo.
Jovellar	Albay.
Kabasalan	Zamboanga.
Kauayan	Leyte.
Kiamba	Cotabato.
Labangan	Zamboanga.
Labason	Zamboanga.
Laoang	Samar.
Larena	Negros Oriental.
Lavezares	Samar.
Lazi	Negros Oriental.
Lebak	Cotabato.
Libangi	Surigao.
Libagon	Leyte.
Libmanan	Camarines Sur.
Libon	Albay.
Ligao	Albay.
Liloan	Leyte.
Lopez	Quezon.
Loreto	Surigao.
Los Banos	Laguna.
Lubang	Mindoro.
Lucena	Iloilo.
Lumbatan	Lanao.
Lupi	Camarines Sur.
Lupon	Davao.
Mabalacat	Pampanga.
Macrohon	Quezon.
Madridejos	Cebu.
Magalang	Pampanga.
Magdiwang	Romblon.
Mahinog	Misamis Oriental.
Malangas	Zamboanga.
Malasiqui	Pangasinan.
Mallig	Davao.
Mambajao	Misamis Oriental.
Manay	Davao.

Footnotes continued on next page.

Post office	Province
Mangaldan	Pangasinan.
Manito	Albay.
Mansalay	Mindoro.
Mapandan	Pangasinan.
Marabut	Samar.
Margosatubig	Zamboanga.
Marla	Negros Oriental.
Marilao	Bulacan.
Maripipi	Leyte.
Mati	Davao.
Mayantoc	Tarlac.
Merida	Leyte.
Meycauayan	Bulacan.
Minalin	Pampanga.
Moncada	Tarlac.
Mondragon	Samar.
Montalbapo	Rizal.
Naghalin	Ilocos Sur.
Nampicuan	Nueva Ecija.
Natividad	Pangasinan.
Naval	Leyte.
Noveleta	Cavite.
Nueva Valencia	Iloilo.
Numancia	Surigao.
Oas	Albay.
Opon	Cebu.
Padre Burgos	Quezon.
Pagbilao	Quezon.
Palapag	Samar.
Palompon	Leyte.
Pambujan	Samar.
Pamplona	Camarines Sur.
Panique	Tarlac.
Panitan	Capiz.
Pantukan	Davao.
Papaya	Nueva Ecija.
Passi	Iloilo.
Pateros	Rizal.
Pavia	Iloilo.
Penaranda	Nueva Ecija.
Pilar	Cebu.
Pili	Camarines Sur.
Pinabacdao	Samar.
Pitogo	Quezon.
Plaridel	Bulacan.
Polangui	Albay.
Polillo	Quezon.
Porac	Pampanga.
Poro	Cebu.
Pototan	Iloilo.
Puerto Galera	Mindoro.
Pulilan	Bulacan.
Pura	Tarlac.
Quezon	Quezon.
Ragay	Camarines Sur.
Ramos	Tarlac.
Rapu-Rapu	Albay.
Rosales	Pangasinan.
Roxas	Mindoro.
Sabtang	Batanes.
Sagay	Misamis Oriental.
Samal	Davao
San Antonio	Nueva Ecija.
San Antonio	Samar.
San Carlos	Pangasinan.
San Fabian	Pangasinan.
San Fernando	Masbate.
San Fernando	Romblon.
San Francisco del Monte	Rizal.
San Isidro	Leyte.
San Jacinto	Masbate.
San Jose	Mindoro.
San Jose	Samar.
San Juan	Negros Oriental.
San Leonardo	Nueva Ecija.
San Luis	Pampanga.
San Manuel	Tarlac.
San Miguel	Tarlac.
San Narciso	Quezon.
San Nicolas	Pangasinan.
San Simon	Pampanga.
San Pascual	Masbate.
San Pedro	Laguna.
San Teodoro	Mindoro.
San Vicente	Ilocos Sur.
Santa Barbara	Iloilo.
Santa Catalina	Ilocos Sur.
Santa Fe	Cebu.
Santa Fe	Romblon.
Santa Rita	Pampanga.
Santa Rita	Samar.
Santa Rosa	Laguna.
Santo Nino	Samar.
Santo Tomas	La Union.
Sexmoan	Pampanga.
Siasi	Sulu.
Siocon	Zamboanga.
Sipocot	Camarines Sur.
Siquijor	Negros Oriental.
Sitangkai	Sulu.
Sogod	Leyte.
Suyo	Ilocos Sur.
Tagig	Rizal.
Tagkawayan	Quezon.
Tago	Surigao.
Talavegon	Agusan.
Talabora	Samar.
Talisay	Cebu.
Tamparan	Lanao.
Tandag	Surigao.
Tanza	Cavite.
Tiak	Mindoro.
Trinidad	Davao.
Tumbao	Cotabato.
Unisan	Quezon.
Urbiztondo	Pangasinan.
Villaba	Leyte.
Villareal	Samar.
Zumarraga	Samar.

Parcels for the following offices are limited to 11 pounds in weight:

Post office	Province
Allem	Ilocos Sur.
Allacapan	Cagayan.
Angakl	Ilocos Sur.
Aurora	Quezon.
Baco	Mindoro.
Bagulin	La Union.
Balbalan	Mountain Province.
Baras	Catanduanes.
Barbasa	Antique.
Barlig	Mountain Province.
Bugasong	Antique.
Bugney	Cagayan.
Bulalacao	Mindoro.
Cagayancillo	Palawan.
Calayan	Cagayan.
Caluya	Antique.
Camaligan	Camarines Sur.
Capalonga	Camarines Norte.
Caramoran	Catanduanes.
Concepcion	Ilocos Sur.
Culasi	Antique.
Dingle	Iloilo.
Dumaran	Palawan.
Famy	Laguna.
Galiuza	Camarines Sur
Gamay	Samar.
Garchitorena	Camarines Sur
General Nakar	Quezon.
Giporlos	Samar.
Ivana	Batanes.
Jabonga	Agusan.
Jasaan	Misamis Oriental
Kabayan	Mountain Province
Kabugao	Mountain Province.
Kapangan	Mountain Province.
Langiden	Abra.
Las Navas	Samar.
Lanuza	Antique.
Lemery	Iloilo.
Leyte	Leyte.
Libacao	Capiz.
Lidlidda	Ilocos Sur.
Lingig	Surigao.
Linugos	Misamis Oriental.
Lobo	Batangas.
Looc	Mindoro.
Loreto	Agusan.
Luba	Abra.
Madalag	Capiz.
Magallanes	Cavite.
Mahatao	Batanes.
Mamburao	Mindoro.
Manabo	Abra.
Mandaon	Masbate.
Maria Aurora	Quezon.
Matnasnakaloy	Batangas.
Mayoyao	Mountain Province.
Mulanay	Quezon.
Natonin	Mountain Province.
Nueva Era	Ilocos Norte.
Nuling	Cotabato.
Palanan	Isabela.
Paluan	Mindoro.
Pandan	Catanduanes.
Panganiban	Catanduanes.
Pantabangan	Nueva Ecija.
Patnongon	Antique.
Penablanco	Cagayan.
Perez	Quezon.
Pinappagan	Nueva Vizcaya.
Pintuyan	Leyte.
Placer	Masbate.
Prosperidad	Agusan.
Quinapandan	Samar.
Rizal	Cagayan.
Sablayan	Mindoro.
Sallapadan	Abra.
San Emilio	Ilocos Sur.
San Francisco	Cebu.
San Jacinto	Bohol.
San Luis	Batangas.
San Mateo	Isabela.
San Pablo	Isabela.
San Policarpo	Samar.
San Quintin	Abra.
Santol	La Union.
Santo Tomas	Isabela.
Sarg	Davao.
Sigay	Ilocos Sur.
Siruma	Camarines Sur.
Sugpen	Ilocos Sur.
Talugtug	Nueva Ecija.
Tarangnan	Samar.
Taytay	Palawan.
Tibiao	Antique.
Tinambac	Camarines Sur.
Tivambacan	Samar.
Tubay	Agusan.
Tudela	Cebu.
Upl Agricultural High School	Cotabato.
Uyugan	Batanes.
Valderrama	Antique.
Victoria	Laguna.
Viga	Catanduanes.

Footnotes continued on next page.

[19] Parcels exceeding 11 pounds accepted for Lisbon only.
[20] Two forms required for Spanish Possessions.
[21] Parcels addressed to Chabha and Sukhad are limited to 11 pounds in weight, and parcels for Tel-Ablad and Yabroud to 22 pounds. To other places in Syria the weight limit is 44 pounds.
[22] Rates for all Islands except Montserrat; Montserrat rates 48 cents for the first pound, 25 cents each additional pound.
[23] Rate for gift parcels, 46 cents for the first pound, 23 cents each additional pound.
[24] For Montevideo only; rates for all other places, 70 cents for the first pound, 22 cents each additional pound.
[25] Surface rate applies to weights over 8 oz. to one pound; air parcel rate, $1.10 over 8 ounces to 12 ounces, 15 cents each additional 4 ounces.
[26] For Antigua only.
[27] For Bahrein only.
[28] For Angola only.
[29] For Spain, Balearic Islands, Canary Islands, and Spanish offices in Northern Africa.
[30] Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.
[31] Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth. Round (spherical) parcels must not exceed 19 inches in diameter.
[32] Parcels exceeding 6 feet in combined length and girth are restricted to 2½ feet in length.
[33] Parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth; parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.
[34] Parcels exceeding 6 feet in combined length and girth shall not exceed 36 inches in length.
[35] Bechuanaland Protectorate:

All places except Ghanzi and Kasane	$0.57	$0.34
Ghanzi only	.63	.40
Kasane only	.73	.50

[36] Bolivia:

All places except below	$1.10	$0.30
Cochabamba	.94	.25
La Paz and Oruro	.73	.25

[37] Colombia:

All places except below	$0.78	$0.24
Cauca and Valle (except Buenaventura)	.78	.27
Cities of Barranquilla, etc	.78	.22

[38] Jordan:

Central Arab Palestine	$1.01	$0.27
All other	.73	.25

[39] Leeward Islands:

All except Montserrat	$0.45	$0.22
Montserrat	.48	.25

[40] Pakistan:

Western	$0.70	$0.24
Eastern	1.02	.24

[41] Portuguese West Africa:

Angola and Guinea	$0.53	$0.22
St. Thomas and Prince Island	.71	.24

[42] Ryukyu Islands:

Regular	$0.50	$0.27
U. S. A. gift parcels	.46	.23

[43] Spain:

Regular	$0.70	$0.22
Balearic Islands and North Africa	.78	.23
Canary Islands	.83	.24

[44] U. S. S. R.:

Europe	$0.90	$0.23
Asia	1.56	.26

[45] Uruguay:

Montevideo only	$0.45	$0.22
All other	.70	.22

[46] Insurance available to British Post Office only.
[47] Gift parcels only.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 111—SERVICES AVAILABLE

Sec.
111.1 Registration, insurance and c. o. d.
111.2 Air parcel post.
111.3 Group shipment.
111.4 Special handling.
111.5 Certificates of mailing.
111.6 Receipt for ordinary (Americo-Spanish) parcels.
111.7 Recall and change of address.

AUTHORITY: §§ 111.1 to 111.7 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 111.1 *Registration, insurance and c. o. d.* For provisions relating to registry, insurance and c. o. d. service for international parcel post, see Subchapter M of this chapter.

§ 111.2 *Air parcel post.* Parcels may be sent by air to those countries for which air parcel post rates are indicated in § 110.1 of this chapter. Air parcels are subject to the same limitations as to size and other conditions (but not postage rates) as are applicable to surface parcels. For documents required, see Part 114 of this chapter. Air parcels are forwarded by air to the country of destination. After arrival, they will be handled by surface transportation.

§ 111.3 *Group shipment*—(a) *Description.* The "group shipment" of parcel post packages is an arrangement by which senders of parcel post packages for certain countries have the option of attaching a single customs declaration Form 2966 (or a single set when more than one customs declaration is required) to only one parcel of a consignment mailed simultaneously by the same sender to the same addressee at one address. In those cases where a dispatch note (Form 2972) is required, a single copy of this form is sufficient for a group. (See § 114.2 of this chapter.)

(b) *How marked.* Under the group shipment arrangement, each parcel must be clearly marked with a fractional number, the numerator of which will indicate, in Arabic figures, the number of the parcel, and the denominator the number of parcels comprising the shipment. For example, if a single shipment were composed of 12 parcels, each would be numbered, respectively, 1/12, 2/12, 3/12, etc. while a group shipment to certain countries is limited to 3 parcels, there may be any number of 3-parcel groups provided that in addition to the identification numbers 1/3, 2/3, and 3/3 each group is indicated by a letter A, B, C, etc. For example, when there are two groups of three parcels each, the parcels should be marked "A–1/3", "A–2/3", "A–3/3", "B–1/3", "B–2/3" and "B–3/3".

(c) *Attachments.* The customs declaration (or set of declarations, where a set is required) must be securely attached to one of the parcels (preferably to parcel No. 1 of the group), in order to prevent its becoming lost while the parcel is en route. The total number of parcels comprised in a shipment must invariably be indicated on the customs declaration. On parcels for Guadeloupe and Mexico the customs declaration must also show, separately, the contents of each parcel opposite the proper reference. For example, for a shipment composed of five parcels: Contents of 1/4 ------. Contents of 2/5 ------ ------, etc.

§ 111.4 *Special handling.* The "special-handling" service for domestic parcel post is available also for surface and air parcel post addressed to other countries. (See Part 125 of this chapter.)

§ 111.5 *Certificates of mailing*—(a) *Issuance.* The postmaster at the office of mailing shall upon request at the time of mailing furnish to the sender of an ordinary parcel post package a certificate of mailing.

(b) *Charges.* A charge of 3 cents shall be made for each certificate issued and for each parcel described if a single certificate covers more than one parcel. Certificates of mailing shall also be furnished as additional evidence, of mailing for registered and insured parcels, subject to a charge of 1 cent. The charges shall be collected by means of postage stamps affixed to the certificates and canceled by the postmark of the mailing office showing the date.

(c) *Forms used*—(1) *Individual parcels.* Certificates of mailing for individual parcels shall be furnished on Form 3817, which must be filled out by the sender.

(2) *Firm mailing books.* Certificates of mailing for three or more parcels mailed at one time may be furnished on firm mailing books or looseleaf forms. These forms must be filled out by the sender.

(3) *Treasury Department forms.* Certificates of mailing shall also be furnished on request on Treasury Department (Internal Revenue) Forms P. T. 26, P. T. 27–A, or 550, certifying that the sender has waived the right to withdraw the parcels from the mails. Such certificates of mailing are likewise subject to a charge of 3 cents for each parcel described. See §§ 115.4 (b) and (c) of this chapter, concerning certificates of mailing in connection with parcels containing tobacco seeds and/or plants and dried whole eggs, respectively. Payment of the charge for a certificate of mailing does not insure a parcel against loss, rifling or damage, or provide for a receipt on delivery, but merely furnished evidence of mailing.

§ 111.6 *Receipt for ordinary (Americo-Spanish) parcels*—(a) *Issuance and charges.* The mailer of an ordinary parcel to any of the countries named below receives a receipt entitling him to indemnity in case of loss. A charge of 3 cents is made for each receipt. The mailer may refuse the receipt, with the

understanding that he thereby forfeits his right to indemnity for the parcel.

(b) *Forms used.* Receipts are issued on Form 2932 without carbon process, or on firm mailing sheets suitably modified to indicate that they cover ordinary parcels. Mailers must complete the receipts with name and address of the addressee.

(c) *Countries for which issued.* Receipts are issued for the following countries:

Argentina.
Bolivia.
Brazil.
Chile.
Colombia.
Costa Rica.
Dominican Republic.
Ecuador.
Guatemala.
Haiti.
Honduras (Republic of).
Mexico.
Morocco (Spanish Zone).
Nicaragua.
Panama.
Paraguay.
Peru.
Salvador (El).
Spain, including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa.
Spanish Guinea.
Uruguay.
Venezuela.

§ 111.7 *Recall and change of address.* The conditions governing the recall and change of address apply both to articles in the Postal Union mails as well as to international parcel post packages, except that parcels, for Aden, Barbados, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Gilbert and Ellice Islands, Great Britain and Northern Ireland, India, Ireland, Malaya, Nauru, Nigeria, North Borneo, Pakistan, Rhodesia (Northern), Rhodesia (Southern), Sarawak, Seychelles, Solomon Islands, Trinidad and Tobago, and Windward Islands cannot be recalled after they have left this service nor can the address be changed, unless the parcels are undeliverable at the original address. (See Part 126 of this chapter.)

PART 112—PREPARATION, ADDRESSING, AND MAILING

Sec.
112.1 Packing.
112.2 Dimensions.
112.3 Weight limits.
112.4 Permissible enclosures.
112.5 Addressing and mailing.

AUTHORITY: §§ 112.1 to 112.5 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 112.1 *Packing*—(a) *In general.* (1) Every parcel shall be securely and substantially packed, having regard to the nature of the contents and climatic conditions, the length of the journey, and the numerous handlings and risks of concussion to which parcels for foreign destinations are unavoidably subjected en route.

(2) Packages must be packed in canvas or similar material, double-faced corrugated cardboard boxes, solid fiber boxes or cases, thick cardboard boxes, or strong wooden boxes made of lumber at least a half-inch thick or plywood of at least three plies. Ordinary pasteboard containers are wholly inadequate. While it is permissible to use heavy wrapping paper or waterproof paper as the outside covering, for instance, of a carton, it shall not be used as the only covering of the contents. Boxes with lids screwed or nailed on and bags closed by means of sewing may be used provided they conform to other conditions prescribed.

(3) No indemnity is paid for damage due primarily to inadequate packing or to the inherent nature of the contents of insured, registered, c. o. d., or ordinary parcels addressed to other countries, which, from their nature, cannot reasonably be expected to travel safely in the mails.

(b) *Specific articles.* (1) Articles of china, crockery, or glass, and hats, radios, or other articles of a fragile or easily breakable nature shall be packed in a strong (preferably wooden) box. Solid fiberboard or strong double-faced corrugated fiberboard boxes (not less than 200-pound test) enclosed in strong wooden crates are also preferred, especially in the case of overseas destinations. There shall be a space of at least 1½ inches between the article and the top, bottom, and sides of the box. This space may be filled with excelsior or other effective cushioning material, or with air-cushioned corrugated riders.

(2) Umbrellas, canes, golf clubs, fishing rods or sections thereof, and similar articles shall be packed in strong boxes made of wood at least three-eighths of an inch thick and a liberal supply of cushioning material used if parts of the article are brittle or fragile.

(3) All mailable liquids and substances which easily liquefy must be packed in two receptacles. Between the first (bottle, flask, etc.) and the second (box of metal, strong wood, strong corrugated cardboard, strong fiberboard, or receptacle of equal strength) there shall be left a space to be filled with sawdust, bran, or other absorbent material in sufficient quantity to absorb all the liquid contents in the case of breakage. It is not considered that excelsior possesses the necessary absorbent quality to meet the special requirements cited for internal packing. In the case of Great Britain and Northern Ireland, Ireland, Leeward Islands, Malaya, and Windward Islands, the outer receptacle shall be of strong wood or metal. Metal containers closed with a screw-top cover must have sufficient screw threads to require at least one and one-half complete turns before the cover will come off and be provided with a washer so as to prevent possible leakage of the contents. Compression of friction top metal containers must be soldered in four different places, equally spaced.

(4) Mailable powders and dyes in powder form must be packed in metal containers securely sealed so that none of the contents will sift out and enclosed in substantial outer containers of double-faced corrugated, thick cardboard, fiberboard, or strong wood at least a half inch thick.

(5) Eggs addressed for delivery in all other countries (except Canada and hatching eggs for Cuba) must be placed in a metal egg container, and each egg in the square pockets must be surrounded with paper, excelsior, cotton, straw, or other similar material, while the metal egg container in turn must be enclosed in an outer container of wood with sufficient excelsior, straw, or similar material provided in the space between the inner and outer containers.

(6) Eggs destined for delivery in Canada may be packed either in the manner prescribed above or in wooden, papier-mache, or other box of a rigid material with a well-fitting tightly adjusted lid. Each egg must be wrapped in newspaper or other protecting material and placed on end, the vacant space in the box to be filled with newspaper or other packing material so as to prevent the eggs from striking together or against the sides, top, or bottom of the box.

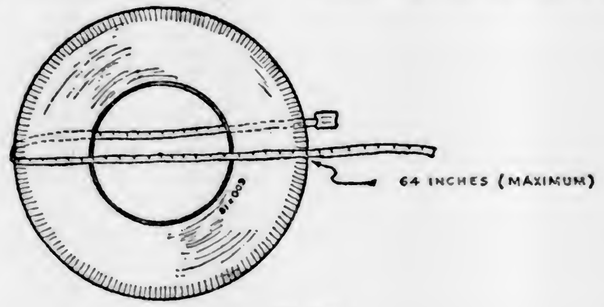
(7) Eggs destined for delivery in Cuba, intended for hatching purposes, may be transmitted outside of mail sacks when each egg is wrapped separately and surrounded with excelsior, wood-wool, or other similar material and packed in a basket (preferably with a handle) or other suitable container, lined with paper, fiberboard, or corrugated pasteboard. Such parcels shall be marked "Eggs for hatching," "Keep from heat or cold," "Please handle with care," or other suitable words.

(8) Eggs addressed for delivery in Cuba, not intended for hatching purposes, shall be packed in the manner indicated in the preceding paragraph for transmission inside of mail sacks in regular course.

(c) *Sealing.* Parcels for certain countries must be sealed. To other countries sealing is compulsory for insured or registered parcels, optional for others (see § 110.1 of this chapter). Seal parcels by means of wax, gummed paper tape, nails, screws, sewing, wire or metal bands, or other adequate means which will permit ready detection of loss of contents or damage.

§ 112.2 *Dimensions*—(a) *General dimensions.* Greatest length, 3½ feet; greatest length and girth combined, 6 feet. In measuring a parcel the greatest distance in a straight line between its ends, but not around the parcel lengthwise, shall be taken as the length, while the distance around it at its thickest part shall be taken as the girth. Under these maximum dimensions, a parcel not more than 3 feet 6 inches in length may measure as much as 2 feet 6 inches in girth, or around its thickest part. A shorter parcel may be thicker; thus, if it measures no more than 3 feet in length it may measure as much as 3 feet in girth or around its thickest part. The most convenient mode of measuring is by means of a tape line 6 feet long; so much of the tape as is not used in measuring the length being the maximum girth permissible.

(b) *Dimensions of special articles.* The usual method of measuring parcels, as described in paragraph (a) of this section, is not adaptable in the case of tires of all kinds, coils of rope, hose, wire, etc., forming a parcel circular in shape. To determine whether a tire or other object circular in shape (regardless of whether there is an open space in the center) can be accommodated inside the mail sacks employed for the dispatch of parcel post to overseas foreign countries, the object as prepared for mailing, shall be measured around its entire girth, in the direction of the diameter, as shown in the illustration. This measurement must not exceed 64 inches in order for the tire or other parcel cirular in shape to be acceptable for mailing to overseas foreign countries. Measurement shall be taken as shown in the following illustration:



Side view

(c) *Exceptions.* To some countries other dimensions than the general dimensions indicated are applicable. A parcel must not exceed the maximum dimensions allowed to the country to which it is addressed. See § 110.1 of this chapter for individual country limits.

§ 112.3 *Weight limits.* For weight limits applicable to each country of destination, see § 110.1 of this chapter.

§ 112.4 *Permissible enclosures*—(a) *In general.* A communication of the nature of personal correspondence must not be enclosed in or written on any parcel. However, a parcel may contain an open invoice, confined to the particulars which constitute an invoice, and a simple copy of the address of the parcel, with mention of the address of the sender. If a written communication in the nature of personal correspondence be found in the parcel it shall be placed in the mails if separable. If unseparably attached the entire parcel must be rejected.

(b) *Exceptions.* In the case of parcel post packages for Canada, however, a letter, and for Switzerland a letter or card, fully prepaid and bearing the same address as that of the parcel, may be tied or otherwise securely attached to the outside of the parcel in such manner as to prevent its separation therefrom or its interference with the address of the parcel. Stamps to cover postage on the parcel must be affixed to the wrapper of the parcel; stamps to pay postage on the letter must be affixed to the envelope thereof. Parcels to which such letters are attached are treated as parcel post.

§ 112.5 *Addressing and mailing*—(a) *Addressing.* The name and address of the sender and of the addressee must be legibly and correctly written in every case when possible on the parcel itself or on a label gummed thereto, and must also be written on a separate slip, which slip must be enclosed in the parcel. Parcels will not be accepted when addressed to a "care" in one country and the addressee (or person for whom intended) in another country or when addressed to or sent by initials, unless the initials are the adopted trade name of the senders or addressees. Adresses in ordinary pencil are not allowed, but copying ink or indelible pencil on a surface previously dampened may be used. Sufficient space must be left for the addition of necessary service notations as well as the affixing of stamps or labels.

(b) *Mailing.* Parcels may not be mailed in letter boxes. Present them at parcel-post windows of post offices, where the necessary postal forms (see Part 133 of this chapter) will be furnished without charge.

(c) *Postage rates.* For postage rates to the various countries of destination, see § 110.1 of this chapter.

PART 113—PROHIBITIONS AND RESTRICTIONS

Sec.
113.1 General list of prohibited articles.
113.2 Combustible liquids.
113.3 Specific foreign country prohibitions and restrictions.

AUTHORITY: §§ 113.1 to 113.3 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 113.1 *General list of prohibited articles.* (a) Articles which are excluded from the domestic mails of the United States. Although safety matches are admitted in the domestic mails, they are prohibited transmission in the international mails.

(b) Written communications of the nature of personal correspondence.

(c) Enclosures which bear an address different from that appearing on the parcel itself.

(d) Explosives and inflammable articles and articles which, in any way, may damage or destroy the mails or injure the persons handling them. This includes inflammable liquids having a flash point by the Tagliabue open tested of 80° F. or lower; inflammable solids which are liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes; oxidizing materials such as chlorates, permanganates, peroxides or nitrates, which yield oxygen readily to stimulate the combustion of organic matter; and poisonous articles or substances.

§ 113.2 *Combustible liquids.* Combustible liquids having a flash point of 150° F. or lower but above 80° F. (Tag. open tester) may be sent to foreign countries generally in quantities not exceeding one quart in any one parcel, except that paints, varnishes, turpentine and similar substances may be sent in quantities of less than one gallon in any one parcel. Each parcel containing a combustible liquid must be marked by the sender to indicate that the flash point is above 80° F.

§ 113.3 *Specific foreign country prohibitions and restrictions.* Most countries prohibit or restrict the admission of specific articles. Patrons should inform themselves of the various individual country prohibitions and restrictions.

PART 114—DOCUMENTATION

Sec.
114.1 Customs declaration, Form 2966.
114.2 Dispatch note, Form 2972.
114.3 Parcel post sticker, Form 2922.
114.4 Shipper's export declaration.

AUTHORITY: §§ 114.1 to 114.4 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 114.1 *Customs declaration, form 2966*—(a) *Preparation.* Customs declarations must be completed in ink or on the typewriter and affixed to parcel post packages for all foreign destinations.

(b) *Required number.* The number of customs declarations which must be affixed to parcel post packages for foreign destination is shown in § 110.1 of this chapter.

(c) *Information to be furnished by the sender*—(1) *Customs declaration.* You must complete the customs declaration to show your name and address and that of the addressee, the description of contents (including quantity and value), the alternative disposition instructions, description of the parcel, and the net weight of the contents, if the latter is known.

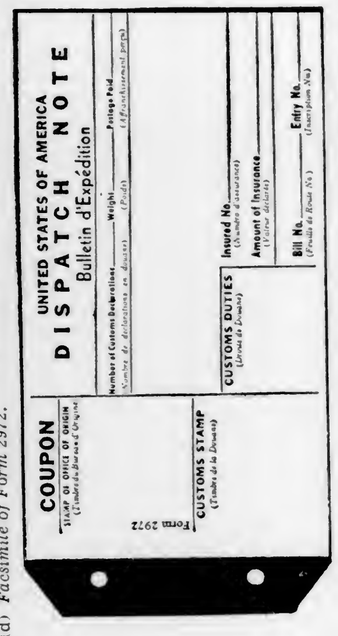
(2) *Alternative disposition.* You must give instructions at time of mailing that the parcel, if undeliverable as originally addressed, is to be either (i) tendered for delivery to a second addressee in the country of destination, (ii) treated as abandoned, or (iii) returned to the sender. You do this by obliterating those of the printed alternative dispositions which are not to be used. Parcels which do not specify alternative disposition will be sent to destination, and if not delivered will be returned to you at your expense.

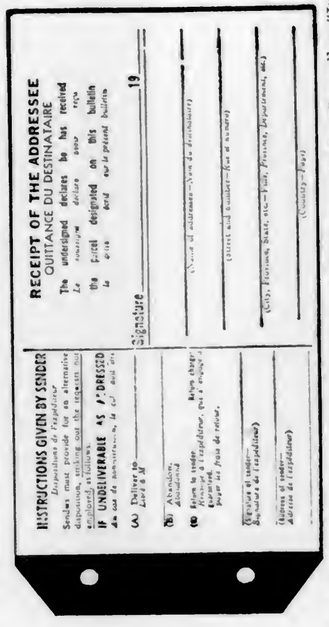
(3) *Descriptions of contents.* The contents of parcels must be completely and accurately described in the English language, although an interlineation in another language is permitted if desired, and in some cases is required. In the case of parcels containing more than one article, or articles of different kinds, the exact quantity and value of each kind of article must be stated. It is not sufficient that customs declarations bear

(b) *Information to be furnished by the sender.* You must complete the dispatch note to show your name and address, and that of the addressee, as well as the alternative disposition instructions. (See § 114.1 (c) (2).)

(c) *Accepting clerk to complete.* The accepting clerk will complete the dispatch note to show the weight of the parcel, amount of postage paid, the number of customs declarations accompanying the parcel, the insurance number and amount of insurance where applicable and to properly postmark the form.

(d) *Facsimile of Form 2972.*

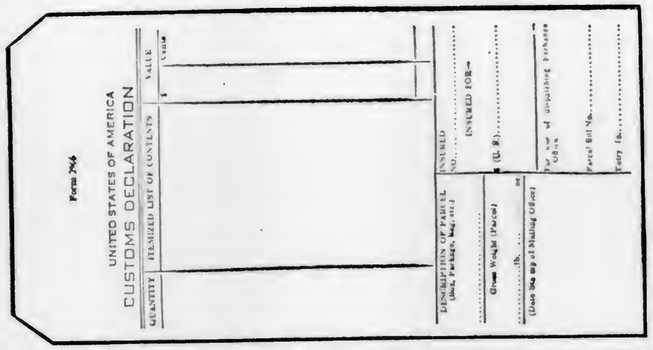


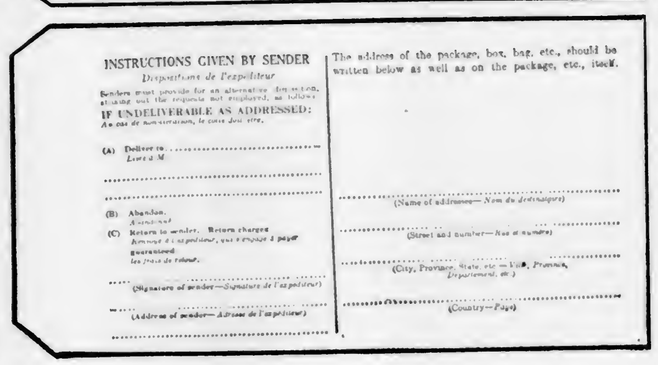


§ 114.3 *Parcel post sticker, Form 2922*—(a) *When required.* The yellow "International Parcel Post," Form 2922, sticker must be affixed by the sender to each parcel post package, whether the parcel is forwarded under the "group shipment" arrangement with other parcels or as a single shipment. The sender must complete the "Instructions Given by Sender" section of the form (see § 114.1 (c) (2)), and sign the form by handwriting or otherwise. Form 2922 should not be affixed to parcels addressed for delivery in the United States possessions.

(b) *Accepting clerk to complete.* The accepting clerk will complete the column at the right hand side of the sticker by filling in both the postage and the weight, and for identification purposes will initial the sticker in the space provided. The rate of postage charged on the parcel, which is to be indicated in the space marked "postage," does not include registry, insurance, c. o. d. or special-handling fees.

(c) *Manner of affixing.* Form 2922 should be affixed to the wrapper of the parcel, but if the shape or size of the parcel makes it impracticable to affix it to the wrapper thereof, the sticker may be affixed to a tag which shall in turn be securely attached to the parcel.





§ 114.2 *Dispatch note, Form 2972*—(a) *Preparation and affixing.* For certain countries a dispatch note, Form 2972, must be completed in ink or in the typewriter, and affixed to each parcel post package, except in the case of group shipment (see § 111.3 of this chapter), when one copy of Form 2972 is sufficient for a group.

simply the words "coat", or "stockings", but the materials of which the articles are composed must be shown, as "fur coat", "silk stockings." Also, for instance, in the case of dried fruits the particular kinds, such as "figs," "raisins," "currants," etc. must be shown. General terms such as "worn clothing," "groceries," "presents," "merchandise," "samples," and the like, will not suffice. In case the customs declaration does not furnish enough space on which to give a complete list of the contents, there will be no objection to such list being placed on the wrapper of the postal when reference to that fact is made on the declaration itself or an additional customs declaration may be used for the purpose.

(d) *Accepting clerk to complete.* The accepting clerk will complete the declaration to show the gross weight of the parcel, the insurance number and amount of insurance, where applicable, and to properly postmark the form.

(e) *Manner of affixing.* In addition to being tied by means of a cord passed through the eyelets, the tag must be bound to the parcel so that it lies flat thereon and cannot be used as a handle to lift the parcel while in transit. It is not sufficient that the tags be tied to the parcel and allowed to hang loose.

(f) *Facsimile of Form 2966.*

(d) *Facsimile of Form 2922.*

§ 114.4 *Shipper's export declaration*—(a) *When required.* Business concerns sending merchandise valued at $25 and over to other business concerns—

(1) From continental United States, Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States to any foreign country and to the Canal Zone;

(2) From continental United States to its noncontiguous Territories or possessions [1] except Alaska and Hawaii.

(3) From Puerto Rico or the Virgin Islands of the United States to continental United States must fill out a Shipper's Export Declaration on Department of Commerce Form 7525–V. The Shipper's Export Declaration is required only for goods mailed for commercial purposes and not for goods which involve no commercial consideration. However, Commerce Form 7525–V must also be filed for shipments of all articles covered by a validated export license from the Bureau of Foreign Commerce, Department of Commerce, regardless of value or whether the sender or addressee is a business concern. (See § 115.1 of this chapter.) The declaration need not be furnished for catalogs, instruction books (except technical data), and other advertising matter, or for magazines, newspapers, and periodicals, which are not regarded as merchandise.

(b) *Preparation.* Only a single copy of the shippers' export declaration is required for mail shipments. A single export declaration may include any number of packages mailed by one sender the same day to one addressee. Export declarations need not be notarized.

(c) *Information to be furnished.* The following are the only items on the Shippers' Export Declaration (Commerce Form 7525–V) which are required to be filled in by the sender of a postal shipment:

(1) *Item 2.* Name of post office where shipment is being mailed. (Insert in space on the form reading "From ------ (U. S. port of export).")

(2) *Item 3.* Name and address of sender (exporter or forwarding agent). (If the shipment is being mailed by a forwarding agent, the name and address of the exporter, his principal, must also be shown.)

(3) *Item 5.* Name and address of addressee (ultimate consignee and intermediate consignee, if any).

(4) *Item 8.* Country of final destination.

(5) *Item 10.* Number of packages being mailed; description of merchandise and export license number and expiration date, or general license symbol.

(6) *Item 13.* Schedule B, commodity number.

(7) *Item 14.* Net quantity of merchandise, in Schedule B units.

(8) *Item 15.* Value of merchandise.

The description of contents and units of quantity must be in the detail required by Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States. You may obtain copies of Schedule B for a nominal charge from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., from Collectors of Customs, or from Department of Commerce Field Offices located in the principal cities of the United States. General descriptions, such as dry goods, groceries, millinery, etc., are not sufficient. Quantities and values must be given in whole numbers only, omitting fractions of less than one-half and counting one-half and over as a whole.

(d) *How obtained.* If you are an occasional shipper, you may obtain Form 7525–V free of charge at local post office. Regular exporters may obtain copies of the Shippers' Export Declaration from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., from Collectors of Customs, or from Department of Commerce Field Offices at a cost of 50 cents per block of 100. They may be privately printed, provided they conform to the official form in size, wording, color, quality (weight) of paper stock, and arrangement.

[1] Alaska, Puerto Rico, Virgin Islands of the United States, Hawaii, Guam, Samoa, Canton and Enderbury Islands, Johnston, Midway, Palmyra, and Wake Islands.

PART 115—EXPORT LICENSES AND CERTIFICATES

Sec.
115.1 Commerce Department licenses.
115.2 State Department licenses (firearms).
115.3 Gold shipments.
115.4 Special commodities.

AUTHORITY: §§ 115.1 to 115.4 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 115.1 *Commerce Department licenses*—(a) *When required.* Exportations of certain commodities to certain destinations require export licenses issued by the Bureau of Foreign Commerce of the Department of Commerce. In certain instances general licenses have been authorized; in others, individual validated licenses are required. Postmasters or other postal employees will not undertake to advise prospective mailers of articles and materials requiring an individual export license. Senders desiring information relative to export control requirements (including both general and individual licenses) are advised to communicate with any of the Department of Commerce field offices or directly with Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

CROSS REFERENCE: For regulations of the Bureau of Foreign Commerce, Department of Commerce, with respect to export licenses, see 15 CFR, Chapter III, Subchapter B.

(b) *Packages to be endorsed.* Exporters of merchandise requiring validated export licenses must place the number of the license on the wrapper of each parcel or package.

(c) *Entire and partial shipments.* If the entire amount authorized by a validated license is mailed at one time, you must surrender the license at the post office at the time of mailing. If only a part of the licensed shipment is to be mailed, you must deposit the validated license with a collector of customs and surrender at the post office in lieu thereof an extra copy of the shipper's export declaration (Commerce Form 7525–V) bearing the number of the license and an authorization dated and signed by the Collector of Customs or his representative for the shipment of the goods listed on the declaration.

§ 115.2 *State Department licenses (firearms)*—(a) *When required.* Exportations of certain arms, ammunition, or implements of war require licenses issued by the Department of State (Munitions Division). Smooth-bore firearms, such as shotguns, and firearms of less than .22 caliber, are exempt from this licensing requirement.

(b) *Entire and partial shipments.* If the entire amount authorized by a validated license is mailed at one time, you must surrender the license at the post office at the time of mailing. If the quantity of articles being mailed represents only a portion of the total amount authorized to be exported you must enter on the back of the license the amount being shipped. The license will then be postmarked and handed back to you.

§ 115.3 *Gold shipments*—(a) *License requirements.* A license is necessary to mail gold in any form or gold certificates from the continental United States to any destination outside its continental limits or from any U. S. post office outside the continental limits to another country, except as provided in paragraphs (b), (c), and (d) of this section. In addition, the postmaster at the office of mailing must receive instructions, before mailing, from the Post Office Department.

(b) *Gold held by nonresidents.* Gold in any other form than coin is mailable

without a license and specific instruction, if it is not held or owned by a person who is a resident of or domiciled in the continental United States. In such a case the mailer must place on the wrapper of the package and on the shipper's export declaration when required (see § 114.4 (a) of this chapter) a statement that the gold contained therein is held or owned by a person who is not a resident of, or who is not domiciled in, the continental United States.

(c) *Fabricated gold*—(1) *Definition.* Fabricated gold is defined by the Treasury Department as processed or manufactured gold in any form (other than gold coin or scrap gold) which has a gold content the value of which does not exceed 90 percent of the total domestic value of the processed or manufactured gold and which has in good faith and not for the purpose of evading or enabling others to evade the provisions of the Gold Reserve Act of 1934, the act of October 6, 1917, as amended, or the regulations of the Treasury Department, been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses. Fabricated gold is to be distinguished from semiprocessed gold, which may be exported only pursuant to Treasury License, and which is defined to include gold articles of which more than 90 percent of the total domestic value is attributable to the gold content thereof.

(2) *Mailing restricted.* If fabricated gold is offered for mailing it may be accepted without being licensed by the Treasury Department and without specific instructions from the Post Office Department. However, the shipper is required to endorse the wrapper of the package with the Bureau of Census Schedule B statistical classification number of each specific commodity contained therein. The shipper's export declaration, when required (see § 114.4 of this chapter) shall contain, in addition to a specific description of the contents of the package, the following notation: "Fabricated gold as defined by section 54.4 of the Gold Regulations,[1] being exported pursuant to the authorization contained in section 54.25 (b) (2) of such regulations".

(3) *How to determine.* To determine whether an article is semi-processed of fabricated gold, the value of the gold content is computed at $35 per fine troy ounce of gold and the total domestic value is determined on the basis of the cost of the article to the owner and not the selling price. In the case of a manufacturer or processor, the allowable elements of such value are the cost of material in the article, labor performed on the article, and processing losses and overhead applicable to the manufacture or processing of such article. In the case of a dealer or other person who holds or disposes of gold without further processing, total domestic value includes only the net purchase price paid by such person and any transportation costs incurred in obtaining delivery of such article to his usual place of business.

(4) *Gold coin made prior to April 5, 1933.* Gold coin made prior to April 5, 1933, may be accepted for mailing without being licensed by the Treasury Department and without specific instructions from the Post Office Department. However, the shipper's export declaration, when required (see § 114.4 (a)) shall contain, in addition to a specific description of the package, the following notation, "Rare gold coin as defined by section 54.20 of the Gold Regulations,[1] being exported pursuant to the authorization contained in section 54.25 (b) (3) of such regulations."

(d) *Gold coin, bullion, or gold dust.* The acceptance in the regular mails or parcel post for any country of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of $100 is prohibited, even though a license has been granted to export such gold coin, gold bullion, or gold dust.

(e) *Where to obtain licenses.* You may obtain the forms on which to apply for licenses to export gold from the Bureau of the Mint, Treasury Department, Washington 25, D. C.

§ 115.4 *Special commodities* — (a) *Diamonds.* Loose diamonds in any form (except cut gem diamonds, i. e., diamonds cut to be set in jewelry) tendered for mailing to any country shall not be accepted unless they have been inspected by the U. S. Appraiser of Merchandise at New York, N. Y., and the unbroken seal of that official appears on each package or parcel. This requirement is not applicable to diamonds forming a part of industrial tools.

(b) *Dried whole eggs*—(1) *Endorsements.* When dried whole eggs purchased under a program of the Commodity Credit Corporation, Department of Agriculture, are offered for export by mail, an endorsement must be written or stamped on each package by the sender waiving any right to withdraw it from the mails, or have it returned. The endorsement must be properly completed and signed by the exporter or his authorized representative over his title. The parcel post forms accompanying such parcels should be completed by the senders to indicate that the parcels are to be abandoned in case of nondelivery.

(2) *Certificates.* A certificate in the following form, prepared and completed by the sender, must be presented with the shipment:

CERTIFICATE OF MAILING DRIED WHOLE EGGS

I hereby certify that there has (have) been posted at this post office today by ---------- ---------- parcels containing a total of ------ pounds of dried whole eggs on which the sender has waived the right to withdraw same from the mails or have same returned.

Parcels addressed to:

(Names and addresses of addressees)

(Office stamp)

(Date)

(Postmaster)

By ----------

(3) *Execution of certificate.* A single certificate may cover any number of parcels mailed by the same sender even though addressed to different countries. A charge of 3 cents will be made for each certificate of mailing issued to the sender, or for each parcel when a single certificate covers more than one parcel. Postage stamps to cover the charge for the certificate of mailing shall be affixed to the certificate and canceled by the postmark of the office of mailing. After postmarking, the certificate will be signed by the postmaster or his authorized representative and returned to the sender.

(c) *Tobacco seed and plants*—(1) *Permit required.* It is unlawful to export any tobacco seed and/or live tobacco plants except in pursuance of a written permit granted by the Secretary of Agriculture.

(2) *Endorsement of package.* The package or parcel must be marked "Tobacco seed and plant export permit No. ------."

(3) *Surrender of permit.* The permit is to be presented at the time of mailing and postmarked and signed by the accepting employee. It will be retained by the post office and forwarded to the Tobacco Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(4) *Charges.* A charge of 3 cents will be made for each permit presented by the sender and for each package or parcel when a single permit covers more than one parcel. Postage stamps to cover the charge shall be affixed to the permit and canceled by the postmark of the office of mailing.

[1] 31 CFR, Part 54.

PART 116—CONSULAR AND COMMERCIAL INVOICES

§ 116.1 *Consular and commercial invoices.* Many countries require special documents to be prepared by the sender and either presented by the addressee or enclosed within the package. In some cases, certification by a recognized Chamber of Commerce in the United States, or legalization by a Consulate of the country of destination, or both, are required. Some countries also require the addressee to obtain an import license. In some instances the import license must be legalized by a Consulate of the country of destination in the United States. In some cases the import license number must appear on the customs declaration, Form 2966. Patrons should inform themselves of the various requirements before mailing parcel post packages to such countries.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

Subchapter M—Special Services

PART 121—INTERNATIONAL REGISTERED MAIL

Sec.
121.1 Service objective.
121.2 Preparation for mailing.
121.3 Registry fees.
121.4 Free registration.
121.5 Registry receipt.
121.6 Registry return receipts.
121.7 Special treatment on delivery.

AUTHORITY: §§ 121.1 to 121.7 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 121.1 *Service objective*—(a) *Purpose of registration.* As in the case of domestic registered mail, the international registry service affords greater protection against loss.

(b) *Mailable matter.* (1) Postal Union articles of all classifications may be registered unless a specific exception is stated under the country item in Part 101 of this chapter.

(2) Parcel post packages may be accepted for registration to those countries indicated in Part 110 of this chapter.

§ 121.2 *Preparation for mailing*—(a) *Means of addressing.* Mail which bears an address written in pencil or consisting of initials will not be accepted for registration. The address of mail other than that sent in transparent panel ("window") envelopes may be written in indelible pencil.

(b) *Sealing.* Letters presented for registration must be securely sealed and any bearing evidence of opening and resealing, or, the use of tape, paper strips or seals, wax seals, extra mucilage, etc., shall be rejected.

(c) *Letter packages.* Letter packages presented for registration must be prepared in accordance with the requirements for domestic registered mail.

(d) *Other sealing requirements.* (1) Articles presented for registration, under the classifications of "commercial papers," "printed matter," "samples of merchandise" and "small packets," or as "8-ounce merchandise packages" (except as otherwise provided), must not be sealed.

(2) Parcel post packages presented for registration to countries permitting registration of parcel post must be sealed.

(e) *Declaration of value.* You must declare the full value of mail accepted for registration to other countries at the time of mailing in accordance with the requirements for domestic registered mail.

(f) *Marking of valuable registered mail.* When valuable registered mail is presented on firm mailing sheets, you must indicate the values opposite the respective entries.

§ 121.3 *Registry fees.*

Country	Postal Union mails	Parcel post
Azores	$0.55	$0.55
Belgian Congo	.55	.40
Bermuda	.55	.40
Bolivia	.40	.55
Brazil	.40	.55
British Honduras	.55	.40
Cape Verde Islands	.55	.55
Chile	.40	.55
Costa Rica	.40	.55
Cuba	.40	.55
Dominican Republic	.40	.55
Ecuador	.40	{0.55 / .65}
Haiti	.40	.55
Honduras (Republic of)	.40	.55
Jamaica	.55	.40
Liberia	.55	.40
Madeira Islands	.55	(2)
Mexico	.40	.55
Morocco (Spanish Zone)	.40	.55
Nicaragua	.40	.55
Panama (Republic of)	.55	.55
Paraguay	.40	.55
Peru	.40	.55
Portugal	.55	{0.55 / .65}
Portuguese West Africa	.55	.55
Salvador (El)	.40	.55
Spain	.40	.55
Trinidad and Tobago	.55	.40
Turks Island	.55	.40
Uruguay	.40	.55
Venezuela	.40	.55
All other countries	.55	----------

[1] Indemnity limit to $25, fee 55 cents. Indemnity limit $25.01 to $50, fee 65 cents.
[2] See Portugal.

§ 121.4 *Free registration.* Any matter which is entitled to freedom of postage in the international mails is also entitled to free registration, but without the right to indemnity.

§ 121.5 *Registry receipt.* The usual (domestic) registry receipt will be issued for mail matter accepted for registration to other countries.

§ 121.6 *Registry return receipts*—(a) *Requested at time of mailing.* (1) Fee: 10 cents.

(2) If you desire that your return receipt be sent back to you by air mail you must pay for this return, in addition to the return receipt fee, the air mail postage applicable to a single post card to the country of destination.

(b) *Requested after mailing.* (1) Fee: 13 cents.

(2) Requests for return receipts made after mailing are accepted only within the period of one year from the day following that of mailing of the article or parcel.

(c) *Completion.* Return receipts for registered articles delivered in other countries are completed in accordance with requirements of the country making delivery, which vary according to the country involved. The signature of the addressee is not furnished in many countries, or may be furnished only under specified conditions, as the case may be.

§ 121.7 *Special treatment on delivery*—(a) *Restricted delivery by senders.* (1) Senders in this country may restrict the delivery of registered Postal Union articles addressed to the following countries on condition that the articles are accompanied with a return receipt and are endorsed by the sender in the manner indicated:

Country	Endorsement required
Afghanistan	"A remettre en main propre."
Albania	"A remettre en main propre" or "Per t'u dorezuar ne doren e vet."
Austria	"A remettre en main propre" or "Zu eigenen Handen."
Belgium	"A remettre en main propre" or the equivalent in the Flemish language.
Bulgaria	"Lichno."
China (Taiwan only)	"A remettre en main propre" or the equivalent in a language known at the place of destination.
Czechoslovakia	"A remettre en main propre."
Denmark	"Personlig."
Dominica (Windward Islands)	"To be delivered to the addressee in person."
Falkland Islands	"To be delivered to the addressee in person."
Finland	"A remettre en main propre."
French Somaliland	"A remettre en main propre."
Germany	"A remettre en main propre" or "Eigenhändig."
Greece	"A remettre en main propre" or "ΙΔΙΑΧΕΙΡΩΝ."
Hungary	"A remettre en main propre."
Iceland	"A remettre en main propre" or "Afhendist vidtakanda sjálfum."
Italy	"A remettre en main propre."
Lebanon	"A remettre en main propre."
Luxembourg	"A remettre en main propre."
Montserrat (Leeward Islands)	"To be delivered to the addressee in person."
Philippines (Republic of the)	"To be delivered to addressee only."
Portugal	"A remettre en main propre."
Rumania	"A remettre en main propre."
Saudi Arabia	"A remettre personnellement."
Spain	"A remettre en main propre" or "A entregar en propia mano."
Sweden	"A remettre en main propre" or "Får utlämnas endast till adressaten personligen."
Switzerland	"A remettre en main propre."
Turkey	"Alicinin kendine verilecek."
Union of Soviet Socialist Republics	"A remettre en main propre."
Uruguay	"A remettre en main propre."

(2) The endorsements shown in the second column will be placed above and near the address and must be underlined in red. The country of destination will make two attempts to effect delivery and if unsuccessful the article will be returned as undeliverable.

(3) Restricted delivery is not available for international registered parcel post.

(4) Only the usual registry fee plus the registry return receipt fee is chargeable in connection with registered Postal Union articles of which the delivery has been restricted in accordance with the foregoing provisions.

(b) *Restricted delivery by addressees.* Addresses in this country may restrict delivery upon payment of the additional fee prescribed for the restriction by addressees in delivery of domestic mail.

PART 122—INTERNATIONAL INSURED MAIL

Sec.
122.1 Availability of service.
122.2 Preparation for mailing.
122.3 Fees and limit of insurance.
122.4 Indication of insured value.
122.5 Special endorsements.
122.6 Insurance receipts.
122.7 Forwarding or return to another country.
122.8 Return receipts.

AUTHORITY: §§ 122.1 to 122.8 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 122.1 *Availability of service.* The international insurance service is limited to the countries listed in Part 110 of this chapter. Except in the case of Canada, such service is limited to parcel post. For Canada, in addition to parcel post, Postal Union printed matter (see Part

104 of this chapter) and eight-ounce merchandise packages (see Part 107 of this chapter) may be insured.

§ 122.2 *Preparation for mailing.* The general provisions for the preparation of ordinary parcels to other countries apply also to insured parcels.

§ 122.3 *Fees and limit of insurance.* See country items.

§ 122.4 *Indication of insured value—*(a) *Computation.* In some instances, as shown in chart 122.4 in this section, it is necessary to mark the wrappers of the parcels to show the amount for which the parcels are insured. When the country of destination requires that the insured value be shown in gold francs, the conversion of United States currency into gold francs is made on the basis of 33 cents (approximately) equals 1 gold franc. The gold franc equivalent is determined by multiplying the amount in United States currency by 3. For example, $5.25 multiplied by 3 is equal to 15.75 gold francs.

(b) *How shown.* When the amount of the insured value is required to be shown both in Arabic figures and in Roman letters, the information must be hand printed, or typewritten on a label and affixed to the parcel, and not written in ordinary script.

CHART 122.4. COUNTRIES REQUIRING INDICATION OF INSURED VALUE ON THE WRAPPER OF A PARCEL

Argentina.
Australia.
Austria.
Bahamas.
Barbados.
Belgium.
British Guiana.
Colombia.
Corsica.
Czechoslovakia.
Denmark (including Faroe Islands and Greenland).
Finland.
France.
Germany (Western).
Gibraltar.
Gold Coast Colony.
Great Britain and Northern Ireland.
Guatemala.
Iceland.
Ireland (Eire).
Italy.
Japan.
Leeward Islands.
Luxembourg.
Morocco, Tangier (British Post Office only).
Netherlands.
Netherlands West Indies.
New Zealand.
Norway.
Persian Gulf Ports.
Portuguese East Africa.
Ryukyu Islands.
Sweden.
Switzerland.
Western Samoa (British).
Windward Islands.
Yugoslavia.

§ 122.5 *Special endorsements.* Parcels containing fragile or perishable articles must be so marked, i. e., "Fragile," "Perishable," "Glass," or "Eggs," as may be appropriate.

§ 122.6 *Insurance receipts.* The usual (domestic) insurance receipts are generally used for international insured mail.

§ 122.7 *Forwarding or return to another country.* At the request of the sender or addressee, insured parcels addressed to other countries may be reforwarded or returned to another country, provided they can be reforwarded or returned as insured. Senders may endorse parcels "Do not forward to a third country" to prevent forwarding to another country.

§ 122.8 *Return receipts.* Return receipts for insured parcels are furnished under the same conditions as apply to registry return receipts (see § 121.6 of this chapter). No return receipts are furnished for insured parcels to Canada.

PART 123—INTERNATIONAL C. O. D. MAIL

§ 123.1 *International c. o. d. mail.* There is at the present time no international c. o. d. service in effect.

PART 124—SPECIAL DELIVERY (Exprès)

Sec.
124.1 Countries.
124.2 Classes of mail.
124.3 Marking.
124.4 Payment for special delivery.
124.5 Delivery procedures.

AUTHORITY: §§ 124.1 to 124.5 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 124.1 *Countries.* Special delivery (exprès) service is in force with the following countries:

Argentina.
Australia.
Austria.
Bahamas.
Belgian Congo.
Belgium.
Brazil.
British Guiana.
British Honduras (Belize only)
Canada.
Chile.
China.
Corsica.
Costa Rica.
Cuba.
Cyprus.
Czechoslovakia.
Denmark.
Dominican Republic.
Ecuador.
Egypt.
Ethiopia.
Finland.
France.
Germany.
Gibraltar.
Gold Coast Colony.
Great Britain and Northern Ireland.
Guatemala.
Honduras (Republic of).
Hungary.
India.
Ireland.
Israel (State of).
Italy.
Japan.
Jordan (Hashemite Kingdom).
Kenya and Uganda.
Luxembourg.
Mexico.
Morocco (Spanish Zone).
Morocco, Tangier (International Zone, British Post Office only)
Netherlands.
Norway.
Nyasaland Protectorate.
Panama.
Philippines.
Poland.
Portugal.
St. Pierre and Miquelon.
Salvador (El).
Somalia.
Spain.
Spanish West Africa.
Sweden.
Switzerland.
Tanganyika Territory.
Turkey.
Union of South Africa
Yugoslavia.

§ 124.2 *Classes of mail.* The special-delivery service applies to all Postal Union articles (ordinary and registered—surface and air) addressed for delivery in the countries shown in the preceding list, except that in the case of Canada the special-delivery service applies only to letters or articles prepaid at the letter rate (ordinary and registered), and to India it applies only to unregistered letters, post cards, and printed matter (exclusive of printed matter for the blind). The special-delivery service does not apply to International Parcel Post. See Part 125 of this chapter concerning special handling service for parcel post.

§ 124.3 *Marking.* An article intended for special delivery service must have affixed to the cover an "Exprès (special delivery)" label Form 2977, obtainable at the post office, or the cover must be marked boldly in red ink "Exprès" directly below but not on the stamps. The use of special-delivery stamps on other than special-delivery articles is not permissible.

§ 124.4 *Payment for special delivery—*(a) *Fees.*

Weight	Letters and letter packages (cents)	Post cards (cents, each)	Other Postal Union articles (cents)
Up to 2 pounds	20	20	35
Over 2 pounds and up to 10 pounds	35	-------	45
Over 10 pounds	50	-------	60

(b) *Prepayment of fees.* The special-delivery fees may be prepaid by special delivery stamps or ordinary postage stamps. Air mail stamps may be used in the case of articles intended for transmission by air. Special-delivery stamps must not be used on other special-delivery articles. Special delivery fees must be prepaid in addition to the regular postage.

(c) *Insufficient postage.* Insufficiently prepaid articles intended for special delivery which are posted in letter boxes and drops are marked by postmasters "Not in special-delivery mail" and dispatched onward to destination as ordinary mail matter whenever such articles cannot be returned to the sender for the deficiency in fee without seriously delaying the dispatch thereof.

§ 124.5 *Delivery procedures—*(a) *In the United States.* Articles which are marked to indicate they are intended for special delivery in this service will be subject to the same conditions in their delivery as special-delivery articles in the United States domestic service.

(b) *In other countries.* Delivery is effected in the various countries according to the special-delivery regulations in force in the country of destination.

PART 125—SPECIAL HANDLING

Sec.
125.1 Availability.
125.2 Fees.
125.3 Marking.
125.4 Forwarding.

AUTHORITY: §§ 125.1 to 125.4 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 125.1 *Availability.* The "special-handling" service for domestic parcel post is available also for parcel post addressed to other countries. The service is optional except in the case of parcels for Canada containing baby (day-old) poultry and honey bees. Special-handling service does not apply to Postal Union articles.

§ 125.2 *Fees.*

Weight:	Fee (cents)
Up to 2 pounds	15
Over 2 pounds and up to 10 pounds	20
Over 10 pounds	25

Special-handling fees may be prepaid by special-handling stamps or by ordinary postage stamps. Special-handling fees are in addition to the regular parcel post rate to the country concerned.

§ 125.3 *Marking.* A parcel intended for a special-handling service must be marked or stamped "Special Handling" immediately above the name of the addressee.

§ 125.4 *Forwarding.* Special-handling parcels are given priority in distribution and disposal over other parcel post packages from the office of mailing to the point of disposal from the United States. They are dispatched from this country as parcel post by the same vessels carrying letter mails for the countries of address, when practicable. Special-handling parcels do not receive any special treatment in the country of destination.

PART 126—RECALL AND CHANGE OF ADDRESS

Sec.
126.1 Conditions.
126.2 How made.
126.3 Countries not permitting recall or change of address.

AUTHORITY: §§ 126.1 to 126.3 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 126.1 *Conditions.* You may cause any mail article you addressed for delivery in another country to be withdrawn from the Postal Service, or have its address changed. In case it has been dispatched from the United States and not delivered to the addressee:

(a) The legislation of the country of destination of the article must allow such withdrawal or change of address;

(b) The article must not contain prohibited matter; and

(c) The customs examination must not reveal any irregularity.

§ 126.2 *How made—*(a) *If not dispatched from mailing office.* If the article has not yet been dispatched from the mailing post office you must apply to the postmaster.

(b) *If not dispatched from the United States.* If the article has been dispatched from the mailing office, but has not been dispatched from the United States, and can be intercepted at the United States exchange post office, it may be returned to you upon compliance with requirements of Part 43 of this chapter. To facilitate identification and return you must furnish to the exchange office concerned available particulars, including description of the article, date of mailing, registration number, if registered, as well as means of transmission (by surface or air) from mailing office.

(c) *If dispatched from the United States.* If the article has been actually dispatched from the United States, the sender must apply at the post office at which the article was mailed, where he must identify himself and deposit with the postmaster a sum sufficient to cover all expenses to be incurred. In addition, the sender must furnish a facsimile of the address of the article, and must pay (by means of postage stamps affixed to his application, and canceled by the postmaster) a fee of 40 cents. If the request is to be sent by air mail or telegraph or cable, the sender must pay, in addition, the air mail rate or telegraph or cable charges. In this case, the application shall be accompanied by postage in an amount sufficient to prepay the air mail rate or by a remittance to cover the telegraph or cable charges at the usual rate.

(d) *Single application sufficient.* A single form of application may be used for several articles mailed at the same time, at the same office, by the same sender, and to the same addressee, in which case the sender is required to pay only one fee or one fee plus the air mail or telegraph or cable charge, as the case may be.

§ 126.3 *Countries not permitting recall or change of address.* The legislation of Aden, Australia, Barbados, British Honduras, British Post Offices in Tangier (International Zone of Morocco) and Tetuan (Spanish Zone of Morocco), Brunei, Burma, Canada, Cyprus, Cyrenaica, Gambia, Gibraltar, Gilbert and Ellice Islands, Great Britain and Northern Ireland, India, Ireland, Leeward Islands, Malaya, Nauru Island, New Zealand, Nigeria, Pakistan, Persian Gulf Ports, Rhodesia (Southern), St. Helena, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Somalia, South-West Africa, Trinidad and Tobago, Union of South Africa, and the Windward Islands does not allow senders of Postal Union articles to withdraw them from the mails or to change their address. For countries not permitting recall or change of address of parcel post packages, see § 111.7 of this chapter.

Subchapter N—How to Wrap and Mail

PART 131—PREPARATION, ADDRESSING AND POSTAGE

Sec.
131.1 Preparation.
131.2 Addressing.
131.3 Postage.

AUTHORITY: §§131.1 to 131.3 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 131.1 *Preparation.* Prepare the articles securely, especially if they are for distant countries. International mail is handled more often and subjected to greater pressure and friction than domestic mail, hence it must be enclosed in strong envelopes or other wrappings. Do not use wax for sealing letters. Letters so sealed often stick to each other and the addresses of some are destroyed by the tearing of the covers in the attempt to separate the articles.

§ 131.2 *Addressing—*(a) *Form of address.* (1) Address mail articles in legible roman letters placed on the right-hand side of the article, lengthwise, in such a way as to leave space for service labels and notations (postmarks, etc.).

(2) Write the name and address of the recipient precisely and completely, with the names of the locality and country of destination in capital letters. Give the house number and street address or box number when sending mail to towns or cities.

(3) On the address of articles sent to General Delivery indicate the name of the addressee. The use of initials, figures, simple given names, fictitious names or conventional marks of any kind is not permitted for such articles.

(4) Addresses in Russian, Greek, Arabic, Hebrew, Japanese, or Chinese characters must bear an interlined translation of the names of the post office, province, and country of destination in English. If the English form of the names is not known, the foreign spellings shall be shown in roman characters, print or script.

(b) *Return card.* The return card with the complete address of the sender must be shown in the upper left-hand corner of the address side of the mail in such a way as not to affect either the clarity of the address or the application of service labels or notations. Many countries do not return certain ordinary (unregistered) articles if they cannot be delivered as addressed unless they bear the sender's return card.

(c) *Unprepaid mail.* When letters are shortpaid or entirely unpaid, postage is collected from the addressees by the country of address at double the amount of the deficiency. For all registered letters and for all other Postal Union articles postage must be fully prepaid to assure dispatch.

§ 131.3 *Postage—*(a) *Method of prepayment.* Postage, registration fees and insurance fees, can be prepaid upon articles (other than the reply half of post cards) by means of United States postage stamps or postage impressions, showing the amount paid. Postage impressions must be bright red in color. Mail matter bearing any stamp impression acceptable under United States domestic regulations is also accepted when addressed for delivery in any of the following countries: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras (Republic of), Mexico, Morocco (Spanish

Zone), Nicaragua, Panama, Paraguay, Peru, Salvador (El), Spain (including Balearic and Canary Islands, the Spanish offices in Northern Africa, and Andorra), Spanish Guinea, Spanish West Africa, Uruguay and Venezuela.

(b) *Prepayment of printed matter.* Prepayment of postage on printed matter may be indicated by means of postage impressions, either metered or printed. When printed postage impressions are used, the indication of the country of origin (United States) may be replaced by the name of the office of origin. These printed impressions must show the amount of postage paid and may be black or any other color.

(c) *Articles mailed aboard ships.* Postage upon articles mailed on board a ship on the high seas must be prepaid by means of postage stamps of the country under whose flag the ship sails. Such articles are subject to the postage rates and conditions of that country. Postage upon articles mailed on board a ship while it is in a port of any country can be prepaid only by means of postage stamps of that country. Such articles are subject to the postage rates and conditions of that country.

(d) *Free-of-postage matter.* Freedom of postage in the international mails is granted in the following cases: Official penalty mail addressed to countries of the Postal Union of the Americas and Spain, except Argentina, Brazil and Spain; and diplomatic and consular mail exchanged under the terms of the Convention of the Postal Union of the Americas and Spain.

(e) *Reply coupons.* (1) International Reply Coupons of the Universal Postal Union, printed in blue ink and bearing the caption "Coupon-Réponse International" may be purchased at United States post offices for 13¢ each. Each coupon is exchangeable in any country for a stamp or stamps representing the prepayment of an ordinary single-rate letter originating in that country and addressed to this country. Upon the presentation of a sufficient number of coupons, the stamp or stamps received in exchange may be used to prepay an ordinary letter to this country by air. International Reply Coupons are exchangeable in postage stamps at the rate of 8¢ each, except that Canadian and Mexican international reply coupons are redeemable in postage stamps at the rate of 3¢ each. They must bear the postmark of the selling post office. The period for exchange of reply coupons is unlimited.

(2) Postal Union of the Americas and Spain Reply Coupons, printed in green ink and bearing the caption "Cupón Respuesta Americoespañol", are not sold in this Service, but they are redeemable in postage stamps in the same manner and rate of exchange (8¢ each) as the UPU international reply coupon, except that when more than 10 PUAS coupons are offered by one individual the letters on which the postage is being prepaid must also be presented.

(f) *Air letter sheets (aerogrammes).* For details of air letter sheets (aerogrammes), see § 109.7 of this chapter.

PART 132—PROHIBITED AND RESTRICTED ARTICLES

Sec.
132.1 General list of prohibited articles.
132.2 Restricted articles.

AUTHORITY: §§ 132.1 and 132.2 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 132.1 *General list of prohibited articles.* The following articles are prohibited transmission in the Postal Union mails to all countries:

(a) Any article without address or incorrectly, insufficiently, or illegibly addressed so that it cannot be transmitted to its destination;

(b) Any article addressed to go around the world or with the address side wholly or partly divided into several spaces intended for successive addresses;

(c) Poisons, including narcotics (opium, morphine, cocaine, etc.), explosives and inflammable articles, and all other articles excluded from the domestic mails, which either from their nature or packing are liable to soil or damage the mails or are injurious to health, life, or property.

(d) Matches, including safety matches;

(e) Live or dead animals, except: (1) Live bees, leeches and silk worms; (2) dead insects or reptiles when thoroughly dried; and (3) parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies.

(f) Articles which are excluded from the domestic mails of the United States.

(g) Coins, bank notes, paper money or any values payable to bearer; manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry stones, jewelry or other precious articles are prohibited transmission in the Postal Union mails unless sent by registered letter mail. These articles are absolutely prohibited even in registered letter mail to some countries.

§ 132.2 *Restricted articles*—(a) *Gold and gold certificates.* (See § 115.3 of this chapter.)

(b) *Diamonds.* (See § 115.4 (a) of this chapter.)

(c) *Tobacco seed and plants.* (See § 115.4 (c) of this chapter.)

(d) *"Window" envelopes.* (1) Envelopes which are entirely transparent or open-panel envelopes are unmailable. The window need not form an integral part of the envelope.

(2) The panel shall lie parallel to the longest dimension, so that the address of the recipient appears in the same direction and the application of the date stamp is not hindered. The transparency of the panel shall assure perfect legibility of the address, even by artificial light, and shall not interfere with the application of a written note. Panel envelopes whose vitrified part causes reflection of artificial light are excluded.

(3) Only the name and address of the recipient may appear through the panel. The contents of the envelope must be folded in such a way that the address cannot be covered, even partly, as a result of slipping. The address shall be indicated legibly in ink, in typewriting, or by printing, in dark colored letters. Addresses written in ordinary or indelible pencil are not permitted.

PART 133—DOCUMENTATION

Sec.
133.1 Customs forms.
133.2 Export declarations.
133.3 Licenses and certificates.
133.4 Parcel post documents.

AUTHORITY: §§ 133.1 to 133.4 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 133.1 *Customs forms*—(a) *Green (customs) label.* (1) The green (customs) label, Form 2976, must be affixed to the address side of each letter or letter package containing dutiable articles (merchandise); to prints which are dutiable in the country to which they are addressed; and to each small packet.

(2) The form is not, under any circumstances, to be employed on parcel post packages.

(3) Facsimiles of the old Form 2976 and the revised form are shown below:

Old Form

CUSTOMS
(Douane)
May Be Officially Opened
(Peut être ouvert d'office)
2976 (C 1) 5—9120

Revised Form

CUSTOMS—DOUANE
May be Officially Opened
(Peut être ouvert d'office)

Detach and discard this portion if a separate declaration (Form 2976–A) or an invoice is enclosed in the package.

Contents in detail
Nature de la marchandise .....

Net weight
Poids net .....
Value
Valeur .....
Form 2976 16—67823-1 GPO

(4) When the revised form is used in its entirety, there is no need to enclose the paper form of customs declaration (see paragraph (b) of this section) in the package. However, if the sender prefers not to show the nature of the contents, etc., on the outside of the article, or if for any reason the use of the revised form in its entirety is not practicable, the upper part of the revised form (detached by cutting along the dotted line) may be affixed to the cover. Old Form 2976 may be used for this purpose until the supply is exhausted.

(b) *Paper customs declaration.* (1) The paper form of customs declaration (Form 2976–A) is available for completion and enclosure within the classes of articles mentioned in paragraph (a) of this section when the description of the contents of the article is not shown on Form 2976 or on an invoice enclosed within the article.

(2) The contents of the article must be indicated in detail on the form. Notations of a general character are not allowed.

(3) Form 2976–A is not, under any circumstances, to be used in mailing parcel post packages. Information concerning the card (tag) form of customs declaration (Form 2966) to be used in connection with parcel post packages will be found in Part 114 of this chapter.

(4) Following is a facsimile of Form 2976–A.

UNITED STATES POST OFFICE DEPARTMENT
Administration des Postes des États-Unis d'Amérique
Form 2976-A
C 2
PLACE OF ORIGIN
Lieu d'expédition
PLACE OF DESTINATION
Lieu de destination

CUSTOMS DECLARATION
DÉCLARATION EN DOUANE

Number of packages and description of outer packing (package, box, bag, etc.) / *Nombre et espèce de l'emballage extérieur (paquet, boîte, sac, etc.)*		Statement of contents / *Designation du contenu*	VALUE / *VALEUR*	WEIGHT / *Poids*		Observations / *Observations*
NUMBER / *Numéro* 1	KIND / *Espèce* 2	3	4	Gross Ounces / *Brut Onces* 5	Net Ounces / *Net Onces* 6	7
			U.S.$			
Country of origin or manufacture of the merchandise. / *Pays d'origine ou de fabrication de la marchandise.*		M..... (Name of addressee) (*Nom du destinataire*)				
		..... (Street and number) (*Rue et numéro*)				
		..... (Place of destination) (*Lieu de destination*)				
		..... (Country of destination) (*Pays de destination*)				
....., 19..... (Place and date)		Sender: / *L'expéditeur:*				

NOTE.—This form is to be enclosed in small packets and letter packages (not for parcel post) when the upper portion of the green customs label (Form 2976) is affixed to the wrapper.

16—52867-2 U.S. GOVERNMENT PRINTING OFFICE

§ 133.2 *Export declarations.* For information concerning postal export declarations which must be prepared on U. S. Department of Commerce Form 7525–V in connection with certain commercial shipments sent in the Postal Union mails or by parcel post by one business concern to another business concern between continental United States, its noncontiguous possessions, and other countries, see § 114.4 of this chapter.

§ 133.3 *Licenses and certificates.* For information concerning licenses and certificates required in certain cases in connection with exports in the Postal Union mails or by parcel post, see Part 115 of this chapter.

§ 133.4 *Parcel post documents.* For specific documentary requirements for parcel post, see Part 114 of this chapter.

Subchapter O—Undelivered Mail

PART 141—INQUIRIES AND COMPLAINTS

Sec.
141.1 Inquiries encouraged.
141.2 When made.
141.3 Where made.
141.4 How made.
141.5 Charges.

AUTHORITY: §§ 141.1 to 141.5 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 141.1 *Inquiries encouraged.* Patrons are urged to report any losses or nondelivery or other mistreatment of mail since these reports may serve to improve the postal service.

§ 141.2 *When made.* Inquiries are accepted within one year, counting from the day following date of mailing.

§ 141.3 *Where made.* Make all inquiries and complaints regarding nondelivery or other mistreatment of international mail to your local postmaster.

§ 141.4 *How made*—(a) *Inquiries regarding nondelivery.* If an article has failed to reach the addressee within a reasonable time, after it should in regular course have been delivered, the post office will, upon request, institute an inquiry with the foreign postal administration. You may make inquiries even though the articles were mailed in another country. If you are unable to submit the registry (mailing) receipt in the case of a registered article, however, you should make complaint at the office of mailing.

(b) *Complaints of noncompletion of return receipts.* Complaints with respect to non-completion of return receipts for registered article (see § 121.6 (c) of this chapter) should be transmitted, together with the relative receipt, to the Post Office Department, Bureau of Transportation, Division of International Services, Washington 25, D. C.

§ 141.5 *Charges*—(a) *When applicable.* No charge is made for inquiry or complaint concerning the nondelivery of a piece of international mail if the complainant has failed to receive a return receipt for which he paid the required fee; or if the complainant is able to show that loss or other irregularity has occurred apparently through fault of the postal service. Such a showing is satisfied either by exhibiting a letter from the addressee a reasonable time after the article involved would normally have been delivered; or satisfactorily explaining the failure to exhibit such a letter or report. Otherwise, a charge of 13 cents is made.

(b) *When several articles involved.* Only one fee is collected for inquiries or requests for information concerning several articles mailed simultaneously by the same sender addressed to the same addressee.

(c) *Airmail or telegraph inquiry.* If you desire your inquiries to be sent by air mail or telegraph, you must pay, in addition to other fees and charges applicable, the postage for a one-rate air mail letter to the country of destination, or the appropriate telegraph charge. If you also desire a reply to your inquiry to be made by air mail or telegraph, you must pay double the air mail postage, or the telegraph charges both ways.

PART 142—UNDELIVERABLE ARTICLES

Sec.
142.1 When returned.
142.2 Charges.

AUTHORITY: §§ 142.1 and 142.2 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943, 5 U. S. C. 22, 369, 372.

§ 142.1 *When returned.* Undeliverable ordinary (unregistered) prints without value are not returned by the country of address unless the sender has requested their return by a notation placed on the article in a language known in the country of destination. Other ordinary articles and all registered articles are always returned. (Undeliverable second-class publications mailed from Canada are given the same treatment as undeliverable domestic matter of the second-class.) For parcel post, see provisions for alternative disposition, § 114.1 (c) (2) of this chapter.

§ 142.2 *Charges.* (a) Upon any unpaid or short-paid article returned as undeliverable, the sender will be required to pay the sum which would have been collectible from the addressee if the article had been delivered. In addition, when returned through the dead letter office, the sender will be required to pay a fee of 5 cents.

(b) There is no charge for return postage on undeliverable fully prepaid articles in the Postal Union mails, except for "Eight-ounce merchandise packages" (see Part 107 of this chapter). These are subject, on return delivery to the sender, to a postage charge equal to the amount of postage originally prepaid, or in the case of such articles originally sent by air to a return charge of 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction thereof.

(c) United States publications of the second-class mailed by publishers or registered news agents at the rates prescribed in Part 104 of this chapter, which are returned from Canada as undeliverable are subject on delivery to the senders to a charge at the rate of 2 cents for the first 2 ounces and 1 cent for each additional 2 ounces or fraction thereof.

(d) In the case of parcel post packages, where the sender has given instructions that the parcel be returned to him if undeliverable as addressed, he engages that he will pay the return postage.

Subchapter P—Indemnities

PART 151—SUBSTANTIATION OF CLAIMS

Sec.
151.1 Report to accompany claim.
151.2 Proof of value.

AUTHORITY: §§ 151.1 to 151.2 issued under R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 151.1 *Report to accompany claim.* The report from the addressee on which the claim is based must accompany the claim.

§ 151.2 *Proof of value.* The burden of satisfactorily establishing the value of the contents at the time of mailing or that the amount claimed, particularly in the case of heirlooms or antiques, is not in excess of the ordinary market value of similar articles rests, in the absence of a complete description of the contents, with the claimant. Sentimental values arising from associations of articles cannot properly be allowed.

PART 152—INDEMNITY LIMITS

Sec.
152.1 Registered postal union articles.
152.2 Registered or ordinary under the parcel post agreement of the Union of the Americas and Spain.
152.3 Other registered parcel post.
152.4 Insured parcel post.
152.5 Principal exceptions.

AUTHORITY: §§ 152.1 to 152.5 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 152.1 *Registered postal union articles*—(a) *Limit under the Postal Convention with Canada.* Total loss based on value not exceeding $25.

(b) *Limit under the Universal Postal Union Convention of Brussels.* Any amount claimed not exceeding $8.17 for total loss (envelope or wrapper, and total contents).

(c) *Limit under the Convention of the Postal Union of the Americas and Spain of Madrid.* Any amount claimed not exceeding $3.27 in the case of total loss.

(d) *Damage or complete loss or rifling of contents.* (1) When mailed in the United States and responsibility rests with the Postal Administration of the United States and when bulk billed, for actual amount thereof in amount claimed, not exceeding $8.17, except that the maximum amount is $3.27 in the case of registered articles to the countries subscribing to the Convention of the Postal Union of the Americas and Spain of Madrid.

(2) In the event of partial or complete loss or rifling of the contents of registered Postal Union articles for Great Britain and Northern Ireland and Switzerland (regardless of where it occurs), and for the actual amount thereof not exceeding $8.17; for the intrinsic value, but not exceeding $8.17, for damage while in the custody of the postal service to such extent as to destroy entirely the value of an article contained in a registered packet (unless the damage arose from the fault of the sender or from causes beyond control).

(3) Limited indemnity may be specially paid under the conditions set forth in subparagraph (1) of this paragraph for loss, rifling, or damage where money in cash, bank notes or values payable to bearer are prohibited transmission in the mails.

§ 152.2 *Registered or ordinary under the Parcel Post Agreement of the Union of the Americas and Spain.* Actual amount of loss, rifling, or damage, based on value, is paid not exceeding the maximum amount for each weight unit, as follows:

2 pounds	7 pounds	11 pounds	22 pounds	33 pounds	44 pounds
$3.27	$4.90	$8.17	$13.07	$17.97	$22.87

§ 152.3 *Other registered parcel post.* Actual value up to 50 gold francs ($16.33) for the loss, rifling or damage of registered parcel post packages exchanged with Cape Verde Islands and Portuguese West Africa; up to $10 for the total loss of such parcels exchanged with Cuba, and in accordance with the scale of fees and limits of indemnity under the country items, based on actual value, is paid for the loss, rifling or damage of registered parcel post packages exchanged with Ecuador, and for the total loss of registered parcel post packages exchanged with Portugal (including Madeira and the Azores).

§ 152.4 *Insured parcel post*—(a) *General provisions.* Actual amount of loss, rifling, or damage, based on value at the time and place of mailing, is paid not exceeding the limit for the insurance fee paid. Also, limited indemnity may specially be paid under the usual conditions for the loss, rifling or damage of certain articles mailed to Canada by insured parcel post.

(b) *Forwarded or returned to third country.* In the case of an insured parcel forwarded or returned to a third country, the rightful claimant shall be entitled to only such indemnity, if any, for any loss, rifling, or damage which occurs subsequent to the redispatch of the parcel in the country of original address, as the country in which the loss, rifling, or damage occurred is willing or obligated to pay under any agreement in force between the countries involved.

§ 152.5 *Principal exceptions.* Indemnity will not be paid:

(a) For damage to Postal Union registered articles or partial or complete loss, or rifling of the contents of Postal Union registered articles, except as stated in § 152.1 (d) (2).

(b) As a rule, in case of parcels reported by other countries as having been delivered without external trace of rifling or damage and accepted without reservation as to the condition of the contents.

(c) When it is established that delivery was made under the conditions prescribed by the domestic regulations of the country of destination for mail of the same kind, or, upon presentation of a regular Postal identity card.

(d) In case of loss or damage through "force majeure", as defined by the legal decision or rulings of the country in whose service the loss or damage occurs.

(e) When loss, rifling, or damage has been caused by the fault or negligence of the sender or the addressee or the representative of either.

(f) When an article or parcel cannot be accounted for in consequence of the destruction of service records through "force majeure."

(g) When the contents are prohibited.

(h) In case the claimant, with intent to defraud, shall declare the contents of a parcel to be above their real value.

(i) For an article or parcel seized by the customs.

(j) In the case of parcels which contain matter of no intrinsic value or matter which did not conform to the stipulations of the conventions applicable, or which were not posted in the manner prescribed. However, in the event of loss, rifling, or damage in this country of mail matter erroneously accepted for insurance, etc., to other countries, or, on which postage was erroneously collected at other than parcel post rates, but otherwise properly accepted for mailing, limited indemnity may specially be paid.

(k) For indirect loss or loss of profit in the case of parcels.

(l) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the article or parcel. In the case of insured mail with Canada, however, the time limit may be waived when it is satisfactorily established that the delay was unavoidable and not the fault of the claimant.

(m) For damage which proceeds from the inherent vice or quality of the contents, that is, its inability, due to its nature, to withstand the ordinary incidents of the contemplated carriage.

(n) In case of claim for damage, unless the parcel was adequately packed for the length of the journey and for the protection of the contents; also, unless the parcel was conspicuously endorsed to show the nature of the contents, such as "Fragile", "Glass", "Eggs", or "Perishable" as may be appropriate. Except in the case of Canada no indemnity is payable under any conditions in respect of parcels which contain perishable matter.

(o) In cases in which full compensation or reimbursement has otherwise been made by the Post Office Department or by any outside firm or corporation whatsoever except on a pro-rata basis as co-insurer.

(p) For the rifling or damage of registered or insured parcels exchanged with Portugal (including Madeira and the Azores), and of registered parcels exchanged with Cuba.

Subchapter Q—Importations

PART 161—CUSTOMS TREATMENT

Sec.
161.1 Joint regulations of Treasury and Post Office Departments.
161.2 Delivery and collection of duty.
161.3 Payment of duty protested.
161.4 Refund of customs duty.
161.5 Rates of duties.
161.6 Prepayment of duty.

AUTHORITY: §§ 161.1 to 161.6 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 498, 46 Stat. 728, 59 Stat. 669; 19 U. S. C. 1498, 5 U. S. C. 22, 369, 22 U. S. C. 288-288f.

§ 161.1 *Joint regulations of treasury and post office departments.* All mail matter received from abroad, known or believed to contain dutiable articles, must be submitted to the Customs Service as required by the Joint Regulations adopted by the Secretary of the Treasury and the Postmaster General.

§ 161.2 *Delivery and collection of duty*—(a) *Payment of duty required.* Articles which have been examined by the United States Customs authorities and found to be subject to duty will be delivered to the addressee only upon payment of the amount of duty assessed.

(b) *No examination before payment of duty.* Addressees are not permitted to examine the contents of dutiable articles until the duty is paid.

(c) *No duty refund in certain cases.* When an addressee requests delivery of parcel post packages to be made at his residence or place of business after the customs duty thereon has been paid at the post office, attention is called to the circumstances that the Treasury Department has declined to refund the duty in such cases when the goods become lost between the post office and the addressee's residence or place of business, and that if there should be any loss there is no appropriation available from which the Post Office Department could make reimbursement for the amount of duty paid.

§ 161.3 *Payment of duty protested*—(a) *Refuse and protest.* When an addressee refuses to accept a dutiable package and protests against the payment of duty assessed, he shall state his objection in writing to the postmaster and shall submit any available information or evidence substantiating his claim. If an addressee simply refuses a parcel and makes no protest concerning the duty assessed the parcel shall be treated as undeliverable.

(b) *Claim for duty refund.* An addressee, who is dissatisfied with the amount of duty assessed, may pay the charges, take delivery of the package and subsequently file claim for a refund with the collector involved.

(c) *Unaccompanied articles.* Returning residents of the United States frequently mail to themselves or arrange for mailing of personal effects and/or merchandise acquired abroad. These articles are entered on the customs baggage declaration as "unaccompanied articles." If it is expected that the declared items will be contained in one shipment, the customs regulations provide that the declaration shall be prepared in duplicate, the copy being retained by the declarant for clearance purposes. When the payment of duty is protested under the above conditions, the duplicate baggage declaration in the patron's possession shall be surrendered to the postmaster for transmission, together with the other information referred to in the preceding paragraph, to the collector who issued the mail entry. Should the addressee be unable to produce the duplicate baggage declaration, his statement as to the date and the port through which he reentered the country, together with any possible information regarding the name of the ship or the number of the aircraft, and the number borne by the declaration filed at the time of such arrival will be furnished the collector in lieu thereof. The collector who issued the mail entry will communicate with the customs authorities at the port of entry relative to the matter of whether or not the package is entitled to free entry.

(d) *Storage charges.* A parcel post package held at a post office pending the decision of the customs authorities is subject to storage charges. Addressees are expected to pay the storage charges every 20 days (i. e., whenever the amount totals $1) in order to prevent the accumulation of such charges on parcel post packages held for the purpose mentioned.

§ 161.4 *Refund of customs duty*—(a) *Duty not refundable by postmasters.* Amounts collected on customs mail entry forms are not refundable by postmasters. An addressee who requests a refund of duty shall make application therefor to the collector of customs at the port of entry within 30 days from the date of entry. It is suggested, if refund is claimed on account of damage, that the article be forwarded to the collector with the application. If the addressee wishes to abandon the article to the Government, he should include a statement to that effect in his application. In case the addressee also intends to file a claim for indemnity with the Post Office Department, he shall, before taking the above action, present the contents, container and complete wrapping to the postmaster for the inspection prescribed by the international indemnity application Form 2855.

(b) *Refund by customs service.* Refund of duties paid will be made by the Customs Service if merchandise covered by a mail entry representing 5 percent or more of the total value of all of the merchandise of the same class or kind entered in the invoice in which the item appears is abandoned and delivered within 30 days after the date of entry to the collector of customs where the entry was made.

(c) *Refund of duty on returned merchandise.* Refund of duties paid less 1 per centum will also be made by the Customs Service if merchandise covered by a mail entry and found not to conform to sample or specification or shipped without the consent of the consignee is, within 90 days from the date of delivery, returned to customs custody for exportation, unless the Secretary of the Treasury authorizes in writing a longer time. The postal charges incident to returning the merchandise to the sender must be borne by the addressee.

§ 161.5 *Rates of duties.* Patrons desiring information concerning rates of duty on articles imported into the United States, or other customs procedure, should communicate with the appropriate customs officer, located at various points throughout the country, or with the Commissioner of Customs, Treasury Department, Washington 25, D. C. The publication United States Import Duties (1952) on sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. (price, $3.25), may be of interest to persons regularly engaged in the importation of merchandise.

§ 161.6 *Prepayment of duty.* No provision is made for the prepayment abroad of customs duty on mail shipments addressed for delivery in the United States.

PART 162—PLANTS AND PLANT PRODUCTS

Sec.
162.1 Plants admitted without restriction.
162.2 Plants admitted under restrictions.
162.3 Prohibited plants and plant products.

AUTHORITY: §§ 162.1 to 162.3 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

§ 162.1 *Plants admitted without restriction.* Plants and plant products ordered by, intended for, and addressed to the Plant Quarantine Branch, Horticultural Crops Research Branch, of the United States Department of Agriculture, Washington 25, D. C.

§ 162.2 *Plants admitted under restrictions.* Except for those listed in § 162.3 as prohibited, and some which are importable by private individuals, most plants and plant products are admitted under various restrictions. For information, patrons should address inquiries to Department of Agriculture, Plant Quarantine Branch, Washington 25, D. C.

§ 162.3 *Prohibited plants and plant products*—(a) *Cuttings, buds, cions, etc.* Subject to some exceptions, importation by mail is prohibited from all countries and localities, of all plants, including cuttings, buds, cions, bulb roots, tubers, seeds, etc.; fruits and vegetables in the raw or unprocessed state; and other plant products.

(b) *Plants and plant products as packing materials.* Except in special cases where preparation, processing, or manufacturing are judged by an inspector of the United States Department of Agriculture to eliminate a risk of carrying injurious insects and diseases, the importation as packing material is prohibited of rice straw, hulls and chaff; cotton and cotton products; sugarcane, including bagasse; bamboo leaves and small shoots; leaves of plants; forest litter; soil with an appreciable admixture of vegetable matter not therein provided for by regulation; and all parts of corn and allied plants, except from Mexico and the countries of Central America, the West Indies, and South America.

Subchapter R—International Postal Service: Postage Rates, Service Available, and Instructions for Mailing

PART 172—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

NOTE: Part 172 (formerly Part 127) is retained without change in this revision. See 39 CFR 1949 Ed. and Supp., Part 127. For amendments to Part 172, see F. R. Doc. 54-8559, *infra*.

Subchapters S–T [Reserved]

Subchapter U—Procedures

Subchapter U—Procedures

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

PART 202—PROCEDURES BEFORE THE SOLICITOR

NOTE: Parts 201 and 202 (formerly Parts 150 and 151) are retained without change in this revision. See 39 CFR 1949 Ed. and Supp., Parts 150 and 151.

[F. R. Doc. 54-8607; Filed, Oct. 29, 1954; 8:53 a. m.]

PART 172—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

HUNGARY

The following changes are effective November 1, 1954:

In Part 172—International Postal Service: Postage Rates, Service Available and Instructions for Mailing, 39 CFR Part 172, make the following changes:

a. In § 172.74 *Sealing*, amend the list of countries in paragraph (a) by inserting in proper alphabetical order the following:

Hungary (insured).

b. In § 172.140 *Service available* insert "Hungary" in proper alphabetical order.

c. In § 172.273 *Hungary* make the following changes:

1. In paragraph (b) (1) make the following changes in the tabulated information appearing under the table of rates:

a. Amend the information opposite "Sealing" to read as follows:

Insured parcels must, and ordinary parcels may, be sealed.

b. Change "Insurance: No. Service from Hungary only." to read "Insurance: Yes."

2. Amend paragraph (b) (2) as follows:

(2) *Indemnity*. See subparagraph (4) of this paragraph.

3. In paragraph (b), redesignate subparagraphs (4), (5) and (6) as subparagraphs (5), (6) and (7), and insert new subparagraph (4) to read as follows:

(4) *Insurance*. (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable, in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	*Fee, cents*
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55

(ii) Parcels containing coin, bullion, valuable jewelry, or any other precious article must be insured.

(iii) For general information concerning insurance service see §§ 172.140 to 172.148, inclusive.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF, *The Solicitor.*

[F. R. Doc. 54-8559; Filed, Oct. 29, 1954; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

CAA RULES, POLICIES, AND INTERPRETATIONS

The purpose of this supplement is to establish the rules and policies applying to the production inspection system, and policies and interpretations for production flight tests, conformity inspections, quality control and identification marks applicable to manufacturers of type certificated aircraft, aircraft engines, and propellers.

The rules prescribed in § 1.15–5 were published as a notice of proposed rule making on April 27, 1954, in 19 F. R. 2454. Interested persons were afforded an opportunity to submit written views, data, or argument. Consideration has been given to all relevant data presented. The following rules, policies, and interpretations are hereby adopted:

1. Section 1.15–1 as published in 17 F. R. 8421 on September 19, 1952, is revised to read as follows:

§ 1.15–1 *Inspections and tests (CAA policies which apply to § 1.15)*. (a) Parts, assemblies or products fabricated by the prime, subsidiary or sub-divisional manufacturer operating under the terms of a type certificate only will be inspected while the articles are in an "inspectable" condition. Drawings and other technical data maintained at the place of manufacture should be made available by the manufacturer to enable the CAA Aviation Safety Agent to determine that the finished product or any part thereof conforms with the applicable requirements and current type design data.

(b) Aircraft manufactured under a type certificate only will be flight tested at the manufacturer's plant by, or under the supervision of, a CAA Aviation Safety Agent prior to airworthiness certification. Upon completion of the flight test, the aircraft may be shipped unassembled, provided that:

(1) The aircraft is inspected for conformity and airworthiness by a CAA Aviation Safety Agent at the manufacturer's plant, and

(2) Approval Tags, Form ACA 186, are attached to all major assemblies, components, and boxes of parts. These tags will be signed by the CAA Aviation Safety Agent, and will indicate the make, model, and serial number of the aircraft.

(c) After completion of the engine test run (see § 1.15–5 (e)), each engine will be subjected to such internal inspections and examinations by a CAA Aviation Safety Agent as may be necessary to ascertain that no unsafe condition exists.

(d) All propellers will be subjected to such inspections and examinations by a CAA Aviation Safety Agent to ascertain conformity with the type design data, and to assure that no unsafe condition exists. (See § 1.15–5 (f) for tests required for variable pitch propellers.)

2. Sections 1.15–2, 1.15–3, and 1.15–4 are added as follows:

§ 1.15–2 *Inspection approval of products, parts, and assemblies (CAA policies which apply to § 1.15)*—(a) *Complete products*. When products other than complete aircraft or communications equipment are manufactured under the terms of a type certificate only, the CAA Aviation Safety Agent, having determined by inspection that the product is acceptable, will prepare and attach thereto, by means of a lead seal, an Approval Tag, Form ACA 186. This tag will show the make and model of the product tagged, will indicate that the product has been inspected and approved, and will be signed by the CAA Aviation Safety Agent.

(b) *Major components*. (1) Any major spare or replacement components of an aircraft, aircraft engine, propeller, or appliance manufactured under a type certificate only will be inspected for conformity and airworthiness by a CAA Aviation Safety Agent. All such major assemblies or components, upon determination of acceptability, will be tagged with an Approval Tag, Form ACA 186, which will identify the part to which attached, will indicate the make and model of the aircraft, engine, propeller, etc., for which intended, and will bear the CAA Aviation Safety Agent's signature.

(2) The conformity, quality, and acceptability of major components and critical parts manufactured by a subsidiary manufacturer in accordance with the prime manufacturer's approved drawings will be determined in accordance with § 1.34–1 (a) (2), except that an agent of the CAA will conduct such additional inspections as may be deemed necessary to determine conformity, compliance, and acceptability of materials and workmanship.

§ 1.15–3 *Production test flight authorization (CAA policies which apply to § 1.15)*. (a) To facilitate compliance by manufacturers with related provisions of § 43.10 of this subchapter, the reverse side of the Dealer's Aircraft Registration Certificate, Form ACA 1707, will be used to provide flight authorization for production flight testing prior to the initial issuance of individual airworthiness certificates.[1] This flight authorization is provided for the convenience of manufacturers, and has no connection with the issuance, validity, or continuation of the Dealer's Aircraft Registration Certificate. The flight authorization is limited to production test flights, and does not provide for prototype or experimental flight testing. The flight authorization will be issued at the time the Dealer's Aircraft Registration Certificate is issued. The Application for Dealer's Aircraft Registration Certificate(s), Form ACA 1706, contains a section for the use of manufacturers in applying for authorization to conduct production flight tests.

[1] A new aircraft, in which a Manufacturer's Special Flight Authorization, Form ACA-1707, is displayed, may be given a production flight test subject to the following operations limitations which are specified on such form; Operations Limitations: Flights, except take-offs and landings, prohibited over thickly populated areas or large gatherings of people. No flight shall be conducted for hire or reward. Cross-country flights prohibited. Occupancy of the aircraft restricted to personnel essential to the purpose of the flights.

(b) Aircraft to be flown for production flight tests, which are intended for U. S. registration and certification, are required to display the appropriate U. S. identification markings in accordance with §§ 1.100 through 1.108.

(c) New aircraft intended for export should display the appropriate foreign identification markings during the production flight testing.[2] If these markings are not available, the aircraft may display temporarily assigned U. S. identification markings.

§ 1.15–4 *Logging of production aircraft flight test time (CAA policies which apply to § 1.15)*. Production flight test time will be recorded on the flight test check-off form.[3]

3. Section 1.15–5 as published in 19 F. R. 2454 on April 27, 1954, is adopted to read as follows:

§ 1.15–5 *Production inspection system (CAA rules which apply to § 1.15 (d))*. (a) Within the first six months from the date of issuance of the type certificate, the manufacturer producing products under the terms of a type certificate only, shall establish and thereafter maintain, a production inspection system which will insure conformity with the type design data, and that unacceptable materials and parts are not installed in the finished product. Statistical quality control procedures may be employed where it is shown that a satisfactory level of quality will be maintained for the particular materials or parts involved.

(b) The production inspection system shall include materials review procedures and a Materials Review Board to process parts and materials rejected because of damage or manufacturing errors, which may be serviceable, when such rejected items are to be considered for installation in the product. (See § 1.34–1 (e) for procedures.) The Materials Review Board shall consist at least of representatives from the inspection and engineering departments. Parts and materials which are determined by the Materials Review Board to be serviceable shall be properly identified and reinspected if rework or repair is necessary. Parts or materials rejected by the Materials Review Board, or by inspection, shall be marked accordingly and disposed of in a manner which will prevent such parts and materials being incorporated in the finished product.

(c) Inspection records shall be maintained, identified with the completed product where possible, and retained in the manufacturer's files for at least two years. Complete records of Materials Review Board action applying to materials, parts, assemblies, and the completed product, shall be retained for at least two years and available for review by the Aviation Safety Agent.

(d) Complete aircraft: (1) After the prototype is type certificated, each aircraft produced under the terms of a type certificate only shall be flight tested by the manufacturer as a final check on the operation of the completed product. The manufacturer shall develop a production flight test procedure and a flight check-off form, subject to approval of CAA, to be used in connection with the initial flight testing of each production aircraft. The flight test procedure shall apply to aircraft which are assembled and delivered via flyaway, and to those which are delivered unassembled to an authorized distributor.

(2) The production flight test shall provide for at least the following:

(i) An operational check of the trim, controllability, or other flight characteristics, to establish the fact that the production aircraft has the same range and degree of control as the prototype aircraft.

(ii) An operational check of each part or system operated by the crew while in flight to establish that, during flight, all instrument readings are within normal range.

(iii) A determination that all instruments are properly marked, and that all placards and or required Flight Manuals are installed after flight test.

(iv) A check of the operational characteristics of the aircraft on the ground.

(v) A check on any other items peculiar to the aircraft being tested which can best be done during the ground or flight operation of the aircraft.

(e) Complete engines: Each engine (either reciprocating or turbine) produced under the terms of a type certificate only, shall be subjected to a satisfactory test run by the manufacturer, consisting of break-in runs which shall include a determination of fuel and oil consumption and maximum power characteristics. The test run shall include at least five hours of operation at the maximum rating, of which at least thirty minutes shall be at takeoff power and speed where this rating is in excess of the maximum continuous rating. This test may be conducted with the engine mounted on a torque stand or on a fixed stand with a calibrated test club or propeller. For rocket type engines, a satisfactory sampling technique means of testing shall be established. Each engine tested shall be subject to the inspection provided for in § 1.15–1 (c).

(f) Complete propellers: Each variable pitch propeller produced under the terms of a type certificate only, shall be subjected to a satisfactory functional test to determine that the propeller will operate properly throughout the normal pitch range, as a final check on its operational characteristics. Each propeller tested shall be subject to the inspection provided for in § 1.15–1 (d).

4. Section 1.15–6 is added as follows:

§ 1.15–6 *Surveillance of production inspection system (CAA policies which apply to § 1.15 (d)*. (a) During the six months' interval, the CAA will conduct conformity inspections to determine that the finished product is in conformity with the type design data, is airworthy, safe for installation on a certificated aircraft, or, in the case of aircraft, is eligible for an airworthiness certificate.

(b) Materials review dispositions will be spot checked by a representative of the Administrator to verify that no obvious adverse effect will result from such dispositions.

(c) At the end of the six month interval, the CAA will advise the manufacturer whether the inspection system is considered acceptable. If the inspection system is considered acceptable, as determined by evaluating the results of the system as reflected in the conformity, quality, and airworthiness of the finished products, the CAA will thereafter reduce its inspection surveillance and increase its reliance in the manufacturer's inspection system in the determination of the airworthiness of future products. If the inspection system is not acceptable, as evidenced by questionable parts and materials accepted for installation in the finished product, or significant discrepancies repeatedly found in the finished products, the issuance of airworthiness certificates for aircraft or approvals of other products for installation on an aircraft may be deferred until the manufacturer has made necessary corrective changes.

5. Paragraphs (e), (f), (g), and (h) of § 1.34–1 as published in 17 F. R. 8423 on September 19, 1952, is revised to read as follows:

§ 1.34–1 *Quality control (CAA policies which apply to § 1.34.* * * *

(e) *Materials review*. Manufacturers' drawings prescribe certain tolerances which permit minor variations. When these tolerances are exceeded, the parts or materials involved are subject to rejection by personnel responsible for conformity, and may subsequently be referred to a Materials Review Board for examination, analysis, and final disposition in accordance with an approved materials review procedure. The Quality Control Department should be responsible for the effective operation of the Materials Review Board.[4] The CAA

[1] A new aircraft which, upon completion of local production flight tests, is to be disassembled and shipped to a foreign purchaser, or a new aircraft for which foreign nationality and registration markings have been requested but not received, may be locally test-flown by the manufacturer without displaying identification markings. In such case, the CAA agent will place the following additional operations limitations on the Manufacturer's Special Flight Authorization, Form ACA-1707: "Flights will be restricted to vicinity of manufacturer's plant. Local authorities responsible for the enforcement of flight regulations will be advised of such flights."

[2] Such flight test time need not be made a part of the aircraft or aircraft engine logbooks. Any flight test time, including accelerated service flight testing of prototype or modified aircraft, after airworthiness certification, must be recorded in accordance with § 43.23 of this subchapter.

[4] The effective operation of the Materials Review Board should materially minimize discrepancies and errors which may otherwise become chronic, and, furthermore, may serve as a yardstick by means of which the adequacy and acceptability of the production and quality control systems may be evaluated. However, the materials review system should not be used primarily, or in place of the inspection or quality control system, to determine acceptability of parts and materials.

factory agent will not check materials review dispositions, as necessary, to verify that products produced under the terms of the production certificate will consistently meet a satisfactory level of quality and conformity.

(1) The established materials review procedures should provide that:

(i) All materials, parts, and components which are damaged or do not conform to approved type design and/or other approved standards will be rejected and isolated.

(ii) All items thus withheld will be reviewed by qualified quality control and engineering personnel (Materials Review Board) to determine whether such items may be used safely in their present condition, whether rework or repair is necessary to assure equivalent safety and reliability, or whether the items are to be scrapped.

(iii) All items which are reworked or repaired in accordance with materials review dispositions will be reinspected for conformity therewith.

(iv) All items accepted through materials review action will be identified by stamp, tag, etc.

(v) The Materials Review Board will maintain accurate records which will provide at least the following:

(*a*) Name, part number, date, and quantity of parts involved.

(*b*) The quantity of parts in the lot or order.

(*c*) Description of the discrepancy.

(*d*) The material review disposition.

(*e*) The results of reinspection. (Items accepted after inspection will be treated as normal material.)

(vi) When material is first found by the manufacturer's inspection personnel to depart from the specification and/or drawings, the material shall be properly identified, and may be given a preliminary review by authorized manufacturer's inspection personnel.

(*a*) If the material is obviously unfit for use and irreparable, it should be disposed of by the manufacturer in such a way as to preclude installation in the finished product.

(*b*) If the material does not meet the requirements because of incomplete fabrication, the manufacturer may provide for the additional work necessary to bring the material within specified requirements without submission to the Materials Review Board.

(*c*) The CAA Aviation Safety Agent is authorized to approve certain variations or repairs made by the manufacturer without submission to the Materials Review Board.

(*d*) All questionable materials to be considered for use in the finished product which cannot be disposed of by preliminary review action should be designated for Materials Review Board action.

(2) The Materials Review Board should use discretion in deciding on the proper disposition of new parts and materials presented for review. This Board should not accept parts with deviations of a nature which make it impossible to readily install the part with a mating part which does conform with the pertinent drawings. Parts or assemblies involving mating parts should be in conformity with drawing tolerances to the extent that such parts may be installed, removed, or replaced without harm, misalignment, or injury to adjoining parts or portions of the finished product. In assembling parts under these circumstances, no fabrication operations such as cutting, hammering, bending, prying, or forcing should be permitted, or, when final installation has been completed, the parts should not be temporarily or permanently subjected to deformation or distortion of a nature which would cause any undesirable tensions, compressions, stresses, or strains. Where deviating parts, in themselves, are found acceptable, they must not jeopardize the airworthiness or performance of other parts when installed in the assembly. In general, parts which do not conform with the approved technical data should not be accepted when such parts can be reworked to conform with the approved design data.

(f) *Technical data.* A system should be established whereby detailed drawings and other technical data are available to both production and inspection personnel.

(g) *Flight or functional tests.* Each aircraft, aircraft engine, and variable pitch propeller produced under the terms of the production certificate will be subjected to a flight or functional test as a final check on the operation of the completed product.

(1) Aircraft produced under a production certificate will be flight tested periodically by the CAA. The number or percentage of aircraft which will be flight tested by the CAA will be dependent upon the complexity and size of the aircraft, and upon experience gained while conducting functional and reliability tests of prototype and production aircraft prior to issuance of the production certificate. The manufacturer should formulate a flight test schedule that is acceptable to CAA personnel conducting the tests.

(2) Aircraft may be delivered unassembled to an authorized distributor prior to initial assembly and flight test, provided the manufacturer will acquaint the distributor with his established flight test procedure and furnish him with copies of the approved flight test check-off form. Flight test procedures established by a distributor must be equivalent to those established by the manufacturer, including the use of an identical flight test check-off form. These forms, when prepared by the manufacturer, will be filed as part of the aircraft inspection record, and, when prepared by a distributor, will be retained by him for future reference.

(3) Each aircraft engine produced under the terms of a production certificate should be subjected to a satisfactory test run consisting of a break-in run, which should include at least the determination of each engine's fuel and oil consumption and maximum power characteristics. This test may be conducted with the engine mounted on a torque stand or on a fixed stand with a calibrated test club or propeller. Sufficient internal examination of each engine should be accomplished to reasonably ascertain that no unsafe conditions exist.

(4) Each variable pitch propeller produced under the terms of a production certificate should be subjected to a satisfactory functional test to determine that the propeller will operate properly throughout the normal pitch range. All propellers should be inspected for conformity with the type design data and to assure that no unsafe conditions exist.

(h) *Standard empty weight and C. G. for production aircraft.* The following procedure may be used by aircraft manufacturers to avoid the necessity of weighing each aircraft. This procedure applies only to newly manufactured aircraft (except transport category aircraft) which are produced under the terms of a production certificate.

(1) Manufacturers who are interested in establishing an average empty weight and empty C. G., in lieu of actually weighing each aircraft, should prepare a detailed proposal regarding the procedure to be followed. This material should be furnished to the assigned Aviation Safety Agent for approval. Any proposal which will provide an accurate determination of average empty weight and C. G. will be considered acceptable.

(2) The following sample outlines an acceptable method for effecting this system:

(i) Actually weigh and determine the empty C. G. of ten aircraft of a particular model, which have identical equipment installed, as a means of establishing an average empty weight and empty C. G.

(ii) Subsequently, with respect to aircraft of the same model which have identical equipment installed, weigh an individual aircraft at regular intervals; e. g., each tenth aircraft, for the purpose of determining continued accuracy of the initial empty weight and empty C. G. established. If this weighing indicates a variation in empty weight which is in excess of 1 percent of the initially established weight, or a variation in the empty C. G. which exceeds ½ percent of the MAC, a new average weight should be established in accordance with procedures followed in establishing the initial average empty weight and C. G. conditions.

(3) A weight and balance report is required in connection with each aircraft presented for airworthiness certification. These reports may be computed for aircraft which are not actually weighed, and should be marked "computed." All other reports should be marked "actual."

6. Section 1.36–1 as published in 17 F. R. 8424 on September 19, 1952, is revised to read as follows:

§ 1.36–1 *Quality control data requirements; prime manufacturer (CAA policies which apply to § 1.36).* The quality control data (one copy only) should be submitted in manual form with the Application for a Production Certificate, Form ACA 332, to the local CAA Aviation Safety Agent.

7. Section 1.37–1 as published in 17 F. R. 8425 on September 19, 1952, is revised as follows:

§ 1.37–1 *Information on inspection system—subsidiary manufacturers (CAA policies which apply to § 1.37).* The prime manufacturer should include in the quality control data required by § 1.36 sufficient information to define and explain the means established to assure that all major parts and assemblies are in conformity with the design data when manufactured by a subsidiary manufacturer. The prime manufacturer should notify the CAA that the subsidiary's facilities are ready for inspection. If these facilities and the quality control system are found acceptable, the subsidiary will be granted the same privileges regarding acceptance of items manufactured as though they were produced by the prime manufacturer. Acceptance of a subsidiary manufacturer's quality control system by the CAA does not relieve the prime manufacturer of his responsibility for the over-all conformity and airworthiness of the part or assembly. Prior to CAA approval of a subsidiary manufacturer's quality control system, parts and assemblies should be subjected to a complete inspection for conformity and quality at the prime manufacturer's plant, or arrangements should be made for suitable inspection at the subsidiary manufacturer's plant by the prime manufacturer's inspection personnel and, as required, by CAA personnel.

8. Section 1.38–1 as published in 17 F. R. 8426 on September 19, 1952, is revised to read as follows:

§ 1.38–1 *Changes in quality control system (CAA interpretations which apply to § 1.38).* The phrase, "any changes to the quality control system," is interpreted to mean changes to a manufacturer's organization, systems, procedures or processes which may affect the inspection, conformity, and airworthiness of the product. Changes which are not consistent with the quality control data submitted in accordance with § 1.36 should be promptly directed to the attention of the CAA by means of revised pages or supplemental information. The CAA will review these changes to determine that the quality, conformity, or airworthiness of the product will not be adversely affected.

9. Section 1.109–1 is added as follows:

§ 1.109–1 *Identification marks for export aircraft (CAA policies which apply to § 1.109).* When foreign nationality and registration markings are not available for display upon new aircraft to be exported via flyaway to U. S. border or to some other location in U. S. where the aircraft will be disassembled for shipment, U. S. identification markings may be displayed on the aircraft in the normal manner (provided title to the aircraft is held by a citizen of the U. S.), and the markings may be affixed with a readily removable material.

(a) To minimize the cost involved in affixing identification markings to new aircraft being exported, exporters (manufacturers, dealers, and distributors who are holders of dealers' aircraft registration certificates) may request a special U. S. identification number consisting of one to three digits, which will be preceded by the letter N when displayed on the aircraft. Only one such number will be issued to each exporter, to be used repetitively in connection with previously unregistered aircraft which are being exported. These numbers will be used only in connection with the flyaway delivery of aircraft which are being exported, and will be displayed only during that portion of the flyaway delivery which takes place over U. S. territory. In the event two or more aircraft displaying the same identification number may be flying in relatively close formation, each aircraft will be identified, in so far as radio contacts are concerned, by combining the identification number displayed with the last two digits of the manufacturer's serial number of the aircraft. For example, an aircraft displaying the identification mark N2M and having manufacturer's serial number 203040 will be identified as N2M40. In order that the pilot may readily determine his radio call number, a placard bearing the call number of the aircraft should be displayed on the windshield or instrument panel in a location readily visible to the pilot. In this example, the placard would read N2M40.[1]

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

This supplement shall become effective November 15, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–8572; Filed, Oct. 29, 1954; 8:50 a. m.]

[Supp. 12]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

MISCELLANEOUS AMENDMENTS

The purpose of this supplement is to revise § 40.18–4 (f) (2) and add a new § 40.503–1.

Section 40.18–4 (f) (2) is revised to reflect a change in policy with respect to the requirement that air carriers submit supplemental amendments when making application for extensions of currently approved time limitations on powerplants and related components. This policy requires that an air carrier merely furnish a letter to the assigned CAA agent outlining the desired time limitations and designate three to five sample engines for disassembly inspection.

Section 40.503–1 permits the use of a trip or code number in the dispatch release form for the clearance of a particular trip instead of specifying each terminal and intermediate airport. This new procedure will cut down the length of messages and assist in preventing errors in dispatch messages.

[1] See Appendix A of this Manual for a table of aircraft nationality markings. (Appendix A not submitted for publication in the FEDERAL REGISTER.)

1. Section 40.18–4 (f) (2) as published in 18 F. R. 8607 on December 22, 1953, is hereby revised to read:

§ 40.18–4 *Policies, procedures, and limitations governing issuance and amendment of Operations Specifications, Aircraft Maintenance (CAA policies which apply to 40.18 (a)).* * * *

(f) *Revision of time limitations; general.* * * *

(2) *Powerplant and associated mechanical appliances—revision of time limitations.* Increases in engine overhaul periods will not be approved in increments greater than 100 hours. Increases in time limitations above the 1000-hour basic engine overhaul period will be considered on the basis of satisfactory service experience at the currently approved time limitations. The operator may request amendment to the currently approved time limitations by submitting a letter to the assigned CAA agent indicating the desired time limitations on the particular engines involved, and designating three to five engines for disassembly inspection by the CAA agent. The engines chosen for exhibit must have operated in a satisfactory manner for the maximum time permissible under currently approved time limitations. If, after disassembly and inspection of the exhibit engines and related components, it is found that the new time limitations are justified, the air carrier may then submit a formal application for an amendment in the routine manner requesting the extension of the overhaul period on the entire fleet of engines and related components of the same type and model. Engine accessories may be operated to double or triple the approved engine overhaul time limitations if it is found that previous satisfactory service and overhaul experience, including the service to be performed at each engine change period, would justify the increase as not adversely affecting the continuous condition of airworthiness of the component involved. The procedure for requesting and granting increases in overhaul time limitations for such components will be the same as used for the basic engine.

2. Section 40.503–1 is hereby adopted to read:

§ 40.503–1 *Dispatch release form (CAA interpretations which apply to § 40.503 (a) (2)).* The dispatch release form may contain a trip or code number for the clearance of the particular trip instead of specifying each terminal and intermediate airport. This number used in the dispatch release must correspond with the number listed in the air carrier's published schedule or operations manual, which will list all the regular and intermediate stops of the particular trip for which clearance was given. In the event field conditions, weather, etc., are such that routine operations are not to be conducted in accordance with the number for the particular trip, the dispatch release will specify the exceptions indicating the reason for the non-routine operation.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, as amended by 62 Stat. 1216; 1010, 49 U. S. C. 551, 554)

This supplement shall become effective November 15, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8573; Filed, Oct. 29, 1954; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53646]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

CONDITIONALLY FREE ENTRY OF REPLACEMENT ARTICLES

In the interest of simplification and to make provisions for bona fide exportations of unsatisfactory articles and importations of replacement articles therefor under paragraph 1798 of the Tariff Act of 1930, as amended, within the purpose of subdivision (e) of that paragraph, it is deemed advisable to amend the regulations to permit the collectors of customs to allow free entry to a replacement article where circumstances satisfy the collectors that a person inexperienced in customs matters has in fact exported an original article.

Accordingly, § 10.17 (1) is amended by the insertion of the following new sentence after the first sentence: "In any case where the importer has failed to return the unsatisfactory article to customs custody for supervision of exportation, the collector may allow free entry of the replacement article if he is satisfied that the unsatisfactory article was timely exported and that the failure to return it to customs custody was due to inadvertence or lack of experience in customs matters and was without willful intent to avoid customs supervision."

(Sec. 201, par. 1798, 46 Stat. 683, as amended; 19 U. S. C. 1201 (par. 1798))

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: October 25, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-8571; Filed, October 29, 1954; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1023]

COLORADO

INTERFOREST TRANSFERS OF LANDS IN GRAND MESA, GUNNISON, WHITE RIVER, ROUTT, ARAPAHO, RIO GRANDE, AND SAN ISABEL NATIONAL FORESTS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

The following-described lands within the exterior boundaries of the Grand Mesa National Forest are hereby transferred to the Gunnison National Forest, effective October 1, 1954:

SIXTH PRINCIPAL MERIDIAN

T. 9 S., R. 89 W.,
Secs. 30 and 31, those parts west of the divide between Crystal River and Muddy Creek.
T. 10 S., R. 89 W.,
Secs. 6, 7, 17, 18, 20, 21, 22, 26, 27, 28, 35 and 36, those parts south and west of the divide between Crystal River and Muddy Creek;
Sec. 19;
Secs. 29 to 34, inclusive.
T. 11 S., R. 89 W.,
Secs. 1, 12, 13, 24, 25, and 36, those parts west of the divide between Crystal River and Muddy Creek;
Secs. 2 to 6, inclusive;
Secs. 9 to 11, inclusive;
Secs. 14 to 16, inclusive;
Secs. 21 to 23, inclusive;
Secs. 26 to 28, inclusive;
Secs. 33 to 35, inclusive.
T. 12 S., R. 89 W.,
Secs. 1 and 12, those parts west of the divide between Crystal River and Muddy Creek;
Secs. 2, 3, 10, 11, 13, 14, 23, 24 and 25;
Sec. 26, E½;
Secs. 30 and 31.
T. 9 S., R. 90 W., unsurveyed,
Secs. 22 to 25, inclusive, sec. 27, and secs. 31 to 34, inclusive, those parts west of the divide between Crystal River and Muddy Creek, and south of the divide between West Divide Creek and tributaries of Muddy Creek;
Secs. 26, 35 and 36.
T. 10 S., R. 90 W., unsurveyed,
Sec. 1, that part west of the divide between Crystal River and Muddy Creek drainage;
Sec. 6, that part south and east of the divide between West Divide Creek drainage and Muddy Creek drainage;
Secs. 2 to 5, inclusive;
Secs. 7 to 36, inclusive.
T. 11 S., R. 90 W.,
Sec. 1;
Secs. 3 to 10, inclusive;
Secs. 15 to 21, inclusive;
Sec. 22, N½, SW¼;
Sec. 27, W½;
Secs. 28 to 33, inclusive;
Sec. 34, W½.
T. 12 S., R. 90 W.,
Secs. 3 to 6, inclusive;
Secs. 8 to 10, inclusive;
Sec. 11, SW¼;
Secs. 13 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 10 S., R. 91 W., unsurveyed,
Secs. 1, 2, 10, 11, 15, secs. 19 to 22, inclusive, and sec. 30, those parts south of the divide between Buzzard Creek and Muddy Creek drainages;
Secs. 12 to 14, inclusive;
Secs. 23 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 11 S., R. 91 W., unsurveyed,
T. 12 S., R. 91 W.,
Sec. 1, N½ and SE¼;
Secs. 2 and 3, N½;
Secs. 4 to 8, inclusive;
Sec. 9, N½ and SW¼;
Sec. 14, S½;
Sec. 16, W½ and SE¼;
Sec. 17 to 21, inclusive;
Sec. 22, S½;
Sec. 23;
Secs. 26 to 34, inclusive;
Sec. 35, NW¼ and S½.
T. 10 S., R. 92 W., unsurveyed,
Secs. 25, 26, 35 and 36, those parts south of the divide between Buzzard Creek and West Muddy Creek, being that part of the Township within Delta County.
T. 11 S., R. 92 W., unsurveyed,
Secs. 2, 3, 4, 9, 16, 17, 19 and 20, those parts south of the divide between Willow Creek and Leon Creek drainage on the north and Cow Creek and West Muddy Creek on the south;
Sec. 30, that part south of the divide between Leon Creek drainage and Cow Creek and north of the divide between Middle Creek and Cow Creek;
Secs. 29, 31, 32 and 33, those parts north of the divide between Middle Creek and Cow Creek;
Sec. 1;
Secs. 10 to 15, inclusive;
Secs. 21 to 28, inclusive;
Secs. 34 to 36, inclusive.
T. 12 S., R. 92 W., unsurveyed,
Secs. 3, 4, 10, 15, 16, 21, 28 and 33, those parts east of the divide between Leroux Creek on the west and Terror and Hubbard Creeks on the east.
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35 and 36.

The following-described lands within the exterior boundaries of the Grand Mesa National Forest are hereby transferred to the White River National Forest effective October 1, 1954:

SIXTH PRINCIPAL MERIDIAN

T. 9 S., R. 89 W.,
Sec. 18, that part west of the divide between West Divide Creek and Thompson Creek.
T. 11 S., R. 89 W.,
Secs. 1, 12, 13, 24, 25 and 36, those parts east of the divide between Muddy Creek and Crystal River.
T. 12 S., R. 89 W.,
Secs. 1 and 12, those parts east of the divide between Muddy Creek and Crystal River.
T. 8 S., R. 90 W., unsurveyed,
Secs. 3, 10, 15, 21, 22, 28, 29, 32 and 33, those parts west of the divide between North Thompson Creek and Fourmile Creek on the east and East Divide Creek and West Divide Creek on the west;
Secs. 4 to 9, inclusive;
Secs. 16 to 20, inclusive;
Secs. 30 and 31.
T. 9 S., R. 90 W.,
Secs. 2, 3, 4, 5, 10, 11, 12, and 13, those parts south and west of the divide between Thompson Creek drainage and West Divide Creek drainage;
Secs. 22, 23, 27, 28, 31, 32, 33 and 34, those parts north and west of the divide between West Divide Creek drainage and Muddy Creek drainage;
Sec. 24, that part west of the divide between Thompson Creek drainage and West Divide Creek drainage and north of the divide between West Divide Creek drainage and Muddy Creek drainage;
Secs. 6 to 9, inclusive;
Secs. 14 to 21, inclusive;
Secs. 29 and 30.
T. 10 S., R. 90 W.,
Sec. 6, that part north of the divide between West Divide Creek drainage and Muddy Creek drainage.
T. 8 S., R. 91 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.

T. 9 S., R. 91 W.,
Secs. 1 to 18, inclusive;
Secs. 22 to 26, inclusive;
Secs. 19, 20, 21, 27, 28, 34 and 35, those parts north and east of the divide between West Divide Creek drainage and Owens Creek;
Sec. 36.
T. 10 S., R. 91 W., unsurveyed,
Secs. 1, 2 and 11, those parts north and west of the divide between Jones Creek and Willow Creek and east of the divide between Willow Creek and Owens Creek.
T. 8 S., R. 92 W.,
Secs. 19, 20, 21, 28 and 33, those parts north and east of the divide between West Divide Creek drainage and Buzzard Creek.
Secs. 22 to 27, inclusive;
Secs. 34, 35 and 36.
T. 9 S., R. 92 W., partly unsurveyed,
Secs. 4, 9, 10, 11, 14, 15, 22, 23 and 24 those parts north and east of the divide between West Divide Creek and Buzzard Creek;
Secs. 1, 2, 3, 12 and 13.
T. 7 S., R. 93 W.,
Secs. 19, 20 and 21;
Secs. 28 to 33, inclusive.
T. 8 S., R. 93 W.,
Secs. 3 to 6, inclusive;
Secs. 8 to 10, inclusive;
Secs. 13 to 16, inclusive;
Secs. 7, 17, 18, and secs. 20 to 26, inclusive, those parts north of the divide between Buzzard Creek and Colorado River.
T. 7 S., R. 94 W., partly unsurveyed,
Secs. 19 to 36, inclusive.
T. 8 S., R. 94 W.,
Secs. 1 to 7, inclusive;
Secs. 8 to 12, inclusive, and secs. 14 to 18, inclusive, those parts north of the divide between Buzzard Creek and Colorado River.
T. 8 S., R. 95 W.,
Secs. 1, 2 and 3;
Secs. 10, 11 and 12;
Sec. 15;
Sec. 22;
Secs. 27 to 30, inclusive;
Sec. 33;
Secs. 13, 14, 23, 26, 31, 32, 34 and 35, those parts north and west of the divide between Plateau Creek and Colorado River.
T. 9 S., R. 95 W.,
Secs. 2 to 7, inclusive, those parts north and west of the divide between Plateau Creek and Colorado River.
T. 8 S., R. 96 W.,
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 9 S., R. 96 W.,
Secs. 1 to 5, inclusive;
Secs. 7 to 11, inclusive;
Secs. 12 to 18, inclusive, E½ sec. 19, and sec. 21, those parts north and west of the divide between Plateau Creek and Colorado River.

The following-described lands within the exterior boundaries of the White River National Forest are hereby transferred to the Routt National Forest, effective October 1, 1954:

SIXTH PRINCIPAL MERIDIAN

T. 1 S., R. 86 W.,
Secs. 3, 4 and 5, those parts north of the divide between Egeria Creek and Bear River on the north and Sunnyside and Derby Creeks on the south.
T. 1 S., R. 87 W., unsurveyed,
Secs. 2, 3, 4 and 5, those parts north of the divide between Bear River and East Fork of Willow River on the north and North Fork of White River and Derby Creek on the south.
T. 1 N., R. 86 W., partly unsurveyed,
Secs. 1 to 30, inclusive;
Secs. 31 to 36, inclusive, those parts north of divide between Egeria Creek and Bear River on the north and Sunnyside and Derby Creeks on the south.
T. 2 N., R. 86 W.,
Secs. 4 to 10, inclusive;
Sec. 11, W½;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 3 N., R. 86 W.,
Sec. 18, W½;
Secs. 19, 20 and 21;
Sec. 22, W½;
Secs. 28 to 33, inclusive.
T. 1 N., R. 87 W., partly unsurveyed,
Secs. 1 to 16, inclusive;
Secs. 23 to 27, inclusive;
Secs. 17, 18, 20, 21, 22, 28, 29 and secs. 32 to 36, inclusive, those parts north of the divide between Bear River and East Fork of Williams River on the north and North Fork of White River and Derby Creek on the south.
T. 2 N., R. 87 W., partly unsurveyed,
Secs. 1 to 5, inclusive;
Secs. 7 to 36, inclusive.
T. 3 N., R. 87 W.,
Secs. 2 to 28, inclusive;
Sec. 29, N½ and SE¼;
Sec. 30, N½;
Sec. 33, N½ and SE¼;
Secs. 34, 35 and 36.
T. 1 N., R. 88 W., unsurveyed,
Secs. 1, 2, 3 and secs. 10 to 14, inclusive, those parts north and east of the divide between North Fork of White River and East Fork of Williams River.
T. 2 N., R. 88 W., partly unsurveyed,
Secs. 2 to 18, inclusive;
Secs. 21 to 26, inclusive;
Secs. 35 and 36;
Secs. 19, 20, 27, 28, 29, 33, and 34, those parts north and east of the divide between North Fork of White River and East Fork of Williams River.
T. 3 N., R. 88 W.,
Secs. 1, 2 and 3;
Secs 11, 12 and 13;
Sec. 14, E½;
Secs. 18, 19 and 20;
Sec. 28, S½;
Secs. 29 to 33, inclusive.
T. 2 N., R. 89 W., unsurveyed,
Secs. 1 to 12, inclusive;
Secs. 15 to 20, inclusive;
Secs. 13, 14, secs. 21 to 24, inclusive, secs. 27 to 33, inclusive, those parts north of the divide between North Fork of White River and Williams River drainage.
T. 3 N., R. 89 W.,
Secs. 1, 2 and 3;
Secs. 9 to 17, inclusive;
Sec. 20, E½;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 4 N., R. 89 W.,
Sec. 26, W½E½NE¼NW¼, W½NE¼NW¼, W½NW¼, and SE¼NW¼;
Sec. 27, E½E½NE¼NE¼;
Sec. 34, S½;
Sec. 35, S½;
Sec. 36, S½.
T. 2 N., R. 90 W., unsurveyed,
Secs. 1 to 4, inclusive;
Secs. 9 to 17, inclusive;
Sec. 24;
Secs. 5, 7, 8, secs. 18 to 23, inclusive and secs. 25 and 26, those parts north and east of the divide between North Fork of White River and Milk Creek and Marapos Creek drainages on the south and west and South Fork of Williams River on the north and east.
T. 3 N., R. 90 W.,
Secs. 16, 17, 20, 21, 29 and 32, those parts east of the divide between Milk Creek and Marapos Creek drainages on the west and South Fork of Williams River on the east;
Sec. 22;
Sec. 23, NW¼;
Secs. 27 and 28;
Secs. 33, 34 and 35;
Sec. 36, S½.

The following-described lands within the exterior boundaries of the Arapaho National Forest are hereby transferred to the White River National Forest, effective October 1, 1954:

SIXTH PRINCIPAL MERIDIAN

T. 2 S., R. 81 W.,
Secs. 2, 3, 11, 14, 23, 26, 35 and 36, those parts west of the divide between Sheephorn Creek and Blue River drainage;
Sec. 10;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 3 S., R. 81 W.,
Sec. 1, that part west of the divide between Sheephorn Creek and Blue River drainage;
Secs. 6, 7, 8, 10, 11, 15, 16 and 17, those parts north of the divide between Piney Creek and North Fork Piney Creek on the south and Sheephorn Creek drainage on the north;
Secs. 2 to 5, inclusive;
Sec. 9;
Sec. 12, that part west of the divide between Sheephorn Creek and Blue River drainage and north of the divide between North Fork of Piney Creek drainage and Sheephorn Creek drainage.
T. 2 S., R. 82 W.,
Sec. 17, E½NE¼ sec. 19, secs. 20, 21, 22, 25, 26, 27, 35, and 36, those parts north of the divide between Cottonwood Creek and Garden Creek drainages on the north and Piney Creek drainage on the south;
Sec. 8, lots 2, 3, S½NE¼, S½,
Sec. 9, lots 2, 3, 4, SW¼NW¼, S½;
Secs. 13 to 16, inclusive;
Secs. 23 and 24.

The following-described lands within the exterior boundaries of the Rio Grande National Forest are hereby transferred to the Gunnison National Forest, effective October 1, 1954:

NEW MEXICO PRINCIPAL MERIDIAN

T. 42 N., R. 3 W.,
Sec. 6, that part north of the divide between Lake Fork of the Gunnison River and North Clear Creek.
T. 41 N., R. 4 W.,
Sec. 6, that part north of the divide between Lake Fork of Gunnison River and North Clear Creek.
T. 42 N., R. 4 W.,
Secs. 1, 2, 10, 11, 15, 21, 22, 28, 29, 31 and 32, those parts north of the divide between Lake Fork of the Gunnison River and North Clear Creek.
Secs. 3, 8 and 9;
Secs. 16 to 20, inclusive;
Sec. 30.
T. 41 N., R. 5 W.,
Secs. 1 to 6, inclusive, those parts north of the divide between Lake Fork of Gunnison River and Cottonwood Creek on the north and Rio Grande River drainage on the south.
T. 42 N., R. 5 W.,
Secs. 23 to 36, inclusive.
T. 41 N., R. 6 W., unsurveyed,
Secs. 1, 11 and 12, those parts north of the divide between Cottonwood Creek and Rio Grande River drainage;
Sec. 3, that part east of the divide between Lake Fork of Gunnison River drainage and Animas River;
Sec. 10, that part north of the divide between Cottonwood Creek and Rio Grande River drainage and east of the divide between Lake Fork of Gunnison River drainage and Animas River;
Sec. 2.

T. 42 N., R. 6 W., unsurveyed,
Secs, 28, 33 and 34, those parts east of the divide between Lake Fork of Gunnison River drainage and Animas River;
Secs. 25, 26, 27;
Secs. 35 and 36.

The following-described lands within the exterior boundaries of the San Isabel National Forest are hereby transferred to the Rio Grande National Forest, effective October 1, 1954:

SIXTH PRINCIPAL MERIDIAN

T. 25 S., R. 72 W.,
Secs. 15, 16, 17, 21, 22, 27, 34, those parts south and west of the divide between Muddy Creek drainage and Madeno Creek;
Sec. 18, that part south of the divide between Muddy Creek and Madeno Creek and east of the divide between Madeno Creek and Arena Creek;
Secs. 19 and 20;
Secs. 28 to 33, inclusive.
T. 26 S., R. 72 W.,
Secs. 3, 9, 10, 16, 21, 28, 29, 32, and 33, those parts west of the divide between Muddy Creek and Huerfano River on the east and Madeno Creek on the west;
Secs. 4 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 30 and 31.
T. 27 S., R. 72 W.,
Secs. 4, 5, 7, 8, 18, 19, 30 and 31, those parts west of the divide between Huerfano River and Madeno Creek;
Sec. 6.
T. 25 S., R. 73 W.,
Secs. 13, 24, 25, 35, and 36, those parts east of the divide between Madeno Creek and Arena Creek.
T. 26 S., R. 73 W.,
Secs. 1, 2, 12, 13;
Secs. 24, 25 and 36.
T. 27 S., R. 73 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 27, inclusive;
Secs. 34 and 35;
Sec. 36, that part west of the divide between Huerfano River and Madeno Creek.
T. 28 S., R. 73 W., unsurveyed,
Secs. 1, 12, 13, 23, 24, 25 and 36, those parts west of the divide between Huerfano River and Madeno Creek;
Secs. 2, 3, 10 and 11;
Secs. 14, 15 and 22;
Secs. 26, 27 and 28;
Secs. 33, 34 and 35.
T. 29 S., R. 73 W.,
Secs. 1, 2, 10, 11 and 15, those parts north and west of the Alamosa-Costilla County line;
Secs. 3, 4 and 9.

The exterior boundaries of the forests involved are hereby adjusted in accordance with the transfers made by this order, and any transferred land now having a national-forest status shall become a part of the forest to which it is transferred.

This order shall not be construed as giving a national-forest status to any lands which do not now have such status, or as changing the status of any lands which now have a national-forest status.

ORME LEWIS,
Assistant Secretary of the Interior.

OCTOBER 26, 1954.

[F. R. Doc. 54-8549; Filed, Oct. 29, 1954; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

WHITE RIVER, ARK.

Pursuant to section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), paragraph (f) of § 203.560 is hereby amended by the inclusion of subparagraph (19-a) prescribing special regulations to govern the operation of the St. Louis Southwestern Railway Lines bridge across White River at Clarendon, Arkansas, as follows:

§ 203.560 *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(f) *Lower Mississippi River.* • • •

(19-a) White River, Ark.; St. Louis Southwestern Railway Lines bridge at Clarendon. Between 7:30 p. m. and 7:30 a. m., at least 12 hours' advance notice required; to be given to the dispatcher of the St. Louis Southwestern Railway Lines at Pine Bluff, Ark., or to the draw tender on duty at the bridge. Whenever any vessel passing through the bridge intends to return through it within 12 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without any further notice.

• • • • •

[Regs., October 6, 1954, 823.01 (White River, Clarendon, Ark.) ENGWO (28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, Acting The Adjutant General.

[F. R. Doc. 54-8547; Filed, Oct. 29, 1954; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 211—SCOPE OF OPERATING AUTHORITY: ROUTES

USE OF WEST VIRGINIA TURNPIKE (A TOLL HIGHWAY) BY MOTOR CARRIERS OF PROPERTY SUBJECT TO THE INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 25th day of October A. D. 1954.

The above-entitled matter being under consideration:

It appearing, that this Commission has received representations from the West Virginia Turnpike Commission and certain motor carriers of property in favor of the entry of a general order authorizing the use of the West Virginia Turnpike, extending generally between Charleston and Princeton, W. Va., as an alternate route by motor carriers holding authority to operate over other State and Federal highways between those points;

It further appearing, that the said Turnpike is a modern toll highway in which there are improvements in design and construction over other highways in that region, including the elimination of cross traffic, reduction in grades, lengthening of curves, and widening of the pavement; that its use as an alternate route by motor carriers of property holding authority to operate over other highways which parallel the said Turnpike between the points specified would promote economical operation, improve the service rendered to the public, serve purposes of national defense, and contribute to the promotion of safety on the highways; and that only in special and unusual instances will there exist reasons for denying to any carrier operating over such parallel highways permission to use the Turnpike as an auxiliary highway;

And it further appearing, that in general the use of the said Turnpike as an alternate route as above indicated is and will be required by public convenience and necessity, in the case of common carriers of property, and consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act, in the case of contract carriers of property, and the Commission so finding; therefore,

It is ordered, That Part 211 be, and it is hereby, amended by the addition of the following section:

§ 211.11 *Use of the West Virginia Turnpike by motor carriers of property authorized to operate over specified parallel highways*—(a) *Conditions.* The West Virginia Turnpike extending generally between Charleston and Princeton, and such additional highways as may be required in traveling by the shortest practicable route between authorized highways and the Turnpike in performing authorized operations, may be used as an alternate route, without obtaining prior authority therefor, by motor carriers of property subject to the Interstate Commerce Act who are authorized to operate in or through West Virginia over U. S. Highways 52, 19, 21, and 60, and or West Virginia Highways 3, 7, 10, 16, 20, 23, 61, and 83, subject in all instances to the following conditions:

(1) The carrier in each case shall give notice to the Commission, by letter, setting forth (i) a complete description by highway numbers of the carrier's authorized route between the point where it proposes to leave its authorized route and the point where it proposes to return to such route, (ii) a complete description by highway numbers of the proposed deviation route, including the portion of the Turnpike to be used, between the point where it proposes to leave its authorized route and the point where it will return to such route, and (iii) a list of all known competitors, with a statement that a copy of such letter notice has been served on each of those listed.

(2) The letter shall contain a statement to the effect that the carrier filing the notice will continue to furnish reasonable and adequate service at all points it is now authorized to serve, that it will not serve new points or points it is not now authorized to serve, and that the use of the Turnpike will not enable the carrier to engage in transportation between any points where because of the circuity of its present routes, or otherwise, such operation is not now practicable.

(3) The right to use the Turnpike as an alternate route shall continue only so long as the carrier is entitled to use the highway or portion thereof described in its Certificate or Permit which parallels the Turnpike, in performing service authorized under the Interstate Commerce Act, and only so long as the conditions specified herein are observed.

(b) *Protests.* Any party in interest may file a protest within 30 days from the date a carrier gives notice of intent to operate over the Turnpike. Such protest may be in the form of a letter, should contain facts and information to support protestant's opinion that the carrier filing such notice cannot meet the terms of the above-specified conditions, and should reflect that a copy of the protest has been furnished to the carrier filing the notice. If such a protest is filed the Commission will give due consideration to all facts of record in the particular case, including the notice and protest, and will make a determination in accordance with those facts.

(c) *When applications required.* Motor carriers of property holding authority to operate over specified regular routes in West Virginia which do not include U. S. Highways 52, 19, 21, and 60, and/or West Virginia Highways 3, 7, 10, 16, 20, 23, 61, and 83, and all motor carriers of passengers, desiring to use the Turnpike as an alternate route in performing their authorized service, must apply for and obtain such authority, using Form BMC 78, before operating over the Turnpike. If it appears that the use of the Turnpike by any such applicant would not result in a substantial change in the service between terminal points or to or from intermediate and off-route points, and would not enable the carrier to render service which is now impracticable because of the circuity of the carrier's presently authorized route, or otherwise, consideration will be given to the granting of authority without hearing and with or without restrictions.

(d) *Irregular-route operations.* If a motor carrier is authorized to operate within or through West Virginia over irregular routes, no specific authority is required from this Commission to use the Turnpike in performing its authorized service.

It is further ordered, That this order shall become effective November 26, 1954, unless prior thereto it is otherwise ordered by the Commission.

Notice of this order shall be given to motor carriers and the general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended, 553, as amended; 49 U. S. C. 308, 309)

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8563; Filed, Oct. 29, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 986]

[Docket No. AO 263]

INDIANAPOLIS, INDIANA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Claypool Hotel, Indianapolis, Indiana, beginning at 10:00 a .m., c. s. t., on November 15, 1954.

Subjects and issues involved in the hearing. The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Indianapolis, Indiana, marketing area and to the issuance of a marketing agreement and order to regulate the handling of milk in such marketing area.

The hearing on the proposed marketing agreement and order proposals is to determine whether (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce, (2) the issuance of a marketing agreement or order regulating the handling of milk in the area is justified, and (3) the provisions specified in the proposals or some other provisions, appropriate to the terms of the Agricultural Marketing Agreement Act, will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Proposal No. 1: The following marketing agreement and order has been proposed by Independent Milk Producers' Association, Inc., Indianapolis Dairymen's Cooperative, Inc., and Indianapolis Dairy Producers' Council:

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DEFINITIONS

§ 986.1 *Act.* "Act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 986.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 986.3 *Department.* "Department" means the United States Department of

Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 986.4 *Indianapolis, Indiana, Milk Marketing Area.* "Indianapolis, Indiana, Milk Marketing Area" hereinafter called "Marketing Area" means all the territory within the county of Marion in Indiana.

§ 986.5 *Person.* "Person" includes any individual, partnerships, corporations, associations, or other business unit.

§ 986.6 *Producer.* "Producer" means any person who produces, under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area, milk which is (a) received at a plant from which Class I milk is disposed of in the marketing area, or (b) caused by a handler to be delivered to a plant from which Class I milk is not disposed of in the marketing area. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal market order and who is partially exempted from the provisions of this subpart pursuant to § 986.65.

§ 986.7 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer, other than a producer-handler, which is purchased or received by a handler either directly from producers or from other handlers.

§ 986.8 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 986.9 *Handler.* "Handler" means (a) any person, except a person who receives other source milk only, with respect to milk (including any milk from his own farm production) received by him at a plant from which Class I milk is disposed of in the marketing area in excess of 100 units per period, or (b) any cooperative association, or other person included under paragraph (a) of this section, with respect to any milk produced under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area which such cooperative association or person causes to be delivered to a plant from which Class I milk is not disposed of in the marketing area. Milk caused to be delivered by a handler in accordance with paragraph (b) of this section shall be considered as having been received by such handler.

§ 986.10 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and receives no milk from other producers.

§ 986.11 *Approved plant.* "Approved plant" means a milk processing plant which has been approved by a municipal or State Health authority who has jurisdiction in the marketing area or by a Federal agency located in the marketing area from which milk, skim milk, butter-milk, flavored milk drinks or cream is disposed of, in excess of 100 units per period, for fluid consumption in the marketing area on wholesale or retail routes, through plant stores or to vendors.

§ 986.12 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 986.13 *Cooperative Association.* "Cooperative Association" means any cooperative association of producers which the Secretary determines to be qualified pursuant to provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producer thereof.

§ 986.14 *Delivery period.* "Delivery period" means the first to the fifteenth day of each month inclusive and/or the sixteenth to the last day of each month, inclusive.

MARKET ADMINISTRATOR

§ 986.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of the Secretary.

§ 986.21 *Powers.* The market administrator shall have the power:

(a) To administer this subpart in accordance with its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations of the provisions of this subpart;

(c) To make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 986.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Pay, out of the funds provided, (1) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses, which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the day upon which he is required to perform such acts, has not made (1) reports, or (2) payments;

(f) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(g) On or before the 10th day after the end of each period, report to each cooperative association for such period, with respect to each handler, the utilization, on a pro rata basis, of milk of producers, payment for which is to be made to such cooperative association; and

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any person upon whose utilization the classification of milk depends.

REPORTS, RECORDS AND FACILITIES

§ 986.30 *Reports of receipts and utilization.* On or before the 5th day after the end of the period each handler, including a producer-handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 986.31 *Other reports.* The handler shall, at the time of reporting to the market administrator, report to the cooperative association (or to such other agency as the association may designate) receipts and sales and utilization as they pertain to the milk deliveries of producers paid by the co-operative association, and such other reports as the market administrator may from time to time prescribe.

§ 986.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify, or to establish the correct date with respect to (a) the utilization, in whatever form of all skim milk and butterfat received; (b) the weights, samples and tests for butterfat content of all milk and milk products previously received or utilized or currently being received or utilized;

and (c) payments to producers and associations of producers.

CLASSIFICATION OF MILK

§ 986.40 *Basis of classification.* All skim milk and butterfat contained in milk, or in skim milk, cream, and other milk products received by a handler at a plant from which Class I milk is disposed of in the marketing area or caused to be delivered in the manner described in § 986.9 (b) shall be classified by the market administrator in the classes set forth in § 986.41.

§ 986.41 *Classes of utilization.* Classes of utilization of milk shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) sold, distributed, or disposed of as or in milk, cream, cultured soured cream, reconstituted and/or recombined milk and cream homogenized milk, vitaminized-mineralized milk, buttermilk, skimmed-milk, flavored milk, flavored skimmed-milk, and any other product made by the addition of any substance to milk or any of those products and used for similar purposes and designated as a milk product by the appropriate health officer (proper credit for the weight or volume of dry milk solids and flavoring materials, used in the above products, shall be allowed each respective handler in his accounting for milk and/or butterfat purchased), (2) products in inventory at the end of the period, and (3) all other milk and/or cream not accounted for as Class II; and

(b) Class II shall be (1) all milk disposed of in products other than those included in paragraph (a) (1) of this section, (2) all milk accounted for as actual plant shrinkage, but not to exceed 2 percent of the total pounds of milk, skim milk and cream received from producers, by a handler at all of his producer milk plants.

§ 986.42 *Responsibility of handlers.* In establishing the classification of skim milk and butterfat the burden rests on the handler to account for all skim milk and butterfat received by him and to prove to the market administrator that any such skim milk or butterfat should not be classified as Class I.

§ 986.43 *Transfers.* (a) Subject to conditions set forth in § 986.42 skim milk and or butterfat when transferred in fluid form from (1) one handler to another handler shall be classified as Class I; (2) as Class I if transferred to a handler who receives no milk from producers or from an association of producers other than such handler's own farm production; and (3) as Class I if transferred by a handler to a person other than a handler who distributes milk in fluid form or manufactures milk products unless the market administrator is permitted to audit the records of receipts and utilization at the plant of the buyer.

(b) Other source milk caused by a cooperative association to be delivered from the plant of a person not a handler to the plant of a handler shall be considered as a transfer from the co-operative association to the handler and shall be classified accordingly pursuant to paragraph (a) (1) and (2) of this section.

§ 986.44 *Computation of the skim milk and butterfat in each class.* For each period the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler for each period and compute the respective amounts of skim milk and butterfat from milk of producers and of associations of producers of Class I milk and Class II milk, as follows:

(a) Determine the handler's total receipts by adding together the total pounds of milk, skim milk, and cream received; and the pounds of butterfat and skim milk used to produce all other milk products received;

(b) Determine the total pounds of butterfat contained in the receipts computed pursuant to paragraph (a) of this section;

(c) Determine the total pounds of skim milk contained in the receipts computed pursuant to paragraph (a) of this section;

(d) Determine the total pounds of butterfat in Class I milk by: (1) Computing the sum of the pounds of butterfat disposed of in each of the several items of Class I milk; and (2) adding all other butterfat not specifically accounted for as Class II milk;

(e) Determine the total pounds of skim milk in Class I milk by: (1) Computing the sum of the pounds (not including flavoring materials) disposed of as each of the several items of Class I milk; (2) subtracting the result obtained in paragraph (d) (1) of this section; and (3) adding all other skim milk not specifically accounted for as Class II milk;

(f) Determine the total pounds of butterfat in Class II milk by: (1) Computing the sum of the pounds of butterfat used to produce each of the several items of Class II milk; and (2) adding the plant shrinkage of butterfat computed pursuant to § 986.45 (b);

(g) Determine the total pounds of skim milk in Class II milk by: (1) Computing the sum of the pounds of milk, skim milk, cream, and other milk products which were used to produce each of the several items of Class II milk; (2) subtracting the result obtained in paragraph (f) (1) of this section; and (3) adding the plant shrinkage of skim milk computed pursuant to § 986.45 (b); and

(h) Determine the classification of milk received from producers and from associations of producers by: (1) Subtracting, respectively, from the total pounds of skim milk and butterfat in each class in sequence beginning with Class II milk (except the pounds in shrinkage), the pounds of skim milk and butterfat received as other source milk; (2) subtracting, respectively from the remaining pounds of skim milk and butterfat in each Class II milk (except the pounds in shrinkage), the pounds of skim milk and butterfat received from any handler who receives no milk from producers or from associations of producers other than such handler's own farm production; (3) subtracting from the pounds of skim milk and butterfat in each class, the pounds of skim milk and butterfat received from handlers other than those described in subparagraph (2) of this paragraph, and used in such class; and (4) subtracting, respectively, from the remaining pounds of skim milk and butterfat in each class, in sequence beginning with Class II milk (except the pounds in shrinkage), the pounds of skim milk and butterfat by which the total pounds, respectively, in all classes exceed the pounds of milk received from producers and from associations of producers.

§ 986.45 *Shrinkage.* The gross shrinkage of skim milk and butterfat of each handler shall be (a) prorated to other source milk and to transfers from other handlers; (b) classified as Class II for the amount not in excess of 2 percent of receipts from producers, and (c) classified as Class I for the amount in excess of 2 percent of receipts from producers.

MINIMUM PRICES

§ 986.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), (c) and (d) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers, during the period, at the following plants or places for which prices have been reported to the Market Administrator or to the Department:

Indiana Condensed Milk Co., Sheridan, Ind.
Kroger Company, Marion, Ind.
Nestles' Milk Co., Greenville, Ohio.
Pet Milk Co., Coldwater, Ohio.
Pet Milk Co., Angola, Ind.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph;

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade "A" (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the period, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

(c) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the period at the following plants or places for which prices have been reported to the United States Department of Agriculture or to the market administrator.

No. 212——14

Present Operator and Location
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Mayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., West Bend, Wis.
White House Milk Co., Manitowoc, Wis.

(d) The announced parity price equivalent for manufacturing milk.

§ 986.51 *Class I milk prices.* The price to be paid by each handler f. o. b. his plant for that portion of skim milk and butterfat in milk received from producers and from associations of producers which is classified as Class I milk shall be computed by the market administrator as follows:

(a) Add to the basic formula price $1.30 during each period of the year.

(b) The price per pound of Class I butterfat shall be the average price of butter computed pursuant to § 986.50 (b) multiplied by 1.15.

(c) The price per hundredweight of Class I skim milk shall be computed by (1) multiplying the price for butterfat pursuant to paragraph (b) of this section by 3.5; (2) subtracting such amount from the sum obtained in paragraph (a) of this section; (3) dividing such net amount by 0.965; and (4) rounding off to the nearest full cent.

§ 986.52 *Class II milk prices.* The price to be paid by each handler f. o. b. his plant for that portion of milk and butterfat in milk received from producers and from associations of producers which is classified as Class II milk shall be computed by the market administrator as follows:

(a) The average of the basic or field prices reported to have been paid or to be paid for manufacturing milk of 3.5 percent butterfat content received from farmers during the period at the following plants or places for which prices have been reported to the market administrator or to the Department:

Indiana Condensed Milk Co., Sheridan, Ind.
Kroger Company, Marion, Ind.
Nestles' Milk Co., Greenville, Ohio.
Pet Milk Co., Coldwater, Ohio.
Pet Milk Co., Angola, Ind.

(b) The price per pound of Class II butterfat shall be the average price of butter computed pursuant to § 986.50 (b) multiplied by 1.15.

(c) The price per hundredweight of Class II skim milk shall be computed (1) multiplying the price for butterfat pursuant to paragraph (b) of this section by 3.5; (2) subtracting such amount from the sum obtained in paragraph (a) of this section; (3) dividing such net amount by 0.965; and (4) rounding off to the nearest full cent.

HANDLER'S OBLIGATION

§ 986.60 *Value of milk.* The value of milk of each handler for each period shall be a sum of money computed by the market administrator by:

(a) Multiplying by the applicable class prices for skim milk and butterfat, pursuant to §§ 986.51 and 986.52, the amounts of skim milk and butterfat in each class which were received either in milk from producers or from an association of producers during such period, and adding together such amounts;

(b) Adding an amount equal to the value of any skim milk or butterfat subtracted pursuant to § 986.44 (h) (4) at the applicable price for the class from which such skim milk or butterfat was subtracted;

(c) Adding an amount computed pursuant to § 986.65 (b). This amount shall be paid to the handler by the Market Administrator.

(d) Adding an amount computed pursuant to § 986.66.

§ 986.61 *Computation of uniform price for each handler.* The market administrator shall compute for each handler the uniform price per hundredweight of producer milk for each period in the following manner: To the value computed pursuant to § 986.60:

(a) Add or deduct, as the case may be, the amount of money involved in adjustments resulting from verification by the market administrator of the handler's reports for previous months;

(b) Add or deduct, as the case may be, the amount of money involved in adjusting the handler's preceding period's uniform price to the nearest cent;

(c) Subtract, if the weighted average butterfat test of all pooled milk is greater than 3.5 percent, or add if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the difference between such weighted average butterfat test and 3.5 by the butterfat differential computed pursuant to § 986.62;

(d) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of milk received by the handler from producers during such month by 30 cents in April and 40 cents in each of the months of May, June and July;

(e) Add for each of the months of October, November and December an amount computed by dividing the total amount of the handler's obligated balance in the producer-settlement fund pursuant to § 986.71 on September 30 immediately preceding by three;

(f) Divide by the hundredweight of producer milk received by such handler and adjust to the nearest cent. This result shall be known as the uniform price of such handler for milk of 3.5 percent butterfat content received at his fluid milk plant(s), or receiving station(s).

§ 986.62 *Butterfat differential to producers.* For each period the market administrator shall compute to the nearest one-tenth cent a butterfat differential by multiplying the average price of butter as computed pursuant to § 986.50 (b) by 0.115.

§ 986.63 *Announcement of class prices.* On or before the 5th day after the end of the delivery period the market administrator shall mail to all handlers and make public announcement of the class prices computed pursuant to §§ 986.51 and 986.52 and the butterfat differential computed pursuant to § 986.62.

§ 986.64 *Announcement of uniform prices.* On or before the 10th day after the end of each delivery period the market administrator shall notify each handler and make public announcement of the uniform price computed pursuant to § 986.61.

§ 986.65 *Handlers subject to other order.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for pro rata credit to the account of each producer (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

§ 986.66 *Payment for other source milk.* In the event a handler uses other source milk for purposes which violate the requirements of an applicable health authority in the marketing area and such other source milk is allocated to Class I pursuant to § 986.44 (h) (1) the market administrator in computing the handler's obligation pursuant to § 986.60 shall add an amount determined by multiplying the pounds of other source milk so allocated to Class I by the difference between the Class I and Class II prices.

PAYMENTS

§ 986.70 *Payments for producer milk.* On or before the 15th day after the close of each period each handler shall pay to the co-operative association (or to the agency as designated by the co-operative association) for all milk from producers shipping to the handler.

§ 986.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" which shall function as follows:

(a) All payments made by a handler pursuant to § 986.65 (b) shall be deposited in this fund and all payments made to a handler pursuant to § 986.60 (c) shall be made out of this fund;

(b) The amounts subtracted pursuant to § 986.61 (d) shall be deposited in this fund and shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 986.61 (e).

MISCELLANEOUS PROVISIONS

§ 986.90 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 986.91 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 986.92.

§ 986.92 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart, whenever he finds that this subpart or any provisions of this subpart, obstructs, or does not tend to effectuate, the declared policy of the act. This subpart shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 986.93 *Continuing power and duty of the Market Administrator.* (a) If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

§ 986.94 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 986.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 986.96 *Separability of provisions.* If any provision of this subpart, or the application thereof to any person or circumstances, is held invalid, the remainder of the subpart, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 986.97 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

By the Hoosier Condensed Milk Company:

Proposal No. 2. That the desirability of a market-wide pool be considered.

Proposal No. 3. That a location adjustment be considered, which would start at 70 miles from Indianapolis, Indiana with 15 cents per hundredweight and add 1 cent per hundredweight for each 10 mile zone thereafter. This location adjustment to apply to all producer milk delivered to a pool plant in each zone. Also all handlers in each zone should receive credit at the above rate for:

a. All milk delivered to the market area; and

b. All Class I milk.

By the Borden Company—Indianapolis Milk Division:

Proposal No. 4. That if an order is issued it shall provide that producers shall be paid a uniform price based upon a marketwide pool.

Proposal No. 5. That the order shall include adequate provisions with appropriate safeguards for:

(a) "Pool plants," and

(b) Payments into the producer-settlement fund on Class I sales into the marketing area from "non-pool plants."

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1371, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: October 28, 1954, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-8593; Filed, Oct. 29, 1954; 8:53 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

MRS. AUREA BEATRIZ DOWNES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Aurea Beatriz Downes, nee de Couto, Saó Paulo, Brazil; Claim No. 57710, Vesting Order No. 14269; $96.97 in the Treasury of the United States.

Executed at Washington, D. C., on October 25, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 54-8570; Filed, Oct. 29, 1954; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 34]

RIVERTON PROJECT, WYOMING

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

OCTOBER 21, 1954.

1. *Water rental.* Irrigation water will be furnished upon a rental basis during the irrigation season of 1955 and thereafter, until further notice, to the irrigable lands described in Public Notice No. 28 for the North Pavillion areas, and Public Notice No. 30 for the North Portal area, Riverton Project, Wyoming.

2. *Charges and terms of payment.* A minimum water rental charge shall be payable for irrigable lands described in Public Notices Nos. 28 and 30, whether water is used or not. Such minimum charge need not be paid in any year for any acreage which the Riverton Project Manager certifies to be temporarily nonirrigable during such year due to seepage, land subsidence, shallow or impermeable soils, or excessive amounts of salts. Payment of the minimum water rental charge will entitle the water user to two acre-feet of water per irrigable acre. The minimum charge shall be payable in advance on January 1 of each year and no water will be furnished until such charge is paid in full. Charges for water furnished in excess of two acre-feet per irrigable acre shall be payable on January 1 for water furnished during the preceding year.

(a) The minimum water rental charge for lands in the North Pavillion area described in Public Notice No. 28 shall be $2.50 per irrigable acre. Water in addition to two acre-feet per irrigable acre, if available, shall be furnished at the rate of $1.25 per acre-foot.

(b) The minimum water rental charge for lands in the North Portal area described in Public Notice No. 30 shall be $2.00 per irrigable acre. Water in addition to two acre-feet per irrigable acre, if available, shall be furnished at the rate of $1.25 per acre-foot.

3. *Water for other lands.* Irrigation water, when available will also be furnished at the rates described in Paragraph 2, to other lands in the North Pavillion and North Portal areas upon the filing each year of a temporary water rental application covering such other lands. The approval of a water rental application for these lands shall not be deemed to constitute an action leading to a continuing right to receive water in subsequent years.

4. *Discounts and penalties.* If payment of the minimum charge is made on or before December 31, a discount of 5 percent of such charge will be allowed. If payment of the charge for additional water is made on or before December 31 of the year in which used, a discount of 5 percent of such charge will be allowed. If payment of the minimum charge is not made by April 1 of each year, and if payment for additional water furnished to any lands is not made by April 1, subsequent to the year in which such additional water is delivered, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid, and the same penalty shall be added on the first day of each calendar month thereafter so long as such default shall continue, and no water will be delivered until all charges and penalties have been paid in full.

5. *Place of payment.* Payment of water rental charges shall be made at the Reclamation Office in Riverton, Wyoming, or mailed to the Bureau of Reclamation, Riverton, Wyoming.

6. *Public Notices Nos. 28 and 30, supplemented.* This notice supersedes Public Notice No. 33 and supplements subparagraphs 24 (b) and 24 (c) of Public Notice No. 28, and subparagraphs 25 (b) and 25 (c) of Public Notice No. 30, Riverton Project.

WILLIAM F. RAPP,
Acting Regional Director.

[F. R. Doc. 54-8550; Filed, Oct. 29, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SWEETWATER AND ATHENS, TENNESSEE, TOBACCO MARKETS

DETERMINATION WITH RESPECT TO DISTRIBUTION OF INSPECTION SERVICE

On September 1, 1954, a notice of proposed distribution of inspection service between the Sweetwater, Tennessee, and Athens, Tennessee, tobacco markets was published in the FEDERAL REGISTER (19 F. R. 5585). The notice stated that among the factors to be considered in distributing the service on an equitable basis so as to render service to the greatest number of growers are the quantity of tobacco available for inspection, facilities, and the relative amounts of tobacco marketed in prior years. A period of 30 days was allowed to interested parties for the submission of written data, views and arguments with respect to the matter.

Written data, views and arguments were filed by the Hiwassee Burley Sales Company, Inc., and Fagg Bros. & Boblitt of Athens, Tennessee, and by Farmers' Burley Cooperative Warehouses of Sweetwater, Tennessee. On behalf of the Athens market it is contended that the inspection service should be divided between the markets on a 50-50 basis by furnishing service on alternating days to the respective markets because this method of division had been generally followed in the past. The Sweetwater interests contend that such service should be divided in the ratio of two days at Sweetwater and one day at Athens on the basis of comparative marketings of tobacco.

Inspection service has been made available to these markets for the entire period of their operation, or five years. In view of the total volume of tobacco marketed only one set of buyers and one set of graders serve the two markets. During this period inspection service and the sales have been on an alternate daily basis between the two markets. However, a much larger volume of tobacco was marketed annually on the Sweetwater market than on the Athens market, which fact eventually resulted in the markets failing to agree on a division of the inspection service between the two markets.

Exhibit "A," set forth below, contains a tabulation showing the burley sales record for the Athens and Sweetwater markets for the marketing seasons 1949-50 through 1953-54 and the percent of the total marketed by each market.

Exhibit "B," set forth below, contains a tabulation showing the number of burley allotments, acreage and production in the two marketing areas for the same period. Since the markets are only 14 miles apart it is quite obvious that there is some overlapping of marketing. However, allocations by counties and portions of counties to the respective markets have been made in accordance with available information on the utilization of the markets by the various producers in the respective areas. The approximate number of producers served by the respective markets may be ascertained by multiplying the number of allotments by 150 percent. This is to reflect the fact that the average percentage by which the number of producers exceeds the number of allotments is about 50 percent due to partnership and other multiple producer interests in various farms. The percentage figure used for producer comparison purposes is immaterial, however, as the ratio of producers to allotments is approximately the same in both markets.

Summarizing the above factors we find that for the five year period the markets have operated, Athens has sold 34.8 percent of the total volume for the two markets, and Sweetwater has sold 65.2 percent of the total volume for the two markets. Based on distribution of production between the Athens and Sweetwater areas, the production in the Athens area is 37 percent of the total production in the Athens-Sweetwater area, while the production in the Sweetwater area is 63 percent of the total production in the Athens-Sweetwater area. Based on distribution of allotments between the two areas, 42 percent of the allotments are in the Athens area, while 58 percent are in the Sweetwater area and the same percentage figures are equally applicable to the number of producers served by the respective markets.

The Sweetwater market has two tobacco warehouses containing approximately 210 thousand square feet of space and the Athens market has one tobacco warehouse containing approximately 120 thousand square feet of space. The Athens warehouse states that it has obtained a lease on an additional 84,824 feet of floor space. Whether this additional space is suitable for sales purposes is immaterial inasmuch as additional available floor space does not indicate that a greater volume of tobacco will be marketed in the coming seasons than in the past seasons. The floor space in the market in the past was more than adequate to take care of the volume of tobacco available for sale.

Wherefore, it is hereby found and determined that inspection service will be rendered to the greatest number of producers by making such service available to Sweetwater 60 percent of the time and to Athens 40 percent of the time. It is hereby further found and determined that the following distribution of such service between the markets will be fair and equitable and promote its more efficient utilization, and such distribution shall be effective during the 1954-55 and subsequent marketing seasons, or until such time as there is a change in the conditions affecting the markets.

Inspection service shall be divided between the two markets on Mondays with the inspection service available on the Sweetwater market Monday morning for a half day's sale, and in Athens Monday afternoon for a half day's sale. On Tuesdays the inspection service will be available in Sweetwater for a full day's sale. On Wednesdays the inspection service will be available in Athens for a full day's sale. On Thursdays the inspection service will be available in Sweetwater for a full day's sale. On Fridays the inspection service shall be divided between the two markets, with the inspection service available on the Sweetwater market Friday morning for a half day's sale, and in Athens Friday afternoon for a half day's sale. Provided, however, if the Burley marketing season opens on Tuesday the following distribution of the inspection service for Tuesday, Wednesday, Thursday, and Friday of the opening week shall prevail: On Tuesday the inspection service shall be divided between the two markets with the inspection service available in Sweetwater for a half day's sale Tuesday morning, and in Athens for a half day's sale Tuesday afternoon. On Wednesday the inspection service shall be available in Sweetwater for a full day's sale. On Thursday the inspection service shall be available in Athens for a full day's sale. On Friday the inspection service shall be divided between the two markets, with the inspection service available in Sweetwater for a half day's sale Friday morning and in Athens for a half day's sale Friday afternoon. Provided, further, that in the event the markets mutually agree to operate on a full sale day's basis, and so notify the Tobacco Division of the Agricultural Marketing Service in writing, the inspection service shall be available in Sweetwater for full day's sales on Mondays, Wednesdays, and Fridays, and in Athens for full day's sales on Tuesdays and Thursdays.

The division of the inspection service between the two markets on the basis of half days for Mondays and Fridays will provide Athens with three daily inspections per week, and Sweetwater with four daily inspections per week. It appears that this division would be of greater benefit to producers than if the inspection were divided (60-40) on a full-day basis resulting in only two daily inspections per week at Athens and three daily inspections per week in Sweetwater. However, an alternative division is provided in the event the markets mutually agree that such alternative division would be of greater advantage to the markets.

Done at Washington, D. C., this 27th day of October 1954.

[SEAL] ORIS V. WELLS,
Administrator, Agricultural Marketing Service.

EXHIBIT A—BURLEY GROSS SALES, ATHENS AND SWEETWATER, SEASONS OF 1949-50 TO 1953-54, AND PERCENTAGE OF TOTAL SALES FOR EACH MARKET

Season	Athens		Sweetwater		Total	
	Pounds	Percent	Pounds	Percent	Pounds	Percent
1949-50	1,451,130	39.6	2,212,778	60.4	3,663,908	100
1950-51	775,818	31.3	1,706,181	68.7	2,481,999	100
1951-52	1,475,040	31.7	3,183,196	68.3	4,658,236	100
1952-53	2,203,860	37.3	3,700,400	62.7	5,904,260	100
1953-54	1,695,102	33.2	3,416,401	66.8	5,111,503	100
Total for 5-year period	7,600,950	34.8	14,218,956	65.2	21,819,906	100

EXHIBIT B—NUMBER OF BURLEY ALLOTMENTS, ACREAGE AND PRODUCTION, ATHENS AND SWEETWATER, TENN., AREAS, 1952 AND 1953

County	Total for area				Athens area			Sweetwater area				Percent other markets
	Number of allotments	Harvested acres [1]	Production (1,000 pounds)		Percent of county	Production involved (1,000 pounds)		Number of allotments	Percent of county	Production involved (1,000 pounds)		Number of allotments
			1953	1952		1953	1952			1953	1952	
Tennessee:												
McMinn	2,180	1,140	1,673	1,816	70	1,171	1,271	1,526	30	502	545	654	------
Monroe	2,236	1,419	1,936	2,238	20	387	448	447	80	1,549	1,790	1,789	------
Bradley	593	219	324	333	100	324	333	593	------	------	------	------	------
Polk	84	22	35	34	100	35	34	84	------	------	------	------	------
Loudon	1,496	1,067	1,647	1,874	------	------	------	60	------	988	1,124	898	40
Blount	1,642	861	1,122	1,349	------	------	------	25	25	280	337	410	75
Roane	874	431	645	690	------	------	------	50	50	322	345	437	50
Meigs	644	305	442	514	75	332	386	483	25	110	128	161	------
Total	------	------	------	------	------	2,249	2,472	3,153	------	3,751	4,269	4,349	------
Percent of total	------	------	------	------	------	37	37	42	------	63	63	58	------

[1] 1953 crop.

[F. R. Doc. 54-8576; Filed, Oct. 29, 1954; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 85, Amdt. 3]

BUREAU OF THE CENSUS

ORGANIZATION AND FUNCTIONS; CENSUS OPERATIONS DIVISION

Department Order No. 85 of August 19, 1947, as amended, is further amended by adding the following subsection to section 4 thereof:

The Census Operations Division formulates plans and procedures for and processes statistical data relating to the characteristics of retail, wholesale, and service trade enterprises and manufacturing and mineral industries; develops integrated time schedules and deadlines for the total operation of the 1954 economic censuses; coordinates adherence to stipulated standards of quality; and maintains, centrally, control over cost and progress of all economic censuses.

Date of issuance: October 12, 1954.

Effective date: October 12, 1954.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54-8567; Filed, Oct. 29, 1954; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6594]

PAN AMERICAN WORLD AIRWAYS, INC.; ACQUISITION OF LINEAS AEREAS COSTARICENSES, S. A.

NOTICE OF FURTHER POSTPONEMENT OF HEARING

In the matter of the application of Pan American World Airways, Inc., under section 408 of the Civil Aeronautics Act of 1938, as amended, for a determination whether Pan American World Airways, Inc., has acquired control of Lineas Aereas Costarricenses, S. A., and, if so, for approval of such acquisition.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 408 of said act, that a public hearing in the above-entitled proceeding assigned for November 22, 1954, is hereby postponed until November 30, 1954, at 10:00 a. m., e. s. t., in Room 1018, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., October 27, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-8574; Filed, Oct. 29, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6293]

MEDINA ELECTRIC COOPERATIVE, INC., AND CENTRAL POWER & LIGHT CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

OCTOBER 26, 1954.

Notice is hereby given that Medina Electric Cooperative, Inc. (Medina), and Central Power & Light Co. (Central), by their respective applications filed October 11, 1954, seek authorization, pursuant to section 202 (e) of the Federal Power Act, to export electric energy from the United States to Mexico. Specifically, they seek authorization to export 1,200,000 kwh of electric energy for the calendar year 1954 and authorization to export 900,000 kwh of electric energy for the first nine months of the calendar year 1955. The maximum rate of transmission is to be 400 kw.

The request would modify the authorization heretofore granted to Medina and Central by Commission order issued December 1, 1950, in the above-entitled matter, whereby said parties were authorized to transmit a maximum of 900,000 kwh per year at a rate not to exceed 200 kw over facilities covered by a Presidential Permit signed by the President of the United States on October 18, 1950; as more fully appears on file with the Commission.

Any person desiring to make any protest with reference to the application should on or before the 15th day of November 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission general rules and regulations. The application is on file with the Commission for public consumption.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8564; Filed, Oct. 29, 1954; 8:49 a. m.]

[Docket No. E-6582]

DEPARTMENT OF INTERIOR, SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER BY SOUTHWESTERN POWER ADMINISTRATION

OCTOBER 26, 1954.

Notice is hereby given that pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 890) the Secretary of Interior filed with the Federal Power Commission for approval certain rates and charges for the sale of electric energy generated at the Whitney Dam project on the Brazos River in the South Central part of Texas, as set forth in a proposed agreement between the Southwestern Power Administration, an agency of the Department of Interior, and the Brazos Electric Power Cooperative, Inc. (Brazos).

The agreement provides, among other things, for the delivery to Brazos of the entire output of the Whitney Dam project, which includes 30,000,000 kwh per year of primary energy and an average of 51,760,000 kwh per year of secondary energy. Brazos will pay an annual charge of $441,000 in equal monthly payments of $36,750, and will receive credit at specified rates in the event Southwestern fails to deliver primary energy or spills water which is not being stored due to deferred taking of primary energy by Brazos.

The agreement is to be effective for a period of 35 years; however, the rates and compensation shall remain in force and effect for a period of five years from the date of approval by the Federal Power Commission, at which time and at the end of each succeeding five-year period thereafter, such rates and compensation shall be reviewed and redetermined.

It is also provided that the agreement is contingent upon a service agreement between Brazos and the Texas Power & Light Company under which Brazos would purchase the energy generated at Whitney Dam project for resale to Texas Power & Light Company, and would in return secure certain rights to purchase, as required, the same amount of power capacity from the company on a firm basis.

Anyone desiring to make representations with respect to the foregoing should submit the same on or before November 15, 1954, to the Federal Power Commission, Washington 25, D. C. The proposal contract agreement in its entirety is on file with the Commission and available for inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8565; Filed, Oct. 29, 1954; 8:49 a. m.]

[Docket No. E-6583]

IOWA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

OCTOBER 25, 1954.

Take notice that on October 20, 1954, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by Iowa Public Service Company (Applicant), a corporation organized under the laws of the State of Iowa and doing business in the States of Iowa, South Dakota and Nebraska, with its principal business office in Sioux City, Iowa, seeking an order authorizing the issuance of certain securities more fully described below. Applicant proposes to increase its authorized common stock from $12,500,000, consisting of 2,500,000 shares of common stock of the par value of $5 each, to $25,000,000, consisting of 5,000,000 shares of common stock of the par value of $5 each, and to change, convert and reclassify each of the 1,351,104 shares of Common Stock of the par value of $5 each heretofore issued and outstanding into two shares of common stock of the par value of $5 each. To effectuate the reclassification above described, Applicant proposes to issue one additional share of common stock of the par value of $5 for each share of Common Stock of the par value of $5 heretofore issued and outstanding; such additional Common Stock to be issued pro rata to existing holders of common stock. Applicant proposes to effectuate the proposed increase and reclassification in order to capitalize Applicant's capital surplus, by crediting common capital stock of Applicant with $6,755,520, representing $5 per share for 1,351,104 shares, with corresponding charges to capital surplus of $6,137,745 (the entire amount thereof) and to premium on common capital stock of $617,775; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 12th day of November 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8551; Filed, Oct. 29, 1954; 8:46 a. m.]

[Docket Nos. G-1982, G-1983, G-1984, G-2147, G-2148]

TREASURE STATE PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 25, 1954.

Notice is hereby given that on October 18, 1954, the Federal Power Commission issued its order adopted October 14, 1954, in the above-entitled matter, granting request for amendment and modification of orders granting authorization to export natural gas from the United States into the Dominion of Canada, and issuing certificates of public convenience and necessity in Docket Nos. G-1982, G-1984 and G-2147, and for amendment and modification of Presidential Permit in Docket Nos. G-1983 and G-2148.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8556; Filed, Oct. 29, 1954; 8:47 a. m.]

[Docket Nos. G-2407, G-2517]

SYRACUSE SUBURBAN GAS CO., INC. AND NIAGARA MOHAWK POWER CORP.

NOTICE OF DECLARATION OF EXEMPTION AND ORDER DISMISSING COMPLAINT

OCTOBER 26, 1954.

In the matter of Syracuse Suburban Gas Company, Inc. v. Niagara Mohawk Power Corporation, Docket No. G-2407; Niagara Mohawk Power Corporation, Docket No. G-2517.

Notice is hereby given that on October 19, 1954, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act by Niagara Mohawk Power Corporation, Docket No. G-2517, and order dismissing complaint of Syracuse Surburban Gas Company, Inc., Docket No. G-2407 adopted October 14, 1954, in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8553; Filed, Oct. 29, 1954; 8:46 a. m.]

[Docket No. G-2438, G-2441]

TENNESSEE NATURAL GAS LINES, INC., AND ALABAMA-TENNESSEE NATURAL GAS CO.

NOTICE OF ORDERS PERMITTING WITHDRAWAL OF TARIFF SHEETS AND TERMINATING PROCEEDINGS

OCTOBER 26, 1954.

Notice is hereby given that on October 19, 1954, the Federal Power Commission issued its orders adopted October 14, 1954, permitting withdrawal of tariff sheets and terminating proceedings in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8554; Filed, Oct. 29, 1954; 8:47 a. m.]

[Docket No. G-2483]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF DECLARATION OF PARTIAL EXEMPTION

OCTOBER 26, 1954.

Notice is hereby given that on October 19, 1954, the Federal Power Commission issued its declaration of partial exemption of those facilities and operations of Consolidated Gas Utilities Corporation in southeastern Kansas from the provisions of the Natural Gas Act, and the orders, rules, and regulations of the Commission issued pursuant thereto adopted October 14, 1954, in Docket No. G-2483.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8555; Filed, Oct. 29, 1954; 8:47 a. m.]

[Docket No. G-2856]

MONARCH GAS CO.

NOTICE OF DECLARATION OF EXEMPTION FROM PROVISIONS OF NATURAL GAS ACT

OCTOBER 25, 1954.

Notice is hereby given that on October 18, 1954, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act adopted October 14, 1954, in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8557; Filed, Oct. 29, 1954; 8:47 a. m.]

[Docket No. G-3006]

FRED P. HURT

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 25, 1954.

Take notice that Fred P. Hurt (Applicant), as operator with his principal office in Ashland, Kentucky, filed, on September 23, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant produces natural gas in McKell Field, Southern Ohio, which he sells to Ohio Fuel Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1954. The application is on file with the Commission for public inspection.

Applicant requests that this matter be considered under the shortened hearing procedure provided for in § 1.32 of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8552; Filed, Oct. 29, 1954; 8:46 a. m.]

[Docket Nos. G-3653, G-3657]

SUN OIL CO. (GULF COAST DIVISION)

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

Take notice that Sun Oil Company (Gulf Coast Division) (Applicant), a New Jersey corporation with its principal office in Philadelphia, Pennsylvania, filed on September 29, 1954, application for permission to abandon service and for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Ellis and Pine Bluff Fields, Acadia Parish, Louisiana, which it sells to Transcontinental Gas Pipe Line Corporation (Transcontinental) for resale in interstate commerce. Applicant, in Docket G-3653, seeks permission to terminate the interim sale being made from the Ellis Field to Transcontinental and authority to sell the gas to United Fuel Gas Company (United Fuel). Delivery is proposed to be made to Gulf Interstate Gas Company's (Gulf Interstate) existing line (Docket No. G-2058) for transportation by Gulf Interstate for the account of United Fuel. Applicant seeks authority in Docket G-3657 to continue the sale from the Pine Bluff Field to Transcontinental.

Applicant has requested that its applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The applications are on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the applications herein, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the proceedings in the above dockets for purpose of hearing, and to hold a public hearing in the above-entitled proceedings as hereinafter ordered.

(3) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), each Applicant having requested that its application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however,* That no request to be heard, protest or petition is filed raising an issue of substance.

(4) For good cause, the date fixed for hearing should be less than the 15 days required by § 1.19 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Due notice of these applications be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The aforesaid proceedings in the above-designated dockets and the same hereby are consolidated for purposes of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 2, 1954, at 9:30 a. m.,

e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before November 1, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 25, 1954.

Issued: October 26, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8566; Filed, Oct. 29, 1954; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 39]

PENNSYLVANIA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about October 15, 1954, because of the disastrous effects of hurricane, floods and exeessive rainfall, damage resulted to residences and business property located in certain areas in the State of Pennsylvania; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by either of the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Westmoreland, Fayette, Allegheny, Somerset.

Small Business Administration Regional Office, Jefferson Building, Room 1118, 1015 Chestnut Street, Philadelphia 7, Pa.

Small Business Administration Branch Office, Fulton Building, Room 803, 107 Sixth Street, Pittsburgh 22, Pa.

2. Special field offices to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to April 30, 1955.

Dated: October 26, 1954.

W. NORBERT ENGLES, *Acting Administrator.*

[F. R. Doc. 54-8560; Filed, Oct. 29, 1954; 8:48 a. m.]

[Declaration of Disaster Area 40]

INDIANA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about October 8, 1954, because of the disastrous effects of floods and excessive rainfall, damage resulted to residences and business property located in certain areas in the State of Indiana; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by either of the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Lake, Marshall.

Small Business Administration Regional Office, 226 West Jackson Boulevard, Room 1402, Chicago 6, Ill.

Small Business Administration Branch Office, U. S. Post Office Building, Room 521, Indianapolis, Ind.

2. Special field offices to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to April 30, 1955.

Dated: October 27, 1954.

W. NORBERT ENGLES, *Acting Administrator.*

[F. R. Doc. 54-8581; Filed, Oct. 29, 1954; 8:52 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CHIEF, DISPOSITION SECTION, SAN FRANCISCO FIELD OFFICE

DELEGATIONS OF FINAL AUTHORITY

Section II, Delegations of Final Authority, is amended as follows:

Subparagraph 15 to paragraph E is amended to read as follows:

15. Effective September 16, 1954, to execute contracts of sale, removal or demolition, deeds, and transfer documents (other than documents relating to transfers of jurisdiction without reimbursement to other Federal agencies); to execute contracts with brokers, or others for disposition; to execute contracts for the services of surveyors; to execute contracts for advertisements in connection with the disposition of the project or any part thereof; to execute all documents necessary to accomplish the transfer, relinquishment, sale, or other disposition of a project or any part thereof including its annexation by a political subdivision; and to issue Notices to Proceed under contracts relating to the removal of housing, including the power to acknowledge receipt by the Government of the full purchase price and approve the Performance Bond.

Chief of the Disposition Section, San Francisco Field Office.

Date approved: October 25, 1954.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 54-8558; Filed, Oct. 29, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29843]

LUMBER FROM MEMPHIS, TENN., TO VIRGINIA

APPLICATION FOR RELIEF

OCTOBER 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties-to schedule listed below.

Commodities involved: Lumber and related articles, carloads.

From: Memphis, Tenn.

To: Points in Virginia.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1230, supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8561; Filed, Oct. 29, 1954; 8:48 a. m.]

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Washington, Tuesday, November 2, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SMALL BUSINESS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraphs (c) and (d) of § 6.164, paragraphs (f), (i), and (q) of § 6.364 are amended, and paragraph (j) is added to § 6.164 as set out below.

§ 6.164 *Small Business Administration.* • • •

(c) Not to exceed June 30, 1955, one Confidential Assistant to the Special Assistant to the Administrator; and two Special Assistants to the Director, Office of Information.

(d) Not to exceed June 30, 1955, Chiefs of the following Divisions: Managerial Assistance, Loan, Financial Service, Procurement Assistance, Production Assistance, and Products Assistance.

• • • • • •

(j) Not to exceed June 30, 1955, one Deputy Director, Office of Information.

§ 6.364 *Small Business Administration.* • • •

(f) Director, Office of Procurement and Technical Assistance.

• • • • • •

(i) Director, Office of Information.

• • • • • •

(q) Deputy Director, Office of Procurement and Technical Assistance.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc 54-8599; Filed, Nov. 1, 1954; 8:50 a. m.]

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

Effective at the beginning of the first pay period which begins after October 31, 1954, Subpart C is revised and amended to read as follows:

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AUTHORITY: §§ 25.201 to 25.243 issued under sec. 605, 59 Stat. 304; 5 U. S. C. 945. §§ 25.251 to 25.274 issued under sec. 605, 59 Stat. 304 and sec. 208, 68 Stat. 1111; 5 U. S. C. 945. Interpret or apply secs. 101–604, 59 Stat. 295–304, and secs. 208–211, 68 Stat. 1111–1112; 5 U. S. C. 901–944.

§ 25.201 *Employees to whom this subpart applies.* (a) This subpart applies to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.202.

(b) The sections in this subpart incorporating special provisions for certain types of work (§§ 25.251 to 25.274, inclusive), apply also to those officers and employees of the judicial branch, legislative branch, and the District of Columbia municipal government who are subject to titles II, III, and IV of the Federal Employees Pay Act of 1945, as amended.

§ 25.202 *Employees to whom this subpart does not apply.* (a) This subpart does not apply to:

(1) Elected officials;

(2) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations; i. e., heads of governmental establishments in the executive branch which are not component parts of any other such establishment;

(3) Officers and employees in the field service of the Post Office Department;

(4) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose, except that § 25.223 (d) shall be applicable to such employees whose rate of basic compensation is fixed on an annual or monthly basis;

(5) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(6) Officers and employees of the Inland Waterways Corporation;

(7) Officers and employees of the Tennessee Valley Authority;

(8) Officers and employees of the Central Intelligency Agency;

(9) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes," approved March 24, 1943 (57 Stat. 45, 50 U. S. C. App. 1291) are applicable;

(10) Officers and members of the United States Park Police and the White House Police;

(11) Officers and members of crews of vessels, whose compensation shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry;

(12) Civilian keepers of lighthouses and civilians employed on lightships and other vessels of the Coast Guard;

(13) Physicians, dentists, nurses, and other employees in the Department of Medicine and Surgery in the Veterans' Administration, whose compensation is fixed under Public Law 293, Seventy-ninth Congress, approved January 3, 1946, as amended; and

(14) Student nurses, medical or dental interns and residents-in-training, student dietitians, student physical therapists, and student occupational therapists, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by any department, agency, or instrumentality of the Federal Government and any other student-employees, assigned or attached to any such hospital, clinic or laboratory primarily for training purposes, who may be designated by the head of such department, agency, or instrumentality with the approval of the Civil Service Commission.

(15) Employees of the Weather Bureau, Department of Commerce, engaged in the conduct of meteorological investigations in the Arctic region.

NOTE: The list above does not contain positions which are excluded on a year-to-year basis by appropriation acts.

(b) In addition to the exclusions listed in paragraph (a), of this section, the extra pay provisions of this subpart shall not apply to overtime, night, and holiday services for which additional compensation is provided by the following statutes: Act of February 13, 1911, as amended (19 U. S. C. 261, 267) involving inspectors, storekeepers, weighers, and other customs officers and employees; act of July 24, 1919 (41 Stat. 241; 7 U. S. C. 394), involving employees engaged in enforcement of Meat Inspection Act; act of June 17, 1930, as amended (19 U. S. C. 1450, 1451, 1452) involving customs officers and employees; act of March 2, 1931 (46 Stat. 1467; 8 U. S. C. 109a and 109b), involving inspectors and employees, Immigration and Naturalization Service; act of May 27, 1936, as amended (52 Stat. 345; 46 U. S. C. 382b) involving local inspectors of steam vessels and assistants, U. S. shipping commissioners, deputies and assistants, and customs officers and employees; act of March 23, 1941 (55 Stat. 46; 47 U. S. C. 154 (f) (2)) involving certain inspectors of the Federal Communications Commission; act of June 3, 1944 (58 Stat. 269; 19 U. S. C. 1451), involving customs officers and employees; act of August 4, 1949 (63 Stat. 495; 7 U. S. C. 394a), involving employees of the Bureau of Animal Industry who work at establishments which prepare virus, serum, toxin and analogous products for use in the treatment of domestic animals; act of August 28, 1950 (64 Stat. 561; 5 U. S. C. 576) involving employees of the Department of Agriculture performing inspection or quarantine services relating to imports into and exports from the United States.

§ 25.203 *Definitions.* For the purposes of this subpart, definitions are given for words, terms, and phrases as follows:

(a) (1) "Administrative workweek" means a period of seven consecutive calendar days.

(2) "Regularly scheduled administrative workweek" for full-time officers and employees means the period within an administrative workweek, established pursuant to § 25.211, when such officers and employees are required to be on duty regularly. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which such employees are required to be on duty regularly.

(b) "Basic workweek" for full-time officers and employees means the 40-hour workweek established pursuant to § 25.211.

(c) "Department" means any department, independent establishment or agency in the executive branch of the Federal government, including Government-owned or controlled corporations.

(d) "Head of department" means the head of a department or any official who has been delegated the authority to act for the head of the department in the matter concerned.

(e) "Irregular or occasional overtime duty" means hours of employment not scheduled in the regularly scheduled administrative workweek.

(f) "Night pay differential" means the ten percent increase over the officer's or employee's rate of basic compensation, authorized by section 301 of the Federal Employees Pay Act of 1945, as amended.

(g) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an officer or employee be-

fore any deductions and exclusive of additional compensation of any kind. It is exclusive of such additional compensation as overtime pay, extra pay for night or holiday work, additional compensation under section 401 of the Federal Employees Pay Act of 1945, as amended, or allowances or post differentials payable to officers or employees stationed outside the States. It is inclusive of the value of quarters, subsistence, and other maintenance allowances under section 3 of the act of March 5, 1928 (45 Stat. 193; 5 U. S. C. 75a).

§ 25.204 *General pay computation method.* (a) Hereafter for all pay computation purposes per annum rates of basic compensation established by or pursuant to law shall be regarded as payment for employment during 52 basic workweeks of 40 hours.

(b) Whenever, for the purposes of computing overtime, holiday, or night pay or additional pay on an annual basis under this subpart, it is necessary to convert a monthly or annual basic rate to a biweekly, weekly, daily, or hourly basic rate, the following rules shall govern:

(1) A monthly rate shall be multiplied by twelve to derive an annual rate;

(2) An annual rate shall be divided by 52 or 26, as the case may be, to derive a weekly or biweekly rate;

(3) A weekly or biweekly rate shall be divided by 40 or 80, as the case may be, to derive an hourly rate; and

(4) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

(5) All rates shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

§ 25.205 *Maximum limitation.* (a) No overtime, night, or holiday compensation or additional compensation on an annual basis provided in this subpart shall be paid to any officer or employee whose rate of basic compensation equals or exceeds the maximum scheduled rate of basic compensation provided for grade GS–15 in the Classification Act of 1949, as amended.

(b) In the case of any officer or employee whose rate of basic compensation is less than the maximum scheduled rate of basic compensation provided for grade GS–15 in the Classification Act of 1949, as amended, such premium compensation may be paid only to the extent that such payment would not cause his aggregate rate of compensation to exceed such maximum scheduled rate with respect to any pay period.

ESTABLISHMENT OF BASIC WORKWEEK AND WORK SCHEDULES

§ 25.211 *Establishment of basic workweek and regularly scheduled administrative workweek.* (a) Heads of departments shall, with respect to each group of full-time officers and employees to whom this subpart applies, establish by regulation:

(1) A basic workweek of 40 hours in length which shall not extend over more than six of any seven consecutive days. Except as provided in paragraphs (b) and (c) of this section, such regulation shall specify the calender days constituting the basic workweek and the number of hours of employment for each of such calendar days included within the basic workweek.

(2) A regularly scheduled administrative workweek which shall consist of the 40-hour basic workweek established in accordance with subparagraph (1) of this paragraph, plus such period of overtime work as will be regularly required of each group of employees. Except as provided in paragraphs (b) and (c) of this section, the periods of time included in such regularly scheduled administrative workweek which do not constitute a part of the basic workweek shall be identified by calendar days and by number of hours per day for purposes of leave and overtime pay administration.

(b) Whenever it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of a regularly scheduled administrative workweek, the first 40 hours of duty performed within a period of not more than 6 days of the administrative workweek may be established as the basic workweek and all additional hours of officially ordered or approved duty within the administrative workweek shall be treated as overtime.

(c) In the case of officers or employees who are paid additional compensation under section 401 (1) of the Federal Employees Pay Act of 1945, as amended, the length of the regularly scheduled administrative workweek shall be the total number of regularly scheduled hours of duty per week. In the case of other officers and employees whose tours of duty include periods during which they remain at or within the confines of their stations in a standby status rather than performing actual work, the length of the regularly scheduled administrative workweek shall be the total number of regularly scheduled hours of duty per week, including all time in such a standby status except that allowed for sleep and meals by regulation of the department.

§ 25.212 *Establishment of work schedules.* Except where he determines that the department would be seriously handicapped in carrying out its functions or that costs would be substantially increased, the head of each department shall provide that (a) assignments to tours of duty shall be scheduled in advance over periods of not less than one week, (b) the basic 40-hour workweek shall be scheduled on five days, which shall be Monday through Friday, wherever possible, and the two days outside the basic workweek shall be consecutive, (c) the working hours in each day in the basic workweek shall be the same, (d) the basic nonovertime workday shall not exceed eight hours, (e) the occurrence of holidays shall not affect the designation of the basic workweek, and (f) breaks in working hours of more than one hour shall not be scheduled in any basic workday.

OVERTIME PAY

§ 25.221 *Authorization of overtime compensation.* (a) All hours of work officially ordered or approved in excess of 40 hours in any administrative workweek performed by officers and employees to whom this subpart applies shall be considered to be overtime work and, except as otherwise provided in this subpart, shall be compensated as provided in § 25.223.

(b) No overtime in excess of any that may be included in the regularly scheduled administrative workweek shall be ordered or approved except in writing by an officer or employee to whom such authority has been specifically delegated.

§ 25.222 *Computation of overtime employment.* The computation of the amount of overtime employment of an officer or employee shall be subject to the following conditions:

(a) *Leave with pay.* Absence from duty on authorized leave with pay under the annual and sick leave act of October 30, 1951, as amended, during the time when an employee would otherwise have been required to be on duty during the basic workweek (including authorized absence on legal holidays, nonworkdays established by Executive or administrative order, and days of compensatory time off provided for in § 25.224) shall be considered to be employment and shall not have the effect of reducing the amount of overtime compensation to which the employee may be entitled during an administrative workweek. Leave of absence with pay under the act cited shall not be charged for any absence which does not occur during the 40 hours prescribed as the basic workweek.

(b) *Leave without pay.* For any period of leave without pay within an employee's basic 40-hour workweek, an equal period of service performed outside the basic workweek, but during the same administrative workweek, must be substituted and paid for at the rate applicable to his basic workweek, before any remaining periods of service can be paid for at the overtime rate.

(c) *Absence during overtime periods.* Except as expressly authorized by law, as in the case of jury duty under the act of June 29, 1940 (54 Stat. 689), and except to the extent authorized while the employee is in official travel status, no overtime period shall be counted in computing overtime compensation unless the officer or employee performs actual duty during such period or is taking compensatory time off as provided for in § 25.224.

(d) *Night or holiday duty.* Hours of night or holiday duty shall be included in determining for overtime pay purposes the total number of hours of employment within the same administrative workweek.

(e) *Time in travel status.* Time in a travel status away from the official duty-station of any officer or employee shall be considered as hours of employment only (1) when within the days and hours of his regularly scheduled administrative workweek, including regularly scheduled overtime hours, or (2) when the travel involves the performance of actual work while traveling or is carried out under such arduous and unusual conditions that the travel is inseparable from work.

(f) *Call-back overtime.* Any unscheduled overtime work performed by an officer or employee on a day when no work was scheduled for him, or for which he is required to return to his place of employment, shall be considered to be at least two hours in duration for purposes of compensation provided by this subpart, either in money or in time off duty.

§ 25.223 *Computation of overtime compensation.* (a) For each officer or employee whose basic compensation is at a rate which does not exceed the minimum scheduled rate of grade GS–9 of the Classification Act of 1949, as amended, the overtime hourly rate shall be one and one-half times his hourly rate of basic compensation.

(b) For each officer or employee whose basic compensaton is at a rate which exceeds the minimum scheduled rate of grade GS–9 of the Classification Act of 1949, as amended, the overtime hourly rate shall be one and one-half times the hourly rate of basic compensation at the minimum scheduled rate of grade GS–9.

(c) Overtime work performed on Sundays and holidays shall be compensated at the same rates as overtime work performed on other days.

(d) Employees whose rate of basic compensation is fixed on an annual or monthly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose shall be entitled to overtime pay in accordance with the provisions of section 23 of the act of March 28, 1934 (48 Stat. 522; 5 U. S. C. 673c). The rate of compensation for each hour of overtime employment of any such employee shall be computed as follows:

(1) If the rate of basic compensation of the employee is fixed on an annual basis, divide such rate of basic compensation by two thousand and eighty (2080) and multiply the quotient by one and one-half; and

(2) If the rate of basic compensation of the employee is fixed on a monthly basis, multiply such rate of basic compensation by 12 to derive an annual rate of basic compensation, divide such annual rate of basic compensation by two thousand eighty (2080) and multiply the quotient by one and one-half.

(3) All rates shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

§ 25.224 *Compensatory time off for irregular or occasional overtime duty.* (a) The head of a department may, at the request of any officer or employee, grant such officer or employee compensatory time off from his scheduled tour of duty in lieu of payment under § 25.223 for an equal amount of time spent in irregular or occasional overtime work.

(b) The head of a department may, at his own discretion, provide that any officer or employee whose rate of basic compensation is in excess of the maximum scheduled rate of grade GS–9 of the Classification Act of 1949, as amended, shall be compensated for irregular or occasional overtime work with an equivalent number of hours of compensatory time off duty, in lieu of payment under § 25.223.

(c) The head of a department may fix a time limit within which compensatory time off may be requested or taken, and may provide that when an officer or employee is entitled to compensatory time off under paragraph (a) or (b) of this section but fails to take it within the prescribed limit, he shall lose his rights both to compensatory time off and to overtime pay unless the failure is due to an exigency of the service beyond his control.

NIGHT PAY

§ 25.231 *Authorization of night pay differential.* (a) Any regularly scheduled work between six o'clock p. m. and six o'clock a. m. shall be considered night work, and, except as otherwise provided in this subpart, any officer or employee to whom this subpart applies shall be paid a night pay differential amounting to 10 percent of his rate of basic compensation as premium compensation for all hours of night work, computed in accordance with § 25.232.

(b) The head of a department may designate any time after six o'clock p. m. or before six o'clock a. m. as the beginning or end, respectively, of night work for the purposes of this section at any post outside the several States and the District of Columbia where the customary hours of business in the locality extend into the period between six o'clock p. m. and six o'clock a. m. Times so designated as the beginning or end of night work shall correspond reasonably with the end or beginning, respectively, of the customary hours of business in the locality.

§ 25.232 *Computation of night pay differential*—(a) *Absence on holidays or in travel status.* Payment of a night pay differential is authorized during periods when the officer of employee is excused from night work on a holiday or other nonworkday and for all night hours of the employee's regularly scheduled tour of duty while he is in an official travel status, whether performing actual duty or not.

(b) *Absence on leave.* Payment of a night pay differential is not authorized during periods when an officer or employee is on leave, except that any officer or employee may be paid a night differential for periods of paid leave during any pay period in which his total paid leave, inclusive of both night and day hours, is less than eight hours.

(c) *Relation to overtime and holiday pay.* Payment of a night pay differential shall be in addition to any overtime or holiday compensation paid in accordance with this support. The amount of the night pay differential which an officer or employee earns for working during a night overtime period is not affected by whether he is paid in cash or granted compensatory time off for such overtime services. The night pay differential shall not be included in the rate of basic compensation in computing any overtime or holiday compensation to which an officer or employee may be entitled.

(d) *Temporary assignment to different tour of duty.* The payment of the night pay differential is authorized for night work performed when an employee is assigned temporarily to a regularly scheduled tour of duty other than his own regular tour of duty.

HOLIDAY PAY

§ 25.241 *Identification of holidays.* The following days shall be holidays:

(a) Subject to the provisions of paragraph (b) of this section, the 1st day of January; the 22d day of February; the 30th day of May; the 4th day of July; the first Monday in September; the 11th day of November; the fourth Thursday in November; the 25th day of December; and any day designated as a holiday by Federal statute or Executive order.

(b) Executive Order 10358 of June 9, 1952, defines "workday" for holiday purposes to mean those hours which comprise in sequence the employee's regular daily tour of duty within any 24-hour period, whether falling entirely within one calendar day or not, and provides that:

(1) Whenever a holiday falls on a Sunday, Federal offices and establishments shall be closed to public business on the following Monday.

(2) Any employee whose basic workweek does not include Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on Sunday.

(3) Any employee whose basic workweek includes Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on a day that has been designated by the agency as his "regular" weekly nonworkday in lieu of Sunday.

(4) Any employee who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever the first Monday of September or the fourth Thursday of November, or any other holiday which always occurs on a specific day of the calendar week (other than Sunday), falls on a day outside the employee's regular basic workweek.

(5) Any employee whose workday covers portions of two calendar days and who would, except for this section, ordinarily be excused from work scheduled for the hours of any calendar day on which a holiday falls, shall instead be excused from work on his entire workday which commences on any such calendar day, or on a day treated as a holiday under this section.

In the case of employees whose regularly scheduled basic workweek includes both Sunday and Monday, either day, as determined by the head of the department, but not both days, shall be treated as a holiday when a holiday falls on Sunday. In the case of employees whose regularly scheduled basic workweek includes Sunday but not Monday, only Sunday shall be treated as a holiday when a holiday falls on Sunday.

§ 25.242 *Authorization of holiday pay.* (a) Any officer or employee who is excused from duty because of a holiday falling within his basic 40-hour workweek shall be entitled to only his rate of basic compensation for that day.

(b) Except as otherwise provided in this subpart, any officer or employee who is assigned to duty on a holiday which is not overtime work as defined in § 25.221 (a) shall be compensated at his rate of basic compensation plus premium compensation for not more than eight hours of such work at a rate equal to his rate of basic compensation.

(c) Any officer or employee assigned to overtime work, as defined in § 25.221 (a), on a holiday shall be compensated at the same rate as for overtime work performed on other days.

(d) Any officer or employee who is assigned to duty on a holiday shall be compensated for at least two hours of such work.

§ 25.243 *Relationship to overtime and night pay.* (a) The premium pay for holidays authorized by § 25.242 shall not be included in the rate of basic compensation in computing any overtime compensation or night pay differential to which the officer or employee may be entitled.

(b) Such premium pay shall not serve to reduce the amount of overtime compensation to which the officer or employee may be entitled during the administrative workweek in which the holiday occurs, and notwithstanding such premium pay, the number of hours of duty on a holiday shall be included in determining for overtime pay purposes the total number of hours of employment performed in the same administrative workweek.

(c) The number of regularly scheduled hours of duty on a holiday falling within the employee's 40-hour basic workweek on which the employee is excused from duty shall be included as a part of the 40-hour basic workweek for overtime pay computation purposes.

(d) Premium pay authorized by section 25.242 shall be in addition to any night pay differential payable under this subpart, but the night pay differential shall not be included in the rate of basic compensation in computing premium pay for holiday duty.

AUTHORITY: §§ 25.201 to 25.243 issued under sec. 605, 59 Stat. 304; 5 U. S. C. 945. Interpret or apply secs. 101–604, 59 Stat. 295–304, and secs. 208–211, 68 Stat. 1111–1112; 5 U. S. C. 901–944.

SPECIAL PROVISIONS FOR CERTAIN TYPES OF WORK—POSITIONS REQUIRING EMPLOYEES TO REMAIN AT THEIR STATIONS DURING LONG DUTY HOURS, A SUBSTANTIAL PART OF WHICH IS STANDBY

§ 25.251 *Authorization of additional annual compensation.* (a) Premium pay on an annual basis may be paid to any officer or employee in a position requiring him to regularly remain at, or within the confines of, his station during longer than ordinary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work. Such additional compensation on an annual basis takes the place of any other premium compensation prescribed in this subpart. It may not exceed 25 percent of such part of the rate of basic compensation as does not exceed the minimum rate for grade GS–9 in the Classification Act of 1949, as amended.

(b) This permissive authority extends to any department, any judicial or legislative agency to which this section applies (see § 25.201 (b)), and to the municipal government of the District of Columbia. Payment of such additional compensation on an annual basis is subject to the approval of the Civil Service Commission. The Commission has approved payment of such additional compensation at rates and under conditions specified by this subpart. Departments and other agencies are responsible for individual actions within the provisions of this subpart.

§ 25.252 *General restrictions.* (a) No employee shall be paid additional compensation under § 25.251 if such compensation, over a period of time appropriate to reflect the full cycle of his duties and the full range of conditions in his position, would either:

(1) Be less than the premium pay which would otherwise be payable under other sections of this subpart for the hours of actual work customarily required in his position, excluding standby time during which no work is performed, or

(2) Exceed the premium pay which would otherwise be payable under other sections of this subpart for the total hours of duty required in his position, including standby time during which no work is performed.

§ 25.253 *Bases for determining positions for which additional compensation under § 25.251 is authorized.* (a) The requirement of a position that the employee "regularly remain at or within the confines of his station" must meet all the following conditions:

(1) The requirement must be definite and the employee must be officially ordered to remain at his station. The employee's remaining at his station must not be merely voluntary, desirable, or a result of geographic isolation, or solely because the employee lives on the grounds.

(2) The hours during which the requirement is operative must be included in the employee's regularly scheduled hours of duty and his duty tours must be established on a regularly recurring basis over a substantial period of time, generally at least a few months. The requirement must not be occasional, irregular, or for a brief period.

(3) The requirement must be associated with the regularly assigned duties of the employee's job, either as a continuation of his regular work which includes standby time, or as a requirement to stand by at his post to perform his regularly assigned duties if the necessity arises.

(b) "At or within the confines of his station" means one of the following:

(1) At an employee's regular duty station.

(2) In quarters provided by the Government, which are not the employee's ordinary living quarters, and which are specifically provided for use of personnel required to stand by in readiness to perform actual work when the need arises or when called.

(3) In an employee's living quarters, when designated by the department as his duty station and when his whereabouts is narrowly limited and his activities are substantially restricted. This condition exists only during periods when an employee is required to remain at his quarters and is required to hold himself in a state of readiness to answer calls for his services. This limitation on an employee's whereabouts and activities is distinguished from the limitation placed on an employee who is subject to call outside his regular hours of duty but may leave his quarters, provided he arranges for someone else to respond to calls or leaves a telephone number by which he can be reached should his services be required.

(c) "Longer than ordinary periods of duty" are more than 40 hours a week.

(d) "A substantial part of which consists of remaining in a standby status rather than performing work" refers to the entire tour of duty. This condition is met when either:

(1) A substantial part of the whole period of duty, at least 25 percent, is spent in a standby status which occurs throughout the entire tour, or

(2) If certain hours of the tour of duty are regularly devoted to actual work and others are spent in a standby status, that part of the period of duty devoted to standing by is at least 25 percent of the entire period of duty, or

(3) An employee has a regular 40-hour basic workweek requiring full-time performance of actual work and is required, in addition, to perform standby duty on certain nights, or to perform standby duty on certain days not included in his basic workweek.

(e) An employee is "in a standby status" only at times when he is not required to perform actual work and is free to eat, sleep, read, listen to the radio, or engage in other similar pursuits. An employee is performing actual work, rather than being in a standby status, when his full attention is devoted to his work, even though the nature of his work does not require constant activity (for example, a guard on duty at his post and a technician continuously observing instruments are engaged in the actual work of their positions). Actual work includes both work performed during regular work periods and work performed when called out during periods ordinarily spent in a standby status.

§ 25.254 *Rates of additional compensation payable under § 25.251.* (a) The Civil Service Commission has approved the payment of additional compensation under § 25.251 to officers and employees in such positions meeting the requirements of section 401 (1) of the Federal Employees Pay Act of 1945, as amended, and § 25.253 of these regulations as may be designated by the head of any department, of any judicial or legislative agency to which this section applies (see § 25.201 (b)), or of the municipal government of the District of Columbia, provided that the additional compensation under § 25.251 is paid at the following percentages of such part of the rate of basic compensation as does not exceed the minimum scheduled rate of basic compensation provided for grade GS–9 in the Classification Act of 1949, as amended:

(1) Positions with tours of duty of the 24 hours on duty, 24 hours off duty type and with a schedule of: 60 hours a week—5 percent, unless 25 or more hours of actual work is customarily required, in which event—10 percent; 72 hours a week—15 percent, unless 30 or more hours of actual work is customarily required, in which event—20 percent; 84 hours or more a week—25 percent.

(2) Positions with tours of duty requiring the employee to remain on duty during all daylight hours each day, or for 12 hours each day, or for 24 hours each day, with the employee living at his station during the period of his assignment to such tours, and with a schedule of: 5 days a week—5 percent, unless 25 or more hours of actual work is customarily required, in which event—10 percent; 6 days a week—15 percent, unless 30 or more hours of actual work is customarily required, in which event—20 percent; 7 days a week—25 percent.

(3) Positions in which the employee has a regular 40-hour basic workweek requiring full-time performance of actual work, and is required, in addition, to remain on standby duty: 14 to 18 hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—15 percent; 28 or more hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—25 percent; 7 to 9 hours on one or more of his regular weekly nonworkdays—15 percent; 14 or more hours on one or more of his regular weekly nonworkdays—25 percent.

NOTE: The number of days or hours of duty a week for purposes of this section may be the number each week or the average number a week over a reasonable cycle. For example, an employee is considered to be on duty 84 hours a week if (a) this is his actual tour each week, or (b) he is assigned to a regular two-week cycle of 72 hours one week and 96 hours the next week.

(b) If any such department or other agency wishes to pay additional compensation under § 25.251 to an employee in a position meeting the requirements of section 401 (1) of the Federal Employees Pay Act of 1945, as amended, and these regulations, and no approved rate in paragraph (a) of this section is applicable, or if unusual conditions are present which seem to make the applicable rate unsuitable, the department or other agency should propose a rate of additional compensation for the Commission's approval. The proposal should include full information bearing on the scheduled hours of duty; the number of hours of actual work required and how it is distributed over the time on duty; the number of hours in a standby status required and the extent to which the employee's whereabouts and activities are restricted during standby periods; the extent to which the assignment is made more onerous by night or holiday duty or by hours of duty beyond 40 a week; and any other pertinent conditions.

SPECIAL PROVISIONS FOR CERTAIN TYPES OF WORK—POSITIONS IN WHICH THE HOURS OF DUTY CANNOT BE CONTROLLED ADMINISTRATIVELY, AND WHICH REQUIRE SUBSTANTIAL AMOUNTS OF IRREGULAR, UNSCHEDULED, OVERTIME, NIGHT, AND HOLIDAY DUTY

§ 25.261 *Authorization of additional annual compensation.* (a) Premium pay on an annual basis may be paid to any officer or employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled overtime duty and duty at night and on holidays with the officer or employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty. Such additional compensation on an annual basis takes the place of any other premium compensation prescribed in this subpart except premium compensation for regularly scheduled overtime duty. It may not exceed 15 percent of such part of the rate of basic compensation as does not exceed the minimum rate for grade GS–9 in the Classification Act of 1949, as amended.

(b) This permissive authority extends to any department, any judicial or legislative agency to which this section applies (see § 25.201 (b)), and to the municipal government of the District of Columbia. Payment of such additional compensation on an annual basis is subject to the approval of the Civil Service Commission. The Commission has approved payment of such additional compensation at the rate and under conditions specified in this subpart. Departments and other agencies are responsible for individual actions within the provisions of this subpart.

§ 25.262 *General restriction.* No employee shall be paid additional annual compensation under § 25.261 if such compensation would, over a period of time appropriate to reflect the full cycle of his duties and the full range of conditions in his position, exceed the premium pay which would otherwise be payable under other sections of this subpart for the hours of duty required in his position, exclusive of regularly scheduled overtime duty.

§ 25.263 *Bases for determining positions for which additional compensation under § 25.261 is authorized.* (a) By the nature of the work of such positions, "the hours of duty cannot be controlled administratively."

(1) One typical job situation in which the hours of duty cannot be controlled administratively: (i) The hours of duty of an investigator of criminal activities are governed by what criminals do and when they do it. He is often required to perform such duties as shadowing suspects, working incognito among those under suspicion, searching for evidence, meeting informers, making arrests, and interviewing persons having knowledge of criminal or alleged criminal activities. His hours on duty and place of work depend on the behavior of the criminals or suspected criminals and cannot be controlled administratively.

(ii) In such a situation, hours of duty cannot be controlled by such administrative devices as hiring additional personnel; rescheduling the hours of duty (which can be done when, for example, a type of work occurs primarily at certain times of the day); or granting compensatory time off duty to offset overtime hours required.

(b) In order to satisfactorily discharge the duties of such positions, employees are required to perform substantial amounts of "irregular, unscheduled, overtime duty, and duty at night and on holidays."

(1) A substantial amount of irregular, unscheduled, overtime duty means an average of at least six hours of such overtime duty a week.

(2) The irregular, unscheduled, overtime duty is a continual requirement, generally averaging more than once a week.

(3) There must be a definite basis for anticipating that the irregular, unscheduled, overtime duty will continue over an appropriate period of time with a duration and frequency sufficient to meet the requirements under subparagraphs (1) and (2) of this paragraph and that night and holiday duty will be performed from time to time.

(c) The employee generally is "responsible for recognizing, without supervision, circumstances which require him to remain on duty."

(1) The responsibility for an employee remaining on duty when required by circumstances must be a definite, official, and special requirement of his position.

(2) The employee must remain on duty not merely because it is desirable, but because of compelling reasons inherently related to continuance of his duties, and of such a nature that failure to carry on would constitute negligence.

(3) "Recognition of circumstances" does not include such clear-cut instances as, for example, when an employee must continue working because a relief fails to report as scheduled.

(4) (i) "Circumstances which require an employee to remain on duty" means requiring the employee to continue on duty in continuation of a full daily tour, or that, after the end of the regular workday, the employee resumes duty in accordance with prearranged plans or an awaited event. Performance of only call-back overtime assignments, referred to in § 25.222 (f) of this subpart, does not meet the requirement.

(ii) The requirement is that the employee remain on duty in continuation of a full, regularly scheduled, daily tour of duty. The employee has no choice as to when or where he may perform the work. This differs from a situation in which an employee has the option of taking work home or doing it at the office; or doing it in continuation of his regular hours of duty or later in the evening. It also differs from a situation in which an employee has such latitude in his working hours, as when in a travel status, that he may decide to begin work later in the morning and continue working later at night to better accomplish a given objective.

§ 25.264 *Rates of additional compensation payable under § 25.261.* (a) The Civil Service Commission has approved the payment of additional compensation under § 25.261 to officers and employees in such positions meeting the requirements of section 401 (2) of the Federal Employees Pay Act of 1945, as amended, and § 25.263 as may be designated by the head of any department, of any judicial or legislative agency to which this section applies (see § 25.201 (b)), or of the municipal government of the District of Columbia, provided that the additional compensation under § 25.261 is paid at the rate of 15 percent of such part of the rate of basic compensation as does not exceed the minimum scheduled rate for grade GS–9 in the Classification Act of 1949, as amended.

(b) If any such department or other agency wishes to pay additional compensation under § 25.261 to an employee in a position meeting the requirements of section 401 (2) of the Federal Employees Pay Act of 1945, as amended, and the regulations in this part, and if unusual conditions are present which seem to make the approved rate in paragraph (a) of this section unsuitable, the department or other agency should propose a lesser rate of additional compensation for the Commission's approval. The proposal should include full information bearing on the frequency and duration of irregular, unscheduled, overtime duty and the night and holiday duty required; the nature of the work which prevents hours of duty from being controlled administratively; the necessity for the employee's being generally responsible for recognizing, without supervision, circumstances which require him to remain on duty; and any other pertinent conditions.

SPECIAL PROVISIONS FOR CERTAIN TYPES OF WORK—RESPONSIBILITIES OF DEPARTMENTS AND GENERAL RULES GOVERNING PAYMENTS

§ 25.271 *Responsibilities of the departments.* The head of each department, judicial or legislative agency to which this section applies (see § 25.201 (b)), and the municipal government of the District of Columbia is responsible for:

(1) Fixing tours of duty; ordering employees, as he deems necessary, to remain at their stations in a standby status; and placing responsibility on employees, as he deems necessary, for remaining on duty when required by circumstances.

(2) Determining, in accordance with the provisions of section 401 (1) and section 401 (2) of the Federal Employees Pay Act of 1945, as amended, and these regulations, which employees shall receive additional compensation under § 25.251 or § 25.261. These determinations shall not be retroactive.

(3) Determining the number of hours of actual work to be customarily required in positions involving longer than ordinary periods of duty, a substantial part of which consists of standby duty. This determination shall be based on consideration of the time required by regular, repetitive operations, available records of the time required in the past by other activities, and any other information bearing on the number of hours of actual work which may reasonably be expected to be required in the future.

(4) Determining the number of hours of irregular, unscheduled, overtime duty to be customarily required in positions which require substantial amounts of irregular, unscheduled, overtime duty, and duty at night and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty. This determination shall be based on consideration of available records of the hours of irregular, unscheduled, overtime duty required in the past and any other information bearing on the number of hours of such duty which may reasonably be expected to be required in the future.

(5) Determining the rate of additional compensation approved by the Civil Service Commission that is applicable to each employee compensated under § 25.251 or § 25.261; or if no approved rate is applicable, proposing a rate of additional compensation to the Civil Service Commission for approval.

(6) Reviewing determinations under subparagraphs (2), (3), (4), and (5) of this paragraph at appropriate intervals, and discontinuing payments or revising rates of additional compensation in each instance where such action is necessary to meet the requirements of section 401(1) or section 401(2) of the Federal Employees Pay Act of 1945, as amended, and the regulations in this part.

§ 25.272 *Payment provisions.* (a) Except as otherwise provided in this section, an employee's additional compensation under § 25.251 or § 25.261 shall begin on the date that he enters on duty in the position concerned for purposes of basic compensation, and shall cease on the date that he ceases to be paid basic compensation in the position.

(b) An employee in a position in which conditions warranting additional compensation under § 25.251 or § 25.261 exist only during a certain period of the year, such as during a given season, shall be paid such additional compensation only during the period he is subject to such conditions.

(c) An employee in a position in which he is receiving additional compensation under § 25.251 or § 25.261, temporarily assigned to duties in which conditions do not warrant such additional compensation, shall continue to receive such additional compensation, at the discretion of the head of the department, for not more than 14 consecutive calendar days, and for a total of not more than 30 working days in any calendar year.

(d) During periods when an employee is not entitled to receive additional compensation under § 25.251 or § 25.261, he shall be paid for overtime, night and holiday duty in accordance with other sections of this subpart.

(e) Payments of additional compensation under § 25.251 or § 25.261 shall continue during periods of leave with pay taken during periods in which additional compensation under sections is payable in accordance with paragraphs (a), (b), and (c) of this section.

§ 25.273 *Relationship to other payments.* (a) Employees receiving additional compensation under § 25.251 shall not receive premium compensation for overtime, night, and holiday duty under any other sections of this subpart.

(b) Employees receiving additional compensation under § 25.261 shall not receive premium compensation for irregular, unscheduled overtime duty or duty at night or on holidays under any other sections of this subpart, but shall be paid under other sections of this subpart for regularly scheduled overtime duty.

(c) Overtime, night, or holiday services compensated under any statute other than the Federal Employees Pay Act of 1945, as amended, shall not be considered as a basis for payment of additional compensation under § 25.251 or § 25.261.

(d) Additional compensation under § 25.251 or § 25.261 is not base pay, and is not included in the base used in computing retirement deductions, foreign and territorial allowances and differentials, or any other benefits or deductions that are computed on base pay alone.

§ 25.274 *Maintenance of existing aggregate rate of compensation.* The provisions of § 25.251 and § 25.261 shall not operate to decrease the existing aggregate rate of compensation of any present employee.

AUTHORITY: §§ 25.251 to 25.274 issued under sec. 605, 59 Stat. 304 and sec. 208, 68 Stat. 1111; 5 U. S. C. 945. Interpret or apply secs. 101–604, 59 Stat. 295–304 and secs. 208–211, 68 Stat. 1111–1112; 5 U. S. C. 901–944.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54–8617; Filed, Nov. 1, 1954; 8:54 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.233]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective as of the beginning of the first pay period following November 6, 1954.

1. Paragraph (a) is amended by the deletion of the following post:

Rangoon, Burma.

2. Paragraph (b) is amended by the addition of the following post:

Rangoon, Burma.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Acting Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary.

OCTOBER 23, 1954.

[F. R. Doc. 54–8585; Filed, Nov. 1, 1954; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 3, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1810, 3124, 4178, 4399, 5079, 5593 and 5594, and containing the specific requirements of the 1954-Crop Rye Price Support Program are amended by establishing basic support rates for three additional counties in Texas as follows:

Section 421.608 (d) (2) (i) is amended by adding to the list of counties and basic county support rates, the following Texas counties and rates per bushel:

Lynn	$1.35
Terry	1.35
Yoakum	1.35

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C., 1441, 1421)

Issued this 27th day of October 1954.

[SEAL] H. L. MANWARING,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54–8597; Filed, Nov. 1, 1954; 8:50 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP FLAXSEED PRICE SUPPORT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1578, 2714 and 2843, and containing the specific requirements for the 1954-crop flaxseed price support program are amended by changing three sections to provide price support for flaxseed grading "Sample" on the factor of test weight only, but otherwise grading No. 2 or better and having a test weight of not less than 40 pounds per bushel.

1. Section 421.653 (c) is amended to read as follows:

(c) The flaxseed must be flaxseed grading No. 2 or better, or flaxseed grading "Sample" on the factor of test weight only, but otherwise grading No. 2 or better and having a test weight of not less than 40 pounds per bushel.

2. Section 421.655 (c) is amended to read as follows:

(c) When the quantity of flaxseed is determined by measurement, a bushel shall be 1.25 cubic feet of flaxseed testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound flaxseed:

For flaxseed testing:	Percentage
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	94
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	90
50 pounds or over, but less than 51 pounds	88
49 pounds or over, but less than 50 pounds	85
48 pounds or over, but less than 49 pounds	83
47 pounds or over, but not less than 48 pounds	81
46 pounds or over, but less than 47 pounds	79
45 pounds or over, but less than 46 pounds	77
44 pounds or over, but less than 45 pounds	75
43 pounds or over, but less than 44 pounds	73
42 pounds or over, but less than 43 pounds	70
41 pounds or over, but less than 42 pounds	68
40 pounds or over, but less than 41 pounds	66

3. Section 421.658 (d) is amended to read as follows:

(d) *Discounts.* The support rate for No. 2 flaxseed shall be 6 cents per bushel less than the support rate for No. 1 flaxseed. For flaxseed grading "Sample" on the factor of test weight only, but otherwise grading No. 2 or better, the discounts from the support rate for No. 1 flaxseed shall be as follows:

Test weight per bushel (pounds):	Discount per bushel (cents)
46 or over, but less than 47	10
45 or over, but less than 46	14
44 or over, but less than 45	18
43 or over, but less than 44	22
42 or over, but less than 43	26
41 or over, but less than 42	30
40 or over, but less than 41	34

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 27th day of October 1954.

[SEAL] H. L. MANWARING,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54–8598; Filed, Nov. 1, 1954; 8:50 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 4, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1578, 2714, 2843 and *supra,* and containing the specific requirements for the 1954-Crop Flaxseed Price Support Program are amended as follows:

Section 421.658 (c) (1) is amended by adding to the list of basic county support rates, "Texas—Deaf Smith County, $2.75 per bushel."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 27th day of October 1954.

[SEAL] H. L. MANWARING,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54–8596; Filed, Nov. 1, 1954; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 35—FLIGHT ENGINEER CERTIFICATES

REVISION OF PART

Because of the number of outstanding amendments to Part 35, it has been decided to issue a revision of this part, incorporating all amendments thereto in effect on November 1, 1954. The revision also eliminates former § 35.20, which governed the termination of flight engineer certificates issued prior to September 27, 1950 to non-U. S. citizens. Since all such certificates have now expired, the section is without present effect.

Since this revision does not make any substantive change to the Civil Air Regulations, notice and public procedure hereon are unnecessary and the Revised Part may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 35 of the Civil Air Regulations (14 CFR, Part 35, as amended) as set forth below, effective on November 1, 1954.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

REQUIREMENTS FOR CERTIFICATE

Sec.
35.1 Issuance.
35.2 Age.
35.3 Citizenship.
35.4 Education.
35.5 Physical standards.
35.6 Experience.
35.7 Knowledge.
35.8 Skill.
35.9 Limited certificate.

CERTIFICATION RULES

35.10 Application.
35.11 Duration.
35.12 Temporary certificates.
35.14 Reexamination after failure.
35.15 Certificate.
35.16 Medical certificate and renewal.
35.17 Certificate display.
35.18 Operation during physical deficiency.
35.19 Change of address.
35.20 Identification.

DEFINITIONS

35.30 Definitions.
35.31 Flight time.
35.32 Pilot in command.

AUTHORITY: §§ 35.1 to 35.32 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Inter-

pret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552.

REQUIREMENTS FOR CERTIFICATE

§ 35.1 *Issuance.* A flight engineer certificate will be issued to an applicant who meets the requirements of §§ 35.2–35.9.

§ 35.2 *Age.* Applicant shall be at least 21 years of age.

§ 35.3 *Citizenship.* An applicant for a flight engineer certificate may be a citizen of any country or a person without nationality.

§ 35.4 *Education.* Applicant shall be able to read, write, speak, and understand the English language.

§ 35.5 *Physical standards.* Applicant shall meet the physical standards of the second class as prescribed in Part 29 of this subchapter: *Provided*, That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

§ 35.6 *Experience.* Each applicant for a flight engineer certificate shall:

(a) Have had at least 3 years of diversified practical experience in the maintenance and repair of aircraft and aircraft engines, of which one year shall have been in the maintenance and repair of multiengine aircraft of a type used in air carrier operations and having engines rated at least at 800 horsepower each; or

(b) Be a graduate of at least a two-year specialized aeronautical training course in the maintenance, repair, and overhaul of aircraft and aircraft engines, of which at least six months shall be in the maintenance and repair of multiengine aircraft of a type used in air carrier operations and having engines rated at least at 800 horsepower each; or

(c) Have had at least 100 hours of flight experience in the duties of a flight engineer; or

(d) Have satisfactorily completed a course of ground and flight instruction in at least the items specified in § 35.7 which the Administrator has found adequate for the training of a flight engineer; or

(e) Have had at least 200 hours of flight time as pilot in command of an aircraft having 4 engines or more.

§ 35.7 *Knowledge.* Applicant shall pass a written examination on the following subjects pertaining to aircraft having 4 or more engines and certificated in the transport category or to aircraft having 4 or more engines and incorporating a flight engineer station:

(a) Responsibilities and limitations of a flight engineer as specified in the regulations of this subchapter.

(b) Theory of flight and elementary aerodynamics;

(c) Aircraft performance and aircraft engine operation with respect to limitations;

(d) Mathematical computations of engine operation and fuel consumption, including basic meteorology with respect to engine operations;

(e) Aircraft loading and center of gravity computations;

(f) Basic aircraft maintenance and operating procedures.

§ 35.8 *Skill.* Applicant shall pass a practical test in the duties of a flight engineer during flight on an aircraft having 4 or more engines and certificated in the transport category or on an aircraft having 4 or more engines and incorporating a flight engineer station; and shall demonstrate competency with respect to:

(a) Normal duties and procedures relating to aircraft, aircraft engines, propellers, and appliances;

(b) Recognition of the malfunctioning of aircraft, aircraft engines, propellers, and appliances, and the taking of appropriate action thereon;

(c) Emergency duties and procedures relating to aircraft, aircraft engines, propellers, and appliances.

§ 35.9 *Limited certificate.* (a) An applicant may be certificated as a flight engineer for an aircraft having less than 4 engines: *Provided*, That (1) the design of the aircraft incorporates a flight engineer station satisfactory to the Administrator, (2) the applicant meets the requirements of §§ 35.1 through 35.6, and (3) the applicant passes written and practical examinations respecting such aircraft on the subjects listed in §§ 35.7 and 35.8.

(b) A certificate issued under the provisions of this section shall contain an appropriate limitation which may be removed at such time as the holder of the certificate passes the written and practical tests prescribed in §§ 35.7 and 35.8.

CERTIFICATION RULES

§ 35.10 *Application.* Application shall be made on a form and in the manner prescribed by the Administrator.

§ 35.11 *Duration.* (a) A flight engineer certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(b) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(c) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the regulations in this subchapter occurring during the effective period of the certificate.

§ 35.12 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary flight engineer certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

§ 35.14 *Reexamination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period unless he presents a statement signed by a certificated flight engineer, a certificated ground instructor, or an equally qualified individual acceptable to the Administrator, which attests that the applicant has received an additional 5 hours of instruction in each of the subjects failed and that the applicant is considered competent for reexamination.

§ 35.15 *Certificate.* No individual shall serve in the flight crew as a flight engineer unless he has in his personal possession while so serving a valid flight engineer certificate issued by the Administrator.

§ 35.16 *Medical certificate and renewal.* No individual shall exercise the privileges of a flight engineer certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate to his certificate within the preceding 12 calendar months.

§ 35.17 *Certificate display.* A flight engineer shall, upon request, present his airman and medical certificates for examination by any representative of the Civil Aeronautics Board or Administrator or by any State or local law enforcement officer.

§ 35.18 *Operation during physical deficiency.* No flight engineer shall exercise the privileges of his airman certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

§ 35.19 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a flight engineer certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, Attention Airman Records Branch, Washington 25, D. C.

§ 35.20 *Identification.* The holder of a certificate issued under the provisions of this part shall not, except while engaged in operations conducted by a scheduled air carrier, exercise the privileges conferred by the certificate unless he has in his personal possession a current airman identification card or other identification card acceptable to the Administrator which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

DEFINITIONS

§ 35.30 *Definitions.* As used in this part the words listed shall be defined as indicated in §§ 35.31 and 35.32.

§ 35.31 *Flight time.* Flight time shall mean the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight (block to block).

§ 35.32 *Pilot in command.* Pilot in command shall mean the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

[F. R. Doc. 54-8508; Filed, Nov. 1, 1954; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6119]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CALVINE COTTON MILLS, INC.

Subpart—*Using, selling, or supplying lottery devices:* § 3.2480 *In merchandising.* In connection with the offering for sale, sale, and distribution of tobacco seed bed covers or any other merchandise in commerce: (1) Advertising or using any sales promotion plan or scheme whereby purchasers of its said products are entitled to participate in a drawing for prizes, the award of which is or will be dependent on lot or chance; and (2) selling or otherwise disposing of any merchandise through the use of, or by means of, a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719 as amended; 15 U. S. C. 45) [Cease and desist order, Calvine Cotton Mills, Inc., West New York, N. J., Docket 6119, Sept. 23, 1954]

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission, charging respondent with the use of unfair acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act, respondent's answer denying the material allegations of the complaint, and a hearing at which a stipulation was entered into and read into the record.

By said stipulation it was stipulated and agreed that a statement of facts, signed and executed by counsel supporting the complaint and by counsel for respondent, might be taken as the facts in the proceeding and in lieu of evidence in support of the charges stated in the complaint or in opposition thereto, and that said examiner might proceed upon said statement of facts to make his initial decision, stating his findings as to the facts, including inferences which he might draw from said stipulation of facts and his conclusions based thereon, both counsel reserving the right to submit proposed findings and conclusion, including memorandum on the law, and requesting oral argument on the proposed findings.

Thereafter, oral argument having been had on the proposed findings which had been submitted by counsel as stipulated, and four exhibits having been received in evidence, the proceeding regularly came on for final consideration by said examiner upon the complaint, answer, stipulation, and exhibits, and said examiner having approved said stipulation, after duly considering the record in the matter, found that the proceeding was in the interest of the public and made his initial decision [1] comprising certain findings as to the facts, conclusion drawn therefrom, and order.

Thereafter, following the Commission's review of said initial decision, the matter was disposed of by "Order Adopting Initial Decision As Commission Decision and Order To File Report of Compliance", dated September 23, 1954, as follows:

This matter having come on to be heard by the Commission upon its review of the hearing examiner's initial decision herein; and

The Commission having issued a tentative order modifying said initial decision in certain respects and having afforded respondent and counsel supporting the complaint opportunity to present any objections they may have to the proposed modification, and counsel supporting the complaint having filed his objections to the proposed modification; and

The Commission having further considered the entire record herein and now being of the opinion that the hearing examiner's initial decision is adequate and appropriate to dispose of this proceeding:

It is ordered, That the initial decision of the hearing examiner shall, on September 23, 1954, become the decision of the Commission.

It is further ordered, That respondent, Calvine Cotton Mills, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondent Calvine Cotton Mills, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of tobacco seed bed covers or any other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising or using any sales promotion plan or scheme whereby purchasers of its said products are entitled to participate in a drawing for prizes, the award of which is or will be dependent on lot or chance.

2. Selling or otherwise disposing of any merchandise through the use of, or by means of, a game of chance, gift enterprise or lottery scheme.

Issued: September 23, 1954.

By the Commission.[2]

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-8587; Filed, Nov. 1, 1954; 8:47 a. m.]

[1] Filed as part of original document.

[2] Special concurring opinion by Commissioner Carretta filed as part of original document.

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 12 [1]]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 370.4 *Exportations authorized by government agencies other than Bureau of Foreign Commerce* paragraph (b) *Gold* is amended by changing the words "80 percent" to read: "90 percent". The remainder of the paragraph is unchanged.

2. Section 371.2 *General provisions* paragraph (c) *Applicability* is amended by deleting subdivision (ii) of subparagraph (1) *Prohibited shipments.*

3. Section 371.4 *Reexportation from country of destination* is amended in the following particulars:

a. The words "or in § 371.8 (c)" are added at the end of paragraph (a) *Prohibited reexportations.*

b. The last words of Note 2 *Optional ports of unlading* are amended to read as follows: "as provided by Note 1 following § 379.2 (a) (2) (iii) of this subchapter."

4. section 371.8 *General license GRO; shipments of non-Positive List commodities* is amended in the following particulars:

a. Paragraph (b) *Quaternary ammonium compounds* is deleted.

b. A new paragraph (c) is added to read as follows:

(c) *Shipments to redistribution points.* (1) Exportations may be made under this general license to a free zone or other redistribution point for redistribution to a destination not identified on the export documents, provided that neither the redistribution point nor the destination to which the commodities are distributed is included in paragraph (a) (2) of this section, except that commodities listed in § 371.23 may be redistributed to Hong Kong.

(2) For such exportations, the shipper's export declaration and the bill of lading covering the shipment must show as the ultimate destination, the country from which distribution will be made followed by the words "For redistribution to other countries." In addition, both documents shall include this statement: "None of this merchandise will be shipped to Macao, a Soviet Bloc destination, or a Communist-controlled area in the Far East, and none of these commodities except commodities listed in § 371.23 will be shipped to Hong Kong."

[1] This amendment was published in Current Export Bulletin No. 739, dated October 21, 1954.

This statement shall be placed in the commodity description item of these documents.

5. Section 371.21 *General license GIFT; shipments of gift parcels* is amended in the following particulars:

Subparagraph (2) *Commodity limitations* of paragraph (c) *Commodity, weight, and other limitations* is amended to read as follows:

(2) *Commodity limitations.* Commodities which may be included in each gift parcel under this general license are restricted to those normally sent as gifts, such as food, clothing, toilet articles, and medicinals and pharmaceutical preparations in dosage form (other than Gamma Globulin, Schedule B No. 812100). The export of military wearing apparel to Hong Kong, Macao, and Subgroup A destinations under this general license is specifically prohibited, whether or not all distinctive U. S. military insignia, buttons, or other markings are removed.

6. Section 373.24 *Applicability of multiple commodity group provisions to Commodity Group 3 commodities* is deleted.

7. Section 373.25 *Manila or sisal fibers* is deleted.

8. Section 373.33 *Diamonds* paragraph (b) *Application requirements* is amended to read as follows:

(b) *Application requirements.* Separate license applications (Form IT– or FC–419) must be submitted for each Schedule B classification of loose diamonds. Each application must include a detailed statement regarding the end use of the commodity and must contain a complete description of each named commodity or commodities. Give total carat weight, total price, and average price per carat. In the case of dust and powder, give mesh sizes. For compounds, give total carat content and mesh sizes.

9. Section 373.34 *Asbestos and carbon manufactures* is deleted.

10. Section 373.40 *Iron and steel* is amended in the following particulars:

a. Paragraph (b) *Silicon steel materials* is amended to read as follows:

(b) *Silicon steel materials.* In addition to the general provisions contained in paragraph (a) of this section, all license applications to export silicon steel sheets (commonly called electrical sheets) and strip, Schedule B No. 603595, and transformer and choke laminations and core assemblies, Schedule B No. 709920, shall set forth in the commodity description column of Form IT– or FC–419, a complete description of the materials to be exported. The specifications appearing on license applications must agree with those on the supporting documents. The description on the license applications shall include: (1) Thickness of sheet or strip in decimal parts of an inch; and (2) core loss, which shall be indicated in watts per pound at a flux density of 13,000 gausses and at 50 cycles per second. If the core loss appears on the customer's order in metric units or at a flux density, or at cycles other than those shown in the Positive List entries for these items, it should be converted to conform to the Positive List identifications.

b. Paragraph (e) *Applications in excess of quotas: refiling* is deleted.

11. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended by deleting paragraphs (a) *Containing lead, molybdenum, and vanadium* and (d) *Zinc scrap.*

12. Section 373.49 *Machinery and parts* is amended in the following particulars:

a. In the unnumbered subparagraph of paragraph (a) *Machinery and equipment* the reference to § 372.3 (c) is amended to read: "§ 372.4 (e)".

b. Subdivision (i), subparagraph (1) *Additional application requirements* of paragraph (b) *Automotive replacement parts* is amended to read as follows:

(1) *Additional application requirements.* (i) An exporter who receives an order, or an inquiry relating to an order, for automotive replacement parts listed in subparagraph (2) of this paragraph to be exported to a destination listed in subparagraph (3) of this paragraph from a consignee with whom he has not previously done business and who has not been approved as an ultimate consignee on an export license issued to him, is required to observe the special provision described below when filing an application for a validated export license to make the proposed shipment.

c. Subparagraph (2) *Commodities* of paragraph (b) is amended to read as follows:

(2) *Commodities.* The provisions of this paragraph are applicable to applications for licenses to export the following commodities to the destinations set forth in subparagraph (3) of this paragraph:

Schedule B No.	Commodity
706305	Sealed beam head lamps suitable for mounting on automotive vehicles.
709100	Ball bearings, and specially fabricated parts except balls (automotive only).
709200	Roller bearings, and specially fabricated parts except rollers (automotive only)
709310	Balls for bearings (automotive only).
709315	Rollers for bearings (automotive only).
	Parts for commercial automobiles, trucks, and busses:
	Engines for replacement (motor truck, bus, and passenger car):
791240	Diesel and semi-Diesel.
791250	Gasoline.
791280	Leaf springs, and spring leaves, for replacement.
792020	Parts, n. e. c., specially fabricated, for spares, replacement, or manufacture into larger components, except: air cleaners; brake extension handles; bumpers; door locks; gas tank caps; horns; hub caps; hydraulic truck dumping hoists; oil filter clamps, oil filters; oil purifiers; oil rectifiers; parking lights; radiator caps; radiator ornaments; reflex signs, road traffic; stop lights; thermostats; third axle assemblies; windshield wipers; and specially fabricated parts for the excepted items.

d. In subparagraph (4) *Permitted substitutions* of paragraph (b) the Schedule B numbers 709220 and 791193 are deleted from the first sentence.

13. Section 373.51 *Radio and electronic tubes* is amended to read as follows:

§ 373.51 *Radio, electronic and cathode ray tubes.* All license applications to export radio, electronic and cathode ray tubes, Schedule B Nos. 707803, 707812, 707820 and 707830, must show, in the commodity description column of Form IT– or FC–419, the type numbers of the tubes and quantity of each type of tube, and the total quantity and price for each Schedule B number. Where the commodity description column of the Form IT– or FC–419 is inadequate, this information may be listed on an attachment, in duplicate, to Form IT– or FC–419.

14. Section 373.55 *Chemicals and medicinals* is amended by deleting paragraph (b) *Bismuth salts and compounds.*

15. Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

§ 373.71 *Supplement 1.*

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES [1]

FOURTH QUARTER OF 1954 AND FIRST QUARTER OF 1955

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Fourth quarter, 1954	First quarter, 1955
619159	Selenium powder	Sept. 1–15, 1954	Dec. 1–15, 1954
623098	Ferroselenium		
664998	Selenium metal, except selenium-bearing scrap materials		
829810	Selenium-containing rubber compounding agents not of coal tar origin: accelerators		
839750	Selenium salts of organic compounds		
839900	Selenium salts and compounds, including selenium dioxide		
842900	Selenium-containing pigments		

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c) of this subchapter). Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see § 372.6 of this subchapter).

16. Section 379.2 *Authenticated shipper's export declaration,* paragraph (a) *Procedure for authentication* is amended in the following particulars:

a. A new note is added following the present note after subdivision (iii) of subparagraph (2) *Information required on declaration* to read as follows:

2. Shipments to redistribution points under general license GRO. Where a shipment is made to a free zone or other redistribution point pursuant to the provisions of

This amendment shall become effective as of October 21, 1954.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-8520; Filed, Nov. 1, 1954; 8:45 a. m.]

[7th Gen. Rev. of Export Regs., Amdt. P. L. 9 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
776990	Physical properties testing and inspecting machines, n. e. c., and specially fabricated parts and accessories, n. e. c.:				
	Testing and inspecting machines incorporating transonic, supersonic or ultrasonic generators designed for operation at 1,700 cycles per second or over, and specially fabricated parts, n. e. c.[4]		GIEQ	None	RO
	Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c.: Crystal pulling machines, and specially fabricated parts, n. e. c.; machines which, according to type of furnace, e.g., electric melting and refining furnaces for the production of chemicals, 707415):				
775055	Oxygen-production equipment, atmospheric process [1]		GIEQ 1	500	RO
775330	Processing vessels, non-mixing, n. e. c. (specify by name): Processing vessels, suitable for containment of explosives, and specially fabricated parts therefor.[1]		GIEQ 1	250	RO
802590	Coal-tar intermediates, except coal-tar acids: Other coal-tar intermediates (specify by name): N-Methylaniline (monomethylaniline) [1]	Lb.	ORGN	100	RO
910080	Research and development machines, n. e. c., and specially fabricated parts, n. e. c.	No.	SATE	200	RO
910080	Laboratory centrifuges, wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel.[1] [2]	No.	SATE	None	RO
910080	Laboratory centrifuge bowls, wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel.[1] [4]	No.	SATE	None	RO

[1] This commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective December 6, 1954.
[2] This commodity is subject to DL restrictions (see § 374.2 of this subchapter), and is excepted from the Time Limit licensing procedure (see Part 377 of this subchapter), effective November 20, 1954.
[4] This commodity is excepted from the provisions of General License GIT (see § 371.9 (c) of this subchapter) effective November 20, 1954.
[5] This commodity may be exported under the Foreign Distribution licensing procedure (see Part 378 of this subchapter).

This part of the amendment shall become effective as of 12:01 a. m., October 28, 1954.

[1] This amendment was published in Current Export Bulletin No. 739, dated October 21, 1954.

General License GRO, the redistribution point and the specific certification provided in § 371.8 (c) of this subchapter shall be shown on the shipper's export declaration and related bill of lading.

b. The present note is designated: "1. *Optional ports of unlading.*"

17. Section 382.51 *Table of compliance orders currently in effect denying export privileges* paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Alvarez, Gabino, Alvarez, Manuel, officers of Laminadoras Unidas, S. A., Av. Ferrocarril No. 9, Col., Moctezuma, Mexico, D. F., Mexico. Calif. Trading Co., 8845 Olympic Blvd., Los Angeles, Calif.	10– 7–54	← 7–55	General and validated, all commodities, any destination, including Canada. (On probation for additional period 4–8–55—10–7–55.)	19 F. R. 6533, 10–9–54.
	10– 7–54	10– 7–55	General and validated, all commodities, any destination, including Canada. (On probation for additional period 10–8–55—4–7–56.)	19 F. R. 6533, 10–9–54.
Echeverria, Pedro, officer of Hierros Laminados, S. A., Av. Henry Ford No. 3309, Col. Bondojito, Villa G. A. Madero, Mexico, D. F., Mexico.	10– 7–54	← 7–55	General and validated, all commodities, any destination, including Canada. (On probation for additional period 4–8–55—10–7–55.)	19 F. R. 6533, 10–9–54.
Infeld, Randolph H., 868 South Norton Ave., Los Angeles 5, Calif.	10– 7–54	2– 7–55	General and validated, all commodities, any destination, including Canada. (On probation for additional period 2–8–55—8–7–55.)	19 F. R. 6533, 10–9–54.
Laminadoras Unidas, S. A., Av. Ferrocarril No. 9, Col. Moctezuma, Mexico, D. F., Mexico.	10– 7–54	← 7–55	General and validated, all commodities, any destination, including Canada. (On probation for additional period 4–8–55—10–7–55.)	19 F. R. 6533, 10–9–54.
Laminados, Hierros, S. A., Av. Henry Ford No. 3309, Col. Bondojito, Villa G. A. Madero, Mexico, D. F., Mexico.	10– 7–54	← 7–55	do	19 F. R. 6533, 10–9–54.
Laminadores, Hierros, S. A., Av. Henry Ford No. 3309, Col. Bondojito, Villa G. A. Madero, Mexico, D. F., Mexico.	10– 7–54	← 7–55	do	19 F. R. 6533, 10–9–54.
Pintel, Ignacio, Avenida Mexico 187, Mexico, D. F., Mexico	10– 7–54	2– 7–55	General and validated, all commodities, any destination, including Canada. (On probation for additional period 2–8–55—8–7–55.)	19 F. R. 6533, 10–9–54.
Pintel, Jehoszua, 8845 Olympic Blvd., Los Angeles, Calif.	10– 7–54	10– 7–55	General and validated, all commodities, any destination, including Canada. (On probation for additional period 10–8–55—4–7–56.)	19 F. R. 6533, 10–9–54.
Victor Trading Corp., 8845 Olympic Blvd., Los Angeles, Calif.	10– 7–54	10– 7–55	do	19 F. R. 6533, 10–9–54.

b. The following entries are deleted:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Peralta-Yepiz, Jesus, 607 Aquascalientes Ave., Meadeall, B. C., Mexico.	9–28–53	11–28–53	General and validated, all commodities, any destination, including Canada. (On probation for additional period 11–28–53—9–28–54.)	18 F. R. 6321, 10–2–53.

c. The following entry is amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Chang, William C., 3611 Sacramento St., San Francisco, Calif.	8–2–54	10–12–54	General and validated, all commodities, any destination, excluding Canada. (On probation for additional period 10–13–54—7–26–55.)	19 F. R. 4972, 8–6–54.

[1] This amendment was published in Current Export Bulletin No. 739, dated October 21, 1954.

2. The following commodities are deleted:

Dept. of Commerce Schedule B No.	Commodity
	Castings, iron and steel, rough and semifinished:
610410	Carbon steel gun castings.[1]
610451	Gun castings, alloy steel, except stainless. (1) [1]
	Forgings, rough and semifinished:
610493	Carbon steel gun forgings.[1]
	Air compressors:
	Stationary, capacity not over 25 cubic feet:
770400	Turbo, centrifugal, and axial flow types of compressors having all flow-contact surfaces made of nickel or alloy containing 60 percent or more nickel (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel).
	Portable, capacity under 60 cubic feet:
770610	Turbo, centrifugal, and axial flow types of compressors having either of the following characteristics: (a) capacity over 50 c. f. m. and all flow-contact surfaces made of aluminum; (b) all flow-contact surfaces made of nickel or alloy containing 60 percent or more nickel (specify type, capacity, inlet pressure, discharge pressure, and whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel).
	Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 750850; report furnaces under appropriate Schedule B No. according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals, 707415):
775055	Piping specially fabricated for chemical and pharmaceutical processing and manufacturing machines, and made of or lined with polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F).
	Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n. e. c. (specify by name):
775998	Piping specially fabricated for industrial manufacturing and service-industries machines, n. e. c., and made of or lined with polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F).
	Parts, for locomotives and railway cars (report electric propulsion motors, generators, and controls in 704330; wheels and axles in 610515–610538):
796154	Frames, cradles, bolsters, or beds for turbine locomotives of a gauge greater than 4 feet 8 inches (1.42 m.) or with an axle load greater than 12 metric tons.
796172	Parts and accessories, n. e. c., specially fabricated for turbine locomotives of a gauge greater than 4 feet 8 inches or with an individual axle load greater than 12 metric tons.

[1] Gun castings require export authorization from the Department of State. (See § 370.4 (a) of this subchapter.) All outstanding license issued by the Department of Commerce remain valid until they expire or are revoked.

This part of the amendment shall become effective as of 12:01 a. m., October 21, 1954.

3. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Pipe tubes, and tubing, n. e. c., new and used (except scrap) (report pipe assemblies specially fabricated for particular machines or equipment as parts of such machines or equipment:				
607430	Mechanical tubing, alloy steel, except stainless, special types only.[2]	Lb.	STEE	100	RO
607500	Pipe and tubing, stainless steel, special types only. (1)[2]	Lb.	STEE	100	RO
607500	Pipe and tubing, other stainless steel containing 1 percent or more nickel. (2) [2]	Lb.	STEE	100	RO
607710	Pipe and tubing, alloy steel, except stainless, special types only.[2]	Lb.	STEE	100	RO
	Wire products, n. e. c. (report wire nails, staples, and spikes in 618267–618274):				
	Wire rope, cord, and cable, except guard rail and insulated (report guard rail in 619065; and insulated rope and strand in 709810–709875):				
619061	Wire rope and cord made of stainless steel [22 a]	Lb.	STEE 21	100	RO
619063	Wire rope and cord made of phosphor bronze [22 a]	Lb.	NONF	100	RO
	Wire strand, including guard rail cable (report strand wire in 608280):				
619065	Wire strand made of stainless steel [22 a]	Lb.	STEE 21	100	RO
619069	Wire strand made of phosphor bronze [22 a]	Lb.	NONF	100	RO
645710	Phosphor bronze cable, bare [22]	Lb.	NONF	100	RO
	Electric industrial heating units and devices, n. e. c., and specially fabricated parts, n. e. c. (specify by name):				
707492	Dielectric dryers [2 23]		ELME 7	250	RO
	Electrical apparatus, n. e. c., and parts, n. e. c. (specify by name):				
709998	Coefficient resistors. (2) [1 10 22]	No.	RARA 52	100	RO
	Internal-combustion engines, n. e. c., and parts, n. e. c.:				
	Diesel and semi-Diesel (specify brake horsepower and r. p. m.):				
714500	Marine, 50 up to and including 200 brake horsepower, when the nonmagnetic content exceeds 50 percent of the total weight. (1) [20]	No.	TRAN	None	RO
714500	Other marine, 50 up to and including 200 brake horsepower (specify brake horsepower). (2) [3]	No.	TRAN	None	R
714620	Other marine, over 200, up to and including 500 brake horsepower (at normal speed), injection type. (2) [3]	No.	TRAN 7	None	R
714640	Other marine, over 500, up to and including 1,000 brake horsepower (at normal speed), injection type. (2) [3]	No.	TRAN 7	None	R
	Other, including tractor engines (specify brake horsepower and r. p. m.):				
714710	50 up to and including 200 brake horsepower [3]	No.	TRAN 7	None	R
714720	Over 200, up to and including 500 brake horsepower (at normal speed), injection type.[3]	No.	TRAN 7	None	R
714740	Over 500, up to and including 1,000 brake horsepower (at normal speed), injection type.[3]	No.	TRAN 7	None	R
715000	Parts and accessories, n. e. c., specially fabricated for diesel engines 50 brake horsepower and over (specify type, brake horsepower, and r. p. m.).[22]		TRAN	500	R
	Power excavators and dredging machines, and parts:				
720122	Excavator-type power cranes and shovels, new (report used in 720160): Other rubber-tired mounted, including truck or wagon mounted, full revolving, convertible, over ½ cubic yard dipper capacity, or over 10 tons crane lifting capacity, new. (2) [18]	No.	CONS 1	None	R
	Power excavators and dredging machines, used and rebuilt (report new in 720112–720147):				
720160	Other rubber-tired mounted power cranes and shovels, including truck or wagon mounted, full revolving, over ½ cubic yard dipper capacity, or over 10 tons crane lifting capacity, used and rebuilt. (2) [18]	No.	CONS 1	None	R
720160	Power cranes and shovels, full revolving, mounted and unmounted, over 5 cubic yard dipper capacity, or over 100 tons crane lifting capacity, used and rebuilt. (3) [18]	No.	CONS 1	None	R
720210	Parts, accessories and attachments, n. e. c., specially fabricated for rubber-tired power cranes and shovels, including truck or wagon mounted, full revolving, over ½ cubic yard dipper capacity, or over 10 tons crane lifting capacity, except airborne. (2) [18]		CONS 1	1,000	R
	Earth and rock drilling machines, n. e. c., and parts, n. e. c.:				
	Rock drill bits, core drill bits, and reamers (including well-drilling machine bits and reamers):				
730870	Rock drill bits and reamers containing tungsten carbide, for rotary type well-drilling machines.[19]	No.	MINE 3	100	RO
730880	Other rock drill bits and reamers for rotary type well-drilling machines.[21]	No.	MINE 3	100	RO
	Power-driven metalworking machine tools (nonportable), and parts:				
744100	Internal grinding machines incorporating high frequency (over 60 cycles) spindles. (1) [18]	No.	TOOL	500	RO
	Accessories and attachments, n. e. c., for power-driven nonportable machine tools, n. e. c.:				
	Accessories and attachments, n. e. c., for machine tools and specially fabricated parts, n. e. c.:				
744383	High frequency grinding wheel spindles and spindle assemblies for internal grinding machines (report internal grinding machines in 744100). [18 22]		TOOL	None	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c. (electric, gas, gasoline and kerosene operated):				
764650	Reciprocating compressor units having any of the following characteristics: (a) Designed for a delivery pressure of 450 p. s. i. g. or over and requiring 300 horsepower or over; (b) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (c) a designed capacity of 60 c. f. m. or over and all flow-contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel (specify capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel).[20]	No.	GIEQ	None	RO
764710	Centrifugal refrigerating units having any of the following characteristics: (a) Designed for a delivery pressure of 450 p. s. i. g. or over and requiring 300 horsepower or over; (b) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (c) capacity over 35,300 c. f. m. and a compression ratio of 2:1 or more; (d) a designed capacity of 60 c. f. m. or over and all flow-contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel (specify capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel).[20]	No.	GIEQ	None	RO
766010	Blowers and fans (turbo, centrifugal, and axial-flow types), specially fabricated for air-conditioning and refrigerating equipment and having any of the following characteristics: (a) Capacity over 35,300 c. f. m. and a compression ratio of 2:1 or more; (b) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (c) a designed capacity of 60 c. f. m. or over and all flow-contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel; (d) designed for a delivery pressure of 450 p. s. i. g. or over and requiring 300 horsepower or over; and specially fabricated parts therefor (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel).[20]	----------	GIEQ	100	RO
	Industrial process indicating (measuring), recording, and/or controlling instruments, n. e. c., and specially fabricated parts, n. e. c. (for measuring and/or controlling temperatures, pressure, level, flow, humidity, moisture, motion, rotation, gas analysis, chemical properties, and variables) (specify by name):				
766970	Electronic or electrical industrial process control instruments, and specially fabricated parts, n. e. c. (3) [1 20]	----------	GIEQ	50	RO
	Air compressors:				
	Stationary, capacity over 25 cubic feet:				
770500	Centrifugal, axial, rotary and reciprocating compressors having any of the following characteristics: (a) Mainstream internal air flow exceeding a MACH number of 0.7; (b) capacity over 35,300 c. f. m. and a compression ratio of 2:1 or more; (c) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (d) a designed capacity of 60 c. f. m. or over and all flow-contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel; (e) designed for a delivery pressure of 450 p. s. i. g. or over, and requiring 300 horsepower, or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel or alloy containing 60 percent or more nickel, and if meeting the requirements of (a), the MACH number).[20]	No.	CONS 2	None	RO
	Air compressors—Continued				
	Portable, capacity 60 cubic feet, and over:				
770615	Centrifugal, axial, rotary, and reciprocating compressors having any of the following characteristics: (a) Mainstream internal air flow exceeding a MACH number of 0.7; (b) capacity over 35,300 c. f. m. and a compression ratio of 2:1 or more; (c) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (d) all flow-contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel; (e) designed for a delivery pressure of 450 p. s. i. g., or over, and requiring 300 horsepower, or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel, and if meeting requirements of (a), the MACH number).[20]	No.	CONS 2	None	RO
	Gas compressors, n. e. c.:				
770625	Centrifugal, axial, rotary, and reciprocating compressors having any of the following characteristics: (a) Mainstream internal air flow exceeding a MACH number of 0.7; (b) capacity over 35,300 c. f. m. and a compression ratio of 2:1 or more; (c) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (d) a designed capacity of 60 c. f. m. or over and all flow-contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel; (e) designed for a delivery pressure of 450 p. s. i. g., or over, and requiring 300 horsepower, or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel, and if meeting requirements of (a), the MACH number).[20]	No.	CONS 2	None	RO
770630	Parts, n. e. c. specially fabricated for air and gas compressors included on the Positive List under Schedule B Nos. 770500, 770615, and 770625. (Complete knockdown compressors should be reported in the proper compressor classifications, whether the integral components are shipped simultaneously or in a series of partial shipments.) [20]	----------	CONS 2	500	RO
	Blowers, n. e. c., turboblowers, and parts:				
770700	Centrifugal blowers (except turboblowers) having any of the following characteristics: (a) Capacity over 35,300 c. f. m. and a compression ratio of 2:1 or more; (b) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for intake pressure above atmospheric; (c) a designed capacity of 60 c. f. m. or over and all flow-contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel; (d) designed for a delivery pressure of 450 p. s. i. g., or over, and requiring 300 horsepower, or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, and whether all flow-contact surfaces are made of aluminum, nickel or alloy containing 60 percent or more nickel).[20]	No.	CONS 2	500	RO
770710	Axial blowers (except turboblowers) having any of the following characteristics: (a) Capacity over 35,300 c. f. m. and compression ratio of 2:1 or more, (b) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for intake pressure above atmospheric; (c) a designed capacity of 60 c. f. m. or over and all flow-contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel; (d) designed for a delivery pressure of 450 p. s. i. g., or over, and requiring 300 horsepower, or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, and whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel).[20]	No.	CONS 2	500	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
770920	Pumping equipment, n. e. c.—Continued Rotary pumps (delivering liquids separately or in combination with solids and/or gases) having any of the following characteristics: (1) Designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m.; (2) all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more tantalum, either separately or combined; or (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F) (specify type, capacity in g. p. m., delivery pressure and kinds of material).[24]	No.	CONS 3	None	RO
770940	Reciprocating equipment, n. e. c.: Pumps, n. e. c., (delivering liquids separately or in combination with solids and/or gases) having either of the following characteristics: (1) Designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m.; (2) all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more tantalum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Kel-F) (specify type, capacity in g. p. m., delivery pressure and kinds of material).[24]	No.	CONS 3	None	RO
770950	Other reciprocating pumps (delivering liquids separately or in combination with solids and/or gases) having any of the following characteristics: (1) Designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m.; (2) all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more tantalum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Kel-F) (specify type, capacity in g. p. m., delivery pressure and kinds of material).[24]	No.	CONS 3	None	RO
770960	Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases) having any of the following characteristics: (1) Designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m.; (2) all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more tantalum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Kel-F) (specify type, capacity in g. p. m., delivery pressure and kinds of material).[24]	No.	CONS 3	None	RO
770980	Pumps, n. e. c. (delivering liquids separately or in combination with solids and/or gases) having any of the following characteristics: (1) Designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m.; (2) designed for an intake pressure above atmospheric; (3) all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more tantalum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Kel-F) (specify type, capacity in g. p. m., delivery pressure and kinds of material).[24]	No.	CONS 3	None	RO
771120	Jet ejectors, and specially fabricated parts, n. e. c. (specify type).[1] [18]	.....	GIEQ	None	RO
771210	Blowers, n. e. c., turboblowers, and parts: Turboblowers having any of the following characteristics: (a) Mainstream internal air flow exceeding a MACH number of 0.7; (b) capacity over 35,500 c. f. m. and a compression ratio of 2:1 or more; (c) capable and a compression ratio of 2:1 or more; (c) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (d) designed for a delivery pressure of 450 p. s. i. g. or over, and requiring 300 horsepower or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel, and if meeting requirements of (a), the MACH number).[24]	No.	CONS 2	500	RO
771215	Blowers, n. e. c., having any of the following characteristics: (a) Mainstream internal air flow exceeding a MACH number of 0.7; (b) capacity over 35,500 c. f. m. and a compression ratio of 2:1 or more; (c) capable of handling a mass flow of 2,500 pounds per minute, or more, and designed for an intake pressure above atmospheric; (d) a designed capacity of 4,500 c. f. m. or over and all flow-contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel; (e) designed for a delivery pressure of 450 p. s. i. g. or over, and requiring 300 horsepower, or over (specify type, capacity, inlet pressure, discharge pressure, horsepower, whether all flow-contact surfaces are made of aluminum, nickel, or alloy containing 60 percent or more nickel, and if meeting requirements of (a), the MACH number).[24]	No.	CONS 2	500	RO
771600	Pumping equipment, n. e. c. (specify type of pump by generic name according to following classifications): Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases) having any of the following characteristics: (1) Designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m.; (2) all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more tantalum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Kel-F) (specify type, capacity in g. p. m., delivery pressure and kinds of material).[24]	No.	CONS 3	None	RO
771610	Turbine pumps (delivering liquids separately or in combination with solids and/or gases) having any of the following characteristics: (1) Designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m.; (2) all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more tantalum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); (d) 10 percent or more chromium or nickel, either separately or combined; or (e) polytetrafluoroethylene (Teflon) or polytrifluorochloroethylene (Kel-F) (specify type, capacity in g. p. m., delivery pressure and kinds of material).[24]	No.	CONS 3	None	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 730850; report furnaces under appropriate Schedule B No. according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals, 707415):				
775055	Equipment for the production of hydrogen. (8) [22]	.....	GIEQ 1	250	RO
	Nonelectric industrial furnaces, kilns, lehrs, and ovens, and parts (report electric furnaces, kilns and ovens in 707415-707492):				
775115	Nonelectric industrial metal melting furnaces suitable for the production of titanium metal.[2] [23]	No.	MINE	None	RO
775140	Nonelectric industrial furnaces, n. e. c., suitable for the production of titanium metal.[2] [24]	No.	MINE	None	RO
	Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n. e. c. (specify by name):				
775998	Equipment, n. e. c. for the production of military explosives, and specially fabricated parts therefor (report chemical processing equipment for the production of explosives in 775055; and processing vessels in 775330). (5) [1] [22]	.....	QIEQ 1	250	RO
	Aircraft training equipment, n. e. c., and ground handling and maintenance equipment, and specially fabricated parts, n. e. c. (specify by name):				
794960	Test kits for aircraft instruments. (2) [12] [26]	.....	EIME 3	100	R
794990	Test sets for ignition harnesses. (2) [12] [26]	.....	EMLE 3	100	R
	Plastic and resin materials:				
	Plastic film and sheeting, including printed, embossed, planished, or otherwise treated surface:				
825980	Polyvinylbutyral. (4) [17]	Lb.	RESN 66	100	R —
	Other industrial chemicals:				
839090	Molybdenum salts and compounds, n. e. c. (including calcium molybdate) (report molybdenum oxide, molybdenum trioxide and molybdic acid, except chemically pure grade, in 664550; report chemically pure grade in 829970). (4 and 14) [1] [19]	Lb.	SALT 64	100	RO

[1] The GLV dollar-value limit is increased.
[2] The GLV dollar-value limit is decreased, effective October 28, 1954.
[3] The processing code is changed or related commodity group number is changed (see § 372.5 (f) of this subchapter).
[5] The letter "A" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the IC/DV procedure (see § 373.2 of this subchapter).
[10] The letter "E" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under the Periodic Requirements licensing procedure (see Part 376 of this subchapter).
[12] The letter "P" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under the Foreign Distribution licensing procedure (see Part 378 of this subchapter).
[17] The destination control is changed from RO to R.
[18] The commodity description is revised without substantive change.
[19] The unit of quantity is changed.
[22] The commodity coverage is decreased.
[23] For the most part the commodity coverage is decreased; however, the revised entry also reflects some minor increase in commodity coverage. The added coverage is effective October 28, 1954.
[24] The commodity coverage is increased, effective October 28, 1954.
[25] Presently included in the third entry on the Positive List under Schedule B No. 775055, which is deleted.
[26] Presently included in the first entry on the Positive List under Schedule B No. 744160.
[28] Presently included in the single entry on the Positive List under Schedule B No. 775100, which is deleted. These commodities may now be exported under General License GIT (see § 371.9 (c) of this subchapter).
[29] Presently included in second entry on the Positive List under Schedule B No. 794960.
[1] Electric conducting cable suitable for sweeping magnetic mines or for harbor defense requires export authorization from the Department of State. See § 370.4 (a) of this subchapter.

This part of the amendment shall become effective as of October 21, 1954, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 3 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., October 28, 1954, may be exported under the previous general license provisions up to and including November 20, 1954. Any such shipment not laden aboard the exporting carrier on or before November 20, 1954, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-8521; Filed, Nov. 1, 1954; 8:45 a. m.]

No. 213——3

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53648]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

LANDING AND DELIVERY OF CARGO

Sections 4.34, 4.85, 4.86, 4.88 and 4.91(c), Customs Regulations, relating to prematurely discharged, overcarried, and undelivered cargo, vessels with residue cargo for domestic ports, intercoastal residue-cargo for optional ports, vessels with residue cargo for foreign ports, and transshipment of cargo, amended.

To avoid unnecessary carriage and handling of what are often bulky traveling manifests, it is deemed advisable to modify the requirement of § 4.85 (e) of the Customs Regulations for the final surrender of the original traveling manifest at the port of final discharge of inward foreign cargo in the United States when no residue foreign cargo remains on board for discharge at a foreign port or ports by excluding prematurely discharged or overcarried cargo from consideration in determining whether for purposes of that regulation the importing vessel has yet reached the port of final discharge of foreign cargo in the United States.

It is desirable for purposes of clarity to have the regulations set forth more definitely the conditions under which vessel bonds are required to be on file for residue foreign cargo for other domestic or foreign ports, in lieu of certain statements indicating merely that in some cases such bonds are on file. It is also desirable in the case of a vessel allowed to proceed with inward foreign cargo for optional ports on the opposite coast to include a requirement that upon the arrival of the vessel at the first port on the opposite coast the master upon entering his vessel shall file a manifest of all the inward foreign cargo remaining on board with the ports of actual intended discharge shown.

It is further desirable to eliminate the requirement that the agent of the importing vessel notify the collector at the port where the vessel first entered on its arrival in the United States as to the ports of actual intended discharge designated on arrival of the vessel on the opposite coast and to substitute therefor a requirement that an extra copy of customs Form 3221, Certificate on Vessel Proceeding to Another Port With Foreign Cargo, be furnished the collector at the first port on the opposite coast to permit him to notify the first port of entry on the first coast of arrival of the names of the ports of discharge designated on the opposite coast.

Certain other changes are made to simplify or clarify customs requirements.

Accordingly, the Customs Regulations are hereby amended as follows:

1. Section 4.34 is amended as follows:

a. Paragraph (d) is amended by adding the following sentence after the second sentence: "Whenever practicable, the application shall be made on the face of the manifest below the description of the merchandise, if there is sufficient space therefor." and by substituting a period for the comma after the word "approval" in the last sentence and deleting the remainder of the sentence.

b. Paragraph (e) is amended to read:

(e) One copy of the manifest shall be certified by customs for use as a separate traveling manifest for the prematurely landed or overcarried cargo being forwarded as residue cargo, whether or not the forwarding vessel is also carrying

other residue cargo. If application for forwarding to destination is made on the manifest, the new substitute traveling manifest shall be stamped to show the approval of the application thereon or if the application is on a separate document a copy thereof stamped to show its approval shall be attached to the substitute traveling manifest. A separate certificate on customs Form 3221 shall be attached to each such traveling manifest. An appropriate cross-reference shall be made on customs Form 3221 to show whether any other traveling manifest is being carried forward on the same vessel.

c. Paragraph (f) is amended by deleting the words "traveling manifest or" in the first sentence.

d. Paragraph (g) is amended by changing the second sentence to read: "When such prematurely landed or overcarried cargo arrives at the port of destination under an approved application and substitute traveling manifest, the collector shall check to see whether the cargo covered by the application and substitute traveling manifest was included in the manifest filed on the original entry of the importing vessel at the first port of entry in the United States, to determine whether a post entry to the original manifest is required."

2. Section 4.85 is amended as follows:

a. Paragraph (a) is amended by substituting a comma for the period and footnote reference 115 at the end and by adding the following: "provided a vessel bond (customs Form 7567 or 7569) in a suitable amount is on file with the collector at the port of first entry.[115]"

b. Paragraph (b) is amended by adding "(in triplicate at the first port on the opposite coast when the optional port of delivery procedure provided for by § 4.86 has been followed)" after "in duplicate" in the second sentence.

c. Paragraph (c) is amended by adding the following after the fourth sentence: "In the case of a vessel arriving at the first port on the coast with cargo manifested on the opposite coast as being for optional ports of delivery as provided for by § 4.86, a manifest in original only of all inward foreign cargo remaining on board with the ports of actual intended discharge designated shall be furnished by the master on entering his vessel."

d. Paragraph (e) is amended to read:

(e) The original traveling manifest, together with the signed certificates on customs Form 3221 which were attached thereto at preceding domestic ports of call, shall be finally surrendered to the collector at the port of final discharge in the United States of inward foreign cargo for which a substitute traveling manifest has not been issued under § 4.34 (c) for retention in the collector's files, unless residue foreign cargo remains on board for discharge at a foreign port or ports, in which case the original traveling manifest shall be so surrendered to the collector at the final port of departure from the United States with any such cargo on board, regardless of whether the vessel proceeds to an intermediate foreign port under § 4.89. The traveling crew purchase manifest (curio list) shall be finally surrendered to the boarding officer or collector at the port where the vessel first departs directly for a foreign port.

(Secs. 439, 442, 443, 444, 623, 46 Stat. 712, as amended; 713, 759, as amended; 19 U. S. C. 1439, 1442, 1443, 1444, 1623)

3. Section 4.86 is amended by adding the following after the third sentence of paragraph (a): "For this purpose, a manifest in original only of all inward foreign cargo remaining on board with the ports of actual intended discharge designated shall be furnished by the master along with the other documents required on entry of his vessel," and by deleting paragraph (c).

(Secs. 442, 443, 444, 46 Stat. 713; 19 U. S. C. 1442, 1443, 1444)

4. Section 4.88 is amended as follows:

a. Paragraph (a) is amended by deleting the period and footnote reference 119 at the end and substituting therefor: ", provided a vessel bond (customs Form 7567 or 7569) in a suitable amount is on file with the collector at the port of first entry.[119]"

b. Paragraph (b) is amended by adding a period after the word "required" in the first sentence and deleting the remainder of the paragraph.

(Secs. 442, 622, 623, 46 Stat. 713, 759, as amended; 19 U. S. C. 1442, 1622, 1623)

5. Section 4.91 (c) is amended by adding the following: "When inward foreign cargo or passengers are so transshipped to another vessel, a separate traveling manifest with a separate certificate on customs Form 3221 attached shall be used for the transshipped cargo or passengers, whether or not the forwarding vessel is also carrying other residue cargo or passengers. An appropriate cross reference shall be made on customs Form 3221 to show whether any other traveling manifest is being carried forward on the same vessel."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 26, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-8606; Filed, Nov. 1, 1954; 8:51 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 697—BUTTON, BUCKLE, AND JEWELRY INDUSTRY IN PUERTO RICO

PART 709—BUTTON, BUCKLE, AND JEWELRY INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

WAGE RATES; LEATHER AND FABRIC BUTTON AND BUCKLE DIVISION

Pursuant to the requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice of my proposed decision to approve the recommendations of Special Industry Committee No. 12 for the Leather and Fabric Button and Buckle Division of the Button, Buckle, and Jewelry Industry in Puerto Rico was published in the FEDERAL REGISTER on April 14, 1953 (18 F. R. 2085-2087). The wage order which I proposed to issue to carry such recommendations into effect was also published therewith.

As indicated in the notice, my findings and conclusions in this matter were set forth in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 12 for Minimum Wage Rates in the Button, Buckle, and Jewelry Industry in Puerto Rico."

Interested persons were given an opportunity to file written exceptions to the proposed actions within twenty days of the date of publication of the notice. In the May 7, 1953 issue of the FEDERAL REGISTER (18 F. R. 2653) the time for filing such exceptions to this proposal was extended to May 18, 1953. No such exception was received.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), the said decision is affirmed and made final; the recommendation of Special Industry Committee No. 12, for the Leather and Fabric Button and Buckle Division of the Button, Buckle, and Jewelry Industry in Puerto Rico is hereby approved; the Wage Order contained in 29 CFR, Part 697 is hereby superseded and revoked; and the wage Order contained in 29 CFR, Part 709 is hereby amended as follows:

1. In § 709.1 *Wage rates*, add the following paragraph:

(h) Wages at a rate of not less than 53 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather and fabric button and buckle division of the button, buckle, and jewelry industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

2. In § 709.3, paragraph (a) is redesignated paragraph (a) (1) and a new subparagraph (2) is added. As amended paragraph (a) will read as follows:

(a) (1) The button, buckle, and jewelry industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacture from any material of buttons, buckles, jewelry (including rosaries), and jewelry findings (including beads); *Provided, however*, That the definition shall not include any activities covered by the definition of the jewel cutting and polishing industry in Puerto Rico (Part 707 of this chapter).

(2) The definition in subparagraph (1) of this paragraph supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

3. In § 709.3, the following subparagraph (8) is added to paragraph (b):

(8) *Leather and fabric button and buckle division.* The manufacture of buttons and buckles from leather, cotton tape, or other fabric.

(Sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208)

The above amendments shall become effective December 6, 1954.

Signed at Washington, D. C., this 28th day of October 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-8619; Filed, Nov. 1, 1954; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

SUBCONTRACTS AS TO WHICH IT IS NOT ADMINISTRATIVELY FEASIBLE TO SEGREGATE PROFITS; "STOCK ITEM" EXEMPTION

Section 1455.6 is amended as follows:

1. Paragraph (b) is amended by deleting from the caption the words "January 1, 1954" and inserting in lieu thereof the words "January 1, 1955".

2. Paragraph (b) is further amended by deleting the date "January 1, 1954" and inserting in lieu thereof the date "January 1, 1955".

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup 1219)

Dated: October 28, 1954.

CHARLES F. MILLS,
Acting Chairman.

[F. R. Doc. 54-8616; Filed, Nov. 1, 1954; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order X-1]

DMO X-1—ESTABLISHMENT OF AN INTERAGENCY COMMITTEE ON NATIONAL CENSORSHIP PLANNING

By virtue of the authority vested in me by the National Security Act of 1947, as amended; Reorganization Plan No. 3 of June 12, 1953; and White House Memorandum, dated January 7, 1954; and in order to facilitate the development and insure the coordination and effectiveness of readiness within the national censorship field, it is hereby ordered:

1. There is established in the Office of Defense Mobilization an Interagency Committee on National Censorship Planning which shall consist of a representative of the Office of Defense Mobilization who is hereby designated as Chairman, and a representative designated by the head of each of the following departments and agencies:

Department of State.
Department of the Treasury.
Department of Defense.
Department of Justice.
Post Office Department.
Department of Commerce.
Central Intelligence Agency.
Federal Civil Defense Administration.
Federal Communications Commission.

and such other agencies as the Director of the Office of Defense Mobilization may from time to time designate.

2. The Committee shall advise and assist the Assistant to the Director for Plans and Readiness on problems and policies related to national censorship planning; explore within their own departments and agencies areas of interest in the development of national censorship plans and review such plans periodically for adequacy.

3. This order shall take effect on October 29, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-8655; Filed, Oct. 29, 1954; 4:22 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

METAL FURNITURE BRANCH OF THE FURNITURE INDUSTRY; METAL BUSINESS FURNITURE AND STORAGE EQUIPMENT INDUSTRY

On January 27, 1953, notice was published in the FEDERAL REGISTER (18 F. R. 569), of a proposed amendment to the determination of the prevailing minimum wage for the metal furniture branch of the furniture industry and determination of the prevailing minimum wage for the metal business furniture and storage equipment industry. On June 29, 1954, after publication of due notice in the FEDERAL REGISTER (19 F. R. 3237), a supplemental hearing was held in Washington, D. C. Subsequently, on August 25, 1954, notice was published again in the FEDERAL REGISTER (19 F. R. 5410) of the proposed amendment to the determination of the prevailing minimum wage for the metal furniture branch of the furniture industry and determination of the prevailing minimum wage for the metal business furniture and storage equipment industry. The notice provided a period of twenty days within which interested parties might submit exceptions to the proposed amendment. The time for filing such exceptions expired on September 14, 1954.

One exception has been received. The Art Steel Company suggests that the 75 cent minimum rate now in effect be continued indefinitely or at least for one year, and that "fringe benefits" be counted in satisfaction of the minimum wage requirement. This company contends that relatively small manufacturers dominate this industry and they are considered less able to pay high wages than the relatively large manufacturers with mechanized equipment characteristic of other industries. It expresses the view that a statutory minimum wage requirement should be the same for all industries and areas in the nation. No wage or "fringe benefits" data restricted to this industry are presented, and no reason is given for the unusual delay suggested.

My proposed determination is based on evidence of the minimum wages that actually prevail in this industry. The fact that manufacturers in more mechanized industries may be able to pay higher wages is no reason for leaving in effect indefinitely, or for more than the customary period for notice, the old determination of a substantially lower rate which no longer actually prevails. Similarly, it does not follow that because there is a lower minimum wage prevailing in some industries, such lower minimum wage should be found to be the prevailing minimum in all industries. The act obviously does not contemplate that the lowest minimum wage prevailing in any industry shall be found to be the prevailing minimum wage for all industries.

"Fringe benefits", which are substantial in some employments, add measurably to some employers' labor costs. The term covers many types of benefits, some of which are properly regarded as "wages" (such as a 10 percent wage differential for night work), and some of which are not (such as unexpected Christmas gifts). Some of the types of such benefits which are regarded as satisfying minimum wage obligations under this act are outlined in section 3 (m) of the Fair Labor Standards Act and the regulations and interpretations issued thereunder (29 CFR Parts 531 and 777). The seven subsections of section 7 (d) of that act together with their regulations and interpretations (29 CFR Parts 547, 549, and 778) illustrate types of such payments which generally do not have this effect. The position of the employer who voluntarily provides the type of benefits which are not "wages" is no worse than the position of the large segment of employers in this industry who voluntarily observe higher minimum wage standards than are here determined to be prevailing. Typically, it is the relatively high wage plant which provides such benefits. It is only rarely, therefore, that evaluating fringe benefits becomes a problem in measuring compliance with a prevailing minimum wage. The newspaper article on which Art Steel Company relies is critical of the tendency to provide fringe benefits in lieu of justified wage increases. Even less reason appears why the portion of "fringe benefits" which are not properly counted as wages should be preserved as a substitute for the minimum wage which actually prevails in the industry.

Upon consideration of the entire record, the objections are overruled.

Accordingly, pursuant to the authority vested in me by the Walsh-Healey Public Contracts Act, Title 41, Code of Federal Regulations, Part 202, is hereby amended as follows:

1. Section 202.27 (a) (3) is amended to read as follows:

(3) The metal furniture branch of the furniture manufacturing industry is redefined as that industry which manufactures or furnishes any of the following products:

(i) Metal hospital furniture;

(ii) Metal household furniture.

2. A new section designated as § 202.50 is added to read as follows:

§ 202.50 *Metal business furniture and storage equipment industry*—(a) *Definition.* The metal business furniture and storage equipment industry is defined as that industry which manufactures or furnishes metal business furniture or storage equipment, including but not limited to the following metal products: (1) Bank counters; benches; stools; bookcases; chairs; desks; desk trays; filing boxes; cabinets and cases; cabinets for printers' type; storage cabinets; cabinet partitions; tables; visible business equipment; wardrobes; and waste baskets; (2) lockers; racks, and industrial and general-purpose shelving; (3) rotating bins and sectional bins; tool boxes, tool cabinets and tool chests; metal boxes, metal chests and metal cases. All consumable supply items are excluded from this definition.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacturing or furnishing of the products of the metal business furniture and storage equipment industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.10 an hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* (1) Beginners or probationary workers as defined in this paragraph may be employed in the metal business furniture and storage equipment industry for a period of six weeks, or 240 hours at a minimum rate of $1.00 an hour. A beginner or probationary worker for the purpose of this section is a person who has less than 240 hours experience in the plant in which he is employed.

(2) Apprentices may be employed in the metal business furniture and storage equipment industry at rates below the above established minimum wage if their employment conforms with the standards adopted by the Bureau of Apprenticeship, United States Department of Labor, except that no apprentice in this industry may be employed at a rate lower than 90 cents an hour.

(3) (i) Handicapped workers may be employed in the industry at wages below the minimum rates upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525) under section 14 of the Fair Labor Standards Act.

(ii) The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two Acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wages hereby established shall apply to all contracts for products of this industry subject to the Public Contracts Act, bids for which are solicited, or negotiations otherwise commenced, on or after December 6, 1954. With respect to prior contracts the minimum wages previously provided shall continue to apply.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38. Interpret or apply sec. 1, 49 Stat. 2036; 41 U. S. C. 35)

Signed at Washington, D. C., this 28th day of October 1954.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 54-8618; Filed, Nov. 1, 1954; 8:54 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1024]

WASHINGTON

REVOKING EXECUTIVE ORDER NO. 2963 OF SEPTEMBER 16, 1918, WHICH RESERVED LANDS FOR PARK PURPOSES

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 2963 of September 16, 1918, temporarily withdrawing the following-described public lands in Washington in aid of proposed legislation to reserve such lands for park purposes, is hereby revoked:

WILLAMETTE MERIDIAN

T. 25 N., R. 21 E.,
Sec. 26, N½, SW¼, N½SE¼.

The area described contains 560 acres.

The lands are rough and mountainous grazing lands located in Douglas County, Washington.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

ORME LEWIS,
Assistant Secretary of the Interior.

OCTOBER 26, 1954.

[F. R. Doc. 54-8582; Filed, Nov. 1, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

HANDLING OF MILK IN THE NEOSHO VALLEY MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER, AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Neosho Valley marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1371, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business of the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the following findings and conclusions were formulated, was conducted at Pittsburg, Kansas, on June 29, 30, and July 1, 1954, pursuant to notice thereof issued on June 9, 1954 (19 F. R. 3474).

The material issues of the record related to:

1. The pricing of Class I milk;
2. Proposed changes in the base-excess plan of payment to producers;
3. Proposed definition and allocation of emergency milk; and
4. Expansion of the marketing area.

Findings and conclusions. The following findings and conclusions are based on the evidence introduced at the hearing and the record thereof:

1. *The pricing of Class I milk.* The present method of pricing Class I milk should be modified by placing limitations on the amount by which the price under the Neosho Valley order can range above or below the price in surrounding Federal order markets.

At present the Neosho Valley order provides for a Class I price differential over a basic formula price of $1.00 a hundredweight during April, May, and June, and $1.45 a hundredweight the other months of the year. A group of handlers proposed a reduction in the specific Class I price differential to 80 cents a hundredweight during April through July and $1.05 a hundredweight during all other months. In addition they proposed the adoption of a supply-demand formula that used a relationship between receipts and utilization during a twelve-month period as a standard from which to increase or decrease the Class I price. Another handler, a cooperative association, proposed a reduction of 40 cents per hundredweight in the price of Class I milk moved beyond a 250 mile radius, such reduction to apply whenever producer receipts exceeded 115 percent of Class I utilization.

Producers contended that reductions that had already occurred under present pricing provisions were severe and that further reductions could jeopardize the future milk supply of the area. From 1952 to 1953 the average Class I price declined 67.6 cents and the average uniform price declined 94 cents. A further decline in each of these prices became effective in May 1954, as a result of the changes in the level of support prices for dairy products. Producers contended that the full effects of this action on the level of milk production could not be felt for some time in the future, and that any action taken at this time should be restricted to either (1) maintaining the blend or uniform price at a fixed level or (2) making the Class I differentials a fixed percentage of the basic formula price.

As pointed out in previous decisions, the very location of the Neosho Valley marketing area has required that Class I prices be aligned with those for the Ozarks, Tulsa-Muskogee, Kansas City, and Topeka marketing areas. The Ozarks market, in turn, is tied to the pricing level of St. Louis. The record evidence of this hearing indicates again the need to keep local prices within tolerable limits of at least the most important (effectwise) of the surrounding Federal order markets.

Proponents' testimony indicates that recent changes in the relationship between the Class I prices in the Neosho Valley area and those in surrounding markets was a prime reason for requesting a reappraisal of the pricing structure at this time. These changes in Class I price relationships resulted from the fact that the Tulsa-Muskogee and Kansas City markets have automatic adjustments for local short and supply-demand conditions and that in the early months of 1954 these adjustments provided substantial reductions in the Class I price for these markets. The Ozarks market, on the other hand, has a supply-demand adjustor based on long run factors in St. Louis that did not affect Class I prices during this time.

The Neosho Valley price, which was usually 40–45 cents below the Tulsa-Muskogee price, became 5 to 10 cents higher, and Kansas City and Topeka prices, which are usually about equal to Neosho Valley prices, were substantially less. There was little change from corresponding periods of previous years in the relationship between the Neosho Valley Class I price and that under Order No. 21 (now Ozarks marketing area, formerly Springfield, Mo.).

The proposals of handlers appear to have been based to a considerable extent upon the assumption that the Tulsa-Muskogee and Kansas City supply-demand adjustors would continue to provide maximum reductions and that there would be no upward adjustment of the Ozarks price through the St. Louis supply-demand adjustor. Official notice is hereby taken of the fact that Class I prices of the Tulsa-Muskogee and Kansas City markets for September 1954 were each adjusted upward to the full extent possible by their respective supply-demand adjustors.

Prices paid in the Ozarks, Kansas City, and Tulsa areas must be taken into consideration in arriving at a proper price for the Neosho Valley area. An obstacle to the constant alignment of Neosho Valley Class I prices in a fixed relation with each of these three markets is the fact that the orders for each of them contain supply-demand adjustors, and that these adjustors operate on different bases. The addition of a long-run supply-demand adjustor in the Neosho Valley order, as suggested by handlers, could well serve to aggravate misalignment of prices between the Neosho Valley and surrounding markets, rather than lessen it.

While the supply-demand adjusters may prevent constant alignment of price in any fixed relationship, it is possible to take action which will prevent some of the more obvious misalignments that may occur under the present order provisions. The most appropriate method for doing this is to establish limits (relative to the other markets), beyond which the Class I price in the Neosho Valley should not be permitted to go. It seems clear from the record that the Neosho Valley price should not exceed the Tulsa-Muskogee Class I price adjusted for location in the Neosho Valley area. This means that a ceiling should be set on the Class I price in Neosho Valley equal to the Class I price in the Tulsa-Muskogee area, less 23 cents.

In consideration of the pricing problems occasioned by the relative location of the Ozarks and Neosho Valley marketing areas, together with the fact that bulk milk can be transported between the two areas for about 20 cents a hundredweight, it appears that an appropriate floor for the Neosho Valley Class I price would be the Class I price at Springfield Missouri plus, 15 cents. This level would also correspond to the Class I price applicable in Denton and Washington Counties, Arkansas, under the Ozarks order: an area about the same distance from Springfield as is the Neosho Valley area. Within these upper and lower limits, the Class I price should be established by using the present Class I differentials of the Neosho Valley order. Provision should be made in the order to cover those months during which, for some unforeseeable reason, the "floor" price might be higher than the "ceiling" price. In this event the raising action of the "floor" should increase the price only to the point where it meets the "ceiling" and the decreasing action of the "ceiling" should never lower the price below the "floor." This is accomplished by providing that the higher of these prices shall be the "ceiling" and the lower shall be the "floor."

This pricing method should (1) give the Neosho Valley area a better future price alignment with the Kansas City, Tulsa-Muskogee, and Ozarks marketing areas, (2) cause changes in local price levels that are in the direction requested by proponents, and (3) have less likelihood to cause future misalignment of prices than would any of the other proposals for modifying the Neosho Valley Class I price as presented at the public hearing. The alignment of prices herein provided is applicable to all Class I milk. No special provision should be made for a reduced price to apply to out-of-market shipments.

Since the Class I price of the Tulsa-Muskogee order is announced on or before the 12th day of each month it is necessary to make the date of announcement under the Neosho Valley order conform, so that the relationship herein found to be appropriate may be maintained.

2. No substantive change should be made in the base rating provisions of the order on the basis of this record.

For the months of March through August of each year payments to producers are computed on a base-excess plan. Each producer establishes a base by his average deliveries in the months of September through December. Deliveries of milk within such bases have prior claim on Class I sales in the following months of March through August.

Handlers proposed (a) that bases be formed during the months of September through November, (b) that bases

computed from average deliveries during these months be adjusted when necessary so that the total of such daily bases would not exceed 115 per cent of the average daily Class I sales in the base-forming months and (c) that provision be made for computing daily bases for producers who did not establish bases during the September–November period. They also proposed certain limitations on diversion of milk to unapproved plants during the base-forming months.

Producers proposed that in the event certain pricing provisions were included in the order established bases should be used in computation of payments each month in the year.

Handlers contend that it is detrimental to the market to have the total volume of bases established for producers greatly exceed Class I utilization so that the price producers received for their base milk is materially below the Class I price. Proposals to shorten the base forming period from four months to three, to adjust bases to 115 percent of Class I sales, and to limit diversion during the base forming months were all represented as means whereby the total volume of base milk would be reduced. In contrast the proposal for computing interim bases for producers who failed to establish bases during the base-forming period would tend to increase the volume of milk for which a base price is to be computed.

In 1952 there was less than one percent difference in daily average receipts per producer between the September–December period and the September–November period. In 1953 this difference was slightly over two percent. The use of a four-month base forming period provides opportunity for a somewhat more representative average of each producer's delivery than does a three-month period. This consideration would seem to outweigh any advantage shown in this record for the three-month period.

The proposal to adjust bases to 115 percent of Class I sales should be denied. The use of a base-excess system of distributing returns to producers is used in Federal orders for the purpose of modifying the seasonal pattern of deliveries by producers to the market. The proposed adjustment of bases to Class I sales would apparently attempt to achieve an adjustment of supplies to Class I sales by means other than variations in Class I prices. Overall adjustments of supplies to Class I sales should be achieved by variations in Class I prices, rather than by variation in quantities of base milk. The proposal, therefore, to adjust base amounts to 115 percent of Class I sales should be denied for this reason.

Two proposals were made with respect to limitation of diversion of milk to unapproved plants; (1) to limit those persons to be defined as "producers" eligible to share in the marketwide pool to those persons otherwise eligible whose milk was received at an approved plant during some portion of the immediately preceding base-forming period, and (2) to require written approval of a handler operating an approved plant for milk diverted in the base-forming period to be used in the calculations of a producer's base. As the Neosho Valley market is organized the diversions which would be chiefly affected by the proposals are those made by a cooperative association without plant facilities. This association has in the past diverted milk of a number of its member producers when handlers refused to accept the milk of these producers. The proposed limitations were such that proprietary handlers could divert milk freely, the cooperative association without an approved plant could do so in the base-forming months only with the consent of a proprietary handler. Such provisions should not be adopted.

Provision for computing interim bases for producers who did not deliver in the base-forming period should not be adopted. Producers are paid on bases for only 6 months of each year, and make new bases each year. Such provisions provide reasonable opportunity for new producers to enter the market.

1954 was the first year in which Neosho Valley producers were paid on bases for a six-month period. Further experience with the present plan is needed to determine whether substantial changes are needed. This record indicates the desirability of minor clarification of language to insure that bases are properly computed for producers with irregular or every other day delivery.

3. Provision should not be included in the order at this time to define and allocate "emergency milk" as distinguished from "other source milk".

Handlers proposed that upon a determination by the market administrator that the supply of producer milk available to a handler was insufficient for his Class I needs, receipts of other source milk priced as Class I milk under any other Federal order, up to a volume not in excess of 5 per cent of such handlers Class I sales for the month, be defined as "emergency milk" and be allocated to the handler's Class I sales in preference to producer milk. It was claimed that such a provision would alleviate the problem that arises when producer milk equals or exceeds Class I sales on a monthly basis but is not evenly distributed in relation to Class I needs throughout the month.

The provision proposed would entail a difficult administrative problem in determining its applicability. The record does not indicate the likelihood of short supplies in the Neosho Valley market in the immediate future. It is concluded that the proposal should not be adopted.

4. The marketing area should not be enlarged to include Chautauqua County, Kansas and McDonald County, Missouri.

Handlers proposed that these two counties be added to the 12-county marketing area. Neosho Valley handlers make some sales in each of these counties but the record fails to indicate that this is a substantial portion of the sales volume of the handlers involved. The Neosho Valley order regulates only the plants from which Grade A milk is distributed in the marketing area. It does not appear that health regulations of any portion of the proposed additional area require that milk be Grade A to be eligible for sale. In Chautauqua County one plant operates under a voluntary Grade A program. A very small volume of milk is distributed in the present marketing area from this plant without a Grade A label. It does not appear that inclusion of all or any part of Chautauqua County in the marketing area would necessarily bring this plant under regulation if the operator chose to dispense with his Grade A label. This record would indicate that this operator has paid for his Class I milk a price at least equal to that required under the order.

In two previous hearings consideration has been given to inclusion of McDonald County, Missouri, in the marketing area. The only significant change that has occurred with respect to marketing conditions in the county appears to be that a competing handler whose plant is in Arkansas is now regulated by the order for the Ozarks marketing area. McDonald County need not be included in the Neosho Valley marketing area.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as hereby proposed to be amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order as amended. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed to be further amended:

1. Delete § 928.22 (j) (1) and substitute therefor the following:

(1) On or before the 12th day of each delivery period the minimum price for Class I milk computed pursuant to § 928.51 (a) and the Class I butterfat differential computed pursuant to § 928.52, both for the current delivery period; and on or before the 5th day of each delivery period the minimum price for Class II milk computed pursuant to § 928.51 (b) and the Class II butterfat differential computed pursuant to § 928.52, both for the preceding delivery period.

2. Delete the second proviso appearing in § 928.51 (a) and substitute therefor the following: "*And provided further*, That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than, the lower of the following:

(1) The price for Class I milk of 4.0 percent butterfat content established for the same month or delivery period pursuant to Federal Order No. 6 regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area, less 23 cents; or

(2) The price for Class I milk of 4.0 percent butterfat content established for the same month or delivery period under Federal Order No. 21 regulating the handling of milk in the Ozarks marketing area, plus 15 cents."

3. Delete § 928.80 and substitute therefore the following:

§ 928.80 *Determination of daily base of each producer.* For the delivery periods of March through August of each year, the daily base of each producer shall be an amount of milk computed by the market administrator by dividing the total pounds of milk received from such producer by handlers during the preceding delivery periods of September through December by the total number of days for which such producer made deliveries of milk in such period, or by 90, whichever is greater.

Issued at Washington, D. C., this 28th day of October 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-8594; Filed, Nov. 1, 1954; 8:49 a. m.]

[7 CFR Part 952]

[Docket No. AO-256]

HANDLING OF MILK IN THE AUSTIN-WACO, TEX., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 54-8497, published at page 6938 of the issue for Thursday, October 28, 1954, the following change should be made: The table appearing in the first column on page 6944, and also appearing in §§ 952.53 and 952.92, should read as follows:

Distance:	*Rate per hundredweight (cents)*
More than 20 but not more than 180 miles	25.0
More than 180 but not more than 360 miles	45.0
For each additional mile beyond 360 miles, an additional	0.2

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 121]

SEPARATION OF OPERATING EXPENSES BETWEEN FREIGHT AND PASSENGER SERVICES

NOTICE TO ALL CLASS I LINE-HAUL AND SWITCHING AND TERMINAL RAILROAD COMPANIES

OCTOBER 28, 1954.

The Commission, Division 1, having under consideration the "Rules Governing the Separation of Operating Expenses, Railway Taxes, Equipment Rents, and Joint Facility Rents," effective January 1, 1953, has approved modification of such rules, as follows:

1. Cancel the second sentence of the present text of § 121.10 *Signals and interlockers (account 249)* and substitute the following: "Apportion common expenses on the basis of the total train-hours (including train-switching hours) and yard-switching locomotive-hours."

2. Cancel the second sentence of the present text of § 121.54 *Signal and interlocker operation, and crossing protection (accounts 404–405)* and substitute the following: "Apportion common expenses on the basis of the total train-hours (including train-switching hours), and yard-switching locomotive-hours."

Any interested person may, on or before 30 days after the date of this notice, file with the Commission written views or arguments in quintuplicate to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consideration of representations received, an order will be entered making the said modifications effective December 1, 1954.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8604; Filed, Nov. 1, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

HAIR OF CERTAIN ANIMALS, AND COTTON AND SILK WASTE; IMPORTATION FROM COUNTRIES NOT IN AUTHORIZED TRADE TERRITORY

APPLICATIONS FOR LICENSES

Notice is hereby given that the Treasury Department is now prepared to consider applications for licenses under the Foreign Assets Control regulations (31 CFR 500.101 to 500.808) for the importation during 1955 of limited quantities of the following commodities from countries (other than Communist China and North Korea) not in the authorized trade territory:

Badger hair.
Camel hair.
Cotton waste.
Goat hair.
Horse mane hair, horse tail hair and other horse hair.
Silk waste.
Yak hair.

Any person interested in importing any of the above-named commodities from a country (other than Communist China and North Korea) not in the authorized trade territory may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D. C.

Attention is directed to the fact that the term "authorized trade territory" is defined in § 500.322 of the Foreign Assets Control regulations and that the term "countries (other than Communist China and North Korea) not in the authorized trade territory" as used herein includes Albania, Bulgaria, Czechoslovakia, the Eastern Zone of Germany, the Eastern Sector of Berlin, Estonia, Hungary, Laos (only those areas under Communist control), Latvia, Lithuania, Outer Mongolia, Poland and Danzig, Roumania, the Union of Soviet Socialist Republics, and Viet-Nam (only those areas under Communist control).

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 54-8608; Filed, Nov. 1, 1954; 8:52 a. m.]

IMPORTATION OF FIRECRACKERS DIRECTLY FROM HONG KONG AND MACAO

APPLICATIONS FOR LICENSES

Notice is hereby given that the Treasury Department on the basis of information in its possession as to the availability for importation into the United States of firecrackers which are not of Communist Chinese or North Korean

origin is now prepared to consider applications for licenses under the Foreign Assets Control regulations (31 CFR 500.101 to 500.808) for the importation during the first six months of 1955 of a limited quantity of firecrackers from Hong Kong and Macao.

Any person interested in importing such firecrackers may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D. C.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 54-8609; Filed, Nov. 1, 1954; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 61886]

COLORADO

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE COLORADO-BIG THOMPSON PROJECT

OCTOBER 27, 1954.

An order of the Bureau of Reclamation dated May 21, 1951, concurred in by the Associate Director, Bureau of Land Management, July 6, 1951, revoked the Departmental orders of March 7, 1935, July 24, 1937, August 20, 1937, and September 14, 1937, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described lands in connection with the Colorado-Big Thompson Project, Colorado, and provided that such revocation should not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands described:

SIXTH PRINCIPAL MERIDIAN

T. 3 N., R. 69 W.,
Secs. 4 to 9, incl., 16 to 21, incl., and 28 to 33, incl., all.
T. 4 N., R. 69 W.,
Secs. 4 to 9, incl., 16 to 21, incl., and 28 to 33, incl., all.
T. 5 N., R. 69 W.,
Secs. 4 to 9, incl., 16 to 21, incl., and 28 to 33, incl., all.
T. 6 N., R. 69 W.,
Secs. 1 to 4, incl., and 7 to 36, incl., all.
T 7 N., R. 69 W.,
Secs 4, 5, 8, 9, 16, 17, 21, 28 and 33, all.
T. 8 N., R. 69 W.,
Secs. 29, 30, 31 and 32, all.
T. 3 N., R. 70 W.,
Secs. 1 to 36, incl., all.
T. 4 N., R. 70 W.,
Secs. 1 to 5, incl., all;
Sec. 6, Lots 1 to 7, incl., $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$;
Secs. 7 to 36, incl., all.
T. 5 N., R. 70 W.,
Secs. 1 to 36, incl., all.
T. 6 N., R. 70 W.,
Secs. 19 to 36, incl., all.
T. 6 N., R. 70 W.,
Secs. 13, 24, 25 and 36, all.
T. 4 N., R. 71 W.,
Secs. 1 to 18, incl., all.
T. 5 N., R. 71 W.,
Secs. 1 to 36, incl., all.
T. 4 N., R. 72 W.,
Secs. 1 and 2, all;
Sec. 3, Lots 1, 2, 3, 5, 6, $E\frac{1}{2}$ Lot 7, 8, $SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 4, Lots 3 to 8, incl., $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}$;
Secs. 5 and 6, all;
Sec. 7, Lots 1, 2, 3, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$;
Secs. 8 to 18, incl., all.
T. 5 N., R. 72 W.,
Secs. 1 to 32, incl., all;
Sec. 33, $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$;
Secs. 34, 35 and 36, all.
T. 4 N., R. 73 W.,
Secs. 1 to 18, incl., all.
T. 5 N., R. 73 W.,
Secs. 1 to 36, incl., all.
T. 2 N., R. 74 W.,
Secs. 1 to 36, incl., all.
T. 2 N., R. 75 W.,
Secs. 1 to 13, incl., all;
Secs. 24 and 25, all.
T. 3 N., R. 75 W.,
Secs. 1 to 6, incl., 8 to 17, incl., 20 to 28, incl., 31, 33, 34, 35 and 36, all.
T. 1 N., R. 76 W.,
Sec. 3, Lot 1, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 6, Lot 5;
Sec. 16, all;
Sec. 17, $N\frac{1}{2}NW\frac{1}{4}$;
Sec. 24, $SW\frac{1}{4}$;
Sec. 32, $NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 33, $NW\frac{1}{4}$.
T. 2 N., R. 76 W.,
Secs. 1 to 5, incl., all;
Sec. 6, Lots 1 to 7, incl., $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$;
Secs. 7, 8 and 9, all;
Sec. 10, $E\frac{1}{2}$;
Secs. 11, 12, and 14, all;
Sec. 15, $E\frac{1}{2}$, $S\frac{1}{2}SW\frac{1}{4}$;
Sec. 16, all;
Sec. 17, $N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$;
Sec. 18, Lots 1, 2, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 19, Lots 1 to 4, incl., $E\frac{1}{2}W\frac{1}{2}$, $SE\frac{1}{4}$;
Sec. 20, $SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}$;
Sec. 21, all;
Sec. 22, $N\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}$, $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 23, $N\frac{1}{2}N\frac{1}{2}$, $SE\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 24, all;
Sec. 25, $N\frac{1}{2}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$;
Sec. 26, $N\frac{1}{2}$, $SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$;
Secs. 27 to 36, incl., all.
T. 3 N., R. 76 W.,
Secs. 1 to 18, incl., all;
Sec. 19, Lots 1 to 4, incl., $E\frac{1}{2}W\frac{1}{2}$, $SE\frac{1}{4}$;
Sec. 20, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$;
Sec. 21, $E\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$.
Sec. 22, $W\frac{1}{2}$, $NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$;
Secs. 23 to 26, incl., all;
Sec. 27, $N\frac{1}{2}$, $SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 28, $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 29, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$;
Sec. 30, all;
Sec. 31, Lots 1 to 4, incl., $E\frac{1}{2}NE\frac{1}{4}$;
Sec. 32, $W\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 33, $E\frac{1}{2}$, $NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$;
Secs. 34, 35 and 36, all.
T. 4 N., R. 76 W.,
Secs. 1, 2, 3, 10 to 15, incl., all.
T. 2 N., R. 77 W.,
Secs. 1 and 2, all;
Sec. 3, Lots 1, 2, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 4, Lots 1, 2, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 9, $N\frac{1}{2}NE\frac{1}{4}$;
Sec. 10, $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 11, $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 12, all;
Sec. 13, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$, $SW\frac{1}{4}NW\frac{1}{4}$;
Sec. 14, $NE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$;
Sec. 15, $NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 16, all;
Sec. 19, $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 20, $SW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 21, $S\frac{1}{2}S\frac{1}{2}$;
Sec. 22, $NE\frac{1}{4}$, $S\frac{1}{2}$;
Sec. 23, $NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 24, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$;
Sec. 25, $E\frac{1}{2}$, $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$;
Sec. 26, $NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 27, $S\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 28, $N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$, $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 29, $E\frac{1}{2}$, $NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$;
Sec. 30, Lot 4, $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$;
Sec. 31, all;
Sec. 32, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}$, $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 33, $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 34, $W\frac{1}{2}E\frac{1}{2}$, $W\frac{1}{2}$;
Sec. 35, all;
Sec. 36, all.
T. 3 N., R. 77 W.,
Sec. 19, Lots 1 to 4, incl., $E\frac{1}{2}W\frac{1}{2}$, $SE\frac{1}{4}$,
Sec. 20, $SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}$;
Secs. 21 and 22, all;
Sec. 23, $N\frac{1}{2}N\frac{1}{2}$, $SE\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 24, all;
Sec. 25, $N\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 26, $N\frac{1}{2}$, $SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$;
Secs. 27 to 36, incl., all.
T. 1 S., R. 75 W.,
Sec. 13, $N\frac{1}{2}SW\frac{1}{4}$;
Sec. 14, $N\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$;
Sec. 23, $W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 24, $N\frac{1}{2}SW\frac{1}{4}$;
Sec. 25, $S\frac{1}{2}NW\frac{1}{4}$;
Sec. 26, $NE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}$;
Sec. 27, $N\frac{1}{2}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 34, $SW\frac{1}{4}$;
Sec. 35, $NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$;
Sec. 36, all.
T. 1 S., R. 76 W.,
Sec. 13, $S\frac{1}{2}SW\frac{1}{4}$;
Sec. 15, $W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 18, $E\frac{1}{2}E\frac{1}{2}$.
T. 2 S., R. 76 W.,
Secs. 1, 2, 11 to 14, incl., 22 to 27, incl. 34, 35 and 36, all.
T. 1 S., R. 77 W.,
Sec. 2, $SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 3, Lots 2 to 8, incl., $S\frac{1}{2}N\frac{1}{2}$, $S\frac{1}{2}$;
Secs. 4 to 10, incl., all;
Sec. 11, $SW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$;
Secs. 15 to 22, incl., all;
Sec. 24, $SW\frac{1}{4}SE\frac{1}{4}$.
T 2 S., R. 79 W.,
Sec. 29, $N\frac{1}{2}$;
Sec. 30, $E\frac{1}{2}NE\frac{1}{4}$;
Sec. 33, $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$;
Sec. 35, $SW\frac{1}{4}SW\frac{1}{4}$.
T. 2 S., R. 80 W.,
Secs. 3 and 10, all;
Sec. 24, $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$.

The areas described aggregate 468,070.57 acres.

Portions of the above-described lands have been patented. Other portions are included in National Forest, Stock driveway, or Power site withdrawals.

The topography of the lands is generally rough. The thin rocky soils support various plants adapted to different elevation zones and varying amounts of rainfall. The lands are suitable for grazing and none appear to be suitable for cultivation.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the restored lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

W. G. GUERNSEY,
Associate Director.

[F. R. Doc. 54-8583; Filed, Nov. 1, 1954; 8:46 a. m.]

WISCONSIN

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 27, 1954.

An application, serial number BLM 038439, for the withdrawal from all forms of appropriation under the public land laws, except the mineral-leasing laws, of the lands described below was filed on November 16, 1950, by the Fish and Wildlife Service.

The purpose of the proposed withdrawal: Is as an addition to the Upper Mississippi River Wildlife and Fish Refuge.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Supervisor, Eastern States Office, Bureau of Land Management, Department of the Interior at Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

FOURTH PRINCIPAL MERIDIAN

T. 7 N., R. 7 W.,
Sec. 14, Lot 4.

The area described aggregates 53.57 acres.

C. R. DREXILIUS,
Supervisor.

[F. R. Doc. 54-8584; Filed, Nov. 1, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GEORGIA

DESIGNATION OF ADDITIONAL AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), it is found that in Seminole County, Georgia, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

After December 31, 1955, loans under section 2 (a) of Public Law 38, 81st Congress, as amended, will not be made in Seminole County, Georgia, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 28th day of October 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-8621; Filed, Nov. 1, 1954; 8:55 a. m.]

CERTAIN STATES

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, (42 U. S. C. 1855 et seq.), the President determined on the dates indicated that a major disaster occasioned by drought existed in the following States:

Nevada: October 19, 1954.
Tennessee: September 16, 1954.
Utah: October 19, 1954.
Wyoming: July 21, 1954.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5365) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, certain counties, and parts of counties, as hereinafter described, in the State of Nevada were on October 19, 1954; certain counties in the State of Tennessee were on September 16, 1954 (19 F. R. 6243), as amended (19 F. R. 6557) and on October 12, 1954; certain counties, and parts of counties, as hereinafter described, in the State of Utah were on October 19, 1954; and certain counties in the State of Wyoming were on August 10, 1954 (19 F. R. 5155), as amended (19 F. R. 6127) and on October 12, 1954, determined to be the areas affected by the major disaster by drought.

Pursuant to the aforesaid delegation the Delineations and Certifications of Counties in drought areas in the States of Tennessee and Wyoming, as above described, are herewith amended by adding the counties, and parts of counties, as set forth below, on the dates specified, to the major disaster areas in those States:

STATE OF NEVADA

October 19, 1954

Esmeralda County, Eureka County, Humboldt County, Lander County, Pershing County, and part of Churchill County (Fallon area excluded), and that part of Elko County south of U. S. Highway No. 40, also that part north of U. S. Highway No. 40 that has drainings to the Humboldt River; and that part of Nye County north of U. S. Highway No. 6; and that part of Washoe County north of Pyramid Lake; and that part of White Pine County north of U. S. Highway No. 6.

STATE OF TENNESSEE

October 19, 1954

Carter County, Johnson County, Sullivan County.

STATE OF UTAH

October 19, 1954

All of Tooele County; and part of Box Elder County (that part west of Great Salt Lake and west of a line running from the north end of Great Salt Lake to Hardup, then west on a line bordering the Minidoka Forest through to the Nevada line); and part of Juab County (that area west of U. S. Highway No. 6); and part of Millard County (the winter range area west and north of U. S. Highway No. 6).

STATE OF WYOMING

October 19, 1954

Uinta County and that part of Sweetwater County west of the Continental Divide; and that part of Lincoln County south of a line extending from the northern boundary of Sweetwater County west to the Idaho line.

Done at Washington, D. C., this 28th day of October 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-8622; Filed, Nov. 1, 1954; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF TRANS-PACIFIC CONFERENCE ET AL.

NOTICE OF CANCELLATION OF AGREEMENTS

Notice is hereby given that the Board by order dated October 20, 1954, approved the cancellation of the following described agreements pursuant to section 15 of the Shipping Act, 1916, as amended, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 5270 between the member lines of the Trans-Pacific Passenger Conference and American President Lines, Ltd., provided for cooperation between that company and the conference in the establishment of fares for passenger transportation in the round-the-world service;

(2) Agreement No. 5574 between the member lines of the Trans-Pacific Passenger Conference and Koninklijke Nederlandsche Stoomboot Maatschappy N. V. (Royal Netherlands Steamship Company) covered an arrangement for booking and transportation of passengers from North America and Hawaii in the round-the-world trading area;

(3) Agreement No. 5575 between the member lines of the Trans-Pacific Passenger Conference, and Farrell Lines Incorporated covered an arrangement for booking and transportation of passengers from North America and Hawaii in the round-the-world trading area;

(4) Agreement No. 5579 between the member lines of the Trans-Pacific Passenger Conference, and American President Lines Ltd., provided for booking and transportation of passengers in the trade from Mediterranean and Suez ports, westbound, via North America, to ports in the Orient and Australasia; and

(5) Agreement No. 5585 between the member lines of the Trans-Pacific Passenger Conference, and Koninklijke Nederlandsche Stoomboot Maatschappy N. V. (Royal Netherlands Steamship Company) covered an arrangement for booking and transportation of passengers between ports in Europe, and ports in the Orient and Australasia, via North America.

Interested parties may obtain copies of these agreements at the Regulation Office, Federal Maritime Board, Washington, D. C.

Dated: October 27, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-8623; Filed, Nov. 1, 1954; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10739; FCC 54M-1346]

CARBON EMERY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of George G. Platis & Robert E. Hawley d/b as Carbon Emery Broadcasting Company, Price, Utah, Docket No. 10739, File No. BP-8797; for construction permit.

The Commission having under consideration a petition filed October 20, 1954 by Carbon Emery Broadcasting Company, requesting that the hearing on its above-entitled application, presently scheduled to commence on November 16, 1954, be continued for a period of 60 days, or until such other time as may be convenient to the Commission; and

It appearing, that petitioner finds it necessary to obtain new counsel in the above-entitled proceeding and the additional time is needed therefor; and

It further appearing, that no opposition has been filed to such petition and good cause has been shown for the grant thereof:

It is ordered, This 27th day of October 1954, that the petition for continuance be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to January 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8610; Filed, Nov. 1, 1954; 8:52 a. m.]

[Docket No. 11131; FCC 54M-1326]

LONG BEACH INDEPENDENT TAXI CORP.

ORDER CONTINUING HEARING

In the matter of Long Beach Independent Taxi Corporation, Long Beach, New York; order to show cause why the license for Radiotelephone Station KEA-427 should not be revoked; Docket No. 11131.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock a. m., on Monday, October 25, 1954; and

It appearing, that on September 15, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission requesting the said Commission to issue an order of revocation and to close the proceedings in the above-entitled matter; and

It further appearing, that no action is expected to be taken on the said motion on or before October 25, 1954:

It is ordered, By the Commission on its own motion, this 22d day of October 1954, that the said hearing be, and it is hereby, continued, without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8611; Filed, Nov. 1, 1954; 8:52 a. m.]

[Docket No. 11134; FCC 54M-1337]

KENNETH E. RENNEKAMP

ORDER POSTPONING HEARING

In the matter of cease and desist order to be directed against Kenneth E. Rennekamp, permittee of Station WEMR, Emporium, Pennsylvania; Docket No. 11134.

The Commission having before it a petition filed by Kenneth E. Rennekamp, above named, on October 22, 1954, asking that the hearing herein now scheduled to commence November 1, 1954, be postponed indefinitely; and

It appearing, that by order of August 12, 1954, petitioner was directed to show cause why an order should not be issued commanding him to cease and desist from certain alleged violations of the Communications Act of 1934, as amended, and the rules of the Commission; and

It further appearing, that on October 12, 1954, petitioner filed a "Response to Show Cause Order and Motion for Reconsideration" in which he requested the Commission to reconsider its order of August 12, 1954, and that the hearing set for November 1, 1954, be cancelled; and

It further appearing, that on October 22, 1954, the Broadcast Bureau filed a petition requesting ten days additional time within which to file an answer to the petition of October 12, 1954; and

It further appearing, that if the additional time requested by the Broadcast Bureau is granted, it would be impossible for the Commission to act upon the petitioner's request for a cancellation of the hearing before November 1, 1954, the day the hearing is scheduled to commence; and

It further appearing, that counsel for the Broadcast Bureau has agreed to a grant of the instant petition and to an indefinite postponement of the hearing;

It is ordered, This 26th day of October 1954, that the petition is granted, and that the hearing herein now scheduled to commence November 1, 1954, is postponed indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8612; Filed, Nov. 1, 1954; 8:52 a. m.]

[Docket No. 11135; FCC 54M-1338]

CURT DOELICKE

ORDER POSTPONING HEARING

In the matter of cease and desist order to be directed against Curt Doelicke, 118 E. 5th Street, Emporium, Pennsylvania; Docket No. 11135.

The Commission having before it a petition filed by Curt Doelicke, above named, on October 22, 1954, asking that the hearing herein now scheduled to commence November 1, 1954, be postponed indefinitely; and

It appearing, that by order of August 12, 1954, petitioner was directed to show cause why an order should not be issued commanding him to cease and desist from certain alleged violations of the Communications Act of 1934, as amended, and the rules of the Commission; and

It further appearing, that on October 12, 1954, petitioner filed a "Response to Show Cause Order and Motion for Reconsideration" in which he requested the Commission to reconsider its order of August 12, 1954, and that the hearing set for November 1, 1954, be cancelled; and

It further appearing, that on October 22, 1954, the Broadcast Bureau filed a petition requesting ten days additional time within which to file an answer to the petition of October 12, 1954; and

It further appearing, that if the additional time requested by the Broadcast Bureau is granted, it would be impossible for the Commission to act upon the petitioner's request for a cancellation of the hearing before November 1, 1954, the day the hearing is scheduled to commence; and

It further appearing, that counsel for the Broadcast Bureau has agreed to a grant of the instant petition and to an indefinite postponement of the hearing:

It is ordered, This 26th day of October 1954, that the petition is granted, and that the hearing herein now scheduled to commence November 1, 1954, is postponed indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8613; Filed, Nov. 1, 1954; 8:53 a. m.]

[Docket No. 11139; FCC 54M-1335]

WKRZ, INC.

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed against WKRZ, Incorporated, Licensee of Station WKRZ, Oil City, Pennsylvania; Docket No. 11139.

The Commission having under consideration a petition for continuance of hearing filed by WKRZ, Inc., on October 22, 1954;

It appearing, that petitioner filed "Response to Show Cause Order and Motion for Reconsideration" on October 12, 1954, in which it requested that the Commission reconsider its order of August 12, 1954 and cancel the hearing herein; that a hearing herein might be unnecessary if the motion should be granted; and that counsel for the Broadcast Bureau has agreed to a postponement of this hearing pending action by the Commission on the above-mentioned pleading:

It is ordered, This 26th day of October 1954, that the petition for indefinite continuance is granted, and the hearing, now scheduled for November 1, 1954, is continued without date, pending further action by the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8614; Filed, Nov. 1, 1954; 8:53 a. m.]

[Docket No. 11207; FCC 54-1328]

GULF TELEVISION CO. (KGUL-TV)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of: Gulf Television Company (KGUL-TV), Galveston, Texas, file No. BPCT-1875, docket No. 11207, for modification of construction permit; Gulf Television Company, Galveston, Texas, file No. BLCT-189, for license.

1. The Commission has before it for consideration (1) a "Protest and Petition for Other Relief" filed on September 29, 1954, pursuant to Sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Houston Consolidated Television Company (Houston Consolidated), permitee of television broadcast station KTRK-TV, Channel 13, Houston, Texas, directed against the Commission's grants without hearing on September 1 and 15, 1954, respectively, of the above-entitled applications of Gulf Television Company (Gulf), licensee of television broadcast station KGUL-TV, Channel 11, Galveston, Texas, and requesting rehearing or reconsideration of such actions; and (2) an "Opposition" to such protest and petition filed by Gulf on October 19, 1954.[1] A reply to the opposition was filed by Houston Consolidated on October 26, 1954.

2. On November 19, 1952, the Commission granted without hearing the application (BPCT-1108) of Gulf for a permit to construct a new television broadcast station on Channel 11 assigned to Galveston, Texas. This construction permit authorized Gulf to operate with effective radiated power of 59 kw visual, 30 kw aural, and a height of 550 feet above average terrain from a transmitter location 12 miles from Galveston and about 40 miles from Houston, but a modification of the above construction permit was subsequently granted on January 28, 1953 to authorize Gulf to operate with effective radiated power of 235 kw visual, 125 aural and a height of 550 above average terrain from a transmitter location approximately 21 miles from Galveston and 31 miles from Houston. Gulf was granted special temporary authority to operate from this location on March 18, 1953. It filed the above-entitled license application on March 26, 1954 and commenced operation under program test authority on that date. Gulf is currently operating from this site under such license authority which was granted without hearing on September 15, 1954.

3. On June 28, 1954, Gulf filed the subject application (BPCT-1875) for modification of its outstanding construction permit to locate its transmitter at a point 31 miles from Galveston and 21 miles from Houston with effective radiated power of 261 kw visual, 131 kw aural and a height of 1185 feet above average terrain. On August 12, 1954, the application was amended to specify a new transmitter site at a point approximately 24 miles from Houston and 27 miles from Galveston with effective radiated power of 261 kw visual, 131 aural, and a height of 1185 feet above average terrain. The application also requested authority to install new transmitters and antenna systems and to make other equipment changes. The Commission granted this amended application without hearing on September 1, 1954.

4. In its protest and petition, Houston Consolidated alleges, in substance, that it is a "party in interest" to and a "person aggrieved" by the Commission's action granting Gulf's application for modification of construction permit under sections 309 (c) and 405, respectively, of the Communications Act of 1934, as amended, because as the permittee of Channel 13, Houston, it has suffered and will suffer economic injury as the result of such grant. The protestant alleges that economic injury will result from the proposed operation because Gulf would thereby increase its minimum signal over Houston from a field strength of 71 dbu to 85 dbu and its maximum signal over Houston from 82 dbu to 97 dbu; that the transmitter move would also result in Gulf's furnishing a signal of greater intensity to Houston than to Galveston; and that this would result in bringing KGUL-TV in direct competition with the protestant's television station for advertising revenues from local, regional and national advertisers who seek to reach the Houtson market, thereby resulting in a loss of operating revenues by the protestant. Houston Consolidated alleges, further, that certain specified advertisers have already been lost to it as a direct result of the Commission's action and Gulf's announcement of its plans to serve Houston pursuant to such grant.[2]

5. In addition to the foregoing allegations which are directed to Houston Consolidated's standing as a "party in interest" to the Commission's grant of the modification application, Houston Consolidated also claims standing as a party aggrieved under section 405 of the act by the granting of KGUL-TV's above-entitled application for license. In support of such claim, Houston Consolidated alleges that it had planned to become a Columbia Broadcasting System (CBS) basic affiliate in Houston, and also to bring Houston programs of other networks not already offered to Houston by KPRC-TV, a National Broadcasting Company affiliate in Houston, but that its "privilege" of selection of programs and of affiliation with CBS had been foreclosed by the operations of KGUL-TV in the manner prescribed by the terms of its license, and that the CBS affiliation had been denied to Houston Consolidated on the specific ground that CBS expected to reach the Houston audience through KGUL-TV.

6. In support of its protest and petition, Houston Consolidated alleges that the grant of the application for modification of construction permit is inconsistent with § 3.607 of the Commission's rules, section 307 (b) of the Communications Act of 1934, as amended, and the principle and purposes of the Commission's Sixth Report and Order; that the proposed location of the transmitter and antenna system of KGUL-TV pursuant to such grant violates § 3.685 of the Commission's rules; that KGUL-TV has made station announcements in violation of § 3.652 of the Commission's rules; by using the names of two cities, Galveston and Houston, in its aural announcement; that KGUL-TV has vio-

[1] The time for answering the subject protest and petition was extended by the Commission to October 19, 1954, upon a motion by Gulf which was not opposed.

[2] The protestant submitted as exhibits two affidavits and a letter from three prospective advertisers announcing their decisions not to buy advertising time from Houston Consolidated because of the move of the Gulf transmitter to give KGUL-TV coverage of both Houston and Galveston.

lated § 3.613 of the Commission's rules governing main studio location by establishing a studio in Houston; that KGUL–TV has violated section 319 of the Communications Act of 1934, as amended, by constructing its Houston studio without prior Commission approval; that Gulf has wrongfully led the Commission to believe it would operate a television station to serve the needs and interests of Galveston, while it really intended to operate as a Houston station; and that KGUL–TV's programs do not meet the needs of the people of Galveston and are contrary to programming representations previously made to the Commission.

7. In consideration of the foregoing allegations, Houston Consolidated requests that the Commission (1) designate the application for modification of construction permit for hearing upon the issues set forth in its pleading, together with such further specific issues as the Commission may prescribe, and make protestant a party to said proceeding; and, pending hearing and decision, postpone the effective date of such action to the effective date of the Commission's decision after hearing; and/or (2) set aside the grants of the modification of construction permit and license and designate both applications for hearing for the reasons set forth in the pleading and make the protestant a party to such hearing; (3) enter an order requiring KGUL–TV to show cause why its license should not be revoked, or why a cease and desist order should not be issued requiring it to cease telecasting from its Houston studio and to discontinue use of the aural announcement identifying the station as a "Galveston-Houston area" facility; and (4) grant such other relief as the Commission may deem proper. In addition, the protestant requests the Commission to enter an order staying the effective date of the grants until the date of Commission action on the instant pleading.[2]

8. In its opposition to the instant protest and petition, Gulf urges that Houston Consolidated has failed to show standing under sections 309 (c) and 405 of the Communications Act of 1934, as amended, to attack the Commission's grants of modification of construction permit and license; that its claim to standing to protest the modification of construction permit grant is based on the fact that KGUL–TV's new construction will provide increased signal strength of Houston, but that the holding of the Commission in the Spartan case [4] (10 Pike & Fischer RR587) disposes of such contention; that the two affidavits and a letter from three Houston businessmen allegedly showing losses of business because of the action of the Commission granting the construction permit must be disregarded by the Commission as "completely lacking in bona fides and credibility"; [5] and that its claim of economic injury through failure to obtain a CBS affiliation and through loss of its "privilege" to broadcast a variety of national network programs must fail because it has shown no legal basis for a right to obtain a CBS affiliation [6] or to broadcast a variety of programs. Gulf also urges that Houston Consolidated lacks standing to request the issuance of an order to show cause for revocation of license or issuance of a cease and desist order because section 312 of the Communications Act does not create rights in third parties, and that such requests, therefore, should be summarily denied or dismissed.

9. In reply to the substantive allegations made by Houston Consolidated in support of its protest and petition Gulf alleges, in substance, that the grant of the modification of construction permit is consistent with § 3.607 of the Commission's rules, section 307 (b) of the Communications Act and the principles and purposes of the Sixth Report and Order; that the location of the transmitter and antenna system of KGUL–TV complies with the provisions of § 3.685 of the Commission's rules; that its station identification announcements have always been in conformity with § 3.652 of the rules; that it has not violated section 319 of the act or § 3.613 of the rules because it has not constructed a main studio in Houston; that it has not violated section 319 of the Act by constructing an auxiliary studio in Houston without prior Commission approval; that it has not failed to serve the needs and interests of Galveston; and that its programs do meet the needs of the people of Galveston and are consistent with the representations heretofore made to the Commission.

10. In light of the fact that Houston Consolidated is the permittee of a television broadcast station in Houston, Texas; that it will derive operating revenues from that area from the sale of national, regional and local advertising; that the grant of the application herein for modification of construction permit will result in KGUL–TV for the first time placing a principal city signal over the entire city of Houston and, therefore, will place it more directly in competition with Houston Consolidated's television station; and that Houston Consolidated has alleged with specificity that it has been and will continue to be financially injured by the above grant, we find that Houston Consolidated is a "party in interest" and a person aggrieved within the meaning of sections 309(c) and 405, respectively, of the Communications Act of 1934, as amended, to the Commission's action granting the above-entitled application for construction permit. Kansas State College of Agriculture and Applied Science, 8 Pike & Fischer RR26; Edwin G. Polan, et al., 8 Pike & Fischer RR398; Versluis Radio and Television, Inc., 9 Pike & Fischer RR102; Midwest Television, Inc., 9 Pike & Fischer RR611; T. E. Allen and Sons, Inc., 9 Pike & Fischer RR197; Ohio Valley Broadcasting Corp., 10 Pike & Fischer RR452. We believe that this case is distinguishable from the Spartan case cited by Gulf in two important respects: first, in the Spartan case the city of Greenville, South Carolina was already receiving more than a principal city signal, while here a large segment of Houston will be receiving such a signal for the first time; and secondly, in the Spartan case the Grade A and B contours of the operation from the new site were contained within the respective Grade A and B contours of the operation from the old site, while here the contours of the new operation extend well beyond those of the current operation.

11. With respect to the petition for reconsideration of the Commission's action of September 15, 1954, granting Gulf's application for license, section 319 of the Communications Act of 1934, as amended, provides that the Commission shall grant an application for license upon a showing "that all of the terms, conditions and obligations set forth in the application and permit have been fully met", and "that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest." As we pointed out in paragraph 3 above, KGUL–TV has been operating from its licensed site under STA since March 18, 1953, and under program test authority since March 26, 1954. Furthermore, Gulf's application was found by the Commission to have fully met all of the above-stated technical requirements of section 319, and Houston Consolidated has not alleged that those requirements have not been met. We cannot find at this point that the allegations before us are sufficiently likely of proof, or if proved, are sufficiently likely to warrant withholding of the license in question to justify setting aside our action issuing the license. We recognize, of course, that in the protest hearing protestant will seek to support his allegations by proof and to persuade us that such matters as may be proved do raise serious questions concerning the licensee. We will, of course, consider those matters and in our action here we are making no prior determination on the ultimate merits of the allegations now made with respect to Gulf's operation under its license, or whether action by the Commission with respect to the license in question may be warranted in the event such allegations are proved.

12. The petitioner has also requested that the Commission enter an order requiring Gulf to show cause why its license should not be revoked, or why a cease and desist order should not be issued requiring Gulf to cease telecasting from its Houston studio and to discontinue use of the aural announcement identifying the station as a "Galveston-Houston area" facility. We believe it would be premature as well as inappropriate to consider the aforesaid requests at this time, since all of the alleged unlawful practices of Gulf have been controverted by Gulf, and will be the subject of the hearing hereinafter ordered. Furthermore, section 312 of the Communications Act of 1934, as amended, which provides for the issuance of such orders by the Commission, does not create rights in third parties, but gives to the Commission complete discretion in the exercise of the powers granted thereunder. Accordingly, in the exercise of such discretion, the Commission believes that the above requests should be denied. It should not be implied from this action, however, that we will necessarily not consider taking appropriate action under section 312 if, after the hearing hereinafter ordered, circumstances appear to warrant it.

13. The Commission further finds that the protestant has specified with particularity the facts, matters and things relied upon as required by the provisions of section 309 (c) of the Communications Act to warrant the designation of the above-entitled application for modification of construction permit for hearing on the issues specified in the protest. However, we do not adopt such issues and the burden of proof with respect to each such issue will be upon the protestant.

14. In view of the foregoing: *It is ordered*, That, insofar as the petition herein requests reconsideration, pursuant to section 405 of the Communications Act of 1934, as amended, of the Commission's action of September 15, 1954, granting the above-entitled application for license, and insofar as it requests action by the Commission on its own motion pursuant to section 312 of the act, it is denied for the reasons stated above; that insofar as the petition herein requests reconsideration, pursuant to section 405 of the Communications Act, of the Commission's action of September 1, 1954, granting the above-entitled application for modification of construction permit, it is denied, in view of the hearing provided for below; that, effective immediately, the effective date of the grant of the above-entitled application for modification of construction permit is postponed pending a final determination by the Commission with respect to the protest herein of Houston Consolidated Television Company; and that pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application for modification of construction permit is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

(1) To determine whether, under the facts and circumstances a grant of the application of Gulf Television Company (BPCT–1875) would be consistent with the provisions of § 3.607 of the Commission's rules, with the requirements of section 309 (b) of the Communications Act, and with the principles and purposes of the Commission's Sixth Report and Order;

(2) To determine whether the proposed location of KGUL–TV's transmitter and antenna system (BPCT–1875) is in violation of § 3.685 of the Commission's rules and regulations;

(3) To determine whether the programs offered by Gulf Television Company meet the needs of the people in Galveston, the principal community to be served, and whether such programs are consistent with the representations heretofore made to the Commission by Gulf Television Company;

(4) To determine whether Gulf Television Company has made station identification announcements in violation of § 3.652 of the Commission's rules;

(5) To determine whether Gulf Television Company has violated § 3.613 of the Commission's rules by the establishment of studio and offices in the Prudential Building, Houston, Texas;

(6) To determine whether Gulf Television Company commenced construction of a part of its station; namely, its Houston studio, without prior approval of the Commission, in violation of section 319 of the Communications Act;

(7) To determine whether full disclosure was made to the Commission, or whether any misrepresentations were made to the Commission, with respect to the intentions and plans of Gulf Television Company to establish and operate a television station to serve the needs and interests of Galveston; and

(8) To determine whether, in the light of the evidence adduced on the foregoing issues, the public interest, convenience and necessity require that the grant of the application for modification of construction permit of Gulf Television Company be vacated and set aside.

The burden of proof as to each of the above issues shall be on the protestant.

15. *It is further ordered*, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on November 15, 1954, before an Examiner to be specified by the Commission; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than November 8, 1954.

Adopted: October 27, 1954.

Released: October 27, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8615; Filed, Nov. 1, 1954; 8:53 a. m.]

[2] This request was denied by the Commission by order dated October 13, 1954.

[3] Protest of Greenville Television Company, Greenville, South Carolina.

[4] Gulf alleges that the affidavits and letter do not support the contentions of Houston Consolidated and were not given in good faith but to be helpful to friends or business associates.

[5] Gulf points out that the letter from CBS relied upon by Houston Consolidated was dated June 25, 1954, more than two months before the Commission's grant herein.

FEDERAL POWER COMMISSION

[Docket Nos. G-2382, G-2542, G-2572, G-2584—G-2590, G-2652]

MONTANA-DAKOTA UTILITIES CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 27, 1954.

In the matters of Montana-Dakota Utilties Co., Docket No. G-2382; Mobil Producing Company, Docket No. G-2584; Gulf Oil Corporation, Docket No. G-2585; Mule Creek Oil Company, Docket No. G-2586; Roy E. Rooth, Docket No. G-2587; Sohio Petroleum Company, Docket No. G-2588; G & N Oil Company, Docket No. G-2589; Shannon Oil Co., Docket No. G-2590; Stanolind Oil and Gas Company, Docket No. G-2652; Cities Service Gas Company, Docket No. G-2542; El Paso Natural Gas Company, Docket No. G-2572.

Notice is hereby given that on October 19, 1954, the Federal Power Commission issued its findings and orders adopted October 14, 1954, issuing certificates of pubic convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8586; Filed, Nov. 1, 1954; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

COMMISSIONER, COMMUNITY FACILITIES AND SPECIAL OPERATIONS

DELEGATION OF AUTHORITY WITH RESPECT TO PUBLIC FACILITY LOANS

The Commissioner, Community Facilities and Special Operations, is hereby authorized:

a. To execute the powers and functions vested in the Housing and Home Finance Administrator under section 108 (a) of the Reconstruction Finance Corporation Liquidation Act (67 Stat. 231, 40 U. S. C., 1952 ed. Sup. I 459), as amended by section 804 of the Housing Act of 1954 (68 Stat. 643), except the power to determine the rate of interest on loans; and

b. In carrying out such functions, to exercise the powers granted by section 205 (b) (3) of the Small Business Act of 1953 (67 Stat. 234, 15 U. S. C., 1952 ed. Sup. I 634) pursuant to section 108 (c) of the Reconstruction Finance Corporation Liquidation Act, as amended, including the power to execute in the name of the Administrator any necessary written instruments relating to the administration or disposal of real property or of any interest therein.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c).

Effective as of the 2d day of November 1954.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 54-8605; Filed, Nov. 1, 1954; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1376]

FOUR STATES URANIUM CORP.

NOTICE OF AND ORDER FOR HEARING

OCTOBER 27, 1954.

Four States Uranium Corporation, 618 Rood Avenue, Grand Junction, Colorado, having filed with the Commission on August 16, 1954, a notification on Form 1–A and an offering circular relating to a proposed public offering of 300,000 shares of its $1 par value common stock, and

Consolidated and were not given in good faith but to be helpful to friends or business associates.

relied upon by Houston Consolidated was dated June 25, 1954, more than two months before the Commission's grant herein.

Furthermore, section 312 of the Communications Act of 1934, as amended,

be served, and whether such programs are consistent with the representations

Docket No. G-2588; G & N Oil Company, Docket No. G-2589; Shannon Oil Co.,

and an offering circular relating to a proposed public offering of 300,000 shares of its $1 par value common stock, and

amendments to the notification and offering circular on September 21, 1954, and September 24, 1954, for the purposes of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission, on October 11, 1954, having issued an order pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, temporarily suspending the conditional exemption under Regulation A and affording to any person having any interest therein an opportunity to request a hearing pursuant to said Rule 223, and a written request for a hearing having been received by the Commission on October 19, 1954, from the corporation, by its counsel; and

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption:

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933 and the rules of the Commission be held on November 5, 1954 at 10:00 a. m., m. s. t., at the Denver Regional Office of the Commission, at 162 New Customhouse, Denver 2, Colorado, with respect to the following specified matters and questions, without prejudice, however, to the specification of additional issues which may be present in these proceedings:

1. Whether the terms and conditions of Regulation A have been complied with by Four States Uranium Corporation.

2. Whether an offering circular has been delivered to all offerees and purchasers of the common stock of the company as required by Rule 219 (a) of the general rules and regulations under the Securities Act of 1933.

3. Whether the offering of the common stock of the company was commenced and any of the securities sold prior to the time permitted by Rule 219 (e) of the general rules and regulations under the Securities Act of 1933.

4. Whether the order dated October 11, 1954 suspending the exemption under Regulation A with respect to Four States Uranium Corporation should be vacated or made permanent.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order, by registered mail, on Four States Uranium Corporation, 618 Rood Avenue, Grand Junction, Colorado, and Joe Rosenthal, Suite 300, Travel Center Building, 1669 Broadway, Denver, Colorado, that notice of the entering of this order shall be given to all other persons by general release of the Commission, and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before November 3, 1954, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8591; Filed, Nov. 1, 1954; 8:48 a. m.]

[File No. 70-3206]

ARKANSAS LOUISIANA GAS CO.

ORDER REGARDING EXTENSION OF BANK LOAN AGREEMENT

OCTOBER 27, 1954.

On March 22, 1954, the Commission issued its order herein pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") permitting a declaration to become effective regarding a credit agreement between Arkansas Louisiana Gas Company ("Arkansas"), a public-utility subsidiary of Cities Service Company, a registered holding company, and Guaranty Trust Company of New York ("Guaranty"). Under such credit agreement, which was entered into on March 25, 1954, Arkansas has the right to borrow on or prior to November 1, 1954 up to $8,500,000 at 3¼ percent per annum. Arkansas has borrowed $1,000,000 thereunder and expects to borrow an additional $4,000,000 thereunder on or prior to November 1, 1954. Arkansas has filed an amended declaration pursuant to sections 6 (a) and 7 of the act proposing to enter into a letter agreement with Guaranty providing in substance for the extension to August 1, 1955, of the portion of Guaranty's commitment under the credit agreement not exceeding $3,500,00 as is unused on November 1, 1954. The letter agreement will provide that Arkansas pay a commitment fee equal to ½ of 1 percent per annum on the daily average amount of the commitment as remains unborrowed during the period from November 1, 1954, to August 1, 1955. Any amounts borrowed will mature February 1, 1956.

It is stated that there will be no fees or commissions (other than the commitment fee referred to above) and only nominal expenses in connection with the proposed transaction.

Due notice having been given of the filing of the amended declaration and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and that the amended declaration should be granted and permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said amended declaration be, and the same hereby is, permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[R. F. Doc. 54-8588; Filed, Nov. 1, 1954; 8:48 a. m.]

[File No. 70-3301]

BLACKSTONE VALLEY GAS AND ELECTRIC CO. ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE OF SHORT-TERM PROMISSORY NOTES BY SUBSIDIARIES TO BANKS AND PARENT

OCTOBER 26, 1954.

In the matter of Blackstone Valley Gas and Electric Company, Brockton Edision Company, Eastern Utilities Associates; File No. 70-3301.

Eastern Utilities Associates ("EUA"), a registered holding company, and its public-utility subsidiaries, Blackstone Valley Gas and Electric Company ("Blackstone") and Brockton Edison Company ("Brockton"), have filed a joint application-declaration pursuant to sections 7, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 (b) (2) and U-43 promulgated thereunder regarding the following proposed transactions:

Blackstone and Brockton propose to borrow $870,000 and $1,100,000, respectively, from banks and EUA on or before July 31, 1955, such borrowings to be evidenced by unsecured promissory notes maturing on July 31, 1955. Such notes will bear interest for the initial quarter at the prime rate at the time of issuance as charged by banks for similar loans which, according to the filing, is 3 percent per annum at the present time and such notes may be prepaid, in whole or in part, without penalty prior to maturity. For subsequent quarterly periods the interest rate will be the prime rate in effect at the beginning of each such period.

The proceeds of said borrowings will be used to pay outstanding bank loan indebtedness, at or prior to maturity, or to pay for hurricane damage or for construction expenditures.

The application-declaration states that no fees, expenses, or other remuneration are to be paid in connection with the proposed transactions except legal fees and disbursements of counsel for Blackstone, Brockton and EUA in the aggregate amount of $985. The application-declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Applicants-declarants request that this Commission's order become effective upon issuance.

Due notice of the filing of said application-declaration having been given in the manner prescribed by Rule U-23, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied,

and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8589; Filed, Nov. 1, 1954; 8:48 a. m.]

[File Nos. 811-641, 812-896]

GOVERNMENT EMPLOYEES MUTUAL FUND, INC., ET AL

NOTICE OF AND ORDER FOR HEARING CONCERNING CORPORATE NAME

OCTOBER 26, 1954.

In the matter of Government Employees Mutual Fund, Inc., File No. 811-641; Government Employees Insurance Company, Government Employees Life Insurance Company, Government Employees Corporation, File No. 812-896.

Government Employees Mutual Fund, Inc., a Delaware corporation, with its principal office in Washington, D. C., having filed with the Commission, on May 7, 1954, a notification of registration on Form N-8A, which notification states that the registrant proposes to engage in business as an open-end, diversified, management investment company; and

An application for an order under section 35 (d) of the Investment Company Act of 1940 having been filed with the Commission by Government Employees Insurance Company, a District of Columbia corporation; Government Employees Life Insurance Company, a District of Columbia corporation; and Government Employees Corporation, a Delaware corporation, which application represents, among other things, in substance, as follows:

(a) Government Employees Insurance Company has been engaged in business since 1937 in the writing of casualty insurance for Government employees (Federal, State and municipal) and officers in the armed services. Government Employees Life Insurance Company has since 1949 been engaged in the business of writing life insurance, and since 1952 in the business of writing health and accident insurance, for such Government employees. Government Employees Corporation has been engaged since 1949 in the business of financing automobiles for Government employees. The latter two corporations were organized by the management of Government Employees Insurance Company and are operated from the same offices.

(b) The offices of the three applicant companies do business within the Washington metropolitan area and throughout the United States. Their combined assets exceed $40,000,000 and they have approximately 300,000 policy holders and borrowers, of whom over 65,000 are located in the District of Columbia and adjoining states.

(c) The three applicant companies advertise widely in the District of Columbia and throughout the United States, and represent that they have expended over $1,000,000 in connection with such advertising.

(d) The three applicant companies are generally known and commonly referred to by the public, in the District of Columbia and elsewhere, as the "Government Employees Companies" or the "Government Employees Group".

(e) The securities of the three applicant companies are held by over 3,000 persons, many of them in the Washington metropolitan area, and such securities are actively traded on over-the-counter markets in Washington, New York, Baltimore, Philadelphia, Chicago and elsewhere. From time to time the three companies have made offerings of their securities to stockholders and to the general public. Such securities are frequently referred to as "Government Employees" securities.

(f) Applicants represent that the phrase "Government Employees" has become generally identified with the three applicants in the public mind where it appears in a corporate name or title in the fields of insurance, finance or the offering or sale of securities.

(g) The three applicant companies represent that Government Employees Mutual Fund, Inc., the registrant herein, has no connection or affiliation of any kind with the applicants, and has not been authorized by them to use such corporate name or title, and that the use of such corporate name and title by the registrant is deceptive and misleading within the prohibition of section 35 (d) of the Investment Company Act of 1940. Applicants represent that the use of the phrase "Government Employees" in the corporate name of the registrant has caused and will cause the public to be deceived and mislead by inducing them to believe erroneously that an affiliation or connection exists between the registrant and one or more of the applicants.

The foregoing application by Government Employees Insurance Company, and the other applicants therein, having requested that the Commission find and by order declare that the words "Government Employees" as used by the registrant in its corporate name and title are deceptive and misleading within the meaning of section 35 (d) of the Investment Company Act of 1940; and

It appearing to the Commission that a substantial question may exist as to whether such name may represent or imply that the securities issued by such company are guaranteed, sponsored, recommended or approved by the United States or any agency or officer thereof, within the meaning of section 35 (a) of said act; and

It further appearing to the Commission that it is in the public interest and the interest of investors that a hearing be held with respect to such matter, for the purpose of considering, in connection therewith, the various matters hereinafter set forth, and for the purpose of determining what order, if any, should be issued by the Commission pursuant to section 35 (d) and any other applicable provisions of the Investment Company Act of 1940; and that for such purposes the two proceedings herein (File Nos. 811-641 and 812-896) should be consolidated;

Wherefore it is ordered, That the two proceedings herein (File Nos. 811-642 and 812-896) be, and they are hereby, consolidated and that a hearing under the applicable provisions of the Investment Company Act of 1940 and the rules of the Commission thereunder be held on the 16th day of November 1954, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. At such hearing consideration will be given to the following matters and questions, without prejudice, however, to the specification of any additional issues which may be presented by the use of such corporate name:

(1) Whether the use of the name "Government Employees Mutual Fund, Inc." and specifically the use of the word "Government" or the phrase "Government Employees" in such name, may have the effect of representing or implying that such registrant, or any securities issued thereby, has been guaranteed, sponsored, recommended, or approved by the United States or any agency or any officer thereof, in violation of section 35 (a) of said act, or, if such representation or implication may exist, whether such representation or implication may render such name deceptive or misleading within the scope of section 35 (d) of the act;

(2) Whether the name "Government Employees Mutual Fund, Inc." and specifically the phrase "Government Employees" therein, is deceptive or misleading, within the meaning of section 35 (d) of the act, as leading to confusion between the name of the registrant and the name of the presently existing Government Employees Insurance Company and related companies doing business in and around Washington, D. C. and elsewhere.

(3) Whether for any other reason such name is inconsistent with the provisions of said act;

(4) What order, if any, should be entered with respect to the use of such name or any words in such name, pursuant to the applicable provisions of the act.

It is further ordered, That Edward C. Johnson, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

It is further ordered, That notice of such hearing is hereby given to Government Employees Mutual Fund, Inc., registrant herein, 1033 30th Street NW., Washington, D. C., and to Government

Room

other persons by general release of the

become effective, forthwith, subject to

promulgated thereunder are satisfied.

Employees Insurance Company, 14th and L Streets NW., Washington, D. C., such notice to be given by registered mail and by publication of this notice and order in the FEDERAL REGISTER. Notice is also given to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors, such notice to be given by publication of this notice and order in the FEDERAL REGISTER and by general release of the Commission, distributed to the press and mailed to the mailing list for releases.

It is further ordered, That a copy of the application, filed by Government Employees Insurance Company and others hereinbefore referred to, shall be served upon the registrant herein, and that the registrant shall file with the Secretary of the Commission, not later than 15 days after the date of this notice, an answer or other pleading with respect to the matters set forth in this notice and order and in such application, such answer to state any facts or other material deemed pertinent by such registrant with respect to the use of such proposed name.

It is further ordered, That any person, other than the registrant or the aforenamed applicants, desiring to be heard in said proceedings, shall file with the Secretary of the Commission his application as provided by Rule XVII of the rules of practice, on or before the date provided in that rule setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8590; Filed, Nov. 1, 1954; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

DESCRIPTION OF ORGANIZATION AND FUNCTIONS

Creation and authority. The Small Business Administration was created under authority of the Small Business Act of 1953 (67 Stat. 232).

Purpose. To aid, counsel, assist, and protect, insofar as possible, the interest of small-business concerns in order to preserve free competitive enterprise; to insure that a fair proportion of the total purchases in contracts for supplies and services for the Government be placed with small-business enterprises; and to maintain and strengthen the overall economy of the Nation. To aid and assist victims of floods or other catastrophes.

Functions. To make a detailed definition of what constitutes a small-business concern using, among other criteria, number of employees and dollar volume of business; make loans to small-business concerns to finance plant construction, conversion, or expansion; or to finance the acquisition of equipment, facilities, machinery, supplies, or materials; and to supply such concerns with working capital; make loans to aid victims of floods or other catastrophes; certify the competency of small-business concerns or production pools to perform Government contracts; enter into joint determinations with Government procuring agencies with respect to procurements that are suitable for award to small-business concerns; consult with procurement officials in order to attain full use of productive capacity of small-business concerns; recommend approval of small business defense performance pools; take prime contracts and sublet their performance to small businesses; provide technical and managerial aids to small business; inventory productive facilities of small concerns; and consult with Government agencies to insure fair and reasonable treatment for small-business concerns.

Organization. Management of the Small Business Administration is vested in an Administrator appointed by the President with the advice and consent of the Senate. The Administrator is authorized to appoint three Deputy Administrators. Pursuant to this authority the following positions have been established: Deputy Administrator for Procurement and Technical Assistance, Deputy Administrator for Financial Assistance, and Deputy Administrator for Administration. The Administrator is authorized, subject to the Civil Service and Classification Laws, to select employees, appoint and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of the Small Business Act of 1953. Pursuant to this authority the following offices have been established:

Procurement and Technical Assistance.
Financial Assistance.
Economic Adviser.
Compliance and Security.
Information.
Management.
General Counsel.
Controller.

The Small Business Act of 1953 created the Loan Policy Board of the Small Business Administration which consists of the following members: The Administrator as chairman, the Secretary of the Treasury, and the Secretary of Commerce (or the presidentially appointed designee of each of said Secretaries). The Loan Policy Board is charged with the establishment of general policies (particularly with reference to the public interest) which govern the granting and denial of applications for financial assistance by the Administration.

REGIONAL[1] AND BRANCH[2] OFFICES

I. 40 Broad Street, Boston 9, Mass. Serving Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut (except Fairfield County). Branch office: 70 Arch Street, Hartford, Conn.

II. 1790 Broadway, New York 19, N. Y. Serving New York; Fairfield County, Conn.; and the New Jersey counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren. Branch offices: 117 Ellicott Street, Buffalo 3, N. Y.; 500 South Salina Street, Syracuse, N. Y.; 37 Fulton Street, Newark, N. J.

III. 1015 Chestnut Street, Philadelphia 7, Pa. Serving Pennsylvania, Delaware, and the New Jersey counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem. Branch office: 107 Sixth Street, Pittsburgh 22, Pa.

IV. 900 North Lombardy Street, Richmond 20, Va. Serving Virginia, West Virginia, North Carolina, South Carolina, Maryland, and the District of Columbia. Branch offices: Fayette and St. Paul Streets, Baltimore, Md.; 612 Virginia Street East, Charleston, W. Va.; 102 West Trade Street, Charlotte, N. C.

V. 50 Seventh Street Northeast, Atlanta 5, Ga. Serving Georgia, Alabama, Florida, Mississippi, Tennessee, Commonwealth of Puerto Rico, and the Virgin Islands. Branch offices: Dexter Avenue and Lawrence Street, Montgomery, Ala.; 327 Northeast First Avenue, Miami, Fla.; 22 North Front Street, Memphis, Tenn.

VI. 1783 East Eleventh Street, Cleveland 14, Ohio. Serving Ohio, Kentucky and Michigan. Branch offices: 440 Federal Building, Cincinnati 2, Ohio; 231 West Lafayette Boulevard, Detroit 26, Mich.; Main and Cheapside Streets, Lexington, Ky.

VII. 226 West Jackson Boulevard, Chicago 6, Ill. Serving Illinois, Indiana, and Wisconsin. Branch offices: U. S. Post Office Building, Indianapolis, Ind.; 105 Monona Avenue, Madison, Wis.

VIII. Marquette Avenue at 6th, Minneapolis 2, Minn. Serving Minnesota, Montana, North Dakota, and South Dakota. Branch office: Main Street and Sixth Avenue, Helena, Mont.

IX. 911 Walnut Street, Kansas City 6, Mo. Serving Missouri, Iowa, Kansas, and Nebraska. Branch offices: 215 Main Street, Davenport, Iowa; 15th and Dodge Streets, Omaha 2, Nebr.; 1114 Market Street, St. Louis 1, Mo.

X. 1114 Commerce Street, Dallas 2, Texas. Serving Texas, Arkansas, Louisiana, and Oklahoma. Branch offices: Fannin and Franklin Streets, Houston 2, Tex.; 333 St. Charles Street, New Orleans 12, La.; 114 North Broadway, Oklahoma City, Okla.; 515 East Second Street, Little Rock, Ark.

XI. 19th and Stout Streets, Denver 2, Colo. Serving Colorado, New Mexico, Utah, and Wyoming.

XII. 870 Market Street, San Francisco 2, Calif. Serving Nevada (except Clark County), the Territory of Hawaii, and the California counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Nono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

XIII. 905 Second Avenue, Seattle, Wash. Serving Washington, Idaho, Oregon, and the Territory of Alaska. Branch office: 520 Southwest Morrison Street, Portland 4, Oreg.

XIV. 1031 South Broadway, Los Angeles 15, Calif. Serving Arizona; Clark County, Nev.; and the California counties of Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura. Branch office: 137 North Second Avenue, Phoenix, Ariz.

Dated: October 27, 1954.

[SEAL] W. NORBERT ENGLES, *Acting Administrator.*

[F. R. Doc. 54-8592; Filed, Nov. 1, 1954; 8:49 a. m.]

[1] Each in charge of regional director.
[2] Each in charge of branch manager.

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tion therewith, the various matters here-

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FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 19 NUMBER 214

Washington, Wednesday, November 3, 1954

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

Appendix—Canal Zone Orders

[Canal Zone Order 36]

PAYMENT OF TOLLS AND OTHER CHARGES

AMENDMENT OF EXECUTIVE ORDER 4314

By virtue of the authority vested in the President of the United States by section 9 of title 2 of the Canal Zone Code, approved June 19, 1934, and delegated to me by Executive Order 9746 of July 1, 1946, as amended by Executive Order 10101 of January 31, 1950, Rules 19 through 25, inclusive, of Executive Order 4314 of September 25, 1925 (35 CFR 27.9 through 27.14, 27.16), and Regulation 24.1 of the regulations of the Governor of the Canal Zone of August 1, 1931 (35 CFR 27.15), all relating to the payment of tolls and other charges, are hereby revoked.

ROBERT T. STEVENS, *Secretary of the Army.*

OCTOBER 26, 1954.

[F. R. Doc. 54-8631; Filed, Nov. 2, 1954; 8:46 a. m.]

[Canal Zone Order 37]

CONDITIONS OF EMPLOYMENT IN THE SERVICE OF THE PANAMA CANAL AND THE PANAMA RAILROAD CO. ON THE ISTHMUS OF PANAMA

REVOCATION OF REGULATIONS RELATIVE TO COMMUTATION OF LEAVE UPON SEPARATION OR DEATH

By virtue of the authority vested in the President of the United States by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of the act of July 9, 1937, 50 Stat. 487, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, sections 28 and 29 of Executive Order No. 1888 of February 2, 1914, as amended by Executive Order No. 9740 of June 20, 1046, are hereby revoked.

ROBERT T. STEVENS, *Secretary of the Army.*

OCTOBER 26, 1954.

[F. R. Doc. 54-8632; Filed, Nov. 2, 1954; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circ. 1886]

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

SUPPLEMENTAL INFORMATION REQUIRED IN LEASE OR PERMIT APPLICATIONS, AND PLACE FOR APPLICATION FILING

Section 200.5 is amended to read:

§ 200.5 *Supplemental information required in lease or permit applications, and place for application-filing.* (a) Each application for lease or permit must contain (1) a statement that applicant's interest, direct or indirect, in leases, permits or applications for similar minerals does not exceed a maximum chargeable acreage permitted by law to be held for that mineral in federally owned acquired land in the same State, and (2) a complete and accurate description of the land for which a lease or permit is desired. If surveyed according to the governmental "rectangular system", it should be described by legal subdivision, section, township and range, and if not so surveyed, by metes and bounds connected with a corner of the public surveys by courses and distances, or described in a manner consistent with the description in the deed to the United States. The description should, if practicable, refer to (i) the administrative unit or project of which the land is a part, the purpose for which the land was acquired by the United States, and the name of the governmental body having jurisdiction over the

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FEDERAL REGISTER

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land (ii) the name of the persons who conveyed the land to the United States, (iii) the date of such conveyance, and the place, liber and page number of its official recordation.

(b) An application under the act must not include any public lands and it must be filed with the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

(Sec. 10, 61 Stat. 915; 30 U. S. C. 359)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

OCTOBER 28, 1954.

[F. R. Doc. 54-8624; Filed, Nov. 2, 1954; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

DEFINITION OF TERMS USED IN THE ACT

On August 30, 1954, the Securities and Exchange Commission published notice that it had under consideration a proposed amendment to § 230.133 (Rule 133), adopted under the Securities Act of 1933 (Securities Act Release No. 3512). All interested persons were invited to comment upon the proposed amendment. The Commission has considered the comments received and has determined to adopt the amendment in the form set forth below.

Purpose of amendment. Section 230.133 (Rule 133), which is in the form of a limited definition of the terms "sale", "offer", "offer to sell", and "offer for sale", serves to make clear that the registration and prospectus requirements of the Securities Act are inapplicable to certain mergers, consolidations, reclassifications of securities and transfers of assets between two corporations. The amendment, which broadens the rule so as also to exclude from the registration and prospectus requirements certain cases involving a parent corporation, a controlled company, and a third corporation, where the assets of the third corporation are transferred to the controlled company in consideration of the issuance of securities of the parent corporation, arises from the fact that section 368 (a) (1) (C) of the Internal Revenue Code, which defines tax-free "reorganizations", has just been amended in a somewhat similar manner.

Statutory basis. This action is taken pursuant to the Securities Act of 1933, particularly section 19 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act.

Section 230.133 is amended to read as follows:

§ 230.133 *Definition for purposes of section 5 of the act of "sale", "offer", "offer to sell", and "offer for sale".* For purposes only of section 5 of the act, no "sale", "offer", "offer to sell", or "offer for sale" shall be deemed to be involved so far as the stockholders of a corporation are concerned where, pursuant to statutory provisions in the State of incorporation or provisions contained in the certificate of incorporation, there is submitted to the vote of such stockholders a plan or agreement for a statutory merger or consolidation or reclassification of securities, or a proposal for the transfer of assets of such corporation to another person in consideration of the issuance of securities of such other person or voting stock of a corporation which is in control, as defined in section 368 (c) of the Internal Revenue Code of 1954, of such other person, under such circumstances that the vote of a required favorable majority (a) will operate to authorize the proposed transaction so far as concerns the corporation whose stockholders are voting (except for the taking of action by the directors of the corporation involved and for compliance with such statutory provisions as the filing of the plan or agreement with the appropriate State authority), and (b) will bind all stockholders of such corporation except to the extent that dissenting stockholders may be entitled, under statutory provisions or provisions contained in the certificate of incorporation, to receive the appraised or fair value of their holdings.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s)

The foregoing amendment to § 230.133 is interpretive and shall be effective on October 26, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

OCTOBER 22, 1954.

[F. R. Doc. 54-8642; Filed, Nov. 2, 1954; 8:48 a. m.]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

SECURITIES EXEMPTED; AMOUNT

Purpose of amendments. On September 27, 1954, the Securities and Exchange Commission published notice that it had under consideration proposed amendments to §§ 230.216 and 230.217 (Rules 216 and 217) of its Regulation A under the Securities Act of 1933 (See Securities Act of 1933 Release No. 3518). All interested persons were invited to comment upon the proposed amendments. The Commission has considered the comments received and has determined to adopt the amendments in the form set forth below.

Regulation A exempts from registration under the act offerings of securities not in excess of $300,000 which are made in accordance with the terms and conditions of the regulations.

The amendment to Rule 216 would make Regulation A available for a rights offering by a domestic or foreign majority-owned subsidiary of any resident of the United States having its principal business in the United States and its securities registered for trading on a national securities exchange. The amendment to § 230.217 (Rule 217) would exclude from the computation of the $300,000 limitation of Regulation A that portion of a warrant or rights offering pro rata to security holders made outside of the United States.

Statutory basis. The amendments are adopted pursuant to the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out its functions under the act.

1. Section 230.216 is amended to read as follows:

§ 230.216 *Securities exempted.* (a) Except as hereinafter provided in this section, securities issued by any of the following persons shall be exempt from registration under the act if offered in accordance with the terms and conditions of §§ 230.215 to 230.224: (1) Any resident of the United States having his or its principal business operations in the United States, or (2) in the case of an offering to existing security holders on a pro rata basis pursuant to warrants or rights, any direct or indirect majority owned subsidiary of any resident of the United States having its principal business operations in the United States and its securities registered for trading on a national securities exchange pursuant to the provisions of the Securities Exchange Act of 1934.

2. Section 230.217 (a) (1) and (2) are amended to read as follows:

§ 230.217 *Amount of securities exempted.* (a) The aggregate offering price of all of the following securities of (i) the issuer, (ii) its predecessors and (iii) all of its affiliates which were organized, or became affiliates of the issuer, within the past 2 years, shall not exceed $300,000:

(1) All securities of such persons presently being offered under §§ 230.215 to 230.224, §§ 230.500 to 230.510, or specified in the notification under § 230.218 or § 230.503 as proposed to be so offered;

(2) All securities of such persons previously sold pursuant to an offering under §§ 230.215 to 230.224, or §§ 230.500 to 230.510, commenced within one year prior to the commencement of the proposed offering;

* * * * * *

3. A new subparagraph (3) is added to § 230.217 (e) as follows:

(e) * * * or (3) in the case of an offering by an issuer to existing security holders on a pro rata basis pursuant to warrants or rights, that portion of the offering made outside of the United States.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s)

Effective date. The foregoing amendments shall be effective on October 25, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

OCTOBER 22, 1954.

[F. R. Doc. 54-8641; Filed, Nov. 2, 1954; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 112]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DALHART, TEX. Municipal, 3,989' MH-DHT Procedure No. 1 Amendment No. 4 Effective, December 10, 1954 Supersedes Amendment 3, dated August 2, 1954. Major changes: Raise circling landing minimums.	Dalhart RVOR	171—4.5	5,200	E side of course [illegible] 5,200' within 10 miles.	4,700	On airport	2 engines or less T-dn C-dn A-dn	300-1 700-1 800-2	300-1 700-1 800-2	Within 0 mile climb to 5,300' on course of 311° within 25 miles.
							More than 2 engines T-dn C-dn A-dn		200-½ 700-1½ 800-2	
PINE BLUFF, ARK. Grider Field, 205' MH-PBF Procedure No. 1 Amendment No. 2 December 10, 1954 Supersedes Amendment 1, dated October 9, 1954. Major changes: Lowers alternate minima; raises missed approach altitude; deletes notes.	Pine Bluff VOR	178—4.5	1,900	E side of course 178° outbound 358° inbound 1,500' within 10 miles Beyond 10 miles not authorized.	900	On airport	2 engines or less T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1 800-2	Within 0 mile turn left and climb to 1,500' on course of 170° from PBF RBN within 25 miles.
							More than 2 engines T-dn C-dn A-dn		200-½ 600-1½ 800-2	
TUSCALOOSA, ALA. Van De Graff, 169' RMH-TCL Procedure No. 1 Amendment No. 1 December 10, 1954 Supersedes Amendment No. 0, dated May 17, 1953. Major changes: Adds other aircraft. Adds air carrier note.	Tuscaloosa RVOR	236—4.5	1,900	E side of course 056° outbound. 236° inbound. 1,500' within 10 miles.	800	On airport	2 engines or less T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1 800-2	Within 0 mile climb to 2,000' on course of 015 within 25 miles. CAUTION: 620' radio tower 4.5 miles SE airport. 360' radio tower 1.5 miles N airport. 355' building 2 miles SE airport. AIR CARRIER NOTE: Sections 26 and 28 of the Operations specifications not applicable.
							More than 2 engines T-dn C-dn A-dn		200-½ 600-1½ 800-2	

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LAWTON, OKLA. Municipal, 1,108' VOR—LAW Procedure No. 1 Amendment No. 2 December 10, 1954 Supersedes amendment M-1, dated January 16, 1952. Major changes: Revise initial approaches. Raise minimum altitude over facility on final. Correct airport elevation.	Intersection LAW radial 053° and Wichita Falls radial 018°.	233—13.0	2,400	E side of course: 187° outbound. 347° inbound. 2,200' within 10 miles. Beyond 10 miles not authorized.	1,700	347—4.9	2 engines or less T-dn C-dn S-dn 35 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Within 4.9 miles turn left and climb to 2,200' on radial 187° within 25 miles. NOTE: Communications and weather service not available to general public. Voice on VOR controlled by Army tower post field. AIR CARRIER NOTES: Procedure may be authorized only for carriers having approval of their arrangements for communications and weather service at this airport.
							More than 2 engines T-dn C-dn S-dn 35 A-dn		200-½ 500-1½ 400-1 800-2	
PINE BLUFF, ARK. Grider Field, 205' Procedure No. 1 Amendment No. 2 December 10, 1954 Supersedes Amendment No. 1, dated Sept. 18, 1952. Major changes: Final approach altitude; procedure turn altitude.	Intersection Little Rock radial 134° (final).	179—11.0	800	E side of course: 359° outbound. 179° inbound. 1,500' within 10 miles.	800	179—4.5	2 engines or less T-dn C-dn S-17 dn A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Within 4.5 miles climb to 1,600' radial 179° within 25 miles.
	Pine Bluff Radiobeacon	358—4.5	1,500				More than 2 engines T-dn C-dn S-17 dn A-dn		200-1½ 500-1½ 400-1 800-2	
TEXARKANA, ARK. Municipal, 389' BVOR-TXK Procedure No. 1 Amendment No. 2 December 10, 1954 Supersedes Amendment No. 1, dated February 1, 1952. Major changes: Correct outbound and inbound course, lower altitude over facility. Revise missed approach procedure. Add radio tower note.	Texarkana LFR	346—2.5	1,500	W side of course: 324° outbound. 144° inbound. 1,500' within 10 miles.	900	144—4.3	2 engines or less. T-dn C-dn S-13 dn	300-1 400-1 400-1	300-1 500-1 400-1	Climb to 1,500' on radial 144° within 25 miles. NOTE: Radio tower 565' mean sea level 2¼ miles NE of airport.
							More than 2 engines T-dn C-dn S-dn		200-½ 500-1½ 400-1	
							All aircraft A-dn	800-2	800-2	
TUSCALOOSA, ALA. Van De Graff, 169' BVOR-TCL Procedure No. 1 Amendment No. 5 December 10, 1954 Supersedes amendment 4, dated April 1, 1952. Major changes: Add air carrier note. Lower missed approach altitude. Reduce night visibility minima.	Tuscaloosa BMH	056—4.5	1,400	N side of course: 056° outbound. 236° inbound. 1,800' within 10 miles.	1,300	236—4.5	2 engines or less T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	Within 4.5 miles climb to 1,400' on course of 236° within 25 miles. CAUTION: 399' mean sea level radio tower 1.5 miles N airport. AIR CARRIER NOTE: Sections 26 and 28 of the Operations Specifications not applicable.
							More than 2 engines T-dn C-dn A-dn		200-½ 500-1½ 800-2	

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise noted. Elevations and altitudes are in feet above airport elevation. [Full ILS instrument approaches established by the Administrator will be published and conducted in the form and manner prescribed by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall be as prescribed below.]

City and State; airport name, elevation; facility; procedure name; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound) limiting distances	Minimum altitude at glide slope intercept (height above elevation in ft.)
1	2	3	4	5	6	7
ATLANTA, GA. Atlanta, 1024' ILS—IATL LFR and VOR Procedure No. 2 Amendment No. 3 Effective: December 10, 1954. Supersedes Amendment No. 2, dated November 20, 1954. Minimum altitudes Lower 2 engines or less, faster type aircraft, straight-in landing minima.	Atlanta LFR	Forrest Intersection.	055—3.5	2,100	S side E course: 086° outbound, 266° inbound. 2,200' within 10 miles.	Forrest Intersection 1,700
	Atlanta VOR	Forrest Intersection.	035—12.0	2,200		
	Campbellton LFR	Forrest Intersection.	091—18.0	2,200		
	ILS-LOM	Forrest Intersection.	085—10.0	2,200		
DES MOINES, IOWA Des Moines, 957' ILS—DSM Back course procedure No. 2 Effective date: December 10, 1954 Supersedes Original procedure	Des Moines VOR	Clive Intersection.	353—10.0	2,600	W side of course: 304° outbound, 124° inbound. 1,700' within 15 miles of Intersection. 333° radial and ILS N W course.	No glide path.
	ILS LOM	Clive Intersection.	264—8.5	2,100		Clive Intersection 1,580—3.0 (Intersection 333° course)
TULSA, OKLA. Municipal, 674' ILS—ITUL LOM-TU Procedure No. 1 Amendment No. 2 Cancellation ILS-ADF Effective: December 10, 1954 Supersedes amendment No. 1, dated February 15, 1954. Minimum altitudes: Revise transition altitudes, Lower ADF altitude over LOM. Revised missed approach procedures.	Intersection SE course LFR and 070° bearing from LOM.	LOM	250—9.0	2,100	E side: 274° outbound, 354° inbound. 2,400' within 10 miles. Beyond 10 miles (not authorized. (Clive Intersection).	ILS-2,000 ADF 1,600 over LOM
	TUL VOR	OM	165—13.0	2,300		
	TUL LFR	LOM	182—8.0	2,300		
	Red Fork FM	LOM	073—11.0	2,400		
	Skiatook FM	LOM	140—23.0	2,300		
	Verdigris River FM	LOM	309—16.0	2,200		

City and State; airport name, elevation; facility; procedure No.; effective date	Ceiling and visibility minimums: Type aircraft	Condition	Altitude of glide slope and distance to approach end of runway at— Middle marker	Outer marker	If visual contact not established by the time aircraft is at the minimums or if landing not accomplished
1		10	9	8	13
ATLANTA, GA. Atlanta, 1024' ILS—IATL LFR and VOR Procedure No. 2 Amendment No. 3 Effective: December 10, 1954. Supersedes Amendment No. 2, dated November 20, 1954. Minimum altitudes Lower 2 engines or less, faster type aircraft, straight-in landing minima.	2 engines or less	T-4n, C-4n, S-2F, 2L dn	300-1 500-1 400-1	Forrest Intersection 3.5 miles.	Climb to 2,900' on W course ILS within 10 miles. CAUTION: 1,152' tower ¾ mile W.
	More than 2 engines	T-4n, C-4n, S-2F, 4L dn	300-1½ 500-1½ 400-1		
	All aircraft	A-dn	800-2		
DES MOINES, IOWA Des Moines, 957' ILS—DSM Back course procedure No. 2 Effective date: December 10, 1954 Supersedes Original procedure	2 engines or less	T-4n, C-4n, S-2F, 2L dn	300-1 500-1 400-1	No middle marker.	No glide path.
	More than 2 engines	T-4n, C-4n, S-2F, 4L dn	300-1½ 500-1½ 400-1		
	All aircraft	A-dn	800-2		
TULSA, OKLA. Municipal, 674' ILS—ITUL LOM-TU Procedure No. 1 Amendment No. 2 Cancellation ILS-ADF Effective: December 10, 1954 Supersedes amendment No. 1, dated February 15, 1954. Minimum altitudes: Revise transition altitudes, Lower ADF altitude over LOM. Revised missed approach procedures.	2 engines or less	T-4n, C-4n, S-2F, 2L dn	300-1 500-1 400-1	2,350—6.1	880—0.7
	More than 2 engines	T-4n, C-4n, S-2F, 4L dn	300-1½ 500-1½ 400-1		
	All aircraft	A-dn ILS	600-2		
		ADF	800-2		

These procedures shall become effective on the dates indicated in Column 1 of the procedures.
(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8548; Filed, Nov. 2, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF DRIED APPLES

EXTENSION OF TIME FOR FILING DATA, VIEWS, AND ARGUMENTS

A proposed revision of the United States Standards for Grades of Dried Apples was set forth in the notice which was published in the FEDERAL REGISTER of August 18, 1954 (19 F. R. 5222).

In consideration of comments and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of an extension until March 1, 1955, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed revision of the United States Standards for Grades of Dried Apples.

Dated: October 29, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 54-8656; Filed, Nov. 2, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY THE TEXAS STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE WITH RESPECT TO MARKETING QUOTA REGULATIONS FOR 1955 CROP

Section 729.630 of the Marketing Quota Regulations for the 1955 Crop of Peanuts (19 F. R. 6134), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State Committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Texas State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the person to whom the authority has been redelegated:

TEXAS

Sections 729.617 and 729.620—H. H. Marshall, Administrative Officer and Edwin F. Rollins, Administrative Assistant of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375 Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1350, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 28th day of October 1954.

[SEAL] WALTER C. BERGER,
Acting Administrator, Commodity Stabilization Service.

[F. R. Doc. 54-8657; Filed, Nov. 2, 1954; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

KNUTSEN LINE JOINT SERVICE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 7623-3, between the carriers comprising the Knutsen Line joint service, modifies joint service Agreement No. 7623 to provide for the addition of Skibsaktieselskapet Ogeka as a party to the joint service.

(2) Agreement No. 7999 between Flota Mercante del Estado (Argentine State Line), and Bull Insular Line, Inc., covers the transportation of cargo under through bills of lading from Argentine, Uruguayan, and Brazilian ports to Puerto Rico, with transshipment at New York, Baltimore, or Philadelphia. This agreement supersedes and cancels Agreement No. 7656.

(3) Agreement No. 8003, between N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij, "Holland-Amerika Lijn," and Waterman Steamship Corporation, covers the transportation of cargo under through bills of lading from Mexico to Puerto Rico, with transshipment at New Orleans, La. Agreement No. 8003 was filed to supersede and cancel agreements numbered 3989 and 4491.

(4) Agreement No. 8230, between American Export Lines, Inc., American President Lines, Ltd., the Blue Funnel Line joint service, Ellerman and Bucknall Associated Lines joint service, Barber-Fern-Ville Lines joint service, Concordia Line joint service, Thos. & Jno. Brocklebank, Ltd., Isthmian Steamship Company, Hoegh Lines joint service, N. V. Stoomvaart Maatschappij "Nederland," Koninklyke Rotterdamsche Lloyd, N. V., N. V. Nederlandsch-Amerikaansche Stoomvaart Maatschappy Holland-Amerika Lyn., and A. P. Moller-Maersk Line joint service, provides for the creation of a conference to be known as the Red Sea & Gulf of Aden/U. S. Atlantic & Gulf Freight Conference, for the establishment and maintenance of just and reasonable rates, charges and practices, for or in connection with the transportation of all cargo, in the trade from the Red Sea & Gulf of Aden from Aden to Suez, inclusive, to United States Atlantic and Gulf ports, by direct call or transhipment.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 29, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-8660; Filed, Nov. 2, 1954; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5779]

AERO FINANCE CORP., ENFORCEMENT PROCEEDING

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on November 18, 1954, at 10:00 a. m., e. s. t., in room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 29, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8659; Filed, Nov. 2, 1954; 8:52 a. m.]

[Docket No. 6738]

MACKEY AIRLINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Mackey Airlines, Inc., for amendment of its temporary certificate of public convenience and necessity for route No. 112.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on November 16, 1954, at 10:00 a. m., e. s. t., in room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October

on 620 kc, were also present at this pre-

Broadcasting Company would actually

parties and are found to be acceptable

month continuance was denied as un-

tween station KKJ447 at McAllen and

Dated at Washington, D. C., October 29, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8658; Filed, Nov. 2, 1954; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10965; FCC 54M-1352]

SEATON PUBLISHING CO.

ORDER CONTINUING HEARING

In re application of the Seaton Publishing Company, Hastings, Nebraska, Docket No. 10965, File No. BPCT-1265; for construction permit for new television station (Channel 5).

In order to formalize an action on a Petition for Continuance, heretofore granted orally on October 5, 1954:

It is hereby ordered, This 26th day of October 1954 that the hearing in the above entitled matter be continued from October 6, 1954, to November 10, 1954, at 10:00 a. m. in the Commission's Offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8648; Filed, Nov. 2, 1954; 8:50 a. m.]

[Docket Nos. 11101, 11102; FCC 54M-1355]

GREENWOOD BROADCASTING CO., INC., AND CHEROKEE BROADCASTING CO.

STATEMENT AND ORDER CONTINUING HEARING

In re applications of Greenwood Broadcasting Company, Inc., Chattanooga, Tennessee, Docket No. 11101, File No. BP-9133; Max M. Blakemore and E. C. Blakemore, d/b as Cherokee Broadcasting Company, Murphy, North Carolina, Docket No. 11102, File No. BP-9210; for construction permits.

Appearances. Stephen Tuhy, Jr., on behalf of Greenwood Broadcasting Company, Inc.; Harry J. Daly on behalf of Cherokee Broadcasting Company; Maurice M. Jansky, on behalf of Valley Broadcasting Company; Charles V. Wayland, on behalf of Mount Castle Broadcasting Company, Inc. (WROL), and Jerome S. Boros, on behalf of the Chief of the Broadcast Bureau, Federal Communications Commission.

1. Pursuant to §§ 1.813 and 1.841 (c) of the Commission's rules, as amended, a pre-hearing conference was held in the above-entitled proceeding, at the office of the undersigned Hearing Examiner, on October 22, 1954, at which both of the applicants and the Broadcast Bureau of the Federal Communications Commission were represented by counsel. Counsel for Valley Broadcasting Company, applicant for a new AM broadcast station at Murphy, North Carolina, to be operated on 600 kc, with power of 1 kc, daytime only, as well as counsel for Mount Castle Broadcasting Company, Inc., licensee of Station WROL, Knoxville, Tennessee, operating on 620 kc, were also present at this pre-hearing conference and requested permission to participate therein. It appears from the statements of counsel for these parties and from the Commission's records that an application was filed on behalf of Valley Broadcasting Company on September 10, 1954, requesting the identical facilities specified in the application of Cherokee Broadcasting Company; that on September 30, 1954, that applicant was advised by a letter from this Commission that its proposal was mutually exclusive with the applications of Cherokee Broadcasting Company and Greenwood Broadcasting Company, Inc.; and that such proposal should therefore be designated for hearing in consolidation with these applications. However, at the time of this conference no reply to this letter had been filed by Valley Broadcasting Company. Counsel for Mount Castle Broadcasting Company, Inc. has stated that his client received a copy of this letter and was advised by the Commission that there is a question of objectionable interference between the operation of the station proposed by Valley Broadcasting Company and the operation of Station WROL and that subsequently a reply was filed to this letter advising the Commission that Mount Castle Broadcasting Company, Inc. desires to be made a party to the proceeding. In view of these circumstances, the Examiner permitted counsel for Valley Broadcasting Company and Mount Castle Broadcasting Company, Inc. (WROL), to participate in the pre-hearing conference on the assumption that their clients would eventually be made parties to the proceeding by formal action of the Commission but with the understanding that if for any reason they should not subsequently become parties such participation by their counsel would be stricken. Counsel for Greenwood Broadcasting Company, Inc., Cherokee Broadcasting Company, and the Chief of the Broadcast Bureau of this Commission all consented to the participation by counsel for Valley Broadcasting Company, Inc., on this basis.

2. The Examiner ruled that the hearing would be conducted in its entirety in accordance with the Commission's new hearing procedures, namely, pursuant to §§ 1.813 and 1.841 of its rules, as amended, on July 15, 1954, and that in conformance therewith each of the applicants would prepare and submit its entire affirmative case in writing.

3. Counsel for Cherokee Broadcasting Company stated on the record that he would be absent from the United States during the month of November due to the fact that he is planning to attend the United States-Mexican Conference Concerning Standard Broadcast Matters, scheduled to begin in Mexico City on November 4, 1954. As above indicated, no formal action has yet been taken by this Commission designating the application of Valley Broadcasting Company for hearing in the instant proceeding and at the time of the pre-hearing conference the date appeared uncertain as to when such action would be taken. Due to uncertainty as to the length of time counsel for Cherokee Broadcasting Company would actually be absent from the United States and which might elapse before the Commission will act in designating the application of Valley Broadcasting Company for hearing, tentative dates were fixed by the Examiner, which were agreed to by all of the counsel who participated in this conference for the exchange of exhibits, a final pre-hearing conference and the commencement of the taking of testimony in the proceeding, as follows: On December 15, 1954, a pre-hearing conference will be held at which the entire affirmative cases of the applicants in the proceeding, including depositions to be taken on behalf of such applicants prior thereto, will be presented to the Hearing Examiner and exchanged between all of the parties. On December 22, 1954, a final pre-hearing conference will be held pursuant to § 1.841 (c) of the Commission's rules, as amended, for the purpose of discussing (1) the possibility of agreements disposing of any evidentiary issues raised with respect to the exhibits previously exchanged between the parties; (2) the limitation on cumulative evidence; (3) the number of witnesses and estimated length of testimony; (4) need for the use of depositions; and (5) any other matters which may aid the disposition of the hearing. On January 4, 1955, the taking of testimony in the instant proceeding will commence.

4. It was agreed that the affirmative cases to be presented by all of the applicants would be prepared in narrative form.

5. During the course of this pre-hearing conference various other stipulations and agreements were entered into between the parties which were accepted by the Hearing Examiner and which will eventually be incorporated in his Order governing the course of the hearings.

Accordingly: it is ordered, This 28th day of October 1954, that the hearing in the above-entitled proceeding now scheduled to be held on November 9, 1954, is hereby continued until January 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8649; Filed, Nov. 2, 1954; 8:50 a. m.]

[Docket Nos. 11175, 11176; FCC 54M-1354]

ABRAHAM KLEIN

STATEMENT CONCERNING PRE-HEARING CONFERENCE AND ORDER CONTINUING HEARING

In re applications of Abraham Klein, Hartford, Connecticut, Docket No. 11175, File No. 1084-C2-P-54; Abraham Klein, Columbus, Ohio, Docket No. 11176, File No. 286-C2-P-54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

At the pre-hearing conference held herein on October 25, 1954, the following agreements were reached among the

parties and are found to be acceptable and approved by the Hearing Examiner:

(1) It was stipulated that the basis for determining the service field intensity required for one-way radio paging service at 40 megacycles, and in or about that band, shall be determined according to the criteria set forth in a monograph written by Harry Fine, an engineer on the Commission's staff. In using this monograph, reference should be made to Channel 2 curves for television, as set forth in the Commission's engineering standards for television, compensated by an adjustment downward of 6 decibels (db) to reflect the lower antenna height of the receiver which is used in the particular service involved here.

(2) Official notice will be taken of the listed documents issued in the following proceedings:

In re applications of Page Boy, Inc., New York, New York, Docket No. 10388, File No. 1142-C2-P-52; Abraham Klein, New York, New York, Docket No. 10443, File No. 938-C2-P-53; for construction permits in the Domestic Public Land Mobile Radio Service.

(FCC 53D-40) Initial Decision, released August 24, 1953.

(FCC 54-690) Decision and Order, released June 4, 1954.

(FCC 54-1031) Decision and Order, released August 9, 1954.

(FCC 54-1177) Order, released September 21, 1954.

(3) Copies of Exhibits 32, 43, 44, 45, 46, 47, and 48 in the proceedings, referred to in paragraph (2) above, may be introduced in evidence without further authentication, and no objection will be made on the technical basis of lack of proper authentication of such documents.

(4) Testimony taken in the proceedings referred to in paragraph (2) above is incorporated into the record herein, as follows: transcript pages 401 through 403, 407 through 408, 410 through 417, 443 through 450, 454 through 455, 457 through 458, 466 through 468, 471 through 472, 482 through 483, 493 through 497, 499 only, 521 through 525, and 538 through 539.

(5) Copies of the following documents may be introduced in evidence without certification and seal of the Post Office Department, and no objection will be made on the technical basis of lack of proper authentication of such documents:

(a) Certificate of the Chief Hearing Examiner of the Post Office Department, issued March 18, 1954, with attached orders of the Post Office Department in the matter of the complaint that Classified Publishing Corporation, et al., are engaged in conducting a scheme for obtaining money through the mails by means of false and fraudulent pretences, representations and promises, in violation of 39 U. S. Code 257 and 732 (sections 39, 29, and 40 and 41 of the revised statutes, as amended).

(b) Order, dated October 9, 1953, issued by Post Office Department in docket referred to in paragraph (a) above.

On request of applicant and for good cause shown, postponement of the hearing until December 2, 1954, was granted, and applicant's request for a three-month continuance was denied as unreasonable.

It is ordered, This 28th day of October 1954, that the foregoing requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Examiner for cause or by the Commission upon review of the Examiner's ruling.

It is further ordered, That the hearing herein, scheduled for November 4, 1954, is continued, on request of the applicant, until December 2, 1954, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8650; Filed, Nov. 2, 1954; 8:50 a. m.]

[Docket No. 11208; FCC 54-1330]

HARLINGEN RADIO SYSTEM

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In re applications of W. R. Carmean, d/b as Harlingen Radio System, Harlingen, Texas, Docket No. 11208, File No. 2243-C2-P-54; for construction permits for base station and associated mobile units in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of October 1954;

The Commission having under consideration (1) the above-entitled applications of W. R. Carmean, d/b as Harlingen Radio System for authorization to construct a facility in the Domestic Public Land Mobile Radio Service at Harlingen, Texas, and (2) the Annual reports on FCC Form L filed with the Commission for the years 1951, 1952, and 1953 with respect to station KKA403 licensed to W. R. Carmean, d/b as Brownsville Radiotelephone System in the Domestic Public Land Mobile Radio Service at Brownsville, Texas; and

It appearing, that, in the instant applications W. R. Carmean seeks authorization to construct a base station and associated mobile units using the frequencies 152.03 Mc. and 158.49 Mc., respectively, at Harlingen, Texas, and that said applicant is presently operating station KKA403 in the Domestic Public Land Mobile Radio Service at Brownsville, Texas, approximately 25 miles from Harlingen, on the same frequencies as proposed herein; and

It further appearing, that, it is questionable whether both the proposed and existing base stations of the applicant may be operated simultaneously without inducing mutual harmful co-channel interference; and

It further appearing, that, station KKJ447, licensed to Franklin T. Wilson, d/b as Wilson Radio Dispatch, located at McAllen, Texas, approximately 35 miles west of the proposed Harlingen station is operating on the frequencies applied for herein and that mutual harmful co-channel interference may result between station KKJ447 at McAllen and the proposed station at Harlingen; and

It further appearing, that, there is some doubt concerning the applicant's technical qualifications to construct and operate the proposed radio facilities; and

It further appearing, that, the Annual reports on FCC Form L filed for the years 1951, 1952, and 1953 by W. R. Carmean, as licensee of station KKA403 show that, although a base station and 15 mobile units have been authorized for that facility, the station has had no subscribers, no full-time employees, no part-time employees, and no revenue messages and that the two mobile units reported as being served in 1953 were used by the licensee or his affiliate; and

It further appearing, that, no members of the public have received a common carrier service through the facilities of station KKA403 and, in light of that fact, and the fact that no mobile units are proposed to be furnished to subscribers in the instant applications, a communication common carrier service to the public may not in fact be intended in the instant applications; and

It further appearing, that, the instant applications fail to show that there is a need for the proposed service at Harlingen, Texas; and

It further appearing, that, the Commission advised the applicant by letter, dated September 28, 1954, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, of the reasons why his applications cannot be granted without hearing and that reply, dated October 5, 1954, has been received from the applicant and duly considered:

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on December 6, 1954, upon the following issues:

1. To determine the technical qualifications of the applicant to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from the proposed facilities and the public need for such service in the areas to be served.

3. To determine whether any mutual harmful co-channel interference would result from the operation of the proposed station at Harlingen, Texas, and station KKJ447 at McAllen, Texas.

4. To determine whether any mutual harmful co-channel interference would result from the operation of the proposed station at Harlingen, Texas, and station KKA403 at Brownsville, Texas, and, if so, whether a coordinated operation of the station is feasible between the communities involved.

5. To determine, in light of the past record of operation by W. R. Carmean of station KKA403 at Brownsville, Texas, whether a common carrier service has been and is being rendered by station KKA403 and, if not, whether in light of the record made in this proceeding it can be reasonably concluded that a com-

mon carrier service will be rendered by his proposed station at Harlingen, Texas.

6. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices, and services of the applicant for the furnishing of Domestic Public Land Mobile Radio Service.

7. To determine, on the basis of the record made on the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of the subject applications.

It is further ordered, That, Franklin T. Wilson, d/b as Wilson Radio Dispatch, licensee of station KKJ447 at McAllen, Texas, is made party respondent to this proceeding.

Released: October 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8651; Filed, Nov. 2, 1954; 8:51 a. m.]

[Docket No. 11209; FCC 54-1348]

LEONARD J. SHAFITZ

ORDER TO SHOW CAUSE

In the matter of Leonard J. Shafitz, Sharon, Pennsylvania; order to show cause why the construction permit for Television Station WSHA (TV), Sharon, Pennsylvania, should not be revoked.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of October 1954;

The Commission having under consideration the issuance of an order, pursuant to section 312 (a) of the Communications Act of 1934, as amended, directed to Leonard J. Shafitz, Sharon, Pennsylvania, to show cause why the construction permit for television station WSHA (TV), Sharon, Pennsylvania, should not be revoked because of the submission of an allegedly false verified statement with respect to the permittee's financial qualifications to construct and operate the proposed television station; and

It appearing, that Leonard J. Shafitz, on December 23, 1953, and January 6, 1954, by amendment to his application for a construction permit for station WSHA (TV), submitted for filing with the Commission a verified financial statement, dated December 14, 1953, showing that as of December 14, 1953, his assets consisted of the following: $25,000, cash on deposit in Union National Bank of Long Island, New York; $5,000, United States Government Savings Bonds; $15,000, cash on hand; $20,000, promissory note for gift from Dr. and Mrs. A. L. Goldwyn; and $30,000 property valuation of dwellings located at S. Oakland Avenue, Second Avenue, and Sterling Avenue, all situated in Sharon, Pennsylvania; and that the aforesaid financial statement shows no outstanding liabilities; and

It further appearing, that Leonard J. Shafitz, Permittee of television station WSHA, Sharon, Pennsylvania, willfully and knowingly in violation of sections 308 (a) and 308 (b) of the Communications Act of 1934, as amended, and of section 1.305 of the Commission's rules and regulations submitted a financial statement containing material misrepresentations covering his financial qualifications to construct and operate the proposed television station at Sharon, Pennsylvania, upon which the Commission relied in granting him a construction permit on January 27, 1954; and

It further appearing, that a field inquiry conducted by the Commission's staff subsequent to the grant of the permit, specifically April 27 through 29, 1954, revealed that the total of unencumbered parcels of real property allegedly owned in fee simple by the permittee as represented to the Commission in his application for a construction permit was not owned by him at the time of filing his verified statement of financial condition with the Commission; and that as to the personal property shown on his financial statement and relied upon by the Commission when the construction permit was granted, the permittee refused to divulge any information showing to what extent he owned or had available to him the assets described in his statement of financial condition submitted by him and dated December 14, 1953, for association with his then pending application for construction for a television station at Sharon, Pennsylvania, even though he was afforded ample opportunity to do so; and

It further appearing, that a registered mail letter was directed to Leonard J. Shafitz, 542 South Oakland Avenue, Sharon, Pennsylvania, on June 18, 1954, wherein he was afforded another opportunity to fully advise the Commission in the matter, to which a response was received on July 7, 1954; and

It further appearing, that the Commission, after careful consideration of all the material furnished by Leonard J. Shafitz in the aforesaid letter is still not satisfied that the verified financial statement of Leonard J. Shafitz, dated December 14, 1953, and submitted as an amendment to his application for a construction permit for a new television station to be located in Sharon, Pennsylvania, was a true and correct statement of his personal financial position at December 14, 1953;

It is ordered, That pursuant to sections 312 (a) (1) and 312 (a) (2) of the Communications Act of 1934, as amended, Leonard J. Shafitz, Permittee of Station WSHA-(TV), be and is hereby directed to show cause why there should not be issued an order revoking his station permit; and

It is further ordered, That a hearing in this matter will be held in the Commission's Offices, Twelfth and Pennsylvania Avenue NW., Washington 25, D. C., at 10:00 A. M. on the 7th day of December 1954, in order to determine whether said Order of Revocation should be issued, and that Leonard J. Shafitz is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, That pursuant to §§ 312 (a) and 312 (c) of the Communications Act of 1934, as amended, and § 1.402 of the Commission's rules and regulations, the said Leonard J. Shafitz is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that he will appear and present evidence on the matters specified in this order if he desires to avail himself of the opportunity to appear before the Commission. If said Leonard J. Shafitz does not desire to appear before the Commission to proffer evidence on the matters specified herein, he shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Leonard J. Shafitz believes that an Order of Revocation should not be issued; and

It is further ordered, That failure of said Leonard J. Shafitz timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: October 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8652; Filed, Nov. 2, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6581]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF FIRST MORTGAGE BONDS

OCTOBER 28, 1954.

Notice is hereby given that on October 22, 1954, the Federal Power Commission issued its order adopted October 20, 1954, authorizing issuance of first mortgage bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8625; Filed, Nov. 2, 1954; 8:45 a. m.]

[Docket No. G-2410, G-2424]

CITIES SERVICE GAS CO. AND BALTIC OPERATING CO.

NOTICE OF ORDERS MAKING PROPOSED TARIFF CHANGES EFFECTIVE

OCTOBER 28, 1954.

Notice is hereby given that on October 22, 1954, the Federal Power Commission issued its orders adopted October 20, 1954, making effective proposed tariff changes upon filing of undertaking to assure refund of excess charges in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8626; Filed, Nov. 2, 1954; 8:45 a. m.]

[Docket No. G-2480]

LUTHER LUSHER

NOTICE OF ORDER DIRECTING UNITED FUEL GAS CO. TO ESTABLISH PHYSICAL CONNECTION OF FACILITIES AND SALE OF NATURAL GAS

OCTOBER 28, 1954.

Notice is hereby given that on October 20, 1954, the Federal Power Commission issued its order adopted October 19, 1954, in the above-entitled matter, directing United Fuel Gas Company to establish physical connection of facilities and sale of natural gas to Luther Lusher, Docket No. G-2480.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8627; Filed, Nov. 2, 1954; 8:45 a. m.]

[Docket Nos. G-2519, G-2543, G-2553]

JACK W. GRIGSBY ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 28, 1954.

In the matters of Jack W. Grigsby, et al., Docket No. G-2519; Barnhart Hydrocarbon Corporation, Docket No. G-2543; Ada Oil Company, Docket No. G-2553.

Notice is hereby given that on October 22, 1954, the Federal Power Commission issued its findings and orders adopted October 20, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8639; Filed, Nov. 2, 1954; 8:47 a. m.]

[Docket No. G-2536]

NORTHERN INDIANA PUBLIC SERVICE CO.

NOTICE OF DECLARATION OF EXEMPTION

OCTOBER 28, 1954.

Notice is hereby given that on October 21, 1954, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act adopted October 20, 1954, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8628; Filed, Nov. 2, 1954; 8:46 a. m.]

[Docket Nos. G-2574, G-2580, G-2582, G-2591, G-2594, G-2597—G-2599]

TRUNKLINE GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 28, 1954.

In the matters of Trunkline Gas Company, Docket No. G-2574; Byrd Oil Corporation, et al., Docket No. G-2580; Kilmarnock Oil Company, Docket No. G-2582; SoRelle & SoRelle, et al., Docket No. G-2591; Southwest Gas Producing Company, Inc. and Feazel Interest, Docket No. G-2594; O. Neathery, Jr., Docket No. G-2597; Taylor Oil and Gas Co., Docket No. G-2598; Mayfair Minerals, Inc., Docket No. G-2599.

Notice is hereby given that on October 25, 1954, the Federal Power Commission issued its findings and orders adopted October 20, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8640; Filed, Nov. 2, 1954; 8:48 a. m.]

[Docket No. G-2656]

B. B. ORR

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that B. B. Orr (Applicant), an individual with his principal office in Longview, Texas, filed on September 2, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant produces natural gas in Willow Springs Field, Longview, Texas, which he sells to Texas Eastern Transmission Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 22, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8633; Filed, Nov. 2, 1954; 8:46 a. m.]

[Docket No. G-2712]

ARKANSAS FUEL OIL CORP.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Arkansas Fuel Oil Corporation (Applicant), a Delaware corporation with its principal office in Shreveport, Louisiana, filed on September 8, 1954, and amended October 4, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas subject to the jurisdiction of the Commission.

The application as amended states that Applicant sells natural gas in interstate commerce in (a) the Logansport Field, DeSoto Parish, Louisiana, to Southern Natural Gas Company; (b) the Logansport Field, DeSoto Parish, Louisiana, to the United Gas Pipe Line Company, (c) the Carthage Field, Panola County, Texas, to the United Gas Pipe Line Company, (d) the Furrh and Stone leases in the Waskom Field, Harrison County, Texas, to the Arkansas Louisiana Gas Company, (e) the P. D. Harrison Unit C-1 in the Willow Springs Field, Gregg County, Texas, (f) the Ratcliff Lease, Rodessa Field, Caddo Parish, Louisiana, to the Arkansas Louisiana Gas Company, (g) the Haynesville Field, Claiborne Parish, Louisiana, to the Arkansas Louisiana Gas Company, (h) Gille Unit, Sligo Field, Bossier Parish, Louisiana, to Arkansas Louisiana Gas Company, (i) two wells in the Bethany Field, Panola County, Texas, to United Gas Pipe Line Company, (j) Duck Lake Field, St. Martin and St. Mary Parishes, Louisiana, to United Gas Pipe Line Company, (k) Mustang Island Field, Corpus Christi Bay, Nueces County, Texas, to United Gas Pipe Line Company, (l) Mariposa Field, Brooks County, Texas, to Tennessee Gas Transmission Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 23, 1954, at 9:40 a. m. e. s. t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8634; Filed, Nov. 2, 1954; 8:46 a. m.]

[Docket No. G-2782]

IRA W. BELCHER, AGENT

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Ira W. Belcher, Agent (Applicant), an individual whose address is 207 Dominion Building, Charleston, West Virginia, filed on September 15, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Hinkle-Persinger Field, Braxton County, West Virginia, which it sells to Equitable Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 18, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8635; Filed, Nov. 2, 1954; 8:47 a. m.]

[Docket No. G-2787]

GERTRUDE SKELLY

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Gertrude Skelly (Applicant), with her principal office in Tulsa, Oklahoma, filed an application on September 16, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in her application filed herein.

Applicant produces natural gas in Lisbon Field, Claiborne Parish, Louisiana. Well operations are conducted by Lyon, McCord and Logan, of Shreveport, Louisiana. Sale is made at the well-head to Arkansas Louisiana Gas Company and Texas Eastern Transmission Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 16, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8636; Filed, Nov. 2, 1954; 8:47 a. m.]

[Docket No. G-2886]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed on September 21, 1954, and amended on October 21, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain natural-gas transmission facilities as described in said application, as amended, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 15, 1954 (19 F. R. 6664-65).

The Commission finds: It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 9, 1954 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented by the application, as amended: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8637; Filed, Nov. 2, 1954; 8:47 a. m.]

[Docket Nos. G-2939, G-2940]

STEWARTS CREEK GAS CO. NO. 2 AND STEWARTS CREEK GAS CO. NO. 3

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING AND FIXING DATE OF HEARING

Take notice that Stewarts Creek Gas Company No. 2 and Stewarts Creek Gas Company No. 3 (Applicants), joint venture organizations authorized to do business in the State of West Virginia with their principal office in Glenville, West Virginia, filed on September 21, 1954, their respective applications for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas subject to the jurisdiction of the Commission, all as more fully presented in the respective applications on file with the Commission for public inspection.

The applications filed by Applicants state separately that natural gas produced in the Stewarts Creek Field, Gilmer County, West Virginia, is sold to Equitable Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The application is on file with the Commission for public inspection.

These are matters that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is appropriate and in the public interest to (a) consolidate the above-entitled proceedings for the purpose of hearing, and (b) publish notice of the application and order consolidating and fixing date of hearing simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, Docket Nos. G-2939 and G-2940 be and the same are hereby consolidated for the purpose of hearing and that a hearing be held on November 29, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8638; Filed, Nov. 2, 1954; 8:47 a. m.]

[Project No. 362]

FORD MOTOR CO.

NOTICE OF ORDER RESCINDING ORDER AUTHORIZING AMENDMENT OF LICENSE (MAJOR)

OCTOBER 28, 1954.

Notice is hereby given that on October 25, 1954, the Federal Power Commission issued its order adopted October 20, 1954, rescinding order authorizing amendment of license (Major) and amending license on rehearing in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8629; Filed, Nov. 2, 1954; 8:46 a. m.]

[Project No. 2114]

PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASHINGTON

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

OCTOBER 28, 1954.

Notice is hereby given that on October 21, 1954, the Federal Power Commission issued its order adopted October 20, 1954, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc 54-8630; Filed, Nov. 2, 1954; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 39, Amdt. 1]

PENNSYLVANIA

DECLARATION OF DISASTER AREA

1. Declaration of Disaster Area 39 for the State of Pennsylvania, dated October 26, 1954, is hereby amended by including the following counties in paragraph 1 of said declaration:

Beaver. Butler. Lawrence.

2. Applications for disaster loans under said declaration, as hereby amended with respect to the above counties, may be filed with either of the following offices:

(a) Small Business Administration Regional Office, Jefferson Building, Room 1118, 1015 Chestnut Street, Philadelphia 7, Pa.

(b) Small Business Administration Branch Office, Fulton Building, Room 803, 107 Sixth Street, Pittsburgh 22, Pa.

3. Said applications will not be accepted subsequent to April 30, 1955.

Dated: October 29, 1954.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 54-8653; Filed, Nov. 2, 1954; 8:51 a. m.]

[Declaration of Disaster Area 40, Amdt. 1]

INDIANA

DECLARATION OF DISASTER AREA

1. Declaration of Disaster Area 40 for the State of Indiana, dated October 27, 1954, is hereby amended by including the following counties in paragraph 1 of said declaration:

Jasper. Porter.
Newton. Starke.

2. Applications for disaster loans under said Declaration, as hereby amended with respect to the above counties, may be filed with either of the following offices:

(a) Small Business Administration Regional Office, 226 West Jackson Boulevard, Room 1402, Chicago 6, Ill.

(b) Small Business Administration Branch Office, U. S. Post Office Building, Room 521, Indianapolis, Ind.

3. Said applications will not be accepted subsequent to April 30, 1955.

Dated: October 29, 1954.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 54-8654; Filed, Nov. 2, 1954; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 32]

MOTOR CARRIER APPLICATIONS

OCTOBER 29, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of

motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 730 Sub 47, PACIFIC INTERMOUNTAIN EXPRESS CO., A Corporation, 299 Adeline Street, Oakland Calif. Applicant's attorney: A. S. Glikbarg, 155 Sansome Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products* and *meat by-products* and *dairy products*, as defined by the Commission in Ex Parte No. MC-45, *poultry (including turkeys)*, fresh or frozen, eviscerated or prepared, *fish* and *shell fish*, frozen, *fruits* and *vegetables*, fresh, frozen or dried, *beverages and beverage preparations (including fruit and vegetable juices)*, frozen, and all other *processed or prepared foodstuffs*, canned or in other containers, the transportation of which requires refrigeration, (1) between points in Arizona, California, Idaho, Nevada, Utah, Oregon and Washington, on the one hand, and, on the other, points in Colorado, Kansas, Missouri, Oklahoma, Nebraska, Iowa, Illinois, South Dakota, Minnesota, and Wisconsin; and (2) between points in Idaho and Utah, on the one hand, and, on the other, points in California, Oregon and Washington. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Kansas, Missouri, Nevada, Utah, and Wyoming.

No. MC 3468 SUB 136, F. J. BOUTELL DRIVEAWAY CO., INC., 706 South Dort Highway, Flint 7, Mich. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new trucks, new bodies, new chassis* and *new cabs*, restricted to initial movements, in truckaway and driveaway service, from points in Wayne County, Mich., to points in Virginia. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont and West Virginia.

No. MC 7341 Sub 12, P. F. FELTEN, doing business as FELTEN TRUCK LINE, 750 North Twelfth St., Salina, Kans. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Salina, Kans., and Kansas City, Mo., operating from Salina over U. S. Highway 40 to Junction City, Kans., thence over relocated Kansas Highway 18 to Manhattan, Kans., thence over U. S. Highway 24 to Kansas City, Mo., and return over the same route, serving the intermediate points of Junction City, Fort Riley, Manhattan and Wamego, and (2) between Junction City, Kans., and Wamego, Kans., operating from Junction City over relocated U. S. Highway 40 to junction Kansas Highway 99, approximately ten (10) miles south of Wamego, thence over Kansas Highway 99 to Wamego, and return over the same route, serving no intermediate points, as an alternate route, in connection with regular route operations between Salina, Kans., and Kansas City, Mo. Applicant is authorized to conduct operations in Colorado, Kansas, Missouri, Nebraska, and Oklahoma.

No. MC 10761 SUB 46, TRANSAMERICAN FREIGHT LINES, INC., 1700 N. Waterman Ave., Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities* except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between South Bend, Ind., and Benton Harbor, Mich., from junction U. S. Highway 20 at South Bend, Ind., over U. S. Highways 31 and 33 to junction U. S. Highway 12 at Benton Harbor, Mich. (also from South Bend over U. S. Highways 31 and 33 to Scottsdale, Mich., and thence over Michigan Highway 139 to junction U. S. Highway 12 at Benton Harbor), and return over the same route, service no intermediate points, (2) from junction U. S. Highway 12 at Lawrence, Mich., over Michigan Highway 40 to Niles, Mich., and return over the same route, serving no intermediate points, and (3) from junction Michigan Highway 212 and U. S. Highway 20 at Michigan City, Ind., and junction U. S. Highways 20 and 12 at Gary, Ind., and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Michigan, Illinois, Ohio, Indiana, Pennsylvania.

No. MC 10875 SUB 9, BRANCH MOTOR EXPRESS COMPANY, A Corporation, 455 West 16th Street, New York, N. Y. Applicant's attorney: Dale C. Dillon, Todd, Dillon and Curtiss, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Reading, Pa., and Hamburg, Pa., over U. S. Highway 122, serving all intermediate points, and the off-route point of Mohrsville, Pa. Applicant is authorized to conduct operations in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania and Virginia.

No. MC 10928 Sub 23, SOUTHERN-PLAZA EXPRESS, INC., 1209 Washington Avenue, St. Louis 3, Mo. Applicant's attorney: Charles F. Riddle, Todd, Dillon and Curtiss, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, between Miami, Okla. and Kansas City, Mo., over U. S. Highway 69, serving no intermediate points, as an alternate or connecting route in connection with carrier's regular-route operations between Oklahoma City, Okla. and Kansas City, Mo., and between Oklahoma City, and Tulsa, Okla., on the one hand, and, on the other, specified points in Texas. RESTRICTION: Authority applied for to be subject to the following conditions: The authority applied for shall be limited in point of time to a period ending with the termination of either of carrier's presently held leases of operating rights of W. G. Burgess and English Freight Company, for any reason other than the exercise of its option, by carrier, to purchase the rights now leased from either or both of the said lessors; and the authority applied for shall be restricted against the transportation of shipments originating at, or destined to, or transported or interchanged through, the Kansas City, Missouri-Kansas Commercial Zone, on the one hand, and, on the other, points on U. S. Highway 66 north and east of Tulsa. (Carrier is authorized in Certificate No. MC 10928 Sub 20 to operate over the above-described route, subject to the restrictions described above, for the transportation of general commodities, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as an alternate route for operating convenience only.) Applicant is authorized to conduct operations in Missouri, Oklahoma and Texas.

NO. MC 11740 Sub 3, JESSE P. TALMAN, JESSE P. TALMAN, JR., JAMES B. TALMAN, RICHARD E. TALMAN, and HERBERT B. TALMAN, doing business as BLUE AND GRAY TRANSPORTATION COMPANY, 421 Decatur St., Richmond, Va. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Richmond, Va., and junction U. S. Highway 1 and Virginia Highway 10 near Chester, Va., over Virginia Highway 10, serving all intermediate points. Applicant is authorized to conduct operations in Virginia.

NO. MC 14297 Sub 7, GIACOMAZZI BROS. TRANSPORTATION CO., a corporation, Post Office Box 729, San Jose 5, Calif. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beet sugar, final molasses residuum*, in bulk, in tank vehicles, from San Jose, Calif., to Gardnerville, Nev. Applicant is authorized to conduct operations in California and Nevada.

NO. MC 17979 SUB 4, MARTIN A CROWLEY, doing business as MARTIN A. CROWLEY TRUCKING, 753 Central Street, Franklin, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Coke*, and *pig iron ingots*, from Boston, Mass., and points within five miles of Boston, to Franklin and Laconia, N. H., (2) *Castings*, iron, from Franklin, N. H., to points in Connecticut and Massachusetts, (3) *Sugar*, from Boston, Mass., to Franklin, N. H., (4) *Foodstuffs*, canned goods, from points in Massachusetts and Fryeburg, Hartland, Portland, Rockland, South Portland, and Thomaston, Me., to Franklin, N. H., (5) *Lime* and *limestone*, loose or in packages, from points in Berkshire County, Mass., to Franklin, N. H., (6) *Machinery*, used, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York and New Jersey, on the one hand, and, on the other, the ports of entry on the United States-Canada International Boundary line in New York, Vermont, New Hampshire and Maine, (7) *Machinery*, between points in New Hampshire, on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York and New Jersey, except between Franklin, N. H., and points in New Hampshire within 15 miles of Franklin, on the one hand, and, on the other, points in Maine, Rhode Island, Massachusetts and Connecticut. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island.

NO. MC. 18416 Sub 11, ARTHUR I. CLAWGES, doing business as CLAWGES TRANSFER, P. O. Box 2158, Morgantown, W. Va. Applicant's attorney: Eugene M. Prager, Warwood, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Glass and glass products*, between points in Monongalia County, W. Va., and points in Maryland, Ohio and Pennsylvania. Applicant is authorized to conduct operations in West Virginia, Maryland, District of Columbia, Pennsylvania, and Ohio.

NO. MC 29753 Sub 1, BOB AIKINS LINES, INC., R. R. #1, Osgood, Ind. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Holton, New Marion, Dabney, Cross Plains, Correct, Olean, Benham, Friendship, Rexville, Milan, Lookout, Delaware, Pierceville, Napoleon, and Old Milan, all in Ripley County, Ind.; Farmers Retreat, Moores Hill, Sparta, Mount Sinai, and Wilmington, all in Dearborn County, Ind.; and all other points in Ripley, and Dearborn Counties, Ind. which are located within seven miles of (1) that portion of U. S. Highway 50 extending between the Indiana-Ohio State line and Versailles, Ind. and (2) that portion of U. S. Highway 421 (formerly Indiana Highway 29) extending between Versailles, Ind. and Osgood, Ind., as off-route points in connection with regular route operations between Osgood, Ind. and Cincinnati, Ohio, over U. S. Highway 50, and Indiana Highway 29 (shown in Rand McNallys as U. S. Highway 421). Applicant is authorized to conduct operations in Indiana and Ohio.

NO. MC 35358 Sub 13, BERGER TRANSFER & STORAGE, INC., 356 Lincoln Street, N. E., Minneapolis, Minn. Applicant's attorney: Donald A. Morken, Mackall, Crouse, Moore, Helmey & Palmer, 1100 First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, and new *household and office furnishings*, uncrated, from Council Bluffs, Iowa, to points in the Minneapolis-St. Paul, Minn. Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Minnesota, Iowa, Illinois, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, New York and Pennsylvania.

NO. MC 35374 Sub 1, D. J. BLACK, doing business as BLACK'S MOTOR EXPRESS, 1902 South Front Street, Wilmington, N. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Rocky Mount, N. C., as an intermediate point in connection with carrier's regular route operation between Wilmington, N. C., and Richmond, Va. Applicant is authorized to conduct operations in North Carolina and Virginia.

NO. MC 36137 Sub 2, WILLIAM K. HESTON, Furlong, Bucks County, Pa. Applicant's representative: Paul B. Kemmerer, 1620 N. Nineteenth Street, Allentown, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh citrus juices*, in bulk, in tank vehicles, from Miami, Fla., to Newark, N. J.

NO. MC 36473 Sub 54, CENTRAL TRUCK LINES, INC., 1001 Jackson Street, Tampa, Fla. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Shiloh, Fla., and Tropic, Fla., over Florida Highway 3, serving the intermediate points of Allenhurst, Courtenay, Georgiana, Lotus, Orsino, and Wilson, Fla., (2) Between Canaveral, Fla., and Canova Beach, Fla., over Florida Highway A-1-A, serving the intermediate points of Artesia, Canaveral Harbor, and Port Canaveral, Fla. (3) Between Yulee, Fla., and Fernandina Beach, Fla., over Florida Highway 200, serving the intermediate point of Fernandina, Fla. (4) Between Jacksonville Fla., and Greenland, Fla., over Alternate U. S. Highway 1, John E. Matthews Bridge, and Florida Highways 10 and 115, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized operations. (5) Between junction Florida Highway 520 and Florida Highway 50 (said junction located between Bithlo and Christmas, Fla.,) and Cocoa, Fla., over Florida Highway 520, as an alternate route, for operating convenience only, in connection with carrier's authorized operations, serving no intermediate points. (6) Serving the off-route point of Angel City, Fla., located 3 miles south of Florida Highway 520 on Banana River (Banana River Drive), over an unnumbered highway, in connection with carrier's authorized regular route operations. Applicant is authorized to conduct operations in Florida and Georgia.

NO. MC 39414 Sub 8, TYLER TRUCK LINES, INC., Oakfield, N. Y. Applicant's attorney: Samuel V. Gianniny, 25 Exchange St., Rochester, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plaster accelerator, plaster and stucco aggregate, steel plastering arches, steel bead, iron and steel channels, basement coal doors, building and roofing felt, plastering fibre, gypsum, insulating materials, wallboard joint system, kalsomine, gypsum lath, steel lathing and steel ribbing*, and *incidental accessorial clips and fastenings* therefor, *lime, iron and steel nails, paint, building paper, plaster, plaster grounds, land plaster, plasterboard, cold water putty, steel, concrete and plaster reinforcing wire mesh, bar mesh and expanded metal and incidental accessorial clips and fastenings therefor, plaster retarder, common and silica sand, steel sash, windows, screens, casein sizing, acoustical ceiling and wall tile, blocks and slabs, fibreboard and pulpboard, wall board, plaster wallboard, mineral wool, iron and steel wire*, and *gypsum tile*, from Oakfield, N. Y., to points in Cameron, Elk, and Forest Counties, Pa. Applicant is authorized to conduct operations in New York and Pennsylvania.

NO. MC 49504 Sub 7, BERNARD L. McCUE, doing business as McCUE TRANSFER, Grand Island, Nebr. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, between Hutchinson, South Hutchinson, Kanopolis and Lyons, Kans., and points within five (5) miles of each, on the one hand, and, on the other, points in Arkansas, and points in Cochran, Bailey, Randall, Roberts, Crosby, Swisher, Potter, Sherman, Wichita, Lubbock, Castro, Oldham, Dallam, Cottle, Hall, Gray, Ochiltree, Yoakum, Dickens, Briscoe, Carson, Hansford, Floyd, Collingsworth, Hartley, Foard, Kent, Terry, Motley, Childress, Wheeler, Lipscomb, Lamb, Armstrong, Hutchinson, Wilberger, Lynn, Hale, Donley, Moore, Hockley, Parmer, Deaf Smith, Hemphill, Hardeman, and Carsa Counties, Texas, and points in Curry, Bernalilie, Mora, Santa Fe, Colfax, Harding, Los Alamos, Taos, Quay, Guadalupe, Union, San Miguel, Torrence, and Rio Arriba Counties, New Mexico.

NO. MC 52054 Sub 13, S & C TRANSPORT COMPANY, INC., 65 State Street, South Hutchinson, Kans. Applicant's

attorney: James F. Miller, 500 Board of Trade Building, 10th & Wyandotte Street, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, between Hutchinson, South Hutchinson, Kanopolis, and Lyons, Kans., and points within five miles of each, on the one hand, and, on the other, points in Arkansas. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska, Oklahoma, Colorado, Minnesota, North Dakota, South Dakota, and Wyoming.

NO. MC 59077 SUB 26, INLAND MOTOR FREIGHT, A Corporation, South 110 Sheridan Street, Spokane, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A, B, and C explosives*, between Frederickson, Washington and points within five miles thereof, on the one hand, and, on the other, points in that part of Idaho north of the southern boundary of Idaho County. Applicant is authorized to conduct operations in Washington and Idaho.

No. MC 60076 SUB 11, VERN F. WARNER, CLIFFORD V. WARNER AND KEITH D. WARNER, a partnership, doing business as V. F. WARNER AND SONS, 104 West Charles Street, Champaign, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Academic caps and gowns*, between Champaign, Ill., on the one hand, and, on the other, points in California, Delaware, Florida, Idaho, Illinois, Kentucky, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Tennessee, Utah, Washington and Wyoming, and Ports of Entry on the International Boundary line between the United States and Mexico, and those on the International Boundary line between the United States and Canada, (2) *Bleacher seats*, between Champaign, Ill., on the one hand, and, on the other, points in California, Delaware, District of Columbia, Idaho, Illinois, Indiana, Kentucky, Montana, New Hampshire, New Mexico, Nevada, Oregon, Rhode Island, Utah, Vermont, Washington, Wyoming, and Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Springfield, and Toledo, Ohio, and Ports of Entry on the International Boundary line between the United States and Canada and those on the International Boundary line between the United States and Mexico. (3) *Household goods*, as defined by the Commission, between Champaign, Ill., and points in Illinois within 200 miles thereof, on the one hand, and, on the other, points in California, Connecticut, Delaware, Idaho, Montana, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Washington and Wyoming, (4) *Dryers, freezers, ironers, ranges, washing machines and parts*, between Newton and Amana, Iowa, on the one hand, and, on the other, points in Illinois and Indiana. Applicant is authorized to conduct operations to all points in the United States, except, California, Delaware, Idaho, Kentucky, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

NO. MC 61623 SUB 10, GATE CITY TRANSPORT COMPANY, INC., 13401 Eldon Street, Detroit 34, Mich. Applicant's attorney: George S. Dixon, Matheson, Dixon & Brady, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new automobile bodies* and *new automobile chassis*, in initial movements, in truckaway and driveaway service, from Kenosha, Wis., to points in North Carolina, and South Carolina. RESTRICTION: Authority applied for to be restricted to transportation of vehicles manufactured by the Hudson Motor Car Division of American Motors, Inc. Applicant is authorized to conduct operations in Michigan, North Carolina and South Carolina.

NO. MC 64932 SUB 168, ROGERS CARTAGE CO., A CORPORATION, 1934 South Wentworth Ave., Chicago, Ill. Applicant's attorney: Jack Goodman, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. For Authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Grand Rapids and Kalamazoo, Mich., and points within ten miles of each, points in Illinois, Indiana, and Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia and Wisconsin.

NO. MC 66562 SUB 1216, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between York, Pa., and Glenarm, Md., from York over Pennsylvania Highway 74 via Delta to the Pennsylvania-Maryland State line, thence over Maryland Highway 165 to junction Maryland Highway 24, thence over Maryland Highway 24 to Bel Air, Md., thence over Maryland Highway 147 to junction unnumbered state highway, and thence over unnumbered state highway to Glenarm, and return over the same route, serving the intermediate and off-route points of Dallastown, Red Lion, Muddy Creek, Forks, Bridgeton and Delta, Pa., and Bel Air, Md.

NO. MC 66650 SUB 2, AMY T. McCORMICH AND EDITH M. SMITH, doing business as A. T. McCORMICH, 601 Centre Street, Ashland, Pa. Applicant's attorney: John P. McCord, Watkins and Walesky, Law Building, Frackville, Pa. For authority to operate as a *common carrier*, over a regular route, transporting: *Bakery products*, from Philadelphia, Pa., to Washington, D. C., from Philadelphia, Pa., over U. S. Highway 13 to Wilmington, Del. (also from the junction of U. S. Highways 13 and Alternate 13, over Alternate U. S. Highway 13 to Wilmington, Del.), thence over U. S. Highway 13 to junction U. S. Highway 40, thence over U. S. Highway 40 to Baltimore, Md., and thence over U. S. Highway 1 to Washington, D. C., *empty cartons for bakery products*, from Washington, D. C., over the above-specified route to Philadelphia, Pa., no service is proposed to and from intermediate points. Applicant is authorized to conduct operations in Pennsylvania, Delaware, and Maryland.

NO. MC 75872 SUB 13, (Amended), BOSTON & MAINE TRANSPORTATION COMPANY, a corporation, 150 Causeway Street, Boston, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities requiring special equipment*, but excluding commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Orange and Greenfield, Mass., over Massachusetts Highway 2, also, from Orange over Massachusetts Highway 2 to junction Massachusetts Highway 63, thence over Massachusetts Highway 63 to junction Massachusetts Highway 2 A, and thence over Massachusetts Highway 2 A to Greenfield, and return over the same route, serving all intermediate points on the described routes. Applicant is authorized to conduct operations in Maine, Massachusetts, New Hampshire and Vermont.

NO. MC 76993 SUB 18, EXPRESS FREIGHT LINES, INC., 1006 South Barclay Street, Milwaukee 4, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, between the points and over the regular routes over which applicant is now authorized to transport general commodities, except Class A and B explosives, in the states of Illinois, Indiana, Michigan, Ohio and Wisconsin, as described in Certificates Nos. MC 76993, MC 76993 Sub 1, MC 76993 Sub 2, MC 76993 Sub 3, MC 76993 Sub 4, MC 76993 Sub 5, MC 76993 Sub 10, MC 76993 Sub 11, MC 76993 Sub 12, MC 76993 Sub 13, MC 76993 Sub 14, MC 76993 Sub 15, and MC 76993 Sub 17, dated December 13, 1940, March 11, 1940, August 15, 1941, April 13, 1942, January 7, 1943, April 15, 1943, December 11, 1945, January 23, 1946, January 13, 1948, May 22, 1950, April 5, 1951, October 22, 1952, and February 25, 1954, respectively. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio and Wisconsin.

NO. MC 86928 SUB 22, C. E. REYNOLDS, 2209 Range Line, P. O. Box No. 331, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 209 First National Bank Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from pipeline terminals in Missouri, to points in Missouri. Applicant is authorized to conduct operations as a contract carrier in Kansas, Missouri and Oklahoma.

NO. MC 87857 SUB 21, BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin and bullion*,

between Seattle, Wash., Portland, Oreg., San Francisco and Los Angeles, Calif., Helena, Mont., Salt Lake City, Utah, Denver, Colo., El Paso, San Antonio, Houston, and Dallas, Tex., Oklahoma City, Okla., Omaha, Nebr., Minneapolis, Minn., Chicago, Ill., St. Louis and Kansas City, Mo., Little Rock, Ark., New Orleans, La., Memphis and Nashville, Tenn., Louisville, Ky., Birmingham, Ala., Atlanta, Ga., Jacksonville, Fla., Charlotte, N. C., Richmond, Va., Baltimore, Md., Cincinnati and Cleveland, Ohio, Pittsburgh and Philadelphia, Pa., Detroit, Mich., Buffalo and New York, N. Y., Boston, Mass., and the District of Columbia. The authority applied for is for service for the Bureau of the Mint, U. S. Treasury Department, the Federal Reserve Banks and their respective branches, and the U. S. Treasury Department. Applicant is authorized to conduct operations through-out the United States.

NO. MC 88161 SUB 40, INLAND PETROLEUM TRANSPORTATION COMPANY, INC., 5047 Colorado Ave., Seattle, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ammonium nitrate*, in solution, *phosphoric acid, acids, chemicals*, and *chemicals in solution*, in bulk, in tank vehicles, from the United States-Canadian International Boundary line through ports of entry located in Washington on or near said International Boundary line, to points in Washington, and Idaho, and return with contaminated shipments. Applicant is authorized to conduct operations in Idaho, Oregon, and Washington.

NO. MC 89706 SUB 22, MOTORWAY CORPORATION, 4817 Route 60 East, Huntington, W. Va. Applicant's attorney: Richard H. Brandon, Sanborn, Nacey and Brandon, Society for Savings Building, Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Fence, fence posts, fence materials, cod liver oil, insecticides* and *fertilizer*, from points in Franklin County, Ohio, to points in the southern peninsula of Michigan, (2) *Agricultural, garden and lawn seed*, and *display cases* for seed, between points in Franklin County, Ohio, on the one hand, and, on the other, points in the southern peninsula of Michigan, and (3) *Empty containers* for seed and fertilizer, from points in the southern peninsula of Michigan to points in Franklin County, Ohio. Applicant is authorized to conduct operations in Ohio, West Virginia, Pennsylvania, Kentucky, Indiana, New York, New Jersey, and Maryland.

NO. MC 92983 SUB 111, ELDON MILLER, INC., 1030 Riverside Drive, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Columbia, Tenn., and points within 15 miles thereof, to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, and Missouri. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska, Iowa, Minnesota, Illinois, Kentucky, Louisiana, Texas, West Virginia, Colorado, North Dakota, Oklahoma, South Dakota, and Tennessee.

NO. MC 94111 SUB 2, SEA-VAN EXPRESS, LTD., a Canadian Corporation, 2435 4th Ave., South, Seattle, Wash. For authority to operate as a *common carrier*, transporting: *Petroleum products*, in barrels or cases, in truckload lots, serving Richmond Beach, Wash. as an off-route point in connection with regular route operations between Seattle, Wash., and the boundary of the United States and Canada over U. S. Highway 99, restricted to transportation of shipments destined to the Standard Oil Co. of British Columbia, British Columbia, Canada. Applicant is authorized to conduct operations in Washington.

NO. MC 97264 SUB 12, S. A. MARKLEY AND LOREN G. MARKLEY, doing business as M. & M. TRUCK COMPANY OF WYOMING. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank trucks, from Sydney, Nebr., to points in Colorado on, north, and east of a line beginning at the Colorado-Kansas State line and thence extending over U. S. Highway 36 to Last Chance, Colo., thence over Colorado Highway 71 to Brush, Colo., thence over U. S. Highway 6 to Ft. Morgan, Colo., thence over Colorado Highway 52 to junction Colorado Highway 14, thence over Colorado Highway 14 to Stoneham, Colo., and thence over unnumbered Colorado Highway through Avalo, Colo., to the Colorado-Nebraska State line. Applicant is authorized to conduct operations in Wyoming.

NO. MC 103880 SUB 132, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: David Axelrod, Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank trucks, from Lemont, Ill., and points within five (5) miles thereof, to points in Ohio, Michigan and Indiana. Applicant is authorized to conduct operations in Michigan, New York, Ohio, Pennsylvania, West Virginia, Kentucky, Indiana, Illinois, and Wisconsin.

NO. MC 105957 SUB 35, DELTA MOTOR LINE, INC., 1243 South Gallatin St., Jackson, Miss. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of LeTourneau Company Plant on U. S. Highway 61 approximately eight miles south of Vicksburg, Miss., as an intermediate point in connection with applicant's regular-route operations over U. S. Highway 61 between Vicksburg, Miss., and Port Gibson, Miss. Applicant is authorized to conduct operations in Mississippi, Louisiana, and Tennessee.

NO. MC 106049 Sub 23, ATLANTA-NEW ORLEANS MOTOR FREIGHT CO., a corporation, 260 University Avenue, S. W., Atlanta, Ga. Applicant's attorney: Allan Watkins, Edgar Watkins and Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosive household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Mobile, Ala., and LeMoyne, Ala., over U. S. Highway 43, serving no intermediate points, but serving the Plant Site of Courtaulds, Inc., located near LeMoyne, as an off-route point. Applicant is authorized to conduct operations in Georgia, Alabama, Florida, Louisiana, and South Carolina.

NO. MC 106117 Sub 2, RUMPF TRUCK LINE, INC., 424 South Maumee St., Tecumseh, Mich. Applicant's attorney: L. J. Hammond, Adrian State Bank Building, Adrian, Mich. For authority to operate as a *common carrier*, over alternate or connecting routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading (1) between (a) Ann Arbor, Mich., and Toledo, Ohio, over U. S. Highway 23, and (b) Tecumseh, Mich., and Toledo, Ohio over presently authorized route (Michigan Highway 50) from Tecumseh to Britton, Mich., thence continue over Michigan Highway 50 to junction U. S. Highway 23, thence over route as described under (a) above (U. S. Highway 23) to Toledo, and return over the same route; serving no intermediate points, said routes being for operating convenience only, in connection with regular route operations between Britton, Mich., and Toledo, Ohio; Tecumseh, Mich., and Petersburg, Mich.; Clinton, Mich., and Britton, Mich.; Ann Arbor, Mich., and Tecumseh, Mich.; and Ann Arbor, Mich., and Clinton, Mich., and (2) between Tecumseh, Mich., and Toledo, Ohio, over Michigan Highway 50 from Tecumseh to junction Michigan Highway 52, thence over Michigan High 52 to junction U. S. Highway 223, thence over U. S. Highway 223 to junction unnumbered Michigan Highway between Blissfield, and Ottawa Lake, Mich., thence over presently authorized route (U. S. Highway 223) to Toledo, and return over the same route, serving no intermediate points, said route to be used for operating convenience in connection with regular route operations, as described above, only during those seasons of the year when the Michigan Frost Law and Regulations are in effect. Applicant is authorized to conduct operations in Ohio, and Michigan.

NO. MC 107403 Sub 185, E. BROOKE NATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, Shertz, Barnes & Shertz, 801–804 I. B. M. Bldg., 226 South 15th Street, Philadelphia, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Marion, Ind., to Fairborn,

Applicant's attorney: John S. Whittlesey,

Ohio. Applicant is authorized to conduct operations in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia and the District of Columbia.

NO. MC 107403 Sub 186, E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, Shertz, Barnes and Shertz, 801–804 I. B. M. Bldg., 226 South 15th Street, Philadelphia, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, as defined by the Commission in Ex Parte No. MC–45, in bulk, in tank vehicles, from Warren, Pa., to Baltimore Md. Applicant is authorized to conduct operations in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NO. MC 107643 Sub 37, ST. JOHNS MOTOR EXPRESS CO., a corporation, 7220 North Burlington, Portland 3, Oreg. Applicant's attorney: J. M. Hickson, 725 Yeon Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids, chemicals*, and *chemical solutions*, in bulk, in tank vehicles, between points in Washington. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, Utah, and Washington.

NO. MC 107678 Sub 19, HILL & HILL TRUCK LINE, INC., 4400 Cochran St., Houston, Tex. Applicant's attorney: W. T. Brunson, Braniff Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in connection with the discovery, exploration, development, mining, refining, milling, processing, and storage of uranium, between points in Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Washington, Oregon, and California. Applicant is authorized to conduct operations in Colorado, Louisiana, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NO. MC 107678 Sub 20, HILL & HILL TRUCK LINE, INC., 4400 Cochran St., Houston, Tex. Applicant's attorney: W. T. Brunson, Braniff Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, except the stringing and picking up of pipe in connection with the construction and dismantling of pipe lines; *machinery, equipment, materials*, and *supplies* used in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products and byproducts; and *machinery, equipment, materials*, and *supplies* used in, or in connection with, irrigation, the drilling of water wells, salt water injection wells, wells for underground reservoir storage and the drilling of wells for all other purposes, between points in Kansas, Louisiana, Nebraska, New Mexico, Oklahoma, and Texas. Applicant is authorized to conduct operations in Colorado, Kansas, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NO. MC 107882 Sub 3, ARMORED MOTOR SERVICE CORPORATION, a corporation, 1320 New Willow St., Trenton, N. J. Applicant's attorney: N. N. Schildkraut, 143, East State St., Trenton 8, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin*, and *bullion* (1) between Philadelphia, Pa., and Washington, D. C., on the one hand, and, on the other, Baltimore, Md., Richmond, Va., Charlotte, N. C., Jacksonville, Fla., Atlanta, Ga., Birmingham, Ala., New Orleans, La., Memphis, and Nashville, Tenn., Louisville, Ky., Cincinnati, and Cleveland, Ohio, Pittsburgh, Pa., Buffalo, West Point, and New York, N. Y., and Boston, Mass., and (2) between Baltimore, Md., Richmond, Va., Charlotte, N. C., Jacksonville, Fla., Atlanta, Ga., Birmingham, Ala., New Orleans, La., Memphis, and Nashville, Tenn., Louisville, Ky., Cincinnati, and Cleveland, Ohio, Pittsburgh, Pa., Buffalo, West Point, and New York, N. Y., and Boston, Mass. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

NO. MC 108991 Sub 16, SOUTHERN TRUCK LINES, INC., 2381 West Beaver Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Concentrated and condensed milk*, in bulk, in tank vehicles, from Hopkinsville, Ky., to Lewisburg and Fayetteville, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Minnesota, Mississippi, North Carolina, South Carolina, Tennessee and Texas.

NO. MC 109772 Sub 10, ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson Avenue, Los Angeles, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street—Suite 723, Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used automobiles, vehicles* and *trucks*, in secondary movements, in truckaway service, between points in Arizona, on the one hand, and, on the other, points in Riverside, San Bernardino, San Diego, Orange, Los Angeles, Kern, Ventura and Santa Barbara Counties, Calif. Applicant is authorized to conduct operations in California.

NO. MC 110698 Sub 41, (Corrected), published on page 4895 FEDERAL REGISTER issue of August 4, 1954, J. FRANK DICKSON, TRUSTEE, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, Post Office Box 457, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals* and *liquid acids*, in bulk, in tank vehicles, from Charleston, South Charleston, and Institute, W. Va., to points in Florida, Alabama, and those in Tennessee, on and west of U. S. Highway 27. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

NO. MC 111450 SUB 7, GRANT TRUCKING CO., A Corporation, Corporation Street, Jackson, Ohio. Applicant's attorney: Noel F. George, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ferro alloys* and *pig iron*, and *materials, machinery* and *supplies* used in the manufacture of ferro alloys and pig iron, between Jackson, Ohio, on the one hand, and, on the other, points in Indiana, Michigan, Kentucky, Pennsylvania and West Virginia.

NO. MC 111777 SUB 8, STEPHEN LAHOTSKI, 181 Phillips Street, Throop, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Radios* and *television receiving sets* and *parts thereof, damaged* or defective parts and accessories used in the manufacture or assembly of radios and television receiving sets, from Erie and Scranton, Pa., to points in Ohio, Indiana, Illinois, Michigan and Kentucky; and *parts* and *accessories* used in the manufacture or assembly of radios and television receiving sets, and damaged or defective *radios* and *television receiving sets*, from points in Ohio, Indiana, Michigan, Illinois, and Kentucky, to Erie and Scranton, Pa. RESTRICTION: Authority applied for to be restricted to interchange of traffic at Erie and Scranton, Pa., and restricted to traffic originating outside the State of Pennsylvania. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Ohio, Pennsylvania, Rhode Island and the District of Columbia.

NO. MC 112020 SUB 4, E. W. SCHENECKER AND J. R. BOSWELL, doing business as COMMERCIAL OIL TRANSPORT, 1030 Stayton St., Fort Worth, Texas. Applicant's attorney: Leroy Hallman, Phinney and Hallman, First National Bank Building, Dallas 2, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, vegetable oil foods and sediments*, in bulk, in tank vehicles (1) between points in Texas and (2) between points in Texas, Louisiana, Arkansas, Kansas, Oklahoma and points in Missouri on and south of the Missouri River. Applicant is authorized to conduct operations in Louisiana, Arkansas, Oklahoma, Kansas, and Texas.

NO. MC 113294 SUB 1, JAMES E. LANGAN, P. O. Box 341, Belfield, N. Dak.

Applicant's attorney: John S. Whittlesey, Burnett, Bergesen, Whittlesey & Shermoen, Suite 2–3, 69½ Broadway, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, materials, equipment*, and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, materials, equipment*, and *supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipelines, between points in that part of South Dakota bounded by a line beginning at the South Dakota-Wyoming State line and extending over U. S. Highway 14 to Rapid City, S. Dak., thence south over U. S. Highway 16 to the South Dakota-Wyoming State line, thence over the South Dakota-Wyoming State line to point of beginning, including points on the indicated portions of the highway specified, and points in Crook and Weston Counties, Wyo., with authority to tack the authority sought to the authority now held by applicant in South Dakota. Applicant is authorized to conduct operations in Montana, North Dakota and South Dakota.

NO. MC 113624 SUB 6, WARD TRANSPORT, INC., P. O. Box 133, Pueblo, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham, Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) between points in New Mexico and Colorado, and (2) between Borger, Tex. and Monticello, Utah. Applicant is authorized to conduct operations in Colorado, Kansas, Nebraska, New Mexico, Oklahoma, Texas and Wyoming.

NO. MC 113333 SUB 6 (amended) published in the August 18, 1954 issue of the FEDERAL REGISTER, page 5247, further amended and republished in the October 27, 1954 issue of the FEDERAL REGISTER, page 6394, and still further amended and republished. ARMORED CAR, INC., 2654 Poydras Street, New Orleans, La. Applicant's attorneys: Phelps, Dunbar, Marks & Claverie, Tenth Floor United Fruit Building, New Orleans 12, La. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin* and *bullion*, (1) from The United States Mint in Philadelphia, Pa., to Federal Reserve Banks or Branches in Kansas City and St. Louis, Mo., Oklahoma City, Okla., El Paso, Dallas, San Antonio and Houston, Tex., Little Rock, Ark., Nashville and Memphis, Tenn., New Orleans, La., Birmingham, Ala., Atlanta, Ga., Charlotte, N. C., Jacksonville, Fla., Louisville, Ky., Washington, D. C., and Cincinnati, Ohio, and (2) between Federal Reserve Banks or Branches in Kansas City and St. Louis, Mo., Oklahoma City, Okla., El Paso, Dallas, San Antonio and Houston, Tex., Little Rock, Ark., Nashville and Memphis, Tenn., New Orleans, La., Birmingham, Ala., Atlanta, Ga., Charlotte, N. C., Jacksonville, Fla., Louisville, Ky., Washington, D. C., and Cincinnati, Ohio. Applicant is authorized to conduct operations in Alabama, Florida, Louisiana and Mississippi.

NO. MC 113651 SUB 6, INDIANA REFRIGERATOR LINES, INC., 13th and North Elm Street, Muncie, Ind. Applicant's attorney: Charles Pieroni, Pieroni, Hynes & Dixon, 523 Johnson Bldg., Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, packing-house products*, and *commodities used by packing houses*, as defined by the Commission in Ex Parte No. MC 45, between Muncie, Ind., and Bloomington, Ill.

NO. MC 114091 SUB 4, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 4204 Norbourne Blvd., Louisville 7, Ky. Applicant's attorney: William Kiel, Mayer, Cooper & Kiel, Kentucky Home Life Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Paints and paint products, lacquers, varnishes, alkyd* and *vinyl resin solutions, solvents* and *all liquids* used in the manufacturing and/or processing of paints, lacquers and varnishes, in bulk, in tank vehicles, from Louisville, Ky., to points in Virginia, Indiana, Illinois, Ohio, Pennsylvania, New York, West Virginia, New Jersey, Maryland, Michigan, Wisconsin, Delaware, Minnesota, Iowa, Missouri, Kansas, Oklahoma, Arkansas, Mississippi, Tennessee, North Carolina, South Carolina, Louisiana, Texas and Florida, (2) *tall oil*, in bulk, in tank vehicles, from Tuscaloosa and Bay Minette, Ala., to Louisville, Ky., and (3) *linseed oil*, in bulk, in tank vehicles, from Minneapolis, Minn., to Louisville, Ky.

NO. MC 114822 SUB 1, RUDOLPH PAFFRATH, WILLIAM PAFFRATH, AND THOMAS PAFFRATH, doing business as PAFFRATH BROS., 1415 Clinton Street, Linden, N. J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. or authority to operate as a *common carrier*, over irregular routes, transporting: *Scrap cast iron*, between Brooklyn, N. Y., and Burlington, N. J.

NO. MC 114831, FRANK E. WRIGHTSMAN, 3904 69th Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *building brick*, from Des Moines, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin; and (2) *building brick* and *drain tile*, from Oskaloosa and Redfield, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin. RESTRICTION: Applicant proposes to make only job site deliveries, and no service is to be performed to destination points which are incorporated towns or cities.

NO. MC 114897 SUB 1, WHITFIELD TANK LINES, INC., Las Cruces, N. Mex. Applicant's attorney: Marion F. Jones, Suite 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in New Mexico, Arizona, and those in Texas, on and west of U. S. Highway 277 in Texas beginning at the boundary between the United States and Mexico at Del Rio, Tex., and extending along U. S. Highway 277 to the Texas-Oklahoma State line. Applicant is authorized to conduct operations in Texas, Arizona, and New Mexico.

NO. MC 114990, DAVIS LAMBERT, doing business as LAMBERT & HOOD, Box 93, 519 E. Third Street, Mt. Carmel, Ill. Applicant's attorney: Mach Stephenson, First National Bank Building, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Crude petroleum*, in bulk, in tank vehicles, between points in Illinois, Indiana, and Kentucky, and (2) *Coal spray oil*, in bulk, in tank vehicles, from Princeton, Ind., and points within three miles of Princeton to points in Illinois and Kentucky. (Applicant is presently authorized in Permits No. MC 110760 and No. MC 110760 Sub 1, dated November 9, 1953, and November 4, 1949, respectively, to perform the transportation service described above as a contract carrier and he has requested that upon grant of the authority applied for herein the contract carrier operations be revoked.) Applicant is authorized to conduct operations in Illinois, Indiana and Kentucky.

NO. MC 114990 SUB 1, DAVIS LAMBERT, Doing business as LAMBERT & HOOD, Box 93, 519 E. Third Street, Mt. Carmel, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products, asphalt, asphalt products, asphalt resins*, and *asphalt plasticizers*, in bulk, in tank vehicles, from Marshall, Ill., and points within three miles of Marshall, to all points in Indiana, Kentucky, Missouri, Michigan, Ohio, New York and Pennsylvania. Applicant is authorized to conduct operations as a contract carrier in Illinois, Indiana and Kentucky.

NO. MC 114995, QUIGLEY TRUCK LINES LIMITED, 209 Simcoe Street, Hamilton, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Blast furnace slag*, in bulk, in special equipment, from the boundary between the United States and Canada at ports of entry at Buffalo and Niagara Falls, N. Y., to all points in Erie and Niagara Counties, N. Y.

NO. MC 114998, ARMORED CAR SERVICE OF HARTFORD, INC., 190 Trumbull Street, Hartford, Conn. Applicant's attorney: Wallace R. Burke, 95 Elm Street, Hartford 14, Conn. For authority to operate as a *contract carrier*, over a regular route, transporting: *Currency, coins, monies, securities, bonds* and *other valuable documents or instruments; bank bills, negotiable and non-negotiable notes* and *negotiable and non-negotiable drafts*, and *such com-*

line, South Carolina, Tennessee and the

Flathead, Glacier, Toole, Liberty, Hill,

processing, storage, transmission, and distribution of sulphur and its products

SON, TRUSTEE, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPO-

NO. MC 113294 SUB 1, [illegible] LANGAN, P. O. Box 341, Belfield, N. Dak.

Little Rock, Ark., Nashville and Mem-

Applicant's attorney: Marion P. Jones, Suite 526 Denham Bldg., Denver 2, Colo.

negotiable notes and *negotiable and non-negotiable drafts*, and *such com-*

modities as require special protection by guards and armored cars, between Hartford, Conn., and New York, N. Y., operating from Hartford, over U. S. Highway 5 to New Haven, Conn., thence over U. S. Highway 1 to New York, and return over the same route, serving the intermediate points of Wallingford, Stamford and Norwalk, Conn., and the off-route point of Waterbury, Conn., including the intermediate and off-route points in the New York, N. Y., Commercial Zone, as defined by the Commission.

NO. MC 115002, R. RUFUS COOK, doing business as COOK TRUCK LINES, 2007 Palmetto Road, Albany, Ga. Applicant's attorney: T. M. Forbes, Jr., Gambrell, Harlan, Barwick, Russell & Smith, Suite 825 The Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Farm equipment* and *structural steel* and *sheet steel*, from Albany, Ga., to Waco, Tex., Fort Wayne, Ind., Bloomington, Ill., Downington, Pa., Syracuse, N. Y., and Chestertown, Md., and *farm equipment repair parts*, consisting of peanut combines, peanut shakers, and Lilliston cutters (called mowing machines), from Quincy, Galesburg, and Springfield, Ill., Milwaukee, Wis., Indianapolis, Ind., Oil City, Pa., Orient, and Bellevue, Ohio, and Worcester, Mass., to Albany, Ga.

NO. MC 115005, BILL M. ALLUM AND JOHN P. ALLUM, doing business as ALLUM BROS., 3rd Avenue W. & Garfield, No., Eugene, Oreg. Applicant's attorney: William S. Fort, Husband, Fort & Johnson, Washburne Bldg., 72 West Broadway, Eugene, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Loggers', contractors'* and *sawmill machinery*, and *equipment*, between points in Lane, Douglas, and Coos Counties, Oreg., points in Washington, and those in Del Norte, Humboldt, Mendocino, Glenn, Tehama, Shasta, Trinity, Siskiyou, Modoc, Lassen, and Plumas Counties, Calif.

NO. MC 115009, JACK L. NEAL and ROY M. CLIFTON, doing business as ARMORED MOTOR SERVICE OF IDAHO, 825 Grove St., Boise, Idaho. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin*, and *bullion*, between points in Colorado, Utah, Idaho, Oregon, and Washington.

NO. MC 115010, PATRICK A. PERREA, Champlain, N. Y. Applicant's attorney: John J. Brady, Jr., Brady & Brady, 75 State Street, Albany 7, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Book binding machinery* and *parts thereof, embossing presses, cutting and creasing presses, forming presses, die presses, hydraulic presses* and *post presses* and *parts of all these presses, paper cutters* and *metal forming stretchers* and *parts thereof, castings* and *patterns*, (1) from Champlain, N. Y., to points in Vermont, New Hampshire, New Jersey, Maine, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa, Missouri, North Carolina, South Carolina, Tennessee and the District of Columbia; and (2) from Easton, Pa., to Champlain, N. Y.

NO. MC 115011, ROBERT J. ANDERSON, doing business as ANDERSON TRUCKING SERVICE, Box 224, Woodville, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Baldwin, Wis., and Knapp, Wis., over U. S. Highway 12, serving the intermediate points of Hersey and Wilson, Wis., and the off-route point of Woodville, Wis.; (2) between Baldwin, Wis., and Roberts, Wis., from Baldwin, over U. S. Highway 12 to junction Wisconsin Highway 65, and thence over Wisconsin Highway 65 to Roberts, and return over the same route, serving the intermediate point of Hammond, Wis.; (3) between Baldwin, Wis., and Connersville and Wheeler, Wis., (a) from Baldwin, over U. S. Highway 12 to junction Wisconsin Highway 128, thence over Wisconsin Highway 128 to junction Wisconsin Highway 170, thence over Wisconsin Highway 170 to junction Wisconsin Highway 79, and thence north over Wisconsin Highway 79 to Connersville, and return over the same route, (b) from Baldwin over the above specified route to junction Wisconsin Highways 170 and 79, and thence over Wisconsin Highway 170 to Wheeler, and return over the same route, serving the intermediate points of Glenwood City, Downing and Boyceville, Wis., and the off-route point of Emerald, Wis.

NO. MC 115012, FRED G. NORCROSS, JR., Magnolia Road, Pemberton, N. J. Applicant's attorney: Charles F. Riddle, Todd, Dillion and Curtiss, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, stone, gravel* and *bulk materials*, in dump trucks, between all points in New Jersey and Pennsylvania (except Glen Mills, Pa.) within 50 miles of Pemberton, N. J., including Pemberton.

NO. MC 115013, LEONARD DeLUE, D. J. SEBERN, T. W. RINKER AND E. L. DeLUE, doing business as ARMORED MOTORS SERVICE, 1536 Welton St., Denver, Colo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin* and *bullion*, for the Bureau of the Mint, U. S. Treasury Department, the Federal Reserve Banks and their Respective branches and the U. S. Treasury Department, Between Denver, Colo., Dallas, El Paso, San Antonio, and Houston, Tex., Kansas City, Mo., Oklahoma City, Okla., Omaha, Nebr., all within the boundaries of the 10th and 11th Federal Reserve Districts.

NO. MC 115015, WM. O. ALEXANDER, doing business as ALEXANDER'S WELDING, 3129 East Trent Avenue, Spokane, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked or disabled cars*, (1) from points in Lincoln, Flathead, Glacier, Toole, Liberty, Hill, Pondera, Chauteau Teton, Cascade, Sanders, Lake Mineral, Missoula, Powell, Lewis & Clark, Ravalli, Granite, Jefferson, Broadwater, Silver Bow and Deer Lodge Counties in Montana, on the one hand, to points in Spokane County, Wash., on the other, (2) from points in Boundary, Idaho, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce and Lewis Counties in Idaho, on the one hand, to points in Spokane County, Wash., on the other, and (3) between the above named Counties in Montana, on the one hand, and the above named Counties in Idaho, on the other.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 13300 Sub 56, CAROLINA COACH COMPANY, a corporation 1201 So. Blount Street, Raleigh, N. C. Applicant's attorney: Robert E. Quirk, Norman & Quirk, Investment Bldg., Washington 5, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, express, mail and newspapers* in the same vehicle with passengers, (a) between Homeville, Va., and Brookneal, Va., from Homeville, over Virginia Highway 40, to Brookneal, and return over the same route, serving all intermediate points, (b) from junction Virginia Highway 40 and Virginia Highway 605 (located approximately two (2) miles north of Brookneal, Va.) over Virginia Highway 605, to Naruna, Va., and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in North Carolina, Maryland, Delaware, and Virginia.

NO. MC 17020 Sub 9, THE BLUE RIDGE TRANSPORTATION COMPANY, a corporation, 55 East Washington St., Hagerstown, Md. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, (1) between junction Frederick, Md. By-Pass and U. S. Highway 40 near the western city limits of Frederick, Md., and junction Frederick, Md. By-Pass, U. S. Highway 15 and new U. S. Highway 240 south of Frederick, Md., over said Frederick, Md. By-Pass, (2) between junction new U. S. Highway 240 and Maryland Highway 118 near Germantown, Md., and a point (junction new U. S. Highway 240 and Maryland Highway 28) near the northern limits of Rockville, Md., over new U. S. Highway 240, and (3) between junction Frederick, Md. By-Pass and U. S. Highway 40 near the western city limits of Frederick, Md., and junction new U. S. Highway 40 and U. S. Highway 40 east of Ridgeville, Md., over said Frederick, Md. By-Pass from junction U. S. Highway 40 near the western city limits of Frederick, Md. to junction new U. S. Highway 40 near the eastern city limits of Frederick, Md., thence over new U. S. Highway 40 to junction U. S. Highway 40 east of Ridgeville, Md., and return over the same route; serving all intermediate points on said routes. Applicant is authorized to

conduct operations in the District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

NO. MC 114984, RAPID TRANSIT COMPANY, INC., 35 W. Main St., Martinsville, Va. Applicant's representative: Thaxton Richardson, P. O. Box 612, Greensboro, N. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, and *light freight*, not in excess of 200 pounds, in the same vehicle with passengers, between Chatham, Va., and Mt. Airy, N. C., operating from Chatham over Virginia Highway 57 to Martinsville, Va., thence over U. S. Highway 58 to Stuart, Va., thence over Virginia Highway 8 to junction Virginia Highway 103, thence over Virginia Highway 103 to the North Carolina State line, thence over North Carolina Highway 103 to Mt. Airy, and return over the same route, serving all intermediate points.

NO. MC 115014, CARL H. SCHAFFER, doing business as SHAFFER & COMPANY, Payson, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from points in Adams County, Ill., to points in Saint Louis County and Marion County, Mo., and Lee County, Iowa, and return.

NO. MC 115016, JESSE C. MOORE, Parker Star Route, Blythe, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Blythe, Calif., and Parker, Ariz., over U. S. Highway 95 from Blythe to Vidal Junction, Calif., thence over unnumbered California Highway through Earp, Calif. to the California Arizona State line, thence over Arizona Highway 72 to Parker, and thence return over unnumbered Indian Agency Road from Parker through Poston, Ariz. to Ehrenberg, Ariz., and thence over combined U. S. Highway 60 and 70 to Blythe; serving no intermediate points.

APPLICATIONS FOR BROKERAGE LICENSES

NO. MC 12617, JAMES L. HAMMER, doing business as KNOXVILLE TOURS, 212 Oglewood Avenue, N. E., Knoxville, Tenn. For a license (BMC 5) authorizing operations as a *broker* at Knoxville, Tenn., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in special or charter service, from points in Anderson, Blount, Knox and Sevier Counties, Tenn., to all points in the United States.

NOTE: Applicant proposes to procure, arrange, and furnish the transportation through existing motor carriers under a contract arrangement. Applicant will not handle funds or tickets for said tours but will receive his compensation through commission arrangement with the motor carriers.

APPLICATIONS UNDER SECTION 5 AND 210 (A) (B)

NO. MC–F–5811. Authority sought for purchase by ENGLAND BROS. TRUCK LINES, INC., 300–322 North Second Street, Fort Smith, Ark., of the operating rights and property of NORTH EAST TEXAS MOTOR LINES, INC., (Wm. J. Rochelle, Jr., Trustee), 2400 Uvalde Street, Dallas, Tex., and for acquisition by MRS. RALPH ENGLAND, 300 N. Second Street, Ft. Smith, Ark., of control of the operating rights and property through the purchase. Applicant's attorneys: Lee Reeder and Wentworth (Attorneys for Transferee), 1012 Baltimore, Kansas City 5, Mo. and Carl L. Phinney and LeRoy Hallman (Attorneys for Transferor), First National Bank Bld., Dallas 2, Tex. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Dallas, Tex., and Broken Bow, Okla.; between Durant, Okla., and Ardmore, Okla.; between Madill, Okla., and Nida, Okla.; between Arthur City, Tex., and Hugo, Okla.; between Texarkana, Tex., and Idabel, Okla.; and between Fort Smith, Ark., and Hugo, Okla., serving certain intermediate and off-route points; *dangerous explosives* and *general commodities*, except loose bulk commodities, currency, bullion, articles of virtu, commodities exceeding ordinary equipment and loading facilities, and commodities contaminating or injurious to other lading, over irregular routes, between Denison, Tex., and Colbert, Okla., on the one hand, and, on the other, the Denison Dam Site in Texas and Oklahoma, and Cartwright, Okla. Vendee is authorized to operate in Arkansas, Missouri and Tennessee. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5812. Authority sought for purchase by MODERN TRANSFER COMPANY, INC., Hanover Avenue and Maxwell Street, Allentown, Pa., of the operating rights and property of ARTHUR J. POPE, doing business as AUDUBON DELIVERY SERVICE, 243 Park Avenue, Collingswood, N. J., and for acquisition by SAMEUL L. LEBOVITZ, Allentown, Pa., of control of the operating rights and property through the purchase. Applicant's attorney: ROBEHT H. SHERTZ, Shertz, Barnes & Shertz, 801 IBM Building, 226 South 15th Street, Philadelphia, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, between Philadephia, Pa., on the one hand, and, on the other, points in New Jersey within 25 miles of the Philadelphia-Camden Bridge. Vendee is authorized to operate in Pennsylvania, New Jersey, Maryland, District of Columbia, Connecticut, Delaware, Massachusetts, New York, Rhode Island and Virginia. Application has not been filed for temporary authority under section 210a (b).

NO. MCF–5813. Authority sought for purchase by RED BALL MOTOR FREIGHT, INC., 1210 South Lamar St., Dallas, Tex., of a portion of the operating rights of NORTH EAST TEXAS MOTOR LINES, INC. (W. J. ROCHELLE, JR., TRUSTEE), 1121 Republic Bank Bldg., Dallas, Tex., and for acquisition by H. E. ENGLISH and O. B. ENGLISH, Dallas, Tex., of control of said operating rights through the purchase. Applicants' attorneys: Reagan Sayers, Century Life Bldg., Fort Worth, Tex., and Carol L. Phinney, 617 First National Bank Bldg., Dallas, Tex. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between points in Texas, including routes between Paris, Tex., and Arthur City, Tex., between Sherman, Tex., and Bells, Tex., between Dallas, Tex., and Mount Pleasant, Tex., between Bells, Tex., and Texarkana, Tex., between Leonard, Tex., and Bonham, Tex., between Greenville, Tex., and Paris, Tex., between Sulphur Springs, Tex., and Pittsburg, Tex., between Greenville, Tex., and Honey Grove, Tex., between Mount Pleasant, Tex., and Ore City, Tex., between Texarkana, Tex., and Mount Pleasant, Tex., serving certain intermediate and off-route points; between New Boston, Tex., and junction Texas Highway 98 and U. S. Highway 67, as an alternate route for operating convenience only, and between Dallas, Tex., and Rockwall, Tex., for operating convenience only. Vendee is authorized to operate in Texas, Louisiana, and Arkansas. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5814. Authority sought for purchase by YELLOW TRANSIT FREIGHT LINES, INC., 18 E. 17th Street, Kansas City 8, Mo., of the operating rights and property of INLAND MOTOR FREIGHT LINES, INC. (FRANK BRACKNEY, Receiver) 1300 North Broadway, Corpus Christi, Tex., and for acquisition by GEORGE E. POWELL, 18 E. 17th Street, Kansas City 8, Mo., of control of the operating rights and property through the purchase. Applicant's attorneys: Carl L. Phinney, 617 First National Bank Bldg., Dallas, Tex., and Ralph M. Jones, 906 Commerce Bldg., Kansas City 6, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions, as a *common carrier*, over regular routes, including routes between Houston, Texas and Cuero, Texas; between Victoria, Tex., and Port Lavaca, Tex.; between Victoria, Tex., and Seadrift, Tex.; between San Antonio, Tex., and Corpus Christi, Tex.; between Corpus Christi, Tex., and Sinton, Tex.; between Corpus Christi, Tex., and Falfurrias, Tex.; between San Antonio, Tex., and Pharr, Tex.; between Mission, Tex., and Brownsville, Tex.; and between Riviera, Tex., and Raymondville, Tex., serving certain intermediate and off-route points. Vendee is authorized to operate in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky and Michigan. Application has been filed for temporary authority under section 210a (b).

NO. MC–F–5815. Authority sought for the merger into KEESHIN MOTOR EXPRESS CO., INC., 221 West Roosevelt Road, Chicago 5, Ill., of the operating rights and property of BERND TRUX, INCORPORATED, 221 West Roosevelt Road, Chicago 5, Ill., DICKENS MOTOR FREIGHT, INC., K. F. & L., INC.,

KEESHIN MOTOR EXPRESS, INCORPORATED, AND SCOTT TRANSPORTATION CO., all of the same address, and for acquisition by JOHN RUAN, C. & R. TRANS., INC., and FREIGHT LINES, INC. of control of the operating rights and property through the transaction. Applicant's attorney: Floyd F. Shields, 221 West Roosevelt Road, Chicago 5, Ill. Authority sought to be merged: [(BERND TRUCK, INCORPORATED), *general commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Chicago, Ill., and Milwaukee, Wis., between Milwaukee, Wis. and Minneapolis, Minn., between Chicago, Ill., and Minneapolis, Minn., between Madison, Wis., and Rockford, Ill., between Eau Claire, Wis., and Owen, Wis., and St. Paul, Minn., between Eau Claire, Wis., and Lookout, Wis., between New Richmond, Wis., and Woodville, Wis., between Cameron, Wis., and Turtle Lake, Wis., between Turtle Lake, Wis., and Connersville, Wis., between Clear Lake, Wis., and Prairie Farm, Wis., between River Falls, Wis., and Menominee, Wis., between Woodville, Wis., and Spring Valley, Wis., and between Milwaukee, Wis., and Beloit, Wis., serving certain intermediate and off route points; *dairy products*, *eggs*, and *dressed poultry*, between junction U. S. Highway 8 and Wisconsin County Highway K, and Lykens, Wis., and between junction Wisconsin Highway 64 and Wisconsin County Highway K and Star Prairie, Wis., serving no intermediate points] [(DICKENS MOTOR FREIGHT, INC.), *general commodities*, with certain exceptions including household goods, over regular routes, including routes between Battle Creek, Mich., and Niles, Mich., between Lansing, Mich., and Watervliet, Mich., between Columbus, Ohio, and Lagrange, Ind., between Cincinnati, Ohio, and Fort Wayne, Ind., between Dayton, Ohio, and Hamilton, Ohio, between North Vernon, Ind., and Muskegon and Greenville, Mich., serving all intermediate points and certain off-route points; *general commodities*, between South Bend, Ind., and Buchanan, Mich., with no service at the intermediate points or South Bend, Ind.; and between Angola and Marshall, Mich., for operating convenience only.] [(K. F. L., INC.), *general commodities* with certain exceptions including household goods, over regular routes between New York points, as follows: between Oswego and Binghamton, between Buffalo and Batavia and between Binghamton and Albany, serving certain intermediate point.] [(KEESHIN MOTOR EXPRESS INCORPORATED), *general commodities*, with certain exceptions including household goods, over regular routes, including routes between Chicago, Ill., and Columbus, Ohio, between Chicago, Ill., and Indianapolis, Ind., and Cincinnati, Ohio, between Cincinnati, Ohio, and Piqua, Ohio and between Fort Wayne, Ind., and Toledo, Ohio, between Bryan, Ohio, and Lima, Ohio, between Detroit, Mich. and Chicago, Ill., and Toledo, Ohio, between Indianapolis, Ind., and Cincinnati, Ohio, and between Fort Wayne, Ind., and Muncie, Ind., serving certain intermediate and off route points; over alternate regular routes for operating convenience only, including routes between Chicago, Ill., and Detroit, Mich., LaPorte, Ind., and Indianapolis, Ind. and between Seymour, Ind. and North Vernon, Ind.] and [(SCOTT TRANSPORTATION CO.), *general commodities*, with certain exceptions including household goods, over regular routes between Chicago, Ill. and Niagara Falls, N. Y., between Cleveland Ohio, and Akron, Ohio, and between Buffalo, N. Y., and Jamestown, N. Y., serving all intermediate points.] Applicant is authorized to operate in Illinois, Indiana, Wisconsin, Iowa, Missouri, Ohio, New Jersey, Pennsylvania and New York. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5816. Authority sought for purchase by CHICAGO EXPRESS, INC., 72 Fifth Avenue, New York, N. Y., of the operating rights of WHIPPET MOTOR LINES, CORP., 280 Broadway, New York, N. Y., and for acquisition by H. D. GORMAN, New York, N. Y., of control of the operating rights through the purchase. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington 5, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, between New York, N. Y., on the one hand, and, on the other, points in that part of New Jersey north of New Jersey Highway 33; Between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey within 25 miles of Philadelphia. Vendee is authorized to operate in Illinois, Massachusetts, Ohio, New York, Indiana, Pennsylvania, New Jersey, Connecticut, Maryland, District of Columbia, Missouri, Nebraska, Kansas, Minnesota and South Dakota. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8647; Filed, Nov. 2, 1954; 8:49 a. m.]

[4th Sec. Application 29844]

NEWSPRINT PAPER FROM CALHOUN, TENN., TO CLARKSBURG AND WHEELING, W. VA.

APPLICATION FOR RELIEF

OCTOBER 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Newsprint paper, carloads.

From: Calhoun, Tenn.

To: Clarksburg and Wheeling, W. Va.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1349, supp. 71.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8562; Filed, Oct. 29, 1954; 8:48 a. m.]

[4th Sec. Application 29845]

LUMBER FROM DOTHAN, ALA., TO MONTGOMERY, ALA.

APPLICATION FOR RELIEF

OCTOBER 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Central of Georgia Railway Company.

Commodities involved: Lumber and related articles, carloads.

From: Dothan, Ala.

To: Montgomery, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional route.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1293, supp. 70.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8601; Filed, Nov. 1, 1954; 8:50 a. m.]

[4th Sec. Application 29846]

MERCHANDISE IN MIXED CARLOADS FROM HUNTINGDON, PA., TO FLORIDA

APPLICATION FOR RELIEF

OCTOBER 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Huntingdon, Pa.

To: Points in Florida.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A–1030, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8602; Filed, Nov. 1, 1954; 8:51 a. m.]

[4th Sec. Application 29847]

FERTILIZER FROM SYLACAUGA, ALA., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

OCTOBER 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Sylacauga, Ala.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, market competition, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8603; Filed, Nov. 1, 1954; 8:51 a. m.]

[4th Sec. Application 29848]

CHEESE FROM NEW ALBANY, MISS., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cheese, carloads.

From: New Albany, Miss.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1457, supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8643; Filed, Nov. 2, 1954; 8:48 a. m.]

[4th Sec. Application 29849]

FIRE BRICK AND RELATED ARTICLES BETWEEN POINTS IN ILLINOIS TERRITORY AND FROM POINTS IN MISSOURI TO ILLINOIS TERRITORY AND EXTENDED ZONE C IN WISCONSIN

APPLICATION FOR RELIEF

OCTOBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter and R. G. Raasch, Agents, for carriers parties to tariffs indicated below.

Commodities involved: Fire brick and fire brick shapes, carbon refractory materials, and related articles, carloads.

Between: Points in Illinois territory and from points in Missouri to Illinois territory and extended zone C in Wisconsin.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Atchison, Topeka and Santa Fe Railway Company, I. C. C. No. 14658, supp. 5; Atchison, Topeka and Santa Fe Railway Company, I. C. C. No. 14672, supp. 1, and other schedules named in exhibit A of the application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8644; Filed, Nov. 2, 1954; 8:48 a. m.]

[4th Sec. Application 29850]

ROOFING AND BUILDING MATERIALS FROM POINTS IN THE SOUTHWEST TO ALABAMA

APPLICATION FOR RELIEF

OCTOBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Roofing and building material and slate roofing, carloads.

From: Specified points in Arkansas, Louisiana, Oklahoma, and Texas.

To: Points in Alabama, on Birmingham Southern Railroad Company.

Grounds for relief: Rail competition, circuity, market competition, to apply rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4111, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8644; Filed, Nov. 2, 1954; 8:49 a. m.]

[4th Sec. Application 29851]

CEMENT FROM ST. LOUIS, MO., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

OCTOBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules listed below.

Commodities involved: Cement, common, hydraulic, masonry, mortar, natural or portland, carloads.

From: St. Louis, Mo.

To: Specified points in Maryland, Massachusetts, New Jersey, New York, and Pennsylvania.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4430, supp. 91; H. R. Hinsch, Agent, I. C. C. No. 3826, supp. 72.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8645; Filed, Nov. 2, 1954; 8:49 a. m.]

[4th Sec. Application 29852]

NEWSPRINT AND GROUND WOOD PAPER FROM IROQUOIS FALLS, ONT., TO ATLANTA, GA.

APPLICATION FOR RELIEF

OCTOBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Canadian Pacific Railway Tariff I. C. C. No. E-2601, and Canadian National Railway Tariff I. C. C. No. E-480.

Commodities involved: Newsprint paper and ground wood paper, carloads.

From: Iroquois Falls, Ont.

To: Atlanta, Ga.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8646; Filed, Nov. 2 1954; 8:49 a. m.]

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VOLUME 19 NUMBER 215

Washington, Thursday, November 4, 1954

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023 (Burley and Flue-cured Tobacco-55)-1, Amdt. 1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1955-56 MARKETING YEAR

The amendments herein are based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311-1315), and are made for the purpose of amending paragraph (a) of § 725.623 relating to determination of 1955 acreage allotments for new farms and for the purpose of amending § 725.627 relating to State Committee approval of any allotments, yields, and determinations made under §§ 725.611 to 725.626, of the Burley and flue-cured tobacco marketing quota regulations, 1955-56 marketing year. Prior to the adoption of these amendments, notice was given (19 F. R. 6304) that the Secretary was considering amending the regulations in the manner herein provided and that any interested person might express his views in writing in respect thereto. The data, views, and recommendations received pursuant to the notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

The Burley and Flue-Cured Tobacco Marketing Quota Regulations, 1955-56 Marketing Year, are amended as follows:

1. Delete paragraph (a) of § 725.623 and insert in lieu thereof the following:

§ 725.623 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 725.620, for a new farm shall be that acreage which the county committee (with the approval of the State committee) determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

2. Delete § 725.627 and insert in lieu thereof the following:

§ 725.627 *Approval of determinations made under §§ 725.611 to 725.626.* All allotments and yields shall be reviewed by or on behalf of the State committee, and the State committee may revise or require revision of any determinations made under §§ 725.611 to 725.626. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1313)

Done at Washington, D. C., this 29th day of October 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 54-8661; Filed, Nov. 3, 1954; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5986]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BELL DIRECTORY PUBLISHERS, INC., ET AL.

Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 3.1397 *Customer connection;* § 3.1440 *Identity.* Subpart—*Offer-*

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ing unfair, improper and deceptive inducements to purchase or deal: § 3.1928 *Customer connection or action;* § 3.2080 *Terms and conditions.* Subpart—*Securing orders falsely, misleadingly, or improperly:* § 3.2170 *Securing orders falsely, misleadingly, or improperly.* Subpart—*Simulating competitor or another or product thereof:* § 3.2205 *Advertising matter.* In connection with the offering for sale, sale, or distribution, in commerce, of advertising in respondents' publications, using in solicitation of such advertising, by mail or through agents by personal solicitation, advertisements which have been physically clipped or removed by or for respondents from any publication issued by others than respondents; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Bell Directory Publishers, Inc., et al., New York, N. Y., Docket 5986, July 27, 1954]

In the Matter of Bell Directory Publishers, Inc., a Corporation, and Benjamin L. Hill, Michael M. Bell, and Sydney Kopp, Individually and as Officers of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission which charged respondents with the use of certain unfair and deceptive practices in connection with the sale of advertising space in their business directories, respondents' answer, and hearings at which evidence, duly recorded and filed in the office of the Commission, both in support of and in opposition to the charges in the complaint, was received, and on proposed findings and conclusions submitted by counsel supporting the complaint (counsel for respondents having elected not to submit such proposals) and on oral argument.

Thereafter the proceeding came on for final consideration on the merits by said examiner who made his initial decision comprising certain findings as to the facts;[1] his conclusions[1] that the proceeding was in the public interest; that respondents' practice, as prohibited in his order to cease and desist, was to the prejudice of the public and respondents' competitors and constituted an unfair and deceptive act and practice and an unfair method of competition in commerce within the intent and meaning of the Federal Trade Commission Act; that other charges in the complaint had not been sustained; and that the complaint should be dismissed as to respondent Kopp in his individual capacity, but not in his capacity as an officer of the corporate respondent; and his said order to cease and desist.

[1] Filed as part of the original document.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on July 27, 1954.

Said order is as follows:

It is ordered, That respondent Bell Directory Publishers, Inc., a corporation, and its officers, and respondents Benjamin L. Hill and Michael M. Bell, individually and as officers of said corporation, and respondent Sydney Kopp, as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of advertising in respondents' publications, do forthwith cease and desist from using in the solicitation of such advertising, by mail or through agents by personal solicitation, advertisements which have been physically clipped or removed by or for respondents from any publication issued by others than respondents.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Sydney Kopp in his individual capacity.

By "Decision of the Commission and Order to File Report of Compliance", Docket 5986, July 27, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 27, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-8684; Filed, Nov. 3, 1954; 8:50 a. m.]

[Docket 6033]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HILLMAN PERIODICALS, INC.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1880 *Old, used, reclaimed, or reused as unused or new.* In connection with the offering for sale, sale, or distribution in commerce of respondent's magazine "Confessions" or any other publication or periodical consisting entirely or substantially of reprints of previously published stories, articles, or other materials, offering for sale, selling, or distributing such magazine or other publication, unless the fact that the stories, articles, or other materials contained therein are reprints is clearly disclosed on the front cover and on the masthead page thereof and at the beginning of each reprinted story, article, or other material; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Hillman Periodicals, Inc., New York, N. Y., Docket 6033, July 22, 1954]

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission charging respondent with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act, respondent's answer, and a hearing at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to the allegations of the complaint, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter, following the filing by said examiner of his initial decision, respondent's appeal therefrom, and the entry of an order by the Commission, after due consideration, vacating and setting aside said initial decision and remanding the case to said examiner, to take additional evidence on the issues raised by the pleadings, a further hearing was held at which additional testimony and evidence, duly recorded and filed in the office of the Commission, were received in support of and in opposition to the allegations of the complaint, following which the proceeding regularly came on for final consideration by said examiner on the complaint, the answer thereto, the testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel, and said examiner, having duly considered the entire record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusions drawn therefrom,[1] and order.

Thereafter, following respondent's appeal from said initial decision, the matter was disposed of by "Order Denying Respondent's Appeal, Decision of the Commission and Order to File Compliance", Docket 6033, July 22, 1954, as follows:

This matter having come on to be heard by the Commission upon respondent's appeal from the initial decision of the hearing examiner and briefs of counsel in support of and in opposition thereto, oral argument not having been requested; and

[1] Filed as part of the original document.

The Commission having duly considered said appeal and the record herein and being of the opinion, for the reasons appearing in the accompanying opinion of the Commission, that the appeal should be denied and that the said initial decision is appropriate in all respects to dispose of this proceeding:

It is ordered, That respondent's appeal from the initial decision of the hearing examiner be, and it hereby is, denied.

It is further ordered, That the attached initial decision of the hearing examiner shall, on the 22d day of July 1954, become the decision of the Commission.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

The order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That respondent, Hillman Periodicals, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of its magazine "Confessions" or any other publication or periodical consisting entirely or substantially of reprints of previously published stories, articles or other materials do forthwith cease and desist from offering for sale, selling or distributing such magazine or other publication, unless the fact that the stories, articles or other materials contained therein are reprints is clearly disclosed on the front cover and on the masthead page thereof and at the beginning of each reprinted story, article, or other material.

Issued: July 22, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-8685; Filed, Nov. 3, 1954; 8:51 a. m.]

[Docket 6170]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HARRY A. BURCH ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Individual or private business as educational, religious or research institution; organization and operation; personnel or staff; § 3.55 *Demand, business, or other opportunities:* § 3.110 *Indorsements, approval and testimonials:* § 3.115 *Jobs and employment service:* § 3.205 *Scientific or other relevant facts:* § 3.250 *Success, use or standing:* § 3.260 *Terms and conditions.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 3.1450 *Individual or private business as educational, religious or research institution:* § 3.1515 *Operations generally:* § 3.1520 *Personnel or staff:* [*Misrepresenting oneself and goods*]—Goods: § 3.1665 *Indorsements:* § 3.1670 *Jobs and employment:* § 3.1697 *Opportunities in product or service:* § 3.1740 *Scientific or other relevant facts:* § 3.1755 *Success, use or standing:* § 3.1760 *Terms and conditions.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1995 *Job guarantee and employment:* § 3.2015 *Opportunities in product or service:* § 3.2063 *Scientific or other relevant facts:* § 3.2080 *Terms and conditions.* Subpart—*Using misleading name*—Vendor: § 3.2410 *Individual or private business being educational, religious or research institution or organization.* In connection with the offering for sale, sale, and distribution of any course of instruction, in commerce, on the part of respondent Harry A. Burch, trading as Washington Institute of Practical Nursing, etc., and his representatives, etc.: (A) Representing, directly or by implication: (1) That the opportunities for employment in the field of endeavor in which a course of instruction is offered are greater than they are in fact; (2) that a correspondence school course is capable of (a) qualifying persons for positions as nurses or licensed practical nurses in hospitals, sanitariums or other medical institutions or in a doctor's office, (b) qualifying persons for State examinations for registered or licensed practical nurse; (3) that respondent's business is other than the operation of a correspondence school; (4) that respondent has a staff of instructors in the subject covered by the course unless such is the fact; (5) that a high school education is not necessary to become a licensed practical nurse; (6) that a high school education is not necessary to become a graduate practical nurse unless limited to persons completing respondent's course of instruction; (7) that any course of instruction or diploma issued to persons completing any such course is approved, accredited, or recognized by any organization, institution, group, or person unless it is a fact; (8) that a contract of enrollment may be cancelled without obligation for any unpaid balance due on the purchase price of any such course, unless it is a fact; and (B) using the word "Institute" in his trade name or otherwise representing that his business is other than a commercial enterprise operated for profit; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Harry A. Burch t. a. Washington Institute of Practical Nursing, etc., Seattle, Wash., Docket 6170, September 23, 1954]

In the Matter of Harry A. Burch, an Individual, Trading Under the Names of Washington Institute of Practical Nursing and National Training Service

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondent with unfair and deceptive acts and practices in the offering for sale, sale, and distribution of correspondence courses in practical nursing, in violation of the provisions of the Federal Trade Commission Act, and upon a stipulation for consent order entered into and submitted to said examiner, following the submission of respondent's answer, by respondent and counsel supporting the complaint.

By the terms of said stipulation respondent admitted all the jurisdictional allegations set forth in the complaint and stipulated that the record in the instant matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; requested that his answer, theretofore submitted, should be withdrawn; expressly waived the filing of an answer to the complaint and further proceedings before the examiner and the Commission; agreed that the order contained in said stipulation should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon; and expressly waived all right, power, and privilege to contest the validity of said order.

Said stipulation provided that the complaint might be used in construing the terms of the order contained in the stipulation; and that said order might be altered, modified, or set aside in the manner prescribed by statute for orders of the Commission; and respondent agreed that said stipulation for consent order, together with the complaint in the matter, should constitute the entire record in the matter, and that the order contained in said stipulation might be entered without further notice upon the record, in disposition of the proceeding.

Thereafter, said examiner, having concluded, in view of the provisions of said stipulation for consent order, and the fact that the order embodied in said stipulation did not differ materially from the order accompanying the complaint, that respondent's request that its answer to the complaint be withdrawn, should be granted; that said stipulation for consent order should be accepted; and that such action, together with the issuance of the order contained in the stipulation, would resolve all the issues arising by reason of the complaint in the proceeding and respondent's answer thereto, and would safeguard the public interest to the same extent that could be accomplished by a full hearing and all other adjudicative procedure waived in said stipulation; made his initial decision[1] setting forth the aforesaid matters and accepting, in consonance with the terms of said agreement, the stipulation for consent order submitted, and granting respondent's request that its answer to the complaint be withdrawn, and issuing his order.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on September 23, 1954.

Said order is as follows:

It is ordered, That respondent, Harry Burch, trading under the name Washington Institute of Practical Nursing or National Training Service, or trading under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with offering for sale, sale and distribution of any course of instruction, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That the opportunities for employment in the field of endeavor in which a course of instruction is offered are greater than they are in fact;

2. That a correspondence school course is capable of (a) qualifying persons for positions as nurses or licensed practical nurses in hospitals, sanitariums or other medical institutions or in a doctor's office, (b) qualifying persons for State examinations for registered or licensed practical nurse;

3. That respondent's business is other than the operation of a correspondence school;

4. That respondent has a staff of instructors in the subject covered by the course unless such is the fact;

5. That a high-school education is not necessary to become a licensed practical nurse;

6. That a high-school education is not necessary to become a graduate practical nurse unless limited to persons completing respondent's course of instruction;

7. That any course of instruction or diploma issued to persons completing any such course is approved, accredited or recognized by any organization, institution, group or person unless it is a fact;

8. That a contract of enrollment may be cancelled without obligation for any unpaid balance due on the purchase price of any such course, unless it is a fact.

B. Using the word "Institute" in his trade name or otherwise representing that his business is other than a commercial enterprise operated for profit.

It is further ordered, That the answer to the complaint herein filed by respondent on March 15, 1954, be, and the same hereby is, withdrawn from the record.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6170, September 23, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That respondent Harry A. Burch, an individual, trading under the names of Washington Institute of Practical Nursing and National Training Service, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 23, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-8686; Filed, Nov. 3, 1954; 8:51 a. m.]

[1] Filed as part of the original document.

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In Federal Register Document 54-8479, published at page 6902 of the issue for Thursday, October 28, 1954, the following changes should be made in the support rate table in § 421.494 (a) (2):

1. The rate for Moultrie County, Illinois, now reading "1.68", should read "1.63".

2. The rate for Cleveland County, Oklahoma, now reading "1.24", should read "1.25".

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 878—DECORATIONS AND AWARDS

CERTIFICATES, LETTERS AND GOLD STAR LAPEL BUTTONS

The following sections replace §§ 878.86 to 878.91 (32 CFR and 1953 Supp.):

Sec.
878.86 Purpose.
878.87 Department of Defense Certificates of Appreciation.
878.88 Accolades.
878.89 Certificates of honorable service.
878.90 Letters of commendation and appreciation.
878.91 Gold Star Lapel Buttons.

AUTHORITY: §§ 878.86 to 878.91 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Statutory provisions interpreted or applied are cited to text in parenthesis.

DERIVATION: AFR 30-9.

§ 878.86 *Purpose.* Sections 878.86 to 878.91 prescribe certain types of certificates, letters, and lapel buttons, which are presented to military and civilian personnel (or their kin) for honorable and/or commendable service or performance of duty not meeting the requirements for decorations.

§ 878.87 *Department of Defense Certificates of Appreciation.* The Secretary of Defense may award a Certificate of Appreciation with a lapel button to recognize exceptional civilian service rendered to the Department of Defense after September 18, 1947. It is awarded only to individuals and not to groups or organizations. Recommendations for such certificates may be submitted by any agency of the Air Force through channels to the Director of Military Personnel, Headquarters USAF. Supporting evidence in duplicate will accompany these recommendations. The service must have been in a civilian capacity, rendered to the Department of Defense as a whole, to the office of the Secretary of Defense, or to boards and committees appointed by the Secretary of Defense.

§ 878.88 *Accolades.* An Accolade (scroll) signed by the President of the United States, is presented to the next of kin of members of the Armed Forces who die in line of duty during military operations, and to the next of kin of civilians who die overseas or as a result of injury or disease contracted while serving in a civilian capacity with the Armed Forces during period of military operations. For Air Force personnel, Accolades are prepared and forwarded to the next of kin by Headquarters USAF.

§ 878.89 *Certificates of honorable service.* Testimonials of honest and faithful service in the form of certificates are awarded by Headquarters USAF to the next of kin on record of those who die in line of duty while honorably serving in the Air Force.

§ 878.90 *Letters of commendation and appreciation.* (a) Letters expressing commendation will be awarded only for unusual achievements or commendable service which do not meet the requirements for a decoration.

(b) Letters expressing appreciation, congratulations, or thanks will be forwarded direct to the person concerned by commanders at all levels. These letters will not be made part of official records.

§ 878.91 *Gold Star Lapel Buttons.* (a) The Gold Star Lapel Button, with pin or clutch, is a gold star, one-quarter inch in diameter, mounted on a purple disc, three-quarters inch in diameter, surrounded by a wreath of gold laurel leaves, five-eights inch in diameter. The reverse bears the inscription "United States of America, Act of Congress, August 1947", and provides space for engraving the initials of the recipient.

(b) The Gold Star Lapel Button is awarded to widows, widowers, parents, and certain next of kin of members of the Armed Forces of the United States who lost their lives in the armed services of the United States during World War I (April 6, 1917, to March 3, 1921), World War II (September 8, 1939, to July 25, 1947, at 12 o'clock noon), Korean Operation (June 27, 1950, to July 27, 1954), or during any subsequent war or period of armed hostilities in which the United States may be engaged. One Gold Star Lapel Button is furnished without cost, to the widow or widower (remarried or not), and to each of the parents (in-

cludes mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis). One Gold Star Lapel Button is furnished, at cost to each child, brother, sister, half-brother, half-sister, step-child, and children through adoption. Replacements for Gold Star Lapel Buttons that have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the persons to whom they were furnished, may be obtained at cost.

(c) Gold Star Lapel Buttons may be obtained by writing direct to the Chief, Air Force Liaison Office, Military Personnel Records Center, 4300 Goodfellow Boulevard, St. Louis 20, Mo.

(d) Section 4 of the act of August 1, 1947, as amended (sec. 4, 61 Stat. 710, as amended; 36 U. S. C. 182d) provides that: "Whoever shall (1) wear, display on his person, or otherwise use as an insignia, any Gold Star Lapel Button issued to another person under the provisions of this act; (2) falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or aid in falsely making, forging or counterfeiting any lapel button authorized by this act; or (3) sell or bring into the United States, or any place subject to the jurisdiction thereof, from any foreign place, or have in his possession any such false, forged, or counterfeited lapel button, shall be fined not more than $1,000 or imprisoned not more than two years, or both."

(Secs. 2, 3, 61 Stat. 710, as amended; 36 U. S. C. 182b, 182c)

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-8662; Filed, Nov. 3, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-406]

PART 60—AIR TRAFFIC RULES

SPECIAL CIVIL AIR REGULATION; DELEGATION OF AUTHORITY TO THE ADMINISTRATOR TO ESTABLISH RULES APPLICABLE TO A HIGH DENSITY AIR TRAFFIC ZONE IN THE WASHINGTON, D. C., AREA

Correction

In Federal Register Document 54-8445, appearing at page 6871 of the issue for Wednesday, October 27, 1954, the part heading for Part 60 should have read as set forth above.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 95]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4, of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.29, the South Wellfleet, Massachusetts, area (D-22), published on April 21, 1949, in 14 F. R. 1917, and amended on July 27, 1949, in 14 F. R. 4665, and on March 11, 1950, in 15 F. R. 1329 and on March 6, 1951, in 16 F. R. 2051, and on July 19, 1951, in 16 F. R. 6915, and on August 11, 1954, in 19 F. R. 5041, is further amended by changing the "Using Agency" column to read: "First Army."

2. A new § 608.64 for Island of Guam is added:

a. In § 608.64, the Agat Bay, Guam, area (D-474) is established:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
AGAT BAY, GUAM (D-474). (Guam WAC 731).	Beginning at latitude 13°26' N., longitude 144°38' E.; thence along a line approximately 0.5 nautical mile offshore Guam at latitude 13°15' N., longitude 144°45' E., to latitude 13°10' N., longitude 144°45' E., to latitude 13°10' N., longitude 144°36' E., to latitude 13°26' N., longitude 144°36' E., to latitude 13°26' N., longitude 144°38' E., point of beginning.	Surface to 1,000 feet.	Continuous VFR only.	NAS Agana, Guam.

b. In § 608.64, the Farallon De Medinilla, Guam, area (D-476), is established:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
FARALLON DE MEDINILLA, GUAM (Guam WAC 731) (Pagan Island—WAC 624).	Beginning at latitude 16°08' N., longitude 146°10' E.; thence to 15°55' N., longitude 146°05' E.; thence to latitude 15°55' N., longitude 146°00' E., thence to latitude 16°08' N., longitude 146°00' E.; thence to point of beginning.	Surface to unlimited.	Continuous.....	NAS Agana, Guam, to be used by USAF

c. In § 608.64, the Nafatan Rock, Guam, area (D-478) is established:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
NAFATAN ROCK, GUAM (D-478) (Guam WAC 731).	Within a radius of 5 nautical miles of latitude 11°50'00" N, longitude 145°32'00" E.	Surface to 3,000 feet mean sea level.	Continuous.....	NAS Agana, Guam.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 8, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8663; Filed, Nov. 3, 1954; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1025]

ALASKA

PARTIALLY REVOKING EXECUTIVE ORDER OF JANUARY 4, 1901, RESERVING PUBLIC LANDS FOR LIGHTHOUSE PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive Order of January 4, 1901, which withdrew the public lands within certain described areas in Alaska for lighthouse purposes, is hereby revoked so far as it affects the following-described public lands:

POINT SHERMAN

Beginning at a point at low water mark, said point being one-half mile southwest from Seward City wharf; thence, due east one-half mile; thence, due south to low water mark; thence, following the winding of low water mark to the place of beginning.

The area described is identified as U. S. Survey No. 1598 containing 143.83 acres.

The land is part of the Tongass National Forest having been added to such forest, together with other lands by Proclamation No. 846 of February 16, 1909, and shall not be subject to disposition of any kind prior to 10:00 a. m., on the 35th day after the date of this order. At that time it shall become subject to such disposition as may by law be made of national-forest lands.

ORME LEWIS,
Assistant Secretary of the Interior.

OCTOBER 28, 1954.

[F. R. Doc. 54-8665; Filed, Nov. 3, 1954; 8:46 a. m.]

[Public Land Order 1026]

NEW MEXICO

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 656 OF AUGUST 15, 1950

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 656 of August 15, 1950, withdrawing the public lands within certain described areas in the Lincoln National Forest for use of the Department of the Air Force in connection with a solar observatory, is hereby revoked so far as it affects the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 11 E., sec. 16.

The area described contains 640 acres.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 615g) by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans and others.

ORME LEWIS,
Assistant Secretary of the Interior.

OCTOBER 29, 1954.

[F. R. Doc. 54-8666; Filed, Nov. 3, 1954; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11165; FCC 54-1351]

[Rules Amdt. 3-27]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

1. The Commission has under consideration its notice of proposed rule making issued on September 16, 1954 (FCC 54-1169) and published in the FEDERAL REGISTER on September 22, 1954 (19 F. R. 6083), proposing to assign Channel 10 to Goodland, Kansas, in response to a petition filed by Mr. James E. Blair.

2. The last day for filing comments in this proceeding was October 15, 1954. No comments proposing the proposed amendment have been filed. In support of the requested amendment petitioner urged that the assignment of Channel 10 to Goodland would provide a needed service; that he will file an application for a construction permit; and that the proposed amendment conforms to the Commission's rules and standards. We are of the view that the assignment of Channel 10 to Goodland will serve the public interest.

3. Authority for the adoption of the amendment herein is contained in Sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered*, That effective December 7, 1954, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the community named is concerned, as follows:

City:	*Channel No.*
Goodland, Kans.	10, 31

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: October 29, 1954.

Released: November 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8698; Filed, Nov. 3, 1954; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 14]

[643.3]

PROCEDURES UNDER ANTIDUMPING ACT, 1921, AS AMENDED

NOTICE OF PROPOSED RULE MAKING

A proposed amendment to the regulations under the Antidumping Act was published in the FEDERAL REGISTER June 22, 1954. Comments were solicited and have been received. Revisions have been made in the light of these comments and the proposed amendment, thus revised, is republished herewith.

The basic objective of the amendment to the regulations is to make the administration of the Antidumping Act more effective for the purposes for which it was intended and to achieve a greater measure of speed and certainty in the administration of the law. That some change seemed necessary had become apparent from comments of American producers, American importers, and foreign producers alike. Underlying their comments was the fact that calculations required by existing regulations had become intricate, time consuming, and often did not result in a reasonable measure for price comparison.

The Antidumping Act provides in section 202 (a) that the mathematical calculation of dumping duty shall be based on sales of merchandise to the United States at less than foreign market value (or, in the absence of such value, than cost of production). The act provides in section 201 (a) that a finding of dumping by the Secretary shall be based (1) on injury or likelihood of injury to an industry in the United States and (2) sales of merchandise at less than fair value.

The terms "foreign market value" and "cost of production" are defined in detail in sections 205 and 206 of the act. The term "fair value," undefined in the law, has heretofore been defined by the regulations to be synonymous with foreign market value (or, in the absence of such value, cost of production).

In general, the proposed amendment seeks to define the fair value of imported merchandise as the amount determined by the Secretary of the Treasury to be the price usually received by the producer for such merchandise in his ordinary commercial transactions. As proposed in the June 22, 1954, issue of the FEDERAL REGISTER, the amendment to the regulations specifically redefined fair value in terms of the price at which more than half of the foreign producer's merchandise had been sold for consumption in his country and in third countries other than the United States over a representative period. As redrafted and herein republished, the amendment takes account of the fact that the determination of third country sales may be a complicated matter and therefore would ordinarily base fair value simply on sales for home consumption in the producer's country, but would base it on sales otherwise than for exportation to the United States, i. e., sales for home consumption and to third countries, where the quantity of home sales is so small as to furnish an inadequate basis for comparison. In addition, the redrafted amendment to the regulations would provide for calculating fair value by reference to prices charged by other foreign producers for similar merchandise when access to the foreign producer's records is not feasible, or where the information obtained from the foreign producer is insufficient or inadequate. Other changes have also been made after careful consideration of many helpful comments received.

The new definition should ordinarily produce a figure for fair value well in advance of the time required for calculating foreign market value or cost of production. A sale at less than fair value as so defined will ordinarily justify a belief that there have been, or are

likely to be, sales at less than foreign market value (or in the absence of such value, than the cost of production).

Prior to the final adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Customs, Washington 25, D. C., within the period of forty days from the date of publication of this notice in the FEDERAL REGISTER. Dates for hearings will be announced later. The proposed amendment is to be issued under the authority of R. S. 161, 251, sec. 407, 42 Stat. 18; 5 U. S. C. 22, 19 U. S. C. 66, 173.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 1, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

In order to clarify, simplify, and make more effective and uniform the administration of the Antidumping Act, 1921, as amended, the Customs Regulations (19 CFR Ch. I) are amended as follows:

1. Section 14.7 of the Customs Regulations is amended to read as follows:

§ 14.7 *Fair value*—(a) *Definition.*[15] For the purposes of section 201 (a) of the Antidumping Act, 1921, as amended (19 U. S. C. 160 (a)), the fair value of imported merchandise shall be determined as follows:

(1) *Fair value based on price in country of exportation; the usual test.* Merchandise imported into the United States will ordinarily be considered to have been sold at less than fair value if the purchase price, or exporter's sales price as defined in sections 203 and 204 respectively of the Antidumping Act, as amended (19 U. S. C. 162, 163), as the case may be of commercially significant quantities thereof is materially less than the price (after adjustment, as provided in section 205 of the Antidumping Act (19 U. S. C. 164)) at which such or similar merchandise is sold by the foreign producer for consumption in the country of exportation on or about the date of sale of the merchandise imported into the United States or, in the case of merchandise imported on consignment, the date of exportation thereof.

(2) *Fair value based on sales in country of exportation and in other countries, not including United States.* If, however, it is demonstrated that during the applicable time period the quantity of such or similar merchandise sold by the foreign producer for consumption in the country of exportation is so small, in relation to the quantity sold by such producer for exportation otherwise than to the United States, as to be an inadequate basis for comparison, then merchandise imported into the United States will ordinarily be deemed to have been sold at less than fair value if the purchase price or the exporter's sales price (as defined in sections 203 and 204 respectively of the Antidumping Act, as amended), as the case may be, of commercially significant quantities thereof is materially less than the price (after adjustment, as provided in section 205 of the Antidumping Act, as amended) at which such or similar merchandise is sold by the foreign producer otherwise than for exportation to the United States (i. e. for consumption in the country of exportation and for exportation otherwise than to the United States) on or about the date of sale of the merchandise imported into the United States or, in the case of merchandise imported on consignment, the date of exportation thereof. Sales "otherwise than for exportation to the United States" shall not include consignments to the United States to be sold in the United States after arrival.

(3) *Determination based on sales by other foreign producers.* If the Secretary deems the available information as to the prices of the foreign producer insufficient or inadequate, he may determine fair value under subparagraph (1) or (2) of this paragraph on the basis of prices of other foreign producers in the same country for similar merchandise.

(4) *Fair value based on cost of production.* If the information available is deemed by the Secretary insufficient or inadequate for a determination under subparagraph (1), (2) or (3) of this paragraph, he will determine fair value on the basis of the cost of production as defined in section 206 of the Antidumping Act, as amended (19 U. S. C. 165).

(b) *Calculation of fair value.* In calculating fair value under section 201 (a) Antidumping Act, 1921, as amended (19 U. S. C. 160 (a)), the following criteria shall be applicable:

(1) *Quantities and circumstances of sale.* A reasonable allowance may be made for any differences in quantities and circumstances of sale.

(2) *Offering price.* The foreign producer's offering price may be considered in the absence of sales.

(3) *Sales agency.* If the foreign producer sells through a sales agency or other organization related to such producer in any of the respects described in section 207 of the Antidumping Act, as amended (19 U. S. C. 166), the prices at which the producer's merchandise is sold by such sales agency or other organization may be used in determining whether there have been sales at less than fair value.

(4) *Fictitious sales.* In the determination of fair value, no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account.

(5) *Sales at varying prices:* Where the prices charged by a foreign producer (after adjustment as provided in section 205 of the Antidumping Act and after allowances contemplated by subparagraph (1) of this paragraph vary, in the sales under consideration, determination of fair value will take into account the following: (i) The prices of a preponderance of the merchandise thus sold, (ii) weighted averages of the prices of the merchandise thus sold, or (iii) any other available criteria that the Secretary may deem reasonable.

2. Footnote 15, appended to § 14.7 is revised to read as follows:

[15] The definition of fair value does not in any way modify or affect definitions of foreign market value given in section 205 or of cost of production given in section 206 or the application of a foreign market value (or, in the absence of such value, cost of production) as defined in the Act as a basis for determining whether or not to withhold appraisement under section 201 (b) or for imposition of duty under section 202.

An industry in the United States which considers that it is being injured by sales of merchandise at less than fair value will ordinarily have insufficient information on which to submit proof either of fair value as herein defined, or foreign market value or cost of production as defined in sections 205 and 206. The industry may, however, submit, and appraisers will consider, such material as is available to it, including information indicating the market price for similar merchandise in the country of exportation and in any third countries in which merchandise of the producer complained of is known to be sold. Information submitted by an industry and information submitted by the foreign producer and others will be of value in assisting the Treasury to establish the basis for fair value, foreign market value, or cost of production.

Fair value is computed on the basis of sales for consumption in the country of exportation or otherwise than for exportation to the United States at or about the date of the sale or exportation to the United States. However, in cases where it may be important to determine either the stability of the market or its trend, as well as to determine whether there has been a fictitious sale as described in paragraph (b) (4), of this section, it will be helpful to the Secretary to have information as to sales made for consumption in the country of exportation or otherwise than for exportation to the United States over a significant period of time immediately preceding the date of sale or exportation.

EXAMPLES FOR PURPOSES OF DISCUSSION

A few examples of what would and what would not be considered sales at less than fair value are given below for purposes of discussion. With the exception of Examples 4 and 5, it is assumed that individual sales are in the same average quantities and with the exception of Example 6, that they are also made under the same circumstances.

Example 1. A foreign producer has made the following sales of a particular product over a representative period:

Sales for consumption in country of exportation	Sales for exportation otherwise than to the United States	Sales to the United States
75,000 units at $1.00	25,000 units at $0.91	15,000 units at $0.90.

The quantity of sales of this product in the country of exportation, amounting to 75,000 units, is sufficiently large in relation to the total of 100,000 units sold otherwise than for exportation to the United States to constitute an adequate basis for comparison with sales to the United States. (See paragraph (a) (1) and (2) of this section.) The price for sale to the United States is materially less than the price in the country of exportation. The foreign producer is therefore selling in the United States below fair value. This will be so even if the home market sales involve a restriction for which allowance need not be made because of circumstances of sale (such a restriction might be the typical limitation of right of resale to a specified area) and the third country sales are freely offered, so that the foreign market value under section 205 of the Antidumping Act is $.91.

Example 2. A foreign producer has made the following sales of a particular product:

Sales for consumption in country of exportation	Sales for exportation otherwise than to the United States	Sales to the United States
25,000 units at $0.95	75,000 units at $0.90	15,000 units at $0.90.

The foreign producer can show that the quantity of sales of this product in the country of exportation, amounting to 25,000 units, is so small in relation to the total of 100,000 units sold otherwise than for exportation to the United States, as to be an inadequate basis for comparison with sales to the United States. Determination of fair value will therefore be based on the selling price otherwise than for exportation to the United States, pursuant to paragraph (a) (2) of this section. This price is $.90. In the absence of special circumstance it would appear that the sales for exportation to the United States were not below fair value, whether determined on the basis of material variation below a preponderance of other sales, or a weighted average of such sales, or otherwise. This may be so even if the home market sales are freely offered and therefore represent the foreign market value, and the third country sales are restricted, provided that the restriction is one (such as the typical limitation of right of resale to a specified area) for which allowance need not be made because of the circumstances of the sale.

Example 3. A foreign producer has sold his merchandise for consumption in the country of exportation at or about the date of the sale or exportation to the United States at the following prices:

2,000 tons at $32.00 ton.
900 tons at $32.50 ton.
2,000 tons at $33.00 ton.
1,000 tons at $33.10 ton.

Sales to the United States have been made by this supplier in the same average quantities at a uniform price of $32.90 per ton during the period. The difference in price between the producer's home market sales or any average thereof and his sales to the United States is so slight that it is not "material" unless such factors as small margin of profit and the sensitive condition of the market justify the conclusion that the difference is in fact "material."

Example 4. A foreign producer makes all of his sales, other than those to the United States, for consumption in the country of exportation. The majority of the merchandise thus sold by him is sold at list prices, net. However, a discount of 5 percent is granted on sales of more than 500 tons. Sales to the United States are at list price less 10 percent and have been in quantities of 10,000 tons or more. There have been no other sales by this producer in such quantities. Since the discount appears to be a reasonable one in view of the difference in quantities, the sales will not be considered to have been made at less than fair value in the absence of evidence that the price differential was not due to the differences in quantities.

The same result could obtain if the pricing pattern showed a differential because of quantity even though there were no list prices, or the list prices did not specify quantity discounts. This is shown in Example 5.

Example 5. A foreign producer has the following record of sales at or about the date of sale or exportation to the United States:

Sales for consumption in country of exportation	Quantity for each sale	Sales to United States	Quantity for each sale
20,000 pounds at $0.85	Units of 100 pounds	100,000 pounds at $0.80	Units of 1,000 pounds.
10,000 pounds at $0.80	Units of 1,000 pounds		

Although the preponderance of sales during the period (200,000 lbs.) were at a price of 85 as opposed to the United States price of 80, the lower United States price is justified on the ground that the home price pattern shows that to be the prevailing price for units of 1,000 lbs., which were the units involved in the United States sales.

Example 6. A foreign producer sells for consumption in the country of exportation at $10 a unit to wholesalers and at $12 a unit to retailers, regardless of quantities. He sells to purchasers in the United States at the same prices under the same circumstances, i. e. $10 a unit to wholesalers and $12 a unit to retailers, regardless of quantities.

Making allowance for the circumstances of sale, the sales to wholesalers in the United States at $10 a unit will not be sales below fair value.

[F. R. Doc. 54-8708; Filed, Nov. 2, 1954; 12:37 p. m.]

Internal Revenue Service

[26 CFR (1939) Part 29]

INCOME TAX; DISTRIBUTION IN REDEMPTION OR CANCELLATION OF STOCK TAXABLE AS DIVIDEND

WITHDRAWAL OF NOTICE OF PROPOSED RULE MAKING

Pursuant to the Administrative Procedure Act, approved June 11, 1946, a proposed revision of § 29.115-9 of Regulations 111 was published in tentative form as the appendix attached to a notice of proposed rule making published in the FEDERAL REGISTER for October 10, 1951 (16 F. R. 10312). The proposed revision of the regulations was to have been issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

In view of the consideration given the rules respecting the taxation of stock redemptions by the Congress in connection with the Internal Revenue Code of 1954, approved August 16, 1954, notice is hereby given that such proposal to revise the regulations is hereby withdrawn.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

[F. R. Doc. 54-8709; Filed, Nov. 3, 1954; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 978]

[Docket No. AO-184-A11]

HANDLING OF MILK IN NASHVILLE, TENNESSEE MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the County Courtroom, Davidson County Court House, Nashville, Tennessee, beginning at 10:00 a. m., November 9, 1954, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area (7 CFR 978 et seq.). The proposed amendments have not received the approval of the Secretary of Agriculture.

The amendments to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, milk marketing area were proposed by the Nashville Milk Producers, Inc., and handlers regulated by the Nashville, Tennessee Milk Marketing Order.

Proposed by Nashville Milk Producers, Inc. as follows:

1. Change the method of pooling in the Nashville market from a market-wide pool to an individual dealer pool.

2. Delete § 978.9 and substitute therefor:

§ 978.9 *Fluid milk plant.* "Fluid milk plant" means (a) any milk plant from which Class I milk is disposed of to retail or wholesale outlets in the marketing area, or (b) any plant from which Grade "A" milk or skim milk is shipped to a plant specified in paragraph (a) of this section.

3. Delete § 978.10 and substitute therefor:

§ 978.10 *Producer.* "Producer" means any person who produces Grade A milk, which milk is (a) received at a fluid milk plant or (b) diverted from a fluid milk plant to any milk distributing or milk manufacturing plant: *Provided*, That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

4. Delete § 978.11 and substitute therefor:

§ 978.11 *Handler.* "Handler" means any person in the capacity as the operator of a fluid milk plant.

5. Clarify § 978.41 (a) with reference to requiring approval from the currently nonexisting Nashville Health Department and name items to be classified as Class I.

6. Revise § 978.50 (a) to include companies and locations currently doing business.

7. In § 978.50 (c) delete: "3¾ cents for each full ½ cent that" and substitute therefor "7½ times".

8. Delete § 978.51 (a) and substitute therefor:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus a differential of $1.25 for the months March through August and $1.70 for the months September through February.

9. Delete § 978.51 (b) and substitute therefor the following:

(b) *Class II milk.* The price per hundredweight for Class II milk shall be the higher of the following:

(1) The arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the Market Administrator or to the Department of Agriculture on or before the 6th day after the end of the delivery period by the companies indicated below:

Borden Co., Fayetteville, Tenn.
Borden Co., Lewisburg, Tenn.
Carnation Co., Murfreesboro, Tenn.
Kraft Foods Co., Gallatin, Tenn.
Kraft Foods Co., Pulaski, Tenn.
Lakeshire-Marty Cheese Co., Carthage, Tenn.
Pet Milk Co., Franklin, Ky.
Sumner County Cooperative Creamery, Gallatin, Tenn.
Swift and Co., Lawrenceburg, Tenn.
Wilson and Co., Murfreesboro, Tenn.

(2) A pricing provision that will yield seasonally 25 to 35 cents per hundred pounds more than the present Class II price.

10. Amend § 978.52 (a) by deleting the figure "1.3" and substituting therefor: "1.2".

11. Delete § 978.61 (b) and substitute therefor:

(b) An entire base may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice: *Provided*, That if the base is held jointly and such joint holding is terminated, the entire base transferrable by any joint holder shall be his portion of such jointly held base as indicated by the joint holders.

12. Amend § 978.82 so that the last phrase therein will read, "and then adjust to the nearest even one-tenth of a cent."

Proposed by Handlers Regulated by the Nashville, Tennessee Milk Marketing Order:

13. Amend § 978.41 to provide that skim milk and butterfat disposed of as eggnog shall be classified as Class II milk.

14. Amend § 978.51 (a) (1) to provide that producer milk disposed of to others than handlers regulated by this order and classified as Class I shall be included in the total receipts of producer milk, and excluded from the gross volume of Class I milk.

15. Amend § 978.43 *transfers* to:

a. Eliminate any provision whereby the distance which milk is transferred or diverted determines the classification assigned to such milk.

b. Provide that mutual indication in writing to the Market Administrator by the transferor and transferee fluid milk plant or nonfluid milk plant of the class utilization of such milk so transferred or diverted shall discharge the transferor from any liability by reclassification of such milk by the market administrator.

Proposed by the Dairy Division, Agricultural Marketing Service:

16. Clarify the other source milk definition by specifying that Class II products not utilized in the plant during the month are not included.

17. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, Presbyterian Building, Room 101, 152 4th Avenue, North, Nashville 3, Tennessee, or from the Hearing Clerk, Room 1371, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: November 1, 1954, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-8712; Filed, Nov. 3, 1954; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 11211; FCC 54-1368]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 2 of the Commission's rules and regulations to provide for the allocation of frequencies to stations in the International Fixed Public Radio-communication Service in Southern Florida (south of 25° 30' North Latitude) in the frequency band 680–890 Mc, for an interim period the duration of which is later to be specified by the Commission, on the condition that harmful interference will not be caused to the broadcast service of the United States or other countries.

Notice is hereby given of proposed rule making in the above-entitled matter.

The Commission is in receipt of a petition from the American Telephone and Telegraph Company which indicates the possibility of early expansion of public communication facilities in Southern Florida at gateway terminals for international circuits provided an appropriate allocation of frequencies for this purpose is made in the frequency band 680–890 Mc. The petition indicates that all of the facilities in the existing cables terminating in Florida are now in use and that there is an immediate need for the expansion of facilities to meet the expected growth in demand in 1955 and subsequent years. The petition further states that the number of public telephone circuits which would be provided by additional cable facilities would be a maximum of only 36 telephone circuits whereas a radio system employing frequencies in the band 680–890 Mc would be capable of providing hundreds of telephone circuits and that such use of radio would permit experimentation with TV transmission looking toward the establishment of international TV broadcast service between Florida and Cuba. The petition further states that the petitioner's ultimate goal is to develop equipment which would permit the use of common carrier frequencies above 1,000 Mc but that these developments will require an indeterminable period for research.

The Commission is mindful of the need for constant expansion of international public communication facilities and is, therefore, proposing to amend the table of frequency allocations in Part 2 of the Commission's rules so as to provide, on an interim basis, for the allocation of frequencies between 680–890 Mc to the International Fixed Public Radiocommunication Service for use at locations in Southern Florida. The termination of this interim period would later be specified by the Commission when it is determined that equipments are available which will permit the use of frequency bands allocated to the fixed service.

The adoption of the rule amendment which is proposed herein will not, by itself, result in the assignment of any specific frequencies to any radio stations in the international fixed public radiocommunication service. The selection and assignment of specific frequencies to particular stations would be made only after the proposed rule amendment is adopted. Specific frequencies then would be selected for assignment to stations in the international fixed public radiocommunication service in such a way as to preclude interference to the reception of television broadcasting, both present and future, taking into account for this purpose pertinent technical factors such as the provisions of Subpart E of Part 3, rules governing Radio Broadcast Services. The Commission's studies of the aforementioned petition indicate that it is entirely feasible to select such frequencies in the band 680–890 Mc in this geographical area (Southern Florida) without the risk of causing interference to the TV broadcast service. It is therefore proposed to amend Part 2 of the Commission's rules by the insertion of a footnote in the table of frequency allocations therein which would read as follows:

Stations in the International Fixed Public Radiocommunication Service in Florida, South of 25°30' North Latitude, may be authorized to use frequencies in the band 680–890 Mc on the condition that harmful interference will not be caused to the broadcasting service of any country. This is an interim allocation the termination of which will later be specified by the Commission when it is determined that equipments are generally available for use in bands allocated internationally to the fixed service.

In connection with this proceeding, the Commission is seeking information and reliable estimates as to the availability of suitable equipment and practical systems for accomplishing the proposed service on frequencies allocated internationally to the fixed service.

The proposed amendment to the rules is issued pursuant to the authority of Sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, and the Final Acts of the International Telecommunication Radio Conference (Atlantic City 1947).

Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before December 3, 1954, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: October 29, 1954.

Released: November 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8697; Filed, Nov. 3, 1954; 8:53 a. m.]

[47 CFR Part 3]

[Docket No. 10905 FCC 54-1350]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. The Commission has before it for consideration its notice of proposed rule making (FCC 54-184) issued in this proceeding on February 11, 1954, proposing to amend its table of television channel assignments as requested by KALE, Inc. as follows:

City	Channel No.	
	Present	Proposed
Lewiston, Idaho ..... Richland, Wash.	3— 31	32+, 42 3—, 31

2. KALE, Inc., filed a comment supporting the proposed amendment stating that there were no applications on file for Channel 3 at Lewiston, and representing that in the event Channel 3 is assigned to Richland, KALE, Inc., will file an application for a station on Channel 3 in that community. It is contended that the proposed amendment would effect the best possible utilization of Channel 3 in the area and that Channel 3 in Richland would meet all Commission rules.

3. Oregon Radio, Inc., opposed the proposed shift of Channel 3 from Lewiston to Richland. Oregon Radio is the permittee of television station KSLM-TV in Salem, Oregon, and proposes to utilize a site 33 miles from Salem in the direction of Richland. This site would not meet the required minimum co-channel spacing for Zone II if Channel 3 is assigned to Richland. Oregon Radio contends that its proposed site is particularly suitable for large-area coverage and that any site which would comply with the minimum separations if Channel 3 is assigned to Richland would result in a reduction of proposed coverage and service to the more densely populated section of Oregon which it proposes to serve. Oregon Radio, therefore, opposes the assignment of Channel 3 to Richland and, in the alternative, urges that such assignment be made only on the condition that any applicant using the assignment must specify a transmitter site at least 190 miles from the site proposed by Oregon Radio.

4. Cascade Broadcasting Company, Inc., permittee of television station KIMA-TV at Yakima, Washington, has also filed an Opposition to the proposed assignment of Channel 3 at Richland. Cascade stated in its Opposition that it planned to apply for one of the UHF assignments in the Kennewick-Pasco-Richland area and has since the filing of the Opposition filed an application for a television station on Channel 19 in Pasco (BPCT-1904). Cascade contends that if Channel 3 is assigned to Richland, the operator of a station on that frequency would enjoy "a monopoly of television operation in this tri-city area of Washington", and would deprive the residents of the area of a choice of both network and local programming. Cascade submits that the Commission should maintain the assignments presently in the table.

5. On August 18, 1954, the Lewiston Chamber of Commerce filed an Opposition to the petition of KALE, Inc., and a petition for the acceptance of the late comment. The Commission is considering the Chamber of Commerce's comment in this proceeding. The Chamber of Commerce urges that Channel 3 should be retained in Lewiston. It is asserted that the terrain in the area can best be served by a VHF channel. The Chamber of Commerce contends that the State of Washington is already well served by television stations whereas the northern ten counties in Idaho do not have such service. It is urged that Lewiston is the focal point of a vast area and is the ideal place for the location of a television transmitter to serve a widespread area.

6. KALE, Inc., requests that VHF Channel 3 presently assigned to Lewiston be shifted to Richland. At the time its petition was filed there appeared to be no demand for such assignment in Lewiston since no applications for Channel 3 had been filed. However, since the filing of KALE, Inc.'s petition, an application for a station on Channel 3 in Lewiston has been filed by Lewiston TV Co. We are of the view that the assignments in the Lewiston and Richland areas should be altered only upon a clear showing that the public interest requires a change. However, upon our careful consideration of the comments submitted in this proceeding, we have concluded that such a showing has not been made. We are of the view, therefore, that the petition of KALE should be denied.

7. In view of the foregoing: *It is ordered*, That the petition of KALE, Inc. is denied, and this proceeding is hereby terminated.

Adopted: October 29, 1954.

Released: November 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8694; Filed, Nov. 3, 1954; 8:53 a. m.]

[47 CFR Part 3]

[Docket No. 11206]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS AND REPLY TO ORDER TO SHOW CAUSE

1. On October 21, 1954, the Commission issued a notice of proposed rule making and order to show cause (FCC 54-1316) in the above-entitled matter which proposed to substitute Channel 39 for Channel 27 in Miami, Florida, and Channel 27 for Channel 25 in Belle Glade, Florida, and ordered WMIE-TV, Inc., to show cause why its authorization should not be modified to specify operation on Channel 39 in lieu of Channel 27. This notice specified that comments were to be filed on or before November 1, 1954, and a reply to the show cause order on the same date.

2. WMIE-TV, Inc., has requested an extension of time until November 8, 1954, in which to file an opposition to the aforesaid show cause order. WMIE-TV states that previously both the petitioner and WMIE-TV, Inc., were represented by the same counsel; that it was necessary for WMIE-TV, Inc., to obtain other counsel; and that this fact and the need for the preparation of an engineering statement renders the time provided by the Commission insufficient.

3. It is our view that a sufficient showing has been made warranting an extension of time for filing comments and a reply to the show cause order by WMIE-TV, Inc. Accordingly, notice is hereby given that the time for filing comments in the above-entitled matter and a reply to the show cause order is extended to November 8, 1954, and the time for filing replies to these comments is extended to November 15, 1954.

Adopted: October 29, 1954.

Released: November 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8695; Filed, Nov. 3, 1954; 8:53 a. m.]

[47 CFR Part 3]

[Docket No. 11210; FCC 54–1352]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

NOTICE OF PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. Boise Valley Broadcasters, Inc., permittee of television station KBOI, operating on Channel 2 at Meridian, Idaho, filed a petition on September 14, 1954, requesting that the table of assignments contained in § 3.606 of the rules governing television broadcast stations be amended to exchange Channels 2 and 9 between Caldwell, Idaho, and Boise, Idaho, as follows:

City	Channel No.	
	Present	Proposed
Boise, Idaho	*4+, 7, 9—	2, *4+, 7
Caldwell, Idaho	2	9—

Petitioner further requests that the Commission modify its outstanding authorization for Station KBOI to specify operation at Boise, in lieu of Meridian.

3. In support of its request, petitioner notes that it is the permittee of Station KBOI on Channel 2 in Meridian with temporary studios authorized at Boise. Petitioner notes that its transmitter site is located at Deer Point Peak some ten miles Northeast of Boise. Petitioner submits that adoption of the proposed amendment would permit the station to use the Boise studios on a permanent basis, thereby enabling the station to render an efficient service to the greatest areas and populations. Petitioner desires to become a Boise station while retaining its present frequency and proposes to accomplish this by switching Channels 9 and 2 in Caldwell and Boise.

4. We are of the view that rule-making proceedings should be instituted with respect to the requests for reassignment of Channel 2 from Caldwell to Boise, and the reassignment of Channel 9 from Boise to Caldwell, in order that interested parties may submit their views to the Commission.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before November 22, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

8. Since Boise Valley Broadcasters, Inc., is presently authorized to operate Station KBOI with studios at Meridian, Idaho, and the rule making proposed herein would require Station KBOI to operate with studios at Boise, Idaho, Boise Valley Broadcasters, Inc., is ordered to show cause in this proceeding why its outstanding authorization should not be modified to specify operation on Channel 2 at Boise, Idaho, instead of Meridian, Idaho. A reply to the aforesaid Order to Show Cause should be filed on or before the date specified above for filing comments in the proceeding.

Adopted: October 29, 1954.

Released: November 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–8696; Filed, Nov. 3, 1954; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

CENTRAL BANK FOR COOPERATIVES

DESIGNATION OF SECURITIES FOR EXEMPTION UNDER THE SECURITIES EXCHANGE ACT OF 1934

NOVEMBER 1, 1954.

Paragraph 12 of section 3 (a) of the Securities Exchange Act of 1934, as amended, provides in part that when used in title I thereof, unless the context otherwise requires, the term "exempted security" or "exempted securities" shall include such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors.

Notice is hereby given that pursuant to paragraph 12 of section 3 (a) of the Securities Exchange Act of 1934, as amended, the Secretary of the Treasury on October 29, 1954, designated for exemption securities issued by the Central Bank for Cooperatives and the regional banks for cooperatives pursuant to Public Law 630, 83d Congress, approved August 23, 1954, amending section 37 of the Farm Credit Act of 1933, as amended (12 U. S. C. 1134m).

This designation for exemption may be revoked, modified or amended at any time with respect to securities not issued prior to such time.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54–8710; Filed, Nov. 3, 1954; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NORTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 27, 1954.

An application, serial number M–013726 (ND), for the withdrawal from all forms of appropriation under the public land laws, except mining laws and mineral leasing laws of the lands described below was filed on July 1, 1953, by the Department of Agriculture.

The purposes of the proposed withdrawal: Transfer of public lands to Department of Agriculture for administration by the Forest Service in connection with Land Utilization Project ND–LU–24.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Billings, Montana. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN, NORTH DAKOTA

T. 152 N., R. 97 W.
Sec. 4: NW¼SW¼;
Sec. 30: NW¼NE¼.

The areas described aggregate 80 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 54–8667; Filed, Nov. 3, 1954; 8:46 a. m.]

[BLM 035543]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

OCTOBER 29, 1954.

The land description in Federal Register Document 54–4772 appearing on page 3850 of the issue for June 24, 1954, so far as such description relates to lands in Sixth Principal Meridian should read Fifth Principal Meridian.

W. G. GUERNSEY,
Associate Director.

[F. R. Doc. 54–8668; Filed, Nov. 3, 1954; 8:46 a. m.]

Bureau of Reclamation

[Commissioner's Order 34, Amdt. 1]

REGIONAL DIRECTOR AND DISTRICT MANAGER, ALASKA DISTRICT

REDELEGATION OF AUTHORITY; LIMITATIONS

OCTOBER 29, 1954.

Paragraph (g), section 2, of Commissioner's Order No. 34 (19 F. R. 6555) is amended to read as follows:

(g) Approve farm unit plats and supplemental survey plats, except plats on the Columbia Basin Project;

W. A. DEXHEIMER,
Commissioner.

[F. R. Doc. 54–8669; Filed, Nov. 3, 1954; 8:47 a. m.]

CACHUMA PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 1, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 5 N., R. 26 W.,
Sec. 22, W½W½;
Sec. 23, NW¼NE¼, N½NW¼;
Sec. 27, NW¼NW¼.

The above areas aggregate 320 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 64129]

OCTOBER 29, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

W. G. GUERNSEY,
Associate Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Cachuma Project, California

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the proposed Camuesa Dam and Reservoir, Cachuma Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
Assistant Commissioner.

[F. R. Doc. 54–8670; Filed, Nov. 3, 1954; 8:47 a. m.]

DIXON PROJECT ON LITTLE SNAKE RIVER, COLORADO RIVER STORAGE, COLORADO

ORDER OF REVOCATION

MARCH 10, 1954.

Pursuant to authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of March 5, 1937, insofar as said order affects the following described lands: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 11 N., R. 94 W.,
Sec. 1: lots 1, 2, 3 and 4, S½N½ and S½;
Sec. 2: lots 1, 2, 3 and 4, S½N½ and S½;
Sec. 3: lots 1, 2, 3 and 4, S½N½ and S½;
Sec. 4: lots 1, 2, 3 and 4, S½N½ and S½;
Sec. 5: lots 1, 2, 3 and 4, S½N½ and S½;
Sec. 6: lots 1, 2, 3 and 8 to 20, incl., S½NE¼ and SE¼;
Sec. 7: lots 2 to 10, incl., E½ and E½SW¼;
Secs. 8 to 17, inclusive;
Sec. 18: lots 1, 2, 3 and 4, E½ and E½W½;
Sec. 19: lots 1, 2, 3 and 4, E½ and E½W½;
Secs. 20 to 29, inclusive;
Sec. 30: lots 1, 2, 3 and 4, E½ and E½W½;
Sec. 31: lots 1, 2, 3 and 4, E½ and E½W½;
Secs. 32 and 33;
Sec. 34: lots 1, 2 and 3, N½, N½S½, SW¼SW¼ and SE¼SE¼;
Secs. 35 and 36.

T. 12 N., R. 94 W.,
Sec. 13: lots 1 to 19, incl.;
Sec. 14: lots 1 to 19, incl.;
Sec. 19: lots 7, 8, and 11 to 15, incl., and NW¼SE¼;
Sec. 20: lots 14 to 27, incl.;
Sec. 21: lots 19 to 38, incl.;
Sec. 22: lots 1 to 27, incl.;
Sec. 23: lots 1 to 26, incl.;
Sec. 24: lots 1 to 35, incl.;
Sec. 25: lots 1 to 25, incl., SW¼ and SW¼SE¼;
Sec. 26: lots 1 to 14, incl., and S½;
Sec. 27: lots 1 to 20, incl., NE¼SW¼ and SE¼;
Sec. 28: lots 1 to 28, incl.;
Sec. 29: lots 1 to 24, incl., and S½S½;
Sec. 30: lots 1, 2 and 5 to 31, incl.;
Sec. 31: lots 5 to 30, incl.;
Sec. 32
Sec. 33: lots 1 to 29, incl., and W½SW¼;
Sec. 34: lots 1 to 15, incl., and E½;
Secs. 35 and 36.

T. 10 N., R. 95 W.,
Sec. 1: lots 1, 2, 3 and 4, S½N½ and S½;
Sec. 2: lots 1, 2, 3 and 4, S½N½ and S½;
Sec. 3: lots 1, 2, 3 and 4, S½N½ and S½;
Sec. 4: lots 1 to 11, incl., S½N½ and SE¼;
Sec. 5: lots 1, 2, 3 and 5 to 30, incl.;
Sec. 6: lots 8 to 39, incl.;
Sec. 7: lots 5 to 29, incl.;
Sec. 8: lots 1 to 29, incl.;
Sec. 9: lots 1 to 21, incl., NE¼ and E½SE¼;
Secs. 10 to 14, inclusive;
Sec. 15: lots 1 to 13, incl., and E½;
Sec. 16: lots 1 to 26, incl.;
Sec. 17: lots 1 to 25, incl.;
Sec. 18: lots 5 to 29, incl.;
Sec. 19: lots 5 to 23, incl., S½NE¼ and SE¼;
Sec. 20: lots 1 to 9, incl., S½N½ and S½;
Sec. 21: lots 1 to 9, incl., S½N½ and S½;
Sec. 22: lots 1, 2, 3 and 4, NE¼, S½NW¼ and S½;
Secs. 23 to 29, inclusive;
Sec. 30: lots 5 to 18, incl., and E½;
Sec. 31: lots 5 to 23, incl., NE¼ and N½SE¼;
Sec. 32: lots 1, 2, 3 and 4, N½, N½S½ and S½SE¼;
Secs. 33 to 36, inclusive.

T. 11 N., R. 95 W.,
Sec. 1: lots 5 to 29, incl.;
Sec. 2: lots 1 to 25, incl.;
Sec. 3: lots 1 to 23, incl.;
Sec. 4: lots 7 to 17, incl., N½SW¼ and SW¼SW¼;
Sec. 8: lots 11 to 20, incl., and W½SW¼;
Sec. 9: lots 1 to 27, incl.;
Sec. 10: lots 1 to 25, incl.;
Sec. 11: lots 1 to 25, incl.;
Sec. 12: lots 1 to 27, incl.;
Sec. 13: lots 1 to 6, incl., NE¼, SE¼NW¼ and S½;
Sec. 14: lots 1 to 25, incl., and S½SE¼;
Sec. 15: lots 1 to 25, incl.;
Sec. 16: lots 1 to 25, incl.;
Sec. 17: lots 1 to 31, incl.; and NW¼NW¼;
Sec. 19: lots 3, 4 and 16 to 27, incl.;
Sec. 20: lots 1 to 28, incl.;
Sec. 21: lots 1 to 25, incl.;
Sec. 22: lots 1 to 24, incl., and SE¼;
Sec. 23: lots 1 to 7, incl., NE¼ and S½;
Secs. 24, 25 and 26;
Sec. 27: lots 1 to 8, incl., NE¼ and S½;
Sec. 28: lots 1 to 13, incl., and S½;
Sec. 29: lots 1 to 25, incl.;
Sec. 30: lots 1, 2 and 5 to 29, incl.;
Sec. 31: lots 5 to 29, incl.;
Sec. 32: lots 1 to 24, incl., and S½SE¼;
Secs. 33 to 36, incl.

T. 9 N., R. 96 W.,
Sec. 1: lots 5 to 29, incl.;
Sec. 2: lots 5 to 29, incl.;
Sec. 3: lots 1 to 18, incl.;
Sec. 4: lots 1 and 2, S½NE¼ and SE¼;
Sec. 9: E½;
Sec. 10: lots 1 to 28, incl.;
Sec. 11: lots 1 to 25, incl.;
Sec. 12: lots 1 to 26, incl., and SE¼;
Sec. 13: lots 1 to 14, incl., and E½;
Sec. 14: lots 1 to 25, incl.;
Sec. 15: lots 1 to 26, incl.;
Sec. 16: lots 1 to 29, incl.

T. 10 N., R. 96 W.,
Sec. 1: lots 4 to 33, incl.;
Sec. 2: lots 6 to 9, incl., and W½SE¼;
Sec. 11: lots 1 to 9, incl., and W½E½;
Sec. 12: lots 1 to 25, incl.;
Sec. 13: lots 1 to 27, incl.;
Sec. 14: lots 1 to 7, incl., W½E½ and SE¼SE¼;
Sec. 24: lots 1 to 24, incl., SW¼NW¼ and NW¼SW¼;
Sec. 25: lots 1 to 27 incl.;

Sec. 26: lots 1 to 14, incl., S½NE¼, W½ W½, SE¼NW¼, NE¼SW¼ and NW¼ SE¼;
Sec. 35: lots 1 to 27, incl.;
Sec. 36: lots 1 to 25, incl.
T. 11 N., R. 96 W.,
Sec. 35: lots 1 to 8, incl., and W½E½;
Sec. 36: lots 1 to 5, incl., 12 to 18, incl., 23, 24 and 25.

The above areas aggregate 90,240.17 acres.

S. W. CROSTHWAIT,
Acting Commissioner.

[Misc. 66686]

OCTOBER 27, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Portions of the above-described lands have been patented. The remainder are chiefly rolling to mountainous grazing lands. The vegetative cover consists primarily of sagebrush and grass, with small areas of pinin-juniper in the more mountainous sections. The soils vary from sandy clay to gravelly clay formations.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

DEPUE FALCK,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 54–8671; Filed, Nov. 3, 1954; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 442]

PUERTO RICO

NOTICE OF RESIGNATION FROM AND APPOINTMENT TO SPECIAL INDUSTRY COMMITTEES NOS. 16B AND 16C

Mr. James B. Carey of Washington, D. C., has resigned from membership in Special Industry Committees Nos. 16B and 16C for Puerto Rico.

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (29 U. S. C. 201 et seq.), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby appoint David Lasser of Washington, D. C., to serve as a representative of employees on Special Industry Committees Nos. 16B and 16C.

Signed at Washington, D. C., this 1st day of November 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54–8690; Filed, Nov. 3, 1954; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 3476, 5879]

WESTERN AIR LINES, INC.; SERVICE TO SIOUX FALLS, S. DAK.

NOTICE OF HEARING

In the matter of the applications of the City of Sioux Falls, S. Dak., Docket No. 3476, and of Western Air Lines, Inc., Docket No. 5879, for amendment of the certificate of public convenience and necessity held by Western Air Lines, Inc., for route No. 35 pursuant to section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding will be held on December 6, 1954, at 10:00 a. m., local time, in Room 312, U. S. Post Office Building, Sioux Falls, S. Dak.

Without limiting the scope of the issues presented by the applications consolidated herein particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require the amendment of the certificate of public convenience and necessity held by Western Air Lines, Inc., for route No. 35 so as to include Sioux Falls, S. Dak., as an intermediate point on said route.

2. Whether Western Air Lines, Inc., is fit, willing and able properly to perform the air transportation to be authorized and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

For further details of the issues involved in this proceeding, interested persons are referred to the applications, Amendment No. 1 to the application in Docket No. 3476, the Prehearing Conference Report, and the Consolidation Order (No. E–8695) comprised in the record in this proceeding on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before December 6, 1954, a statement setting forth the propositions of fact or law which he desires to advance.

Dated at Washington, D. C., October 29, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54–8711; Filed, Nov. 3, 1954; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11076, 11077; FCC 54M–1360]

SOUTHERN INDIANA BROADCASTERS, INC. AND MT. VERNON BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Southern Indiana Broadcasters, Inc., Newburgh, Indiana, Docket No. 11076, File No. BP–9063; Harry C. Sanders and Norman Hall d b as Mt. Vernon Broadcasting Co., Mt. Vernon, Indiana, Docket No. 11077, File No. BP–9124; for construction permit.

At the oral request of counsel for Southern Indiana Broadcasters, Inc., and without objection by counsel for the other parties: *It is ordered*, This 29th day of October 1954, that the prehearing conference scheduled for November 1, 1954, is continued indefinitely, to permit consideration of Southern Indiana's petition for leave to amend to another frequency.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–8691; Filed, Nov. 3, 1954; 8:52 a. m.]

[Docket No. 11103; FCC 54M–1362]

WEST TENNESSEE BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of West Tennessee Broadcasting Company consisting of General Partners: H. E. Williams and Herbert J. Kropf; Limited Partners: Hubert E. Clemmer, G. W. Threadgill, Guy Harwood, Ben I. King and Bryant Cunninghan, Milan, Tennessee, for construction permit; Docket No. 11103, File No. BP–9211.

The Commission having under consideration a petition filed on October 26, 1954, on behalf of West Tennessee Broadcasting Company, requesting that the hearing in the above-entitled proceeding, now scheduled to be held in Washington, D. C., on November 10, 1954, be continued for a period of thirty days, until December 10, 1954; and

It appearing that sufficient good cause has been shown to warrant a grant of the relief requested within the meaning of § 1.811 of the Commission's rules; and

It further appearing that all of the parties to the proceeding have consented to a grant of the above petition and to a waiver of § 1.745 of the Commission's rules in order to permit early consideration thereof;

It is ordered, This 29th day of October 1954, that the said petition be, and it is hereby, granted, and that the hearing in the above-entitled proceeding is hereby continued until 10:00 a. m., Friday, December 10, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–8692; Filed, Nov. 3, 1954; 8:52 a. m.]

[Docket No. 11150; FCC 54M–1361]

T. L. BISHOP AND V. J. SCOGIN

ORDER CONTINUING HEARING

In the matter of T. L. Bishop and V. J. Scogin, Aransas Pass, Texas, Order to Show Cause Why the License for Radiotelephone Station WB–2311 should not be revoked; Docket No. 11150.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock a. m., on Monday, November 1, 1954; and

It appearing, that on October 20, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission, requesting that the hearing in the said proceeding be dismissed; and

It further appearing that no action is expected to be taken on the said Motion to Dismiss on or before November 1, 1954;

It is ordered, by the Commission on its own motion, this 29th day of October 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–8693; Filed, Nov. 3, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6585]

SOUTH CAROLINA GENERATING CO.

ORDER INITIATING PROCEEDING

South Carolina Generating Company (Generating Company), incorporated under the laws of the State of South Carolina, with its principal place of business at Columbia, South Carolina, by letter dated July 24, 1953, tendered for filing as its FPC Rate Schedule an agreement dated November 9, 1951,[1] providing for the supply of a portion of the energy requirements of the Georgia Power Company (Georgia Company), at up to a maximum demand of 75,000 kw. Generating Company, a wholly-owned subsidiary of South Carolina Electric and Gas Company (South Carolina Company) included as a part of that filing a copy of another contract dated November 9, 1951,[2] pursuant to which Generating Company agreed to supply a portion of the energy requirements of its parent at up to a maximum demand of 75,000 kw.

In both instances the energy supplied is to be generated at Generating Company's Urquhart steam electric generating station located near Beech Island, South Carolina, with delivery to South Carolina Company at 115 kv at Generating Company's Urquhart substation and delivery to Georgia Company a short distance away at the point of interconnection of the 115-kv transmission facilities of the Generating Company and those of Georgia Company at the Georgia-South Carolina State line. From the aforementioned filing and other information submitted to the Commission by the three companies it appears that all of the energy delivered to Georgia Company is thereafter resold and consumed at points outside of the State of South Carolina; and it further appears that all of that delivered to South Carolina Company is thereafter resold and consumed at points within the State of South Carolina.

Under the foregoing agreements which are to terminate in 1979 each purchaser is entitled to a maximum of one-half of the output of each of two 75,000-kw generating units presently installed at the Urquhart station;[3] subject, however, after both units are in service, to the right of Generating Company on twelve months' notice to reduce Georgia Company's entitlement by 25,000-kw and South Carolina Company's by 30,000-kw. In the event of an outage of one of these units Georgia Company would be entitled to one-half of the output of the remaining unit and to no service upon the outage of both. After the plant is in service, Generating Company may cancel its obligation to Georgia Company upon thirty months' notice.

Billing under both agreements is in accordance with a two-part capacity and energy type rate. The basic capacity charge to each amounts to $15.30 per kw per year, subject to adjustment to reflect any difference in amounts of estimated investment and fixed operating costs of the Urquhart station as set forth in the agreements from those actually experienced.[4] But in the case of the sale to the Georgia Company this basic charge is increased by the addition of a component of $7.20 per kw, or $540,000 annually. That additional amount is said to have been agreed to as representing 50 percent of the savings accruing to Georgia Company by reason of its purchase of energy from Generating Company in lieu of constructing an equivalent amount of capacity on its own system.

The energy charge to both customers is designed to cover certain stated operating expenses connected with the Urquhart station estimated to amount to 3.49 mills per kwh.

According to the agreements the basic capacity charge, which as currently adjusted amounts to $18 per kw per year, covers interest on and amortization of the principal of 90 percent of Generating Company's investment (including working capital) in the Urquhart station over a period of 25 years;[5] return on the remaining 10 percent equity at 8 percent; and an amount for insurance, Federal, State and local taxes, administrative and general expense and operating supervision and labor costs. The energy charge, currently estimated at 3.49 mills per kwh, covers fuel and maintenance expenditures incurred in the operation of the Urquhart station together with any generation taxes imposed upon the Generating Company.

Upon being informed that the staff was undertaking an analysis of its rates, Generating Company several times requested and held informal conferences with members of the Commission's staff, in the course of which its representatives submitted two computations of the company's cost of serving Georgia Company during the 12-month period ending October 31, 1953. Inasmuch as no service was rendered to Georgia Company prior to November 1953, the studies extensively employed estimates. One of these based the determination of the cost of serving Georgia Company upon the integrated system costs of Generating Company and South Carolina Company but without any allowance for the difference between the limited service rendered from the two units of the Urquhart plant and firm power service from South Carolina Company's integrated system. The other reflects Generating Company's service costs based on a hypothetical "orthodox capitalization plan"[6] for the Generating Company instead of the actual 90 percent and 25-year amortization plan.

In the submission of both studies Generating Company's representatives alleged without supporting data that the $540,000 extra annual charge to the Georgia Company is justified, chiefly because of (1) additional obligations and risks voluntarily incurred by South Carolina Company in underwriting the entire investment of Generating Company; (2) anticipated higher financing costs South Carolina Company will incur in the future due to a reduction of the equity ratio shown on its consolidated balance sheet as a result of Generating Company's high debt ratio; (3) services rendered by South Carolina Company in

[1] Accepted for filing effective October 1, 1953, and designated as Generating Company's Rate Schedule FPC No. 1.

[2] Identified as Exhibit A to Generating Company's Rate Schedule FPC No. 1.

[3] The first unit was placed in service in November 1953, and the second unit in January 1954.

[4] As currently adjusted the basic capacity charge amounts to $18.00 per kw per year.

[5] Generating Company's plant investment associated with the aforementioned two generating units approximates $27,000,000 which was financed per one million dollars of capitalization as follows:
$750,000, 25 year 3⅞ percent bonds.
$150,000, 10 year 4 percent debenture notes.
$100,000, equity at 8 percent.

[6] The capitalization assumed by Generating Company contemplated a debt ratio of 50 percent at a rate of interest of 3½ percent.

the planning, financing and construction of the Urquhart station for which no charges were made, and selection of the location of the plant mainly for reasons favoring the Georgia Company; (4) the failure of the Public Service Commissions of Georgia and South Carolina and the Georgia Company to voice any objections to the agreements at the time of their execution; and (5) the possibility that the cost of any additional capacity installed in the Urquhart station in the future to serve South Carolina Company may exceed that of presently installed capacity and result in higher charges to ultimate consumers in South Carolina.

On June 18, 1954, the Public Service Commission of Georgia filed a letter with this Commission stating in part as follows:

It is the view of this Commission that there appears to be undue discrimination in the Generating Company's rates in favor of its parent and it is also our view that it would be in the public interest to make further inquiry in the matter of discrimination to determine whether or not some revision in the rates should be made. We would like to state further that in the event there should result any downward modification in the demand rate charged Georgia Power Company, it will be our purpose to see that such reduction in power cost is passed on to the consumers of Georgia Power Company.

In view of the foregoing the Commission finds it necessary and appropriate in carrying out the provisions of the Federal Power Act to order as hereinafter provided.

The Commission orders:

(A) Generating Company shall make a showing of the facts necessary to enable the Commission to find and determine whether:

(1) Generating Company, by virtue of its ownership and operation of the facilities to effectuate the above-described sale of electric energy to Georgia Company, owns and operates facilities subject to the jurisdiction of the Commission.

(2) The sale to Georgia Company is a sale at wholesale in interstate commerce, subject to the provisions of Sections 205 and 206 of the Federal Power Act and the rules and regulations thereunder.

(3) The rates and charges for the service to Georgia Company as set forth in Generating Company's Rate Schedule FPC No. 1 are unduly discriminatory within the meaning of section 205 of the Federal Power Act and unlawful; and whether the Commission should order that Generating Company file a new rate for that service eliminating all substantial differences between the charges and related provisions of the schedule of rates to Georgia Company and those of the rate schedule in effect for the service to Generating Company's parent-customer South Carolina Company.

(4) The charges to Georgia Company provided for by such rate schedule are unjust and unreasonable; and if so what rate the Commission should order Generating Company to file.

(B) Without in any way precluding or limiting Generating Company from making any showing it wishes to make of facts relevant and material to the questions posed by this order, and without prejudice to any position Generating Company may wish to take as to the significance or lack of significance of the facts hereinafter specified, and also without this Commission at this time deciding that question but reserving full freedom to decide all the questions on the full record in the light of all arguments that may be adduced before it, Generating Company shall show its cost of rendering the service to Georgia Company, calculated in accordance with applicable Commission precedents and using, among other things, (i) a prudent investment rate base with the deduction for accrued depreciation computed on the basis of straight line depreciation; (ii) a fair rate of return; (iii) taxes actually to be paid over the life of the contract. This showing shall be made for the first two units in commercial operation: (1) for the calendar year 1954 using actual experience insofar as data are available for the period the two units shall have been in commercial operation and estimates based upon actual experience for the remainder of that year; (2) for every fifth year thereafter for 25 years, by use of the same figures with adjustments to reflect changes in net investment, return, and federal and state income taxes, and other changes which are known and measurable with reasonable accuracy.

(C) Subject to the same conditions and reservations as set forth in (B) above, Generating Company shall show its revenues from Georgia Power for the same years based upon the same operations under its Rate Schedule FPC 1.

(D) The foregoing showing shall be submitted in writing under oath within 60 days of the issuance of this order, with sufficient copies to provide 5 for the Commission, 2 for each of the State Commissions of Georgia and South Carolina, and 1 each for any others who may have been admitted as interveners.

(E) A public hearing on the foregoing issues be held at a time and place to be fixed hereafter.

(F) Interested State commissions may participate in this proceeding as provided in §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f) of the Commission's general rules and regulations.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8680; Filed, Nov. 3, 1954; 8:49 a. m.]

[Docket No. G-2450, G-2451]

CENTRAL KENTUCKY NATURAL GAS CO., AND UNITED FUEL GAS CO.

ORDER PERMITTING CHANGES IN SUSPENDED TARIFFS, MAKING EFFECTIVE CHANGED TARIFFS UPON FILING OF UNDERTAKINGS TO ASSURE REFUNDS OF EXCESS CHARGES, CONSOLIDATING PROCEEDINGS FOR HEARING, FIXING DATE OF HEARING, AND SPECIFYING PROCEDURE

By order issued June 4, 1954, in Docket No. G-2451, the Commission, pursuant to authority contained in Sections 4 and 15 of the Natural Gas Act, ordered that a hearing be held concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in the FPC Gas Tariff, Fourth Revised Volume No. 1, filed on May 12, 1954, by United Fuel Gas Company (United), setting forth therein proposed increased rates and charges, subject to the Commission's jurisdiction under that Act, for sales by United in interstate commerce of natural gas for resale for ultimate public consumption.[1] The said tariff proposed, based upon estimated sales during 1955, an annual increase of approximately $17,542,000, or 19.4 percent, above the rates made effective March 1, 1954, pursuant to the Commission's order issued May 13, 1954, In the Matter of United Fuel Gas Company, Docket No. G-2274. The Commission's June 4, 1954 order also provided that, pending the hearing and decision thereon, United's FPC Gas Tariff, Fourth Revised Volume No. 1, be suspended and the use thereof deferred until November 1, 1954, and until such further time thereafter as it might be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

By order issued June 4, 1954, in Docket No. G-2450, the Commission, pursuant to authority contained in sections 4 and 15 of the Natural Gas Act, ordered that a hearing be held concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in the FPC Gas Tariff, Fourth Revised Volume No. 1, filed on May 14, 1954, by Central Kentucky Natural Gas Company (Central), setting forth therein proposed increased rates and charges, subject to the Commission's jurisdiction under that Act, for sales by Central in interstate commerce of natural gas for resale for ultimate public consumption.[2] The said tariff proposed, based upon estimated sales during 1955, an annual increase of approximately $2,696,000 or 12.2 percent, above the rates and charges made effective March 1, 1954, pursuant to the Commission's orders issued July 1 and August 6, 1954, In the Matter of Central Kentucky Natural Gas Company, Docket No. G-2276. The Commission's June 4, 1954 order also provided that, pending the hearing and decision thereon, Central's FPC Gas Tariff, Fourth Revised Volume No. 1, be suspended and the use thereof deferred until November 1, 1954, and until such further time thereafter as it might be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

Section 4 (e) of the Natural Gas Act provides that whenever any new rate schedule is filed, the Commission shall have authority to enter upon a hearing concerning the lawfulness of the same; and that pending such hearing and the decision thereon, the Commission may suspend the operation of the new rate schedule, "but not for a longer period than five months beyond the time when it would otherwise go into effect." Said section further provides:

If the proceeding has not been concluded and an order made at the expiration of the suspension period, on motion of the natural-gas company making the filing, the proposed change of rate, charge, classification, or service shall go into effect. Where increased rates or charges are thus made effective, the Commission may, by order, require the natural-gas company to furnish bond, to be approved by the Commission, to refund any amounts ordered by the Commission, to keep accurate accounts in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and, upon completion of the hearing and decision, to order such natural-gas company to refund, with interest, the portion of such increased rates or charges by its decision found not justified.

These proceedings, instituted for the purpose of determining the lawfulness of the rates and charges contained in the proposed revised tariffs, have not been concluded or decisions rendered therein by the Commission.

On October 1, 1954, United filed an application requesting special permission under § 154.66 (b) of the Commission's general rules and regulations (18 CFR 154.66 (b)) to substitute First Revised Sheets Nos. 12, 13, 16, and 17 for Original Sheets Nos. 12, 13, 16, and 17 to its FPC Gas Tariff, Fourth Revised Volume No. 1, under suspension, together with a motion that the rates and charges contained in such tariff volume, as proposed to be amended by the substitute sheets, be permitted to become effective November 1, 1954.

United represents that the substitute tariff sheets, now proposed and referred to above, embody rates designed to decrease by approximately $4,519,000 annually the revenues that would be produced by the Docket No. G-2451 suspended rates, based upon United's estimated sales for the calendar year 1953.[3] United states that the substitute sheets were filed because of the reduction in cost of gas purchased from Tennessee Gas Transmission Company, resulting from the withdrawal by that Company of its rate-increase proposal (contained in that Company's FPC Gas Tariff, Seventh Revised Volume No. 1), pursuant to the Commission's order issued September 10, 1954, In the Matter of Tennessee Gas Transmission Company, Docket No. G-2434. In the event permission is not granted to substitute the revised tariff sheets filed October 1, 1954, United, in its motion, requests that its FPC Gas Tariff, Fourth Revised Volume No. 1, as originally filed on May 12, 1954, be permitted to go into effect November 1, 1954.

On October 1, 1954, Central filed an application requesting special permission under § 154.66 (b) of the Commission's general rules and regulations to substitute First Revised Sheets Nos. 7, 8, 15, and 16 to its FPC Gas Tariff, Fourth Revised Volume No. 1, under suspension, together with a motion that the rates and charges contained in such tariff volume, as proposed to be amended by the substitute sheets, be permitted to go into effect November 1, 1954.

Central represents that the substitute tariff sheets, now proposed and referred to above, embody rates designed to decrease by approximately $985,000 annually the revenues that would be produced by the Docket No. G-2450 suspended rates, based upon Central's estimated sales for the calendar year 1953.[4] Central states that the substitute sheets were filed because of the reduction in cost of gas purchased from United from and after November 1, 1954, based upon the revised tariff sheets filed by United in Docket No. G-2451, all as hereinbefore described. In the event permission is not granted to substitute such revised tariff sheets, Central, in its motion, requests that its FPC Gas Tariff, Fourth Revised Volume No. 1, as originally filed on May 14, 1954, be permitted to go into effect November 1, 1954.

Section 154.66 (b) of the Commission's general rules and regulations provides:

A natural-gas company may not, within the period of suspension, file any change in a tariff, executed service agreement or part thereof which has been suspended by order of the Commission except by special permission of the Commission granted upon application therefor and for good cause shown.

Good cause has been shown for permitting substitution of the revised tariff sheets as filed October 1, 1954, inasmuch as such sheets embody rates materially lower than the rates proposed in the revised tariffs as originally filed by Central and United.

On October 1, 4, and 5, 1954, in Docket Nos. G-2450 and G-2451, telegrams and letters were received from four wholesale customers of Columbia Gas System, Inc., which "* * * urgently request immediate hearing on the contract demand issue to permit interim determination before the suspension period expires," that is, before November 1, 1954.[5] The "contract demand issue" alluded to in these requests refers to the change in demand determinants from actual delivery to contract demand proposed by Central and United in their tariff volumes under suspension in these proceedings. Central and United propose such changes notwithstanding the Commission's decisions as reflected in Commission Opinion Nos. 258 and 258-A involving United in Docket No. G-2055, and subsequent rate settlements involving United in Docket No. G-2274 and Central in Docket Nos. G-2056 and G-2276, wherein the Commission approved the use of actual deliveries rather than contract demands for determination of billing demand quantities.

In Docket No. G-2055, Opinion Nos. 258 and 258-A, respectively, issued August 7, 1953 and November 19, 1953, the Commission decided that United's contract demand tariff was not proper for its wholesale sales and prescribed rate schedules therefor, which provided for billing on an actual delivery basis. The subsequent settlement in Docket No. G-2055, as approved by the Commission's order issued February 5, 1954, and the later settlement in Docket No. G-2274, as approved by the Commission's order issued May 13, 1954, contained the form of rate schedules prescribed by the Commission in its Opinion Nos. 258 and 258-A in Docket No. G-2055. The rate settlements involving Central, as approved by the Commission's order issued March 26, 1954, in Docket No. G-2056, and the subsequent settlement as approved by the Commission's order issued July 1, 1954 in Docket No. G-2276, also provided for billing on an actual delivery basis in lieu of contract demand billing proposed by Central.

In the circumstances, particularly in view of the urgent requests for immediate headings concerning the form of rates, it is deemed appropriate that the above-entitled proceedings be consolidated for early hearing. Prompt resolution of the issue respecting the form of rates for Central and United would seem desirable, not only for the customers but also because of the possible impact of rate form upon the relative revenues from each wholesale customer, particularly United's wholesale customers, since United's proposal in Docket No. G-2451 includes the contract demand for its wholesale sales to Portsmouth Gas, Seaboard, and Central, but does not include it for such sales to Manufacturers and Ohio Fuel.

Upon consideration of the foregoing, the rate increase and other tariff proposals involved herein, including the

[1] Commissioner Digby dissenting.

[1] United's interstate wholesale customers are: The Portsmouth Gas Company (Portsmouth Gas), a non-affiliate; and Atlantic Seaboard Corporation (Seaboard), Central Kentucky Natural Gas Company (Central), The Manufacturers Light and Heat Company (Manufacturers), and The Ohio Fuel Gas Company (Ohio Fuel), all of which, together with United, are subsidiaries of The Columbia Gas System, Inc. (Columbia).

[2] Central's interstate wholesale customers are: The Cincinnati Gas and Electric Co. (Cincinnati Gas); Cities of Carlisle and North Middletown, Kentucky; Delta Natural Gas Company (Delta); Frankfort Kentucky Natural Gas Company (Frankfort Gas); Limestone Gas Company (Limestone Gas); Richmond Water and Gas Works (Richmond Gas); The Union Light, Heat and Power Company (Union Light); and Kentucky Creosoting Company (Kentucky Co.).

[3] The revised tariff sheets submitted on October 1, 1954, in addition to reducing the applied-for rates in Docket No. G-2451, increase from 500 to 2,000 Mcf per day the boiler fuel limitation to conform to the change in United's currently effective tariff, which was authorized by the Commission's order issued August 6, 1954, in Docket Nos. G-2274 and G-2451.

[4] The revised tariff sheets submitted on October 1, 1954, in addition to reducing the applied-for rates in Docket No. G-2450, increase from 500 to 2,000 Mcf per day the boiler fuel limitation to conform to the change in Central's currently effective tariff, which was authorized by the Commission's order issued August 6, 1954, in Docket Nos. G-2276 and G-2450.

[5] The requests were made by Portsmouth Gas, the only non-affiliated wholesale customer of United; by Cincinnati Gas and its subsidiary, Union Light, the two largest wholesale customers of Central; and by The Dayton Power and Light Company, which purchases substantially all of its requirements from Ohio Fuel, a Columbia subsidiary. The City of Cincinnati, Ohio, by telegram of October 11, 1954, supports the position of Cincinnati Gas.

questions posed by this order, and without prejudice to any position Generating

[1] Commissioner Digby dissenting.

Company (Union Light); and Kentucky Creosoting Company (Kentucky Co.).

October 1, 1954, submittals by Central and United, and the recent requests for immediate hearings as aforementioned, the Commission finds: It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to permit the substitution of the revised tariff sheets filed herein on October 1, 1954, by Central and United, to prescribe the terms and conditions with respect to refunds by Central and United, to consolidate the proceedings in Docket Nos. G–2450 and G–2451, and to hold public hearings in the consolidated proceedings, all as hereinafter provided and ordered.

The Commission orders:

(A) First Revised Sheets Nos. 12, 13, 16, and 17, filed October 1, 1954, be and the same are hereby substituted for the appropriate sheets in United's FPC Gas Tariff, Fourth Revised Volume No. 1, suspended by the Commission's order issued June 4, 1954, in Docket No. G–2451; and First Revised Sheets Nos. 7, 8, 15, and 16, filed October 1, 1954, be and the same are hereby substituted for the appropriate sheets in Central's FPC Gas Tariff, Fourth Revised Volume No. 1, suspended by the Commission's order issued June 4, 1954, in Docket No. G–2450.

(B) Upon the execution by Central and United, respectively, of the agreement and undertaking described in paragraph (D) below, and the acceptance thereof, evidenced by letters addressed to Central and United, respectively, by the Secretary of the Commission, the rates, charges, and classifications set forth in the aforesaid FPC Gas Tariff, Fourth Revised Volume No. 1, of Central and United, respectively, shall be effective as of November 1, 1954, subject to further orders of the Commission in these proceedings.

(C) Central and United, respectively, shall refund to those entitled thereto the portion of the increased rates found by the Commission in these proceedings not justified, with interest at the rate of 6 per cent per annum from the date of payment respectively to Central and United until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of November 1, 1954, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and 4 copies), in writing and under oath, to the Commission monthly for each billing period and for each purchaser the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to November 1, 1954, and under the rates allowed by this order to become effective, together with the difference in the revenues so computed.

(D) As a condition of this order, within 15 days from the date of issuance thereof, Central and United, respectively, shall execute and file with the Secretary of this Commission their respective agreements and undertakings to comply with the terms and conditions of paragraph (C) above, each agreement and undertaking to be signed by a responsible officer of the respective corporation, evidenced by proper authority from the respective Board of Directors, as follows:

In conformity with the requirements of the order adopted October —, 1954, in Docket Nos. G–2450 and G–2451, ---------- Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (C) of said order and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto, this ---- day of ----------, 1954.

---------- Company
By ----------
President

Attest:

Secretary

(E) If Central and United, respectively, shall, in conformity with the terms and conditions of paragraph (C), above, make the refunds as may be required by order of the Commission, the respective undertaking shall be discharged; otherwise it shall remain in full force and effect.

(F) The proceedings in Docket Nos. G–2450 and G–2451 be and the same are hereby consolidated for purposes of hearing.

(G) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held, commencing on November 16, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above-entitled proceedings.

(H) At the hearing, United and Central shall go forward first and shall present in the respective dockets their complete cases-in-chief with respect to their proposed changes in the form of rates. Upon completion thereof, other parties to the proceedings, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(I) Following the presentation of United's and Central's cases and cross-examination, as provided in paragraph (H), other parties shall present their testimony and evidence with respect to proposed tariff changes other than rate level.

(J) Upon completion of the proceedings as provided in paragraphs (H) and (I), upon request of any party to the proceedings, including Commission Staff Counsel, the hearing shall be recessed by the Presiding Examiner, subject to further order of the Commission.

(K) In the interest of expedition, United and Central shall, not later than 5 days next preceding the date hereinbefore fixed for the commencement of the hearings herein, serve upon all parties to this proceeding, copies of the testimony and exhibits they propose to offer at the hearing, including five (5) copies thereof upon Commission Staff Counsel.

(L) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M FUQUAY,
Secretary.

[F. R. Doc. 54-8681; Filed, Nov. 3, 1954; 8:50 a. m.]

[Docket No. G-2552]

PAISANO TRADING CO., LTD.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that William Negley, doing business as Paisano Trading Company, Ltd. (Applicant), an individual enterprise and independent producer with its principal place of business in San Antonio, Texas, filed, on August 18, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the acts or operations hereinafter described.

Applicant produces natural gas from acreage located in the Paisano and Captain Lucy Fields in Jim Wells County, Texas, and sells such gas to Trunkline Gas Company under 20-year contracts dated May 28, 1952, and June 17, 1952, at the current price of .063 cents per Mcf. Applicant states that the combined minimum daily contract volume is 1,300 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 18, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8682; Filed, Nov. 3, 1954; 8:50 a. m.]

[Docket No. G-2779]

R. L. LOWE

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that R. L. Lowe (Applicant), an individual, whose address is 1013 Lubbock National Building, Lubbock, Texas, filed an application on September 15, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant produces natural gas in the Denton Field, Lea County, New Mexico, which he sells to El Paso Natural Gas Company and to Service Pipe Line Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 2, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8683; Filed, Nov. 3, 1954; 8:50 a. m.]

[Docket Nos. G-2785, G-2814, G-2844, G-2845, G-2869, G-2870]

MERCURY GAS CO. ET AL.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Mercury Gas Company, Docket No. G–2785; Back Gas Company, Docket No. G–2814; Campbell Gas Company, Docket No. G–2844; Perryville Well, Docket No. G–2845; North Eight Producing Company, Docket No. G–2869; North Eight Producing Company, Docket No. G–2870.

Take notice that there have been filed with the Federal Power Commission applications as hereinafter specified, each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sales to United Fuel Gas Company (United Fuel) of natural gas produced in the indicated fields:

Docket No.	Applicant	Address	Date filed	Location of field
G-2785	Mercury Gas Co., a partnership	Wayne County, W. Va.	Sept. 16, 1954	C. W. Osburn lease, Stonewall District, Wayne County, W. Va.
G-2814	Back Gas Co., a partnership	Rensford, W. Va	Sept. 17, 1954	Pinson-Layton Field, Rensford, W. Va.
G-2844	Ira W. Belcher and Robert H. Brown d. b. a. Campbell Gas Co., a partnership.	Kanawha County, W. Va.	Sept. 20, 1954	Lowenstein Field, Kanawha County, W. Va.
G-2845	Perryville Well, a partnership	Cinco, W. Va	do	Perryville Coal & Mining Co., Field, Cinco, W. Va.
G-2869	North Eight Producing Co., a corporation.	Blount, W. Va	do	W. H. and L. E. and L. R. Belcher, Blount, W. Va.
G-2870	do	do	do	Do.

All Applicants have requested that their applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The applications are on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the applications herein, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the proceedings in the above-designated Dockets for purpose of hearing, and to hold a public hearing in the above-entitled proceedings as hereinafter ordered.

(3) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicants having requested that their application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however,* That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Due notice of these applications be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The aforesaid proceedings in the above designated Dockets and the same hereby are consolidated for purposes of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 23, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before November 17, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 27, 1954.

Issued: October 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8672; Filed, Nov. 3, 1954; 8:48 a. m.]

[Docket No. G-2790]

STANOLIND OIL AND GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Stanolind Oil and Gas Company (Applicant), a Delaware corporation with its principal office in Tulsa, Oklahoma, filed on September 16, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Greta Field of Refugio County, Texas, which it sells to Transcontinental Gas Pipe Line Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 19th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 24, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8673; Filed, Nov. 3, 1954; 8:48 a. m.]

[Docket No. G-2796]

BEL OIL CORP.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Bel Oil Corporation (Applicant), a Louisiana corporation with its principal office in Lake Charles, Louisiana, filed on September 16, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the North Elton Field, Allen Parish, Louisiana, which it sells to Louisiana Natural Gas Corporation, United Gas Pipe Line Company, and Transcontinental Gas Pipe Line Corporation, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 18, 1954, at 9: 40 a. m. e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8674; Filed, Nov. 3, 1954; 8:48 a. m.]

[Docket Nos. G-2826, G-2827, G-2828, G-2829, G-2832]

TEXAS GULF PRODUCING CO.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING AND FIXING DATE OF HEARING

Take notice that Texas Gulf Producing Company (Applicant), a Delaware corporation with its principal office in Houston, Texas, filed on September 20, 1954, applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its applications filed herein.

Applicant produces natural gas in the Coquat Field in Live Oak County, Northwest Shamrock Field of Wheeler County, North McFaddin Field of Victoria County, and the Englehart Field of Colorado County, all in the State of Texas. In addition, Applicant also produces natural gas in the Monument Field of Lea County, New Mexico. Applicant sells all such gas to Transcontinental Gas Pipe Line Corporation, Lone Star Gas Company, United Gas Pipe Line Company, Shell Oil Company, and the Permian Basin Pipeline Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The applications are on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is appropriate and in the public interest to (a) consolidate the above-entitled proceedings for the purpose of hearing, and (b) publish notice of the applications and order consolidating and fixing date of hearing simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, Docket Nos. G-2826, G-2827, G-2828, G-2829, and G-2832 be and the same are hereby consolidated for the purpose of hearing and that a hearing be held on November 30, 1954, at 9: 30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8679; Filed, Nov. 3, 1954; 8:49 a. m.]

[Docket No. G-2952]

DEEP SOUTH OIL CO. OF TEXAS

ORDER FIXING DATE OF HEARING

Deep South Oil Company of Texas (Petitioner), a Texas corporation with its principal place of business in Beaumont, Texas, filed, on September 22, 1954, its petition for a declaratory order determining status and requesting early hearing thereon. Petitioner is primarily a producer of oil, but also produces and sells gas in connection with its oil business.

Petitioner has a contract for the sale of gas produced from the North Big Hill Field in Jefferson County, Texas, to Texas Gas Corporation (Texas Gas), the successor in interest to McCarthy Chemical Co. Texas Gas takes delivery at the well-head, then gathers and transports it, along with other such gas, to its processing plant for removal of the liquefiable hydrocarbons. The residue gas derived from the commingled supply is sold by Texas Gas into both intrastate and interstate commerce. Petitioner states that the interstate sale was made without "his knowledge or consent."

The Commission finds: It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to hold a public hearing in the above-entitled proceeding, as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 14, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held, commencing on November 29, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the petition herein.

(B) Protests or petitions seeking leave to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1954.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8675; Filed, Nov. 3, 1954; 8:48 a. m.]

[Docket No. G-2961]

DEMPSEY GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Dempsey Gas Company (Applicant), a partnership with its principal office in Prestonsburg, Kentucky, filed on September 22, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Warfield District, Tug River, Kentucky, which it sells to United Fuel Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 23, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8676; Filed, Nov. 3, 1954; 8:49 a. m.]

[Docket No. G-3009]

TEXAS GULF PRODUCING CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Texas Gulf Producing Company (Applicant), a Delaware corporation with its principal office in Houston, Texas, filed on September 23, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Dulac Field of Terrebonne Parish, Louisiana, which it sells to the United Gas Pipe Line Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 26, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8677; Filed, Nov. 3, 1954; 8:49 a. m.]

[Docket No. G-4264]

SOUTHERN NATURAL GAS CO.

ORDER SUSPENDING PROPOSED TARIFF IN PART AND PERMITTING CERTAIN PROPOSED TARIFF SHEETS TO BECOME EFFECTIVE

On September 30, 1954, Southern Natural Gas Company (Southern) tendered for filing its FPC Gas Tariff, Second Revised Volume No. 1, proposing to increase presently effective rates and charges for the sale of natural gas in interstate commerce for resale. Southern requests that its proposed tariff become effective November 1, 1954.

Southern proposes to increase its presently effective rates and charges by $7,018,000, or 17.4 percent, annually, based upon sales estimated for the year 1954. The increase includes $485,000 applicable to rate schedules for sale of natural gas for resale for industrial use only contained in Original Sheets Nos. 8, 9, 18, 19, 28, 29, 38, and 39.

It appears that Southern's claim for increased rates is based, among other things, upon (a) an average market value for its wellhead production, (b) a minimum bank balance of $5,000,000 in the rate base computed as of the date of May 31, 1954, (c) a 6½ per cent rate of return on "utility" rate base with associated income taxes, and (d) an allocation of demand costs on the basis of the 1953–1954 design peak day.

More than 40 customers of Southern and the State commissions of Alabama, Georgia, and South Carolina have filed protests to the proposed increase. Many of them oppose zone rate differentials and other tariff changes.

found to be necessary before the expira-

The rates, charges, classifications and services set forth in Southern's proposed FPC Gas Tariff, Second Revised Volume No. 1, may be unjust, unreasonable, unduly discriminatory and preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and in aid of the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of the Natural Gas Act, concerning the lawfulness of Southern's FPC Gas Tariff, Second Revised Volume No. 1, and that, pending hearing and decision thereon, said proposed tariff, except for Original Sheets Nos. 8, 9, 18, 19, 28, 29, 38, and 39, containing rates for resale for industrial use only, be suspended, as hereinafter ordered by the Commission.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classifications, and services contained in Southern's FPC Gas Tariff, Second Revised Volume No. 1.

(B) Pending such hearing and decision thereon, Southern's FPC Gas Tariff, Second Revised Volume No. 1, with the exception of Original Sheets Nos. 8, 9, 18, 19, 28, 29, 38, and 39, therein, be and the same is hereby suspended and the use thereof is deferred until April 1, 1955, unless otherwise ordered by the Commission, and until such further time thereafter as said tariff may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8678; Filed, Nov. 3, 1954; 8:40 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29853]

PETROLEUM COKE FROM KANSAS CITY, MO.-KANS., AND SUGAR CREEK, MO., TO IOWA, MINNESOTA AND SOUTH DAKOTA

APPLICATION FOR RELIEF

NOVEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum carbon (petroleum coke), and petroleum coke briquettes, carloads.

From: Kansas City, Mo.-Kans., and Sugar Creek, Mo.

To: Points in Iowa, Minnesota, and South Dakota.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3863, supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8687; Filed, Nov. 3, 1954; 8:51 a. m.]

[4th Sec Application 29854]

ROOFING AND BUILDING MATERIAL FROM LOWELL, IND., TO CERTAIN STATES

APPLICATION FOR RELIEF

NOVEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules listed below.

Commodities involved: Roofing and building materials, carloads.

From: Lowell, Ind.

To: Points in Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin.

Grounds for relief: Rail competition, circuity, and competition with motor carriers.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4370, supp. 90; H. R. Hinsch, Agent, I. C. C. No. 4238, supp. 113.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8688; Filed, Nov. 3, 1954; 8:52 a. m.]

[4th Sec. Application 29855]

ELECTRIC MOTORS FROM DAYTON AND SHAKER CROSSING, OHIO, TO NASHVILLE AND GLENCLIFF, TENN.

APPLICATION FOR RELIEF

NOVEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17720.

Commodities involved: Motors, electric or compenent parts thereof, carloads.

From: Dayton and Shaker Crossing, Ohio.

To: Nashville and Glencliff, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8689; Filed, Nov. 3, 1954; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SIEGFRIED KURZMAN AND CECILE ELSE SPIEGEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Siegfried Kurzman, Munich, Germany, Claim No. 42949; Cecile Else Spiegel, executrix of the estates of Ludwig Kurzman and Paula Kurzman, deceased, Hyattsville, Maryland, Claim No. 42950; $280.76 in the Treasury of the United States; one-half (½) thereof to Siegfried Kurzman and one-half (½) thereof to Cecile Else Spiegel, executrix of the estates of Ludwig Kurzman and Paula Kurzman, deceased.

Executed at Washington, D. C., on October 29, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-8700; Filed, Nov. 3, 1954; 8:54 a. m.]

RAYMOND ERNEST HENRI BORNAY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Raymond Ernest Henri Bornay, Maisons-Laffite, France; Claim No. 41775; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,256,134.

Executed at Washington, D. C., on October 29, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-8699; Filed, Nov. 3, 1954; 8:54 a. m.]

JACQUES KAHN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jacques Kahn, 14a qual Koch, Strasbourg, France; Claim No. 59945, Vesting Order No. 16053; $23,169.75 in the Treasury of the United States.

Executed at Washington, D. C., on October 29, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-8701; Filed, Nov. 3, 1954; 8:54 a. m.]

LOUIS DAMBLANC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Louis Damblanc, Paris, France; Claim No. 43870, Vesting Order No. 666; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,111,315; 2,114,214; and 2,206,476.

Executed at Washington, D. C., on October 29, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-8702; Filed, Nov. 3, 1954; 8:54 a. m.]

SOCIETE FRANCAISE DES REGULATEURS UNIVERSELS ARCA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Francaise des Regulateurs Universels ARCA, Paris, France; Claim No. 41777; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 323,229 (now United States Letters Patent No. 2,306,142).

Executed at Washington, D. C., on October 29, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-8703; Filed, Nov. 3, 1954; 8:54 a. m.]

KAI PETERSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Kai Petersen, Lyngby, Denmark; Claim No. 37628, Vesting Order No. 664; property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent Nos. 2,198,737; 2,200,677; 2,216,500; 2,241,734; and 2,252,520.

Executed at Washington, D. C., October 29, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-8704, Filed, Nov. 3, 1954; 8:54 a. m.]

JOSEPH AND ROSE DECORLETO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Joseph DeCorleto, a/k/a Giuseppe DeCorleto, Corleto Perticara, Italy, Claim No. 41487; $343.48 in the Treasury of the United States. Rose DeCorleto, a/k/a Rosa DeCorleto, Corleto Perticara, Italy, Claim No. 43911; $343.47 in the Treasury of the United States; Vesting Order No. 1915.

Executed at Washington, D. C., on October 29, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-8705; Filed, Nov. 3, 1954; 8:55 a. m.]

GIULIA AND ADELINA LATTANZIO BASILE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after ade-

quate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Giulia and Adelina Lattanzio Basile, Montefalcone, Province of Campobasso, Italy; Claim No. 57942; $2,370.55 in the Treasury of the United States in equal shares to each claimant.

Executed at Washington, D. C., on October 29, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8706; Filed, Nov. 3, 1954; 8:55 a. m.]

[Dissolution Order 107]

SCHLOEMANN ENGINEERING CORP.

Whereas, by Vesting Order No. 2953, dated January 15, 1944 (9 F. R. 915, January 25, 1944) there was vested in the Alien Property Custodian all outstanding capital stock (consisting of 5,000 shares of no par value common stock) of Schloemann Engineering Corporation (hereinafter referred to as "the Company"), a Delaware corporation;

Whereas, by virtue of the aforementioned vesting order and Executive Order 9788, dated October 14, 1946 (11 F. R. 11981, October 15, 1946), the aforementioned shares are owned by the Attorney General of the United States (hereinafter referred to as "Attorney General"); and

Whereas, by Supervisory Order No. 63, dated October 20, 1942, there was undertaken the direction, management, supervision, and control of the Company; and

Whereas, a Certificate of Dissolution was issued by the Secretary of State of Delaware on September 14, 1954, certifying to the dissolution of the Company; and

Whereas, the Company has been substantially liquidated.

Now, therefore, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that there are no known debts of the Company, and that the known assets consist of cash in the amount of $3,010.40 and United States 2 percent Treasury Bonds due December 15, 1954, having a face value of $50,000, the said bonds being carried on the Company's books at the cost price of $49,904.12; and

2. Having determined that it is in the national interest of the United States that the Company be dissolved, that its affairs be wound up and that its assets be distributed;

Hereby orders, that the officers and directors of the Company (and their successors, or any of them) wind up the affairs of the Company and distribute the assets of the Company coming into their possession as follows:

1. They shall first pay current expenses, if any, and necessary charges in effecting the dissolution of the Company and winding up of its affairs; and

2. They shall then pay all federal, state and local taxes, if any, owed by or accruing against the Company; and

3. They shall then pay over, transfer, assign and deliver to the Attorney General all funds and property of whatsoever kind and nature (including after discovered assets) remaining in their hands after payment of the aforementioned items, the same to be applied by the Attorney General as follows: First, in satisfaction of such claim, if any, as the Attorney General may have for monies advanced or services rendered to or on behalf of the Company, and second, as a liquidating distribution of assets to the Attorney General as holder of all the issued and outstanding stock of the Company;

And further orders, that nothing herein set forth shall be construed as prejudicing the rights under the Trading With the Enemy Act, as amended, of any person who may have a claim against the Company to file such claim with the Attorney General against any funds or property received by the Attorney General hereunder;

Provided, however, That nothing herein contained shall be construed as creating additional rights in such person; *Provided further,* That any such claim against said Company shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the aforementioned officers and directors of the Company pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to section 5 (b) (2) of the Trading With the Enemy Act, as amended, (50 U. S. C. App. 5), and the acquittance and exculpation provided therein.

Executed in Washington, D. C., on October 29, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8707; Filed, Nov. 3, 1954; 8:55 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 216

Washington, Friday, November 5, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 37—GROUP LIFE INSURANCE

EXCLUSIONS

Paragraph (a) (4) of § 37.2 is amended as set out below.

§ 37.2 *Exclusions.* (a) Employees in the following groups shall be excluded from the application of this part:

* * * * * *

(4) Employees serving under appointments limited to one year or less, except acting postmasters.

(Sec. 11, P. L. 598, 83d Cong., 68 Stat. 742)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-8759; Filed, Nov. 4, 1954; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 953.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Los Angeles, California, on June 22, 1954, upon proposed amendments to Marketing Agreement No. 94, as amended, and Order No. 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of lemons grown in the States of California and Arizona in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the lemons covered thereby.

(b) *Additional findings.* It is hereby found and determined on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). The provisions of this order make certain changes in the composition of the Lemon Administrative Committee, the agency charged with the administration of this program, and in the procedures for nominating the membership of the committee. The term of office of the current members of the committee ends on October 31, 1954, and the provisions of this

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FEDERAL REGISTER

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(For use during 1954)

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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order should be made effective as soon as practicable so that the new committee may be nominated and appointed in conformity therewith. The provisions of this order are well known to the handlers of lemons, since the public hearing in connection therewith was held in Los Angeles, California, on June 22, 1954, and the recommended decision and final decision were published in the FEDERAL REGISTER on August 20, 1954 (19 F. R. 5319), and September 15, 1954 (19 F. R. 5969), respectively; and the changes effected by this order do not impose any restrictions on, or require any advance preparation by, the persons subject to regulations under the program.

(c) *Determinations.* It is hereby determined that:

(1) The "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Lemons Grown in California and Arizona," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the lemons covered by this order) who, during the period November 1, 1952, through October 31, 1953, shipped not less than

80 percent of the volume of lemons covered by said order, as amended, and hereby further amended; and

(2) The issuance of this order, amending the aforesaid order, as amended, is favored, or approved, by at least three-fourths of the producers who, during the determined representative period (November 1, 1952, through October 31, 1953), were engaged within the production area specified in said order, as amended, in the production of lemons for market.

(3) The issuance of this order, amending the aforesaid order as amended, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of lemons produced within California and Arizona for market.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Immediately preceding the period at the end of § 953.9 *Box* insert the following: ", or the equivalent thereof".

2. Delete the word "six" from the first sentence in § 953.20 *Establishment and membership* and insert in lieu thereof the word "seven."

3. Amend § 953.22 *Nominations* by deleting paragraphs (a), (b), and (c); deleting the word "five" from paragraph (g) and inserting in lieu thereof the word "six"; redesignating paragraphs (d), (e), (f), and (g) as paragraphs (e), (f), (g), and (h), respectively; and inserting the following new paragraphs:

(a) The cooperative marketing organization, or the growers affiliated therewith, as may be provided pursuant to paragraph (f) of this section, which marketed more than sixty percent of the total volume of lemons marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members of the committee are to be submitted, shall nominate three growers for three members and three growers for three alternate members of the committee.

(b) The cooperative marketing organization, or the growers affiliated therewith, as may be provided pursuant to paragraph (f) of this section, which marketed a larger portion of the total volume of lemons marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members are to be submitted than any cooperative marketing organization other than the one described in paragraph (a) of this section, shall nominate one grower for a member and one grower for an alternate member of the committee.

(c) All cooperative marketing organizations which are not qualified under paragraph (a) or (b) of this section, or the growers affiliated therewith, as may be provided pursuant to paragraph (f) of this section, shall nominate one grower for a member and one grower for an alternate member of the committee.

(d) All lemon growers who are not included under paragraph (a), (b), or (c) of this section shall nominate one grower for a member and one grower for an alternate member of the committee.

4. Delete paragraphs (a) and (b) of § 953.23 *Selection* and insert in lieu thereof the following:

(a) From the nominations made pursuant to paragraph (a) of § 953.22, or from other qualified growers, the Secretary shall select three members and three alternate members of the committee. From the nominations made pursuant to each of the paragraphs (b), (c), and (d) of § 953.22, or from other qualified growers, the Secretary shall select one member and one alternate member of the committee.

(b) From the nominations made pursuant to paragraph (h) of § 953.22, or from other qualified persons, the Secretary shall select one member and one alternate member of the committee.

5. Delete paragraph (a) of § 953.28 *Procedure* and insert in lieu thereof the following:

(a) Five members of the committee shall constitute a quorum and any action of the committee shall require four concurring votes.

6. Amend § 953.29 *Expenses and compensation* by deleting therefrom "$5.00" and inserting in lieu thereof "$10.00."

7. Add, at the end of paragraph (a) of § 953.41 *Assessments*, the following: "The payment of assessments for the maintenance and functioning of the committee may be required under this subpart throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative."

8. Delete paragraphs (f), (g), (h), and (i) of § 953.53 *Prorate bases* and insert in lieu thereof the following:

(f) Based on the quantity of each handler's available lemons, as computed pursuant to this section, the committee shall fix the prorate base of each handler who has applied therefor: *Provided,* That such quantity shall be adjusted by (1) the deduction therefrom of any undershipments pursuant to § 953.58, or (2) the addition thereto of any overshipments pursuant to § 953.57, in the event such handler makes an undershipment or overshipment during the week preceding that in which such quantity is computed. Such prorate base shall represent the ratio between the quantity of such handler's available lemons in a district, as aforesaid, and the quantity of all handlers' available lemons in such district, and shall be applicable for the two week period immediately following the week in which it is fixed by the committee.

(g) The committee shall notify the Secretary of the prorate base fixed for each handler and shall notify such handler of the prorate base fixed for him.

9. Redesignate paragraph (j) of § 953.53 as paragraph (h).

10. Delete the first sentence of § 953.56 *Allotments* and insert in lieu thereof the following: "Whenever the Secretary has fixed the quantity of lemons which may be handled during any week in a district, as aforesaid, the committee shall calculate the quantity of lemons which each handler may handle during such week."

11. Delete the first sentence of § 953.57 *Overshipments* and insert in lieu thereof the following: "During any week for which the Secretary has fixed the quantity of lemons which may be handled, each handler may handle, in addition to his allotment, an amount of lemons equivalent to ten percent of said allotment, or one carload, whichever is the greater: *Provided,* That no such overshipment may be made by a handler if his allotment for such week is insufficient to offset his prior overshipments pursuant to this section."

12. Delete paragraphs (a) and (c) of § 953.58 *Allotment loans* and insert in lieu thereof the following:

(a) A handler for whom a prorate base has been established may lend allotment to other handlers: *Provided,* That such loan is confined to the same district, as defined in § 953.64, is reported to the committee not later than 48 hours after the loan agreement has been entered into, and provides for repayment within one year of the date of the loan.

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(c) The committee may act as agent for handlers in arranging loans of allotment; and all loan transactions shall be confirmed by the committee by memoranda addressed to the parties thereto.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 2d day of November 1954, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-8761; Filed, Nov. 4, 1954; 8:54 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding proposed expenses and rate of assessment to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER (August 20, 1954, 19 F. R. 5322). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were adopted, and submitted for approval, by the area committee for Area No. 1, established pursuant to the aforesaid marketing agreement and order, it is hereby found and determined that:

§ 958.216 *Expenses and rate of assessment*—(a) *Expenses.* The expenses necessary to be incurred by the area committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58 (§§ 958.1 to 958.19) to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order during the fiscal period ending May 31, 1955, will amount to $1,000.00.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler who first ships potatoes from Area No. 1 shall be one cent ($0.01) per hundredweight of potatoes so handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (§§ 958.1 to 958.19).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 1st day of November 1954, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-8716; Filed, Nov. 4, 1954; 8:46 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding proposed expenses and note of assessment to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado was published in the FEDERAL REGISTER (October 5, 1954, 19 F. R. 6398). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were adopted, and submitted for approval, by the area committee for Area No. 2, established pursuant to the aforesaid marketing agreement and order, it is hereby found and determined that:

§ 958.217 *Expenses and rate of assessment*—(a) *Expenses.* The expenses necessary to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58 (§§ 958.1 to 958.19) to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order during the fiscal period ending May 31, 1955, will amount to $3,024.00.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler who first ships potatoes from Area No. 2, shall be one-tenth of one cent ($0.001) per hundredweight of potatoes so handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meanings as when used in Marketing Agreement No. 97 and Order No. 58 (§§ 958.1 to 958.19).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 1st day of November 1954, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-8715; Filed, Nov. 4, 1954; 8:45 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 39]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 5207, 5604, 6079, 6472, 6843), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraphs (6), (16), (33) and (37), of paragraph (a), relating to California, are deleted.

2. Subparagraphs (1), (4), (7), (9), (10), (11), (12), (17), (18), (20), (22), (24), (25), (27), (28), (30), (31), (34), (35) and (40), of paragraph (a), relating to California, are amended to read:

(a) *California:* (1) Sec. 32, T. 2 S., R. 2 W., MDBM; NE. ¼ Sec. 1, T. 3 S., R. 2 W., MDBM; Sec. 22, T 5 S., R. 1 W., MDBM; SW. ¼ Sec. 34, T. 3 S., R. 2 E., MDBM; SE. ¼ Sec. 35, T. 2 S., R. 2 E., MDBM; that area included within a boundary beginning at a point on W. line of Plot 4, Rancho El Valle, 10.47 chains N. from N. line Plot 3, Rancho El Valle, thence N. 53° W. 17.95 chains, thence N. 69° 4' E. 6.67 chains, thence N. to County Road, thence SE. 100 feet along SW. line of County Road, thence S. to point of beginning, consisting of 32.98 acres within lots 8–15; NE. ¼ Sec. 25, T. 3 S., R. 3 W., MDBM; E. ½ Sec. 13, T. 3 S., R. 3 W., MDBM; and NE. ¼ Sec. 20, T. 3 S., R. 2 E., MDBM, in Alameda County.

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(4) SE ¼ Sec. 33, T. 2 N., R. 3 E., MDBM; NE. ¼ of N. ½ Sec. 22, T. 1 N., R. 3 E., MDBM; NW. ¼ Sec. 27 and SW. ¼ Sec. 27, T. 2 N., R. 1 E., MDBM; and Block 2760 of the San Pablo Rancho Land Grant, in Contra Costa County.

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(7) NW. ¼ Sec. 28, T. 14 S., R. 22 E., MDBM, in Fresno County.

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(9) Sec. 24, T. 4 S., R. 3 E., HUBM, in Humboldt County.

(10) Tract 47, Sec. 24, T. 16 S., R. 12 E., SBBM; SW. ¼ Sec. 15, T. 12 S., R. 14 E., SBBM; Sec. 36, T. 15 S., R. 23 E., SBBM; Tract 35, Sec. 27, T. 15 S., R. 15 E., SBBM; and Tract 135, Sec. 7, T. 15 S., R. 14 E., and Sec. 12, T. 15 S., R. 13 E., SBBM, in Imperial County.

(11) NW. ¼ Sec. 17, T. 32 S., R. 24 E., MDBM, in Kern County.

(12) SE. ¼ Sec. 23, T. 8 N., R. 12 W., SBBM; NE. ¼ Sec. 22, T. 8 N., R. 11 W., SBBM; NE. ¼ of NE. ¼ Sec. 14, T. 5 N., R. 14 W., SBBM; SE. ¼ Sec. 28, SW. ¼ Sec. 27, NE. ¼ Sec. 23, and NW. ¼ Sec. 34, T. 5 N., R. 15 W., SBBM; that part of the City of Torrance included within a boundary beginning at the intersection of Spencer Street and Madrona Avenue, thence west 330 feet, thence north 700 feet, thence east 330 feet, and thence south to point of beginning; that part of the City of Torrance included within a boundary beginning 330 feet west of the intersection of Spencer Street and Madrona Avenue, thence west 300 feet, thence east 300 feet, and thence south to point of beginning; that part of the City of Pomona included within a boundary beginning at the south end of Garey Street, thence west 1 mile, thence north ½ mile, thence east 1 mile, and thence south to point of beginning; NE. ¼ Sec. 19, T. 5 N., R. 13 W., SBBM; E. ½ Sec. 36, T. 4 N., R. 17 W., and W. ½ Sec. 31, T. 4 N., R. 16 W., SBBM; that part of the City of Dominguez included within a boundary beginning ½ mile south of the intersection of Alameda and Artesia Streets, thence west ¼ mile, thence south ¼ mile, thence east ¼ mile, and thence north to point of beginning; and that part of the City of Torrance included within a boundary beginning at the intersection of Meyer Lane and Dominguez Street (190th Street), thence west ½ mile, thence south ¾ mile, thence east ½ mile, and thence north to point of beginning, in Los Angeles County.

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(17) Lot 9 of Locke Paddon Colony No. 43 in the Town of Castroville; and Secs. 2 and 3, T. 15 S., R. 2 E., MDBM, in Monterey County.

(18) Sec. 13, T. 4 N., R. 3 W., MDBM; and N. ½ of NE. ¼ Sec. 11, T. 5 N., R. 4 W., MDBM, in Napa County.

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(20) Sec. 7, T. 3 S., R.. 9 W., SBBM; NE. ¼ Sec. 4, T. 4 S., R. 11 W., SBBM; and Sec. 27, T. 6 S., R. 8 W., SBBM, in Orange County.

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(22) Sec. 27, T. 4 S., R. 4 W., SBBM; SW. ¼ Sec. 10, T 3 S., R. 3 W., SBBM; SE. ¼ Sec 31, T. 5 S., R. 2 W., SBBM; Secs. 3 and 10, T. 7 S., R. 23 E., SBBM; Parcels 94 and 95, Prado Basin, T. 3 S., R. 7 W., SBBM; Lot 1, Sec. 6, T. 7 S., R. 1 W., SBBM; and W. ½ Sec. 22, T. 4 S., R. 4 W., SBBM, in Riverside County.

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(24) SE. ¼ of SW. ¼ Sec. 32, T. 1 N., R. 5 W., SBBM; Sec. 13, Sec. 14, and Sec. 15, NW. ¼ Sec. 22, N. ½ Sec. 23, N. ½ of NW. ¼ Sec. 24, NE. ¼ Sec. 24, N. ½ of SE. ¼ Sec. 24, and S. ½ of SE. ¼ Sec. 16, T. 9 N., R. 1 E. and W. ½ of SW. ¼ and S. ½ of SE. ¼ Sec. 19, T. 9 N., R. 2 E., SBBM; W. ½ Sec. 28, T 12 N., R. 2 E., SBBM; Sec. 36, T. 1 S., R. 5 W., SBBM; Sec. 17, T. 6 N., R. 3 W., SBBM; N. ½ Sec. 2, T. 9 N., R. 2 W., SBBM; E. ½ of NE ¼ Sec. 25, T. 3 N., R. 6 W., SBBM; Lots 1, 3, 4, 5, and 6, Sec. 25, T. 11 N., R. 21 E., SBBM; and W. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM, in San Bernardino County.

(25) NW. ¼ Sec. 36, T. 18 S., R. 2 W., SBBM; NE. ¼ Sec. 19, T. 18 S., R. 1 W. SBBM; W. ½ of NE. ¼ Sec. 19, T. 18 S., R. 1 W., SBBM; Lots 2, 3, and 4, Sec. 12, T. 12 S., R. 3 W., SBBM; NW. ¼ Sec. 20, T. 16 S., R. 1 E., SBBM; E. ½ Sec. 30, T. 14 S., R. 2 W., SBBM; N. ½ of SE. ¼ Sec. 18, T. 15 S., R. 2 E., SBBM; NW. ¼ Sec. 33, T. 11 S., R. 4 W., SBBM; NE. ¼ Sec. 28, T. 12 S., R. 3 W., SBBM; W. ½ of NW. ¼ of NW. ¼ Sec. 32, T. 11 S., R. 4 W., SBBM; NW. ¼ of SW. ¼ of SE. ¼ Sec. 24, T. 16 S., R. 1 W., SBBM; Sec. 24 and Sec 25, T. 14 S., R. 1 E., SBBM; E. ½ of NW. ¼ and E. ½ of SW. ¼ Sec. 32, T. 11 S., R. 4 W., SBBM; W. ½ of SW. ¼ Sec. 21, T. 10 S., R. 3 W., SBBM; Sec. 30, T. 16 S., R. 1 E., SBBM; NE. ¼ Sec. 28, T. 15 S., R. 1 E., SBBM; and N. ½ Sec. 2, T. 15 S., R. 1 E., SBBM, in San Diego County.

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(27) S. ½ Sec. 8, T. 26 S., R. 12 E., MDBM; Lot 50 of Rancho Corral de Piedro (land grant) lying east of Arroyo Grande Highway; NE. ¼ Sec. 30, T. 27 S., R. 11 E., MDBM; and SW. ¼ Sec. 15, T. 27 S., R. 8 E., MDBM, and including that adjacent portion of the Rancho Santa Rosa Land Grant which lies northwest of State Highway No. 1, in San Luis Obispo County.

(28) SW. ¼ Sec. 7, T. 3 S., R. 5 W., MDBM; SW. ¼ Sec. 12, T. 3 S., R. 6 W., MDBM; SW. ¼ Sec. 11, T. 3 S., R. 6 N., MDBM; S. ¼ of SW. ¼ Sec. 36, T. 5 S., R. 4 W., MDBM; SE. ¼ Sec. 14, T. 4 S., R. 6 W., MDBM; NW. ¼ Sec. 25, T. 4 S., R. 6 W., MDBM; NW. ¼ Sec. 32, T. 7 S., R. 3 W., MDBM; NE. ¼ Sec. 26, T. 7 S., R. 3 W., MDBM; SW. ¼ Sec. 20, T. 4 S., R. 6 W., MDBM; NW. ¼ Sec. 28, T. 4 S., R. 6 W., MDBM; NE. ¼ Sec. 26, T. 3 S., R. 6 W., MDBM; and NW. ¼ Sec. 18, T. 3 S., R. 5 W., MDBM; in San Mateo County.

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(30) NE. ¼ Sec. 14, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 22, T. 6 S., R. 1 W., MDBM; that part of the NE. ¼ Sec. 9, T. 6 S., R. 2 W., lying west of Steirlin Road, east of Bayshore Highway, south of San Francisco Bay, and north of Charleston Avenue; NE. ¼ Sec. 30, T. 8 S., R. 1 E., MDBM; NW. ¼ Sec. 15, T. 6 S., R. 2 W., MDBM; SE. ¼ of T. 5 S., R. 1 W., MDBM; NE. ¼ Sec. 15, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 19, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 34, T. 7 S., R. 1 E., MDBM; NW. ¼ Sec. 31, T. 10 S., R. 4 E., MDBM; and SE. ¼ Sec. 32, T. 8 S., R. 1 E., MDBM, in Santa Clara County.

(31) That area lying south of Old State Highway No. 1, east of Estate Drive, north of State Highway No. 1, and west of Monte Vista Street; that area lying east of Old San Jose Road, and north, south and west of Soquel Creek; and SE. ¼ Sec. 32, T. 9 S., R. 2 W., MDBM, in Santa Cruz County.

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(34) Secs. 28 and 33, T. 3 N., R. 3 W., MDBM; Secs. 19 and 24, T. 3 N., R. 2 W., MDBM; and Sec. 7 and Sec. 18, T. 4 N., R. 2 W., MDBM, in Solano County.

(35) That part of Secs. 16 and 21, T. 8 N., R. 8 W., MDBM, lying south of Faught Creek and west of Faught Road; that part of Rancho Aqua Calente Grant lying south and east of Arnold Drive, west of State Highway No. 12, and north of Madrone Road; that part of Rancho Petaluma Grant lying south and east of State Highway No. 37, west of Maffei Lane, and north of Wayne Road; and that part of the Rancho Llano de Santa Rosa lying west of U. S. Highway No. 101, north of Scenic Avenue, east of the Northwestern Pacific Railroad, and south of Todd Road, in Sonoma County.

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(40) Sec. 16, T. 2 N., R. 22 W., MDBM; N. ½ Sec. 32, T. 3 N., R. 20 W., MDBM; Sec. 33, T. 4 N., R. 24 W., MDBM; NE. ¼ Sec. 16, NW. ½ Sec. 15, and SE. ¼ Sec. 9, T. 1 S., R. 20 W., MDBM; Sec. 22, T. 1 N., R. 20 W., MDBM; and Sec. 21, T. 3 N., R. 19 W., MDBM, in Ventura County.

3. Subdivision (v), of subparagraph (5), of paragraph (c), relating to Middlesex County, in Massachusetts, is deleted.

4. Subdivision (vi), of subparagraph (5), of paragraph (c), relating to Middlesex County, in Massachusetts, is amended to read:

(vi) That part of the Town of Hudson lying south of Shapen Road and west of River Road; and that part of the Town of Hudson lying south of Main Street, west of White Pond Road, and east of Parmantear Road.

5. Subdivision (v), of subparagraph (2), of paragraph (f), relating to Providence County, in Rhode Island, is amended to read:

(v) That part of the Town of Cumberland lying south and east of Cherokee Avenue, north of Rain Street, and west of Spencer Street; and that part of the Town of Cumberland lying north of Wrentham Road, west of Fisher Road, and east of the Woonsocket City Line.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes the following areas in California within the areas quarantined because of vesicular exanthema:

Block 2760 of the San Pablo Rancho Land Grant, in Contra Costa County; that part of the Rancho Llano de Santa Rosa lying west of U. S. Highway No. 101, north of Scenic Avenue, east of the Northwestern Pacific Railroad, and south of Todd Road, in Sonoma County.

Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR Part 76, Subpart B, as amended, will apply to such areas.

The amendment also excludes certain areas in California, Massachusetts, and Rhode Island, from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1953 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, and relieves certain restrictions presently imposed. It must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 1st day of November 1954.

[SEAL] M. R. CLARKSON, *Acting Administrator, Agricultural Research Service.*

[F. R. Doc. 54-8760; Filed, Nov. 4, 1954; 8:53 a. m.]

TITLE 29—LABOR

Chapter XII—Federal Mediation and Conciliation Service

REVISION OF CHAPTER

The regulations of the Federal Mediation and Conciliation Service are revised to read as set forth below.

PART 1401—AVAILABILITY OF INFORMATION

Sec.
1401.1 Places at which information may be obtained.
1401.2 Availability of information and records.

AUTHORITY: §§ 1401.1 and 1401.2 issued under sec. 202, 61 Stat. 153, as amended; 29 U. S. C. 172.

§ 1401.1 *Places at which information may be obtained.* Any individual, employer or union, or representative thereof, desiring information regarding the operations of the Service within a region should communicate with the regional office of the Service in the region in which the labor dispute or other matter exists with respect to which information is sought. General inquiries for information concerning the Service should be addressed to the Federal Mediation and Conciliation Service, Washington 25, D. C.

§ 1401.2 *Availability of information and records*—(a) *Records.* All files, reports, letters, memoranda, minutes, documents or other papers (herein referred to as "records") in the official custody of the Service or any of its employees, relating to or acquired in its or their official activities under Title II of the Labor-Management Relations Act, 1947, as amended, are hereby declared to be confidential for good cause found. Public policy requires that Commissioners of Conciliation do not make disclosures of information coming to their knowledge while acting in their official capacities. The successful effectuation of the responsibility placed upon the Federal Mediation and Conciliation Service by Congress requires that such Commissioners maintain a reputation for impartiality and that parties participating in mediation efforts feel free to make disclosures to them without any fear that the Conciliators may subsequently be compelled to divulge such information. No such records shall be taken, withdrawn, copied or removed from the custody of the Service or its employees by any person not officially connected with the Service or by any agent or representative of such person without the written consent of the Director.

(b) *Compliance with subpoenas.* No officer, employee or other person officially connected in any capacity with the Serv-

per hundredweight of potatoes so handled by him as the first handler thereof during said fiscal period.

Pablo Rancho Land Grant, in Contra Costa County.

* * * * *

W. ½ of NE. ¼ Sec. 19, T. 18 S., R. 1 W., SBBM; Lots 2, 3, and 4, Sec. 12, T. 12 S., R. 3 W., SBBM; NW. ¼ Sec. 20, T. 16 S., R. 1 E.,

sex County, in Massachusetts, is deleted.

21 U. S. C. 111–113, 117, 120, 123, 125)

ice, shall produce or present any records of the Service or testify in behalf of any party to any cause pending in any court or before any board, commission, committee, tribunal, investigatory body or administrative agency of the United States or of any State, Territory, or the District of Columbia with respect to facts or other matters coming to his knowledge in his official capacity or with respect to the contents of any records of the Service, whether in answer to an order, subpoena, subpoena duces tecum or otherwise, without the written consent of the Director. Whenever any subpoena or subpoena duces tecum calling for records or testimony as described above shall have been served upon any such officer, employee or other person, he will, if he receives his expenses in advance in matters in which he is not a witness for the Government, unless otherwise expressly directed by the Director, appear in answer thereto, and respectfully decline, by reason of this section, to produce or present such records or to give such testimony.

PART 1402—PROCEDURES OF THE SERVICE

Sec.
1402.1 Filing of notices under Labor-Management Relations Act, 1947.
1402.2 Circumstances in which the Service will conciliate or mediate labor disputes.

AUTHORITY: §§ 1402.1 and 1402.2 issued under sec. 202, 61 Stat. 153, as amended; 29 U. S. C. 172.

§ 1402.1 *Filing of notices under Labor-Management Relations Act, 1947.* Any party to a collective bargaining contract subject to the provisions of Title I of the Labor-Management Relations Act, 1947, desiring to comply in writing with the notice requirements of section 8 (d) (3) of that act, should file such notice, in duplicate, with the appropriate regional office, on a form provided for that purpose. Copies of this form are obtainable at the regional offices of the Service and at the offices of international unions and employer associations. This form may be duplicated for use by representatives of the employers and unions, provided it is copied in full and without change. The "Sixty day notice" referred to in section 8 (d) (1) of the act, should not be filed with the Service, as it is not the "thirty day" notice specified in said section 8 (d) (3).

§ 1402.2 *Circumstances in which the Service will conciliate or mediate labor disputes.* The Service will intercede in a labor dispute either on request of one or more parties to the dispute or upon its own motion only when in its judgment the jurisdictional facts authorizing such intercession are present. (See section 203 (a) and (b) of the Labor-Management Relations Act, 1947.) Requests for intercession should be directed to the appropriate regional director or directors. The fact that a commissioner of the Service communicates with the parties to a labor dispute in response to a notice filed under section 8 (d) (3) of the act, or otherwise should not be taken as evidence that the Service has interceded or will intercede in the dispute for the purpose of mediation or conciliation, or that the judgment of the Service has been exercised with respect to its jurisdiction and authority to intercede.

Signed at Washington, D. C., this 1st day of November 1954.

WHITLEY P. MCCOY,
Director.

[F. R. Doc. 54–8754; Filed, Nov. 4, 1954; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 501]

NEVADA

REVOCATION OF EXECUTIVE ORDER NO. 6065 OF MARCH 3, 1933, AS AMENDED, COVERING BOULDER CANYON NATIONAL WILDLIFE REFUGE; PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 5105 OF MAY 3, 1929 AND EXECUTIVE ORDER NO. 5339 OF APRIL 25, 1930, COVERING TEMPORARY WITHDRAWALS FOR NATIONAL MONUMENT PURPOSES; CORRECTION

NOVEMBER 1, 1954.

The following-described lands included in Public Land Order No. 501 of July 22, 1948, appearing as Federal Register document 48–6919 of the issue for August 3, 1948, are hereby deleted from the land description in that portion of the order captioned "Executive Order No. 5339—Nevada", which describes 249,448 acres, and are added to and made a part of the land description in that portion of the order captioned "Executive Order No. 5105—Nevada", which describes 126,052 acres:

MOUNT DIABLO MERIDIAN

T. 17 S., R. 67 E.,
Sec. 1, NW¼;
Sec. 2, 3, 10 and 11;
Sec. 12, S½NW¼, SW¼, NW¼SE¼, S½SE¼.

W. G. GUERNSEY,
Associate Director.

[F. R. Doc. 54–8718; Filed, Nov. 4, 1954; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 607—ARMY EMERGENCY FACILITIES DEPRECIATION BOARD

Part 607 is revised to read as follows:

Sec.
607.1 Purpose.
607.2 Establishment of the Board.
607.3 Functions of the Board.

AUTHORITY: §§ 607.1 to 607.3 issued under 64 Stat. 798–822, as amended; 50 U. S. C. App. 2061–2166.

SOURCE: APC 12, October 15, 1954.

§ 607.1 *Purpose.* This part establishes within the Department of the Army a Board to act upon cases with respect to the extent to which accelerated amortization may be allowed as a cost in negotiated contract pricing.

§ 607.2 *Establishment of the Board.* (a) In order to accomplish the requirement contained in Defense Mobilization Order No. III–1 and Department of Defense Instruction 4105.34, 1 July 1954 (Part 121 of this title), a Departmental board is established under the administration of the Deputy Chief of Staff for Logistics, to be designated as the "Army Emergency Facilities Depreciation Board" referred to in this part as "the Board". The Board shall consist of three members, one of which shall be designated Chairman. One member will be designated as the liaison representative of the Board to the similar boards established by the Department of the Navy and the Department of the Air Force.

(b) The Board is hereby authorized to determine true depreciation of emergency facilities for which Certificates of Necessity have been issued. The Board shall make determinations of true depreciation in accordance with the basic principles and other provisions of Department of Defense Instruction 4105.34 and the provisions of this part. The determinations of the Board shall be binding upon all Army procuring activities, the Army Audit Agency, and the other military departments with respect to the amount of true depreciation which shall be used in computing and allocating depreciation costs of emergency facilities in the contract pricing of negotiated contracts. The Board will only make determinations of true depreciations on requests of Contractors having defense contracts where the prices have not been finally determined or redetermined (§ 121.2 (b) of this title).

(c) Requests for determinations of true depreciation will be submitted in writing (original and four copies) by contractors direct to the Army, Navy, or Air Force Emergency Facilities Depreciation Board (as appropriate). Decisions of the Board will be transmitted by the Board to the contractor concerned, Army procuring activities, the Army Audit Agency, and the Emergency Facilities Depreciation Boards of the Departments of the Navy and the Air Force.

(d) The request shall contain the information indicated below. The contractor shall, to the extent practicable, include all certificates issued in connection with any individual plant or location which he desires to have considered for determination of true depreciation in connection with defense contracts. The responses to these questions may be in narrative or tabular form as the Contractor deems best suited to his circumstances with such amplification as he considers necessary. If the contractor considers a given question to be inapplicable in his particular case, then he should so state and give reasons therefor.

(1) (i) Name and address of Contractor.

(ii) Location of the facility or facilities.

(iii) Summary of the cost of the facilities (segregated by individual necessity certificates) substantially as follows:

COST

Buildings		Other total	Date of completion	Percent certified
Land and fixed installations	Equipment			

Necessity Certificate No. .....:
Location of Facilities
(City and State)

(2) Photostats or similar facsimiles of Necessity Certificate(s) Form DPAL–101, and a copy of the application(s) including supporting documentation to the Defense Production Administration or the Office of Defense Mobilization therefor.

(3) (i) When did you first authorize your expansion program in connection with the Necessity Certificate(s)?

(ii) Why did you plan this expansion program?

(4) What military contracts and subcontracts do you now have requiring the use of each facility? For each contract and subcontract furnish the following:

(i) Contract number.
(ii) Total dollar value.
(iii) Undelivered dollar value.
(iv) Estimated completion date.
(v) Type of contract. (CPFF, CPFF-Fixed overhead, fixed price, fixed price-redetermination, fixed price-incentive, etc.)

(5) With which military departments or military contractors are you now negotiating or do you expect to negotiate for proposed new procurements? Indicate type of product, end item and estimated dollar amount.

(6) Have you requested a determination of "true depreciation" for other facilities from any other military department(s)?

(i) Yes or no.
(ii) Departments(s).
(iii) Certificate file number(s).

(7) State for each item or by groups or categories comprising similar type of items on Appendix A of Necessity Certificate(s):

(i) (*a*) Annual normal depreciation rate currently approved by the Internal Revenue Service for income tax purposes.

(*b*) Rate at which item is being depreciated by you in your operating accounting records.

(*c*) Rate being used for military contract pricing.

(ii) Is this item, group or category integrated or isolated from the production process to the extent that special consideration should be given to it in determining true depreciation?

(iii) Is this item, group or category convertible to your possible post-emergency operations?

(*a*) Fully or partially and percent of original cost not convertible.

(*b*) Estimate of useful remaining life in years.

(*c*) Not convertible.

(iv) What plans do you have for the use or disposition of this facility, item, group or category after the emergency period?

(v) Explain to what extent, if any, the facility, item, group or category may cause prospective extraordinary obsolescence of preexisting facilities which are not, in fact, already obsolete.

(vi) Describe briefly and state cost of any special construction features included in this facility, item, group or category which were made necessary exclusively by defense production requirements.

(8) State any additional information other than that submitted above which should be taken into consideration in making a determination of true depreciation for this facility, item, group or category.

(9) State your estimate of true depreciation for each facility, item, group or category and your evaluation of the above facts to support such estimate.

(e) The submissions by the contractor will be signed by a responsible official of the company and will include the following certificate:

I hereby certify that the information contained in the foregoing request is true and correct to the best of my knowledge and belief.

(f) Requests for determinations received by the Board involving facilities as to which the Department of the Navy or the Department of the Air Force is responsible for the making of determinations of true depreciation shall be forwarded by the Board to the Emergency Facilities Depreciation Board of the responsible department. Assignments to each departmental board shall be made in accordance with the provisions of § 121.4 (d) of this title. On cases involving questionable assignments, the majority vote of the joint liaison committee shall govern. A joint assignment list shall be compiled and maintained by a liaison committee consisting of one representative to be designated by each Board.

§ 607.3 *Function of the Board.* The duties and responsibilities of the Board are as follows:

(a) The primary function of the Board is to determine, upon written request of Contractors, the amount of true depreciation of emergency facilities covered by Certificates of Necessity in accordance with existing directives.

(b) The Board will keep minutes of its proceedings and maintain a permanent record of the basis on which all determinations were made.

(c) It will forward five copies of each determination of the Board to each of the Departments of the Navy and Air Force Emergency Facilities Depreciation Board. The Board will transmit its determination direct to the Contractor concerned.

(d) The Board will receive from the Navy and Air Force Boards copies of their determinations and will forward after reproduction one copy to each of the technical services, army commanders and the Army Audit Agency.

(e) It will appoint a representative and an alternative to serve on a liaison committee consisting of three members, one from each Department of National Defense. The committee will compile and maintain a joint assignment list of Contractors and will meet to discuss mutual problems which will be involved in the accomplishment of the mission pursuant to § 607.2 (b).

(f) The Board may request the Office of Defense Mobilization to furnish available information which would be pertinent in determining true depreciation in those cases where a Certificate of Necessity has already been issued and the necessary information is not otherwise available.

(g) The Board is authorized to call upon the Army Commands, the Technical Services and any field office of the Department of the Army for information and assistance in reaching its determination.

(h) In determining the amount of true depreciation, the amount to be apportioned to the 5-year emergency period, the following factors will be considered:

(1) When did the company first plan its expansion program? Except in very unusual circumstances no company, which planned to expand prior to the passage of the Defense Production Act of 1950 (64 Stat. 798; 50 U. S. C. app. 2061), would be entitled to more than normal depreciation for contract pricing. Planning prior to the enactment of the Bill (H. R. 9176, 81st Congress, 2d Session, approved 8 September 1950), would indicate the company has predetermined that normal depreciation for pricing purposes would cover the risk even without the tax benefit.

(2) Why did the company plan its expansion program? With the rapid advances which have been made in recent years in the several categorical fields; i. e., automotive, aeronautical, electronic, photographic, etc., normal facilities improvements would be required in order for the company to remain in competition with other companies in the same field. Such requirements should be taken into consideration in determining true depreciations.

(3) The effect of the increased expenditure in capital investments on the financial structure of the firm should have no bearing on the determination. There are other types of relief which should be considered in such instances.

(4) Before accepting a case for study and review the Board should determine that the Army has jurisdiction in the case. If there is any question, the Board should refer the case to the liaison committee to determine which Department should have jurisdiction.

(5) Contractors may request the Board to make determinations of true depreciation for facilities on which no certificate of necessity has been issued. The Board's responsibility is limited by all directives, however, to determinations on facilities covered by certificates of necessity, and no action will be taken by the Board on facilities not covered by certificates of necessity. Such facilities should be subject to depreciation calculated by using Bulletin F of the Treasury Department as a guide.

(6) Contractors may request the Board to make determinations of the effect of true depreciation on existing prices which are subject to adjustment under the terms of the Defense Directives. If the Board elects to do so, it may make such determinations but only after coordination with the interested procuring officers on phases of pricing other than the determination of true depreciation. Such other matters would include original negotiations of overhead pools and profit or fee.

(7) The Board should make separate determinations for each type of facility (as, for example, buildings, machine tools, other equipment). Nothing in this Directive shall be deemed to preclude plant visits, hearing of Contractor's oral presentations or any other means available to ascertain complete facts and circumstances by the members of the board or agents thereof in order to arrive at an equitable and proper determination of true depreciation. The size and complexity of the request will determine the best method of making the proper determination.

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-8713; Filed, Nov. 4, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 988]

[Docket No. AO-195-A7]

HANDLING OF MILK IN KNOXVILLE, TENNESSEE, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Knoxville, Tennessee marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Knoxville, Tennessee on September 29–October 2, 1954 (19 F. R. 6166). The material issues of record related to:

1. An emergency increase in the Class I price.
2. A modification in the Class I pricing provision of the order to bring about more current price adjustments in response to changes in the relation of supplies to Class I sales, and to permit upward as well as downward adjustments.
3. The level of the Class II price.
4. A change in the definition of a producer and the scope of the order with respect to which milk is to be priced.
5. A change in the definition of milk plants to be fully regulated under the order.
6. Payments to be made by handlers with respect to unpriced milk allocated to Class I milk in a pool plant or sold as Class I milk in the marketing area from a nonpool plant.
7. Transportation differentials with respect to the Class I and uniform prices.
8. Minor changes in the administrative provisions of the order.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof:

1. The Class I price should not be increased as proposed.

The hearing record discloses that unfavorable production conditions prevail in the Knoxville milkshed. Rainfall in the area has been considerably below normal since June 1, 1954. Fifteen weather stations in a number of counties surrounding Knoxville reported rainfall between 42 and 96 percent of normal between June 1 and August 31. This shortage coupled with rainfall deficiencies of two previous years has resulted in reduced rates of production of crops on the farms of producers. Pasture and forage crops have been the most severely affected.

Market statistics indicate that despite these conditions, milk production in August 1954 exceeded production in the previous August by 9 percent. Partial data for September indicated that this unusual production was continuing. Several witnesses testified that it would be impossible for producers to maintain the increased rate of production throughout the winter, however, because of the inadequacy of their feed reserves.

The increased production of milk which prevailed prior to the hearing was more than absorbed by expanded Class I sales. The market was shorter of milk in August 1954 than during the previous August. Much of the increase in sales was represented by greater sales outside the marketing area and some doubt was raised as to whether the increased sales could be maintained if the Class I price were increased.

It is concluded that because of uncertainty as to future trends in production and Class I sales, no stated change should be made in the Class I differential at this time. However, price adjustments in line with the market conditions of supply and sales may be brought about in accordance with the amendment found necessary under material issue No. 2 hereof.

2. The supply-demand provision should be amended to respond more quickly to current conditions as Class I sales change in relation to the supply of producer milk. This is necessary to reflect changing conditions in the market and to maintain a proper price adjustment.

A supply-demand adjustment provision represents an essential factor in pricing Class I milk not otherwise contained in the order. The Marketing Agreement Act provides that the prices to be fixed under the authority of such act shall be reasonable in view of market conditions, assure a sufficient supply of pure and wholesome milk and be in the public interest. Supplies which are considerably less than or in excess of market needs, as reflected by the recommended supply-demand provision, cannot be considered to be in the public interest. The automatic adjustment of Class I prices in response to changes in the relation between supplies and Class I sales will help to carry out the purposes of the act through stabilization of supplies at the levels required. Failure to adjust the Class I price at appropriate levels, in response to market supply and demand conditions, could result in a price which would encourage an inadequate or excessive supply of milk in relation to demand.

An excess of supply in relation to sales indicates that production has been overstimulated and that a downward price adjustment is necessary to avoid such unnecessary encouragement to production and to encourage added sales. On the other hand shortages of milk indicate that production has not been adequately encouraged and that fluid milk is being offered for sale at unrealistic levels, namely at levels which do not bring forth sufficient quantities of milk to supply the potential sales volume at such price.

Inadequate supplies in relation to demand result in a loss to producers to the extent of any market demand in excess of supply. Such inadequate supply deprives consumers of enough milk to meet their regular requirements. An excessive supply might result in unnecessarily high Class I prices to consumers and result in market excesses which reduce blend prices. Increased production would result in surpluses of milk which the market is not equipped to handle. Neither of these conditions is in the public interest.

Class I price adjustments needed, because of such variations in market supply conditions, may be reflected more promptly and regularly and at less cost under the order changes herein recommended than might reasonably be expected through the hearing and amendment procedure.

At the present time the order provides that the Class I price be decreased as supplies increase relative to sales but no price increases may be provided because of shortages. The price decreases are based on 12 months moving average relationships. It is concluded that such decreases based on 12 month averages do not reflect price changes as promptly as needed by the Knoxville market, and that failure to recognize market shortages as well as oversupplies as grounds for price changes does not effectuate the declared policy of the act. The order should be amended to remedy these deficiencies.

One of the factors necessary in establishing a supply-demand adjustment is to establish appropriate methods of calculating the relationship between supplies and sales. In the Knoxville market it is important that such calculations reflect current conditions, and if possible anticipate future supply-demand conditions. The evidence in the record indicates that a short-term base period consisting of the first and second preceding months should be used for this purpose. Such an adjustment provision will reflect only those conditions which relate to current situations.

A second factor to be considered in drafting a supply-demand adjustment is to determine appropriate basic utilization ratios. Deviations from these ratios are used to determine the amount of price adjustment required.

The Knoxville marketing area has not been adequately supplied with milk for Class I use during the fall and winter months at any time since the order has been in effect. Other source milk equal to 10 to 15 percent of Class I sales has been required to meet the needs of the market at the point of lowest production during the past 2 years. In previous years producer milk has been even shorter. It is concluded, therefore, that under existing circumstances, a base utilization range founded on historical percentages would not be realistic nor serve the needs of the market.

The record indicates that these recurrent seasonal shortages of milk have been recognized each fall since the inception of the order in 1949 by amendatory action to the order prices or by marketwide Class I price premiums above order prices.

It is a well established fact that certain reserves of milk are necessary in a marketing area to assure a dependable supply of pure and wholesome milk. For this reason, it is considered appropriate to construct a base utilization range which will recognize the production adjustments necessary to achieve a desirable supply-demand relationship in the Knoxville marketing area during the winter months. It is concluded that an appropriate base utilization range would be one based on producer receipts equal to 110 percent of Class I sales during the months of November and December, which are the months of shortest supply. The supply-demand adjustment should provide increases whenever milk supplies fall below this level. Price decreases should be brought about if production exceeds this level by more than 2 percentage points.

Producer milk has ordinarily exceeded Class I sales by between 20 and 25 percent during the months of May and June. Class I prices appear to have been fairly fell aligned during these months in previous years. It is concluded therefore that the base utilization percentages should be established at these levels reflecting actual supply during such months.

Base utilization percentages for intervening months should reflect gradual changes between the months of highest and lowest production.

A close alignment of production rates to market needs is more important during the fall and winter than during other months. Shortages are more costly to the market and excesses above needed reserves at this time are particularly undesirable. It is concluded therefore that a higher rate of price adjustment should be made under the supply-demand adjustment during these months. Such larger changes should encourage quicker adjustments in production.

A lower rate of price adjustment is required during the spring months. No milk shortages are likely at this time. On the other hand seasonal increases in production have been very moderate in the Knoxville market. It is apparent therefore that there is no need for substantial supply-demand price adjustments during these months.

It is recognized that while a short-term base period as herein recommended may result in price adjustments which are more responsive to current conditions, there is a limit as to how much variation in price should be allowed to result from unusual or severe short-run phenomena. To avoid extreme variations, it is concluded that a maximum limit should be placed on price adjustments resulting from the operation of the supply-demand provision. It is concluded that variations of more than 12 percentage points from the base utilization range should be considered as the limit, beyond which no further adjustment would be made. Any supply-demand situation which might develop in the Knoxville marketing area which called for a price adjustment to exceed the maximum provided for in this amendment would be of such a nature as to suggest consideration thereof through the hearing procedure.

3. The Class II price should be increased during the months of September through November. No special price should be established for individual Class II products.

A comparatively small volume of producer milk is classified as Class II milk during the months of September through November. The record indicates that producer milk is ordinarily insufficient to supply the Class I uses of the market during these months. Other source milk was used for Class I disposition in considerable volume during each of these three months since September 1950, the first such month for which data are available. The producer milk which is utilized in Class II during such months is insufficient to supply the preferred outlets for Class II milk.

The Class II price is presently based on the average of prices paid by 9 local milk manufacturing plants. Recently, these prices have been considerably below prices paid at the national level for manufacturing grade milk. During 1953 such prices averaged about 32 cents per hundredweight below the prices paid by the 15 midwest condensaries specified in the order. They were more than 50 cents below the butter-powder formula. They were also below the so-called butter-cheese formula. These differences have continued or increased during 1954.

Prices which must be paid for manufactured milk products are determined by national competitive conditions. Knoxville handlers are compelled to buy some of these products during the months of lowest production. Local Class II prices should reflect more nearly the value of these products at national levels during the months of shortage.

It is concluded that 25 cents should be added to the Class II price as presently based on the average of the 9 local manufacturing plant price for each of the months of September through November, or such lesser amount as may be required to bring the Class II price to the same level as the basic formula price. Such price will reflect the higher value of Class II milk in the preferred outlets and will help assure that all producer milk will be available to the market for Class I use, as needed.

A special price should not be established for Class II milk used for butter, cheese or condensed milk. It was proposed that a lower price be provided for these uses as a permanent feature of the order, and that a transportation allowance be established under certain circumstances, depending on the distance the milk was hauled.

As stated previously, the present Class II price is based on the average paying price of nine manufacturing plants in the general area. These plants reflect local market conditions for milk used in manufacturing. During recent months these prices have fallen unusually low in relation to support levels, and to values reflected by the basic formula price. Manufactured product prices are established on a national market level, however, and the relatively lower producer prices paid by local plants result automatically therefore in larger margins to milk processors in the Knoxville area.

The Knoxville market experiences a comparatively low volume of Class II milk. Most of this milk is marketed through the plants of handlers and to outlets normally available for such milk. This surplus Grade A milk should return to producers a price comparable to that received by producers of ungraded milk.

Provision for a permanently lower price with respect to certain Class II out-

order.

sary under material issue No. 2 hereof.

public interest.

be one based on producer receipts equal

to supply the Class I uses of the market

price with respect to certain Class II out-

lets might encourage handlers to market producer milk unnecessarily in the lower valued outlets. Provision for a transportation allowance on Class II milk would make it a matter of relative indifference to handlers how far they shipped producer milk for processing. Thus, the proposed amendments might result in an unnecessary lowering of producer returns.

It is concluded on the basis of the foregoing facts that Class II price, with respect to milk used for butter, cheese, or condensed milk, should not be reduced.

4. The producer definition should be changed to include any Grade A dairy farmer producing milk which is supplied to a pool plant as defined in the attached amendment. This will insure that all Grade A dairy farmers whose milk is marketed in significant volumes in the marketing area will receive the prices provided under the order. Any milk which may be marketed in the various portions of the regulated area as Grade A milk should be on an equal basis so far as the order is concerned, regardless of which health authority issues permits to the producers of such milk. The record discloses that at least 2 milk plants are distributing milk in the marketing area from locations outside the area. The dairy farmers supplying these plants hold Grade A permits recognized by, but not issued by, a health authority having jurisdiction in the marketing area. These dairy farmers should be included as producers, if the plants they supply qualify as pool plants under the order.

5. The order should be amended to define any milk plant doing a substantial portion of its business in the marketing area as a pool plant. Such a plant should be fully subject to the classification and pricing provisions of the order.

As the order is now worded it is possible for a plant to distribute any portion or all of its milk in the marketing area without having its milk priced. It is possible also that a plant may sell only a token quantity of milk in the marketing area and qualify for pooling its entire receipts.

This arises because of the dependence now placed by the order upon the particular health authority inspecting the producers supplying the plant. The order should be amended to provide that any plant, and only those plants, from which a substantial share of the milk is supplied to the marketing area will be fully subject to pricing and pooling. This is necessary to assure the effectiveness of the order in achieving the objectives of the Agricultural Marketing Agreement Act.

The Knoxville order has provided for a market-wide pool since its inception. Such a pool was considered essential to the stable and orderly functioning of the market. Since the market-wide pool results in payment to all producers on an average utilization for the market, individual handlers are relieved of any responsibility for maintaining a high Class I utilization in order to support their pay rates to producers. Whatever utilization of milk a handler may have, his rate of pay to producers will be the same as that of all other handlers in the market. Thus it is possible that status with respect to the pool may become a determining factor in guiding a handler's operation.

The scope of pooling or the rules for distributing the returns from Class I sales under the order must be such that the differentials over manfacturing milk values paid by users of Class I milk will serve the purpose for which they are intended. Class I milk prices of the order are fixed at a level which exceeds the value of the milk for manufacturing uses by stated amounts. This premium, or differential, over the manufactured milk price is essential as an incentive to producers for producing milk of the quality required and at the time needed by consumers. Extra costs are involved in providing sanitary surroundings for the dairy herd, and in maintaining milk production during the fall and winter months when feed and housing costs are high. Extra costs are involved also in handling milk for fluid use since it must be refrigerated, handled through sanitary utensils and facilities, and marketed promptly.

The extra costs thus involved for Grade A or fluid milk producers must be borne by that share of the milk which is marketed as Class I milk. Excess or surplus milk, although an essential part of a fluid milk business, cannot be expected to return more to producers than a manufactured milk value. The only outlet for reserve milk not needed for fluid use is in the form of manufactured products. Such products must be marketed in competition with similar products made throughout the country.

Since the production of high quality milk involves extra expenses, it is important that the amount of milk produced under Grade A inspection be no more than the minimum necessary to provide the market with an adequate and dependable supply of quality milk. To encourage more than enough production of such milk would represent an economic waste, since the expenditures involved in producing Grade A milk not an essential part of the market supply would result in no extra value to consumers.

One of the primary problems, then, in setting up a market-wide pool is to establish rules which will provide for the sharing of Class I sales (Class I differentials) among the producers who are an essential and regular part of the milk supply for the marketing area.

Class I prices must first be set as nearly as possible at the minimum levels which will encourage the necessary amount of milk production and the resulting returns should be distributed in such a way as to assure the market of the maximum dependable supply of quality milk which can be obtained at these prices. In order to do this, provision is made that equalization of market sales should be only to plants meeting reasonable performance standards with respect to supplying their producer milk to the market.

Performance standards should apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby to participate in the market-wide pool and have its producers share in the Class I sales of the market. Any producer who meets the necessary health department requirements should be permitted, under the order, to sell his milk to plants meeting the standards of qualification. Whether or not plants and producers choose to supply the Knoxville market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the market-wide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation, nor should they be permitted or required to equalize their sales with all handlers in the Knoxville market. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market, then the premiums or differentials paid by users of Class I milk would be subject to dissipation without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into the market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health department standards.

The mere circumstance of having obtained health department approval, plus the token shipment of milk, is not sufficient justification for equalizing the sales of such plant with the market. There are many plants having milk of suitable quality for sale in the marketing area which are in no way, or are only incidentally, associated with the market: There are several different health authorities having jurisdiction in various parts of the marketing area. In the absence of performance standards, approval by any one of these authorities or reciprocal acceptance of permits by them would entitle a plant to participate in the equalization pool. There is no reason to assume that each of these health departments would refuse an application for approval because they had determined that the milk from an applicant plant was not entitled to pool with the market, or that the basis for such refusal would be uniform for each health authority, or that such standards as might be applied for this purpose would be appropriate to effectuate the declared policy of the act. It is concluded that these health authorities should not be placed in a position of determining which plants should be regulated and share in equalization. The extension of uniform health department ordinances and the dependence upon reciprocal inspections have greatly extended the eligibility of milk to enter the market. This has brought about a situation in which health department approvals may not be relied upon as a standard for determining which plants and which producers are primarily associated with the market.

Since reserve milk is an essential part of any fluid milk business there will always be some excess milk in the plants of handlers supplying other markets. This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the Knoxville market may depend. If such plants were allowed to sell a token quantity of milk in the marketing area and pool their surplus whenever Class I outlets were not available to them, the result would be that such handler could gain an advantage in paying producers through receipt of equilization payments from the Knoxville pool.

The Knoxville market, however, would gain no advantage from the payment of equalization to such a handler. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Performance standards must be flexible enough to allow a plant which is primarily associated with the market to maintain its association with the pool under the changing conditions which occur from year to year, and yet not permit the distribution of equalization payments to plants not part of the essential supply. The performance standards herein provided are such that these objectives should be accomplished.

Because of the difference in marketing practices and in demands for supply of milk from distributing plants as related to supply plants, two sets of performance standards have been provided. These standards and reasons therefor are set forth below.

(a) *Distributing plants.* In order to qualify as a pool plant, a distributing plant should be required to distribute at least 15 percent of its milk from producers and other pool plants during the month as Class I milk on retail or wholesale routes to outlets in the marketing area. Distribution of milk through vendors or plant stores should be included to the extent that sales through such outlets are in the marketing area.

A distributing plant having more than 85 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market. It is not considered advisable to bring such a plant under full regulation in order to control the minor share of its business which is in the marketing area. Full regulation in such case would not be necessary to accomplish the purposes of the order, and might well place such plant at a competitive disadvantage in relation to its competitors in supplying the unregulated market.

Such a minimum is necessary also to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distributions of fluid milk and Class I products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition is placed on distributing plants that their total distribution of Class I milk on routes to wholesale or retail outlets, both inside and outside the marketing area, must amount to at least 50 percent of their receipts during the month of milk from producers and from other pool plants. Any plant which does not qualify on this basis should be deemed to be primarily a bulk supply plant and its status under the pool should be judged by the standards applied to such plants.

Evidence in the record indicates that most plants doing business in the marketing area dispose of their milk in such a way as to exceed by a considerable margin the minimum performance standards necessary to qualify as pool plants under this amendment. There may be one or two plants which would not qualify for pool status. Such plants would be subject to payments hereinafter discussed if they are not fully subject to regulation. While the proposed amendments are essential to the stability of the market, their effect on these plants may be such as to necessitate some adjustments in their operations. The hearing record indicates that the operators of such plants may need some time to make these adjustments. Provision should be made in the order, therefore, that any milk plant which distributed Class I milk in the marketing area during September, and which does not qualify as a pool plant under the stated percentages, may elect to request designation as a pool plant for a transitional period. Such designation may be made by the market administrator until the end of July 1955 if the plant continues to dispose of milk in the marketing area. Such plant may not elect to change status from one month to the next, however, and after July 1955, pool plant status will be determined solely on the basis of current performance.

(b) *Supply plants.* The performance standards to be recommended for supply plants to qualify for pool status should reflect the fact that Knoxville is typically a short market. In all previous years under the order distributors have needed all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producer milk which is pooled with the market will be available for Class I sale percentage standards should be set at levels which require that the milk will be available. If conditions in the market should change so that Class I outlets are adequately supplied with producer milk and the percentage standards herein recommended are not necessary to assure the availability of such producer milk for Class I sales, the recommended standards should be subject to further review.

Under present circumstances it is concluded that a plant should dispose of at least 50 percent of its receipts of milk from producers in any month in the form of supplemental supplies of milk, skim milk or cream shipped to distributing plants which need such supplies for Class I use in order to qualify for pool status. Unless more than half of the milk from such plant is disposed of in this manner a supply plant should not under the present conditions in the Knoxville area be considered as primarily associated with the regulated market.

It is recognized, however, that the demand for milk from supply plants is rather seasonal. The primary function of most supply plants, particularly those on the fringes of the milkshed, will be to furnish milk to distributing plants during the season of low production. In the months of flush production supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the summertime where it must be manufactured in order to maintain the eligiblity of supply plants to pool.

To avoid this, a proviso has been incorporated into the supply plant standards which allows a supply plant to maintain pool status throughout the year if it supplies 65 percent of its producer milk to distributing plants needing the milk for their own Class I use in the months when milk production tends to be lowest. These standards require that a supply plant provide such distributing plants with needed milk to the extent of 65 percent of its milk received in each of the months of August through February, to maintain automatic pool status within the order for the months of March through July.

6. The order should be amended to provide that payments be made into the producer settlement fund with respect to milk not priced under the order which is allocated to Class I milk in a pool plant.

The hearing record contains considerable testimony which indicates that unpriced milk (milk not paid for in accordance with its utilization) is being sold in the marketing area. It indicates also that under some circumstances the sale of such milk will jeopardize the successful operation of classified pricing provisions of the order without the payment provisions herein provided.

It is a well recognized fact that a minimum amount of milk in excess of actual Class I disposition is necessary to operate a fluid milk business. Because of

ever utilization of milk a handler may then pay rates to producers. What uniformly to all plants. Any plant, re- termining which plants should be regu- under full regulation in order to control the minor share of its business which is in the marketing area. Full regulation is pooled with the market will be avail- able for Class I sale percentage stand- ards should be set at levels which require imum amount of milk in excess of actual Class I disposition is necessary to oper- ate a fluid milk business. Because of

seasonal fluctuations in production not matched by seasonal changes in consumption, this excess is particularly large in certain months of the year. This excess or reserve milk is surplus to the fluid operation, and can only be marketed in manufactured form in competition with products made from ungraded milk produced in the major low cost dairying areas of the United States. Thus, such reserve milk yields a considerably lower return than is necessary to sustain graded milk production in the Knoxville milkshed. Likewise, it yields a lower price than would be necessary to purchase graded milk on a regular basis in other supply areas and pay the cost of transportation to Knoxville.

The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect all fluid milk markets. If a handler is able to use milk he purchases at Class II prices for Class I use, he stands to gain advantage, but in so doing he demoralizes the Class I market price.

One of the paramount reasons why regulation of prices is considered necessary in the Knoxville market is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by other handlers using the market's excess or surplus producer milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal or other excess milk from other markets as well as from its own surplus. The order provisions as they now stand permit a handler to curtail purchases of producer milk to their own advantage and secure low cost reserve supplies from other markets for Class I use.

Seasonal supplies are easily and cheaply acquired during the months of flush production when surrounding markets are receiving milk greatly in excess of their current fluid needs. If adjacent milksheds dump their seasonal surplus on each other's Class I markets, the result will soon be market chaos, particularly in the spring months. Class I prices would be demoralized and the rate of milk production would suffer. The result would soon be a shortage of milk in both markets at any time in the year when general shortages and high prices prevailed. Such marketing conditions would be contrary to the stated purpose of the act. It is necessary, therefore, in order to insure the effectiveness of the classified pricing program of the order and to promote orderly marketing, that some measure be taken to remove the incentive which handlers have to acquire unpriced milk and undermine the Class I pricing structure of the order.

One possible alternative would be to extend price regulation in accordance with order provisions to all milk plants which supply milk either directly or indirectly to the Knoxville market. This alternative is both economically and administratively unacceptable in such an order program. It would open the market pool to anyone who merely supplied a token quantity of milk to a plant serving the marketing area. The objections to such distribution of pooled funds was discussed earlier in the decision in connection with the recommendations for standards of pool participation.

Such regulation would have the further disadvantage of being cumbersome, expensive, difficult to enforce, and it would interfere with the acquisition of needed supplemental milk supplies for the market. It would not be possible or desirable to limit the number of plants or area from which milk might be purchased. However, in order to bring such plants under regulation, it would be necessary to set up a complete new set of transfer and allocation rules, perhaps with individual tailoring according to the various plant locations, markets and supplies. It would be necessary to follow milk from these plants to its various destinations and uses to determine classification. Also, it would be necessary to ascertain sources of supply other than receipts directly from farmers and determine what priority should be given such supplies in the allocation of Class I milk. In the case of a plant which made an incidental shipment of milk, perhaps at the end of the month, or in the case of such items as storage cream, additional complications would be involved. Earlier inventories as well as sales would have to be ascertained and classified. Classification might depend upon transactions made in the past concerning which adequate records were not kept. Producer prices would be fixed for milk already purchased and sold. Required record keeping and auditing problems would be greatly multiplied with the extension of regulation.

It is concluded that it is not feasible to price all milk which may enter the market and that provision is necessary in the order which will insure against the displacement of producer milk by such unpriced milk for the purpose of cost advantage. There is no choice as to what type of provision can be used for this purpose. The only alternative available under the order is to levy a charge against unpriced milk used in Class I to whatever extent is necessary to remove the advantage there may be in using such milk instead of priced milk from producers.

Several problems are involved in formulating the provisions for any charge or payment designed to bring about the removal of the advantage of using unregulated milk. The rate of payment for this purpose must not be so low that it will permit a handler to have temporary or permanent advantage through sale of unpriced milk as Class I in the marketing area. It should not be so high that it will penalize suppliers of unpriced milk who offer milk needed by the market and who are not in a position of gaining an unfair advantage by such sale of milk. The payment must be provided for in a manner which is administratively feasible and which does not bring about unjustified administrative inconvenience or expense.

Several methods were described on the hearing record for determining what rate of payment would be appropriate. One of these is to ascertain the actual cost to the regulated handler of milk which he purchases from unregulated plants and charge as a compensation payment any amount by which the Class I price exceeded the cost of the unregulated milk used in Class I. Such a scheme is not sound from the standpoint of administrative feasibility and it would not necessarily remove the advantage in using unregulated milk even though it were feasible. Rates at which milk sales are billed may not represent actual cost to the purchaser. In the case of a firm which owns or controls pool plants under the Knoxville order as well as unregulated plants, the rate of payment from one plant to another, if any were made, would have little or no significance. If such a provision were to be adopted, the billing rate might be deliberately set in each instance at a level which would avoid any payments without regard to the value of the milk. Thus the intended effect of this provision might be circumvented by merely adjusting the bookeeping procedure. There are a number of firms which control plans which would be under the proposed order as well as unregulated plants.

A handler having no unregulated plants would no doubt find it possible to arrange a billing price on purchased milk which would avoid any compensatory payments. If a handler had the choice of paying money to the market-wide pool or to a person from whom he was buying milk, he would probably choose the latter. A kick-back arrangement or offsetting purchase and sale might readily be arranged, perhaps through a third party. Since the billing price for milk would be a self-serving figure for both parties to the transaction, it would be virtually impossible to ascertain that it represented the true cost to the purchaser.

If the stated purchase price were a true cost, it would still not fulfill the purpose of removing the advantage to unregulated milk to base compensation payments on the difference between such price and the Class I price. The record discloses that sales of priced milk between regulated handlers ordinarily take place at the class price plus a handling charge. This handling charge varies according to circumstances, but represents a payment to the receiver of the milk to offset his purchasing and receiving costs, such as dumping, weighing, testing and cooling the milk, paying producers, and other costs of doing business. The cost of receiving the milk in bulk form is somewhat less than receiving it from producers. Thus, in order to remove the advantage to unregulated milk, it would be necessary to provide that the cost of bulk unregulated milk be somewhat more than the Class I price. It would be exceedingly difficult to determine what this excess rate should be, particularly in the case of products such as condensed skim milk and cream, where the allocation of additional processing costs among more than one end product is involved. Furthermore, the marketing agreement act does not give the Secretary express authority to enforce prices other than producer prices. This scheme for removing the

advantage in using unregulated milk is rejected for these reasons.

Another suggested method is to determine the price actually paid dairy farmers by the unregulated milk dealer who first received the milk, and base the compensation payment thereon. This method has several shortcomings. The various payment plans which are used in paying farmers for milk would make the determination of pay rates to individual farmers an exceedingly difficult task. For example, unregulated milk dealers may use varying rates of butterfat differentials, different types of base rating plans, or payments based on volume of deliveries. Various devices such as these for paying farmers often make it impossible to determine actual rate of payment per hundredweight of milk. In this case as with bulk milk purchases stated prices are often illusory. The cost of the milk itself may be modified by unrealistic charges for various items of supplies and services. A milk dealer affected by such a provision might increase his producer price and increase hauling rates an offsetting amount. One milk dealer who might be subject to the proposed provision produces a large volume of milk on his own farm. Milk may be purchased from members of the same family or from other closely related sources; thus in cases of this kind as with bulk milk purchases the intended effect of this provision could be avoided by merely making the necessary bookkeeping entries. Whatever payment plan an unregulated milk dealer may use is a matter of his own choice and it can be charged readily. Pricing or paying arrangements he may have with farmers are not subject to regulation. Calculation of compensation payments according to this suggestion would give any affected dealer special incentive to resort to these special payment plans suggested here or others he might devise for purposes of evading payments.

The further problem of establishing the rate of payment to be required would in itself preclude use of the actual cost of the milk purchased from farmers by unregulated handlers as a basis for calculating the payment to be required. If a payment were to be required on the unregulated milk based on the difference between prices paid farmers and some other price, the unregulated handler could avoid payments by increasing his prices to farmers. This would give an unregulated handler the advantage over regulated handlers in that a regulated handler has no choice as to what he is required to pay producers nor how this money is to be distributed. Likewise, it would enable unregulated suppliers to dispose of Class I milk in the marketing area with no obligation to equalize such sales with other suppliers of the market.

Even though the rate of payment to producers for all milk might be known, it would still be impossible to ascertain the rate of payment on that portion of the milk disposed of in the marketing area. Since milk marketed outside the marketing area would represent most of the total supply in the unregulated plant, it would be necessary to determine payment for milk marketed to the various outlets. As pointed out subsequently in this decision, all handlers have both surplus as well as Class I milk in their plants and it is not realistic to assume that the purchase price for milk for each use is the same.

It has been suggested that in order to overcome this objection the plant of the unregulated handler be subject to audit and that the rate of compensation payment be based on the difference between the average utilization value at order prices in the unregulated plant and the average rate of payment to producers. This method would not recover the entire advantage of selling surplus milk as Class I in the marketing area. This method has not only the disadvantages associated with other schemes which assume the determination of actual pay rates to producers, but it would involve, in the case of the Knoxville market, an extremely complicated and administratively impractical system of accounting and determination in such plants. The unregulated plants from which the Knoxville handlers obtain supplemental milk, condensed milk and cream, and so forth, are numerous and widely scattered. Determination of utilization value in these plants would involve the same complications and administrative expense and difficulties as discussed earlier which would be involved in complete regulation of such plants. To make the detailed accounting necessary to establish classification, such unregulated dealers would need to maintain the same detailed records as wholly regulated handlers.

An alternative method for determining the rate of compensation payments would be to base the rate of payment on the difference between blend prices prevailing in an area and the Class I price. This method has been suggested because it is assumed that unregulated handlers will be forced by competition to pay farmers approximately average blend prices. While this approach eliminates the need for attempting to determine actual pay rates, it could not be used without modification and still prevent the displacement of regulated milk with surplus milk from other markets at all times throughout the year. As pointed out, unregulated plants, as well as regulated plants, may have some surplus milk at all times and particularly during the seasons of flush production. As a result, prices paid farmers are, in fact, blend prices made up of returns from the sale of milk in Class I outlets, as well as sales to the surplus market. If an unregulated plant were in a position to sell its surplus milk for Class I use in the marketing area and maintain its regular Class I outlets, it would have a competitive advantage over regulated handlers who found it necessary to dispose of part of their milk as surplus.

None of these suggestions presents an acceptable approach to the problem of compensation payments, to be applied to other source of milk allocated to Class I in pool plants. It is necessary, therefore, to resort to a different procedure. The only sound method of dealing with this problem is one based on a recognition of the economics involved as they affect producers and handlers. This approach resolves itself primarily into a question of market values for milk.

Fully regulated handlers under the order seeking to purchase unregulated milk will naturally resort to the lowest cost source from which suitable milk is available. In fixing the rate of compensation payment, it is necessary, therefore, to determine what the lowest cost source may be and to base the payment on the difference between the cost of such milk and the cost of milk priced under the order for similar use. The record shows that milk supplies are invariably larger in surrounding markets in spring and summer than in fall and winter, and that because of relatively constant sales of fluid milk, the excess or increased production must be marketed largely as manufactured products. This outlet represents the opportunity cost of the surplus milk since it is the highest price at which the milk can otherwise be sold. It is this same opportunity cost or value which would be effective in determining the price at which the unregulated plant would sell such milk. The minimum asking price of the unregulated supplier of such milk would be expected to be only the return which he would realize if the milk were disposed of for surplus use.

Since considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which the Knoxville market may obtain milk, it is evident that handlers under the order could obtain such milk at prices reflecting its value as surplus milk. In short, the actual value of seasonal or reserve milk is not the blend price paid to dairy farmers but rather the price which can be obtained for it in the market when disposed of as surplus milk.

Therefore, for the months of February through August, during which period surplus milk may be available in substantial volumes to the Knoxville market from non-pool sources, the compensation payment on other source milk or milk products used for Class I should be based on the difference between the minimum price of producer milk used for surplus and the applicable Class I price under the Knoxville order. The Class II price established by the order is a fair and economic measure of the value of milk in surplus uses in the Knoxville area.

During the months of September through January, when milk supplies tend to be shorter, it is concluded that other source milk will not be available to handlers in the Knoxville market at surplus prices. It is concluded that during these months the compensation payment should be based on the difference between the Class I and the blend prices under the order. Generally speaking, during these months the relationship between the supply of milk in the Knoxville milkshed area and the demand for such milk will tend to fluctuate considerably from year to year according to production conditions. It is concluded that these fluctuations will generally tend to be similar in Knoxville and surrounding milksheds. Thus, the rate of compensation payment based on the difference between Class I and blend prices

will adjust itself automatically in these months according to the changes in demand for and prices of outside supplies. If supplies of producer milk are relatively plentiful, unpriced milk can be expected to be cheaper, and therefore, the rate of compensation payment should be somewhat higher. On the other hand, as milk supplies in the area tend to be short, it is to be expected that the cost of unregulated milk will increase. Under these circumstances, the rate of compensation payment will be correspondingly less.

By choosing a rate of compensation payment which reflects the cost of the cheapest other source milk which may be expected to be available to regulated handlers, any advantage to one handler relative to the others, in obtaining such cheap milk and substituting it for producer milk in Class I, is removed insofar as administratively possible and no handler is given the clear opportunity to gain an unfair advantage which otherwise would exist. Although the unfair advantage of obtaining other source milk is removed by the particular rate of payment herein provided, nevertheless, if other source milk is to be purchased, the incentive for purchasing the cheapest of such milk remains, because the lower the price which a handler pays for other source milk, the lower will be his total cost of purchasing such milk. This follows from the fact that the measure of the compensation payment is an objective one and does not depend upon the particular price which the handler paid for the other source milk.

As pointed out heretofore in connection with material issue number 5, the process of market-wide pooling creates an unnatural incentive for milk to come into the market to gain certain advantages. Such milk would not be associated with the market in the absence of regulation.

The act requires that prices fixed under the order for milk purchased from producers or associations of producers be uniform as to all handlers, subject only to usual adjustments, such as those for butterfat content and location of the milk. The only prices fixed under the order are those for producer milk, and it is hereby determined that they are uniform as required by the act. Class prices for pool milk under the order are for raw milk as received from farmers, f. o. b. the loading platform at the plant where first received.

In calculating the payments on other source milk both the Class I and surplus values must relate to and be fixed as of the point where the milk is received from farmers at the first receiving plant, so as to be properly comparable with minimum class prices which always attach to producer milk at that level of marketing. No allowance should be made for subsequent handling costs and profits in this farm level comparison between producer and other source milk because such costs and profits attach at stages of marketing subsequent to the basing point to which minimum class prices for producer milk refer. They are in no way regulated by the order with respect to producer milk. Neither the act nor the order contemplates, authorizes or provides for the regulation of subsequent handling charges or profits or the establishment of uniform resale prices between handlers, whether the milk be from producers or other sources.

It is concluded that the compensation payments herein provided are not only incidental, but necessary to sustain the classification and pricing of milk according to its use in the market, and that the rates of payment specified are those which are necessary and appropriate to accomplish this purpose.

Testimony in the hearing record concerning availability of milk supplies to Knoxville handlers indicates that the rate of payment recommended here will tend to equalize the competitive position of priced and unpriced milk, and will avoid displacement of producer milk for reasons of cost. However, if experience proves that milk is available to handlers in the future at prices different than those now indicated, or that such payments otherwise interfere with the purposes of the order, then it will be necessary to reconsider the rate of compensation payment on the basis of that experience.

In addition to that other source milk which enters the marketing area through pool plants, some non-pool milk may be distributed within the marketing area from plants which are non-pool plants. The compensation charges applicable to other source milk disposed of in the marketing area from distributing plants which are non-pool plants should be the same as those applicable to other source milk distributed from pool plants discussed above. It would not be possible to stabilize the market under the classified pricing program if non-pool plants were allowed to distribute unpriced milk in the marketing area without compensation payments. Such milk should be classified and priced the same through the classification pricing program as unpriced milk distributed through any other channels.

Handlers distributing such unpriced milk in the marketing area from non-pool distributing plants have the same opportunity to buy milk at the opportunity cost level as do the operators of pool plants who purchase other source milk. Such milk may be purchased and distributed in the marketing area. In addition, however, the operator of the non-pool plant in all probability has surplus milk in his own plant which he would want to dispose of on any basis which would yield a higher return than the surplus value. It would be particularly easy to dispose of such milk for Class I use in the marketing area by bidding for large contracts such as hospitals, defense establishments, or large institutions. With surplus outlets as the alternative, and no compensation payments to make, the non-pool handlers would have considerable incentive or margin to underbid the seller of priced milk for such sales. A non-pool plant might also use such price advantage in selling his surplus milk to Class I outlets for the purpose of establishing a regular trade on retail or wholesale routes to homes and stores in the marketing area. The non-pool plant might sell up to 15 percent of its milk into the marketing area as Class I without becoming subject to regulation. To allow a non-pool plant to use its surplus milk in this manner for establishing a regular trade in the marketing area without compensation payments would mean that such plant would have a marked competitive advantage over regulated handlers selling priced milk. Such conditions could readily lead to disorderly marketing conditions.

It is considered inappropriate also that a plant distributing a small share of its milk in the marketing area should be subject to full regulation because of that small share of its milk so marketed. Such regulation might place a plant of this kind at a competitive disadvantage with respect to its unregulated competition. In some cases, a non-pool plant may be disposing of a larger share of its milk as Class I than the average utilization for the market. In such cases, the compensation payments herein provided might cost the handler less than the equalization payments such plant would pay if fully regulated as a pool plant. In these instances the sale of small quantities of milk in the marketing area would be more likely to take place under the compensation payment provisions herein provided than if full regulation were extended to all plants.

The rate of compensation payment provided for non-pool plants making distribution directly in the marketing area should be the same as that for pool plants which obtain and use unpriced milk in Class I. The administrative feasibility of any other method of levying compensation payments is substantially the same as that described in the case of unpriced milk distributed in the marketing area by pool plants.

Testimony in the record indicates that no compensation payments should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Knoxville handlers might obtain supplemental supplies approximate or exceed the Knoxville Class I prices, as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to unload any surplus producer milk into the Knoxville market for Class I use at less than Class I prices. If it should develop that such other plants have Class I sales in excess of producer milk and a compensatory payment is not applicable to such milk, further consideration may be given to the question of a payment on such milk.

Any funds collected from this source should be added to the producer-settlement fund. It is the purpose of the order to insure that a sufficient and dependable supply of quality milk will be available for Class I needs of the market. To the extent that Class I sales are displaced through the disposition of surplus milk from unpriced sources, producers stand to lose income from the sale of milk to the market which they

are expected to supply. This loss of income would mean that the prices contemplated under the order would not be realized by producers. As a result, production might suffer, in which case consumers would stand to lose because of the disappearance of milk supplies from the regular and dependable sources which have provided milk to the market on a year-round basis. Otherwise, Class I prices would have to be increased to offset the loss of income to producers. There is no alternative source of dependable milk supplies which would cost consumers less over a period of time than the milk supplied by the regular producers. Thus, there is justification in terms of overall benefit to the market for returning to producers the difference between the value of such milk at its opportunity cost, which would otherwise be its value to the seller, and the Class I price. There is no other alternative disposition of funds from compensation payments under the authority of the act other than that herein provided.

It is necessary that the order specify the handler obligated to make the compensation payments. If the unpriced milk is distributed in the marketing area from a nonpool plant, the operator of such plant should make the payment. In the case of supplemental milk received at pool plants from unpriced sources, either the buying or selling plant might be assessed. From the standpoint of the economics involved, it would make no difference, since the amount of payment would be the same in both cases.

From the standpoint of administration and enforcement, it would be much easier and simpler for the regulated plant to make the payment. The market administrator has regular dealings with the pool plant handler. Such handler would be expected to know and understand the terms and provisions of the order. He is the handler who would be responsible for distributing the milk in the regulated market. Whether or not a compensation payment would be required would depend upon the application of the allocation provisions of the order to the plant of the receiving handler.

The seller, on the other hand, would not be aware until later whether a compensation payment would be required, and might not even know at the time of the sale, particularly if the sale took place through a broker, whether his milk would be moved to a regulated market for disposition. If enforcement proceedings were to be required, it would be more convenient and logical to bring the case to trial in the area of the regulated market where the problem arose.

The compensation payments herein provided will not prohibit the marketing of milk nor limit the marketing of milk products from any production area of the United States. The rate of payment required is uniform except for adjustment by transportation differentials to any plant, regardless of whether it is located in the marketing area or at any distance from the marketing area. The transportation differential herein provided for this purpose is designed to reflect the cost of hauling bulk milk in tank truck lots and is based on the evidence in the hearing record.

The quantity of milk and milk products which may be sold in any regulated market is dependent at least to some extent upon the price fixed under the order for the particular class of utilization. Such influence should not be construed, however, as a limitation of the type precluded under the act. No price can be fixed without influencing, to some extent, the quantity of milk and milk products which may be sold from either regulated or unregulated sources. No quantitative limitations are imposed under the order on the amounts of unpriced milk which may be disposed of in the marketing area nor does it prohibit such use or any other use of unpriced nonpool milk or milk products. The compensation payment herewith provided will not discriminate against producers by areas, but will provide for equalization of competitive prices by type of transaction with respect to regulated and unregulated milk.

The payment will not deprive suppliers of unpriced milk of a high priced market which they would otherwise enjoy. The alternative sale value of the unpriced milk is recognized, and this value is returned to these sources when sale is made to the Knoxville market. If marketing facilities and outlets are such that it is advantageous for nonpool plants to dispose of their surplus milk to the Knoxville Class I market, under the provisions of the attached amendment, they may be expected to and undoubtedly will do so, and the return they receive should be the full surplus value for such milk.

The compensation payment herewith provided has as its primary purpose the elimination of economic incentives for handlers to use unpriced milk to displace minimum priced milk in Class I sales. The rate of payment found to be appropriate for this purpose is one which recognizes general competitive conditions in the purchase and sale of regulated and unregulated milk. It is recognized, however, that general competitive conditions do not prevail in all cases. Each handler is situated differently and each individual transaction is made under different circumstances. It is not possible, however, to adjust prices or payments to individual circumstances or transactions. Such an individual approach would not be administratively or economically feasible. Compensatory payments must therefore be applied at a definite and certain rate applicable to all handlers similarly situated. No single rate of payment can be determined, however, which would result in complete equality of cost to all handlers. Consequently, instances will undoubtedly arise which will appear to indicate that the objectives of the compensatory payment are not being achieved in particular cases. In some cases, the payments required may seem harsh.

It is necessary in seeking an overall solution to problems of this nature to adopt provisions which will be reasonable and as liberal as possible, and at the same time will still guarantee the integrity of regulation. To provide inadequate payments would leave the door open to practices which would render the program ineffective. Commerce in milk is entirely at the option of handlers. They are free to complete only those transactions which are most favorable to themselves. Order provisions must recognize this fact. They must recognize, also, that the varying conditions under which milk transactions occur give rise to great complexity and some doubtful circumstances. Where marginal problems arise, they must be resolved in favor of producers under the order, otherwise the advantage may go to unregulated milk and to dealers and farmers who are not required to abide by any rules of procedure or price making.

7. Transportation differentials should be provided in the order with respect to Class I and blend prices. The record discloses that some plants which may be subject to the order as proposed to be amended are located at considerable distance from the marketing area. Milk is received from producers at these plants and transported to the marketing area for Class I use.

It is concluded that the order should be amended to provide a location differential to reflect the lower value of this milk at such distant points. The differential should be based on the cost of hauling milk in bulk tank lots to Knoxville, and the mileage should be based on the distance of the plant from city hall in Knoxville. Such allowance should be made only with respect to milk needed for Class I use in the distributing plants and with respect to the blend price to producers.

8. Allowable shrinkage should be classified on a pro rata basis in accordance with the overall utilization in the plant. The Knoxville market is a high Class I utilization market. Most handlers receive only that amount of milk necessary to operate their Class I business. Shrinkage incurred in such plants is associated almost entirely with the processing and distribution of fluid products. Milk so lost is necessary to the operation of such businesses, since they cannot be conducted without such loss. The volume of milk available each day must include that lost.

It is concluded, therefore, that shrinkage should be classified in accordance with the classification of the end products resulting from the processes in which the shrinkage is incurred. For this purpose the shrinkage should be prorated to each product or use in accordance with the total butterfat and skim milk respectively contained in the end products classified at the plant during the month.

9. The order should be amended to eliminate the requirements that the utilization of milk, skim milk and cream transferred between plants be certified to the market administrator by both plant operators as a condition for classification in Class II. Testimony in the record indicates that this provision necessitates extra reporting by handlers and is not necessary to the enforcement of the order. It should be deleted.

The other source milk definition should be amended to specify that only

those products used in the plant during the month should be reported and brought into the accounting and classification processes for the month.

The essential function of the reporting, accounting, and classification provisions is to establish the disposition of Class I milk and the classification of producer milk during the month. It is not necessary for this purpose to require reporting or classification of any Class II products handled or on hand during the month, except those involved in the processing operations carried on in the plant during the month. Complete records are necessary in the plant, however, to follow and account for all skim milk and butterfat handled. In order to determine the status relative to pricing and pooling of various plants supplying the market it is necessary to require reports of all plants selling milk to pool plants or distributing Class I milk in the marketing area.

To avoid an injustice as a result of amendments proposed herein, the base rating provisions of the order should be adjusted. This adjustment should permit the calculation of a full base for producers whose milk is received regularly at a plant which becomes subject to regulation for the first time upon the effective date of this amendment.

Most of the producers whose milk will be regulated under the order for the first time as a result of such amendment, have been in production throughout the base forming period. Evidence in the record indicates that such producers have been forming bases under base rating programs administered outside the scope of the order. The records of their deliveries will be available to the market administrator according to testimony in the hearing record.

To allow such producers to form only partial bases because the plants they supply become regulated for only a portion of the base forming period, as a result of this proposed amendment, would not be justified. Such producers should be granted bases calculated as an average of their deliveries from November 1 through the end of the base forming period. However, in case a producer would have formed a better base had he been selling under the order for the entire base forming period, he should be permitted such base.

The definitions and provisions of the order should be changed as necessary to bring all sections thereof into conformity with the changes herein found necessary.

Rulings on proposed findings and conclusions. A number of briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order, amending the order, as amended. The following order regulating the handling of milk in the Knoxville marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

DEFINITIONS

§ 988.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended (7 U. S. C. 601 et seq.).

§ 988.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 988.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 988.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 988.5 *Knoxville, Tennessee, marketing area.* "Knoxville, Tennessee, marketing area," hereinafter called the "marketing area" means all of the territory within the boundaries of Knox County including the territory within the corporate limits of the City of Knoxville, all of the territory within the corporate limits of the Cities of Alcoa and Maryville in Blount County and all of that part of the Development of Oak Ridge which lies within Anderson County, all in the State of Tennessee.

§ 988.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and is authorized by its members to make collective sales or to market milk or its products for the producers thereof.

§ 988.7 *Producer-handler.* "Producer-handler" means any person who produces Grade A milk under a dairy farm inspection permit issued by any duly constituted health authority, and who processes milk from his own production, distributing all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from producers.

§ 988.8 *Approved plant.* "Approved plant" means any milk plant from which Grade A milk, skim milk, or cream is shipped during the month to a pool plant, or from which Class I milk is disposed of (including disposition by vendors) in the marketing area.

§ 988.9 *Pool plant.* "Pool plant" means (a) an approved plant from which a volume of Class I milk equal to not less than 50 percent of its receipts of producer milk and milk and skim milk from other pool plants is disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (including plant stores): *Provided,* That not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area; (b) an approved plant from which at least 50 percent of the hundredweight of its producer milk received during the month is shipped in the form of milk, skim milk or cream to a plant qualified pursuant to paragraph (a) of this section and classified as Class I milk: *Provided,* That if such shipments amount to not less than 65 percent of the producer milk of such plant during each of the preceding months of August through February, such plant may, upon written application to the market administrator on or before March 1 of any year be designated as a pool plant for the months of March through July of such year, or (c) from the effective date hereof, through July 1955, any plant not otherwise qualified as a pool plant pursuant to this section, from which Class I milk was disposed of to retail or wholesale outlets in the marketing area during the month of September 1954, which meets the following conditions for the month: (1) The operator of such plant makes application on or before the 10th day of the month requesting designation of such plant as a pool plant for the month; (2) Class I milk is disposed of during the month to retail or wholesale outlets in the marketing area, and (3) the plant was not a non-pool plant pursuant to this order during the previous month.

§ 988.10 *Nonpool plant.* "Nonpool plant" means any milk receiving, manufacturing, processing or bottling plant other than a pool plant.

§ 988.11 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant, (b) a producer-handler or (c) a cooperative association with respect to milk diverted for its account pursuant to § 988.12.

§ 988.12. *Producer.* "Producer" means any person except a producer-handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is (a) received at a pool plant, or (b) diverted for his account by a handler from a pool plant to a nonpool plant any day during the months of December through August: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted.

§ 988.13 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 988.12.

§ 988.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month in the form of products designated as Class I milk pursuant to § 988.41 (a) except (1) such products received from other pool plants, or (2) producer milk; and (b) products designated as Class II milk pursuant to § 988.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 988.15 *Base milk.* "Base milk" means milk received by a handler from a producer during any of the months of April through August which is not in excess of such producer's daily average base computed pursuant to § 988.60 multiplied by the number of days in such month.

§ 988.16 *Excess milk.* "Excess milk" means milk received by a handler from a producer during any of the months of April through August which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from a producer from whom no daily average base can be computed pursuant to § 988.60.

MARKET ADMINISTRATOR

§ 988.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 988.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 988.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 988.87, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 988.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose at his discretion to handlers and producers, unless otherwise directed by the Secretary the name of any person who, after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 988.30 or (2) payments pursuant to §§ 988.80 and 988.82;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce and notify each handler in writing of the following: (1) The 10th day of each month, the Class I price, and the Class I butterfat differential, both for the current month; (2) the 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month; and (3) the 10th day after the end of each month, the uniform price(s), and the producer butterfat differential for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 988.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in producer milk including for the months of April through August a statement of the aggregate quantity of base milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 988.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of products designated as Class I milk pursuant to § 988.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 988.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) The total pounds of milk received from such producer or cooperative association, including, for the months of April through August, the total pounds of base and excess milk, (ii) the days on which milk was received from such producer, if less than a full month, (iii) the average butterfat content of such milk, and (iv) the net amount of such handler's payment, to each producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 988.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representa-

request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connec-

County including the territory within the corporate limits of the City of Knoxville, all of the territory within the

suant to this order during the previous month.

tive such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weight, sample, and test for butterfat content all milk and milk products handled; (c) verify payment to producers; and (d) make such examination of operations, equipment, and facilities, as are necessary and essential to the proper administration of this part or any amendments thereto.

§ 988.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 988.34 *Reports to cooperative associations.* On or before the 15th day after the end of each month, the market administrator shall report to each cooperative association as described in § 988.88 (b), upon request by such association, the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handlers were used in each class.

CLASSIFICATION OF MILK

§ 988.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at pool plants, which is required to be reported pursuant to § 988.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 988.41 through 988.46.

§ 988.41 *Classes of utilization.* Subject to the conditions set forth in §§ 988.42 through 988.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream and any cream product, except frozen cream and ice cream mix; (2) in inventory of products designated as Class I milk pursuant to subparagraph (1) of this paragraph; and (3) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any item other than those specified in paragraph (a) of this section; (2) disposed of and used for livestock feed; and (3) in shrinkage assigned to Class II milk pursuant to § 988.42.

§ 988.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in the pool plant(s) of the handler;

(b) Multiply the pounds of skim milk and butterfat in producer milk (except milk diverted pursuant to § 988.12) and other source milk by 0.025;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk classified pursuant to § 988.41 (a) and (b) (1) and (2) which is in Class II milk. The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II milk pro rata to producer milk and other source milk.

§ 988.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified in Class II.

§ 988.44 *Transfers.* (a) Skim milk and butterfat when transferred or diverted by a handler from a pool plant to a pool plant of another handler (except a producer-handler) in the form of products designated as Class I milk pursuant to § 988.41 (a) of this section shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 988.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 988.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 988.41 (a) (1);

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonpool plant, except that of a producer-handler, unless (1) the handler claims Class II utilization in his report submitted pursuant to § 988.30, (2) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant during the month in the use indicated in such statement: *Provided,* That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I milk: *And provided further,* That if such plant disposes of fluid cream to another nonpool plant which conforms with the requirements of subparagraphs (1), (2) and (3) of this paragraph, such cream shall be classified as Class II milk

§ 988.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the monthly report submitted for the pool plant(s) of each handler pursuant to § 988.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 988.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for the pool plant(s) of each handler for each month shall be the pounds in such class allocated to producer milk received by such handler:

(1) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk assigned to producer milk pursuant to § 988.42 (d);

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided,* That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act: *Provided,* That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk contained in inventory of products designated as Class I milk pursuant to § 988.41 (a) (1) on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class I milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II milk;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from the pool plants of other handlers in the form of products

designated as Class I milk in § 988.41 (a) (1), according to its classification as determined pursuant to § 988.44 (a);

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 988.50 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest cent) to be used in determining the price for Class I milk pursuant to § 988.51 (a) shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraph (a), (b), or (c) of this section, or § 988.51 (b).

(a) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

and an amount computed by multiplying the butterfat differential computed pursuant to § 988.85 (a) by 5.

(b) The price per hundredweight computed as follows:

(1) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the month;

(2) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on such Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

(c) The price per hundredweight computed as follows: Multiply by 4.0 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, add 20 percent thereof, and add to such sum 3¾ cents for each full ½ cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture during the month, is above 5 cents: *Provided,* That if such f. o. b. manufacturing plant prices of nonfat dry milk solids are not reported, there shall be used for the purpose of such computation the arithmetical average of the carlot prices of nonfat dry milk solids delivered at Chicago, Illinois, as reported by the Department of Agriculture during the month and in the latter event the "5 cents" shall be increased by 1 cent.

§ 988.51 *Class prices.* Subject to the provisions of §§ 988.52 and 988.53 each handler shall pay producers, at the time and in the manner set forth in §§ 988.80 through 988.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 988.46:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.50;

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than the base utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph or 12, whichever is less, by the appropriate rate as follows:

Pricing months:	*Rate (cents)*
December through February and August	2
March through July	1
September through November	4

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of from all pool plants for the first and second preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number.

(4) Calculate a "net utilization percentage" by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the appropriate base utilization range in the following table:

Pricing month	First and second preceding months	Base utilization range
January	November–December	111–114
February	December–January	112–115
March	January–February	113–116
April	February–March	114–118
May	March–April	115–119
June	April–May	120–125
July	May–June	120–125
August	June–July	116–120
September	July–August	114–118
October	August–September	113–116
November	September–October	110–112
December	October–November	110–112

(b) *Class II milk price.* For the months of December through August the price for Class II milk shall be the price determined pursuant to subparagraph (1) of this paragraph rounded to the nearest cent. For all other months it shall be the basic formula price or the price determined pursuant to subparagraph (1) of this paragraph, plus 25 cents, whichever is less.

(1) The arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Market Administrator or to the Department of Agriculture on or before the 6th day after the end of the month.

Company and Location
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greenville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Carnation Co., Galax, Va.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.

§ 988.52 *Butterfat differential to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 988.46, is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such weighted average butterfat test is above or below, respectively, 4.0 percent, a butterfat differential (computed to the nearest 10th of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 0.13 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the immediately preceding month;

(b) *Class II milk.* Multiply by 0.115 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month;

Provided, That such butterfat differential shall not exceed the result obtained by dividing the Class II price pursuant to § 988.51 (b) by 40.

§ 988.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the City Hall in

Knoxville, Tennessee, by shortest hard-surface highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 988.41 (a) (1) to another pool plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 988.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the city hall in Knoxville (miles):	*Rate per hundredweight (cents)*
50 but less than 60	15
For each additional 10 miles or fraction thereof, an additional	1.5

Provided, That for purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 988.46 (a) (1) (2) and (3) and the comparable steps in § 988.46 (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

DETERMINATION OF BASE

§ 988.60 *Daily average base.* Subject to the rules set forth in § 988.61, the daily average base for each producer shall be an amount calculated by dividing the total pounds of producer milk received from such producer by all handlers during the months of September through February immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of February, inclusive, but not less than 120 days: *Provided*, That in the case of a producer whose milk is received at a plant which becomes fully subject to regulation for the first time upon the effective date of this amendment, such base shall be that which would have been calculated for such producer for the entire base forming period beginning September 1, 1954, or that which would have been calculated for the period beginning November 1, 1954, whichever is higher.

§ 988.61 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) An entire base may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice: *Provided*, That if the base is held jointly and such joint holding is terminated, the entire base transferable by any joint holder shall be his portion of such jointly held base as indicated by the joint holders.

§ 988.62 *Announcement of established bases.* On or before April 1, of each year, the market administrator shall notify each producer and the handler receiving milk from such producers of the daily base established by such producer.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 988.70 *Computation of value of milk.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the month by the applicable class price adjusted by the appropriate butterfat and location differentials and adding together the resulting amounts: *Provided*, That there shall be added any amount computed by multiplying the pounds of overage subtracted pursuant to § 988.46 (a) (7) and (b) by the appropriate class prices as adjusted by the butterfat and location differentials: *And provided further*, That an amount shall be added equal to the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 988.46 (a) (2) and (b) multiplied by the rate of payment on unpriced milk determined pursuant to § 988.93.

§ 988.71 *Computation of uniform price.* For each of the months of September through March the market administrator shall compute the uniform price per hundredweight for producer milk, of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the values computed pursuant to § 988.70 for all handlers who made the reports prescribed in § 988.30 for such month, except those in default of payments required pursuant to § 988.82 for the preceding month;

(b) Subtract if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 988.85 (a), and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments pursuant to § 988.80 (b) (2);

(d) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 988.83;

(e) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 988.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through August, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the value computed pursuant to § 988.70 for all handlers who made the reports prescribed in § 988.30 for such month, except those in default of payments required pursuant to § 988.82 for the preceding month;

(b) Subtract, if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 988.85 (a), and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments pursuant to § 988.80 (b) (2);

(d) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 988.83;

(e) Compute the value on a 4.0 percent butterfat basis of the aggregate quantity of excess milk for all handlers included in the computation pursuant to paragraph (a) of this section by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in such computation by the applicable prices for such Class II milk of 4.0 percent butterfat content beginning in series with the lowest price for Class II milk of 4.0 percent butterfat content; multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(g) Subtract the value of excess milk determined by applying the uniform price obtained in paragraph (f) of this section from the value of all milk obtained in paragraph (d) of this section;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations;

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content f. o. b. market.

§ 988.73 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of April through August the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 988.71 and 988.72 and the butterfat differential computed pursuant to § 988.85 (a); and

(d) The amounts to be paid by such handler pursuant to §§ 988.82, 988.87, and 988.88 or § 988.92.

PAYMENTS

§ 988.80 *Time and method of payment for producer milk.* (a) On or before the last day of each month each handler shall make payment to each producer for milk received from him during the first 15 days of such month at not less than the Class II price per hundredweight for the preceding month: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if so requested, pay such cooperative association on or before the 2d day before the end of each month an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) On or before the 15th day after the end of each month each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price computed pursuant to § 988.71, for the months of September through March, or at not less than the uniform price for base milk computed pursuant to § 988.72 with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 988.72 with respect to excess milk received from such producer, for the months of April through August, subject to the following adjustment: (1) The butterfat differential pursuant to § 988.85 (a), (2) less location differentials pursuant to § 988.85 (b), (3) less payment made pursuant to paragraph (a) of this section, (4) less marketing service deductions pursuant to § 988.88, (5) less proper deductions authorized in writing by the producer, and (6) adjusted for any error in calculating payment to such individual producer for past months; *Provided*, That if such handler has not received full payment for such month pursuant to § 988.83 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *Provided further*, That the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator: *And provided further*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall if so requested pay such cooperative association, on or before the 13th day after the end of each month an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

§ 988.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 988.82, 988.84, and 988.92, and out of which he shall make all payments pursuant to §§ 988.83 and 988.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 988.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month each handler shall pay to the market administrator any amount by which the total value of his milk computed pursuant to § 988.70 for such month is greater than the value of milk received by such handler from producers during the month, computed at the applicable minimum uniform prices as specified in §§ 988.71 and 988.72 adjusted for the differentials provided for in § 988.85.

§ 988.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler, any amount by which the total value of his milk computed pursuant to § 988.70 for such month is less than the value of his producer milk received during the month, computed at the applicable minimum uniform prices as specified in §§ 988.71 and 988.72 adjusted for the differentials provided for in § 988.85. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the appropriate funds are available.

§ 988.84 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 988.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 988.83, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 988.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 988.85 *Butterfat differential to producers.* (a) If, during the month, any handler has received, from any producer or cooperative association, milk having an average butterfat content other than 4.0 percent, such handler, in making payments prescribed in § 988.80 (b), shall add to the uniform price(s) per hundredweight paid to such producer or cooperative association for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or may deduct from the uniform price(s) per hundredweight for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply by 0.12 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month and adjust to the nearest one-tenth of a cent.

(b) *Location differential to producers.* In making payment to producers pursuant to § 988.80, the uniform price to be paid for producer milk and the uniform price for base milk received at a pool plant located 50 miles or more from the City Hall in Knoxville, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the following rate:

Distance from the city hall in Knoxville (miles):	*Rate per hundredweight (cents)*
50 but less than 60	15
For each additional 10 miles or fraction thereof an additional	1.5

§ 988.86 *Statement to producers.* In making payments required by § 988.80 each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer including for the months of April through August, the pounds of base milk and excess milk;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 988.80 and 988.85;

(d) The rate which is used in making the payment if such rate is more than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 988.88, together with a description of the respective deductions; and

(f) The net amount of payment to the producer or cooperative association.

§ 988.87 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in

(a) producer milk (including such handler's own production), (b) other source milk at his plant(s), and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 988.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 988.80 (b), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 988.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before December 1, 1951, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order, shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 988.90 *Producer-handlers.* Sections 988.40 through 988.46, 988.50 through 988.53, 988.60 through 988.62, 988.70 through 988.73, 988.80 through 988.88 shall not apply to a producer-handler.

§ 988.91 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to §§ 988.30 and 988.31) and allow verification of such reports by the market administrator:

(a) Any pool plant qualified pursuant to § 988.9 (a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that more Class I milk is disposed of from such plant on routes to retail or wholesale outlets in the Knoxville, Tennessee marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

(b) Any pool plant qualified pursuant to § 988.9 (b) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant pursuant to the provisions of § 988.9 (b) during the preceding August through February period.

§ 988.92 *Handlers operating nonpool plants.* Sections 988.42 through 988.46; 988.50 through 988.53; 988.70 through 988.73; 988.80 through 988.83; 988.87 and 988.88 shall not apply to a handler in his capacity as the operator of a nonpool plant, except that such handler shall pay to the market administrator on or before the 12th day after the end of each month for deposit into the producer-settlement fund an amount of money computed by multiplying the hundredweight of Class I milk disposed of from his nonpool plant(s) (except any nonpool plant subject to the classification and pricing provisions of another order issued pursuant to the act) during the month to retail or wholesale outlets in the marketing area (including deliveries by vendors or sales through plant stores) by the rate of payment on unpriced milk calculated pursuant to § 988.93.

§ 988.93 *Rate of payment on unpriced milk.* The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

(a) For the months of March through July, subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential and the Class I location differential.

(b) For the months of August through February, subtract the uniform price to producers from the Class I price.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 988.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 988.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 988.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 988.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 988.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 988.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c)

Issued at Washington, D. C., this 1st day of November 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-8714; Filed, Nov. 4, 1954; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 79]

[File No. 21-460]

WHOLESALE PLUMBING AND HEATING INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, and other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Wholesale Plumbing and Heating Industry (which constitute a proposed revision and amendment of the rules for the Plumbing and Heating Industry as repromulgated by the Commission on August 17, 1932), to present to the Commission their views concerning said proposed rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than November 29, 1954. Opportunity to be heard orally will be afforded at the hearing beginning at 10:00 a. m., c. s. t., November 29, 1954, in Room 17 (Club Floor) of the Palmer House, State Street at Monroe, Chicago, Illinois, to any such persons, partnerships, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry is engaged in the wholesale distribution and sale of industry products to dealers and distributors for resale, or to other purchasers such as plumbing, heating, sheet metal, and piping contractors, commercial and industrial users, governmental bodies, and institutions purchasing for business uses. The "industry products" include plumbing equipment and supplies, heating equipment and supplies, and permanently installed and connected air-conditioning equipment, pipe, valves, and fittings.

These proceedings were instituted pursuant to an industry application and are directed to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission. No. Group II rules have been included in the draft of proposed rules for this industry for the reason that the Group II rules recommended by the industry are of a type presently the subject of general study by the Commission. If, after completion of such study, it is determined that provisions of this type may be included as Group II rules for industries, an oportunity will then be afforded to the members of this industry to have such rules included.

Issued: November 2, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-8758; Filed, Nov. 4, 1954; 8:53 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 189]

DEUTSCHE NOVOCILLIN G. M. B. H. ET AL.

ORDER REVOKING LICENSES, DENYING EXPORT PRIVILEGES AND DISMISSING CERTAIN CHARGES

In the matter of Deutsche Novocillin G. m. b. H., Karl Heinz Bendixen, Mrs. Karl Heinz Bendixen, Walter T. Indra, Edith Lermer, Achim Von Koch, Alfred Groenitz, Exterstrasse 4, Munich, Germany; E. Lindemann and Company, Ernest Lindemann, 21 Alstertor, Hamburg, Germany; Lindemann and Co., Holland N. V., Jurgen Roper, 41 Eendrachsweg, Rotterdam, Holland; Merchant Partners (Home & Overseas) Ltd., John J. Driscoll, 2 Castle Court, Burchin Lane, London EC3, England; N. V. Handelmaatschappij J. Smits Import-Export, J. Smits, Molstraat 1, Rotterdam, Holland; Respondents.

This proceeding was instituted on April 28, 1954, by the Director of the Investigation Staff of the Bureau of Foreign Commerce (formerly the Office of International Trade) by the transmission of one charging letter directed to all the respondents named above, and by the transmission of a second charging letter directed to Deutsche Novocillin G. m. b. H. and its above-named officials only. Both charging letters were thereafter consolidated for the purposes of a hearing held before a Compliance Commissioner of the Bureau at Washington, D. C. on August 3, 4 and 5, 1954, as appears below.

The charges against all the above-named respondents (referred to herein as Charge I) alleged, in substance, that respondents, singly and in concert, violated the Export Control Act, as amended, and the regulations issued thereunder in the effort to induce the issuance of an export license and to facilitate the exportation from the United States of 1000 kilograms of dihydrostreptomycin sulfate valued at $175,000 to respondent Merchant Partners (Home and Overseas) Ltd. in England as the purported ultimate purchaser and user of the commodity, with the intention and purpose of diverting and transshipping the licensed commodity to prohibited China. The charges also included an allegation that respondents made false and evasive statements and concealed information from United States officials abroad dur-

ing an investigation into the represented use and destination of the commodity in order to withhold material facts relating to the true nature of the transaction.

The charges issued to respondent Deutsche Novocillin and its named officials (referred to herein as Charge II) alleged, in substance, that said respondents violated the Export Control Act, as amended, and the regulations promulgated thereunder by diverting and transshipping to unauthorized consignees in unauthorized countries of destination an aggregate of approximately 400 kilograms of dihydrostreptomycin sulfate and 130,000 million units of penicillin valued at $80,000 which they had obtained from the United States in eleven (11) separate shipments made pursuant to an equal number of validated export licenses all issued in reliance upon representations made and ultimate consignee statements supplied by respondents stating that the said commodities were intended for the named consignees and countries for whom the export licenses were issued. The charges included an allegation that respondents made the aforesaid diversions and transshipments without seeking or obtaining prior approval of United States license authorities and contrary to specific destination control notices appearing on the shipping documents received by respondents in connection with each such shipment prohibiting the diversion of the commodities to any country other than the licensed country of destination.

Prior to the institution of this proceeding the Bureau issued to Deutsche Novocillin and a (then) related firm in Berlin, Germany, Funcke and Company G. m. b. H. Chemische Fabrik, on December 14, 1953, an ex-parte order suspending all validated export privileges of each firm until this proceeding shall have been completed. The basis for the issuance of said temporary order was to restrain said companies from participating in United States exports requiring validated export licenses until their participation, or lack of participation, in certain alleged violations of the export control law and regulations, including those charged in Charges I and II hereof, had been finally determined, and in the public interest.

After receiving the aforesaid charging letters each of the respondents named therein, except Merchant Partners (Home and Overseas) Ltd., its principal John J. Driscoll, and Lindemann & Company NV. Holland, transmitted to the Bureau written answers constituting, in effect, a general denial of the charges. In addition, the Deutsche Novocillin respondents requested a hearing on the charges in accordance with the regulations so made and provided.

Hearings on due notice were held, as aforesaid, on August 3, 4, and 5, 1954, before a Compliance Commissioner at Washington, D. C. At these hearings the Bureau was represented by counsel; the Deutsche Novocillin respondents appeared by Karl Heinz Bendixen and by counsel; E. Lindemann and Company, Hamburg, and Jurgen Roper, formerly the principal of Lindemann & Co. of Rotterdam but now associated with the Hamburg firm were also represented by counsel. Neither respondent N. V. Handelmaatschappij J. Smits Import-Export nor its owner, J. Smits, appeared in person or by attorney, but their answer to the charges was made a part of the record and taken under consideration. Respondents Merchant Partners (Home and Overseas) Ltd. and John J. Driscoll did not appear in the proceeding or have representation, and, in view thereof and because of their failure to answer the charges served upon them or otherwise to indicate their intention to contest said charges, they were held to be in default and their default was duly noted and entered on the record of this proceeding. The Compliance Commissioner received the evidence presented by the Bureau and by respondents and after due consideration thereof and of the entire record, filed his report in the matter.

It appears from the record and the report of the Compliance Commissioner that each of the respondent firms and individuals named in Charge I, at all times relevant to this proceeding were, and are, engaged in the import-export of pharmaceuticals, antibiotics and related commodities and respondent Deutsche Novocillin also processes and packs raw commodities into specialized products for resale.

With respect to Charge I the record and the report disclose the following:

In October 1952, Smits met with Bendixen, Lindemann and Roper to discuss the purchase by him for an unidentified customer of 1,000 to 1,500 kilograms of U. S. bulk dihydrostreptomycin sulfate (referred to as DHS) which was to be processed and packed into vials by Bendixen's firm, Deutsche Novocillin. At first Smits informed the others that the customer was in Belgium but later advised them that the customer was Merchant Partners (Home & Overseas) Ltd., of London, England. Lindemann and Roper was to finance the transaction through Holland exchange regulations and, in that capacity, were to purchase the bulk DHS in the United States in the name of Lindemann in order to secure their investment. The raw merchandise was to be delivered to Deutsche Novocillin's plant at Munich for processing, packaging and labeling and then re-exported to England for sale and distribution in that country by Merchant Partners.

In November Smits furnished to Lindemann a multiple ultimate consignee statement (IT Form 843) on which Merchant Partners, by Driscoll, represented and certified that said company was the purchaser and Great Britain the ultimate destination of the subject DHS. Roper signed the statement in behalf of his firm, Lindemann & Co., of Rotterdam, as purchaser for the account of Lindemann of Hamburg. The executed statement was transmitted by Lindemann to the New York exporter-supplier to whom Lindemann had earlier submitted his order for the bulk material.

The supplier filed an application on December 3, 1952 for a license to export 1000 kilograms of DHS to Deutsche Novocillin at Munich for the aforedescribed processing service and re-export to Merchant Partners in England as the ultimate destination. The customary investigation into the represented end-use and country of destination was thereafter undertaken by United States export control authorities. In the course of the investigation abroad all the above named participants in the transaction were interviewed by United States officials (including a firm in England mistakenly named on the license application as the ultimate consignee) and denied not only their participation in the transaction but the existence of such transaction or of dealings with each other. As a result of the evasions and concealment shown and the obvious irregularity of the transaction, the license application was rejected and none of the DHS was exported.

The matter came to a head when Driscoll finally confessed that he had signed the aforementioned ultimate-consignee form for Smits as an accommodation, allegedly without realizing the significance and nature of the document.

The Compliance Commissioner made the finding that Smits and Driscoll knowingly conspired to induce the issuance of the said United States export license by the device of the falsified ultimate-consignee statement. He based this on evidence that Smits deliberately intended to circumvent and evade the export regulations and administrative policy forbidding the exportation of DHS from the United States to certain specific areas, including China, because of its strategic importance. This, in turn, was predicated on evidence that Smits' real customer for DHS was in China contrary to his representations that Merchant Partners in England was the alleged purchaser.

The Compliance Commissioner held that Smits and Driscoll formed an alliance to effectuate and implement Smits' intention to transship the subject DHS to China. He concluded that they, individually and for their respective companies, wilfully and deliberately sought to circumvent and defeat the United States export control law and regulations and concealed material facts and made false representations and statements with the purpose of impeding and preventing an official investigation into the facts.

He made the further finding, although with hesitancy, that the other respondents herein had not participated in the Smits-Driscoll conspiracy or had knowledge of the true location of the real purchaser in China. He pointed out that the evidence of such participation was circumstantial and in large measure predicated upon evasions and concealments made under circumstances inconsistent with innocence; that their failure to cooperate with the pre-license investigation and to make available all files and records having relation to the transaction not only hampered the investigation, but placed them under reasonable suspicion of being implicated in the conspiracy.

The Compliance Commissioner stated he believed these respondents had failed in their responsibilities herein and that he was still not entirely convinced of their innocence, but in view of all the circumstances, that the charges of having participated in the conspiracy and the falsified statement had not been fully substantiated and that as to them Charge I must be dismissed.

With respect to Charge II the record and the Compliance Commissioner's report show the following: Between March 7, 1952, and March 11, 1953, the Deutsche Novocillin respondents submitted to their New York supplier-exporter eleven (11) ultimate consignee-purchaser statements covering their orders for an aggregate of 405 kilograms of DHS and 133,000 million units of penicillin valued at almost $80,000. In these statements respondents represented substantially that said commodities were being purchased for processing by them in Germany into pharmaceutical specialities which they would sell in some instances in Germany only and in other instances to specifically named consignees in other specifically named countries.

The New York exporter filed appropriate license applications, attaching the applicable statements to each application and thereafter received eleven (11) validated export licenses authorizing the exportation of the said commodities for the specific uses, consignees and destinations represented by respondents in each of the respective statements.

From October 1952 to June 1953 the commodities authorized for shipment by the export licenses aforesaid were exported by the supplier to Deutsche Novocillin under bills of lading which contained the required destination control notice: "These commodities licensed by U. S. for ultimate destination (name of applicable country of destination authorized). Diversion contrary to U. S. law prohibited." In addition, the suppliers' commercial invoices, copies of which were received by respondents, contained substantially the same destination control statements.

Thereafter, contrary to the representations on the aforesaid ultimate consignee-purchaser statements and in contravention of the authority granted in the licenses and of the aforesaid destination control notices on the bills of lading and commercial invoices, respondents reexported, transshipped and diverted 402.5 kilograms of DHS and 130500 million units of penicillin as processed by respondents to consignees in countries other than those so represented and authorized, without prior notice to and approval of U. S. license authorities.

Respondents admitted the probability of the said diversions and transshipments explaining that during the period in question they had not yet installed effective controls in their processing operations which effectively segregated U. S. antibiotics from antibiotics of other origin and that there was then no way of ascertaining the exact origin or specific quantity of European-made or U. S.-made antibiotics in the processed end-product. They also admitted to the practice of filling orders from foreign customers out of processed antibiotics in advance of the receipt of the U. S. material for which they had issued representations and ultimate consignee-purchaser statements and of using the U. S. material upon its arrival to fill other orders.

Respondents claimed that beginning in August 1953 when they realized that their practices did not conform to U. S. export control requirements they installed effective segregation control and desisted from indiscriminate shipments.

The Compliance Commissioner rejected respondents' explanations on the grounds that their admittedly loose methods and practices were inconsistent with their experiences as importers of U. S. antibiotics and their knowledge of the strict requirements relating to such materials. He refused to give credence to their claimed failure to comply with the known requirements pointing out that respondents were aware that U. S. authorities placed reliance upon their representations and ultimate consignee-purchasers in the issuance of export licenses and were also aware that the U. S. sought to prevent the diversion of licensed antibiotics from their authorized destinations and consignees.

The Compliance Commissioner made the finding that the violations charged to respondents in Charge II had been knowing and that the evidence thereof and the admissions of respondents constituted a basis for finding them to be in violation of the export law and regulations as charged.

The Compliance Commissioner concluded that respondents J. Smits and John J. Driscoll and their respective firms had engaged in a flagrant and deliberate attempt to sabotage the integrity of the U. S. export program and, by their acts as described herein, had demonstrated an attitude of disregard for and indifference to U. S. export control law and regulations which destroyed their trustworthiness with respect to future export privileges. He concluded further that the Deutsche Novocillin respondents and the other respondents involved in Charge I, though exonerated and cleared of the charges, should be censured for having failed to cooperate with U. S. officers engaging in a pre-license investigation by reason of their evasions and concealment of the facts of the transaction.

As to Charge II, the Compliance Commissioner took into consideration the gravity of the offenses, the possibility that some of the DHS may have ultimately lodged behind the Iron Curtain, the length of time the temporary suspension order has been in effect and its impact upon said respondents in their business and reputation, as well as of the effect of a prolongation of the suspension upon respondents' U. S. export operations.

His recommendations have been carefully weighed and evaluated in connection with the report and findings, the charging letters, the several answers to the charges, the evidentiary material and the entire record, from all of which it appears that such findings are in accordance with the evidence and that such recommendations are reasonable and fair and are therefore adopted in substance as appears below.

Now, therefore it is ordered as follows:

(1) The charges contained in the charging letter of April 28, 1954, referred to herein as Charge I, are dismissed as to Deutsche Novocillin G. m. b. H., its officers, Karl Heins Bendixen, Mrs. Karl Heinz Bendixen, Walter T. Indra, Edith Lermer, Achim Von Koch and Alfred Groenitz (hereinafter referred to as Deutsche Novocillin); also as to E. Lindemann and Company and Ernest Lindemann; also as to Lindemann and Company, Holland N. V. and Jurgen Roper.

(2) All outstanding validated export licenses held by or issued in the names of respondents Deutsche Novocillin, N. V. Handelmaatschappij J. Smits Import-Export and J. Smits (hereinafter referred to as Smits), Merchant Partners (Home and Overseas) Ltd. and John J. Driscoll (hereinafter referred to as Merchant Partners), and any person or firm with which they or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States, or services connected therewith, or in which said respondents or such other persons or firms appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(3) Deutsche Novocillin, Merchant Partners, and Smits, their directors, officers, partners, associates, representatives, agents, employees, successors or assigns, and all perons and firms acting in their behalf or for their account in matters relating to the exportation of commodities from the United States or services connected therewith, are hereby denied all privileges of participating, directly or indirectly, in any manner, form or capacity, in an exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondents' and such other persons' or firms' participation (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, storing, processing, disposing, or other servicing, in any foreign county, of any commodities in whole or in part exported from the United States during the period of this order or to be exported from the United States, and (d) in the financing, forwarding, transporting, processing, or other servicing of exports from the United States.

(4) Such denial of export privileges shall apply not only to respondents Deutsche Novocillin, Merchant Partners, and Smits, and such other persons and firms intended to be covered in paragraphs (2) and (3) above, but shall apply and extend also to any other person, firm, corporation, or other business organization with which said respondents, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(5) This order shall be effective from the date hereof and as to respondents

Merchant Partners and Smits shall extend for the duration of export controls; as to respondent Deutsche Novocillin it shall extend for a period of sixteen (16) months: *Provided, however,* That during the last twelve (12) months of said period the export privileges which are denied to said Deutsche Novocillin respondents by the terms of this order shall be restored without further order of the Bureau of Foreign Commerce, but no validated export licenses revoked under the order shall thereby be restored. In the event, however, that any of the Deutsche Novocillin respondents, or the persons or firms covered in paragraphs (2), (3) and (4) above shall knowingly violate the terms and provisions of this order or any of the laws or regulations related to export control during the entire period of the order, the Bureau of Foreign Commerce may summarily and without notice to the person or company responsible for such violation, at such time as it shall determine that such violation has occurred, issue a supplemental order which shall deny to such person or company all export privileges for the said period which has been held in abeyance with respect to him or it, and shall revoke and cancel all validated licenses then outstanding and as to which said person or company may be a party or have an interest therein, without thereby limiting the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted.

(6) No person, firm, corporation, or other business organization, whether in the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner, form or capacity, (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to an exportation of commodities from the United States, or (b) order, receive, buy, use, process, dispose of, finance, transport, forward, store, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity exported from the United States, with respect to which any of the respondents named in paragraph (3) above, or the persons and firms covered by paragraphs (2), (3) and (4) above have any interest or participation of any kind or nature, direct or indirect.

(7) Respondents Deutsche Novocillin, E. Lindemann and Company and Ernest Lindemann, and Lindemann and Co. Holland, N. V. and Jurgen Roper hereby are censured for their conduct in hampering and impeding the official investigation into the true nature of the DHS transaction described in Charge I hereof and for their failure to give full cooperation to United States officials duly authorized to conduct such investigation.

(8) This order supersedes and replaces the temporary suspension order of December 14, 1953, imposed upon Deutsche Novocillin and Helmut Funcke and Funcke and Co. G. m. b. H. Chemische Fabrik, and the said temporary suspension order is hereby vacated.

Dated: October 28, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-8741; Filed, Nov. 4, 1954; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. II—California State Office; Correction]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT; CORRECTION

OCTOBER 29, 1954.

The land description appearing under Restoration Determination DA-768—California which was published September 4, 1954, within Document II—California State Office, dated August 25, 1954, 19 F. R. 5648, having been found incorrect is hereby corrected to read as follows:

HUMBOLDT MERIDIAN

T. 5 N., R. 7 E.,
Sec. 21, NE¼NE¼, NW¼NW¼, in the Trinity National Forest.

C. K. CARON,
Acting State Supervisor.

[F. R. Doc. 54-8717; Filed, Nov. 4, 1954; 8:46 a. m.]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT: VACATED

OCTOBER 29, 1954.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 541, section 2.5, dated April 21, 1954 (19 F. R. 2473), Restoration Order (Dockets DA-385, DA-429, Oregon) under Federal Power Act, dated September 23, 1954 (19 F. R. 6483), is hereby vacated.

G. H. SHARRER,
State Supervisor.

[F. R. Doc. 54-8719; Filed, Nov. 4, 1954; 8:46 a. m.]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

OCTOBER 29, 1954.

Pursuant to the determination of the Federal Power Commission, DA-385 and DA-429, Oregon, and in accordance with authority delegated to me by the Director, Bureau of Land Management, by section 2.5 of Order No. 541, dated April 21, 1954 (19 F. R. 2473, 2476), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the exchange provisions of the act of July 31, 1939 (53 Stat. 1144), subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended:

WILLAMETTE MERIDIAN

T. 27 S., R. 12 W.,
Sec. 35: E½NE¼, SW¼NE¼, N½SE¼, W½W½, SE¼NW¼.
T. 37 S., R. 6 W.,
Sec. 13: NW¼NE¼.

The areas described contain an aggregate of 440 acres. The described lands in Section 35 are reconveyed Coos Bay Wagon Road Grant lands and those in Section 13 are revested Oregon and California Railroad Grant lands.

The State of Oregon has formally waived its right to select any of the described lands for right-of-way for public highways or as a source of materials for construction and maintenance of such highways.

This restoration is made in furtherance of exchanges under the act of July 31, 1939 (53 Stat. 1144) by which offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II and others. This order shall therefore become effective on publication in the FEDERAL REGISTER at which time the lands described will become subject to application for exchange purposes.

Inquiries regarding these lands should be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 3861, Portland 8, Oregon.

G. H. SHARRER,
State Supervisor.

[F. R. Doc. 54-8720; Filed, Nov. 4, 1954; 8:47 a. m.]

Office of the Secretary

FEDERALLY OWNED ACQUIRED LANDS

OIL AND GAS LEASING

(a) Notice is hereby given that on October 28, 1951 by a supplemental decision in the case of S. J. Hooper (A-26976 supp.), the Secretary of the Interior allowed an opportunity to file a statement of the applicants' interests, direct and indirect, in leases and applications for oil and gas deposits in such lands in the same State as required by 43 CFR 200.5 in connection with all applications for oil and gas leases on Federally owned acquired lands filed prior to August 31, 1954. Such filings must be made with the Director, Bureau of Land Management, Washington 25, D. C., before the close of business on December 1, 1954.

(b) The filing of the required information within the time allowed will give the applications for leases priority as of the time they would have otherwise had priority.

(c) It should be noted that in the case of McKay v. Wahlenmaier (No. 12,273) now before the United States Court of Appeals for the District of Columbia, the effect of the time of filing a statement of the type described in paragraph (a) on the validity of an outstanding lease may be decided.

ORME LEWIS,
Assistant Secretary of the Interior.

NOVEMBER 1, 1954.

[F. R. Doc. 54-8721; Filed, Nov. 4, 1954; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6848]

DELTA AIR LINES, INC.

NOTICE OF HEARING

Delta-C&S application to make Fort Wayne, Indiana, alternate intermediate point to Anderson/Muncie/New Castle, Indiana.

In the matter of the application of Delta Air Lines, Inc., for an amendment of its certificate of public convenience and necessity for route No. 54.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 1, 1954, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, Fifteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 1, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8757; Filed, Nov. 4, 1954; 8:58 a. m.]

[Docket No. 6911]

CARIBOO AIR CHARTER LTD.

NOTICE OF HEARING

In the matter of the application of Cariboo Air Charter Ltd. for a foreign air carrier permit issued pursuant to section 402 of the Civil Aeronautics Act to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 10, 1954, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 1, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8756; Filed, Nov. 4, 1954; 8:53 a. m.]

FEDERAL MEDIATION AND CONCILIATION SERVICE

STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

Statement of organization and delegations of final authority are revised to read as set forth below.

SECTION 1. *Creation and function.* The Federal Mediation and Conciliation Service was created by act of Congress on June 23, 1947 (Title II of the Labor-Management Relations Act, 1947; Public Law 101, 80th Cong., Ch. 120, 1st Sess.). The Service is an independent agency of the Executive branch of the Government, which functions so as to advance a policy of the United States. That policy is to secure sound and stable industrial peace and the advancement of the general welfare, health and safety of the Nation and of the best interests of employers and employees. The Service makes available full and adequate governmental facilities for conciliation, mediation and voluntary arbitration. Its duty is to assist parties to labor disputes in industries affecting commerce to settle such disputes through conciliation and mediation. It also encourages voluntary arbitration as a peaceful, speedy, equitable and confidential method for the settlement of labor disputes including grievances arising over the application or interpretation of an existing collective bargaining agreement, and it aids the parties in the selection of an arbitrator. Fact finding is another method utilized by the Service in appropriate situations. The importance of improving labor-management relations in order to minimize disputes is emphasized, and when requested the Service assists in advancing industrial peace and mutual understanding.

SEC. 2. *Offices.* (a) The central offices of the Service are located at Constitution Avenue and 14th Street, NW., Washington 25, D. C. The telephone number of these offices is Executive 3-7350.

(b) The Service has a Washington, D. C. Metropolitan Area office supervised by Clyde M. Mills, Assistant Director, Department of Labor Building, 14th and Constitution Avenue NW., Washington 25, D. C., which includes the District of Columbia, Montgomery and Prince Georges Counties in Maryland and the Cities of Alexandria and Falls Church and Counties of Arlington and Fairfax in Virginia.

(c) The Service has eight regional offices which are maintained and operated under the supervision and direction of regional directors. The names of such regional directors and the locations of the regional offices are as follows:

Region 1: Frank H. Brown, Director; 1016 Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y. Telephone Bryant 9-3930.

Region 2: Robert W. Donnahoo, Director; Jefferson Building, 1015 Chestnut Street, Philadelphia 7, Pa. Telephone Walnut 3-0535.

Region 3: William S. Pierce, Director; 645 Peachtree at Seventh Street Building, Atlanta 5, Ga. Telephone Elgin 3311.

Region 4: Hayward J. Montoney, Director; 258 Old Federal Building, Cleveland 14, Ohio. Telephone Cherry 1-7900.

Region 5: Robert H. Moore, Director; 1515 Consumers Building, 220 South State Street, Chicago 4, Ill. Telephone Wabash 2-9700.

Region 6: William F. White, Director; 404 Old Custom House Building, St. Louis 1, Mo. Telephone Main 1-8100.

Region 7: Harry H. Lewis, Director; 316 Republic Building, Third and Pike Streets, Seattle 1, Wash. Telephone Seneca 8161.

Region 8: V. Wayne Kenaston, Director; 138 Federal Office Building, San Francisco, Calif. Telephone Klondike 2-2350.

Region 1 includes Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, New York and northern New Jersey (including Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties); Region 2 covers Pennsylvania, Delaware, Maryland (except Montgomery and Prince Georges Counties), West Virginia and southern New Jersey (including Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem Counties); Region 3 covers Virginia (except Arlington and Fairfax Counties and Cities of Alexandria and Falls Church), North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee and Puerto Rico; Region 4 includes Ohio, Kentucky and the Lower Peninsula of Michigan; Region 5 includes Illinois (except St. Clair, Madison and Monroe Counties), Indiana, Wisconsin, Minnesota, North Dakota, South Dakota, Upper Peninsula of Michigan; Region 6 includes Iowa, Missouri, St. Clair, Madison, and Monroe Counties in Illinois, Arkansas, Nebraska, Kansas, Oklahoma and Texas (except El Paso and Hudspeth Counties); Region 7 includes Washington, Oregon, Idaho, Montana, Wyoming and Alaska; Region 8 includes California, Nevada, Utah, Colorado, Arizona, New Mexico, Hawaii, and El Paso and Hudspeth Counties in Texas.

(d) The Service has a number of field and area offices established to facilitate the work of its commissioners. Each area office is under the direct supervision of a commissioner-in-charge who in turn is responsible to the regional director in the region in which it is located. The regional director also has supervision over the field offices in his region. Assignments of commissioners to labor disputes are made in the appropriate regional office and not in the area or field offices. The locations of the area offices and the number of the region in which they are located are as follows:

Boston, Mass. (1), 921 Post Office and Courthouse. Telephone Liberty 2-5600.

Pittsburgh, Pa. (2), 806 Victory Building. Telephone Express 1-2560.

Detroit, Mich. (4), 1023 Federal Building. Telephone Woodward 3-9330. E. Marvin Sconyers, commissioner-in-charge.

Dallas, Tex. (6), 1114 Commerce Street. Telephone Sterling 5611. Theodore F. Morrow, commissioner-in-charge.

Los Angeles, Calif. (8), 1031 South Broadway. Telephone Prospect 4711. Harry C. Malcom, commissioner-in-charge.

The locations of the field offices and the number of the region in which they are located are as follows:

Buffalo, N. Y. (1), 312 U. S. Courthouse Building. Telephone Washington 5546.

of December 14, 1953, imposed upon the lands hereinafter described, so far the applications for leases priority

[F. R. Doc. 54-8756; Filed, Nov. 4, 1954; 8:53 a. m.]

258 Old Federal Building, Cleveland 14, Ohio. Telephone Cherry 1-7900.

Buffalo, N. Y. (1), 312 U. S. Courthouse Building. Telephone Washington 5546.

Baltimore, Md. (2), Calvert Building. Telephone Plaza 2-8460.
Richmond, Va. (3), 4 State Capitol Building. Telephone 2-8528.
Birmingham, Ala. (3), 2115 Seventh Avenue North. Telephone 53-3421.
Mobile, Ala. (3), 513 Federal Building. Telephone 2-3641.
Chattanooga, Tenn. (3), 205 James Building. Telephone 7-9848.
Nashville, Tenn. (3), 791 U. S. Courthouse Building. Telephone 42-9651.
New Orleans, La. (3), 513 Federal Office Building. Telephone Express 2411.
Toledo, Ohio (4), 208 Old Federal Building. Telephone Fulton 3763.
Columbus, Ohio (4), 320 Old Post Office Building. Telephone Capitol 1-6411.
Cincinnati, Ohio (4), 330 Post Office Building. Telephone Cherry 5820.
Louisville, Ky. (4), 407 U. S. and Courthouse Building. Telephone Jackson 1361.
Indianapolis, Ind. (5), 215 East New York Street. Telephone Melrose 2-1561.
Milwaukee, Wis. (5), 352 Federal Building. Telephone Broadway 2-8600.
Minneapolis, Minn. (5), 210 U. S. Courthouse. Telephone Geneva 9364.
Des Moines, Iowa (6), 313 Federal Office Building. Telephone 3-2171.
Kansas City, Mo. (6), 2401 Federal Office Building. Telephone Baltimore 7000.
Houston, Tex. (6), 304 Federal Office Building. Telephone Preston 4288.
Portland, Oreg. (7), 315 New U. S. Courthouse. Telephone Atwater 6171.
Denver, Colo. (8), 309 Old Custom House. Telephone Keystone 4-4151.
Salt Lake City, Utah (8), 228 Old Terminal Building. Telephone 4-2552.

SEC. 3. *Organization*—(a) *Divisions of the Service.* The Service is under the direction of a Director, who is appointed by the President by and with the advice and consent of the Senate. The Director is assisted in the performance of his duties by an Associate Director, an Assistant Director, a General Counsel and a Director of Administrative Management. The operating functions are performed in the eight regional offices. The National Labor-Management Panel, established by section 205 (a) of the Labor-Management Relations Act, 1947, to advise the Director, particularly with reference to controversies affecting the general welfare, is a part of the Service and is convened at the request of the Director. The Atomic Energy Labor-Management Relations Panel, designated by the President, was established within the Service for purposes of administrative consistency. The Panel handles disputes which threaten to interfere with an essential part of the atomic energy program, upon referral by the Director after collective bargaining and mediation have been fully utilized.

SEC. 4. *Responsibilities of principal officers and delegations of authority*—(a) *Office of Director.* The Director is responsible for the functioning of the Service and for its administration, and for relations with the Executive Offices of the White House, other Executive agencies, the Congress and Committees of Congress. In the event of the absence from duty or the incapacity of the Director, the functions of his office and the authority conferred upon him by the act shall devolve upon the Associate Director, and in his absence or incapacity upon the Assistant Director, and in his absence or incapacity upon the General Counsel, which officer shall perform such functions and exercise such authority as "Acting Director".

(b) *Office of Associate Director.* The Associate Director assists the Director in formulating policy and has particular responsibility for the administration and coordination of all program activities in the field.

(c) *Office of Assistant Director.* The Assistant Director assists the Director in formulating policy and has particular responsibility for coordination of mediation activities, placement of mediator personnel and the mediation and conciliation of all national emergency cases, as well as all other cases of national significance.

(d) *Office of General Counsel.* The General Counsel is consultant and legal advisor to the Director and all other officers of the Service on matters involving its policies and program, and, particularly, on the relation to the duties of the Service of Federal and State statutes and regulations governing industrial relations. He is charged with responsibility for all phases of the legislative duties of the Service and acts as liaison with the legislative committees on program activities, the Bureau of the Budget on legislative reports and other executive and legislative agencies. He assists in the conciliation of disputes of national significance. He is in charge of the arbitration functions of the Service. Whenever requested by parties to labor disputes, he assists in the selection of arbitrators by submitting panels of names of qualified arbitrators, or by designating an arbitrator.

(e) *Office of Administrative Management.* The Director of Administrative Management serves as budget officer and is responsible for personnel administration. In accordance with established policies under delegation of authority by the Director, authorizes and approves travel and vouchers therefor and transfers of clerical and administrative employees from one station to another; requisitions appropriated funds; certifies claims and pay rolls; negotiates contracts and leases; directs the purchase of articles and services and takes such other action as may be necessary in the administrative management of the Service. He is in charge of and responsible for the operating statistics of the Service.

(f) *Regional Directors.* The Regional Directors are responsible for the effectuation of the policies of the Service in their respective regions through assignments of commissioners to labor disputes and phases of the preventive program of the Service, and general supervision of the operations and activities of the regional offices.

Signed at Washington, D. C., this 1st day of November 1954.

WHITLEY P. MCCOY,
Director.

[F. R. Doc. 54-8755; Filed, Nov. 4, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1445, G-1680]

MIDSOUTH GAS CO.

NOTICE OF PETITION TO AMEND

OCTOBER 29, 1954.

Take notice that the MidSouth Gas Company, an Arkansas corporation with its principal place of business in Little Rock, Arkansas, filed on October 18, 1954, a petition to amend its certificate of public convenience and necessity issued to it in Docket No. G-1445 by Order issued September 18, 1952, as amended March 23, 1953, October 20, 1953, January 7, 1954, and June 24, 1954, in such a manner as to rescind the Company's authorization to supply natural gas for service to consumers in the Town of Hughes, Arkansas.

MidSouth requests that its petition to amend be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

The petition is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of November 1954.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8738; Filed, Nov. 4, 1954; 8:50 a. m.]

[Docket No. G-2848]

LINCOLN GAS AND COAL CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Lincoln Gas and Coal Company (Applicant), a West Virginia corporation with its principal office in Clarksburg, West Virginia, filed on September 20, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Gilmer County, West Virginia, which it sells to Equitable Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 29, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8736; Filed, Nov. 4, 1954; 8:50 a. m.]

[Docket No. 2853]

J. E. BEYMER ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

In the matter of J. E. Beymer, Clyde Beymer, E. W. Campbell, John A. Walters, O. W. Kershaw; Docket No. G-2853.

Take notice that J. E. Beymer, Clyde Beymer and E. W. Campbell whose address is Larkin, Kansas; John A. Walters and O. W. Kershaw, whose address is Box 949, Manhattan, Kansas (Applicants), filed on September 20, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicants produce natural gas in the Hugoton Field, Kearny County, Kansas, which it sells to Northern Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 24, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Comission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8737; Filed, Nov. 4, 1954; 8:50 a. m.]

[Docket Nos. G-2872—G-2876]

C. H. KILLINGSWORTH GAS CO. ET AL.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING AND FIXING DATE OF HEARING

In the matters of C. H. Killingsworth Gas Company, Geo. W. Miller, et al., Docket No. G-2872; Mary Skinner Gas Company, Geo. W. Miller, et al., Docket No. G-2873; C. O. Killingsworth Gas Company, Geo. W. Miller, et al., Docket No. G-2874; Eugena Crites Gas Company, Geo. W. Miller, et al., Docket No. G-2875; Eva Sumpter Gas Company, Geo. W. Miller, et al., Docket No. G-2876.

Take notice that Geo. W. Miller, Agent, whose address is Box 2, Glenville, West Virginia, filed separate applications on September 20, 1954, in the above-entitled matters, each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing sales of natural gas in interstate commerce for resale, as hereinafter specified:

Docket No.	Applicant	Location of field	Purchaser
G-2872	C. H. Killingsworth Gas Co., Geo. W. Miller, et al.	Baldwin, Glenville District, W. Va.	Equitable Gas Co.
G-2873	Mary Skinner Gas Co., Geo. W. Miller, et al.	Baldwin, Stewarts Creek, W. Va.	Southern, Pennsylvania Natural Gas Co.
G-2874	C. O. Killingsworth Gas Co., Geo. W. Miller, et al.	Little Kanawha, Gilmer County, W. Va.	Equitable Gas Co.
G-2875	Eugena Crites Gas Co., Geo. W. Miller, et al.	Baldwin, Glenville District, W. Va.	Do.
G-2876	Eva Sumpter Gas Co., Geo. W. Miller, et al.	Sinking Creek, Gilmer County, W. Va.	Do.

The applications state that the respective Applicants are West Virginia organizations, each with its principal place of business at Glenville, West Virginia.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The application is on file with the Commission for public inspection.

These matters should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is appropriate and in the public interest to (a) consolidate the above-entitled proceedings for the purpose of hearing and (b) publish notice of applications and order consolidating and fixing date of hearing simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, Docket Nos. G-2872, G-2873, G-2874, G-2875 and G-2876 be and the same are hereby consolidated for the purpose of hearing and that a hearing be held on December 2, 1954, at 9:40 a. m. e. s. t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8735 Filed, Nov. 4, 1954; 8:49 a. m.]

[Docket No. G-2942]

NULL AND MOOREHEAD GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Null and Moorehead Gas Company (Applicant), a West Virginia organization with its principal office in Hundred, West Virginia, filed on September 21, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as herein-

after described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Center District, Gilmer County, West Virginia, which it sells to Carnegie Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 24, 1954, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8722; Filed, Nov. 4, 1954; 8:47 a. m.]

[Docket No. G-3007]

F. P. HURT & SONS

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that F. P. Hurt and Sons (Applicant), a partnership with its principal office in Pike County, Kentucky, filed on September 23, 1954, application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Stratton Field, Pikeville, Kentucky, which it sells to United Fuel Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 24, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8723; Filed, Nov. 4, 1954; 8:47 a. m.]

[Docket No. G-3008]

F. P. HURT & SONS, DRILLING CONTRACTORS

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that F. P. Hurt & Sons, Drilling Contractors (Applicant), a partnership with its principal office in Ashland, Kentucky, filed on September 23, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Stone Coal Field, Pikeville, Kentucky, which it sells to Kentucky West Virginia Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 24, 1954, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8724; Filed, Nov. 4, 1954; 8:47 a. m.]

[Docket Nos. G-3013, G-3015, G-3016]

BARNWELL & KINZLER ET AL.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Barnwell & Kinzler, Lawless Operation, Ltd., William M. Plaster, and A. M. Rozeman, Docket No. G-3013; Barnwell & Kinzler, West Bethany Operation, Ltd., R. S. Barnwell, Sr., William M. Plaster and A. M. Rozeman, Docket No. G-3015; Barnwell & Kinzler, Carthage Operation, Ltd., and R. S. Barnwell, Sr., Docket No. G-3016.

Take notice that there have been filed with the Federal Power Commission applications as hereinafter specified, each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sales to Arkansas Louisiana Gas Company of natural gas produced in the indicated fields:

Docket No.	Applicant	Address	Date filed	Location of field
G-3013	Barnwell & Kinzler, Lawless Operation, Ltd., a partnership, and William M. Plaster and A. M. Rozeman, individuals.	Shreveport, La.	Sept. 23, 1954	West Bethany Field, Panola County, Tex.
G-3015	Barnwell & Kinzler, West Bethany Operation, Ltd., a partnership, and R. S. Barnwell, Sr., William M. Plaster and A. M. Rozeman, individuals.	do	do	Do.
G-3016	Barnwell & Kinzler, Carthage Operation, Ltd., a partnership, and R. S. Barnwell, Sr., an individual.	do	do	Do.

Applicants have requested that their applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The applications are on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the applications herein, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the proceedings in the above designated Dockets for purpose of hearing, and to hold a public hearing in the above-entitled proceedings as hereinafter ordered.

(3) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). Applicants having requested that their application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however*, That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Due notice of these applications be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The aforesaid proceedings in the above designated Dockets and the same hereby are consolidated for purposes of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 26, 1954 at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before November 19, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8729; Filed, Nov. 4, 1954; 8:48 a. m.]

[Docket No. G-4330]

J. C. TRAHAN ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

J. C. Trahan, et al.,[1] on October 4, 1954, tendered for filing a proposed change in presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [2]
Notice of change, undated	Tennessee Gas Transmission Co.	Supplement No. 1, to FPC gas rate schedule No. 1.	Nov. 4, 1954

[2] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by respondent if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred for a period of five months beyond the above-stated effective date and for such further time until it is made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8726; Filed, Nov. 4, 1954; 8:48 a. m.]

[1] Other parties: Lee A. Ault, R. A. Baur, George Nebolsine, Mrs. A. Pantaleone, Ivan Pouschine, Spelman Prentice, Mrs. Olga Ault Carter, Crocker Snow, A. L. Sylvester, Fred Whitaker, and Barco Corporation.

[3] Commissioner Smith dissenting.

[Docket No. G-3014]

BARNWELL & KINZLER, GREENWOOD OPERATION

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Barnwell & Kinzler, Greenwood Operation (Applicant), a limited partnership corporation with its principal office in Shreveport, Louisiana, filed on September 23, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Greenwood Waskom Field, Caddo Parish, Louisiana, which it sells to United Gas Pipe Line Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 19th day of November, 1954. The Application is on file with the Commission for public inspection.

Applicant requests that the application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32

(b)), applicants having requested that their application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however,* That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 26, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: November 1, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8739; Filed, Nov. 4, 1954; 8:48 a. m.]

[Docket No. G-3024]

M. B. CHASTAIN ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

In the matter of M. B. Chastain, Austin E. Stewart, J. R. Butler; Docket No. G-3024.

Take notice that M. B. Chastain, Austin E. Stewart and J. R. Butler (Applicants), individuals with their principal office in Shreveport, Louisiana, filed on September 23, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their application filed herein.

Applicant produces natural gas in Spider Field, De Soto Parish, Louisiana, which they sell to Southern Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of November 1954. The application is on file with the Commission for public inspection.

Applicants request that the application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicants having requested that their application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however,* That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 22, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8731; Filed, Nov. 4, 1954; 8:49 a. m.]

[Docket No. G-4331]

UNION OIL CO. OF CALIFORNIA

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Union Oil Company of California, on September 30, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Contract, dated Nov. 17, 1953.	Transcontinental Gas Pipe Line Co.	FPC gas rate schedule No. 2	Nov. 1, 1954
Letter, dated Nov. 4, 1953	do	Supplement No. 1, to FPC gas rate schedule No. 2.	Do.
Letter, dated Nov. 17, 1953	do	Supplement No. 2, to FPC gas rate schedule No. 2.	Do.
Supplemental agreement dated July 8, 1954.	do	Supplement No. 3, to FPC gas rate schedule No. 2.	Do.
Contract, dated Nov. 17, 1953.	do	FPC gas rate schedule No. 3	Do.
Letter, dated Nov. 17, 1953	do	Supplement No. 1, to FPC gas rate schedule No. 3.	Do.
Contract, dated Nov. 17, 1953.	do	FPC gas rate schedule No. 4	Do.
Letter, dated Nov. 17, 1953	do	Supplement No. 1, to FPC gas rate schedule No. 4.	Do.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by respondent if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated rate schedules and supplements be and they are each hereby suspended and the use thereof deferred for a period of five months beyond the above-stated effective date and for such further time until they are made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8727; Filed, Nov. 4, 1954; 8:48 a. m.]

[Docket No. G-4332]

UNION OIL COMPANY OF CALIFORNIA ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Union Oil Company of California, et al.,[1] on September 30, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

[1] Other party: Louisiana Land and Exploration Company.

Description	Purchaser	Rate schedule designation	Effective date [1]
Contract, dated Nov. 17, 1953	Transcontinental Gas Pipe Line Co.	FPC gas rate schedule No. 5	Nov. 1, 1954
Letter, dated Nov. 17, 1953	do	Supplement No. 1 to FPC gas rate Schedule No. 5.	Do.
Letter, dated Nov. 17, 1953	do	Supplement No. 2 to FPC gas rate schedule No. 5.	Do.
Contract, dated Nov. 17, 1953.	do	FPC gas rate schedule No. 6	Do.
Letter, dated Nov. 17, 1953	do	Supplement No. 1 to FPC gas rate schedule No. 6.	Do.
Do	do	Supplement No. 2, to FPC gas rate schedule No. 6.	Do.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by respondent if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred for a period of five months beyond the above-stated effective date and for such further time until it is made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 28, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8732; Filed, Nov. 4, 1954; 8:49 a. m.]

[Docket No. G-4334]

MORRIS RAUCH ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Morris Rauch, et al.,[1] on September 30, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated	Transcontinental Gas Pipe Line Corp.	Supplement No. 1, to FPC gas rate schedule No. 1.	Nov. 1, 1954
Letter, dated Aug. 13, 1954	do	Supplement No. 1, to Supplement No. 1, to FPC gas rate schedule No. 1.	Do.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by respondent if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated rate schedules and supplements be and they are each hereby suspended and the use thereof deferred for a period of five months beyond the above-stated effective date and for such further time until they are made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8728; Filed, Nov. 4, 1954; 8:48 a. m.]

[Docket No. G-4333]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Phillips Petroleum Company, on October 1, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 29, 1954.	Transcontinental Gas Pipe Line Corp.	Supplement No. 6 to FPC gas rate schedule No. 220.	Nov. 1, 1954

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by respondent if later.

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and they are each hereby suspended and the use thereof deferred for a period of five months beyond the above-stated effective date and for such further time until they are made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 28, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8729; Filed, Nov. 4, 1954; 8:48 a. m.]

[Docket No. G-4334]

MORRIS RAUCH ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Morris Rauch, et al.,[1] on September 30, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated	Transcontinental Gas Pipe Line Corp.	Supplement No. 1, to FPC gas rate schedule No. 1.	Nov. 1, 1954
Letter, dated Aug. 13, 1954	do	Supplement No. 1, to Supplement No. 1, to FPC gas rate schedule No. 1.	Do.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by respondent if later.

[1] Other parties: Johnny Mitchell, Trustee, W. N. Zinn, Louis Pulaski, E. J. Pulaski, Rheba Joan Spiner.

tive in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 28, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8733; Filed, Nov. 4, 1954; 8:49 a. m.]

[Docket No. G-3021]

TRUMAN E. GORE

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Truman E. Gore (Applicant), an individual whose address is Box 506, Clarksburg, West Virginia, filed on September 23, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Union District, Ritchie County, West Virginia, which it sells to Equitable Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 24, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8725; Filed, Nov. 4, 1954; 8:47 a. m.]

[Docket No. G-4335]

E. J. HUDSON ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

E. J. Hudson, et al.,[1] on September 29, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Letter, dated Sept. 24, 1954...	Transcontinental Gas Pipe Line Corp.	Supplement No. 7 to FPC gas rate schedule No. 3.	Nov. 1, 1954

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by respondent if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred for a period of five months beyond the above-stated effective date and for such further time until it is made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 28, 1954.

Issued: October 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8734; Filed, Nov. 4, 1954; 8:49 a. m.]

[1] For himself and on behalf of John B. Baird, Donald H. Loomis, Isidor Sack, and Alfred J. Williams.

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1655]

NATIONAL GYPSUM CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of November A. D. 1954.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in National Gypsum Company Common Stock, $1 Par Value.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of National Gypsum Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 18, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8739; Filed, Nov. 4, 1954; 8:50 a. m.]

[File No. 7-1656]

SCOTT PAPER CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of November A. D. 1954.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Scott Paper Company Common Stock, No Par Value.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Scott Paper Company, a security listed and registered on the New York Stock Exchange, on the Philadelphia-Baltimore Stock Exchange, and on the San Francisco Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 18, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8740; Filed, Nov. 4, 1954; 8:50 a. m.]

[File No. 70-3310]

W. R. STEPHENS

NOTICE OF FILING OF APPLICATION REGARDING PROPOSED ACQUISITION OF SECURITIES OF A PUBLIC-UTILITY COMPANY AND ORDER OF CONSOLIDATION AND FOR HEARING

NOVEMBER 3, 1954.

Notice is hereby given that W. R. Stephens ("Stephens"), an individual, has filed with this Commission an application pursuant to section 9 (a) (2) of the Public Utility Holding Company Act of 1935 ("act") regarding the proposed indirect acquisition by him of certain shares of the common stock of Arkansas Louisiana Gas Company ("Arkla"), a public-utility company.

All interested persons are referred to the application on file in the office of the Commission for a statement of the transactions therein proposed, which, together with related transactions, are summarized as follows:

Cities Service Company ("Cities"), a registered holding company, and its public-utility company subsidiary, Arkansas Louisiana Gas Company ("Arkla"), and its service company subsidiary, Gas Advisers, Inc., have filed a joint application-declaration (File No. 70-3305) in respect of, among other things, a proposal by Cities, pursuant to a contract dated October 15, 1954, to sell to W. R. Stephens Investment Company, Inc. ("Investment Company") all of Cities holdings of Arkla common stock, consisting of 1,958,189 shares of a $5 par value, at a price of $12.50 per share, or an aggregate of $24,477,362.50, plus $2,682.45 for each day from October 1, 1954 to the closing date.

Investment Company, a securities dealer as defined in section 3 (a) (5) of the Securities Exchange Act of 1934, in addition to purchasing the holdings of Cities in Arkla, proposes to make an offer to all other common stockholders of Arkla to purchase at $12.50 per share, all shares of Arkla common stock tendered pursuant to such offer within fifteen days after the order of the Commission authorizing the sale of Arkla common stock by Cities.

Upon consummation of the proposed acquisition of Arkla common stock from Cities, Investment Company proposes to use its best efforts to cause the divestment by Arkla, to a company to be organized, of Arkla's production, gathering, and extraction facilities, which at December 31, 1953 aggregated, before deduction of depletion and depreciation reserves, an estimated $30,801,000 out of a total plant account of $104,937,000, the distribution of the capital stock of such new company to the stockholders of Arkla, and to sell to Mississippi River Fuel Corporation, a non-affiliated gas pipeline company, all of the shares of the new company received by Investment Company as a stockholder of Arkla. Upon consummation of these transactions, Investment Company will divest itself of all shares of Arkla then held, and cease to be a holding company.

Stephens is the president, a director, and controlling stockholder of Investment Company, and also chairman of the board and owner of all of the outstanding common stock (50 percent of voting securities) of Fort Smith Gas Company, a gas public-utility company as defined in section 2 (a) (4) and (5) of the act; and

Investment Company, recognizing that, upon the acquisition of the Arkla common stock, it will become a holding company as defined in section 2 (a) (7) of the act, has filed an application pursuant to section 3 (a) (4) of the act (File No. 31-619) for exemption, as a holding company, from the provisions of the act.

The Commission having, on October 25, 1954, issued a Notice of Filing in respect of the application-declaration of Cities and Arkla and of the application of Investment Company, an order consolidating the proceedings in respect of said application-declaration of Cities and Arkla and the application of Investment Company, and an order directing that a hearing be held on November 12, 1954 at 10:00 a. m. at the offices of the Commission, 425 Second Street, NW., Washington, D. C. in respect of such consolidated proceedings (Holding Company Act Release No. 12688); and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held in respect of said application of Stephens, that the proceeding in respect of such application and the foregoing proceedings in Files Nos. 70-3305 and 31-619 in respect of the application-declaration of Cities and Arkla and the application of Investment Company involve common issues of law and fact and consolidation of said proceedings would expedite disposition of the issues therein, and that it is otherwise appropriate to consolidate such proceedings for the purpose of hearing and disposition.

It is ordered, That the proceedings on the application of Stephens (File No. 70-3310) be, and it hereby is, consolidated for the purpose of receiving evidence with the proceeding on the application-declaration of Cities and Arkla (File No. 70-3305) and the proceeding on the application of Investment Company (File No. 31-619), subject to the right of the Commission, upon its own motion or upon application of an interested party, to sever such proceedings or any of them, in whole or in part, either for hearing or disposition, as may be deemed appropriate; and that the hearing in the consolidated proceedings be held on November 12, 1954 at 10:00 a. m., at the offices of the Commission, 425 Second Street, NW., Washington, D. C., before the hearing officer heretofore designated;

It is further ordered, That any person desiring to be heard in connection with the consolidated proceedings, or otherwise desiring to participate therein, shall file with the Secretary of the Commission, Washington 25, D. C., on or before November 10, 1954, his request or application therefor as provided in Rule XVII of the rules of practice of the Commission.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application of Stephens, and that, upon the basis thereof, the following matters and questions are presented for consideration, without limitation of the matters and questions heretofore specified in the consolidated proceeding, and without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed indirect acquisition of Arkla common stock by W. R. Stephens will tend towards interlocking relations or the concentration of control of public-utility companies of a kind or to an extent detrimental to the public interest or the interest of investors or consumers.

2. Whether the consideration, including all fees, commissions, and other remuneration, to whomsoever paid, to be given, directly or indirectly, in connection with the acquisition is reasonable and bears a fair relation to the sums invested in or the earning capacity of the assets underlying the securities to be acquired.

3. Whether the acquisition will be detrimental to the public interest or the interest of investors or consumers, or to

the proper functioning of the holding company system.

4. Whether such acquisition is unlawful under the provisions of section 8 of the act, as being in violation of any applicable State law, or is detrimental to the carrying out of the provisions of section 11 of the act.

5. Whether the acquisition will serve the public interest by tending towards the economical and efficient development of an integrated public-utility system.

6. Whether any terms and conditions should be imposed for the protection of the public interest or the interest of investors and consumers in connection with the indirect acquisition of Stephens.

It is further ordered, That at said hearing special attention be given to the above matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of said hearing upon the application of Stephens by serving a copy of this notice and order by registered mail, return receipt requested, on W. R. Stephens, Investment Company, and Cities; that notice shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this proceeding shall be distributed to the press and mailed to those persons appearing on the Commission's mailing list for releases under the act.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-8776; Filed, Nov. 3, 1954; 3:24 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29856]

PLASTER AND PLASTERBOARD FROM PORT WENTWORTH, GA., TO FLORIDA

APPLICATION FOR RELIEF

NOVEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Plaster, plasterboard, and related articles, carloads.

From: Port Wentworth, Ga.

To: Points in Florida.

Grounds for relief: Competition with rail carriers, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1295, supp. 84.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8742; Filed, Nov. 4, 1954; 8:51 a. m.]

[4th Sec. Application 29857]

CAST IRON PIPE FROM BIRMINGHAM, ALA., GROUP TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

NOVEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cast iron pipe and fittings, and related articles, carloads.

From: Birmingham, Ala., and points grouped therewith.

To: St. Louis, Mo.

Grounds for relief: Competition with rail carriers, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1374, supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8743; Filed, Nov. 4, 1954; 8:51 a. m.]

[4th Sec. Application 29858]

MALT LIQUORS FROM CENTRAL TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

NOVEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Malt Liquors, viz.: ale, beer, etc., carloads.

From: Cleveland, Ohio, Detroit and Gera, Mich., Fort Wayne, South Bend, and Terre Haute, Ind.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, market competition, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 3636, supp. 319.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8744; Filed, Nov. 4, 1954; 8:51 a. m.]

[4th Sec. Application 29859]

MERCHANDISE IN MIXED CARLOADS FROM CHARLOTTE, N. C., AND GREENVILLE, S. C. TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

NOVEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Charlotte, N. C., and Greenville, S. C.

To: East St. Louis, Ill.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1305, supp. 54.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8745; Filed, Nov. 4, 1954; 8:51 a. m.]

[4th Sec. Application 29860]

CEMENT AND RELATED ARTICLES FROM MARQUETTE, AND ST. LOUIS, MO., TO THE SOUTH

APPLICATION FOR RELIEF

NOVEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to schedule listed below.

Commodities involved: Cement and related articles, carloads.

From: Marquette and St. Louis, Mo., and points taking St. Louis rates.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, market competition, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1447, supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8746; Filed, Nov. 4, 1954; 8:51 a. m.]

[4th Sec. Application 29861]

POTATOES FROM MAINE AND NEW BRUNSWICK, CANADA TO NEW JERSEY, PENNSYLVANIA AND VIRGINIA

APPLICATION FOR RELIEF

NOVEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and C. R. Goldrich, Agents, for carriers parties to schedule listed below.

Commodities involved: Potatoes, carloads.

From: Points in the State of Maine, and Province of New Brunswick, Canada.

To: Bayonne, N. J., Tatamy, Lancaster, and Lebanon, and York, Pa., and Altavista, Va.

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Schedules filed containing proposed rates: C. R. Goldrich, Agent, I. C. C. No. 611, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8747; Filed, Nov. 4, 1954; 8:52 a. m.]

[4th Sec. Application 29862]

MERCHANDISE IN MIXED CARLOADS FROM INDIANAPOLIS, IND. TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Indianapolis, Ind.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 789, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8748; Filed, Nov. 4, 1954; 8:52 a. m.]

[4th Sec. Application 29863]

SALT CAKE FROM WEEKS, LA., TO PENSACOLA AND NORTH PENSACOLA, FLA.

APPLICATION FOR RELIEF

NOVEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt cake (crude sulphate of soda), in bulk, carloads.

From: Weeks, La.

To: Pensacola and North Pensacola, Fla.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4087, supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8749; Filed, Nov. 4, 1954; 8:52 a. m.]

[4th Sec. Application 29864]

SALT FROM TEXAS AND LOUISIANA TO WEST VIRGINIA, NEW HAMPSHIRE AND MAINE

APPLICATION FOR RELIEF

NOVEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may

for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

mission, in its discretion, may proceed to investigate and determine the matters

above-entitled and numbered application for relief from the long-and-short-

application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt, carloads.

From: Points in Texas and Louisiana.

To: Charles Town, W. Va., Portsmouth and Dover, N. H., and Portland, Maine.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional destinations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3668, supp. 65.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8750; Filed, Nov. 4, 1954; 8:52 a. m.]

[4th Sec. Application 29865]

GRAIN FROM MISSOURI AND LOUISIANA TO POINTS IN TEXAS

APPLICATION FOR RELIEF

NOVEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Kansas City Southern Railway stations between Kansas City, Mo., and Shreveport, La.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3941, supp. 93.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8751; Filed, Nov. 4, 1954; 8:52 a. m.]

[4th Sec. Application 29866]

SULPHURIC ACID FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO NASHVILLE, TENN.

APPLICATION FOR RELIEF

NOVEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Nashville, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1357, supp. 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8752; Filed, Nov. 4, 1954; 8:52 a. m.]

[4th Sec. Application 29867]

GRAIN FROM KANSAS TO NEBRASKA

APPLICATION FOR RELIEF

NOVEMBER 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for the Atchison, Topeka and Santa Fe Railway Company and Chicago, Burlington & Quincy Railroad Company.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Kansas.

To: Points in Nebraska.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, and to maintain grouping.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3992, supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8753; Filed, Nov. 4, 1954; 8:53 a. m.]

[Drouth Order 54, Amdt. 1]

TRANSPORTATION OF HAY TO CERTAIN STATES IN DISASTER AREA

REDUCED RATES

In the matter of relief under section 22 of the Interstate Commerce Act.

Upon consideration of a request by the Acting Secretary of Agriculture dated November 1, 1954, to include the States of Nevada and Utah in the disaster area:

It is ordered, That the order of September 28, 1954, be, and it is hereby, amended to include within its provisions the States of Nevada and Utah.

It is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.

Dated at Washington, D. C., this 2d day of November 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8762; Filed, Nov. 4, 1954; 8:54 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 217

Washington, Saturday, November 6, 1954

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

OVERTIME, NIGHT AND HOLIDAY INSPECTION AND QUARANTINE ACTIVITIES AT BORDER, COASTAL AND AIRPORTS

Section 354.1 of Part 354, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 354.1 *Overtime work at border ports, seaports, and airports.* Any person, firm, or corporation having ownership, custody or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, and who requires the services of an employee of the Plant Quarantine Branch on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Branch inspector in charge to furnish inspection, quarantine or certification service during such overtime period, and shall pay the Government therefor at the rate of $4.68 per man hour per employee as follows: Each such period of overtime duty shall include the time on duty which shall be considered to be at least two hours in duration. In addition, each such period of overtime duty shall include a commuted travel time period, not in excess of three hours. The amount of this period shall be prescribed in administrative instructions to be issued by the Chief of the Plant Quarantine Branch for the ports, stations, and areas in which the employees are located, and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty if such travel is performed solely on account of such overtime duty. It will be administratively determined from time to time which days constitute holidays.

The purpose of this amendment is to establish a uniform hourly rate of payment for all overtime services furnished in accordance with the act of August 28, 1950 (64 Stat. 561). Determination of the costs of such overtime inspection depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than thirty days after publication.

The foregoing amendment shall be effective November 7, 1954.

(64 Stat. 561; 5 U. S. C. 576)

Done at Washington, D. C., this 2d day of November 1954.

[SEAL] M. R. CLARKSON, *Acting Administrator, Agricultural Research Service.*

[F. R. Doc. 54-8791; Filed, Nov. 5, 1954; 8:51 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023 (Upland Cotton -55)-2]

PART 722—COTTON

MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF THE NATIONAL ACREAGE ALLOTMENT FOR 1955 CROP OF UPLAND COTTON TO STATES, COUNTIES, AND FARMS

GENERAL

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722.611 Basis and purpose.
722.612 Definitions.
722.613 Issuance of forms and instructions.
722.614 Extent of calculations and rule of fractions.

STATE AND COUNTY ACREAGE ALLOTMENTS

722.615 Apportionment of national acreage allotment among States.

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the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If

Filed by: W. J. Prueter, Agent, for the Atchison, Topeka and Santa Fe Railway Company and Chicago, Burlington & Quincy Railroad Company.

[F. R. Doc. 54-8762; Filed, Nov. 4, 1954; 8:54 a. m.]

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AUTHORITY: §§ 722.611 to 722.629 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 342-347, 361-363, 373, 374, 388, 52 Stat. 38, as amended, Pub. Law 290, 690, 83d Cong.; 7 U. S. C. 1301, 1342-1347, 1361-1368, 1373, 1374, 1388.

GENERAL

§ 722.611 *Basis and purpose.* (a) The regulations contained in §§ 722.611 to 722.629 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of State, county, and farm acreage allotments for the 1955 crop of upland cotton. The Secretary of Agriculture proclaimed a national marketing quota and a national acreage allotment for the 1955 crop of upland cotton on October 14, 1954 (19 F. R. 6669). The latest available statistics of the Federal Government have been or will be used in making the determinations required to be made in connection with §§ 722.611 to 722.629. Prior to preparing the regulations in §§ 722.611 to 722.629, public notice was given (19 F. R. 5919) in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations which were submitted in response to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that the State and county Agricultural Stabilization and Conservation Committees may establish farm acreage allotments as early as possible prior to the cotton referendum, which shall be held on December 14, 1954, it is essential that the regulations in §§ 722.611 to 722.629 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 722.612 *Definitions.* As used in §§ 722.611 to 722.629 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committees":

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(2) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(3) "State committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation Committee.

(4) "Review committee" means the review committee appointed by the Secretary pursuant to section 363 of the act.

(f) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(g) "Owner" or "landlord" means a person who owns farm land and rents such land to another person or who operates such land.

(h) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(i) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Deputy Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(m) "Farm acreage allotment" means a cotton acreage allotment established for a farm under §§ 722.611 to 722.629. Farm acreage allotments are initially established on the basis of the data for farms as constituted for 1954; where there is a change in the land in a farm for 1955, the farm acreage allotment will be redetermined in accordance with § 722.617 (g).

(n) "Upland cotton" (herein referred to as "cotton") means any cotton other than extra long staple cotton.

(o) "Extra long staple cotton" means the kinds of cotton described in section 347 (a) of the act and in the marketing quota regulations relating to apportionment of the national acreage allotment for the 1955 crop of extra long staple cotton to States, counties, and farms.

(p) "State and county code number" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(q) "Serial number of the farm" or "farm serial number" means the serial number assigned to a farm by the county committee for purposes of identification.

(r) "Old cotton farm" means a farm having an acreage planted to cotton in any one or more of the years 1952, 1953, and 1954.

(s) "New cotton farm" means a farm on which cotton is to be planted in 1955 but on which no acreage was planted to cotton in any of the years 1952, 1953, and 1954.

(t) "Normal yield" means the average yield per acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee in accordance with instructions issued by the Deputy Administrator, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. The normal yield for a new cotton farm shall be that yield per acre which the county committee determines is normal for the farm as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton.

(u) "Normal production" of any number of acres means the normal yield per acre of lint cotton for the farm multiplied by such number of acres.

(v) "Actual production" of cotton on the farm means the total number of pounds of lint cotton determined to have been produced on the farm in 1955.

(w) "Actual yield" per acre means the number of pounds of lint cotton determined by dividing the actual production of cotton on the farm by the acreage planted to cotton on the farm in 1955.

(x) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or share cropper, is en-

the 1955 crop of cotton, less the State

apportionment of national acreage allotment for 1955 crop to States, counties, and farms ---------- 7213

Corp ---------- 7213

Treasury Department

See Coast Guard; Customs Bureau.

373, 374, 388, 52 Stat. 38, as amended; Public Law 290, 690, 83d Cong.; 7 U. S. C. 1301, 1342-1347, 1361-1368, 1373, 1374, 1388.

Agricultural Stabilization and Conserva-

major portion of the farm is located.

standing-rent tenant, fixed-rent tenant, share tenant, or share cropper, is en-

titled to all or a share of the 1955 crop of cotton or of the proceeds thereof.

(y) "Acreage planted to cotton":

(1) *State.* The acreages of cotton to be used in establishing State acreage allotments are as follows:

(i) *For 1948, 1951 and 1952.* The official planted acreage of cotton (acreage in cultivation on July 1 of each year plus the estimated acreage planted but abandoned prior to July 1), as determined by the Agricultural Marketing Service (formerly the Bureau of Agricultural Economics) of the United States Department of Agriculture.

(ii) *For 1950.* The measured acreages of cotton for all farms in the State, as determined for purposes of the 1950 cotton marketing quota program, and adjusted according to the provisions of subsections (f) (4) and (5), (g) (3), and (i) of section 344 of the act.

(iii) *For 1953.* The measured acreages of cotton for all farms in the State, as determined in accordance with official instructions.

(2) *County.* The acreages of cotton to be used in establishing county acreage allotments are as follows:

(i) *For 1948.* The official acreage of cotton in cultivation on July 1, 1948, as determined by the Agricultural Marketing Service (formerly the Bureau of Agricultural Economics) of the United States Department of Agriculture.

(ii) *For 1950.* The measured acreages of cotton for all farms in the county, as determined for purposes of the 1950 cotton marketing quota program, and adjusted according to the provisions of subsections (f) (4) and (5), (g) (3), and (i) of section 344 of the act.

(iii) *For 1951 and 1952.* The official planted acreage of cotton (acreage in cultivation on July 1 of each year plus the estimated acreage planted but abandoned prior to July 1), as determined by the Agricultural Marketing Service (formerly the Bureau of Agricultural Economics) of the United States Department of Agriculture.

(iv) *For 1953.* The measured acreage of cotton for all farms in the county, as determined in accordance with official instructions.

(3) *Farm.* For purposes of establishing farm acreage allotments for the 1955 crop of cotton, the acreage planted to cotton on a farm means the acreage of land planted to cotton for the years 1952, 1953, and 1954, which shall be determined as follows:

(i) *For 1952.* The acreage of cotton measured or reported to the county committee for the farm, with such adjustment in the reported acreage as is necessary under official instructions. The sum of the reported acreages, as adjusted by the county committee, and the measured acreages shall conform with the official planted acreages of the Agricultural Marketing Service (formerly the Bureau of Agricultural Economics), United States Department of Agriculture, to the extent required under official instructions.

(ii) *For 1953.* The acreage of cotton measured in accordance with official instructions.

(iii) *For 1954.* The acreage of cotton measured for purposes of the 1954 cotton marketing quota program, and adjusted, as provided in subsections (g) (3), (i), and (m) (2) of section 344 of the act, in accordance with official instructions.

(4) *Exclusion of acreages planted to extra long staple cotton.* Acreage devoted to the production of American-Egyptian, Sea Island, and Sealand cotton during the period of years 1948 to 1954, inclusive, shall not be included in the acreage planted to cotton, as determined under subparagraphs (1), (2), and (3) of this paragraph for the purposes of determining acreage allotments for the 1955 crop of cotton.

(z) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of cotton, which conditions must have been of sufficient duration and intensity to prevent the seeding of land to cotton and must have continued until the end of the planting season for the area. In apportioning the national acreage allotment to States in accordance with § 722.615, adjustments for abnormal weather conditions are made in the acreages planted to cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. In apportioning the State acreage allotment among counties in accordance with § 722.616 (b), adjustments for abnormal weather conditions are made in the acreages planted to cotton in counties on the basis of recommendations of the State committee. Any such adjustment in the acreage planted to cotton in a State or county is the amount established by reference to available information and data as the net reduction of planted acreage in the State or county attributable solely to abnormal weather conditions. Such adjustments for abnormal weather conditions take into consideration failure to seed cotton because of abnormal weather conditions. Also, for the year 1948, abandonment of cotton prior to July 1, 1948, in excess of normal abandonment by that date because of abnormal weather conditions is taken into consideration in determining adjustments, if any, in the acreage planted to cotton in the State or county in that year.

(aa) "Cropland" means the land which in 1954 was tilled or was in regular rotation, as determined in accordance with instructions issued by the State committee, excluding any land which constitutes, or will constitute, if such tillage is continued, a wind erosion hazard to the community and also excluding bearing orchards and vineyards (except the acreage of cropland therein) and plowable non-crop open pasture.

§ 722.613 *Issuance of forms and instructions.* The Director shall, cause to be prepared such forms and instructions as are necessary for carrying out §§ 722.611 to 722.629. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§ 722.614 *Extent of calculations and rule of fractions.* The acreages planted to cotton on farms and farm acreage allotments shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of less than fifty-one thousandths of an acre shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0.

STATE AND COUNTY ACREAGE ALLOTMENTS

§ 722.615 *Apportionment of national acreage allotment among States.* The national acreage allotment proclaimed for the 1955 crop of cotton, less the acreage required pursuant to section 344 (k) of the act to provide any State an allotment not less than the smaller of 4,000 acres or the highest acreage planted to cotton in any of the years 1952, 1953, and 1954, is apportioned among the other States on the basis of the average acreage planted to cotton in each such State for the years 1948, 1950, 1951, 1952, and 1953, with adjustments in State cotton acreages for abnormal weather conditions. The acreage allotted to a State pursuant to the provisions of this section is referred to herein as the "State acreage allotment". The State acreage allotment for each State for the 1955 crop of cotton is as follows:

State:	*State acreage allotments*
Alabama	1,101,804
Arizona	333,933
Arkansas	1,529,704
California	778,686
Florida	36,283
Georgia	950,818
Illinois	[1] 3,056
Kansas	[1] 35
Kentucky	8,374
Louisiana	648,442
Mississippi	1,750,852
Missouri	399,627
Nevada	[1] 2,324
New Mexico	182,194
North Carolina	515,714
Oklahoma	872,532
South Carolina	773,945
Tennessee	593,868
Texas	7,612,779
Virginia	18,238
United States total	18,113,208

[1] Minimum State acreage allotments determined in accordance with section 344 (k) of the Agricultural Adjustment Act of 1938, as amended.

§ 722.616 *Apportionment of State acreage allotment among counties*—(a) *Establishment of State acreage reserve.* The State committee shall set aside a total State acreage reserve of 10 percent of the State acreage allotment (15 percent in the case of Oklahoma) unless, on the basis of the needs of the State as determined under paragraph (c) of this section, the State committee recommends a smaller acreage reserve and the Administrator of the Commodity Stabilization Service approves such recommendation.

(b) *Computed county acreage allotments.* The State acreage allotment for

the 1955 crop of cotton, less the State acreage reserve established pursuant to paragraph (a) of this section, is apportioned to counties (parishes in Louisiana) on the basis of the average acreage planted to cotton in each county in 1948, 1950, 1951, 1952, and 1953 (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. The acreage allotted to a county (or parish) pursuant to the provisions of this paragraph is herein referred to as the "computed county acreage allotment."

(c) *Use of State acreage reserve.* The State acreage reserve established under paragraph (a) of this section for the purposes set forth in subparagraphs (1) through (5) of this paragraph shall be used as provided in such subparagraphs and in accordance with instructions issued by the Deputy Administrator.

(1) *To adjust computed county acreage allotments for trends in the acreage of cotton.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for trends in the acreage planted to cotton in the counties during recent years (the period of years may include the year 1954 but shall not include the year 1949). The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of cotton.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to cotton in the county in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration the following factors: (i) Abnormal weather conditions, such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal; (ii) for 1948, the acreage seeded to cotton but abandoned prior to July 1, where abnormally high in relation to normal abandonment because of abnormal weather conditions during such period; (iii) conditions in counties in which a number of farms are being returned to cotton production or are increasing the acreage in cotton after having been out of production or having been on a reduced level of cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other wartime activities; (iv) abnormal reduction in planted cotton acreage because of an unusual movement of labor from farms in the area or county to war industries or into the armed forces and the return of such labor as compared with such movements in other counties; and (v) any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment under this subparagraph for abnormal weather conditions the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in acreage allotments for small farms.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established as provided for in subparagraphs (1) and (2) of § 722.617 (e) to adjust indicated farm acreage allotments for old cotton farms established at 15 acres or less under paragraph (c) or (d) of § 722.617. The State committee shall determine the acreage, if any, to be made available to a county for the purposes of this subparagraph and such acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1955 acreage allotments for new cotton farms.* Where the State committee determines that the needs for acreage to establish acreage allotments for new cotton farms are generally uniform in counties throughout the State, the State committee shall determine whether all the acreage required to establish acreage allotments for new cotton farms shall be provided from the State acreage reserve or the county acreage reserve, or from both such reserves. In determining the source of acreage for new cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.617 (e) (3). In States where new areas will be brought into cotton production in 1955 or where it is determined by the State committee that the entire county acreage reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.617 (e), the State committee shall consider establishing an acreage from the State acreage reserve to supplement the acreage set aside by the county committee, if any, from the county acreage reserve for establishing acreage allotments for new cotton farms. In determining the estimated acreage to be set aside for establishing fair and reasonable acreage allotments for new cotton farms on the basis of the factors set forth in § 722.617 (e) (3), the State committee shall take into consideration the experience of State and county committees in establishing acreage allotments for new cotton farms under previous marketing quota programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established, as provided for in § 722.617 (e) (4), for making adjustments in farm acreage allotments to correct inequities and to prevent hardship.

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested cotton producer: (1) The amount of the State acreage reserve; (2) the formula, if any, and data developed and used under subparagraphs (1) and (2) of paragraph (c) of this section; and (3) the total acreage set aside from the State acreage reserve for the purposes set forth in subparagraphs (3), (4), and (5) of paragraph (c) of this section.

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section, and (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section. This paragraph will be amended at a later date to include the county acreage allotment established for each county.

(f) *Administrative areas.* If, in accordance with instructions issued by the Deputy Administrator, the county committee with the approval of the State committee, or if the State committee, determines with respect to a county in which farm acreage allotments are to be established under § 722.617 (c) that, because of different conditions pertaining to the production of cotton in separate areas of the county, including differences in types, kinds, and productivity of the soil, different areas of the county should be treated separately in order to prevent discrimination, each such area shall be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in determining the acreage allotment for the area and in establishing farm acreage allotments.

(g) *Apportionment of excess released acreage to counties.* The acreage allotment surrendered to the State committee pursuant to § 722.617 (i) shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings, or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

§ 722.617 *Apportionment of county acreage allotment*—(a) *Determination of method to be used in apportioning county acreage allotment among farms.* Section 344 (f) (2) of the act provides that the county acreage allotment, less the county acreage reserve and the acreage required to establish minimum farm allotments under section 344 (f) (1) of the act, shall be allotted to farms by multiplying the adjusted cropland for each old cotton farm by a uniform county (or administrative area) cropland factor (this method of establishing allotments will be referred to herein as the "cropland basis"). Section 344 (f) (6) of the act provides that if the county

(iii) *For 1954.* The acreage of cotton measured for purposes of the 1954 cot-

forms and instructions shall be furnished free to persons needing them

(b) *Computed county acreage ments.* The State acreage allotment for

with such movements in other counties;

reserve to supplement that part of the county acreage reserve established, as

the "cropland basis"). Section 344 (f) (6) of the act provides that if the county

committee so recommends and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county than would be the case if the cropland basis were used, the county acreage allotment, less the county acreage reserve, shall be apportioned to old cotton farms on the basis of the acreage planted to cotton on the farm during the preceding three years, adjusted as may be necessary for abnormal conditions affecting plantings (this method will be referred to herein as the "historical basis"). The county committee shall study these two methods of apportioning the county acreage allotment among farms and determine which method should be used in order to establish equitable allotments for farms in the county. If the county committee determines that farm allotments should be determined on the historical basis, its recommendation to that effect should be forwarded to the State committee for transmittal to the Deputy Administrator. When § 722.616 (e) is amended to include the county acreage allotment established for each county, the Secretary will designate the counties which have been approved by the Deputy Administrator for establishing farm allotments on the historical basis.

(b) *Determination of county acreage reserve.* The county committee shall establish a county acreage reserve of not in excess of 15 percent of the county acreage allotment which shall be used to adjust indicated farm acreage allotments for old cotton farms determined under paragraph (c) or (d) of this section and to establish acreage allotments for new cotton farms under paragraph (e) (3) of this section. The county acreage reserve shall be not less than 13 percent of the county acreage allotment for a county in which farm allotments are determined on the cropland basis and shall be not less than 10 percent of the county acreage allotment for a county in which farm allotments are determined on the historical basis, unless the county committee recommends a smaller acreage reserve and the State committee gives its approval in accordance with instructions issued by the Deputy Administrator. Any approval of a smaller acreage reserve shall be based upon a showing that such acreage is adequate, on the basis of the factors set forth in paragraph (c) of this section, to make necessary adjustments in indicated allotments for old cotton farms and to establish allotments for new cotton farms. The county acreage reserve approved by the State committee shall be not less than 8 percent for a county in which farm allotments are determined on the cropland basis and not less than 5 percent for a county in which farm allotments are determined on the historical basis, except that the Deputy Administrator may approve a smaller reserve for a county if he finds that the applicable minimum reserve of 8 percent or 5 percent would provide more acreage for adjustments and establishing new farm allotments than is needed in the county.

(c) *Indicated acreage allotments for old cotton farms in counties where farm allotments are determined on the cropland basis.* If farm acreage allotments are to be determined in the county on the cropland basis, the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, shall be used to determine indicated allotments for old cotton farms as follows:

(1) *Indicated minimum acreage allotments for old cotton farms with highest cotton acreage less than 5 acres.* The indicated minimum acreage allotment for each old cotton farm on which the highest acreage planted to cotton in any of the years 1952, 1953, and 1954 was less than 5 acres, shall be equal to such highest acreage.

(2) *Pro rata reduction of indicated acreage allotments for old cotton farms.* If the sum of (i) the indicated acreage allotments determined under subparagraph (1) of this paragraph and (ii) the acreage determined by multiplying the number of old cotton farms with 5 acres or more planted to cotton in any of the years 1952, 1953, and 1954 by 5, exceeds the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section), an indicated acreage allotment of 5 acres shall be established for each old cotton farm having 5 acres or more planted to cotton in any of the years 1952, 1953, and 1954. Where indicated acreage allotments of 5 acres are established under this subparagraph, each indicated acreage allotment determined under this subparagraph and under subparagraph (1) of this paragraph for each old cotton farm shall be reduced pro rata so that the sum of the indicated acreage allotments for all old cotton farms shall not exceed the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section).

(3) *Indicated acreage allotments for old cotton farms with highest cotton acreage of 5 acres or more in counties where subparagraph (2) of this paragraph is not applicable*—(i) *Determination of adjusted cropland.* If subparagraph (2) of this paragraph is not applicable in the county, the county committee shall, in accordance with instructions issued by the Deputy Administrator, determine an adjusted cropland acreage for each old cotton farm on which the highest acreage planted to cotton in any of the years 1952, 1953, and 1954 was 5 acres or more, by deducting from the cropland on the farm the sum of the following acreages:

(*a*) The 1954 acreage of sugarcane for sugar or for syrup and sugar beets for sugar;

(*b*) The 1954 acreage of tobacco for market (or the 1954 farm acreage allotment, if any, for the applicable type of tobacco if the 1954 acreage has not been determined);

(*c*) The 1954 acreage of peanuts picked and threshed, as adjusted by the county committee for abnormal conditions affecting such acreage;

(*d*) The 1954 wheat acreage for market (including the acreage of wheat for feeding to livestock for market). In States in the commercial wheat-producing area for 1955, if the 1954 wheat acreage on the farm was reduced substantially below the 1954 farm wheat acreage allotment because of adverse weather conditions, the acreage to be deducted shall be the 1955 wheat allotment for the farm (less the acreage determined by the county committee to be used on the farm for home use other than for feeding to livestock for market). In the counties designated in (*f*) of this subparagraph, the deduction for wheat acreage shall be limited to the acreage by which the deduction which otherwise would be made under this subdivision exceeds the acreage deducted under subdivision (*f*) of this subparagraph;

(*e*) The acreage planted to rice in 1954 for market (including the acreage of rice for feeding to livestock for market), plus the acreage of other rice land on the farm for which water is available and which is not used for the production of cotton under the rotation system for the farm; and

(*f*) In Cochise, Gila, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, Yavapai and Yuma Counties, Arizona; and in Butte, Fresno, Glenn, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Merced, Riverside, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Stanislaus, Tehama, Tulare and Yuba Counties, California; and in Clark and Nye Counties, Nevada; and in Bernalillo, Chaves, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Hidalgo, Luna, Otero, Sierra, Socorro and Valencia Counties, New Mexico; and in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, the acreage of cropland in excess of that acreage for which irrigation water is normally available and adequate from available and adequate from available facilities for the production of irrigated crops during the cotton-producing season (seeding to maturity).

(ii) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing (*a*) the remainder of the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section) after indicated allotments have been made under subparagraph (1) of this paragraph, by (*b*) the total of the adjusted cropland acreages determined for old cotton farms in the county under subdivision (i) of this subparagraph. Second and additional county cropland factors shall be determined, if necessary, by dividing (*1*) the available county acreage allotment remaining after maximum and minimum indicated farm acreage allotments, as defined in subdivision (iii) of this subparagraph, have been determined for such old cotton farms by (2) the total of the adjusted cropland acreages determined for old cotton farms in the county under subdivision (i) of this subparagraph, which under the preceding factor were not affected by either the maximum or the minimum allotment provisions. The last county (or administrative area) cropland factor computed and applied shall be referred to herein as the "final county cropland factor".

(iii) *Indicated farm acreage allotment.* An indicated acreage allotment

shall be computed for each old cotton farm under this subparagraph by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that (*a*) the maximum indicated acreage allotment for any such farm shall not exceed the highest acreage planted to cotton on the farm in any of the years 1952, 1953, and 1954 and (*b*) the minimum indicated acreage allotment for any such farm shall not be less than 5 acres.

(d) *Indicated acreage allotments for old cotton farms in counties where farm acreage allotments are determined on the historical basis pursuant to section 344 (f) (6) of the act.* In counties where the county committee recommends that the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, be apportioned among farms for the year 1955 on the historical basis and the Deputy Administrator approves such recommendation, indicated allotments for old cotton farms shall be determined in accordance with subparagraph (1) or (2) of this paragraph. For the purposes of this paragraph, the term "allotment base" means the average of the acreages planted to cotton on the farm during each of the three years 1952, 1953, and 1954 (sum of the acreages divided by three), with such adjustment in the acreage for any year as may be necessary for abnormal conditions affecting plantings.

(1) *Indicated allotments for old cotton farms in counties where minimum farm allotments are not established.* If the county committee determines, pursuant to section 344 (f) (6) of the act, that minimum farm allotments shall not be determined in accordance with section 344 (f) (1) of the act, an indicated acreage allotment for each old cotton farm in the county shall be determined by multiplying the allotment base for the farm by a factor determined by dividing the total of all such allotment bases into the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section): *Provided*, That, if the county committee so elects, any such indicated farm acreage allotment shall not exceed an acreage equal to 50 percent of the cropland on the farm, and any part of the county acreage allotment not apportioned by reason of the application of such 50 percent limitation shall be added to the county acreage reserve established under paragraph (b) of this section and shall be available for the purposes specified in paragraph (e) of this section.

(2) *Indicated allotments for old cotton farms in counties where minimum farm allotments are established.* If the county committee determines, pursuant to section 344 (f) (6) of the act, that minimum farm allotments shall be determined in accordance with section 344 (f) (1) of the act, indicated farm acreage allotments shall be determined as provided in subdivisions (i), (ii), and (iii) of this subparagraph, but subject to the provisions of subdivision (iv) of this subparagraph if the county committee so elects.

(i) *Indicated minimum acreage allotments for old cotton farms with highest acreage planted to cotton less than five acres.* The indicated minimum acreage allotment for each old cotton farm on which the highest acreage planted to cotton in any of the years 1952, 1953, and 1954 was less than five acres, shall be equal to such highest acreage.

(ii) *Pro rata reduction of indicated acreage allotments for old cotton farms.* If the sum of (*a*) the indicated acreage allotments determined under subdivision (i) of this subparagraph and (*b*) the acreage determined by multiplying the number of old cotton farms with five acres or more planted to cotton in any of the years 1952, 1953, and 1954 by 5, exceeds the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section), an indicated acreage allotment of five acres shall be established for each old cotton farm having five acres or more planted to cotton in any of the years 1952, 1953, and 1954. Where indicated acreage allotments of five acres are established under this subdivision, each indicated acreage allotment determined under this subdivision and under subdivision (i) of this subparagraph for each old cotton farm shall be reduced pro rata so that the sum of the indicated acreage allotments for all old cotton farms shall not exceed the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section).

(iii) *Indicated acreage allotments for old cotton farms with highest acreage planted to cotton of five acres or more.* In counties where subdivision (ii) of this subparagraph is not applicable, the indicated acreage allotments for old cotton farms with five acres or more planted to cotton in any of the years 1952, 1953, and 1954, shall be determined by multiplying the allotment base for the farm by a factor determined by dividing the total of the allotment bases for all such farms into the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section and the sum of the indicated acreage allotments determined under subdivision (i) of this subparagraph: *Provided*, That, if the indicated acreage allotment thus determined for any farm is less than five acres, it shall be five acres. Second and additional factors shall be determined, if necessary, by dividing (*a*) the available county acreage allotment after minimum indicated farm acreage allotments have been determined for such old farms by (*b*) the sum of the allotment bases for farms which under the preceding factor were not affected by the minimum allotment provision. The last county history factor computed and applied shall be referred to herein as the "final county history factor".

(iv) *Limitation of farm acreage allotments to 50 percent of cropland.* If the county committee so elects, the indicated farm acreage allotment determined for each farm in accordance with subdivisions (i), (ii), and (iii) of this subparagraph shall not exceed an acreage equal to 50 percent of the cropland on the farm, and any part of the county acreage allotment not apportioned by reason of the application of such 50 percent limitation shall be added to the county acreage reserve established under paragraph (b) of this section and shall be available for the purposes specified in paragraph (e) of this section.

(e) *Use of county acreage reserve.* The county acreage reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm acreage allotments of 5 to 15 acres.* Not less than 20 percent of the county acreage reserve shall, to the extent required, be used by the county committee to adjust indicated farm acreage allotments of 5 to 15 acres, inclusive, determined under paragraph (c) or (d) of this section. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to cotton in 1952, 1953, and 1954; the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted to cotton on the farm in 1955 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause cotton to be planted on land unsuited for the production of cotton.

(2) *Adjustments in indicated acreage allotments for other farms.* The remainder of the acreage in the county acreage reserve, after meeting or determining the requirements under subparagraphs (1), (3) and (4) of this paragraph, shall be used by the county committee to adjust indicated farm acreage allotments which are less than 5 acres or more than 15 acres. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of cotton; crop-rotation practices, the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. The acreages planted to cotton on a farm in 1952, 1953, and 1954 shall be considered in determining the land, labor, and equipment available for the production of cotton and in connection with the crop-rotation practices followed on the farm. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage of cotton which could be planted on the farm in 1955 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause cotton

to be planted on land unsuited for the production of cotton.

(3) *Acreage allotments for new cotton farms*—(i) *Determination of acreage needed for establishing acreage allotments for new cotton farms.* The county committee, with the assistance of the community committees, shall estimate from county office records and other available sources of information the number of new cotton farms in the county. In counties where farm allotments are established on the cropland basis, an estimate shall be made of the adjusted cropland acreage for new cotton farms; and in counties where farm allotments are established on the historical basis, an estimate shall be made of the cropland on new cotton farms. Such estimates shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing acreage allotments for new cotton farms. In determining the acreage from the county acreage reserve which is to be used for establishing acreage allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State acreage reserve pursuant to subparagraph (4) of § 722.616 (c) for establishing acreage allotments for new cotton farms. The total acreage reserved for establishing allotments for new cotton farms in the county, including any acreage allotted to the county for new cotton farms from the State acreage reserve, shall not exceed 75 percent of the total of the farm acreage allotments which the county committee estimates will be determined for the same number of old cotton farms in the county which are similar except for the acreages planted to cotton during the years 1952, 1953, and 1954.

(ii) *Eligibility of a new cotton farm for a cotton acreage allotment.* A cotton acreage allotment for a new cotton farm may be established by the county committee in accordance with instructions issued by the Deputy Administrator if each of the following conditions is met:

(*a*) An application for a cotton acreage allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than February 15, 1955.

(*b*) The farm operator is largely dependent on income from the farm for his livelihood.

(*c*) The farm is the only farm in the county which is owned or operated by the farm operator or farm owner for which a cotton acreage allotment is established for 1955.

(iii) *Establishment of acreage allotments for new cotton farms.* If the applicant's farm is eligible for a cotton acreage allotment, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton. The acreage allotment so determined for any such farm shall not exceed the smallest of (*a*) the acreage allotment established for old cotton farms in the county which are similar with respect to the foregoing factors, (*b*) the acreage allotment requested by the applicant, and (*c*) the indicated allotments established pursuant to paragraph (c) or (d) of this section for old cotton farms in the county which are similar except for the acreages planted to cotton during the years 1952, 1953, and 1954. The sum of the acreage allotments determined by the county committee for new cotton farms shall not exceed the acreage reserves available for such farms under this subparagraph. The acreage allotments for new cotton farms shall be subject to review and approval by the State committee, as provided in § 722.628.

(4) *Adjustments in farm acreage allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State acreage reserve to correct inequities in farm allotments and to prevent hardship. Such reserve shall be used by the county committee where it determines that the farm acreage allotment established under other provisions of this section is inequitable or that such allotment would work undue hardship on the producers on the farm. Such reserve may also be used for establishing and adjusting farm acreage allotments as provided in paragraph (g) of this section.

(f) *Use of acreage allocated to county from State acreage reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State acreage reserve for small farms shall be used by the county committee to adjust indicated farm acreage allotments of 15 acres and less for old cotton farms on the basis of the factors set forth in paragraph (e) (1) and (2) of this section for adjusting small farm allotments.

(g) *Allotments for late and reconstituted farms and correction of errors.* The acreage reserve provided for in paragraph (e) (4) of this section shall be used by the county committee for the purposes specified therein and also for establishing allotments for old cotton farms for which allotments were not established at the time allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to cotton on the farm in 1952, 1953, and 1954, for correcting errors in farm acreage allotments, and for use in establishing acreage allotments for farms which are divided or combined for 1955. Where reconstitutions of farms are made for 1955 after farm acreage allotments for 1955 are established prior to the referendum, the cotton acreage histories and the acreage allotments for all such reconstituted farms shall be established as follows:

(1) If land which was constituted as a single farm in 1954 is divided into two or more tracts for 1955 (i) the acreages of cotton on the farm in 1952, 1953, and 1954 (as shown in Col. (2), Cotton Table 2 of the county committee's farm cotton acreage record), shall be divided among the tracts in proportion to the acreage of cropland on each tract except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland on each tract in apportioning the cotton acreage history among the tracts: *Provided*, That, if two or more tracts of land were combined for 1953 or for 1954 to form the single farm and the single farm will be divided for 1955 into the same tracts of land, the cotton acreage history for each such tract for any year in the farm base period prior to the combination will be restored to such tract, (ii) in counties where farm allotments are determined on the cropland basis the 1955 farm acreage allotment established for the single farm shall be apportioned among the tracts on the basis of the cropland used or which would be used for each such tract in apportioning the 1954 cotton acreage among the tracts pursuant to subdivision (i) of this subparagraph, (iii) in counties where farm allotments are determined on the historical basis the 1955 farm acreage allotment established for the single farm shall be apportioned among the tracks in proportion to the allotment bases determined for such tracts, and (iv) the sum of the 1955 allotments established for the several tracts shall not exceed the 1955 acreage allotment initially established for the single farm, except that the allotment determined under the foregoing provisions of this subparagraph for any farm consisting of such a tract or of which such a tract becomes a part shall be increased to the extent required by the minimum farm allotment provisions if applicable in the county, and may be (*a*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship, and (*b*) increased with released acreage available to the county committee.

(2) If two or more tracts of land are combined and operated as a single farm in 1955 the allotment established for such single farm shall be the sum of the allotments established for such tracts, except that (i) the allotment for the single farm shall be increased to the extent required by the minimum allotment provisions if applicable in the county, and (ii) the allotment for such single farm shall not exceed the maximum farm allotment if such allotment limitation is in effect in the county: *Provided*, That the allotment determined for such single farm under the foregoing provisions of this subparagraph may be (*a*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship and (*b*) increased with released acreage available to the county committee.

(h) *Availability of reserves for inspection by interested cotton producers.* The allocations to the county from the State acreage reserve and the total amount and the distribution of the county acreage reserve shall be available in the office of the county committee for examination by any interested producer.

(i) *Release and reapportionment of cotton acreage allotments.* Any part of any 1955 farm acreage allotment which will not be used in 1955 and which is voluntarily released to the county committee by the applicable closing date shall be deducted from the farm acreage allotment and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm acreage allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of cotton, land, labor, and equipment available for the production of cotton, crop-rotation practices, and soil and other physical facilities affecting the production of cotton. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm acreage allotments shall be the date on which the planting of cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which cotton can normally be planted on farms in the State or area with reasonable expectation of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.616 (g). Any farm acreage allotment released for 1955 only shall, in determining future farm cotton acreage allotments, be regarded as having been planted on the farm releasing such allotment if cotton was planted on such farm in at least one of the years in the three-year farm base period, except that acreage released by the owner or operator of a new cotton farm will not be regarded as planted on such farm unless a part of such allotment is retained and cotton is planted on the farm in 1955. Any part of any farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm cotton acreage allotments, the planting in 1955 of reapportioned acreage allotment shall not be considered. For the purpose of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted. Notwithstanding the foregoing provisions of this paragraph, the county committee shall not accept a release of a farm acreage allotment permanently or for 1955 only if (1) such release is opposed by a person whom the county committee determines will subsequently have an interest in the farm as owner or operator, or (2) the county committee determines that the farm is being acquired for governmental or other public purposes.

(j) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under paragraph (g) of § 722.616 may be used for establishing and adjusting farm acreage allotments for new farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (e) and (f) of this section.

§ 722.618 *Allotments for special farms*—(a) *Allotments for farms returned to agricultural production.* The owner or operator of any cotton farm in an area acquired in 1940 or thereafter for non-farming purposes by the United States or by any State or agency thereof which has been returned to agricultural production and which is not eligible under §§ 722.611 to 722.629 for an acreage allotment as an old cotton farm, may apply to the county committee for a cotton acreage allotment for such farm. Any such application shall be in writing and shall be filed within three years after the date of acquisition of such farm by the applicant but not later than the closing date established by the State committee, which shall not be later than March 1, 1955. No such owner or operator shall be eligible for an acreage allotment under this paragraph unless it is established to the satisfaction of the county committee that such person was the owner or operator of a cotton farm at the time it was acquired by the United States or any State or agency thereof. The acreage allotment established for any such farm shall compare with the acreage allotments established for other farms in the same area which are similar, taking into consideration the acreage allotment, if any, last established for such farm; the land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton.

(b) *Allotments for other farms owned or operated by persons from whom cotton farms were acquired.* The county committee shall establish an acreage allotment or consider an adjustment in the acreage allotment determined under § 722.617, for any farm within the State owned or operated by a person from whom a cotton farm was acquired in the State in 1940 or thereafter for governmental or other public purposes, provided application therefor is filed within three years after acquisition of such farm by the applicant. The acreage allotment established for any such farm shall compare with the acreage allotments established for other farms in the same area which are similar, taking into consideration the acreage allotment, if any, of the farm so acquired from the owner or operator; the land, labor, and equipment available for the production of cotton, crop-rotation practices; and the soil and other physical facilities affecting the production of cotton: *Provided*, That no person shall be entitled to receive an acreage allotment under both this paragraph and paragraph (a) of this section, and no person who, since his farm was acquired for governmental or other public purposes, has acquired an old cotton farm that for 1955 will have a representative cotton acreage allotment shall be entitled to receive an allotment under this paragraph.

(c) *Cotton farm.* For the purposes of paragraphs (a) and (b) of this section, "cotton farm" means any farm on which there was an acreage planted to cotton (or regarded as planted to cotton under Public Law 12, 79th Congress and section 344 (1) of the act) during any of the three years immediately preceding the year in which the farm was acquired by the United States, or any State or any agency thereof, or for any public purpose.

(d) *Acreage allotted in addition to county and State acreage allotments.* Except to the extent that the production of any farm for which an acreage allotment is established under paragraphs (a) and (b) of this section has contributed to the county and State acreage allotments, the additional acreage allotted under paragraphs (a) and (b) of this section shall be in addition to the acreage allotments otherwise established for the county and State under the applicable provisions of §§ 722.611 to 722.629 and the production of the additional acreage so allotted shall be in addition to the national marketing quota.

(e) *Reallocation of allotments for flooded farms.* In any county in which a major flood control reservoir constructed by the United States Government is located wholly or in part, farm acreage allotments, established pursuant to the provisions of § 722.617 for the production of cotton on the lands within such reservoir, which lands, because of permanent or perennial flooding occasioned by the construction of such reservoir, shall be unfit for further cotton production, may be reallocated, within the discretion of the county committee, to other farms within the county as will in the opinion of the committee best serve the public interest.

LONG STAPLE COTTON

§ 722.619 *Extra long staple cotton*—(a) *If marketing quotas under section 347 of the act are in effect for the 1955 crop.* If marketing quotas for extra long staple cotton are in effect for the 1955 crop, the provisions of §§ 722.611 to 722.629 relating to upland cotton shall not apply to those types of extra long staple cotton which are subject to marketing quotas under the provisions of section 347 of the act.

(b) *If marketing quotas under section 347 of the act are not in effect for the 1955 crop.* If marketing quotas for extra long staple cotton are not in effect for the 1955 crop:

(1) All of the 1955 crop of American-Egyptian cotton which is produced from pure strain seed in Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz and Yuma Counties, Arizona; and Imperial and Riverside Counties, California; and Dona Ana, Eddy, Luna, Otero and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell and Ward Counties, Texas, shall be exempted from all provisions of §§ 722.611 to 722.629 with respect to marketing quotas for the 1955 crop of upland cotton, provided the American-Egyptian cotton is ginned on a roller-type gin or the Deputy Admin-

(a) the acreage allotment established for old cotton farms in the county which

acreage record), shall be divided among the tracts in proportion to the acreage

cotton acreage allotments. Any part of any 1955 farm acreage allotment which

the county under paragraph (g) of

ment shall be entitled to receive an allotment under this paragraph.

istrator authorizes such cotton to be ginned on another type gin for experimental purposes or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain American-Egyptian cotton seed is to be planted and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the American-Egyptian seed to be planted showing that such seed is of pure strain.

(2) All of the 1955 crop of Sea Island and Sealand cotton which is produced from pure strain seed in Alachua, Columbia, Hamilton, Jefferson, Lake, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union and Volusia Counties, Florida; and Atkinson, Berrien, Cook and Lanier Counties, Georgia; and all of the 1955 crop of Sea Island cotton which is produced from pure strain seed in Puerto Rico, shall be exempted from all provisions of §§ 722.611 to 722.629 with respect to marketing quotas for the 1955 crop of upland cotton, provided the Sea Island and Sealand cotton is ginned on a roller-type gin or the Deputy Administrator authorizes such cotton to be ginned on another type gin for experimental purposes or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain Sea Island cotton seed, or pure strain Sealand cotton seed, is to be planted and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the Sea Island seed and the Sealand seed to be planted showing that such seed is of pure strain.

(3) Any cotton produced from the 1955 crop which staples one and one-half inches or more in length and which is ginned on a roller-type gin, or the Deputy Administrator authorizes the cotton to be ginned on another type gin for experimental purposes or to prevent loss of the cotton due to frost or other adverse conditions, shall be exempted from the provisions of §§ 722.611 to 722.629 with respect to marketing quotas for the 1955 crop of upland cotton regardless of where the cotton is produced in the United States or the variety of cotton from which such cotton is produced.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.620 *Notice of farm acreage allotment and marketing quota.* Immediately after farm acreage allotments in a county or other local administrative area are established and approved by the State committee pursuant to § 722.628 (a), the county committee shall mail to the operator of each such farm a written notice of the farm acreage allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new cotton farm for which application for an allotment is made but for which it is determined that no farm acreage allotment and marketing quota will be established, a similar written notice showing "None" as the acreage allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper will be interested in the cotton produced on the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the cotton produced in 1955 on the farm for which the notice is given. Insofar as practicable, the notice for each old cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum on December 14, 1954, to determine whether cotton farmers favor or oppose marketing quotas for the 1955 crop.

§ 722.621 *Amount of the farm marketing quota.* The farm marketing quota for any farm for the 1955 crop of cotton shall be the actual production of lint cotton on the farm less the farm marketing excess.

§ 722.622 *Amount of the farm marketing excess*—(a) *Where the acreage planted to cotton is determined.* The farm marketing excess for the 1955 crop of cotton shall be the normal production of the acreage of cotton on the farm in excess of the farm acreage allotment. Where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm, in accordance with regulations to be issued under this part by the Secretary, that the actual production of cotton on the farm in 1955 is less than the normal production of the acreage planted to cotton on the farm in 1955, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm acreage allotment.

(b) *Where the acreage planted to cotton is not determined.* Whenever the determination of the acreage planted to cotton on the farm is prevented by the farm operator, the farm marketing excess shall be the total number of pounds of cotton produced in 1955 on the farm. In the event the farm operator or any other producer on the farm establishes, in accordance with regulations to be issued under this part by the Secretary, the total number of pounds of cotton produced in 1955 on the farm, the farm marketing excess shall be the number of pounds of cotton produced in 1955 on the farm in excess of the normal production of the farm acreage allotment.

§ 722.623 *Publication of farm acreage allotments and marketing quotas.* One copy of each notice of the farm acreage allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area.

§ 722.624 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a cotton crop, or in cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of cotton.

§ 722.625 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and, except as specifically provided for in §§ 722.611 to 722.629, may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.626 *Acreage planted to cotton*—(a) *Adjustment of acreage planted in excess of farm acreage allotment.* If the acreage determined to be planted to cotton on a farm in 1955 is in excess of the farm acreage allotment, the farm operator may, not later than a date established under instructions issued by the Deputy Administrator, adjust such planted acreage to the farm acreage allotment. The date established under such instructions shall afford farm operators a reasonable time for making such adjustments.

(b) *Underplanting the farm acreage allotment.* For any farm on which cotton is planted in 1955 and the acreage of cotton in 1955 is less than the 1955 farm acreage allotment by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to cotton on the farm in 1955, and the additional acreage added to the cotton acreage history for the farm shall be added to the cotton acreage history for the county and State. The Deputy Administrator shall issue such instructions as are necessary for making the calculations required under this paragraph, taking into consideration the provisions of § 722.617 (i).

(c) *No credit for overplanting the farm acreage allotment.* Any acreage planted to cotton in 1955 in excess of the farm acreage allotment for the 1955 crop of cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1956 and subsequent crops of cotton.

§ 722.627 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving cotton acreage allotments, all records pertaining to cotton acreage allotments and marketing quotas.

§ 722.628 *Approval of county committee determinations and redelegation of authority by the State committee*—(a) *Approval of county committee determinations.* The State committee shall review all acreage allotments and may revise or require revision of any determinations made under §§ 722.617 to 722.626. All acreage allotments for both old and new cotton farms shall be approved by the State committee, and no official notice of farm acreage allotment and marketing quota shall be mailed to a farm operator until such allotment has been approved by the State committee.

(b) *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 722.611 to 722.629 may be redelegated by the State committee.

REVIEW OF QUOTAS

§ 722.629 *Review of quotas*—(a) *Review committees.* Any producer who is dissatisfied with the farm acreage allotment or marketing quota established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm acreage allotment or marketing quota for such farm, may, by making application within 15 days after the mailing to him of the notice provided for in § 722.620, have such allotment, quota, or determination reviewed by a review committee composed of three farmers appointed by the Secretary. The review committee shall, upon proper application, review the action of the county committee. The review committee in determining any farm acreage allotment or marketing quota shall, to the same extent as the county committee, be limited to the establishment of a farm acreage allotment or marketing quota in an amount which, under the act and regulations, should have been established. Unless such application is made within 15 days, the original determination of the farm acreage allotment or marketing quota shall be final. All applications for review shall be made in accordance with the marketing quota review regulations issued by the Secretary, a copy of which may be obtained from the county committee.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 2d day of November 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-8774; Filed, Nov. 5, 1954; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 562]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.669 *Lemon Regulation 562*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 3, 1954 such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 7, 1954, and ending at 12:01 a. m., P. s. t., November 14, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 222 carloads;
(iii) District 3: 18 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 561 (19 F. R. 6990) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 4, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8828; Filed, Nov. 5, 1954; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

OVERTIME, NIGHT AND HOLIDAY INSPECTION AND QUARANTINE ACTIVITIES AT BORDER, COASTAL AND AIRPORTS

Pursuant to the authority conferred by the act of August 28, 1950 (64 Stat.

561; 5 U. S. C. 576), § 97.1, Chapter I, Subchapter D, Title 9 of the Code of Federal Regulations is hereby amended to read as follows:

§ 97.1 *Overtime work at border ports, seaports, and airports.* Any person, firm or corporation having ownership, custody or control of animals, animal by-products, or other commodities subject to inspection, certification, or quarantine under this subchapter and Subchapter F of this chapter, and who requires the services of an employee of the Animal Inspection and Quarantine Branch on a holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Branch Inspector in charge to furnish inspection, certification, or quarantine service during such overtime period and shall pay the Administrator of the Agricultural Research Service at the rate of $4.68 per man hour per employee as follows: Each such period of overtime duty shall include the time on duty which shall be considered to be at least 2 hours in duration. In addition, each such period of overtime duty shall include a commuted travel time period not in excess of 3 hours. The amount of this period shall be prescribed in administrative instructions to be issued by the Chief of the Animal Inspection and Quarantine Branch for the ports, stations, and areas in which the employees are located, and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime duty if such travel is performed solely on account of such overtime duty. It will be administratively determined from time to time which days constitute holidays.

Finding. The cost of furnishing overtime services in accordance with the act of August 28, 1950 (64 Stat. 561) must be covered by funds collected from persons for whom such work is performed. Section 203 of Public Law 763, 83d Congress, approved September 1, 1954, provides an increase in the rate of overtime compensation for Federal employees. It is imperative, therefore, that the Service adjust the billing rate to adequately reimburse it for the inspection costs. Determination of the costs of such overtime inspection service depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. It is found, therefore, that the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237), are impracticable and contrary to the public interest with respect to this regulation, and good cause is found for making this amendment effective less than 30 days after publication.

Effective date. The foregoing amendment shall be effective November 7, 1954.

(64 Stat. 561; 5 U. S. C. 576)

Done at Washington, D. C., this 2d day of November 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-8792; Filed, Nov. 5, 1954; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 13]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

INSTRUMENT APPROACH PROCEDURES AND IFR LANDING WEATHER MINIMUMS AT AIRPORTS SERVED BY BOTH ILS AND GCA

This supplement interprets the provisions of § 40.406 (c) permitting an instrument approach procedure to be executed under certain conditions when the weather is reported below minimums.

A new § 40.406–3 is added to read:

§ 40.406–3 *Instrument approach procedures and IFR landing weather minimums at airports served by both ILS and GCA (CAA interpretations which apply to § 40.406 (c)).* (a) The instrument approach must be conducted in accordance with the information provided the pilot from the primary aid. The landing minimums must be those prescribed in the operations specifications based on the operative components of the primary aid. The information provided the pilot from the secondary aid must be used for monitoring purposes. Either ILS or GCA (PAR) may be used as the primary approach aid. When GCA (PAR) is used as a secondary aid, specific authorization for use of such aid is not required, however, the procedures specified in the Radar Procedures for Air Traffic Control Towers for monitored approaches must apply.

(b) Both the elevation and azimuth (or localizer and glide slope) elements of the secondary aid must be operating.

(c) The ILS and PAR must be aligned with the same runway. Straight-in or circling approaches may be made provided that weather conditions equal to or higher than the prescribed minimums for the primary aid are found to exist by the pilot-in-command upon reaching the authorized minimum altitude associated with the type of approach (straight-in or circling) being conducted.

(d) The use of operational military radar (other than training units) as a secondary aid is permissible without individual authorizations.

(e) The phrase "ceiling or visibility" as used in § 40.406 (c) means that either or both elements of the weather report may be reported below minimums.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective November 15, 1954.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-8765; Filed, Nov. 5, 1954; 8:45 a. m.]

[Civil Air Regs. Amdt. 49-1]

PART 49—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

DEVIATION FROM LIMITATIONS FOR ATOMIC ENERGY COMMISSION SHIPMENTS OF RADIOACTIVE MATERIALS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of November 1954.

Currently effective Part 49 of the Civil Air Regulations provides for the transportation by air of certain articles commonly classified as explosives or dangerous articles. The program of the Atomic Energy Commission requires the use of civil aircraft to transport radioactive materials, the movement of which is subject to the requirements and limitations as set forth in this part. The Civil Air Regulations applicable to radioactive materials are identical in substance with the ICC Regulations.

Generally, the United States Atomic Energy Commission finds no difficulty in complying with the regulations of Part 49 for air shipments. In certain instances, however, because of the chemical nature of a particular material, the quantity needed to be transported which is required for laboratory or medical use exceeds the 2,000 millicurie limitation prescribed by Part 49. The useful life span of certain materials also becomes an important factor in that it is of such short duration that the fastest means of transportation is needed to provide sufficient time for the efficient use of such materials.

In order to facilitate the movement of these materials in surface transportation, a simplified system has been approved by ICC for rail express shipments which provides for the use of deviation authority directly by the Atomic Energy Commission with respect to the quantity of radioactive material that can be carried in one package. This system provides that the Atomic Energy Commission may utilize a special permit by virtue of which it can ship greater quantities of radioactive materials in a package in rail express transportation provided that, in addition to making notification and using approved containers, the outside radiation of the package does not exceed the present limit. This has replaced the procedure which required an individual authorization from ICC for each shipment. The Civil Air Regulations presently require that deviation authority for each individual shipment shall be obtained from the Administrator, and in some instances this procedure could cause delay in the transportation of materials where time is a most important factor. This amendment will, therefore, vest deviation authority in the Atomic Energy Commission similar to that granted by the ICC rules.

From a safety standpoint, since the surface radiation of the package containing the additional units must not exceed 10 milliroentgens in 24 hours, which is the normal rate prescribed by Part 49, there will be adequate provision for the safety of those handling the package and those who occupy positions of close proximity to the package. The packaging will be secure in strength and will be fire-resistant inasmuch as the lead shield required to control radiation is also required to be enclosed in a steel container so that it will not flow away in case of fire. A means must be provided for applying an outside seal so that the container cannot be opened without destroying the seal. Each such shipment must be accompanied by a permit issued by the Atomic Energy Commission.

The Atomic Energy Commission must certify that the package offered for shipment by air meets all the requirements prescribed by Part 49 except the maximum quantity limitations, in which case the quantity shall be stated on the permit unless the package is personally escorted by Atomic Energy Commission personnel. Notification prior to each shipment must be given by the Atomic Energy Commission to the Civil Aeronautics Administration in the form and manner prescribed by the Administrator.

In § 49.18 the present references to the ICC Regulations are no longer correct. They have accordingly been changed and the new numbers substituted.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 49 of the Civil Air Regulations, effective December 8, 1954:

1. By amending § 49.71 to read as follows:

§ 49.71 *Special authority.* In emergency situations or where other forms of transportation are impracticable:

(a) Deviations from any of the provisions of this part for a particular flight may be authorized by the Administrator where he finds that the conditions under which the articles are to be carried are such as to permit the safe carriage of persons and cargo.

(b) Deviations from the 2,000 millicurie quantity limitation prescribed for radioactive materials by § 49.18 may be taken by the Atomic Energy Commission for Atomic Energy Commission shipments, provided that such shipments are made in accordance with the requirements approved by the Interstate Commerce Commission for shipment by rail express and prior notification of each shipment is given by the Atomic Energy Commission in the form and manner prescribed by the Administrator.

2. By deleting from § 49.18 the reference "§§ 73.368 through 73.369" (14 F. R. 2787) [1] and inserting in lieu thereof "§§ 73.391 through 73.394".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 902, 52 Stat. 1007, 1015, as amended; 49 U. S. C. 551, 622)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-8789; Filed, Nov. 5, 1954; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 96]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, an effective date provisions of section 4, of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.18, the Pinecastle, Florida, area (D–165), published on July 16, 1949, in 14 F. R. 4289, is amended by changing the "Designated Altitudes" column to read: "Surface to unlimited."

2. In § 608.18, the Pinecastle, Florida, area (D–340), published on July 16, 1949, in 14 F. R. 4289, is amended by Changing the "Designated Altitudes" column to read: "Surface to unlimited."

3. In § 608.18, the Pensacola, Florida, area (D–152), published on July 16, 1949, in 14 F. R. 4289, is rescinded.

4. In § 608.18, the Pensacola, Florida, area (D–153), published on July 16, 1949 in 14 F. R. 4289, and amended on August 27, 1954 in 19 F. R. 5476, is further amended by changing the "Description by Geographical Coordinates" column to read: "North boundary: Florida-Alabama coastline; South boundary: A line 3 nautical miles south of and parallel to the Florida-Alabama coastline. East boundary: A line 4.3 nautical miles west of the south course of Pensacola L/F RR. West boundary: Longitude 88°01'30", and including the area within 1.7 nautical miles of the following points. (a) Latitude 30°16'48", longitude 87°32'10" (b) Latitude 30°17'47", longitude 87°27'28" (c) Latitude 30°18'54", longitude 87°21'26"."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 13, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8763; Filed, Nov. 5, 1954; 8:45 a. m.]

[1] Appears in 14 CFR 49.18 as "§§ 73.393 and 73.394".

[Amdt. 76]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

1. Section 610.15 *Green civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Big Spring, Tex. (LFR).	Colorado City (INT), Tex.	4,000
Colorado City (INT), Tex.	Abilene, Tex. (LFR).	3,600
Fort Worth, Tex. (LFR).	Bedford (INT), Tex..	1,900
Bedford (INT), Tex....	Farmers Branch (INT), Tex.	2,200
Farmers Branch (INT), Tex.	Greenville (INT), Tex.	1,900

2. Section 610.16 *Green civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Laredo, Tex. (LFR)....	Alice, Tex. (LFR) ...	1,900
Alice, Tex. (LFR).....	Corpus Christi, Tex. (LFR).	1,600

3. Section 610.104 *Amber civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Brownsville, Tex. (LFR).	Kingsville (INT), Tex.	1,300
Kingsville (INT), Tex.	Alice, Tex. (LFR) ...	1,400
San Antonio, Tex. (LFR).	Cibolo Creek (INT) Tex.	2,400
Cibolo Creek (INT), Tex.	Austin, Tex. (LFR)...	2,600

4. Section 610.107 *Amber civil airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Vero Beach, Fla. (LF/RBI).	Melbourne, Fla. (LFR).	1,300

5. Section 610.210 *Red civil airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Wichita Falls, Tex. (LFR).	Alvord (INT), Tex.	2,300
Alvord (INT), Tex.	Justin (INT), Tex.	2,100
Justin (INT), Tex.	Dallas, Tex. (LFR).	2,200

6. Section 610.215 *Red civil airway No. 15* is amended by adding:

From—	To—	Minimum altitude
Fallon, Nev. (LFR).	Desert Peak (INT), Nev.	10,000

7. Section 610.231 *Red civil airway No. 31* is amended to read in part:

From—	To—	Minimum altitude
Rapid City, S. Dak. (LFR).	Pierre, S. Dak. (LFR)	4,400

8. Section 610.247 *Red civil airway No. 47* is amended to read in part:

From—	To—	Minimum altitude
Tampa, Fla. (LFR).	Orlando, Fla. (LFR).	1,700

9. Section 610.268 *Red civil airway No. 68* is amended to read in part:

From—	To—	Minimum altitude
Hensley (INT), Tex.	Dallas, Tex. (LFR).	1,900

10. Section 610.296 *Red civil airway No. 96* is amended to read in part:

From—	To—	Minimum altitude
Arcola (INT), Tex.	Houston, Tex. (LFR).	1,400
Beaumont, Tex. (LFR).	Lake Charles, La. (LFR).	1,500

11. Section 610.602 *Blue civil airway No. 2* is amended by adding:

From—	To—	Minimum altitude
Int. SE crs. Craig AFB, Ala. (LFR) and N crs. Crestview, Fla. (LFR).	Greenville (INT), Ala.	1,500

12. Section 610.605 *Blue civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Dallas, Tex. (LFR).	Farmers Branch (INT), Tex.	1,800

13. Section 610.615 *Blue civil airway No. 15* is amended to read in part:

From—	To—	Minimum altitude
Akron, Ohio (ILS/LOM).	Alliance (INT), Ohio	2,500

14. Section 610.630 *Blue civil airway No. 30* is amended to read in part:

From—	To—	Minimum altitude
Kingsville (INT), Tex.	Corpus Christi, Tex. (LFR).	1,300
Corpus Christi, Tex. (LFR).	Clareville (INT), Tex.	1,400
Clareville (INT), Tex.	Losoya (INT), Tex.	1,700
Losoya (INT), Tex.	Kelly, Tex. (LFR).	2,000
Kelly, Tex. (LFR).	Medina (INT), Tex.	2,700
Medina (INT), Tex.	C. B. Ranch (INT), Tex.	3,500
C. B. Ranch (INT), Tex.	Big Springs, Tex. (LFR).	4,000

15. Section 610.638 *Blue civil airway No. 38* is amended to delete:

From—	To—	Minimum altitude
Banks (INT), Canada.	Annette Island, Alaska (LFR).	2,800
Annette Island,[1] Alaska (LFR).	Petersburg, Alaska (LFR).	7,100

[1] 5,000'—Minimum crossing altitude at Annette Island (LFR), northbound.

16. Section 610.644 *Blue civil airway No. 44* is amended to delete:

From—	To—	Minimum altitude
Advance, Mo. (LFR).	Paducah, Ky. (LF RBN).	1,700

17. Section 610.670 *Blue civil airway No. 70* is amended to read in part:

From—	To—	Minimum altitude
Ardmore, Okla (LF/RBN).	Okemah (INT), Okla.	2,700
Okemah (INT), Okla.	Tulsa, Okla. (LFR).	2,400

18. Section 610.679 *Blue civil airway No. 79* is amended by adding:

From—	To—	Minimum altitude
Banks (INT), Canada	Annette Island, Alaska (LFR).	2,800
Annette Island, Alaska (LFR).[1]	Petersburg, Alaska (LFR).	5,700

[1] 5,000'—Minimum crossing altitude at Annette Island (LFR), northwest-bound.

19. Section 610.1001 *Direct routes, United States* is amended by adding:

From—	To—	Minimum altitude
Culberson, Tex (VOR)	Gore (INT), Tex.	6,700
Carlsbad, N. Mex. (VOR).	Gore (INT), Tex.	6,600

20. Section 610.6002 *VOR civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Dickinson, N. Dak. (VOR), direct or N alter.	Bismarck, N. Dak. (VOR), direct or N alter.	4,000

21. Section 610.6003 *VOR civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Parkton (INT), Md.	West Chester, Pa. (VOR).	2,000
West Chester, Pa. (VOR).	Caldwell, N.J. (VOR)	2,000
Caldwell, N. J. (VOR).	Wilton, Conn. (VOR).	2,000

22. Section 610.6005 *VOR civil airway No. 5* is amended by adding:

From—	To—	Minimum altitude
Nashville, Tenn. (VOR).	Chattanooga, Tenn. (VOR).	4,000

23. Section 610.6008 *VOR civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR)	Mount Pleasant[1] (INT), Pa.	3,000
Mount Pleasant (INT), Pa.	Flint Stone (INT), Md.	4,000
Flint Stone (INT), Md	Martinsburg, W. Va. (VOR).	4,000

[1] 4,000'—Minimum crossing altitude at Mount Pleasant (INT), eastbound.

24. Section 610.6014 *VOR civil airway No. 14* is amended to read in part:

From—	To—	Minimum altitude
Tulsa, Okla. (VOR).	Chelsea[1] (INT), Okla.	2,200
Chelsea[1] (INT), Okla.	Neosho, Mo. (VOR).	2,200

[1] 3,000'—Minimum reception altitude.

25. Section 610.6016 *VOR civil airway No. 16* is amended to read in part:

From—	To—	Minimum altitude
Memphis, Tenn. (VOR).	Fisherville[1] (INT), Tenn.	2,000
Fisherville[1] (INT), Tenn.	Jackson, Tenn. (VOR)	2,000

[1] 2,500'—Minimum reception altitude.

26. Section 610.6017 *VOR civil airway No. 17* is amended to read in part:

From—	To—	Minimum altitude
San Antonio, Tex. (VOR), via W alter.	Spring Branch[1] (INT), Tex., via W alter.	[2] 3,000
W[illegible], Tex. (VOR), via W alter.	Fort Worth, Tex. (VOR), via W alter.	[2] 2,300
W[illegible], Tex. (VOR).	Fort Worth, Tex. (VOR).	2,000

[1] 3,000'—Minimum reception altitude.
[2] 2,000'—Minimum terrain clearance altitude.
[3] 2,000'—Minimum terrain clearance altitude.

27. Section 610.6020 *VOR civil airway No. 20* is amended to read in part:

From—	To—	Minimum altitude
Pa[illegible], Tex. (VOR)	Houston, Tex. (VOR)	2,000
L[illegible] Charles, La. (VOR).	Lafayette, La. (VOR)	1,500

28. Section 610.6030 *VOR civil airway No. 30* is amended to read in part:

From—	To—	Minimum altitude
Idlewild, N. Y. (VOR)	Patchogue (INT), N. Y.	[1] 2,000
Patchogue (INT), N.Y	Mastic (INT), N. Y.	[1] 4,000

[1] 1,400'—Minimum terrain clearance altitude.

29. Section 610.6035 *VOR civil airway No. 35* is amended to read in part:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR).	New Alexandria[1] (INT), Pa.	3,000
New Alexandria (INT), Pa.	Phillipsburg, Pa. (VOR).	[1] 4,000

[1] 4,000'—Minimum crossing altitude at New Alexandria (INT), eastbound.

30. Section 610.6040 *VOR civil airway No. 40* is amended to read in part:

From—	To—	Minimum altitude
Detroit, Mich. (VOR).	South Bass (INT), Ohio.	[1] 2,300
South Bass (INT), Ohio.	Marblehead (INT), Ohio.	3,000
Marblehead (INT), Ohio.	Bay (INT), Ohio.	[1] 2,500
Bay (INT), Ohio	Peru (INT), Ohio	2,000
Peru (INT), Ohio.	Wellington, Ohio (VAR).	2,000

[1] 2,000'—Minimum terrain clearance altitude.

31. Section 610.6042 *VOR civil airway No. 42* is amended to read in part:

From—	To—	Minimum altitude
Cleveland, Ohio (VOR)	Falls (INT), Ohio.	2,600
Falls (INT), Ohio	Atwater (INT), Ohio	2,500
Atwater (INT), Ohio	Sebring (INT), Ohio	3,700
Sebring (INT), Ohio.	Pittsburgh, Pa. (VOR)	2,600

32. Section 610.6051 *VOR civil airway No. 51* is amended by adding:

From—	To—	Minimum altitude
Birmingham, Ala. (VOR).	Chattanooga, Tenn. (VOR).	4,000

33. Section 610.6054 *VOR civil airway No. 54* is amended to read in part:

From—	To—	Minimum altitude
Little Rock, Ark. (VOR), via N alter.	Colt[1] (INT), Ark., via N alter.	2,500
Colt[1] (INT), Ark., via N alter.	Memphis, Tenn. (VOR), via N alter.	2,500
Little Rock Ark. (VOR).	Memphis, Tenn. (VOR).	2,500

[1] 2,800'—Minimum reception altitude.

34. Section 610.6057 *VOR civil airway No. 57* is amended by adding:

From—	To—	Minimum altitude
Birmingham, Ala. (VOR).	Muscle Shoals, Ala. (VOR).	2,500

35. Section 610.6058 *VOR civil airway No. 58* is amended to read in part:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR).	New Alexandria[1] (INT), Pa.	3,000
New Alexandria (INT), Pa.	Phillipsburg, Pa. (VOR).	4,000

[1] 4,000'—Minimum crossing altitude at New Alexandria (INT), eastbound.

36. Section 610.6066 *VOR civil airway No. 66* is amended to read in part:

From—	To—	Minimum altitude
Culberson, Tex. (VOR)	Orno (INT), Tex.	6,300
Orno (INT), Tex.	Monahans (INT), Tex.	8,000
Monahans (INT), Tex.	Midland, Tex (VOR).	[1] 5,000

[1] 4,300'—Minimum terrain clearance altitude.

37. Section 610.6070 *VOR civil airway No. 70* is amended to read:

From—	To—	Minimum altitude
Pahcios, Tex. (VOR).	Galveston, Tex. (VOR).	[1] 1,500
Galveston, Tex. (VOR).	Water Way (INT), Tex.	[1] 3,000

[1] 1,400'—Minimum terrain clearance altitude.

38. Section 610.6081 *VOR civil airway No. 81* is amended to read in part:

From—	To—	Minimum altitude
Midland, Tex. (VOR)	Mustang (INT), Tex.	4,200
Mustang (INT), Tex.	Lubbock, Tex. (VOR)	5,100

39. Section 610.6089 *VOR civil airway No. 89* is amended to read in part:

From—	To—	Minimum altitude
Cheyenne, Wyo. (VOR), via Ealter.	Scottsbluff (INT), Nebr., via Ealter.	7,300
Scottsbluff (INT), Nebr., via Ealter.	Chadron, Nebr. (VOR), via Ealter.	6,500

40. Section 610.6093 *VOR civil airway No. 93* is amended to read in part:

From—	To—	Minimum altitude
Baltimore, Md. (VOR).	Parkton (INT), Md.	2,000
Parkton (INT) Md.	Lancaster (INT), Md	[1] 3,000

[1] 2,000'—Minimum terrain clearance altitude.

41. Section 610.6094 *VOR civil airway No. 94* is amended to read in part:

From—	To—	Minimum altitude
Salt Flat,[1] Tex. (VOR).	Carlsbad, N. Mex. (VOR).	10,500

[1] 9,800'—Minimum crossing altitude at Salt Flat (VOR), northeast-bound.

glutamate as an optional ingredient of the canned vegetables named above and requiring that when this ingredient is used the labels for such foods bear a precise statement of the presence of monosodium glutamate. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, as amended by 68 Stat. 54, 55; 21 U. S. C. 341), it is hereby ordered that the regulations containing the definitions and standards of identity for the foods named above (21 CFR 1953 Supp., 51.20, 51.30, 52.990) be amended as follows:

A. Part 51 is amended as follows:

1a. In § 51.0 *Identity; label statement of optional ingredients*, paragraph (c) is amended by renumbering subparagraphs (2), (3), (4), (5), (6), and (7) as (3), (4), (5), (6), (7), and (8), respectively, and inserting the following new subparagraph (2):

(2) Monosodium glutamate.

b. Section 51.0 (f) (6) is amended by changing the reference to "paragraph (c) (7)" to "paragraph (c) (8)".

c. Section 51.0 (f) is further amended by renumbering subparagraph (7) as (8) and inserting the following new subparagraph (7):

(7) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate."

2a. In § 51.10 *Canned green beans; identity; label statement of optional ingredients*, paragraph (a) is amended by inserting "monosodium glutamate," immediately after "salt,".

b. Section 51.10 (b) is amended by adding the following new subparagraph (6):

(6) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate."

3a. In § 51.20 *Canned corn, canned sweet corn, canned sugar corn; identity; label statement of optional ingredients*, paragraph (a) is amended by renumbering subparagraphs (2) and (3) as (3) and (4), respectively, and inserting the following new subparagraph (2):

(2) Monosodium glutamate.

b. Section 51.20 (d) (1) is amended by changing the reference to "paragraph (a) (3)" to "paragraph (a) (4)".

c. Section 51.20 (d) is further amended by renumbering subparagraph (2) as (3) and inserting the following new subparagraph (2):

(2) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate."

B. Part 52 is amended as follows:

1. In § 52.990 *Canned vegetables; identity; label statement of optional ingredients*, paragraph (c) is amended by adding the following new subparagraph, immediately following subparagraph (7):

(8) In the cases of all vegetables, monosodium glutamate may be added in a quantity sufficient to season the food.

* * * * *

2. Section 52.990 (f) is amended by adding the following new subparagraph (8):

(8) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate."

C. These amendments will permit the use of monosodium glutamate as an optional ingredient in canned wax beans (§ 51.15 (a)) and canned field corn (§ 51.30 (a)). It is unnecessary to alter the wording of these sections.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare Room 5440, Health, Education and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the sixtieth day after its publication in the FEDERAL REGISTER.

These rules shall become effective November 23, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8664; Filed, Nov. 5, 1954; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 51—CANNED VEGETABLES: DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

PART 52—CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; DEFINITIONS AND STANDARDS OF IDENTITY

ORDER AMENDING DEFINITIONS AND STANDARDS OF IDENTITY FOR CERTAIN SPECIFIED CANNED VEGETABLES

In the matter of amending the definitions and standards of identity for the following canned vegetables: Peas, green beans, wax beans, corn (sweet corn, sugar corn) and field corn (Part 51) and artichokes, asparagus, shelled beans, bean sprouts, lima beans or butter beans, beets, beet greens, broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, collards, dandelion greens, kale, mushrooms, mustard greens, okra, onions, parsnips, black-eye peas or black-eyed peas, field peas, green sweet peppers, red sweet peppers, pimientos or pimentos, potatoes, sweet potatoes, rutabagas, salsify, spinach, Swiss chard, truffles, turnip greens, turnips (Part 52):

On August 28, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 5523) setting forth proposals to amend the definitions and standards of identity for the foods named above by permitting monosodium glutamate to be used as an optional ingredient of each such food and requiring that when used the label bear a statement showing monosodium glutamate to be present. The notice allowed 30 days for interested persons to submit in writing their views regarding these proposals.

Upon consideration of the views presented and other relevant information, it is concluded that honesty and fair dealing in the interest of consumers will be promoted by permitting monosodium glutamate as an optional ingredient of the canned vegetables named above and requiring that when this ingredient is used the labels for such foods bear a precise statement of the presence of monosodium glutamate. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, as amended by 68 Stat. 54, 55; 21 U. S. C. 341), it is hereby ordered that the regulations containing the definitions and standards of identity for the foods named above (21 CFR 1953 Supp., 51.20, 51.30, 52.990) be amended as follows:

A. Part 51 is amended as follows:

1a. In § 51.0 *Identity; label statement of optional ingredients*, paragraph (c) is amended by renumbering subparagraphs (2), (3), (4), (5), (6), and (7) as (3), (4), (5), (6), (7), and (8), respectively, and inserting the following new subparagraph (2):

(2) Monosodium glutamate.

b. Section 51.0 (f) (6) is amended by changing the reference to "paragraph (c) (7)" to "paragraph (c) (8)".

c. Section 51.0 (f) is further amended by renumbering subparagraph (7) as (8) and inserting the following new subparagraph (7):

(7) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate."

2a. In § 51.10 *Canned green beans; identity; label statement of optional ingredients*, paragraph (a) is amended by inserting "monosodium glutamate," immediately after "salt,".

b. Section 51.10 (b) is amended by adding the following new subparagraph (6):

(6) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate."

3a. In § 51.20 *Canned corn, canned sweet corn, canned sugar corn; identity; label statement of optional ingredients*, paragraph (a) is amended by renumbering subparagraphs (2) and (3) as (3) and (4), respectively, and inserting the following new subparagraph (2):

(2) Monosodium glutamate.

b. Section 51.20 (d) (1) is amended by changing the reference to "paragraph (a) (3)" to "paragraph (a) (4)".

c. Section 51.20 (d) is further amended by renumbering subparagraph (2) as (3) and inserting the following new subparagraph (2):

(2) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate."

B. Part 52 is amended as follows:

1. In § 52.990 *Canned vegetables; identity; label statement of optional ingredients*, paragraph (c) is amended by adding the following new subparagraph, immediately following subparagraph (7):

(8) In the cases of all vegetables, monosodium glutamate may be added in a quantity sufficient to season the food.

* * * * *

2. Section 52.990 (f) is amended by adding the following new subparagraph (8):

(8) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate."

C. These amendments will permit the use of monosodium glutamate as an optional ingredient in canned wax beans (§ 51.15 (a)) and canned field corn (§ 51.30 (a)). It is unnecessary to alter the wording of these sections.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare Room 5440, Health, Education and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the sixtieth day after its publication in the FEDERAL REGISTER.

These rules shall become effective November 23, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8664; Filed, Nov. 5, 1954; 8:45 a. m.]

42. Section 610.6152 *VOR civil airway No. 152* is amended to read in part:

From—	To—	Minimum altitude
Tampa, Fla. (VOR)..... Tampa, Fla. (VOR), via N alter. Dade (INT), Fla., via N alter.	Orlando, Fla. (VOR). Dade (INT), Fla., via N alter. Orlando, Fla. (VOR), via N alter.	1,700 1,600 1,700

43. Section 610.612 *VOR civil airway No. 162* is amended to read in part:

From—	To—	Minimum altitude
Harrisburg, Pa. (VOR)	Int. Harrisburg, Pa. (VOR) 060° rad. and West Chester, Pa. (VOR) 313° rad.	2,500
Int. Harrisburg, Pa. (VOR) 060° rad. and West Chester, Pa. (VOR) 313° rad.	Wernersville (INT), Pa.	14,500

12,500—Minimum terrain clearance altitude.

44. Section 610.6163 *VOR civil airway No. 163* is amended to read in part:

From—	To—	Minimum altitude
Waco, Tex. (VOR)..... Morgan (INT), Tex.....	Morgan (INT), Tex..... Mineral Wells, Tex. (VOR).	12,300 2,300
Mineral Wells, Tex. (VOR).	Bowie, Tex. (INT).	2,200
Bowie, Tex. (INT).	Ardmore, Okla. (VOR).	2,600

12,500—Minimum terrain clearance altitude.

45. Section 610.6169 *VOR civil airway No. 169* is added to read:

From—	To—	Minimum altitude
Sidney, Nebr. (VOR).	Scottsbluff (INT), Nebr.	5,500
Scottsbluff (INT), Nebr.	Chadron, Nebr. (VOR).	6,500
Chadron, Nebr. (VOR), direct or E alter.	Rapid City, S. Dak. (VOR) direct or E alter.	5,600

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

except as to any of its provisions that may be stayed by the filing of objections thereto and request for a public hearing. Notice of such filing, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended, 68 Stat. 54, 55; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended, 67 Stat. 18, 68 Stat. 54, 55; 21 U. S. C. 341)

Dated: November 2, 1954.

NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 54-8783; Filed, Nov. 5, 1954; 8:50 a. m.]

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Part 141d; 19 F. R. 1141) and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146b, 146d; 19 F. R. 935, 1141, 1421, 2140) are amended as indicated below:

1. Part 141d is amended by adding the following new section:

§ 141d.310 *Chloramphenicol tablets*—(a) *Bioassay method.* Proceed as directed in § 141d.302 (a).

(b) *Spectrophotometric assay method.* Weigh accurately a counted number of not less than 10 tablets and determine the average weight per tablet. Reduce 10 tablets to a fine powder in a mortar and transfer an amount of powder containing 500 milligrams (estimated) of chloramphenicol to a 1,000-milliliter glass-stoppered volumetric flask. Add 50 milliliters of redistilled methanol to the flask and shake for at least 1 minute. Make to volume with distilled water and mix thoroughly. Transfer exactly 10 milliliters of this solution into a 250-milliliter glass-stoppered volumetric flask. Make to mark and mix thoroughly. Determine the absorbancy of this solution on a suitable spectrophotometer in a 1-centimeter quart cell at 278 millimicrons against a blank of distilled water.

$$\text{Milligrams of chloramphenicol per tablet} = \frac{\text{Absorbancy} \times 500 \times \text{average weight in milligrams}}{0.596 \times \text{weight of powder tested in milligrams}}$$

(c) *Chloramphenicol content.* When assayed by either of these methods, its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of chloramphenicol per tablet that it is represented to contain.

2. In § 146a.45 *Procaine penicillin in oil*, subparagraph (3) (i) (*a*) of paragraph (d) *Request for certification* * * * is amended by changing the period at the end thereof to a comma and adding the following new clause: "unless it is intended solely for udder instillations of cattle or subcutaneous injections in fowl, in which case such sample shall consist of 1 package for each 5,000 packages in the batch, but in no case less than 5 packages or more than 12 packages."

3. In § 146a.52 *Procaine penicillin and crystalline penicillin in oil*, paragraph (a) (3) is amended by inserting in the second sentence, after the words "4 packages" the clause ", unless it is intended solely for udder instillations of cattle in which case such sample shall consist of not less than 6 packages,".

4. In § 146a.57 *Procaine penicillin and streptomycin in oil* * * *, paragraph (a) (4), second sentence, is amended by changing the word "four" to "six".

5. In § 146a.58 *Penicillin and streptomycin* * * *, paragraph (b) *Packaging* is amended by inserting in the second sentence, after the word "colorless", the parenthetical clause "(unless it is intended solely for veterinary use),".

6. In § 146a.67 *Procaine penicillin in streptomycin sulfate solution*, paragraph (b) *Packaging* is amended by inserting in the second sentence, after the word "colorless", the parenthetical clause "(unless it is intended solely for veterinary use),".

7. In § 146a.77 *Benzathine penicillin G for aqueous injection*, paragraph (b) *Packaging* is amended by inserting in the second sentence, after the word "colorless", the parenthetical clause "(unless it is intended solely for veterinary use),".

8. In § 146a.89 *Procaine penicillin-streptomycin-neomycin in oil* * * *, paragraph (c), second sentence, is amended by changing the figure "5" to "7", where it first appears.

9. In § 146b.106 *Streptomycin sulfate solution* * * * paragraph (b) *Packaging* is amended by inserting in the second sentence, after the word "colorless", the parenthetical clause "(unless it is intended solely for veterinary use),".

10. Part 146d is amended by adding the following new section:

§ 146d.310 *Chloramphenicol tablets.* Chloramphenicol tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146d.302 for chloramphenicol capsules, except that the expiration date of such tablets shall be 24 months after the month during which the batch was certified.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: November 2, 1954.

[SEAL] NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 54-8784; Filed, Nov. 5, 1954; 8:50 a. m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146c, 146e; 19 F. R. 672, 1141, 1647, 2140) are amended as indicated below:

1. In § 146a.77 *Benzathine penicillin G for aqueous injection*, paragraph (c) (1) (iii) is amended by changing the number "36" to "48".

2. In § 146c.207 *Chlortetracycline tablets* * * *, the context of the section is revised to read: "Chlortetracycline tablets and tetracycline tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146c.204 for chlortetracycline capsules and tetracycline capsules, except that the average moisture content of the tablets is not more than 3.0 percent."

3. In § 146c.402 *Bacitracin ointment*, paragraph (f) (1) is amended by changing the number "24" to "36".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above,

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: November 2, 1954.

[SEAL] NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 54-8785; Filed, Nov. 5, 1954; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter I—Procurement

[CGFR 54-44]

PART 116—PROCEDURES FOR PURCHASING

PART 118—CONTRACTS

MISCELLANEOUS AMENDMENTS

The amendments to §§ 116.03–31, 116.03–38, and 118.01–1 are editorial in nature to clarify requirements of existing procedure.

A new section designated § 116.03–49 sets forth a summary table of circumstances under which procurement may be effected by negotiation.

The amendments to §§ 116.03–55, 116.03–56, 116.03–58, 116.03–59, and 118.02–13 eliminate the use of Form CG–2974, Purchase-Invoice, and substitute Standard Form 44, U. S. Government Purchase Order-Invoice-Voucher.

A new section designated § 118.01–2 sets forth requirements to be satisfied by contracting officers in the execution of contracts.

The amendments to §§ 118.03–2, 118.03–3, 118.03–4, and 118.03–5 eliminate the use of a "Ceiling Prices" clause in Coast Guard contracts and require an additional clause regarding "Disputes" to comply with P. L. 356, 83d Cong., approved May 11, 1954.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), the following amendments are prescribed:

1. Section 116.03–31 is amended by adding a headnote to paragraph (a) and by revising paragraph (b) to read as follows:

§ 116.03–31 *National emergency* (sec. 2 (c) (1))—(a) *Authorization.* • • •

(b) *Application.* During the period of the National Emergency covered by the determination set forth in paragraph (a) of this section, section 2 (c) (1) of the Armed Services Procurement Act of 1947 should generally be used as the authority to negotiate rather than other applicable circumstances contained in section 2 (c) of the act. However, procurement normally classified under the following sections of the act requires special determinations, findings, approval, and/or procurement action by the Commandant and will not be made under section 2 (c) (1) unless specifically authorized by the Commandant or the amount of the procurement is exempted from prior approval of the Commandant:

Procurement Act 1947 section:	CFR section
2 (c) (4)	116.03–34
2 (c) (5)	116.03–35
2 (c) (7)	116.03–37
2 (c) (8)	116.03–38
2 (c) (11)	116.03–41
2 (c) (12)	116.03–42
2 (c) (13)	116.03–43
2 (c) (14)	116.03–44
2 (c) (15)	116.03–45
2 (c) (16)	116.03–46
2 (c) (17)	116.03–47

2. Section 116.03–38 is amended to read as follows:

§ 116.03–38 *Supplies purchased for authorized resale* (sec. 2 (c) (8)). Pursuant to the authority of section 2 (c) (8) of the act, purchases and contracts may be negotiated "for supplies purchased for authorized resale" provided that prior approval has been obtained from the Commandant. However, procurement shall be effected by the Commandant when the probable cost will exceed $10,000.

3. Part 116 is amended by adding a new § 116.03–49 reading as follows:

§ 116.03–49 *Summary table.* The following summary table sets forth (a) the circumstances under which contracts may be entered into as a result of negotiation and without formal advertising, (b) the citation of the applicable sections of the Code of Federal Regulations, (c) the citation of the applicable section of the Armed Services Procurement Act of 1947, and (d) certain other data. Since the statutory exceptions to formal advertising are not all mutually exclusive, the table lists the exceptions in order of preference to assist contracting officers in selecting the preferred authority when a procurement can be negotiated properly under more than one authority.

Order of preference	Circumstances	Procurement Act, 1947, section	CFR section	Remarks
1	National emergency	2 (c) (1)	116.03–31	Use only when directed by commandant.
2	Purchases not in excess of $1,000	2 (c) (3)	116.03–33	Purchases not to be broken down in order to use this authority.
3 [1]	National Defense or Industrial Mobilization.	2 (c) (16)	116.03–46	Determinations and findings by commandant necessary.
4 [1]	Experimental, developmental, or research work.	2 (c) (11)	116.03–41	Determination and findings by commandant necessary if over $25,000.
5 [1]	Standardization and interchangeability.	2 (c) (13)	116.03–43	Determination and findings by commandant necessary.
6 [1]	Substantial investment or extended preparation.	2 (c) (14)	116.03–44	Determination and findings by commandant necessary.
7 [1]	Services of educational institutions.	2 (c) (5)	116.03–35	Determination and findings by commandant necessary.
8 [1]	Personal or professional services.	2 (c) (4)	116.03–34, 116.03–48	Contract must be approved by commandant.
9 [1]	Medicines or medical supplies	2 (c) (7)	116.03–37	Contracts over $10,000 restricted to commandant; special publicity required.
10 [1]	Authorized resale	2 (c) (8)	116.03–38	Use only after approval of commandant; contracts over $10,000 restricted to Commandant; special publicity required.
11	Perishable subsistence	2 (c) (9)	116.03–39	Questions as to perishable or nonperishable determined by commandant.
12	Competition impracticable	2 (c) (10)	116.03–40	Statement of justification by contracting officer necessary.
13	Purchases outside United States	2 (c) (6)	116.03–36	Applicability dependent on geographical area.
14	Public exigency	2 (c) (2)	116.03–32	Statement of justification by contracting officer necessary.
15 [1]	Negotiation after advertising	2 (c) (15)	116.03–45	Determination and findings by commandant necessary.
16 [1]	Otherwise authorized by law	2 (c) (17)	116.03–47	Use only after approval of commandant; statement of contracting officer required.
17 [1]	Classified purchases	2 (c) (12)	116.03–42	Determination and findings by commandant necessary; only confidential or higher.

[1] The execution of contracts indicated by this symbol is restricted to Commandant unless otherwise excepted under Remarks or the CFR section referenced in the table. The commandant's determination, findings, and/or approval in such cases must be filed with the original contract and made available for GAO audit.

4. Section 116.03–55 is amended by revising paragraph (b) (5) to read as follows:

SMALL PURCHASE PROCEDURES

§ 116.03–55 *General.* • • •

(b) *Definitions.* • • •

(5) *Order - Invoice - Voucher.* SF–44 (Aug. 1952 ed.), U. S. Government Purchase Order-Invoice-Voucher, documenting the purchase, amount billed and paid, quantity of articles, or satisfactory service delivered, received, or rendered.

5. Section 116.03–56 is amended by adding a new paragraph (c) (6) reading as follows:

§ 116.03–56 *Small purchases by district offices.* • • •

(c) *Use of cash purchase.* • • •

(6) *Purchase document required by vendor.* If a purchase document is required by the vendor to obtain government discounts or tax exemption or for other purposes, the vendor will be provided with a memorandum copy of SF–44, U. S. Government Purchase Order-Invoice-Voucher, which will be endorsed "Payment to be made in cash" if the vendor is to make delivery, or "Ship c. o. d." if shipment is by parcel post or carrier. Cash payment to the vendor will be accomplished as prescribed in subparagraphs (1) through (5) of this paragraph.

6. Section 116.03–58 is amended to read as follows:

§ 116.03–58 *Purchases by units with only supply officers attached.* All units with a supply officer, but without an assistant disbursing officer or agent cashier attached, will make contract or negotiated purchases within the monetary limitations authorized in paragraph (b) (8) and (9) of § 116.01–6. SF–44, U. S. Government Purchase Order-Invoice-Voucher, will be used to document the procurement action in accordance with § 118.02–13 of this subchapter.

7. Section 116.03–59 is amended to read as follows:

§ 116.03–59 *Purchases by units without assistant disbursing officers, agent cashiers, or supply officers*—(a) *General.* Headquarters units without assistant disbursing officers, agent cashiers, or supply officers, and district units in this

category specifically authorized by the district commander, will make small purchases under the order-invoice-voucher method. In such cases, funds must be reserved in advance of purchase action.

(b) *Use of order-invoice-voucher.* Standard Form 44, U. S. Government Purchase Order-Invoice-Voucher, will be used to document procurement under the order-invoice-voucher method. Detailed instructions for the preparation and distribution of SF–44 are set forth in § 118.02–13 of this subchapter. Small purchases by the units specified in the heading of this section will be limited to the following categories, subject to implementing instructions issued by the allotment administrative officer concerned (i. e., district commander or commanding officer of a Headquarters unit) for the control of funds chargeable with the cost of procurement:

(1) Requirements for items not stocked at the CG supply depot or center designated to support the unit, not to exceed $25.00 per transaction.

(2) Emergency requirements regardless of source. In such cases, a complete explanation of the emergency shall be entered on copies 1, 3, 4, and 5 of Standard Form 44 or on a memorandum attachment.

(3) Purchases of fuel, oil, lubricants, and gasoline. However, SF–44 will not be prepared when credit cards are used for service station deliveries in accordance with § 116.01–160.

(c) *Special authority.* When the $25.00 limitation prescribed by paragraph (b) (1) imposes a hardship on a unit of the category specified in the heading of this section, district commanders and commanding officers of Headquarters units may request authority to increase the monetary limitation to an amount not in excess of $100.00. Such requests will be submitted to the Commandant and shall contain complete justification of the need for an increase.

8. Section 118.01–1 is amended to read as follows:

§ 118.01–1 *Documentary evidence of purchases*—(a) *Requirements.* All purchase transactions made by a Contracting Officer will be evidenced by written contracts on approved contract forms, except those in which payments are made coincidentally with receipt of the supplies or services (i. e., cash purchases, as defined in § 116.03–55 (b) (2) of this subchapter) or as otherwise provided in paragraph (b) of this section. The following types of contracts and contractual instruments are authorized for Coast Guard use:

(1) Separate award type contracts, as defined in § 118.02–1.

(2) Combination award type contracts, as defined in § 118.02–2.

(3) Purchase orders documenting procurement by negotiation under the conditions set forth in § 116.03–25 of this subchapter.

(4) *Negotiated purchases not in excess of $1,000.* Negotiated purchases not exceeding $1,000, which are based on an oral quotation and involve only one payment, shall not require a written agreement but shall require a written acceptance (Purchase Order) signed by the Contracting Officer. If the purchase order is based upon a written quotation signed by the Contractor, or if the Contractor delivered some written instrument evidencing the Contractor's assent, the original of such written quotation or instrument must be attached to the purchasing unit's copy of the order, in accordance with § 118.02–9.

9. Part 118 is amended by adding a new § 118.01–2 reading as follows:

§ 118.01–2 *Execution of contracts; requirements*—(a) *Statement as to availability of funds.* The appropriation and allotment chargeable will be cited on all specific contracts, purchase orders, and delivery orders. The signature of a Contracting Officer on a contract, purchase order, or delivery order constitutes a certification of the availability and sufficiency of the funds cited.

(b) *Contracting officer's signature.* In the case of formal advertising, the personal signature of the Contracting Officer on the award consummates the contract. In the case of negotiated contracts, the Contracting Officer will personally sign on behalf of the United States after the Contractor has signed, except where otherwise required by the particular contract form. In addition, the Contracting Officer's rank or title will be indicated. Proxy and facsimile signatures are not permissible.

(c) *Signature by agents of contractors.* Contracts executed on behalf of Contractors by agents must be accompanied by evidence, satisfactory to the Contracting Officer, of the agent's authority so to do. In the case of corporations, the amount and type of evidence to be required to determine the authority of a particular agent to bind a corporation is for administrative determination by the Contracting Officer, subject to the limitation that the interest of the Government should be protected.

(d) *Contracts with partnerships.* Contracts entered into with partnerships will be executed in the partnership name and will enumerate the names of all the partners. The partnership contract need be signed by only one partner, provided the authority of the particular partner to effectively bind the partnership has been established.

10. Section 118.02–13 is amended to read as follows:

§ 118.02–13 *Standard form 44, U. S. government purchase order-invoice-voucher*—(a) *Description.* Standard Form 44, U. S. Government Purchase Order-Invoice-Voucher, is a five-part form published in books of twenty-five carbon interleaved sets. Its purpose is to minimize paper work and administrative expense and act as an incentive, to the mutual advantage of business and the Government, for sellers to do business with the Government by simplifying purchasing procedure and expediting payment. The form consists of the following copies contained in a cardboard cover, designated Standard Form 44, which sets forth general procedural instructions and provides a record for entry of purchase data peculiar to each transaction:

(1) Standard Form 44a, Seller's Invoice.

(2) Standard Form 44b, Seller's Copy of Invoice.

(3) Standard Form 44c, Receiving Report, Accounting Copy.

(4) Standard Form 44d, Memorandum Copy.

(5) Standard Form 44e, Additional Copy.

(b) *Limitations on use.* Standard Form 44 is authorized for accomplishing small purchases of supplies or services other than personal in accordance with §§ 116.03–58 and 116.03–59. Contracting officers may use Standard Form 44 in lieu of Form CG–2557, Purchase Order, in effecting procurement by negotiation for amounts less than $1,000: *Provided*, That only one pick-up or delivery is made, a single payment is contemplated, and no special contract form or clauses are necessary. Standard Form 44 may also be used to order items from General Services Administration stores depots when over-the-counter delivery can be effected.

(c) *Instructions for use*—(1) *General.* General procedural instructions governing the use of SF–44 are printed on the forms and the inside cover of the book. District commanders and commanding officers of Headquarters units may supplement the instructions contained on Standard Form 44 as necessary to provide local control for allotment accounting purposes, accountability and safeguarding of the forms, etc. However, local instructions shall not require the use of additional copies of the form for administrative needs nor may the format of the form be altered. Standard Form 44 shall be prevalidated as to the availability of allotted funds prior to issuance to the vendor in all cases where the procurement is not covered by a miscellaneous obligation document (Form CG–3089) or obligated against an allocation account. The prevalidation will be performed by the accounting office of the district or Headquarters unit or by the commanding officer of a suballotment unit, as applicable.

(2) *Negotiation authority.* All commercial purchases under this procedure will be negotiated under the authority of section 2 (c) (1), Public Law 413, 80th Congress during the period of the National Emergency, otherwise the authority will be under section 2 (c) (3), but the citation of this authority on Standard Form 44 is not necessary. Ordering offices will take advantage of competition whenever practicable to purchase supplies or services at the most favorable price to the Government; however, competition is not required in purchases of $100 or less where the price is known to be reasonably competitive. In any case, the prices paid for supplies or services must be just and reasonable and not above the established price for the quantity of items involved.

(3) *Preparation and distribution.* Standard Form 44 will be prepared in quintuplicate, insuring that all five copies of the form are legible. Order numbers will be assigned in the regular fiscal year series maintained for the unit.

When applicable, the miscellaneous obligation document (Form CG–3089) number furnished by the accounting office shall be included in the space entitled "Purpose (Project, etc.)." Autographic signatures shall be affixed to the original (Standard Form 44a) only, carbon impressions on the remaining copies. Upon preparation, distribution of Standard Form 44 will be effected as follows:

(i) Standard Forms 44a, 44c, 44d, and 44e will be returned promptly by the ordering employee to the purchasing unit.

(ii) Standard Form 44b will be delivered to the seller by the ordering employee.

(iii) Standard Forms 44a, 44c, and 44e will be forwarded promptly by the purchasing unit to the appropriate accounting office (authorized certifying officer) for settlement.

(d) *Accountability and safekeeping of standard form 44.* Each unit maintaining books of Standard Form 44 shall establish adequate control procedures to insure that the form is utilized only by ordering employees of the unit designated in writing for this purpose by the district commander or the commanding officer, as appropriate.

11. Section 118.03–2 is amended by revising paragraph (a) (30) to read as follows:

§ 118.03–2 *Standard clauses for fixed price contracts executed on SF–33—(a) Supply contracts.* • • •

Title	Embodying form	Note
(30) Disputes; Amendment of General Provisions.	Supplementary schedule.	3

12. Section 118.03–3 is amended by revising paragraph (a) (30) to read as follows:

§ 118.03–3 *Standard clauses for construction and repair contracts (real property) executed on SF–23—(a) General.* • • •

Title	Embodying form	Note
(30) Disputes; Amendment of General Provisions.	Supplementary schedule.	3

13. Section 118.03–4 is amended by revising Clause (33) of the table of Contract Clauses to read as follows:

§ 118.03–4 *Standard clauses for construction and repair contracts (vessels and aircraft) executed on SF–23.* • • •

Title	Embodying form	Note
(33) Disputes; Amendment of General Provisions.	Supplementary schedule.	5

14. Section 118.03–5 is amended by revoking paragraph (c) *Ceiling prices* and revising paragraph (o) to read as follows:

§ 118.03–5 *Special contract clauses.* • • •

(o) *Disputes; amendment of general provisions.* Clause ____, Disputes, of the General Provisions is subject to the provisions of P. L. 356, 83d Cong., approved May 11, 1954, which permits judicial review of the decision of the head of any agency (or his representative or board) under the Disputes clause where it is alleged that such decision is "fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, or it is not supported by substantial evidence."

(62 Stat. 21; 41 U. S. C. 151–161)

Dated: October 28, 1954.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 54–8775; Filed, Nov. 5, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 11]

[Docket Nos. 9703, 10742; FCC 54–1369]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; SPECIAL INDUSTRIAL RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of revision of Subpart K of Part 11, rules governing the Special Industrial Radio Services; Docket No. 9703.

In the matter of amendment of § 2.104 *Table of frequency allocations*, of Part 2 of the Commission's rules; Docket No. 10742.

1. This proceeding involves a complete revision of the rules governing the Special Industrial Radio Service (Subpart K, §§ 11.501 through 11.504 of the Commission's rules). It was initiated by the adoption of a notice of proposed rule making on June 21, 1950, which was supplanted by a further notice issued February 13, 1953. The latter was in turn superseded on November 4, 1953, by a second notice of further proposed rule making (18 F. R. 7250) proposing a new and detailed set of rules which, with certain modifications, is hereby being adopted.

2. In response to the second notice more than one hundred comments were received. Most of them are directed to one or another specific provision recommending changes therein to accommodate a particular need of the commentator. A few are addressed to the proposal in its entirety supporting the objectives thereof, but criticizing certain details. There follows a section-by-section discussion and disposition of the proposal and comments.

Section 11.3 (x).

3. This section adopts the Census Bureau's definition of Standard Metropolitan Area (SMA). Operation of radio outside of a standard metropolitan area of 500,000 or more population forms the basis for eligibility under the proposed §§ 11.503 through 11.508. A similar restriction exists in the present rules (§ 11.501). Without it, interference between the users in densely populated centers may reasonably be expected seriously to impair the value of this service to those users who have established a need for this type of communications.

4. It has been recommended that the Standard Metropolitan Area concept be abandoned as unrealistic because many such areas, as defined by the Census Bureau, encompass desolate and sparsely populated lands where the use of radio is warranted and necessary. Therefore, a rigid adherence to the concept results in inequities. The Commission recognized the validity of this argument when it adopted, in June 1954, § 11.501 (d), as an interim measure pending the outcome of this proceeding (19 F. R. 3841). This rule provides for the making of exceptions to the standard metropolitan area concept when it is shown that the transmitter would in fact be used in an area of low population density removed from the urbanized sections of the SMA involved.

5. This provision supplies the desired flexibility and we are incorporating it into the new rules. It will enable us to grant relief to meritorious applicants, while retaining the desirable features of the SMA concept, e. g., the protection it affords to the on-the-job "communications", or "yard area" operations (see §§ 11.504 (c) and 11.506 (c) herein), which would be lost if the concept were abandoned.

Section 11.501.

6. This section describes the scope of service covered by the new rules and states that it will be the Commission's policy to consider requests for point-to-point microwave systems on a case-by-case basis. The Commission, assisted by representatives of manufacturers and users of microwave equipment, is engaged in a comprehensive study of private mircowave systems with a view to establishing a permanent licensing policy. Pending completion of this study, we consider it advisable to adopt the above policy. The rule is adopted as proposed.

Section 11.502.

7. This section describes generally the availability of the new service and explains that the classification of industries and activities into categories set forth in the succeeding sections is based on the Standard Industrial Classification Manual. The section is adopted as proposed, except for a clarifying change in paragraph (b) thereof.

Section 11.503.

8. This section proposes to establish the basis for authorizing the use of radio by persons engaged in agricultural activities which, as defined in paragraph (a), involve "the operation of farms or ranches for the production of crops or plants, vines or trees (excluding forestry operations), or for the keeping, grazing or feeding of livestock for animal products, animal increase, or value enhancement."

9. The last sentence of paragsaph (a) provides that "the processing (curing, packing, canning, smoking, freezing, etc.) of food on a farm is classed as an agricultural rather than a manufacturing activity if the raw materials are grown on that farm." One of the comments contends that "the point where such products enter wholesale or retail channels" should constitute the demarcation line between an agricultural and a manufacturing activity for the purpose of this section. Such a change would expand the definition beyond its intended limits and might create confusion by overlapping the area of manufacturing activities subject to § 11.505. The section is, accordingly, adopted as proposed, with the addition of a clause permitting exceptions to the SMA restriction.

Section 11.504.

10. This section proposes to establish the basis for authorizing the use of radio by persons engaged in heavy construction activities which are defined as those "directly involved in the construction of engineering projects, such as highways and streets, bridges, sewers, railroads, irrigation projects and marine construction, and miscellaneous types of construction work other than buildings".

11. Numerous comments oppose the proposed exclusion from this section, and from eligibility in the Special Industrial Radio Service generally, of "the functions performed by general contractors engaged in the construction of residential, farm, industrial, commercial, public, or other buildings, or by establishments specializing in plumbing, painting, electrical work, masonry, plastering, carpentry, or other special construction trades". Persons engaged in these functions are authorized in the Special Industrial Radio Service under the present rule. They qualified either by showing that they would operate outside standard metropolitan areas of 500,000 or more population, or by showing that their operation within such areas would be limited to "a construction project of a public character"; a few may have established eligibility under § 11.501 (d) exception to the SMA restriction. Some of these licensees would remain eligible under the proposal; others would have to discontinue operation after the expiration of the five year amortization period. The latter object. All point out that radio has been useful in the conduct of their business.

12. The determination that those engaged in "heavy construction activities" should be eligible in the Special Industrial Radio Service and the persons engaged in the activities enumerated above should not be so eligible has been predicated on the relative need for radio-communications in this service in connection with the functions generally performed by each of these two groups. The contractors engaged in "heavy construction" use radio to direct, control and coordinate the movements of heavy equipment (which frequently itself has to be radio equipped for safety and efficiency) and material over comparatively wide and often not readily accessible areas, e. g., in the construction of dams, piers, or railroads. The group we proposed to exclude did not appear to have comparable requirements. Their need appeared to have been confined chiefly to the dispatching of salesmen or supervisory personnel, or to a requirement for similar administrative type traffic which would not be permitted in this service (see § 11.511), but which could be accommodated in the Citizens Radio Service. Such needs as they appeared to have had for "on-the-job" communications seemed capable of being met under the Low-Power Industrial Radio Service.

13. The comments have not persuaded us that the proposed classification is not a reasonable and necessary method of channeling the limited number of available frequencies to those users who, on the basis of the type and nature of construction in which they engage, have the greatest need for radio communications. Only by such selective process can we insure the use of radio in the public interest. We recognize, however, that builders engaged in vast residential, farm, commercial, industrial or public construction, may have a requirement for "on-the-job" radio communications comparable to that of persons in the "heavy construction" category which cannot be met with a low power facility. Accordingly, if these persons can show that the use of Low Power Industrial Radio Service does not meet their communication requirement, they will be eligible in the Special Industrial Radio Service for the use of radio exclusively for "on-the-job" communications at the site of a particular construction, regardless of whether such construction is within or without a standard metropolitan area. Since these activities do not come within the definition of "heavy construction activities" contained in the Standard Industrial Classification Manual we are not placing them under § 11.504 but adding a new section designated as "§ 11.505—*Building construction activities*". The succeeding sections are renumbered accordingly.

14. This relaxation of the proposed eligibility does not cover "establishments specializing in plumbing, painting, electrical work, masonry, plastering, carpentry, or other special construction trades". The Low Power Industrial Radio Service seems especially suitable for their "on-the-job" communication needs. If the construction project on which they work has a radio system in the Special Industrial Service, these requirements could be also accommodated through it. And the Citizens Radio Service is also available to these establishments.

15. We are extending to all persons desiring to qualify under § 11.504 the requirement of a showing that the Low Power Industrial Radio Service does not meet their communication needs. This is a further step designed to save frequencies and to protect and increase the usefulness of the Special Industrial Radio Service, particularly in connection with the "yard area" or "on the job at the construction site" use of it in crowded metropolitan areas.

16. Comments filed by the pipe line construction contractors for the petroleum industry point out that pipe line construction is not specifically mentioned in the proposed rules. This type of operation comes within the definition of "heavy construction activities", Major Group 16, Standard Industrial Classification Manual Volume II (Non-manufacturing Industries) on which the classifications herein are based, specifically includes pipe line construction.

17. Section 11.504 is adopted as revised in accordance with the foregoing discussion. Paragraph (c) has been rewritten to make it clear that the authority which may be granted thereunder, for one year to locate base stations one quarter mile from the construction site in a Standard Metropolitan Area, may be renewed if the project continues beyond that period. Further to relax or extend, however, this quarter mile limitation, would impair the value of the service.

Section 11.505.

18. This section proposes to establish the basis for the use of radio by persons engaged in manufacturing activities which are defined as those "directly involved in the mechanical or chemical transformation of organic or inorganic substances into new products, within establishments usually described as plants, factories, shipyards, or mills and which employ, in that process, power-driven machines and materials-handling equipment."

19. Opposition has been registered to the proposed continuance of the present policy of confining mobile station operation to the physical limits of the licensee's yard area, except for plant protection purposes, when the yard area is inside a Standard Metropolitan Area of 500,000 or more population. It has been argued that many manufacturing operations encompass several noncontiguous yard areas traversed by rivers, highways, etc., making the single yard area limitation unrealistic; that the use of yard area radio to dispatch vehicles to outlying wharves, warehouses and railroad sidings is an integral and necessary part of manufacturing operation performed inside such area; that the interference producing characteristic of yard area operation would not be substantially increased by permitting associated mobile units to operate outside the physical limits of the yard area. It has been recommended that yard area base stations be permitted to communicate with all associated mobile units within communication range, and that if special regulation is needed to reduce interference occasioned by such operation, it should take the form of limiting base station power and antenna height. In other words, it has been argued that the use of radio within standard metropolitan areas for general dispatching purposes should be sanctioned.

20. The concept of limited use of radio within standard metropolitan areas has

been employed throughout this proposal and general dispatching is not consistent with it. We do not find that manufacturing concerns as distinguished from other classes of special industrial users have presented sufficient facts either in the petition filed by the Committee on Manufacturer's Radio Use (see Memorandum Opinion adopted February 3, 1954, FCC 54–152) or in the comments filed by the same group in this docket which would justify an unqualified exception to this concept. We do recognize, however, that a need for communications outside a single plan area under certain circumstances described in the preceding paragraph and in the aforementioned documents has been shown. Accordingly, we are defining the term "yard area" so as to include all contiguous sites, as well as non-contiguous sites within close proximity of each other, operated by the licensee as an integrated manufacturing unit.

21. Certain editorial changes in the definition of manufacturing activities have been recommended. We do not believe they are necessary. Accordingly, we are adopting this section as proposed and renumbering it § 11.506[1]

Section 11.506.

22. This section proposes to establish the basis for the use of radio by persons engaged in mining activities which are defined as those "directly involved in the process of recovery of solid fuels, minerals, or metals from the earth or from the sea by means of mining, quarrying, dredging, chemical extraction, deep-well operation, or similar process." No substantive changes in this section have been recommended or requested.

23. The proposed limitation on station location (paragraph (c)) provided that no base or operational fixed station would be authorized for operation at temporary locations within any SMA of 500,000 or more population. The provision for making exceptions to the SMA restrictions which we are incorporating into these rules makes such a rigid limitation unnecessary. Accordingly, paragraph (c) of § 11.506 is being revised to conform to the comparable provision applicable to the other activities, e. g., § 11.503 (c) and renumbered § 11.507. Otherwise the section is adopted as proposed.

Section 11.507.

24. This section proposes to establish the basis for the use of radio by persons engaged in specialized industrial service and trade activities which are defined as "those commercial or industrial activities directly involved in providing specialized functions, services or materials, under contract, to single categories of persons who are themselves eligible, in certain of the Industrial Radio Services, to use radio in connection with the performance of the same functions." The activities recognized in accordance with the foregoing are enumerated in considerable detail.

25. Several requests have been made to include certain activities, e. g., fertilizing, piledriving, etc., which come within the enumerated categories, but have been omitted. We have done so by making appropriate revisions in the definition.

26. Comments filed by the American Telephone and Telegraph Company, the United States Independent Telephone Association, and the United States Department of Agriculture (REA) request that their communication requirements stemming from the right-of-way construction and plant maintenance problems be recognized under this section or the proposed § 11.508 or § 11.509. We propose to institute rule making in the near future to provide for these requirements, which, it would appear, can be satisfied by amending Part 6, rules governing Public Radiocommunication Service. The use of radio in this service by telephone companies in connection with the activities involved in the construction of utility right-of-way itself, is being provided for in § 11.504.[2]

27. The section is adopted with a clause permitting exception to the SMA restriction, and renumbered § 11.508.

Section 11.508.

28. This section proposes to establish the basis for the use of radio by persons engaged in general industrial service and trade activities which are defined as those commercial or industrial activities directly involved in providing specialized functions, services or materials which are essential to the efficient conduct of miscellaneous industrial processes. The delivery and pouring of ready-mixed concrete and hot asphalt mix are included in this group; sand and gravel deliveries are not. Objections have been made to their exclusion.

29. As stated in the second notice, the distinctions between these activities is based upon the fact that ready-mixed concrete and hot asphalt are perishable products and proper timing of deliveries is essential to avoid loss. This consideration does not apply to the deliveries of sand and gravel. Their case for eligibility in the Special Industrial Radio Service is neither better nor different from that of a countless number of service and delivery activities which have not been included because the available frequencies are insufficient.

30. An objection has been made to the proposed exclusion of the deliveries and pouring of ready-mixed concrete and hot asphalt from SMA of 500,000 or more population. The provision for making exception to this restriction which we are adopting will permit a disposition of meritorious requests for the use of radio within such areas on a case-by-case basis. With this modification the section is adopted as proposed, and renumbered § 11.509.

Section 11.509.

31. This section proposed to establish the basis for the use of radio for "on-the-job" communications by persons engaged in engineering service activities which were defined as those directly involved in the conduct of topographical or geological surveys and surveys connected with the siting, construction and adjustment of antennas. No population limitations on the use of radio by this group were proposed.

32. The definition has been expanded to include geophysical, geomagnetic, natural resources and similar surveys within the class of engineering activities eligible under this section. Also, field intensity and proof of performance surveys have been added.

33. A civil engineering firm engaged in land surveying and topographic mapping claims a requirement for communication from the survey crew to the main office where property records are maintained and calculation performed which is beyond the scope of the proposed limitation to "on-the-job" communications between members of the same engineering field party. This appears to be a special requirement of this and possibly a small number of other engineering firms that function in the manner described. As such it does not justify the making of an exception to the proposed limitation on communications. This limitation is especially necessary because the use of radio in connection with engineering activities is not subject to population restrictions imposed on other users. The section is adopted as revised and renumbered § 11.510.

Section 11.510.

34. This section proposes to establish the basis for the use of radio by persons engaged in miscellaneous public service activities. They are defined as those "directly involved in the conduct of commercial or industrial enterprises which are considered essential to the health or immediate welfare of a large segment of the general public and are not classed among those commercial or industrial activities for which other specific provision has been made in the Commission's rules". The activities recognized in accordance with the foregoing are specifically listed. Stations authorized under this rule would have to be located and operated outside Standard Metropolitan Areas of 50,000 or more population.

35. Among those eligible under this section are fuel oil and liquefied petroleum (L. P.) gas distributors who use trucks to deliver their products to the consumer. Presently, these trucks are licensed in the Highway Truck Radio Service which permits radio to be used in conjunction with the operation of trucks on a route basis outside of Metropolitan Areas.[3] A number of truck operators, including two associations and the Federal Civil Defense Administration, filed comments opposing the proposed requirement that all radio facilities be located and operated exclusively outside Standard Metropolitan Areas of 50,000 or more population. Some claim that the rule, if adopted, would place them at an unjustifiable competitive disadvantage. Others seek to raise to 500,000 the proposed population restriction. A few argue that special consideration should be given to distributors in New England and other areas that experience severe winters.

36. It has been contended that the proposed 50,000 population restriction would deprive of radio 14 percent of all liquefied petroleum gas distributors presently licensed; that large bulk plant operators would be hardest hit, 8½ percent of whom would be ineligible even under a population restriction of 500,000; that the assumption that standard metropolitan areas are adequately served by communications common carriers is not well taken; that L. P. gas is highly inflammable and therefore inherently dangerous; that trucks carrying L. P. gas should be regarded as extensions of city gas mains into areas not served by public utilities; that since local zoning laws normally require bulk plants to be built in thinly populated areas, the problem of operating inside populous regions is self-limiting; that since there is normally little demand for L. P. within urban areas, the Commission should look to the area served rather than making station location controlling; and that the liquefied petroleum industry is working closely with the FCDA in the development of a program to use L. P. gas at hospitals and other institutions in lieu of regular fuels in the event of enemy attack.

37. As previously indicated, the rules under which liquefied petroleum gas distributors presently operate do not permit the use of radio for truck routes within a single metropolitan area. Since all cities of 50,000 and more population are included in these areas, it would not appear that the proposed rule would have any substantial effect on any L. P. distributor who is operating in accordance with present regulations. Nor would the proposal appear adversely to affect the FCDA-L. P. industry war emergency program. Notwithstanding the restrictions applicable under normal conditions, radio equipped fuel and L. P. gas trucks, in the event of enemy attack, would be allowed to communicate inside large population centers under the enabling provisions of § 2.405 of the Commission's rules governing the operation of authorized radio facilities during emergencies.

38. We recognize the validity of the point that metropolitan areas of 50,000 or more population may include remote and sparsely settled locations served by fuel and L. P. gas distributors. This combined with the fact that such distributors rarely deliver their products within cities, appears to indicate that, while a restriction of the type proposed is needed, the SMA concept may not be altogether suitable for this purpose. Accordingly, we are changing it to a city concept, i. e., stations authorized under this section may not be located or operated within the city limits of any city of 50,000 or more population.

39. We have been asked to include plumbing and heating contractors within the group of persons eligible under this section. For the reasons already discussed in connection with § 11.504 this request may not be granted.

40. Section 11.510 is adopted as proposed with the change discussed above and renumbered § 11.511.

Section 11.511.

41. This section deals with permissible communications. In general, communications in this service must be confined to the specific activities in connection with which eligibility has been established. Administraitve type traffic, e. g., sales reports, or the dispatch of salesmen is prohibited. Exception has been taken in one of the comments to the latter restriction on the ground that messages of this character often directly affect production efficiency. We do not dispute this contention; however, sound principles of frequency utilization and spectrum conservation militate against permitting this kind of usage.

42. We are deleting the proposed paragraph (b) as unnecessary; otherwise the section is renumbered § 11.512 and adopted substantially as proposed.

Section 11.512.

43. Briefly, this section proposes to prohibit (1) the licensing of mobile relay stations within the continental limits of the United States, and (2) non-safety communications between base stations.

44. Mobile relay stations may presently be authorized under § 11.7 (b) upon a showing of a substantial need therefor. We proposed to discontinue their licensing because these operations must employ two mobile service frequencies and are, therefore, considered to be inherently wasteful of spectrum space. Opponents of this proposal contend that the processing of mobile relay stations requests under § 11.7 (b) should continue; otherwise the Commission would be discriminating against Special Industrial users as distinguished from other applicants in the various Industrial Radio Services.

45. We are partly meeting this objection by making provision for mobile relay stations on the frequencies above 450 Mc, to operate in conjunction with Special Industrial systems using frequencies in the same portion of the spectrum. These frequencies are better able to stand the load which will result from a duplex method of operation than those in the VHF band. Accordingly, we are unable to permit the continued use of VHF frequencies for Special Industrial mobile relay operations.

46. Non-safety communications between base stations are presently permitted on a secondary basis when wirelines are unavailable, or the message is of immediate importance to mobile units. Because these are essentially fixed service operations, we proposed to prohibit their conduct on mobile frequencies in a mobile service. Opponents of this proposal advocate continuance of the existing section. They assert that, if the proposal is adopted, present operations would be critically hampered; remotely placed temporary base stations (at drilling site, for example) would, in order to comply with the rule, have to communicate back to the main base station via one or more mobile units, thus increasing channel loading; that the higher frequencies available for point-to-point (operational fixed) communications are in some instances (as in the case of remotely situated ranches and mines) unsuitable because of unfavorable terrain or distance.

47. While we adhere to the proposition that until the demands for mobile service are satisfied, a prohibition of point-to-point traffic on mobile frequencies is reasonable, we recognize that there is merit in the above arguments. Accordingly, we are providing for inter-base station communication, beyond purely safety requirements, upon specific showing of need. Applications containing such showings must spell out the applicant's need in terms of station location and operating requirements, and must clearly demonstrate that the use of fixed service frequencies would not meet those requirements.

48. With the foregoing changes the section is adopted, and renumbered § 11.513.

Section 11.513.

49. This section proposes to limit temporary base station frequency assignments to certain designated frequencies, when operating outside the direct communication range of one or more permanent base stations licensed to the same person. It is intended to limit the disruptive effects of transient users in areas where permanently established Special Industrial systems are functioning.

50. Opposition to this proposal is based on the argument that supervisors' vehicles which shuttle back and forth between permanent and temporary base stations, would in some instances have to be equipped to received on two frequencies. In answer, it is pointed out that these users may license all facilities, including base stations at permanent locations, on a single temporary base station frequency, thus obviating the "two-frequency" problem. The number of interference complaints which we receive in connection with the activities of transient users requires us to limit base station frequency assignments as proposed, especially since no practicable means exists for coordinating locally the frequencies assigned to transient systems. The section is adopted as proposed and renumbered § 11.514.

[1] In disposing of this section, we considered the comment of the Committee on Manufacturers Radio Use which was filed late with a petition for leave. The Committee's request that "the Commission reinstate in full its Petition for the Establishment of a Manufacturers Radio Service" is hereby denied. That Petition was fully considered and disposed of in a Memorandum Opinion adopted February 3, 1954, FCC 54–152.

[2] The National Rural Electric Cooperative Association has also urged that REA cooperatives operating both power and telephone systems be permitted to use stations licensed in the power radio service in connection with the construction, maintenance, or repair of rural telephone outside plant facilities. This request is beyond the scope of the present proceeding; it will, however, receive consideration in relation to the power radio service rules.

[3] We proposed to transfer this type of trucking operation, as distinguished from common or contract carriers, into the Special Industrial Radio Service on the theory that, on the basis of the functions performed, persons who are not engaged in the trucking business as such, but use trucks only as a means of carrying on some other business (e. g., the delivery of fuel oil), should be licensed in one of the industrial services rather than a land transportation service. See the Report and Order in Docket 10743 adopted September 1, 1954, FCC 54–1107.

Sections 11.514, 11.515 and 11.516.

51. These sections contain the table of frequencies available for assignment to base, mobile and operational fixed stations in the Special Industrial Radio Service.

52. One of the licensees operating on 154.57 Mc in the Special Industrial Service objects to the deletion of this frequency which is presently shared with the Low Power Industrial Service. Henceforth this frequency will be exclusively allocated to the latter service. It appears that the facility involved can be relicensed in the Low Power Industrial Service. The licensee admits that the 3 watt power limit of that service meets its needs. The licensee is, therefore, not adversely affected by the proposed frequency deletion.

53. The frequency 173.375 Mc which is presently allocated to the Relay Press Radio Service and the Motion Picture Radio Service was proposed to be made available also to the Special Industrial Radio Services on a shared basis with the other services. The American Newspaper Publishers Association objects to this proposal. The Relay Press Radio Service has made, so far, only limited use of this frequency. Only five systems are operating on it. We recognize, however, that this service may not have yet had the opportunity to reach its full development and that the proposed sharing of 173.375 Mc with the Special Industrial Service might impair its usefulness to the Relay Press Radio Service and thereby prevent its further expansion. We are, therefore, abandoning the proposed reallocation of this frequency at this time. We point out, however, that whenever a service fails fully to utilize a desirable frequency, demands for its reallocation to other services may be expected to arise.

54. Recommendations have been made to improve frequency utilization by such means as geographic assignment of frequencies, reduction of channel spacing (split-channel assignments), reallocation of additional spectrum space to the Special Industrial Radio Service, etc. These matters are beyond the scope of this proceeding. Some of them, notably the possibilities of split-channel assignments are currently under study. The matter of protecting TV reception from interference caused by the nonbroadcast fixed operations in the 72–76 Mc band, toward which a comment has been directed, will be governed by the policy recently adopted in Docket 10315 (FCC 54–814, July 2, 1954).

55. The frequency allocation tables are adopted with certain editorial changes, and the sections are renumbered §§ 11.515, 11.516, and 11.517, respectively.

56. Aeronautical Radio Inc. requested that a new category of service entitled "Airport Vehicular Activities" be established within the framework of the proposed Special Industrial Radio Service. Radio would be used in connection with airport supply, maintenance and service operations. No provisions for such primarily nonsafety communications are made in the Commission's rules governing the Aviation Services. It is claimed that the Low Power Industrial Service presently used in the ten airports to provide this type of service cannot accommodate further expansion. We are of the opinion that the need for this service can be satisfied elsewhere. Basically, the need appears to be confined to short range communications over flat areas for which the Citizens Radio Service (460–470 Mc) can be used successfully. And the exclusive allocation of the frequency 154.57 Mc to the Low Power Industrial Radio Service should provide additional room for operation in that service.

CONCLUSIONS

57. The new Special Industrial Radio Service rules specifically delineate the various categories of industrial activities for which radio communications are provided. Our experience with the existing regulations framed in broad general terms, has caused us to decide upon this approach. Fundamentally, this has been a process of inclusion and exclusion necessitated by the fact that there are not enough frequencies for all who may desire to use radio in their business. The choice has been based on the need of a given industrial class or group for radio communications and not on a special need, however meritorious standing alone, of an individual member where the group as such could get along without radio. Thus, there are existing licensees who have been authorized in the Special Industrial Radio Service during its recent rapid growth and certain private truckers now licensed under the part of the Highway Truck Radio Service transferred into the new Special Industrial rules who are not eligible under the new rules because they perform an industrial activity which as such cannot justify a claim on these scarce frequencies.

58. These nonconforming users, some of whom were authorized after the second Notice was issued in November 1953 and whose licenses are expressly conditioned on the outcome of this proceeding, may continue to operate for five years from the effective date of the rules adopted herein. This period will enable them to amortize their equipment investment. They will not be permitted however during that period to expand their facilities or operations. The licensees required only to change frequency in order to conform their operation to the new rules shall do so within one year from the effective date of these rules or upon renewal of their license, whichever event occurs later.

59. We come now to the question of whether this proceeding should be concluded with the adoption of the foregoing as our final disposition of the issues raised by the comments, or whether further proceedings should be held herein. The proposed new rules for the Special Industrial Radio Service are detailed and in some respects quite complex. They evoked a considerable interest among the licensees and prospective users of this service as attested to by the volume of comments received. Several of these comments touched upon difficult and controversial problems, such as the extent of eligibility in and the scope of the service. The preceding paragraphs represent what on the basis of the record before us and our experience in this field appears to be an equitable solution of the problems. Nevertheless, we are not unmindful of the fact that certain areas of controversy remain. In view of this and because these rules will determine the direction and shape the growth of the Special Industrial Radio Service for many years, we desire to give interested persons a further opportunity, consistent with the objectives of a public rule making proceeding, to present their case on the record. Therefore, we are issuing this document as a proposed report and order to which interested persons will have an opportunity to file exceptions and, upon request, present their case in an oral argument before the Commission, as specified in paragraph 60 below.

60. *Accordingly, it is ordered,* Under the authority contained in section 4 (i) and 303 of the Communications Act of 1934, as amended, that Part 11 and Part 2 of the Commission's rules are amended, as set forth below, subject to the following conditions:

(a) On or before November 19, 1954, interested persons may file written exceptions to any part of the foregoing Proposed Report and Order (paragraphs 1 through 58) and the rules contained below and request oral argument thereon. Exceptions must be specific with respect to the paragraphs of the Proposed Report and Order to which they are made, or the sections and paragraphs of the rules set forth below, or both when appropriate, and must give reasons in support thereof. Each person who in his exceptions requests an oral argument, may be afforded an opportunity to appear before the Commission and present such an argument, which will be limited to the matters specified in his exceptions. If no request for oral argument is filed with the exceptions and within the time provided herein, the party will be deemed to have waived this opportunity for an oral argument. But the Commission may, if it deems it necessary to a proper disposition of the issue, direct any person who filed exceptions to appear before it at the time the oral argument is scheduled.

(b) If no exceptions are filed to the Proposed Report and Order or the sections and paragraphs of the rules set forth below, the Commission may adopt these documents as set forth herein and specify the effective date thereof. Similarly, any part of the Proposed Report and Order or the sections and paragraphs of the rules set forth below with respect to which no exceptions are made may be adopted as set forth herein.

(c) Fifteen copies of all written exceptions must be furnished. If an oral argument is ordered by the Commission, the time and place thereof and the order of presentation will be specified in a subsequent notice.

(d) The final decision herein will be based on the entire record in this proceeding as augmented by the exceptions and oral argument, if any.

Adopted: October 29, 1954.

Released: November 3, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 11, rules governing Industrial Radio Services, as follows:

1. Insert the following new paragraph (x) in § 11.3, *Definition of terms:*

(x) *Standard Metropolitan Area.* Any or all of the areas within the continental limits of the United States described and enumerated as Standard Metropolitan Areas in the U. S. Census of Population, 1950: Vol. I, Number of Inhabitants; Chapter 1, U. S. Summary; Bureau of the Census, United States Department of Commerce. (The Standard Metropolitan Areas in the United States are listed in that publication in Table 26, beginning on Page 1–66. The publication is sold by the U. S. Government Printing Office, Washington 25, D. C.)

2. Delete the present index reference and text of Subpart K, Special Industrial Radio Service, and substitute the following new index reference and text—

SUBPART K—SPECIAL INDUSTRIAL RADIO SERVICE

Sec.
11.501 Scope of service.
11.502 Availability of service.
11.503 Agricultural activities.
11.504 Heavy construction activities.
11.505 Building construction activities.
11.506 Manufacturing activities.
11.507 Mining activities.
11.508 Specialized industrial service and trade activities.
11.509 General industrial service and trade activities.
11.510 Engineering service activities.
11.511 Miscellaneous public service activities.
11.512 Permissible communications.
11.513 Station limitations.
11.514 Mobile service frequencies for use at temporary locations.
11.515 Frequencies available for Base and Mobile stations.
11.516 Frequencies available for Operational Fixed Stations.
11.517 Frequencies available for Base, Mobile and Operational Fixed Stations.

§ 11.501 *Scope of service.* (a) The rules set forth in this subpart are designed to make available to a variety of individual industrial enterprises mobile radiocommunication systems which can contribute materially to the safety and efficiency of the operations involved. The limited number of frequencies available for assignment in this service precludes making it available to all classes of persons who might have a need for mobile radiocommunication, particularly in or near large population centers. Accordingly, the Commission has been obliged to adopt strict eligibility limitations on industrial radio usage in such areas and, in addition, other limitations have been placed on the use of licensed stations. Nevertheless, those persons who do qualify for their own radio systems in this service are cautioned that a substantial amount of interference can be expected and are urged to cooperate in the solution of mutual interference problems.

(b) Certain frequencies are available for assignment for fixed service operations in this service on a limited basis; however, extensive licensing of point-to-point systems must await further development of the Commission's microwave program. Accordingly, requests for point-to-point facilities will be considered on a case-by-case basis. In general, requests for such point-to-point facilities should clearly establish either (1) that a number of fixed stations at permanent locations are required to provide communications between isolated establishments or from such establishments to points at which established communication facilities are available, or (2) that the use of a remotely located base station, with which a requested fixed control and fixed relay link is proposed to be used, is necessary to maintain communications with mobile units for the conduct of authorized communications. Point-to-point facilities will not be authorized for the transmission of any type of signal or communication between two locations within the same Standard Metropolitan Area except for the purpose of providing a fixed control and fixed relay link where the remote placement of a Base Station has been justified.

(c) The initial application from a person claiming eligibility under the provisions of this subpart shall be accompanied by a full description of the type, location and extent of the particular activity in which engaged and the proposed use of radio in connection therewith, together with a full description of any other activities in connection with which the radio-equipped vehicles will be used and the extent of such use.

§ 11.502 *Availability of service.* (a) Authorizations to operate stations in the Special Industrial Radio Service are available only to the extent and for the purposes set forth in this subpart. To the extent that the provisions of this subpart may be at variance with those contained in Subparts A, B, C, D or E of this part, the provisions of this subpart shall be controlling.

(b) Authorizations to operate stations in the Special Industrial Radio Service are not available to conduct operations for which specific provision is made elsewhere in the Commission's rules.

(c) A subsidiary corporation furnishing a non-profit communications service to its parent corporation or its subsidiaries may be considered eligible in the Special Industrial Radio Service, if the parent or its subsidiaries are engaged in one of the activities set forth in this subpart. The use of any radio system authorized pursuant to this paragraph will be subject to all the limitations and conditions applicable to the particular activity upon which eligibility is predicated.

(d) The classification of certain industries and activities into specified categories for the purposes of this subpart is based upon the general classification of all industrial activities contained in the Standard Industrial Classification Manual (Executive Office of the President, Bureau of the Budget: Volume I, Manufacturing Industries, 1945; and Volume II, Nonmanufacturing Industries, 1949) with certain specific additions to and exclusions from the general categories for the purposes of this subpart. To determine whether or not a particular industrial activity falls within one of the categories delineated in this subpart, reference to that manual is recommended. (The manual is available from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.)

§ 11.503 *Agricultural activities*—(a) *Definition.* For the purposes of this part, agricultural activities are defined as the activities directly involved in the operation of farms or ranches for the production of crops or plants, vines or trees (excluding forestry operations), or for the keeping, grazing or feeding of livestock for animal products, animal increase, or value enhancement. Included as farms are such agricultural enterprises as orchards, vineyards, nurseries, greenhouses, hothouses, fur farms, mushroom cellars, apiaries, cranberry bogs, fish farms, fish hatcheries, oyster farms and frog farms. The processing (curing, packing, canning, smoking, freezing, etc.) of food on a farm is classed as an agricultural rather than a manufacturing activity if the raw materials are grown on that farm.

(b) *Eligibility.* Persons engaged in agricultural activities, as that term is defined in this section, are eligibile in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the agricultural activities involved.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the standard metropolitan area involved.

§ 11.504 *Heavy construction activities*—(a) *Definition.* For the purposes of this part, heavy construction activities are defined as the activities directly involved in the construction of engineering projects, such as highways and streets, bridges, sewers, railroads, utility rights-of-way, irrigation projects, flood control projects and marine construction, and miscellaneous types of construction work other than buildings. Not included as heavy construction activities are the functions performed by general contractors engaged in the construction of residential, farm, industrial, commercial, public, or other similar building, or by establishments specializing in plumbing, painting, electrical work, masonry, plastering, carpentry, or other special construction trades. Although marine construction is included as a heavy construction activity, dredging solely for the recovery of sand, gravel, fuels, minerals or metals shall be classed as a mining activity.

(b) *Eligibility.* Persons engaged in heavy construction activities, as that term is defined in this section, are eligible in this service when it is shown that the use of the Low Power Industrial Radio Service does not meet their operational requirements and that the use of radio will be exclusively in connection with the conduct of the heavy construction activities involved and either (1)

presently used in the ten airports to pro-

before us and our experience in this field

Secretary.

that all such activities take place exclusively in areas other than Standard Metropolitan Areas of 500,000 or more population, or (2) that the use of radio will be exclusively for on-the-job communications at the site of a particular heavy construction project within such Standard Metropolitan Area.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population. Exceptions to the above may be made by the Commission in specific cases and for limited periods of time when it is shown that one or more Base Stations, to be associated with a specified heavy construction project and to be located within one-quarter mile thereof, will be used exclusively in the conduct of that project; however, each authorization so issued, for the operation of Base Stations or mobile units within such Standard Metropolitan Areas of 500,000 or more population, will be limited in term to one year, renewable on the same showing in the event the particular project continues beyond that period.

§ 11.505 *Building construction activities*—(a) *Definition.* For the purposes of this part, building construction activities are defined as the functions directly performed by general building contractors primarily engaged in construction (including new work, additions, alterations, and repair) of buildings such as houses; apartment buildings; farm buildings; industrial, commercial, institutional, and public buildings; light and power plants; natural gas compressing stations; oil pumping stations; and refuse disposal plants. Not included as building construction activities are the functions performed by establishments specializing in plumbing, painting, electrical work, masonry, plastering, carpentry, or other special construction trades.

(b) *Eligibility.* Persons engaged in building construction activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of building construction activities, (2) that the use of radio will be exclusively for on-the-job communications at the site of and between members working on a single project, and (3) that the use of the Low Power Industrial Radio Service does not meet the operational requirements of the building construction activity involved.

(c) *Limitation on station locations.* No Base Station for operation at any location and no Operational Fixed Station of any class shall be authorized in accordance with the provisions of this section. Exceptions to the above may be made by the Commission in specific cases and for limited periods of time when it is shown that not more than one Base Station, to be associated with a specified building construction project and to be located within one quarter mile thereof, is necessary for the conduct of that project; however, each authorization so issued for the operation of a Base Station will be limited in term to one year renewable on the same showing in the event the particular project continues beyond that period.

§ 11.506 *Manufacturing activities*—(a) *Definition.* For the purposes of this part, manufacturing activities are defined as the activities directly involved in the mechanical or chemical transformation of organic or inorganic substances into new products within establishments usually described as plants, factories, shipyards, or mills and which employ, in that process, power-driven machines and materials-handling equipment. Establishments engaged in assembling components of manufactured products in plants, factories, shipyards or mills are also engaged in manufacturing activities if the new product is neither a new structure nor other fixed improvement. Establishments primarily engaged in the wholesale or retail trade, or in service activities, even though they fabricate or assemble any or all of the products or commodities handled, shall not be considered to be engaged in manufacturing activities.

(b) *Eligibility.* Persons engaged in manufacturing activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the manufacturing activities involved and either (1) that those activities take place exclusively in areas other than Standard Metropolitan Areas of 500,000 or more population, or (2) that the use of radio will be within the yard area for mobile service communications within such Standard Metropolitan Area and that the use of the Low Power Industrial Radio Service does not meet the operational requirements of the manufacturing activity otherwise found eligible under this paragraph.

(c) *Limitation on station location.* (1) Each station authorized in accordance with the provisions of paragraph (b) (1) of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population.

(2) Each Base Station authorized in accordance with the provisions of paragraph (b) (2) of this section shall be permanently located at a point within the yard area to be served by it, and the mobile units associated therewith shall not be operated beyond the boundaries of that yard area except that, upon specific authorization by the Commission after adequate showing that such operation is necessary in the interest of national defense, mobile units may be operated outside of such yard area for the purpose of maintaining plant security only. The term "yard area" as used in this section may include one or more sites, whether contiguous or noncontiguous, on which plant or plants of the applicant are located, if the plant or plants are operated as an integrated manufacturing unit, and if the sites, when physically non-contiguous, lie within close proximity of each other. In determining whether non-contiguous areas lie within such close proximity of each other as to be considered a "yard area", the Commission will consider the extent to which such sites are separated by streets, highways, railroad tracks, rivers or similar obstacles. Where the "yard area" in which the applicant wishes to communicate includes more than one plant, each plant to be included shall be listed on the application and the instrument of authorization.

§ 11.507 *Mining activities*—(a) *Definition.* For the purposes of this part, mining activities are defined as the activities directly involved in the process of recovery of solid fuels, minerals, or metals from the earth or from the sea by means of mining, quarrying, dredging, chemical extraction, deep-well operation, or similar processes. The operations involved in the exploration for and the development of mining properties are considered mining activities. The process of crushing, washing, sorting, grading, dressing, or other beneficiation or preparation for delivery as raw material to smelting, refining or other manufacturing processes or to the wholesale market is considered a part of the mining activity only when carried on by the same person who recovers the basic materials from the earth or from the sea.

(b) *Eligibility.* Persons engaged in mining activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the mining activities involved.

(c) *Limitation on station location.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

§ 11.508 *Specialized industrial service and trade activities*—(a) *Definition.* For the purposes of this part, specialized industrial service and trade activities are defined as those commercial or industrial activities directly involved in providing specialized functions, services or materials, under contract, to single categories of persons who are themselves eligible, in certain of the Industrial Radio Services, to use radio in connection with the performance of the same functions. Activities normally classed as building trade or special construction trade activities are not included. Only the following are recognized as specialized industrial service and trade activities in accordance with the foregoing:

(1) Plowing, spraying, dusting, soil conditioning, seeding, fertilizing, or harvesting for agricultural or forestry activities.

(2) Livestock breeding service.

(3) Cleaning and repair of oil, gas or water transmission pipe lines.

(4) Acidizing, cementing, logging, perforating, or shooting activities and services of a similar nature incident to the drilling of new oil or gas wells or the maintenance of production from established wells.

(5) Supplying of chemicals, mud, tools, pipe and other special materials or equipment to the petroleum production industry, other than to refining, cracking or processing plants.

(6) Clearing and maintaining rights-of-way for public utilities.

(7) Crushing, washing, sorting, grading, dressing or other beneficiation or preparation of ores, minerals or solid fuels, when performed by a person who is not engaged in either a mining or a manufacturing activity and when all such operations, including all use of radio in connection therewith, are confined to a single yard area.

(b) *Eligibility.* Persons primarily engaged in specialized industrial service and trade activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of such specialized industrial service and trade activities, (2) that every basic industrial activity served would be eligible for a station authorization in the Industrial Radio Services at the station locations proposed by the applicants in this service, (3) that the persons engaged in the specialized industrial service and trade activities are not otherwise eligible under this part for the use of radio in connection with those activities except in the Low Power Industrial Radio Services, and (4) that the use of the Low Power Industrial Radio Service would not meet the operational requirements of these activities.

(c) *Limitation on station locations.* Except for stations which exclusively serve the Petroleum, Power, Forest Products or Motion Picture industries, as defined in Subparts F, G, H or I of this part, or the mining industry, as defined in this subpart, each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

§ 11.509 *General industrial service and trade activities*—(a) *Definition.* For the purposes of this part, general industrial service and trade activities are defined as those commercial or industrial activities directly involved in providing specialized functions, services or materials which are essential to the efficient conduct of miscellaneous industrial processes. Only the following are recognized as general industrial service and trade activities in accordance with the foregoing:

(1) Servicing, repairing and maintaining heavy machinery (not including automobiles or trucks) when such operations are performed at the place where such machinery is used, and when such use is exclusively in connection with agricultural, heavy construction, manufacturing or mining activities, as those terms are defined in this subpart, or in connection with activities conducted by persons who are eligible for license in the Power, Petroleum, Forest Products or Motion Picture Radio Services.

(2) Delivering and pouring ready-mixed concrete, hot asphalt mix, and similar perishable mixtures.

(b) *Eligibility.* Persons primarily engaged in general industrial service and trade activities, or in a combination of general and specialized industrial service and trade activities, as those terms are defined in this subpart, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of those activities.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

§ 11.510 *Engineering service activities*—(a) *Definition.* For the purposes of this part, engineering service activities are defined as those activities directly involved in the conduct of certain engineering field activities by professional engineers or consulting engineering firms. Only the following are recognized as engineering service activities in accordance with the foregoing:

(1) The conduct of geophysical, geomagnetic, natural resource, topographical, geological, or similar surveys.

(2) Surveys and tests in connection with the siting, construction and adjustment of the antennas of commercial, educational, Federal, State or Local Government radio transmitting and receiving stations, including field intensity and proof of performance surveys of such stations.

(b) *Eligibility.* Persons primarily engaged in engineering service activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of such engineering service activities, and (2) that the use of radio will be exclusively for on-the-job communications between members of the same engineering field party working on a single project.

(c) *Limitation on station locations.* No Base Station or Operational Fixed Station shall be authorized in accordance with the provisions of this section for operation at any permanent location.

§ 11.511 *Miscellaneous public service activities*—(a) *Definition.* For the purposes of this part, miscellaneous public service activities are defined as those activities directly involved in the conduct of commercial or industrial enterprises which are considered essential to the health or immediate welfare of a large segment of the general public and are not classed among those commercial or industrial activities for which other specific provision has been made in the Commission's rules. Only the following are recognized as miscellaneous public service activities in accordance with the foregoing:

(1) The servicing and repair of heating or refrigerating equipment.

(2) The delivery of ice or fuel to the consumer in solid, liquid or gaseous form for heating, lighting, refrigerating or power generation purposes, by means other than pipe lines or railroad.

(3) The spraying or dusting of insecticides, herbacides or fungicides but not including the fumigation or other treatment of buildings (or other structures) or their contents for the control of rodents, pests, parasites or plant diseases.

(b) *Eligibility.* Persons primarily engaged in miscellaneous public service activities, or in a combination of those activities with general and specialized industrial service and trade activities, as those terms are defined in this subpart, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of those activities and (2) that all such activities take place exclusively outside the city limits of cities of 50,000 or more population.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times outside the city limits of cities of 50,000 or more population.

§ 11.512 *Permissible communications.* (a) Except for the transmission of communications relating directly to the safety of life or to the protection of property, stations licensed to persons in the Special Industrial Radio Service may be used only for the transmission of communications relating to the specific activity or activities in connection with which eligibility has been established.

(b) Communications relating directly or indirectly to the following shall not be transmitted by any base or mobile stations licensed in the Special Industrial Radio Service:

(1) Sales reports, or the dispatch of salesmen;

(2) Payrolls, accounts, or inventory control; or

(3) Any message or information where the time element is not of immediate importance.

§ 11.513 *Station limitations.* (a) Mobile Relay Stations will not be licensed in the Special Industrial Radio Service within the continental limits of the United States, except when such stations and all associated base and mobile stations are operated exclusively on frequencies above 450 Mc.

(b) Where a radio station authorization in the Special Industrial Radio Service is held by a person or organization engaged in activities beyond those indicated in the eligibility provisions of this service, the operation of such station shall be confined to those activities on which eligibility has been established, except for messages relating to the safety of life or to the protection of property.

sued for the operation of a Base Station such close proximity of each other as to services of a similar nature [illegible]

agricultural, heavy construction, manu- not classed among those commercial or of life or to the protection of property.

(c) Except for the transmission of communications relating directly to the safety of life or to the protection of property, or except upon specific authorization by the Commission for each station involved upon adequate showing of need, no base station in the Special Industrial Radio Service shall be used for the transmission of communications addressed to, or to be relayed by, any other base station. Requests for non-safety inter-base station operating authority must be accompanied by a detailed description of the applicant's operating requirements and must clearly demonstrate that the use of fixed service frequencies would fail to meet those requirements.

§ 11.514 *Mobile Service frequencies for use at temporary locations.* (a) Subject to the applicable provisions of § 11.54 authorization to operate a Base Station in this Service at temporary locations will be granted only on the frequencies 27.31, 27.35, 27.39, 43.02, 43.06, 43.10, 43.14, 49.70, or 152.87 Mc: *Provided, however,* That this paragraph shall not be applicable in the case of such stations when they are to be operated only within direct communication range of one or more permanently located Base Stations operated by the same licensee.

(b) A Mobile Station not associated with one or more Base Stations installed at permanent locations will be authorized to operate on the frequencies 27.31, 27.35, 27.39, 43.02, 43.06, 41.10, 43.14, 49.70 or 152.87 Mc only.

§ 11.515 *Frequencies available for Base and Mobile Stations.* (a) The following frequencies are available for assignment to Base Stations and Mobile Stations in the Special Industrial Radio Service only:

Mc.	*Mc.*	*Mc.*	*Mc.*
27.31	30.62	35.94	49.86
27.35	35.74	43.02	49.90
27.39	35.78	43.06	49.94
27.43	35.82	43.10	49.98
27.47	35.86	43.14	154.49
30.58	35.90	43.18	

(b) The following frequencies are available for assignment to Base Stations and Mobile Stations in the Special Industrial Radio Service on a shared basis with other services:

kc.	*Mc.*	*Mc.*
[1] 2292	49.54	49.78
[1] 2398	49.58	49.82
[1] [2] 4637.5	49.62	152.87
	49.66	152.93
	49.70	152.99
	49.74	

[1] Use of this frequency by stations licensed in the Special Industrial Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

[2] This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

[3] This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

(c) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Special Industrial Radio Service on a shared basis with other services under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc.	*Mc.*
[1] [2] 2450–2500	[3] 6425–6575
[2] 3500–3700	[4] 11,700–12,200

[1] Use of frequencies in the band 2450–2500 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

[2] Subject to the proceedings in Docket No. 10797.

(d) In addition to the frequencies listed in this section, mobile service frequencies above 152 Mc listed elsewhere in this part as available to the Petroleum, Forest Products, Motion Picture or Relay Press Radio Services also are available for assignment in this Service for use outside the continental limits of the United States and waters adjacent thereto: *Provided, however,* That operation on such frequencies is subject to the condition that harmful interference shall not be caused to licensees operating in the other Services.

§ 11.516 *Frequencies available for Operational Fixed Stations.* (a) Subject to the condition that no harmful interference will be caused to reception of television channel No. 4 or 5, the following frequencies are available for assignment to Operational Fixed Stations in the Special Industrial Radio Service on a shared basis with other services:

Mc.	*Mc.*	*Mc.*	*Mc.*
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Special Industrial Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc.	*Mc.*
[1] [2] 890– 940	6575– 6875
952– 960	9800– 9900
1850–1990	12,200–12,700
2110–2200	[1] 16,000–18,000
[1] 2450–2500	26,000–30,000
2500–2700	

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17,850–18,000 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 1800 Mc.

[2] Subject to the proceedings in Docket No. 10797.

(c) Pursuant to the provisions of § 11.8, and for the specific purpose of transmitting hydrological or meterological data, the frequencies listed in this paragraph are available for assignment to Operational Fixed Stations in this Service: *Provided, however,* That harmful interference shall not be caused to Federal Government stations: *And provided further,* That the hydrological or meteorological data is made available to interested government agencies. Notwithstanding the provisions of § 11.151, Operational Fixed Stations authorized to operate on frequencies listed in this paragraph shall not communicate with or accept communications from any Mobile Station or Base Station unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations in accordance with the provisions of this paragraph should communicate with the Commission prior to filing formal application and request instructions concerning the procedure to be followed. The following frequencies are available for assignment:

Mc.	*Mc.*	*Mc.*	*Mc.*
169.425	171.025	[1] 406.050	[2] 40.68
169.475	171.075	[1] 406.150	
169.525	171.125	[1] 406.250	
169.575	171.175	[1] 406.350	
170.225	171.825	[1] 412.450	
170.275	171.875	[1] 412.550	
170.325	171.925	[1] 412.650	
170.375	171.975	[1] 412.750	

[1] Primarily for use by Fixed Relay Stations.

[2] Use of the frequency 40.68 Mc is limited to stations located in the States of Pennsylvania and West Virginia only, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

§ 11.517 *Frequencies available for Base, Mobile, and Operational Fixed Stations.* (a) The frequencies listed in paragraph (c) of this section are available for assignment to stations in the Special Industrial Radio Service for Developmental Operation only (see Subpart E of this part), and are shared with other radio services.

(b) The frequencies listed in paragraph (c) of this section are available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451–452 Mc and one frequency in the band 456–457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456–457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies

available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional restrictions and limitations on assignment and use:

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations operating in the mobile service on frequencies in the 450–460 Mc band in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(2) The frequencies are available for assignment only to those Operational Fixed Stations which function as integral and essential parts of a mobile service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a Mobile Station without interruption for manual relaying at intermediate points.

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

Base and Mobile		*Mobile*	
Mc.	*Mc.*	*Mc.*	*Mc.*
451.05	451.55	456.05	456.55
451.15	451.65	456.15	456.65
451.25	451.75	456.25	456.75
451.35	451.85	456.35	456.85
451.45	451.95	456.45	456.95

(d) The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

Amend Part 2, rules governing Frequency Allocations and Radio Treaty Matters, in the following particulars:

1. In the table of frequency allocations contained in § 2.104 (a) (5), change the entries in column 11 opposite the frequencies 35.74 to 35.94 Mc, inclusive, to read "Industrial", and that opposite the frequency 35.98 Mc to read "Land Transportation."

[F. R. Doc. 54–8782; Filed, Nov. 5, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53654; Rev. Treasury Department Order 165]

COMMISSIONER OF CUSTOMS

DELEGATION OF AUTHORITY AND FUNCTIONS

NOVEMBER 2, 1954.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1953 (3 CFR, 1950 Supp., Ch. III), it is hereby ordered:

1. There are hereby transferred to the Commissioner of Customs the functions of all officers, employees, and agencies of the Bureau of Customs and, subject to the exceptions hereinafter specified, all the rights, privileges, powers, and duties vested in the Secretary of the Treasury by the Tariff Act of 1930, as amended, by the navigation laws administered by the Bureau of Customs, or by any other law to the extent that it is administered by the Bureau of Customs.

(a) Regulations shall be prescribed by the Commissioner of Customs, with the approval of the Secretary of the Treasury, except that regulations and instructions, not inconsistent with the general rules and regulations of the Treasury Department, which are effective only against persons in their capacity as officers, agents, or employees of the Customs Service, and which do not prescribe procedures which the public should know or follow in dealing with the Customs Service, may be prescribed by the Commissioner of Customs without the approval of the Secretary of the Treasury.

(b) Requirements of regulations which may be waived in accordance with law may be waived by the Commissioner of Customs.

(c) Determinations under section 201 (a), Antidumping Act, 1921, as amended, that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value shall be made, and advice to the United States Tariff Commission of each such determination shall be given, by the Secretary of the Treasury.

(d) The ascertainment, determination, or estimation, and declaration of bounties or grants under section 303, Tariff Act of 1930, shall be made by the Commissioner of Customs with the approval of the Secretary of the Treasury, except that, when the Commissioner, with the approval of the Secretary, has determined and declared a rule for calculating or estimating the net amount of any such bounty or grant, any customs officer authorized by the Commissioner of Customs may ascertain and determine, or estimate, the net amount of the bounty or grant paid or bestowed in respect of each particular lot of imported merchandise.

(e) Findings under section 307, Tariff Act of 1930, whether any class of goods, wares, articles, or merchandise is mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions, and findings whether such goods, wares, articles, or merchandise so mined, produced, or manufactured are mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States, shall be made by the Commissioner of Customs with the approval of the Secretary of the Treasury.

(f) Any authority which may be vested in the Secretary of the Treasury by a proclamation of the President made pursuant to section 318, Tariff Act of 1930, shall be exercised by the Secretary of the Treasury.

(g) Any order under section 511, Tariff Act of 1930, prohibiting the importation of merchandise or instructing a collector to withhold delivery of merchandise shall be made by the Commissioner of Customs with the approval of the Secretary of the Treasury.

(h) No claim, fine, or penalty (including forfeiture) in excess of $20,000 shall be compromised, mitigated, or remitted without the approval of the Secretary of the Treasury.

(i) An award of compensation to an informer under section 619, Tariff Act of 1930, shall be made by the Commissioner of Customs only with the approval of the Secretary of the Treasury when claimed in connection with any decision which has been acted upon or approved by the Secretary of the Treasury.

(j) The authority conferred by the President upon the Secretary of the Treasury by Executive Order 10289 (3 CFR, 1951 Supp., Ch. II) with respect to the organization of the Customs Service and to laws administered by the Bureau of Customs shall be exercised by the Secretary of the Treasury.

2. All functions, rights, privileges, powers, and duties transferred by this order may be delegated by the Commissioner of Customs to subordinates in the Bureau of Customs in such manner as he shall from time to time direct.

3. This order revises Treasury Department Order No. 165, as issued on December 15, 1952 (T. D. 53160), and supersedes Treasury Department Order No. 165–1 (T. D. 53332), and all other orders and instructions heretofore issued to the extent that such orders or instructions are inconsistent herewith. The purposes of this order are to eliminate from the citation of authority for the delegation section 3 of the act of March 3, 1927 (5 U. S. C. 281b), which was repealed in pertinent part by section 10 of the act of September 3, 1954, 68 Stat. 1229; to reissue the delegation so that it will cover all pertinent laws in effect on the date hereof; and to eliminate the requirement that findings of dumping under section 201 (a), Antidumping Act, 1921, be approved by the Secretary and substitute therefor the above reservation to the Secretary of determinations of sales or likelihood of sales of merchandise at less than its fair value and the giving of advice of such determinations to the United States Tariff Commission. Delegations of authority heretofore issued by the Commissioner or

Acting Commissioner of Customs pursuant to the Treasury Department Orders revised or superseded by this order are not affected hereby.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-8786; Filed, Nov. 5, 1954; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 12, 1954.

An application, serial number Anchorage 027005, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on July 12, 1954, by the Department of Agriculture, U. S. Forest Service.

The purposes of the proposed withdrawal: Administrative and public service site and highway purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

CHUGACH NATIONAL FOREST

A strip of land 25 chains in width paralleling the southwest shore of Kenai Lake, beginning at the west end of the bridge near the outlet of Kenai Lake, latitude 60°2'30" north, longitude 149°48'30" west approximately, and southeasterly to an unnamed creek, approximate latitude 60°23'30" north, longitude 149°39'30" west, a distance of approximately 9.5 miles, containing 1,885 acres, more or less.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-8766; Filed, Nov. 5, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 450]

DENVER UNION STOCK YARD CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued in this proceeding on August 17, 1951 (10 A. D. 1033), prescribing the rates and charges to be assessed by the respondent for stockyard services at the Denver Union Stock Yards, Denver, Colorado. By orders issued on December 26, 1951 (10 A. D. 1502), October 16, 1952 (11 A. D. 851), and November 4, 1953 (12 A. D. 1264), temporary modifications in such schedule of rates and charges have been authorized. The temporary modifications are currently due to expire on December 31, 1955.

On October 29, 1954, respondent filed a petition requesting authority to make certain additional modifications in its schedule of rates and charges. The proposed modifications are as indicated below.

1. To change the yardage charges on livestock arriving by rail, on hoof, or resold through commission firms as follows:

	Present rate	Proposed rate
	Per head	*Per head*
Cattle (except bulls)	$0.73	$0.80
Bulls (600 pounds and over, except purebreds)	1.10	1.17
Calves (400 pounds and under)	.47	.52
Hogs	.26	.28
Sheep or goats	.14	.17
Horses or mules	.70	.80
Purebred bulls	2.00	2.00
Purebred cows and heifers	1.50	1.50
Direct hogs	.18	.20
Direct sheep or goats consigned to packers or slaughterers	.10	.12

2. To change the selling price of feed, bedding, etc., as follows:

	Present rate	Proposed rate
	Per hundredweight	*Per hundredweight*
Hay (on fence), current market price, f. o. b. stock yards, plus	$0.50	$0.60
Hay (fed), current market price, f. o. b. stock yards, plus	.60	.70
Miscellaneous feed, current market price, f. o. b. stock yards, plus	.75	.75
	Per bushel	*Per bushel*
Corn, current market price, f. o. b. stock yards, plus	.45	.60
	Per bale	*Per bale*
Bedding, current market price, f. o. b. stock yards, plus	.40	.45

3. To include in the schedule of rates and charges a definition of the term "yardage" as follows:

Yardage. The term "Yardage" is used in this schedule to describe the basic facilities and services furnished by this company in connection with livestock received at this Stockyard, viz:

(a) *Facilities.* The use of suitable facilities for the safe and expeditious receiving, handling, feeding, watering, holding, sorting, selling, buying, weighing, delivery, and shipment of livestock.

(b) *Services.* The services necessary and incident to the receiving of livestock at the place of unloading;

The furnishing of receipts for livestock to the truck carrier or consignor;

The furnishing of sufficient potable water for livestock;

The initial weighing of livestock when sold and delivered to the scales;

The issuance of scale tickets showing actual weight and other pertinent information concerning the livestock weighed;

The removal of livestock from scales after weighing and delivery to holding pens;

The holding of livestock for a reasonable time pending delivery or shipment to buyers and for a reasonable time thereafter;

The delivery of livestock to buyers at holding pens; and

The obtaining of receipts for livestock so delivered to buyers.

This Company will, when reasonably required by consignors, market agencies, dealers, packers, buyers or other users of stockyard services, provide and furnish special facilities and services in addition to the basic facilities and services described as "yardage"; and will assess and collect from such users a reasonable charge for such special facilities and services, in addition to the basic yardage charges.

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who wish to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 3d day of November 1954.

[SEAL] AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 54-8790; Filed, Nov. 5, 1954; 8:51 a. m.]

Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY VIRGINIA STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

Section 729.630 of the marketing quota regulations for the 1955 Crop of Peanuts (19 F. R. 6134), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State Committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Virginia State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the person to whom the authority has been redelegated:

VIRGINIA

Sections 729.622 (a) and 729.628—W. T. Powers, State Administrative Officer; J. S. Shackleton, Jr., Program Specialist; and H. O. Simpson, Marketing Quota Specialist, of the Office of the State ASC Committee.

Section 729.624 (b)—W. T. Powers, State Administrative Officer; J. S. Shackleton, Jr., Program Specialist; H. O. Simpson, Marketing Quota Specialist; and A. L. Flippen, Asst. Marketing Quota Specialist, of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1350, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 3d day of November 1954.

[SEAL] J. A. MCCONNELL,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 54-8793; Filed, Nov. 5, 1954; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2909 et al.]

AMERICAN AIRLINES, INC., ET AL.; NEW YORK CITY-MEXICO CITY NONSTOP SERVICE CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the applications of American Airlines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc., for nonstop air transport service between New York, N. Y., and/or Washington, D. C., on the one hand, and Mexico City, Mexico, on the other.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that a public hearing in the above-entitled proceeding assigned for November 8, 1954, is hereby postponed until November 16, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before November 16, 1954, a statement setting forth the propositions of fact or law which he desires to advance.

Dated at Washington, D. C., November 3, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8788; Filed, Nov. 5, 1954; 8:51 a. m.]

[Docket No. 5993]

R. E. MCKAUGHAN AND TRANS-TEXAS AIRWAYS

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of R. E. McKaughan and Trans-Texas Airways for approval of control and interlocking relationships under sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, and the Board's order adopted June 18, 1954, Serial No. E-8456, that further hearing in the above-entitled proceeding assigned for November 15, 1954, is hereby postponed until November 24, 1954, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Curtis C. Henderson, Hearing Examiner.

Dated at Washington, D. C., November 3, 1954.

[SEAL] FRANCIS W. BROWN,
Hearing Examiner.

[F. R. Doc. 54-8787; Filed, Nov. 5, 1954; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10861, 10862; FCC 54M-1369]

WPTF RADIO CO. AND CAPITOL BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of WPTF Radio Company, Raleigh, North Carolina, Docket No. 10861, File No. BPCT-511; Capitol Broadcasting Company, Incorporated, Raleigh, North Carolina, Docket No. 10862, File No. BPCT-824; for construction permits for new television stations (Channel 5).

By agreement of all the parties in the above-styled matter the hearing scheduled for November 4, 1954, at 10:00 a. m. in Washington, D. C., is hereby continued to November 8, 1954, at 10:00 a. m. in the offices of the Federal Communications Commission, Washington, D. C.

Dated at Washington, D. C., this 1st day of November 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8778; Filed, Nov. 5, 1954; 8:48 a. m.]

[Docket No. 11100; FCC 54M-1365]

TOP OF TEXAS BROADCASTING CO. (KAMQ)

ORDER CONTINUING HEARING

In re application of Top of Texas Broadcasting Company (KAMQ), Amarillo, Texas, for construction permit; Docket No. 11100, File No. BP-9139.

The Commission having under consideration a motion filed October 27, 1954, by the applicant requesting that the above-entitled proceeding be continued for approximately 30 days from November 4, 1954; and

It appearing that the Commission, by its order of July 7, 1954, designated the application for hearing to determine whether operation as proposed would involve objectionable interference with Stations KIND, Independence, Kansas, and KRVN, Lexington, Nebraska, and the nature and extent thereof; that thereafter on August 18, 1954, Top of Texas Broadcasting Company was permitted to amend its application, which amendment was designed to specify directional operation so as to limit interference to Station KIND and minimize interference to Station KRVN but a study of the application, as amended, raised the question as to whether the presently proposed operation of Station KAMQ would or would not be in accordance with the requirements of § 3.24 (g) of the Commission's rules; and

It appearing that on September 17, 1954, the Chief, Broadcast Bureau filed a petition requesting the enlargement of the issues to determine whether the proposed operation by Station KAMQ would be in compliance with § 3.24 (g) of the Commission's rules, that on October 27, 1954, the applicant filed a motion to remove the application from the hearing docket and return the same to the processing lines; and

It appearing that the orderly conduct of the Commission's business requires that the issues to be resolved be clearly specified prior to the start of the hearing; that if the issues are amended, additional time will be required to prepare exhibits to be offered in response to the new issues; that the time element requires immediate consideration of the motion for continuance; and that good cause has been shown that the motion should be granted;

It is ordered, This the 29th day of October 1954 that the motion for continuance is granted and the hearing is continued from November 4, 1954 until 20 days after the Commission has acted on the petition of the Chief, Broadcast Bureau to enlarge the issues.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8779; Filed, Nov. 5, 1954; 8:49 a. m.]

[Docket No. 11151; FCC 54M-1370]

GENERAL SEAFOODS, INC.

ORDER CONTINUING HEARING

In the matter of General Seafoods, Inc., New Orleans, Louisiana, order to show cause why the license for Radiotelephone Station WD-8367 should not be revoked; Docket No. 11151.

The Commission having under consideration a motion filed on October 29, 1954, by its Safety and Special Radio Services Bureau, requesting that the hearing in the above-entitled matter now scheduled to be held on November 3, 1954, at Washington, D. C., be continued without date; and

It appearing that the licensee, in response to the Commission's order to show cause has waived its right to a hearing in the above-entitled matter, as provided for in § 1.402 of the Commission's rules; has submitted an explanation of the alleged violations; and has also submitted reasons why the license

of ship radiotelephone station WD–8367 should not be revoked; and

It further appearing that a continuance is required in order to afford the licensee an opportunity to comply with the request contained in a letter of the Safety and Special Radio Services Bureau, supra, dated October 20, 1954, to furnish additional information in this matter;

It is ordered, This 2d day of November 1954, that the said motion be, and it is hereby, granted, and that the hearing in the above-entitled matter is hereby continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–8780; Filed, Nov. 5, 1954; 8:49 a. m.]

[Docket No. 11207; FCC 54M–1367]

GULF TELEVISION CO. (KGUL–TV)

ORDER CONTINUING HEARING

In re applications of Gulf Television Company (KGUL–TV), Galveston, Texas, for construction permit; Docket No. 11207, File No. BPCT–1875.

It is ordered, This 1st day of November 1954, on the Examiner's own motion, that the hearing in the above-entitled matter, which is presently scheduled to commence on November 15, 1954, is continued to November 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–8781; Filed, Nov. 5, 1954; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–1705, G–1813, G–1937, G–2023, G–2057, G–2433, G–2475, G–2932, G–3159]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS, FIXING DATE FOR HEARING AND SPECIFYING PROCEDURE

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G–1705, G–1937, G–2433, and G–2475; Indiana Gas & Water Company, Inc., Docket No. G–1813; Indiana Gas & Water Company, Inc. v. Panhandle Eastern Pipe Line Company, Docket No. G–2023; Missouri Public Service Company, Docket No. G–2057; City of Montgomery, Missouri, Docket No. G–2932; Town Gas Company of Illinois, Docket No. G–3159.

Panhandle Eastern Pipe Line Company (Panhandle) on May 18, 1954, filed its application at Docket No. G–2433 for a certificate of public convenience and necessity authorizing the construction and operation of facilities proposed to increase its peak day sales deliverability by 455,000 Mcf per day. Temporary authorization for the construction only of facilities permitting a daily deliverability increase of 100,000 Mcf was granted on September 2, 1954.

Panhandle, in Docket No. G–1705, sought authorization for the construction and operation of facilities which would raise the maximum day capacity of Panhandle's main line from 550,000 Mcf to 600,000 Mcf. Although temporary authorization was granted for this project on August 14, 1951, no hearing thereon has as yet been held. We will consolidate it with the other proceedings at hand so that hearings on this application may merge with those on the Docket No. G–2433 project.

Included in Panhandle's application at Docket No. G–2433 is a proposal for the institution of storage operations in storage fields located near Waverly, Illinois. Such project contemplates the injection of gas in the storage fields during off-peak periods and the delivery thereof on peak days. Panhandle at Docket No. G–2475, has applied for authorization pursuant to Section 3 of the Natural Gas Act for the export of up to 15,500,000 Mcf of gas per year to Union Gas Company of Canada, Ltd., on an interruptible basis. In view of the effect that delivery of this considerable volume of gas may have on Panhandle's reserves as well as the question of the availability of gas for such purposes in the light of the Waverly Storage Project, we find that Docket No. G–2475 should be consolidated with these proceedings for the purposes of hearing.

Among the matters to be considered in these consolidated proceedings is the distribution among Panhandle's present and prospective customers of the gas available from Panhandle's system. Collateral to this matter is the problem of the capacity of lateral lines extending from the main pipeline. Included in the application at Docket No. G–2433 is a request for authorization to construct and operate facilities which would increase the capacity of certain of its laterals. Absent, however, is a request for authorization to construct and operate additional facilities on the Louisburg lateral which in the past has been found to be under-sized for the delivery of the gas requirements of Panhandle customers served therefrom. In the consolidated proceedings, Docket Nos. G–1813, G–1937, and G–2023, we considered Panhandle's lateral policy in relation to the Crawfordsville and Lebanon laterals serving Indiana Gas & Water Company. We found therein in our order issued April 22, 1953, that unlawful discrimination existed by reason of Panhandle's failure to provide adequate lateral facilities in these instances. By order issued June 19, 1953, we granted rehearing on these dockets. These matters are presently pending. Our general consideration of the lateral policy of Panhandle, which of necessity is involved in Panhandle's application at Docket No. G–2433, makes it appropriate to consolidate such docket with the rehearing of Docket Nos. G–1813, G–1937, and G–2023.

Docket No. G–2057 is an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Panhandle to make connection and deliver gas to Missouri Public Service Company for distribution in a number of Missouri communities. This docket was originally consolidated for hearing in the proceedings in the Matter of Panhandle Eastern Pipe Line Company, et al., Docket No. G–1116, et al. By order issued September 20, 1954, we granted Missouri Public Service Company's motion for Docket No. G–2057, to be removed from the Docket No. G–1116, et al. proceedings and for stay or deferment of the proceedings in Docket No. G–2057 pending hearing in Docket No. G–2433.

Two other applications pursuant to section 7 (a) of the act have been filed seeking service from Panhandle. The first is Docket No. G–2932 filed by the City of Montgomery, Missouri on September 21, 1954, and the second is Docket No. G–3159 filed by Town Gas Company of Illinois on September 27, 1954. These dockets together with Docket No. G–2057 are consolidated so that they may be considered in view of the application at Docket No. G–2433.

The Commission finds:

(1) Good cause exists, and it is necessary and appropriate to consolidate for purposes of hearing the proceedings in Docket Nos. G–1705, G–1937, G–2433, G–2475, G–1813, G–2023, G–2057, G–2932 and G–3159.

(2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the dockets consolidated herein should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) The proceedings in Docket Nos. G–1705, G–1937, G–2433, G–2475, G–1813, G–2023, G–2057, G–2932, and G–3159, be and the same are hereby consolidated for the purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5, 7, and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 15, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission concerning the matters involved and the issues presented by the applications.

(C) The following hearing procedure is prescribed: (i) Panhandle shall first present and complete its direct case. Immediately thereafter, parties to the proceeding, including Staff, may proceed with such cross examination as they are then prepared to conduct; (ii) each party having a burden of proof in these consolidated proceedings shall present its direct case and shall be cross examined to the extent that parties to the proceedings including Staff are then prepared to conduct; (iii) upon completion of presentation of testimony and cross examination thereon as provided in paragraphs (B) and (C) above, the hearing shall be recessed by the Presiding Examiner upon request of any party to the proceedings, including Staff, subject to further order of the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 29, 1954.

Issued: November 2, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–8767; Filed, Nov. 5, 1954; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

DOMESTIC PURCHASE REGULATIONS

QUARTERLY REPORT OF PURCHASES AS OF SEPTEMBER 30, 1954

Pursuant to section 4, Public Law 206, 83d Congress, the tabulation below details the quarterly and cumulative purchases under purchase regulation noted.

Regulation	Termination date	Units	Quantity		
			Program limitation	Purchases during quarter	Cumulative purchases through end of quarter
Asbestos	Oct. 1, 1957	Short tons, crude No. 1 and/or crude No. 2, asbestos.	1,500	166	617
		Short tons, crude No. 3		71	330
Beryl	June 30, 1957	Short dry tons, beryl ore	1,500	188	457
Chrome	do	Long dry tons, chrome ore and/or chrome concentrates.	200,000	9,561	70,040
Columbium-tantalum [1]	Dec. 31, 1958	Pounds contained combined pentoxide.	15,000,000	621,590	5,326,144
Manganese:					
Butte-Phillipsburg	June 30, 1958	Long dry ton units, manganese	6,000,000	335,361	1,109,640
Dumas	do	do	6,000,000	270,097	1,713,881
Weeden	do	do	6,000,000	624,876	4,909,479
Domestic small producers.	do	do	19,000,000	322,129	1,679,988
Mica	June 30, 1957	Short tons, hand-cobbed mica or equivalent.	25,000	551	4,157
Tungsten [2]	July 1, 1958	Short ton units, tungsten trioxide.	3,000,000	189,787	1,224,367

[1] Columbium-Tantalum Regulation provides for both domestic and foreign purchases. Report includes both. Foreign purchases will terminate close of business Dec. 31, 1956.
[2] Includes decrease of 56,611 short ton units as of June 30, 1954, representing ore reported as tungsten trioxide.

EDMUND F. MANSURE,
Administrator.

NOVEMBER 3, 1954.

[F. R. Doc. 54–8777; Filed, Nov. 5, 1954; 8:48 a. m.]

SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS FOR PROCUREMENT OF ENGINEERING SERVICES

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377), authority is hereby delegated to the Secretary of Agriculture to enter into contracts for engineering services in connection with the accelerated program of road construction to facilitate the salvage, by harvesting, of large quantities of insect infested, diseased and over-aged timber under the Forest Development Roads and Trails program, without advertising pursuant to section 302 (c) (4) and 9 of the said act.

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of Agriculture.

4. This delegation shall be effective as of the date hereof.

Dated: November 3, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54–8821; Filed, Nov. 4, 1954; 3:55 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1657]

ROYAL DUTCH PETROLEUM

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of November A. D. 1954.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 thereunder, has made application for unlisted trading privileges in the Capital Shares of the nominal (par value) of 50 Netherlands Guilders, of Royal Dutch Petroleum Company, a security listed and registered on the New York Stock Exchange.

Rule X–12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 22, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54–8768; Filed, Nov. 5, 1954; 8:46 a. m.]

[File No. 54–215]

STANDARD POWER AND LIGHT CORP.

ORDER APPROVING PLAN

OCTOBER 29, 1954.

Standard Power and Light Corporation ("Power"), a registered holding company, having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") for approval of a plan providing for the settlement of all claims between Power and H. M. Byllesby and Company ("Byllesby") and fixing Byllesby's right to participate in the distribution by Power of its assets; and

Power having requested the Commission, pursuant to section 11 (e) of the act, to apply to an appropriate court to enforce and carry out the plan; and

Public hearings having been duly held after appropriate notice at which hearings all interested persons were afforded an opportunity to be heard; and

The Commission having considered the entire record in this matter and having this day filed its findings and opinion herein finding that the plan is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby:

It is ordered, On the basis of the record herein and the said findings and opinion, pursuant to section 11 (e) and the other applicable provisions of the act, that said plan be, and it hereby is, approved, subject to the terms and conditions contained in Rule U–24 of the general rules and regulations promulgated under the act and to the following additional conditions and reservations of jurisdiction:

1. That this order herein shall not be operative to authorize the consummation of any of the transactions proposed in the plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing the plan;

2. That Power shall pay only such fees and expenses in connection with the plan, all prior plans under section 11 of the act, and the transactions incident thereto and related proceedings, as the Commission may approve and direct on appropriate application made to it, and jurisdiction is hereby specifically reserved to determine the reasonableness of all fees and expenses and other remuneration incurred or to be incurred

in connection with the plan, the transactions contemplated therein, and the consummation thereof;

3. That before Power may deliver to Byllesby any shares of the common stock of its subsidiary, Standard Gas and Electric Company, pursuant to the said plan, Power shall have, unless such action is subsequently waived by the Commission, secured from Byllesby and made a part of the record herein a commitment that Byllesby will not make a public distribution of any of such stock in the absence of an effective registration statement under the Securities Act of 1933 and that, if Byllesby so requests, Power shall cause Standard Gas and Electric Company, to register such securities under that act; and jurisdiction is hereby specifically reserved to pass upon any arrangements among Byllesby, Standard Gas and Electric Company and Power to effectuate the requirements herein imposed;

4. That jurisdiction be, and it hereby is, reserved in respect of the appropriateness of the accounting entries to be made by Power to record the transactions contemplated by the plan;

5. That jurisdiction be, and it hereby is, reserved to entertain such further proceedings, to make such supplemental or additional findings, to take such further action, and to enter such further orders, as may be deemed necessary or appropriate in connection with the plan, the transactions incident thereto, and the consummation thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8769; Filed, Nov. 5, 1954; 8:46 a. m.]

[File No. 812-898]

NIAGARA SHARE CORP.

NOTICE OF FILING OF APPLICATION REGARDING PAYMENT OF BONUS TO EMPLOYEES

NOVEMBER 2, 1954.

Niagara Share Corporation ("Niagara Share"), Buffalo, New York, a registered management, closed-end, diversified investment company, has filed an application pursuant to section 17 (d) of the act and Rule N-17D-1 of the rules and regulations thereunder regarding the proposed payment, in the discretion of the company's board of directors, of a bonus for 1954 to each of its employees, including officers, in an amount not to exceed 10 percent of their respective salaries and an additional cost-of-living bonus for 1954 not to exceed $150, to each of its employees except certain officers. The application states that the company has 15 employees and that it is expected that each of them will receive the bonus based on salary and that 11 of them will receive the cost-of-living bonus. Niagara Share estimates that the salary and cost-of-living bonuses for 1954 will total $11,334 and $1,650, respectively.

Rule N-17D-1 of the rules and regulations under the act provides, among other things, that it shall be unlawful, with certain exceptions not applicable here, for any affiliated person of any registered investment company or of any company controlled by any such registered company to participate in, or effect any transaction in connection with any bonus plan in which such registered or controlled company is a participant unless an application regarding such plan has been granted by the Commission.

Notice is further given that any interested person may, not later than November 15, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8770; Filed, Nov. 5, 1954; 8:47 a. m.]

[File No. 812-895]

NORTH AMERICAN SECURITIES CO.

NOTICE OF FILING OF APPLICATION REGARDING PAYMENT OF BONUS TO EMPLOYEES

NOVEMBER 2, 1954.

Notice is hereby given that North American Securities Company ("Applicant"), has filed an application under section 17 (d) of the Investment Company Act of 1940 and Rule N-17D-1 of the rules and regulations thereunder for an order approving the continuance of the practice of paying each year at Christmas time one-half of one month's salary to each and all of its employees or, in the event that the Commission shall determine to confine its approval to the current year 1954, an order approving such payment for the said current year 1954. Employees with less than a full year's service receive such part of one-half of one month's salary as is proportionate to the number of months of employment in the year in question. The applicant estimates that the proposed bonus payments to be made in December 1954 will be approximately $9,200.

Applicant is a wholly owned subsidiary and the investment adviser of North American Investment Corporation, a registered closed-end management investment company, and it is the underwriter and investment adviser of Commonwealth Investment Company and Commonwealth Stock Fund, Inc., both registered, open-end management investment companies. Applicant has approximately 48 employees, all of whom will be eligible to receive the payment mentioned above. Seven of the employees are affiliated persons, as officers or directors, of North American Investment Corporation or Commonwealth Investment Company or Commonwealth Stock Fund, Inc., or of all three companies. Applicant's personnel formerly were employed by its parent, North American Investment Corporation, which now has no paid employees. For the past nine years Applicant's personnel have received a Christmas bonus on the basis stated above.

Rule N-17D-1 provides, among other things, that it shall be unlawful, with certain exceptions not applicable here, for any affiliated person of a registered investment company or of any company controlled by any such registered company to participate in, or effect any transaction in connection with, any bonus plan in which any such registered company or controlled company is a participant unless an application regarding such plan has been granted by the Commission.

Notice is further given that any interested person may, not later than November 15, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8771; Filed, Nov. 5, 1954; 8:47 a. m.]

[File No. 811-172]

STANDARD INVESTMENT CO., INC.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

NOVEMBER 2, 1954.

Notice is hereby given that Standard Investment Company, Inc., a Maryland corporation, and a registered open-end non-diversified investment company, having its principal offices in Baltimore, Maryland, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") for an order declaring that such company has ceased to be an investment company under the act.

The application represents that Standard Investment Company, Inc. was dissolved, pursuant to voluntary action of its shareholders, at an adjournment of its annual meeting held on December 15, 1953, and that Articles of Dissolution were filed with and approved by the State Tax Commission of Maryland on January 18, 1954. The application also represents that all of the securities of the company were sold, on or about January 14, 1954, that the aggregate proceeds to the company from such sales amounted to $29,962.79, that all liabilities and expenses of the company have been determined and paid, and that the assets were deposited in trust with the LaSalle National Bank of Chicago for distribution to shareholders upon presentation of certificates or other appropriate evidence of ownership.

The application also represents that notices have been sent to all stockholders, so far as their addresses are known, advising them of the foregoing facts. The application recites that the company has ceased to be an investment company and requests that an order be issued pursuant to section 8 (f) of the act.

Notice is further given that any interested person may, not later than November 15, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8772; Filed, Nov. 5, 1954; 8:47 a. m.]

[File No. 30-164]

NORTH PENN GAS CO.

ORDER PURSUANT TO DECLARING THAT APPLICANT HAS CEASED TO BE A HOLDING COMPANY

NOVEMBER 2, 1954.

On December 15, 1952, the Commission adopted and published its Supplemental Findings, Opinion and Order (Holding Company Act Release No. 11600) approving a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") concerned with, among other applicants, North Penn Gas Company ("North Penn"), a registered holding company, and Crystal City Gas Company ("Crystal City"), at that time a direct public-utility subsidiary of North Penn. The plan provided, inter alia, for the divestment by North Penn of its entire interest in Crystal City and, by reason of that proposed divestment, sought an order of the Commission, under section 5 (d) of the act, declaring that North Penn had ceased to be a holding company.

In the aforesaid Findings and Opinion the Commission said: "Since section 5 (d) specifically requires a finding that a registered holding company has ceased to be a holding company before we may enter an order declaring that the company has attained that status, we are unable to issue such an order at this time * * * after we have been advised that North Penn has disposed of its Crystal City stock, it would appear appropriate for North Penn to renew its request for an order under section 5 (d) and for us to grant such request."

North Penn having notified the Commission that North Penn has divested itself of its holdings in Crystal City and having renewed its request for an order under section 5 (d); and

It appearing to the Commission that North Penn no longer, either directly or indirectly, owns, controls, or holds with power to vote, any stock of any public-utility or holding company and that it is appropriate to enter an order pursuant to section 5 (d) of the act declaring that North Penn has ceased to be a holding company and that, subject to the condition set forth below, the registration of such company has ceased to be in effect:

It is ordered and declared, That North Penn has ceased to be a holding company and that its registration has ceased to be in effect, upon the condition, however, that the jurisdiction over fees and expenses heretofore reserved in the Commission's order of December 15, 1952, to the extent not subsequently released by the Commission's orders of August 19, 1954, and October 21, 1954, be, and the same hereby is continued;

It is further ordered, That this order shall become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8773; Filed, Nov. 5, 1954; 8:47 a. m.]

tions under the act provides, among other things, that it shall be unlawful,

vestment companies. Applicant has approximately 48 employees, all of whom

its shareholders, at an adjournment o

ce Room.

FEDERAL REGISTER

VOLUME 19 NUMBER 218

Washington, Tuesday, November 9, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10574

AMENDMENT OF EXECUTIVE ORDER NO. 10480 [1] PROVIDING FOR THE ADMINISTRATION OF THE DEFENSE MOBILIZATION PROGRAM

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Defense Production Act of 1950, as amended (50 U. S. C. App. 2061 *et seq.*), and as President of the United States, it is ordered as follows:

SECTION 1. Sections 301 and 312 of Executive Order No. 10480 of August 14, 1953, entitled "Further Providing for the Administration of the Defense Mobilization Program", are hereby amended to read as follows:

"SEC. 301. The Department of the Army, the Department of the Navy, the Department of the Air Force, the Atomic Energy Commission, the Department of Commerce, the Department of the Interior, the Department of Agriculture, and the General Services Administration, in this Part referred to as guaranteeing agencies, each officer having functions delegated to him pursuant to section 201 (a) of this order, and each other agency of the Government having mobilization functions, shall, within areas of production designated by the Director of the Office of Defense Mobilization, develop and promote measures for the expansion of productive capacity and of production and supply of materials and facilities necessary for the national defense."

"SEC. 312. The functions conferred by sections 303, 305 and 306 of this order shall be carried out in accordance with programs certified by the Director of the Office of Defense Mobilization. Each officer and agency of the Government having mobilization functions shall make recommendations to the Director of the Office of Defense Mobilization for the issuance of certificates or other action under sections 302 and 303 of the Defense Production Act of 1950, as amended, and for the issuance of certificates under subsections (e) and (g) of section 168 of the Internal Revenue Code of 1954, with respect to the materials and facilities which are, pursuant to the designation of areas of production by the Director of the Office of Defense Mobilization under section 301 of this order, as amended, within the jurisdiction of such officer or agency."

SEC. 2. Any reference in any regulation or other Executive document issued or approved by the President to any provision of the Internal Revenue Code of 1939 shall, except as may be inconsistent with the Internal Revenue Code of 1954 or otherwise inappropriate, be deemed also to refer to the corresponding provision of the Internal Revenue Code of 1954.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 5, 1954.

[F. R. Doc. 54-8874; Filed, Nov. 8, 1954; 10:08 a. m.]

[1] 18 F. R. 4939; 3 CFR, 1953 Supp., p. 98.

EXECUTIVE ORDER 10575

ADMINISTRATION OF FOREIGN-AID FUNCTIONS

By virtue of the authority vested in me by the Mutual Security Act of 1954 (68 Stat. 832), by section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

PART I. ASSIGNMENT OF FUNCTIONS AND FUNDS

SECTION 101. *Foreign Operations Administration.* (a) Exclusive of the functions otherwise delegated, or excluded from delegation, by this order, and subject to the provisions of this order, there are hereby delegated to the Director of the Foreign Operations Administration all functions conferred upon the President by the Mutual Security Act of 1954 (hereinafter referred to as the Act) and by the Mutual Defense Assistance Control Act of 1951 (65 Stat. 644; 22 U. S. C. 1611–1613c).

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FEDERAL REGISTER

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(b) Subject to sections 103 and 107 (b) of this order, the Director of the Foreign Operations Administration shall administer sections 402, 505, and 201 of the Act. In determining upon the furnishing of assistance on terms of repayment pursuant to sections 201 (a) and 505 of the Act, and upon the amounts and terms of such assistance, the Director of the Foreign Operations Administration shall consult with the National Advisory Council on International Monetary and Financial Problems in respect of policies relating to such assistance and terms. Whenever assistance on terms of repayment, under the said section 505, involves funds available under chapter 1 of Title I of the Act, the said Director shall consult with the Secretary of Defense with respect to the amounts and terms of such assistance. The Director of the Foreign Operations Administration shall also consult the said Council with respect to policies concerning the utilization of funds in the Special Account provided for in section 142 (11) of the Act and concerning such other matters as are within the cognizance of the Council pursuant to section 4 of the Bretton Woods Agreements Act.

(c) Pursuant to section 527 (c) (2) of the Act, it is directed that the authority made available to the Director of the United States Information Agency with respect to his functions by section 2 of Executive Order No. 10477 of August 1, 1953 (18 F. R. 4540), and by Executive Order No. 10522 of March 26, 1954 (19 F. R. 1689), subject to the provisions of law applicable in connection with such authority, may be utilized by the Director of the Foreign Operations Administration with respect to his functions.

(d) It is hereby directed that the Office of Small Business provided for in section 504 (b) of the Act shall be in the Foreign Operations Administration.

SEC. 102. *Department of Defense.* (a) Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(1) The functions conferred upon the President by chapter 1 of Title I of the Act, exclusive of (i) those so conferred by section 105 (b) (3) of the Act, (ii) so much of those so conferred by section 106 (b) of the Act as consists of determining that a nation or international organization may make available the fair value of equipment, materials, or services, sold thereto or rendered therefor, at a time or at times other than in advance of delivery of the equipment, materials, or services, and (iii) the functions reserved to the President by section 107 of this order.

(2) The functions conferred upon the President by sections 142 (7) and 511 (c) of the Act.

(3) So much of the functions conferred upon the President by sections 142 (10), 511 (b), 527 (a), 528, and 529 (a) of the Act as relates to other functions under the Act administered by the Department of Defense.

(b) The Secretary of Defense is hereby designated to make, with respect to equipment or materials procured for military assistance, the determinations provided for in section 107 of the Mutual Security Appropriation Act, 1955 (68 Stat. 1224).

(c) The Secretary of Defense (1) shall exercise the responsibility and authority vested in him by the Act and the responsibility and authority delegated to him by this order subject to coordination by the Director of the Foreign Operations Administration, and (2) shall keep the Director of the Foreign Operations Administration fully and currently informed of all matters, including prospective action, relating to the utilization of funds under the Act, the establishment of priorities under section 524 (b) of the Act, and the furnishing of military items under chapter 1 of Title I of the Act.

SEC. 103. *Department of State.* (a) There are hereby delegated to the Secretary of State:

(1) The functions conferred upon the President by the laws referred to in section 101 (a) of this order with respect to negotiating and entering into international agreements.

(2) The functions conferred upon the President by sections 105 (b) (3), 405 (a), 413 (b) (2) and (3), and 529 (b) and (c) of the Act.

(3) The functions conferred upon the President by section 504 (a) (2) of the Act so far as they may relate to countries in which the Foreign Operations Administration does not have missions or employees.

(4) So much of the functions conferred upon the President by section 535 (a) of the Act as consists of requesting the cooperation of the United Nations, its organs, and specialized agencies or other international organizations in carrying out the purposes of the Act.

(b) The functions conferred upon the President by section 414 of the Act are hereby delegated to the Secretary of State. In connection with the carrying out of the said functions the Secretary of State shall consult with appropriate agencies of the Government. The designation by the Secretary of State of articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto, under the said section 414 shall require the concurrence of the Secretary of Defense.

(c) The Secretary of State shall be responsible (1) for making the United States contributions under the Act to, and formulating and presenting with the assistance of the Director of the Foreign Operations Administration the policy of the United States with respect to the assistance programs of, the international organizations referred to in sections 132 (c), 306, 405 (a) and (c), 406, and 407 of the Act, and (2) for making the United States contribution under section 408 of the Act to the North Atlantic Treaty Organization for the United States share of the expenses of the Organization.

(d) All functions under the Act and the other statutes referred to in sections 101 (a), 102 (b), and 105 (a) of this order, however vested, delegated, or assigned, shall be subject to the responsibilities of the Secretary of State with respect to the foreign policy of the United States.

(e) The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances as the chief of mission, Class 3 or Class 4, within the meaning of the Foreign Service Act of 1946 (22 U. S. C. 801 *et seq.*), all under section 526 of the Act, shall require the approval of the Secretary of State.

SEC. 104. *Department of Commerce.* (a) There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 413 (b) (1) of the Act as consists of drawing the attention of private enterprise to opportunities for investment and development in other free nations.

(b) The Secretary of Commerce is hereby designated as the officer through whom shall be carried out the functions provided for in section 416 of the Act.

SEC. 105. *United States Information Agency.* (a) The functions conferred upon the President by section 1011 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 6), as amended, are hereby delegated to the Director of the United States Information Agency and shall be carried out in consultation with the Director of the Foreign Operations Administration.

(b) The United States Information Agency shall perform the functions provided for by law with respect to publicizing abroad the activities carried out under the Act.

SEC. 106. *Allocation of funds.* (a) Funds appropriated or otherwise made available to the President shall be deemed to be allocated without any further action of the President as follows:

(1) Funds for carrying out chapter 1 of Title I of the Act are allocated to the Secretary of Defense, but, for the purposes of the second sentence of section 110 of the Mutual Security Appropriation Act, 1955 (68 Stat. 1224), such funds shall be available only when and in such amounts as they have been apportioned, for use, by the Bureau of the Budget.

(2) All funds for carrying out the Act except those for carrying out chapter 1 of Title I of the Act are allocated to the Director of the Foreign Operations Administration.

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services, sold thereto or rendered there- and formulating and presenting with the Administration.

(b) The said funds may be allocated by the Secretary of Defense and the Director of the Foreign Operations Administration, respectively, to any agency, department, establishment, or wholly-owned corporation of the Government for obligation or expenditure thereby consistent with applicable law, subject, however, to the provisions of section 107 (a) (2) hereof. The utilization of funds without regard to the existing laws governing the obligation and expenditure of Government funds as authorized by section 411 (b) of the Act shall be limited as far as practicable and shall in any event be confined to instances in which such utilization is deemed (1) to further the more economical, efficient, or expeditious carrying out of functions under the Act, and (2) to obviate or mitigate hardship occurring with respect to personnel administering functions under the Act in connection with the administration of these functions or with respect to the families of personnel by reason of the duties of the respective heads of families under the Act.

(c) The Director of the Foreign Operations Administration shall allocate funds to the Department of State for the contributions referred to in section 103 (c) of this order.

SEC. 107. *Reservation of functions to the President.* (a) There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(1) The functions conferred upon the President by the Act with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate, the transmittal of periodic or special reports to the Congress, and the termination or withdrawal of assistance.

(2) The functions conferred upon the President with respect to findings, determinations, certification, agreements, directives, or transfers of funds, as the case may be, by sections 104 (b), 105, 132 (a), 141, 401, 403, 404, 410, 501, 503, 521, and 522 (b) of the Act, and by sections 103 (b), 104, 203, and 301 of the Mutual Defense Assistance Control Act of 1951.

(3) The functions conferred upon the President by sections 101, 107 (a) (2), 415, 525, 533, and 545 (d) of the Act and, subject to Part II hereof, the functions so conferred by section 523 (b) of the Act.

(4) The functions conferred upon the President by section 121 of the Act, including all of the functions so conferred with respect to waiving specific provisions of section 142 of the Act, but otherwise excluding so much of the functions conferred upon the President by the said section 121 as may relate to assistance for the support of forces and other expenditures within Indo-China and either is financed from the unexpended balances of appropriations made pursuant to sections 304 and 540 of the Mutual Security Act of 1951, as amended, or is within an obligational limitation of $150,000,000 additional to the said unexpended balances.

(5) So much of the functions conferred upon the President by section 409 (d) of the Act as may relate to funds allocated to the Department of Defense by this order.

(b) The President shall hereafter determine the portions of the sum of $350,000,000 provided for in section 402 of the Act and the portions of the sum of $200,000,000 provided for in section 505 (b) of the Act which shall be applicable to funds allocated pursuant to the Act to the Foreign Operations Administration and the Department of Defense, respectively.

PART II. PROCEDURES FOR COORDINATION ABROAD

SEC. 201. *Functions of the Chief of the United States Diplomatic Mission.* (a) The Chief of the United States Diplomatic Mission in each country, as the representative of the President, shall serve as the channel of authority on foreign policy and shall provide foreign policy direction to all representatives of United States agencies in such country.

(b) The Chief of the United States Diplomatic Mission in each country, as the representative of the President and acting on his behalf, shall coordinate the activities of the representatives of United States agencies (including the chiefs of economic and technical assistance missions, military assistance advisory groups, foreign information staffs, and other representatives of agencies of the United States Government) in such country engaged in carrying out programs under the Act, programs under the Mutual Defense Assistance Control Act of 1951, and the programs transferred by section 2 of Reorganization Plan No. 8 of 1953 (67 Stat. 642); and he shall assume responsibility for assuring the unified development and execution of the said programs in such country. More particularly, the functions of each Chief of United States Diplomatic Mission shall include, with respect to the programs and the country concerned, the functions of:

(1) Exercising general direction and leadership of the entire effort.

(2) Assuring that recommendations and prospective plans and actions of representatives of United States agencies are effectively coordinated and are consistent with, and in furtherance of, the established policy of the United States.

(3) Assuring that the interpretation and application of instructions received by representatives of United States agencies from higher authority are in accord with the established policy of the United States.

(4) Guiding the representatives of United States agencies in working out measures to prevent duplication in their efforts and to promote the most effective and efficient use of all United States officers and employees engaged in work on the said programs.

(5) Keeping the representatives of United States agencies fully informed as to current and prospective United States policies.

(6) Prescribing procedures governing the coordination of the activities of representatives of United States agencies, and assuring that such representatives shall have access to all available information essential to the accomplishment of their prescribed duties.

(7) Preparing and submitting such reports on the operation and status of the programs referred to in the introductory portion of this subsection as may be requested of the Secretary of State by the Secretary of Defense, the Director of the Foreign Operations Administration, or the Director of the United States Information Agency, with respect to their respective responsibilities.

(8) Recommending the withdrawal of United States personnel from the country whenever in his opinion the interests of the United States warrant such action.

(c) Each Chief of United States Diplomatic Mission shall perform his functions under this part in accordance with instructions from higher authority and subject to established policies and programs of the United States. Only the President and the Secretary of State shall communicate instructions directly to the Chief of the United States Diplomatic Mission.

(d) No Chief of United States Diplomatic Mission shall delegate any function conferred upon him by the provisions of this Part which directly involves the exercise of direction, coordination, or authority.

SEC. 202. *Referral of unresolved matters.* The Chief of the United States Diplomatic Mission in each country shall initiate steps to reconcile any divergent views arising between representatives of United States agencies in the country concerned with respect to programs referred to in the introductory portion of section 201 (b) of this order. If agreement cannot be reached the Chief of the United States Diplomatic Mission shall recommend a course of action, and such course of action shall be followed unless a representative of a United States agency requests that the issue be referred to the Secretary of State and the United States agencies concerned for decision. If such a request is made, the parties concerned shall promptly refer the issue for resolution prior to taking action at the country level.

SEC. 203. *Further coordination procedures and relationships.* (a) All representatives of United States agencies in each country shall be subject to the responsibilities imposed upon the Chief of the United States Diplomatic Mission in such country by section 523 (b) of the Act and by this part.

(b) Subject to compliance with the provisions of this part and with the prescribed procedures of their respective agencies, all representatives of United States agencies affected by this part (1) shall have direct communication with their respective agencies and with such other parties and in such manner as may be authorized by their respective agencies, (2) shall keep the respective Chiefs of United States Diplomatic Missions and each other fully and currently informed on all matters, including prospective plans, recommendations, and actions, relating to the programs referred to in the introductory portion of section 201 (b) of this order, and (3) shall furnish to the respective Chiefs of United States Diplomatic Missions, upon their request, documents and information concerning the said programs.

PART III. GENERAL PROVISIONS

SEC. 301. *Definition.* As used in this order, the word "functions" embraces duties, powers, responsibilities, authority, and discretion.

SEC. 302. *Prior orders.* (a) This order supersedes Executive Order No. 10476 of August 1, 1953 (18 F. R. 4537).

(b) The reference in section 3 (c) of Executive Order No. 10560 of September 9, 1954 (19 F. R. 5927), to Part III of Executive Order No. 10476 shall after the date of this order be deemed to be a reference to Part II of this order.

(c) Except to the extent inconsistent with law or with this order, and except as revoked, superseded, or otherwise made inapplicable before the time of issuance of this order, (1) all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions issued, undertaken or entered into with respect to any function affected by this order shall continue in full force and effect until amended, modified, or revoked by appropriate authority, (2) each reference in any Executive order to any provision of law repealed by the Mutual Security Act of 1954 shall be deemed also to refer to the corresponding provision, if any, of the Mutual Security Act of 1954.

SEC. 303. *Effective date.* Without prejudice to anything done under proper authority with respect to any function under the Act at any time subsequent to the approval of the Act and prior to the approval of this order, the effective date of this order shall be deemed to be the date of the approval of the Act.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 6, 1954.

[F. R. Doc. 54-8875; Filed, Nov. 8, 1954; 10:08 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (4) is added to § 6.142 as set out below.

§ 6.142 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* • • •

(4) Until December 31, 1955, Executive Secretary and Deputy Executive Secretary of the National Committee and the Executive Secretary and Deputy Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-8818; Filed, Nov. 8, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023 (ELS Cotton -55)-2]

PART 722—COTTON

MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF THE NATIONAL ACREAGE ALLOTMENT FOR THE 1955 CROP OF EXTRA LONG STAPLE COTTON TO STATES, COUNTIES, AND FARMS

GENERAL

Sec.
722.1211 Basis and purpose.
722.1212 Definitions.
722.1213 Issuance of forms and instructions.
722.1214 Extent of calculations and rule of fractions.

STATE AND COUNTY ACREAGE ALLOTMENTS

722.1215 Apportionment of national acreage allotment among States.
722.1216 Apportionment of State acreage allotment among counties.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

722.1217 Apportionment of county acreage allotment.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

722.1218 Notice of farm acreage allotment and marketing quota.
722.1219 Amount of the farm marketing quota.
722.1220 Amount of the farm marketing excess.
722.1221 Publication of farm acreage allotments and marketing quotas.
722.1222 Successors-in-interest.
722.1223 Marketing quotas not transferable.

MISCELLANEOUS PROVISIONS

722.1224 Acreage planted to extra long staple cotton.
722.1225 Availability of records.
722.1226 Approval of county committee determinations and redelegation of authority by the State committee.

REVIEW OF QUOTAS

722.1227 Review of quotas.

AUTHORITY: §§ 722.1211 to 722.1227 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 343–347, 361–368, 373, 374, 388, 52 Stat. 38, as amended, Pub. Laws 290, 690, 83d Cong.; 7 U. S. C. 1301, 1343–1347, 1361–1368, 1373, 1374, 1388.

GENERAL

§ 722.1211 *Basis and purpose.* (a) The regulations contained in §§ 722.1211 to 722.1227 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of State, county, and farm acreage allotments for the 1955 crop of extra long staple cotton. The Secretary of Agriculture proclaimed a national marketing quota and a national acreage allotment for the 1955 crop of extra long staple cotton on October 14, 1954 (19 F. R. 6671). The latest available statistics of the Federal Government have been or will be used in making the determinations required to be made in connection with §§ 722.1211 to 722.1227. Prior to preparing the regulations in §§ 722.1211 to 722.1227, public notice was given (19 F. R. 6043) in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations which were submitted in response to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that the State and county Agricultural Stabilization and Conservation Committees may establish farm acreage allotments as early as possible prior to the extra long staple cotton referendum, which shall be held on December 14, 1954, it is essential that the regulations in §§ 722.1211 to 722.1227 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 722.1212 *Definitions.* As used in §§ 722.1211 to 722.1227 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

ferred upon the President by section 409 (d) of the Act as may relate to funds

shall have access to all available infor-

and (3) shall furnish to the respective

of fractions.

tions required to be made in connection with §§ 722.1211 to 722.1227. Prior to

Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committees":

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(2) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended. In Puerto Rico the ASC Caribbean Area Committee shall, insofar as applicable, perform all functions of the county committee.

(3) "State committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation Committee. In Puerto Rico the ASC Caribbean Area Committee shall, insofar as applicable, perform all functions of the State committee.

(4) "Review committee" means the review committee appointed by the Secretary pursuant to section 363 of the act.

(f) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(g) "Owner" or "landlord" means a person who owns farm land and rents such land to another person or who operates such land.

(h) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(i) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Deputy Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(m) "Farm acreage allotment" means an acreage allotment established for extra long staple cotton for a farm under the regulations in this subpart. Farm acreage allotments are initially established on the basis of the data for farms as constituted for 1954; where there is a change in the land in a farm for 1955, the farm acreage allotment will be redetermined in accordance with § 722.1217 (g).

(n) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sea-land cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(o) "State and county code number" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(p) "Serial number of the farm" or "farm serial number" means the serial number assigned to a farm by the county committee for purposes of identification. In Puerto Rico a comparable identifying number will be used in place of the county code number.

(q) "Old ELS cotton farm" means a farm located in a county designated in § 722.1216 (b) on which extra long staple cotton was planted in any one or more of the years 1952, 1953, and 1954.

(r) "New ELS cotton farm" means a farm located in a county designated in § 722.1216 (b) on which extra long staple cotton is to be planted in 1955 but on which no acreage was planted to extra long staple cotton in any of the years 1952, 1953, and 1954.

(s) "Normal yield" means the average yield per acre of extra long staple lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee in accordance with instructions issued by the Deputy Administrator, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. The normal yield for a new ELS cotton farm shall be that yield per acre which the county committee determines is normal for the farm as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of extra long staple cotton.

(t) "Normal production" of any number of acres means the normal yield per acre of extra long staple lint cotton for the farm multiplied by such number of acres.

(u) "Actual production" of extra long staple cotton on the farm means the total number of pounds of extra long staple lint cotton determined to have been produced on the farm in 1955.

(v) "Actual yield" per acre means the number of pounds of extra long staple lint cotton determined by dividing the actual production of extra long staple cotton on the farm by the acreage planted to such cotton on the farm in 1955.

(w) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or share-cropper, is entitled to all or a share of the 1955 crop of extra long staple cotton or of the proceeds thereof.

(x) Acreage planted to extra long staple cotton":

(1) *State and county.* For the years 1948, 1950, 1951 and 1952, the acreages of extra long staple cotton to be used in establishing State and county acreage allotments are the official acreages for such years, as determined by the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) of the United States Department of Agriculture. Official estimates of planted acreages shall be used for these years where available from the Agricultural Marketing Service; in other cases, the official estimates of the acreages in cultivation on July 1 of each such year shall be used. For 1953 the measured acreages of extra long staple cotton, as determined in accordance with official instructions, shall be used.

(2) *Farm.* For purposes of establishing farm acreage allotments for the 1955 crop of extra long staple cotton, the acreage planted to such cotton on a farm means the acreage of land planted to such cotton for the years 1952, 1953, and 1954, which shall be determined as follows:

(i) *For 1952.* The acreage of extra long staple cotton measured or reported to the county committee for the farm, with such adjustment in the reported acreage as is necessary under official instructions. The sum of the reported acreages, as adjusted by the county committee, and the measured acreages shall conform with the official planted acreages of the Agricultural Marketing Service (formerly the Bureau of Agricultural Economics), United States Department of Agriculture, to the extent required under official instructions.

(ii) *For 1953.* The acreage of extra long staple cotton measured in accordance with official instructions.

(iii) *For 1954.* The acreage of extra long staple cotton measured for purposes of the 1954 extra long staple cotton marketing quota program, and adjusted, as provided in subsections (g) (3), (i), and (m) (2) of section 344 of the act, in accordance with official instructions.

(y) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom)

adversely affecting the planting of extra long staple cotton, which conditions must have been of sufficient duration and intensity to prevent the seeding of land to extra long staple cotton and must have continued until the end of the planting season for the area. In apportioning the national acreage allotment to States in accordance with § 722.1215, adjustments for abnormal weather conditions are made in the acreages planted to extra long staple cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. In apportioning the State acreage allotment among counties in accordance with § 722.1216 (b), adjustments for abnormal weather conditions are made in the acreages planted to extra long staple cotton in counties on the basis of recommendations of the State committee. Any such adjustment in the acreage planted to extra long staple cotton in a State or county is the amount established by reference to available information and data as the net reduction of planted acreage in the State or county attributable solely to abnormal weather conditions. Such adjustments for abnormal weather conditions take into consideration failure to seed extra long staple cotton because of abnormal weather conditions. Also, in cases where the acreage of extra long staple cotton in cultivation July 1 is used in apportioning allotments to States and counties, abandonment of extra long staple cotton prior to July 1 in excess of normal abandonment by that date because of abnormal weather conditions shall be taken into consideration in determining adjustments, if any, in county acreages of extra long staple cotton.

(z) "Cropland" means the land which in 1954 was tilled or was in regular rotation, as determined in accordance with instructions issued by the State committee, excluding any land which constitutes, or will constitute, if such tillage is continued, a wind erosion hazard to the community and also excluding bearing orchards and vineyards (except the acreage of cropland therein) and plowable non-crop open pasture.

§ 722.1213 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in §§ 722.1211 to 722.1227. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§ 722.1214 *Extent of calculations and rule of fractions.* The acreages planted to extra long staple cotton on farms and farm acreage allotments shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of less than fifty-one thousandths of an acre shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0.

STATE AND COUNTY ACREAGE ALLOTMENTS

§ 722.1215 *Apportionment of national acreage allotment among States.* The national acreage allotment proclaimed for the 1955 crop of extra long staple cotton is apportioned among the States (including Puerto Rico) on the basis of the average acreage planted to extra long staple cotton in each such State for the years 1948, 1950, 1951, 1952, and 1953, with adjustments in such State cotton acreages for abnormal weather conditions. The acreage allotted to a State pursuant to the provisions of this section is referred to herein as the "State acreage allotment". The State acreage allotment for each State for the 1955 crop of extra long staple cotton is as follows:

State:	*State acreage allotments*
Arizona	18,472
California	296
Florida	612
Georgia	157
New Mexico	8,529
Texas	15,964
Puerto Rico	2,124
Total	46,154

§ 722.1216 *Apportionment of State acreage allotment among counties*—(a) *Establishment of State acreage reserve.* The State committee shall set aside a total State acreage reserve of 10 percent of the State acreage allotment unless, on the basis of the needs of the State as determined under paragraph (c) of this section, the State committee recommends a smaller acreage reserve and the Administrator of the Commodity Stabilization Service approves such recommendation.

(b) *Computed county acreage allotments.* The State acreage allotment for the 1955 crop of extra long staple cotton, less the State acreage reserve established pursuant to paragraph (a) of this section, is apportioned to counties on the basis of the average acreage planted to extra long staple cotton in each county in 1948, 1950, 1951, 1952, and 1953 (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county acreage allotment".

(c) *Use of State acreage reserve.* The State acreage reserve established under paragraph (a) of this section for the purposes set forth in subparagraphs (1) through (5) of this paragraph shall be used as provided in such subparagraphs and in accordance with instructions issued by the Deputy Administrator.

(1) *To adjust computed county acreage allotments for trends in the acreage of extra long staple cotton.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for trends in the acreage planted to extra long staple cotton in the counties during recent years (the period of years may include the year 1954 but shall not include the year 1949). The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of extra long staple cotton.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to extra long staple cotton in the country in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration the following factors: (i) Abnormal weather conditions, such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal; (ii) conditions in counties in which a number of farms are being returned to extra long staple cotton production or are increasing the acreage in extra long staple cotton after having been out of production or having been on a reduced level of such cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other wartime activities; (iii) abnormal reduction in planted extra long staple cottton acreage because of an unusual movement of labor from farms in the area or county to war industries or into the armed forces and the return of such labor as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment under this subparagraph for abnormal weather conditions-the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in acreage allotments for small farms.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established as provided for in subparagraphs (1) and (2) of § 722.1217 (e) to adjust indicated farm acreage allotments for old ELS cotton farms established at 15 acres or less under paragraph (c) or (d) of § 722.1217. The State committee shall determine the acreage, if any, to be made available to a county for the purposes of this subparagraph and such acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1955 acreage allotments for new ELS cotton farms.* Where the State committee determines that the needs for acreage to establish acreage allotments for new ELS cotton farms are generally uniform in all designated

counties in the State, the State committee shall determine whether all the acreage required to establish acreage allotments for new ELS cotton farms shall be provided from the State acreage reserve or the county acreage reserve, or from both such reserves. In determining the source of acreage for new ELS cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.1217 (e) (3). In States where new areas will be brought into extra long staple cotton production in 1955 or where it is determined by the State committee that the entire county acreage reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.1217 (e), the State committee shall consider establishing an acreage from the State acreage reserve to supplement the acreage set aside by the county committee, if any, from the county acreage reserve for establishing acreage allotments for new ELS cotton farms. In determining the estimated acreage to be set aside for establishing fair and reasonable acreage allotments for new ELS cotton farms on the basis of the factors set forth in § 722.1217 (e) (3), the State committee shall take into consideration the experience of State and county committees in establishing acreage allotments for new ELS cotton farms under the 1954 marketing quota program and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new ELS cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established, as provided for in § 722.1217 (e) (4), for making adjustments in farm acreage allotments to correct inequities and to prevent hardship.

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested producer of extra long staple cotton; (1) the amount of the State acreage reserve; (2) the formula, if any, and data developed and used under subparagraphs (1) and (2) of paragraph (c) of this section; and (3) the total acreage set aside from the State acreage reserve for the purposes set forth in subparagraphs (3), (4), and (5) of paragraph (c) of this section.

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section, and (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section. This paragraph will be amended at a later date to include the county acreage allotment established for each county.

(f) *Administrative areas.* If, in accordance with instructions issued by the Deputy Administrator, the county committee with the approval of the State committee, or if the State committee, determines with respect to a county in which farm acreage allotments are to be established under § 722.1217 (c) that, because of different conditions pertaining to the production of extra long staple cotton in separate areas of the county, including differences in types, kinds, and productivity of the soil, different areas of the county should be treated separately in order to prevent discrimination, each such area shall be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in determining the acreage allotment for the area and in establishing farm acreage allotments.

(g) *Apportionment of excess released acreage to counties.* The acreage allotment surrendered to the State committee pursuant to § 722.1217 (i) shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings, or for small or new forms or to correct inequities in farm allotments and to prevent hardship.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

§ 722.1217 *Apportionment of county acreage allotment*—(a) *Determination of method to be used in apportioning county acreage allotment among farms.* Section 344 (f) (2) of the act provides that the county acreage allotment, less the county acreage reserve, shall be allotted to farms by multiplying the adjusted cropland for each old ELS cotton farm by a uniform county (or administrative area) cropland factor (this method of establishing allotments will be referred to herein as the "cropland basis"). Section 344 (f) (6) of the act provides that if the county committee so recommends and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county than would be the case if the cropland basis were used, the county acreage allotment, less the county acreage reserve, shall be apportioned to old ELS cotton farms in designated areas on the basis of the acreage planted to extra long staple cotton on the farm during the preceding three years, adjusted as may be necessary for abnormal conditions affecting plantings (this method will be referred to herein as the "historical basis"). The county committee shall study these two methods of apportioning the county acreage allotment among farms and determine which method should be used in order to establish equitable allotments for farms in the county. If the county committee determines that farm allotments should be determined on the historical basis, its recommendation to that effect should be forwarded to the State committee for transmittal to the Deputy Administrator. When § 722.1216 (e) is amended to include the county acreage allotment established for each county, the Secretary will designate the counties which have been approved by the Deputy Administrator for establishing farm allotments on the historical basis.

(b) *Determination of county acreage reserve.* The county committee shall establish a county acreage reserve of not in excess of 15 percent of the county acreage allotment which shall be used to adjust indicated farm acreage allotments for old ELS cotton farms determined under paragraph (c) or (d) of this section and to establish acreage allotments for new ELS cotton farms under paragraph (e) (3) of this section. The county acreage reserve shall be not less than 13 percent of the county acreage allotment for a county in which farm allotments are determined on the cropland basis and shall be not less than 10 percent of the county acreage allotment for a county in which farm allotments are determined on the historical basis, unless the county committee recommends a smaller acreage reserve and the State committee gives its approval in accordance with instructions issued by the Deputy Administrator. Any approval of a smaller acreage reserve shall be based upon a showing that such acreage is adequate, on the basis of the factors set forth in paragraph (e) of this section, to make necessary adjustments in indicated allotments for old ELS cotton farms and to establish allotments for new ELS cotton farms. The county acreage reserve approved by the State committee shall be not less than 8 percent for a county in which farm allotments are determined on the cropland basis and not less than 5 percent for a county in which farm allotments are determined on the historical basis, except that the Deputy Administrator may approve a smaller reserve for a county if he finds that the applicable minimum reserve of 8 percent or 5 percent would provide more acreage for adjustments and establishing new farm allotments than is needed in the county.

(c) *Indicated acreage allotments for old ELS cotton farms in counties where farm acreage allotments are determined on the cropland basis.* If farm acreage allotments are to be determined in the county on the cropland basis, the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, shall be used to determine indicated allotments for old ELS cotton farms as follows:

(1) *Determination of adjusted cropland.* The county committee shall, in accordance with instructions issued by the Deputy Administrator, determine an adjusted cropland acreage for each old ELS cotton farm by deducting from the cropland on the farm the sum of the following acreages:

(i) The 1954 acreage of sugarcane for sugar or for syrup and sugar beets for sugar;

(ii) The 1954 acreage of tobacco for market (or the 1954 farm acreage allotment, if any, for the applicable type of tobacco if the 1954 acreage has not been determined);

(iii) The 1954 acreage of peanuts picked and threshed, as adjusted by the county committee for abnormal conditions affecting such acreage;

(iv) The 1954 wheat acreage for market (including the acreage of wheat for feeding to livestock for market). In States in the commercial wheat-producing area for 1955, if the 1954 wheat acreage on the farm was reduced substantially below the 1954 farm wheat acreage allotment because of adverse weather conditions, the acreage to be deducted shall be the 1955 wheat allotment for the farm (less the acreage determined by the county committee to be used on the farm for home use other than for feeding to livestock for market). In the counties designated in subdivision (vi) of this subparagraph, the deduction for wheat acreage shall be limited to the acreage by which the deduction which otherwise would be made under this subdivision exceeds the acreage deducted under subdivision (vi) of this subparagraph;

(v) The acreage planted to rice in 1954 for market (including the acreage of rice for feeding to livestock for market), plus the acreage of other riceland on the farm for which water is available and which is not used for the production of cotton under the rotation system for the farm; and

(vi) In Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; and in Imperial and Riverside Counties, California; and in Dona Ana, Eddy, Luna Otero, and Sierra Counties, New Mexico; and in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell and Ward Counties, Texas, the acreage of cropland in excess of that acreage for which acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops during the extra long staple cotton-producing season (seeding to maturity).

(2) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing (i) the county acreage allotment less the acreage reserved pursuant to paragraph (b) of this section) by (ii) the total of the adjusted cropland acreages determined for old ELS cotton farms in the county under subparagraph (1) of this paragraph. Second and additional county cropland factors shall be determined, if necessary, by dividing (i) the available county acreage allotment remaining after maximum indicated farm acreage allotments, as defined in subparagraph (3) of this paragraph have been determined for such old cotton farms by (ii) the total of the adjusted cropland acreages determined for old ELS cotton farms in the county under subparagraph (1) of this paragraph, which under the preceding factor were not affected by the maximum allotment provisions. The last county (or administrative area) cropland factor computed and applied shall be referred to herein as the "final county cropland factor".

(3) *Indicated farm acreage allotment.* An indicated acreage allotment shall be computed for each old ELS cotton farm under this paragraph by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that the maximum indicated acreage allotment for any such farm shall not exceed the highest acreage planted to extra long staple cotton on the farm in any of the years 1952, 1953, and 1954.

(d) *Indicated acreage allotments for old ELS cotton farms in counties where farm acreage allotments are determined on the historical basis pursuant to section 344 (f) (6) of the act.* In counties where the county committee recommends that the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, be apportioned among farms for the year 1955 on the historical basis and the Deputy Administrator approves such recommendation, an indicated acreage allotment for each old ELS cotton farm shall be determined by multiplying the allotment base for the farm by a factor determined by dividing the total of all such allotment bases into the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section): *Provided*, That, if the county committee so elects, any such indicated farm acreage allotment shall not exceed an acreage equal to 50 percent of the cropland on the farm, and any part of the county acreage allotment not apportioned by reason of the application of such 50 percent limitation shall be added to the county acreage reserve established under paragraph (b) of this section and shall be available for the purposes specified in paragraph (e) of this section. For the purposes of this paragraph, the term "allotment base" means the average of the acreages planted to extra long staple cotton on the farm during each of the three years 1952, 1953, and 1954 (sum of the acreages divided by three), with such adjustment in the acreage for any year as may be necessary for abnormal conditions affecting plantings.

(e) *Use of county acreage reserve.* The county acreage reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm acreage allotments of 5 to 15 acres.* Not less than 20 percent of the county acreage reserve shall, to the extent required, be used by the county committee to adjust indicated farm acreage allotments of 5 to 15 acres, inclusive, determined under paragraph (c) or (d) of this section. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to extra long staple cotton in 1952, 1953, and 1954; the land, labor, and equipment available for the production of such cotton; crop-rotation practices; the soil and other physical facilities affecting the production of such cotton; and abnormal conditions of production. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted to extra long staple cotton on the farm in 1955 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited for the production of such cotton.

(2) *Adjustments in indicated acreage allotments for other farms.* The remainder of the acreage in the county acreage reserve, after meeting or determining the requirements under subparagraphs (1), (3) and (4) of this paragraph, shall be used by the county committee to adjust indicated farm acreage allotments which are less than 5 acres or more than 15 acres. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of extra long staple cotton; crop-rotation practices, the soil and other physical facilities affecting the production of such cotton; and abnormal conditions of production. The acreages planted to extra long staple cotton on a farm in 1952, 1953, and 1954 shall be considered in determining the land, labor, and equipment available for the production of such cotton and in connection with the crop-rotation practices followed on the farm. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage of extra long staple cotton which could be planted on the farm in 1955 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited for the production of such cotton.

(3) *Acreage allotments for new ELS cotton farms*—(i) *Determination of acreage needed for establishing acreage allotments for new ELS cotton farms.* The county committee, with the assistance of the community committees, shall estimate from county office records and other available sources of information the number of new ELS cotton farms in the county. In counties where farm allotments are established on the cropland basis, an estimate shall be made of the adjusted cropland acreage for new ELS cotton farms; and in counties where farm allotments are established on the historical basis, an estimate shall be made of the cropland on new ELS cotton farms. Such estimates shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing acreage allotments for new ELS cotton farms. In determining the acreage from the county acreage reserve which is to be used for establishing acreage allotments for new ELS cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State acreage reserve pursuant to subparagraph (4) of § 722.1216 (c) for establishing acreage allotments for new ELS cotton farms. The total acreage reserved for establishing allotments for new ELS cotton farms in the county, including any acreage allotted

to the county for new ELS cotton farms from the State acreage reserve, shall not exceed 75 percent of the total of the farm acreage allotments which the county committee estimates will be determined for the same number of old ELS cotton farms in the county which are similar except for the acreages planted to extra long staple cotton during the years 1952, 1953, and 1954.

(ii) *Eligibility of a new ELS cotton farm for a farm acreage allotment.* An acreage allotment for extra long staple cotton for a new ELS cotton farm may be established by the county committee in accordance with instructions issued by the Deputy Administrator if each of the following conditions is met:

(*a*) An application for such an acreage allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than February 15, 1955 (January 15, 1955 in Puerto Rico).

(*b*) The farm operator is largely dependent on income from the farm for his livelihood.

(*c*) The farm is the only farm in the county which is owned or operated by the farm operator or farm owner for which an acreage allotment for extra long staple cotton is established for 1955.

(iii) *Establishment of acreage allotments for new ELS cotton farms.* If the applicant's farm is eligible for an acreage allotment for extra long staple cotton, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of extra long staple cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of such cotton. The acreage allotment so determined for any such farm shall not exceed the smallest of (*a*) the acreage allotment established for old ELS cotton farms in the county which are similar with respect to the foregoing factors, (*b*) the acreage allotment requested by the applicant, and (*c*) the indicated allotments established pursuant to paragraph (c) or (d) of this section for old ELS cotton farms in the county which are similar except for the acreages planted to extra long staple cotton during the years 1952, 1953, and 1954. The sum of the acreage allotments determined by the county committee for new ELS cotton farms shall not exceed the acreage reserves available for such farms under this subparagraph. The acreage allotments for new ELS cotton farms shall be subject to review and approval by the State committee, as provided in § 722.1226.

(4) *Adjustments in farm acreage allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State acreage reserve to correct inequities in farm allotments and to prevent hardship. Such reserve shall be used by the county committee where it determines that the farm acreage allotment established under other provisions of this section is inequitable or that such allotment would work undue hardship on the producers on the farm. Such reserve may also be used for establishing and adjusting farm acreage allotments as provided in paragraph (g) of this section.

(f) *Use of acreage allocated to county from State acreage reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State acreage reserve for small farms shall be used by the county committee to adjust indicated farm acreage allotments of 15 acres and less for old ELS cotton farms on the basis of the factors set forth in paragraph (e) (1) and (2) of this section for adjusting small farm allotments.

(g) *Allotments for late and reconstituted farms and correction of errors.* The acreage reserve provided for in paragraph (e) (4) of this section shall be used by the county committee for the purposes specified therein and also for establishing allotments for old ELS cotton farms for which allotments were not established at the time allotments were originally established for old ELS cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to extra long staple cotton on the farm in 1952, 1953, and 1954, for correcting errors in farm acreage allotments, and for use in establishing acreage allotments for farms which are divided or combined for 1955. Where reconstitutions of farms are made for 1955 after farm acreage allotments for 1955 are established prior to the referendum, the extra long staple cotton acreage histories and the acreage allotments for all such reconstituted farms shall be established as follows:

(1) If land which was constituted as a single farm in 1954 is divided into two or more tracts for 1955 (i) the acreages of extra long staple cotton on the farm in 1952, 1953, and 1954 (as shown in Col. (2), Cotton Table 2 for extra long staple cotton of the county committee's farm cotton acreage record), shall be divided among the tracts in proportion to the acreage of cropland on each tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland on each tract in apportioning the extra long staple cotton acreage history among the tracts: *Provided*, That, if two or more tracts of land were combined for 1953 or for 1954 to form the single farm and the single farm will be divided for 1955 into the same tracts of land, the extra long staple cotton acreage history for each such tract for any year in the farm base period prior to the combination will be restored to such tract, (ii) in counties where farm allotments are determined on the cropland basis the 1955 farm acreage allotment established for the single farm shall be apportioned among the tracts on the basis of the cropland used or which would be used for each such tract in apportioning the 1954 acreage of extra long staple cotton among the tracts pursuant to subdivision (i) of this subparagraph, (iii) in counties where farm allotments are determined on the historical basis the 1955 farm acreage allotment established for the single farm shall be apportioned among the tracts in proportion to the allotment bases determined for such tracts, and (iv) the sum of the 1955 allotments established for the several tracts shall not exceed the 1955 acreage allotment initially established for the single farm, except that the allotment determined under the foregoing provisions of this subparagraph for any farm consisting of such a tract or of which such a tract becomes a part may be (*a*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship, and (*b*) increased with released acreage available to the county committee.

(2) If two or more tracts of land are combined and operated as a single farm in 1955 the allotment established for such single farm shall be the sum of the allotments established for such tracts, except that the allotment for the single farm shall not exceed the maximum farm allotment if such allotment limitation is in effect in the county: *Provided*, That the allotment determined for such single farm under the foregoing provisions of this subparagraph may be (i) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship and (ii) increased with released acreage available to the county committee.

(h) *Availability of reserves for inspection by interested producers.* The allocations to the county from the State acreage reserve and the total amount and the distribution of the county acreage reserve shall be available in the office of the county committee for examination by any interested producer of extra long staple cotton.

(i) *Release and reapportionment of extra long staple cotton acreage allotments.* Any part of any 1955 farm acreage allotment which will not be used in 1955 and which is voluntarily released to the county committee by the applicable closing date shall be deducted from the farm acreage allotment and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm acreage allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of extra long staple cotton, land, labor, and equipment available for the production of extra long staple cotton, crop-rotation practices, and soil and other physical facilities affecting the production of such cotton. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm acreage allotments shall be the date on which the planting of extra long staple cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which extra long staple cotton can normally be planted on farms in the State or area with reasonable expectation of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.1216 (g). Any farm acreage allotment released for 1955 only shall, in determining future farm acreage allotments for extra long staple cotton, be regarded as having been planted on the farm releasing such allotment if extra long staple cotton was planted on such farm in at least one of the years in the three-year farm base period, except that acreage released by the owner or operator of a new ELS cotton farm will not be regarded as planted on such farm unless a part of such allotment is retained and extra long staple cotton is planted on the farm in 1955. Any part of any farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm acreage allotments, the planting in 1955 of reapportioned acreage allotments shall not be considered. For the purpose of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted. Notwithstanding the foregoing provisions of this paragraph, the county committee shall not accept a release of a farm acreage allotment permanently or for 1955 only if (1) such release is opposed by a person whom the county committee determines will subsequently have an interest in the farm as owner or operator, or (2) the county committee determines that the farm is being acquired for governmental or other public purposes.

(j) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under paragraph (g) of § 722.1216 may be used for establishing and adjusting farm acreage allotments for new ELS cotton farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (e) and (f) of this section.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.1218 *Notice of farm acreage allotment and marketing quota.* Immediately after farm acreage allotments in a county or other local administrative area are established and approved by the State committee pursuant to § 722.1226 (a), the county committee shall mail to the operator of each such farm a written notice of the farm acreage allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new ELS cotton farm for which application for an allotment is made but for which it is determined that no farm acreage allotment and marketing quota will be established, a similar written notice showing "None" as the acreage allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper will be interested in the extra long staple cotton produced on the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the extra long staple cotton produced in 1955 on the farm for which the notice is given. Insofar as practicable, the notice for each old ELS cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum on December 14, 1954, to determine whether producers of extra long staple cotton favor or oppose marketing quotas for the 1955 crop. Notwithstanding the foregoing provisions of this section, where it is impracticable or impossible to use the United States mail to serve the producer in Puerto Rico with the notice provided for herein, use shall be made of such other method of service as is available; however, when such other method is used the county committee shall make provision for keeping an accurate record of the date and method of delivery to the producer of any such notice.

§ 722.1219 *Amount of the farm marketing quota.* The farm marketing quota for any farm for the 1955 crop of extra long staple cotton shall be the actual production of extra long staple lint cotton on the farm less the farm marketing excess.

§ 722.1220 *Amount of the farm marketing excess*—(a) *Where the acreage planted to extra long staple cotton is determined.* The farm marketing excess for the 1955 crop of extra long staple cotton shall be the normal production of the acreage of extra long staple cotton on the farm in excess of the farm acreage allotment. Where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm, in accordance with regulations to be issued under this part by the Secretary, that the actual production of extra long staple cotton on the farm in 1955 is less than the normal production of the acreage planted to such cotton on the farm in 1955, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm acreage allotment.

(b) *Where the acreage planted to extra long staple cotton is not determined.* Whenever the determination of the acreage planted to extra long staple cotton on the farm is prevented by the farm operator, the farm marketing excess shall be the total number of pounds of extra long staple cotton produced in 1955 on the farm. In the event the farm operator or any other producer on the farm establishes, in accordance with regulations to be issued under this part by the Secretary, the total number of pounds of extra long staple cotton produced in 1955 on the farm, the farm marketing excess shall be the number of pounds of extra long staple cotton produced in 1955 on the farm in excess of the normal production of the farm acreage allotment.

§ 722.1221 *Publication of farm acreage allotments and marketing quotas.* One copy of each notice of the farm acreage allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area.

§ 722.1222 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a crop of extra long staple cotton, or in extra long staple cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of such cotton.

§ 722.1223 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and, except as specifically provided for in the regulations in this subpart, may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.1224 *Acreage planted to extra long staple cotton*—(a) *Adjustment of acreage planted in excess of farm acreage allotment.* If the acreage determined to be planted to extra long staple cotton on a farm in 1955 is in excess of the farm acreage allotment, the farm operator may, not later than a date established under instructions issued by the Deputy Administrator, adjust such planted acreage to the farm acreage allotment. The date established under such instructions shall afford farm operators a reasonable time for making such adjustments.

(b) *Underplanting the farm acreage allotment.* For any farm on which extra long staple cotton is planted in 1955 and the acreage of such cotton in 1955 is less than the 1955 farm acreage allotment by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage

allotment would work undue hardship graph, (iii) in counties where farm the latest date on which extra long

quota established for the farm. The farm operator, the farm marketing ex- an acreage equal to the farm acreage

allotment shall be deemed to be the acreage planted to such cotton on the farm in 1955, and the additional acreage added to the extra long staple cotton acreage history for the farm shall be added to the extra long staple cotton acreage history for the county and State. The Deputy Administrator shall issue such instructions as are necessary for making the calculations required under this paragraph, taking into consideration the provisions of § 722.1217 (i).

(c) *No credit for overplanting the farm acreage allotment.* Any acreage planted to extra long staple cotton in 1955 in excess of the farm acreage allotment for the 1955 crop of such cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1956 and subsequent crops of such cotton.

§ 722.1225 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving extra long staple cotton acreage allotments, all records pertaining to such cotton acreage allotments and marketing quotas.

§ 722.1226 *Approval of county committee determinations and redelegation of authority by the State committee.* The State committee shall review all acreage allotments and may revise or require revision of any determinations made under §§ 722.1217 to 722.1224. All acreage allotments for both old and new ELS cotton farms shall be approved by the State committee, and no official notice of farm acreage allotment and marketing quota shall be mailed to a farm operator until such allotment has been approved by the State committee.

(b) *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 722.1211 to 722.1227 may be redelegated by the State committee.

REVIEW OF QUOTAS

§ 722.1227 *Review of quotas*—(a) *Review committees.* Any producer who is dissatisfied with the farm acreage allotment or marketing quota established for his farm, or in the case of a new ELS cotton farm with the action of the county committee in refusing to establish a farm acreage allotment or marketing quota for such farm, may, by making application within 15 days after the mailing to him of the notice provided for in § 722.1218, have such allotment, quota, or determination reviewed by a review committee composed of three farmers appointed by the Secretary. The review committee shall, upon proper application, review the action of the county committee. The review committee in determining any farm acreage allotment or marketing quota shall, to the same extent as the county committee, be limited to the establishment of a farm acreage allotment or marketing quota in an amount which, under the Act and regulations, should have been established. Unless such application is made within 15 days, the original determination of the farm acreage allotment or marketing quota shall be final. All applications for review shall be made in accordance with the marketing quota review regulations issued by the Secretary, a copy of which may be obtained from the county committee.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with Section 365 of the Act.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 4th day of November 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-8829; Filed, Nov. 8, 1954; 8:52 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.8]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (herein referred to as "act"), the following determination is hereby issued:

§ 850.8 *Proportionate shares for farms in the domestic beet sugar area*—(a) *National acreage and State acreage allocations.* A national acreage objective for 1955-crop sugar beets of 850,000 acres is hereby established and allocated to States as follows:

State:	Acres
California	182,410
Colorado	130,715
Idaho	79,715
Illinois	2,095
Indiana	30
Iowa	1,545
Kansas	7,255
Michigan	81,420
Minnesota	66,035
Montana	50,980
Nebraska	58,720
New Mexico	770
North Dakota	34,600
Ohio	20,220
Oregon	17,685
South Dakota	5,365
Texas	1,590
Utah	30,545
Washington	30,795
Wisconsin	12,865
Wyoming	34,645
Total	850,000

(b) *Instructions and forms.* The Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture (herein referred to as "Director") shall cause to be prepared for issuance such forms and instructions as are necessary for carrying out the regulations of this section. The instructions shall be approved and issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, U. S. Department of Agriculture (herein referred to as "Deputy Administrator").

(c) *Proportionate shares.* The proportionate share of the 1955 crop of sugar beets for a farm shall be the acres established for the farm pursuant to this section within the allocation specified in paragraph (a) of this section for the State in which the base of operations for the farm is located.

(d) *Administration of proportionate shares program.* In each State the Agricultural Stabilization and Conservation State Committee (herein referred to as "State Committee") shall establish individual farm proportionate shares in accordance with paragraph (h) of this section and instructions issued by the Deputy Administrator. In carrying out the proportionate share program within the State, the State Committee may utilize the services of members of Agricultural Stabilization and Conservation county and community committees and may cooperate with advisory committees consisting of sugar beet growers, representatives of sugar beet grower associations, representatives of sugar beet processors or combinations of these groups. The State Committee shall formulate bases and procedures in written form for establishing proportionate shares within the State in accordance with the provisions of this section. Such bases and procedures shall be reviewed by the Director for conformity with the provisions of this section and to assure reasonable uniformity between adjoining areas in adjacent States, shall become effective upon approval of the Director and shall be published in the FEDERAL REGISTER. Copies shall be available for public inspection in State and county offices.

(e) *Requests for proprotionate shares.* Any person desiring a proportionate share for a farm to be operated by him during the 1955-crop season shall file a written request therefor. A form for this purpose may be obtained from local Agricultural Stabilization and Conservation county offices, from fieldman of sugar companies, or from such other source as the State Committee may designate. The State Committee shall publicize directions for filing such requests, the places where they may be filed and the closing date for filing as established by the State Committee.

(f) *Set-aside acreage for new producers and appeals.* Not less than one percent of the State acreage allocation shall be set aside for establishing proportionate shares for farms operated by new producers and not less than an additional one percent shall be set aside for adjustments under appeals.

(g) *Subdivision of State acreage allocation.* Before establishing individual farm proportionate shares, the State Committee may subdivide the State acreage allocation into allotments for

areas within the State, such as an area served by a beet sugar company, a county, or a group of counties. In making any such subdivision, appropriate weightings, approved by the Director, shall be given to the past production of sugar beets and the ability to produce sugar beets. "Ability" shall be measured by the area's largest planted acreage during any of the crop years 1950 through 1954. "Past production" shall be measured by the average planted acreage of the area for not less than three crop years during the period 1950 through 1954, except that if the State Committee determines that the period 1950 through 1954 is not representative for the area, a longer period may be used upon prior approval of the Director. Subject to the provisions of paragraph (a) (2) of this section, unused acreage may be reallotted by the State Committee among the aforementioned areas within the State. If the State acreage allocation is not subdivided, proportionate shares will be established directly from such allocation.

(h) *Establishment of individual proportionate shares.* (1) (i) In establishing individual farm proportionate shares from area allotments or from the State allocation, the State Committee shall consider the factors of past production of sugar beets and ability to produce sugar beets. These factors will involve the application of a formula to the record of production of sugar beets on the farm during not less than three crop years in the period 1950 through 1954, except that if the State Committee determines that the period 1950 through 1954 is not representative for the area, a longer period may be used upon prior approval of the Director. However, if the farm operator is a tenant in an area where sugar beet production is organized around tenant-operators rather than around units of land, production may be measured by the personal sugar beet production record of the farm operator within such area during such selected years or the State Committee may use a combination of farm and such personal production records. Any formula selected by the State Committee shall be submitted to the Director for approval.

(ii) The acreages resulting from the application of such formula for individual farms shall be adjusted pro rata by the percentage relationship between the total acreage to be allotted and the total acreage resulting from the use of the formula. The resulting acreage for each farm shall then be adjusted by the State Committee to the extent determined by it to be necessary to establish a proportionate share for the farm which is fair and equitable as compared with proportionate shares for all other farms in the locality by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) Redistribution of unusued proportionate share acreage: Adjustments in proportionate shares may be made throughout the 1955-crop season within the State acreage allocation in accordance with procedures established by the State Committee to offset general underplanting and failure to plant: *Provided*, That in case of a disagreement between farm operators and a sugar beet processor with respect to the sugar beet purchase contract to be effective in the settlement area, or where no company offers a contract to growers to cover fully the shares established for their farms, the shares allotted to the farms operated by such growers shall not be reduced unless the affected growers voluntarily agree to reductions in their respective proportionate shares, or unless because of unusual circumstances and for good cause the State Committee determines that such shares should be reduced.

(3) New producers: Within the acreage set aside for new producers from the State acreage allocation pursuant to paragraph (f) of this section and other unused acreage that the State Committee determines should be used for new producers, proportionate shares shall be established in an equitable manner for farms which are to be operated by new producers during the 1955-crop year. In determining proportionate shares for farms which are to be operated by new producers, the State Committee shall take into consideration suitability and area of available land, availability of equipment for the production of sugar beets, availability of irrigation water, availability of marketing facilities, and the production experience of the operator. For the purposes of this section, the term "new producer" shall mean a farm operator on a farm without record of sugar beet production for the period of years selected by the State Committee for establishing proportionate shares except that such term shall not include a tenant (including an owner who is also a tenant) whose personal sugar beet production record will be considered under subparagraph (1) of this paragraph. Any acreage set aside for new producers and not requested and any acreage allotted to new producers and remaining unused shall be available for distribution to other farms.

(4) Small producers, cash tenants, share tenants, and sharecroppers: In establishing proportionate shares, the State Committee shall, insofar as practicable, protect the interests of small producers and the interests of producers who are cash tenants, share tenants, or sharecroppers.

(i) *Notification of proportionate shares.* Farm operators shall be notified in writing on behalf of the State Committee of the proportionate shares established in response to their requests, even if the acreage established is "none", and such notices shall explain the appeal procedure specified in paragraph (j) of this section.

(j) *Appeals.* A farm operator who believes that the proportionate share established for his farm pursuant to this section is inequitable may file a written appeal for reconsideration of such proportionate share at the local Agricultural Stabilization and Conservation county office, not later than the date established therefor by the State Committee. The appeal shall be accompanied by a statement of facts constituting the basis for such appeal. The appeal shall be reviewed and forwarded with recommendations to the State Committee. The State Committee shall review the appeal, and any increase in the proportionate share approved by the State Committee by reason of the appeal shall be within the acreage set aside for appeals pursuant to paragraph (f) of this section and any other acreage remaining unused within the State allocation. The State Committee shall notify the operator in writing as soon as possible regarding its decision in the case. If the farm operator is dissatisfied with the decision of the State Committee, he may appeal in writing to the Director, whose decision shall be final. In acting upon the appeal, the State Committee or the Director shall consider only such matters as under the provisions of this determination are required or permitted to be considered by such Committee in the establishment of the farm proportionate share to be reviewed.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar act requirements. As a condition for payment, section 301 (b) of the act requires compliance with the proportionate share established for the farm. In the domestic beet sugar area, the term "proportionate share" is the individual farm's share of the total acreage of sugar beets required to enable the producing area to meet its quota (and provide a normal carryover inventory) as estimated by the Secretary for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugar beets grown on a farm and marketed (or processed by the producer) for sugar or liquid sugar not in excess of the proportionate share established for the farm.

Section 302 (b) provides that in determining the proportionate share for a farm the Secretary may take into consideration the past production on the farm of sugar beets marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers.

General. Restrictive proportionate shares are required when the indicated sugar supply for an area will be greater than the quantity needed to fill the quota and provide a normal carryover inventory for such area.

The sugar extracted from each crop in the beet sugar area is normally marketed during two calendar years. Since the processing of the crop in most of the beet sugar factory districts usually begins in the month of October, only a minor portion of the total sugar extracted from a crop is marketed during the balance of the calendar year.

The yield of beets per acre and the outturn of sugar per ton of beets of the 1953 crop far exceeded estimates made at

the beginning of harvest. Although the marketing of beet sugar was accelerated during the final weeks of 1953, the total production of 1,873,000 tons resulted in an effective carryover inventory on January 1, 1954, of 1,444,000 tons (stocks of beet sugar actually on hand plus the sugar to be produced from the remainder of the 1953 crop). Since the 1953-crop production exceeded the quota of 1,800,000 tons for the beet sugar area and producers were indicating a desire to increase planting for the 1954 crop, steps were taken early in 1954 to invoke marketing allotments for individual sugar beet processors to promote orderly marketing of the quota. Moreover, various actions were taken by the Department to encourage producers and processors to curtail the 1954 production to the quota level. Despite the exercise of considerable restraint in many producing districts, the 1954-crop acreage will exceed the acreage of the 1953 crop by about 18 percent. Current estimates indicate that production of sugar from the 1954 crop may reach 2,000,000 tons. Accordingly, it is estimated that the effective carryover inventory at the end of 1954 will be about 200,000 tons larger than that at the beginning of the year. This situation requires the curtailment of the 1955 crop.

Acreage control. The need for curtailment of the 1955 crop was recognized early in the current crop season. The Department encouraged industry representatives to develop an industry control program for the 1955 crop and assisted in developing a proposed plan. When the attempt to provide for industry controls failed, the Department proceeded to develop a restrictive proportionate share program under the Sugar Act. A proposal was developed and forwarded to industry groups on August 12, 1954, providing for a review of the problem and consideration of the proposal at an informal public hearing in Denver, Colorado, on August 23. Grower associations, processors and field offices of the Department were represented at the hearing, at which general approval of the Department's proposal was expressed. In developing this determination, consideration was given to the testimony presented at the hearing, to the written statements filed thereafter, to the varied conditions under which sugar beets are grown and processed, and to the indicated beet sugar production and inventory situation.

Production objective. With an estimated effective carryover inventory of sugar on January 1, 1955 of approximately 1,650,000 tons, only about 150,000 tons of 1955-crop sugar can be marketed in the calendar year 1955. The production of a 1955 crop of quota size (1,800,000 tons) will result in a similar carryover on January 1, 1956. Since the average production per planted acre for the crops of 1952, 1953 and 1954 (estimated) is 2.2 tons of sugar, raw value, and since some proportionate share acreages may not be used, an allocation of 850,000 acres is required to yield a crop of quota size. Accordingly, a national production objective of 850,000 acres is established by the determination. The production from such acreage should enable the area to meet its quota and carryover requirements. At the hearing the Department proposed possible allocations of 900,000 and 875,000 acres. Various representatives of the industry recommended that "not more than 875,000 acres" be allocated. However, the increase in the estimated 1954-crop production since the hearing requires a lower acreage objective.

Sugar beet production. Sugar beets are produced annually on about 35,000 farms. The production is distributed over a minimum of 21 States and 300 counties under a wide range of production conditions requiring consideration under an acreage control program. The crop is grown under annual contracts with beet sugar companies. A total of 19 of such companies maintain about 75 processing plants. Since sugar beets are heavy, bulky and perishable, transportation is a significant factor. Therefore, for farm shares to be useful, the total shares established in a given district must warrant the operation of a factory within a reasonable distance from the farms. This matter is particularly important to eleven companies owning but one factory each.

Sugar beets are grown in crop rotations that differ significantly between States and even among districts within a State. In a number of States, the crop occupies as an average not more than ten percent of the area of the producing farms and the crop is not grown regularly on many of those farms. In other States, one-fourth to one-third of farm areas are commonly devoted to the crop. In certain of the sugar beet States, the turnover of sugar beet farms from year-to-year exceeds 50 percent and a turnover of 25 percent is common in a number of States. While a larger part of the production occurs on farms which are owner-operated, there are many districts wherein it is a common practice for owner-operators to rent fields of neighboring farms for beet production. In a few districts the main part of the crop is produced by tenant-operators, many of whom grow the crop exclusively from year-to-year on tracts of land not regularly devoted to sugar beet production and which is rented from non-resident land holders in many cases. Accordingly, in such districts the production records of such tenant-operators are more important than the production records of the tracts of land.

State allocations. Because of the variable conditions under which sugar beets are produced and processed, as described above, it is not feasible to allot the 850,000 acres to individual farms under one general formula. To do so would result in inequities among producers, uncertainty of the tonnage of beets available locally for processing and uncertainty of total outturn. Accordingly, there is a need for smaller administrative units. The field set-up of the Department is organized on a State basis. Therefore, the determination establishes State allocations and provides for administration on a State basis.

The State allocations were derived from Sugar Act payment data on planted acreages for the crops of 1950 through 1953 and from planted acreages for the 1954 crop, as furnished by beet sugar companies and released by the Sugar Division on August 12, 1954. The allocation for each State was computed by the following steps:

1. An initial base acreage was computed by giving a weighting of 75 percent to the average acreage for the crops of 1950–54, as a measure of "past production", and giving a weighting of 25 percent to the largest acreage of any of the crops of 1950–54, as a measure of "ability to produce."

2. If the initial base acreage was less than 97.4 percent of the 1953–54 average acreage for the State, the base acreage was increased to the 97.4 percent level.

3. If the initial base acreage was more than 125 percent of the 1954 acreage for the State, the base acreage was reduced to the 125 percent level.

4. The base acreages computed in steps 1 through 3 above, which total 899,741 acres, were reduced pro rata (with rounding to the nearest 5-acre units) to a total of 850,000 acres.

The most recent five-crop period appears to be a representative and adequate base period for determining State acreage allocations. Although production patterns were seriously disrupted during World War II, beginning with the 1942 crop and continuing for several seasons after active warfare ceased, the 1950-crop season was especially free from complications and a relatively large acreage resulted. Thus, the 1950 crop demonstrated both the ability and interest of growers in producing the crop under such conditions. Accordingly, the base period begins with that crop year and includes the crops produced subsequently.

Following suggestions made at the hearing, the proposed "floor" for State allocations of 100 percent of 1953–54 crop average acreages has been reduced to 97.4 percent.

This level represents the relationship of the national acreage objective of 850,000 acres to the national average of 1953–54-crop acreages of 872,821 acres. The use of this "floor" recognizes current trends in production.

The use of a "ceiling" on State allocations at 125 percent of 1954-crop acreages reflects the need for some limitation in certain minor beet producing States wherein the current demand for acreage is less than the former demand, since it would be unfair to allow growers in such States to plant unlimited acreages while growers in other States are required to restrict their acreages.

Administration of proportionate shares. The proportionate share program within a State will be carried out by the ASC State Committee. Such committee may utilize the services of members of ASC county and community committees and may cooperate with advisory committees consisting of sugar beet growers, representatives of sugar beet grower associations, representatives of sugar beet processors, or combinations of these groups. Local representatives of sugar beet processors are in almost daily contact with the growers to assist and advise them with respect to production problems. Beet growers are well organized into local and regional associations for such purposes as negotiating contracts, checking on operations under contracts, and promoting the interests of growers. Accordingly, such grower and processor representatives are in position to render helpful advice toward an equitable and practicable administration of the program.

The determination provides that the State Committee may subdivide the State allocation into area allotments under prescribed standards and general procedure. Standards and general procedure are also prescribed for establishing individual farm shares. Subject to such standards and procedure, the State Committee, in establishing such shares, will take into consideration the conditions peculiar to the production of sugar beets in the State. The State Committee is authorized under certain conditions to use individual sugar beet production records of tenant-operators, since their ability to produce sugar beets, as demonstrated by their production records, is of primary importance in establishing proportionate shares in certain districts.

Provision is made for adjustments in shares under criteria specified in the determination to facilitate practical results. Each State Committee is required to set aside acreages for establishing shares for new producers and for making adjustments under appeals. Moreover, the interests of small producers, cash tenants, share tenants, and sharecroppers are to be protected insofar as is practicable.

It is believed that this determination provides an equitable basis for establishing proportionate shares for farms in the beet sugar area for the 1955 crop.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932, 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup., 1132)

Issued this 4th day of November 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-8831; Filed, Nov. 8, 1954; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Avocado Order 5, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of avocados grown in South Florida.

It is, therefore, ordered as follows: The provisions in paragraph (b) (1) (i) of § 969.305 (Avocado Order 5; 19 F. R. 6990) are hereby amended to read as follows:

(i) Any avocados, grown in South Florida, which do not grade at least No. 2 Grade, as defined in § 969.130 (b) of the supplementing rules and regulations (19 F. R. 5439): *Provided*, That such avocados may fail to meet the requirements of such grade with respect to anthracnose (black spot) and sunburn.

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., November 5, 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 4, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable, Division, Agricultural Marketing Service.

[F. R. Doc. 54-8795; Filed, Nov. 8, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 60-5]

PART 60—AIR TRAFFIC RULES

CHANGES IN TERMINOLOGY OF AIRSPACE RESTRICTED AREAS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 4th day of November 1954.

Section 60.13 of Part 60 of the Civil Air Regulations, covering airspace restricted areas, currently states that the Administrator may designate as a danger area an area within which he has determined that an invisible hazard to aircraft in flight exists. It also states that no person shall operate an aircraft within an airspace reservation or danger area unless permission has been obtained from the appropriate authority. Section 60.65 defines an airspace reservation as an area established by Executive Order of the President of the United States or by any State of the United States, and defines danger area as an area designated by the Administrator within which an invisible hazard to aircraft in flight exists. These areas are shown on aeronautical charts and in publications of aids to air navigation. It would appear from these definitions and their use in § 60.13 that the flight of aircraft is prohibited in both an airspace reservation and a danger area unless prior approval has been obtained. This is not necessarily true, however, since flight in both areas may not be completely prohibited but limited only in accordance with restrictions which have been placed on the area.

The term "prohibited area" describes more completely and accurately the airspace in which flight is prohibited at all times except when appropriate permission is obtained, and the term "restricted area" more aptly describes the airspace in which flight is subject to certain stated restrictions. This amendment, therefore, eliminates the terms "danger area" and "airspace restricted area", and defines the terms "prohibited area" and "restricted area" so as to include an area within which the flight of aircraft is either prohibited or restricted. It also states who may set up a prohibited or restricted area. This terminology will tend to eliminate any confusion that may currently exist in having different terms apply to the same type of area on domestic and international aeronautical charts since the proposed terms are currently used on international charts. These terms will also conform with the definitions of such airspace areas by the International Civil Aviation Organization.

Section 60.13 is amended to make clear the extent to which avoidance of prohibited and restricted areas is necessary and the necessity of obtaining permission for flight in such areas contrary to the restriction or prohibition applicable thereto. Restriction to flight in such areas will be prescribed in publications of aids to air navigation and on the backs of aeronautical charts. The authority of the Administrator to designate restricted areas, which was previously in § 60.13, has been placed in a new § 60.13a.

Interested persons have been afforded on opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended), effective December 9, 1954:

1. By amending § 60.13 to read as follows:

§ 60.13 *Avoidance of prohibited and restricted areas*—(a) *Prohibited area.* No person shall operate an aircraft within a prohibited area unless prior permission has been obtained from appropriate authority.

(b) *Restricted area.* No person shall operate an aircraft within a restricted area contrary to the restrictions imposed unless prior permission has been obtained from appropriate authority.

NOTE: Prohibited and restricted areas are established in order to conduct certain essential activities either on the ground or

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NOTE: Prohibited and restricted areas are established in order to conduct certain essential activities either on the ground or

within the airspace area. Avoidance of prohibited areas and operation within restricted areas strictly in accordance with the published restrictions are imperative to the safety of flight or the protection of the activity on the ground. Any person desiring to secure permission to fly in such areas contrary to the prohibition or the restrictions imposed, should contact the agency controlling that area. Prohibited and restricted areas, indicating the prohibitions or restrictions to flight and the name of the using agency, are shown on aeronautical charts or in publications of aids to air navigation.

2. By adding a new § 60.13a to read as follows:

§ 60.13a *Authority for designation of restricted areas by the Administrator.* The Administrator is authorized to designate restricted areas when he finds that a hazard to aircraft in flight exists. (Areas previously designated as danger areas will hereafter be designated as restricted areas.)

3. By amending § 60.65 to read as follows:

§ 60.65 *Prohibited and restricted areas*—(a) *Prohibited area.* Airspace identified by an area on the surface of the earth within which the flight of aircraft is prohibited. A prohibited area may be established by the President of the United States or any State of the United States pursuant to the Air Commerce Act of 1926, or it may be established pursuant to the Civil Aeronautics Act of 1938, as amended.

(b) *Restricted area.* Airspace identified by an area on the surface of the earth within which the flight of aircraft, while not wholly prohibited, is subject to restrictions. A restricted area may be established by the President of the United States or by any State of the United States pursuant to the Air Commerce Act of 1926, or it may be established pursuant to the Civil Aeronautics Act of 1938, as amended, or it may be established by the Administrator of Civil Aeronautics pursuant to the provisions of § 60.13a.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-8823; Filed, Nov. 8, 1954; 8:51 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 362), §§ 345.1, 345.2, 345.4, 345.7, 345.9, 345.10, 345.13 (d), (e), 345.15, 345.16, 345.17 (b), 345.19 (a) and 345.20 of the regulations of the Railroad Retirement Board under such act (4 F. R. 4370; 8 F. R. 11894; 9 F. R. 3192; 12 F. R. 2327; 13 F. R. 5329; 16 F. R. 8797; 17 F. R. 2303 and 17 F. R. 8764) are amended by Board Order 54-253, dated October 4, 1954, to read as follows:

§ 345.1 *Statutory provisions.*

Every employer shall pay a contribution, with respect to having employees in his service, equal to the percentage determined as set forth below of so much of the compensation as is not in excess of $300 for any calender month paid by him to any employee for services rendered to him after June 30, 1939, and before July 1, 1954, and is not in excess of $350 for any calendar month paid by him to any employee for services rendered to him after June 30, 1954: *Provided, however,* That if compensation is paid to any employee by more than one employer with respect to any such calendar month, the contributions required by this subsection shall apply to not more than $300 for any month before July 1, 1954, and to not more than $350 for any month after June 30, 1954, of the aggregate compensation paid to said employee by all said employers with respect to such calendar month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the contribution with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services during any calendar month after 1946 bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300 if such month is before July 1, 1954, or less than $350 if such month is after June 30, 1954, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional contribution as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month:

(1) With respect to compensation paid prior to January 1, 1948, the rate shall be 3 per centum;

(2) With respect to compensation paid after December 31, 1947, the rate shall be as follows:

If the balance to the credit of the railroad unemployment insurance account as of the close of business on Sept. 30, of any year, as determined by the Board, is:	*The rate with respect to compensation paid during the next succeeding calendar year shall be:*
$450,000,000 or more	½ percent.
$400,000,000 or more but less than $450,000,000	1 percent.
$350,000,000 or more but less than $400,000,000	1½ percent.
$300,000,000 or more but less than $350,000,000	2 percent.
$250,000,000 or more but less than $300,000,000	2½ percent.
Less than $250,000,000	3 percent.

As soon as practicable following the enactment of this Act, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30, 1947, and on or before December 31 of 1948 and of each succeeding year, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30 of such year.

The contributions required by this Act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this Act as may be prescribed by Regulations of the Board, and shall not be deducted, in whole or in part, from the compensation of employees in the employer's employ. If a contribution required by this Act is not paid when due, there shall be added to the amount payable (except in the case of adjustments made in accordance with the provisions of this Act) interest at the rate of 1 per centum per month or fraction of a month from the date the contribution became due until paid. Any interest collected pursuant to this subsection shall be credited to the account.

All provisions of law, including penalties, applicable with respect to any tax imposed by section 1800 or 2700 of the Internal Revenue Code, and the provisions of section 3661 of such code, insofar as applicable and not inconsistent with the provisions of this Act, shall be applicable with respect to the contributions required by this Act: *Provided,* That all authority and functions conferred by or pursuant to such provisions upon any officer or employee of the United States, except the authority to institute and prosecute, and the function of instituting and prosecuting, criminal proceedings, shall, with respect to such contributions, be vested in and exercised by the Board or such officers and employees of the Board as it may designate therefor.

• • • For the purposes of determining • • • the amount of contributions due pursuant to this Act, employment after June 30, 1940, in the service of a local lodge or division of a railway-labor-organization employer or as an employee representative shall be disregarded. For purposes of determining • • • the amount of contributions due pursuant to this Act, employment as a delegate to a national or international convention of a railway labor organization defined as an "employer", • • • shall be disregarded if the individual having such employment has not previously rendered service, other than as such a delegate, which may be included in his "years of service" for purposes of the Railroad Retirement Act.

§ 345.2 *Employers' contributions.* (a) Except as provided in paragraph (b) of this section, every employer shall pay a contribution equal to the following percentages of the amount of compensation paid by such employer for employment on and after July 1, 1939, excluding, however, that part of the compensation which is in excess of $300 for any month before July 1, 1954 and in excess of $350 for any month after June 30, 1954 and is paid by the employer to any employee with respect to employment during any one calendar month.

	Percent
(1) With respect to compensation paid from July 1, 1939, to Dec. 31, 1947	3
(2) With respect to compensation paid from Jan. 1, 1948, to Dec. 31, 1948	½
(3) With respect to compensation paid during each succeeding calendar year, the applicable percentage specified in § 345.1.	

(b) If compensation is paid by more than one employer to an employee with respect to employment during the same calendar month, and if the aggregate compensation paid to such employee by all employers is more than $350 ($300 if prior to July 1, 1954) for the calendar month, then there shall be included in the measure of each such employer's contribution only that proportion of $350 (or $300) which the amount paid by him to the employee for the month bears to the aggregate compensation paid to such employee by all employers for that month: *Provided, however,*

(1) If such aggregate compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid to the employee by the employer other than a subordinate unit equals or exceeds $350 ($300 if prior to July 1, 1954) for the month, then no subordinate unit shall be liable for any contribution with respect to the compensation paid by it to such employee for that month, and the measure of the contribution of the employer other than a subordinate unit with respect to the compensation paid by him to such employee for that month shall be $350 (or $300).

(2) If such aggregate compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer, and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid to the employee by the employers other than a subordinate unit equals or exceeds $350 ($300 if prior to July 1, 1954) for the month, then no subordinate unit shall be liable for any contribution with respect to the compensation paid by it to such employee for that month, and the measure of the contribution of each employer other than a subordinate unit shall be that proportion of $350 (or $300) which the compensation paid by such employer to the employee for the month bears to the total compensation paid to such employee by all such employers other than a subordinate unit for that month.

(3) If such aggregate compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid to the employee by all employers other than the subordinate unit is less than $350 ($300 if prior to July 1, 1954) for the month, then the measure of the contribution of each employer other than the subordinate unit shall be the full amount of compensation paid by him to such employee for that month, and the measure of the contribution of the subordinate unit of a national railway-labor-organization employer shall be $350 (or $300) less the total compensation paid to such employee for that month by all other employers.

(4) If such aggregate compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid to the employee by all employers other than the subordinate units is less than $350 ($300 if prior to July 1, 1954) for the month, then the measure of the contribution of each employer other than the subordinate units shall be the full amount of compensation paid by him to such employee for that month, and the measure of the contribution of each subordinate unit of the national railway-labor-organization employer shall be that proportion of $350 (or $300) less the total compensation paid to such employee for the month by all employers other than the subordinate units which the compensation paid by such subordinate unit to the employee for that month bears to the total compensation paid to such employee by all such subordinate units for that month.

§ 345.4 *Employers' reports of compensation of employees.* Each employer shall continue to file with the Board, in accordance with the requirements of § 250.3 of this chapter, as amended, reports of the compensation of each employee, consisting of:

(a) A report of compensation for the calendar quarter or calendar year on Form BA-3 (or punched tabulating cards in lieu thereof),

(b) A monthly report of compensation adjustments, on Form BA-4,

(c) A summary of compensation adjustments reported for the quarter, and

(d) Summary reports of compensation for the calendar quarter or calendar year, on Form BA-5.

§ 345.7 *Execution of employers' contribution reports.* Each contribution report on Form DC-1 shall be signed by (a) the individual, if the employer is an individual; (b) the president, vice president, or other duly authorized officer, if the employer is a corporation; or (c) a responsible and duly authorized member or officer having knowledge of its affairs if the employer is a partnership or other unincorporated organization.

§ 345.9 *Place and time for filing employers' contribution reports.* Each employer's contribution report shall be filed with the Office of Fiscal Accounts, Railroad Retirement Board, 844 Rush Street, Chicago 11, Illinois.

(a) Except as provided in paragraph (b) of this section, the employer's contribution report for each quarterly period shall be filed on or before the last day of the second calendar month following the period for which it is made. If such last day falls on Saturday, Sunday, or a national legal holiday, the report may be filed on the next following business day. If mailed, reports must be postmarked on or before the date on which the report is required to be filed.

(b) For eligible employers who have elected to report contributions annually in accordance with § 345.5 (b) (2), the contribution report shall be filed on or before the last day of the second calendar month following the close of the calendar year. If such last day falls on Saturday, Sunday, or a national legal holiday, the report may be filed on the next following business day. If mailed, reports must be postmarked on or before the date on which the report is required to be filed.

§ 345.10 *Payment of employers' contributions.* The contribution required to be reported on an employer's contribution report is due and payable to the Board without assessment or notice, at the time fixed for filing the contribution report. Certified or uncertified checks may be tendered as provisional payment of contributions and should be made payable to the Railroad Retirement Board and mailed with the contribution report to the Office of Fiscal Accounts, Railroad Retirement Board, 844 Rush Street, Chicago 11, Illinois. No employer who tenders a check as provisional payment of contribution shall be released from the obligation to make ultimate payment thereof until such check has been duly paid. If a check is not paid by the bank on which it is drawn, the employer by whom such check has been tendered shall remain liable for the payment of the contribution and for all legal penalties and additions to the same extent as if such check had not been tendered.

§ 345.13 *Refunds.* • • •

(d) *Claim by fiduciary.* If any contribution is paid by or on behalf of an individual who thereafter dies and a claim for refund or credit is filed by a legal representative of the deceased, certified copies of the letters testamentary, letters of administration, or other similar evidence shall be annexed to the claim, to show the authority of the executor, administrator, or other fiduciary by whom the claim is filed. If an executor, administrator, guardian, trustee, receiver, or other fiduciary pays any contribution and thereafter a claim for refund or credit is filed by the same fiduciary, documentary evidence to establish the legal authority of the fiduciary need not accompany the claim, provided a statement is made in the claim showing that the contribution was paid by the fiduciary and that he is still acting. In such cases, if a refund or interest is to be paid, letters testamentary, letters of administration, or other evidence may be required to be submitted upon the receipt of a specific request therefor. If a claim is filed by a fiduciary or employer other than the one by whom the contribution was paid, the necessary documentary evidence shall accompany the claim. The claim form may be executed by an agent of the employer on whose behalf the claim is made, but in such case a power of attorney shall accompany the claim.

(e) *Time limit.* No refund will be allowed for any contribution (including interest or penalty, if any) which has been erroneously, illegally, or otherwise wrongfully collected after the expiration of four years after the payment to the Board of the contribution, penalty, or interest, except upon one or more of the grounds set forth in a claim filed therefor prior to the expiration of such four-year period.

§ 345.15 *Jeopardy assessment.* (a) Whenever in the opinion of the Board

it becomes necessary to protect the interests of the Government by effecting an immediate reporting and collection of an employer's contribution, the Board will assess the contribution, together with all penalties and interest thereon. Upon assessment, such contribution, penalty, and interest shall become immediately due and payable, and the Board shall thereupon issue immediately a notice and demand for payment of the contribution, penalty, and interest.

(b) The collection of the whole or any part of the amount of the jeopardy assessment may be stayed by filing with the Board a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the Board may deem necessary. Such bond shall be conditioned upon the payment of the amount, collection of which is stayed, at the time at which, but for the jeopardy assessment, such amount would be due. In lieu of surety or sureties the employer may deposit with the Board bonds or notes of the United States, or bonds or notes fully guaranteed by the United States as to principal and interest, having a par value not less than the amount of the bond required to be furnished, together with an agreement authorizing the Board in case of default to collect or sell such bonds or notes so deposited. Upon refusal to pay, or failure to pay or give bond, the Board will immediately upon issuances of notice and demand for payment proceed to collect the contribution, penalty, and interest. If any employer liable to pay any contribution neglects or refuses to pay the same within ten days after notice and demand, the Board may collect such contribution with such interest and other additional amounts as are required by law, by distraint and sale in the manner provided by law.

§ 345.16 *Interest.* If the employer's contribution is not paid to the Board when due and is not adjusted under § 345.12, interest accrues at the rate of 1 percent per month, or fraction of a month. Interest on past due contributions from the due date thereof until the date paid will be assessed after payment of the contributions, and notice and demand made upon the employer for payment thereof, in any case in which payment of the contributions is made before assessment under § 345.14.

§ 345.17 *Penalty for failure to pay an assessment after notice and demand.* • • •

(b) If, within ten days after the date of issuance of the first notice and demand, a claim for abatement of any amount of the assessment is filed with the Board, the 5 percent penalty does not attach with respect to such amount. If the claim is rejected in whole or in part and the amount rejected is not paid, the Board shall issue notice and demand for such amount. If payment is not made within ten days after the date the Board issues the notice and demand, the 5 percent penalty attaches with respect to the amount rejected. The filing of the claim does not stay the running of interest.

§ 345.19 *Penalty for delinquent or false employers' contribution reports—*(a) *Delinquent reports.* Unless the employer required to file a contribution report establishes to the satisfaction of the Board that a reasonable cause exists for the delinquency, the failure to file such contribution report on or before the due date shall cause to accrue a penalty equal to the following percentage of the contribution required to be reported thereon:

(1) 5 percent, if the contribution report is filed on or before the thirtieth day after the due date;

(2) 10 percent, if the contribution report is filed after such thirtieth day and on or before the sixtieth day after the due date;

(3) 15 percent, if the contribution report is filed after such sixtieth day and on or before the ninetieth day after the due date;

(4) 20 percent, if the contribution report is filed after such ninetieth day and on or before the one hundred and twentieth day after the due date; or

(5) 25 percent, if the contribution report is filed after such one hundred and twentieth day or if the contribution report is never filed by the employer required to file it.

In computing the period of delinquency all Sundays and holidays after the due date are counted.

Every employer filing a contribution report after the due date shall securely attach to the report a signed statement explaining the reason for the delinquency. This declaration shall become a part of the contribution report and shall be subject to the same penalties for false or fraudulent statements as are described on the face of Form DC–1. Upon receipt of this declaration the Board shall determine whether a penalty for late filing shall be assessed against the employer.

§ 345.20 *Assessments.* The Director of Fiscal Accounts is authorized, on behalf of the Board, to issue assessments of contributions, interest, and penalties, and notices and demands for payment thereof.

(Sec. 12, 52 Stat. 1094, 1107; 45 U. S. C. 362)

Dated: November 2, 1954.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 54–8820; Filed, Nov. 8, 1954 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 225—SERVICEMEN'S MORTGAGE INSURANCE: ELIGIBILITY REQUIREMENTS OF MORTGAGE

Sec.
225.1 Incorporation by reference.
225.2 Definition of terms.
225.3 Maximum mortgage amount; dollar limitation.
225.4 Maximum mortgage amount; ratio of loan-to-value limitation.
225.5 Mortgagor's minimum investment.
225.6 Application of payments.
225.7 Use of mortgage proceeds.
225.8 Eligible mortgagors.
225.9 Location of dwelling.
225.10 Effective date.

AUTHORITY: §§ 225.1 to 225.10 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

§ 225.1 *Incorporation by reference.* (a) All of the provisions of Part 221 of this subchapter concerning eligibility requirements of mortgages covering one- to four-family dwellings under section 203 of the National Housing Act apply with full force and effect to mortgages insured under section 222 of the National Housing Act except the following provisions:

Sec.
221.17 Maximum amount of loan and mortgagor's minimum investment.
221.23 Application of payments.
221.37 Location of dwelling.
221.42 Eligibility of miscellaneous-type mortgages.
221.44 Effective date.

(b) For the purposes of this part all references in Part 221 to section 203 of the National Housing Act shall be deemed to refer to section 222 of the National Housing Act.

§ 225.2 *Definition of terms.* As used in this part the terms—

(a) "Secretary" shall mean the Secretary of Defense or, in the case of the United States Coast Guard, the Secretary of the Treasury and any officer or employee designated by such Secretary to issue certificates of eligibility and certificates of termination.

(b) "Certificate of eligibility" means the official certificate issued by the Secretary to the Federal Housing Commissioner which established that the person designated on the certificate as the serviceman has met the eligibility requirements set forth in section 222 of the National Housing Act as amended.

(c) "Serviceman" means a person to whom the Secretary has issued a certificate of eligibility.

(d) "Period of ownership by serviceman" means that period of time during which a military service is required to pay mortgage insurance premiums to the Federal Housing Commissioner, commencing with the date the Federal Housing Commissioner endorses a mortgage loan for insurance and terminating when the Secretary furnishes the Commissioner with a certificate indicating that the military service will no longer be liable for payment of insurance premiums to the Commissioner.

§ 225.3 *Maximum mortgage amount; dollar limitation.* The mortgage shall involve a principal obligation not in excess of $17,100 and shall be in an amount of $100 or multiples thereof (except a mortgage having a principal obligation not in excess of $10,000 may be in an amount of $50 or multiples thereof).

§ 225.4 *Maximum mortgage amount; ratio of loan-to-value limitation.* The mortgage shall be in an amount not to exceed 95 per centum of the appraised value of the property as of the date the mortgage is accepted for insurance.

§ 225.5 *Mortgagor's minimum investment.* At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 5 percent of the Commissioner's estimate of the cost of acquisition, or such larger amount as the Commissioner may determine in cash or its equivalent.

§ 225.6 *Application of payments.* (a) Notwithstanding the provisions of § 221.23 of this subchapter and until such time as the mortgagee has been notified by the Commissioner that the period of ownership by serviceman has been terminated the monthly payments to be made by the mortgagor shall be applied to the following items in the order set forth:

(1) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums;

(2) Service charge, if any;

(3) Interest on the mortgage; and

(4) Amortization of the principal of the mortgage.

(b) After receipt of notification from the Commissioner that the period of ownership by serviceman has been terminated the mortgagee shall apply all monthly payments received from the mortgagor in the order set forth in § 221.23 of this subchapter.

§ 225.7 *Use of mortgage proceeds.* The proceeds of mortgages shall be used for the purpose of financing the construction or purchase of an eligible dwelling by a serviceman.

§ 225.8 *Eligible mortgagors.* A mortgagor must meet the requirements of §§ 221.31 to 221.35 of this subchapter and in addition must hold a certificate of eligibility issued by the Secretary indicating that the mortgagor meets the eligibility requirements set forth in section 222 of the National Housing Act as amended.

§ 225.9 *Location of dwelling.* At the time the mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than one family. Such unit may be connected with other dwellings by a party wall or otherwise.

§ 225.10 *Effective date.* Unless otherwise specified, the rules in this Part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after November 5, 1954.

PART 226—SERVICEMEN'S MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

Sec.
226.1 Incorporation by reference.
226.2 Definition of terms.
226.3 Annual mortgage insurance premiums and charges.
226.4 Prepayment premiums.
226.5 Pro-rata refund in event of prepayment.
226.6 Insurance endorsement.
226.7 Contract of insurance.
226.8 Effective date.

AUTHORITY: § 226.1 to 226.8 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

§ 226.1 *Incorporation by reference.* (a) All of the provisions of Part 222 of this subchapter covering mortgages insured under section 203 of the National Housing Act, apply with full force and effect to mortgages insured under section 222 of the National Housing Act except the following provisions:

§ 222.1 Definition of terms.
§ 222.2 Annual mortgage insurance premiums and charges.
§ 222.3 Prepayment premiums.
§ 222.4 Pro-rata refund in the event of prepayment.
§ 222.5 Form of endorsement.
§ 222.6 Contract of insurance.
§ 222.7 Mutual mortgage insurance fund.
§ 222.8 Distribution of participation shares.
§ 229.9 Rights to participation shares.
§ 222.18 Effective date.

(b) For the purposes of this part all references in Part 222 to section 203 of the National Housing Act shall be deemed to refer to section 222 of the National Housing Act and all references to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the Servicemen's Mortgage Insurance Fund.

§ 226.2 *Definition of terms.* The definitions set forth in §§ 222.1 and 225.2 of this subchapter shall apply with full force and effect to this part and in addition the terms—

(a) "Service branch" means the military service of which a mortgagor, is a member at the time the mortgage is endorsed for insurance pursuant to section 222 of the National Housing Act, as amended.

(b) "Certificate of termination" means the official notice issued by the Secretary to the Federal Housing Commissioner advising the Commissioner that the period of ownership by a serviceman has been terminated and the service branch will no longer be responsible for payment of mortgage insurance premiums.

§ 226.3 *Annual mortgage insurance premiums and charges.* (a) The service branch shall during the period of ownership by a serviceman have the responsibility for payment of all mortgage insurance premiums and charges. The mortgagee shall be responsible for payment of all such premiums or charges after it has been notified by the Commissioner that the period of ownership by the serviceman has been terminated.

(b) The service branch or the mortgagee, as the case may be, shall pay to the Commissioner, either in cash or debentures issued by the Serviceman's Mortgage Insurance Fund at par plus accrued interest, mortgage insurance premiums in accordance with subparagraphs (1) and (2) of this paragraph which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

(1) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the beginning of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(2) After payment of the initial mortgage insurance premium and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the service branch or the mortgagee, as the case may be, shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(3) For the purpose of this paragraph the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

(c) The service branch or the mortgagee, as the case may be, shall pay to the Commissioner, in cash, open-end insurance charges in accordance with subparagraphs (1) and (2) of this paragraph.

(1) The initial open-end insurance charge shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the first day of the month following the date the mortgagee requests insurance endorsement and ending with the next anniversary date of the regular mortgage insurance premium. The initial insurance charge shall be in an amount equal to ½ percent of the principal obligation of the open-end advance for a 12-month period and shall be pro-rated for the time period computed as set forth in this subparagraph.

(2) After payment of the initial open-end insurance charge and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated, the service branch or the mortgagee, as the case may be, shall pay annual insurance charges to the Commissioner. Such annual charge shall be paid on the date the mortgage insurance premium on the original mortgage is paid and shall be in an amount equal to ½ percent of the original principal obligation of the open-end advance for the 12-month period following the date on which the charge is payable.

§ 226.4 *Prepayment premiums.* (a) The service branch shall have the responsibility for payment of all adjusted premium charges which are due and payable to the Commissioner upon the prepayment of an insured mortgage during the period of ownership by the serviceman. The mortgagee shall be responsible for payment of any such adjusted premium charge upon prepayment of an insured mortgage after the mortgagee has been notified by the Commissioner that the period of ownership by the serviceman has been terminated.

(b) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage: *Provided,* That when such payment in full prior to maturity occurs during the period of ownership by the serviceman the adjusted premium charge shall be paid to the Commissioner by the service branch.

(c) In no event shall the adjusted premium exceed the aggregate amount of premiums which would have been payable if the mortgage had continued to be insured until maturity.

(d) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage, plus any increased amount resulting from open-end advances made pursuant to § 221.43 of this subchapter.

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for—

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner:

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the transaction is approved by the Commissioner.

§ 226.5 *Pro-rata refund in the event of prepayment.* Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the service branch or to the mortgagee, as the case may be, for the account of the mortgagor an amount equal to the pro-rata portion of the current annual mortgage insurance premium and insurance charge in the case of open-end advances theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs: *Provided,* That no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

§ 226.6 *Insurance endorsement.* Upon compliance, satisfactory to the Commissioner, with the terms of a commitment to insure, the Commissioner will:

(a) Endorse the original credit instrument as follows:

No. ------

Insured under section 222 of the National Housing Act and Regulations of the Federal Housing Commissioner thereunder dated November 5, 1954, as amended.

FEDERAL HOUSING COMMISSIONER,
By ----------
(Authorized agent)
Date ----------.

(b) Evidence insurance of an open-end advance by delivering to the mortgagee a certificate in form as follows:

No. ------

Insured as an additional advance in the principal amount of $------ under section 222 of the National Housing Act and the Regulations of the Federal Housing Commissioner thereunder, dated November 5, 1954.

FEDERAL HOUSING COMMISSIONER,
By ----------
(Authorized agent)
Date ----------.

§ 226.7 *Contract of insurance.* The mortgage, including any open-end advances made thereunder and approved by the Commissioner, shall be an insured mortgage from the date of endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of the regulations in this part and of the National Housing Act.

§ 226.8 *Effective date.* The regulations in this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after November 5, 1954.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 54-8854; Filed, Nov. 8, 1954; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense

PART 65—TRANSPORTATION OF EXPLOSIVES

Sec.
65.1 Purpose.
65.2 Applicability.
65.3 Carrier's certification.
65.4 Inspection of motor vehicles.
65.5 Commercial vehicles and drivers.

AUTHORITY: §§ 65.1 to 65.5 issued under sec. 202, 61 Stat. 500; 5 U. S. C. 171a.

§ 65.1 *Purpose.* This part provides uniform requirements governing the shipment of ammunition and explosives, Class A and B, by motor vehicles and the safety inspection of motor vehicles tendered or used for the transportation of such commodities.

§ 65.2 *Applicability.* The provisions of this part shall be applicable to the Military Departments and will apply to shipments of ammunition and explosives, Class A and B, by military and commercial motor vehicles forwarded and received by them within the Continental United States.

§ 65.3 *Carrier's certification.* All motor carriers desiring to transport ammunition or explosives, Class A or B, for the Department of Defense shall be required to file with the appropriate Military Department(s) a certificate to the effect that they and their drivers are aware of and will comply with all pertinent requirements of the Interstate Commerce Commission, the Department of Defense, and the States and Municipalities in and through which their vehicles operate.

§ 65.4 *Inspection of motor vehicles.* (a) Each Military Department shall require the inspection of all military and commercial motor vehicles tendered to transport ammunition or explosives, Class A or B, over public highways, and all vehicles delivering such shipments. In conjunction with this inspection the Military Departments shall also require the completion of DD Form 626 to indicate the condition of the vehicles.

(1) Only those vehicles against which no unsatisfactory conditions are noted on DD Form 626 will be accepted for loading. Vehicles will not be rejected if deficiencies are corrected prior to loading.

(2) Deficiencies on vehicles delivering shipments will be corrected at the time of inspection if such action is practicable and is considered necessary for safe delivery to the unloading point. If correction is necessary for safe delivery, but is impracticable, appropriate action will be taken to insure safe delivery of the shipment.

(3) Deficiencies which exist at the time of inspection but which are corrected before loading or unloading will be reported under "Remarks."

(b) Distribution of the completed DD Form 626 will be as follows:

(1) The original will be retained by the activity making the inspection.

(2) One copy will be given to the vehicle operator at origin. This copy will accompany the shipment to destination and will be surrendered to the consignee.

(3) When a commercial vehicle tendered for loading or unloading is rejected or the driver thereof is found to be unsatisfactory, a copy will be distributed to each of the following:

(i) To the nearest field office of the Interstate Commerce Commission.

(ii) To the home office of the carrier concerned.

(iii) As required by the appropriate Military Department.

(4) If deficiencies are discovered during the inspection of commercial vehicles but are corrected before loading or unloading, distributions will be in accordance with subparagraph (3) (ii) and (iii) of this paragraph. A copy will not be sent in such cases to the nearest field office of the Interstate Commerce Commission.

(5) When a military vehicle is rejected or the driver thereof is found to be unsatisfactory, further distribution will be made as required by the appropriate Military Department.

(c) Photographs of rejected equipment will be attached to the completed DD Form 626 when it is considered desirable in order to clearly indicate the nature of one or more unsatisfactory elements.

§ 65.5 *Commercial vehicles and drivers.* (a) Trip-leased commercial vehicles will not be used to transport ammunition or explosives, Class A or B. The vehicles used must be owned or leased under a valid agreement (paragraph (b) of this section) by the company transporting the shipment, and the vehicle drivers must be full-time employees or under the direct control and responsibility of that company. This is not to be construed, however, as precluding the interchange of equipment in furtherance of a through movement of traffic at a point or points which such carriers are authorized to serve.

(b) The contract of lease must be in writing, signed by the parties thereto, and must not contain a provision authorizing cancellation by either party on less than 30 days' notice. In addition, the contract of lease must provide for the exclusive possession, control, and use of the equipment and for the complete assumption of liability in respect thereto by the lessee. The leased equipment may not be further leased or sublet to any other carrier for the duration of the lease.

(c) The Military Departments will insure that a copy of the appropriate contract of lease is carried in all leased vehicles and is available for inspection.

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

OCTOBER 15, 1954.

[F. R. Doc. 54-8819; Filed, Nov. 8, 1954; 8:50 a. m.]

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—ARMY RESERVE

ELIGIBILITY; APPOINTMENT AS RESERVE COMMISSIONED OFFICERS OF THE ARMY FOR ASSIGNMENT TO ARMY MEDICAL SERVICE BRANCHES

In § 561.8, paragraphs (d) and (i) (1) and (3) are amended, and in § 561.18, paragraphs (d) (2) (ii) and (i) (3) are amended, as follows:

§ 561.8 *Eligibility.* • • •

(d) *Mental requirements.* Each applicant must have obtained a score of 110 or higher in the Armed Forces Qualification Test (AFQT)–1 or –2, except the following:

(1) Those who have obtained a score of 110 or higher in the Army General Classification Test (AGCT, the General Classification Test (GCT), or Aptitude Area I, or

(2) Have evidence of satisfactory completion of 120 credit hours at a nationally or regionally credited college or university.

(3) Former officers and warrant officers.

(4) Applicants for appointment for assignment to the Army Nurse Corps and Women's Medical Specialist Corps.

• • • • •

(i) *Security check and cryptographic clearance.* (1) A minimum of a favorable National Agency Check as defined in SR 380–320–10 is required for appointment as a Reserve commissioned or Reserve warrant officer of the Army. Activities and associations which may be considered as establishing sufficient basis for rejection of applicants for appointment as an officer or warrant officer in any component of the Army for security reasons are outlined in SR 600–220–1. When information is obtained as a result of the National Agency Check or from any source which indicates that appointment may not be clearly consistent with the interests of national security the applicant will not be appointed without the specific approval of the Secretary of the Army.

• • • • •

(3) [Revoked.]

• • • • •

§ 561.18 *Appointment as Reserve commissioned officers of the Army for assignment to Army Medical Service Branches.* • • •

(d) *Eligibility.* • • •

(2) *Education and experience.* • • •

(ii) Qualifying education means at least a bachelor's degree awarded by an accredited college or university, and involving the specific degree or subject matter listed for each speciality. Qualifying educational training for these specialities will be uniformly credited as follows:

Qualifying education	Credit toward grade
• • •	• •
Degree, doctor of medicine; Degree, doctor of dental surgery and/or medicine; Degree, doctor of philosophy; Degree, doctor of veterinary medicine.	Total of 7 years.
• • •	• •

(i) *Veterinary Corps.* • • •

(3) Appointment will be in grades determined by the applicant's age (paragraph (d) of this section) and active professional experience subsequent to graduation from a veterinary college, as follows:

Years	Grade
Less than 4	First Lt.
4 or more but less than 11	Captain.
11 or more but less than 18	Major.
18 or more [1]	Lt. Colonel.

[1] Veterinarians with 25 or more years of professional experience who have achieved national prominence as authorities in their particular specialty may, upon approval of such action by The Surgeon General, Department of the Army, and the Secretary of the Army, be appointed in the grade of colonel.

[C5, AR 140–105, September 30, 1954 and C2, SR 140–105–6, September 30, 1954] (Sec. 251, 66 Stat. 495; 50 U. S. C. 1002)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 54-8797; Filed, Nov. 8, 1954; 8:45 a. m.]

Chapter VI—Department of the Navy

Subchapter D—Procurement, Property, Patents, and Contracts

PART 743—NAVY EMERGENCY FACILITIES DEPRECIATION BOARD

Sec.
743.1 General provisions.
743.2 Procedure.

Appendix A—Information to be submitted by contractors to the Board to support requests for determination of true depreciation on emergency facilities covered by certificates of necessity.

AUTHORITY: §§ 743.1 and 743.2 issued under 64 Stat. 798–822, as amended; 50 U. S. C. App., Sup., 2061–2166.

SOURCE: Navy Current Procurement Directive 11–55.

§ 743.1 *General provisions*—(a) *Establishment and purpose.* (1) There is hereby established in the Office of Naval Material a board designated the "Navy Emergency Facilities Depreciation Board" (hereinafter referred to as "the Board"). The Board shall consist of three members, one of whom shall be the Chairman. Any two members of the Board shall constitute a quorum. The concurrence of any two members of the Board shall be necessary in arriving at determinations of the Board.

(b) *Jurisdiction; scope.* (1) The Board is hereby authorized, upon written requests of contractors, to determine true depreciation of emergency facilities for which the Defense Production Administration or the Office of Defense Mobilization issues or has issued Certificates of Necessity and for which the Department of the Navy has the responsibility for the making of such determinations. The Board shall make determinations of true depreciation in accordance with the basic principles and other provisions of §§ 121.1 to 121.4 of this title and the provisions of this part.

(2) The Board, in its discretion, may:

(i) Provide for hearing oral presentations by contractors.

(ii) Conduct plant visits by its members or representatives.

(iii) Develop by other available means the facts required for the making of a determination.

(3) The Board shall maintain a record of its proceedings. The determinations of the Board shall be binding upon all Navy Procuring Activities, the Cost Inspection Service of the Comptroller of the Navy, and the other military departments, as provided in §§ 121.1 to 121.4 of this title, with respect to the amount of true depreciation which shall be used by them in computing and allocating depreciation costs of emergency facilities covered by Certificates of Necessity in the contract pricing or repricing of "nego-

tiated contracts" (as that term is defined in § 121.2 (a) of this title).

§ 743.2 *Procedure*—(a) *Requests for determinations.* (1) Requests of contractors for determinations of true depreciation with respect to Certificates of Necessity issued prior or subsequent to December 10, 1952, will be submitted by contractors directly to the Board. Each determination made by the Board will be transmitted by the Board to the contractor concerned, Navy procuring activities, the Cost Inspection Service of the Comptroller of the Navy, and the Emergency Facilities Depreciation Boards of the Departments of the Army and the Air Force.

(2) Requests for determinations received by the Board involving facilities as to which the Department of the Army or the Department of the Air Force is responsible for the making of determinations of true depreciation, pursuant to the provisions of § 121.4 (e) of this title, shall be forwarded by the Board to the Emergency Facilities Depreciation Board of the responsible department. Assignments to each departmental board shall be made in accordance with the provisions of § 121.4 (e) of this title. A liaison committee consisting of one representative to be designated by each board shall, in addition to such other duties as may be assigned to it by joint action of the three boards, make assignments in cases where the responsibility for the making of the determination is in doubt and shall compile and maintain a master assignment list.

(b) *Form of requests for determinations.* (1) Requests for determinations of true depreciation submitted by contractors shall:

(i) Set forth the information called for by the provisions of Appendix A of this part.

(ii) Be signed by a responsible official of the contractor.

(iii) Contain the following certification by the official signing the request:

I hereby certify that the information contained in the foregoing request is true and correct to the best of my knowledge and belief.

NOTE: The regulations contained in §§ 743.1 to 743.2 implement §§ 121.1 to 121.4 of this title; 17 F. R. 11437.

APPENDIX A—INFORMATION TO BE SUBMITTED BY CONTRACTORS TO THE BOARD TO SUPPORT REQUESTS FOR DETERMINATION OF TRUE DEPRECIATION ON EMERGENCY FACILITIES COVERED BY CERTIFICATES OF NECESSITY

The Contractor shall submit to the Army, Navy or Air Force Emergency Facilities Depreciation Board (as appropriate), his request for a determination of true depreciation (original and four copies). The request shall contain the information indicated below. With regard to certificates issued prior to December 10, 1952, the Contractor shall, to the extent practicable, include all certificates issued in connection with any individual plant or location which he desires to have considered for determination of true depreciation in connection with defense contracts. The responses to these questions may be in narrative or tabular form as the Contractor deems best suited to his circumstances with such amplification as he considers necessary. If the Contractor considers a given question to be inapplicable in his particular case, then he should so state and give reasons therefor.

1. (a) Name and address of Contractor.
(b) Location of the facility or facilities.
(c) Summary of the cost of the facilities (segregated by individual necessity certificates) substantially as follows:

Cost					Date of completion	Percent certified
Land	Buildings and fixed installment	Equipment	Other	Total		

Necessity Certificate No. ——:
Location of Facilities
(City and State)

2. Photostats or similar facsimiles of Necessity Certificate(s). (Form DPAL–101), and a copy of the application(s) (including supporting documentation) to the Defense Production Administration therefor.

3. (a) When did you first authorize your expansion program in connection with the Necessity Certificate(s)?
(b) Why did you plan this expansion program?

4. What military contracts and subcontracts do you now have requiring the use of each facility? For each contract and subcontract furnish the following:
(a) Contract number.
(b) Total dollar value.
(c) Undelivered dollar value.
(d) Estimated completion date.
(e) Type of contract. (CPFF, CPFF-fixed overhead, fixed price, fixed price-redetermination, fixed price-incentive, etc.)

5. With which military departments or military Contractors are you now negotiating or do you expect to negotiate for proposed new procurements? Indicate type of product, end item and estimated dollar amount.

6. Have you requested a determination of "true depreciation" for other facilities from any other military department(s)?
(a) Yes or No.
(b) Department(s).
(c) Certificate File Number(s).

7. State for each item or by groups or categories comprising similar type of items on Appendix A of Necessity Certificate(s):
(a) (1) Annual normal depreciation rate currently approved by the Bureau of Internal Revenue for income tax purposes.
(2) Rate at which item is being depreciated by you in your operating accounting records.
(3) Rate being used for military contract pricing.
(b) Is this item, group or category integrated in or isolated from the production process to the extent that special consideration should be given to it in determining true depreciation?
(c) Is this item, group or category convertible to your possible post-emergency operations?
(1) Fully or partially and percent of original cost not convertible.
(2) Estimate of useful remaining life in years.
(3) Not convertible.
(d) What plans do you have for the use or disposition of this facility, item, group or category after the emergency period?
(e) Explain to what extent, if any, the facility, item, group or category may cause prospective extraordinary obsolescence of pre-existing facilities which are not, in fact, already obsolete.
(f) Describe briefly and state cost of any special construction features included in this facility, item, group or category which were made necessary exclusively by defense production requirements.
8. State any additional information other than that submitted above which should be taken into consideration in making a determination of true depreciation for this facility, item, group or category.
9. State your estimate of true depreciation for each facility, item, group or category and your evaluation of the above facts to support such estimate.

Dated: November 3, 1954.

By direction of the Secretary of the Navy.

IRA H. NUNN,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

[F. R. Doc. 54–8822; Filed, Nov. 8, 1954, 8:50 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of September 3, 1954 (Pub. Law 771, 83d Cong.; 68 Stat. 1146); § 251.1 (Reg. U–10) of the rules and regulations governing the occupancy, use, protection and administration of the national forests is hereby amended by adding a new subparagraph as follows under paragraph (c):

(c) *Other authorizations.* • • •

(4) Permits, leases, and easements as authorized by the act of September 3, 1954, (Pub. Law 771, 83d Cong.) to States, counties, cities, towns, townships, municipal corporations, or other public agencies for periods not in excess of 30 years, at prices representing the fair market value, fixed by the Chief, Forest Service, through appraisal, for the purpose of constructing and maintaining on such lands public buildings or other public works.

(Sec. 1, 30 Stat. 35, as amended, 62 Stat. 100; 16 U. S. C. 551. Interprets or applies Sec. 1, 33 Stat. 628, 16 U. S. C. 472)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, D. C., this 2d day of November 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–8796; Filed, Nov. 8, 1954; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1027]

IDAHO

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH SAYLOR CREEK BOMBING AND GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas in Idaho are hereby withdrawn, except as hereinafter provided, from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force in connection with the Saylor Creek Bombing and Gunnery Range:

BOISE MERIDIAN, IDAHO

T. 7 S., R. 7 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 7 S., R. 8 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 7 S., R. 10 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 7 S., R. 11 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 7 S., R. 9 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 7 S., R. 12 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 8 S., R. 7 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 8 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 9 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 10 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 11 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 12 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 9 S., R. 7 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 9 S., R. 8 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 9 S., R. 9 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 9 S., R. 10 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 9 S., R. 11 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 9 S., R. 12 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 10 S., R. 7 E.,
Secs. 1 to 15, inclusive;
Secs. 17, 18.
T. 10 S., R. 8 E.,
Secs. 1 to 14, inclusive;
Secs. 17, 18.
T. 10 S., R. 9 E.,
Secs. 1 to 15, inclusive;
Secs. 17, 18.
T. 10 S., R. 10 E.,
Secs. 1 to 15, inclusive;
Secs. 17, 18.
T. 10 S., R. 11 E.,
Secs. 1 to 15, inclusive;
Secs. 17, 18.
T. 10 S., R. 12 E.,
Secs. 4 to 9, inclusive;
Secs. 17, 18.

The public lands in the areas described aggregate approximately 419,120 acres.

This order shall take precedence over but not otherwise affect Departmental Order of April 8, 1935, establishing Idaho Grazing District No. 1, and shall be subject to existing withdrawals of the lands for power purposes. The use of the lands by the Department of the Air Force shall be subject to the following conditions:

(1) The Department of the Air Force shall take all reasonable precautions to prevent and suppress brush and range fires occurring within the withdrawn lands during the period of military use, or outside such lands resulting from military use, and to prevent the pollution of waters on or in the vicinity of the withdrawn lands. The Department of the Air Force may enter into an agreement with the Bureau of Land Management to provide for a transfer of funds for the suppression of range fires by the Bureau of Land Management.

(2) Authorized employees of the Department of the Interior and other Federal or State employees shall be permitted by the Department of the Air Force to enter the withdrawn lands on official business upon obtaining proper clearance from the commanding officer, Mt. Home Air Force Base, or other appropriate Air Force officer in charge.

(3) The Department of the Air Force shall not enclose roads or trails commonly in public use except at such times as it may be necessary to do so in the interests of safety or national security in the discretion of the Air Force officer in charge.

(4) Grazing use of the withdrawn lands shall be administered by the Bureau of Land Management. Grazing use shall be permitted at the discretion of the official of the Bureau of Land Management in charge during the period March 1 to May 31 each year during which season no use of the lands for aerial gunnery shall be permitted; provided, that the Air Force officer in charge may authorize Bureau of Land Management to permit grazing use earlier than March 1 or later than May 31 in all or a portion of the withdrawn lands if such use will not interfere with the military use of such lands.

(5) The Department of the Air Force, not later than February 28 each year, shall destroy any unexploded bombs or other munitions left on the area.

(6) The Department of the Air Force shall adequately post the withdrawn lands annually, specifying the dates closed for public use and the dates open to public use.

(7) The Department of the Air Force shall excercise precaution to prevent the destruction of range resources and to provide for reseeding or such other rehabilitation work as may be necessary on the withdrawn lands or public lands adjacent thereto if such lands are damaged by military use. Such rehabilitation shall be accomplished under cooperative agreement between the Department of the Air Force and the Bureau of Land Management.

(8) The Department of the Air Force shall repair, restore, or replace existing or future range improvements upon the withdrawn lands which are damaged or demolished by military operations. Such rehabilitation shall be accomplished under cooperative agreement between the Department of the Air Force and the Bureau of Land Management.

ORME LEWIS,
Assistant Secretary of the Interior.

NOVEMBER 2, 1954.

[F. R. Doc. 54–8798; Filed, Nov. 8, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 730]

RICE

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, AND FORMULATION OF REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR THE 1955 CROP

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1352, 1353, 1354), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1955 crop of rice, to determine and proclaim the national acreage allotment for the 1955 crop of rice, to apportion among States and counties the national acreage allotment for the 1955 crop of rice, and to formulate regulations for establishing farm acreage allotments and normal yields for the 1955 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1954 the Secretary determines that the total supply of rice for the 1954–55 marketing year will exceed the normal supply for such marketing year by more than 10 per centum, the Secretary shall, not later than December 31, 1954, proclaim

such fact and marketing quotas shall be in effect for the crop of rice produced in 1955.

Section 352 of the act provides that the national acreage allotment of rice for the calendar year 1955 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years 1950 through 1954, produce an amount of rice adequate, together with the estimated carry-over from the 1954–55 marketing year, to make available a supply for the 1955–56 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1954.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carry-over of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated imports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1–July 31.

Section 353 (a) of the act requires that the national acreage allotment of rice for the 1955 crop, less a reserve of not to exceed one percentum thereof, be apportioned among the several States in which rice is produced in proportion to the average number of acres of rice in each State during the 5-year period, 1950–1954 (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs) with adjustments for trends in acreage during such period. Section 353 (b) of the act requires that the State acreage allotment of rice for the 1955 crop, less a reserve not to exceed three percentum thereof, be apportioned to farms owned or operated by persons who have produced rice in any one of the five calendar years, 1950 through 1954, on the basis of past production of rice by the producer on the farm taking into consideration the acreage allotments previously established for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop rotation practices; and the soil and other physical factors affecting the production of rice. Provision is made that if the State Committee recommends such action and the Secretary determines such action will facilitate the effective administration of the act, he may provide for the apportionment of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators.

Section 353 (c) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned among the States and the county allotments shall be apportioned to farms on the basis of applicable factors set forth in subsection (b) of section 353.

Section 301 (b) (13) (D) of the act requires that a "normal yield" be determined for any land planted to rice in 1955 by taking the average yield per acre thereof during the five calendar years 1950 through 1954. Provision is made that if for any reason there is no actual yield or the data therefor is not available for any year, an appraised yield for such year, determined in accordance with regulations of the Secretary, shall be used.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments for the 1955 crop of rice and the formulation of regulations for the establishment of farm acreage allotments and normal yields for the 1955 crop of rice consideration will be given to data, views, and recommendations, pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 4th day of November 1954.

[SEAL] J. A. McCONNELL,
Administrator.

[F. R. Doc. 54–8830; Filed, Nov. 8, 1954; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11218; FCC 54–1384]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on October 26, 1954, by Jack Rose, Albert S. Rose, and S. A. Rosenbaum, d/b as Laurel Television Company, Laurel, Mississippi, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations, as follows:

City	Channel No.	
	Present	Proposed
Laurel, Miss.	33—	7, 33—

This amendment would require a change in the offset requirement of the assignment of Channel 7 to Munford, Alabama, from 7 even to 7 minus.

3. In support of the requested amendment petitioner urges that Laurel is an important industrial and agricultural center; that it is the county seat and trade center of Jones County; that an application will be filed for Channel 7 in the event the amendment is adopted as proposed; and that the assignment of Channel 7 may be made without any other changes in the table and would conform to the Commission's rules.

4. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that all interested parties may submit their views to the Commission, and the Commission may be apprised of such views prior to taking final action.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before December 3, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 3, 1954.

Released: November 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–8826; Filed, Nov. 8, 1954; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11219; FCC 54–1385]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

NOTICE OF PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE

1. Notice is hereby given that the Commission has received a proposal for rule making in the above entitled matter.

2. The Appalachian Company, permittee of television Station WTVU operating on Channel 73 at Scranton, Pennsylvania, filed a petition on October 25, 1954, requesting that the Commission's table of assignments contained in § 3.606 of its rules governing television broadcast stations be amended to substitute Channel 38 for Channel 73 in Scranton. It is suggested that this change in assignment can be accomplished by making the following changes in the table:

Location	Add channel	Delete channel
Scranton, Pa.	38	73
Sunbury, Pa.	32	65
Lock Haven, Pa.	48	32
Lewiston, Pa.	74	38
Shamokin, Pa.	65	
Carbondale, Pa.	68	
Kingston, Pa.	73	

Petitioner further requests that the Commission issue an order to show cause why Appalachian should not be required to operate on Channel 38 instead of Channel 73.

3. In support of its request, Appalachian notes that due to certain technical difficulties connected with receivers and antennas at the high frequency assigned to Station WTVU, the station has been unable to render a satisfactory technical service. It is urged that Station WTVU could render a more satisfactory service on Channel 38 and could thus better compete with the other two UHF stations in the area. Finally, petitioner urges that the proposed amendment would conform to the Commission's rules. Petitioner concedes that the Commission does not recognize differences among the various UHF channels for assignment purposes, but urges that its proposal would improve UHF service in the Pennsylvania area.

4. Petitioner notes that in a recent rule making proceeding, changes were made in the assignments to Sunbury, Lewiston, and Shamokin, Pennsylvania and that these changes were to become effective October 25, 1954. Accordingly, the changes proposed by petitioner for Lewiston and Shamokin have already been accomplished. This petitioner further proposes assignments in Carbondale and Kingston, Pennsylvania, communities not now listed in the table. There is, however, no showing made as to a need or demand for these assignments other than the statement that they are technically feasible. We are of the view that these assignments need not be made at this time. We believe that petitioner's objective can be achieved by making a more simple arrangement. The Commission is therefore proposing to amend its table of assignments as follows:

City	Channel No.	
	Present	Proposed
Lock Haven, Pa.	32—	48+
Scranton, Pa.	16—, 22—, 73	16—, 22—, 38
Sunbury, Pa.	38	32—

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested persons may submit their views. The subject petition is made a part of this docket.

6. Appalachian Company is presently authorized to operate Station WTVU on Channel 73 at Scranton, and the rule making proposal herein would substitute Channel 38 for Channel 73 in that city. Appalachian Company is therefore ordered to show cause in this proceeding why its outstanding authorization should not be modified to specify operation on Channel 38 in lieu of Channel 73. A reply in writing to the aforesaid order to show cause should be filed on or before the same date for filing comments in this proceeding.

7. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the amendment proposed by the Commission should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before December 3, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before December 13, 1954. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments before taking final action in this matter, and if any comment appears to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 3, 1954.

Released: November 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–8825; Filed, Nov. 8, 1954; 8:51 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 11214; FCC 54–1374]

STATIONS ON LAND AND SHIPBOARD IN MARITIME SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 7 and 8 of the Commission's rules regarding frequencies in the band 2000–2850 kc in the Seattle, Washington and New Orleans-Louisiana areas.

1. On February 10, 1954, the Commission adopted a report and order in Docket No. 10444 finalizing a plan of frequency assignment for all areas which would be used as the basis for carrying out the Maritime Mobile radiotelephone portions of the Geneva Agreement (1951) in the frequency bands 2000 kc to 2850 kc. However, the availability of certain new frequencies was deferred pending their clearance of conflicts with other services.

2. Among the frequencies whose availability was deferred were the following:

Seattle: 2482 kc (coast); 2430 kc (ship).
New Orleans: 2482 kc (coast); 2382 kc (ship).

Partial clearance of the Seattle pair has been effected which makes it now feasible to propose its daytime use pending further clearance for 24 hour use. Sufficient clearance of the New Orleans pair has been effected to make it feasible now to propose its 24 hour use.

3. The proposed amendment as contained below is issued under the authority contained in sections 303 (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before December 7, 1954, written data, views or briefs setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: November 3, 1954.

Released: November 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

The following frequencies in kilocycles would become available for assignment to public coast stations for telephony and to public ship stations for telephone communication with the coast station in the areas indicated:

Coast	Ship	Location
2482[1]	2430[1]	Seattle, Wash.
2482	2382	New Orleans, La.

[1] Temporarily day only.

[F. R. Doc. 54-8827; Filed, Nov. 8, 1954; 8:52 a. m.]

[47 CFR Part 13]

[Docket No. 11215; FCC 54-1375]

COMMERCIAL RADIO OPERATORS

OPERATING AUTHORITY

In the matter of amendment of § 13.61 of the Commission's rules governing commercial radio operators to prescribe qualifications of radio-telephone operators required on board ships for safety purposes.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Cargo ships of the United States of 500 gross tons and upwards but less than 1600 gross tons, which are fitted with a radiotelephone installation in accordance with Part II of Title III of the Communications Act of 1934, as amended, or the radio provisions of the Safety of Life at Sea Convention (London, 1948) are required to carry at least one qualified operator. Both statute and treaty further provide that such qualified operator "may be a member of the crew holding only a certificate for radiotelephony".

3. In accordance with the Commission's statutory authority to prescribe the qualifications of radio operators and its responsibility to establish minimum standards for radiotelephone operators required by statute and treaty for safety purposes on board ships, it is proposed to designate the radiotelephone third-class operator permit as the minimum grade of operator license to be held by such operators. Eligible persons may obtain such a permit by passing a written test in commercial examination Elements One and Two which contain basic questions on radio laws and regulations and on radiotelephone operating practices and procedures. The examination for the radiotelephone third-class operator permit is non-technical in nature and is at a level considered consistent with both the responsibilities of the operator and the latitude provided by statute and treaty for a "member of the crew" to qualify as an operator.

4. Section 13.61 of the Commission's rules defines the scope of operating authority under the various classes of operator licenses and the proposed change would be accomplished by amending paragraph (h) thereof so as to prohibit operation of ship radiotelephone installations coming under the above-mentioned provisions of law by holders of a lower grade of license than the radiotelephone third-class operator permit. Under the Commission's rules this grade of license is valid for the normal operation of ship radiotelephone stations with authorized antenna power up to and including 250 watts.

5. This proposal is issued pursuant to the authority of sections 4 (i), 303 (1), and 303 (r) of the Communications Act of 1934, as amended.

6. Any interested person may file with the Commission, on or before December 7, 1954, a written statement or brief in support of or in opposition to the proposed amendments. Comments or briefs in reply to the original comments or briefs may be filed ten (10) days from the last day for filing the original comments or briefs. The Commission will consider all comments, briefs, and statements before taking final action.

7. In accordance with § 1.764 of the Commission's rules relating to practice and procedure, an original and 14 copies of all statements, briefs, or comments should be furnished to the Commission.

Adopted: November 3, 1954.

Released: November 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend § 13.61 (h) of the rules governing commercial radio operators to read as follows:

(h) *Restricted radiotelephone operator permit.* Any station except:

(1) Stations transmitting television, or

(2) Stations transmitting telegraphy by any type of the Morse Code, or

(3) Any of the various classes of broadcast stations other than remote pickup, broadcast STL, and FM intercity relay stations, or

(4) Ship stations licensed to use telephony for communication with Class I coast stations on frequencies between 4000 kc and 30 Mc, or

(5) Radio stations provided on board vessels for safety purposes pursuant to statute or treaty, or

(6) Coast stations other than in the territory of Alaska while employing a frequency below 30 Mc, or

(7) Coast stations at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts;

(8) At a ship radar station the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy: *Provided*, That nothing in this subparagraph shall be construed to prevent any person holding such a license from making replacements of fuses or of receiving type tubes.

Provided, That, with respect to any station which the holder of this class of license may operate, such operator is prohibited from making any adjustments that may result in improper transmitter operation, and the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment.

[F. R. Doc. 54-8824; Filed, Nov. 8, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF THE ARMY, NAVY AND AIR FORCE

REDELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN CONTRACTS FOR PROCUREMENT OF PUBLIC UTILITY SERVICES

In accordance with the provisions of subsection 202 (f) of the National Security Act, as amended (5 U. S. C. 171a), and section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 638), I hereby redelegate to the Secretary of the Army, the Secretary of the Navy and the Secretary of the Air Force, such authority as is vested in me by the delegation of authority from the Administrator of General Services dated October 11, 1954, entitled "Contracts for Procurement of Public Utility Services for Periods Not Exceeding Ten Years" (19 F. R. 6665).

The Secretary of the Army, the Secretary of the Navy and the Secretary of the Air Force are hereby authorized to make such further delegations of this authority as they may deem necessary.

This delegation of authority shall be effective as of the date hereof, and supersedes prior delegation of September 14, 1951 (16 F. R. 9666).

C. E. WILSON,
Secretary of Defense.

NOVEMBER 3, 1954.

[F. R. Doc. 54-8833; Filed, Nov. 8, 1954; 8:49 a. m.]

POST OFFICE DEPARTMENT

MERGER OF THE BUREAU OF THE CONTROLLER WITH THE BUREAU OF FINANCE

The following is the text of order of the Postmaster General No. 55760, dated October 27, 1954, relative to the above subject matter:

Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes in the organization of the Post Office Department take effect on November 1, 1954.

1. The Bureau of the Controller, including its fifteen regional offices, is hereby merged with the Bureau of Finance. The consolidated Bureau shall be known as the Bureau of Finance.

2. The position of Controller is hereby merged with the position of Assistant Postmaster General (Finance). The consolidated position shall be known as Assistant Postmaster General and Controller.

3. There is established and attached to the Office of the Assistant Postmaster General and Controller a Deputy Controller.

4. There are established the following positions which report through the Deputy Controller:

a. Assistant Controller. Director, Accounting Division; Director, Budget Division.

b. Assistant Controller. Director, System and Procedures Division; Director, Cost Analysis Division.

c. Director, Internal Audit Division.

d. Director, Postal Rates Division.

e. Finance Officer. Director, Money Orders Division; Director, Postal Funds Division; Director, Postal Savings Division; Director, Philately Division.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-8802; Filed, Nov. 8, 1954; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

DESCHUTES PROJECT, OREGON

ORDER OF REVOCATION

OCTOBER 6, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of July 23, 1913, in so far as said order affects the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN, OREGON

T. 22 S., R. 10 E.,
Sec. 2, NW¼SW¼.

The above area aggregates 40 acres.

E. V. LINDSETH,
Acting Assistant Commissioner.

[Misc. 347147]

NOVEMBER 3, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly. The land is patented.

W. G. GUERNSEY,
Associate Director,
Bureau of Land Management.

[F. R. Doc. 54-8799; Filed, Nov. 8, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6575]

NEW JERSEY POWER & LIGHT CO.

NOTICE OF ORDER PERMITTING AMORTIZATION OF CHARGES

NOVEMBER 3, 1954.

Notice is hereby given that on November 2, 1954, the Federal Power Commission issued its order adopted October 29, 1954, permitting amortization of charges associated with refunded bonds under balance sheet accounts instruction 6-E in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8807; Filed, Nov. 8, 1954; 8:48 a. m.]

[Docket Nos. G-1142, G-1508, G-2019, G-2074, G-2210, G-2220, G-2378]

UNITED GAS PIPE LINE CO.

NOTICE OF OPINION NO. 277 AND ORDER

NOVEMBER 3, 1954.

Notice is hereby given that on November 2, 1954, the Federal Power Commission issued its opinion and order adopted October 26, 1954, in the above-entitled matters, approving proposed rates and providing for further hearings to be held on November 16, 1954, at 10:00 a. m., e. s. t., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8801; Filed, Nov. 8, 1954; 8:46 a. m.]

[Docket Nos. G-2399, G-2409, G-2458, G-2465, G-2491]

NORTHERN NATURAL GAS CO.

NOTICE OF POSTPONEMENT OF HEARING

NOVEMBER 3, 1954.

Notice is hereby given that the hearing in the above-designated matters is postponed to 10:00 a. m., e. s. t., January 4, 1955, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8806; Filed, Nov. 8, 1954; 8:47 a. m.]

[Docket No. G-2439]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER APPROVING PROPOSED SETTLEMENT AND MAKING EFFECTIVE TARIFF PROVISIONS

NOVEMBER 3, 1954.

Notice is hereby given that on October 29, 1954, the Federal Power Commission issued its order adopted October 27, 1954, approving proposed settlement and making effective tariff provisions in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8808; Filed, Nov. 8, 1954; 8:48 a. m.]

[Docket No. G-2470]

LAKE SHORE PIPE LINE CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF TARIFF SHEETS AND TERMINATING PROCEEDINGS

NOVEMBER 3, 1954.

Notice is hereby given that on November 1, 1954, the Federal Power Commission issued its order adopted October 27, 1954, permitting withdrawal of tariff sheets and terminating proceedings in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8809; Filed, Nov. 8, 1954; 8:48 a. m.]

[Docket No. G-2495]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 3, 1954.

Notice is hereby given that on November 1, 1954, the Federal Power Commission issued its findings and order adopted October 27, 1954, issuing a certificate of public convenience and necessity, and approval of abandonment of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8810; Filed, Nov. 8, 1954; 8:48 a. m.]

[Docket Nos. G-2522, G-2581, G-2601, G-2602, G-2660, G-2665, G-2666, G-2667, G-2716, G-2722]

OHIO FUEL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

NOVEMBER 3, 1954.

In the matters of The Ohio Fuel Gas Company, Docket No. G-2522; Louisville Fuel Company, Docket No. G-2581; Texas Illinois Natural Gas Pipeline Company, Docket No. G-2601; Plymouth Oil Company, Docket No. G-2602; Ruby Oil & Gas Company, Docket No. G-2660; El Paso Natural Gas Company, Docket No.

G–2665; Olin Gas Transmission Corporation, Docket No. G–2666; Calto Oil Company, Docket No. G–2667; Kight Gas Co., Docket No. G–2716; Olin Gas Transmission Corporation, Docket No. G–2722.

Notice is hereby given that on November 1, 1954, the Federal Power Commission issued its findings and orders adopted October 27, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–8811; Filed, Nov. 8, 1954; 8:48 a. m.]

[Docket No. G–3714]

CARTER OIL CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that The Carter Oil Company (Applicant), a West Virginia corporation with its principal office in Tulsa, Oklahoma, filed on September 30, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Trebloc Pool, Chickasaw County, Mississippi which it proposes to sell to Texas Eastern Transmission Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promply as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 24, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 29, 1954.

Issued: November 2, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–8800; Filed, Nov. 8, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1658]

ROYAL DUTCH PETROLEUM CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of November A. D. 1954.

The Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in Ordinary Shares, 50 Guilders par value of Royal Dutch Petroleum Company, a security listed and registered on the New York Stock Exchange. Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 24, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–8803; Filed, Nov. 8, 1954; 8:47 a. m.]

[File No. 7–1659]

GENERAL TELEPHONE CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of November A. D. 1954.

The San Francisco Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, $20 par Value of General Telephone Corporation, listed and registered on New York Stock Exchange and on the Midwest Stock Exchange. Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 24, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 54–8804; Filed, Nov. 8, 1954; 8:47 a. m.]

[File No. 7–1660]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of November A. D. 1954.

The San Francisco Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 par value of New England Electric System, listed and registered on New York Stock Exchange and the Boston Stock Exchange. Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 24, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–8805; Filed, Nov. 8, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29791; Correction]

OYSTER SHELL LIME FROM NORFOLK, PINNERS POINT AND PORTSMOUTH, VA., TO NORTH CAROLINA

APPLICATION FOR RELIEF

NOVEMBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company.

Commodities involved: Lime, oyster shell, burnt or ground, agricultural, carloads.

From: Norfolk, Pinners Point, and Portsmouth, Va.

To: Scotland Neck, Enfield, Delmar, Ruggles, Halifax, Weldon, and Williamston, N. C.

Grounds for relief: Competition with rail carriers, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1221, supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8812; Filed, Nov. 8, 1954; 8:48 a. m.]

[4th Sec. Application 29868]

FERTILIZER SOLUTIONS FROM VICKSBURG AND YAZOO CITY, MISS., TO SERENA, ILL.

APPLICATION FOR RELIEF

NOVEMBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer ammoniating solution and fertilizer nitrogen solution, in tank-car loads.

From: Vicksburg and Yazoo City, Miss.

To: Serena, Ill.

Grounds for relief: Rail competition, circuity, market competition, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8813; Filed, Nov. 8, 1954; 8:49 a. m.]

[4th Sec. Application 29869]

FERTILIZER SOLUTIONS FROM VICKSBURG AND NATCHEZ, MISS., TO LAWRENCEVILLE, ILL.

APPLICATION FOR RELIEF

NOVEMBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer ammoniating solution and fertilizer nitrogen solution, in tank-car loads.

From: Vicksburg and Natchez, Miss.

To: Lawrenceville, Ill.

Grounds for relief: Rail competition, circuity, market competition, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8815; Filed, Nov. 8, 1954; 8:49 a. m.]

[4th Sec. Application 29870]

PHOSPHATE ROCK FROM FLORIDA TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

NOVEMBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: Seaboard Air Line Railroad Company, I. C. C. No. A–8153, supp. 102.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8815; Filed, Nov. 8, 1954; 8:49 a. m.]

[4th Sec. Application 29871]

SUGAR FROM SUGARLAND, TEX., TO TEXARKANA, ARK.-TEX.

APPLICATION FOR RELIEF

NOVEMBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. F. Brown, Agent, for the St. Louis-Southwestern Railway Company, Texas and New Orleans Railroad Company, and Texas South-Eastern Railroad Company.

Commodities involved: Sugar, beet or cane, carloads.

From: Sugarland, Texas.

To: Texarkana, Ark.-Tex.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 851, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8816; Filed, Nov. 8, 1954; 8:49 a. m.]

[4th Sec. Application 29872]

BITUMINOUS FINE COAL FROM KANSAS, MISSOURI AND OKLAHOMA TO POINTS IN NEBRASKA

APPLICATION FOR RELIEF

NOVEMBER 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Kansas, Missouri and Oklahoma.

To: Omaha, Bellevue, Florence, Fremont, Lincoln, Louisville, South Omaha, and South Sioux City, Nebr.; Council Bluffs and Sioux City, Ia., and certain intermediate points.

Grounds for relief: Rail competition, circuity, grouping, and competition with natural gas.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3969, supp. 21; F. C. Kratzmeir, Agent, I. C. C. No. 3920, supp. 93.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8817; Filed, Nov. 8, 1954; 8:49 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 3540, 4591 and 5593 containing the specific requirements for the 1954-Crop Rice Loan and Purchase Agreement Program are hereby amended (1) to change the date of maturity of loans in all States except California and Arizona from April 30, 1955, to February 28, 1955, and (2) to make such other changes as are made necessary by the change in the date of maturity of loans. The provisions affected are amended as follows:

1. In § 421.579 *Warehouse receipts*, paragraph (e) is amended to read as follows:

(e) Warehouse receipts must carry an endorsement by the warehouseman in substantially the following form:

Warehouse charges on the rice represented by this warehouse receipt have been paid or otherwise provided for through ---------- 1955 (insert applicable maturity date for State where stored), and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of this warehouse receipt.

2. Section 421.581 *Determination of quality* is amended to read as follows:

§ 421.581 *Determination of quality.* (a) The class, grade, grade factors, milling yield and all quality factors shall be determined in accordance with the methods set forth in the official United States Standards for Rough Rice.

(b) In the case of commingled rice, loans will be made and settlement with the producer shall be on the basis of the quality shown on the warehouse receipt or supplemental certificate. In all other cases, loans will be made on the basis of quality shown on an official (Federal or Federal-State) sample inspection certificate, based on a representative sample drawn by the ASC county committee for each lot of rice at the time application is made for the loan. Settlement with the producer will be on the basis of quality determined by a Federal or Federal-State lot inspection certificate dated subsequent to April 15, 1955, in California and Arizona, and dated subsequent to February 15, 1955, in any other State, and submitted by the producer at the time of delivery of the rice to CCC. Sample inspection fees incurred by the county commitee in connection with the making of loans will be for the account of CCC. Lot inspection fees incurred in connection with the delivery of rice to CCC will be for the account of the producer.

3. Section 421.582 *Maturity of loans* is amended to read as follows:

§ 421.582 *Maturity of loans.* Unless demand is made earlier, loans on rice stored in the States of California and Arizona will mature on April 30, 1955, and loans on rice stored in any other State will mature on February 28, 1955.

4. In § 421.583 *Support rates*, paragraph (a) *Basic rates* is amended in the first sentence thereof so that such sentence will read as follows: "The basic support rate for 100 pounds of rough rice in approved storage and with all accrued charges paid through April 30, 1955, in California and Arizona and paid through February 28, 1955, in all other States, shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety)."

5. In § 421.584 *Warehouse charges*, paragraph (a) is amended to read as follows:

§ 421.584 *Warehouse charges.* (a) There shall be no storage allowance on rice placed under loan or delivered to CCC under a purchase agreement. CCC will not assume any warehouse charges accruing prior to May 1, 1955, on rice

(Continued on p. 7281)

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FEDERAL REGISTER

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stored in California and Arizona or accruing prior to March 1, 1955, on rice stored in any other State, except that on rice under loan or purchase agreement stored in an approved warehouse and delivered to CCC in such approved storage, CCC will refund to the producer an amount computed at the rate of 7 cents per hundred pounds as compensation for any receiving and loading out charges paid by the producer. In the case of sacked identity-preserved rice delivered to CCC under warehouse storage loans, CCC in lieu of making a refund to the producer for receiving and loading out charges, will assume unpiling, weighing, inspection, and repiling charges up to, but not in excess of, the amount computed as compensation to the producer for receiving and loading out charges.

6. Section 421.585 *Settlement* is amended as follows:

a. Paragraph (a) (1) is amended to read as follows:

§ 421.585 *Settlement—(a) Farm-storage and identity-preserved warehouse-storage loans.* (1) In the case of rice delivered to CCC from farm-storage or identity-preserved warehouse-storage under the loan program, settlement will be made at the applicable support rate for the grade and quality of the total quantity of rice delivered. The Producer shall, at his expense, furnish to the county committee at the time of delivery official weight certificates and Federal or Federal-State lot inspection certificates dated subsequent to April 15, 1955, in California and Arizona and dated subsequent to February 15, 1955, in any other State. If the producer fails to furnish such weight and inspection certificates and does not pay off his loan, the county committee shall order the rice weighed up and inspected, pay the costs of such weighing and inspection, and charge such costs to the producer when making settlement.

b. Paragraph (b) (1) is amended to read as follows:

(b) *Modified commingled warehouse-storage loans.* (1) In the case of rice delivered to CCC from modified commingled warehouse-storage under the loan program, settlement will be made at the applicable support rate for the grade and quality of the rice delivered and for the quantity shown on the warehouse receipt. The producer shall at his own expense furnish to the county committee at the time of delivery of the rice to CCC a Federal or Federal-State lot inspection certificate dated subsequent to April 15, 1955, in California and Arizona and dated subsequent to February 15, 1955, in any other State, covering the lot of rice delivered which must have been taken from the modified commingled lot against which the warehouse receipt representing the rice under loan was issued. If the producer fails to furnish such inspection certificate and does not pay off his loan, the county committee shall order the rice inspected, pay the cost of such inspection, and charge such costs to the producer when making settlement.

c. Paragraph (d) *Purchase agreements* is amended to read as follows:

(d) *Purchase agreements.* Eligible rice will be purchased at the support rate applicable to the grade of the rice determined on the basis of an official Federal or Federal-State lot inspection certificate dated subsequent to April 15, 1955 in California and Arizona and dated subsequent to February 15, 1955 in any other State.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1031, 1054, 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 4th day of November 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54–8869: Filed, Nov. 9, 1954; 8:54 a. m.]

PART 464—TOBACCO

SUBPART—1954 TOBACCO LOAN PROGRAM

SCHEDULES OF ADVANCE RATES

Set forth below are schedules of advance rates, by grades, for the 1954 crop of Types 21, 22, 23, 31, 35, 36, and 37 tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published June 17, 1954 (19 F. R. 3542).

Sec.
464.615 1954 crop; Virginia fire-cured tobacco, Type 21; advance schedule.
464.616 1954 crop; Tennessee and Kentucky fire-cured tobacco; Type 22; advance schedule.
464.617 1954 crop; Kentucky and Tennessee fire-cured tobacco; Type 23; advance schedule.
464.618 1954 crop; Burley tobacco, Type 31; advance schedule.
464.619 1954 crop; Dark air-cured tobacco, Types 35 and 36; advance schedule.
464.620 1954 crop; Virginia sun-cured tobacco, Type 37; advance schedule.

AUTHORITY: §§ 464.615 to 464.620 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 2, 59 Stat. 506, sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1312 note.

§ 464.615 *1954 crop; Virginia fire-cured tobacco, Type 21; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Grade	
A1F	51.12	52.12	.....	T3F	38.12
A2F	49.12	50.12	49.12	T4F	36.12
A3F	46.12	47.12	46.12	T5F	31.12
A1D	51.12	52.12	.....	T3D	38.12
A2D	49.12	50.12	49.12	T4D	36.12
A3D	46.12	47.12	46.12	T5D	31.12
B1F	48.12	49.12	48.12	T3M	36.12
B2F	46.12	47.12	46.12	T4M	33.12
B3F	40.12	41.12	40.12	T5M	27.12
B4F	37.12	38.12	37.12	T3G	36.12
B5F	34.12	35.12	34.12	T4G	33.12
B1D	48.12	49.12	48.12	T5G	27.12
B2D	46.12	47.12	46.12	X1L	37.12
B3D	40.12	41.12	40.12	X2L	34.12
B4D	37.12	38.12	37.12	X3L	32.12
B5D	34.12	35.12	34.12	X4L	30.12
B3M	37.12	38.12	37.12	X5L	24.12
B4M	36.12	37.12	36.12	X1F	38.12
B5M	32.12	33.12	32.12	X2F	35.12
B3G	37.12	38.12	37.12	X3F	33.12
B4G	36.12	37.12	36.12	X4F	30.12
B5G	32.12	33.12	32.12	X5F	24.12
C1L	50.12	51.12	50.12	X1D	38.12
C2L	48.12	49.12	48.12	X2D	35.12
C3L	42.12	43.12	42.12	X3D	33.12
C4L	38.12	39.12	38.12	X4D	30.12
C5L	33.12	34.12	33.12	X5D	24.12
C1F	50.12	51.12	50.12	X3M	29.12
C2F	48.12	49.12	48.12	X4M	27.12
C3F	42.12	43.12	42.12	X5M	22.12
C4F	38.12	39.12	38.12	X3G	29.12
C5F	33.12	34.12	33.12	X4G	26.12
C2D	37.12	38.12	37.12	X5G	20.12
C3D	32.12	33.12	32.12	N1L	15.12
C4D	31.12	32.12	31.12	N1R	15.12
C5D	28.12	29.12	28.12	N1G	15.12
C3M	32.12	33.12	32.12		
C4M	30.12	31.12	30.12		
C5M	28.12	29.12	28.12		
C3G	32.12	33.12	32.12		
C4G	30.12	31.12	30.12		
C5G	25.12	26.12	25.12		

§ 464.616 *1954 crop; Tennessee and Kentucky fire-cured tobacco, Type 22; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade	
A1F	59	.....	T3F	33
A2F	55	48	T4F	29
A3F	46	43	T5F	23
A1D	59	.....	T3D	33
A2D	55	48	T4D	29
A3D	46	43	T5D	22
B1F	51	47	T3M	31
B2F	47	44	T4M	25
B3F	43	41	T5M	19

[1] The Cooperative Associations through which price support is made available for Virginia fire-cured, Type 21; Burley, Type 31; and Virginia sun-cured, Type 37, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "U" (unsound), DAM (damaged), N2L, N2R, N2G, N K, botched, nested, off-type, or decayed will not be accepted, except in Types 22, 23, 35, and 36, where tobacco graded "W" (doubtful keeping order) will be accepted at an advance rate of 10 percent below the regular grade advance rate. Tennessee and Kentucky fire-cured, Types 22 and 23, grades marked with special factor "OS" and dark air-cured, Type 35, grades marked with special factor "BL" in addition to the regular grade symbols shall have an advance rate 20 percent below the advance rate for the regular grades without such special factor.

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade	
B4F	39	37	T3G	30
B5F	31	29	T4G	24
B3FV	41	38	T5G	17
B4FV	36	34	X1L	38
B5FV	29	27	X2L	35
B1D	52	48	X3L	31
B2D	48	45	X4L	26
B3D	46	43	X5L	20
B4D	40	38	X1F	38
B5D	30	28	X2F	35
B3M	42	39	X3F	31
B4M	36	33	X4F	26
B5M	26	23	X5F	20
B3G	42	39	X3FV	28
B4G	36	33	X4FV	23
B5G	26	23	X5FV	17
C1L	49	46	X1D	38
C2L	45	42	X2D	35
C3L	43	40	X3D	28
C4L	38	36	X4D	22
C5L	30	28	X5D	14
C1F	49	46	X3M	25
C2F	45	42	X4M	17
C3F	43	40	X5M	13
C4F	38	36	X3G	25
C5F	30	28	X4G	16
C3FV	39	36	X5G	12
C4FV	34	32	N1L	11
C5FV	28	26	N1R	10
C2D	43	40	N1G	10
C3D	40	37		
C4D	34	32		
C5D	27	25		
C3M	38	35		
C4M	32	30		
C5M	26	23		
C3G	36	33		
C4G	29	26		
C5G	22	18		

§ 464.617 *1954 crop; Kentucky and Tennessee fire-cured tobacco, Type 23; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Grade	
A1F	57	57	.....	T3F	32
A2F	54	54	47	T4F	28
A3F	45	45	42	T5F	22
A4D	57	57	.....	T3D	32
A2D	54	54	47	T4D	28
A3D	45	45	42	T5D	21
B1F	49	49	46	T3M	30
B2F	46	46	43	T4M	24
B3F	42	42	40	T5M	18
B4F	38	38	36	T3G	29
B5F	31	31	29	T4G	23
B3FV	40	40	37	T5G	16
B4FV	35	35	33	X1L	37
B5FV	29	29	27	X2L	34
B1D	50	50	47	X3L	30
B2D	47	47	44	X4L	25
B3D	45	45	42	X5L	20
B4D	39	39	37	X1F	37
B5D	30	30	28	X2F	34
B3M	40	40	37	X3F	30
B4M	35	35	32	X4F	25
B5M	26	26	23	X5F	20
B3G	41	41	38	X3FV	27
B4G	35	35	32	X4FV	22
B5G	26	26	23	X5FV	17
C1L	48	48	45	X1D	37
C2L	44	44	41	X2D	34
C3L	42	42	39	X3D	27
C4L	37	37	35	X4D	21
C5L	30	30	28	X5D	14
C1F	48	48	45	X3M	24
C2F	44	44	41	X4M	16
C3F	42	42	39	X5M	13
C4F	37	37	35	X3G	24
C5F	30	30	28	X4G	16
C3FV	38	38	35	X5G	12
C4FV	33	33	31	N1L	11
C5FV	28	28	26	N1R	10
C2D	42	42	39	N1G	10
C3D	38	39	36		
C4D	33	33	31		
C5D	27	27	25		
C3M	37	37	34		
C4M	32	32	30		
C5M	26	26	23		
C3G	35	35	32		
C4G	29	29	26		
C5G	22	22	18		

See footnote 1 on p. 7281.

§ 464.618 *1954 crop; Burley tobacco, Type 31; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B1F	61.12	T4D	16.12
B2F	59.12	T5D	13.12
B3F	55.12	T4GF	20.12
B4F	50.12	T5GF	16.12
B5F	42.12	T4GR	14.12
B3FV	49.12	T5GR	12.12
B4FV	44.12	C1L	68.12
B3FK	44.12	C2L	67.12
B4FK	39.12	C3L	66.12
B1FR	50.12	C4L	65.12
B2FR	48.12	C5L	60.12
B3FR	43.12	C1F	67.12
B4FR	30.12	C2F	66.12
B5FR	33.12	C3F	65.12
B1R	38.12	C4F	63.12
B2R	36.12	C5F	58.12
B3R	32.12	C3FV	60.12
B4R	28.12	C4FV	58.12
B5R	25.12	C3FK	54.12
B3RV	25.12	C4FK	52.12
B4RV	21.12	C3R	57.12
B4D	19.12	C4R	54.12
B5D	16.12	C5R	46.12
B3M	41.12	C3RV	50.12
B4M	37.12	C4RV	47.12
B5M	27.12	C4M	50.12
B3GF	31.12	C5M	44.12
B4GF	28.12	C4G	34.12
B5GF	23.12	C5G	27.12
B3GR	21.12	X1L	68.12
B4GR	18.12	X2L	67.12
B5GR	14.12	X3L	66.12
M3F	47.12	X4L	62.12
M4F	42.12	X5L	53.12
M5F	37.12	X1F	67.12
M3R	35.12	X2F	66.12
M4R	31.12	X3F	65.12
M5R	26.12	X4F	61.12
T3F	43.12	X5F	52.12
T4F	38.12	X3R	55.12
T5F	31.12	X4R	50.12
T3FV	36.12	X5R	40.12
T4FV	30.12	X4M	47.12
T3FR	36.12	X5M	37.12
T4FR	31.12	X4G	37.12
T5FR	25.12	X5G	27.12
T3R	25.12	N1L	38.12
T4R	22.12	N1F	26.12
T5R	18.12	N1D	12.12
T3RV	22.12	N1G	10.12
T4RV	19.12		

§ 464.619 *1954 crop; Dark air-cured tobacco, Types 35 and 36; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade	
A1F	50	.....	T3F	33
A2F	47	45	T4F	28
A3F	43	41	T5F	21
A1R	50	.....	T3R	33
A2R	47	45	T4R	28
A3R	43	41	T5R	21
B1F	50	48	T3D	33
B2F	46	44	T4D	28
B3F	45	43	T5D	21
B4F	41	39	T3M	32
B5F	34	32	T4M	27
B3FV	42	40	T5M	20
B4FV	39	37	T3G	32
B5FV	34	32	T4G	27
B1R	50	48	T5G	20
B2R	46	44	X1L	38
B3R	45	43	X2L	35
B4R	41	39	X3L	31
B5R	34	32	X4L	27
B1D	50	48	X5L	21
B2D	46	44	X1F	38
B3D	43	41	X2F	35
B4D	40	38	X3F	31
B5D	33	31	X4F	27

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade	
B3M	41	39	X5F	21
B4M	37	35	X3FV	30
B5M	30	28	X4FV	24
B3G	41	39	X5FV	18
B4G	37	35	X1R	36
B5G	30	27	X2R	34
C1L	46	44	X3R	30
C2L	44	42	X4R	24
C3L	43	41	X5R	18
C4L	39	37	X3D	30
C5L	30	28	X4D	23
C1F	46	44	X5D	17
C2F	44	42	X3M	29
C3F	43	41	X4M	20
C4F	39	37	X5M	14
C5F	30	28	X3G	29
C3FV	40	38	X4G	19
C4FV	37	35	X5G	12
C5FV	28	26	N1L	12
C1R	44	42	N1R	11
C2R	42	40	N1G	11
C3R	41	39		
C4R	38	36		
C5R	28	26		
C3M	39	37		
C4M	35	33		
C5M	26	23		
C3G	35	33		
C4G	31	29		
C5G	25	22		

§ 464.620 *1954 crop; Virginia sun-cured tobacco, Type 37; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 45	Length 44	Grade	
A1F	47.12	.....	T3F	33.12
A2F	45.12	43.12	T4F	31.12
A4F	42.12	40.12	T5F	24.12
A1R	47.12	.....	T3R	33.12
A2R	45.12	43.12	T4R	31.12
A3R	42.12	40.12	T5R	24.12
B1F	45.12	43.12	T3D	31.12
B2F	42.12	40.12	T4D	28.12
B4F	40.12	38.12	T5D	21.12
B1F	37.12	35.12	T3M	31.12
B5F	32.12	30.12	T4M	28.12
B1R	45.12	43.12	T5M	21.12
B2R	42.12	40.12	T3G	31.12
B3R	40.12	38.12	T4G	28.12
B4R	37.12	35.12	T5G	19.12
B5R	32.12	30.12	X1L	37.12
B1D	45.12	43.12	X2L	34.12
B2D	41.12	39.12	X3L	31.12
B3D	39.12	37.12	X4L	29.12
B4D	35.12	33.12	X5L	22.12
B5D	30.12	28.12	X1F	37.12
B3M	37.12	35.12	X2F	34.12
B4M	34.12	32.12	X3F	31.12
B5M	31.12	29.12	X4F	29.12
B3G	37.12	35.12	X5F	22.12
B4G	34.12	32.12	X1R	37.12
B5G	31.12	29.12	X2R	34.12
C1L	41.12	39.12	X3R	31.12
C2L	39.12	37.12	X4R	28.12
C3L	38.12	36.12	X5R	21.12
C4L	36.12	34.12	X3D	29.12
C5L	30.12	28.12	X4D	27.12
C1F	41.12	39.12	X5D	20.12
C2F	39.12	37.12	X3M	29.12
C3F	38.12	36.12	X4M	26.12
C4F	36.12	34.12	X5M	20.12
C5F	30.12	28.12	X3G	28.12
C1R	40.12	38.12	X4G	24.12
C2R	38.12	36.12	X5G	20.12
C3R	35.12	33.12	N1L	14.12
C4R	32.12	30.12	N1R	14.12
C5R	28.12	26.12	N1G	14.12
C3M	33.12	31.12		
C4M	31.12	29.12		
C5M	27.12	25.12		
C4G	31.12	29.12		
C5G	27.12	25.12		

Issued this 3d day of November 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-8794; Filed, Nov. 9, 1954; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

PROCLAMATION OF COMMERCIAL CORN-PRODUCING AREA FOR 1955

§ 721.601 *Basis and purpose.* (a) This section is issued to proclaim the commercial corn-producing area for 1955 pursuant to sections 301 (b) (4) and 327 of the Agricultural Adjustment Act of 1938, as amended.

(b) In making the determinations contained in § 721.602, the corn acreage estimates of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the statistics of the Bureau of the Census relating to numbers of farms and acreage of farmland were used, adjusted where necessary to reflect the difference in the definition of "farm" used by the Commodity Stabilization Service and the Agricultural Conservation Program Service from that of the Bureau of the Census. It is hereby found and determined that the statistics of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the Bureau of the Census, as so adjusted and supplemented by Agricultural Conservation Program Service data, constitute the latest and most reliable statistics of the Federal Government.

§ 721.602 *Commercial corn-producing area for the year 1955.* The commercial corn-producing area for the year 1955 comprises the following counties:

DELAWARE

All counties.

ILLINOIS

All counties except Williamson.

INDIANA

All counties except:

Brown. Crawford. Switzerland.

IOWA

All counties.

KANSAS

Anderson. Atchison. Brown. Cloud. Doniphan. Douglas. Franklin. Jackson. Jefferson. Jewell. Johnson. Leavenworth. Marshall. Miami. Nemaha. Phillips. Pottawatomie. Republic. Riley. Shawnee. Smith. Washington.

KENTUCKY

Allen. Ballard. Barren. Boyle. Bullitt. Butler. Caldwell. Calloway. Carlisle. Carroll. Christian. Crittenden. Daviess. Edmonson. Fulton. Graves. Hancock. Hardin. Hart. Henderson. Hickman. Hopkins. Jefferson. Larue. Livingston. Logan. Lyon. McCracken. McLean. Marion. Meade. Monroe. Nelson. Oldham. Simpson. Spencer. Taylor. Todd. Trigg. Trimble. Union. Warren. Webster.

MARYLAND

Caroline. Carroll. Cecil. Dorchester. Frederick. Harford. Kent. Montgomery. Queen Annes. Somerset. Talbot. Washington. Wicomico. Worcester.

MICHIGAN

Allegan. Barry. Berrien. Branch. Calhoun. Cass. Clinton. Eaton. Genesee. Gratiot. Hillsdale. Ingham. Ionia. Isabella. Jackson. Kalamazoo. Kent. Lenawee. Livingston. Midland. Monroe. Montcalm. Oakland. Saginaw. St. Joseph Shiawassee. Van Buren. Washtenaw. Wayne.

MINNESOTA

Anoka. Benton. Big Stone. Blue Earth. Brown. Carver. Chippewa. Chisago. Cottonwood. Dakota. Dodge. Douglas. Faribault. Fillmore. Freeborn. Goodhue. Grant. Hennepin. Houston. Jackson. Kandiyohi. Lac qui Parle. Le Sueur. Lincoln. Lyon. McLeod. Martin. Meeker. Morrison. Mower. Murray. Nicollet. Nobles. Olmsted. Otter Tail. Pipestone. Pope. Redwood. Renville. Rice. Rock. Scott. Sherburne. Sibley. Stearns. Steele. Stevens. Swift. Todd. Traverse. Wabasha. Waseca. Washington Watonwan. Wilkin. Winona. Wright. Yellow Medicine.

MISSOURI

Adair. Andrew. Atchison. Audrain. Bates. Bollinger. Boone. Buchanan. Caldwell. Callaway. Cape Girardeau. Carroll. Cass. Charlton. Clark. Clay. Clinton. Cooper. Daviess. De Kalb. Dunklin. Franklin. Gentry. Grundy. Harrison. Henry. Holt. Howard. Jackson. Jefferson. Johnson. Knox. Lafayette. Lewis. Lincoln. Linn. Livingston. Macon. Marion. Mercer. Mississippi. Moniteau. Monroe. Montgomery. New Madrid. Nodaway. Perry. Pettis. Pike. Platte. Putnam. Ralls. Randolph. Ray. St. Charles. St. Clair. St. Louis. Ste. Genevieve. Saline. Schuyler. Scotland. Scott. Shelby. Stoddard. Sullivan. Vernon. Warren. Wayne. Worth.

NEBRASKA

Adams. Antelope. Boone. Boyd. Buffalo. Burt. Butler. Cass. Cedar. Clay. Colfax. Cuming. Custer. Dakota. Dawson. Dixon. Dodge. Douglas. Fillmore. Franklin. Furnas. Gage. Garfield. Gosper. Greeley. Hall. Hamilton. Harlan. Holt. Howard. Jefferson. Johnson. Kearney. Knox. Lancaster. Lincoln. Madison. Merrick. Nance. Nemaha. Nuckolls. Otoe. Pawnee. Phelps. Pierce. Platte. Polk. Richardson. Saline. Sarpy. Saunders. Seward. Sherman. Stanton. Thayer. Thurston. Valley. Washington. Wayne. Webster. York.

NEW JERSEY

Cumberland. Gloucester. Hunterdon. Mercer. Salem. Somerset. Warren.

NORTH CAROLINA

Beaufort. Camden. Chowan. Craven. Currituck. Duplin. Edgecombe. Gates. Greene. Halifax. Hertford. Johnston. Jones. Lenoir. Martin. Nash. Onslow. Pasquotank. Perquimans. Pitt. Sampson. Wayne. Wilson.

NORTH DAKOTA

Richland.

OHIO

Adams. Allen. Ashland. Auglaize. Brown. Butler. Champaign. Clark. Clermont. Clinton. Coshocton. Crawford. Darke. Defiance. Delaware. Erie. Fairfield. Fayette. Franklin. Fulton. Green. Hamilton. Hancock. Hardin. Henry. Highland. Hocking. Holmes. Huron. Jackson. Knox. Lawrence. Licking. Logan. Lorain. Lucas. Madison. Marion. Medina. Mercer.

OHIO—Continued

Miami.	Sandusky.
Montgomery.	Scioto.
Morgan.	Seneca.
Morrow.	Shelby.
Muskingum.	Stark.
Ottawa.	Tuscarawas.
Paulding.	Union.
Perry.	Van Wert.
Pickaway.	Winton.
Pike.	Warren.
Preble.	Wayne.
Putnam.	Williams.
Richland.	Wood.
Ross.	Wyandot.

PENNSYLVANIA

Adams.	Juniata.
Berks.	Lancaster.
Blair.	Lebanon.
Bucks.	Lehigh.
Carbon.	Lycoming.
Centre.	Mifflin.
Chester.	Montgomery.
Clinton.	Montour.
Columbia.	Northampton.
Cumberland.	Northumberland.
Dauphin.	Perry.
Delaware.	Schuylkill.
Franklin.	Snyder.
Fulton.	Union.
Huntingdon.	York.

SOUTH DAKOTA

Aurora.	Hanson.
Beadle.	Hutchinson.
Bon Homme.	Jerauld.
Brookings.	Kingsbury.
Brule.	Lake.
Charles Mix.	Lincoln.
Clark.	McCook.
Clay.	Miner.
Codington.	Minnehaha.
Davison.	Moody.
Day.	Roberts.
Deuel.	Sanborn.
Douglas.	Tripp.
Grant.	Turner.
Gregory.	Union.
Hamlin.	Yankton.

TENNESSEE

Dyer.	Robertson.
Henry.	Stewart.
Lauderdale.	Tipton.
Montgomery.	Weakley.
Obion.	

VIRGINIA

Accomac.	Princess Anne.
Isle of Wight.	Southampton.
Nansemond.	Surry.
Norfolk.	Sussex.
Northampton.	

WEST VIRGINIA

Berkeley.	Jefferson.

WISCONSIN

Adams.	Lafayette.
Buffalo.	Marquette.
Columbia.	Milwaukee.
Crawford.	Monroe.
Dane.	Pepin.
Dodge.	Pierce.
Dunn.	Polk.
Eau Claire.	Racine.
Fond du Lac.	Richland.
Grant.	Rock.
Green.	St. Croix.
Green Lake.	Sauk.
Iowa.	Trempealeau.
Jackson.	Vernon.
Jefferson.	Walworth.
Juneau.	Waukesha.
Kenosha.	Waushara.
La Crosse.	Winnebago.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 327, 52 Stat. 38, 51, as amended; 7 U. S. C. 1301, 1327)

Done at Washington, D. C., this 5th day of November 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-8870; Filed, Nov. 9, 1954; 8:54 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

§ 970.301 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 122 and Order No. 70 (§§ 970.1 to 970.92; 19 F. R. 5469), regulating the handling of Irish Potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner hereinafter set forth, on and after the effective date of this section, (iii) in order to maximize the benefits derivable from the regulatory program and to make them available to producers and handlers as soon as practicable, the provisions of this regulation should become effective with respect to as large a portion of the 1954 potato crop as possible, (iv) recommendations as to the need for, and the extent of, limitation on the handling of potatoes grown in Maine were made at a meeting of the marketing committee on October 25, 1954, (v) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the said effective date, and (vi) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period November 15, 1954, to June 30, 1955, both dates inclusive, no handler shall ship:

(i) Potatoes of the round white varieties or of the red skin varieties in packs of one hundred (100) pounds or more unless than the potatoes meet the requirements of the U. S. No. 1 grade and are of a size not smaller than 2 inches minimum diameter;

(ii) Potatoes of the round white varieties or of the red skin varieties in packs of less than one hundred (100) pounds unless the potatoes meet the requirements of U. S. No. 1, Size A, and are of a size not smaller than 2 inches minimum diameter; or

(iii) Potatoes of the long varieties (including, but not being limited to, the Russet Burbank variety) unless the potatoes meet the requirements of the U. S. No. 2 grade and are of a size not smaller than $1\frac{7}{8}$ inches minimum diameter.

(2) Pursuant to § 970.54, each handler may ship not in excess of fifteen (15) hundredweight of potatoes per week free from regulations effective pursuant to §§ 970.45 and 970.65.

(3) Except as otherwise provided in this subparagraph, the limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of certified seed potatoes, or to shipments of potatoes for the following purposes: (i) For grading or storage within the production area; (ii) for export; (iii) for distribution by the Federal Government; (iv) for charitable purposes; (v) for manufacture or conversion into starch, flour, or alcohol; (vi) for canning or freezing; (vii) for livestock feed; (viii) for planting within the production area; (ix) for potato chipping; (x) for dehydration. Each handler making any such shipments for potato chipping shall file an application pursuant to § 970.56 for a Certificate of Privilege and at the same time, or at such time subsequent thereto as the Maine Potato Administrative Committee may require, provide the administrative committee with appropriate evidence that such potatoes were, or are being, treated and conditioned for use for potato chipping and that such potatoes, except for the special treatment and conditioning, meet the applicable grade and size requirements set forth in subparagraph (1) of this paragraph. No handler shall ship potatoes for dehydration unless they meet the requirements of the U. S. No. 2 grade.

(4) Each handler making shipments of potatoes pursuant to subparagraph (3) of this paragraph for export, charitable purposes, canning or freezing, livestock feed, or dehydration shall: (i) File an application pursuant to § 970.56 with the administrative committee for a Certificate of Privilege for such shipments; (ii) pay assessments pursuant to § 970.45 with respect to the shipments of certified seed potatoes; and (iii) pay assessments pursuant to § 970.45 and have inspection pursuant to § 970.65 with respect to each shipment for export, potato chipping, distribution by the Federal Government, charitable purposes, or dehydration. Further, each handler who ships potatoes for export, potato chipping, distribution by the Federal Government, charitable purposes, canning or freezing, livestock, feed, or dehydration shall furnish a record of such shipments to the administrative committee; and, in the case of shipments for potato chipping or dehydration, the handler shall also furnish a copy of the bill of lading for the respective shipment. In addition, each application for a Certificate of Privilege to ship potatoes for export, potato chipping, charitable purposes, canning or freezing, or dehydration shall be accompanied by the applicant handler's certification and the buyer's or receiver's certification that the potatoes to be shipped for the purpose stated in the application are to be used for such purpose.

(5) No person may ship potatoes under a Certificate of Exemption issued pursuant to §§ 970.70 to 970.75, inclusive, and which are exempted from the grade and size limitations set forth in subparagraph (1) of this paragraph, unless such potatoes are packed in 100 pound packs.

(6) The grades and sizes used in this section shall have the same meaning assigned these terms in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein; and all other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70 (§§ 970.1 to 970.92)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 4th day of November 1954, to become effective November 15, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8842; Filed, Nov. 9, 1954; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 54-50]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

AUTHORITY TO PROMULGATE REGULATIONS

The regulations in Part 8 of this title were issued under authority that has been superseded. The purpose of this amendment is to substitute the proper authority to promulgate these regulations and to substitute the proper statutes to be used in interpreting or applying the regulations in this part.

1. The citation of authority and the statutes used to interpret or apply the regulations should read as follows:

AUTHORITY: §§ 8.1101 to 8.9103 issued under sec. 4, 62 Stat. 605, as amended, 63 Stat. 545, sec. 251, 66 Stat. 495; 50 U. S. C. App. 454, 14 U. S. C. 633, 50 U. S. C. 1002. Interpret or apply 63 Stat. 551, as amended, 63 Stat. 804-834, as amended, 66 Stat. 481-504; 14 U. S. C. 755, 37 U. S. C. 231-319, 50 U. S. C. 901-1124.

[SEAL] K. S. HARRISON,
Chief Counsel.

[F. R. Doc. 54-8889; Filed, Nov. 9, 1954; 9:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 97]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4, of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.51, the Fort Hood, Texas, area (D-443), published on August 26, 1953, in 18 F. R. 5077, is rescinded.

2. In § 608.51, the Camp Bowie, Texas, area (D-480) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP BOWIE, TEX. (D-480) (Austin Chart).	Beginning at latitude 31°36', longitude 98°57', thence to latitude 31°41', longitude 98°57', thence to latitude 31°41', longitude 98°53', thence to latitude 31°36', longitude 98°53', thence to point of beginning.	Surface to unlimited	Daylight hours, during VFR weather conditions only.	NAS Dallas, Tex.

3. In § 608.51, the Fort Hood, Texas, area (D-219), published on June 23, 1949, in 14 F. R. 3393, and revised on August 7, 1951 in 16 F. R. 7696, and amended on June 14, 1952 in 17 F. R. 5389, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
FORT HOOD, TEX. (D-219) (Austin).	Beginning at latitude 31°22'30" N., longitude 97°38'00" W.; thence due south to latitude 31°18'00" N., longitude 97°38'00" W.; thence southeasterly to latitude 31°13'40" N., longitude 97°30'00" W.; thence southwesterly paralleling the western boundary of airway Victor 17 to a point at latitude 31°04'15" N., longitude 97°33'30" W.; thence northwesterly a point at latitude 31°08'00" N., longitude 97°38'00" W.; thence west to a point at latitude 31°08'00" N., longitude 97°41'00" W.; thence southwesterly to latitude 31°05'14" N., longitude 97°45'00" W.; thence due north to latitude 31°08'00" N., longitude 97°45'00"; west to latitude 31°08'00" N., longitude 97°46'12" W.; northwest to latitude 31°08'30", longitude 97°47'18" W.; thence meandering northwest and remaining 100 yards west of West Range Road to a point at latitude 31°11'30", longitude 97°48'30" W.; northwest to latitude 31°18'00" N., longitude 97°52'18" east to latitude 31°18'00" N., longitude 97°50'00" W.; northeast to latitude 31°22'30", longitude 97°44'20" W.; thence due east to latitude 31°22'30" N., longitude 97°38'00" W., to point of beginning.	Surface to unlimited.	Continuous...	Fort Hood, Tex.

4. In § 608.51, the Gray AFB, Texas, area (D-343), published on August 7, 1951, in 16 F. R. 7696, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
GRAY AFB, TEX. (D-343) (Austin).	Beginning at latitude 31°18'00" N., longitude 97°52'18" W.; SE. to latitude 31°11'30" N., longitude 97°48'30" W., meandering SW. and remaining 100 yards west of West Range Road to a point at latitude 31°09'30" N., longitude 97°47'18" W.; SE. to latitude 31°08'00" N., longitude 97°46'12" W.; east to latitude 31°08'00" N., longitude 97°45'00" W.; due south to latitude 31°02'00" N.; due east to longitude 97°38'00" W.; due south latitude 30°56'00" N.; west to longitude 98°07'00" W.; due north to latitude 31°18'00" N.; due east to latitude 31°18'00", longitude 97°52'18" W. point of beginning.	Surface to unlimited.	Continuous...	Gray AFB, Tex.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 13, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8835; Filed, Nov. 9, 1954; 8:46 a. m.]

[Amdt. 113]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DICKINSON, N. DAK. Municipal, 2,589' SBMRAZ-DTV-DIK Procedure No. 1 Effective date: December 17, 1954 Amendment No. 4 supersedes No. 3 dated May 20, 1954 Major changes: Items 4, 5, 6, and 11 revised due to tower 2,966' mean sea level 4 miles NE of VOR Minor changes: Item 3—Air carrier note added regarding runway lights.	Dickinson VOR	189—2.3	4,000	W side N course: 348° outbound. 168° inbound. 4,000' within 15 miles.	3,500	168—2.1	2 engines or less T-dn C-d C-n A-dn	300-1 500-1 500-1½ 800-2	300-1 600-1 600-1½ 800-2	Within 2.1 miles climb to 4,000' on S course within 20 miles. CAUTION: KDIX radio tower 4.5 miles N DIK range elevation 2,751' mean sea level. Police tower 2,966' mean sea level 4 miles NE of VOR. AIR CARRIER NOTES: Night takeoffs and landings authorized NW/SE runway only.
							More than 2 engines T-dn C-dn A-dn		300-1 600-1½ 800-2	
RAPID CITY, S. DAK. Rapid City, 3,172' SBRAZ-DTV-RAP Procedure No. 1 Effective date: December 17, 1954 Amendment No. 7 supersedes No. 6 dated July 1, 1954 Major changes: distance in item 3 corrected. Procedure turn changed from N to S side. Missed approach raised from 5,000' and rerouted away from Ellsworth Air Force Base.	RAP VOR	147—8.2	5,500	S side E course: 075° outbound. 255° inbound. 4,400' within 15 miles.	3,900	*104—1.9	2 engines or less T-dn C-dn A-dn	300-1 700-1 800-2	300-1 700-1½ 800-2	Within 0 mile climb to 5,500' on S course within 25 miles. *Airport located between point of completion of procedure turn and RAP LFR. Aircraft larger than 2 engines or less, 75 miles per hour or less, restricted to NW/SE runway. Procedure turn nonstandard to avoid Air Force jet traffic.
							More than 2 engines T-dn C-dn A-dn		200-½ 700-1½ 800-2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
WICHITA FALLS, TEX. Sheppard Air Force Base 1,020' LFR-ICH Procedure No. 1 Amendment No. 12 March 18, 1952 Major changes: Superseded by special procedure (not published)	PROCEDURE CANCELED NOVEMBER 19, 1954									

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DYERSBURG, TENN. Municipal, 337' BMH-DYR Procedure No. 1 Amendment No. .. Effective date: December 17, 1954 Supersedes Amendment No. 2, April 28, 1953 Major changes: Increase procedure turn altitude and raise landing minima.	Dyersburg VOR	253—4.5	1,500	N side of course: 090° outbound. 270° inbound. 1,700' within 10 miles.	1,000	On airport	2 engines or less T-dn C-dn A-dn	300-1 700-1 800-2	300-1 700-1 800-2	Within 0 mile climb to 1,600' on course 270° within 25 miles.
							More than 2 engines T-dn C-dn A-dn		200-½ 700-1½ 800-2	
MONTEREY, CALIF. Monterey Peninsula, 220' Monterey "H" MRY (Navy: MHZ) Procedure No. 1 Effective December 17, 1954 Amendment No. 6 Supersedes Amendment 5 dated July 30, 1954 Major changes: Restore minimums for public use	Salinas VOR	222—14.0	3,000	N side of course:* 310° outbound. 130° inbound. 1,500' within 25 miles.	900	95—1.3	All aircraft T-dn C-d C-n A-d A-n	700-1 700-2 700-3 1,000-2 1,000-3	700-1 700-2 700-3 1,000-2 1,000-3	Within 0 mile, turn left, climb to 2,000' on track of 310° within 25 miles of MRY "H". *Procedure turn right for more favorable terrain and to avoid residential area.
	Saratoga VOR Intersection	139—46.0	5,000							

Stat. 38, 51, as amended; 7 U. S. C. 1301, 1327) ties or of the red skin varieties in packs tive committee; and, in the case of

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
DICKINSON, N. DAK. Municipal, 2,589′ BVOR-DIK Procedure No. 1 Effective date: December 17, 1954. Amendment No. 2 supersedes No. 1 dated May 26, 1954 Major changes: Items 4, 5, 6, and 11 revised due to 2,966′ mean sea level tower 4 miles NE of VOR Minor changes: Item 3—Air carrier note added regarding runway lights.	Dickinson LFR	009—2.3	4,000	W side N course: 359° outbound. 179° inbound. 4,000′ within 15 miles.	3,500	179—4.2	2 engines or less T-dn C-d C-n A-dn More than 2 engines T-dn C-dn A-dn	300-1 500-1 500-1½ 800-2 	300-1 600-1 600-1½ 800-2 300-1 600-1½ 800-2	Within 4.2 miles, climb to 4,000′ on track of 179° within 20 miles of DIK-VOR. CAUTION: KDIX radio tower 4.5 miles N DIK-LFR 2,751′ mean sea level. Foltec tower 2,966′ mean sea level 4 miles NE of VOR. AIR CARRIER NOTES: Night take-offs and landings authorized NW/SE runway only.
DYERSBURG, TENN. Municipal, 337′ BVOR-DTV DYR Procedure No. 1 Amendment No. 3 Effective date: December 17, 1954 Supersedes M-2, April 28, 1953 Major changes: Delete straight-in minima.	Dyersburg MH	073—4.5	1,500	N side of course: 073° outbound. 253° inbound. 1,600′ within 10 miles.	1,100	253—4.7	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	300-1 400-1 800-2 	300-1 500-1 800-2 200-½ 500-1½ 800-2	Within 4.7 miles, climb to 1,600′ on course 253° within 25 miles.
KLAMATH FALLS, OREG. Klamath Falls, 4,088′ BVOR LMT Procedure No. 1 Effective December 17, 1954 Amendment No. 1 Supersedes original, dated August 20, 1954 Major changes: New format; correct error in defining intersection in column 2.	Intersection E course MFR LFR and 343° radial LMT VOR.	163—12.0	9,000	E side course: 155° outbound. 335° inbound. 8,000′ within 14 miles. Not authorized beyond 14 miles.	5,900	On airport	2 engines or less T-dn C-d C-n A-dn More than 2 engines T-dn C-dn C-n A-dn	1,500-1 1,800-1 1,800-2 1,800-2 	1,500-1 1,800-1 1,800-2 1,800-2 1,800-1 1,800-1½ 1,800-2 1,800-2	Within 0 mile, turn left and climb to 9,000′ on 155° outbound course within 14 miles Klamath Falls VOR.
	Klamath Falls LFR	335—2.5	8,000							
	Klamath Falls LFR (final)	335—2.5	5,900							
RAPID CITY, S. DAK. Rapid City, 3,172′ BVOR-DTV-RAP Procedure No. 1 Effective date: December 17, 1954 Amendment No. 2 supersedes No. 1, dated July 17, 1954 Major changes: Corrects distance in item 3. Altitudes raised in items 4, 5, and 6, to permit jet scrambles underneath.	RAP LFR	327—8.2	5,500	E side of course:* 345° outbound. 165° inbound. 5,500′ within 15 miles. Not authorized beyond 15 miles.	5,500	139—9.2	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	300-1 700-2 800-2 	300-1 700-2 800-2 200-½ 700-2 800-2	Within 9.2 miles, climb to 5,500′ on 170° radial from RAP VOR within 25 miles. CAUTION: Rising terrain to 3,447′ mean sea level, 3 miles N of airport. *Procedure turn nonstandard because of high terrain W.

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
SAN JOSE, CALIF. San Jose, 62′ BVOR SFO Procedure No. 1 Effective December 17 1954 Amendment No. 1 Supersedes original, dated May 20, 1953 Major changes: New format; minor changes.	Oakland LFR	134—27.0	3,000	N side of course: 293° outbound 113° inbound. 1,700′ within 10 miles. Not authorized beyond 10 miles.	1,100	115—3.9	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	300-1 600-1 800-2 	300-1 600-1 800-2 300-1 600-1½ 800-2	Within 3.9 miles, turn right and proceed to the SFO VOR, climbing to 2,000′ on course 300° inbound, then hold NW of SFO VOR in a 1-minute holding pattern (inbound track 113°) with all turns N of course at 2,000′.
	San Francisco LFR	107—23.0	2,000							
	San Francisco LOM	110—18.0	2,000							
	Moffett LFR	053—4.0	1,700							
	Evergreen FMHW	286—11.0	1,700							
	Saratoga Intersection	027—17.0	4,500							
TRUTH OR CONSEQUENCES, N. MEX. Truth or Consequences, 4,849′ BVOR-TCS Procedure No. 1 Effective December 17, 1954 Amendment No. 2 Supersedes amendment 1, dated December 1, 1952 Major changes: New format.	Truth or Consequences LFR	270—18.0	8,000	E side of course:* 360° outbound. 180° inbound. 8,000′ within 10 miles. Not authorized beyond 10 miles.	6,800	162—2.8	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	500-1 1,500-1 2,000-3 	500-1 1,500-1 2,000-3 500-1 1,500-1½ 2,000-3	Within 2.8 miles, climb to 10,000′ on a radial of 130° within 25 miles of TCS VOR. *Procedure turn nonstandard due higher terrain WF.
WICHITA FALLS, TEX. Sheppard Air Force Base, 1,029′ VOR-ICH Procedure No. 1 Amendment No. 3 March 18, 1952 Major changes: Superseded by special procedure (not published).	PROCEDURE CANCELED NOVEMBER 19, 1954.									
UKIAH, CALIF. Ukiah Airport, 615′ VORW-TVJ UKI Procedure No. 1 Effective December 17, 1954. Amendment No. 2 Supersedes Amendment 1, dated December 2, 1952 Major changes: New format.				S side course: 200° outbound. 020° inbound. 5,000′ within 25 miles.	4,600	020—6.3	All aircraft T-d *T-n C-d #C-n A-d #A-n	4,000-3 4,000-5 4,000-3 4,000-5 4,000-3 4,000-5	4,000-3 4,000-5 4,000-3 4,000-5 4,000-3 4,000-5	Within 0 mile, climb to 6,000′ on radial 360° within 15 miles of UKI VOR. *Night takeoffs authorized Runway 34 only. #Night landings authorized Runway 16 only.

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
HOUSTON, TEX. Municipal, 50' ILS-HOU LOM-OU Combination ILS and ADF Procedure No. 1 Effective: December 17, 1954 Amendment No. 14 supersedes No. 13 dated November 19, 1954 Major changes: Arcola FM transition altitude raised. Procedure turn altitude raised.	Houston VOR	OM	219—6.0	1,200	S side SW course: 215° outbound. 035° inbound. 1,400' within 10 miles. Beyond 10 miles not authorized.	ILS 1,300 ADE 700 over LOM	1,266—4.8	250—0.7	2 engines or less T-dn C-dn ILS	300-1 400-1	300-1 500-1	Climb to 1,600' on NE course HOU ILS within 25 miles or when directed by ATC turn left climb to 1,700' on NW course HOU LFR or HOU VOR radial 305° within 25 miles 4.8 miles after passing LOM (ADF) climb to 1,600' on track of 035° on LOM.
	Houston LFR	LOM	241—6.0	1,200					S-3 ILS dn ADF dn	200-½ 400-1	200-½ 400-1	
	Houston FM	LOM	168—8.0	1,400					More than 2 engines T-dn C-dn	---------- ----------	200-½ 500-1½	
	Arcola FM	ILS SW course	015—5.0	1,400					S-3 ILS dn ADF dn	---------- ----------	200-½ 400-1	
	Monument Radiobeacon	LOM	215—19.0	1,400					All aircraft A-dn ILS ADF	600-2 800-2		
	Intersection SE course HOU LFR and 039° bearing from PER Radiobeacon.	LOM	273—9.0	1,200								
HOUSTON, TEX. Municipal, 50' ILS-HOU Procedure No. 2 (Back Course ILS Localizer) Effective date: December 17, 1954 Amendment No. 2 Major changes: Raise missed approach altitude, Column 13, on SW course HOU ILS Supersedes Amendment No. 1 dated May 1, 1954.	Houston VOR	MNU Radiobeacon.	035—13	1,400	N side NE course: 035° outbound. 215° inbound. 1,600' within 5 miles E of monument radiobeacon.	Over MNU Radiobeacon 1,600 Pasadena Fix 900**	No glide slope		2 engines or less T-dn C-dn S-21 dn A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Climb to 1,400' on SW course HOU ILS within 15 miles or when directed by ATC turn right climb to 1,700' on NW course of HOU LFR or HOU VOR radial 305° within 25 miles. *Except when in accordance with approved radar vectoring procedures, final approach must be initiated from Monument Radiobeacon. Aircraft must be in contact with Houston radar prior to leaving Monument Radiobeacon on final. #Pasadena fix is a Houston radar (ASR) fix 4 miles NE of Houston Airport on the NE course of Houston ILS. **Descent below 900' mean sea level not authorized unless position advisory over Pasadena fix received from Houston radar.
	Houston LFR	MNU Radiobeacon.	024—14	1,400					More than 2 engines T-dn C-dn S-21 dn A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 400-1 800-2	
	Monument Radiobeacon*.	Pasadena fix # (final).	215—9.0	900								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
MERIDIAN, MISS. Key Field, 297' ILS-IMEI LOM-ME ILS and ADF combination Procedure No. 1 Amendment—Original Effective date: November 12, 1954.	Meridian VOR	OM	229—8.0	2,000	E side S course: 184° outbound. 004° inbound. 1,700' within 10 miles.	ILS 1,700 ADF 1,110 over LOM	1,700—5.4	490—0.6	2 engines or less T-dn C-d C-n	300-1 500-1 500-1½	300-1 500-1 500-1½	Climb to 2,000' on N course of ILS or within 5.4 miles of LOM (ADF) climb to 2,000' on course of 004° within 25 miles. No approach lights. *500-1 required when glide slope not utilized. AIR CARRIER NOTE: Preface page paragraph 37(a) not authorized on runways 9, 22, 14, and 32. CAUTION: Trees 600' 2 miles E.
	Meridian LFR	LOM	175—10.0	2,000					S-36 dn ILS ADF	*300-¾ 500-1	*300-¾ 500-1	
	Intersection SE course Meridian LFR and ILS localizer.	LOM	195—7.0	2,000					More than 2 engines T-dn C-dn S-36 dn ILS ADF	---------- ---------- ---------- ----------	200-½ 500-1½ *300-¾ 500-1	
									All aircraft A-dn ILS ADF	600-2 800-2	---------- ----------	
WICHITA, KANS. Municipal, 1,332' ILS-ICT Back course approach Procedure No. 2 Effective date: December 17, 1954 Amendment No. —original Supersedes No.—None Major changes: None—Provides back course approach to airport.	Intersection N course ICT LFR and N course ILS.	Kechi intersection (final).	110—11.0	2,500	E side of course: 010° outbound 190° inbound. 3,000' within 10 miles of Kechi intersection. (Intersection 065° radial ICT-VOR and ILS N course.)	No glide slope	No outer marker	No middle marker	2 engines or less T-dn C-dn S-dn 19 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Climb to 2,500' on S course of ILS or when directed by ATC turn right, climb to 2,000' on 215° outbound radial ICT VOR within 25 miles. CAUTION: 2,049' mean sea level TV tower 9 miles NNE and 2,449' mean sea level TV tower 10 miles NNW of airport. Authorized only when aircraft are equipped to receive ILS and VOR simultaneously. Procedure turn nonstandard account TV tower W.
	Wichita VOR	Kechi intersection.	065—3.5	3,000		Intersection 065° radial and ILS N course 2,500' 5.9 (Kechi intersection)			More than 2 engines T-dn C-dn S-dn 19 A-dn	---------- ---------- ---------- ---------- ----------	200-½ 500-1½ 400-1 800-2	
	Intersection SW course ICT LFR and S course ILS.	Kechi intersection.	010—14.0	3,000		Intersection 108° radial and ILS N course 2,000' 3.0						
	Intersection 036° radial ICT-VOR and N course ILS.	Kechi intersection (final).	190—4.0	2,500								
	Intersection 051° radial ICT-VOR and N course ILS.	Kechi intersection (final).	190—1.5	2,500								

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8764; Filed, Nov. 9, 1954; 8:45 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 609—REGULATIONS TO IMPLEMENT TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED; RESPONSIBILITIES OF FEDERAL AGENCIES

Pursuant to the authority vested in me by section 1509, title XV of the Social Security Act (Pub. Law 767, 83d Cong., 68 Stat. 1130), the following regulation relating to the responsibilities of Federal agencies in the administration of title XV, is hereby prescribed:

Sec.
609.1 Definitions.
609.2 Information to Federal employees.
609.3 Findings by Federal agencies.
609.4 Additional information to State agencies or the Secretary.
609.5 Allocation of terminal annual leave payment.
609.6 Assignment of Federal service and Federal wages.
609.7 Request for additional information, correction and reconsideration of findings.
609.8 Appeal by Federal agency.
609.9 Liaison.

AUTHORITY: §§ 609.1 to 609.9 issued under sec. 1509, Pub. Law 767, 83d Cong. Interpret or apply secs. 1501–1508, Pub. Law 767, 83d Cong.

§ 609.1 *Definitions.* As used in this part, unless the context clearly indicates otherwise,

(a) "Federal agency" means any department, agency, or governmental body of the United States (including any instrumentality wholly owned by the United States) employing persons in Federal service as defined in this section.

(b) "Federal employee" means an individual who has performed Federal service, as defined in this section.

(c) "Federal service" means service performed after December 31, 1952, in the employ of the United States or any instrumentality wholly owned by the United States, except that the term shall not include service performed:

(1) By an elective officer in the executive or legislative branch of the Government of the United States;

(2) As a member of the Armed Forces of the United States;

(3) By foreign service personnel for whom special separation allowances are provided by the Foreign Service Act of 1946 (60 Stat. 999);

(4) Prior to January 1, 1955, for the Bonneville Power Administrator if such service constitutes employment under section 3306 (c) of the Internal Revenue Code of 1954;

(5) Outside the United States by an individual who is not a citizen of the United States; for the purpose of this paragraph, the term United States means the States, Alaska, Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands;

(6) By any individual as an employee who is excluded by Executive Order from the operation of the Civil Service Retirement Act of 1930 because he is paid on a contract or fee basis;

(7) By any individual as an employee receiving nominal compensation of $12 or less per annum;

(8) In a hospital, home, or other institution of the United States by a patient or inmate thereof;

(9) By any individual as an employee included under section 2 of the act of August 4, 1947 (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government; 5 U. S. C. sec. 1052);

(10) By any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;

(11) By any individual who is employed under a Federal relief program to relieve him from unemployment;

(12) By any individual as a member of a State, county, or community committee under the Production and Marketing Administration or of any other board, council, committee, or other similar body, unless such board, council, committee or other body is composed exclusively of individuals otherwise in the full-time employ of the United States; or

(13) By an officer or a member of a crew on or in connection with an American vessel: (i) owned by or bare—boat chartered to the United States and (ii) whose business is conducted by a general agent of the Secretary of Commerce, if contributions on account of such service are required to be made to an unemployment fund under a State unemployment compensation law pursuant to section 3305 (g) of the Internal Revenue Code of 1954.

(d) "Federal wages" means all remuneration for Federal service, including cash allowances and remuneration in any medium other than cash.

(e) "Official station" means the place designated on the Federal employee's notification of personnel action terminating his Federal service (Standard Form 50 or its equivalent) as his "headquarters" or "duty station" if it differs from "headquarters." If the form of notification does not specify his "headquarters" or "duty station," his official station shall be the place of employment designated on such form.

(f) "State agency" means any agency administering a State unemployment compensation or employment security law which has entered into an agreement with the Secretary under title XV of the Social Security Act, as Amended, and the agencies in Puerto Rico and the Virgin Islands to which the Secretary has delegated the authority to make determinations of entitlement under title XV.

(g) "Secretary" means the Secretary of Labor of the United States.

(h) "Title XV" means title XV of the Social Security Act, as amended, entitled "Unemployment Compensation for Federal Employees."

§ 609.2 *Information to Federal employees.* Each Federal agency shall:

(a) Furnish information to its employees explaining their rights and responsibilities under title XV;

(b) Complete Standard Form 8, "Notice to Separated Federal Employee," in accordance with instructions thereon, and furnish a completed copy of such form to each of its employees at the time of his separation from Federal service.

§ 609.3 *Findings by Federal agency.* (a) Upon receipt from a State agency or the Secretary of a "Request for Wage and Separation Information" (Form ES–931), the Federal agency shall promptly make findings with respect to: (1) Whether the claimant has performed Federal service for that agency during his base period specified on the Form ES–931, (2) the claimant's Federal wages for such base period, by quarters or weeks, as indicated, and (3) the reasons for the termination of his Federal service. It shall thereupon complete all copies of the Form ES–931 received. If the documents necessary for the completion of the form have been consigned to an agency record center or to the Federal Records Center in St. Louis, the Federal agency shall obtain the necessary information from the records center. Any records center shall give priority to such requests.

(b) Each Federal agency shall maintain such a control of the Forms ES–931 received by it that will enable it to ascertain at any time the number of such Forms that have not been returned to the requesting State agency, or the Secretary, as the case may be, and the date of the receipt of such unreturned forms by the Federal agency.

(c) Within four working days of the Federal agency's receipt of Form ES–931, it shall complete and return the number of copies of the Form requested to the State agency or to the Secretary, as the case may require. When the completed form cannot be returned within such time, the Federal agency shall immediately inform the State agency or the Secretary, as the case may require, and shall include an estimate of the time by which the completed form will be returned.

(d) The findings of the Federal agency made pursuant to paragraph (a) of this section shall be final and conclusive, unless the claimant requests additional information with respect to, or reconsideration and correction of, such findings in accordance with § 609.7 (a) and (b).

(e) With the exception of the findings by a Federal agency specified in paragraph (a) of this section, a claimant's right to compensation under title XV will be determined by the State agency under the applicable provisions of the State unemployment compensation law. Except for the findings by the Federal agency under paragraph (a) of this section, the determination by a State agency is subject to review in the same manner and to the same extent as other determinations of entitlement under the State unemployment compensation law, unless it is a determination by the State agency of Puerto Rico or the Virgin Islands, in which event it is subject to review in accordance with the regulations of the Secretary.

§ 609.4 *Additional information to State agencies or the Secretary.* Each Federal agency shall furnish to a State agency or the Secretary, as the case may require, any additional information (which it is not otherwise prohibited from releasing by law) that may be necessary for the administration of title XV.

§ 609.5 *Allocation of terminal annual leave payment.* The Federal agency shall allocate any lump-sum payment for terminal annual leave over the period for which it was paid. The Federal agency shall follow the procedures described in the Federal Personnel Manual, Sections L 1–3 and L 1–18.02 for computing the terminal annual leave payment to ascertain the last day with respect to which such payment was made.

§ 609.6 *Assignment of Federal service and Federal wages.* (a) When the completed Form ES–931 has been returned to the State agency or Secretary, as the case may require, the claimant's Federal service and Federal wages for the period shown on the Form shall be deemed to have been assigned within the meaning of section 1504 of title XV. Unless this assignment is in error the Federal wages and Federal service so assigned may not be reassigned to another State.

(b) Each Federal agency shall maintain a control of assignments of Federal service and Federal wages. When an assignment is made the Federal agency shall indicate on the basic document on which it maintains a record of each employee's Federal wages (such as the "Individual Pay Card"), the fact that wages have been assigned, the period concerned, and the State to which assigned.

§ 609.7 *Request for additional information, correction and reconsideration of findings.* (a) If the notice of determination of a claimant's entitlement to unemployment compensation under title XV does not contain sufficient information to enable the claimant to understand the basis for any of the findings made by the Federal agency pursuant to § 609.3 (a), he may, within the time specified in the State unemployment compensation law for appealing from a determination, file a notice of appeal in accordance with the requirements of the applicable State unemployment compensation law and concurrently file a request for more specific information, through the State agency or the Secretary, as the case may require. Upon receipt of this request the Federal agency shall (except where it would be inconsistent with general policies followed in the case of separations for security reasons) furnish to the State agency or the Secretary, as the case may require, such additional information as will enable the claimant to understand the basis for the finding. The Federal agency shall submit such information in the number of copies requested by the State agency or the Secretary, as the case may be.

(b) Any claimant who wishes a Federal agency to reconsider and correct any of its findings made pursuant to § 609.3 (a) shall (1) file a notice of appeal in accordance with the requirements of the applicable State unemployment compensation law, and (2) file a written request for such reconsideration and correction, together with such information as supports his request, through the State agency or the Secretary, as the case may require, within the time specified in the unemployment compensation law of the State for appealing from a determination of entitlement to unemployment compensation: *Provided*, That such period may be extended for good cause by the State agency or the Secretary, as the case may be. The Federal agency, immediately upon receipt of a claimant's written request for reconsideration and correction, shall consider the information supplied by the claimant and shall review its findings. The Federal agency shall promptly correct any errors or omissions that it may find, and shall affirm, modify, or reverse any or all of its findings as may be appropriate. It shall then forward the requested number of copies of its reconsidered findings to the State agency or the Secretary, as the case may require.

(c) If at any time within one year after the Federal agency returns a completed From ES–931 to a State agency or the Secretary, as the case may be, the Federal agency ascertains that any of its findings made pursuant to § 609.3 (a) are in error, it shall promptly correct its error and forward its corrected findings to the State agency or the Secretary, as the case may require.

§ 609.8 *Appeal by Federal agency.* If the terminating Federal agency believes that a State agency's determination awarding or denying unemployment compensation to a claimant under title XV is incorrect, it may, unless otherwise prohibited by law, appeal from such determination in the same manner and to the same extent as other employers may appeal under the State unemployment compensation law, or if the determination is by the State agency of Puerto Rico or the Virgin Islands, the terminating Federal agency may appeal in accordance with regulations of the Secretary; in no event, however, may the terminating Federal agency appeal from the findings of another Federal agency made pursuant to § 609.3 (a).

§ 609.9 *Liaison.* To facilitate the Secretary's administration of title XV, each Federal agency shall designate one of its officials to be its liaison with the Secretary.

Effective date. These regulations shall take effect on January 1, 1955.

Signed at Washington, D. C., this 29th day of October 1954.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 54–8839; Filed, Nov. 9, 1954; 8:47 a. m.]

PART 610—REGULATIONS TO IMPLEMENT TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED; RESPONSIBILITIES OF STATE EMPLOYMENT SECURITY AGENCIES

Pursuant to the authority vested in me by section 1509 of title XV of the Social Security Act, as amended (P. L. 767, 83d Cong., 68 Stat. 1130), the following regulations, relating to the responsibilities of State unemployment compensation agencies in the administration of title XV, are prescribed:

Sec.
610.1 Definitions.
610.2 Effective date of program.
610.3 Assignment of Federal service and Federal wages.
610.4 Effect of Federal agency findings.
610.5 Determination of entitlement.
610.6 Overpayments.
610.7 Adjustments and appeals.

AUTHORITY: §§ 610.1 to 610.7 issued under sec. 1509, Pub. Law 767, 83d Cong. Interpret or apply secs. 1501, 1502, 1504–1508, Pub. Law 767, 83d Cong.

§ 610.1 *Definitions.* As used in this part, unless the context clearly indicates otherwise,

(a) "Benefit year" means the benefit year prescribed in the applicable State unemployment compensation law, except that, if such State law does not define benefit year, then the term means the 52-consecutive-week period specified in the agreement with such State.

(b) "Compensation" means the amount payable to Federal employees under title XV with respect to their unemployment, including any portion thereof payable with respect to dependents, provided, however, that "compensation" shall not include any amounts payable under any temporary disability law.

(c) "Federal agency" means any department, agency, or governmental body of the United States (including any instrumentality wholly owned by the United States) employing persons in Federal service as defined in this section.

(d) "Federal employee" means an individual who has performed Federal service as defined in this section.

(e) "Federal service" means any service performed after 1952 in the employ of the United States or of any wholly owned instrumentality thereof except for the services excluded in section 1501 (a) of title XV.

(f) "Federal wages" means all remuneration for Federal service, including cash allowances and remuneration in any medium other than cash.

(g) "Official station" means the place designated on the Federal employee's notification of personnel action terminating his Federal service (Standard Form 50 or its equivalent) as his "headquarters," or "duty station" if it differs from "headquarters." If the form of the notification does not specify his "headquarters" or "duty station," his official station shall be the place of employment designated on such form.

(h) "Secretary" means the Secretary of Labor of the United States.

(i) "State" includes the 48 States, Alaska, Hawaii and the District of Columbia.

(j) "State agency" means any agency administering a State unemployment compensation or employment security law which has entered into an agreement with the Secretary under title XV.

(k) "Title XV" means title XV of the Social Security Act, as amended, entitled "Unemployment Compensation for Federal Employees."

§ 610.2 *Effective date of program.* Compensation shall be payable for weeks

ment Act of 1930 because he is paid on a contract or fee basis;

(b) Complete Standard Form 8, "Notice to Separated Federal Employee," in accordance with instructions thereon,

State agencies or the Secretary. Each Federal agency shall furnish to a State

correction, together with such information as supports his request, through the

of State unemployment compensation

§ 610.2 *Effective date of program.* Compensation shall be payable for weeks

of unemployment beginning after December 31, 1954.

§ 610.3 *Assignment of Federal service and Federal wages*—(a) *State to which assigned.* Federal service and Federal wages shall be assigned to the State in which the Federal employee had his last official station prior to filing his first claim for a benefit year (whether or not a benefit year is established), unless;

(1) At the time he files such claim he resides in another State in which, after he was separated from Federal service, he performed service covered under the unemployment compensation law of such State even though such service was performed within the period with respect to which he is receiving or has received a terminal annual leave payment (in this event his Federal service and Federal wages shall be assigned to the latter State); or

(2) Prior to the filing of such claim his last official station in Federal service was outside the United States, in which event his Federal service and Federal wages shall be assigned to the State in which he resides when he files such claim; as used in this paragraph "United States" includes the 48 States, Alaska, Hawaii and the District of Columbia; or

(3) At the time he files such claim he resides in Puerto Rico or the Virgin Islands, in which event his Federal service and Federal wages shall be assigned to Puerto Rico or the Virgin Islands, as the case may be.

(b) *Allocation of terminal annual leave payments.* The lump-sum terminal annual leave payment of a claimant constitutes Federal wages for the period with respect to which they are allocated, under § 609.5 of this chapter.

(c) *Service and wages to be assigned.* (1) As soon as a claimant files a claim for compensation the State agency shall request information on Form ES–931 from each Federal agency for whom the claimant worked in his base period. The State agency shall specify on the Form ES–931 the claimant's base period and whether his Federal wages are to be reported by quarters or weeks. Only Federal service and Federal wages in the specified base period shall be assigned to the State. "Base period" as used in this paragraph means the base period prescribed by the State unemployment compensation law at the time the claimant files his first claim for compensation whether or not it becomes a valid claim or a benefit year is established.

(2) Federal service and Federal wages shall be deemed to have been assigned to the State when the State agency receives the completed Form ES–931 from the Federal agency.

(3) Federal service and Federal wages assigned to a State shall be used only by that State (or by another State to which they have been transferred in accordance with the Interstate Wage Combining Plan) in determining entitlement to compensation.

(4) Federal service and Federal wages assigned to a State in error may be reassigned for use by the proper State.

(d) *United States considered as single employer.* Federal service performed for all Federal agencies shall be considered for purposes of the State unemployment compensation law as employment with a single employer.

(e) *Transition period.* A claimant who has an unexpired benefit year on January 1, 1955, in a State to which his Federal service and Federal wages are assignable may request redetermination of the amount of his unemployment compensation for weeks of unemployment after December 31, 1954, if he has had Federal service and Federal wages in the applicable base period. When a claimant requests such redetermination the State agency shall forward, to the appropriate Federal agency, Form ES–931 for completion. Upon receipt of the completed form the State agency shall redetermine compensation payable for the unexpired benefit year. Compensation payable in accordance with such redetermination shall be only for weeks of unemployment beginning after December 31, 1954. If the claimant's unexpired benefit year was established under the law of a State other than that to which his wages are assignable no such redetermination shall be made.

§ 610.4 *Effect of Federal agency's findings.* (a) The findings of a Federal agency as to whether the individual has performed Federal service, during his base period specified on the Form ES–931, the individual's Federal wages in such base period, and the reasons for termination of such service, shall be final and conclusive, unless the claimant applies for reconsideration and correction of such findings in accordance with § 609.7 (b) of this chapter or requests additional information in accordance with § 609.7 (a) of this chapter.

(b) Except for the findings of the Federal agency specified in paragraph (a) of this section, nothing contained in this part shall be construed to limit the right of the State agency to determine, under the applicable provisions of the State unemployment compensation law, the individual's right to compensation.

§ 610.5 *Determination of entitlement*—(a) *Entitlement.* The agency of the State to which a Federal employee's Federal service and Federal wages have been assigned (or of the State to which they have been transferred in accordance with the Interstate Wage Combining Plan) shall determine the claimant's entitlement to compensation and shall pay such compensation in the same amounts, on the same terms, and subject to the same conditions as the benefits which would be payable to such claimant under the unemployment compensation law of the State if the Federal service and Federal wages of such claimant had been included as employment and wages under such law, except that, for the purposes of title XV, a claimant shall not be considered as unemployed during the period to which his terminal annual leave payment is allocated. The notice of determination given to the claimant pursuant to the unemployment compensation law of the State shall include the findings made by the Federal agency and shall inform the claimant of his right to additional information or reconsideration and correction of such findings. The State agency shall set forth the findings of the Federal agency in sufficient detail to enable the claimant to determine whether he wishes to request reconsideration or correction of any such findings, to the extent that such information has been furnished by the Federal agency.

(b) *Application of interstate plans.* The Interstate Benefit Payment Plan and the Interstate Wage Combining Plan shall be applicable, where appropriate, to claimants who have Federal service and Federal wages. For the purpose of these plans Federal wages are considered as wages under the law of the State to which they are assignable.

(c) *Determination in absence of Form ES–931.* (1) If the Form ES–931 has not been received from the Federal agency by the 12th day after such form was forwarded to such agency, the State agency may determine entitlement to compensation on the basis of the claimant's statement under oath: *Provided*, That in addition to furnishing such statement, the claimant submits for the State agency's examination any document issued by a Federal agency (as for example, Standard Form 50 or W–2), which shows that he performed service for that agency.

(2) When the Form ES–931 received from the Federal agency after such determination contains findings which would result in a change in the claimant's entitlement to compensation, the State agency shall promptly make a redetermination, and shall furnish the claimant with a notice thereof. Such a notice shall meet the requirements of paragraph (a) of this section. All payments of compensation made after the redetermination shall be in accordance therewith; all payments of compensation made prior to the redetermination shall be adjusted in accordance therewith. To the extent that the claimant has received monies not in accordance with the redetermination, the provisions of § 610.6 shall apply, except that no waiver of overpayment shall be permitted in such circumstances.

(d) *Compensation while on annual leave.* No payment of compensation shall be made for periods to which a payment for terminal annual leave is allocated.

§ 610.6 *Overpayments*—(a) *Fraud.* If, after a determination and an opportunity for a fair hearing thereon, a State agency or a court of competent jurisdiction finds that a Federal employee has received an overpayment of compensation as a result of false statements knowingly made or material facts knowingly withheld, he shall be liable to repay any such outstanding overpayment. In the discretion of the State agency, such amounts may be deducted from future compensation payable to him under title XV during the two-year period following the date on which such finding was made, as provided in section 1508 (b) of title XV.

(b) *Absence of fraud.* In cases of overpayment, where there has been no finding by a State agency or court of competent jurisdiction that there has been an intent to defraud, the determinations specified below shall be made under the State unemployment compensation law; (1) whether a Federal employee who has received an overpayment of compensation which he has not repaid shall receive any future compensation payable under title XV, or (2) whether he shall be liable to repay such overpayment, or (3) whether he shall be permitted to offset any future compensation payable to him under title XV against such outstanding overpayment, or (4) whether a waiver of such overpayment may be permitted.

§ 610.7 *Adjustments and appeals*—(a) *Appeals from State agency determinations.* Except for the findings of the Federal agency under § 609.3 (a) of this chapter, determinations made by a State agency as to a claimant's entitlement to compensation shall be subject to review in the same manner and to the same extent as other determinations made under the State unemployment compensation law.

(b) *Requests for additional information or reconsideration of Federal agency's findings.* (1) The State agency shall accept claimants' requests for reconsideration and correction of a Federal agency's findings, if filed in accordance with § 609.7 (b) of this chapter or requests for additional information if filed in accordance with § 609.7 (a) of this chapter, and shall forward such requests, together with any supporting information submitted by the claimant to the appropriate Federal Agency. At the time a request for reconsideration and correction of the Federal agency's findings or for additional information is filed, the claimant shall file an appeal from the State agency's determination of entitlement in accordance with the unemployment compensation law of the State. No hearing on such an appeal shall be scheduled before the State agency receives from the Federal agency, its reconsidered findings or the additional information requested.

(2) The State agency shall forward to the claimant a copy of the reconsidered findings of the Federal agency or a copy of the additional information furnished by such agency, as the case may be.

(3) If the information or reconsidered findings submitted by the Federal agency provides a basis, under the State unemployment compensation law, for the State agency to make a redetermination of the claimant's entitlement to compensation, it shall promptly make such redetermination and forward notice thereof to the claimant.

(4) If the State unemployment compensation law makes no provision for redetermination under such circumstances, or if the State agency after reviewing such additional information or reconsidered findings does not consider that there is a basis for making a redetermination, it shall promptly set a date for a hearing of the claimant's appeal.

Effective date. This regulation shall take effect on January 1, 1955.

Signed at Washington, D. C., this 29th day of October 1954.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 54–8838; Filed, Nov. 9, 1954; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense

PART 85—SCHEDULE OF FEES AND CHARGES FOR COPYING, CERTIFICATION AND SEARCH OF RECORDS

Sec.
85.1 Purpose.
85.2 Authority and applicability.
85.3 Definitions.
85.4 Fees.
85.5 Disposition of collections.
85.6 Changes in existing law.
85.7 Review of schedule of fees.
85.8 Implementation.

EXHIBIT A: Schedule of Fees.

AUTHORITY: §§ 85.1 to 85.8 issued under sec. 501, 65 Stat. 290; 5 U. S. C. 140.

§ 85.1 *Purpose.* (a) The purpose of this part is to designate the types of services relating to copying, certification and search of records that are rendered to the public by the Department of Defense for which a fee shall be collected.

(b) To establish the fees that shall be collected for specified services.

§ 85.2 *Authority and applicability.* Title V of the Independent Offices Appropriation Act of 1952 (Sec. 501, 65 Stat. 290; 5 U. S. C. 140) provides that it is the sense of Congress that fees shall be charged for services rendered the public by Federal agencies in order that such services may be performed on a self-sustaining basis to the fullest extent possible. This act further provides that the President shall prescribe policies to insure uniform application of fees within the Executive Branch. The general policy and implementing instructions for the Executive Branch are prescribed in Bureau of the Budget Circular No. A–28, 23 January 1954. The provisions of this part and Exhibit A are applicable to all components of the Department of Defense.

§ 85.3 *Definitions*—(a) *Public.* As used in this part, the public shall include any person or group of persons, including associations, organizations, partnerships, corporations, businesses, municipalities, counties or state governments. Public does not include agencies or branches of the Federal Government.

(b) *Services.* As used in this part, services shall refer to the furnishing of information or documentation, certification or search of records as listed or described under Exhibit A.

§ 85.4 *Fees*—(a) *Service and fees.* The types of service rendered the public by the Military Establishment for which a fee shall be collected, subject to the exemptions indicated in paragraph (b) of this section, are contained in Exhibit A. The specific fees that shall be imposed for such services are also indicated in Exhibit A. In all cases where the fees can be determined in advance, such fees shall be collected in advance by activities designated by the agency prior to rendering the service.

(b) *Exemptions.* No fee shall be imposed for the following types of service when received from the sources specified, provided such service is consistent with established policy, does not interfere with the mission of the furnishing agency and the cost of the service can be provided within the limitation of available funds:

(1) Any service requested by members of the Armed Forces when the document or information requested is required by such personnel in their capacity as members of the Armed Forces of the United States.

(2) Any service requested by the next of kin or legal representative of military personnel who were or are in a casualty status.

(3) Location or whereabouts information requested by next of kin or legal representative of military personnel who are on active duty as members of the Armed Forces.

(4) Any service requested by a member or former member of the Armed Forces pertaining to:

(i) Requests for information required to obtain financial benefits, except that a fee shall be imposed for furnishing information that had been previously furnished.

(ii) Requests for information relating to a decoration or award.

(iii) Request for review or change in type of discharge.

(iv) Requests for correction of records.

(v) Requests for personal documents (e. g. birth certificates) when such documents were required to be furnished by the individual for retention by an agency of the Department of Defense.

(5) Those services that are furnished free in accordance with existing statutes or Executive Orders, pending changes thereto.

(6) Requests for information from or copies of medical and dental records of civilians and dependents of military personnel when such data is required for further medical or dental care in government medical facilities or at government expense and when the requests for such data are (i) submitted through official medical channels, (ii) approved by an appropriate government medical authority, or (iii) request return of the data directly to a government medical facility.

(7) Requests from courts for copies of documents or information, when the furnishing of such shall serve as a substitute for the appearance of a representative of the Department of Defense.

(8) Any news service furnished the press, magazine, radio, television, and newsreel representatives for dissemination to the general public.

(9) Any service involving confirmation of employment and salaries of active or separated civilian or military personnel when requested by prospective employers or recognized sources of inquiry for credit or financial purposes.

(10) Any service requested by a Member of Congress for official use.

(11) Any service requested by a state, county, or municipal government which is carrying on a function related to or in furtherance of an objective of the Department of Defense.

(12) Any service requested by a contractor when the cost of such service would be ultimately charged to the Federal Government by the contractor.

(d) *United States considered as single employer.* Federal service performed for all Federal agencies shall be consid-

reconsideration and correction of such findings. The State agency shall set forth the findings of the Federal agency

under the State unemployment compensation law; (1) whether a Federal em-

with established policy, does not inter-

eral Government by the contractor.

(13) Any service requested by donors with respect to their gifts.

(14) Any request which results in an unsuccessful search of records other than requests to determine the existence or nonexistence of a record.

(c) *Existing fees.* Services to the public (other than those services indicated in Exhibit A) for which fees are currently being collected in accordance with charges established prior to date of this part shall be continued in effect provided that such services are not exempted from charge by the provisions of paragraph (b) of this section. The charge for such services shall be in conformity with the cost standards established by Bureau of the Budget Circular No. A–28.

§ 85.5 *Disposition of collections.* Funds received from the public in payment of the prescribed fees for services financed by working capital funds shall be credited to the appropriate working capital fund. In all other cases, such funds shall be credited to the appropriate General Fund Miscellaneous Receipt Account.

§ 85.6 *Changes in existing law.* In any case when the collection of a fee for service of the types contained in Exhibit A is prohibited by statute or Executive order, proposed change to such legislation or Executive order shall be submitted as may be necessary to permit the fixing of fees as required by this part.

§ 85.7 *Review of schedule of fees.* The schedule of fees shall be reviewed whenever significant changes in costs occur and at least once every two years to determine whether a fee should be collected for any additional service rendered the public or whether any of the fees prescribed in the schedule should be changed or discontinued. Appropriate recommendations for change in the schedule of fees shall be submitted to the Assistant Secretary of Defense (Comptroller). The cost standards contained in Bureau of the Budget Circular No. A–28 shall be applied in establishing fees for additional services and for changing existing fees when such fees are considered to be in excess or less than actual costs of rendering a service to the public.

§ 85.8 *Implementation.* The schedule of fees shall be placed into operation within ninety (90) days after date of publication of this part.

C. E. WILSON,
Secretary of Defense.

NOVEMBER 3, 1954.

EXHIBIT A—SCHEDULE OF FEES

Applicable to authorized services of copying, certification and search of records rendered to the public by components of the Department of Defense.

Requests involving:	Fee
1. Training and education (Including requests for transcripts, certificates, and verification of attendance, course completion and graduation from service schools and other facilities.)	$1.00
2. Medical and dental records of civilians and dependents of military personnel (Includes requests for information from or copies of medical records including clinical records, outpatient records, dental records, and loan of X-rays.)	$2.00
3. Military service:	
a. Location (whereabouts):	
Inquiries:	
Single name	1.00
Each additional name	.50
b. Certificate in lieu of lost discharge	1.50
c. Statement or verification of service	2.00
d. Furnishing copies or extracts of orders or other documents relating to an individual's service	1.00
4. Photography:	
a. Pictorial or documentary photographic prints:	
8 x 10 black and white only and not more than 3 prints may be sold from any individual negative on each order:	
Single weight glossy finish, each	.55
Double weight matte finish, each	.60
4 x 5 color transparencies in quantities not to exceed 3, each	5.00
b. Aerial photographic prints, contact prints, or exact negative size, single weight glossy or double weight semimatte:	
Size 7 x 9" or 9 x 9", in quantities:	
1–100	.65
101–1,000	.50
Over 1,000	.45
Size 9 x 18", in quantities:	
1–100	1.30
101–1,000	1.00
Over 1,000	.90
c. Aerial photographic indexes and mosaic copies, in any number, size 20 x 24, each	1.10
d. Reproductions of cover overlays:	
Ozalid transparent foil film overlays	1.50
Ozalid transparent paper overlays	.60
Ozalid transparent paper plot maps	1.10
Photostat plot maps (Maximum size 17½" x 23")	.65
e. Motion picture:	
Black and white unedited footage and/or sound track supplies, per foot	.10
Color unedited footage:	
16 mm, per foot	.15
35 mm, per foot	.20
Searching (includes overhead):	
Up to 2½ hours	5.00
Each additional hour	2.00
5. Construction and engineering information. Copies of aerial photographic maps, contracts, specifications, permits, charts, blueprints, and other technical engineering documents:	
Searching per hour (includes overhead costs)	2.00
First print	.50
Each additional print of same document	.25
6. Copies of medical articles and illustrations	(1)

[1] Per square foot used.

[2] Standards contained in BOB Circular A–28 will be utilized in computing costs.

EXHIBIT A—SCHEDULE OF FEES—Continued

Requests involving:	Fee
7. Claims and litigation:	
a. Requests from litigants pertaining to private litigation (if not covered in 2 and 3 above):	
Searching per hour (includes overhead costs)	$2.00
Each photocopy	.20
Certification and validation with seal	.50
Certification and validation without seal	.25
b. Requests pertaining to cases in which the U. S. is a party and where court rules provide for reproduction of records without cost to the Government:	
Searching per hour (includes overhead costs)	2.00
Each photocopy	.20
Certification and validation with seal	.50
Certification and validation without seal	.25
c. Furnishing information from investigative reports, i. e., automobile collision investigations: Searches, overhead, analysis and preparation of report (per hour)	2.00
8. General:	
Furnishing any additional services not specifically provided for above as determined to be appropriate and in consonance with BOB Circular A–28 by respective agencies	(2)

[F. R. Doc. 54–8832; Filed, Nov. 9, 1954; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1028]

ALASKA

RESERVING PUBLIC LANDS FOR USE OF BUREAU OF LAND MANAGEMENT AS A FOREST MANAGEMENT AREA

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands near Fairbanks, Alaska, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, the Alaska Grazing Act of March 4 1927 (44 Stat. 1452; 48 U. S. C. 471, 471a–471o), or the Materials Act of July 31, 1947 (61 Stat. 681; 43 U. S. C. 1185–1188), and reserved for forest management purposes under the administration of the Bureau of Land Management, Department of the Interior: *Provided*, That the timber resources on the lands shall be subject to disposal pursuant to applicable laws:

FAIRBANKS MERIDIAN

T. 1 S., R. 3 W.,
Sec. 32, S½, unsurveyed;
Secs. 33 to 36, inclusive, unsurveyed.
T. 2 S., R. 3 W.,
Secs. 1 to 11, inclusive, unsurveyed;
Secs. 17 to 19, inclusive, unsurveyed;

Secs. 12 to 16, inclusive, 20, 21, 29, 30, 31, surveyed, (those portions north of right limit of Tanana River).
T. 2 S., R. 4 W., unsurveyed,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 35, inclusive;
Sec. 36, (that portion north of right limit of Tanana River).
T. 3 S., R. 4 W.,
Secs. 4 and 9;
Secs. 2, 3, 10, 16, partly unsurveyed (those portions lying north of right limit of Tanana River).

The areas described aggregate approximately 31,870 acres.

ORME LEWIS,
Assistant Secretary of the Interior.

NOVEMBER 4, 1954.

[F. R. Doc. 54–8836; Filed, Nov. 9, 1954; 8:46 a. m.]

[Public Land Order 1029]

SOUTH DAKOTA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY FOR FLOOD CONTROL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in South Dakota are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the Fort Randall Dam and Reservoir Project, South Dakota, under the supervision of the Department of the Army as authorized by the act of December 22, 1944 (58 Stat. 887):

FIFTH PRINCIPAL MERIDIAN

T. 96 N., R. 67 W.,
Sec. 23, lot 4.
T. 101 N., R. 70 W.,
Sec. 30, lot 4, NE¼NW¼;
Sec. 31, lot 2.
T. 104 N., R. 73 W.,
Sec. 26, lot 1.

The areas described aggregate 132.96 acres.

ORME LEWIS,
Assistant Secretary of the Interior.

NOVEMBER 4, 1954.

[F. R. Doc. 54–8855; Filed, Nov. 9, 1954; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10915; FCC 54–1376]

[Rules Amdt. 14–1]

PART 14—RADIO STATIONS IN ALASKA (OTHER THAN AMATEUR AND BROADCAST)

DELETION OF AUTHORITY FOR OPERATION ON FREQUENCY AND SUBSTITUTION THEREFOR

In the matter of amendment of Part 14 of the Commission's rules to delete authority for operation by fixed, coast and ship stations in Alaska on the frequency 2986 kc and substituting 2118 kc in lieu thereof.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of November 1954;

The Commission having under consideration its proposal as contained in the further notice of proposed rule making adopted September 22, 1954, in this proceeding; and

It appearing, That in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, the aforementioned further notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on September 29, 1954 (19 F. R. 6277), and that the period for the filing of comments has now expired; and

It further appearing, That no comments have been filed in response to the further notice of proposed rule making; and

It further appearing, That the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective November 30, 1954, Part 14 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 14 of the Commission's rules is amended as follows:

1. In § 14.14 after the frequency 2986 kc, add the footnote designator 15.

2. In § 14.32 after the frequency 2986 kc, add the footnote designator 16.

3. In § 14.53 after the frequency 2986 kc, add the footnote designator 16.

4. Add the following footnotes after footnote 14 to this part:

[15] Not to be used after November 30, 1954. During the interim period from December 1, 1954, to April 1, 1955, those stations whose need for 2 Mc frequencies for communication with the ACS is not fulfilled by operation on any of the other frequencies in the 2 Mc band included in this section may, as a temporary measure, utilize one or more of the frequencies authorized under § 14.15 provided such operating arrangements are made with the ACS.

[16] Not available after November 30, 1954.

[F. R. Doc. 54–8865; Filed, Nov. 9, 1954; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 933]

ORANGES, GRAPEFRUIT AND TANGERINES GROWN IN FLORIDA

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1954–55 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $152,000.00 will be necessarily incurred during the fiscal period August 1, 1954, to July 31, 1955, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as each handler's share of such expenses, the rate of assessment, which each handler shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, at $0.004 per standard packed box of fruit shipped by such handler during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this noticle in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handler," "shipped," "fruit," "fiscal period," and "standard packed box" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 5, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–8867; Filed, Nov. 9, 1954; 8:53 a. m.]

and other facilities.)

agency to administer the terms and

and Vegetable Division, Agricultural Marketing Service, Room 2077, South

[F. R. Doc. 54-8867; Filed, Nov. 9, 1954; 8:53 a. m.]

[7 CFR Part 967]

[Docket No. AO 170-A8]

Handling of Milk in South Bend-La Porte, Indiana, Marketing Area

Notice of Recommended Decision and Opportunity to File Written Exceptions With Respect to Proposed Amendment to Tentative Marketing Agreement and to Order, as Amended

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the Federal Register. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at South Bend, Indiana, on July 6-7, 1954, pursuant to notice thereof which was issued on June 29, 1954 (19 F. R. 4040).

The material issues on the record of the hearing were:

1. Establishment of a base and excess plan for paying producers in certain months;
2. Limitation of the supply-demand adjustment;
3. Prices for milk picked up at the farm by tank trucks;
4. Class I price differentials; and
5. Price for Class II milk.

Issue No. 1 was dealt with in a recommended decision of the Deputy Administrator filed August 4, 1954 (19 F. R. 4999), a decision by the Secretary filed August 16, 1954 (19 F. R. 5283) and an amending order effective September 1, 1954 (19 F. R. 5574). These actions also dealt with issue No. 2 on a temporary basis, for the period of September through November, 1954.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing:

2. *Limitation of supply-demand adjustment.* Deductions from or additions to the Class I and Class II price differentials due to the supply-demand ratio should be limited to 24 cents per hundredweight.

It was proposed by producers that deductions due to the supply-demand ratio continue to be limited to 24 cents per hundredweight, and that upward adjustments also be limited to 24 cents.

The order provides for the computation of a supply-demand ratio which is the basis for automatic price adjustments. This calculation is based upon data as to supply and utilization in the Chicago market. For this purpose, data from the Chicago market are preferable to data on receipts and utilization in the South Bend-La Porte market, since supply and demand conditions in the larger market have a dominating influence on conditions in this market. Supply areas of the two markets overlap, and Chicago pool milk has been a source of supply for this market.

Deductions due to the supply-demand ratio have been limited under this order and the Chicago order for the period beginning March 1, 1954 through November 1954. In a recommended decision on proposed amendments to the Chicago order it is concluded that the limitation should be continued after November. The same action is recommended for this market.

As mentioned above, it was also proposed that in the case of additions to the price differentials due to the supply-demand ratio, a similar 24-cent limit should apply. An upper limit of 24 cents on these adjustments would allow for a 48-cent increase from the present price level. After a change of such magnitude re-examination in a public hearing would be advisable before further increases in class price differentials are effected.

3. *Prices for milk picked up at the farm by tank trucks.* No decision should be made at this time as to special pricing for milk picked up at farms by tank trucks.

It was proposed by the principal producer association that the uniform price for milk picked up at farms by tank trucks be 15 cents per hundredweight more than the minimum price under the present provisions of the order for milk delivered to plants. Such special price would be subject to hauling deductions negotiated between the farmer and the hauler.

The record shows that no bulk tank hauling from farms has developed in this market. Producer testimony in support of a special price for such milk rested upon experience in the Chicago milkshed where this type of procurement is being used to some extent.

In addition to the problem of arriving at appropriate conclusions on the basis of this record, administration of the market order program requires that the pricing of milk picked up at farms by tank trucks be consistent in the several markets. At this time it cannot be determined what pricing method in this area would be consistent with pricing methods which might be developed in other markets. Because procurement by the bulk tank method is relatively new, experience to date in all markets has not provided a basis for a general approach to the pricing and administrative problems. Some further study of this matter in the light of information from a number of markets will be made prior to a decision in this matter on this record.

4. ***Class I differentials.*** Class I differentials over the basic formula price should be revised. With the base-excess plan of producer payment now in effect, seasonal variations in the Class I differentials should be reduced. Also, the seasonal pattern should be aligned closer to that of the Chicago area. These adjustments should not result in any material change in the annual level of the Class I price. It is concluded that the foregoing adjustments are reasonably accomplished by (1) dividing the year into two—instead of three—differential periods and (2) shortening the period of the highest differential from the present seven months to five, August-December. For this period the present differential of $1.30 would be retained. For the other seven months of the year the differential over the basic formula price would be 95 cents.

This pattern of Class I price differentials differs from the producer proposal only in the differential for the period of January through July. Their proposal for these months was $1.00, which, with $1.30 for the five relatively short supply months, would average out annually to $1.125. The annual average of the present differentials is $1.10. Producers argued that a small increase in the Class I price level is justified by premium prices being paid by competitive Chicago handlers and by the fact that producer prices in the South Bend-LaPorte area are lower than in many other Indiana markets. Handlers reasoned that such comparison was deceptive in the absence of comparative Class I utilization ratios and also that at present price levels supplies will continue to be ample for the foreseeable needs of the market.

Official notice is taken of current published reports of the market administrator showing the present supply situation. Production for this area in August was 0.39 percent below a year ago. Production has declined from 15 percent above that of a year ago in January 1954 to slightly under the level of last year in August. But, the record shows that supplies last year were ample and that about the same level of production will fully meet the anticipated needs of the market. Class I sales in July this year were about the same as last year and in August they were nearly 5 percent below August 1953. Under these circumstances there should be no material change in the average annual Class I (fixed) differential over the basic formula price.

The chief concern of both producers and handlers was with a seasonal pattern of fixed differentials that would align prices closer with prices paid by handlers in surrounding market areas. While it was recognized that the adoption of the base-excess plan diminished the need for seasonal variation in the Class I price, parties were agreed that it is necessary to have a seasonal change in the differentials in order to keep the price here reasonably competitive throughout the year with prices in areas with adjoining or over-lapping milksheds. Of these, Chicago is the most influential. To be competitive with Chicago as well as with other markets, the $1.30 differential for fall and early winter months must be continued. Shortening this period from seven to five months conforms more closely with Chicago area pricing. For the other months of the year the companion differential would be 95 cents. This would make the average annual differential about the same as at present and adjusts the seasonal pattern closer to that of prices in the Chicago area.

5. *Class II price.* Class II milk should be priced on the basis of the Chicago area Class III (a) price, as reported by the Chicago market administrator, instead of at the average of prices paid by the Indiana and Michigan dairy manufacturing plants listed in this order. The Chicago Class III (a) price, as published by the Chicago market administrator, is the "Condensery-pay-price": the average of prices paid by 15 manufacturing milk plants in the Chicago milkshed. It is one of the "basic" prices of this order.

Producers proposed this change in the Class II price. In the notice of hearing their proposal was to adopt the Chicago Class IV price for the Class II price of this order. On the record of the hearing they changed their proposal to the Class III (a) price. Handlers offered no testimony on the matter and made no objection to the producer proposal.

The record of these prices favors this proposal. It is evident that under the respective orders these class prices should be closely related. The product disposition in these classes is much the same. But since January 1953, the Order 67 Class II price, based on prices paid at local manufacturing plants, has run consistently below Order 41 Class III (a) price. The average of 1953 monthly Class II prices was about 10 cents less than the average of Chicago Class III (a) prices. This general relationship has continued in 1954. At hearing time, data were available through May of 1954. Class II prices during these months ranged from 13 to 23 cents lower than Chicago Class III (a) prices. Notice is taken of the market announcements of these prices for subsequent months. In June Class II was 16 cents less than Class III (a), in July 14 cents, in August 11 cents, and in September 4 cents. This relationship contrasts with that of 1951 and 1952. During these years the relation of these prices varied from month to month; but, the averages each year were practically the same. It is clear that the Chicago Class III (a) price has been a more reliable reflector to producers of the manufactured product value of milk than has the Class II price.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors; insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed which contained proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following order amending the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. In § 967.51 delete paragraph (a) and substitute the following:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: August, September, October, November and December, $1.30; all others $0.95: *Provided*, That such Class I price shall be increased or decreased respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents due to the supply-demand ratio.

2. In § 967.51 delete paragraph (b) and substitute the following:

(b) Add together the amount computed pursuant to § 967.50 (c) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (c), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated; August, September, October, November and December, $13.75; all others, $12.00: *Provided*, That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the proviso of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

3. In § 967.52 delete paragraphs (b) and (c), and insert a new paragraph (b) as follows:

(b) The price of skim milk in Class II milk shall be computed by subtracting the hundredweight price of butterfat computed pursuant to paragraph (a) of this section times 0.035, from the price determined pursuant to § 967.50 (a), and divide the remainder by 0.965.

Done at Washington, D. C., this 5th day of November 1954.

[SEAL] George A. Dice,
Acting Deputy Administrator.

[F. R. Doc. 54-8866; Filed, Nov. 9, 1954; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs. Draft Release 68B]

Revised Uniform System of Accounts and Reports for Certificated Air Carriers

Supplemental Notice of Proposed Rule Making

November 5, 1954.

In the notice of proposed rule making on this matter, published in the Federal Register on July 9, 1954 (19 F. R. 4200), it was stated that the Board would consider all relevant matter in communications received on or before September 10, 1954. Subsequently, at the request of several interested parties, the Board extended the date by which comments had to be filed by one week, namely, to September 17, 1954. This extension was by Draft Release No. 68A, dated September 9, 1954, and published in the Federal Register on September 11, 1954 (19 F. R. 5916).

In its consideration of the comments submitted on the proposed revised Uniform System of Accounts and Reports for certificated air carriers, it has become apparent to the Board that it would not be desirable to promulgate the revised part without further study. It is also apparent that such study cannot be completed in time to make the revised system effective by January 1, 1955, as was originally planned.

The Board has decided that during its continued study of the subject proposal, it will receive and consider such other and further comments as interested persons may wish to make through the end of this year. It is expected that a revised accounting and reporting system will be adopted no later than July 1, 1955, in order that the affected air carriers may be ready to put the system into effect on January 1, 1956. Accordingly, the second sentence of the second paragraph of Draft Release No. 68 is amended to read as follows: "All relevant matter in communications received on or before January 3, 1955, will be considered by the Board before taking final action on the proposed rule."

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 407; 52 Stat. 1000; 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL] M. C. Mulligan,
Secretary.

[F. R. Doc. 54-8872; Filed, Nov. 9, 1954; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

GENERAL INVESTIGATIONS AND BOISE PROJECT, IDAHO

ORDER OF REVOCATION

MAY 22, 1951.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 FR 1937), I hereby revoke Departmental Orders of March 12, 1910, and April 21, 1942, in so far as said orders affect the following-described lands: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

BOISE MERIDIAN, IDAHO

T. 2 N., R. 3 E.,
Sec. 12, Lot 5, NE¼SE¼.
T. 2 N., R. 4 E.,
Sec. 5, Lots 4 to 7, incl.;
Sec. 6, Lots 6, 8, 9, 10, S½SE¼NE¼, NW¼SE¼.
T. 3 N., R. 4 E.,
Sec. 8, NE¼NE¼, E½NW¼NE¼;
Sec. 9, S½NE¼NW¼, NW¼NW¼, W½SW¼;
Sec. 11, Lots 1 to 4, incl., and 8 to 11, incl., NW¼SW¼;
Sec. 12, Lots 1, 2, 3, S½SW¼NW¼;
Sec. 14, Lots 2 to 6, incl.;
Sec. 15, Lots 1, 2, 3, 7, 8, 9;
Sec. 17, NW¼SE¼;
Sec. 28, Lots 1, 4, 5;
Sec. 29, Lot 3;
Sec. 31, E½SE¼NE¼, E½NE¼SE¼, NE¼SE¼SE¼;
Sec. 32, Lots 1, 4, 10.

The above areas aggregate 1,561.83 acres.

WESLEY R. NELSON,
Assistant Commissioner.

[Misc. 53676]

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are withdrawn by Public Land Order No. 1021 of October 19, 1954, for use of the Department of the Army in connection with the Lucky Peak Reservoir Dam Project.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

NOVEMBER 4, 1954.

[F. R. Doc. 54-8837; Filed, Nov. 9, 1954; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

NOVEMBER 1954 DOMESTIC AND EXPORT SALES LISTS

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the following commodities are available for sale in the quantities stated and on the price basis set forth:

NOVEMBER 1954 EXPORT LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales list
Dairy products	F. a. s. U. S. port of export, or "in store" at location of stocks at f. a. s. price less export freight rate to agreed port of export.
Cheddar cheese,[1] cheddars, flats, twins and rindless blocks (standard moisture basis, in carload lots only), 412,000,000 pounds.	U. S. Grade A: 25.5 cents per pound basis port of export. U. S. Grade B: 24.5 cents per pound basis port of export.
Nonfat dry milk solids [1] (in carload lotsonly), 214,000,000 pounds, spray; 20,000,000 pounds, roller.	Spray process: 11.75 cents per pound basis port of export. Roller process: 10 cents per pound basis port of export.
Salted creamery butter [1] (in carload lotsonly), 402,000,000 pounds.	U. S. Grade A: Not less than 41 cents per pound basis port of export. U. S. Grade B: Not less than 39 cents per pound basis port of export.
Dry whey [1]	Any of the above commodities are available through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C.
Oats [1]	Written bid basis in accordance with Announcement LD-12. Available through the Cincinnati CSS Commodity Office.
Rye [1]	Offerings may be made on a written competitive bid basis to be announced from time to time by the Minneapolis CSS Commodity Office. Available Minneapolis CSS Commodity Office.
Grain sorghums, bulk [1]	Offerings may be made on a written competitive bid basis to be announced from time to time by the Minneapolis CSS Commodity Office. Available Minneapolis CSS Commodity Office.
Wheat, bulk [1]	Offerings may be made on a written competitive bid basis to be announced from time to time by the Dallas CSS Commodity Office. Available Dallas CSS Commodity Office.
Corn, bulk [1]	Sales made for export pursuant to Announcement GR 261 and 262 at prices announced daily. Available Dallas, Chicago, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Barley [1]	Sales also made for delivery at U. S. ports under GR 212 at market price on date of sale at points of delivery. Sales may be made for the export of wheat as flour. Available Dallas, Chicago, and Portland CSS Commodity Offices.
Pinto beans [1] (1953 crop, bagged), 300,000 hundredweight.	The price as determined by CCC for grade, class, and quality at point of delivery at time of sale. Available Kansas City, Chicago, and Minneapolis CSS Commodity Offices.
Pink beans [1] (1953 crop, bagged), 40,000 hundredweight.	Price as determined by CCC on date of sale at point of delivery. Available Minneapolis and Portland CSS Commodity Offices. Offerings may be made on a written competitive bid basis to be announced from time to time by the Minneapolis and Portland CSS Commodity Offices.
Cottonseed oil, crude [1]	$7.25 per 100 pounds U. S. No. 1 grade, basis f. a. s. port or delivered border, as follows: Available Portland for shipment to West Coast ports (CCC's option) and Mexico border points, Nogales, Ariz., and West; available Kansas City and Minneapolis offices for shipment to West Gulf ports and Mexico border points, east of Nogales. U. S. No. 2 grade: 25 cents discount.
Cottonseed oil, refined [1]	$7.25 per 100 pounds U. S. No. 1 grade, f. as. s. San Francisco Bay area. U. S. CHF, 10 cents premium; U. S. No. 2 grade, 25 cents discount. Available Portland CSS Commodity Office.
Linseed oil, raw [1]	Competitive bid basis as announced by the New Orleans CSS Commodity Office. Announced offerings are subject to the terms and conditions of NO-CS-9. Available New Orleans CSS Commodity Office.
	Competitive bid basis as announced by the New Orleans CSS Commodity Office. In addition, domestic processors may submit bids at any time when the oil purchased is to be further processed into a finished product for export. Announced offerings are subject to the terms and conditions of NO-CS-4. Available New Orleans CSS Commodity Office.
	Competitive bid basis as announced by the Cincinnati CSS Commodity Office. Announced offerings are subject to the terms and conditions of CI-OP-4. Available Cincinnati CSS Commodity Office.

[1] These same lots also are available from the domestic list announced today. Where no quantity is specified, quantity available is indefinite.
[2] "In store" means at the processors' plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

NOVEMBER 1954 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales list
Nonfat dry milk solids [1] (in carload lots only), 214,000,000 pounds, spray; 20,000,000 pounds, roller.	Spray process, U. S. Extra Grade, 17 cents per pound. Roller process, U. S. Extra Grade, 15.25 cents per pound.
Salted creamery butter [1] (in carload lots only), 402,000,000 pounds.	Prices apply "in store" at location of stocks.[2] Available through Cincinnati, Minneapolis, and Portland CSS Commodity Offices.
Cheddar Cheese, cheddars, flats, twins and rindless blocks (standard moisture basis, in carload lots only), 412,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 60.5 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico, 61.25 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Prices apply "in store" at location of stocks.[2] Available Cincinnati, Minneapolis, and Portland CSS Commodity Offices.
Dry whey,[1] 13,800,000 pounds	U. S. Grade A and higher: All States except those listed below, 35¼ cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico, 36½ cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. All prices are subject to usual adjustment for moisture content. Prices apply "in store" at location of stocks.[2] Available Cincinnati, Minneapolis, and Portland CSS Commodity Offices.
Cottonseed oil, crude,[1] 6,600,000 pounds.	6.75 cents per pound "in store" [2] at location of stocks. Available Cincinnati Commodity Office.
Cottonseed oil, refined,[1] 562,000,000 pounds.	Market price but not less than 15 cents per pound prime, Valley basis, f. o. b. tankcars or tank wagons at producers' mills, subject to premiums or discounts comparable to those in Bulletin 3 of the 1954 crop cottonseed price support program. Price will not be reduced during period ending Aug. 31, 1955. Available New Orleans CSS Commodity Office.
	Market price but not less than the minimum crude price with appropriate adjustments for refining, location, and quality f. o. b. tankcars or tank wagons at points of storage locations. Price will not be reduced during period ending Aug. 31, 1955. Available New Orleans CSS Commodity Office and Oils and Peanut Division, CSS, Washington 25, D. C.

See footnotes at end of table.

NOVEMBER 1954 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales list
(For feed only)	Market price for feed only, basis in store.
Oats, bulk [1] (unrestricted use)	Available Minneapolis, Kansas City, Chicago, Portland, and Dallas CSS Commodity Offices.
	110 percent of applicable county loan rate, f. o. b. buyer's conveyance, at point of production. In areas of production, basis is warehouseman purchases at amount equal to the applicable handling charge that is stored in CCC bins, an amount equal to the applicable handling charge that is stored in Uniform Grain Storage Agreement. At points other than points of production, 110 percent of the applicable county loan rate plus average paid-in freight f. o. b. buyer's conveyance. Available Minneapolis, Chicago, Dallas, Portland, and Kansas City CSS Commodity Offices.
Grain sorghums, bulk [1]	110 percent of the applicable county loan rate, f. o. b. buyer's conveyance, at warehouseman purchases area of production. In cases where an eligible stored in CCC bins, an amount equal to the applicable handling charge that is may be paid as specified in the Uniform Grain Storage Agreement. At points other than points of country storage 110 percent of the applicable loan rate f. o. b. buyer's conveyance. Available Dallas, Kansas City, and Portland CSS Commodity Offices.
Flaxseed, bulk (for crushing only)	On all other storable lots market price but not less than 105 percent of loan. No sales will be made at a lower price during the period ending July 31, 1955. Available Minneapolis and Chicago CSS Commodity Offices.
Seeds (bagged)	All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Prices are for seed of basic specifications.
Ladino clover seed (certified), 14,000 hundredweight.	On all other storable lots, except lintless. Offers will not be accepted for less than warehouse lots, premiums and discounts in accord with GR 282.
Crimson clover seed, 2,850 hundredweight.	Paid-in freight to buyer's station weight carlot as prescribed by railroad carrier's regulations.
Reseeding crimson clover—1953 crop (certified), 13 hundredweight.	$35 per 100 pounds. Available Chicago and Minneapolis CSS Commodity Offices.[3]
Alsike clover seed, 10 hundredweight.	$18 per 100 pounds. Available Portland and Kansas City CSS Commodity Offices.
Hairy vetch seed, 255,000 pounds.	$20.75 per 100 pounds. Available Dallas CSS Commodity Office.
Hubam (annual) sweetclover seed, 906 hundredweight.	$35 per 100 pounds. Available Chicago and Minneapolis CSS Commodity Offices.[3]
Alfalfa seed northern, 67,000 hundredweight.	1953 county support rates, ranging from $11.65 to $12.40 plus $1 per 100 pounds. Available Portland, Dallas, and Chicago CSS Commodity Offices.
Alfalfa seed central, 18 hundredweight.	$70 per 100 pounds. Available Portland CSS Commodity Office.
Alfalfa seed (certified), Jadak, 1,055 hundredweight; Grimm, 1,055 hundredweight; Ladak, 21,000 hundredweight; Atlantic, 77 hundredweight.	$35 per 100 pounds. Available Portland and Dallas CSS Commodity Offices.[3]
Tall fescue seed (common), 36,000 hundredweight.	$30 per 100 pounds. Available Portland and Chicago CSS Commodity Offices.[3]
Tall fescue seed (certified), 85,000 hundredweight.	$80 per 100 pounds. Available Portland, Dallas, Kansas City, and Chicago CSS Commodity Offices.[3]
Rough peas 1¼ hundredweight.	$40 per 100 pounds. Available Portland and Kansas City; Grimm and Buffalo at Portland; and Atlantic at Dallas CSS Commodity Offices.[3]
	$22 per 100 pounds. Available Portland, Kansas City, Dallas, Chicago, and Minneapolis CSS Commodity Offices.[3]
	$6.50 per 100 pounds. Available Dallas CSS Commodity Office.[3]

[1] These same lots also are available at export sales prices announced today. Where no quantity is specified, quantity available is indefinite.
[2] "In store" means at the processors' plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[3] Prices will not be reduced during the period ending June 30, 1955.
[4] Country storage will be interpreted to mean grain in CCC bins and at local warehouses in the area where grown, and on which no inbound freight has been paid.

NOVEMBER 1954 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales list
Tung oil	Competitive bid basis as may be announced by the Cincinnati CSS Commodity Office. Announced offerings will be subject to the terms and conditions of CI-OP-5, which will be released prior to daily offerings. Available Cincinnati CSS Commodity Office.
Olive oil, 6,720 drums	Remaining stocks held by CCC have been offered on a competitive bid basis under terms and conditions of Announcement No. FO-171-5and Supplement No. 1 to the Announcement dated Oct. 22, 1954. Available Portland CSS Commodity Office.
Linseed oil, raw, 70,000,000 pounds	Market price on date of sale, but not less than equivalent of the 1954 price support for flaxseed. No change in price per pound during period ending July 31, 1955. Available Cincinnati, Portland, and Minneapolis CSS Commodity Offices.
Peanuts, farmers' stock, 1,045 tons	Bid basis, f. o. b. points of storage locations, subject to the terms and conditions of Announcement CCC Peanut Form 40.
	Inspection, farmers' stock peanuts from CCC stocks, may be offered under inspection and certification basis, subject to the terms and conditions of CCC Peanut Form 34. Available Dallas CSS Commodity Office.
Wool, shorn and pulled grease (including unscoured), 111,000,000 pounds.	Prices as determined by the Boston CSS Commodity Office rounded to not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission. Boston basis, adjusted for net freight on wool stored outside the Boston storage area. This policy will remain in effect through May 31, 1955. Sales will be made ex-warehouse where stored. Available Boston CSS Commodity Office.
Dry edible beans, (bagged)	Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable.
	For other grades of all beans, adjust by market differentials.
Large lima beans, 1953 crop, 160,000 hundredweight.	$11.60 per 100 pounds for U. S. No. 1 basis f. o. b. California points of production.
Dalto beans, 1953 crop, 300,000 hundredweight.	$7.71 per 100 pounds for U. S. No. 1 f. o. b. points of production, Denver rate basis. Available Portland CSS Commodity Office.
	$7.71 per 100 pounds for U. S. No. 1 f. o. b. points of production, Denver rate basis. Available Kansas City, Minneapolis, and Portland CSS Commodity offices.
Pink beans, 1953 crop, 40,000 hundredweight.	$8.18 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity Office.
Corn bulk, 50,000,000 bushels	Commercial corn producing areas 110 percent of the applicable 1954 county loan rate, f. o. b. buyer's conveyance, at point of country storage in area of production. In cases where an eligible warehouseman purchases grain stored in CCC bins, an amount equal to the applicable handling charge may be paid as specified in the Uniform Grain Storage Agreement. At points other than points of country storage in commercial corn producing areas, 110 percent applicable county loan rate plus average paid-in freight f. o. b. buyer's conveyance. Corn in non-commercial corn producing areas is available at prices comparable to the sales prices applicable in commercial areas. Available Kansas City, Dallas, Chicago, and Minneapolis CSS Commodity Offices.
Wheat [1]	Basis in store, the market price but not less than the domestic minimum price. Minimum price—1954 loan rate for class, grade, quality and location plus: (1) 29 cents per bushel if received by truck, or (2) 23 cents per bushel if received by rail or barge.
	Examples of minimum price per bushel (ex rail or barge): Kansas City, No. 1 Ark. White, $2.37; Minneapolis, No. 1 D. N. S., $2.48; Chicago, No. 1 R. W., $2.77.
Barley, bulk [1]	Available Dallas, Kansas City, Chicago, Minneapolis, and Portland CSS Commodity Offices.
	110 percent of the applicable county loan rate, f. o. b. buyer's conveyance, at point of country storage in area of production. In cases where an eligible warehouseman purchases barley f. o. b. his warehouse that is stored in CCC bins, an amount equal to the applicable handling charge may be paid as specified in the Uniform Grain Storage Agreement. At points other than points of country storage 110 percent applicable loan rate f. o. b. buyer's conveyance. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Rye, bulk [1] (Unrestricted use)	Market price at point of production, basis in store, but not less than the applicable 1954 loan rate, plus: (1) 23 cents per bushel if received by truck, or (2) 17 cents per bushel if received by rail or barge.
	Example of minimum price per bushel (ex rail or barge): Minneapolis No. 2 or better, $1.81.

See footnotes at end of table.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, Sec. 208, 68 Stat. 901)

Issued: November 4, 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-8868; Filed, Nov. 9, 1954; 8:53 a. m.]

Office of the Secretary

AGRICULTURAL MARKETING SERVICE

DELEGATIONS OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

The delegations of authority and assignment of functions to the heads of the various Service agencies of the Department (19 F. R. 74) are hereby amended in the manner hereinafter set forth:

1. Section 800 *Assignment of functions* is amended by adding thereto the following new paragraph (1):

(1) Functions relating to agreements under section 708 (68 Stat. 912) of the National Wool Act of 1954 (68 Stat. 910).

2. Paragraph a of section 801 *Reservations* is amended by adding thereto the following new subparagraph (5):

(5) Under section 708 (68 Stat. 912) of the National Wool Act of 1954 (68 Stat. 910), entering into agreements with, or approving agreements entered into between, marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof.

Issued at Washington, D. C., this 27th day of October 1954 to become effective October 27, 1954.

[SEAL] E. T. BENSON,
Secretary.

[F. R. Doc. 54-8871; Filed, Nov. 9, 1954; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 188]

ACE EXPORT CO. AND ANDRES REUS

ORDER CONDITIONALLY DENYING EXPORT PRIVILEGES

In the matter of Adolfo A. Abbadie, Jr., trading as Ace Export Company, 2991 Southwest 14 Street, Miami, Florida, and Andres Reus, Aguair No. 556, Apt. 8, Havana, Cuba; respondents; Case No. 188.

The respondents, Adolfo A. Abbadie, Jr. and Andres Reus, having been charged by the Director, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, duly appeared herein, filed answers, demanded an oral hearing, and such hearing was held by the Compliance Commissioner on August 3 and 4, 1954, in Miami, Florida, both respondents being present in person and Abbadie being represented by his attorney. The Compliance Commissioner has submitted his report and recommendation, together with the transcript of testimony given at the hearing, all exhibits and all other papers constituting the record herein, to the undersigned Director, Office of Export Supply, who has carefully considered the whole record, the report and the recommendation and, after such consideration and upon the whole record, the undersigned hereby makes the following findings of fact:

1. At all times hereinafter mentioned, Adolfo A. Abbadie, Jr. was engaged in the business of freight forwarding in Miami, Florida, under the firm name and style of Ace Export Company and that, while the acts hereinafter found to have been performed by him were performed by him as a freight forwarder, they exceeded his normal functions as such and were in fact the means induced by him for the purpose of accomplishing the results desired by his principal, Andres Reus, a Cuban importer.

2. On or about the 19th day of May 1953, for the purpose of enabling Reus or customers of Reus to import into Cuba quantities of a certain proprietary medicine and quantities of nylon hose at values lower than their true values in order to pay reduced import duties there, Abbadie (a) executed four shipper's export declarations in which he represented and stated that he was the exporter; (b) caused and directed an employee of an air carrier to set forth in each of four other shipper's export declarations the name of a person designated as exporter, the description of the goods being exported as "Pharmaceuticals", and values assigned thereto; (c) also caused and directed said employees to insert the last mentioned names, description and values in four waybills to accompany such shipment.

3. Reus instructed Abbadie as to the values to be assigned by him for inclusion in the four waybills.

4. Abbadie knew that he was not the exporter of the goods, knew that the four persons named by him were not the exporters, knew that the goods were not wholly pharmaceuticals but included, in addition, nylon hose, and both Abbadie and Reus knew that the values designated for inclusion in the papers described in parts (b) and (c) of paragraph 2 hereof were far less than the actual values of the goods being shipped.

5. All the shipper's export declarations were validated and all the papers described in parts (b) and (c) of paragraph 2 hereof were utilized in connection with the exportation of the proprietary medicine and nylon hose out of the United States.

From which it is concluded that Abbadie knowingly made false statements in shipper's export declarations, that Abbadie caused another to make false statements in other shipper's export declarations and that Abbadie and Reus caused another to make false statements in waybills accompanying exportations from the United States, all in violation of 15 CFR 381.1 (b) (1) (2) (3) (ii) then in effect.

The Compliance Commissioner has recommended that these respondents be denied export privileges for the periods hereinafter provided but that such denial of export privileges be suspended for equivalent periods upon the conditions hereinafter set forth and he bases this recommendation upon his belief that these respondents should not be singled out for more drastic punishment in view of the fact that the commodities involved in this case were all under General License for Cuba, the quantities and values were not large and the objective sought by them, though not to be condoned had become a frequent practice among exporters to Cuba, a practice which should be stopped and to which end public notice in the form of this order is desirable. This recommendation of the Compliance Commissioner, upon the facts and circumstances appearing in this record appears to be fair, reasonable and necessary to achieve effective enforcement of the law and it is, accordingly, adopted.

It is now therefore ordered:

I. Upon condition (a) that respondent Adolfo A. Abbadie, Jr. during the period of one year following the date of this order or (b) that respondent Andres Reus during the period of nine months from the date of this order, individually and separately permits freely and without restriction the inspection by agents of the Bureau of Foreign Commerce and the Bureau of Customs of all his records relating to the business of exporting in any capacity, answers all reasonable inquiries concerning export matters by such agents and complies fully with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, such respondent complying with such condition shall be permitted all export privileges as though this order were not made and, at the expiration of the period provided for such respondent, this order, as to him, shall be and become null and void; but in the event that it be found by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, after ex parte application that such respondent has failed to comply with the foregoing condition in any respect during the period when it is effective as to him, such official may, summarily and without notice to such respondent, enter an order against him as provided in Parts II, III and IV hereof;

II. In the event that a determination be made, as provided in Part I hereof, that respondents, or either of them have violated the conditions in such Part I provided, respondent Abbadie, for a period of one year from the date of such determination of a violation by him, or respondent Reus, for a period of nine months from the date of such determination of a violation by him, shall be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of

the foregoing, participation in an exportation shall be deemed to include and prohibit, during the period to be provided in the order making such determination, such respondent's participation (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in the financing, forwarding, transporting or other servicing of exports from the United States;

III. In the event of the making of such a determination, the order entered thereon shall apply not only to the respondent named therein but shall apply and extend also to any other person, firm, corporation or business organization with which he may then or thereafter be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

IV. In that event, no person, firm, corporation, or other business organization shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in, any such prohibited exportation from the United States, or in reexportation of any commodity within the scope of this order and exported from the United States, with respect to which such respondent shall have any interest of any kind or nature, direct or indirect.

Dated: October 28, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-8847; Filed, Nov. 9, 1954; 8:49 a. m.]

Federal Maritime Board and Maritime Administration

SOUTH ATLANTIC STEAMSHIP LINES, INC.

NOTICE OF TENTATIVE FINDINGS

Whereas, the South Atlantic Steamship Lines, Inc., now has on file with the Federal Maritime Board/Maritime Administration an application under Title VI of the Merchant Marine Act, 1936, 46 U. S. C. 1171, for financial aid in the operation of vessels to be used in an essential service in the foreign commerce of the United States described as follows:

U. S. Atlantic ports (Hampton Roads–Key West inclusive) to United Kingdom and Ireland, Continental Europe north of Spanish Border (including Scandinavian and Baltic ports, except as to cargo to and from Hampton Roads).

and;

Whereas, the United States Maritime Commission on February 18, 1948, pursuant to a hearing held on November 12, 13 and 14, 1946, among other things ordered:

(1) That Trade Route No. 11, as described in the Report of the Commission, approved May 20, 1946, be amended to read as follows:

U. S. Atlantic ports (Hampton Roads–Key West inclusive) to United Kingdom and Eire, Continental Europe North of Spanish Border (including Scandinavian and Baltic ports, except as to cargo to and from Hampton Roads).

. . . . . .

(5) That Application of South Atlantic Steamship Line, Inc., dated October 7, 1946, as amended, for financial aid under Title VI of the Merchant Marine Act, 1936, as amended, in the operation of vessels on Trade Route No. 11, is hereby approved, subject to compliance with the applicable provisions of said Act and to such terms and conditions as may be imposed by the Commission.

Now, therefore, notice is hereby given that the Federal Maritime Board on October 22, 1954, on the basis of facts then before it, tentatively found and determined that:

(a) In 1953 and 1954, sailings by South Atlantic Steamship Line, Inc., have been at the rate of about 2 per month compared with about 3 in 1947, and during the intervening period sailings have been 2 to 3 per month;

(b) Since February 1948 there have been no substantial changes in the geographical limits or nature of the service, route or line involved;

(c) South Atlantic Steamship Line, Inc., continues to be the only U. S. flag company operating regularly on Trade Route No. 11 as established by the former Maritime Commission in its order of February 18, 1948;

(d) The South Atlantic Steamship Line, Inc., is operating an existing service on Trade Route No. 11 within the meaning of section 605 (c) of the act;

(e) The effect of the granting of an operating-differential subsidy contract to the Applicant as of this date would not be to give undue advantage or be unduly prejudicial as between citizens of the United States in the operations of vessels on the route; and

(f) The provisions of section 605 (c) of the act do not interpose a bar to the granting of an operating-differential subsidy contract to the Applicant for the operations of cargo vessels on Trade Route No. 11 to the extent of its operations thereon at the time of the filing of its application.

Parties having an interest in such application and findings and determinations may file with the Secretary, Federal Maritime Board, any objections thereto, on or before November 24, 1954.

Subsequent to November 24, 1954, the Federal Maritime Board will take such action with respect to the application and any objections thereto, as may be deemed appropriate.

Dated: November 9, 1954.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 54-8891; Filed, Nov. 9, 1954; 10:31 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Allen Garment Co., College Street, Franklin, Ky., effective 10–12–54 to 10–11–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Michael Berkowitz Co., Inc., Barton Mill Road, Uniontown, Pa., effective 10–28–54 to 10–27–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' pajamas).

J. H. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La., effective 10–26–54 to 10–25–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Cater Frock Co., New Braunfels, Tex., effective 11–9–54 to 11–8–55; 10 learners for normal labor turnover purposes (children's dresses).

Cluett, Peabody & Co., Inc., Shamokin, Pa., effective 11–4–54 to 11–3–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Co-Ed Garment Co., Festus, Mo., effective 10–15–54 to 10–14–55; 10 learners for normal labor turnover purposes (inexpensive cotton dresses).

Cooksville Shirt Co., Cooksville, Tenn., effective 10–19–54 to 10–18–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Dixie Frocks Co., 79 Wyoming Avenue, Wyoming, Pa., effective 10–13–54 to 10–12–55; 5 learners for normal labor turnover purposes (women's apparel).

Holston Manufacturing Co., Marion, Va., effective 10–18–54 to 10–17–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's woven cotton and rayon slips).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa., effective 10–17–54 to 10–16–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips, nightgowns, and panties).

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa., effective 10–17–54 to 10–16–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips).

The Kaynee Co., Thirteenth and Oak Streets, Williamsburg, Ky., effective 10–14–54 to 10–13–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' shirts).

Marion Manufacturing Co., Marion, S. C., effective 10–17–54 to 10–16–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' cotton house dresses).

Milan Shirt Manufacturing Co., 134 Williamson Street, Milan, Tenn., effective 11–4–54 to 11–3–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work shirts).

Princess Peggy, Inc., Chillicothe, Ill., effective 10–28–54 to 10–27–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's house dresses).

Princess Peggy, Inc., 1001 South Adams, Peoria, Ill., effective 10–27–54 to 10–26–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's house dresses).

The Pyke Manufacturing Co., 154 West Second, S., Salt Lake City, Utah; effective 11–2–54 to 11–1–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, corduroy overalls, jeans, coveralls, etc.).

Rice Stix Factory No. 3, Blytheville, Tenn., effective 10–26–54 to 10–25–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts and pajamas).

Rice Stix Factoy No. 10, Bonne Terre, Mo., effective 10–31–54 to 10–30–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Rice Stix Factory No. 16, Water Valley, Miss., effective 10–15–54 to 10–14–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants and shirts).

Sylvania Garment Co., Inc., Sylvania, Ga., effective 10–15–54 to 10–14–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' pajamas).

Vanderbilt Shirt Co., Inc., 29½ Broadway, Asheville, N. C., effective 10–23–54 to 10–22–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport and Western shirts; ladies' Western blouses).

Washington Overall Manufacturing Co., Scottsville, Ky., effective 10–26–54 to 10–25–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Highmount Knitting Co., Inc., West Hazelton, Pa., effective 10–15–54 to 10–14–55; 5 learners for normal labor turnover purposes (infants' and children's knitted outerwear).

Knickerbocker Manufacturing Co., Inc., West Point, Miss., effective 10–13–54 to 10–12–55; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's shorts).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 19th day of October 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-8840; Filed, Nov. 9, 1954; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

Patent Compensation Board

[Docket No. 18]

COMMISSARIAT A L'ENERGIE ATOMIQUE (AGENCY OF THE FRENCH GOVERNMENT)

NOTICE OF APPEARANCE

Notice is hereby given that the Commissariat a L'Energie Atomique (Agency of the French Government) have filed a claim for an award in the above docket before the Patent Compensation Board, United States Atomic Energy Commission. The claim is based on abandoned United States Patent Applications S. N. 328,180; 328,372; 666,182; 666,183 and 666,184.

The application of the Commissariat a L'Energie Atomique is on file with the Patent Compensation Board. Any person other than the applicants desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of publication of this notice, a statement of fact concerning the nature of his interest.

MARGARET H. MELIN,
Acting Clerk,
Patent Compensation Board.

NOVEMBER 3, 1954.

[F. R. Doc. 54-8834; Filed, Nov. 9, 1954; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11124, 11125; FCC 54-1387]

HAROLD M. GADE AND MONMOUTH COUNTY BROADCASTERS

MEMORANDUM OPINION AND ORDER ENLARGING ISSUES

In re applications of Harold M. Gade, Eatontown, New Jersey, Docket No. 11124, File No. BP-9096; Monmouth County Broadcasters, Long Branch, New Jersey, Docket No. 11125, File No. BP-9231; for construction permits.

1. The Commission has before it (1) a petition filed August 18, 1954, by the Chief, Broadcast Bureau to enlarge issues and to add a party in the above-entitled proceeding; (2) a petition for leave to file late opposition filed by Monmouth County Broadcasters on September 22, 1954,[1] and (3) an opposition filed by Monmouth County Broadcasters on September 22, 1954.

2. On August 4, 1954, the Commission ordered a consolidated hearing on the competing applications of Harold M. Gade and Monmouth County Broadcasters. The hearing issues are directed to which applicant would provide the more fair, efficient, and equitable distribution of radio service in accordance with the mandate of section 307 (b) of the Communications Act, the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and to standard comparative matters.

3. On August 18, 1954, the Broadcast Bureau filed a petition to enlarge the issues to include determination of whether the operation of the proposed stations would involve objectionable interference with the operation of station WNJR, Newark, New Jersey, and whether the proposed 25 mv/m contour of Monmouth County Broadcasters would overlap the 2 mv/m contour of station WNJR. It alleges that based upon a study of field intensity measurements made on station WNJR in 1947 which are in the Commission's license files, the conductivities shown in the Commission's new ground conductivity map, and calculations made in accordance with the Commission's rules and standards, the operation proposed by each applicant would cause objectionable interference to the service of station WNJR and the 2 mv/m contour of station WNJR would overlap the 25 mv/m contour proposed by Monmouth County Broadcasters.

4. In its opposition, Monmouth County Broadcasters alleges that the petition and the associated engineering affidavit consist entirely of assertions based upon the use of the field intensity measurements of station WNJR and the Commission's new ground conductivity map, and that the Bureau's petition has no data supporting its assertions that interference would be caused by the proposed stations to the service of station WNJR or of the possible overlap of contours. It further alleges that it is impossible to determine whether the Broadcast Bureau has or has not complied with the Standards in ascertaining the existence of interference or overlap with station WNJR because there is no explanation given of the methods used. It urges, therefore, that in the absence of an assertion that the Commission's soil map standing alone would show the interference and overlap alleged and in the absence of any showing that properly taken measurements exist to support a finding or a reasonable assumption that the Commission's new soil map is in error, the Broadcast Bureau's petition should be denied.

5. Although the Broadcast Bureau's petition and the associated engineering affidavit do not delineate in detail the methods used to support the allegations of interference and overlap of contours, an engineering study made in accordance with the Commission's Rules and Standards, utilizing the WNJR field intensity measurements and the values of conductivity shown in the new ground conductivity map, would substantiate the allegations made by the Broadcast Bureau. Moreover, an engineering study made in accordance with Commission's Rules and Standards, utilizing only the conductivities from the new soil map, shows such interference and overlap of contours. For example, on the radial between station WNJR and the proposed site of Monmouth County Broadcasters, the 2 mv/m contour of station WNJR would extend approximately 30 miles which is slightly greater than the distance between the two stations. In making the above determination, the equivalent distance method for calculating the location of contour was employed where the propagation path traversed different conductivities. Also, the following values of conductivities and antenna radiation efficiency were used: 4 mmhos over land and 5000 mmhos over sea water as shown in the new ground conductivity map and an antenna radiation efficiency of 650 mv/m in the direction of proposed station. As for the proposed station, the 25 mv/m contour would extend approximately 2.6 miles, which was determined by assuming an antenna radiation efficiency of 131 mv/m and a ground conductivity of 4 mmhos. From the above, it can be deduced that there would be an overlap of the 25 mv/m and 2 mv/m contours and also that there would be interference to the service of station WNJR in the vicinity of the proposed transmitter site of Monmouth County Broadcasters.

The premises considered: *It is ordered*, That the issues in this proceeding are enlarged to include the following issues:

4. To determine whether the operation of the proposed stations would involve objectionable interference with station WNJR, Newark, New Jersey and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the installation and operation of the station proposed by Monmouth County Broadcasters would be in compliance with the Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the possibility of overlap of the 25 mv/m contour of the proposed station with the 2 mv/m contour of station WNJR, Newark, New Jersey.

It is further ordered, That Rollins Broadcasting, Inc., Newark, New Jersey, licensee of station WNJR, is made a party to the above-entitled proceeding.

Adopted: November 3, 1954.

Released: November 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8856; Filed, Nov. 9, 1954; 8:51 a. m.]

[1] The Commission grants this petition and has considered the opposition in connection with its determinations herein.

[Docket No. 11153; FCC 54M-1382]

ALTON T. HUDGINS

ORDER CONTINUING HEARING

In the matter of Alton T. Hudgins, Hampton, Virginia, Docket No. 11153; order to show cause why the license for Radiotelephone Station WB-4471 should not be revoked; Docket No. 11153.

The Commission having under consideration a motion, filed on October 29, 1954, on behalf of its Safety and Special Radio Services Bureau, requesting a continuance without date of the hearing in the above-entitled matter, now scheduled to be held on November 5, 1954, at Washington, D. C.; and

It appearing, that the licensee's attorney has submitted an explanation of the alleged violations and has indicated in a letter dated October 23, 1954, that the said licensee will file additional written documents in this matter, in lieu of appearing at the hearing, as provided for in § 1.402 of the Commission's rules; and

It further appearing, that the licensee's attorney has indicated in his letter of October 23, 1954, that the licensee is aboard the vessel "Whitestone," which is at sea at this time, and that the written documents referred to above will be filed with the Commission as soon as the vessel returns to port; and

It further appearing, that a continuance is required in order to afford the licensee an opportunity to submit additional written documents in this matter, as indicated above;

It is ordered, This 4th day of November 1954, that the motion be, and it is hereby, granted; and that the hearing in the above-entitled matter is hereby continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8857; Filed, Nov. 9, 1954; 8:51 a. m.]

[Docket No. 11154; FCC 54M-1383]

DUNCAN CAMERON & C. F. GREEN

ORDER CONTINUING HEARING

In the matter of Duncan Cameron & C. F. Green, Ft. Myers Beach, Florida, Docket No. 11154; order to show cause why the License for Radiotelephone Station WF-2956 should not be revoked; Docket No. 11154.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock a. m., on Friday, November 5, 1954; and

It appearing, that on October 21, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission, requesting that the hearing in the said proceeding be dismissed; and

It further appearing, that no action is expected to be taken on the said motion to dismiss on or before November 5, 1954;

It is ordered, By the Commission on its own motion, this 4th day of November 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8858; Filed, Nov. 9, 1954; 8:51 a. m.]

[Docket No. 11179; FCC 54-1377]

STATIONS IN ALASKA

ORDER MODIFYING LICENSES

In the matter of modification of licenses of certain stations in the Territory of Alaska, licensed to operate on the frequency 2986 kc. pursuant to the Atlantic City Table of Frequency Allocations and the Geneva Agreement (1951); Docket No. 11179.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of November 1954;

The Commission having under consideration its proposal in the above entitled matter; and

It appearing, that on September 22, 1954, the Commission adopted and served upon the licensees of stations authorized to operate on the frequency 2986 kc in the Territory of Alaska, orders directing them to show cause on or before October 22, 1954, why their licenses should not be modified as of November 30, 1954, so as to delete the frequency 2986 kc and to add those frequencies set forth in §§ 14.14 and 14.15 of the Commission's rules under the terms and conditions set forth in those rules as amended by Commission order in Docket No. 10915, adopted this date; and

It further appearing, that no oppositions to the proposed modification of licenses have been filed by any of the licensees affected;

It is ordered, That pursuant to section 316 of the Communications Act of 1934, as amended, the licenses of those licensees listed in the appendix to the Commission's September 22, 1954, Order in this proceeding [1] are modified as of November 30, 1954, so as to delete the frequency 2986 kc and to add the frequencies contained in §§ 14.14 and 14.15 to

[1] Published in the FEDERAL REGISTER October 1, 1954, at page 6352.

the licenses in question which do not already contain those frequencies.

Released: November 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8859; Filed, Nov. 9, 1954; 8:51 a. m.]

[Docket No. 11212; FCC 54-1370]

NORTH STAR TELEVISION CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of North Star Television Company, Hibbing, Minnesota, Docket No. 11212, File No. BMPCT-2412; for extension of time to complete construction of Television Station KHTV.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of November 1954:

The Commission having under consideration the above-entitled application of North Star Television Company for an extension of time to complete construction of television broadcast station KHTV, Hibbing, Minnesota; and

It appearing, that on January 13, 1954, the Commission granted the application (BPCT-1774) of North Star Television Company for a permit to construct a television broadcast station on Channel 10 in Hibbing, Minnesota; that said permit specified that construction of the station was to be commenced by March 13, 1954, and completed by September 13, 1954; that on September 8, 1954, after careful consideration of the above-entitled application, the applicant was notified by letter that the Commission was unable to find that the applicant had been diligent in proceeding with the construction of the station or that it had been prevented from commencing construction by causes not under the applicant's control; and that applicant was given an opportunity to reply to said letter and to request a hearing on its application; and

It further appearing, that the applicant, by letter from its attorneys dated September 28, 1954, requested a hearing on its application;

It is ordered, That the above-entitled application is designated for hearing to commence at 10:00 a. m. on the 3d day of December 1954, at the Commission's offices in Washington, D. C., on the following issues:

1. To determine whether North Star Television Company has been diligent in proceeding with the construction of television station KHTV, as authorized in its construction permit.

2. To determine whether a grant of the above-entitled application would serve the public interest, convenience and necessity.

Released: November 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8860; Filed, Nov. 9, 1954; 8:51 a. m.]

[Docket No. 11213; FCC 54-1372]

GEORGE A. GOTHBERG, JR.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of George A. Gothberg, Jr. (WFPA), Fort Payne, Alabama, Docket No. 11213, File No. BR-2455; for renewal of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of November 1954:

The Commission having under consideration the above-entitled application for renewal of license of Station WFPA, Fort Payne, Alabama; and

It appearing, that action on the application for the renewal of license of Station WFPA was deferred on July 29, 1953, in view of a petition filed by the licensee of Station WZOB, Fort Payne, Alabama, requesting that the application be designated for hearing. Said petition and supplemental pleadings based the request for relief on the grounds of an alleged unauthorized transfer of control of Station WFPA (File No. BAL-1449) from James L. Killian to George A. Gothberg, Jr., and certain alleged misrepresentations made by transferee in the assignment application with reference to his financial qualifications; and

It further appearing, that the Commission was unable to determine from licensee's answer to said petition that a grant of the application for renewal of license for WFPA would be in the public interest; and

It further appearing, that, by letter dated April 28, 1954, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised of the aforesaid matters and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that, on June 20, 1954, the applicant filed a reply to the 309 (b) letter and urged that the Commission renew the license of Station WFPA; and

It further appearing, that the Commission, after consideration of the reply, is still unable to conclude that a grant of the application would be in the public interest, convenience, and necessity;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the method or methods employed by George A. Gothberg, Jr., to finance the acquisition and operation of Station WFPA and the sources of such financing, and whether the aforesaid method or methods so employed deviated from the representations made with respect thereto in the application for assignment of license (BAL-1449).

2. To determine whether at the time of filing both the renewal application and supplemental information relative thereto, a legally enforceable promissory note secured by legal encumbrance upon the properties of Station WFPA was in existence.

3. To determine whether the existence of the obligation, if any, was deliberately not disclosed to either the Commission or to prospective creditors to enhance the financial position of the station.

4. To determine whether George A Gothberg, Jr., is financially qualified to continue operation of Station WFPA.

5. To determine whether George A. Gothberg, Jr., misrepresented to this Commission facts under oath concerning his financial condition in acquiring Station WFPA (BAL-1449) and whether he continued these misrepresentations in the renewal application subsequently filed.

6. To determine whether George A. Gothberg, Jr., or persons acting on his behalf, misrepresented facts concerning his financial condition in a proceeding held in DeKalb County Circuit Court, DeKalb County, Alabama, entitled Mary A. Gothberg vs. George A. Gothberg, Jr., respondent.

7. To determine, in the light of the evidence adduced under the issues, herein, whether George A. Gothberg, Jr., possesses the qualifications necessary for a broadcast station licensee and whether grant of the above-entitled application would be in the public interest, convenience, and necessity.

Released: November 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8861; Filed, Nov. 9, 1954; 8:52 a. m.]

[Docket No. 11216; FCC 54-1379]

LOUIS ADELMAN

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Louis Adelman, Richmond, Virginia, Docket No. 11216, File No. BP-9432; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of November 1954;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1320 kilocycles with a power of 1 kilowatt, daytime only, at Richmond, Virginia; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may not comply with the Standards of Good Engineering Practice; particularly with reference to providing a signal intensity of 25 mv/m over the business district and 5 mv/m over the residential area of the city sought to be served; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated September 15, 1954, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the subject application would be in the public interest; and

It further appearing, that the applicant filed a reply on October 13, 1954; and

It further appearing, that the Commission, after consideration of the reply is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing a minimum signal intensity of 25 mv/m over the business district and 5 mv/m over the residential area of the city sought to be served.

3. To determine whether in light of the evidence adduced pursuant to the foregoing issues the operation of the proposed station would serve the public interest, convenience and necessity.

Released: November 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8862; Filed, Nov. 9, 1954; 8:52 a. m.]

[Docket No. 11217; FCC 54-1380]

BUCKTAIL BROADCASTING CORP. (WBTL)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Bucktail Broadcasting Corporation (WBTL) Emporium, Pennsylvania, Docket No. 11217, File No. BP-9306; for reinstatement of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of November 1954;

The Commission having under consideration the above application for reinstatement of an expired construction permit filed by Bucktail Broadcasting Corporation for a new standard broadcast station at Emporium, Pennsylvania to operate on a frequency of 980 kilocycles with a power of 500 watts, daytime only (BP-9306); and

It appearing, that the Commission by letters dated June 22, 1954 and September 16, 1954, advised the applicant that on the basis of the new conductivity map, M-3, the proposed operation would cause interference to Station WILK, Wilkes-Barre, Pennsylvania; and

It further appearing, that timely replies were received from the applicant and the licensee of Station WILK requesting that the Commission designate the instant application for hearing; and

It further appearing, that the Commission, after consideration of the replies is of the opinion that a hearing is necessary; and

It further appearing, that the applicant is legally, financially, technically, and otherwise qualified to construct and operate the proposed station:

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application of Bucktail Broadcasting Corporation for reinstatement of expired construction permit is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would involve interference with Station WILK, Wilkes-Barre, Pennsylvania, and if so, the nature and extent thereof, the area and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether in light of the evidence adduced pursuant to the foregoing issue the proposed operation of the proposed station by Bucktail Broadcasting Corporation would serve the public interest, convenience, and necessity.

It is further ordered, That Wyoming Valley Broadcasting Corporation, licensee of Radio Station WILK, Wilkes-Barre, Pennsylvania is made a party to the proceeding.

Released: November 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8863; Filed, Nov. 9, 1954; 8:52 a. m.]

[Docket No. 10218; FCC 54M-1387]

WILLIAM C. MOSS (KSEY)

ORDER CONTINUING HEARING

In re application of William C. Moss (KSEY), Seymour, Texas, Docket No. 10218, File No. BML-1473; for modification of license.

The Commission having under consideration a telegram dated October 25, 1954, in which the above-entitled applicant stated that due to weather conditions, certain field measurements which were to have been submitted by October 26, 1954, had not been completed but will be completed and submitted on or before November 15, 1954; and

It appearing that by order dated September 29, 1954, the applicant was to submit the engineering measurements and supporting exhibits on or before October 26, 1954, and that hearing on the application would begin on November 15, 1954; and

It appearing that field measurements or other engineering exhibits will be required in the resolution of the engineering issues herein, that other parties to the proceeding should have a reasonable time within which to examine these measurements and exhibits prior to the start of the formal hearing; and

It appearing that good cause had been shown for an extension of the time within which to complete and file the field measurements above-referred to, that the orderly dispatch of the Commission's business warrants a continuance of the time now specified for the start of the formal hearing;

It is ordered, This the 4th day of November 1954, that the telegram above-referred to be considered to be a request for a postponement of the date within which the applicant be permitted to file field measurements and engineering exhibits, that such request is granted, that the applicant is given until November 15, 1954, for the purpose of filing field measurements and other engineering exhibits, and that the date for oral testimony, if any, be continued from November 15, 1954 to Wednesday, December 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8864; Filed, Nov. 9, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2730]

H. H. WEINERT ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that H. H. Weinert (Applicant), individually and as agent of Leila A. Bauchman, John Allen Bauchman and James B. Bauchman, with a principal office in Seguin, Texas, filed on September 13, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in La Gloria Field, Jim Wells County, Texas, which it sells to Texas Illinois Natural Gas Pipe Line Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

[F. R. Doc. 54-8860; Filed, Nov. 9, 1954; 8:51 a. m.]

of the obligation, if any, was deliberately

be in the public interest, and

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 29, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) or § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 4, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8843; Filed, Nov. 9, 1954; 8:48 a. m.]

[Docket No. G-3156]

LAURENCE CORBETT KELLY

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Laurence Corbett Kelly for himself and as agent for Dorothy Kelly, Laurence Bever Kelly, Betty Oldfield Kelly, Robert Lorenzo Kelly and Gregory Louis Kelly (hereinafter called "Applicant"), with principal office in Beverly Hills, California, filed on September 27, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Blanco Field in San Juan County, New Mexico, which it sells to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 1, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 4, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8844; Filed, Nov. 9, 1954; 8:48 a. m.]

[Docket No. G-3192]

S. R. COHAGAN

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that S. R. Cohagan (Applicant), doing business as an individual with his principal office in San Antonio, Texas, filed on September 27, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Clayton Field, Live Oak County, Texas, which it sells to Texas Illinois Natural Gas Pipeline Company at Separation Plant in Survey 71, Clayton Field, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 29, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 4, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8845; Filed, Nov. 9, 1954; 8:48 a. m.]

[Docket No. G-4505]

BEL OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Bel Oil Corporation, on October 4, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date
Notice of change, dated Sept. 24, 1954.	Transcontinental Gas Pipe Line Corp.	Supplement No. 1 to FPC gas rate schedule No. 3.	Nov. 3, 1954

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Respondent if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order concerning the lawfulness of said proposed changes in rates and charges; and pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred for a period of five months beyond the above-stated effective date and for such further time until it is made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 4, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8846; Filed, Nov. 9, 1954; 8:49 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-452]

FROZEN FOOD INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Frozen Food Industry will be held by the Federal Trade Commission in Room 332 of the Federal Trade Commission Building, Pennsylvania Avenue at Seventh Street NW., Washington, D. C., on December 7, 1954, commencing at 10:00 a. m., e. s. t.

The purpose of the conference, authorized at the industry's request, is to afford industry members an opportunity to consider, and propose for establishment subject to the Commission's approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which violate laws administered by the Commission. All persons, firms, and organizations engaged in the production and marketing of frozen fruits, vegetables, juices, fish and seafoods, baked goods, and miscellaneous items, are cordially invited to attend and participate in the conference proceedings. Attention is directed to the fact that meats and poultry have been excluded from the category of items considered to be products of this industry by reason of the provisions of the Packers and Stockyards Act of 1921, as amended. Ice cream, sherbets, and other similar frozen dairy products are also excluded.

After the conference on December 7, and before rules are finally approved by the Commission, a draft of proposed rules will be made available to all interested and affected parties, including consumers, upon public notice extending them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing the time and place of which will be announced by the Commission.

Issued: November 5, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-8873; Filed, Nov. 9, 1954; 8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-188]

EASTERN UTILITIES ASSOCIATES

SUPPLEMENTAL ORDER WITH RESPECT TO FEE AND EXPENSES

NOVEMBER 4, 1954.

The Commission by orders dated August 17, 1950, December 18, 1952, and May 18, 1953, having approved a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935 by Eastern Utilities Associates ("EUA"), a registered holding company (see Holding Company Act Release Nos. 10040, 11625, and 11923); and

Said orders having reserved jurisdiction over the determination of the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred in connection with said plan and the transactions incident thereto; and

Applications for allowances for fees and reimbursement of expenses having been filed, and the Commission having issued its orders dated August 24, 1954, and October 13, 1954 (see Holding Company Act Release Nos. 12632 and 12681), releasing jurisdiction with respect to the payment of certain fees and expenses;

An application having been filed subsequently by Robert H. Davison requesting that the Commission approve and allow a fee of $10,000 and reimbursement of expenses of $388.87 for legal services rendered on behalf of EUA in connection with negotiating with the various persons and firms which filed applications for allowances of fees and reimbursement of expenses in this proceeding and EUA having indicated its willingness to pay such amounts; and

The Commission having considered the said application of Robert H. Davison, and having found that the aforesaid fee and expenses are not unreasonable, and deeming it appropriate that they should be approved and allowed and that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, That the fee of $10,000 and expenses of $388.87 requested by Robert H. Davison be, and they hereby are, approved and allowed, and that the jurisdiction heretofore reserved with respect thereto be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8841; Filed, Nov. 9, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 33]

MOTOR CARRIER APPLICATIONS

NOVEMBER 5, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and State address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 11592 Sub 1, E. E. HAUGARTH, P. O. Box 272, Omaha 1, Nebr. Applicant's representative: A. R. Fowler, Agent, Highway Tariff Bureau, 2288 University Avenue, St. Paul W4, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from North Chicago, Ill., to Omaha, Nebr. Applicant is authorized to conduct operations in Illinois and Nebraska.

NO. MC 17091 SUB 3, ISAAC JONES, JR., 321 Lexington Avenue, Pitman, N. J. Applicant's representative: G. A. Bruestle, Motor Carriers Service Bureau, Inc., S. E. Cor. Broad & Spring Garden Sts., Philadelphia 23, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphate of ammonia*, from Bristol, Pa., to Paulsboro, N. J., and Huntington Station, Long Island, N. Y.

NO. MC 18320 Sub 2, YORK TRANSPORTATION CO., INC., 1007 East Boundary Ave., York, Pa. For authority to operate as a *Common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Paoli, Pa., over U. S. Highway 202 to junction Pennsylvania Turnpike at, or near, King of Prussia, thence over Pennsylvania Turnpike to junction U. S. Highway 1, and return over the same routes, serving

no intermediate points, as an alternate

coin between the U. S. Mints, Federal

to junction U. S. Highway 19, thence

nia Street, San Francisco 4, Calif. For

transporting the commodities specified

Ex Parte No. MC-45, and *advertising*

and consistent with the public interest that notice of the application and order

of the Natural Gas Act that the Commission enter upon a hearing concern-

cerning the lawfulness of said proposed changes in rates and charges; and pend-

[F. R. Doc. 54-8873; Filed, Nov. 9, 1954; 8:56 a. m.]

cation of this notice in the FEDERAL REGISTER and a copy of such protest

Turnpike to junction U. S. Highway 1, and return over the same routes, serving

no intermediate points, as an alternate route in connection with carrier's regular route operations between York, Pa., and New York, N. Y. Applicant is authorized to conduct operations in Maryland, Pennsylvania, New Jersey and New York.

NO. MC 20135 SUB 4 (amended) published in the September 22 1954 issue of the FEDERAL REGISTER, page 6092. MORRISON TRANSFER CO., INC., 111 East Main Street, Sparta, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plates, engraver's or printer's; printer matter; printed advertising matter* and *printed paper articles*, between Sparta, Ill., on the one hand, and, on the other, New York, N. Y., and points within 25 miles thereof. Applicant is authorized to conduct operations in Illinois, Missouri and New York.

NO. MC 29991 SUB 29, BARLOW'S SERVICE, INC., 5101 York Street, Denver, Colo. Applicant's attorney: Vincent A. Ross, 512–514 Majestic Building, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes: Transporting: *Petroleum* and *petroleum products*, and *contaminated petroleum* and *petroleum products*, in bulk, in tank vehicles, between North Platte and Sidney, Nebr., on the one hand, and, on the other, points in Stanley, Jones, Lyman, Jackson, Haakon, Washabaugh, Shannon, Bennett, Tripp, Todd and Mellette Counties and the Rosebud Indian Reservation, S. Dak. Applicant is authorized to conduct operations in Colorado, Kansas, Montana and Wyoming.

NO. MC 35628 SUB 192, INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, S. W., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Warner, Norcross & Judd, Michigan Trust Bldg., Grand Rapids 2, Mich. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Passengers*, who are, at the time, acting as armed guards designated to accompany a particular shipment during the transportation thereof, and who may be military personnel, government personnel, or armed guards provided by a private agency, in connection with carrier's authorized operations. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: Transportation of Passengers herein sought will be incidental to the transportation of the property transported.

NO. MC 35807 SUB 5, WELLS FARGO ARMORED SERVICE CORPORATION, 271 Church Street, New York, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bullion* and *coin*, between Atlanta, Ga., Boston, Mass., Chicago, Ill., Cleveland, Ohio, New York, N. Y., Philadelphia, Pa., Washington, D. C., Dallas, Tex., Kansas City and St. Louis, Mo., Minneapolis, Minn., Richmond, Va., and San Francisco, Calif. The intent is to apply for authority for handling of bullion and coin between the U. S. Mints, Federal Reserve Banks and branches thereof in the United States and Treasury Department in Washington, D. C. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, New Jersey, New York and Pennsylvania.

NO. MC 35890 SUB 7, BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street, Grand Rapids 2, Michigan. Applicant's representative: Charles H. Trayford, Charles H. Trayford and Associates, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, uncrated, from New York, N. Y., and points within 25 miles thereof to points in Ohio, Indiana, Illinois (except Chicago), Michigan (except Grand Rapids, Holland, Lowell and Otsego), Minnesota, Wisconsin and Missouri. Applicant is authorized to conduct operations in Connecticut, District of Columbia, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania and Rhode Island.

NO. MC 36473 SUB 55, CENTRAL TRUCK LINES, INC., 1000 Jackson St., Tampa, Fla. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A explosives*, for export, from Ocala, Fla., to Tampa, Fla., from Ocala over Florida Highway 200 to Hernando, Fla., thence over U. S. Highway 41 to Tampa, and return over the same route serving no intermediate points.

NO. MC 42065 SUB 3, ALEX MANCULICH, doing business as SANITARY TRANSFER, 4808 Penn Avenue, Pittsburgh 24, Pa. For authority to operate as a *contract carrier*, over regular routes, transporting: *Bakery products, empty containers therefor*, and *materials, equipment*, and *supplies* incidental to the production of bakery products, and *potato chips*, in containers, and *empty containers* for potato chips, over alternate or connecting routes, for operating convenience only, serving no intermediate points, (1) between Uniontown, Pa., and Cumberland, Md., over U. S. Highway 40, in connection with regular route operations between Pittsburgh, Pa., and Cumberland, Md., (2) between junction Ohio Highway 14 and U. S. Highway 62 at Salem, Ohio, and Canton, Ohio, over U. S. Highway 62 in connection with regular route operations between Pittsburgh, Pa., and Cleveland, Ohio, and between Pittsburgh, Pa., and Canton, Ohio, (3) between Youngstown, Ohio and Edinburg, Ohio, over Ohio Highway 18 in connection with regular route operations between Pittsburgh, Pa., and Cleveland, Ohio, and between Pittsburgh, Pa., and Youngstown, Ohio, (4) between Pittsburgh, Pa., and Worthington, W. Va., from Pittsburgh over U. S. Highway 19 to Waynesburg, Pa., thence over Pennsylvania Highway 218 to the Pennsylvania-West Virginia State line, thence over unnumbered highway to junction West Virginia Highway 7, thence over West Virginia Highway 7 to junction unnumbered highway, thence over unnumbered highway via Farmington, W. Va., to junction U. S. Highway 19, thence over U. S. Highway 19 to Worthington, and return over the same route, in connection with regular route operations between Pittsburgh, Pa., and Clarksburg, W. Va., (5) between Pittsburgh, Pa., and Fairmont, W. Va., from Pittsburgh over U. S. Highway 19 to Waynesburg, Pa., thence over Pennsylvania Highway 218 to the Pennsylvania-West Virginia State line, thence over unnumbered highway to junction West Virginia Highway 7, thence over West Virginia Highway 7 to junction unnumbered highway, thence over unnumbered highway to Farmington, W. Va., and thence over U. S. Highway 250 to Fairmont, W. Va., and return over the same route, in connection with regular route operations between Pittsburgh, Pa., and Clarksburg, W. Va., and (6) between Pittsburgh, Pa., and Wheeling, W. Va., from Pittsburgh over U. S. Highway 19 to Washington, Pa., thence over U. S. Highway 40 to Wheeling, and return over the same route, in connection with regular route operations between Pittsburgh, Pa., and Wheeling, W. Va. Applicant is authorized to conduct operations in Maryland, Ohio, Pennsylvania and West Virginia.

NO. MC 42487 SUB 289, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby St., P. O. Box 3618, Portland, Oreg. Applicant's attorney: W. S. Pilling, Asst. General Counsel, Consolidated Freightways, Inc. (same address as applicant). For authority to operate as a *common carrier*, over an alternate or connecting route, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Califa, Calif. (junction of U. S. Highway 99 and California Highway 152), and Sacramento, Calif., over presently authorized alternate route (U. S. Highway 99), serving no intermediate points, for operating convenience only, in connection with regular route operations between Los Angeles, Calif., and San Francisco, Calif.; San Francisco, Calif., and Twin Falls, Idaho; San Francisco, Calif., and Klamath Falls, Oreg.; San Francisco, Calif., and Medford, Oreg., and Sacramento, Calif., and the Sacramento Signal Depot approximately two miles from Sacramento; which in effect is merely a request for removal of restriction, as set forth in Certificate issued on April 9, 1954 in Docket No MC 42487 SUB 261, now applicable against present operations over above-described alternate or connecting route, so that carrier will not be restricted to the transportation thereover of only those shipments which are received or delivered at points in Oregon, Washington, Idaho, and Montana. Applicant is authorized to conduct operations in California, Idaho, Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming.

NO. MC 52858 SUB 40, CONVOY COMPANY, A Corporation, 3900 N. W. Yeon Avenue, Portland, Oreg. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *New motor vehicles*, in initial movements, in truckaway service, from South Bend, Ind., to points in Washington, Oregon, California, Idaho, Nevada, Utah, Wyoming and Montana, (except that no service is sought to Billings, Mont., nor to points in Twin Falls and Jerome Counties, Idaho) and *damaged shipments* on return. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, Montana, California, Nevada, Utah and Wyoming.

NO. MC 55889 SUB 20, LOUIE COOPER and T. J. DAVIS, doing business as Cooper Transfer Company, Brewton, Ala. Applicant's attorney: John W. Cooper, D. H. Markstein, Jr., 620 Massey Bldg., Birmingham 3, Ala. For authority to operate as a *common carrier*, over a regular route, transporting: *General Commodities*, except Class A and B explosives, loose bulk commodities and those requiring special equipment, and household goods as defined by the Commission, between Mobile and Brewton, Ala., over U. S. Highway 31, serving all intermediate points. (Applicants are presently authorized in Certificate No. MC 55889, dated March 3, 1948, to transport general commodities with specified exceptions, over irregular routes, between Mobile and Brewton, Ala. This application filed to convert carrier's present irregular route authority between Mobile and Brewton to that of a regular route.) Applicants are authorized to conduct operations in Alabama, Georgia and Florida.

NO. MC 57616 SUB 3, T. G. WALKER, Main Street, Claysville, Pa. Applicant's attorney: William S. Yard, Bloom, Bloom & Yard, Washington Trust Building, Washington, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cinders, slag, sand, gravel*, and *stone, unglazed and unmanufactured*, in dump trucks, from Benwood and Weirton, W. Va., to points in Washington and Greene Counties, Pa. Applicant is authorized to conduct operations in West Virginia and Pennsylvania.

NO. MC 59120 SUB 10, EAZOR EXPRESS, INC., 2622–36 Penn Avenue, Pittsburgh, Pa. Applicant's attorney: Henry M. Wick, Jr., Delisi and Wick, 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *Sterling silverware*, from New York, N. Y., over U. S. Highway 22 to Pittsburgh, Pa., thence over Pennsylvania Highway 28 to New Kensington, Pa.

NO. MC 61137 SUB 3, RICHARD BURLEW, JR., R. D. No. 1, Old Bridge, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand* and *clay*, and *sand and clay mixtures*, in bulk, in dump trucks and in containers, from South Amboy and South River, N. J., and points in Madison and Sayreville Townships, Middlesex County, N. J., to points in Connecticut, Massachusetts and Rhode Island, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return movements. Applicant is authorized to conduct operations in New Jersey, New York and Pennsylvania.

NO. MC 61265 SUB 45, SOUTHEASTERN MOTOR TRUCK LINES, INC., P. O. Box 1086, Hill Blanton Ave., Nashville, Tenn. Applicant's attorney: Charles Hudson, Jr., 407 Broadway National Bank Building, Nashville, Tenn. For authority to operate as a *common carrier*, over regular and alternate routes, transporting: *Class A and B explosives*, (1) from to and between all points presently authorized to be served in the performance of those particular portions of regular and alternate route operations in and through Illinois, Indiana, Kentucky, Missouri, and Tennessee where now restricted against the transportation of Class A and B explosives as described in Certificates Nos. MC 61265, MC 61265 Sub 15, MC 61265 Sub 22, MC 61265 Sub 24, MC 61265 Sub 38, MC 61265 Sub 40, and MC 61265 Sub 43, dated September 1, 1942, January 13, 1944, September 23, 1947, November 7, 1949, October 14, 1953, March 12, 1954, and August 12, 1954, respectively, subject to all presently applicable restrictions which remain after removal of said restriction against transportation of Class A and B explosives, and (2) between junction U. S. Highways 60 and 31W at or near Fort Knox, Ky., and junction U. S. Highways 60 and 41 near Henderson, Ky., over U. S. Highway 60 in the performance of alternate route operations in the transportation of general commodities, with certain exceptions among which are Class A and B explosives, already applied for but not yet granted as described in No. MC 61265 Sub 44. Applicant is authorized to conduct operations in Georgia, Indiana, Kentucky, Ohio, and Tennessee.

NO. MC 61440 SUB 65, LEE WAY MOTOR FREIGHT, INC., P. O. Box 2488, 3000 West Reno Street, Oklahoma City, Okla. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, and commodities injurious or contaminating to other lading, between Oklahoma City, Okla. and Arkansas City, Kans., from Oklahoma City over U. S. Highway 77 to Arkansas City, and return over the same route, serving no intermediate points, as an alternate route in connection with carrier's regular route operations between Oklahoma City, Okla. and Kansas City, Mo. Applicant is authorized to conduct operations in Kansas, Missouri, New Mexico, Oklahoma and Texas.

NO. MC 61640 SUB 2, THE RATHBUN CARTAGE COMPANY, A Corporation, 2941 Monroe Street, Toledo, Ohio. Applicant's attorney: Elber J. Shover and Robert N. Krier, Shover & Krier, 3440 LeVeque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products*, and *articles distributed by meat-packing houses* as defined by the Commission in Ex Parte No. MC–45, and *advertising matter and material used in connection with the sale and distribution of meat packing house products*, in refrigerated equipment, between Toledo, Ohio, on the one hand, and, on the other, points in Jackson, Hillsdale, Lenawee and Monroe Counties, Mich., and Williams, Fulton, Lucas, Ottawa, Erie, Sandusky, Wood, Henry, Defiance, Putnam, Hancock, Wyandot, Seneca and Huron Counties, Ohio.

NO. MC 76266 SUB 86, MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Applicant's attorney: Jack Goodman, Axelrod, Goodman & Steiner, 39 South LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, livestock, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading, between Chicago, Ill., and junction Tri-State Expressway and Indiana Highway 152, from Chicago over Alternate U. S. Highway 30 to junction 130th Street and Calumet Super Highway, thence over Calumet Super Highway to junction Tri-State Highway near Lansing, Ill., thence over the Tri-State Highway to junction Indiana Highway 152, and return over the same route serving all intermediate points. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

NO. MC 83428 SUB 2, (Amended), published in the September 9, 1954 issue of the FEDERAL REGISTER, page 5847, J. F. RIEBE, doing business as WACONIA MOTOR EXPRESS, Waconia, Minn. Applicant's attorney: W. R. Glaeser, First National Bank Bldg., Waconia, Minn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities* including *Class A and B explosives*, but, excluding those of unusual value, High Explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Cologne, Minn., and Waconia, Minn., over Minnesota Highway 284, serving the intermediate point of Victoria, Carver County, Minn., and the off-route points of Bongards and Chanhassen, Minn., and (2) between Cologne, Minn., and St. Paul, Minn., operating from Cologne over U. S. Highway 212 to junction U. S. Highway 169, thence over U. S. Highway 169 to Minneapolis, Minn., thence over city streets to St. Paul, and return over the same route, serving no intermediate points, as an alternate route in connection with (1) applicant's proposed regular route operations between Cologne, Minn., and Waconia, Minn., and (2) with authorized regular route operations between Waconia, Minn., and St. Paul, Minn. Applicant is authorized to conduct operations in Minnesota.

NO. MC 103880 SUB 133, (Amended), PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich.

Applicant's attorney: David Axelrod, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Paints, Paint products*, and *all liquids used in the manufacturing and/or processing of paints, lacquers, and varnishes, alkyd and vinyl resin solutions*, in bulk, in tank vehicles, from Louisville, Ky., and points within five (5) miles thereof, to points in Indiana, Illinois, Nebraska, Ohio, Pennsylvania, New York, New Jersey, Maryland, Virginia, West Virginia, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Oklahoma, Arkansas, Georgia, Alabama, Mississippi, Tennessee, North Carolina, South Carolina, Louisiana, Texas, and Florida; (2) *tall oil*, in bulk, in tank vehicles, from Fox, and Bay Minette, Ala., to Louisville, Ky.; and (3) *Linseed oil*, in bulk, in tank vehicles, from Minneapolis, Minn., to Louisville, Ky. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin.

NO. MC 104222 SUB 4, JOSEPH CHAIRVOLOTTI, Box 182, Horseheads, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail chain grocery and food business houses, and in connection therewith *equipment, materials*, and *supplies* used in the conduct of such business, from Waverly, N. Y. to points in Pennsylvania north of the southern boundaries of Monroe, Carbon, Schuylkill, Northumberland, Union, Centre, Clearfield, Indiana, Armstrong, Butler and Lawrence Counties, Pa. Applicant is authorized to conduct operations in New York and Pennsylvania.

NO. MC 104654 SUB 102, COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill. Applicant's attorney: Mack Stephenson, Atty., First National Bank Bldg., Springfield, Ill. For authority to operate as a *common carrier* over irregular routes transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Caruthersville, Mo. and points within 10 miles thereof, to points in Kentucky, Tennessee and Arkansas. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri and Tennessee.

NO. MC 106943 Sub 50, EASTERN MOTOR EXPRESS, INC., 128 Cherry Street, Terre Haute, Ind. Applicant's attorney: John E. Lesow, Anderson, Lesow & Leah, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General* commodities, except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, between junction U. S. Highway 15 and Pennsylvania Highway 14, at or near Shamokin Dam, Pa., and Williamsport, Pa., over U. S. Highway 15, serving no intermediate points, as an alternate route in connection with carrier's regular route operations between West Springfield, Pa. and New York, N. Y. Carrier is authorized to conduct operations in Illinois, Indiana, Maryland, Missouri, New Jersey, New York, Ohio and Pennsylvania.

NO. MC 107496 Sub 54, RUAN TRANSPORT CORPORATION, 408 S. E. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from St. Paul and Minneapolis, Minn. to Duluth, Minn. and points in that part of Minnesota on and east of the U. S. Highway 53 between Duluth and the United States-Canada International Boundary Line, excluding points in Cook County, Minn. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Missouri, Nebraska and Wisconsin.

NO. MC 107515 Sub 155 (Amended) Published in August 11, 1954 issue of Federal Register, Page No. 5073, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue, S. W., Atlanta, Ga. Applicant's attorney: Allan Watkins, Edgar Watkins and Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Poultry*, fresh dressed, ice packed, or frozen, from Abilene and Dallas, Tex. to points in Alabama, Georgia, Florida, North Carolina, South Carolina and Tennessee. Applicant is authorized to conduct operations in Georgia, Tennessee, North Carolina, South Carolina, Florida, Mississippi, Louisiana and Alabama.

NO. MC 109451 Sub 38, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: William J. Guenther, Boyce, Guenther, Harrison & Noberly, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, between Dubuque, Iowa and points in Nebraska, Minnesota, Wisconsin, Missouri and Illinois. Applicant is authorized to conduct operations in Indiana, Missouri, Michigan, Illinois and Wisconsin.

NO. MC 109542 Sub 1, W. S. WEATHERFORD, SR., W. S. WEATHERFORD, JR., W. E. WEATHERFORD, AND J. L. WEATHERFORD, doing business as WEATHERFORD BROS. TRANSFER & FORWARDING CO., Darlington Highway, Florence, S. C. Applicant's attorney: Wade S. Weatherford, Jr., Berkeley Building, Gaffney, S. C. For authority to operate as a *common carrier;* over irregular routes, transporting: *Household goods*, as defined by the Commission, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified on return movements, between points in Florence and Darlington Counties, S. C., on the one hand, and, on the other, points in Virginia, Delaware, Maryland, West Virginia, Pennsylvania, New Jersey, New York, Ohio, Kentucky, Indiana, Illinois, Tennessee, Florida, Alabama, Mississippi, Louisiana, Texas and the District of Columbia. Applicant is authorized to conduct operations in Georgia, North Carolina and South Carolina.

NO. MC 110148 Sub 29, TRANSIT, INC., Herman, Nebr. Applicant's attorney: R. E. Powell, 1005–06 Trust Building, Lincoln, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as described by the Commission in Ex Parte No. MC–45, from points in Nebraska on the one hand, and, on the other, points in Kansas located on and north of U. S. Highway 40. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, and Nebraska.

NO. MC 110148 Sub 30, TRANSIT, INC., Herman, Nebr. Applicant's attorney: R. E. Powell, 1005–06 Trust Building, Lincoln, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, (1) from Dubuque, Iowa and points within 10 miles thereof, to points in Nebraska, Missouri, Kansas and Minnesota, and (2) from De Sota, Kans. and points within 25 miles thereof to points in Nebraska, Iowa and Missouri, and *contaminated shipments* on return movement. Applicant is authorized to conduct operations in Kansas, Iowa, Illinois and Nebraska.

NO. MC 110683 Sub 10, SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., 332, Kalorama Street, S. E., Staunton, Va. Applicant's attorney: Francis W. McInerny, 504 Commonwealth Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Albemarle County, Va., on the one hand, and, on the other, Baltimore, Md., Wilmington, Del., York, Pa., points within the Philadelphia, Pa. and New York, N. Y. Commercial Zones as defined by the Commission, those in Essex, Union and Middlesex Counties, N. J., North Carolina, South Carolina and those in that part of West Virginia east of a line beginning at the Pennsylvania-West Virginia State line and extending along U. S. Highway 19 to Sutton, W. Va., thence along West Virginia Highway 4 to junction U. S. Highway 119, and thence along U. S. Highway 119 to the West Virginia-Kentucky State line, including points on the designated portions of the highways specified, except between points on said carrier's regular routes, in Augusta, Rockbridge, and Rockingham Counties, Va., on the one hand, and, on the other, those in West Virginia on U. S. Highway 60 from Covington to Charleston, including Covington and Charleston, and points within 15 miles of Charleston. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.

NO. MC 112841 Sub 2, UNION SERVICE COMPANY, A Corporation, S. E 30th and Scott Streets, P. O. Box No. 855, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Hartford, Ill. to West Quincy, Mo. Applicant is authorized to conduct operations in Illinois and Missouri.

NO. MC 114892 Sub 1, A. W. HUTCHINS, doing business as A. W. HUTCHINS TRUCKING CO., 853 Maybelle Street, Moscow, Idaho. For authority to operate as a *common carrier*, over irregular routes, transporting: *Whole peas, split and steelcut peas, pea by-products, pearled barley* and *cracked wheat* (1) between points in Whitman County, Wash., and Latah County, Idaho, on the one hand, and, on the other, points in Oregon, California, Arizona, Utah, Colorado, Montana and Nebraska; and (2) from points in Latah County, Idaho to points in Washington; and *exempt commodities* on return.

NO. MC 114938, WILLARD ODEGAARD, (Amended-Published Page 6291, issue of September 29, 1954), doing business as ODEGAARD TRANSPORT, Tioga, N. Dak. Applicant's attorney: Lawrence O'Connell, Burk, McIntee & O'Connell, Williston, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Natural gasoline* and *liquified petroleum gas*, in bulk, in tank vehicles, between Tioga and Mandan, N. Dak., on the one hand, and, on the other, points in Montana, Minnesota and South Dakota.

NO. MC 115017, CALIFORNIA INTERCITY ARMORED CAR SERVICE, INC., 1224 W. 6th Street, Los Angeles, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin* and *bullion*, from the United States Mint in Denver, Colo., to the Federal Reserve Bank of San Francisco, and Branches thereof in California.

NO. MC 115019, EARL EIHAUSEN, doing business as EARL'S TRANSPORT SERVICE, 115 Olive Street, Hartford, Ill. Applicant's attorney: Louis E. Smith, 316–318 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Residual fuel oil*, in bulk, in tank trucks, from Wood River, Ill., to St. Louis, Mo.

NO. MC 115026, RICHARD BROS. TRANSPORTATION, INC., 175 Neal Street, Portland, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dressed, fresh and frozen, and eviscerated poultry* from Augusta, Belfast, Waldoboro and Morrill, Maine to Jamaica, Brooklyn, Bronx, Long Island and New York, N. Y., and Stamford, Conn.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

NO. MC 35628 SUB 192, INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, S. W., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Warner, Norcross & Judd, Michigan Trust Bldg., Grand Rapids 2, Mich. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Passengers*, who are, at the time, acting as armed guards designated to accompany a particular shipment during the transportation thereof, and who may be military personnel, government personnel, or armed guards provided by a private agency, in connection with carrier's authorized operations. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NO. MC 63390 SUB 5, CARL R. BIEBER, Vine and Baldy Streets, Kutztown, Pa. Applicant's attorney: William J. Wilcox, Snyder, Wert & Wilcox, Suite 619 Commonwealth Building, Allentown, Pa. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *light express, mail*, and *newspapers*, in the same vehicle with passengers, between Reading and Kutztown, Pa., and New York, N. Y., from Reading over U. S. Highway 222 via Kutztown to Trexlertown, thence over Pennsylvania Highway 100 to junction U. S. Highway 22 By-Pass, thence over U. S. Highway 22 By-Pass to Pennsylvania-New Jersey State line, thence over U. S. Highway 22 to New Jersey Turnpike Interchange at Newark Airport, thence over New Jersey Turnpike to Lincoln Tunnel Interchange, thence over Lincoln Tunnel to New York-New Jersey State line, and thence over Lincoln Tunnel and exits to the New York Port Authority Bus Terminal in New York, and return over the same routes, serving no intermediate points, in through express service. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia.

NO. MC 109417 SUB 1, JAMES P. KELVINGTON, doing business as KELVINGTON CHARTER BUS SERVICE, 514 West Clark St., East Palestine, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round-trip charter service, beginning and ending at points in Columbiana, Mahoning, Jefferson, and Carroll Counties, Ohio, and extending to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, Kentucky, Indiana, Michigan, Wisconsin, Illinois, North Carolina, Tennessee, South Carolina, Georgia, Alabama, Mississippi, Florida, and the District of Columbia.

APPLICATIONS UNDER SECTION 5 AND 210 (a) (b)

Correction: No. MC–F–5792, published in the September 29, 1954, issue of the FEDERAL REGISTER on page 6295. The following attorney's name was inadvertently omitted: Lee Reeder, Suite 1010, 1012 Baltimore Ave., Kansas City 5, Mo.

No. MC–F–5817. Authority sought for the merger into SOUTHEASTERN MOTOR LINES, INC., 37 Alabama Street, Carrollton, Ga., of the operating rights and property of GEORGIA-TENNESSEE COACHES, INC., 37 Alabama Street, Carrollton, Ga., and for acquisition by M. C. Roop, Carrollton, Ga., of control of the operating rights and property through the transaction. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 5, Ga. Authority sought to be merged: *Passengers and their baggage*, as a *common carrier*, over regular routes, between Chattanooga, Tenn., and Dahlonega, Ga., between Rocky Face, Ga., and Trenton, Ga., and between Cleveland Tenn., and Dalton, Ga., serving all intermediate points, and the off-route point of Spring Place, Ga. Applicant is authorized to operate in Alabama and Georgia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5818. Authority sought for purchase by DUNN BROS., INC., 801 Mercantile Securities Building, Dallas 1, Tex., of a portion of the operating rights of JOHN B. ABLE, doing business as MONTEZUMA TRUCK LINE, 873 East Third Street, P. O. Box 246, Durango, Colo. and for acquisition by ERNEST C. DUNN and ELLIS E. DUNN, Dallas, Tex., of control said operating rights through the purchase. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. Operating rights sought to be transferred: *Heavy machinery, boilers, saw mill equipment*, and *machinery, materials, supplies* and *equipment* incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier*, over irregular routes, between Cortez, Colo., and points in Colorado within 50 miles of Cortez, on the one hand, and, on the other, points in McKinley and San Juan Counties, N. Mex. Vendee is authorized to operate in the District of Columbia and all states in the United States except California. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5819. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, P. O. Box 1216, Richmond Va., of a portion of the operating rights of SOUTHEASTERN FREIGHT LINES, P. O. Box 5287, Columbia, S. C., and for acquisition by J. H. COCHRANE, Richmond, Va., of control of said operating rights through the purchase. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 5, Ga. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, between certain points in South Carolina on the one hand, and on the other, points in Georgia. Vendee is authorized to operate in Virginia, North Carolina, Georgia, Tennessee and South Carolina. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–8852; Filed, Nov. 9, 1954; 8:50 a. m.]

[4th Sec. Application 29873]

CLASS RATES SUBJECT TO RATINGS IN EXCEPTIONS TO CLASSIFICATION TO AND FROM POINTS IN THE SOUTH

APPLICATION FOR RELIEF

NOVEMBER 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company, for itself and on behalf of carriers parties to Agent W. P. Leland's tariff I. C. C. No. A-34.

Commodities involved: Class rates subject to ratings in exceptions to the uniform freight classification.

Between: Points in southern territory and between points in southern territory, on the one hand, and points in official territory on the other, over routes in part west of the Mississippi River.

Grounds for relief: Competition with rail carriers, circuity, to maintain grouping, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8848; Filed, Nov. 9, 1954; 8:49 a. m.]

[4th Sec. Application 29874]

CRUSHED STONE FROM DAN, GA., TO POINTS IN GEORGIA

APPLICATION FOR RELIEF

NOVEMBER 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and Charleston & Western Carolina Railway Company.

Commodities involved: Stone, limestone, granite or marble, broken or crushed, carloads.

From: Dan, Ga.

To: Points in Georgia.

Grounds for relief: Rail competition, circuity, and to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, supp. 83.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8849; Filed, Nov. 9, 1954; 8:49 a. m.]

[4th Sec. Application 29875]

FENCE POSTS, WOODEN, FROM HOUSTON, TEX. TO ILLINOIS, IOWA, MISSOURI, AND SOUTH DAKOTA

APPLICATION FOR RELIEF

NOVEMBER 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fence posts, wooden, carloads.

From: Houston, Texas.

To: Points in Illinois, Iowa, Missouri and South Dakota.

Grounds for relief: Rail competition, circuity, grouping, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3954, supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8850; Filed, Nov. 9, 1954; 8:49 a. m.]

[4th Sec. Application 29876]

VARIOUS COMMODITIES FROM AND TO POINTS IN WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariffs I. C. C. Nos. A-4038, A-3991, A-3723, and other tariffs listed in the application pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

Between: Points in western trunk line territory, and between points in the latter territory, on the one hand, and points in official and southern territories, on the other.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8851; Filed, Nov. 9, 1954; 8:49 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — 1934

VOLUME 19 NUMBER 220

Washington, Thursday, November 11, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (2) is added to §6.309 as set out below.

§ 6.309 *Post Office Department.* • • •

(f) *Bureau of Post Office Operations.* • • •

(2) One Special Assistant to the Assistant to the Assistant Postmaster General.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 54-8887; Filed, Nov. 10, 1954; 8:49 a. m.]

PART 32—INCENTIVE AWARDS

Effective November 30, 1954, Part 32 is revised in its entirety as set out below.

SUBPART A—GENERAL PROVISIONS

Sec.
32.101 Purpose.
32.102 Policy statement.
32.103 Definitions.
32.104 Coverage.
32.105 Processing of awards under repealed authority.

SUBPART B—ESTABLISHMENT OF DEPARTMENTAL PROGRAMS

32.201 Departmental plans.
32.202 Awards and employee promotions.
32.203 Stimulating employee participation.
32.204 Prompt processing of employee contributions.
32.205 Documentation of action on employee contributions.
32.206 Reports.

SUBPART C—AWARDS

32.301 Eligibility of employee for awards.
32.302 Cash awards, tangible benefits.
32.303 Cash awards, intangible benefits.
32.304 Honorary awards.
32.305 Group awards.
32.306 Presidential awards.

SUBPART D—INTERDEPARTMENTAL AWARDS

32.401 The employing department.
32.402 Referrals to other departments.
32.403 Benefiting departments other than the employing department.

AUTHORITY: §§ 32.101 to 32.403 issued under sec. 302, 68 Stat. 1112. Interpret or apply sections 303 and 304, 68 Stat. 1113.

SUBPART A—GENERAL PROVISIONS

§ 32.101 *Purpose.* (a) The Government Employee's Incentive Awards Program is established for the purpose of improving Government operations and recognizing employees through the medium of incentive awards.

(b) The awards under this program are designed (1) to encourage employees to participate in improving the efficiency and economy of Government operations, (2) to recognize and reward employees, individually or in groups, for their suggestions, inventions, superior accomplishments or other personal efforts which contribute to efficiency, economy, or other improvement in Government operations, and (3) to recognize and reward employees individually or in groups who perform special acts or services in the public interest in connection with, or related to, their official employment.

§ 32.102 *Policy statement.* Title III of Public Law 763, 83d Congress, authorizes and directs the Commission to develop regulations governing the granting of incentive awards to civilian officers and employees of the Government. It is the policy of the Commission (a) to establish broad principles and standards for the administration of the Incentive Awards Program, (b) to delegate to heads of departments authority to establish and operate incentive awards plans consistent with these principles and standards, (c) to assist department officials in the development of effective programs, (d) to encourage the exchange of employee contributions among departments, and (e) to review the operation of agency plans in order to strengthen the Government's Incentive Awards Program.

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FEDERAL REGISTER

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§ 32.103 *Definitions.* For the purpose of this part, definitions are given for the following terms:

(a) *Act.* The term "act" means Title III of Public Law 763, 83d Congress, approved September 1, 1954, referred to as the Government Employees' Incentive Awards Act.

(b) *Department.* The term "department" means a department as defined in section 303 of the act.

(c) *Employee.* The term "employee" includes any civilian officer or employee in or under the departments.

(d) *Commission.* The term "Commission" means the United States Civil Service Commission.

(e) *Plan.* The term "plan" means a written statement, approved by the head of the department, giving effect to the act and the Commission's regulations and instructions governing the Incentive Awards Program.

(f) *Employee contribution.* The term "employee contribution" means (1) a suggestion, invention, superior accomplishment, or other personal effort which contributes to the efficiency, economy or other improvement of Government operations, or (2) the performance by an employee of a special act or service in the public interest in connection with or related to his official employment. To be considered for an incentive award an employee contribution must be described in writing.

(g) *Incentive award.* The term "incentive award" means either a cash award, an honorary award, or both.

(h) *Honorary award.* The term "honorary award" means an incentive award granted by the head of a department in the form of a certificate, emblem, pin or other item that can be worn or displayed by the recipient.

(i) *Departmental award.* The term "departmental award" means an incentive award granted by the head of a department for an approved employee contribution from an employee or employees of his department.

(j) *Inter-departmental award.* The term "inter-departmental award" means an incentive award granted by the head of a department for an approved employee contribution from an employee or employees of another department.

(k) *Presidential award.* The term "Presidential award" means an award granted by the President in accordance with the act.

§ 32.104 *Coverage.* The Commission's regulations in this part apply to any employees in a department as defined in section 303 of the act.

§ 32.105 *Processing of awards under repealed authority.* The right of any employee to an incentive award granted to him prior to November 30, 1954, under any provision of law repealed by the act shall not be affected by the regulations in this part. Such an incentive award shall be deemed granted when it has been approved by the authority having the responsibility for such approval.

SUBPART B—ESTABLISHMENT OF DEPARTMENTAL PROGRAMS

§ 32.201 *Departmental plans.* (a) The head of each department shall, in accordance with the regulations in this part and the Commission's instructions, establish and operate a plan which provides for the use of incentive awards as an integral part of supervision and management. The head of each department is authorized to grant departmental and interdepartmental awards to employees of the Government. Such incentive awards may be granted also to former employees or to the estates of deceased employees. To receive an incentive award, however, the employee must have made his contribution while he was an employee of the Government.

(b) The incentive awards plan for each department shall provide for central administrative direction and review as well as for adequate delegation of authority and responsibility to bureaus, offices or field units to insure maximum compliance with the purposes of the act. The plan must also provide that employee contributions be considered for applicability throughout the department. In addition, the plan must provide for referral to the Commission of employee contributions which may have applicability in other departments. Each department shall submit its plan for incentive awards to the Commission by January 31, 1955, for the Commission's information. Subsequent changes in such plans shall be submitted to the Commission within 30 days after their effective date.

§ 32.202 *Awards and employee promotions.* (a) The head of each department shall provide that incentive awards granted under this program shall be given due weight in qualifying and selecting employees for promotion, provided minimum qualification requirements established by the Commission are not lowered.

(b) The head of each department shall provide that supervisors be given due recognition for the extent to which they are successful in motivating the interests and participation of their employees in the incentive awards program.

§ 32.203 *Stimulating employee participation.* For the purpose of obtaining maximum employee participation, the head of each department shall emphasize to supervisors and employees the importance of the Incentive Awards Program in improving Government operations and the need for their active participation in the program.

§ 32.204 *Prompt processing of employee contributions.* The head of each department shall provide for prompt action on employee contributions for the purpose of (a) encouraging maximum employee participation and (b) obtaining all possible benefits to the Government.

§ 32.205 *Documentation of action on employee contributions.* The head of each department shall provide for adequate documentation in support of the action taken on each employee contribution.

§ 32.206 *Reports.* The head of each department shall submit to the Commission by September first of each year a report on the operation of the department's Incentive Awards Program during the preceding fiscal year in accordance with instructions issued by the Commission.

SUBPART C—AWARDS

§ 32.301 *Eligibility of employee for awards.* An employee contribution must have been approved by the benefiting department before an employee may be granted an incentive award.

§ 32.302 *Cash awards, tangible benefits.* A cash award may be made when an employee contribution results in the saving of money. The amount of such award shall normally be based on, but not necessarily limited to, the estimated net monetary savings for the first full year of operation following its adoption. The amount of the award shall be determined in accordance with the table and other provisions of this section, unless for special reasons the head of the department determines that a different amount is justified, in which case such reasons will be documented in support of the action taken.

TABLE—AWARD SCALE FOR TANGIBLE SAVINGS

Savings	*Amount of Award*
$1 to $200	$10.
$201 to $1,000	$10 for the first $200 in savings and $5 for each additional $100 or fraction thereof.
$1,001 to $10,000	$50 for the first $1,000 in savings and $5 for each additional $200 or fraction thereof.
$10,001 to $100,000	$275 for the first $10,000 in savings and $5 for each additional $1,000 or fraction thereof.
$100,001 or more	$725 for the first $100,000 in savings and $5 for each additional $5,000 or fraction thereof.

The head of the department shall not make a cash award in excess of $5,000 in any case without prior approval of the Commission.

§ 32.303 *Cash awards, intangible benefits.* A cash award may be made when an employee contribution does not lend itself to appraisal on the basis of monetary savings or results in combined monetary savings and intangible benefits. The amount of such cash award shall be determined on the basis of its value or benefit to Government operations after full consideration of such factors as extent and scope of application, significance of the contribution, and importance of programs affected. The head of each department shall provide, as part of his incentive awards plan, guide lines and criteria which shall be the basis for awards for employee contributions with intangible benefits. The head of the department shall not make a cash award in excess of $5,000 in any case without prior approval of the Commission.

§ 32.304 *Honorary awards.* Whenever appropriate, an honorary award may be granted in recognition of an employee contribution. Such honorary award may be granted in addition to a cash award.

§ 32.305 *Group awards.* When a contribution has been made by more than one employee or by a group of employees, all employees contributing, including supervisors, may share in incentive awards. If a cash award is made, such grant may be in equal shares, or to each employee in proportion to his contribution. However, the total amount of such award should generally be the amount authorized for that type of award if made to one individual.

§ 32.306 *Presidential awards.* The personally signed recommendation of the head of a department for a Presidential award may be made to the Commission for transmittal to the President whenever the head of a department believes such award to be appropriate. Such recommendation is made following approval of the employee contribution within the department. In addition, the Commission may recommend for Presidential award employee contributions resulting in inter-departmental benefits.

SUBPART D—INTERDEPARTMENTAL AWARDS

§ 32.401 *Awards by the employing department.* When the head of the employing department approves an employee contribution that may also benefit other departments, the head of the employing department is authorized to grant an incentive award based on the benefit to his own department without regard to any additional benefit which may accrue to another department.

§ 32.402 *Referrals to other departments.* The head of each department shall establish procedures to insure that an employee contribution originating with his department which may have application in other departments is forwarded to the Commission for appropriate referral after it has been considered for applicability throughout his department. Specific information as to the activities in other departments where it is believed the employee contribution can be used shall accompany the incentive award file.

§ 32.403 *Awards by benefiting departments other than the employing department.* (a) When the head of a department approves an employee contribution which was originated by an employee of another department, he shall report the fact to the Commission at the earliest practicable date, and in no event later than six months after it has been referred by the Commission, except upon prior approval of the Commission. The report of the head of the department to the Commission shall state the estimated first year net monetary savings, if any, and the amount of the cash award that would be in order for intangible benefits, if any, if the contribution had been made by an employee of that department.

(b) The Commission, on the basis of the departmental report or reports, will determine the total inter-departmental first year net monetary savings and the total awards for intangible benefits resulting from the employee contribution, and recommend to each benefiting department (other than the employing department) its proportionate share of the award.

(c) Within 30 days after date of receipt of the Commission's recommendation, the head of each benefiting department shall notify the Commission, in writing, as to the action the department will take on the Commission's recommendation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-8888; Filed, Nov. 10, 1954; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Cotton Bulletin 1]

PART 427—COTTON

SUBPART—1954 COTTON LOAN PROGRAM

Correction

In Federal Register Document 54-4630, published at page 3597 in the issue dated June 18, 1954, the following change should be made in the table under § 427.531 (b) (1): The loan rate for Arizona and California, staple length 1 3/8, Grade 1, now reading "65.75", should read "64.75".

Subchapter C—International Wheat Agreement

PART 481—COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

SUBPART—TERMS AND CONDITIONS OF 1954–55 PROGRAM

MISCELLANEOUS AMENDMENTS

The terms and conditions of 1954–55 program (19 F. R. 3830) issued on June 18, 1954, are amended as follows:

1. Section 481.534 is amended to permit an increase in the loading tolerance on full cargo shipments of bulk wheat from 5 to 10 percent, so that the entire amended section reads as follows:

§ 481.534 *Excess quantities exported.* Payment will not be made on quantities loaded on vessels or exported by rail or truck which exceed by more than 1 percent the quantity shown on the Declaration of Sale, or, in the case of bulk wheat, a loading tolerance as specified in the contract but which shall not exceed 5 percent of the contract quantity on parcel shipments or 10 percent of the contract quantity on full cargo shipments, unless clearance is obtained from the Director, in which case a new Declaration of Sale and a new Confirmation of Sale for the additional quantity is required. Payment will be made without additional clearance where, in the case of flour or bagged wheat, the loaded quantity does not exceed the contract quantity by more than 1 percent, and in the case of bulk wheat the loaded quantity does not exceed the contract quantity by more than 1 percent or a loading tolerance as specified in the contract, whichever is greater, but such loading tolerance shall not exceed 5 percent of the contract quantity on parcel shipments and 10 percent of the contract quantity on full cargo shipments.

2. A new section, (§ 481.539), entitled "Deferred price sales" is to be added under the heading "Eligibility for Payment by the Commodity Credit Corporation." This new section permits the reporting of sales to CCC which have been entered into on a provisional price basis, with the price to be established at a later date. This new section reads as follows:

§ 481.539 *Deferred price sales.* (a) Sales may be made on a deferred price basis, in which case a provisional price shall be agreed upon between the exporter and the foreign buyer, with the final sales price to be determined:

(1) On exports from East and Gulf ports, at any time through 3:30 p. m., e. s. t., of the fifth market day following the date of the on-board ocean carrier bill of lading.

(2) On exports from West Coast ports, at any time through 3:30 p. m., e. s. t., of the fifteenth market day following the date of the on-board ocean carrier bill of lading.

(3) For exports wholly by rail or truck at any time through 3:30 p. m., e. s. t., of the date of customs clearance shown on the Shipper's Export Declaration.

(4) In case a final price is not established within the respective period prescribed in subparagraph (1), (2), or (3) of this paragraph but is established subsequent thereto, for purposes of the adjustment as provided in paragraph (c) of this section, the provisional price will be considered to have been made final on the expiration date of such prescribed period.

(b) If installment shipments are made against a sale confirmed on a deferred price basis, a final price may be established in accordance with paragraph (a) of this section, on each installment shipment separately.

(c) The export payment rate applicable to deferred price transactions will be determined in accordance with § 481.541, except that such rate will be adjusted by an amount equal to any rate change, between the time of sale and the time the final sales price is determined as prescribed in paragraph (a) (1), (2), (3), or (4) of this section, which is specifically announced by CCC as intended to increase or reduce the Wheat Agreement selling price level: *Provided*, That when the announced rate change results in a higher subsidy payment, the final sales price to the buyer shall reflect a corresponding reduction. Rate changes resulting from market changes or because of revisions in equivalents occasioned by fluctuations in transportation costs, shall not be regarded as establishing a new selling price level for purposes of rate adjustments with respect to sales made on a deferred price basis. Notwithstanding the provisions of this section, the amount of any adjustment under this paragraph shall not be such as to result in a final selling price more than the maximum equivalent or less than the minimum equivalent, after allowance for quality, in effect at the time the final price is established.

(d) For transactions entered into on a deferred price basis, the Notice of Sale and the Declaration of Sale, in addition to the information specified in §§ 481.555 and 481.556 respectively, shall indicate that the sales price is provisional. This may be reported by utilizing the code word "Deferred."

(e) With respect to any shipment or shipments made against a deferred price contract, for which the price has not been made final before the time of any rate change announcement as provided in paragraph (c) of this section, the exporter shall notify the CCC in an original and one copy as follows:

(1) Sale number.
(2) Quantity exported.
(i) Wheat in bushels.
(ii) Flour in net hundredweight.
(3) Port of exportation.
(4) Date of ocean bill of lading.
(5) A certified true copy of the exporter's notification to the buyer of the adjusted final sales price with respect to which a higher subsidy payment will be claimed.

3. Section 481.541 is amended to permit adjustments in the export payment rate pursuant to the conditions prescribed by the new § 481.539, and to provide that the time of receipt of cables or other written evidence from the exporter's agent, shall be considered in determining the time of sale. Section 481.541, as amended, reads as follows:

§ 481.541 *Determinatin of rates.* The rate in effect at the time of sale to the foreign buyer, or the time of giving Notice of Sale as required by § 481.555 (a), whichever rate is the lower, shall be the rate applicable to the sale, except that with respect to sales made on a deferred price basis, such rate may be adjusted as provided in § 481.539 (c). In the case of resales of wheat or flour, the export rate for such sales will be that applicable to the original purchasing country or to the country of final destination, whichever is lower. The supporting evidence as proof of sale submitted by the exporter in form prescribed in § 481.556 (d), will be the basis for determining the time of sale. The following are factors which may be determinative of the time of sale.

(a) Time of filing by the exporter of a cablegram or time of mailing of a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation of the booking of a shipment or shipments to be made pursuant to an open offer of the exporter to sell or a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter is empowered by the terms of the open offer or standing order to firm the contract by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) Sales may be made through a third party, but in such cases, in determining the time of sale, no substantially greater lapse of time for receipt of buyer's confirmation will be recognized than would have elapsed had the exporter been dealing directly with the ultimate foreign buyer. In such a transaction, the evidence of sale required by § 481.556 (d) shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party.

(e) Except for sales entered into on a deferred price basis, as provided in § 481.539, a sale shall not be considered as entered into until the purchase price has been established, and time of sale shall be the earliest date on which a firm contract exists between buyer and seller and on which a firm price has been established. With respect to sales made on a deferred price basis, time of sale shall be the earliest date on which a firm contract exists between buyer and seller and on which a provisional sales price has been established. In order to receive payment at the announced rate in effect at the time of sale, it is important that the exporter give timely Notice of Sale as required by § 481.555 (a) and present documentary evidence that the sale was consummated at such time.

(f) If export is wholly by truck or rail and the time of sale cannot be determined on the basis of the factors set forth in paragraph (a), (b), or (c) of this section, the sale will be deemed to have been made at the time of issuance of inland bill of lading, or if none is issued, at the time of clearance through United States customs. If export is by ocean carrier and time of sale cannot be determined as outlined above, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the wheat or flour is loaded on board ocean carrier.

(g) If the time of day at which the sale was consummated is not established and two payment rates are in effect on the day established in accordance with paragraph (a), (b), (c), or (d) of this section, the time of consummation of sale will be deemed to be at the time the lower of the two rates was in effect.

4. Section 481.555 (b) (2) (ii) is amended to implement the revision in the loading tolerance with respect to information furnished in the Notice of Sale. This subdivision as amended reads as follows:

(ii) For bulk wheat the contract loading tolerance, if any, in percentage, but not in excess of five percent on parcel shipments or ten percent on full cargo shipments.

5 Section 481.556 (b) (5) (i) is amended to implement the revision in the loading tolerance with respect to information furnished on the Declaration of Sale. This subdivision as amended reads as follows:

(i) *Wheat in bushels.* If, in the case of bulk wheat, the sales contract provides for a loading tolerance, the amount of such tolerance, but not to exceed five percent on parcel shipments or ten percent on full cargo shipments, given in percentage figures shall be entered directly following the quantity sold.

(Sec. 2, 63 Stat. 945, 946, sec. 104, 64 Stat. 198, 67 Stat. 358; 7 U. S. C. 1641, 1642)

Issued this 5th day of November 1954.

[SEAL] J. A. MCCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-8890; Filed, Nov. 10, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

PRORATION OF 1954 QUOTA FOR FOREIGN COUNTRIES OTHER THAN CUBA AND REPUBLIC OF THE PHILIPPINES

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended, hereinafter referred to as the "act", and is made for the purpose of prorating among those foreign countries other than Cuba and the Republic of the Philippines which will be able to fill additional prorations, that part of the basic quota for all such foreign countries which will not be filled by the countries to which it was originally prorated.

Section 204 (b) of the act provides that whenever the Secretary finds that any country will be unable to fill the proration to such country of the quota for foreign countries other than Cuba and the Republic of the Philippines established under section 202 (c) he may apportion such unfilled amount on such basis and to such countries as he determines is required to fill such proration.

This amendment increases the prorations of the quota to three specified countries and the proration to unspecified countries.

In order to afford adequate opportunity to ship the sugar as authorized by this amendment, it is essential that the revised prorations be made effective immediately. Therefore, it is hereby found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein made shall become effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. Sup. 1100), and the Administrative Procedure Act (60 Stat. 237) § 811.64 of Sugar Regulation 811, as amended (18 F. R. 8257, 19 F. R. 1501), is amended by adding paragraphs (c) and (d) as follows:

§ 811.64 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* * * *

(c) *Deficit in prorations of foreign countries other than Cuba and the Republic of the Philippines.* It is hereby determined, pursuant to section 204 (b) of the act, that 4,140 short tons, raw value, of the quota for foreign countries other than Cuba and the Republic of the Philippines prorated to El Salvador in paragraph (b) of this section will not be filled by that country.

(d) *Allotment of unfilled prorations.* The amount of sugar determined in paragraph (c) of this section is hereby prorated pursuant to subsection (b) of section 204 of the act, as follows:

Country:	*Additional prorations in short tons, raw value*
Dominican Republic	1,184
Mexico	491
Peru	2,227
Unspecified countries	238
Total	4,140

Statement of bases and considerations. This proration has been made in accordance with the provisions of section 204 (b) of the act heretofore stated, and subject to the provisions of section 204 (c) of the act which provides that the quota for any domestic area, the Republic of the Philippines, Cuba or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any such determination of a deficit.

The Department has been advised that: El Salvador will be unable to utilize its proration of the "full-duty" quota; and, Nicaragua and Haiti will be unable to utilize any additional prorations; but that, the Dominican Republic, Mexico and Peru have sugar available for importation before the end of the year within additional prorations. Therefore, the quantity determined in §811.64 (c) has been prorated to the Dominican Republic, Mexico, Peru and "unspecified countries". The additional proration was distributed in proportion to the prorations established in § 811.64 (b) of Sugar Regulation 811, Amendment 1 (18 F. R. 8257, 19 F. R. 1501).

After giving effect to the changes set forth in § 811.64 (d) the current adjusted prorations of quota for the "full-duty" countries are as follows:

Country:	*Adjusted prorations short tons, raw value*
Dominican Republic	28,818
El Salvador	------
Haiti	2,674
Mexico	11,949
Nicaragua	7,832
Peru	54,205
Unspecified countries	5,802
Total	111,280

(Sec. 403, 61 Stat. 932, as amended, 7 U. S. C. Sup. 1153. Interpret or apply secs. 202, 204; 61 Stat. 924, 925; 7 U. S. C. Sup. 1112, 1114)

Done at Washington, D. C., this 8th day of November 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-8853; Filed, Nov. 10, 1954; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5592]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL PAPER TRADE ASSOCIATION OF THE UNITED STATES, INC., ET AL.

Subpart—*Combining or conspiring:* § 3.430 *To enhance, maintain or unify prices.* In connection with the offering for sale, sale, and distribution of fine wrapping paper or other paper products in commerce, and on the part of said respondent National Paper Trade Association of the United States, Inc., 22 regional paper trade associations, 21 individuals as officers of one or more of said trade associations, and some 93 paper distributors, and their respective officers, etc., entering into, continuing, cooperating in or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between or among any two or more of said respondents, or between or among any one or more of said respondents and others not parties to the pro-

ceeding, to: (a) Establish or maintain prices for either fine or wrapping paper or for any descriptive classes thereof, or any rates of cash discount; (b) establish or maintain markups or percentages of markups in arriving at selling prices; (c) establish or maintain differentials with respect to any individual item or class of items, different quantities, color, cutting, trimming, packaging, or delivery, whether determined on a basis of method of delivery or geographical location to which delivered; (d) disseminate price lists or terms or conditions of sale offered to the trade, to each other directly, or by and through respondent associations or any other medium; (e) publish or distribute any publication of national average percentage markups for any individual item or individual class of paper or paper products or any tables or charts purporting to apply any national average percentage markups to any assumed price paid by merchants for any individual item or individual class of items, or showing any average national pricing practices of merchants with respect to any individual item or individual class of items for different quantities, color, cutting, trimming, packaging, or delivery; and (f) hold or participate in any meeting, discussion, or exchange of information among themselves or under the auspices of respondent National or regional associations, or any other medium or agency for the purpose or with the effect of devising or establishing any method of fixing, establishing, or maintaining prices, terms, or conditions of sale for fine or wrapping paper, or any other practices prohibited by the provisions of the order; prohibited, subject to the proviso that nothing contained in the order shall be construed as prohibiting any respondent, acting either as principal or agent, from entering into agreements with any of its vendors or customers to buy from any such vendors or to sell to any such customers fine or wrapping paper at any price or on any terms or conditions of sale independently determined and offered and independently accepted in any bona fide transactions, when such agreements are not for the purpose, nor have the effect, of restraining trade or competition, or from quoting prices or terms or conditions of sale for the purpose of effecting any such bona fide agreements.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, National Paper Trade Association of the United States, Inc. (New York, N. Y.) et al., Docket 5592, Sept. 24, 1954]

In the matter of National Paper Trade Association of the United States, Inc., a corporation; Arthur H. Chamberlain, individually and as its Executive Secretary; W. G. Leathers, individually and as its Assistant Executive Secretary; J. H. Londergan, individually and as its Director, Statistical Research Division; The Central States Paper Trade Association, a voluntary unincorporated association; John L. Richey, individually and as Executive Secretary, Treasurer and Counsel of respondents The Central States Paper Trade Association, The Chicago Paper Association, Illinois State Paper Merchants Association, The Middle States Wrapping Paper Association, and Wisconsin Paper Merchants Association; Diem & Wing Paper Company, a corporation; Cincinnati Cordage and Paper Company, a corporation; Indiana Paper Company, a corporation; Chatfield Paper Corporation, a corporation; The Fine Paper Association of Chicago, Inc., a corporation; G. Forrest Gillett, individually and as its Secretary; Chicago Paper Company, a corporation; Hobart Paper Company, a corporation; Swigart Paper Company, a corporation; Bradner Smith & Company, a corporation; The Chicago Paper Association, a voluntary unincorporated association; Acme Twine & Paper Company, a corporation; Commercial Paper & Bag Company, a corporation; Eagle Wrapping Products Company, a corporation; Joseph Weil & Sons, Inc., a corporation; The District of Columbia Paper Merchants Association, a voluntary unincorporated association; William N. Schaefer, individually and as its Secretary; Charles G. Stott and Company, Inc., a corporation; Stanford Paper Company, a corporation; Frank Parsons Paper Company, Inc., a corporation; Jacob N. Freedman and Joseph Freedman, copartners trading under the name of S. Freedman & Sons; Empire State Paper Association, Inc., a corporation; W. B. Dunning, individually and as its Secretary and Treasurer; The Miller Paper Company, Inc., a corporation; J. & F. B. Garrett Company, a corporation; W. H. Smith Paper Corporation, a corporation; Geneva Paper Company (erroneously described in the complaint as a corporation); Illinois State Paper Merchants Association, a corporation; Duckett Paper Company, a corporation; Rockford Wholesale Paper Company, a corporation; Capital City Paper Company, a corporation; The Intercity Box & Paper Company, a corporation; Iowa Paper Distributors Association, a voluntary unincorporated association; Herbert F. Stoffle, individually and as its Secretary; Clinton Paper Company, a corporation; Pratt Paper Company, a corporation; The Peterson Paper Company, a corporation; Bermingham & Prosser Company, a corporation; Maryland Paper Trade Association, Inc., a corporation; Charles B. Leonard, individually and as its Secretary; Mudge Paper Company, a corporation; Bradley-Reese Company, a corporation; Robins Paper Company, Inc., a corporation; The Barton, Duer & Koch Paper Company, a corporation; The Middle States Wrapping Paper Association, a voluntary unincorporated association; Union Paper and Twine Company, a corporation; The Globe Paper Company, a corporation; National Paper and Twine Company, a corporation; The Central Ohio Paper Company, a corporation; Midwest Paper Merchants Group, a voluntary unincorporated association; Carll V. Kretsinger, individually and as its Executive Secretary; Wertgame Paper Company, a corporation; The Butler Paper Company, a corporation; Kansas Paper Company, Inc., a corporation; Weber Paper Company, a corporation; New England Paper Merchants Association, Inc., a corporation; Norman E. Scott, individually and as its Executive Secretary; Cook-Vivian Company, Inc., a corporation; The Century Paper Company, Inc., a corporation; Tileston & Hollingsworth Company, a corporation; John Carter & Company, Inc., a corporation; Northwestern Paper Trade Association, a voluntary unincorporated association; Wendell O. Hawkins, individually and as its Secretary; John Leslie Paper Company, a corporation; Paper Supply Company, Inc., a corporation (erroneously named in the complaint as Paper Supply Company); Anchor Paper Company, a corporation; Newhouse Paper Company, a corporation; Paper Trade Association of New Jersey, a corporation; David H. Rice, individually and as its Executive Secretary, Counsel; Jersey Paper Company, Inc., a corporation; David Liberman and Isidore Liberman, copartners trading under the name of J. Liberman & Company; Commercial Paper Bag Company, Inc., a corporation; H. G. Mooney Company, a corporation; Paper Trade Association of Philadelphia, a corporation; David S. Stockslager, individually and as its Executive Secretary; Acorn Paper & Twine Co. (erroneously named in the complaint as Acorn Paper Company); Eagle Paper Company, a corporation; Mather Paper Company, a corporation; Quaker City Paper Company; a corporation; Pittsburgh Paper Association, a voluntary unincorporated association; Robert Engel, individually and as its Executive Secretary; The Chatfield & Woods Co. of Pennsylvania, a corporation (erroneously named in the complaint as Chatfield & Woods Company of Pa.); Interstate Cordage & Paper Company, a corporation; Morris Paper Company, a corporation; Anderson Paper & Twine Company, a corporation; Southern Paper Trade Association, a corporation; Clarence E. Dobson, individually and as its Executive Secretary; The D and W Paper Company, Inc., a corporation; Columbia Paper Company, Inc., a corporation; Alco Paper Company, a corporation; E. C. Palmer & Company, Ltd., a corporation; Southeastern Paper Trade Association, Inc., an association organized under the laws of Virginia; Harry M. Snyder, individually and as its Secretary; Spaugh Paper Co. of Hickory, Inc., a corporation (erroneously named in the complaint as Spaugh Paper Company of Hickory, North Carolina); Dillard Paper Company, a corporation; B. W. Wilson Paper Co., Inc., a corporation (erroneously named in the complaint as B. W. Wilson Paper Company); Richmond Paper Company, Inc., a corporation; Southwestern Paper Merchants Association, a voluntary unincorporated association; Lewis C. Johnson, individually and as its Executive Secretary and Counsel; Olmsted-Kirk Company, a corporation; Magnolia Paper Company, a corporation; Southwestern Paper Company, a corporation; Carpenter Paper Company, a corporation; Wisconsin Paper Merchants Association, a voluntary unincorporated association; Brauman Paper Company, a corporation; Universal Paper Company, a corporation; Sawyer Paper Company, a corporation; Standard Paper Company, a corporation; Fine Paper Association of Wisconsin, Inc., a corporation; Curtis W. Boyce, individually and as its Secretary; Nackie Paper Company, a corporation; Oshkosh Paper Company, a corporation; Moser Paper Company a corporation; The Bouer Paper Company, a corporation; Metropolitan Bag & Paper Distributors Association, Inc., a corporation; Fred Free, Jr., individually and as its Secretary; A. E. MacAdam & Company, Inc., a corporation; John H. Free, Inc., a corporation; Shuttleworth Wollny Co., Inc., a corporation; S. Posner Sons, Inc., a corporation; Cosmopolitan Twine & Paper Association, Inc., a corporation (erroneously named in the complaint as Cosmopolitan Twine & Paper Association); David Kasson, individually and as its President; Yorkville Paper Company, Inc., a corporation; Harlem Paper Products Corporation, a corporation; Imperial Bag & Paper Company, Inc., a corporation; Liberty Bag & Paper Company, a corporation; Paper Association of New York City, a voluntary unincorporated association; Irwin Slote, individually and as its Secretary; Bonded Paper Products Co., a corporation; Graphic Paper Corporation, a corporation; Capital Paper Company, a corporation; Royal Paper Corporation, a corporation; Whitaker Paper Company, a corporation; Graham Paper Company, a corporation.

Statement of the case. This is a proceeding under the Federal Trade Commission Act wherein the Commission on October 5, 1948, issued and subsequently served its complaint on the respondents named in the caption hereof, charging them and others listed in the complaint as members of respondent trade associations with having entered into and carried out an unlawful agreement or conspiracy to hinder, lessen and restrain competition in prices and otherwise between and among themselves in the sale and distribution in interstate commerce of fine and wrapping paper. The complaint was subsequently amended to specify that the Carpenter Paper Company, named respondent herein, is a Delaware corporation with principal offices in Omaha, Nebraska. This amended complaint was served on that respondent.

On February 28, 1949, the Commission duly designated Everett F. Haycraft as trial examiner in this proceeding. After an initial hearing, held in New York City on May 2, 1949, negotiations were held looking to a settlement of the case. On December 5, 1949, at a hearing held in Pittsburgh, Pennsylvania, all of the respondents named in the caption hereof, with the exception of respondents Graham Paper Company, Pittsburgh Paper Association, Robert Engel, Chatfield & Woods, Co. of Pennsylvania, Morris Paper Company, Anderson Paper & Twine Company, and Clarence E. Dobson filed substitute answers.

With the exception of those filed by respondents Metropolitan Bag & Paper Distributors Association, Inc., A. E. MacAdam & Company, Inc., John H. Free, Inc., Shuttleworth Wollny Co., Inc., S. Posner Sons, Inc., Yorkville Paper Company, Inc., Fred Free, Jr., and Irwin Slote, all of said substitute answers concede that, solely for the purpose of this proceeding, the enforcement or review thereof before a United States Court of Appeals or in the United States Supreme Court, or to enforce the order to be entered herein, inferences may be drawn from such answer and documentary evidence received in evidence, that the acts and practices thereby indicated may be deemed to reflect in effect an agreement or understanding, and that they do not and will not contend otherwise. Said respondents state further that, solely for the purposes aforesaid, they consent that documentary and other evidence to be offered by counsel in support of the complaint may be admitted without objection. Further, solely for the purposes aforesaid, said respondents also state that they will not offer explanation of or evidence to contradict the evidence which they consent to be made a part of the record, and agree that the acts and practices indicated or reflected by said evidence may have tended to, and, if continued in the future, may affect adversely competition in price between merchant respondents. Said substitute answers also waived hearing on the complaint and consented that the Commission may without trial, without the taking of testimony, and without other procedure, except for the trial examiner's report, enter its findings as to the facts including such interferences as may be drawn from the facts admitted in the answer and as may be drawn from the facts otherwise shown by the record, and issue its order thereon.

The remaining substitute answers were the same in substance except that they did not concede that the acts and practices indicated may be deemed to reflect in effect an agreement or understanding or that they may have tended to and, if continued in the future, may affect adversely competition in price between merchant respondents. However, respondent Slote states in his substitute answer that he will not contend that the findings and order of the Commission are not supported by the record. The other respondents filing such substitute answers agreed that they would not introduce any evidence to rebut such inferences drawn from the evidence of record and will not offer explanation of such evidence.

Respondent Anderson Paper & Twine Company filed no answer to this complaint. Each of the other respondents named in the caption hereof who did not file a substitute answer as aforesaid, filed an answer denying that they had violated the act as alleged.

Respondents Butler Paper Co., Inc., Fort Wayne, Indiana, J. W. Butler Paper Company, Chicago, Illinois, and Butler Paper Co., Minneapolis, Minnesota, not named in the caption hereof, filed substitute answers in the form first described above.

Hearings were held thereafter at Washington, D. C., and Pittsburgh, Pennsylvania, between December 5, 1949, and March 30, 1950, inclusive, at which documents were admitted by agreement of counsel, and also testimony and other evidence was presented with respect to the allegations of the complaint as to respondents which had not filed substitute answers.

On September 28, 1951, the trial examiner filed his recommended decision in which he concluded that all of the respondents, with the exception of respondents Robert Engel and Graham Paper Company have violated section 5 of the Federal Trade Commission Act as alleged.

Thereafter, this proceeding regularly came on for final hearing before the Commission on the complaint, as amended, the answers and substitute answers, evidence, recommended decision of the hearing examiner and the exceptions thereto, briefs in support of and in opposition to said complaint, and oral arguments of counsel; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts [1] and its conclusion drawn therefrom.[1]

It is ordered, therefore, That respondents National Paper Trade Association of the United States, Inc.; Arthur H. Chamberlain, individually and as its Executive Secretary; W. G. Leathers, individually and as its Assistant Executive Secretary; J. H. Londergan, individually and as its Director, Statistical Research Division; The Central States Paper Trade Association; John L. Richey, individually and as Secretary of respondents The Central States Paper Trade Association, The Chicago Paper Association, Illinois State Paper Merchants Association, The Middle States Wrapping Paper Association, and Wisconsin Paper Merchants Association; Diem & Wing Paper Company; Cincinnati Cordage and Paper Company; Indiana Paper Company; Butler Paper Co., Inc.; Chatfield Paper Corporation; The Fine Paper Association of Chicago, Inc.; G. Forrest Gillett, individually and as its Secretary; Chicago Paper Company; Hobart Paper Company; Swigart Paper Company; Bradner Smith & Company; J. W. Butler Paper Company; The Chicago Paper Association; Acme Twine & Paper Company; Commercial Paper & Bag Company; Eagle Wrapping Products Company; Joseph Weil & Sons, Inc.; The District of Columbia Paper Merchants Association; William N. Schaefer, individually and as its Secretary; Charles G. Stott and Company, Inc.; Stanford Paper Company; Frank Parsons Paper Company, Inc.; Jacob N. Freedman and Joseph Freedman, individually and as copartners trading under the name of S. Freedman & Sons; Empire State Paper Association, Inc.; W. B. Dunning, individually and as its Secretary and Treasurer; The Miller Paper Company, Inc.; J. & F. B. Garrett Company; W. H. Smith Paper Corporation; Geneva Paper Company; Illinois State Paper Merchants Association; Duckett Paper Company; Rockford Wholesale Paper Company; Capital City Paper Company; The Intercity Box & Paper Company; Iowa Paper Distributors Association; Herbert F. Stoffle, individually and as its Secretary; Clinton Paper Company; Pratt Paper

[1] Filed as part of the original document.

§ 481.541 *Determinatin of rates.* The rate in effect at the time of sale to the exporter give timely Notice of Sale as required by § 481.555 (a) and present

Purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended, hereinafter referred to of the act which provides that the quota for any domestic area, the Republic of the Philippines, Cuba or other foreign

Company; The Peterson Paper Company; Bermingham & Prosser Company; Maryland Paper Trade Association, Inc.; Charles B. Leonard, individually and as its Secretary; Mudge Paper Company; Bradley-Reese Company; Robins Paper Company, Inc.; The Barton, Duer & Koch Paper Company; The Middle States Wrapping Paper Association; Union Paper and Twine Company; The Globe Paper Company; National Paper and Twine Company; The Central Ohio Paper Company; Midwest Paper Merchants Group; Carll V. Kretsinger, individually and as its Executive Secretary; Wertgame Paper Company; The Butler Paper Company; Kansas Paper Company, Inc.; Weber Paper Company; New England Paper Merchants Association, Inc.; Norman E. Scott, individually and as its Executive Secretary; Cook-Vivian Company, Inc.; The Century Paper Company, Inc.; Tileston & Hollingsworth Co.; John Carter & Company, Inc.; Northwestern Paper Trade Association; Wendell O. Hawkins, individually and as its Secretary; John Leslie Paper Company; Paper Supply Company, Inc.; Anchor Paper Company; Newhouse Paper Company; Butler Paper Company; Paper Trade Association of New Jersey; David H. Rice, individually and as its Executive Secretary; Jersey Paper Company, Inc.; David Liberman and Isidore Liberman, individually and as copartners trading under the name of J. Liberman & Co.; Commercial Paper Bag Company, Inc.; H. G. Mooney Company; Paper Trade Association of Philadelphia; David S. Stockslager, individually and as its Executive Secretary; Acorn Paper & Twine Company; Eagle Paper Co.; Mather Paper Company; Quaker City Paper Co.; The Chatfield & Woods Co. of Pennsylvania; Interstate Cordage & Paper Co.; Southern Paper Trade Association; Sara Meredith, as Secretary for said Association; The D and W Paper Company, Inc.; Columbia Paper Co., Inc.; Alco Paper Co.; E. C. Palmer & Co., Ltd.; Southeastern Paper Trade Association, Inc.; Harry M. Snyder, individually and as its Secretary; Spaugh Paper Co. of Hickory, Inc.; Dillard Paper Company; B. W. Wilson Paper Co., Inc.; Richmond Paper Company, Inc.; Southwestern Paper Merchants Association; Lewis C. Johnson, individually and as its Executive Secretary; Olmsted-Kirk Co.; Magnolia Paper Co.; Southwestern Paper Co.; Carpenter Paper Co.; Wisconsin Paper Merchants Association; Brauman Paper Company; Universal Paper Company; Sawyer Paper Company; Standard Paper Company; Fine Paper Association of Wisconsin, Inc.; Curtis W. Boyce, individually and as its Secretary; Nackie Paper Company; Oshkosh Paper Company; Moser Paper Company; The Bouer Paper Company; Metropolitan Bag & Paper Distributors Association, Inc.; Fred Free, Jr., individually and as its Secretary; Yorkville Paper Company, Inc.; A. E. MacAdam & Co., Inc.; John H. Free, Inc.; Shuttleworth Wollny Co., Inc.; S. Posner Sons, Inc.; Cosmopolitan Twine & Paper Association, Inc.; David Kasson, individually and as its President; Harlem Paper Products Corporation; Imperial Bag & Paper Co., Inc.; Daniel W. Margolin, an individual trading as Liberty Bag & Paper Company; Paper Association of New York City; Irwin Slote, individually and as its Secretary; Bonded Paper Products Co.; Graphic Paper Corp.; Capital Paper Co.; Royal Paper Corp.; Whitaker Paper Co.; and said respondents' respective officers, representatives, agents, and employees, in or in connection with the offering for sale, sale and distribution of fine and wrapping paper or other paper products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between or among any two or more of said respondents or between or among any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or practices:

(a) Establishing or maintaining prices for either fine or wrapping paper or for any descriptive classes thereof, or any rates of cash discount;

(b) Establishing or maintaining markups or percentages of markups in arriving at selling prices;

(c) Establishing or maintaining differentials with respect to any individual item or class of items, different quantities, color, cutting, trimming, packaging or delivery, whether determined on a basis of method of delivery or geographical location to which delivered;

(d) Disseminating price lists or terms or conditions of sale offered to the trade to each other directly or by and through respondent associations or any other medium;

(e) Publishing or distributing any publication of national average percentage markups for any individual item or individual class of paper or paper products or any tables or charts purporting to apply any national average percentage markups to any assumed price paid by merchants for any individual item or individual class of items, or showing any average national pricing practices of merchants with respect to any individual item or individual class of items for different quantities, color, cutting, trimming, packaging or delivery;

(f) Holding or participating in any meeting, discussion or exchange of information among themselves or under the auspices of respondent National or regional associations, or any other medium or agency for the purpose or with the effect of devising or establishing any method of fixing, establishing or maintaining prices, terms or conditions of sale for fine or wrapping paper, or any other practices prohibited by the provisions of this order.

It is further ordered, That nothing contained in this order shall be construed as prohibiting any respondent, acting either as principal or agent, from entering into agreements with any of its vendors or customers to buy from any such vendors or to sell to any such customers fine or wrapping paper at any price or on any terms or conditions of sale independently determined and offered and independently accepted in any bona fide transactions, when such agreements are not for the purpose, nor have the effect, of restraining trade or competition, or from quoting prices or terms or conditions of sale for the purpose of effecting any such bona fide agreements.

It is further ordered, That this complaint be, and it hereby is dismissed as to respondents Graham Paper Company, Pittsburgh Paper Association, Robert Engel, Morris Paper Company, Anderson Paper & Twine Company and Clarence E. Dobson.

It is further ordered, That this complaint be, and it hereby is dismissed as to each of the respondents named in the complaint only by reference to the lists of members of the respondent trade associations attached as exhibits to the complaint, with the exception of those specifically listed in the first paragraph of this order. These dismissals are based solely on the ground that an order as to these respondents is not required in the public interest and do not pass in any way on the power or jurisdiction of the Commission to bring representative class suits under the doctrine laid down in Chamber of Commerce of Minneapolis et al. v. Federal Trade Commission, 13 F. 2d 673, 684 (C. A. 8, 1926).

It is further ordered, That each of the respondents named in the first paragraph of this order shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: September 24, 1954.

By the Commission.[2]

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-8884; Filed, Nov. 10, 1954; 8:48 a. m.]

[Docket 6219]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HUDSON GARMENT CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1330 *Specifications or standards conformance.* In the offering for sale, sale or distribution of wearing apparel in commerce, or of any other garments representing, directly or by implication, by marking, branding, labeling, tagging or in any other manner, contrary to fact, that such merchandise was manufactured for the Armed Forces of the United States or in accordance with specifications of said Armed Forces prohibited.

(Sec. 6, 38 Stat. 722, 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Hudson Garment Co., Inc., et al., New York, N. Y., Docket 6219, Oct. 1, 1954]

In the Matter of Hudson Garment Co., Inc., a Corporation, and Samuel Zigman, Simon Ginsberg, and Pearl Zigman, Individually and as Officers of Said Corporation

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission which charged respondents with misrepresenting facts pertaining to the manufacture of their products, and upon a stipulation between the parties, of record in the instant proceeding, for a consent order.

By the terms of said stipulation, the parties agreed that the complaint and said stipulation should constitute the entire record in the matter, withdrawal of the answer theretofore filed by respondents being moved and granted; that respondents admitted all of the jurisdictional allegations set forth in the complaint; that the parties waived hearing before a hearing examiner or the Commission, and also the making of findings of facts and conclusions of law by the hearing examiner or the Commission; and that respondents waived the right to file exceptions or to demand oral argument before the Commission and all further and other procedure before the hearing examiner or the Commission, to which, but for the execution and filing of the aforesaid stipulation, the respondents might be entitled under the Federal Trade Commission Act or the rules or practice of the Commission.

Said stipulation, which was executed for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint, specifically waived any and all right, power, or privilege to challenge or contest the validity of the order to be made in the matter, and further provided that the complaint forming the basis of the proceeding might be used in construing the terms of said order, which might be altered, modified, or set aside in the manner provided by law for other orders of the Commission where such action is sought.

Thereafter said examiner made his initial decision setting forth the aforesaid matter and his conclusion, on the basis thereof, that the proceeding was in the public interest, and, in conformity with the action in said stipulation contemplated and agreed upon, made his order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 1, 1954.

Said order is as follows:

It is ordered, That respondents Hudson Garment Co., Inc., a corporation, and Samuel Zigman, Simon Ginsberg, and Pearl Zigman, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly, or through any corporate or other device, in the offering for sale, sale or distribution of wearing apparel in commerce, as "commerce" is defined in the Federal Trade Commission Act, or of any other garments, do forthwith cease and desist from representing, directly or by implication, by marking, branding, labeling, tagging, or in any other manner, contrary to fact, that such merchandise was manufactured for the Armed Forces of the United States or in accordance with specifications of said Armed Forces.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6219, October 1, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 1, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-8883; Filed, Nov. 10, 1954; 8:47 a. m.]

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[2] Commissioner Mead dissenting to the extent that he would direct that the order to cease and desist be issued also against the additional parties referred to in the recommended order to cease and desist of the hearing examiner. A special concurring opinion by Commissioner Mason was filed as part of the original document.

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 570—ARMY NURSES, DIETITIANS, AND PHYSICAL THERAPY AIDES

ARMY NURSE CORPS

Sections 570.1, 570.2, and 570.3 are rescinded and the following substituted therefor:

Sec.
570.1 Establishment.
570.2 Mission.
570.3 Composition.
570.4 Appointment.

AUTHORITY: §§ 570.1 to 570.4 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 61 Stat. 41, as amended; 10 U. S. C. 166.
SOURCE: AR 40-20, October 14, 1954.

§ 570.1 *Establishment.* The present commissioned Army Nurse Corps was established in the Army Merical Service by subsection 101 (a), Army-Navy Nurses Act of 1947 (61 Stat. 41), as amended (10 U. S. C. 166) (see also sec. 307, Army Organization Act of 1950 (64 Stat. 270; 10 U. S. C. 81-1)). The Army Nurse Corps Section of the Army Reserve was established by section 114, Army-Navy Nurses Act of 1947 (61 Stat. 46), as amended (10 U. S. C. 374).

§ 570.2 *Mission.* The mission of the Army Nurse Corps is to provide the nursing care essential to the accomplishment of the mission of the Army Medical Service.

§ 570.3 *Composition.* The Army Nurse Corps consists of Regular Army Officers appointed and commissioned therein and such other members of the Army as may be assigned thereto by the Secretary of the Army. Officers of the Army Nurse Corps are graduate registered professional nurses (except as indicated in § 561.18 of this subchapter) and hold the grades of second lieutenant to lieutenant colonel inclusive.

§ 570.4 *Appointment.* See §§ 573.1 and 573.10 of this subchapter for appointment in Regular Army and § 561.18 of this chapter for appointment in Army Nurse Corps Section of the Army Reserve.

[SEAL] JOHN A. KLEIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 54-8885; Filed, Nov. 10, 1954; 8:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

FORT RANDALL RESERVOIR AREA AND GARRISON RESERVOIR AREA, MISSOURI RIVER

The Secretary of the Army having determined that the use of the Fort Randall Reservoir Area, South Dakota, and the Garrison Reservoir Area, North Dakota, by the general public for boating, swimming, bathing, fishing and other recreation purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribed rules and regulations for their public use, pursuant to the provisions of section 209 of the Flood Control Act of 1954 as follows:

1. Add new paragraphs (bbb) and (ccc) to § 311.1:

§ 311.1 *Areas covered.* • • •

(bbb) Fort Randall Reservoir Area, Missouri River, South Dakota.

(ccc) Garrison Reservoir Area, Missouri River, North Dakota.

2. Add new subparagraphs (32) and (33) to paragraph (a) of § 311.4.

§ 311.4 *Houseboats.* (a) • • •

(32) Fort Randall Reservoir Area, Missouri River, South Dakota.

(33) Garrison Reservoir Area, Missouri River, North Dakota.

• • • • • •

3. Add new subparagraphs (10) and (11) to paragraph (b) of § 311.6:

§ 311.6 *Hunting and fishing.* • • • (b) • • •

(10) Fort Randall Reservoir Area, Missouri River, South Dakota.

(11) Garrison Reservoir Area, Missouri River, North Dakota.

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[Regs., Oct. 22, 1954, ENGWO] (Sec. 4, 58 Stat. 889 as amended; 16 U. S. C. 460d)

[SEAL] JOHN A. KLEIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 54-8886; Filed, Nov. 10, 1954; 8:49 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-2739]

WOLFSON OIL COMPANY ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Wolfson Oil Company (Applicant), a partnership consisting of Reuben I. and Sam Wolfson, with its principal office in Wichita Falls, Texas, filed on September 13, 1954 application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, as more fully represented in its application filed herein.

Applicant produces natural gas in the Langlie-Mattix Field, Lea County, New Mexico which it sells to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 8, 1954, at 10:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8879; Filed, Nov. 10, 1954; 8:46 a. m.]

[Docket Nos. G-2753, G-2788, G-2789, G-2794, G-2795, G-2812, G-2817, G-2830, G-2935, G-3163, G-3606, G-3607, G-3631, G-3637, G-3787, G-3964, G-3965, G-3966, G-4311]

LLOYD H. SMITH, INC., ET AL.

NOTICE OF APPLICATIONS

NOVEMBER 4, 1954.

In the matters of Lloyd H. Smith, Inc., Docket No. G-2753; Stanolind Oil and Gas Company, Docket No. G-2788; Stanolind Oil and Gas Company, Docket No. G-2789; F. A. Callery, Inc., Docket No. G-2794; F. A. Callery, Inc., Docket No. G-2795; Fidelity Oil and Royalty Company and Mound Company, Docket No. G-2812; Jas. F. Morse & Co., Docket No. G-2817; Texas Gulf Producing Company, Docket No. G-2830; Texas Gas Corporation, Docket No. G-2935; John W. Mecom, Docket No. G-3163; McCarthy Oil & Gas Company, Docket No. G-3606; McCarthy Oil & Gas Company, Docket No. G-3607; Kirby Petroleum Company, Docket No. G-3631; Union Sulphur and Oil Corporation, Docket No. G-3637; H. R. Smith et al., Docket No. G-3787; Phillips Petroleum Company, Docket No. G-3964; Sun Oil Company (Gulf Coast Division), Docket No. G-3965; Sun Oil Company (Gulf Coast Division), Docket No. G-3966; Shell Oil Company, Docket No. G-4311.

Take notice that there have been filed by independent producers with the Federal Power Commission applications as hereinafter specified for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas to the Texas Gas Corporation and or the Texas Gas Pipe Line Corporation.

Docket No.	Applicant	Address	Date Filed	Location of field
G-2753	Lloyd H. Smith, Inc., a Texas corporation	Houston, Tex	Sept. 14, 1954	North Port Neches, Orange County, Tex.
G-2788	Stanolind Oil & Gas Co., a Delaware corporation.	Tulsa, Okla	Sept. 16, 1954	Northwest Flank Spindletop Field area, Jefferson County, Tex.
G-2789	do	do	do	Big Hill Field, Jefferson County, Tex.
G-2794	F. A. Callery, Inc., a Delaware corporation.	Houston, Tex	do	West Big Hill Field, Jefferson County, Tex.
G-2795	do	do	do	Do.
G-2812	Fidelity Oil & Royalty Co., a Delaware corporation, and Mound Co., a Texas corporation.	do	Sept. 17, 1954	Big Hill Field, Jefferson County, Tex.
G-2817	Jas. F. Morse & Co	Boston, Mass	do	Oyster Bayou Field, Chambers County, Tex.
G-2830	Texas Gulf Producing Co., a Delaware corporation.	Houston, Tex	Sept. 20, 1954	North Port Neches Field, Orange County, Tex.
G-3163	John W. Mecom	do	Sept. 27, 1954	North Lovell's Lake Field, Jefferson County, Tex.
G-3606	McCarthy Oil & Gas Corp., a Delaware corporation.	do	Sept. 29, 1954	Big Hill Field, Jefferson County, Tex.
G-3607	do	do	do	South Mayes Field, Chambers County, Tex.
G-3631	Kirby Petroleum Co., a Texas corporation.	do	do	North Port Neches Field, Orange County, Tex.
G-3637	Union Sulphur & Oil Corp., a Delaware corporation.	do	do	Hillebrandt's Bayou Field, Jefferson County, Tex.
G-3787	H. R. Smith, Fred Greenberg, L. L. Williams, N. D. Williams, J. A. Sartain, B. D. Orgain and Homer E. Henderson.	Alice, Tex	Sept. 30, 1954	Fig Ridge Field, Chambers County, Tex.
G-3964	Phillips Petroleum Co., a Delaware corporation.	Bartlesville, Okla	Oct. 18, 1954	Robinson Lake Field, Chambers County, Tex.
G-3965	Sun Oil Co., a New Jersey corporation.	Philadelphia, Pa	do	Caplan Field, Galveston County, Tex.
G-3966	do	do	do	Nome Field, Jefferson County, Tex.
G-4311	Shell Oil Co., a Delaware corporation.	New York, N. Y.	Oct. 28, 1954	Do.

In addition to the applications above referred to, the Texas Gas Corporation, a Texas corporation having its principal place of business at Houston, Texas, filed, on September 21, 1954, its application at Docket No. G-2935, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, to transport natural gas, pursuant to an agreement between Texas Gas Corporation and the Texas Gas Pipe Line Corporation, dated April 7, 1954, as amended June 28, 1954.

The above-named applicants, at Docket Nos. G-2794, G-2795, G-2812, G-2817, G-2830, G-2935, G-3163, G-3606, G-3607, G-3965, G-3966, and G-4311 have requested that their applications be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). Such applications are on file with the Commission and open to public inspection.

Also a request for temporary certificates of convenience and necessity has been made in each of the following designated matters: G-2753, G-2812[1], G-2817, G-2935, G-3606, G-3607, and G-4311.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of November 1954.

These applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8878; Filed, Nov. 10, 1954; 8:46 a. m.]

[1] Request for temporary certificate of public convenience and necessity by the Fidelity Oil and Royalty Company, at Docket No. G-2812, denied September 29, 1954.

[Docket No. G-2885]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal place of business in Shreveport, Louisiana, filed an application on September 21, 1954, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation and sale of natural gas as hereinafter described and as more fully described in the application on file with the Commission for public inspection.

Applicant proposes to relocate a portion of its Beaumont-Latex 18-inch pipeline by the construction and operation of approximately 3.4 miles of 18-inch line around the Town of Vidor in Orange County, Texas, together with a 2-inch regulator and tie-over, and the removal of approximately 0.3 mile of 18-inch pipeline adjacent to the Town of Vidor. The relocation is proposed as a safety measure and no service is to be abandoned. The estimated cost of the proposed construction is $201,359 and the financing is to be out of Applicant's available treasury funds.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to give due notice of the application filed herein, including publication in the FEDERAL REGISTER, and to hold a public hearing in the above-entitled proceeding, all as hereinafter provided and ordered.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicant having requested that its application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however*, That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a hearing be held on November 23, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

(C) Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10), on or before November 19, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8880; Filed, Nov. 10, 1954; 8:46 a. m.]

[Docket No. G-3030]

M. ANISMAN ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that M. Anisman, individually and as trustee for Annette Faye Abramson, Bryan E. Bush, Louise P. Brenner (Applicant), with a principal office in Shreveport, Louisiana, filed on September 24, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Rodessa Field, Caddo Parish, Louisiana, and Rodessa Field in Cass and Marion Counties, Texas, which it sells to Arkansas-Louisiana Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that (a) notice of the application and order fixing date of hearing be published simultaneously and (b) the proceeding be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure: *Provided, however*, That no timely protest or petition to intervene is filed.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 24, 1954, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) or § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8881; Filed, Nov. 10, 1954; 8:47 a. m.]

[Docket No. G-3590]

SCHAFER DRILLING CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Schafer Drilling Company (Applicant), an Oklahoma corporation with its principal office in Oklahoma City, Oklahoma, filed on September 28, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the East Brady gas field, Garvin County, Oklahoma, which it proposes to sell to Lone Star Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in

omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 24, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8882; Filed, Nov. 10, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS UNDER THE REORGANIZATION EFFECTIVE JULY 1, 1942, AS AMENDED

NOVEMBER 5, 1954.

The Interstate Commerce Commission announces the following change in its Organization Minutes under the heading Assignments to Boards:

Section 7.1, now reading as follows:

7.1. The following portions of the work, business, and functions of the Commission are assigned and referred to Boards of employees as herein designated:

has been amended to read as follows:

7.1. The following portions of the work, business, and functions of the Commission are assigned to Boards of Employees. Such portions relate to proceedings or classes of proceedings that do not involve issues of general transportation importance. The right to apply to the Commission for rehearing, reargument or reconsideration of a decision, order or requirement of an appellate division upon a petition filed by a party to the original order, action or requirement of any such board is restricted, under the authority granted by section 17 (6) of the Interstate Commerce Act as herein provided.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8877; Filed, Nov. 10, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-127]

PHILADELPHIA CO. AND DUQUESNE LIGHT CO.

ORDER APPROVING PLAN

NOVEMBER 4, 1954.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies, and Philadelphia's subsidiary, Duquesne Light Company ("Duquesne"), an electric utility company, having filed a joint application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") for approval of a plan providing for the cancellation and termination, for a cash consideration of $1.00, of certain guaranties to Monongahela Light and Power Company ("Monongahela"), a Pennsylvania corporation which is a non-affiliate of Philadelphia and Duquesne; and

Public notice of the filing of said application having been duly given, including notice by registered mail to Monongahela, affording to all interested persons an opportunity to request a public hearing with respect to said application, and no request for a public hearing having been received, and the Commission not having ordered a hearing with respect thereto; and

The Commission having considered the record in this matter and having this day filed its Memorandum Opinion herein;

It is ordered, On the basis of the record herein and said Memorandum Opinion, pursuant to section 11 (e) of the act, that said plan be, and hereby is, approved, subject to the terms and conditions contained in Rule U-24 and to the following additional terms and conditions:

1. That Philadelphia and Duquesne shall pay only such fees and expenses in connection with the said plan and the transactions incident thereto and related proceedings, as the Commission may approve and direct on appropriate application made to it.

2. That jurisdiction be and hereby is specifically reserved to entertain such further proceedings, to enter such further orders, and to take such further action as may be necessary or appropriate in connection with the plan, the transactions incident thereto and the consummation thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8876; Filed, Nov. 10 1954; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 221

Washington, Saturday, November 13, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3077

THANKSGIVING DAY, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Early in our history the Pilgrim fathers inaugurated the custom of dedicating one day at harvest time to rendering thanks to Almighty God for the bounties of the soil and for His mercies throughout the year. At this autumnal season tradition suggests and our hearts require that we follow that hallowed custom and bow in reverent thanks for the blessings bestowed upon us individually and as a Nation.

We are grateful that our beloved country, settled by those forebears in their quest for religious freedom, remains free and strong, and that each of us can worship God in his own way, according to the dictates of his conscience.

We are grateful for the innumerable daily manifestations of Divine goodness in affairs both public and private, for equal opportunities for all to labor and to serve, and for the continuance of those homely joys and satisfactions which enrich our lives.

With gratitude in our hearts for all our blessings, may we be ever mindful of the obligations inherent in our strength, and may we rededicate ourselves to unselfish striving for the common betterment of mankind.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, in consonance with the joint resolution of Congress approved December 26, 1941, designating the fourth Thursday of November of each year as Thanksgiving Day, do hereby proclaim Thursday, November 25, 1954, as a day of national thanksgiving, and I call upon all our citizens to observe the day with prayer. Let us demonstrate in our lives our humble thanks to God for His beneficence in the year which is past, and let us ask His guidance in the year to come.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of November in the year of our Lord nineteen hundred and [SEAL] fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 54-9009; Filed, Nov. 10, 1954; 5:12 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (5) is added to § 6.108 as set out below.

§ 6.108 *Departent of Justice.* • • •

(f) *Immigration and Naturalization Service.* • • •

(5) Information Officer.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 54-8919; Filed, Nov. 12, 1954; 8:51 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of

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FEDERAL REGISTER

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§ 6.203 is revoked, and paragraph (m) (1) is added to § 6.112 as set out below.

§ 6.112 *Department of Commerce.*

• • •

(m) *Bureau of Foreign Commerce*—(1) Ten positions at GS–13 and above in specialized fields relating to international trade or commerce. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed two years for any individual appointee.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54–8914; Filed, Nov. 12, 1954; 8:50 a. m.]

Chapter IV—Fair Employment Board

PART 410—INSTRUCTIONS FOR CARRYING OUT THE FAIR EMPLOYMENT PROGRAM UNDER EXECUTIVE ORDER 9980

DISSEMINATION OF INFORMATION

Effective upon publication in the FEDERAL REGISTER, § 410.7 (a) is amended as set out below.

§ 410.7 *Dissemination of information.* (a) The procedures adopted by each department for handling complaints and appeals under Executive Order 9980 shall be brought to the attention of every officer and employee, at least annually.

(E. O. 9980, July 26, 1948, 13 F. R. 4311, 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54–8920; Filed, Nov. 12, 1954; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter E—Production Credit System

[FCA Order 609]

PART 50—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

LOANS ON COMMODITIES COVERED BY CCC PRICE SUPPORT PROGRAMS

Section 50.25 of the rules and regulations for Production Credit Associations is hereby amended to read as follows:

§ 50.25 *Loans on commodities covered by CCC price support programs.* Notwithstanding the regulations covering other loans made by the association, loans may be made to members on any commodity for which a CCC price support program is in effect at such rate of interest and upon such terms as the CCC may prescribe subject to the following conditions: (a) The commodity offered as security for the loan shall be eligible for price support under a CCC price support program and shall be stored in a bonded public warehouse; (b) the member shall have complied with all CCC eligibility requirements; (c) the loan shall mature not later than 30 days prior to the expiration of the period during which the CCC loan or other price support may be obtained on the commodity and shall be secured by pledge of negotiable warehouse receipts covering the commodity; and (d) the borrower shall appoint the association as his attorney-in-fact to obtain a CCC loan (or other such price support as is available) in the event that the borrower fails to do so prior to maturity or repayment of the loan.

(Secs. 20, 23, 48 Stat. 259, 261; 12 U. S. C. 1131d, 1131g)

[SEAL] R. B. TOOTELL,
Governor.

[F. R. Doc. 54–8917; Filed, Nov. 12, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 32]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.332 *Navel Orange Regulation 32*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, es-

tablished under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 10, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 14, 1954, and ending at 12:01 a. m., P. s. t., November 21, 1954, is hereby fixed as follows:

(i) District 1: 323,400 boxes;

(ii) District 2: Unlimited movement;

(iii) District 3: 25,410 boxes;

(iv) District 4: 34,650 boxes.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 12, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9019; Filed, Nov. 12, 1954; 12:34 p. m.]

[Grapefruit Reg. 212]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.704 *Grapefruit Regulation 212*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 15, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until November 15, 1954; the recommendation and supporting information for continued regulation subsequent to November 14, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 9; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 15, 1954, and ending at 12:01 a. m., e. s. t., November 29, 1954, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iv) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than $3^{11}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 10, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9004; Filed, Nov. 12, 1954; 8:57 a. m.]

[Tangerine Reg. 152]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.705 *Tangerine Regulation 152*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 15, 1954. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until November 15, 1954; the recommendation and supporting information for continued regulation subsequent to November 14, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 9; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 15, 1954, and ending at 12:01 a. m., e. s. t., November 29, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2;

(ii) Any tangerines, grown in the States of Florida, which grade U. S. No. 2, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches, capacity 1,726 cubic inches); or

(iii) Any tangerines, grown in the State of Florida, which grade U. S. No. 1 Russet, U. S. No. 1 Bronze, U. S. No. 1 or U. S. Fancy, that are of a size smaller than $2^{5}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines, smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisoins for the application of tolerances, specified in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2," "U. S. No. 1 Russet," "U. S. No. 1 Bronze," "U. S. No. 1," "U. S. Fancy," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 10, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9003; Filed, Nov. 12, 1954; 8:56 a. m.]

[Orange Reg. 266]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.706 *Orange Regulation 266*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 15, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are currently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until November 29, 1954; the recommendation and supporting information for regulation of Temple oranges, grown in the State of Florida in the manner and for the period herein set forth was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 9; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Temple oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the regulation of the handling of Temple oranges, at the beginning of their marketing season; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 15, 1954, and ending at 12:01 a. m., e. s. t., November 29, 1954, no handler shall ship:

(i) Any Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida oranges (§§ 51.1140 to 51.1186 of this title.)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 10, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9002; Filed, Nov. 12, 1954; 8:56 a. m.]

Part 601 7343

[F. R. Doc. 54-8920; Filed, Nov. 12, 1954; 8:51 a. m.]

and information submitted by the Navel Orange Administrative Committee, es-

order.

to effectuate the declared policy of the act, to make this section effective during

keting agreement, as amended, and

[Lemon Reg. 563]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.670 *Lemon Regulation 563*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 9, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 14, 1954, and ending at 12:01 a. m., P. s. t., November 21, 1954, is hereby fixed as follows:

(i) District 1: 18 carloads;

(ii) District 2: 204 carloads;

(iii) District 3: 18 carloads.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 10, 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9001; Filed, Nov. 12, 1954; 8:56 a. m.]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIFORNIA, AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

EXPENSES AND RATE OF ASSESSMENT FOR 1954–1955 FISCAL PERIOD

On October 16, 1954, notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 6677) regarding the expenses and rate of assessment for the 1954–1955 fiscal period under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 955.208 *Expenses and rate of assessment for the 1954–1955 fiscal period.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, and for its maintenance and functioning during the fiscal period beginning August 1, 1954, will amount to $18,125.00; and the rate of assessment to be paid by each handler who first ships grapefruit shall be one and one-quarter cents ($0.0125) per standard box of fruit shipped by such handler as the first handler thereof during the said fiscal period. Such rate of assessment is hereby fixed as each such handler's pro rate share of the aforesaid expenses.

(b) As used in this section, "handler," "ship," "fruit," "fiscal period," and "standard box" shall each have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 9, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-8928; Filed, Nov. 12, 1954; 8:53 a. m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ADMINISTRATIVE RULES AND REGULATIONS

Pursuant to authority contained in Marketing Agreement No. 105 and Order No. 84, as amended (19 F. R. 4214), effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Walnut Control Board, the administrative agency for the operation of said amended program, has recommended for approval the administrative rules and regulations set forth below to effectuate its terms and provisions. On the basis of the aforesaid recommendation, the pertinent information which was submitted therewith, and other available information, it is hereby found and determined that the putting of said administrative rules and regulations into effect are necessary and appropriate in connection with the administration of the current amended program, which became effective in July 1954, and that such action would tend to effectuate the declared policy of the said act.

1. Therefore, it is hereby ordered that said administrative rules and regulations be as follows:

SUBPART—ADMINISTRATIVE RULES AND REGULATIONS

GENERAL

Sec.
984.401 Communications.

GRADE REGULATION OF UNSHELLED WALNUTS

984.402 Pack specifications for merchantable (unshelled) walnuts, including minimum standards of size, quality and maturity; (part I) for walnuts produced in California.
984.403 Pack specifications for merchantable (unshelled) walnuts, including minimum standards of size, quality and maturity; (part II) for walnuts produced in Oregon and Washington.
984.404 Information on certificates for merchantable walnuts.

ALLOCATION OF MERCHANTABLE WALNUTS

984.405 Inspection, certification, and reporting of merchantable restricted walnuts withheld.

CONTROL OF SURPLUS WALNUTS

984.406 Inspection, certification, and reporting of surplus walnuts withheld.
984.407 Containers for surplus.
984.408 Identification of surplus.
984.409 Minimum requirements for surplus.
984.410 Inspection procedure.
984.411 Reinspection of modified lots of surplus.
984.412 Weights.

DISPOSITION OF CONTROLLED WALNUTS

Sec.
984.415 Authorized shelling of merchantable restricted walnuts.
984.416 Authorized agents for export of controlled walnuts.
984.417 Determination of condition and weight of surplus walnuts for pooling.

REPORTS

984.420 Reports of handler carryovers.
984.421 Reports of merchantable walnuts shipped from stock.
984.422 Reports of merchantable restricted and surplus walnuts held.
984.423 Reports of shelled walnuts handled.
984.424 Reports of disposition of merchantable restricted walnuts withheld.
984.425 Reports of sale or delivery of walnuts for packing or shelling.
984.426 Reports of sale or delivery of walnuts for subsequent handling.
984.427 Reports of receipt of merchantable restricted walnuts for shelling.
984.428 Miscellaneous reports.

MISCELLANEOUS PROVISIONS

984.430 Cancellation of certificates.
984.431 Postponement of control obligations upon filing of a bond.
984.432 Walnuts not subject to regulation.

AUTHORITY: §§ 984.401 to 984.432, both inclusive, issued pursuant to sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

GENERAL

§ 984.401 *Communications.* Unless otherwise prescribed by the Walnut Control Board, applications, submittals, requests, and communications in connection with this part shall be addressed as follows: Walnut Control Board, 400 Corporation Building, 724 South Spring Street, Los Angeles 14, California.

GRADE REGULATION OF UNSHELLED WALNUTS

§ 984.402 *Pack specifications for merchantable (unshelled) walnuts, including minimum standards of size, quality and maturity; (part I) for walnuts produced in California*—(a) *Size grade specifications.* To be certified as merchantable, any lot of walnuts must meet the specifications of one of the following size classifications: *Provided*, That any lot of walnuts which the Walnut Control Board finds will be used solely for shelling, and which is subsequently used solely for that purpose, may be certified with respect to size, at the option of the particular handler, without reference to such size classifications, if not over 3 percent, by count, pass through a round opening $^{60}/_{64}$ inch in diameter.

(1) *Mammoth Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{96}/_{64}$ inches in diameter.

(2) *Jumbo Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{84}/_{64}$ inches in diameter.

(3) *Large Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{78}/_{64}$ inches in diameter, except that, for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be $^{76}/_{64}$ inches.

(4) *Medium Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{70}/_{64}$ inches in diameter and of which not over 12 percent, by count, pass through a round opening $^{74}/_{64}$ inches in diameter.

(5) *Standard Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{74}/_{64}$ inches in diameter. This size is customarily obtained when lots of walnuts are graded for removal of Baby Size.

(6) *Baby Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{70}/_{64}$ inches in diameter and of which not over 10 percent, by count, pass through a round opening $^{60}/_{64}$ inch in diameter.

(b) *External appearance and condition*—(1) *Specifications and tolerances.* Merchantable walnuts are walnuts which are not dirty or discolored and which are free from adhering hulls, and perforated, broken, or split shells, except that the following tolerances, by count, for these defects as prescribed for the quality grade specified shall be allowed:

(i) *First Quality Grade.* 10 percent for split shells and an additional 5 percent for defects other than split shells.

(ii) *Second and Third Quality Grades.* 10 percent for split shells and an additional 10 percent for defects other than split shells.

(2) *Definitions of defects.* The following definitions of defects shall be used in determining the qualification of walnuts with respect to external appearance and condition: *Provided*, That with respect to any lot of walnuts not exceeding 25,000 pounds which the Walnut Control Board finds will be used solely for shelling, and which is subsequently used solely for that purpose, compliance with the requirements for external appearance and condition may, at the option of the particular handler, be determined by examination of a representative sample of such lot which is selected by the inspector, and, under supervision of the inspector, is bleached by the method generally used by such handler:

(i) *Dirty.* Any walnut which is affected by dirt or other foreign matter to the extent that it is readily discernible because it is in sharp contrast with the remainder of the lot; or any lot of walnuts so generally affected by dirt or other foreign matter as to be objectionable in appearance.

(ii) *Discolored.* Any walnut which is affected by spots or stains to the extent that it is readily discernible because it is in sharp contrast with the remainder of the lot; or any lot of walnuts so generally affected by stains as to be objectionable in appearance.

(iii) *Adhering hull.* Any walnut affected by adhering hull or hull fibre which is readily discernible.

(iv) *Perforated shells.* Any walnut with imperfectly developed areas of the shell resembling abrasions and usually including small holes penetrating the shell wall, if such an area of surface aggregating more than three-eighths of an inch in diameter is so affected.

(v) *Broken shells.* Any walnut with a material portion of the shell missing or with the halves completely broken apart. Two separated halves shall be counted as one now-passable nut.

(vi) *Split shells or splits.* Any walnut with the shell halves completely separated, but held together by the kernel.

(c) *Internal or kernel quality.* Any lot of walnuts to be eligible for a quality grade must contain not less than 95 percent, by count, of kernels which are well dried (firm and crisp). A kernel, as referred to in this subpart means all of the non-fibrous content of one individual walnut; that is, two halves, four quarters, etc. The quality grade of any lot of walnuts, within the limits of the tolerances specified for external appearance and condition, shall be the highest grade to which such lot is eligible under the following internal or kernel quality grades.

(1) *First Quality Grade.* First quality grade walnuts shall contain not less than 90 percent, by count, of nuts which are free from insect damage, mold, shrivel, blanks, rancidity and black kernels, except that not less than 95 percent, by count, shall be free from insect damaged kernels. Not less than 50 percent of the kernels in any lot shall be light in color, in accordance with the WCB color chart. Only passable kernels shall be scored "light." The following definitions of defects shall be used in determining the qualification of walnuts for First Quality Grade:

(i) *Insect damage.* Any kernel affected in any way by insect larvae, ants, moths, beetles or any other insects.

(ii) *Mold.* Any kernel showing on its surface mold readily discernible to the eye, except that a kernel bearing a few loose filaments of white or light gray mold which are easily blown off shall not be considered moldy.

(iii) *Shrivel.* Any kernel which is noticeably shrunken, leathery or tough as distinguished from kernels which are fully developed. A kernel which is thin in cross-section but which otherwise is normally developed shall not be considered shriveled. A kernel with one-eighth or more of its surface affected by shriveling shall be considered as noticeably shrunken and scored as non-passable.

(iv) *Blank.* Any kernel so shrunken or so imperfectly developed as to be inedible or worthless.

(v) *Rancidity.* Any kernel which has a decomposed appearance or a rancid taste.

(vi) *Black kernel.* Any kernel as dark or darker in color than those illustrated in row "E" of the WCB color chart.

(2) *Second Quality Grade.* Second Quality Grade walnuts shall contain not less than a total of 86 percent, by count, of nuts which are free from mold, shrivel and black kernels, as defined below for Second Quality Grade, combined with the defects defined herein for Third Quality Grade: *Provided*, That not less than 90 percent by count shall be free from the defects defined for Third Quality Grade:

(i) *Mold.* Any kernel showing on its surface mold readily discernible to the eye except that a kernel bearing a few loose filaments of white or light gray mold which can be easily blown off or a kernel affected by a slight covering of white or gray mold which does not affect more than one-fourth of the surface of the kernel shall not be considered moldy.

(ii) *Shrivel.* Any kernel which is noticeably shrunken, leathery or tough as distinguished from a kernel which is

fully developed. A kernel which is thin in cross-section but which otherwise is normally developed shall not be considered shriveled. A kernel shriveled one-eighth or more but less than one-half shall be considered as noticeably shrunken and scored as nonpassable. In any 100 nuts, not more than 10 such nuts may be scored one-half percent each to a maximum of 5 percent nonpassable. Each additional such nut above 10 shall be scored one percent nonpassable.

(iii) *Black kernel.* Any kernel as dark or darker in color than those illustrated in row "E" of the WCB color chart.

(iv) *Color.* Not less than 30 percent of the kernels in any lot shall be light in color in accordance with the WCB color chart. Only passable kernels shall be scored "light."

(3) *Third Quality Grade.* Third Quality Grade walnuts shall contain not less than 90 percent, by count, of nuts which are free from insect damage, mold, shrivel, blanks, and rancidity. The following definitions of defects shall be used in determining the qualification of walnuts for Third Quality Grade:

(i) *Insect damage.* Any kernel affected in any way by insect larvae, ants, moths, beetles, or any other insects.

(ii) *Mold.* Any kernel on which there is fruiting mold of any description, or mold mycelia affecting more than one-fourth of the surface of the kernel.

(iii) *Shrivel.* Any kernel which is edible, but so shriveled as to be one-half or less than half the normal size. Each shriveled kernel shall be classed as half sound; that is, two such kernels shall be counted as one sound and one defective kernel.

(iv) *Blank.* Any kernel so shrunken or so imperfectly developed as to be inedible or worthless.

(v) *Rancidity.* Any kernel which has a decomposed appearance or a rancid taste.

(d) *Minimum standards.* The specifications for Baby Size and Third Quality Grade with respect to internal or kernel quality and external appearance and condition, as prescribed in this subpart, including respective tolerances, shall be the minimum standard of quality and maturity for walnuts produced in California, prescribed pursuant to § 984.43.

(e) *Color chart.* The color chart referred to in these specifications as the WCB color chart is the chart originally adopted June 15, 1944, by the then Program Committee, War Food Order 82, and adopted by the Walnut Control Board on August 26, 1948, and which is available for inspection at the office of the Walnut Control Board, 400 Corporation Building, 724 South Spring Street, Los Angeles 14, California.

§ 984.403 *Pack specifications for merchantable (unshelled) walnuts, including minimum standards of size, quality and maturity; (part II) for walnuts produced in Oregon and Washington*—(a) *Size grade specifications.* To be certified as merchantable, any lot of walnuts must meet the specifications of one of the following size classifications: *Provided,* That any lot of walnuts which the Walnut Control Board finds will be used solely for shelling, and which is subsequently used solely for that purpose, may be certified with respect to size, at the option of the particular handler, without reference to such size classifications, if not over 3 percent, by count, pass through a round opening $^{60}/_{64}$ inch in diameter.

(1) *Mammoth Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{96}/_{64}$ inches in diameter.

(2) *Jumbo Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{82}/_{64}$ inches in diameter.

(3) *Large Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{75}/_{64}$ inches in diameter.

(4) *Medium Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{75}/_{64}$ inches in diameter and of which not over 12 percent, by count, pass through a round opening $^{71}/_{64}$ inches in diameter.

(5) *Standard Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{71}/_{64}$ inches in diameter. This size is customarily obtained when lots of walnuts are graded for removal of Baby Size.

(6) *Baby Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{75}/_{64}$ inches in diameter and of which not over 10 percent, by count, pass through a round opening $^{60}/_{64}$ inch in diameter.

(b) *External appearance and condition.* (1) First Quality Grade walnuts are walnuts of similar varietal characteristics, which are fully dried, the shells of which are clean, bright, fairly uniform in color, well formed, and free from splits, injury by discoloration, and free from damage caused by broken shells, perforated shells, adhering hulls and other means, except that the following tolerances, by count, shall be allowed: 5 percent for splits and an additional 5 percent for other defects, including not more than 3 percent serious damage.

(2) Second Quality Grade walnuts are walnuts of similar varietal characteristics, which are fully dried, the shells of which are fairly clean, free from splits, and free from damage caused by broken shells, perforated shells, adhering hulls, discoloration, or other means, except that the following tolerances, by count, shall be allowed: 5 percent for splits and an additional 8 percent for other defects, including not more than 5 percent serious damage.

(3) Third Quality Grade walnuts are walnuts which are fully dried, the shells of which are fairly clean, free from splits, and free from damage caused by broken shells, and free from serious damage, caused by discoloration, perforated shells, adhering hulls, and other means, except that the following tolerances, by count, shall be allowed: 10 percent for splits and an additional 10 percent for other defects, including not over 5 percent serious damage by adhering hulls.

(4) *Definitions of terms.* The following definitions of terms shall be used in determining the qualification of walnuts with respect to external appearance and condition: *Provided,* That with respect to any lot of walnuts not exceeding 25,000 pounds which the Walnut Control Board finds will be used solely for shelling, and which is subsequently used solely for that purpose, compliance with the requirements for external appearance and condition may, at the option of the particular handler, be determined by examination of a representative sample of such lot which is selected by the inspector, and, under supervision of the inspector, is bleached by the method generally used by such handler:

(i) Fully dried means that the kernel is crisp and with a moisture content (both shell and kernel) of not to exceed 10 percent.

(ii) Clean means that from the viewpoint of general appearance the walnuts are practically free from adhering dirt or other foreign matter and that the individual walnuts are not damaged by such means. A slight chalky deposit on the shell is characteristic of many bleached nuts and shall not be considered as dirt or foreign matter.

(iii) Fairly clean means that from the viewpoint of general appearance the lot is not seriously damaged by adhering dirt or other foreign matter and that individual walnuts are not coated or caked with dirt or foreign matter. Both the amount of surface affected and the color of the dirt shall be taken into consideration.

(iv) Bright means a light, uniform, attractive appearance. A slight chalky deposit on the shell shall not be considered as affecting brightness.

(v) Fairly uniform color means that the shell color of individual nuts does not contrast materially with the general color of the lot.

(vi) Well formed means that at least 88 percent of the pack have a normal shape characteristic of the variety.

(vii) Splits means walnuts with shell halves separated at the suture for 50 percent or more of the circumference of the nut.

(viii) Injury by discoloration means that the color of the affected portions of the shell contrasts materially with the color of the rest of the shell of the individual nut.

(ix) Damage means any injury or defect which materially affects the appearance, edible or shipping quality of the walnuts. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one of these defects shall be considered as damage:

(a) Broken shells, when any material portion of the shell is missing or the halves are completely broken apart and separated.

(b) Perforated shells, when the area affected aggregates more than one-fourth inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall.

(c) Adhering hulls, when affecting more than 5 percent of the shell surface.

(d) Discoloration (or stain), which covers in the aggregate one-fifth or more of the surface of the shell of an individual nut, and which is medium brown, light reddish brown or gray, contrasting with the color of the rest of the shell or the majority of shells in the lot; or darker discoloration covering a smaller area if the appearance is equally objectionable.

(x) Serious damage means any injury or defect which seriously affects the appearance, edible or shipping quality of the walnut. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one of these defects shall be considered as serious damage:

(a) Discoloration (or stain), which covers in the aggregate one-third or more of the surface of the shell of an individual nut, and which is brown, reddish brown or gray, contrasting sharply with the color of the rest of the shell or the majority of shells in the lot; or darker discoloration covering a smaller area if the appearance is equally objectionable.

(b) Perforated shells, when the area affected aggregates more than $^{3}/_{8}$ of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall.

(c) Adhering hulls, when affecting more than one-eighth of the surface in the aggregate.

(c) *Internal or kernel quality.* A kernel, as referred to in this subpart, means all of the nonfibrous content of one individual walnut; that is, two halves, four quarters, etc. The quality grade of any lot of walnuts, within the limits of the tolerances specified for external appearance and condition, shall be the highest grade to which such lot is eligible under the following internal or kernel quality grades.

(1) *First Quality Grade.* First Quality Grade walnuts shall consist of walnuts which are fully dried and the kernels of which are free from decay, dark discoloration, rancidity, insects or insect injury, and free from damage caused by mold, shriveling and other means. At least 60 percent, by count, of the walnuts of this grade shall contain kernels which are not darker than "light" (as defined by the English Walnut grading chart of the U. S. Department of Agriculture), and which are free from defects of the First Quality Grade. The following tolerances by count, shall be allowed: Not more than 10 percent shall be below the requirements of the grade, including not more than 5 percent serious damage from causes other than shrivel. An additional tolerance of 10 percent shall be allowed for kernels otherwise sound, but with one-eighth or less shriveled. In arriving at this tolerance the following rules with respect to shrivel shall apply:

(i) Kernels otherwise sound with one-half or more shriveled shall be counted as one percent.

(ii) Kernels otherwise sound with more than one-eighth and less than one-half shriveled shall count as one-half of one percent: *Provided,* That if more than 10 such nuts are present per 100, each

additional nut shall count as one percent.

(2) *Second Quality Grade.* Second Quality Grade walnuts shall consist of walnuts which are fully dried and the kernels of which are free from decay, dark discoloration, rancidity, insects or insect injury, and free from damage caused by mold, shriveling and other means. At least 50 percent, by count, of walnuts of this grade shall contain kernels which are not darker than "light" (as defined by the English Walnut grading chart of the U. S. Department of Agriculture), and which are free from defects of the Second Quality Grade. The following tolerances, by count, shall be allowed: Not more than 10 percent shall be below the requirements of the grade, including not more than 5 percent serious damage from causes other than shrivel. In arriving at this tolerance the following rules with respect to shrivel shall apply:

(i) Kernels otherwise sound with one-half or more shriveled shall be counted as 1 percent.

(ii) Kernels otherwise sound with one-fourth and less than one-half shriveled shall count as one-half of 1 percent sound.

(iii) Kernels otherwise sound with more than one-eighth but less than one-fourth shriveled shall count as one-fourth of 1 percent: *Provided,* That not more than 20 such kernels shall be allowed per each 100.

(iv) Kernels otherwise sound with one-eighth or less shriveled shall be considered sound in the Second Quality Grade: *Provided,* That not more than 50 percent, by count, of such kernels are present.

(3) *Third Quality Grade.* Third Quality Grade walnuts shall consist of walnuts which are fully dried and the kernels of which are free from decay, dark discoloration, rancidity, insects or insect injury, and free from damage caused by mold, shriveling and other means. The following tolerances, by count, shall be allowed: Not more than 10 percent shall be below the requirements of the grade. In arriving at this tolerance the following rules with respect to shrivel shall apply:

(i) Kernels otherwise sound but with more than one-half shriveled shall be counted as one percent.

(ii) Kernels otherwise sound with more than one-fourth but not more than one-half shriveled shall be counted as one-half of one percent.

(4) *Definitions of terms.* The following definitions of terms shall be used in determining the qualification of walnuts with respect to internal or kernel quality:

(i) Fully dried means that the kernel is crisp and with a moisture content (both shell and kernel) of not to exceed 10 percent.

(ii) Damage means any injury or defect which materially affects the appearance, edible or shipping quality of the walnuts. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one of these defects shall be considered as damage:

(a) Mold which kernels show on their surface and which is readily discernible to the eye. Kernels bearing a few loose filaments of white or light gray mold which are easily blown off shall not be considered moldy.

(b) Shrivel, severe shrivel or various degrees of shrivel affecting a greater area producing an equally objectionable appearance. Special rules for scoring shrivel are provided for each of the quality grades, under tolerances for internal defects.

(iii) Dark discoloration means that the color of the kernels is darker than "dark amber" (as defined by the English Walnut grading chart of the U. S. Department of Agriculture).

(iv) Rancidity means the stage of deterioration in which the kernel has developed a rancid flavor. This condition is frequently indicated by a definite change in color of the nut tissue, a marked yellowing or blackening of the fleshy tissue of the meat. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness, the stage at which the flavor is flat but not distasteful.

(v) Insect injury means any evidence that codling moth larvae or other insects have been present in the nut, such as frass or webbing; or a powdery condition of the kernel such as might be caused by ants.

(vi) Serious damage means any injury or defect which seriously affects the appearance, edible or shipping quality of the walnut. Decay, rancidity, and insects or insect injury shall be considered serious damage.

(d) *Minimum standards.* The specifications set forth in Part 1 hereof for Baby Size and Third Quality Grade with respect to internal or kernel quality and external appearance and condition including respective tolerances, shall be the minimum standards of quality and maturity for walnuts produced in Oregon and Washington, prescribed pursuant to § 984.43 of this part.

(e) *Color chart.* The color chart referred to in these specifications for Oregon and Washington walnuts is the English Walnut Grading Chart issued by the U. S. Department of Agriculture on September 30, 1939, in connection with U. S. Standards for Unshelled English Walnuts (Juglans regia), and reissued April 18, 1945 (copies of the U. S. Standards, including the color chart, are available for inspection at: Office of the Walnut Control Board, 400 Corporation Building, 724 South Spring Street, Los Angeles 14, California; the Fruit and Vegetable Branch office, 515 Southwest Tenth Avenue, Portland, Oregon; and the Federal-State Inspection office, 207 Agricultural Building, Salem, Oregon.)

§ 984.404 *Information on certificates for merchantable walnuts.* In addition to the information required pursuant to §§ 984.44 (a), (b), (1) and (2), each shipping or stock certificate issued shall show the crop year of production of the walnuts covered thereby, as stated by the handler.

ALLOCATION OF MERCHANTABLE WALNUTS

§ 984.405 *Inspection, certification, and reporting of merchantable restricted walnuts withheld.* Each lot of merchantable restricted walnuts shall be inspected by the Control Board's designated inspector and if found to be merchantable as defined in § 984.9, shall be certified as "merchantable restricted." Such certificate shall show in addition to the information required in § 984.44 (b) (3) the crop year of production as stated by the handler. Credit shall be given to each handler for the withholding of such walnuts upon submission to the Control Board of a report on WCB Form No. 1, showing the quantity, size, quality, handler's lot number, location, and the applicable certificate number of the lot of walnuts withheld.

CONTROL OF SURPLUS WALNUTS

§ 984.406 *Inspection, certification, and reporting of surplus walnuts withheld.* Each lot of surplus walnuts withheld shall be inspected by the Control Board's designated inspectors, and if found to meet the minimum requirements for surplus as set forth in § 984.409, shall be certified as "surplus." Such surplus certificate shall show in addition to the information required in § 984.57, the handler's lot number, the location at time of withholding, the place in which it will be stored, and the crop year of production as stated by the handler. Credit shall be given to each handler for the withholding of such walnuts upon submission to the Control Board of a report on WCB Form No. 2, showing the quantity withheld, whether shelled, the handler's lot number, location and the applicable certificate number of the lot of surplus walnuts withheld.

§ 984.407 *Containers for surplus.* All surplus withheld by any handler for pooling shall be held and delivered to the Control Board in clean, serviceable bags. Shelled surplus walnuts to be exported shall be packed in new standard cartons of the type normally used for the packing and shipping of shelled walnuts in regular commercial channels.

§ 984.408 *Identification of surplus.* Each lot of surplus walnuts withheld by any handler shall be stored separately from other walnuts in the handler's premises and shall be identified by tags bearing the handler's lot number, the number of containers in the lot and the "declared weight" of the lot. Each container of surplus walnuts withheld by any handler shall be identified by an appropriate seal, in the case of bags, or an appropriate stamp, in the case of cartons. The tags, seals, and stamps shall be furnished by the Control Board and affixed by the handler under the direction and supervision of the Control Board or its designated inspectors.

§ 984.409 *Minimum requirements for surplus*—(a) *For unshelled walnuts.* Any lot of unshelled walnuts, the kernel weight of which is offered to meet any part or all of a handler's surplus obligation, must contain at least 12 percent (based on the total unshelled weight of the lot) of sound kernels: *Provided*, That any lot that is to be disposed of as surplus in export channels must meet the minimum requirements for merchantable walnuts established by the Control Board pursuant to § 984.43.

(b) *For shelled walnuts.* Any lot of shelled walnuts offered to meet any part or all of a handler's surplus obligation must contain at least 8 percent (based on the total weight in the lot) of sound kernels: *Provided*, That any lot that is to be disposed of as surplus in export channels must meet the requirements of the Commercial Grade, as defined in the United States Standards for Shelled English Walnuts (19 F. R. 817), effective March 14, 1954.

§ 984.410 *Inspection procedure*—(a) *Sound kernel weight.* The sound kernel weight of any lot of walnuts, unshelled or shelled, shall be determined on a sample basis by the Control Board's designated inspectors. In inspecting a sample for sound kernel weight, portions of kernels that will pass through a round opening 1/8 inch in diameter shall be excluded, and portions of kernels that do not meet the requirements of "sound kernel" shall be trimmed off in order that the parts affected shall be excluded in determining the weight of sound kernels in the sample and entire lot.

(b) *Accessibility for sampling and sealing or stamping.* Each handler shall make each container of each lot of walnuts accessible for sampling and sealing or stamping in connection with the inspection and certification of any lot for sound kernel weight.

§ 984.411 *Reinspection of modified lots of surplus.* If any lot of surplus walnuts previously inspected is modified because of an exchange of surplus walnuts or because of an adjustment due to a reduction in the surplus percentage, or because of any other reason, the certificate covering such lot shall be cancelled and the entire lot, as modified, shall be reinspected at the handlers expense.

§ 984.412 *Weights.* The weight shown on the inspection certificate for any lot of walnuts offered in satisfaction of surplus, shall be the handler's "declared weight" for such lot. This weight shall be used by the Control Board for accounting purposes until such time as a public weighmaster's certificate has been issued for such lot as provided in § 984.417 (b). Final Control Board accounting shall be based on the weights shown on the weighmaster's certificate.

DISPOSITION OF CONTROLLED WALNUTS

§ 984.415 *Authorized shelling of merchantable restricted walnuts.* Applications for permission to become an authorized sheller shall be submitted to the Control Board pursuant to the requirements of § 984.61 (a) on WCB Form No. 3.

§ 984.416 *Authorized agents for export of controlled walnuts.* Applications for permission to export merchantable restricted or surplus walnuts as an agent of the Control Board shall be approved after the applicant and an agent of the Control Board have executed an "Export Agreement for Controlled Walnuts" in which the applicant agrees to observe the conditions pertaining to such export transactions as are set forth in such agreement.

§ 984.417 *Determination of condition and weight of surplus walnuts for pooling*—(a) *Condition.* The Control Board may, prior to the acceptance of any lot of surplus walnuts delivered to the Control Board for pooling and disposition, determine whether such walnuts are in substantially the same condition as when they were certified for surplus and if, as the result of reinspection, it is determined that they have deteriorated and do not meet the requirements for surplus, they shall not be accepted by the Control Board. The cost of such reinspection shall be paid for by the handler.

(b) *Weight.* Each lot of surplus walnuts delivered to the Control Board for pooling and disposition shall be separately weighed by a public weighmaster either upon removal from the handler's premises or in transit to Control Board storage facilities or diversion point by a common carrier. A tare of one pound per sack shall be used in determining net weight. A copy of each such weighmaster's certificate shall be forwarded to the Control Board and to the handler.

(c) *Weight variations.* Any deficiency in obligation resulting from a variation between the handler's "declared weight" and the weight determined by a public weighmaster for any lot of walnuts shall be met by the handler within 10 days after receipt of notice from the Control Board of such deficiency.

REPORTS

§ 984.420 *Reports of handler carryovers.* Reports of merchantable and shelled walnut carryovers as of August 1 and January 1 of each marketing year covering information specified in § 984.68 shall be submitted to the Control Board on or before August 15 and January 15 respectively, of each marketing year on WCB Forms Nos. 4 and 5, respectively.

§ 984.421 *Reports of merchantable walnuts shipped from stock.* Reports of merchantable walnuts shipped from stock shall be submitted to the Control Board on WCB Form No. 6 not later than the fifth day of each month with respect to all walnuts shipped from stock during the preceding month.

§ 984.422 *Reports of merchantable restricted and surplus walnuts held.* Reports of merchantable restricted and surplus walnuts held pursuant to the provisions of § 984.70 shall be submitted to the Control Board on WCB Form Nos. 7 and 8, respectively.

§ 984.423 *Reports of shelled walnuts handled*—(a) *Reports of shelled walnuts shipped.* Reports of shelled walnuts shipped shall be submitted to the Control Board on WCB Form No. 9 not later than the fifth day of each month with respect to all shelled walnuts shipped during the preceding month. Such reports shall include all shipments to points outside the area of production and shipments directly to buyers within the area of production and shall show, with respect to the shelled walnuts covered thereby: (1) The number of containers; (2) the total net weight; and (3) whether they were shipped into interstate, intrastate, or export channels. If a handler makes no shipments during a reporting period he shall submit a report marked "no shipments." If a handler has completed his shipments for the marketing year, he shall so indicate by marking "completed" on his final report and no further reports shall be required of such handler during such marketing year unless he acquires additional shelled walnuts for handling.

§ 984.424 *Reports of disposition of merchantable restricted walnuts withheld*—(a) *Reports of intention to dispose.* Reports of intention to dispose of merchantable restricted walnuts pursuant to the provisions of § 984.72 (a) shall be submitted to the Control Board on WCB Form No. 12.

(b) *Report of disposition accomplished.* Reports of disposition accomplished pursuant to the provisions of § 984.72 (b) shall be submitted to the Control Board on WCB Form No. 13.

§ 984.425 *Reports of sale or delivery of walnuts for packing or shelling*—(a) *Report by shipper.* Reports of each shipment of unshelled walnuts, other than merchantable walnuts, within the area of production, from California to Oregon or Washington, from Oregon to Washington, or from Oregon or Washington to California for sale or delivery to a packer for packing or to a sheller for shelling shall be reported immediately to the Control Board pursuant to the provisions of § 984.73, on WCB Form No. 14.

(b) *Report by consignee.* Reports of each receipt of shipments of walnuts pursuant to the provisions of § 984.73 shall be reported immediately to the Control Board on WCB Form No. 15. Such reports shall contain a certification by the consignee to the United States Department of Agriculture and the Control Board that he will handle such walnuts in accordance with the regulations established pursuant to §§ 984.48 and 984.53.

§ 984.426 *Reports of sale or delivery of walnuts for subsequent handling*—(a) *Report by shipper.* Reports of each shipment of merchantable or shelled walnuts to another handler for subsequent handling shall be reported to the Control Board on WCB Form No. 16. He shall also submit to the Control Board a certification from the consignee to the United States Department of Agriculture and the Control Board on WCB Form No. 17 that he will meet the control obligations on the walnuts so shipped.

(b) *Report by consignee.* Reports of each receipt of shipments of walnuts described in paragraph (a) of this section shall be reported immediately to the Control Board on WCB Form No. 18.

§ 984.427 *Reports of receipt of merchantable restricted walnuts for shelling.* Pursuant to the provisions of § 984.75, reports of merchantable restricted walnuts received by an authorized sheller for shelling shall be reported to the Control Board on WCB Form No. 19 and reports of the actual disposition of such walnuts shall be reported to the Control Board on WCB Form No. 13 within fifteen days after such disposition.

§ 984.428 *Miscellaneous reports*—(a) *Report of sold and unsold stocks.* On or about August 1 and January 1 of each marketing year, upon demand of the Control Board, each handler shall report to the Control Board on WCB Form Nos. 20 and 21, respectively, his sold and unsold holdings of merchantable and shelled walnuts, wherever located.

(b) *Report of shelled walnuts held.* On or about August 1 and January 1 of each marketing year, upon demand of the Control Board, each handler shall submit to the Control Board on WCB Form 22 a report of the several commercially recognized grades of shelled walnuts held.

MISCELLANEOUS PROVISIONS

§ 984.430 *Cancellation of certificates.* Requests for the cancellation of a certificate pursuant to the provisions of § 984.80, shall be submitted to the Control Board in writing on WCB Form No. 23.

§ 984.431 *Postponement of control obligations upon filing of a bond*—(a) *Bonds acceptable to the Control Board.* Cash, cashier's or certified checks or surety bonds submitted on an appropriate WCB Form No. 24 shall be acceptable to the Control Board under the provisions of § 984.81 (b). The surety on any bond submitted hereunder shall guarantee the bond on the basis of assets that are entirely separate and apart from the principal named in the bond. If any bond is secured by a personal surety, the Board shall have the right to require an acceptable financial statement of the surety's assets.

(b) *Bonding rates.* Bonding rates for surplus pursuant to § 984.81 (c) (2) shall be calculated to the nearest one-hundredth of a cent per pound.

§ 984.432 *Walnuts not subject to regulation*—(a) *Location exemption.* Any walnut producer, whose principal occupation is not that of food distribution, and whose application to do so is approved by the Control Board may sell, free of the restrictions and requirements set forth in §§ 984.44, 984.49, 984.54 and 984.66, any quantity of walnuts, shelled or unshelled, of his own production directly to consumers at any location specifically approved by the Control Board. Such application shall be filed with the Control Board at the beginning of the marketing year on WCB Form No. 25 and shall show: (1) The name and address of the producer and the location of his walnut orchard; (2) the location at which the producer desires to sell walnuts to consumers; (3) whether the walnuts to be sold will be shelled or unshelled, or both, and (4) the estimated quantity of shelled and unshelled walnuts, or both, which will be sold during the marketing year. In such application the producer shall include a certification to the United States Department of Agriculture and the Control Board that all of the walnuts he will sell under such exemption will be of his own production and will be sold directly to consumers at the approved location. The producer shall be notified in writing of the action taken by the Control Board on his application. At the end of the marketing year or upon completion by him of all sales during such year, whichever occurs first, the producer shall report to the Control Board on WCB Form No. 26 the quantity of walnuts sold under such exemption. This exemption shall not apply to a producer who sells any walnuts other than those produced by him or to sales of shelled or unshelled walnuts at a packing or shelling plant.

(b) *Minimum quantity exemption.* Any walnut producer whose application to do so is approved by the Walnut Control Board may sell, during a marketing year, free of the restrictions and requirements set forth in §§ 984.44, 984.49, 984.54 and 984.66, not in excess of the equivalent of 500 pounds of unshelled walnuts, in either shelled or unshelled form, or his own production directly to consumers from any or all locations. Such application shall be filed with the Control Board at the beginning of the marketing year on WCB Form No. 27 and shall show: (1) The name and address of the producer; and (2) the location of his walnut orchard. The application shall include a certification to the United States Department of Agriculture and to the Control Board that the applicant will not sell, without regard to established regulations, more than the equivalent of 500 pounds of unshelled walnuts during the marketing year and that all walnuts sold without regard to the aforesaid restrictions and requirements will be from his own production and sold directly to consumers. For the purpose of this paragraph the shelling ratio for unshelled walnuts shall be 40 percent. The producer shall be notified in writing of the action taken by the Control Board on his application. At the end of the particular marketing year or upon completion by him of all sales during such year whichever occurs first, the producer shall report to the Control Board on WCB Form No. 28 the quantities sold under such exemption. This exemption shall not apply to sales of unshelled or shelled walnuts at a packing or shelling plant.

(c) *Exemption for parcel post or express shipments.* Any walnut producer whose principal occupation is not that of food distribution and whose application to do so is approved by the Walnut Control Board, may sell and ship by parcel post or express, free of the restrictions and regulations set froth in §§ 984.44, 984.49, 984.54 and 984.66, walnuts unshelled or shelled of his own production direct to consumers: *Provided*, That no shipment of walnuts to any one consumer at any one time shall exceed 10 pounds of unshelled walnuts or the equivalent in shelled walnuts. Such application shall be filed with the Control Board at the beginning of the marketing year on WCB Form No. 27-a and shall show: (1) The name and address of the producer; and (2) the location of his walnut orchard. Such application shall include a certification to the U. S. Department of Agriculture and to the Control Board that applicant will not sell, without regard to established regulations, more than the equivalent of 10 pounds of unshelled walnuts in any single shipment by parcel post or express and that all walnuts sold

walnuts shall be reported to the Control Board on his application. At

Control Board on his application. At

nuts in any single shipment by parcel post or express and that all walnuts sold

without regard to the aforesaid restrictions and requirements will be from his own production and sold directly to consumers. For the purpose of this paragraph the shelling ratio for unshelled walnuts shall be 40 percent. The producer shall be notified in writing of the action taken by the Board on his application. At the end of the particular marketing year or upon completion by him of all sales during such year, whichever occurs first, the producer shall report to the Control Board on WCB Form No. 28-a the quantities sold under such exemption. This exemption shall not apply to parcel post or express shipments of unshelled or shelled walnuts made from a packing or shelling plant.

(d) *Green Walnuts.* Walnuts which are green and which are so immature that they cannot be used for drying and sale as dried walnuts may be shipped without regard to the provisions of this part.

2. In connection with the above, *It is also hereby ordered*, That §§ 984.102, 984.103 and 984.104 (7 CFR, 1952 Rev., 984.102, 984.103 and 984.104), which set forth the existing requirements with respect to pack specifications, minimum standards, and certification, be deleted, since the requirements in those regards are contained in the administrative rules and regulations which are prescribed above.

It is hereby further found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or to postpone the effective date of the administrative rules and regulations prescribed by this document later than the date of its publication in the FEDERAL REGISTER. The handling of all walnuts beginning with the present marketing year should be subject to the administrative rules and regulations prescribed herein. The formulation of said administrative rules and regulations has required considerable time, and such formulation was not completed until recently. Also, no special preparation will be needed by handlers to enable them to comply with said administrative rules and regulations in that they have been discussed generally by the industry in recent months and handlers are familiar with them.

Issued at Washington, D. C., this 9th day of November 1954, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-8932; Filed, Nov. 12, 1954; 8:54 a. m.]

PART 989—HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

FREE, RESERVE AND SURPLUS PERCENTAGES FOR 1954–55 CROP YEAR

Notice was published in the October 26, 1954, issue of the FEDERAL REGISTER (19 F. R. 6860) that the Secretary of Agriculture was considering a proposed rule to establish free tonnage percentages, reserve tonnage percentages, and surplus tonnage percentages with respect to raisins produced from raisin variety grapes grown in California and acquired by handlers during the 1954–55 crop year. These percentages were proposed after consideration of the recommendation submitted by the Raisin Administrative Committee and other information available to the Secretary, in accordance with the applicable provisions of Marketing Agreement No. 109 and Order No. 89 (7 CFR, 1953 Rev., Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed within the period provided therefor.

After consideration of all matters pertaining thereto, including the recommendation of the Raisin Administrative Committee, it is hereby found that to designate free tonnage percentages, reserve tonnage percentages, and surplus tonnage percentages as hereinafter provided, will tend to effectuate the declared policy of the aforesaid act, and it is, therefore, ordered, that such percentages shall be as follows:

§ 989.208 *Free, reserve, and surplus tonnage regulation for the 1954–55 crop year.* The percentages of each varietal type of raisins acquired by handlers during the crop year beginning August 15, 1954 and ending August 14, 1955, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are as follows: (a) Natural (sun-dried) Thompson Seedless raisins: Free tonnage percentage, 82 percent; reserve tonnage percentage, 18 percent; and surplus tonnage percentage, zero percent; (b) natural (sun-dried) Muscat raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (c) natural (sun-dried) Sultana raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (d) natural (sun-dried) Zante currant raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (e) artificially dehydrated Sultana raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (f) artificially dehydrated Zante Currant raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (g) Layer Muscat raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (h) Golden Bleached raisins: Free tonnage percentage, 80 percent; reserve tonnage percentage, 20 percent; and surplus tonnage percentage, zero percent; (i) Sulfur Bleached raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (j) Soda Dipped raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; and (k) Valencia raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent.

It is hereby found and determined that good cause exists for not delaying the effective date of this document later than the fourth day after its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) Acquisition of raisins by handlers during the 1954–55 crop year has begun, and it is necessary to have this regulation in effect promptly for application against such acquisitions of raisins; (2) this document is being issued as soon as practicable after reasonably reliable information concerning the 1954 production of raisins became available; (3) handlers have been aware for some time that action of this nature would be taken and they should not require more than three days advance notice; and (4) each of the percentages designated in this document is the same as the corresponding percentage which was set forth in the aforesaid notice of proposed rule making. In these circumstances, this document should be made effective on the fourth day after the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 9th day of November 1954, to become effective on the fourth day after publication of this document in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 54-8931; Filed, Nov. 12, 1954; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 384, Amdt. 6]

PART 79—SCRAPIE IN SHEEP

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), section 79.2, as amended, Part 79, Title 9, Code of Federal Regulations (19 F. R. 2011), containing a notice of the existence in certain areas of the disease of sheep known as scrapie and establishing a quarantine because of such disease, is hereby further amended to read as follows:

§ 79.2 *Notice and quarantine.* Notice is hereby given that the contagious, infectious, and communicable disease of sheep known as scrapie exists in the following areas in the specified States. Such areas are hereby quarantined because of said disease.

(a) *Connecticut:* That part of the Town of Salisbury in Litchfield County lying south of Farnam Road, north of Welles Hill Road, west of Old Asylum Road, and east of U. S. Route No. 44 and State Route No. 41.

(b) *Ohio:* That part of Buckskin Township in Ross County lying south of State Route No. 28, west of Lyndon-South Salem Road, north of Frogtown Road, and east of Coyner Road and Moon Road.

Effective date. This amendment shall become effective upon issuance.

This amendment excludes, from the notice and quarantine relating to scrapie, those areas in New York and in Licking, Shelby, and Vinton Counties in Ohio in which scrapie has been found to exist and in which a quarantine has been established. Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR, 1953 Supp., Part 79, as amended, apply with respect to movements of sheep from such areas.

This amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 8th day of November 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-8933; Filed, Nov. 12, 1954; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 20]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

The purpose of this supplement is to make the CAA rules and policies issued under Part 41 with respect to the form of application, amendment, and contents of Operations Specifications, Aircraft Maintenance and Aircraft Weight and Balance Control similar to those issued under Part 40.

Proposed rules were published on July 7, 1954, in 19 F. R. 4111. Interested persons were afforded an opportunity to submit written views, data, or argument. Consideration has been given to all relevant data presented.

1. Section 41.1–2 (b) is revised by deleting the words "and deletion or addition of aircraft".

2. New §§ 41.1–5 through 41.1–9 are adopted to read as follows:

§ 41.1–5 *Form of application for issuance of initial or revised Operations Specifications, Aircraft Maintenance (CAA rules which apply to § 41.1).* (a) Applications by the air carrier for new or amended Operations Specifications, Aircraft Maintenance, shall be made on Operations Specifications Form ACA–1014 or equivalent.

(b) Those pages of the Operations Specifications, Aircraft Maintenance, which contain the list of aircraft components, inspections, checks and overhauls, and time limitations therefor, shall be prepared by the air carrier on a Form ACA–1014 or equivalent. Such pages shall be prepared to permit insertion in a suitable loose-leaf binder. Each page shall be consecutively numbered and identified as an Operations Specifications Aircraft Maintenance.

(c) The air carrier shall list the aircraft components and the overhauls, inspections, checks, and time limitations therefor either on separate pages in the Operations Specifications, Aircraft Maintenance, or together on the same pages. If listed separately, the overhauls, inspections, and checks shall be appropriately and thoroughly identified, by number and/or nomenclature, to include any applicable abbreviations. The list of individual aircraft components shall show proper reference to the overhauls, inspections or checks by means of the applicable number, nomenclature or abbreviation thereof. When so listed, it shall mean that such components are overhauled, inspected or checked at the times identified in the Operations Specifications.

(d) Four copies of the application[1] and attachments shall be submitted to the assigned agents, the first copy of the application bearing the signature of a duly authorized representative of the air carrier. Approval or disapproval shall be indicated on the first and second copies of the application and attachments which will be returned to the air carrier. The air carrier shall, in turn, indicate receipt in the space provided on the second copy and return it to the assigned agent.

§ 41.1–6 *Form of application for issuance of initial or revised Operations Specifications, Aircraft Weight and Balance Control (CAA rules which apply to § 41.1).* (a) Applications by the air carrier for new or amended Operations Specifications, Aircraft Weight and Balance Control,[2] shall be made on Operations Specifications Form ACA–1014 or equivalent.

(b) Four copies of the application shall be submitted, the first copy of the application bearing the signature of a duly authorized representative of the air carrier. Approval or disapproval of the carrier's application shall be indicated on the first and second copies of the application which will be returned to the air carrier. The air carrier shall, in turn, indicate receipt in space provided on the second copy and return it to the assigned agent.

§ 41.1–7 *Policies, procedures, and limitations governing issuance and amendment of Operations Specifications, Aircraft Maintenance (CAA policies which apply to § 41.1).*—(a) *General.* The Administrator will issue and amend Operations Specifications, Aircraft Maintenance, in accordance with the following policies, procedures, and limitations. The criteria hereinafter set forth will be followed by the Administrator in fixing time limitations for the performance of overhaul, inspections, and checks, or in permitting or requiring revisions thereto. The basic principle followed by the Administrator will be that the inspections, checks, maintenance, or overhaul be performed at times well within the expected or proven service life of each component of the aircraft. In determining what the expected or proven service life of an aircraft or any of its components might be, the Administrator will consider the following factors: (1) Geographical area or areas of operation; (2) engine operating powers, procedures, etc.; (3) number of landings, long haul versus short haul, etc; (4) maintenance organization and inspection procedures; (5) other operators' service experience records; (6) manufacturers' recommendations; (7) service history, particularly of known or evident trends toward malfunctioning. Special reliance will be placed on service experience, including the information obtained from such tests, inspections, or measurements as have been performed in accumulating such service experience.

(b) *Procedure for establishing new or revised time limitations.* (1) Time limitations may be established in terms of hours of operation, multiples of engine overhaul periods, or multiples of inspection periods. Time limitations for components on which deterioration is not necessarily a function of operating hours, such as electronic units, pitot tubes, and emergency flotation equipment, may be established in terms of calendar months. Certain items may be maintained on an on-condition overhaul basis.

(2) On-condition overhaul is applicable to components on which a determination of airworthiness may be made by visual inspection, measurements, tests, or other means without a teardown inspection or overhaul.

[1] Application for initial time limitations applicable to new aircraft, engines, propellers or appliances, not previously used in air carrier service may require Washington concurrence prior to final issuance by the CAA regional office and therefore, should be submitted as soon as possible, but not later than 15 days prior to the date that the aircraft or component is to be placed into service.

[2] The Operations Specifications, Aircraft Weight and Balance Control, may combine weight control procedures common to more than one aircraft or they may separate weight and balance procedures specifically adapted to a particular aircraft type and model.

(19 F. R. 6860) that the Secretary of

(c) *Airframe; initial time limitations.* The initial time limitations for overhauls, inspections, or checks of airframes may be established on a recurrent fixed time basis or by adoption of a structural inspection specification covering procedures such as pattern inspections, block overhauls, or progressive inspections. Regardless of the basis upon which the time limitations are established, the same basic standards will be applicable. The maintenance program must specify checks, inspections, and overhauls to be performed and times at which they will be performed.

(d) *Appliances; initial time limitations.* Initial time limitations for inspections, bench checks, major inspections, or overhaul, as applicable, to the appliance involved, should not be greater than those limitations applicable to the same or similar appliances used in existing aircraft operated by the air carrier. When the usage or installation of such appliances differs to a substantial extent from the previous usage or installation, the time limitations shall be adjusted to reflect the extent of such difference. When new usage or installation is involved, conservative time limitations should be established until service experience shows that more liberal time limits can be used. In those cases where an appliance has a subcomponent which is subject to wear with time in service, the air carrier will establish maintenance procedures for periodic inspection of such subcomponent to insure its continued airworthiness.

(e) *Powerplants; initial time limitations.* (1) The initial overhaul time limitations for any engine which has never been used in air carrier service will tentatively be established at 1000 hours. However, the Operations Specifications will require sample overhaul of a representative number of engines, but not less than three, to be accomplished at each increment of 100 hours, beginning at 800 hours, unless such new model engine incorporates certain unconventional features not previously employed in air carrier operations, in which case, the initial overhaul period will be established by the Administrator. Satisfactory teardown inspection will be necessary before increasing the fleet overhaul period to the next higher increment. This sample overhaul procedure and evaluation of service experience will provide the operator with necessary information to substantiate the basic 1000-hour overhaul.

(2) The initial time limitations for overhaul of an engine model which has received substantial air carrier service experience, but not by the applicant, will tentatively be established at 1000 hours. An engine model will not be considered as having substantial air carrier service experience unless it has been satisfactorily operated by another carrier on an approved 1000-hour or higher overhaul period. However, the Operations Specifications will require that the basic 1000-hour overhaul period be substantiated on the same basis as outlined for a new engine except that sample overhauls of a representative number of engines will be accomplished in increments of 100-hour periods beginning at 900 hours. The initial time limitations for overhaul of accessories which are a part of the power package, including propellers, will be established at the overhaul period fixed for the engine itself, unless service experience permits or requires higher or lower overhaul periods.

(f) *Revision of time limitations; general.* The inspection and overhaul time limitations applicable to airframes, powerplants, propellers, and appliances will be revised on the basis of service experience. Increases in such time limitations may be made when the record of service experience for the previous 90 days indicates that such increase will not adversely affect the continuous condition of airworthiness. When the service records indicate that any component or subcomponent consistently requires repair, adjustment, or other maintenance because of damage, wear, or deterioration, within the current time limitations, the air carrier will be responsible for initiating corrective action.

(1) *Airflame; revision of time limitations.* The increases of time limitations for overhaul (or major inspection in case of pattern system, etc.) of airframes will be based on evaluation of all pertinent service records and examination of at least one aircraft, of the model involved, that has been overhauled at the currently approved time limitations. When a pattern or block overhaul type of maintenance system is used, it will be permissible to reschedule individual items in another block or pattern, if performance and condition of the specific item warrants such an increase.

(2) *Powerplants and associated mechanical appliances; revision of time limitations.* Increases in engine overhaul periods will not be approved in increments greater than 100 hours. Increases in time limitations above the 1000-hour basic engine overhaul period will be considered on the basis of satisfactory service experience at the currently approved time limitations. The operator may request amendment to the currently approved time limitations by submitting a letter to the assigned CAA agent, indicating the desired time limitations on the particular engines involved, and designating three to five engines for disassembly inspection by the CAA agent. The engines chosen for exhibit must have operated in a satisfactory manner for the maximum time permissible under currently approved time limitations. If, after disassembly and inspection of the exhibit engines and related components, it is found that the new time limitations are justified, the air carrier may then submit a formal application for an amendment in the routine manner requesting the extension of the overhaul period on the entire fleet of engines and related components of the same type and model. Engine accessories may be operated to double or triple the approved engine overhaul time limitations if it is found that previous satisfactory service and overhaul experience, including the service to be performed at each engine change period, would justify the increase as not adversely affecting the continuous condition of airworthiness of the component involved. The procedure for requesting and granting increases in overhaul time limitations for such components will be the same as used for the basic engine.

(3) *Appliances, general; revision of time limitations.* Increases in established times for inspections, bench tests, or overhaul periods will be based on consideration of the following factors: (i) Geographical area or areas of operation; (ii) number of landings, long haul versus short haul; (iii) maintenance organization and inspection procedures; (iv) manufacturers' recommendations; (v) service history, particularly of known or evident trends toward malfunctioning. When electrical/electronic appliances are overhauled on an on-condition basis, special consideration will be given to the continued airworthiness of mechanical components of such equipment.

(4) *Emergency equipment.* The inspection periods for first aid kits, flotation equipment, and other emergency equipment will assure the continued serviceability and immediate readiness of such equipment for its intended emergency purposes. Major inspection periods will be established for the purpose of determining that all components of the emergency equipment are complete and airworthy and may be expected to remain in this condition until the next major inspection or actual use under emergency conditions. Routine inspection periods will be established to assure that such equipment (or any component thereof) is installed or stored properly, has not been tampered with, damaged, or had articles removed since the last inspection. All inspection periods will be adjusted in accordance with service experience and pertinent operating conditions.

§ 41.1-8 *Content of Operations Specifications, Aircraft Maintenance (CAA policies which apply to § 41.1).* The Administrator will issue Operations Specifications, Aircraft Maintenance, which have the following minimum contents:

(a) (1) The Operations Specifications, Aircraft Maintenance, will contain a listing of the components of airframes, engines, propellers, and appliances, and the time limitations for checks, inspections and overhauls applicable to each listed component. The list of components will be complete and inclusive except that subcomponents which are subject to check, inspection, and overhaul at the same time limitations as the components to which they are related may be omitted from the listing (e. g. that form commonly called the "short form"). When this is done, the Operations Specifications will bear a statement to the effect that parts and subcomponents not listed will be checked, inspected, and overhauled at the same time limitations specified for the component or assembly to which such components are related.

(2) When coded identifications or titles, such as "operation #1, #2, #3, etc." or "line check, intermediate check, base inspection, etc.," are used in connection with specified time limitations in the Operations Specifications, a brief description of such terms will be included which identifies the operation concerned.

(b) If the carrier proposes Operations Specifications, Aircraft Maintenance, which would permit for all or any part of an aircraft a block overhaul system, a sampling inspection and overhaul system, or any other maintenance system which either (1) does not prescribe a fixed period for overhaul, inspection, or check of each component of an aircraft, or (2) includes alternative standards and procedures under which the air carrier may be given authority to establish and adjust such time limitations, the air carrier will fully define and describe the manner in which such a special maintenance program will be performed.

(c) Operations Specifications identified as Operations Specifications, Aircraft Maintenance; General, will contain conditions uniformly applicable to all Operations Specifications Aircraft Maintenance.

§ 41.1-9 *Content of Operations Specifications, Aircraft Weight and Balance Control (CAA policies which apply to § 41.1).* The Operations Specifications, Aircraft Weight and Balance Control, as submitted by an air carrier, will contain an accurate description of the procedures used to maintain control of weight and balance of all aircraft operated under the terms of the operating certificates which will insure that the aircraft, under all operating conditions, is loaded within the gross weight and center of gravity limitations. This description should include procedures used for determining weight of passengers, weight of baggage, periodic aircraft weighing, type of loading devices, and identification of aircraft concerned.

3. A new § 41.41-1 is adopted to read as follows:

§ 41.41-1 *Contents of manual—methods and procedures for maintaining weight and balance control (CAA policies which apply to § 41.41).*—(a) *General.* (1) The air carrier may utilize any loading schedule, procedure, or means by which the air carrier can show that the aircraft is properly loaded and will not exceed authorized weight and balance limitations during operation.

(2) By whatever method used, the air carrier should account for all probable loading conditions which may be experienced in service and show that the loading schedule will provide satisfactory loading. Loading schedules may be applied to individual aircraft or to a complete fleet. Unless otherwise authorized, a copy of pertinent loading data should be carried in each aircraft. When an air carrier operates several types or models of aircraft, the loading schedule, which may be index type, tabular type or a mechanical computer, will be identified with the type or model of aircraft for which it is designed.

(b) *Loading provisions.* All seats, compartments, and other loading stations will be properly marked, and the identification used will correspond with the instructions established for computing the weight and balance of the aircraft. When the loading schedule provides blocking off of seats or compartments in order to remain within the center of gravity limits, effective means will be provided to assure that such seats or compartments are not occupied during operations specified. Cargo compartments will be placarded showing the maximum weight of each compartment, and such placards will be readily legible to the loading personnel. Instructitons will be prepared for crew members, cargo handlers, and other personnel concerned, giving complete information necessary regarding distribution of passengers, cargo, fuel, and other items. Information relative to maximum capacities and other pertinent limitations affecting the weight or balance of the aircraft will be included in these instructions. When it is possible by adverse distribution of passengers to exceed the approved c. g. limits of the aircraft, special instructions will be issued to the appropriate crew members so that the load distribution can be maintained within the approved limitations.

(c) *Terms, descriptions, and general standards.* For the purpose of weight and balance control, the following terms, descriptions, and general standards will apply. Deviations from these standards by the individual operator due to the nature of his operation will be acceptable.

(1) *Empty weight.* The empty weight of an aircraft is considered to be the maximum gross weight less the following:

(i) All fuel and oil, excepting system fuel and oil.*

(ii) Drainable anti-detonant injector and de-icing fluids.

(iii) Crew and baggage.

(iv) Passengers and cargo (revenue and non-revenue).

(v) Removable passenger service equipment, food, magazines, etc., including drainable washing and drinking water.

(vi) Emergency equipment (overwater, tropical, frigid).

(vii) Other equipment, variable for flights.

(viii) Flight spares (spark plugs, wheel, cylinders, etc.).

(2) *Operating weight.* The basic operating weight established by the air carrier for a particular model aircraft will include the following standard items of the operator in addition to the empty weight of the aircraft unless otherwise specified:

(i) Normal oil quantity.

(ii) Anti-detonant injector and deicing (winter) fluids.

(iii) Crew and baggage.

(iv) Passenger service equipment, including washing and drinking water, magazines, etc.

(v) Emergency equipment, if required for all flights.

(vi) All other items of equipment considered standard by the air carrier concerned.

(3) *Aircraft, zero fuel weight.* The zero fuel weight of an aircraft is the maximum weight authorized for such aircraft without fuel. The weight of fuel carried in the fuselage, or equivalent locations, will be deducted from such maximum. When zero fuel weight limitations or equivalent restrictions are specified, proper provision for loading will be made by the operator so that such structural limitations are not exceeded.

(d) *Aircraft weights.* Aircraft weight and balance control will contain provisions for determining aircraft weights in accordance with the following procedures:

(1) *Individual aircraft weights and changes.* The loading schedule may utilize the individual weight of the aircraft in computing pertinent gross weight and balance. The individual weight and balance of each aircraft will be re-established at the specified reweighing periods. It also will be reestablished whenever the accumulated changes to the operating weight exceeds plus or minus one-half of one percent of the maximum landing weight or the cumulative change in c. g. position exceeds one-half of one percent of the MAC.

(2) *Fleet weights, establishment and changes.* For a fleet or group of aircraft, of the same model and configuration, an average operating fleet weight may be utilized if the operating weights and c. g. positions are within the limits established herein. The fleet weight will be calculated on the following basis:

(i) An operator's empty fleet weight will be determined by weighing aircraft according to the following table: For fleet of 1 to 3, weigh all aircraft; for fleet of 4 to 9, weigh 3 aircraft plus at least 50 percent of the number over 3; for fleet of over 9, weigh 6 aircraft plus at least 10 percent of the number over 9.

(ii) In choosing the aircraft to be weighed, the aircraft in the fleet having the highest time since last weighing should be selected. When the average empty weight and c. g. position has been determined for aircraft weighed and the basic operating fleet weight (winter and summer, if applicable) established, necessary data should be computed for aircraft not weighed but which are considered eligible under such fleet weight. If the basic operating weight of any aircraft weighed or the calculated basic operating weight of any of the remaining aircraft in the fleet varies by an amount more than plus or minus one-half of one percent of the maximum landing weight from the established basic operating fleet weight or the c. g. position varies more than plus or minus one-half of one percent of the MAC from the fleet weight c. g., that airplane will be omitted from that group and operated on its actual or calculated operating weight and c. g. position. If it falls within the limits of another fleet or group, it may then become part of that operating fleet weight. In cases where the aircraft is within the operating fleet weight tolerance but the c. g. position varies in excess of the tolerance allowed, the aircraft may still be utilized under the applicable operating fleet weight but with an individual c. g. position.

* System fuel and oil is that amount required to fill both systems and the tanks, where applicable, up to the tank outlets to the engines. When oil is used for propeller feathering, such oil is include as system oil.

(iii) Re-establishment of the operator's empty fleet weight or the operating fleet weight and corresponding c. g. positions may be accomplished between weighing periods by calculation based on the current empty weight of the aircraft previously weighed for fleet weight purposes. Weighing for re-establishment of all fleet weights will be conducted on a two-year basis unless shorter periods are desired by the air carrier.

(3) *Establishing initial weight before use in air carrier service.* Prior to being used in air carrier service, each aircraft will be weighed and the empty weight and center of gravity location established. New production transport category aircraft delivered to air carriers normally are weighed at the factory and are eligible for air carrier operations without reweighing if the weight and balance records have been adjusted for alterations or modifications to the aircraft. Aircraft transferred from one air carrier to another need not be weighed prior to utilization by the latter unless more than twenty-four calendar months have elapsed since last weighing.

(4) *Periodic weighing; aircraft using individual weights.* Aircraft operated under a loading schedule utilizing individual aircraft weights in computing the gross weight will be weighed at intervals of twenty-four calendar months. An air carrier may, however, apply for extension of this weighing period for a particular model aircraft, when pertinent records and actual routine weighing during the preceding twenty-four months of air carrier operation show that weight and balance records maintained are sufficiently accurate to indicate aircraft weights within the established limitations. Such application should be limited to increases in increments of twelve months and will be substantiated in each instance with at least two aircraft weighings. Increases may not be granted which exceed a time which is equivalent to the aircraft overhaul period.

(5) *Periodic weighing, aircraft using "fleet weights."* Aircraft operating under fleet weights should be weighed in accordance with procedures outlined for the establishment of fleet weights. Since each fleet weight will be re-established every two years and a specified number of aircraft weighed at such periods, no additional weighing is considered necessary. A rotation program should, however, be incorporated so all aircraft in the fleet will be reweighed periodically.

(6) *Weighing procedure.* Normal precautions, consistent with good practices in the weighing procedure, such as checking for completeness of the aircraft and equipment, determining that fluids are properly accounted for, and that weighing is accomplished in an enclosed building preventing the effect of the wind, will prevail. Any acceptable scales may be used for weighings provided they are properly calibrated, zeroed and used in accordance with the manufacturer's instructions. Each scale should have been calibrated, either by the manufacturer or by a civil Department of Weights and Measures, within one year prior to weighing any aircraft for this purpose unless the air carrier can show evidence which warrants a longer period between calibrations.

(e) *Passenger weights.* The air carrier may elect to use either the actual passenger weight or the average passenger weight to compute passenger loads over any route, except in those cases where nonstandard weight passenger groups are carried. Both methods may be used interchangeably provided only one method is used for any flight from originating to terminating point of the particular trip or flight involved, except as indicated in subparagraph (3) of this paragraph. Provisions will be incorporated in the load manifest to clearly indicate to personnel concerned whether actual or average passenger weights are to be used in computing the passenger load.

(1) *Actual passenger weight.* Actual passenger weight may be determined by scale weighing of each passenger prior to boarding the aircraft, and such weight is to include minor articles carried on board by the passenger. If such articles are not weighed, the estimated weight is to be accounted for. The actual passenger weight may also be determined by asking each passenger his weight and adding thereto a pre-determined constant to provide for hand-carried articles and also to cover possible seasonal effect upon passenger weight due to variance in clothing weight. The constant may be approved for an air carrier on the basis of a detailed study conducted by the operator over the particular routes involved and during the extreme seasons when applicable.

(2) *Average passenger weight.* (i) An average weight of 160 pounds (summer) may be used for each adult passenger during the calendar period of May 1 through October 31.

(ii) An average weight of 165 pounds (winter) may be used for each adult passenger during the calendar period through April 30.

(iii) An average weight of 80 pounds may be used for children between the ages of 3 and 12. Children above 12 years of age are classified as adults for the purpose of weight and balance computations. Children less than 3 years old are considered "babes in arms."

(iv) The average passenger weight includes minor items normally carried by a passenger.

(3) *Non-standard weight groups of passengers.* The average passenger weight method will not be used in the case of flights carrying large groups of passengers whose average weight obviously does not conform with the normal standard weight. Actual weights will be used when a passenger load consists to a large extent of athletic squads or other special group which is smaller or larger than the U. S. average. Where such a group forms only a part of the total passenger load, the actual weights may be used for such group and average weights used for the balance of the passenger load. In such instances, a notation will be made on the load manifest, indicating number of persons in the special group and identifying the group (i. e. football squad, Blank Nationals, etc.)

(f) *Crew weight.* The actual weight of crew members may be used or the following approved average weights may be utilized:

(1) Male cabin attendants 150 pounds; female cabin attendants 130 pounds.

(2) All other crew members 170 pounds.

(g) *Passenger and crew baggage.* Procedures should be provided so that all baggage, including that carried on board by the passengers, is properly accounted for. If desired by the air carrier, a standard crew baggage weight may be used.

(h) *Center of gravity travel during flight.* The air carrier will show that the procedures fully account for the extreme variations in center of gravity travel during flight caused by all or any combination of the following variables:

(1) The movement of a number of passengers and cabin attendants equal to the placarded capacity of the lounges or lavatories from their normal position in the aircraft cabin to such lounge or lavatory. If the capacity of such compartment is one, the movement of either one passenger or one cabin attendant, whichever most adversely affects the c. g. condition will be considered. When the capacity of the lavatory or lounge is two or more, the movement of that number of passengers or cabin attendants from positions evenly distributed throughout the aircraft may be used. Where seats are blocked off, the movement of passengers and/or cabin attendants evenly distributed throughout only the actual loaded section of the aircraft will be used. The extreme movements of the cabin attendants carrying out their assigned duties within the cabin will be considered. The various conditions will be combined in such a manner that the most adverse effect on the c. g. will be obtained and so accounted for in the development of the loading schedule to assure the aircraft being loaded within the approved limits at all times during flight.

(2) *Landing gear retraction.* Possible change in c. g. position due to landing gear retraction will be investigated and results accounted for.

(3) *Fuel.* The effect on the c. g. travel of the aircraft during flight due to fuel used down to the required reserve fuel or to an acceptable minimum reserve fuel established by the air carrier will be accounted for.

(i) *Fuel allowance for taxiing and run-up.* The weight and balance system may provide for a weight allowance of 3 pounds of fuel for each 100 horsepower (maximum continuous) available to the aircraft from all of its engines to be added to the maximum gross weight of the aircraft to compensate for fuel used during run-up and taxiing.

(j) *Records.* The weight and balance system will include methods by which the air carrier will maintain a complete, current, and continuous record of the weight and center of gravity of each aircraft. Such records should reflect all alterations and changes affecting either the weight or balance of the aircraft, and will include a complete and current equipment list. When fleet weights are used, pertinent computations should also be available in individual aircraft files.

(k) *Weight of fluids.* The weight of all fluids used in aircraft may be established on the basis of actual weight, a standard volume conversion, or a volume conversion utilizing appropriate temperature correction factors to accurately determine the weight by computation of the quantity of fluid on board.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 608, 52 Stat. 1007, 1010, 1011, as amended; 49 U. S. C. 551, 554, 558)

This supplement shall become effective November 15, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8934; Filed, Nov. 12, 1954; 8:55 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 42]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.287 is amended to read:

§ 600.287 *Red civil airway No. 87 (Hawaiian Islands).* From the intersection of northwest course of the Port Allen, T. H., radio range and a point 100 miles northwest of the Port Allen, T. H., radio range station via the Port Allen, T. H., radio range station; the intersection of the southeast course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range; Honolulu, T. H., radio range station; Maui, T. H., radio range station; the intersection of the southeast course of the Maui, T. H., radio range and the north course of the Hilo, T. H., radio range; Hilo, T. H., radio range station to the intersection of the east course of the Hilo, T. H., radio range and a point 100 miles east of the Hilo, T. H., radio range station.

2. Section 600.638 is amended to read:

§ 600.638 *Blue civil airway No. 38 (Petersburg, Alaska, to United States-Canadian Border).* That airspace over United States territory from the Petersburg, Alaska, radio range station via the intersection of the northwest course of the Petersburg, Alaska, radio range and the southeast course of the Gustavus, Alaska, radio range; Gustavus, Alaska, radio range station; Haines, Alaska, nondirectional radio beacon to the Whitehorse, Yukon Territory, radio range station.

3. Section 600.644 is amended by changing the caption to read: *"Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border)"* and by deleting the portion which reads: "From the Advance, Mo., radio range station to the Paducah, Ky., nondirectional radio beacon."

4. Section 600.679 is amended to read:

§ 600.679 *Blue civil airway No. 79 (Annette Island, Alaska to United States-Canadian Border).* That airspace over United States territory from the intersection of the south course of the Annette Island, Alaska, radio range and the United States-Canadian Border via the Annette Island, Alaska, radio range station; Petersburg, Alaska, radio range station; Haines, Alaska, nondirectional radio beacon to the Pon Lake, Y. T., Canada, nondirectional radio beacon.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., November 9, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8893; Filed, Nov. 12, 1954; 8:45 a. m.]

[Amdt. 42]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.215 is amended to read:

§ 601.215 *Red civil airway No. 15 control areas (Reno, Nev., to Phoenix, Ariz.).* From the intersection of the northeast course of the Reno, Nev., radio range and the northwest course of the Fallon, Nev., radio range to a line extended at right angles through a point 25 miles southeast of the Fallon, Nev., radio range station. From the Las Vegas, Nev., radio range station to the Phoenix, Ariz., radio range station.

2. Section 601.638 is amended to read:

§ 601.638 *Blue civil airway No. 38 control areas (Petersburg, Alaska, to United States-Canadian Border).* All of Blue civil airway No. 38.

3. Section 601.644 is amended to read:

§ 601.644 *Blue civil airway No. 44 control areas (Indianapolis, Ind., to United States-Canadian Border).* All of Blue civil airway No. 44.

4. Section 601.679 is amended to read:

§ 601.679 *Blue civil airway No. 79 control areas (Annette Island, Alaska, to United States-Canadian Border).* All of Blue civil airway No. 79.

5. Section 601.1357 is added to read:

§ 601.1357 *Control area extension (Fallon, Nev.).* Within a 10-mile radius of the Fallon, Nev., radio range station excluding the portion which overlaps Fallon danger area D-268, and within 5 miles either side of the north course of the Fallon radio range extending from the radio range station to a point 25 miles north.

6. Section 601.1984 *Five mile radius zones* is amended by adding the following airport:

Fallon, Nev.: Fallon NAAS.

7. Section 601.2053 *Huron, S. Dak., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the Huron ILS localizer northwest course extending from the localizer to a point 12 miles northwest of the outer marker."

8. Section 601.2185 *Sacramento, Calif., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of a line bearing 358° True extending from McClellan AFB to Red civil airway No. 76."

9. Section 601.4241 is amended to read:

§ 601.4241 *Red civil airway No. 41 (Yakutat, Alaska to Gustavus, Alaska).* No reporting point designation.

10. Section 601.4264 is amended to read:

§ 601.4264 *Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).* No reporting point designation.

11. Section 601.4638 is amended to read:

§ 601.4638 *Blue civil airway No. 38 (Petersburg, Alaska, to United States-Canadian Border).* The intersection of the southeast course of the Gustavus, Alaska, radio range and the northeast course of the Sitka, Alaska, radio range; Gustavus, Alaska, radio range station.

12. Section 601.4644 is amended by changing caption to read: *"Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border)."*

13. Section 601.4679 is amended to read:

§ 601.4679 *Blue civil airway No. 79 (Annette Island, Alaska, to United States-Canadian Border).* Annette Island, Alaska, radio range station; Petersburg, Alaska, radio range station; the intersection of the northeast course of the Sitka, Alaska, radio range and the northwest course of the Petersburg, Alaska, radio range; Haines, Alaska, nondirectional radio beacon.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

one year prior to weighing any aircraft

squad, Blank Nationals, etc.)

equipment list. When fleet weights are

This amendment shall become effective 0001 e. s. t., November 9, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8894; Filed, Nov. 12, 1954; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-457]

PART 223—ORTHOPEDIC APPLIANCE INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of November 13, 1954.

Statement by the Commission. Trade practice rules for the Orthopedic Appliance Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the Trade Practice Conference procedure.

The industry is composed of persons, firms, corporations and organizations engaged in the manufacture and sale, or alteration and sale or distribution, of any appliance designed for use by a particular individual for correction or alleviation of a deformity, sprain, fracture, paralysis, subluxation, or similar condition, and which is to be worn on an outer portion of the person for whom the appliance or brace was constructed or altered. Products of the industry are usually sold direct to the handicapped who have had such appliances prescribed by their doctors. Some are also sold through hospitals which furnish specifications on behalf of their patients. It is estimated that the annual production of industry products has a value slightly in excess of $6,000,000.

Trade practice rules for the industry have as their primary objective the elimination and prevention of unfair trade practices to the end that the industry, the trade, and the public may be protected from the harmful effects of unfair competition, unfair or deceptive acts or practices, and other trade abuses. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings for the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held in Chicago, Illinois, at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington, D. C., and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the Group I and Group II rules hereinafter set forth. The Group II rules as received for this industry are not of the type presently the subject of a general study by the Commission.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.

223.0 Definitions.

GROUP I

223.1 Deception (general).
223.2 Representation or promise that product will "fit."
223.3 Protection of public with respect to apparent agency.
223.4 Deceptive testimonials or depictions.
223.5 Deceptive demonstrations.
223.6 Misuse of terms "custom-made," "custom-built," etc.
223.7 Guaranties, warranties, etc.
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223.9 Deception as to being "new."
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223.14 Defamation of competitors or false disparagement of their products.
223.15 Procurement of competitors' confidential information by unfair means and wrongful use thereof.
223.16 Unfair threats of infringement suits.
223.17 Deceptive use of trade or corporate names, trade-marks, etc.
223.18 Use of the word "free."
223.19 Coercing purchase of one product as a prerequisite to the purchase of other products.
223.20 Fictitious prices.
223.21 Prohibited allowances or commissions to doctors.
223.22 Inducing breach of contract.
223.23 Enticing away employees of competitors.
223.24 Prohibited forms of trade restraints (unlawful price fixing, etc.)
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223.26 Aiding or abetting use of unfair trade practices.

GROUP II—VOLUNTARY RULES

223.101 Disapproval of solicitation when benefits unlikely.
223.102 Cooperation with doctors.
223.103 Importance of personal fitting.
223.104 Sharing of improved techniques.

AUTHORITY: §§ 223.0 to 223.104 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 223.0 *Definitions.* The industry is composed of persons, firms, corporations, and organizations engaged in the manufacture and sale of custom-made or altered appliances or braces for correction or alleviation of deformities, sprains, fractures, paralyses, subluxations, or of similar conditions, suffered by a particular person, and which are to be worn on an outer portion of the bodies of the wearers (hernia trusses, whether or not custom-made or altered, are not to be considered as products of the industry).

GROUP I

The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 223.1 *Deception (general).* (a) It is an unfair trade practice to sell, offer for sale, or distribute any industry product, or promote the sale or distribution thereof, by any method or under any circumstance or condition which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the construction, composition, design, model, origin, manufacture, value, quality, weight, absence of noise in operation, strength, durability, life expectancy, appearance, fit, comfort, alignment, utility, ease of operation, or safety to wearer, of such product, or in any other material respect; or to mislead purchasers or prospective purchasers with respect to the need for repair, maintenance, or replacement of parts of such product after its purchase and use, or with respect to any service offered concerning maintenance of product or training of purchaser in the use thereof.

(b) The inhibitions of this section shall apply to every species of advertisement or form of representation, whether in newspaper, periodical, telephone directory, sales catalog, sales promotional literature, by radio or television, or otherwise. [Rule 1]

§ 223.2 *Representation or promise that product will "fit."* It is an unfair trade practice for any member of the industry to represent, promise, or guarantee that any industry product will be made to fit any individual purchaser or prospective purchaser thereof, when such representation, promise, or guarantee is not made in good faith, or the industry member is not possessed of the requisite skill, knowledge, and equipment to assure of his ability to fulfill such representation, promise, or guarantee.

NOTE: It is the consensus of the industry that the term "perfect fit" should not be used by members, as perfection is not attainable.

[Rule 2]

§ 223.3 *Protection of public with respect to apparent agency.* (a) It is an unfair trade practice for any member of the industry to aid or abet any person in effecting a deception of purchasers or prospective purchasers as to his or her authority to represent and make commitments in behalf of such industry member.

(b) For an industry member to supply any person, not his agent, with samples, sales literature, guarantees of such industry member, or any indices of agency, and accept orders secured by such person and then refuse to fulfill the commitments implied to such purchaser by the use of such samples, sales literature, etc., is an unfair trade practice. [Rule 3]

§ 223.4 *Deceptive testimonials or depictions.* It is an unfair trade practice for a member of the industry to use any testimonial of a user of any orthopedic appliance, or of any other person, or to use any picture or depiction thereof, which is false or which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 4]

§ 223.5 *Deceptive demonstrations.* In the sale, offering for sale, or distribution of industry products, or in promoting the sale or distribution thereof, it is an unfair trade practice to demonstrate any such products in a manner or under circumstances having the capacity and tendency or effect of creating a false impression as to the actual benefits from the use thereof that reasonably may be expected to be had by a purchaser or prospective purchaser of such or similar industry products. [Rule 5]

§ 223.6 *Misuse of terms "custom-made," "custom-built," etc.* In the sale, offering for sale, or distribution of orthopedic appliances, it is an unfair trade practice for an industry member to use the terms "custom-made," "custom-built," "made-to-order," or any other word or term of similar import, as descriptive of any orthopedic appliance which has not been made in accordance with specifications as to size, fit, quality, etc., supplied by or on behalf of the consumer-purchaser prior to the manufacture or assembly of the orthopedic appliance, as distinguished from a product which is a ready-made or stock orthopedic appliance. [Rule 6]

§ 223.7 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to use any guarantee respecting an industry product which does not make reasonable disclosure of the conditions or limitations of such guarantee, or which contains statements, representations, or assertions which have the capacity and tendency or effect of misleading or deceiving in any respect, or which are of such form, text, or character as to represent or imply that the guarantee is broader than is in fact true.

(b) It is an unfair trade practice for the guarantor to fail to observe scrupulously his obligation under the guarantee by him used or caused to be used.

(c) This section shall be applicable also to warranties or any writing purported to be a guarantee or warranty. [Rule 7]

§ 223.8 *Misrepresenting products as conforming to standard.* Representing, through advertisement or otherwise, that any products of the industry conform to a standard recognized in or applicable to the industry when such is not the fact, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 8]

§ 223.9 *Deception as to being "new."* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to represent any of such products as being new or unused, or as containing all new or unused parts, when such is not the fact, or deceptively to conceal the fact that any of such products have been used or contain a used part or parts. [Rule 9]

§ 223.10 *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchasers as to said substitution and obtaining their consent thereto at or before the time of shipment or delivery, and with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 10]

§ 223.11 *False invoicing.* It is an unfair trade practice to withhold from or insert in invoices or sales slips any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public. [Rule 11]

§ 223.12 *Misrepresentation as to installment sales contracts, their terms, conditions, etc.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation through advertising or otherwise, concerning installment sales contracts used or their terms and conditions, including down payments, interest, carrying charges, etc., or respecting any other matters relative to such contracts or their terms and conditions. [Rule 12]

§ 223.13 *Misrepresentation as to character of business.* It is an unfair trade practice for any industry member, in the course of or in connection with the distribution of industry products, to represent, directly or indirectly, that he is a producer or manufacturer of industry products when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 13]

§ 223.14 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 14]

§ 223.15 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade. [Rule 15]

§ 223.16 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 16]

§ 223.17 *Deceptive use of trade or corporate names, trade-marks, etc.* The use of any trade name, corporate name, trade-mark, or other trade designation which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public as to the character, name, nature, or origin of any product of the industry, or any material used therein, or which is false or misleading in any other respect, is an unfair trade practice. [Rule 17]

§ 223.18 *Use of the word "free."* In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in

close conjunction to the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 18]

§ 223.19 *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 19]

§ 223.20 *Fictitious prices.* It is an unfair trade practice to sell or offer for sale industry products at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 20]

§ 223.21 *Prohibited allowances or commissions to doctors.* It is an unfair trade practice for any industry member to pay or contract to pay anything of value to any doctor prescribing or recommending the use by any of his patients of an orthopedic appliance in consideration of, or for the purpose of inducing or obtaining, a referral of the patient by the doctor to the industry member for the purchase of any such appliance, or a recommendation by the doctor of the industry member to the patient for the purchase of any such appliance. [Rule 21]

§ 223.22 *Inducing breach of contract.* It is an unfair trade practice to induce or attempt to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or to interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business. [Rule 22]

§ 223.23 *Enticing away employees of competitors.* Knowingly enticing away employees or sales representatives of competitors under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition is an unfair trade practice: *Provided*, That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 23]

§ 223.24 *Prohibited forms of trade restraints (unlawful price fixing, etc.).*[1]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 24]

§ 223.25 *Prohibited discrimination*[2]—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with the customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: This proviso shall not be construed as permitting an industry member to allow a price differential to a customer, whether in the form of a quantity price discount, rebate, or other form, through billing as a single order an aggregate of the amount of two or more orders of such customer on which the industry member makes separate deliveries, when the price differential allowed is not based on a net savings in cost of manufacture, sale, or delivery of the products to said customer resulting from the different method and quantity in which the products are sold and delivered to said customer, or is more than due allowance for such net savings; nor is this proviso to be construed as permitting an industry member to allow a price differential to a customer, whether in the form of a quantity price discount, rebate, or other form, when, pursuant to agreement or understanding by the industry member and the customer, delivery of the products purchased is to be delayed or made in installments so as to involve storage cost to the industry member, and when as a result of such cost or otherwise, the price differential allowed is not based on a net savings in cost of manufacture, sale, or delivery of the products to said customer resulting from the different method and quantity in which the products are sold and delivered to said customer, or is more than due allowance for such net savings.

(3) That nothing contained in this paragraph shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing contained in this section shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. See section 2-b, Clayton Act.

[Rule 25]

§ 223.26 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 26]

GROUP II—VOLUNTARY RULES

Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of Group II rules does not per se constitute violation of law. Where, however, the practice of not complying with such rules is followed in a manner as to result in unfair methods of competition or unfair or deceptive acts or practices in commerce, corrective proceedings in respect thereto may be instituted by the Commission as in the case of violation of Group I rules.

§ 223.101 *Disapproval of solicitation when benefits unlikely.* The industry condemns the practice of soliciting or promoting the sale of any of its products to persons who, by reason of their physical state, age, or infirmity, cannot be expected to obtain reasonable use and benefit from such products. This section shall not be regarded as condemning the sale of an industry product to any person furnishing a prescription from a doctor. [Rule A]

§ 223.102 *Cooperation with doctors.* (a) The industry fully realizes that the interest of the orthopedically handicapped is best promoted by the cooperation of the doctor and industry member concerning the type and fitting of industry products.

(b) The industry pledges its members to give every assistance to doctors and to do everything possible to promote mutual trust and confidence between the industry and members of the medical profession and the general public.

(c) It is recommended that an industry product not be sold, or any particular type recommended, without the benefit of a prescription or consultation with the doctor except when the patient wishes a duplicate appliance of one which has been prescribed by a doctor.

(d) Any major change in adjustment, shape, or construction should be made only on the prescription of the doctor. [Rule B]

§ 223.103 *Importance of personal fitting.* (a) The industry disapproves the practice of undertaking to supply an orthopedic appliance by mail-order specification and without personal fitting thereof.

(b) The exception to this section is when the appliance is ordered by a doctor who assumes full responsibility for the accuracy of fit; or when duplicating an appliance originally prescribed by a doctor. [Rule C]

§ 223.104 *Sharing of improved techniques.* Believing that the interest of the orthopedically handicapped is its first concern, the industry favors making available to all of its members and the general public any improved technique that may be used or developed by any of its members in respect to the making, fitting, aligning, or servicing of industry products. Further, the industry desires to be an active and cooperative factor in all progressive developments of improved techniques that will contribute to the welfare and comfort of the orthopedically handicapped. [Rule D]

Issued: November 9, 1954.

Promulgated by the Federal Trade Commission November 13, 1954.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-8916; Filed, Nov. 12, 1954; 8:50 a. m.]

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53648]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

LANDING AND DELIVERY OF CARGO

Correction

In F. R. Doc. 54-8606, appearing at page 7111 of the issue for Tuesday, November 2, 1954, the reference to "§ 4.34 (c)" in paragraph (e) of § 4.85 should read "§ 4.34 (e)".

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXEMPTION OF DRUGS FROM PRESCRIPTION REQUIREMENTS

By virtue of the authority vested in the Secretary by the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 701 (a), 65 Stat. 649, 52 Stat. 1055; 21 U. S. C. 353 (b) (3), 371 (a)), the regulations for the enforcement of the act are amended as follows:

1. In § 1.108 *Exemption from prescription requirements,* insert "(a) *Exemption for certain habit-forming drugs"* before the first sentence, and renumber paragraphs (a), (b), (c), and (d) as subparagraphs (1), (2), (3), and (4), respectively.

2. Add to § 1.108 the following new paragraphs:

(b) *Duration of prescription requirement.* Any drug limited to prescription use under section 503 (b) (1) (C) of the act remains so limited until it is exempted as provided in paragraph (c) of this section.

(c) *Prescription exemption procedure for drugs limited by a new-drug application.* The exemption of a drug from the prescription-dispensing requirements of section 503 (b) (1) (C) of the act may be initiated by the Commissioner or by any interested person. Any interested person may file a petition seeking such exemption, stating reasonable grounds therefor, which petition may be the form of a supplement to an effective new-drug application. Upon receipt of such a petition, or on his own initiative at any time, the Commissioner will publish a notice of proposed rule making and invite written comments. After consideration of all available data, including any comments submitted, the Commissioner may issue a regulation granting or refusing the exemption, effective on a date specified therein. Whenever the Commissioner concludes, either at the time of publication of the notice of proposed rule making or after considering the written comments submitted, that granting or refusing the exemption requires a more thorough development of the facts than is possible in a written presentation, he

may call a public hearing for that purpose. The notice of such hearing shall specify the questions to be considered. As soon as practicable after completion of the hearing, the final regulation granting or refusing the exemption shall be issued, effective on a date specified therein. If the Commissioner for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in a regulation) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, he may issue the final regulation forthwith.

(d) *New-drug status exempted from the prescription requirment.* A drug exempted from the prescription requirement under the provisions of paragraph (c) of this section continues to be a "new drug" within the meaning of section 201 (p) of the act until it has been used to a material extent or for a material time and has become generally recognized as safe when used in accordance with the directions for use contained in its labeling.

(e) *Prescription legend not allowed on exempted drugs.* The use of the prescription caution statement quoted in section 503 (b) (4) of the act, in the labeling of a drug exempted under the provisions of this section, constitutes misbranding. Any other statement or suggestion in the labeling of a drug exempted under this section, that such drug is limited to prescription use, may constitute misbranding.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 503, 52 Stat. 1051, as amended; 21 U. S. C. 353)

Notice and public procedure are not necessary prerequisites to the issuance of these regulations because they are interpretative and procedural.

This order shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: November 8, 1954.

[SEAL] NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 54-8906; Filed, Nov. 12, 1954; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-7, Amdt. 1 (Revised)]

DMO I-7—DELEGATION OF AUTHORITY TO CERTAIN OFFICERS AND AGENCIES

SECRETARY OF THE INTERIOR

1. Pursuant to the Defense Production Act of 1950, as amended, and Executive Order 10480 of August 14, 1953, as amended, paragraph 3 of DMO I-7 (18 F. R. 5366), as amended, is hereby revised to read as follows:

3. The functions conferred upon the Director of the Office of Defense Mobilization by section 304 of Executive Order 10480 relative to the encouragement of exploration, development and mining of strategic and critical metals and minerals are hereby delegated to the Secretary of the Interior.

2. This amendment shall take effect on November 12, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-9013; Filed, Nov. 12, 1954; 10:37 a. m.]

[Defense Mobilization Order I-13]

DMO I-13—ASSIGNMENT OF DEFENSE MOBILIZATION RESPONSIBILITIES TO THE U. S. DEPARTMENT OF THE INTERIOR

By virtue of the authority vested in me pursuant to the National Security Act of 1947, as amended; Reorganization Plan No. 3, effective June 12, 1953; the Defense Production Act of 1950, as amended; Executive Order 10480 of August 15, 1953, as amended; the Strategic and Critical Materials Stock Piling Act of 1946, as amended; and in order to facilitate the coordination of Federal policies and programs for current defense activities and readiness for any future mobilization: *It is hereby ordered:*

1. The Secretary of the Interior will be responsible for the development of preparedness measures relating to those industries assigned to him by and pursuant to Executive Order 10480 as amended and DMO I-7 and DMO VII-5. These industries include: (1) Solid fuels; (2) petroleum and gas, including pipelines; (3) electric power; (4) metals and minerals for assigned aspects of production and processing, listed in Appendix A to DMO VII-5, as amended, and for the encouragement of exploration, development and mining; and (5) fisheries' commodities or products as assigned by the Secretary of Agriculture. Such preparedness measures should be undertaken within a work program which is consistent with the Defense Mobilization Assumptions and Objectives for the Government as a whole. To assure such consistency, the work program will be submitted to the Director of the Office of Defense Mobilization for review.

2. The Secretary of the Interior shall:

a. (1) Exercise as required, the priorities and allocations authority assigned to him by and pursuant to Executive Order 10480; (2) when designated, serve as allotting agency under the Defense Materials System; and (3) advise with respect to orders, regulations and directives as they may affect industries assigned to him.

b. Develop, assemble and evaluate data as to the productive capacity and supplies of products, including both domestic and foreign sources, of the assigned industries under partial and full mobilization conditions.

c. Recommend establishment or modification of expansion goals and develop and recommend expansion programs, including advice regarding probable financial incentives and aids, for overcoming shortages of capacity or supply under partial or full mobilization conditions.

d. Analyze the problems involved in maintaining an adequate mobilization base and recommend necessary programs.

e. Develop, assemble and evaluate data as to materials, equipment, transportation, and other requirements of such assigned industries under partial and full mobilization conditions.

f. Assemble, as requested by the Office of Defense Mobilization, data on requirements for the products of the assigned industries as presented by or obtained on behalf of other agencies of the Federal Government.

g. Develop programs for the encouragement of the exploration, development and mining of critical and strategic minerals and metals, and administer exploration programs including programs of development relating thereto.

h. Screen and make recommendations on requests for tax amortization, loans, guarantees and procurement contracts for the assigned industries.

i. Develop and maintain programs, including the necessary orders and regulations, for the operation of the assigned industries under partial and full mobilization conditions, and cooperate with the Office of Defense Mobilization and other appropriate agencies in planning other production and distribution controls related thereto.

j. Provide guidance and leadership to assigned industries in the development of plans and programs to insure the continuity of essential production in event of attack, and cooperate with the Department of Commerce in the identification and rating of essential facilities.

k. Assist the Office of Defense Mobilization in formulating plans for the stockpiling of strategic and critical materials and, to the extent necessary, in the acquisition of such materials and the expansion of domestic sources of supply.

l. Develop and maintain plans to insure the continuity of the essential functions of the Department in event of an attack on the United States.

3. The work program to be undertaken by the Department of the Interior shall indicate the priority and scope of the work to be carried on in each of the areas enumerated above and the industries to be covered. Reports on progress shall be submitted as requested by the Office of Defense Mobilization.

4. This order is intended to state the responsibilities of the Department of the Interior and does not affect any delegation of authority heretofore conferred upon the Secretary of the Interior.

5. This order shall take effect on November 12, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-9010; Filed, Nov. 12 1954; 10:37 a. m.]

[Defense Mobilization Order VII-5, Amdt. 1]

DMO VII-5—DESIGNATION OF SUPPLY AND REQUIREMENTS AGENCIES

MISCELLANEOUS AMENDMENTS

1. Pursuant to the Defense Production Act of 1950, as amended, and Executive Order 10480 of August 14, 1953, as amended, DMO VII-5, dated October 7, 1953 (18 F. R. 6408), is amended as follows:

a. Section 1 (f) is hereby amended by substituting the word "and" for the comma immediately preceding "(2)", by substituting a period for the comma after the words "not elsewhere designated" and by striking the rest of the sentence.

b. Section 1 (j) is hereby amended by substituting a comma for the semicolon at the end thereof and adding:

(5) The Secretary of the Interior with respect to (i) production, (ii) processing and refining, and (iii) distribution of petroleum and gas, and (6) the production and processing of metals and minerals listed in Column I of Appendix A of this order by or in the respective facilities listed in Column II of said appendix.

c. Delete section 1 (k) and redesignate subsequent subsections with the letters (k), (l) and (m).

2. This amendment shall take effect on November 12, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

APPENDIX A—AREAS OF RESPONSIBILITY OF THE DEPARTMENT OF THE INTERIOR FOR THE PRODUCTION AND PROCESSING OF METALS AND MINERALS

Commodity Column I	Facilities Column II
Abrasives:	
Diamonds	Diamond mines and mills.
Diatomite	Diatomite mines and mills.
Corundum	Mines; crushing and grading plants.
Emery	Mines; crushing and grading plants.
Garnet	Mines; concentrating, crushing and grading plants.
Grinding and sharpening stones (natural)	Quarries and stone-cutting mills.
Grinding pebbles and mill	Quarries, concentrating and cutting mills.
Pumice	Mines; crushing and grading plants.
Quartzite (Silica quartz)	Mines; quarries, crushing and grading plants.
Tripoli, amorphous silica, rottenstone (crude)	Mines; crushing and grading plants.
Aluminum	Bauxite mines, drying and calcining plants; alumina plants; reduction plants.
Antimony	Mines, mills, smelters, refineries.
Arsenic	Concentrators, primary smelters and refineries.
Asbestos	Asbestos mines and mills.
Barite and witherite	Barium mineral mines, beneficiating, grinding and grading plants.
Beryllium	Mines, mills and plants, processing ore and producing beryllium chemicals, metals and alloys.
Bismuth	Concentrators, smelters and refiners.
Boron	Mines; concentrating plants.
Bromine	Recovery plants.
Cadmium	Concentrators, smelters and refiners.
Calcium chloride (natural)	Brine processing plants.
Cerium and other rare-earth metals	Mines, dredges, mills and chemical plants processing ore and producing rare-earth chemicals and metals.
Chromium	Mines; concentrating plants; sintering plants.
Clays:	
Kaolin	Mines, mills.
Ball clay	Mines, mills.
Bentonite	Mines, mills.
Fuller's earth	Mines, mills.
Clays—Continued	
Fire clay	Clay pits and mines.
Common clay	Mines, concentrating plants.
Cobalt	Mines; concentrating plants.
Columbium	Mines; mill concentrates; leaching plants; electrolytic plants; primary smelters and refineries.
Copper	Mines, concentrating, grinding and grading mills.
Cryolite	Feldspar mines, flotation grinding and grading mills.
Feldspar	Mines, mills, excepting exclusively drying plants.
Fluorspar	Gem stone mines and synthesis plants.
Gem stones	Concentrators, smelters and refineries.
Germanium	Graphite mines and mills.
Graphite	Gypsum mines.
Gypsum	Concentrators, smelters and refineries.
Indium	Mines, concentrating plants, sintering plants.
Iron and steel	Mines, mills, mullite plants.
Kyanite	Mines, mills, primary smelters and refineries.
Lead	Mines, quarries, and lime plants.
Limestone and marl	Mines, mills, plants producing lithium concentrates.
Lithium	Mines, magnesium compound recovery and burning plants.
Magnesite	Dolomite and magnesite mining.
Magnesium	Mines, concentrating plants, sintering plants.
Manganese	Mines, mills and retorts.
Mercury	Mines, mica synthesis units, splitting or processing plants.
Mica	Mines, concentrating plants.
Molybdenum	Mines.
Monazite, bastnasite	Mines, concentrators; plants producing nickel matte and oxide.
Nickel	Mines and refineries.
Nitrogen compounds	Mines, mills.
Olivine	Perlite mines, mills and expanding plants.
Perlite	Mines, mills and reduction plants.
Phosphate rock	Mines, dredges, mills, smelters and refineries.
Platinum-group metals	Potash mines and mills, refineries and brine-processing plants.
Potash	Mines, grading and cutting plants, synthesis plants.
Quartz, raw	Granule plants.
Roofing granules	Rutile mining and primary milling and concentrating plants.
Rutile	Mines, mills, evaporated salt plants; salt brine wells.
Salt	Sand pits, sand and gravel plants.
Sand and gravel	Selenium producing and refining plants.
Selenium	Slag-processing plants.
Slag	Mines, mills.
Slate	Brine wells, mines and refineries.
Sodium compounds	Quarries and mills.
Stone:	
Dimension stone	Burning plants, stone crushing and grading plants.
Crushed stone	Mines and mills.
Strontium minerals	Mines producing sulfur or sulfur-bearing ores.
Sulfur and pyrites	Mines and mills, block talc processing plants.
Talc, pyrophyllite	Mines; concentrating plants.
Tantalum	Tellurium producing and refining plants.
Tellurium	Mills, plants producing compounds or metal.
Thallium	Mines, mills, primary smelters and refineries.
Tin	Titanium ore mining, concentration and plants for the production of titanium sponge.
Titanium	

Commodity Column I	*Facilities* Column II
Topaz	Mines, dredges and concentrating and grinding plants.
Tungsten	Mines; concentrating plants; synthetic scheelite plants west of the Mississippi.
Vanadium	Mines, concentrating plants.
Vermiculite	Vermiculite mines, mills and exfoliating plants.
Wollastonite	Mines and mills.
Zinc	Mines, mills, primary smelters and refiners.
Zirconium	Zirconium ore mining and concentration plants.

[F. R. Doc. 54-9011; Filed, Nov. 12, 1954; 10:36 a. m.]

[Defense Mobilization Order VII-7, Amdt. 1]

DMO VII-7—Maintenance of the Mobilization Base (Department of Defense, Atomic Energy Commission and the Maritime Administration)

Defense Facilities Maintenance Board

1. Pursuant to the Defense Production Act of 1950, as amended, Reorganization Plan No. 3 of 1950, and Executive Order 10480, as amended, the first part of section 4A of DMO VII-7, of August 25, 1954 (19 F. R. 5395), is amended to read as follows:

A. To provide the necessary coordination and review of the execution of this program, there is hereby established a Defense Facilities Maintenance Board. This Board, under the Chairmanship of the Office of Defense Mobilization, shall be composed of representatives of the Department of Defense and each of the three Services, the Department of Commerce, the Atomic Energy Commission and the General Services Administration, and will perform the following functions.

2. This amendment shall take effect on November 12, 1954.

Office of Defense Mobilization,
Arthur S. Flemming,
Director.

[F. R. Doc. 54-9012; Filed, Nov. 12, 1954; 10:37 a. m.]

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A (formerly NPA Order M-11A), Amdt. 6 of November 12, 1954]

M-11A—Copper and Copper-Base Alloys

Amount of Production Capacity to be Reserved

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment affects BDSA Order M-11A (formerly NPA Order M-11A), as amended, (1) by changing the amount of production capacity which producers of copper controlled materials must reserve for the acceptance of authorized controlled material orders and (2) by stating such amounts separately for "Copper foundry products" and for "Unalloyed copper powder mill products." Paragraph (b) of section 9 of BDSA Order M-11A, as amended by Amendment 5 of August 13, 1954, is hereby further amended to read as follows:

(b) The production capacity to be reserved by a copper controlled materials producer for the production of each copper controlled material product to be delivered pursuant to authorized controlled material orders for any such product for a particular month, shall be that capacity required to produce a quantity by weight of such product, computed by multiplying the average shipment of such product by the applicable percentage set opposite such product in the following list:

	Percentage for orders calling for delivery—	
	Prior to Jan. 1, 1955	After Dec. 31, 1954
Brass mill products:		
Unalloyed:		
Plate, sheet, strip, and rolls	9	8
Rod, bar, shapes, and wire	12	11
Seamless tube and pipe	6	6
Alloyed:		
Plate, sheet, strip, and rolls	8	12
Rod, bar, shapes, and wire	6	5
Seamless tube and pipe	17	19
Military ammunition cups and discs	(1)	(1)
Copper wire mill products:		
Copper wire and cable:		
Bare and tinned	8	8
Weatherproof	8	8
Magnet wire	8	8
Insulated building wire	8	8
Paper and lead power cable	8	8
Paper and lead telephone cable	8	8
Asbestos cable	8	8
Portable and flexible cord and cable	8	8
Communications wire and cable	8	8
Shipboard cable	8	8
Automotive and aircraft wire and cable	8	8
Insulated power cable	8	8
Signal and control cable	8	8
Coaxial cable	8	8
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	8	8
Copper foundry products	7	7
Unalloyed copper powder mill products	7	5
Copper-base alloy powder mill products	(1)	(1)

[1] Reserve space will be provided by means of production directives.

(64 Stat. 816, 67 Stat. 129; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect November 12, 1954.

Business and Defense Services Administration,
By George W. Auxier,
Executive Secretary.

[F. R. Doc. 54-9014; Filed, Nov. 12, 1954; 10:19 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter E—Fellowships, Internships, Training

Part 61—Fellowships

Benefits; Termination of Fellowships

Notice of proposed rule making and public rule making proceedings have been omitted in the issuance of these amendments because they relate to grants or benefits.

1. Section 61.9 is hereby amended by adding the following new paragraph (e):

(e) *Condition to payments; regular fellowships.* In addition to any requirements imposed under the authority of the Atomic Energy Act of 1946, as amended, or under the authority of the Department of Defense and applicable to any individual receiving a regular fellowship under the regulations in this part, no payments either for stipends, expenses or other benefits shall be made to any individual receiving a regular fellowship unless such individual (1) has executed and filed with the Public Health Service an affidavit that he does not advocate, and is not a member of and does not support any organization that advocates or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods, and (2), except when an alien owing allegiance to other than the United States, has taken and subscribed to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic."

2. Section 61.13 is hereby amended to read as follows:

§ 61.13 *Termination of fellowships.* The Surgeon General or his delegate may terminate a fellowship at any time upon the request of the fellow, and shall terminate any fellowship prior to the date it would otherwise expire upon a determination by a Fellowship Board, if approved by the Surgeon General, either that the fellow's performance is unsatisfactory or that he is unfit or unable to carry out the purpose of the fellowship.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216)

3. These amendments shall become effective with respect to any fellowship awarded on or after 30 days following publication of the amendments in the Federal Register.

Dated: November 3, 1954.

[SEAL] Leonard A. Scheele,
Surgeon General.

Approved: November 8, 1954.

Nelson A. Rockefeller,
Acting Secretary.

[F. R. Doc. 54-8907; Filed, Nov. 12, 1954; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular 1887]

Part 72—Public Uses

Part 72 is completely revised to read as follows:

SALE OF PUBLIC LANDS TO RELIGIOUS OR FRATERNAL ASSOCIATIONS OR PRIVATE CORPORATIONS FOR CEMETERY PURPOSES

Sec.
72.1 Statutory authority; governing regulations.

SALE, GRANT, OR LEASE OF PUBLIC LANDS FOR RECREATION AND PUBLIC PURPOSES

72.2 Statutory authority; governing regulations.

TRANSFER OF JURISDICTION OVER PUBLIC LANDS FOR USE UNDER THE ALASKA PUBLIC WORKS ACT

72.3 Effect of application for transfer.

AUTHORITY: §§ 72.1 to 72.3 issued under sec. 1, 54 Stat. 1192; 43 U. S. C. 363. Statutory provisions interpreted or applied are cited to text in parentheses.

SALE OF PUBLIC LANDS TO RELIGIOUS OR FRATERNAL ASSOCIATIONS OR PRIVATE CORPORATIONS FOR CEMETERY PURPOSES

§ 72.1 *Statutory authority; governing regulations.* The sale of public lands in Alaska to religious or fraternal associations or private corporations for cemetery purposes is authorized by the act of March 1, 1907 (34 Stat. 1052; 43 U. S. C. 682), and the regulations thereunder (Part 253 of this chapter).

(34 Stat. 1052; 43 U. S. C. 682)

SALE, GRANT, OR LEASE OF PUBLIC LANDS FOR RECREATION AND PUBLIC PURPOSES

§ 72.2 *Statutory authority; governing regulations.* The sale, grant, or lease of public lands in Alaska to the Territory and its political subdivisions and to nonprofit associations and corporations for recreation and public purposes are authorized by the act of June 14, 1926 (44 Stat. 741), as amended June 4, 1954 (68 Stat. 173; 43 U. S. C. 869), and the regulations thereunder (Part 254 of this chapter).

(68 Stat. 173; 43 U. S. C. Sup 869)

TRANSFER OF JURISDICTION OVER PUBLIC LANDS FOR USE UNDER THE ALASKA PUBLIC WORKS ACT

§ 72.3 *Effect of application for transfer.* An application for the transfer of jurisdiction over public land in Alaska made under section 7 of the Alaska Public Works Act (63 Stat. 629; 48 U. S. C. 486e) based on a project which has been approved under section 4 of the act (63 Stat. 627; 48 U. S. C. 486b) and filed with the appropriate office of the Bureau of Land Management in Alaska will have the effect of segregating the land from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, subject to existing valid rights, pending the issuance of an order of transfer or the rejection of the application.

(63 Stat. 629; 48 U. S. C. 486e)

Clarence A. Davis,
Acting Secretary of the Interior.

November 5, 1954.

[F. R. Doc. 54-8896; Filed, Nov. 12, 1954; 8:45 a. m.]

Subchapter T—Sale, Lease, or Use and Acquisitions

[Circular 1888]

Part 253—Cemetery Sites

The title of Part 253 is amended to read as set forth above and the part is completely revised to read as follows:

Sec.
253.1 Statutory authority.
253.2 General limitations and conditions.
253.3 Applications.
253.4 Purchase price, publication, and protests.

AUTHORITY: §§ 253.1 to 253.4 issued under R. S. 2478; 43 U. S. C. 1201. Interpret or apply 34 Stat. 1052; 43 U. S. C. 682.

§ 253.1 *Statutory authority.* The act of March 1, 1907 (34 Stat. 1052; 43 U. S. C. 682), authorizes the Secretary of the Interior to sell and convey lands for cemetery purposes to religious or fraternal associations or private corporations, empowered by the laws under which they are organized or incorporated to hold lands for such purposes.

§ 253.2 *General limitations and conditions.* (a) No association or corporation can secure title to more than 80 acres of public lands under the act.

(b) Only unreserved and unappropriated nonmineral public lands are available for selection. Applicants will not be granted title to public lands subject to section 7 of the act of June 28, 1934 (48 Stat. 1272, 43 U. S. C. 315f), as amended, unless and until the lands are classified as suitable for cemetery purposes and not needed for any other public purpose or higher use.

(c) Patents will issue only for surveyed land and only in the name of the association or corporation.

(d) All patents will contain a clause providing that if the land or any part of it should be sold or cease to be used for cemetery purposes, title shall revert to the United States.

§ 253.3 *Applications.* (a) Applicants under the act must submit, in duplicate, an application to the appropriate office of the Bureau of Land Management. No specific form is required but the application must show (1) the name and address of the association or corporation, (2) legal description of the lands desired or if unsurveyed, sufficient information to identify the location, boundaries, and the area of the tract which must be as nearly rectangular as possible, (3) the authority that empowered the association or corporation to hold lands for cemetery purposes in the State or Territory in which the land is located, (4) the official character and express authority of the officer or officers applying on behalf of the association or corporation, and (5) that the lands are not adversely occupied or used,

(b) Each application must be accompanied by a filing fee of $10.

§ 253.4 *Purchase price, publication, and protests.* (a) Purchase price will be fixed by appraisal of the fair market value of the lands but at not less than $1.25 per acre and must be paid before patent will issue.

(b) Applicants will be required to publish once a week for five consecutive weeks in accordance with § 106.18 of this chapter, at their expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to file in the appropriate office their objections to the issuance of patent. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service.

(c) Applicants must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

Clarence A. Davis,
Acting Secretary of the Interior.

November 5, 1954.

[F. R. Doc. 54-8897; Filed, Nov. 12, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

Irish Potatoes Grown in Colorado

Accounting and Collections

Notice is hereby given that the Secretary of Agriculture is considering the approval of rules and regulations, hereinafter set forth, which were recommended by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Di-

rector, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposed rules and regulations are as follows:

§ 958.104 *Accounting and collections.* (a) Each handler's assessment account with Area No. 2 (San Luis Valley) Committee shall become due and payable upon presentation of a statement thereof to such handler.

(b) If settlement of such an assessment account is not completed on or before the 20th day following presentation of a statement of such account, each handler failing to so complete settlement of his account may be declared delinquent by said area committee.

(c) The name of each person who is declared delinquent may be forwarded to the Secretary and, in addition, the names of persons declared delinquent pursuant to paragraph (b) of this section may be publicized by said area committee.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (§§ 958.1 to 958.19).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 9th day of November 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-8930; Filed, Nov. 12, 1954; 8:53 a. m.]

[7 CFR Part 975]

[Docket No. AO-179-A-13]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Carter Hotel, Prospect and East Ninth Streets, Cleveland, Ohio, beginning at 10:00 a. m., e. s. t., November 30, 1954 for the purpose of receiving evidence with respect to economic conditions which relate to the proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended regulating the handling of milk in the Cleveland, Ohio, marketing area (7 CFR, 975.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

The proposals relating to the enlargement of the Cleveland marketing area raise the issue as to whether the provisions of the present order would tend to effectuate the declared policy of the act if applied to the marketing area as proposed to be extended and, if not, what modifications of the provisions of the order, as amended, should be made to effectuate the declared policy of the act.

By the Milk Producers Federation of Cleveland:

1. Section 975.6: Amend this section to include the counties of Ashtabula, Geauga, Lake and Lorain and all municipalities contained therein; all in the State of Ohio.

By the Cleveland Milk Market Survey Committee:

2. In § 975.6 *Cleveland, Ohio, marketing area* delete and substitute:

§ 975.6 *Cleveland, Ohio, marketing area.* "Cleveland, Ohio, marketing area", hereinafter called the "marketing area", means all the territory, including but not being limited to all municipal corporations, within the counties of Lorain, Cuyahoga, Lake, Geauga, and Ashtabula and the townships of Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette and Montville in Medina County; all in the State of Ohio.

By the Lorain County Dairy Association, Lorain Creamery, and the Crystal Springs Dairy:

3. Do not include Lorain County in the marketing area.

By the Treen-Sunshine Dairy:

4. Do not include Lake County in the marketing area.

By the Isaly Dairy Company:

5. Do not include Lorain, Geauga, Lake, or Ashtabula Counties in the marketing area.

By the Milk Producers Federation of Cleveland:

6. Delete § 975.8 and substitute therefor the following:

§ 975.8 *Producer.* "Producer" means any person with respect to milk produced by him, having the approval of the health authority of any community in the marketing area for consumption as fluid milk in such community which milk is moved directly from his own farm to:

(a) A pool plant.

(b) A nonpool plant within April, May, June or July for the account of a pool plant by diversion from a pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted, provided, however, this provision shall not apply to milk delivered by a dairy farmer who has not qualified as a producer under § 975.17 prior to April 1; or

(c) A pool plant for the account of another pool plant by diversion from the latter pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted.

7. Add § 975.17 as follows:

§ 975.17 *Eligible milk.* "Eligible milk" (effective October 1, 1955 and thereafter) means:

(a) All milk received from producers during October, November, December and January, and all such milk received shall be eligible for allotment to the "eligible milk" market pool during each of these months. For each of the remaining months of each year, the quantity of eligible milk for each producer who was qualified during October, November and/or December, to be allotted to the "eligible milk" market pool shall be one hundred percent of the producer's daily average deliveries of milk to a pool plant during October, November and December, provided, that the producer has delivered milk to a pool plant regularly for a minimum of 30 days during this period and up to and including December 31, if regular deliveries of milk to a pool plant commenced prior to December 2.

(b) (1) For each person who qualifies as a producer during the months of January, February, March and September, the quantity of eligible milk to be allotted to the "eligible milk" market pool shall be seventy-five percent of his daily average deliveries to a pool plant during his respective qualifying month, and for each person who qualifies as a producer during the months of April, May, June, July and August, the quantity of eligible milk to be allotted to the "eligible milk" market pool shall be fifty-five percent of his daily average deliveries to a pool plant during his respective qualifying month, provided, that such person delivered milk to a pool plant regularly for a full calendar month.

(2) The quantity of eligible milk assigned to a producer either may be transferred to a different owner or operator of the dairy farm at which the milk is produced or it may be retained by the producer to which it is assigned in the event that the producer moves to another farm location.

8. Add a section as follows:

§ 975.18 *Ineligible milk.* "Ineligible milk" means all milk received at a pool plant or at a nonpool plant in the account of a handler of a pool plant from producers which exceeds the quantity of eligible milk assigned to each producer for allotment to the eligible market pool.

9. Amend § 975.22 by adding thereto the following:

(1) Notify each producer of the quantity of his milk allotted to the eligible milk market pool on or before the first day of the second month following the period in which he earned an allotment of eligible milk under the provision of § 975.17 and also notify each handler of the amount of eligible milk allotted to each producer shipping to his plant.

By the Cleveland Milk Market Survey Committee:

10. In § 975.32, delete and substitute the following:

§ 975.32 *Suspension and disqualification*—(a) *Suspension.* (1) A plant shall be automatically suspended as a pool plant, such suspension to be effective during each of the delivery periods of the following February, March, April, May, and June inclusive, if such plant furnished to a pool plant described in § 975.30 (a), or to a pool plant described in § 975.30 (b) or (c) from which 75 percent of the milk of its own producers is delivered to a plant described in § 975.30 (a), less than 25 percent of its dairy farm supply of "eligible milk" during the period of July through December of each year: *Provided*, That upon receipt by the market administrator prior to the delivery period of a written request made by the handler, all pool plants operated by such handler shall be considered, for such delivery period, as one plant for the purpose of meeting the minimum percentage requirements of this paragraph: *And provided further*, That this paragraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

(2) Any milk or milk product received at a pool plant from a plant under suspension shall be "other source milk".

(3) Suspension of any pool plant shall not be terminated or affected by transfer of ownership through sale or otherwise: *Provided*, That this shall not interfere with the replacement provisions of § 975.31.

(b) *Disqualification.* A plant shall be disqualified as a pool under § 975.30 (b) or (c) under either of the following circumstances:

(1) Upon prior written request for disqualification made by the plant operator; such disqualification to be effective at the beginning of the first delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in § 975.30 (a).

(2) If such plant fails to meet the requirements set forth in paragraph (a) (1) of this section for two consecutive years.

By United Milk Products Company:

11. Amend § 975.32 (b) as follows:

(b) If such plant furnished to a pool plant described in § 975.30 (a) or to a pool plant described in § 975.30 (b) for delivery to a pool plant described in § 975.30 (a) less than 10 percent of its dairy farm supply of milk and/or butterfat in any month except April, May, June or July and less than 50 percent of such supply during more than one of the months of October, November, December and January; *Provided*, That upon receipt by the Market Administrator prior to the delivery period of a written request made by the handler, all pool plants operated by such handler shall be considered, for such delivery period, as one plant for the purpose of meeting the minimum percentage requirements of this paragraph: *And provided further*, That this paragraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

By the Cleveland Milk Market Survey Committee:

12. Amend § 975.51 *Classes of utilization* as follows: In § 975.51 (c) (1) insert "soup, candy, or bakery products" after the word "produce" and before the word "butter".

13. Amend § 975.54 *Responsibility of handler and reclassification of milk* by changing the word "received" to "utilized".

14. Amend § 975.56 *Allocation of butterfat classified* as follows: In paragraph (b) add the month of September, and strike out the month January; and change 110 percent to 120 percent.

By the Milk Producers Federation of Cleveland:

15. Amend § 975.61 to read as follows:

§ 975.61 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler F. O. B. his plant for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class I milk, shall be as follows as computed by the market administrator.

(a) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
February, March, April, May, June, July, August	$1.45
September, October, November, December, January	1.90

Provided, That with respect to Class I milk in sweet or sour cream for fluid consumption, the amount added to the basic formula price shall be the amount set forth in this paragraph less 45 cents.

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section multiplied by 20.

(c) The price of skim milk shall be computed by (1) multiplying the price of butterfat pursuant to paragraph (b) of this section by 0.035 (2) subtracting such amount from the amount obtained in paragraph (a) of this section; (3) dividing such net amount by 0.965; and (4) rounding off to the nearest full cent.

By the Cleveland Milk Market Survey Committee:

36. Amend § 975.61 to read as follows:

§ 975.61 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period which is classified as Class I Milk shall be as follows as computed by the market administrator:

(a) Add to the basic formula price the following amount for the delivery period indicated;

Delivery period:	*Amount*
March, April, May, June	$1.30
All other months	1.75

Provided, That with respect to Class I Milk in sweet or sour cream for fluid consumption the amount added to the basic formula price shall be the amount set forth in this paragraph less 45¢.

(b) Price of the butterfat shall be the amount obtained in paragraph (a) of this section, multiplied by 20.

(c) Price of skim milk shall be computed by (1) multiplying the price of butterfat pursuant to paragraph (b) of this section by 0.035; (2) subtracting such amount from the amount obtained in paragraph (a) of this section; (3) divide such net amount by 0.965; and (4) rounding off to the nearest full cent.

By United Milk Products Company:

17. Amend § 975.60 to read as follows:

§ 975.60 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I price for each delivery period, pursuant to § 975.61, shall be the average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5% butterfat content received from farmers during the first month preceding the delivery period at the following plants or places for which prices have been reported to the Market Administrator by the Department of Agriculture or by the companies indicated below:

Company and Location
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Bordon Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chelton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

18. Delete paragraph (a) of § 975.61 and substitute the following:

(a) (1) Add to the basic formula price the following amount for the delivery period indicated, computed as follows:

(i) Divide the total quantity of milk received from producers during the first month preceding the delivery period by the gross quantity of milk utilized as Class X in the same month and multiply the result by 100.

(ii) Determine the amount to be added to the basic formula price by comparing the utilization percentage computed, with the utilization percentage shown below:

Utilization percentage:		*Amount to be added to basic formula price*
190	up	$0.65
185	189	.70
180	184	.75
175	179	.80
170	174	.85
165	169	.90
160	164	.95
155	159	1.00
150	154	1.05
145	149	1.10
140	144	1.15
135	139	1.20
130	134	1.25
125	129	1.30
120	124	1.35
115	119	1.40
114	below	1.45

Provided, That with respect to Class I milk in sweet or sour cream for fluid consumption, the amount added to the basic formula price shall be the amount set forth in this paragraph less 45 cents.

By the Cleveland Milk Market Survey Committee:

19. In § 975.62 *Class II prices*, amend paragraph (b) as follows:

(b) The price per hundredweight of skim milk shall be the weighted average of the car lot prices per pound of roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the delivery period by the Department of Agriculture less 5.5¢, multiplied by 8.5.

20. Amend § 975.63 to read as follows:

§ 975.63 *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler f. o. b. his plant for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association during the delivery period which is classified as Class III shall be as follows as computed by the market administrator. The average computed to the nearest tenth of a cent of the basic (or field) prices per hundredweight reported to the market administrator or to the Department of Agriculture to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from producers during the month at the plant of the Defiance Milk Products Co., at Defiance; The Pet Milk Co., at Coldwater; The Nestle's Milk Products (uninspected milk price) at Marysville; The Fisher Dairy and Cheese Co. at Wapakoneta; and Swift and Co., at Lima; all in the State of Ohio.

(a) The price per pound of butterfat computed under this paragraph shall be the price per pound of Chicago 92 score butter, multiplied by 1.2, minus 5¢.

(b) The price per hundredweight of skim milk shall be determined by multiplying the result obtained in paragraph (a) of this section by 3.5 and deducting this amount from the basic or field prices referred to in the paragraph above and dividing the result by 0.965.

By the Dairy Division, Agricultural Marketing Service:

21. State all Class prices in terms of a value per hundredweight of milk containing 3.5 percent of butterfat, and provide price differentials for variations in butterfat content above or below 3.5 percent, instead of the present provisions for determining separate prices per hundredweight of butterfat and per hundredweight of skim milk in each class.

By the Cleveland Milk Market Survey Committee:

22. Change § 975.71 in the following manner:

§ 975.71 *Location differential to handlers.* With respect to the actual weight of (a) milk, cream, or any other item named in Class I milk and Class II milk which is moved directly to the marketing area from a pool plant located outside the marketing area, and (b) Class I milk and Class II milk disposed of outside the marketing area from a pool plant so located, there shall be deducted, in the computation of the handler's pool value, the following amount per hundredweight thereof applicable for the location of such plant by shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator • • • and

increase the handler location adjustment to reflect a maximum allowance of 40¢ per hundredweight in the 195 to 210 mile zone with appropriate adjustments in the intervening zones.

By the Milk Producers Federation of Cleveland:

23. Amend § 975.73 *Computation of uniform price* to provide for the assignment of eligible milk to the highest possible class utilization in the Market Pool and for the assignment of ineligible milk to the remaining class utilization, effecting a respective uniform price for the quantities of milk so assigned.

24. Amend § 975.81 *Location adjustments to producers* by adding the word "eligible" after the word "all" and before the word "milk" in the first paragraph.

25. Delete § 975.82 *Butterfat differential* and substitute therefor the following:

§ 975.82 *Butterfat differential.* In making payments pursuant to paragraphs (a) and (b) of § 975.80 there shall be added to or subtracted from the uniform price per hundredweight, for each one-tenth of one percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator by dividing the price for hundredweight of butterfat in Class III milk, computed pursuant to § 975.63 (a) prior to the application of the proviso therein, by 1,000, and rounding off to the nearest tenth of a cent.

By the Cleveland Milk Market Survey Committee:

26. In § 975.82 *Butterfat differential* delete and substitute the following: "The producer fat differential shall be the average of Chicago 92 score butter times 1.2, divided by 10 and rounded off to the nearest tenth of a cent."

27. Amend all necessary sections so that milk classified and priced under another Federal order is allocated to the same (or similar) classification under the Cleveland order.

Copies of this notice of hearing and of the order, as amended, now in effect may be obtained from the Market Administrator, 2163 East Second Street, Cleveland 15, Ohio, or from the Hearing Clerk, Room 1371 South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 9th day of November 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-8929; Filed, Nov. 12, 1954; 8:53 a. m.]

Commodity Stabilization Service

[7 CFR Part 814]

1955 SUGAR QUOTA FOR THE DOMESTIC BEET SUGAR AREA

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the 1955 sugar quota for the Domestic Beet Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D. C., in Room 218, Administration Building, of the Department on November 24, 1954, at 10:00 a. m.

The finding made above is in the nature of a preliminary finding based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota which will enable persons who process sugar and liquid sugar from sugar beets grown in the continental United States, to market such sugar and liquid sugar in an orderly manner during the period of January 1, 1955, to the date the Secretary prescribes allotments of the Domestic Beet Sugar Area Quota, for the calendar year 1955. To avoid disorderly marketing by any allottee who might market early in 1955 a quantity of sugar larger than its allotment of the entire 1955 sugar quota for the Domestic Beet Sugar Area, it is necessary to make allotments effective on January 1, 1955. Much of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1955 quota for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding consideration of the factors cited in section 205 (a) of the act pertinent to establishing allotments of a portion of the quota to be in effect from January 1, 1955, to the date allotments of the entire quota for the calendar year 1955 are established. On the date specified for the hearing, the Government witness will propose that for the period January 1, 1955, to the date allotment of the entire quota for the calendar year are prescribed, allotments of the 1955 Domestic Beet Sugar Quota be established at 75 percent of the allotments of the 1954 Domestic Beet Sugar quota as published in the FEDERAL REGISTER dated September 1, 1954 (19 F. R. 5572).

Notice also is given, pursuant to the authority contained in the Sugar Act of 1948, as amended, that a public hearing will be held at Washington, D. C., in Room 3709, South Agriculture Building, of the Department on December 13, 1954, beginning at 10:00 a. m., for the purpose of receiving evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the 1955 Domestic Beet Sugar Area quota for the calendar year 1955, among persons who market sugar and liquid sugar processed from sugar beets produced in the domestic beet sugar area.

It will also be appropriate at this hearing to present evidence on the basis of which the Secretary may affirm, modify or change the preliminary finding made above that the allotment of the 1955 sugar quota for the Domestic Beet Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar. In addition, the subjects and issues of this hearing also include (1) the manner in which the statutory factors of "processings from proportionate shares", "past marketings", and "ability to market" as provided in section 205 (a) of the said act, should be measured; (2) the relative weightings which should be given to these factors; and (3) the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for sugar beets to be sold to and processed for the account of one allottee by another.

Issued this 10th day of November 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-8993; Filed, Nov. 12, 1954; 8:56 a. m.]

[7 CFR Part 814]

1955 SUGAR QUOTA FOR THE MAINLAND CANE SUGAR AREA

NOTICE OF HEARING OF PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the 1955 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D. C., in Room 124E, Administration Building, of the Department of Agriculture, on November 23, 1954, at 10:00 a. m., e. s. t.

The finding made above is in the nature of a preliminary finding based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota which will enable persons who process sugar and liquid sugar from sugarcane grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period of January 1, 1955, to the date the Secretary prescribes allotments of the Mainland Cane Sugar Area quota for the calendar year 1955.

To avoid disorderly marketing by any allottee who might market early in 1955 a quantity of sugar larger than its allotment of the entire 1955 sugar quota for the Mainland Cane Sugar Area, it is necessary to make allotments effective on January 1, 1955. Much of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1955 quota for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding consideration of the factors cited in section 205 (a) of the Act pertinent to establishing allotments of a portion of the quota to be in effect from January 1, 1955, to the date allotments of the entire quota for the calendar year 1955 are established.

On the date specified for the hearing, the Government witness will propose that for the period January 1, 1955, to the date allotments of the entire quota for the calendar year 1955 are prescribed, allotments of the 1955 Mainland Cane Sugar Area quota be established at 80 percent of the allotments of the Mainland Cane Sugar Area quota for 1954 as published in the FEDERAL REGISTER on August 18, 1954 (19 F. R. 5205). The Government witness will also offer in evidence written agreements, signed by each processor in the Mainland Cane Sugar Area, under which each processor has agreed to the proposal to be made at the hearing by the Government witness as described above.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing will be held early in 1955 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1955 Mainland Cane Sugar Area quota for the calendar year 1955 under the provisions of the Sugar Act of 1948, as amended.

Issued this 10th day of November 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-8994; Filed, Nov. 12, 1954; 8:56 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

JEAN SIBELIUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jean Sibelius, Järvenpää, Finland, Claim No. 58599, fifty percent (50%) of the royalties accrued and to accrue to Breitkopf and Hartel under and by virtue of a contract by and between Breitkopf and Hartel and Associated Music Publishers, Inc., New York, New York, dated December 28, 1928, together with all amendments thereto, for the exploitation of the musical compositions of Jean Sibelius contained in the Breitkopf and Hartel catalog; and $10,545.55 in the Treasury of the United States; representing royalties under the above contract as well as under a contract between the American Society of Composers, Authors and Publishers and Staatlich Genehmigte Gesellschaft Zur Verwertung Musikalischer Urheberrechte for the exploitation of radio rights in certain Sibelius compositions.

Executed at Washington, D. C., on November 9, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 54-8927; Filed, Nov. 12, 1954; 8:52 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

TWO AND SEVEN-EIGHTHS PERCENT TREASURY BONDS OF 1955-60

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding 2⅞ percent Treasury Bonds of 1955-60, dated March 15, 1935, due March 15, 1960, are hereby called for redemption on March 15, 1955, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

NOVEMBER 15, 1954.

[F. R. Doc. 54-8918; Filed, Nov. 12, 1954; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

SUN RIVER PROJECT, MONTANA

ORDER OF REVOCATION

OCTOBER 11, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of October 17, 1903, and January

8, 1926, insofar as said orders affect the following described lands: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

PRINCIPAL MERIDIAN, MONTANA

T. 21 N., R. 2 W.,
Sec. 13, NW¼.

The above area aggregates 160 acres.

H. B. TALIAFERRO,
Acting Asst. Commissioner.

[Misc. 1204855]

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in allowed homestead entry, Great Falls 016340, and are therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II and others.

W. G. GUERNSEY,
Associate Director,
Bureau of Land Management.

NOVEMBER 8, 1954.

[F. R. Doc. 54–8898; Filed, Nov. 12, 1954; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 180]

NORTH AMERICAN MINERAL AND METAL CORP. ET AL.

SUPPLEMENTAL ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of the application of the Director, Investigation Staff, for an order vacating and setting aside the curtailments of suspension and denial of export privileges contained in part V of the order of June 3, 1954, Case No. 180, 19 F. R. 3403, June 9, 1954, against North American Mineral and Metal Corp., Monarch Industrial Corp., Sidney L. Jaffe and Charles S. Jaffe; respondents; Case No. 180.

The respondents, North American Mineral & Metal Corporation, Monarch Industrial Corporation, Sidney L. Jaffe and Charles S. Jaffe, having heretofore by order dated June 3, 1954, published June 9, 1954, 19 F. R. 3403, been suspended from and denied export privileges for the times and in the manners therein set forth and said suspensions and denials having been curtailed (a) as to respondents North American Mineral and Metal Corporation and Sidney L. Jaffe by one year as to general licenses and by ten months as to validated licenses and (b) as to Monarch and Charles S. Jaffe by one year as to all privileges, subject however, and upon the condition that "if at any time prior to July 12, 1955, any such respondent shall knowingly violate any of the provisions of this order or of any export control regulation then and in that event the Director, Office of Export Supply, or such other officer or agency as may at that time be exercising and performing the functions now being exercised and performed by him, shall summarily and without notice to the respondent responsible for such violation, at such time as he or his successor shall determine that such violation has occurred, issue a supplemental order vacating and setting aside such curtailment of suspension and denial of export privileges as to such respondent and providing that as to such respondent all outstanding validated licenses then held by him or it, or to which he or it is a party, shall be revoked and cancelled and further that the period of suspension and denial of export privileges which had been subject to the curtailment shall at that time commence and continue until "such time as a total and aggregate suspension of eighteen months shall have been become effective;" and it

Now having been determined by me, after reviewing an application made by the Director, Investigation Staff, Bureau of Foreign Commerce, for an order revoking such conditional curtailments, and the record and testimony presented to the Compliance Commissioner in support thereof, and the report of the Compliance Commissioner as well as his recommendation thereon, that the said respondents have knowingly violated section 6 (a) of the Export Control Act of 1949, as amended, and §§ 372.4 (f) (4) and 381.5 (Export Control Regulations) by reason of the following:

(a) Investigators duly authorized to inspect books and records relating to export transactions by respondents Sidney Jaffe, Charles S. Jaffe, North American Mineral and Metal Corporation, and Monarch Industrial Corporation made proper and reasonable demands upon said respondents for such records;

(b) Said investigators, in the course of their duties in conducting an investigation of export transactions by said respondents made proper and reasonable inquiries to said respondents for information about export transactions in which said respondents engaged;

(c) Said respondents, although given reasonable and ample opportunity to comply with such requests and to answer such inquiries have wilfully failed, omitted and refused to produce for inspection books and records material and relevant to such investigation, have wilfully failed, omitted and refused to answer reasonable questions for information material and relevant to such investigations; and, with knowledge that information and records demanded of them with respect to and concerning matters disclosed during the conduct of such investigation were material and relevant thereto, wilfully concealed such information and records from the investigators although proper and reasonable demand therefor was made by them.

And, it being necessary to achieve effective enforcement of the Export Control Act of 1949, as amended, it is hereby ordered:

I. Part V of the said order of June 3, 1954, be and the same hereby is revoked.

II. All outstanding validated export licenses held by or issued in the names of any of the respondents, or any person, firm, corporation or other business organization with which they or any of them, are now related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith be and the same hereby are revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

III. Until and including July 11, 1955, respondents be and they hereby are suspended and denied all privileges of participation directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving in any foreign country of any commodities in whole or in part exported from the United States, and (d) in the financing, forwarding, transporting or other servicing of exports from the United States.

IV. Such denial of export privileges shall extend not only to said respondents, but also to any person, firm, corporation or business organization with which they or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith, including, but not limited to the officers, directors and stockholders of the corporate respondents.

V. No person, firm, corporation, or other business organization shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce directly or indirectly in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of parts III and IV hereof have any interest of any kind or nature, direct or indirect.

Dated: October 21, 1954.

WALLACE S. THOMAS,
Acting Director,
Office of Export Supply.

[F. R. Doc. 54–8924; Filed, Nov. 12, 1954; 8:52 a. m.]

Federal Maritime Board

[Docket No. 768]

COMPAGNIE DE NAVIGATION CYPRIEN FABRE (FABRE LINE) AND GULF/MEDITERRANEAN PORTS CONFERENCE

NOTICE OF INVESTIGATION WITH RESPECT TO ALLEGED PRACTICES

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., on the 4th day of November 1954, the Board entered the following order:

It appearing that the persons named in Appendix A below as members of the Gulf Mediterranean Ports Conference (F. M. B. Agreement 134) on October 29, 1954, took action to expel the Compagnie de Navigation Cyprien Fabre (Fabre Line), hereinafter referred to as CNCF (Fabre Line), from conference membership for alleged unfair competitive practices in violation of the terms and conditions of said conference agreement, such expulsion to become effective November 9, 1954;

It further appearing that the alleged actions of CNCF (Fabre Line), on which expulsion was based, may be detrimental to the commerce of the United States, prejudicial to shippers and carriers in the trade, and violative of sections 16 and or 17 of the Shipping Act, 1916; and

It further appearing that such expulsion, if not based on unfair practices in fact committed by CNCF (Fabre Line), may be unfair to that carrier; and

It further appearing that the public interest requires an investigation by this Board of all respondents for the purpose of determining whether any violations of sections 15, 16 and 17, Shipping Act, 1916, have taken place, and with the object of seeing that all parties are accorded fair treatment, and of preventing unstable and harmful conditions to the foreign commerce of the United States,

It is ordered, That the Board enter upon an investigation on its own motion, pursuant to sections 15, 16, 17, and 22, Shipping Act, 1916, section 19, Merchant Marine Act, 1920, and section 204, Merchant Marine Act, 1936, to determine (1) whether CNCF (Fabre Line) or any other respondent has acted in violation of any of the aforementioned statutes, and (2) whether the Gulf/Mediterranean Ports Conference has acted unfairly as between carriers in expelling CNCF (Fabre Line) from conference membership, and

It is further ordered, That the persons named in Appendix A below be, and they are hereby, made respondents in this proceeding, and

It is further ordered, That this order be published in the FEDERAL REGISTER and that a copy of such order be served upon all respondents herein, and

It is further ordered, That this proceeding be set for hearing before an examiner of the Board's Hearing Examiners Office at a place and date to be fixed by the Chief Examiner.

Dated: November 8, 1954.

By the Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

APPENDIX A

Alexandria Navigation Company S. A. E., Societe Misr de Navigation Maritime S. A. E., Fisser Schiffahrt G. M. B. H., Britain S. S. Co. Ltd. (American Mideast Line—Joint Service); Bloomfield Steamship Company; N. V. Stoomvaart Maatschappij "Nederland", Koninklijke Rotterdamsche Lloyd, N. V., N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland-Amerika Lijn", The Ocean Steam Ship Company, Ltd., The China Mutual Steam Navigation Co., Ltd., Nederlandsche Stoomvaart Maatschappij "Oceaan" N. V., (Blue Funnel Line—Java New York Line—Joint Service); Compagnie de Navigation Cyprien Fabre (Fabre Line); Compagnie Generale Transatlantique (French Line); Compania Maritima del Nervion; Dampskibsaktieselskabet Alaska, Aktieselskabet Atlas, Dampskibsaktieselskapet Idaho, Skipsaksjeselskapet Hilda Knudsen, Skipsaksjeselskapet Samuel Bakke, (Concordia Line—Joint Service); Dampskibsselskabet Torm A/S (Torm Lines); Stockholms Rederiaktiebolag Svea, Rederiaktiebolaget Fredrika, Eckert Steamship Corp., (Eckert Line—Joint Service); Ellerman Lines, Limited, Ellerman & Bucknall Steamship Co., Limited, Hall Line, Limited, The City Line, Limited, (Ellerman and Bucknall Associated Lines—Joint Service); Skibsaktieselskapet Varild, Skibsaktieselskapet Marina, Aktieselskabet Glittre, Dampskibsinteressentskabet Garonne, Skibsaktieselskapet Sangstad, Skibsaktieselskapet Solstad, Skibsaktieselskapet Siljestad, Dampskibsaktieselskabet International, Skibsaktieselskapet Goodwill, Skibsaktieselskapet Mandeville, (Fern-Ville Mediterranean Lines—Joint Service); Hellenic Lines, Ltd.; Skibsaktieselskapet Arizona, Skibsaktieselskapet Astrea, Skibsaktieselskapet Aruba, Skibsaktieselskapet Noruega, Skibsaktieselskapet Abaco, A/S Atlantica, (Hoegh Lines—Joint Service); Israel America Line, Ltd.; M. Dizengoff & Co. (Shipping) 1949 Ltd.; Isthmian Steamship Company; Khedivial Mail Line, S. A. E.; Stockard Steamship Corporation, Atlantic Ocean Transport Corporation, North American Terminal Corporation, (Levant Line—Joint Service); Lykes Bros. Steamship Co., Inc.; Navigazione Alta Italia-Societa per Azioni (Creole Line); Prudential Steamship Corporation; "Sidarma" Societa Italiana di Armamento (Sidarma Line); States Marine Corporation, States Marine Corporation of Delaware (States Marine Lines—Joint Service); Waterman Steamship Corporation.

[F. R. Doc. 54–8892; Filed, Nov. 12, 1954; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provision of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Athens Garment Company, Athens, Ala., effective 10–24–54 to 10–23–55; 10 learners for normal labor turnover purposes (work shirts).

Baumel Dress Company, Corner Willow and Grant Streets, Olyphant, Pa., effective 10–23–54 to 10–22–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' dresses).

Benjamin & Johnes, Inc., Bien Jolie Foundation Garments, 413 South Clinton Avenue, Dunn, N. C., effective 11–5–54 to 11–4–55; 10 learners for normal labor turnover purposes (women's foundation garments).

Benjamin and Johnes, Inc., Bien Jolie Foundation Garments, 413 South Clinton Avenue, Dunn, N. C., effective 10–20–54 to 4–19–55; 10 learners for plant expansion purposes (women's foundation garments).

Crystal Springs Shirt Corp., Crystal Springs, Miss.; effective 10–21–54 to 10–20–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' shirts).

Elder Manufacturing Co., Webb City, Mo., effective 10–22–54 to 10–21–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' and juvenile shirts).

Elder Manufacturing Co., Carl Junction, Mo., effective 10–20–54 to 10–19–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' and juvenile shirts).

Eureka Pants Manufacturing Co., Shelbyville, Tenn., effective 10–27–54 to 10–26–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, jackets).

Fly Manufacturing Co., Shelbyville, Tenn., effective 10–27–54 to 10–26–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, overalls and jackets).

Charles W. Henson Garment Manufacturing Co., Monroe, Ga., effective 11–1–54 to 5–31–55; 75 learners for plant expansion purposes (work pants and shirts).

Industrial Garment Manufacturing Co., 8 North Center Street, Springfield, Ohio, effective 10–22–54 to 10–21–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's cotton work clothes).

Jasper Brassiere Co. Inc., Bankhead Farmsteads, Route 5, Jasper, Ala., effective 10–22–54 to 4–21–55; 20 learners for plant expansion purposes (brassieres).

Joyner-Fields, Inc., Sherman, Miss., effective 11–3–54 to 11–2–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

R. Lowenbaum Manufacturing Co., 2223 Locust Street, St. Louis, Mo., effective 10–22–54 to 10–21–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior dresses).

R. Lowenbaum Manufacturing Co., Sparta, Ill., effective 10–22–54 to 10–21–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior dresses).

McMinnville Garment Co., McMinnville, Tenn., effective 11–8–54 to 11–7–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work trousers).

Charles Meyers & Co., First and Harrison Streets, Belleville, Ill., effective 11–1–54 to 10–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's semidress slacks).

Rice-Stix Factory No. 15, Lebanon, Mo., effective 11–7–54 to 11–6–55; 10 percent of the total number of factory production work-

ers for normal labor turnover purposes (overalls, dungarees, and jumpers).

Rosenau Bros. Inc., West Bertsch Street, Lansford, Pa., effective 10-21-54 to 10-20-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Salemburg Manufacturing Co., Salemburg, N. C., effective 10-18-54 to 4-17-55; 20 learners for plant expansion purposes (women's cotton dresses).

Salemburg Manufacturing Co., Salemburg, N. C., effective 10-18-54 to 10-17-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's cotton dresses).

Shane Uniform Co. Inc., 2015 West Maryland Street, Evansville, Ind.; effective 10-21-54 to 10-20-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (washable service apparel for men and women).

Shreveport Garment Manufacturers, 410-420 Commerce Street, Shreveport, La., effective 10-21-54 to 10-20-55; 10 learners for normal labor turnover purposes (denim girls' dungarees, denim boxer longies, men's and boys' dungarees).

The Warner Bros. Co., Massena, N. Y., effective 10-21-54 to 10-20-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (corsets and brassieres).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Wells Lamont Corp., Hugo, Okla., effective 11-1-54 to 4-30-55; 25 learners for plant expansion purposes (leather palm work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Alabama Textile Products Corp., Crestview, Fla., effective 10-21-54 to 4-20-55; 15 additional learners for plant expansion purposes in the production of men's shorts only (men's shorts).

Athco, Inc., Athens, Ala., effective 10-21-54 to 10-20-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (undergarments and sleepwear).

Knitters Co., 19 East Magnolia Street, Hazleton, Pa., effective 10-21-54 to 10-20-55, 5 learners for normal labor turnover purposes (infants' and children's knitted outerwear).

Shadowline, Inc., Morganton, N. C., effective 10-22-54 to 4-21-55; 30 learners for plant expansion purposes (women's lingerie).

Shadowline, Inc., Morganton, N. C., effective 10-22-54 to 1-7-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie) (replacement certificate).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

Feldt Manufacturing Co. Inc., Stamford, Tex., effective 10-19-54 to 10-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Feldt Manufacturing Co., Inc., Stamford, Tex., effective 10-19-54 to 4-18-55; 75 learners for expansion purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Wilkrimans Co., 501 Pennsylvania Avenue, Holton, Kans.; effective 10-25-54 to 4-24-55, 2 learners for normal labor turnover purposes; hand painters, 240 hours; at least 65 cents an hour for the first 120 hours and at least 70 cents an hour for the remaining 120 hours (hand painted underwear).

The following special learner certificates were issued to the school-operated industries listed below:

Mount Vernon Academy, Box 311, Mount Vernon, Ohio, effective 10-15-54 to 8-31-55; 5 learners in print shop in the occupations of compositor, pressman, bindery worker and related skilled and semiskilled occupations; 350 hours at 60 cents per hour, 325 hours at 65 cents per hour, and 325 hours at 70 cents per hour.

Shenandoah Valley Academy, New Market, Va., effective 10-15-54 to 8-31-55; 20 learners in bookbindery in the occupations of bookbinder, bindery worker, sewer, trimmer, backer, cutter, case maker, letterer and related skilled and semiskilled occupations including incidental clerical work in shop; 200 hours at 60 cents per hour, 200 hours at 65 cents per hour, 200 hours at 70 cents per hour.

Southwestern Christian College, P. O. Box 432, Terrell, Tex.; effective 10-25-54 to 8-31-55; 20 learners, ornamental throw pillows; sewing machine operator, stuffer and related skilled and semiskilled occupations; 200 hours at 60 cents an hour, 100 hours at 65 cents an hour, 100 hours at 70 cents an hour.

Thunderbird Academy, Box 967, Scottsdale, Ariz.; effective 10-18-54 to 8-31-55; 30 learners, woodwork shop, (furniture); assembler, woodworking machine operator, furniture finisher helper, and related skilled and semiskilled occupations including incidental clerical work in shop; 250 hours at 60 cents per hour, 250 hours at 65 cents per hour, 250 hours at 70 cents per hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 27th day of October 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-8899; Filed, Nov. 12, 1954; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5779]

AERO FINANCE CORP.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned for November 18 is postponed to November 23, 1954, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 9, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8925; Filed, Nov. 12, 1954 8:52 a. m.]

[Docket No. 6545]

RESORT AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of application of Resort Airlines, Inc., for permanent certification of authority to conduct air transportation services.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on November 29, 1954, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., November 9, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8926; Filed, Nov. 12, 1954, 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10655, 10656; FCC 54M-1392]

TIMES-WORLD CORP. AND RADIO ROANOKE, INC.

ORDER SCHEDULING HEARING CONFERENCE

In re applications of Times-World Corporation, Roanoke, Virginia, Docket No. 10655, File No. BPCT-1056; Radio Roanoke, Incorporated, Roanoke, Virginia, Docket No. 10656, File No. BPCT-1743; for construction permit for new television stations (Channel 7).

The Commission having under consideration the fixing of dates for the submission of written statements by Times-World Corporation, for other procedural steps, and for a further conference in this proceeding, which matters were referred to in paragraph 9 of the Hearing Examiner's Memorandum Opinion and Order released July 20, 1954; and

It appearing that the previous order indicates the date for the submission of written statements by Times-World to be November 11, 1954, which is a legal holiday, and the date for the further conference to be November 25, 1954, which is a legal holiday; and

It further appearing that counsel for each applicant and for the Chief of the Broadcast Bureau have informally agreed to changes from the dates indicated by the prior order to those hereinafter stated, and that such changes will conduce to the orderly dispatch of the Commission's business;

Now therefore it is ordered, This 5th day of November 1954, that: Times-World shall submit the verified written statements as required by the order of July 20, 1954, and the Commission's Memorandum Opinion and Order of October 15, 1954, on or before November 12, 1954; proposed revisions of statements of matters for reliance shall be exchanged on or before November 19, 1954; and a further hearing conference shall be held at 10:00 a. m., on Thursday, December 2, 1954, at the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8921; Filed, Nov. 12, 1954; 8:51 a. m.]

[Docket No. 11205; FCC 54M-1391]

RADIO CLEVELAND (WCLE)

ORDER OF CONTINUANCE

In re application of J. A. Gallimore tr as Radio Cleveland (WCLE), Cleveland, Tennessee, for construction permit; Docket No. 11205, File No. BP-9197.

The Commission having under consideration a Petition to Postpone Commencement of Hearing filed October 25, 1954, by the permittee, in which counsel for Robert W. Rounsaville (WBAC) informally joined, requesting that the hearing now scheduled to be commenced on November 15, 1954, be postponed to February 14, 1955; and

It appearing that this proceeding involves a hearing pursuant to section 309 (c) of the Communications Act to determine whether the grant of the above-entitled application should be vacated, and that the effective date of the grant has been postponed pending a final determination of the matters at issue herein; and

It further appearing that counsel for the parties are respectively so engaged in television hearing proceedings before the Commission as to preclude their preparing and presenting evidence upon the matters at issue in this proceeding at the time appointed for hearing, that said counsel join in the request that the hearing be postponed, and in the statement that such continuance is necessary because of their professional commitments in other matters; and

It further appearing that counsel for the Chief of the Broadcast Bureau and for the other parties hereinabove named have informally consented to waive the time of filing requirements of § 1.745 (47 CFR 1.745), and to a grant of the petition as hereinafter ordered, and that such grant will conduce to the orderly dispatch of the Commission's business;

Now, therefore it is ordered, This 2d day of November 1954, that the above petition to postpone commencement of hearing in this proceeding be and it is hereby granted and the hearing is continued from November 15, 1954, to February 14, 1955, at the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8922; Filed, Nov. 12, 1954; 8:51 a. m.]

[Change List 8]

CUBAN RADIO STATIONS

NOTIFICATION OF CHANGES, MODIFICATION AND DELETIONS

OCTOBER 4, 1954.

Notification of new Cuban Radio Stations, and of changes, modifications and deletions of existing stations, in accordance with Part III, Section F, of the North American Regional Broadcasting Agreement, Washington, D. C. 1950.

CUBA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
		950-kilocycles				
New	Guantanamo, Oriente	0.25	ND	U	IV	Mar. 16, 1955
		1550 kilocycles				
New	Santiago de Cuba, Oriente (provisional assignment).	0.25	ND	U	II	Mar. 22, 1955

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8923; Filed, Nov. 12, 1954; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-465]

MASTIC AND TEXTURE PRESSURE SPRAYED COATING INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Mastic and Texture Pressure Sprayed Coating Industry will be held by the Federal Trade Commission in Room 332 of the Federal Trade Commission building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., on December 3, 1954, commencing at 10:00 a. m., e. s. t.

Products of the industry include all mastic and texture coatings manufactured expressly for application by pressure to the exterior of buildings for protective purposes, but do not include those products generally classified as paints. All persons, firms, corporations and organizations engaged in the business of manufacturing or marketing such products in commerce are considered members of the industry, will be affected by the rules, and are cordially invited to attend and participate in this meeting.

The purpose of the conference which was authorized pursuant to an application from a group of independent manufacturers, is to afford industry members an opportunity to propose and consider, subject to Commission approval, trade practice rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices (by advertising or otherwise), and other trade abuses which violate laws administered by the Commission.

After the conference on December 3d, and before rules are finally approved by the Commission, a draft of proposed rules will be made available to all interested and affected parties, including consumers, affording them opportunity to present their views, criticisms, and suggestions regarding the rules, and to be heard at a public hearing to be announced by the Commission.

Issued: November 9, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-8915; Filed, Nov. 12, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-127, 59-3, 59-12, 70-1806]

ELECTRIC BOND AND SHARE CO.

SUPPLEMENTAL ORDER WITH RESPECT TO FEES

NOVEMBER 5, 1954.

The above-entitled consolidated proceedings involve proposals and a related plan, as amended, known as the "Final Comprehensive Plan", filed pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935 ("act") to enable the system of Electric Bond and Share Company ("Bond and Share"), a registered holding company, to effectuate compliance with section 11 (b) of the act. In these consolidated proceedings various orders have heretofore been entered by the Commission reserving jurisdiction with respect to the fees and expenses paid or to be paid for services rendered in connection therewith.

On March 15, 1954 the Commission by order (Holding Company Act Release No. 12408) directed Bond and Share to file with the Commission a report or reports setting forth: (1) The amounts of fees and expenses claimed by the respective applicants for services rendered in connection with the above-entitled and related proceedings; (2) the amounts of fees and expenses which Bond and Share had heretofore paid or was prepared to pay without modification; (3) the amounts of fees and expenses, if any, which Bond and Share was willing to pay and which the claimants after negotia-

65 cents an hour for the first 120 hours and

D. C., before the Board.

Memorandum Opinion and Order of

tion with the company involved had indicated a willingness to accept; and (4) in cases where negotiations had proved unsuccessful, the amounts of fees and expenses which Bond and Share considered to be reasonable and was willing to pay. In accordance with this order, Bond and Share filed reports and supplements thereto indicating the amounts of fees and expenses which it had paid or was willing to pay to all fee claimants. These reports further indicated that after negotiation with the company, all fee claimants were willing to accept the amounts set forth in the reports in full settlement of their claims. All fee claimants indicated in their fee applications with this Commission, or by amendments thereto, their willingness to accept the agreed upon settlements.

On June 29, 1954 the Commission by order (Holding Company Act Release No. 12567) approved these fees and expenses "for services performed to the date of the filing of the respective fee applications" in respect of the Final Comprehensive Plan and directed Bond and Share to pay such amounts "to the extent any portion thereof has not heretofore been paid."

An application having now been filed by Simpson Thacher & Bartlett requesting that the Commission approve and allow a fee of $1,750 to be paid by Bond and Share on account of legal services rendered to said company in connection with the preparation of the above-described reports and in carrying out the described negotiations, and that jurisdiction heretofore reserved over all fees and expenses, paid or to be paid in these proceedings, be released to the extent necessary to permit this payment; and

The Commission having considered the said application of Simpson Thacher & Bartlett and having found that the aforesaid fee is not unreasonable and deeming it appropriate that it be approved and allowed:

It is ordered, That the fee of $1,750 requested of Bond and Share by Simpson Thacher & Bartlett be, and the same hereby is, approved and allowed and that the jurisdiction heretofore reserved over the payment of fees and expenses in this matter be, and hereby is released, to the extent necessary to permit said payment.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8903; Filed, Nov. 12, 1954; 8:47 a. m.]

[File No. 70-3300]

NATIONAL FUEL GAS CO.

ORDER REGARDING ISSUANCE AND SALE OF COMMON STOCK PURSUANT TO RIGHTS OFFERING

NOVEMBER 8, 1954.

National Fuel Gas Company ("National Fuel"), a registered holding company, has filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

National Fuel proposes to issue and sell, without an underwriting, 381,018 shares of its authorized but unissued common stock, no par value, pursuant to a rights offering to its stockholders on the basis of one share of additional common stock for each ten shares of outstanding common stock at a price of $17.75 per share. The additional shares are to be offered to stockholders of record at the close of business on or about November 8, 1954, and the subscription offer will expire at 3:30 p. m., e. s. t., on November 29, 1954.

The right to subscribe for the additional shares of common stock will be evidenced by transferable warrants expressed in terms of "rights", one right being issued for each share of the presently outstanding common stock, and ten rights will be necessary to exercise the privilege of subscribing for one full share of additional common stock ("Basic Right").

No fractional shares are to be issued. However, subject to allotment, any holder of a warrant evidencing a number of rights in excess of ten but not evenly divisible by ten may subscribe for one more full share than he would be entitled to under the Basic Right, and any holder of a warrant evidencing less than ten rights may subscribe for one full share ("Primary Privilege"). No subscriber may exercise more than one such Primary Privilege.

Under a proposed Secondary Subscription Privilege ("Secondary Privilege") and subject to allotment, any holder of a warrant who has exercised either the Basic Right or the Primary Privilege, or both, may subscribe for such additional number of shares as the holder may elect.

As to the allotment in respect of the Primary and Secondary Privileges, any shares not subscribed for under the Basic Right will be issued and sold to persons exercising one or both of the Privileges. However, all subscriptions pursuant to the Primary Privilege will be filled before any subscription under the Secondary Privilege is recognized. In the event there are insufficient shares to fill all Primary Privilege subscriptions, those exercised on the basis of nine rights will be filled first, then those on the basis of eight rights, seven, six and so on in that order. Should it be possible to fill some but not all subscriptions in any one of these groups the subscriptions will be filled in order of their receipt. If there should remain insufficient shares to fill all subscriptions under the Secondary Privilege the remaining shares will be allotted in proportion, as nearly as is practicable, to the number of rights covered by all warrants containing a subscription under the Secondary Privilege rather than upon the basis of the number of shares requested.

Warrants issued to common stockholders whose addresses are outside the continental United States, Canada and Cuba will not be mailed but will be held for their accounts until 10:00 a. m., e. s. t., November 26, 1954, when (if no instructions have been received) they will be sold and the net proceeds, if any, shall be either remitted to them or held for the account of each such stockholder.

The declaration states that the net proceeds from the sale of the additional shares of common stock will be used either to repay a portion of National Fuel's outstanding bank loans now aggregating $8,700,000, which were obtained to provide monies for the purchase of common stock of or for loans to its operating subsidiary companies or to purchase additional common stock of or for new loans to such subsidiaries.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration, as amended, should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration as amended be and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8904; Filed, Nov. 12, 1954; 8:47 a. m.]

[File No. 70-3306]

COLUMBIA GAS SYSTEM, INC., ET AL.

NOTICE REGARDING SALE OF COMMON STOCK AND INSTALLMENT NOTES BY SUBSIDIARY COMPANIES AND THEIR ACQUISITION BY PARENT

NOVEMBER 8, 1954.

In the matter of the Columbia Gas System, Inc., Binghamton Gas Works, the Keystone Gas Company, Inc., Home Gas Company; File No. 70-3306.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its public utility subsidiaries, Binghamton Gas Works ("Binghamton") and the Keystone Gas Company, Inc. ("Keystone") and one of its gas transmission subsidiaries, Home Gas Company ("Home"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (b), 9, 10 and 12 (f) thereof and Rule U-43 promulgated thereunder as applicable to the following proposed transactions:

Columbia, which owns all of the outstanding securities of Binghamton, Keystone and Home, proposes to purchase, and Binghamton, Keystone and Home propose to issue and sell, the following securities from time to time as funds are needed but not later than March 31, 1955:

Binghamton:	
(a) 10,000 shares of common stock, $25 par value, for	$250,000
(b) Installment notes, principal amount	250,000
Keystone:	
(a) 4,000 shares of common stock, no par value, for	100,000
(b) Installment notes, principal amount	200,000
Home:	
(a) 24,000 shares of common stock, $25 par value for	600,000
(b) Installment notes, principal amount	1,450,000

With respect to each of the companies, Columbia will first purchase common stock and thereafter will purchase installment promissory notes to be dated on their date of issue and to mature in equal amounts on February 15 in each of the years 1956 to 1980 inclusive. Said notes are to bear interest at the rate of 3½ percent per annum which interest rate is the same as the "cost of money" to Columbia in respect of its most recent sale of Debentures on July 8, 1954. The interest will accrue only from the date of issuance of the installment notes.

It is stated that the proposed transactions are to be consummated in order to provide Binghamton, Keystone and Home with the needed funds, as required, to finance in part their 1954 construction programs estimated as follows:

Binghamton	$754,600
Keystone	337,700
Home	2,549,700

It is estimated that the companies and Columbia will incur expenses with respect to the issuance and purchase of the common stock and installment notes, in amounts as follows:

Binghamton	$750
Keystone	530
Home	2,455
Columbia	200

Binghamton, Keystone and Home have filed applications with the Public Service Commission of the State of New York for approval of the issuance of these securities. Keystone has also filed an application with that Commission for approval of an amendment to its certificate of incorporation, increasing its authorized capital stock.

Applicants-declarants request that this Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than November 18, 1954, at 5:30 p. m. request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS *Secretary.*

[F. R. Doc. 54-8905; Filed, Nov. 12, 1954; 8:48 a. m.]

[File No. 811-253]

FIXED TRUST SHARES AND AMERICAN DEPOSITOR CORP.

NOTICE OF APPLICATION FOR ORDER DECLARING TRUST HAS CEASED TO BE AN INVESTMENT COMPANY

NOVEMBER 5, 1954.

Notice is hereby given that American Depositor Corporation ("Applicant"), Depositor for Fixed Trust Shares, a registered unit investment trust has filed an application and an amendment thereto pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") for an order declaring that Fixed Trust Shares has ceased to be an investment company under the act.

Fixed Trust Shares was formed pursuant to a Trust Agreement dated July 1, 1927, between American Depositor Corporation, Depositor, and the Chase National Bank of the City of New York, Trustee.

The Trust Agreement was terminated on April 30, 1952, in accordance with its terms by the Trustee by published notice to the holders of outstanding certificates of Fixed Trust Shares, dated March 31, 1952, as provided in the Trust Agreement.

In July 1952 all stock units held by the Trustee were sold and the net proceeds of sale and other funds held under the Trust Agreement aggregated $368,007.29. After deducting legal expenses and taxes, funds available for distribution to shareholders on and after September 29, 1952, amounted to $365,400. As of June 30, 1954, $35,953.25 remained to be distributed to holders of 2,060 shares who had as of that date failed to surrender their shares.

The Trust Agreement provided that Applicant could direct the Trustee to turn over to the Applicant unclaimed funds in respect of certificates not presented for payment within six years after the expiration of 120 days after the termination of the Trust, as well as unclaimed funds payable with respect to coupons not presented for payment within six years after the date for payment thereof. Thereafter holders of such certificates and coupons could only look to the Applicant for payment of such funds.

Applicant has filed with the Trustee an irrevocable waiver relinquishing its right to direct the Trustee to turn over to Applicant such unclaimed funds. The Trustee therefore will hold unclaimed funds beyond this six-year period for the benefit of holders of unpaid certificates and coupons.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 18, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8906; Filed, Nov. 12, 1954; 8:46 a. m.]

[File No. 811-260]

BASIC INDUSTRIES SHARES AND AMERICAN DEPOSITOR CORP.

NOTICE OF APPLICATION FOR ORDER DECLARING TRUST HAS CEASED TO BE AN INVESTMENT COMPANY

NOVEMBER 5, 1954.

Notice is hereby given that American Depositor Corporation ("Applicant"), Depositor of Basic Industries Shares, a registered unit investment trust, has filed an application and an amendment thereto pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") for an order declaring that Basic Industries Shares has ceased to be an investment company under the act.

Basic Industries Shares was formed under a Trust Agreement dated July 1, 1928, between American Depositor Corporation, Depositor, and The Chase National Bank of the City of New York, Trustee.

The Trust Agreement was terminated on April 30, 1952, in accordance with its terms by the Trustee, by published notice to holders of outstanding certificates of Basic Industries Shares, dated March 31, 1952, as provided in the Trust Agreement.

In July 1952 all stock units held by the Trustee were sold. After deducting legal expenses and taxes, the amount available for distribution on and after September 29, 1952, to holders of the 42,500 Basic Industry shares aggregated $289,850. As of June 30, 1954, $22,213.33 remained to be distributed to holders of 3,225 Basic Industry shares who have not as of that date surrendered their certificates.

The Trust Agreement provided that Applicant could direct the Trustee to turn over to the Applicant unclaimed funds in respect of certificates not presented for payment within six years

after the expiration of 120 days after the termination of the Trust, as well as unclaimed funds payable with respect to coupons not presented for payment within six years after the date for payment thereof. Thereafter holders of such certificates and coupons could only look to the Applicant for payment of such funds.

Applicant has filed with the Trustee an irrevocable waiver relinquishing its right to direct the Trustee to turn over to Applicant such unclaimed funds. The Trustee therefore will hold unclaimed funds beyond this six-year period for the benefit of holders of unpaid certificates and coupons.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 18, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8901; Filed, Nov. 12, 1954; 8:47 a. m.]

[File No. 811-261]

FIXED TRUST SHARES, SERIES B AND AMERICAN DEPOSITOR CORP.

NOTICE OF APPLICATION FOR ORDER DECLARING TRUST HAS CEASED TO BE AN INVESTMENT COMPANY

NOVEMBER 5, 1954.

Notice is hereby given that American Depositor Corporation, Depositor of Fixed Trust Shares, Series B ("Trust"), a registered unit investment trust has filed an application and an amendment thereto pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") for an order declaring that the Trust has ceased to be an investment company under the act.

The Trust was formed under a Trust Agreement dated January 1, 1929, between American Depositor Corporation, Depositor and the Chase National Bank of the City of New York, Trustee.

The Trust Agreement was terminated on April 30, 1952, in accordance with its terms by the Trustee, by published notice to the holders of outstanding certificates of the Trust, dated March 31, 1952, as provided in the Trust Agreement.

In July 1952 all stock units held by the Trustee were sold and the net proceeds of such sale and other funds held under the Trust Agreement amounted to $55,832.36. After deducting legal expenses and taxes, funds available for distribution on and after September 29, 1952, to shareholders of the Trust amounted to $55,400. As of June 30, 1954, $1,877.80 remained to be distributed to holders of 135 shares who as of that date failed to surrender their certificates.

The Trust Agreement provided that Applicant could direct the Trustee to turn over to the Applicant unclaimed funds in respect of certificates not presented for payment within six years after the expiration of 120 days after the termination of the Trust, as well as unclaimed funds payable with respect to coupons not presented for payment within six years after the date for payment thereof. Thereafter holders of such certificates and coupons could only look to the Applicant for payment of such funds.

Applicant has filed with the Trustee an irrevocable waiver relinquishing its right to direct the Trustee to turn over to Applicant such unclaimed funds. The Trustee therefore will hold unclaimed funds beyond this six-year period for the benefit of holders of unpaid certificates and coupons.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 18, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8902; Filed, Nov. 12, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29877]

FURNITURE FROM MONROE, LA., TO CHEYENNE, WYO., AND POINTS IN COLORADO, ETC.

APPLICATION FOR RELIEF

NOVEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Furniture and furniture parts, carloads.

From: Monroe, La.

To: Colorado Springs, Denver, Greeley, Pueblo and Trinidad, Colo., and Cheyenne, Wyo.

Grounds for relief: Rail competition, circuity, grouping, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3886, supp. 134.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8908; Filed, Nov. 12, 1954; 8:49 a. m.]

[4th Sec. Application 29878]

CONTAINERS, EMPTY RETURNED, FROM POINTS IN LOUISIANA AND MISSISSIPPI TO DETROIT, MICH., AND CLEVELAND, OHIO

APPLICATION FOR RELIEF

NOVEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Containers, empty returned, carloads.

From: New Orleans and Baton Rouge, La., Natchez and Vicksburg, Miss.

To: Detroit, Mich., and Cleveland, Ohio.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 417, supp. 86; C. A. Spaninger, Agent, I. C. C. No. 1351, supp. 97.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8909; Filed, Nov. 12, 1954; 8:49 a. m.]

[4th Sec. Application 29879]

VARIOUS COMMODITIES FROM POINTS IN SOUTHERN TERRITORY TO PENNSYLVANIA, DELAWARE AND MINNESOTA

APPLICATION FOR RELIEF

NOVEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules shown in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in southern territory.

To: New Kensington, Pa., Yorklyn, Del., and Crystal, Minn.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8910; Filed, Nov. 12, 1954; 8:49 a. m.]

[4th Sec. Application 29880]

CRUDE PUMICE FROM SUPERIOR, WYO., TO BELLE FOURCHE, S. DAK.

APPLICATION FOR RELIEF

NOVEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Pumice, crude or crushed, carloads.

From: Superior, Wyo.

To: Belle Fourche, S. Dak.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3560, supp. 250.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8911; Filed, Nov. 12, 1954; 8:49 a. m.]

[4th Sec. Application 29881]

WASTE SALTS FROM TYNER, TENN., TO THE SOUTHWEST

APPLICATION FOR RELIEF

NOVEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Salts, waste, neutral, carloads.

From: Tyner, Tenn.

To: Points in Arkansas, Louisiana, and Texas specified on page 2 of the application.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4090, supp. 53; F. C. Kratzmeir, Agent, I. C. C. No. 4115, supp. 20; F. C. Kratzmeir, Agent, I. C. C. No. 4053, supp. 64; F. C. Kratzmeir, Agent, I. C. C. No. 4049, supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8912; Filed, Nov. 12, 1954; 8:49 a. m.]

[4th Sec. Application 29882]

ACIDS AND CHEMICALS FROM CROSSETT, ARK., AND TEXAS TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Acids and chemicals, carloads and tankcar loads.

From: Bishop, Brownsville, Houston, and Texas City, Tex., and Crossett, Ark.

To: Specified points in southern territory.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 398; F. C. Kratzmeir, Agent, I. C. C. No. 3908, supp. 210.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8913; Filed, Nov. 12, 1954; 8:50 a. m.]

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TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 60—DOMESTIC URANIUM PROGRAM

TERMINATION OF DOMESTIC URANIUM PROGRAM CIRCULAR 7

Pursuant to the Atomic Energy Act of 1954 (Public Law 703, 83d Congress), the following action is taken affecting Domestic Uranium Program Circular 7 (Title 10, Chapter I, Part 60, § 60.7, Code of Federal Regulations).

1. Domestic Uranium Program Circular 7 is terminated effective as of December 12, 1954, without prejudice to the rights of leaseholders established under existing Circular 7 leases.

2. All Circular 7 lease applications pending on December 12, 1954, will be considered rejected as of that date and rental payments submitted with such applications will be returned.

Dated at Washington, D. C., this 8th day of November 1954.

K. D. NICHOLS, *General Manager.*

[F. R. Doc. 54-9022; Filed, Nov. 12, 1954; 4:30 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. The centerhead immediately preceding § 3.1000 is revised to read as follows:

SERVICE REQUIREMENTS (VETERANS CLAIMS DIVISION, VETERANS BENEFITS OFFICE, D. C.)

BEGINNING AND ENDING DATES OF WARS (ALL DATES INCLUSIVE)

2. The cross reference immediately preceding § 3.1000 is deleted.

3. In § 3.1000, the headnote of paragraph (b) is amended and a new paragraph (c) is added as follows:

§ 3.1000 *Spanish-American War.* • • •

(b) *As to Service Pension Laws reenacted by Public No. 269, 74th Congress.* • • •

(c) *As to General Law reenacted by Public No. 269, 74th Congress.* April 21, 1898, to April 11, 1899.

4. In § 3.1001, paragraph (b) is amended and a new paragraph (c) is added as follows:

§ 3.1001 *Boxer Rebellion.* • • •

(b) *As to Service Pension laws reenacted by Public No. 269, 74th Congress.* Included in § 3.1000 (b).

(c) *As to General Law reenacted by Public No. 269, 74th Congress.* June 16, 1900, to May 12, 1901.

5. In § 3.1002, paragraph (b) is amended and a new paragraph (c) is added as follows:

§ 3.1002 *Philippine Insurrection.* • • •

(b) *As to Service Pension laws reenacted by Public No. 269, 74th Congress.* Included in § 3.1000 (b).

(c) *As to General Law reenacted by Public No. 269, 74th Congress.* April 12, 1899, to July 4, 1902 (as to veterans only, to July 15, 1903, if there was service in military forces engaged in hostilities in the Moro Province).

6. In § 3.1006, the parenthetical phrase following the headnote is deleted, so that the headnote reads as follows:

§ 3.1006 *Public No. 2, 73d Congress.* • • •

7. In § 3.1009, the parenthetical phrase following the headnote is deleted, so that the headnote reads as follows:

§ 3.1009 *Indian Wars.* • • •

8. The cross references immediately preceding and following the centerhead "Persons Not Included" are deleted.

9. Sections 3.1013 and 3.1014 are revised to read as follows:

§ 3.1013 *Public No. 141, 73d Congress, and No. 269, 74th Congress, and Veterans Regulation 1 (f) (38 U. S. C. ch. 12).* Contract surgeons, except as to pension under the act of July 14, 1862, as amended and reenacted.

(Sec. 30, 48 Stat. 525, 49 Stat. 614; 38 U. S. C. 366, 368)

§ 3.1014 *Indian Wars.* (a) Civilian employees and others not specifically named in the act of March 3, 1927.

(b) Members of the Confederate Army who served against Indians.

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FEDERAL REGISTER

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(Sec. 1, 44 Stat. 1361, as amended; 38 U. S. C. 381)

10. The cross references immediately preceding and following the centerhead "Computation of Service" are deleted.

11. Section 3.1017 is revised to read as follows:

§ 3.1017 *Spanish-American War, Boxer Rebellion, or Philippine Insurrection; Public No. 2, 73d Congress.* Service is exclusive of leave under G. O. 130, W. D. As to enlistments subsequent to August 12, 1898, participation in the Boxer Rebellion or the Philippine Insurrection must be shown.

(Sec. 1, 48 Stat. 8, as amended; 38 U. S. C. 701)

12. Section 3.1019 *Spanish-American War, Boxer Rebellion, or Philippine Insurrection; Veterans Regulation 1 (f) (38 U. S. C. ch. 12)* is revoked.

13. Section 3.1020 *Spanish-American War, Boxer Rebellion, or Philippine Insurrection; Public No. 541, 75th Congress (act of May 24, 1938)* is revoked.

14. In § 3.1021, the parenthetical phrase following the headnote is deleted, so that the headnote reads as follows:

§ 3.1021 *Indian Wars.* • • •

15. In § 3.1024, paragraph (b) is amended to read as follows:

§ 3.1024 *Service to date of disbandment or actual discharge.* • • •

(b) The word "construed" is held to mean "presumed" in the ordinary legal acceptation of the term. This construction is applicable to all pension claims, including claims for increase and original claims under the service acts. The soldier is to be credited with all the time of service up to the date of discharge or date of disbandment. It is not required that he should show in the first instance where he was up to the time of disbandment, but the presumption stated in the law shall be held to apply; however, should it appear in fact that he was not with his command or in the service, then the presumption would be overcome.

16. Section 3.1025 is revised to read as follows:

§ 3.1025 *Jurisdiction of the Veterans Claims Division, Veterans Benefits Office, D. C.* Within the jurisdiction of the Veterans Claims Division, Veterans Benefits Office, D. C. including the disability rating board, will be included claims for disability compensation, pension, and retirement pay of the following classes:

(a) Where there was any service prior to July 16, 1903.

(b) Where the veteran is an employee in either the competitive or excepted service who has been continuously employed for 90 days in the Veterans' Administration: *Provided,* That no adjudication is necessary during such period. If any adjudication is necessary in the case of an employee-claimant during the 90-day period, jurisdiction attaches immediately. This provision is not applicable to member-employees.

(c) Where rights have been forfeited under any act, except that in the event entitlement to Veterans' Administration benefits is claimed on the basis of service in the Armed Forces subsequent to the commission of the offense on which forfeiture determination was based, excluding cases of forfeiture affecting all accrued or future benefits under section 4, Public Law 144, 78th Congress, veterans records will, upon request, be permanently transferred to the regional office of jurisdiction, inasmuch as the forfeiture does not extend to such subsequent period of service.

(d) Claims of all veterans of the Army of the Commonwealth of the Philippines (including alleged and recognized guerrillas) who do not reside within the Philippines.

(e) Where the veteran resides without the continental limits of the United States other than within the territory assigned to regional offices in Alaska, Hawaii, Puerto Rico, and the Philippines. This provision does not apply to transients inasmuch as residence beyond the continental limits of the United States must be satisfactorily established. However, such residence will be presumed if three consecutive monthly checks are received at the same address.

(f) Emergency officers retirement as provided by § 3.350.

(g) Where the applicant's entitlement to pension under the General Law, the act of 1862, including the amendments thereto, is an issue.

(h) Where the protection provided by Public No. 788, 74th Congress, relative to the General Law rate is for application.

(i) Where there is entitlement under the Revised Statutes. (See secs. 4756 and 4757 R. S.)

(j) Where there is entitlement pursuant to special acts.

(k) Residents of United States Soldiers' Home, Washington, D. C.

(l) Claims involving sections 4 and 5, Public Law 144, 78th Congress, as amended by Public Law 622, 79th Congress.

(m) Determining, upon proper request, service-connection for the condition or conditions for which outpatient treatment only is requested.

(n) Applications for assistance to certain veterans in acquiring specially adapted housing under Public Law 702, 80th Congress, as amended.

(o) Any claim not otherwise under the jurisdiction of Veterans Benefits Office, Washington 25, D. C., referred by competent authority for action.

17. The centerheads "Filing of Claims and Supporting Evidence" and "Application for Pension and Compensation" and the cross references immediately preceding § 3.1030 are deleted.

18. The centerheads "Proof of Relationship and Dependency" and "Public No. 2, 73d Congress, Public No. 141, 73d Congress, as amended, and Public No. 269, 74th Congress, as amended" and the cross references immediately following § 3.1030 are deleted.

19. Section 3.1038 *Enlistment* is revoked.

20. Section 3.1039 is revised to read as follows:

§ 3.1039 *Type of discharge required; special act to correct military record.* Where a special act does not grant pension directly but gives the claimant a status so that he is eligible to apply for and be allowed a pension, he is in the same position as he would have been if he had served honorably.

21. The cross reference immediately preceding § 3.1040 is deleted.

22. In § 3.1040, the parenthetical phrase at the end of paragraph (c) is deleted, so that paragraph (c) reads as follows:

§ 3.1040 *Types of discharges for service pension (Spanish-American War, Boxer Rebellion, Philippine Insurrection, Civil War, and Indian Wars).* • • •

(c) *Character of discharge under the act of July 14, 1862, as amended.* A discharge from the service in which disabilities are alleged to have been incurred is essential to title under the act of July 14, 1862, as amended, but the character of discharge is not material unless a person is discharged or dismissed by reason of the sentence of a general court martial, or is discharged on the ground that he was a conscientious objector who refused to perform military duties or refused to wear the uniform or otherwise to comply with lawful orders of competent military authorities, or as a deserter, or in the case of an officer where his resignation is accepted for the good of the service. However, in the case of any such person, if it is established to the satisfaction of the Administrator that at the time of the commission of the offense such person was insane, he shall not be precluded from benefits to which he is otherwise entitled under the laws administered by the Veterans' Administration. Veterans in receipt of pension or compensation on the date of the enactment of Public Law 346, 78th Congress, pursuant to the interpretation of prior laws are not affected by the requirements of either section 300 or section 1503, Public Law 346, 78th Congress.

23. The cross reference immediately preceding § 3.1043 is deleted.

24. The cross reference immediately preceding § 3.1046 is deleted.

25. Section 3.1046 *Line of duty* is revoked.

26. The centerheads "Service Connection and Evaluation" and "Determinations of Service Connection" and the cross references immediately preceding § 3.1055 are deleted.

27. Section 3.1055 is revised to read as follows:

§ 3.1055 *Public No. 141, 73d Congress.* As to disease contracted or injury incurred in the military or naval service subsequent to the termination of war periods the act of July 14, 1862, as

amended, was not revived or reenacted by section 30, Public No. 141, 73d Congress.

(Sec. 30, 48 Stat. 525; 38 U. S. C. 366)

28. In § 3.1056, paragraph (c) is amended to read as follows:

§ 3.1056 *Public No. 269, 74th Congress.* • • •

(c) The act of July 14, 1862, as amended, was not revived or reenacted as to those cases in which the disease was contracted, or the injury was incurred in service subsequent to the Spanish-American War (including the Philippine Insurrection or Boxer Rebellion), as defined in §§ 3.1000 (c), 3.1001 (c) and 3.1002 (c).

29. The centerhead "Evaluation Under Public No. 2 and Public No. 141, 73d Congress" and the cross references immediately following § 3.1057 are deleted.

30. Section 3.1068 is revised to read as follows:

§ 3.1068 *Public No. 269, 74th Congress; definition of disability.* (a) Manual labor is defined as work of a useful character requiring physical or mental effort, but does not necessarily mean work such as work with a pick and shovel.

(b) For periods prior to October 1, 1951, disability without regard to service-connection under Public No. 269, 74th Congress, will be evaluated in comparison with the degree of disability existing by reason of total inability to perform manual labor and for regular aid and attendance, helplessness, or blindness.

(Sec. 1, 49 Stat. 614; 38 U. S. C. 368)

31. In § 3.1070, paragraph (c) is deleted.

§ 3.1070 *Public No. 269, 74th Congress; reductions.* • • •

(c) [Deleted.]

32. The cross reference immediately preceding § 3.1080 is deleted.

33. The centerhead "Claims and Rating Requirements" immediately preceding § 3.1085 is hereby deleted and a new centerhead is added as follows: "Section 31, Public No. 141, 73d Congress, Section 12, Public No. 866, 76th Congress, and Paragraph 4, Part VII, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), Public No. 2, 73d Congress, as amended by Public Law 16, 78th Congress."

34. Section 3.1085 *Section 31, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, Veterans Regulation 1 (a), Part VII, paragraph 4 (38 U. S. C. ch. 12) Public No. 2, 73d Congress, as amended by Public Law 16, 78th Congress,* is revoked.

35. The cross reference immediately preceding § 3.1087 is deleted.

36. The cross references immediately following § 3.1089 are deleted.

37. The centerhead "Medical Examinations" immediately preceding § 3.1095 is deleted.

38. Section 3.1095 *Medical examinations* is revoked.

39. The cross reference immediately preceding § 3.1100 is deleted.

40. The following sections are revoked:

§ 3.1100 *Effective date pursuant to Reg. 1 (a) (38 U. S. C. ch. 12).* [Revoked.]

§ 3.1101 *Effective date pursuant to Reg. 1 series, paragraph 1 (h) (38 U. S. C. ch. 12).* [Revoked.]

§ 3.1102 *Effective date pursuant to Reg. 1* (c) *(38 U. S. C. ch. 12).* [Revoked.]

§ 3.1104 *Section 30, Public No. 141, 73d Congress.* [Revoked.]

§ 3.1105 *Adjusted rates.* [Revoked.]

§ 3.1106 *Veterans Regulation No. 1 (f).* [Revoked.]

41. Sections 3.1107 and 3.1107a are revised to read as follows:

§ 3.1107 *Public No. 269, 74th Congress; effective date.* Commencement shall be from August 13, 1935, or the date of claim, whichever is the later, when entitlement is otherwise shown, as to claims filed on or after March 20, 1933.

(Sec. 1, 49 Stat. 614; 38 U. S. C. 368)

§ 3.1107a *Public No. 541, 75th Congress.* VA Form 8–526, revised, is prescribed as the form on which claims under this act will be filed. However, where there is already on file a formal application for service pension and benefits are being paid, any writing signed by the veteran or in his behalf, claiming increased pension, will constitute a valid application under this act. Pension on account of attainment of age of 65 years will be effective from the date of receipt of a claim filed on or after the attainment of the beneficial age and on or after May 24, 1938. The rate for regular aid and attendance will be payable from the date of receipt of a claim executed on or after May 24, 1938, and after the requisite condition is shown to exist.

(Sec. 1, 52 Stat. 440; 38 U. S. C. 370)

42. Section 3.1111 *Civil War* is revoked.

43. Section 3.1112 *Rates of pension: Civil War* is revoked.

44. Section 3.1114 is revised to read as follows:

§ 3.1114 *Peacetime service subsequent to April 20, 1898.* The protection afforded by Public No. 788, 74th Congress, will be extended to the claims of veterans who were on March 19, 1933, receiving compensation under the War Risk Insurance Act, as protected by section 602 of the World War Veterans' Act, 1924, as amended, for a disability incurred prior to April 6, 1917, where the veteran was also in the active service on April 6, 1917, or for a disability incurred subsequent to July 2, 1921, where such disability would also have been compensable on March 19, 1933, under the General Law (act of July 14, 1862), by awarding, effective July 1, 1936, 75 percent of the rate payable under the General Law where that benefit is greater than the amount payable under Public No. 2, 73d Congress. In this class of cases, a claim for compensation under the War Risk Insurance Act will be accepted for the purpose of awarding the benefits under Public No. 788, 74th Congress, as a claim for compensation under the General Law, and such claims will be forwarded to the chief, veterans claims division, Veterans Benefits Office, Washington 25, D. C.

(49 Stat. 1910; 38 U. S. C. 703a)

45. The cross reference immediately preceding § 3.1117 is deleted.

46. Section 3.1126 *Application of act of June 2, 1930* is revoked.

47. The cross references immediately preceding § 3.1135 are deleted.

48. In § 3.1135, paragraphs (a) and (b) are amended to read as follows:

§ 3.1135 *Section 30, Public No. 141, 73d Congress; Public No. 269 74th Congress; Indian Wars; Civil War; and peacetime prior to April 21, 1898.* (a) The act of December 21, 1893, requiring due notice of not less than 30 days of the decision to annul, vacate, modify, or set aside an award of pension on the basis of evidence in file when the original determination was made, was reenacted by section 30 of Public No. 141, 73d Congress, and Public No. 269, 74th Congress, and is for application to pension payable pursuant to section 30, Public No. 141, 73d Congress, and Public No. 269, 74th Congress, as well as pension payable for service prior to April 21, 1898.

(b) The act of December 21, 1893, does not apply where the claimant is shown to be without entitlement to pension before the delivery of the initial check in payment under the award, nor to suspensions, reductions, or terminations which would normally be effected upon the happening of a contingency which in itself under existing law affects or terminates pension rights, such as death, reentry into the active military or naval service, remarriage of a widow or mother, forfeiture (including O. N. A. C.), admission into a Veterans Administration hospital or center, nor to temporary suspensions to guardians or others in connection with any guardianship action.

49. The cross references immediately preceding § 3.1140 are deleted.

50. In § 3.1140, the parenthetical phrase following the headnote is deleted, so that the headnote reads as follows:

§ 3.1140 *Restoration and renewal.* • • •

51. The cross reference immediately preceding § 3.1141 is deleted.

52. Section 3.1141 is revised to read as follows:

§ 3.1141 *Fiduciary awards.* The pension due or becoming due any person who is a patient at St. Elizabeths Hospital will be paid to a guardian of such person in accordance with the general practice applicable to the appointment and recognition of guardians. The pension payable under section 1, Public Law 662, 79th Congress, to a veteran who has no wife, child, or dependent parents, and who is a patient at St. Elizabeths Hospital, will be paid through means of an institutional award if there be no guardian, following § 3.276. Pension payable

to dependents of veterans who are patients at St. Elizabeths Hospital will be paid only to a guardian or conservator of such dependent, except that awards now being paid to the superintendent thereof will be continued while such dependent remains a patient.

(Sec. 21, 43 Stat. 613, as amended, sec. 1, 60 Stat. 908, as amended; 38 U. S. C. 450, 739)

53. The cross references immediately preceding and following § 3.1145 are deleted.

54. The cross references immediately preceding § 3.1163 are deleted.

55. The following sections are revoked:

§ 3.1163 *Public No. 2, 73d Congress.* [Revoked.]

§ 3.1164 *Section 30, Public No. 141, 73d Congress, and Veterans Regulation 1 (f) (38 U. S. C. ch. 12).* [Revoked.]

§ 3.1166 *Economy reductions.* [Revoked.]

56. The cross references immediately preceding § 3.1171 are deleted.

57. All of the cross references following § 3.1171 to the end of Part 3 are deleted.

58. Section 3.1221 is revised to read as follows:

§ 3.1221 *Public Law 262, 77th Congress (act of September 26, 1941).* Retirement pay under this act may not be apportioned unless the veteran is being furnished hospital treatment, institutional or domiciliary care by the United States or any political subdivision thereof (section 1 (c), Public Law 662, 79th Congress). (See § 3.317.)

(Sec. 2, 55 Stat. 734, sec. 1, 60 Stat. 908, as amended; 38 U. S. C. 12, 739)

59. The centerheads "Appeals" and "Emergency Officers Retirement Claims" immediately preceding the Provisional Regulations are deleted.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective November 16, 1954.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 54–8936; Filed, Nov. 15, 1954; 8:45 a. m.]

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, §§ 6.47, 6.48, and 6.51 are revised to read as follows:

§ 6.47 *To a policy at a higher rate of premium as of original effective date.* A United States Government life insurance policy on any plan of insurance may be exchanged for a policy of the same amount, bearing the same date, and based on the same age, on any plan of insurance issued by the Veterans' Administration at a higher rate of premium, upon payment of the difference between the reserve on the new policy and the reserve on the old policy. Such exchange will be made without medical examination and upon complete surrender of the insurance while in force.

§ 6.48 *To a policy at a lower rate of premium as of original effective date.* A United States Government life insurance policy may be exchanged within 5 years from the effective date for a policy of the same amount, bearing the same date and based on the same age, on any plan of insurance issued by the Veterans' Administration at a lower rate of premium, except the 5-year level premium term policy: *Provided*, the applicant is in good health and so states in his application and submits a report of a complete medical examination and such other evidence relative to his physical and mental condition as may be required by the Administrator of Veterans Affairs and on such forms as the Administrator of Veterans Affairs may prescribe. The old insurance must be in force under premium-paying conditions and must be surrendered with all rights and claims thereunder. The difference between the reserve on the old policy and the reserve on the new policy, less any indebtedness, may be used to cover payment of future premiums or withdrawn in cash at the option of the insured. If the old policy has been in force for less than 12 months, the difference in reserve may be used only for the purpose of paying future premiums on the insurance and such premiums shall not be subject to withdrawal by the insured.

§ 6.51 *To a policy at a higher rate of premium as of a current effective date.* A United States Government life insurance policy on the 5-year convertible term plan or the 5-year level premium term plan may be exchanged for a policy of the same amount on any plan of insurance issued by the Veterans' Administration at a higher rate of premium, upon payment of the current monthly premium at the attained age of the insured for the plan of insurance selected: *Provided*, That where premium waiver on United States Government life insurance is effective under section 622 of the National Service Life Insurance Act, as amended, that portion of the current monthly premium at the attained age of the insured for the plan of insurance selected which is not required for the pure insurance risk must be paid. The reserve (if any) on the policy will be allowed as a credit on the current monthly premium. Such exchange will be made without medical examination upon complete surrender of the insurance while in force and within 5 years from the effective date of the policy.

(Sec. 10, 65 Stat. 36; 38 U. S. C. 823)

2. Sections 6.110 and 6.111 are revised to read as follows:

§ 6.110 *Provision for paid-up insurance.* If a United States Government life insurance policy has not been surrendered for cash, upon default in the payment of any premium due after the expiration of the first policy year, and upon written request of the insured and complete surrender of the insurance with all claims thereunder within 3 calendar months after the due date of the premium, the United States will issue paid-up insurance for such amount as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the paid-up insurance becomes effective. The paid-up insurance shall be with right to dividends and with right to total permanent disability benefits. The number of monthly installments payable upon due proof of total permanent disability or death of the insured under such paid-up insurance will be the same as would then be payable under the policy. The insured may at any time surrender the paid-up policy for its cash value or obtain a loan on such paid-up insurance.

§ 6.111 *Paid-up insurance in case of total permanent disability.* If one or more monthly installments be paid on account of total permanent disability incurred under a paid-up insurance, then there shall be paid to the beneficiary upon the surrender of insurance at the death of the insured the remaining unpaid installments (240, less the number paid). If an optional settlement has been selected, payments shall be made accordingly.

3. Section 6.186 is revised to read as follows:

§ 6.186 *Surrender of permanent plan policies of United States Government life insurance, in force for less than one year, under the provisions of section 5, Servicemen's Indemnity Act of 1951.* A permanent plan policy of United States Government life insurance in force for less than 1 year by payment or waiver of premiums shall not have a cash value. Such a policy which is not lapsed may be surrendered by the insured while in active service, with right of replacement, pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951, upon written request therefor and upon complete surrender of the insurance with all claims thereunder: *Provided*, That such surrender shall be effective as of the date written request therefor is delivered to the Veterans' Administration. If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery; if forwarded through military channels, the date the request is placed in military channels will be taken as the day of delivery.

(Sec. 5, 65 Stat. 35; 38 U. S. C. 854)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, 65 Stat. 35; 38 U. S. C. 11a, 426, 707, 855. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

4. In Part 8, § 8.30 is revised to read as follows:

§ 8.30 *Provisions for paid-up insurance; other than 5-year level premium term policies.* If a National Service life insurance policy on any plan other than 5-year level premium term has not been surrendered for cash, upon written request of the insured and complete surrender of the insurance with all claims thereunder, after the expiration of the first policy year and while the policy is in force under premium-paying conditions, the United States will issue paid-up insurance for such amount as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the paid-up insurance becomes effective. Such paid-up insurance will be effective as of the expiration of the period for which premiums have been paid and earned; and, any premiums paid in advance for months subsequent to that in which the application for paid-up insurance is made shall be refunded to the insured. The paid-up insurance shall be with right to dividends, except insurance issued or reinstated under the provisions of section 602 (c) (2) of the National Service Life Insurance Act of 1940, as amended, where the requirements of good health have been waived, and insurance issued under the provisions of section 620 of the National Service Life Insurance Act, as amended. The insured may at any time surrender the paid-up policy for its cash value or obtain a loan on such paid-up insurance.

(Sec. 10, 65 Stat. 36; 38 U. S. C. 821)

5. Sections 8.33, 8.34, 8.35, and 8.36 are revised to read as follows:

§ 8.33 *Exchange of a 5-year level premium term policy as of a current effective date.* National Service life insurance on the level premium term plan, other than nonconvertible 5-year level premium term insurance issued under the provisions of section 621 of the National Service Life Insurance Act, as amended, which is in force may be exchanged, effective as of the date any premium becomes due within the term period, for insurance of the same amount, on any other plan, on the same reserve basis, issued by the Veterans' Administration under the National Service Life Insurance Act of 1940, as amended, upon payment by the insured (except where premium waiver under section 602 (n) of the act, as amended, is effective) of the current monthly premium at the attained age of the insured for the plan of insurance selected: *Provided*, That where premium waiver is effective under section 622 of the National Service Life Insurance Act, as amended, that portion of the current monthly premium at the attained age of the insured for the plan of insurance selected which is not required for the pure insurance risk must be paid. The reserve (if any) on the policy will be allowed as a credit on the current monthly premium except where premium waiver is effective: *Provided*, That conversion to an endowment plan may not be made while the insured is totally disabled. The exchange will be made without medical examination, except when deemed necessary to determine whether an applicant for exchange to an endowment plan is totally disabled, and upon complete surrender of the insurance while in force by payment or waiver of premiums.

§ 8.34 *Exchange of a level premium term policy as of a date prior to the current month.* National Service life insurance on the level premium term plan, other than nonconvertible 5-year level premium term insurance issued under the provisions of section 621 of the National Service Life Insurance Act, as amended, which is in force may be exchanged, effective as of the date any premium has become due within the term period, for insurance of the same amount, on any other plan, on the same reserve basis, issued by the Veterans' Administration under the National Service Life Insurance Act of 1940, as amended, upon payment by the insured of the difference between the reserve on the new policy and the reserve on the old policy and payment by the insured (except where premium waiver under section 602 (n) of the act, as amended, is effective) of the current monthly premium at the attained age of the insured as of the effective date of the new policy: *Provided*, That where premium waiver is effective under section 622 of the National Service Life Insurance Act, as amended, the required reserve on the new policy must be paid together with that portion of the current monthly premium at the attained age of the insured as of the effective date of the new policy which is not required for pure insurance risk: *Provided further*, That conversion to an endowment plan may not be made while the insured is totally disabled. The exchange will be made without medical examination, except when deemed necessary to determine whether an applicant for exchange to an endowment plan is totally disabled, and upon complete surrender of the insurance while in force by payment or waiver of premiums.

(Sec. 10, 65 Stat. 36; 38 U. S. C. 823)

§ 8.35 *Exchange to a policy bearing the same effective date and having a higher reserve value.* If the insured be not totally disabled, National Service life insurance on any plan other than 5-year level premium term may be changed to insurance of the same amount, as of the same date, and based on the same age, on any plan of insurance on the same reserve basis, issued by the Veterans' Administration under the National Service Life Insurance Act of 1940, as amended, having a higher reserve value, upon payment by the insured of the difference between the reserve on the new policy and the reserve on the old policy. Such exchange will be made without medical examination, except when deemed necessary to determine whether the insured be totally disabled, and upon complete surrender of the insurance while in force by payment of premiums.

§ 8.36 *Exchange to a policy bearing the same effective date and having a lower reserve value.* National Service life insurance may be exchanged for insurance of the same amount, bearing the same date, and based on the same age, on any plan of insurance on the same reserve basis, issued by the Veterans' Administration having a lower reserve value except to the 5-year level premium term plan: *Provided*, the applicant is in good health at the time of application and furnishes evidence thereof satisfactory to the Administrator upon such forms as the Administrator shall prescribe, or otherwise as he shall require. The old insurance must be in force under premium-paying conditions and must be surrendered with all rights and claims thereunder. The difference between the reserve on the old policy and the reserve on the new policy, less any indebtedness, may be used to cover payment of future premiums or withdrawn in cash at the option of the insured. If the old policy has been in force for less than 12 months, the difference in reserve may be used only for the purpose of paying future premiums on the insurance, and such premiums shall not be subject to withdrawal by the insured prior to the expiration of the first policy year.

6. Section 8.114 is revised to read as follows:

§ 8.114 *Surrender of permanent plan policies of National Service life insurance, in force for less than one year, under the provisions of section 5, Servicemen's Indemnity Act of 1951.* A permanent plan policy of National Service life insurance in force for less than 1 year by payment or waiver of premiums shall not have a cash value. Such a policy which is not lapsed may be surrendered by the insured while in active service, with right of replacement, pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951, upon written request therefor and upon complete surrender of the insurance with all claims thereunder: *Provided*, That such surrender shall be effective as of the date written request therefor is delivered to the Veterans' Administration. If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery; if forwarded through military channels, the date the request is placed in military channels will be taken as the day of delivery.

(Sec. 5, 65 Stat. 35; 38 U. S. C. 854)

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interpret or apply sec. 602, 54 Stat. 1009, as amended, 38 U. S. C. 802)

This regulation is effective November 16, 1954.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 54-8935; Filed, Nov. 15, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 114]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. When an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless proper authorization has been received from the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name; description of facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—), side of course, distance from course; (outbound and inbound) altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance; facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility with landing specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
GREENVILLE, S. C. Greenville, 1,049'. SHARLZ-GRL. Procedure No. 1 Amendment No. 7 Effective December 24, 1954. Supersedes amendment No. 6 dated December 5, 1951. Major changes: raises DC—3 circling minima; lowers procedure turn altitude, and alters over runway missed approach procedure. Lowers straight-in ceilings for 75 and 4-engine aircraft.	Reedy Intersection	092—8.0	2,300	W side S course: 170° outbound. 350° inbound. 2,900' within 10 miles. 092° inbound. 2,100' within 10 miles.	2,300	002—1.7	2 engines or less: T—1in 300—1 C—1in 500—1 S—36 500—1½ d 400—1 n 400—1½ More than 2 engines: T—1in 300—1 C—1in 500—1½ S—36 d 400—1½ n All aircraft: A—1in 800—2	2 engines or less: 300—1 500—1 500—1½ 400—1 800—2 More than 3 engines: 300—1½ 500—1½ 400—1 800—2	2 engines or less: 500—1 500—1 400—1 800—2 More than 3 engines: 500—1½ 500—1½ 400—1 800—2	Climb to 3,200' on N course LFR within 10 miles turn right and return to LFR. CAUTION: 1,340' mean sea level tower 4.5 miles W LFR.
HUTCHINSON, KANS. Hutchinson, 1,527'. SHARLZ-VHT-HUT. Procedure No. 1 Effective date: December 24, 1954. Amendment No. 9. Supersedes No. 8. Dated July 1, 1954. Major changes: Missed approach altitude lowered to 3,000' to provide cardinal altitudes for holding.	Hutchinson VOR	062—4.0	2,800	W side S course: 170° outbound. 350° inbound. 2,800' within 10 miles. 062° inbound. 2,300' within 10 miles.	2,800	356—13.0	2 engines or less: 300—1 C—1in 500—1 S—1in 35 400—1 A—1in 800—2	2 engines or less: 300—1 500—1 400—1 800—2 More than 3 engines: 300—1½ 500—1½ 400—1 800—2	2 engines or less: 500—1 500—1 400—1 800—2 More than 3 engines: 500—1½ 500—1½ 400—1 800—2	Within 3.1 miles, climb to 3,000' on N course to within 25 miles, or alternate missed approach when directed by ATC turn left and climb to 3,000' on W course HUT-LFR within 25 miles. CAUTION: 2,340' TV tower located 4.6 miles ESE of airport. Aircraft taking off to N, S, NE, or SE, climb to 2,900' prior to proceeding toward ITV tower. *Minimum altitude necessary to circle the airport on the W side to effect a landing.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SOUTH BEND, IND. St. Joseph County, 778'. SBMRAZ-VDT-SBN. Procedure No. 1. Effective date: December 24, 1954. Amendment No. 5. Supersedes No. 4. Dated October 28, 1953. Major changes: None—MEA all directions deleted. Distance corrected from VOR and Item 5 revised to 10 miles.	New Carlisle FM (final)	096—10	1,500	N side W course: 276° outbound. 096° inbound. 2,000' within 10 miles.	1,500	075—3.3	2 engines or less T-dn C-dn S-dn 9 or 6 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	Within 3.3 miles, climb to 2,000' on E course SBN-LFR, or if directed by ATC, make left climbing turn, climb to 2,000' on N course SBN-LFR.
	South Bend VOR	211—7	2,000				More than 2 engines T-dn C-dn S-dn 9 or 6 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 500-1 800-2	

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedur authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular are or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SOUTH BEND, IND. St. Joseph County, 775'. BVOR-VDT-SBN. Procedure No. 1. Effective date, December 24, 1954. Amendment No. 3. Supersedes No. 2. Dated October 28, 1953. Major changes: Item 5 altitude raised to 2,100' due to 1,100' mean sea level tower 4 miles W of Buchanan, Mich. Minor revision: Courses and distances.	Goshen LFR	305—29.0	2,200	W side of course: 360° outbound. 180° inbound. 2,100' within 10 miles.	1,400	180—4.0	2 engines or less T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	Within 4 miles, make right climbing turn, climb to 1,900' and return to SBN-VOR or when directed by ATC, climb to 2,000' on course of 180° from SBN-VOR within 25 miles of SBN-VOR.
	South Bend LFR	031— 7.0	2,000				More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200-½ 500-1½ 800-2	
	Union Intersection	266—25.0	2,000							
	North Liberty intersection	012—17.0	2,000							
	Intersection W course SBN LFR and 253° radial SBN-VOR.	073—14.0	1,900							
	Intersection N course SBN LFR and 350° radial SBN-VOR.	170—14.0	1,900							

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
GREENVILLE, S. C. Greenville, 1,049'. ILS—IGRL. LOM-GR. ILS and ADF combination. Procedure No. 1. Amendment No. 1. December 24, 1954. Major changes: Increase procedure turn altitude. Lower altitude over LOM (final). Raise DC-3 circling minima. Missed approach procedure revised. Lower night ILS visibility. Supersedes Amendment original dated April 24, 1953.	Greenville LFR	LOM	180—2.5	2,300	W side S course: 181° outbound. 001° inbound. 2,100' within 10 miles.	No glide slope ILS 1,600 over LOM ADF 1,600 over LOM	4.2	0.7	2 engines or less T-dn C-d C-n S-36 ILS dn ADF d ADF n	300-1 500-1 500-1½ 400-¾ 400-1 400-1½	300-1 500-1 500-1½ 400-¾ 400-1 400-1½	Climb to 3,200' on N course Lezr, within 10 miles turn right and return to LOM, 4.2 miles after passing LOM (ADF) climb to 3,200' on course of 001° within 10 miles turn right and return to LOM.
									More than 2 engines T-dn C-dn S-36 ILS dn ADF dn	---------- ---------- ---------- ----------	200-½ 500-1½ 400-¾ 400-1½	
									All aircraft A-dn ILS ADF	---------- ----------	600-2 800-2	
PHILADELPHIA, PA. International, 10'. ILS-PHL. LOM-PH. Combination ILS-ADF. Procedure No. 1. Effective date: November 26, 1954. Amendment No. 6. Supersedes Amendment No. 5 dated November 26, 1954. Major changes: Adds ILS minimums applicable with glide slope inoperative.	Boothwyn FM (final)	LOM	085—7	1,500 (ILS) 900 (ADF)	S side W course: 265° outbound. 085° inbound. 1,500' within 10 miles of LOM.	ILS 1,500 ADF 900 over LOM	1,500—5.3	230—0.7	2 engines or less T-dn C-dn *ILS ADF	300-1 400-1 500-1	300-1 500-1 500-1	Within 5.3 miles after passing LOM (ADF) climb to 2,500' on NE course of Philadelphia LFR to Mt. Holly Intersection. Alternate missed approach procedure (when requested by ATC) make a right climbing turn, proceed to Elmer Intersection at 1,500'. *500-1 required with glide slope inoperative.
	Philadelphia LFR	LOM	251—2.8	1,500					S-dn 9 *ILS ADF A-dn ILS ADF	200-½ 500-1 600-2 800-2	200-½ 500-1 600-2 800-2	
									More than 2 engines T-dn C-dn S-dn 9 *ILS ADF A-dn ILS ADF	---------- ---------- ---------- ---------- ---------- ----------	200-½ 500-1½ 200-½ 500-1 600-2 800-2	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-8895; Filed, Nov. 15, 1954; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

SUBPART—REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR THE 1955 CROP

Sec.
721.610 Basis and purpose.
721.611 Definitions.
721.612 Extent of calculations and rule of fractions.
721.613 Instructions and forms.
721.614 Method of apportioning county allotments.
721.615 Report of data for old farms.
721.616 Determination of base acreages for old farms.
721.617 Determination of base acreages for new farms.
721.618 Determination of acreage allotments for all farms.
721.619 Supervision, review and approval by the State committee.
721.620 Farms divided or combined.
721.621 Right to appeal.
721.622 Applicability of §§ 721.610 to 721.622.

AUTHORITY: §§ 721.610 to 721.622 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 329, 52 Stat. 38, 52, 7 U. S. C. 1301, 1329.

§ 721.610 *Basis and purpose.* The regulations contained in §§ 721.610 to 721.622 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1955 farm acreage allotments for corn. The purpose of the regulations in §§ 721.610 to 721.622 is to provide the procedure for allocating the county corn acreage allotment among farms.

§ 721.611 *Definitions.* As used in the regulations in this part and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them.

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(c) "Director" means the Director of the Grain Division, Commodity Stabilization Service, U. S. Department of Agriculture.

(d) Committees: (1) "Community committee" means the persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons designated by the Secretary as the Agricultural Stabilization and Conservation State committee.

(e) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(f) "Cropland" means farmland which in 1954 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute if tillage is continued a wind erosion hazard to the community.

(g) "Cropland well suited to corn" means that acreage of cropland on the farm which is determined by the county committee in accordance with generally accepted local standards to be well suited to the production of corn, considering topography, type of soil, drainage, erosion hazards, and other factors which would affect the production of corn.

(h) "Acreage indicated by cropland, soil type, and topography" means the number of acres computed by multiplying the cropland well suited to corn for a farm by the ratio of historical corn acreage determined for a community or county pursuant to § 721.616 (a) to cropland well suited to corn for the community or county. County ratio determinations will be made subject to approval of the State committee.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "New farm" means a farm on which corn will be planted in 1955 for the first time since 1951.

(l) "Old farm" means a farm on which corn was planted in one or more of the three years 1952 through 1954.

(m) "Corn acreage" means the number of acres of land on which field corn is planted alone or interplanted with other crops, including sweet corn which is produced for feed or silage: *Provided*, That the acreage of corn planted in excess of the acreage allotment for the farm shall be regarded as corn acreage if and only if such corn (1) is harvested, (2) is left standing in the field on a date to be established by the county committee, such date to be approximately 15 days prior to the beginning of the harvest of corn for grain in the county, or (3) is used as seed, feed, fodder, or silage, or sold (including involuntary sales), bartered, exchanged, or donated.

(n) Corn allotments:

(1) "County allotment" means the corn acreage allotment apportioned to the county as its share of the 1955 acreage allotment for the commercial corn-producing area as determined on the basis of the acreage planted to corn during the five calendar years, 1950–54 (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period, and for the promotion of soil-conservation practices.

(2) "Farm allotment" means the corn acreage allotment determined for a farm as its share of the 1955 county allotment.

(o) "Commercial corn-producing area" means the area designated by the Secretary pursuant to section 301 (b) (4) of the act, and includes all counties in which the average production of corn (excluding corn used for silage) during the ten calendar years, 1945–54, after adjustment for abnormal weather conditions, is 450 bushels or more per farm and 4 bushels or more for each acre of farmland in the county, and also includes any county bordering on such commercial corn-producing area which the Secretary finds is likely to produce 450 bushels or more per farm and 4 bushels or more for each acre of farmland in 1955, or in which there is a minor civil division which the Secretary finds is likely to produce 450 bushels or more per farm and 4 bushels or more for each acre of farmland in 1955.

§ 721.612 *Extent of calculations and rule of fractions.* All acreage determinations shall be rounded to whole acres. Fractional acres of fifty-one hundredths of an acre or more shall be rounded upward, and fractional acres of less than fifty-one hundredths of an acre shall be dropped.

§ 721.613 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 721.614 *Method of apportioning county allotments.* The county acreage allotment shall be apportioned to farms in the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography.

§ 721.615 *Report of data for old corn farms.* The owner, operator, or any other interested person shall furnish the following information regarding the farm in which he has an interest to the county ASC office of the county in which the farm is regarded as located if corn was planted on the farm in 1952, 1953, or 1954.

(a) The names and addresses of the owner and operator.

(b) The total acreage of all land.

(c) The acreage of cropland.

(d) The acreage of corn planted in the years 1951, 1952, 1953, and 1954.

(e) The acreage of other crops and land uses.

(f) Other pertinent information requested by the county ASC office relative to operations of the farm.

§ 721.616 *Determination of base acreages for old farms.* To reflect the factors of tillable acres, crop-rotation practices, type of soil, and topography, the county committee shall determine for each farm on which there was corn acreage for any one of the years 1952, 1953, and 1954, a base acreage of corn as follows:

(a) *Historical average acreage.* There shall first be established for each farm a historical average corn acreage which shall be the average of the acreages planted to corn for 1951, 1952, and 1953.

(b) *Adjusted average acreage.* The county committee shall adjust the historical average corn acreage for any farm by eliminating from the period of years used in determining the historical average acreage the acreage planted to corn in any year or years for which it definitely finds that the corn acreage was not representative of the acreage which normally would have been planted under the established crop-rotation system on the farm taking into consideration the 1954 corn acreage (planted plus diverted) because such acreage was:

(1) Abnormally low due to excessive wet weather or flood.

(2) Abnormally low due to drought.

(3) Abnormally high because of weather conditions which caused failure of crops other than corn or which prevented the planting of crops other than corn.

(4) No longer representative because of a change in operations which results in substantial change in the established crop-rotation system for the farm.

(5) Not representative for 1955 because of a definitely established crop-rotation system being carried out on the farm.

When one or more of the years are eliminated in accordance with the provisions of subparagraphs (1) through (5) of this paragraph, the average of the years not so eliminated shall be considered as the adjusted average acreage. If all three years are eliminated the adjusted average acreage shall be zero.

(c) *Further adjustments.* The historical average acreage or the adjusted average acreage, as the case may be, may be further adjusted so as to make such acreage comparable with those acreages for other farms which are similar with respect to the type of farming operation and to the factors of tillable acreage, topography, and type of soil within the following limitations:

(1) If such acreage is unusually low, the historical average acreage or the adjusted average acreage, as the case may be, may be adjusted upward by not more than 20 percent, but not above the acreage indicated by cropland, soil type, and topography, except as provided in subparagraph (2) of this paragraph.

(2) If the adjusted average acreage under paragraph (b) of this section is zero, the adjusted average may be adjusted upward, but not above the acreage indicated by cropland, soil type, and topography.

(3) If such acreage is excessively high, it may be adjusted downward by not more than 25 percent, but not below the acreage indicated by cropland, soil type, and topography.

(d) *Base acreage.* (1) The base acreage for an old farm shall be the historical acreage determined under paragraph (a) as adjusted under paragraphs (b) and (c) of this section.

(2) A zero base acreage shall be established for a farm pursuant to this section only if the committee determines that corn will not be planted in 1955 under the crop-rotation system for the farm.

§ 721.617 *Determination of base acreages for new farms.* (a) The county committee shall determine a base acreage for use in establishing a corn acreage allotment for each eligible farm on which corn was not planted in any of the years 1952, 1953, and 1954 but for which a corn acreage allotment is requested for 1955 not later than January 15, 1955, or such earlier date established by the State committee as affording reasonable opportunity for requesting such an allotment. Each request for such an allotment shall include the following information:

(1) The acreage of all land and total cropland on the farm for which an allotment is requested.

(2) The acreage of cropland well suited to corn.

(3) The name and address of the farm owner and, if known, the name and address of the 1955 operator.

(4) Location and description of the farm.

(5) Identification and location of any other farm in which the operator will have an interest in 1955.

(6) Acreage of corn in which the operator had an interest in 1952, 1953, and 1954, and identification and location of land on which such corn was planted.

(7) Corn acreage which would be planted in 1955 under the rotation system planned for the farm.

(8) Reason for requesting a 1955 corn acreage allotment.

(9) Reason for not planting corn on the farm in 1952, 1953, and 1954.

(b) Eligibility for a new farm allotment shall be conditioned upon the following:

(1) The land for which an allotment is requested is well suited for the production of corn, and

(2) The operator is largely dependent for his livelihood on his farming operations, and

(3) The producer establishes to the satisfaction of the county committee that:

(i) The system of farming has changed or is changing to the extent that corn will be included in such system for 1955; or

(ii) The established crop-rotation system followed on the farm will include corn for 1955.

In determining the base acreage for a new farm, the county committee shall take into consideration tillable acres, type of soil, topography, the farming system to be followed by the operator, the extent to which the operator is dependent for his livelihood on his farming operations, and the information required of the applicant in his request for an allotment: *Provided*, That the base acreage determined for a new farm shall not exceed the indicated acreage which would be planted in 1955 under the rotation system planned for the farm, or the acreage indicated by cropland, soil type, and topography.

§ 721.618 *Determination of acreage allotments for all farms.* The 1955 county acreage allotment, after deduction of an appropriate reserve for appeals, correction of errors, and missed farms as determined by the county committee, shall be apportioned pro rata among the farms within the county by the county committee on the basis of the base acreages determined under §§ 721.616 and 721.617.

§ 721.619 *Supervision, review, and approval by the State committee.* The State committee shall be responsible for the work of the county committee in the apportionment of the county corn acreage allotments to farms, the review of all allotments, reserves, and the correction of any improper determinations made under the regulations in this part. All acreage allotments shall be approved by or on behalf of the State committee and no official notice of an acreage allotment shall be mailed until such allotment has been approved by or on behalf of the State committee.

§ 721.620 *Farms divided or combined.* (a) The 1955 corn acreage allotment determined for a farm shall, if there is a division, be apportioned to each part on the basis of the acreage of cropland on each part, except that, if the county committee determines that this method would result in allotments not representative of the farming operations normally carried out on each part, an allotment may be determined for each part in the same manner as would have been done if such part had been a completely separate farm: *Provided*, That the sum of the allotments thus determined for each part shall not exceed the allotment originally determined for the entire farm which is being divided.

(b) If two or more farms for which the 1955 corn acreage allotments are determined will be combined and operated as single farm in 1955, the 1955 allotment shall be the sum of the allotments determined for each of the farms comprising the combination.

§ 721.621 *Right to appeal.* Any owner, operator, landlord, tenant, or sharecropper who is dissatisfied with the acreage allotment for his farm may file an appeal for reconsideration of the allotment for his farm. The request for appeal and facts constituting a basis for such consideration must be submitted in writing and postmarked or delivered to the county committee within 15 days after the date of mailing the notice of allotment. If the applicant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within 15 days after the date of mailing of the notice of the decision of the county committee. If the applicant is dissatisfied with the decision of the State committee, he may, within 15 days after the date of mailing of the notice of the decision of the State committee, appeal to the Director, whose decision shall be final.

§ 721.622 *Applicability of §§ 721.610 and 721.622.* Sections 721.610 to 721.622 shall govern the establishment of the farm acreage allotments for the 1955 crop of corn for use in connection with farm price support programs. The regulations are contingent upon the proclamation of an acreage allotment of corn for 1955 in the commercial corn-producing area by the Secretary pursuant to section 328 of the Agricultural Adjustment Act of 1938, as amended.

NOTE: The reporting requirements contained herein have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of Budget in accordance with Federal Reports Act of 1942.

Done at Washington, D. C., this 10th day of November 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-9007; Filed, Nov. 15, 1954; 8:58 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

CHANGES IN SALABLE AND SURPLUS PERCENTAGES

Pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR, 1953 Rev., Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and upon the basis of the recommendation and information submitted by the Almond Control Board and other available information the salable and surplus percentages of almonds for the crop year beginning July 1, 1954, are changed as set forth below.

The Board at its meeting in Sacramento, California, on October 29, 1954 reviewed its estimates of almond supply and demand factors for the 1954–55 crop year and upon the basis of its revised estimates of 1954 crop production and imports recommended that the salable percentage for almonds be increased to 75 percent from the 70 percent presently in effect (19 F. R. 5574) and that a corresponding change be made in the surplus percentage, i. e., reducing it to 25 percent from the 30 percent currently in effect. The presently effective salable and surplus percentages were based on an estimated production of 50,550,000 pounds of almonds, edible kernel weight basis, and estimated imports of 3 million pounds for the 1954–55 crop year. The Board has reduced its estimate of the 1954 crop to 45 million pounds, and has increased its estimate of imports to 5 million pounds, making a net decrease of 3 million pounds in the estimated quantity of almonds available for the domestic market. The Board's revised estimate of production is believed to be reasonably accurate in view of the fact that most of the 1954 crop has been received and much of it has already been shelled by handlers. The Board's revised estimate of imports is based on the free fee-quota of 5,000,000 pounds announced by the President on October 11, 1954, pursuant to section 22 of the Agricultural Adjustment Act, as amended, for the year beginning October 1, 1954.

On the basis of information available to the Department a salable percentage of 75 percent for domestic almonds for the crop year beginning July 1, 1954, will be required to make sufficient almonds available to satisfy trade demand and provide an adequate quantity to be carried over by handlers at the end of the 1954–55 crop year.

It is hereby found and determined that the changed percentages provided herein will tend to effectuate the declared policy of the act.

Therefore, such administrative rule is changed to read as follows:

§ 909.204 *Salable and surplus percentages for the crop year beginning July 1, 1954.* The salable and surplus percentages during the crop year beginning July 1, 1954 applicable to almonds, edible kernel weight basis, received by handlers for their own accounts, shall be 75 percent and 25 percent, respectively.

It is hereby found and determined that it is unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or to postpone the effective date of this order later than the date of its publication in the FEDERAL REGISTER since the effect of this action is to relieve restrictions upon handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington this 10th of November 1954 to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 54-9005; Filed, Nov. 15, 1954; 8:57 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5405]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FRED SCHAMBACH

Subpart—*Using, selling, or supplying lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, or other lottery devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 5 U. S. C. 45) [Modified cease and desist order, Fred Schambach, New York, N. Y., Docket 5405, Oct. 11, 1954]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence, and the recommended decision of the hearing examiner; and the Commission having made its findings as to the facts, concluded that respondent had violated the provisions of the Federal Trade Commission Act, and on September 30, 1953, issued an order to cease and desist against said respondent and his agents, representatives and employees; and

Respondent thereafter having filed in the United States Court of Appeals for the District of Columbia Circuit his petition to review and set aside said order to cease and desist; and that Court having considered the cause, on September 15, 1953, and October 9, 1953, and entered orders modifying said Commission's order and affirming and enforcing the Commission's order as so modified; and

The Commission being of the opinion that subparagraph number "1" of the order and the preamble, insofar as applicable thereto, should be modified so as to accord with the judgment of the United States Court of Appeals for the District of Columbia Circuit, the same is hereby modified to read as follows:

It is ordered, That respondent, Fred Schambach, his agents, representatives and employees, directly or through any corporate or any other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That respondent Fred Schambach, an individual, shall, within thirty (30) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order of September 30, 1952, as modified herein.

Issued: October 11, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-8958; Filed, Nov. 15, 1954; 8:50 a. m.]

[Docket 6193]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EDWARD L. MILLEN CO.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods;* § 3.70 *Fictitious or misleading guarantees;* § 3.170 *Qualities or properties of product or service.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1980 *Guarantee, in general.* In connection with the offering for sale, sale, or distribution in commerce of the products designated "Cedar Wall" and "Cedar Wall with DDT" or any other product or products of substantially similar composition or possessing substantially similar properties, whether sold under these names or under any other name or names, representing, directly or by implication: (1) That the product designated "Cedar Wall" contains DDT; (2) that said products repel moths or prevent damage by moths; (3) that the product designated "Cedar Wall with DDT" repels carpet beetles, resists moths or carpet beetles or prevents damage to clothes or fabrics by moths; and (4) that "Cedar Wall" is fully guaranteed unless such guarantee is unconditional, or that said product is guaranteed in any way unless the terms and conditions of the actual guarantee are disclosed in immediate conjunction therewith; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 5 U. S. C. 45) [Cease and desist order, Edward L. Millen Company, Brookline, Mass., Docket 6193, Oct. 5, 1954]

In the Matter of Edward L. Millen, an Individual Doing Business as Edward L. Millen Company

This proceeding was heard by Loren H. Laughlin, hearing examiner, upon the complaint of the Commission, which charged respondent with unfair methods of competition and unfair and deceptive acts and practices in commerce in the furnishing of certain false and misleading display advertising to his dealers for use in the sale of respondent's "Cedar Wall" and "Cedar Wall with DDT"; and upon respondent's "admission" answer in which, pursuant to Rule VIII of the Commission's rules of practice, he admitted all the material allegations of the complaint and without reservation waived all intervening procedures in further proceedings as to the facts there alleged.

Thereafter said hearing examiner, theretofore duly designated by the Commission to act in said matter in the place of Hearing Examiner Frank Hier, theretofore appointed by the Commission for such purpose, made his initial decision, in which, reciting the foregoing, he set forth his findings that respondent had been fully afforded due process of law in all particulars, and that the proceeding was substantially in the public interest, and in which, upon the whole record, including the material facts alleged in the complaint and admitted in the answer, he made certain findings of fact[1] and conclusions of law with respect thereto,[1] along with an order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 5, 1954.

Said order is as follows:

It is ordered, That Edward L. Millen, an individual doing business as Edward L. Millen Company, or doing business under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the products designated "Cedar Wall" and "Cedar Wall with DDT" or any other product or products of substantially similar composition or possessing substantially similar properties, whether sold under these names or under any other name or names, forthwith cease and desist from representing directly or by implication:

(1) That the product designated "Cedar Wall" contains DDT.

(2) That said products repel moths or prevent damage by moths.

(3) That the product designated "Cedar Wall with DDT" repels carpet beetles, resists moths or carpet beetles or prevents damage to clothes or fabrics by moths.

(4) That "Cedar Wall" is fully guaranteed unless such guarantee is unconditional, or that said product is guaranteed in any way unless the terms and conditions of the actual guarantee are disclosed in immediate conjunction therewith.

By "Decision of the Commission and Order to File Report of Compliance" Docket 6193, October 5, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

[1] Filed as part of the original document.

Issued: October 5, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-8960; Filed, Nov. 15, 1954; 8:50 a. m.]

[Docket 6201]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JOSEPH SALADOFF

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Bonded business; § 3.55 *Demand, business, or other opportunities;* § 3.105 *Individual's special selection or situation;* § 3.260 *Terms and conditions;* § 3.275 *Undertakings, in general.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 3.1368 *Bonded business;* [*Misrepresenting oneself and goods*]—Goods: § 3.1610 *Demand for or business opportunities;* § 3.1760 *Terms and conditions;* § 3.1765 *Undertakings, in general;* [*Misrepresenting oneself and goods*]—Promotional sales plans: § 3.1830 *Promotional sales plans.* Subpart—*Offering unfair, improper, and deceptive inducements to purchase or deal:* § 3.1985 *Individual's special selection or situation;* § 3.2015 *Opportunities in product or service;* § 3.2080 *Terms and conditions;* § 3.2090 *Undertakings, in general.* Subpart—*Using misleading name*—Vendor: § 3.2360 *Bonded business.* In connection with the offering for sale, sale, or distribution in commerce, of sales promotional plans, trading stamps, or premiums: (1) Representing, directly or by implication: (a) That respondent's business is bonded, or that any bond or other assurance has been given to provide compliance with his sales agreement; (b) that merchants subscribing to or purchasing respondent's sales promotion plan, including trading stamps and premiums, will be assured of increased business; (c) that premiums which are to become the property of the merchant customer subscribing to or purchasing respondent's plan, will be supplied to his merchant customers for display or other purposes, unless such premiums are in fact so furnished and supplied on such basis, and no attempt is or will be made to collect for or to recover said premiums; (d) that premiums will be delivered by respondent and without additional cost or charge to the merchant, or the merchant's customers, who send in respondent's stamps for redemption, unless respondent in all instances delivers all premiums, and without imposing or attempting to collect a charge or fee therefor; or misrepresenting in any other manner the terms or conditions under which premiums are to be delivered or supplied by respondent in connection with the redemption of stamps purchased from respondent; and (e) that the sale of respondent's plan or stamps will be restricted to only a few

or to a limited number of selected merchants in each trade area, unless such sales thereof are so limited; and (2) using the word "Bonded", or any word or words of similar import or meaning, as a part of a trade name under which respondent does business; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 5 U. S. C. 45) [Cease and desist order, Joseph Saladoff trading as Bonded Thrift Stamp Co., etc., Philadelphia, Pa., Docket 6201, Oct. 3, 1954]

In the Matter of Joseph Saladoff, an Individual Trading as Bonded Thrift Stamp Co. and Crown Trading Stamp Co.

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission which charged respondent with various misrepresentations in the sale and distribution of sales promotional plans to retail merchants, and upon a stipulation between the parties, of record in the instant proceeding, for a consent order.

By the terms of said stipulation, the parties agreed that the complaint and said stipulation should constitute the entire record in the matter, withdrawal of the answer theretofore filed by respondent being moved and granted; that respondent admitted all of the jurisdictional allegations set forth in the complaint; and that the parties waived hearing before a hearing examiner or the Commission and also the making of findings as to the facts and conclusions of law by the examiner or the Commission; that respondent waived the rights to file exceptions or to demand oral argument before the Commission as also all further and other procedure before the examiner or the Commission, to which, but for the execution and filing of the aforesaid stipulation, the respondent might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

Said stipulation specifically waived any and all right, power, or privilege to challenge or contest the validity of the order to be made and further provided that the complaint forming the basis of the proceeding might be used in construing the terms of said order, which might be altered, modified, or set aside in the manner provided by law for other orders of the Commission where such action is sought.

Thereafter said examiner made his initial decision setting forth the aforesaid matters and his conclusion, on the basis thereof, that the proceeding was in the public interest, and in conformity with the action in said stipulation contemplated and agreed upon, made his order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 3, 1954.

Said order is as follows:

It is ordered, That the respondent Joseph Saladoff, an individual now trading as Bonded Thrift Stamp Co., Crown Trading Stamp Co., or under any other name or names, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of sales promotional plans, trading stamps or premiums, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That his business is bonded, or that any bond or other assurance has been given to provide compliance with his sales agreement.

(b) That merchants subscribing to or purchasing respondent's sales promotion plan, including trading stamps and premiums, will be assured of increased business.

(c) That premiums which are to become the property of the merchant customer subscribing to or purchasing respondent's plan, will be supplied to his merchant customers for display or other purposes, unless such premiums are in fact so furnished and supplied on such basis, and no attempt is or will be made to collect for or to recover said premiums.

(d) That premiums will be delivered by respondent and without additional cost or charge to the merchant, or the merchant's customers, who send in respondent's stamps for redemption, unless respondent in all instances delivers all premiums, and without imposing or attempting to collect a charge or fee therefor; or misrepresenting in any other manner the terms or conditions under which premiums are to be delivered or supplied by respondent in connection with the redemption of stamps purchased from respondent.

(e) That the sale of respondent's plan or stamps will be restricted to only a few or to a limited number of selected merchants in each trade area, unless such sales thereof are so limited.

2. Using the word "Bonded," or any word or words of similar import or meaning, as a part of a trade name under which respondent does business.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6201, September 24, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 24, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-8959; Filed, Nov. 15, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

ADDITIONAL CHARGES FOR OVERTIME WORK

Notice is hereby given that the United States Department of Agriculture is considering the revision of regulations governing the inspection of fresh fruits, vegetable, and related products (7 CFR Part 51).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building Washington 25, D. C., not later than 15 days after publication hereof in the FEDERAL REGISTER.

The proposed revision consists of inserting the following new section:

§ 51.37a *Additional charges for overtime work.* Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays, or at other periods which are outside the inspector's regularly scheduled work week, the charge for inspection shall be $1.50 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

Dated: November 10, 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator, Marketing Services.*

[F. R. Doc. 54-9006; Filed, Nov. 15 1954; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 18, 1954.

An application, serial number BLM 54152, for the withdrawal from all forms of appropriation under the public land laws, except mining and mineral leasing laws of the lands described below was filed on August 15, 1952, by the Fish and Wildlife Service. The purposes of the proposed withdrawal: For use by South Dakota State Department of Game, Fish and Parks as wildlife refuges, public shooting grounds, or game management units.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Billings, Montana. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Parcel A: That part of Fort Meade Military Reservation lying north of the south boundary of T. 6 N., R. 5 E., Black Hills Meridian, and covering parts of Sections 25, 26, 27, 34, and 36 and all of Section 35 in that township, consisting of approximately 2,131 acres.

Parcel B: That part of the Fort Meade Military Reservation lying in the south half of Sections 13, 14 and 15, Sections 22, 23, 24, 25, 26, and 27, T. 5 N., R. 5 E., Black Hills Meridian, exclusive of approximately 105.9 acres within the Black Hills National Cemetery situated in Sections 25 and 26 and the reacquired lands portions of the Military Reservation in Sections 13, 24, and 25; amounting to approximately 2,415.45 acres.

R. D. NIELSON, *State Supervisor.*

[F. R. Doc. 54-9008; Filed, Nov. 15, 1954; 8:58 a. m.]

Office of the Secretary

FEDERALLY OWNED ACQUIRED LANDS

OIL AND GAS LEASING; CORRECTION

NOVEMBER 9, 1954.

In the second line of the document published in the FEDERAL REGISTER of November 5, 1954 (19 F. R. 7200) the date should read "October 28, 1954" instead of "October 28, 1951".

JAMES D. PARRIOTT, JR., *Associate Solicitor.*

[F. R. Doc. 54-8937; Filed, Nov. 15, 1954; 8:45 a. m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE-AGREEMENT NEGOTIATIONS UNDER GENERAL AGREEMENT ON TARIFFS AND TRADE RELATING TO JAPAN; POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS

Pursuant to section 4 of the Trade Agreements Act, approved June 12, 1934, as amended (48 Stat. 945, ch. 474; 65 Stat. 73, ch. 141) and to paragraph 4 of Executive Order 10082 of October 5, 1949 (3 CFR, 1949 Supp., p. 126), notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to participate in trade-agreement negotiations, on a reciprocal basis, looking to Japan's accession to the General Agreement on Tariffs and Trade, as a means of improving Japan's trading prospects in the free world. With a view to the further expansion of such trading prospects, the United States is also considering, in addition to negotiations directly with Japan, participating in limited negotiations with other contracting parties to the General Agreement that will also be negotiating with Japan, in order to broaden the overall results of the negotiations.

There is annexed hereto a list of articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the trade agreement negotiations of which notice is given above. In addition to articles of primary interest to Japan, there are also being listed some articles of interest to certain contracting parties as well as to Japan, and a few articles which are believed to be of primary interest to other contracting parties that may be negotiating with Japan, some of which articles are closely related to articles of primary interest to Japan.

Notice is also given of intention to negotiate settlement of several outstanding problems arising out of various actions by the United States. Negotiations are contemplated looking to such modification of trade agreement obligations as may be necessary in view of the enactment of Public Law 479 of the 83d Congress relating to certain rubber-soled shoes and Public Law 689 of the 83d Congress relating to certain prepared fish. In addition the United States modified its concession on figs, fresh, dried, or in brine, as a result of an escape clause action. Finally, the United States did not find it possible to carry out obligations negotiated with Uruguay with respect to certain meat products. Among the possible outcomes of these negotiations might be a granting of such concessions on some items in the annexed list as may be necessary to compensate for the above actions of the United States.

The articles proposed for consideration in the negotiations are identified in the annexed list by specifying the numbers of the paragraphs in tariff schedules of Title I and Title II of the Tariff Act of 1930, as amended, in which they are provided for together with the language used in such tariff paragraphs to provide for such articles, except that where necessary the statutory language has been modified by the omission of words or the addition of new language in order to narrow the scope of the original language. Where no qualifying language is used with regard to the type, grade, or value of any listed article, all types, grades, and values of the article covered by the language used are included.

In the case of each article in the list with respect to which the corresponding product of Cuba is now entitled to preferential treatment, the negotiations referred to will involve the elimination, reduction, or continuation of the preference, perhaps in some cases with an adjustment or specification of the rate applicable to the product of Cuba.

No article will be considered in the negotiations for possible modification of duties or other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment unless it is included, specifically or by reference, in the annexed list or unless it is subsequently included in a supplementary public list. Only duties on the articles listed imposed under the paragraphs of the Tariff Act of 1930 specified with regard to such articles and import taxes imposed on such articles under the Internal Revenue Code will be considered for a possible decrease, but additional or separate ordinary duties or import taxes on such articles imposed under any other provisions of law may be bound against increase as an assurance that the concession under the listed paragraph will not be nullified. In addition, any action which might be taken with respect to basic duties on products may involve action with respect to compensating duties imposed on manufactures containing such products. In the event that an article which as of January 1, 1954, was regarded as classifiable under a description included in the list is excluded therefrom by judicial decision or otherwise prior to the conclusion of the trade-agreement negotiations, the list will nevertheless be considered as including such article.

Persons interested in exports may present their views regarding any tariff or other concessions that might be requested from Japan. Any other matters appropriate to be considered in connection with the negotiations proposed

above may also be presented. Public hearings in connection with the "peril point" investigation of the United States Tariff Commission in connection with the articles included in the annexed list, pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended, are the subject of an announcement of this date issued by that Commission.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082 of October 5, 1949, information and views as to any aspect of the proposals announced in this notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.[1]

By direction of the Interdepartmental Committee on Trade Agreements this 13th day of November 1954.

CARL D. CORSE,
Chairman, Interdepartmental Committee on Trade Agreements.

ANNEX—LIST OF ARTICLES IMPORTED INTO THE UNITED STATES PROPOSED FOR CONSIDERATION IN TRADE AGREEMENT NEGOTIATIONS WITH JAPAN AND OTHER COUNTRIES

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST

Schedule 1—Chemicals, oils, and paints

Par.

5 Ajinomoto and other monosodium glutamate preparations.

27 (a) (1) (5) Acetanilide not suitable for medicinal use, alphanaphthol, aminobenzoic acid aminonaphthol, aminophenetole, aminophenol, aminosalicylic acid aminoanthraquinone, aniline oil, aniline salt, anthraquinone, arsanilic acid, benzaldehyde not suitable for medicinal use, benzal chloride, benzanthrone, benzidine, benzidine sulfate, benzoic acid not suitable for medicinal use, benzoquinone, benzoyl chloride, benzyl chloride, benzylethylaniline, beta-naphthol not suitable for medicinal use, bromobenzene, chlorobenzene, chlorophthalic acid, cinnamic acid, cumidine, dehydrothiotoluidine, diaminostilbene, dianisidine, dichlorophthalic acid, dimethyl aniline, dimethylaminophenol, dimethylphenylbenzylammonium hydroxide, dimethylphenylenediamine, dinitrobenzene, dinitrochlorobenzene, dinitronaphthalene, dinitrophenol, dinitrotoluene, dihydroxynaphthalene, diphenylamine, hydroxyphenylarsinic acid, metanilic acid, methylanthraquinone, naphthylamine, naphthylenediamine, nitroaniline, nitroanthraquinone, nitrobenzaldehyde, nitrobenzene, nitronaphthalene, nitrophenol, nitrophenylenediamine, nitrosodimethylaniline, nitrotoluene, nitrotoluylenediamine, phenylenediamine, phenylhydrazine, phenylnaphthylamine, phenylglycine, phenylglycineortho-carboxylic acid, phthalic acid, phthalimide, quinaldine, quinoline, resorcinol not suitable for medicinal use, salicylic acid and its salts not suitable for medicinal use, sulfanilic acid, thiocarbanilide, thiosalicylic acid, tetrachlorophthalic acid, tetramethyldiaminobenzophenone, tetramethyldiaminodiphenylmethane, toluene sulfochloride, toluene sulfonamide, tribromophenol, toluidine, tolidine, tolylenediamine, xylidine, carbazole having a purity of 65 percent or more;

All the foregoing products (not including phthalic anhydride, anthracene, or naphthalene) whether obtained, derived, or manufactured from coal tar or other source.

[1] See F. R. Doc. 54-8996, *infra.*

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 1—Chemicals, oils, and paints—Continued

27 (a) (3) (5) All products (except products chiefly used as assistants in preparing or finishing textiles and except azo salts, fast color bases, fast color salts, and Naphthol AS and its derivatives), by whatever name known, which are similar to any of the products provided for in paragraph 27 or 1651, Tariff Act of 1930, and which are obtained, derived, or manufactured in whole or in part from any of the products provided for in either of said paragraphs.

27 (a) (4) (5) All mixtures, including solutions, consisting in whole or in part of any of the products provided for in subdivision (1), (2), or (3) of paragraph 27 (a), Tariff Act of 1930 (except sheep dip and medicinal soaps, and except products chiefly used as assistants in preparing or finishing textiles).

41 Agar agar.

47 Licorice, extracts of, in pastes, rolls, or other forms.

51 Camphor, natural (crude and refined) and synthetic.

51 Menthol.

58 Oils, distilled or essential, not mixed or compounded with or containing alcohol: Sandalwood.

60 Safrol, not mixed or compounded, not containing more than 10 per centum of alcohol, not marketable as cosmetics, perfumery, or toilet preparations, and not specially provided for.

66 Pigments, whether dry, mixed, or ground in or mixed with water, oil, or solutions other than oil, not specially provided for: Vandyke brown and Cassel earth.

67 Barytes ore, crude or unmanufactured, or ground or otherwise manufactured.

83 Potato starch.

84 Dextrine, not otherwise provided for (not including dextrine made from potato starch or potato flour), burnt starch or British gum, dextrine substitutes, and soluble or chemically treated starch.

87 Cerium nitrate, cerium fluoride, and other salts of cerium not specially provided for.

Schedule 2—Earths, earthenware, and glassware

204 Dead burned and grain magnesite, and periclase, not suitable for manufacture into oxychloride cements.

206 Pumice stone, wholly or partly manufactured.

210 Rockingham earthenware.

211 Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, terra cotta, and stoneware, including all articles wholly or in chief value of such ware; any of the foregoing which are tableware, kitchenware, or table or kitchen utensils, however, provided for in paragraph 211, Tariff Act of 1930.

211 Articles, other than tableware, kitchenware, or table or kitchen utensils, however provided for in paragraph 211, Tariff Act of 1930 if valued under $10 per dozen.

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 2—Earths, earthenware, and glassware—Continued

Par.

212 China, porcelain, and other vitrified wares, including chemical stoneware (but not including chemical porcelain ware, sanitary ware and fittings and parts therefor, or electrical porcelain ware), composed of a vitrified nonabsorbent body which when broken shows a vitrified or vitreous, or semivitrified or semivitreous fracture, and all bisque and parian wares, including clock cases with or without movements, plaques, pill tiles, ornaments, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware; all the foregoing, however provided for in paragraph 212, Tariff Act of 1930, not containing 25 per centum or more of calcined bone.

213 Graphite or plumbago, crude or refined: Amorphous (except artificial).

218 (c) Illuminating articles of every description, finished or unfinished, wholly or in chief value of glass, for use in connection with artificial illumination: Chimneys, globes, and shades, and parts thereof, wholly or in chief value of glass.

218 (f) Table and kitchen articles and utensils, and all articles of every description not specially provided for, composed wholly or in chief value of glass, blown or partly blown in the mold or otherwise, or colored, cut, engraved, etched, frosted, gilded, ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), painted, printed in any manner, sand-blasted, silvered, stained, or decorated or ornamented in any manner, whether filled or unfilled, or whether their contents be dutiable or free: Christmas tree ornaments valued under $7.50 per gross; other articles or utensils valued not over 1.66\frac{2}{3}$ each (except articles or utensils commercially known as bubble glass, if produced otherwise than by automatic machine but not cut or engraved and valued at $1 or more each, and except Christmas tree ornaments).

225 Spectacles, eyeglasses, and goggles, and frames for the same, and parts thereof, finished or unfinished, valued not over $2.50 per dozen.

226 Lenses of glass or pebble, molded or pressed, or ground and polished to a spherical, cylindrical, or prismatic form, and ground and polished plano or coquille glasses, wholly or partly manufactured; all the foregoing (except lighthouse lenses and except eyeglass and spectacle lenses with edges unground and valued at $10 or more per dozen pairs).

228 (a) Spectrographs, spectrometers, spectroscopes, refractometers, saccharimeters, colorimeters, cathetometers, interferometers, haemacytometers, polarimeters, polariscopes, photometers, ophthalmoscopes, slit lamps, corneal microscopes, optical measuring or optical testing instruments, testing or recording instruments for ophthalmological purposes, frames and mountings therefor, and parts of any of the foregoing, finished or unfinished.

228 (a) Prism-binoculars, having a magnification of 5 diameters or less, and valued at not over $12 each; frames and mountings therefor, and parts of any of the foregoing; all the foregoing finished or unfinished.

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 2—Earths, earthenware, and glassware—Continued

Par.

228 (b) Opera or field glasses (not prism-binoculars), frames and mountings therefor, and parts of any of the foregoing; all the foregoing, finished or unfinished, not specially provided for (except opera or field glasses valued over $1 each).

228 (b) and 1551 Photographic lenses, frames and mountings therefor, and parts of any of the foregoing; all the foregoing, finished or unfinished, not specially provided for (including cameras and parts of cameras of which a photographic lens is the component of chief value).

228 (b) Telescopes, valued not over $2 each; frames and mountings therefor; parts of any of the foregoing, suitable in type and not excessive in quantity for use with, and imported in the same shipment with, telescopes valued not over $2 each; frames and mountings for, and parts of telescopes and of frames and mountings therefor, imported separately; all the foregoing, finished or unfinished, not specially provided for.

228 (b) Azimuth mirrors, parabolic or mangin mirrors for search light reflectors, mirrors for optical, dental, or surgical purposes, projection lenses, sextants, octants, microscopes, all optical instruments (not including photographic lenses, opera or field glasses, and telescopes), frames and mountings therefor, and parts of any of the foregoing; all the foregoing, finished or unfinished, not specially provided for.

229 Incandescent electric-light bulbs and lamps, with or without metal or other filaments.

230 (b) Glass mirrors (except framed or cased mirrors in chief value of platinum, gold, or silver), not specially provided for, not exceeding in size 144 square inches, with or without frames or cases.

233 All articles composed wholly or in chief value of agate or other semiprecious stone (not including rock crystal), except such as are cut into shapes and forms fitting them expressly for use in the construction of jewelry, not specially provided for.

Schedule 3—Metals and manufactures

301 Iron in pigs and iron kentledge, whether or not containing vanadium, tungsten, molybdenum, or chromium in quantities specified in paragraph 301, Tariff Act of 1930.

302 (c) Tungsten ore or concentrates.

302 (d) Ferromanganese containing 4 per centum or more of carbon.

302 (n) Titanium.

312 Sheet piling.

329 Chains of iron or steel, used for the transmission of power, of not more than 2-inch pitch and containing more than three parts per pitch, and parts thereof, finished or unfinished; and all other chains used for the transmission of power, and parts thereof.

331 Upholsterers' nails and thumb tacks, of two or more pieces of iron or steel, finished or unfinished.

343 Needle cases or needle books furnished with assortments of needles or combinations of needles and other articles.

343 Needles for knitting machines of every description, not specially provided for.

354 Cuticle knives, corn knives, nail files, tweezers, manicure or pedicure nippers, and parts thereof, finished or unfinished, by whatever name known.

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 3—Metals and manufactures—Continued

Par.

359 Surgical instruments, and parts thereof (except hypodermic and other needles, but including hypodermic syringes and forceps), composed wholly or in part of iron, steel, copper, brass, nickel, aluminum, or other metal (but not in chief value of glass), finished or unfinished.

359 Dental instruments, and parts thereof, wholly or in part of iron, steel, copper, brass, nickel, aluminum, or other metal, finished or unfinished: Dental burrs.

359 Surgical instruments and parts thereof and dental instruments and parts thereof, any of the foregoing in part of iron, steel, copper, brass, nickel, aluminum, or other metal and in chief value of glass, finished or unfinished.

364 Bicycle, velocipede, and similar bells, finished or unfinished, and parts thereof.

365 Shotguns, valued over $25 each.

364 Barrels for shotguns, further advanced in manufacture than rough bored only; stocks for shotguns, wholly or partly manufactured; parts of shotguns, and fittings for shotgun stocks or barrels, finished or unfinished; and shotgun barrels, in single tubes, forged, rough bored.

366 Pistols and revolvers, automatic, single-shot, magazine, or revolving, valued not over $8 each.

372 Sewing machines, not specially provided for, valued over $10 but not over $75 each.

372 Parts of sewing machines, not specially provided for, wholly or in chief value of metal or porcelain.

372 Printing machinery; and parts of printing machinery, not specially provided for, wholly or in chief value of metal or porcelain: Duplicating machines (not including printing presses), and parts thereof.

372 Knitting machines (except full-fashioned hosiery and circular knitting machines), finished or unfinished, not specially provided for, and parts thereof, not specially provided for, wholly or in chief value of metal or porcelain.

382 (a) Aluminum foil less than $\frac{9}{1000}$ of one inch in thickness.

397 Articles or wares, not specially provided for, not plated with platinum (unless in chief value of platinum), gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured: Composed wholly or in chief value of lead; composed wholly or in chief value of base metal other than iron or steel: Screws, commonly called wood screws, having shanks not exceeding $\frac{12}{100}$ inch in diameter; and screws other than those commonly called wood screws, having shanks or threads not exceeding $\frac{24}{100}$ inch in diameter; composed wholly or in chief value of platinum.

Schedule 4—Wood and manufactures of

404 Japanese white oak and Japanese maple: In the form of sawed boards, planks, deals, and all other forms not further manufactured than sawed, and flooring.

409 Split bamboo.

409 All articles not specially provided for, wholly or partly manufactured of rattan, bamboo, osier or willow (except tennis-racket frames, valued at $1.75 or more each).

410 Toothpicks of wood or other vegetable substance.

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 4—Wood and manufactures of—Continued

Par.

411 Porch and window blinds, baskets, bags, chair seats, curtains, shades, or screens, any of the foregoing wholly or in chief value of bamboo, wood, straw, papier-mache, palm leaf, or compositions of wood, not specially provided for (except baskets and bags wholly or in chief value of straw or willow or osier).

412 Bentwood furniture, wholly or partly finished, and parts thereof.

412 Folding rules, wholly or in chief value of wood, and not specially provided for.

412 Manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for: Brush backs.

Schedule 5—Sugar, molasses, and manufactures of

505 Levulose.

Schedule 7—Agricultural products and provisions

703 Hams and shoulders, prepared or preserved: If cooked and packed in air-tight containers, but not made into sausage.

710 Cheese, made from sheep's milk, in original loaves, not suitable for grating.

712 Birds, prepared or preserved in any manner and not specially provided for (except chickens, prepared by removal of the feathers, heads, and all or part of the viscera, with or without removal of the feet, but not cooked or divided into portions).

713 Eggs of poultry (except of chickens), in the shell.

713 Dried egg albumen, whether or not sugar or other material is added.

717 (b) Fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for: Swordfish.

717 (c) Fish, dried and unsalted (except cod, haddock, hake, pollock, and cusk, and except shark fins).

718 (a) Fish, prepared or preserved in any manner, when packed in oil or in oil and other substances: Tuna.

718 (b) Fish, prepared or preserved in any manner, when packed in air-tight containers weighing with their contents not more than 15 pounds each (except fish packed in oil or in oil and other substances): Tuna.

721 (a) Crab meat, fresh or frozen (whether or not packed in ice), or prepared or preserved in any manner, including crab paste and crab sauce.

721 (b) Clams other than razor clams, and clams in combination with other substances (except clam chowder), packed in air-tight containers.

721 (e) Oysters, oyster juice, or either in combination with other substances, packed in air-tight containers.

727 Broken rice, which will pass readily through a metal sieve perforated with round holes five and one-half sixty-fourths of 1 inch in diameter.

730 Soybean oil cake and soybean oil-cake meal.

730 Vegetable oil cake and oil-cake meal, not specially provided for: Coconut or copra; Linseed.

736 Berries, edible (except blueberries), prepared or preserved (not including berries in brine, dried, desiccated, evaporated, or frozen), and not specially provided for.

738 Cider.

743 Oranges, Mandarin, packed in air-tight containers.

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 7—Agricultural products and provisions—Continued

Par.
748 Plums, prunes, and prunelles, green, ripe, or in brine.
753 Lily bulbs.
760 Walnuts of all kinds, shelled, or blanched, roasted, prepared, or preserved, including walnut paste.
761 Cashew nuts, shelled (including blanched) or unshelled.
763 Grass seeds and other forage crop seeds: Clover, not specially provided for.
764 Tree and shrub seeds.
768 Mushrooms, dried.
775 Vegetables (including horseradish), if cut, sliced, or otherwise reduced in size, or if reduced to flour, or if parched or roasted, or if packed in oil, or prepared or preserved in any other way and not specially provided for (not including dehydrated onions in any form or vegetables pickled, or packed in salt or in brine).
775 Soybeans, prepared or preserved in any manner.
775 Pastes, balls, puddings, hash (except corned beef hash), and similar forms, composed of vegetables, or of vegetables and meat or fish, or both, not specially provided for.
776 Chicory, crude (except endive), or ground or otherwise prepared.
779 Rice straw, and rice fiber.
781 Curry and curry powder.

Schedule 8—Spirits, wines, and other beverages

804 Rice wine or sake.

Schedule 9—Cotton manufactures

904 (a), (b), (c), (d) Cotton cloth, however provided for in paragraph 904, Tariff Act of 1930 (not including tire fabric or fabric for use in pneumatic tires).
905 Cloth, in chief value of cotton, containing silk, or rayon or other synthetic textile.
909 Pile fabrics (not including pile ribbons), cut or uncut, whether or not the pile covers the entire surface, wholly or in chief value of cotton, if velveteens.
910 Table damask, wholly or in chief value of cotton, and all articles, finished or unfinished, made or cut from such table damask.
911 (a) Blankets or blanket cloth, napped or unnapped, wholly or in chief value of cotton, whether in the piece or otherwise, if Jacquard-figured.
911 (a) Quilts or bedspreads, wholly or in chief value of cotton, whether in the piece or otherwise, not Jacquard-figured, if block-printed by hand.
911 (a) Towels, other than pile fabrics, wholly or in chief value of cotton, whether in the piece or otherwise, and whether or not Jacquard-figured.
911 (b) Sheets and pillow cases, wholly or in chief value of cotton.
911 (b) Table and bureau covers, centerpieces, runners, scarfs, napkins, and doilies, made of plain-woven cotton cloth, and not specially provided for.
912 Boot, shoe, or corset lacings, wholly or in chief value of cotton or other vegetable fiber.
915 Gloves and mittens, finished or unfinished, wholly or in chief value of cotton or other vegetable fiber, made of fabric knit or a warp-knitting or other machine.
917 Underwear, outerwear, and articles of all kinds, knit or crocheted, finished or unfinished, wholly or in chief value of cotton or other vegetable fiber, and not specially provided for (except knit underwear valued over $1.75 per pound, and crocheted underwear).

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 9—Cotton manufactures—Con.

Par.
919 Clothing and articles of wearing apparel of every description, manufactured wholly or in part, wholly or in chief value of cotton, and not specially provided for (except coats valued $4 or more each; vests valued $2 or more each; dressing gowns, including bath robes and beach robes, valued $2.50 or more each; underwear valued 75 cents or more per separate piece; and except pajamas valued $1.50 or more per suit).
921 Rag rugs, wholly or in chief value of cotton, of the type commonly known as "hit-and-miss"; chenille rugs, wholly or in chief value of cotton; and all other floor coverings, including carpets, carpeting, mats, and rugs, wholly or in chief value of cotton (except cut-pile and hand-hooked floor coverings and imitation oriental rugs).
922 Rags, including wiping rags, wholly or in chief value of cotton, except rags chiefly used in paper-making.
923 Manufactures, wholly or in chief value of cotton, not specially provided for (except articles of pile construction other than terry-woven towels, and except bougies, catheters, drains, explorateurs, instillateurs, probes, sondes, and other urological instruments, yarns containing wool, molded cotton and rubber packing, and printers' rubberized blanketing).

Schedule 10—Flax, hemp, jute, and manufactures of

1001 Flax, hackled, including "dressed line".
1001 Flax, not hackled.
1003 Jute yarns or roving, single; and jute sliver.
1006 Gill nettings, nets, webs, and seines, and other nets for fishing, wholly or in chief value of flax, hemp, or ramie, and not specially provided for.
1015 Fabrics with fast edges, not exceeding 12 inches in width, and articles made therefrom: Webbing wholly or in chief value of jute.
1019 Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, not exceeding 16 threads to the square inch, counting the warp and filling, and weighing not less than 15 ounces nor more than 32 ounces per square yard.
1021 Common China, Japan, and India straw matting, and floor coverings made therefrom.
1021 Floor coverings not specially provided for: Grass or rice straw.
1022 Pile mats and floor coverings, wholly or in chief value of cocoa fiber.

Schedule 11—Wool and manufactures of

1101 (a) (b) Hair of the camel, however provided for in paragraph 1101, Tariff Act of 1930.
1111 Blankets, and similar articles (including carriage and automobile robes and steamer rugs), made as units or in the piece, finished or unfinished, wholly or in chief value of wool, not exceeding 3 yards in length.
1114 (b) Hose and half-hose, finished or unfinished, wholly or in chief value of wool.
1114 (d) Outerwear and articles of all kinds, knit or crocheted, finished or unfinished, wholly or in chief value of wool, and not specially provided for: Hats, bonnets, caps, berets, and similar articles (except infants' headwear), valued

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 11—Wool and manufactures of—Continued

Par.
over $2 per pound; other (except infants' headwear and other infants' outerwear).
1117 (c) Floor coverings, including mats and druggets, wholly or in chief value of wool, not specially provided for, valued over 40 cents per square foot (except such floor coverings wholly or in chief value of hair of the alpaca, guanaco, huarizo, llama, misti, suri, or a combination of the hair of two or more of these species, or wholly or in chief value of hair of the Angora goat).
1117 (c) Floor coverings, including mats and druggets, wholly or in chief value of wool, not specially provided for: Wholly or in chief value of hair of the Angora goat.

Schedule 12—Silk manufactures

1201 Silk partially manufactured, including total or partial degumming other than in the reeling process, from raw silk, waste silk, or cocoons, and silk noils exceeding 2 inches in length; all the foregoing, if not twisted or spun.
1202 Spun silk or schappe silk yarn, or yarn of silk and rayon or other synthetic textile, and roving, whether or not bleached, dyed, colored, or plied.
1205 Woven fabrics in the piece, wholly or in chief value of silk, however provided for in paragraph 1205, Tariff Act of 1930 (except fabrics with fibers wholly of silk, not bleached, colored, dyed, or printed, if Jacquard-figured; with fibers chiefly but not wholly of silk, not bleached, colored, dyed, or printed, if Jacquard-figured or bleached, colored, dyed, or printed, whether or not Jacquard-figured and except silk bolting cloth).
1208 Gloves and mittens, knit or crocheted, finished or unfinished, wholly or in chief value of silk.

Schedule 13—Manufactures of rayon or other synthetic textile

1301 Yarns of rayon or other synthetic textile, singles or plied, not specially provided for (except single yarns weighing 150 deniers or more per length of 450 meters), and regardless of the number of turns twist per inch.
1302 Filaments of rayon or other synthetic textile, not exceeding 30 inches in length, other than waste, whether known as cut fiber, staple fiber, or by any other name.
1309 Gloves and mittens, knit or crocheted, finished or unfinished, wholly or in chief value of rayon or other synthetic textile, valued under $1.50 per dozen pairs.

Schedule 14—Papers and books

1403 Masks composed of paper, pulp, or papier-mache, not specially provided for.
1404 Papers commonly or commercially known as stereotype paper, copying paper, or bibulous paper, not specially provided for, colored or uncolored, white or printed, whether in sheets or any other form, and weighing less than 10 pounds to the ream.
1405 Bags and other articles, except printed matter, composed wholly or in chief value of any of the papers provided for in any of the provisions of paragraph 1405, Tariff Act of 1930, preceding the provision for bags, and not specially provided for (not including boxes of paper or papier-mache or wood covered or lined with any such paper).

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 14—Papers and books—Continued

Par.
1405 Sensitized paper to be used in photography.
1409 Hanging paper, printed, lithographed, dyed, or colored.
1409 Papers, not specially provided for (except stencil paper, unmounted, and except strawboard and straw paper, under 0.012 but not under 0.008 inch thick).
1410 Books, unbound or bound (except those bound wholly or in part in leather), and sheets or printed pages of books bound wholly or in part in leather, not specially provided for, if of bona fide foreign authorship: Prayer books and sheets or printed pages of prayer books.
1410 Blank books and slate books: Diaries, notebooks, and address books.

Schedule 15—Sundries

1502 Baseballs, and balls wholly or in chief value of rubber (except golf and lawn-tennis balls), finished or unfinished, primarily designed for use in physical exercise (whether or not such exercise involves the element of sport), all the foregoing, not specially provided for.
1502 Tennis rackets.
1503 Beads of ivory; hollow or filled imitation pearl beads of all kinds and shapes, of whatever material composed; imitation solid pearl beads; and iridescent imitation solid pearl beads.
1504 (a) Braids, plaits, laces, and willow sheets or squares, composed wholly or in chief value of straw, chip, paper, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, or manila hemp, and braids and plaits, wholly or in chief value of ramie, all the foregoing suitable for making or ornamenting hats, bonnets, or hoods, whether or not bleached, dyed, colored, or stained, and whether or not containing a substantial part of rayon or other synthetic textile (but not wholly or in chief value thereof), except any of the foregoing (other than willow sheets or squares) not containing a substantial part of rayon or other synthetic textile and not bleached, dyed, colored, or stained.
1504 (b) (1) (2) Hats, bonnets, and hoods, wholly or in chief value of chip, paper, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, or manila hemp, whether wholly or partly manufactured, not blocked, trimmed, or sewed, whether or not bleached, dyed, colored, or stained (not including any of the foregoing known as harvest hats and valued under $3 per dozen, or hats and hoods, not bleached, colored, dyed, or stained, wholly or in chief value of fiber of the carludovica palmata, commercially known as toquilla fiber or straw).
1504 (b) (2) (4) Hats, bonnets, and hoods, whether wholly or partly manufactured: Wholly or in chief value of straw or ramie, bleached, dyed, colored, or stained, but not blocked, trimmed, or sewed; or wholly or in chief value of straw, if sewed (whether or not blocked, trimmed, bleached, dyed, colored, or stained).
1504 (b) (3) Hats, bonnets, and hoods, composed wholly or in chief value of straw, chip, paper, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, ramie, or manila hemp, whether wholly or partly manufac-

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 15—Sundries—Continued

Par.
tured, blocked or trimmed (whether or not bleached, dyed, colored, or stained).
1506 Toilet brushes (not including tooth brushes), the handles or backs of which are composed wholly or in chief value of any product provided for in paragraph 31, Tariff Act of 1930.
1506 Handles and backs for tooth brushes and other toilet brushes, composed wholly or in chief value of any product provided for in paragraph 31, Tariff Act of 1930.
1506 Hair pencils in quills or otherwise.
1506 Brushes, not specially provided for (except paint brushes).
1510 Buttons not specially provided for (except horn and composition horn buttons, buttons wholly or in chief value of any compound of casein and valued over 60 cents per gross, buttons wholly or in chief value of glass, buttons commonly known as Roman pearl, fancy buttons with a fish-scale or similar to fish-scale finish, buttons wholly or in chief value of wood, and buttons wholly or in part of textile material).
1511 Cork tile in the rough or wholly or partly finished.
1513 Dolls wholly or in chief value of china, porcelain, parian, bisque, earthenware, or stoneware, or wholly or in chief value of any product provided for in paragraph 31, Tariff Act of 1930, and parts of dolls (including clothing), and doll heads, however provided for in paragraph 1513, Tariff Act of 1930 (except dolls and doll clothing composed in any part, however small, of any of the laces, fabrics, embroideries, or other materials or articles provided for in paragraph 1529 (a), Tariff Act of 1930).
1513 Toys, and parts of toys (not including dolls or parts of dolls) composed wholly or in chief value of any product provided for in paragraph 31, Tariff Act of 1930.
1513 Toy games, toy containers, toy favors, toy souvenirs, of whatever materials composed; toy balloons; and toy books without reading matter (not counting as reading matter any printing on removable pages), other than letters, numerals, or descriptive words, bound or unbound, and parts thereof.
1513 Toys, not specially provided for: Wholly or in chief value of china, porcelain, parian, bisque, earthenware, or stoneware; wholly or in chief value of rubber; toys having a spring mechanism (except figures or images of animate objects, wholly or in chief value of metal; stuffed animal figures not having a spring mechanism.
1513 Parts of toys, not specially provided for.
1515 Bombs, rockets, Roman candles, and fireworks of all descriptions, not specially provided for (not including firecrackers).
1516 Matches, friction or lucifer, of all descriptions, in boxes containing not over 100 matches per box.
1518 Artificial or ornamental fruits, vegetables, grasses, grains, leaves, flowers, stems, or parts thereof, composed wholly or in chief value of yarns, threads, filaments, tinsel wire, lame, bullions, metal threads, beads, bugles, spangles, or rayon or other synthetic textile, or composed wholly or in chief value of other materials (except feathers) and not specially provided for; and boas, boutonnieres, wreaths,

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 15—Sundries—Continued

Par.
and all articles not specially provided for, composed wholly or in chief value of any of the foregoing fruits, vegetables, grasses, grains, leaves, flowers, stems, or parts.
1523 Hair press cloth, not specially provided for.
1526 (a) Hats, caps, bonnets, and hoods, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for such hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals, and valued over $24 but not over $48 per dozen.
1527 (a) (2) Jewelry, commonly or commercially so known, finished or unfinished (including parts thereof), of whatever material composed (except jewelry and parts thereof composed wholly or in chief value of gold or platinum, or of which the metal part is wholly or in chief value of gold or platinum); all the foregoing valued over 20 cents but not over $5 per dozen pieces.
1527 (c) (2) Articles valued above 20 cents per dozen pieces, designed to be worn on apparel or carried on or about or attached to the person, such as and including cardcases, chains, cigar cases, cigar cutters, cigar holders, cigar lighters, cigarette cases, cigarette holders, coin holders, combs, match boxes, mesh bags and purses, millinery, military and hair ornaments, pins, powder cases, stamp cases, vanity cases, watch bracelets, and like articles; all the foregoing and parts thereof, finished or unfinished, composed wholly or in chief value of metal other than gold or platinum (whether or not enameled, washed, covered, or plated, including rolled gold plate), or (if not composed in chief value of metal and if not dutiable under clause (1) of paragraph 1527 (c), Tariff Act of 1930) set with and in chief value of precious or semiprecious stones, pearls, cameos, coral, amber, imitation precious or semiprecious stones, or imitation pearls (except cigar and cigarette lighters and parts thereof, buckles, collar, cuff, and dress buttons, ladies' handbags set with and in chief value of rhinestones, mesh bags and parts thereof, all the foregoing valued above 20 cents and not above $5 per dozen pieces or parts; and except all articles and parts, other than cigar and cigarette lighters and parts, valued above $5 per dozen pieces or parts).
1528 Diamonds, rubies, and sapphires, cut but not set, and suitable for use in the manufacture of jewelry.
1528 Pearls and parts thereof, drilled or undrilled, but not set or strung (except temporarily), if cultured or cultivated; imitation half pearls, and hollow or filled imitation pearls of all shapes, without hole or with hole partly through only; imitation solid pearls and iridescent imitation solid pearls, unpierced, pierced or partially pierced, loose, or mounted, of whatever shape, color, or design.
1529 (a) Laces, lace fabrics, and lace articles, made wholly by hand and containing no machine-made material or article provided for in paragraph 1529 (a), Tariff Act of 1930, all the foregoing not wholly or in chief value of vegetable fiber other than cotton, if over 2 inches wide and valued not over $50 per pound, or if not over 2 inches wide, regardless of value.

TARIFF ACT OF 1930, TITLE II—FREE LIST—Con.

information and views in writing of persons interested in support of the

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 15—Sundries—Continued

Par.

1529 (a) Fabrics and articles (not wearing apparel), in part but not wholly of handmade lace and containing no machine-made material or article provided for in paragraph 1529 (a), Tariff Act of 1930, if all or part of the lace is over 2 inches wide and the fabrics or articles are valued not over $50 per pound, or if none of the lace is over 2 inches wide, regardless of the value of the fabrics or articles.

1529 (a) Fabrics and articles embroidered (whether or not the embroidery is on a scalloped edge), tamboured, appliqued, ornamented with beads, bugles, or spangles, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem; all the foregoing; and fabrics and articles wholly or in part thereof (not including fabrics and articles in any part of lace), however described in paragraph 1529 (a), Tariff Act of 1930; any of the foregoing if wholly or in chief value of cotton and included in subdivision [6] of paragraph 1529 (a) of "United States Import Duties (1952)" (but not including wearing apparel), or if included in subdivision [9] of paragraph 1529 (a) of said "United States Import Duties" (except gloves and mittens included in such subdivision [9] wholly or in chief value of wool and except other wearing apparel included in such subdivision [9] wholly or in chief value of cotton or other vegetable fiber or wholly or in chief value of rayon or other synthetic textile).

1529 (a) Bureau and table covers, centerpieces, doilies, napkins, runners, and scarfs, made of plain-woven cotton, cloth, block-printed by hand, and in part of fringe.

1529 (a) Quilts or bedspreads, wholly or in chief value of cotton, in the piece or otherwise, block-printed by hand, and in part of fringe.

1530 (b) Upper leather made from calf or kip skins, rough, partly finished, or finished, but not cut or partly or wholly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear.

1530 (e) Boots, shoes, or other footwear, made wholly or in chief value of leather, not specially provided for: Slippers (for housewear).

1530 (e) Boots, shoes, or other footwear (including athletic or sporting boots and shoes), the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk, or substitutes for any of the foregoing: with soles wholly or in chief value of leather; with soles wholly or in chief value of india rubber or substitutes for rubber;[1] with soles wholly or in chief value of other materials (except boots, shoes, or other footwear with uppers wholly or in chief value of vegetable fiber other than cotton, or with uppers and soles both in chief value of wool felt, and except alpargatas with uppers wholly or in chief value of cotton).

[1] Listed subject to amendment of paragraph 1530 (e), Tariff Act of 1930, by Public Law 479, 83d Congress, approved July 8, 1954.

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 15—Sundries—Continued

Par.

1531 Bags, baskets, belts, satchels, cardcases, pocketbooks, jewel boxes, portfolios, and other boxes and cases, not jewelry, wholly or in chief value of leather, or parchment, and manufactures of leather, rawhide, or parchment, or of which leather, rawhide, or parchment is the component material of chief value, not specially provided for (except straps and strops): Belts and buckles designed to be worn on the person; coin purses, change purses, billfolds, bill cases, bill rolls, bill purses, bank-note cases, currency cases, money cases, cardcases, license cases, pass cases, passport cases, letter cases, and similar flat leather goods, not wholly or in chief value of reptile leather; women's and children's hand bags or pocketbooks, not wholly or in chief value of reptile leather; leads, leashes, collars, muzzles, and similar dog equipment; wearing apparel (other than belts and buckles); bags, baskets, belts, satchels, pocketbooks, jewel boxes, portfolios, and boxes and cases, not jewelry (except articles named in any of the above subdivisions, whether or not wholly or in chief value of reptile leather).

1531 Articles provided for in paragraph 1531, Tariff Act of 1930, if wholly or in chief value of reptile leather and permanently fitted and furnished with traveling, bottle, drinking, dining or luncheon, sewing, manicure, or similar sets.

1532 (b) Gloves, wholly or in chief value of leather made from horsehides or cowhides (except calfskins), whether wholly or partly manufactured.

1535 Artificial flies, snelled hooks, leaders or casts, finished or unfinished; fishing rods, and parts thereof, finished or unfinished, not specially provided for; fish hooks, artificial baits, and all other fishing tackle and parts thereof, fly books, fly boxes, fishing baskets or creels, finished or unfinished, not specially provided for, except fishing lines, fishing nets, and seines (and not including fishing reels and parts thereof).

1536 Candles.

1536 Manufactures of amber or bladders or of which these substances or either of them is the component material of chief value, not specially provided for.

1537 (a) Manufactures of bone, chip, grass, sea grass, horn, straw, weeds, or whalebone, or of which these substances or any of them is the component material of chief value, not specially provided for.

1537 (a) Manufactures of chip roping.

1537 (b) Manufactures of india rubber or gutta-percha, or of which these substances or either of them is the component material of chief value, not specially provided for (including boots, shoes, or other footwear, wholly or in chief value of india rubber), except the following: Bougies, catheters, drains, sondes, and other urological instruments; gloves; gaskets, packing, and valves; golf-ball centers or cores, wound or unwound; nursing nipples or pacifiers; tires wholly or in chief value of india rubber; heels and soles for footwear wholly or in chief value of india rubber; hose and tubing; and other articles (not including automobile, bicycle, or motorcycle tires), wholly or in chief value of gutta-percha only.

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST—continued

Schedule 15—Sundries—Continued

Par.

1537 (c) Combs of whatever material composed, not specially provided for: Combs composed wholly of rubber or compounds of cellulose.

1541 (a) Musical instruments and parts thereof, not specially provided for: Stringed instruments (not including pianos) and parts thereof (not including bows).

1541 (c) Carillons containing not over 34 bells, and parts thereof.

1549 (a) Pencils of paper, wood, or other material not metal, filled with lead or other material, and pencils of lead, not specially provided for.

1549 (a) Pencils stamped with names other than the manufacturers' or the manufacturers' trade name or trade-mark.

1549 (a) Pencil point protectors, and clips, whether separate or attached to pencils.

1550 (c) Mechanical pencils.

1551 Photographic cameras and parts thereof, not specially provided for (except motion-picture cameras and parts thereof and cameras, other than fixed-focus, valued $10 or over but not over $50 each).

1551 Photographic dry plates, not specially provided for.

1552 Pouches for chewing or smoking tobacco, finished or partly finished (except pouches wholly or in chief value of leather).

1553 All thermostatic bottles, carafes, jars, jugs, and other thermostatic containers, or blanks and pistons of such articles, of whatever material composed, constructed with a vacuous or partially vacuous insulation space to maintain the temperature of the contents, whether imported, finished or unfinished, with or without a jacket or casing of metal or other material and parts of any of the foregoing.

1554 Walking canes, finished or unfinished.

1554 Handles and sticks for umbrellas, parasols, sunshades, and walking canes, wholly or in chief value of wood and valued under $2.50 per dozen or wholly or in chief value of compounds of cellulose.

1558 Raw or unmanufactured articles not enumerated or provided for: Frogs (not including live frogs) and frog legs.

1558 Articles manufactured, in whole or in part, not specially provided for: Coconut shell char.

TARIFF ACT OF 1930, TITLE II—FREE LIST

1656 Coir yarn.

1677 Fish imported to be used for purposes other than human consumption: Goldfish.

1686 Gums and resins: Kadaya; natural gums, natural gum resins, and natural resins, not specially provided for: Talka.

1688 Hair of horse, cattle, and other animals, cleaned or uncleaned, drawn or undrawn, but unmanufactured not specially provided for: Goat and kid hair (except dressed soft hair).

1703 Joss stick or joss light.

1705 Kelp.

1731 Oils, distilled or essential, not mixed or compounded with or containing alcohol: Camphor.

1754 Santonin, and salts of.

1756 Tuna fish, fresh or frozen, whether or not packed in ice, and whether or not whole.

TARIFF ACT OF 1930, TITLE II—FREE LIST—Con.

Par.

1761 Shellfish, fresh or frozen (whether or not packed in ice), or prepared or preserved in any manner (not including pastes and sauces) and not specially provided for (except shrimps, prawns, lobsters, crabs, clams, quahaugs, unfrozen fresh scallops, fresh or frozen oysters other than seed oysters, and abalone).

1762 Silk cocoons and silk waste.

1763 Silk, raw, in skeins reeled from the cocoon, or rereeled, but not wound, doubled, twisted, or advanced in manufacture in any way.

1768 (2) Spices and spice seed: Cardamom.

1796 Wax, vegetable, not specially provided for: Japan.

1803 (1) Sawed lumber and timber, not further manufactured than planed, and tongued and grooved, not specially provided for: Japanese white oak, Japanese maple, and teak.

[F. R. Doc. 54-8995; Filed, Nov. 15, 1954; 8:45 a. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

TRADE-AGREEMENT NEGOTIATIONS UNDER THE GENERAL AGREEMENT ON TARIFFS AND TRADE RELATING TO JAPAN; POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS

SUBMISSION OF INFORMATION TO THE COMMITTEE FOR RECIPROCITY INFORMATION

Closing date for application to be heard, December 3, 1954.

Closing date for submission of briefs, December 6, 1954.

Public hearings open, December 13, 1954.

The Interdepartmental Committee on Trade Agreements has issued on this day a notice of intention to participate in trade-agreement negotiations, on a reciprocal basis, looking to Japan's accession to the General Agreement on Tariffs and Trade, as a means of improving Japan's trading prospects in the free world. With a view to the further expansion of such trading prospects, the United States is also considering, in addition to negotiations directly with Japan, participating in limited negotiations with other contracting parties to the General Agreement that will also be negotiating with Japan, in order to broaden the overall results of the negotiations.

Annexed to the notice of the Interdepartmental Committee on Trade Agreements,[1] is a list of articles imported into the United States to be considered for possible concessions in the negotiations. The Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of views in regard to the proposed negotiations, which must indicate the product or products on which the individuals or groups desire to be heard, and an estimate of the time required for such presentation, shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon, December 3, 1954, and all information and views in writing of persons who desire to be heard in regard to the foregoing proposals shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon, December 6, 1954. Written statements of persons who do not desire to be heard shall be submitted not later than 12:00 noon, December 27, 1954. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C.". Fifteen copies of written statements, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked "For official use only of Committee on Reciprocity Information."

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard. The first hearing will be at 2:00 p. m. on December 13, 1954, in the Hearing Room in the Tariff Commission Building, 7th and E Streets NW., Washington 25, D. C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearing before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Persons or groups interested in import products may present to the Committee their views concerning possible tariff concessions by the United States on any product, whether or not included in the list annexed to the notice of intention to negotiate. However, as indicated in the notice of intention to negotiate, no tariff reduction or specific continuance of customs or excise treatment will be considered on any product which is not included in the list annexed to the public notice by the Interdepartmental Committee on Trade Agreements, unless it is subsequently included in a supplementary public list.

The United States Tariff Commission has today announced public hearings[2] on the import items appearing in the list annexed to the notice of intention to negotiate to run concurrently with the hearings of the Committee for Reciprocity Information. Oral testimony and written information submitted to the Tariff Commission will be made available to and will be considered by the Interdepartmental Committee on Trade Agreements. Consequently, those whose interests relate only to import products included in the foregoing list, and who appear before the Tariff Commission, need not, but may if they wish, appear also before the Committee for Reciprocity Information.

Persons interested in exports may present their views regarding any tariff or other concessions that might be requested from Japan. Any other matters appropriate to be considered in connection with the proposed negotiations may also be presented.

Copies of the list attached to the notice of intention to negotiate may be obtained from the Committee for Reciprocity Information at the address designated above and may be inspected at the field offices of the Department of Commerce.

By direction of the Committee for Reciprocity Information this 13th day of November 1954.

EDWARD YARDLEY,
Secretary,
Committee for Reciprocity Information.

[F. R. Doc. 54-8996; Filed, Nov. 15, 1954; 8:45 a. m.]

[1] See F. R. Doc. 54-8995, *supra*.

[2] See F. R. Doc. 54-8997, *infra*.

UNITED STATES TARIFF COMMISSION

INVESTIGATION AND PUBLIC HEARING IN CONNECTION WITH PROPOSED TRADE AGREEMENT NEGOTIATIONS WITH JAPAN AND OTHER COUNTRIES

Investigation No. 2 and public hearing under section 3 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, in connection with proposed trade agreement negotiations with Japan and other countries.

1. The final date for filing requests to testify at Tariff Commission public hearings is December 3, 1954.

2. Tariff Commission public hearings will begin on December 13, 1954.

3. Final date for filing written statements with the Tariff Commission is December 27, 1954.

4. Public announcements relating to the proposed trade agreement negotiations have also been issued by the Interdepartmental Committee on Trade Agreements[1] and the Committee for Reciprocity Information,[2] and appear concurrently with this notice in the FEDERAL REGISTER. Interested persons are urged to consult these notices for further information.

The Interdepartmental Committee on Trade Agreements this day issued an announcement regarding proposed trade agreement negotiations. In accordance with section 3 of the Trade Agreements Extension Act of 1951, as amended, the President on the same day furnished the United States Tariff Commission with a list of all articles imported into the United States to be considered in the proposed trade agreement negotiations, and has requested the Tariff Commission to make an investigation and report with respect to each such article, as provided in said section 3 of the Trade Agreements Extension Act of 1951, as amended. This list is annexed to the announcement of the Interdepartmental Committee on Trade Agreements published in the FEDERAL REGISTER con-

[1] See F. R. Doc. 54-8996, *supra*.

currently with this notice. A copy of the President's list will be furnished by the Commission to interested parties upon request.

A. *Investigation instituted.* Pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended, and under the authority of section 332 of the Tariff Act of 1930, the United States Tariff Commission has this day instituted an investigation with respect to the articles included in the President's list.

B. *Purpose of investigation.* The purpose of the investigation is to obtain the facts necessary to enable the Tariff Commission to formulate findings for inclusion in a report to the President with respect to each article included in the President's list as to (1) the limit to which the modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment may be extended in order to carry out the purpose of section 350 of the Tariff Act of 1930, as amended (Trade Agreements Act), without causing or threatening serious injury to the domestic industry producing like or directly competitive articles, and (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles, the minimum increases in duties or additional import restrictions required.

C. *Testimony presented in connection with investigation conducted pursuant to Senate Finance Committee Resolution of March 11, 1954, will be considered and need not be repeated in connection with current investigation.* Attention is called to the fact that a number of the articles included in the President's list were also included in the list published by the Tariff Commission in connection with its investigation pursuant to the resolution of the Committee on Finance of the Senate dated March 11, 1954, on articles on which the ad valorem equivalent rate of duty is 50 per centum or higher. Public hearings in connection with the latter investigation were held by the Commission from July 13 to 28, 1954, inclusive. Testimony and written information submitted by interested parties in connection with articles included in the investigation pursuant to the resolution of the Senate Finance Committee, which are also included in the President's list, will be considered by the Commission as though presented to the Commission in connection with the present investigation under section 3 of the Trade Agreements Extension Act of 1951, as amended. Accordingly, such parties need not present the same information in connection with the present investigation with respect to such articles unless they so desire.

D. *Written statements and public hearings.* Parties interested will be given opportunity to present their views with respect to the subject matter of the investigation either by submission of written statements or by oral testimony at public hearings, or both. It will be noted that the President's list includes a large number of articles. In order to permit, within the limited time and resources available, all interested parties to present information and views concerning these articles in an orderly manner and with the least possible inconvenience to all concerned, the Commission has established the following procedure for submission of written statements and the conduct of hearings:

1. *Scope of written statements and oral testimony.* Written statements and oral testimony must relate to articles included in the President's list and be confined to matters relevant to the investigation as stated in B, above.

2. *Written statements in lieu of appearance at hearing.* Interested parties are urged to present their information and views through the submission of written statements in lieu of appearances at the public hearing. Such statements must be under oath and will be given the same consideration as oral testimony presented at the hearings, and except for information submitted and accepted in confidence, will be made available for inspection by interested parties. Twenty copies of written statements shall be submitted only one of which need be sworn to. Such statements should be submitted as early as possible but not later than December 27, 1954.

3. *Request to appear at hearings.* Interested parties who wish to appear at public hearings must file a written request for such appearance with the Secretary of the Commission not later than December 3, 1954. Such requests for appearance shall identify the article or articles with respect to which such parties desire to be heard by name and by tariff paragraph number. Such requests shall also include a careful estimate of the time desired for oral presentation of testimony and shall indicate briefly the position to be taken with respect to the customs treatment of the articles affected. The Commission reserves the right to limit the time assigned to individual witnesses. Questioning of witnesses at the hearing will be limited to members of the Commission. It is suggested that parties who have a common interest with respect to one or more of the articles listed endeavor, wherever possible, to give a consolidated presentation of their views.

4. *Submission of information in confidence.* Information pertinent to the subject matter of the investigation which interested parties desire to submit in confidence may be submitted with written statements or at the time testimony is given at the hearings, on separate sheets, each clearly marked "Submitted in confidence."

5. *Date of public hearings.* Public hearings will commence at 10:00 o'clock a. m. on the 13th day of December, 1954 in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D. C. It is contemplated that the course of the hearings will follow generally the order of the tariff paragraphs included in the President's list. Parties who have entered their appearance by December 3, 1954, as indicated above, will be individually notified of the date on which they are scheduled to appear.

6. *Related hearings before the Committee for Reciprocity Information.* Also published concurrently with this notice is an announcement by the Committee for Reciprocity Information regarding public hearings to be held by that Committee on the articles included in the President's list, and on other matters, to begin on December 13, 1954. Arrangements will be made to permit persons desiring to appear at both Tariff Commission and Committee for Reciprocity Information hearings to do so without conflict in scheduling, and, where possible, to present their testimony at both hearings on the same day. Oral testimony and written statements of interested parties received by the Tariff Commission in connection with this investigation will be made available by the Tariff Commission to the Committee for Reciprocity Information. Accordingly, as stated in the Committee for Reciprocity Information notice, appearance before the Committee for Reciprocity Information for the purpose of submitting the same information will, while permissible, not be necessary.

7. *Communications to be addressed to Secretary.* All communications regarding this investigation, including requests for appearance at hearings, should be addressed to the Secretary, United States Tariff Commission, Washington 25, D. C.

By direction of the United States Tariff Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 54-8997; Filed, Nov. 15, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6582]

EASTERN AIR LINES, INC., AND COLONIAL AIRLINES, INC.; CONTROL CASE

NOTICE OF HEARING

In the matter of control of Colonial Airlines, Inc., by Eastern Air Lines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 and 408 of said act, that a public hearing in the above-entitled proceeding will be held on December 2, 1954 at 10:00 a. m. e. s. t., in Room 1512, Temporary Building No. 4, 17th Street and Constitution Avenue, NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues presented in this proceeding, particular attention will be directed to the following questions:

I. Did Eastern Air Lines, Inc., have control of Colonial Airlines, Inc., as of August 31, 1954, or at any time between said date and the date of close of hearings herein?

II. In the event that Eastern now controls Colonial, what action should be taken to direct Eastern to terminate such control?

III. In the event Eastern does not now control Colonial, should Eastern be directed to cease and desist from acquiring any further control of Colonial or any of its routes or assets without prior application for approval by the Civil Aeronautics Board?

For further details regarding the issues involved in this proceeding, interested parties are referred to the various orders that have been entered in this proceeding, to the various documents filed with respect to those orders by the parties to this case, and to the Prehearing Conference Report of the Examiner served on November 5, 1954, all of which are on file with the Civil Aeronautics Board in Docket No. 6582.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before December 2, 1954, a statement setting forth the propositions of fact or law which he desires to advance.

Dated at Washington, D. C., November 9, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8999; Filed, Nov. 15, 1954; 8:57 a. m.]

[Dockets Nos. 6035, 6830]

EASTERN AIR LINES AND OZARK AIR LINES; SERVICE TO PADUCAH

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that pursuant to Board Order No. E-8574 a prehearing conference on that portion of Ozark Air Lines' application in Docket No. 6035 proposing service between Paducah and Louisville, and Eastern Air Lines' application in Docket No. 6830, requesting the addition of Paducah as an intermediate point on Route No. 10 is assigned to be held on November 30, 1954, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 10, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-8998; Filed, Nov. 15, 1954; 8:57 a. m.]

LIABILITY RULES FOR PERSONAL INJURY AND DEATH IN AIR CARRIER AND FOREIGN AIR CARRIER TARIFFS

ORDER TO CANCEL CERTAIN MATTER FROM TARIFFS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 10th day of November 1954.

The Board adopted Regulation No. ER-195 [1] which became effective March 2, 1954, and which provides:

Personal liability rules. No provision of the Board's regulations issued under this part or elsewhere shall be construed to require on and after March 2, 1954, the filing of any tariff rules stating any limitation on, or condition relating to, the carrier's liability for personal injury or death. No subsequent regulation issued by the Board shall be construed to supersede or modify this rule of construction except to the extent that such regulation shall do so in express terms.

The Board in the explanatory statement in the notice of proposed rule making in Draft Release No. 62, dated July 22, 1953, stated:

• • • that after the effective date of this regulation, rules of this nature would be subject to rejection as not consistent with the Civil Aeronautics Act and the Board's regulations thereunder.

The Board in adopting the amendment stated:

After the effective date of this amendment carrier tariffs, to the extent they contain matter dealing with limitations on or conditions relating to carrier liability for personal injury or death, will be mere surplusage and of no effect as tariffs.

The Board, therefore, finds that, in the interest of orderly administration of the tariff filing requirements of the Act and the Board's Economic Regulations, and in the interest of avoiding confusion among passengers and users of tariffs as to the effect of provisions contained therein which are not required to be filed, all rules and provisions stating any limitation on, or condition relating to, carrier liability for personal injury or death should be cancelled from the tariffs of all air carriers and foreign air carriers.

Accordingly, it is ordered, That:

1. All air carriers and foreign air carriers shall cancel from their tariffs, on or before January 1, 1955, all rules, regulations, or provisions stating any limitation on, or condition relating to, carrier liability for personal injury or death.

2. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-9000; Filed, Nov. 15, 1954; 8:57 a. m.]

[1] Now in Regulation No. ER-197 as § 221.38 (h) of Part 221.

FEDERAL POWER COMMISSION

[Docket No. G-2503]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

Texas Eastern Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Shreveport, Louisiana, filed on July 26, 1954, an application and supplement thereto on July 30, 1954 (1) for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas pipeline facilities, and (2) for an order pursuant to section 7 of the act authorizing the abandonment of certain pipeline facilities, as fully described in the application, on file with the Commission and open to public inspection.

Due notice of the filing of the application has been given including publication in the FEDERAL REGISTER on August 7, 1954 (19 F. R. 5197).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on December 6, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application herein.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-8939; Filed, Nov. 15, 1954; 8:46 a. m.]

[Docket No. G-2649]

GRAY WOLFE CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that The Gray Wolfe Company (Applicant), a Delaware corporation with its principal office in Houston, Texas, filed on September 1, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Pinehurst Field, Montgomery County, Texas, which it sells to Tennessee Gas Transmission Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 29, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved

and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8940; Filed, Nov. 15, 1954; 8:46 a. m.]

[Docket No. G-2669]

L. D. FRENCH

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that L. D. French (Applicant), an individual with a principal office in Houston, Texas, filed on September 7, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant sells and delivers natural gas in the Fulshear Field area, Ft. Bend County, Texas to Texas Illinois Natural Gas Pipeline Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 29, 1954, at 11:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8942; Filed, Nov. 15, 1954; 8:46 a. m.]

[Docket No. G-2717]

GLENVILLE GAS PRODUCTION CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Glenville Gas Production Company (Applicant), a West Virginia corporation with its principal office in Charleston, West Virginia, filed on September 9, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Glenville District, Gilmer County, West Virginia, which it sells to Carnegie Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 8, 1954, at 11:20 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8941; Filed, Nov. 15, 1954; 8:46 a. m.]

[Docket No. G-2729]

MCCOY NATURAL GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that McCoy Natural Gas Company (Applicant), a Pennsylvania corporation with its principal office in Oil City, Pennsylvania, filed on September 10, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Clarion County, Pennsylvania, which it sells to United Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 8, 1954, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8943; Filed, Nov. 15, 1954; 8:47 a. m.]

[Docket No. G-2745]

CLAUDE M. CARROLL ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Claude M. Carroll, A. T. Hannett and J. W. Hannett (Applicants), with a principal office in Farmington, New Mexico, filed on September 13, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicants produce natural gas in the Fulcher-Kutz Field, San Juan County, New Mexico which they sell to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 8, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8944; Filed, Nov. 15, 1954; 8:47 a. m.]

[Docket No. G-2757]

KERR-MCGEE OIL INDUSTRIES, INC.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Kerr-McGee Oil Industries, Inc., (Applicant), a Delaware corporation with its principal office in Oklahoma City, Oklahoma, filed on September 14, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Carthage Field, Panola County, Texas, which it sells to United Gas Pipe Line Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 10, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8945; Filed, Nov. 15, 1954; 8:47 a. m.]

[Docket No. G-2850]

CALANA CORP.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that The Calana Corporation (Applicant), a California corporation with its principal office in Long Beach, California, filed on September 20, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Cedar Creek Anticline in Montana which it sells to Montana-Dakota Utilities Co., for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 1, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8946; Filed, Nov. 15, 1954; 8:47 a. m.]

[Docket No. G-2862]

PEARL OIL & GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Pearl Oil & Gas Company (Applicant), a partnership with a principal office in Prestonsburg, Kentucky, filed on September 20, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Noah May Lease, Pike County, Kentucky, which it sells to Kentucky-West Virginia Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under

the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 8, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8947; Filed, Nov. 15, 1954; 8:47 a. m.]

[Docket No. G-2863]

KINDRED GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Kindred Gas Company (Applicant), a partnership with a principal office in Prestonsburg, Kentucky, filed on September 20, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Knott County, Kentucky, which it sells to Kentucky-West Virginia Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 8, 1954, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8948; Filed, Nov. 15, 1954; 8:48 a. m.]

[Docket No. G-2944]

O. N. SINGLETON

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that O. N. Singleton (Applicant), an individual whose address is Copen, West Virginia, filed an application on September 28, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant produces natural gas from acreage located in Braxton County, West Virginia, which he sells to Equitable Gas Company for resale in interstate commerce.

Protests or petition to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 8, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8949; Filed, Nov. 15, 1954; 8:48 a. m.]

[Docket No. G-2947]

VICTOR P. GRAGE AND GEORGE A. MUSSELMAN

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Victor P. Grage and George A. Musselman (Applicants), with their principal offices in Shreveport, Louisiana, filed on September 22, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicants to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in said application filed herein.

Applicants produce natural gas in the Helen Gohlke Field in DeWitt and Victoria Counties, Texas, which they sell to the Texas Eastern Transmission Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8950; Filed, Nov. 15, 1954; 8:48 a. m.]

[Docket No. G-2955]

MILLS BENNETT ESTATE

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that the Mills Bennett Estate (Applicant), with its principal office in Houston, Texas, filed on September 22, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the San Domingo, and Strauch-Wilcox Fields in Bee County, Texas, which it sells to the Texas Eastern Transmission Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 1, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8951; Filed, Nov. 15, 1954; 8:48 a. m.]

[Docket No. G-2957]

JEFFERSON COUNTY GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Jefferson County Gas Company (Applicant), a Pennsylvania corporation with its principal office in Warren, Pennsylvania, filed an application on September 22, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Elk, Forest and Jefferson Counties, Pennsylvania, and purchases natural gas in Clarion and Jefferson Counties, Pennsylvania, which it sells to Pennsylvania Gas Company in Howe Township, Forest County, Pennsylvania, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Applicant has requested omission of the intermediate decision procedure in accordance with § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 2, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8952; Filed, Nov. 15, 1954; 8:48 a. m.]

[Docket No. G-3028]

W. H. COCKE

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that W. H. Cocke (Applicant), with its principal office in Houston, Texas, filed on September 24, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Helen and Gohlke Field in the Victoria and DeWitt Counties, Texas, which it sells to the Texas Eastern Transmission Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 3, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8953; Filed, Nov. 15, 1954; 8:48 a. m.]

[Docket No. G-3056]

TEXAS GULF PRODUCING CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Texas Gulf Producing Company (Applicant), a Delaware corporation with its principal office in

Houston, Texas, filed on September 24, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Columbus Field in Colorado County, Texas, which it sells to the Trunkline Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 2, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8954; Filed, Nov. 15, 1954; 8:49 a. m.]

[Docket No. G-3060]

R. H. GOODRICH

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that R. H. Goodrich (Applicant), with a principal office in Houston, Texas, filed on September 24, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Helen Gohlke Field in Victoria and DeWitt Counties, Texas which it sells to the Texas Eastern Transmission Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 2, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8955; Filed, Nov. 15, 1954; 8:49 a. m.]

[Docket Nos. G-3065—G-3105, G-3107, G-3111—G-3122]

HUMBLE OIL & REFINING CO.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

Take notice that Humble Oil & Refining Company (Applicant), a Texas corporation with its principal office in Houston, Texas, filed on September 24, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its applications at the above-entitled dockets.

Applicant produces, gathers, purchases, and processes natural gas from various fields located in Texas, Louisiana, Mississippi, and New Mexico, as described in further detail in its applications in the above-entitled dockets, and sells such gas for resale in interstate commerce to individuals and pipeline companies for transportation to points of ultimate consumption. The specific sales for which authorizations are sought in these proceedings are indicated below:

Docket No.	Field operator	Purchasers	Fields	County or Parish and State
G-3065	Applicant	C. V. Lyman	Kermit	Winkler, Tex.
G-3066	....do	United Gas Pipe Line Co	Weesatche and Weser	Goliad, De Witt, and Karnes, Tex.
G-3067	....do	Tennessee Gas Transportation Co.	Keyser	Victoria and Calhoun, Tex.
G-3068	....do	United Gas Pipe Line Co	River	Goliad, Tex.
G-3069	....do	El Paso Natural Gas Co	Wyatt-Ellenberger	Crockett, Tex.
G-3070	....do	....do	Clara Couch	Do.
G-3071	....do	Texas Eastern Transportation Corp.	Helen Gohlke	De Witt, Tex.
G-3072	....do	Tennessee Gas Transportation Co.	Various in Gulf area	Texas.
G-3073	....do	Texas Eastern Transportation Corp.	Loma Alta	McMullen, Tex.
G-3074	....do	C. V. Lyman	Weiner	Winkler, Tex.
G-3075	....do	Texas Eastern Transportation Corp.	West George West	Live Oak, Tex.
G-3076	....do	....do	Silsbee	Hardin, Tex.
G-3077	....do	El Paso Natural Gas Co	Dollarhide	Andrews, Tex.
G-3078	....do	Tennessee Gas Transportation Co.	Mariposa	Brooks, Tex.
G-3079	....do	Trunkline Gas Co	Sabine Tram	Newton, Tex.
G-3080	....do	Phillips Petroleum Co	Hugoton	Hansford, Tex.
G-3081	....do	Texas Eastern Transportation Corp.	Carthage	Panola, Tex.
G-3082	....do	Phillips Petroleum Co	Hugoton	Sherman, Tex.
G-3083	....do	Mississippi River Fuel Corp	Woodlawn	Harrison and Marion, Tex.
G-3084	....do	Texas Eastern Transportation Corp.	Rhode Ranch	McMullen, Tex.
G-3085	Placid Oil Co	....do	North Lansing	Harrison, Tex.
G-3086	The Texas Co	United Gas Pipe Line Co	Bethany	Panola, Tex.
G-3087	Arkansas Fuel Oil Corp.	....do	Carthage	Do.
G-3088	Hunt Oil Co	Louisiana National Gas Co	Maxie	Acadia, La.
G-3089	Applicant	Magnolia Petroleum Co	Carthage	Panola, Tex.
G-3090	Skelly Oil Co	Texas Gas Transportation Corp.	....do	Do.
G-3091	Marshall R. Young	United Gas Pipe Line Co	South Bancroft	Beauregard, La.
G-3092	Stanolind Oil & Gas Co.	Mississippi River Fuel Corp	Woodlawn	Harrison, Tex.
G-3093	Union Products Co	United Gas Pipe Line Co	Bethany	Panola, Tex.

Docket No.	Field operator	Purchasers	Fields	County or Parish and State
G-3094	Magnolia Petroleum Co.	United Gas Pipe Line Co	Iowa	Jefferson Davis, La.
G-3095	Stanolind Oil & Gas Co.	Phillips Petroleum Co	Hugoton	Sherman, Tex.
G-3096	Lyons and McCord	Texas Gas Transportation Corp.	Carthage	Panola, Tex.
G-3097	Stanolind Oil & Gas Co.	Texas Northern Gas Corp	Savoy	St. Landry, La.
G-3098	R. Lacy, Inc	Texas Gas Transportation Corp.	Carthage	Panola, Tex.
G-3099	Arkansas Fuel Oil Corp.	United Gas Pipe Line Co	....do	Do.
G-3100	Applicant	Arkansas Louisiana Gas Co	Waskom	Harrison, Tex.
G-3101	....do	Louisiana Natural Gas Co	Chalkley	Cameron, La.
G-3102	....do	Olin Gas Transportation Corp.	Carthage Point	Adams, Miss.
G-3103	....do	United Gas Pipe Line Co	Soso	Jones and Jasper, Miss.
G-3104	....do	....do	Baxterville	Lamar and Marion, Miss.
G-3105	....do	Southern Natural Gas Co	Gwinville	Jefferson Davis and Simpson, Miss.
G-3107	....do	Tennessee Gas Transportation Co.	Bayou Sale	St. Mary, La.
G-3111	....do	United Gas Pipe Line Co	Houma	Terrebonne, La.
G-3112	....do	....do	Duck Lake	St. Martin, La.
G-3113	....do	El Paso Natural Gas Co	Various in Permian Basin	Lea, N. Mex., and Andrews, Tex.
G-3114	....do	....do	Cooper-Jal	Lea, N. Mex.
G-3115	....do	....do	Lea County Area	Do.
G-3116	....do	United Gas Pipe Line Co	Roanoke	Jefferson Davis, La.
G-3117	....do	Tennessee Gas Transportation Co.	South Crowley	Acadia, La.
G-3118	....do	El Paso Natural Gas Co	Cooper-Jal, Langlie-Mattix	Lea, N. Mex.
G-3119	....do	....do	Cooper-Jal	Do.
G-3120	Chicago Corp	Tennessee Gas Transportation Co. and Manufacturers Light & Heat Co.	West Bishop	Nueces, Tex.
G-3121	....do	....do	Stratton Area	Jim Wells and Kleberg, Tex.
G-3122	....do	....do	King Ranch	Kleberg, Tex.

Amendments to the applications in Docket Nos. G-3120, G-3121, and G-3122 were filed on October 12, 1954, to correct dates set forth in contracts between Applicant and the Chicago Corporation applicable to processing agreements for gas sold from Texas gas fields specified in the respective applications.

Applicant has requested that its applications as above indicated be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The applications are on file with the Commission and available for public inspection.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the several applications, including publication in the FEDERAL REGISTER, be given as hereinafter provided.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that said applications be consolidated for purposes of hearing and decision.

(3) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the applications filed herein on September 24, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice of these applications be given, including publication in the FEDERAL REGISTER of this notice of application and order.

(B) The above-entitled applications be and the same hereby are consolidated for the purpose of hearing and decision.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 or 1.10 (18 CFR 1.8 or 1.10) on or before November 23, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8938; Filed, Nov. 15, 1954; 8:46 a. m.]

[Docket No. G-3164]

I. N. HARDMAN

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that I. N. Hardman, for himself and on behalf of W. H. Setterfield (hereinafter called "Applicant") whose address is Glenville, West Virginia, filed on September 27, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas from a 13-acre track in the Sinking Creek area, Dekalb District, Gilmer County, West Virginia, which it sells to Equitable Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 8, 1954, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8956; Filed, Nov. 15, 1954; 8:49 a. m.]

[Docket No. G-3872]

COLUMBIAN CARBON CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Columbian Carbon Company (Applicant), a Delaware corporation with its principal office in New York, New York, filed on October 1, 1954 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all

as more fully represented in its application filed herein.

Applicant produces natural gas in Mingo, Logan and McDowell Counties, West Virginia, which it proposes to sell to Hope Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 9, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8957; Filed, Nov. 15, 1954; 8:49 a. m.]

[Docket No. G-2677]

L. D. FRENCH

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that L. D. French (Applicant), an individual with a principal office in Houston, Texas, filed on September 7, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the New Ulm Field, Austin County, Texas, which it sells to Tennessee Gas Transmission Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of November 1954. The application is on file with the Commissioner for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 29, 1954, at 11:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8961; Filed, Nov. 15, 1954; 8:50 a. m.]

[Docket No. G-2740]

W. A. DELANEY, JR.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that W. A. Delaney, Jr. (Applicant), an individual with a principal office in Ada, Oklahoma, filed on September 13, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Katie East Hoxbar Field, Garvin County, Oklahoma, which it sells to Lone Star Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 8, 1954, at 10:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8962; Filed, Nov. 15, 1954; 8:51 a. m.]

G-2762]

KERR-MCGEE OIL INDUSTRIES, INC., ET AL.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING AND FIXING DATE OF HEARING

In the matters of Kerr-McGee Oil Industries, Inc., Bison Gas Company, Clark M. Clifford and Joseph Allen Frear, Jr., Docket No. G-2755 and G-2756; Kerr-McGee Oil Industries, Inc., Docket Nos. G-2760, G-2761 and G-2762.

Take notice that Kerr-McGee Oil Industries, Inc. (Applicant), a Delaware corporation with its principal office in Oklahoma City, Oklahoma, filed on September 14, 1954, applications in the above entitled matters, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications filed herein.

Applicant produces natural gas in the Texas-Hugoton and West Panhandle Fields, Hansford, Moore and Sherman Counties, Texas, and in the Guymon-Hugoton Field, Texas County, Oklahoma, which it sells to Phillips Petroleum Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the

3d day of December 1954. The application is on file with the Commission for public inspection.

These matters should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is appropriate and in the public interest to (a) consolidate the above-entitled proceedings for the purpose of hearing and (b) to publish simultaneously the notice of applications and order consolidating and fixing date of hearing.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, Docket Nos. G-2755, G-2776, G-2760, G-2761 and G-2762 be and the same are hereby consolidated for the purpose of hearing and that a hearing be held on December 10, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8973; Filed, Nov. 15, 1954; 8:53 a. m.]

[Docket Nos. G-2775, G-2776, G-2778]

TEXAS EASTERN PRODUCTION CORP.

NOTICE OF APPLICATIONS AND ORDER FIXING DATE OF HEARING

Take notice that Texas Eastern Production Corporation (Applicant), a Delaware corporation with its principal office in Houston, Texas, filed separate applications on September 15, 1954, in the above-entitled matters, each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its applications filed herein.

Applicant states, in its respective applications, that it produces natural gas which it sells for resale in interstate commerce, as hereinafter specified:

Docket No.	Field and location	Purchaser
G-2775	Hagist Ranch Field, Duval and McMullen Counties, Tex.; Maxine Field, Live Oak County, Tex.; Loma Alta and Rhode Ranch Fields, McMullen County, Tex.	Wilcox Trend Gathering System, Inc.
G-2776	Haynesville Field, Claiborne Parish, La	Arkansas Louisiana Gas Co.
G-2778	West Hampshire Field, Jefferson County, Tex	Texas Eastern Transmission Corp.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of November 1954. The applications are on file with the Commission for public inspection.

These matters should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is appropriate and in the public interest to (a) consolidate the above-entitled proceedings for the purpose of hearing and (b) to publish simultaneously the notice of applications and order consolidating and fixing date of hearing.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, Docket Nos. G-2775, G-2776, and G-2778 be and the same are hereby consolidated for the purpose of hearing, and that a hearing be held on December 7, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8974; Filed, Nov. 15, 1954; 8:53 a. m.]

[Docket No. G-2780]

A. C. MOORHEAD

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that A. C. Moorhead (Applicant), an individual with a principal office in Hugoton, Kansas, filed on September 15, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Hugoton gas field, Stevens County, Kansas, which it sells to Panhandle Eastern Pipeline Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 29, 1954, at 10:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8963; Filed, Nov. 15, 1954; 8:51 a. m.]

[Docket No. G-2786]

TRANS-TEX DRILLING CO. ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

In the matters of Trans-Tex Drilling Co., for itself and as Agent for David C. Bintliff, W. E. Walker and Dal-Long Oil Company.

Take notice that Trans-Tex Drilling Co., for itself and as Agent for David C. Bintliff, W. E. Walker and Dal-Long Oil Company (Applicants), are Delaware corporations with their principal offices in Longview, Texas, filed on September 16, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicants to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Com-

mission, all as more fully represented in their application filed herein.

Applicants produce natural gas in the Willow Springs Field, Gregg County, Texas, which they sell to Texas Eastern Transmission Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 29, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8975; Filed, Nov. 15, 1954; 8:53 a. m.]

[Docket Nos. G-2887-2931]

SINCLAIR OIL AND GAS CO.

NOTICE OF APPLICATIONS AND ORDER FIXING DATE OF HEARING

Take notice that Sinclair Oil and Gas Company (Applicant), a Maine corporation with its principal office in Tulsa, Oklahoma, filed on September 21, 1954, applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas, subject to the jurisdiction of the Commission, all as more fully represented in its applications filed herein.

Applicant produces natural gas in Kansas, Louisiana, Montana, New Mexico, Oklahoma, Texas, and Wyoming, which it sells to the following for resale in interstate commerce:

Purchaser for resale and Docket No.

Tennessee Gas Transmission Company; G-2887, G-2888, G-2889, G-2922.
El Paso Natural Gas Company; G-2890, G-2891, G-2892, G-2893, G-2894, G-2899, G-2914.
Natural Gas Pipe Line Company of America; G-2895.
Panhandle Eastern Pipe Line Co.; G-2896.
Colorado Interstate Gas Company; G-2897, G-2898, G-2900.
Phillips Petroleum Company; G-2901, G-2902, G-2903, G-2909, G-2910, G-2911, G-2912, G-2913.
Texas-Illinois Pipeline Company; G-2904.
Consolidated Gas Utilities Corp.; G-2905.
Northern Utilities Company; G-2906, G-2907.
Cities Service Gas Company; G-2908, G-2930.
Lone Star Gas Company; G-2915, G-2916, G-2917, G-2918.
Trunkline Gas Company; G-2919.
Kerr-McGee Oil Industries, Inc.; G-2920.
Texas Gas Transmission Company; G-2921.
Frank C. & Elizabeth Henderson, Trust No. 2; G-2923, G-2924, G-2925, G-2926.
Shamrock Oil & Gas Corporation; G-2927, G-2928, G-2929.
Billings Gas Company, G-2931.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The applications are on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the applications and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 1, 1954 at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8972; Filed, Nov. 15, 1954; 8:53 a. m.]

[Docket No. G-2943]

FRANK B. TREAT

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Frank B. Treat (Applicant), an individual with his principal office in Minden, Louisiana, filed an application on September 22, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant produces natural gas in the Cotton Valley Field, Webster Parish, Louisiana, which he sells to Louisiana Nevada Transit Company and United Gas Pipe Line Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 1, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8964; Filed, Nov. 15, 1954; 8:51 a. m.]

[Docket No. G-3002]

KENNETH WIMER, JR.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Kenneth Wimer, Jr. (Applicant), an individual with his principal office in El Dorado, Arkansas, filed an application on September 23, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant will produce natural gas in Regan County, Texas, which it proposes to sell to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1955. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 29, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8966; Filed, Nov. 15, 1954; 8:51 a. m.]

[Docket No. G-3046]

JOSEPH S. AND W. C. MORRIS

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Joseph S. Morris and W. C. Morris (Applicants), individuals with a principal office in San Antonio, Texas, filed on September 24, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicants produce natural gas in the North Charco Field, Goliad County, Texas, which they sell to United Gas Pipe Line Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 29, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8967; Filed, Nov. 15, 1954; 8:52 a. m.]

[Docket No. G-3050]

JOHN G. FINDLATER

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that John G. Findlater (Applicant), with principal office in Baker, Montana, filed on September 24, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application filed herein.

Applicant produces natural gas in the Cedar Creek Anticline in Montana, which he sells to Montana-Dakota Utilities Co., for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or

Applicant produces natural gas in Ruston Field, Lincoln Parish, Louisiana, which he sells to Mississippi River Fuel Corporation at the tailgate of the plant of The California Company, operator of the lease, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Applicant has requested waiver of the intermediate decision procedure in accordance with § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 2, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8965; Filed, Nov. 15, 1954; 8:51 a. m.]

[Docket No. G-3019]

LELAND DAVISON ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Leland Davison for himself and as agent for Mascho Oil Co., a partnership, and for Ruth W. Shelton (hereinafter called "Applicant"), with its principal office in Midland, Texas, filed on September 23, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of

before the 24th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 29, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8968; Filed, Nov. 15, 1954; 8:52 a. m.]

[Docket No. G-3058]

JOHN I. AND P. D. MOORE

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that John I. Moore and P. D. Moore (joint applicants hereinafter called "Applicant"), with principal office in Midland, Texas, filed on September 24, 1954, joint application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Crockett County, Texas, which it sells to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 9, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8969; Filed, Nov. 15, 1954; 8:52 a. m.]

[Docket No. G-3179]

E. F. AND ALICE C. FOX

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that E. F. Fox and Alice C. Fox (joint applicants hereinafter called "Applicant"), with principal office in Michigan, North Dakota, filed on September 27, 1954, joint application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application filed herein.

Applicant produces natural gas in the Cedar Creek Anticline in Montana, which it sells to Montana-Dakota Utilities Co., for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 9, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8970; Filed, Nov. 15, 1954; 8:52 a. m.]

[Docket No. G-3235]

DR. I. B. AND MRS. A. L. ROUGON

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Dr. I. B. Rougon and Mrs. A. L. Rougon (Applicants), with their principal office in Shreveport, Lousiana, filed on September 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicants produce natural gas in the Cotton Valley Field, Webster Parish, Louisiana, which they sell to United Gas Pipe Line Company, and Louisiana Nevada Transit Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Applicants requested omission of the intermediate decision procedure in accordance with § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 2, 1954, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Adopted: November 3, 1954.

Issued: November 9, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-8971; Filed, Nov. 15, 1954; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29883]

ACIDS AND CHEMICALS FROM BROWNSVILLE, HOUSTON AND TEXAS CITY, TEX., TO HOPEWELL, VA., AND GLENS FALLS, N. Y.

APPLICATION FOR RELIEF

NOVEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Acids and chemicals, carloads and tank-car loads.

From: Brownsville, Houston, and Texas City, Tex.

To: Hopewell, Va., and Glens Falls, N. Y.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 397.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8976; Filed, Nov. 15, 1954; 8:53 a. m.]

[4th Sec. Application 29884]

SALT FROM TEXAS AND LOUISIANA TO ILLINOIS AND WISCONSIN

APPLICATION FOR RELIEF

NOVEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt, carloads.

From: Specified points in Texas and Louisiana.

To: Points in Illinois and Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3863, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8977; Filed, Nov. 15, 1954; 8:54 a. m.]

[4th Sec. Application 29885]

RUBBER TIRES FROM TUSCALOOSA, ALA., TO OAKS, PA.

APPLICATION FOR RELIEF

NOVEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Rubber tires, and parts, carloads.

From: Tuscaloosa, Ala.

To: Oaks, Pa.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional points.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1324, supp. 96.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8978; Filed, Nov. 15, 1954; 8:54 a. m.]

[4th Sec. Application 29886]

LUMBER AND VENEER FROM ALBANY, GA., TO OCALA, FLA.

APPLICATION FOR RELIEF

NOVEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Seaboard Air Line Railroad Company.

Commodities involved: Lumber and veneer, carloads.

From: Albany, Ga.

To: Ocala, Fla.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: Seaboard Air Line Railroad Company, I. C. C. No. A-8176, supp. 78.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8979; Filed, Nov. 15, 1954; 8:54 a. m.]

[4th Sec. Application 29887]

SODA ASH FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO SAVANNAH AND PORT WENTWORTH, GA.

APPLICATION FOR RELIEF

NOVEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Soda ash (other than modified soda ash), carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Savannah and Port Wentworth, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1400, supp. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8980; Filed, Nov. 15, 1954; 8:54 a. m.]

[4th Sec. Application 29888]

HARDWOOD LUMBER FROM WEST MEMPHIS, ARK., TO SOUTHERN, OFFICIAL AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Lumber, hardwood, carloads.

From: West Memphis, Ark.

To: Points in southern, official, and western trunkline territories, including southern Missouri.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to establish rates prescribed in docket No. 31315.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 594, supp. 161; C. A. Spaninger, Agent, I. C. C. No. 1298, supp. 47; C. A. Spaninger, Agent, I. C. C. No. 1101, supp. 102; C. A. Spaninger, Agent, I. C. C. No. 1214, supp. 102; C. A. Spaninger, Agent, I. C. C. No. 1412, supp. 5; C. A. Spaninger, Agent, I. C. C. No. 1230, supp. 53; F. C. Kratzmeir, Agent, I. C. C. No. 3929, supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8981; Filed, Nov. 15, 1954; 8:54 a. m.]

[4th Sec. Application 29889]

PETROLEUM OIL FROM OAK POINT, LA., TO NEW JERSEY, NEW YORK, VIRGINIA AND PENNSYLVANIA

APPLICATION FOR RELIEF

NOVEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum oil, in tank-car loads.

From: Oak Point, La.

To: Bayway, N. J., Brooklyn, N. Y., Norfolk, Va., Philadelphia, Pa., and Weehawken, N. J.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3651, supp. 347.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8982; Filed, Nov. 15, 1954; 8:55 a. m.]

[4th Sec. Application 29890]

PULPBOARD AND FIBREBOARD FROM BASTROP, LA., AND CROSSETT, ARK., TO SPRINGFIELD, MO.

APPLICATION FOR RELIEF

NOVEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Arkansas & Louisiana Missouri Railway Company and other carriers parties to schedule listed below.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Bastrop, La., and Crossett, Ark.

To: Springfield, Mo.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4063, supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8983; Filed, Nov. 15, 1954; 8:55 a. m.]

[4th Sec. Application 29891]

BITUMINOUS FINE COAL FROM CERTAIN POINTS IN ILLINOIS TO CHICAGO, ILL.

APPLICATION FOR RELIEF

NOVEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago, Burlington & Quincy Railroad Company for itself and on behalf of Galesburg & Great Eastern Railroad Company.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Illinois in the southern Illinois Centralia and Fulton County groups, also Victoria, Ill.

To: Chicago, Ill., and points in Chicago switching district.

Grounds for relief: Rail competition, circuity, market competition, and to maintain grouping.

Schedules filed containing proposed rates: Chicago, Burlington & Quincy Railroad Company, I. C. C. No. 20331, supp. 70.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8984; Filed, Nov. 15, 1954; 8:55 a. m.]

[4th Sec. Application 29892]

BITUMINOUS FINE COAL FROM ILLINOIS, INDIANA AND KENTUCKY TO CHICAGO, ILL., AND SWITCHING DISTRICT

APPLICATION FOR RELIEF

NOVEMBER 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Illinois Central Railroad Company.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Illinois, Indiana, and western Kentucky.

To: Chicago, Ill., and points in the Chicago switching district.

Grounds for relief: Rail competition, circuity, competition with water, or water-rail carriers, market competition, and to maintain grouping.

Schedules filed containing proposed rates: Illinois Central Railroad Company, I. C. C. No. E-1869, supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8985; Filed, Nov. 15, 1954; 8:55 a. m.]

[No. 31656]

TRANSPORTATION OF CIRCUSES AND SHOW OUTFITS

NOTICE OF INVESTIGATION TO DETERMINE WHETHER RAILROADS ARE ACTING AS PRIVATE OR COMMON CARRIERS

NOVEMBER 3, 1954.

A question as to the status of common carriers by railroad in the United States, when transporting circuses and show outfits, having arisen as a consequence of the decision of the United States Court of Appeals for the Fifth Circuit in Chicago and North Western Ry. Co. v. Davenport, 205 Fed. (2d) 589, holding that the railroad in that instance was operating as a common carrier of circus property, it is deemed advisable to conduct an investigation pursuant to sections 4 (a) and 5 (a) of the Administrative Procedure Act, and sections 6 and 17, and other pertinent provisions, of the Interstate Commerce Act, for the following purposes:

1. To determine whether railroads of the United States are acting as common or private carriers in the transportation of circuses and show outfits; and,

2. Whether Rule 63 of the Commission's Tariff Circulars Nos. 18-A (49 CFR 145.63) and 20 (49 CFR 141.63), which permits carriers subject thereto to file copies of their contracts covering the transportation of circuses and show outfits, should be rescinded, changed or amended in any respect.

All common carriers by railroad are hereby made respondents to this proceeding. A copy of this notice shall be served on each of them, a copy posted in the Office of the Secretary of the Commission, and a copy also filed with the Director, Division of the Federal Register, Washington, D. C.

This proceeding will be assigned for hearing at such times and places and in accordance with such procedures as the Commission may hereafter direct.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-8986; Filed, Nov. 15, 1954; 8:55 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUSTRIA TABAKWERKE A. G. VORM. OESTERREICHISCHE TABAKREGIE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Austria Tabakwerke A. G. vorm. Oesterreichische Tabakregie, Vienna, Austria; Claims Nos. 42805 and 42806, Vesting Orders Nos. 2429 and 201; property described in Vesting Order No. 2429 (8 F. R. 16536, December 8, 1943) relating to United States Letters Patent No. 1,880,336 and property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 1,843,638.

Executed at Washington, D. C., on November 9, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-8987; Filed, Nov. 15, 1954; 8:55 a. m.]

NIHACHI OGAWA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Nihachi Ogawa, 185 Fujimi-cho, Hiroshima-shi, Japan; Claim No. 45188, Vesting Order No. 1501; $93.04 in the Treasury of the United States.

Executed at Washington, D. C., on November 9, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-8988; Filed, Nov. 15, 1954; 8:56 a. m.]

NACHOUM KAGANSKY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended,

notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Nachoum Kagansky, New York, New York, and Paris, France; Claim No. 41696; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943); relating to United States Letters Patent No. 2,220,523.

Executed at Washington, D. C., on November 9, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8989; Filed, Nov. 15, 1954; 8:56 a. m.]

EBERHARD LUDWIG NOLTENIUS AND HENRIETA MARGARET HOOGENDOORN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Eberhard Ludwig Noltenius, Wallenbeen, N. S. W., Australia; Henrieta Margaret Hoogendoorn, Voorburg, Holland; Claim No. 37385; a one-half (½) interest in the following property to each claimant:

$4,336 in the Treasury of the United States.

Securities presently registered in the name of the Attorney General of the United States and in the custody of the Federal Reserve Bank of New York, New York:

Two (2) shares Fort Wayne and Jackson Railroad Company, Preferred Capital Stock, Par Value $100 per share, Certificate No. 11980 for two (2) shares.

Four (4) shares Chicago, Rock Island and Pacific Railroad Company, Delaware, Preferred Stock, Par Value $100 per share, Certificate No. 5091 for four (4) shares.

Eleven (11) shares Chicago, Rock Island and Pacific Railroad Company, Delaware, Common Stock, No Par Value, Certificate No. 6895 for eleven (11) shares.

$4,000 United States Treasury Bonds of 1967/72, Rate 2½ %, dated November 15, 1945, Due December 15, 1972. Bond Nos. 131187 and 85752 @ $500 each, 328994, 349809 and 328995 @ $1,000 each.

Executed at Washington, D. C., on November 9, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8990; Filed, Nov. 15, 1954; 8:56 a. m.]

GUIDO VIVAN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Guido Vivan, Vittorio Vivan and Nobrile Vivan, nee Bortolotto individually and as guardian of Olindo Vivan, a minor; all of Pasiano, Udine, Italy; Claim No. 36371, Vesting Order No. 1823; $3,150.00 in the Treasury of the United States; one-third (⅓) thereof each to Guido Vivan, Vittorio Vivan and Nobrile Vivan, nee Bortolotto individually and as guardian of Olindo Vivan, a minor.

All right, title, interest and claim of Marie Vivan, Lorenzo Vivan, Guido Vivan and Vittorio Vivan, in and to any and all causes of action arising out of the death of Giovanni Battisti Vivan under the common law and any Federal or State Statutes with the exception of those arising under the Workmen's Compensation Law of the State of Michigan and against the Waterway Construction Company, Detroit, Michigan and the Associated Indemnity Company, San Francisco, California.

Executed at Washington, D. C., on November 9, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8991; Filed, Nov. 15, 1954; 8:56 a. m.]

LORENZO VIVAN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY AND RETURN ORDER 1512; REVOCATION

Property described below was ordered returned to the claimants. Since Lorenzo Vivan died on January 26, 1953, prior to the return of the property, the Notice of Intention to Return Vested Property (17 F. R. 10842, November 29, 1952) and Determination and Return Order No. 1512, executed on January 15, 1953, are hereby revoked.

Claimants, Claim No., Property and Location

Lorenzo Vivan, Pasiano, Udine, Italy; Guido Vivan, Pasiano, Udine, Italy; Vittorio Vivan, Pasiano, Udine, Italy; Claim No. 36371; $3,150.00 in the Treasury of the United States, one-third thereof to each claimant.

All right, title, interest and claim of Marie Vivan, Lorenzo Vivan, Guido Vivan and Vittorio Vivan, in and to any and all causes of action arising out of the death of Giovanni Battisti Vivan under the common law and any Federal or State Statutes with the exception of those arising under the Workmen's Compensation Law of the State of Michigan and against the Waterway Construction Company, Detroit, Michigan and the Associated Indemnity Company, San Francisco, California.

Executed at Washington, D. C., on November 9, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-8992; Filed, Nov. 15, 1954; 8:56 a. m.]

e Room

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 19 NUMBER 223

Washington, Wednesday, November 17, 1954

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 414—FEES FOR COPYING, CERTIFICATION AND SEARCH OF RECORDS

COPYING AND SEARCH OF RECORDS; ACCEPTABLE REMITTANCE

Pursuant to the provisions of Title V of the Independent Offices Appropriation Act of 1952, and Bureau of the Budget Circular No. A-28, dated January 23, 1954, Part 414 of the Regulations of the Administrator is amended as follows:

1. Amend § 414.2 (a) by adding the following fees for services performed by the Civil Aeronautics Administration:

Report of Medical Examinations—$1.00 per page.

2. Amend § 414.4 to read as follows:

§ 414.4 *Acceptable remittance.* Checks, drafts, or postal money orders made payable to the Treasurer of the United States are acceptable as payment for the fees listed in this part.

This amendment shall become effective November 15, 1954.

(56 Stat. 1067, 65 Stat. 290; 5 U. S. C. 606, 140)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-9023; Filed, Nov. 16, 1954; 8:46 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.234]

PART 74—UNITED STATES MUNITIONS LIST; ENUMERATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR SUBJECT TO IMPORT AND EXPORT CONTROLS

COMPONENTS, PARTS, ACCESSORIES AND RELATED ITEMS

Authority. Section 414 of the Mutual Security Act of 1954 (Pub. Law 665, 83d Congress, 2d Session; 68 Stat. 848) approved August 26, 1954 is the legal authority for the designation of a list of those articles which shall be considered arms, ammunition and implements of war, including technical data related thereto. By section 103 (b) of Executive Order No. 10575 issued November 6, 1954, the President delegated to the Secretary of State the functions conferred upon him by section 414 of the act.

The designation herein of articles as arms, ammunition, and implements of war supersedes the designation of those articles in Presidential Proclamation 3038 (18 F. R. 7505) by reason of the delegation of authority referred to above.

§ 74.1 *Components, parts, accessories and related items.* Section 75.2 of this chapter issued by the Secretary of State, wherein are designated components, parts, attachments, accessories and related items, supplements this list.

CATEGORY I—SMALL ARMS AND MACHINE GUNS

Rifles, carbines, revolvers, pistols, machine pistols, and machine guns using ammunition of caliber .22 or over.

CATEGORY II—ARTILLERY AND PROJECTORS

Guns, howitzers, cannon, mortars, tank destroyers, rocket launchers, military flame throwers, military smoke projectors, and recoilless rifles.

CATEGORY III—AMMUNITION

Ammunition of caliber .22 or over for the arms enumerated in Categories I and II hereof.

CATEGORY IV—BOMBS, TORPEDOES, ROCKETS, AND GUIDED MISSILES

(a) Bombs, torpedoes, grenades (including smoke grenades), smoke canisters, rockets, mines, guided missiles, depth charges, fire bombs, and incendiary bombs.

(b) Apparatus and devices for the handling, control activation, discharge, detonation, or detection of items enumerated in paragraph (a) of this category.

(c) Fuel thickeners usable in bombs.

CATEGORY V—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

Fire control, gun tracking and infrared and other nightsighting equipment; range, position, and height finders, and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights, gun sights, and periscopes for the arms, ammunition, and implements of war enumerated herein.

CATEGORY VI—TANKS AND ORDNANCE VEHICLES

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FEDERAL REGISTER

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ous vehicles (land vehicles capable of limited endurance in water), military half tracks, military type tank recovery vehicles, gun carriers, and automotive vehicles or chassis embodying all-wheel drive and equipped with one or both of the following features to meet special military requirements: adaptation features for deep water fording and sealed electrical systems.

CATEGORY VII—CHEMICAL AND BIOLOGICAL AGENTS

(a) Chemical or biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops.

(b) Equipment for the dissemination, detection, and identification of, and defense against, the items described in paragraph (a) of this category.

CATEGORY VIII—PROPELLANTS AND EXPLOSIVES

Propellants for the articles enumerated in Categories III, IV, and VII hereof; military high explosives.

CATEGORY IX—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships.

(b) Equipment for the laying, detection, detonation, and sweeping of mines.

(c) Submarine and torpedo nets.

CATEGORY X—AIRCRAFT

Aircraft and airborne equipment, balloons in excess of 3,000 cubic feet capacity.

CATEGORY XI—MISCELLANEOUS ARTICLES

(a) Radar of all types, including guidance systems and airborne or ground radio equipment therefor; electronic countermeasure and jamming equipment; underwater sound equipment; military communications-electronics equipment bearing a military designation; electronic navigational aids specially designed for military use such as radio direction finding equipment, radio distance measuring systems such as Shoran, and hyperbolic grid systems, such as Raydist, Loran, Decca, and all other electronics equipment specially designed for military use.

(b) Aerial cameras and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment.

(c) Armor plate, armored railway trains, military steel helmets, body armor, and flak suits.

(d) Specialized military mobile repair shops specially designed to service military equipment.

(e) Pressurized breathing equipment and partial pressure suits for use in aircraft, anti "G" suits, military crash helmets, parachutes utilized for personnel, cargo, deceleration purposes, and aircraft liquid oxygen converters.

(f) Military pyrotechnics including projectors therefor.

(g) Specialized military training equipment.

(h) Tear gas and equipment for dissemination thereof.

(i) Helium gas.

(j) Cryptographic devices (encoding and decoding).

(k) Landing mats.

CATEGORY XII—CLASSIFIED MATERIAL

All material not enumerated herein which is classified from the standpoint of military security.

CATEGORY XIII—TECHNICAL DATA

Technical data relating to the articles here designated as arms, ammunition, and implements of war except unclassified technical data generally available in published form.

(Sec. 414, 68 Stat. 848, sec. 103, E. O. 10575, 19 F. R. 7251)

Dated: November 10, 1954.

For the Secretary of State.

SCOTT MCLEOD,
Administrator, Bureau of Inspection, Security and Consular Affairs.

[F. R. Doc. 54–9031; Filed, Nov. 16, 1954; 8:48 a. m.]

[Dept. Reg. 108.235]

PART 75—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

MISCELLANEOUS AMENDMENTS

The regulations governing the international traffic in arms, ammunition, and implements of war issued on November 25, 1953, are amended as follows:

1. The paragraph entitled "*Authority*" is amended to read as follows:

Authority. Section 414 of the Mutual Security Act of 1954 (Pub. Law 665, 83d Congress, 2d Session: 68 Stat. 848) approved August 26, 1954, is the legal authority to control the exportation and importation of munitions and to designate those articles which shall be considered arms, ammunition and implements of war, including technical data related thereto. By section 103 (b) of Executive Order No. 10575 issued November 6, 1954, the President delegated to the Secretary of State the functions conferred upon him by section 414 of the act.

2. In § 75.1 *General*, paragraph (a) is amended to read as follows:

(a) The term "proclamation" shall mean Presidential Proclamation 3038 (18 F. R. 7505) of the United States Munitions List (Part 74 of this chapter) which superseded that proclamation and was issued pursuant to the provisions of section 414 of the Mutual Security Act of 1954 entitled "Munitions Control."

3. A paragraph (c) is added to § 75.1 as follows:

(c) The functions conferred by section 414 of the Mutual Security Act of 1954 are excluded from the operation of the Administrative Procedures Act (60 Stat. 237), as contemplated by section 3 thereof.

4. In § 75.2, the section heading, introductory paragraph and material under Category 1 are amended to read as follows:

§ 75.2 *Components, parts, accessories and attachments subject to section 414 of the Mutual Security Act.* The following components, parts, accessories, and attachments and related items for each of the articles enumerated in the United States Munitions List and arranged under categories and titles corresponding to those in the United States Munitions List shall be considered arms, ammunition, and implements of war for the purpose of section 414 of the Mutual Security Act of 1954.

CATEGORY 1: *Small arms and machine guns.* Components and parts and the following accessories and attachments: bayonets, slings, straps, gun mounts, belts, links and magazines for such arms.

5. Section 75.7 (a) is amended to read as follows:

(a) *All combatant vessels and craft, including the following:* Battleships (BB); command ships (CBC, CLC); cruisers (CA, CAG, CB, CL, CLAA, CLG); aircraft carriers, (CVA, CVL, CVE); destroyers (DD, DL, DDE, DDR); submarines (SS, SSN, SSG, SSK, SSR, SST, ASSA, ASSP). Amphibious force flag ship (ACC); cargo ship attack (AKA); transports (APA, APD); fire support ship (IFS); landing ships (LSFF, LSTL, LSSL, LSD, LSM, LSMR, LST, LSV); landing craft (LOC, LCI, LCM, LCP, LCP-G, LCB-S, LCV, LCVP, LVT-A, LCT-A, LVT); landing vessels (LVW, DUKV, LCU); mine vessels (ACM, AM, AMC, AMCU, AMS, CM, CMC, DM, DMS, MSB, XMAP, YMP, YMS, YNG); patrol vessels (PY, YP); motor torpedo boat (PT); escort vessels (DE, DEC, DER, PCE, PCER, PCEC); subchasers (PCC, PCSC, SCC, SC, PC, PCS); frigate (PF); motor gun boats (PGM, PR).

6. Section 75.12 is amended to read as follows:

§ 75.12 *Production for experimental or scientific purposes.* The fabrication of arms, ammunition and implements of war for experimental or scientific purposes including research and development is not considered as manufacture for the purposes of section 414 of the Mutual Security Act of 1954.

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7. Section 75.13 is amended to read as follows:

§ 75.13 *Application for registration.* Applications for registration shall be submitted to the Secretary of State on forms prescribed by him and shall be accompanied by a registration fee of $100.00 in the form of a postal money order or a certified check payable to the Department of State.

8. Section 75.16 is amended to read as follows:

§ 75.16 *Records of manufacture, exportation and importation.* (a) Persons required to register shall maintain, subject to the inspection of the Secretary of State or any person or persons designated by him, records of articles manufactured by them for export showing the quantity and estimated values of such articles and similar records of articles imported or exported by them. These records shall also contain orders, quotations, and other papers relating to exports or imports or proposed exports or imports. The records of articles imported shall in addition contain information as to the country of origin. The records of articles exported shall, in addition, contain information as to the source of supply, consignee, purchaser, and the initial and ultimate destination of each shipment. The records shall be kept for a period of six years except that a longer period may be prescribed in individual cases if the records are needed in connection with pending litigation.

(b) Special agents of the Department of State, United States Customs agents and other persons specifically so authorized are hereby designated as the representatives of the Secretary of State for the purpose of this section.

9. Section 75.17 is amended to read as follows:

§ 75.17 *Application for license.* Persons who intend to export from or import into the United States, its territories or possessions any of the articles enumerated in the proclamation or any component, part, accessory, attachment or related item as defined in this part, shall make application for license to the Secretary of State on the forms prescribed by him and obtain a license covering any such articles prior to exportation or importation. A separate form of application is prescribed for license to export helium gas. Applications for license to export technical data are required in accordance with the provisions of § 75.49.

10. Section 75.18 is amended to read as follows:

§ 75.18 *Export licenses.* The Secretary of State will refuse to issue export licenses if a proposed exportation is considered contrary to the security and/or foreign policy of the United States. Prior to the issuance of an export license the Secretary of State may also require documentary evidence pertinent to the proposed transaction.

11. Section 75.19 is amended to read as follows:

§ 75.19 *Import licenses.* The Secretary of State will refuse to issue import licenses if a proposed importation is considered contrary to the security and/or foreign policy of the United States. Prior to the issuance of an import license the Secretary of State may also require documentary evidence pertinent to the proposed transaction.

12. Section 75.20 is amended to read as follows:

§ 75.20 *Intransit licenses.* Articles to be moved intransit through the United States, its territories or possessions shall require an intransit license. The Secretary of State will refuse to issue intransit licenses if a proposed intransit shipment is considered contrary to the security and/or foreign policy of the United States. Collectors of customs are authorized, however, on presentation of satisfactory evidence, to permit arms, ammunition and implements of war to enter or leave the United States without the presentation of an import, export or intransit license if such articles are consigned from any place in a foreign country whose territory is contiguous to that of the United States to any other place in the same foreign country.

13. Section 75.21 is amended to read as follows:

§ 75.21 *Validity and terms of licenses.* Licenses are valid for six months from the date of issuance unless a different period of validity is stated thereon. No extensions may be granted on licenses which have expired or are about to expire. If shipment cannot be made during the period of validity of a license, a new license may be applied for to authorize its exportation or importation. Licenses authorizing the exportation of helium gas are valid until December 31 of the year of issue. Licenses are not transferable and are subject to revocation, suspension, or revision without notice. Licenses which have expired or have been revoked must be returned immediately to the Secretary of State.

14. Section 75.37 (b) is amended to read as follows:

(b) Owners or operators of aircraft departing from the United States for temporary sojourn abroad under the provisions of paragraph (a) of this section shall file an affidavit in the form indicated below and must satisfy the collector of customs that: (1) The aircraft will not be sold or disposed of; (2) the aircraft will be returned to the United States within six months; (3) it will be operated only by a United States licensed pilot, except on demonstration flights; (4) it will remain under United States registry while abroad.

15. Section 75.37 is amended by the addition of paragraph (f) as follows:

(f) The exemption provided by this section shall not apply to private aircraft equipped for commercial use.

16. Section 75.39 is amended to read as follows:

§ 75.39 *Articles returned to the United States for repair or overhaul and reexport.* Collectors of customs are authorized on presentation of satisfactory evidence to permit arms, ammunition and implements of war to enter the United States which have been legally exported from the United States and which are returned to the United States worn or damaged for repair and reexport to the country of origin without requiring the presentation of an import license. An individual export license, however, is required before such articles may be reexported.

17. Section 75.43 is amended to read as follows:

§ 75.43 *Violations in general.* It shall be unlawful for any person to export or attempt to export from the United States any of those articles designated by proclamation and/or regulations as arms, ammunition, and implements of war or to import or attempt to import such articles into the United States without first having complied with this part and having obtained a license therefor.

(Sec. 414 (a), Pub. Law 665; 68 Stat. 848)

18. Section 75.44 is amended to read as follows:

§ 75.44 *Penalties for violation.* Any person who willfully violates any provision of section 414 of the Mutual Security Act of 1954 or any rule or regulation issued under that section, or who willfully, in a registration or license application, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than $25,000 or imprisoned not more than two years, or both.

(68 Stat. 848)

19. Section 75.45 is amended to read as follows:

§ 75.45 *Authority of collectors of customs.* (a) Collectors of customs are authorized to take appropriate action to insure observance of this part as to the importation, or attempt to import, or exportation, or attempt to export arms, ammunition and implements of war, whether or not authorized by the licenses issued under this part, including, but not limited to, inspection and loading or unloading from carriers.

(b) When a license is presented to a collector of customs authorizing the exportation or importation of arms, ammunition, and implements of war, together with such other documents as may be required by customs regulations, the collector may require the production of other documents and information relating to the proposed exportation or importation including invoices, orders, packing lists, shipping documents, correspondence, instructions, and other relevant information and documents.

(Sec. 1, 40 Stat. 223, as amended, R. S. 3062, as amended, secs. 510–512, 595, 46 Stat. 733, 734, 752, sec. 1, 62 Stat. 716; 22 U. S. C. 401, 19 U. S. C. 483, 1510–1512, 1595, 18 U. S. C. Sup. 545)

20. Section 75.46 is amended to read as follows:

§ 75.46 *Seizure and forfeiture.* Whenever an attempt is made to import, or bring into the United States, or to export, or ship from, or take out of the United States, any arms, ammunition, and implements of war, in violation of law, the several collectors of customs may seize and detain any such arms, ammunition and implements of war, and the vessel or vehicle containing the same, and retain possession thereof until released or disposed of as directed by law.

(Sec. 1, 40 Stat. 223, as amended, R. S. 3062, as amended, sec. 1, 62 Stat. 716; 22 U. S. C. 401, 19 U. S. C. 483, 18 U. S. C. Sup. 545)

21. The following center head and sections are added:

TECHNICAL DATA

§ 75.47 *Definition.* The term "technical data," as used in this part, comprises the technological information or data relating to the articles defined as arms, ammunition, and implements of war. The term comprises any professional, scientific, or technical information, including any model, design, photograph, photographic negative, document or other articles or material, containing a plan, specification or description or technical information of any kind which can be used or adapted for use in connection with any process, synthesis or operation in the production, manufacture, repair or conversion of these articles.

§ 75.48 *Exportation of technical data.* A license issued by the Secretary of State is required for exports of technical data except for technical data which are in published form and (a) are sold at newsstands or bookstores; (b) are available by subscription or purchase to any individual without restriction; (c) have been granted second-class mailing privilege by the United States Government; or (d) are freely available at public libraries.

§ 75.49 *Applications for license.* Persons who intend to export from the United States technical data as defined in § 75.47 for which a license is required shall make application for license to the Secretary of State on forms prescribed by him and must obtain a license prior to any such exportation. Any release of technical data for foreign use constitutes an exportation.

§ 75.50 *Technical data on aircraft equipment for personal and executive type aircraft.* Collectors of customs are authorized to permit the departure from the United States of specifications, drawings, blue prints, and models of small, non-military aircraft of personal and executive types and of unclassified technical data for parts and components of such aircraft without requiring the presentation of an individual export license.

(Sec. 414, 68 Stat. 848, sec. 103, E. O. 10575, 19 F. R. 7251)

Dated: November 10, 1954.

For the Secretary of State.

SCOTT MCLEOD,
Administrator, Bureau of Inspection, Security and Consular Affairs.

[F. R. Doc. 54–9032; Filed, Nov. 16, 1954; 8:48 a. m.]

[Dept. Reg. 108.236]

PART 75—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

FEES FOR LICENSES

The regulations governing the international traffic in arms, ammunition, and implements of war issued on November 25, 1953, are amended by the addition of the following center head and sections:

FEES FOR LICENSES

§ 75.51 *Authority.* Schedule of fees for licenses authorizing the exportation and importation of arms, ammunition and implements of war is set up in implementation of the Independent Offices Appropriation Act of 1952 (5 U. S. C. 140) and in conformity with the policy directive of the Bureau of the Budget which was contained in Bureau of the Budget Circular No. A–25 of November 5, 1953.

§ 75.52 *Schedule of fees.* The following schedule of fees, effective January 1, 1955, based on the value of the shipment is hereby established:

No value up to but not including $100, no fee required.
$100 up to but not including $1,000, fee of $1 required.
$1,000 up to but not including $5,000, fee of $4 required.
$5,000 up to but not including $10,000, fee of $8 required.
$10,000 up to but not including $15,000, fee of $12 required.
$15,000 up to but not including $20,000, fee of $16 required.
$20,000 up to but not including $30,000, fee of $20 required.
$30,000 up to but not including $40,000, fee of $25 required.
$40,000 up to but not including $50,000, fee of $30 required.
$50,000 up to but not including $60,000, fee of $35 required.
$60,000 up to but not including $75,000, fee of $45 required.
$75,000 up to but not including $100,000, fee of $60 required.
$100,000 and over, fee of $80 required.

§ 75.53 *Payment of fee.* The required fee in the form of a check or money order payable to the Department of State should be submitted with each application for an export or import license. When several applications are submitted at the same time, one check or money order may be submitted to cover all the required fees. If any application for license is not approved, the fee corresponding to that application will be returned.

(Sec. 12, 54 Stat. 10; 22 U. S. C. 452. Proc. 3038, 18 F. R. 7505; 3 CFR, 1953 Supp.)

Dated: November 10, 1954.

For the Secretary of State.

SCOTT MCLEOD,
Administrator, Bureau of Inspection, Security and Consular Affairs.

[F. R. Doc. 54–9033; Filed, Nov. 16, 1954; 8:48 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (5) is added to § 6.109 as set out below.

§ 6.109 *Post Office Department.* • • •
(b) *Office of the Postmaster General.* • • •
(5) One Information Specialist.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54–9057; Filed, Nov. 16, 1954; 8:52 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Correction

In F. R. Doc. 54–8887, appearing in the issue for Thursday, November 11, 1954, on page 7315, § 6.309 (f) (2) should be changed to read as follows:

(2) One Special Assistant to the Assistant Postmaster General.

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter E—Production Credit System

[FCA Order 609]

PART 50—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

LOANS ON COMMODITIES COVERED BY CCC PRICE SUPPORT PROGRAMS

Correction

In Federal Register Document 54–8917, published on page 7329 in the issue dated Saturday, November 13, 1954, "CCC", appearing in the eighth line of § 50.25, should read "PCC".

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.8]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

PROPORTIONATE SHARES FOR 1955 CROP

Correction

In Federal Register Document 54–8831, appearing at page 7260 of the issue for

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Tuesday, November 9, 1954, the reference to "paragraph (a) (2)" in the next to last sentence of § 850.8 (g) should read "paragraph (h) (2)".

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order IX-1, Amdt. 1]

DMO IX-1—REESTABLISHMENT OF TELECOMMUNICATIONS PLANNING COMMITTEE

PROVIDING FOR A REPRESENTATIVE OF THE FEDERAL CIVIL DEFENSE ADMINISTRATION TO BE INCLUDED IN MEMBERSHIP

Paragraph 1 of Defense Mobilization Order IX-1, effective September 23, 1953, which reestablished the Telecommunications Planning Committee, is hereby amended to provide that a representative of the Federal Civil Defense Administration be included in the membership of the Committee.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-9092; Filed, Nov. 15, 1954; 4:41 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

REVISION OF POSTAL REGULATIONS

POSTPONEMENT OF EFFECTIVE DATE

Paragraph (a) of the amendment to Chapter I of Title 39, Code of Federal Regulations (19 F. R. 6996), is amended by striking out "effective November 20, 1954", and by inserting in lieu thereof, "effective December 1, 1954".

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-9016; Filed, Nov. 16, 1954; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1889]

PART 196—PHOSPHATE LEASES AND USE PERMITS

SIZE OF LEASEHOLD AND LIMITATION OF ACREAGE HOLDINGS

Section 196.2 is hereby amended to read as follows:

§ 196.2 *Size of leasehold and limitation of acreage holdings.* (a) Except where the rule of approximation applies, a lease may not include over 2,560 acres in reasonably compact form. Each lease shall describe the land involved by legal subdivisions of the public land surveys. No person, association or corporation, may hold at any one time, either directly or indirectly, leases that exceed in the aggregate 5,120 acres in any one State, or 10,240 acres in the United States.

(b) A lessee, upon a showing that the leased deposits extend into adjoining Federal lands may, upon application to be filed in the Land Office, be granted, subject to the acreage limitation under paragraph (a) of this section, a lease for additional acreage, if the Manager, after consultation with the Mining Supervisor, shall determine that the increased acreage will result in conservation of natural resources and will provide for the most economical and efficient recovery of a minable deposit without waste. In applying this paragraph, fringe acreage in an area not of interest to more than one operator, and lacking sufficient reserves of phosphate deposits to warrant independent development, may be leased noncompetitively either by separate lease or by adding to an existing leasehold (within the aggregate limitation of 2,560 acres), subject to a bonus of not less than $1 00 an acre, a minimum royalty, and such other terms and conditions as may be determined at the time the lease offer is made. If, however, the fringe acreage has sufficient reserves to warrant independent development, or, if, following appropriate inquiry of operators in the area and consultation with the Mining Supervisor, the Manager determines that there is competitive interest therein, the lands will be offered competitively under § 196.11.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

NOVEMBER 9, 1954.

[F. R. Doc. 54-9024; Filed, Nov. 16, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 182]

INDUSTRIAL ALCOHOL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington 25, D. C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Part 182 of Title 26 (1939) of the Code of Federal Regulations is amended (a) to implement the provisions of the Internal Revenue Code of 1954 (1) by permitting the conduct of other businesses on the industrial alcohol plant premises, (2) by deleting the restriction that industrial alcohol plants may not be located within 600 feet of a vinegar plant using the vaporizing process, (3) by deleting the restriction that ether may not be produced on industrial alcohol plant premises, (4) by deleting the requirement that signs at industrial alcohol plants, bonded warehouses, and denaturing plants be painted in oil colors or gilded, (5) by deleting the requirement for a special application to build a fence around an industrial alcohol plant, bonded warehouse, or denaturing plant, (6) by requiring the registry of only those stills set up for distillation, redistillation, or recovery of alcohol or rum, (7) by changing the retention period for wholesale liquor dealer records from four to two years, (8) by deleting the requirement that export stamps be paid for, (9) by permitting the recovery of denatured rum, and (b) to implement administrative decisions relative to individual sureties, the approval of Forms 1614 and 1696 by the storekeeper-gauger, the methods of taxpayment of alcohol, tank truck shipments, the transfer of instructions to employees from regulations to internal management documents, the use of Form 92, the date of submission of reports by permittees, the elimination of Form 129, and the removal of regulatory provisions relative to ethyl acetate. Accordingly, Part 182 of Title 26 of the Code of Federal Regulations is amended as follows:

PARAGRAPH 1. Wherever the term "supervisor" or "district supervisor" appears in the sections of the regulations revised by this Treasury decision, such term is hereby amended to read "assistant regional commissioner".

PAR. 2. Sections 182.6 (n), 182.36, 182.37, 182.138, 182.189, 182.190, 182.191, 182.192, 182.193, 182.194, 182.195, 182.196, 182.283, 182.408j, 182.564, 182.572, 182.573, 182.574, 182.574q, 182.574r, 182.574t, 182.837, 182.838, 182.839, 182.840, 182.841, 182.842, 182.843, 182.844, 182.929, and 182.930 are revoked.

PAR. 3. Section 182.1 is redesignated as § 182.3 and new §§ 182.1 and 182.2 to read as follows are inserted:

§ 182.1 *Production and disposition of industrial alcohol.* The regulations in this part contain the procedural and substantive requirements relative to the production, disposition, and use of industrial alcohol, including denatured alcohol. The regulations cover the establishment and operation of industrial alcohol plants, bonded warehouses, and denaturing plants, the taxpayment, transfer, exportation, and denaturation of alcohol, formulas for denaturation, the use of alcohol free of tax, the sale and use of denatured alcohol, the transportation of tax-free and specially denatured alcohol, the packaging, labeling, and sale of articles containing denatured alcohol, and the bringing into this country of alcohol and articles containing alcohol from abroad. The regulations in this part also cover the issuance of permits covering the production of alcohol and denatured alcohol, the sale of specially denatured alcohol, and the withdrawal, transportation, and use of specially denatured and tax-free alcohol.

§ 182.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

PAR. 4. Section 182.6, as amended by Treasury Decision 5801, approved August 11, 1950, is further amended by adding to the end thereof the following two new paragraphs:

(d-1) "Assistant regional commissioner" shall mean the assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the regional commissioner of internal revenue.

(i-1) "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

PAR. 5. Section 182.7 is amended to read as follows:

§ 182.7 *Industrial alcohol plants; restrictions.* Industrial alcohol plants may not be located in any dwelling house, or in any shed, yard, or inclosure connected with any dwelling house, or on board of any vessel or boat, or on any premises where beer, wines, vinegar, solvents, or proprietary antifreezes or articles manufactured with denatured alcohol are manufactured or produced, or where sugars or sirups are refined, or where liquors of any description are retailed, or where any other business is carried on: *Provided*, That industrial alcohol plant premises may be used for the conduct of other businesses by the proprietor of the industrial alcohol plant not involving the production of alcoholic beverages but which (a) utilize materials, equipment, or processes similar to or interchangeable with those used for the production of alcohol, (b) involve the use of by-products or wastage from the production of alcohol, or (c) utilize portions of premises or equipment not required in the production of alcohol for entirely dissimilar businesses such as general storage or mechanical repair work: *And provided further*, That the Director, Alcohol and Tobacco Tax Division, shall find, upon application made to him in each case, that such use will not jeopardize the revenue and will not unduly increase administrative supervision.

PAR. 6. Section 182.35 is amended by deleting from the section the following: ", painted in oil colors or gilded,".

PAR. 7. Section 182.47 is amended by deleting from the first sentence of the section the following: "painted in oil colors or gilded,".

PAR. 8. Section 182.48 is amended to read as follows:

§ 182.48 *Fences or walls and gates.* The provisions of § 182.38 relating to fences or walls (and gates therein) around the premises of an industrial alcohol plant are hereby extended to and made applicable to bonded warehouses.

PAR. 9. Section 182.55 is amended by deleting from the first sentence of the section the following: ", painted in oil colors or gilded,".

PAR. 10. Section 182.56 is amended to read as follows:

§ 182.56 *Fences or walls and gates.* The provisions of § 182.38 relating to fences or walls and gates around the premises of an industrial alcohol plant are hereby extended to and made applicable to denaturing plants.

PAR. 11. Section 182.134 is amended to read as follows:

§ 182.134 *Registry of stills.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up for distillation, redistillation, or recovery of alcohol or rum must register such still or distilling apparatus on Form 26, in triplicate, with the assistant regional commissioner of the region in which such equipment is located as soon as it is set up. Form 26 must be verified by a written declaration that such registration is made under the penalties of perjury. The assistant regional commissioner will, on approving the registration of a still on Form 26, retain one copy, forward one copy to the Director, Alcohol and Tobacco Tax Division, and return the remaining copy to the plant proprietor. The proprietor will retain his copy at his plant premises available for inspection by internal revenue officers.

PAR. 12. Section 182.185 is amended to read as follows:

§ 182.185 *Surety or security.* The bonds required by this part shall be given with corporate surety or collateral security.

PAR. 13. Section 182.186, as amended by Treasury Decision 6074, approved June 28, 1954, is further amended to read as follows:

§ 182.186 *Corporate surety.* Surety bonds may be given only with surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356—Revised, and subject to such amendments as may be issued from time to time.

PAR. 14. Section 182.197 is amended by deleting the following from the single sentence of the section: ", whether individual or corporate,".

PAR. 15. Section 182.199, as amended by Treasury Decision 5801, is further amended by deleting the fourth and fifth sentences of the section and inserting in lieu thereof the following sentence: "The consent may be executed for the surety company by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate assistant regional commissioner, or the consent may be executed by the home office officials of such surety.

PAR. 16. Section 182.204 is amended as follows:

(A) By deleting the word "Commissioner" in the second and fifth sentence of the section and substituting in lieu thereof the following: "Director, Alcohol and Tobacco Tax Division".

(B) By deleting the third sentence of the section and substituting in lieu thereof the following sentence: "A new bond shall be required immediately in case of the insolvency of a corporate surety."

PAR. 17. Section 182.260 (e) is amended to read as follows:

(e) *Registry of stills.* Register the stills set up for the distillation, redistillation, or recovery of alcohol or rum, if any, on Form 26, in triplicate, in accordance with § 182.134.

PAR. 18. Section 182.261 (a) (3) is amended to read as follows:

(3) *Registry of stills.* Register the stills set up for the distillation, redistillation, or recovery of alcohol or rum, if any, on Form 26, in triplicate, in accordance with § 182.134.

PAR. 19. Section 182.262 (a) (3), as amended by Treasury Decision 5711, approved July 1, 1949, is further amended to read as follows:

(3) *Registry of stills.* If the business is to be permanently discontinued, file Form 26, in triplicate, in accordance with § 182.432 for those stills set up for the distillation, redistillation, or recovery of alcohol or rum.

PAR. 20. Section 182.279a, as added by Treasury Decision 6048, approved November 5, 1953, is further amended by deleting the first sentence of the introductory paragraph and substituting in lieu thereof the following sentence: "An

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industrial alcohol plant may be operated alternately for the production of alcohol under this part, the production of distilled spirits under Part 183 of this chapter, or the production of brandy under Part 184 of this chapter: *Provided*, That such operation as an industrial alcohol plant, registered distillery, or fruit distillery is for a period of twenty-four hours, or multiples thereof, concurrent with the calendar day, or days, as the case may be."

PAR. 21. Section 182.279c (a), as added by Treasury Decision 6048, is further amended as follows:

(A) By deleting the first sentence of the section and inserting in lieu thereof the following sentence: "File Form 1696 with the storekeeper-gauger in charge giving notice of intention to suspend operations."

(B) By deleting the words "Assistant Regional Commissioner" in the fourth sentence of the section and substituting in lieu thereof the following words: "storekeeper-gauger in charge".

PAR. 22. Section 182.279d (a), as added by Treasury Decision 6048, is further amended by deleting the first sentence of the section and substituting in lieu thereof the following sentence: "File Form 1696 with the storekeeper-gauger in charge for authority to resume operations."

PAR. 23. Section 182.279e, as added by Treasury Decision 6048, is further amended by striking from the section the words "Assistant Regional Commissioner" and substituting in lieu thereof the words "storekeeper-gauger in charge".

PAR. 24. Section 182.408i, as amended by Treasury Decision 5788, approved May 19, 1950, is further amended to read as follows:

§ 182.408i *Gauging of packages.* Whenever the proprietor desires to withdraw alcohol in packages on payment of tax, he shall correctly weigh and proof the alcohol and determine the exact contents of each package in proof gallons. He shall prepare Form 1440, in quadruplicate, giving the details of the gauge.

PAR. 25. Section 182.408k, as added by Treasury Decision 5788, is further amended to read as follows:

§ 182.408k *Taxpayment and removal of alcohol.* The tax on alcohol to be removed in packages will be paid by the proprietor by use of distilled spirits excise tax stamps prescribed by § 182.574h, procured in accordance with §§ 182.574h to 182.574j, and used in accordance with the applicable provisions of § 182.568a. A wholesale liquor dealer's stamp for attachment to the package will be procured by the proprietor in accordance with §§ 182.574o and 182.574p. After receipt of the wholesale liquor dealer's stamp the proprietor will stamp and mark the packages as provided in §§ 182.525, 182.527, and 182.528 after which he will immediately remove the alcohol from the premises or to his taxpaid storeroom, if one has been provided. When the alcohol has been removed the storekeeper-gauger will retain one copy of Form 1440, forward one copy to the assistant regional commissioner, and return two copies to the proprietor who will retain one copy in accordance with § 182.455b and, if he so desires, furnish the remaining copy to the vendee.

PAR. 26. By amending the undesignated centerhead immediately preceding § 182.432 to read as follows: *"Registry of Stills".*

PAR. 27. Section 182.432, as amended by Treasury Decision 5711, is further amended to read as follows:

§ 182.432 *Registry on Form 26.* Every still set up for the distillation, redistillation, or recovery of alcohol or rum must be registered on Form 26, in triplicate, in accordance with § 182.134. The temporary suspension of a plant does not necessitate reregistration of the stills. The operation of a plant by alternating proprietors, where no permanent change in ownership occurs, does not require reregistration of the stills by the proprietors. When there is a change in location or use or a bona fide change in ownership of a still, the still must be registered to reflect the change.

PAR. 28. Section 182.441, as amended by Treasury Decision 5773, approved February 13, 1950, is further amended to read as follows:

§ 182.441 *Transfer agreement, Form 1614.* Where the outgoing proprietor and his successor so arrange for the transfer of distilling materials the outgoing proprietor will file with the storekeeper-gauger in charge four copies of Form 1614 duly executed by himself and the successor. The storekeeper-gauger will, upon approval, furnish one copy to the transferor, one copy to the transferee, and two copies to the assistant regional commissioner, one for the file of the transferor and one for the file of the transferee.

PAR. 29. Section 182.514, as amended by Treasury Decision 6074, approved June 28, 1954, is further amended as follows:

(A) By deleting the sixteenth sentence.

(B) By deleting the word "load" in the seventeenth sentence and substituting in lieu thereof the word "compartment".

PAR. 30. Section 182.525 is amended to read as follows:

§ 182.525 *Stamp numbers.* When alcohol is withdrawn taxpaid, or tax-free for export, transfer to a customs manufacturing bonded warehouse, or for use on vessels and aircraft, the serial number of the wholesale liquor dealer's or export stamp and the date of withdrawal shall be marked on the package or case immediately below such stamp.

PAR. 31. Section 182.527 is amended as follows:

(A) Paragraph (a), as amended by Treasury Decision 5711, is further amended by deleting from the paragraph the word "Taxpaid" and substituting in lieu thereof the following: "Wholesale liquor dealer's".

(B) Paragraph (b), as amended by Treasury Decision 6074, is further amended to read as follows:

(b) *Cancellation.* Wholesale liquor dealer's and export stamps, after being affixed, will be immediately canceled by the proprietor by stenciling or stamping thereon at least five fine parallel waved lines, long enough to extend beyond the top and bottom of the stamp. Such stencil or stamp shall be provided by the proprietor.

PAR. 32. Section 182.528, as amended by Treasury Decision 5711, is further amended as follows:

(A) Figure 1 is amended by adding a decimal and the number "1" after the number "95" to cause the proof gallons to appear as 95.1.

(B) Figure 2 is amended by deleting the word "taxpaid" above the word "stamp" in the outline representing the stamp and before the word "stamp" immediately below the outline representing the stamp and substituting in lieu thereof "W. L. D." and by adding a decimal and the number "1" after the number "95" to cause the proof gallons to appear as 95.1.

(C) Figure 3 is amended by adding a decimal and the number "1" after the number "95" to cause the proof gallons to appear as 95.1.

(D) Figure 4 is amended by adding a decimal and the number "1" after the number "95" to cause the proof gallons to appear as 95.1.

(E) Figure 5 is amended by deleting the word "taxpaid" above the word "stamp" in the outline representing the stamp and before the word "stamp" immediately below the outline representing the stamp and substituting in lieu thereof "W. L. D." and by deleting the number "42" and substituting in lieu thereof the number "46".

(F) Figure 6 is amended by deleting the word "taxpaid" above the word "stamp" in the outline representing the stamp and before the word "stamp" immediately below the outline representing the stamp and substituting in lieu thereof "W. L. D.".

(G) Figure 7 is amended by deleting the word "taxpaid" above the word "stamp" in the outline representing the stamp and before the word "stamp" immediately below the outline representing the stamp and substituting in lieu thereof "W. L. D." and by adding a decimal and the number "1" after the number "95" to cause the proof gallons to appear as 95.1.

PAR. 33. Section 182.563 is amended as follows:

(A) By amending the second sentence to read as follows: "He shall prepare Form 1440, in quadruplicate, giving the details of the gauge."

(B) By deleting the fourth sentence.

PAR. 34. Section 182.565, as amended by Treasury Decision 5801, is further amended to read as follows:

§ 182.565 *Taxpayment and removal of alcohol.* The tax on alcohol to be removed in packages and cases will be paid by the proprietor by use of distilled spirits excise tax stamps prescribed by § 182.574h, procured in accordance with §§ 182.574h to 182.574j, and used in accordance with the applicable provisions of § 182.568a. A wholesale liquor dealer's stamp for attachment to the package or case will be procured by the proprietor in accordance with §§ 182.574o and 182.574p. After receipt of the wholesale liquor dealer's stamp, the proprietor will stamp and mark the packages or cases as provided in §§ 182.525, 182.527, and 182.528 after which he will immediately remove the alcohol from the premises or to his taxpaid storeroom, if one has been provided. When the alcohol has been removed the storekeeper-gauger will retain one copy of Form 1440, forward one copy to the assistant regional commissioner, and return two copies to the proprietor, who will retain one copy as a permanent record as provided in § 182.643 (h) and, if he so desires, furnish the remaining copy to the vendee.

PAR. 35. Section 182.566, as amended by Treasury Decision 5801, is further amended to read as follows:

§ 182.566 *Gauging of alcohol.* Whenever the proprietor desires to withdraw alcohol for taxpayment and removal in tank cars or tank trucks, the alcohol will be run into a weighing tank, where it will be gauged and then run into such conveyances. The proprietor shall prepare Form 1440, in quadruplicate for intraregion shipments and in quintuplicate for interregion shipments, giving the details of the gauge. In case the alcohol is to be taxpaid by use of a certificate of taxpayment, the proprietor shall submit all copies to the storekeeper-gauger for examination. If the forms are in proper order, the storekeeper-gauger will retain one copy and return the other copies to the proprietor. In case the alcohol is to be taxpaid by use of distilled spirits excise tax stamps, the proprietor shall proceed in accordance with § 182.568a.

PAR. 36. Section 182.568a, as amended by Treasury Decision 5919, approved July 16, 1952, is further amended to read as follows:

§ 182.568a *Use of distilled spirits excise tax stamps.* Where alcohol is to be taxpaid by use of distilled spirits excise tax stamps, the proprietor will cancel the necessary number of stamps in the exact amount of the tax due by perforation as prescribed herein, or by legibly writing or stamping on each stamp with indelible (India) ink, his name, the registry number of the warehouse, and the date of Form 1440; for example, "John Doe Industries, Incorporated, Industrial Alcohol Bonded Warehouse No. 63, New Jersey, Form 1440 June 1, 1954." Prior to use in taxpayment, the proprietor, if he so desires, may partially precancel the stamps to the extent of showing his name and registry number only. The date of Form 1440 must not be entered on the stamp in advance of actual use in taxpayment. The assistant regional commissioner may, in his discretion, approve a suitable abbreviation of the required information for cancellation, including the initials for the name of the proprietor, if adequate for identification; for example, "J. D. Ind. Inc. IABW63–NJ–1440–6–1–54." The proprietor's cancellation must be made on the lower portion of the stamp below the figures and words indicating the denomination of the stamp. If the proprietor's cancellation is made by perforation, each letter and figure of the cancellation must be not less than one-fourth of an inch in height and of proportionate width and suitably spaced for legibility and distinctness, and must be clearly and sharply outlined either (a) by perforation through the substance of the stamp, and not merely puncturing it, each perforation to be not less than one thirty-second of an inch in width or diameter; or (b) by perforations in the form of incisions through the stamp of at least one thirty-second of an inch in width, cutting out the form of the letters and figures from the substance of the stamp, which letters and figures must be of the size, spacing, and distinctness as above specified. The proprietor will then attach the canceled distilled spirits excise tax stamps to one copy of Form 1440 and submit all copies of that form to the storekeeper-gauger. The storekeeper-gauger, if the forms are in order and the canceled stamps are in the proper amount of the tax shown due on the Form 1440, will then further cancel and deface the stamps by cutting a hole one-half inch square in the upper right hand corner, and wholly within the border, of each stamp and will execute a certificate on all copies of Form 1440 (using the certificate of the district director, properly modified) certifying to the receipt and further cancellation of stamps in the amount of tax tue. The canceled distilled spirits excise tax stamps will be securely attached to a copy of Form 1440 by means of a staple, eyelet, or similar device. Such copy of Form 1440 will be attached to the board on the weighing tank and remain thereon until the alcohol covered by such stamps has been removed. A wholesale liquor dealer's stamp for attachment to the container will be procured by the proprietor in accordance with §§ 182.574o and 182.574p.

PAR. 37. Section 182.571, as amended by Treasury Decision 6090, approved August 13, 1954, is further amended by adding at the end thereof the following two new sentences: "Where alcohol is taxpaid by use of distilled spirits excise tax stamps and a wholesale liquor dealer's stamp is issued, the storekeeper-gauger will retain a copy of Form 1440. In the case of tank truck or tank car shipments taxpaid by the use of distilled spirits excise tax stamps and shipped to a vendee in another region, a copy of Form 1440 shall be forwarded to the assistant regional commissioner of the region in which the vendee is located."

PAR. 38. By amending the undesignated centerhead immediately preceding § 182.574h to read as follows: *"Distilled Spirits Excise Tax Stamps for Removals in Packages, Tank Cars, or Tank Trucks and by Pipelines".*

PAR. 39. Section 182.574h, as amended by Treasury Decision 5919, is further amended as follows:

(A) By inserting between the first and second sentence of the section the following new sentence: "The tax on alcohol removed in packages must be paid by such stamps."

(B) By deleting the word "collector" in the second sentence and substituting in lieu thereof the words "district director".

(C) By deleting the word "collectors" in the fourth sentence and substituting in lieu thereof the words "district directors".

PAR. 40. Section 182.574l, as amended by Treasury Decision 5919, is further amended to read as follows:

§ 182.574l *Redemption of distilled spirits excise tax stamps.* The assistant regional commissioner may redeem distilled spirits excise tax stamps that have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used.

PAR. 41. Section 182.574m, as amended by Treasury Decision 6075, approved June 28, 1954, is further amended as follows:

(A) By amending the headnote to read as follows: *"Claim to Assistant Regional Commissioner".*

(B) By deleting the first sentence and substituting in lieu thereof the following sentence: "Proprietors desiring to have distilled spirits excise tax stamps redeemed under the provisions of § 182.574l must make claim on Form 843 to the assistant regional commissioner within three years after the purchase of such stamps."

PAR. 42. By amending the undesignated centerhead immediately preceding § 182.574o to read as follows: *"Wholesale Liquor Dealer's Stamps for Packages, Tank Cars, and Tank Trucks".*

PAR. 43. Section 182.574o, as amended by Treasury Decision 5919, is further amended to read as follows:

§ 182.574o *Application for stamps.* Where alcohol, taxpaid by use of distilled spirits excise tax stamps, is to be removed in packages, tank cars, or tank trucks, the proprietor will make a request for wholesale liquor dealer's stamps on Form 1440 at the time he submits the forms and distilled spirits excise tax stamps in accordance with § 182.568a.

PAR. 44. Section 182.574p, as amended by Treasury Decision 5919, is further amended to read as follows:

§ 182.574p *Issuance of wholesale liquor dealer's stamps.* On receipt of Forms 1440 bearing application for wholesale liquor dealer's stamps, the storekeeper-gauger will issue the stamps and enter the serial number of each stamp and a notation that the stamps were issued on all copies of Form 1440. The copy of Form 1440 retained by the storekeeper-gauger in the case of taxpayment where a wholesale liquor dealer's stamp is issued shall be placed in a permanent file as authority for issuance of the stamp. When issuing the stamps, the storekeeper-gauger will enter on each stamp all the information called for and affix his signature to the stamp in the space provided therefor. The storekeeper-gauger may enter his signature by means of facsimile stamp, provided care is taken to use only such ink as will neither fade nor blur. Where an appreciable number of wholesale liquor dealer's stamps will be used, the proprietor must provide the storekeeper-gauger in charge with suitable rubber

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stamps for the insertion of information common to all wholesale liquor dealer's stamps to be used by him.

PAR. 45. Section 182.590 is amended to read as follows:

§ 182.590 *Export stamps required.* Every package of alcohol intended for exportation must have an export stamp affixed thereto at the time of its removal from the bonded warehouse. Such stamps shall be obtained by the proprietor of the warehouse from the district director of the internal revenue district in which the warehouse is located.

PAR. 46. Section 182.591 is amended to read as follows:

§ 182.591 *Forms to be sent to the district director.* The proprietor of the warehouse will forward all copies of Form 1456, with Form 1440 attached, to the district director for the necessary number of export stamps.

PAR. 47. Section 182.592 is amended to read as follows:

§ 182.592 *Action by district director.* The district director will (a) issue the necessary number of export stamps, (b) enter the kind and serial numbers of the stamps on all copies of Form 1440, and (c) retain one copy of each form (1456 and 1440) and return three copies, with the export stamps, to the proprietor of the warehouse.

PAR. 48. Section 182.648, paragraph (b) of which was amended by Treasury Decision 5714, approved August 2, 1949, and paragraph (c) of which was amended by Treasury Decision 5314, approved January 5, 1944, is further amended as follows:

(A) By deleting the word "four" immediately preceding the word "years" in the third sentence of paragraph (b) and substituting in lieu thereof the word "two".

(B) By deleting the word "Investigator" from the clause "the transcripts shall be so filed with the Investigator in Charge" in the first sentence of paragraph (c) and substituting in lieu thereof the word "supervisor".

(C) By deleting "10th" immediately preceding the word "day" in the third and fifth sentences of paragraph (c) and substituting in lieu thereof "5th".

(D) By deleting the word "four" immeditely preceding the word "years" in the seventh sentence of paragraph (c) and substituting in lieu thereof the word "two".

(E) By deleting in the seventh sentence of the section the words "the Commissioner or".

PAR. 49. Section 182.669, as amended by Treasury Decision 5788, is further amended as follows:

(A) By deleting the following from the first sentence of the section: "'Report of Tax-Free Alcohol',".

(B) By deleting "10th" immediately preceding the word "day" in the fifth sentence of the section and substituting in lieu thereof "5th".

(C) By deleting the word "Government" in the fifth sentence of the section and substituting in lieu thereof the words "internal revenue".

PAR. 50. Section 182.715 is amended by deleting the words "Forms 129 and" from the first sentence of the section and substituting in lieu thereof the word "Form".

PAR. 51. Section 182.731, as amended by Treasury Decision 5568, approved July 3, 1947, is further amended as follows:

(A) By deleting the sixth sentence.

(B) By deleting the word "load" in the seventh sentence and substituting in lieu thereof the word "compartment".

PAR. 52. By amending the undesignated centerhead immediately preceding § 182.780 to read as follows: *"Registry of Stills".*

PAR. 53. Section 182.780, as amended by Treasury Decision 5711, is further amended to read as follows:

§ 182.780 *Registry on Form 26.* Every denaturer having in his possession or custody, or under his control, stills set up for the redistillation or recovery of alcohol or rum, must register such stills with the assistant regional commissioner of the region in which the equipment is located on Form 26, as provided by § 182.134.

PAR. 54. Section 182.781, as amended by Treasury Decision 6090, is further amended by deleting the form number "129" from the fifth sentence of the section.

PAR. 55. Section 182.787, the introductory paragraph of which, as amended by Treasury Decision 6032, approved July 23, 1953, is further amended as follows:

(A) By amending the headnote to read as follows: *"Forms 1468–A, B, C, D, E, and F".*

(B) By deleting the number "129" and the word "and" following the word "Forms" in the first sentence of the section.

(C) By amending paragraph (a), previously unamended, to read as follows:

(a) *Denaturants.* The quantities of denaturants used in each denaturation will be entered on Form 1468–B, according to formula. At the close of the month, the quantities of denaturants received and used or removed during the month will be summarized and entered on Form 1468–C; denaturants received being summarized and entered according to kind, and denaturants used being summarized from Form 1468–B and entered according to both kind and formula.

(D) By deleting in the first sentence of paragraph (e), as amended by Treasury Decision 6090, the form number "129" and the word "and" following the word "Forms".

(E) By deleting in the first sentence of paragraph (f), as amended by Treasury Decision 5544, approved September 10, 1946, the form number "129" and the word "and" following the word "Forms".

(F) By deleting in the first sentence of paragraph (f), the word "Government" and substituting in lieu thereof the words "internal revenue".

PAR. 56. By deleting the undesignated centerhead immediately preceding § 182.837.

PAR. 57. Section 182.874, as amended by Treasury Decision 6032, is further amended as follows:

(A) By deleting the words "the regulations in" between the word "by" and the word "this" in the second sentence of the section.

(B) By deleting "10th" immediately preceding the word "day" in the fourth sentence of the section and substituting in lieu thereof "5th".

(C) By deleting the fifth sentence of the section.

PAR. 58. By amending the undesignated centerhead immediately preceding § 182.878 to read as follows: *"Sale, Use, and Recovery of Denatured Rum".*

PAR. 59. Section 182.879, as amended by Treasury Decision 5801, is further amended to read as follows:

§ 182.879 *Dealers in and users of denatured rum.* The provisions of this part relating to specially denatured alcohol will apply, insofar as applicable, to the procurement and sale by bonded dealers, and the procurement, use, and recovery by manufacturers, of denatured rum, except that dealers shall make deliveries in accordance with Part 216 of this chapter.

PAR. 60. Section 182.880 is amended to read as follows:

§ 182.880 *Forms, records, and reports.* The same forms, records, and reports as are prescribed in this part concerning the procurement and sale by bonded dealers, and the procurement, use, and recovery by manufacturers of specially denatured alcohol, shall apply to and be used, insofar as applicable, after making proper modification, in each instance in connection with the procurement and sale by bonded dealers, and the procurement, use, and recovery by manufacturers, of denatured rum: *Provided*, That bonds on Form 653–A or 582–A will be used in lieu of bonds on Forms 1475 or 1480, in connection with application for permit as a bonded dealer in denatured rum, or with application by a manufacturer to use and recover denatured rum. The penal sums of bonds on Forms 653–A and 582–A will be computed as provided in this part with respect to bonds, Forms 1475 and 1480. Where a user desires to recover denatured rum and the terms of his bond do not cover such operation, consent of surety must be filed on Form 1533 extending the terms of his bond, Form 582–A.

PAR. 61. Section 182.881 is amended as follows:

(A) By entering at the head of the list of form numbers and descriptions the following: "26 Registry of stills".

(B) By deleting the following three items from the list of form numbers and descriptions: "597 Notice of shipment of specially denatured rum (in lieu of Form 1473), 1430 Order to show cause why permit should not be revoked, copy of complaint attached, and 1430–A Order to show cause why permit should not be revoked".

PAR. 62. Section 182.882 is amended to read as follows:

§ 182.882 *Sale, use, or recovery of both specially denatured alcohol and denatured rum.* Where it is desired to procure and sell, use, or recover both specially denatured alcohol and denatured rum, separate applications for permits and separate bonds shall be filed and separate permits procured for the specially denatured alcohol and for the denatured rum. Separate records shall be kept and separate reports made for the specially denatured alcohol and for the denatured rum so received and sold, used, or recovered.

[F. R. Doc. 54–9087; Filed, Nov. 16, 1954; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN PEAS AND CARROTS

U. S. STANDARDS FOR GRADES [1]

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Peas and Carrots pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.). This issuance, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or argument for consideration in connection with the proposed standards should file same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

PRODUCT DESCRIPTION, KINDS, TYPES, STYLES, PROPORTIONS OF INGREDIENT, AND GRADES

Sec.
52.2501 Product description.
52.2502 Kinds, types, styles, and proportions of vegetables.
52.2503 Grades of frozen peas and carrots.

FACTORS OF QUALITY

52.2504 Ascertaining the grades.
52.2505 Ascertaining the rating for the factors which are scored.
52.2506 Color.
52.2507 Defects.
52.2508 Character.

LOT CERTIFICATION TOLERANCES

52.2509 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2510 Score sheet for frozen peas and carrots.

AUTHORITY: §§ 52.2501 to 52.2510 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, KINDS, TYPES, STYLES, PROPORTIONS OF INGREDIENT, AND GRADES

§ 52.2501 *Product description.* Frozen peas and carrots is the product prepared from the fresh, clean, sound, immature seed of the common garden pea (Pisum sativum) and the fresh, clean, sound roots of the carrot plant (Daucus carota sativa). The peas are prepared by shelling, washing, sorting, and blanching. The carrots are prepared by washing, sorting, trimming, peeling, cutting into approximate cubes, and blanching. The prepared ingredients are properly drained and mixed; are frozen in accordance with good commercial practice; and are maintained at temperatures necessary for the preservation of the product.

§ 52.2502 *Kinds, types, styles, and proportions of vegetables.* (a) The kinds, types, styles, and proportions of the vegetables are as follows:

(1) *Peas.* Not less than 50 percent, by weight, of Early type or sweet type peas.

(2) *Carrots.* Not less than 25 percent, by weight, of diced style carrots, predominantly ¼ inch to ½ inch cubes.

(b) Compliance with the requirement for proportions of ingredients will be determined by averaging the total weight of each ingredient in all containers in the sample: *Provided*, That any deviation from the requirement for proportions of ingredients in any one sample does not exceed that expected under good commercial practice.

(c) The percentage, by weight, of the carrot ingredient consisting of units markedly smaller than one-half the volume of, or markedly larger than, the predominating size of the dice is determined by separating all such units from the carrot ingredient composited from all of the containers in the sample, weighing the units, and dividing the aggregate weight of all such units by the aggregate weight of the carrot ingredient as determined in paragraph (b) of this section.

§ 52.2503 *Grades of frozen peas and carrots.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen peas and carrots in which each vegetable possesses similar varietal characteristics; in which the vegetables possess a good color, are practically free from defects, possess a good character, possess a good flavor, and score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen peas and carrots in which each vegetable possesses similar varietal characteristics; in which the vegetables possess a reasonably good color, are reasonably free from defects, possess a reasonably good character, possess a good flavor, and score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen peas and carrots in which each vegetable possesses similar varietal characteristics; in which the vegetables possess a fairly good color, are fairly free from defects, possess a fairly good character, possess a fairly good flavor, and score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of frozen peas and carrots that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FACTORS OF QUALITY

§ 52.2504 *Ascertaining the grade—*(a) *General.* The grade of frozen peas and carrots is ascertained by considering the factors of quality which are not scored and those which are scored, as follows:

(1) *Factors which are not scored.*
(i) Varietal characteristics.
(ii) Flavor.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	40
Defects	20
Character	40
Total score	100

(b) The scores for the factors of color and defects are determined immediately after thawing so that the product may be handled as individual units. The evaluation of the factors of flavor and character is made immediately after thawing and after cooking the product.

(c) "Good flavor" means that the product and each of the vegetables has a good, characteristic, normal flavor and odor, free from objectionable flavors and objectionable odors of any kind.

(d) "Fairly good flavor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.2505 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "18 to 20 points" means 18, 19, or 20 points.)

§ 52.2506 *Color.*—(a) *General.* The factor of color refers to the overall appearance of the product and to the color and brightness of the vegetables individually.

(b) *(A) classification.* Frozen peas and carrots which possess a good color may be given a score of 36 to 40 points. "Good color" means that the product possesses a color that is bright and typical of young and tender peas and tender diced carrots and that the appearance of the product is not more than slightly affected by variations in the color of the carrots and of the peas.

(c) *(B) classification.* If the frozen peas and carrots possess a reasonably good color, a score of 32 to 35 points may be given. Frozen peas and carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the product possesses a color that is reasonably bright and typical of reasonably young and reasonably tender peas and tender diced carrots, and that the ap-

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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pearance of the product is not materially affected by variations in the color of the carrots and of the peas.

(d) *(C) classification.* If the frozen peas and carrots possess a fairly good color, a score of 28 to 31 points may be given. Frozen peas and carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the product possesses a color that is typical of fairly young and fairly tender peas and reasonable tender diced carrots, may be dull but not off color, and the color of each ingredient may be variable but not to the extent that the appearance of the product is seriously affected.

(e) *(SStd.) classification.* If the frozen peas and carrots fail to meet the requirements of paragraph (d) of this section, a score of 0 to 27 points may be given and the product shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.2507 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous material, damaged units, seriously damaged units, and any other defects which detract from the appearance or edibility of the product.

(1) "Harmless extraneous material" means any extraneous vegetable matter (including but not being limited to thistle buds, pods or pieces of pods, leaves, or pieces of carrot tops) which is harmless.

(2) "Damaged unit" means any pea or carrot dice that is affected by discoloration or other blemish to the extent that the appearance or edibility of the unit is materially affected and has the following specific meanings with respect to each vegetable:

(i) *Peas.* Any spotted or off-colored pea (such as brown, gray, cream, or yellow-white).

(ii) *Carrots.* Any unit possessing an unpeeled area greater than the area of a circle ⅛ inch in diameter; and any unit blemished by internal or external discoloration, by sunburn or green color, or by other means.

(3) "Seriously damaged unit" means a pea or carrot dice that is damaged to the extent that the appearance and edibility of the unit is seriously affected and includes units with very dark spots or discolored units and other similar injury regardless of the area affected.

(4) "Other defects" means any defects not specially mentioned that affect the appearance or edibility of the product and include but are not limited to the following:

(i) *Peas.* Mashed peas, broken peas, loose cotyledons, loose skins, and any portions thereof.

(ii) *Carrots.* Crushed, broken, cracked or irregularly shaped units; units with excessively frayed edges and surfaces; and units markedly smaller than one-half the volume of, or markedly larger than, the predominating size of the dice.

(b) *(A) classification.* Frozen peas and carrots that are practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means compliance with the following requirements:

(1) Not more than one very small piece of harmless extraneous material or pieces having an aggregate area of not more than 3/16 sq. in. for each 10 ounces of the product.

(2) Not more than 10 damaged and seriously damaged units for each 10 ounces of the product of which not more than 2 units are seriously damaged: *Provided,* That damaged and seriously damaged units, either singly or in combination, no more than slightly affect the appearance or eating quality of the product; and

(3) Other defects, individually or collectively, do not more than slightly affect the appearance of the product, and that not more than 12 percent, by weight, of the carrot ingredient consists of units markedly smaller than one-half the volume of, or markedly larger than, the predominating size of the dice.

(c) *(B) classification.* If the frozen peas and carrots are reasonably free from defects a score of 16 or 17 points may be given. Frozen peas and carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means compliance with the following requirements:

(1) Not more than one piece of harmless extraneous material or pieces having an aggregate area of not more than 3/8 sq. in. for each 10 ounces of the product;

(2) Not more than 14 damaged and seriously damaged units for each 10 ounces of the product of which not more than 3 units are seriously damaged: *Provided,* That damaged and seriously damaged units, either singly, or in combination do not materially affect the appearance or edibility of the product; and

(3) Other defects, individually or collectively, do not seriously affect the appearance of the product; and that not more than 25 percent, by weight, of the carrot ingredient consists of units markedly smaller than one-half the volume of, or markedly larger than, the predominating size of the dice.

(e) *(SStd.) classification.* Frozen peas and carrots that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.2508 *Character*—(a) *General.* The factor of character refers to the tenderness and maturity of the peas; and the tenderness and degree of freedom from stringy or coarse fibers in the carrots; and to the tenderness of the combined vegetables after cooking.

(b) *Meaning of terms.* Unless indicated otherwise the meaning of the terms pertaining to the tenderness and maturity of each vegetable prior to cooking are the same as those in the applicable United States standards for grades of the respective frozen product.

(c) *(A) classification.* Frozen peas and carrots which collectively and individually possess a good character may be given a score of 36 to 40 points. "Good character" means that the combined vegetables after cooking are tender and that each vegetable prior to cooking meets the following requirements:

(1) *Peas.* The peas are reasonably tender and are the equivalent of frozen peas that would score not less than 34 points for the factor of "tenderness and maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(2) *Carrots.* The carrots are tender, not fibrous, and possess a practically uniform texture.

(d) *(B) classification.* If the frozen peas and carrots, collectively and individually, possess a reasonably good character a score of 32 to 35 points may be given. Frozen peas and carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the combined vegetables after cooking are reasonably tender and that each vegetable prior to cooking meets the following requirements:

(1) *Peas.* The peas are reasonably tender and are the equivalent of frozen peas that would score not less than 32 points for the factor of "tenderness and maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(2) *Carrots.* The carrots are tender, not fibrous, and possess a practically uniform texture.

(e) *(C) classification.* If the frozen peas and carrots, collectively and individually, possess a fairly good character a score of 28 to 31 points may be given. Frozen peas and carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the combined vegetables after cooking are fairly tender and that each vegetable prior to cooking meets the following requirements:

(1) *Peas.* The peas are at least fairly tender.

(2) *Carrots.* The carrots are at least reasonably tender, may be variable in texture but are not tough or hard, and there may be present a few units which possess a coarse fibrous texture.

(f) *(SStd.) classification.* Frozen peas and carrots that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.2509 *Tolerances for certification of officially drawn samples.* When certifying samples that have been officially drawn and which represent a specific lot of frozen peas and carrots the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and with respect to those factors which are scored:

(a) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(b) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(c) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(d) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2510 *Score sheet for frozen peas and carrots.*

Size and kind of container			
Container mark or identification			
Label			
Net weight (ounces)			
Kinds of ingredients		Aggregate weight each ingredient	Proportion of ingredients
Peas: ( ) sweet; ( ) early		oz.	%
Carrots: diced (approx. ⅜" cubes)		oz.	%
Grand total weight		oz.	100%
Factors	Score points		
Color	40	(A) 36–40 (B) 32–35 (C) 28–31 (SStd.) 0–27	
Defects	20	(A) 18–20 (B) 16–17 (C) 14–15 (SStd.) 0–13	
Character	40	(A) 36–40 (B) 32–35 (C) 28–31 (SStd.) 0–27	
Total score			
Grade			

[1] Indicates limiting rule.

Dated: November 10, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-9020; Filed, Nov. 16, 1954; 8:46 a. m.]

[7 CFR Part 952]

[Docket No. AO-182-A4]

HANDLING OF MILK IN AUSTIN-WACO, TEX., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed order and marketing agreement to regulate the handling of milk in the Austin-Waco, Texas, marketing area, which was issued October 25, 1954 (19 F. R. 6938), is hereby extended to November 19, 1954.

Dated: November 12, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-9060; Filed, Nov. 16, 1954; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53663]

JOSHUA HENDY CORP.

REGISTRATION OF FUNNEL MARK

NOVEMBER 10, 1954.

The Commissioner of Customs by virtue of the authority vested in him and in accordance with § 3.81 (a), customs regulations (19 CFR 3.81 (a)), has registered the funnel mark of the Joshua Hendy Corporation, as described below:

(a) *Funnel mark.* The funnel mark consists of a red inverted triangle with a white border centered on a black stack and the letter "H" superimposed in white in the center of the red triangle. The funnel is 14 feet in diameter, the top of the inverted triangle is 4 feet 4 inches below the bottom of the funnel hood. The inverted triangle is 11 feet 6 inches wide at the top and the sides are 17 feet 3 inches long. The white border on the triangle is 9 inches wide. The letter "H" is 4 feet 6 inches high and 3 feet 9 inches wide and imposed 12 inches from the top of the inside red section of the triangle.

Colored scaled drawings of the funnel mark are on file with the Federal Register Division.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 54-9056; Filed, Nov. 16, 1954; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANNA KELLER NEUFELD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Keller Neufeld, Karlsbad, Czechoslovakia; Claim No. 62646, Vesting Order No. 4715; all right, title, interest and claim of any kind or character whatsoever of Margaret Keller, nee Feher in and to the Estate of Henry Feher, also known as Henry Weiss, deceased, presently in administration in Surrogate's Court of Bronx County, New York.

Executed at Washington, D. C., on November 9, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-9055; Filed, Nov. 16, 1954; 8:52 a. m.]

POST OFFICE DEPARTMENT

REVISION OF POSTAL REGULATIONS

POSTPONEMENT OF EFFECTIVE DATE

In order to fully evaluate suggestions already received from the public and which may be received prior to November 20, 1954, the effective date of the new

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postal regulations published in 19 F. R. at pages 6996–7078, has been postponed to December 1, 1954.

Such revisions as are found to be necessary and desirable will be published in the FEDERAL REGISTER on or prior to that date.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-9017; Filed, Nov. 16, 1954; 8:45 a. m.]

DECENTRALIZATION OF POST OFFICE OPERATIONS, EMBRACING CALIFORNIA, NEVADA, AND TERRITORY OF HAWAII, AND ESTABLISHMENT OF REGIONAL HEADQUARTERS AT SAN FRANCISCO, CALIF.

The following is the text of Order of the Postmaster General No. 55770, dated November 8, 1954:

Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes will become effective on November 15, 1954:

1. On the effective date there will be established a regional headquarters at San Francisco, Calif., under a Regional Operations Manager. Geographically this region will embrace the States of California, Nevada, and the Territory of Hawaii. The Regional Operations Manager will be responsible to the Assistant Postmaster General, Bureau of Post Office Operations, for the direction of post office operations in this region. The Regional Operations Manager will also be subject to all policies affecting regional operations prescribed by the Department in Washington. There will also be a Regional Controller in the regional office who, for the time being, will be responsible to the Assistant Postmaster General and Controller. The Regional Personnel Manager will be administratively responsible to the Regional Operations Manager so far as Bureau of Operations activities are concerned, and functionally to the Assistant Postmaster General, Personnel. Functions, such as those listed below, which were formerly discharged by various headquarters bureaus and offices in Washington, will now be discharged by the regional staff.

A. Personnel functions, including such items as recruitment, selection and placement of personnel; training activities; labor relations; safety and health programs; classification of positions; awards and efficiency rating systems; review and disposition of disciplinary actions; and liaison with the Civil Service Commission in the region.

B. Service functions, including recommendations to the Department for the establishment or discontinuance of post offices, classified stations and branches; approval of requests for allowances of funds; maintenance of high standards of service in all post offices; and effective control of costs.

C. Industrial engineering functions, including administration of cost reduction programs; improvement in work methods; endorsement of requests for capital expenditures; maintenance of work standards; layout of facilities, provision of work simplification methods and training; and development of systems and procedures, other than accounting and fiscal procedures.

D. Controller functions including the direction of accounting, budget and cost analysis activities.

E. Public information functions, including encouragement of public cooperation and participation in improving postal methods; and maintaining good relations with federal, state, and municipal officials.

2. Bureaus and offices other than the following are unaffected by this order:

A. Bureau of Operations.
B. Bureau of Personnel.
C. Bureau of Finance (and Controller).

All other bureaus and offices, however, are expected to coordinate and cooperate with this new regional organization. Decentralization of other departmental functions and the placing of activities already decentralized into the regional organization will be carried forward as soon as possible. Orders effectuating these changes will be issued from time to time.

3. The region will be divided into six districts. All postmasters in each district will report directly to their district manager.

4. Previous orders or instructions concerning the routing of communications from postmasters to the above-mentioned bureaus in Washington are hereby superseded. All communications, with respect to the functions set forth in this order will be directed to the appropriate district manager, with the exceptions of monthly and quarterly accounts, which will continue to be routed as at present.

5. District headquarters cities, and the jurisdiction of each district, are as follows:

DISTRICT NO. 1—SAN FRANCISCO, CALIF.

California counties: Alameda, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, Monterey, San Benito, San Francisco, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne.

DISTRICT NO. 2—SACRAMENTO, CALIF.

California counties: Alpine, Amadore, Buttę, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, Yuba.

DISTRICT NO. 3—RENO, NEV.

All counties in Nevada.

DISTRICT NO. 4—LOS ANGELES, CALIF.

California counties: Los Angeles, Santa Barbara, Ventura.

DISTRICT NO. 5—SAN DIEGO, CALIF.

California counties: Imperial, Orange, Riverside, San Bernardino, San Diego.

DISTRICT NO. 6—HONOLULU, HAWAII

Pacific Islands: Canton Island, Caroline Island, Guam, Hawaii, Mariana Islands, Marshall Islands, Samoa, Wake Island.

6. District Managers will be designated in a separate announcement. They will act for and be responsible to the Regional Operations Manager on post office matters within their Districts. Each District Manager will be responsible for functions delegated to him by the Regional Operations Manager, including such things as: Making major operating decisions within his District; recommending action on all supervisory appointments; recommending action on requests for funds; advising Regional Operations Manager on District matters and conditions; carrying out regional policies in the District; interpreting departmental and regional policies and recommending changes; coordinating with other bureaus and government agencies in the District; taking necessary actions on complaints; directing the control of expenditures in the District; and maintaining essential records.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25 sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-9018; Filed, Nov. 16, 1954; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 11]

PROCUREMENT MATTERS

REDELEGATIONS OF AUTHORITY WITH RESPECT TO DEMOUNTABLE SURPLUS HOUSING TO PROVIDE DWELLING ACCOMMODATIONS FOR INDIANS IN CERTAIN COUNTIES IN CALIFORNIA

Order No. 551, as amended (16 F. R. 2939, 5456, 7467, 8252; 17 F. R. 3516, 7552; 18 F. R. 7305; and 19 F. R. 1936, 3482, 3971, 4544, 4585), is further amended as hereinafter indicated.

A new section 322 reading as follows is added under the heading, "Functions Relating to Procurement Matters":

SEC. 322. *Demountable surplus housing.* The certification that any surplus housing, classified by the Housing and Home Finance Administrator as demountable, in the area of San Diego, California, is needed to provide dwelling accommodations for members of a tribe of Indians in Riverside County, or San Diego County, or Imperial County, California, and the determination of whether the transfer and conveyance of such housing without consideration shall be to such tribe, or to the individual members thereof, in accordance with section 805 (3) of the Housing Act of 1954 (68 Stat. 590, 645).

GLENN L. EMMONS,
Commissioner.

NOVEMBER 10, 1954.

[F. R. Doc. 54-9015; Filed, Nov. 16, 1954; 8:45 a. m.]

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 027043, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on July 14, 1954, by the Alaska Road Commission.

The purposes of the proposed withdrawal: Construction and maintenance camp.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Corner No. 1 is located on the northwesterly right-of-way line of the Richardson Highway, 150 feet northwest of the road, and perpendicular to a point in the centerline of the road, which is 195 feet in a northwesterly direction from PT 1404+85.67 or approximately 430 feet northeast along centerline of road from a 72" culvert; thence northwesterly perpendicular to centerline of road approximately 113 feet to Corner No. 2; thence southwesterly parallel to centerline of road 600 feet to Corner No. 3; thence southeasterly approximately 265' to Corner No. 4, a point on the right-of-way line; thence back along the right-of-way line to point of beginning, containing approximately 2.75 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-9025; Filed, Nov. 16, 1954; 8:47 a. m.]

[Misc. 1661829]

WYOMING

WYOMING GRAZING DISTRICTS NO. 3 AND 4 MODIFICATION

NOVEMBER 10, 1954.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315, et seq.), as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, section 2.22 (15 F. R. 5645), it is ordered as follows:

The exterior boundaries of Grazing District No. 3, established by Departmental order approved October 31, 1936, are hereby extended to include the following-described lands, which lands are hereby excluded from Wyoming Grazing District No. 4, established October 31, 1936:

SIXTH PRINCIPAL MERIDIAN

T. 16 N., R. 95 W.,
Secs. 4, 9, 16 and 20;
Sec. 17, E½SE¼;
Sec. 19, S½, E½NE¼.

The boundaries of Grazing District No. 4, established by Departmental order approved October 31, 1936, are hereby extended to include the following-described land, which is hereby excluded from Wyoming Grazing District No. 3, established October 1936:

SIXTH PRINCIPAL MERIDIAN

T. 17 N., R. 95 W.,
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 17 N., R. 97 W.,
Secs. 19 to 24, inclusive;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, N½;
Sec. 28, N½;
Sec. 29, N½;
Sec. 30, N½.
T. 21 N., R. 98 W.,
Secs. 4, 9, 16, 21, 28 and 33.
T. 22 N., R. 98 W.,
Secs. 4, 9, 16, 21, 28 and 33.

W. G. GUERNSEY,
Associate Director.

[F. R. Doc. 54-9026; Filed, Nov. 16, 1954; 8:47 a. m.]

Office of the Secretary

[Order 2509, Amdt. 21]

HEADS OF BUREAUS

DELEGATIONS OF AUTHORITY WITH RESPECT TO CONTRACTS

NOVEMBER 9, 1954.

Paragraph (d), section 50 *Contracts: Bureaus*, of Order No. 2509, as amended (17 F. R. 6793; 19 F. R. 433) is further amended to read as follows:

(d) The head of a bureau may, in writing, redelegate to officers and employees of the bureau the authority granted in this section, and he may authorize written redelegations of such authority. Also, the head of a bureau may, in writing, redelegate or authorize written delegation of this authority to officers and employees of the Bonneville Power Administration, Portland, Oregon. Each redelegation shall be published in the FEDERAL REGISTER.

(Sec. 2, Reorg. Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z-15, note)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 54-9027; Filed, Nov. 16, 1954; 8:47 a. m.]

[Order 2642, Amdt. 2]

HEAD OF BUREAU

REDELEGATION OF AUTHORITY TO DISPOSE OF AND TO TRANSFER PERSONAL PROPERTY

NOVEMBER 9, 1954.

Amendment No. 1 (19 F. R. 433) of Order No. 2642 (16 F. R. 6318) is superseded and paragraph (b) of section 1 of that order is amended to read as follows:

(b) The head of a bureau or office may, in writing, redelegate to officers and employees of the bureau or office the authority granted in paragraph (a), and he may authorize written redelegation of such authority. Also, the head of a bureau may, in writing, redelegate or authorize written redelegation of this authority to officers and employees of the Bonneville Power Administration, Portland, Oregon.

(40 U. S. C., 1952 ed., sec. 471 et seq.; Reorg. Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z-15, note)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 54-9028; Filed, Nov. 16, 1954; 8:47 a. m.]

[Order 2765, Amdt. 1]

COMMISSIONER OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

NOVEMBER 8, 1954.

Order No. 2765 (19 F. R. 5004) is amended to authorize the Commissioner of Reclamation to perform certain functions and exercise certain authority of the Secretary of the Interior, under the act of August 31, 1954 (68 Stat. 1045), relating to the Palo Verde Irrigation District, California.

1. Subparagraphs (9) and (10) of paragraph (a) of section 1 *Authority*, are revised, and a new subparagraph numbered (11) is added, to read as follows:

(9) The Falcon Dam Act of June 18, 1954 (68 Stat. 255);

(10) Appropriation acts or other statutory provisions respecting investigations relating to projects for the development and utilization of water resources in Alaska;

(11) The act of August 31, 1954 (68 Stat. 1045).

2. Subparagraphs (10) and (11) of paragraph (a) of section 2 *Limitations*, are revised, and a new subparagraph numbered (12) is added, to read as follows:

(10) Make the report to the Congress upon the feasibility and desirability of transferring the Eklutna Project to public ownership and control in Alaska, as provided in section 4 of the Eklutna Project Act, supra;

(11) Issue documents which are additions to or amendments of the Code of Federal Regulations;

(12) Take the following actions under the act of August 31, 1954 (68 Stat. 1045):

(i) Approve and execute the contract with the Palo Verde Irrigation District required by section 2 of said act;

(ii) Make the loan or loans to the Palo Verde Irrigation District authorized by section 4 (c) of said act;

(iii) Grant to the United States the interests in land within the Colorado River Indian Reservation referred to in section 4 (d) of said act.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 54-9030; Filed, Nov. 16, 1954; 8:48 a. m.]

UNIVERSITY OF MICHIGAN LIBRARIES

[Order 2773]

COMMISSIONERS OF INDIAN AFFAIRS

DELEGATION OF AUTHORITY WITH RESPECT TO DWELLING ACCOMMODATIONS FOR INDIANS IN CERTAIN COUNTIES IN CALIFORNIA

NOVEMBER 10, 1954.

SECTION 1. *Delegation.* The Commissioner of Indian Affairs is authorized to certify that any surplus housing, classified by the Housing and Home Finance Administrator as demountable, in the area of San Diego, California, is needed to provide dwelling accommodations for members of a tribe of Indians in Riverside County, or San Diego County, or Imperial County, California, and to prescribe whether the transfer and conveyance of such housing without consideration shall be to such tribe, to the members thereof, or to the Secretary of the Interior in trust therefore, in accordance with section 805 (3) of the Housing Act of 1954 (August 2, 1954, 68 Stat. 590, 645).

SEC. 2. *Redelegation.* The Commissioner of Indian Affairs may redelegate, in writing, the authority delegated in section 1 of this order and he may authorize written redelegation of such authority.

(Sec. 2, Reorg. Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z–15, note)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 54–9029; Filed, Nov. 16, 1954; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 6881, 6901]

FIRST CLASS AND OTHER PREFERENTIAL MAIL RATE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on December 1, 1954, at 10:00 a. m., e. s. t., in Room E–206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., November 9, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54–9058; Filed, Nov. 16, 1954; 8:52 a. m.]

[Public Notice PN 8]

DELEGATIONS OF FINAL AUTHORITY RELATED TO SUBSTANTIVE PROGRAM MATTERS

Recent changes in the organization and procedures of the Civil Aeronautics Board and subsequent revisions in the delegations of authority require that Public Notice PN 6 be revoked and that, pursuant to section 3 (a) (1) of the Administrative Procedure Act, the following delegations of final authority by the Board to the staff be published. This statement sets forth only delegations of final authority related to substantive program matters. Delegations of authority to act on internal administrative matters and delegations requiring Board ratification of the action taken are not included. A description of the organization of the Civil Aeronautics Board, including statements setting forth the functions and activities of the several organizational components is published elsewhere in the FEDERAL REGISTER as a separate public notice.

Sec.
1. Officers and employees.
2. Presiding officers and hearing examiners.
3. Chief Examiner.
4. Director, Bureau of Air Operations.
5. Chief, Office of Carrier Accounts and Statistics.
6. Director, Bureau of Safety Regulation.
7. Director, Bureau of Safety Investigation.
8. Chief, Office of Compliance.
9. General Counsel.
10. The Secretary.
11. Special agents and auditors.

SECTION 1. *Officers and employees.* All officers and employees of the Board are authorized to request such information from, or make such contact with, the public or agencies of Government as may be necessary to the proper discharge of assigned duties.

SEC. 2. *Presiding officers and hearing examiners.* Presiding officers, hearing examiners, individual members of the Board or any other representative assigned to hold a hearing in a proceeding is authorized to:

.01 Give notice concerning and hold hearings.

.02 Examine witnesses.

.03 Issue subpenas and take or cause depositions to be taken.

.04 Rule upon offers of proof and receive relevant evidence.

.05 Regulate the course and conduct of the hearing.

.06 Hold conferences, before or during the hearing, for the settlement or simplification of issues.

.07 Rule on motions and dispose of procedural requests or similar matters.

.08 Within his discretion, or upon the direction of the Board, certify any question to the Board for its consideration and disposition.

.09 Issue initial decisions in proceedings for the suspension or revocation of airman or other safety certificates and for the review of the Administrator's refusal to issue an airman certificate.

.10 Render an initial decision orally on the record, or in writing if, before the close of the hearing any party so requests in cases relating to rates, fares or charges, classification rules or regulations or practices affecting such matters or value of service, or mail compensation.

.11 Render a recommended decision orally on the record or in writing in cases where the action of the Board is subject to the approval of the President pursuant to section 801 of the Civil Aeronautics Act of 1938, as amended.

.12 Render an initial decision orally on the record or in writing in cases relating to economic proceedings other than those covered by subsections 2.10 and 2.11 above.

SEC. 3. *Chief Examiner.* The Chief Examiner is authorized to:

.01 Approve or disapprove requests for changes in procedural requirements in economic and safety enforcement cases for good cause shown, providing that an extension of time for filing documents shall not be granted within three days of the date originally set for the filing except in cases involving unusual hardship on the requesting party or parties.

.02 Consolidate, upon recommendation of the Director, Bureau of Air Operations, into one proceeding cases involving the investigation of a tariff or of complaints concerned with related tariffs.

SEC. 4. *Director, Bureau of Air Operations.*—.01 *Delegations with respect to route and carrier relationship matters.* The Director, Bureau of Air Operations, is authorized to:

A. Approve applications for a Letter of Registration filed pursuant to Parts 296 and 297 of the Economic Regulations, when such approval does not involve novel or substantial questions of policy.

B. Dismiss, by letter, applications for such Letters of Registration, provided that each such applicant is given notice that his application will be dismissed if, in appropriate cases he does not, within 30 days, file information necessary to complete the processing of his application, or file a tariff.

C. Cancel a Letter of Registration upon the filing by a Domestic or International Air Freight Forwarder of a written notice with the Board indicating the discontinuance of common carrier activities.

D. Issue revised Letters of Registration and Exemption Orders when revisions thereof are made necessary due to a change in name of the carrier specified in the document, provided that no issue of substance concerning the operating authority of a carrier is involved.

E. Approve relationships prohibited by §§ 296.11 and 297.13 of the Economic Regulations, when such approval does not involve novel or substantial questions of policy.

F. Issue the permits provided for in Part 190 of the Civil Air Regulations if he finds that applications for such permits are in order and meet the requirements of Part 190.

G. Approve Airport Notices which indicate an intention to serve regularly a point through any airport not regularly used by a holder of a certificate of public convenience and necessity.

H. Approve Nonstop Notices which indicate an intention to inaugurate a scheduled nonstop service between any two points not consecutively named in the certificate of public convenience and necessity.

I. Dispose, without action, of contracts and agreements which, prior to review thereof, have expired, been terminated or been superseded.

J. Approve or disapprove applications of air carriers for exemptions permitting a carrier to serve a point certificated on one segment of its route in place of a point certificated on another segment of a route whenever no substantial competition to other lines will result or when no new policy is involved.

K. Approve interchange schedules which appear to conform to the service plan contemplated by the Board's orders approving the basic interchange agreements.

L. Approve in whole or in part or deny applications for a Letter of Registration filed pursuant to Part 292 of the Economic Regulations which do not involve new or substantial questions of policy.

.02 *Delegations with respect to rate and tariff matters.* The Director, Bureau of Air Operations, is authorized to:

A. Reject any tariff, supplement, or revised page which is filed by any air carrier, or by any foreign air carrier, and which is subject to rejection under section 403 (a) of the Civil Aeronautics Act of 1938, as amended, because it is not consistent with section 403 of the act or with Part 221 of the Economic Regulations, as amended.

B. Approve or disapprove any application for permission to make tariff changes upon less than statutory notice, filed pursuant to § 221.190 of the Economic Regulations which (a) has as its only purpose the correction of mechanical, clerical, or administrative errors; or (b) does not involve new or substantial questions of policy.

C. Permit cancellation of a tariff in instances when an investigation of a tariff is pending, or the tariff is under suspension, or where a complaint requesting investigation or suspension of a tariff has been filed.

D. Approve or disapprove methods for indicating cancellation of existing rate or rule in the publication stating the new rate or rule, in a manner other than that specifically required by Subpart H of Part 221 of the Economic Regulations.

E. Determine the form and manner in which a supplement is to be prepared whenever the operation of any provision of a tariff, supplement, or looseleaf page is suspended by the Board, in accordance with Subpart I of Part 221 of the Economic Regulations.

F. Authorize the issuance of supplements to looseleaf tariffs in accordance with § 221.112 of the Economic Regulations.

G. Approve or disapprove applications for waiver of the provisions of Part 221 of the Economic Regulations in accordance with § 221.201.

H. Approve or disapprove applications filed under section 403 (b) of the act and § 223.8 of the Economic Regulations for permission to furnish free or reduced rate overseas or foreign air transportation, when such applications do not involve new and substantial questions of policy.

I. Effectuate issuance of final orders establishing temporary mail rates whenever he finds that all the procedural steps required prior to final decision have been completed and that no substantive changes have been made in the temporary mail rates to be established as compared with the rates as proposed in the order to show cause.

J. Waive or modify the requirements of paragraph 2 (a) Order No. E–6390 with respect to any document covered thereby for such period as he deems proper, and revoke any such waiver or modification.

SEC. 5. *Chief, Office of Carrier Accounts and Statistics.* The Chief, Office of Carrier Accounts and Statistics, is authorized to:

01. Waive, modify or interpret any of the accounting and reporting requirements of Parts 241, 242, 243 and 244 of the Economic Regulations and establish detailed uniform practices in connection with the submission of the reports required therein: *Provided,* That upon application by any air carrier affected by such action, the Chief shall submit any waiver, modification, interpretation or established practice to the Board for review.

.02 Authorize air carriers to substitute photographic reproductions for specified categories of records; and approve or disapprove an "application for substitution" filed by an air carrier pursuant to § 249.1 (d) of the Economic Regulations.

.03 Grant or deny, upon good cause shown, individual requests for extension of time for filing reports or for waiver of the form or content of such reports to conform to the particular operation of the individual requesting such waiver.

SEC. 6. *Director, Bureau of Safety Regulation.* The Director, Bureau of Safety Regulation, is authorized to:

.01 Publish notice of proposed changes in the Civil Air Regulations. Such notice shall indicate clearly that the proposed changes are those of the Bureau and have not been approved by the Board.

.02 Approve, with the concurrence of the General Counsel on legal aspects, applications for waiver of the Civil Air Regulations, under such conditions and limitations as he may deem necessary or desirable, where he finds that no new policy question is involved.

.03 Approve, with the concurrence of the General Counsel on legal aspects, requests for waiver of specific requirements of the Civil Air Regulations, under such conditions and limitations as he may deem necessary or desirable, where he finds that the granting of the request will be in the interest of national defense and that it will not create a hazard to air safety. However, no waiver granted under the authority of this delegation shall be for a period longer than six months.

SEC. 7. *Director, Bureau of Safety Investigation.* The Director, Bureau of Safety Investigation, is authorized to:

.01 Order an inquiry into the facts, conditions, circumstances and probable cause of an accident involving aircraft whenever he deems it necessary in the public interest; and designate, in writing, a presiding officer to conduct the inquiry and appoint additional persons, who, together with the presiding officer and the Investigator-in-Charge of the field investigation, constitute the Board of Inquiry.

.02 Order a special investigation and designate one or more hearing officers to make such investigation with authority to sign and issue subpenas, administer oaths and affirmations, and take or cause depositions to be taken.

.03 Participate fully in the consideration and disposition of individual cases coming before the Airspace Subcommittee and the Regional Airspace Subcommittees of the Air Co-ordinating Committee where no new or significant Board policy issue is involved.

SEC. 8. *Chief, Office of Compliance.* The Chief, Office of Compliance, is authorized to institute and prosecute in the proper court, as agent of the Board, all necessary proceedings for the enforcement of subpenas and for the enforcement of the provisions of the act or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, and for the punishment of all violations thereof.

SEC. 9. *General Counsel.* The General Counsel is authorized to:

.01 Issue revised certificates of public convenience and necessity and foreign air permits when revisions thereof are made necessary due to a change in name of the carrier or of points specified in the certificate or permit, provided that no issue of substance concerning the operating authority of a carrier is involved.

.02 Approve, disapprove, or request further information concerning, in accordance with the provisions of Part 311 of the Board's Procedural Regulations, requests for testimony of Board employees, with respect to their participation in the investigation of aircraft accidents.

SEC. 10. *The Secretary.* The Secretary is authorized to certify, as true and correct copies, transcripts of records required by section 1006 (c) of the Civil Aeronautics Act to be filed with the Appellate Court.

SEC. 11. *Special Agents and Auditors.* Special agents and auditors are authorized to inspect and examine lands, buildings, equipment, accounts, records and memoranda of air carriers and to make notes and copies thereof. The terms "special agent" and "auditor" are respectively construed to mean (1) any employee of the Office of Compliance, any employee of the Bureau of Safety Investigation, and any other employee of the Board specifically designated by it or the Secretary of the Board; and (2) any employee of the Audits Division, Office of Carrier Accounts and Statistics.

Effective: October 27, 1954.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54–9059; Filed, Nov. 16, 1954; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

1955 CROP SUGAR BEETS

NOTICE OF HEARINGS ON WAGES AND PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended

(61 Stat. 929; 7 U. S. C. Sup. 1131), notice is hereby given that public hearings will be held as follows:

At Greeley, Colorado, November 29, 1954, at the State Armory, at 10:00 a. m.;

At Salt Lake City, Utah, December 1, 1954, Room 230, Post Office Building, at 10:00 a. m.;

At Billings, Montana, December 3, 1954, Assembly Room, Roosevelt School, 23d Street and 4th Avenue, North, at 10:00 a. m.;

At Fargo, North Dakota, December 6, 1954, North Dakota Agricultural College Library, in the Lower Reading Room, at 10:00 a. m.;

At Detroit, Michigan, December 8, 1954, Court Room 859, Federal Building, at 10:00 a. m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets in regions other than the State of California, southwestern Arizona, southern Oregon and western Nevada, for the 1955 crop on farms with respect to which applications for payments under the act are made, and (2), pursuant to the provisions of section 301 (c) (2) of the act, fair and reasonable prices for the 1955 crop of sugar beets in regions other than those noted above to be paid under either purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to all points relative to the subject matters of the hearings.

The hearings, after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

A. A. Greenwood and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 10th day of November 1954.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division.

[F. R. Doc. 54-9061; Filed, Nov. 16, 1954; 8:53 a. m.]

Office of the Secretary

MICHIGAN

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148 a–2 (a)), it is found that in the following named counties in the State of Michigan, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF MICHIGAN

Arenac.	Montcalm.
Bay.	Saginaw.
Gratiot.	Sanilac.
Huron.	Shiawassee.
Isabella.	St. Clair.
Macomb.	Tuscola.
Midland.	

After June 30, 1955, loans made under section 2 (a) of Public Law 38, 81st Congress, as amended, will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 12th day of November 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54–9021; Filed, Nov. 16, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1445, G-1680]

MIDSOUTH GAS CO.

NOTICE OF EXTENSION OF TIME

NOVEMBER 8, 1954.

Upon consideration of the motion of the Town of Hughes, filed November 1, 1954, for an extension of time for filing answers to the petition of MidSouth Gas Company, filed October 18, 1954, for amendment of the Commission's order issued September 18, 1952, in the above-designated matter;

Notice is hereby given that an extension of time to and including December 6, 1954, is granted for filing answers to said petition of MidSouth Gas Company.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54–9035; Filed, Nov. 16, 1954; 8:48 a. m.]

[Docket Nos. G-1705, G-1813, G-1937, G-2023, G-2057, G-2433, G-2475, G-2932, G-3159]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

NOVEMBER 8, 1954.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G–1705, G–1937, G–2433, and G–2475; Indiana Gas & Water Company, Inc., Docket No. G–1813; Indiana Gas & Water Company, Inc. v. Panhandle Eastern Pipe Line Company, Docket No. G–2023; Missouri Public Service Company, Docket No. G–2057; City of Montgomery, Missouri, Docket No. G–2932; Town Gas Company of Illinois, Docket No. G–3159.

Upon consideration of the request, filed November 8, 1954, by Counsel for Panhandle Eastern Pipe Line Company for postponement of the hearing in the above-designated matters now scheduled for November 15, 1954.

Notice is hereby given that said hearing is postponed to 10:00 a. m., e. s. t., November 30, 1954, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54–9036; Filed, Nov. 16, 1954; 8:48 a. m.]

[Docket No. G–2768]

GREIF RAIBLE

NOTICE OF APPLICATION

NOVEMBER 5, 1954.

Take notice that Greif Raible (Applicant), an individual whose address is Cleveland, Ohio, filed on September 14, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, Applicant seeks authority for the sale of gas produced from the Gwinville Field in Simpson and Jefferson Davis Counties, Mississippi, to the Gwin Company, a gatherer of natural gas. The Gwin Company in pending Docket No. G–2694 seeks authority to sell the gas acquired from Applicant to Dixie Pipe Line Company for resale to Transcontinental Gas Pipe Line Corporation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954.

Applicant has requested that this matter be considered under the shortened procedure provided for in § 1.32 of the rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–9037; Filed, Nov. 16, 1954; 8:49 a. m.]

[Docket No. G–3213]

L. N. SKIPPER ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that L. N. Skipper, individually and as agent for L. N. Skipper, Jr., Clark Sample, Jr., and Sally Sample Graves (Applicants), with their principal office in Longview, Texas, filed on September 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicants produce natural gas in the North Lansing Field, Harrison County, Texas, which they sell to the Texas Eastern Transmission Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 3, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–9039; Filed, Nov. 16, 1954; 8:49 a. m.]

[Docket Nos. G-3551, G-3804, G-3870, G-3907, G-4007, G-4079, G-4110, G-4289, G-4290, G-4350]

MIDSTATES OIL CORP. ET AL.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Midstates Oil Corporation, Docket No. G–3551; Crown Central Petroleum Corporation, Docket No. G–3804; Coltexo Corporation, Docket No. G–3870; Rebstock & Reeves Drilling Company, Docket No. G–3907; Jay Simmons, Docket No. G–4007; Ted Weiner, et al., Docket No. G–4079; Ted Weiner, et al., Docket No. G–4110; Shell Oil Company, Docket No. G–4289; Shell Oil Company, Docket No. G–4290; Sun Oil Company (Gulf Coast Division), Docket No. G–4350.

Take notice that there have been filed with the Federal Power Commission applications as hereinafter specified, each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas to United Fuel Gas Company (United Fuel).

Docket No.	Applicant	Address	Date filed	Location of field
G–3551	Midstates Oil Corp.	Tulsa, Okla.	Sept. 28, 1954	Ellis Field, Acadia Parish, La.
G–3804	Crown Central Petroleum Corp., a Maryland corporation.	Baltimore, Md.	Sept. 30, 1954	Church Point and Northwest Branch Area, Acadia Parish, La.
G–3870	Coltexo Corp., a Maryland corporation.	New York, N. Y.	Oct. 1, 1954	Valentine Field, Lafourche Parish, La.
G–3907	Rebstock & Reeves Drilling Co., a partnership.	New Orleans, La.	do	Do.
G–4007	Jay Simmons, an individual	Dallas, Tex.	Oct. 4, 1954	Orange Grove Field, Terrebonne Parish, La.
G–4079	Ted Weiner, and other individuals as listed in the application.	Fort Worth, Tex.	do	
G–4110	do	do	do	Franklin Field, St. Mary Parish, La.
G–4289	Shell Oil Co., a Delaware corporation.	New York, N. Y.	Oct. 8, 1954	Deep Lake Field, Cameron and Vermillion Parishes, La.
G–4290	do	do	do	Orange Grove Field, Terrebonne Parish, La.

The above designated Applicants propose to sell natural gas produced from the indicated fields to United Fuel. Deliveries are to be made to Gulf Interstate Gas Company's (Gulf Interstate) existing line (Docket No. G–2058) for transportation by Gulf Interstate for the account of United Fuel. The proposed sales are to be made at the respective points of interconnection of Applicants' facilities with those of Gulf Interstate.

All Applicants have requested that their applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The applications are on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that (a) due notice of the applications herein, including publication in the FEDERAL REGISTER, be given as hereinafter ordered; (b) the proceedings in the above designated Dockets be consolidated for purpose of hearing; and, (c) a public hearing in the above-entitled proceedings be held as hereinafter ordered.

(2) For good cause, the date fixed for hearing should be less than the 15 days required by § 1.19 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Due notice of these applications be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The aforesaid proceedings in the above-designated dockets and the same hereby are consolidated for purposes of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 15, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10) on or before November 12, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 4, 1954.

Issued: November 9, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–9034; Filed, Nov. 16, 1954; 8:48 a. m.]

[Docket No. G–3299]

BATEMAN DRILLING CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that E. G. Bateman d. b. a. Bateman Drilling Company (Applicant), with its principal office in New Orleans, Louisiana, filed on September 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Iota Field, Acadia Parish, Louisiana, which is sold to the Louisiana Natural Gas Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

GENERAL REFERENCE AND BUSINESS LIBRARIES

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 3, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9040; Filed, Nov. 16, 1954; 8:49 a. m.]

[Dockət No. G-4185]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

NOVEMBER 9, 1954.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation having its principal place of business in Houston, Texas, on October 6, 1954 filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas facilities, as more fully described in the application:

(1) An additional compression unit of 1,650 h. p. to be added at Compressor Station No. 24. (Station 24 proposed to be constructed under Docket G-2367.)

(2) A proposed loop line consisting of approximately 5.31 miles of 36-inch pipe to be constructed and installed at the suction side of Compressor Station No. 6.

(3) A proposed loop line consisting of approximately 9.72 miles of 36-inch pipe to be constructed and installed between Compressor Stations Nos. 6 and 7.

(4) [illegible]

[illegible]

tween Compressor Stations Nos. 11 and 12.

(9) A proposed loop line consisting of approximately 20.43 miles of 36-inch pipe to be constructed and installed between Compressor Stations Nos. 12 and 13.

(10) A proposed crossing of the Savannah River consisting of approximately 0.20 mile of 30-inch pipe.

(11) A proposed loop line consisting of approximately 23.70 miles of 36-inch pipe to be constructed and installed between Compressor Stations Nos. 13 and 14.

(12) A proposed loop line consisting of approximately 18.34 miles of 36-inch pipe to be constructed and installed between Compressor Stations Nos. 14 and 15.

(13) A proposed loop line consisting of approximately 23.98 miles of 30-inch pipe to be constructed and installed between Compressor Stations Nos. 15 and 16.

(14) A proposed loop line consisting of approximately 16.75 miles of 30-inch pipe to be constructed and installed between Compressor Stations Nos. 16 and 17.

(15) A proposed loop line consisting of approximately 11.40 miles of 30-inch pipe to be constructed and installed between Compressor Station No. 17 and the James River.

(16) A proposed crossing of the James River consisting of approximately 0.19 mile of 30-inch pipe.

(17) A proposed loop line consisting of approximately 11.79 miles of 30-inch pipe to be constructed and installed between the James River and Compressor Station No. 18.

(18) A proposed loop line consisting of approximately 25.87 miles of 30-inch pipe to be constructed and installed between Compressor Stations Nos. 18 and 19.

(19) A proposed crossing of the Potomac River consisting of approximately 0.66 mile of 30-inch pipe.

(20) A proposed loop line consisting of approximately 18.68 miles of 30-inch pipe to be constructed and installed between Compressor Stations Nos. 19 and 20.

(21) A proposed loop line consisting of approximately 15.93 miles of 30-inch pipe to be constructed and installed at the discharge side of Compressor Station No. 20.

(22) Miscellaneous additions to exist- [illegible]

[illegible]

ton 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of December 1954.

The foregoing application is on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9038; Filed, Nov. 16, 1954; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS FOR PROCUREMENT OF ENGINEERING AND ARCHITECTURAL SERVICES; BONNEVILLE POWER ADMINISTRATION

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 393; 41 U. S. C. 252), authority is hereby delegated to the Secretary of the Interior to enter into contracts for engineering and architectural services in connection with the activities of the Bonneville Power Administration, without advertising pursuant to section 302 (c) (4) and (9) of said act.

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of the Interior.

4. This delegation shall be effective as of the date hereof.

Dated: November 12, 1954.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 54-9069; Filed, Nov. 15, 1954; 3:24 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[illegible]

WEST PENN ELECTRIC CO. AND POTOMAC EDISON CO.

[illegible]

West Penn and Potomac having filed a joint request for a further extension to May 16, 1955, of the period during which such proposed transaction may be consummated; and

The Commission having considered said request and the reasons submitted in support thereof, and deeming it appropriate to grant such request:

It is hereby ordered, That the period during which the West Penn Electric Company may transfer the common stock of White Star Lines, Inc., to the Potomac Edison Company be, and the same hereby is, extended to May 16, 1955.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9042; Filed, Nov. 16, 1954; 8:50 a. m.]

[File No. 70-3309]

UNITED GAS CORP. AND UNION PRODUCING CO.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUE AND SALE TO PARENT COMPANY OF ADDITIONAL SHARES OF COMMON STOCK BY NON-UTILITY SUBSIDIARY OF PUBLIC UTILITY COMPANY

NOVEMBER 10, 1954.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by United Gas Corporation ("United"), a public-utility subsidiary of Electric Bond and Share Company, a registered holding company, and Union Producing Company ("Union"), a non-utility subsidiary of United which owns all of Union's outstanding securities. Applicants-declarants have designated sections 6 (b), 9 (a) (1), 10 and 12 of the act and Rules U-43 and U-50 (a) (3) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Union proposes to issue and sell, and [illegible]

[illegible]

jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 29, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law, if any, raised by such application-declaration which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request shall bear the caption of this Notice and shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after November 29, 1954, said application-declaration, as filed or as hereafter amended, may be granted and permitted to become effective as provided in Rule U-23 of the general rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9041; Filed, Nov. 16, 1954; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 34]

MOTOR CARRIER APPLICATIONS

NOVEMBER 12, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity [illegible]

[illegible]

act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

NO. MC 1124 SUB 118, HERRIN TRANSPORTATION COMPANY, A Corporation, 2301 McKinney Avenue, Houston, Texas. Applicant's attorney: Leroy Hallman, Phinney and Hallman, First National Bank Building, Dallas 2, Texas. For authority to operate as a *common carrier,* over regular routes, transporting: *General commodities,* including *Class A and B explosives,* except household goods as defined by the Commission, between Arcadia, La., and Hodge, La., over Louisiana Highway 101, serving no intermediate points, as an alternate route in connection with carrier's regular route operations between Monroe, La. and Minden, La., and between Ruston, La. and Alexandria, La. Applicant is authorized to conduct operations in Akansas, Louisiana, Mississippi, Oklahoma, Tennessee and Texas.

NO. MC 1124 SUB 119, HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Texas. Applicant's attorney: Leroy Hallman, Phinney and Hallman, First National Bank Building, Dallas 2, Texas. For authority to operate as a *common carrier,* over irregular routes, transporting: *Class A and B explosives,* (1) between Calion, Camden and El Dorado, Ark., on the one hand, and, on the other, Texarkana, Texas, Ruston, La., and points in Arkansas south and west of a line beginning at the Arkansas-Oklahoma State line and extending along U. S. Highway 270 to Pine Bluff, thence along U. S. Highway 65 to the Arkansas-Louisiana State line, including points on the indicated portions of the highways specified; and (2) between Monroe, La., on the one hand, and, on the other, Texarkana, Texas, and Ruston, La., and points in that part of Arkansas described immediately above (except points which carrier is now authorized to serve in connection with its regular route operations between Memphis, Tenn., and Little Rock, Ark., [illegible]

[illegible]

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 3, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: October 27, 1954.

Issued: November 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9040; Filed, Nov. 16, 1954; 8:49 a. m.]

[Docket No. G-4185]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

NOVEMBER 9, 1954.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation having its principal place of business in Houston, Texas, on October 6, 1954 filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas facilities, as more fully described in the application:

(1) An additional compression unit of 1,650 h. p. to be added at Compressor Station No. 24. (Station 24 proposed to be constructed under Docket G-2367.)

(2) A proposed loop line consisting of approximately 5.31 miles of 36-inch pipe to be constructed and installed at the suction side of Compressor Station No. 6.

(3) A proposed loop line consisting of approximately 9.72 miles of 36-inch pipe to be constructed and installed between Compressor Stations Nos. 6 and 7.

(4) A proposed loop line consisting of approximately 10.59 miles of 36-inch pipe to be constructed and installed between Compressor Stations Nos. 7 and 8.

(5) A proposed loop line consisting of approximately 27.38 miles of 36-inch pipe to be constructed and installed between Compressor Stations Nos. 8 and 9.

(6) A proposed loop line consisting of approximately 22.35 miles of 36-inch pipe to be constructed and installed between Compressor Stations Nos. 9 and 10.

(7) A proposed loop line consisting of approximately 13.81 miles of 36-inch pipe to be constructed and installed between Compressor Stations Nos. 10 and 11.

(8) A proposed loop line consisting of approximately 16.11 miles of 36-inch pipe to be constructed and installed between Compressor Stations Nos. 11 and 12.

(9) A proposed loop line consisting of approximately 20.43 miles of 36-inch pipe to be constructed and installed between Compressor Stations Nos. 12 and 13.

(10) A proposed crossing of the Savannah River consisting of approximately 0.20 mile of 30-inch pipe.

(11) A proposed loop line consisting of approximately 23.70 miles of 36-inch pipe to be constructed and installed between Compressor Stations Nos. 13 and 14.

(12) A proposed loop line consisting of approximately 18.34 miles of 36-inch pipe to be constructed and installed between Compressor Stations Nos. 14 and 15.

(13) A proposed loop line consisting of approximately 23.98 miles of 30-inch pipe to be constructed and installed between Compressor Stations Nos. 15 and 16.

(14) A proposed loop line consisting of approximately 16.75 miles of 30-inch pipe to be constructed and installed between Compressor Stations Nos. 16 and 17.

(15) A proposed loop line consisting of approximately 11.40 miles of 30-inch pipe to be constructed and installed between Compressor Station No. 17 and the James River.

(16) A proposed crossing of the James River consisting of approximately 0.19 mile of 30-inch pipe.

(17) A proposed loop line consisting of approximately 11.79 miles of 30-inch pipe to be constructed and installed between the James River and Compressor Station No. 18.

(18) A proposed loop line consisting of approximately 25.87 miles of 30-inch pipe to be constructed and installed between Compressor Stations Nos. 18 and 19.

(19) A proposed crossing of the Potomac River consisting of approximately 0.66 mile of 30-inch pipe.

(20) A proposed loop line consisting of approximately 18.68 miles of 30-inch pipe to be constructed and installed between Compressor Stations Nos. 19 and 20.

(21) A proposed loop line consisting of approximately 15.93 miles of 30-inch pipe to be constructed and installed at the discharge side of Compressor Station No. 20.

(22) Miscellaneous additions to existing Compressor Stations.

The estimated over-all capital cost of the facilities proposed in Docket No. G-4185 is $38,316,000, which Applicant proposes to finance through the issuance of First Mortgage Pipe Line Bonds, Debentures, and additional Preferred stock.

The facilities proposed are to be used to sell and deliver increased firm quantities totalling 69,380 Mcf per day of gas to certain of Applicant's existing customers located on the southern portion of Applicant's system and to Delaware Power & Light Co., Elizabethtown Consolidated Gas Co., South Jersey Gas Co., and Philadelphia Gas Works of United Gas Improvement.

Protests or petitions to intervene in the above matter may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of December 1954.

The foregoing application is on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9038; Filed, Nov. 16, 1954; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS FOR PROCUREMENT OF ENGINEERING AND ARCHITECTURAL SERVICES; BONNEVILLE POWER ADMINISTRATION

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 393; 41 U. S. C. 252), authority is hereby delegated to the Secretary of the Interior to enter into contracts for engineering and architectural services in connection with the activities of the Bonneville Power Administration, without advertising pursuant to section 302 (c) (4) and (9) of said act.

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of the Interior.

4. This delegation shall be effective as of the date hereof.

Dated: November 12, 1954.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 54-9089; Filed, Nov. 15, 1954; 3:24 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3184]

WEST PENN ELECTRIC CO. AND POTOMAC EDISON CO.

ORDER GRANTING EXTENSION OF TIME FOR CARRYING OUT PROPOSED TRANSACTION

NOVEMBER 10, 1954.

The Commission, by order dated March 4, 1954 (Holding Company Act Release No. 12389), having approved the transfer by the West Penn Electric Company ("West Penn"), a registered holding company, of the common stock of White Star Lines, Inc., a non-utility subsidiary of West Penn, to the Potomac Edison Company ("Potomac"), a public-utility subsidiary of West Penn;

The Commission, by order dated May 14, 1954 (Holding Company Act Release No. 12493), having extended to November 16, 1954, the period during which the aforesaid transaction may be consummated;

West Penn and Potomac having filed a joint request for a further extension to May 16, 1955, of the period during which such proposed transaction may be consummated; and

The Commission having considered said request and the reasons submitted in support thereof, and deeming it appropriate to grant such request:

It is hereby ordered, That the period during which the West Penn Electric Company may transfer the common stock of White Star Lines, Inc., to the Potomac Edison Company be, and the same hereby is, extended to May 16, 1955.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9042; Filed, Nov. 16, 1954; 8:50 a. m.]

[File No. 70-3309]

UNITED GAS CORP. AND UNION PRODUCING CO.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUE AND SALE TO PARENT COMPANY OF ADDITIONAL SHARES OF COMMON STOCK BY NON-UTILITY SUBSIDIARY OF PUBLIC UTILITY COMPANY

NOVEMBER 10, 1954.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by United Gas Corporation ("United"), a public-utility subsidiary of Electric Bond and Share Company, a registered holding company, and Union Producing Company ("Union"), a non-utility subsidiary of United which owns all of Union's outstanding securities. Applicants-declarants have designated sections 6 (b), 9 (a) (1), 10 and 12 of the act and Rules U-43 and U-50 (a) (3) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Union proposes to issue and sell, and United proposes to acquire, during a period of 12 months following the date of entry of the Commission's order herein, not to exceed a total of 5,000 shares of Union's no par value common stock for not to exceed an aggregate amount of $5,000,000 in cash. Such shares of stock, which will be sold and acquired in such numbers and at such times as funds may be required by Union, will be pledged with the corporate trustee under United's Mortgage and Deed of Trust.

Union represents that it has become necessary for it to augment its working capital by reason, among other things, of it being a successful bidder for offshore oil and gas leases, offered by the Federal government at competitive bidding, which bids are in an aggregate amount of over $4,000,000.

The filing states that no State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 29, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law, if any, raised by such application-declaration which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request shall bear the caption of this Notice and shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after November 29, 1954, said application-declaration, as filed or as hereafter amended, may be granted and permitted to become effective as provided in Rule U-23 of the general rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9041; Filed, Nov. 16, 1954; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 34]

MOTOR CARRIER APPLICATIONS

NOVEMBER 12, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of dispositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

NO. MC 1124 SUB 118, HERRIN TRANSPORTATION COMPANY, A Corporation, 2301 McKinney Avenue, Houston, Texas. Applicant's attorney: Leroy Hallman, Phinney and Hallman, First National Bank Building, Dallas 2, Texas. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, except household goods as defined by the Commission, between Arcadia, La., and Hodge, La., over Louisiana Highway 101, serving no intermediate points, as an alternate route in connection with carrier's regular route operations between Monroe, La. and Minden, La., and between Ruston, La. and Alexandria, La. Applicant is authorized to conduct operations in Akansas, Louisiana, Mississippi, Oklahoma, Tennessee and Texas.

NO. MC 1124 SUB 119, HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Texas. Applicant's attorney: Leroy Hallman, Phinney and Hallman, First National Bank Building, Dallas 2, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A and B explosives*, (1) between Calion, Camden and El Dorado, Ark., on the one hand, and, on the other, Texarkana, Texas, Ruston, La., and points in Arkansas south and west of a line beginning at the Arkansas-Oklahoma State line and extending along U. S. Highway 270 to Pine Bluff, thence along U. S. Highway 65 to the Arkansas-Louisiana State line, including points on the indicated portions of the highways specified; and (2) between Monroe, La., on the one hand, and, on the other, Texarkana, Texas, and Ruston, La., and points in that part of Arkansas described immediately above (except points which carrier is now authorized to serve in connection with its regular route operations between Memphis, Tenn., and Little Rock, Ark., over U. S. Highway 70, including the intermediate point of Lonoke, Ark.) Applicant is authorized to conduct operations in Arkansas, Louisiana, Oklahoma, Tennessee and Texas.

NO. MC 1124 SUB 120, HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Texas. Applicant's attorney: Leroy Hallman, Phinney and Hallman, First National Bank Bldg., Dallas 2, Texas. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, except commodities of unusual value, those injurious or contaminating to other lading, household goods as defined by the Commission and commodities in bulk, serving the site of the East Texas Pulp and Paper Company plant at Evadale, Texas, as an off-route point in connection with car-

rier's authorized regular route operations between Houston, Tex. and New Orleans, La. over U. S. Highway 90. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee and Texas.

NO. MC 8298 SUB 2, SWEDESBORO TRANSPORTATION CO., A Corporation, Swedesboro, N. J. Applicant's representative: G. A. Bruestle, President, Motor Carriers Service Bureau, Inc., S. E. Cor. Broad & Spring Garden Sts., Philadelphia 23, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Materials and ingredients used or useful in canning or processing of foods*, from Baltimore, Md., Washington, D. C., and points in Connecticut, Delaware, Massachusetts, New York, North Carolina, Pennsylvania, Rhode Island and Virginia, to Swedesboro, N. J. (except no authority is sought to transport dried beans from points in Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Wayne and Yates Counties, N. Y. to Swedesboro, N. J.).

NO. MC 15808 SUB 16, GIRTON BROS., INC., U. S. 40 East, P. O. Box 341, Brazil, Ind. Applicant's attorney: Louis E. Smith, 316–318 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Speedway, Ind., to points in that part of Indiana bounded on the north by U. S. Highway 30 and on the south by U. S. Highway 50, serving all points on the portions of the highways specified. Applicant is authorized to conduct operations in Illinois, Indiana, and Missouri.

NO. MC 30319 SUB 46, SOUTHERN PACIFIC TRANSPORT COMPANY, A Corporation, 810 N. San Jacinto, P. O. Box 4054, Houston, Tex. For authority to operate as a *common carrier*, over regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Corpus Christi, Tex., and Edinburg, Tex., from Corpus Christi over Texas Highway 44 to junction U. S. Highway 77, thence over U. S. Highway 77 to Riveria, Tex., thence over Texas Highway 285 to Falfurrias, Tex., thence over U. S. Highway 281 to Edinburg, and return over the same route, serving as intermediate and off-route points all rail stations (Falfurrias, Gypmine, Barroso, Rachal, Martland, Dix, Linn, and Alsonia, Tex.) served by applicant's affiliate, the Texas & New Orleans Railroad Company, and intermediate off-rail points (Encino, Delfina, San Manuel, and Solino, Tex.). Applicant is authorized to conduct operations in Louisiana and Texas.

NO. MC 30867 SUB 59, CENTRAL FREIGHT LINES, INC., 303 South 12th St., Waco, Tex. For authority to operate as a *common carrier*, transporting: *Class A, B, and C explosives*, serving the McCullough Tool Company Explosive Magazine located about two miles northwest of Magnolia, Tex. on Farm Road 1774, as an off-route point, in connection with (1) regular route operations between (a) Austin, Tex., and Houston, Tex., over U. S. Highway 290 and Texas Highway 20, (b) Houston, Tex., and Dallas Tex., over U. S. Highway 75, and (c) Tomball, Tex., and Houston, Tex., over Farm Road No. 149, unnumbered county roads, and U. S. Highway 75, and (2) alternate route operations between Hempstead, Tex., and Waco, Tex., over Texas Highway 6. Said service to be restricted to transportation of the commodities specified above. Applicant is authorized to conduct operations in Texas.

NO. MC 33641 SUB 21, INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City, Utah. For authority to operate as a *common carrier*, over an alternate route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Reno, Nev., and Dixon, Calif., over U. S. Highway 395 from Reno to Hallelujah Junction (junction U. S. Alternate Highway 40), thence over U. S. Alternate Highway 40 to junction U. S. Highway 40 at or near Davis, Calif., thence over presently authorized route (U. S. Highway 40) to Dixon, and return over the same route, serving no intermediate points, for operating convenience only, in connection with regular route operations between Elko, Nev., and South San Francisco, Calif. Applicant is authorized to conduct operations in California, Colorado, Illinois, Indiana, Iowa, Nebraska, Nevada, Utah, and Wyoming.

NO. MC 35628 SUB 191, INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, S. W., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr.; Warner, Norcross & Judd, Michigan Trust Building, Grand Rapids 2, Mich. For authority to operate as a *common carrier*, transporting: *General commodities, including those requiring special equipment*, but excluding Class A and B explosives, dangerous inflammables, household goods as defined by the Commission, and commodities in bulk, serving Forest, Ohio, as an off-route point, in connection with regular route operations between (a) Dayton, Ohio, and Toledo, Ohio, over U. S. Highway 68 and Ohio Highway 4, (b) Columbus, Ohio, and Toledo, Ohio, over U. S. Highway 23, (c) Fort Wayne, Ind., and Lisbon, Ohio, over U. S. Highways 30 and 30S, and (d) Van Wert, Ohio, and Pittsburgh, Pa., over U. S. Highways 19 and 224, and Pennsylvania Highways 18 and 288. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia.

NO. MC 39976 SUB 5, RAYMOND D. GIBBS, doing business as DAN GIBBS AND SON, 409 Beach Lane, N. W., New Philadelphia, Ohio. Applicant's attorney: Noel F. George, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Clay products*, (a) from points in Tuscarawas County, Ohio, to points in Delaware, New York, New Jersey, Maryland, District of Columbia, Kentucky, Virginia, and Indiana south of U. S. Highway 40, (b) from Diamond and Palmyra, Portage County, Ohio, to points in Illinois, Indiana, Michigan, West Virginia, Kentucky, Pennsylvania, New York, New Jersey, Maryland, Virginia, District of Columbia, and Delaware, and (c) from Stratton, Jefferson County, Ohio, to points in Delaware, New York, New Jersey, Maryland, District of Columbia, Pennsylvania, Virginia, West Virginia, Kentucky, Indiana, Illinois and Michigan; (2) *material, equipment, machinery and supplies* used in the manufacture and shipping of clay products from points in the above-specified destination territories to the above-specified points of origin. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, Pennsylvania and West Virginia.

NO. MC 51363 SUB 2, SAMUEL C. PRESS, doing business as FEDERAL ARMORED CAR SERVICE, 1617 Fairfield Avenue, Bridgeport, Conn. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bank bills, bonds, negotiable and non-negotiable securities, notes, drafts, important papers*, and *other items requiring armored truck service for transportation*, between points in New York, Connecticut and Massachusetts.

NO. MC 52858 SUB 41, CONVOY COMPANY, a corporation, 3900 N. W. Yeon Ave., Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm tractors;* and *farm tractor parts, accessories*, and *equipment* when moving in the same vehicle with farm tractors; and *implements, tools, machinery*, and *appliances* used or designed for use in connection with the operation of such tractors, from points in Oregon, Washington, and California, to points in Oregon, Washington, California, Idaho, Nevada, Utah, Montana, Wyoming, Colorado, Arizona, and New Mexico, with service from all origin points excepting Sumas, Wash., being restricted to transportation of shipments which have had a prior movement by water. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, and Washington.

NO. MC 61440 SUB 66, LEE WAY MOTOR FREIGHT, INC., P. O. Box 2488, 3000 West Reno, Oklahoma City, Okla. For authority to operate as a *common carrier*, over an alternate or connecting route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Ponca City, Okla., and junction U. S. Highways 60 and 66 about six miles west of Vinita, Okla., over U. S. Highway 60 from junction

U. S. Highway 66 to Pawhuska, Okla., thence over presently authorized routes (U. S. Highway 60) to Ponca City, and return over the same route, serving no intermediate points, for operating convenience only, in connection with regular route operations between St. Louis, Mo., and Ponca City, Okla., through combination of (1) regular routes between Tulsa, Okla., and Oklahoma City, Okla.; Tulsa, Okla., and St. Louis, Mo.; Oklahoma City, Okla., and Kansas City, Mo.; Arkansas City, Kans., and Muskogee, Okla.; Oklahoma City, Okla., and Ponca City, Okla.; and Guthrie, Okla., and Ponca City, Okla., and (2) alternate routes between Drumright, Okla., and the junction of Oklahoma Highway 67 and U. S. Highway 66 near Sapulpa, Okla.; and junction Oklahoma Highways 33 and 40 near Perkins, Okla., and Drumright, Okla. Applicant is authorized to conduct operations in Kansas, Missouri, New Mexico, Oklahoma, and Texas.

NO. MC 66788 SUB 17, RAYMOND MOTOR TRANSPORTATION, INC., 221 Lincoln Avenue S. E., St. Cloud, Minn. Applicant's attorney: Donald A. Morken, Mackall, Crounse, Moore, Helmey, & Palmer, Eleven Hundred First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Wahpeton, N. Dak., and Rosholt, S. Dak., over U. S. Highway 81, serving the intermediate point of Fairmount, N. Dak., and the off-route point of White Rock, S. Dak., and (2) between junction U. S. Highway 81 and unnumbered South Dakota highway west of White Rock, S. Dak., and junction unnumbered Minnesota highway and U. S. Highway 75, from junction U. S. Highway 81 and unnumbered South Dakota highway over said unnumbered highway to the South Dakota-Minnesota State line, thence over unnumbered Minnesota highway to junction U. S. Highway 75, and return over the same route, serving the intermediate point of White Rock, S. Dak., and the off-route point of Fairmount, N. Dak. Applicant is authorized to conduct operations in Minnesota and North Dakota.

NO. MC 76266 SUB 85, MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Applicant's attorney: Jack Goodman, Axelrod, Goodman & Steiner, 39 South LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B Explosives, household goods as defined by the Commission, livestock, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading, between Gary, Ind., and Detroit, Mich., (a) from Gary over U. S. Highway 12 to junction U. S. Highway 112, thence over U. S. Highway 112 to Detroit, (b) from junction U. S. Highway 112 and by-pass U. S. Highway 112 over by-pass U. S. Highway 112 to junction U. S. Highway 112, and (c) from junction by-pass U. S. Highway 112 and Michigan Highway 112 over Michigan Highway 112 to Detroit, and return over the same routes, as specified in a, b, and c above, as alternate routes in connection with applicant's regular-route operations (1) between Elkhart, Ind., and Cleveland, Ohio, (2) between Elkhart, Ind., and Gary, Ind., and (3) between Toledo, Ohio, and Detroit, Mich. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Wisconsin, Ohio, Indiana, and Michigan.

NO. MC 94620 SUB 4, ACTIVE VANS MOVING & STORAGE CO., INC., 1684 East 15th St., Brooklyn, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household Goods* as defined by the Commission, between New York, N. Y., on the one hand, and, on the other, points in West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Mississippi and Alabama. Applicant is authorized to conduct operations in New York, Connecticut, Massachusetts, Rhode Island, Pennsylvania, New Jersey, Maryland, Delaware, District of Columbia, Illinois, Indiana, Maine, Michigan, New Hampshire, Ohio, Vermont, and Virginia.

NO. MC 96498 SUB 9, FRED BONIFIELD, ALFRED BONIFIELD, AND REUBEN BONIFIELD, doing business as BONIFIELD BROTHERS TRUCK LINES, 2nd and Yasoda Streets, Metropolis, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Dixon Springs, Ill., and Harrisburg, Ill., from Dixon Springs over Illinois Highway 145 to junction Illinois Highway 34 at Mitchellsville, Ill., thence over Illinois Highway 34 to Harrisburg, and return over the same route, serving no intermediate points, as an alternate or connecting route, in connection with regular route operations between (a) Harrisburg, Ill., and Vienna, Ill., (b) Carbondale, Ill., and Golconda, Ill., (c) Harrisburg, Ill., and St. Louis, Mo., and (d) Benton, Ill., and Shawneetown, Ill., (2) between Golconda, Ill., and junction Illinois Highways 1 and 13, from Golconda over Illinois Highway 146 to junction Illinois Highway 1, thence over Illinois Highway 1 to junction Illinois Highway 13, and return over the same route serving no intermediate points, as an alternate or connecting route, in connection with regular route operations between (a) Carmi, Ill., and junction Illinois Highways 13 and 1, (b) Carbondale, Ill., and Golconda, Ill., and (c) Benton, Ill., and Shawneetown, Ill., (3) between Effingham, Ill., and East St. Louis, Ill., over U. S. Highway 40, serving no intermediate points, as an alternate or connecting route, in connection with regular route operations between (a) Chicago, Ill., and Paducah, Ky., (b) Harrisburg, Ill., and St. Louis, Mo., and (c) East St. Louis, Ill., and Marion, Ill., and (4) between junction U. S. Highway 45 and Illinois Highway 145 and junction Illinois Highways 145 and 146, over Illinois Highway 145, serving no intermediate points, as an alternate or connecting route, in connection with regular route operations between (a) Chicago, Ill., and Paducah, Ky., and (b) Carbondale, Ill., and Golconda, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky and Missouri.

NO. MC 102616 SUB 598, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye St., N. W., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lubricating oils*, in bulk, in tank vehicles, from Pittsburgh, Pa., to points in Green, and Botetourt Counties, Va.; Boone, Clay, Fayette, Kanawha, Lincoln, Mingo, Putnam, Raleigh, Summers, and Wayne Counties, W. Va., and points in those portions of Gilmore, Jackson, Lewis, Randolph, Roane, and Upshur Counties, W. Va. which are located south of U. S. Highway 23. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NO. MC 105461 SUB 6, BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Maine and New Hampshire to points in Pennsylvania, New Jersey, Delaware, Maryland and the District of Columbia; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement. Applicant is authorized to conduct operations in Delaware, Maryland, Pennsylvania, Virginia, New Jersey and the District of Columbia.

NO. MC 106241 SUB 14, CRAWFORD TRANSPORT COMPANY, INCORPORATED, 4901 U. S. Highway 60, Huntington, W. Va. Applicant's representative: J. J. Kuhner, 931 Society For Savings Building, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new trucks*, and *new chassis*, in initial movements, in driveaway and truckaway service, from Kenosha, Wis., to Toledo, Chillicothe, Waverly, Portsmouth, Jackson and Ironton, Ohio, Ashland, Louisa, Paintsville, Pikeville, Lexington and Maysville, Ky.; *new automobiles, new trucks*, and *new chassis*, in initial movements, in truckaway service, from Kenosha, Wis., to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending in a southeasterly direction along U. S. Highway 21 to Statesville, N. C.; thence along U. S. Highway 70 to Salisbury, N. C., and thence along U. S. Highway 52 to the North Carolina-South Carolina State line; *new automobiles*, in initial move-

ments, in truckaway service, from Kenosha, Wis., to points in that portion of Kentucky located on and east of a line beginning at Maysville and extending along U. S. Highway 62 to Lawrenceburg, thence along Kentucky Highway 35 to Danville, thence along U. S. Highway 150 to Mt. Vernon, and thence along U. S. Highway 25 to London, and on and north of a line beginning at London and extending along Kentucky Highway 80 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to Whitesburg, thence along U. S. Highway 119 to Jenkins, thence along U. S. Highway 23 to the Kentucky-Virginia State line, and thence along the Kentucky-Virginia State line in a northeasterly direction to the Kentucky-West Virginia State line; and *automobiles* and *chassis*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Barbour, Berkeley, Braxton, Brooke, Calhoun, Clay, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, and Wirt Counties, W. Va. (restricted to the transportation of vehicles manufactured by the Hudson Motor Car Division of American Motors, Inc.). Applicant is authorized to conduct operations in Kentucky, Michigan, North Carolina, Ohio and West Virginia.

NO. MC 110525 SUB 249, CHEMICAL TANK LINES, INC., 520 East Lancaster Ave., Downingtown, Pa. Applicant's attorney: Gerald R. Phelps, Dow, Lohnes and Albertson, Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, including but not restricted to those defined by the Commission in Ex Parte No. MC–45, in bulk, in tank vehicles, from points in Northampton County, Pa., to points in Bergen, Hunterdon, Mercer, Middlesex, Passaic and Warren Counties, N. J. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia and the District of Columbia.

NO. MC 112435 SUB 4, D. M. SMOCK, L. D. SMOCK AND E. G. SMOCK, doing business as D. & L. E. TRANSIT CO., 1502 Augusta Street, Zanesville, Ohio. Applicant's attorney: Noel F. George, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ferro alloys*, from Philo, Ohio, to points in West Virginia, and *empty containers for ferro alloys* on return. Applicant is authorized to conduct operations in Indiana, Illinois, Michigan, New York, Ohio, Pennsylvania, Missouri, and West Virginia.

NO. MC 112520 SUB 2 (amended) Published on page 6290 of the FEDERAL REGISTER issue of September 29, 1954. SOUTH STATE OIL CO., New Quincy Road, Tallahassee, Florida. Applicant's attorney: Dan R. Schwartz, Kitchen & Schwartz, 713 Professional Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as defined by the Commission in Ex Parte MC–45, (a) from points in Florida west of the eastern boundaries of Madison and Taylor Counties, Fla., to points in Alabama and Georgia, and (b) from Bainbridge, Ga., and points within 5 miles thereof, to points in Florida west of the eastern boundaries of Madison and Taylor Counties, Fla., (2) *liquid alum* and *caustic soda solution*, in bulk, in tank vehicles, from Mobile, Ala., and points in Alabama within 50 miles thereof, to points in Florida, and (3) *naval stores and liquid paper mill products and by-products*, including but not limited to Alpha Beta Products, Fatty acids, pinene, pulp mill liquid, salt cake solution (spent acid), sulphate black liquor skimmings, turpentine, and waste liquor, in bulk, in tank vehicles, between points in Florida west of the eastern boundaries of Madison and Taylor Counties, Fla., on the one hand, and, on the other, points in Alabama and Georgia.

NO. MC 112745 SUB 2, ALFRED BERSETH, doing business as AL BERSETH TRANSFER, 612 Gilman Street, Stanley, Wis. Applicant's attorney: Edward Solle, Solle and Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture, new furniture parts, and materials and supplies used or useful in the manufacture of furniture and furniture parts*, between Stanley, Wis., and St. Charles, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return movement. Applicant is authorized to conduct operations in Wisconsin, Illinois, Michigan, and Minnesota.

NO. MC 112933, SUB 3, W. H. MOSER, doing business as W. H. MOSER TRUCKING, P. O. Box 569, Paris, Texas. Applicant's attorney: Leroy Hallman, Phinney and Hallman, First National Bank Building, Dallas 2, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand* and *gravel*, from points in McCurtain County, Okla., to points in Red River and Bowie Counties, Tex.

NO. MC 113271 SUB 8, CHEMICAL TRANSPORT, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, Swanberg & Swanberg, 527–529 Ford Building, Great Falls, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank trucks, from Henderson, Nev., and points within ten miles thereof to points in Montana. Applicant is authorized to conduct operations in Oregon, Washington, Montana, Wyoming and North Dakota.

NO. MC 113903 SUB 1, THEODORE L. FREEMAN AND WILLIAM L. CAMPBELL, doing business as BROOKINGS LIVESTOCK & TRUCKING CO., Box 368, Brookings, Oreg. Applicant's attorney: Wm. P. Ellis, Ellis & Ellis, 1102 Equitable Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials*, in shipments of 20,000 pounds or more, between points in Curry County, Oreg., on the one hand, and, on the other, points in Kern, Fresno, Sacramento, Santa Cruz, Los Angeles, Humboldt, San Luis Obispo, Montery, San Mateo, Alameda, Contra Costa and Marin Counties, Calif. Applicant is authorized to conduct operations in Arizona and California.

NO. MC 113940 SUB 2, DURSTON AND FULLER, INC., P. O. Box 596, Henderson, Nevada. Applicant's attorney: Sidney R. Whitmore, Suite 3, Cornet Building, Las Vegas, Nev. For authority to operate as a *contract carrier*, over regular routes, transporting: (1) *Soap skimmings*, in bulk, in tank vehicles and hopper trucks, from rail head at Henderson, Nev., to plant site of Manganese, Inc., approximately eight miles east of Henderson, over Nevada Highway 41; (2) *lead sludge*, in bulk, in dump trucks, from above-named plant site to rail head at Henderson, Nev., over Nevada Highway 41; (3) *manganese concentrates or nodules*, in bulk, in dump trucks, (a) from the above-named plant site to the railhead at Henderson, Nev., and the stock piles of the United States Government and Manganese, Inc., at, or near Henderson, over Nevada Highway 41; and (b) from the above-named plant site near Henderson, Nev., to Wendon, Ariz., from above-named plant site over Nevada Highway 41 to Henderson, thence over U. S. Highway 466 to junction U. S. Highway 95, thence over U. S. Highway 95 to junction unnumbered California Highway, thence over unnumbered California Highway via Earp, Calif., to Arizona-California State line, thence over Arizona Highway 72 to junction U. S. Highway 60, thence over U. S. Highway 60 to Wendon; (4) *oronite slurry*, in bulk, in tank vehicles, from Richmond, Calif., to above-named plant site near Henderson, Nev., from Richmond over U. S. Highway 40 to Oakland, thence over U. S. Highway 50 to Stockton, thence over U. S. Highway 99 to Bakersfield, thence over U. S. Highway 466 via Las Vegas, Nev., to Henderson, and thence over Nevada Highway 41 to above-named plant site; (5) *sulphur dioxide*, in compressed gas bottle tanker vehicles and *petroleum coke*, in bulk, in dump trucks, from Los Angeles, Calif., to above-named plant site near Henderson, Nev., from Los Angeles over U. S. Highway 99 to San Bernardino, thence over U. S. Highway 91 via Barstow to Las Vegas, Nev., thence over U. S. Highway 466 to Henderson, and thence over Nevada Highway 41 to above-named plant site; and (6) *soda ash*, in bulk, in dump trucks, from West End and Trona, Calif., to above-named plant site from Trona and West End over California Highway 178 to junction U. S. Highway 395 at, or near, Johannesburg, Calif., thence over U. S. Highway 395 to junction U. S. Highway 466, thence over U. S. Highway 466 via Barstow, Calif., and Las Vegas, Nev., to Henderson, and thence over Nevada Highway 41 to above-named plant site.

NO. MC 114056 SUB 1, FRANK S. DALZELL, JR., R. R. No. 3, Paris, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer*, in bags, from Sheffield, Ala. to Winchester, Ky.

NO. MC 114960, HARVEY DAUFELDT, doing business as DAUFELDT TRANSFER, 612 West 7th, Muscatine, Iowa. Applicant's attorney: Kenneth M. Dunlop, Iowa State Bank & Trust Building, Iowa City, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from petroleum loading terminals located in Iowa, to points in Iowa.

NO. MC 115027, HERBERT I. STEINMAN, 1246 Westchester Avenue, Bronx, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Office furniture* and *office equipment* (1) from New York, N. Y., to Baltimore, Md., Washington, D. C., and points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts and Rhode Island; and (2) from Bethlehem, Pa., to Baltimore, Md., Washington, D. C., and points in Connecticut, Massachusetts, Rhode Island, New Jersey, Pennsylvania and New York; *trade-in office furniture* and *office equipment* on return.

NO. MC 115029. RAYMOND WESLEY, doing business as WESLEY OIL TRANSPORT, 7306 West 83rd St., Oak Lawn, Ill. Applicant's attorney: Louis E. Smith, 316–318 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt, tar*, and *heavy industrial fuel oil*, in bulk, in tank vehicles, from Gary, Whiting, East Chicago, and Hammond, Ind., to points in Cook, Du Page, Will, Winnebago, Kane, De Kalb, Kankakee, Kendall, and Grundy Counties, Ill.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

NO. MC 1510 SUB 53, SOUTHWESTERN GREYHOUND LINES, INC., 210 East Ninth St., Forth Worth, Texas. Applicant's attorney: L. C. Major, Jr., Turney & Turney, 2001 Massachusetts Ave., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, newspapers, express mail*, and/or *baggage of passengers* in the same vehicle with passengers (1) between Topeka, Kans., and Junction City, Kans., from Topeka over relocated U. S. Highway 40 to Junction City, and return over the same route; (2) between Manhattan, Kans., and relocated Highway 40, from Manhattan over Kansas Highway 13 to its junction with relocated U. S. Highway 40 and return over the same route, as alternate or connecting routes in connection with applicant's regular-route operations between St. Louis, Mo., and Albuquerque, N. Mex., serving no intermediate points. Applicant is authorized to operate in Arkansas, Missouri, New Mexico, Oklahoma, Texas, Kansas, Colorado, and Louisiana.

NO. MC 52980 SUB 8, ROYAL BLUE COACHES, INC., 8 Main Street, Clinton, N. J. Applicant's attorney, Robert H. Shertz, Shertz, Barnes & Shertz, 801–804 I. B. M. Building, 226 E. Fifteenth Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, between Mansfield Square, N. J., and junction New Jersey Highway 530 and U. S. Highway 206, located approximately one-half mile south of Ewansville, N. J., from junction U. S. Highway 206 and New Jersey Highway 68 at Mansfield Square, N. J., over New Jersey Highway 68 to Junction Wrightstown Road, thence over Wrightstown Road to Wrightstown, N. J., thence over Wrightstown-Pemberton Road to junction New Jersey Highway 530, thence over New Jersey Highway 530 to junction U. S. Highway 206, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York and Pennsylvania.

APPLICATIONS UNDER SECTION 5 AND 210 (a) (b)

NO. MC–F–5745 published in the September 2, 1954, issue of the FEDERAL REGISTER, page 5622. Amendment to application proposes that the authority sought to be purchased include Certificate No. MC 30165 Sub 64 issued in the name of English Freight Company on June 14, 1954.

No. MC–F5820. Authority sought for purchase by TOLEDO VAN & STORAGE CO., 934 Dorr Street, Toledo, Ohio, of the operating rights of CONRAD GERNHEUSER (MABEL R. GERNHEUSER, Administratrix), doing business as TOLEDO VAN & STORAGE CO., and for acquisition by MABEL R. GERNHEUSER, Toledo, Ohio, of control of the operating rights and property through the purchase. Applicant's attorney: Robert L. Weisenburger, 1434 National Bank Building, Toledo 4, Ohio. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between certain points in Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, West Virginia, Wisconsin, and Tennessee. Vendee holds no authority from the Commission, however, Conrad Gernheuser, deceased was a respondent in MC–F–3457, wherein said Conrad Gernheuser, doing business as Toledo Van & Storage Company, along with the other respondents, was found to be under common control with United Van Lines, Inc. It appears that through distribution of the estate of the deceased, vendee would acquire assets of said estate; including stock in United Van Lines, Inc., and it is reasonable to conclude that it would be affiliated with United Van Lines, Inc. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F–5821. Authority sought for purchase by WITTE TRANSPORTATION COMPANY, 2334 University Ave., St. Paul, Minn., of a portion of the operating rights of THE CARY TRANSFER CORPORATION, Box 356, Eau Claire, Wis., and for acquisition by H. G. McNEELY, St. Paul, Minn., of control of the operating rights through the purchase. Applicant's attorney: Donald A. Morken, 1100 First National Soo Line Building, Minneapolis, Minn. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Eau Claire, Wis., and Minneapolis, Minn., serving the intermediate and off-route points of St. Paul, South St. Paul, Newport and St. Louis Park, Minn. Vendee is authorized to operate in Wisconsin and, Minnesota. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–9054; Filed, Nov. 16, 1954; 8:51 a. m.]

[4th Sec. Application 29893]

BITUMINOUS FINE COAL FROM ILLINOIS AND INDIANA TO CHICAGO, ILL., AND POINTS TAKING SAME RATES

APPLICATION FOR RELIEF

NOVEMBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago & Eastern Illinois Railroad Company.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Illinois and Indiana.

To: Chicago, Ill., and points taking same rates.

Grounds for relief: Rail competition, circuity, market competition, and to maintain grouping.

Schedules filed containing proposed rates: Chicago & Eastern Illinois Railroad Company, I. C. C. No. 2, supp. 168.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–9043; Filed, Nov. 16, 1954; 8:50 a. m.]

[4th Sec. Application 29894]

ALCOHOLS FROM THE SOUTH TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Acetone, alcohol, anti-freeze preparations, etc., carloads.

From: Points in southern territory.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, market competition, to maintain grouping, operation through higher-rated territory, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-1008, supp. 8; R. G. Raasch, Agent, I. C. C. No. 796, supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9044; Filed, Nov. 16, 1954; 8:50 a. m.]

[4th Sec. Application 29895]

SUGAR FROM BALTIMORE, MD., TO TENNESSEE AND VIRGINIA

APPLICATION FOR RELIEF

NOVEMBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sugar, carloads.

From: Baltimore, Md.

To: Specified points in Tennessee and Virginia over water-rail routes.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1217, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9045; Filed, Nov. 16, 1954; 8:50 a. m.]

[4th Sec. Application 29896]

SULPHITE OF SODIUM FROM ST. LOUIS, MO. AND EAST ST. LOUIS, ILL., TO FRANKLIN, VA., AND ROANOKE RAPIDS, N. C.

APPLICATION FOR RELIEF

NOVEMBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sodium, sulphite of, crude or unrefined, carloads.

From: St. Louis, Mo., and East St. Louis, Ill.

To: Franklin, Va., and Roanoke Rapids, N. C.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1062, supp. 185.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9046; Filed, Nov. 16, 1954; 8:50 a. m.]

[4th Sec. Application 29897]

SALT CAKE FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO GEORGETOWN, S. C.

APPLICATION FOR RELIEF

NOVEMBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to schedule listed below.

Commodities involved: Salt cake (crude sulphate of soda, or sintered composition of sulphur and sodium carbonate); carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Georgetown, S. C.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1400, supp. 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9047; Filed, Nov. 16, 1954; 8:50 a. m.]

[4th Sec. Application 29898]

SODA ASH FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO GEORGETOWN, S. C.

APPLICATION FOR RELIEF

NOVEMBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Soda ash (other than modified soda ash), carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Georgetown, S. C.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1400, supp. 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9048; Filed, Nov. 16, 1954; 8:50 a. m.]

[4th Sec. Application 29899]

BITUMINOUS FINE COAL FROM WESTERN KENTUCKY TO CHICAGO, ILL.

APPLICATION FOR RELIEF

NOVEMBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Louisville and Nashville Railroad Company for itself and on behalf of other carriers parties to schedule listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in western Kentucky district.

To: Chicago, Ill., and points taking same rates.

Grounds for relief: Rail competition, circuity, competition with water, or water-rail carriers, market competition, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1224, supp. 70.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9049; Filed, Nov. 16, 1954; 8:51 a. m.]

[4th Sec. Application 29900]

ETHYLENE GLYCOL FROM TEXAS TO CHICAGO, ILL.

APPLICATION FOR RELIEF

NOVEMBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Ethylene glycol, in tank-car loads.

From: Houston, North Seadrift, Texas City and Velasco, Texas.

To: Chicago, Ill., and points in the Chicago switching district.

Grounds for relief: Rail competition, circuity, and competition with water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4064, supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9050; Filed, Nov. 16, 1954; 8:51 a. m.]

[4th Sec. Application 29901]

ETHYLENE GLYCOL FROM TEXAS TO CHICAGO, ILL.

APPLICATION FOR RELIEF

NOVEMBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Ethylene glycol, in tank-car loads.

From: Houston, North Seadrift, and Velasco, Texas, and Texas City, Texas.

To: Chicago, Ill., and points in Chicago switching district.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4064, supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9051; Filed, Nov. 16, 1954; 8:51 a. m.]

[4th Sec. Application 29902]

FLUXING LIMESTONE FROM NORTHWESTERN OHIO GROUP TO JACKSON, MISS.

APPLICATION FOR RELIEF

NOVEMBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Limestone, ground or pulverized, fluxing, in closed cars, carloads.

From: Bettsville, Bloomville, Genoa, Gibsonburg, Luckey, McVittys, Maple Grove (Narlo), Martin, Millersville, Narlo and Woodville, Ohio.

To: Jackson, Miss.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4510, supp. 57.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commis-

sion in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9052; Filed, Nov. 16, 1954; 8:51 a. m.]

[4th Sec. Application 29903]

SUGAR FROM MOBILE, ALA., TO FRANKLIN, N. C.

APPLICATION FOR RELIEF

NOVEMBER 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sugar, carloads.

From: Mobile, Ala., and points taking same rates.

To: Franklin, N. C.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 380, supp. 236.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9053; Filed, Nov. 16, 1954; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 224

Washington, Thursday, November 18, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10576

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE CAPITAL AIRLINES, INC., NATIONAL AIRLINES, INC., NORTHWEST AIRLINES, INC., TRANS WORLD AIRLINES, INC., UNITED AIRLINES, INC., EASTERN AIRLINES, INC., AND CERTAIN OF THEIR EMPLOYEES

WHEREAS a dispute exists between the Capital Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Airlines, Inc., Eastern Airlines, Inc., carriers, and certain of their employees represented by the International Association of Machinists, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The Board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by any of the said carriers or their employees in the conditions out of which the said dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 16, 1954.

[F. R. Doc. 54-9167; Filed, Nov. 16, 1954; 4:43 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Farm Housing Loans

PART 301—BASIC REGULATIONS

PART 302—APPLICANTS

PART 303—FARMS

PART 304—CONSTRUCTION AND REPAIR

PART 305—PROCESSING LOANS AND GRANTS

PART 306—FARM HOUSING ASSISTANCE FOR CERTAIN RESTRICTED INDIANS

PART 307—FARM AND HOME MANAGEMENT; YEAR END SERVICING

PART 308—LOANS TO CONTRACT PURCHASERS IN BUREAU OF RECLAMATION PROJECTS

Subchapter E—Account Servicing

PART 361—ROUTINE

REVOCATION OF REGULATIONS FOR THE MAKING OF FARM HOUSING LOANS AND REDESIGNATION OF CERTAIN SERVICING REGULATIONS

Part 361 in Chapter III of Title 6, Code of Federal Regulations, is hereby amended to add a new Subpart F consisting of §§ 361.101 to 361.104, and designated "Annual Checkout for Section 503 Farm Housing Borrowers"; §§ 307.1 to 307.4 of this chapter (17 F. R. 10157) are hereby redesignated as §§ 361.101 to 361.104, respectively, in that new Subpart F of Part 361; and Subchapter A of this chapter (14 F. R. 6544, 16 F. R. 112, 2821, 6713, 11795, 17 F. R. 268, 409, 1705, 3223, 7441, 18 F. R. 2617, 3055, 19 F. R. 2997) is hereby revoked.

(R. S. 161, 5 U. S. C. 22; sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480)

Issued this 12th day of November 1954.

[SEAL] R. B. MCLEAISH, *Administrator, Farmers Home Administration.*

[F. R. Doc. 54-9063; Filed, Nov. 17, 1954; 8:54 a. m.]

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[Amdt. 1]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—ORANGE AND GRAPEFRUIT EXPORT PAYMENT PROGRAM VMX 135a

MISCELLANEOUS AMENDMENTS

Sections 517.443 (f), 517.444 (a) (1) and (3), and 517.445 (b) are hereby respectively amended as follows:

1. Section 517.443 (f) is amended to read as follows:

(f) *Export shipment.* Fresh oranges from other than U. S. North Atlantic and Canadian Atlantic Ports shall be exported in refrigerated space on ocean carriers and the export bills of lading covering such shipments shall show that the oranges are stowed in refrigerated space: *Provided, however,* That fresh oranges may be exported from U. S. North Atlantic and Canadian Atlantic Ports in ventilated space on ocean carriers until April 15, 1955, inclusive, following which date export shipments from such ports shall be made in refrigerated space.

2. Section 517.444 (a) (1) is amended to read as follows:

(a) *Fresh fruit.* (1) Fresh oranges produced in California and Arizona shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality: *Provided,* That not more than a total tolerance of 5 percent shall be allowed for defects causing very serious damage. In addition, such oranges shall meet the requirements of Standards for Export, shall be individually wrapped with biphenyl treated paper, or packed in containers treated with biphenyl or lined with biphenyl paper, and shall be packed in accordance with the requirements of Standard Pack: *Provided,* That oranges jumble packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled. As used in this paragraph, "U. S. No. 1," "U. S. No. 2," "Standard Pack," and "Standards for Export" shall have the same meanings as defined in "U. S. Standards for Oranges (California and Arizona)," effective March 8, 1953.

3. Section 517.444 (a) (3) is amended to read as follows:

(3) Fresh grapefruit produced in California and Arizona shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality: *Provided,* That not more than a total tolerance of 5 percent shall be allowed for defects causing very serious damage. In addition, such grapefruit shall meet the requirements of Standards for Export, shall be individually wrapped with biphenyl treated paper, or packed in containers treated with biphenyl or lined with biphenyl paper, and shall be packed in accordance with the requirements of Standard Pack: *Provided,* That grapefruit jumble packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled. As used in this paragraph "U. S. No. 1," "U. S. No. 2," "Standard Pack," and "Standards for Export" shall have the same meanings as defined in "U. S. Standards for Grapefruit (California and Arizona)," effective January 9, 1950.

4. Section 517.445 (b) is amended to read as follows:

(b) The export bill of lading must show the quantity and description of the commodity, inspection certificate number, or other reference sufficient to relate the commodity loaded on board the export carrier to the commodity covered by the related inspection certificate, the date and place of loading, the fact that such commodity is on board, the destination of the commodity, the name and address of both the exporter and consignee, and, in the case of fresh oranges, whether they are stowed in refrigerated space. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in the application, the exporter shall furnish with each copy of such bill of lading a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this program for the commodity covered by such bill of lading. If the bill of lading shows the name of a consignee different from that appearing as the buyer on the contract under which the bill of lading is made, the exporter shall accompany his claim on the exportation covered by such bill of lading with a certification that the shipment under that bill of lading is to the buyer named in the contract and is made pursuant to that contract.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Effective date. This amendment shall be effective November 15, 1954.

Dated this 12th day of November 1954.

[SEAL] FLOYD F. HEDLUND,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 54-9062; Filed, Nov. 17, 1954; 8:45 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

RECRUITMENT OF LABOR AND CERTIFICATION AND USE OF FOREIGN LABOR FOR AGRICULTURE AND RELATED INDUSTRIES

Pursuant to authority vested in me by section 12, 48 Stat. 117, as amended, 29 U. S. C. 49k, the regulations contained in this part are amended as follows:

1. Section 602.9 is amended to read as follows:

§ 602.9 *Recruitment of labor for agriculture and related industries.* Each State agency needing agricultural labor to meet shortages in areas where local labor is deemed not to be available shall place such orders in interstate clearance in accordance with standards and procedures established by the United States Employment Service after the following conditions have been met:

(a) The State agency has examined the estimated crop acreage, yield, and other production factors in accordance with reasonable minimum standards established by the United States Employment Service to assure the validity of need and the minimum number of workers required.

(b) The State agency assures that (1) terms and conditions of employment are not less favorable than those offered by employers who have been successful in recruiting and retaining domestic workers for similar work in the area; (2) housing and facilities are available and will be, at the time of occupancy, hygienic and adequate to the climatic conditions of the area of employment; (3) wages offered are not less than the prevailing wage rates paid in the area to agricultural workers who are similarly employed; and (4) transportation from the pick-up point to the place of employment, and return, each day is provided by the employer to any available local workers, in accordance with the common practice of employers in the area.

(c) The State agency will compile, maintain, and furnish the Secretary of Labor as requested, and make available to interested individuals, agencies, and the public, current information on prevailing wages paid, wages being offered on orders in the local office, and wages being offered for employment for which orders are not on file in the local office, and information on labor demand and labor supply. The State agency shall publish such information as is necessary in connection with the recruitment of labor for agriculture.

(d) The State agency will cooperate actively with designated State agencies responsible for conditions of housing and health and will make every effort to assure that housing and facilities offered workers meet minimum standards suggested by the United States Employment Service.

2. Section 602.10 is amended to read as follows:

§ 602.10 *Certification and use of foreign labor for agriculture and related industries.* (a) Each State agency with a foreseeable labor shortage remaining after planning to utilize all the usual sources of available domestic workers or having a current shortage after the use of the interstate clearance process, may request the certification of need for foreign labor to meet such shortages by submitting the following certification:

(1) Reasonable efforts have been made and will continue to be made to obtain domestic workers for the period for which these workers are requested. "Reasonable efforts" will include full use of (i) day-haul operations in accordance with the general practices of other employers in the area, or, in the absence

of local day-haul operations, day-haul operations in accordance with the general practices within the State, and (ii) the interstate clearance process for recruitment in areas within a reasonable distance. (In order to recruit workers from out of the State, a minimum period of 15 days prior to the date of need will be required by the labor-supply State agency for positive recruitment. In addition, the offer for local workers must be at the same rate which is specified on the date of need in the clearance order, or a request for foreign workers will be denied.)

(2) Employment of such labor will not adversely affect the wages or working conditions of domestic workers similarly employed in the area.

(b) The State agency will not submit a request for workers more than 60 days nor less than 30 days prior to the date of need. Such request shall be reviewed by the State agency not more than 15 days prior to the date of need and the State agency will advise the appropriate Bureau of Employment Security regional office whether the conditions necessitating foreign workers previously certified to by the State agency still prevail, or whether the request should be cancelled or revised.

(Sec. 12, 48 Stat. 117; 29 U. S. C. 49k)

Signed at Washington, D. C., this 22d day of September 1954.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 54-9076; Filed, Nov. 17, 1954; 8:48 a. m.]

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

CLEARANCE

Pursuant to authority vested in me by section 12, 48 Stat. 117, as amended, 29 U. S. C. 49k; Reorganization Plan No. 2 of 1949 (14 F. R. 5225, 63 Stat. 1065), and by the delegation of duties and functions contained in General Order No. 44, dated October 19, 1949, the regulations contained in § 604.2 (20 CFR Part 604) are hereby amended to read as follows:

§ 604.2 *Clearance.* It is the policy of the United States Employment Service:

(a) To facilitate the mobility of labor by encouraging and guiding necessary migration of workers between geographical areas, and necessary shifts of workers across occupational and industrial lines.

(b) To recruit qualified workers from all practicable local sources before resorting to clearance.

(c) To extend for interstate clearance only those employer orders on which at least minimum compensation is specified.

(d) With respect to agriculture and related industries, to specify on each clearance order an offer of adequate transportation arrangements, which (1) is in accordance with the recruiting practices of other employers in the area who have successfully recruited out-of-area workers, or (2) is in accordance with the practices of employers from other areas who have successfully recruited workers in the area of supply.

(e) To authorize direct negotiations between offices within a State (offices of direct clearance) for clearance activities when ease of transportation, similarity of industrial activity, and customary migration patterns warrant.

(f) To authorize direct negotiations between offices in adjoining States (offices of direct clearance) for clearance activities when ease of transportation, similarity of industrial activity, and customary migration patterns warrant.

(Sec. 12, 48 Stat. 117; 29 U. S. C. 49k)

Signed at Washington, D. C., this 26th day of August 1954.

ROBERT C. GOODWIN,
Director, Bureau of Employment Security, United States Department of Labor.

[F. R. Doc. 54-9077; Filed, Nov. 17, 1954; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

Correction

In F. R. Doc. 54-8842, appearing in the issue for Wednesday, November 10, 1954, on page 7284, the word "than" in the second line of the third column should be deleted.

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1457—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

TREATMENT OF CONTRACTS WITH PRICE ADJUSTMENT PROVISIONS

Section 1457.5 *Treatment of contracts with price adjustment provisions* is amended in the following respects:

1. In paragraph (d) (1) (ii), add the following sentence at the end thereof: "As used in this section, the word "reserve" refers only to the amount agreed upon and allowed to the contractor at the time of renegotiation as a provision for reasonably anticipated net downward price revision under contracts containing price adjustment provisions, irrespective of any provision the contractor may have made on its books for such purpose; the reserve is the amount by which the aggregate of the amounts accruable before adjustment for price redetermination exceeds the amount used for purposes of the renegotiation agreement as the receipts or accruals of the contractor under such contracts."

2. Paragraph (d) (2) is deleted in its entirety and the following is inserted in lieu thereof:

(2) *Other cases.* If, for the fiscal year under review, the contractor sustains an over-all loss or realizes an amount of profits which is not determined to be excessive, so that the case is either withheld from assignment or, if assigned, is concluded by the issuance of a clearance (see §§ 1471.1 and 1473.1 of this subchapter), and if at such time the receipts or accruals of the contractor for the fiscal year under review are subject to adjustment pursuant to contract price adjustment provisions applicable in whole or in part to such fiscal year, the following rules will apply: If a net upward price revision is reasonably anticipated, the amount thereof will be estimated and included in renegotiable sales for the fiscal year under review to the extent allocable to such year. If a net downward price revision is reasonably anticipated, the amount thereof will be estimated and allowed to the contractor as a reduction of renegotiable sales for the fiscal year under review to the extent allocable to such year. In either case, if the outcome of the pending price adjustment is sufficiently uncertain so that it is believed that the contractor may realize additional profits allocable to the fiscal year under review by receiving more than the amount of an anticipated net upward revision or by not being required to pay the full allocable amount of an anticipated net downward revision, and if the amount of such additional profits is considered to be sufficiently substantial to affect the result of renegotiation for the fiscal year under review, a determination will be made by the Board or Regional Board of the amount of additional profits which the contractor may thereby realize without incurring any liability for excessive profits for such year. This will be done only when it is considered that by the operation of such contract price adjustment provisions the contractor may realize additional profits in an amount sufficient to bring its total renegotiable profits for the fiscal year under review above the clearance level so determined. Any such case will not be withheld from assignment or closed by a notice of clearance, but will be assigned and closed by a clearance agreement containing a clause in the form set forth in § 1498.2 (g) (2) or (4), as the case may be, of this subchapter.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: November 12, 1954.

CHARLES F. MILLS,
Acting Chairman.

[F. R. Doc. 54-9090; Filed, Nov. 17, 1954; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO16-A4]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U. S. C. 851 et seq.) and the rules of practice and procedure governing formulation of Marketing Agreements and Marketing Orders applicable to Anti-Hog-Cholera Serum and Hog-Cholera Virus (9 CFR Part 132), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Chief of the Animal Inspection and Quarantine Branch, Agricultural Research Service, United States Department of Agriculture, with respect to a proposed amendment to the marketing agreement and to the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1371, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. Testimony with respect to the proposed amendments to the marketing agreement and to the order, as amended, was received at a public hearing held at Kansas City, Missouri, July 21, 1954, pursuant to notice thereof published in the FEDERAL REGISTER on June 25, 1954 (19 F. R. 3873).

The material issues presented on the record are:

1. Whether or not modified and inactivated hog-cholera virus are viruses within the meaning of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act.

2. Whether it is necessary to regulate modified and inactivated virus in order to effectuate the purposes of the act.

3. The method of computing assessments of handlers to cover the expense of the Control Agency.

4. Other conforming changes.

Findings and conclusions. Upon the basis of the evidence adduced at the hearing and on the record thereof, it is hereby found and concluded that:

1. Modified and inactivated hog-cholera viruses are viruses within the meaning of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act.

At the time the act was passed the only known hog-cholera virus was virulent virus which, from the standpoint of the act, contained two distinct properties: the ability to produce the disease of hog cholera and, when used in conjunction with anti-hog-cholera serum, the ability to stimulate the body cells of pigs to produce antibodies against hog cholera, thereby giving active immunity against the disease. The use of serum alone will immunize the pig against hog cholera for only a short period of time, the virulent virus being the active immunization agent in this method of inoculation.

Research on the part of virologists in recent years resulted in producing hog-cholera viruses that are free of the disease-producing property yet have retained the property of stimulating antibody production in swine, thereby actively immunizing the inoculated animals against hog-cholera.

The record sets forth the presently known methods of producing these viruses. Generally speaking they fall within two categories, (1) inactivated virus which is produced by exposing the virulent virus to certain chemicals, thereby inactivating it in its disease producing properties, or its ability to multiply, while retaining its ability to stimulate antibodies against hog cholera, and (2) modified virus which is produced by serial passage of the virulent virus through an unnatural host or media which modifies it to the extent that it loses its ability to produce the disease but does not deprive the virus of its immunizing properties. The modified and inactivated viruses are hog-cholera virus from a scientific and immunological standpoint. Their immunological responses are the same as virulent virus, they have the same antigenic structure, and the same properties to stimulate body cells to produce antibodies against hog cholera. The utilization of all these viruses is for the purpose of immunizing swine against hog cholera. It is necessary to use a small amount of anti-hog-cholera serum with some of these viruses in the inoculation process and with others the simultaneous use of serum is not necessary, although recommended under certain circumstances.

The objective of the act in regulating the marketing of anti-hog-cholera serum and hog-cholera virus is the protection of the swine of the nation against the disease of hog-cholera. Its declared purposes are the maintenance of an adequate and available supply of such serum and virus and the prevention of excessive fluctuations and unfair methods of competition in the marketing of such products. The legislation was considered necessary in view of the extremely fatal and highly contagious nature of the disease of hog cholera, its continuous existence at all times in some part of the United States, and the disastrous effect a widespread epidemic would have on the national economy, and the fact that anti-hog-cholera serum and hog-cholera virus are the only products available to farmers that give immunity to swine against hog cholera.

The act is prospective in its application and purpose and expressed in general terms, specifying "hog-cholera virus" without words of restriction or limitation. Evidence adduced at the hearing discloses that the modified and inactivated hog-cholera viruses are hog-cholera viruses from a scientific and immunological standpoint and serve the same purpose as virulent virus does under the purposes of the act. The language of the act is sufficiently broad to clearly bring within its scope and intent such viruses even though they did not exist or were not known at the time of the passage of the act. Both Federal and State Courts have long applied a general rule of construction of statutory language to the effect that legislative enactments in general and comprehensive terms, prospective in operation, apply to persons, subjects and businesses within their general purview and scope, though coming into existence after their passage. Subjects, such as automobiles, radio and television, have been held to be within the purview of a statute even though not in existence or were unknown at the time of the passage of the act in question, where such subjects came within the intent and purpose of the act in question. Cain v. Bowlby, 114 F. 2d 510, cert. den. 311 U. S. 710; Browder v. United States, 312 U. S. 335, 339; Remick & Co. v. American Automobile Accessories Co., 5 F. 2d 411, cert. den. 269 U. S. 556; Commonwealth v. Quaker City Cab Co., 134 A. 404, rev. on other grounds, 277 U. S. 389; In re Fox Film Corporation, 145 A. 514; Haselton v. Interstate Stage Lines, 133 A. 451; Phila. Retail Liquor Dealers Ass'n v. Penn Liquor Control Board, 62 A. 2d 53; State v. City of Jacksonville, 50 So. 2d 532; Bruce Transfer Co. v. Johnston, 287 N. W. 278; Pellish Bros. v. Cooper, 38 P. 2d 607; Burton v. Monticello & Burnside Turnpike Co., 173 S. W. 144.

2. It is necessary to bring modified and inactivated hog-cholera viruses within the purview of the marketing agreement and order in order to effectuate the purposes of the act.

Approximately 50 percent of the hog population of the United States is annually immunized, leaving the remaining 50 percent susceptible to outbreaks of cholera. Modified and inactivated viruses are not intended for use in the face of immediate outbreaks of the disease as there is a time lag of a minimum of six to eight days after the administration of the virus before immunity develops and during this period the swine should not be exposed to cholera. Such outbreaks can be controlled only by the use of anti-hog-cholera serum. As the disease spreads very rapidly, it is necessary that substantial and available inventories of serum be maintained at all times in readily accessible places for immediate use by farmers in order to prevent enormous loss. The maintenance of these serum reserves requires consid-

erable financial outlay, and stability of marketing, therefore, must be maintained in order to encourage and insure that sufficient reserves are produced and made available in times of great need.

All the viruses, virulent, modified, and inactivated, are solely used for the purpose of immunizing hogs, and they compete with each other for the same market. Evidence in the record discloses that the introduction of modified and inactivated virus on the market created a disturbing element in the marketing of serum and virus and upon the maintenance of serum reserves. Certain competitive practices in the marketing of the modified and inactivated viruses cannot be met by the handlers of the regulated product because of the provisions of the marketing agreement and order. Such handlers are, therefore, placed in a disadvantageous position from the standpoint of meeting the competition of a product of the same nature and used for the same purpose, which tends to create unstable marketing conditions. Further, the regulation of the marketing of serum and virulent virus creates stability in the marketing and availability of these products which inures to the benefit of the handlers of the other viral products. The burden of regulation for purposes of stabilization and availability of serum and virus, with its concomitant of administrative expense, should not be placed upon only one segment of the industry but should be borne by all on an equal footing. Furthermore, the placing of all viruses under the purview of the marketing agreement and order will result in more orderly marketing, the maintenance of an available and adequate supply of serum and virus, and will tend to effectuate the purposes of the act.

3 a. The assessment of a wholesaler handler for his pro rata share of the expense of the Control Agency is now based on the volume of serum marketed by such handler, at the rate of $25 for the first 1,000,000 cubic centimeters marketed, and any amount over 1,000,000 cubic centimeters at a rate based upon the ratio between the quantity handled by each wholesaler to the total quantity handled by all wholesalers in excess of 1,000,000 cubic centimeters. At the time the 1,000,000 cc's provision was adopted the simultaneous serum-virulent virus method of immunization was the generally accepted practice, and as such serum and virus were jointly marketed in approximately the ratio of 15 to 1, respectively, the provision resulted in an equitable distribution of the costs of administration. However, the new viruses are not marketed in the same ratio and it is necessary, therefore, to obtain a new medium that will result in assessing all immunizing agents on a pro rata basis. It is proposed to amend the provision by basing the assessment on the dollar volume of serum and virus marketed, in view of the fact that all immunizing agents are not marketed on a common unit of measurement. One Thousand Dollars was first proposed but at the hearing this proposal was amended to the sum of Ten Thousand Dollars as the amount to be substituted for 1,000,000 cubic centimeters. It is contended that the use of $10,000 in computing assessments would result in apportioning such assessments in approximately the same ratio as the present provision.

There are no available statistics on the amount of all immunizing agents marketed by the various wholesalers in prior years. It would appear, therefore, that the only method available for testing the accuracy of the contention is by comparison of the number of pigs that could be inoculated for the price of 1,000,000 cc's of serum with the number that could be inoculated for $10,000 by the use of the various immunizing agents. The average dealer cost of 1,000,000 cc's of serum at current prices is approximately $12,500. Approximately 27,400 pigs could be vaccinated by the simultaneous serum-virulent virus method for this sum of money, on the basis of 2 cc's of virus and 30 cc's of serum at an average cost of 45.6 cents plus per dose.

The cost per dose, at currently quoted prices to dealers, of modified virus ranges from 35 to 40 cents, and the cost per dose of inactivated virus ranges from 33⅓ to 39 cents. The minimum cost per dose of modified virus used with the minimum amount of serum is 42.3 cents. Using the foregoing quoted prices per dose, we find that $10,000 would allow a dealer to purchase virus sufficient to vaccinate from 25,000 to 28,500 pigs with modified virus; from 26,000 to 30,000 pigs with inactivated virus, and 23,600 pigs with serum and modified virus. Testimony given at the hearing indicates that vaccination by the use of modified and inactivated viruses is utilized to almost the same extent as vaccination by serum and virulent virus and that such practice is growing steadily. On the basis of the comparative costs of vaccination by the various methods and the utilization percentage of such methods between the serum-virulent virus and the new viruses, it would appear that the sum of dollars to be substituted for 1,000,000 cc's should be somewhat less than the cost of 1,000,000 cc's of serum, or $12,500. It is realized that there are other factors (such as the relative amounts and prices of each of the immunizing agents marketed) that should be considered in resolving the question; however, statistics on such factors do not exist. On presently available data it would appear that $10,000 would be a representative figure for a basis of computing the pro rata shares of wholesalers.

Reports on the sales of the various immunizing agents will be required to be made for the coming year. If such reports disclose that there is an imbalance of assessments as between wholesalers under this recommended amendment, the amendment process is available to amend the marketing agreement and order on the basis of facts revealed by statistical material gathered from the aforesaid reports.

b. Under the provisions of the marketing agreement and order a manufacturer handler is assessed for his pro rata share of the expenses of the Control Agency on the basis of such handler's percentage of the total amount of hyperimmune blood collected by all manufacturer handlers during the preceding calendar year, payable in quarterly installments. It is proposed to base the pro rata share on such handler's percentage of the total dollar volume of serum and virus marketed by all manufacturer handlers during the preceding calendar year, with payment of one-half of the previous year's assessment on or before February 1 and the remainder on or before July 1 of each year.

Hyperimmune blood is used only in the manufacture of serum and the volume of the product, therefore, cannot be utilized in assessing costs against the marketing of virus. The proposal utilizes the present percentage formula and should result in the same division of expense percentagewise on the marketing of serum and virus.

Under the present provisions of the order there is a time lag in the payment of assessments occasioned by the receipt of reports and computing of assessments, resulting in periods of difficulty in financing the administration of the marketing agreement and order. The prepayment of one-half the previous year's assessment with adjustment in the final billing will provide the necessary funds for operation in the early part of the year.

4. In order to carry out the foregoing recommendation, and for purposes of determining the approval of proposed amendments by handlers as required by the act, it will be necessary for all handlers to file reports with the Secretary, not later than March 15 of each year, setting forth the dollar volume and the number of cubic centimeters of serum and virus marketed in each calendar year. In order to determine compliance with the provisions of the act with respect to emergency reserves, each manufacturer handler should file a report with the Secretary on or before June 1 of each year, showing the amount of completed serum on hand as of May 1.

Other minor changes to conform the entire marketing agreement and order with the aforesaid recommendations are set forth in the following recommended amendments.

Rulings on proposed findings and conclusions. Only one brief was filed, which brief recommended the adoption of the proposals. All proposed findings and conclusions contained therein have been discussed herein and any in conflict with this decision are denied.

Recommended amendments to the marketing agreement and order, as amended. The following amendments to the marketing agreement and the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out.

1. Amend § 131.4 to read as follows:

§ 131.4 *Serum or virus*—(a) *Serum.* Anti-hog-cholera serum manufactured in compliance with standards and regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise, and marketed in interstate and foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce.

(b) *Virus.* Virulent, modified, or inactivated hog-cholera virus, or any derivative or variation of hog-cholera virus, which is used alone or in connection with anti-hog-cholera serum to protect hogs against hog cholera, manufactured in compliance with regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise, and marketed in interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce.

2. Wherever the words "serum and virus", "serum and/or virus", and "anti-hog-cholera serum and hog-cholera virus" occur in §§ 131.5, 131.7, 131.8, 131.9, 131.10, 131.11, 131.58, 131.71, 131.73, 131.74, 131.77, delete the words "and" and "and/or" therefrom and substitute therefor the word "or".

3. Add § 131.16 to read as follows:

§ 131.16 *Dollar volume.* The sum of money received from the total yearly sales of serum and virus less any credit allowed for returned serum and virus.

4. Add Paragraph (d) to § 131.42 to read as follows:

(d) Any funds derived from assessments or any other source which have not been expended by the Control Agency at the end of a calendar year shall be carried over by the Control Agency, to be expended during the succeeding calendar year.

5. Amend § 131.43 to read as follows:

§ 131.43 *Method of wholesaler handler assessments.* As his pro rata share of the expenses of the Control Agency to be borne by all wholesaler handlers, each wholesaler handler shall pay to the Control Agency a sum computed on the basis of the dollar volume of serum and virus marketed by such handler during the preceding calendar year at the following applicable rates:

(a) Ten thousand dollars, or less—$25.00;

(b) Over ten thousand dollars—at a rate per ten thousand dollars, or fraction thereof, to be fixed by the Secretary based upon the ratio between the dollar volume of marketings of each wholesaler handler whose marketings are in excess of ten thousand dollars and the total dollar volume of marketings of all wholesaler handlers whose marketings are in excess of ten thousand dollars.

The pro rata share of all wholesaler handlers shall be obtained by assessing the first ten thousand dollars or less of the dollar volume of serum and virus marketed by each wholesaler handler, and if the sum obtained is not sufficient to cover the total amount of the pro rata share of all wholesaler handlers such additional amounts as are necessary to be assessed shall be assessed in the manner set forth in paragraph (b) of this section. If the total sum obtained by assessing the first ten thousand dollars, or less, of the dollar volume of serum and virus marketed by each wholesaler is greater than the pro rata share of all wholesaler handlers, the rate of assessment for ten thousand dollars, or less, shall be adjusted by the Secretary to an amount that will return the sum necessary to cover the pro rata share of all wholesaler handlers. The amount of each wholesaler handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.46. Such pro rata share shall be subject to the approval of the Secretary. The pro rata share of each wholesaler handler shall be paid as follows: $25.00 on or before January 15, of each year beginning with the year 1955, and the remaining sum, if any, within fifteen (15) days after being billed therefor. Such payments shall be made to the disinterested agency which shall transmit the total amount received to the Control Agency without disclosing the amount paid by each handler. In the event the Secretary adjusts the pro rata share of each wholesaler handler to an amount less than $25.00, the excess paid shall be credited on such handler's pro rata share of the following year's assessment.

6. Amend § 131.45 to read as follows:

§ 131.45 *Method of manufacturer handler's assessment.* The pro rata share of expenses to be paid by each manufacturer handler shall be based upon such handler's percentage of the total dollar volume of serum and virus marketed by all such handlers during the preceding calendar year. The amount of each manufacturer handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.46. The pro rata share of each manufacturer handler shall be paid as follows: An amount equal to one-half of the previous year's assessment shall be due and payable on or before February 1 of each year, and the remaining balance assessed shall be due and payable on or before July 1 of each year, beginning with the year 1955. Such payments shall be made to the disinterested agency which shall transmit the amount received to the Control Agency without disclosing the amount paid by each handler.

7. Amend § 131.46 to read as follows:

§ 131.46 *Reports.* (a) On or before March 15, 1955, and on or before March 15 of each year thereafter, each handler shall furnish the Secretary, through a disinterested agency to be selected by the Control Agency and approved by the Secretary, a report, which shall be sworn to, setting forth the dollar volume of serum and virus marketed by such handler during the preceding calendar year, and the cubic centimeter volume of serum and virus marketed by such handler during the preceding calendar year. On or before June 1 of each year, each manufacturer handler shall file a report with the Secretary, which shall be sworn to, setting forth the quantity of completed serum such handler had on hand on May 1 of such year.

(b) The disinterested agency shall make reports to the Secretary with respect to the marketings of serum and virus and collections of assessments under this part upon request therefor by the Secretary, and shall promptly transmit to the Control Agency all sums of money received by it from handlers in payment of assessments. The Secretary shall inform the agency concerning the total amount of the pro rata share of manufacturer handlers and the total amount of the pro rata share of wholesaler handlers of the expenses of the Control Agency.

Done at Washington, D. C., this 15th day of November 1954.

[SEAL] L. C. HEEMSTRA,
Acting Chief,
Animal Inspection and Quarantine Branch.

[F. R. Doc. 54-9095; Filed, Nov. 17, 1954; 8:52 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

PREVAILING MINIMUM WAGE FOR ENVELOPE INDUSTRY

NOTICE OF HEARING ON PROPOSED AMENDMENT

The Secretary of Labor, in a minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act (41 U. S. C. secs. 35–45) and made effective January 25, 1950 (15 F. R. 382) determined that the prevailing minimum wage for persons employed in the envelope industry was not less than 75 cents per hour. This determination also authorized employment of learners and handicapped workers in accordance with regulations, standards and procedures under the Fair Labor Standards Act. This determination is currently in effect as editorially revised and published in the FEDERAL REGISTER on July 20, 1950 (15 F. R. 4637).

The Secretary of Labor has decided that a review of this determination is appropriate.

The industry is presently defined as "that industry which manufactures or furnishes envelopes."

Now, therefore, notice is hereby given: That a public hearing will be held on Tuesday, December 14, 1954 at 10:00 a. m. in Room 2203, United States Department of Labor Building, 14th Street and Constitution Avenue, Northwest, Washington, D. C., before the Secretary of Labor or a duly assigned Hearing Examiner, at which hearing all interested persons may appear and submit data, views, and argument (1) as to what are the prevailing minimum wages in the envelope industry; (2) as to whether there should be included in any amended determination for this industry provision for employment of learners or beginners at subminimum rates and on what terms or limitations, if any, such employment should be permitted; (3) as to the propriety of the present definition of this industry; and (4) as to whether a single determination applicable for all of the area in which the industry operates, or a separate determination for each of several different smaller geographical areas (including the appropriate limits of such areas), should be determined for this industry. Employment and wage data

have been prepared in the Department of Labor for consideration at the hearing and will be made available to interested parties upon request.

Persons intending to appear are requested to notify the Secretary of Labor of their intention in advance of the hearing. Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Persons who wish to appear should be prepared to testify with respect to the adequacy and accuracy of the employment and wage data prepared in the Department of Labor, and also to present specific factual information in support or in derogation of the adequacy and accuracy of such data.

The following information is particularly invited with respect to the subject matter of the testimony or statements of each witness: (1) The number of workers covered in the presentation; (2) the number and location of establishments; (3) minimum wages paid at the end of a probationary or learner period, the number of workers receiving such wages, and the occupations in which these employees are found; (4) the entrance rate for learners, beginners and probationary workers, the length of such learning or probationary period, and the number of workers paid such entrance rates; and (5) the extent to which there is competition in this industry between different plants in different geographical areas both for Government contract and commercial business.

To the extent possible, data should be submitted in such a manner as to permit evaluation thereof on a plant by plant basis.

Signed at Washington, D. C., this 13th day of November 1954.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 54-9088; Filed, Nov. 17, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 201]

[Docket No. R-130]

UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES; NATURAL GAS STORED UNDERGROUND

ORDER DISMISSING PROCEEDINGS

The Commission has under consideration in this proceeding the amendment of Part 201 of its general rules and regulations entitled "Uniform System of Accounts for Natural Gas Companies" (18 CFR, Chapter I, Subchapter F, Part 201), and more specifically the modification of Paragraph B and related Notes B-1 through B-5 of § 201.134 thereof, relating to accounting for inventories of natural gas stored underground.

General public notice of the proposed rule making in the above-entitled matter was given by publication of notice in the FEDERAL REGISTER on January 9, 1954 (19 F. R. 173), and by mailing of notice to interested parties, including State and Federal regulatory authorities and natural-gas companies.

In response to such notice, numerous written suggestions and comments were submitted by interested parties respecting the changes in the Commission's rules proposed in this docket. On October 4, 1954, the Commission heard oral argument by all parties who expressed a desire to be heard, upon the matters involved in the proposed rule making.

After full consideration of the data, suggestions, comments and views submitted, it appears to the Commission that adoption of the proposed amendment to the rules may not, at the present time, be appropriate or necessary in carrying out the provisions of the Natural Gas Act.

The Commission finds: On the basis of the record herein, the proceedings in this docket should be dismissed.

The Commission orders: The proceedings in this docket respecting the proposed amendment of the Commission's rules relative to accounting for inventories of natural gas stored underground, be and the same hereby are dismissed.

Adopted: November 3, 1954.

Issued: November 10, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9078; Filed, Nov. 17, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 13]

ARIZONA

RESTORATION ORDER UNDER FEDERAL POWER ACT

NOVEMBER 12, 1954.

Pursuant to determination of the Federal Power Commission, Docket No. DA-117-Arizona, and in accordance with authority delegated to me by the Director, Bureau of Land Management, by section 2.5 of Order No. 541, dated April 21, 1954 (19 F. R. 2473, 2476), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under applicable public land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended, and subject to the stipulation that, if and when the lands are required wholly or in part for purposes of power development, any structures or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development without expense to the United States, its permittees or licensees.

GILA AND SALT RIVER MERIDIAN

T. 8 N., R. 4 W.,
Sec. 7, lots 5 to 16, inclusive.
T. 8 N., R. 5 W.,
Sec. 12, lots 3, 4, NW¼SE¼, N½SW¼, SW¼SW¼,
Sec. 13, lot 3, S½NW¼, SW¼.

The areas described total 983.33 acres of public land.

Lot 4 Sec. 12 and all of the lands described in Sec. 13, T. 8 N., R. 5 W., G&SRM, were withdrawn in Power Site Reserve No. 188 of June 16, 1911. All lands described in Sec. 7, T. 8 N., R. 4 W., and Sec. 12, T. 8 N., R. 5 W., were included in Power Project 306, November 13, 1924, and Power Project 1062, January 2, 1930.

The lands are located along the Hassayampa River five to six miles north of Wickenburg, Arizona, in Yavapai County. The lands are rough and broken and are completely unsuitable for any agricultural development. Portions of the lands are mineral in character and the area produces some forage for range livestock.

All of the public lands described in this order are included in withdrawal for reclamation purposes under the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416) and are therefore not subject to disposal under the public land laws except as that withdrawal may be modified to permit disposal.

The State of Arizona has waived the 90-day preference right provided by the act of May 28, 1948 (62 Stat. 275) and section 24 of the Federal Power Act (41 Stat. 1075; 16 U. S. C. 818) as amended.

This order shall not become effective to change the status of the described land until 10:00 a. m. on the 10th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection under the applicable public-land laws; subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m. of the 10th day after the date of this order shall be treated as though simultaneously filed at that time. All other applications under the public-land laws filed on or before 10:00 a. m. of the 101st day after the date of this order shall be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to Manager, Arizona Land Office, Bureau of Land Management, Room 243 Main Post Office Building, Phoenix, Arizona.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 54-9072; Filed, Nov. 17, 1954; 8:47 a. m.]

[Doc. 14]

ARIZONA

RESTORATION TO MINERAL LOCATION, ENTRY AND PATENT OF LANDS WITHDRAWN FOR RECLAMATION PURPOSES

NOVEMBER 12, 1954.

Pursuant to determinations by the Bureau of Reclamation under the act of April 23, 1932 (47 Stat. 136; 43 U. S. C. 154), and in accordance with the authority delegated to me by the Director, Bureau of Land Management, in Order No. 541, dated April 21, 1954 (19 F. R. 2473), it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, and the stipulations and provisions described below, the lands hereinafter described, so far as they are withdrawn or reserved for reclamation purposes, are hereby restored to location, entry and patent under the mining laws.

GILA AND SALT RIVER MERIDIAN

T. 8 N., R. 5 W.,
Sec. 11, N½, SW¼, NW¼SE¼;
Sec. 12, All;
Sec. 13, All;
Sec. 14, E½NE¼, SW¼NE¼, NW¼NW¼, NE¼SW¼, N½SE¼.

Within the above described areas are 2,007.34 acres of public land.

Subject to valid existing rights and the provisions of existing withdrawals, the described lands shall, commencing at 10:00 a. m. on the 10th day after the date of this order, be open to location, entry and patenting under the United States mining laws, subject to the stipulation quoted below, to be executed and acknowledged in favor of the United States by the locators for themselves, their heirs, successors and assigns, and recorded in the county records and in the United States Land Office at Phoenix, Arizona, before locations are made:

In carrying on the mining and milling operations contemplated hereunder, locator will, by means of substantial dikes, or other adequate structures, confine all tailings, debris and harmful chemicals in such a manner that the same shall not be carried into the Hassayampa River by storm waters, or otherwise.

There is reserved to the United States, its agents and employees, at all times, free ingress to, passage over and egress from all of the above described lands for the purpose of inspection; there is further reserved to the United States, its successors and assigns the prior right to use any of the lands hereinabove described, to construct, operate, and maintain canals, dikes, wasteways, ditches, dams, reservoirs, telephone and telegraph lines, electric transmission lines, roadways and appurtenant works, including the right to take and remove from the lands hereinabove described such construction materials as may be required in the construction of irrigation works, without any payment made by the United States, or its successor for such rights. The locator further agrees that the United States, its officers, agents and employees and its successors and assigns, shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation and maintenance of any works of the United States and/or the removal of construction materials from the lands hereinabove described.

Inquiries concerning these lands shall be addressed to Manager, Arizona Land Office, Bureau of Land Management, Room 243 Main Post Office Building, Phoenix, Arizona.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 54-9071; Filed, Nov. 17, 1954; 8:47 a. m.]

NORTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 12, 1954.

An application, serial number Montana 013419, (ND), for the withdrawal from all forms of appropriation under the public land laws, including mining and mineral leasing laws of the lands described below was filed on July 7, 1952, by Department of the Army.

The purposes of the proposed withdrawal: For the operation and maintenance of the Garrison Dam and Reservoir Project, North Dakota.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Billings, Montana. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN

T. 148 N., R. 82 W.,
Sec. 29: SE¼SW¼;
Sec. 32: Lot 1.
T. 148 N., R. 83 W.,
Sec. 13: NE¼SE¼.
T. 146 N., R. 84 W.,
Sec. 6: Lot 12.
T. 147 N., R. 84 W.,
Sec. 10: Lot 5.
T. 148 N., R. 85 W.,
Sec. 30: Lot 3.
T. 147 N., R. 93 W.,
Sec. 34: Lots 1, 2, 3, 4 and unsurveyed accretions thereto.
T. 153 N., R. 93 W.,
Sec. 6: Unsurveyed accretion in front of Lots 7, 8;
Sec. 7: Unsurveyed accretion in front of Lots 1, 2, 3;
Sec. 8: Lots 2, 4 and unsurveyed accretion thereto;
Sec. 17: Unsurveyed accretion in front of Lot 7;
Sec. 19: Unsurveyed accretion in front of Lots 3, 4, 7;
Sec. 20: Unsurveyed accretion in front of Lots 1, 2, Lots 3, 4, 5;
Sec. 26: Lots 1, 2, 3, E½NW¼, SE¼SE¼, NW¼SE¼;
Sec. 27: Unsurveyed accretion in front of Lot 7;
Sec. 29: Unsurveyed accretion in front of Lots 4, 5;
Sec. 34: Unsurveyed accretion in front of Lot 1;
Sec. 35: Lots 1, 2, E½NE¼, Unsurveyed accretion in front of Lots 4, 5.
T. 147 N., R. 94 W.,
Sec. 20: Lot 4;
Sec. 28: Lot 1.
T. 153 N., R. 94 W.,
Sec. 1: Unsurveyed accretion in front of Lot 7;
Sec. 2: Lot 3;
Sec. 3: Lots 1, 2, 4;
Secs. 2, 3, 4, 9, 10: Unsurveyed portions, consisting of island in Missouri River.
T. 154 N., R. 94 W.,
Sec. 23: NE¼SE¼;
Sec. 28: Unsurveyed accretion in front of Lots 1, 2, 3, 4;
Sec. 29: Unsurveyed accretion in front of Lots 1, 2, 3, 4, 5;
Sec. 30: Unsurveyed accretion in front of Lot 3;
Sec. 33: Unsurveyed accretion in front of Lots 2, 3;
Sec. 34: Lots 1, 2;
Sec. 35: Lot 2;
Secs. 27, 33, 34, 35: Unsurveyed portions, consisting of island in Missouri River.
T. 148 N., R. 95 W.,
Sec. 31: Lots 2, 4, 5 and unsurveyed accretions thereto;
Sec. 34: SE¼SW¼.
T. 154 N., R. 95 W.,
Sec. 17: NE¼SE¼;
Sec. 21: NE¼NW¼;
Sec. 25: Unsurveyed accretion in front of Lots 1, 2, 3, 4;
Sec. 26: Unsurveyed accretion in front of Lots 5, 6, 7;
Sec. 27: Unsurveyed accretion in front of Lots 4, 5, 6;
Sec. 28: Unsurveyed accretion in front of Lots 1, 2;
Sec. 29: Lot 1 and unsurveyed accretion thereto; Lot 2, E½SW¼, SW¼SW¼;
Sec. 30: Lots 3, 4, 5, NE¼SE¼;
Sec. 31: Lot 1;
Sec. 32: Lots 3, 4.
T. 154 N., R. 96 W.,
Secs. 25 and 26: Unsurveyed island in Missouri River;
Sec. 27: Lot 4;
Sec. 30: Unsurveyed accretion in front of Lots 3, 4.
T. 154 N., R. 97 W.,
Sec. 21: Unsurveyed accretion in front of Lots 1, 2, 3;
Sec. 22: Unsurveyed accretion in front of Lots 2, 3; Lots 4, 5, 6, 7, SW¼SE¼;
Sec. 23: Lots 2, 7 and unsurveyed accretions thereto; Lots 3, 5;
Sec. 27: Lot 1;
Sec. 28: Unsurveyed accretions in front of Lots 1, 7; Lots 4, 5, 6 and unsurveyed accretion thereto;
Sec. 29: Unsurveyed accretion in front of Lots 5, 6, 7, 8;
Sec. 30: Unsurveyed accretion in front of Lots 7, 8.

T. 153 N., R. 98 W.,
Sec. 2: Unsurveyed accretion in front of Lot 7;
Sec. 11: Lots 2, 3; Lots 5, 8 and unsurveyed accretions thereto; Unsurveyed accretions in front of Lots 1, 4, 7;
Sec. 13: N½NW¼, NW¼NE¼;
Sec. 14: Lots 1, 4, 5, 8 and unsurveyed accretion thereto; Unsurveyed accretion in front of Lots 2, 3, 6, 7;
Sec. 21: Lots 1, 2, 3 and unsurveyed accretions thereto; Lots 5, 6, 7;
Sec. 22: Lots 1, 3, S½NE¼, N½SE¼; Unsurveyed accretion in front of Lots 4, 5; Lot 2 and unsurveyed accretion thereto;
Sec. 23: Lots 1, 4, 5, 6, 7 and unsurveyed accretions thereto; N½SW¼; Unsurveyed accretions in front of Lots 2, 3, 8;
Sec. 24: SE¼NW¼.
Sec. 26: Lots 1, 2, 3, 4 and unsurveyed accretion thereto; Unsurveyed accretion in front of Lots 5, 6, 7, 8;
Sec. 27: Lot 4 and unsurveyed accretion thereto; Unsurveyed accretions in front of Lots 1, 2, 3, 5, 6, 7;
Sec. 28: Lots 1, 2, 3, N½NE¼, SE¼NW¼, NE¼SW¼, SW¼SW¼, SE¼SE¼;
Sec. 29: Lot 5;
Sec. 31: Lot 1; Lots 4, 6 and unsurveyed accretions thereto; Unsurveyed accretions in front of Lots 7, 8, 9, 10;
Sec. 32: Lot 3; Unsurveyed accretion in front of Lots 1, 4;
Sec. 34: NE¼SW¼.
T. 154 N., R. 98 W.,
Sec. 35: Lot 1 and unsurveyed accretion thereto.
T. 152 N., R. 99 W.,
Sec. 5: Lot 3 and unsurveyed accretion thereto; Unsurveyed accretion in front of Lot 4;
Sec. 6: Unsurveyed accretion in front of Lots 1, 2, 3.
T. 153 N., R. 99 W.,
Sec. 22: Unsurveyed accretion in front of Lot 1;
Sec. 23: Unsurveyed accretion in front of Lots 3, 4;
Sec. 24: Unsurveyed accretion in front of Lot 4;
Sec. 25: Unsurveyed accretion in front of Lots 2, 3, 4, 7;
Sec. 26: Unsurveyed accretions in front of Lots 2, 5, 6, 7;
Sec. 27: Unsurveyed accretion in front of Lot 1;
Sec. 31: Lot 3 and unsurveyed accretion thereto;
Sec. 32: Lot 7; Unsurveyed accretion in front of Lot 5;
Sec. 33: Lots 3, 4; Unsurveyed accretion in front of Lots 5, 6, 7;
Sec. 34: Lots 1, 2, 3, 4;
Sec. 35: Lot 6; Unsurveyed accretion in front of Lots 1, 2, 3, 4.
T. 152 N., R. 100 W.,
Sec. 2: Lot 12 and unsurveyed accretion thereto;
Sec. 3: Lot 6; Lot 7 and unsurveyed accretion thereto;
Sec. 4: Lots 15, 16;
Sec. 5: Lots 9, 10;
Sec. 10: Lot 1 and unsurveyed accretion thereto.
T. 153 N., R. 100 W.,
Sec. 4: Unsurveyed accretion in front of Lot 7;
Sec. 8: Lots 2, 8;
Sec. 9: Lot 8;
Sec. 27: Lot 3 and unsurveyed accretion thereto; unsurveyed accretion in front of Lots 1, 2;
Sec. 28: Lot 5; unsurveyed accretion in front of Lots 1, 2, 3, 4;
Sec. 29: Unsurveyed accretion in front of Lots 2, 3, 4, 5, 6;
Sec. 32: Lots 2, 4, NE¼SW¼;
Sec. 33: Lots 1, 2, 3, NE¼NE¼;
Sec. 34: Lot 1, SW¼NW¼; Lots 2, 3 and unsurveyed accretion thereto;
Sec. 35: Lot 2.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 54-9073; Filed, Nov. 17, 1954; 8:47 a. m.]

Office of the Secretary

[List 1]

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY AND OF SILETZ INDIANS

REQUIREMENT OF TRIBAL MEMBERSHIP ROLLS

Pursuant to the provisions of section 3 of the act of August 13, 1954 (68 Stat. 724), it is my determination that tribal membership rolls shall be required to be prepared for the tribes listed herein, namely:

Confederated Tribes of the Grand Ronde Community.
Confederated Tribes of Siletz Indians.

ORME LEWIS,
Assistant Secretary of the Interior.

NOVEMBER 10, 1954.

[F. R. Doc. 54-9074; Filed, Nov. 17, 1954; 8:48 a. m.]

[List 2]

CERTAIN INDIAN TRIBES

NON-REQUIREMENT OF TRIBAL MEMBERSHIP ROLLS

Pursuant to the provisions of section 3 of the act of August 13, 1954 (68 Stat. 724), it is my determination that tribal membership rolls will not be required for the following named tribes:

Alsea, Applegate Creek, Calapooya, Chaftan, Chempho, Chetco, Chetlessington, Chinook, Clackamas, Clatskanie, Clatsop, Clowewalla, Coos, Cow Creek, Euchees, Galic Creek, Grave, Joshua, Karok, Kathlamet, Kusotony, Kwatami or Sixes, Lakmiut, Long Tom Creek, Lower Coquille, Lower Umpqua, Maddy, Mackanotin, Mary's River, Multnomah, Munsel Creek, Naltunnetunne, Nehalem, Nestucca, Northern Molalla, Fort Orford, Pudding River, Rogue River, Salmon River, Santiam, Scoton, Shasta, Shasta Costa, Siletz, Siuslaw, Skiloot, Southern Molalla, Takelma, Tillamook, Tolowa, Tualatin, Tututul, Upper Coquille, Upper Umpqua, Willamette Tumwater, Yamhill, Yaquina, and Yoncalla.

ORME LEWIS,
Assistant Secretary of the Interior.

NOVEMBER 10, 1954.

[F. R. Doc. 54-9075; Filed, Nov. 17, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

DIRECTOR OF FOREIGN TRADE PROGRAMS DIVISION

DELEGATION OF AUTHORITY TO APPROVE ENTRY OF IMPORTS OF CERTIFIED OR REGISTERED SEED GRAINS AND OF GRAIN OR FLOUR FOR EXPERIMENTAL PURPOSES

Pursuant to the authority vested in me by the Secretary of Agriculture (19 F. R. 76) there is hereby delegated to the Director of the Foreign Trade Programs Division, Foreign Agricultural Service, United States Department of Agriculture, the authority now or hereafter vested in the Secretary of Agriculture by Proclamations issued by the President of the United States of America pursuant to section 22 of the Agricultural Adjustment Act of 1933, as amended, 7 U. S. C. 624, to approve, as designated representative of the Secretary, in accordance with the provisions of such Proclamations, entry of imports of certified or registered seed grains and of grain or flour for experimental purposes.

This delegation of authority shall be effective upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 15th day of November 1954.

[SEAL] W. G. LODWICK,
Administrator,
Foreign Agricultural Service.

[F. R. Doc. 54-9096; Filed, Nov. 17, 1954; 8:52 a. m.]

Rural Electrification Administration

[Administrative Order 4737]

NEW MEXICO

LOAN ANNOUNCEMENT

OCTOBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 22K McKinley	$233,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-9097; Filed, Nov. 17, 1954; 8:52 a. m.]

[Administrative Order 4738]

MISSISSIPPI

LOAN ANNOUNCEMENT

OCTOBER 4, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 39T Jackson	$610,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-9098; Filed, Nov. 17, 1954; 8:52 a. m.]

[Administrative Order 4739]

ALABAMA

LOAN ANNOUNCEMENT

OCTOBER 4, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alabama 22X Butler	$100,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-9099; Filed, Nov. 17, 1954; 8:53 a. m.]

[Administrative Order 4740]

NEW MEXICO

LOAN ANNOUNCEMENT

OCTOBER 4, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 23G, H Lea	$1,155,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-9100; Filed, Nov. 17, 1954; 8:53 a. m.]

[Administrative Order 4741]

GEORGIA

LOAN ANNOUNCEMENT

OCTOBER 4, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 92N Brantley	$235,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-9101; Filed, Nov. 17, 1954; 8:53 a. m.]

[Administrative Order 4742]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 12, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 40F Perkins	$465,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 54-9102; Filed, Nov. 17, 1954; 8:53 a. m.]

[Administrative Order 4743]

NORTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 12, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 30H Steele	$50,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 54-9103; Filed, Nov. 17, 1954; 8:53 a. m.]

[Administrative Order 4744]

MINNESOTA

LOAN ANNOUNCEMENT

OCTOBER 12, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 74S Norman	$207,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 54-9104; Filed, Nov. 17, 1954; 8:53 a. m.]

[Administrative Order 4745]

IOWA

LOAN ANNOUNCEMENT

OCTOBER 12, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 36L Wright	$269,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 54-9105; Filed, Nov. 17, 1954; 8:54 a. m.]

[Administrative Order 4746]

COLORADO

LOAN ANNOUNCEMENT

OCTOBER 12, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 26K San Miguel	$285,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 54-9106; Filed, Nov. 17, 1954; 8:54 a. m.]

[Administrative Order 4747]

IDAHO

LOAN ANNOUNCEMENT

OCTOBER 15, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Idaho 16F Cassia	$220,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-9107; Filed, Nov. 17, 1954; 8:54 a. m.]

[Administrative Order 4748]

ILLINOIS

LOAN ANNOUNCEMENT

OCTOBER 15, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 12R Bureau	$755,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-9108; Filed, Nov. 17, 1954; 8:54 a. m.]

[Administrative Order 4749]

OHIO

LOAN ANNOUNCEMENT

OCTOBER 15, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting

through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Ohio 32V Belmont	$260,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-9109; Filed, Nov. 17, 1954; 8:54 a. m.]

[Administrative Order 4750]

MICHIGAN

LOAN ANNOUNCEMENT

OCTOBER 19, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Michigan 33 "Z" Charlevoix	$240,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-9110; Filed, Nov. 17, 1954; 8:54 a. m.]

[Administrative Order 4751]

OKLAHOMA

LOAN ANNOUNCEMENT

OCTOBER 22, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 10 V Cleveland	$440,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-9111; Filed, Nov. 17, 1954; 8:54 a. m.]

[Administrative Order 4752]

NEW MEXICO

LOAN ANNOUNCEMENT

OCTOBER 22, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 8W Roosevelt	$50,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-9112; Filed, Nov. 17, 1954; 8:54 a. m.]

[Administrative Order 4753]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

OCTOBER 22, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 21U Lancaster	$155,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-9113; Filed, Nov. 17, 1954; 8:55 a. m.]

[Administrative Order 4754]

FLORIDA

LOAN ANNOUNCEMENT

OCTOBER 22, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Florida 30N Walton	$380,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-9114; Filed, Nov. 17, 1954; 8:55 a. m.]

[Administrative Order 4755]

ALABAMA

LOAN ANNOUNCEMENT

OCTOBER 22, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alabama 39G Lamar	$50,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-9115; Filed, Nov. 17, 1954; 8:55 a. m.]

[Administrative Order 4756]

GEORGIA

LOAN ANNOUNCEMENT

OCTOBER 22, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 35U Walton	$635,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-9116; Filed, Nov. 17, 1954; 8:55 a. m.]

[Administrative Order 4757]

FLORIDA

LOAN ANNOUNCEMENT

OCTOBER 25, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Florida 33K Pasco	$50,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-9117; Filed, Nov. 17, 1954; 8:55 a. m.]

[Administrative Order 4758]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 25, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 7T Bell	$375,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-9118; Filed, Nov. 17, 1954; 8:55 a. m.]

[Administrative Order 4759]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 25, 1954.

I hereby amend:

(a) Administrative Order No. 4336, dated August 24, 1953, by rescinding the loan of $2,035,000 therein made for "California 36A Death Valley".

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-9119; Filed, Nov. 17, 1954; 8:55 a. m.]

[Administrative Order 4760]

MONTANA

LOAN ANNOUNCEMENT

OCTOBER 26, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Montana 33G Custer	$465,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc 54-9120; Filed, Nov. 17, 1954; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALBERT ABELLO

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 4th day of November 1954, the Board entered the following order:

Whereas, Albert Abello, pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 1166 on November 9, 1950; and

Whereas, the Board has, by registered letter dated July 29, 1954, and by four previous communications requested this registrant to furnish certain information in connection with his forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244); and

Whereas, the last communication addressed to this registrant has been returned by the post office as undeliverable and other communications addressed to him beginning on May 27, 1953, have remained unanswered; and

Whereas, the Board has no knowledge of the whereabouts of this registrant, and cannot, therefore, exercise proper regulatory authority over him; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at his last known address,

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why his freight forwarder Certificate of Registration No. 1166 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this order be sent by registered mail to this registrant at his last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 12, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 54-9064; Filed, Nov. 17, 1954; 8:45 a. m.]

JOHN DONNELLY

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 4th day of November, 1954, the Board entered the following order:

Whereas, John Donnelly, pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 932 on August 4, 1950; and

Whereas, the Board has, by registered letter dated June 4, 1952, and by four previous communications requested this registrant to furnish certain information in connection with his forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244); and

Whereas, the last communication addressed to this registrant has been returned by the post office as undeliverable and other communications addressed to him beginning on February 15, 1952, have remained unanswered; and

Whereas, the Board has no knowledge of the whereabouts of this registrant, and cannot, therefore, exercise proper regulatory authority over him; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at his last known address,

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why his freight forwarder Certificate of Registration No. 932 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this order be sent by registered mail to this registrant at his last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 12, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 54-9065; Filed, Nov. 17, 1954; 8:45 a. m.]

M. F. DONOHUE & CO.

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 4th day of November 1954, the Board entered the following order:

Whereas, Matt F. Donohue, doing business as M. F. Donohue & Co., pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 1303 on May 4, 1951; and

Whereas, the Board has, by registered letter dated January 28, 1954, and by three previous communications requested this registrant to furnish certain information in connection with his forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244), and

Whereas, the last communication addressed to this registrant has been returned by the post office as undeliverable and other communications addressed to him beginning on September 22, 1953, have remained unanswered; and

Whereas, the Board has no knowledge of the whereabouts of this registrant, and cannot, therefore, exercise proper regulatory authority over him; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at his last known address,

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why his freight forwarder Certificate of Registration No. 1303 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this order be sent by registered mail to this registrant at his last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 12, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 54-9066; Filed, Nov. 17, 1954; 8:46 a. m.]

FERNEY UNIVERSAL SERVICE

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 4th day of November 1954, the Board entered the following order:

Whereas, Ferney Universal Service, pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 1253 on February 6, 1951; and

Whereas, the Board has, by registered letter dated July 16, 1954, and by five previous communications requested this registrant to furnish certain information in connection with his forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244); and

Whereas, the last communication addressed to this registrant has been returned by the post office as undeliverable and other communications addressed to it beginning on March 18, 1952, have remained unanswered; and

Whereas, the Board has no knowledge of the whereabouts of this registrant, and cannot, therefore, exercise proper regulatory authority over it; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at its last known address,

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why its freight forwarder Certificate of Registration No. 1253 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this order be sent by registered mail to this registrant at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 12, 1954.

By order of the Federal Martime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 54-9067; Filed, Nov. 17, 1954; 8:46 a. m.]

NEWBRAZ SHIPPING CO.

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 4th day of November 1954, the Board entered the following order:

Whereas, Jackson B. Flores, doing business as Newbraz Shipping Company, pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 1509 on June 11, 1952; and

Whereas, the Board has, by registered letter dated July 13, 1953, and by one previous communication requested this registrant to furnish certain information in connection with his forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244); and

Whereas, the Board has no knowledge of the whereabouts of this registrant, and cannot, therefore, exercise proper regulatory authority over him; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at his last known address,

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why his freight forwarder Certificate of Registration No. 1509 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this order be sent by registered mail to this registrant at his last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 12, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 54-9068; Filed, Nov. 17, 1954; 8:46 a. m.]

REID SHIPPING CO., INC.

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 4th day of November 1954, the Board entered the following order:

Whereas, Reid Shipping Company, Inc., pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 1021 on August 14, 1950; and

Whereas, the Board has, by registered letter dated August 4, 1954, and by six previous communications requested this registrant to furnish certain information in connection with its forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244); and

Whereas, the last communication addressed to this registrant has been returned by the post office as undeliverable and other communications addressed to it beginning on June 9, 1952, have remained unanswered; and

Whereas, the Board has no knowledge of the whereabouts of this registrant, and cannot, therefore, exercise proper regulatory authority over it; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at its last known address,

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why its freight forwarder Certificate of Registration No. 1021 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this order be sent by registered mail to this registrant at his last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 12, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 54-9069; Filed, Nov. 17, 1954; 8:46 a. m.]

JOHN J. WUNNER

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 4th day of November 1954, the Board entered the following order:

Whereas, John J. Wunner, pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 732 on July 21, 1950; and

Whereas, the Board has, by registered letters dated January 7, 1953 and May 7, 1953, and by three previous communications requested this registrant to furnish certain information in connection with his forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244); and

Whereas, the last communication addressed to this registrant has been returned by the post office as undeliverable and other communications addressed to him beginning on October 2, 1952, have remained unanswered; and

Whereas, the Board has no knowledge of the whereabouts of this registrant, and cannot, therefore, exercise proper regulatory authority over him; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at his last known address,

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why his freight forwarder Certificate of Registration No. 732 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this order be sent by registered mail to this registrant at his last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 12, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 54-9070; Filed, Nov. 17, 1954; 8:47 a. m.]

JAMES LOUDON & CO., INC., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to § 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 7975 between James Loudon & Co., Inc., of Los Angeles and Shreve & Hays of San Diego freight forwarders, provides (1) that Shreve & Hays will act as agents for Loudon in San Diego; (2) that Loudon will handle Shreve & Hays' forwarding transactions on shipments originating in San Diego and exported through Los Angeles; (3) how earnings (forwarding fees and ocean freight brokerage) on those shipments which are handled by one party for the other shall be apportioned between the parties; (4) that Shreve & Hays will not represent any foreign freight forwarder or employee thereof in connection with raw cotton transactions; and (5) that Loudon will not open offices in San Diego in the foreseeable future, providing the agreement operates satisfactorily.

(2) Agreement No. 8002, between Bloomfield Steamship Company and States Marine Corporation of Delaware, covers the appointment by Bloomfield of States Marine as its berth agent at certain specified United States Gulf ports, and provides that in the performance of its duties under the agreement States Marine shall give preference to Bloomfield's vessels over vessels operated by States Marine for its own account.

(3) Agreement No. 8004 between Moore-McCormack Lines, Inc., and the American President Lines, Ltd., covers the transportation of cargo under through bills of lading from ports in South America to ports in Guam, M. I. with transhipment at Norfolk, Baltimore, New York or Boston.

(4) Agreement No. 8006 between Hamburg-American Line, North German Lloyd, and the carriers comprising the Ozean/Stinnes Lines joint service, covers a sailing arrangement in the trade between Gulf ports of the United States and ports in the French Atlantic Hamburg Range.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 15, 1954.

By order of the Federal Martime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 54-9121; Filed, Nov. 17, 1954; 8:56 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

OA FISCAL OFFICER AND DEPUTY OA FISCAL OFFICER

DELEGATION OF AUTHORITY TO EXECUTE LEGENDS ON BONDS, NOTES, OR OTHER OBLIGATIONS EVIDENCING LOANS MADE UNDER TITLE I OF THE HOUSING ACT OF 1949, AS AMENDED, INDICATING ACCEPTANCE OF SUCH INSTRUMENTS AND PAYMENT THEREFOR

The OA Fiscal Officer and the Deputy OA Fiscal Officer (Finance and Accounts Branch, Division of Administration), each is hereby authorized to execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate, any legend appearing on any bond, note, or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (63 Stat. 414–421 (1949), as amended, 42 U. S. C., 1952 ed. and Sup. I 1451–1461), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note, or other obligation and its payment therefor on the date specified in the particular legend.

This delegation of authority supersedes the delegation effective September 16, 1953 (18 F. R. 5557) respecting this same subject.

(62 Stat. 1268, 1283–85 (1948), as amended, 12 U. S. C., 1952 ed. 1701c)

Effective as of the 18th day of November 1954.

ALBERT M. COLE, *Housing and Home Finance Administrator.*

[F. R. Doc. 54-9091; Filed, Nov. 17, 1954; 8:51 a. m.]

Public Housing Administration

FIELD OFFICE ATTORNEYS

DELEGATION OF FINAL AUTHORITY TO EXECUTE REQUISITION AGREEMENTS

Section II *Delegations of final authority*, is amended as follows: Subparagraph 5 is added to paragraph C as follows:

5. To execute requisition agreements. Field Office Attorneys.

Date approved: November 8, 1954.

CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 54-9079; Filed, Nov. 17, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-173, 54-191]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

NOTICE OF FILING OF AMENDMENTS TO PLANS PROPOSING PARTIAL LIQUIDATING DISTRIBUTIONS AND AMENDMENT OF CERTIFICATE OF INCORPORATION

NOVEMBER 12, 1954.

I. Pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("act"), Standard Gas and Electric Company ("Standard"), a registered holding company, and Philadelphia Company ("Philadelphia"), a subsidiary of Standard and also a registered holding company, have heretofore been ordered by this Commission to liquidate and dissolve. (See Holding Company Act Release Nos. 8242 (June 1, 1948), 8773 (December 31, 1948) and 10717 (August 14, 1951).) In compliance with such orders, Standard previously filed with the Commission under section 11 (e) of the act a plan ("Standard Plan") for compliance by Standard and Philadelphia with the provisions of section 11 of the act (File No. 54-191) and a plan ("Philadelphia Plan") for simplification of the corporate structure of the Philadelphia holding company system (File No. 54-173). The proceedings on the two plans were consolidated and substantially all of the transactions proposed to be taken pursuant to the plans, as amended, have been approved by the Commission and consummated. At present the only outstanding security of Standard consists of 2,162,607 shares of common stock without par value.

Under Step III of Standard's Plan, as amended, and with Commission approval Philadelphia in 1953 distributed to Standard 560,048 shares of common stock of Duquesne Light Company ("Duquesne") and Standard in turn, effective August 25, 1953, distributed 540,651.75 shares of this Duquesne stock to the stockholders of Standard in partial liquidation. (See Holding Company Act Release No. 12101, August 13, 1953.)

Standard now proposes in the instant filing to distribute an additional 216,260.7 shares of Duquesne common stock to its stockholders immediately after the receipt of 224,467 shares of Duquesne common stock from its subsidiary, Philadelphia. These distributions will also be in partial liquidation of Philadelphia and of Standard. The more important details of the present proposal are set forth in Part II of this notice.

The proposal raises the question of whether there will be sufficient assets remaining in Standard after the contemplated distribution to take care of the fixed and contingent liabilities of Standard. According to the filing the combined assets of Standard and its subsidiary, Philadelphia, have a value of $36,960,515 as at July 31, 1954, with portfolio investments valued at market at the close of business on October 19, 1954. The portfolio investments include shares of Duquesne, Oklahoma Gas and Electric Company, Wisconsin Public Service Corporation and Pittsburgh Railways Company and constitute $33,696,000 of the combined assets. The combined debts and liabilities of the two companies, including large maximum contingent liabilities for taxes in the years 1942–50 and for legal services rendered on behalf of stockholders of Standard in the section 11 reorganization proceedings, aggregate less than one half of the value of the combined assets, as stated above. The aforementioned portfolio investments with a market value of $33,696,000 would be reduced by about $7,083,000, on the basis of a market value of the Duquesne stock of $32.75 per share at October 19, 1954, if Standard makes the proposed distribution. Accordingly, it appears that there should remain ample assets after the proposed distribution to take care of all debts and liabilities both fixed and contingent.

II. Notice is hereby given that Standard has filed with the Commission, by amendments dated October 8, 1954, Step III–A to its Plan, which amendments, to the extent they relate to Philadelphia, are deemed to supplement and amend the Philadelphia Plan.

All interested persons are referred to the aforesaid amendments which are on file at the office of the Commission for a complete statement of the transactions proposed. These transactions are summarized as follows:

Under Step III–A Philadelphia will, as soon as possible, make a distribution to Standard of 224,467 additional shares of Duquesne common stock; Standard will then amend its Certificate of Incorporation so as to change its outstanding shares of no par value common stock, which are stated at an aggregate of $21,626,070, into an equal number of shares of $1 par value common stock and to reduce such stated value to $2,162,607. Thereafter Standard will distribute to its stockholders 216,260.7 shares of Du-

quesne common stock in the ratio of one-tenth (1/10th) share of such stock for each outstanding share of common stock of Standard. This distribution will be made only after Step III–A has been approved by this Commission and by the United States District Court for the District of Delaware and after the Court has ordered the provisions of Step III–A enforced and carried out. The effective date of distribution will be set in the enforcement decree of the Court, or, if no such date is set by the Court, by the Board of Directors of Standard, which date in any event shall not be later than 90 days after the enforcement order of the Court has become final and is no longer subject to review.

The record date for the determination of the holders of common stock of Standard entitled to receive common stock of Duquesne and/or an Order Form with respect to any fractional shares ("distribution record date") will be specified in the enforcement decree of the Court or, if not so specified, will be fixed by Standard's Board of Directors.

On the effective date of distribution, Standard will appoint and deposit with a Distribution Agent an aggregate of 216,261 shares of common stock of Duquesne, being, to the next highest full share, the number of shares of such common stock required for distribution under Step III–A. Upon such deposit, Standard will cease to be the holder of such shares, and the holders of common stock of Standard of record on the distribution record date will be entitled thereto, subject to the limitations hereinafter stated.

After receipt of the common stock of Duquesne, the Distribution Agent will deliver promptly to each holder of common stock of Standard of record on the distribution record date a certificate for the full shares of Duquesne to which he is entitled, and an Order Form for any fractional share to which he also may be entitled, but only if such holder (a) was a holder of record of Standard's common stock on August 25, 1953 and, on or prior to the effective date of distribution under Step III–A, filed with the Distribution and Scrip Agents under Step III of the Standard Plan an acknowledgement of receipt of notice delivered by Standard in accordance with Step III or (b) became a holder of record of Standard's common stock after August 25, 1953. Delivery of full shares of Duquesne common stock and an Order Form, or cash for any fractional shares, as hereinafter provided, to all other holders will be made by the Distribution Agent only when such holders have filed with such Agent the form of acknowledgment of receipt of notice described below. Not less than five days prior to the distribution record date, Standard will mail or cause to be mailed to all holders, other than those referred to in (a) and (b) above, of its common stock of record on a date not more than five days prior to such mailing, notice of the effective date of distribution and of the distribution record date, together with a printed form of acknowledgment of receipt of notice to be forwarded to the Distribution Agent by such holders.

Until the Distribution Agent has delivered to him the certificate or certificates for shares of common stock of Duquesne to which he is entitled, no holder of common stock of Standard will be entitled to receive any dividends declared on such shares of stock of Duquesne, or have any right to vote or consent in respect of such shares. Upon delivery of a certificate or certificates for such shares to him, he will be entitled to receive from such Agent an amount equal to all dividends (less taxes, if any, which may have been imposed or paid thereon) paid or payable to such Agent in respect thereof.

No fractional shares of common stock of Duquesne will be issued, but in lieu thereof each holder of the common stock of Standard entitled to such a fraction will be given the opportunity either to sell the fraction to which he is entitled or to buy additional fractions so as to round out to a full share. This privilege of buying and selling will extend for 60 days from the effective date of Step III–A and will be handled by the Distribution Agent without charge to the buyer or seller. At the end of such 60 days the Distribution Agent will sell any remaining shares of Duquesne held by it to cover fractions, and will remit the proceeds of such sale to the stockholders entitled thereto.

Any stockholder of Standard who fails to claim his pro rata distribution of Duquesne stock and/or cash, for more than five years from the effective date of distribution will be cut-off from all rights to receive the distribution, except that, if within such five-year period, the common stock of Standard is surrendered for exchange or there are further distributions by Standard to holders of its common stock, the cut-off date shall be extended so as to coincide with the cut-off date fixed in respect of such exchange or further distribution, or to the last day of the ten-year period immediately following the effective date of the distribution under Step III–A, whichever is earlier. After the cut-off date, the Distribution Agent will sell and convert into cash all Duquesne common stock then held by it and turn over to Standard as a capital contribution all such cash together with all cash received by it as dividends or otherwise upon such shares, or in the event Standard has been liquidated and dissolved or otherwise disposed of, such cash will be delivered to the Exchange or other Agent provided by the Plan or any amendment thereof for distribution to the holders or former holders of Standard common stock entitled to receive the residual assets of Standard. Prior to the cut-off date Standard will advertise and use other methods to notify the holders of its common stock of their rights to the distribution.

Standard proposes to request the Commission pursuant to section 11 (e) of the act to apply to the United States District Court for the District of Delaware for an order enforcing the terms and provisions of Step III–A and directing that the proposed amendment to Standard's charter and reduction of its capital be consummated without any vote or consent of stockholders, as permitted by section 245 of the Delaware Corporation Law.

Step III–A further provides that such fees and expenses as the Commission may award or allow in connection with Step III–A, and any and all transactions and proceedings related thereto, will be paid by Standard to the extent that they relate primarily to transactions pertaining to Standard and by Philadelphia to the extent that they relate primarily to transactions pertaining to Philadelphia.

Notice is further given that any interested person may, not later than November 30, 1954, at 5:30 p. m., request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing in respect of such matters. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after November 30, 1954, the Commission may grant Standard's application for approval of Step III–A, as it is filed or as it may be amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–9082; Filed, Nov. 17, 1954; 8:50 a. m.]

[File No. 811–581]

GROWTH COMPANIES, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

NOVEMBER 12, 1954.

Notice is hereby given that Philadelphia Fund, Inc. ("Philadelphia Fund"), Camden, New Jersey, a registered, open-end, diversified investment company which is the surviving company of a merger between it and Growth Companies, Inc. ("Growth Companies"), Camden, New Jersey, also a registered, open-end, diversified investment company, has filed an application pursuant to section 8 (f) of the act for an order declaring that Growth Companies has ceased to be an investment company under the act.

The application states that the merger between Growth Companies and Philadelphia Fund was effected on April 7, 1954, pursuant to the terms of an agreement of merger between the two companies dated April 2, 1954, which agreement was approved by the companies' respective boards of directors and by an affirmative vote of more than two-thirds of each company's outstanding voting securities. The application also states that the merger agreement provided for (1) equalizing the per share net asset value of each company's capital stock, (2) the issuance to the holders of Growth Companies capital stock of one share of Philadelphia Fund capital stock in exchange for each share of Growth Fund capital stock, (3) the transfer of all of Growth Companies' assets and liabilities to Philadelphia Fund, and (4) the termination of the separate existence of Growth Companies.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 22, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N–5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–9081; Filed, Nov. 17, 1954; 8:49 a. m.]

[File Nos. 811–641, 812–896]

GOVERNMENT EMPLOYEES MUTUAL FUND, INC., ET AL.

ORDER EXTENDING TIME FOR ANSWER AND POSTPONING DATE FOR HEARING

NOVEMBER 10, 1954.

In the matter of Government Employees Mutual Fund, Inc., File No. 811–641; Government Employees Insurance Company, Government Employees Life Insurance Company, Government Employees Corporation, File No. 812–896.

The Commission having previously, on October 26, 1954, issued its notice of and order for Hearing pursuant to section 35 of the Investment Company Act of 1940, concerning the corporate name of Government Employees Mutual Fund, Inc., including the issues raised by an application filed by Government Employees Insurance Company and others, and raising certain other issues as more fully set forth in such notice and order for hearing; and

Said notice and order for hearing having directed that Government Employees Mutual Fund, Inc., registrant herein, file with the Secretary of the Commission, not later than November 10, 1954, an answer or other pleading with respect to the matters set forth in such notice and order, and having directed that a hearing in such matter be held on November 16, 1954, in the offices of the Commission, 425 Second Street NW., Washington, D. C.; and

Government Employees Mutual Fund, Inc., having filed a request that the time for filing such answer be extended and the date for such hearing be postponed for periods of two weeks, and having represented that Government Employees Insurance Company concurs in such request, and it appearing to the Commission that such extension of time and postponement may properly be granted;

It is hereby ordered, That the time within which Government Employees Mutual Fund, Inc., registrant herein, may file its answer or other pleading in this matter be and is hereby extended until November 26, 1954, and the date for the hearing herein be and is hereby postponed until December 8, 1954, at 10:00 a. m., in the same place and before the same Hearing Officer as hereinbefore ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–9080; Filed, Nov. 17, 1954; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29904]

SUGAR FROM PORT WENTWORTH AND SAVANNAH, GA., TO HOWELLS TRANSFER, GA.

APPLICATION FOR RELIEF

NOVEMBER 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sugar, carloads.

From: Port Wentworth and Savannah, Ga., and point taking same rates.

To: Howells Transfer, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 380, supp. 237.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–9083; Filed, Nov. 17, 1954; 8:50 a. m.]

[4th Sec. Application 29905]

PETROLEUM RESIDUAL FUEL OIL FROM NORTH BATON ROUGE, LA., TO PETAL, MISS.

APPLICATION FOR RELIEF

NOVEMBER 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Illinois Central Railroad Company, New Orleans and Northeastern Railroad Company, and Louisiana & Arkansas Railway Company.

Commodities involved: Petroleum residual fuel oil, in tank-car loads.

From: North Baton Rouge, La.

To: Petal, Miss.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, supp. 176.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–9084; Filed, Nov. 17, 1954; 8:50 a. m.]

[4th Sec. Application 29906]

PHOSPHATE ROCK FROM FLORIDA TO FLORENCE AND SHEFFIELD, ALA.

APPLICATION FOR RELIEF

NOVEMBER 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company, Central of Georgia Railway Company, and Louisville and Nashville Railroad Company.

Commodities involved: Phosphate rock, carloads.

From: Mines in Florida.

To: Florence and Sheffield, Ala.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company, I. C. C. No. B–3232, supp. 113.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period. a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9085; Filed, Nov. 17, 1954; 8:50 a. m.]

[4th Sec. Application 29907]

STEEL TANKS FROM BATON ROUGE, LA., TO BEARDSTOWN, ILL.

APPLICATION FOR RELIEF

NOVEMBER 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Tanks, butane, or propane gas system, steel, carloads.

From: Baton Rouge, La.

To: Beardstown, Ill.

Grounds for relief: Competition with rail carriers, competition with water carriers, and competition with motor-water carriers.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 417, supp. 87.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9086; Filed, Nov. 17, 1954; 8:50 a. m.]

[Rev. S. O. 562, Amdt. 2 to Taylor's I. C. C. Order 44]

TEXAS, OKLAHOMA AND EASTERN RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 44 and good cause appearing therefor:

It is ordered, That Taylor's I. C. C. Order No. 44 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., December 15, 1954, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., November 15, 1954, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., November 12, 1954.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 54-9094; Filed, Nov. 17, 1954; 8:52 a. m.]

[Sec. 5a Application 55]

MOTOR CARRIERS TRAFFIC ASSOCIATION, INC.

APPLICATION FOR APPROVAL OF AGREEMENT

NOVEMBER 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed November 8, 1954 by: R. S. Cooper, Attorney-in-Fact, P. O. Box 1500, Greensboro, N. C.

Agreement involved: An agreement between and among common carriers by motor vehicle, members of the Motor Carriers Traffic Association, Inc., relating to rates, ratings, charges, exceptions to classification and allowances, and rules, regulations and practices in connection therewith, applicable to the transportation of property, (1) intraterritorially between points within Southern territory, generally including Alabama, Florida, Georgia, Kentucky, Louisiana (east of the Mississippi River), Mississippi, North Carolina, South Carolina, Tennessee, the southern portion of Virginia, and a small portion of West Virginia—such territory generally described in State of Alabama v. New York Central R. Co., 235 I. C. C. 255, (2) interterritorially between points in Southern territory as above defined, on the one hand, and, on the other, Middle Atlantic territory and New England territory, generally including New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, the northern portion of Virginia, a portion of West Virginia, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine—such territories generally described in Trunk Line Territory Motor Carrier Rates, 24 M. C. C. 501, and New England Motor Carrier Rates, 8 M. C. C. 297, (3) interterritorially between points in Southern territory as above defined, on the one hand, and, on the other, Central territory, generally including Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, the Western portion of Pennsylvania, a small portion of West Virginia, and the southern portion of Wisconsin—such territory generally described in Central Territory Motor Carrier Rates, 8 M. C. C. 233 and 24 M. C. C. 69, (4) interterritorially between points in Southern territory as above defined, on the one hand, and, on the other, Southwestern territory, generally including Arkansas, Louisiana (west of the Mississippi River), southern Missouri, eastern New Mexico, Oklahoma and Texas, (5) interterritorially between points in Southern territory as above defined, on the one hand, and, on the other, Middlewest territory, generally including eastern Colorado, Iowa, Kansas, Upper Peninsula of Michigan, Minnesota, northern Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and eastern Wyoming—such territory generally described in Middle West Exceptions Ratings, Cancellation, 48 M. C. C. 53, (6) intraterritorially between points in Middle Atlantic territory and New England territory, (7) interterritorially between points in Middle Atlantic territory as above defined, on the one hand, and, on the other, Central territory and New England territory, as above defined, and procedures for the joint consideration, initiation, or establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9093; Filed, Nov. 17, 1954; 8:51 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 19 NUMBER 225

Washington, Friday, November 19, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (k) (10) of § 6.112 is amended as set out below.

§ 6.112 *Department of Commerce.* • • •

(k) *Maritime Administration.* • • •

(10) Chief, Office of Ship Construction and Repair.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-9165; Filed, Nov. 18, 1954; 8:54 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEFENSE TRANSPORT ADMINISTRATION; DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.354 is revoked, and paragraph (c) (2) is added to § 6.313 as set out below.

§ 6.313 *Department of Labor.* • • •

(c) *Office of Information.* • • •

(2) One Private Secretary to the Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-9166; Filed, Nov. 18, 1954; 8:54 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

EXPORT-IMPORT BANK OF WASHINGTON

Effective upon publication in the FEDERAL REGISTER, paragraphs (c), (d) and (e) of § 6.340 are amended, and paragraph (g) is added to § 6.340 as set out below.

§ 6.340 *Export-Import Bank of Washington.* • • •

(c) One Confidential Assistant to the President.

(d) One Private Secretary to the President.

(e) One Private Secretary to the First Vice President.

• • • • •

(g) One Private Secretary to each of the three members of the Board of Directors.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-9163; Filed, Nov. 18, 1954; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

BUDGET OF EXPENSES OF WALNUT CONTROL BOARD AND RATES OF ASSESSMENT FOR MARKETING YEAR BEGINNING AUGUST 1, 1954

Notice of proposed rule making with respect to the budget of expenses of the Walnut Control Board for the marketing year beginning August 1, 1954, and rates of assessment, was published in the FEDERAL REGISTER of October 23, 1954 (19 F. R. 6832), pursuant to the provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended regulating the handling of walnuts

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FEDERAL REGISTER

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(For use during 1954)

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General Index ($1.25)

All of the cumulative pocket supplements and revised books of the Code of Federal Regulations (as of January 1, 1954) are now available

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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cent per pound of shelled walnuts handled by him during the marketing year beginning August 1, 1954.

It is hereby found and determined that good cause exists for making this document effective upon publication in the FEDERAL REGISTER, instead of waiting 30 days after publication, for the reasons that (1) the regulation should become effective prior to or as soon as practicable after handling of the 1954 walnut crop begins, (2) the handling of such crop has begun, and (3) the regulation herein will require no special preparation on the part of handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 15th day of November 1954, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54–9147; Filed, Nov. 18, 1954; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 462.1]

PART 371—OPERATING LOANS

SUBPART A—GENERAL SECURITY SERVICING

REDELEGATION OF AUTHORITY TO SATISFY CROP AND CHATTEL SECURITY INSTRUMENTS

Section 371.12 in Title 6, Code of Federal Regulations (19 F. R. 3991), is amended to add a new paragraph (d) as follows:

§ 371.12 *Satisfactions of security instruments.* • • •

(d) *Redelegation of authority to satisfy crop and chattel security instruments.* County Supervisors are authorized to redelegate to Assistant County Supervisors the authority to satisfy crop and chattel security instruments in accordance with this section, provided it is determined that the individual to whom such authority is being redelegated has had sufficient training and experience to exercise properly the authority.

(R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (1), 60 Stat. 1066, 62 Stat. 1038, sec. 1 (a), (b), (d), 63 Stat. 43, 44, sec. 2 (a), 63 Stat. 44, sec. 2 (b), 67 Stat. 149, sec. 10 (a) (7), 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (i), 12 U. S. C. 1148a–1 (a), (b), (d), 1148a–2 (a), (b))

Issued this 12th day of November 1954.

[SEAL] R. B. MCLEAISH, *Administrator, Farmers Home Administration.*

[F. R. Doc. 54–9169; Filed, Nov. 18, 1954; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 14]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

AIRPLANE PERFORMANCE LIMITATIONS AND ALTERNATE AIRPORT LANDING LIMITATIONS

This supplement revises existing policies respecting airplane performance limitations for transport category airplanes by amending §§ 40.72–1 (e) (1) and (2), to provide a correction in the procedures used in computing the effects of runway gradient. It also sets forth CAA policy under § 40.290 with respect to the approval of alternate airport landing minimums at airports where no minimum en route altitude has been established over the routes to such airport.

1. In § 40.72–1, paragraph (e) (1) as published in 19 F. R. 3327, and paragraph (e) (2) are amended to read as follows:

§ 40.72–1 *Take-off limitations to provide for engine failure (CAA policies which apply to § 40.72).* • • •

(e) *Effect of runway gradient.* (1) The effect of runway gradient on the accelerate distance, decelerate (stopping) distance, and ground run portion of the take-off path may be calculated from the following equation or by other means by which the effects of gradient may be accurately or conservatively computed.

$$S_G = \frac{S}{1 \pm \left(\frac{2 S g \sin \lambda}{V^2}\right)}$$

where:

S_G = acceleration or deceleration distance with gradient.
S = acceleration or deceleration distance without gradient.
g = acceleration of gravity = 32.2 (ft/sec²).
V = appropriate speed, feet per second, True Air Speed (for accelerate decelerate distances, use V_1; for the take-off path, use V_2).
λ = Angle of grade with horizontal.

The following sign conventions (±) must be used in the above equation:

Uphill gradient	*Downhill gradient*
accelerate (−)	accelerate (+)
decelerate (+)	decelerate (−)

(2) The formula in subparagraph (1) of this paragraph is based on certain simplifying assumptions, i. e., that a uniform grade exists and that the airplane is accelerated uniformly throughout the ground run. Neither of these assumptions may be exactly correct, but the errors introduced by making such assumptions are small provided the airplane acceleration and the actual point-to-point grade do not depart from the average values of those quantities by any great amount.

2. Section 40.390–1 is hereby adopted to read as follows:

§ 40.390–1 *Alternate airport landing minimums for airports not served by a radio navigation facility (CAA policies which apply to § 40.390 (c)).* When there is no minimum en route instrument altitude associated with an alternate airport, the approval of alternate airport landing minimums under overcast conditions will be contingent upon (a) the incorporation of appropriate minimum en route altitudes in the air carrier's operations manual in order to provide a basis for establishing weather minimums in accordance with § 40.390 (c), and (b) the availability of radio navigation facilities of sufficient adequacy to permit safe navigation over such alternate airport. The latter may be accomplished by using any of the following or a combination thereof.

(1) Radio bearings from the airport of intended destination,

(2) Radio range course from the airport of intended destination,

(3) Radio range course projected over the alternate airport on a line with the intended course to be flown,

(4) Radio bearing from a radio facility located beyond the alternate airport on a line with the intended course to be flown, or

(5) Radio bearing from a radio facility located along the intended course to be flown.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective November 30, 1954.

[SEAL] F. B. LEE, *Administrator of Civil Aeronautics.*

[F. R. Doc. 54–9123; Filed, Nov. 18, 1954; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 77]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

1. Section 610.101 *Amber civil airway No. 1* is amended to read in part:

From—	To—	Minimum altitude
Susitna (IXT), Alaska	Skwentna, Alaska (LFR).[1]	4,200

[1] 7,000'—Minimum crossing altitude at Skwentna (LFR), westbound.

2. Section 610.105 *Amber civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
St. Louis, Mo. (LFR)	Jerseyville (INT), Ill.	2,000

3. Section 610.215 *Red civil airway No. 15* is amended to read in part:

From—	To—	Minimum altitude
Fallon, Nev. (LFR)...	Wadsworth (INT), Nev.	10,000

4. Section 610.277 *Red civil airway No. 77* is amended to read in part:

From—	To—	Minimum altitude
Lynchburg, Va. (LFR).	Sheppards (INT), Va.	3,000
Sheppards (INT), Va..	Morven (INT), Va.: Eastbound	2,000
	Westbound	3,000
Morven (INT), Va....	Richmond, Va. (LFR).	2,000

5. Section 610.606 *Blue civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Wood River (INT), Ill.	Jerseyville (INT), Ill..	2,000

6. Section 610.618 *Blue civil airway No. 18* is amended to read in part:

From—	To—	Minimum altitude
Ridgewood (INT), N.J.	West Point (INT), N. J.	2,500
West Point (INT), N.J.	Poughkeepsie, N. Y. (LFR).	2,600
Poughkeepsie, N. Y. (LFR).	Hyde Park (INT), N. Y.	2,600
Hyde Park (INT), N. Y.	Red Hook (INT), N. Y.: Northbound	5,000
	Southbound	2,600

7. Section 610.6003 *VOR civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Miami, Fla. (VOR) via Walter.	New River (INT), Fla., via Walter.	1,300
New River (INT), Fla., via Walter.	Belle Glade[1] (INT), Fla., via Walter.	2,000
Belle Glade[1] (INT), Fla., via Walter.	Vero Beach, Fla. (VOR), via Walter.	[2] 3,000

[1] 3,000'—Minimum reception altitude.
[2] 1,300'—Minimum terrain clearance altitude.

8. Section 610.6008 *VOR civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Akron, Colo. (VOR), dir. or S alter.	Imperial, Nebr. (VOR) dir. or S alter.	5,600

9. Section 610.6016 *VOR civil airway No. 16* is amended to read in part:

From—	To—	Minimum altitude
Cochise, Ariz. (VOR)..	Animas (INT), N. Mex.	12,000
Animas (INT), N. Mex.	Columbus, N. Mex. (VOR): Eastbound	8,600
	Westbound	10,000

10. Section 610.6027 *VOR civil airway No. 27* is amended to read in part:

From—	To—	Minimum altitude
San Francisco[1] Calif. (VOR), via E alter.	San Bruno (INT), Calif., via E alter.	3,000
San Bruno (INT), Calif., via E alter.	Stinson Beach (INT), Calif., via E alter.	4,000

[1] 3,500'—Minimum crossing altitude at San Francisco (VOR), southbound.

11. Section 610.6066 *VOR civil airway No. 66* is amended to read in part:

From—	To—	Minimum altitude
Douglas, Ariz. (VOR)..	Animas (INT), N. Mex.	10,000
Animas (INT), N. Mex.	Columbus, N. Mex. (VOR): Eastbound	8,600
	Westbound	10,000

12. Section 610.6067 *VOR civil airway No. 67* is amended by adding:

From—	To—	Minimum altitude
Waterloo, Iowa (VOR).	Mason City, Iowa (VOR).	2,500

13. Section 610.6071 *VOR civil airway No. 71* is amended by adding:

From—	To—	Minimum altitude
Springfield, Mo. (VOR), via W alter.	Nevada[1] (INT), Mo., via W alter.	[2] 3,000
Nevada (INT), Mo., via W alter.	Butler, Mo. (VOR), via W alter.	2,500

[1] 3,000'—Minimum reception altitude.
[2] 2,500'—Minimum terrain clearance altitude.

14. Section 610.6092 *VOR civil airway No. 92* is amended by adding:

From—	To—	Minimum altitude
Mansfield, Ohio (VOR).	Bowerstown (INT), Ohio.	1,500
Bowerstown (INT), Ohio.	Wheeling, W. Va. (VOR).	2,000

15. Section 610.6093 *VOR civil airway No. 93* is amended by adding:

From—	To—	Minimum altitude
Allentown, Pa. (VOR).	Wilkes-Barre Scranton, Pa. (VOR).	3,500

16. Section 610.6158 *VOR civil airway No. 158* is added to read:

From—	To—	Minimum altitude
Alden (INT), Iowa....	Waterloo, Iowa, (VOR).	[1] 3,000

[1] 2,300'—Minimum terrain clearance altitude.

17. Section 610.6170 *VOR civil airway No. 170* is added to read:

From—	To—	Minimum altitude
Erie, Pa. (VOR)	Bradford, Pa. (VOR).	4,000
Bradford, Pa. (VOR)..	Selinsgrove, Pa. (VOR).	4,000
Selinsgrove, Pa. (VOR).	Reinholds (INT), Pa.	4,000
Reinholds (INT), Pa..	West Chester, Pa. (VOR).	2,500

18. Section 610.6161 *VOR civil airway No. 161* is amended by adding:

From—	To—	Minimum altitude
Des Moines, Iowa (VOR).	Waterloo, Iowa (VOR).	2,700
Waterloo, Iowa (VOR)	Rochester, Minn.	2,500

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective December 7, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-9122; Filed, Nov. 18, 1954; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6112; Regs. 118]

PART 39—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

AMORTIZATION DEDUCTION FOR GRAIN STORAGE FACILITIES

On January 19, 1954, notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 325), in order to conform Regulations 118 (26 CFR Part 39) to section 206 of the Technical Changes Act of 1953 (Public Law 287, 83d Cong.), approved August 15, 1953, relating to the amortization deduction for grain storage facilities. After consideration of all such relevant matter as was presented by interested persons regarding the proposed amendments, the amendments to Regulations 118 set forth below are hereby adopted:

PARAGRAPH 1. Section 39.23 (s)-(u) is amended by revising subsection (t) of section 23 and the historical note which follows subsection (t) to read as follows:

(t) *Amortization deduction.* The deduction for amortization provided in sections 124, 124A, and 124B.

[Sec. 23 (t) as added by sec. 301, Second Rev. Act 1940; amended by sec. 216 (b), Rev. Act 1950; sec. 206 (b) (1), Technical Changes Act 1953, applicable to taxable years ending after August 15, 1953]

PAR. 2. There is inserted immediately after § 39.124A (i)-1 the following:

§ 39.124B *Statutory provisions; amortization deduction for grain storage facilities; allowance of deduction; election of amortization; termination of amortization; definition of grain storage facility; determination of adjusted basis.*

SEC. 124B. *Amortization deduction for grain storage facilities*—(a) *Allowance of deduction*—(1) *Original owner.* Any person who constructs, reconstructs, or erects a grain storage facility (as defined in subsection (d)) shall, at his election, be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of such facility based on a period of sixty months. The sixty-month period shall begin as to any such facility, at the election of the taxpayer, with the month following the month in which the facility was completed, or with the succeeding taxable year.

(2) *Subsequent owners.* Any person who acquires a grain storage facility from a taxpayer who—

(A) Elected under subsection (b) to take the amortization deduction provided by this subsection with respect to such facility, and

(B) Did not discontinue the amortization deduction pursuant to subsection (c)

shall, at his election, be entitled to a deduction with respect to the adjusted basis (determined under subsection (e) (2)) of such facility based on the period, if any, remaining (at the time of acquisition) in the sixty-month period elected under subsection (b) by the person who constructed, reconstructed, or erected such facility.

(3) *Amount of deduction.* The amortization deduction provided in paragraphs (1) and (2) shall be an amount, with respect to each month of the amortization period within the taxable year, equal to the adjusted basis of the facility at the end of such month, divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction above provided with respect to any month shall be in lieu of the deduction with respect to such facility for such month provided by section 23 (l) (relating to exhaustion, wear and tear, and obsolescence).

(b) *Election of amortization.* The election of the taxpayer under subsection (a) (1) to take the amortization deduction and to begin the sixty-month period with the month following the month in which the facility was completed shall be made only by a statement to that effect in the return for the taxable year in which the facility was completed. The election of the taxpayer under subsection (a) (1) to take the amortization deduction and to begin such period with the taxable year succeeding such year shall be made only by a statement to that effect in the return for such succeeding taxable year. The election of the taxpayer under subsection (a) (2) to take the amortization deduction shall be made only by a statement to that effect in the return for the taxable year in which the facility was acquired. Notwithstanding the preceding three sentences, the election of the taxpayer under subsection (a) (1) or (2) may be made, under such regulations as the Secretary may prescribe, before the time prescribed in the applicable sentence.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary before the beginning of such month. The deduction provided under section 23 (l) shall be allowed, beginning with the first month as to which the amortization deduction is not applicable, and the taxpayer shall not be entitled to any further amortization deduction with respect to such facility.

(d) *Definition of grain storage facility.* For the purposes of this section, the term "grain storage facility" means—

(1) Any corn crib, grain bin, or grain elevator, or any similar structure suitable primarily for the storage of grain, which crib, bin, elevator, or structure is intended by the taxpayer at the time of his election to be used for the storage of grain produced by him (or, if the election is made by a partnership, produced by the members thereof); and

(2) Any public grain warehouse permanently equipped for receiving, elevating, conditioning, and loading out grain,

the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956. If any structure described in clause (1) or (2) of the preceding sentence is altered or remodeled so as to increase its capacity for the storage of grain, or if any structure is converted, through alteration or remodeling, into a structure so described, and if such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, such alteration or remodeling shall be treated as the construction of a grain storage facility. The term "grain storage facility" shall include only property of a character which is subject to the allowance for depreciation provided in section 23 (l). The term "grain storage facility" shall not include any facility any part of which is an emergency facility within the meaning of section 124A.

(e) *Determination of adjusted basis*—(1) *Original owners.* For the purpose of subsection (a) (1)—

(A) In determining the adjusted basis of any grain storage facility, the construction, reconstruction, or erection of which was begun before January 1, 1953, there shall be included only so much of the amount of the adjusted basis (computed without regard to this subsection) as is properly attributable to such construction, reconstruction, or erection after December 31, 1952, and

(B) In determining the adjusted basis of any facility which is a grain storage facility within the meaning of the second sentence of subsection (d), there shall be included only so much of the amount otherwise included in such basis as is properly attributable to the alteration or remodeling.

If any existing grain storage facility as defined in the first sentence of subsection (d) is altered or remodeled as provided in the second sentence of subsection (d), the expenditures for such remodeling or alteration shall not be applied in adjustment of the basis of such existing facility but a separate basis shall be computed in respect of such facility as if the part altered or remodeled were a new and separate grain storage facility.

(2) *Subsequent owners.* For the purpose of subsection (a) (2), the adjusted basis of any grain storage facility shall be whichever of the following amounts is the smaller: (A) The basis (unadjusted) of such facility for the purposes of this section in the hands of the transferor, donor, or grantor, adjusted as if such facility in the hands of the taxpayer had a substitute basis within the meaning of section 113 (b) (2) (A), or (B) so much of the adjusted basis (for determining gain) of the facility in the hands of the taxpayer (as computed without regard to this subsection) as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(f) *Depreciation deduction.* If the adjusted basis of the grain storage facility (computed without regard to subsection (e)) exceeds the adjusted basis computed under subsection (e), the deduction provided by section 23 (l) shall, despite the provisions of subsection (a) (3) of this section, be allowed with respect to such grain storage facility as if the adjusted basis for the purpose of such deduction were an amount equal to the amount of such excess.

(g) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the amortization deduction provided in subsection (a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant.

[Sec. 124B as added by sec. 206 (a), Technical Changes Act 1953. Sec. 124B is applicable with respect to taxable years ending after August 15, 1953]

§ 39.124B-1 *Introductory*—(a) *General.* Sections 39.124B-2 to 39.124B-8, inclusive, are applicable only with respect to taxable years ending after August 15, 1953 (the date of the enactment of the Technical Changes Act of 1953). These sections comprise the regulations under section 124B of the Internal Revenue Code of 1939, relating to the amortization of grain storage facilities. These regulations are to be distinguished from the regulations under section 124A of the Code (§§ 39.124A (a) to 39.124A (i)-1, inclusive) relating to amortization of emergency facilities.

(b) *General scope of section 124B.* Section 124B of the Code provides for the amortization of grain storage facilities, as defined therein, over a period of 60 months. The amortization deduction is

allowable at the election of the taxpayer and subject to the provisions of section 124B. The amortization deduction is not only allowable to the original owner of a grain storage facility, but may be allowable to any subsequent owner who acquires the facility from another person who elected to take the amortization deduction and had not discontinued such deduction under the statute. In the case of the original owner of a grain storage facility the amortization period is a period of 60 months. For a subsequent owner the amortization period is the period, if any, remaining at the time of his acquisition in the 60-month period elected by the person who completed construction, reconstruction, or erection of the grain storage facility.

(c) *Cross-references.* For the right of estates and trusts to amortize grain storage facilities, see section 172 and § 39.172–1. For the allowance of the amortization deduction in the case of grain storage facilities of partnerships, see section 190 and § 39.190–1.

§ 39.124B–2 *Definition of grain storage facility*—(a) *General.* For the purpose of section 124B the term "grain storage facility" means:

(1) Any corn crib, grain bin, or grain elevator, or any similar structure suitable primarily for the storage of grain, but only if the taxpayer at the time of his election to take the amortization deduction allowed under section 124B (a) intends such crib, bin, elevator, or structure to be used for the storage of grain produced by him, or in case the election to take the amortization deduction is made by a partnership only if such crib, bin, elevator, or structure is intended by the partnership at the time of its election to be used for the storage of grain produced by members of the partnership; and

(2) Any public grain warehouse or elevator permanently equipped for receiving, elevating, conditioning, and loading out grain,

the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956. The term "grain" includes all products commonly classed as grain, such as wheat, corn, oats, barley, rye, rice, soybeans, grain sorghums, flaxseed and dry edible beans.

(b) *Private grain storage facilities.* In the case of any structure described in subparagraph (1) of paragraph (a) of this section, the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956, the taxpayer at the time of his election to take the amortization deduction with respect to the structure must intend to use the facility for the storage of grain produced or to be produced by him. If the election is made by a partnership, the structure must be intended at the time of the election to be used for the storage of grain produced by one or more members of the partnership. The statute does not require that the facility be actually used at the time of the election for the storage of grain. The intent required by the statute at the time of the taxpayer's election to take the amortization deduction is applicable not only to the original owner who completed the construction, reconstruction, or erection of the facility, but to any subsequent owner of the facility. The existence of the requisite intent is a question of fact to be ascertained from the circumstances of each particular case. The lack of the required intent with respect to the use of the facility by a subsequent owner does not affect the allowance of the amortization deduction to a preceding owner for the period during which the facility was owned by him. However, the absence of the required intent as to the use of the facility on the part of either the original owner or any intervening owner precludes any subsequent owner from taking the amortization deduction with respect to the facility. A structure is not suitable primarily for the storage of grain if it is of a type customarily used for other purposes, even though it may actually be used for storing grain. For example, no part of a residential dwelling may qualify as a grain storage facility. Nor is a structure suitable primarily for the storage of grain unless it is so constructed as to be especially adapted to efficient storage of grain. Thus, a general utility type of building does not qualify under the statute as a grain storage facility, even though it may be actually used for storing grain. However, structures not suitable primarily for the storage of grain may through alteration or remodeling qualify as grain storage facilities (see paragraph (d) of this section). On the other hand a structure which is suitable primarily for the storage of grain is not disqualified under the statute merely because it may at times be used for other purposes. The structures described in subparagraph (1) of paragraph (a) of this section may include trackside grain storage facilities.

(c) *Public grain storage facilities.* The term "public grain warehouse" as used in section 124B (d) includes only a grain warehouse or elevator transacting business with members of the general public. The amortization deduction, however, is not available to a person who stores only grain purchased for consumption in his business, such as a milling company which constructs storage facilities for purchased grain held for processing. The statute also requires that the grain warehouse or elevator must be equipped for receiving, elevating, conditioning, and loading out grain, and that the equipment used for these purposes must be permanently installed. Such equipment is considered a part of the grain warehouse or elevator for the purpose of section 124B. A grain warehouse or elevator using portable equipment for receiving, elevating, conditioning or loading out grain cannot qualify as a "grain storage facility" for the purposes of section 124B. The term "conditioning" as used in section 124B (d) includes turning, drying, aerating, fumigating, or other processing of grain. While it is not essential for qualification as a grain storage facility that a public grain warehouse or elevator be permanently equipped to render all services embraced within the meaning of "conditioning", the grain warehouse or elevator must be permanently equipped for turning, drying, or similar processing of grain. The fact that a public grain warehouse accepts for storage, in addition to products commonly classed as grain (see paragraph (a)), of this section, other products which are ordinarily stored in grain warehouses does not disqualify the warehouse as a grain storage facility for the purpose of section 124B.

(d) *Alteration or remodeling.* (1) If any structure described in subparagraph (1) or (2) of paragraph (a) of this section is altered or remodeled so that its capacity for the storage of grain is increased, and such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, for the purpose of section 124B such alteration or remodeling is treated as the construction of a grain storage facility. Such alteration or remodeling may qualify as a grain storage facility, whether or not the original structure constituted a grain storage facility as defined in section 124B (d). If the original structure did qualify as a grain storage facility for the purpose of section 124B, the amortization deduction allowable under section 124B (a) may be taken with respect to such alteration or remodeling, whether or not the taxpayer or any preceding owner elected to take the amortization deduction allowable with respect to the original structure.

(2) Likewise, if any structure not described in subparagraph (1) or (2) of paragraph (a) of this section is converted through alteration or remodeling into a structure so described, and such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, for the purpose of section 124B such alteration or remodeling is treated as the construction of a grain storage facility.

(3) For election to take the amortization deduction with respect to alteration or remodeling described in subparagraphs (1) and (2) of this paragraph, see § 39.124B–4. For determination of adjusted basis for the purpose of the amortization deduction with respect to a grain storage facility attributable to such alteration or remodeling, see § 39.124B–6.

(e) *Excluded property*—(1) *Nondepreciable property.* The term "grain storage facility" includes only property of a character which is subject to the allowance for depreciation provided in section 23 (l). Thus, "grain storage facility" does not include the land on which a structure defined in paragraph (a) of this section is erected.

(2) *Emergency facilities.* (i) The term "grain storage facility" does not include any facility any part of which is considered an emergency facility within the meaning of section 124A. For the definition of "emergency facility" for the purpose of section 124A, see § 39.124A (d)–1 (b).

(ii) If all or any part of the adjusted basis (computed under section 113 (b)) of a structure described in paragraph (a) of this section is certified as an "emergency facility" under section 124A (e), such structure cannot qualify as a "grain storage facility" for the purposes of section 124B. However, if prior to the making of any election to take the amortization deduction allowable under section 124A (a) with respect to such structure, the certificate made under section 124A (e) is cancelled by the certifying authority, such structure will be considered a "grain storage facility" for the purposes of section 124B.

(iii) In the case of any alteration or remodeling described in subparagraph (1) or (2) of paragraph (d) of this section, if all or any part of the adjusted basis (computed under section 113 (b)) of the original structure is certified as an "emergency facility" under section 124A (e), such alteration or remodeling may, nevertheless, qualify as a "grain storage facility" for the purposes of section 124B, provided the following conditions are met:

(*a*) None of the expenditures attributable to such alteration or remodeling represents construction, reconstruction, erection, installation, or acquisition included in the certificate made under section 124A (e) with respect to the original structure, and

(*b*) A separate certificate is not made under section 124A (e) with respect to such alteration or remodeling as a new and separate emergency facility, or if a separate certificate was made, such certificate, prior to the making of any election to take the amortization deduction allowable under section 124A (a) with respect to such alteration or remodeling, is canceled by the certifying authority.

§ 39.124B–3 *Amortization deduction*—(a) *Original owner.* Any person who constructs, reconstructs, or erects a grain storage facility as defined in section 124B (d) is entitled at his election to a deduction with respect to the amortization of the adjusted basis (for determining gain) of such facility based on a period of 60 months. As to the adjusted basis of a grain storage facility, see § 39.124B–6. The taxpayer may, with respect to a grain storage facility, elect to begin the 60-month amortization period with (1) the month following the month in which such facility was completed, or (2) the taxable year succeeding that in which such facility was completed (see § 39.124B–4). The date on which, or the month within which, a grain storage facility is completed is to be determined upon the facts in the particular case. A statement of the date ascertained by the taxpayer, together with a statement of the pertinent facts relied upon, should be filed with the taxpayer's election to take amortization deductions with respect to such facility.

(b) *Subsequent owner.* Any person who acquires a grain storage facility from a taxpayer who elected to take the amortization deduction provided by section 124B (a) with respect to such facility and who prior to the acquisition by such person had not discontinued the amortization deduction pursuant to section 124B (c) is entitled at his election to a deduction with respect to the amortization of the adjusted basis (determined under section 124B (e) (2)) of such facility based on the period, if any, remaining at the time of his acquisition in the 60-month period elected by the original owner of such facility. For the determination of the adjusted basis of a grain storage facility in the hands of a subsequent owner for the purpose of the amortization deduction, see § 39.124B–6.

(c) *Amount of deduction.* (1) In general, with respect to each month of the 60-month period which falls within the taxable year, the amortization deduction is an amount equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the particular month for which the deduction is computed) remaining in the 60-month period. If a grain storage facility is held successively by two or more persons during a single month, the amortization deduction, if any, allowable to each of such persons in respect of that month shall be only that portion of the amount to which each such person would be entitled for a full month which the number of days in such month during which the facility was held by him bears to the total number of days in such month. The adjusted basis of the grain storage facility at the end of any month shall be computed without regard to the amortization deduction with respect to such facility for such month. The total amortization deduction with respect to a grain storage facility for a particular taxable year is the sum of the amortization deductions allowable with respect to such facility for each month of the 60-month period which falls within such taxable year.

(2) The amortization deduction with respect to a grain storage facility for any month is in lieu of the deduction for depreciation which would otherwise be allowable under section 23 (l) with respect to the facility for that month. If the original owner of a grain storage facility elects to begin the 60-month amortization period with the taxable year succeeding that in which the facility was completed, the deduction for depreciation provided in section 23 (l) is allowable with respect to the facility for the period intervening between the completion of the facility and the beginning of the 60-month period. However, if the original owner elects to begin the 60-month amortization period with the month following that in which the facility was completed, no deduction under section 23 (l) is allowable in respect of the month in which the facility was completed. For depreciation allowable with respect to any amount not subject to amortization see § 39.124B–7.

(d) *Examples.* This section may be illustrated by the following examples:

Example (1). On July 1, 1953, A, who makes his income tax return on a calendar year basis, begins the construction of a grain storage facility which is completed on September 30, 1953, at a cost of $24,000, not including the cost of the land on which the facility is erected. A elects to take the amortization deduction with respect to the facility and to begin the 60-month amortization period with October 1953, the month following its completion. The adjusted basis of the facility at the end of October is $24,000. The allowable amortization deduction with respect to such facility for the taxable year 1953 is $1,200, computed as follows:

Monthly amortization deductions:	
October: $24,000 divided by 60	$400
November: $23,600 ($24,000 minus $400) divided by 59	400
December: $23,200 ($23,600 minus $400) divided by 58	400
Total amortization deduction for 1953	1,200

Example (2). The X Corporation, which makes its income tax return on the calendar year basis, begins the construction of a grain storage facility on June 15, 1953. The facility is completed on August 2, 1953. The X Corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with September 1953, the month following its completion. At the end of the first month of the amortization period the adjusted basis of the facility is $30,000. In October 1953, the facility is damaged by fire, as the result of which the adjusted basis is properly reduced by $2,537. The allowable amortization deduction with respect to the facility for the calendar year 1953 is $1,871, computed as follows:

Monthly amortization deductions:	
September: $30,000 divided by 60	$500
October: $26,963 ($30,000 minus $500 and $2,537) divided by 59	457
November: $26,506 ($26,963 minus $457) divided by 58	457
December: $26,049 ($26,506 minus $457) divided by 57	457
Total amortization deduction for 1953	1,871

For illustration in the case of a subsequent owner of a grain storage facility, see Example (2) in § 39.124B–6 (f).

§ 39.124B–4 *Election of amortization*—(a) *General rule*—(1) *Original owner.* The election by a taxpayer who constructs, reconstructs, or erects a grain storage facility to take amortization deductions with respect to the facility and to begin the 60-month amortization period, either with the month following the month in which the facility was completed or with the taxable year succeeding the taxable year in which such facility was completed, shall be made by a statement to that effect in the taxpayer's return for the taxable year in which falls the first month of the 60-month amortization period so elected. Such statement shall include the following information:

(i) A description clearly identifying each grain storage facility for which an amortization deduction is claimed.

(ii) The date on which the construction, reconstruction, or erection of each such facility was completed.

(iii) The total costs and expenditures paid or incurred in the construction, reconstruction, or erection of any such facility, excluding the cost of any land.

(iv) If the construction, reconstruction, or erection of any such facility was begun before January 1, 1953, the amount of the costs and expenditures properly attributable to such construction, reconstruction, or erection after December 31, 1952.

(v) In the case of a private grain storage facility described in § 39.124B–2 (b), a statement that the taxpayer intends to use the facility for the storage of grain produced or to be produced by him, or in case the election is being made by a part-

to take the amortization deduction is ap-

vator must be permanently equipped for

section 124B. However, if prior to the

nership, that the structure is intended to be used for the storage of grain produced by one or more members of the partnership.

(2) *Subsequent owner.* The election by a subsequent owner (that is, a person who acquires a grain storage facility from a taxpayer who elected to take the amortization deduction with respect to the facility and who prior to the acquisition by the subsequent owner had not discontinued the amortization deduction under section 124B (c)) to take amortization deductions with respect to the facility shall be made by a statement to that effect in the taxpayer's return for the taxable year in which falls the month in which the facility was acquired. Such statement shall include the following information:

(i) The name and address of the preceding owner.

(ii) The date and the manner of the acquisition of the grain storage facility from such preceding owner.

(iii) A statement of the basis (unadjusted) of the facility in the hands of the preceding owner for amortization purposes, adjusted to the date of acquisition by the taxpayer.

(iv) A statement of the adjusted basis of the facility in the hands of the taxpayer for amortization purposes, computed as of the date of acquisition by the taxpayer.

(v) In the case of a private grain storage facility described in § 39.124B–2 (b), a statement that the taxpayer intends to use the facility for the storage of grain produced or to be produced by him, or in case the election is being made by a partnership, that the structure is intended to be used for the storage of grain produced by one or more members of the partnership.

(b) *Special rules for making election prior to filing of return.* If, prior to the time prescribed in paragraph (a) of this section for making the election to take amortization deductions with respect to a grain storage facility, such facility is acquired by a subsequent owner, the preceding owner of the facility may make such election within 60 days after the date of acquisition of such facility by the subsequent owner. In the event that the preceding owner dies or ceases to exist prior to making an election, the election may be made within such time by the duly authorized representatives of the preceding owner. Unless the election to take amortization deductions with respect to the facility is made by the preceding owner or on his behalf, the subsequent owner of the facility shall not be entitled to take the amortization deductions allowable under section 124B (a) with respect to such facility. A statement of election under this paragraph shall be filed with the district director of internal revenue (for the internal revenue district determined under section 53 (b) as if such election were a return required to be filed by the taxpayer), and shall contain the same information required with respect to a statement of election under paragraph (a) of this section. However, in the case of a private grain storage facility described in § 39.124B–2 (b), in lieu of the statement regarding the intended use of the facility at the time of the election, the statement of election under this paragraph shall include a statement that the preceding owner, at the time of the construction, reconstruction, erection, or acquisition of the facility by him, intended to use the facility for the storage of grain produced or to be produced by him. If the preceding owner of the facility was the original owner, the statement of election must specify the beginning of the 60-month amortization period. Unless the grain storage facility is acquired from the original owner after the beginning of his taxable year succeeding the taxable year in which such facility was completed, an election made under this paragraph must begin the 60-month amortization period with the month following the month in which the facility was completed.

(c) *Election not made at the time or in the manner prescribed by this section.* (1) The Commissioner has no authority to extend the time prescribed in section 124B (b) and paragraph (a) of this section for making an election to take amortization deductions allowable under section 124B (a). However, the Commissioner in his discretion may, for good cause shown, grant a reasonable extension of time for the making of an election under paragraph (b) of this section (see § 39.6000–1).

(2) Except as provided in subparagraph (1) of this paragraph, if a statement of election under paragraph (a) or (b) of this section does not comply with the requirements prescribed therein, it may, in the discretion of the Commissioner and for good cause shown, be made in such manner and form as may be approved by him.

(3) No method of making the election to take the amortization deductions with respect to a grain storage facility other than those prescribed in this section shall be permitted. A taxpayer who fails to elect to take amortization deductions with respect to such a facility shall not be entitled to amortization deductions with respect to such facility.

(d) *Alteration or remodeling of existing grain storage facility.* If an existing grain storage facility, as defined in section 124B (d), is altered or remodeled and such alteration or remodeling is treated under section 124B (d) as the construction of a grain storage facility (see §§ 39.124B–2 (d) and 39.124B–6 (e)), the part of the facility altered or remodeled is treated as a new and separate grain storage facility. In such case unless the taxpayer who completes such alteration or remodeling makes a separate election, in the manner and within the time provided in this section, to take amortization deductions and to begin a new 60-month period with respect to such alteration or remodeling, he shall not be entitled to amortization deductions with respect to such alteration or remodeling. Such alteration or remodeling is also treated as a separate grain storage facility in the hands of a subsequent owner.

§ 39.124B–5 *Termination of amortization deduction.* (a) If a taxpayer has elected to take amortization deductions with respect to a grain storage facility, he may, prior to the expiration of the 60-month amortization period and prior to the acquisition of such facility by another person, discontinue the amortization deductions with respect to such facility for the remainder of the 60-month period. An election to discontinue the amortization deductions shall be made by notice in writing filed with the district director of internal revenue (for the internal revenue district determined under section 53 (b) as if such notice were a return required to be filed by the taxpayer), specifying the month as of the beginning of which the taxpayer elects to discontinue such deductions. Such notice shall be filed before the beginning of the month specified therein, and should contain a description clearly identifying the grain storage facility with respect to which the taxpayer elects to discontinue the amortization deductions. If the taxpayer elects in the manner provided herein to discontinue the amortization deductions with respect to a grain storage facility, he shall not be entitled to any further amortization deductions with respect to such facility.

(b) A taxpayer who elects to discontinue amortization deductions with respect to a grain storage facility is entitled to a deduction for depreciation under section 23 (l) with respect to such facility. The deduction for depreciation shall begin with the first month as to which the amortization deduction is not applicable and shall be computed on the adjusted basis of the property as of the beginning of such month (see section 113 (b) and the regulations thereunder).

(c) This section may be illustrated by the following example:

Example. On February 1, 1953, the Y Corporation, which makes its income tax returns on the calendar year basis, begins the construction of a grain storage facility. The facility is completed on June 30, 1953, at a cost of $306,000 of which $60,000 is allocable to the land and $246,000 to the facility. The corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with July 1953, the month following its completion. On March 25, 1954, the corporation files notice with the district director of its election to discontinue the amortization deductions beginning with the month of April 1954. The adjusted basis of the facility on July 31, 1953, is $246,000. The amortization deductions for the taxable year 1953 and the months of January, February, and March 1954, amount to $36,900, or $4,100 per month for nine months. Accordingly, the adjusted basis of the facility as of April 1, 1954 is $209,100. Beginning as of that date the deduction for depreciation under section 23 (l) is allowable with respect to the property. Such deduction shall be computed on the adjusted basis ($209,100) of the property as of April 1, 1954.

§ 39.124B–6 *Adjusted basis of grain storage facility*—(a) *General.* Section 124B (e) provides rules which apply in the determination of the adjusted basis of a grain storage facility for the purpose of computing the amortization deductions allowable under section 124B (a). Section 124B (e) does not purport to provide an all-inclusive formula for the computation of adjusted basis for amortization purposes, but only prescribes certain modifications in the amount

which would otherwise constitute the adjusted basis of the facility. As a result of these modifications the adjusted basis for the purpose of computing the amortization deductions allowable with respect to the facility will differ in some cases from the adjusted basis of the facility determined under section 113 without regard to section 124B (e). The adjusted basis for amortization purposes may also differ from the adjusted basis of the facility for other purposes in that it shall be the adjusted basis for determining gain (see section 113). The adjusted basis for amortization purposes is derived from the unadjusted basis of the grain storage facility determined under section 113. The special rules provided in section 124B (e) are applicable in translating the unadjusted basis determined under section 113 into the unadjusted basis for amortization purposes under section 124B. The unadjusted basis for amortization purposes, less the adjustments properly allocable thereto, becomes the adjusted basis for amortization purposes. These adjustments are those specified in section 113 (b). However, adjustments which increase the adjusted basis under section 113 (b) are not to be taken into account in determining the adjusted basis for amortization purposes (see paragraph (d) of this section).

(b) *Original owners.* Section 124B (e) (1) provides rules which apply in the determination of the adjusted basis for amortization purposes of a grain storage facility in the hands of an original owner (see § 39.124B–3 (a)). As the result of the application of the rules stated in subparagraphs (1) and (2) of this paragraph, the adjusted basis of the facility for amortization purposes will be smaller than the amount which would otherwise constitute the adjusted basis of the facility. The rules are the following:

(1) If the construction, reconstruction, or erection of the facility was begun before January 1, 1953, there is to be included only so much of the entire unadjusted basis of the facility as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(2) If a structure which is not an existing grain storage facility as defined in section 124B (d) is altered or remodeled and such alteration or remodeling is treated under section 124B (d) as the construction of a grain storage facility (see § 39.124B–2 (d)), there is to be included only so much of the entire unadjusted basis of such structure as is properly attributable to such alteration or remodeling as was completed after December 31, 1952, and on or before December 31, 1956. In the case of alteration or remodeling of an existing grain storage facility, see paragraph (e) of this section.

(c) *Subsequent owners.* A special rule is provided in section 124B (e) (2) for the determination of the adjusted basis for amortization purposes of a grain storage facility in the hands of a subsequent owner (see § 39.124B–3 (b)). Such adjusted basis is the smaller of the following amounts:

(1) The adjusted basis determined by including an amount in respect of unadjusted basis equal to the adjusted basis of the facility for amortization purposes in the hands of the preceding owner, determined as of the date of acquisition of the facility by the taxpayer. For the purpose of this paragraph in determining the adjusted basis of the facility for amortization purposes in the hands of the preceding owner, the adjustments required under section 113 (b) shall include an adjustment in respect of the amount of the amortization deduction allowable to the preceding owner for the month in which the facility was acquired by the taxpayer. See § 39.124B–3 (c). For the rule excluding capital additions from the adjusted basis of a grain storage facility for amortization purposes, see paragraph (d) of this section.

(2) The adjusted basis (computed under section 113 for determining gain) of the facility in the hands of the taxpayer. If the construction, reconstruction, or erection of the facility was begun before January 1, 1953, in determining such adjusted basis there is to be included only so much of the entire unadjusted basis of the facility (in the hands of the taxpayer) as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(d) *Capital additions.* If after the completion or acquisition of a grain storage facility further expenditures are made for construction, reconstruction, or erection, such expenditures shall not be added to the adjusted basis of the facility for amortization purposes. If such expenditures result in alteration or remodeling which under section 124B (d) is treated as the construction of a grain storage facility, see paragraph (e) of this section.

(e) *Alteration or remodeling of existing grain storage facility.* If an existing grain storage facility as defined in section 124B (d) is altered or remodeled and such alteration or remodeling is treated under section 124B (d) as the construction of a grain storage facility (see § 39.124B–2 (d)), the expenditures for such alteration or remodeling shall not be applied in adjustment of the basis of the existing facility, but a separate basis shall be computed by reference to such expenditures as if such alteration or remodeling represented a new and separate grain storage facility. A structure which was not an existing grain storage facility prior to alteration or remodeling which is treated under section 124B (d) as the construction of a grain storage facility becomes an existing grain storage facility for the purposes of this subparagraph. Thus, if a structure which is an existing grain storage facility by reason of such alteration or remodeling is again altered or remodeled and such alteration or remodeling is treated under section 124B (d) as the construction of a grain storage facility, the provisions of this subparagraph are also applicable to such later alteration or remodeling.

(f) *Examples.* The computation of the adjusted basis of a grain storage facility for amortization purposes may be illustrated in the following examples:

Example (1). On February 28, 1953, A completes the construction of a grain storage facility as defined in section 124B (d) at a cost of $2,000 for the land and $6,000 for the construction. Only $3,000 of the total cost of the facility is properly attributable to construction after December 31, 1952. A elects to claim the amortization deduction and to begin the 60-month period on March 1, 1953. Under section 124B (e) the adjusted basis of the facility for the purpose of section 124B (a) as of that date is only $3,000, the amount attributable to construction after December 31, 1952. In determining the adjusted basis of the facility as of any subsequent date for the purpose of computing the amortization deduction, the amortization deductions allowable in respect of the period prior to such date must, of course, be taken into account. See section 113 (b) of the Code. Thus, the adjusted basis of the facility for the purpose of computing the amount of the amortization deduction allowable for the month of January 1954, is $2,500 ($3,000 minus $500, the amortization deductions allowable prior to January 1, 1954).

Example (2). A began on January 1, 1953, and completed on June 30, 1953, the construction of a grain storage facility as defined in section 124B (d) at a cost of $5,000 for the land and $30,000 for the construction. A elects to claim the amortization deduction and to begin the 60-month period on July 1, 1953. On May 1, 1954, A sells the grain storage facility to B for a price of $34,000 of which $6,000 is allocable to the land. B elects to claim the amortization deduction on the basis of the 50 months remaining in the amortization period. B, in determining the adjusted basis of the facility in his hands, must start with the unadjusted basis of the facility in the hands of A ($30,000) and adjust such basis under section 113 (b) (1) (B) in respect of amortization claimed by A during his ownership of the facility ($5,000). Since this amount ($25,000) is smaller than the adjusted basis (for determining gain) of the facility in B's hands as of May 1, 1954 ($28,000, that is $34,000 less $6,000 allocable to land), the adjusted basis of the facility for the purpose of section 124B (a) in B's hands as of May 1, 1954, is $25,000. B, therefore, may include only $25,000 in determining the adjusted basis of the facility in his hands as of May 1, 1954, the date of the purchase. The amortization deductions claimed by B must, of course, be applied in reduction of such adjusted basis in determining the adjusted basis of the facility as of any subsequent date for the purpose of his amortization deduction under section 124B (a). The amount by which the purchase price paid by B and allocable to depreciable property ($28,000) exceeds the adjusted basis determined under section 124B (e) for such property ($25,000)—or $3,000—is treated as the adjusted basis (as of May 1, 1954) for the purpose of the depreciation deduction allowable under section 23 (l). See § 39.124B–7.

§ 39.124B–7 *Depreciation of portion of grain storage facility not subject to amortization.* The rule set forth in section 124B (a) (see § 39.124B–3), that the amortization deduction with respect to a grain storage facility is in lieu of any deduction for depreciation which would otherwise be allowable under section 23 (l) with respect to the facility, is subject to an exception provided in section 124B (f). Under this exception if the adjusted basis of the facility as computed under section 113 (b) for purposes other than the amortization deductions (see § 39.113 (b) (1)–1) is in excess of the adjusted basis computed under section 124B (e) for the purpose of the amortization deductions (see § 39.124B–6), any excess shall be charged off over the useful life of the facility and recovered through depreciation deductions allow-

able under section 23 (1). Thus, if the construction of a grain storage facility was begun before January 1, 1953, no amortization deductions are allowable with respect to the amount attributable to such construction before such date (see § 39.124B–6). However, the depreciation deduction provided by section 23 (1) and the regulations thereunder is allowable with respect to the amount attributable to construction before January 1, 1953. Similarly, in the case of a subsequent owner the adjusted basis of a grain storage facility computed under section 113 (b) for purposes other than the amortization deductions (see § 39.113 (b) (1)–1) may exceed the adjusted basis of the facility computed under section 124B (e) for amortization purposes. In such case the excess will be subject to the allowance for depreciation provided by section 23 (1). For illustration of the treatment of the portion of a grain storage facility which is subject to the allowance for depreciation, see Example (2) in § 39.124B–6 (f).

§ 39.124B–8 *Life tenant and remainderman.* In the case of a grain storage facility held by one person for life with the remainder to another person, the amortization deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant during his life.

PAR. 3. Section 39.172 is amended as follows:

(A) By striking "of emergency facilities" from section 172; and

(B) By inserting before the closing bracket of the historical note the following: "; amended by sec. 206 (b) (2), Technical Changes Act 1953, applicable to taxable years ending after August 15, 1953".

As revised § 39.172 will read as follows:

§ 39.172 *Statutory provisions; estates and trusts; allowance of amortization deduction.*

SEC. 172. *Allowance of amortization deduction.* The benefit of the deduction for amortization allowed by section 23 (t) shall be allowed to estates and trusts in the same manner and to the same extent as in the case of an individual. The allowable deduction shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Commissioner with the approval of the Secretary.

[Sec. 172 as added by sec. 155 (g), Rev. Act 1942; amended by sec. 206 (b) (2), Technical Changes Act 1953, applicable to taxable years ending after August 15, 1953]

PAR. 4. Section 39.172–1 is revised to read as follows:

§ 39.172–1 *Amortization of emergency facility or grain storage facility of estate or trusts.* In the case of an emergency facility, as defined in section 124A (d), acquired or completed by an estate or trust after December 31, 1949, such estate or trust is entitled to take amortization deductions with respect thereto in the same manner and to the same extent as in the case of an individual. The same rule is applicable in the case of a grain storage facility, as defined in section 124B (d). See sections 23 (t), 124A, and 124B and the regulations thereunder. The principles governing the apportionment of depreciation in the case of property held in trust are applicable with respect to the amortization of an emergency facility or of a grain storage facility of an estate or trust. See § 39.23 (1)–1.

PAR. 5. Section 39.190 is amended as follows:

(A) By inserting "or grain storage facilities" immediately after "emergency facilities"; and

(B) By inserting before the closing bracket of the historical note the following: "; amended by sec. 206 (b) (3), Technical Changes Act 1953, applicable to taxable years ending after August 15, 1953".

As revised § 39.190 will read as follows:

§ 39.190 *Statutory provisions; partnerships; allowance of amortization deduction.*

SEC. 190. *Allowance of amortization deduction.* In the case of emergency facilities or grain storage facilities of a partnership, the benefit of the deduction for amortization allowed by section 23 (t) shall not be allowed to the members of a partnership but shall be allowed to the partnership in the same manner and to the same extent as in the case of an individual.

[Sec. 190 as added by sec. 155 (h), Rev. Act 1942; amended by sec. 206 (b) (3), Technical Changes Act 1953, applicable to taxable years ending after August 15, 1953]

PAR. 6. Section 39.190–1 is revised to read as follows:

§ 39.190–1 *Amortization of emergency facility or grain storage facility of partnership.* In the case of an emergency facility, as defined in section 124A (d) (1), acquired or completed by a partnership after December 31, 1949, the partnership is entitled to take amortization deductions with respect thereto in the same manner and to the same extent as in the case of an individual. The same rule is applicable in the case of a grain storage facility, as defined in section 124B (d). See sections 23 (t), 124A, and 124B and the regulations thereunder. Amortization deductions with respect to an emergency facility or a grain storage facility of a partnership are not allowed to the members of the partnership.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791. Interpret or apply 67 Stat. 620; 26 U. S. C. 124B)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: November 15, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54–9164; Filed, Nov. 18, 1954; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order V–4]

DMO V–4—DELEGATION OF AUTHORITY TO THE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

1. The authority vested in me by section 4 (d) (2) of Executive Order 10560, dated September 9, 1954, relative to purchasing or contracting for the purchase of materials for a supplemental stockpile is hereby delegated to the Administrator of the General Services Administration. The authority hereby delegated will be exercised in accordance with the programs certified by the Office of Defense Mobilization.

2. This order shall take effect on November 17, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54–9208; Filed, Nov. 17, 1954; 2:27 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1030]

NEW MEXICO

RESERVING LANDS WITHIN CIBOLA NATIONAL FOREST FOR USE OF FOREST SERVICE AS CAMPGROUND, PICNIC, AND RECREATION AREAS; REVOKING DEPARTMENTAL ORDERS OF NOVEMBER 6, 1907, AND AUGUST 3, 1908

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Cibola National Forest in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as campground, picnic, and recreation areas, as indicated: *Provided*, That the lands shall be subject to leasing under the mineral-leasing laws for their oil and gas deposits, but no part of the surface of the lands shall be used in connection with prospecting, mining, and removal of the oil and gas:

NEW MEXICO PRINCIPAL MERIDIAN

FOURTH OF JULY CAMPGROUND AND RECREATION AREA

T. 7 N., R. 5 E.,
Sec. 35, S½NE¼, S½N½NE¼, N½N½SE¼.

The area described contains 160 acres.

TAJIQUE PICNIC GROUND AND RECREATION AREA

T. 6 N., R. 6 E.,
Sec. 8, SE¼NE¼, E½SW¼NE¼, E½NW¼SE¼, NE¼SE¼.

The area described contains 120 acres.

NEW CANYON CAMPGROUND AND RECREATION AREA

T. 5 N., R. 5 E.,
Sec. 10, NW¼SW¼.

The area described contains 40 acres.

The Departmental orders of November 6, 1907, reserving the NE¼SE¼, SE¼NE¼, and NE¼NE¼ sec. 8, T. 6 N., R. 6 E., New Mexico Principal Meridian for the Tajique Camp Administrative Site and of August 3, 1908, reserving the W½NE¼ and NW¼SE¼ of said Section 8 as an addition thereto, are hereby revoked.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ORME LEWIS,
Assistant Secretary of the Interior.

NOVEMBER 15, 1954.

[F. R. Doc. 54–9125; Filed, Nov. 18, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 609]

STANDARD INSTRUMENT APPROACH PROCEDURES; APPLICABILITY

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administrator contemplates the adoption of the following rules respecting the applicability of Part 609. Although air carriers have been permitted under authority of their operations specifications to conduct an instrument approach with certain components of the ILS inoperative, Part 609 has not expressly provided similar authority to other users. It is proposed, therefore, to specify the components of ILS system and specifically authorize all users to conduct an ILS instrument approach when certain components are inoperative.

It is also proposed to revise § 609.4 (a) (3) by changing the maximum allowable rate of descent from the facility to the airport from 500 to 600 feet per minute. This change will thus liberalize the conditions under which straight-in landing minimums may be authorized.

Other miscellaneous amendments to §§ 609.2 and 609.3 (a), (d) and (i) are provided for the purpose of clarifying the applicability of Part 609, but do not involve any change in the substance of the affected provisions.

All interested persons who desire to submit comments and suggestions for consideration in connection with these proposed rules should send them to the Director, Office of Aviation Safety, Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

1. Amend § 609.2 to read:

§ 609.2 *Basis and purpose.* Under the provisions of the Civil Air Regulations, the Administrator has been delegated the authority to prescribe Standard Instrument Approach Procedures to be used when conducting an instrument let-down to an airport and the weather minimums applicable to an IFR take-off or landing. This part contains such procedures and minimums as prescribed by the Administrator for civil airports located within the United States, and the criteria by which such procedures are established.

2. Amend § 609.3 (a) to read:

(a) *Applicability.* Unless otherwise authorized by the Administrator the procedures and minimums prescribed in this part shall apply as follows:

(1) The Standard Instrument Approach Procedures and the IFR landing minimums for such procedures are applicable to all users of the airport for which they are prescribed.

(2) The IFR take-off minimums are applicable to all users of the airport while conducting operations under the authority of Parts 40, 41, 42, 44 or 45 of this title.

(3) The IFR take-off or landing minimums shall not apply to military aircraft of the United States Armed Forces.

3. Amend § 609.3 (d) to read:

(d) *Use of radio range for ADF approach.* A low frequency type (200 through 400 kcs) simultaneous radio range may be used as an ADF instrument approach aid if (1) an ADF procedure for the airport concerned is prescribed by the Administrator, or (2) an approach is conducted using the same course for an ADF track as that specified in the approved range procedure and with identical altitudes as used in the range approach.

4. Amend § 609.3 (i) to read:

(i) *Descent below authorized IFR landing minimums.* No aircraft, after reaching an altitude equal to the minimum altitude for landings specified in these regulations, will descend below such altitude unless it is clear of clouds, and thereafter, except when landing minimums equal to or higher than 1000–2 are authorized, the aircraft will not descend more than 50 feet below such altitude, unless (1) it has arrived at a position from which a normal approach can be made to the runway of intended landing, and (2) either the approach threshold of such runway or the approach lights or other markings identifiable with such runway are clearly visible to the pilot. If, at any time, after descent below the clouds, the pilot cannot maintain visual reference to the ground or lights, he will immediately execute the appropriate missed approach procedure prescribed in the regulations in this part.

5. Add a new paragraph (m) to § 609.3 to read:

(m) *Landing minimums with inoperative ILS components.* The components comprising the instrument landing system (ILS) are (1) localizer, (2) glide slope, (3) outer marker, (4) middle marker, and (5) approach lights. In addition, although not a component, a compass locator at an outer or middle marker site may be substituted for the outer or middle marker respectively. Unless otherwise specified in the instrument approach procedure for a praticular airport, an ILS instrument approach procedure shall not be commenced when any component of the ILS is inoperative, or the related airborne equipment in the aircraft is inoperative or is not utilized, except in accordance with the following conditions and limitations:

(1) *One component, except localizer, inoperative, use for straight-in approaches.* Straight-in ILS minimums as low as 300–¾ are authorized when any single component of the ILS except the localizer is inoperative, provided all other components are in normal operation.

(2) *Localizer and outer marker only operative, use for straight-in approaches.* Straight-in ILS minimums as low as 300–1 are approved when the localizer and the outer marker are the only components of the ILS in normal operation.

(3) *Localizer and outer marker only operative, use for circling approaches.* An ILS instrument approach is approved for circling approaches if the localizer and the outer marker are the only components of the ILS in normal operation, and if the ceiling and visibility minimums are equal to or higher than those prescribed for a circling approach.

(4) *One component, except localizer, inoperative, use of airport as an alternate.* An ILS instrument approach is approved for use of the airport as an alternate when any single component of the ILS except the localizer is inoperative provided all other components are in normal operation, and if the ceiling and visibility minimums are equal to or higher than those prescribed for use of the airport as an alternate.

6. Amend paragraph (a) (3) of § 609.4 by changing "500 feet per minute" to "600 feet per minute."

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–9124; Filed, Nov. 18, 1954; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1602045]

UTAH

UTAH GRAZING DISTRICT NO. 5; MODIFICATION

NOVEMBER 15, 1954.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315 et seq.), as amended, and in accordance with Departmental Order No. 2583 of August 16, 1950, section 2.22 (15 F. R. 5645), the following-described lands are added to Utah Grazing District No. 5, as heretofore established and modified (Misc. 1602045):

SALT LAKE MERIDIAN

T. 27 S., R. 5 E.,
Secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36.

Rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, and subsequently amended, shall be effective as to the lands embraced within this addition from and after the date of the publication of this order in the FEDERAL REGISTER.

W. G. GUERNSEY,
Associate Director.

[F. R. Doc. 54-9126; Filed, Nov. 18, 1954; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

TEXTILE, SHOE, AND STEEL FABRICATING AREAS OF MANUFACTURING

NOTICE OF CONSIDERATION FOR SURVEYS

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct annual surveys of the products listed below, under the provision of the acts of Congress approved June 19, 1948, 62 Stat. 478 and 68 Stat. 1012, approved August 31, 1954. These commodities are significant in the textile, shoe, and steel fabricating areas of manufacturing and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not publicly available from non-Government or other Governmental sources.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Information will be collected from establishments engaged in the production of the following products: Cotton, silk and synthetic woven goods, wool and related fibers, shoes, steel power boilers.

Report forms furnishing data on production will be required from all establishments engaged in the finishing of cotton, silk and synthetic woven goods and from a selected sample of manufacturers of shoes and slippers. Data on orders booked will be required from all manufacturers of steel power boilers of 100 square feet of heating surface and over, and stock figures on wool and related fibers as of April 1, 1955 will be required of all holders of wool. The proposed forms are available on request to the Director, Bureau of the Census, Washington 25, D. C.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census and will receive consideration.

ROBERT W. BURGESS,
Director.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54-9168; Filed, Nov. 18, 1954; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Abatex Dress Manufacturing Co., Mountain Home, Ark., effective 11-8-54 to 11-7-55; 10 learners for normal labor turnover purposes (house dresses and sportswear).

Michael Berkowitz Co., Inc., Waynesburg, Pa., effective 11-12-54 to 11-11-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' cotton pajamas).

Michael Berkowitz Co., Inc., Waynesburg, Pa., effective 11-12-54 to 5-11-55; 10 learners for plant expansion purposes (ladies' cotton pajamas).

Brewton Manufacturing, Inc., Brewton, Ala., effective 11-11-54 to 11-10-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport and dress shirts).

Cluett, Peabody & Co., Inc., Bremen, Ga., effective 11-27-54 to 11-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress shirts).

Cluett, Peabody & Co., Inc., 2022 Murphy Avenue SW., Atlanta, Ga., effective 11-15-54 to 11-14-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress shirts).

Cluett, Peabody & Co., Inc., Virginia, Minn., effective 11-19-54 to 11-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress shirts).

Duquesne Manufacturing Co., 852 Constitution Boulevard, New Kensington, Pa., effective 11-15-54 to 11-14-55; 10 learners for normal labor turnover (cotton dresses).

Finesilver Manufacturing Co., 816 Camaron Street, San Antonio, Tex.; effective 11-27-54 to 11-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees, work shirts, and work pants).

Frederick Tailoring Co., Inc., 809 Pasteur Street, New Bern, N. C., effective 11-19-54 to 11-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes, in the production of men's odd pants only (men's dress pants).

Hazlehurst Manufacturing Co., Inc., Hazlehurst, Ga., effective 11-5-54 to 5-4-55; 25 learners for plant expansion purposes (ladies' lingerie).

Hazlehurst Manufacturing Co., Inc., Hazlehurst, Ga., effective 11-5-54 to 11-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Kentucky Pants Co., 117 North Race Street, Glasgow, Ky., effective 11-15-54 to 11-14-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Lancaster-Walker Manufacturing Co. Inc., Columbia, Ky., effective 11-10-54 to 11-9-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' sport and dress shirts).

Livingston Shirt Corp., Livingston, Tenn., effective 11-5-54 to 11-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Regina Manufacturing Co., 44 Carey Avenue, Wilkes-Barre, Pa., effective 12-1-54 to 11-30-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's apparel).

Rice Mills, Inc., P. O. Box 57, Belton, S. C., effective 11-6-54 to 11-5-55; 5 learners for normal labor turnover purposes (bath robes and play costumes).

Seamprufe, Inc., McAlester, Okla., effective 11-9-54 to 11-8-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (slips and lingerie).

The Van Wert Manufacturing Co., corner Main and Market Streets, Van Wert, Ohio, effective 11-15-54 to 11-14-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work pants, dress pants, etc.).

Russell Williams Co., 418-428 West Mahanoy Avenue, Mahanoy City, Pa., effective 11-5-54 to 11-4-55; 5 learners for normal labor turnover purposes (ladies' dresses).

Woods Manufacturing Co., 202 Garrison Avenue, Fort Smith, Ark., effective 11-23-54 to 11-22-55; 10 learners for normal labor turnover purposes (men's and boys' trousers).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Newton Glove Manufacturing Co., P. O. Box 271, Newton, N. C., effective 11-21-54 to 11-20-55; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.46, as amended May 3, 1954, 19 F. R. 1761).

Villa Rica Hosiery Mills, Villa Rica, Ga., effective 11-18-54 to 11-17-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended September 20, 1954, 19 F. R. 5312).

The Cass County Telephone Co., Harrisonville, Mo., effective 11-9-54 to 11-8-55.

West Iowa Telephone Co., Marcus, Iowa, effective 11-17-54 to 11-16-55.

West Iowa Telephone Co., Remsen, Iowa, effective 11-17-54 to 11-16-55.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Cluett, Peabody & Co. Inc., Eveleth, Minn., effective 11-28-54 to 11-27-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's woven underwear).

Louis Gallet Knitting Mills, Inc., Uniontown, Pa., effective 11-10-54 to 4-30-55; 10 learners for plant expansion purposes (ladies' and men's sweaters).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

A. Werman and Sons, Inc., Third and Pine Streets, Marietta, Pa., effective 11-5-54 to 11-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Palm Beach Co., Roanoke, Ala., effective 11-19-54 to 11-18-55; 7 percent of the total number of factory production workers for normal labor turnover purposes; machine operating (except cutting), 480 hours; pressing, 480 hours; and hand sewing, 480 hours; at least 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the remaining 240 hours (men's palm beach suits).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Walden Hosiery Mills of Puerto Rico, Inc., Cidra, Puerto Rico, effective 10-19-54 to 2-10-55; to employ not in excess of 13 persons as learners in any one work day; loopers, 240 hours at 30 cents an hour, 240 hours at 35 cents an hour, 240 hours at 40 cents an hour, and 240 hours at 45 cents an hour (infants' hosiery).

Rico Glove Corp., Bo. Maton Abajo, Cayey, P. R., effective 10-19-54 to 4-18-55; to employ not in excess of 25 persons as learners in any one work day; machine sewing, woven and knitted fabric gloves, 240 hours at 32 cents an hour; 240 hours at 40 cents an hour (fabric gloves).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 9th day of November 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-9127; Filed, Nov. 18, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1786, G-1965]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

It is appropriate in the public interest in carrying out the provisions of the Commission's order of September 27, 1954, reopening the record in these proceedings to provide for early hearing as hereinafter ordered. At such hearing, Dayton Power and Light Company shall have an opportunity to be heard upon the record respecting the matters and issues set forth in its petition filed in these dockets on October 18, 1954.

The Commission orders:

(A) A public hearing in these proceedings be held commencing on November 30, 1954, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C. for the purpose of determining proper costs based on actual operations by Ohio Fuel Gas Company during the impounding period involved in these proceedings and for the purpose of establishing a proper basis for disposition and refund of excess charges collected under bond.

(B) At the reopened proceedings, Ohio Fuel shall first present and complete its case-in-chief respecting the matters and issues specified in (A) above.

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9138; Filed, Nov. 18, 1954; 8:49 a. m.]

[Docket No. G-2410]

CITIES SERVICE GAS CO.

ORDER FIXING DATE FOR RECONVENING HEARING

Hearings in this matter were held on July 26, 27 and 28, 1954, at which time Cities Service Gas Company presented evidence purporting to show that the increased rates and charges herein involved are just and reasonable. On the last-mentioned date, the hearing was adjourned to a date to be fixed by order of the Commission.

The Commission orders: The public hearing in this matter be reconvened on December 1, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9139; Filed, Nov. 18, 1954; 8:49 a. m.]

[Docket Nos. G-2805, G-2806]

MONTANA POWER CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

The Montana Power Company of Butte, Montana (Applicant), filed on September 17, 1954, an application pursuant to section 3 of the Natural Gas Act for an order in Docket No. G-2805 authorizing Applicant to import natural gas from the Province of Alberta, Canada, into the State of Montana.

Concurrently with the filing of the application in Docket No. G-2805 for import authorization, Applicant filed application in Docket No. G-2806, pursuant to Executive Order No. 10485 dated September 3, 1953, for a permit authorizing the operation and maintenance of facilities in Montana at the Montana-Alberta border for the proposed importation of natural gas.

Due notice of the filing of applications in the above matters has been given including publication in the FEDERAL REGISTER on October 9, 1954 (19 F. R. 6540).

The Commission finds: It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the above-entitled proceedings for purpose of hearing and to hold a public hearing therein, all as hereinafter provided and ordered.

The Commission orders:

(A) The proceedings involved in Docket Nos. G-2805 and G-2806 be and they hereby are consolidated for the purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 3, 15 and 16 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 29, 1954, at

10:00 a. m. e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the applications.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9140; Filed, Nov. 18, 1954; 8:49 a. m.]

[Docket No. G-2855]

NEMOURS CORP.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Nemours Corporation (Applicant), a Delaware corporation with its principal operating office in Shreveport, Louisiana, filed on September 20, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Monroe Field in Morehouse, Union and Ouachita Parishes, Louisiana, and in the Hico-Knowles Field in Lincoln Parish, Louisiana, which it sells to United Gas Pipe Line Company, Southwest Gas Producing Company, and Mississippi River Fuel Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The application is on file with the Commission for public inspection.

The Commission finds:

(1) It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

(2) This matter is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicant having requested that its application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however,* That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Due notice of this application be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9141; Filed, Nov. 18, 1954; 8:49 a. m.]

[Docket No. G-2997]

BEE QUIN

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Bee Quin (Applicant), an individual with her principal office in San Antonio, Texas, filed on September 23, 1954, an application for a certificate of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application filed herein.

Applicant produces natural gas in South Porter Oil Field (Cabeza Creek Area), Karnes County, Texas, which Applicant proposes to sell to United Gas Pipe Line Company (United) for resale in interstate commerce.

Also, Applicant proposes to construct necessary field gathering lines amounting to approximately 4,200 feet of small-diameter pipelines, and to install a compressor station in the field having a capacity of approximately 2,000 Mcf per day.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The application is on file with the Commission for public inspection.

The Commission finds:

(1) It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

(2) This matter is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicant having requested that the application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however,* That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Due notice of this application be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1954, at 10:10 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9142; Filed, Nov. 18, 1954; 8:49 a. m.]

[Docket Nos. G-2998, G-3034, G-3142, G-3187]

BEE, QUIN ET AL.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Bee Quin, Docket No. G-2998; Wyrick & Hughes, Docket No. G-3034; M. F. McCain, et al., Docket No. G-3142; William J. Hells, Jr., Docket No. G-3187.

Take notice that there have been filed with the Commission applications as hereinafter specified, each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicants to make sales of natural gas to United Gas Pipe Line Company (United) as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in each application.

Docket No.	Applicant	Address	Date filed	Location of field
G-2998	Bee Quin	San Antonio, Tex.	Sept. 23, 1954	Cabeza Creek and/or Hordes Creek areas, Goliad and Karnes Counties, Tex.
G-3034	Wyrick & Hughes	Refugio, Tex.	Sept. 24, 1954	Old Refugio Field, Refugio County, Tex.
G-3142	M. F. McCain, et al.	Shreveport, La.	Sept. 27, 1954	Bethany Field, Panola County, Tex.
G-3187	William G. Hells, Jr.	New Orleans, La.	Sept. 27, 1954	East Gibson Field, Terrebonne Parish, La.

The foregoing Applicants produce natural gas in the indicated fields which they sell to United for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The applications are on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate and in the public interest to (a) consolidate the above-entitled proceedings for the purpose of hearing, and (b) publish notice of the applications and order consolidating and fixing date of hearing simultaneously.

(2) Each of these matters is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicants having requested that the applications be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however,* That no request to be heard, protest or petition is filed raised an issue of substance.

The Commission orders:

(A) Due notice of these applications be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The proceedings in Docket Nos. G-2998, G-3034, G-3142 and G-3187 be and the same are hereby consolidated for the purpose of hearing, and pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure a hearing be held on November 30, 1954, at 10:20 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9143; Filed, Nov. 18, 1954; 8:50 a. m.]

[Docket No. G-3032]

ASHLAND OIL & REFINING CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Ashland Oil & Refining Company (Applicant), a Kentucky corporation with its principal office in Ashland, Kentucky, filed on September 24, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Marion County, Texas (Wallace-Johnson Lease—Johnson's Survey), which it proposes to sell to Arkansas Louisiana Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 8, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9129; Filed, Nov. 18, 1954; 8:47 a. m.]

[Docket Nos. G-3011, G-3027]

JABCO, INC., AND MRS. KATHERINE ADGER ATKINS

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

Tak enotice that Jabco, Inc. (Applicant), a Louisiana corporation, and Mrs. Katherine Adger Atkins (Applicant), an individual, both with principal offices in Shreveport, Louisiana, filed on September 23 and 24, 1954, their respective applications in Docket Nos. G-3011 and G-3027 for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing them to make sales of natural gas to United Gas Pipe Line Company (United) and Louisiana Nevada Transit Company (Louisiana Nevada) as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications.

The foregoing Applicants produce natural gas in Cotton Valley Field, Webster Parish, Louisiana, which they sell to United and Louisiana Nevada for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The applications are on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate and in the public interest to (a) consolidate the above-entitled proceedings for the purpose of hearing, and (b) publish notice of the applications and order consolidating and fixing date of hearing simultaneously.

(2) Each of these matters is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicants having requested that the applications be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however,* That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Due notice of these applications be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The proceedings in Docket Nos. G-3011 and G-3027 be and the same are hereby consolidated for the purpose of hearing, and pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1954, at 10:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9144; Filed, Nov. 18, 1954; 8:50 a. m.]

[Docket Nos. G-3026, G-3059]

R. H. GOODRICH AND W. H. COCKE

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of R. H. Goodrich, Docket No. G-3026; W. H. Cocke, Docket No. G-3059.

Take notice that R. H. Goodrich (Applicant) and W. H. Cocke (Applicant), individuals with principal offices in Houston, Texas, filed on September 23 and 24, 1954, their respective applications in Docket Nos. G-3026 and G-3059 for a certificate of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act, authorizing them to make sales of natural gas to United Gas Pipe Line Company (United), subject to the jurisdiction of the Commission, all as more fully represented in each application.

Each Applicant produces natural gas in Duck Lake Field, St. Martin and St. Mary Parishes, Louisiana, which is sold to United for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The applications are on file with the Commission for public inspection.

Each of these matters is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is appropriate and in the public interest to (a) consolidate the above-entitled proceedings for the purpose of hearing, and (b) publish notice of the applications and order consolidating and fixing date of hearing simultaneously.

The Commission orders:

(A) Due notice of these applications be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The proceedings in Docket Nos. G-3026 and G-3059 be and the same are hereby consolidated for the purpose of hearing, and pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1954, at 10:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure (18 CFR 1.30 (c) (1) or (2)).

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.37 (f)).

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9128; Filed, Nov. 18, 1954; 8:47 a. m.]

[Docket No. G-3168]

J. P. FOLEY

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that J. P. Foley (Applicant), an individual whose address is West Union, West Virginia, filed on September 27, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Doddridge County, West Virginia, which it sells to Equitable Gas Company for resale in interstate commerce.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). The application is on file with the Commission and open to public inspection.

The Commission finds:

(1) It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to give due notice of the application filed herein on September 27, 1954, including publication in the FEDERAL REGISTER, and to hold a public hearing in the above-entitled proceeding, all as hereinafter provided and ordered.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicant having requested that its application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however*, That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a hearing be held on December 13, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G. Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

(C) Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10), on or before December 6, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9130; Filed, Nov. 18, 1954; 8:47 a. m.]

[Docket No. G-3181]

J. D. WRATHER, JR.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that J. D. Wrather, Jr. (Applicant), an individual with his principal office in Dallas, Texas, filed on September 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant produces natural gas in Placedo Field, Victoria County, Texas, which it sells to Tennessee Gas Transmission for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 3, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9132; Filed, Nov. 18, 1954; 8:48 a. m.]

[Docket No. G-3182]

RUPERT COX

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Rupert Cox (Applicant), with his principal office in San Antonio, Texas, filed on September 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Albrecht Field, Goliad County, Texas, which he sells to the Wilcox Trend Gathering System Inc. and/or Texas Eastern Transmission Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 3, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9133; Filed, Nov. 18, 1954; 8:48 a. m.]

[Docket No. G-3185]

C. A. HILBURN ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that C. A. Hilburn, et al. (Applicant), an individual with his principal office in Shreveport, Louisiana, filed on September 27, 1954, his application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Spider Field, DeSoto Parish, Louisiana, which it sells to Southern Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of December 1954. The application is on file with the Commission for public inspection.

Applicant requests that the application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicants having requested that their application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however*, That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 13, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9134; Filed, Nov. 18, 1954; 8:48 a. m.]

[Docket Nos. G-3189, G-3190]

A. E. HERRMANN CORP.

NOTICE OF APPLICATION AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

Take notice that A. E. Herrmann Corporation (Applicant), a Texas corporation with its principal office in Amarillo, Texas, filed on September 27, 1954, applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its applications filed herein.

Applicant produces natural gas in West Panhandle Field, Moore County, Texas, which it sells under two contracts to Colorado Interstate Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that (a) the above entitled proceedings be consolidated for the purpose of hearing, and (b) notice of the application and order consolidating and fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, Docket Nos. G-3189 and G-3190 be and the same are hereby consolidated for purpose of hearing and that a hearing be held on December 14, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dis-

pose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9135; Filed, Nov. 18, 1954; 8:48 a. m.]

[Docket No.. G-3198]

MARACAIBO OIL EXPLORATION CORP.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Maracaibo Oil Exploration Corporation (Applicant), a Delaware corporation with its principal office in New York, New York, filed on September 27, 1954, its application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Egan Field, Acadia Parish, Louisiana, which it sells to Transcontinental Gas Pipe Line Corporation, United Gas Pipe Line Company, and Louisiana Natural Gas Corporation for resale in interstate commerce, and also in the Levelland Field, Hockley County, Texas, which it sells to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 13, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9136; Filed, Nov. 18, 1954; 8:48 a. m.]

[Docket No. G-3212]

W. A. DELANEY, JR.

NOTICE OF APPLICATIONS AND ORDER FIXING DATE OF HEARING

Take notice that W. A. Delaney, Jr. (Applicant), an individual with his principal office in Ada, Oklahoma, filed on September 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application filed herein.

Applicant produces natural gas in Cotton Valley Field, Webster Parish, Louisiana, which Applicant sells to United Gas Pipe Line Company and Louisiana Nevada Transit Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders:

(A) Due notice of this application be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1954, at 10:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure (18 CFR 1.30 (c) (1) or (2)).

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 10, 1954:

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9131; Filed, Nov. 18, 1954; 8:47 a. m.]

[Docket No. G-3295]

WILBUR M. SKIDMORE

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Wilbur M. Skidmore (Applicant), an individual whose address is 134 East Main Street, Buckhannon, West Virginia, filed an application on September 27, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant produces natural gas from an area near Roanoke, Lewis County, West Virginia, which he proposes to sell to Equitable Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 6, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 10, 1954.

Issued: November 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9137; Filed, Nov. 18, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3311]

CENTRAL POWER AND LIGHT CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PREFERRED STOCK AND ORDER AUTHORIZING SOLICITATION OF PROXIES

NOVEMBER 12, 1954.

Notice is hereby given that Central Power and Light Company ("Central Power"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Central Power proposes to solicit proxies from its stockholders, both common and preferred, with respect to an amendment to its charter to (a) increase the total number of authorized shares of its Preferred Stock from 100,000 shares to 175,000 shares and (b) effect certain changes in the terms and provisions of the Preferred Stock.

Upon the effectuation of the above mentioned charter amendment, Central Power proposes to issue and sell at competitive bidding, pursuant to Rule U-50, 75,000 shares of -- percent Preferred Stock, par value $100 per share. The price to be paid Central Power (which shall be not less than $100 per share nor more than $102.75 per share) and the dividend rate (which is to be expressed in a multiple of 0.04 of 1 percent) are to be fixed at competitive bidding.

The filing states that the net proceeds from the sale of the Preferred Stock will be used by Central Power to pay for a part of the cost of its construction program, it being represented that for the calendar years 1954 and 1955 construction expenditures will approximate $25,000,000 and $22,700,000 respectively.

Central Power states that the fees and expenses to be paid or incurred by it in connection with the proposed solicitation of proxies, other than the costs of preparing, assembling, and mailing such statements, will not exceed $2,000.

The filing states that no State commission and no Federal regulatory body other than this Commission has jurisdiction over the proposed transactions.

Central Power has requested that the Commission permit the declaration to become effective, forthwith, insofar as it relates to the proposed solicitation of proxies.

The Commission having examined the declaration and the proxy material proposed to be used in connection with the solicitation of proxies, and finding that the applicable provisions of section 12 (e) of the act and Rules U-62 and U-65 promulgated thereunder have been satisfied, and deeming it appropriate in the public interest, and in the interest of investors and consumers, to grant declarant's request and permit the declaration to become effective, forthwith, insofar as it relates to the solicitation of proxies:

It is ordered, That the declaration, insofar as it relates to the proposed solicitation of proxies, be, and it hereby is, permitted to become effective, forthwith.

It is further ordered, That this order shall become effective immediately upon its issuance.

Notice is further given that any interested person may, not later than November 26, 1954 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on the declaration in respect of the issuance and sale of the 75,000 shares of -- Percent Preferred Stock by Central Power, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9145; Filed, Nov. 18, 1954; 8:50 a. m.]

[File No. 811-166]

NATIONAL TRUST SHARES (RE-MODIFIED) AND NATIONAL DEPOSITOR CORP.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT TRUST HAS CEASED TO BE AN INVESTMENT COMPANY

NOVEMBER 12, 1954.

Notice is hereby given that National Depositor Corporation ("National Depositor") has filed an application under section 8 (f) of the act for an order declaring that National Trust Shares (Re-Modified) ("National Trust"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has ceased to be an investment company under the act.

The following representations are made:

National Trust was organized on December 15, 1933, under the laws of the State of New York, pursuant to the terms of a Trust Indenture dated January 7, 1931, between National Depositor, as Depositor, Central Hanover Bank and Trust Company, as Trustee, and Holders of Certificates, as modified by Supplemental Indentures, dated December 28, 1931, and June 27, 1932, and as re-modified by a Supplemental Indenture dated December 15, 1933 (which Trust Indenture, as modified and re-modified is hereinafter called the "Trust Indenture").

The trust terminated December 31, 1950, in accordance with the terms of the Trust Indenture. The Trustee has advised National Depositor (1) that the underlying securities held by it as Trustee were sold on January 31, 1951, and February 1, 1951, and that the proceeds of such sale amounted to $167,883.33; (2) that all of the liabilities of the trust under the Trust Indenture have been paid; (3) that the total expenses incurred in connection with termination and liquidation of the trust amounted to $6,543.74 and that no future expenses will be incurred; (4) that as of December 31, 1950, the date of termination of the trust, there were certificates for 16,000 National Trust shares outstanding, all in bearer form; (5) that from April 23, 1951, to July 6, 1954, certificates for 15,615 National Trust shares were presented for payment against receipt of which $159,475.87 was paid to the holders of such certificates at the rate of $10.213 per share; and (6) that the balance of $3,932.14 has been retained by Central Hanover Bank and Trust Company, 70 Broadway, New York 15, N. Y., to pay 385 shares still outstanding, which assets are presently being held by it in trust, subject only to such escheat laws as may be applicable.

National Depositor, a corporation organized under the laws of the State of New York, was dissolved on June 8, 1951 and is submitting this application for the purpose of winding up its business and affairs.

Notice is further given that any interested person may, not later than December 2, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9146; Filed, Nov. 18, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29908]

PETROLEUM PRODUCTS IN ILLINOIS TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Gasoline and other petroleum products, in tank-car loads.

From: Refining, marine and pipeline terminal points in Illinois territory.

To: Destinations in Illinois territory.

Grounds for relief: Rail competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 813.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9149; Filed, Nov. 18, 1954; 8:51 a. m.]

[4th Sec. Application 29909]

BITUMINOUS FINE COAL FROM MINES IN ILLINOIS AND INDIANA TO CHICAGO, ILL., AND POINTS TAKING SAME RATES

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York Central Railroad Company, for itself and on behalf of the Algers, Winslow and Western Railway Company.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Illinois and Indiana.

To: Chicago, Ill., and points taking same rates.

Grounds for relief: Rail competition, circuity, competition with water, or water-rail carriers, market competition, and to maintain grouping.

Schedules filed containing proposed rates: New York Central Railroad Company, I. C. C. No. 1306, supp. 75.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9150; Filed, Nov. 18, 1954; 8:51 a. m.]

[4th Sec. Application 29910]

BITUMINOUS FINE COAL FROM MINES IN ILLINOIS AND POINTS TAKING SAME RATES TO CHICAGO, ILL.

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago & Illinois Midland Railway Company, for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Illinois.

To: Chicago, Ill., and points taking same rates.

Grounds for relief: Rail competition, circuity, market competition, and to maintain grouping.

Schedules filed containing proposed rates: Chicago & Illinois Midland Railway, I. C. C. No. B-336, supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9151; Filed, Nov. 18, 1954; 8:52 a. m.]

[4th Sec. Application 29911]

LIME FROM VIRGINIA TO RIDGEWOOD, FLA.

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Lime, common, hydrated, quick or slack, in bulk, carloads.

From: Specified points in Virginia.

To: Ridgewood, Fla.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1345, supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9152; Filed, Nov. 18, 1954; 8:52 a. m.]

[4th Sec. Application 29912]

BLACKSTRAP MOLASSES IN TEXAS

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. F. Brown, Agent, for carriers parties to schedules listed below.

Commodities involved: Blackstrap molasses and related commodities, in tank-car loads.

Between: Points in Texas.

Grounds for relief: Rail competition, circuity, to meet intrastate rates, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 796, supp. 92; J. F. Brown, Agent, I. C. C. No. 851, supp 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9153; Filed, Nov. 18, 1954; 8:52 a. m.]

[4th Sec. Application 29913]

CRUDE RUBBER FROM TEXAS AND LOUISIANA TO OGDEN, UTAH

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, in carloads.

From: Points in Texas and Louisiana.

To: Ogden, Utah.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3886, supp. 137.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9154; Filed, Nov. 18, 1954; 8:52 a. m.]

[4th Sec. Application 29914]

ADIPIC ACID FROM ORANGE, TEX., TO BELLE AND CHARLESTON, W. VA.

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Adipic acid, dry, carloads.

From: Orange, Texas.

To: Belle and Charleston, W. Va.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 401.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9155; Filed, Nov. 18, 1954; 8:52 a. m.]

[4th Sec. Application 29915]

GRAVEL FROM ALABAMA TO POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Gravel, carloads.

From: Elmore, Jemison, Montgomery and Prattsville Jct., Ala.

To: Graham, W. Va., Niagara Falls and Suspension Bridge, N. Y., and Brilliant and Philo, Ohio.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9156; Filed, Nov. 18, 1954; 8:52 a. m.]

[4th Sec. Application 29916]

SHALE CINDERS FROM KENLITE, KY., TO ELBERFIELD, IND.

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cinders, shale, carloads.

From: Kenlite, Ky.

To: Elberfield, Ind.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the

application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9157; Filed, Nov. 18, 1954; 8:53 a. m.]

[4th Sec. Application 29918]

BODIES, DUMPING, IRON OR STEEL, FROM MATTOON, ILL., TO ALLENTOWN AND EAST PENN. JUNCTION, PA.

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Bodies, dumping, iron or steel, carloads.

From: Mattoon, Ill.

To: Allentown and East Penn. Jct., Pa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9159; Filed, Nov. 18, 1954; 8:53 a. m.]

[4th Sec. Application 29917]

SULPHUR (BRIMSTONE) FROM NEW ORLEANS, LA., TO TRUNK-LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphur (brimstone), other than crude, carloads.

From: New Orleans, La.

To: Specified points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates; W. P. Emerson, Jr., Agent, I. C. C. No. 422, supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9158; Filed, Nov. 18, 1954; 8:53 a. m.]

[4th Sec. Application 29920]

BITUMINOUS FINE COAL FROM MINES IN ILLINOIS TO CHICAGO, ILL.

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Gulf, Mobile and Ohio Railroad Company, for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Illinois.

To: Chicago, Ill., and points taking same rates.

Grounds for relief: Rail competition, circuity, competition with water, or water-rail carriers, market competition, and to maintain grouping.

Schedules filed containing proposed rates: Gulf, Mobile and Ohio Railroad Company, I. C. C. No. 262, supp. 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9161; Filed, Nov. 18, 1954; 8:53 a. m.]

[4th Sec. Application 29921]

BITUMINOUS FINE COAL FROM MINES IN ILLINOIS TO CHICAGO, ILL.

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Missouri Pacific Railroad Company.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Illinois.

To: Chicago, Ill., and points taking same rates.

Grounds for relief: Rail competition, circuity, competition with water, or water-rail carriers, market competition, and to maintain grouping.

Schedules filed containing proposed rates: Missouri Pacific Railroad Company, I. C. C. No. A-10454, supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9162; Filed, Nov. 18, 1954; 8:53 a. m.]

[4th Sec. Application 29919]

VARIOUS COMMODITIES FROM POINTS IN TRUNK-LINE TERRITORY TO SOUTHERN, CENTRAL AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedules named in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in trunk-line territory.

To: Points in southern, central and western trunk-line territories.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9160; Filed, Nov. 18, 1954; 8:53 a. m.]

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FEDERAL REGISTER

VOLUME 19 NUMBER 226

Washington, Saturday, November 20, 1954

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 423—SOYBEAN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1955 AND SUCCEEDING CROP YEARS

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect with respect to soybean crop insurance contracts for the 1955 and succeeding crop years until amended or superseded by regulations hereafter made.

Sec.
423.1 Availability of soybean crop insurance.
423.2 Coverages and premium rates.
423.3 Application for insurance.
423.4 Public notice of indemnities paid.
423.5 Creditors.
423.6 The policy.

AUTHORITY: §§ 423.1 through 423.6 issued under secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509.

§ 423.1 *Availability of soybean crop insurance.* (a) Soybean crop insurance may be provided in counties designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. A list of the designated counties shall be published annually by appendix to this section.

(b) Insurance will not be provided in a county for any crop year unless the minimum participation requirement established by the Federal Crop Insurance Act, as amended, is met. For the purpose of determining whether the minimum participation requirement is met, an insurance unit shall be counted as one farm.

§ 423.2 *Coverages and premium rates.* The Corporation shall establish coverage(s) and premium rate(s) per acre which shall be shown on the county actuarial table on file in the county office and may be revised from year to year.

§ 423.3 *Application for insurance.* Application for insurance on a form prescribed by the Corporation may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a soybean crop. For any crop year applications shall be submitted to the county office on or before the April 30 preceding such crop year.

§ 423.4 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of the indemnities paid in the county.

§ 423.5 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy or any involuntary transfer shall not entitle any holder of any such interest to any benefits under the contract.

§ 423.6 *The policy.* The provisions of the policy for the 1955 and succeeding crop years are as follows:

Pursuant to the provisions of the application upon which this policy is issued, which application together with this policy shall constitute the contract, and subject to the terms and conditions set forth herein, the Federal Crop Insurance Corporation (herein called the "Corporation") does insure the applicant (herein called the "insured"), subject to the acceptance of his application, against unavoidable loss of production on his soybean crop due to drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation and plant disease. The contract shall not cover any loss due to the neglect or malfeasance of the insured, any member of his household, his tenants or employees, or failure to follow recognized good farming practices, or to any cause other than those specified above. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. *Insured acreage and interest.* The insured acreage and interest for each crop year shall be that acreage in the county planted to soybeans for harvest as beans in which the insured had an interest at the time of planting and his interest therein at such time as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached

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FEDERAL REGISTER

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on acreage for which a coverage is not shown on the county actuarial table for the crop year or on which it is determined by the Corporation that soybeans are (a) destroyed and it is practical to replant to soybeans and such acreage is not replanted to soybeans, (b) initially planted too late to expect a normal crop to be produced, (c) planted for hay or are planted in rows too close for cultivation, (d) planted for the development of hybrid seed, or (e) planted in the same row or interplanted in rows with corn. For the purpose of determining the amount of loss, the insured interest shall not exceed the insured's interest at the time of loss or the beginning of harvest, whichever occurs first.

2. *Responsibility of the insured to report acreage and interest.* (a) Promptly after planting the soybean crop each year the insured shall submit to the county office, on a form prescribed by the Corporation, a report showing all acreage in the county planted to soybeans in which he has an interest and his interest therein at the time of planting. If the insured does not have an interest in any soybean acreage in the county for any year he shall nevertheless submit a report so indicating. Any acreage report submitted by the insured shall not be subject to change by the insured.

(b) If the insured fails to submit the above-mentioned acreage report within 30 days after planting of soybeans is generally completed in the county, the Corporation may elect to determine the insured acreage and interest or to declare the insured acreage to be "zero".

3. *Coverage, premium rate and fixed price.* For each crop year of the contract the coverage and premium rate per acre established for the area in which the insured acreage is located, and the fixed price (see section 10 (d)) shall be those established by the Corporation for such crop year and shown on the county actuarial table and for the first crop year shall be those on file in the county office for such crop year at the time the application for insurance is submitted. The coverage per acre is progressive depending upon whether the acreage is harvested or unharvested.

4. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), coverage(s), fixed price(s), and other terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file in the county office at least 15 days prior to the cancellation date preceeding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Failure of the insured to cancel the contract as provided in section 13 shall constitute his acceptance of any such changes.

5. *Amount of annual premium.* (a) The annual premium will be based upon (1) the insured acreage of soybeans, (2) the applicable premium rate(s), and (3) the insured interest(s) in the crop at the time of planting, and with respect to any insured acreage shall be earned and payable when the soybeans on such acreage are planted.

(b) Any amount of the premium which is unpaid on the day following the discount date (the discount date shall be November 30 for each year of the contract) shall be increased by ten percent, which increased amount shall be the premium balance, and thereafter, at the end of each 12 months' period, six percent simple interest shall attach to any amount of the premium balance which is unpaid.

(c) If in any year a premium is earned and totals less than $10.00 the amount shall be increased to $10.00.

(d) Any unpaid amount due the Corporation by the insured may be deducted from any indemnity payable to the insured by the Corporation or from any loan or any payment made to the insured under any act of Congress or program administered by the United States Department of Agriculture.

6. *Insurance period.* Insurance on any insured acreage shall attach at the time the soybeans are planted and shall cease upon harvesting or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than December 10 of the calendar year in which the soybeans are planted.

7. *Notice of loss or substantial damage.* (a) If, during the growing season, the insured soybean crop on any insurance unit is substantially damaged the insured shall give immediate written notice of such damage to the Corporation at the county office.

(b) If an insured loss occurs on any insurance unit the insured shall give prompt written notice to the Corporation at the county office but in no event shall such notice be given later than 15 days after harvest of soybeans is completed on the insurance unit or December 10 of the year in which the soybeans are planted, whichever is earlier.

(c) Any insured acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

(d) The Corporation may reject any claim for loss if any of the requirements of this section are not met.

8. *Released or damaged acreage.* (a) Any acreage of the insured soybean crop may be released by the Corporation after it is too late to replant to soybeans if (1) the Corporation determines that the crop on such acreage is destroyed, or (2) the insured requests a release of acreage which the Corporation determines is not destroyed and agrees to the appraisal by the Corporation of the potential production from such acreage. No insured acreage may be put to another use until the Corporation releases such acreage. If the soybean crop on insured acreage is damaged but the acreage has not been released by the Corporation, proper measures shall be taken to care for the crop and protect it from further damage.

(b) Where released acreage is not put to another use, or is replanted to soybeans, the release may be disregarded by the Corporation.

(c) There shall be no abandonment of any crop or portion thereof to the Corporation.

9. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period unless the entire crop on the insurance unit was destroyed earlier in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

10. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of soybeans on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, (2) subtracting therefrom the value (determined in accordance with (d) below) of the total production to be counted for the planted acreage, and (3) multiplying the remainder by the insured interest. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with (d) below) of any soybeans harvested, shall be made, for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) In determining any loss under the contract, production shall be valued at the fixed price, except that any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insured causes occurring within the insurance period and would not grade No. 4 or better if properly handled, shall be valued by the

Corporation at a price not in excess of the fixed price.

(e) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

11. *Payment of indemnity.* (a) Any indemnity will be payable within thirty days after a claim for loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damage on account of such delay.

(b) If the insured dies, is judicially declared incompetent or disappears after the planting of the soybean crop in any year, any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit, the determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid.

12. *Avoidance of contract.* The Corporation may void the contract without affecting the insured's liability for premium(s) or waiving any right or remedy including the right to collect any unpaid premium(s) if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or (b) the insured fails to give any notice or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed. The Corporation may make such avoidance effective as of the beginning of any crop year with respect to which any act or omission referred to in (a) or (b) above occurred.

13. *Life of contract, cancellation or termination thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the cancellation date which shall be the February 28 preceding the crop year for which the cancellation is to become effective: *Provided, however,* That if by the April 30 following such cancellation date any amount due the Corporation under this contract remains unpaid, the contract shall terminate as if canceled by the Corporation prior to such cancellation date. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and mailing shall constitute notice to the insured.

(b) If the insured cancels the contract, he shall not be eligible for soybean crop insurance in the county in the next succeeding crop year unless he subsequently applies for insurance on or before the cancellation date preceding such year.

(c) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

(d) The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of planting of the soybean crop in any crop year but before the end of the insurance period for such year, the contract shall (1) not terminate until the end of such insurance period, and (2) cover any additional soybeans planted for the insured or his estate for that crop year.

14. *Transfer of interest.* If the insured transfers all or a part of his insured interest in a soybean crop before the beginning of harvest and the time of loss, the transferee may obtain the benefits of the contract for the current crop year on the interest transferred if within 15 days after the date of transfer he (1) submits to the county office such information concerning the transfer as may be required by the Corporation, and (2) makes arrangements satisfactory to the Corporation for the payment of any unpaid premium on the interest transferred. Upon approval of a transfer of interest by the Corporation, the transferee and transferor shall be jointly and severally liable for any unpaid premium on the interest transferred. Any transfer shall be subject to any collateral assignment made by the transferor, and the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than if the transfer had not taken place.

15. *Collateral assignment.* The original insured may assign his right to an indemnity for any year under the contract by executing a form prescribed by the Corporation and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

16. *Subrogation.* The insured assigns to the Corporation all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and shall execute all papers required and take such other action as may be necessary to secure such rights.

17. *Records and access to farm.* The insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all soybeans produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. Any person designated by the Corporation shall have access to such records and the farm(s) for purposes related to the contract.

18. *Forms.* Copies of forms referred to in the contract are available at the county office.

19. *Meaning of terms.* For purposes of the soybean insurance program the terms:

(a) "County" means the area shown on the county actuarial table which may include farms located in a local producing area(s) bordering on the county.

(b) "County actuarial table" means the form(s) and related materials (including the crop insurance maps) which are approved annually by the Corporation and show the fixed price, the coverages per acre and the premium rates per acre applicable in the county.

(c) "County office" means the Corporation's office for the county, shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

(d) "Crop year" means the period within which the soybean crop is planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(e) "Harvest" means the mechanical severance from the land of matured soybeans for threshing where the soybean crop has not been destroyed.

(f) "Insurance unit" means (a) all the insurable acreage of soybeans in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of soybeans in the county which is owned by one person and is operated by the insured as a share tenant at the time of planting, or (c) all the insurable acreage of soybeans in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) "Tenant" means a person who rents land from another person for a share of the soybean crop, or proceeds therefrom, produced on such land.

NOTE: The reporting and/or record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on November 9, 1954.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on November 16, 1954.

EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54-9189; Filed, Nov. 19, 1954; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 33]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.333 *Navel Orange Regulation 33*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 18, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 21, 1954, and ending at 12:01 a. m., P. s. t., November 28, 1954, is hereby fixed as follows:

(i) District 1: 369,600 boxes;
(ii) District 2: Unlimited movement;
(iii) District 3: 34,650 boxes;
(iv) District 4: 11,550 boxes.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 19, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9258; Filed, Nov. 19, 1954; 11:21 a. m.]

[Lemon Reg. 564]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.671 *Lemon Regulation 564*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 17, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 21, 1954, and ending at 12:01 a. m., P. s. t., November 28, 1954, is hereby fixed as follows:

(i) District 1: 20 carloads;
(ii) District 2: 205 carloads;
(iii) District 3: 15 carloads.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 18, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9243; Filed, Nov. 19, 1954; 8:51 a. m.]

[Avocado Order 3, Amdt. 4]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of the Choquette variety of avocados grown in South Florida.

It is, therefore, ordered as follows: The provisions in paragraph (b) (1) of § 969.303 (Avocado Order 3, as amended; 19 F. R. 5469, 5967, 6625) as pertains to the variety Choquette in Columns 2, 3, and 4, respectively, of the table contained therein, are hereby terminated.

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., November 22, 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 18, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9241; Filed, Nov. 19, 1954; 8:51 a. m.]

applies for insurance on or before the cancellation date preceding such year.

application for insurance or such other office as

policy of the act.

[Avocado Order 5, Amdt. 2]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 22, 1954. Shipments of avocados, grown in South Florida, are presently subject to quality regulations, pursuant to the marketing agreement and order, and will so continue until December 1, 1954, unless sooner terminated; a reasonable determination as to the quality, the supply of and demand for, such avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until November 16, 1954; recommendation as to the need for, and the extent of, regulation of the quality of shipments of such avocados on and after November 22, 1954, was made at a meeting of said committee on November 16, 1954, after consideration of all available information as to the quality, the supply of and demand for such avocados, at which time the recommendations and supporting information for quality regulation in the manner and for the period herein set forth was submitted to the Department; such meeting was held to consider recommendation for regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this amended regulation are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; this amended regulation relieves restrictions on the handling of avocados during the period November 22, 1954, through November 30, 1954; and compliance with the provisions of this amended regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is, therefore, ordered as follows: The provisions in paragraph (b) of § 969.305 (Avocado Order 5, as amended (19 F. R. 6990; 7263)) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 22, 1954, and ending at 12:01 a. m., e. s. t., March 31, 1955, no handler shall handle:

(i) Any avocados, grown in South Florida, which do not grade at least No. 2 Grade, as defined in § 969.130 (b) of the supplementing rules and regulations (19 F. R. 5439): *Provided,* That such avocados may fail to meet the requirements of such grade with respect to anthracnose (black spot), sunburn, and speck type brown discoloration: *And provided, further,* That skin tears in the stem cavity of an avocado which, in the aggregate, do not measure larger than one-third of the perimeter of such cavity shall not be considered serious damage.

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., November 22, 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 18, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9242; Filed, Nov. 19, 1954; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 40]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 6843, 7178), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraph (21), of paragraph (a), relating to California, is deleted.

2. Subparagraphs (1), (10), (12), (17), (22), (23), (25), (27), (28), (30), (31), (34), (36), (39), (40), and (41), of paragraph (a), relating to California, are amended to read:

(1) NE. ¼ Sec. 1, T. 3 S., R. 2 W., MDBM; Sec. 22, T. 5 S., R. 1 W., MDBM; SW. ¼ Sec. 34, T. 3 S., R. 2 E., MDBM; SE. ¼ Sec. 35, T. 2 S., R. 2 E., MDBM; that area included within a boundary beginning at a point on W. line of Plot 4, Rancho El Valle, 10.47 chains N. from N. line Plot 3, Rancho El Valle, thence N. 53° W. 17.95 chains, thence N. 69°4′ E. 6.67 chains, thence N. to County Road, thence SE. 100 feet along SW. line of County Road, thence S. to point of beginning, consisting of 32.98 acres within lots 8–15; NE. ¼ Sec. 25, T. 3 S., R. 3 W., MDBM; E. ½ Sec. 13, T. 3 S., R. 3 W., MDBM; and NE. ¼ Sec. 20, T. 3 S., R. 2 E., MDBM, in Alameda County.

(10) Tract 47, Sec. 24, T. 16 S., R., 12 E. SBBM; Sec. 36, T. 15 S., R. 23 E., SBBM; Tract 35, Sec. 27, T. 15 S., R. 15 E., SBBM; and Tract 135, Sec. 7, T. 15 S., R. 14 E., and Sec. 12, T. 15 S., R. 13 E., SBBM, in Imperial County.

(12) NE. ¼ Sec. 22, T. 8 N., R. 11 W., SBBM; NE. ¼ of NE. ¼ Sec. 14, T. 5 N., R. 14 W., SBBM; SE. ¼ Sec. 28, SW. ¼ Sec. 27, NE. ¼ Sec. 23, and NW ¼ Sec. 34, T. 5 N., R. 15 W., SBBM; that part of the City of Torrance included within a boundary beginning at the intersection of Spencer Street and Madrona Avenue, thence west 330 feet, thence north 700 feet, thence east 330 feet, and thence south to point of beginning; that part of the City of Pomona included within a boundary beginning at the south end of Garey Street, thence west 1 mile, thence north ½ mile, thence east 1 mile, and thence south to point of beginning; E. ½ Sec. 36, T. 4 N., R. 17 W., and W. ½ Sec. 31, T. 4 N., R. 16 W., SBBM; that part of the City of Dominguez included within a boundary beginning ½ mile south of the intersection of Alameda and Artesia Streets, thence west ¼ mile, thence south ¼ mile, thence east ¼ mile, and thence north to point of beginning; and that part of the city of Torrance included within a boundary beginning at the intersection of Meyer Lane and Dominguez Street (190th Street), thence west ½ mile, thence south ¾ mile, thence east ½ mile, and thence north to point of beginning, in Los Angeles County.

(17) Secs. 2 and 3, T. 15 S., R. 2 E., MDBM, in Monterey County.

(22) Sec. 27, T. 4 S., R. 4 W., SBBM; SW. ¼ Sec. 10, T. 3 S., R. 3 W., SBBM; SE. ¼ Sec. 31, T. 5 S., R. 2 W., SBBM; Secs. 3 and 10, T. 7 S., R. 23 E., SBBM; Parcels 94 and 95, Prado Basin, T. 3 S., R. 7 W., SBBM; and W. ½ Sec. 22, T. 4 S., R. 4 W., SBBM, in Riverside County.

(23) S. ½ of NW. ¼ Sec. 33, T. 9 N., R. 7 E., MDBM; and SW. ¼ Sec. 16, T. 7 N., R. 6 E., MDBM, in Sacramento County.

(25) NW. ¼ Sec. 36, T. 18 S., R. 2 W., SBBM; NE. ¼ Sec. 19, T. 18 S., R. 1 W., SBBM; Lots 2, 3, and 4, Sec. 12, T. 12 S., R. 3 W., SBBM; E. ½ Sec. 30, T. 14 S., R. 2 W., SBBM; N. ½ of SE. ¼ Sec. 13, T. 15 S., R. 2 E., SBBM; NW. ¼ Sec. 33, T. 11 S., R. 4 W., SBBM; W. ½ of NW. ¼ of NW. ¼ Sec. 32, T. 11 S., R. 4 W., SBBM; NW. ¼ of SW. ¼ of SE. ¼ Sec. 24, T. 16 S., R. 1 W., SBBM; W. ½ of SW. ¼ Sec. 21, T. 10 S., R. 3 W., SBBM; Sec. 30, T. 16 S., R. 1 E., SBBM; and NE. ¼ Sec. 28, T. 15 S., R. 1 E., SBBM, in San Diego County.

(27) Lot 50 of Rancho Corral de Piedro (land grant) lying east of Arroyo Grande Highway, in San Luis Obispo County.

(28) SW. ¼ Sec. 7, T. 3 S., R. 5 W., MDBM; SW. ¼ Sec. 12, T. 3 S., R. 6 W., MDBM; SW. ¼ Sec. 11, T. 3 S., R. 6 N., MDBM; S. ½ of SW. ¼ Sec. 36, T. 5 S., R. 4 W., MDBM; NE. ¼ Sec. 26, T. 7 S., R. 3 W., MDBM; SW. ¼ Sec. 20, T. 4 S., R. 6 W., MDBM; NE. ¼ Sec. 26, T. 3 S., R. 6 W., MDBM; and NW. ¼ Sec. 18, T. 3 S., R. 5 W., MDBM, in San Mateo County.

(30) NE. ¼ Sec. 14, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 22, T. 6 S., R. 1 W., MDBM; that part of the NE. ¼ Sec. 9, T. 6 S., R. 2 W., lying west of Steirlin Road, east of Bayshore Highway, south of San Francisco Bay, and north of Charleston Avenue; NE. ¼ Sec. 30, T. 8 S., R. 1 E., MDBM; NW. ¼ Sec. 15, T. 6 S., R. 2 W., MDBM; SE. ¼ of T. 5 S., R. 1 W., MDBM; NE. ¼ Sec. 15, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 19, T. 6 S., R. 1 W., MDBM; and NE. ¼ Sec. 34, T. 7 S., R. 1 E., MDBM, in Santa Clara County.

(31) That area lying east of Old San Jose Road, and north, south and west of Soquel Creek; and SE. ¼ Sec. 32, T. 9 S., R. 2 W., MDBM, in Santa Cruz County.

(34) Secs. 28 and 33, T. 3 N., R. 3 W., MDBM, in Solano County.

(36) That portion of the NE. ¼ Sec. 11, T. 2 S., R. 10 E., lying south of the Stanislaus River; and Sec. 17, T. 4 S., R. 8 E., MDBM, in Stanislaus County.

(39) Secs. 1 and 2, T. 1 N., R. 14 E., MDBM, in Tuolumne County.

(40) Sec. 16, T. 2 N., R. 22 W., MDBM; N. ½ Sec. 32, T. 3 N., R. 20 W., MDBM; NE. ¼ Sec. 16, NW. ½ Sec. 15, and SE. ¼ Sec. 9, T. 1 S., R. 20 W., MDBM; and Sec. 22, T. 1 N., R. 20 W., MDBM, in Ventura County.

(41) NW. ¼ Sec. 11, T. 9 N., R. 2 E., MDBM; and SE. ¼ of NW. ¼ Sec. 30, T. 10 N., R. 2 E., MDBM, in Yolo County.

3. Subdivision (i), of subparagraph (2), of paragraph (c), relating to Bristol County, in Massachusetts, is amended to read:

(i) That part of the Town of Dartmouth lying south of Old Fall River Road, north of the New York, New Haven, and Hartford Railroad, and west of Reed Street;

4. Subdivisions (ii), and (iii), of subparagraph (7), of paragraph (c), relating to Plymouth County, in Massachusetts, are deleted.

5. Subdivision (xiv), of subparagraph (8), of paragraph (c), relating to Worcester County, in Massachusetts, is deleted.

6. Subdivision (i), of subparagraph (3), of paragraph (f), relating to Kent County, in Rhode Island, is amended to read:

(i) That part of the Town of Coventry lying east of Hill Farm Road, west of Philips Hill Road, north of Flat River Road, and south of Harkney Hill Road; and that part of the Town of Coventry lying north of Biscuit Hill Road, south of State Route No. 117, east of Franklin Road, and west of Bowen Hill North Road.

Effective Date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California, Massachusetts, and Rhode Island, from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and cracasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1953 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 16th day of November 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 54-9216; Filed, Nov. 19, 1954; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 43]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Bangor, Maine)* is amended by changing all after the West Chester, Pa., omnirange station to read: "West Chester, Pa., omnirange station; intersection of the West Chester omnirange 051° True and the Caldwell omnirange 217° True radials; Caldwell, N. J., omnirange station; Wilton, Conn., omnirange station; Hartford, Conn., omnirange station; intersection of the Hartford omnirange 044° True and the Boston omnirange 257° True radials; Boston, Mass., omnirange station; Kennebunk, Maine, omnirange station; Augusta, Maine, omnirange station, to the Bangor, Maine, omnirange station."

2. Section 600.6008 is amended to read:

§ 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.).* From the point of intersection of the Long Beach omnirange 247° True radial and the south course of the Los Angeles, Calif., VAR station via the Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station; Bryce Canyon, Utah, omnirange station; Hanksville, Utah, omnirange station; Grand Junction, Colo., omnirange station; Kremmling, Colo., omnirange station; Denver, Colo., omnirange station, including a north alternate; Akron, Colo., omnirange station, including a north alternate and also a south alternate via the intersection of the Denver omnirange 101° True and the Akron omnirange 242° True radials; Imperial, Nebr., omnirange station, including a south alternate via the intersection of the Akron omnirange 090° True and the Imperial omnirange 237° True radials; Grand Island, Nebr., omnirange station, including a south alternate; Omaha, Nebr., omnirange station, including a north and a south alternate; Des Moines, Iowa, omnirange station, including a south alternate; Iowa City, Iowa, omnirange station, including a south alternate via the intersection of the Des Moines omnirange 112° True and the Iowa City omnirange 252° True radials; Moline, Ill., omnirange station, including a south alternate and also a north alternate from the Des Moines omnirange station to the Moline omnirange station via the intersection of the Des Moines omnirange 071° True and the Moline omnirange 279° True radials; Naperville, Ill., omnirange station, including a north alternate; South Bend, Ind., omnirange station; Goshen, Ind., omnirange station; Findlay, Ohio, omnirange station; Mansfield, Ohio, omnirange station, including a north alternate; the intersection of the Mansfield omnirange 100° True and the Pittsburgh omnirange 291° True radials; Pittsburgh, Pa., omnirange station; Martinsburg, W. Va., omnirange station to the point of intersection of the Martinsburg omnirange 123° True and the Washington, D. C., terminal omnirange 319° True radials.

3. Section 600.6036 *VOR civil airway No. 36 (Buffalo, N. Y., to New York, N. Y.)* is amended by deleting the portion which reads, "the Wilton, Conn., omnirange 233° True radials." and by substituting the following portion in lieu thereof: "the Wilton, Conn., omnirange 240° True radials."

4. Section 600.6067 is amended to read:

§ 600.6067 *VOR civil airway No. 67 (Waterloo, Iowa to Rochester, Minn.).* From the Waterloo, Iowa, omnirange station via the Mason City, Iowa, omnirange station to the Rochester, Minn., omnirange, including a west alternate.

5. Section 600.6071 *VOR civil airway No. 71 (Pine Bluff, Ark., to Kansas City, Mo.)* is amended by changing the last portion to read: "From the Flippin, Ark., omnirange station via the Springfield, Mo., omnirange station; Butler, Mo., omnirange station, including an east

alternate and also a west alternate via the intersection of the Springfield omnirange 301° True and the Butler omnirange 178° True radials; to the Kansas City, Mo., omnirange station, including an east alternate."

6. Section 600.6092 is amended to read:

§ 600.6092 *VOR civil airway No. 92 (Toledo, Ohio, to Wheeling, W. Va.).* From the Waterville, Ohio, omnirange station via the Mansfield, Ohio, omnirange station to the Wheeling, W. Va., omnirange station.

7. Section 600.6116 *VOR civil airway No.116 (Kansas City, Mo., to New York, N. Y.)* is amended by deleting the portion which reads, "the Wilton, Conn., omnirange 233° True radials" and by substituting the following portion in lieu thereof: "the Wilton, Conn., omnirange 240° True radials."

8. Section 600.6158 is added to read:

§ 600.6158 *VOR civil airway No. 158 (Iowa Falls, Iowa, to Waterloo, Iowa).* From the point of intersection of the Mason City, Iowa, omnirange 188° True and the Waterloo omnirange 267° True radials to the Waterloo, Iowa, omnirange station.

9. Section 600.6161 is amended to read:

§ 600.6161 *VOR civil airway No. 161 (Des Moines, Iowa, to Minneapolis, Minn.).* From the Des Moines, Iowa, omnirange station via the Waterloo, Iowa, omnirange station; Rochester, Minn., omnirange station; intersection of the Rochester omnirange 350° True radial and the Minneapolis-St. Paul International Airport ILS localizer 121° True course, to the Minneapolis-St. Paul, Minn., International Airport ILS localizer.

10. Section 600.6170 is added to read:

§ 600.6170 *VOR civil airway No. 170 (Erie, Pa., to Philadelphia, Pa.).* From the Erie, Pa., omnirange station via the Bradford, Pa., omnirange station; Selinsgrove, Pa., omnirange station to the West Chester, Pa., omnirange station.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. November 23, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-9209; Filed, Nov. 19, 1954; 8:50 a. m.]

[Amdt. 43]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1064 is amended to read:

§ 601.1064 *Control area extension (Chicopee Falls, Mass.).* That airspace east of Chicopee Falls bounded on the northwest by Red civil airway No. 33, on the northeast by VOR civil airway No. 151 and the Worcester, Mass., control zone, on the southeast by Amber civil airway No. 7 and on the southwest by Green civil airway No. 2 excluding the airspace below 2500 feet Mean Sea Level; that airspace north of Chicopee Falls bounded on the west by Blue civil airway No. 41, on the north by VOR civil airway No. 2 and on the southeast by VOR civil airway No. 39; that airspace northwest of Chicopee Falls lying within an arc of 38 statute miles centered on Westover, Mass., Air Force Base bounded on north by VOR civil airway No. 2, on the east by Blue civil airway No. 41 and on the southwest by Green civil airway No. 2.

2. Section 601.1140 is amended to read:

§ 601.1140 *Control area extension (Youngstown, Ohio).* That airspace southeast of Youngstown bounded on the north by VOR civil airway No. 6, on the east by VOR civil airway No. 37, on the south by Red civil airway No. 85 and on the southwest and west by VOR civil airway No. 41.

3. Section 601.1260 is added to read:

§ 601.1260 *Control area extension (Altus, Okla.).* That airspace within a 35-statute-mile radius of the Altus Air Force Base including the airspace bounded on the northwest by VOR civil airway No. 14, on the east by VOR civil airway No. 77 and on the south by Red civil airway No. 10 excluding the airspace which overlaps Fort Sill danger area (D–208).

4. Section 601.1358 is added to read:

§ 601.1358 *Control area extension (Midway Island).* All of the airspace from 700 feet upward within a radius of 25 nautical miles of the Midway Naval Station centered at Lat. 28°12′00″ N, Long. 177°22′00″ W.

5. Section 601.1984 *Five-mile radius zones* is amended by deleting the following airport:

Binghamton, N. Y.: Broome County Airport.

and by adding the following airport:

Altus, Okla.: Altus Air Force Base.

and by changing the name of the airport at Westhampton Beach, Long Island, N. Y., to read: "Suffolk County Air Force Base."

6. Section 601.2005 is amended to read:

§ 601.2005 *Boston, Mass., control zone.* Within a 5-mile radius of Logan International Airport; within 2 miles either side of the north course of the Boston radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of the ILS localizer course extending from the airport to a point 10 miles beyond the outer marker.

7. Section 601.2200 is amended to read:

§ 601.2200 *Allentown, Pa., control zone.* Within a 5-mile radius of Allentown-Bethlehem-Easton Airport and within 2 miles either side of the northeast course of the Allentown radio range extending from the radio range station to a point 10 miles northeast; within 2 miles either side of the ILS localizer course extending from the airport to a point 10 miles beyond the outer marker, and within 2 miles either side of the 347° True radial of the Allentown omnirange extending from the omnirange station to a point 10 miles north.

8. Section 601.2304 is added to read:

§ 601.2304 *Binghamton, N. Y., control zone.* Within a 5-mile radius of Broome County Airport, within 2 miles either side of the ILS localizer course extending from the airport to a point 10 miles beyond the outer marker compass locator, and within 2 miles either side of the 66° True and 246° True radials of the Binghamton omnirange extending from the airport to a point 5 miles southwest of the omnirange station.

9. Section 601.2345 is added to read:

§ 601.2345 *Calverton, N. Y., control zone.* Within a 5-mile radius of Grumman-Peconic River Airport and within 2 miles either side of a line bearing 46° True from the airport to a point 10 miles northeast of the Riverhead omnirange station excluding the airspace which overlaps the Suffolk County AFB control zone, Westhampton Beach, Long Island, N. Y.

10. Section 601.2346 is added to read:

§ 601.2346 *Guam Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Anderson Air Force Base, centered at Lat. 13°35′00″ N., Long. 144°55′00″ E.

11. Section 601.2347 is added to read:

§ 601.2347 *Guam Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Agana Naval Air Station, centered at Lat. 13°29′00″ N., Long. 144°47′00″ E.

12. Section 601.2348 is added to read:

§ 601.2348 *Midway Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Midway Naval Station, centered at Lat. 28°12′00″ N., Long. 177°22′00″ W.

13. Section 601.2349 is added to read:

§ 601.2349 *Kwajalein Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Kwajalein Naval Station, centered at Lat. 8°45′00″ N., Long. 167°45′00″ E.

14. Section 601.4014 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* is amended after Amarillo, Tex., radio range station by deleting the following reporting point: "the intersection of the east course of the Amarillo, Tex., radio range and the northwest course of the Clarendon, Tex., radio range;" and after the Wichita, Kans., radio range station by adding the following reporting point: "the intersection of the southwest course of the Kansas City, Mo., radio range and the southeast course of the Forbes AFB, Kans., radio range;".

15. Section 601.4221 is amended to read:

§ 601.4221 *Red civil airway No. 21 (Selinsgrove, Pa., to Boston, Mass.)* The intersection of the southeast course of the Hartford, Conn., radio range and the southwest course of the Quonset Point, R. I., (Navy) radio range; the intersection of the southwest course of the Providence, R. I., radio range and the southwest course of the Quonset Point, R. I., (Navy) radio range."

16. Section 601.4227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.)* is amended by deleting the following reporting point: "the intersection of the east course of the Louisville, Ky., radio range and a line bearing 358° True from the Lexington, Ky., nondirectional radio beacon."

17. Section 601.6067 is amended to read:

§ 601.6067 *VOR civil airway No. 67 control areas (Waterloo, Iowa, to Rochester, Minn.).* All of VOR civil airway No. 67 including a west alternate.

18. Section 601.6071 is amended to read:

§ 601.6071 *VOR civil airway No. 71 control areas (Pine Bluff, Ark., to Kansas City, Mo.).* All of VOR civil airway No. 71 including east alternates and a west alternate.

19. Section 601.6092 is amended to read:

§ 601.6092 *VOR civil airway No. 92 control areas (Toledo, Ohio, to Wheeling, W. Va.).* All of VOR civil airway No. 92.

20. Section 601.6158 is added to read:

§ 601.6158 *VOR civil airway No. 158 control areas (Iowa Falls, Iowa, to Waterloo, Iowa).* All of VOR civil airway No. 158.

21. Section 601.6161 is added to read:

§ 601.6161 *VOR civil airway No. 161 control areas (Des Moines, Iowa, to Minneapolis, Minn.)* All of VOR civil airway No. 161.

22. Section 601.6170 is added to read:

§ 601.6170 *VOR civil airway No. 170 control areas (Erie, Pa., to Philadelphia, Pa.).* All of VOR civil airway No. 170.

23. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting points:

Benito Intersection: The intersection of the Salinas, Calif., omnirange 109° True and the Paso Robles, Calif., omnirange 335° True radials.

Mt. Hamilton Intersection: The intersection of the San Francisco, Calif., omnirange 097° True and the Oakland, Calif., omnirange 130° True radials.

Panoche Intersection: The intersection of the Coalinga, Calif., omnirange 311° True and the Modesto, Calif., omnirange 176° True radials.

Campbell Intersection: The intersection of the San Francisco, Calif., omnirange 141° True and the Modesto, Calif., omnirange 242° True radials.

Los Banos Intersection: The intersection of the Modesto, Calif., omnirange 176° True and the Fresno, Calif., omnirange 287° True radials.

Paterson Intersection: The intersection of the Wilkes-Barre-Scranton, Pa., omnirange 117° True and the Wilton, Conn., omnirange 241° True radials.

by revoking the following reporting point:

Larry Intersection: The intersection of the Oakland, Calif., omnirange 130° True and the San Francisco, Calif., omnirange 111° True radials,

and by changing the Golden Gate Intersection to read:

Golden Gate Intersection: The intersection of the Oakland, Calif., omnirange 274° True and the San Francisco, Calif., omnirange 304° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., November 23, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-9210; Filed, Nov. 19, 1954; 8:50 a. m.]

[Amdt. 5]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

REDESIGNATION OF THE PACIFIC (COASTAL) ADIZ

Part 620 is hereby amended for the purpose of redefining the northern boundary of the Pacific (Coastal) ADIZ. The revised boundaries are defined in paragraph (b) of § 620.22. Since a military function of the United States is involved, compliance with notices, procedures and effective date provisions of section 4 of Administrative Procedure Act is not required. Section 620.22 is amended as follows:

§ 620.22 *Coastal ADIZ's.* • • •

(b) *Pacific (Coastal) ADIZ.* The area bounded by a line 48°30′ N., 132°10′ W.; along 48°30′N. to 48°30′ N., 125°00′ W.; 48°29′38″ N., 124°43′35″ W.; 48°00′ N., 125°15′ W.; 46°15′ N., 124°30′ W.; 43°00′ N., 124°40′ W.; 40°00′ N., 124°35′ W.; 38°50′ N., 124°00′ W.; 34°50′ N., 121°10′ W.; 34°00′ N., 120°30′ W.; 33°15′ N., 118°30′ W.; 32°30′ N., 117°45′ W.; 32°30′ N., 117°20′ W.; along a line parallel to, and approximately 12 miles from the Mexican Coast to 29°00′ N., 114°51′ W.; 27°00′ N., 121°30′ W.; 38°00′ N., 129°00′ W.; 48°30′ N., 132°10′ W. (point of beginning).

• • • • •

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 1201–1204, 64 Stat. 825; 49 U. S. C. 701–704)

This amendment shall become effective December 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-9211; Filed, Nov. 19, 1954; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulation

PART 400—GENERAL PROVISIONS

SUBPART A—INTRODUCTION

MISCELLANOUS AMENDMENTS

1. The phrase "unless otherwise specified herein" has been added to § 400.102. It now read as follows:

§ 400.102 *Applicability of subchapter.* This subchapter shall apply to all purchases and contracts made by the Department of Defense, within or outside the continental United States, for the procurement of supplies or services which obligate appropriated funds (including available contract authorizations), unless otherwise specified herein.

2. The phrase "of this subchapter" has been inserted in the first sentence of § 400.109–1. The revised section now reads as follows:

§ 400.109 *Deviations from this subchapter and DoD publications governing procurement.*

§ 400.109–1 *Individual case deviations.* Deviations from the requirements of this subchapter and Department of Defense publications governing procurement may be authorized in accordance with procedures prescribed by each respective Department in individual cases, where special circumstances justify the deviation. A report of any such deviation shall be furnished to the other Military Departments and to the Assistant Secretary of Defense (Supply and Logistics).

3. A reference to the policies and procedures set forth in Subpart F of this Part 400 has been added to § 400.111. It now reads as follows:

§ 400.111 *Reports of suspected criminal conduct.* Reports of possible violations of Federal criminal statutes relating to procurement shall be made by each respective department in accordance with procedures prescribed by that Department. Department of Defense policies and procedures with respect to the debarment, ineligibility, and suspension of bidders are set forth in Subpart F of this part.

4. The entire paragraph (c) of § 400.112–1 has been deleted and the following paragraph substituted therefor:

§ 400.112 *General Services Administration regulations relating to procurement of supplies and services.*

§ 400.112–1 *Policy.* • • •

(c) Mandatory Use of Federal Supply Schedule Contracts. For Department of Defense implementation of Federal Supply Schedules, see § 404.103 of this subchapter.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 54-9170; Filed, Nov. 19, 1954; 8:45 a. m.]

notice, procedures, and effective date the ILS localizer course extending from Tilo, Tex., radio range [illegible]

8:50 a. m.]

8:45 a. m.]

PART 401—PROCUREMENT BY FORMAL ADVERTISING

SUBPART B—SOLICITATION OF BIDS

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACT

MISCELLANEOUS AMENDMENTS

1. The reference to § 401.202–5 has been deleted from the last sentence of § 401.202 and a reference to § 401.206 substituted therefor. It now reads as follows:

§ 401.202 *Methods of soliciting bids.* Manufacturers, construction contractors, and regular dealers, as defined in § 400.201–9 of this subchapter, regardless of size, who can establish or have established their fitness and ability to fulfill contract requirements, will be placed on mailing lists for bids or notices in advance of bids. Contracting Officers may elect to send either invitations for bids or advance notices, but shall use one method exclusively in each separate procurement action. Bids shall be solicited by the methods prescribed in §§ 401.202–1 and 401.202–2, and by the methods prescribed in §§ 401.202–3 and 401.202–4 to the extent deemed necessary by the Contracting Officer in order to assure full and free competition, provided, that (a) bids shall be solicited sufficiently in advance of the opening of bids to allow bidders an adequate opportunity to prepare and submit their bids, and (b) bids with respect to classified puchases shall be solicited in accordance with procedures prescribed by each respective Department. Synopses of invitations for bids shall be prepared and distributed as prescribed in § 401.206.

2. The entire § 401.202–5 has been deleted and the following substituted therefor:

§ 401.202–5 *Synopses of invitations for bids.* Synopses of invitations for bids shall be prepared and publicized in the Department of Commerce "Synopsis of U. S. Government Proposed Procurement, Sales and Contract Awards", in accordance with § 401.206.

3. The names of the forms referred to in § 401.204–1 have been included. The section, as amended, reads as follows:

§ 401.204 *Bidders' mailing lists.*

§ 401.204–1 *Use of bidder's mailing list standard application form.* Standard Form 129 (Bidders' Mailing List Application) shall be used in connection with the establishment and maintenance of bidders' mailing lists, as provided in §§ 401.204–2 and 401.204–3. (DD Forms 558 (Bidder's Mailing List Application) and 558AF (Bidder's Mailing List Application) may continue in use until present stocks are exhausted.) Supplemental information, where required, may be obtained by the use of DD Form 558–1 (Bidder's Mailing List Application Supplement).

4. Policies and procedures with respect to publication, in the Department of Commerce "Synopsis of U. S. Government Proposed Procurement, Sales and Contract Awards", of required information are now collated and set forth in §§ 401.206, 401.408 and 402.106. The new § 401.206 reads as follows:

§ 401.206 *Synopses of proposed procurements.*

§ 401.206–1 *Statement of policy.* All proposed unclassified procurements made in the continental United States, which may result in an award in excess of $10,000, will be publicized promptly in the Department of Commerce publication "Synopsis of U. S. Government Proposed Procurement, Sales and Contract Awards", except the following:

(a) Procurement of research and development.

(b) Procurement of studies or surveys.

(c) Procurement of perishable subsistence supplies.

(d) Sole source procurement.

(e) Procurement where competition is known to be limited by patents, copyrights, or secret processes.

(f) Procurement which must be made too quickly to permit prospective contractors, dependent on the Department of Commerce Synopsis for information, to obtain invitations for bids or requests for proposals in time to prepare and submit their bids or proposals.

(g) Procurements not in the above categories which nevertheless must be accomplished under such circumstances or conditions as to clearly preclude any benefit to industry or the Government by such publication. Justification in each case, for not publicizing the procurement under this exception, shall be in writing, approved by the chief of the purchasing office or his designee, and made part of the procurement file.

§ 401.206–2 *Preparation and transmittal of synopses.* Subject to the requirements of § 401.206–3, purchasing offices shall prepare and forward synopses of proposed procurements as follows:

(a) All synopses shall be forwarded to the Department of Commerce simultaneously with or at the earliest practicable time prior to issuance of invitations for bids or requests for proposals, as is deemed most appropriate.

(b) Each synopsis shall include the following:

(1) The identification number of the synopsis (synopses shall be numbered consecutively);

(2) The name and address of the purchasing office;

(3) A clear and concise description of the supplies or services to be procured, sufficient for understanding by interested parties, which will include, as appropriate, abbreviations, commonly used names of supply items, basic materials from which fabricated, general size or dimensions, citation to specification or drawing numbers, or other identifying data;

(4) The quantity to be procured;

(5) The invitation or request number, with invitations for bids being further identified with the letter "B" and requests for proposals with the letter "Q"; and

(6) The designation of the opening date of bids or the last date for submission of proposals or quotations, or, if the synopsis is published prior to issuance of the invitation for bids or request for proposals, the synopsis shall include a statement to the effect that requests for much invitations or proposals should be received not later than 10 days from the date of publication of such synopsis so as to enable the purchasing office to mail such invitation for bids or request for proposals directly to the inquirer at the time of issuance thereof.

(c) In addition to the foregoing, where the proposed procurement is to be effected in accordance with a small business joint determination (small business joint determinations are made by assigned representatives of the Small Business Administration and the contracting office to earmark all or part of a specific procurement for exclusive participation by small business concerns), the synopsis shall (1) in those cases where there is a 100 percent small business joint determination, state that "The proposed procurement(s) listed herein is (are) under 100 percent small business joint determination", or (2) in those cases where there is a partial small business joint determination, state that "An additional quantity of ---------- is being reserved for small business under a partial joint determination".

(d) Synopses shall be teletyped to the following address at the end of each day, in the manner prescribed by Departmental procedures:

Synopsis, Commerce Department, Field Service, Chicago, Ill.

(e) A reasonable number of copies of each invitation for bids and request for proposals publicized in the Department of Commerce Synopsis, including data and specifications, shall be maintained by the issuing office for supplying requests therefor.

§ 401.206–3 *Responsibility of Small Business Specialists.* The Small Business Specialists in each purchasing office are responsible for screening all proposed procurements to assure that prompt action is taken with respect to publicizing such procurements through the Department of Commerce Synopsis in accordance with the requirements of § 401.206. When determined appropriate by the Small Business Specialist, and approved by the Contracting Officer, a proposed procurement may be publicized in the Department of Commerce Synopsis even though it is excepted from such requirement § 401.206–1. In those offices where no Small Business Specialist is assigned, the Contracting Officer or other designated representative will be assigned the responsibilities of the Small Business Specialist under this section.

§ 401.206–4 *Individual Procurement Action Report.* Prior to submission of DD Form 350 for review and approval, the Contracting Officer shall note on the form that the procurement was or was not publicized in the Department of Commerce Synopsis, and, if it was not so publicized, give the reason therefor by reference to the appropriate exception in § 401.206–1.

5. Pursuant to Comptroller General Decision No. B–120281, June 29, 1954, the Military Departments have been granted broader authority to make necessary determinations with respect to mistakes in bids. Such authority and the procedures involved are set forth in the revised § 401.405–2, as follows:

§ 401.405–2 *Mistakes disclosed after opening and prior to award other than obvious or apparent mistakes of a clerical nature.* (a) The Military Departments are authorized to make the following administrative determinations in connection with mistakes in bids, other than obvious or apparent clerical mistakes, alleged after opening of bids and prior to award:

(1) Where the bidder requests permission to withdraw a bid and clear and convincing evidence establishes the existence of a mistake, a determination permitting the bidder to withdraw his bid.

(2) Where the bidder requests permission to correct a mistake in his bid and clear and convincing evidence establishes both the existence of a mistake and the bid actually intended, a determination permitting the bidder to correct the mistake. If the evidence is clear and convincing only as to the mistake, but not as to the intended bid, a determination permitting the bidder to withdraw his bid.

(3) Where the evidence is not clear and convincing that the bid as submitted was not the bid intended, a determination requiring that the bid be considered for award in the form submitted.

(b) Authority for making the determinations set forth in paragraph (a) of this section may be delegated, without power of redelegation, as set forth below:

(1) Department of the Army: To the Chief, Purchases Branch, Deputy Chief of Staff for Logistics; Chief of Engineers; Chief of Ordnance; The Quartermaster General.

(2) Department of the Navy: To the Assistant Chief for Construction and Real Estate, Bureau of Yards and Docks; the Assistant Chief for Purchasing, Bureau of Supplies and Accounts.

(3) Department of the Air Force: To the Director, Procurement and Production, Headquarters, Air Materiel Command.

(c) Each proposed determination shall be reviewed by legal counsel within the Department concerned prior to issuance.

(d) In the case of any suspected or alleged mistake in bid other than an obvious or apparent clerical mistake on the face of the bid (§ 401.405–1), the Contracting Officer shall obtain from the bidder, prior to award, either a verification of the bid or evidence in support of the mistake. If the bidder verifies the bid, or fails or refuses to furnish evidence in support of a suspected or alleged mistake, no administrative determination shall be necessary, and the Contracting Officer shall consider the bid for award in the form submitted.

(e) If the bidder furnishes evidence in support of an alleged mistake, the Contracting Officer shall refer the case to the appropriate centralized authority, together with the following data:

(1) A signed copy of the bid involved;

(2) A copy of the invitation for bids and any specifications or drawings relevant to the alleged mistake;

(3) An abstract or record of the bids received;

(4) A written request by the bidder to withdraw, or modify, the bid, together with the bidder's written statement and supporting evidence (such as work sheets or other data used in preparing the bid) of the existence of the mistake and the manner in which it occurred, and, if modification is sought, supporting evidence of the intended bid;

(5) A written statement by the Contracting Officer (i) describing the supplies or services involved, (ii) stating the expiration date of the bid in question and of the other bids submitted, (iii) specifying how and when the mistake was alleged, (iv) summarizing the evidence submitted by the bidder, (v) submitting, in cases where only one bid was received, the most recent contract price for the supplies involved, or, in the absence of a recent contract for the item, the Contracting Officer's estimate of a fair price for the item, and (vi) submitting any additional evidence considered pertinent. Such written statement also shall recommend that (*a*) the bid be considered for award in the form submitted, or (*b*) the bidder be authorized to withdraw the bid, or (c) the bidder be authorized to modify the bid. When time is of the essence because of the expiration of bids or otherwise, the Contracting Officer may refer the case by dispatch or telephone to the designated centralized authority.

(f) Nothing contained in this section shall be construed to deprive a military department of the right to submit a doubtful case to the Comptroller General for an advance decision.

(g) A signed copy of the administrative determination made in accordance with paragraph (a) of this section shall accompany the General Accounting Office copy of the contract awarded whenever such determination authorized withdrawal or modification of a bid. Each military department shall maintain a record of all its administrative determinations made in accordance with paragraph (a) of this section, together with a complete statement of the facts involved and the action taken in each case.

6. Policies and procedures with respect to publication, in the Department of Commerce "Synopsis of U. S. Government Proposed Procurement, Sales and Contract Awards", of required information are now collated and set forth in §§ 401.206, 401.408, and 402.106. The new § 401.408 reads as follows:

§ 401.408 *Synopses of contract awards.*

§ 401.408–1 *Statement of policy.* Awards of unclassified contracts exceeding $25,000 in amount, whether entered into after formal advertising or negotiation, shall be published, as hereinafter provided, in the Department of Commerce "Synopsis of U. S. Government Proposed Procurement, Sales and Contract Awards".

§ 401.408–2 *Preparation and transmittal of synopsis.* (a) Purchasing offices shall prepare and forward single copies of synopses of contract awards to the address below, by air mail, before the close of business at the end of each week:

Administrative Office, U. S. Department of Commerce, 433 W. Van Buren Street, Room 1300, Chicago 7, Ill.

(b) Synopses of contract awards shall contain the following information:

(1) The name and address of purchasing office;

(2) A clear and concise description of the supplies or services being procured, sufficient for understanding by interested persons, which will include, as appropriate, abbreviations, commonly used names of supply items, basic materials from which fabricated, general size or dimensions, citation to specification or drawing number, or other identifying data, such description to be followed by the contract number and, in parenthesis, by the applicable number of the invitation for bids or request for proposals;

(3) The quantity of items;

(4) The dollar amount of the award;

(5) The name and full address of the Contractor; and,

(6) When requested by the Prime Contractor, a statement of industries, crafts, processes, or component items in or for which subcontracts are available and subcontractors are desired, in substantially the following form: "Prime Contractor has subcontract work for the following: (insert the applicable industries, crafts, processes, or component items), and desires that subcontractors be located in (insert the general area, if any, indicated by the prime contractor, such as Southeast States, West Coast, New England, etc.)."

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 54–9171; Filed, Nov. 19, 1954; 8:45 a. m.]

PART 402—PROCUREMENT BY NEGOTIATION

SUBPART A—USE OF NEGOTIATION

SUBPART F—SMALL PURCHASES

MISCELLANEOUS AMENDMENTS

1. Policies and procedures with respect to publication, in the Department of Commerce "Synopsis of U. S. Government Proposed Procurement, Sales and Contract Awards", of required information are now collated and set forth in §§ 401.206, 401.408, and 402.106. The new § 402.106 reads as follows:

§ 402.106 *Dissemination of procurement information.*

§ 402.106–1 *Synopsis of proposed procurements.* Synopses of proposed unclassified, negotiated procurements shall be prepared and publicized in the Department of Commerce "Synopsis of U. S. Government Proposed Procurement, Sales and Contract Awards", in accordance with the requirements of § 401.206 of this subchapter.

§ 402.106–2 *Synopsis of contract awards.* Synopses of awards of negotiated contracts shall be prepared and publicized in the Department of Commerce "Synopsis of U. S. Government Proposed Procurement, Sales and Contract Awards", in accordance with the

requirements of § 401.408 of this subchapter.

2. The use of the petty cash method has been extended by an amendment to § 402.604. It is no longer necessary that the supplies or services be available from the local trade area. Section 402.604, as amended, reads as follows:

§ 402.604 *Imprest funds (petty cash) method.* Imprest funds are funds not exceeding $5,000 advanced by a disbursing officer to a duly authorized agent for the "spot-cash" or c. o. d. payment for small quantities of supplies or services (other than personal).

§ 402.604–1 *Conditions for use.* Imprest funds shall be used in accomplishing small purchases whenever all of the following conditions are present:

(a) The transaction is not in excess of $100;

(b) The supplies or services are immediately available, with cash payment to be made immediately upon pickup or delivery, whether at the supplier's place of business or at destination;

(c) The purchase does not require detailed technical specifications or technical inspection; and

(d) The use of imprest funds is administratively more economical and efficient than other small purchase methods.

§ 402.604–2 *Documentation.* Except as hereinafter provided, no purchase order shall be issued where cash payment is to be made from imprest funds. However, all such purchases shall be supported either (a) by a sales document of the vendor, such as an original bill, sales slip, cash register ticket, or invoice, or (b) by Standard Form 1165 (Receipt for Cash-Subvoucher), or equivalent authorized form, any of which shall itemize the supplies or services purchased and the amount paid, and must be signed by the vendor or his agent so as to acknowledge receipt of payment. Where the purchase amount is less than $3 and it is impossible to secure a sales document of the vendor, the Government employee making the purchase shall execute a Standard Form 1165 (or equivalent authorized form). In those instances where a purchase document is required by the vendor to obtain Government discounts or tax exemption or for other purposes, any authorized appropriate form may be used and shall be endorsed "Payment to be made in cash", if the vendor is to make delivery, or "Ship c. o. d.", if shipment is by parcel post or carrier.

§ 402.604–3 *Cash discounts.* When effecting cash purchases, purchasing offices shall secure cash discounts to the extent obtainable.

§ 402.604–4 *Delivery of cash purchases by suppliers.* Cash purchases on a delivered basis are preferable to pickups effected by Government vehicle and personnel, unless such pickups can be made as an incident to other operations or are otherwise advantageous. Imprest Funds payments for such purchases may include the cost of c. o. d., parcel post, or other delivery charges.

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 54–9172; Filed, Nov. 19, 1954; 8:45 a. m.]

PART 404—INTERDEPARTMENTAL PROCUREMENT

This part has been revised in its entirety to conform to agreements made between the Department of Defense and the General Services Administration relative to procurement under Federal Supply Schedule Contracts, procurement from Federal Supply Service Stores Depots, and procurement of blind-made and prison-made supplies.

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AUTHORITY: §§ 404.000 to 404.702 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161.

§ 404.000 *Scope of part.* This part deals with the procurement of supplies and services by the Military Departments from or through any other Government department or agency, with the exception of the procurement of supplies and services under the authority of Part 403, Coordinated Procurement, of this subchapter.

SUBPART A—PROCUREMENT UNDER FEDERAL SUPPLY SCHEDULE CONTRACTS

§ 404.101 *Federal Supply Schedule contracts.* The Federal Supply Service, General Services Administration, enters into open end contracts for many classes of supplies and services in common use by Federal agencies which normally do not lend themselves to definite quantity consolidated buying or to distribution from GSA warehouse. These Federal Supply Schedule contracts provide that for a definite period the contractor will be obligated to deliver all supplies and services that may be ordered thereunder by Government agencies subject to stated minimum and maximum amounts of any order (see § 404.103–1 (b)). Procuring activities are required or authorized to procure under Federal Supply Schedule contracts as prescribed in §§ 404.103 and 404.104. Federal Supply Schedule contracts are summarized on "Federal Supply Schedules" which are General Services Administration publications in catalog style and which list under commodity classifications the supplies or services to be purchased from the contractors named therein.

§ 404.102 *Distribution of Federal Supply Schedules and related publications.* To obtain copies of Federal Supply Schedules, contractor's catalogs (including price lists), except those catalogs which by special agreement may be furnished directly by contractors, and Federal Supply Schedule check lists, procuring activities and installations will process requests on GSA Form 457 to the General Services Administration regional office serving the area in which the procuring activity or installation is located. The check lists are issued periodically to show the status of all Federal Supply Schedules in effect, amendments thereto as to the dates specified, and information as to other pertinent matters. Procuring activities and installations will further request from the GSA Regional Office distribution of copies of general provisions for Federal Supply Schedule contracts. The General Services Administration regional or district offices are listed in § 404.203.

§ 404.103 *Mandatory use of Federal Supply Schedules.* Those classes of supplies and services the procurement of which, under Federal Supply Schedules, is designated as mandatory on the Department of Defense, are listed in § 404.103–2. Procurement of such supplies and services will be effected by placing orders under the applicable Federal Supply Schedule contract as required by the provisions of the corresponding Federal Supply Schedule except as provided in § 404.103–1.

§ 404.103–1 *Exceptions to mandatory use*—(a) *Emergency procurement.* When an emergency requires immediate delivery of supplies or services designated as mandatory on the Department of Defense which cannot be effected by ordering under Federal Supply Schedule contracts, authority is granted to make open market procurements of such supplies and services after the Contracting Officer has determined in writing that an emergency exists.

(b) *Abnormal requirements.* Federal Supply Schedule contracts generally provide that the mandatory use provisions do not apply to abnormal requirements; that is, (1) any order of less than a stated minimum amount, (2) any order for an item or combination of items in excess of a stated maximum amount, and (3) a series of orders from the same ordering office in quick succession and aggregating in excess of the maximum amount.

§ 404.103–2 *List of Federal Supply Schedule contracts which are mandatory upon the Department of Defense*—(a) *Mandatory nationally.*

Class and Title of Schedule	
2, 4, 42	Tear and Nauseating-Gas Arms, Cartridges, Grenades, and Hand Irons.
4	Explosives and Blasting Accessories [1] (Expires 31 Dec. 1954).
7, 14	Gasoline and Lubricating Oil—Service-Station Deliveries.
8	Tires and Tubes (Other Than Aircraft),[1] Part II (Commercial tires and tubes only).

[1] These Schedules have been specifically reviewed and approved by the Department of Defense for continued mandatory use by the Military Departments. However, where an expiration date is indicated in this paragraph, mandatory use provisions will not thereafter apply to the Military Departments. This review process will be continued, and, where appropriate, changes will be effected by revision of this list.

Class and Title of Schedule	
8	(X) Brake Lining, Clutch Facings, Oil Filters, and Tire Chains, Etc.,[1] Part IV.
17	Spark Plugs, Part II.
17	Electric Lamps,[1] Part VI.
17	(X) Household and Quarters Lamps,[1] Part VII.
18	Purchase, Maintenance, Repair, and Rental of Micro-Photographic Equipment and Supplies, Part IV.
26	(X) Household and Quarters Furniture,[1] Part I; and Part I, Supplement A.
26	(X) Household and Quarters Furniture,[1] Part II.
26	(X) Household and Quarters Furniture,[1] Part III.
26	(X) Household and Quarters Furniture,[1, 2] Part IV.
26	Office Furniture, Wood and Steel, Including Steel Insulated Filing Cabinets, Part V; and Part V, Supplement I (Approved as part of procedures implementing interagency procurement assignment to the General Services Administration).
27	Floor Coverings,[1] Part I.
28	Marginally Punched Continuous Forms.
35	Books,[1, 2] Part I, Sections A and B (Section A only).
35	Periodicals and Law Books,[1] Part II.
53	Drafting-Room and Office Supplies,[1] Part I.
53	Mailing Envelopes, Printed and Plain,[1] Part V.
54, 104	Typewriters (Manual and Electric); Purchase, Exchange Allowances, and Repair Parts; Maintenance and Reconditioning of Electric Typewriters, Part I (Approved as part of procedures implementing interagency procurement assignment to the General Services Administration).
54	Office Equipment, Part III, Sections A and B (Approved as part of procedures implementing interagency procurement assignment to the General Services Administration).
54	Offset Duplicating Blankets and Plates, Direct Image and Photographic (Metal and Paper Type), Part IV.
66	Vacuum Cleaners and Repair Parts, Accessories and Attachments,[1] Part II.
83	Aircraft Tires (Casings and Tubes).[1]
103	Recordings and Transcription Service, Part I.

(b) *Mandatory in Washington, D. C., and contiguous area.*

Class and Title of Schedule	
8	Motor-Vehicle, Class, and Painting,[1] Part I (Expires 31 Dec. 1954).
16, 17	Dry Batteries.
18	Instruments of Precision and Accessories and Parts, Including Instrument Shelters and Supports,[1] Part I (Expires 31 Dec. 1954).
18, [1] 51, [2] 53	Photographic Paper and Film and Other Sensitized Materials and Photographic Chemicals, Classes 18 and 51, Part II, and Class 53, Part III.
26	Executive Type Furniture, Class 26, Part VI; also Class 25, Smoking Stands, Class 53, Desk Trays and Class 54, Baskets, Wastepaper (Approved as part of procedures implementing interagency procurement assignment to the General Services Administration).
27	Window Coverings,[1] Part III.
32	Fire-Surfacing and Heat-Insulating Material,[1] (Expires 31 Oct. 1954).
42	Abrasives, Casters, Door Closers, Padlocks, Steel Strapping, etc.
51	Drugs, Medicinal, Laboratory, and Industrial Chemicals, Part I.
51	Cases, Industrial, Medicinal, and Refrigeration; [1, 2] Part III.
55, 72, 73	Clothing and Furnishings [1] (Expires 31 Oct. 1954).
56	Groceries and Other Provisions,[2] Part II.
56	Ice,[2] Part III.
58	Fire Extinguishers, Repair Parts, and Accessories.
59	Building Materials [1] (Expires 14 Feb. 1955).
67	Feed and Forage, Part I.
67	Seed, Part II.
70	Agricultural Materials (Fertilizers, Peat, and Soil Conditioners).[1]
103	Correct Time Service.[2]
103	Regraining of Offset Duplicating Plates, Part II.
103	Wiping Cloth Service,[1] Part IV.

[1] These Schedules include special instructions regarding mandatory use; however, all Schedules should be consulted for detailed instructions.

§ 404.104 *Optional use.* Federal Supply Schedule contracts include many items with respect to which the mandatory use provisions do not apply to the Department of Defense and the contractors are not bound to accept orders from the Military Departments for such items. However, Federal Supply Schedule contractors may be considered as available sources of supply for such nonmandatory items listed in applicable Federal Supply Schedules and procurement may be effected from such sources. Such Schedules will not be used for the procurement of nonmandatory items when (a) changes in specifications are anticipated, (b) technical inspection is required, or (c) special packaging, packing, preservation, or marking is necessary.

SUBPART B—PROCUREMENT FROM FEDERAL SUPPLY SERVICE STORES DEPOTS

§ 404.201 *General.* Except as otherwise provided in Subparts D and E of this part, the procurement of common administrative supplies and services shall be from Federal Supply Service Stores Depots, General Services Administration, to the extent set forth in this subpart.

§ 404.202 *Definition.* As used herein the term "common administrative supplies" includes standard supplies listed under groups 71, 74, and 75 of the Federal Supply Classification and classes 25, 26, 35, 53, and 54 of the General Services Administration "Stores Stock Catalog".

§ 404.203 *Federal Supply Service Depots and Regional Offices.* The Federal Supply Service of the General Services Administration operates stores, depots and regional offices located in or near the cities listed below, serving the areas indicated on the back cover page of the "Stores Stock Catalog". The addresses shown below are the mailing addresses to which all orders and correspondence should be forwarded.

otherwise advantageous. Imprest Funds payments for such purchases may in- 404.407 Exceptions.
404.408 Clearances.
be furnished directly by contractors, Federal Supply Schedule check lists, pro-
where appropriate, changes will be effected by revision of this list.
Schedules should be consulted for detailed instructions.
to which all orders and correspondence should be forwarded.

GSA Region	Depot and Regional Office	Address
1	Boston 9, Mass	620 Post Office and Court House Bldg.
2	New York 13, N. Y	250 Hudson St.
3	Washington 25, D. C	Room 5450, Seventh and D Sts. SW.
4	Atlanta 5, Ga	Peachtree-Seventh Bldg., 50 Seventh St. NE.
5	Chicago 4, Ill	Room 575, U. S. Court House, 219 South Clark St.
	Cleveland 14, Ohio	Room 212, Federal Bldg., Public Square.
6	Kansas City 6, Mo	Room 1900, Federal Office Bldg., 911 Walnut St.
7	Dallas 2, Tex	1114 Commerce St.
8	Denver, Colo	Denver Federal Center.
9	San Francisco 3, Calif	49 Fourth St.
	Los Angeles, Calif (Depot only.)	Orders for shipment by this Depot should be directed to the San Francisco Depot.
10	Seattle 4, Wash	Federal Office Bldg., 909 First Ave.

§ 404.203–1 *Stores Stock Catalog.* The General Services Administration periodically published an illustrated "Stores Stock Catalog" which sets forth, among other things (a) all standard supplies carried in stock for issue by the stores depots listed in § 404.203, (b) special supplies carried in stock for issue only by certain of the depots, and (c) price information on a portion of the supplies listed. Copies of the "Stores Stock Catalog" and additional price lists may be obtained, upon request, from any of the stores depots listed in § 404.203.

§ 404.204 *Procurement from Federal Supply Service Stores Depots.* In procuring supplies from a Federal Supply Service Stores Depot, an order will be submitted to the appropriate Depot designated in the "Stores Stock Catalog" to serve the requiring activity or installation. Such an order will be submitted in the form of a delivery order, on the appropriate forms prescribed in Part 415 of this subchapter, containing information required by the ordering instructions set forth in the "Stores Stock Catalog."

§ 404.204–1 *Common administrative supplies.* Procurement of common administrative supplies, as defined in § 404.202, authorized for local purchase and for local consumption, by activities or installations within the continental limits of the United States, shall be made from the Federal Supply Service Stores Depots to the extent that such supplies are listed in the "Stores Stock Catalog", except as follows:

(a) Where the required common administrative supplies are manufactured by Federal penal and correctional institutions and agencies for the blind, procurement shall be accomplished in accordance with the provisions of Subparts D and E of this part.

(b) Where conditions are such that the use of imprest funds, Standard Form 44, or other simplified small purchase method (see Part 402, Subpart F, of this subchapter) is more practicable or economical, procurement from commercial sources is authorized.

§ 404.204–2 *Supplies other than common administrative supplies.* Activities and installations located within the continental United States which are authorized to purchase locally their requirements for supplies may purchase supplies other than common administrative supplies, from the Federal Supply Service Stores Depots when (a) they have made prior arrangements with authorized field agencies of the Federal Supply Service to establish estimates of requirements and to assure availability of the supplies and quantities required; (b) the supplies are identified as being available to and used by Federal agencies generally through facilities of the Federal Supply Service Stores Depots; (c) military effectiveness will not be decreased; and (d) cost compares favorably with delivered cost of like supplies available from commercial sources.

§ 404.204–3 *Optional use by the Military Departments.* While utilization of the Federal Supply Service Stores Depots is mandatory on the Department of Defense only to the extent provided in this subpart, in the interest of supply economy, Military Departments should require their activities or installations to use the Federal Supply Service Stores Depots to the fullest extent practicable, particularly where it is clear that by so doing economies are effected.

SUBPART C—PROCUREMENT THROUGH FEDERAL SUPPLY SERVICE CONSOLIDATED PURCHASING PROGRAMS

§ 404.301 *Federal Supply Service consolidated purchasing programs.* The Federal Supply Service conducts consolidated purchasing programs for the delivery of definite quantities of selected supplies directly from vendors to depots of various Government agencies for storage and subsequent issue, or for delivery to use points or transhipping points for oversea use. In this connection, purchase responsibility for certain common administrative supplies or services, as it affects the Department of Defense, is assigned in accordance with § 400.112–1 (b) of this subchapter.

§ 404.302 *Mandatory use of consolidated purchasing programs.* Mandatory use by the Departments of the consolidated purchasing programs of the Federal Supply Service, covering selected common administrative supplies and services, will be prescribed by Department of Defense Directives. Requirements of the Military Departments, to the extent practicable, shall be determined and furnished sufficiently in advance to the Federal Supply Service in order that planned procurement may be accomplished.

§ 404.303 *Optional use of consolidated purchasing programs.* Optional use by the Military Departments of consolidated purchasing programs conducted by the Federal Supply Service is permitted for common administrative supplies and services which are not covered by the mandatory purchasing programs required by Department of Defense directives.

SUBPART D—PROCUREMENT OF PRISON-MADE SUPPLIES

§ 404.401 *General.* Supplies of the classes listed in the "Schedule of Products Made in Federal Penal and Correctional Institutions" shall be purchased in accordance with the policies and procedures set forth in this subpart.

§ 404.402 *Preference as between prison-made and blind-made supplies.* In any case where similar supplies are manufactured or offered for sale both by Federal penal and correctional institutions and by agencies for the blind, the supplies must be purchased from Federal Prison Industries, Inc., to the extent available.

§ 404.403 *Schedule of supplies which are prison-made.* Supplies which are manufactured by Federal penal and correctional institutions are in strict conformity with Federal Specifications. These supplies are listed in the "Schedule of Products Made in Federal Penal and Correctional Institutions" (referred to in this subpart as the "Schedule"). Copies of the Schedule are available from Federal Prison Industries, Inc., care of Department of Justice, Washington 25, D. C.

§ 404.404 *Mandatory procurement of prison-made supplies.*

§ 404.404–1 *Mandatory procurement from Federal Prison Industries, Inc.* Supplies listed in the Schedule shall be procured directly from Federal Prison Industries, Inc., when:

(a) Supplies require oversea packaging or packing;

(b) Supplies are required in carload lots, as described in the Consolidated Freight Classification for the commodity concerned; or

(c) Supplies are required in less than carload lots, but are not stocked by Federal Supply Service Stores Depots.

§ 404.404–2 *Mandatory procurement of prison-made supplies from Federal Supply Service Stores Depots.* Supplies listed in the Schedule which are required in less than carload lots and which are stocked by Federal Supply Service Depots shall be procured from such Depots, except that procurement shall be made directly from Federal Prison Industries, Inc., when (a) the procuring activity or installation is so located that it is more practical and economical to procure directly from Federal Prison Industries, Inc., rather than from or through the General Services Administration, or (b) the Federal Supply Service Stores Depot is temporarily unable to furnish the required supplies in which instance the Depot will so advise the procuring activity or installation so that the procurement may be made directly from Federal Prison Industries, Inc.

§ 404.405 *Nonmandatory procurement of prison-made supplies.* Contracting Officers are encouraged to utilize the facilities of Federal Prison Industries, Inc., to the maximum extent practicable in the procurement of supplies which are not listed in the Schedule, but which are nevertheless of a type manufactured in Federal penal and correctional institutions.

§ 404.406 *Procurement procedure.*

§ 404.406–1 *Procurement From Federal Prison Industries, Inc.* Procurement directly from Federal Prison Industries, Inc., will be made by placing a delivery order, using DD Form 702 (Order for Purchase of Supplies or Services), or DD Form 738 (Order and Voucher for Purchase of Supplies and Services) as appropriate (see §§ 415.003 and 415.008 of this subchapter), with Federal Prison Industries, Inc., care of Department of Justice, Washington 25, D. C.

§ 404.406–2 *Procurement From Federal Supply Service Stores Depots.* Procurement from Federal Supply Service Stores Depot of prison-made supplies listed in the Schedule shall be made by submitting a delivery order, using DD Form 702 or DD Form 738 as appropriate (see §§ 415.003 and 415.008 of this subchapter), to the General Services Administration Regional Office which normally serves the procuring activity or installation.

§ 404.407 *Exceptions.* Supplies listed in the Schedule may be procured through National Industries for the Blind or from commercial sources without securing clearance from Federal Prison Industries, Inc., under any of the following conditions:

(a) Immediate delivery or performance is required by public exigency;

(b) Suitable used supplies can be obtained;

(c) Supplies are both procured and used outside the continental United States and Alaska; or

(d) The total cost of the order is $25 or less.

§ 404.408 *Clearances.* In addition to the exceptions provided in § 404.407, the Military Departments may procure through National Industries for the Blind or from commercial sources supplies of the types listed in the Schedule to the extent only that such procurement is specifically authorized in clearances issued by Federal Prison Industries, Inc., as set forth below.

(a) General clearances are issued by Federal Prison Industries, Inc., when classes of supplies are not available from Federal penal and correctional institutions, or when it is otherwise in the best interest of the Government to allow procurement of those classes of supplies from agencies for the blind or from commercial sources. A copy of each general clearance is forwarded to the Department of Defense for dissemination to the Military Departments. Purchase orders or contracts written pursuant to a general clearance need not be supported by a copy of the clearance, but the clearance number must be cited on the purchase order or contract as well as on the initial voucher.

(b) Formal clearances are issued in response to requests initiated by procuring activities or installations desiring to procure from agencies for the blind or from commercial sources supplies of the type listed in the Schedule when such supplies are not covered by a general clearance. Requests for formal clearances shall be addressed to Federal Prison Industries, Inc., % Department of Justice, Washington 25, D. C. Actual purchase of the required supplies shall not be consummated prior to the issuance of the formal clearance. A copy of the clearance certificate must be attached to the initial voucher.

SUBPART E—PROCUREMENT OF BLIND-MADE SUPPLIES

§ 404.501 *General.* Supplies listed in the "Schedule of Blind-Made Products" shall be procured in accordance with the policies and procedures set forth in this subpart.

§ 404.502 *Preference as between prison-made and blind-made supplies.* See § 404.402.

§ 404.503 *Schedule of supplies which are blind-made.* Supplies manufactured by agencies for the blind are listed in the "Schedule of Blind-Made Products" (referred to in this subpart as the "Schedule"), now printed in separate loose leaf form, copies of which may be obtained from any of the General Services Administration Regional Offices or Depots listed in § 404.203. Items available from stocks at General Services Administration Stores Depots are so identified in the Schedule.

§ 404.504 *Mandatory procurement of blind-made supplies.* Supplies listed in the Schedule shall be procured from agencies for the blind through National Industries for the Blind when:

(a) Supplies require oversea packaging or packing;

(b) Supplies are required in carload lots, as described in the Consolidated Freight Classification for the commodity concerned;

(c) Supplies are stocked by Federal Supply Service Stores Depots, but the procuring activity or installation is so located that it is more practical and economical to purchase directly from the agency for the blind which manufactures the supplies, rather than from the Stores Depot; or

(d) The supplies are not stocked by Federal Supply Service Stores Depots as indicated in the Schedule.

§ 404.505 *Optional procurement of blind-made supplies.* Supplies of any type or classification may be procured from agencies for the blind in any quantity, including less than carload lots, when such agency is the low bidder or offeror in response to an invitation for bids or request for proposals.

§ 404.506 *Procurement procedure.*

§ 404.506–1 *Carload lots.* Blind-made supplies in carload lots (or in the case of nonstock items whether over or under a carload) shall be procured by forwarding a purchase order to a designated agency for the blind in accordance with an allocation issued by National Industries for the Blind, 15 West 16th Street, New York 11, New York. Complete instructions for obtaining supplies manufactured by agencies for the blind are set forth in the Schedule.

§ 404.506–2 *Less than carload lots.* Except as otherwise permitted in §§ 404.504 and 404.505, procurement of less than carload lots of blind-made supplies which are listed in the Schedule as stocked by Federal Supply Service Stores Depots shall be made by submitting an order to the General Services Administration Regional Office which normally serves the procuring activity or installation.

§ 404.507 *Exceptions.* Supplies listed in the Schedule may be procured from commercial sources under any of the conditions set forth below without securing clearance:

(a) Military necessity requires delivery within 2 weeks.

(b) The Procurement is less than a single unit as listed in the Schedule or is for $25 or less; or

(c) Supplies are both procured and used outside the continental United States and Alaska.

§ 404.508 *Clearances.* In addition to the exceptions listed in § 404.507, the Military Departments may procure from commercial sources supplies of the types listed in the Schedule to the extent only that such procurement is specifically authorized in clearances issued by National Industries for the Blind or General Services Administration, as provided in §§ 404.508–1 and 404.508–2.

§ 404.508–1 *Emergency requirements.* In an emergency, procurement of supplies of the classes listed in the Schedule may be made from a commercial source: *Provided, however,* That, when the required delivery date is in excess of 2 weeks, a clearance shall be obtained, prior to the purchase, from the General Services Administration Regional Office which normally serves the procuring activity or installation.

§ 404.508–2 *Supplies not available from agencies for the blind.* When a request for supplies is submitted to National Industries for the Blind and notification is received that none of the agencies for the blind can furnish the supplies within the period specified, an open-market purchase of the items listed in such notification may be effected: *Provided,* That purchase action is instituted within 30 days from the date of notification.

SUBPART F—PROCUREMENT OF PRINTING AND RELATED SUPPLIES

§ 404.601 *Printing and related supplies.* Printing, binding, and blank-book work, and envelopes, paper, and related supplies, shall be procured in accordance with (a) regulations of the Congressional Joint Committee on Printing, and (b) procedures prescribed by each respective Department.

SUBPART G—PROCUREMENT UNDER THE ECONOMY ACT FROM OR THROUGH ANOTHER FEDERAL AGENCY

§ 404.700 *Scope of subpart.* This subpart deals with orders for supplies or services placed with another Government department or agency pursuant to the authority of the Economy Act of June 30, 1932, as amended (31 U. S. Code 686), except that it does not apply to any pro-

curement covered by Part 403 of this subchapter or the preceding Subparts A to F of this part. Orders for supplies and services placed within a Military Department shall be in accordance with procedures prescribed by that Department.

§ 404.701 *Authorization and policy relating to placing and filling orders.* Each procuring activity, when it is in the interest of the Government to do so, may place orders with any other Government department or agency for supplies or services that any such requisitioned department or agency may be in a position to furnish or perform or to obtain by contract. Generally, an order for supplies or services will not be placed with a department or agency which is not in a position to furnish the supplies or is not equipped to perform the services, except that an order may be filled by means of outside contract with a commercial source of supply if the order is placed by any one of the following Government departments or agencies: Department of the Army, Department of the Navy, Department of the Air Force, Department of the Treasury, Civil Aeronautics Administration, and Maritime Commission. An order for services shall not be placed with a department or agency when such services can be performed as conveniently or more cheaply by private contractors.

§ 404.702 *Determination of amount and method of payment.* Upon the written request of the requisitioned department or agency, an advance by check shall be made of all or part of the estimated cost of furnishing the supplies or services as specified by such requisitioned department or agency: *Provided*, That, where an advance is made, proper adjustments of the basis of the actual cost of the supplies or services shall be made as may be agreed upon by the departments or agencies concerned. Subject to approval by the requisitioned department or agency, payment by check may be made after the furnishing of the supplies or services. The amount to be paid shall be based on the actual cost of the supplies or services as may be agreed upon by the departments or agencies concerned.

T. P. PIKE,
Assistant Secretary of Defense
(Supply and Logistics).

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PART 405—FOREIGN PURCHASES

ARMED SERVICES LIST OF SUPPLIES EXEMPTED FROM BUY AMERICAN ACT

The list of supplies exempted from the Buy American Act, appearing at the end of Subpart A of this part, has been amended by the deletion of "lead" and "zinc" therefrom. The list now reads as follows:

§ 405.109 *Armed Services list of supplies excepted from Buy American Act.* (See § 405.105.)

1. Supplies to be procured for public use.

Agar.
Aluminum.
Antimony.
Argols, tartar and wine lees.
Asbestos.
Bananas.
Bauxite.
Beef extract.
Beryl.
Bismuth.
Brazil nuts.
Cadmium.
Calcium cyanamide.
Capers.
Cashew nuts.
Castor beans.
Celestite.
Chalk, English.
Chicle.
Chrome ore or chromite.
Cinchona bark.
Cobalt (ore and metals)
Cocoa beans.
Cocoanut.
Coffee.
Columbite.
Copper.
Copra.
Cork.
Corundum.
Cryolite, natural.
Dasar gum.
Derris cube and timbo roots.
Diamonds, industrial and abrasive.
Ergot.
Fiber, coir abaca and agave.
Goat and kid skins.
Graphite.
Hog bristles.
Hyoscine.
Iodine.
Ipecac and emetine.
Jute and jute burlaps.
Kaurigum.
Kyanite.
Lac and shellac.
Logs, veneer, and lumber from balsa, greenheart, lignum vitae, mahogany and teak.
Manganese.
Menthol, natural.
Mercury.
Mica.
Monazite.
Nickel.
Nitroguamidine.
Nux vomica.
Oiticica oil.
Olive oil.
Olives, green and stuffed.
Opium.
Palm oil.
Crude petroleum, petroleum fuels and petroleum lubricants.
Platinum and related group metals.
Pulp for paper production.
Pyrethrum flowers.
Quartz crystals.
Radium salts.
Rubber, crude and latex.
Rutile.
Santonin.
Sardines.
Silk.
Sperm oil.
Spices.
Talc, steatite.
Tantalite.
Tapioca.
Tea.
Tin.
Tungsten.
Vanilla beans.
Wax, carnauba.
Zirconium.

2. Supplies to be used in the construction, alteration, or repair of any public building or public work.

Aluminum.
Antimony.
Asbestos.
Bauxite.
Chrome ore or chromite.
Copper.
Damar gum.
Jute and jute burlaps.
Kauri gum.
Lac and shellac.
Logs, veneer, and lumber from balsa, greenheart, lignum vitae, mahogany and teak.
Mercury.
Mica.
Nickel.
Platinum and related group metals.
Rubber, crude and latex.
Tin.
Tungsten.

(R. S. 161; 5 U. S. C. 22. Interprets or applies 62 Stat. 21; 41 U. S. C. 151–161)

T. P. PIKE,
Assistant Secretary of Defense
(Supply and Logistics).

[F. R. Doc. 54-9174; Filed, Nov. 19, 1954; 8:45 a. m.]

PART 406—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED PRICE SUPPLY CONTRACTS

SUBPART E—CLAUSES FOR PERSONAL SERVICES CONTRACTS

CLAUSES TO BE USED WHEN APPLICABLE; MILITARY SECURITY REQUIREMENTS

1. An exception has been added to the instruction in § 406.104–12 for insertion of the "Military Security Requirement" clause in all contracts which are classified "Top Secret", "Secret", or "Confidential" by a Department. The clause remains the same. This section, as revised, reads as follows:

§ 406.104 *Clauses to be used when applicable.*

§ 406.104–12 *Military security requirements.* Insert the following clause in all contracts which are classified "Top Secret", "Secret", or "Confidential", by a Department, and in any other contracts the performance of which will require access to such classified information or material, except that this clause is not required to be used in contracts performed outside the continental limits of the United States, its territories and possessions.

* * * * *

2. The same exception is added to § 406.504–1. The clause remains the same. The revised section reads as follows:

§ 406.504 *Clauses to be used when applicable.*

§ 406.504–1 *Military security requirements.* Insert the clause set forth below in all contracts involving security information which are classified "Top Secret", "Secret", or "Confidential" by a Department, and in any other contract, the performance of which will require access to classified matter, except that this clause is not required to be used in contracts performed outside the continental limits of the United States, its territories, and possessions.

* * * * *

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

T. P. PIKE,
Assistant Secretary of Defense
(Supply and Logistics).

[F. R. Doc. 54-9175; Filed, Nov. 19, 1954; 8:45 a. m.]

PART 415—PROCUREMENT FORMS

ROYALTY REPORT FORM (DD FORM 783)

A new section has been added, prescribing a uniform Royalty Report Form (DD Form 783).

§ 415.014 *Royalty Report Form (DD Form 783).*

§ 415.014–1 *General.* DD Form 783 is approved for use by Contractors in making individual reports by contracts, as required by the Reporting of Royalties clause set forth in § 408.103 of this subchapter.

§ 415.014–2 *Forms superseded.* All royalty report forms currently in use by the Military Departments for this purpose are superseded.

(R. S. 161; 5 U. S. C. 22. Interprets or applies 62 Stat. 21; 41 U. S. C. 151–161)

T. P. PIKE,
Assistant Secretary of Defense
(Supply and Logistics).

[F. R. Doc. 54-9176; Filed, Nov. 19, 1954; 8:45 a. m.]

Chapter VII—Department of the Air Force

Subchapter C—Claims and Accounts

PART 831—BONDS OF ACCOUNTABLE OFFICERS

PART 833—DEATH GRATUITY

PART 834—MILITARY COURT FEES

PART 835—PAYMENT OF BILLS AND ACCOUNTS

PART 838—ALLOTMENTS OF PAY

REVOCATION OF PARTS AND MISCELLANEOUS AMENDMENTS TO PART 833

1. The references made to Parts 531, 534, 535 and 538, Chapter V, Department of the Army, in F. R. Document 48–11395 (13 F. R. 8751; 32 CFR Parts 831, 834, 835 and 838) as being applicable to the Department of the Air Force are hereby revoked.

2. Section 833.3 of Part 833 is changed to read as follows:

§ 833.3 *Definition of categories and entitlement.* The entitlement of any beneficiary of any deceased Air Force member to the 6 months' death gratuity is dependent upon a combination of factors, including the component of the member; the type of duty being performed at the time of death; the determination that death was due to disease or that injury was due to the duty status at the time of death; and the determination that death was, or was not, due to the misconduct of the deceased member.

(a) Members whose death creates entitlement to the 6 months' death gratuity pay are divided into three general categories:

(1) *Category I.* Members of the United States Air Force, without component, on extended active duty. (See sec. 301, 65 Stat. 328; 10 U. S. C. 1831.)

(2) *Category II.* Members of the Air Force Reserve and the Air National Guard on active duty for training, as authorized by competent authority where death is due to injury as distinguished from disease.

(3) *Category III.* Members reported missing, missing in action, interned, captured by an enemy, beleaguered or besieged who are subsequently determined to be dead or for whom presumptive finding of death has been determined by the Secretary of the Air Force.

(b) Even though a member is in one of the three categories listed in paragraph (a) of this section, the 6 months' death gratuity is not payable to any beneficiary under the circumstances shown in subparagraphs (1) and (2) of this paragraph.

(1) The 6 months' death gratuity is not payable if death is determined to have occurred as a result of the deceased's own misconduct. In this connection, unless the initial report of death indicates that no line of duty investigation is required, no action will be taken to process the death gratuity claim until AFHQ Form O–529, Casualty Report, is issued by the Casualty Branch, Director of Military Personnel, Headquarters USAF, which states that death occurred "In line of duty—Not misconduct."

(2) Six months' death gratuity is not payable if death is reported to have occurred when the deceased is absent without leave and the date of death is subsequent to the date of the expiration of the deceased's normal term of service. The finding on the AFHQ Form O–529 issued by the Casualty Branch, Director of Military Personnel, Headquarters USAF, in a case such as this would normally read "Not in line of duty—Not misconduct." If the deceased is absent without leave and the date of death is prior to the date of expiration of the deceased's normal term of service, the AWOL status is not a bar to payment of the 6 months' death gratuity so long as the death did not occur as a result of the decedent's own misconduct.

3. Paragraph (b) of § 833.4 is changed to read as follows:

§ 833.4 *Eligible beneficiaries.* * * *

(b) If there be no widow (widower), payment will be made to the child or children equally of any lawful marriage, regardless of whether designated. In this connection, an illegitimate child, where the relationship is properly established and acknowledged, is a child within the meaning of 10 U. S. C. 903 and may be entitled to payment as beneficiary of the death gratuity. (Comp. Gen. Dec. B–93064, January 10, 1951.) In cases where a claim is made by or on behalf of illegitimate children, no payment will be made by the finance officer, but all claims including any made by the child or children of a lawful marriage, will be submitted to the Settlements Division, Air Force Finance Center, 3800 York Street, Denver, 5, Colorado.

* * * * *

4. Section 833.5 is changed to read as follows:

§ 833.5 *Ineligible beneficiaries.* (a) Persons who are not considered eligible to receive payment of the 6 months' death gratuity are:

(1) Any married child notwithstanding the allegation of dependency or insurable interests upon the deceased.

(2) Any unmarried child over 21 years of age who is not actually a dependent of the deceased, regardless of the ability to show insurable interest.

(3) Persons alleging loco parentis relationships, other than dependent relatives.

(4) Any person alleging common-law marriage to decedent where such allegation is not supported by the same quality and quantity of evidence which would be required to establish the validity of the marriage before the courts of the jurisdiction where contracted.

(5) Adoptive parents who cannot support allegation by documentary proof.

(6) Alleged widow who claims dissolution of former marriage unless documentary proof is furnished.

(7) Any person not related to deceased by consanguinity (by blood), or by affinity (by marriage).

(b) Where an otherwise qualified beneficiary has taken the life of an Air Force member, no action will be taken toward payment of the 6 months' death gratuity until the case has been forwarded to the Settlements Division, Air Force Finance Center, for review and advice as to disposition.

5. Section 833.6 is changed to read as follows:

§ 833.6 *Evidence required.* The evidence required to establish the right of any person to receive payment of the 6 months' death gratuity is set forth in figure 1 for the different classes of beneficiaries. However, the finance officer responsible for effecting payment may require additional evidence considered necessary.

6. Section 833.7 is changed to read as follows:

§ 833.7 *Payments.* Determination of the finance officer who will make payment of the 6 months' death gratuity is dependent upon the categorization of the decedent and the class of beneficiary to be considered for payment.

(a) *Category I.* Claims for payment of gratuity resulting from the death of members in this category will be paid by the finance officer serving the organization or installation to which the decedent was assigned at time of death. (See exceptions in paragraph (d) of this section.)

(b) *Category II.* (1) Gratuity pay claims resulting from the death of members in this category will be paid by the finance officer designated to pay the accounts of the Reserve Forces as prescribed by current directives. (See exceptions in paragraph (d) of this section.)

(2) Gratuity pay claims resulting from the death of members in this category who are not in a pay status but who are nevertheless entitled to the benefits set forth in the act of June 20, 1949 (63 Stat. 202; 10 U. S. C. 456), will be paid by the finance officers charged with disbursements for the areas in which the decedents resided. (See exceptions in paragraph (d) of this section.)

(3) Since a line of duty investigation is required in any case in this category, in accordance with current directives, the finance officer will take no action in connection with gratuity payment until the Casualty Report, containing a certification of the availability of funds to be used, is received from the Casualty Branch, Director of Military Personnel, Headquarters USAF, through channels. The finance officer will then take immediate steps to furnish DD Form 397 to the potential beneficiary.

(c) *Category III.* (1) Air Force members stationed outside the continental limits of the United States, formerly reported in a missing status, whose beneficiary resided in same oversea area—payment will be made by the finance officer having custody of the Military Pay Record at the time of death.

(2) Air Force members stationed in the continental United States, formerly reported in a missing status—payment will be made by the Air Force Finance Center, Denver, Colorado.

(3) Where the determination or presumptive finding of death is made by the Deputy Chief of Staff, Personnel, the Settlements Division, Air Force Finance Center, will take action to effect payment of the gratuity.

(d) *Exceptions*—(1) *Beneficiaries who must show dependency or insurable interests.* (i) If the beneficiary is one who must show dependency upon or an insurable interest in the continued life of the decedent, a determination of the proper payee will be made by the Commander, Air Force Finance Center, or by a delegated subordinate and payment will be made by the Air Force Finance Center.

(ii) The appropriate finance officer (depending upon the category of the decedent) will forward the DD Form 397 to the potential beneficiary with instruction to return the executed claim to the Settlements Division, Air Force Finance Center.

(2) *Death outside United States.* (i) Where a member dies outside the United States and his beneficiary does not reside in the same area or in an area which may be served expeditiously by the finance officer making payments in the area in which the death occurred, payment will be effected by the Central Disbursing Division, Air Force Finance Center. Documents to support such payment will be furnished to the Settlements Division, Air Force Finance Center, by the finance officer paying the unit to which the decedent was assigned.

(ii) The finance officer, Clark Air Force Base, APO 74, San Francisco, California, is designated to make death gratuity payments of Army and Air Force personnel payable to beneficiaries of such personnel residing in the Philippine Islands.

7. Section 833.8 is changed to read as follows:

§ 833.8 *Forms.* DD Form 397, Public Voucher for Six Months' Gratuity Pay, will be used to file claims and make payment. DD Form 397–1 (memorandum copy of DD Form 397) completed by the finance officer will be forwarded to the Settlements Division, Air Force Finance Center. Forms will be forwarded to the potential beneficiary by the finance officer in accordance with the provisions of § 833.7.

8. Paragraph (h) of § 833.9 is changed to read as follows:

§ 833.9 *Special instructions.* • • •

(h) *Absence without leave, absence over leave, and desertion*—(1) *AWOL or absence over leave.* A member absent without leave or absent over leave will continue in a pay status but will forfeit all pay and allowance during such periods unless such absence is excused as unavoidable. Therefore, if a member dies during a period of AWOL or absence over leave, payment of the six months' gratuity is proper if otherwise payable. This determination applies to all such cases occurring subsequent to August 31, 1946. (See sec. 4 (b), 60 Stat. 964 as amended; 37 U. S. C. 33 and 29 Comp. Gen. 294.)

(2) *Desertion.* A member does not continue in a pay status after he becomes a deserter. Therefore, in any case where a member dies after having been dropped from the rolls of his organization as a deserter, the Settlements Division, Air Force Finance Center, Denver, Colorado, will obtain from the Air Adjutant General, Headquarters USAF, such initial administrative determination or any corrected administrative determination as may have been made subsequent thereto showing whether the member was in a desertion, an AWOL, and absent over leave, or a duty status at the time of death. Payment of the six months' death gratuity will be dependent upon the status of such member as reflected in the final administrative determination. (31 Comp. Gen. 645)

(3) Death subsequent to expiration of normal term of service. (See § 833.3 (b) (2)).

• • • • •

9. Section 833.10 is changed to read as follows:

§ 833.10 *Deceased personnel other than Air Force.* (a) Air Force finance officers are authorized to make payment of the 6 months' death gratuity to beneficiaries of Army personnel residing overseas provided that the finance officer has custody of the Military Pay Record at time of death.

(b) Air Force finance officers are not authorized to make payment of the 6 months' death gratuity to beneficiaries of Navy or Marine personnel, although the finance officer has custody of the Military Pay Record at time of death. Current instructions of the department concerned will be followed in such cases.

(c) Treasury Department License No. W–3041, February 14, 1947, authorizes the Department of the Army to pay claims for 6 months' death gratuity to residents of Germany or Japan who are beneficiaries of deceased military personnel. Payment will be made in indigenous currency of the country in which the beneficiary resides.

[AFM 173–20, as amended] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 1, 2, 41 Stat. 367, as amended; sec. 5, 53 Stat. 557, as amended; sec. 4, 62 Stat. 605, as amended; 10 U. S. C. 456, 903; 50 U. S. C. App., 454)

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54–9177; Filed, Nov. 19, 1954; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1031]

UTAH

PARTIALLY REVOKING EXECUTIVE ORDER OF MARCH 29, 1912, CREATING PUBLIC WATER RESERVE NO. 1, UTAH NO. 1

By virtue of the authority vested in the President by Section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of March 29, 1912, creating Public Water Reserve No. 1, Utah No. 1, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 20 S., R. 19 W.,
Sec. 10, N½NE¼, SE¼NE¼;
Sec. 21;
Sec. 22, NW¼;
Sec. 28, NW¼;
Sec. 29, E½, SW¼.

The area described contains 1,560 acres.

The land lies along the Baker Creek drainage near the Utah-Nevada State line in western Millard County. The land is valuable for cultivation if water can be made available.

No application for the land may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m. on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same land; otherwise, priority of filing shall govern.

Inquiries regarding the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

FRED G. AANDAHL,
Secretary of the Interior.

NOVEMBER 16, 1954.

[F. R. Doc. 54–9179; Filed, Nov. 19, 1954; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

RELAXATION OF RESTRICTIONS

Basis and purposes. A request has been received from the Director, Game and Fish Commission, State of Tennessee, for a relaxation of the present restrictions on the hours for shooting waterfowl and coots in that State as prescribed by the regulations adopted on August 23, 1954, and published in the FEDERAL REGISTER of August 28, 1954 (19 F. R. 5519), so as to permit the taking of such birds from one-half hour before sunrise to sunset during the open season, subject to the condition that on the first day of the season the starting hour shall be 12 o'clock noon. It has been determined that the adjustment in shooting hours so requested is not likely to result in a diminution of the birds to any greater extent than was contemplated for the original shooting hours. Accordingly, pursuant to authority conferred upon me by section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U. S. C. 704), the Migratory Bird Treaty Act regulations are amended as follows:

The schedule designated as subparagraph (6) *Mississippi Flyway States,* of § 6.4 (e), as the same appears in 19 F. R. 5520 is amended by deleting the footnote reference "3" appearing opposite the word "Tennessee."

Since the foregoing amendment is a relaxation of the existing restrictions on the taking of waterfowl and coots in the State of Tennessee, notice and public procedure thereon are not required (60 Stat. 237, 5 U. S. C. 1001, et seq.), and it shall become effective immediately.

(Sec. 3, 40 Stat., 755, as amended; 16 U. S. C. 704)

Issued at Washington, D. C., and dated November 16, 1954.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54–9178; Filed, Nov. 19, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 943]

[Docket No. AO 231–A5]

HANDLING OF MILK IN NORTH TEXAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Worth, Texas, on October 12–13, 1954, pursuant to notice thereof which was published in the FEDERAL REGISTER on October 8, 1954 (19 F. R. 6503).

The material issues of record are concerned with:

1. A change in the factors used in calculating the Class I price; and

2. The need for immediate action by the Secretary with respect to Issue No. 1.

Findings and conclusions. Except as indicated below, findings and conclusions with respect to Issue No. 1 are reserved for later determination, pending further consideration of the hearing record. The findings and conclusions set forth herein with respect to Issue No. 1 relate to the period from the effective date of this decision through January 31, 1955.

The following findings and conclusions on material issues are based upon the evidence introduced at the hearing and the record thereof:

1. The order should be amended to provide that the Class I milk price for the months of December 1954 and January 1955 shall not be less than such price for November 1954.

Under the order, the Class I price is computed by adding $2.00 to the basic formula price during the months of April through June and $2.20 during other months. The price is further modified by a supply-demand adjustment factor which adjusts the Class I price upward or downward automatically as Class I sales change in relation to the supply of milk.

Testimony at the hearing indicated that the supply-demand adjustment provision now contained in the order does not operate so as to reflect actual supply-demand conditions in the market. At the time of the inception of the order, producer milk was inadequate for the Class I needs of the market and the percentage ratios now contained in the supply-demand adjustment formula were established on that basis. It was contended at the hearing that these percentage factors should be based on the premise that producers regularly associated with the market will supply the Class I needs of the market the year round. The several proposals at the hearing would provide for supply-demand adjustment percentages predicated on the market being adequately supplied when producer deliveries as a percent of Class I sales during the month of lowest production are at the minimum necessary to meet the needs of the market.

The present supply-demand formula does not appropriately adjust the Class I price. This has been a significant factor in causing a decline during recent months in the number of producers supplying the market and in the total shipment of producer milk to the market. The number of producers supplying North Texas handlers in September 1954 was the lowest of any month since January 1953 and the quantity of milk supplied by these producers was the lowest for any month since November 1952. The temporary relief herein proposed should be helpful in halting the trend of declining producer numbers and decreased production for the market until such time as action may be taken to revise on a permanent basis the supply-demand factors in the order in accordance with the requirements of the market and seasonal production variations.

Producers requested Class I prices on an emergency basis for the months of November and December 1954 and January 1955 of $6.19, $6.09, and $6.02, respectively. These prices were arrived at by using the supply-demand adjustment percentages which were proposed by the cooperative association to replace those now provided in the order.

Official notice is taken of the November 1954 Class I price of $5.911 which includes a supply-demand adjustment of plus 16 cents. Without the effect of the amendment proposed herein, it as estimated that the December 1954 and January 1955 Class I prices will average about 16 cents per hundredweight lower than the November price. Providing that the Class I price through January 31, 1955 shall not drop below that for November will afford producers protection against the unwarranted lower prices which might otherwise result before such change as may be made in the supply-demand adjustment formula on a permanent basis is made effective.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably re-

quires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. It is therefore found that good cause exists for omission of the recommended decision in order to inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the action decided upon by the Secretary will permit those affected to adjust their operations promptly in accordance with such decision.

Delay beyond December 1, 1954, will defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereof, would make such relief substantially ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as a result of the hearing. Action under the procedure described above was requested by proponents at the hearing.

Rulings on proposed findings and conclusions. Briefs which were filed on behalf of interested parties contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of September 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, now in effect, regulating the handling of milk in the North Texas, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the North Texas, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the North Texas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 17th day of November 1954.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the North Texas Milk Marketing Area*

§ 943.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Delete § 943.51 (a) (2) and substitute therefor the following:

(2) The Class I milk price for the months of December 1954 and January 1955 shall not be less than such price for November 1954.

[F. R. Doc. 54-9188; Filed, Nov. 19, 1954, 8:47 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 960]

[Docket No. AO-253]

HANDLING OF MILK IN AKRON, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Akron, Ohio, on March 1-6, inclusive, 1954, pursuant to notice thereof which was issued on February 10, 1954 (19 F. R. 859).

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service, on August 16, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. This decision and notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 19, 1954 (19 F. R. 5270).

A notice of extension of time for filing exceptions was filed by the Deputy Administrator, Agricultural Marketing Service on September 14, 1954, and published in the FEDERAL REGISTER of September 17, 1954 (19 F. R. 6009).

Ruling on exceptions. Within the period reserved therefor, exceptions were filed to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

The material issues of record related to:

(1) Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

(2) Whether marketing conditions justify the issuance of a marketing agreement or order;

(3) Extent of the marketing area;

(4) The scope of regulation;

(5) The classification of milk;

(6) Class prices;

(7) Payments to producers;

(8) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof it is hereby found and concluded that:

(1) *Character of commerce.* The handling of milk in the Akron, Ohio marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and milk products.

The record shows that handlers in this area from time to time receive milk from out-of-state sources.

Although Akron producers supply milk primarily for fluid use, there is necessarily some reserve for variations in sales and production, and accordingly, some of the milk goes into manufactured products, and as such competes with similar products available and received from out-of-state sources. Much of the cottage cheese for the Akron market originates in Detroit, Michigan. The record shows also that Akron handlers have received supplies of supplementary milk from plants which manufacture dairy products which move in or burden interstate commerce. Milk and milk products were also sold by an Akron handler to the Akron Naval Air Station and some of such milk was used outside the State of Ohio.

Record evidence also shows that milk processed in the proposed marketing area is sold in the Cleveland and Stark County marketing areas, where the handling of milk is regulated under other orders of the Secretary. The production areas of the proposed marketing area overlap the production areas of the Cleveland and Stark County markets, and producers shift or are shifted between the Akron market and these other markets. The Cleveland milkshed includes plants in Indiana and Michigan. Milk from the Stark County marketing area is sold in the proposed Akron marketing area.

(2) *Marketing conditions in relation to purposes of regulation.* The issuance of an order to regulate the handling of milk in the proposed Akron, Ohio marketing area will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act.

During periods prior to World War II and thereafter a pooling arrangement was operated in this market by some of the handlers and the principal producers' association. This pool equalized returns to producers of participating handlers on the basis of utilization. When the pooling operation was resumed after the war, in September 1948, seven handlers participated and five others remained outside the pool. Among the difficulties which caused the dissolution of the pool was failure of a handler to report receipts from other sources and sales to vendors. A representative of the association indicated that attempts have been made to reestablish the pool, but these efforts have been unsuccessful because not all handlers are willing to be in it.

The association complained that lack of a pooling arrangement has caused an uneven distribution of the effect of surplus in the market, with a preponderant part of responsibility for marketing the surplus falling upon the association. At the time of the hearing in February the association was disposing of a large volume of such milk to a cheese plant.

Until December, 1953, this milk was utilized in the market for fluid purposes. It was displaced as result of a change in business arrangements by one of the handlers and prospects are that it will be needed for fluid purposes during any subsequent season of low production. At the cheese factory, the milk brings only a manufacturing rate of return. The difference between the manufacturing price and the going market price of milk for fluid use is being borne only by the membership of the association with the result that member prices are reduced relative to nonmember prices.

Incomplete information on receipts and sales, such as caused the dissolution of the pool, has become a factor hindering producers in the development of an orderly method of marketing their milk since cessation of the pooling operation. There is a lack of a reliable and accurate system of accounting for milk receipts and utilization. Some handlers buying milk from the Akron Milk Producers, Inc., report summary data on utilization to the association. Since such reports do not give the detail or product disposition, they do not provide a basis for checking the handlers' accounting. Since reports are not made by all handlers, there is no assurance that producers for the market receive payment for the use value of their milk.

Following dissolution of the pool, the bargaining position of producers has deteriorated, inasmuch as lack of a pooling operation has put more of the burden of surplus on the association. Absence of pooling places a handler at a disadvantage if he carries a greater proportion of milk as a reserve than his competitors, and accordingly, each handler is reluctant to receive any more milk than a very minimum to meet his needs. Refusal by some handlers to have dealings with the association also prevents effective bargaining and development of an orderly system for marketing producer milk.

Payment to producers is on a flat price basis. This is a single price applied to all milk received, regardless of use. In times when supplies are greater than sales in fluid form handlers are sometimes unwilling to accept all of the milk offered for sale by producers because the handlers are not willing to pay the same price for additional quantities of milk which must go into manufacturing uses. This situation results in dropping of some producers during the flush period, or turning milk back to the association.

Although handlers are reported to be paying about the same price to producers as the uniform prices in neighboring markets which have Federal regulation of producer prices, this does not indicate Akron handlers are paying for milk on a comparable basis with these other markets. Data in the record indicate the percentage of ultilization in fluid use is generally higher for Akron handlers than in the Cleveland market. On this basis, the Akron handler would have a lower cost of milk than the Cleveland handler if he paid only the Cleveland uniform price. However, the record discloses two important exceptions to the "rule" that the Akron blend is as high as the blend in adjacent Federal order areas. One exception is that Akron prices were below the blend prices which prevailed under the Stark County order in the last few months of 1953. The second exception is the low price received by producers for the milk diverted to a cheese factory in the months immediately preceding the hearing. A fully effective classified price plan would assure producers of the full value of their milk in accordance with its use by handlers, as well as complete information on receipts, utilization, and prices.

A system of check-testing has been established by the Akron Milk Producers Association, but this has been effective only with respect to cooperating handlers. The association is not able to obtain corrections where check tests indicate variation from a handler's reported test. The program in the market for checking weights is not applicable to all handlers in the market.

A marketing agreement and order program is needed to establish and maintain desirable and orderly marketing conditions in the Akron, Ohio Marketing Area. An order will establish uniformity among the handlers on classification and pricing of milk; provide impartial audit and check-weighing and testing; equalize payments among producers; and provide marketwide information on receipts,

sales and other aspects of the milk marketing problem.

(3) *Marketing area.* The marketing area in which the handling of milk would be regulated by the proposed order includes all the territory within the boundaries of Summit County, Ohio, and within the boundaries of Franklin, Ravenna, Brimfield and Suffield Townships in Portage County, Ohio, except those portions of the defined area in those two counties which are already included in the Stark County, Ohio, marketing area, namely sections 25, 26, 27, 34, 35, and 36 in Greene Township of Summit County, and lots 1, 2, 9, 10, 11, 12, 19, 20, 21, 22, 29, 30, 31, 32, 39, and 40 in Suffield Township in Portage County.

The area described is one served almost entirely by handlers with plants in Akron, Barberton, Ravenna, and Cuyahoga Falls. Other milk distribution within this area may include about 10 percent of the retail distribution of a handler at Orrville, and includes only minor parts of operations of other distributors. Distribution routes from the plants at Ravenna and Cuyahoga Falls are intermingled with routes out of plants in Akron and Barberton.

Health and sanitation requirements for the above described area are generally similar so uniform prices may be applied to all milk produced for the area. Milk received at handlers' plants moves freely to any part of the described area. The various handlers compete freely with each other throughout the area, purchasing and distributing milk which is relatively uniform in quality.

It is clear that the entire area described above is affected by similar marketing conditions. Findings and conclusions with respect to need for a more orderly marketing system apply generally to all parts of the area, and all parts of the area are so interrelated as to require regulation of all of the area if effective regulation is to apply in any part.

The only territory proposed in the notice of hearing which is not included in the defined marketing area (or already included in the Stark County, Ohio, Marketing Area) consists of Sharon and Wadsworth Townships in Medina County. Medina County has no formal health inspection requirements for milk. It follows that local dairies doing business solely in the two townships in Medina County would not be required to purchase from producers and distribute milk of comparable standards to those enforced in Summit and Portage Counties, and consequently equal pricing would not be economically feasible. If, on the other hand, any of the handlers who distribute milk in Medina County also distribute a significant quantity of milk in the marketing area, they will necessarily have met the inspection requirements and will be fully regulated by the order.

A handler also urged extension of the marketing area into parts of Portage and Medina Counties not covered in the notice of hearing. It is not possible to make any conclusion on this record as to areas not covered by the notice of hearing. Also, the Secretary, in a determination issued April 14, 1954 (19 F. R. 2233) found that there was no need to reopen the record of the hearing to consider such extension of the marketing area.

It is concluded that the above described area is a practical unit for the proposed regulation and should be adopted as the marketing area.

(4) *Scope of regulation*—(a) *Milk to be priced.* The type of regulation effected by a milk order is essentially a matter of establishing minimum prices to dairy farmers who produce milk for the market. The scope of such regulation may be made specific by providing appropriate definitions of the terms "producer", "handler", and "pool plant".

The primary factor in determining which dairy farmers are producers for the market is the plant to which they deliver their milk. Marketing conditions described in the record indicate that the most practical method of order regulation would be to establish minimum prices to all farmers delivering milk to plants from which milk is regularly distributed in the marketing area.

Handlers selling milk in the proposed Akron marketing area receive their milk from dairy farmers at the plants where it is packaged for fluid distribution. Virtually all the plant operators who distribute any milk in the area have the preponderant part of their distribution in the defined marketing area, however the record does contain mention of a plant operator who appears to have only a marginal portion of his total sales in the defined area. The order should, therefore, stipulate a level of within-the-area operations for determining whether this plant or others which may currently or subsequently distribute milk in the marketing area are to be fully regulated.

It was proposed by producers at the hearing that plants distributing 10 percent of the Class I milk on routes wholly or partly in the marketing area should be pool plants. This definition of a pool plant contemplated the establishment of a marketwide equalization pool, which it is concluded elsewhere in this decision should be adopted. The figure of 10 percent might be regarded as being large enough part of the handler's business to indicate substantial association with the market and that the handler's operations are likely to affect general marketing conditions. A handler witness suggested that a lower percentage figure might be used. This method of defining a pool plant, however, does not measure the impact on the market of unregulated milk, since a 10 percent distribution from a large plant might represent considerably more significant competition than a 20 percent distribution from a small plant. Instead, it is concluded that all plants from which distribution of Class I products is made in this area should be included in the pooling operation, excepting only those with less than 300 "points" of Class I disposition daily on routes extending into the area. (A "point" is one quart of milk or a half pint of cream).

The limit of 300 "points" per day, or 600 "points" on every-other-day delivery is designed to represent a normal sized retail route or small to medium combination retail and wholesale route. Such volume is not considered a significant factor in this market and it is, therefore, not necessary that such a handler be subject to the entire reporting and payment provisions of the order.

Accordingly, "pool plant" should be defined as a plant at which milk received from dairy farmers is packaged for distribution as Class I milk and from which milk is distributed as Class I milk on a route(s) wholly or partially within the marketing area, except plants exempted because they have distribution of less than 300 "points" on such routes.

The term "route" is used in the definition of pool plant to cover a number of types of distributing operations in which handlers may engage in the proposed marketing area. "Route" should be defined as a sale or delivery (including a sale from a plant or a store) of Class I milk to a wholesale or retail stop(s). Such definition would include as route distribution a sale to or through a vendor.

The term "producer" should be defined to mean any person, other than a producer-handler, who produces milk which has the approval of the health authorities of any community in the marketing area for consumption as fluid milk in such community and is received at a pool plant. The definition should include a producer whose milk is temporarily diverted to a nonpool plant by the handler for his account. Such a provision will serve to maintain the status of producer for a dairy farmer whose milk temporarily is not needed by the handler and would facilitate interplant movements of milk for the purpose of adjusting to short-term variations in supply and requirements. In order that milk which is diverted would continue to be included in the regular pool computations, it would be treated as if it were received at a pool plant.

There are sanitation requirements applied by local governments within the area with respect to approval of the farms from which milk for fluid consumption may be supplied, and accordingly, such a qualification should be a part of the producer definition. The order provisions would be uneconomic if they had the result that dairy farmers who have met the health standards for the market shared the returns on fluid sales with farmers who have not met such qualifications.

"Handler" should be defined as any person (1) in his capacity as the operator of a plant where milk is processed and packaged for distribution on a route(s) in the marketing area, and (2) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a nonpool plant for the account of such cooperative association.

The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and payment therefor, with certain exceptions noted below. A cooperative association which markets the milk of its producer members may for short periods of time need to divert producers' milk from pool plants to nonpool plants. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their milk will be available for fluid use when needed in the fall months or at other times.

The term "producer-handler" would apply to a person who produces milk and operates a plant from which a route(s) is operated wholly or partly in the marketing area, but receives no milk from producers. The order is not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator, since such reports are necessary to make a determination as to whether the operator is a producer-handler, and such reports facilitate accounting with respect to transfers of milk from other handlers.

A further exception from the minimum price regulation is the handler whose plant is a nonpool plant because his distribution in the area is less than 300 points. Such handlers should also be required to report for reasons similar to those for producer handlers.

(b) *Provisions relating to "other source milk".* The attached order provides (§ 960.5) for the designation of "pool" plants. The purpose of this designation is to indicate the sources of milk which are fully regulated under the order. Sections 960.46, 960.47, and 960.72 (b) provide for the integration into the regulatory plan of milk other than that which is fully regulated (i. e. "other source" milk). The former sections provide for the allocation, in the classification system, of other source milk while the latter section provides for certain payments to be made into the producer-settlement fund on other source milk which is in excess of that allocated to Class II milk and is obtained from plants not subject to the payment and pricing provisions of any other Federal order.

Any milk sold in the marketing area must, of course, conform to the sanitary requirements imposed by the local health authorities. However, handlers may meet these requirements without becoming regular and dependable sources of supply for the market since their milk may have been obtained as a supplemental supply during temporary periods of emergency or their sales may be extremely small in proportion to a primary distribution in some other area. Clearly, it is not possible to identify the regular and normal supply for the Akron area solely on the basis of sanitation requirements.

Neither is the shipment of milk to the marketing area for Class I utilization a practical basis for identifying the milk which should be fully regulated under the order. If any small, incidental, or accidental shipment of milk into the marketing area were to bring all of the milk at the plant from whence such shipment was made under total regulation, great hardship could be caused to the operator of such plant and to the farmers delivering milk to such an operator. Small quantities of milk are, in fact, disposed of in the regulated marketing area as Class I from plants which are not normal or regular sources of supply for the marketing area, particularly in the Fall season, when supplies are seasonally lowest. Moreover, the operators of the plants from which such shipments arise may not wish to bring their plants under total regulation. There are many situations in which plant operators may find it economical or desirable to make shipments of small quantities of milk to the marketing area and with respect to which it is neither necessary nor desirable in terms of effective regulation to bring the operators of such plants fully under the regulation. For instance, a plant which is associated with a market outside of the Akron area may find it advantageous to ship milk to a plant regulated by the order in order to have such milk converted into manufactured dairy products. It is quite possible, however, through misunderstanding, or from errors of estimating the utilization of milk, for milk which was intended for utilization in Class II products to be assigned a Class I classification. If through such accident or misunderstanding a plant were placed completely under regulation, considerable hardship, unnecessary to effective regulation, might result. For this reason, it is not practical nor desirable to place a plant totally under regulation merely because a small quantity of milk shipped by it to the market finds its way into a Class I utilization.

The attached order provides for a marketwide pool. Under this pooling plan, handlers whose proportion of utilization in Class I is greater than the market as a whole make payments into an equalization fund and those handlers whose proportion of utilization in Class I is less than the average for the market receive payments out of the equalization fund. This method of payments into and out of the equalization fund is the essential mechanism for providing uniformity of payments to farmers irrespective of the handler to whom they deliver their milk and provision for equalized payments to farmers is necessary to the maintenance of stable and orderly marketing conditions in the Akron area.

Because handlers with less than the market average proportion of milk in Class I may draw payments out of the producer-settlement, or equalization fund, there is an advantage to any plant operator who has less than the marketwide average proportion of milk in Class I to place himself under regulation in order to obtain these payments and, thereby, make it possible for him to pay the uniform price established under the order to his producers. The smaller the plant operator's proportion in Class I, the greater is the advantage of regulation to him. Under these circumstances, plants which are engaged primarily in the manufacture of milk into dairy products rather than as suppliers of Class I milk to the marketing area, will attempt to place their plants under regulation for the sole purpose of obtaining payments out of the equalization fund. The result of this, however, will be to reduce the returns to those farmers whose milk actually constitutes the regular source of supply of Class I milk for the marketing area.

It is necessary for the reasons stated, therefore, that that milk which in fact constitutes the regular and normal sources of supply for the marketing area be distinguished from other milk which might enter the marketing area. The pool plant definition of the order is designed to identify the regular and normal sources of supply for the Akron marketing area. This section provides that regulated pool plants are those from which a significant quantity of milk (300 points or more per day) is disposed of in the marketing area as Class I. Any plant, no matter where located, may bring itself under regulation by performing in the manner required, and any plant may relieve itself of regulation when it no longer operates in a way that brings it within the scope of the order. Under these circumstances, the decision as to whether a plant will be fully regulated under the order or will not be subject to regulation is determined by the decision of the plant operator himself.

Since the order provides for the identification of that milk which is subject to total regulation under the order, the possibility remains that some milk (i. e. other source milk) will be disposed of in the marketing area as Class I which is not subject to total regulation. In fact it was testified that some quantities of other source milk have been disposed of in each month as Class I milk in the marketing area either by delivery to a plant which would be a pool plant under the order, or by sale by the outside plant operator directly to stores or to other consumption outlets such as hotels, restaurants, or homes.

The attached order provides that whenever total receipts from producers are more than 110 percent of the total Class I sales from pool plants a payment shall be made into the equalization fund on all milk which is not priced under this or another Federal order and which is classified as Class I at a rate equal to the difference between the Class I price and the Class II price. Payments at this rate are necessary to maintain the integrity of the pricing and pooling provisions of the order.

It appears from the record that essentially all of the other source milk utilized for Class I purposes in the marketing area has been of Grade A quality and, therefore, similar in quality to that regularly disposed of in the marketing area for Class I. It was produced as part of a supply intended primarily to meet the demand for milk for fluid consumption (or the equivalent of Class I milk uses under the order) in some area other than the area specified to be regulated by this order but it was not used for such purposes in the area for which it was produced. It was, instead, milk which became surplus to the needs for milk for fluid disposition in the area for which it was produced. If the plant operator had not found a sale for such milk within the Akron marketing area, it would have been necessary for him to convert the milk into a manufactured milk product. The most likely surplus disposition of this other source milk would have been to plants engaged in processing milk into such manufactured dairy products as butter, cheese, ice cream, or nonfat dry milk solids.

Its value, therefore, to the operator of the unregulated plant was a surplus milk

termination issued April 14, 1954 (19 combination retail and wholesale route. plants. If the association is deli-

value. The Class II price for milk under the attached order is based on the value of milk when it is converted into butter and nonfat dry milk solids or the prices paid for milk at a group of midwestern condenseries, and this is the price which regulated handlers are required to pay for milk when they convert it into manufactured products. The Class II price, therefore, represents an accurate and fair representation of the value to the receiving plant operator of surplus milk which is disposed of as other source milk for Class I purposes in the marketing area.

If unregulated plant operators were allowed to dispose of surplus milk for Class I purposes in the regulated marketing area without some compensating, or neutralizing, provision in the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress, as contemplated under the Agricultural Marketing Agreement Act of 1937, of returning minimum uniform prices to the producers for the regulated marketing area, would be defeated. Moreover, inefficiencies in the marketing of milk would be encouraged, for the regulated market would obtain its Class I milk not from the regular and normal sources of supply for the market but from other sources of supply generated solely as a result of the price advantage created for unregulated milk by the regulation itself. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk therefore is an essential and necessary provision of this order. Since the value for Class I milk in a regulated market is established at the level of the Class I price provided for in the order and since the true value of other source milk when disposed of in the marketing area is the Class II value, a payment computed as the difference between the Class I price and the Class II price will remove the advantage which other source milk would have when disposed of for Class I purposes in the marketing area.

A possible alternative method of determining the rate of the compensatory payments was mentioned at the hearing. Such rate would be equal to the difference between the Class I price and the price actually paid by a handler for other source milk of Grade A quality. Under the circumstances which prevail in the Akron marketing area, a handler normally would come into possession of this type of other source milk by purchasing it from an unregulated milk plant. The milk which such a handler receives under these circumstances is at a different stage in the marketing process than is the milk which would be priced under an order. Order prices apply to milk as received at the first plant from individual farmers. The price paid by a handler for other source milk applies to milk which has already been received at the first plant, weighed, tested, cooled and placed in a transportation conveyance. Obviously, the handler generally will pay more for other source milk under this condition than he would for milk received directly from farmers, for the plant operator who first receives the milk from farmers must necessarily obtain a markup if he is to be recompensed for the services which he has performed on the milk. In some situations, the purchase of other source milk might be made from a plant operated by the same company as the regulated plant. Thus, the transaction would be primarily a matter of bookkeeping within the same company and it would be advantageous to the company if the price for the milk were to be stated as the Class I price. For by this means, all compensatory payments into the equalization fund would be avoided. Even between plants controlled by different companies, the advantage of showing that the price at which the milk was exchanged was at least as high as the Class I price would give great impetus to the effectuation of paper transactions showing a price at least equal to the Class I price while undisclosed payments were made in order to avoid the imposition of the compensatory payments into the equalization fund. Under these circumstances, it is impractical from an administrative standpoint to provide for a payment the actual amount of which is within the control of parties to the transaction. It is essential instead that the payment be computed on an objective basis and that it be equal for all handlers for similar transactions. The proposed method of computing the payments conforms with these requirements but this alternative method fails to do so.

Another possible rate of payment would be based on the difference between the price paid by the first receiver to farmers and the Class I price. It is apparent, however, that this method would be impractical also. The payment plans which are used by unregulated operators include such varying practices as paying uniform prices on a straight utilization basis, paying on a base and excess plan, paying irregular and nonuniform premiums, absorbing transportation charges, and paying on a variety of butterfat and location differentials. This wide variety of payment plans would render impossible an accurate ascertainment of the actual prices paid to farmers by the first receiver. But what is equally as important, as shown above, is that the price actually paid to farmers does not determine the true value of other source milk disposed of in the marketing area. The true value for such milk, irrespective of the price paid for it to farmers, is the Class II value because other source milk disposed of in a marketing area is in fact the surplus of milk produced primarily for sale in an area outside of the regulated marketing area. Hence, although other suggestions for computing the rate of the compensatory charge have administrative and other difficulties inherent in them, in the final analysis even if they were administratively feasible, they would not be fully effective in removing the advantage which attaches to other source milk when it is used as Class I milk in the regulated marketing area. Only the differential between the Class I price and the Class II price accurately reflects this advantage and consequently only this rate will be fully effective in dealing with the problem of integrating other source milk (when used as Class I) into the regulatory plan.

Producers proposed that pool plants purchasing supplemental other source milk be exempted from compensatory payments whenever they could show to the satisfaction of the market administrator that producer milk was not available either directly or from other handlers, at the Class I price.

There is obvious merit to the proposal that compensatory payments not apply whenever the market as a whole is short of producer milk. At times when total supplies have been short in the Akron area, it was testified that supplies available from other areas have also been so limited and that in such periods other source milk commonly costs more than the local supplies.

However, there are several advantages to measuring the adequacy of supply by comparing total receipts from producers with the total Class I utilization of pool plant handlers, instead of on a definition of "availability". In Akron there appears to be some allocation of milk between these handlers who purchase their milk from the cooperative association. Among these handlers farm pick-up routes could be diverted at the Class I price without involving interhandler transfer costs. However, other handlers who have built up their own sources of supply and equipped their plants to utilize any seasonal surpluses might be reluctant to exchange milk.

These problems can be avoided by establishing a ratio of producer receipts to Class I sales from pool plants which will, in effect, measure availability but on a thoroughly objective basis. There are no data for the entire market, but it appears from the records furnished by those handlers who report to the association and from general testimony that the market can be considered short of producer milk whenever receipts are less than 110 percent of gross Class I sales. These partial data indicate that compensatory payments would not have applied on other source milk purchased by handlers during January, September, October, November, or December, 1953 because producer milk was less than 110 percent of Class I use in those months.

The percentage standard is similar to the availability proposal in that it is based on marketwide data. No handler can obtain other source milk without an equalizing payment merely by buying short from his own producers. He must either take on sufficient supplies for his own use or depend upon other handlers who have supplies in excess of their own Class I needs.

If it should develop that surplus milk from other areas is made available to Akron even at times of short supply, a reconsideration of the non-application of compensatory payments would be in order.

No compensatory payments should be required on milk classified and priced under another Federal order. The close relationships between the Cleveland, Akron, and Stark County markets have already been described and a modification of the proposed allocation provision has also been described. Since the Class I prices in Akron and Stark County have been specifically aligned with those under the Cleveland order there is no prospect of handlers in any one of the three markets achieving a competitive advantage.

All funds collected from other source milk should be added to the producer-settlement fund. Since the compensation payments apply only when there are adequate supplies of producer milk in the market, the payments will compensate producers for the loss of income represented by the Class I sales of other source milk.

The regulated handler should be obligated to make the compensatory payments. There will be no difference in actual price paid for milk whether the payment is made by the regulated handler or by the operator of the unregulated plant from which the other source milk is obtained. However, the regulated handler makes the actual distribution of milk and reports its utilization to the market administrator, therefore from an administrative viewpoint he is the logical one to make the payment.

(5) *Classification of milk.* All milk and milk products received by a handler should be classified on the basis of the form in which or the purpose for which it is used as either Class I milk or Class II milk. Since skim milk and butterfat are not used in the same proportions in most products as they appear in milk or milk products received by a handler, skim milk and butterfat should be classified separately according to their separate uses. For milk products received or disposed of by a handler which cannot be accurately tested for skim milk and butterfat content and for condensed products from which water has been removed, the amount of skim milk and butterfat which was actually used to produce such products (or, if such information is not available, standard factors of skim milk and butterfat used to produce such products) should be employed to determine the receipts or disposition of skim milk and butterfat in such products.

(a) *Classes.* Class I utilization should be all skim milk (including the skim milk equivalent of concentrated products) and butterfat (1) disposed of for consumption in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk for fluid consumption not in hermetically sealed cans, cream, including sour cream or any mixture of cream and milk or skim milk, or (2) not accounted for as Class II utilization.

All of the enumerated forms of fluid milk are required by the Akron health department, and by the other health authorities having jurisdiction in the defined marketing area, to be made from milk produced on farms having permits for fluid use. The plants at which such milk is received from producers, processed, and bottled, must also meet prescribed standards, and be covered by permits. The sanitary standards applicable to the farms and plants are substantially equal throughout the area and the prices applicable to Class I milk sold anywhere in the area should, therefore, be equal.

Concentrated milk has not yet been distributed in the marketing area, but it has been distributed in certain Ohio cities. Proper classification of this product at this time will prevent any problems concerning its classification if at some future date a handler decides to start distributing it. Concentrated milk must be made from milk of similar quality to milk used in other products for fluid consumption which would be classified in Class I. Products commonly known as evaporated milk or condensed milk and which are either packed in hermetically sealed cans or are used in the manufacture of other milk products should not be considered as concentrated milk and should not be classified in Class I unless they are used in the manufacture of milk products which are in Class I.

It is an increasingly common practice to raise the nonfat solids content of skim milk, buttermilk, and flavored milk drinks. Apparently this is most commonly accomplished in the Akron area through the addition of condensed skim milk made from producer milk or milk from other health-approved sources. The skim milk equivalent of these concentrated fluid items, whether obtained by adding solids or by partial condensation, should be in Class I.

All milk, skim milk, and cream which is received and for which the handler cannot establish utilization should be classified as Class I milk except for allowable shrinkage in Class II. Any other classification of such milk, skim milk, or cream could result in (1) some advantage to handlers who fail to keep adequate records of utilization, (2) lack of equality among handlers in the prices they pay for milk for the same use, and (3) failure of producers to receive full value of their milk on the basis of its use. A handler can avoid classification on this basis by maintaining complete records of utilization.

All skim milk and butterfat used to produce products other than the enumerated forms of Class I fluid milk should be Class II. The more common Class II dairy products manufactured by Akron handlers include cottage cheese, eggnog, yoghurt, aerated cream, ice cream and other frozen desserts or mixes, butter, cheese, condensed milk, and nonfat dry milk solids.

Some of the cream obtained from producer milk during the flush months is frozen and used during the short months, primarily in ice cream. Such cream should be accounted for as Class II when frozen and stored. If any of it is subsequently used for Class I purposes, it will be subject to reclassification at that time.

Route returns and other milk disposed of for livestock feeding should be Class II, provided that verifiable evidence of such disposal is available. Also, any skim milk which may need to be dumped should be in Class II. However, this can be verified only by witnessing the action, since no independently verifiable record is available for audit purpose. Accordingly, the handler is required to give advance notice to the market administrator in order that he can have opportunity to have the dumping witnessed.

Shrinkage at a plant should be determined by subtracting from the total receipts of skim milk and butterfat at such plant the total disposition of skim milk and butterfat, respectively, from such plant. If the receipts at the plant include both producer milk and other source milk, the total shrinkage should be prorated between producer milk and other source milk. None of the shrinkage should be assigned to milk received from another pool plant because the shrinkage on such milk should be allowed to the handler operating such other pool plant. Shrinkage on milk diverted from farms to a pool plant other than the plant to which such milk is usually delivered should be allowed at the plant at which it is actually first received. No shrinkage should be allowed on milk diverted from a pool plant to a nonpool plant.

A plant which is operated in a reasonably efficient manner and for which complete and accurate records of receipts and utilization are maintained should have a total shrinkage of well under two percent of its total receipts. It is concluded that any shrinkage assigned to producer milk which is not more than two percent of total receipts of producer milk should be classified as Class II milk, and any shrinkage which is in excess of two percent of such receipts should be classified as Class I milk. All shrinkage assigned to other source milk should be classified as Class II milk.

(b) *Transfers.* Provision is made for classification of milk transferred between pool plants and between pool plants and non-pool plants. In the case of transfers between pool plants, transfer is permitted in any agreed class in which the transferee plant has utilization in an amount equal to or greater than the amount so transferred, after allocating any other source milk, since under a marketwide pool the classification of milk transferred between pool plants may represent any agreed producer milk use without affecting the payment to producers. Both handlers are required to report the transferred milk in the agreed classification; otherwise milk and cream transfers are classified as Class I.

In the case of transfers from a pool plant to a non-pool plant, a requirement that producer milk be allocated to the higher value uses in the transferee plant might make it difficult for pool plant operators to dispose of surplus milk. It is concluded that transfers from a pool plant to a non-pool plant in the form of milk, skim milk or cream should be in Class I, but that such transfers may be classified as Class II if so reported by the pool plan operator and if the transferee or another plant to which the product may be moved by the transferee has an equivalent use in Class II and keeps books and records which make it possible for the market administrator to verify such use.

(c) *Allocation.* Since some handlers combine operations which utilize other source milk in the same plants as those which handle producer milk for the fluid market, it is necessary to provide a

method for allocating such other source milk to the classes of utilization in order to determine the classification of the producer milk. Since producer milk is the milk which is regularly available for fluid consumption in the marketing area, the method of allocation provides that producer milk shall be allocated to Class I to the extent that such use is available.

Handlers proposed that if during any month receipts of milk from producers are less than 120 percent of the total volume of Class I milk during such month, then other source milk should be allocated to Class I and Class II milk in the same ratio as receipts from producers. Such allocation procedure should not be adopted. The possibility exists that handlers may be able to obtain other source milk for use in Class I at a pricle below the Class I price. In view of this possibility, the allocation procedure proposed by handlers allocates other source milk to Class I while some producer milk is being allocated to Class II. This would offer an incentive to handlers to maintain only nominal supplies of producer milk and to rely on supplemental supplies of other source milk.

At the hearing it was pointed out by the proponents that their original proposal for the allocation of milk from other Federal areas as other source receipts under the Akron order would create serious problems. The original proposal provided that all other source milk (whether from unregulated or other Federal sources) be allocated first to any Class II utilization by each Akron handler. This provision would have had no effect on these handlers who distribute milk in Akron from plants subject to the Cleveland or other Federal order, since they have no producers under the Akron order. Also it would not affect an Akron handler in a position similar to that of another dairy which was having its entire supply of milk bottled by a firm subject to the Stark County order. The proposal would, however, have affected those handlers who supply part of their sales with milk from local producers and part with milk bottled in two-quart containers at the Stark County plant. In this case the seasonal and daily excess of producer milk under the Akron order, which would otherwise be assigned to Class II use, would be allocated instead to Class I to the extent of the receipts of the other Federal order milk. Clearly, the seasonal and daily reserves of milk necessary to supply the exact quantities of two-quart milk bottled at the Stark County plant was carried by Stark County producers. Yet under the original proposal, the producers at the Akron plant would get Class I credit for milk which should properly be considered as reserve supply for the quantities of milk actually bottled at the Akron plant for fluid distribution.

In addition to these recognized inadequacies, it was brought out at the hearing that other types of intermarket movements of milk are growing rapidly. The most notable current instance is the direct distribution of milk by one of the Akron handlers in the Cleveland and Stark County marketing areas. However, Cleveland handlers also distribute milk in the Akron area, and firms with plants in each of two or more areas have already consolidated their manufacturing operations or removed them entirely from their regulated plants, and other consolidations might conceivably occur which would affect intermarket classification and pricing.

A suggested solution advanced by the Akron producers would apply only to such cases as that of the Akron handler who gets a portion of his milk from a Stark County handler. It was suggested that a portion of the Class I milk bottled by the Stark County handler for the Akron distributors be credited to the Akron producers. This suggestion is based upon the premise that the Akron handler formerly obtained all of his milk locally and that the change in his operations deprives Akron producers of part of their Class I sales.

It must be recognized, however, that all types of changes in the location of handlers' plants and in their areas of distribution may involve changes in their procurement of milk. Such changes have not been controlled within any of the Federally regulated marketing areas and should not be subject to allocation between such closely interrelated areas as Cleveland, Akron and Stark County.

It is concluded that milk in bottled form classified and priced under another Federal order should be assigned to the same utilization under the Akron order as under the other order, as well as being exempt from the price provisions of the Akron order.

Bulk milk may be purchased from other Federal areas to supplement an Akron handler's local supplies. Such milk will be classified and priced under the other Federal order, but the classification thereunder may depend upon how it is allocated under the Akron order. On milk obtained from a Cleveland pool plant, for example, the classification under the Akron order would determine the classification under the Cleveland order. However, milk obtained from a Chicago pool plant would automatically be Class I under the Chicago order, regardless of its Akron classification, because it had been moved outside the "surplus milk manufacturing area" as defined in the Chicago order. The Akron order should give the local producers priority on Class I sales over the milk from other Federal sources. The attached order provides that other source milk from unregulated plants be first assigned to any Class II utilization of the Akron handler. Then any other source milk obtained from plants regulated under another Federal order is assigned to any remaining Class II utilization. Such allocation will encourage handlers to purchase other source milk only when producer milk is not available. At such times, of course, there would be little or no producer milk in Class II to be affected by allocation.

If the total of all Class I and Class II milk in producer milk so computed exceeds the amount of producer milk reported to have been received at the plant for which the computation is being made, such excess (commonly referred to as "overrun") should be assigned first to any Class II utilization remaining after the foregoing allocation, and any remainder to Class I. Any overrun at a pool plant should be paid for by the handler operating the plant at the price for the class to which such overrun was allocated. Payment for such overrun could be a result of underweighing or undertesting producers' milk or of failing to maintain complete and accurate records of the receipts and utilization of producer milk.

(6) *Class prices.* The Class I products are those in which the fluid milk producers are primarily interested. It is this Class of products which requires extra effort and expense to meet the strict sanitation requirements, provide a year-around supply, and undertake the extra hauling which is commonly involved. Handlers must be charged a sufficiently high price for the milk used in Class I to attract an adequate supply of milk for the market. The seasonal and daily excess of Class II milk, on the other hand, must either be disposed of to manufacturing plants or manufactured into products made from milk which can be produced under less stringent conditions.

(a) *Class I price.* For the first 24 months of the operation of an order for the Akron area, the minimum Class I price per hundredweight of milk of 3.5 percent butterfat content should be 5 cents less than that prevailing under Order No. 75 regulating the handling of milk in the Cleveland, Ohio, marketing area for milk delivered to plants located in the marketing area.

Some time after the order has been in operation a full year, a hearing can be called to consider more permanent Class I price provisions. At such time considerable marketwide data on all aspects of the problem will have become available, and variations in the price-making method which might then seem to provide a more satisfactory price for the Akron marketing area may be given thorough consideration.

There are several reasons for adopting the Cleveland Class I price of milk, less 5 cents, as being the most appropriate price available for the first several months of operation of the Akron order. One is that the supply of milk for Akron is obtained from farms located comparatively close to the market. The milk is hauled directly from the farms to the bottling plants from which it is distributed in the marketing area; none of the bottling plants obtain regular supplies from country supply plants. In order to maintain this supply of milk, the prices paid farmers must be closely in line with those paid to Cleveland shippers, since the Cleveland milkshed completely envelope the Akron territory. The prices must also be in line with those established under the Stark County order, since Akron and Stark County producers are intermingled in the area south of Akron.

If the procurement of milk was the only price problem involved, the class prices under the Akron order could be established at such levels as to result in blend prices relative to those paid under the Cleveland and Stark County orders which would discourage the Akron shippers from shifting to the other markets. In the absence of any order price regulation, the smaller secondary markets like Akron which are located within the milkshed of a large primary market like Cleveland tend to obtain their supplies from the closest farms. The handlers in the large primary market, either individually or in aggregate, tend to bypass the secondary markets and develop country plant sources of supplies in more distant areas from which the milk is hauled in tank load lots. This practice by the secondary markets of obtaining their comparatively small supplies locally, while the primary market relies upon country plant sources from which tank load shipments are feasible, should not be hindered by the order.

However, the procurement of the supply of milk is not the only aspect of intermarket competition which must be considered in establishing the Class I price in Akron. Sales competition between Akron handlers and those regulated under the Cleveland and Stark County orders is exceptionally keen. Some phases of the competition have already been described under the topic "Marketing Area". The one milk company has extensive sales in the Cleveland and Stark County areas from its plant at Stow, Ohio. This company also is a major handler in the Akron territory, which is supplied from this firm's large plant at Cuyahoga Falls. There are substantial sales by several Cleveland handlers in the Akron marketing area and direct competition exists between Cleveland and Akron handlers in the territory between the two marketing areas. Relations between Stark County and Akron handlers are even more direct; one of the Stark County handlers bottles the entire supply of milk for one Akron area handler and bottles milk in 2-quart paper containers for three other handlers whose principal distribution is in the Akron area. The Cleveland handlers whose plants are located in that city must, of course, pay at least the f. o. b. market Class I price for all milk distributed from such plants. However, Cleveland handlers whose plants are located not more than 60 miles from the Cleveland city hall must also pay the f. o. b. prices for all milk distributed from such plant for Class I purposes even though the minimum price to producers in the 30–60 mile zone is 13 cents less than the market price. The Stow, Ohio, plant of the Lawson Milk Company and the Wooster Farm Dairy, at Wooster, are within the 60-mile zone. Sales by Stark County handlers and the milk bottled for Akron distributors by a Stark County handler are paid for at the Stark County Class I price. The Class I price for milk received at plants holding health permits from Canton, Alliance, or Massillon is 5 cents less than the Cleveland Class I price for milk delivered to city plants.

The Class I price under the Cleveland order is determined by adding a Class I differential to the value of manufactured milk. The value of manufactured milk is the higher of two basic formula prices, one being the average price reported paid to farmers by a list of midwest condenseries, and the other being a formula which measured the value of milk used for manufacturing butter and nonfat dry milk solids. The Class I differential is 90 cents per hundredweight during April, May and June, the months of flush production; $1.90 during August through January, the months of lowest production; and $1.45 during the intermediate months of February, March and July. These stated Class I differentials are further subject to a supply-demand adjustment which raises the Class I differential whenever supplies are below normal in relation to sales, and lowers it whenever supplies are excessive in relation to sales. The supply-demand adjustment is limited to plus or minus 25 cents. It is concluded that this same system of pricing is as appropriate to the conditions of supply and demand of milk in Akron as in Cleveland, and that the two markets are so closely competitive both in the procurement and distribution of milk approximately the same Class I price should prevail in both markets.

Adopting a Class I price which is the same as that under the Stark County order, and only 5 cents below that of the Cleveland order would assure substantial equality between the cost of Class I milk to all handlers in the three markets. This similarity of prices would prevent the substantial changes in sales territories, location of plants, and procurement policies which would be virtually certain to result if there were any substantial differences in the Class I prices in these markets. It appears probable that this similarity of Class I prices will result in a higher blend price to the Akron producers than is paid under the Cleveland order. The data reported by those handlers who purchase milk from the cooperative associations indicate a substantially higher percentage of Class I utilization than occurs under the Cleveland order. Although data were not available for the other Akron handlers, experience in other markets where there is no marketwide pool indicates that their utilization may also be comparatively high. If such a difference in blend prices materializes, Cleveland shippers may wish to switch to the Akron market. However, even if such switch occurs, it will have only minor affect upon Cleveland supplies, since a shift by a comparatively small proportion would equalize the Akron and Cleveland blend prices.

The conclusion that the Akron Class I price be 5 cents below the Cleveland price instead of fully equal to it reflects the discount on fluid cream contained in the Cleveland order. In the Akron order the butterfat and skim milk content of fluid cream is in Class I, at the same price as the components of fluid milk and other Class I items. Under the Cleveland order the prices of the butterfat and skim milk components of fluid cream are determined by deducting 45 cents per hundredweight from the price of fluid milk of 3.5 percent butterfat content and allocating 70 percent of the resultant price as the value of the 3.5 pounds of fat and 30 percent as the value of the 96.5 pounds of skim milk. At the prices which prevailed during the calendar year 1953 the quantities of fluid cream sold under the Cleveland order reduced the total Class I price 5.5 cents per hundredweight of milk below the price which would have prevailed if there had been no discount on fluid cream. This computation is based upon the announcements of minimum Class prices to handlers and minimum blend prices payable to producers, as issued by the Cleveland market administrator. Official notice of such data is hereby taken. In order to assure equality in the level of the Class I prices paid by Akron handlers with those under the Cleveland and Stark County orders, the Akron Class I price should be 5 cents less than the Cleveland Class I price applicable to fluid milk.

(b) *Class II price.* The Class II price should be equal to the average paid for milk of 3.5 percent butterfat content at 15 midwest condenseries or a formula based on market prices of butter and nonfat dry milk solids, whichever is higher.

The butter-powder formula should be the same as that used for the pricing of Class II milk under the Stark County order and as a basic formula under both the Stark County and Cleveland orders. This formula uses the market prices of butter and powder to measure the value of milk used for their manufacture. Three cents is deducted from the price of 92-score butter at Chicago, the result is multiplied by an overrun factor of 1.2, and this result in turn is multiplied by the basic fat test (3.5) as a measure of the value of the butterfat content. To this butterfat value is added the skim milk value computed by deducting 5.5 cents from the average of the market prices for spray and roller process nonfat dry milk solids, f. o. b. cars or trucks at manufacturing plants in the Chicago area, and multiplying the result by a yield factor of 8.2, the quantity of solids obtainable from 96.5 pounds of skim milk.

Data on the quantities of Class II milk were not made available for all of the Akron area distributors at the hearing. However, a compilation submitted by the producers shows the percentage of producer milk used in each of three categories as reported by the six firms which purchased milk from the association in 1953. These data disclosed that in the calendar year 1953 only 11 percent of milk received from the producers was utilized for purposes other than fluid milk and cream. No milk was reported so used in the months of October and November, and the maximum percentage in excess of fluid needs occurred in May when the percentage reached 25. These data demonstrated that a remarkably high percentage of milk received from producers at these plants is utilized for fluid milk and cream.

It was testified that several handlers have equipped their plants to manufacture cottage cheese and ice cream as a means of making the most efficient and profitable use of the seasonal excess of milk delivered by producers. Two of the larger handlers have minimized the handling of flush season receipts by developing health-inspected sources of milk which were drawn upon only during the fall and winter season of low production. Such measures as these have greatly reduced the necessity of physi-

cally transporting much of the seasonally excess milk from the bottling plants to manufacturing plants. Even in those instances when supplies from producers are in excess of those which can be accommodated in the handlers' plants, it is frequently possible to divert the milk from farm pickup routes directly to manufacturing plants, thereby avoiding the extra expense of receiving such milk at the bottling plants and transporting it back to a manufacturing outlet.

It is difficult to place a precise valuation on the excess milk. Its value is comparatively low on such quantities as must be received at bottling plants and transported considerable distances for manufacture; on the other hand its value is comparatively high in terms of the alternative cost for milk suitable for use in the manufacture of cottage cheese or ice cream delivered to Akron handlers' plants from other sources. When the excess of supplies of producer milk can be utilized in handlers' plants, it should command an appreciable premium over the basic formula prices which refer to strictly manufacturing grade milk. Such premium reflects the higher quality of producer milk and the absence of transportation or container costs.

It is concluded that the Class II price will permit the orderly and efficient disposal of milk not needed for fluid use without encouraging handlers to add producers in excess of those needed to supply their needs for fluid milk and cream in the months of lowest production.

(c) *Handler butterfat differentials.* The Class I and Class II prices under the order should be stated in terms of the price per hundredweight of milk containing 3.5 percent of butterfat. The price applicable to milk of a butterfat content other than 3.5 percent should be stated in terms of a butterfat differential, i. e., the amount by which the price at basic test is raised or lowered for each one tenth of one percent that the test differs from 3.5 percent. The Class I butterfat differential should be 0.13 times the price per pound of 92 score butter at Chicago, and the Class II butterfat differential should be 0.115 times the butter price.

The butterfat and skim milk utilized in each class is accounted for separately under most of the Federal orders, including all those in Ohio. The price per hundredweight of milk must, of course, be allocated to the skim milk and butterfat components. In most orders throughout the United States this is accomplished by specifying a basic butterfat test and a butterfat differential, which is the amount to be added or subtracted from the announced price for each one tenth of one percent variation in butterfat content. However, under the Cleveland, Stark County, and Lima orders the 3.5 percent price is only an intermediate computation; official class prices are then computed and announced separately per hundredweight of butterfat and per hundredweight of skim milk. There is no substantive difference between the two methods of computing and announcing class prices. The butterfat price differential is more simply stated, focuses attention on the 3.5 price, and is used in the great majority of orders which utilize a butterfat and skim milk accounting system. It should, therefore, be used in Akron.

In the original Notice of Hearing, it was proposed by producers that the Class I price for 3.5 milk be allocated to butterfat and skim milk in the same ratio as the basic butter-powder formula, which is the price comprised of the values of butterfat and skim milk in milk used for manufacturing purposes. At the hearing they modified this proposal to provide that the value of a hundred pounds of Class I butterfat be set at a fixed ratio of 130 times the price per pound of 92 score butter at Chicago and that skim milk be assigned the residual value obtained by deducting the value of 3.5 pounds of butterfat from the 3.5 price per hundredweight of Class I milk. The modification would reduce the value of Class I butterfat and keep it at a fixed relationship to butter in all months of the year. Skim milk values, of course, would be correspondingly increased. The modification reflects an increasing consumer demand for skim milk and skimmed or partly skimmed milk drinks, and a decreasing consumer demand for cream and other high-butterfat products.

Producers proposed that the Class II price be allocated to butterfat and skim milk in the same ratio as contained in the basic formula butter-powder price. In the basic formula butterfat is valued at the price per pound of 92-score butter in Chicago less 3 cents, multiplied by an overrun factor of 120. If the local plant price is above the Class II butter-powder formula price, the Class II butterfat value will be correspondingly higher. On balance, it appears that a Class II butterfat differential equal to 0.115 times the market price of butter will achieve substantially the same allocation between butterfat and skim milk as was proposed.

(7) *Payments to producers*—(a) *Type of pool.* It is concluded that the sales proceeds from all pool plants should be combined on a market-wide basis for distribution to the producers.

A market-wide form of pooling was proposed by producers and was not opposed by any of the handlers. The alternative is a system of individual-handler pooling whereby the producers supplying each of the regulated handlers is paid a blend price based upon the proportionate Class I and Class II sales of that particular handler. For many years the cooperative association of producers in the Akron market sold the milk of its members to handlers under a classified price plan, and distributed the proceeds through a market-wide pool. Under such a pool all producers received the same minimum price for milk at 3.5 percent butterfat content delivered to pool plants. (This uniform price is, of course, subject to adjustment for varying percentages of butterfat content and producers may also be charged different rates for hauling this milk from farm to plant.) An important advantage of a market-wide pool is that the uniformity of payments to producers allows handlers either to equip their plants to manufacture the seasonal and daily surpluses of milk, or to minimize their handling of such milk, without affecting the blend price paid to the particular shippers who deliver regularly to their plants. Some of the Akron handlers are equipped to utilize seasonally surplus milk from their own producers and from other handlers in the market, while some handlers have virtually no facilities in their plants for the manufacture of dairy products. One further reason for prefering a market-wide pool in Akron to individual-handler pooling is that both the Cleveland and Stark County orders provide for market-wide pools. Having a similar pool in Akron will facilitate shifts of producers in response to changes in local demands and patterns of distribution or other factors which may affect one market more than the others. This follows from the fact that individual handlers can add shippers without appreciably lowering the prices payable to their own producers, thereby jeopardizing the returns to their previous regular shippers.

(b) *Payments to individual producers and to members of cooperative associations.* Handlers should make payments to each producer for milk delivered by such producer at the appropriate uniform price. Payments due any producer for milk should be paid by the handler to a cooperative association if the cooperative association makes a written request for such payments and if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. The association's request should also agree to indemnify the handler for any loss incurred because of an improper claim. In making such payments for producer milk to a cooperative association the handler should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary so the cooperative association can make proper distribution of the money it collects to producers for whom it collects.

Unless a cooperative association can receive payment for the milk marketed on behalf of its producer members, it cannot re-blend the sales proceeds from milk sold in various outlets. Such reblending may be desirable in connection with profits or losses on milk diverted by an association to nonpool plants or on milk sold for fluid use in other marketing areas.

(c) *Producer-settlement fund.* Since all producers are to receive the same price for milk (except for butterfat differentials), and since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; and all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal, except for minor differences that may result from rounding off uniform prices. In order to permit this rounding off of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be adjusted each month.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has not made payments required of him into the producer-settlement fund should be eliminated in the computation of the uniform price in subsequent months until such handler has completed all delinquent payments.

(d) *Producer butterfat differential.* The uniform prices should be computed for milk containing 3.5 percent of butterfat. This follows past market practice. In distributing proceeds to producers a differential should be established for milk containing more or less than 3.5 percent of butterfat.

Such differential should correspond to the weighted average values of the butterfat and skim milk in producer milk utilized by handlers in Class I and Class II. This follows the same principle as the payment of a uniform price to all producers. Each producer shares equally in the total value of the handlers' Class I and Class II utilization, at the basic test of 3.5 percent butterfat. It is equally appropriate that each should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.5 percent. A weighted average will give butterfat a somewhat higher value and skim milk a proportionately lower value than those proposed by producers; the Class I butterfat differential is 1.3 times the butter price and the Class II factor is 1.15 whereas producers proposed a differential just fractionally over the butter price without allowing for a yield factor.

(8) *Administrative provisions.* The remaining provisions of the order are of a general administrative nature, are incidental to the other provisions of the order, and are necessary for the proper and efficient administration of the order. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required by the order. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in the event of its suspension or termination. They are similar to like provisions of other orders, and except as set forth below require no comment.

(a) *Expenses of administration.* As his share of the expenses of administering this order each handler should pay not in excess of 3 cents per hundredweight with respect to all producer milk received, and all other source milk received at a pool plant which was classified at Class I milk. The market administrator must verify receipts and utilization of all such milk; therefore all such milk should be subject to the expenses of administration. Experience in other markets indicates that 3 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 3 cents per hundredweight yields more money than is needed, provision is made for the Secretary to prescribe a lesser rate of payment from time to time.

(b) *Marketing services.* It was pointed out earlier in this decision that market-wide information concerning market supply and requirements would be useful to producers and cooperative associations in helping them maintain their production in line with market requirements. Costs involved in distributing information to producers and cooperative associations should be borne by the producers or their associations.

The cooperative association in the market has been providing marketing services to its members which include the verification of weights and tests of milk delivered by each member. The provision for such services to be rendered to producers for whom a cooperative association does not perform such services will assure each producer that he is receiving his just proportion of the total proceeds of the market. Costs of these services should also be borne by producers.

On the basis of the costs of providing these services in other markets, it is concluded that a deduction of 6 cents per hundredweight of milk delivered by each producer should be adequate to cover these costs. Provision is made that the Secretary may reduce this deduction if experience indicates a lesser deduction will provide adequate funds. If a cooperative association is actually performing these services for producers, then in lieu of the 6 cent deduction such deduction as is authorized by such producers should be made from the amounts due producers for whom the cooperative association is performing such services and should be paid to the cooperative association.

(c) *Records and reports.* Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary to the marketwide pooling operation and compute the uniform price to producers. Handlers would also be required to submit payroll reports which would show the details of milk receipts from each producer, the value of the milk received from the producer, deductions therefrom, and net amount paid to the producer.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of the decision.

(d) *Time schedule.* Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedules should allow all interested persons adequate time to perform each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

Day of the Month and Function

5th—Announcement of class prices by market administrator.
8th—Submission of monthly report of receipts and utilization by handlers.
13th—Announcement of uniform price and names of handlers who received producer milk and notification to handlers of the value of their producer milk by market administrator.
14th—Payment by handlers of amounts due to producer-settlement fund and for expenses of administration.
16th—Payments by handlers to cooperative associations and by market administrator out of producer-settlement fund.
18th—Payments by handlers to producers.

(f) *Milk subject to other Federal orders.* A handler who operates a plant at which minimum prices to dairy farmers are established under another order issued pursuant to the act, but nevertheless supplies milk for distribution in the Akron marketing area should be exempt from the provisions of this order, except for reporting his volume of Class I sales in the marketing area. It would be impracticable to attempt to regulate a handler under two separate orders with respect to the same milk. The effective regulation should be subject to determination by the Secretary of Agriculture. A proposal that the Class I sales by such a handler in the Akron marketing area be prorated between Akron producers and the producers for the other market is discussed elsewhere in this decision.

General findings. (a) The proposed marketing agreement and the order and all of terms and conditions thereof will

tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, the available supply of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of September 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order to regulate the handling of milk in the Akron, Ohio, marketing area in the manner set forth in the attached order is approved or favored by producers, who during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Akron, Ohio, Marketing Area," and "Order Regulating the Handling of Milk in the Akron, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 17th day of November, 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

Order [1] Regulating the Handling of Milk in the Akron, Ohio, Marketing Area

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§ 960.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Akron, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not exceeding 3 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers and other source milk which is classified as Class I milk and which is not subject to administrative assessment under another Federal order.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Akron, Ohio, marketing area shall be in conformity to and in compliance with the following terms and conditions as set forth below:

DEFINITIONS

§ 960.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 960.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 960.3 *Marketing Area.* The Akron, Ohio, Marketing Area, hereinafter referred to as "marketing area" means all territory, including but not limited to all municipal corporations within the boundaries of: Summit County excepting sections 25, 26, 27, 34, 35, and 36 in Greene Township; and including Franklin, Ravenna, Brimfield, and Suffield Townships in Portage County (excepting lots 1, 2, 9, 10, 11, 12, 19, 20, 21, 22, 29, 30, 31, 32, 39, and 40 in Suffield Township.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

§ 960.4 *Handler.* "Handler" means any person (a) in his capacity as the operator of a plant where milk is processed and packaged for distribution on a route(s) in the marketing area, and (b) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a plant for the account of such cooperative association.

§ 960.5 *Pool plant.* "Pool plant" means any plant at which milk received from dairy farmers is packaged and distributed as Class I milk on a route(s) wholly or partially within the marketing area, except plants exempted pursuant to § 960.80.

§ 960.6 *Nonpool plant.* "Nonpool plant" means a plant other than a plant operated by a producer-handler, during such months as it is not a pool plant.

§ 960.7 *Producer.* "Producer" means any person other than a producer-handler who produces milk which has approval of the health authorities of any community in the marketing area for consumption as fluid milk in such community and is received at a pool plant. This definition shall include any such person who is regularly designated as a producer but whose milk is caused to be diverted to a plant, other than a pool plant, by a handler for his account. Milk so diverted shall be deemed to have been received at a pool plant by the handler or cooperative association which caused it to be diverted.

§ 960.8 *Producer milk.* "Producer milk" means skim milk and butterfat contained in milk received from producers.

§ 960.9 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in milk, skim milk, or cream, used to produce all other milk products, received from all sources other than producers and pool plants.

§ 960.10 *Producer-handler.* "Producer-handler" means any person who (a) produces milk; (b) receives no milk from producers or from other sources; and (c) operates a plant from which a route(s) is operated wholly or partially within the marketing area.

§ 960.11 *Route.* "Route" means a sale or delivery (including a sale from a plant or store) of Class I milk to a wholesale or retail stop(s).

§ 960.12 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 960.13 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture.

§ 960.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association; (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 960.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 960.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 960.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 960.75, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses (except those incurred under § 960.76) necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to his successor or to such other person as the Secretary may designate.

(f) Publicly announce unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within 8 days after the day upon which he is required to perform such acts, has not made reports pursuant to § 960.30 or § 960.31 or payments pursuant to §§ 960.70, 960.72, 960.74, 960.75, 960.76, or 960.77;

(g) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate;

(1) On or before the 5th day of each month the minimum class prices for the preceding month for milk of 3.5 percent butterfat content, as computed pursuant to §§ 960.50 and 960.51, and the butterfat differentials, computed pursuant to § 960.52.

(2) On or before the 13th day of each month the uniform price for the preceding month, computed pursuant to § 960.61, and the butterfat differential for the preceding month computed pursuant to § 960.74.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such information concerning the operation of this subpart as does not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 960.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month, each handler who operates a pool plant, and any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (b), shall, with respect to milk or milk products which were received or produced by such handler during such month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of butterfat and skim milk contained in milk received from producers, or produced by the handler;

(b) The quantities of butterfat and skim milk contained in or used to produce receipts of milk and milk products from other handlers;

(c) The quantities of butterfat and skim milk contained in or used to produce receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all butterfat and skim milk the receipt of which is required to be reported pursuant to this section;

(e) The pounds of butterfat and skim milk contained in all milk, skim milk, and cream and other Class I products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the use of milk as the market administrator may request.

§ 960.31 *Other reports.* Other reports shall be submitted to the market administrator as follows:

(a) Each producer-handler, and each handler who does not operate a pool plant, shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who operated a pool plant at which producer milk was received in the preceding month shall submit such handler's producer payroll for the preceding month which shall show (1) the total pounds and the butterfat content of milk received from each producer, (2) the amount and date of payment to each producer or cooperative association pursuant to § 960.70, and (3) the nature and amount of each deduction or charge made by the handler.

§ 960.32 *Records and facilities.* Each handler and producer-handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of any of his operations and such facilities as in the opinion of the market administrator are necessary to verify or to establish the correct data with respect to: (a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) all payments required to be made by such handler pursuant to §§ 960.70, 960.72, 960.74, 960.75, 960.76, and 960.77.

§ 960.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler or producer-handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if within such three-year period the market administrator notifies the handler or producer-handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler or producer-handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler or producer-handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 960.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a pool plant from any source or diverted by a cooperative association shall be classified pursuant to §§ 960.41 through 960.44.

§ 960.41 *Classes of utilization.* Subject to the conditions set forth in §§ 960.43 and 960.44, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat (1) disposed of for consumption in fluid form as milk, skim milk, buttermilk, flavored milk; flavored milk drinks, concentrated milk not in hermetically sealed cans, cream, including sour cream or any mixture of cream and milk or skim milk, or (2) not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; (3) in shrinkage of producer milk up to 2 percent of receipts from producers; or (4) in shrinkage of other source milk.

§ 960.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred or diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the transferring or diverting handler's pool plant shall be included in the receipts at the pool plant to which such milk was transferred or diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the transferring or diverting handler's pool plant for such purpose.

§ 960.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat contained in producer milk and in other source milk received by a handler shall be classified as Class I milk unless the handler proves to the market administrator that such skim milk and butterfat or a portion thereof should be classified as Class II milk. Any skim milk or butterfat which is classified in Class II shall be reclassified to Class I if subsequent to the original classification such skim milk or butterfat is handled in such a manner as to justify its reclassification.

§ 960.44 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to another pool plant in the form of milk, skim milk or cream shall be Class I utilization unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 960.30: *Provided,* That in no event shall the amount so classified as Class II be greater than the amount of producer milk used in such class in the pool plant of the transferee handler after allocating other source milk in such plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk, skim milk or cream from a pool plant to a handler described in § 960.80 or to a nonpool plant shall be Class I utilization unless all of the following conditions are met:

(1) Class II utilization is indicated by the operator of the pool plant in his report submitted pursuant to § 960.30.

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for the vertification of such Class II utilization.

(3) If the above conditions are met, the market administrator shall classify all skim milk and butterfat received at the nonpool plant and the skim milk and butterfat so transferred shall be allocated in series beginning with any skim milk and butterfat, respectively, remaining in Class I milk after allocating skim milk and butterfat in milk received from dairy farmers whom the market administrator determines constitute the regular source of milk for Class I uses at such plant, in series beginning with Class I milk.

(c) Skim milk and butterfat transferred in the form of milk, skim milk, or cream to a producer-handler shall be classified as Class I milk.

§ 960.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler pursuant to § 960.30 and shall compute separately the pounds of skim milk and butterfat in each class.

§ 960.46 *Allocation of butterfat.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 960.41 (b) (3);

(b) Subtract from the total pounds of butterfat in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received in a form other than that specified in paragraph (d) of this section from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another Federal order and disposed of in the same form as received;

(e) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers in such classes pursuant to § 960.44 (a); and

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section.

(g) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 960.47 *Allocation of skim milk.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 960.46.

MINIMUM PRICES

§ 960.50 *Class I price.* During the two year period following the effective date of this subpart, the minimum price per hundredweight to be paid by each handler, f. o. b. his pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I utilization shall be 5 cents less than the Class I price as determined pursuant to § 975.61 (a) of this chapter, exclusive of the proviso contained therein, of the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (Order No. 75, Part 975 of this chapter).

§ 960.51 *Class II price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class II utilization shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) or (b) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Bellsville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

§ 960.52 *Handler butterfat differentials.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 960.50 and 960.51 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92 score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15, and divide the result by 10.

DETERMINATION OF UNIFORM PRICE

§ 960.60 *Value of producer milk for each handler.* The value of producer milk received or delivered during the month by each handler who operates a pool plant, and by any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (b), shall be a sum of money computed by the market administrator by multiplying by the applicable class price, adjusted pursuant to § 960.52, the total combined hundredweight of skim milk and butterfat received from producers allocated to each class pursuant to §§ 960.46 and 960.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by mutliplying any such excess utilization classified pursuant to § 960.46 (f) and § 960.47 by the applicable class prices.

§ 960.61 *Computation of uniform price.* For each month the market administrator shall compute a uniform price per hundredweight of milk containing 3.5 percent of butterfat to be paid to producers delivering milk to any pool plant as follows:

(a) Combine into one total the value of producer milk for each handler as computed pursuant to § 960.60 for all handlers who reported pursuant to § 960.30 for such month, except those in default in payments required pursuant to § 960.72 for the preceding month.

(b) Add the total amount of all payments made pursuant to § 960.72 (b);

(c) Add any amounts paid into the producer-settlement fund and subtract any amounts paid out of the producer-settlement fund pursuant to § 960.77;

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund exclusive of the amounts added or subtracted pursuant to paragraphs (b) and (c) of this section;

(e) Subtract, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 960.74 multiplied by 10;

(f) Divide the resulting amount by the total hundredweight of producer milk received by all handlers during the month for which uniform prices are being computed;

(g) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed.

§ 960.62 *Notification.* On or before the 13th day of each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 960.30 of:

(a) The classification pursuant to §§ 960.46 and 960.47 of skim milk and butterfat contained in producer milk received by such handler during the preceding month and the value of such milk computed pursuant to § 960.60;

(b) The uniform prices for the preceding month computed pursuant to § 960.61; and

(c) The amount due such handler pursuant to § 960.73 and the amount to be paid by such handler pursuant to §§ 960.72, 960.75, and 960.76.

PAYMENTS

§ 960.70 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 18th day after the end of each delivery period, each handler (except a cooperative association) shall pay each producer for milk received from him within such delivery period, not less than an amount of money computed by multiplying the total pounds of such milk by the uniform price, adjusted by the butterfat differential pursuant to § 960.74, and less any proper deductions authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 960.73 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each han-

dler shall (i) pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (a) the total pounds of milk received from him during the preceding month, (b) the total pounds of butterfat contained in such milk, (c) the number of days on which milk was received, and (d) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

§ 960.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to §§ 960.72 and 960.77 and out of which he shall make all payments pursuant to §§ 960.73 and 960.77.

§ 960.72 *Payments to the producer-settlement fund.* On or before the 14th day of each month handlers shall make payments to the market administrator as follows:

(a) If the value of producer milk received by a handler in the preceding month as computed pursuant to § 960.60 exceeds the amount which such handler is required to pay all producers pursuant to § 960.70, such handler shall pay the difference between the two amounts.

(b) If, during the preceding month, the total receipts from all producers was 110 percent or more of the total Class I utilization at pool plants, any handler who received other source milk during the preceding month which was allocated to Class I pursuant to § 960.46 (b) or § 960.47 shall pay an amount equal to the value of such milk at the Class I price less the value of such milk at the Class II price.

§ 960.73 *Payments out of the producer-settlement fund.* On or before the 16th day of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler for the preceding month pursuant to § 960.70 is greater than the total value of the milk of such handler computed pursuant to § 960.60 for such preceding month less any unpaid obligations of the handler to the market administrator pursuant to §§ 960.72, 960.75, 960.76 (a), and 960.77 (a): *Provided,* That if the balance in the producer-settlement fund is insufficient to make payments to all handlers pursuant to this paragraph, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 960.74 *Producer butterfat differential.* In making payments pursuant to § 960.70 the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 960.52, weighted by the pounds of butterfat in producer milk in each class and round the result to the nearest tenth of a cent.

§ 960.75 *Expense of administration.* (a) As his pro rata share of the expense incurred pursuant to § 960.22 (c), each handler shall pay the market administrator on or before the 16th day of each month 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to (a) all receipts within the preceding month of producer milk (including such handler's own production), and

(b) All other source milk allocated to Class I pursuant to § 960.46 (b) and the corresponding portion of § 960.47.

§ 960.76 *Marketing services.* In making payments to producers or cooperative associations pursuant to § 960.70 a handler shall make deductions and dispose of amounts so deducted as follows:

(a) Except as set forth in paragraph (b) of this section a handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk for which payment is being made pursuant to § 960.70 and shall pay the total amount of such deductions to the market administrator on or before the 16th day after the end of the month in which such producer milk was received. Such amount shall be expended by the market administrator to verify weights and tests of milk of producers and to provide producers with market information, such service to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) Each association of producers which is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler for the amount of any loss sustained by him because of any improper claim on the part of the association, and a certification that the association has an unterminated membership contract with each producer, which contract authorizes the claim deduction. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted within 16 days after the end of the month.

§ 960.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors or whenever skim milk or butterfat is reclassified pursuant to § 960.43 resulting in monies due (a) the market administrator from such handler, or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to § 960.70 the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice. In computing amounts due pursuant to this section the class prices, the appropriate uniform price, the butterfat differential, the rate of administrative assessment pursuant to § 960.75, and the rate of marketing service deduction pursuant to § 960.76 which were applicable in the month for which the original calculation of amounts due were made shall be used.

§ 960.78 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notified the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within that applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 960.80 *Handler exemption.* A handler who operates a plant located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other Class I product) of Class I milk per day is disposed of during the month on a route(s) operated wholly or partly within the marketing area, or a handler operating a plant which the Secretary finds is subject, during the month, to another Federal order shall be exempted with respect to the milk received at such plant during such month from all provisions of this subpart except §§ 960.31, 960.32, and 960.33.

§ 960.81 *Producer-handler.* A producer-handler shall be exempt from all provisions of this subpart except that he shall make reports to the market administrator at such time and in such manner as the market administrator may request.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 960.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

§ 960.91 *Suspension or termination.* Whenever the Secretary finds the subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision of this subpart.

§ 960.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 960.93 *Liquidation.* Upon the suspension of the provisions of the subpart, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instrument necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 960.100 *Agent.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 960.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Akron, Ohio, Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Akron, Ohio, marketing area) who, during the month of September 1954 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of September 1954 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

[F. R. Doc. 54-9215; Filed, Nov. 19, 1954; 8:52 a. m.]

[7 CFR Part 988]

[Docket No. AO-195-A7]

HANDLING OF MILK IN KNOXVILLE, TENN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Correction

In Federal Register Document 54-8714, appearing at page 7182 of the issue for Friday, November 5, 1954, the following corrections should be made in the "Findings and conclusions":

1. In the 14th line of the middle column on page 7183, "fell" should read "well".

2. In the 27th line of the third column on page 7186, "plans" should read "plants".

3. In the 41st line of the first column on page 7187, "charged" should read "changed".

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 40, 41, 42]

[Draft Release 54-22]

APPLICATION OF TRANSPORT CATEGORY REQUIREMENTS TO C-46 TYPE AIRPLANES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of changes to Special Civil Air Regulation No. SR-406 as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Dec. 20, 1954. Copies of such communications will be available after Dec. 22, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Special Civil Air Regulation No. SR-406, adopted June 30, 1954, provides rules

ducer-settlement fund. On or before the 16th day of each month, the market administrator shall determine the total amount of authorized deductions from the payments otherwise due to its producer members for the second preceding month and shall notify each handler of the amount due from him. Each handler shall pay to the market administrator, within the two-day period provided for in paragraph (a) of

for the certification and operation of C–46 type airplanes. Certain provisions in SR–406 require compliance with the requirements in Part 4b of the Civil Air Regulations.

In adopting SR–406 the Board applied its provisions only to C–46 airplanes in passenger operations. Since the adoption of that Special Civil Air Regulation this Bureau has received a number of inquiries concerning the future regulatory action by the Board which would affect the C–46 airplanes in cargo operations. The Board has recently considered the problem of applying the certification rules contained in SR–406 to cargo airplanes but has decided not to propose such action at this time. Instead, the Board has decided to wait until experience is gained in the modification program resulting from SR–406 with passenger airplanes. In the light of such experience the Board will again consider the problem of the application of these certification rules to cargo airplanes. In addition, the overall problem of rules for all airplanes in cargo operations is currently under study by the Board. The Board has determined that the continued study of cargo rules should concern itself primarily with airplane operating weights and, therefore, should include the C–46 as well as all other cargo airplanes.

A review of SR–406 and specifically paragraph 5 therein indicates that compliance with the powerplant fire protection provisions of CAR Part 4b effective July 20, 1950, may not assure a sufficiently high level of safety for the C–46 in passenger service. At the time of adoption of SR–406 the application of the July 20, 1950, powerplant fire protection provisions to the C–46 were intended to result in a level of safety equivalent to that legally required of other transport category airplanes. However, in actual practice the other airplane types include fire protection design safeguards beyond those legally required. Subsequent to July 20, 1950, Part 4b was amended to include, among other provisions, mandatory requirements for the installation of: (1) Fireproof accessory section diaphragm; (2) fireproof accessory section cowling; (3) fire detectors and extinguishers for Zone 3; and (4) feathering lines which can resist fire under operating pressures.

The Board has been informed that many of the C–46 operators believe the aforementioned design features to be necessary for safety and that these operators have contemplated incorporating them in the modification program required by SR–406. The Civil Aeronautics Administration has expressed the view that the application of the present provisions of SR–406 will result in the C–46 having inferior fire protection as compared to other transport airplanes. They recommend that regulations more recent than those effective July 20, 1950, be made mandatory. Such more recent regulations would require the incorporation of the design features just mentioned. Although under ordinary circumstances requirement of these added features on airplanes in operation would undoubtedly be a burden on the operators, in this instance the burden for most operators would be relatively minor because all passenger C–46 airplanes would in any event be subjected to a modification program in accordance with SR–406. Consequently the Board intends to add to the provisions of paragraph 5 of SR–406 a requirement that all passenger C–46 airplanes be modified to include the aforementioned powerplant installation features.

In addition, certain other changes are being proposed to the provisions of SR–406, all of a clarifying nature. Among the clarifications is the addition of § 4b.116 to the list of sections in which the propeller of the inoperative engine may be assumed to be in the feathered position if the airplane is equipped with an approved automatic indication or automatic feathering system. It is intended that performance credit for an automatic indication system be determined on the same basis as for an automatic feathering system assuming that the manual feathering button is actuated immediately upon indication of the engine failure.

Accordingly, notice is hereby given that it is proposed to amend the provisions of SR–406 as follows:

1. It is proposed to add to paragraph 5 of SR–406 a provision which would require compliance with powerplant fire protection requirements contained in §§ 4b.480 through 4b.490 effective May 16, 1953, in lieu of §§ 4b.480 through 4b.489 effective July 20, 1950, with the exception of § 4b.484 (a) (1) which shall be applicable as effective July 20, 1950, and § 4b.487 (e) which has no counterpart in the 1950 regulations.

2. It is proposed to make the following clarification changes in SR–406:

a. To indicate clearly in paragraph 1 that the provisions of SR–406 override all other provisions in the Civil Air Regulations which might be contrary to SR–406.

b. To include Subpart F of Part 4b, which deals with equipment, in the listing of subparts in paragraph 5d.

c. To include in the second sentence of paragraph 6 a reference to the take-off path to make that sentence read as follows: "In determining the take-off path in accordance with § 4b.116 and the one-engine-inoperative climb in accordance with § 4b.120 (a) and (b), the propeller * * *".

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated: November 15, 1954, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 54–9214; Filed, Nov. 19, 1954; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 4]

[Docket No. 11164]

TELEVISION AUXILIARY BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

The Commission having under consideration a petition filed by American Telephone and Telegraph Company on November 12, 1954, requesting that the time for filing replies to comments in the above-entitled proceeding be extended from November 18, 1954, to December 15, 1954; and

It appearing, that in view of the large number of comments filed in this proceeding there may not be sufficient time to adequately review such comments by November 18, 1954, the date originally set for reply thereto;

It is ordered, This 17th day of November 1954, that the petition is granted and the time for filing replies to comments herein is extended to December 15, 1954.

Released: November 17, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–9220; Filed, Nov. 18, 1954; 12:31 p. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

UPLAND COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1955 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for the crop of upland cotton produced in 1955.

A referendum of the farmers who were engaged in the production of upland cotton in the calendar year of 1954 will be held on December 14, 1954, pursuant to the provisions of the act and applicable regulations, to determine whether such farmers are in favor of or opposed to the 1955 quota. If two-thirds or more of the cotton farmers voting in the upland cotton referendum favor the quota, such quota will be in effect for the 1955 upland cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1955 upland cotton crop; however, farm acreage allotments established for such crop pursuant to the Agricultural Adjustment Act of

1938, as amended, will remain in effect and compliance with such acreage allotments will be a condition of eligibility of producers for price support under the Agricultural Act of 1949, as amended.

Registration. Any person who, on the basis of the eligibility requirements set out below, is eligible to vote in the referendum and who has reason to believe he is not on record as a 1954 upland cotton producer in the county should notify the Agricultural Stabilization and Conservation County Committee of his eligibility and request that his name be entered on the register of eligible voters.

Eligibility to vote. 1. Farmers eligible to vote in the referendum will be those farmers who were engaged in the production of upland cotton in 1954 as owner-operator, cash tenant, standing-rent or fixed-rent tenant, or landlord (other than a landlord of a standing-rent tenant, cash-rent or fixed-rent tenant) of a share tenant, or as a share tenant or sharecropper.

2. Any farmer whose only cotton production in 1954 consisted of extra long staple cotton shall not be eligible to vote in this referendum, but, if otherwise eligible may vote in the extra long staple cotton referendum.

3. No cotton farmer (whether an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof) shall be entitled to more than one vote in the referendum, even though such farmer may have been engaged in 1954 in the production of upland cotton on two or more farms or in two or more communities, counties or States.

4. In case several persons, such as husband, wife, and children, participated in the production of upland cotton in 1954, under the same rental or cropping agreement or lease, only the persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

5. In the event two or more persons were engaged in producing upland cotton in 1954 not as members of a partnership but as tenants in common or as owners of community property, each such person shall be eligible to vote.

6. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he is engaged in the production of upland cotton may, if he will not vote in the community in which he resides, vote at the polling place for the community in which he is engaged in the production of such cotton.

(b) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he resides.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may, as early as 5 days prior to the date of the referendum, obtain a ballot at the most conveniently located ASC County Committee office and may cast his ballot by indicating his choice on the ballot, signing his name thereto and mailing it so that the ballot reaches the ASC County Committee for the county in which he is eligible to vote not later than the closing hour on the date of the referendum, which shall not be earlier than 5 o'clock p. m., local standard time.

7. There shall be no voting by mail (except as provided in paragraph 6 (c) above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

The foregoing provisions relating to registration and eligibility to vote in the referendum will appear on printed notices which will be posted in a conspicuous place in each community in which upland cotton was produced in 1954. The language appearing below will also appear on the notices prepared for posting and will be filled in by the Agricultural Stabilization and Conservation County Committee to show the place for balloting and the time for opening and closing of the polls.

PLACE FOR BALLOTING

The place for voting in the referendum in the ---------- community will be ----------.

TIME

The polls, in accordance with the official instructions for holding the referendum, shall be opened promptly at ------ o'clock a. m. and closed promptly at ------ o'clock p. m., local standard time, on Tuesday, December 14, 1954.

(County ASC committee)

Issued ----------, 1954.

NOTE: Upland cotton means all cotton other than extra long staple cotton. For purposes of the referendum and as used in this notice, the term "extra long staple cotton" means the designated types of cotton grown in the areas designated by the Secretary, as set forth in the marketing quota regulations relating to apportionment of the national acreage allotment for the 1955 crop of upland cotton to States, counties and farms. Such regulations are published in the FEDERAL REGISTER and copies are available at the county ASC office.

Issued at Washington, D. C., this 16th day of November 1954.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54–9217; Filed, Nov. 19, 1954; 8:52 a. m.]

EXTRA LONG STAPLE COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1955 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for the crop of extra long staple cotton produced in 1955.

A referendum of the farmers who were engaged in the production of extra long staple cotton in the calendar year of 1954 will be held on December 14, 1954, pursuant to the provisions of the Act and applicable regulations, to determine whether such farmers are in favor of or opposed to the 1955 quota. If two-thirds or more of the cotton farmers voting in the extra long staple cotton referendum favor the quota, such quota will be in effect for the 1955 extra long staple cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1955 extra long staple cotton crop; however, farm acreage allotments established for such crop pursuant to the Agricultural Adjustment Act of 1938, as amended, will remain in effect and compliance with such acreage allotments will be a condition of eligibility of producers for price support under the Agricultural Act of 1949, as amended.

Registration. Any person who, on the basis of the eligibility requirements set out below, is eligible to vote in the referendum and who has reason to believe he is not on record as a 1954 extra long staple cotton producer in the county should notify the Agricultural Stabilization and Conservation County Committee of his eligibility and request that his name be entered on the register of eligible voters.

Eligibility to vote. 1. Farmers eligible to vote in the referendum will be those farmers who were engaged in the production of extra long staple cotton in 1954 as owner-operator, cash tenant, standing-rent or fixed-rent tenant, or landlord (other than a landlord of a standing-rent tenant, cash-rent or fixed-rent tenant) of a share tenant, or as a share tenant or sharecropper.

2. Any farmer whose only cotton production in 1954 consisted of upland cotton shall not be eligible to vote in this referendum, but, if otherwise eligible may vote in the upland cotton referendum.

3. No cotton farmer (whether an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof) shall be entitled to more than one vote in the referendum, even though such farmer may have been engaged in 1954 in the production of extra long staple cotton on two or more farms or in two or more communities, counties, or States.

4. In case several persons, such as husband, wife, and children, participated in the production of extra long staple cotton in 1954, under the same rental or cropping agreement or lease, only the persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

5. In the event two or more persons were engaged in producing extra long staple cotton in 1954 not as members of a partnership but as tenants in common or as owners of community property, each such person shall be eligible to vote.

6. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he is engaged in the production

of extra long staple cotton may, if he will not vote in the community in which he resides, vote at the polling place for the community in which he is engaged in the production of such cotton.

(b) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he resides.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may, as early as 5 days prior to the date of the referendum, obtain a ballot at the most conveniently located ASC County Committee office and may cast his ballot by indicating his choice on the ballot, signing his name thereto and mailing it so that the ballot reaches the ASC County Committee for the county in which he is eligible to vote not later than the closing hour on the date of the referendum, which shall not be earlier than 5 o'clock p. m., local standard time.

7. There shall be no voting by mail (except as provided in paragraph 6 (c) above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

The foregoing provisions relating to registration and eligibility to vote in the referendum will appear on printed notices which will be posted in a conspicuous place in each community in which extra long staple cotton was produced in 1954. The language appearing below will also appear on the notices prepared for posting and will be filled in by the Agricultural Stabilization and Conservation County Committee to show the place for balloting and the time for opening and closing of the polls.

PLACE FOR BALLOTING

The place for voting in the referendum in the ---------- community will be ----------.

TIME

The polls, in accordance with the official instructions for holding the referendum, shall be opened promptly at -------- o'clock a. m. and closed promptly at -------- o'clock p. m., local standard time, on Tuesday, December 14, 1954.

(County ASC Committee)

Issued ----------, 1954.

NOTE: Upland cotton means all cotton other than extra long staple cotton. For purposes of the referendum and as used in this notice, the term "extra long staple cotton" means the designated types of cotton grown in the areas designated by the Secretary, as set forth in the marketing quota regulations relating to apportionment of the national acreage allotment for the 1955 crop of extra long staple cotton to States, counties and farms. Such regulations are published in the FEDERAL REGISTER and copies are available at the county ASC office.

Issued at Washington, D. C., this 16th day of November 1954.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54-9218; Filed, Nov. 19, 1954; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JULIANNA SZEDENIK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Julianna Szedenik, individually and as guardian of Johanna Szedenik and Frederick Szedenik, minors, Kleinwarasdorf, Bez. Oberpullendorf, Burgenland, Austria; Vesting Order No. 5647, Claim No. 42891; $274.34 in the Treasury of the United States.

Executed at Washington, D. C., on November 15, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 54-9201; Filed, Nov. 19, 1954; 8:49 a. m.]

BETTY GOTTESMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Betty Gottesman, Tel Aviv, Israel, Claim No. 60890; Vesting Order Nos. 4236 and 5664; $448.15 in the Treasury of the United States.

Executed at Washington, D. C., on November 15, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 54-9202; Filed, Nov. 19, 1954; 8:49 a. m.]

FLORA SEZANNE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Flora (Floretta) Sezanne, 33 Via Osservanza, Bologna, Italy; Claim No. 40325; Vesting Order No. 2610; $95.90 in the Treasury of the United States.

Executed at Washington, D. C., on November 15, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 54-9203; Filed, Nov. 19, 1954; 8:49 a. m.]

DR. J. GEORGE BURSCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. J. George Bursch, Caracas, Venezuela; Claim No. 59706; Vesting Order No. 17906; $1,320.00 in the Treasury of the United States. One hundred ten shares General Motors Corporation $5.00 par value common stock evidenced by Certificate No. 260-472 for one hundred shares and Certificate No. 598-554 for ten shares, presently in the custody of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on November 15, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 54-9204; Filed, Nov. 19, 1954; 8:49 a. m.]

POST OFFICE DEPARTMENT

HEADS AND DIRECTORS OF VARIOUS BUREAUS AND DIVISIONS

DELEGATION OF AUTHORITY TO ISSUE TEMPORARY TRAVEL CREDENTIALS

(a) The following is an excerpt from Order No. 55753, dated October 19, 1954:

• • • (b) Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), authority is hereby delegated as follows: • • •

(2) To the head (including the acting head) of the Bureau of Post Office Operations, Bureau of Transportation, Bureau of Finance, Bureau of Facilities, Bureau of Personnel, Bureau of the Chief Post Office Inspector, and Office of the Solicitor, and to such officers under their respective supervision as they may designate, to issue temporary travel credentials necessary for officers and employees under their supervision to obtain free transportation on railroad lines in the performance of their official duties. The travel credentials shall be in such form as may be prescribed by the Postmaster General, to be used in any bureau of the Department to which this delegation of authority may be granted. • • •

(b) The following is the text of Order No. 44 of the Assistant Postmaster General, Bureau of Facilities, dated November 5, 1954:

Pursuant to authority of paragraph (b) (2) of Order No. 55753, dated October 19, 1954 authority is hereby redelegated to the Director of the Division of Real Estate, Director of the Division of Supplies, and the Director of the Division of Vehicles, Bureau of Facilities, each to issue, in his own name, temporary travel credentials necessary for officers and employees under the supervision of the Bureau of Facilities to obtain free transportation on railroad lines in the performance of their official duties.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-9185; Filed, Nov. 19, 1954; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5779]

AERO FINANCE CORP.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is postponed from November 23 to December 2, 1954. This argument will be held at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 17, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-9212; Filed, Nov. 19, 1954; 8:51 a. m.]

[Docket No. 5993]

R. E. MCKAUGHAN AND TRANS-TEXAS AIRWAYS

NOTICE OF FURTHER POSTPONEMENT OF HEARING

In the matter of the application of R. E. McKaughan and Trans-Texas Airways for approval of control and interlocking relationships under sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, and the Board's order adopted June 18, 1954, Serial No. E-8456, that further hearing in the above-entitled proceeding assigned for November 24, 1954, is hereby postponed to December 15, 1954, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Curtis C. Henderson, Hearing Examiner.

Dated at Washington, D. C., November 17, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-9213; Filed, Nov. 19, 1954; 8:51 a. m.]

[Docket No. 6548]

PAN AMERICAN WORLD AIRWAYS, INC.; SERVICE TO DAMASCUS, SYRIA

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on November 23, 1954, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 16, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-9240; Filed, Nov. 19, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6589]

DUKE POWER CO.

NOTICE OF APPLICATION

NOVEMBER 15, 1954.

Take notice that on November 10, 1954, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Duke Power Company, a corporation organized under the laws of the State of New Jersey and doing business in the States of North Carolina and South Carolina, with its principal business office at Charlotte, North Carolina, seeking an order authorizing the issuance of $40,000,000 First and Refunding Mortgage Bonds ____ Percent Series due 1975 and 218,737 (maximum) shares of Common Stock without par value. The proposed Bonds will be dated January 1, 1955, and will mature January 1, 1975, and will be issued by competitive bidding. The proposed Common Stock will be offered for subscription pro rata to the holders of the outstanding Common Stock of applicant pursuant to their preemptive right to subscribe to such additional shares. Each Common stockholder will have the right to subscribe for additional shares of Common Stock at the ratio of one share for each twenty shares of Common Stock held of record as of a date to be fixed by Applicant's Board of Directors. Each Common stockholder will be accorded an additional subscription privilege pursuant to which he may subscribe for any additional shares of the proposed Common Stock as are not subscribed for through exercise of the right to subscribe; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 3d day of December 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9205; Filed, Nov. 19, 1954; 8:49 a. m.]

[Docket Nos. G-1142, G-2019]

UNITED GAS PIPE LINE CO.

NOTICE OF POSTPONEMENT OF HEARING

NOVEMBER 10, 1954.

Upon consideration of the motion of Mississippi River Fuel Corporation, filed November 8, 1954, for continuance of hearing now scheduled for November 16, 1954, in the above-designated matters;

Notice is hereby given that said hearing is postponed to 10:00 a. m., e. s. t., November 29, 1954, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-9181; Filed, Nov. 19, 1954; 8:46 a. m.]

[Docket Nos. G-2216, G-2442, G-2477, G-2504, G-2685, G-3888]

MONTANA-DAKOTA UTILITIES CO., ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Montana-Dakota Utilities Co., Docket Nos. G-2216, G-2442, G-2504 and G-3888; Mondakota Gas Company, and Industrial Gas Co., Inc., Docket No. G-2477; Montana-Dakota Utilities Co., complainant, Docket No. G-2685; v. Industrial Gas Co., Inc., Mondakota Gas Company, Fallon County Gathering System, Inc., Eastern Clay Products, Inc., Frank H. Becker, Charles W. Swift, C. George Swallow, and J. R. Tedrick, defendants.

Montana-Dakota Utilities Co. (Montana-Dakota), a Delaware corporation with its principal place of business at Minneapolis, Minnesota, filed application with the Federal Power Commission on July 23, 1953, Docket No. G-2216, for an order of the Commission authorizing Montana-Dakota to abandon the transportation of natural gas when the shipper is in noncompliance with the provision of paragraph 5, General Terms and Conditions of Montana-Dakota's FPC Gas Tariff, Original Volume No. 1, which paragraph provides for bond by the shipper where satisfactory credit arrangements have not been made for the trans-

portation service.[1] On August 20, 1953, the Commission authorized Montana-Dakota to suspend transportation service to Williston-Wyoming Associates (shipper) on and after August 23, 1953, provided the shipper has not posted corporate surety bond pursuant to paragraph 5 of the tariff for the payment of shipper's obligations.[2]

On May 27, 1954, Montana-Dakota filed application in Docket No. G-2442, for authority to suspend transportation service under the aforesaid tariff, until payment is made for past services rendered to Industrial Gas Co., Inc. (Industrial Gas), a Nevada corporation with offices in Billings, Montana and Denver, Colorado.[2] Responses were filed on June 16 and 22, 1954, by Mondakota Gas Company (Mondakota), a Nevada corporation with offices in Billings, Montana, and by Industrial Gas on June 23, 1954, stating that the transportation charges due Montana-Dakota have been paid.

Montana-Dakota filed, on June 24, 1954, its FPC Gas Tariff, First Revised Volume No. 1, to become effective August 1, 1954. By its order issued July 29, 1954, in Docket No. G-2504, the Commission suspended the proposed revised tariff, for the reasons set forth therein, and provided for a hearing at a time to be set by the Commission.

A joint application was filed by Mondakota and Industrial Gas on July 2, 1954, in Docket No. G-2477, for a determination of the reasonableness of Montana-Dakota's FPC Gas Tariff. A response was filed by Montana-Dakota on August 9, 1954.

Montana-Dakota filed on September 7, 1954, in Docket No. G-2685, a complaint against Industrial Gas; Mondakota; Fallon County Gathering System, Inc. (Fallon), a Montana corporation with offices in Minneapolis, Minnesota; Eastern Clay Products, Inc., of Belle Fourche, South Dakota; Frank H. Becker of Baker, Montana; C. George Swallow of Denver, Colorado; Charles W. Swift of Sherman Oaks, California; and J. R. Tedrick of Whittier, California; all as Defendants in this proceeding. Complainant, Montana-Dakota alleges, inter alia that the operations of Complainant and Defendants with respect to the natural gas transported pursuant to Complainant's FPC Gas Tariff, Original Volume No. 1, have been and are in violation of section 7 (c) of the Natural Gas Act and that the Commission order that Complainant and Defendants cease and desist from such further operations. Answers to the complaint have been filed by Mondakota, Fallon, and Frank H. Becker.

On October 1, 1954, Montana-Dakota filed application in Docket No. G-3888 for authority to suspend transportation service under its tariff until payment is made for past services rendered to Industrial Gas and until satisfactory credit arrangements have been made or a corporate surety bond posted pursuant to paragraph 5, General Terms and Conditions, of the aforesaid tariff.

The Commission finds: The issues posed by the aforesaid proceedings in Docket Nos. G-2216, G-2442, G-2477, G-2685, and G-3888, appear to be parallel or interrelated with those on which a hearing has been ordered in Docket No. G-2504, and these proceedings should be consolidated with the proceedings in Docket No. G-2504 for the purpose of hearing.

The Commission orders: The aforesaid proceedings in Docket Nos. G-2216, G-2442, G-2477, G-2685, and G-3888, be and the same are hereby consolidated with the proceeding in Docket No. G-2504 for the purpose of a public hearing thereon to commence on December 7, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Adopted: November 10, 1954.

Issued: November 15, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9183; Filed, Nov. 19, 1954; 8:46 a. m.]

[Docket Nos. G-2450, G-2451]

CENTRAL KENTUCKY NATURAL GAS CO. AND UNITED FUEL GAS CO.

NOTICE OF POSTPONEMENT OF HEARING

NOVEMBER 10, 1954.

In the matters of Central Kentucky Natural Gas Company, Docket No. G-2450; United Fuel Gas Company, Docket No. G-2451:

Upon consideration of the request of Counsel for United Fuel Gas Company and Central Kentucky Natural Gas Company, filed November 4, 1954, for postponement of the hearing in the above-designated matters now scheduled for November 16, 1954, and for an extension of time within which to serve upon all parties copies of the testimony and exhibits to be offered at said hearing;

Notice is hereby given that said hearing is hereby postponed to 10:00 a. m., e. s. t., December 1, 1954, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C. The proposed testimony and exhibits to be offered at said hearing shall be served upon all parties not later than 5 days next preceding the date fixed for the commencement of the hearing herein.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 54-9182; Filed, Nov. 19, 1954; 8:46 a. m.]

[Docket Nos. G-2721, G-2793, G-2798, G-2801—G-2804, G-2945, G-3106, G-3108—G-3110, G-3148, G-3209, G-3216, G-3298, G-3643—G-3647, G-3765]

CITIES PRODUCTION CORP. ET AL.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 15, 1954.

In the matters of Cities Production Corporation, Docket No. G-2721; Texas Gulf Producing Company and The American Oil Company, Docket No. G-2793; Forest Oil Corporation, Docket No. G-2798; Tide Water Associated Oil Company, Docket No. G-2801; Tide Water Associated Oil Company, Docket No. G-2802; Tide Water Associated Oil Company, et al., Docket No. G-2803; Forest Oil Corporation, et al., Docket No. G-2804; Natural Gas Distributing Corporation, Docket No. G-2945; Humble Oil and Refining Company, Docket No. G-3106; Humble Oil and Refining Company, Docket No. G-3108; Humble Oil and Refining Company, Docket No. G-3109; Humble Oil and Refining Company, Docket No. G-3110; The Mid-Gulf Exploration Company, Docket No. G-3148; Pan American Production Company, Docket No. G-3209; Pan American Production Company, Docket No. G-3216; E. G. Bateman, d. b. a. Bateman Drilling Company, Docket No. G-3298; The Texas Company, Docket No. G-3643; The Texas Company, et al., Docket No. G-3644; The Texas Company, Docket No. G-3645; The Texas Company, et al., Docket No. G-3646; The Texas Company, Docket No. G-3647; The Atlantic Refining Company, Docket No. G-3765.

Notice is hereby given that on October 28, 1954, the Federal Power Commission issued its findings and order adopted October 28, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9180; Filed, Nov. 19, 1954; 8:46 a. m.]

[Docket No. G-3133]

RUDCO OIL AND GAS CO. ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

In the matter of Rudco Oil and Gas Company, Rock Hill Oil Company, Billy Bridewell, John Kraker, Jack Price and Will Y. Lancaster; Docket No. G-3133.

Take notice that Rudco Oil and Gas Company,[1] Rock Hill Oil Company, Billy Bridewell, John Kraker, Jack Price and Will Y. Lancaster (Applicants) filed on September 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicants to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their application filed herein.

Applicants produce natural gas in Rudman and North Mineral Field, Bee County, Texas, which they sell to the Wilcox Trend Gathering System and Texas Eastern Transmission Corporation, and from the Carthage Field, Panola County, Texas, which they sell to Texas Gas Transmission Corporation, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of November 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 7, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: November 4, 1954.

Issued: November 16, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9207; Filed, Nov. 19, 1954; 8:50 a. m.]

[Docket No. G-3174]

BLUFORD STINCHCOMB ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Bluford Stinchcomb, Applicant for himself and James K. Bivins, Bailey Sheppard, Tom Cook, Tom Cook, Jr., and John Prothro, with a principal office in Longview, Texas, filed on September 27, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Shivers-Hamilton Unit of the Carthage Field, Panola County, Texas, the unit operated by Skelly Oil Company which they sell to Arkansas Louisiana Gas Company at the tail gate of the Carthage Corporation Plant, Panola County, Texas, under a contract dated January 1, 1954, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that (a) notice of the application and order fixing date of hearing be published simultaneously and (b) the application be disposed of, as requested by Applicant, in accordance with the shortened procedure rule (§ 1.32) of the Commission's rules of practice and procedure.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 16, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 of the Commission's rules of practice and procedure.

Adopted: October 28, 1954.

Issued: November 16, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9206; Filed, Nov. 19, 1954; 8:50 a. m.]

[Docket No. G-4769]

EL PASO NATURAL GAS CO.

ORDER SUSPENDING REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

On October 14, 1954, El Paso Natural Gas Company (El Paso) tendered for filing proposed First Revised Sheets Nos. 11-A, 27-B, and 27-E, Third Revised Sheets Nos. 34 and 36, Fourth Revised Sheet No. 8, Fifth Revised Sheets Nos. 4, 6, and 11, and Seventh Revised Sheets Nos. 10, 13, 14-A, and 15 to its FPC Gas Tariff, Original Volume No. 1. Said tendered revised sheets are intended to be made effective on November 15, 1954, and propose an annual increase in rates and charges amounting to $18,112,635, based upon estimated sales for the twelve-month period ending on December 31, 1954. The proposed increase is about 15.1 per cent over the rates and charges now being collected by El Paso, subject to refund if so ordered by the Commission in the proceedings at Docket No. G-2018.

In support of the proposed increased rates and charges, El Paso relies primarily upon: (1) Its contention that the revenues resulting from the increased rates and charges now being collected, subject to refund if so ordered in the proceedings at Docket No. G-2018, are inadequate in that they do not produce a return of 6½ percent; (2) the relatively large increase, approximately 137 percent, in the overall rate base; (3) increased cost of natural-gas purchases; and (4) reduced revenues for the gasoline and other liquid hydrocarbons extracted from the natural gas.

The State Commissions of California and New Mexico, the city of El Paso, Texas, and certain of El Paso's wholesale customers have protested against the proposed rates and charges and urge suspension thereof pending a hearing thereon.

The increased rates and charges provided in said revised sheets, as tendered for filing on October 14, 1954, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The aforesaid Seventh Revised Sheets Nos. 13, 14-A, and 15 provide for the sale of natural gas for resale for industrial use only, and therefore, under the provisions of the Natural Gas Act, are not subject to suspension.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing, pursuant to authority contained in sections 4 and 15 of said act, concerning the lawfulness of El Paso's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the revised sheets tendered on October 14, 1954; and that the aforesaid First Revised Sheets Nos. 11-A, 27-B, and 27-E, Third Revised Sheets Nos. 34 and 36, Fourth Revised Sheet No. 8, Fifth Revised Sheets Nos. 4, 6, and 11, and Seventh Revised Sheet No. 10 be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

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[1] The Tariff, covering common carrier service, was filed by Montana-Dakota pursuant to Commission orders dated March 22, 1946 (5 FPC 64; affirmed 169 F. 2d 392).

[2] Pursuant to the aforesaid Tariff, Montana-Dakota entered into Service Agreements with Mondakota Gas Company (Mondakota) for the transportation of natural gas to industrial customers of Mondakota, as follows:

(a) Service Agreement dated May 6, 1949, for shipment to the Eastern Clay Products Company, Belle Fourche, South Dakota;

(b) Service Agreement dated September 15, 1950, for shipment to the American Colloid Company, Belle Fourche, South Dakota; and

(c) Service Agreement dated December 11, 1950, for shipment to the State Cement Plant, Rapid City, South Dakota.

It is alleged, in the aforesaid, application in Docket No. G-2216, that on or about August 30, 1952, Williston-Wyoming Associates assumed the obligations of Mondakota under the service agreements specified in (a), (b), and (c) above.

[2] It is alleged in the application in Docket No. G-2442, that on or about August 1, 1953, Industrial Gas assumed the obligations under the service agreements specified in (a), (b), and (c) of note 2 above and that since that time Industrial Gas has been the shipper of natural gas under said service agreements.

[1] The Rudco Oil and Gas Company, a Delaware corporation having its principal place of business at Tyler, Texas, filed the application above referred to on its own behalf and as the duly authorized agent for Rock Hill Oil Company, Billy Bridewell, John Kraker, Jack Price and Will Y. Lancaster.

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of El Paso Natural Gas Company's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the aforesaid revised sheets tendered for filing on October 14, 1954.

(B) Pending such hearing and decision thereon, El Paso's proposed First Revised Sheets Nos. 11–A, 27–B, and 27–E, Third Revised Sheets Nos. 34 and 36, Fourth Revised Sheet No. 8, Fifth Revised Sheets Nos. 4, 6, and 11, and Seventh Revised Sheet No. 10 to its FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof deferred until April 15, 1955, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 10, 1954.

Issued: November 15, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–9184; Filed, Nov. 19, 1954; 8:46 a. m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE-AGREEMENT NEGOTIATIONS UNDER GENERAL AGREEMENT ON TARIFFS AND TRADE RELATING TO JAPAN; POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS

Correction

In Federal Register 54–8995, appearing at page 7379 of the issue for Tuesday, November 16, 1954, the following changes should be made in the Annex:

1. In Paragraph 27 (a) (1) (5) the item "diaminostiblene" should read "diaminostilbene."

2. Paragraph 397 should read as follows:

397 Articles or wares, not specially provided for, not plated with platinum (unless in chief value of platinum), gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured:
- Composed wholly or in chief value of lead.
- Composed wholly or in chief value of base metal other than iron or steel:
  - Screws, commonly called wood screws, having shanks not exceeding $^{12}/_{100}$-inch in diameter; and screws other than those commonly called wood screws, having shanks or threads not exceeding $^{24}/_{100}$-inch in diameter.
- Composed wholly or in chief value of platinum.

3. In the second line of Paragraph 775 (third item) the phrase "and similar forms" should read "and all similar forms".

4. In the fourth line of Paragraph 915 the words "knit or" should read "knit on".

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11207; FCC 54M–1402]

GULF TELEVISION CO. (KGUL–TV)

ORDER CONTINUING HEARING

In re application of Gulf Television Company (KGUL–TV), Galveston, Texas, Docket No. 11207, File No. BPCT–1875; for construction permit.

Having under consideration the date for the commencement of the hearing in the above-entitled proceeding;

It appearing that the hearing was originally ordered by the Commission to commence on November 15, 1954, and was subsequently continued by Examiner Cunningham to November 18, 1954; and

It further appearing that the case was reassigned to the undersigned Examiner because of the exigencies of Examiner Cuningham's workload; and

It further appearing that the undersigned Examiner will be unable to commence this proceeding on November 18 because of his existing commitments in other proceedings, which commitments will keep him engaged until December 7, 1954;

It is ordered, This 10th day of November 1954, that the commencement date for the above-entitled hearing is continued from November 18 to December 7, 1954, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54–9221; Filed, Nov. 18, 1954; 12:31 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3304]

INTERSTATE POWER CO.

ORDER PERMITTING EFFECTIVENESS OF DECLARATION REGARDING ISSUANCE AND SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING AND REDEMPTION OF OUTSTANDING PREFERRED STOCK AND BANK NOTES

NOVEMBER 16, 1954.

Interstate Power Company ("Interstate"), a registered holding company and also a public-utility company, has filed a declaration and an amendment thereto with this Commission pursuant to sections 7 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 thereunder regarding the following proposed transactions:

Interstate proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 200,000 shares of a new series of its class of Preferred Stock of the par value of $50 per share (such class being hereinafter referred to as the "Preferred Stock"). The dividend rate (which shall be expressed in a multiple of $^1/_{100}$ of 1 percent) and the price to be paid to Interstate (which shall be not less than $50 nor more than $51.37 per share) are to be fixed at competitive bidding.

The declaration states that the net proceeds from the sale of the Preferred Stock will be used, to the extent necessary, to redeem the 100,000 shares of Interstate's presently outstanding 4.70 Percent Preferred Stock, par value $50 per share, at the redemption price thereof of $52.50 per share plus accrued dividends to the date of redemption, and to prepay without premium the $2,000,000 principal amount of its 3¼ percent bank loan notes. The remaining proceeds will be added to Interstate's treasury funds and will be applied to extensions, additions and improvements to its properties and to other corporate purposes.

The filing states that no State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred in connection with the issue and sale of such Preferred Stock, except underwriting discounts and commissions, are estimated by Interstate as follows:

Federal issuance taxes	$11,000
Registration fees	1,060
Fees of transfer agent and registrar	1,000
Fees of company's counsel:	
Springer, Bergstrom & Crowe	12,000
Accounting fees:	
Haskins & Sells	3,000
Blue sky expenses	1,500
Printing and engraving	10,100
Miscellaneous	5,000
Total	44,660

The fee ($8,000) and expenses (estimated at not more than $500) of Winthrop, Stimson, Putnam & Roberts, counsel for the purchasers, are to be paid by the successful bidders.

Interstate requests that the Commission's order herein become effective pursuant to Rule U-23 under the act, and requests that there be no waiting period between the date of the Commission's order and its effective date.

Due notice having been given of the filing of said declaration and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and it appearing to the Commission that the estimated fees and expenses are not unreasonable, provided they do not exceed the amounts estimated, and that said declaration should be permitted to become effective, subject to certain terms and conditions:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50, and to the following additional terms and conditions:

So long as any shares of the --Percent Preferred Stock (the series permitted to be issued pursuant to this order) of Interstate (hereinafter referred to as the "Corporation") are outstanding:

1. The refunding of unsecured indebtedness referred to in Article Fourth (XIII) (c) (i) of the Certificate of Incorporation, as amended, of the Corporation, shall mean the refunding with a longer maturity or maturities of any unsecured indebtedness theretofore created or assumed by the Corporation and then outstanding.

2. The Corporation shall not, without the consent (given in writing or by vote at a meeting duly called for that purpose) of the holders of a majority of the total number of shares of the Preferred Stock then outstanding:

A. Issue any additional shares of preferred stock (including the reissuance of reacquired preferred stock) ranking on a parity with the outstanding shares of the Preferred Stock with respect to the payment of dividends or the distribution of assets unless (i) the consolidated gross income of the Corporation and its subsidiaries (after all taxes including taxes based on income) for 12 consecutive calendar months within a period of 15 calendar months immediately preceding the date of such issuance is equal to at least one and one-half times the aggregate of all interest charges on indebtedness of the Corporation and its subsidiaries on a consolidated basis (excluding interest charges on indebtedness to be retired by the application of the proceeds from the issuance of such preferred stock) and the annual dividend requirements on all preferred stock of the Corporation and its subsidiaries on a consolidated basis (including dividend requirements on preferred stock ranking as to dividends or assets prior to or on a parity with the Preferred Stock to be issued) which will be outstanding immediately after the issuance of such preferred stock; and (ii) the aggregate par value, or stated capital represented by, the outstanding shares of the junior stock of the Corporation including premiums thereon plus any surplus of the Corporation is equal to at least the aggregate amount payable in connection with an involuntary liquidation of the Corporation with respect to all shares of the Preferred Stock and all shares of stock, if any, ranking prior thereto or on a parity therewith as to dividends or assets, which will be outstanding immediately after the issuance of such preferred stock.

B. If for the purposes of meeting the requirements of clause (ii) of subdivision A of paragraph 2 above, it shall have been necessary to take into consideration any earned surplus of the Corporation, the Corporation shall not thereafter pay any dividends on, or make any distributions in respect of, or purchase or otherwise acquire, junior stock which would result in reducing the junior stock equity to an amount less than the amount payable on involuntary liquidation of the Corporation with respect to all shares of the Preferred Stock and all shares ranking prior to or on a parity with the Preferred Stock as to dividends and assets at the time outstanding.

C. If, during the period for which gross income is to be determined for the purpose set forth in paragraph A above, the amount required to be expended by the Corporation pursuant to a maintenance fund or similar fund established under its mortgage indenture shall exceed the amount deducted in the determination of gross income on account of depreciation and maintenance, such excess shall also be deducted in determining gross income.

3. Whenever the right to elect directors shall have accrued to the holders of the Preferred Stock, the president, a vice president, or the secretary of the Corporation shall, not more than 15 days thereafter, call a meeting for the election of directors and give due notice to all stockholders entitled to vote at such meeting, such meeting to be held not less than 60 days nor more than 90 days after the accrual of such right.

4. As used in this order, the term "junior stock" shall have the same meaning as that ascribed to it in Article Fourth of the Certificate of Incorporation, as amended, of the Corporation; and the term "junior stock equity" shall mean the aggregate par value, or stated capital represented by, the outstanding shares of the junior stock of the Corporation including premiums thereon plus any surplus of the Corporation.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–9187; Filed, Nov. 19, 1954; 8:46 a. m.]

[File No. 70–3314]

NEW ORLEANS PUBLIC SERVICE, INC.

NOTICE OF FILING REGARDING ISSUE AND SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

NOVEMBER 16, 1954.

Notice is hereby given that New Orleans Public Service, Inc. ("New Orleans"), a public-utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated the third sentence of section 6 (b) of said act and Rule U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

New Orleans, a Louisiana corporation, proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $6,000,000 principal amount of its First Mortgage Bonds, -- Percent Series due 1984. Said bonds are to be issued under New Orleans' Mortgage and Deed of Trust, dated as of July 1, 1944, in favor of The Chase National Bank of the City of New York and Carl E. Buckley, as Trustee, as heretofore supplemented and as it will be supplemented by a Third Supplemental Indenture to be dated as of December 1, 1954. The interest rate (which shall be a multiple of ⅛ of 1 percent) to be borne by the bonds and the price to be paid to New Orleans for the bonds (which price shall be not less than the principal amount thereof and not more than 102¾ percent of such principal amount) are to be fixed by competitive bidding.

The application states that the net proceeds to be received by New Orleans from the sale of the bonds will be applied toward the cost of constructing additions and betterments to its properties.

It is further stated that the issue and sale of the bonds have been expressly authorized by the Council of the City of New Orleans, a State commission, as defined in the act, of the State in which the applicant is organized and doing business.

The application requests that the Commission's order herein become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than December 6, 1954 at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–9186; Filed, Nov. 19, 1954; 8:46 a. m.]

[File No. 70–3319]

MISSISSIPPI VALLEY GENERATING CO. ET AL.

NOTICE OF FILING OF APPLICATION REGARDING ISSUANCE AND SALE OF COMMON STOCK OF NEW GENERATING COMPANY AND ACQUISITION THEREOF BY HOLDING COMPANIES AND ORDER FOR HEARING

NOVEMBER 19, 1954.

In the matter of Mississippi Valley Generating Company, Middle South Utilities, Inc., The Southern Company; File No. 70–3319.

Notice is hereby given that the Mississippi Valley Generating Company ("Generating Company"), a newly organized Arkansas corporation, and Middle South Utilities, Inc. ("Middle South"), a registered holding company, and The Southern Company ("Southern"), also a registered holding company, have filed a joint application, pursuant to the Public Utility Holding Company Act of 1935 ("act"), and have designated sections 6 (b), 9 (a), and 10 of the act as applicable to the proposed transactions.

All interested persons are referred to said joint application which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Generating Company has been organized for the purposes of constructing and operating, near West Memphis, Arkansas, a three-unit steam electric generating station with a net capability of approximately 650,000 kilowatts, together with related equipment. Generating Company has executed a Power Agreement with the Atomic Energy Commission ("AEC"), to provide for electric energy to be furnished to the Tennessee Valley Authority ("TVA") for or on account of AEC.

The cost of the facilities proposed to be constructed by the Generating Company, including $2,000,000 of working capital, is estimated by the applicants to be $106,115,000. The joint application states that the funds for these facilities will be secured by Generating Company by the issuance of 55,000 shares of its $100 par value common stock and the sale thereof for $5,500,000 to Middle South and Southern. The balance of the funds required for the purposes stated above are expected to be raised by the borrowing of an aggregate of up to $99,915,000 from institutional investors (against the issuance of bonds) and banks (against the issuance of notes).

Middle South and Southern have severally agreed that Middle South will purchase up to 43,450 shares (79 percent) of the $100 par value of common stock of Generating Company and that Southern will purchase up to 11,550 of such shares (21 percent). The payment for such stock will be in cash at the rate of $100 per share. Both Middle South and Southern propose to carry their respective investments in Generating Company as investments in a non-consolidated subsidiary.

Investments in the capital stock of Generating Company by Middle South and Southern and the loans to Generating Company by institutional investors and banks are expected to be effected from time to time during an estimated three-year construction period. The timing and amount of any particular investment or loan will be determined by Generating Company in the light of the progress of its construction program and the cost incurred by it in connection therewith.

Applicants request approval at the present time solely of the issuance and sale of the common stock by Generating Company and the acquisitions thereof by Middle South and Southern respectively. Applicants state that all other matters will be the subject of subsequent applications or declarations dealing with such matters specifically and in detail.

Applicants state that the issuance and sale by Generating Company of its common stock is subject to the approval of the Arkansas Public Service Commission and that, except for such commission, no State or Federal commission other than the Securities and Exchange Commission has jurisdiction over the issuance of the common stock and the acquisition thereof.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to the joint application, and that such joint application shall not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing on said joint application, pursuant to the applicable provisions of the act and the rules of the Commission be held on December 7, 1954, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. At said date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission on or before December 6, 1954, a request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That unless the Commission itself shall preside at such hearing, then James G. Ewell, or any other officer or officers of this Commission designated by it for that purpose shall preside thereat. The officer or officers so designated to preside are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the joint application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the proposed issue and sale of common stock by Generating Company are solely for the purposes of financing its business and have been expressly authorized by the State commission of the State in which it is organized and doing business.

(2) Whether, in connection with the proposed issue and sale by Generating Company of its common stock, the Commission should impose any terms and conditions as may be appropriate in the public interest or for the protection of investors or consumers.

(3) Whether the proposed acquisitions of stock by Middle South and Southern are in accord with the applicable standards of the act, particularly section 10 thereof.

(4) Whether the proposed transactions are in all respects in accordance with the standards of the act, and whether, in the event the joint application should be granted, it is necessary or appropriate to impose any terms and conditions to ensure compliance with the standards of the act or in the public interest or for the protection of investors and consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to Generating Company, Middle South, Southern, The Arkansas Public Service Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and the Governors of the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee, and that notice to all other persons shall be given by publication of this Notice and Order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9270; Filed, Nov. 19, 1954; 2:06 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29922]

ANHYDROUS AMMONIA FROM STERLINGTON, LA., TO MISSISSIPPI

APPLICATION FOR RELIEF

NOVEMBER 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Sterlington, La.

To: Points in Mississippi.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4112, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9190; Filed, Nov. 19, 1954; 8:47 a. m.]

[4th Sec. Application 29923]

PETROLEUM LUBRICATING OIL FROM POINTS IN LOUISIANA TO SHREVEPORT AND BOSSIER CITY, LA.

APPLICATION FOR RELIEF

NOVEMBER 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. F. Brown, Agent, for the Texas and New Orleans Railroad Company.

Commodities involved: Petroleum lubricating oil, in tank-car loads.

From: Lake Charles, West Lake Charles, and West Lake, La.

To: Bossier City and Shreveport, La.

Grounds for relief: Competition with rail carriers, and circuitous routes and to meet intrastate rates.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 779, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9191; Filed, Nov. 19, 1954; 8:47 a. m.]

[4th Sec. Application 29924]

COTTON BAGGING FROM SOUTHERN TERRITORY TO ILLINOIS TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., for carriers parties to schedule listed below.

Commodities involved: Cotton bagging, bleached, dyed or printed, carloads.

From: Points in southern territory.

To: Points in Illinois territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 899, supp. 157.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9192; Filed, Nov. 19, 1954; 8:47 a. m.]

[4th Sec. Application 29925]

HARDWOOD LUMBER FROM MERIDIAN, MISS., TO YOUNGSTOWN, OHIO

APPLICATION FOR RELIEF

NOVEMBER 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Hardwood lumber and related articles, carloads.

From: Meridian, Miss.

To: Youngstown, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes and additional route.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1388, supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9193; Filed, Nov. 19, 1954; 8:47 a. m.]

[4th Sec. Application 29926]

SCRAP IRON FROM NEW BERN, N. C., TO NORFOLK AND RICHMOND, VA.

APPLICATION FOR RELIEF

NOVEMBER 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic Coast Line Railroad Company.

Commodities involved: Scrap iron, carloads.

From: New Bern, N. C., and points grouped therewith.

To: Norfolk and Richmond, Va.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9194; Filed, Nov. 19, 1954; 8:48 a. m.]

[4th Sec. Application 29927]

CARBON DIOXIDE FROM URBANA, OHIO TO ATLANTA AND ORMEWOOD STATION, GA.

APPLICATION FOR RELIEF

NOVEMBER 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Carbon dioxide, liquid, carloads.

From: Urbana, Ohio.

To: Atlanta and Ormewood Station, Ga.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their in-

terest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9195; Filed, Nov. 19, 1954; 8:48 a. m.]

[4th Sec. Application 29928]

TRAILER BODY PARTS FROM ALMA, MICH., TO FLORENCE, S. C.

APPLICATION FOR RELIEF

NOVEMBER 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Trailer body parts, passenger or house, carloads.

From: Alma, Mich.

To: Florence, S. C.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9196; Filed, Nov. 19, 1954; 8:48 a. m.]

[4th Sec. Application 29929]

GRAIN BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

NOVEMBER 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. F. Brown, Agent, for carriers parties to schedule listed below.

Commodities involved: Grain, grain products, and related articles, carloads.

Between: Points in Texas.

Grounds for relief: Rail competition, circuity, grouping, and to meet intrastate rates.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 764, supp. 60.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9197; Filed, Nov. 19, 1954; 8:48 a. m.]

[4th Sec. Application 29930]

SULPHURIC ACID FROM ILLINOIS, LOUISIANA AND ALABAMA TO DECATUR, ALA.

APPLICATION FOR RELIEF

NOVEMBER 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: East St. Louis, Ill., Baton Rouge, La., and Coosa Pines, Ala.

To: Decatur, Ala.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional points.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1357, supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9198; Filed, Nov. 19, 1954; 8:48 a. m.]

[4th Sec. Application 29931]

PIPE FITTINGS, BRASS, ETC., FROM SOUTHERN TERRITORY TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 971.

Commodities involved: Pipe fittings, brass, bronze or copper, viz: elbows, joints, and couplings, carloads.

From: Points in southern territory.

To: Points in official territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9199; Filed, Nov. 19, 1954; 8:48 a. m.]

[Order 31437]

EASTERN BITUMINOUS COAL ASSN. ET AL.

REASSIGNING THE TIME FOR FURTHER HEARING, AND AMENDING THE PREVIOUSLY PRESCRIBED SPECIAL RULES OF PROCEDURE

In the matter of Eastern Bituminous Coal Association et al. v. The Baltimore and Ohio Railroad Company et al., No. 31437 (Sub-No. 1); Western Pennsylvania Coal Operators Association et al. v. Same, No. 31437 (Sub-No. 2); Central West Virginia Coal Operators Association v. Same.

It appearing, that by letter dated November 8, 1954, the Commission was advised that counsel in the above-entitled proceedings have agreed to postpone the presently scheduled further hearing and accordingly to change the dates upon which certain actions were required to be taken by the parties;

And it further appearing, that upon further consideration of the record, and for good cause appearing therefor:

It is ordered, That the further hearing herein assigned on November 29, 1954, be, and it is hereby, canceled, and that these proceedings be, and they are hereby, assigned for further hearing on March 1, 1955, at 9:30 o'clock a. m., United States Standard Time, at the office of the Interstate Commerce Commission, Washington, D. C., before Examiner Oren G. Barber;

It is further ordered, That Rule 1 of the special rules of procedure entered herein by order of August 4, 1954 (19 F. R. 5099), be, and it is hereby, superseded by the following Rule 1 which shall be applicable in lieu thereof:

1. *Prepared statement interchange before hearings.* The parties shall prepare in writing the testimony of their witnesses and serve upon all other parties, shown on the list issued under date of April 6, 1954, as supplemented upon the record made at the hearing in No. 31437 on June 8 and 9, 1954, pursuant to Rule 4 hereof, copies thereof together with any exhibits they intend to offer in evidence. Interveners Bethlehem Steel Company, The Chesapeake and Ohio Railway Company, Norfolk and Western Railway Company, the Virginian Railway Company, Property Owners' Committee, and Virginia State Ports Authority may serve their direct testimony and exhibits on or before December 16, 1954. The service of direct testimony and exhibits to be offered by defendants in Nos. 31437 (Sub-No. 1) and 31437 (Sub-No. 2) may be made on or before December 16, 1954. The service of testimony and exhibits by all parties in rebuttal of direct evidence theretofore served shall be made on or before February 1, 1955. Surrebuttal testimony and exhibits may be introduced orally or in written form at the further hearing on March 1, 1955. Two copies of all testimony and exhibits served pursuant to this rule shall also be mailed to Examiner Oren G. Barber, Interstate Commerce Commission, Washington 25, D. C., and one copy thereof to Mr. Lloyd Benjamin, Chief Counsel, Pennsylvania Public Utility Commission, North Office Building, Harrisburg, Pa. No other copies thereof need be filed with either commission prior to the hearing at which the material is to be tendered in evidence.

It is further ordered, That new dates as set out below be, and they are hereby, prescribed for the performance of certain acts in lieu of indicated old dates as follows:

Rule No.	Dates		Performance subject matter
	Old	New	
2	Nov. 29, 1954	Mar. 1, 1955	Further hearing date.
6	Nov. 22, 1954	Feb. 18, 1955	Last date for requesting witnesses to be produced for cross examination on Mar. 1, 1955.
7	Nov. 29, 1954	Mar. 1, 1955	Further hearing date.
12	One or 2 weeks prior to the hearing.		Written objections.[1]

[1] Written objections to prepared testimony and exhibits which shall have been interchanged prior thereto pursuant to rule 1 hereof shall be mailed on or before Dec. 31, 1954, and replies to such objections shall be mailed not later than Jan. 15, 1955. Written objections to rebuttal evidence served pursuant to rule 1 hereof shall be mailed not later than Feb. 15, 1955, and replies thereto shall be mailed not later than Feb. 25, 1955.

It is further ordered, That, except as herein amended, said order of March 12, 1954 (19 F. R. 1559), as amended by orders of April 8, 1954 (19 F. R. 2220), and August 4, 1954 (19 F. R. 5099), shall remain in full force and effect.

And it is further ordered, That in addition to service hereof upon all parties of record, a copy hereof also shall be filed with the Director, Division of the Federal Register, Washington, D. C.

Dated at Washington, D. C., this 12th day of November A. D. 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9200; Filed, Nov. 19, 1954; 8:48 a. m.]

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10577

AMENDING THE CIVIL SERVICE RULES AND AUTHORIZING A NEW APPOINTMENT SYSTEM FOR THE COMPETITIVE SERVICE

By virtue of the authority vested in me by the Constitution, by section 1753 of the Revised Statutes (5 U. S. C. 631), by the Civil Service Act of January 16, 1883 (22 Stat. 403), by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

PART I—CIVIL SERVICE RULES

SECTION 101. The Civil Service Rules are hereby amended to read as follows:

RULE I—COVERAGE AND DEFINITIONS

SEC. 1.1 *Positions and employees affected by these Rules.* These Rules shall apply to all positions in the competitive service and to all incumbents of such positions. Except as expressly provided in the Rule concerned, these Rules shall not apply to positions and employees in the excepted service.

SEC. 1.2 *Extent of the competitive service.* The competitive service shall include: (a) All civilian positions in the executive branch of the Government unless specifically excepted therefrom by or pursuant to statute or by the Civil Service Commission (hereafter referred to in these Rules as the Commission) under section 6.1 of Rule VI; and (b) all positions in the legislative and judicial branches of the Federal Government and in the Government of the District of Columbia which are specifically made subject to the civil-service laws by statute. The Commission is authorized and directed to determine finally whether a position is in the competitive service.

SEC. 1.3 *Definitions.* As used in these Rules:

(a) "Competitive service" shall have the same meaning as the words "classified service", or "classified (competitive) service", or "classified civil service" as defined in existing statutes and executive orders.

(b) "Competitive position" shall mean a position in the competitive service.

(c) "Competitive status" shall mean basic eligibility to be noncompetitively selected to fill a vacancy in a competitive position. A competitive status shall be acquired by career-conditional or career appointment through open competitive examination upon satisfactory completion of a probationary period, or may be granted by statute, executive order, or the Civil Service Rules without competitive examination. A person with competitive status may be promoted, transferred, reassigned, reinstated, or demoted without taking an open competitive examination, subject to the conditions prescribed by the Civil Service Rules and Regulations.

(d) An employee shall be considered as being in the competitive service when he has a competitive status and occupies a competitive position unless he is serving under a temporary appointment: *Provided*, That an employee who is in the competitive service at the time his position is first listed under Schedule A, B, or C shall be considered as continuing in the competitive service as long as he continues to occupy such position.

(e) "Tenure" shall mean the period of time an employee may reasonably expect to serve under his current appointment. Tenure shall be granted and governed by the type of appointment under which an employee is currently serving without regard to whether he has a competitive status or whether his appointment is to a competitive position or an excepted position.

SEC. 1.4 *Extent of the excepted service.* (a) The excepted service shall include all civilian positions in the executive branch of the Government which are specifically excepted from the requirements of the Civil Service Act or from the competitive service by or pursuant to statute or by the Commission under section 6.1 of Rule VI.

(b) "Excepted service" shall have the same meaning as the words "unclassified service", or "unclassified civil service", or "positions outside the competitive civil service" as used in existing statutes and executive orders.

(c) "Excepted position" shall have the same meaning as "unclassified position", or "position excepted by law", or "position excepted by executive order", or "position excepted by Civil Service Rule", or "position outside the competitive serv-

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When an employee has completed the required period of service his appointment shall be converted to a career appointment without time limitation: *Provided*, That his career-conditional appointment shall not be converted to a career appointment if the limitation on the number of permanent employees in the Federal civil service established under subsection (b) of this section would be exceeded thereby. Persons selected from competitive civil service registers for other than temporary appointment shall be given career-conditional appointments: *Provided*, That career appointments shall be given to the following classes of eligibles: (1) Persons whose appointments are required by statute to be made on a permanent basis; (2) employees serving under career appointments at the time of selection from such registers; (3) former employees who have eligibility for career appointments upon reinstatement; and (4) to the extent permitted by law, persons appointed to positions in the field service of the Post Office Department for which salary rates are fixed by the act of July 6, 1945, 59 Stat. 435, as heretofore or hereafter amended and supplemented.

(b) Under the career-conditional appointment system there shall be a limit on the number of permanent employees in the Federal civil service which shall be the ceiling established by section 1310 of the Supplemental Appropriation Act, 1952 (65 Stat. 757), as amended. In the event section 1310, supra, is repealed, the Commission is authorized to fix such limitation on the number of permanent employees in the Federal civil service as it finds necessary to meet the needs of the service.

(c) The Commission may determine the types, duration, and conditions of indefinite and temporary appointments, and may prescribe the method for replacing persons holding such appointments.

SEC. 2.3 *Apportionment.* Subject to such modifications as the Commission finds to be necessary in the interest of good administration, appointments to positions in agencies' headquarters offices which are located within the metropolitan area of Washington, D. C., shall be made so as to maintain the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population.

SEC. 2.4 *Probationary period.* Persons selected from registers of eligibles for career or career-conditional appointment shall be required to serve a probationary period under such terms and conditions as the Commission may prescribe.

RULE III—NONCOMPETITIVE ACQUISITION OF STATUS

SEC. 3.1 *Classes of persons who may noncompetitively acquire status.* (a) Upon recommendation by the agency concerned, and subject to such noncompetitive examination, time limits, or other requirements as the Commission may prescribe, the following classes of persons may acquire a competitive status without competitive examination:

(1) A person holding a permanent position when it is placed in the competitive service by statute or executive order or is otherwise made subject to competitive examination.

(2) A disabled veteran who, in a manner satisfactory to the Commission, has completed a course of training in the executive branch of the Government prescribed by the Administrator of Veterans' Affairs in accordance with the act of March 24, 1943, 57 Stat. 43.

(3) An employee who has served at least two years in the immediate office of the President or on the White House Staff and who is transferred to a competitive position at the request of an agency.

(4) An employee who was serving when his name was reached for certification on a civil-service register appropriate for the position in which he was serving: *Provided*, That the recommendation for competitive status is made prior to expiration of the register on which his name appears or is made during a period of continuous service since his name was reached: *Provided further*, That the register was being used for appointments conferring competitive status at the time his name was reached.

SEC. 3.2 *Appointments without competitive examination in rare cases.* Subject to receipt of satisfactory evidence of the qualifications of the person to be appointed, the Commission may authorize an appointment in the competitive service without competitive examination whenever it finds that the duties or compensation of the position are such, or that qualified persons are so rare, that, in the interest of good civil-service administration, the position cannot be filled through open competitive examination. Any person heretofore or hereafter appointed under this section shall acquire a competitive status upon completion of at least one year of satisfactory service and compliance with such requirements as the Commission may prescribe. Detailed statements of the reasons for the noncompetitive appointments made under this section shall be published in the Commission's annual reports.

SEC. 3.3 *Conversion of appointments.* Any person who acquires a competitive status under this Rule shall have his appointment converted to career-conditional appointment unless he meets the service requirement for career appointment prescribed under section 2.2 (a) of Rule II.

RULE IV—PROHIBITED PRACTICES

SEC. 4.1 *Prohibition against political activity.* No person employed in the executive branch of the Federal Government, or any agency or department thereof, shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No person occupying a position in the competitive service shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

SEC. 4.2 *Prohibition against racial, political or religious discrimination.* No person employed in the executive branch of the Federal Government who has authority to take or recommend any personnel action with respect to any person who is an employee in the competitive service or any eligible or applicant for a position in the competitive service shall make any inquiry concerning the race, political affiliation or religious beliefs of any such employee, eligible, or applicant. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any employee in the competitive service, or any eligible or applicant for a position in the competitive service because of his race, political affiliation or religious beliefs, except as may be authorized or required by law.

SEC. 4.3 *Prohibition against securing withdrawal from competition.* No person shall influence another person to withdraw from competition for any position in the competitive service for the purpose of either improving or injuring the prospects of any applicant for appointment. The Commission is authorized to take such disciplinary action as it deems appropriate whenever it finds that any person has violated this section.

RULE V—REGULATIONS, INVESTIGATION, AND ENFORCEMENT

SEC. 5.1 *Regulations.* (a) The Commission is authorized and directed to promulgate and enforce such regulations as may be necessary to carry out the provisions of the Civil Service Act and Rules, the Veterans' Preference Act, and all other applicable statutes or executive orders imposing responsibilities on the Commission.

(b) The Commission is authorized, whenever there shall be practical difficulties and unnecessary hardships in complying with the strict letter of its regulations, to grant a variation from the strict letter of the regulations if such variation is within the spirit of the regulations, and the efficiency of the Government and the integrity of the competitive service are protected and promoted: *Provided*, That whenever such a variation is granted the Commission shall record in the minutes of its proceedings (1) the particular practical difficulty or hardship involved, (2) what is permitted in lieu of what is required by regulation, (3) the circumstances which protect or promote the efficiency of the Government and the integrity of the competitive service, and (4) a statement limiting the application of the variation to the continuation of the conditions which gave rise to the variation: *Provided further*, That similar variations shall be granted whenever similar conditions exist. All minutes approved under authority of

ice" as used in existing statutes and executive orders.

RULE II—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

SEC. 2.1 *Competitive examinations and eligible registers.* (a) The Commission shall be responsible for open competitive examinations for admission to the competitive service which will fairly test the relative capacity and fitness of the persons examined for the position to be filled. The Commission is authorized to establish standards with respect to citizenship, age, education, training and experience, suitability, and physical and mental fitness, and for residence or other requirements which applicants must meet to be admitted to or rated in examinations.

(b) In addition to the names of persons who qualify in competitive examinations, the names of persons who have lost eligibility on a career or career-conditional register because of service in the armed forces, and the names of persons who lost opportunity for certification or who have served under career or career-conditional appointment when the Commission determines that they should be given certification, may also be entered at such places on appropriate registers and under such conditions as the Commission may prescribe.

SEC. 2.2 *Appointments.* (a) The Commission shall establish and administer a career-conditional appointment system for positions subject to competitive examination which will permit adjustment of the career service to necessary fluctuations in Federal employment, and provide an equitable and orderly system for stabilizing the Federal work force. A competitive status shall be acquired by a career-conditional appointee upon satisfactory completion of a probationary period, but the appointee shall have career-conditional tenure for a period of service to be prescribed by regulation of the Commission.

this section shall be published in the Commission's annual reports.

SEC. 5.2 *Authority of the Commission to make investigations.* The Commission may make appropriate investigations to secure enforcement of the Civil Service Act, Rules, and Regulations, including investigation of the qualifications and suitability of applicants for positions in the competitive service. It may require appointments to be made subject to investigation to enable the Commission to determine, after appointment, that the requirements of law or the Civil Service Rules and Regulations have been met. Whenever the Commission finds that an employee serving under such an appointment is disqualified for Federal employment, it may instruct the agency to remove him, or to suspend him pending an appeal from the Commission's finding: *Provided*, That when an agency removes or suspends an employee pursuant to the Commission's instructions, and the Commission, on the basis of new evidence or on appeal, subsequently reverses the initial decision as to the employee's qualifications and suitability, the agency shall, upon request of the Commission, restore the employee to duty.

SEC. 5.3 *Officers and employees to furnish testimony.* All officers and employees in the executive branch, and applicants or eligibles for positions therein, shall give to the Commission or its authorized representatives all information and testimony in regard to matters inquired of arising under the laws, rules, and regulations administered by the Commission. Whenever required by the Commission, such persons shall subscribe such testimony and make oath or affirmation thereto before an officer authorized by law to administer oaths.

SEC. 5.4 *Enforcement authority of the Commission.* (a) Whenever the Commission finds that any person has been appointed to or is holding a position in violation of the Civil Service Act, Rules or Regulations, or that any officer or employee in the executive branch has violated this order or any of the laws, rules or regulations administered by the Commission, it is authorized, after giving due notice and opportunity for explanation to the officer or employee and the agency concerned, to certify the facts to the proper appointing officer with specific instructions as to discipline or dismissal or other corrective action.

(b) Whenever the Commission finds that any officer or employee in the executive branch has failed to adhere to established policies, regulations, and standards relating to personnel management subject to the jurisdiction of the Commission, it shall instruct the agency head to take corrective action.

(c) Whenever, on the basis of an appeal by an employee, the Commission finds that its regulations prescribing procedures to be followed by agencies in connection with adverse actions for disciplinary reasons have not been followed, or that adverse action has been taken for political reasons except as may be required by law, or resulted from discrimination because of marital status, it shall instruct the agency to restore the employee to duty.

(d) Whenever the Commission issues specific instructions as to discipline or dismissal of an officer or employee, or to restore an officer or employee to duty, the appointing officer concerned shall comply with the Commission's instructions.

(e) If the appointing officer fails to carry out the instructions of the Commission issued under section 4 (a) of this Rule, the Commission shall certify the facts to the head of the agency concerned. If the head of the agency fails to carry out the instructions of the Commission within ten days after receipt thereof, the Commission shall certify the facts to the Comptroller General of the United States, and shall furnish a copy of such certification to the head of the agency concerned; and thereafter no payment shall be made of the salary or wages accruing to the employee concerned.

RULE VI—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SEC. 6.1 *Authority to except positions from the competitive service.* (a) The Commission is authorized to except positions from the competitive service whenever it determines that appointments thereto through competitive examination are not practicable. Upon the recommendation of the agency concerned, it may also except positions which are of a confidential or policy-determining character. Such exceptions from the competitive service shall be effective upon publication thereof in the FEDERAL REGISTER. Positions excepted by the Commission shall be listed in Schedule A, B, or C as provided for in section 6.2 of this Rule, and shall also be listed in the Commission's annual report for the fiscal year in which the exceptions are made.

(b) The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under the appropriate schedule.

SEC. 6.2 *Schedules of excepted positions.* The Commission shall list positions that it excepts from the competitive service in Schedules A, B, and C, which schedules shall constitute parts of this Rule, as follows:

Schedule A. Positions other than those of a confidential or policy-determining character for which it is not practicable to examine shall be listed in Schedule A.

Schedule B. Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination shall be listed in Schedule B. Appointments to these positions shall be subject to such noncompetitive examination as may be prescribed by the Commission.

Schedule C. Positions of a confidential or policy-determining character shall be listed in Schedule C.

SEC. 6.3 *Method of filling excepted positions and status of incumbents.* (a) The head of an agency may fill excepted positions by the appointment of persons without civil service eligibility or competitive status and such persons shall not acquire competitive status by reason of such appointment: *Provided*, That the Commission, in its discretion, may by regulation prescribe conditions under which excepted positions may be filled in the same manner as competitive positions are filled and conditions under which persons so appointed may acquire a competitive status in accordance with the Civil Service Rules and Regulations.

(b) To the extent permitted by law and the provisions of this Rule, appointments and position changes in the excepted service shall be made in accordance with such regulations and practices as the head of the agency concerned finds necessary.

SEC. 6.4 *Removal of incumbents of excepted positions.* Except as may be required by statute, the Civil Service Rules and Regulations shall not apply to removals from positions listed in Schedules A and C or from positions excepted from the competitive service by statute. The Civil Service Rules and Regulations shall apply to removals from positions listed in Schedule B of persons who have competitive status.

SEC. 6.5 *Assignment of excepted employees.* No person who is serving under an excepted appointment shall be assigned to the work of a position in the competitive service without prior approval of the Commission.

SEC. 6.6 *Revocation of exceptions.* The Commission may remove any position from or may revoke in whole or in part any provision of Schedule A or B, and, with the concurrence of the agency concerned, may remove any position from or may revoke in whole or in part any provision of Schedule C. Such changes shall become effective upon publication thereof in the FEDERAL REGISTER.

SEC. 6.7 *Movement of persons between the civil-service system and other merit systems.* Whenever the Commission and any Federal agency having an established merit system determine it to be in the interest of good administration and consistent with the intent of the civil-service laws and any other applicable laws, they may enter into an agreement prescribing conditions under which persons may be moved from one system to the other and defining the status and tenure that the persons affected shall acquire upon such movement.

RULE VII—GENERAL PROVISIONS

SEC. 7.1 *Discretion in filling vacancies.* In his discretion, an appointing officer may fill any position in the competitive service either by competitive appointment from a civil-service register or by noncompetitive selection of a present or former Federal employee, in accordance with the Civil Service Regulations. He shall exercise his discretion in all personal actions solely on the basis of merit and fitness and without regard to political or religious affiliations, marital status, or race.

SEC. 7.2 *Personnel reports.* Each agency shall report to the Commission, in such manner and at such times as the Commission may prescribe, such personnel information as it may request relating to positions and officers and employees in the competitive service and in the excepted service, whether permanent or career, career-conditional, indefinite, temporary, emergency, or subject to contract.

SEC. 7.3 *Reemployment rights.* The Commission, whenever it determines it to be necessary, shall prescribe regulations governing the release of employees (both within the competitive service and the excepted service) by any agency in the executive branch of the Government for employment in any other agency, and governing the establishment, granting, and exercise of rights to reemployment in the agencies from which employees are released.

PART II—SPECIAL PROVISIONS FOR TRANSITION FROM INDEFINITE APPOINTMENT SYSTEM TO CAREER-CONDITIONAL APPOINTMENT SYSTEM

SEC. 201. (a) Under such conditions as the Civil Service Commission may prescribe, all employees serving under indefinite appointments in the competitive service on the effective date of this order who were appointed by selection in regular order from appropriate competitive civil-service registers established subsequent to February 4, 1946, shall, as of the effective date of this order, have their appointments converted to career-conditional appointments if they have had less than three years of creditable service, and to career appointments if they have had three or more years of such service since they were appointed: *Provided*, That any such employees who left their positions prior to the effective date of this order to enter the armed forces of the United States and are reemployed in the competitive service after the effective date of this order pursuant to application for employment made within ninety days after honorable discharge, or after hospitalization continuing after discharge for not more than one year, shall have their former indefinite appointments converted to career-conditional or career appointments in accordance with this section: *Provided further*, That employees serving in excepted positions who would meet the conditions for career-conditional or career appointments if they were serving in competitive positions shall be granted competitive status upon completion of a probationary period.

(b) The Commission may prescribe the conditions under which employees who are serving under indefinite appointments in the competitive service on the effective date of this order and who were not appointed by selection in regular order from competitive civil-service registers may be examined and have their names entered on existing competitive civil-service registers. When such employees are within reach for appointment from such registers they shall be eligible for career-conditional appointments if, since they were given indefinite appointments, they have had less than three years of creditable service, and for career appointments if they have had three or more years of such service.

(c) All employees in the competitive service who on the effective date of this order are serving under indefinite appointments made noncompetitively based upon prior service with a competitive status shall, as of the effective date of this order, have their appointments converted to career-conditional appointments if they have had less than three years of creditable service, and to career appointments if they have had three or more years of such service under either permanent or indefinite appointment: *Provided*, That any such employees who left their positions prior to the effective date of this order to enter the armed forces of the United States and are reemployed in the competitive service after the effective date of this order pursuant to application for employment made within ninety days after honorable discharge, or after hospitalization continuing after discharge for not more than one year, shall have their former indefinite appointments converted to career-conditional or career appointments in accordance with this section: *Provided further*, That any such employees in the field service of the Post Office Department whose salary rates are fixed by the act of July 6, 1945, 59 Stat. 435, as heretofore or hereafter amended and supplemented, shall have their appointments converted to career appointments if they are serving in positions in the authorized complement of permanent positions (consisting of regular positions and positions within the authorized quota of substitutes).

(d) The Commission shall define "creditable service" and shall prescribe the conditions for completion of the period of creditable service required for career appointment.

(e) Except as provided in section 201 (c) hereof, this section shall not apply to employees serving under indefinite appointments in the field service of the Post Office Department whose salary rates are fixed by the act of July 6, 1945, 59 Stat. 435, as heretofore or hereafter amended and supplemented.

SEC. 202. (a) Notwithstanding the provisions of section 201 (a) of this order, and subject to such noncompetitive examination or other requirements as the Commission may prescribe, any employee entitled to veteran preference who has a compensable service-connected disability of ten per centum or more may, upon recommendation of the agency concerned, noncompetitively acquire a competitive status subject to completion of a probationary period: *Provided*, That he is serving under an indefinite appointment, a temporary appointment pending establishment of a register, or a temporary appointment for job employment which has been continuous for more than one year: *Provided further*, That recommendation for acquisition of status under this section is made not later than December 31, 1957.

(b) Any employee who is recommended for noncompetitive acquisition of competitive status under section 202 (a) hereof and who satisfies the non-competitive examination and other requirements of the Commission shall have the appointment under which he is serving converted to a career appointment if he has completed a probationary period or to a career-conditional appointment if he has not completed a probationary period. The career-conditional appointment of such an employee shall be converted to a career appointment upon completion of probation.

(c) An employee in the field service of the Post Office Department whose salary rate is fixed by the act of July 6, 1945, 59 Stat. 435, as heretofore or hereafter amended and supplemented, may not be recommended for competitive status under section 202 (a) hereof unless he can be appointed to a vacancy in the authorized complement of permanent positions (consisting of regular positions and positions within the authorized quota of substitutes). When such an employee is recommended for noncompetitive acquisition of competitive status and satisfies the noncompetitive examination and other requirements of the Commission, his appointment shall be converted to a career appointment subject to satisfactory completion of a probationary period.

SEC. 203. The career-conditional appointment of any employee entitled to veteran preference who has a compensable service-connected disability of ten per centum or more and who is selected in regular order from a competitive civil-service register may, notwithstanding the provisions of section 2.2 (a) of Civil Service Rule II, be converted to a career appointment: *Provided*, That not later than December 31, 1957, the agency in which he is employed so recommends and certifies to the Commission that he has satisfactorily completed a one-year probationary period: *Provided further*, That any such employee who is not certified for career appointment under this section shall have his career-conditional appointment converted to a career appointment when he has completed the service requirements for such appointment prescribed under section 2.2 (a) of Civil Service Rule II.

SEC. 204. In order to effectuate the purposes of section 1310 of the Supplemental Appropriations Act, 1952 (65 Stat. 757), as amended, the Commission shall, after consultation with the agencies concerned, determine the division of allowable permanent appointments within and between the excepted service and the competitive service.

SEC. 205. The Commission shall issue such regulations and instructions as may be necessary to effectuate the purposes of this part.

PART III

SEC. 301. The following-described executive orders and parts of executive orders are hereby revoked:

Part II of Executive Order No. 9830 of February 24, 1947, amending the Civil Service Rules: *Provided*, That the positions listed in Schedules A, B, and C as provided for in Civil Service Rule VI of that order, as amended,

shall be considered as being listed in Schedules A, B, and C, respectively, as provided for in Civil Service Rule VI of this order, unless and until they are removed therefrom by the Commission.

Executive Orders No. 9973 of June 28, 1948, No. 10440 of March 31, 1953, and No. 10463 of June 25, 1953, amending Civil Service Rule VI.

Executive Order No. 10180 of November 13, 1950, establishing special personnel procedures in the interest of national defense.

PART IV

SEC. 401. This order shall become effective on the first Sunday after the sixtieth day after the date hereof.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 22, 1954.

[F. R. Doc. 54-9322; Filed, Nov. 22, 1954; 11:42 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

REVISION OF CIVIL SERVICE RULES

CROSS REFERENCE: For revision of the Civil Service Rules (§§ 1.1, 2.1–2.3, 3.1, 3.2, 4.1–4.4, 5.1–5.5, 6.1–6.3), see Executive Order 10577, *supra*.

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 11—SALES OF AGRICULTURAL COMMODITIES FOR FOREIGN CURRENCIES

SUBPART A—REGULATIONS GOVERNING THE FINANCING OF COMMERCIAL SALES OF SURPLUS AGRICULTURAL COMMODITIES FOR FOREIGN CURRENCIES

Sec.
11.1 Definition of terms.
11.2 General statement.
11.3 Applications.
11.4 Authorizations.
11.5 Sub-authorizations.
11.6 Commodities eligible for financing.
11.7 Methods of financing the sale and exportation of commodities.
11.8 Letters of commitment to banking institutions.
11.9 Documentation.
11.10 Responsibilities of banking institutions.
11.11 Price provisions.
11.12 Ocean transportation.
11.13 Additional responsibilities of importers and suppliers.
11.14 Saving clause.
11.15 CSS Commodity Offices.

AUTHORITY: §§ 11.1 to 11.15 issued under sec. 102, 68 Stat. 454, E. O. 10560, 19 F. R. 5927. Interpret or apply secs. 2, 101, 68 Stat. 454.

§ 11.1 *Definition of terms.* For the purposes of this subpart:

(a) "The act" shall mean title I of the Agricultural Trade Development and Assistance Act of 1954 (Pub. Law 480, 83d Cong.).

(b) "Form 480–A" shall mean FAS Form 480–A, "Authorization to Purchase Surplus Agricultural Commodities with Foreign Currency," issued to an importing country pursuant to this subpart.

(c) "FAS" shall mean the Foreign Agricultural Service, U. S. Department of Agriculture.

(d) "CCC" shall mean the Commodity Credit Corporation, U. S. Department of Agriculture.

(e) "AMS" shall mean the Agricultural Marketing Service, U. S. Department of Agriculture.

(f) "CSS" shall mean the Commodity Stabilization Service, U. S. Department of Agriculture.

(g) "CSS Offices" shall mean the CSS Divisions, the CSS Commodity Offices listed in § 11.15, and any other offices or agencies which may succeed to the functions of such offices.

(h) "The Administrator" shall mean the Administrator of the Foreign Agricultural Service or his designee.

(i) "The Controller, CCC" shall mean the Controller, Commodity Credit Corporation, or his designee.

(j) "Importing country" shall mean any nation with which an agreement has been negotiated pursuant to section 101 of the act.

(k) "Importer" shall mean any person or organization, governmental or otherwise, to which an importing country makes a sub-authorization under a Form 480–A.

(l) "Approved applicant" shall mean the applicant named in any letter of commitment issued to a banking institution under this subpart and shall include any agent authorized to act on behalf of such an applicant.

(m) "Supplier" shall mean any person or firm which sells any commodity or furnishes ocean freight or insurance to an importer under the terms of a Form 480–A authorization.

(n) "Banking institution" shall mean a banking institution organized under the laws of the United States, any State, or the District of Columbia.

(o) "Delivery" shall mean the transfer to or for the account of an importer of custody and right of possession of the commodity in export channels (e. g. f. o. b. vessel, c. & f., from consignment stocks, etc.).

§ 11.2 *General statement.* This subpart contains the regulations governing the operation of the program for the sale and exportation of surplus agricultural commodities for foreign currencies under the act, including the submission of applications to purchase agricultural commodities for foreign currency under the act, the issuance of authorizations to purchase, and the financing of the sale and exportation of such commodities through private trade channels. Except in the case of cotton, consignment stocks, i. e., stocks shipped from the United States prior to the date of sale under this program, will not be financed unless specifically provided for in the Form 480–A authorization. General information pertaining to the operation of this program and forms prescribed for use thereunder can be obtained upon request to the Director, Foreign Trade Programs Division, FAS, U. S. Department of Agriculture, Washington 25, D. C.

§ 11.3 *Applications.* Importing countries desiring to purchase surplus agricultural commodities under the program shall submit applications covering such commodities and containing such information as may have been requested by the Administrator. Applications shall be submitted in quadruplicate, addressed to the Administrator, FAS, U. S. Department of Agriculture, Washington 25, D. C. Supplementary information with respect to applications may be required from time to time.

§ 11.4 *Authorizations.* (a) The Administrator shall provide for review of each application submitted pursuant to § 11.3 to determine whether approval of the application would be in accordance with the provisions of the act and the policies of the U. S. Government. If such determination is favorable, the Administrator will issue a Form 480–A authorization for such procurement as soon as practicable after agreement by the importing country to the terms thereof.

(b) Each Form 480–A will specify the commodity to be purchased; the approximate quantity which may be purchased pursuant to the authorization and whether such commodity or its equivalent must be obtained by suppliers from CCC stocks; the maximum dollar amount; the method of financing and the CSS office which will administer the financing operation on behalf of CCC; the periods during which contracts between importers and suppliers may be entered into and during which deliveries may be made; provisions governing the deposit of the foreign currency purchase price; and any other provisions deemed necessary by the Administrator.

(c) In order to be eligible for financing under the applicable Form 480–A, contracts between importers and suppliers must be entered into within the specified contracting period and deliveries must be made within the specified delivery period, unless an extension of such contracting period or delivery period is granted in writing by the Administrator.

(d) Each Form 480–A issued shall be deemed to include the following provisions:

(1) *Modification or revocation.* The Administrator reserves the right at any time and from time to time, and for any reason or cause whatsoever, to supplement, modify, or revoke any Form 480–A authorization (including the termination of deliveries thereunder). CCC shall reimburse suppliers for costs incurred in connection with firm sales contracts, and not otherwise recovered, as the result of such action by the Administrator: *Provided, however,* That such reimbursement shall not be made to a supplier if the Administrator determines that such action was taken by him because of failure

by such supplier to comply with the requirements of this program.

(2) *Refund to CCC.* The importing country shall pay in U. S. dollars promptly to CCC upon demand by the Administrator the entire amount financed (or such lesser amount as the Administrator may demand) whenever the Administrator determines that the importing country has violated any undertaking or failed to fulfill any commitment agreed to or made by it in connection with the transaction financed. An equivalent amount (at the agreed exchange rate) of the foreign currency, if deposited for that transaction, will be refunded to the importing country, except to the extent that any currency deposited under this program has been made available to the importing country on a grant basis.

(3) *Discounts.* If a contract provides for one or more discounts, only the invoice amount after discount (supplier's gross price less all discounts) will be eligible for financing.

(4) *Purchasing agent's commissions.* No commission paid or to be paid to an agent, broker, or other representative of an importer will be eligible for financing, whether included in the unit price of the commodity or separately stated.

(5) *Adjustment refunds and adjustment credits.* Any adjustment refund or credit in favor of the importer arising out of the terms of the contract or out of the normal customs of the trade, shall be made by the supplier direct to the importer in U. S. dollars. Upon determination of a claim for an adjustment, the supplier shall immediately give written notice to the CSS office named in the Form 480–A authorization, indicating the Form 480–A authorization number, the name and address of the importer, the date and amount of the original invoice, and the reason for the refund or credit and the amount thereof. The importing country shall pay in U. S. dollars promptly upon demand by the Administrator the amount paid or credited under any such claims. An equivalent amount (at the agreed exchange rate) of the foreign currency, if deposited for that transaction, will be refunded to the importing country.

(6) *Insurance payable to or for the account of the importer.* Where the supplier pays for out-turn, war risk or other marine insurance payable to or for the account of the importer, the policies of insurance shall provide that all claims shall be paid in U. S. dollars and that the underwriter shall notify the CSS office named in the Form 480–A authorization at the time a claim thereunder is paid, indicating the Form 480–A authorization number, the names and addresses of the supplier, importer and payee of the claim, the amount paid, the nature of the claim, the quantity of the commodity involved in the claim, the date of shipment, the bill of lading number, and the name of the vessel. The importing country shall pay in U. S. dollars promptly to CCC upon demand by the Administrator the amount paid under any such claim. An equivalent amount (at the agreed exchange rate) of the foreign currency, if deposited for that transaction, will be refunded to the importing country. This subparagraph applies only where the cost of insurance is covered by the unit price of the commodity pursuant to specific authorization in the applicable Form 480–A. Unless specifically authorized, the cost of insurance will not be financed by CCC and must not be covered by the unit price or net invoice price.

(7) *Ocean freight financed as part of the commodity price.* All export sales contracts requiring payment of ocean freight by the supplier shall provide that demurrage and dispatch both at point of loading and point of discharge, shall be for the account of the supplier. The contract may provide that the importer shall reimburse the supplier for any amount by which demurrage at the point of discharge exceeds dispatch at that point, but any such amount will not be financed by CCC. Discharge costs on shipments under any such contract may be for the account of the vessel only when in accordance with trade custom. This subparagraph applies only where the cost of ocean freight is covered by the unit price of the commodity pursuant to specific authorization in the applicable Form 480–A. In the absence of such specific authorization the cost of ocean freight must not be covered by the unit price or net invoice price.

(8) *Ocean freight financed separately from commodity price.* Reimbursement will not be made for demurrage incurred in excess of dispatch earnings. Amounts earned for dispatch shall be credited first against demurrage, if any, incurred in connection with the same voyage; the balance shall be refunded to CCC. Discharge costs may be for the account of the vessel only when in accordance with trade custom. This subparagraph applies only where the cost of ocean freight is financed separately from the commodity price pursuant to specific authorization in the applicable Form 480–A.

(9) *Airmail distribution of ocean bills of lading.* The importing country shall instruct importers to advise shippers to airmail at the time of loading two nonnegotiable copies (or photostats) of the on-board ocean bill of lading to the Administrator, FAS, U. S. Department of Agriculture, Washington 25, D. C.

(e) FAS will make public, with respect to each Form 480–A, information necessary to enable suppliers to initiate negotiations for sales under the program. Such information will be issued daily or as often as necessary in the form of a public release.

§ 11.5 *Sub-authorizations.* The importing country concerned will make sub-authorizations to importers within the terms of each Form 480–A. The importing country, in sub-authorizing, shall instruct the importer to use the Form 480–A number in placing orders, and shall specify to importers all of the provisions of the Form 480–A which are applicable to the sub-authorization. Each importer to whom a sub-authorization has been made by his Government must inform his supplier that the transaction is to be financed under the act and must give to his supplier the Form 480–A number that has been given to him. The importer must also inform his supplier of any special provisions which affect the supplier in carrying out the transaction. The supplier must put the Form 480–A number on all documents pertaining to the transaction.

§ 11.6 *Commodities eligible for financing.* (a) Only those commodities named in the Form 480–A authorizations will be eligible for financing thereunder. Stocks acquired from CCC under any other CCC program which requires exportation shall not be eligible for financing under this program. Commodities in connection with which financing is received hereunder shall not be eligible under any other export program of CCC or the U. S. Department of Agriculture, notwithstanding any provision of such other program, unless the applicable Form 480–A specifically provides for such eligibility.

(b) (1) If the supplier will be required to obtain the commodity (or its equivalent) from CCC stocks (i. e., stocks owned by, or pledged or mortgaged to, CCC), the Form 480–A authorization covering such commodity will so state and CCC (AMS or CSS) will issue an Announcement containing the terms and conditions under which supplier may purchase the commodity or its equivalent from CCC stocks, or the public release issued in connection with the Form 480–A will specify an existing Announcement under which such purchases shall be made. The stocks exported by the supplier in such a case must be the identical stocks so purchased unless the applicable Announcement authorizes the exportation of (i) private stocks equivalent to those purchased from CCC stocks or (ii) private stocks, with equivalent stocks to be purchased subsequently from CCC stocks by the supplier. The Announcement, in each case, will define "equivalent" as used therein in terms of value, quantity, and/or quality, and in terms of the unprocessed commodity equivalent of a processed commodity, if applicable. The Announcement will also specify the AMS or CSS offices in Washington or in the field which may be contacted for further details.

(2) If the supplier will not be required to obtain the commodity (or its equivalent) from CCC stocks, the Form 480–A authorization covering such commodity will so state. Announcements containing special terms and conditions applicable to the financing of such commodities may be issued by CCC (AMS or CSS) from time to time.

§ 11.7 *Methods of financing the sale and exportation of commodities.* Upon request therefor submitted by importing countries, the Controller, CCC, will issue letters of commitment to banking institutions, obligating CCC to make reimbursement for sight payments made by them through irrevocable commercial letters of credit (hereinafter referred to as "letters of credit") on behalf of an approved applicant. The amount of payments to be made to suppliers, for reimbursement by CCC, will vary under the following circumstances:

(a) If the supplier is required under the provisions of the Form 480–A authorization to obtain the commodity or

its equivalent from CCC stocks, the supplier as a condition of receiving payment under the letter of credit must furnish to the banking institution a statement on CCC Form 330, "Advice of Financial Arrangements", signed by the Director or Acting Director of any CSS office, to the effect that the supplier has obtained or made arrangements to obtain the commodity or its equivalent from CCC stocks. (Unless CCC Form 330 is furnished by the supplier, all payments under the letter of credit shall be made or credited to CCC.) CCC Form 330 will not be issued by CCC until a letter of credit in favor of the supplier has been issued or confirmed by the banking institution on behalf of an approved applicant named in a CCC letter of commitment. Under the letter of credit, the supplier shall be paid the amount of his net invoice price of the commodity sold and exported less any amount payable to CCC as stated on the CCC Form 330, and such amount payable to CCC shall be paid or credited to CCC as required by the letter of commitment. Final accounting, if necessary, will be made directly between CCC and the supplier as soon as possible after final export shipment is made by the supplier under the Form 480–A authorization. CCC may require payment in advance for commodities sold to suppliers or may require such other financial arrangements as CCC deems necessary to protect its interests, prior to issuance of CCC Form 330. The financial arrangements to be required in such cases will be included in the Announcement containing the terms and conditions under which suppliers will purchase the commodity or its equivalent from CCC stocks.

(b) If the supplier is not required under the provisions of the Form 480–A authorization to obtain the commodity or its equivalent from CCC stocks, the amount paid to the supplier shall be his net invoice price, expressed in dollars, of the commodity sold and delivered in export channels. The letter of commitment issued in such cases will specifically provide that the CCC Form 330 will not be required.

§ 11.8 *Letters of commitment to banking institutions.* (a) Letters of commitment issued by CCC to banking institutions under this program will assure reimbursement to the banking institution, not in excess of a specified amount in dollars and in accordance with the terms of such letter of commitment, for sight payments made under letters of credit for the account of an approved applicant. With respect to amounts payable to CCC under the letters of credit, the applicable letters of commitment may require the banking institution to credit such amounts in reduction of the obligation of CCC under such letters of commitment in lieu of disbursing such amounts to CCC and requesting reimbursement. Unless otherwise indicated, the word "payment" as used in this subpart includes the crediting of any such amount to CCC.

(b) The letter of commitment will name the Federal Reserve Bank to which drafts shall be submitted by the banking institution in order to obtain reimbursement of amounts paid under the letters of credit, and will name the CSS office which will administer the financing operation under the letter of commitment on behalf of CCC. Detailed advice of amounts paid under letters of credit (including amounts credited to CCC), upon such form as may be prescribed by the Controller, CCC, and signed by an officer of the banking institution, shall be forwarded (1) to the Federal Reserve Bank with the draft for reimbursement of such amounts or (2) to the CSS office, if such advice relates only to credits made to CCC.

(c) Payments by a banking institution made in anticipation of a letter of commitment and falling within the scope of payments authorized by such a letter of commitment when issued will be deemed to be payments to be reimbursed thereunder.

(d) Each letter of commitment issued to a banking institution shall be deemed to incorporate the following terms and provisions:

(1) The application or request for, and any agreement relating to, any letter of credit issued or confirmed under a letter of commitment to a banking institution, may be in such form and contain such terms and provisions as the approved applicant and banking institution may agree upon, and the approved applicant and banking institution may agree to any extension of the life of, or any other modification of, or variation from, the terms of any such letter of credit: *Provided*, That such terms and provisions and any such extension, modification or variance are in no respect inconsistent with or contrary to the terms and provisions of the letter of commitment, and in case of any inconsistency or conflict, the terms and provisions of the letter of commitment shall control. In any event every application for a letter of credit shall include the substance of the directions as to documentation required by this subpart to support payments made for the account of an approved applicant.

(2) Sight drafts drawn by the banking institution on CCC, and advices of amounts credited in reduction of CCC's obligation under the letter of commitment, shall be supported by the documents required by § 11.9 (a) and any additional documents specified in the applicable Form 480–A authorization or in the letter of commitment.

(3) The banking institution shall have no responsibility for the truth or accuracy of the statements contained in the supplier's certificate or invoice-and-contract abstract. The rights of the banking institution under the letter of commitment will not be affected by the fact that such abstracts may be incomplete, or may indicate non-compliance with any provision of this subpart, or of the Form 480–A authorization, or of the letter of commitment, or may be inconsistent with other required documents.

(4) The banking institution shall furnish the CSS office named in the letter of commitment a copy of each letter of credit issued or confirmed by it, and of any extension or modification thereof. Each letter of credit, modification, or extension shall bear the numbers and dates of the applicable letter of commitment and Form 480–A. The banking institution shall make available to the CSS office named in the letter of commitment, upon request, a copy of each application and agreement relating to such letter of credit; a copy of each document in its possession received by it under the letter of credit; and detailed advice of the interest, commissions, expenses, or other items charged by it in connection with each such letter of credit.

(5) Acceptance by the banking institution of any document in the ordinary course of business in good faith as being genuine and valid and sufficient in the premises, and the delivery thereof to the Federal Reserve Bank or the CSS office, as required, shall constitute full compliance by the banking institution with any provision of this subpart, the Form 480–A authorization, or the letter of commitment requiring delivery of a document of the sort that the document actually so delivered purports to be. The banking institution shall be entitled to receive and retain reimbursement of the amount of all payments made by it against documents so accepted, notwithstanding that such payments may be made in connection with a sale at a price in excess of the maximum specified in § 11.11.

(6) The Administrator reserves the right at any time and from time to time, and for any reason or cause whatsoever, to supplement, modify, or revoke a Form 480–A authorization (including termination of deliveries thereunder): *Provided, however*, That no supplement, modification or revocation shall become effective as to the banking institution until the receipt by it from the Controller, CCC, of written notice of such supplement, modification or revocation, and such supplement, modification or revocation shall in no event affect or impair the right of reimbursement to the extent of any payment made prior to receipt of such notice, or any irrevocable obligation incurred under a letter of credit issued or confirmed prior to receipt of such notice, for which the banking institution has not been repaid by the approved applicant (without, however, any obligation on its part to obtain such repayment). The term "Form 480–A" authorization as used in a letter of commitment shall be deemed to include each such supplement or modification from and after receipt by the banking institution from the Controller, CCC, of written notice of the same, subject always, however, to the foregoing terms and provisions preserving rights of reimbursement in its behalf.

(7) In the event the Administrator shall revoke such Form 480–A authorization or supplement or modify the same in relation to the disposition of any document or documents and the Controller, CCC, shall give the banking institution written notice thereof, the banking institution shall in all respects comply with the instruction of the Controller, CCC, to the extent it may do so without impairing or affecting any irrevocable obligation or liability theretofore incurred by it under any letter of credit issued or confirmed by it, and it shall be repaid and reimbursed by CCC for the costs, expenses and liabilities paid or incurred by it in relation to such instruction. Such repayment and reimbursement shall be made by CCC upon application therefor filed with the CSS office named in the letter of commitment and supported by an itemized statement of the costs, expenses and liabilities, certified to by an officer of the banking institution. The banking institution shall have no obligation or liability whatsoever to the approved applicant for anything done or omitted to be done by it pursuant to such instructions of the Controller, CCC.

(8) Unless the letter of commitment specifically provides otherwise, letters of credit issued or confirmed by the banking institution shall provide that the net amount of all invoices submitted by the supplier under such letters of credit shall be paid or credited to CCC by the banking institution unless a lesser amount is specified on CCC Form 330, "Advice of Financial Arrangements."

(9) The letter of commitment shall inure to the benefit of the banking institution's legal successors and assigns.

§ 11.9 *Documentation*—(a) *Commodity cost (including ocean freight and insurance where financed as part of the commodity cost).* Drafts drawn on CCC by banking institutions for reimbursement of payments made under letters of credit, and advices of credits made to CCC, must be supported by the following documents (each of which must be identified by the appropriate Form 480–A authorization number), except when and to the extent specifically waived in writing by the Controller, CCC.

(1) Supplier's certificate, in duplicate, with invoice-and-contract abstract on the reverse side (CCC Form 329), covering the supplier's net invoice price expressed in dollars. The supplier's certificate, only the original of which should be signed, is as follows:

COMMODITY CREDIT CORPORATION FORM 329
NOVEMBER 1, 1954

SUPPLIER'S CERTIFICATE

The supplier hereby acknowledges notice that the sum indicated on the accompanying invoice as claimed to be due and owing under the terms of the underlying contract, is to be paid out of funds made available by the Commodity Credit Corporation under the Agricultural Trade Development and Assistance Act of 1954 and further certifies and agrees with CCC as follows:

(1) The supplier is entitled under said contract to the payment of the claimed sum, and he will promptly make appropriate refund to the CSS office named in the Form 480–A authorization in the event of his nonperformance, in whole or in part, under said contract, or for any breach by him of the terms of this certificate.

(2) Adjustment refunds or credits arising out of the terms of the contract or the customs of the trade shall be made direct to the buyer by the supplier but the supplier shall promptly notify the CSS office concerning any such adjustment refunds or credits so that appropriate refund may be obtained from the importing country. If any adjustment results in an additional charge to the importer, the supplier will promptly notify the CSS office of such additional charge.

(3) The supplier is in compliance with any conditions and requirements of the Form 480–A authorization with respect to the purchase of commodities from CCC stocks prior to exportation.

(4) The supplier is the producer, processor, or exporter of, or a regular dealer in, the commodity, or is the ocean carrier who furnished transportation under said contract, and has not employed any person to obtain said contract under any agreement for a commission, percentage, or contingent fee, except to the extent, if any, of the payment of a commission to a bona fide established commercial or selling agent employed by the supplier as disclosed on the reverse of this form.

(5) The supplier has not given or received and will not give or receive by way of side payment, "kickbacks," or otherwise, any benefit in connection with said contract except as is disclosed on the reverse of this form, or as is the result of the adjustments referred to in paragraph (2) above.

(6) Unless authorized by the applicable Form 480–A, the net invoice price does not contain any amount to cover the cost of ocean freight or insurance.

(7) If the applicable Form 480–A so authorizes and the export sales contract requires payment by the supplier of ocean freight or ocean freight and insurance, any net dispatch earnings are for the account of the supplier under such contract; discharge costs are for the account of the vessel only if in accordance with trade custom; and the policies of insurance contain a provision requiring the underwriter to notify the CSS office of any claim paid.

(8) If the supplier is the producer, or processor of a commodity, said contract is not a cost plus-a-percentage-of-cost contract.

(9) On the basis of information contained from such sources as are available to the supplier, and to the best of his information and belief, the commodity was grown in the United States and, if processed, such processing was performed in the United States. (This certification is not required where the commodities exported were the identical commodities purchased from CCC.)

(10) On the basis of information obtained from such sources as are available to the supplier, and to the best of his information and belief, his sales price is no higher than the maximum specified in the applicable regulations of the U. S. Department of Agriculture or in the Form 480–A authorization.

(11) The supplier has complied with the applicable requirements of said regulations, and has allowed all discounts, including discounts for quantity purchases and prompt payment, customarily allowed his other customers similarly situated.

(12) If the supplier is an ocean carrier, he shall not be deemed to certify to paragraphs (3), (6), (7), (9), (10) and (11) but instead certifies that the rate indicated on the reverse of this form for ocean transportation does not exceed the prevailing rate for similar freight contracts or the rate paid to the supplier for similar services by other customers similarly situated.

(13) The supplier has filled in the applicable portions of the invoice-and-contract abstract on the reverse hereof, certifies to the correctness of the information shown therein, and will furnish promptly to the CSS office, upon request, such additional information in such form as the CSS office may require concerning price or any other details of the contract.

(Date)

(Authorized signature)

(Title)

NOTE: Any amendments, deletions of applicable provisions, or substitutions will invalidate this certificate.

Before executing the supplier's certificate, the supplier shall fill in the invoice-and-contract abstract on the reverse side in accordance with the instructions attached to the form. The information required by the abstract is generally as follows:

(i) Invoice information, including the supplier's name and address, the importer's name and address, and detailed billing and shipping data.

(ii) Information relating to agents' commissions paid or to be paid.

(iii) Contract and price information expressed in dollars including a reconciliation of the contract and invoice prices applicable.

(2) One non-negotiable copy (or photostat) of on-board bill of lading or, in the case of export rail or truck shipment, one copy of Shipper's Export Declaration authenticated by the appropriate U. S. Customs official.

(3) Two copies (or photostats) of supplier's detailed invoice showing quantity, description, gross sales price and net sales price expressed in dollars (after deducting all discounts and purchasing agents' commissions applicable), and basis of delivery (e. g., f. o. b. vessel, c. i. f., etc.) of the commodities, and either marked "Paid" by the supplier or endorsed by, or accompanied by a certificate of, an officer of the banking institution indicating that payment has been made in the amount shown on the invoice.

(4) One copy of CCC Form 330, "Advice of Financial Arrangements", if applicable (see § 11.8 (d) (8)), which shall be submitted to the Federal Reserve Bank or to the CSS office, as required, with the documents covering the last shipment under the letter of credit.

(5) One copy of CCC Form 106, "Advice of Vessel Approval."

(6) Such additional or substitute documentation, if any, as may be required for reimbursement by the Form 480–A authorization or letter of commitment.

(b) *Cost of ocean transportation where financed separately from commodity cost.* Requests by importing countries to CCC, pursuant to § 11.12 (c) (2), for reimbursement of payments made for ocean transportation, must be supported by the following documents, (each of which must be identified by the appropriate Form 480–A authorization number) except when and to the extent specifically waived in writing by the Controller, CCC:

(1) Supplier's certificate, in duplicate, with invoice-and-contract abstract on the reverse side (CCC Form 329), to be executed by the carrier, covering the dollar cost of ocean transportation.

(2) One non-negotiable copy (or photostat) of on-board ocean bill of lading.

(3) Two copies (or photostats) of carrier's detailed invoice marked "Paid".

(4) One copy of CCC Form 106, "Advice of Vessel Approval".

(5) Such additional or substitute documentation, if any, as may be required by the Form 480–A authorization.

§ 11.10 *Responsibilities of banking institutions.* (a) Documents required to

support advices of credits to CCC and to support drafts for reimbursement are enumerated in § 11.9 (a). Such documents, in either case, are referred to in this section as "required documents".[1] Any additional documents required with respect to any particular transaction will be specified as such in the Form 480–A authorization related to that transaction and to the corresponding letter of commitment, or in the letter of commitment itself. A banking institution holding a letter of commitment is not required by CCC to obtain any documents other than those enumerated in § 11.9 (a) and any additional documents so specified.

(b) A banking institution is not responsible for the truth or accuracy of the statements contained in any of the required documents. A banking institution is not obliged to look beyond these documents nor to make independent investigation as to the accuracy of statements made therein.

(c) (1) A banking institution's examination of the required documents must be made in accordance with good commercial practice. A banking institution is responsible for ascertaining that the required documents are consistent with the related Form 480–A authorization and letter of commitment in the following particulars, and no others:

(i) Delivery, to the extent described in paragraph (d) of this section;

(ii) Destination, to the extent described in paragraph (e) of this section;

(iii) Description, to the extent described in paragraph (f) of this section;

(iv) Discounts and purchasing agents' commissions, to the extent described in paragraph (g) of this section;

(v) Amounts to be paid or credited to CCC, to the extent described in paragraph (h) of this section.

(vi) Vessel approval, to the extent described in paragraph (i) of this section.

(vii) If the banking institution is to be responsible for any additional particulars, these will be specified in the Form 480–A authorization or letter of commitment as addition required documents or as additional statements to be contained in the required documents.

(2) The right of reimbursement for payments made by a banking institution in accordance with good commercial practice will not be affected by the information contained in the invoice-and-contract abstract, nor, except with respect to those particulars listed in subparagraph (1) (i) through (vii) of this paragraph, by the fact that the other documents received by the banking institution or information or notice received from any other source indicate noncompliance with any provision of this subpart, or of the Form 480–A or the letter of commitment.

(3) The foregoing shall not be construed to limit any rights CCC may have against a supplier by reason of statements contained in the supplier's certificate, nor against an importing country under § 11.4 (d) (2).

[1] In paragraphs (c), (e), (f) and (g) of this section, the phrase "required documents" does not include the invoice-and-contract abstract, as to which see § 11.9 (a) (1).

(d) Section 11.4 (c) permits delivery under the Form 480–A authorization at any time within the delivery period specified in the Form 480–A authorization. If any of the documents specified in § 11.9 (a) (2) or in the Form 480–A authorization or in the letter of commitment are dated at any time within that period or any extension thereof granted by the Administrator, they are acceptable.

(e) The Form 480–A authorization will show the importing country. If the required documents are consistent, under good commercial practice, with shipment or transshipment to such country, they are acceptable.

(f) The Form 480–A authorization will describe the commodity. In issuing or confirming letters of credit, a banking institution should see that the commodity description is not inconsistent with the description in the Form 480–A authorization. In making payments under letters of credit the banking institution shall act in accordance with good commercial practice, based on the description contained in the required documents.

(g) A banking institution is not required to make independent inquiry as to whether an invoice price includes either discounts, or commissions payable to purchasing agents, but should not make payment of any such items when disclosed by the required documents.

(h) Unless the letter of commitment specifically provides otherwise, the banking institution is responsible for paying, or if required by the letter of commitment for crediting, CCC with the net amount of the invoice(s) if CCC Form 330, "Advice for Financial Arrangements", is not submitted. If CCC Form 330 is submitted, the banking institution is not required to verify the signature appearing thereon, or to make an independent inquiry as to the correctness of the information shown on the form; the banking institution is responsible for paying or crediting CCC with any amount shown on the CCC Form 330.

(i) The banking institution shall not make payment under the letter of credit unless the name of the vessel shown on the CCC Form 106, "Advice of Vessel Approval", is identical with the name of the vessel shown on the bill of lading. The banking institution is not required to verify the signature appearing on the form or to make an independent inquiry as to the correctness of the information shown thereon.

(j) (1) Section 11.4 sets forth certain provisions to be deemed incorporated in each Form 480–A authorization. The documents required by § 11.9 (a) includes a supplier's certificate showing compliance with some of these provisions. A banking institution is entitled to rely on such certificate. Special certificates may also be required by the terms of particular Form 480–A authorizations or letters of commitment; in such cases, a banking institution is entitled to rely on such certificates.

(2) Certain other provisions of § 11.4 are included solely for the instruction of suppliers, purchasers, and the participating countries themselves, and are not matters for which banks are to assume responsibility. In this category are the provisions of § 11.4 (d) (5), (6), (7), (8) and (9).

(k) Banking institutions financing transactions under letters of commitment are not required to assume responsibility for compliance with the provisions of § 11.4 (c) with respect to the period within which contracts may be entered into.

(l) Section 11.13 contains provisions concerning use of the Form 480–A authorization number, placement of orders, and delivery dates. Banking institutions financing transactions under letters of commitment are not required to assume responsibility for compliance with this section.

(m) The letter of commitment constitutes an obligation to reimburse banking institutions for any drafts negotiated under letters of credit prior to the date of maturity, if any, specified in the letter of commitment, even though such drafts are paid after such date.

(n) Upon demand therefor made by the CSS office named in the letter of commitment, the banking institution shall promptly reimburse CCC for any losses sustained as a direct result of failure on the part of the banking institution to carry out its responsibilities as required by this section.

§ 11.11 *Price provisions.* (a) The supplier's sales price must not exceed the prevailing range of export market prices (or such other maximum price level as may be specified in the Form 480–A authorization) as applied to the method of sale involved, at the time of sale. "Time of sale" shall mean the day as of which the sales price, or the method for determining the price, is established between the importer and the supplier.

(b) In the event the sales price exceeds the maximum permissible under paragraph (a) of this section, the supplier shall refund the amount of such excess to CCC promptly after determination and notification of the amount thereof by CCC. Any appropriate refund of foreign currency will be made to the importing country. If not promptly refunded, such amount may be set-off by CCC against any monies owed by it to the supplier. The making of any such refund to CCC, or any such set-off by CCC shall not, however, prejudice the right of the supplier to challenge the correctness of such determination in a court action brought against CCC for recovery of the amount refunded or set-off.

(c) No claim shall be asserted by CCC under this section unless the supplier is notified of such claim and of the amount thereof within 90 days after the earlier of (1) receipt by CCC of proof of the export sale certified by the supplier and showing the date of sale, the grade and quality of the commodity, the unit price and the price basis or (2) the date the required documents are presented to the banking institution by the supplier.

§ 11.12 *Ocean transportation.* (a) unless otherwise specifically provided in the applicable Form 480–A, the terms of all charters (whether single voyage charters, consecutive voyage charters or time charters) and the terms of all liner bookings must be submitted to the Director, Transportation and Warehousing Division, CSS, U. S. Department of Agriculture, Washington 25, D. C., for review and approval prior to the fixture of vessels. Such submission shall be made on CCC Form 105 "Ocean Shipment Data—Title I, P. L. 480". Approvals of charters and liner bookings will be given on CCC Form 106 "Advice of Vessel Approval", signed by the Director or the Acting Director of the Transportation and Warehousing Division. A copy of each charter party and ocean booking contract shall be forwarded to the Director of the Transportation and Warehousing Division.

(b) If the Form 480–A requires that a part of the commodity be shipped on privately owned United States-flag commercial vessels, suppliers or shippers must obtain from the Director or Acting Director of the Transportation and Warehousing Division a determination as to the quantity of the commodity, under each sale, which must be shipped on United States-flag vessels. Where it is required that the commodity be shipped on a United States-flag vessel the Form 106 will set forth the amount of the ocean freight differential, if any, which CCC will recognize as existing between the prevailing foreign-flag vessel rate and the United States-flag vessel rate.

(c) CCC will not finance the cost of ocean transportation on flag vessels of the importing country either as part of the commodity cost (i. e., c. i. f., c & f.) or separate therefrom. The cost of ocean transportation will be financed by CCC on flag vessels of other than the importing country only when specifically provided for in the applicable Form 480–A authorization. Where ocean transportation is so provided for, the following shall apply:

(1) Where ocean transportation is covered by the commodity unit price, CCC will pay the amount of the ocean freight differential, if any, stated on the Form 106, for the tonnage involved, directly to the supplier of the commodity. Such payment will be made by the CSS office named in the Form 480–A, upon presentation of proper invoice.

(2) Where the ocean transportation is procured separate from the commodity, CCC, upon presentation to the Fiscal Division, CSS, U. S. Department of Agriculture, Washington 25, D. C., of the documents required under § 11.9 (b), will reimburse the importing country for payments made for ocean transportation, subject to the following conditions:

(i) The rate charged by the supplier of ocean transportation shall not exceed the prevailing rate for similar freight contracts.

(ii) Reimbursement will be made for the cost of shipment from points of loading to points of discharge at rates established in the applicable charter party or ocean booking contract, but not to exceed, in the case of dry cargo liner shipments, the conference rate for such service, if any.

(iii) In the case of dry bulk cargo shipments, reimbursement will be made of 90 percent of the cost of the shipment on presentation of documents covering at least 90 percent of the cost of the shipment, and the balance, if any, supported by the vessel's signed laytime statement(s) will be paid after final settlement of dispatch/demurrage claims.

(iv) Loading, trimming and other related shipping expenses will not be financed by CCC as items separate from ocean freight. Discharge costs may be covered by the ocean freight financed by CCC only when in accordance with trade custom.

(v) The importing country will not be required to deposit foreign currency for the amount of ocean freight differential, stated on the Form 106, for the tonnage involved.

(d) CCC will not finance the cost of ships' dollar disbursements.

§ 11.13 *Additional responsibilities of importers and suppliers.* (a) Each importer to whom a sub-authorization has been made by his Government must inform his supplier that the transaction is to be financed under the act and must give to his supplier the Form 480–A number that has been given to him. The importer must also inform his supplier of any special provisions which affect the supplier in carrying out the transaction.

(b) The supplier must put the Form 480–A number on all documents required by § 11.9 (a).

(c) An importer must comply with the contract and delivery dates specified in his sub-authorization by the importing country. A supplier must not accept orders identified by a Form 480–A number unless he expects to comply with the contract and delivery dates specified.

(d) It is the responsibility of the supplier to assure that he does not make shipments or deliveries of commodities prior to the issuance or confirmation by a banking institution in the United States of an irrevocable commercial letter of credit in his favor.

(e) The rate of exchange and the deposit to the account of the United States of the foreign currency purchase price of the commodity will be arranged between the Governments of the United States and the importing country. The supplier will not be responsible for assuring that the foreign currency is so deposited.

§ 11.14 *Saving clause.* The Administrator, if he deems such action desirable in order to accomplish the purposes of the act, may waive, withdraw, or amend at any time, or from time to time any or all of the provisions of this subpart.

§ 11.15 *CSS Commodity Offices.* The addresses of the CSS Commodity Offices are as follows:

CSS Commodity Office, U. S. Department of Agriculture, 623 South Wabash Avenue, Chicago 5, Ill.

CSS Commodity Office, U. S. Department of Agriculture, 3306 Main Street, Dallas 26, Tex.

CSS Commodity Office, U. S. Department of Agriculture, Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.

CSS Commodity Office, U. S. Department of Agriculture, 1006 West Lake Street, Minneapolis 8, Minn.

CSS Commodity Office, U. S. Department of Agriculture, 515 Southwest Tenth Ave., Portland 5, Oreg.

CSS Commodity Office, U. S. Department of Agriculture 1010 Broadway, Cincinnati 2, Ohio.

CSS Commodity Office, U. S. Department of Agriculture, Wirth Bldg., 120 Marais St., New Orleans 16, La.

Done at Washington, D. C., this 19th day of November 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 54–9261; Filed, Nov. 22, 1954; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6210]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

K. C. SNOW CROP DISTRIBUTORS, INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage or other compensation under 2 (c): § 3.800 *Buyers' agents.* I. In connection with the purchase of food products in commerce, and on the part of respondent, Stoops & Wilson Brokerage Co., and its officers, and on the part of the individual respondents, Wendell R. Stoops and G. Arlon Wilson, individually and as officers of said Stoops & Wilson Brokerage Co., and their respective representatives, etc., receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for the account of K. C. Snow Crop Distributors, Inc., where either of the respondents G. Arlon Wilson or Wendell R. Stoops, or both, are the agents, representatives, or other intermediaries acting for, or in behalf of, or are subject to the direct or indirect control of the said K. C. Snow Crop Distributors, Inc., or any other buyer; and II, in connection with the purchase of food products in commerce, and on the part of respondent, K. C. Snow Crop Distributors, Inc., and its officers, and on the part of said individual respondents, G. Arlon Wilson and Wendell R. Stoops, individually and as either officers or majority stockholders of said corporation, and on the part of their respective representatives, etc., receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for the account of K. C. Snow Crop Distributors, Inc., or where either of the respondents G. Arlon Wilson or Wendell R. Stoops, or both, are the agents, representatives, or other intermediaries acting for, or in behalf of, or are subject to the direct or indirect control of the said K. C. Snow Crop Distributors, Inc., or any other buyer; prohibited.

(Secs. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, K. C. Snow Crop Distributors, Inc., et al., Kansas City Mo., D. 6210, Oct. 28, 1954]

In the Matter of K. C. Snow Crop Distributors, Inc., a Corporation; Stoops & Wilson Brokerage Company, a Corporation; G. Arlon Wilson, Individually and as Vice President of Stoops & Wilson Brokerage Company; Wendell R. Stoops, Individually and as President of Stoops & Wilson Brokerage Company

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondents with having violated section 2 (c) of the Clayton Act, as amended by the Robinson-Patnam Act, and upon a stipulation for consent order, entered into by respondents, which provided that respondents admitted all the jurisdictional allegations of the complaint and waived the requirement for issuance of a decision containing findings of fact and conclusions of law, and further procedural steps before the hearing examiner and the Commission to which respondents might be entitled under the Clayton Act, as amended, or the rules of practice of the Commission.

By the terms of said stipulation respondents consented to the entry of an order to cease and desist in the form therein provided for, with the same force and effect as if said order had been made after a full hearing, presentation of evidence, and findings and conclusions thereon, and waived any and all right, power, or privilege to challenge or contest the validity of said order, it being further provided by said stipulation that the signing thereof and consent by respondents to the entry of the aforesaid order was for settlement purposes only and did not constitute an admission of any facts, other than those pertaining to jurisdiction, or that respondents had violated the law as alleged in the complaint.

Thereafter, the aforesaid stipulation for consent order and an accompanying affidavit of respondent G. Arlon Wilson having been submitted to said hearing examiner, theretofore duly designated by the Commission, for appropriate action in accordance with Rule V of the Commission's rules of practice, and it appearing to said examiner that said stipulation afforded the basis for an appropriate disposition of the proceeding, said stipulation and accompanying affidavit were accepted and ordered filed as part of the record in the proceeding and in accordance therewith said hearing examiner made his initial decision [1] setting forth the aforesaid matters, his jurisdictional findings,[1] and his order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 28, 1954.

Said order is as follows:

It is ordered, That the respondent, Stoops & Wilson Brokerage Company, a corporation, its officers, and the individual respondents Wendell R. Stoops and G. Arlon Wilson, individually and as officers of said Stoops & Wilson Brokerage Company, and their respective representatives, agents, and employees, directly or indirectly, or through any corporate or other device in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for the account of K. C. Snow Crop Distributors, Inc., where either of the respondents G. Arlon Wilson or Wendell R. Stoops, or both, are the agents, representatives or other intermediaries acting for, or in behalf of, or are subject to the direct or indirect control of the said K. C. Snow Crop Distributors, Inc., or any other buyer.

It is further ordered, That the respondent, K. C. Snow Crop Distributors, Inc., a corporation, its officers and the individual respondents, G. Arlon Wilson and Wendell R. Stoops, individually and as either officers or majority stockholders of said corporation, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for the account of K. C. Snow Crop Distributors, Inc., or where either of the respondents G. Arlon Wilson or Wendell R. Stoops, or both, are the agents, representatives, or other intermediaries acting for, or in behalf of, or are subject to the direct or indirect control of the said K. C. Snow Crop Distributors, Inc., or any other buyer.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6210, October 28, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 28, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-9227; Filed, Mar. 22, 1954; 8:45 a. m.]

[1] Filed as part of the original document.

[Docket 6213]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

O. A. SUTTON CORP.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of electric fans in commerce, representing, directly or by implication, the ventilating capacity or ventilating performance of respondent's said fans, through the use of a numerically expressed rating or otherwise, which rating or other statement as to capacity or performance is in excess of the amount of cubic feet of air per minute that such fan is capable of drawing through its blades under ordinary operating conditions, into or away from any place or area to be ventilated; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, O. A. Sutton Corporation, Wichita, Kans., Docket 6213, Nov. 4, 1954]

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondent with false and misleading advertising in the offer and sale of its "Vornado Turnabout Window Fans", in violation of the Federal Trade Commission Act; and upon a stipulation for consent order, submitted in lieu of an answer, entered into by respondent with counsel supporting the complaint, and duly approved by the Director and Assistant Director of the Bureau of Litigation.

By the terms of said stipulation respondent admitted all the jurisdictional allegations in the complaint and stipulated that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; expressly waived the filing of an answer to the complaint and further proceedings before the hearing examiner and the Commission; agreed that the order contained in said stipulation should have the same force and effect as if made after a full hearing, presentation of evidence and findings and conclusions thereon, and expressly waived all right, power, and privilege to contest the validity of said order.

Said stipulation further provided that the complaint might be used in construing the terms of the order contained therein, and that said order might be altered, modified, or set aside in the manner prescribed by statute for orders of the Commission, and agreed also that said stipulation, together with the complaint in the matter, should constitute the entire record in the proceeding—interpreted by said examiner in his initial decision, for reasons there stated, as meaning that it was agreed that the complaint and stipulation for consent order should constitute the entire record upon which the initial decision in the matter should be based.

Noting in his said initial decision in which he set forth the aforesaid matters, the further agreement in said stipulation that the order contained therein might be entered without further notice upon the record, in disposition of the proceeding, and that the additional inclusion of the word "ventilating" in said order served merely to clarify the limitations of the default order appended to the complaint, he concluded that said stipulation for consent order should be accepted and that such action, together with the issuance of the order contained in the stipulation, would resolve all the issues arising by reason of the complaint in the proceeding, and would safeguard the public interest to the same extent as could be accomplished by full hearing and all other adjudicative procedure waived in said stipulation; and accordingly, in consonance with the terms of said agreement, accepted the stipulation for consent order submitted, and issued order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision,[1] including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on November 4, 1954.

Said order is as follows:

It is ordered, That respondent O. A. Sutton Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of electric fans in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, the ventilating capacity or ventilating performance of its said fans, through the use of a numerically-expressed rating or otherwise, which rating or other statement as to capacity or performance is in excess of the amount of cubic feet of air per minute that such fan is capable of drawing through its blades under ordinary operating conditions, into or away from any place or area to be ventilated.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6213, November 4, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That respondent O. A. Sutton Corporation, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 4, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-9233; Filed, Nov. 22, 1954; 8:47 a. m.]

[1] Filed as part of the original document.

[Docket 6216]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WOOSTER RUBBER CO.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing, or sale, under 2 (d): § 3.825 *Allowances for services or facilities;* [*Discriminating in price under section 2, Clayton Act, as amended*]—furnishing services or facilities for processing, handling, etc., under 2 (e): § 3.830 *Furnishing services or facilities.* In, or in connection with, the offering for sale, sale, or distribution of household or kitchen or automobile accessories or equipment made of rubber, or of which rubber is a part, or any other household or kitchen or automobile accessories or equipment, in commerce: (a) Paying, or contracting for the payment of, anything of value to or for the benefit of any customer of respondent as compensation or in consideration for any advertising services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products manufactured or sold by respondent, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products; (b) discriminating, directly or indirectly, among competing purchasers of its products, by contracting to furnish, or furnishing, or contributing to the furnishing of any demonstrator services or facilities connected with the processing, handling, sale, or offering for sale of any products manufactured or sold by respondent to any purchaser upon terms not accorded to all competing purchasers on proportionally equal terms; and (c) the commission of any other like or related acts or practices to those set forth in prohibitions (a) and (b) above; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13). [Cease and desist order, Wooster Rubber Company, Wooster, Ohio, Docket 6216, Oct. 31, 1954]

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, which charged respondent with violation of subsections (d) and (e) of Section 2 of the Clayton Act, as amended, in connection with the making of advertising allowances and the furnishing of demonstrator services incident to the sale of respondent's "Rubbermaid" kitchen and household accessories and automobile mats; and upon a stipulation entered into by respondent and counsel supporting the complaint.

Said stipulation provided, among other things, that respondent admitted all of the jurisdictional allegations of the complaint; that the filing of an answer thereto was waived; that the complaint and stipulation should constitute the entire record in the proceeding; and that the inclusion of findings of fact and conclusions of law in the decision disposing of the matter was also waived, together with any further procedural steps before the hearing examiner and the Commission to which respondent might be entitled under the Clayton Act, as amended, or the rules of practice of the Commission.

By said stipulation it was further provided that the order set forth might be entered in disposition of the proceeding, with the same force and effect as if made after a full hearing, presentation of evidence and findings and conclusions thereon, respondent specifically waiving any and all right, power, and privilege to challenge or contest the validity thereof; that the complaint might be used in construing the terms of the order; that it might be altered, modified, or set aside in the manner provided by statute for other orders of the Commission; and that the signing of the stipulation was for settlement purposes only and did not constitute an admission by respondent that it had violated the law as alleged in the complaint.

Thereafter said examiner made his initial decision in which he set forth the aforesaid matters and that the stipulation was accepted and made a part of the record, and issued order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision,[1] including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 31, 1954.

Said order is as follows:

It is ordered, That respondent, Wooster Rubber Company, a corporation, directly or indirectly, through its officers, directors, agents, representatives or employees, or through any corporate or other device, or otherwise, in, or in connection with, the offering for sale, sale or distribution of household or kitchen or automobile accessories or equipment made of rubber, or of which rubber is a part, or any other household or kitchen or automobile accessories or equipment, in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

(a) Paying, or contracting for the payment of, anything of value to or for the benefit of any customer of respondent as compensation or in consideration for any advertising services or facilities furnished by or through such customer in connection with the processing, handling, sale or offering for sale of any products manufactured or sold by respondent, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products.

(b) Discriminating, directly or indirectly, among competing purchasers of its products, by contracting to furnish, or furnishing or contributing to the furnishing of any demonstrator services or facilities connected with the processing, handling, sale or offering for sale

[1] Filed as part of the original document.

[F. R. Doc. 54-9235; Filed, Nov. 22, 1954; 8:45 a. m.]

be entered without further notice upon

of any products manufactured or sold by respondent to any purchaser upon terms not accorded to all competing purchasers on proportionally equal terms.

(c) The commission of any other like or related acts or practices to those herein set forth in paragraphs (a) and (b) of this order.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6216, October 29, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 29, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-9234; Filed, Nov. 22, 1954; 8:47 a. m.]

[Docket 6217]

PART 3—DIGEST OF CEASE AND DESIST ORDERS[1]

BRONCO MFG. CORP. ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1330 *Specifications or standards conformance.* In the offering for sale, sale, or distribution of wearing apparel in commerce, or of any other garments, representing, directly or by implication, by marking, branding, labeling, tagging, or in any other manner contrary to fact, that such merchandise was manufactured for the Armed Forces of the United States or in accordance with specifications of said Armed Forces; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Bronco Mfg. Corp. et al., New York, N. Y., Docket 6217, Oct. 28, 1954]

In the Matter of Bronco Mfg. Corp., a Corporation, and Murray Spiewak and Peter Spiewak, Individually and as Officers of Said Corporation.

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondents with the use of unfair and deceptive acts and practices and unfair methods of competition in commerce in violation of the provisions of the Federal Trade Commission Act, and upon a stipulation for consent order, entered into by them, which provided that the answer theretofore filed by them was withdrawn and expressly waived a hearing before a hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, and the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner or the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

By the terms of said stipulation, respondents consented to the entry of an order to cease and desist in the form therein provided for, to have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, and respondents waived any and all right, power, or privilege to challenge or contest the validity of said order, it being further provided by said stipulation that the signing thereof was for settlement purposes only and did not constitute an admission of violation by respondents, except that respondents admitted all the jurisdictional allegations of the complaint.

Thereafter, it appearing that said stipulation, which had been submitted to said hearing examiner, theretofore duly designated by the Commission, for his consideration in accordance with Rule V of the Commission's rules of practice, provided for an appropriate disposition of the proceeding, said stipulation was accepted and ordered filed as part of the record in the matter by said examiner, who, after considering the complaint and said stipulation, found that the proceeding was in the interest of the public, and made his initial decision[1] setting forth the aforesaid matters, his jurisdictional findings,[1] and his order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 28, 1954.

Said order is as follows:

It is ordered, That respondents Bronco Mfg. Corp., a corporation, and Murray Spiewak and Peter Spiewak, individually and as officers of said corporate respondent and respondents' agents, representatives, and employees, directly or through any corporate or other device, in the offering for sale, sale or distribution of wearing apparel in commerce, as "commerce" is defined in the Federal Trade Commission Act, or of any other garments, do forthwith cease and desist from representing, directly or by implication, by marking, branding, labeling, tagging, or in any other manner contrary to fact, that such merchandise was manufactured for the Armed Forces of the United States or in accordance with specifications of said Armed Forces.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6217, October 28, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 28, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-9235; Filed, Nov. 22, 1954; 8:47 a. m.]

[Docket 6220]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

I. SPIEWAK & SONS, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1330 *Specifications or standards conformance.* In the offering for sale, sale, or distribution of wearing apparel in commerce, or of any other garments, representing, directly or by implication, by marking, branding, labeling, tagging, or in any other manner contrary to fact, that such merchandise was manufactured for the Armed Forces of the United States or in accordance with specifications of said Armed Forces; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, I. Spiewak & Sons, Inc., et al., New York, N. Y., Docket 6220, Oct. 19, 1954]

In the Matter of I. Spiewak & Sons, Inc., a Corporation, and Philip Spiewak, Gerald Spiewak, and Robert Spiewak, Individually and as Officers of Said Corporation

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondents with the use of unfair and deceptive acts and practices and unfair methods of competition in commerce in violation of the provisions of the Federal Trade Commission Act, and upon a stipulation for consent order, entered into by them, which provided that the answer theretofore filed by them was withdrawn and expressly waived a hearing before a hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, and the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner or the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

By the terms of said stipulation, respondents consented to the entry of an order to cease and desist in the form therein provided for, to have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, and respondents waived any and all right, power, or privilege to challenge or contest the validity of said order, it being further provided by said stipulation that the signing thereof was for settlement purposes only and did not constitute an admission of violation by respondents, except that respondents admitted all the jurisdictional allegations of the complaint.

Thereafter, it appearing that said stipulation, which had been submitted to said hearing examiner, theretofore duly designated by the Commission, for his consideration in accordance with Rule V of the Commission's rules of practice, provided for an appropriate disposition of the proceeding, said stipulation was accepted and ordered filed as part of the record in the matter by said examiner, who, after considering the complaint and said stipulation, found that the proceeding was in the interest of the public, and made his initial decision[1] setting forth the aforesaid matters, his jurisdictional findings,[1] and his order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 19, 1954.

Said order is as follows:

It is ordered, That respondents I. Spiewak & Sons, Inc., a corporation, and Philip Spiewak, Gerald Spiewak, and Robert Spiewak, individually and as officers of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in the offering for sale, sale or distribution of wearing apparel in commerce, as "commerce" is defined in the Federal Trade Commission Act, or of any other garments, do forthwith cease and desist from representing, directly or by implication, by marking, branding, labeling, tagging, or in any other manner contrary to fact, that such merchandise was manufactured for the Armed Forces of the United States or in accordance with specifications of said Armed Forces.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6220, October 19, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 19, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-9226; Filed, Nov. 22, 1954; 8:45 a. m.]

[1] Filed as part of the original document.

admission of violation by respondents, except that respondents admitted all the jurisdictional allegations of the complaint.

Thereafter, it appearing that said stipulation, which had been submitted to said hearing examiner, theretofore duly designated by the Commission, for his consideration in accordance with Rule V of the Commission's rules of practice, provided for an appropriate disposition of the proceeding, said stipulation was accepted and ordered filed as part of the record in the matter by said examiner, who, after considering the complaint and said stipulation, found that the proceeding was in the interest of the public, and made his initial decision[1] setting forth the aforesaid matters, his jurisdictional findings,[1] and his order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 19, 1954.

Said order is as follows:

It is ordered, That respondents I. Spiewak & Sons, Inc., a corporation, and Philip Spiewak, Gerald Spiewak, and Robert Spiewak, individually and as officers of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in the offering for sale, sale or distribution of wearing apparel in commerce, as "commerce" is defined in the Federal Trade Commission Act, or of any other garments, do forthwith cease and desist from representing, directly or by implication, by marking, branding, labeling, tagging, or in any other manner contrary to fact, that such merchandise was manufactured for the Armed Forces of the United States or in accordance with specifications of said Armed Forces.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6220, October 19, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 19, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-9226; Filed, Nov. 22, 1954; 8:45 a. m.]

[1] Filed as part of the original document.

[Docket 6223]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LAFAYETTE FOODS, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage or other compensation under 2 (c): § 3.820 *Direct buyers.* In connection with the purchase of frozen foods or other commodities in commerce, receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of frozen foods or other commodities made for its own account, or while acting for or in behalf of a buyer as an intermediate agent, or subject to the direct or indirect control of such buyer; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Lafayette Foods, Inc., Lafayette, Ind., Docket 6223, Oct. 28, 1954]

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission, which charged respondent with having violated subsection (c) of section 2 of the Clayton Act as amended, by receiving and accepting from sellers, commissions, brokerage fees or other compensation, or allowances or discounts in lieu thereof, on purchases of frozen foods for its own account; and upon a stipulation, following the filing of respondent's answer, entered into by respondent and counsel supporting the complaint.

Said stipulation provided that respondent admitted all the jurisdictional allegations of the complaint and agreed that the order set forth in said stipulation should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusion thereon; specifically waived any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance therewith; and provided, among other things, that all the parties requested that the answer of respondent be withdrawn, and that they waived a hearing before a hearing examiner of the Commission, the making of findings of fact or conclusions of law, the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner or the Commission to which the respondent might be entitled under the Clayton Act, as amended, or the rules of practice of the Commission.

All parties further agreed that the stipulation, together with the complaint, should constitute the entire record in the matter; that the order to be set forth might be entered in disposition of the proceeding without further notice; that the complaint might be used in construing the terms of said order which might be altered, modified, or set aside in the manner provided by the statute for the orders of the Commission; and that the signing of the stipulation and consent by respondent to the entry of such order were for settlement purposes only and did not constitute an admission by respondent that it had violated the law as alleged in the complaint.

Thereafter said examiner made his initial decision in which he set forth the aforesaid matters and the granting of the request that the answer of the respondent be withdrawn; his finding that the proceeding was in the public interest; and his order, in conformity with the terms of the stipulation, to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision,[1] including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 28, 1954.

Said order is as follows:

It is ordered, That respondent Lafayette Foods, Inc., a corporation, its officers, and its respective representatives, agents, or employees, directly or indirectly, or through any corporate or other device, in connection with the purchase of frozen foods or other commodities in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of frozen foods or other commodities made for its own account, or while acting for or in behalf of a buyer as an intermediate agent, or subject to the direct or indirect control of such buyer.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6223, October 28, 1954, which announced and decreed fruitition of said initial decision, report of compliance was required as follows:

It is ordered, That respondent Lafayette Foods, Inc., a corporation shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 28, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-9236; Filed, Nov. 22, 1954; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 3, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954—CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1627, 2562, 3993, 4256, 4399, 5079, 5591 and 5593, and containing the specific requirements for the 1954-Crop Wheat Price Support Program are hereby amended as follows:

Section 421.438 (d) (3) (iii) is amended by adding a footnote (3) at the bottom of the table to provide protein premiums on hard white wheat of the varieties Baart and Blue-Stem stored in Lincoln County, Wyoming, so that the amended subdivision reads as follows:

§ 421.438 *Determination of support rates.* • • •

(d) *Support rates.* • • •

(3) *Premiums and discounts for classification, grade and protein content.* • • •

(iii) Protein premiums:

Protein content (percent)	Wheat stored in the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and designated counties in Montana, based on Portland		All other States including designated counties in Montana, based on Minneapolis or Omaha	
	Hard Red Spring, Hard Red Winter	Hard White Wheat of the varieties Baart and Blue-Stem[1]	Hard Red Spring	Hard Red Winter
	Cents per bushel	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*
10.0–10.9	0	1	0	0
11.0–11.9	1	2	0	0
12.0–12.9	2	3	0	0
13.0–13.9	3	4	1	1
14.0–14.4	4	4½	2	1½
14.5–14.9	5	5	3½	2
15.0–15.4	6	5½	5	2½
15.5–15.9	7	6	6½	3
16.0–16.4	8	6½	8	3½
16.5–16.9	9½	7	11	4
17.0–17.4	11	7½		4½
Over 17.4	(2)	(3)	(2)	(3)

[1] 1½ cents for each ½ percent of protein over 17.4 percent.
[2] 1½ cent for each ½ percent of protein over 17.4 percent.
[3] Premiums in this column also apply to wheat stored in Lincoln County, Wyoming.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C., 1441, 1421)

Issued this 17th day of November 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-9246; Filed, Nov. 22, 1954; 8:49 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 4, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954—CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 2117, 2203, 2561, 3467, and 4555, and containing the specific requirements for the 1954-Crop Grain Sorghums Price Support Program are hereby amended as follows:

1. Section 421.533 (a) (1) is amended by adding the following to the list of terminal markets and basic support rates per 100 pounds:

Port Arthur, Texas	$2.88

2. Section 421.533 (a) (5) is amended to provide a deduction from the terminal rate for grain sorghums received by truck at Port Arthur, Texas so that the amended subparagraph reads as follows:

§ 421.533 *Support rates.* • • •

(a) *Basic support rates at designated terminal markets.* • • •

(5) For grain sorghums received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal market:	*Amount of deduction (cents per 100 pounds)*
Los Angeles, Calif., San Francisco, Calif	22
Omaha, Nebr., Sioux City, Iowa, Kansas City, Mo., St. Louis, Mo	23
Corpus Christi, Tex., Galveston, Tex., Houston, Tex., Port Arthur, Tex., New Orleans, La., Memphis, Tenn	25

3. Section 421.533 (c) (1) is amended by adding the following to the list of basic county support rates:

VIRGINIA

County	*Rate per cwt.*
All counties	$2.45

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714; 7 U. S. C. 1447, 1421)

Issued this 17th day of November 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-9245; Filed, Nov. 22, 1954; 8:49 a. m.]

PART 464—TOBACCO

SUBPART—1954 TOBACCO LOAN PROGRAM

SCHEDULES OF RATES FOR CIGAR FILLER AND BINDER TOBACCO

The tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published June 17, 1954 (19 F. R. 3542), is supplemented by adding the following sections containing schedules of advance rates, by grades, for the 1954 crop of types 42, 43, 44, 51, 52, 53, 54, and 55 tobacco:

Sec.
464.625 1954 crop; Ohio Filler tobacco, Types 42, 43, and 44.
464.626 1954 crop; Connecticut Valley broadleaf tobacco, Type 51.
464.627 1954 crop; Connecticut Valley Havana seed tobacco, Type 52.
464.628 1954 crop; New York and Pennsylvania Havana seed tobacco, Type 53.
464.629 1954 crop; Southern Wisconsin tobacco, Type 54.
464.630 1954 crop; Northern Wisconsin tobacco, Type 55.

AUTHORITY: §§ 464.625 to 464.630 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 464.625 *1954 crop; Ohio filler tobacco, Types 42, 43 and 44, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	*Advance rate*
Fillers (farm wrappers):	
C1MB	38
C1M	33
C2M	31
C3M	28
C4M	26
Crop-run (stripped together):	
X1	27
X2	24
X3	22
X4	19
X5	17
Farm fillers:	
Y1	18
Y2	16
Y3	15

[1] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower fifty cents per hundred pounds to apply against receiving and overhead costs. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

§ 464.626 *1954 crop; Connecticut Valley broadleaf tobacco, Type 51, advance schedule.*[1]

UNSORTED

[Dollars per hundred pounds, farm sales weight]

Grade	*Advance rate*
Binders:	
B1M	68
B2M	66
B3M	62
B4M	58
B5M	52
B6M	46
B7M	41
Binder pickers:	
R1	35
R2	30
R3	23
Non-binders:	
X1	22
X2	20
X3	18
X1DAM	20
X2DAM	18
X3DAM	16

§ 464.627 *1954 crop; Connecticut Valley Havana seed tobacco, Type 52, advance schedule.*[1]

UNSORTED

[Dollars per hundred pounds, farm sales weight]

Grade	*Advance rate*
Binders:	
B1M	65
B2M	63
B3M	59
B4M	54
B5M	49
B6M	44
B7M	39
Binder pickers:	
R1	33
R2	27
R3	23
Non-binders:	
X1	22
X2	20
X3	18
X1DAM	20
X2DAM	18
X3DAM	16

§ 464.628 *1954 crop; New York and Pennsylvania Havana seed tobacco, Type 53, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	*Advance rate*
Binders:	
B1M	56
B2M	52
B3M	48
B4M	44
B5M	41
B6M	38
B7M	35
Binder pickers:	
R1	30
R2	27
R3	25
Strippers:	
C1	24
C2	22
C3	20
Crop-run:	
X1	23
X2	21
X3	19
X4	17
X5	16
Farm fillers:	
Y1	20
Y2	18
Y3	16

[1] See footnote on p. 7537.
[1] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower not more than the larger of $1.00 per hundred pounds or $10.00 per consignment to apply against receiving and overhead costs. The advance rate on any lot of tobacco graded B1M through B7M and marked with the special factor "Moist" or "Damp" will be supported at the advance rate minus $9.00 or $12.00, respectively. Grades B1M through R3 containing damaged leaves will be marked with the special factor symbol D followed by the percentage of damaged leaves. The weight of the damaged leaves will be deducted and the advance will be made only on the weight of sound or undamaged tobacco. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

§ 464.629 *1954 crop; Southern Wisconsin Tobacco, Type 54, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	*Advance rate*
Binders:	
B1M	57
B2M	53
B3M	49
B4M	45
B5M	41
B6M	38
B7M	34
Binder pickers:	
R1	30
R2	27
R3	25
Strippers:	
C1	25
C2	24
C3	22
Crop-run:	
X1	24
X2	23
X3	22
X4	19
X5	16
Farm fillers:	
Y1	21
Y2	18
Y3	15

§ 464.630 *1954 crop; Northern Wisconsin tobacco Type 55, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	*Advance rate*
Binders:	
B1M	62
B2M	58
B3M	54
B4M	49
B5M	45
B6M	40
B7M	36
Binder pickers:	
R1	32
R2	29
R3	26
Strippers:	
C1	24
C2	23
C3	20
Crop-run:	
X1	23
X2	22
X3	21
X4	17
X5	15
Farm Fillers:	
Y1	20
Y2	18
Y3	15

Issued this 17th day of November 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-9244; Filed, Nov. 22, 1954; 8:48 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.237]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

MISCELLANEOUS AMENDMENTS

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations, are hereby amended in the following respects:

1. Paragraph (b) *Application procedure* of § 41.20 *Nonresident aliens' border-crossing identification cards* is amended to read as follows:

(b) *Application procedure.* An application for a nonresident alien's border-crossing identification card shall be made on Form I–190 at a United States consular office in Canada or Mexico. The applicant shall appear in person, shall execute the application in triplicate under oath or by affirmation before the consular officer, and shall be fingerprinted in accordance with the provisions of § 41.19. Four identical photographs of the alien, as described in § 41.9 (d) shall be submitted with the application. One of such photographs shall be attached to each copy of the application form and to the identification card which is issued to the applicant. The photograph requirement may, in the discretion of the consular officer, be waived in the case of an alien under fourteen years of age at the time of issuance of the card. The original of application Form I–190, duly executed, shall be attached to the identification card issued to the alien for delivery to the immigration officer at the time of application for admission into the United States.

2. Paragraph (b) of § 41.110 *Representatives of foreign press, radio, film, or other information media* is amended to read as follows:

(b) An alien who will be engaged in the United States in news gathering activities between the United States and the country of which he is a national shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101 (a) (15) (I) of the act, notwithstanding the fact that such alien may also be classifiable as a nonimmigrant under the provisions of section 101 (a) (15) (E) of the act.

3. Paragraph (b) *Termination of derivative registration* of § 42.21 *Aliens included in single registration* is amended to read as follows:

(b) *Termination of derivative registration.* The privilege of derivative registration accorded a spouse or child un-

der the provisions of paragraph (a) of this section, whose name has not been previously recorded on a waiting list, shall terminate only upon the occurrence of any one of the conditions specified in § 42.23 for the removal of names from a quota-waiting list.

4. Paragraph (i) of § 42.23 *Removal of names of registrants from quota-waiting list* is revoked.

5. Paragraph (c) *Attaching supporting documents* of § 42.41 *Procedure in issuing immigrant visa* is revoked, and paragraphs (d), (e) and (f) of § 42.41 are redesignated paragraphs (c), (d) and (e), respectively.

6. Section 42.42 *Classes of aliens ineligible to receive immigrant visas* is amended to read as follows:

§ 42.42 *Classes of aliens ineligible to receive immigrant visas.* (a) The following implementation of section 212 of the act shall govern the issuance or refusal of immigrant visas in pertinent cases:

(1) *Feeble-mindedness.* [Reserved.]

(2) *Insanity.* [Reserved.]

(3) *One or more attacks of insanity.* [Reserved.]

(4) *Psychopathic personality, epilepsy, or mental defect.* [Reserved.]

(5) *Narcotic drug addicts or chronic alcoholics.* [Reserved.]

(6) *Tuberculosis, leprosy, or dangerous contagious disease.* A determination of ineligibility to receive an immigrant visa under the provisions of sections 212 (a) (1) to (6), inclusive, of the act, shall be based upon the finding of a competent medical examiner as referred to in § 42.37: *Provided,* That in the case of an alien who applies for an immigrant visa at a consular office where no medical officer of the United States Public Health Service has been assigned or detailed, and the consular officer knows or has reason to believe that such alien is a drug addict, a chronic alcoholic, or is afflicted with psychopathic personality by reason of sexual deviation, a finding of ineligibility to receive an immigrant visa under the provisions of section 212 (a) (4) or (5) of the act may be based on facts or circumstances other than the finding of an examining physician.

(7) *Physical defect, disease or disability affecting alien's ability to earn a living.* An alien within the purview of section 212 (a) (7) of the act may be issued an immigrant visa, if otherwise qualified therefor, upon receipt of notice by the consular officer from the Department of the giving of a bond or undertaking, as provided in section 221 (g) of the act.

(8) *Paupers, professional beggars, or vagrants.* [Reserved.]

(9) *Crime involving moral turpitude.* (i) An alien shall not be ineligible to receive a visa under the provisions of section 212 (a) (9) of the act (*a*) solely by reason of the conviction of a single offense which, if committed in the United States, would be a misdemeanor punishable by imprisonment not to exceed one year, and for which the penalty actually imposed was imprisonment not to exceed six months or a fine not to exceed $500, or both; or (*b*) solely by reason of the admission of the commission of a single offense or the commission of acts constituting the essential elements of a single offense which, if committed in the United States, would be a misdemeanor punishable by imprisonment not to exceed one year.

(ii) The term "purely political offense", as used in sections 212 (a) (9) and (10) of the act, shall include offenses which, the evidence presented to the consular officer clearly establishes, were involved in convictions obviously based on trumped-up charges or predicated upon repressive measures against racial, religious, or political minorities. The admission by an immigrant that he has committed acts which would have been punishable under the laws or decrees of a foreign country shall be considered an admission of the commission of a purely political offense within the meaning of section 212 (a) (9) of the act if the evidence presented to the consular officer clearly establishes that such laws or decrees were predicated upon the repression of racial, religious, or political minorities. The mere fact that an alien is or was a member of a racial, religious, or political minority shall not be considered as sufficient in itself to warrant a conclusion that the crime of which he was convicted was a purely political offense.

(10) *Conviction of two or more offenses.* [Reserved.]

(11) *Polygamy.* Aliens who are members of religious organizations which tolerate polygamy are not ineligible to receive immigrant visas under the provisions of section 212 (a) (11) of the act, unless such aliens themselves are polygamists, or unless they practice or advocate the practice of polygamy.

(12) *Prostitutes.* The fact that an immigrant may have ceased to engage in prostitution shall not remove the immigrant's ineligibility to receive a visa under the provisions of section 212 (a) (12) of the act.

(13) *Immoral sexual act.* [Reserved.]

(14) *Skilled or unskilled laborers*—(i) *Certification by Secretary of Labor required.* No immigrant shall be considered ineligible to receive a visa under the provisions of section 212 (a) (14) of the act, even if he is migrating to the United States under a contract or other prearrangement of employment of any kind in the United States, until the Secretary of Labor shall have made the certification to the Secretary of State and the Attorney General as provided in clauses (A) or (B) of section 212 (a) (14) of the act concerning the availability of such labor in the locality of the alien's destination, or the effect of the immigration of such foreign labor on conditions of workers in the United States. The existence or the cancellation of such a certification by the Secretary of Labor shall be recognized by the consular officer only upon the basis of an official notification from the Department.

(ii) *Prearranged employment immaterial to ineligibility.* When the Secretary of Labor makes the certification referred to in subdivision (i) of this subparagraph, with respect to a particular occupation, the provisions of section 212 (a) (14) of the act shall apply to an immigrant who is seeking to enter the United States for the purpose of performing skilled or unskilled labor, even if such immigrant has no offer, promise, contract of employment, or any other form of pre-arranged employment in such occupation, unless such alien falls within one of the exempt categories specified in subdivision (iii) of this subparagraph.

(iii) *Exemptions.* Notwithstanding the fact that a consular officer has been officially notified of a determination and certification by the Secretary of Labor, as referred to in subdivision (i) of this subparagraph, the provisions of section 212 (a) (14) of the act shall have no application to the following classes of immigrants:

(*a*) Parents, spouses, or sons and daughters regardless of age or marital status, of United States citizens;

(*b*) Parents, spouses, or children of aliens lawfully admitted to the United States for permanent residence;

(*c*) Brothers or sisters of United States citizens;

(*d*) Immigrants whose services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants, and to be substantially beneficial prospectively to the national economy, cultural interests, or welfare of the United States;

(*e*) Aliens classifiable as nonquota immigrants under the provisions of sections 101 (a) (27) (B), (F), and (G) of the act.

(15) *Public charges.* (i) Any conclusion that an immigrant is ineligible to receive a visa under the provisions of section 212 (a) (15) of the act shall be predicated upon the existence of facts or circumstances which indicate a reasonable probability that the immigrant will become a charge upon the public after entry into the United States.

(ii) A petition approved under the provisions of section 205 of the act shall have no bearing on the question of whether the beneficiary thereof will become a public charge after his arrival in the United States.

(iii) An alien within the purview of section 212 (a) (15) of the act may be issued an immigrant visa, if otherwise qualified therefor, upon receipt of notice by the consular officer from the Department of the giving of a bond or undertaking, as provided in section 221 (g) of the act.

(16) *Aliens excluded and deported.* An alien who was excluded and deported from the United States within the meaning of section 212 (a) (16) of the act shall be required to obtain permission from the Attorney General to reapply for admission if he applies for a visa within one year from the date of his deportation.

(17) *Aliens arrested and deported or removed from the United States.* (i) An alien who was arrested and deported from the United States, or who was removed from the United States within the meaning of section 212 (a) (17) of the act shall be required to obtain permission from the Attorney General to reapply for admission into the United States,

regardless of the period of time which may have elapsed since his deportation or removal.

(ii) No alien who is required to obtain permission from the Attorney General to reapply for admission, as provided in sections 212 (a) (16) and (17) of the act, shall be considered eligible to receive an immigrant visa until such alien shall have obtained the necessary permission to reapply for admission, and shall have been found to be otherwise eligible to receive an immigrant visa under the act and the regulations contained in this part.

(18) *Stowaways.* [Reserved.]

(19) *Fraud and misrepresentation.* (i) An alien (*a*) who seeks to procure, or has sought to procure, or has procured a visa or other documentation by fraud, or by willfully misrepresenting a material fact, for the purpose of gaining admission into the United States, regardless of whether such fraud or misrepresentation occurred before or after December 24, 1952, or (*b*) who entered or who seeks to enter the United States on or after December 24, 1952 by fraud, or by willfully misrepresenting a material fact, shall be ineligible to receive an immigrant visa under the provisions of section 212 (a) (19) of the act: *Provided,* That the provisions of this subdivision shall not be applicable in the case of a *bona fide* refugee if such fraud or misrepresentation was committed in connection with the alien's entry into, or sojourn in, a foreign country and consisted of obtaining travel documents or of misrepresenting his place of birth, and the refugee was in fear of being repatriated to his former homeland if he had disclosed the facts in his case: *Provided further,* That such fraud or misrepresentation was not committed for the purpose of evading the quota restrictions of the United States immigration laws, or investigation of the alien's record at the place of his former residence or elsewhere in connection with an application for a United States visa. The fact that an alien may be or may have been a bona fide refugee shall not be considered as sufficient in itself to remove the alien from any excludable class.

(ii) Subject to the conditions stated in subdivision (i) of this subparagraph, an alien who, upon review of his case, is found by the consular officer to have made a willful misrepresentation within the meaning of section 10 of the Displaced Persons Act of 1948, as amended (62 Stat. 1013, 64 Stat. 225; 50 App. U. S. C. 1950), for the purpose of gaining admission into the United States as an eligible displaced person, or to have made a material misrepresentation within the meaning of section 11 (e) of the Refugee Relief Act of 1953, as amended (67 Stat. 405, 8 U. S. C. 1182) for the purpose of gaining admission into the United States as an alien eligible thereunder, shall be considered ineligible to receive an immigrant visa under the provisions of section 212 (a) (19) of the act.

(20) *Immigrant documentary requirements.* [Reserved.]

(21) *Noncompliance with section 203 of the act.* [Reserved.]

(22) *Ineligibility to citizenship.* [Reserved.]

(23) *Illicit traffic in narcotic drugs.* [Reserved.]

(24) *Aliens arriving in foreign contiguous territory or adjacent islands on nonsignatory or noncomplying transportation lines.* The provisions of section 212 (a) (24) of the act shall not be applicable to the following classes of immigrants:

(i) Aliens who are described in section 101 (a) (27) (B) of the act;

(ii) Aliens who are native-born citizens of countries enumerated in section 101 (a) (27) (C) of the act;

(iii) Aliens who, prior to December 24, 1952, arrived in one of the adjacent islands from which they are seeking to enter the United States;

(iv) Aliens who are natives of adjacent islands or foreign contiguous territory and who are seeking to enter the United States directly from an adjacent island or from foreign contiguous territory;

(v) Aliens who proceeded from one adjacent island or foreign contiguous territory to another by signatory carrier and who are seeking to enter the United States from the last island or territory, regardless of the method by which they first entered an adjacent island or foreign contiguous territory;

(vi) Aliens who proceeded from the United States by nonsignatory carrier to adjacent islands or foreign contiguous territory from which they seek to reenter the United States: *Provided,* That such aliens, as of the time of their last entry into the United States, would not have been ineligible to receive an immigrant visa under the provisions of section 212 (a) (24) of the act.

(25) *Illiterates.* [Reserved.]

(26) *Nonimmigrant documentary requirements.* [Reserved.]

(27) *Activities prejudicial to the public interest, or endangering the welfare, safety or security of the United States.* [Reserved.]

(28) *Other subversive classes*—(i) *Members or affiliates.* The provisions of section 212 (a) (28) of the act shall be considered to relate to the ineligibility of aliens to receive visas because of their present or former voluntary membership in, or affiliation with, the classes described therein, including voluntary membership in, or affiliation with, the proscribed parties, organization, and groups as specified therein, regardless of the purpose of such aliens in coming to the United States.

(*a*) The term "affiliate", as used in section 212 (a) (28) of the act with reference to an organization, means an organization substantially directed, dominated, or controlled by one of the parties within the statutory proscription, which is or was used or operated by such party to help maintain its control over the country, or to help disseminate its economic and governmental doctrines or ideology;

(*b*) Service, whether voluntary or not, in the armed forces of any country shall not be regarded, of itself, as constituting or establishing an alien's membership in, or affiliation with, any proscribed party or organization, and shall not, of itself, constitute a ground of ineligibility to receive a visa;

(*c*) Voluntary service in a political capacity, such as a political commissar with the armed forces of any country, shall constitute affiliation with the political party or organization in power at the time of such service;

(*d*) Membership or affiliation, whether voluntary or not, which ended before an alien reached his sixteenth birthday shall not constitute a ground of ineligibility to receive a visa. If an alien continues or continued his membership or affiliation beyond his sixteenth birthday, the question whether his membership or affiliation after his sixteenth birthday is or was voluntary shall be determined as in the case of any other alien. In that connection, the facts relating to his activities only after his sixteenth birthday may be considered in determining whether the continuation of his membership or affiliation is or was voluntary;

(*e*) The term "operation of law", as used in section 212 (a) (28) (I) of the act, shall include any case wherein the alien without his acquiescence automatically becomes or became a member or affiliate of a proscribed party or organization by official act, proclamation, order, edict, or decree.

(ii) *Totalitarianism.* In accordance with the definition of "totalitarian party" contained in section 101 (a) (37) of the act, former or present voluntary members of, or aliens who were, or are, voluntarily affiliated with a non-communist party, organization, or group, or of any section, subsidiary, branch, affiliate or subdivision thereof, which during the time of its existence did not or does not advocate the establishment in the United States of a totalitarian dictatorship, shall not be considered ineligible under the provisions of section 212 (a) (28) of the act to receive visas, unless such aliens are known or believed by the consular officer to advocate, or to have advocated, personally, the establishment in the United States of a totalitarian dictatorship or totalitarianism, as defined in the act. Aliens who are, or have been, voluntary members of, or voluntarily affiliated with, the Communist party, or any of its sections, subsidiaries, branches, affiliates, or subdivisions, in any country, shall be considered, as specifically declared by the act, to be ineligible to receive visas, except as provided in subdivision (iii) of this subparagraph. If any other party is found to be a "totalitarian party", as defined in section 101 (a) (37) of the act, former or present voluntary membership in or affiliation with such party, or any of its sections, subsidiaries, branches, affiliates, or subdivisions, shall render an alien ineligible to receive a visa, except as provided in subdivision (iii) of this subparagraph.

(iii) *Defectors.* The term "defector" includes an alien who was a voluntary member of, or was voluntarily affiliated with, a proscribed party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, which exists, as well as a proscribed party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, which no longer exists but which did exist within the period of the last 5 years prior to the date of the application for a visa. The five-year period of defection

required by the provisions of section 212 (a) (28) (I) (ii) of the act shall be considered as having begun to run from the established date of an alien's cessation of voluntary membership or affiliation or from the date such party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, ceased or ceases to exist. The words "actively opposed", as used in section 212 (a) (28) (I) (ii) of the act, shall be considered as embracing speeches, writings, and other overt or covert activities, during a period of at least 5 years prior to the application for a visa, in opposition to the doctrine, program, principles, and ideology of the party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, of which the alien was formerly a member or affiliate. An alien shall not be required, except in questionable circumstances, to show that he has actively opposed the doctrine, program, principles, and ideology of a proscribed party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof during the time it did not exist. However, such alien shall be required to show that during the period of non-existence of the party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, he did not personally advocate the doctrine, program, principles, and ideology of such party or organization, or of the section, subsidiary, branch, or affiliate or subdivision thereof, within the meaning of the act.

(iv) *Public interest with regard to visas.* Consular officers shall maintain a coordinated and uniform interpretation and appraisal of what constitutes the public interest in issuing or refusing visas to defectors. Such coordination and uniformity shall be accomplished by a reference of the consular officer's opinion to the Secretary of State for possible consultation with the Attorney General.

(v) *War criminals.* No alien who was convicted of being a war criminal or was properly charged as such but escaped trial or punishment by departing the jurisdiction, or who was guilty of, or who advocated or acquiesced in, activities or conduct contrary to civilization and human decency on behalf of a power which was at war with the United States during World War II shall be considered as a defector under the provisions of section 212 (a) (28) (I) (ii) of the act or the regulations contained in this part.

(29) *Activities relating to espionage, sabotage, public disorder, or other subversive activity.* An alien who was convicted of being a war criminal or who was properly charged as such but who escaped trial or punishment by departing the jurisdiction, or an alien who is guilty of, or who advocated or acquiesced in, activities or conduct contrary to civilization and human decency on behalf of a power which was at war with the United States during World War II may be considered ineligible to receive a visa under the provisions of section 212 (a) (27) or (29) of the act.

(30) *Alien accompanying another alien ordered excluded and deported.* [Reserved.]

(31) *Alien contributing to illegal entry.* [Reserved.]

(b) *Failure of application to comply with act.* An immigrant's visa application shall be considered as failing to comply with the provisions of the act if:

(1) The applicant fails to furnish the information to be included in such application as required by the act and the regulations contained in this part.

(2) Such application contains a false or incorrect statement.

(3) Such application is not supported by the necessary documents required under the provisions of the act or the regulations contained in this part.

(4) The applicant refuses to be fingerprinted as required by the act.

(5) The necessary fee is not paid for such application or for the immigrant visa.

(6) The alien fails to swear to, or affirm, the application before the consular officer.

(7) The visa application otherwise fails to meet the specific requirements of the act for reasons for which the alien is responsible.

7. Section 42.47 *Validity of immigrant visa* is amended by the addition of the following paragraph (d) at the end thereof:

(d) An alien who is returning to Hawaii from a temporary visit abroad, and who (1) establishes that he entered Hawaii without an immigration visa between May 1, 1934, and July 3, 1946, inclusive, pursuant to the last sentence of section 8 (a) (1) of the act of March 24, 1934, as amended (48 Stat. 456), and that he was on the date of such entry a citizen of the Philippine Islands, or (2) establishes that he was admitted to Hawaii as a national of the United States, shall be considered classifiable as a nonquota immigrant under the provisions of section 101 (a) (27) (B) of the act, and, if otherwise qualified, shall be issued a nonquota immigrant visa limited in validity to application for admission only to Hawaii. *Provided,* That this limitation shall not apply in the case of an alien who is within a class declared to be nonquota immigrants under the provisions of section 101 (a) (27) of the act, other than subparagraph (C) thereof, and other than subparagraph (B) thereof in the case of an alien admitted to Hawaii only and subject to the restrictions prescribed in section 212 (d) (7) of the act. In any case in which a visa is limited in validity to application for admission only to Hawaii, such limitation shall be noted conspicuously on the face of the visa.

8. Subparagraph (5) of paragraph (b) *Exceptions* of § 42.36 *Passport requirement for immigrants* is amended to read as follows:

(5) An immigrant who is the parent, spouse, or child of a United States citizen;

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

Dated: November 15, 1954.

SCOTT MCLEOD,
Administrator of the Bureau of Inspection, Security, and Consular Affairs.

[F. R. Doc. 54-9232; Filed, Nov. 22, 1954; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter J—Procurement

[CGFR 54-51]

PART 116—PROCEDURES FOR PURCHASING

PART 118—CONTRACTS

MISCELLANEOUS AMENDMENTS

The amendments to §§ 116.01-3, 116.01-4, 116.01-8, 116.01-43, 116.01-44, 116.01-46, 116.01-85, 116.01-165, 116.02-2, 118.01-15, 118.02-21, 118.02-22, and 118.02-23 are editorial in nature to clarify requirements of existing procedure.

The amendment to § 116.01-2 sets forth additional procurement term definitions.

The amendment to § 116.01-5 sets forth authority and responsibility of contracting officers.

The amendment to § 116.01-7 prescribes requirements to be met before entering into contracts.

The amendment to § 116.01-42 sets forth Federal Supply Schedule classes for which procurement by the Coast Guard is mandatory.

The amendment to § 116.01-160 authorizes the use of Standard Form 44, U. S. Government Purchase Order-Invoice-Voucher, for service station deliveries of gasoline and lubricating oils when credit cards are unavailable.

The amendment to § 116.02-47 eliminates the requirement for security classification of correspondence relating to debarred or ineligible firms or individuals and lists of such firms or individuals.

A new section designated § 118.01-19 defines the difference between contract change orders and supplemental agreements.

A new section designated § 118.04-6 sets forth administrative instructions for the Walsh-Healey Public Contracts Act.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), the following amendments are prescribed:

1. Section 116.01-2 is amended to read as follows:

§ 116.01-2 *Definition of terms*—(a) *Scope of section.* The terms defined in the following paragraphs apply to procurement procedures set forth in Parts 116, 118, and 120 of this subchapter.

(b) *Department.* The term "Department" means the Department of the Treasury, in which the Coast Guard has the status of a Bureau.

(c) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(d) *Agency head.* The term "Agency Head" means the Commandant, U. S. Coast Guard, who is responsible for the procurement policies and activities of the Coast Guard under the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.; 41 U. S. C. 151-161).

(e) *Contracting officer.* The term "contracting officer" means any officer or civilian employee of the Coast Guard who has been or shall be designated a contracting officer (and whose designation has not been terminated or revoked) with the authority to enter into and administer contracts and make determinations and findings with respect thereto, or any part of such authority as hereinafter provided. The term "contracting officer" is construed to include his duly appointed successor or authorized representative acting within the limits of his authority.

(f) *Contracts.* The term "contracts" means all types of agreements and orders for the procurement of supplies or services. It includes, by way of description and without limitation, awards and preliminary notices of award; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for the issuance of job orders, task orders or task letters thereunder; letter contracts, letters of intent, and purchase orders. It also includes amendments, modifications, and supplemental agreements with respect to any of the foregoing.

(g) *Procurement.* The term "procurement" includes, by way of description and without limitation, purchasing, renting, leasing, or otherwise obtaining supplies or services.

(h) *Supplies.* The term "supplies" means all property except land or interests in land. It includes, by way of description and without limitation, public works, buildings, facilities; ships, floating equipment, and vessels of every character, type and description, together with parts and accessories thereto; aircraft and aircraft parts, accessories, and equipment; machine tools; and the alteration or installation of any of the foregoing.

(i) *Source of supplies.* (1) For contracting purposes, the term "source of supplies" shall include only (i) manufacturers, (ii) construction contractors, and (iii) regular dealers in the supplies to be procured. See § 116.02-46 (a) (3) (iii) for the definition of a "regular dealer." The above descriptions shall not apply to contracts for supplies no part of which will be manufactured or furnished within the geographic limits of the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, or the District of Columbia.

(2) A manufacturer, construction contractor, or regular dealer may bid, negotiate and contract through an authorized agent: *Provided,* That the agency is disclosed, and the agent acts and contracts in the name of his principal. In this connection, see §§ 118.04-8 through 118.04-14 of this subchapter re contractors' statements of contingent or other fees.

(j) *Services.* The term "services" includes, by way of description and without limitation, personal or professional services of individuals or organizations; nonpersonal services; educational or training services; architectural or engineering services; maintenance or repair services; transportation; utility services; experimental, developmental or research work; and construction work.

2. Section 116.01-3 *General limitations upon the use of negotiation* is hereby revoked.

3. Section 116.01-4 *Certain negotiations restricted to Headquarters* is hereby revoked.

4. Section 116.01-5 is amended to read as follows:

§ 116.01-5 *Contracting officers*—(a) *General authority of contracting officers.* Properly designated contracting officers are granted all authority conferred by law, this part, directives promulgated by the Commandant in the form of circulars, memoranda, general messages, etc., and local instructions prescribed by district commanders and/or commanding officers to implement the requirements of the foregoing conveyances of authority, but only to the extent as limited therein and as that authority may be further limited in the orders designating them as contracting officers.

(1) Contracting officers are agents of the Government and must act in accordance with the law and within their prescribed duties and limited authority. The acts of a contracting officer bind the Government only when the action is authorized.

(2) Contracting officers may enter into, amend, modify, and take other action with respect to contracts provided:

(i) Approval of award has been obtained, if approval is required by these regulations, and the contract embodies the award, as approved;

(ii) The contract is written on a standard or an approved form of contract;

(iii) The contract is authorized by law and complies with the provisions of this part and current supplementary directives with respect to the use of contract clauses and does not contain any clause or involve matters in conflict with the established policy of higher authority; and

(iv) Compliance has been effected with all other requirements of law, these regulations, current supplementary directives, and local implementing instructions prescribed by district commanders and/or commanding officers.

(b) *Designation of contracting officers.* See §§ 116.01-23 to 116.01-24.

(c) *General responsibility of contracting officers*—(1) Contracting officers are primarily responsible for the execution and administration of contracts, to safeguard the interests of the United States in contractual relationships, and to determine the facts under contracts.

(2) Contracting officers shall personally sign all contracts and modifications entered into by them. This authority cannot be delegated to others. The signing of contractual documents will not be accomplished by facsimile stamps or by proxy.

(3) Contracting officers are responsible under law and regulations for their acts as contracting officers.

(4) Contracting officers shall be bound in all their actions to exercise reasonable care, skill, and judgment.

(5) Contracting officers must assure themselves that the contract is authorized by law, that funds are available, and of their authority to subject the Government or its property to any risk.

(6) Contracting officers are responsible for maintaining constant cognizance with respect to compliance on the part of the contractor.

(7) Contracting officers are responsible for the legal, technical, and administrative sufficiency of the contracts they make. They should not hesitate to secure legal and technical advice within the Coast Guard.

(8) Contracting officers are responsible for performing or having performed any legal or administrative actions necessary to properly assure the satisfactory performance of their contracts.

(9) Contracting officers are responsible for knowing the scope and limitations of their authority.

(d) *Contracting officers' representatives.* See § 116.01-25.

5. Section 116.01-7 is amended to read as follows:

§ 116.01-7 *Contract requirements*—(a) *General requirements to be met before entering into contracts.* Irrespective of whether procurement is to be effected by formal advertising or by negotiation, a contract may be entered into by a contracting officer only if:

(1) All applicable requirements of law, of this part, of current directives promulgated by the Commandant in the form of circulars, memoranda, general messages, etc., and of local instructions prescribed by district commanders and/or commanding officers to implement the foregoing requirements have been met.

(2) Such business clearances or approvals as are prescribed by this part and by applicable supplementary instructions have been obtained.

(3) The contract is written on a standard or an approved form of contract.

(4) The contract does not contain any unauthorized clauses or involve any matter which is inconsistent or in conflict with the established policy of higher authority.

(b) *Approval of work projects.* The Commandant's approval of the project or work is required prior to the execution of a contract under the following conditions:

(1) When the proposed contract involves major overhaul of aircraft and/or aircraft engines.

(2) Under the conditions prescribed by current Coast Guard engineering directives.

(3) A change in, or establishment of, an aid to navigation.

(4) New construction or special fund projects.

(c) *Restrictions on specific contracts for supplies and services.* Contracting

officers are authorized to execute specific contracts for supplies and services required by their units within the monetary limitations set forth in § 116.01–6:

(1) When allotted funds are available to defray the cost of procurement.

(2) When the items are not readily available from Coast Guard, Navy, or other Government sources of supply.

(3) When the items are not prohibited for the use intended.

(4) When the items are not in excess of authorized allowances.

(d) *Term or open end contracts.* See §§ 118.01–6, 118.01–7 (b), 118.01–10, and 118.01–11 of this subchapter.

6. Section 116.01–8 *Referral to Headquarters* is hereby revoked.

7. Section 116.01–42 is amended by revising paragraphs (a) and (c) and adding a new paragraph (g) to read as follows:

§ 116.01–42 *Federal supply schedule contracts*—(a) *General.* The Federal Supply Service, General Services Administration, enters into open end contracts on a national, zone, regional, or other area basis for many classes of supplies and services in common use by Federal agencies which normally do not lend themselves to definite quantity consolidated buying or to distribution from General Services Administration stores stock. The use of certain of these contracts (known as Federal Supply Schedule contracts) by the Coast Guard is mandatory (see paragraph (c) of this section). Federal Supply Schedule contracts provide that for a definite period, the contractor will be obligated to deliver all mandatory items that may be ordered thereunder, subject to any stated minimum and maximum amounts of any order. The General Services Administration is responsible for inspection at the factory. The Coast Guard is responsible for inspection upon receipt, shipment in the case of f. o. b. origin contracts, and payment or for taking appropriate action if the contractor defaults (see § 116.01–12). Federal Supply Schedule contracts are summarized on "Federal Supply Schedules" which are published in catalog style and list, under major commodity classifications, the supplies or services to be purchased from the contractors named therein.

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(c) *Mandatory use.* When supplies or services required are not available from designated Coast Guard or Navy supply support activities, procurement of items available on Federal Supply Service contracts will be effected by placing orders under such contracts to the extent required by the mandatory use conditions of related Federal Supply Schedule Check Lists. Such mandatory use conditions extend not only to items listed in such schedules, but also require that orders for items similar in end use and purpose, but not identical, to items listed in such schedules will be filled by ordering similar schedule items (see paragraph (e) (3) of this section). However, the mandatory use conditions of such schedules have no application when items similar to the required items are not included in such schedules, or when the items listed in such schedules are not mandatory. Federal Supply Service standard stock classes of supplies and services, the procurement of which generally is mandatory under Federal Supply Schedule contracts, include, but are not limited to the following:

Federal Supply Service Class and Material	
2, 4, 42	Tear and nauseating gas arms, cartridges, grenades, and hand irons.
4	Explosives and blasting accessories.
7, 14	Gasoline and lubricating oil, service station deliveries.
7, 14	Gasoline, fuel oil, and kerosene, provided they are not included in Navy contracts applicable to the Coast Guard.
8	Brake linings, clutch facings, oil filters, tire chains, etc.
8	Tires and tubes (other than aircraft).
17	Electric lamps (includes Alaska and points outside continental United States).
17	Household and quarters lamps.
17	Spark plugs.
18	Purchase, maintenance, repair, and rental of microphotographic equipment and supplies.
26	Household and quarters furniture.
26	Office furniture.
27	Floor coverings.
28	Marginally punched continuous forms.
35	Books, periodicals, and law books.
53	Drafting room and office supplies.
54	Offset duplicating blankets and plates.
54, 104	Typewriters and other office equipment (see § 116.01–155).
66	Vacuum cleaners and repair parts, accessories, and attachments.
83	Aircraft tires (casings and tubes).
103	Recording and transcription.

Additional items are mandatory for Washington, D. C., and the contiguous area. Many variations and limitations exist among classes and the current Federal Supply Schedule Check List, and applicable schedules must be reviewed carefully by the procurement officer for detailed coverage applicable only to individual classes and localities.

• • • • • •

(g) *Defective supplies or services.* In accordance with § 116.01–12, a written report shall be made to the General Services Administration regional office executing the contract whenever supplies or services are received in an unsatisfactory condition or manner, or equipment is found to be defective or inoperative upon installation. Full details of the transaction should be included in the report, a copy of which shall be furnished the Commandant (FS).

8. Section 116.01–43 is amended by revising paragraph (b) (1) (v) to read as follows:

§ 116.01–43 *Federal supply service stores depots.* • • •

(b) *Mandatory procurement.* • • •

(1) *Exceptions.* • • •

(v) Purchases in Alaska of items under Federal Supply Classification Group 89, Subsistence.

9. Section 116.01–44 *Federal Prison Industries, Inc.* is amended by revising the term "Purchase orders" to read "Delivery orders" at the beginning of the first sentence in subparagraphs (1) and (2) of paragraph (b).

10. Section 116.01–46 *Blind-made products* is amended by revising the term "Purchase orders" to read "Delivery orders" at the beginning of the first sentence in paragraph (b) (1) (i).

11. Section 116.01–85 *Statistics to be reported* is amended by revising the term "FS contracts" to read "Federal Supply Schedule contracts."

12. Section 116.01–160 *Purchase of gasoline and lubricating oil by credit cards* is amended by revising the last sentence of paragraph (a) to read as follows: "Service station deliveries may be obtained on Standard Form 44, U. S. Government Purchase Order-Invoice-Voucher, when credit cards are not available."

13. Section 116.01–165 is amended by revising paragraph (c) to read as follows:

§ 116.01–165 *Procurement of envelopes and other articles bearing penalty indicia.* • • •

(c) *Copies of delivery orders required by Post Office Department.* Field units will furnish copies of all delivery orders for articles bearing penalty indicia to the Commandant. The Commandant will accumulate copies of all Coast Guard delivery orders for penalty indicia articles, which will be transmitted at the end of each quarter to the Division of Accounting, Bureau of Comptroller, Post Office Department, Washington, D. C.

14. Section 116.02–2 is amended by adding a headnote to paragraph (a) and revising paragraph (b) to read as follows:

§ 116.02–2 *Use of formal advertising*—(a) *General.* • • •

(b) *Classified procurement.* Procurement classified as Confidential or higher shall not be effected by formal advertising, except when the Commandant has determined this method to be in the interest of the Government.

15. Section 116.02–47 is amended by revising paragraph (a) to read as follows:

§ 116.02–47 *Debarment of bidders*—(a) *General*—(1) *Scope.* This section prescribes policies and procedures relating to the debarment of bidders for any cause and ineligibility of bidders under section 1 (a) of the Walsh-Healey Public Contracts Act (41 U. S. C. 35a). It is applicable to both advertised and negotiated procurement.

(2) *Administrative and Buy American Act debarments.* When the public interests warrant the administrative debarment of a firm or individual for any of the causes listed in paragraph (e) of this section, or for violation of section 3 (a) of the Buy American Act (Pub. Law 428 72d Cong., 47 Stat. 1520; 41 U. S. C. 10–b (b)), a detailed report shall be submitted to the Commandant (FS). The Commandant will review the evidence submitted, make the necessary debarment determination, and advise all Coast Guard contracting officers and other agencies concerned of any debarment made as a result of such determination.

16. Section 118.01–15 is amended by revising paragraph (b) to read as follows:

§ 118.01–15 *Maintenance and use of the Contract Register.* • • •

(b) At the close of each month the duplicate copy of the Contract Register shall be ruled off and signed by the contracting officer. The completed duplicate shall be forwarded to the Commandant (FS) in time to be received by the 10th of the following month. The original of the Contract Register shall be retained in the unit for the files of the contracting officer. The original need not be ruled off or signed.

17. Part 118 is amended by adding a new § 118.01–19 reading as follows:

§ 118.01–19 *Contract modification*—(a) *General.* Change orders and supplemental agreements are types of contract modifications. Regardless of the form of contract employed, the distinction as to whether a supplemental agreement or a change order is required rests upon whether the contractor is bound by existing contract to perform the proposed change or whether such change cannot be required of him without his consent and acceptance. In connection with change orders and supplemental agreements, it is a requirement that contracts can be modified only in the interests of the United States.

(b) *Change orders.* A change order is ordinarily the proper medium for effecting changes under a contract containing provisions permitting such changes under specified circumstances similar to the standard Changes Clause used in Coast Guard contracts. Such change orders are confined to changes which the contract authorized the Government to make, and since the contract authorizes such changes to be made and since the contractor has agreed that the Government can make such changes (including, under certain circumstances, an equitable adjustment in price), change orders may be issued without the consent of the contractor.

(c) *Supplemental agreements.* A supplemental agreement is the proper medium for effecting changes to a contract which require the consent of the contractor. Supplemental agreements shall be in writing, signed by both parties, and appended to the basic contract.

18. Section 118.02–21 is amended to read as follows:

§ 118.02–21 *Coding of orders, contracts, and contract bulletins*—(a) *General.* Under the provisions of the Armed Services Procurement Act of 1947, approved February 19, 1948 (62 Stat. 21) (41 U. S. C. 151–161), as implemented by instructions issued by the President, the Coast Guard is required to assemble information pertaining to (1) all procurement from small business concerns, and (2) procurement under each of the several circumstances authorizing negotiation. In order to obtain the information for statistical use, appropriate code symbols have been prescribed for use on all purchase or delivery orders, contracts, and contract bulletins pertaining to procurement (see §§ 118.02–22 and 118.02–23).

(b) *Use of code symbols.* All orders issued to commercial suppliers shall bear the applicable code symbols as to (1) Source of Procurement and (2) Circumstances Governing Procurement, in order that the information will be available to permit proper filing of reports in accordance with §§ 116.01–83 to 116.01–86 of this subchapter. When contract bulletins are issued by contracting officers, the applicable code symbols pertaining to each contract shall be shown for the information of all ordering offices.

19. Section 118.02–22 *Coding sources of procurement* is amended by revising the term "Federal Supply Service contracts" to read "Federal Supply Schedule contracts" in paragraph (c).

20. Section 118.02–23 *Coding circumstances governing procurement* is amended by revising the term "Federal Supply Service contracts" to read "Federal Supply Schedule contracts" in paragraph (c).

21. Part 118 is amended by adding a new § 118.04–6 reading as follows:

§ 118.04–6 *Walsh-Healey public contracts act*—(a) *Statutory requirement.* In accordance with the requirement of the Walsh-Healey Public Contracts Act (act of June 30, 1936, as amended; 41 U. S. C. 35–45), all contracts entered into by any Department for the manufacture or furnishing of supplies in any amount exceeding $10,000 shall incorporate by reference the representations and stipulations required by said act pertaining to such matters as minimum wages, maximum hours, child labor, convict labor, safe and sanitary working conditions, and the contractor's status as a manufacturer or regular dealer.

(b) *Applicability.* The requirement set forth in paragraph (a) of this section applies to contracts for the manufacture or furnishing of "materials, supplies, articles, and equipment" which are to be performed within the geographic limits of the continental United States, Alaska, Hawaii, Puerto Rico, Virgin Islands, or the District of Columbia, and which exceed or may exceed $10,000 in amount. Pursuant to the Walsh-Healey Act, the Secretary of Labor has issued detailed regulations and interpretations as to the coverage of said act, and exemptions and procedures thereunder. These regulations and interpretations are compiled in a document entitled "Walsh-Healey Public Contracts Act, Rulings and Interpretations." In addition to the interpretations stated in that document, attention is directed to an opinion of the Department of Labor that contracts which are originally $10,000, are subject to the Walsh-Healey Act; and that contracts in an amount exceeding $10,000, which are subsequently modified to a figure of $10,000 or less, are not subject to said act with respect to work performed after such modification, if modification is effected by mutual agreement.

(c) *Responsibilities of contracting officers.* Whenever the Walsh-Healey Public Contracts Act is applicable, the Contracting Officer shall:

(1) Inform prospective contractors of the possible applicability of minimum wage determinations.

(2) Furnish to the Contractor a form letter (Department of Labor Form PC–12) explaining the Walsh-Healey Act.

(3) Furnish to the Contractor a poster (Department of Labor Form PC–13).

(4) Prepare and forward Standard Form 99 to the Department of Labor in accordance with § 118.01–14.

(5) Report to the Department of Labor, via the Commandant (FS), any violation of the representations or stipulations required by the Walsh-Healey Act.

(62 Stat. 21; 41 U. S. C. 151–161)

Dated: November 16, 1954.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 54–9148; Filed, Nov. 22, 1954; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Gen. Order 77]

PART 247—OPERATORS' RESPONSIBILITIES WITH RESPECT TO GUARANTEE CLAUSE IN NEW SHIP CONSTRUCTION CONTRACTS

Part 247, Subchapter B, published in the FEDERAL REGISTER issue of July 15, 1954, at page 4360, is hereby designated General Order 77.

Dated: November 4, 1954.

By order of the Federal Maritime Board-Maritime Administration.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54–9219; Filed, Nov. 22, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Bureau of Federal Credit Unions, Social Security Administration

[45 CFR Parts 301, 302, 310, 315, 320]

PROPOSED MISCELLANEOUS AMENDMENTS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003) that the regulations set forth in tentative form below are proposed to be prescribed by the Director of the Bureau of Federal Credit Unions with approval of the Commissioner of Social Security and the Secretary of Health, Education, and Welfare. The proposed regulations are designed to amend existing regulations by eliminating reference to the Federal Security Agency, by changing designation of payee on checks, drafts, and money orders representing payment of fees by Federal credit unions to the Bureau of Federal Credit Unions and by changing the formula to be used by Federal credit unions for computing transfers to the special reserve for delinquent loans.

Prior to the official adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington 25, D. C., within a period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under authority contained in section 16 (a) of the Federal Credit Union Act, as amended (48 Stat. 1221, 12 U. S. C. 1766, and sec. 2 of the act of June 29, 1948 (62 Stat. 1091).

Dated: November 9, 1954.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved:

CHARLES I. SCHOTTLAND,
Commissioner of Social Security.

Approved: November 17, 1954.

OVETA CULP HOBBY,
Secretary of Health, Education, and Welfare.

1. Section 320.6 is hereby amended by striking out the words "Federal Security Agency" and substituting in lieu thereof the words "Department of Health, Education, and Welfare". Sections 301.1 (a), 320.2, and 320.5 are hereby amended by striking out the words "Social Security Administration, Federal Security Agency". Section 301.3 is hereby amended by striking out the words "Federal Security Agency" wherever they may appear therein.

2. Sections 301.1 (b), 301.6 (c), 301.6 (d), 301.7 (e) and 310.12 (a) are hereby amended by striking out the words "Treasurer of the United States" and substituting in lieu thereof the words "Bureau of Federal Credit Unions".

3. In Part 302—Reserves, § 302.3 *Special Reserve for Delinquent Loans* paragraphs (a) and (b) are hereby amended to read as follows:

(a) The Regular Reserve of each Federal credit union shall be supplemented by a special reserve to be known as the Special Reserve for Delinquent Loans, which shall be equal to the excess of the sum of 10 percent of the unpaid balances of loans delinquent more than two months and less than six months, plus 25 percent of the unpaid balances of loans delinquent from 6 months to less than 12 months, and plus 80 percent of the unpaid balances of loans delinquent 12 months or more over the balance in the Regular Reserve. In the event it is necessary to supplement the Regular Reserve by a Special Reserve for Delinquent Loans, the transfer to the Special Reserve for Delinquent Loans shall be made as of December 31 of each year from Undivided Earnings before any distribution of dividends. The maintenance of a Special Reserve for Delinquent Loans shall not eliminate the necessity for transferring net earnings as of December 31 each year to the Regular Reserve as required by paragraph (a) of § 302.2. In the event the required transfer exceeds the balance of Undivided Earnings, only the balance of Undivided Earnings shall be transferred to the Special Reserve for Delinquent Loans.

(b) When, as of December 31 of any year, the amount in the Special Reserve for Delinquent Loans exceeds the amount required by the regulations in this part, the board of directors of the Federal credit union may authorize the transfer of the excess to Undivided Earnings.

[F. R. Doc. 54-9229; Filed, Nov. 22, 1954; 8:46 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket Nos. G-1705, G-1813, G-1937, G-2023, G-2057, G-2433, G-2475, G-2932, G-3159]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

NOVEMBER 16, 1954.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1705, G-1937, G-2433 and G-2475; Indiana Gas & Water Company, Inc., Docket No. G-1813; Indiana Gas & Water Company, Inc., v. Panhandle Eastern Pipe Line Company, Docket No. G-2023; Missouri Public Service Company, Docket No. G-2057; City of Montgomery, Missouri, Docket No. G-2932; Town Gas Company of Illinois, Docket No. G-3159.

Upon consideration of the request, filed November 15, 1954, by Counsel for Panhandle Eastern Pipe Line Company for postponement of the hearing in the above-designated matters now scheduled for November 30, 1954;

Notice is hereby given that said hearing is postponed to 10:00 a. m., e. s. t., January 4, 1955 in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9223; Filed, Nov. 22, 1954; 8:45 a. m.]

[Docket Nos. G-2468, G-4226, G-4227]

TENNESSEE PRODUCTION CO. AND TENNESSEE GAS TRANSMISSION CO

NOTICE OF APPLICATIONS AND ORDER DENYING REQUEST FOR SHORTENED PROCEDURE, CONSOLIDATING PROCEEDINGS, AND FIXING HEARING

In the matters of Tennessee Production Company, Docket Nos. G-2648 and G-4227; Tennessee Gas Transmission Company, Docket No. G-4226.

Tennessee Production Company (Tennessee Production), a Delaware corporation having its principal place of business at Houston, Texas, filed, for itself and for others, an application on August 31, 1954, which was supplemented on September 10, 15, and 17, 1954, in Docket No. G-2648 for authorization pursuant to section 7 of the Natural Gas Act to sell natural gas for resale in interstate commerce as described in the application on file with the Commission, and open to public inspection.

Tennessee Gas Transmission Company (Tennessee Transmission), a Delaware corporation having its principal place of business at Houston, Texas, filed application on October 8, 1954, in Docket No. G-4226 for authorization pursuant to section 7 of the Natural Gas Act to acquire and operate the facilities of Tennessee Production Company as described in the application on file with the Commission and open to public inspection.

Concurrently with the filing of the application by Tennessee Transmission in Docket No. G-4226, Tennessee Production Company filed a companion application in Docket No. G-4227 for authorization to discontinue and abandon its natural gas sales and service subject to the jurisdiction of the Commission, pursuant to section 7 of the Natural Gas Act, as described in the application and open to public inspection.

Tennessee Production and Tennessee Transmission have requested that these proceedings be disposed of under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) Good cause has not been shown that this proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

(2) It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to give notice of the aforesaid applications, to consolidate the above-entitled proceedings for purpose of hearing, and to hold a public hearing therein, all as hereinafter provided and ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The requests that the proceedings be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure be and the same hereby are denied.

(C) The aforesaid proceedings on applications filed in Docket Nos. G-2648, G-4226 and G-4227 be and the same hereby are consolidated for the purpose of hearing.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 2, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issue presented by the aforesaid applications.

(E) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before November 29, 1954.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 15, 1954.

Issued: November 17, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9224; Filed, Nov. 22, 1954; 8:45 a. m.]

[Docket Nos. G-3774, G-3896]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

Take notice that Arkansas Louisiana Gas Company (Applicant), a Delaware corporation with its principal office in Shreveport, Louisiana, filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, for authority to construct and operate taps, laterals, and incidental facilities to serve firm natural gas to the Town of Wilton, Arkansas (Wilton) and the Town of Emerson, Arkansas (Emerson), as hereinafter described:

Community and docket No.	Date of filing	Fifth year requirements (Mcf)		Size and length of lateral (feet of 2-inch)
		Peak day	Annual	
Wilton, Ark., G-3774	Sept. 30, 1954	180	13,920	23,800
Emerson, Ark., G-3896	Oct. 1, 1954	160	11,775	11,450

Applicant also proposes to construct and operate distribution systems in Wilton and Emerson.

Applicant has requested that its applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The applications are on file with the Commission and open to public inspection.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of these applications, including publication in the FEDERAL REGISTER, be given as hereinafter provided.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that said applications be consolidated for purposes of hearing and decision.

(3) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the applications filed herein on September 30, 1954, and October 1, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice of these applications be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The above-entitled applications be and the same hereby are consolidated for the purpose of hearing and decision.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 2, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 or 1.10 (18 CFR 1.8 or 1.10), on or before November 30, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 15, 1954.

Issued: November 17, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9224; Filed, Nov. 22, 1954; 8:45 a. m.]

[Docket Nos. G-2405, G-2406, G-2753, G-2788, G-2789, G-2794, G-2795, G-2812, G-2817, G-2830, G-2935, G-3163, G-3606, G-3607, G-3631, G-3637, G-3787, G-3964—G-3966, G-4311]

TEXAS GAS PIPE LINE CORP. ET AL.

ORDER DENYING REQUESTS FOR SHORTENED PROCEDURE AND TEMPORARY CERTIFICATES, AND FURTHER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Texas Gas Pipe Line Corporation, Docket No. G-2405; Transcontinental Gas Pipe Line Corporation, Docket No. G-2406; Lloyd H. Smith, Inc., Docket No. G-2753; Stanolind Oil and Gas Company, Docket No. G-2788; Stanolind Oil and Gas Company, Docket No. G-2789; F. A. Callery, Inc., Docket No. G-2794; F. A. Callery, Inc., Docket No. G-2795; Fidelity Oil and Royalty Company, and Mound Company, Docket No. G-2812; Jas. F. Morse & Co., Docket No. G-2817; Texas Gulf Producing Company, Docket No. G-2830; Texas Gas Corporation, Docket No. G-2935; John W. Mecom, Docket No. G-3163; McCarthy Oil & Gas Corporation, Docket No. G-3606; McCarthy Oil & Gas Corporation, Docket No. G-3607; Kirby Petroleum Company, Docket No. G-3631; Union Sulphur and Oil Corporation, Docket No. G-3637; H. R. Smith, et al., Docket No. G-3787; Phillips Petroleum Company, Docket No. G-3964; Sun Oil Company (Gulf Coast Division), Docket No. G-3965; Sun Oil Company (Gulf Coast Division), Docket No. G-3966; Shell Oil Company, Docket No. G-4311.

Applications have been filed with the Federal Power Commission in the above-entitled matters by independent producers, as hereinafter specified, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas to the Texas Gas Corporation and/or the Texas Gas Pipe Line Corporation.

Docket No.	Applicant	Address	Date filed	Location of field
G-2753	Lloyd H. Smith, Inc., a Texas corporation.	Houston, Tex.	Sept. 14, 1954	North Port Neches, Orange County, Tex.
G-2788	Stanolind Oil and Gas Co., a Delaware corporation.	Tulsa, Okla.	Sept. 16, 1954	Northwest Flank Spindletop Field area, Jefferson County, Tex.
G-2789	do	do	do	Big Hill Field, Jefferson County, Tex.
G-2794	F. A. Callery, Inc., a Delaware corporation.	Houston, Tex.	do	West Big Hill Field, Jefferson County, Tex.
G-2795	do	do	do	West Big Hill Field, Jefferson County, Tex.
G-2812	Fidelity Oil & Royalty Co., a Delaware corporation and Mound Co., a Texas corporation.	do	Sept. 17, 1954	Big Hill Field, Jefferson County, Tex.
G-2817	Jas. F. Morse & Co.	Boston, Mass.	do	Oyster Bayou Field, Chambers County, Tex.
G-2830	Texas Gulf Producing Co., a Delaware corporation.	Houston, Tex.	Sept. 20, 1954	North Port Neches Field, Orange County, Tex.
G-3163	John W. Mecom	do	Sept. 27, 1954	N. Lovell's Lake Field, Jefferson County, Tex.
G-3606	McCarthy Oil & Gas Corp., a Delaware corporation.	do	Sept. 29, 1954	Big Hill Field, Jefferson County, Tex.
G-3607	do	do	do	South Mayes Field, Chambers County, Tex.
G-3631	Kirby Petroleum Co., a Texas corporation.	do	do	North Port Neches Field, Orange County, Tex.
G-3637	Union Sulphur & Oil Corp., a Delaware corporation.	do	do	Hillebrandt's Bayou Field, Jefferson County, Tex.
G-3787	H. R. Smith, Fred Greenberg, L. L. Williams, N. D. Williams, J. A. Sartain, B. D. Orgain and Homer E. Henderson.	Alice, Tex.	Sept. 30, 1954	Fig Ridge Field, Chambers County, Tex.
G-3964	Phillips Petroleum Co., a Delaware corporation.	Bartlesville, Okla.	Oct. 18, 1954	Robinson Lake Field, Chambers County, Tex.
G-3965	Sun Oil Co., a New Jersey corporation.	Philadelphia, Pa.	do	Caplen Field, Galveston County, Tex.
G-3966	do	do	do	Nome Field, Jefferson County, Tex.
G-4311	Shell Oil Co., a Delaware corporation.	New York, N. Y.	Oct. 28, 1954	Do.

By order issued June 23, 1954, the proceedings at Docket Nos. G-2405 and G-2406 were consolidated for the purpose of hearing.

Due notice, including publication in the FEDERAL REGISTER on November 11, 1954 (19 F. R. 7324–7325), has been given with respect to the filing of applications at Docket Nos. G-2753, G-2788, G-2789, G-2794, G-2795, G-2812, G-2817, G-2830, G-2935, G-3163, G-3606, G-3607, G-3631, G-3637, G-3787, G-3964, G-3965, G-3966, and G-4311.

In addition to the applications above referred to, the Texas Gas Corporation, a Texas corporation having its principal place of business at Houston, Texas, filed, on September 21, 1954, its application at Docket No. G-2935 for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, to transport natural gas, pursuant to an agreement between Texas Gas Corporation and the Texas Gas Pipe Line Corporation, dated April 7, 1954, as amended June 28, 1954.

The above-named applicants, at Docket Nos. G-2794, G-2795, G-2812, G-2817, G-2830, G-2935, G-3163, G-3606, G-3607, G-3965, G-3966, and G-4311 have requested that their applications be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). Such applications are on file with the Commission and open to public inspection.

Also request for temporary certificates of public convenience and necessity have been requested in the following designated matters: G-2753, G-2812,[1] G-2817, G-2935, G-3606, G-3607 and G-4311.

[1] Request for temporary certificate of public convenience and necessity by the Fidelity Oil and Royalty Company, at Docket No. G-2812, denied September 29, 1954.

The reopened proceedings at Docket Nos. G-2405 and G-2406, which reconvened on November 15, 1954, after having previously been adjourned, was further adjourned on request of counsel by the Presiding Examiner to November 29, 1954.

The Commission finds:

(1) Good cause has not been shown for granting the requests of the above-named applicants that their applications be heard under the shortened procedure, as provided by the Commission's rules of practice and procedure.

(2) The foregoing applications, above-referred to, for temporary certificates of public convenience and necessity do not set forth circumstances within the purview of section 7 (c) of the Natural Gas Act which would warrant the issuance of such temporary authorization, and said requests should be denied.

(3) It is reasonable and appropriate in the public interest, in carrying out the provisions of the Natural Gas Act, and good cause exists to further consolidate the proceedings in the above-designated matters and hold a public hearing as hereinafter ordered.

(4) It is reasonable and in the public interest, and good cause exists for fixing the date of hearing in this consolidated proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) The requests of the Applicants above-designated that their applications be heard under the shortened procedure, as provided by the Commission's rules of practice and procedure, be and the same are hereby denied.

(B) The foregoing applications filed for temporary certificates of public convenience and necessity be and the same are hereby denied.

(C) The aforesaid proceedings in the above-designated dockets be and the same are hereby consolidated for the purpose of hearing.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held in the above-consolidated matters, commencing on November 29, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the applications herein.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: November 15, 1954.

Issued: November 17, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9230; Filed, Nov. 22, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA, OKLAHOMA, AND TEXAS; DISASTER ASSISTANCE

DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.), the President determined on the dates indicated that a major disaster occasioned by drought existed in the following States:

North Carolina	September 23, 1954.
Oklahoma	August 2, 1954.
Texas	July 21, 1954.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, certain counties in the State of North Carolina were on September 23, 1954 (19 F. R. 6417) as amended (19 F. R. 6557; 19 F. R. 6836); certain counties in the State of Oklahoma were on August 10, 1954 (19 F. R. 5155), as amended (19 F. R. 5956, 19 F. R. 6127); and certain counties in the State of Texas were on August 10, 1954 (19 F. R. 5155) as amended (19 F. R. 5388; 19 F. R. 5957; 19 F. R. 6127; 19 F. R. 6417; 19 F. R. 6557) determined to be the areas affected by the major disaster by drought.

Pursuant to the aforesaid delegations the Delineations and Certifications of Counties in Drought Areas, as above described, are herewith amended by adding the counties set forth below, on the dates indicated, to the major disaster areas in the designated States:

NORTH CAROLINA

OCTOBER 29, 1954

Alamance.	Montgomery.
Davie.	Orange.
Durham.	Rowan.
Franklin.	Warren.
Granville.	

OKLAHOMA

OCTOBER 29, 1954

Canadian.	Kay.
Cotton.	Texas.

TEXAS

OCTOBER 29, 1954

Clay.	Live Oak.
Coke.	McMullen.
DeWitt.	Motley.
Garza.	Nolan.
Guadalupe.	Shackelford.
Hardeman.	Sterling.
Haskell.	Sutton.
Irion.	Tom Green.
Karnes.	

TEXAS

NOVEMBER 9, 1954

Archer.	King.
Baylor.	Knox.
Borden.	Lipscomb.
Collingsworth.	Mitchell.
Cottle.	Ochiltree.
Crane.	Pecos.
Crosby.	Reagan.
Dallam.	Roberts.
Foard.	Schleicher.
Glasscock.	Scurry.
Gray.	Throckmorton.
Hall.	Upton.
Hansford.	Ward.
Hartley.	Winkler.
Hemphill.	Young.
Hutchinson.	

Done at Washington, D. C., this 17th day of November 1954.

[SEAL] EARL L. BUTZ, *Acting Secretary.*

[F. R. Doc. 54-9228; Filed, Nov. 22, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29932]

SUPERPHOSPHATE FROM IOWA AND NEBRASKA TO WICHITA, KANS.

APPLICATION FOR RELIEF

NOVEMBER 18, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated, in bulk, carloads.

From: Mason City and Perry, Iowa, Omaha and South Omaha, Nebr.

To: Wichita, Kans.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-4057, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9231; Filed, Nov. 22, 1954; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List 88]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 22, 1954.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph 47214–3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering meeting, January 30, 1941.

Call letters	Location	Power (kw.)	Antenna	Schedule	Class	Probable date to commence operation
CKYL	Peace River, Alberta	*690 kilocycles* 1	DA-N	U	III	Assignment of call letters (correction of error on list No. 87).
CJAD	Montreal, Province of Quebec	*890 kilocycles* 10	DA-1	U	II	Now in operation.
CHED	Edmonton, Alberta	*1080 kilocycles* 1	*DA-N*	U	II	Correction from DA-1 on list No. 82.
CBI	Sydney, Nova Scotia	*1140 kilocycles* 5	*DA-1*	U	II	Modification of antenna array since notified on Change List No. 72 E. I. O. Sept. 1, 1955.
CKBL	Matane, Province of Quebec	*1250 kilocycles* 5	DA-1	U	III	Now in operation.
CHVC	Niagara Falls, Ontario	*1600 kilocycles* 5	DA-N	U	III	Now in operation.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-9222; Filed, Nov. 22, 1954; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3299]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES FOR LEGAL AND ACCOUNTING SERVICES

NOVEMBER 17, 1954.

The Commission on October 18, 1954 having issued its order herein pursuant to sections 6, 7, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-43, U-46 and U-50 thereunder, authorizing the following transactions: (1) Issuance and sale at competitive bidding of $3,000,000 principal amount of First Mortgage Bonds by Wisconsin Michigan Power Company ("Wisconsin Michigan"), a public utility company; (2) issuance and sale of 50,000 shares of common stock for a consideration of $1,000,000 by Wisconsin Michigan to its parent Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company; (3) issuance of 75,000 shares of common stock by Wisconsin Michigan to Wisconsin Electric as a stock dividend; and

The Commission in said order having reserved jurisdiction over the legal and accounting fees and expenses to be paid in connection with said transactions, including the fees and expenses of counsel for the underwriters; and

Wisconsin Michigan having caused to be filed supplemental data with respect to such fees and expenses which are proposed to be paid as follows: Sullivan & Cromwell, company counsel, a fee of $8,000 and expenses of $375 and Price Waterhouse & Co., accountants, a fee of $3,800 and expenses of $180.20. Cahill, Gordon, Reindel & Ohl, counsel for the underwriters, are to be paid a fee of $4,500 and expenses not in excess of $200.00 by the successful bidders for the mortgage bonds of Wisconsin Michigan; and

The Commission having examined the evidence submitted with respect to the aforesaid fees and expenses and finding that the amounts proposed to be paid are not unreasonable and that it is appropriate in the public interest to release the jurisdiction heretofore reserved:

It is ordered, That the jurisdiction heretofore reserved with respect to the payment of the aforesaid fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9251; Filed, Nov. 22, 1954; 8:49 a. m.]

[File No. 1-1190]

PATCHOGUE-PLYMOUTH MILLS CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION AND OF OPPORTUNITY FOR HEARING

NOVEMBER 16, 1954.

The American Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 promulgated thereunder, has made application to strike from listing and registration the Common Stock, No Par Value, of Patchogue-Plymouth Mills Corporation.

The reasons alleged in the application for striking this security from listing and registration include the following: As of August 31, 1954, some 26,889 of the 29,180 outstanding shares had been acquired by Pilot International Corporation pursuant to an offer of $55 per share which expired July 21, 1954, and 310 shares were owned by two officers of the issuer. The remaining 1,981 shares were owned by 78 stockholders of record. There has been no trading in said stock on the Exchange for several months and public holdings have become so reduced as to make inadvisable further dealings upon the Exchange.

Upon receipt of a request, prior to December 3, 1954, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9247; Filed, Nov. 22, 1954; 8:49 a. m.]

[File No. 70-3312]

STANDARD POWER AND LIGHT CORP.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING PROPOSED ACQUISITION BY PARENT OF SECURITIES TO BE DISTRIBUTED BY SUB-HOLDING COMPANY UNDERGOING LIQUIDATION AND PROPOSED CASH DISTRIBUTION BY PARENT OUT OF EARNED AND CAPITAL SURPLUS

NOVEMBER 17, 1954.

Notice is hereby given that an application-declaration has been filed with this Commission by Standard Power and Light Corporation ("Power"), a registered holding company, under sections 10 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-46 promulgated thereunder in respect of certain proposed transactions which are summarized as follows:

Power owns 1,160,000 shares of the common stock of Standard Gas and Electric Company ("Standard"), a registered holding company, which in turn owns all of the outstanding common stock of Philadelphia Company ("Philadelphia"), also a registered holding company. Power, Standard and Philadelphia have been ordered by this Commission to liquidate and dissolve. (See Holding Company Act Release Nos. 3607, 8242, 8773 and 10717.) There are pending before the Commission plans filed by Standard, pursuant to section 11 (e) of the act, to effectuate compliance with the required liquidation of Standard and Philadelphia. (See File Nos. 54-191 and 54-173.)

On October 8, 1954, Standard filed amendments to said plans which provide, among other things, for the distribution by Philadelphia to Standard of 224,467 shares of common stock of Duquesne Light Company ("Duquesne"), a public-utility subsidiary of Philadelphia, and the distribution by Standard to its common stockholders, in partial liquidation, of 216,260.7 shares of Duquesne common stock on the basis of one-tenth (1/10th) share of Duquesne stock for each share of Standard stock. (See Holding Company Act Release No. 12703.)

The application-declaration filed by Power herein requests approval of the acquisition by it of its distributive share (116,000 shares) of the Duquesne common stock to be distributed by Standard.

Power also proposes to make a cash distribution of 40 cents per share, in part out of earned surplus to the full extent thereof and the balance out of capital surplus, to each holder of record of its outstanding 1,320,000 shares of common stock and 110,000 shares of common stock, Series B, on a record date to be fixed by the company. In 1953 and 1954 Power made cash distributions out of capital surplus of 25 cents and 30 cents per share. (See Holding Company Act Release Nos. 12208, 12338, 12555, and 12638.) In connection with such distributions, the Commission reserved jurisdiction to determine and pass upon the extent, if any, to which Power may be liable to H. M. Byllesby and Company ("Byllesby"), a former stockholder, by reason of the payment of such dividends. Such rights as Byllesby may have arise under an agreement dated June 28, 1940, pursuant to which Byllesby surrendered to Power for cancellation 330,000 shares of the latter's common stock, Series B, reserving the right to receive its proportionate share of the assets of Power upon any distribution thereof whether upon dissolution, merger, consolidation, or otherwise, on a parity basis with the holders of the common stock and the common stock, Series B, of Power. (See 7 S. E. C. 596.) Byllesby's rights under said agreement are the subject of a proceeding in which the Commission approved a plan filed by Power under section 11 (e) of the act embodying a settlement agreement between Byllesby and Power. The plan would fix Byllesby's rights with respect to the distribution now proposed by Power but consummation of such plan is conditioned upon its approval by an appropriate court. (See Holding Company Act Release No. 12695.) At the request of Power, the Commission has applied to the United States District Court for the District of Delaware to enforce the terms and provisions of the plan. Power requests the Commission, if it approves the proposed 40 cents per share distribution, to reserve jurisdiction to determine the extent, if any, of Power's liability to Byllesby by reason of such proposed distribution in the event the plan and settlement of Byllesby's rights are not approved by the Court.

At September 30, 1954 Power's only obligations senior to its common stock were a bank loan in the amount of $1,500,000 which matures on July 29, 1955, current liabilities of $34,500 and a reserve for legal and other fees and expenses of $142,598. It had earned surplus of $201,527 and a capital surplus of $130,741,163. Its investment in portfolio securities stated on its books at $133,844,638 had a market value of $30 491,121. Power represents that the proposed distribution will not adversely affect the aforesaid bank loan or impair or prejudice such rights as Byllesby may have if the aforesaid settlement agreement and plan are not approved by the Court.

The application-declaration states that no commission other than this Commission has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions, exclusive of counsel fees, are estimated not to exceed $500. Counsel fees will not be separately billed but will be included in counsel's retainers or in any fee application to the Commission in connection with services rendered under section 11 of the act.

Notice is further given that any interested person may, not later than December 2, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9252; Filed, Nov. 22, 1954; 8:50 a. m.]

[File Nos. 811-127, 811-130]

INDEPENDENCE FUND TRUST CERTIFICATES ET AL.

NOTICE OF FILING OF APPLICATIONS FOR ORDERS TERMINATING REGISTRATION AS INVESTMENT COMPANY

NOVEMBER 17, 1954.

In the matter of Independence Fund Trust Certificates, National Securities & Research Corporation, File No. 811-127; First Mutual Trust Fund, National Securities & Research Corporation, File No. 811-130.

Notice is hereby given that National Securities & Research Corporation ("National Securities"), sponsor and underwriter of Independence Fund Trust Certificates ("Independence"), a registered unit investment company, and of First Mutual Trust Fund ("First Mutual"), a registered open-end investment company, has filed separate applications, with amendments thereto, seeking entry of an order, pursuant to section 8 (f) of the act, declaring that Independence and First Mutual, respectively, have ceased to be investment companies.

Independence was organized pursuant to trust agreement dated as of July 1, 1931, between National Securities, the Empire Trust Company, successor trustee, and the holders of certificates issued by Independence. Certificates of Independence have not been publicly offered since December 1937. Payments on all of the outstanding certificates of Independence were invested in shares of First Mutual Trust Fund.

Shares of First Mutual were issued under a trust agreement dated as of March 1, 1937, between National Securities, Empire Trust Company, Trustee, and the holders from time to time of shares of First Mutual. Shares of First Mutual have not been publicly offered since June 30, 1952.

On September 19, 1952, this Commission entered its order (Investment Company Act Release No. 1794) permitting National Securities Series, an open-end diversified management company, sponsored by National Securities, to offer to the holders of certificates of Independence and the holders of shares of First Mutual, the right to purchase, at no sales load, such number of shares of National Securities Series—Balanced Series, as could be purchased from the proceeds of liquidation of their holdings in Independence and First Mutual, respectively.

According to the applications all certificates or shares of Independence and First Mutual have been liquidated and the proceeds either utilized for the purchase of shares of National Securities Series—Balanced Series or, with the exception noted below, paid to such holders in cash.

The amended applications state that all certificates or shares have been liquidated, as shown above; that neither Independence or First Mutual have any assets or liabilities; that pursuant to the deeds of trust under which these companies were organized, disposition of all assets and filing of necessary tax returns effects termination of the trust; that the expenses incurred in the termination of the trusts were nominal and paid by National Securities; and that there is on deposit in the custodian account of Empire Trust Co. the amounts of $2,260 and $2,235 held for the sole benefit of two holders of unsurrendered certificates of shares of First Mutual, respectively.

Section 8 (f) of the act provides, in relevant part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 3, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9250; Filed, Nov. 22, 1954; 8:49 a. m.]

[File No. 70-3302]

EASTERN UTILITIES ASSOCIATES

NOTICE OF FILING REGARDING SALE OF BONDS AT COMPETITIVE BIDDING

NOVEMBER 17, 1954.

Notice is hereby given that a declaration and an amendment thereto have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by Eastern Utilities Associates ("EUA"), a registered holding company. EUA has designated sections 7 and 12 of the Act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

EUA proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $7,250,000 principal amount of Collateral Trust Bonds, __ Percent Series due 1979. The proposed bonds will be secured by an Indenture and Deed of Trust, dated October 1, 1953, as supplemented by a First Supplemental Indenture, dated as of December 1, 1954. Under said Indenture EUA has pledged all of the voting stock it now holds of its public-utility subsidiaries, Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River") and all such stock hereafter acquired will likewise be pledged. The interest rate applicable to the proposed bonds (which is to be a multiple of 1/8 of 1 percent) and the price to be paid EUA (which is to be not less than 100 percent or more than 102.75 percent of the principal amount) are to be fixed at competitive bidding.

EUA presently has outstanding $6,930,000 principal amount of 4 3/8 percent bonds due 1978. It is stated that the proceeds to be derived from the proposed bonds will be used to redeem and retire the bonds of the 1978 series and for the purpose of paying call premium at 4 1/4 percent on such bonds and one month's interest aggregating approximately $320,000.

EUA has agreed that so long as any of the proposed bonds remain outstanding, if at the end of any calendar year the consolidated equity ratio of EUA and its subsidiaries applicable to its common shares is less than 30 percent of total consolidated capitalization, or if at the end of any calendar year the consolidated funded debt ratio is in excess of 60 percent of such total capitalization, EUA will initiate, within 90 days after the year-end figures have been determined, appropriate proceedings, to be approved by this Commission, designed to bring such equity ratio above 30 percent or such debt ratio below 60 percent as the case may be. EUA reserves the right to request the Commission for modification of such agreement if future circumstances make such action desirable.

The fees and expenses in connection with the issue and sale of the proposed bonds are estimated as follows:

Securities and Exchange Commission filing fee	$750
Federal original issue taxes	7,975
Legal fee and disbursements of Gaston, Snow, Rice & Boyd, counsel for EUA	6,750
Legal fee and disbursements of Bingham, Dana & Gould, counsel for the indenture trustee	1,500
Legal fee and disbursements of Edwards & Angell, counsel for Blackstone	500
Legal fee and disbursements of Corcoran, Foley & Flynn, counsel for Blackstone	250
Legal fee and disbursements of Keith, Reed & Wheatley, counsel for Brockton	500
Legal fee and disbursements of Richard K. Hawes, Esquire, counsel for Fall River	500
Costs and fees for qualifying under "Blue Sky Laws"	1,500
Printing and engraving	15,000
Fee of indenture trustee	5,000
Accountants' fees and expenses of Patterson, Teele & Dennis	1,000
Miscellaneous expenses	2,775

It is stated that no State or Federal commission other than this Commission has jurisdiction over the proposed issue and sale of said bonds.

EUA requests that the Commission's order herein become effective upon the issuance thereof.

Notice is further given that any interested person may, not later than November 29, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or

reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as further amended, may be permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9249; Filed, Nov. 22, 1954; 8:49 a. m.]

[File No. 811-328]

CAPITAL ADMINISTRATION CO., LTD.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE INVESTMENT COMPANY

NOVEMBER 17, 1954.

Notice is hereby given that Tri-Continental Corporation ("Tri-Continental"), a registered closed-end, diversified investment company under the Investment Company Act of 1940, the surviving corporation in the merger between Tri-Continental and Capital Administration Company, Ltd. ("Capital Administration"), also a registered closed-end, diversified investment company, has filed an application pursuant to section 8 (f) of the act for an order of the Commission declaring that Capital Administration has ceased to be an investment company.

The application states that the Articles of Merger, dated as of April 8, 1953, between Tri-Continental and Capital Administration, providing for the merger of Capital Administration into Tri-Continental, became effective on that date and thereupon, the separate existence and corporate organization of Capital Administration, except insofar as continued by statute, ceased. By an Opinion and Order dated March 6, 1953 (Investment Company Act Release 1845) this Commission granted an exemption from sections 17 (a) (1) and (2) of the act with respect to said merger.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 7, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9248; Filed, Nov. 22, 1954; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JEAN JOSEPH MARTIN LAMBERT MARCHAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jean Joseph Martin Lambert Marchand, The Hague, Netherlands, Claims Nos. 41840 and 41860; property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943) relating to United States Letters Patent No. 2,124,858; and property described in Vesting Order No. 1187 (8 F. R. 7036, May 27, 1943) relating to United States Patent Application Serial Nos. 469,105 (now United States Letters Patent No. 2,443,470) 469,106 (now United States Letters Patent No. 2,416,398) and Serial No. 684,277 being a division of original Patent Application Serial No. 469,106.

Executed at Washington, D. C., on November 16, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-9237; Filed, Nov. 22, 1954; 8:48 a. m.]

ABRAHAM MOSHE (MAURICE) KRIEGLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Abraham Moshe (Maurice) Kriegler, Jerusalem, Israel. Claim No. 60891, Vesting Order Nos. 4236 and 5664; $448.15 in the Treasury of the United States.

Executed at Washington, D. C., on November 17, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-9238; Filed, Nov. 22, 1954; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 39]

HARDWOOD PLYWOOD

NOTICE OF HEARING

The United States Tariff Commission announces a public hearing, to begin at 10 a. m., e. s. t., on March 22, 1955, in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., in connection with Investigation No. 39 under section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted September 16, 1954, with respect to hardwood plywood, described in the public notice of this investigation previously given (19 F. R. 6091).

Request to appear at hearings. Parties interested will be given opportunity to be present, to produce evidence, and to be heard at the above-mentioned hearing. Such parties desiring to appear at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of hearing.

I certify that the above hearing was ordered by the Tariff Commission on the 17th day of November 1954.

Issued: November 18, 1954.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 54-9239; Filed, Nov. 22, 1954; 8:48 a. m.]

e Room

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

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Washington, Wednesday, November 24, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10578

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN CERTAIN CARRIERS REPRESENTED BY THE EASTERN, WESTERN, AND SOUTHEASTERN CARRIERS' CONFERENCE COMMITTEES AND CERTAIN OF THEIR EMPLOYEES

WHEREAS a dispute exists between certain carriers represented by the Eastern, Western, and Southeastern Carriers' Conference Committees which are designated in List A attached hereto and made a part hereof, and certain of their employees represented by the Order of Railway Conductors and Brakemen, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by any of the carriers involved or their employees in the conditions out of which the said dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 23, 1954.

LIST A

EASTERN REGION

Baltimore and Ohio Railroad Company:
Staten Island Rapid Transit Railway Company
Central Railroad Company of New Jersey
Central Vermont Railway, Inc.
Chicago, Indianapolis & Louisville Railway
Delaware and Hudson Railroad Corporation
Detroit and Toledo Shore Line Railroad
Grand Trunk Western Railroad Company
Lehigh and New England Railroad Company
Lehigh Valley Railroad Company
Monongahela Connecting Railroad Company
New York Central System:
New York Central Railroad—Buffalo & East
New York Central Railroad—West of Buffalo
Ohio Central Division
Michigan Central Railroad
Cleveland, Cincinnati, Chicago & St. Louis Railway
Peoria & Eastern Railway
Boston & Albany Railroad
Pittsburgh & Lake Erie Railroad
New York, Chicago & St. Louis Railroad Company
Wheeling and Lake Erie District
Pittsburgh & West Virginia Railway Company
Reading Company

WESTERN REGION

Atchison, Topeka & Santa Fe Railway:
Gulf, Colorado and Santa Fe Railway
Panhandle & Santa Fe Railway
Camas Prairie Railroad Company
Chicago & North Western Railway
Chicago, Burlington & Quincy Railroad
Chicago Great Western Railway Company
Chicago, Milwaukee, St. Paul & Pacific Railroad
Chicago, Rock Island & Pacific Railroad Company:
Joint Texas Division of CRI&P RR and Ft. W&D Ry.
Chicago, St. Paul, Minneapolis & Omaha Railway
Denver & Rio Grande Western Railroad
Duluth, Missabe and Iron Range Railway
Elgin, Joliet & Eastern Railway
Forth Worth and Denver Railway
Great Northern Railway Company
Gulf Coast Lines:
Asherton & Gulf Railway
Asphalt Belt Railway
Beaumont, Sour Lake, & Western Railway
Houston & Brazos Valley Railway
Houston North Shore Railway
Iberia, St. Mary and Eastern Railroad
New Iberia & Northern Railroad
New Orleans, Texas & Mexico Railway
Orange & Northwestern Railroad
Rio Grande City Railway
St. Louis, Brownsville & Mexico Railway
San Antonio Southern Railway
San Antonio, Uvalde & Gulf Railroad
San Benito & Rio Grande Valley Railway
Sugar Land Railway
Illinois Central Railroad Company
International-Great Northern Railroad

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FEDERAL REGISTER

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Central of Georgia Railway
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Georgia Railroad
Gulf, Mobile & Ohio Railroad
Louisville & Nashville Railroad
Nashville, Chattanooga & St. Louis Railway
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Virginian Railway Company

[F. R. Doc. 54-9349; Filed, Nov. 23, 1954; 11:22 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; MICHIGAN

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

MICHIGAN

County	Average value
Alcona	$14,000
Alger	13,000
Allegan	20,000
Alpena	14,000
Antrim	14,000
Arenac	16,000
Baraga	13,000
Barry	20,000
Bay	22,000
Benzie	16,000
Berrien	21,000
Branch	22,000
Calhoun	22,000
Cass	20,000
Charlevoix	14,000

MICHIGAN—Continued

County	Average value
Cheboygan	$12,000
Chippewa	13,000
Clare	14,000
Clinton	20,000
Crawford	8,000
Delta	13,000
Dickinson	13,000
Eaton	23,000
Emmet	13,000
Genesee	23,000
Gladwin	14,000
Gogebic	13,000
Grand Traverse	17,000
Gratiot	24,000
Hillsdale	22,000
Houghton	11,000
Huron	23,000
Ingham	22,000
Ionia	20,000
Iosco	14,000
Iron	13,000
Isabella	21,000
Jackson	21,000
Kalamazoo	22,000
Kalkaska	13,000
Kent	20,000
Keweenaw	6,000
Lake	14,000
Lapeer	23,000
Leelanau	16,000
Lenawee	24,000
Livingston	20,000
Luce	13,000
Mackinac	13,000
Macomb	22,000
Manistee	16,000
Marquette	13,000
Mason	18,000
Mecosta	18,000
Menominee	13,000
Midland	20,000

MICHIGAN—Continued

County	Average value
Missaukee	$14,000
Monroe	22,000
Montcalm	20,000
Montmorency	12,000
Muskegon	18,000
Newaygo	16,000
Oakland	20,000
Oceana	18,000
Ogemaw	15,000
Ontonagon	13,000
Osceola	17,000
Oscoda	14,000
Otsego	12,000
Ottawa	18,000
Presque Isle	14,000
Roscommon	14,000
Saginaw	25,000
Saint Clair	23,000
Saint Joseph	21,000
Sanilac	23,000
Schoolcraft	13,000
Shiawassee	20,000
Tuscola	23,000
Van Buren	20,000
Washtenaw	22,000
Wayne	20,000
Wexford	13,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a).)

Issued this 18th day of November 1954.

[SEAL] R. B. McLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 54-9295; Filed, Nov. 23, 1954; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN-(OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE-(OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Parts 141b, 141c; 19 F. R. 1141) and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146b, 146c, 146d; 19 F. R. 673, 1141, 2696, 3563, 5333) are amended as indicated below:

1. Part 141b is amended by adding the following new section:

§ 141b.127 *Streptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement; dihydrostreptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement*—(a) *Potency*—(1) *Streptomycin or dihydrostreptomycin content*—(i) *Reagents.* (*a*) Sodium nitroprusside solution, 10 percent (w/v).

(*b*) Potassium ferricyanide solution, 10 percent (w/v).

(*c*) Sodium hydroxide solution, 10 percent (w/v).

(*d*) Oxidized nitroprusside solution.

Mix equal volumes of the 10-percent sodium nitroprusside, 10-percent potassium ferricyanide, and 10-percent sodium hydroxide solutions in the order named. A deep-red color is formed which changes to a yellow green after standing at room temperature for approximately 15 minutes. Dilute 1.0 milliliter of this yellow-green solution with water to 100 milliliters and shake. This is the oxidized nitroprusside solution to be used in the test. It should be prepared fresh daily. Each of the 10-percent solutions described is stable for at least 2 months when stored in amber bottles.

(*e*) 0.3 percent piperidine in acetone.

(*f*) Acetone.

(ii) *Preparation of standard.* Prepare aqueous solutions of the working standards of streptomycin or dihydrostreptomycin containing 0.2 milligram per milliliter. Transfer 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, and 7.0 milliliter portions to small flasks. Add sufficient water to give each a 10-milliliter volume.

(iii) *Preparation of sample.* Place an accurately weighed portion of approximately 700 milligrams of the dental cement in a sintered-glass filter funnel and wash with three successive 5-milliliter portions of 0.3-percent piperidine in acetone. Remove any residual piperidine with two 5-milliliter portions of acetone and suck dry with vacuum. To the residue on the filter add 10 milliliters of distilled water and 10 milliliters of the oxidized nitroprusside solution. Shake, and after 6 minutes filter and read the color as directed below.

(iv) *Blank.* Use 10 milliliters of distilled water.

(v) *Procedure.* To each flask containing 10 milliliters of the standard and blank add 10 milliliters of the oxidized nitroprusside solution and allow the color to develop at room temperature for 6 minutes. Determine the optical density of each of the standard solutions and the sample at 490 millimicrons, using a suitable spectrophotometer. The blank is used to set the instrument to zero optical density. The orange-red color produced is stable for 30 minutes. Prepare a standard curve on coordinate graph paper, plotting the optical density on the ordinate scale and the concentration of streptomycin or dihydrostreptomycin base on the abscissa. For the sample, the optical density found is used to obtain the concentration of streptomycin or dihydrostreptomycin directly from the standard curve. To obtain the potency of the sample, multiply the concentration found by the appropriate factors in accordance with the dilutions made. Its content of streptomycin or dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Chlortetracycline content*—(i) *Reagents.* Mix 8 volumes of 20-percent (w/v) K_2HPO_4 with 1 volume of 20-percent (w/v) KH_2PO_4.

(ii) *Apparatus.* (*a*) A Coleman electronic photofluorometer (Model 12) or a similar instrument, equipped with filter b–1 for incident light and filter b–2 for emitted fluorescence.

(*b*) Matched 18 x 150-millimeter Pyrex test tubes.

(iii) *Preparation of standards.* (*a*) Prepare the fluorometric standard by dissolving 20 milligrams of U. S. P. quinine sulfate in 1 liter of 0.1 *N* H_2SO_4. Dilute 5 milliliters of this stock standard to 200 milliliters with 0.1 *N* H_2SO_4. Store these standards in the dark.

(*b*) Prepare solutions of the chlortetracycline hydrochloride working standard to contain 5, 10, and 20 micrograms per 10 milliliters.

(iv) *Procedure.* Using the diluted quinine standard, set the fluorometric reading at 35.0. Make a homogenous slurry of 500 milligrams of the dental cement in 500 milliliters of water. Place a 10-milliliter portion of the slurry in one of the matched test tubes and add 2.0 milliliters of the buffer reagent. Centrifuge for 3 minutes at 3,000 r. p. m. and immediately read the blank fluorescence of this solution. Stir the solution and heat on a steam bath for 5 minutes. Cool, and wipe the inside surface of the test tube with a swab of glass wool. Centrifuge for 5 minutes at 3,000 r. p. m. and read the fluorescence within 1 hour. Subtract the initial blank fluorescence reading. Calculate the chlortetracycline content by reference to a standard curve prepared by treating the chlortetracycline standard solutions in a similar fashion. It is not necessary to centrifuge the standard solutions. Its content of chlortetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Chloramphenicol content*—(i) *Reagents.* (*a*) Ethyl acetate.

(*b*) Sodium hydrosulfite.

(*c*) 0.1 *N* NaOH.

(*d*) 5-percent $NaNO_2$.

(*e*) Concentrated HCl.

(*f*) 5-percent ammonium sulfamate.

(*g*) 0.5-percent N(1-naphthylethylenediamine dihydrochloride).

(ii) *Standard.* Prepare the standard by dissolving 20 milligrams of chloramphenicol working standard in 500 milliliters of water.

(iii) *Procedure.* Place 500 milligrams of the dental cement in a 50-milliliter volumetric flask and add 25 milliliters of ethyl acetate. Heat to boiling on a steam bath. Cool and dilute to mark with ethyl acetate. Centrifuge, and place 15 milliliters of the clear solution in a 100-milliliter volumetric flask. Evaporate to dryness on a steam bath with the aid of a stream of compressed air. Dissolve the residue in a 3-milliliter portion of 0.1 *N* NaOH, add 25 milligrams of sodium hydrosulfite, and let stand at room temperature for 15 minutes. Add 0.5 milliliter of 5-percent $NaNO_2$ and 5 to 10 drops of concentrated HCl. After 2 minutes, add 1 milliliter of ammonium sulfamate. Wait 2 minutes and add 0.5 milliliter of N(1-naphthylethylenediamine dihydrochloride). Make to 100 milliliters and after 2 hours read the absorbance at 558 millimicrons in a 2-centimeter cell against a reagent blank, using a suitable spectrophotometer. To 4.0, 5.0, and 6.0 milliliter portions of the standard chloramphenicol solution add 3 milliliters of 0.1 *N* NaOH and proceed as above, beginning with the addition of 25 milligrams of sodium hydrosulfite. From the readings obtained plot a standard curve and calculate the quantity of chloramphenicol in the sample from the standard curve. Its content of chloramphenicol is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(4) *Bacitracin content.* Weigh 2 grams of the dental cement and transfer to a sintered-glass funnel of medium porosity. Wash the cement six times with 5-milliliter portions of 0.3 percent piperidine in acetone solution, using an Erlenmeyer suction flask and vacuum. Wash the residue with four 10-milliliter portions of distilled water. Withdraw under vacuum, pool washings, and add sufficient water to give a bacitracin concentration of 2 units per milliliter. To a 10-milliliter portion of this solution add 2 milliliters of a buffer solution consisting of 8 parts of a 20-percent dibasic potassium phosphate solution and 1 part of a 20-percent monobasic potassium phosphate solution. Heat this solution with steam for 3½ minutes and cool immediately. Adjust to pH 6.0 with approximately 1.5 milliliters of 1 *N* HCl and add enough sterile distilled water to give a final bacitracin concentration of 1 unit per milliliter. Assay by the method prescribed in § 141a.49 of this chapter, using the dihydrostreptomycin-resistant strain of M. flavus (P. C. I. 16 R. D.). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

2. In § 141c.206 *Chlortetracycline ophthalmic*, the headnote and paragraph (a) are amended to read:

§ 141c.206 *Chlortetracycline ophthalmic; tetracycline hydrochloride ophthalmic*—(a) *Potency.* If it is tetracycline hydrochloride ophthalmic, proceed as directed in § 141c.218 (a); if it is chlortetracycline ophthalmic, proceed as directed in § 141c.201 (a). Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

3. Section 146c.202 (c) (1) (iii) is republished for codification purposes:

§ 146c.202 *Chlortetracycline ointment* • • •

(c) *Labeling.* • • •

(1) • • •

(iii) The statement "Expiration date ---------," the blank being filled in with the date which is 24 months, if it is chlortetracycline calcium ointment or tetracycline hydrochloride ointment, or 36 months, if it is chlortetracycline hydrochloride ointment, after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

4. Part 146b is amended by adding the following new section:

§ 146b.122 *Streptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement, dihydrostreptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin - chlortetracycline - chloramphenicol-bacitracin dental cement and dihydrostreptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement are streptomycin or dihydrostreptomycin, chlortetracycline, chloramphenicol, and bacitracin in a base composed of suitable and harmless inert inorganic salts and oxides. Its moisture content is not more than 1 percent. It contains not less than 1.0 milligram of streptomycin or dihydrostreptomycin, not less than 1.0 milligram of chlortetracycline, not less than 1.0 milligram of chloramphenicol, and not less than 50 units of bacitracin per gram. The streptomycin used conforms to the standards prescribed by § 146b.101 (a), except § 146b.101 (a) (2), (4), and (5). The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103, except the standards for sterility, pyrogens, and histamine. The chlortetracycline used conforms to the standards prescribed by § 146c.201 (a) of this chapter, except § 146c.201 (a) (2), (4), and (5). The chloramphenicol used conforms to the standards prescribed by § 146d.301 (a) of this chapter, except § 146d.301 (a) (2), (4), and (5). The bacitracin used conforms to the standards prescribed by § 146e.401 (a) of this chapter, except § 146e.401 (a) (2) and (4). Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Each batch of dental cement shall be packaged in immediate containers of transparent glass that meet the test for tight containers as defined by the U. S. P., and so sealed that the contents cannot be used without destroying such seal. The immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin, chlortetracycline, and chloramphenicol and the number of units of bacitracin in each gram of the batch.

(iii) The statement "Expiration date ---------," the blank being filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription."

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates of the latest tests and assays of the streptomycin or dihydrostreptomycin, chlortetracycline, chloramphenicol, and bacitracin used in making the batch.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency and moisture.

(ii) The streptomycin or dihydrostreptomycin used in making the batch: Potency, toxicity, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(iii) The chlortetracycline used in making the batch: Potency, toxicity, moisture, and pH.

(iv) The chloramphenicol used in making the batch: Potency, toxicity, pH, specific rotation, melting point, and extinction coefficient.

(v) The bacitracin used in making the batch: Potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 package for each 500 packages in the batch, but in no case less than 6 packages nor more than 12 packages.

(ii) The streptomycin or dihydrostreptomycin used in making the batch: 5 packages containing approximately equal portions of not less than 0.5 gram.

(iii) The chlortetracycline used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams.

(iv) The chloramphenicol used in making the batch: 10 packages, each containing approximately equal portions of not less than 300 milligrams.

(v) The bacitracin used in making the batch: 6 packages, each containing approximately equal portions of not less than 0.5 gram.

(vi) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii); (iii), (iv), and (v) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), (iv), and (v) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), (iii), (iv), (v), and (vi) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

5. Section 146c.206 *Chlortetracycline ophthalmic* • • • is amended as follows:

a. The section headnote and paragraph (a) are amended to read:

§ 146c.206 *Chlortetracycline ophthalmic (chlortetracycline hydrochloride ophthalmic); tetracycline hydrochloride ophthalmic*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline ophthalmic and tetracycline hydrochloride ophthalmic is crystalline chlortetracycline or crystalline tetracycline hydrochloride, with or without one or more suitable and harmless preservatives, buffer substances, and diluents. It is sterile. Its moisture content is not more than 5 percent. The chlortetracycline or tetracycline hydrochloride is of such quantity that when dissolved as directed the potency of such solution is not less than 1,000 micrograms per milliliter and maintains its labeled potency after it has been kept for 2 days at a temperature of 15° C. (59° F.). Such solution has a pH of 8.2, ± 0.2. The chlortetracycline used conforms to the requirements of § 146c.201 (a) except subparagraphs (2), (4), and (5) and the tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a) except subparagraphs (2), (4), and (5). Each other buffer and diluent used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (b) *Packaging* is amended by deleting the words "of chlortetracycline ophthalmic" from the first sentence.

c. Paragraph (c) *Labeling* is amended by changing the words "36 months" in the first sentence of subparagraph (1) (iii) to read "12 months if it is tetracycline hydrochloride ophthalmic or 36 months if it is chlortetracycline ophthalmic".

d. In paragraph (d) *Request for certification; samples,* subparagraph (1) is amended by deleting the words "of chlortetracycline ophthalmic" and by changing the words "chlortetracycline used" to read "chlortetracycline or tetracycline hydrochloride used".

e. Paragraph (d) (2) (ii) is amended to read:

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient, if it is tetracycline hydrochloride.

f. Paragraph (d) (3) (ii) is amended by changing the word "chlortetracycline" to read "chlortetracycline or tetracycline hydrochloride".

6. In § 146d.305 *Chloramphenicol palmitate,* paragraph (c) (3) is amended by changing the number "24" to "36".

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: November 18, 1954.

OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-9274; Filed, Nov. 23, 1954; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1032]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY IN CONNECTION WITH THE HAINES-FAIRBANKS PRODUCTS PIPELINE SYSTEM

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under jurisdiction of the Department of the Army, for terminal facilities in connection with the Haines-Fairbanks Products Pipeline System, as authorized by the act of September 28, 1951 (65 Stat. 336):

COPPER RIVER MERIDIAN

T. 30 S., R. 59 E.,
Sec. 15, N½NW¼SE¼, N½N½S½NW¼SE¼.

The areas described aggregate approximately 25 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

NOVEMBER 17, 1954.

[F. R. Doc. 54-9255; Filed, Nov. 23, 1954; 8:45 a. m.]

[Public Land Order 1033]

OREGON

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY FOR FLOOD CONTROL PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands within the Willamette National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for use in construction of the Lookout Point Dam Project, Oregon, under the supervision of the Department of the Army, as authorized by the act of June 28, 1938 (52 Stat. 1215):

WILLAMETTE MERIDIAN

T. 20 S., R. 1 E.,
Sec. 2, lot 7;
Sec. 3, lots 5, 7, and 8, NE¼SW¼ and SE¼SE¼;
Sec. 11, NW¼.
T. 20 S., R. 2 E.,
Sec. 19, N½NE¼, SE¼NE¼;
Sec. 21, lots 1 to 7, inclusive, SW¼SW¼, and S½NW¼SE¼;
Sec. 27, lots 1, 2, 3, 6 and 8, W½NE¼, NE¼NW¼, NW¼SE¼, that part of lot 7 lying northeasterly of the northeast boundary of the right-of-way of the Willamette Highway (State Highway No. 58) and that part of lot 7 lying east of a straight line extending from the northwest corner of said lot 6 to the northeast corner of said lot 1.

The areas described aggregate 856.94 acres.

This order shall take precedence over but not otherwise affect existing withdrawals of the lands for national forest and power site purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

NOVEMBER 17, 1954.

[F. R. Doc. 54-9256; Filed, Nov. 23, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 115]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for air route operation in the particular area or as set forth below.

City and State; airport name; radio facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—), side of final course; initial approach altitude (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility for procedure; final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6		8	9	10	11
BELLINGHAM, WASH Bellingham, 158' SBRAZ-DTV BLI Procedure No. 1 Effective: December 25, 1954. Amendment No. 7 Supersedes M-6 dated December 19, 1952. Major changes: New format; delete unnecessary notes.	BLI-VOR	160—8.0	2,000	W side NW course: 294° outbound, 114° inbound, 1,500' within 25 miles.	1,000	114—3.0	2 engines or less T-1 T-fn C-1 C-fn S-1 S-fn Runway 12 A-1 A-fn	500-1 600-1 700-1 600-1 700-1 800-2	600-1 700-1 700-1 700-1 800-2	Within 3 miles, turn right, climb to 1,500' on NW course BLI-LFR within 25 miles.
	Intersection NW course BLI LFR and BLI VOR radial 265° (final).	114—6.0	1,000				More than 2 engines T-fn C-1 C-fn A-1 A-fn	200-1½ 600-1½ 700-2 800-2		
BURLEY, IDAHO Burley Municipal, 4,150' SBRAZ-DTV BYI Procedure No. 1 Effective: December 25, 1954. Amendment No. 5. Supersedes M-4 dated January 29, 1952. Major changes: New format; minor alterations; change lower initial approach from BYI VOR and minor corrections to bearings and distance.	Burley VOR	074—7.0	6,000	W side NE course: 046° outbound, 180° inbound, 6,000' within 10 miles.	5,100	108—2.6	2 engines or less T-1 T-fn C-1 C-fn A-1 A-fn	500-1 500-2 600-1 600-2 800-2		Within 2.6 miles turn right, climb to 7,000' on W course BYI-LFR within 25 miles.
	Intersection NE course BYI-LFR and W course PIH-LFR (Minidoka Intersection).	196—7.0	7,000							

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State, airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
GREENWOOD, MISS. Municipal, 129'. BMLZ-DTV GRW. Procedure No. 1. Amendment No. 5. Effective: December 25, 1954. Supersedes Amendment M-4, February 15, 1952. Major changes: Raises procedure turn altitude; deletes straight-in minima; lowers missed approach altitude; raises ceiling minima (day) 75 miles per hour or less.	Greenwood VOR	338—4.0	1,300	N side E course: 085° outbound. 265° inbound. 1,700' within 10 miles.	1,200	265—1.9	2 engines or less T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	Within 1.9 miles climb to 1,400' on W course; within 25 miles.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200-½ 500-1½ 800-2	
OLATHE, KANS. NAS Olathe, 1,086'. SMRLZ-NUU Procedure No. 1. Amendment No. 7. Effective February 10, 1954. Major changes: Superseded by special procedure (not published).	PROCEDURE CANCELED OCTOBER 22, 1954. (THIS CANCELLATION DOES NOT AFFECT THE MILITARY PROCEDURE IN THE PILOT'S HANDBOOK.)									
SALT LAKE CITY, UTAH Salt Lake City No. 1, 4,222'. SBRAZ-DTXV SLC. Procedure No. 1. Effective: December 25, 1954. Amendment No. 4. Supersedes Amendment 3, dated August 1, 1952. Major changes: New format; and add transition from VOR.	Layton FM (final)	149—18.0	4,900	W side N course: 329° outbound. 149° inbound. 7,500' within 20 miles. 10,000' within 25 miles.	4,900	163—2.7	2 engines or less *T-dn C-dn Runway 16L S-dn A-dn	300-1 500-1 #400-1 800-2	300-1 600-1 #400-1 800-2	Within 2.7 miles, turn W, climb to 8,000' on W course SLC LFR to Stansbury Intersection then to 9,000' on track of 335° to Promontory Point. Alternate missed approach when directed by ATC. Turn W and climb to 11,000' on W course SLC LFR. Shuttle to 10,000' on N course within 20 miles. All turns W of course. *500-2 required for takeoff runway 7. #500-1 required without high intensity runway light. CAUTION: 5,000' terrain 3 miles E of LFR. High terrain 8 miles E of N and S course and W of S course. Also S. 4,541' radio mast 1.5 miles SE of LFR.
	Riverton FM	343—20.0	11,000							
	Salt Lake City VOR	128—2.0	7,500				More than 2 engines *T-dn C-dn Runway 16L S-dn A-dn	---------- ---------- ---------- ----------	200-½ 600-1½ #400-1 800-2	
SAVANNAH, GA. Hunter Air Force Base, 40'. SBMRLZ-SAV. Procedure No. 1. Amendment 6. Effective August 1, 1951. Major changes: Superseded by special procedure (not published).	PROCEDURE CANCELED DECEMBER 15, 1954. (THIS CANCELLATION DOES NOT AFFECT THE MILITARY PROCEDURES IN THE PILOT'S HANDBOOK.)									

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at this below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
MONTGOMERY, ALA. Dannelly Field, 219'. LOM-MG. Procedure No. 1. Amendment, original effective date: March 15, 1954.	SUPERSEDED BY COMBINATION ILS-ADF PROCEDURE NO. 1, AMENDMENT ORIGINAL, EFFECTIVE COMMISSIONING DATE OF ILS, APPROXIMATELY NOVEMBER 20, 1954.									
PITTSBURGH, PA. Allegheny County, 1,252'. Radiobeacon MKP. Effective date: November 19, 1954. Amendment No 4. Procedure No. 1.	SUPERSEDED BY COMBINATION ILS-ADF PROCEDURE EFFECTIVE NOVEMBER 27, 1954.									
PITTSBURGH, PA. Allegheny County, 1,252'. Cecil MHW—CEU. Pittsburgh LFR-PIT. Procedure No. 2. Amendment original. Effective date: November 27, 1954. This ADF procedure predicated on the combined use of Cecil MHW and Pittsburgh LFR. Both facilities must be operational.	Pittsburgh LFR	265—10	2,500	S side of course: 265° outbound. 085° inbound. 2,500' within 10 miles of Cecil MHW.	2,500 over Cecil MHW. 1,900 inbound over Pittsburgh LFR.	From Cecil MHW to Pittsburgh LFR 085° 10.3 miles, Pittsburgh LFR to airport 085°—2.3 miles.	2 engines or less T-dn C-dn S-dn 9 A-dn	300-1 500-1 400-1 800-2	300-1 500-1 500-1 800-2	Within 2.3 miles after passing Pittsburgh LFR climb to 2,600' on 95° course to McKeesport MHW.
	Clinton Radiobeacon	151—14	2,500				More than 2 engines T-dn C-dn S-dn 9 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 500-1 800-2	
	Butler Radiobeacon	209—29	2,900							
	River Radiobeacon	207—12	2,600							
	Pittsburgh VOR	298—8	2,500							
	McKeesport MHW	266—20	2,600							
	Old Concord Intersection	026—22	2,700							
	Wheeling VOR	084—21	2,500							
	Pittsburgh surveillance radar	Within 40 miles of Greater Pittsburgh Airport.	3,000 or MEA when lower.							

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. b. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BURLEY, IDAHO Burley Municipal, 4,150'. BVOR-BYI. Procedure No. 1. Effective: December 25, 1954. Amendment No. 1. Supersedes original dated June 27, 1952. Major changes: new format; delete deviation note; lower initial approach altitude from BYI LFR; minor corrections to bearings and distance.	Burley LFR	254—7.0	6,000	S side course: 283° outbound. 103° inbound. 6,000' within 25 miles.	4,800	103—5.3	2 engines or less T-d T-n C-d C-n A-dn	500-1 500-2 600-1 600-2 800-2	---------- ---------- ---------- ---------- ----------	Within 5.3 miles turn left climb to 7,000' outbound on radial 274° BYI-VOR within 25 miles.
GREENWOOD, MISS. Municipal, 129'. BVOR-GRW. Procedure No. 1. Amendment No. 3. Effective: December 25, 1954. Supersedes amendment M-2, February 1, 1952. Major changes: Lowers missed approach altitude; raises ceiling minima (day) 75 miles per hour or less.	Greenwood LFR	158—4.0	1,300	E side course: 132° outbound. 312° inbound. 1,500' within 10 miles.	1,000	311-4.9	2 engines or less T-dn C-dn S-32 dn A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	Within 4.9 miles climb to 1,400' on radial 312° within 25 miles.
							More than 2 engines T-dn C-dn S-32 dn A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 500-1 800-2	

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
MEMPHIS, TENN. Municipal, 269'. ILS-IMEM. LOM-ME. ILS and ADF combination. Procedure No. 1. Amendment No. 1. Effective date: December 25, 1954. Supersedes amendment original, March 17, 1954. Major changes: Incorporates glide path and ILS minima.	Memphis LFR	LOM	292—5.5	1,500	S side W course: 266° outbound. 086° inbound. 1,700' within 10 miles.	ILS 1,700 ADF 1,200 over LOM	1,700—4.9	540—0.7	2 engines or less T-dn C-dn	300-1 500-1	300-1 500-1	Climb to 1,500' on E course of MEM ILS or 4.9 miles; after passing LOM (ADF) climb to 1,500' on course of 086° within 25 miles. NOTES: 400-¾ required when G/S not utilized; 470' mean sea level tower located 1 mile E of LOM. AIR CARRIER NOTES: Preface page, paragraph 37 (a) not applicable on Runways 14-32.
	Cuba FM	LOM	192—18.0	2,000					S-9 dn ILS	200-½	200-½	
	Oakville Intersection	OM	269—10.0	1,500					ADF	400-1	400-1	
	Bruins MHW	LOM	048—22.0	1,700					More than 2 engines T-dn C-dn	---------- ----------	200-½ 500-1½	
	Memphis VOR	OM	273—10.0	1,500					S-9 dn ILS	----------	200-½	
									ADF	----------	400-1	
									All aircraft A-dn ILS	600-2		
									ADF	800-2		
MONTGOMERY, ALA. Dannelly Field, 219'. ILS-IMGM. LOM-MG. ILS and ADF combination. Procedure No. 1. Amendment: Original Effective date; commissioning of facility. Supersedes ADF on LOM. Amendment original, Procedure No. 1. dated March 15, 1954. Estimated commissioning date ILS: November 20, 1954.	Maxwell LFR	LOM	228—8.0	1,500	S side W course: 276° outbound. 96° inbound. 1,700' within 10 miles. Beyond 10 miles not authorized.	ILS 1,659 ADF 1,000 over LOM	1,659—6.1	426—0.7	2 engines or less T-dn C-dn	300-1 400-1	300-1 500-1	Climb to 1,500' on radial 114°, 6.1 miles; after passing LOM (ADF) climb to 1,500' on course of 114° within 25 miles. No approach lights. 400-¾ required if glide slope not utilized. AIR CARRIER NOTE: *200-½ authorized when the length of runway available exceeds by 3,000' the runway length required by the applicable aircraft performance requirements of the CAR's, and high intensity runway lights are installed and operating on the entire length of the runway.
	Montgomery BVOR	OM	294—12.0	1,500					S-9 dn ILS	300-¾	800-¾	
	Benton Intersection	LOM	099—20.0	1,600					ADF	400-1	400-1	
	Greeneville Intersection	LOM	023—25.0	1,500					More than 2 engines T-dn C-dn	---------- ----------	200-½ 500-1½	
	Deatsville Intersection	LOM	194—23.0	1,700					S-9 dn ILS	----------	*300-¾	
									ADF	----------	400-1	
									All aircraft A-dn ILS	600-2		
									ADF	800-2		

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (N side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. tion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums		
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	Type aircraft	
											More than 75 m. p. h.
1	2	3	4	5	6	7	8	9	10	11	12
ORLANDO, FLA. Orlando MUNI. ILS-ORL. LOM or combination ILS and ADF. Procedure No. 1. Amendment No. 5. Supersedes Amendment No. 4, dated February 14, 1954. Effective date: December 25, 1954. Major changes: Adds transition. Lowers MHA all sectors over LOM. Revises missed approach altitude.	Orlando LFR	LOM	196—7.0	1,300	N side course: 300° outbound, 120° inbound. 1,300' within 10 miles.	ILS 1,300 ADF 800 over LOM	1,300—4.8	340—0.7	2 engines or less T-dn 300-1 C-dn 400-1		
	Oviedo FM	LOM	198—13.0	1,300					S-31 dn ILS	#300-¾	#300-¾
	Orlando VOR	OM	128—5.0	1,300					ADF	400-1	400-1
	Intersection of ILS localizer and SW course ORL LFR.	LOM	130—5.0	1,300					More than 2 engines T-dn C-dn	200-½ 500-1½	
									S-31 dn ILS	#300-¾	
									ADF	400-1	
									All aircraft A-dn ILS	600-2	
									ADF	800-2	
PITTSBURGH, PA. Allegheny County, 1,252'. ILS-A GC. MHA MKR. Circumvallation ILS ADF. Procedure No. 1. Effective date: November 27, 1954. Amendment No. 4. Supersedes Amdt. No. 3, dated December 5, 1953. Major changes: Transitions added.	Pittsburgh LFR	McKeesport MHW.	091—8	2,600	Within 6.3 miles after passing McKeesport MHW climb to 2,500' proceeding to Cecil Radiobeacon. AIR CARRIER NOTES: Section 29 (a) not applicable. ILS-Intercept glide path at 3,000' over McKeesport MHW or 2,000' between McKeesport MHW and the ILS OM.	ILS (2,700) ADF 2,440 over McKeesport MHW	2,510—4.7	1,460—0.7	2 engines or less T-dn 300-1 C-dn 500-1		
	Mt. Pleasant LF Intersection.	McKeesport MHW.	322—17	2,500					S-dn 27 ILS	300-¾	
	New Alexandria radiobeacon.	McKeesport MHW.	263—23	2,600					ADF	500-1	
	Butler Radiobeacon	McKeesport MHW.	109—25	2,800					A-dn ILS	600-2	
	River Radiobeacon	McKeesport MHW.	125—18	2,800					ADF	800-2	
	Pittsburgh VOR	McKeesport MHW.	072—14	2,600					More than 2 engines T-dn C-dn	200-½ 500-1½	
	Cecil Radiobeacon	McKeesport MHW.	087—20	2,600					S-dn 27 ILS	300-¾	
	McKeesport MHW	ILS OM	275—1.5	2,000 (final)	N side of course: 095° outbound 275° inbound. 2,000' within 10 miles.	ADF 2,440 over McKeesport MHW			ADF	500-1	
									A-dn ILS	600-2	
									ADF	800-2	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 54-9253; Filed, Nov. 23, 1954; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 267]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.707 *Orange Regulation 267*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 25, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are currently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and, unless sooner terminated, will so continue until November 29, 1954; the recommendation and supporting information for continued regulation subsequent to November 24, 1954, and in the manner herein provided, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 22; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the person subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Orange Regulation 265 (7 CFR 933.701; 19 F. R. 6989) is hereby terminated at 12:01 a. m., e. s. t., November 25, 1954.

(2) During the period beginning at 12:01 a. m., e. s. t., November 25, 1954, and ending at 12:01 a. m., e. s. t., December 27, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2^{10}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida oranges (§§ 51.1140 to 51.1186 of this title): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{10}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{13}/_{16}$ inches in diameter and smaller.

(3) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida oranges (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 23, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9350; Filed, Nov. 23, 1954; 11:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 595—FOREIGN PURCHASES

PART 601—LABOR

PART 602—GOVERNMENT PROPERTY

PART 606—SUPPLEMENTAL PROVISIONS

MISCELLANEOUS AMENDMENTS

The Army Procurement Procedure, Parts 590–606, is amended as follows:

1. So much of Subchapter G as reads "Under Secretary of the Army" and "Assistant Chief of Staff, G–4" is changed to read "Assistant Secretary of the Army (Logistics and Research and Development)" and "Deputy Chief of Staff for Logistics", respectively.

2. In § 591.202–4 (a), revise subparagraph (1) as follows:

§ 591.202–4 *Publishing in newspapers.* • • •

(a) *Authority.* (1) Authority to approve the publication of paid advertisements in newspapers, magazines, and other periodicals in connection with the dissemination of procurement information (invitations for bids and proposed purchases), recruitment of both military and civilian personnel, and all other forms of advertising authorized by law has been delegated by the Secretary to:

(i) The Assistant Secretary of the Army (Logistics and Research and Development).

(ii) The Deputy Chief of Staff for Logistics, Department of the Army.

(iii) Chief, Procurement Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army.

(iv) Chief, Purchases Branch, Office of the Deputy Chief of Staff for Logistics, Department of the Army.

(v) The Adjutant General, for recruiting purposes only.

(vi) Commanding generals and their deputies, continental armies, for recruiting purposes only.

(vii) Chief of Engineers, for real estate and construction matters in CONUS and overseas.

(viii) Chief of Transportation, for advertising Army-owned interchange freight and passenger car equipment in official train equipment registers.

(ix) Division engineers, Corps of Engineers, for civil and military construction only.

Such delegated authority shall not be redelegated.

• • • • • •

3. In § 592.605–50, revise paragraph (a) and add subparagraph (4) to paragraph (c), as follows:

§ 592.605–50 *Instructions for use.* (a) Purchases with this form will be accomplished by the ordering officer as indicated under the space by this designation on Standard Form 44 (Purchase Order—Invoice-Voucher). The ordering officer will be the contracting officer and/or other officers as may be designated by the commanding officer of the installation, if deemed to be practicable. For example, representatives of the post repair shop, post supply offices, organizational units, and other offices may be appointed as ordering officers to facilitate the accomplishment of such purchases for the user. The appointment of such ordering officers should define the scope and limitations of their authority, such as the supplies or services that may be purchased.

• • • • • •

(c) Standard Form 44 may be used for the purchase of supplies or services under the following conditions:

• • • • •

(4) To place delivery orders under open end or call type contracts of the military departments.

• • • • • •

4. Sections 595.104 (i) and 595.105 are revised to read as follows:

§ 595.104 *Authority to grant exceptions to Buy American Act.* • • •

(i) Complete justification for purchase of item of foreign source, including information relative to the following criteria:

(1) *Strategic considerations.* (i) An appraisal of the reliability of the competing foreign source, taking into consideration:

(*a*) Whether the competing foreign source has adequate or limited capacity;

(*b*) the degree of political or economic stability of the area which the competing foreign source is located.

(ii) Whether domestic self-sufficiency must be fostered because of the strategic importance of the articles, materials, supplies or their United States production facilities.

(iii) Whether an appreciable advantage to collective security would result from maintaining or increasing production capacity in the foreign source country concerned.

(2) *Domestic economic considerations.* (i) Whether the furnishing of scarce materials or production equipment which would be required from the United States would unduly interfere with United States military production or the development of the United States industrial mobilization base.

(ii) Whether the competing domestic source would be a facility or facilities designated as "small business" by the Small Business Administration.

(iii) Whether the competing domestic source would be located in an area which has been designated by the Department of Labor as being one of substantial labor surplus, i. e., classified by the Department of Labor as "Group IV" area.

(iv) Whether competing domestic sources are found in an industry which is depressed or which is characterized by widespread open capacity.

§ 595.105 *Supplies excepted from Buy American Act.* The list of supplies excepted from the Buy American Act by § 405.105 of this title is interpreted as being limited to:

(a) Raw materials, bearing the names listed, which have not been processed, refined, or treated beyond the first form or state suitable for industrial use in the United States, and

(b) Other supplies specifically listed in § 405.105 of this title.

5. Add § 601.404–1 as follows:

§ 601.404–1 *General.* All policy matters that will involve contact between a Head of a Procuring Activity and other Government agencies as authorized by this part will be coordinated with the Judge Advocate General, Department of the Army (Chief, Industrial Relations Branch).

6. In § 601.404–2 (c), revise subparagraph (2) to read as follows:

§ 601.404–2 *Wage determinations.* • • •

(c) *Manner of requesting determination.* • • •

(2) Form DB–11 will be prepared in full and signed by the Contracting Officer. Under "Department, Agency, or Bureau" insert only "Department of the Army." If the project is not located within a city or village, the distance and direction from the nearest city or village will be indicated.

• • • • • •

7. In § 601.404–3, revise paragraph (g) and add paragraph (h), as follows:

§ 601.404–3 *Additional classifications.* • • •

(g) Written and signed statements containing opinions of management and labor as to proper classification and wage rate. When the interested parties have agreed to a new classification, these opinions will be put in the form of an agreement by the interested parties to an additional classification. Such statements or agreement may be signed for the employees by an official of a union representing them, in which case the union and the official's connection with it should be identified; otherwise signatures of all the affected employees should be obtained.

(h) If an apprentice classification is proposed, a determination that the employees involved are employed in a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, or if no such recognized Council exists in a State, in a program registered with the Bureau of Apprenticeship, including identification of the program.

8. Sections 601.404–8, 601.404–9 (b), 601.404–11, and 601.404–12 are revised to read as follows:

§ 601.404–8 *Reports of violations.* Where the case investigated can be closed satisfactorily without formal correspondence with the Department of Labor or the Department of Justice (correspondence to ascertain whether an apprentice is properly registered shall not constitute formal correspondence for the purpose of this section), it may be closed by the investigating officer. Where, however, formal correspondence with the Department of Labor or the Department of Justice is required (as, e. g., when the case of one which was initiated by correspondence from the Department of Labor, or which involves more than $200 restitution or which may warrant criminal prosecution, litigation, or placing the Contractor on the Comptroller General's list of ineligible persons or firms), the investigating officer should forward a report of all material gathered by his investigation (including the information, findings, and conclusions set forth in § 601.404–7 (b), and evidence sufficient to support said findings and conclusions) through channels to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) (except that reports of investigation on Corps of Engineers contracts not involving recommendations of criminal or civil action against the Contractor or placing the Contractor on the Comptroller General's list of ineligible persons or firms, or facts supporting any such recommendations will be processed in accordance with the procedure established by the Office of the Chief of Engineers). Such findings and recommendations shall not be communicated by the investigating officer to the Regional Attorney, United States Department of Labor.

§ 601.404–9 *Suspensions and deductions of contract payments.* • • • (b) (1) When investigation reveals that restitution is due the Contractor's employee because of violation of the Davis-Bacon Act, the Contracting Officer will forward to the Disbursing Officer who normally makes disbursement to the Contractor, the forms required by § 411.404–9 of this title, indicating the purpose of same, and listing the name and address of each employee involved and the amount due him. Employees to whom restitution is due will be advised that, upon approval of the withholding by the Department of Labor, they will be paid on application to the General Accounting Office, which will hold funds withheld from the Contractor for restitution to workers in a special account for this purpose. Employee applications for payment may be forwarded with the forms required by § 411.404–9 of this title; such applications should include the employee's name, address, and classification; the name of the employer; and a statement identifying the contract involved. Withholding must be accomplished even though an employee cannot be located in order to complete restitution.

(2) When investigation reveals that restitution is due the Contractor's employees because of violation of the Eight-Hour Law, such funds as have been withheld under paragraph (a) of this section may not be paid over to the employees. Instead, when it is clear that the Contractor will not make restitution, the Contracting Officer will inform the Disbursing Officer who normally makes disbursement under the contract and the appropriate fiscal officer of this fact, specifying the amount of restitution owed each employee, so that the funds withheld may be deobligated up to the total of such amounts.

• • • • • •

§ 601.404–11 *Contract terminations.* Whenever a contract is terminated for violation of labor standards provisions, a report containing the information set forth in § 411.404–11 of this title shall be forwarded by the Contracting Officer through channels to The Judge Advocate General (Attn: Chief, Industrial Relations Branch). This report shall be accomplished by a report of the investigations of the violations resulting in termination setting forth the information required by § 601.404–7 (b). If such investigation has not been completed, an interim report, setting sorth as much of the information required by § 601.404–7 (b) as is currently available, shall accompany the report of termination, and the complete report shall be forwarded when available.

§ 601.404–12 *Cooperation with the Department of Labor.* In connection with the enforcement of labor standards, either the Contracting Officer or an officer conducting an investigation is free to call upon the Department of Labor Regional Attorney for informal opinions, advice, or assistance, except as otherwise set forth in this part. The addresses of the Regional Attorneys and their geographical jurisdictions are the same as those set forth for the Regional Offices in § 601.653. All contact with the national offices of the Department of Labor will be coordinated with The Judge Advocate General (Attn: Chief, Industrial Relations Branch) in accordance with § 601.101 (b) (1), except when otherwise provided by this part.

9. Sections 602.1502–1, 602.1502–2, and 602.1502–3 (c) (2) are revised to read as follows:

§ 602.1502–1 *Scope.* Exchange of personal property by the Army Establishment and the application of the exchange allowance or proceeds of sale of personal property in the acquisition of personal property by the Army Establishment under section 201 (c), Federal Property and Administrative Services Act of 1949 (63 Stat. 383; 40 U. S. C. 481 (c)), shall be made only in accordance with the provisions of §§ 602.1502 to 602.1502–5.

§ 602.1502–2 *General authorization.* Subject to the provisions of §§ 602.1502 to 602.1502–5, Heads of Procuring Activities and such officers and individuals as they may designate are hereby authorized, in acquiring personal property within the United States or elsewhere, to exchange or sell similar items and apply the exchange allowance or the proceeds of sale in such cases, in whole or in part payment for the property acquired. Any transactions carried out under this authorization shall be evidenced in writing.

§ 602.1502–3 *Restrictions and limitations.* • • •

(c) This section shall not be construed to authorize: • • •

(2) The acquisition of personal property by a procuring activity in contravention of (i) any restriction upon the procurement of a commodity or commodities, or (ii) any replacement policy or standard, prescribed by the President or by the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Congress) (63 Stat. 377, 40 U. S. C. 481).

• • • • • •

10. In § 606.204–1 (a), revise subparagraph (1) (ii) and the opening portion of subparagraph (2), as follows:

§ 606.204–1 *Personal or professional services*—(a) *Contracts for employment of experts or consultants*—(1) *Statutory authority.* • • •

(ii) Section 701 of the Department of Defense Appropriation Act, 1955 (Public Law 458, 83d Congress), approved June 30, 1954, provides that:

During the current fiscal year, the Secretary of Defense and the Secretaries of the Air Force, Army, Navy, respectively, if they should deem it advantageous to the national defense, and if in their opinion, the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of $50 per day, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: Provided, That such contracts may be renewed annually.

(2) *Approval required.* The following classes of contracts are authorized by section 15 of the act of August 2, 1946, and section 701 of the Department of Defense Appropriation Act of 1955 and as such require the approval of the Secretary except to the extent that approval authority has heretofore or may hereafter be delegated:

• • • • • •

11. Section 606.204–4 is revised as follows:

§ 606.204–4 *Architect-engineer contracts.* (a) Awards of architect-engineer contracts for both the production and delivery of designs, plans, drawings, and specifications (commonly referred to as Title I services) and the supervision and inspection of construction (commonly referred to as Title II services) will, until June 30, 1955, be submitted to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Chief, Purchases Branch, for approval of the Assistant Secretary of the Army (Logistics and Research and Development) in all cases where:

(1) The fee (inclusive of the architect-engineer contractor's costs) for the production and delivery of designs, plans, drawings, and specifications (commonly referred to as Title I services) exceeds $500,000, or the fee (inclusive of the architect-engineer contractor's costs) for the supervision and inspection of construction (commonly referred to as Title II services) exceeds $500,000.

(2) Prior to increasing the architect-engineer fee for either category of services from an amount less than $500,000 to an amount exceeding $500,000.

(3) Each time the cumulative total of additional supplements for either category of services entered into after the latest required approval (as to the applicable category of services) by the Secretary of the Army, results in an increment of more than $500,000 for that category of services, except under the conditions set forth in the following sentence. In the case of supplements to existing contracts for either category of services of a nonpersonal services nature, the approval of the Secretary of the Army will not be required regardless of the amount of a proposed supplement, provided in each case the proposed supplement pertains to a basic contract previously approved (as to the applicable category of services) by the Secretary of the Army or the Deputy Chief of Staff for Logistics, Department of the Army (or a representative of the Deputy Chief of Staff for Logistics, as provided for in an appropriate delegation of authority), or as basic contract having a previous supplement which has been so approved; and provided, further, that all the following conditions are met:

(i) The proposed supplement contains no deviations from procurement regulations which were not authorized for use in the previously approved basic contract or supplement.

(ii) The profit or fixed fee does not exceed any limitation imposed on the Head of the Procuring Activity.

(iii) The terms and conditions of the proposed supplement are such that there is no statutory requirement for approval by higher authority.

(iv) The proposed supplement applies to an approved program for which funds are available.

(b) Subject to the foregoing conditions, authority to approve awards of architect-engineer services, including authority to extend, amend, and modify such contracts, has been delegated as follows with further authority to redelegate to such other officers and individuals as the delegates may personally designate:

(1) Chief of Engineers, in the amount of $500,000 for each category of architect-engineer services.

(2) Commander-in-Chief, U. S. European Command, in the amount of $500,000 for each category of architect-engineer services.

(3) Deputy Commander-in-Chief, U. S. European Command, in the amount of $500,000 for each category of architect-engineer services.

(4) Commanding General, Army Forces Far East, in the amount of $300,000 for each category of architect-engineer services.

(5) Commanding Generals, First, Fourth, Fifth, and Sixth Armies, in the amount of $10,000 for each category of architect-engineer services.

(c) Awards approved under the foregoing authority must conform with the following further conditions:

(1) All contracts will contain required standard clauses as well as such standard optional clauses as may be necessary to fully protect the interest of the Government.

(2) Standard price redetermination clauses shall be included in all fixed-price contracts wherein no data are available to indicate reasonableness of price. Government estimates, independently prepared, may be used to determine reasonableness of price.

(3) In order to minimize competition between Continental Army Commanders and the Corps of Engineers for architect-engineer services, Army plans for entering into an architect-engineer contract will be coordinated with the appropriate District Engineer prior to any Army negotiations.

(4) To the extent the authority delegated herein may be redelegated to Continental Army Commanders, this delegation specifically excludes any authority to negotiate or award any architect-engineer contracts relating to Master Planning.

(5) The selection, negotiation, and contract award will be in accordance with the applicable parts and related classified exhibits of the "Uniform Standard for the Employment and Payment of Architect-Engineer Services," dated September 1, 1952.

(6) Compensation for architect-engineer services shall be as follows:

(i) The amount of the fee (inclusive of the architect-engineer contractor's costs) for the production and delivery of designs, plans, drawings, and specifications shall not exceed 6 percent of the estimated construction cost of the related project. The estimated construction cost shall be exclusive of the profit or fixed fee for such construction project and the fee for the architect-engineer services.

(ii) In the case of contracts for architect-engineer services of a nonpersonal services nature, the rate of profit in fixed-price contracts and the rate of fixed fee in cost-plus-a-fixed-fee contracts shall be the minimum that can be negotiated.

(iii) In the case of contracts for architect-engineer services of a personal services nature:

(*a*) For organizations, the rate of profit in fixed-price contracts and the rate of fixed fee in cost-plus-a-fixed-fee contracts shall be the minimum that can be negotiated.

(*b*) For individuals, compensation shall, to the maximum extent practicable, be substantially equivalent to that of the corresponding Civil Service grade, but shall not in any case exceed $50 per day, plus travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law.

(7) In the case of contracts for architect-engineer services of a personal services nature:

(i) Provision shall not be made therein for the performance of services after 30 June 1955, except that this requirement shall not apply to contracts obligating funds which are available for expenditure during a period in excess of a fiscal year.

(ii) The approving authority shall certify in writing that the contract is advantageous to and necessary for the national defense, that existing facilities of the Department of the Army are inadequate to accomplish the required services, and that the compensation specified therein is considered reasonable. In addition, the approving authority shall certify in writing that the employment of the proposed Contractor will not be in excess of the civilian personnel authorization established by the Department of the Army for that Procuring Activity.

(iii) The Chief, Armed Forces Special Weapons Project, has been delegated authority, and is authorized, to approve the award of architect-engineer contracts in amounts not exceeding $10,000 in connection with repairs and utilities projects under the jurisdiction of that agency.

12. In § 606.308, items 15 and 16 are revised to read as follows:

§ 606.308 *Instructions for preparation of DD Form 350 (Individual Procurement Action Report).*

* * * * *

Item 15—Contract placement. Place an "X" mark in appropriate box to show whether action is:

(1) *Interservice.* The term "interservice" refers to procurements within the Department of Defense only. It covers (i) Orders placed by one military Department against contracts entered into by another military Department. (ii) Orders placed by activities of one military Department against contracts entered into by other activities of the same military Department. (iii) Orders placed against contracts entered into by joint procuring agencies, viz: ASPPA, ASMPA.

(2) *Interdepartmental.* The term "interdepartmental" refers to procurements from or through Federal departments, agencies, institutions, and corporations other than those of the Department of Defense. It covers (i) Orders placed by a military Department or agencies thereof, against contracts entered into by any Federal department, agency, institution, or corporation outside the Department of Defense. (ii) Contracts placed by a military Department, or agency thereof, with any Federal department, agency, institution, or corporation outside the Department of Defense.

(3) *Advertised.* Secured on bids as a result of formal advertising. (See § 401.101 of this title).

(4) *Negotiated.* Negotiated in accordance with the exceptions authorized by Public Law 413, 80th Congress, and described in §§ 402.201–402.217 of this title and §§ 592.201–592.217 of this subchapter.

(5) *Modification authorized by existing contract, which was advertised, and* (6) *which was negotiated* will not be used; that is; no notation will be made concerning modifications authorized by existing contracts.

NOTE: If block (1) or (2) has been checked, do not fill out item 16, 18, 19, 21, or 22. That is item 17, "Labor Surplus Area," and item 20, "Contract Purpose," will be filled out for Interservice and Interdepartmental contracts, even though the instructions printed in item 15 of the form indicate otherwise.

Item 16—Negotiated under exception Public Law 413. All negotiated procurement for the duration of the present emergency will be accomplished under § 402.201 of this title and contracts will cite as authority 2 (c) (1) Armed Services Procurement Act of 1947. Enter in block (2) the authority for negotiation which would have been used had section 2 (c) (1) of the act not been available for citation (that is, section 2 (c) (2) through 2 (c) (17) of the Armed Services Procurement Act of 1947) (§ 592.201–2 (d)).

* * * * *

13. In § 606.906–1, paragraph (b) is revised to read as follows:

§ 606.906–1 *Bid evaluation and award.*

* * *

(b) Provision will be made for the application of a differential to bids or proposals based on all or part foreign wool for purposes of bid or proposal evaluation. The differential will be 10 percent of the average of the current loan value of representative types and grades of domestic wools. On the basis of military specification requirements domestic wools may be broken down into three broad categories as follows:

Grades 60s and finer

Category 1. Approximately 75 percent is Staple and Good French (worsted type).

Category 2. 25 percent is Short French Combing and Clothing (woolen type).

Grades 50s–60s

Category 3. Approximately 86 percent is Staple and Good French (worsted).

Category 4. Approximately 14 percent woolen type.

Grades below 50s

Category 5. All Staple and Good French.

For items the specifications for which require use of the above categories, the differential will be 10 percent of the average of the loan value established by the Department of Agriculture determined as follows:

Category 1. The average of the grades listed under classes A–2 of Territory Original Bag Wools, B–1 of Graded Territory and Texas, and A–2 and B–1 of Graded Fleece Wools.

Category 2. The average of the grades listed under classes A–6 of Territory Original Bag Wools, B–2 of Graded Territory and Texas, and A–3 and B–2 of Graded Fleece Wools.

Category 3. The average of the grades listed under classes C–1 and D–2 of Graded Territory and Texas, and C–1 and D–2 of Graded Fleece Wools.

Category 4. The average of grades listed under classes C–2 and D–3 of Graded Territory and Texas, and C–2 and D–3 of Graded Fleece Wools.

Category 5. The average of the grades listed under classes E–1 and F–1 of Graded Fleece Wools.

Examples of the determination of the differential for several military items are set forth in § 606.907.

* * * * *

[C4, APP, October 15, 1954] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54–9269; Filed, Nov. 23, 1954; 8:48 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

MOBILIZATION AND TRAINING

Sections 861.1001 to 861.1010 supersede §§ 861.1001 to 861.1009 (18 F. R. 2399, 7493; 19 F. R. 2258):

Sec.
861.1001 General.
861.1002 Definitions.
861.1003 Filling mobilization positions.
861.1004 Mobilization assignment.
861.1005 Mobilization designation.
861.1006 Training attachment.
861.1007 Requests for mobilization assignment or designation.
861.1008 Requisitioning Air Force Reserve personnel.
861.1009 Relief from mobilization position.
861.1010 Training.

AUTHORITY: §§ 861.1001 to 861.1010 issued under sec. 251, 66 Stat. 495; 50 U. S. C. 1002. Interpret or apply secs. 101–259, 601–603, 66 Stat. 481–498, 501; 50 U. S. C. 901–1010, 1091–1093.

DERIVATION: AFR 45–3.

§ 861.1001 *General.* Sections 861.1001 to 861.1010 establish procedures for the assignment or designation of Air Force Reserve personnel to specific mobilization positions.

§ 861.1002 *Definitions*—(a) *Mobilization position.* Additional or existing military personel authorizations (augmentation or replacement) required to be filled in Air Force commands and activities in the event of full or partial mobilization. A mobilization position is filled by either a mobilization assignee or designee.

(b) *Mobilization assignee.* A member of the Air Force Reserve not on extended active duty who requires regular and frequent training to attain or retain proficiency in his mobilization position. Such a person may be a member of the Ready or Standby Reserve, is eligible for inactive duty training pay, and is authorized active duty training.

(c) *Mobilization designee.* A member of the Air Force Reserve not on extended active duty who, by virtue of previous military experience and/or the similarity of his civilian occupation to his Duty, Air Force Specialty Code, is capable of filling a mobilization position with a minimum of training. Such a person may be either a Ready or a Standby Reservist. A mobilization designee is not eligible for inactive duty training pay, but is eligible for active duty training, subject to the availability of funds.

(d) *Training attachment.* The attachment, for training purposes only, of a member of the Air Force Reserve having a mobilization assignment or designation, to an appropriate unit or activity of the Regular Air Force, Air Force Reserve, or the Air National Guard of the United States (subject to the approval of the Air National Guard of the United States unit commander concerned), other than the unit or activity with which mobilization position is held.

§ 861.1003 *Filling mobilization positions.* (a) The total mobilization positions authorized for each major air command will be established by Headquarters USAF based on mobilization requirements, the training capacity of the command, the availability of qualified Reservists. Mobilization positions will be filled by mobilization assignees and mobilization designees. The number of persons holding mobilization assignments to mobilization positions may be limited by the funds available for inactive duty training pay. In this case, the remaining mobilization positions may be filled by mobilization designees.

(b) Within mobilization personnel authorizations allotted by Headquarters USAF, each major air command will individually determine which mobilization positions constitute a replacement requirement and which positions constitute an augmentation requirement. Mobilization positions (replacement) are primarily, but not limited to, those presently authorized active establishment positions for which it has been determined that the incumbent should be a rated officer on flying status. Commanders must assume that active establishment combat readiness training (formerly minimum individual training) rated personnel presently assigned to these positions will be available to meet attritional and rotational rated replacement requirements after mobilization. Mobilization positions (augmentation) will constitute those additional military personnel spaces, required to be filled by the command in the event of full or partial mobilization.

(c) Each major air command, at its discretion and within command mobilization plans, will individually determine which mobilization assignment positions are appropriate for the assignment of Ready or Standby Reservists. Those positions designated as Ready Reserve should constitute the anticipated individual augmentation and/or replacement requirements under limited emergency conditions short of full mobilization. All other positions will be designated as Standby.

(d) Persons assigned to designated Ready Reserve mobilization assignment positions will be members of the Ready Reserve and must comply with § 861.1004.

(e) Persons assigned to designated Standby Reserve mobilization assignment positions may be members of the Ready or Standby Reserve and must comply with § 861.1004 (a) (1). An applicant who by law is a Ready Reservist may be considered for assignment to a position designated as Standby Reserve, if otherwise qualified.

§ 861.1004 *Mobilization assignment*—(a) *Eligibility.* (1) A mobilization assignment may be given to a member of the Air Force Reserve not on extended active duty who volunteers for such assignment: *Provided,* That:

(i) He is qualified in accordance with §§ 861.1 to 861.13 and holds the Availability Classification Code necessary for assignment to this program element or accepts award of the appropriate code.

(ii) The person signifies in writing, by submission of AF Form 1288, "Application for Reserve Assignment," his willingness to accept such assignment.

(2) In addition, persons who are applying for a Ready Reserve mobilization assignment and are Standby Reservists, or Ready Reservists who are eligible to elect Standby status, must accomplish the signed statement contained in AF Form 1288, indicating acceptance or retention of Ready Reserve status for a period of 2 or 5 years. The period selected will be contingent upon the desires of the person.

(b) *Eligibility of Department of Defense employees.* Reservists who are civilian employees of the Department of Defense or any of its military departments may be given mobilization assignments: *Provided,* That each copy of the application for assignment has attached a certificate, which has been signed by their immediate military or civilian chief.

(c) *Ineligibility.* (1) Reservists who are civilian employees of the Department of Defense or any of its military departments may not be given mobilization assignments to the same position, or within the immediate activity in which they are employed as civilians, but will be encouraged to accept mobilization designations if the activity is authorized such personnel. Commanders will insure strict compliance with the spirit and intent of this policy, in order to preserve the privilege of eligibility for mobilization assignments for such personnel in accordance with paragraph (b) of this section.

(2) Mobilization assignments will not be given to Reservists who are serving on extended active duty in any status.

§ 861.1005 *Mobilization designation*—(a) *Eligibility.* (1) A mobilization designation may be given to a member of the Air Force Reserve not on extended active duty who is qualified in accordance with §§ 861.1 to 861.13 and who volunteers for such assignment.

(2) Such persons must meet the criteria for assignment to the mobilization designation reserve section of training category D, as established in §§ 861.1 to 861.13 and must signify, in writing, willingness to accept such assignment.

(b) *Ineligibility.* Mobilization designations will not be given to Reservists who are serving on extended active duty in any status.

(c) *Rotation of mobilization assignees and designees.* Persons filling mobilization positions will not be rotated between assignee and designee status to permit additional personnel to receive inactive duty training pay.

§ 861.1006 *Training attachment*—(a) *Mobilization assignees.* (1) Commanders of major air commands will insure that training attachments for mobilization assignees are made when distance or other reasons prevent participation in training at the place of mobilization assignment.

(2) Training attachments will not be given to mobilization assignees to any units or activities not capable of providing the persons concerned with adequate and effective training in their mobilization assignment capacities. If a person is unable to participate in training at his place of mobilization assignment and a suitable training attachment cannot be provided, a mobilization assignment will not be made.

(3) Mobilization assignees may not be given inactive duty training attachments with Air Force Reserve units, but may be given such attachments to the various Continental Air Command Reserve training centers.

(b) *Mobilization designees.* (1) A mobilization designee may be given a training attachment when distance or other reasons prevent participation in training at the place of mobilization designation.

(2) A mobilization designee may be given an inactive duty training attachment to an Air Reserve group or squadron, with the consent of the unit commander and the commander of the activity with which the person holds a designation.

§ 861.1007 *Requests for mobilization assignment or designation*—(a) *Specific requests.* An individual Reservist desiring a mobilization position may request the position by applying on AF Form 1288, to the headquarters of the major air command concerned. Applications of applicants not selected will be returned to the Air Reserve Records Center. The Air Reserve Records Center will notify these Reservists of their nonselection.

(b) *Unspecified requests.* A person who desires to request a mobilization position without specifying the major air command of assignment may submit his

application to the Air Reserve Records Center. These applications will be used by the Air Reserve Records Center in filling the requisitions referred to in § 861.1008.

(c) *Limiting requests.* Individual requests for a mobilization position will not be submitted to more than one command at a time.

§ 861.1008 *Requisitioning Air Force Reserve personnel.* (a) Major air commands will requisition from the Air Reserve Records Center (ConAC), 3800 York Street, Denver, Colorado, Reserve personnel by grade and Air Force Specialty Code to fill mobilization positions for which applicants are not available (see § 861.1007). Requisitions will include sufficient data (grade, Air Force Specialty Code, location of vacancies, and so forth), to enable the Air Reserve Records Center to identify and list on rosters only those Reservists who have the desired qualifications and who, by virtue of residing in proximity to the unit having a vacancy (within 50 to 100 miles), may be considered potential applicants. Using these rosters, major air commands will contact personnel listed for possible assignment to mobilization positions. When the persons contacted indicate a willingness to participate in the mobilization program and further information is desired by the major air command, a request will be forwarded to the Air Reserve Records Center requesting career summaries by name. Major Air Commands will select persons for assignment and request the Air Reserve Records Center to issue appropriate assignment orders, inclosing a copy of the application for assignment for placement in the Reservist's master personnel record. Career summaries on persons not desired for assignment will be returned to the Air Reserve Records Center with a remark to that effect.

(b) Major air commands desiring the assignment of persons known by name may request the Air Reserve Records Center to furnish career summaries on such personnel, prior to corresponding with the person regarding the assignment, or may request that the individuals be assigned without reference to career summaries.

§ 861.1009 *Relief from mobilization position.* (a) In the event a Reservist is found to be surplus or unsuitable for a mobilization position, the major air command concerned will issue appropriate orders relieving him from the mobilization position and assignment to the command, and will reassign him to Headquarters Continental Air Command (Nonaffiliated Reserve Section), Air Reserve Records Center. A statement with regard to the reason for relief will be included in the orders.

(b) A member of the Air Force Reserve ordered to extended active duty who holds a mobilization position will be relieved of such position.

§ 861.1010 *Training—(a) Inactive duty training with activity in which assignment is held.* Whenever practicable, a person having a mobilization assignment or designation will accomplish inactive duty training with the unit or activity with which such mobilization assignment or designation is held.

(b) *Inactive duty training with other activities.* A Reservist having a mobilization assignment or designation to a unit or activity with which it is not practicable for the person to participate in inactive duty training may be attached to another activity or unit for training. (See § 861.1006).

(c) *Training requirements for mobilization assignees.* Twelve paid inactive duty training periods and a minimum of 12 nonpaid inactive duty training periods will be made available annually, and persons will be encouraged to participate in such training to the maximum in order to attain the individual proficiency which is desired.

(1) Mobilization assignees will be required to participate in a minimum of five inactive duty training periods each fiscal quarter.

(2) Mobilization assignees will be required to perform a normal 15-day active duty tour each fiscal year. Persons assigned subsequent to 1 July will be encouraged but not required to accomplish short tours during the balance of that fiscal year. Any special tour or tour for school training approximating 15 or more days is acceptable in place of this requirement.

(3) Tours of active duty during a quarter may be credited toward the training period requirement for that quarter on the basis of 1 day of active duty equal to one training period.

(4) Mobilization assignees who fail to accomplish the minimum number of training periods a quarter or the fiscal year active duty training requirement, will be relieved of assignment.

(d) *Active duty training of mobilization assignees.* Active duty training of mobilization assignees normally will be accomplished with the unit or activity of assignment, or active duty training may be accomplished with the unit or activity to which attached for training. In exceptional instances only, where it is considered that better training can be afforded the person, an assignee may accomplish such training with other Regular Air Force, Reserve Training Category A, or Air National Guard of the United States units or activities not further distant from the place where he is currently residing than his unit or activity of assignment. Applications for training will be submitted on AF Form 1289, "Application for Active Duty Training."

(e) *Waivers of training requirements for mobilization assignees.* (1) In exceptional instances only, and upon written request of the person concerned, major air commands may waive the quarterly inactive duty training requirement once in any fiscal year.

(2) On the basis of personal hardship only and upon the written request of the person concerned, major air commands may excuse a person from meeting the active duty training requirement once in any period of 3 full fiscal years.

(3) A person will not be excused from the active duty training requirement and receive a quarterly inactive duty training waiver in the same fiscal year.

(4) This authority may be further delegated to subordinate air commands such as numbered air forces of Continental Air Command, air defense forces of the Air Defense Command, and so forth.

(f) *Training requirements for mobilization designees.* Mobilization designees must participate in authorized training activities to the extent of accruing a minimum of 30 points annually. The 15 gratuitous points granted annually for being a member of the active Reserve and points awarded for active duty will be counted toward meeting this requirement.

(g) *Active duty training of mobilization designees.* Active duty training performed by mobilization designees will be accomplished in accordance with paragraph (d) of this section.

(h) *Waivers of training requirements for mobilization designees.* Minimum participation requirements may be waived for mobilization designees whose civilian occupations are so directly allied with the Duty Air Force Specialty Codes of the mobilization positions for which they have been designated that proficiency is considered to be retained by virtue of the civilian occupation. Individual applications for waivers will be submitted by military letter, through channels for approval action, to the major air command of assignment, or to the Air Reserve Records Center for personnel under the jurisdiction of Continental Air Command. Such letters will include a complete description of the person's civilian occupation. Waivers which are approved will be effective until there is a change in the person's Reserve assignment, Duty Air Force Specialty Code, or civilian occupation. In each instance, a copy of approved waivers will be forwarded to the Air Reserve Records Center, for inclusion in the person's master personnel record.

(i) *Responsibility for training for proficiency.* The training of a person for proficiency in his mobilization assignment or mobilization designation will be the responsibility of the major air command in which such mobilization assignment or designation is held.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-9273; Filed, Nov. 23, 1954; 8:48 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1466—TERMINATION OF RENEGOTIATION

TERMINATION DATE

Section 1466.2 *Definition of "termination date"* is amended by deleting "1953" and inserting in lieu thereof "1954".

(Sec. 109, 65 Stat. 22; U. S. C. App. Sup. 1219)

Dated: November 19, 1954.

CHARLES F. MILLS,
Acting Chairman.

[F. R. Doc. 54-9288; Filed, Nov. 23, 1954; 8:51 a. m.]

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

TIME FOR FILING FINANCIAL STATEMENTS AND STANDARD COMMERCIAL ARTICLE REPORTS UNDER RENEGOTIATION ACT OF 1951, AS AMENDED [1]

1. Every person having a fiscal year beginning in 1953 and ending on or after November 30, 1954, shall file on or before April 1, 1955, the financial statement for such fiscal year required of such person by section 105 (e) (1) of the Renegotiation Act of 1951, as amended. Every such person shall be entitled to file a Standard Commercial Article Report pursuant to Part 1467 of the Renegotiation Board Regulations at any time before February 1, 1955.

2. Every person having a fiscal year beginning in 1953 and ending before November 30, 1954, is hereby granted an extension of time, until March 1, 1955, for filing the financial statement for such year required of such person. Every such person shall be entitled to file a Standard Commercial Article Report at any time before February 1, 1955. If the Standard Commercial Article Report is so filed, such person shall not be required to file the financial statement until March 1, 1955, or until the thirtieth day after the Board sends to such person a written notice of the action of the Board on the claim for exemption, whichever occurs later. If the Standard Commercial Article Report is not filed by such person before February 1, 1955, it shall be filed on or before March 1, 1955, with the financial statement for such fiscal year required of such person.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: November 19, 1954.

By order of The Renegotiation Board.

CHARLES F. MILLS,
Acting Chairman.

[F. R. Doc. 54-9289; Filed, Nov. 23, 1954; 8:51 a. m.]

CERTAIN AMENDMENTS AND ADDITIONS TO SUBCHAPTER

The Renegotiation Board hereby adopts the proposed Part 1467 and the proposed amendments to Parts 1454, 1456 and 1470 which were published on October 2, 1954 (19 F. R. 6380–6384), certain changes having been made therein. Said part and amendments as adopted read as set forth below.

Dated: November 19, 1954.

CHARLES F. MILLS,
Acting Chairman,
The Renegotiation Board.

PART 1454—PARTIAL MANDATORY EXEMPTION OF PRIME CONTRACTS AND SUBCONTRACTS FOR NEW DURABLE PRODUCTIVE EQUIPMENT

This part is amended in the following respects:

1. The title of the part is deleted in its entirety and the new title reads as set forth above.

2. The words "Subpart A—Fiscal Years Ending Before June 30, 1953" are inserted as a heading before § 1454.1.

3. Section 1454.1 *Statutory provision* is amended by deleting the words "Section 106 (c) of the act provides as follows" and inserting in lieu thereof the following: "With respect to fiscal years ending before June 30, 1953, section 106 (c) of the act provides as follows".

4. Section 1454.2 *Application of act to subcontracts for new durable productive equipment* is amended by inserting the words "in a fiscal year ending before June 30, 1953" in the first sentence between the words "received or accrued" and the words "after the effective date".

5. Subpart B, consisting of new §§ 1454.21 to 1454.28, is added to read as follows:

SUBPART B—FISCAL YEARS ENDING ON OR AFTER JUNE 30, 1953

Sec.
1454.21 Statutory provision.
1454.22 Purpose of exemption.
1454.23 Application of exemption.
1454.24 What constitutes prime contract for new durable productive equipment.
1454.25 What constitutes subcontract for new durable productive equipment.
1454.26 Components of new durable productive equipment.
1454.27 Prime contracts and subcontracts related to prime contracts for new durable productive equipment.
1454.28 Limitation on exemption of prime contracts for new durable productive equipment.

AUTHORITY: §§ 1454.21 to 1454.28 issued under sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219.

§ 1454.21 *Statutory provision.* With respect to fiscal years ending on or after June 30, 1953, section 106 (c) of the act provides as follows:

(1) *In general.* The provisions of this title shall not apply to receipts or accruals (other than rents) from *contracts* or subcontracts for new durable productive equipment, except (*A*) to that part of such receipts or accruals which bears the same ratio to the total of such receipts or accruals as five years bears to the average useful life of such equipment as set forth in Bulletin F of the Bureau of Internal Revenue (1942 edition) or, if an average useful life is not so set forth, then as estimated by the Board and (*B*) *to receipts and accruals from contracts for new durable productive equipment in cases in which the Board finds that the new durable productive equipment covered by such contracts cannot be adapted, converted, or retooled for commercial use.*

(2) *Definition.* For the purpose of this subsection, the term "durable productive equipment" means machinery, tools, or other equipment which does not become a part of an end product, or of an article incorporated therein, and which has an average useful life of more than five years. [Matter in italics added by Pub. Law 764, 83d Cong., approved September 1, 1954.]

§ 1454.22 *Purpose of exemption.* The purpose of the amendments contained in the foregoing exemption was stated as follows in the report of the Senate Committee on Finance ((1954) S. Rept. 643, 83d Cong. 3, to accompany H. R. 6287):

The fact that many Government purchases of machine tools at the present are for stockpiling purposes makes this amendment essential. By making sales of this type to the Government, the industry is, in effect, destroying the future market for its products because the eventual release of the Government stockpile will serve to satisfy normal demand. Thus, the amendment merely requires recognition of the fact that defense use can be expected to represent only a portion of the useful life of the equipment sold under prime contracts.

§ 1454.23 *Application of exemption—*(a) *Prime contracts.* The foregoing amended exemption has the effect of making the act applicable to prime contracts for new durable productive equipment only to the extent of that part of the amounts received or accrued in any fiscal year ending on or after June 30, 1953 which bears the same ratio to the total of such amounts received or accrued as five years bears to the average useful life of such equipment as set forth in Bulletin F of the Bureau of Internal Revenue (1942 edition) or, if an average useful life is not so set forth, then as estimated by the Board. A description of the methods of determining the amount of renegotiable business under prime contracts for new durable productive equipment is set forth in § 1456.4 (a) of this subchapter.

(b) *Subcontracts.* With respect to subcontracts for new durable productive equipment, amounts received or accrued in fiscal years ending on or after June 30, 1953, are exempt to the same extent as amounts received or accrued in fiscal years ending before that date. However, with respect to fiscal years ending on or after June 30, 1953, subcontracts under which the purchaser of new durable productive equipment has acquired such equipment for the account of the Government are not excluded from the term "subcontracts for new durable productive equipment", and therefore are within the partial exemption.

§ 1454.24 *What constitutes prime contract for new durable productive equipment; in general.* A prime contract for new durable productive equipment is a contract with a Department for such equipment. The term includes pool orders and similar commitments.

§ 1454.25 *What constitutes subcontract for new durable productive equipment; in general.* A purchase order or agreement for new durable productive equipment is a subcontract subject to the act if such equipment is required for the performance of a prime contract or subcontract subject to the act. (See § 1452.4 of this subchapter.)

§ 1454.26 *Components of new durable productive equipment.* In order for a subcontract to qualify as a subcontract for new durable productive equipment, it is immaterial whether the equipment is used directly in the processing of an end product or of an article incorporated therein, or is incorporated in another item of such equipment. In order for a prime contract to qualify as a prime contract for new durable productive equipment, it is immaterial whether or not the equipment is incorporated by the

[1] This affects §§ 1470.3 (d) and 1467.4 (d).

active duty training with the unit or

delegated to subordinate air commands

8:51 a. m.]

This affects §§ 1470.3 (d) and 1467.4 (d). 6287);

not the equipment is incorporated by the

Government in another item of such equipment.

§ 1454.27 *Prime contracts and subcontracts related to prime contracts for new durable productive equipment.* The extent to which the act applies to receipts or accruals from prime contracts and subcontracts for new durable productive equipment which is incorporated in another item of such equipment will be determined by reference to the average useful life of the equipment in question and not by reference to the life of the equipment of which it becomes a part. Prime contracts and subcontracts for equipment or other materials which are not new durable productive equipment are not covered by the exemption set forth in this part even though the equipment or other materials are incorporated in new durable productive equipment. The extent to which the act applies to receipts or accruals from such prime contracts and subcontracts will be determined according to the provisions of § 1456.5 of this subchapter.

§ 1454.28 *Limitation on exemption of prime contracts for new durable productive equipment.* Prime contracts for new durable productive equipment are not covered by the exemption set forth in this part when such equipment cannot practicably be adapted, converted or retooled for commercial use. (See § 1456.4 (a) (2) (i) of this subchapter.)

PART 1456—METHODS OF SEGREGATING RENEGOTIABLE AND NONRENEGOTIABLE SALES

This part is amended in the following respects:

1. Section 1456.4 *How to determine receipts or accruals subject to renegotiation; new durable productive equipment* is amended by deleting paragraph (a) in its entirety and inserting in lieu thereof the following:

(a) *Prime contracts.* (1) With respect to fiscal years ending before June 30, 1953 (see Subpart A of Part 1454 of this subchapter), receipts and accruals under prime contracts for new durable productive equipment shall be determined in the same manner as receipts or accruals under all other prime contracts (see § 1456.3 (a)).

(2) With respect to fiscal years ending on or after June 30, 1953 (see Subpart B of Part 1454 of this subchapter), receipts and accruals under prime contracts for new durable productive equipment shall be determined in the following manner:

(i) The seller shall first classify such equipment according to whether it can or cannot be adapted, converted or retooled for commercial use. When the seller knows or ascertains that any such equipment cannot practicably be so adapted, converted or retooled, its sales of such equipment are not within the partial mandatory exemption but are wholly renegotiable and are not to be included in the calculation made pursuant to this subparagraph. Upon the request of the Board, the seller shall furnish such information and data available to the seller as the Board may require to enable it to determine whether the equipment can or cannot practicably be adapted, converted or retooled for commercial use.

(ii) Having determined which equipment can practicably be adapted, converted or retooled for commercial use, the seller shall then classify such equipment according to the average useful life thereof. Average useful life of new durable productive equipment shall be determined by reference to Bulletin F of the Bureau of Internal Revenue (1942 edition). If the average useful life of equipment of a particular type is not set forth in Bulletin F and if the Board has not yet made an estimate of the average useful life of equipment of such type, the seller shall estimate the average useful life of the equipment in question, taking into consideration the average useful life of comparable equipment as set forth in Bulletin F. It should be noted that equipment having an average useful life of 5 years or less is not covered by the partial mandatory exemption of prime contracts for new durable productive equipment.

(iii) The seller shall then determine the amount of receipts or accruals referable to each class of equipment having the same average useful life. The seller may make this determination on an over-all basis or on a contract by contract basis.

(iv) The seller shall next apply to the receipts or accruals determined in the manner set forth in subdivision (iii) of this subparagraph, with respect to each group of equipment having the same average useful life, a ratio equal to the ratio that 5 years bears to the average useful life of such equipment. The aggregate of the resulting figures represents the amount of the seller's renegotiable receipts or accruals from prime contracts for new durable productive equipment.

2. Section 1456.4 is further amended by deleting the last sentence of paragraph (b) (1) and inserting in lieu thereof the following: "It should be noted that with respect to fiscal years ending before June 30, 1953, equipment which is acquired by the purchaser for the account of the Government or which becomes a part of an end product acquired by the Government under a renegotiable prime contract, is not new durable productive equipment as defined in section 106 (c) of the act."

3. Section 1456.5 *How to determine receipts or accruals subject to renegotiation; materials other than new durable productive equipment not incorporated in end product* is amended by deleting the same in its entirety and inserting in lieu thereof the following:

§ 1456.5 *How to determine receipts or accruals subject to renegotiation; materials other than new durable productive equipment not incorporated in end product.* This section applies to materials which do not constitute new durable productive equipment and which are not incorporated in an end product delivered to a Department. Sales of such materials under prime contracts are wholly renegotiable unless otherwise exempted. Sales of such materials under subcontracts shall be considered renegotiable on the basis of the use of such materials (that is, whether the use is for renegotiable or non-renegotiable production). When the extent of the use cannot be readily established, such sales shall be considered renegotiable in substantially the same proportion as the production of the purchasers of such material is subject to renegotiation.

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES

Sec.
1467.1 Statutory provision.
1467.2 Basis of exemption.
1467.3 Application of exemption.
1467.4 Filing of information and data pertaining to standard commercial articles.
1467.5 Exemption denied when article fails to qualify as standard commercial article.
1467.6 Specific findings of sufficient competitive conditions.
1467.7 Specific findings of insufficient competitive conditions.
1467.8 Exemption not applicable to related subcontracts.

AUTHORITY: §§ 1467.1 to 1467.8 issued under sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219. Interpret or apply sec. 106, 65 Stat. 17, as amended; 50 U. S. C. App. 1216.

§ 1467.1 *Statutory provision.* Section 106 (a) (8) of the act (added by Pub. Law 764, 83d Cong., approved September 1, 1954) exempts the following:

(8) any contract or subcontract for the making or furnishing of a standard commercial article, unless the Board makes a specific finding that competitive conditions affecting the sale of such article are such as will not reasonably prevent excessive profits. This paragraph shall apply to any such contract or subcontract only if (1) the contractor or subcontractor files, at such time and in such form and detail as the Board shall by regulations prescribe, such information and data as may be required by the Board under its regulations for the purpose of enabling it to reach a decision with respect to the making of a specific finding under this paragraph, and (2) within a period of six months after the date of filing of such information and data, the Board fails to make a specific finding that competitive conditions affecting the sale of such article are such as will not reasonably prevent excessive profits, or (3) within such six-month period, the Board makes a specific finding that competitive conditions affecting the sale of such article are such as will reasonably prevent excessive profits. Any contractor or subcontractor may waive the exemption provided in this paragraph with respect to receipts or accruals in any fiscal year by including a statement to such effect in the financial statement filed by such contractor or subcontractor for such fiscal year pursuant to section 105 (e) (1). Any specific finding of the Board under this paragraph shall not be reviewed or redetermined by any court or agency other than by The Tax Court of the United States in a proceeding for a redetermination of the amount of excessive profits determined by an order of the Board. For the purpose of this paragraph—

(A) the term "article" includes any material, part, component, assembly, machinery, equipment, or other personal property;

(B) the term "standard commercial article" means an article—

(1) which, in the normal course of business, is customarily manufactured for stock, and is customarily maintained in stock by

the manufacturer or any dealer, distributor, or other commercial agency for the marketing of such article; or

(2) which is manufactured and sold by more than two persons for general civilian industrial or commercial use, or which is identical in every material respect with an article so manufactured and sold;

(C) the term "identical in every material respect"-means of the same kind, manufactured of the same or substitute materials, and having the same industrial or commercial use or uses, without necessarily being of identical specifications; and

(D) the term "persons" does not include any person under control of, or controlling, or under common control with any other person considered for the purposes of subparagraph (B) (2) of this paragraph.

[The statutory provision set forth above applies to contracts with the Departments and subcontracts only to the extent of the amounts received or accrued by a contractor or subcontractor after December 31, 1953.]

§ 1467.2 *Basis of exemption.* The basis of this exemption was stated as follows in the report of the Senate Committee on Finance ((1954) S. Rept. 643, 83d Cong. 4, to accompany H. R. 6287):

The Committee believes that in the case of standard commercial articles there is in most cases no basis or need for renegotiation since cost and pricing experience has already been acquired and prices made in a competitive market. It is believed that in the few cases where renegotiation is necessary to insure the Government against excessive prices, the public interest will be protected by giving the Board authority to make specific findings as to the lack of proper competitive conditions in such cases.

§ 1467.3 *Application of exemption—*(a) *Effective date.* The exemption provided in section 106 (a) (8) of the act, and the regulations contained in this part, are applicable only to amounts received or accrued after December 31, 1953, under prime contracts with the Departments and subcontracts. The exemption applies to such amounts without regard to whether such prime contracts or subcontracts were made on, before or after that date. Amounts received or accrued on or before December 31, 1953, under any such prime contracts or subcontracts are not exempt under section 106 (a) (8) of the act.

(b) *Effect.* Pursuant to the foregoing exemption, when it is not waived by the contractor, receipts or accruals after the effective date under any prime contract or subcontract for the making or furnishing of a standard commercial article are exempt if the contractor files the information and data required in § 1467.4 within the time therein prescribed and if, within six months thereafter, the Board makes a specific finding that competitive conditions affecting the sale of such article are such as will reasonably prevent excessive profits, or fails within such six-month period to make a specific finding to the contrary.

(c) *Procedure.* When a contractor claims that the exemption provided in section 106 (a) (8) of the act is applicable to some or all of its receipts or accruals for a fiscal year, the applicability of the exemption to such receipts or accruals will be determined by the Board before the Board takes action with respect to any other receipts or accruals of the contractor in such fiscal year. To facilitate this procedure, the Board has prescribed that the amount of receipts or accruals claimed to be within the exemption shall be reported separately in the Standard Commercial Article Report described in § 1467.4 and may, for the purposes of such report, be estimated by the contractor (see § 1467.4 (b) (2)).

(d) *Initial treatment of standard commercial article sales.* If the amounts received or accrued under prime contracts with the Departments and subcontracts during the fiscal year by the contractor and all related contractors, including receipts or accruals from sales of standard commercial articles, aggregate less than the applicable minimum amount for renegotiation prescribed in section 105 (f) (1) or (2) of the act, the contractor shall not file the Standard Commercial Article Report set forth in § 1467.4 but shall file the Statement of Non-Applicability set forth in § 1470.91 of this subchapter. Except as stated in the preceding sentence, every contractor who claims that the exemption provided in section 106 (a) (8) of the act is applicable to any of its receipts or accruals for a fiscal year shall file the Standard Commercial Article Report as provided in § 1467.4. If in addition the contractor has other renegotiable receipts or accruals in the same fiscal year, the contractor shall also file a financial statement pursuant to section 105 (e) (1) of the act with respect to such other receipts or accruals (see § 1470.3 of this subchapter). Unless before such financial statement is filed the Board shall have determined that the exemption is not applicable to the receipts or accruals claimed by the contractor to be within the exemption, such receipts or accruals shall be excluded in computing the aggregate of the renegotiable receipts or accruals of the contractor and all related contractors in the fiscal year to which such statement relates and in determining whether the financial statement which the contractor is required to file for such fiscal year is the Standard Form of Contractor's Report or the Statement of Non-Applicability.

(e) *Waiver.* Section 106 (a) (8) of the act provides that the exemption therein granted may be waived by the contractor with respect to receipts or accruals in any fiscal year by including a statement to such effect in the financial statement filed by such contractor for such fiscal year pursuant to section 105 (e) (1). The contractor shall be entitled to waive the exemption with respect to prime contracts and subcontracts for any standard commercial articles (by class), and to claim the exemption with respect to prime contracts and subcontracts for any other standard commercial articles (by class). For this purpose, articles may be grouped into such product classes as the contractor uses regularly in its own accounting system. The exemption may not be claimed with respect to certain prime contracts or subcontracts for standard commercial articles (by class), and waived with respect to other prime contracts or subcontracts for the same articles. Nor may the exemption be claimed with respect to certain receipts or accruals under a prime contract or subcontract, and waived with respect to other receipts or accruals in the same fiscal year under the same prime contract or subcontract. A waiver made in the Standard Form of Contractor's Report shall be effective only with respect to the fiscal year to which such report relates, and shall not be effective for any other year. If the Board agrees to accept a waiver of this exemption from a contractor who has not included such waiver in its Standard Form of Contractor's Report, such waiver, when accepted, will be deemed a part of the Standard Form of Contractor's Report of such contractor with the same force and effect as if it had been set forth therein when such report was filed. Once made, a waiver of this exemption may not be withdrawn except with the permission of the Board.

§ 1467.4 *Filing of information and data pertaining to standard commercial articles—*(a) *Form.* No printed form of report is prescribed for the filing of information and data pertaining to prime contracts and subcontracts for standard commercial articles. However, the information and data prescribed in paragraph (b) of this section will be known as the "Standard Commercial Article Report." The information and data required by this report shall be furnished in writing, shall be entitled "Standard Commercial Article Report," and shall be set forth in numbered parts and paragraphs corresponding with the numbers in paragraph (b) of this section. Attention is called to the fact that the submission of such information and data is subject to the penalty provisions of section 105 (e) (1) of the act.

(b) *Contents of Standard Commercial Article Report; extent of filing required.* The Standard Commercial Article Report shall consist of Parts I and II and shall contain the information and data set forth in this paragraph. Part I shall be filed by every contractor who claims the exemption provided in section 106 (a) (8) of the act. Part II may be filed with Part I by any contractor who desires to do so, but must always be filed with Part I if the statement made in Part I under subparagraph (4) is in the negative. Contractors are invited to include in their reports the information and data described in subparagraphs (5) or (10). The contents of the Standard Commercial Article Report shall be as follows:

PART I

(1) A brief description of the articles (by class) claimed to be exempt as standard commercial articles, including representative catalogs or brochures, if available. For this purpose, articles may be grouped into such product classes as the contractor uses regularly in its own accounting system.

(2) Actual or estimated total net sales of such articles (by class) during the fiscal year under review, and the estimated percentage of such sales made under prime contracts with the Departments and subcontracts. These estimates (which are for the purposes of this report only) may be based upon the experience of the contractor in prior years or available information for the year under review. It is not required that detailed segregation methods be employed for the purpose of making such estimates.

(3) A statement of the pricing policy of the contractor with respect to whether the sales claimed to be exempt were made at prices equal to or higher than or lower than prices charged on sales of similar articles in comparable amounts for nonrenegotiable use.

(4) A statement that the articles (by class) claimed to be exempt, in the normal course of business, are or are not customarily manufactured for stock, and customarily maintained in stock by the manufacturer or any dealer, distributor, or other commercial agency for the marketing of such articles. If only some of the articles included in any product class of the contractor are customarily manufactured for and maintained in stock as described in this subparagraph, the report should so indicate and should state the estimated percentage of the sales thereof. Other articles included in such product class should be reported, if appropriate, under Part II.

(5) Any other pertinent information and data which, in the opinion of the contractor, tends to establish that competitive conditions affecting the sale of such articles during the fiscal year under review were such as would reasonably prevent excessive profits.

PART II

(6) With respect to the articles (by class) claimed to be exempt, set forth the names and addresses of not less than two other persons, not related to the contractor and known or believed by the contractor to be not related to each other, who manufactured and sold such articles (or articles identical therewith in every material respect) for general civilian industrial or commercial use during the fiscal year under review.

(7) If any such article was not manufactured and sold during the fiscal year by more than two persons for general civilian industrial or commercial use, but is claimed to be identical in every material respect with an article so manufactured and sold, set forth the information required by subparagraph (6) with respect to such other article, together with information sufficient to establish that both of such articles are of the same kind, are manufactured of the same or substitute materials, and have the same industrial or commercial use or uses.

(8) A statement indicating generally the extent to which the prime contracts, if any, of the contractor for such articles were negotiated or resulted from formal advertising and competitive bidding in conformity with the requirements of section 3 of the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.).

(9) A statement indicating generally the extent to which the subcontracts, if any, of the contractor for such articles were negotiated or resulted from competitive bidding.

(10) Any other pertinent information and data which, in the opinion of the contractor, tends to establish that competitive conditions affecting the sale of such articles during the fiscal year under review were such as would reasonably prevent excessive profits.

(c) *Duty to furnish additional information.* The filing of a Standard Commercial Article Report in accordance with the provisions of this section will not relieve any prime contractor or subcontractor of the duty to furnish such other information, records or data which are determined by the Board to be necessary to carry out its responsibilities under section 106 (a) (8) of the act.

(d) *Time for filing Standard Commercial Article Report.* Except as set forth in the first sentence of § 1467.3 (d), the following rules shall apply:

(1) Every contractor who claims that the exemption provided in section 106 (a) (8) of the act is applicable to all of its receipts or accruals in a fiscal year under prime contracts with the Departments and subcontracts, and who does not waive the exemption with respect to any of such receipts or accruals, shall file the Standard Commercial Article Report as soon as practicable, either before or after the close of such fiscal year, but in no event later than the date upon which the contractor, if it did waive the exemption with respect to all of such receipts or accruals, would be required to file the Standard Form of Contractor's Report with respect to such fiscal year.

(2) If, in addition to receipts or accruals claimed to be within the exemption, the contractor also had other renegotiable receipts or accruals in its fiscal year, the Standard Commercial Article Report may be filed, at the election of the contractor, at any time before the first day of the third calendar month following the close of such fiscal year. If the Standard Commercial Article Report is so filed, the contractor shall not be required to file its financial statement with respect to such other receipts or accruals until the date prescribed in § 1470.3 (d) (1) of this subchapter for the filing of such financial statement or until the thirtieth day after the Board sends to the contractor written notice of the action of the Board on the claim for exemption, whichever occurs later. If the Standard Commercial Article Report is not filed within the time specified in the first sentence of this subparagraph, it shall be filed by the contractor with its Standard Form of Contractor's Report or its Statement of Non-Applicability, as the case may be, for such fiscal year.

(e) *Effect of filing*—(1) *In general.* When the Standard Commercial Article Report is filed, it will be considered that the contractor has filed the information and data prescribed in paragraph (8) of section 106 (a) of the act, and the six-month period prescribed in said paragraph will thereupon begin to run, except as provided in subparagraphs (2), (3) and (4) of this paragraph.

(2) *When report is defective.* If, within sixty (60) days after the filing of a Standard Commercial Article Report, the Board sends to the contractor a written notice that such report is in the opinion of the Board incomplete or otherwise defective in any material respect, and that exception has been taken thereto in such respect, the filing of such Standard Commercial Article Report will not be considered to be the filing of the information and data prescribed in paragraph (8) of section 106 (a) of the act, sufficient to start the running of the six-month period prescribed in said paragraph, and such period will not begin to run until such defect has been corrected by the filing of the information or data specified in the notice of the Board. If the contractor fails to correct the defect within a reasonable time, the Board may deny the application of the contractor for the exemption.

(3) *When additional information is required.* If, within sixty (60) days after the filing of a Standard Commercial Article Report, the Board sends to the contractor a written request to furnish specific additional information or data to support the claim for exemption, the filing of such Standard Commercial Article Report will not be considered to be a filing of information and data sufficient to start the running of the six-month period prescribed in section 106 (a) (8) of the act, and such period will not begin to run until a complete and satisfactory filing of the additional information or data so requested has been made. If such additional filing is complete and satisfactory, the Board as soon as possible thereafter will send to the contractor a written notice that the additional information and data is complete and satisfactory and that the six-month period began to run on the date of such additional filing. If the contractor fails to furnish the additional information or data within a reasonable time, the Board may deny the application of the contractor for the exemption.

(4) *When material misstatement occurs.* If the Standard Commercial Article Report filed by any contractor contains a material misstatement of fact, the six-month period prescribed in section 106 (a) (8) of the act will not begin to run until such misstatement has been corrected, notwithstanding that the Board previously may have notified the contractor that such report had been accepted as complete and satisfactory.

§ 1467.5 *Exemption denied when article fails to qualify as standard commercial article.* If within the six-month period prescribed in section 106 (a) (8) of the act, computed in accordance with the provisions of § 1467.4 (e), the Board determines that any article claimed by the contractor to be exempt is not a standard commercial article, the Board will give written notice of such determination to the contractor and will advise the contractor that the sales of such article in the fiscal year under review are not exempt under section 106 (a) (8) of the act.

§ 1467.6 *Specific findings of sufficient competitive conditions.* If within the six-month period prescribed in section 106 (a) (8) of the act, computed in accordance with the provisions of § 1467.4 (e), the Board determines that any article claimed by the contractor to be exempt is a standard commercial article and makes a specific finding that competitive conditions affecting the sale of such article during the fiscal year under review were such as would reasonably prevent excessive profits, the Board will give written notice of such determination and finding to the contractor and, except as provided in § 1467.4 (e) (4), the exemption of all sales of such article so reported shall thereupon become fixed and final.

§ 1467.7 *Specific findings of insufficient competitive conditions*—(a) *When Board fails to make specific finding.* If within the six-month period prescribed in section 106 (a) (8) of the act, computed in accordance with the provisions of § 1467.4 (e), the Board fails to determine that any article claimed by the contractor to be a standard commercial article is not a standard commercial article as that term is defined in section 106 (a) (8) of the act, or fails to make a specific finding that competitive conditions affecting the sale of such article during the fiscal year under review were such as would not reasonably prevent excessive profits, then, except as provided in § 1467.4 (e) (4), the exemption of all sales of such article so reported shall thereupon become fixed and final.

(b) *When Board makes specific finding.* If within the six-month period prescribed in section 106 (a) (8) of the act, computed in accordance with the provisions of § 1467.4 (e), the Board makes a specific finding that competitive conditions affecting the sale of any standard commercial article claimed by the contractor to be exempt were such as would not reasonably prevent excessive profits, the Board will give written notice of such finding to the contractor and will advise the contractor that the sales of such article in the fiscal year under review are not exempt under section 106 (a) (8) of the act.

§ 1467.8 *Exemption not applicable to related subcontracts*—(a) *Statutory provision.* Section 106 (a) (7) of the act exempts the following:

(7) any subcontract directly or indirectly under a contract or subcontract to which this title does not apply by reason of *any paragraph, other than paragraph (8)*, of this subsection;

[Matter in italics added by Pub. Law 764, 83d Cong., approved September 1, 1954, and applies to contracts with the Departments and subcontracts only to the extent of the amounts received or accrued by a contractor or subcontractor after December 31, 1953.]

(b) *Effect.* The exemption provided in paragraph (8) of section 106 (a) of the act is limited to prime contracts and subcontracts with respect to which the conditions prescribed in said paragraph are shown to exist. It does not extend to related subcontracts. With respect to any such subcontracts, the exemption, if claimed, must be independently established.

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

Section 1470.3 *Filing of financial statement* is amended in the following respects:

1. Paragraph (a) *Form* and paragraph (b) *By whom filed* are deleted in their entirety and the following is inserted in lieu thereof:

(a) *When renegotiable sales exceed statutory "floor".* In accordance with the requirements of the first sentence of section 105 (e) (1) of the act, the "Standard Form of Contractor's Report" (as set forth in § 1470.99) is hereby prescribed as the form of financial statement required to be filed by every person who holds renegotiable prime contracts or subcontracts when the aggregate renegotiable receipts or accruals of such person and all other persons under control of or controlling or under common control with such person exceed the applicable minimum amount for renegotiation prescribed in section 105 (f) (1) or (2) of the act. This includes brokers and manufacturers' agents and others whose principal business falls within the definition of subcontracts set forth in section 103 (g) (3) of the act. The Standard Form of Contractor's Report is composed of two parts (RB1 and RB 1B). No special form is prescribed for construction contractors, architects and engineers. Such contractors shall adapt the Standard Form of Contractor's Report to their particular needs.

(b) *When renegotiable sales are less than statutory "floor".* In accordance with the requirements of the first sentence of section 105 (e) (1) of the act, the "Statement of Non-Applicability of the Renegotiation Act of 1951, as amended" (as set forth in § 1470.91) is hereby prescribed as the form of financial statement required to be filed by every person who holds renegotiable prime contracts or subcontracts when the aggregate renegotiable receipts or accruals of such person and all other persons under control of or controlling or under common control with such person do not exceed the applicable minimum amount for renegotiation prescribed in section 105 (f) (1) or (2) of the act.

2. Paragraph (d) *Time for filing* is amended by deleting subparagraph (1) in its entirety and inserting in lieu thereof the following:

(1) *In general.* Except as otherwise provided in § 1467.4 (d) (2) of this subchapter, the Standard Form of Contractor's Report, including both RB Form 1 and RB Form 1B, or the Statement of Non-Applicability, whichever is appropriate, shall be filed on or before the first day of the fifth calendar month following the close of the fiscal year of the contractor, whether or not any specific request for filing has been made.

3. A new § 1470.91 is added to read as follows:

§ 1470.91 *Statement of non-applicability of the Renegotiation Act of 1951, as amended.*

STATEMENT OF NON-APPLICABILITY OF THE RENEGOTIATION ACT OF 1951, AS AMENDED

We hereby declare that our aggregate receipts or accruals (together with those of all below-listed persons, firms or corporations under control of or controlling or under common control with the undersigned) under contracts and subcontracts subject to the Renegotiation Act of 1951, as amended, hereinafter referred to as the act, did not exceed $----------[1] for our fiscal year ended
(Insert amount)
---------- (Insert month, day and year). In computing such receipts or accruals, we have excluded brokerage commissions and other income under subcontracts described in section 103 (g) (3) of the act.

We further declare that brokerage commissions and other income, if any, received or accrued by us (together with those of all below-listed persons, firms or corporations under control of or controlling or under common control with the undersigned), under subcontracts described in section 103 (g) (3) of the act, did not exceed 25,000 for our fiscal year ended ----------
(Insert month, day, and year)

We represent that we do not expect to receive or accrue any further amounts subject to renegotiation which will bring total receipts or accruals, for the fiscal year involved, above the $---------- floor
(Insert amount)
or the $25,000 floor.

The following persons, firms or corporations, and no others, controlled or were under control of or under common control with the undersigned during such fiscal year (if none, write "None"; do not insert your own name).

Name of person, firm, or corporation	*Address*

To be filled in only if this form is filed for a fiscal year ending after December 31, 1953: The standard commercial article exemption is not applicable ( ) waived ( ) claimed ( ) waived in part and claimed in part ( ). If claimed in whole or in part, the Standard Commercial Article Report will be filed ( ) has been filed ( ). If preciously filed, it is awaiting action ( ) was approved ( ) was denied ( ) date of action ----------, 19--. *See instructions on reverse side.*

In submitting this statement, we are aware that section 105 (e) (1) of the act provides in part as follows: "• • • Any person who willfully fails or refuses to furnish any statement, information, records, or data required of him under this subsection, or who knowingly furnishes any such statement, information, records, or data containing information which is false or misleading in any material respect, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or imprisonment for not more than one year, or both."

Exact name of contractor (not abbreviated)

State of incorporation

Mailing address (Street, City and State)

Date of incorporation

Signature: ----------
Principal officer, partner or proprietor

Title

Date of this report: ----------

If a proprietorship or partnership give date business established

INSTRUCTIONS

For fiscal years ending before June 30, 1953: If renegotiable receipts or accruals are $250,000 or less, use this form and insert "$250,000" in the blank spaces indicated. Exclude receipts or accruals under prime contracts and subcontracts exempted by the act or by The Renegotiation Board.

For fiscal years ending on or after June 30, 1953, but not later than December 31, 1953: If renegotiable receipts or accruals are $500,000 or less, use this form and insert "$500,000" in the blank spaces indicated. Exclude receipts or accruals under prime contracts and subcontracts exempted by the act or by The Renegotiation Board.

For fiscal years ending after December 31, 1953: Under the Renegotiation Act of 1951, as amended September 1, 1954, receipts or accruals after December 31, 1953, from contracts and subcontracts for standard commercial articles are exempt unless the Board makes a specific finding that competitive conditions affecting the sale of such articles are such as will not reasonably prevent excessive profits. A standard commercial article is defined in section 106 (a) (8) of the act, as amended.

[1] Fill in amount as follows (prorate if fiscal year is less than 12 months and state beginning and ending dates):

For any fiscal year ending on or after June 30, 1953, $500,000.

For any fiscal year ending before June 30, 1953, $250,000.

In determining whether you are entitled to use the form on the reverse side, the following rules should be observed (see RBR 1467.3 (d)):

(a) If renegotiable receipts or accruals are $500,000 or less (including sales of standard commercial article), use this form.

(b) If renegotiable receipts or accruals are $500,000 or less only when sales of standard commercial articles are excluded, use this form for such receipts or accruals and file Standard Commercial Article Report to support claim for exemption of standard commercial article sales.

(c) If renegotiable receipts or accruals are more than $500,000 (exclusive of sales of standard commercial articles), use Standard Form of Contractor's Report (RB Forms 1 and 1B) for such receipts or accruals and file Standard Commercial Article Report to support claim for exemption of standard commercial article sales.

(d) In computing renegotiable receipts or accruals for the above purposes, amounts received or accrued under prime contracts and subcontracts for standard commercial articles should be included or excluded as indicated above, and amounts received or accrued under all other prime contracts and subcontracts exempted by the act or by The Renegotiation Board should be excluded in all cases. If claim for exemption of standard commercial article sales has previously been submitted and denied, such sales should be included.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

[F. R. Doc. 54-9287; Filed, Nov. 23, 1954; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 54-1405]

[Rules Amdts. 1-69 and 9-7]

PART 1—PRACTICE AND PROCEDURE

PART 9—AVIATION SERVICES

APPLICATION FORMS

In the matter of adoption of Revised FCC Form 404, Application for Aircraft Radio Station License, deletion of FCC Form 404-A, Application for Private Aircraft Radio Station License, and amendment of Parts 1 and 9 of the Commission's rules to implement the revised form.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of November 1954, the Commission considered adoption of a revised FCC Form 404, Application for Aircraft Radio Station License, and amendment of Parts 1 and 9 of the Commission's rules in order to permit use of the revised form for several classes of aircraft previously applied for and licensed on separate and different forms.

On June 28, 1954, the Commission amended § 9.105 (a) (2) and (3) of Part 9 of its rules to provide that air carriers may specify on a single application form the total number of air carrier aircraft radio stations in the fleet and request a single instrument of authorization for the operation of all radio stations aboard the aircraft of the fleet. The rules also permit any scheduled U. S. air carrier, conducting operations pursuant to an interchange or lease agreement authorized by the Civil Aeronautics Board, to request permission to temporarily transfer the control of any of its air carrier aircraft radio stations to another U. S. scheduled air carrier with whom it has such an interchange or lease agreement, in order to enable such air carrier to operate the station while the interchange or lease agreement is in effect. Provision for inclusion of this information has necessitated revision of aircraft application forms. Use of a single fleet license has necessitated relaxation of the rule requiring posting of the station license in aircraft to the extent that a photocopy may be substituted for the original license in each aircraft of the fleet.

Two separate application forms and three separate license forms have been used for applying for and licensing aircraft. In order to facilitate preparation by the applicant, and examination of the application and issuance of the license by the Commission, all forms have been combined into a single, four part, perforated form, composed of the Application, License, FCC Record Copy, and Aeronautical Enroute Station Licensee Record Copy, to be completed by the applicant. The application and record copy parts are to be retained in the Commission's files. The license part is to be returned to the applicant as his official station license after authentication. The aeronautical enroute station licensee record part, when completed by the applicant as evidence of arrangements made with the aeronautical en route station licensee for service pursuant to § 9.431 of the rules, is to be furnished to the land station licensee by the Commission in lieu of the license carbon copy previously furnished in certain cases to signify Commission approval of the application.

Certain necessary editorial changes have been made in the questions and instructions for use of the form, in order to include in a single form the information previously contained in several different forms. Other questions are no longer required by the Commission and have been deleted.

In order to comply with current practices permitted by the Commission concerning use of foreign frequencies, the rule requiring that frequencies used when operating under foreign jurisdictions be reported to the Commission has been deleted.

The license term for private aircraft, heretofore, has been two years, whereas the term for other classes of aircraft stations has been from one to five years, and licenses normally have been granted for four years. In order to permit application and license on a single form for aircraft having multiple installations now covered by different license terms, the license term has been made uniform, permitting issuance of a four year license for all classes.

The revision of the form and the majority of the amendments to the rules are procedural in nature and with respect to them notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is not necessary. Notice of proposed rule making with respect to the amendment which makes the term of all classes of aircraft licenses four years would unduly delay the use of the new form and the amendment is non-controversial in nature and, therefore, such notice would be impracticable, unnecessary and contrary to the public interest. For the same reasons, the revision of the form and the amendments of the rules may be made effective immediately.

Authority to revise the form and amend these rules is contained in sections 4 (i), 301, 303 (e), 303 (r) and 308 (b) of the Communications Act, as amended.

It is ordered, That revised FCC Form 404,[1] Application for Aircraft Radio Station License, is hereby adopted.

It is further ordered, That Part 1 of Commission rules is amended as set forth below:

1. Amend "Table showing forms currently in effect and where they are referred to in Part 1 of the Rules and Regulations", as follows:

Add to 404	"1.319 (b) (8)"
Delete "404-A	1.318 (b) (4) 1.319 (b) (8)"

2. In § 1.318, delete paragraph (b) (4).

3. In § 1.319, delete the present language of paragraph (b) (8) and substitute "FCC Form 404, 'Application for Aircraft Radio Station License'."

It is further ordered, That Part 9 of Commission rules is amended as follows:

1. In § 9.105 (a) (1), delete the present language and substitute the following:

(1) Application for new or modified aircraft radio station license shall be submitted on FCC Form 404, Application for Aircraft Radio Station License.

2. In § 9.105 (b), delete the present language and substitute the following:

(b) Application for renewal of aircraft radio station license shall be submitted on FCC Form 405-A, Application for Renewal of Radio Station License (Short Form). Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

3. In § 9.107, delete the present language and substitute the following:

§ 9.107 *Transfer and assignment of aircraft.* Upon the sale, assignment or transfer of any aircraft, a new application for license shall be submitted in accordance with § 9.105 (a) (1).

4. In § 9.116, delete the present language and substitute the following:

§ 9.116 *License period.* For all stations in the Aviation Services, the license period shall be as follows:

(a) Each station license will be issued for a term of from one to five years from the effective date of grant, the term varying as may be necessary to permit the orderly scheduling of renewal applications.

(b) Each station license normally will be renewed, upon proper application, for a term of four years from the effective date of renewal.

5. In § 9.118 (b), delete the present language of this paragraph and substitute the following:

(b) The current authorization for aircraft radio stations may be posted or kept at a convenient easily accessible location in the aircraft. Air carriers licensed by means of a single instrument of authorization for the operation of all fleet aircraft may post or keep in a conveniently accessible location in each aircraft a photocopy of the original authorization.

6. In § 9.312 (k), delete the proviso.

It is further ordered, That the amendments to Parts 1 and 9 of the Commission's rules and revised FCC Form 404 shall become effective immediately: *Provided, however*, That applications for aircraft radio licenses not involving air carrier fleet licenses filed on existing FCC Forms 404 and 404-A will be accepted by the Commission until March 1, 1955.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 308; 48 Stat. 1081, 1082, 1085; 47 U. S. C. 301, 303, 308)

Released: November 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9278; Filed, Nov. 23, 1954; 8:50 a. m.]

[1] Filed as part of original document.

[Docket No. 11129; FCC 54-1415]

[Rules Amdt. 3-28]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations; Docket No. 11129; Rules Amdt. 3-28.

1. The Commission has under consideration its notice of proposed rule making issued on August 11, 1954 (FCC 54-1012), and published in the FEDERAL REGISTER on August 14, 1954 (19 F. R. 5154), proposing to assign Channel 11 to San Juan, Puerto Rico, to be reserved for educational use instead of Channel 6 and to assign Channel 6 to Caguas instead of Channel 11, in response to a petition filed by Radio Americas Corporation.

2. Comments were filed by three parties: Radio Americas Corporation, applicant for a new television station to be operated on Channel 5 at Mayaguez and petitioner in this proceeding, the Department of Education of Puerto Rico, applicant for a new educational television station to be operated on Channel 6 at San Juan, and Jose Ramon Quinones, permittee of Station WAPA-TV on Channel 4 at San Juan.

3. In support of its request, Radio Americas urged that the proposed change in channels can be accomplished without any decrease in total assignments now provided by the Table and would conform to the Commission's allocation principles; that it would resolve the conflict between the Radio Americas and Department of Education applications; and that it would effectuate the early establishment of additional television service in Puerto Rico.

4. The Department of Education opposes the proposed change to Channel 11 in San Juan and offers the following counterproposals, in order of preference:

a. Waiver of the spacing requirements of § 3.610 (b).

b. A change in the educational reservation from Channel 6 to Channel 4 in San Juan and the issuance of a Show Cause Order to WAPA-TV requiring it to shift from Channel 4 to Channel 6.

c. Assign high-band VHF Channel 7, 9, 11 or 13 to Mayaguez by deleting a channel from Ponce, Caguas, or Arecibo and substituting UHF Channels 14 and 20 therefor.

d. Assign UHF Channels 14, 20, and 26 to Mayaguez and delete VHF Channels.

5. The Department of Education objects to the use of a high-band VHF assignment at San Juan, urging that it is important that the only educational station in Puerto Rico reach as much of the Island as possible; that coverage of the Island on a high-band channel would be inadequate because of the rugged terrain and the poorer propagation properties of these channels; and that a high-band channel would be unsatisfactory because of the existence of low-band only receiving antennas in the area and the increased cost, estimated at approximately $100,000, that such operation would entail. In support of its first alternative counter-proposal for a waiver of the minimum adjacent-channel separation, the Department of Education urges that a waiver is warranted in Puerto Rico because of the rugged terrain; that such a waiver would not constitute a precedent for the Mainland; and that this solution would least restrict its proposed educational service. In support of the third alternative, which would place the high-band VHF channel in Mayaguez instead of San Juan, the Department urges that the problems which it would face with respect to receiving antennas and the need for wide area coverage of the educational station would not be faced by Radio Americas in Mayaguez. Further, the Department argues that the increased cost to Radio Americas would be less than that for the Department if it were required to shift and could more easily be borne by a commercial broadcaster.

6. Jose Ramon Quinones, permittee of Station WAPA-TV on Channel 4 at San Juan, opposes the second counterproposal of the Department of Education which would shift WAPA-TV to Channel 6, urging that no reasons for the adoption of this proposal have been advanced which have not already been considered and rejected by the Commission; that Station WAPA-TV has been operating for some time on Channel 4; that a change in assignment at this late date would cause irreparable injury in light of the public's association of Channel 4 with Station WAPA-TV; and that much labor and expense would be involved in carrying out the proposed change.

7. In reply to the Department's counterproposals which would place a high-band channel in Mayaguez, Radio Americas urges that these proposals entail a loss of an assignment in some other city and, therefore, involve a basic change in the allocation structure for Puerto Rico. It also argues against the assignment of UHF only to Mayaguez. Radio Americas submits that the Department's contention concerning the increased cost is without merit since a higher gain antenna can be used with a lower-powered transmitter for Channel 11 in order to obtain the required effective radiated power. As for differences in propagation, Radio Americas argues that such differences are recognized and taken care of by the Commission in that higher median fields are required with attendant greater power on the higher channels.

8. The problem which prompted the instant request for rule making is the choice of sites specified by two applicants in Puerto Rico which would result in a sub-standard spacing: Radio Americas for a station on Channel 5 at Mayaguez and the Department of Education for an educational station on adjacent Channel 6 at San Juan. Both sites are at high elevations, removed from the principal cities, and only 58.6 miles apart instead of the required 60 miles.

9. This matter was before the Commission twice before. The first time (Memorandum Opinion and Order issued on October 23, 1953, FCC 53-1379) the Commission denied the joint request of Radio Americas and the Department of Education for a waiver of the spacing provision in § 3.610 (b) of the rules, pointing out that the conflict could be removed by an appropriate rule-making request for the assignment of another channel in either city. The second time (Memorandum Opinion and Order issued on February 5, 1954, FCC 54-162) the Commission denied a request of the Department of Education to reserve Channel 4 for education in lieu of Channel 6 and to issue a Show Cause Order to WAPA-TV, the permittee on Channel 4, to change frequency. Here again, the Commission suggested that a solution could be found by assigning some other channel to either San Juan or Mayaguez. The instant request seeks to resolve the conflict of sites by an exchange of assignments between San Juan and Caguas. There are no applications for Caguas on Channel 11.

10. The Department of Education in opposition to the Radio Americas petition advances four alternative counterproposals: (a) Waiving the minimum spacing requirements; (b) changing the reservation from Channel 6 to Channel 4 in San Juan and directing the existing station on Channel 4 to shift to Channel 6; (c) assigning a high-band VHF channel (7, 9, 11 or 13) to Mayaguez by deleting a channel from Ponce, Caguas or Arecibo and substituting UHF channels

in these communities; and (d) deleting the VHF assignments in Mayaguez and substituting UHF channels.

11. The first two counterproposals suggested by the Department of Education—waiving the minimum spacing requirements or changing the reservation to Channel 4—were previously rejected by the Commission and it is the Commission's view that they are without merit and should be denied. With respect to the Department of Education's suggestion that the minimum mileage spacing requirements be waived since no overlap would result because of the rugged terrain, it should be pointed out that there is no known method for accurately evaluating propagation data in such terrain. Furthermore, with respect to the Department of Education's contention that a waiver can be granted in this instance since it would not constitute a precedent elsewhere, we believe that there would be cases within the continental limits of the United States where the principle applied in the instant case might also be appropriate. We are of the view that the minimum separations represent a basic cornerstone of the Table of Assignments and that no sub-standard spacings should be authorized.

With respect to the Department of Education's second alternative—shifting the reservation to Channel 4—this suggestion necessitates changing the frequency of WAPA-TV, an existing station. The Department of Education previously offered this proposal and it was rejected by the Commission, and WAPA-TV has been operating on Channel 4 for some time since this action. It would not appear that changing this station's frequency at this time is warranted.

12. The fourth suggestion offered by the Department of Education is that the VHF assignments be deleted in Mayaguez and replaced by UHF channels. These would represent the first UHF assignments on the Island. The Commission believes that this proposal is without merit and should be rejected.

13. There remains for consideration the question of whether a high-band VHF channel should be assigned in San Juan as proposed by Radio Americas Corporation, or whether the high-band channel should be placed in Mayaguez as proposed by the Department of Education in its third alternative counterproposal. Upon our consideration of the entire record in this proceeding we have concluded that the Radio Americas proposal to assign Channel 11 to San Juan is more meritorious and is to be preferred. The Radio Americas proposal can be accomplished very simply and would result in a more effective utilization of the spectrum: This proposal would merely shift the assignments of Channel 6 and 11 between San Juan and Caguas, and would not entail the loss of any assignments in any other Puerto Rico community. Granting the proposal of the Department of Education, however, would require that we eliminate the only assignment in Arecibo (28,659 persons) or Caguas (33,759 persons), or that we reduce from two to one the assignments in Ponce (99,492 persons). While the proposal we are adopting may require some adjustment in the antennas in the San Juan area in order to receive the transmissions of a station on Channel 11, we believe the benefit attained by adopting the Radio Americas proposal outweighs such difficulties. We are also confident that the operation of a station in San Juan on VHF Channel 11 will afford satisfactory coverage in the San Juan area. Accordingly, we are adopting the proposal of Radio Americas and are rejecting the counterproposal of the Department of Education.

14. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

15. In view of the foregoing: *It is ordered*, That effective December 31, 1954, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City:	Channel No.
Caguas, P. R.	6+
San Juan, P. R.	2+, 4−, *11+

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: November 17, 1954.

Released: November 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9279; Filed, Nov. 23, 1954; 8:50 a. m.]

[Docket No. 11115; FCC 54-1408]

[Rules Amdts. 6-7 and 9-8]

PART 6—PUBLIC RADIO COMMUNICATION SERVICES (OTHER THAN MARITIME MOBILE)

PART 9—AVIATION SERVICES

PROHIBITION OF OPERATION OF FIXED STATIONS ON FREQUENCIES NOT ALLOCATED TO THE FIXED SERVICE IN THE ATLANTIC CITY TABLE OF FREQUENCY ALLOCATIONS (1947)

In the matter of amendment of Parts 6 and 9 of the Commission's rules to prohibit operation by fixed stations on frequencies not allocated to the fixed service in the Atlantic City Table of Frequency Allocations (1947); Docket No. 11115; Rules amdts. 6-7 and 9-8.

1. The Commission having under consideration its proposal adopted July 28, 1954 in the above-entitled matter.

2. In accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER 19 F. R. 4880 August 4, 1954, and the period for the filing of comments has now expired.

3. Comments were filed in this proceeding by the American Telephone and Telegraph Company (AT&T), the Hawaiian Telephone Company, (HTC), the Mackay Radio and Telegraph Company (MRT) and Aeronautical Radio Inc. (ARINC).

4. The first two above-mentioned parties desired certain exception to be made in the Commission's proposal with respect to the assignment of frequencies above 30 Mc. The MRT indicated no objection to the proposal and ARINC objected and proposed alternate language to be used in the amendments to the rules.

5. The Commission intended that its proposal should have the effect of requiring the fixed service to operate inband in accordance with its table of frequency allocations and did not intend to amend its rules with respect to the assignment of frequencies to the fixed service in cases where the national allocation may not conform to the international allocation. In view of the above, the actual wording of the amended rules is being modified in this respect and thereby meets the points brought out by the AT&T and the HTC.

6. Comments received from ARINC are directed to the following points:

(a) It recommended that only footnote 18 to § 9.443 should be amended. The text of this footnote, under the ARINC recommendation, would read as follows: "[18] Effective beginning as of December 1, 1954, frequencies assignable to stations in the aeronautical fixed service shall be within the radio frequency bands allocated to the fixed service under effective international and regional agreements, except as may be otherwise expressly provided in any particular proceeding. Any existing assignments not in conformance with this provision shall be subject to modification by show cause order or other action."

(b) ARINC comments with respect to the Commission's proposal state that "it is believed that the second, third, fourth and last sentences are unnecessary and undesirable and will serve no useful purpose. The first sentence of the proposal is defective as to required procedure and is actually more restrictive than the substitute proposal which, for example, gives effect to applicable provisions of the Fourth Inter-American Radio Conference (Washington, 1949), as well as prospective agreements."

(c) ARINC suggested that other sections of Part 9 were "relatively more in need of revision to conform with presently effective allocations".

7. With respect to (a) above, the Commission points out that § 2.104 (a) of Part 2 is the Commission's table of frequency allocations and includes effective international tables. In some instances the allocations made by the Commission limit the use of frequencies further than indicated in international agreement and in other instances the Commission, through rule making proceedings, has found it in the public interest to derogate portions of the international table. In view of this, the points brought out in the first two sentences of the recommended footnote 18 are considered by the Commission to be already covered in its table of frequency allocations. However in order that the intent of the amendments may be made completely clear, the Commission is utilizing in the finalized amendments the term, "in accordance with § 2.104 (a) of the Commission's rules and regulations" in lieu of the originally proposed term, "within the bands allocated to the fixed service by the Atlantic City Table of Frequency Allocations (1947)".

8. The Commission is of the opinion that the last sentence recommended by ARINC for footnote 18 is unnecessary since, on the effective date of these amendments, there will be no existing assignments which are not in conformance to § 2.104 (a). In view of this, there is no reason for adopting the suggested wording and it is not being included in the finalized amendments.

9. In regard to (b) above, the Commission considers that the second, third, fourth and last sentences in the proposed amendment are desirable since they explain the procedure of handling applications for frequencies and therefore they are not being deleted as suggested by ARINC. The adoption of the language referring to § 2.104 (a) in lieu of "The Atlantic City Table" is considered to meet the objections of ARINC with respect to the first sentence of the proposed amendment.

10. With respect to (c) above, ARINC's comment is not germane to this proceeding and has not therefore been considered at this time.

11. In view of the above, the Commission is adopting the amendments to Parts 6 and 9 of its rules and regulations as indicated below.

12. It appearing, that the public interest, convenience and necessity will be served by amendments herein ordered, the authority for which is contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended;

13. *It is ordered*, That, effective December 1, 1954 Parts 6 and 9 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: November 17, 1954.

Released: November 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 6.20 of the Commission's rules and regulations is amended to read as follows:

§ 6.20 *Assignment of frequencies.* Effective December 1, 1954 only those frequencies which are in accordance with § 2.104 (a) of this chapter may be authorized for use by stations in the Fixed Public and Fixed Public Press services. Selection of specific frequencies within such bands shall be made by the applicants therefore. After an application has been filed with the Commission for a particular frequency, its availability for assignment as requested will be determined by study of the probabilities of interference to and from existing services assigned on the same or adjacent frequencies and if necessary, by coordination with other agencies utilizing frequencies in these ranges. The applicant will be notified of the results of such study and coordination. All new assignments of frequencies may be made subject to certain conditions as may be required to minimize the possibility of harmful interference to existing services.

2. Section 9.443 of the Commission's rules and regulations is amended to read as follows:

§ 9.443 *Assignment of frequencies.* Effective December 1, 1954, except for aeronautical fixed stations in the Territory of Alaska, only those frequencies which are in accordance with § 2.104 (a) of this chapter may be authorized for use by aeronautical fixed stations. The applicant shall request specific frequencies within such bands when making an application for an aeronautical fixed station. The availability for assignment of such frequencies will be determined in the Commission by study of the probabilities of interference to and from existing services assigned on the same or adjacent frequencies and, if necessary, by appropriate coordination with other agencies. All new assignments of frequencies will be subject to such conditions as may be required to minimize the possibility of harmful interference to existing services. The assignment of frequencies and the operation of aeronautical fixed stations in the Territory of Alaska are subject to the proceedings in Docket No. 11080.

[F. R. Doc. 54-9280; Filed, Nov. 23, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1939) Part 175]

TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: Director, Alcohol and Tobacco Tax Division, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 2871 of the Internal Revenue Code (53 Stat. 331; 26 U. S. C. 2871).

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

In order (a) to liberalize the marking requirements for liquor bottles, (b) to place both domestic and imported liquor bottles on the same basis, (c) to require all manufacturers of liquor bottles, including earthenware, to qualify in the same manner as manufacturers of glass liquor bottles, (d) to authorize the Commissioner, in his discretion, to prescribe the use of other suitable materials (glass and earthenware being specifically authorized by regulations) in the manufacture of liquor bottles, (e) to modify the procedure for approving and classifying distinctive liquor bottles, (f) to extend the means of marking indicia on liquor bottles to include etching, sandblasting, or any other method of marking approved by the Commissioner, (g) to remove the requirement that bottle manufacturers and bottlers submit monthly reports on Forms 146 and 147, respectively, (h) to specifically state that bottles bearing the indicia selected by a bottler for use by himself or any of his wholly-owned subsidiaries may be used interchangeably with bottles bearing indicia of the particular premises where the bottling is to be conducted, (i) to relax requirements with respect to off-premises bottle storage for bottlers and manufacturers, (j) to permit bottlers to store miscellaneous items of equipment and supplies in off-premises bottle storage places, (k) to conform Part 175 to the reorganization procedure by delegating certain functions, hitherto reserved for the Commissioner, to the Assistant Regional Commissioner, (l) to clarify the procedure to be followed in investigating applications for permits, and (m) to place permits (on Form 98) for the procurement, use, and importation of liquor bottles on a continuing rather than an annual basis, Part 175 of Title 26, Code of Federal Regulations, is hereby amended as follows:

PARAGRAPH 1. There is inserted immediately following § 175.8 the following new section:

§ 175.8a *Assistant Regional Commissioner.* "Assistant Regional Commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the Regional Commissioner of Internal Revenue in each of the Internal Revenue Regions.

PAR. 2. There is inserted immediately following § 175.10 the following new section:

§ 175.10a *Container.* "Container" shall mean a liquor bottle of a capacity of one-half pint or greater.

PAR. 3. Section 175.12 is revoked.

PAR. 4. Section 175.15 is amended as follows:

(A) By striking the words "glass container" and inserting in lieu thereof the words "vessel of glass or earthenware, or of other suitable material approved by the Commissioner,".

(B) By striking out the words "Regulations 5".

PAR. 5. Section 175.32 is amended to read as follows:

§ 175.32 *Storage of liquor bottles by manufacturer.* Any person authorized to manufacture liquor bottles may store such bottles off his permit premises in a room or warehouse securely constructed and adequately protected under permit issued by the Assistant Regional Commissioner of the region in which such storage space is located, pursuant to application Form 98.

PAR. 6. Section 175.33, as amended by Treasury Decision 6053, approved November 23, 1953, is further amended by striking out the word "glass" in the two places it appears.

PAR. 7. Section 175.34, as amended by Treasury Decision 6053, is further amended to read as follows:

§ 175.34 *Indicia for domestic liquor bottles.* There shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Commissioner, in either the bottom or the body of each liquor bottle (a) the permit number of the manufacturer, (b) the year of manufacture (which shall be indicated by the last two numerals), and (c) a symbol and number assigned by the Assistant Regional Commissioner, or by the Commissioner in the case of States, to represent the name of the bottler procuring the same; and there shall be similarly marked on the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle": *Provided,* That liquor bottles which are authorized by the Commissioner under §§ 175.56, 175.56a, and 175.56b may be manufactured and shipped, consigned, or delivered, as excepted from the markings required by this section.

PAR. 8. Section 175.40 is amended to read as follows:

§ 175.40 *General.* Liquor bottles shall bear labels showing the brands and marks prescribed by this subpart.

PAR. 9. Section 175.42 is amended to read as follows:

§ 175.42 *Net contents.* The net contents of liquor bottles shall be shown on the label, unless the statement of the net contents is legibly marked, in the manner prescribed in § 175.34, in the bottles.

PAR. 10. The headnote to Subpart E is amended to read as follows: "Subpart E—Use of Containers of Domestic Manufacture for Packaging Distilled Spirits."

PAR. 11. Section 175.55, as amended by Treasury Decision 6053, and the headnote thereof are amended to read as follows:

§ 175.55 *Containers of domestic manufacture for distilled spirits.* The use for packaging distilled spirits for sale at retail of containers of domestic manufacture of one-half pint capacity or greater, not marked as prescribed by this part, is prohibited except as provided in §§ 175.56, 175.56a and 175.56b.

PAR. 12. Section 175.56, as amended by Treasury Decision 6053, and the headnote thereof are amended to read as follows:

§ 175.56 *Distinctive liquor bottles (not costly) for distilled spirits.* Upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant of such bottler is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler of liquor bottles which are found by the Commissioner to be of distinctive shape or design (but not costly of manufacture), and which bear the indicia required by § 175.34 anywhere on the bottle, for the packaging of distilled spirits, including liqueurs, cordials, and specialties.

PAR. 13. Section 175.56a, as added by Treasury Decision 6053, and the headnote thereof are amended to read as follows:

§ 175.56a *Distinctive liquor bottles (costly).* Upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler, for the packaging of any distilled spirits, of liquor bottles, not marked as required by § 175.34, which, because of their unique or distinctive shape or design and cost to the bottler, are found by the Commissioner not to afford a jeopardy to the revenue.

PAR. 14. There is inserted immediately following § 175.56a the following new section:

§ 175.56b *Distinctive liquor bottles for liqueurs and cordials.* Upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant of such bottler is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler of liquor bottles which are found by the Commissioner to be of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner, not marked as required by § 175.34.

PAR. 15. Section 175.57, as amended by Treasury Decision 6053, is revoked.

PAR. 16. Section 175.57a, as added by Treasury Decision 6053, and the headnote thereof are amended to read as follows:

§ 175.57a *Approval of distinctive liquor bottles.* Application in letter form for the approval of any distinctive liquor bottle, accompanied by a specimen bottle (or an authentic model or other representation acceptable to the Commissioner), and 25 photographs thereof, size 5" by 7", shall be submitted to the Commissioner. In the case of liquor bottles which the applicant intends to qualify under the provisions of § 175.56a, the application shall include a statement of the cost of each such bottle to the bottler. Approval of the distinctive bottle by the Commissioner will be obtained, prior to submission of an application (Form 98) to the Assistant Regional Commissioner. Such application (Form 98) shall specify the number of the bottle assigned by the Commissioner.

PAR. 17. Section 175.58 is revoked.

PAR. 18. Section 175.59 is amended as follows:

(A) By striking out the second sentence, which begins "The bottler shall", and inserting in lieu thereof the following sentences: "The bottler shall furnish notification of such selection to the Assistant Regional Commissioner of each region where such indicia is to be used. The symbol and number so selected may be used interchangeably with the symbol and number assigned to the particular premises where the bottling is to be conducted."

(B) By striking out the word "district" in the last sentence and inserting in lieu thereof the word "region".

PAR. 19. Section 175.59a, as added by Treasury Decision 6053, is revoked.

PAR. 20. Section 175.61 and the headnote thereof are amended to read as follows:

§ 175.61 *Use and resale of liquor bottles.* No bottler shall use any liquor bottle, except for packaging distilled spirits or resell any liquor bottle except in connection with the sale of its contents, or divert any liquor bottle or other authorized marked container from his own use except upon application (Form 98) to and authorization by the Assistant Regional Commissioner, as provided by § 175.115.

PAR. 21. Section 175.62 is amended as follows:

(A) By amending the headnote thereof to read *"Reuse of liquor bottles."*

(B) By striking the words "or other authorized marked containers, as defined in this part,".

PAR. 22. Section 175.63 is amended to read as follows:

§ 175.63 *Storage of liquor bottles.* Each person authorized to bottle distilled spirits, including any parent company that selects one symbol and number to be blown in liquor bottles for use by it and by one or more of its wholly-owned subsidiaries as authorized by § 175.59, shall store new and used liquor bottles bearing the indicia assigned to him in a safe and secure place on the qualified premises: *Provided,* That such person, under permit issued by the Assistant Regional Commissioner of the region pursuant to an application filed on Form 98, may store such liquor bottles off his qualified premises, in a room or warehouse securely constructed and adequately protected. The bottler may store used liquor bottles bearing permit numbers of other authorized bottlers for the purpose of facilitating their return to the respective bottlers. He may also store liquor bottles used for packaging imported distilled spirits for exportation as authorized by § 175.96, and miscellaneous items of equipment and supplies. An importer, under permit issued by the Assistant Regional Commissioner of the region in which the storage place is located, pursuant to an application filed on Form 98, may store liquor bottles used for packaging imported distilled spirits, for exportation as authorized by § 175.96, in a room or warehouse securely constructed and adequately protected. He may also store liquor bottles used for packaging domestic distilled spirits, bearing permit numbers of authorized bottlers, for the purpose of facilitating their return to the respective bottlers. Each such bottler or importer must maintain suitable commercial records covering the receipt, disposition, and stocks of all such liquor bottles. Report of shipment to the bottling premises of used liquor bottles for packaging domestic distilled spirits as prescribed by § 175.71 and notice of receipt as prescribed by § 175.72 are not required.

PAR. 23. Section 175.70 is amended as follows:

(A) By amending the headnote thereof to read *"Orders for shipment."*

(B) By striking the words "and other authorized marked containers".

PAR. 24. The headnote to § 175.71 is amended to read *"Report of shipment."*

PAR. 25. The headnote to § 175.72 is amended to read *"Notice of receipt."*

PAR. 26. Sections 175.74, 175.75, 175.76 and 175.77 are revoked.

PAR. 27. Section 175.78 and the headnote thereof are amended to read as follows:

§ 175.78 *Requirements.* Each manufacturer, bottler, and importer shall keep such records and furnish such inventories and reports relating to the manufacture, shipment, delivery, purchase, use, or sale of all containers designed or intended for the packaging of distilled spirits, as the Commissioner or the Assistant Regional Commissioner may from time to time require.

PAR. 28. Section 175.79 is amended to read as follows:

§ 175.79 *Inspection of stocks and records of containers.* The records required to be kept under the provisions of this subpart, and all stocks of liquor bottles in the hands of liquor-bottle manufacturers and bottlers, shall at all times be available for inspection by the Assistant Regional Commissioner and other duly authorized officers of the Internal Revenue Service.

PAR. 29. The undesignated center heading immediately following Subpart G is amended to read "Importation of Empty Liquor Bottles".

PAR. 30. Section 175.85 is amended to read as follows:

§ 175.85 *General.* The importation into the United States of liquor bottles of one-half pint capacity or greater for use in packaging distilled spirits for sale at retail is prohibited, except as provided in §§ 175.87 to 175.87c.

PAR. 31. Section 175.86 is revoked.

PAR. 32. Section 175.87 and the headnote thereof are amended to read as follows:

§ 175.87 *Indicia for empty liquor bottles.* Upon application (Form 98) by any importer or bottler, the Assistant Regional Commissioner of the region in which the applicant is situated may in his discretion, by the issuance of an appropriate permit, authorize the importation, for the packaging of either domestic or imported distilled spirits, of empty liquor bottles. The Assistant Regional Commissioner issuing the permit will furnish a copy to the Assistant Regional Commissioner of the region in which the port of entry is situated. There shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Commissioner, in the shoulder of each such bottle imported under this provision, the words "Federal Law Forbids Sale or Reuse of This Bottle," and either in the bottom or in the body thereof, the name of, and the name of the city or country of address of the manufacturer, and the permit symbol and number of the bottler: *Provided,* That liquor bottles which are authorized by the Commissioner under §§ 175.87a to 175.87c may be imported, as excepted from the markings required by this section.

PAR. 33. There is inserted immediately following § 175.87 the following new sections:

§ 175.87a *Empty distinctive liquor bottles (not costly) for distilled spirits.* Upon application (Form 98) by any importer or bottler, the Assistant Regional Commissioner of the region in which the applicant is situated may, by the issuance of an appropriate permit, authorize the importation by such applicant of empty liquor bottles which are found by the Commissioner to be of distinctive shape or design (but not costly of manufacture), and which bear the indicia required by § 175.87 anywhere on the bottle, for the packaging of distilled spirits including liqueurs, cordials, and specialties.

§ 175.87b *Empty distinctive liquor bottles (not costly).* Upon application (Form 98) by any importer or bottler, the Assistant Regional Commissioner of the region in which the applicant is situated may, by the issuance of an appropriate permit, authorize the importation by such applicant of empty liquor bottles (for the packaging of any distilled spirits), not marked as required by § 175.87, which, because of their unique design and cost to the applicant, are found by the Commissioner not to afford a jeopardy to the revenue.

§ 175.87c *Empty distinctive liquor bottles for liqueurs and cordials.* Upon application (Form 98) by any importer or bottler, the Assistant Regional Commissioner of the region in which the applicant is situated may, by the issuance of appropriate permit, authorize the importation by such applicant of empty liquor bottles which are found by the Commissioner to be of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner, not marked as required by § 175.87.

PAR. 34. Section 175.88 is amended as follows:

(A) By striking the word "district" in the two places it appears in the first sentence and inserting in lieu thereof the word "region".

(B) By striking the word "glass" in the second and third sentences, which begin "The certified copy" and "Upon receipt", respectively.

PAR. 35. Section 175.89, and the headnote thereof, as amended by Treasury Decision 6053, are further amended to read as follows:

§ 175.89 *General.* No distilled spirits for sale at retail may be imported into the United States in containers of one-half pint capacity or greater other than liquor bottles, as defined in § 175.15, which conform to the provisions of §§ 175.90–92b and 175.95. The provisions of this section shall not apply to the importation of distilled spirits in bulk containers of a capacity of 5 wine gallons or greater.

PAR. 36. Section 175.90, as amended by Treasury Decision 6053, is further amended to read as follows:

§ 175.90 *Indicia.* There shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Commissioner, either in the bottom or in the body of all liquor bottles containing distilled spirits imported from foreign countries the name, and the name of the city or country of address, of the manufacturer of the spirits, or of the exporter abroad, or the name, and the name of the city of address, of the importer in the United States, and there shall be similarly marked in the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle," except as provided in §§ 175.91 to 175.92b and § 175.95.

PAR. 37. Section 175.91 and the headnote thereof are amended to read as follows:

§ 175.91 *Distinctive liquor bottles (not costly) for distilled spirits.* Upon application (Form 98) the Assistant Regional Commissioner of the region in which the port of entry is situated may, in his discretion, issue a permit authorizing the importation by such applicant of distilled spirits including liqueurs, cordials, and specialties in liquor bottles which are found by the Commissioner to be of distinctive shape or design (but not costly of manufacture), and which bear the indicia required by § 175.90 anywhere on the bottle.

PAR. 38. Section 175.92 and the headnote thereof are amended to read as follows:

§ 175.92 *Distinctive liquor bottles (costly).* Upon application (Form 98)

the Assistant Regional Commissioner of the region in which the port of entry is situated may issue a permit authorizing the importation of any distilled spirits in liquor bottles not marked as required by § 175.90 which, because of their unique or distinctive shape or design and cost to the importer, are found by the Commissioner not to afford a jeopardy to the revenue.

PAR. 39. There is inserted immediately after § 175.92 the following new sections:

§ 175.92a *Distinctive liquor bottles for liqueurs and cordials.* Upon application (Form 98) the Assistant Regional Commissioner of the region in which the port of entry is situated may, in his discretion, issue a permit authorizing the importation of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner in bottles which are found by the Commissioner to be of distinctive shape or design, not marked as required by § 175.90.

§ 175.92b *Vintage spirits.* Upon application (Form 98), the Assistant Regional Commissioner of the region in which the port of entry is situated may, in his discretion, issue a permit authorizing the importation, in bottles not marked as provided by § 175.90 of vintage spirits, if accompanied by authenticated certificates of origin establishing such spirits to be as defined in § 175.19.

PAR. 40. Section 175.93 and § 175.94, as amended by Treasury Decision 6053, are revoked.

PAR. 41. Section 175.94a, as added by Treasury Decision 6053, and the headnote thereof are amended to read as follows:

§ 175.94a *Approval of distinctive liquor bottles.* Approval of distinctive liquor bottles shall be procured in accordance with the procedure prescribed by § 175.57a.

PAR. 42. Section 175.106 is amended to read as follows:

§ 175.106 *Investigation.* The Assistant Regional Commissioner shall make such investigation of any application as may be necessary to ascertain any facts required to be taken into account by him in acting thereon.

PAR. 43. Section 175.107 is amended by inserting the phrase ", if any," immediately following the words "by investigation."

PAR. 44. Section 175.112 is amended by striking the period at the end of the last sentence and adding: ": *Provided*, That a permit (Form 98) issued for the importation, procurement, or use of liquor bottles which conform to the applicable provisions of this part shall continue in effect until suspended, revoked, or voluntarily surrendered."

PAR. 45. Section 175.115, as amended by Treasury Decision 6053, and the headnote thereof are amended to read as follows:

§ 175.115 *Disposition of stocks of liquor bottles.* When the permit of a bottle manufacturer or bottler is suspended, revoked, or surrendered, stocks of liquor bottles on hand or in process may be destroyed or disposed of under permit to a person authorized to receive liquor bottles, in accordance with the directions of the Assistant Regional Commissioner of the region in which the applicant is located. When a bottler permanently discontinues the use of a particular size or type of liquor bottle the stocks of such liquor bottle on hand may be disposed of under permit to a person authorized to receive liquor bottles in accordance with the directions of the Assistant Regional Commissioner. Applications shall be made on Form 98 by such person for permission to acquire the entire stock, regardless of place of storage or persons or concerns holding title thereto, and submitted to the Assistant Regional Commissioner: *Provided*, That, where it is found that the entire stock cannot be disposed of to one authorized bottler, the Assistant Regional Commissioner may authorize the disposal of such containers, in lots, by size or type, to more than one bottler if he finds that such authorization will not afford a jeopardy to the revenue. The application on Form 98 shall be supported by a statement filed by the vendor setting forth whether the Form 98 covers his entire stock, or his entire stock of a particular size or type of bottle. If such stocks are not disposed of in accordance with the directions of the Assistant Regional Commissioner, they shall be seized and forfeited.

PAR. 46. The headnote to Subpart I is amended to read as follows: "Subpart I—Purchase, Sale, and Possession of Used Liquor Bottles."

PAR. 47. Section 175.120 and the headnote thereof are amended to read as follows:

§ 175.120 *Purchase or sale of used liquor bottles.* The purchase or sale of used liquor bottles except as provided in this part, is prohibited.

PAR. 48. Section 175.121 is amended as follows:

(A) By amending the headnote thereof to read *"Reuse of liquor bottles."*

(B) By striking the words "or other authorized container" in the two places they appear.

PAR. 49. Section 175.122 is amended as follows:

(A) By amending the headnote thereof to read *"Possession of used liquor bottles."*

(B) By striking the words "or other authorized marked containers."

PAR. 50. Section 175.130 is amended by adding at the end the following new sentence: "The functions of the Commissioner as provided in this part shall be exercised by the Director of the Alcohol and Tobacco Tax Division."

[F. R. Doc. 54-9272; Filed, Nov. 23, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 962]

FRESH PEACHES GROWN IN GEORGIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR Part 962), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the growers who, during the calendar year 1954 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Georgia, in the production of peaches for market to determine whether such growers favor the termination of the said amended marketing agreement and order. Minard F. Miller and G. A. Nahstoll of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid growers to cast his ballot, in the manner herein authorized, relative to the aforesaid termination of the amended marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such growers, bona fide engaged in marketing fresh peaches grown in the State of Georgia or in rendering services for or advancing the interests of the growers of such peaches, may vote for the growers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such growers.

(2) By determining the time of commencement and termination of the period of the referendum and by giving public notice, as prescribed in paragraph (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to Minard F. Miller, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, P. O. Box 19, Lakeland, Florida, and the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Georgia; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each grower whose name and address are known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of growers and arranging for balloting at the meeting places, if said referendum agents or any of them determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the growers who are present, and who desire to do so, have had an opportunity to vote. Any grower may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to growers at the meeting; and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By appointing any county agricultural agent in the State of Georgia, and any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each county agricultural agent and other person so appointed shall serve without compensation and may be authorized, by the said referendum agents or any of them, to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth; and shall forward to Minard F. Miller, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, P. O. Box 19, Lakeland, Florida, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each grower to whom a ballot form was given;

(ii) A register containing the name and address of each grower from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to growers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing, and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(b) Upon receipt by Minard F. Miller of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and shall forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the text of aforesaid amended marketing agreement and order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the office of W. E. Leigh, Manager, Industry Committee, Georgia Peach Marketing Agreement and Order, currently at 2300 North Slappey Drive, Albany, Georgia.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Dated: November 18, 1954.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 54-9260; Filed, Nov. 23, 1954; 8:46 a. m.]

[7 CFR Part 970]

IRISH POTATOES GROWN IN MAINE

EXEMPTION CERTIFICATES AND SAFEGUARDS

Notice is hereby given that the Secretary of Agriculture is considering the approval of rules and regulations, hereinafter set forth, which were recommended by the Maine Potato Marketing Committee, established under Order No. 70 (19 F. R. 5469), regulating the handling of Irish Potatoes grown in Maine, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, view, or arguments pertaining thereto mailed in triplicate to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposed rules and regulations are as follows:

GENERAL

Sec.
970.100 Communications.

DEFINITIONS

970.110 Order.
970.111 Marketing Agreement.
970.112 Terms.
970.113 Area determinations.
970.114 Pack or packs.

EXEMPTIONS

970.120 Application.
970.121 Investigations.
970.122 Issuance.
970.123 Disposition of certificates.
970.124 Reports.
970.125 Appeals.

SAFEGUARDS

970.130 Application for Certificate of Privilege.
970.131 Issuance.
970.132 Reports.
970.133 Denial and appeal.

AUTHORITY: §§ 970.100 to 970.133, inclusive, issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

GENERAL

§ 970.100 *Communications.* Unless otherwise provided in the marketing agreement and order, or by specific direction of the administrative committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to the Maine Potato Administrative Committee at its principal office.

DEFINITIONS

§ 970.110 *Order.* "Order" means Order No. 70 (7 CFR Part 970, 19 F. R. 5469) regulating the handling of Irish potatoes grown in Maine.

§ 970.111 *Marketing Agreement.* "Marketing Agreement" means Marketing Agreement No. 122.

§ 970.112 *Terms.* Terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

§ 970.113 *Area determinations.* "Immediate area of production" and "immediate shipping area", respectively, are synonymous with "District".

§ 970.114 *Pack or packs.* Pursuant to § 970.17, each of the following weight limits when used in combination with any grade, as such term is defined in § 970.9, is approved as a pack, and applies only to the original package and not to a combination of such packages:

100 pounds.
75 pounds.
50 pounds.
25 pounds.
15 pounds.
10 pounds.
7½ pounds.
5 pounds.
3 pounds.

EXEMPTIONS

§ 970.120 *Application.* Any producer or handler applying for exemption from regulations issued pursuant to § 970.52 shall file such application with the administrative committee, or its duly authorized agent for such purpose, on forms to be furnished by such committee. Each application shall state the name and address of the applicant; the grade, size, and quality regulations from which exemption is requested; and facts demonstrating that the potatoes, for which exemption is requested, were adversely affected by acts beyond his control or by acts beyond the applicant's reasonable expectation. Each application for an exemption certificate must be accompanied by a Federal-State Inspection Certificate covering the lot of potatoes for which exemption is requested: *Provided*, That the committee may authorize the submission of such Federal-State Inspection Certificate subsequent to the filing of the application for exemption and prior to consideration of such application. Applications shall set forth such additional information as the administrative committee may find necessary in making determinations with respect thereto, including, without limitation thereto, the information required on producers' applications by paragraphs (a) and (b) of this section, and the information required on handlers' applications by paragraphs (c) and (d) of this section:

(a) The location of the farm on which potatoes for which exemption is requested were produced, or, if such potatoes are stored, the location of the storage where such potatoes are held, the location where such potatoes are to be processed, and the loading point from which such potatoes are to be shipped if exemption is granted;

(b) Acreage and quantity (by grade, size, quality, and variety) of potatoes harvested prior to the date of application and to be harvested, subsequent to such date, during the remainder of the season or specific portion thereof (as may be determined pursuant to this part); the quantity (by grade, size quality, and variety) of potatoes disposed of prior to the date of application and to be disposed of subsequent to such date; the location of the potatoes to be disposed of, together with the place where such potatoes will be handled; an estimate of the portion of such potatoes which can be handled under regulation issued pursuant to § 970.52, during the remainder of the season; and the reasons why all of such potatoes cannot be handled under such regulations;

(c) The quantity (by grade, size, quality, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, with appropriate identification of the location of individual storage bins, and a statement as to the reasons why the specified quantity of such potatoes remaining in storage cannot be handled under regulations in effect on and subsequent to the date of the application;

(d) The quantity (by grade, size, quality, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, which were handled prior to the date of the application; and

(e) Any applicant who is a producer of potatoes and a handler of potatoes produced by others may be required by the administrative committee to distinguish between his producer and handler operations in submitting reports and data with respect to any application for exemption.

§ 970.121 *Investigations.* The administrative committee may authorize investigations of applications by its employees, Federal-State inspectors, and such other persons as may be necessary to procure adequate information to pass upon the merits of such applications.

§ 970.122 *Issuance.* (a) The administrative committee, or its duly authorized agents, shall give prompt consideration to all statements and facts relating to each application for exemption, and, pursuant to applicable provisions of this part, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 970.72: *Provided*, That more than one certificate may be issued, at the request of an applicant, where the applicant ships or causes to be shipped the total quantity of exempted potatoes in more than one lot, in which case each certificate so issued shall be limited to the quantity of exempted potatoes to be contained in the respective lots shipped and the total quantity of exempted potatoes covered by such certificates shall not exceed the total quantity of such potatoes which would be authorized if only one certificate were issued to such applicant.

(b) The applicant shall be notified in writing if his request for exemption is denied.

(c) Each exemption certificate issued pursuant to this subpart shall be on a form duly approved by the administrative committee and signed by an authorized representative of such committee. At least one copy of each exemption certificate issued shall be retained in the administrative committee records. Each such certificate shall contain the name and address of the recipient, the location of all potatoes authorized to be shipped thereunder, the quantity (by grade, size, quality, and variety) of potatoes which will be permitted in the exempted shipments, and such other information as may be deemed necessary by the administrative committee to provide such committee, the recipient, or both, with adequate and specific information regarding such exempted potatoes.

§ 970.123 *Disposition of certificates.* Each lot of potatoes handled under an exemption certificate shall be accompanied by such certificate, or such appropriate identifying information with respect to such certificate, as the administrative committee may require, to facilitate the administration of regulatory provisions applicable thereto.

§ 970.124 *Reports.* Handlers of potatoes exempted from regulation under exemption certificates shall, at such time as may be specified in such certificates, report thereon to the administrative committee the names and addresses of the persons to whom such potatoes were shipped, the quantity shipped (by grade, size, quality, and variety), the inspection certificates issued with respect thereto, the dates of such shipments, and such other information as may be requested by such committee in order to administer the regulatory provisions applicable thereto.

§ 970.125 *Appeals.* If any applicant is dissatisfied with the determination of the administrative committee regarding an application for an exemption certificate, or any duly issued exemption certificate, an appeal by such applicant may be taken to such committee in accordance with § 970.74.

SAFEGUARDS

§ 970.130 *Application for Certificate of Privilege.* (a) Whenever shipments are regulated pursuant to § 970.53, each handler desiring to make shipments of potatoes for any of the following purposes shall, prior thereto, apply to the administrative committee for and obtain a Certificate of Privilege permitting such shipment:

(1) Export;
(2) Livestock feed;
(3) Canning or freezing;
(4) Dehydration;
(5) Charitable purposes;
(6) Potato chips; and
(7) Other specified products.

(b) Applications for Certificates of Privilege shall be made on forms furnished by the administrative committee. Each application shall contain the name and address of the handler, and such other information as such committee may require, such as, but not limited to, the quantity (by grade, size, quality, and variety) of potatoes to be shipped, the mode of transportation, consignee, destination, and other appropriate information or documents necessary to safeguard against the entry of such potatoes into trade channels other than those for which the Certificate of Privilege is granted.

§ 970.131 *Issuance.* The administrative committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege and shall determine whether the application is approved. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship potatoes for a specified purpose for a specified period of time.

§ 970.132 *Reports.* Each handler shipping potatoes under and pursuant to a Certificate of Privilege shall supply the administrative committee with a report thereon within the time specified on the application for such certificate (except shipments of less than 15 hundredweight which shall be reported within 30 days after such shipment) showing the name and address of the shipper, car or truck identification, loading point, destination, consignee, and, when inspection is required, the Federal-State Inspection Certificate number.

§ 970.133 *Denial and appeal.* The administrative committee may rescind a Certificate of Privilege issued to a handler, or deny a Certificate of Privilege to a handler, upon proof satisfactory to such committee, that such handler has shipped potatoes contrary to the provisions of this subpart. Such administrative committee action denying a Certificate of Privilege shall apply to and not exceed a reasonable period of time as determined by such committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the administrative committee for reconsideration. Such appeal shall be in writing.

Done at Washington, D. C., this 19th day of November 1954.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 54-9293; Filed, Nov. 23, 1954; 8:52 a. m.]

[7 CFR Part 988]

[Docket No. AO-195-A7]

HANDLING OF MILK IN THE KNOXVILLE, TENNESSEE MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Knoxville, Tennessee on September 29–October 2, 1954, pursuant to notice thereof which was issued September 23, 1954 (19 F. R. 6166), upon proposed amendments to the tentative marketing agreement and to the order as amended regulating the handling of milk in the Knoxville, Tennessee marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on November 1, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on November 5, 1954 (19 F. R. 7182).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions, and general findings of the recommended decision (19 F. R. 7182, Doc. 54-8714) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein, subject to the following modifications described with reference to Federal Register Doc. 54-8714, 19 F. R. 7182:

1. At the end of the second full paragraph beginning in column 1, page 7184 add the following undesignated paragraphs:

The record discloses that producer milk used for Class II disposition at some seasons can be handled more efficiently by having it delivered directly from the farm to a manufacturing plant. Diversion of milk in this manner eliminates some duplication in handling.

The period when the volume of milk exceeds Class I needs by the largest margin occurs during the spring and summer months. Only a limited volume of producer milk is utilized in Class II during the fall and winter months. Any excess of milk above Class I needs which may arise during these periods may be expected on week-ends, or holidays. In order to allow for necessary diversion, but to assure that producer milk will be available at pool plants as needed, diversion should be recognized any time during the months of flush production, and recognized on no more than 10 days in any month during the base forming period.

2. On page 7187, third column, third full paragraph, first and second lines, change the words "February through August" to "March through July."

3. On page 7187, third column, fourth full paragraph, first and second lines, change the words "September through January" to "August through February."

4. Before the first full paragraph beginning on page 7188 insert the following undesignated paragraphs:

It is concluded that the rate of payment provided for the months of lowest production will reflect the cost at the producer level of other source milk available during these months more nearly than any other rate which can be established on the basis of the hearing record.

It is not the purpose of this provision to require payments which are contingent upon the availability of producer milk. The purpose of the payment is to provide that milk not priced under the order may not be used for Class I use at an advantage because of its unregulated status as compared with producer milk. The competitive position of producer milk in the market may be jeopardized any time when other source milk is available at a cost lower than that for milk priced under the order. This is true without regard to whether supplies of producer milk available at any time are less than Class I sales or equal to any specified percentage of such sales. The compensatory payment is based therefor on a rate which is deemed to be necessary to remove any advantage from the purchase of unregulated milk for Class I use. The purpose of the payment is not to assure any producer, or group of producers of a Class I market for their milk.

5. Before the first full paragraph beginning in column 2, page 7188 insert the following undesignated paragraphs:

The prices to be used in calculating payments should be adjusted for butterfat and location at the same rate as adjustments for class prices fixed under the order. In calculating payments on unpriced milk as for other purposes throughout the order, it should be assumed that the products received from the nearest sources were used for Class I use. In the case of any product which has not been condensed by the removal of water, the rate of location adjustment should be calculated on the basis of the hundredweight of product moved. If water has been removed from a product used for Class I disposition, the location adjustment rate should be based on the rate which would apply to an equivalent fluid product containing the milk solids of such condensed product, including the water normally associated with such solids.

If inventories of different condensed milk products to which location differentials must be applied are held in a pool plant, the market administrator shall consider that the product to which the lowest differential would be applied was used first.

6. At the end of the fourth full paragraph beginning in column 1, page 7190 insert the following undesignated paragraphs:

The record discloses that one of the milk plants which may be subject to regulation pursuant to this amended order, receives milk packaged in two-quart containers from a nonpool plant. Milk, which would be producer milk under the order is transferred to the aforesaid nonpool plant in volumes approximately equal to the volume of milk received in two-quart containers. The plants involved in this transaction are relatively small.

It was contended that the volume of milk involved in this transaction was insufficient to justify the installation of a two-quart bottling machine in the pool plant. In the absence of a special provision for custom bottling, however, the pool plant may be charged with a duplication of Class I sales and a compensatory payment on other source milk so received.

It is concluded that the order should be amended so that receipts of packaged milk from nonpool plants may be offset against pooled milk which is transferred to such nonpool plant and classified as Class I milk. Any excess of receipts of such packaged milk or of disposition to such nonpool plant should be treated in the regular manner.

Order of the Secretary Directing the Conduct of a Referendum: Determination of a Representative Period: and Designation of Referendum Agent

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, and as hereby proposed to be further amended, regulating the handling of milk in the Knoxville, Tennessee milk marketing area) who, during the month of September 1954, which month is hereby determined to be the representative period for such referendum, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, to determine whether such producers favor the issuance of the order as hereby proposed to be amended.

Cleo Taylor is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 10th day from the date this decision is filed with the Hearing Clerk, United States Department of Agriculture.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Knoxville, Tennessee, Marketing Area," and "Order Amending the Order as Amended Regulating the Handling of Milk in the Knoxville, Tennessee, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 18th day of November 1954.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

§ 988.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Knoxville, Tennessee marketing area shall be in conformity to and in compliance with the following terms and conditions:

The provisions of §§ 988.1 to 988.111, both inclusive, of the order, contained in the recommended decision issued by the Deputy Administrator, Agricultural Marketing Service (19 F. R. 7182; F. R. Doc. 54–8714) shall be and are the terms and conditions of this order, as amended, and as hereby further amended, as if set forth in full herein, subject to the following revisions described with reference to Federal Register Doc. 54–8714, 19 F. R. 7182:

1. Delete § 983.8 and substitute therefor the following:

§ 988.8 *Approved plant.* "Approved plant" means the premises, buildings and facilities of any milk processing or packaging plant from which Grade A milk or skim milk is shipped during the month to a pool plant, or from which Class I milk is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) in the marketing area: *Provided*, That if the appropriate health authority does not permit a portion of such plant to be used for the handling of milk or milk products to be distributed under a Grade A label, such portion of the plan shall not be considered as part of the approved plant.

2. Delete § 988.12 and substitute therefor the following:

§ 988.12 *Producer.* "Producer" means any person except a producer-handler who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant: *Provided*, That if such milk is diverted for his account by a handler from a pool plant to a nonpool plant (a) any day during the months of March through August, or (b) on not more than 10 days during the month in any of the other months of the year, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted.

3. In § 988.32 (b) delete the word "weight" and substitute therefor "weigh".

4. In § 988.46 (a) (1) delete the words "Class I milk" and substitute therefor "Class II milk".

5. Renumber subparagraphs (2), (3), (4), (5), (6) and (7) of § 988.46 (a) and all references to them wherever they occur in the order to (3), (4), (5), (6), (7), and (8) respectively and add a new § 988.46 (a) (2) as follows:

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of other source skim milk in products defined as Class I milk pursuant to § 988.41 (a) received in consumer packages from a nonpool plant or the pounds of skim milk classified as Class I milk and transferred during the month to such nonpool plant whichever is less.

6. At the end of the second line in § 988.46 (a) (2) add the word "remaining".

7. Delete § 988.50 (c) and substitute therefor the following:

(c) The price per hundredweight computed as follows: Multiply by 4.0 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, add 20 percent thereof, and add to such sum 3¾ cents for each full ½ cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture is above 5 cents.

8. In the proviso of § 988.53 delete the reference "§ 988.46 (a) (1), (2) and (3)" and substitute therefor "§ 988.46 (a) (1) through (4)".

9. Delete § 988.70 and substitute therefor the following:

§ 988.70 *Computation of value of milk.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to adjust for errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; and (e) add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 988.46 (a) (3) and (b) by the rate of payment on unpriced milk determined pursuant to § 988.93 adjusted where required by the location differential applicable at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the nonpool plant source of any milk or milk product received at a pool plant is not clearly established such milk or product shall be considered to have been received from a source at the location of the pool plant where it is classified.

10. Insert "(a)" before the word "Butterfat" in the first line of § 988.85 and delete the "(a)" in the second line of said paragraph.

[F. R. Doc. 54–9259; Filed, Nov. 23, 1954; 8:46 a. m.]

Agricultural Research Service

[7 CFR Part 363]

CERTIFICATION OF USEFULNESS OF PESTICIDE CHEMICALS UNDER SECTION 408 (I) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, AS AMENDED

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to the provisions of section 408 (I) of the Federal Food, Drug, and Cosmetic Act, as amended (68 Stat. 516), is considering the issuance of the following regulations, to appear in Part 363, Title 7, Code of Federal Regulations, relating to the certification by the Secretary of Agriculture of usefulness of pesticide chemicals for which the establishment of a tolerance or exemption has been requested under the Federal Food, Drug, and Cosmetic Act, as amended.

§ 363.1 *Words in the singular form.* Words in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 363.2 *Definitions.* Unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) "Act" means the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et seq.), as amended by Public Law 518, 83d Congress, 2d Session, "An Act to amend the Federal Food, Drug, and Cosmetic Act with respect to residues of pesticide chemicals in or on raw agricultural commodities" (68 Stat. 511).

(b) "Chief" means the Chief of the Plant Pest Control Branch, Agricultural Research Service, United States Department of Agriculture, Washington, D. C.

(c) "Department" means the United States Department of Agriculture.

(d) "Pesticide chemical" shall have the same meaning as it has in paragraph (q) of section 201 of the act.

(e) "Economic poison" shall have the same meaning as it has under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 135–135k) and the regulations issued thereunder (7 CFR Part 362).

(f) "Person" means individuals, partnerships, corporations, and associations.

(g) "Certification" means a certification by the Chief to the Secretary of Health, Education, and Welfare that a pesticide chemical is useful for the purpose for which a tolerance or exemption is sought under the act.

(h) "Petition" means a petition filed with the Secretary of Health, Education, and Welfare pursuant to section 408 (d) (1) of the act.

§ 363.3 *Administration.* The Chief is authorized to take such action as, in his discretion, may be necessary to carry out the provisions of sections 408 (i) and 408 (l) of the act and the regulations in this part.

§ 363.4 *Filing of requests for certification.* All requests for a certification shall be made in writing to the Chief. Action upon such a request will not be undertaken unless (a) the person making the request has, pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, registered or submitted an application for the registration of an economic poison consisting of or containing the pesticide chemical for which the certification is sought and (b) the request is accompanied by a copy of the petition.

§ 363.5 *Material in support of the request for certification.* In addition to the data required by section 408 (d) (1) of the act to be included in the petition, the request for certification should be supported by the following material, to the extent it is relied upon by the petitioner:

(a) A complete report of the results of any experimental work by the petitioner on the effectiveness of the pesticide chemical for the purposes intended;

(b) Data relating to the usefulness of the pesticide chemical obtained by other qualified investigators;

(c) Any other material which the petitioner believes will justify a finding of usefulness.

If such material is fully shown in the petition, it need not be set forth separately in the request for certification.

§ 363.6 *Certification limited to economic poison uses.* If the product for which a certification is sought is intended for both economic poison and noneconomic poison uses, any certification relative to the usefulness of such product will refer only to economic poison uses. No action will be taken with respect to the noneconomic poison uses of such product.

§ 363.7 *Factors considered in determining usefulness.* In determining whether a pesticide chemical is useful for the purpose for which a tolerance or exemption is sought, consideration will be given, among other things, to:

(a) The results of any experimental work by the petitioner on the effectiveness of the pesticide chemical for the purposes intended.

(b) Data relating to the usefulness of the pesticide chemical obtained by other qualified investigators.

(c) Reports of other experimental work before the Chief in publications, the official files of the Department, or otherwise.

(d) Opinions of experts qualified in the fields involved.

§ 363.8 *Basis for determination of usefulness.* Usefulness of a pesticide chemical for the purposes intended will be determined upon the basis of its practical pesticidal, or biological, effectiveness. Pesticidal effectiveness may be established in terms of percentage reduction or control of pests or, when appropriate, increase in yield or quality of crop following application of the specified pesticide under the conditions prescribed, compared with the results from adequate controls. Consideration may also be given to other economic gain or practical benefit, including: Economy or ease of production, harvest, or storage of crop; flexibility as regards the time of planting or harvest, even at the possible sacrifice of yield; and general benefit to livestock, plants, or human welfare.

§ 363.9 *Proposed certification; notice; request for hearing.* (a) If, upon the basis of the data before him, it appears to the Chief that the pesticide chemical is not useful for the purpose or purposes for which a tolerance or exemption is sought, or is useful for only some of the purposes for which a tolerance or exemption is sought, the Chief shall notify the person requesting the certification of his proposal to so certify to the Secretary of Health, Education, and Welfare.

Notice of such proposed certification will be given by registered mail.

(b) Within one week after receipt of such notice of proposed certification the person requesting the certification may, by filing a request with the Chief, (1) request that the certification be made on the basis of the proposed certification; (2) request a hearing on the proposed certification or the parts objected to; (3) request both such certification and such hearing; or (4) withdraw the request for certification as provided for in § 363.10 hereof. If no such request or withdrawal is filed with the Chief within such time, the certification will be made as proposed.

§ 363.10 *Withdrawal of request for certification.* In some cases it may be necessary for the Chief to notify the petitioner of his proposal to certify that the pesticide chemical does not appear to be useful for some or all of the purposes for which a tolerance or exemption is sought only because the data submitted by the petitioner are not sufficiently clear or complete to justify a finding of usefulness. In such cases the petitioner may withdraw his request for certification pending its clarification or the obtaining of additional data, and no further action will be taken with respect to the making of the certification until the request for certification is resubmitted. Upon the resubmission of the request for certification, the time limitation within which final certification is required to be made will begin to run anew from the date of the resubmission.

§ 363.11 *Registration under the Federal Insecticide, Fungicide, and Rodenticide Act.* (a) Since in most cases there can be no determination of the adequacy of the directions for use or the warning or caution statements appearing on the labeling of an economic poison until a tolerance or exemption has been established for the pesticide chemical which is, or is a part of, such economic poison, it will not ordinarily be possible to register the economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act until such tolerance or exemption has been established.

(b) Factors other than pesticidal, or biological, effectiveness are considered in the granting of registration under the Federal Insecticide, Fungicide, and Rodenticide Act. Therefore, the criteria for registration are not all applied in considering the certification of usefulness, and the fact that such a certification has been made does not mean that the economic poison can be registered for the uses concerned.

§ 363.12 *Opinion as to residue.* (a) In forming an opinion whether the tolerance or exemption proposed by the petitioner reasonably reflects the amount of residue likely to result when the pesticide chemical is used in the manner proposed, consideration will be given, among other things, to:

(1) Data furnished by the petitioner showing (i) the results of tests to ascertain the amount of residue remaining, including a description of the analytical methods used, and (ii) practicable methods for removing residue which exceeds any proposed tolerance;

(2) Reports of other experimental work before the Chief in publications, the official files of the Department, or otherwise;

(3) Opinions of experts qualified in the fields involved.

(b) If a tolerance proposed by the petitioner is reasonably to reflect the amount of residue likely to result when a pesticide chemical is used, it must be large enough to include all residue which is likely to result when the pesticide chemical is used in the manner proposed by the petitioner, but not larger than needed for this purpose. The tolerance proposed by the petitioner may take into account reduction of residue by washing, brushing, or other applicable method.

(c) If there is insufficient information before the Chief to support an opinion as to whether the tolerance proposed by the petitioner reasonably reflects the amount of residue likely to result, the opinion will so state.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief, Plant Pest Control Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within thirty days from the date of publication of this notice in the FEDERAL REGISTER. All persons who desire to present such data, views, or arguments orally should file a request for an oral hearing with such official within the period specified above.

Done at Washington, D. C., this 19th day of November 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-9294; Filed, Nov. 23, 1954; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 545]

HOMEWORKERS IN THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED RULE MAKING

Section 16 (c) of the Fair Labor Standards Act of 1938, as amended (29 U. S. C. 201 et seq.), authorizes the Administrator to supervise the payment of unpaid minimum wages or unpaid overtime compensation owing to any employee or employees under section 6 or section 7 of the act. An employee who agrees to accept such payment and is paid in full waives his independent statutory rights with respect to such back pay. Experience in administering the act indicates that it is necessary that the Administrator have a record of such payments available to him.

Effective November 8, 1954, Part 516 of Title 29 of the Code of Federal Regulations was amended to require such a record with respect to employers of homeworkers on the mainland (19 F. R. 6498). It is now proposed to take similar action with respect to the record-keeping provisions under regulations, Part 545, applicable to homeworkers in the Needlework and Fabricated Textile Products Industry in Puerto Rico.

Accordingly, notice is given that the Administrator, pursuant to authority vested in him by sections 6 (a) (2) and 11 (c) of the Fair Labor Standards Act of 1938, as amended, proposes to amend the regulations contained in this part in the following manner:

Amend § 545.7 by adding a new paragraph designated as (d), to read as follows:

(d) Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16 (c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

Interested persons may, within 15 days from the date of publication of this notice in the FEDERAL REGISTER, submit in writing to the Administrator, Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Washington 25, D. C., their views and arguments relative to the proposed amendments.

Signed at Washington, D. C., this 18th day of November 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-9285; Filed, Nov. 23, 1954; 8:51 a. m.]

[29 CFR Part 681]

HOMEWORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN NEEDLEWORK INDUSTRIES

NOTICE OF PROPOSED RULE MAKING

Section 16 (c) of the Fair Labor Standards Act of 1938, as amended (29 U. S. C. 201 et seq.), authorizes the Administrator to supervise the payment of unpaid minimum wages or unpaid overtime compensation owing to any employee or employees under section 6 or section 7 of the act. An employee who agrees to accept such payment and is paid in full waives his independent statutory rights with respect to such back pay. Experience in administering the act indicates that it is necessary that the Administrator have a record of such payments available to him.

Effective November 8, 1954, Part 516 of Title 29 of the Code of Federal Regulations was amended to require such a record with respect to employers of homeworkers on the mainland (19 F. R. 6498). It is now proposed to take similar action with respect to the record-keeping provisions under regulations, Part 681, applicable to homeworkers in industries in Puerto Rico other than the Needlework Industries.

Accordingly, notice is given that the Administrator, pursuant to authority vested in him by sections 6 (a) (2) and 11 (c) of the Fair Labor Standards Act of 1938, as amended, proposes to amend the regulations contained in this part in the following manner:

Amend § 681.7 by adding a new paragraph designated as (d), to read as follows:

(d) Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16 (c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

Interested persons may, within 15 days from the date of publication of this notice in the FEDERAL REGISTER, submit in writing to the Administrator, Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Washington 25, D. C., their views and arguments relative to the proposed amendments.

Signed at Washington, D. C., this 18th day of November 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-9284; Filed, Nov. 23, 1954; 8:51 a. m.]

[29 CFR Part 695]

HOMEWORKERS IN INDUSTRIES IN THE VIRGIN ISLANDS

NOTICE OF PROPOSED RULE MAKING

Section 16 (c) of the Fair Labor Standards Act of 1938, as amended (29 U. S. C. 201 et seq.), authorizes the Administrator to supervise the payment of unpaid minimum wages or unpaid overtime compensation owing to any employee or employees under section 6 or section 7 of the act. An employee who agrees to accept such payment and is paid in full waives his independent statutory rights with respect to such back pay. Experience in administering the act indicates that it is necessary that the Administrator have a record of such payments available to him.

Effective November 8, 1954, Part 516 of Title 29 of the Code of Federal Regulations was amended to require such a record with respect to employers of homeworkers on the mainland (19 F. R. 6498). It is now proposed to take similar action with respect to the record-keeping provisions under regulations, Part 695, applicable to homeworkers in industries in the Virgin Islands.

Accordingly, notice is given that the Administrator, pursuant to authority vested in him by sections 6 (a) (2) and 11 (c) of the Fair Labor Standards Act of 1938, as amended, proposes to amend the regulations contained in this part in the following manner:

Amend § 695.6 by adding a new paragraph designated as (d), to read as follows:

(d) Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16 (c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

Interested persons may, within 15 days from the date of publication of this notice in the FEDERAL REGISTER, submit in writing to the Administrator, Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Washington 25, D. C., their views and arguments relative to the proposed amendments.

Signed at Washington, D. C., this 18th day of November 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-9286; Filed, Nov. 23, 1954; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 8333]

DAYTIME SKYWAVE TRANSMISSIONS OF STANDARD BROADCAST STATIONS

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

In re promulgation of rules and regulations and Standards of Good Engineering Practice concerning Daytime Skywave Transmissions of Standard Broadcast Stations; Docket No. 8333.

1. On March 12, 1954 the Commission issued a proposed report and order, notice of further rule making and order (FCC 54-525) in the above-entitled matter which specified the date that comments with respect to the applicability of the proposed rules to existing Class I or Class II stations were to be filed. The date for the filing of comments is presently set for December 6, 1954.

2. The Commission is of the view that a further extension of the time for the filing of comments in the above-entitled proceeding would serve the public interest; convenience and necessity, and is warranted.

3. In view of the foregoing: *It is ordered,* That the date for filing comments in the above-entitled proceeding is extended to January 17, 1955; and the date for filing replies to such comments is extended to February 1, 1955.

Adopted: November 18, 1954.

Released: November 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9275; Filed, Nov. 23, 1954; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11194]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

NOTICE OF EXTENSION OF TIME WITHIN WHICH TO FILE REPLIES TO COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing Television Broadcast Stations; Docket No. 11194.

1. On October 7, 1954 the Commission issued a notice of proposed rule making (FCC 54-1270) in the above-entitled matter which specified that comments were to be filed on or before November 22, 1954 and replies thereto within 10 days from that date. Williamsport Radio Broadcasting Associates, Inc., one of the petitioners in this proceeding, has requested an extension of time until December 2, 1954, in which to file replies to comments. Williamsport states that due to the number of comments, some of which contain complex channel changes, it will not have sufficient time to study and prepare replies to these comments and counterproposals by November 22, 1954.

2. It is our view that a sufficient showing has been made to warrant the extension of time for filing replies to comments beyond November 22, 1954. Accordingly, notice is hereby given that the time for filing replies to comments filed in the above-entitled matter is extended to December 2, 1954.

Adopted: November 18, 1954.

Released: November 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9277; Filed, Nov. 23, 1954; 8:49 a. m.]

[47 CFR Part 8]

[Docket No. 8703; FCC 54-1406]

IDENTIFICATION OF SHIP STATION

ORDER WITHDRAWING NOTICE OF PROPOSED RULE MAKING AND CLOSING PROCEEDINGS

In the matter of amendment of § 8.51 of Part 8 of the rules and regulations governing Ship Service to require the use of the English language in transmitting the identification of radiotelephone stations aboard ship; Docket No. 8703.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of November 1954;

It appearing that a notice of proposed rule making in the above-captioned matter, Docket No. 8703, was adopted by the Commission on December 23, 1947, and duly published in the FEDERAL REGISTER on January 3, 1948 (13 F. R. 33); and

It further appearing that subsequent to the adoption of the notice of proposed rule making, the Commission on April 23, 1952, adopted a Report and Order in Docket No. 9797 amending Part 8 of the Commission's rules (published in the FEDERAL REGISTER on May 6, 1952 (17 F. R. 4159)) in which was included the subject matter of the proposal in Docket 8703; and

It further appearing that by reason of these facts, the outstanding notice of proposed rule making is obsolete and should be withdrawn;

It is ordered, That the notice of proposed rule making in Docket No. 8703 is hereby withdrawn and the proceedings in that Docket are closed.

Released: November 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9276; Filed, Nov. 23, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53670; 473.22]

WOOL NOODLES AND CLIPS

TARIFF CLASSIFICATION

NOVEMBER 18, 1954.

In the case of Mattoon & Co., Inc. (A/C Philip Senegram Co.) v. United States, published as C. A. D. 563 and decided April 9, 1954, "New Pastel Worsted Noodles" and "New Worsted Sweater Clips" were held classifiable under the provisions of paragraph 1555, Tariff Act of 1930, as modified, for waste, not specially provided for. In so doing the court overruled the decision of the Customs Court published as C. D. 1525, in which the collector's classification of the merchandise as wool rags under the provisions of paragraph 1105 was sustained.

The Bureau has been informed that the Customs Section, Civil Division, Department of Justice, believes that evidence can now be obtained to support the Government's position and proposes to retry the issue involved.

Therefore you shall limit the application of C. A. D. 563 to the merchandise which was the subject of that action pending a new ruling by the court.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 54-9271; Filed, Nov. 23, 1954; 8:48 a. m.]

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM TAIWAN (FORMOSA)

AVAILABLE CERTIFICATIONS BY THE REPUBLIC OF CHINA

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodities:

Bean thread (Fen-ssu).
Bakou and hemp hoods.

ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 54-9292; Filed, Nov. 23, 1954; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS, MISCELLANEOUS NO. 14; VACATED

NOVEMBER 12, 1954.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 541, section 2.5, dated April 21, 1954 (19 F. R. 2473), Miscellaneous Order No. 14 dated May 21, 1954 (19 F. R. 3238) is hereby vacated, since this is a duplication of the Miscellaneous Order No. 12 dated April 16, 1954 (19 F. R. 2456).

G. H. SHARRER,
State Supervisor.

[F. R. Doc. 54-9254; Filed, Nov. 23, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5993]

R. E. MCKAUGHAN AND TRANS-TEXAS AIRWAYS; CONTROL AND INTERLOCKING RELATIONSHIPS CASE

NOTICE OF RE-ASSIGNMENT OF PLACE OF HEARING

In the matter of the application of R. E. McKaughan and Trans-Texas Airways for approval of control and interlocking relationships under sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding which is assigned to be held on December 15, 1954, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, is now assigned to be held in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Curtis C. Henderson, Hearing Examiner.

Dated at Washington, D. C., November 19, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-9296; Filed, Nov. 23, 1954; 8:52 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

ORGANIZATIONAL STATEMENT

WASHINGTON, NATIONAL AND FIELD ORGANIZATIONS

The statement on organization and functions of the Federal Civil Defense Administration (19 F. R. 2108) is hereby amended, in part, to read as follows:

SEC. 4. *Washington, National and Field Organizations.* (a) The chief executive officers of the Administration are the Administrator and Deputy Administrator, both appointed from civilian life by the President. The Washington Office of the Administration is located in Washington, D. C. The National Office is located in Battle Creek, Michigan.

(b) The functions of the Administrator are performed through the following organizational segments:

WASHINGTON OFFICE

Office of the Administrator.
Office of the Deputy Administrator.

NATIONAL OFFICE

Office of Executive Assistant Administrator.
Office of General Counsel.
Planning Staff.
General Administration Staff:
  Administrative Management Office.
  Administrative Operations Office.
  Budget Administration Office.
  Personnel Office.
  Security Office.
Education Services:
  Public Affairs Office.
  Publications Office.
  Training and Education Office.
Operations Control Services:
  Emergency Operations Office.
  Supply Office.
  Tactical Operations Office.
  Transportation Office.
  Warning and Communications Office (State and Local).
Technical Advisory Services:
  Engineering Office.
  Fire Office.
  Health Office.
  Industry Office.
  Safety Office.
  Welfare Office.

(c) • • •

Region 7: FCDA Regional Office, Santa Rosa, California—California, Nevada, Utah, Arizona, Montana, Idaho, Washington, Oregon.

VAL PETERSON,
Administrator.

[F. R. Doc. 54-9257; Filed, Nov. 23, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10911, 10959; FCC 54M-1414]

PHIL BIRD AND LAWTON BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Phil Bird, Lawton, Oklahoma, Docket No. 10911, File No. BP-9018; Lawton Broadcasting Company, Inc., Lawton, Oklahoma, Docket No. 10959, File No. BP-8840; for construction permits.

Upon petition of Phil Bird and without opposition from any other participant, hearing in the above-entitled matter is continued from 10:00 a. m., November 18, 1954, to 10:00 a. m., January 25, 1955.

Dated: November 17, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9281; Filed, Nov. 23, 1954; 8:50 a. m.]

[Docket Nos. 11169-11173; FCC 54M-1415]

TRIAD TELEVISION CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of Triad Television Corporation, Parma, Michigan, Docket No. 11169, File No. BPCT-1846; Booth Radio & Television Stations, Inc., Parma, Michigan, Docket No. 11170, File No. BPCT-1866; Television Corporation of Michigan, Inc., Onondaga, Michigan, Docket No. 11171, File No. BPCT-1870; Jackson Broadcasting & Television Corporation, Parma, Michigan, Docket No. 11172, File No. BPCT-1871; Michigan State Board of Agriculture, Onondaga, Michigan, Docket No. 11173, File No. BPCT-1885; for construction permits for new television stations (Channel 10).

The Commission having under consideration a petition for continuance, filed by Jackson Broadcasting & Television Corporation on November 12, 1954, and oral argument thereon, heard November 17, 1954, at which all parties were represented;

It appearing that good cause has been shown for the continuance of the prehearing conference for exchange of direct cases, now scheduled for December 1, 1954, until December 20, 1954, and that the subsequent prehearing conference and hearing should be rescheduled for January 10 and 14, 1955, respectively:

It is ordered, This 17th day of November 1954, that the prehearing conferences heretofore scheduled for December 1 and 9, 1954, are continued until 10:00 a. m. on December 20, 1954, and 10:00 a. m. on January 10, 1955, respectively; the hearing heretofore scheduled for December 10, 1954, is continued until 10:00 a. m. on January 14, 1955; and the above petition is granted to the extent indicated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9282; Filed, Nov. 23, 1954; 8:51 a. m.]

[Docket No. 11221]

SOUTHERN BELL TELEPHONE AND TELEGRAPH CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of Southern Bell Telephone and Telegraph Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of L. R. Hagin d/b as Bethany-Converse Telephone Company, Greenwood, Louisiana; Docket No. 11221, File No. P-C-3523.

The Commission having under consideration an application filed by Southern Bell Telephone and Telegraph Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by it of certain telephone plant and properties of L. R. Hagin d/b as Bethany-Converse Telephone Company furnishing telephone service in and around Greenwood, Louisiana will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 16th day of November 1954, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m., on the 15th day of December, 1954, and that a copy of this order shall be served upon Southern Bell Telephone and Telegraph Company, L. R. Hagin, d/b as Bethany-Converse Telephone Company, the Governor of Louisiana, Louisiana Public Service Commission and the Postmasters of Greenwood, Kickapoo, Longstreet, Naborton and Converse, Louisiana;

It is further ordered, That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in the communities in which the properties are located and shall furnish proof of such publication at the hearing herein.

Released: November 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9283; Filed, Nov. 23, 1954; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 35]

MOTOR CARRIER APPLICATIONS

NOVEMBER 19, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 665 Sub. 44. MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a corporation, 1300 West 10th St., Joplin, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, between Joplin, Mo., and Fort Smith,

Ark., from Joplin over U. S. Highway 71 to junction U. S. Highway 71 and Missouri Highway 88 at Lanagan, Mo., thence over Missouri Highway 88 to junction Missouri Highway 88 and Arkansas Highway 100 at the Missouri-Arkansas State line, thence over Arkansas Highway 100 to junction Arkansas Highway 100 and U. S. Highway 71 at Bentonville, Ark., thence over U. S. Highway 71 to Fort Smith, and return over the same route, serving all intermediate points except Camp Crowder, McElhaney, Goodman, Anderson, Lanagan, Pineville and Jane, Mo. Applicant is authorized to conduct operations in Kansas, Missouri, and Oklahoma.

No. MC 8989 Sub 153, HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing 4, Mich. Applicant's attorney: George S. Dixon, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier* over irregular routes, transporting (1) *New automobiles* and *new automobile chassis*, in initial movements, in truck-away service, from Kenosha, Wis., to points in Michigan, Ohio, Pennsylvania, New York and that part of West Virginia north of U. S. Highway 60 and west of a line extending from Charleston along U. S. Highway 119 to junction West Virginia Highway 16, and thence north along West Virginia Highway 16 to the Ohio River, including points on the indicated portions of the highways specified; and (2) *New automobiles* and *new automobile chassis*, in initial movements, in driveaway service, from Kenosha, Wis. to Hartford, Conn., Newark, N. J. and points in Michigan, Ohio, Pennsylvania, New York, Rhode Island, Maryland and the District of Columbia. RESTRICTION: Authority applied for to be restricted to transportation of vehicles manufactured by the Hudson Motor Car Division of American Motors, Inc. Applicant is authorized to conduct operations in Connecticut, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia and the District of Columbia.

No. MC 11910 Sub 10, ST. LOUIS-NASHVILLE FREIGHT LINES, INC., 1313 North 13th Street, St. Louis 6, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, inflammable articles, livestock, and commodities in bulk, between Vincennes, Ind., and Chicago, Ill., over U. S. Highway 41, serving no intermediate points, as an alternate route in connection with carrier's regular-route operations between Chicago, Ill., and Evansville, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, and Tennessee.

No. MC 17002 Sub 18, CASE DRIVEWAY, INC., 6001 U. S. Route 60, Huntington, W. Va. Applicant's attorney: Chas. T. Dodrill, West Virginia Building, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway and driveaway service, from points in Wayne County, Mich., and Warren Township, Macomb County, Mich., to points in Virginia east of U. S. Highway 220 and north of U. S. Highway 60. Applicant is authorized to conduct operations in Michigan, Ohio, Kentucky, Indiana, West Virginia, Virginia, North Carolina and South Carolina.

No. MC 20697 Sub 27, THE WILLETT COMPANY, 700 S. Desplaines Street, Chicago, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Pipe, valves, fittings, bathroom and kitchen fixtures and equipment, laundry fixtures, hot water heaters, heaters* and *furnaces* and *accessories, air conditioners, boilers*, and *radiators*, from Waukegan, Ill., to job sites (new construction or repair sites) and plumbing contractor shops located within points in Kenosha County, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Illinois and Indiana.

No. MC 23939 Sub 80. ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th St., Vernon, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products* in bulk, in tank vehicles, between Ferndale (Neptune Beach) and Anacortes, Wash., and points within 10 miles of each, on the one hand, and on the other, points in Washington. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, and California.

No. MC 30319 Sub 48, SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 N. San Jacinto, P. O. Box 4054, Houston, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Dallas, Tex., and Houston, Tex. Applicant seeks to remove the key point of Hearne, Tex., which is intermediate of Dallas and Houston, Tex., as contained in the third restrictive paragraph on page 7 of Corrected Certificate No. MC 30319 dated May 14, 1954, and proposes in this application to change said paragraph to read: No shipment shall be transported by carrier between any of the following points, or through, or to, or from, more than one of said points: Dallas, Austin, Houston, San Antonio, Beaumont, and Corpus Christi, Tex., except that Houston shall not be considered as a key point in respect of shipments which have an immediately prior or immediately subsequent movement by rail or water, and which are transported from Beaumont or from Corpus Christi. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 30837 Sub 176, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, 316–318 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor truck rebuilding kits* and *motor truck conversion kits*, from Chicago, Ill., to all points in the United States.

No. MC 36473 Sub 54, (Amended) Published Page 7141, issue of November 3, 1954, CENTRAL TRUCK LINES, INC., 1001 Jackson Street, Tampa, Fla. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Shiloh, Fla., and Tropic, Fla., over Florida Highway 3, serving the intermediate points of Allenhurst, Courtenay, Georgiana, Lotus, Orsino, and Wilson, Fla., (2) Between Canaveral, Fla., and Canova Beach, Fla., over Florida Highway A–1–A, serving the intermediate points of Artesia, Canaveral Harbor, and Port Canaveral, Fla. (3) Between Yulee, Fla., and Fernandina Beach, Fla., over Florida Highway 200, serving the intermediate point of Fernandina, Fla. (4) Between Jacksonville, Fla., and Greenland, Fla., over Alternate U. S. Highway 1, John E. Matthews Bridge, and Florida Highways 10 and 115, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized operations. (5) Between junction Florida Highway 520 and Florida Highway 50 (said junction located between Bithlo and Christmas, Fla.,) and Cocoa, Fla., over Florida Highway 520, as an alternate route, for operating convenience only, in connection with carrier's authorized operations, serving no intermediate points. (6) Serving the off-route point of Angel City, Fla., located 3 miles south of Florida Highway 520 on Banana River (Banana River Drive), over an unnumbered highway, in connection with carrier's authorized regular route operations. (7) Between Jacksonville, Fla., and Folkston, Ga., over U. S. Highway 17 and Georgia Highway 40, serving the intermediate point of Yulle, Fla. Applicant is authorized to conduct operations in Florida and Georgia.

No. MC 39123 Sub 5, MASTERS FAST FREIGHT SERVICE, INC., 9 Gypsum Street, South Kearny, New Jersey. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Army vehicles*, by way of tow-bars, in towaway service, between Army installations located in Morris, Bergen, Passaic, Essex, Union, Hudson, Middlesex, Monmouth, and Somerset Counties, N. J., on the one hand, and, on the other, Military ports of embarkation located in the New York, N. Y., Commercial Zone, as defined by the Commission.

No. MC 43038 Sub 393, COMMERCIAL CARRIERS, INC., 3399 E. McNichols, Detroit, Mich. Applicant's attorney: James W. Wrape, Sterick Bldg., Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobile show cars*, and *automobile show car chassis* of special or experimental design and not for sale, and *automobile show equipment and paraphernalia* moving in the same equipment with automobile show cars and automobile show car chassis,

in truckaway service, (1) in initial movements, from points of manufacture and assembly located in Wayne and Macomb Counties, Mich., to points of display in the United States and the District of Columbia, and (2) in secondary movements, between points of display in the United States and the District of Columbia, and return to original points of origin. (Upon grant of the requested authority, applicant is agreeable to elimination of all duplications of its existing permanent authority.) Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Wisconsin and Wyoming.

No. MC 60868 Sub 6, RUFFALO'S TRUCKING SERVICE, INCORPORATED, Lyons Road, Newark, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods* and *kraut* in containers, from Newark, N. Y. and points within 35 miles of Newark, and Oswego, N. Y., to Easton, Williamsport, Milton, Sunbury, Harrisburg, Lancaster, Coatesville, Philadelphia, Wilkes-Barre, Scranton, Pittston, Allentown, Reading, Norristown, York, Bridgeport and Primos, Pa. Applicant is authorized to conduct operations in New York, New Jersey and Pennsylvania.

No. MC 61137 Sub 3 (amended) Published on page 7311 issue November 10, 1954, RICHARD BURLEW, JR., R. D. No. 1, Old Bridge, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand* and *clay*, and *sand and clay mixtures*, in bulk, in dump trucks and in containers, from South Amboy and South River, N. J., and points in Madison and Sayreville Townships, Middlesex County, N. J., to points in Connecticut, Massachusetts and Rhode Island; *gravel*, loose, in bulk, in dump trucks, from Linden, N. J. to points in New York and Pennsylvania within 100 miles of South Amboy, N. J. and points in Connecticut, Massachusetts and Rhode Island; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return movements. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

No MC 67517 Sub 2, WAGNER TRUCKING CO., INC., 600 South Monroe Street, Muncie, Ind. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving all points located (1) on Indiana Highway 38 between New Castle, Ind., and Hagerstown, Ind., (2) on Indiana Highway 1 between Hagerstown, Ind., and Cambridge City, Ind., and (3) on U. S. Highway 40 between Cambridge City, Ind., and Richmond, Ind., as intermediate points, in connection with present regular route operations between Muncie, Ind., and Richmond, Ind., which is in effect a request for removal of restriction against present service over said highways authorized in Certificate No. MC 67517 dated March 13, 1942. (If and when the applied for authority is granted, applicant will surrender its BMC 75 statement of operations under the second proviso of section 206 (a) (1), issued in Docket No. MC 67517 Sub 1.) Applicant is authorized to conduct operations in Indiana and also conducts operations in Indiana under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

No. MC 75185 Sub 210, SERVICE TRUCKING COMPANY, INC., Preston Road, Federalsburg, Md. Applicant's attorney: Francis W. McInerny, 504 Commonwealth Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Landover, Baltimore and Whiteford, Md., Bridgeton, N. J., and Wilmington, Del., to points in West Virginia, Ohio, Michigan, Kentucky, Tennessee, Arkansas, Indiana, Illinois, Wisconsin, Missouri, Iowa, Minnesota, Nebraska, Kansas, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and points in Virginia on and west of U. S. Highway 1. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 75320 Sub 65, CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, 2333 E. Mill Street, Springfield, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction U. S. Highways 65 and 60 (south of Springfield, Mo.,) and junction U. S. Highways 60 and 61 (at Sikeston, Mo.,) over U. S. Highway 60, serving no intermediate points, for operating convenience and joinder purposes only, as a connecting route, in connection with regular route operations (a) between Springfield, Mo., and Hollister, Mo., and (b) between Memphis, Tenn., and St. Louis, Mo. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma and Tennessee.

No. MC 83835 Sub 34, WALES TRUCKING COMPANY, a corporation, 319 South Forest Avenue Road, Post Office Box 6186, Dallas, Texas. Applicant's attorney: Herbert L. Smith, Perry-Brooks Building, Austin 1, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof except the stringing and picking up of pipe in connection with main or trunk pipe lines, between points in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania and West Virginia. Applicant has authority to conduct operations in Arkansas, Indiana, Iowa, Kansas, Colorado, Illinois, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wyoming, Ohio, Michigan, Pennsylvania, West Virginia and Utah. Duplication with present authority to be eliminated.

No. MC 87231 Sub 3 (Amended), published in the August 4, 1954, issue of the FEDERAL REGISTER, page 4892, BAY & BAY TRANSFER CO., INC., 315 Ninth Ave., North, Minneapolis, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Bldg., Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Commodities in bulk*, such as those which consist of a homogenous mass, of such size that they cannot be handled piece by piece and must be poured, scooped, or shoveled, but not including liquids, in tank or hopper vehicles, and in bags or containers, (a) between points in Minnesota, Superior, Wis., Fargo, Grand Forks, and Valley City, N. Dak., on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, Nebraska, Kansas, Iowa, Illinois, Wisconsin, and points in the Upper Peninsula of Michigan, and (b) between points in Minnesota. RESTRICTION: Transportation of commodities in (1) above, in bags or containers, is to be restricted to a movement at the same time and in or on the same vehicle of the same or similar commodities as are being moved in bulk, and is further to be restricted so that the weight of the commodities moved in bags or containers will not exceed five per cent of the weight of the commodities transported in bulk; (2) salt, in bulk, in tank or hopper vehicles, from Milwaukee, Wis., Chicago, Ill., and Hutchinson, Kans., to points in Montana, North Dakota, South Dakota, Iowa, Minnesota, Wisconsin, Illinois, and points in the Upper Peninsula of Michigan. Applicant is authorized to conduct operations in Minnesota, Iowa, South Dakota, North Dakota, and Wisconsin.

No. MC 92983 Sub 113, ELDON MILLER, INC., 1030 Riverside Drive, Iowa City, Iowa. For authority to operate as a *Common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Peoria, Ill., and Terre Haute, Ind., to points in Colorado, Kansas, and Nebras-

ka. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and West Virginia.

No. MC 93003 Sub 33, CARROLL TRUCKING COMPANY, a corporation, 4901 U. S. Route No. 60, P. O. Box 5455, Huntington, W. Va. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Structural steel*, from Huntington, W. Va., to points in South Carolina, Georgia, Florida and Alabama, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in Kentucky, Michigan, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia.

No. MC 107139 Sub 4, RIVERSIDE WAREHOUSES, INC., 41 East Gray Avenue, Spokane, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in sacks and in bulk, from cement plants located in Eastern Washington to (1) points in Benewah, Bonner, Boundary, Clearwater, Idaho, Latah, Lewis, Kootenai, Nez Perce and Shoshone Counties, Idaho; (2) points in that part of Montana on and west of a direct north-south line extending from the northwest corner of Wyoming to the Canadian Border; and (3) points in Morrow, Wallowa, Umatilla and Union Counties, Oreg.

No. MC 107336 Sub 9, GEORGE W. PILLERS, JR. and ROBERT E. PILLERS, doing business as CAR CARRIER COMPANY, 539 Stuart Building, Lincoln, Nebr. Applicant's attorney: George S. Dixon, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles* and *new automobile chassis*, in truckaway service, in initial movements, from Kenosha, Wis., to points in Idaho, Montana, Oregon, South Dakota and Washington. RESTRICTION: Authority applied for to be restricted to transportation of vehicles manufactured by the Hudson Motor Car Division of American Motors, Inc. Applicant is authorized to conduct operations in Michigan, and South Dakota.

No. MC 107496 Sub 55, RUAN TRANSPORT CORPORATION, 408 S. E. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in hopper vehicles, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.

No. MC 109689 Sub 22, W. S. HATCH CO., a corporation, Woods Cross, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from points in Clark County, Nev., to points in Utah, Idaho and Colorado, and *contaminated shipments* on return movements. Applicant is authorized to conduct operations in Idaho, Nevada and Utah.

No. MC 109734 Sub 67, SYSTEM TANK LINES, INC., 2651 East 45th Street, Los Angeles 58, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between Ferndale (Neptune Beach) and Anacortes, Wash., and points within 10 miles of each, on the one hand, and on the other, points in Washington. Applicant is authorized to conduct operations in Washington, Oregon, Idaho, and Montana.

No. MC 110045 Sub 5, FRANK MARCELLO, doing business as MARCELLO'S SERVICE, 230 Park Avenue, Quakertown, Pa. Applicant's representative: Jacob Polin, 257 Ellis Road, Havertown, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Shirts*, in boxes, from Elizabethville and Gratz, Pa., to New York, N. Y.; and *empty boxes, buttons*, and *processed piece goods*, from New York, N. Y., to Elizabethville and Gratz, Pa. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 110525 Sub 250, CHEMICAL TANK LINES, INC., 520 East Lancaster Ave., Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals* (including but not restricted to those classified in Ex Parte No. MC 45), in bulk, in tank vehicles, from points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission, to points in Middlesex County, N. J. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 110603 Sub 7, HI-WAY DISPATCH, INC., 26th Street & Bypass, Marion, Ind. Applicant's attorney: George O. Cowan, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Used pallets, platforms*, and *skids* (metal or wooden), between Milwaukee, Wis., Covington and Louisville, Ky., St. Louis, Joplin, St. Joseph, North Kansas City and Kansas City, Mo., points in that part of Illinois on and north of U. S. Highway 136, those in that part of Ohio on and west of Ohio Highway 3, and those in Michigan on, south and east of Michigan Highway 46, on the one hand, and, Marion, Ind., on the other.

No. MC 111072 Sub 11, ALICE K. LUSHA AND JAMES H. LUSHA, doing business as LUSHA TRUCKING COMPANY, 849 Main Ave., West DePere, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Lemont, Ill., to points in Brown, Calumet, Dodge, Door, Fond du Lac, Green Lake, Kenosha, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Portage, Racine, Shawano, Sheboygan, Taylor, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood Counties, Wis. Applicant is authorized to conduct operations in Illinois, Michigan, and Wisconsin.

No. MC 113617 Sub 5, L. D. EASTER, E. M. EASTER, M. E. EASTER, L. W. EASTER, L. B. EASTER and M. M. MORSE, doing business as HIGHWAY TRANSPORT COMPANY, 4051 East 43rd Street, Des Moines, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in initial movements, in truckaway service, from Kenosha, Wis. to points in Idaho, Iowa, Minnesota, Montana, North Dakota, South Dakota, Utah and Wyoming. Applicants are authorized to conduct operations in Wisconsin, Colorado, Kansas, Nebraska and Iowa.

No. MC 113988 Sub 1, TRI-STATE PRODUCE TRANSPORT, INC., 3104 N. E. 35th Avenue, Portland 13, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Oil cake meal*, such as cottonseed, soybean linseed, and safflower, from points in Fresno, Kings, Kern, Los Angeles, Tulare, Madera, and Merced Counties, Calif., to points in Multnomah, Benton, Lane, Tillamook, Washington, Linn; Polk, Marion, Yamhill, and Clackamas Counties, Oreg., and *box shooks*, from points in Crook, Grant, Linn, and Multnomah Counties, Oreg., to points in Riverside, San Diego, Orange, Los Angeles, Kern, Tulare, Fresno, Madera, Merced, Stanislaus, San Joaquin, and Imperial Counties, Calif.

No. MC 114700 Sub 1, A. W. JOHNSON AND Z. V. STEPHENSON, JR., doing business as A. W. JOHNSON & COMPANY, East Main Street, Benson, N. C. Applicants' attorney: J. Ruffin Bailey, Raleigh Building, Raleigh, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer* and *fertilizer products*, from Wilmington and Navassa, N. C. to points in Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro and Williamsburg Counties, S. C., located within 150 miles of Wilmington, N. C., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement.

No. MC 114992 (amended), E. WILEY CLARK and WILFRED W. NORTON, doing business as C & N TRANSPORTATION CO., 959 Wealthy Street, S. E. Grand Rapids, Mich. Applicant's attorney: L. F. Richardson, 1214 Michigan National Tower, Lansing, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *new furniture* and *bus and automotive seating*, uncrated, from Grand Rapids, Mich. and points within 30 miles of Grand Rapids, to points in Arizona, California, Nevada, New Mexico and Utah, and *damaged shipments* on return; and (2) *new furniture*, uncrated, from points in California to points in Michigan, and *damaged shipments* on return.

No. MC 115020, LOOMIS ARMORED CAR SERVICE, INC., (A California Corporation), 115 Cherry Street, Seattle, Wash. Applicant's representative: Earle V. White, Smith Tower, Seattle, Wash. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin and bullion*, between the U. S. Mint, San Francisco, Calif., the Federal Reserve Bank of San Francisco, San Francisco, Calif., and the balances thereof at Portland, Oreg., Seattle, Wash., Salt Lake City, Utah, and Helena, Mont.

No. MC 115032, JACOB GROSS, doing business as GROSS' MESSENGER SERVICE, 4760 N. Franklin Street Philadelphia 20, Pa. For authority to operate a *common carrier*, over a regular route, transporting: *Jewelry*, and *parts* to repair same, between Philadelphia, Pa., and Bridgeton, N. J., operating from Philadelphia over the Delaware River Bridge to Camden, N. J., thence over New Jersey Highway 47 to Millville, N. J., thence over New Jersey Highway 49 to Bridgetown, and return from Bridgeton over New Jersey Highway 77 to junction unnumbered County Road to Woodruffs, N. J., thence over unnumbered County Highway to junction New Jersey Highway 47, thence over New Jersey Highway 47 to Philadelphia, serving all intermediate points.

No. MC 115033, O. W. WILEY, Plainview, Minn. Applicant's representative: A. R. Fowler, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Butter*, from Elgin, Minn., to Dubuque, Iowa, and *new butter cartons*, knocked down flat, on return movements.

No. MC 115034 (amended), JOHN CLAY McPHERSON and CLYDE L. McPHERSON, doing business as McPHERSON BROS. TRANSPORTS, 48 North Peoria Street, Tulsa, Okla. Applicant's attorney: George L. Ruddle, 1325 Hunt Bldg., Tulsa 3, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, and *road oil and residual fuel oils*, in bulk, in tank vehicles, from Cushing, Cleveland, Drumright, Okmulgee and Tulsa, Okla., to points in Arkansas.

No. MC 115036, T. V. VAN TASSEL and FLOYD VAN TASSEL, doing business as T. V. & FLOYD VAN TASSEL, 1717 South Walnut Street, Pittsburg, Kans. Applicant's attorney: J. Wm. Townsend, 204–206 Central Building, Topeka, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay* and *clay products*, from Pittsburg, Kans., to points in Kansas, Missouri and Nebraska, and *agricultural products*, on return movements.

No. MC 115042, CHARLES H. HENDRICK, East Main Street, Westboro, Mass. Applicant's attorney: Baron H. Crowell, 340 Main Street, Worcester 8, Mass. For authority to operate as a *contract carrier*, over irregular routes, transportings: *Foundry sands, crushed rock* and *flagstone*, (1) from Holliston, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut and New York; (2) from Albany, N. Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut; and (3) from Poultney, Vt., to points in Maine, New Hampshire, Massachusetts, Rhode Island and Connecticut; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1517 Sub 23, NEW ENGLAND GREYHOUND LINES, INCORPORATED, 6 St. James Ave., Boston, Mass. Applicant's attorney: Homer S. Carpenter, Suite 618 Perpetual Building, 1111 E. St., N. W., Washington 4, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *mail, express*, and *newspapers*, in the same vehicle with passengers, between (1) (a) York Corners, Maine, and Cape Neddick, Maine, over U. S. Alternate Highway 1, serving all intermediate points; (b) junction U. S. Highway 1 and Maine Highway 9, and Old Orchard, Maine, over Maine Highway 9, serving all intermediate points; (c) junction Cascade Road and U. S. Highway 1, and Saco, Maine, over Cascade Road from junction U. S. Highway 1 to Old Orchard, Maine, thence over Maine Highway 5 to Saco, and return over the same route, serving all intermediate points; and (d) junction the New Hampshire Turnpike and New Hampshire Highway 101C, and Hampton Beach, N. H., over New Hampshire Highway 101C from junction the New Hampshire Turnpike to Hampton, N. H., thence over New Hampshire Highway 101E to Hampton Beach, and return over the same route, serving all intermediate points and with the right to join with other routes at the junction of New Hampshire Highway 101C and the New Hampshire Turnpike, and (2) junction U. S. Highway 1 and Massachusetts Highway 1A at Salisbury, Mass., and junction New Hampshire Highway 1A and U. S. Highway 1 at Portsmouth, N. H., over Massachusetts Highway 1A from junction U. S. Highway 1 through Salisbury Beach, Mass., to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 1A through Hampton Beach, N. H., to junction U. S. Highway 1, serving all intermediate points in seasonal operations, during the season extending from the 15th day of April to the 15th day of October, both inclusive, of each year; restricted (1) insofar as routes under (1) (a), (b), and (c) above are concerned against transportation of passengers between Portland, Maine and Biddeford, Maine whose origin and destination are both Biddeford and Portland or intermediate points, excepting on coaches scheduled to operate between Portland, Maine and Boston, Mass., and (2) insofar as routes under (1) (d) and (2) above are concerned against traffic moving to or from Hampton Beach, N. H., which originates at or is destined to a point on U. S. Highway 1 between and including Newburyport, Mass., and Salisbury, Mass. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island.

NOTE: Instant application directly related to MC–F–5822, published under section 5 applications, this issue.

No. MC 114340 Sub 4, THOMAS PARRAN, JR., 11339 Elkins Drive, Wheaton, Md. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, express, mail*, and *newspapers*, in the same vehicle with passengers, (1) Between Washington, D. C., and Baltimore, Md., from Washington, D. C., over city streets to the Maryland-District of Columbia Boundary line, thence over Maryland Highway 97 to intersection U. S. Highway 29, thence over U. S. Highway 29 to intersection Maryland Highway 196, thence over Maryland Highway 196 to intersection Alternate U. S. Highway 29, thence over Alternate U. S. Highway 29 to intersection U. S. Highway 40, thence over U. S. Highway 40 to Baltimore, and return over the same route, serving all intermediate points. (2) Between Washington, D. C., and Baltimore, Md., from Washington, D. C., over city streets to the Maryland-District of Columbia Boundary line, thence over Maryland Highway 97 to intersection U. S. Highway 29, thence over U. S. Highway 29 via Ashton and Clarksville, Md., to intersection U. S. Highways 29 and 40, thence over U. S. Highway 40 to Baltimore, and return over the same route, serving all intermediate points. The above routes are to be used alternately in performing the service applied for herein.

CORRECTION

MC 114971 is the correct docket number assigned application of Charlie W. Barnes, Frolona, Ga., published on page 6895, issue of October 27, 1954, instead of MC 114871 as published.

APPLICATIONS UNDER SECTION 5 AND 210 (a) (b)

No. MC–F–5765, published in the September 29, 1954, issue of the FEDERAL REGISTER, page 6293. The following additional authority should be included in the operating rights sought to be transferred: *Wire rope*, over irregular routes, from Muncy, Pa., to points in Ohio, New Jersey, West Virginia, Kentucky, and certain points in New York, Delaware, and Maryland.

No. MC–F–5792, published in the September 29, 1954, issue of the FEDERAL REGISTER, page 6295. The application has been amended to include the route between Omaha, Nebr., and Merriman, Nebr., as a portion of the authority sought to be transferred. Also, on the route between Sioux Falls, S. Dak., and Philip Junction, S. Dak., service at Sioux Falls is restricted to joinder only.

No. MC–F–5822. Authority sought for purchase by NEW ENGLAND GREYHOUND LINES, INCORPORATED, 6 St. James Ave., Boston 16, Mass., of a por-

tion of the operating rights and certain property of BOSTON & MAINE TRANSPORTATION COMPANY, North Station, Boston 14, Mass., and for acquisition by THE GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago, Ill., of control of said operating rights and property through the purchase. Applicant's attorney: Homer S. Carpenter, 618 Perpetual Building, 1111 E Street, NW., Washington 4, D. C. Operating rights sought to be transferred: *Passengers and their baggage*, as a *common carrier*, over regular routes, in the general territory between Boston, Mass. and Portland, Maine, serving all intermediate points. Vendee is authorized to operate in Massachusetts, Maine, New Hampshire, Vermont, New York, North Carolina, and Tennessee. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5823. Authority sought for control by YELLOW TRANSIT FREIGHT LINES, INC., 18 East 17th Street, Kansas City, Mo., of the operating rights and property of MARLATT TRANSFER AND STORAGE COMPANY, 4506 West 69th Terrace, Prairie Village, Kans., and for acquisition by GEO. E. POWELL, Kansas City, Mo., of control of said carrier through the transaction. Applicant's attorney: James F. Miller, 500 Board of Trade Building, Kansas City, Mo. Operating rights sought to be controlled: *Spirituous liquors, groceries, packing house products, new furniture, sash fixtures, stoves, hardware, ammunition* and *toys*, as a *common carrier*, over irregular routes, from Joplin, Mo., and points within 100 miles thereof, to points in Oklahoma. Vendee is authorized to operate in Illinois, Oklahoma, Kansas, Texas, Missouri, Indiana and Kentucky. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5825. Authority sought for purchase by RELIABLE TRANSPORTATION COMPANY, 4817 Sheila Street, Los Angeles 22, Calif., of the operating rights of WEYLER TRANSPORTATION COMPANY, 1938 East Vernon Avenue, Vernon 11, Calif., and for acquisition by C. G. ALLEN and W. B. ALLEN, Los Angeles 15, Calif., of control of the operating rights through the purchase. Applicants' attorneys: John C. Allen and Stephen Langmade, 1212 Wilshire Boulevard, Los Angeles 17, Calif. Operating rights sought to be transferred: *Edible and inedible tallow*, in bulk, in tank trucks, as a *common carrier*, over irregular routes, from Phoenix and Tucson, Ariz., and points within 25 miles of each, to Long Beach and Los Angeles, Calif. Vendee is authorized to operate in California, Arizona, and New Mexico. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5826. Authority sought for purchase by HEALZER CARTAGE CO., 1428 West Ninth St., Kansas City 1, Mo., of the operating rights and property of SANFORD BENTON, doing business as BENTON TRUCK LINE, 320 Elm St., Boonville, Mo., and for acquisition by JOHN W. HEALZER, Kansas City 1, Mo., of control of the operating rights and property through the purchase. Applicants' attorneys: Floyd F. Shields, 950 Dierks Bldg., 1006 Grand, Kansas City 6, Mo., and Hampton Tisdale, K. of P. Building, Boonville, Mo. Operating rights sought to be transferred: *Livestock*, as a *common carrier*, (a) over regular routes, from Prairie Home, Mo., to East St. Louis, Ill., via Boonville and Wentzville, Mo., and via Missouri Highway 98 and U. S. Highway 40, returning with *general commodities*, with certain exceptions, including household goods as defined by the Commission, serving certain intermediate and off-route points; *livestock*, from Boonville, Mo., to East St. Louis, Ill., via U. S. Highway 40, returning with numerous specified commodities, including *feed, twine*, and *fencing materials*, serving certain intermediate and off-route points; and (b) over irregular routes, various specified commodities, including *agricultural implements and parts* and *building materials*, from Kansas City, Kans., to Boonville, Mo., and points within 20 miles of Boonville; and *corn* from certain points in Iowa and Illinois, to Boonville, Mo., and points within 20 miles of Boonville. Vendee is authorized to operate in Wisconsin, Kansas, Illinois, and Missouri. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5827. Authority sought for purchase by ALLIED VAN LINES, INC., 25th and Roosevelt Road, Broadview, Ill., of the operating rights of DANE & MURPHY, INC., 41–26—156th St., Flushing, N. Y., LYNCHBURG MOVERS, INC., 53 Washington St., Lynchburg, Va., and R. J. CRICHTON and E. E. GONYO, doing business as WAUKEGAN STORAGE AND WAREHOUSE COMPANY, 607 Market Street, Waukegan, Ill. Applicants' attorney: John R. Turney, 2001 Massachusetts Ave., N. W., Washington, D. C. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, (DANE & MURPHY, INC.), between New York, N. Y., on the one hand, and, on the other, points in Massachusetts, New York, and New Jersey, between New York, N. Y., and points on Long Island, N. Y., on and west of New York Highway 111 on the one hand, and, on the other, certain points in Delaware, Virginia, Rhode Island, Pennsylvania, District of Columbia, Connecticut, New Hampshire, Vermont, and Maryland: (LYNCHBURG MOVERS, INC.), between Lynchburg, Va., and points in Virginia within 25 miles of Lynchburg, on the one hand, and, on the other points in Ohio, Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, West Virginia, Kentucky, Illinois, Indiana, Michigan, Missouri, Wisconsin, and the District of Columbia: (WAUKEGAN STORAGE AND WAREHOUSE COMPANY), between Waukegan and North Chicago, Ill., on the one hand, and, on the other, points in Wisconsin, Michigan, Indiana, Iowa, Ohio and Minnesota, between points in Illinois (except Waukegan and North Chicago, and those in Cook County), on the one hand, and, on the other, points in Wisconsin, Michigan, Indiana, Iowa, Ohio, and Minnesota. Vendee is authorized to operate in all states in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5828. Authority sought for purchase by MORGAN TRUCK SERVICE, INC., John Day, Oreg., of the operating rights and property of R. E. MOORE and H. C. SPERLING, doing business as GIBBS TRUCK LINE, 1027 Royal Boulevard, Boise, Idaho, and for acquisition by W. RAY MORGAN and GENEVIEVE D. MORGAN, John Day, Oreg., of control of the operating rights and property through the purchase. Person to whom correspondence is to be addressed: R. E. Moore, 1027 Royal Boulevard, Boise, Idaho. Operating rights sought to be transferred: *General commodities*, except household goods, as defined by the Commission, as a *common carrier*, over regular routes, between Boise, Idaho, and Weiser, Idaho, and junction U. S. Highway 30, and Idaho Highway 16, between Caldwell, Idaho, and Homedale and Parma, Idaho, and between Wilder and Parmer, Idaho, and Fruitland, Idaho, serving all intermediate points; between Roswell, Idaho, and Adrian, Oreg., with no service at intermediate points. Vendee is authorized to operate in Oregon, Washington, California and Idaho. Application has been filed for temporary authority under section 210a (b).

No. MC–F 5829. Authority sought for control and merger by C & D MOTOR DELIVERY COMPANY, 1035 Flint Street, Cincinnati, Ohio, of the operating rights and property of UNION TRANSFER COMPANY, INC., 522 South Missouri Street, Terre Haute, Ind., and for acquisition by LOUIS J. HUGHES and A. J. WILLENBORG, also of Cincinnati, Ohio, of control of the operating rights and property through the transaction. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus, Ohio. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Terre Haute, Ind., and St. Louis, Mo., Indianapolis, Ind., and Peoria, Ill., serving certain intermediate points; *canned goods*, over irregular routes, between St. Louis, Mo., Louisville, Ky., Cincinnati, Ohio, and certain points in Illinois and Indiana, and *wallpaper*, from Coal City and Joliet, Ill., to Terre Haute, Ind. Vendee is authorized to operate in Ohio, Kentucky, Indiana and West Virginia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 5830. Authority sought for purchase by RINGLE TRUCK LINES, INC., 601 S. Grant, Fowler, Ind., of the operating rights of VINCENT REED TRUCK SERVICE, INCORPORATED, 215 N. Cedar St., Shelbyville, Ill., and for acquisition by GLEN RINGLE AND EVELYN RINGLE, Fowler, Ind., of control of the operating rights through the purchase. Applicant's attorney: George O. Cowan, 512 Illinois Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, from St. Louis, Mo., to

points in Shelby County, Ill., *livestock, agricultural commodities, agricultural machinery and parts, agricultural limestone, petroleum products, broom corn, iron and steel products, coal, phosphate, steel*, in sheets, bars, flats, and shapes, from, to, and between points in Missouri, Illinois, Indiana, Iowa, Kentucky, Tennessee, Ohio, Arkansas, Mississippi, Minnesota, Michigan, Wisconsin, Kansas and Nebraska. Vendee is authorized to operate in Indiana, Illinois, Ohio, Kentucky, Iowa, Missouri, West Virginia, Wisconsin, Pennsylvania, Nebraska, Tennessee, Alabama, and Michigan. Application has been filed for temporary authority under section 210a (b).

No. MC–F 5831. Authority sought for purchase by GEORGE W. BROWN, INC., 1475 East 222nd St., Bronx, N. Y., of the operating rights of HAMILTON HARRIS HICKCOX, doing business as HICKCOX EXPRESS, 666 Third Ave., Troy, N. Y., and for acquisition by GEORGE W. BROWN, GEORGE W. BROWN, JR., AND CHARLES WEBSTER BROWN, all of Bronx, N. Y. Person to whom correspondence is to be addressed: William D. Traub, 60 East 42nd St., New York, 17, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over a regular route, between Albany and Glens Falls, N. Y., via Troy and Saratoga Springs, returning via Middlefalls and Schuylerville, serving all intermediate points, and the off-route point of Greenwich. Vendee is authorized to operate in New York, Pennsylvania, New Jersey, Virginia, Maryland, District of Columbia, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a (b).

No. MC–F 5832. Authority sought for control by TUCKER FREIGHT LINES, INCORPORATED, 1415 South Olive St., South Bend, Ind., of the operating rights of BRODBECK TRUCKING CO., INC., (SAMUEL RAITZIN, TRUSTEE), 2310 South Main Street, South Bend 23, Ind., and for acquisition by JULIUS L. TUCKER, FRANCES TUCKER and MAURICE TUCKER, all of South Bend, Ind., of control of said carrier through the transaction. Applicant's attorneys: Eugene L. Cohn, 1 N. La Salle Street, Chicago 2, Ill., and Ferdinand Born, Chamber of Commerce Bldg., Indianapolis 4, Ind. Operating rights sought to be controlled: *General commodities* with certain exceptions, including household goods, as a *common carrier*, over regular routes, including routes between South Bend, Ind., on the one hand, and, on the other, Flint, Mich., Detroit, Mich., Pontiac, Mich., and Toledo, Ohio, between Lansing, Mich., and Detroit, Mich., between Flint, Mich., and Pontiac, Mich., and between Toledo, Ohio, and Rossford, Ohio, serving certain intermediate and off-route points; between Three Rivers, Mich., on the one hand, and, on the other, Niles, Mich., with service at Three Rivers and Niles for the purpose of joinder only; *lining, shoddy*, and *jute and shoddy combined*, between Elkhart, Ind., and Detroit, Mich., serving the intermediate point of Plymouth, Mich., and the off-route points within one mile of Plymouth. Vendee is authorized to operate in Indiana and Illinois. Application has been filed for temporary authority under section 210a (b).

No. MC–F 5833. Authority sought for purchase by DALE TRUCK LINE, INC., 6021 Calhoun Street, P. O. Box 14134, Houston, Tex., of the operating rights and property of LYNN A. BOX, doing business as COASTAL TRUCK LINES, Montrose Avenue, P. O. Box 767, Beaumont, Tex., and for acquisition by DALAS M. DALE, of Touston, Tex., of control of the operating rights and property through the purchase: Operating rights sought to be transferred: *Machinery, materials, supplies* and *equipment*, incidental to or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier*, over irregular routes, between points in Louisiana and Texas. Vendee is authorized to operate in Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 5836. Authority sought for purchase by AMERICAN CARLOADING CORPORATION, 261 Hastings St., Detroit, Mich., of a portion of the operating rights of LEWIS O. JACOBS, doing business as TERMINAL WAREHOUSE & STORAGE COMPANY, 44–48 Main St., Dubuque, Iowa, and for acquisition by H. F. SNURE, Detroit, Mich., of control of said operating rights through the purchase. Applicant's attorney: Edward A. Biggs, 139 North Clark St., Chicago, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods as a *common carrier*, over a regular route, between Janesville and Beloit, Wis., serving all intermediate points and the off-route point of South Beloit, Ill. Vendee is authorized to operate in Michigan, Illinois, Indiana, Ohio and Missouri. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–9268; Filed, Nov. 23, 1954; 8:47 a. m.]

[4th Sec. Application 29933]

ASPHALT AND TAR FROM NEW JERSEY, PENNSYLVANIA, DELAWARE, AND MARYLAND, TO POINTS IN NEW YORK

APPLICATION FOR RELIEF

NOVEMBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A–890.

Commodities involved: Asphalt (asphaltum), and tar, paving or roofing, in tank-car loads.

From: Points in New Jersey, Pennsylvania, Delaware, and Maryland.

To: Hot mixing plants in New York.

Grounds for relief: Rail competition, circuity, competition with motor-water carriers, and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–9262; Filed, Nov. 23, 1954; 8:47 a. m.]

[4th Sec. Application 29934]

CAUSTIC SODA FROM BATON ROUGE, LA., TO JACKSONVILLE AND TUSCOLA, ILL.

APPLICATION FOR RELIEF

NOVEMBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 417.

Commodities involved: Caustic soda, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Jacksonville and Tuscola, Ill.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

Applicants' attorneys: Floyd F. Shields, [illegible] nesota. Vendee is authorized to operate [illegible]

upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9263; Filed, Nov. 23, 1954; 8:47 a. m.]

[4th Sec. Application 29935]

COMMODITY RATES IN TEXAS

APPLICATION FOR RELIEF

NOVEMBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Various commodities, carloads and less-than-carloads.

Between: Points in Texas.

Grounds for relief: Rail competition, circuity, to meet intrastate rates, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 807, supp. 62.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9264; Filed, Nov. 23, 1954; 8:47 a. m.]

[4th Sec. Application 29936]

TEXAS COMMODITY RATES

APPLICATION FOR RELIEF

NOVEMBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Various commodities, carloads and less-than-carloads.

Between: Points in Texas.

Grounds for relief: Rail competition, circuity, to meet intrastate rates, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 807, supp. 62.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9265; Filed, Nov. 23, 1954; 8:47 a. m.]

[4th Sec. Application 29937]

BITUMINOUS FINE COAL FROM KANSAS, MISSOURI AND OKLAHOMA TO CARROLL, IOWA

APPLICATION FOR RELIEF

NOVEMBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Points in Kansas, Missouri, and Oklahoma.

To: Carroll, Iowa.

Grounds for relief: Competition with rail carriers, market competition, and competition with natural gas.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3969, supp. 22; F. C. Kratzmeir, Agent, I. C. C. No. 3920, supp. 94.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9266; Filed, Nov. 23, 1954; 8:47 a. m.]

[4th Sec. Application 29938]

IRON AND STEEL ARTICLES FROM KANSAS CITY, MO.-KANS., TO ILLINOIS TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Iron and steel articles, carloads.

From: Kansas City, Mo.-Kans.

To: Points in Illinois territory.

Grounds for relief: Competition with rail carriers, market competition, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3821, supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9267; Filed, Nov. 23, 1954; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ELVIRA MORDINO:

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elvira Mordino, Cosenza, Italy; Claim No. 57102, Vesting Order No. 988; $490.00 in the Treasury of the United States.

Executed at Washington, D. C., on November 18, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-9290; Filed, Nov. 23, 1954; 8:49 a. m.]

EDUINO AND VITTORINO DI CENSO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Eduino Di Censo, Sulmona, Italy, Claim No. 57048; $328.44 in the Treasury of the United States. Vittorino Di Censo, Sulmona, Italy, Claim No. 57049; $328.54 in the Treasury of the United States. Vesting Order Nos. 2272 and 2273.

Executed at Washington, D. C., on November 18, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-9291; Filed, Nov. 23, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 229

Washington, Thursday, November 25, 1954

TITLE 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1955-Hawaii, Supp. 1]

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

SUBPART—1955

CONSTRUCTING OR LINING DAMS, PITS, AND PONDS TO IMPOUND SURFACE WATER FOR IRRIGATION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 Agricultural Conservation Program for Hawaii, approved September 22, 1954 (19 F. R. 6206), is amended as follows:

Section 1105.449 is amended by revising the headnote and the first sentence following the headnote to read as follows:

§ 1105.449 *Practice 17: Constructing or lining dams, pits, and ponds to impound surface water for irrigation.* No cost-sharing will be allowed for material moved in cleaning or maintaining a reservoir, or for dams, pits, or ponds, the primary purpose of which is to bring additional land into agricultural production. • • •

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 19th day of November 1954.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 54-9320; Filed, Nov. 24, 1954; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 2536]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LUSTBERG, NAST & CO., INC.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods.* Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition.* Subpart—*Using misleading name—Goods:* § 3.2280 *Composition.* In connection with the offering for sale, sale, and distribution of coats, shirts, mackinaws, jackets, or other garments in commerce: (1) Using the term "Buck Skein," either alone or in conjunction with the outline of a deer's head, or any other colorable simulation of the word "buckskin," in advertising, or otherwise, to describe, designate, or refer to any product which is not made from the skin of a deer or elk; and (2) representing directly or by implication in any advertisement, or on labels, or otherwise, that any product made of wool or cotton or any other woven fabric is made of buckskin or other type of leather; prohibited, subject to the proviso, however, that nothing contained in said first prohibition shall be construed to prohibit the respondent from using the words "Buck Skein Brand" on labels and in advertising for garments which neither simulate nor resemble leather.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Modified cease and desist order, Lustberg, Nast & Company, Inc., New York, N. Y., Docket 2536, November 8, 1954.]

This proceeding was heard by the Federal Trade Commission upon the record and the Commission, having made its findings as to the facts and its conclusion that the respondent had violated the provisions of the Federal Trade Commission Act, issued its order to cease and desist on July 10, 1942. Thereafter, the respondent filed its petition for review of such order in the United States Circuit Court of Appeals for the Second Circuit, and on May 29, 1944, pursuant to motion jointly filed by counsel, that Court entered its decree dismissing said petition for review and affirming and enforcing the order to cease and desist.

On August 18, 1954, the respondent filed with the Commission a petition requesting modification of the said order to cease and desist, and the Commission having duly considered and granted such petition, and having issued its order reopening the proceeding and modifying the order to cease and desist in the respects set out therein, now issues this, its modified order to cease and desist:

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FEDERAL REGISTER

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It is ordered, That respondent Lustberg, Nast & Company, Inc., a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of coats, shirts, mackinaws, jackets, or other garments, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "Buck Skein," either alone or in conjunction with the outline of a deer's head, or any other colorable simulation of the word "buckskin," in advertising, or otherwise, to describe, designate, or refer to any product which is not made from the skin of a deer or elk: *Provided, however*, That nothing herein shall be construed to prohibit the respondent from using the words "Buck Skein Brand" on labels and in advertising for garments which neither simulate nor resemble leather.

2. Representing directly or by implication in any advertisement, or on labels, or otherwise, that any product made of wool or cotton or any other woven fabric is made of buckskin or other type of leather.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: November 8, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-9316; Filed, Nov. 24, 1954; 8:48 a. m.]

[Docket 6218]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALL AMERICAN SPORTSWEAR CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1330 *Specifications or standards conformance.* In connection with the offering for sale, sale, or distribution of jackets, parkas, or other wearing apparel, in commerce, representing, directly or by implication, by marking, branding, labeling, tagging, or in any other manner, contrary to fact, that such merchandise was manufactured for the Armed Forces of the United States or in accordance with specifications of said Armed Forces; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, All American Sportswear Company, Inc., et al., New York, N. Y., Docket 6218, Nov. 9, 1954]

In the Matter of All American Sportswear Company, Inc., a Corporation, and Samuel Werber and Nathan Klimerman, Individually and as Officers of Said Corporation

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission, which charged respondents with engaging in unfair and deceptive acts and practices and in unfair methods of competition in commerce, in violation of the provisions of the Federal Trade Commission Act, in falsely representing that certain heavy outerwear made, sold, and distributed by them was made for the Armed Forces and in accordance with their specifications; and upon a stipulation entered into by respondents and counsel supporting the complaint.

Said stipulation set forth that respondents admitted all the jurisdictional allegations in the complaint and agreed that the order set forth in the stipulation should have the same force and effect as if made after a full hearing, presentation of evidence and findings and conclusions thereon; specifically waived any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance with the stipulation; and also provided, among other things, that all the parties waived the filing of answer, a hearing before a hearing examiner of the Commission, the making of findings of fact or conclusions of law, the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act as amended, or the rules of practice of the Commission.

All parties agreed that the stipulation, together with the complaint, should constitute the entire record in the matter; that the order set forth might be entered in disposition of the proceeding without further notice; that the complaint might be used in construing the terms of the order which might be altered, modified, or set aside in the manner provided by the statute for the orders of the Commission; and that the signing of the stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Thereafter said examiner made his initial decision in which he set forth the aforesaid matters; that the stipulation was made a part of the record in the matter; and his finding that the proceeding was in the public interest; and in which, in conformity with the terms of the stipulation, he set forth order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision,[1] including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on November 9, 1954.

Said order is as follows:

It is ordered, That respondents All American Sportswear Company, Inc., a corporation, and Samuel Werber and Nathan Klimerman, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of jackets, parkas, or other wearing apparel, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, by marking, branding, labeling, tagging, or in any other manner, contrary to fact, that such merchandise was manufactured for the Armed Forces of the United States or in accordance with specifications of said Armed Forces.

By "Decision of the Commission and Order to File Report of Compliance," Docket 6218, November 9, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That respondents All American Sportswear Company, Inc., a corporation, and Samuel Werber and Nathan Klimerman, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 9, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-9315; Filed, Nov. 24, 1954; 8:48 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Part 141d; 19 F. R. 1141) and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146, 146a, 146b, 146d); 19 F. R. 671, 1141, 1461) are amended as indicated below:

1. Section 141d.306 (a) is amended to read as follows:

§ 141d.306 *Chloramphenicol palmitate oral suspension*—(a) *Potency.* Using a hypodermic syringe, transfer 1.0 milliliter of the suspension to a separatory funnel containing 10 milliliters of water and 25 milliliters of chloroform. Shake for 1 minute, allow the layers to separate, and filter the lower chloroform

layer through a pledget of cotton. Transfer a 1.0-milliliter portion of the clear chloroform filtrate to a 100-milliliter volumetric flask, make to volume with absolute ethanol, and mix. With a suitable spectrophotometer, determine the absorbance of this solution at 271 millimicrons, using as a blank 1.0 milliliter of chloroform U. S. P. diluted to 100 milliliters with absolute ethanol. The number of milligrams of chloramphenicol contained in each milliliter of chloramphenicol palmitate oral suspension is obtained by the following calculation:

$$C = \frac{A \times 25{,}000 \times 0.575}{178}$$

where:

C = the number of milligrams of chloramphenicol in 1.0 milliliter of the chloramphenicol palmitate suspension;
A = the absorbance of the solution at 271 millimicrons;
25,000 = dilution factor;
0.575 = the factor for converting chloramphenicol palmitate to chloramphenicol;
178 = extinction coefficient of chloramphenicol palmitate at 271 millimicrons.

The potency of chloramphenicol palmitate oral suspension is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

2. Part 141d is amended by adding the following new section:

§ 141d.311 *Chloramphenicol palmitate-streptomycin oral suspension; chloramphenicol palmitate-dihydrostreptomycin oral suspension*—(a) *Potency*—(1) *Chloramphenicol content.* Proceed as directed in § 141d.306 (a). Its content of chloramphenicol is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Steptomycin or dihydrostreptomycin content.* Proceed as directed in § 141b.101 of this chapter except § 141b.101 (b), and if it contains dihydrostreptomycin use the dihydrostreptomycin working standard as the standard of comparison. Its content of streptomycin or dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *pH.* Using the undiluted suspension, proceed as directed in § 141a.5 (b) of this chapter.

3. Section 146.26 *Animal feed containing penicillin* • • • is amended by adding the following new paragraph (u):

(u) It is intended for use solely in the prevention of outbreaks of coccidiosis in poultry flocks and it contains nicarbazin (4,4'-dinitrocarbanilide complex with 2-hydroxy-4,6-dimethylpyrimidine) in a quantity by weight of feed of not less than 0.01 percent and not more than 0.02 percent, and there has been submitted to the Commissioner, in triplicate, the information referred to in § 146.7, as well as any additional information necessary to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or packaging or the facilities and controls used for such manufacturing, processing, or packaging, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

4. In § 146a.35 *Penicillin sulfonamide powder* • • •, paragraph (c) (1) (iii) is amended by changing the number "18" to "24".

5. In § 146b.104 *Streptomycin tablets* • • •, paragraph (a) is amended by changing the word "kaolin" to read "kaolin or other suitable and harmless absorbent ingredients".

6. Part 146d is amended by adding the following new section:

§ 146d.311 *Chloramphenicol palmitate-streptomycin oral suspension; chloramphenicol palmitate-dihydrostreptomycin oral suspension.* Chloramphenicol palmitate-streptomycin oral suspension and chloramphenicol palmitate-dihydrostreptomycin oral suspension conform to all requirements and are subject to all procedures prescribed by § 146d.306 for chloramphenicol palmitate oral suspension, except that:

(a) It contains not less than 30 milligrams of streptomycin or dihydrostreptomycin per milliliter. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter, except § 146b.101 (a) (2), (4), and (6). The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103 of this chapter, except the standards for sterility, pyrogens, and moisture.

(b) In lieu of the directions for labeling prescribed by § 146d.306 (c) (1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of chloramphenicol and the number of milligrams of streptomycin or dihydrostreptomycin per milliliter, and its expiration date shall be 24 months after the month during which the batch was certified.

(c) In addition to complying with the requirements of § 146d.306 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, histamine content, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin. He shall also submit in connection with his request a sample consisting of not less than 6 packages of the batch and (unless it was previously submitted) a sample consisting of not less than 5 packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(d) The fee for the services rendered with respect to each immediate container in the sample of streptomycin or dihydrostreptomycin submitted in accordance with the requirements prescribed therefor by this section shall be $10.00.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it would be against public interest to delay providing for the aforesaid amendments, and since it conditionally relaxes existing requirements.

I further find that animal feeds that contain certifiable antibiotic drugs and nicarbazin and which are intended solely for the prevention of outbreaks of coccidiosis in poultry flocks need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure the safety and efficacy of such feeds when used for their intended purpose.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: November 19, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc., 54-9329; Filed, Nov. 24, 1954; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.235]

PART 75—INTERNATIONAL TRAFFIC IN ARMS, COMMUNICATION, AND IMPLEMENTS OF WAR

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 54-9032, appearing at page 7405 of the issue for Wednesday, Nov. 17, 1954, the following change should be made:

Under Item 2, which amends paragraph (a) of § 75.1, the word "of" in the third line of the paragraph should read "or".

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments are made to Chapter II of Title 24:

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

Section 201.7 (a) (1) is amended by striking the item "Venetian blinds."

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703)

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

1. Section 221.4 (a) is amended to read as follows:

§ 221.4 *Approval of other institutions.* (a) General requirements: Any mortgagee not identified in §§ 221.1 to 221.3 may be approved as a mortgagee if it is a chartered institution or other permanent organization having succession, which has sound capital funds properly proportioned to its liabilities and to the character and extent of its operations, and which meets the requirements of either paragraph (b), (c) or (d) of this section.

2. In § 221.4 (c) the introductory text is amended to read as follows:

(c) Special requirements — non-supervised institutions: A mortgagee not subject to inspection and supervision of a governmental agency as provided in the preceding paragraph shall have as its principal activity the lending or investment of funds under its own control in real estate mortgages; shall have sound capital funds of a value of not less than $100,000; shall submit a detailed audit of its books made by an accountant satisfactory to the Commissioner, reflecting a condition satisfactory to him; shall file with the Commissioner similar audits at least once in each calendar year so long as its approval as mortgagee continues; shall submit at any time to such examination of its books and affairs as the Commissioner may require; and shall comply with any other conditions that the Commissioner may impose. Prior to the approval of any such mortgagee, it shall submit an agreement in writing—

• • • • • •

3. Section 221.22 (b) is amended by adding at the end thereof the following: "Notwithstanding the limitation on maximum mortgage amount in this paragraph, the mortgagee may charge an annual service charge as provided in this paragraph with respect to any mortgage of the character described in § 221.42 (f)."

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703)

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

1. Section 222.3 (b) (5) is amended to read as follows:

§ 222.3 *Prepayment premiums.* • • •

(b) • • •

(5) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran, as defined in § 221.11 (c) of this subchapter, for his occupancy as a home.

2. In § 222.13 the introductory text of paragraph (a) is amended to read as follows:

§ 222.13 *Condition of property when transferred; delivery of debentures and certificate of claim.* (a) If the default is not cured as aforesaid, and if the mortgagee has otherwise complied with the provisions of § 222.12 and at any time within 30 days (or such further time as may be necessary to complete the title examination and perfect such title) after acquiring possession of the mortgaged property by foreclosure, or by other means in accordance with § 222.12 (a), the mortgagee shall either (1) tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed containing a covenant which warrants against the acts of the mortgagee and all claiming by, through, or under it, or (2) with the prior approval of the Commissioner, tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed or other satisfactory instrument of conveyance from the mortgagor or other appropriate grantor, such deeds or instrument of conveyance conveying good merchantable title (evidenced as provided in § 222.14) to such property, undamaged by fire, earthquake, flood, or tornado, and undamaged by waste, except as hereinafter in this section provided, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which it acquired or tendered such property, except such claims as may have been released with the approval of the Commissioner, the Commissioner shall promptly accept conveyance of such property and such assignment, and shall deliver to the mortgagee—

• • • • • •

3. In § 222.14 paragraph (d) is redesignated as paragraphs (d) and (e) reading as follows:

§ 222.14 *Satisfactory title evidence.* • • •

(d) The Commissioner will not object to title by reason of the following matters, provided that they are not such as to impair the value of the property for residence purposes, or provided they have been brought to the attention of the insuring office for consideration in fixing the valuation:

(1) Customary easements for public utilities, party walls, driveways and other purposes; customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(2) Such restrictions, when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Commissioner;

(3) Outstanding oil, water or mineral rights, which, in the opinion of the Commissioner, do not impair the value of the property for residence purposes, or which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

(e) The Commissioner will not object to title by reason of the following matters:

(1) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage, provided that there has not been an adverse judgment or pending suit in connection with the violation existing on the date the property is conveyed to the Commissioner;

(2) Easements for public utilities along one or more of the property lines and extending not more than 10 feet therefrom and for drainage or irrigation ditches along the rear 10 feet of the property, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property;

(3) Easements for underground conduits which are in place and do not extend under any buildings on the subject property;

(4) Mutual easements for joint driveways constructed partly on the subject property and partly on adjoining property, provided the agreements creating such easements are of record;

(5) Encroachments on the subject property by improvements on adjoining property where such encroachments do not exceed 1 foot, provided such encroachments do not touch any buildings or interfere with the use of any improvements on the subject property;

(6) Encroachments on adjoining property by eaves and overhanging projections attached to improvements on subject property where such encroachments do not exceed 1 foot;

(7) Encroachments on adjoining property by hedges, wooden or wire fences belonging to the subject property;

(8) Encroachments on adjoining property by driveways belonging to subject property where such encroachments do not exceed 1 foot, provided there exists a clearance of at least 8 feet between the buildings on the subject property and the property line affected by the encroachment;

(9) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property and do not involve a deficiency of more than 2 percent with respect to the length of the front line or more than 5 percent with respect to the length of any other line;

(10) Encroachments by garages or improvements other than those which are attached to or a portion of the main dwelling structure over easements for public utilities, provided such encroachment does not interfere with the use of the easement or the exercise of the rights of repair and maintenance in connection therewith.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703)

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE: ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

1. Section 232.25 (b) is amended to read as follows:

§ 232.25 *Form of contract.* • • •

(b) If it is determined by the Commissioner that the mortgagor, its officers, directors or stockholders have any interest, financial or otherwise, in the builder, contractor, or any subcontractor, the form of contract shall provide for payment of the actual cost of construction, not to exceed an upset price and may provide for payment of a builder's fixed fee in addition thereto. The builder's fixed fee shall not exceed a reasonable allowance therefor as established by the Commissioner, in accordance with customary practices in the area.

2. Section 232.26 (b) is amended to read as follows:

§ 232.26 *Certificate of actual cost.* • • •

(b) When the work has been completed under a contract as described in § 232.25 (b), the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate all amounts as required in paragraph (a) of this section, plus the allowance for the builder's fee as established by the Commissioner. This form of certification shall be accompanied by a certification by the builder on the form prescribed therefor by the Commissioner, indicating all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor corporation or any of its officers, directors, or stockholders. The mortgagor shall keep records as required in paragraph (a) of this section and shall in turn require the builder to keep available similar records.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

PART 233—RENTAL HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE

1. Section 233.2 (c) is amended to read as follows:

§ 232.2 *First, second and third premiums.* • • •

(c) Where the credit instrument is initially and finally endorsed for insurance pursuant to a Commitment to Insure Upon Completion, the mortgagee on the date of the first principal payment shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following such first principal payment date which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of one-half of one percent per annum of the average outstanding principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

2. Section 233.8 (a) (2) (i) is amended to read as follows:

§ 233.8 *Insurance benefits requirement.* • • •

(a) • • •

(2) • • •

(i) With and subject to the consent of the Commissioner provide for transfer of title from the mortgagor or other appropriate grantor to the Commissioner or shall acquire by means other than foreclosure of the mortgage possession of and title to the mortgaged property; or

• • • • • •

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

1. Section 241.18 is amended by striking the last two sentences and inserting in lieu thereof the following: "The mortgage may provide for the collection by the mortgagee of a 'late charge', not to exceed 2 cents for each dollar of each payment to interest and/or principal more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments. Late charges, if not collected, may not be deducted from any aggregate monthly payment."

2. Section 241.23 is amended by striking the first sentence and inserting in lieu thereof the following:

§ 241.23 *Regulation and restriction of mortgagors.* The regulation or restriction of mortgagors of the character described in § 241.20 (a) will be set forth in the certificate of incorporation or other instrument under which the mortgagor is created (hereinafter referred to as the "charter") and will be made effective through the issuance of certain shares of special stock (or other evidence of a beneficial interest in the mortgagor) which stock or interest will enable the Commissioner in his discretion to exercise majority voting rights in the event of violation of a provision of the charter or at any time during the period between initial and final endorsement for mortgage insurance by the Commissioner whether or not such violation has occurred. By the exercise of these majority voting rights, the Commissioner may remove any or all of the existing directors of the mortgagor corporation and elect new directors to serve in their place. Any directors so elected by the Commissioner in the event of a violation shall serve only for a period coexistent with the duration of such violation or until the Commissioner is assured in a manner satisfactory to him against future violations of a similar nature. Directors so elected by the Commissioner during the period between initial and final endorsement for mortgage insurance shall not serve after the time of such final endorsement.

• • • • • •

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 262—HOME REHABILITATION INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Part 262 is amended by adding a new § 262.2a as follows:

§ 262.2a *No vested right in fund.* Neither the mortgagee nor the mortgagor shall have any vested or other right in the Section 220 Housing Insurance Fund.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

PART 266—HOME RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING SINGLE FAMILY DWELLINGS

Section 266.6 (a) is amended to read as follows:

§ 266.6 *Maximum mortgage amount; loan-to-value limitation.* • • •

(a) 95 percent of the appraised value, as of the date the mortgage is accepted for insurance, where the mortgagor is the occupant of the property, or

• • • • • •

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Subchapter H—War Housing Insurance

PART 277—WAR HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

In § 277.8 (a) the introductory text is amended to read as follows:

§ 277.8 *Condition of property when transferred; delivery of debentures; certificate of claim and definition of the term "waste".* (a) If the default is not cured as aforesaid, and if the mortgagee has otherwise complied with the provisions of § 277.7, and at any time within thirty days (or such further time as may be necessary to complete the title examination and perfect such title) after acquiring possession of the mortgaged property by foreclosure, or by other means in accordance with § 277.7 (a), the mortgagee shall either tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed containing a covenant which warrants against the acts of the mortgagee and all claiming by, through, or under it, or with the prior approval of the Commissioner, tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed or other satisfactory instrument of conveyance from the mortgagor or other appropriate grantor, such deeds or instrument of conveyance, conveying good merchantable title (evidenced as hereinafter provided in § 277.9) to such property undamaged by fire, earthquake, flood, or tornado, and undamaged by waste, except as hereinafter in this section provided, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which it acquired or tendered such property, except such claims as may have been released with the approval of the Commissioner, the Commissioner shall promptly accept conveyance of such property and such assignment and shall deliver to the mortgagee:

• • • • • •

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. 1742. Interprets or applies sec. 608, as added by sec. 11, 56 Stat. 303, as amended; 12 U. S. C. 1743)

Subchapter I—War Rental Housing Insurance

PART 282—MULTIFAMILY WAR HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

1. Section 282.8 (b) (1) is amended to read as follows:

§ 282.8 *Benefits of insurance.* • • •

(b) • • •

(1) With and subject to the consent of the Commissioner provide for transfer of title from the mortgagor or other appropriate grantor to the Commissioner or shall acquire by means other than foreclosure of the mortgage possession of and title to the mortgaged property; or

• • • • • •

2. Section 282.10 is amended to read as follows:

§ 282.10 *Computation of benefits received by conveyance.* If the mortgagee elects to proceed under, and does proceed under and in accordance with the provisions of § 282.8 (b) and at any time within thirty (30) days (or such further time as may be allowed by the Commissioner in writing), tenders to the Commissioner possession thereof and a deed thereto containing a covenant which warrants against acts of the mortgagee and of all parties claiming by, through, or under the mortgagee, conveying title to such property satisfactory to the Commissioner, together with a Bill of Sale covering any personal property to which the mortgagee is entitled by reason of the mortgage transaction conveying title to such property satisfactory to the Commissioner, as provided in § 282.11, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction and as a result of the foreclosure proceedings or other means by which it acquired such property, including but not limited to any claims on account of title insurance and fire or other hazard insurance, except such claims as may have been released with the prior approval of the Commissioner, the Commissioner shall promptly accept conveyance to such property and such assignments, notwithstanding that the buildings or improvements thereon shall be incomplete or may have been destroyed, damaged, or injured in whole or in part, and shall deliver to the mortgagee debentures and Certificate of Claim as provided in § 282.9, except that the one percent (1%) deduction set out in paragraph (a) (3) (i) thereof with respect to the amount of debentures shall not apply.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. 1742. Interprets or applies sec. 608, as added by sec. 11, 56 Stat. 303, as amended; 12 U. S. C. 1743)

Subchapter N—National Defense Housing Insurance

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

In § 295.11 (a) the introductory text is amended to read as follows:

§ 295.11 *Condition of property when transferred; delivery of debentures; certificate of claim and definition of the term "waste".* (a) If the default is not cured as aforesaid, and if the mortgagee has otherwise complied with the provisions of § 295.10, and at any time within thirty days (or such further time as may be necessary to complete the title examination and perfect such title) after acquiring possession of the mortgaged property by foreclosure, or by other means in accordance with § 295.10 (a), the mortgagee shall either tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed containing a covenant which warrants against the acts of the mortgagee and all claiming by, through, or under it, or with the prior approval of the Commissioner, tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed or other satisfactory instrument of conveyance from the mortgagor or other appropriate grantor, such deeds or instrument of conveyance, conveying good merchantable title (evidenced as hereinafter provided in § 295.12) to such property undamaged by fire, earthquake, flood, or tornado, and undamaged by waste, except as hereinafter in this section provided, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which it acquired or tendered such property, except such claims as may have been released with the approval of the Commissioner, the Commissioner shall promptly accept conveyance of such property and such assignment and shall deliver to the mortgagee:

• • • • • •

(Sec. 907, 65 Stat. 301; 12 U. S. C. 1750f)

Issued at Washington, D. C., November 18, 1954.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 54-9336; Filed, Nov. 24, 1954; 8:51 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Gen. Order 77]

PART 247—OPERATORS' RESPONSIBILITIES WITH RESPECT TO GUARANTEE CLAUSE IN NEW SHIP CONSTRUCTION CONTRACTS

In Federal Register Document 54-5407, appearing at page 4360 of the issue for Thursday, July 15, 1954, the reference "section 4.015" in § 247.4 (b) (2) thereof should read "paragraph (a) (5) of this section."

Dated: November 19, 1954.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-9335; Filed, Nov. 24, 1954; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 211—SCOPE OF OPERATING AUTHORITY; ROUTES

USE OF NEW YORK STATE THRUWAY BY MOTOR CARRIERS AUTHORIZED TO OPERATE OVER SPECIFIED PARALLEL HIGHWAYS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 16th day of November A. D. 1954.

The above-entitled matter being under consideration:

It appearing, that this Commission has received inquiries from the New York State Thruway Authority and certain motor carriers regarding the entry of a general order authorizing the use of the New York State Thruway between the Buffalo interchange (Barrier Control No. 50) and the Suffern interchange (No. 15) as an alternate route by motor carriers holding authority to operate over other State and Federal highways between those points;

It further appearing, that the New York State Thruway is a modern toll highway in which there are improvements in design and construction over other highways in that region, including the elimination of cross traffic, reduction in grades, lengthening of curves, and widening of the pavement; that its use as an alternate route by motor carriers holding authority to operate over other highways which parallel the said Thruway between the points specified would promote economical operation, improve the service rendered to the public, serve purposes of national defense, and contribute to the promotion of safety on the highways; and that only in special and unusual instances will there exist reasons for denying to any carrier operating over such parallel highways permission to use the segment of the Thruway indicated as an auxiliary highway;

And it further appearing, that in general the use of the said segment of the Thruway as an alternate route as above indicated is and will be required by public convenience and necessity, in the case of common carriers, and consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act, in the case of contract carriers, and the Commission so finding; therefore,

It is ordered, That Part 211 be, and it is hereby, amended by deleting the entire context of § 211.10 and substituting in lieu thereof the following:

§ 211.10 *Use of the New York State Thruway by motor carriers authorized*

to operate over specified parallel highways—(a) *Conditions.* The segment of the New York State Thruway extending between the Buffalo interchange (Barrier Control No. 50) and the Suffern interchange (No. 15), and such additional highways as may be required in traveling by the shortest practicable route between authorized highways and the segment of the Thruway indicated in performing authorized operations, may be used as an alternate route, without obtaining prior authority therefor, by motor carriers subject to the Interstate Commerce Act who are authorized to operate in or through New York over U. S. Highways 9, 9W, and 20, and/or New York Highways 5, 5S, 7, 8, 9G, 9H, 9J, 17, 20, 28, 29, 31, 32, 33, 49, 67, 78, 96, 143, 144, 168, 169, 173, 250, 263, 324, 332, 365, and 385, subject in all instances to the following conditions:

(1) The carrier in each case shall give notice to the Commission, by letter, setting forth (i) a complete description by highway numbers of the carrier's authorized route between the point where it proposes to leave its authorized route and the point where it proposes to return to such route, (ii) a complete description by highway numbers of the proposed deviation route, including the portion of the Thruway to be used, between the point where it proposes to leave its authorized route and the point where it will return to such route, and (iii) a list of all known competitors, with a statement that a copy of such letter notice has been served on each of those listed.

(2) The letter shall contain a statement to the effect that the carrier filing the notice will continue to furnish reasonable and adequate service at all points it is now authorized to serve, that it will not serve new points or points it is not now authorized to serve, and that the use of the Thruway will not enable the carrier to engage in transportation between any points where because of the circuity of its present routes, or otherwise, such operation is not now practicable.

(3) The right to use the Thruway as an alternate route shall continue only so long as the carrier is entitled to use the highway or portion thereof described in its Certificate or Permit which parallels the Thruway, in performing service authorized under the Interstate Commerce Act, and only so long as the conditions specified herein are observed.

(b) *Protests.* Any party in interest may file a protest within 30 days from the date a carrier gives notice of intent to operate over the Thruway. Such protest may be in the form of a letter, should contain facts and information to support protestant's opinion that the carrier filing such notice cannot meet the terms of the above-specified conditions, and should reflect that a copy of the protest has been furnished to the carrier filing the notice. If such a protest is filed the Commission will give due consideration to all facts of record in the particular case, including the notice and protest, and will make a determination in accordance with those facts.

(c) *When applications required.* Motor carriers holding authority to operate over specified regular routes in New York which do not include any of the highways designated in paragraph (a) of this section and who desire to use the segment of the Thruway specified above as an alternate route in performing their authorized service, must apply for and obtain such authority, using Form BMC 78, before operating over the Thruway. If it appears that the use of the Thruway by any such applicant would not result in a substantial change in the service between terminal points or to or from intermediate and off-route points, and would not enable the carrier to render service, which is now impracticable because of the circuity of the carrier's presently authorized route, or otherwise, consideration will be given to the granting of authority without hearing and with or without restrictions.

(d) *Irregular-route operations.* If a motor carrier is authorized to operate within or through New York over irregular routes, no specific authority is required from this Commission to use the Thruway in performing its authorized service.

It is further ordered, That this order shall supersede the order entered herein on August 20, 1954, which is hereby vacated.

And it is further ordered, That motor carriers operating over any portion of the segment of the Thruway extending between the Buffalo interchange and the Westmoreland interchange pursuant to the order herein dated June 24, 1954, or the referred-to order of August 20, 1954, shall not be required to file any further notice with this Commission concerning the use of that portion of the Thruway as an alternate route. If, however, it is desired to operate over the segment extending between the Westmoreland interchange and the Suffern interchange, or any other segment or segments which hereafter may be authorized by a further general order or orders, further notice is required but only as relates to such other segment or segments.

Notice of this order shall be given to motor carriers and the general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended, 553, as amended; 49 U. S. C. 308, 309)

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9323; Filed, Nov. 24, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

KLAMATH INDIAN IRRIGATION PROJECT, OREGON

OPERATION AND MAINTENANCE CHARGES

NOVEMBER 17, 1954.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238; U. S. C. 1001), and authority contained in the acts of Congress approved August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director by Order No. 551, Amendment No. 1, approved June 5, 1951 (16 F. R. 5457), notice is hereby given of intention to modify § 130.47 of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Klamath Indian Irrigation Project, Oregon, as follows:

By increasing the annual operation and maintenance charge per acre from $3.00 to $3.85 for each irrigable acre of land within the Modoc Point Unit of the Klamath Indian Irrigation Project.

The foregoing proposed change is to become effective for the irrigation season 1955 and to continue in effect thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Don C. Foster, Area Director, Bureau of Indian Affairs, P. O. Box 4097, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PERRY E. SKARRA, *Acting Area Director.*

[F. R. Doc. 54-9297; Filed, Nov. 24, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ROY AKARD LIVESTOCK COMMISSION CO., IDABEL, OKLA.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Roy Akard Livestock Commission Company, Idabel, Oklahoma, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 22d day of November 1954.

[SEAL] DAVID M. PETTUS, *Acting Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 54-9331; Filed, Nov. 24, 1954; 8:51 a. m.]

[7 CFR Part 27]

SPOTTED COTTON STANDARDS

EXTENSION OF FIELD TRIAL

On June 18, 1953 a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 3485) providing for a field trial of one year, subject to such extension of time as needed, of proposed physical standards for spotted cotton in the grades Strict Middling Spotted, Middling Spotted, Strict Low Middling Spotted and Low Middling Spotted. The purpose of the field trial is to determine the practicability of physical form standards for spotted cotton. The notice provided that any interested person could submit written data, views, or arguments concerning experiences with the field trial boxes to the United States Department of Agriculture not later than one year after publication of the notice in the FEDERAL REGISTER.

Notice is hereby given that such field trial is extended until April 15, 1956. Boxes of the standards for use in the field trial will continue to be available at the following prices: $5.00 per 6-sample box f. o. b. Washington, D. C., for shipments within the continental United States, and $6.50 each delivered to destination for shipments outside of the continental United States. Application with remittance should be mailed to the Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Any interested person who desires to submit written data, views, or arguments concerning his experiences with the field trial boxes may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than April 15, 1956.

The descriptive standards for spotted cotton (7 CFR 27.158 to 27.162) will continue to be the official cotton standards of the United States for spotted cotton until further notice.

Done at Washington, D. C., this 22d day of November 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator, Agricultural Marketing Service.*

[F. R. Doc. 54-9333; Filed, Nov. 24, 1954; 8:51 a. m.]

[7 CFR Part 56]

GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised regulations governing the grading and inspection of shell eggs and United States standards, grades, and weight classes for shell eggs. The revision would bring the regulations, standards, and grades for shell eggs together under a single new Part 56 of the Code of Federal Regulations. The program is currently in effect pursuant to regulations contained in Part 55 and U. S. Standards, Grades, and Weight Classes contained in Part 42. Upon promulgation of Part 56, the provisions of Parts 55 and 42 applicable to shell eggs will be superseded. The provisions of Part 55 applicable to the inspection of egg products will not be changed by this action.

The proposed revision of the regulations and standards hereinafter set forth establishes requirements for facilities and operating procedures with respect to grading and packing eggs that are to bear a grade mark, prescribes the form of the grade mark, and changes the standards of quality and weight classes for shell eggs.

All interested persons who desire to submit written data, views, or arguments in connection with this proposed revision should file the same in triplicate with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, U. S. Department of Agriculture, Room 2099 South Building, Washington 25, D. C., not later than thirty (30) days following publication of this proposal in the FEDERAL REGISTER.

The proposed regulations are as follows:

SUBPART A—RULES GOVERNING THE GRADING AND INSPECTION OF SHELL EGGS

DEFINITIONS

Sec.
56.1 Meaning of words.
56.2 Terms defined.

ADMINISTRATION

56.3 Administration.

GENERAL

56.4 Basis of service.
56.5 Accessibility and condition of products.
56.6 Supervision.
56.7 Publications.
56.8 Other applicable regulations.

LICENSED GRADERS, INSPECTORS, SAMPLERS, AND SUPERVISORS OF PACKAGING

56.10 Who may be licensed.
56.11 Limited license may be issued.
56.12 Suspension of license.
56.13 Cancellation of license.
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56.15 Political activity.
56.16 Identification.

APPLICATION FOR GRADING, INSPECTION, AND SAMPLING

56.20 Who may obtain grading, inspection, and sampling service.
56.21 How to make application for grading.
56.22 Filing of application.
56.23 Form of application.
56.24 When application may be rejected.
56.25 When application may be withdrawn.
56.26 Authority of applicant.
56.27 Order of service.

VIOLATIONS

56.30 Report of violations.
56.31 Denial of service.

IDENTIFYING AND MARKING PRODUCTS

56.35 Authority to use official identification.
56.36 Approval of official identification.
56.37 Information required on grade mark.
56.38 Form of grade mark.

PREREQUISITES TO PACKAGING PRODUCTS WITH GRADE IDENTIFICATION LABELS

56.40 Supervisor of packaging required.
56.41 Candling and grading requirements of shell eggs for packaging with grade identification labels.
56.42 Check-grading officially identified eggs.
56.43 Limitations applicable to grade marking consumer packages of A and AA grade eggs.

FEES AND CHARGES

56.45 Payment of fees and charges.
56.46 On a fee basis.
56.47 Fees for appeal grading.
56.48 Fees for additional copies of grading certificates.
56.49 Travel expenses and other charges.
56.50 Egg grading fees.
56.51 Additional charges.
56.52 On a contract basis.
56.53 Fees for grading service performed under cooperative agreement.

GRADING CERTIFICATE

56.55 Grading certificates and sampling report forms.
56.56 Grading certificate issuance.
56.57 Disposition of grading certificates.
56.58 Advance information.

REGRADING AND APPEAL GRADING

56.60 Regrading of a graded product.
56.61 When appeal grading may be requested.
56.62 How to obtain appeal grading.
56.63 Record of filing time.
56.64 When an application for an appeal grading may be refused.
56.65 When an application for an appeal grading may be withdrawn.
56.66 Order in which appeal gradings are performed.
56.67 Who shall make appeal gradings.
56.68 Appeal grading certificate.
56.69 Superseded certificates.

FACILITY REQUIREMENTS

56.75 Applicability of facility and operating requirements.
56.76 Minimum facility and operating requirements for shell egg grading and packing plants.

SUBPART B—FORMS AND INSTRUCTIONS

56.100 Application for grading service with respect to shell eggs.
56.101 Application for the privilege to use official identification and grade labels on consumer packages of graded products.

SUBPART C—UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

UNITED STATES STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS

56.200 Application.
56.201 AA quality.
56.202 A quality.
56.203 B quality.
56.204 C quality.

Sec.
56.203 Dirty.
56.206 Check.
56.207 Leaker.
56.208 Terms descriptive of the shell.
56.209 Terms descriptive of the air cell.
56.210 Terms descriptive of the white.
56.211 Terms descriptive of the yolk.
56.212 General terms.

UNITED STATES CONSUMER GRADES AND WEIGHT CLASSES FOR SHELL EGGS

56.215 General.
56.216 Grades.
56.217 Summary of grades.
56.218 Weight classes.

UNITED STATES PROCUREMENT GRADES AND WEIGHT CLASSES FOR SHELL EGGS

56.220 General.
56.221 Grades.
56.222 Summary of grades.
56.223 Weight classes.

UNITED STATES WHOLESALE GRADES AND WEIGHT CLASSES FOR SHELL EGGS

56.225 General.
56.226 Grades.
56.227 Summary of grades.
56.228 Weight classes.

SUBPART A—GRADING AND INSPECTION OF SHELL EGGS

DEFINITIONS

§ 56.1 *Meaning of words.* Under the regulations in this part, words in the singular shall be deemed to import the plural and vice versa, as the case may demand.

§ 56.2 *Terms defined.* For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, as follows:

(a) "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), or any other act of Congress conferring like authority.

(b) "Administrator" means the Administrator of the Agricultural Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

(c) "Applicant" means an interested party who requests any grading service, appeal grading, or regrading with respect to any product.

(d) "Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind, species, or method of processing.

(e) "Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability.

(f) "Department" means the United States Department of Agriculture.

(g) "Eggs of current production" means shell eggs which have moved through usual marketing channels since the time they were laid, and have not been held in refrigerated storage in excess of 60 days.

(h) "Grader" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the act and this part, to shippers of products and other interested parties the class, quality, quantity, and condition of such products.

(i) "Grading" or "grading service" means: (1) The act whereby a grader determines, according to the regulations in this part, the class, quality, quantity, or condition of any product by examining each unit thereof or each unit of the representative sample thereof drawn by a grader or sampler and issues a grading certificate with respect thereto, except that with respect to grading service performed on a contract basis the issuance of a grading certificate shall be pursuant to a request therefor by the applicant or the Service; (2) the act whereby the grader identifies, according to the regulations in this part, the graded product; (3) continuous supervision, in an official plant, of the handling or packaging of any product; and (4) any regrading or any appeal grading of a previously graded product.

(j) "Grading certificate" means a statement, either written or printed, issued by a grader pursuant to the act and this part, relative to the class, quantity, quality, or condition of products.

(k) "Inspector" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to inspect and certify the condition of products.

(l) "Interested party" means any person financially interested in a transaction involving any grading, appeal grading, or regrading of any product.

(m) "National supervisor" means (1) the officer in charge of the egg grading service of the Agricultural Marketing Service, and (2) such other employee of the Service as may be designated by him.

(n) "Office of grading" means the office of any grader or sampler.

(o) "Official identification" means the symbol represented by a stamp, label, seal, mark, or other device approved by the Administrator, affixed to any product or to any container thereof, stating that the product was graded or inspected and indicating the class, quality, grade, or condition of such product as determined by a grader.

(p) "Official plant" means any plant in which the facilities and methods of operation therein have been found by the Administrator to be suitable and adequate for grading service in accordance with this part and in which grading service is carried on.

(q) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(r) "Product" or "products" means shell eggs of the domesticated chicken.

(s) "Quality" means the inherent properties of any product which determine its relative degree of excellence.

(t) "Regulations" means the provisions in this part.

(u) "Sampler" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to draw samples of products for grading by a grader or for lot analysis under the act and this part.

(v) "Sampling" means the act of taking samples of any product for grading.

(w) "Sampling report" means a statement, either written or printed, issued by a sampler, identifying samples taken by him for grading.

(x) "Secretary" means the Secretary of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(y) "Service" means the Agricultural Marketing Service of the Department.

(z) "Supervisor of packaging" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to supervise the packaging and grade labeling of products.

(aa) "Case" means, when referring to containers, an egg case, as used in commercial practice in the United States, holding 30 dozens of shell eggs.

ADMINISTRATION

§ 56.3 *Administration.* The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the act and this part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations in this part to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to determine full compliance with the spirit and intent of the regulations in this part.

GENERAL

§ 56.4 *Basis of grading service.* (a) Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to the determination of the quality of products shall be on the basis of the "United States Standards, Grades, and Weight Classes" as contained in Subpart C of this part. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications and such service, when approved by the Administrator, shall be rendered on the basis of the specifications of such contract. The supervision of packaging shall be in accordance with such instructions as may be approved or issued by the Administrator.

(b) Unless otherwise approved by the area supervisor, continuous grading service in an official plant may be rendered only when a majority of the grader's time each month is utilized in performing grading for quality on the basis of the United States Standards set forth in Subpart C of this part.

(c) Whenever grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number

of cases as indicated in the following table:

MINIMUM NUMBER OF CASES COMPRISING A REPRESENTATIVE SAMPLE

Case in lot:	Cases in sample
1 case	1
2 to 10, inclusive	2
11 to 25, inclusive	3
26 to 50, inclusive	4
51 to 100, inclusive	5
101 to 200, inclusive	8
201 to 300, inclusive	11
301 to 400, inclusive	13
401 to 500, inclusive	14
501 to 600, inclusive	16

For each additional 35 cases, or fraction thereof, in excess of 600 cases, one additional case shall be included in the sample.

§ 56.5 *Accessibility and condition of product.* (a) Each product for which grading service is requested shall be so conditioned and placed as to permit a proper determination of the class, quality, quantity, or condition of such product.

(b) Notwithstanding other applicable provisions of this part, product may be graded on the basis of a sample drawn by an employee of a public warehouse; and any certificate issued with respect to such product shall have the words "SAMPLE DRAWN BY WAREHOUSE EMPLOYEES," in all capital letters, typed thereon.

§ 56.6 *Supervision.* All grading service shall be subject to supervision at all times by the applicable State supervisor, circuit supervisor, area supervisor, and national supervisor. Such service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service, and the requisite graders, inspectors, and samplers are available. Whenever the supervisor of a grader has evidence that such grader incorrectly graded a product, such supervisor shall take such action as is necessary to correct the grading and to cause any improper grade marks which appear on the product or the containers thereof to be corrected prior to shipment of the product from the place of initial grading.

§ 56.7 *Publications.* Publications under the act and this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

§ 56.8 *Other applicable regulations.* Compliance with the regulations in this part shall not excuse failure to comply with any other Federal, or any State, or municipal applicable laws or regulations.

LICENSED GRADERS, INSPECTORS, SAMPLERS, AND SUPERVISORS OF PACKAGING

§ 56.10 *Who may be licensed.* (a) Except as otherwise provided in paragraph (c) of this section, any person possessing proper qualifications, as determined by an examination for competency, and who is to perform grading service may be licensed by the Secretary as a grader.

(b) All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry grading service of the Agricultural Marketing Service or any other designated officer of such Service.

(c) No person may be licensed to grade, inspect, or sample any product in which he is financially interested.

§ 56.11 *Limited license may be issued.* To any person possessing proper qualifications, as determined by the Administrator, there may be issued a limited license by the Secretary to candle and grade eggs on the basis of the "United States Standards for quality of Individual Shell Eggs," with respect to eggs purchased from producers or eggs to be packaged with official identification. No person to whom a limited license is issued by the Secretary shall have the authority to issue any grading certificate; and all eggs which are graded by any such person shall thereafter be check-graded by a grader. All limited licenses, issued by the Secretary, are to be countersigned by the officer in charge of the poultry grading service of the Agricultural Marketing Service or by any other official of such service designated by such officer.

§ 56.12 *Suspension of license.* Pending final action by the Secretary, the aforesaid officer in charge of the poultry grading service may, whenever he deems such action necessary, suspend any license or limited license issued pursuant to this part, by giving notice of such suspension to the respective licensee or limited licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee or limited licensee, he may file an appeal in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or limited license should not be suspended or revoked. After the expiration of the aforesaid seven day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days, the license is revoked.

§ 56.13 *Cancellation of license.* Upon termination of his services as a grader, inspector, sampler, or supervisor of packaging, each licensee and limited licensee shall surrender his license immediately for cancellation.

§ 56.14 *Surrender of license.* Each license and each limited license which is cancelled, suspended, or has expired shall immediately be surrendered by the licensee or limited licensee to the office of grading serving the area in which he is located.

§ 56.15 *Political activity.* All graders, inspectors, and samplers are forbidden during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees, and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 56.16 *Identification.* All graders, inspectors, samplers, supervisors of packaging, and persons holding limited licenses shall each have in possession at all times, and present upon request, while on duty, the means of identification furnished by the Department to such person.

APPLICATION FOR GRADING, INSPECTION, AND SAMPLING

§ 56.20 *Who may obtain grading, inspection, and sampling service.* An application for grading, inspection, or sampling service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

§ 56.21 *How to make application for grading—*(a) *On a fee basis.* An application for any grading service may be made in any office of grading, or with any grader, sampler, or inspector at or nearest the place where the service is desired. Such application for service may be made orally (in person or by telephone), in writing, or by telegraph. If an application for grading service is made orally, the office of grading, grader, sampler, or inspector with whom such application is made, or the Administrator, may require that the application be confirmed in writing.

(b) *On a contract basis.* An application for continuous grading service on a contract basis to be rendered in an official plant must be made in writing on forms approved by the Administrator and filed with the Administrator.

§ 56.22 *Filing of application.* An application for grading, inspection, or sampling of a specified lot of any product shall be regarded as filed only when made pursuant to this part.

§ 56.23 *Form of application.* Each application for grading, inspecting, or sampling a specified lot of any product shall include such information as may be required by the Administrator in regard to the product and the premises where such product is to be graded, inspected, or sampled.

§ 56.24 *When application may be rejected.* An application for grading service, inspection service, or sampling service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; or (d) where he determines that the application is an attempt on the part of

a person currently denied the benefits of the act to obtain grading or inspection service. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after the receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

§ 56.25 *When application may be withdrawn.* An application for grading service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by the Service in connection with such application.

§ 56.26 *Authority of applicant.* Proof of the authority of any person applying for any grading service may be required at the discretion of the Administrator.

§ 56.27 *Order of service.* Grading service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any application for an appeal grading. The service shall not be liable in damages accruing through acts of commission or omission in the administrative of this part.

VIOLATIONS

§ 56.30 *Report of violations.* Each grader, inspector, sampler, and supervisor of packaging shall report, in the manner prescribed by the Administrator, all violations and noncompliances under the act and this part of which such grader, inspector, sampler, or supervisor of packaging has knowledge.

§ 56.31 *Denial of service.* (a) The following acts or practices may be deemed sufficient cause for the debarment of any person by the Administrator from any or all benefits of the act for a specified period, after notice and opportunity for hearing has been accorded him:

(1) *Misrepresentation, deceptive, or fraudulent act or practice.* Any wilful misrepresentation or any deceptive or fraudulent act or practice found to be made or committed by any person in connection with:

(i) The making or filing of any application for any grading service, inspection service, or sampling service, appeal, or regrading service;

(ii) The making of the product accessible for sampling, grading, or inspection;

(iii) The use of any grading certificate or inspection certificate issued pursuant to the regulations in this part or the use of any official stamp, label, or identification;

(iv) The use of the terms "United States," or "U. S." in conjunction with the grade of the product;

(v) The use of any of the aforesaid terms or an official stamp, label, or identification in the labeling or advertising of any product; or

(vi) The use of the terms "Government graded," "Federal-State graded," "U. S. Inspected," "Government inspected," or terms of similar import in the labeling or advertising of any product.

(2) *Use of facsimile forms.* The unauthorized use of a form which simulates in whole or in part any official certificate, stamp, label, or identification authorized to be issued or used under the regulations in this part to evidence the inspection or grade of any product.

(3) *Wilful violation of the regulations.* Any wilful violation of the regulations in this part.

(4) *Interfering with a grader or inspector.* Any interference with or obstruction of any grader or inspector in the performance of his duties by intimidation, threat, bribery, assault, or any other improper means.

(5) *Misleading labeling.* The use of the terms "Government graded," "Federal-State graded," or terms of similar import in the labeling of any product without stating in the label the U. S. grade of the product as determined by an authorized grader.

(6) *Miscellaneous.* The existence of any of the conditions set forth in § 56.24 constituting a basis for the rejection of an application for grading or inspection service.

(b) Whenever the Administrator has reason to believe that any person, or his employee, agent, or representative has flagrantly or repeatedly committed any of the acts or practices specified in paragraph (a) of this section, he may without hearing direct that the benefits of the act be denied such person pending investigation and hearing and shall give notice thereof by registered mail. A written petition for reconsideration of such interim denial may be filed with the Administrator by any person so denied the benefits of the act if postmarked or delivered within 10 days after notice of the interim denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying the benefits of the act pending investigation and hearing. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall reinstate the benefits of the act or notify the petitioner by registered mail of the reasons for continued interim denial.

IDENTIFYING AND MARKING PRODUCTS

§ 56.35 *Authority to use official identification.* Whenever the Administrator determines that the granting of authority to any person to package any product, graded pursuant to this part, and to use official identification, pursuant to §§ 56.36 to 56.43, both inclusive, will not be inconsistent with the act and this part, he may authorize such use of official identification. An application for such authority shall be submitted to the Administrator in such form as he may require.

§ 56.36 *Approval of official identification.* Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator. No label bearing the official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label bearing any official identification shall be used until finished copies or samples of such label have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading. If the label is printed or otherwise applied directly to the container, the principal display panel of such container shall for this purpose be considered as the label. The label shall contain the name and address of the packer or distributor of the product, the name of the product and a statement of the net contents of the container

§ 56.37 *Information required on grade mark.* Except as otherwise authorized, each grade mark which is to be used shall conspicuously indicate the letters "USDA," the U. S. grade of the product it identifies and if not shown prominently elsewhere on the labeling material, the appropriate weight class of the eggs. The plant number of the official plant where the eggs were graded and packed shall be set forth if it does not appear elsewhere on the packaging material. In addition, one of the following terms shall be included: "Graded Under Federal-State Supervision," or "Graded Under U. S. and (State) Supervision," or an appropriate term of similar import. Such grade marks shall be contained within the outline of a shield of such design as may be approved by the Administrator. When eggs have been graded pursuant to this part and are packaged, the grade mark affixed to each such package shall have stamped thereon the date of grading unless such label is printed on the carton, in which case the date of grading shall be legibly applied to the carton in a manner satisfactory to the Administrator.

§ 56.38 *Form of grade mark.* The grade mark permitted to be used to officially identify cartons containing one dozen shell eggs, which are graded pursuant to the regulations in this part, shall be contained in a shield of the form and design indicated in the examples in Figure 1 of this section. The information (including the form and arrangement of its wording) which is to be included in such marks shall be: (1) The letters "USDA," (2) the U. S. grade, such as, "U. S. A Grade," (3) the size or weight class of the product, such as, "large," and (4) shall include one of the following phrases: "Graded Under Federal-State Supervision," or "Graded Under U. S. and (State) Supervision," or a term of similar import. The grade mark shall be printed on the carton or on a label used to seal the carton. When the grade mark is printed on a tape used to seal the carton automatically, the size or weight class of the product may

be shown on the main panel of the carton rather than within the grade mark and in such instances the form of the grade mark shall be as indicated in Figure 2 of this section. The grade mark shall also include the plant number of the official plant where the product was packed, if the appropriate plant number does not appear elsewhere on the packaging material. In addition, the date the eggs were graded shall be shown either on the grade mark used to seal the carton or applied in a legible manner elsewhere on the carton and such date of the grading shall be expressed as the month and day or as the consecutive day of the year. The grade mark shall not be less than 1⅛ inches in height, and should not exceed 1¾ inches in height. The size of the letters designating the grade and size shall be not less than ¼ inch in height. The size of the print and the arrangement of the other information within the shield shall be in approximately the same proportion as is shown in the examples in Figures 1 and 2 of this section.

FIGURE 1.

FIGURE 2.

PREREQUISITES TO PACKAGING PRODUCTS WITH GRADE IDENTIFICATION LABELS

§ 56.40 *Supervisor of packaging required.* The official identification of any graded or inspected product, as provided in §§ 56.36 to 56.43, both inclusive, shall be done only under the supervision of a grader, inspector, or supervisor of packaging. The authority to use grade identification labels may be granted by the Administrator only to applicants who make the services of a grader, inspector, or supervisor of packaging available for use in accordance with this part. The grader, inspector, or supervisor of packaging shall have supervision over the use and handling of all material bearing any official identification.

§ 56.41 *Candling and grading requirements of shell eggs for packaging with grade identification labels.* Shell eggs shall not be packaged with any grade identification label unless such eggs are first candled and graded (a) by a grader, or (b) by a limited licensee, pursuant to § 56.11 and thereafter check-graded by a grader.

§ 56.42 *Check-grading officially identified eggs.* Shell eggs which have been officially graded and which bear a grade mark or grade identification label, if temporarily held at the place where graded in excess of four days from the time they were graded, shall be check-graded prior to shipment from the place of initial grading. Such check-grading shall be in addition to any check-gradings which are made to determine the initial grade of the lot.

§ 56.43 *Limitations applicable to grade marking consumer packages of A and AA grade eggs.* Eggs which are to be grade marked as U. S. A or AA grade and packed in consumer packages shall be packed from eggs of current production. Eggs possessing undesirable odors and flavors shall not be officially identified as U. S. Grade A or AA.

FEES AND CHARGES

§ 56.45 *Payment of fees and charges.* (a) Fees and charges for any grading service shall be paid by the interested party making the application for such grading service, in accordance with the applicable provisions of this section and §§ 56.46 to 56.53, both inclusive; and, if so required by the grader, inspector, or sampler, such fees and charges shall be paid in advance.

(b) Fees and charges for any grading service shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by the interested party making application for such grading service by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Service.

(c) Fees and charges for any grading service under a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement by the interested party making application for any such grading service.

§ 56.46 *On a fee basis.* (a) Unless otherwise provided in this part, the fees to be charged and collected for any service (other than for an appeal grading) performed, in accordance with this part, on a fee basis shall be based on the applicable rates specified in § 56.50.

(b) In the event the aforesaid applicable rates are deemed by the Administrator to be inadequate fully to reimburse the Service for all costs and other items paid or incurred by the Service in connection with such service, the fees for such service shall not be based on the rates specified in § 56.50, but shall be based on the time required to perform such service and the travel of each sampler, grader, inspector, and supervisor of packaging at the rate of $4.00 per hour for the time actually required.

(c) If an applicant requests that any grading service be performed on a holiday or a non-work day, he may be charged for such service at a rate one and one-half times the rate which would otherwise be applicable for such service if performed other than on a holiday or non-work day.

§ 56.47 *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That, the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be the same as set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on a contract, then the fee for such appeal grading shall be double the amount specified in § 56.50 for the applicable volume of product appeal graded. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

§ 56.48 *Fees for additional copies of grading certificates.* Additional copies of any grading certificates, other than those provided for in § 56.57, may be supplied to any interested party upon payment of a fee of $1.50 for each set of five or fewer copies.

§ 56.49 *Travel expenses and other charges.* Charges shall be made to cover the cost of travel and other expenses incurred by the Service in connection with the performance of any grading service. Such charges shall include the costs of travel, per diem, and other expenses, plus a charge of 10 percent of the amount charged for said travel, per diem, and other expenses to cover administrative costs of the Department. When travel and other expenses are incurred in connection with any grading the minimum charge which shall be made shall be $0.50.

§ 56.50 *Egg grading fees.* For each grading, or regrading pursuant to § 56.60, of any lot of eggs, the following fees shall be applicable and shall be computed on the basis of the number of packages in such lot, except in instances where more than one lot of eggs is involved in a single grading for contract acceptance of products to be delivered to an individual receiver the charge for examining each lot in excess of one may be based on the time required at the rate specified in § 56.46 (b):

	Fee
For 10 packages or less	$1.80
For 11 to 25 packages, inclusive	3.00
For 26 to 50 packages, inclusive	4.00
For 51 to 100 packages, inclusive	5.50
For 101 to 200 packages, inclusive	8.50
For 201 to 300 packages, inclusive	11.50
For 301 to 400 packages, inclusive	13.50
For 401 to 500 packages, inclusive	15.50
For 501 to 600 packages, inclusive	17.50
For each additional 35 packages, or fraction thereof, in excess of 600 packages	1.00

§ 56.51 *Additional charges.* With respect to any grading service performed in a freight or express car or any other place where the entire lot of the product is not readily accessible to the grader, inspector, or sampler, if the time required for the performance of such service is greater than would otherwise be required if the entire lot were readily accessible, as aforesaid, a fee of $4.00 shall be

charged in addition to the applicable rates specified in § 56.50.

§ 56.52 *On a contract basis.* Fees to be charged and collected for any service, other than for an appeal grading, on a contract basis shall be such as are provided in such contract. The fees to be charged for any appeal grading shall be as provided in § 56.47.

§ 56.53 *Fees for grading service performed under cooperative agreement.* The fees to be charged and collected for any service performed under cooperative agreement shall be those provided for by such agreement.

GRADING CERTIFICATES

§ 56.55 *Grading certificates and sampling report forms.* Grading certificates and sampling report forms shall be issued on forms approved by the Administrator.

§ 56.56 *Grading certificate issuance.* Each grader shall issue a grading certificate covering each product graded except that with respect to grading service performed on a contract basis the issuance of a grading certificate shall be pursuant to a request therefor by the applicant or the Service. A grader shall not sign any certificate covering any product not graded by him.

§ 56.57 *Disposition of grading certificates.* The original of any grading certificate, issued pursuant to § 56.56, and not to exceed three copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading serving the area in which the grading service was performed, and all other copies shall be filed in such manner as the Administrator may approve. Additional copies of any such certificate may be supplied to any interested party as provided in § 56.48.

§ 56.58 *Advance information.* Upon request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

REGRADING AND APPEAL GRADING

§ 56.60 *Regrading of a graded product*—(a) *Application for regrading.* An application for a regrading may be made by any interested party who questions the representativeness of the sample upon which a previous grading was made, if the identity of the product has not been lost, and the product has not been subjected to conditions which may have caused a change in the product. Such application shall be made within two days following the day on which the grading was performed. Upon approval of the Administrator, the time within which such application for a regrading may be made may be extended. An application for a regrading may be granted only after the original grading certificate covering the product in question has been surrendered by the applicant to the Service.

(b) *Regrading procedure.* A regrading of a previously graded lot shall be made by examining an additional sample drawn from the product in question. The additional sample shall be not less than the minimum number of cases specified in § 56.4 (c). The grade assigned to the regraded product shall be determined on the basis of the averaged findings of both the original and regrade samples.

(c) *Regrading certificate.* Immediately after a regrading has been completed, a regrading certificate shall be issued showing the results of such regrading; and such certificate shall supersede the grading certificate previously issued for the product involved. Each regrading certificate shall clearly identify the number and date of the grading certificate it supersedes, and such supersedure shall be effective as of the time of issuance of such regrading certificate. The provisions of §§ 56.55 to 56.58, both inclusive, shall, whenever applicable, also apply to regrading certificates except that copies of such regrading certificates shall be furnished each interested party of record.

§ 56.61 *When appeal grading may be requested.* An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading certificate, if the identity of the samples, or the product, has not been lost; and such application for an appeal grading shall be made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

§ 56.62 *How to obtain appeal grading.* Appeal grading may be obtained by filing a request therefor (a) with the Administrator, (b) with the grader or inspector who issued the grading certificate with respect to which the appeal grading is requested, (c) with the immediate superior of such grader or inspector, or (d) with the officer in charge of any office of grading. The application for appeal grading shall state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

§ 56.63 *Record of filing time.* A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

§ 56.64 *When an application for an appeal grading may be refused.* If it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products graded cannot be made accessible for regrading, or the act or this part has not been complied with, the Administrator may refuse the applicant's request for the appeal grading; and such applicant shall be promptly notified of the reasons for such refusal.

§ 56.65 *When an application for an appeal grading may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Service in connection with such application.

§ 56.66 *Order in which appeal gradings are performed.* Appeal gradings shall be performed, insofar as practical, in the order in which applications therefor are received; and any such application may be given precedence pursuant to § 56.27.

§ 56.67 *Who shall make appeal gradings.* An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practical, such appeal grading shall be conducted jointly by two such graders.

§ 56.68 *Appeal grading certificate.* Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued showing the results of such appeal grading; and such certificate shall supersede the grading certificate previously issued for the product involved. Each appeal grading certificate shall clearly identify the number and date of the grading certificate which it supersedes; and such certificate shall thereupon supersede the grading certificate for the product involved, and such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. The provisions of §§ 56.55 to 56.58, both inclusive, shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished each interested party of record.

§ 56.69 *Superseded certificates.* Whenever any grading certificate is superseded in accordance with this part, such certificate shall become null and void and, after the effective time of the supersedure, shall no longer represent the class, quality, quantity, or condition of the product described therein. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

FACILITY REQUIREMENTS

§ 56.75 *Applicability of facility and operating requirements.* The provisions of § 56.76 shall become effective January 1, 1956, and shall apply to grading service with respect to shell eggs that are graded and packed in consumer packages (such as one-dozen cartons) and which bear a grade mark. The provisions of § 56.76 also shall be applicable to any grading service that is provided on a resident or contract basis.

§ 56.76 *Minimum facility and operating requirements for shell egg grading and packing plants*—(a) *General requirements for buildings and plant facilities.* (1) Buildings shall be of sound construction so as to prevent, insofar as practicable, the entrance or harboring of vermin.

(2) Grading and packing rooms shall be of sufficient size to permit installation of necessary equipment and the conduct of grading and packing in a sanitary manner. These rooms shall be kept reasonably clean during grading and packing operations and shall be thoroughly cleaned at the end of each operating day.

(3) Adequate lavatory and toilet accommodations shall be provided; and toilet and locker rooms shall be kept in a clean and sanitary condition.

(b) *Grading room requirements.* The grading room shall be adequately darkened to make possible accurate quality determination of the candled appearance of eggs.

(1) There shall be no crossbeams of light, and light reflection from candling lights shall be kept at a minimum.

(2) Candling benches shall be constructed so as to permit cleaning and provide ample shelf space for convenient placement of the different grades to be packed.

(3) The candling lights shall be capable of delivering reasonably uniform intensity of light at the candling aperture to facilitate accurate quality determinations; and the lights shall provide ample case light for detection of stained and dirty shells and the condition of the packing material.

(4) Individual egg scales shall be provided to check accuracy of weight classing.

(5) Weighing equipment, whether manual or automatic, shall be protected against dust and shall be capable of ready adjustment.

(6) Adequate ventilation shall be provided.

(c) *Cooler room requirements.* (1) Cooler rooms shall have refrigeration facilities capable of reducing within 24 hours and holding the maximum volume of eggs handled to 50° F., if eggs are to be held not longer than one week. If eggs are held for longer periods than one week, refrigeration facilities sufficient to hold the eggs at 40° F. or below are required.

(2) Cooler rooms shall be free from objectionable odors and from mold, and shall be maintained in a sanitary condition.

(d) *Shell egg treating operations.* Shell egg treating (oil processing) operations shall be conducted in a manner as will avoid contamination of the product and maximize conservation of its quality.

(1) Eggs with apparent moisture on the shell shall not be shell treated.

(2) The processing oil shall always be warmer than the eggs.

(3) Oil having any off odor, or that is obviously contaminated, shall not be used in shell egg treatment.

(4) Processing oil that has been previously used and which has become contaminated shall be filtered and heat treated at 180° F. for three minutes prior to use.

(5) Shell egg processing equipment shall be washed, rinsed, and treated with a bactericidal agent each time the oil is removed. It is preferable to filter and heat treat processing oil, and clean processing equipment daily when in use.

(6) Adequate coverage and protection against dust and dirt shall be provided when the equipment is not in use.

(e) *Shell egg cleaning operations.* (1) Shell egg cleaning equipment shall be kept in good repair and shall be cleaned after each day's use or more frequently if necessary.

(2) The wash water temperature shall always be warmer than the eggs.

(3) The wash water shall be replaced frequently and the detergent and sanitizer shall be kept at an effective level at all times.

(4) Washed eggs shall be dry before casing.

(f) *Requirements for eggs to be officially grade marked.* (1) Shell eggs which are to bear the official grade mark shall meet the following temperature requirements: They shall be cooled or tempered to within 45° F. to 70° F. before the official grading is made. Eggs which are to be temporarily held in the plant shall be placed under refrigeration of 50° F. or below within 24 hours after grading. If held longer than one week, they shall be held at 40° F. or below.

(2) Every reasonable precaution shall be exercised to prevent "sweating" of eggs.

(3) Only new or good used (free from obvious stains, mold, dirt, off odor, or breakage, and of sufficient strength and durability to adequately protect the product during normal distribution) packing materials and cases shall be used for eggs which are officially identified.

SUBPART B—FORMS AND INSTRUCTIONS

APPLICATION FOR GRADING SERVICE

§ 56.100 *Application for grading service with respect to shell eggs.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 56) governing the grading and inspection of shell eggs and the United States standards, grades, and weight classes for shell eggs, for grading service to be performed at the plant hereinafter designated:

(Name of plant) (Street address)

(City and State)

(a) Upon approval of this application by the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"), AMS will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to AMS at the time the respective invoices are rendered by AMS. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoices covering the period or periods during which the grading service may be rendered:

(i) A charge of $4.00 per hour and expenses for the initial survey of the designated plant and its premises prior to the performance by the Service of the grading service covered hereby;

(ii) A charge of $100.00 for the final survey and inauguration of the grading service including the assignment of one grader and one alternate grader;

(iii) A charge of $50.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, in the sole discretion of the Service no such charge will be made for a temporary replacement when such replacement is made by the use of a regular employee of the Service, or when the replacement is made necessary by the transfer of an employee of the Service for the sole benefit of the Service.

(iv) A charge equal to the salary costs paid to each grader assigned to the applicant's plant by AMS, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant except when the assigned grader is performing inspections for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered based on a formula concurred in jointly by the Departments of Defense and Agriculture.

(v) A charge equal to the salary costs, travel expenses and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vi) A charge for the actual cost to AMS of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(vii) A charge, at the sole discretion of AMS, of an amount not in excess of the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(viii) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(ix) An administrative service charge based upon the aggregate number of thirty-dozen cases of shell eggs handled in the plant per month, and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

0 to 500 cases	$25.00
501 to 1,750 cases	33.25
1,751 to 2,750 cases	38.00
2,751 to 3,750 cases	42.75
3,751 to 5,000 cases	47.50
5,001 to 6,000 cases	52.25
6,001 to 7,000 cases	57.00
7,001 to 8,000 cases	61.75
8,001 to 9,000 cases	66.50
9,001 to 10,000 cases	71.25
10,001 to 11,000 cases	76.00
11,001 to 12,000 cases	80.75
12,001 to 13,000 cases	85.50
13,001 to 14,000 cases	90.25
14,001 and over	95.00

(x) A charge of $4.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering services not specifically covered by this contract; such as, surveys in addition to the initial and final.

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) AMS will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of AMS the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) AMS shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and AMS, (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time AMS concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

(Applicant)

By ---

(Street)

--- ---
(City) (State)

(Date)

Approved:

By ---

(Title)

(Date)

Agricultural Marketing Service,
U. S. Department of Agriculture.

§ 56.101 *Application for the privilege to use official identification and grade labels on consumer packages of graded products.*

Application is hereby made, in accordance with the provisions of the regulations (7 CFR Part 56) governing the grading and inspection of shell eggs and the United States standards, grades, and weight classes for shell eggs, for the privilege of using, subject to such regulations, official identification and grade labels on consumer packages of shell eggs.

In requesting this privilege, the applicant agrees to conform to the aforesaid regulations and such instructions covering grading and inspection of shell eggs as may be issued by the Administrator of the Agricultural Marketing Service. The applicant further agrees to furnish the official identification and grade labels at no cost to the Government, and to place them in the custody of the supervisor of packaging or grader who is designated for such purpose by the Administrator.

The applicant further agrees not to package any graded product bearing official identification or grade label under a trade name other than that of the applicant unless such trade name is submitted, together with the proper address, to the Administrator at the time approval is requested of the cartons, packaging material, grade labels, and official identification to be used in packaging such graded shell eggs.

In the event the privilege to use official identification or grade labels on graded products is withdrawn in accordance with the applicable provisions of the regulations, the applicant agrees promptly to deliver or cause to be delivered into the custody of the immediate superior officer of the grader or supervisor of packaging all supplies of the official identification and of the grade labels, together with all packaging and packing materials bearing printed reference to the graded character of the products for such subsequent use by the applicant as may be approved by the Administrator.

All terms which are used herein shall have the meaning applicable to such terms when used in the aforesaid regulations.

This application is submitted in triplicate.

(Applicant)

By ---
Street No. ---
Dated at ---
This --- day of ----, 195-.

Approved:
Date ---
Name ---
Title ---
Agricultural Marketing Service.

SUBPART C—UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

UNITED STATES STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS

§ 56.200 *Application.* (a) The United States standards for quality of individual shell eggs contained in this subpart are applicable only to eggs that are the product of the domesticated chicken hen and are in the shell. Such standards are with respect to individual eggs with clean or dirty unbroken shells, and checked or cracked shells.

(b) Interior egg quality specifications for these standards are based on the apparent condition of the interior contents of the egg as it is twirled before the candling light. Any type or make of candling light may be used that will enable the particular grader to make consistently accurate determinations of the interior quality of shell eggs. It is desirable to break out an occasional egg and, by use of the USDA color chart "Interior Quality of Eggs," compare the broken-out and candled appearance, thereby aiding in correlating candled and broken-out appearance.

§ 56.201 *AA Quality.* The shell must be clean, unbroken, and practically normal. The air cell must not exceed $\frac{1}{8}$ inch in depth and be practically regular. The white must be clear and firm so that the yolk appears well centered and its outline only slightly defined when the egg is twirled before the candling light. The yolk must be free from apparent defects.

§ 56.202 *A Quality.* The shell must be clean, unbroken, and practically normal. The air cell must not exceed $\frac{3}{16}$ inch in depth and must be practically regular. The white must be clear and at least reasonably firm so that the yolk appears at least fairly well centered and its outline only fairly well defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

§ 56.203 *B Quality.* The shell must be unbroken and may be slightly abnormal and may show slight stains but no adhering dirt, provided, that they do not appreciably detract from the appearance of the egg. When the stain is localized, approximately $\frac{1}{16}$ of the shell surface may be slightly stained, and when the slightly stained areas are scattered, approximately $\frac{1}{8}$ of the shell surface may be slightly stained. The air cell must not exceed $\frac{3}{8}$ inch in depth, may show unlimited movement, and may be free but not bubbly. The white must be clear and may be slightly weak so that the yolk may appear off-center, with its outline well defined when the egg is twirled before the candling light. The yolk may appear slightly enlarged or slightly flattened and may show other definite, but not serious, defects.

§ 56.204 *C Quality.* The shell must be unbroken and may be abnormal and may have slight to moderate stained areas but no adhering dirt. Prominent stains are not permitted. The air cell may be over $\frac{3}{8}$ inch in depth and be free or bubbly. The white may be weak or watery so that the yolk may appear off-center and its outline plainly visible when the egg is twirled before the candling light. The yolk may appear dark, enlarged, and flattened, and may show clearly visible germ development but no blood due to such development. It may show other serious defects that do not render the egg inedible. Small blood clots or spots may be present.

§ 56.205 *Dirty.* The shell must be unbroken and it has adhering dirt or prominent stains.

§ 56.206 *Check.* An individual egg that has a broken shell or crack in the shell but with its shell membranes intact and its contents do not leak.

§ 56.207 *Leaker.* An individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell. An egg which has a portion of the shell missing (in excess of an area ¼ inch square) is considered a leaker even though the shell membrane is intact.

§ 56.208 *Terms descriptive of shell.* (a) *Clean.* A shell that is free from foreign material and from stains or discolorations that are readily visible. An egg may be considered clean if it has only very small specks or stains, if such specks or stains are not of sufficient number or intensity to detract from the generally clean appearance of the egg. Eggs that show traces of processing oil on the shell are considered clean unless otherwise soiled.

(b) *Dirty.* A shell which has dirt adhering to its surface or which has prominent stains.

(c) *Practically normal.* A shell that approximates the usual shape and that is of good even texture and strength and is free from rough areas or thin spots. Slight ridges and rough areas that do not materially affect the shape, texture, and strength of the shell are permitted.

(d) *Slightly abnormal.* A shell that may be somewhat unusual in shape or that may be slightly faulty in texture or strength. It may show definite ridges but no pronounced thin spots or rough areas.

(e) *Abnormal.* A shell that may be decidedly misshapen or faulty in texture or strength or that may show pronounced ridges, thin spots, or rough areas.

§ 56.209 *Terms descriptive of the air cell.* (a) *Depth of air cell (air space between shell membranes, normally in the large end of the egg).* The depth of the air cell is the distance from its top to its bottom when the egg is held air cell upward.

(b) *Practically regular.* An air cell that maintains a practically fixed position in the egg and shows a fairly even outline with not more than $\frac{3}{16}$-inch movement in any direction as the egg is rotated.

(c) *Free air cell.* An air cell that moves freely toward the uppermost point in the egg as the egg is rotated slowly.

(d) *Bubbly air cell.* A ruptured air cell resulting in one or more small separate air bubbles usually floating beneath the main air cell.

§ 56.210 *Terms descriptive of the white.* (a) *Clear.* A white that is free from discolorations or from any foreign bodies floating in it. (Prominent chalazas should not be confused with foreign bodies such as spots or blood clots.)

(b) *Firm.* A white that is sufficiently thick or viscous to permit but limited movement of the yolk from the center of the egg, thus preventing the yolk outline from being more than slightly defined or indistinctly indicated when the egg is twirled.

(c) *Reasonably firm.* A white that is somewhat less thick or viscous than a firm white. A reasonably firm white permits the yolk to move somewhat more freely from its normal position in the center of the egg and approach the shell more closely. This would result in a fairly well defined yolk outline when the egg is twirled.

(d) *Slightly weak.* A white that is lacking in thickness or viscosity to an extent that permits the yolk to move quite freely from its normal position in the center of the egg. A slightly weak white will cause the yolk outline to appear well defined when the egg is twirled.

(e) *Weak and watery.* A white that is thin and generally lacking in viscosity. A weak and watery white permits the yolk to move freely from the center of the egg and to approach the shell closely, thus causing the yolk outline to appear plainly visible and dark when the egg is twirled.

(f) *Blood clots and spots (not due to germ development).* Blood clots or spots on the surface of the yolk or floating in the white. These blood clots may have lost their characteristic red color and appear as small spots or foreign material commonly referred to as meat spots. If they are small (aggregating not more than $\frac{1}{8}$ inch in diameter), the egg may be classed as "C Quality." If larger, or showing diffusion of blood in the white surrounding them, the egg shall be classified as loss.

(g) *Bloody white.* An egg, the white of which has blood diffused through it. Such a condition may be present in newlaid eggs. Eggs with bloody whites are classed as loss.

§ 56.211 *Terms descriptive of the yolk.* (a) *Well centered.* A yolk that occupies the center of the egg and moves only slightly from that position as the egg is twirled.

(b) *Fairly well centered.* A yolk that is not more than one-fourth of the distance from its normal central position toward the ends of the egg and swings not more than one-half of the distance from its normal position toward the sides of the egg as it is twirled.

(c) *Off center.* A yolk which is distinctly above or below center and swings close to the sides of the egg as it is twirled.

(d) *Outline slightly defined.* A yolk outline that is indistinctly indicated and appears to blend into the surrounding white as the egg is twirled.

(e) *Outline fairly well defined.* A yolk outline that is discernible but not clearly outlined as the egg is twirled.

(f) *Outline well defined.* A yolk outline that is quite definite and distinct as the egg is twirled.

(g) *Outline plainly visible.* A yolk outline that is clearly visible as a dark shadow when the egg is twirled.

(h) *Slightly enlarged and slightly flattened.* A yolk in which the yolk membranes and tissues have weakened somewhat causing it to appear slightly enlarged and slightly flattened.

(i) *Enlarged and flattened.* A yolk in which the yolk membranes and tissues have weakened and moisture has been absorbed from the white to such an extent that it appears definitely enlarged and flat.

(j) *Free from defects.* A yolk that shows no spots or areas on its surface indicating the presence of germ development or other defects.

(k) *Practically free from defects.* A yolk that shows no germ development but may show other very slight defects on its surface.

(l) *Definite but not serious defects.* A yolk that may show definite spots or areas on its surface but with only slight indication of germ development or other pronounced or serious defects.

(m) *Other serious defects.* A yolk that shows well developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.

(n) *Clearly visible germ development.* A development of the germ spot on the yolk of a fertile egg that has progressed to a point where it is plainly visible as a definite circular area or spot with no blood in evidence.

(o) *Blood due to germ development.* Blood caused by development of the germ in a fertile egg to the point where it is visible as definite lines or as a blood ring. Such an egg is classified as inedible.

§ 56.212 *General terms.* (a) *Loss.* An egg that is inedible, smashed, or broken so that contents are leaking, cooked, frozen, contaminated, or containing bloody whites, large blood spots, large unsightly meat spots, or other foreign material.

(b) *Inedible eggs.* Eggs of the following descriptions are classed as inedible: black rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring stage), and any eggs that are adulterated as such term is defined pursuant to the Federal Food, Drug, and Cosmetic Act.

UNITED STATES CONSUMER GRADES AND WEIGHT CLASSES FOR SHELL EGGS

§ 56.215 *General.* (a) These grades are applicable to edible shell eggs in "lot" quantities rather than on an "individual" egg basis. A lot may contain any quantity of 2 or more eggs. Reference in these standards to the term "case" means 30 dozen egg cases as used in commercial practice in the United States.

(b) Terms used in this part that are defined in the United States standards for quality of individual shell eggs (§ 56.200 et seq.) have the same meaning in this part as in those standards.

(c) An aggregate tolerance of 20 percent is permitted within each consumer grade only as an allowance for variable efficiency and interpretation of graders, normal changes under favorable conditions during reasonable periods between grading and inspection, and reasonable variation of inspector's interpretation.

(d) Substitution of higher qualities for the lower qualities specified is permitted.

§ 56.216 *Grades.* (a) "U. S. Consumer Grade AA" shall consist of eggs of which at least 80 percent are AA Quality. Within the maximum tolerance of 20 percent, which may be below AA Quality, not more than 5 percent may be of the qualities below A, in any combination, but not including Dirties and Leakers.

(b) "U. S. Consumer Grade A" shall consist of eggs of which at least 80 percent are A Quality or better. Within the maximum tolerance of 20 percent which may be below A Quality, not more than 5 percent may be of the qualities below B, in any combination but not including Dirties and Leakers.

(c) "U. S. Consumer Grade B" shall consist of eggs of which at least 80 percent are B Quality or better. Within the maximum tolerance of 20 percent which may be below B Quality, 10 per-

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) AMS will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of AMS the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) AMS shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and AMS, (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time AMS concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

(Applicant)

By ---

(Street)

--- ---
(City) (State)

(Date)

Approved:

By ---

(Title)

(Date)

Agricultural Marketing Service,
U. S. Department of Agriculture.

§ 56.101 *Application for the privilege to use official identification and grade labels on consumer packages of graded products.*

Application is hereby made, in accordance with the provisions of the regulations (7 CFR Part 56) governing the grading and inspection of shell eggs and the United States standards, grades, and weight classes for shell eggs, for the privilege of using, subject to such regulations, official identification and grade labels on consumer packages of shell eggs.

In requesting this privilege, the applicant agrees to conform to the aforesaid regulations and such instructions covering grading and inspection of shell eggs as may be issued by the Administrator of the Agricultural Marketing Service. The applicant further agrees to furnish the official identification and grade labels at no cost to the Government, and to place them in the custody of the supervisor of packaging or grader who is designated for such purpose by the Administrator.

The applicant further agrees not to package any graded product bearing official identification or grade label under a trade name other than that of the applicant unless such trade name is submitted, together with the proper address, to the Administrator at the time approval is requested of the cartons, packaging material, grade labels, and official identification to be used in packaging such graded shell eggs.

In the event the privilege to use official identification or grade labels on graded products is withdrawn in accordance with the applicable provisions of the regulations, the applicant agrees promptly to deliver or cause to be delivered into the custody of the immediate superior officer of the grader or supervisor of packaging all supplies of the official identification and of the grade labels, together with all packaging and packing materials bearing printed reference to the graded character of the products for such subsequent use by the applicant as may be approved by the Administrator.

All terms which are used herein shall have the meaning applicable to such terms when used in the aforesaid regulations.

This application is submitted in triplicate.

(Applicant)

By ---
Street No. ---
Dated at ---
This --- day of ----, 195-.

Approved:
Date ---
Name ---
Title ---
Agricultural Marketing Service.

cent may be of C Quality, and not over 10 percent may be Dirties or Checks in any combination.

(d) "U. S. Consumer Grade C" shall consist of eggs of which at least 80 percent are C Quality or better, and the balance may be Dirties or Checks in any combination.

(e) *Additional tolerances.* (1) Within the maximum tolerance permitted, an allowance will be made at receiving points or shipping destination for ½ percent Leakers in U. S. Consumer Grades AA, A, and B, and 1 percent in Grade C.

(2) In lots of two or more cases, no individual case may fall below 70 percent of the specified quality and no individual case may contain more than double the tolerance specified for the respective grade (i. e., in lots of Grade A, not more than 10 percent of the qualities in individual cases within the sample may be C or Check, provided the average is not over 5 percent).

(f) "No grade" means eggs of possible edible quality that fail to meet the requirements of an official U. S. Grade or that have been contaminated by smoke, chemicals, or other foreign material which has seriously affected the character, appearance, or flavor of the eggs.

§ 56.217 *Summary of grades.* The summary of the U. S. Consumer Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF U. S. CONSUMER GRADES FOR SHELL EGGS

U. S. consumer grade	At least 80 per cent (lot over age) [1] must be—	Tolerance permitted [2]	
		Percent	Quality
Grade AA	AA Quality	15 to 20	A.
		Not over 5 [3]	B, C, or Check.
Grade A	A Quality or better.	15 to 20	B.
		Not over 5 [3]	C or Check.
Grade B	B Quality or better.	10 to 20	C.
		Not over 10 [3]	Dirty or Check.
Grade C	C Quality or better.	Not over 20	Dirty or Check.

[1] In lots or two or more cases, no individual case may fall below 70 percent of the specified quality and no individual case may contain more than double the tolerance specified for the respective grade (i. e., in lots of Grade A, not more than 10 percent of the qualities in individual cases within the sample may be C or Check, provided the average is not over 5 percent).

[2] Within tolerance permitted, an allowance will be made at receiving points or shipping destination for ½ percent leakers in Grades AA, A, and B, and 1 percent in Grade C.

[3] Substitution of higher qualities for the lower qualities specified is permitted.

§ 56.218 *Weight classes.* (a) The weight classes for U. S. Consumer Grades for Shell Eggs shall be as indicated in Table I of this section and shall apply to all consumer grades.

TABLE I—U. S. WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS

Size or weight class	Minimum net weight per dozen	Minimum net weight per 30 dozen	Minimum weight for individual eggs at rate per dozen
	Ounces	*Pounds*	*Ounces*
Jumbo	30	56	29
Extra large	27	50½	26
Large	24	45	23
Medium	21	39½	20
Small	18	34	17
Peewee	15	28	----------

(b) Minimum weights listed for individual eggs at the rate per dozen are permitted in the various size classes only to the extent that they will not reduce the net weight per dozen below the required minimum.

(c) Effective January 1, 1956, the weight classes for U. S. Consumer Grades for Shell Eggs shall be as indicated in Table II of this section and shall thereupon supersede the weight classes set forth in Table I of this section.

TABLE II—U. S. WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS

Size or weight class	Minimum net weight of individual eggs weight per per dozen [1]	Minimum net weight per 30 dozen case
	Ounces	*Pounds*
Jumbo	30	56
Extra large	27	50½
Large	24	45
Medium	21	39½
Small	18	34
Peewee	15	28

[1] A tolerance of not more than 5 percent of the individual eggs within the lot may be less than the minimum net weight for individual eggs specified for the respective weight class but such eggs shall weigh not less than the specified minimum weight for the next lower weight class.

UNITED STATES PROCUREMENT GRADES AND WEIGHT CLASSES FOR SHELL EGGS

§ 56.220 *General.* (a) These procurement grades are applicable only to shell eggs in lot quantities. They are designed primarily for Government and institutional procurement. A lot may contain any quantity of one or more cases. Reference to the term "case" means a 30-dozen egg case as used in commercial practice in the United States.

(b) All terms in the United States standards for quality of individual shell eggs (§ 56.200 et seq.) shall, when used in this part have the same meaning as is given to them in such standards.

(c) Substitution of higher qualities for the lower qualities specified is permitted.

§ 56.221 *Grades.* (a) "U. S. Procurement Grade I" shall consist of eggs of which at least 80 percent are A Quality or better. Within the maximum of 20 percent which may be below A Quality, not more than 5 percent may be of the qualities below B. Said maximum tolerance of 5 percent may consist of C Quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined.

(b) "U. S. Procurement Grade II" shall consist of eggs of which at least 60 percent are A Quality or better. Within the maximum of 40 percent which may be below A Quality, not more than 10 percent may be of the qualities below B. Said maximum tolerance of 10 percent may consist of C Quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined.

(c) "U. S. Procurement Grade III" shall consist of eggs of which at least 40 percent are A Quality or better. Within the maximum of 60 percent which may be below A Quality, not more than 11.7 percent may be of the qualities below B. Said maximum tolerance of 11.7 percent may consist of C Quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined.

(d) "U. S. Procurement Grade IV" shall consist of eggs of which at least 20 percent are A Quality or better. Within the maximum of 80 percent which may be below A Quality, not more than 11.7 percent may be of the qualities below B. Said maximum tolerance of 11.7 percent may consist of C Quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined.

(e) *Individual case tolerance within a lot applying to each of the procurement grades.* (1) Individual cases may contain not over 10 percent less A Quality eggs than specified for any procurement grade provided the average percentage of A Quality eggs for the lot is not less than the percentage specified. In lots of 200 cases or more, one case in each 10 examined may contain not over 20 percent less A Quality eggs than the minimum percentage specified for the grade.

(2) Individual cases may contain not over 18 percent eggs below B Quality provided the average percentage for the lot is not more than is specified for the grade.

§ 56.222 *Summary of grades.* The summary of the U. S. Procurement Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF U. S. PROCUREMENT GRADES FOR SHELL EGGS

U. S. Procurement Grade	A quality or better (lot average) at least [1]	Maximum tolerance permitted [2] (lot average)	
	Percent	Percent	Quality
I	80	15 to 20	B.
		Not over 5	C, Check, Dirty, Leaker, and Loss.
II	60	30 to 40	B.
		Not over 10	C, Check, Dirty, Leaker, and Loss.
III	40	48.3 to 60	B.
		Not over 11.7	C, Check, Dirty, Leaker, and Loss.
IV	20	68.3 to 80	B.
		Not over 11.7	C, Check, Dirty, Leaker, and Loss.

[1] Individual cases may contain not over 10 percent less A Quality eggs than permitted for the lot, provided the average for the lot is not more than the tolerance permitted in any grade. In lots of 200 cases or more, one case in each 10 examined may contain not over 20 percent less A Quality eggs than is permitted in any grade.

[2] Within each tolerance for qualities below B, each of the grades may contain not over 3 percent Checks, and a combined total of not over 3/10 percent Dirties, Leakers, and Loss. Individual cases may contain not over 18 percent of qualities below B, provided the average for the lot does not exceed the tolerances permitted in any grade.

§ 56.223 *Weight classes.* (a) The weight classes for United States Procurement Grades for Shell Eggs shall be as indicated in Table I of this section and shall apply to all procurement grades.

TABLE I—WEIGHT CLASSES FOR UNITED STATES PROCUREMENT GRADES

Weight classes	Average net weight on lot basis 30-dozen case	Minimum net weight individual 30-dozen case	Minimum weight for individual eggs, at the rate per dozen	Maximum average percent of individual eggs below minimum weight lot average [1]
	Pounds	*Pounds*	*Ounces*	*Percent*
Extra large	50.5	50	26	3.33
Large	45	44.5	23	3.33
Medium	39.5	39	20	3.33
Small	34	33.5	17	3.33

[1] Individual cases may contain not over 10 percent of individual eggs below minimum weights.

(b) Effective January 1, 1956, the weight classes for United States Procurement Grades for Shell Eggs shall be as indicated in Table II of this section and shall thereupon supersede the weight classes indicated in Table I of this section.

TABLE II—WEIGHT CLASSES FOR UNITED STATES PROCUREMENT GRADES

Weight classes	Minimum net weight of individual eggs at weight per dozen [1]	Minimum net weight per 30-dozen case [2]
	Ounces	*Pounds*
Extra large	27	50½
Large	24	45
Medium	21	39½
Small	18	34
Peewee	15	28

[1] A tolerance of 5 percent is permitted for individual eggs weighing less than the minimum specified in any weight class, but such eggs shall weigh not less than the minimum specified for the next lower weight class. Individual cases may contain not more than 10 percent of individual eggs below minimum weight.

[2] A tolerance of ½ pound per individual case is permitted in each of the listed weight classes but only to the extent that will not reduce the required minimum net weight per case of the lot on a lot average basis.

UNITED STATES WHOLESALE GRADES AND WEIGHT CLASSES FOR SHELL EGGS

§ 56.225 *General.* (a) These wholesale grades are applicable only to shell eggs.

(b) All terms in the United States standards for quality of individual shell eggs (§ 56.200 et seq.) shall, when used in this part, have the same meaning as is given to them in such standards.

(c) Substitution of higher qualities for the lower qualities specified is permitted.

(d) The term "refrigerator eggs" means eggs which have been held under refrigeration for a period of not less than 30 days.

§ 56.226 *Grades.* (a) "U. S. Specials __% AA Quality" shall consist of eggs of which at least 20 percent are AA Quality; and the actual percentage of AA Quality eggs shall be stated in the grade name. The balance may be A Quality except for permitted tolerances, per 30 dozen of eggs, of which 27 eggs (7.5 percent) may be B Quality, C Quality, Dirties, or Checks in any combination, and 6 eggs (1.7 percent) may be Loss.

(b) "U. S. Extras __% A Quality" shall consist of eggs of which at least 20 percent are not less than A Quality; and the actual total percentage of A Quality and better quality eggs shall be stated in the grade name. The balance may be B Quality except for permitted tolerances, per 30 dozen of eggs, of which 42 eggs (11.7 percent) may be of C Quality, Dirties, or Checks in any combination, and 8 eggs (2.2 percent) may be Loss. For the period beginning on August 1 of any year and extending through January 31 of the next year, the permitted tolerance for Loss with respect to "refrigerator eggs" is 12 eggs (3.3 percent).

(c) "U. S. Standards __% B Quality" shall consist of eggs of which at least 20 percent are not less than B Quality; and the actual total percentage of B Quality and better quality eggs shall be stated in the grade name. The balance may be C Quality except for permitted tolerances, per 30 dozens of eggs, of which 42 eggs (11.7 percent) may be Dirties or Checks in any combination, and 10 eggs (2.8 percent) may be Loss. For the period beginning on August 1 of any year and extending through January 31 of the next year, the permitted tolerance of Loss with respect to "refrigerator eggs" is 15 eggs (4.2 percent).

(d) "U. S. Trades __% C Quality" shall consist of eggs of which at least 83.3 percent are not less than C Quality; and the actual total percentage of C Quality and better quality eggs shall be stated in the grade name. The permitted tolerances, per 30 dozen of eggs, are 42 eggs (11.7 percent) which may be Dirties or Checks in any combination, and 18 eggs (5 percent) may be Loss.

(e) "U. S. Dirties" shall consist of eggs that are Dirty and contain, per 30 dozen of eggs, not more than 42 eggs (11.7 percent) which are Checks, and 18 eggs (5 percent) which may be Loss.

(f) "U. S. Checks" shall consist of eggs that are Checks and contain, per 30 dozen of eggs, not more than 18 eggs (5 percent) that are Loss.

(g) "No grade" means eggs of possible edible quality that fail to meet the requirements of an official U. S. Grade or that have been contaminated by smoke, chemicals, or other foreign material that has seriously affected the character, appearance, or flavor of the eggs.

(h) Effective January 1, 1956, the percentage of Loss eggs permitted in U. S. Specials __% AA Quality, U. S. Extras __% A Quality, and U. S. Standards __% B Quality, will be 2.0 percent, 3.0 percent, and 4.0 percent, respectively and will thereupon supersede the requirements of paragraphs (a), (b), and (c) of this section with respect to Loss.

§ 56.227 *Summary of grades.* A summary of the United States Wholesale Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF UNITED STATES WHOLESALE GRADES FOR SHELL EGGS

Wholesale grade designation	Minimum percentage of eggs of specific qualities required [1]				Tolerances in terms of maximum number and percentage of eggs, for each 30 dozen of eggs									
	AA Quality	A Quality or better	B Quality or better	C Quality or better	B Quality, C Quality, Dirties, and Checks		C Quality, Dirties, and Checks		Dirties and Checks		Checks		Loss	
					Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
U. S. Specials ____% AA Quality [2]	20	Balance	None permitted except for tolerances		27	7.5	------	------	------	------	------	------	6	1.7
U. S. Extras ____% A Quality [2]	------	20	Balance	None permitted except for tolerances	------	------	42	11.7	------	------	------	------	8	[3] 2.2
U. S. Standards ____% B Quality [2]	------	------	20	Balance	------	------	------	------	42	11.7	------	------	10	[3] 2.8
U. S. Trades ____% C Quality [2]	------	------	------	83.3	------	------	------	------	42	11.7	------	------	18	5
U. S. Dirties	------	------	------	------	------	------	------	------	------	------	42	11.7	18	5
U. S. Checks	------	------	------	------	------	------	------	------	------	------	------	------	18	5

[1] Substitution of eggs possessing higher qualities for those possessing lower specified qualities is permitted.

[2] The actual total percentage must be stated in the grade name.

[3] For the period beginning on August 1 of one year and extending through January 31 of the next year, the permitted tolerance for loss with respect to "refrigerator eggs" is 12 eggs (3.3 percent) and 15 eggs (4.2 percent) for U. S. Extras ____% A Quality and U. S. Standards ____% B Quality, respectively.

§ 56.228 *Weight classes.* (a) The weight classes for the United States Wholesale Grades for Shell Eggs shall be as indicated in Table I of this section and, subject to the stated tolerance of 10 percent, shall apply to all wholesale grades except U. S. Dirties and U. S. Checks. There are no weight classes for U. S. Dirties or U. S. Checks.

TABLE I—WEIGHT CLASSES FOR UNITED STATES WHOLESALE GRADES FOR SHELL EGGS

Weight classes	Per 30 dozen eggs		Weights for individual eggs at rate per dozen	
	Average net weight on a lot [1] basis	Minimum net weight individual case [2] basis	Minimum weight	Weight variation tolerance for not more than 10 percent, by count, of individual eggs
	At least—			
Extra large	50½ pounds	50 pounds	26 ounces	Under 26 but not under 24 ounces.
Large	45 pounds	44 pounds	23 ounces	Under 23 but not under 21 ounces.
Medium	39½ pounds	39 pounds	20 ounces	Under 20 but not under 18 ounces.
Small	34 pounds	None	None	None.

[1] Lot means any quantity of 30 dozen or more eggs.
[2] Case means standard 30 dozen egg case as used in commercial practice in the United States.

(b) Effective January 1, 1956, the weight classes for United States Wholesale Grades for Shell Eggs shall be as indicated in Table II of this section and shall thereupon supersede the weight classes indicated in Table I of this section.

TABLE II—WEIGHT CLASSES FOR UNITED STATES WHOLESALE GRADES FOR SHELL EGGS

Weight classes	Minimum net weight of individual eggs at weight per dozen [1]	Minimum net weight per 30 dozen case [2]
	Ounces	*Pounds*
Extra large	27	50½
Large	24	45
Medium	21	39½
Small	18	34
Peewee	15	28

[1] A tolerance of not more than 5 percent of the individual eggs may be below the minimum weights specified but such eggs shall weigh not less than the specified minimum weight for the next lower weight class. No individual case may contain more than 10 percent of eggs below the weight specified for a particular weight class.
[2] A tolerance of ½ pound per case is permitted for individual cases within the lot but only to the extent that the average weight of the lot is not reduced below the required minimum.

(Sec. 206, 60 Stat. 1090; 7 U. S. C. 1624 et seq.)

Issued at Washington, D. C., this 19th day of November 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-9321; Filed, Nov. 24, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1954 Dept. Cir. 950]

1⅛ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES D–1955

OFFERING OF CERTIFICATES

NOVEMBER 22, 1954.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for certificates of indebtedness of the United States, designated 1⅛ percent Treasury Certificates of Indebtedness of Series D–1955, in exchange for which any of the following listed securities, singly or in combinations aggregating $1,000 or multiples thereof, may be tendered:

1⅞ percent Treasury Notes of Series B–1954, maturing December 15, 1954.

2 percent Treasury Bonds of 1952–54 (dated December 1, 1944), maturing December 15, 1954.

2 percent Treasury Bonds of 1951–55, called for redemption on December 15, 1954.

Exchanges will be made at par with an adjustment of interest as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of the eligible securities of the three issues enumerated above tendered in exchange and accepted. The books will be open only on November 22 through November 24 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are also offered the privilege of exchanging all or any part of such securities for 1¼ percent Treasury Certificates of Indebtedness of Series E–1955 or 2½ percent Treasury Bonds of 1963, which offerings are set forth in Department Circulars Nos. 951 and 952, issued simultaneously with this circular.

II. *Description of certificates.* 1. The certificates now offered will be an addition to and will form a part of the series of 1⅛ percent Treasury Certificates of Indebtedness of Series D–1955 issued pursuant to Department Circular No. 947, dated August 3, 1954, will be freely interchangeable therewith, are identical in all respects therewith, and (except that there are hereby authorized additional denominations of $100,000,000 and $500,000,000) are described in the following quotation from Department Circular No. 947:

1. The certificates will be dated August 15, 1954, and will bear interest from that date at the rate of 1⅛ percent per annum, payable at the maturity of the certificates on August 15, 1955. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with one interest coupon attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before December 15, 1954, or on later allotment, and may be made only in the securities of the three issues enumerated in Section I hereof, which will be accepted at par, and should accompany the subscription. All bearer securities should be surrendered with December 15, 1954, coupons attached, and subsequent coupons as well in the case of the Treasury Bonds of 1951–55. The full six months' interest due December 15, 1954, will be credited, and accrued interest from August 15 to December 15 on the certificates to be issued will be charged, as shown in the table below. The difference will be paid subscribers, in the case of bearer securities, following their acceptance, and in the case of registered bonds, following discharge of registration.

INTEREST ADJUSTMENTS PER $1,000

Securities surrendered	Accrued interest to be credited	Accrued interest to be charged	Net
1⅞ percent Treasury Notes, Series B–1954	$9.38	$3.76[illegible]	[illegible]
2 percent Bonds of 1952–54 (dated Dec. 1, 1944)	10.00	3.76[illegible]	[illegible]
2 percent Bonds of 1951–55	10.00	3.76[illegible]	[illegible]

V. *Assignment of registered bonds.* 1. Treasury bonds of the two eligible issues in registered form tendered in payment for certificates offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for 1⅛ percent Certificates of Indebtedness of Series D–1955 to be delivered to ----------", in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington. The bonds must be delivered at the expense and risk of the holders.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-9327; Filed, Nov. 24, 1954; 8:50 a. m.]

[1954 Dept. Cir. 951]

1¼ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES E–1955

OFFERING OF CERTIFICATES

NOVEMBER 22, 1954.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 1¼ percent Treasury Certificates of Indebtedness of Series E–1955, in exchange for which any of the following listed securities, singly or in combinations aggregating $1,000 or multiples thereof, may be tendered:

1⅞ percent Treasury Notes of Series B–1954, maturing December 15, 1954.

2 percent Treasury Bonds of 1952–54 (dated December 1, 1944), maturing December 15, 1954.

2 percent Treasury Bonds of 1951–55, called for redemption on December 15, 1954.

The amount of the offering under this circular will be limited to the amount of the eligible securities of the three issues enumerated above tendered in exchange and accepted. The books will be open only on November 22 through November 24 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are also offered the privilege of exchanging all or any part of such securities for 1⅛ percent Treasury Certificates of Indebtedness of Series D–1955 to be delivered to ----------", in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington. The bonds must be delivered at the expense and risk of the holders.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-9326; Filed, Nov. 24, 1954; 8:50 a. m.]

[1954 Dept. Cir. 952]

2½ PERCENT TREASURY BONDS OF 1963

OFFERING OF BONDS

NOVEMBER 22, 1954.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for bonds of the United States, designated 2½ percent Treasury Bonds of 1963, in exchange for which any of the following listed securities, singly or in combinations aggregating $500 or multiples thereof may be tendered:

1⅞ percent Treasury Notes of Series B–1954, maturing December 15, 1954.

2 percent Treasury Bonds of 1952–54 (dated December 1, 1944), maturing December 15, 1954.

2 percent Treasury Bonds of 1951–55, called for redemption on December 15, 1954.

The amount of the offering under this circular will be limited to the amount of the eligible securities of the three issues enumerated above tendered in exchange and accepted. The books will be open only on November 22 through November 24 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are also offered the privilege of exchanging all or any part of such securities for 1⅛ percent Treasury Certificates of Indebtedness of Series D–1955, or 1¼ percent Treasury Certificates of Indebtedness of Series E–1955, which offerings are set forth in Department Circulars Nos. 950 and 951, issued simultaneously with this circular.

II. *Description of Bonds.* 1. The bonds will be dated December 15, 1954, and will bear interest from that date at the rate of 2½ percent per annum, payable on a semiannual basis on August 15, 1955, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1963, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for bonds allotted hereunder must be made on or before December 15, 1954, or on later allotment, and may be made only in the securities of the three issues enumerated in section I hereof, which will be accepted at par, and should accompany the subscription. Final interest due on December 15 on bearer securities surrendered will be paid by payment of December 15, 1954, coupons, which should be detached by holders before presentation of the securities. Coupons dated June 15, 1955, and December 15, 1955, must be attached to Treasury Bonds of 1951–55 when surrendered. In the case of registered bonds, final interest due on December 15, 1954, will be paid by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. Treasury bonds of the two eligible issues in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D. C. The bonds must be delivered at the expense and risk of the holders. If the new bonds are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 2½ percent Treasury Bonds of 1963"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 2½ percent Treasury Bonds of 1963 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 2½ percent Treasury Bonds of 1963 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-9328; Filed, Nov. 24, 1954; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order 108]

AVONZEL CORP.

Whereas, by (1) Vesting Order Number 30, dated June 18, 1942 (7 F. R. 4633, June 23, 1942), and Executive Order No. 9788, dated October 14, 1946 (11 F. R. 11981, October 15, 1946), and (2) Vesting Order Number 13249, dated May 12, 1949 (14 F. R. 2603, May 17, 1949), there is vested in the Attorney General of the United States (hereinafter referred to as "Attorney General") all of the issued and outstanding capital stock of Avonzel Corporation (hereinafter referred to as "the Company"), a New York corporation;

Whereas, a Certificate of Dissolution was issued by the Secretary of State of New York on October 20, 1954, certifying that it appeared that the Company had complied with section 105 of the Stock Corporation Law of the State of New York and that the Company is dissolved; and

Whereas, the Company has been substantially liquidated.

Now, therefore, under the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788 and pursuant to law, the undersigned, after investigation:

1. Finding that there are no known debts of the Company and that the Company's known assets consist of cash in the amount of $1,256,592.31; United States Treasury 2½ percent Bonds, having a total face value of $100,000.00; and four bonds (secured by mortgages), having a total unpaid balance of $62,950.00; and

2. Having determined that it is in the national interest of the United States that the Company be dissolved, that its affairs be wound up and that its assets be distributed;

Hereby orders, that the officers and directors of the Company (and their successors, or any of them) wind up the affairs of the Company and distribute the assets of the Company coming into their possession as follows:

1. They shall first pay current expenses, if any, and necessary charges in effecting the dissolution of the Company and winding up of its affairs; and

2. They shall then pay all federal, state, and local taxes, if any, owed by or accruing against the Company; and

3. They shall then pay over, transfer, assign and deliver to the Attorney General all funds and property of whatsoever kind and nature (including after discovered assets) and any and all claims of whatsoever kind and nature (including any claims for refund of taxes and or the proceeds of any such refund), the same to be applied by the Attorney General as follows: first, in satisfaction of such claim, if any, as the Attorney General may have for monies advanced or services rendered to or on behalf of the Company, and second, as a liquidating distribution of assets to the Attorney General, as holder of all of the issued and outstanding stock of the Company; and further orders, that nothing herein set forth shall be construed as prejudicing the rights under the Trading With the Enemy Act, as amended, of any person who may have a claim against the Company to file such claim with the Attorney General against any funds or property received by the Attorney General hereunder:

Provided, however, That nothing herein contained shall be construed as creating additional rights in such person: *Provided further,* That any such claim against said Company shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the officers and directors of the Company pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to section 5 (b) (2) of the Trading With the Enemy Act, as amended (50 U. S. C. App. 5), and the acquittance and exculpation provided therein.

Executed in Washington, D. C., on November 15, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-9330; Filed, Nov. 24, 1954; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 17

NOVEMBER 19, 1954.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Area 4, approved by the Acting Secretary of the Interior, August 20, 1951 (16 F. R. 8625, 8627), the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 43 U. S. C. 364a–364e), for commercial and industrial purposes:

Commencing at a point on Kodiak Island near Narrow Cape identified by a temporary post at approximate Latitude 57°28' North, Longitude 152°20'20" West, thence easterly 1,320 feet, thence northerly 660 feet, thence westerly 1,320 feet, thence southerly 660 feet to the point of beginning, being 20 acres more or less, depending upon survey.

The above land will be offered for sale in accordance with regulations contained in 43 CFR 75.23 to 75.40. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

HAROLD T. JORGENSON,
Area Lands and Minerals Officer.

[F. R. Doc. 54-9298; Filed, Nov. 24, 1954; 8:45 a. m.]

ALASKA

NOTICE OF FILING PLATS OF SURVEY

NOVEMBER 17, 1954.

Notice is given that the plats of original survey of the following described lands, accepted October 28, 1954, will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice.

SEWARD MERIDIAN

T. 11 N., R. 4 W.,
Secs. 1, 2, 3, 4, 5, 9, 10, 15, 22, 23, 25, and 26.

The area described contains 4,039.13 acres.

Of the land described, the following land is withdrawn by Public Land Order 576 of March 29, 1949, to wit:

T. 11 N., R. 3 W.,
Sec. 3: W½NW¼NW¼, SE¼NW¼NW¼, SW¼NW¼, W½SE¼NW¼, SW¼;
Sec. 4: All;
Sec. 5: All (Lot 1);
Sec. 9: All (Lots 1 and 2);
Sec. 10: All;
Secs. 15, 22, 23, 25, and 26.
T. 11 N., R. 3 W.,
Sec. 5: All (Lot 1) is also subject to Section 24 of the act of June 10, 1920 (Federal Power Act).

The lands are located on the Anchorage Seward Highway beginning about 12 miles from Anchorage, at Potter. Most of the land to the east of the highway is extremely hilly extending to the foothills of the Chugach Range. It is covered with birch, spruce and alder and a fair portion of the land is considered agricultural.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order except that the lands are now open to application, petition, location, or selection under applicable laws, subject to valid existing rights, the requirements for classification, and withdrawal limitations. Pursuant to law, preference in consideration of competing applications will be granted as follows:

Priority category	Preferred applicant	Types of applications	Priority period closing dates (all days start at 10 a. m.)	How competing applications will be considered
1	Holders of individual preference rights based on valid settlement, statutory preference, or equitable claims.	As specified by law or regulation.	120 days from date of this notice.	Priority of right.
2	Veterans of World War II and of the Korean conflict, and other beneficiaries of the act of Sept. 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended.	Homestead, small-tract, homesite.	35 days from date of this notice.	Drawing at the close of the priority period.
3	do	do	91 days from the end of the second priority period.	Order of filing during the priority period.
4	Any other qualified person.	Any type	120 days from date of this notice.	Drawing at the close of the priority period.
5	Any qualified person	do	Anytime after the end of the fourth priority period.	Order of filing.

Persons claiming veterans' preference rights under Priority Categories 2 and 3 must enclose with their applications proper evidence of military or naval service preferably a complete photostatic copy of the certificate of honorable discharge.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations, as follows:

Subject:	Part and sections
General	295.8 and 296.
Homesteads	65 and 66.
Headquarters site	64.6.
Homesite	64.10.
Small tracts	257.
Veterans' preference	181.35–181.47.

Inquiries concerning these lands and applications for them shall be addressed to Virgil O. Seiser, Manager, Land Office, Box 1740, Anchorage, Alaska.

VIRGIL O. SEISER,
Manager.

[F. R. Doc. 54-9299; Filed, Nov. 24, 1954; 8:45 a. m.]

[Montana 013687]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 18, 1954.

In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

T. 7 S., R. 60 E.,
Sec. 1: Lots 3, 4, S½NW¼.

The area described contains 159.53 acres.

The topography of these lands is gently rolling and slopes easterly towards the Little Missouri River. There is a fair to good growth of bluestem and grama grasses, scattered weeds and cactus, and a substantial growth of big sage. There are no trees or water upon the tract and no portion of the tract is susceptible to cultivation or irrigation.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application

that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m. on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m. of the 35th day after the date of this order shall be treated as though simultaneously filed at that time. All other applications under the public-land laws filed on or before 10:00 a. m. of the 126th day after the date of this order shall be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to the State Supervisor, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

THEO. E. ANHDER,
Acting State Supervisor.

[F. R. Doc. 54-9300; Filed, Nov. 24, 1954; 8:45 a. m.]

NORTH DAKOTA AND SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 19, 1954.

An application, serial number Montana 013826(SD) for the withdrawal from all forms of appropriation under the public land laws, including mining and mineral leasing laws of the lands described below was filed on October 26, 1953, by the Department of the Army.

The purposes of the proposed withdrawal: For the operation and maintenance of the Oahe Reservoir Project, North and South Dakota.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Billings, Montana. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 8 N., R. 24 E.,
Sec. 5: SE¼NW¼;
Sec. 6: Lot 3.
T. 9 N., R. 24 E.,
Sec. 12: Lot 1;
Sec. 13: Lots 2, 3, 4;
Sec. 24: SW¼SE¼;
Sec. 26: NW¼SW¼.
T. 9 N., R. 25 E.,
Sec. 7: Lots 1, 2;
Sec. 15: Lot 2;
Sec. 17: Lots 2, 3;
Sec. 20: NE¼NE¼;
Sec. 21: SW¼NE¼, NE¼NE¼;
Sec. 24: Lot 4.
T. 8 N., R. 26 E.,
Sec. 9: NW¼NW¼.
T. 9 N., R. 26 E.,
Sec. 1: Lot 5, W½SW¼;
Sec. 2: Lots 1, 5;
Sec. 3: Lots 1, 4, SE¼SE¼;
Sec. 9: Lots 2, 3;
Sec. 10: Lots 1, 2, E½NE¼;
Sec. 11: SW¼NE¼, NW¼SE¼;
Sec. 12: NW¼NW¼, NW¼SW¼;
Sec. 29: NW¼NE¼, SE¼NE¼, NE¼SE¼, SE¼SW¼;
Sec. 30: E½NE¼, NE¼SE¼;
Sec. 32: E½NW¼, SW¼NW¼.
T. 9 N., R. 27 E.,
Sec. 2: Lot 1;
Sec. 5: SW¼NW¼.
T. 7 N., R. 28 E.,
Sec. 1: SW¼SE¼, NE¼NE¼, SE¼SE¼, SE¼NE¼;
Sec. 12: NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 13: NW¼SE¼.
T. 8 N., R. 28 E.,
Sec. 2: SE¼SE¼;
Sec. 12: SE¼NE¼.
T. 9 N., R. 28 E.,
Sec. 5: Lots 1, 2;
Sec. 6: Lots 2, 3, 4, 5, 6;
Sec. 7: Lots 1, 8, 9, 10;
Sec. 9: SW¼, S½NW¼;
Sec. 23: SE¼NW¼.
T. 6 N., R. 29 E.,
Sec. 3: SE¼SW¼;
Sec. 4: SE¼;
Sec. 5: Lot 4, SW¼NE¼;
Sec. 8: N½SE¼, SE¼SE¼;
Sec. 9: N½NE¼, SW¼NE¼;
Sec. 10: N½NW¼, NW¼NE¼;
Sec. 17: NE¼NE¼;
Sec. 23: Lots 1, 2;
Sec. 25: Lots 1, 2, 3, 4.
Sec. 5: Lots 1, 2, 4, SW¼SW¼;
Sec. 6: Lot 7, E½SW¼, SE¼;
Sec. 7: Lots 1, 2, 3, 4, E½W½, NE¼, N½SE¼, SE¼SE¼, SW¼SE¼;
Sec. 8: W½W½;
Sec. 9: Lot 1;
Sec. 15: Lots 2, 3;
Sec. 17: SE¼SW¼;
Sec. 20: NE¼, NE¼SE¼;
Sec. 24: Lot 1;
Sec. 26: W½NE¼, SE¼NW¼;
Sec. 27: S½N½, NE¼SE¼;
Sec. 32: NW¼SE¼, NE¼SW¼;
Sec. 35: SE¼NE¼, NE¼NE¼.
T. 8 N., R. 29 E.,
Sec. 7: SW¼NE¼;
Sec. 17: N½NW¼;
Sec. 18: NE¼NE¼;
Sec. 19: E½SE¼;
Sec. 20: Lots 4, 5, W½SW¼;
Sec. 30: NE¼NE¼, SW¼NE¼, SE¼NE¼, NW¼NE¼;
Sec. 31: W½E½.
T. 9 N., R. 29 E.,
Sec. 20: Lot 1.
T. 6 N., R. 30 E.,
Sec. 28: Lot 4, SW¼SW¼;
Sec. 33: NE¼NW¼;
Sec. 25: Lot 4, S½NW¼, W½SW¼;
Sec. 26: Lots 1, 2, 3, 4, S½N½, E½NE¼ SW¼, W½NE¼SW¼, SE¼, SE¼SW¼, NW¼SW¼;
Sec. 27: Lots 1, 2, 3, 4, SW¼, S½NE¼, N½SE¼, SW¼SE¼, SE¼SE¼, SE¼ NW¼;
Sec. 34: NW¼, NE¼NE¼, SW¼NE¼, NW¼NE¼;
Sec. 35: N½NE¼.

FIFTH PRINCIPAL MERIDIAN, NORTH AND SOUTH DAKOTA

T. 120 N., R. 78 W.,
Sec. 2: SW¼SW¼;
Sec. 29: Lots 5, 6, 7;
Sec. 32: Lots 5, 6.
T. 122 N., R. 78 W.,
Sec. 21: Lot 4.
T. 133 N., R. 78 W.,
Sec. 18: Lot 4.
T. 126 N., R. 79 W.,
Sec. 1: Lots 2, 3, 4, 5, E½SE¼.
T. 128 N., R. 79 W.,
Sec. 35: Lot 1.
T. 129 N., R. 79 W.,
Sec. 4: Lots 4, 5, 6;
Sec. 5: Lots 1, 2, 3.
T. 130 N., R. 79 W.,
Sec. 33: Lot 4.
T. 133 N., R. 79 W.,
Sec. 12: Lots 1, 2, 3, 4.
T. 134 N., R. 79 W.,
Sec. 3: E½SE¼, Lot 7.
T. 135 N., R. 79 W.,
Sec. 1: Lot 1.
Sec. 12: Lots 5, 6.
Sec. 34: Lots 5, 6.
T. 136 N., R. 79 W.,
Sec. 9: Lot 8.
Sec. 12: Lot 11.
Sec. 13: SW¼, W½SE¼.
Sec. 14: Lots 2, 4, 5, SE¼SE¼, NE¼NW¼.
Sec. 23: NE¼NE¼, Lots 1, 2.
Sec. 24: NW¼NW¼.
T. 137 N., R. 79 W.,
Sec. 17: SE¼NW¼, SW¼NE¼;
Sec. 19: Lot 1, Tract No. 38;
Sec. 20: Lots 1, 2;
Sec. 22: Lots 1, 2, SE¼NW¼, SE¼SE¼;
Sec. 33: Lots 2, 4, SE¼SW¼.
T. 112 N., R. 80 W.,
Sec. 27: NE¼SW¼;
Sec. 34: Lot 3;
Sec. 35: Lots 1, 2, 3, 4.
T. 115 N., R. 80 W.,
Sec. 20: W½NW¼, NE¼NW¼, SE¼NW¼.
T. 116 N., R. 80 W.,
Sec. 35: SW¼NW¼, NW¼SW¼, SE¼SW¼.
T. 128 N., R. 80 W.,
Sec. 10: Lot 1.
T. 134 N., R. 80 W.,
Sec. 24: Lot 10;
Sec. 28: Lot 12.
T. 137 N., R. 80 W.,
Sec. 3: Lots 12, 13;
Sec. 4: Lots 6, 7, 8, 9, 10, 11;
Sec. 5: Lots 1, 2, 3, 4, 5, 6, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 8: Lots 9, 10;
Sec. 9: Lots 5, 6;
Sec. 10: Lot 3;
Sec. 23: Lots 1, 3;
Secs. 23 and 24: Tracts numbered 38, 39, 40;
Sec. 24: Lot 1;
Sec. 25: Lots 1, 2, 3, 4, S½NE¼;
Sec. 26: Lot 4.
T. 138 N., R. 80 W.,
Sec. 8: Lots 1, 2, N½NW¼, N½SW¼, SW¼ SW¼, E½NW¼;
Sec. 18: Lots 2, 3;
Sec. 26: Lot 6;
Sec. 28: Lots 7, 8, 9, 10, SW¼;
Sec. 32: Lot 4, SE¼SE¼, Lots 1, 2, 3;
Sec. 33: Lots 2, 3, W½NE¼, NW¼, SW¼, SE¼;
Sec. 34: Lots 5, 6, 7, 11, 13.

T. 112 N., R. 81 W.,
Sec. 1: Lot 1;
Sec. 12: Lot 4;
Sec. 14: Lot 1.
T. 113 N., R. 81 W.,
Sec. 34: Lot 1.
T. 115 N., R. 81 W.,
Sec. 7: Lot 4;
Sec. 8: Lot 1;
Sec. 22: Lot 1;
Sec. 28: SW¼;
Sec. 29: NW¼NE¼;
Sec. 33: SE¼SE¼, W½SE¼.
T. 130 N., R. 81 W.,
Sec. 4: Lot 1;
Sec. 14: Lots 1, 2.
T. 115 N., R. 82 W.,
Sec. 11: SW¼SW¼;
Sec. 13: NE¼NW¼;
Sec. 23: Lots 4, 5.

This withdrawal will not preclude the issuance of leases under the mineral leasing laws, subject to approval of the Corps of Engineers and such stipulations as they may require.

The areas described, including both public and non-public lands therein, aggregate approximately 12,621 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 54-9301; Filed, Nov. 24, 1954; 8:45 a. m.]

NORTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 19, 1954.

An application, serial number Montana 013948(ND), for the withdrawal from all forms of appropriation under the public land laws, except mining and mineral leasing laws of the lands described below was filed on April 2 and August 13, 1952, by the Fish and Wildlife Service.

The purposes of the proposed withdrawal: For use of the State Fish and Wildlife Service as wildlife refuges, public shooting grounds, or game management units.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Billings, Montana. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN

T 160 N., R. 50 W.,
Sec. 28: Lot 1.

T. 161 N., R. 56 W.,
Sec. 3: SE¼NE¼.
T. 163 N., R. 57 W.,
Sec. 7: Lots 3, 4.
T. 163 N., R. 58 W.,
Sec. 4: Lot 3;
Sec. 6: SW¼NE¼;
Sec. 12: E½SE¼, NW¼SE¼;
Sec. 13: S½SE¼;
Sec. 14: SW¼SE¼;
Sec. 15: NE¼SE¼.
T. 164 N., R. 59 W.,
Sec. 31: SE¼NE¼, NE¼SE¼;
Sec. 32: W½SE¼, E½NW¼, SW¼NW¼, N½SW¼.
T. 143 N., R. 60 W.,
Sec. 12: Lots 1, 2.
T. 155 N., R. 62 W.,
Sec. 22: Lot 1.
T. 149 N., R. 63 W.,
Sec. 22: Lot 2.
T. 153 N., R. 63 W.,
Sec. 8: SE¼SE¼.
T. 129 N., R. 66 W.,
Sec. 6: N½SE¼, SW¼SE¼;
Sec. 7: NW¼NE¼.
T. 130 N., R. 66 W.,
Sec. 7: Lot 2, SE¼NW¼, SE¼SE¼;
Sec. 8: SW¼SW¼.
T. 154 N., R. 66 W.,
Sec. 21: Lot 4.
T. 130 N., R. 67 W.,
Sec. 12: N½SE¼.
T. 138 N., R. 67 W.,
Sec. 8: NE¼NW¼.
T. 139 N., R. 67 W.,
Sec. 30: SE¼NW¼.
T. 129 N., R. 68 W.,
Sec. 12: NW¼NE¼.
T. 130 N., R. 68 W.,
Sec. 24: Lot 6, NW¼SE¼, SW¼NE¼.
T. 131 N., R. 68 W.,
Sec. 14: SE¼NE¼, NE¼SE¼.
T. 132 N., R. 68 W.,
Sec. 20: NE¼NE¼.
T. 135 N., R. 68 W.,
Sec. 28: NE¼NW¼, S½NW¼.
T. 136 N., R. 68 W.,
Sec. 30: NW¼NE¼.
T. 138 N., R. 68 W.,
Sec. 10: SW¼SE¼.
T. 141 N., R. 68 W.,
Sec. 6: Lot 11.
T. 130 N., R. 69 W.,
Sec. 27: NW¼SW¼;
Sec. 28: NW¼SW¼;
Sec. 29: NE¼SE¼.
T. 131 N., R. 69 W.,
Sec. 34: Lots 5, 6.
T. 134 N., R. 69 W.,
Sec. 14: NW¼NW¼, W½SW¼;
Sec. 34: NW¼NE¼, NE¼NW¼.
T. 135 N., R. 69 W.,
Sec. 28: N½NE¼;
Sec. 32: NE¼.
T. 136 N., R. 69 W.,
Sec. 8: SW¼NE¼.
T. 139 N., R. 69 W.,
Sec. 6: Lot 12;
Sec. 24: NE¼SW¼, NW¼SE¼.
T. 153 N., R. 69 W.,
Sec. 23: SE¼SE¼.
T. 155 N., R. 69 W.,
Sec. 18: SE¼SW¼;
Sec. 19: E½NE¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 29: NW¼, SW¼NE¼;
Sec. 30: E½NE¼.
T. 135 N., R. 70 W.,
Sec. 8: SE¼NW¼, SW¼SW¼, E½SW¼, W½SE¼.
T. 139 N., R. 70 W.,
Sec. 10: Lot 4;
Sec. 12: NE¼NE¼.
T. 155 N., R. 70 W.,
Sec. 18: E½NE¼;
Sec. 19: Lot 4.
T. 137 N., R. 71 W.,
Sec. 24: Lot 5.
T. 140 N., R. 71 W.,
Sec. 6: SE¼NE¼, SE¼;
Sec. 18: Lots 1, 2, 3, 4, SE¼NW¼, E½SW¼.
T. 143 N., R. 71 W.,
Sec. 12: N½NE¼.
T. 154 N., R. 71 W.,
Sec. 8: NW¼NW¼;
Sec. 10: W½SW¼, SW¼NW¼;
Sec. 27: Lot 1.
T. 155 N., R. 71 W.,
Sec. 4: Lot 8;
Sec. 6: Lot 7;
Sec. 9: Lots 4, 5, 6;
Sec. 28: Lot 7;
Sec. 35: SW¼SE¼.
T. 156 N., R. 71 W.,
Sec. 13: S½NE¼, N½SE¼;
Sec. 29: NW¼NE¼, E½NW¼, NE¼SW¼;
Sec. 32: Lot 5.
T. 158 N., R. 71 W.,
Sec. 34: Lot 3;
Sec. 35: SE¼SE¼.
T. 159 N., R. 71 W.,
Sec. 21: NE¼NW¼.
T. 138 N., R. 72 W.,
Sec. 4: Lots 1, 2, S½NE¼, S½NW¼, SW¼;
Sec. 8: NE¼NE¼;
Sec. 18: Lots 1, 2, E½NW¼.
T. 140 N., R. 72 W.,
Sec. 12: W½SE¼;
Sec. 14: Lots 1, 2;
Sec. 22: SE¼NE¼, SE¼.
T. 141 N., R. 72 W.,
Sec. 4: Lot 1;
Sec. 22: Lot 1;
Sec. 26: SE¼SW¼.
T. 142 N., R. 72 W.,
Sec. 34: NE¼SE¼.
T. 143 N., R. 72 W.,
Sec. 6: Lot 3.
T. 153 N., R. 72 W.,
Sec. 3: Lot 4.
T. 154 N., R. 72 W.,
Sec. 1: SE¼SE¼;
Sec. 2: Lot 4;
Sec. 4: Lot 4;
Sec. 33: SE¼;
Sec. 34: W½SW¼;
Sec. 3: Lot 1.
T. 155 N., R. 72 W.,
Sec. 14: SW¼NE¼, SE¼NW¼, NE¼SE¼;
Sec. 17: S½NE¼.
T. 156 N., R. 72 W.,
Sec. 25: SW¼NE¼, NW¼, W½SW¼;
Sec. 26: SE¼NE¼, NE¼SE¼.
T. 161 N., R. 72 W.,
Sec. 34: SE¼SE¼.
T. 162 N., R. 72 W.,
Sec. 11: Lot 4.
T. 163 N., R. 72 W.,
Sec 7: Lot 7;
Sec. 28: Lot 11;
Sec. 33: Lots 1, 9.
T. 138 N., R. 73 W.,
Sec. 12: NW¼NE¼, SW¼SE¼;
Sec. 14: S½N½.
T. 143 N., R. 73 W.,
Sec. 10: SW¼SW¼.
T. 152 N., R. 73 W.,
Sec. 5: Lot 7;
Sec. 6: Lot 2;
Sec. 19: Lots 1, 2, E½NW¼, Lot 4;
Sec. 21: NW¼NW¼;
Sec. 31: Lots 5, 6, SE¼SW¼;
Sec. 32: Lot 5;
Sec. 33: Lot 2.
T. 153 N., R. 73 W.,
Sec. 33: E½NW¼.
T. 154 N., R. 73 W.,
Sec. 18: Lot 4, SE¼SW¼;
Sec. 19: Lot 1, NE¼NW¼;
Sec. 24: S½NW¼, N½SW¼, NW¼SE¼, SE¼SE¼;
Sec. 31: Lot 4.
T. 155 N., R. 73 W.,
Sec. 33: NW¼SW¼.
T. 163 N., R. 73 W.,
Sec. 21: Lot 1;
Sec. 22: Lot 2.
T. 135 N., R. 74 W.,
Sec. 6: Lot 1.

T. 136 N., R. 74 W.,
Sec. 32: S½N½, S½.
T. 143 N., R. 74 W.,
Sec. 4: Lots 1, 2.
T. 144 N., R. 74 W.,
Sec. 12: Lot 4.
T. 145 N., R. 74 W.,
Sec. 26: SE¼NE¼, NE¼SE¼.
T. 150 N., R. 74 W.,
Sec. 8: SE¼NW¼;
T. 152 N., R. 74 W.,
Sec. 8: Lots 1, 5, 6;
Sec. 27: NW¼SE¼.
T. 154 N., R. 74 W.,
Sec. 7: Lot 6;
Sec. 11: Lot 1, SE¼NE¼, NE¼SE¼;
Sec. 13: NW¼NW¼, SW¼SW¼;
Sec. 14: Lots 1, 2;
Sec. 18: Lot 1.
T. 155 N., R. 74 W.,
Sec. 23: NW¼NE¼;
Sec. 24: NW¼SE¼, NW¼NE¼, SW¼NE¼.
T. 157 N., R. 74 W.,
Sec. 7: E½SW¼, NE¼SE¼, S½SE¼;
Sec. 8: W½SW¼, SE¼SW¼;
Sec. 18: N½NE¼, NE¼NW¼, SE¼SW¼, SW¼SE¼, Lots 1, 2, 3;
Sec. 29: SE¼SE¼;
Sec. 31: SW¼SE¼.
T. 163 N., R. 74 W.,
Sec. 21: Lot 5.
T. 164 N., R. 74 W.,
Sec. 25: Lot 6;
Sec. 33: Lot 4;
Sec. 34: Lot 1.
T. 142 N., R. 75 W.,
Sec. 12: S½SW¼;
Sec. 14: E½SE¼, S½SW¼;
Sec. 22: N½NE¼;
Sec. 26: NE¼NW¼, NW¼NE¼.
T. 150 N., R. 75 W.,
Sec. 14: S½NW¼.
T. 153 N., R. 75 W.,
Sec. 3: Lot 6;
Sec. 18: Lot 8;
Sec. 31: Lots 2, 4.
T. 154 N., R. 75 W.,
Sec. 18: S½SW¼;
Sec. 19: Lots 1, 2, 3, 4, E½W½, NW¼NE¼;
Sec. 30: Lot 3.
T. 155 N., R. 75 W.,
Sec. 23: S½NW¼, NE¼SW¼, NW¼SE¼.
T. 149 N., R. 76 W.,
Sec. 7: Lot 7.
T. 154 N., R. 76 W.,
Sec. 24: NE¼NE¼;
Sec. 25: S½NE¼, N½SE¼.
T. 163 N., R. 76 W.,
Sec. 5: NE¼SW¼.
T. 138 N., R. 77 W.,
Sec. 4: Lot 3.
T. 144 N., R. 77 W.,
Sec. 22: NE¼.
T. 148 N., R. 77 W.,
Sec. 34: NE¼SE¼.
T. 149 N., R. 77 W.,
Sec. 2: Lot 7.
T. 150 N., R. 77 W.,
Sec. 13: Lot 1;
Sec. 17: SW¼SW¼;
Sec. 20: Lots 1, 2;
Sec. 28: Lot 2;
Sec. 35: Lot 2.
T. 153 N., R. 77 W.,
Sec. 23: SW¼SE¼;
Sec. 25: E½SW¼.
T. 154 N., R. 77 W.,
Sec. 1: NW¼SW¼, SE¼SW¼, SE¼.
T. 155 N., R. 77 W.,
Sec. 5: Lot 2, SW¼NE¼;
Sec. 7: SW¼SE¼.
T. 156 N., R. 77 W.,
Sec. 10: NW¼SW¼;
Sec. 15: NW¼NE¼;
Sec. 21: SW¼NE¼, NW¼SE¼;
Sec. 28: N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 31: Lots 1, 2.
T. 151 N., R. 78 W.,
Sec. 23: NE¼SE¼;
Sec. 24: NW¼NW¼;
Sec. 35: Lot 1.
T. 152 N., R. 78 W.,
Sec. 15: SE¼SW¼, SW¼SE¼;
Sec. 22: N½, N½SE¼.
T. 153 N., R. 78 W.,
Sec. 2: SE¼SE¼.
T. 155 N., R. 78 W.,
Sec. 28: SW¼NW¼.
T. 139 N., R. 81 W.,
Sec. 4: Lot 1, part east of river;
Sec. 14: Lots 1, 2, parts east of river.
T. 141 N., R. 81 W.,
Sec. 24: Lot 4;
Sec. 26: Lots 1, 2, NE¼SE¼, SW¼SE¼.
T. 142 N., R. 81 W.,
Sec. 4: Lot 4.
T. 143 N., R. 81 W.,
Sec. 18: Lot 3.
T. 144 N., R. 83 W.,
Sec. 32: Lots 5, 6, 7, 8.
T. 144 N., R. 84 W.,
Sec. 8: Lots 1, 2, 3.
T. 149 N., R. 84 W.,
Sec. 11: E½SW¼.
T. 150 N., R. 84 W.,
Sec. 27: NW¼SE¼.
T. 151 N., R. 84 W.,
Sec. 29: NE¼SW¼.
T. 150 N., R. 85 W.,
Sec. 1: Lot 1.
T. 150 N., R. 86 W.,
Sec. 22: S½NW¼, NW¼SW¼.
T. 153 N., R. 86 W.,
Sec. 4: Lot 4;
Sec. 5: Lots 1, 5.
T. 152 N., R. 87 W.,
Sec. 1: Lot 6;
Sec. 4: SE¼SW¼;
Sec. 9: NE¼NW¼.
T. 155 N., R. 88 W.,
Sec. 20: Lot 4;
Sec. 24: Lot 4;
Sec. 25: Lots 1, 2, 4.
T. 157 N., R. 89 W.,
Sec. 32: Lot 1.
T. 156 N., R. 90 W.,
Sec. 20: SW¼NE¼, SE¼SW¼;
Sec. 21: NW¼NE¼.
T. 157 N., R. 90 W.,
Sec. 22: Lots 5, 6.
T. 156 N., R. 91 W.,
Sec. 5: Lot 4;
Sec. 13: W½NE¼.
T. 157 N., R. 91 W.,
Sec. 13: SE¼NW¼;
Sec. 34: Lot 2.
T. 163 N., R. 95 W.,
Sec. 25: SW¼SW¼;
Sec. 26: SE¼SE¼.
T. 159 N., R. 99 W.,
Sec. 6: Lot 5.
T. 159 N., R. 100 W.,
Sec. 1: Lots 3, 4;
Sec. 22: SE¼NE¼, SE¼NW¼, E½SW¼, SW¼SW¼, N½SE¼, SW¼SE¼.
T. 160 N., R. 100 W.,
Sec. 22: SW¼NE¼, NW¼SE¼.
T. 153 N., R. 102 W.,
Sec. 22: Lot 3.
T. 162 N., R. 102 W.,
Sec. 20: SW¼NE¼, S½NW¼, SW¼;
Sec. 29: NW¼;
Sec. 30: SE¼NE¼, NE¼SE¼.
T. 163 N., R. 102 W.,
Sec. 13: SE¼SW¼;
Sec. 24: N½NE¼, NE¼NW¼, SE¼NE¼;
Sec. 26: SE¼NE¼, SW¼NW¼.
T. 152 N., R. 103 W.,
Sec. 9: Lot 5.
T. 163 N., R. 103 W.,
Sec. 2: SE¼NW¼, NW¼SW¼;
Sec. 11: SE¼SE¼;
Sec. 14: S½SE¼.

The areas described aggregate approximately 17,327 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 54-9302; Filed, Nov. 24, 1954; 8:45 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 17, 1954.

An application, serial number New Mexico 016634, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws but not the mineral-leasing laws, of the lands described below was filed on October 26, 1954, by the United States Department of Agriculture.

The purposes of the proposed withdrawal: Administrative sites and other purposes as indicated.

For a period of thirty days from the date of publication of this notice persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, New Mexico, Bureau of Land Management, Department of the Interior at P. O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

LINCOLN NATIONAL FOREST
NEW MEXICO PRINCIPAL MERIDIAN

Agua Chiquita Administrative Site

T. 17 S., R. 13 E.,
Sec. 32, N½SE¼;
Sec. 33, NW¼SW¼.

Total area: 121.25 acres.

Alamo Peak Lookout

T. 16 S., R. 12 E.,
Sec. 34, SW¼NW¼.

Total area: 40 acres.

Bluewater Lookout

T. 18 S., R. 14 E.,
Sec. 13, E½NW¼SW¼, W½NE¼SW¼.

Total area: 40 acres.

Cedar Creek Winter Sports Area

T. 11 S., R. 13 E.,
Sec. 7, E½SW¼.

Total area: 80 acres.

Dark Canyon Lookout

T. 25 S., R. 22 E.,
Sec. 31, S½NE¼SW¼, N½SE¼SW¼.

Total area: 40 acres.

James Canyon Camp Ground

T. 16 S., R. 14 E.,
Sec. 22, SW¼NW¼, NW¼SW¼.

Total area: 80 acres.

Karr Canyon Forest Camp

T. 16 S., R. 11 E.,
Sec. 22, NW¼SW¼, SW¼NW¼.

Total area: 80 acres.

Mayhill Administrative Site

T. 16 S., R. 14 E.,
Sec. 13, SW¼;
Sec. 14, E½SE¼;
Sec. 23, E½NE¼;
Sec. 24, NW¼NW¼.

Total area: 360 acres.

Mayhill Lookout Tower

T. 16 S., R. 14 E.,
Sec. 16, NE¼NE¼.

Total area: 40 acres.

Mesa Administrative Site

T. 9 S., R. 13 E.,
Sec. 20, N½NE¼.

Total area: 80 acres.

Monjeau Lookout

T. 10 S., R. 12 E.,
Sec. 24, NE¼.

Total area: 160 acres.

New Carrissa Lookout Tower

T. 19 S., R. 13 E.,
Sec. 4, S½SE¼SW¼;
Sec. 9, N½NE¼NW¼.

Total area: 40 acres.

Nogal Lake Forest Camp

T. 9 S., R. 13 E.,
Sec. 16, N½NW¼.

Total area: 80 acres.

Ruidoso Administrative Site

T. 11 S., R. 13 E.,
Sec. 16, all.

Total area: 640 acres.

Ruidoso Lookout Tower

T. 11 S., R. 13 E.,
Sec. 27, NW¼NE¼.

Total area: 40 acres.

School House Forest Camp

T. 11 S., R. 13 E.,
Sec. 26, S½SE¼.

Total area: 80 acres.

Sitting Bull Falls Camp Ground

T. 24 S., R. 22 E.,
Sec. 3, NW¼SW¼;
Sec. 4, NE¼SE¼.

Total area: 80 acres.

Weed Lookout Tower

T. 17 S., R. 13 E.,
Sec. 25, E½NE¼NE¼.
T. 17 S., R. 14 E.,
Sec. 30, W½NW¼NW¼.

Total area: 40 acres.

Wofford Lookout Tower

T. 15 S., R. 13 E.,
Sec. 10, SW¼NE¼.

Total area: 40 acres.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 54-9303; Filed, Nov. 24, 1954; 8:45 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 12, 1954.

An application, serial number New Mexico 016580, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws but not the mineral-leasing laws, of the lands described below was filed on October 22, 1954, by the United States Department of Agriculture.

The purposes of the proposed withdrawal: The Deerhead and Vista Point Camp Grounds.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, New Mexico, Bureau of Land Management, Department of the Interior at P. O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

LINCOLN NATIONAL FOREST
NEW MEXICO PRINCIPAL MERIDIAN

Deerhead Camp Ground

T. 16 S., R. 12 E.,
Sec. 5, Lot 21;
Sec. 6, Lots 23 and 24.

The areas described aggregate 120 acres.

Vista Point Camp Ground

T. 16 S., R. 12 E.,
Sec. 6, Lot 7, SW¼SW¼ Lot 8.

The area described contains 50 acres.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 54-9304; Filed, Nov. 24, 1954; 8:45 a. m.]

CADASTRAL ENGINEERING STAFF OFFICER, AREA II, ET AL.

REDELEGATION OF AUTHORITY TO TAKE ACTION WITH RESPECT TO CERTAIN MATTERS

NOVEMBER 19, 1954.

Pursuant to the authority contained in Order No. 541 of April 21, 1954, of the Director, Bureau of Land Management, and subject to the limitations contained therein, the employees specified in this order are hereby authorized to perform in accordance with the existing policies, regulations, and procedures of the Department of the Interior, the functions of the Area Administrator, Area II, as provided herein.

(a) The Cadastral Engineering Staff Officer, Area II, may take the following actions:

(1) Perform all functions pertaining to the survey and resurvey of the public lands in Area II pursuant to section 453 of the Revised Statutes (43 U. S. C. sec. 2), except the acceptance of plats of survey and resurvey.

(2) Appoint mineral surveyors and approve and accept their bonds, pursuant to section 2334 of the Revised Statutes (30 U. S. C. sec. 39).

(3) Issue mineral survey orders and approve plats and field notes of mineral surveys and certify expenditures pursuant to 43 CFR 280.3.

(b) The Cadastral Engineer, Phoenix, Arizona, may issue mineral survey orders and approve plats and field notes of mineral surveys and certify expenditures, pursuant to 43 CFR 280.3, made upon the claims in the State of Arizona.

(c) The Cadastral Engineer, Reno, Nevada, may issue mineral survey orders and approve plats and field notes of mineral surveys and certify expenditures, pursuant to 43 CFR 280.3, made upon the claims in the State of Nevada.

(d) The Office Cadastral Engineer, Salt Lake City, Utah, may issue mineral survey orders and approve plats and field notes of mineral surveys and certify expenditures, pursuant to 43 CFR 280.3, made upon the claims in the State of Utah.

(e) The Cadastral Engineer (Mining), Boise, Idaho, may issue mineral survey orders and approve plats and field notes of mineral surveys and certify expenditures, pursuant to 43 CFR 280.3, made upon the claims in the State of Idaho.

H. BYRON MOCK,
Area Administrator, Area II.

Approved:

EDWARD WOOZLEY,
Director.

[F. R. Doc. 54-9305; Filed, Nov. 24, 1954; 8:46 a. m.]

Office of the Secretary

[Order 2774]

BONNEVILLE POWER ADMINISTRATION

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS FOR PROCUREMENT OF ENGINEERING AND ARCHITECTURAL SERVICES

SECTION 1. *Delegation of authority.* The Bonneville Power Administrator is authorized to exercise the authority delegated to the Secretary of the Interior by the Administrator of General Services (19 F. R. 7422) to enter into contracts for engineering and architectural services in connection with the activities of the Bonneville Power Administration, without advertising pursuant to section 302 (c) (4) and (9) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., 1952 ed., sec. 252), subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

SEC. 2. *Redelegation.* The Bonneville Power Administrator may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order. Each such redelegation

shall be published in the FEDERAL REGISTER.

DOUGLAS MCKAY,
Secretary of the Interior.

NOVEMBER 18, 1954.

[F. R. Doc. 54-9306; Filed, Nov. 24, 1954; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GOSHEN LIVESTOCK SALES COMMISSIONS, TORRINGTON, WYO.

DEPOSTING OF STOCKYARD

It has been ascertained that the Goshen Livestock Sales Commissions, Torrington, Wyoming, originally posted on March 4, 1952, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public livestock market. Therefore, notice is given to the owners of the stockyard and to the public that such livestock market is no longer subject to the provisions of the act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 22d day of November 1954.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 54-9332; Filed, Nov. 24, 1954; 8:51 a. m.]

NOTICE OF STUDY OF RICE PROGRAM

Section 315 of the Agricultural Act of 1954 provides as follows:

The Secretary of Agriculture is directed to make a study of the various two-price systems of price support and marketing which could be made applicable to rice and to submit to Congress on or before March 1, 1955, a detailed report thereon. The Secretary may conduct such hearings and receive such statements and briefs in connection with such study as he deems appropriate.

Pursuant to such statute, the Secretary of Agriculture is making a study of the various two-price systems of price support and marketing which could be made applicable to rice with the view of submitting a detailed report thereon to the Congress on or before March 1, 1955.

Any interested person may submit any statement or brief concerning any two-price system of price support and marketing applicable to rice. All submissions should be addressed to the Secretary of Agriculture, U. S. Department of Agriculture, Washington 25, D. C. Submissions should be made as soon as possible but in no event later than January 1, 1955, in order that they may be analyzed thoroughly.

Done at Washington, D. C., this 22d day of November 1954.

[SEAL] FREDERICK V. WAUGH,
Director, Agricultural Economics Division, Marketing Research and Statistics.

[F. R. Doc. 54-9334; Filed, Nov. 24, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2860]

LLANO GRANDE CORP.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed September 20, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to sell natural gas for resale in interstate commerce as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, provided that no request to be heard, protest or petition is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on October 16, 1954 (19 F. R. 6683).

The Commission orders:

Docket No.	Purchaser	Date filed	Location of field
G-3010	United Gas Pipeline Co.	Sept. 23, 1954	DeLarge Field, Terrebonne Parish, La.
G-3145	Southern Natural Gas Co.	Sept. 27, 1954	Spider Field, DeSoto Parish, La.
G-3146	do	do	Gwinville Field, Jefferson Davis County, Miss.
G-3147	Louisiana Nevada Transit Co.	do	Cotton Valley Unit Field, Webster Parish, La.

Applicant has requested that its applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The applications are on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the applications herein, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the proceedings in the above designated Dockets for purpose of hearing; and to hold a public hearing in the above-entitled proceedings as hereinafter ordered.

(3) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Providing, however*, That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Due notice of these applications be given, including publication in the FEDERAL REGISTER, of this notice of applications and order.

(B) The aforesaid proceedings in the above designated Dockets be and the same hereby are consolidated for purposes of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 10, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9307; Filed, Nov. 24, 1954; 8:46 a. m.]

[Docket Nos. G-3010, 3145, 3146, 3147]

TEXAS GULF PRODUCING CO.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

Take notice that Texas Gulf Producing Company, a Delaware corporation with its principal place of business in Houston, Texas, filed with the Federal Power Commission applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sales of natural gas hereinafter specified produced in the indicated fields:

tural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 15, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before December 3, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 17, 1954.

Issued: November 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9309; Filed, Nov. 24, 1954; 8:46 a. m.]

[Docket No. G-3153]

JOE A. WORSHAM

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Joe A. Worsham (Applicant), an individual with his principal office in Dallas, Texas, filed on September 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant produces natural gas in the Panhandle Field, Moore County, Texas, which he sells to Shamrock Oil and Gas Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 15, 1954, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9310; Filed, Nov. 24, 1954; 8:46 a. m.]

[Docket Nos. G-3629, G-3649, G-3650, G-3651]

SALT DOME PRODUCTION CO. ET AL.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Salt Dome Production Company et al., Docket No. G-3629; Salt Dome Production Company et al., Docket No. G-3649; Salt Dome Production Company, Docket No. G-3650; Salt Dome Production Company et al., Docket No. G-3651.

Take notice that Salt Dome Production Company (Applicant), a Texas corporation with its principal office in Houston, Texas, filed on September 29, 1954, applications on its own behalf and for others as listed therein for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas produced from the indicated fields as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its applications filed herein.

Docket No.	Purchaser	Location of field
G-3629	Tennessee Gas Transmission Co.	Lissie Field, Colorado and Wharton Counties, Tex.
G-3649	do	Do.
G-3650	Texas Eastern Transmission Corp.	Provident City Field, Lavaca County, Tex.
G-3651	Tennessee Gas Transmission Co.	North Louise Field, Wharton County, Tex.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds:

(1) It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

(2) It is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the proceedings in the above designated Dockets for purpose of hearing, and to hold a public hearing in the above-entitled proceedings as hereinafter ordered.

The Commission orders:

(A) The aforesaid proceedings in the above designated Dockets be and the same hereby are consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 17, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9313; Filed, Nov. 24, 1954; 8:47 a. m.]

[Docket Nos. G-3172, G-3178]

MARINE P. DARBY AND J. F. DARBY ESTATE

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the Matters of Marine P. Darby, Docket No. G-3172; J. F. Darby Estate, Docket No. G-3178.

Take notice that Marine P. Darby and the J. F. Darby Estate (Applicants), with their principal offices in Tulsa, Oklahoma, filed on September 27, 1954, applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicants to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their applications filed herein.

Applicants produce natural gas in Chickasha, Oklahoma, which they sell to

Consolidated Gas Utilities Co. for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The applications are on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds:

(1) It is proper and consistent with the public interest that notice of the applications and order fixing date of hearing be published simultaneously.

(2) It is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the proceedings in the above designated Dockets for purpose of hearing, and to hold a public hearing in the above-entitled proceedings as hereinafter ordered.

The Commission orders:

(A) The aforesaid proceedings in the above designated Dockets be and the same hereby are consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 16, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9311; Filed, Nov. 24, 1954; 8:46 a. m.]

[Docket No. G-4932]

MIDSTATES OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Midstates Oil Corporation on October 27, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, undated...	Louisiana-Nevada Transit Co.	Supplement No. 3 to FPC gas rate schedule No. 32.	Nov. 26, 1954.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Respondent if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred for a period of five months beyond the above-stated effective date and for such further time until it is made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9314; Filed, Nov. 24, 1954; 8:47 a. m.]

[Docket Nos. G-3551, G-3804, G-3870, G-3907, G-4007, G-4079, G-4110, G-4289, G-4290, G-4350]

MIDSTATES OIL CORP. ET AL.

ORDER RECONVENING HEARING

In the matters of Midstates Oil Corporation, Docket No. G-3551; Crown Central Petroleum Corporation, Docket No. G-3804; Coltexo Corporation, Docket No. G-3870; Rebstock & Reeves Drilling Company, Docket No. G-3907; Jay Simmons, Docket No. G-4007; Ted Weiner, et al., Docket No. G-4079; Ted Weiner, et al., Docket No. G-4110; Shell Oil Company, Docket No. G-4289; Shell Oil Company (Gulf Coast Division), Docket No. G-4350.

The notice of applications and order consolidating proceedings and fixing date of hearing for November 15, 1954, in the above-entitled proceeding was published in the FEDERAL REGISTER on November 17, 1954 (19 F. R. 7421). The hearing was convened on November 15, 1954, and recessed until November 17, 1954. The Presiding Examiner on the latter date adjourned the proceedings subject to further order of the Commission in order to provide adequate notice.

The Commission orders:

(A) The hearing in this proceeding reconvene on November 29, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(B) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before November 26, 1954.

Adopted: November 17, 1954.

Issued: November 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9312; Filed, Nov. 24, 1954; 8:47 a. m.]

[Docket Nos. G-2952, G-4450, G-4671]

DEEP SOUTH OIL CO. OF TEXAS ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Deep South Oil Company of Texas, Docket No. G-2952; Wesley West, Docket No. G-4450; Shell Oil Company, Docket No. G-4671.

Wesley West, an individual with offices in Houston, Texas, filed a petition on October 18, 1954, for a declaratory order determining status. Mr. West produces gas in the Vienna Field, Lavaca County, Texas, which he sells to Texas Eastern Transmission Corporation (Texas Eastern). The petition alleges that delivery is made at a point of interconnection between Texas Eastern's 24-inch transmission line and a 1,342-foot gathering line operated by Mr. West. The petition avers that the gathering line is an auxiliary of and appurtenant to the lease and well and that it forms a part of the production and gathering facilities owned and operated by Mr. West, and that the gas is sold to Texas Eastern as a part of the process of production or gathering. Mr. West claims that said sale is consummated by him outside of and not within the jurisdiction of the Commission.

Shell Oil Company (Shell), a Delaware corporation with its principal place of business in New York, New York, filed its petition on November 5, 1954, for a declaratory order determining status. Shell produces "casinghead" gas in the McElroy Field, Crane and Upton Counties, Texas, as a constituent part of the crude oil which it produces, refines and markets. The petition avers that said "casinghead" gas is sold by Shell at the outlet side of its separators to Phillips Petroleum Company (Phillips). The gas is then conveyed along with other such gas through Phillips' gathering lines to its Crane Natural Gasoline Plant, where natural gasoline and other liquid hydrocarbons are manufactured. The petition alleges that the resulting residue gas is sold by Phillips at the outlet side of the plant to El Paso Natural Gas Company for resale for ultimate public consumption.

Shell, on November 5, 1954, also filed a motion to consolidate the above petition for a declaratory order with the petition of Deep South Oil Company of Texas for declaratory order in Docket No. G-2952, filed on September 22, 1954. The proceedings in Docket No. G-2952 have been set for hearing on November 29, 1954, by order of the Commission issued October 28, 1954. The motion to consolidate avers the existence of common questions of law and fact.

The Commission finds:

(1) Common questions of law and fact are involved in Docket Nos. G-2952, G-4450, and G-4671.

(2) Good cause exists for fixing a date of hearing less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) The proceedings involved in Docket Nos. G-2952, G-4450 and G-4671 are consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 14, 15, and 16 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 29, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented in the proceedings consolidated in paragraph (A) hereof.

(C) Protests or petitions to intervene in Docket Nos. G-4450 and G-4671 may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of November 1954. The applications are on file with the Commission for public inspection.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-9308; Filed, Nov. 24, 1954; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF SMITHSONIAN INSTITUTION

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR RESTORING AND REPAIRING VALUABLE MUSEUM OBJECTS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of the Smithsonian Institution to negotiate, without advertising, under section 302 (c) (4) and (9) of the act, contracts for restoring and repairing objects of art, paintings and other valuable museum objects.

2. This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304 and 307, and in accordance with the policies, procedures, and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any official or employee of the Smithsonian Institution.

4. This delegation shall be effective as of the date hereof.

Dated: November 19, 1954.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 54-9368; Filed, Nov. 23, 1954; 3:43 p. m.]

INTERSTATE COMMERCE COMMISSION

[No. MC-C-1520]

MULTIPLE DELIVERIES; NEW ENGLAND

SECOND SUPPLEMENTAL ORDER WITH RESPECT TO RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 3d day of November A. D. 1954.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable in connection with the transportation, in interstate and foreign commerce, of all property, except household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, livestock, automobiles, dangerous explosives, and commodities of unusual size or value, by motor common carriers, between points within an area embracing all of the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and between points within that territory, on the one hand, and, on the other, points within the state of New Jersey in Hudson, Passaic, and Somerset Counties and points within the state of New York in Albany, Schenectady, and Orange Counties, and good cause appearing therefor:

It is ordered, That the pending investigation be, and it is hereby, broadened upon our own motion, to include the reasonableness and lawfulness otherwise of the rules, regulations and practices affecting rates and charges so far as they authorize or permit single shipments to be consigned to more than one consignee, when such shipments of the property described, and between the points referred to in the preceding paragraph of this order, move in interstate or foreign commerce, with a view to the making of such findings and orders in the premises as the facts and circumstances shall appear to warrant.

It is further ordered, That all common carriers of property by motor vehicle subject to the Interstate Commerce Act, operating between the points and participating in the transportation referred to in this order be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register, Washington, D. C.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9324; Filed, Nov. 24, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3220]

CITIES SERVICE CO. ET AL.

ORDER AMENDING TAX RECITALS IN PREVIOUS ORDER

NOVEMBER 18, 1954.

In the matter of Cities Service Company, the Gas Service Company, Gas Advisers, Inc.

The Commission having, by its order of April 6, 1954, entered in the above proceeding, granted and permitted to become effective an application-declaration regarding, among other things, the sale by Cities Service Company ("Cities") of 1,500,000 shares of $10 par value common stock of the Gas Service Company ("Gas Service") pursuant to sections 11 and 12 of the Public Utility Holding Company Act of 1935; and

Said order having contained in the last paragraph thereof certain recitals for the purposes of Supplement R of the Internal Revenue Code of 1939, among which was one providing for the application by Cities of the proceeds from the sale of the Gas Service stock to the purchase by Cities of additional shares of common stock of Empire Gas and Fuel Company, a wholly owned subsidiary of Cities; and

Said sale of the Gas Service stock having been consummated but the proceeds thereof not having been applied as yet by Cities; and Cities having now filed an application stating that it has determined that it would be more desirable to invest such proceeds as a contribution to

the capital of Empire Gas and Fuel Company rather than to purchase additional common stock of that company, and requesting that the last paragraph of said order of April 6, 1954, be amended to provide for such capital contribution in lieu of the purchase of additional common stock of Empire Gas and Fuel Company; and

It appearing to the Commission that such amendment may appropriately be made:

It is ordered, That the Commission's order herein of April 6, 1954, be, and the same hereby is, amended by substituting for the last paragraph thereof, a new paragraph reading as follows:

It is further ordered, recited and found, That the sale and transfer by Cities of the 1,500,000 shares of common stock of the par value of $10 per share of Gas Service to the purchasers, and the investment by Cities of the proceeds in the amount of $33,045,000 (or an amount equal thereto) to be received from such sale as a contribution to the capital of Empire Gas and Fuel Company, a wholly owned subsidiary, all as herein authorized, approved, and directed, are necessary or appropriate to the integration or simplification of the holding company system of which Cities and Gas Service are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 within the meaning of sections 371, 373 (a) and 1808 (f) of the Internal Revenue Code of 1939, as amended, and corresponding provisions of the Internal Revenue Code of 1954, and that jurisdiction is reserved to amend, supplement or modify, upon the petition or application of Cities, the recitals, itemizations and specifications required by the Internal Revenue Code of 1939, as amended, and corresponding provisions of the Internal Revenue Code of 1954, with respect to the above-described transactions.

It is further ordered, That said amendment be effective as of April 6, 1954, the date of the issuance of the order in its original form.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9318; Filed, Nov. 24, 1954; 8:48 a. m.]

[File No. 70-3313]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE REGARDING PROPOSED SALE OF COMMON STOCK BY SUBSIDIARY COMPANY TO PARENT

NOVEMBER 18, 1954.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its public utility subsidiary company, Cumberland and Allegheny Gas Company ("Cumberland"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9, 10, and 12 (f) thereof and Rule U-43 promulgated thereunder as applicable to the following proposed transactions:

Columbia, which owns all of the outstanding securities of Cumberland, proposes to purchase and Cumberland proposes to issue and sell at par 36,000 shares of common stock, $25 par value. The stock will be sold as funds are required up to March 31, 1955.

It is stated that the proposed transactions are to be consummated in order to complete financing commenced earlier in 1954 to provide Cumberland with the needed funds for its 1954 construction program involving estimated expenditures of $1,604,900 for gas wells, transmission and distribution lines, and other facilities. Cumberland has thus far raised $700,000 for this program of which $100,000 is represented by 4,000 shares of $25 par value common stock and $600,000 is represented by 3½ percent installment promissory notes, all of which were sold by Cumberland and purchased by Columbia pursuant to the Commission's order of July 30, 1954. (Holding Company Act Release No. 12606.)

The estimated fees and expenses aggregate $150 for Columbia and $1,190 for Cumberland. Included in the latter amount is $990 for Federal Original Issue Tax.

Cumberland has applied to the Public Service Commission of West Virginia for approval of the proposed issuance and sale of common stock.

Applicants-declarants request that this Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than December 2, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9317; Filed, Nov. 24, 1954; 8:48 a. m.]

[File No. 70-3318]

WESTERN KENTUCKY GAS CO.

NOTICE OF FILING REGARDING MERGER OF PUBLIC UTILITY SUBSIDIARY OF REGISTERED HOLDING COMPANY WITH PARENT COMPANY

NOVEMBER 19, 1954.

Notice is hereby given that Western Kentucky Gas Company ("Western"), a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"). Declarant has not designated any section of the act or any rule promulgated thereunder as applicable to said declaration but asks for such relief to which it may be entitled.

All interested persons are referred to said declaration, which is on file in the offices of the Commission, for a statement of the transactions proposed therein, which are summarized as follows:

Western, a Delaware corporation, is engaged in the distribution of natural gas at retail in 47 communities in central and western Kentucky, the principal ones being Owensboro, Bowling Green and Paducah.

Western owns all of the 3,800 shares, $5.00 par value, of the outstanding common stock of Shelbyville Gas Company ("Shelbyville"), a Delaware corporation, which constitutes all of its outstanding securities. Shelbyville is engaged in the distribution at retail of liquified petroleum gas in the Town of Shelbyville, Kentucky, and environs.

Shelbyville proposes to transfer to Western, and Western proposes to acquire, all of Shelbyville's properties, assets and business. In consideration therefor, Western proposes to surrender, and Shelbyville proposes to acquire and cancel, all of the outstanding shares of Shelbyville's common stock. Shelbyville will thereafter dissolve.

Notice is further given that any interested person may, on or before December 7, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request, and the issues of fact or law, if any, raised by said declaration which he proposes to controvert, or he may request to be notified if the Commission should order a hearing thereon. Any such request shall bear the caption of the Notice and shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after December 7, 1954, said declaration, as filed or as it may hereafter be amended, may be permitted to become effective pursuant to Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9319; Filed, Nov. 24, 1954; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 230

Washington, Saturday, November 27, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3078

NATIONAL SALVATION ARMY WEEK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the high spiritual and humanitarian role of the Salvation Army has long been an important part of American life; and

WHEREAS, through its welfare and religious institutions in our country, the Salvation Army has befriended, aided, and given new hope to men, women, and children, regardless of race or creed; and

WHEREAS the Congress, by a joint resolution approved August 31, 1954, 68 Stat. 997, has requested the President to issue a proclamation designating the week beginning November 28 as National Salvation Army Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the week beginning November 28, 1954, and ending December 4, 1954, as National Salvation Army Week; and I urge all of our citizens to honor the Salvation Army during that week for its work in the United States in the past seventy-five years. Let us remember that the banner of this organization, and the principles for which it stands, are stalwart bulwarks for the protection of the spiritual and physical needs of our people, and let us salute this great body of unselfish men and women during Salvation Army Week, with the knowledge that they have earned our esteem and praise in the fullest measure.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of November in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 54-9482; Filed, Nov. 26, 1954; 1:00 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter D—Federal Intermediate Credit Banks

[FCA Order No. 610]

PART 42—LOANS AND DISCOUNTS

RATES OF INTEREST OR DISCOUNT CHARGED NOTEMAKERS BY FINANCING INSTITUTIONS

Section 42.6 is hereby amended to read as follows:

§ 42.6 *Rates of interest or discount charged notemakers by financing institutions.* On and after November 16, 1954, the rates of interest or discount charged farmers and stockmen on notes or other obligations that may be discounted for, or accepted as collateral for loans to, production credit associations and other financing institutions shall not exceed by more than 4 per centum per annum the loan and discount rate of the Federal intermediate credit bank in effect at the time the loan is made: *Provided, however*, That in the event the said loan and discount rate of the Federal intermediate credit bank is less than 2 per centum per annum, the rate of interest or discount on said notes or other obligations may be equal to but not in excess of 6 per centum per annum. [308]

(Sec. 2, 42 Stat. 1459, 67 Stat. 393; 12 U. S. C. 1101)

[SEAL] R. B. TOOTELL, *Governor.*

[F. R. Doc. 54-9375; Filed, Nov. 26, 1954; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTAS FOR THE 1955-56 MARKETING YEAR, AND APPORTIONMENT OF QUOTAS AMONG THE SEVERAL STATES

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FEDERAL REGISTER

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726.602 Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1955.
726.603 Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1955.
726.604 Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1955.

AUTHORITY: §§ 726.601 to 726.604 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313.

§ 726.601 *Basis and purpose.* (a) Sections 726.601 to 726.604 are issued (1) to announce the reserve supply level and the total supply of fire-cured tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1954, (2) to establish the amounts of the national marketing quotas for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1955, and (3) to apportion the national marketing quotas among the several States. The findings and determinations contained in §§ 726.602 to 726.604 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from fire-cured, dark air-cured, and Virginia sun-cured tobacco producers and others as provided in a notice (19 F. R. 6481) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of referenda of fire-cured and dark air-cured tobacco producers within 30 days after the issuance of the proclamation of the national marketing quotas to determine whether such producers favor marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators prior to the date of the referenda, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the proclamation and apportionment of the quotas contained herein shall become effective upon the date of filing with the FEDERAL REGISTER.

§ 726.602 *Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1955*[1]—(a) *Reserve supply level.* The reserve supply level for fire-cured tobacco is 172,600,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 37,000,000 pounds and a normal year's exports of 38,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured tobacco for the marketing year beginning October 1, 1954, is 194,200,000 pounds consisting of carryover of 134,000,000 pounds and estimated 1954 production of 60,200,000 pounds.

(c) *Carryover.* The estimated carryover of fire-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1955, is 124,200,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1954, of 70,000,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of fire-cured tobacco which will make available during the marketing year beginning October 1, 1955, a supply of fire-cured tobacco equal to the reserve supply level of such tobacco is 48,400,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 48,400,000 pounds would result in undue restriction of marketings during the 1955–56 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1955, is 58,100,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Illinois	1
Kentucky	19,211
Tennessee	21,394
Virginia	9,803
Reserve[1]	253

[1] Acreage reserved for establishing allotments for farms upon which no fire-cured tobacco has been grown during the past five years.

§ 726.603 *Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1955*[1]—(a) *Reserve supply level.* The reserve supply level for dark air-cured tobacco is 86,100,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 25,000,000 pounds and a normal year's exports of 8,000,000 pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1954, is 98,900,000 pounds consisting of carryover of 72,100,000 pounds and estimated 1954 production of 26,800,000 pounds.

(c) *Carryover.* The estimated carryover of dark air-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1955, is 66,100,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1954, of 32,800,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1955, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 20,000,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 20,000,000 pounds would result in undue restriction of marketings during the 1955–56 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1955, is 24,000,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Kentucky	17,837
Tennessee	2,956
Indiana	73
Missouri	1
Reserve[1]	105

[1] Acreage reserved for establishing allotments for farms upon which no dark air-cured tobacco has been grown during the past five years.

[1] Rounded to the nearest tenth of a million pounds.

§ 726.604 *Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1955*[1]—(a) *Reserve supply level.* The reserve supply level for Virginia sun-cured tobacco is 10,395,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 3,300,000 pounds and a normal year's exports of 500,000 pounds.

(b) *Total supply.* The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1954, is 8,448,000 pounds consisting of a carryover of 3,733,000 pounds and estimated 1954 production of 4,715,000 pounds.

(c) *Carry-over.* The estimated carryover of Virginia sun-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1955, is 4,695,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1954, of 3,753,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1955, a supply of Virginia sun-cured tobacco equal to the reserve supply level of such tobacco is 5,700,000 pounds and a national marketing quota of such amount is hereby proclaimed.

(e) *Apportionment of the quota.* Since Virginia sun-cured tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota proclaimed in paragraph (d) of this section, less 28,000 pounds reserved for establishing allotments for farms upon which no Virginia sun-cured tobacco has been grown within the past five years, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313 (g) of the act into a State acreage allotment of 5,735 acres. Likewise, the reserve of 28,000 pounds for establishing allotments for farms upon which no Virginia sun-cured tobacco has been grown within the past five years is hereby converted into 28 acres.

Done at Washington, D. C., this 22d day of November 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-9352; Filed, Nov. 26, 1954; 8:47 a. m.]

PART 727—MARYLAND TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTA FOR THE 1955-56 MARKETING YEAR, AND APPORTIONMENT OF THE QUOTA AMONG THE SEVERAL STATES

§ 727.601 *Basis and purpose.* (a) Sections 727.601 and 727.602 are issued to announce the reserve supply level and the total supply of Maryland tobacco for the marketing year beginning October 1, 1954, to establish the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1955, and to apportion the quota among the several States. The findings and determinations by the Secretary contained in § 727.602 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Maryland tobacco producers and others as provided in a notice (19 F. R. 6481) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of tobacco producers within 30 days after the issuance of the proclamation of the national marketing quota to determine whether such producers favor marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the proclamation and apportionment of the quota contained herein shall become effective upon the date of filing with the FEDERAL REGISTER.

§ 727.602 *Findings and determinations with respect to the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1955*[1]—(a) *Reserve supply level.* The reserve supply level for Maryland tobacco is 102,000,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 30,500,000 pounds and a normal year's exports of 8,000,000 pounds.

(b) *Total supply.* The total supply of Maryland tobacco for the marketing year beginning October 1, 1954, is 108,100,000 pounds consisting of carryover of 69,000,000 pounds and estimated 1954 production of 39,100,000 pounds.

(c) *Carryover.* The estimated carryover of Maryland tobacco on January 1, 1956 is 69,500,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1954, of 38,600,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Maryland tobacco which will make available during the marketing year, beginning October 1, 1955, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 32,500,000 pounds, and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 32,500,000 pounds would be inadequate to meet market demands during the 1955-56 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Maryland tobacco in terms of the total quantity of tobacco which may be marketed during the marketing year beginning October 1, 1955 is 39,000,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment:*
Maryland	46,701
Virginia	41
Delaware	1
Kentucky	1
North Carolina	1
Tennessee	8
Reserve[1]	294

[1] Acreage reserved for establishing allotments for farms upon which no Maryland tobacco has been grown during the past five years.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 22d day of November 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-9354; Filed, Nov. 26, 1954; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 34]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.334 *Navel Orange Regulation 34*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel organes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 24, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 28, 1954, and ending at 12:01 a. m., P. s. t., December 5, 1954, is hereby fixed as follows:

(i) District 1: 600,600 boxes;
(ii) District 2: Unlimited movement;
(iii) District 3: 57,750 boxes;
(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 26, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9463; Filed, Nov. 26, 1954; 11:25 a. m.]

[Navel Orange Reg. 35]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.335 *Navel Orange Regulation 35*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 18, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., November 28, 1954, and ending at 12:01 a. m., P. s. t., June 5, 1955, no handler shall handle any navel oranges, grown in District 1, in District 3, or in District 4 which are of a size smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.31 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 3," and "District 4," shall have the same meaning as when used in said amended order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 23, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9379; Filed, Nov. 26, 1954; 8:50 a. m.]

[Docket No. AO-72-A19]

PART 930—MILK IN THE TOLEDO, OHIO, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

§ 930.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, as amended, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Toledo, Ohio, on March 29 through April 1, 1954, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

[1] Rounded to the nearest tenth of a million pounds.

[2] Rounded to nearest thousand pounds.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Toledo, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 930.6 to read as follows:

§ 930.6 *Fluid milk plant.* "Fluid milk plant" means a milk plant (a) where milk is processed and packaged and from which milk is disposed of as Class I milk in the marketing area, either on the premises or to wholesale or retail stop(s) or (b) from which milk, skim milk or cream is transferred to a plant or to plants described in paragraph (a) of this section: *Provided*, That any such transferring plant shall not be included in this definition during any month in which no such transfers are classified as Class I milk or during any of the months of September through December in which shipments of milk, skim milk, or cream from such plant are made to a plant or to plants described in paragraph (a) of this section on less than 15 days or during any other month in which such shipments are made on less than 7 days.

2. Delete paragraphs (b) and (c) of § 930.42, and substitute therefor the following:

(b) Skim milk and butterfat disposed of in the form of milk, skim milk or cream by a handler to a nonhandler's plant located less than 250 miles from the City Hall at Toledo, Ohio, by the shortest highway distance as determined by the market administrator, shall be Class I milk, unless (1) utilization in Class II is indicated in writing to the market administrator by the handler on or before the 5th day after the end of the month within which such transfer was made, (2) the nonhandler had actually used in the month of such transfer an equivalent amount of skim milk and butterfat in Class II, and (3) the nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization.

(c) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream by a handler to a nonhandler's plant located 250 miles or more from the City Hall at Toledo, by the shortest highway distance as determined by the market administrator, shall be Class I milk.

(d) For the purposes of paragraphs (b) and (c) of this section, skim milk and butterfat shall not be deemed to have been "disposed of" to a nonhandler's plant if merely retained in or transferred between trucks or other vehicles which enter the premises or come within the orbit of such plant in the course of movement elsewhere.

3. Delete the last phrase of § 930.75 (a) and substitute therefor the phrase "and a certification that the association has an unterminated membership contract with each producer, which contract authorizes the claimed deduction."

4. Delete § 930.80 (c).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 23d day of November 1954, to be effective on and after January 1, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-9386; Filed, Nov. 26, 1954; 8:52 a. m.]

[Grapefruit Reg. 213]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.708 *Grapefruit Regulation 213*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 29, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until November 29, 1954; the recommendation and supporting information for continued regulation subsequent to November 28, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 22; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 29, 1954, and ending at 12:01 a. m., e. s. t., December 27, 1954, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iv) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than $3\frac{11}{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 23, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9380; Filed, Nov. 26, 1954; 8:50 a. m.]

[Orange Reg. 268]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.710 *Orange Regulation 268*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 29, 1954. Shipments of Temple oranges, grown in the State of Florida, are currently subject to regulation by grades, pursuant to the amended marketing agreement and order and will so continue until November 29, 1954; the recommendation and supporting information for continued regulation subsequent to November 28, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 22; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 29, 1954, and ending at 12:01 a. m., e. s. t., December 27, 1954, no handler shall ship:

(i) Any Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 23, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9381; Filed, Nov. 26, 1954; 8:50 a. m.]

[Tangerine Reg. 153]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.709 *Tangerine Regulation 153*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 29, 1954. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until November 29, 1954; the recommendation and supporting information for continued regulation subsequent to November 28, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 22; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 29, 1954, and ending at 12:01 a. m., e. s. t., December 27, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2;

(ii) Any tangerines, grown in the State of Florida, which grade U. S. No. 2, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2}$ x $9\frac{1}{2}$ x $19\frac{1}{8}$ inches, capacity 1,726 cubic inches); or

(iii) Any tangerines, grown in the State of Florida, which grade U. S. No. 1 Russet, U. S. No. 1 Bronze, U. S. No. 1 or U. S. Fancy, that are of a size smaller than $2\frac{5}{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines, smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the ap-

plication of tolerances, specified in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2," "U. S. No. 1 Russet," "U. S. No. 1 Bronze," "U. S. No. 1," "U. S. Fancy," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 23, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9382; Filed, Nov. 26, 1954; 8:51 a. m.]

[Docket No. AO 231-A5]

PART 943—MILK IN THE NORTH TEXAS MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

§ 943.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than December 1, 1954. Any delay beyond that date will seriously threaten the orderly marketing of milk in the North Texas marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued November 17, 1954. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective December 1, 1954 and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the North Texas marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (September 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Delete § 943.51 (a) (2) and substitute therefor the following:

(2) The Class I milk price for the months of December 1954 and January 1955 shall not be less than such price for November 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 23d day of November 1954, to be effective on and after December 1, 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 54-9385; Filed, Nov. 26, 1954; 8:52 a. m.]

[Lemon Reg. 565]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.672 *Lemon Regulation 565*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 23, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 28, 1954, and ending at 12:01 a. m., P. s. t., December 5, 1954, is hereby fixed as follows:

(i) District 1: 35 carloads;
(ii) District 2: 190 carloads;
(iii) District 3: 15 Carloads.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 24, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9425; Filed, Nov. 26, 1954; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 44]

PART 600—DESIGNATION OF CIVIL AIRWAYS

EXPLANATION OF "MILE"

In accordance with the intent of the Knot Nautical Mile Plan now used in air navigation, the term "mile" wherever it appears in this part, means "statute mile" unless otherwise specifically stated herein. Since the substance of this amendment is of a minor nature, compliance with the notice procedures and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

Part 600 is amended as follows:

1. Section 600.2 *Explanation of terms* is amended by adding a new paragraph (c) to read as follows:

§ 600.2 *Explanation of terms.* • • •

(c) As used in this part the term "mile" means "statute mile" unless otherwise specified in this part.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 986, as amended; 49 U. S. C. 452)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-9341; Filed, Nov. 26, 1954; 8:45 a. m.]

[Amdt. 44]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

EXPLANATION OF "MILE"

In accordance with the intent of the Knot/Nautical Mile Plan now used in air navigation, the term "mile" wherever it appears in this part, means "statute mile" unless otherwise specifically stated herein. Since the substance of this amendment is of a minor nature, compliance with the notice procedures and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

Part 601 is amended as follows:

1. Section 601.2 *Explanation of terms* is amended by adding a new paragraph (d) to read as follows:

§ 601.2 *Explanation of terms.* • • •

(d) As used in this part the term "mile" means "statute mile" unless otherwise specified in this part.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-9342; Filed, Nov. 26, 1954; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulation

PART 400—GENERAL PROVISIONS

SUBPART F—DEBARRED, INELIGIBLE AND SUSPENDED BIDDERS

Portions of this subpart have been revised to provide that the debarment or suspension of a firm or individual by the Secretary of a Department or his authorized representative shall operate to debar or suspend such firm or individual throughout the Department of Defense. The revised sections read as follows:

§ 400.604 *Causes and conditions under which departments may debar contractors.* The Secretary of each Department or his authorized representative is authorized to debar in the public interest a firm or an individual for any of the causes and under all conditions set forth in § 400.604–1. Debarment of a firm or individual by the Secretary of a Department or his authorized representative shall operate to debar such firm or individual throughout the Department of Defense.

§ 400.604–1 *Causes for debarment.* (a) Conviction by or a judgment obtained in a court of competent jurisdiction for (1) commission of fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in the performance of a contract, and (2) violation of the Federal antitrust statutes arising out of the submission of bids or proposals. In the event appeal taken from such conviction or judgment results in reversal, the debarment shall be removed upon receipt of notification thereof. (Note, however, that the foregoing do not necessarily require that the firm or individual be debarred, and that the decision to debar is still within the discretion of the Secretary of the Department concerned or his authorized representative. The seriousness of the offense, the civil satisfaction received by or available to the Government, and all mitigating factors should be considered in making the determination to debar.)

(b) Clear and convincing evidence of violation of contract provisions, as set forth below, when such violations are of a character regarded by the Secretary of the Department involved or his authorized representative to be so serious as to justify debarment actions.

(1) Wilful failure to deliver in accordance with the specifications or within the times of delivery provided in a contract.

(2) A history of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that the previous failure or failures by the Contractor are within a reasonable period of time preceding the determination to debar. Failure to perform caused by acts beyond the control of the Contractor shall not be considered.

(3) Violation of the contractual provision against contingent fees.

(4) Violation of the contractual provision against gratuities, as determined by the Secretary of a Department in accordance with the provisions of the gratuities clause.

(c) Debarment for any of the above causes by some other executive agency of the Government. Such debarment may be based entirely upon the record of facts obtained by the original debarring agency, or upon a combination of additional facts with the record of facts of the original debarring agency.

The requirement to furnish a copy of the notice of debarment action to the Comptroller General has been deleted from § 400.604–31 (b).

§ 400.604–3 *Notice of debarment.* (a) The firm or individual concerned shall be furnished with written notice of the debarment within 30 days after determination of debarment has been made. The notice shall state, as a minimum, (1) the period of debarment, including effective dates; (2) the reasons for debarment, including a statement of the specific instances of dereliction; and (3) that the debarment is effective throughout the Department of Defense. The notice shall also afford the contractor a reasonable opportunity to present information for consideration in his behalf.

(b) Copies of the notice of debarment action taken under the authority of paragraphs (c) and (d) of § 400.602 and of any removals from such debarments shall be furnished to the General Services Administration.

The provision that the debarment or suspension of a firm or individual by the Secretary of a Department or his

authorized representative shall operate to suspend such firm or individual throughout the Department of Defense has been added to § 400.605–1 as follows:

§ 400.605 *Suspension of bidders.*

§ 400.605–1 *Causes and conditions under which departments may suspend contractors.* The Secretary of a Department or his authorized representative may, in the interest of the Government, suspend a firm or individual suspected of having committed fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in the performance of a contract. Suspension of a firm or individual by the Secretary of a Department or his authorized representative shall operate to suspend such firm or individual throughout the Department of Defense.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 54–9337; Filed, Nov. 26, 1954; 8:45 a. m.]

PART 405—FOREIGN PURCHASES

APPLICABILITY OF BUY AMERICAN ACT

A new § 405.103–3 has been added, clarifying the applicability of the Buy American Act to supplies manufactured from scrap metals. The former §§ 405.103–3 and 405.103–4 become §§ 405.103–4 and 405.103–5, respectively, as follows:

§ 405.103 *Applicability of Buy American Act.*

§ 405.103–3 *Secondary materials.* The prohibitions of the Buy American Act do not apply to supplies manufactured in the United States substantially all from scrap generated, collected, and prepared for processing in the United States.

§ 405.103–4 *Geographical application.* The Buy American Act applies only to (a) supplies for public use within the United States and (b) construction work on public buildings or public works within the United States. As used in the Buy American Act and in this section, the term "United States" includes the United States, its territories and possessions.

§ 405.103–5 *Nonavailability of supplies or materials.* The Buy American Act does not apply (a) to supplies which are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or (b) to such materials from which the supplies to be used are manufactured, as are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, except that this does not permit delivery of supplies manufactured outside the United States if such supplies are manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. This section shall be applied and used only in accordance with procedures prescribed by each respective Department.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 54–9338; Filed, Nov. 26, 1954; 8:45 a. m.]

PART 406—CONTRACT CLAUSES AND FORMS

REQUIRED CLAUSES; NONDISCRIMINATION IN EMPLOYMENT

The references in §§ 406.103–18 and 406.203–18 are changed from § 411.803 to § 411.804, as follows:

§ 406.103 *Required clauses.* • • •

§ 406.103–18 *Nondiscrimination in employment.* Insert the clause set forth in § 411.804 of this subchapter.

§ 406.203 *Required clauses.* • • •

§ 406.203–18 *Nondiscrimination in employment.* Insert the contract clause set forth in § 411.804 of this subchapter.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 54–9339; Filed, Nov. 26, 1954; 8:45 a. m.]

PART 411—LABOR

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

Subpart H has been revised in its entirety as follows:

Sec.
411.801 Basic requirement.
411.802 Applicability.
411.803 Special requirements or emergencies.
411.804 Contract clause.
411.805 Administration.
411.805–1 Educational responsibility.
411.805–2 Posting of notices.
411.805–3 Compliance reviews.
411.805–4 Complaints.
411.805–5 Incomplete complaints.
411.805–6 Processing of complaints.
411.805–7 Reporting channels.

AUTHORITY: §§ 411.801 to 411.805–7 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161.

§ 411.801 *Basic requirement.* In accordance with the requirements of Executive Order 10557, dated September 3, 1954, contracts entered into by the Departments, with certain exceptions as set forth in § 411.802, are required to contain a clause, prescribed by the Executive Order, obligating the Contractor not to discriminate against any employee or applicant for employment because of race, religion, color or national origin, and further obligating the Contractor to insert a similar provision in his subcontracts.

§ 411.802 *Applicability.* The nondiscrimination requirements are applicable to prime contracts and first-tier subcontracts as herein provided.

(a) The nondiscrimination clause set forth in § 411.804 shall be included in all contracts involving the employment of labor except: (1) Contracts to be performed outside the continental United States where no recruitment of workers within the continental United States is involved, and (2) contracts to meet other special requirements or emergencies, if recommended by the Committee on Government Contracts. See § 411.803.

(b) The Contractor is required to insert paragraph (a) of the nondiscrimination clause set forth in § 411.804 in his subcontracts involving the employment of labor, except (as provided in the Executive Order) subcontracts of the kind described in paragraph (a) (1) and (2) of this section and subcontracts for standard commercial supplies or raw materials.

§ 411.803 *Special requirements or emergencies.* Where it is determined that special requirements or emergencies involved in a particular procurement are such that use of the clause set forth in § 411.804 in a contract or subcontract is impracticable, the Contracting Officer may request authority to omit the clause. Such requests will be submitted in accordance with Departmental procedures, together with all pertinent facts, to the Assistant Secretary of Defense (Supply and Logistics). The request shall then be coordinated with the President's Committee on Government Contracts.

§ 411.804 *Contract clause.* The nondiscrimination clause required by § 411.801 shall be as follows:

NONDISCRIMINATION IN EMPLOYMENT

(a) In connection with the performance of work under this contract, the Contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of the nondiscrimination clause.

(b) The Contractor further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

§ 411.805 *Administration.* The Administration of the nondiscrimination clause shall be in accordance with the following policies and procedures.

§ 411.805–1 *Educational responsibility.* (a) Contracting officers and other personnel concerned with procurement shall, in accordance with Departmental procedures, be apprised of their responsibility in obtaining compliance with the nondiscrimination clause through education, and, where appropriate, mediation, conciliation, and persuasion.

(b) The Department shall publicize the nondiscrimination policy to prospective contractors and shall make available to contractors information concerning their responsibilities under the nondiscrimination clause.

§ 411.805–2 *Posting of notices.* To the extent required by § 411.804, Contracting Officers shall provide to prime Contractors copies of the notice (Dept. of Labor Req. No. 1074, GPO Jacket No. 300378) referred to in the nondiscrimination clause. Prime Contractors shall be required to obtain from the Contracting Officer copies for first-tier subcontractors.

§ 411.805–3 *Compliance reviews.* (a) Departmental procedures governing contract administration shall include a requirement for review and appraisal of Contractors' compliance with the provisions of the nondiscrimination clause. Where contract administration customarily includes review of subcontractors' performance, review, and appraisal of subcontractor, compliance with the nondiscrimination provision shall be required.

(b) Special reviews of representative contractors shall be conducted by the Departments in order to measure progress in the nondiscrimination program and to furnish educational data in connection with the program.

§ 411.805–4 *Complaints.* The Departments will promptly investigate complaints based upon alleged noncompliance with the provisions of the nondiscrimination clause, provided such complaints contain the following identifying information:

(a) The name and address of the Contractor or subcontractor alleged to have violated the provisions of the nondiscrimination clause;

(b) A description of the acts believed to be in violation of the nondiscrimination clause, including, where known, names of Contractor's personnel involved, and dates of alleged incidents;

(c) The name and address of each person who believes himself aggrieved by the alleged violation of the clause, and

(d) Other pertinent information which will assist investigation and resolution of the complaint.

§ 411.805–5 *Incomplete complaints.* To avoid unwarranted investigation of allegations which do not provide the essential information set forth in § 411.805–4, Departments may return such allegations to the originating source, specifying the additional information required.

§ 411.805–6 *Processing of complaints.* Complaints may be submitted to the President's Committee on Government Contracts, the Secretary of Defense, or the Military Departments. Normally, complaints should be submitted to the Military Department concerned through the cognizant Contracting Officer. Complaints submitted to the Military Departments in accordance with § 411.805–4, and determined to involve a Government contract or subcontract, shall be processed in accordance with departmental procedures which will assure:

(a) Prompt investigation of statements and allegations contained in the complaint. Such investigation should include, where necessary, (1) A review of the pertinent personnel practice of the Contractor or subcontractor concerned, (2) the circumstance under which the discriminatory action is alleged to have taken place, and (3) such other factors which may determine whether the Contractor or subcontractor in the particular case complied with the provisions of the nondiscrimination clause set forth in the contract concerned.

(b) Resolution of complaints by conciliatory means whenever possible.

(c) The preparation and submission, through prescribed channels, of a report to the President's Committee on Government Contracts setting forth (1) a copy of the complaint together with a summary of the investigative action performed by the Department concerned, (2) corrective action taken or recommended by the Department where investigation discloses a need for such action, (3) recommendations or comments in connection with the complaints which investigation disclosed as unfounded, and (4) information that the Department considers should be brought to the attention of the President's Committee.

§ 411.805–7 *Reporting channels.* Reports in connection with complaints shall be forwarded, in duplicate, through Departmental channels to the Assistant Secretary of Defense (Supply and Logistics) for transmittal to the President's Committee on Government Contracts.

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 54–9340; Filed, Nov. 26, 1954; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII–7, Amdt. 2]

DMO VII–7—MAINTENANCE OF THE MOBILIZATION BASE

MISCELLANEOUS AMENDMENTS

Defense Mobilization Order VII–7 is hereby amended as follows:

1. In subparagraph 3A2, delete the last sentence.

2. Delete subparagraph 4A4.

3. Add a new paragraph 5 reading as follows:

5. The Department of Defense, the Atomic Energy Commission and the Maritime Administration shall furnish the Director of the Office of Defense Mobilization with such periodic and special reports as he may require of their activities affecting the maintenance of the mobilization base.

4. Renumber old paragraph 5 to read "6".

This amendment shall take effect immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54–9477; Filed, Nov. 26, 1954; 11:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 240]

WINE

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, *in duplicate*, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805, of the Internal Revenue Code (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

PART 240—WINE

Preamble: 1. These regulations, Part 240, Title 26, of the Code of Federal Regulations, shall, on and after January 1, 1955, supersede Regulations 7, 1945 edition (26 CFR Part 178; 10 F. R. 12307) as amended by Treasury Decisions 5575 (12 F. R. 5947), 5584 (12 F. R. 7858), 5717 (14 F. R. 4898), 5738 (14 F. R. 5521), 5798 (15 F. R. 4783), 5824 (16 F. R. 122), 5830 (16 F. R. 1675), 5895 (17 F. R. 3640), 6032 (18 F. R. 4401), 6045 (18 F. R. 6732), 6075 (19 F. R. 4025) and 6084 (19 F. R. 5059).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the effective date of these regulations.

Subpart A—Scope

Sec.
240.1 Production and removal of wine.
240.2 Forms prescribed.

Subpart B—Definitions

240.10 Meaning of terms.
240.11 Agricultural wine.
240.12 Allied products.
240.13 Amelioration.
240.14 Artificially carbonated wine.
240.15 Assistant Regional Commissioner.
240.16 Bonded wine cellar.
240.17 Commissioner.
240.18 Container.
240.19 Director, Alcohol and Tobacco Tax Division.
240.20 District director.
240.21 Effervescent wine.
240.22 Foreign wine.
240.23 Fruit wine.
240.24 Gallon.
240.25 General bonded area.
240.26 Heavy bodied blending wine.
240.27 In bond.
240.28 Including.
240.29 Inclusive language.
240.30 Intermediate storage.
240.31 I. R. C.
240.32 Juice.
240.33 Lees.
240.34 Natural wine.
240.35 Own production.
240.36 Permanent storage.
240.37 Proof.
240.38 Proof gallon.
240.39 Proprietor.
240.40 Pure sugar.
240.41 Regional Commissioner.
240.42 Reserve inventory.
240.43 Same kind of fruit.
240.44 Sparkling wine.
240.45 Special natural wine.
240.46 Specially sweetened natural wine.
240.47 Standard agricultural wine.
240.48 Standard wine.
240.49 Still wine.
240.50 Taxpaid wine.
240.51 Total solids.
240.52 U. S. C.
240.53 United States wine.
240.54 Wine.
240.55 Wine spirits.
240.56 Exception.

Subpart C—Establishment of Premises

240.120 Bonded wine cellars.
240.121 Wine warehouses.
240.122 Designation of premises.
240.123 Bonded premises heretofore established.
240.124 Bottling of taxpaid wine.

Subpart D—Use of Bonded Wine Cellars

240.130 Activity on bonded wine cellar premises.
240.131 Segregation of operations.
240.132 Commercial fruit products and by-products.
240.133 Storage of taxpaid wine.

Subpart E—Construction

240.140 Buildings or rooms of bonded wine cellars.
240.141 Means of ingress and egress.
240.142 Wine spirits storage room.
240.143 Government office.
240.144 Government cabinet.
240.145 Taxpaid room.

Subpart F—Equipment

240.160 Location of tanks.
240.161 Catwalks for tanks.
240.162 Capacity of tanks.
240.163 Markings on fermenting and storage tanks.
240.164 Markings on other tanks.
240.165 Markings on puncheons and barrels.
240.166 Wine spirits storage tanks, weighing tanks, and measuring tanks.
240.167 Securing of wine spirits storage tanks, weighing tanks, and measuring tanks.
240.168 Measuring devices.
240.169 Wine spirits pipelines.
240.170 Taxpayment tank.
240.171 Taxpaid wine pipeline.
240.172 Other wine pipelines.
240.173 Other equipment, instruments and measures.
240.174 Test weights.

Subpart G—Qualifying Documents

240.190 Application, Form 698.
240.191 Permit required.
240.192 Operating name.
240.193 Designation as bonded winery.
240.194 Location of premises.
240.195 Description of premises.
240.196 Description of buildings and rooms.
240.197 Description of equipment.
240.198 Wine spirits addition tanks.
240.199 Amended and supplemental applications.
240.200 New application may be required.
240.201 Bonded wine warehouse application.
240.202 Individual owners, copartnerships, or associations.
240.203 Corporate documents.
240.204 List of stockholders.
240.205 Power of attorney, Form 1534.
240.206 Execution of power of attorney.
240.207 Duration of power of attorney.
240.208 Bond, Form 700.
240.209 Plat.
240.210 Additional information.
240.211 Authority to approve.
240.212 Disposition of documents.
240.213 Retention of documents.

Subpart H—Bonds and Consents of Surety

240.220 General requirements.
240.221 Bond, Form 700.
240.222 Tax deferral bond, Form 2053.
240.223 Export bond, Form 186.
240.224 Transportation bond, Form 1580.
240.225 Bond, Form 1676.
240.226 Corporate surety.
240.227 Two or more corporate sureties.
240.228 Powers of attorney.
240.229 Collateral security.
240.230 Deposit of collateral.
240.231 Consents of surety.
240.232 Strengthening bonds.
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APPROVAL OR DISAPPROVAL OF BONDS

240.235 Authority.
240.236 Disapproval.
240.237 Appeal to Director.
240.238 Disapproval of Director final.

Subpart I—Termination of Bonds

240.250 Termination of bonds, Forms 700 or 2053.
240.251 Termination of bonds, Form 186, Form 1580, or Form 1676.

APPLICATION OF SURETY FOR RELIEF FROM BOND

240.252 Application by surety.
240.253 Extent of relief, Form 700.
240.254 Extent of relief, Form 2053.
240.255 Extent of relief, Form 186, Form 1580 and Form 1676.

NOTICE OF RELEASE OR TERMINATION

240.256 Release or termination of Form 700 or Form 2053.
240.257 Release or termination, Form 186, Form 1580 or Form 1676.

RELEASE OF COLLATERAL

240.258 Release of collateral, Form 700 or Form 2053.
240.259 Release of collateral, Form 186, Form 1580, or Form 1676.

Subpart J—Plat

240.270 Plat required.
240.271 Preparation.
240.272 Depiction of premises.
240.273 Contiguous or adjacent premises.
240.274 Certificate of accuracy.

Subpart K—Requirements Governing Changes in Name, Proprietorship and Control

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PRODUCTION WITH THE USE OF SUGAR

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AUTHORITY: §§ 240.1 to 240.1029 issued under 68A Stat. 917; 26 U. S. C. 7805. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE

§ 240.1 *Production and removal of wine.* Regulations in this part relate to the production and removal of wine, including special natural wine and effervescent wine, from bonded wine cellars. The regulations cover the establishment and operation of bonded wine cellars for the production, amelioration, sweetening, addition of wine spirits, blending, and other cellar treatment, storage, taxpayment, transfer to customs manufacturing warehouse and removal for exportation, for experimental or research purposes by scientific institutions, for analysis or testing by or for the proprietor of a bonded wine cellar, for use of the Government of the United States, for analysis, testing, research or experimentation by the governments of the several States, for use as distilling material, or for use in the manufacture of vinegar.

§ 240.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division is authorized to prescribe all forms required by this part, including bonds, applications, notices, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 240.10 *Meaning of terms.* As used in this part, except as otherwise indicated in the context, terms shall have the meanings ascribed in this subpart.

§ 240.11 *Agricultural wine.* "Agricultural wine" shall mean wine made from suitable agricultural products other than the juice of grapes, berries, or other fruits.

§ 240.12 *Allied products.* "Allied products" shall mean commercial fruit products and by-products not taxable as wine.

§ 240.13 *Amelioration.* "Amelioration" shall mean the addition to juice or wine, before or during fermentation (in fermenters or intermediate storage), of either water or pure sugar, or a combination of water and pure sugar, to adjust the acid content or to develop alcohol by fermentation.

§ 240.14 *Artificially carbonated wine.* "Artificially carbonated wine" shall mean effervescent wine artificially charged with carbon dioxide.

§ 240.15 *Assistant Regional Commissioner.* "Assistant Regional Commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the Regional Commissioner of Internal Revenue.

§ 240.16 *Bonded wine cellar.* "Bonded wine cellar" shall mean premises established under the provisions of subpart C, and shall include premises designated as "bonded winery."

§ 240.17 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 240.18 *Container.* "Container" shall mean any case, cask, barrel, keg, pipeline, tank, tank truck, railroad tank car, or other approved container (except bottles having a capacity of one gallon or less) used to remove wine from bonded wine cellars.

§ 240.19 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division," shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 240.20 *District director.* "District director" shall mean the district director of internal revenue.

§ 240.21 *Effervescent wine.* "Effervescent wine" shall mean sparkling wine and artificially carbonated wine.

§ 240.22 *Foreign wine.* "Foreign wine" shall mean wine produced outside the continental United States, Alaska, and Hawaii.

§ 240.23 *Fruit wine.* "Fruit wine" shall mean wine made from the juice of sound, ripe fruit (including berries) other than grapes.

§ 240.24 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 240.25 *General bonded area.* "General bonded area" shall mean the unsegregated portion of the bonded wine cellar not set aside and designated for a particular use.

§ 240.26 *Heavy bodied blending wine.* "Heavy bodied blending wine" shall mean wine made from fruit without added sugar, with or without added wine spirits, and conforming to the definition of natural wine in all respects except as to maximum total solids content.

§ 240.27 *In bond.* "In bond," as applied to wine or wine spirits, shall mean wine or wine spirits possessed or in transit under any bond required by this part.

§ 240.28 *Including.* "Including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 240.29 *Inclusive language.* Words in the plural form shall include the singular and vice versa, and words in the masculine gender shall include the feminine, a trust, estate, partnership, company, or corporation.

§ 240.30 *Intermediate storage.* "Intermediate storage" shall mean storage of wine (including wine held in fermenting tanks) pending completion of amelioration or fermentation.

§ 240.31 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 240.32 *Juice.* "Juice" (or "must") shall mean the unfermented juice of fruit, berries and authorized agricultural products, exclusive of pulp, skins, or seeds.

§ 240.33 *Lees.* "Lees" shall mean the settlings of wine.

§ 240.34 *Natural wine.* "Natural wine" shall mean wine produced in accordance with section 5381, I. R. C., and §§ 240.360 and 240.400.

§ 240.35 *Own production.* "Own production," when used with reference to wine in a bonded wine cellar, shall mean wine produced by fermentation in the same bonded wine cellar.

§ 240.36 *Permanent storage.* "Permanent storage" shall mean storage of wine not held in intermediate storage or in reserve inventory.

§ 240.37 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 240.38 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

§ 240.39 *Proprietor.* "Proprietor" shall mean the operator of a bonded wine cellar, and shall include the term "winemaker" when the context so requires.

§ 240.40 *Pure sugar.* "Pure sugar" shall mean pure refined cane or beet sugar, or pure refined anhydrous or monohydrate dextrose, of not less than 95 percent purity calculated on a dry basis: *Provided*, That invert sugar syrup produced from such pure sugar by recognized methods of inversion may be used to prepare any sugar syrup, or solution of water and pure sugar.

§ 240.41 *Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue in each of the internal revenue regions.

§ 240.42 *Reserve inventory.* "Reserve inventory" shall mean a quantity of wine, stored and accounted for separately from other wine, held for cellar treatment after removal from fermenters or intermediate storage.

§ 240.43 *Same kind of fruit.* "Same kind of fruit" shall mean, in the case of grapes, all of the several species and varieties of grapes. In the case of fruits other than grapes, this term includes all of the several species and varieties of any given kind: *Provided*, That this shall not preclude a more precise identification of the composition of the product for the purpose of its designation.

§ 240.44 *Sparkling wine.* "Sparkling wine," including champagne, shall mean effervescent wine charged with carbon dioxide, resulting from fermentation of the wine within a closed container or bottle.

§ 240.45 *Special natural wine.* "Special natural wine" shall mean a product, such as vermouth, made pursuant to an approved formula in accordance with the provisions of section 5386, I. R. C., and Subpart S of this part.

§ 240.46 *Specially sweetened natural wine.* "Specially sweetened natural wine" shall mean a product having a sugar solids content in excess of 15 percent by weight and an alcohol content of less than 14 percent by volume, made in accordance with the provisions of section 5385, I. R. C., and Subpart R of this part.

§ 240.47 *Standard agricultural wine.* "Standard agricultural wine" shall mean agricultural wine made within the limitations of Subpart T of this part.

§ 240.48 *Standard wine.* "Standard wine" shall mean natural wine, specially sweetened natural wine, special natural wine and standard agricultural wine, produced in accordance with the provisions of sections 5381, 5385, 5386, and 5387 of the Internal Revenue Code and Subparts P, Q, R, S, and T of this part.

§ 240.49 *Still wine.* "Still wine" shall mean noneffervescent wine.

§ 240.50 *Taxpaid wine.* "Taxpaid wine" shall mean wine on which the tax imposed by section 5041, I. R. C., has been determined, regardless of whether the tax has actually been paid or the payment of tax has been deferred under section 5061, I. R. C.

§ 240.51 *Total solids.* "Total solids" shall mean the degrees Brix of the dealcoholized wine.

§ 240.52 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 240.53 *United States wine.* "United States wine" shall mean wine produced on bonded wine cellar premises in the continental United States, Alaska, and Hawaii.

§ 240.54 *Wine.* "Wine," when used without qualification, includes all still wines, champagne and other sparkling wines, artificially carbonated wine, and special natural wine produced on bonded wine cellar premises.

§ 240.55 *Wine spirits.* "Wine spirits" shall mean spirits or brandy produced, from material authorized for use in fruit distillery operations, at not less than 140 degrees proof and not reduced with water from distillation proof, but may include commercial brandy aged in wood for a period of not less than two years and barreled at not less than 100 degrees proof.

§ 240.56 *Exception.* The definitions in this subpart are prescribed pursuant to the internal revenue laws governing the production and removal of wine, and shall not supersede or affect the requirements set forth in Part 4 of Title 27 of the Code of Federal Regulations, relative to the labeling of wine under the provisions of the Federal Alcohol Administration Act.

Subpart C—Establishment of Premises

§ 240.120 *Bonded wine cellars.* Every person desiring to produce, blend, cellar treat, store, bottle or package untaxpaid wine (other than cider, family wine or experimental wine produced free of tax under section 5042, I. R. C., and Subpart Y of this part) shall provide premises, make application, file bond and receive permission from the assistant regional commissioner to operate a bonded wine cellar.

(68A Stat. 663, 867; 26 U. S. C. 5351, 7302)

§ 240.121 *Wine warehouses.* Any responsible warehouse company or other responsible person desiring to establish warehouse facilities on bonded wine cellar premises for the storage of wine and allied products for credit purposes shall first make application to the assistant regional commissioner and secure approval as provided in § 240.201.

(68A Stat. 663; 26 U. S. C. 5353)

§ 240.122 *Designation of premises.* Premises established in accordance with the provisions of § 240.120 shall be known as bonded wine cellars: *Provided*, That any such premises used in the production of wine may be designated as a bonded winery as provided in § 240.193.

(68A Stat. 663; 26 U. S. C. 5351)

§ 240.123 *Bonded premises heretofore established.* Bonded premises heretofore approved may be continued in operation if the present construction and equipment afford adequate security and protection to the revenue, except that premises operated as bonded field warehouses before the effective date of this part shall on that date be qualified as bonded wine cellars or be discontinued. Premises operated as bonded wine storerooms on the effective date of this part shall on and after such date be designated as bonded wine cellars. Premises operated as bonded wineries shall similarly be designated as bonded wine cellars unless authority is granted under the provisions of § 240.193 to use the designation "bonded winery."

(68A Stat. 919; 26 U. S. C. 7851)

§ 240.124 *Bottling of taxpaid wine.* Every person desiring to bottle taxpaid wine at premises other than a rectifying plant or taxpaid distilled spirits bottling house must establish taxpaid wine bottling house premises in compliance with the provisions of regulations set forth in Part 231, Title 26, of the Code of Federal Regulations.

(68A Stat. 663; 26 U. S. C. 5352)

Subpart D—Use of Bonded Wine Cellars

§ 240.130 *Activity on bonded wine cellar premises.* Except as authorized in this subpart, bonded wine cellar premises must be used exclusively for the production, blending, cellar treatment, storage, bottling, packaging, and removal of wine (including distilling material, vinegar stock, heavy bodied blending wine, Spanish type blending sherry, and similar wine products made from fruit, with or without added wine spirits, and without added sugar) and no materials, liquids, or liquors other than those authorized to be used in such production, etc., may be produced, received, or stored on the bonded premises. Wine not produced in the manner authorized for standard wine, for example, substandard beverage wine, made by the use of water in excess of limitations prescribed for standard wine, may not be produced or stored on premises used for the production or storage of standard wine. Any wine produced in accordance with the requirements for standard wine, which becomes substandard by reason of its condition, may not be retained on such premises unless the condition is corrected.

(68A Stat. 663, 664; 26 U. S. C. 5351, 5361)

§ 240.131 *Segregation of operations.* The proprietor of a bonded wine cellar may be required by the assistant regional commissioner to segregate operations within the premises, by partitions or otherwise, to prevent confusion between operations, to assure proper identification of products, and to protect the revenue.

(68A Stat. 664, 665; 26 U. S. C. 5357, 5365)

§ 240.132 *Commercial fruit products and by-products.* The proprietor of a bonded wine cellar may, under the provisions of Subpart TT of this part, prepare for market and store commercial fruit products and by-products not taxable as wine.

(68A Stat. 664; 26 U. S. C. 5361)

§ 240.133 *Storage of taxpaid wine.* Where wine is to be held on the bonded wine cellar premises after it has been packed for removal for consumption or sale and the tax has been determined thereon in accordance with Subpart AA of this part, the proprietor must store it in a taxpaid room (or rooms) constructed in accordance with § 240.145. Taxpaid wine received on the wine cellar premises for reconditioning, destruction, or return to bond will be deposited in the taxpaid room pending receipt of authority for its disposition. If taxpaid wine of either United States or foreign origin is received on the bonded premises for future removal it will be stored in the taxpaid room. Records of receipt and removal of wine from the taxpaid room will be kept as provided in § 240.921.

(68A Stat. 664, 665; 26 U. S. C. 5361, 5365)

Subpart E—Construction

§ 240.140 *Buildings or rooms of bonded wine cellars.* Bonded wine cellars must be so located, constructed and equipped, subject to approval by the assistant regional commissioner, as to be suitable for the production or storage of wine, and to afford protection of the revenue. The buildings, outside tanks, or rooms in which wines are stored or treated must be securely constructed of substantial material. All doors, windows, or other openings, must be so arranged that they may be locked or fastened, and must be kept locked in the absence of the proprietor or his agents. Open fermenting tanks, except those used exclusively for the production of distilling material, must be under a roof or other suitable covering, but need not be enclosed in a building. Closed tanks for storage of wine may be located outside of buildings on the bonded premises, and unless the premises are enclosed by a fence, a substantial fence around the tanks must be provided. Except for necessary openings for ventilation and for the passage of water, electric, sewer, or similar lines, the wine cellar must be separated from adjoining buildings or rooms by solid unbroken partition: *Provided*, That where a bonded wine cellar, a fruit distillery, registered distillery, internal revenue bonded warehouse, industrial alcohol plant, taxpaid wine bottling house, taxpaid distilled spirits bottling house, rectifying plant, another bonded wine cellar, or a wine vinegar plant are located in contiguous buildings or rooms, pipelines may be installed for the transfer of wine or wine spirits, and doors may be placed in the partitions separating the bonded wine cellar from such premises, or separating a bonded wine cellar from a contiguous taxpaid room operated by the proprietor.

(68A Stat. 664; 26 U. S. C. 5357)

§ 240.141 *Means of ingress and egress.* The entrance door of a bonded wine cellar shall lead directly from a public street or open yard or from the yard of the bonded premises or from a public hall or other common passageway leading directly to a public street or open yard. The public halls or common passageways must, in fact, be used by the public or by other tenants or persons.

(68A Stat. 664; 26 U. S. C. 5357)

§ 240.142 *Wine spirits storage room.* Where wine spirits are to be received in packages at a bonded wine cellar for use in wine production, a wine spirits storage room must be provided except where the wine spirits are withdrawn under the provisions of §§ 240.836 and 240.837. The room must be sufficiently large to permit the storage of all wine spirits to be received or possessed at any one time. The room must be securely constructed of substantial material so as to prevent unlawful access to the wine spirits. A sign must be placed over the entrance door of the room bearing the words "Wine Spirits Storage Room." Where wine spirits are to be stored in wine spirits storage tanks, as provided in §§ 240.829 and 240.830, such tanks need not be located within the wine spirits storage room.

(68A Stat. 664; 26 U. S. C. 5357)

§ 240.143 *Government office.* Where wine spirits are to be used in the production of wine, other than use in small quantities for dosages or preparation of essences, the proprietor shall provide and maintain on the wine cellar premises in a convenient location for the exclusive use of internal revenue officers, a securely constructed, well-lighted, heated, and ventilated office of suitable dimensions: *Provided*, That where the proprietor operates a fruit distillery or an internal revenue bonded warehouse on adjacent premises, and a Government

office conforming to the requirements specified in this section is provided on such premises, and such office is so located as to be suitable for the use of internal revenue officers assigned at the wine cellar, a separate Government office need not be provided on the wine cellar premises. The Government office shall be equipped with a desk, chair, file case, and such other furniture as may be necessary for the keeping of Government records; and with toilet and lavatory facilities, unless suitable facilities, conveniently located outside the Government office, are made available for the use of internal revenue officers. The door of the Government office shall be equipped with a hasp and staple for locking with a Government lock.

(68A Stat. 664; 26 U. S. C. 5357)

§ 240.144 *Government cabinet.* There shall be provided in the Government office a metal cabinet of adequate strength and size, suitably equipped for locking with a Government seal lock, for use in safeguarding Government seals, keys, and other Government property. Each such cabinet shall contain shelving or compartments of proper size for the filing of Government records.

(68A Stat. 664; 26 U. S. C. 5357)

§ 240.145 *Taxpaid room.* If a room is provided on the bonded wine cellar premises for the storage and handling of taxpaid wine, it must be separated from the remainder of the premises by partitions of wire netting or other material adequate to insure segregation of the operations. A sign must be placed over the entrance door bearing the words "Taxpaid Room." The door may open into the general bonded area, or to the outside of the premises.

(68A Stat. 664, 665; 26 U. S. C. 5357, 5365)

SUBPART F—EQUIPMENT

§ 240.160 *Location of tanks.* Tanks used for the storage or treatment of wine must be located within wine cellar buildings, except as provided in § 240.140. All fermenters, storage tanks, wine spirits storage tanks, bottling tanks, and other containers, must be so arranged and located as to permit ready examination and determination of their contents by inspecting officers. Tanks to be used for the addition of wine spirits to wine must be so constructed as to permit examination of every part thereof, and so arranged as to leave an open space of not less than four feet between the top of the tank and the ceiling or roof above.

(68A Stat. 664; 26 U. S. C. 5357)

§ 240.161 *Catwalks for tanks.* Where necessary in order to afford ready accessibility, all wine spirits addition tanks, wine spirits storage tanks, wine spirits measuring tanks, and weighing tanks, must be provided with suitable stairs and catwalks. Valves for control of wine spirits must be readily accessible.

(68A Stat. 664; 26 U. S. C. 5357)

§ 240.162 *Capacity of tanks.* The proprietor must accurately determine the capacity of all tanks and other containers on the bonded wine cellar premises. The capacity per inch of depth of all tanks of uniform dimensions, and the capacity for every inch of depth of each measuring tank, bottling tank, and wine spirits addition tank, of irregular dimensions, or lying on its side, must also be accurately determined by the proprietor. Rules for determining the capacities of tanks are set forth in Subpart XX of this part.

(68A Stat. 664, 680; 26 U. S. C. 5357, 5552)

§ 240.163 *Markings on fermenting and storage tanks.* Each tank used for the fermentation or storage of wine or for addition of wine spirits to wine will be marked with a permanent serial number and the capacity in wine gallons. Tanks of uniform dimensions from top to bottom shall be marked in addition with the capacity per inch of depth. Each tank will be marked to show its current use, either by permanent markings or by removable signs of durable materials. The use will be shown as "Fermenting Tank" (or "Fermenter"), "Intermediate Storage Tank," "Reserve Storage Tank," "Storage Tank," or "Wine Spirits Addition Tank," and may be abbreviated to the initial letters if desired. Notification to the assistant regional commissioner is not required when changing the use and designation of such tanks, but only tanks approved for the storage of wine may be used for reserve storage or permanent storage, and only tanks approved for use in the addition of wine spirits to wine, as provided in § 240.198 may be used for that purpose. A single series of numbers will be used for all fermenting, storage, and wine spirits addition tanks, except that separate series, preceded by an identifying letter, may be used for tanks in different buildings or rooms, if desired.

(68A Stat. 664; 26 U. S. C. 5357)

§ 240.164 *Markings on other tanks.* Tanks on the bonded wine cellar premises, other than those described in § 240.163, must be permanently marked to show their use, such as, "Bottling Tank", "Taxpayment Tank", "Vermouth Processing Tank", "Grape Concentrate Storage Tank", or "Amelioration Measuring Tank". Abbreviations may be used if the abbreviations distinguish between the various kinds of tanks. Each tank will be permanently marked with a serial number and its capacity in wine gallons, and if the tank is of uniform dimensions from top to bottom, the capacity per inch of depth will also be marked on the tank. A separate series of numbers will be used for each kind of tank.

(68A Stat. 664; 26 U. S. C. 5357)

§ 240.165 *Markings on puncheons and barrels.* A permanent serial number and the capacity in wine gallons must be marked on puncheons or similar containers if of 60 gallons capacity or more, as in the case of storage tanks. A permanent serial number need not be marked on barrels or puncheons of less than 60 gallons capacity used as storage containers but the capacity in wine gallons must be permanently marked on each such container.

(68A Stat. 664; 26 U. S. C. 5357)

§ 240.166 *Wine spirits storage tanks, weighing tanks, and measuring tanks.* Where wine spirits are to be received by pipeline not for immediate use in wine production, or by tank car or tank truck, wine spirits storage tanks shall be provided in the wine cellar. Wine spirits storage tanks shall be constructed of metal and be of uniform dimensions from top to bottom. If a weighing tank is to be used, it must be of suitable size with suitable and accurate scales. If a measuring tank is to be used for measuring wine spirits, it must be of suitable size and must be accurately calibrated.

(68A Stat. 664, 680; 26 U. S. C. 5357, 5552)

§ 240.167 *Securing of wine spirits storage tanks, weighing tanks, and measuring tanks.* The manheads, inlets, outlets, and other openings of wine spirits storage tanks, weighing tanks, and measuring tanks must be provided with facilities for locking, or other secure fastening and sealing. The tanks may be permanently connected with pipelines for the conveyance of air. Each such pipeline must be equipped with a control valve which may be locked, and must also be equipped with a check valve located near the point of entry to the tank in order to effectively prevent the extraction of spirits from the tank.

(68A Stat. 680; 26 U. S. C. 5552)

§ 240.168 *Measuring devices.* Wine spirits storage tanks, weighing tanks, measuring tanks, and wine spirits addition tanks shall be equipped with floats and counterweights, or similar devices whereby the actual contents will be accurately indicated.

(68A Stat. 680; 26 U. S. C. 5552)

§ 240.169 *Wine spirits pipelines.* Pipelines used for the conveyance of wine spirits from fruit distilleries and internal revenue bonded warehouses to wine spirits storage tanks, measuring tanks, weighing tanks, and wine spirits addition tanks shall be constructed in accordance with the requirements of regulations prescribed in Part 221 and Part 225, respectively, of Title 26, Code of Federal Regulations. If wine spirits are to be received by tank car or tank truck, a secure pipeline must be provided from the unloading point to the weighing tank, measuring tank, or wine spirits storage tank. Where wine spirits are stored in wine spirits storage tanks, a fixed pipeline, unbroken except for necessary short hose connections to pumps or weighing tanks, must be provided from the wine spirits storage tank to the wine spirits addition tank. All joints in such pipelines must be brazed, welded, or otherwise permanently joined. Valves, suitably equipped for locking, must be provided to control the flow of the wine spirits from or into each tank. All pipelines for wine spirits shall be painted black.

(68A Stat. 680; 26 U. S. C. 5552)

§ 240.170 *Taxpayment tank.* If wine is to be removed by pipeline upon determination of tax, one or more closed tanks must be provided in the bonded wine cellar for measurement of the wine. Such tank or tanks must be accurately calibrated, equipped with a measuring device whereby the contents will be accurately indicated, and approved before use.

(68A Stat. 680; 26 U. S. C. 5552)

§ 240.171 *Taxpaid wine pipeline.* The pipeline used to transfer taxpaid wine from the bonded wine cellar to a bottling house or rectifying plant must be a fixed unbroken line of permanent character, securely constructed and connected, and so arranged as to be exposed to view throughout its entire length. The pipeline must be permanently connected with the taxpayment tank, or tanks, required by § 240.170. The valves in such pipeline must be equipped for locking. The pipeline must be shown on the bonded wine cellar plat.

(68A Stat. 666, 680; 26 U. S. C. 5368, 5552)

§ 240.172 *Other wine pipelines.* Where it is desired to transfer wine by pipeline to adjacent bonded premises such as bonded wine cellars, fruit distilleries, or vinegar plants, the pipeline provided for the transfer must be securely constructed, unbroken, and accessible for examination throughout its length. The pipeline must be shown on the wine cellar plat.

(68A Stat. 664; 26 U. S. C. 5357)

§ 240.173 *Other equipment, instruments and measures.* The proprietor of each bonded wine cellar must provide at his own expense appropriate and accurate instruments and measures for the testing and measuring of wine, including in all cases equipment for determining the alcohol content and volume of wine removed. He must also provide an accurate measuring rod or steel tape for ascertaining the capacity and contents of tanks and other storage containers, and scales and measures for weighing and measuring the materials received and used in the production of wine. However, where material is used immediately upon receipt, the shipper's weight or public weighmaster certificates of weight showing gross weight, tare, and net weight, may be accepted in lieu of weighing materials at the wine cellar.

(68A Stat. 664; 26 U. S. C. 5357)

§ 240.174 *Test weights.* Where wine is taxpaid by weight, or wine spirits are gauged by weight, the proprietor shall provide at the bonded wine cellar a set of ten fifty-pound cast iron test weights, which shall be certified by the National Bureau of Standards, or State department of weights and measures, as conforming to Class C requirements of the National Bureau of Standards, except where the proprietor has provided such test weights at an adjacent distillery or internal revenue bonded warehouse. The assistant regional commissioner may waive the requirement for test weights at a bonded wine cellar if the proprietor has his scales tested annually, or at such more frequent interval as the assistant regional commissioner may require, by responsible scale companies or other qualified persons.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART G—QUALIFYING DOCUMENTS

§ 240.190 *Application, Form 698.* Every person desiring to establish a bonded wine cellar shall file application on Form 698, in triplicate, with the assistant regional commissioner of the region in which the bonded wine cellar is located, for approval of the premises. Except as provided in § 240.199, in the case of amended or supplemental applications, all the information required by this part and by the instructions on the form or issued in respect thereto shall be furnished. Application on Form 698 (including all attachments and inserts) shall contain or be verified by a written declaration that it is made under the penalties of perjury. Such applications must be numbered serially, commencing with "1," and continuing in regular numerical sequence for all applications thereafter filed, whether amended or supplemental, and must indicate the purpose for which filed. The application must disclose whether the premises will be used for the production and storage of standard wines and other wines which may be made and stored on standard wine premises, or whether wines not authorized on standard wine premises will be produced or stored. All data, written statements, and other documents submitted in support of the application, shall be deemed to be a part thereof.

(68A Stat. 664, 749; 26 U. S. C. 5356, 6065)

§ 240.191 *Permit required.* The Federal Alcohol Administration Act (49 Stat. 978; 27 U. S. C. 203) and regulations issued pursuant thereto in Part 1, Title 27, Code of Federal Regulations require that any person, intending to engage in the business of producing or blending wine or purchasing wine for resale at wholesale, obtain a permit therefor. A state, a political subdivision of a state, or an officer or employee of a state or political subdivision acting in his official capacity is exempted from this requirement. Application for the permits shall be filed with the assistant regional commissioner at the time of filing of the original application, Form 698.

§ 240.192 *Operating name.* The name under which the bonded wine cellar is to be operated will be shown on Form 698. If the bonded wine cellar is to be operated under a trade name, the name of the proprietor must be shown in conjunction therewith. Bonded wine cellars may not be operated simultaneously or alternately under two or more trade names for the production of wine; however, two or more trade names may be used simultaneously or alternately for bottling or packing wine as provided in § 240.562. Any trade names to be used for bottling or packing of wine must be shown on the permit and the Form 698.

(68A Stat. 664; 26 U. S. C. 5356)

§ 240.193 *Designation as bonded winery.* If the activities to be conducted on the bonded wine cellar premises are such that a wine producer's basic permit is required under the Federal Alcohol Administration Act and regulations, the applicant may submit with Form 698 a letter application, in triplicate, for designation of the premises as a bonded winery. If a wine producer's basic permit has been issued to the applicant and the premises designated a bonded winery, but thereafter the wine producer's basic permit is revoked for lack of use or is replaced with a wine blender's basic permit, the designation of the premises shall be changed to bonded wine cellar.

(68A Stat. 664; 26 U. S. C. 5351)

§ 240.194 *Location of premises.* The location of the bonded wine cellar must be stated as explicitly as possible on Form 698. If located in a city or other municipality, the name thereof, and the street and number (if any) must be given. If otherwise located, the name of the county and the nearest post office, with the distance and direction therefrom, and the name or number of the road or highway on which situated, shall be given.

(68A Stat. 664; 26 U. S. C. 5356)

§ 240.195 *Description of premises.* The lot or tract of land constituting the bonded wine cellar premises must be described on Form 698 by directions and distances with sufficient particularity to enable internal revenue officers to readily determine the bounds of the bonded premises. Separate portions of bonded wine cellar premises need not be contiguous if the assistant regional commissioner finds such noncontiguous portions are reasonably adjacent to one another and operations of the noncontiguous portions as a single bonded wine cellar will not afford an undue jeopardy to the revenue.

(68A Stat. 664; 26 U. S. C. 5356, 5357)

§ 240.196 *Description of buildings and rooms.* All buildings on the bonded wine cellar premises shall be accurately described on Form 698. If the premises consist of one or more entire buildings, each building shall be described as to size, material of which constructed, and the purpose for which it will be used. If the premises consist of a part of a building, in addition to giving the size of the building and material of which constructed, there shall be described separately the rooms or floors constituting the bonded premises and the walls or floors separating the premises from adjoining portions of the building, and the activities conducted in adjoining and adjacent portions. The means of egress and ingress shall also be described.

(68A Stat. 664; 26 U. S. C. 5356)

§ 240.197 *Description of equipment.* All equipment, including tanks, crushing and pressing equipment, instruments and measures for testing and measuring wine must be described on the Form 698. Each tank shall be listed by serial number and capacity, and where tanks are of such shape that it is practicable to determine their capacity from inside measurements, as described in Subpart XX of this part, there must be attached to each copy of Form 698 a table showing the serial number and capacity of each such tank, together with such measurements. Where tanks are of such shape that it is impracticable to determine the capacities from inside measurements, the method used in determining the capaci-

ties thereof must be furnished in lieu of such measurements. Barrels or other readily portable containers under sixty gallons capacity need not be listed but the approximate number of such containers used for the storage of wine shall be shown. Unless required by the assistant regional commissioner, hoses, filters, pumps, pasteurizers, coolers, and similar equipment need not be listed on the Form 698.

(68A Stat. 664; 26 U. S. C. 5356)

§ 240.198 *Wine spirits addition tanks.* If tanks are to be used for the addition of wine spirits to wine, a separate gauge sheet, in triplicate, will be filed with Form 698 for each such tank identifying the tank by serial number and capacity and showing the capacity for each inch of depth from a specified gauge point. If the tank is found to be accurately calibrated and suitably located for the purpose intended, one copy of the gauge sheet bearing the approval of the assistant regional commissioner will be returned to the proprietor with Form 698 as authority for use of the tank in the addition of wine spirits and for the information of internal revenue officers supervising the operation.

(68A Stat. 664; 26 U. S. C. 5356)

§ 240.199 *Amended and supplemental applications.* Amended and supplemental applications on Form 698 may be executed in skeleton form, except as to the items amended or supplemented. All other items which are correctly set forth in prior applications and remain unchanged may be incorporated in the amended or supplemental application by reference to the respective application previously filed in which the item is fully and correctly set forth. Such incorporation by reference shall be made by entering for such item in the space provided therefor the statement "No change since filing Form 698, Serial No. _____," (the number being inserted), and the date of such form.

(68A Stat. 664; 26 U. S. C. 5356)

§ 240.200 *New application may be required.* The assistant regional commissioner may at any time, in his discretion, require the filing of a new application on Form 698.

(68A Stat. 664; 26 U. S. C. 5356)

§ 240.201 *Bonded wine warehouse application.* A person desiring to establish a bonded wine warehouse under the provisions of § 240.121 shall file an application in letter form, in quadruplicate, disclosing his name and address, the name and address of the bonded wine cellar, the approximate area comprising the bonded warehouse, and the approximate storage capacity in gallons. The letter application shall be accompanied by a signed statement in triplicate, from the proprietor of the bonded wine cellar requesting the establishment of such warehouse, and by consent of his surety thereto, in accordance with the provisions of § 240.231.

(68A Stat. 663; 26 U. S. C. 5353)

§ 240.202 *Individual owners, copartnerships, or associations.* Where application, Form 698, is filed by an individual owner, copartnership, or association, the name and address of every person interested in the bonded wine cellar, whether active, passive, or silent, must be given on Form 698: *Provided*, That if there are more than twenty members of a copartnership or association, only the names and addresses of those holding the twenty largest interests in the business need be shown. If there are articles of partnership or association, copies thereof, in triplicate, must be submitted with the Form 698.

(68A Stat. 663; 26 U. S. C. 5351)

§ 240.203 *Corporate documents.* Where application, Form 698, is filed by a corporation, there must be filed with the original or initial application properly certified copies, in triplicate, of the following documents: (a) Articles of incorporation; (b) certificate of incorporation; (c) certificate authorizing the corporation to operate in the State where the bonded wine cellar is located, if other than that in which incorporated; (d) extracts of the minutes of meetings of the board of directors authorizing certain officers or other persons to sign for the corporation and specifying what documents may be signed; and (e) a list of the names and addresses (business and residence) of the officers, directors, and stockholders as required by § 240.204. Where these documents have been filed with the assistant regional commissioner in connection with qualification of other premises in the same region, and statement to that effect is made on Form 698, additional copies of the documents will not be required.

§ 240.204 *List of stockholders.* In the case of corporations and similar legal entities, there must be submitted with Form 698 at the commencement of business, and annually thereafter on May 1, a list, in triplicate, giving the names and addresses (business and residence) of all officers, directors, stockholders and other persons interested in the corporation, or other legal entity, and the amount and nature of the stock holding or other interests of each, whether such interest appears in the name of the interested party or in the name of another for him: *Provided*, That if there are more than twenty holders of any class of stock, only the names, addresses and holdings of the twenty persons having the largest ownership or other interest in each of the classes of stock need be listed.

§ 240.205 *Power of attorney, Form 1534.* If the application or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members for a copartnership, or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 240.203, such application or other qualifying documents must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same. Such powers of attorney will be executed on Form 1534, in triplicate, and submitted to the assistant regional commissioner.

§ 240.206 *Execution of power of attorney.* Where the principal giving the power of attorney is an individual, it must be executed by him in person, and not by an agent. In the case of a copartnership, or association, powers of attorney authorizing one or more of the members, or another person, to execute documents on behalf of the copartnership or association must be executed by all of the members constituting the copartnership or association. However, if one or more members less than the whole number constituting the copartnership or association have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members provided it is supported by a duly authenticated copy, in duplicate, of the document conferring authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents must be supported by copies of the authorization, in triplicate, of such officer so to do, certified by the secretary or assistant secretary of the corporation, under the corporate seal, if any, to be true copies.

§ 240.207 *Duration of power of attorney.* Powers of attorney authorizing the execution of documents on behalf of a person operating, or intending to operate, a bonded wine cellar, if not limited as to duration, shall continue in effect until written notice, in duplicate, of the revocation of such authority is received by the assistant regional commissioner, unless terminated by operation of law.

§ 240.208 *Bond, Form 700.* Every person filing application to establish a bonded wine cellar shall file bond, Form 700, in triplicate, executed in accordance with Subpart H of this part, with the assistant regional commissioner. No person shall commence or continue in such business, or produce wine (except for family use, or experimental or research use, as provided in Subpart Y of this part), nor shall any wine be received in bond, or wine spirits be withdrawn for use in wine production, until such bond is filed with and approved by the assistant regional commissioner.

(68A Stat. 663; 26 U. S. C. 5354)

§ 240.209 *Plat.* Every person filing application to establish a bonded wine cellar shall file with the assistant regional commissioner an accurate plat of the proposed premises, in triplicate, conforming to the requirements of Subpart J of this part.

§ 240.210 *Additional information.* The assistant regional commissioner may at any time, in his discretion, require the proprietor of the bonded wine cellar to furnish such additional information concerning the establishment or operation of the bonded wine cellar as he may deem necessary.

§ 240.211 *Authority to approve.* The assistant regional commissioner is authorized to approve all applications, bonds, consents of surety and other qualifying documents required by this subpart, whether filed for original establishment, for changes subsequent to establishment, or for discontinuance of the business. Upon approval of the initial application for any premises, the assistant regional commissioner will assign a registry number to the premises.

(68A Stat. 663; 26 U. S. C. 5351)

§ 240.212 *Disposition of documents.* Upon approval of any qualifying documents required by this subpart, the assistant regional commissioner will return one copy to the proprietor. Upon disapproval of a bond or failure of the applicant to qualify for any reason one copy of the Form 698 and all copies of the documents submitted in support of the application will be returned to the applicant.

§ 240.213 *Retention of documents.* The proprietor shall keep in a secure place and filed in an orderly fashion at the bonded wine cellar premises or in an office adjacent thereto, the copies of all approved qualifying documents which have been returned to him by the assistant regional commissioner. Such copies shall be made available, without delay, for the examination of any internal revenue officer.

Subpart H—Bonds and Consents of Surety

§ 240.220 *General requirements.* Every person required to file a bond or consent of surety under this part shall prepare and execute such document on the prescribed form, in triplicate, in accordance with this subpart and the instructions printed on the form or issued in respect thereto, and shall submit it to the assistant regional commissioner.

§ 240.221 *Bond, Form 700.* Each proprietor of a bonded wine cellar shall give bond, Form 700, for the payment of taxes imposed by the United States, including rectification and occupational taxes and penalties and interest, for which the proprietor shall become liable to the United States, respecting wine and wine spirits and the operation of the bonded wine cellar, whether the transaction or operation upon which the liability of the proprietor is based occurred on the bonded wine cellar premises (including transfers between noncontiguous portions thereof), or in transit, and for the faithful compliance, without fraud or evasion, with all requirements of the laws of the United States and regulations made in conformity therewith respecting wine and wine spirits and the operation of the bonded wine cellar. The penal sum of the bond shall be not less than the tax on all wine and wine spirits possessed at the bonded wine cellar (including wine in intermediate storage), in transit to the bonded wine cellar, wine spirits authorized to be withdrawn under approved applications, or wine or wine spirits unaccounted for, at any one time, and the tax on all wine removed for export or for use as supplies on vessels or aircraft, but not exported or otherwise accounted for. The penal sum of the bond shall be not less than $1,000 or more than $50,000, except that where the amount of tax exceeds $250,000, the penal sum of the bond shall be $100,000: *Provided*, That the obligation on Form 700 shall not apply with respect to taxes in excess of $100 which have been determined for deferred payment upon removal of the wine from the bonded wine cellar, or transfer to a taxpaid wine room on the bonded wine cellar premises.

(68A Stat. 663; 26 U. S. C. 5354)

§ 240.222 *Tax deferral bond, Form 2053.* Each proprietor of a bonded wine cellar desiring to remove wine for a taxable purpose, where the tax unpaid at any one time amounts to more than $100, must file a bond, Form 2053, to insure payment of the tax on such wine. The penal sum of the bond shall be not less than the amount of tax determined on wine for which no return, Form 2050, with remittance, has been filed with the district director of internal revenue, pursuant to the requirements of § 240.591, but in no case shall the penal sum of the bond be less than $500. For purposes of determining the penal sum of the bond, the return will be considered filed when delivered with remittance to the office of the district director of internal revenue, or when deposited in the United States mail properly addressed to him.

(68A Stat. 663; 26 U. S. C. 5354)

§ 240.223 *Export bond, Form 186.* If a person other than the proprietor of a bonded wine cellar desires to withdraw wine from bonded wine cellars free of tax for export or for supplies for vessels or aircraft, he must file with the assistant regional commissioner of the region in which the bonded premises are located an export bond on Form 186, in triplicate, in a penal sum equal to the tax on the maximum quantity of wine to be withdrawn for exportation or for supplies on vessels or aircraft, plus the tax on any wine which having been so withdrawn may remain unaccounted for at any one time, but in no case shall the penal sum be less than $500.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.224 *Transportation bond, Form 1580.* The proprietor of a customs manufacturing bonded warehouse, Class 6, desiring to withdraw wine from bonded wine cellars, without payment of tax, for use at his warehouse for manufacture of articles for export, or for rectification and export or shipment in bond to Puerto Rico, shall file with the assistant regional commissioner of the region in which the bonded wine cellars are located a bond on Form 1580, in triplicate, in a penal sum equal to the tax on the maximum quantity of wine to be withdrawn, plus the tax on any wine which having been so withdrawn may remain unaccounted for at any one time, but in no case shall the penal sum be less than $500. The bond shall cover transportation of the wine from the bonded wine cellar to the customs manufacturing warehouse.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.225 *Bond, Form 1676.* The proprietor of a wine vinegar plant desiring to withdraw wine from bonded wine cellars without payment of tax, for use in the manufacture of vinegar shall file with the assistant regional commissioner of the region in which the vinegar plant is located, bond on Form 1676, in triplicate. The penal sum of the bond shall be not less than the tax on all wine to be withdrawn plus the tax on all wine on hand at the vinegar plant which has not been converted into vinegar and all wine in transit to the wine vinegar plant, but in no case shall the penal sum be less than $500. If the proprietor of the wine vinegar plant is also the proprietor of a bonded wine cellar located on adjacent premises, he may file consent of surety, Form 1533, extending the terms of his wine cellar bond as provided in § 240.651, instead of filing bond on Form 1676.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.226 *Corporate surety.* Surety bonds may be given only with surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356-Revised, and subject to such amendments as may be issued from time to time. The surety may have no interest whatever in the business covered by the bond.

(68A Stat. 663, 665; 26 U. S. C. 5354, 5362)

§ 240.227 *Two or more corporate sureties.* A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability in terms upon the face of the bond in a definite, specific amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

(68A Stat. 663, 665; 26 U. S. C. 5354, 5362)

§ 240.228 *Powers of attorney.* Powers of attorney, and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Surety Bonds Branch, Bureau of Accounts, Treasury Department. Such powers, and other evidence of appointment need not be filed with or submitted to assistant regional commissioners.

§ 240.229 *Collateral security.* Bonds required by this part may be secured by collateral in the form of bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, in place of corporate surety. Bonds and notes of the United States, which are nontransferable or the hypothecation of which will not be recognized by the Treasury Department, may not be pledged and deposited as security in lieu of corporate sureties.

(61 Stat. 646; 6 U. S. C. 15)

§ 240.230 *Deposit of collateral.* Assistant regional commissioners, on receiving bonds or notes, or other obligations, pledged and deposited by principals as collateral security in lieu of surety, shall deposit such securities as required by Department Circular No. 154, Revised (31 CFR, part 225).

(61 Stat. 646; 6 U. S. C. 15)

§ 240.231 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, in triplicate, by the principal and all sureties with the same formality and proof of authority to execute as was required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bonds affected thereby and state specifically and precisely what is covered by the extended terms thereof. The consent may be executed for the surety company by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate assistant regional commissioner, or the consent may be executed by the home office officials of such surety.

(68A Stat. 663, 665; 26 U. S. C. 5354, 5362)

§ 240.232 *Strengthening bonds.* In all cases where the penal sum of the bond on file and in effect is not sufficient, computed as prescribed by law and this part, the principal may give an additional or strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such strengthening bonds being filed to increase the bond liability of the principal and the surety are in no sense substitute bonds, and the assistant regional commissioner will refuse to approve any strengthening bond where any notation is made thereon intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Strengthening Bond."

(68A Stat. 663, 665; 26 U. S. C. 5354, 5362)

§ 240.233 *New bond.* When, in the opinion of the assistant regional commissioner, the interests of the Government demand it, or in any case where the security of the bond becomes impaired in whole or in part for any reason, the principal will be required to give a new bond. A new bond shall be required immediately in the case of the insolvency of a corporate surety. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. Where a bond is found to be not acceptable, the principal shall be required to file immediately a new and satisfactory bond, or discontinue business forthwith.

(68A Stat. 663, 665; 26 U. S. C. 5354, 5362)

§ 240.234 *Superseding bond.* Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, the superseded bond shall be released as to transactions occurring wholly subsequent to the effective date of the superseding bond and notice of termination of the superseded bond will be issued as provided in Subpart I of this part. Superseding bonds must show the current date of execution and the date they are to be effective and each such bond shall have marked thereon, by the obligors at the time of execution, "Superseding Bond."

(68A Stat. 663, 665; 26 U. S. C. 5354, 5362)

APPROVAL OR DISAPPROVAL OF BONDS

§ 240.235 *Authority.* Assistant regional commissioners are authorized to approve or disapprove all bonds and consents of surety required by this part.

(68A Stat. 680; 26 U. S. C. 5551)

§ 240.236 *Disapproval.* Bonds submitted on Form 700 or Form 2053, or consents of surety relative to such bonds, may be disapproved if the individual, firm, partnership, corporation, or association giving the same, or owning, controlling, or actively participating in the management of the bonded wine cellar of the individual, firm, partnership, corporation, or association, giving the same, shall have been previously convicted in a court of competent jurisdiction of (a) any fraudulent noncompliance with any provision of any law of the United States, if such provision relates to internal revenue or customs taxation of distilled spirits, wine, or beer, or if such offense shall have been compromised with the individual, firm, partnership, corporation, or association, upon payment of penalties or otherwise, or, (b) any felony under the law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation or transportation of distilled spirits, wine, beer, or other intoxicating liquor.

(68A Stat. 680; 26 U. S. C. 5551)

§ 240.237 *Appeal to Director.* Where a bond or consent of surety is disapproved by the assistant regional commissioner, the person giving the bond may appeal such disapproval to the Director, Alcohol and Tobacco Tax Division.

(68A Stat. 680; 26 U. S. C. 5551)

§ 240.238 *Disapproval by Director final.* The disapproval by the Director, Alcohol and Tobacco Tax Division upon appeal, of any bond or consent of surety with respect to the commencement or continuance of the operation of a bonded wine cellar shall be final.

(68A Stat. 680; 26 U. S. C. 5551)

SUBPART I—TERMINATION OF BONDS

§ 240.250 *Termination of bonds, Form 700 or 2053.* The wine cellar bond, Form 700, or tax deferral bond, Form 2053, will be terminated as to future liability (a) pursuant to application by the surety as provided in § 240.252; (b) pursuant to approval of a superseding bond, as provided in § 240.256; (c) in the case of Form 2053, upon discontinuance of removals under a tax deferral bond, as provided in § 240.256; or (d) upon discontinuance of business by the principal and removal of all wine and wine spirits from the wine cellar, as provided in § 240.256.

(68A Stat. 663; 26 U. S. C. 5354)

§ 240.251 *Termination of bonds, Form 186, Form 1580, or Form 1676.* Bonds on Form 186, Form 1580, or Form 1676, covering the removal of wine for export, for transfer to customs manufacturing bonded warehouses, or for transfer to a wine vinegar plant, respectively, will be terminated as to future liability (a) pursuant to application by the surety as provided in § 240.252; (b) pursuant to approval of a superseding bond as provided in § 240.257; or (c) upon discontinuance of the business covered by the bond as provided in § 240.257.

(68A Stat. 665; 26 U. S. C. 5362)

APPLICATION OF SURETY FOR RELIEF FROM BOND

§ 240.252 *Application by surety.* A surety on any bond required by this part may at any time, in writing, notify the principal and the assistant regional commissioner in whose office the bond is on file, that he desires after a date named, which shall be at least 60 days after the date of notification, to be relieved of liability under the bond. The notice shall be executed in triplicate by the surety, who shall deliver one copy to the principal, and two copies to the assistant regional commissioner. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney duly executed by the surety authorizing him to give such notice, or by a verified statement that such power of attorney is on file with the Department. The surety must also file with the assistant regional commissioner an acknowledgment, or other proof of service, of such notice on the principal.

(68A Stat. 663, 665; 26 U. S. C. 5354, 5362)

§ 240.253 *Extent of relief, Form 700.* If notice has been filed as provided in § 240.252 and is not thereafter in writing withdrawn, the rights of the principal as supported by the bond, Form 700, shall be terminated on the date named in the notice and the surety shall be relieved from liability for wine produced at, and for wine and wine spirits consigned to, the bonded wine cellar wholly subsequent to the date named in the notice. If the proprietor files a valid superseding bond on Form 700 prior to the date named in the surety's notice, the surety shall be relieved from liability for wine and wine spirits on hand, or in transit to the wine cellar, on and after the effective date of the superseding bond. If the principal fails to file a superseding bond, the surety, notwithstanding his release from liability as specified above, shall continue to remain liable under the bond for all wine and wine spirits on hand or in transit to the bonded wine cellar on the date stated in his notice, until such wine and wine spirits have been lawfully disposed of, or a new bond has been filed by the principal covering the liability.

(68A Stat. 663; 26 U. S. C. 5354)

§ 240.254 *Extent of relief, Form 2053.* If notice, filed as provided in § 240.252, is in respect to bond on Form 2053 and is not in writing withdrawn, the surety shall be relieved of liability for the tax on any wine removed from the bonded wine cellar after the date named in the notice. The surety shall continue to be liable for the tax on wine removed for consumption or sale on or before the date named in the notice, until all such tax is fully paid.

(68A Stat. 663; 26 U. S. C. 5354)

§ 240.255 *Extent of relief, Form 186, Form 1580 and Form 1676.* If notice has been filed as provided in § 240.252 in respect to a bond on Form 186, Form 1580 or Form 1676 and is not in writing withdrawn, the surety shall be relieved of liability for tax on wine withdrawn for export, for transfer to a customs manufacturing bonded warehouse, or for manufacture of vinegar, respectively, after the date stated in the notice. Where such withdrawals are made wholly on or before the date named in the notice, the surety shall remain liable for the tax on wine so withdrawn, until the wine is fully accounted for.

(68A Stat. 665; 26 U. S. C. 5362)

NOTICE OF RELEASE OR TERMINATION

§ 240.256 *Release or termination of Form 700 or Form 2053.* When the proprietor of a bonded wine cellar discontinues business and the notice of discontinuance has been approved, the assistant regional commissioner will issue notification of release of bond, Form 1491, and will forward copies to the principal and to the surety; or, in the case of bond, Form 2053, notification of release of bond, Form 1491, will be issued upon receipt from the proprietor of written advice that he has discontinued removals of wine requiring a tax deferral bond. When a valid superseding bond has been approved, the assistant regional commissioner will issue notice of bond termination, Form 1490, and will forward copies to the principal and to the surety.

(68A Stat. 663; 26 U. S. C. 5354)

§ 240.257 *Release or termination, Form 186, Form 1580 or Form 1676.* When the principal on a bond, Form 186, Form 1580 or Form 1676, notifies the assistant regional commissioner that he has discontinued the withdrawal of wine free of tax for exportation, for transfer to a customs manufacturing bonded warehouse, or for use in the manufacture of vinegar, respectively, the assistant regional commissioner will issue notification of release of bond, Form 1491. When a superseding bond on Form 186, Form 1580, or Form 1676 is approved by the assistant regional commissioner, he will issue notice of bond termination, Form 1490, for the superseded bond.

(68A Stat. 665; 26 U. S. C. 5362)

Release of Collateral

§ 240.258 *Release of collateral, Form 700 or Form 2053.* The release of collateral pledged and deposited with the United States to support bonds required by this part will be in accordance with the provisions of Department Circular No. 154, Revised, (31 CFR Part 225) subject to the conditions governing the issuance of notices on Forms 1490 and 1491 of the termination of such bonds. Upon issuance of notice of the termination of a bond, Form 700 or Form 2053, supported by collateral security, the assistant regional commissioner will fix the date or dates on which a part or all of the security may be released. In fixing such date, which ordinarily will be not less than six months from the date of determination that there is no outstanding liability against the bond, the assistant regional commissioner will satisfy himself that the interests of the Government will not be jeopardized. Collateral pledged and deposited to support a bond, Form 700 or Form 2053, will not be released by the assistant regional commissioner until liability under the bond has been terminated. At any time prior to the release of such collateral security, the assistant regional commissioner may, in his discretion, and for proper cause, further extend the date of release of the security for such additional length of time as in his judgment may be appropriate.

(61 Stat. 646; 6 U. S. C. 15)

§ 240.259 *Release of collateral, Form 186, Form 1580 or Form 1676.* Collateral pledged and deposited to support a bond on Form 186, Form 1580 or Form 1676 will ordinarily be released by the assistant regional commissioner upon issuance of Notice of Release of the Bond, Form 1491, provided all liabilities under the bond have been satisfied.

(61 Stat. 646; 6 U. S. C. 15)

SUBPART J—PLAT

§ 240.270 *Plat required.* Every person intending to establish a bonded wine cellar must, as required by § 240.209, file an accurate plat of the premises, in triplicate, with the assistant regional commissioner.

§ 240.271 *Preparation.* The plat of a bonded wine cellar must be furnished on sheets of white paper of a good quality, or tracing cloth, or sensitized linen, 15 x 20 inches outside measurement, with a clear margin of at least one inch on each side of the drawing, lettering, or writing. Plats may be original drawings or reproductions made by the "ditto process," or by blue, brown, or black line lithoprint, if such reproductions are clear and distinct. The cardinal points of the compass shall be indicated on each sheet. Where more than one sheet is required for an accurate plat, each sheet shall be identified by a number.

§ 240.272 *Depiction of premises.* The plat must show the outer boundaries of the premises in contrasting color. The location and size of each building, and the purpose for which each will be used will be shown. If the bonded premises consist of only a room or floor of a building, the precise location of the room or floor, together with the means of access to a public street or yard, or to a public hall or elevator shaft leading to a public street or yard, must be shown. The first floor exterior doors and windows of each building on the premises will be shown on the plat. The surrounding driveways, streets and sidings also shall be indicated.

§ 240.273 *Contiguous or adjacent premises.* Where a distillery, internal revenue bonded warehouse, industrial alcohol plant or warehouse, taxpaid distilled spirits bottling house, taxpaid wine bottling house, rectifying plant, wine vinegar plant, or another bonded wine cellar, is maintained on contiguous or adjacent premises, the relative position of such premises and the bonded wine cellar, and all pipeline connections for transfer of wine and wine spirits between the premises, must be shown on the plat. The pipeline used for conveying wine spirits from the distillery or warehouse to the bonded wine cellar, or for transfer of wine spirits within the bonded wine cellar premises shall be shown in black on the plat. Pipelines for the conveyance of wine between noncontiguous portions of the bonded wine cellar will be shown.

§ 240.274 *Certificate of accuracy.* The plat shall bear a certificate of accuracy in the lower right-hand corner of each sheet, signed by the proprietor, the draftsman, and the assistant regional commissioner, substantially in the following form:

_____
(Name of proprietor)

_____
(Registry number)

_____
(Address)

Accuracy certified by:

_____
(Name and capacity—for the proprietor)

_____
(Draftsman) (Date)

Approved: _____
(Date)

_____
Assistant Regional Commissioner

SUBPART K—REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP AND CONTROL

§ 240.280 *General requirements.* Notice must be given, as provided in this subpart, to the assistant regional commissioner in case of any change in the name, ownership, management, control, or any persons interested in the business of the bonded wine cellar.

(68A Stat. 664; 26 U. S. C. 5356)

CHANGE IN INDIVIDUAL, FIRM, OR CORPORATE NAME

§ 240.281 *Amended application, Form 698, and amended basic permit.* Where there is a change in the individual, firm, or corporate name of the proprietor, the proprietor must submit to the assistant regional commissioner an amended notice on Form 698, in triplicate, covering the new name, which application must be approved before operations may be commenced under the new name. He must also procure from the assistant regional commissioner an amended basic permit under the Federal Alcohol Administration Act authorizing operation of the premises under the new name.

(68A Stat. 664; 26 U. S. C. 5356)

§ 240.282 *Amended articles of incorporation, etc.* Where there is a change in the corporate name of the proprietor, he must submit to the assistant regional commissioner certified copies, in triplicate, of the amended articles of incorporation, and the amended certificate of incorporation issued under the laws of the state in which incorporated covering

the change in the corporate name. If the operations are conducted in a state other than the state in which incorporated, there must also be submitted to the assistant regional commissioner certified copies, in triplicate, of the amended certificate issued under the laws of the state in which the operations are conducted authorizing the corporation to operate under its new name in such state. If documents other than those specified are required under the laws of the state to effect a change in the name of the corporation, certified copies, in triplicate, of such documents must be submitted.

(68A Stat. 664; 26 U. S. C. 5356)

§ 240.283 *Amended articles of copartnership or association.* Where there is a change in the name of a copartnership or association, the proprietor must submit to the assistant regional commissioner certified copies, in triplicate, of the amended articles of copartnership or association, if any.

(68A Stat. 664; 26 U. S. C. 5356)

§ 240.284 *Records.* Where there is a change in the individual, firm, or corporate name, the proprietor must keep the prescribed records and submit the required reports under the new name.

(68A Stat. 666; 26 U. S. C. 5367)

CHANGE IN PROPRIETORSHIP

§ 240.285 *Nonfiduciary successor.* If a change in proprietorship of the bonded wine cellar is brought about otherwise than by appointment of an administrator, executor, receiver, trustee, or other fiduciary, the successor must qualify in the same manner as the proprietor of a new bonded wine cellar, except that he may adopt the plat of the predecessor, as provided in § 240.290.

(68A Stat. 663, 664; 26 U. S. C. 5354, 5356)

§ 240.286 *Fiduciary.* If the bonded wine cellar is to be operated by an administrator, executor, receiver, trustee, assignee, or other fiduciary, the fiduciary must comply with provisions of Subpart G of this part to the extent that such provisions are applicable, except that in lieu of filing a new bond and a new plat, the fiduciary may furnish a consent of surety extending the terms of his predecessor's bond, and may adopt the plat of such predecessor. The fiduciary must furnish certified copies, in triplicate, of the order of the court, or other pertinent documents, showing his qualification as such fiduciary. The effective date of the qualifying documents filed by a fiduciary must be the same as the date of the court order, or the date specified therein for him to assume control. If the fiduciary was not appointed by the court, the date of his assuming control must coincide with the effective date of the qualifying documents filed by him.

(68A Stat. 663, 664; 26 U. S. C. 5354, 5356)

§ 240.287 *Exception.* Where the fiduciary has been appointed to liquidate the business of a bonded wine cellar, (i. e., to dispose of the wine on hand, including any cellar treatment necessary to put the wine in merchantable condition) and does not intend to produce wine, or use wine spirits, or receive wine in bond from other bonded premises, he may, upon filing a statement to such effect, or a copy of the court order directing him to so liquidate the business, with the assistant regional commissioner, be exempt from qualifying as the proprietor of the bonded wine cellar, as required in § 240.286, provided a consent of surety wherein the surety and the fiduciary agree to remain liable on the bond, is filed.

§ 240.288 *Failure of receiver or trustee of bonded wine cellar to qualify.* In the event a receiver in bankruptcy or a trustee fails to qualify as required herein within a reasonable time, the assistant regional commissioner will request the United States attorney to petition the court under whose jurisdiction the receiver or trustee is functioning to direct the receiver or trustee to comply with the above requirements.

§ 240.289 *Consent of surety.* The consent of surety extending the terms of the predecessor's bond to cover operation of the bonded wine cellar by a fiduciary must conform to the requirements of § 240.231 and be executed by both the fiduciary and the surety.

(68A Stat. 663; 26 U. S. C. 5354)

§ 240.290 *Plat.* The adoption by a successor of the plat of his predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, registry number and address of the bonded wine cellar, the date of preparation, and the date of approval of the plat, and a certification as to the accuracy of the plat adopted.

§ 240.291 *Approval required.* Operation of a bonded wine cellar may not be commenced by a successor until the qualifying documents required by this subpart have been approved by the assistant regional commissioner.

(68A Stat. 663; 26 U. S. C. 5351)

§ 240.292 *Successor to bonded wine cellar with bonded wine warehouse.* Where a bonded wine warehouse has been established at a bonded wine cellar under the provisions of § 240.201, and it is desired to continue the operation of the bonded wine warehouse subsequent to a change in proprietorship of the bonded wine cellar, it will be necessary for the proprietor of the bonded wine warehouse to file a new letter of notice, accompanied by a statement from the new proprietor (applicant) of the bonded wine cellar requesting the continuation of such warehouse, and by consent of his surety thereto.

(68A Stat. 663; 26 U. S. C. 5353)

OTHER CHANGES IN PROPRIETORSHIP OR CONTROL

§ 240.293 *Change in partnership.* The withdrawal of one or more members of a partnership, or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, except as provided in § 240.294, the death, bankruptcy, or adjudicated insolvency of one or more of the copartners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change in proprietorship of the premises occurs, the successor must qualify in the same manner as a new applicant, except that he may adopt the plat on file as provided in § 240.290.

(68A Stat. 663; 26 U. S. C. 5351)

§ 240.294 *Exception.* Where under the laws of the particular state the partnership is not terminated on the death or insolvency of a partner, but continues until the liquidation of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to operate the wine cellar for such purpose under the prior qualification of the partnership, and the bond already on file will be considered sufficient: *Provided*, That a consent of surety wherein the surety and the surviving partner agree to remain liable on the bond is filed. If such surviving partner acquires the business upon the settlement of the partnership he must qualify in his own name from the date of acquisition and give a new bond on Form 700. The same rule shall apply where there is more than one surviving partner.

§ 240.295 *Reincorporation.* Where a corporation is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as a new applicant, except that the new corporation may adopt the plat of the predecessor.

(68A Stat. 663; 26 U. S. C. 5351)

§ 240.296 *Changes in stockholders of a corporation.* Changes in stockholders of a corporation do not constitute a change in proprietorship, but in case changes in stockholdings or other interests result in a change in control of the corporation, written notice must be given the assistant regional commissioner within ten days. The notice shall be filed in triplicate, shall describe the changes in stockholding or other interest, and shall be accompanied by a new list of stockholders, prepared as required by § 240.204.

SUBPART L—REQUIREMENTS GOVERNING CHANGES IN LOCATION, PREMISES, AND EQUIPMENT

§ 240.310 *Change in location.* Where there is a change in the location of a bonded wine cellar, the proprietor must comply with all applicable provisions of Subpart G of this part, except that in lieu of the filing of new bonds, Form 700 and Form 2053, the proprietor may furnish consent of surety on Form 1533 in accordance with § 240.231, extending the terms of the bonds for the former location to cover operation of the bonded wine cellar at the new location.

(68A Stat. 663, 664; 26 U. S. C. 5354, 5356)

§ 240.311 *Change in premises.* Where the bonded wine cellar is to be extended or curtailed, the proprietor must file with the assistant regional commissioner an amended application, Form 698, and amended plat of the premises. The additional facilities covered by the extension may not be used for the proposed purposes, and the portion to be excluded by curtailment may not be used for other than the previously approved purposes prior to approval of the application, Form 698, and plat.

(68A Stat. 664; 26 U. S. C. 5356)

§ 240.312 *Changes in construction, use, and equipment.* Where a change is to be made in the construction, or use, or equipment, of a bonded wine cellar that will affect the accuracy of the Form 698, or plat, such as the removal or addition of tanks, changes in the measurement and capacity of tanks, or in the size of rooms, the proprietor shall make report thereof, in triplicate, to the assistant regional commissioner. The reports shall be serially numbered by the proprietor. Upon approval, the assistant regional commissioner will return one copy of the report to the proprietor for attachment to the copy of Form 698 retained at the bonded premises, forward one copy to the Director, Alcohol and Tobacco Tax Division, and retain one copy in his office for filing with Form 698. The assistant regional commissioner may at any time require the filing of a new application or plat.

(68A Stat. 664; 26 U. S. C. 5356)

§ 240.313 *Approval required.* No change shall be made in any wine pipeline not wholly on the bonded wine cellar premises, the wine spirits storage room, wine spirits storage tanks, or any pipelines for the conveyance of wine spirits, prior to the approval of such changes by the assistant regional commissioner or other designated officer. Application to make changes requiring such approval will be filed in letter form, in triplicate, with the internal revenue officer assigned to the premises, unless there is no internal revenue officer so assigned or otherwise available, in which case the application will be filed with the assistant regional commissioner. Each letter application will be serially numbered, will identify the premises by name and registry number, and will describe in detail the changes to be made. A sketch should accompany the application where it will be helpful to an understanding of the changes desired. Sealed connections must not be broken by the proprietor for any reason, except in cases of emergency, and then only after notifying the internal revenue officer, if any, or the assistant regional commissioner.

SUBPART M—DISCONTINUANCE OF BUSINESS

§ 240.320 *Notice.* When the proprietor desires to discontinue operation of the bonded wine cellar, all wine and wine spirits must be lawfully removed from the premises or destroyed, and any outstanding approved Forms 257 authorizing the transfer of wine spirits to the wine cellar must be procured from the distillery or warehouse to which they were sent and returned to the assistant regional commissioner for cancellation. When such disposition has been made of all wine, wine spirits, and outstanding Forms 257, the proprietor shall file notice of discontinuance by letter, in triplicate, with the assistant regional commissioner, stating therein that the premises

are to be discontinued, and giving the date the discontinuance is to be effective. The proprietor shall certify in the letter that (a) all wine and wine spirits have been lawfully removed from the premises or destroyed, (b) that there are no wines or wine spirits in transit to the bonded premises, and (c) that there are no outstanding Forms 257 in his possession, or at any distillery or bonded warehouse, authorizing the transfer of wine spirits to his bonded premises. If the premises are being transferred to a successor, that fact and the name of the successor should be stated in the letter of notification.

§ 240.321 *Final report, Form 702.* After all wine produced or received, and all wine spirits received for use in wine production, have been lawfully disposed of, the proprietor will submit a report on Form 702 showing no wine or wine spirits on hand, which report shall be marked "Final."

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.322 *Discontinuance of bonded wine warehouse.* Where a bonded wine warehouse is to be discontinued, a letter of notification, in triplicate, will be sent to the assistant regional commissioner by the proprietor of the warehouse advising of such discontinuance and stating therein the name, registry number and address of the bonded wine cellar, and date of discontinuance.

(68A Stat. 663; 26 U. S. C. 5353)

SUBPART N—SPECIAL (OCCUPATIONAL) TAXES

§ 240.340 *Wholesale and retail liquor dealer.* Except as provided in § 240.341, proprietors of bonded wine cellars who sell wines must file returns on Form 11, special tax return, and pay special (occupational) tax as a wholesale liquor dealer or retail liquor dealer, or both, in accordance with Part 194, Title 26, of the Code of Federal Regulations.

(68A Stat. 618, 620, 621, 624, 846; 26 U. S. C. 5111, 5112, 5121, 5122, 5142, 7011)

§ 240.341 *Exemption of proprietor.* Qualified proprietors of bonded wine cellars who sell wine of their own production at the bonded premises where it is made, or at the general business office of such proprietor, are exempt from special taxes as wholesale or retail dealers; but no proprietor shall be exempt from such special taxes for sale of wine at more than one place. The term "own production" for purposes of this subpart is held to include wine produced by the proprietor, as follows:

(a) Still wine produced by fermentation;

(b) Champagne and sparkling wine, and artificially carbonated wine produced by him;

(c) Special natural wines produced by him; and

(d) Still wine produced by such blending or other cellar treatment of purchased wine as changes the characteristics of the wine.

Sale of finished wine purchased from others does not come within the exemption. Where the claim is made that purchased wine has been so blended or treated as to become wine of the proprietor's own production as defined in this section, cellar records of the blending or cellar treatment must be maintained.

(68A Stat. 619; 26 U. S. C. 5113)

§ 240.342 *Place of exemption.* Unless the exemption is claimed elsewhere by the proprietor, it will be presumed that the exemption is claimed at the bonded wine cellar where the wine is made. Where the exemption is claimed for a place other than the bonded wine cellar, special tax must be paid at the bonded wine cellar, if sales are made thereat.

(68A Stat. 619; 26 U. S. C. 5113)

§ 240.343 *Annual special tax.* The special tax year commences on July 1 and ends on June 30 of the next year. All persons liable for special tax must file Form 11 with the district director of internal revenue, and pay the special tax to him not later than July 31 of each year. If the Form 11, with remittance, is not actually received by the district director on or before the last day of the month, the date of the postmark stamped on the cover in which such return is mailed, if made by a United States post office, shall be deemed to be the date of filing.

(68A Stat. 624, 846, 895; 26 U. S. C. 5142, 5143, 7011, 7502)

§ 240.344 *Business commenced after July 31.* Where business is commenced after July 31, the tax will be prorated from the first day of the month in which business was commenced to June 30 following. In such case, if the Form 11, with remittance, is not actually received by the district director of internal revenue on or before the last day of the month in which the business was commenced, the date of the postmark stamped on the cover in which such return is mailed, if made by a United States post office, shall be deemed to be the date of filing.

(68A Stat. 624, 846; 26 U. S. C. 5143, 7011)

SUBPART O—PRODUCTION OF WINE

§ 240.350 *Kinds of wine authorized.* The following kinds of wine may be produced on bonded wine cellar premises:

(a) Natural wine, including sparkling wine and artificially carbonated wine, produced in accordance with Subparts P, Q, and W of this part;

(b) Specially sweetened natural wine, produced in accordance with Subpart R of this part;

(c) Special natural wine, produced in accordance with Subpart S of this part;

(d) Agricultural wine, produced in accordance with Subpart T of this part; and

(e) Wine other than standard wine, produced in accordance with Subpart U of this part.

(68A Stat. 664, 668, 669, 670, 671; 26 U. S. C. 5361, 5382, 5383, 5384, 5385, 5386, 5387)

§ 240.351 *Production on standard wine premises.* Wine in categories (a), (b), (c), and (d) of § 240.350 may be produced in standard bonded wine cellars. In addition thereto, heavy bodied blending wine, Spanish type blending sherry or similar wine products, high fermenta-

tion wine, distilling material, and vinegar stock, which are in category (e) of § 240.350, may be produced on premises where standard wine is made.

(68A Stat. 664, 665; 26 U. S. C. 5361, 5364)

§ 240.352 *Other wine production.* Wine in category (e) of § 240.350, other than the kinds named in § 240.351, may be produced only on bonded wine cellar premises not used for the production of standard wine. In the production of such wine, sugar and water may be used without observing the limitations prescribed for standard wine: *Provided*, That the wine must have a basic character derived from the primary wine-making material. The aggregate weight of the sugar used before and during fermentation must be less than the weight of the primary wine producing material. Molasses, malts, cereals, and grains may not be used in the production of wine.

(68A Stat. 664, 665; 26 U. S. C. 5361, 5364)

§ 240.353 *Concentrated fruit juice.* Concentrated fruit juice restored to its original density, or as otherwise provided in this section, will be regarded as fruit juice for the purpose of standard wine production. In the case of concentrated juice derived from fruit juice of an original density of more than 22 degrees Brix, the concentrated juice may be diluted with water to its original density or to not less than 22 degrees Brix. In the case of concentrated fruit juice derived from a fruit juice of less than 22 degrees Brix, the concentrated juice may be diluted with water to its original density or to not more than 22 degrees Brix. Where the original density is to be restored with water, the proprietor must procure a certificate from the producer of the concentrate showing the kind of fruit juice from which it was made and giving the total solids content of the original juice and of the concentrate in degrees Brix. Concentrated fruit juice may be used for sweetening wine or juice made from the same kind of fruit as provided in this part. No concentrated fruit juice, or juice which has been concentrated and reconstituted, shall be used in standard wine production if at any time it was concentrated to more than 80 degrees Brix.

(68A Stat. 668; 26 U. S. C. 5382)

§ 240.354 *Sugar.* If sugar is to be used in the production of standard wine, only pure refined cane or beet sugar, or pure refined anhydrous or monohydrate dextrose, of not less than 95 percent purity calculated on a dry basis, may be used. If a solution of water and pure sugar is to be used, invert sugar syrup produced from pure sugar by recognized methods of inversion may be used in the preparation of such solution.

(68A Stat. 672; 26 U. S. C. 5392)

§ 240.355 *Exemption from rectification tax.* The cellar treatment of wine as authorized by this part is exempt from rectification tax. Treatment not authorized by this part, which changes the basic composition of the wine or results in the production of any imitation or compound wine, subjects the wine to rectification tax, unless the proprietor shows, to the satisfaction of the assistant regional commissioner, that such treatment was not knowingly used in violation of law.

(68A Stat. 672, 695; 26 U. S. C. 5391, 5661)

§ 240.356 *Use of essences, flavors or colors prohibited.* Essences, flavoring or coloring materials may not be used in the production of wine on bonded wine cellar premises, except special natural wine, and honey wine, produced in accordance with provisions of Subpart S and Subpart T of this part, respectively. The use of such materials in other wine results in the production of an imitation or compound wine, with liability to rectification tax, and is permitted only on the premises of a rectifying plant.

(68A Stat. 616, 671; 26 U. S. C. 5082, 5386, 5387)

SUBPART P—PRODUCTION AND TREATMENT OF NATURAL GRAPE WINE

§ 240.360 *General.* Natural grape wine is the product of the juice of sound, ripe grapes, made with cellar treatment authorized by this part and having a total sugar or total solids content subject to limitations stated in this subpart, but the total solids content of the wine shall in no case exceed 21 percent by weight.

(68A Stat. 668, 669; 26 U. S. C. 5381, 5382, 5383)

Production Without the Use of Sugar

§ 240.361 *Materials.* In the production of natural grape wine without the use of sugar, no materials may be added to the juice or crushed grapes at the time of starting fermentation, except:

(a) Water to reduce the juice to not less than 22 degrees (Brix) of total solids;

(b) Yeast, or yeast cultures grown in grape juice, to any extent desired; or

(c) Yeast foods, sterilizing agents, or other fermentation adjuncts under the provisions of §§ 240.529 and 240.530.

(68A Stat. 668, 669; 26 U. S. C. 5381, 5382, 5383)

§ 240.362 *Crushing and fermentation.* Water added at the time of crushing, including that necessary to flush equipment, may not reduce the density of the juice below 22 degrees Brix, in the production of natural wine: *Provided*, That if the total solids content of the juice is less than 23 degrees Brix, water used to flush equipment shall reduce the total solids content of the juice less than one degree Brix. (This limitation does not apply where water is used in the production of wine from high acid grapes; however, the limitations stated in § 240.366 are applicable.) Upon removal of wine from fermenters, the quantity of liquid will be determined accurately and recorded as wine produced. This removal must be made within 15 days after the deposit of the material in fermenters, unless the proprietor desires to hold the wine for completion of fermentation, in which case the wine must be considered in intermediate storage. The period of intermediate storage may not exceed six months, unless such period is extended by the assistant regional commissioner upon a showing of necessity.

(68A Stat. 666, 668; 26 U. S. C. 5367, 5382)

§ 240.363 *Use of grape juice and concentrated grape juice for sweetening.* Natural grape wine may be sweetened by the addition of concentrated or unconcentrated grape juice, the only limitation being that the total solids content of the finished wine may not exceed 21 percent by weight. If wine spirits are added, the wine may be sweetened with juice or concentrated juice either before or after the addition of wine spirits.

(68A Stat. 668; 26 U. S. C. 5382)

§ 240.364 *Acids.* Acids of the kinds occurring in grapes may be used to correct natural deficiencies in the fruit, or juice, or wine made therefrom. Where the juice or wine has a fixed acid content less than five parts per thousand (calculated as tartaric acid), acid may be added to bring the content up to five parts per thousand, if the proprietor considers the juice or wine deficient in acid. Where the producer of the juice or wine, as the result of analysis or organoleptic test, deems there is a natural deficiency in acid regardless of acid content, acid may be added by him to increase such content not to exceed two parts per thousand, including all acid previously added. Where ameliorating material, as authorized in § 240.366, is used in the production of grape wine, no acid may be used to correct deficiencies; however, citric acid may be used for stabilizing any grape wine, as provided in § 240.526. Only tartaric, citric, or malic acid may be added to the juice or wine of grapes to correct natural deficiencies. If it is desired to use other acids, the requirements of § 240.530 should be followed. Record of the use of acid under the provisions of this section shall be kept in accordance with § 240.917.

(68A Stat. 668; 26 U. S. C. 5382)

Production With the Use of Sugar

§ 240.365 *Materials.* In the production of natural wine from grapes having a fixed acid content over five parts per thousand, water, pure dry sugar, or a combination of water and pure dry sugar may be added, subject to the limitations set forth in § 240.366. No other materials may be used at the time of starting fermentation, except:

(a) Yeast, or yeast cultures grown in grape juice, to any extent desired; or

(b) Yeast foods, sterilizing agents, or other fermentation adjuncts, under the provisions of §§ 240.529 and 240.530.

(68A Stat. 669; 26 U. S. C. 5383)

§ 240.366 *Limitations on amelioration.* In producing wine from grapes or grape juice having a high acid content, there may be added to the juice or to the wine, or to both, ameliorating material consisting of either water, or pure dry sugar, or a combination of water and pure dry sugar, in such total volume as may be necessary to reduce the natural fixed acid content of the mixture of juice and such ameliorating material to a minimum of five parts per thousand. The acid content shall be determined before fermentation, and calculated as tartaric acid. The volume of the ameliorating material shall not exceed 35 percent of the total volume of the ameliorated juice or wine (calculated exclusive of pulp). The ameliorating material may be added before or during fermentation, in fermenters or in intermediate storage. If a mixture of water and pure dry sugar is to be used, invert sugar syrup may be used in place of part or all of such mixture. See Subpart XX of this part for tables showing the maximum quantity in gallons of ameliorating material that may be added to each 1000 gallons of juice (exclusive of pulp) based on the acid expressed in parts per thousand of tartaric acid.

(68A Stat. 669, 26 U. S. C. 5363)

§ 240.367 *Record of production.* Upon completion of fermentation and removal from fermenters, the quantity of liquid will be determined accurately and recorded as wine produced. This removal must be made within 15 days after the deposit of the material in fermenters, unless the proprietor desires to hold the wine for completion of amelioration or fermentation, in which case the wine must be considered in intermediate storage and recorded as produced upon removal therefrom. The period of intermediate storage may not exceed six months, unless such period is extended by the assistant regional commissioner upon a showing of necessity.

(68A Stat. 666, 669; 26 U. S. C. 5367, 5383)

§ 240.368 *Sweetening in permanent storage.* Any natural grape wine produced under the provisions of § 240.361 or § 240.365 and containing less than 10 percent by weight of sugar solids, may be sweetened with pure dry sugar or concentrated or unconcentrated grape juice in permanent storage. After sweetening, the wine may not have a sugar solids content in excess of 10 percent by weight. If any sugar has been added, and the alcohol content after sweetening must be less than 14 percent by volume.

(68A Stat. 668, 669; 26 U. S. C. 5382, 5383)

§ 240.369 *Reserve inventory.* High acid grape wine produced as provided in § 240.366 must be transferred to reserve inventory if it is desired to add wine spirits, or to sweeten it without regard to the 10 percent limitation stated in § 240.368. Likewise, wine produced under the provisions of § 240.361 must be transferred to reserve inventory if both sugar and wine spirits are to be added. The transfer will be accomplished by making the proper entries in the reserve inventory record prescribed by § 240.907, and by marking the containers of the wine transferred with the letters "RS."

(68A Stat. 669; 26 U. S. C. 5383)

§ 240.370 *Sweetening of grape wine in reserve inventory.* At the time of transfer of any lot of wine to reserve inventory, the sugar balance of the reserve inventory account will be credited with an amount of dry sugar equivalent to the volume of authorized ameliorating material available to the lot of wine but not used at the time of transfer, calculated at the rate of thirteen and one-half pounds of dry sugar for each gallon of unused ameliorating material. In addition, the sugar balance will be credited with nine-tenths pound of dry sugar for each gallon of wine so transferred and such unused ameliorating material combined. The entries will be made according to the detailed instructions on Form 2055. Pure dry sugar may be used to sweeten grape wine in reserve, in any amount not exceeding the available sugar balance. Wine in reserve may also be sweetened with grape juice or concentrated grape juice, the only limitation being that the finished wine may not have a total solids content in excess of 21 percent by weight. No additional sugar credit will be allowed for grape juice or concentrated grape juice used for sweetening wine in reserve.

(68A Stat. 669; 26 U. S. C. 5383)

§ 240.371 *Limitations on grape wine in reserve inventory.* Grape wine while in reserve inventory:

(a) may not be blended except with other grape wine in reserve inventory;

(b) may not be ameliorated;

(c) may not be used in the production of effervescent wine;

(d) may not be used in the production of specially sweetened natural wine;

(e) may not be used in the production of special natural wine; and

(f) may not be removed from the premises.

(68A Stat. 669; 26 U. S. C. 5383)

§ 240.372 *Transfer of wine from reserve inventory.* Wine may be transferred from reserve inventory at any time for storage, finishing, use in the production of wine of another class, removal from the premises, or other authorized purposes. The transfer will be accomplished by making the prescribed entries in the reserve inventory account and removing the letters "RS" from the storage containers. Before removing any lot of wine from reserve, the reserve inventory account will be balanced and the average sugar credit per gallon determined according to instructions issued in respect thereto. The average sugar credit per gallon will be multiplied by the number of gallons of wine to be withdrawn and the quantity thus determined deducted from the sugar balance. At the time of withdrawal from reserve, natural grape wine shall have an alcohol content of less than 14 percent by volume and a total solids content not in excess of 21 percent by weight, except that if wine spirits have been added and the alcohol content is 14 percent by volume or more, the sugar solids content shall not exceed 15 percent by weight. These limitations as to alcohol and solids contents shall not apply where wine is withdrawn from reserve for the production of specially sweetened wines under the provisions of Subpart R of this part. Wine once withdrawn from reserve inventory may not again be entered into reserve inventory.

(68A Stat. 669; 26 U. S. C. 5383)

§ 240.373 *High acid grape wine not transferred to reserve inventory.* Wine produced under the provisions of § 240.366 need not be entered into reserve inventory, provided:

(a) no wine spirits are to be added;

(b) the wine is not to be sweetened, or is to be sweetened as provided in § 240.368; or

(c) the wine is to be used in the production of specially sweetened natural wine under Subpart R of this part.

(68A Stat. 669; 26 U. S. C. 5383)

Addition of Wine Spirits

§ 240.374 *General.* Grape wine spirits may be added to natural grape wine produced within the limitations of § 240.361 or § 240.366. The addition of such spirits to wine made under the provisions of § 240.366 may be effected only while the wine is in reserve inventory. The wine spirits will be procured as provided in Subpart PP of this part and will be added to the wine under the supervision of an internal revenue officer. The proprietor will advise the assistant regional commissioner, or other designated officer, in sufficient time that an internal revenue officer may be assigned. The assistant regional commissioner, in his discretion, may permit the addition of wine spirits without supervision.

(68A Stat. 666, 667, 668; 26 U. S. C. 5366, 5373, 5382)

§ 240.375 *Application for release of wine spirits.* Prior to the addition of wine spirits, the wine will be placed in tanks (approved for the addition of wine spirits) located, equipped, and calibrated as provided in Subpart F of this part. The proprietor will accurately measure the wine, determine its alcohol content, the proof of the wine spirits to be added, calculate the quantity of wine spirits required (in accordance with instructions in Subpart XX of this part), and enter the details on Form 275, prepared in triplicate. Forms 275 will be serially numbered, commencing with "1" on July 1 of each year. The alcohol content of the wine after the addition of wine spirits must not exceed 24 percent. The proprietor will certify on Form 275 that the wine has been produced in accordance with the requirements of this subpart and is eligible for the addition of wine spirits, and will make application for the release of the quantity of wine spirits desired by delivering one copy of Form 275 to the internal revenue officer. In the discretion of the internal revenue officer, a sample of the wine may be taken before addition of the wine spirits.

(68A Stat. 666, 667; 26 U. S. C. 5367, 5373)

§ 240.376 *Gauge of wine spirits.* If the wine spirits to be used are on deposit in the bonded wine cellar, or are received immediately prior to use from a distillery or warehouse not adjacent to the bonded wine cellar, the proprietor, under the supervision of the internal revenue officer, will gauge the wine spirits released to him for use in wine production and will prepare a report of the gauge on Form 1520, in triplicate, appropriately modified. A copy of such Form 1520 shall be attached to each copy of Form 275.

(68A Stat. 666; 26 U. S. C. 5367, 5368)

§ 240.377 *Wine spirits in tanks.* If the wine spirits are in a wine spirits storage tank on the bonded wine cellar premises, the proprietor will determine the quantity used, by volume gauge or by weight, and the proof of the spirits. Upon completion of the transfer of wine

spirits from the wine spirits storage tank to the wine spirits addition tank, the internal revenue officer will lock the wine spirits storage tank. If the wine spirits are received by pipeline from an adjacent fruit distillery or internal revenue bonded warehouse, and are run directly into the wine spirits addition tank, the gauge of the spirits made on the adjacent premises will be used. The internal revenue officer at the adjacent premises will deliver two copies of Form 1520 to the proprietor of the bonded wine cellar for attachment to Form 257, as provided in § 240.834.

(68A Stat. 666, 667; 26 U. S. C. 5368, 5373)

§ 240.378 *Wine spirits in packages.* If the wine spirits to be used are in packages, the proprietor will remove from the wine spirits storage room, under the supervision of the internal revenue officer, a sufficient number of such packages to furnish the quantity of wine spirits indicated on Form 275. The proprietor will gauge (proof and weigh) each package except that if a metal gauging tank accurately calibrated or mounted on scales is provided, the contents of the packages may be run into the gauging tank and a bulk gauge obtained by weight or by volume. If the packages have been received from a contiguous fruit distillery or internal revenue bonded warehouse for immediate use, the packages need not be regauged in the bonded wine cellar unless there is some indication that the contents of the packages may not be in agreement with the withdrawal gauge. If the quantity of wine spirits required is not approximately equal to the contents of a number of whole packages, a portion of one package may be used and the remnant package returned to the wine spirits storage room. The proprietor, under the supervision of the internal revenue officer, will weigh and proof the remnant package and will attach to it a label showing the date of gauge, serial number of the Form 275, the gross weight, and proof. The remnant must be used at the first opportunity.

(68A Stat. 666, 667; 26 U. S. C. 5366, 5367, 5368, 5373)

§ 240.379 *Report of addition of wine spirits.* After the wine spirits have been added to the wine, the proprietor will thoroughly agitate the contents of the tank to assure a complete mixture of the wine and wine spirits. He will then measure the quantity of wine in the tank, take three representative samples of the wine, and test one for alcohol content. He will record on Form 275 the result of his measurement and test and the quantity of wine spirits added as shown by Form 1520. The original of Form 275 (with Form 1520, if the wine spirits have been regauged) will be forwarded promptly to the assistant regional commissioner and the other retained for the proprietor's files. The quantity of wine and wine spirits used, and the quantity of wine resulting from addition of wine spirits, will be entered in the cellar records.

(68A Stat. 666, 667, 668; 26 U. S. C. 5367, 5373, 5382)

§ 240.380 *Samples.* Two samples of each tank of wine to which wine spirits have been added will be delivered to the internal revenue officer. Each sample will be not less than one pint.

§ 240.381 *Addition of wine spirits to other grape wine.* The provisions of §§ 240.374 to 240.380 shall be followed where proprietors desire to use wine spirits in the production of heavy bodied blending wine, Spanish type blending sherry and similar products produced under the provisions of Subpart U of this part.

(68A Stat. 664, 667, 668; 26 U. S. C. 5361, 5373, 5382)

§ 240.382 *Addition of wine spirits to juice or concentrated juice.* Wine spirits may be added to the juice or concentrated juice of grapes in the same manner as to wine, as provided in §§ 240.374 to 240.380. The alcohol content of the juice or concentrated juice shall not exceed 24 percent by volume after the addition of wine spirits. Juice or concentrated juice to which wine spirits have been added is not wine, but shall be accounted for as wine, and may be used only in the production of wine on standard wine premises.

(68A Stat. 667, 668; 26 U. S. C. 5373, 5382)

§ 240.383 *Storage of juice and concentrated juice to which wine spirits have been added.* Grape juice or concentrated grape juice to which wine spirits have been added will be stored in wine storage tanks plainly marked to show the nature of their contents, including the percentage of alcohol by volume, with a tolerance of one percent allowed. Juice or concentrated juice to which wine spirits have been added will be included in the appropriate tax classification of any wine inventory, but will be properly identified. It will be reported on Form 702 as wine, but a separate record similar to that required in § 240.484, for heavy bodied blending wine shall be maintained.

(68A Stat. 668; 26 U. S. C. 5382)

OTHER CELLAR TREATMENT

§ 240.384 *Baking of wine.* Wine may be baked on bonded wine cellar premises. Wooden storage tanks used for the addition of wine spirits may not be used for baking. The baking record required by § 240.919 must be maintained. (See § 240.521 for additional requirements regarding sun baking).

(68A Stat. 668; 26 U. S. C. 5382)

§ 240.385 *Production of Flor sherry wine.* Proprietors desiring to produce sherry wine by the Flor process may add wine spirits to such wine at two different times, once before and once after the Flor treatment. A statement of process on Form 698–Supplemental, in quadruplicate, giving details of the production process, shall be filed with the assistant regional commissioner and approved prior to the commencement of production. Where the proprietor has on file on the effective date of this part approved formulas covering the production of Flor sherry wine, new formulas need not be filed unless requested by the assistant regional commissioner. If wine spirits are to be added at two different times a record shall be kept showing dates and quantities of first addition of wine spirits for Flor sherry production, inoculation with Flor sherry yeast and a record showing storage and movement of the wine to the time of the second addition of wine spirits. In case wine spirits are to be added only once, no separate record is required. Gypsum (calcium sulphate) may be used in the production of sherry wine by the Flor process, provided the finished wine contains no more than two grams of gypsum per 1,000 ml. of wine.

(68A Stat. 667, 668; 26 U. S. C. 5373, 5382)

§ 240.386 *Blending.* Natural grape wines may be blended with each other, or with heavy bodied blending wine produced under the provisions of Subpart U of this part, or with concentrated or unconcentrated grape juice to which wine spirits have been added. If the resultant product is to be a natural grape wine, the total solids content may not exceed 21 percent by weight. Concentrated or unconcentrated grape juice to which wine spirits have been added may not contribute as much as one-half the volume of any finished wine.

(68A Stat. 668; 26 U. S. C. 5382)

SUBPART Q—PRODUCTION AND TREATMENT OF NATURAL FRUIT WINE

§ 240.400 *General.* Natural fruit wine is the product of the juice of sound ripe fruit or berries (other than grapes), made with such cellar treatment as is authorized in this part, and containing not more than 21 percent by weight of total solids.

(68A Stat. 668, 670; 26 U. S. C. 5381, 5384)

PRODUCTION WITHOUT THE USE OF SUGAR

§ 240.401 *Materials.* In the production of natural fruit wine (made without sugar) no material may be added to the juice or crushed fruit at the time of starting fermentation, except:

(a) Yeast, or yeast cultures grown in juice of the same kind of fruit, to any extent desired; and

(b) Yeast foods, sterilizing agents, or other fermentation adjuncts under the provisions of §§ 240.529 and 240.530.

(68A Stat. 668; 26 U. S. C. 5381)

§ 240.402 *Crushing and fermentation.* Water added at the time of crushing, including that necessary to flush equipment, may not reduce the density of the juice below 22 degrees Brix, in the production of natural fruit wine: *Provided*, That if the total solids content of the juice is less than 23 degrees Brix, water used to flush equipment shall reduce the total solids content of the juice less than one degree Brix. (This limitation does not apply where water is used in the production of wine from high acid fruit; however, the limitations stated in § 240.407 are applicable.) Upon removal of wine from fermenters, the quantity of liquid will be determined accurately and recorded as wine produced. This removal must be made within 15 days after the deposit of the material in fermenters, unless the proprietor desires to hold the wine for completion of fermentation, in which case the wine must be considered in intermediate storage. The period of intermediate storage may not exceed six months, unless such period is extended by the assistant regional commissioner upon a showing of necessity.

(68A Stat. 666, 668; 26 U. S. C. 5367, 5382)

§ 240.403 *Use of juice and concentrated juice for sweetening.* Natural fruit wine may be sweetened by the addition of concentrated or unconcentrated juice made from the same kind of fruit, the only limitation being that the finished wine may not have a total solids content in excess of 21 percent by weight. If wine spirits are added, the wine may be sweetened with juice or concentrated juice either before or after the addition of wine spirits.

(68A Stat. 668; 26 U. S. C. 5382)

§ 240.404 *Acids.* Acids of the kinds occurring in a fruit may be used to correct natural deficiencies in the fruit, or juice, or wine made therefrom. Where the juice or wine has a fixed acid content less than five parts per thousand (calculated as malic acid for apples and citric acid for other fruits or berries), acid may be added to bring the acid content up to five parts, if the proprietor considers the juice or wine deficient. Where the producer of the juice or wine, as the result of analysis or organoleptic test, deems there is a natural deficiency in acid regardless of acid content, acid may be added by him to increase such content not to exceed two parts per thousand, including all acid previously added. Where ameliorating material, as authorized in § 240.407, is used in the production of fruit wine, no acid may be used to correct deficiencies. Only malic acid may be added to apple wine, only citric acid to citrus fruit wine, and only citric or malic acid to other fruit wines to correct natural deficiencies. If it is desired to use other acids, the requirements of § 240.530 should be followed. Record of the use of acid under the provisions of this section shall be kept in accordance with § 240.917.

(68A Stat. 668; 26 U. S. C. 5382)

PRODUCTION WITH THE USE OF SUGAR

§ 240.405 *Materials.* In the production of natural fruit wine from fruit or berries by a method other than that described in §§ 240.401 through 240.404, water, pure sugar, or a combination of water and pure sugar, may be added, subject to the limitations set forth in §§ 240.406 and 240.407. No other materials may be used at the time of starting fermentation, except:

(a) Yeast, or yeast cultures, grown in juice of the same kind of fruit, to any extent desired; and

(b) Yeast foods, sterilizing agents, or other fermentation adjuncts under the provisions of §§ 240.529 and 240.530.

(68A Stat. 670; 26 U. S. C. 5384)

§ 240.406 *Ameliorating and sweetening with dry sugar only.* Wine made from fruit or berries, other than grapes, or from mixtures (which may include grapes) of two or more fruits or berries, may be ameliorated or sweetened by the addition of dry sugar only, provided:

(a) The alcohol content of the wine after fermentation, or after complete fermentation and sweetening, shall be less than 14 percent by volume; and

(b) The total solids content of the finished wine shall not exceed 21 percent by weight.

The sweetening must be done in permanent storage and wine spirits may not be added.

(68A Stat. 670; 26 U. S. C. 5384)

§ 240.407 *Limitations on other amelioration.* In producing wine from fruit other than grapes, or from mixtures (which may include grapes) of two or more fruits, the juice may be ameliorated by adding a sufficient quantity of pure dry sugar to adjust the juice to a total solids content prior to fermentation of not more than 23 degrees Brix. Thereafter, there may be added to the juice or to the wine, or to both, ameliorating material consisting of either water, or pure dry sugar, or a combination of water and pure dry sugar, in such total volume as may be necessary to reduce the natural fixed acid content of the mixture of juice and such ameliorating material to a minimum of five parts per thousand. The acid content shall be determined before fermentation, and calculated as malic acid for apple wine and as citric acid for other fruit wine. The volume of the ameliorating material shall not exceed 35 percent of the total volume of the ameliorated juice or wine (calculated exclusive of pulp), except that in the case of wine made exclusively from loganberries, currants, or gooseberries, the volume limitation shall be 60 percent. In determining the amount of ameliorating material permitted, the volume of the juice obtained after correction with dry sugar within the 23 degrees limitation shall be used as a basis for the calculation. The ameliorating material may be added before or during fermentation, in fermenters or in intermediate storage. If a mixture of water and pure dry sugar is to be used, invert sugar syrup may be used in place of part or all of such mixture. See Subpart XX of this part for tables showing the maximum quantity in gallons of ameliorating material that may be added to each 1,000 gallons of juice (exclusive of pulp) based on the acid expressed in parts per thousand.

(68A Stat. 670; 26 U. S. C. 5384)

§ 240.408 *Record of production.* Upon completion of fermentation and removal from fermenters, in the production of wine under the provisions of § 240.406 or 240.407, the quantity of liquid will be determined accurately and recorded as wine produced. This removal must be made within 15 days after deposit of the material in fermenters, unless the proprietor desires to hold the wine for completion of amelioration or fermentation, in which case the wine must be considered in intermediate storage and recorded as produced upon removal therefrom. The period of intermediate storage may not exceed six months, unless such period is extended by the assistant regional commissioner upon a showing of necessity.

(68A Stat. 666, 670; 26 U. S. C. 5367, 5384)

§ 240.409 *Reserve inventory.* Fruit wine ameliorated under the provisions of § 240.407 may be transferred to reserve inventory for sweetening or, in the case of wine made from a single kind of fruit, the addition of wine spirits. Separate reserve inventories will be established for each kind of fruit wine. The treatment of fruit wine while in reserve inventory will be subject to the same limitations and allowances applicable to grape wine, as provided in §§ 240.369 through 240.372. The reserve inventory account required by those sections will be maintained separately for each kind of wine and the credits and balancing of the account will be calculated in the same manner as for grape wine, except that wines made exclusively from loganberries, currants, or gooseberries shall be credited with unused ameliorating material on the basis of a 60 percent allowance instead of 35 percent. At the time of withdrawal from reserve inventory, fruit wines shall have an alcohol content less than 14 percent by volume (unless wine spirits have been added) and a total solids content not in excess of 21 percent by weight. The limitations as to alcohol shall not apply where wine is withdrawn from reserve for the production of specially sweetened wine under the provisions of Subpart R of this part.

(68A Stat. 669, 670; 26 U. S. C. 5383, 5384)

§ 240.410 *Fruit wine not transferred to reserve inventory.* Wine produced under the provisions of § 240.407 need not be entered into reserve inventory: *Provided:*

(a) No wine spirits are to be added;

(b) The wine is not to be sweetened after removal from fermenters or intermediate storage; or

(c) The wine is to be used in the production of specially sweetened wine under Subpart R of this part.

(68A Stat. 670; 26 U. S. C. 5384)

§ 240.411 *Addition of wine spirits.* To fruit wine produced from one kind of fruit under the provisions of § 240.401 or 240.407, wine spirits from the same kind of fruit may be added according to the procedures prescribed in §§ 240.374 through 240.380. Wine spirits may not be added to fruit wine made from mixtures of two or more fruits. In the case of wine produced under the provisions of § 240.407 wine spirits may be added only while the wine is in reserve inventory. Where the proprietor desires to add wine spirits made from the same kind of fruit to juice or concentrated juice, the provisions of §§ 240.382 and 240.383 (relative to the addition of wine spirits to grape juice or concentrated grape juice) shall be followed.

(68A Stat. 667, 668; 26 U. S. C. 5373, 5382)

§ 240.412 *Blending.* A natural fruit wine may be blended with another natural fruit wine made from the same kind of fruit, or with heavy bodied blending wine made from the same kind of fruit (produced under the provisions of Subpart U of this part), or with concentrated or unconcentrated juice of the same fruit, to which wine spirits have been added. If the resultant product is to be a natural fruit wine, the total solids

content may not exceed 21 percent by weight. Concentrated or unconcentrated fruit juice to which wine spirits have been added may not contribute as much as one-half of the volume of any finished wine.

(68A Stat. 668; 26 U. S. C. 5382)

SUBPART R—SPECIALLY SWEETENED NATURAL WINE

§ 240.430 *Production.* Specially sweetened natural wine is produced by adding to natural wine (including unfinished natural wine containing 14 percent or more of alcohol) of the proprietor's own production sufficient dry sugar, or juice, or concentrated juice of the same kind of fruit, separately or in combination, so that the finished product has a sugar solids content in excess of 15 percent by weight, a total solids content not over 35 percent by weight, and an alcohol content less than 14 percent by volume. The containers of unfinished natural wine having an alcohol content of 14 percent or more, held in permanent storage for the production of specially sweetened wine, will be marked to show the intended use. Natural wine containing added wine spirits may be used in the production of specially sweetened natural wine; however, wine spirits may not be added to specially sweetened natural wine. Wine may be withdrawn from reserve inventory for use in the production of specially sweetened natural wine without regard to the alcohol or solids content of the wine at the time of withdrawal.

(68A Stat. 671; 26 U. S. C. 5385)

§ 240.431 *Blending.* Specially sweetened natural wines from the same kind of fruit may be blended with each other or with additional natural wine, or heavy bodied blending wine (including juice or concentrated juice to which wine spirits were added) from the same kind of fruit, in the further production of specially sweetened natural wine only.

(68A Stat. 671; 26 U. S. C. 5385)

SUBPART S—SPECIAL NATURAL WINE

§ 240.440 *Materials.* Special natural wine is a flavored wine made on bonded wine cellar premises from a base of natural wine. The flavoring added may include herbs, spices, fruit juices, natural aromatics, natural essences, or other natural flavorings, in such quantities or proportions that the resulting product derives a distinctive flavor from their use, and may be distinguished from natural wine not so treated. Fruit juices may not be used to give to one natural wine the flavor of another, but may be used together with herbs, spices, etc., to produce a wine having a distinctive flavor. In addition to flavoring material, caramel may be added for coloring, and sugar, sugar syrup, or water, may be added to the extent permitted by §§ 240.443 and 240.444. If effervescent special natural wine is to be produced, either naturally or by artificial carbonation, the requirements of Subpart W of this part, as well as the requirements of this subpart, must be followed.

(68A Stat. 671; 26 U. S. C. 5386)

§ 240.441 *Formula required.* Before producing any special natural wine, the proprietor must receive approval of the formula by which it is to be made. The formula and process will be described on Form 698—Supplemental, which will be filed, in quadruplicate, with the assistant regional commissioner. Two samples, not smaller than one pint each, of the finished special natural wine will be submitted with the formula. The samples will be taken to be representative of the finished product, and any material change in the flavor or other characteristics from those of the approved sample will require the filing of a new formula, even though the ingredients may be the same. All ingredients used will be shown on Form 698—Supplemental, and in the case of the basic wine, fruit juices, essences, sugar, water, or other soluble ingredients, the quantities required to make 1,000 gallons of special natural wine will be stated. In the case of roots, herbs, or similar materials, the quantity need not be stated, but each ingredient will be listed. The process of production will be stated in detail.

(68A Stat. 671; 26 U. S. C. 5386)

§ 240.442 *Formulas previously approved.* Where the proprietor has filed and received approval of a formula for the production of special natural wine prior to the effective date of this part, he may continue the manufacture of such wine without filing a new formula: *Provided,* That there has been no material change in the characteristics of the wine since approval of the original formula and sample.

(68A Stat. 671; 26 U. S. C. 5386)

§ 240.443 *Production by fermentation.* If, in the production of special natural wine, the flavoring materials are added before or during fermentation, adequate precautions must be taken to prevent the accidental flavoring of other wine by contamination. Special natural wine made under this section may be ameliorated with sugar, water, or a combination of sugar and water (or invert sugar syrup) in the same manner and to the same extent as natural wine made from the same fruit, as provided in subpart P of this part in the case of grape wine, or Subpart Q of this part in the case of fruit wine. Special natural wine may not be entered into reserve inventory, nor may wine spirits be added to special natural wine, except the wine spirits contained in authorized essences made on bonded wine cellar premises as provided in § 240.446, or approved essences made elsewhere. Retsina wine is an example of special natural wine made under this section. Upon removal of the wine from fermenters the quantity of liquid will be determined accurately and recorded as wine produced. This removal must be made within 15 days after the deposit of the material in fermenters, unless the proprietor desires to hold the wine for completion of fermentation or amelioration, in which case the wine must be considered in intermediate storage and recorded as produced upon removal therefrom. The period of intermediate storage may not exceed six months unless such period is extended by the assistant regional commissioner upon a showing of necessity.

(68A Stat. 666, 671; 26 U. S. C. 5367, 5386)

§ 240.444 *Use of natural wine in production of special natural wine.* If flavoring materials are not to be added before or during fermentation, as provided in § 240.443, they may be added only to natural wine for the production of special natural wine. Any natural wine produced as provided in Subparts P and Q of this part may be used for this purpose. Caramel, sugar, or sugar-water solution of not less than 60 degrees (Brix), may be used in special natural wine made under this section. Water may be used for the purpose of facilitating the extraction of flavor from herbs and adjustment of the alcohol content of vermouth to a precise percentage. The amount of water so used shall not be in excess of 10 percent of the volume of vermouth to which it is added. Heavy bodied blending wine (including juice or concentrated juice to which wine spirits have been added) may be used in the production of special natural wine if its use is specified in the formula. Special natural wine may be made in wine storage tanks; however, if the production process requires more than one day for completion, or if maceration and steeping are a part of the process, processing tanks must be provided for the production of special natural wine. Precautions must be taken in the cleaning of tanks and equipment, or by providing separate tanks and equipment, to prevent the accidental flavoring of other wine by contamination.

(68A Stat. 671; 26 U. S. C. 5386)

§ 240.445 *Essences.* Essences or extracts (preparations of natural constituents extracted from fruits, herbs, berries, etc.) may be used in the production of special natural wine. The essences may be produced on the bonded wine cellar premises or elsewhere, as provided in §§ 240.446 and 240.447. Where essences contain distilled spirits, the essences used may not increase the volume of the special natural wine more than 10 percent nor its alcohol content more than 4 percent by volume.

(68A Stat. 671; 26 U. S. C. 5386)

§ 240.446 *Essences produced on the premises.* Essences produced on bonded wine cellar premises may be made by the use of wine, taxpaid wine spirits, taxpaid ethyl alcohol, or wine spirits withdrawn tax-free under the provisions of Subpart PP of this part. The description of the process of production of the essence may be included as a part of the formula for production of the special natural wine, or a separate formula on Form 698—Supplemental may be filed covering production of the essence. If a separate formula is filed for the essence, the use of the essence by formula number will be shown on the Form 698—Supplemental covering the special natural wine in which it is to be used. If essences are to be made in quantities greater than required for individual lots of special natural wines, and stored on the premises, separate formulas for the essences must be filed. Essences made on bonded wine cellar premises by the use of tax-free wine spirits may not be removed from the premises where made, but must be used in the production of special natural wine on such premises. Form 698—Supplemental, covering the production of essences will be filed in the same manner as for the production of special natural wine, except that samples of essences shall be not less than four ounces each.

(68A Stat. 671; 26 U. S. C. 5386)

§ 240.447 *Essences made elsewhere.* An essence made elsewhere than on bonded wine cellar premises may be used in the production of special natural wine, provided the manufacturer of the essence secures approval for its use. The manufacturer will file a statement, in duplicate, of the materials and processes used in the manufacture of the essence, with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D. C. A sample, not less than four ounces in amount, will be submitted with the statement. The essence will be identified by the name of the manufacturer, and the name of the essence, or an identifying number. A separate statement and sample must be submitted for each essence to be used for special natural wine production. The Director, Alcohol and Tobacco Tax Division, will notify the manufacturer of approval or disapproval of the essence for use in wine production. If approved, the proprietor of a bonded wine cellar may describe the essence on Form 698—Supplemental by manufacturer and name or number, without submitting additional samples of the essence.

(68A Stat. 671; 26 U. S. C. 5386)

§ 240.448 *Blending.* Special natural wines of the same class and kind may be blended with each other, and with heavy bodied blending wine, or natural wine of the same kind of fruit, in the further production of special natural wine. Where the proprietor desires to blend a special natural wine produced under one formula with a special natural wine produced under another formula, he may do so only pursuant to an approved formula authorizing such blending: *Provided,* That where two or more formulas have been approved for the production of the same type of special natural wine, as for example, sweet vermouth produced under two or more formulas, or lightly flavored dry vermouth produced under two or more formulas, the products may be blended without obtaining prior approval or submission of an additional formula.

(68A Stat. 671; 26 U. S. C. 5386)

SUBPART T—AGRICULTURAL WINE

§ 240.460 *General.* Agricultural wine may be made on bonded wine cellar premises from suitable agricultural products other than the juice of fruit. Water or pure sugar, or both, may be used within the limitations of this subpart in the production of standard agricultural wine. Agricultural wine may not be flavored or colored, except that hops may be used in the production of honey wine; wine spirits may not be used in the production of such wine; and a wine made from one agricultural product may not be blended with a wine made from another agricultural product. Agricultural wine made with sugar other than pure sugar or with sugar or water in excess of the limitations of this subpart may not be made or stored on standard wine premises.

(68A Stat. 671; 26 U. S. C. 5387)

PRODUCTION

§ 240.461 *Raisin wine.* In the production of wine from raisins, sufficient water may be added to restore the moisture content of the fresh grape. (As a rule, three parts of water by weight to each part of raisins will restore the moisture content.) If it is desired not to restore the raisins to the moisture content of the fresh grape, or if such moisture content is not known, sufficient water may be added to reduce the density to 22 degrees Brix. After such addition of water, the resulting liquid may be ameliorated with either water or pure dry sugar, or a combination of water and pure dry sugar, in such total volume as may be necessary to reduce the natural fixed acid content of the mixture to a minimum of five parts per thousand, but in no event may the volume of the ameliorating material exceed 35 percent of the total volume of the ameliorated juice or wine (calculated exclusive of pulp). Pure dry sugar may be used for sweetening. The finished product shall have an alcohol content of less than 14 percent after complete fermentation or complete fermentation and sweetening, and the total solids content shall be not over 35 degrees (Brix). If the finished wine has a total solids content of more than 21 degrees Brix, it must be removed under a designation showing that it is unusually sweet.

(68A Stat. 671, 672; 26 U. S. C. 5387, 5388)

§ 240.462 *Other dried fruits.* In the production of wine from dried fruit other than raisins, a quantity of water sufficient to restore the moisture content of the fresh fruit may be added. If it is desired not to restore the dried fruit to the moisture content of the fresh fruit, or if such moisture content is not known, sufficient water may be added to reduce the density to 22 degrees (Brix). If the liquid, after restoration, is deficient in sugar, sufficient pure dry sugar may be added to increase the total solids content to 23 degrees (Brix). Thereafter, either water or a combination of water and pure dry sugar, may be added in such total volume as may be necessary to reduce the natural fixed acid content of the mixture to a minimum of five parts per thousand, but in no event may the volume of the ameliorating material exceed 35 percent of the total volume of the ameliorated juice or wine (calculated exclusive of pulp). Pure dry sugar may be added for sweetening. The product shall have an alcohol content less than 14 percent after complete fermentation or complete fermentation and sweetening and a total solids content not more than 35 degrees (Brix). If the finished wine has a total solids content of more than 21 degrees (Brix), it must be removed under a designation showing that it is unusually sweet.

(68A Stat. 671, 672; 26 U. S. C. 5387, 5388)

§ 240.463 *Honey wine.* In the production of wine from honey, a quantity of water may be added to facilitate fermentation, but the density of the mixture of honey and water shall not be reduced below 22 degrees (Brix). Hops may be added in quantities not exceeding one pound for each 1,000 pounds of honey, and pure dry sugar or honey may be added for sweetening. The product shall have an alcohol content less than 14 percent after complete fermentation or complete fermentation and sweetening, and a solids content not more than 35 degrees (Brix). If the finished wine has a total solids content of more than 21 degrees (Brix), it must be removed under a designation showing that it is unusually sweet.

(68A Stat. 671, 672; 26 U. S. C. 5387, 5388)

§ 240.464 *Other agricultural products.* In the production of wine from agricultural products other than those specified in §§ 240.461, 240.462 and 240.463, water and pure dry sugar may be added to the extent necessary to facilitate fermentation: *Provided,* That the total weight of sugar used for fermentation shall be less than the weight of the primary wine-making material and the density of the mixture prior to fermentation shall not be less than 22 degrees (Brix), if water is used. Additional sugar may be used for sweetening, provided the alcohol content of the finished wine after complete fermentation, or after complete fermentation and sweetening, shall be less than 14 percent by volume and the solids content shall not be more than 35 degrees (Brix). If the finished wine has a total solids content of more than 21 degrees (Brix), it must be removed under a designation showing that it is unusually sweet.

(68A Stat. 671, 672; 26 U. S. C. 5387, 5388)

§ 240.465 *Formula required.* Before producing any agricultural wine, the proprietor of the bonded wine cellar must procure approval of the formula and process by which it is to be made. The formula and process will be described in detail on Form 698-Supplemental, which will be filed in quadruplicate with the assistant regional commissioner.

(68A Stat. 671; 26 U. S. C. 5387)

§ 240.466 *Prohibited agricultural products.* Grain, cereals, malts, or molasses may not be used on bonded wine cellar premises. Alcoholic products made with these materials are not wines and may not be produced or stored on bonded wine cellar premises.

(68A Stat. 671; 26 U. S. C. 5387)

SUBPART U—WINE OTHER THAN STANDARD WINE

§ 240.480 *Use of premises.* Except as provided in § 240.481, wine other than standard wine may not be produced or stored on bonded wine cellar premises used for the production or storage of standard wine.

(68A Stat. 665; 26 U. S. C. 5364)

§ 240.481 *Classes of wine other than standard wine.* The following classes of wine are not standard wine:

(a) High fermentation wine, produced as provided in § 240.483;

(b) Heavy bodied blending wine, produced as provided in § 240.484;

(c) Spanish type blending sherry, or similar wine products not for beverage use, produced as provided in §§ 240.484 and 240.485;

(d) Distilling material, produced as provided in § 240.486;

(e) Vinegar stock, produced as provided in § 240.487;

(f) Wines other than those in classes (a), (b), (c), (d) and (e), not produced within the limitations of Subparts P, Q, and T of this part, but within limitations of § 240.352; and

(g) Spoiled wine, of the kind described in § 240.489.

Wines of classes (a), (b), (c), (d), and (e), may be produced, stored, and handled on standard wine premises. Wine of class (f) may not be produced, stored, or handled on standard wine premises. Wine of class (g) may not remain on standard wine premises, except as provided in § 240.489.

(68A Stat. 665; 26 U. S. C. 5364)

§ 240.482 *Formula required.* Each proprietor desiring to produce wine other than standard wine shall first procure approval of the formula by which it is to be made, except that no formula is required for distilling material or vinegar stock. The formula will be filed on Form 698—Supplemental, in quadruplicate, with the assistant regional commissioner, and must show each ingredient to be used, as well as the process of production. Where the proprietor has on file on the effective date of this part approved formulas covering the production of high fermentation wine, heavy bodied blending wine, or Spanish type blending sherry, new formulas need not be filed unless requested by the assistant regional commissioner.

§ 240.483 *High fermentation wine.* High fermentation wine is a wine made within the limitations of Subpart P for grape wine or Subpart Q of this part for fruit wine, except (a) that the alcohol content after complete fermentation or complete fermentation and sweetening is 14 percent or more; (b) that the wine may not be entered in reserve inventory; and (c) that wine spirits may not be added. While high fermentation wine is not a natural wine or a standard wine, it may be produced, stored, and handled on standard wine premises, subject to appropriate marking or labeling.

(68A Stat. 665, 672; 26 U. S. C. 5364, 5388)

§ 240.484 *Heavy bodied blending wine.* Wine made from grapes or other fruit without added sugar, and with or without added wine spirits, may be made for blending purposes with a total solids content in excess of 21 percent. Heavy bodied blending wine is not natural wine or standard wine, but may be produced, stored, and handled on standard wine premises for use in blending with other wine made from the same kind of fruit, or for removal upon payment of tax, not for sale or consumption as beverage wine. A separate record must be kept showing the quantities of heavy bodied blending wine produced, received, used, shipped, and on hand. Upon removal, the shipping containers (and Form 703, if in bond) will be marked "Heavy Bodied Blending Wine—Not for Sale or Consumption as Beverage Wine."

(68A Stat. 664, 665, 672; 26 U. S. C. 5361, 5364, 5388)

§ 240.485 *Spanish type blending sherry.* Blending wine made with partially caramelized grape concentrate may be produced on bonded wine cellar premises, but not for sale or consumption as beverage wine. Wine of a high solids content and dark in color, produced under this section, will be marked "Spanish Type Blending Sherry—Not for Sale or Consumption as Beverage Wine," and other wine containing caramelized concentrate will be designated and marked "Caramelized Blending Wine—Not for Sale or Consumption as Beverage Wine." The particular kind of wine, such as "sherry" may be shown, if desired. A separate record showing the production and disposition of such blending wine must be maintained. Blending wine of this class is not natural wine or standard wine, and may not be blended with natural wine or standard wine except under an approved formula in the further production of this class of blending wine.

(68A Stat. 664, 665, 672; 26 U. S. C. 5361, 5364, 5388)

§ 240.486 *Distilling material.* Wine may be produced on bonded wine cellar premises from grapes and other fruit, natural fruit products, or fruit residues, for the production of distilling material, using any quantity of water desired to facilitate fermentation or distillation. No sugar may be added in the production of distilling material. Distilling material will be reported as produced at the time of removal from fermenting tanks. Lees, filter wash, and other wine residues, may also be accumulated on bonded wine cellar premises for use as distilling material. Such materials will be reported as wine on Form 702 until water is added to facilitate handling or distillation, when the entire quantity, including the water, will be transferred to the distilling material account. If wine is refermented for use as distilling material as provided in Subpart V of this part, the wine will be transferred to the distilling material account at the time fermentation is started, or when water is added to facilitate refermentation.

(68A Stat. 664, 665; 26 U. S. C. 5361, 5364)

§ 240.487 *Vinegar stock.* Vinegar stock may be produced on bonded wine cellar premises with the addition of any quantity of water desired to meet commercial standards for the production of vinegar. Vinegar stock may be made only by the addition of water to wine, or by the direct fermentation of the juice of grapes or other fruit with added water. If produced by direct fermentation with added water, the production will be recorded on cellar records and reported on Form 702 as vinegar stock. If produced by the addition of water to wine, it will be transferred from the wine account to the vinegar stock account at the time of adding the water.

(68A Stat. 664, 665; 26 U. S. C. 5361, 5364)

§ 240.488 *Other wines.* Except as provided in §§ 240.483, 240.486 and 240.487, wine produced with sugar or water beyond the limitations prescribed for standard wine, or wine made with kinds of sugar not permitted in the production of standard wine, may be produced and stored only on premises qualified for that purpose and on which no standard wine is produced or stored. Upon removal, such wine shall be marked or labeled with a designation which will adequately disclose the nature and composition of the wine.

(68A Stat. 665, 672; 26 U. S. C. 5364, 5388)

§ 240.489 *Spoiled wine.* Whenever a standard wine becomes substandard by reason of its condition, the substandard wine will be removed promptly to premises other than standard wine premises, unless the condition is corrected, the wine is removed in due course for distillation, or is destroyed under Government supervision. Among conditions requiring correction or removal are the development of volatile acidity in excess of the maximum prescribed by Part 4 of Title 27, Code of Federal Regulations issued under the Federal Alcohol Administration Act (49 Stat. 477; 27 U. S. C. 201); or in case no maximum volatile acidity is prescribed by those regulations, a volatile acidity calculated as acetic acid and exclusive of sulphur dioxide in excess of 0.14 gram per ml.; or disease or decomposition, which causes the wine to lack the composition, color and other characteristics of standard wine of the same type.

(68A Stat. 665, 668; 26 U. S. C. 5364, 5381)

SUBPART V—REFERMENTATION OF WINE AND WINE LEES

§240.500 *General.* Wine or wine lees may be refermented as provided in this subpart, except that wine or wine lees in which sugar sweetening was used may not be refermented for use as distilling material at a fruit distillery.

(68A Stat. 640; 26 U. S. C. 5215)

§ 240.501 *Application.* When the proprietor desires to refermented wine or wine lees, he will file written application with the assistant regional commissioner or with the internal revenue officer if one is assigned at the premises, setting forth the quantity and alcohol content of wine or wine lees he desires to refermented, the reasons for desiring to refermented, whether the wine or wine lees are to be fermented separately or with other material, and whether the refermented material is to be later removed as wine or as distilling material for use at a fruit distillery. If the wine or wine lees are to be refermented for use as distilling material at a fruit distillery, the application shall specify the date the wine was produced, and, if wine spirits have been added thereto, the date of such addition, and whether sugar sweetening was used in producing the wine: *Provided,* That where it is impracticable to specify the date of production, or addition of wine spirits, the application must establish that no sugar sweetening was used in producing the wine. The operation may not be commenced before approval of the application.

SUBPART W—PRODUCTION OF EFFERVESCENT WINE

§ 240.510 *General.* Sparkling wine and artificially carbonated wine may be made on bonded wine cellar premises. All effervescent wine (wine charged with carbon dioxide) shall be classed as sparkling wine or artificially carbonated wine, and shall be subject to tax as such, regardless of the degree of effervescence or carbonation. Where the effervescence results from fermentation of the wine within a closed container or bottle, the wine shall be classed and taxed as sparkling wine. The use of carbon dioxide gas in the transfer and bottling of bulk sparkling wine is not permitted. Where the wine is carbonated artificially (by injection of carbon dioxide into the wine) it shall be classed and taxed as artificially carbonated wine. Neither the effervescent wine nor the wine used as a base in the production thereof shall have an alcohol content in excess of 14 percent by volume; however, small quantities of wine containing more than 14 percent of alcohol may be used in preparing a dosage for finishing effervescent wine.

(68A Stat. 668; 26 U. S. C. 5382)

§ 240.511 *Segregation of operations.* Where more than one process of producing effervescent wine is employed, the portion of the premises used for the production and storage of wine made by each process (bottle fermented, bulk fermented or artificially carbonated) must be physically segregated by partitions of wire netting or other suitable material from the other portions of the premises used for effervescent wine production. If artificially carbonated wine is produced, all containers of carbon dioxide gas will be stored in the portion of the premises used for the production of artificially carbonated wine.

(68A Stat. 665; 26 U. S. C. 5365)

§ 240.512 *Process and materials.* In preparing still wine for the production of sparkling wine, pure sugar and a small amount of tartaric acid, malic acid (for sparkling apple wine), or citric acid, may be added with yeast or yeast culture to facilitate the process of secondary fermentation or to correct the wine. Fruit syrup, pure sugar, wine, wine spirits, and the acids named above, may be used in preparing a finishing dosage for sparkling wine or carbonated wine. The fruit syrup, wine spirits and wine so used must come from the same kind of fruit as the wine from which the sparkling wine or carbonated wine is made. In the production of effervescent natural wine, taxpaid wine spirits or wine spirits withdrawn tax-free under the provisions of Subpart PP of this part, may be used. Tax-free wine spirits may not be used in the production of effervescent wine which is not natural wine. In the fermentation and finishing of the effervescent wine, the materials specifically authorized in § 240.529 may be used.

(68A Stat. 668; 26 U. S. C. 5382)

§ 240.513 *Statement of process for effervescent wine.* Each proprietor intending to produce sparkling wine or artificially carbonated wine shall submit to the assistant regional commissioner a statement in detail on Form 698—Supplemental showing each process by which he intends to make the product and giving the designation as to kind (class and type) under which he desires to market it. The statement must set forth whether the product will be naturally or artificially carbonated, and if naturally carbonated, whether it will be carbonated in bottles or in tanks or other bulk containers, the kind of wine to be used, and any other materials to be used in connection with secondary fermentation, cellar treatment and finishing of the product. The approximate period of time required to complete production shall also be stated. If more than one process is to be employed, or more than one product is to be made, a separate statement shall be filed for each process and for each product. Each statement of process shall bear the name, registry number, and address of the bonded wine cellar, shall be numbered in serial order beginning with "1" for each bonded wine cellar, shall be filed in quadruplicate, and be approved by the Director, Alcohol and Tobacco Tax Division, before commencing manufacture. Where the proprietor has on file on the effective date of this part approved formulas covering production of effervescent wine, new formulas need not be filed unless requested by the assistant regional commissioner.

(68A Stat. 668, 672; 26 U. S. C. 5382, 5388)

SUBPART X—STORAGE AND FINISHING OF WINE

§ 240.520 *Storage of wine.* Wine must be stored in buildings or tanks on the bonded premises constructed and secured in accordance with the provisions of § 240.140. Wine may be stored in tanks, casks, barrels, cased or uncased bottles, or in any other suitable containers. If fermenting tanks and storage tanks previously used for one class of wine are to be used for wine of another class, the tanks must be carefully cleaned before such use in order to avoid contamination of the wine. It is particularly important that tanks used for special natural wine (flavored wine) be so cleaned or treated that the flavor will not contaminate other wine subsequently placed in the tanks.

§ 240.521 *Sun baking of wine.* Proprietors desiring to bake wine in the sun must provide a secure area on the bonded premises for that purpose. The area provided will be shown on the plat and the means of security described on Form 698.

(68A Stat. 664, 668; 26 U. S. C. 5357, 5382)

§ 240.522 *Marking storage containers.* Each container in which wine is stored shall be marked to show the kind (class and type) and alcohol content of the wine. If the wine was produced under a formula, the formula number must be shown. The alcohol content shall be stated as percentage by volume, with a tolerance of one percent (one and one-half percent in the case of wine containing not over 14 percent alcohol by volume) allowed, provided the alcohol content stated falls within the correct tax classification. Cased bottles need not be marked if the cases containing them are marked as required, and uncased bottles need not be marked if stored in bins or racks which are properly marked.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.523 *Sterilizing and preserving.* Sterilizing and preserving agents, such as sulphur dioxide, potassium metabisulphite, or sodium metabisulphite, may be used to the extent necessary, provided the sulphur content of the finished wine does not exceed the limits prescribed in Part 4, Title 27, Code of Federal Regulations.

(68A Stat. 668; 26 U. S. C. 5382)

§ 240.524 *Finishing of wine.* In the process of filtering, clarifying, or purifying wine on bonded wine cellar premises, materials, methods, and equipment may be used to remove cloudiness, precipitation, and undesirable odors and flavors, but the addition of any substance foreign to wine which changes the character of the wine, or the abstraction of ingredients which will change its character, to the extent inconsistent with good commercial practice, is not permitted on bonded wine cellar premises. Specifically authorized materials are listed in § 240.529.

(68A Stat. 616, 668; 26 U. S. C. 5082, 5382)

§ 240.525 *Use of tannin.* When fining agents, such as gelatin and isinglass, which require the presence of a certain amount of tannin in grape wine in order to work effectively, are used for clarification of grape wine, and the wine to be clarified does not contain sufficient tannin to permit the fining agents to precipitate completely, a small amount of tannin may be added to the grape wine for the purpose of assisting the fining agents. Tannin may also be added to grape wine after clarification to the extent necessary to raise the tannin content of the wine to that normally contained therein: *Provided,* That white wines in which tannin is used shall not contain more than 0.08 gram of tannin per 100 ml. after clarification, and red grape wine in which tannin is used shall not contain more than 0.3 gram of tannin per 100 ml. after clarification, unless the assistant regional commissioner authorizes a higher tannin content, pursuant to a showing of necessity therefor. Only tannin of a yellowish white or very light brown color, which does not color the wine, may be used in the cellar treatment of wine. The records required by § 240.918 will be kept covering the use of tannin.

(68A Stat. 668; 26 U. S. C. 5382)

§ 240.526 *Stabilizing grape wine.* Grape wine, regardless of acid content, may be stabilized, as a part of the finishing process, by the addition of not more than two pounds of citric acid for each 1,000 gallons of wine. The record required by § 240.917 must be maintained covering the use of citric acid.

(68A Stat. 668; 26 U. S. C. 5382)

the quantities of heavy bodied blending wine, it will be transferred from the wine

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§ 240.527 *Removal of excessive color in white wine.* If color in excess of that normally contained in white wine develops during its production or storage and the proprietor desires to remove such excess color, he will prepare samples representing the wine before and after treatment with activated carbon or other materials and submit such samples, with a sample of the activated carbon or other material used, to the assistant regional commissioner for examination. There will be submitted with the samples a written statement, in duplicate, setting forth (a) the reasons for desiring to so treat the wine, (b) the quantity, kind, and type of wine to be treated, (c) the kind and quantity of material to be used, and (d) the process to be employed. If the chemical analysis of the samples shows that the proposed treatment will remove only the excess color and will not remove any of the usual natural color or other characteristics of the wine, the assistant regional commissioner will authorize the treatment of the wine in question. If the chemical analysis shows that the proposed treatment will remove the natural characteristics of the wine, the assistant regional commissioner will disapprove the application. A separate application with representative samples must be submitted for each lot of wine it is desired to treat.

(68A Stat. 668; 26 U. S. C. 5382)

§ 240.528 *Filter aids.* Inert fibers, pulps, earths, or similar materials, may be used as filter aids in the cellar treatment and finishing of wine. There is no limitation on the use of such inert materials, and no records need be maintained concerning their use. Filter aids which contain active chemical ingredients, or which have been so treated that they may alter the character of the wine, may be used only after compliance with the provisions of § 240.530.

(68 Stat. 668; 26 U. S. C. 5382)

§ 240.529 *Materials authorized for treatment of wine.* The following materials are approved, as being consistent with good commercial practice, for use by proprietors of bonded wine cellars in the production, cellar treatment, or finishing of wine, within the general limitations of § 240.524, or the specific limitations shown in the table, or given in the sections referred to:

Materials	Use	Reference or limitation
Activated carbon	To assist precipitation during fermentation.	§§ 240.361, 240.366, 240.401, 240.405.
	To clarify and purify wine	§ 240.521.
	To remove excess color in white wine.	§ 240.527.
Bentonite (Wyoming clay)	To clarify wine	§ 240.521.
Calcium sulphate (gypsum)	Production of Spanish type or Flor sherry wine.	§ 240.385.
Carbon	To clarify and purify wine	§ 240.521.
Casein	To clarify wine	§ 240.524.
Citric acid	To increase the acidity of wine	§§ 240.364, 240.404.
	To stabilize grape wine	§ 240.526.
Eggs (albumen or yolks)	To clarify wine	§ 240.524.
Gelatin	To clarify wine	§ 240.524.
Gypsum. (*See* calcium sulphate.)		
Isinglass	To clarify wine	§ 240.524.
Malic acid	To increase acidity of wine	§§ 240.364, 240.404.
Nitrogen gas	To maintain pressure during filtering and bottling of sparkling wine. To prevent oxidation of wine.	May not be contained in sparkling or still wine.
Oxygen	In baking sherry wine	May be used provided it does not cause changes in the wine other than those occurring during the usual storage in wooden cooperage over a period of time. Application must be filed.
Phosphates	To start secondary fermentation in manufacturing champagne and sparkling wines.	Small quantity only may be used. (The use of ammonium phosphate, ammonium sulphate or potassium acid phosphate as yeast food in the production of still wine is not permitted.)
Potassium metabisulphite	Sterilizing and preserving wine	§ 240.525.
Sodium caseinate	To clarify wine	§ 240.524.
Sodium metabisulphite	Sterilizing and preserving wine	§ 240.523.
Sulphur dioxide	Sterilizing and preserving wine	§ 240.523.
Sulphuric acid	To effect a favorable yeast development in distilling material.	§ 240.486.
Tannin	Clarifying grape wine	§ 240.525.
Tartaric acid	To increase acidity of grape wine	§ 240.364.
Urea	To facilitate fermentation of wine	§§ 240.361, 240.366, 240.401, 240.405. Not more than 2 pounds per 1,000 gallons of wine.

(68A Stat. 668; 26 U. S. C. 5382)

§ 240.530 *Notice.* If the proprietor desires to use materials or methods not specifically authorized in § 240.529 or elsewhere in this part, he must file notice, in triplicate, with the assistant regional commissioner. The notice will show the name and description of the material or method, the purpose, the manner and the extent to which it is to be used, together with any pertinent information in regard to the material or method. A sample of the material, if any, will be forwarded with the notice. There may be forwarded with the notice any data or written statements tending to show that the proposed use of the material or method is a cellar treatment consistent with good commercial practice. The assistant regional commissioner will forward the notice to the Director, Alcohol and Tobacco Tax Division for a decision regarding the use of the method or material. The proprietor should not use the proposed method or material until receipt of advice that the Director, Alcohol and Tobacco Tax Division has found its use not to be contrary to the provisions of this part.

(68A Stat. 668; 26 U. S. C. 5382)

SUBPART Y—TAXFREE PRODUCTION

PRODUCTION FOR FAMILY USE

§ 240.540 *Registered producer.* A duly registered head of any family may produce annually for family use, and not for sale, not in excess of 200 gallons of wine without payment of tax. This exemption does not authorize the production of wine for such use contrary to state law.

(68A Stat. 610; 26 U. S. C. 5042)

§ 240.541 *Limitations of exemption.* The statutory exemption does not apply to (a) wine made by one person for use of another, whether consumed on the premises or removed therefrom for the family use of the owner; (b) wine produced by a single person unless he is the head of a family; (c) wine produced by a married man living apart from his family; (d) wine made by a partnership or produced at a wine cellar by two or more heads of families jointly; (e) wine produced by a corporation or association; or (f) wine furnished to persons not members of the producer's family.

(68A Stat. 610; 26 U. S. C. 5042)

§ 240.542 *Registration, Form 1541.* Every person (other than the operator of a bonded wine cellar) coming within the exemption and desiring to produce wine for the exclusive use of his family, must prepare Form 1541, registration for production of wine for family use without payment of tax, in duplicate, and send both copies to the assistant regional commissioner of the region in which he resides. Both copies of the form must be sent to the assistant regional commissioner at least five days before commencing production of the wine. The assistant regional commissioner will return one copy of Form 1541, stamped with the date of receipt, to the registrant. Upon production of the wine, the registrant will enter the quantity produced and the date of production on the copy of the form returned to him by the assistant regional commissioner. Such form will be retained at the place of production. A new form must be submitted each succeeding year during which it is desired to produce wine for family use, the year to be reckoned as commencing on July 1 and ending on June 30 following.

(68A Stat. 610; 26 U. S. C. 5042)

§ 240.543 *Removal of wine.* Wine made for family use may not be removed from the premises where made without authority of the assistant regional commissioner.

(68A Stat. 610; 26 U. S. C. 5042)

CIDER

§ 240.544 *General.* The noneffervescent product of normal alcoholic fermentation of apple juice only, without the use of any preservative methods or materials, when produced at a place other than a bonded wine cellar and sold or offered for sale as cider, and not as wine or as a substitute for wine, shall not be subject to tax as wine, nor to the provisions of this part.

(68A Stat. 610; 26 U. S. C. 5042)

EXPERIMENTAL WINE

§ 240.545 *General.* Any university, college of learning, or institution of scientific research may produce, receive, blend, treat, and store wine, without payment of tax, for experimental or research

use, but not for consumption (other than organoleptic tests) or sale, and may receive such wine spirits without payment of tax, as may be necessary for use in the production of such wine. No bond will be required on account of such experimental wine operations, nor for the withdrawal of wine spirits for use in experimental operations.

(68A Stat. 610; 26 U. S. C. 5042)

§ 240.546 *Application.* Each institution desiring to conduct experimental wine operations shall submit an application in letter form in triplicate to the assistant regional commissioner. The application shall include the name and address of the institution, the portion of the premises to be used in experimental wine operations, the security to be afforded the wine on hand, and the nature and extent of the operations to be conducted. If wine spirits are to be used that fact shall be stated together with the estimated annual requirements in proof gallons. A secure place of storage under lock shall be provided for the wine spirits and shall be described in the application.

(68A Stat. 610; 26 U. S. C. 5042)

§ 240.547 *Commencement of operations.* If the assistant regional commissioner approves the application, he will note that fact on all copies of the letter and return one copy to the institution. Upon receipt of the approved letter of application, the experimental wine operations may be commenced. The returned copy will be retained in the files of the institution and will be exhibited on request to internal revenue officers.

(68A Stat. 610; 26 U. S. C. 5042)

§ 240.548 *Procurement of wine spirits.* Where the approved application provides for the use of wine spirits in experimental wine operations, wine spirits may be procured to the extent allowed by the approved application, upon filing of Form 257, appropriately modified, with the assistant regional commissioner.

(68A Stat. 610; 26 U. S. C. 5042)

§ 240.549 *Records.* No reports concerning wine or wine spirits need be filed by institutions engaging in experimental wine operations but records appropriate to the experiments to be conducted will be made and retained available for inspection by internal revenue officers. If wine spirits are used, the records shall show the quantities of wine spirits received and used each day.

(68A Stat. 610; 26 U. S. C. 5042)

§ 240.550 *Discontinuance of experimental wine operations.* When an institution discontinues experimental wine operations, all wine and wine spirits must be disposed of either by their destruction or shipment to premises authorized to receive them. Authorization for such destruction or shipment must be obtained from the assistant regional commissioner prior to destruction or shipment. When such authorized disposition of wine and wine spirits has been completed a letter of notification will be sent to the assistant regional commissioner.

(68A Stat. 610; 26 U. S. C. 5042)

SUBPART Z—CONTAINERS FOR REMOVAL OF WINE

§ 240.560 *Kinds of containers.* Wine may be removed from a bonded wine cellar in casks, barrels, kegs, tanks, tank trucks, railroad tank cars, tank ships, barges, deep tanks of vessels, in cases (when bottled) of any desired size, in uncased demijohns (or bottles) of two gallons or more capacity, and by pipeline, under the limitations in this part. Movement of wine between noncontiguous portions of a bonded wine cellar is not considered a removal of wine.

§ 240.561 *Serial numbers.* All containers used for removing wine from bonded wine cellar premises will be marked with a serial number, commencing with "1" and continuing in order until the number 1,000,000 is reached, when the series may start again with "1". If desired, separate series of numbers preceded by identifying letters may be used for bulk containers and for cases, or for cases filled on different bottling lines. The serial numbers will be placed on the containers at the time of preparing wine for removal from the premises and will be shown on the removal records. Where the method of operation of the bonded wine cellar makes it impracticable to mark the serial numbers on cases of wine at the time of removal, the assistant regional commissioner may, upon written application showing the necessity therefor, authorize the marking of serial numbers on cases of wine at the time of filling the cases: *Provided*, That where cases are so marked, the proprietor must keep Form 2060 covering the filling and serial numbering of the cases. Where the assistant regional commissioner has approved the numbering of cases at the time of filling, and Form 2060 is maintained, the serial numbers of cases need not be shown on the record of tax-paid removals.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.562 *Marks.* Each cask, barrel, keg, tank, tank truck, railroad tank car, or case, or other approved container, used to remove wine must be marked in a plain and durable manner with the serial number, the name of the proprietor and the registry number and location (by city or town and state) of the wine cellar, the kind (class and type), and the alcohol content of the wine, the contents of the container in wine gallons, and, except for cases, the date of removal or shipment. The kind of wine shall be stated in accordance with Part 4, Title 27 of the Code of Federal Regulations. The formula number shall be marked on bulk containers of special natural wine. When wine is packed or bottled under an authorized trade name other than that under which the bonded wine cellar is operated, such trade name may be marked on the shipping container as the name of the proprietor as authorized in § 240.192. These marks may be cut, printed, or otherwise legibly and durably marked upon the container, or placed upon a label or tag securely affixed to the container. The marks shall be placed upon the head of the package, or the side of the case, or on the prescribed route board attached to the tank truck, tank car, tank ship, barge, or deep tank of a vessel, where they may be readily examined by internal revenue officers.

(68A Stat. 666, 672, 695; 26 U. S. C. 5368, 5388, 5662)

§ 240.563 *Labels and tags.* Labels and tags must be of good quality heavy paper or tag board, and of appropriate size, and the letters and figures thereon must be durable and legible. The label or tag must be affixed with a good adhesive; in the case of wooden containers, with tacks or staples: *Provided*, That where the labels or tags are affixed with a glue impervious to heat or moisture, tacks or staples need not be used.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.564 *Other marks.* The head of the package, or the side of the case, bearing the prescribed marks shall be known as the "Government Head," and "Government Side," respectively, and shall contain no other marks except those authorized or required by Federal law or regulations: *Provided*, That the name and address of the consignee, brand name, number and size of bottles in cases, bottle label, and other related data, including identifying marks such as lot numbers, which do not conflict with or detract from the prescribed marks, may be shown on the Government head or side of the container.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.565 *Destruction of marks.* All marks and labels or tags required by this part to be placed on casks, barrels, kegs, tanks, tank trucks, railroad tank cars, tank ships, barges and deep tanks of vessels used as shipping containers of wine, shall be destroyed by scraping or otherwise obliterated, immediately the containers are emptied by the person removing the wine therefrom: *Provided*, That when such packages of wine are emptied and are returned to the proprietor for reuse (refilling), the proprietor's name, address and registry number need not be obliterated, but all other prescribed marks on the packages must be completely destroyed by scraping or otherwise obliterated.

§ 240.566 *Alcohol content.* A statement of the alcohol content of wine in the manner prescribed in Part 4, Title 27, of the Code of Federal Regulations, meets the requirements of § 240.562, except that the alcohol content must be stated in all cases and must show definitely the taxable grade of the wine. Wine may not be marked or labeled as containing 14 percent, 21 percent, or 24 percent alcohol if it contains more than such percentages of alcohol, nor may wine be marked or labeled as containing 13–15 percent, 20–22 percent, or 23–25 percent alcohol.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.567 *Fractional parts of gallons.* The wine gallon content of tank cars, tank trucks, tank ships, barges, or deep tanks of vessels, will be marked on the containers in whole gallons. The wine gallon content of casks, barrels, kegs, cases, or demijohns, will be marked on the containers in gallons and tenths of gallons. Where markings are in whole

gallons, fractions of a gallon will be converted to the nearest gallon, and five-tenths gallon will be converted to the next full gallon. Similarly, where markings are in tenths of gallons, fractions less than one-tenth will be converted to the nearest one-tenth gallon, and five-hundredth gallon will be converted to the next full one-tenth gallon. Contents of bottles will be stated on the bottle labels in the manner prescribed by Part 4, Title 27, of the Code of Federal Regulations.

(68A Stat. 609, 666; 26 U. S. C. 5041, 5368)

§ 240.568 *Route board on tank trucks and tank cars.* Tank trucks and railroad tank cars used for the transportation of wine, whether in bond, tax-free, or taxpaid, must be equipped with a route board at least 10 x 12 inches in size, to which the prescribed marks or labels can be affixed. Such board shall be of substantial material and shall be attached securely to the truck or car. The route board shall be placed on the tank truck or railroad tank car in a conspicuous and accessible place so as to permit ready inspection by internal revenue officers and destruction of the marks or labels by the person emptying the truck or car.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.569 *Single compartment trucks and cars.* When wine is removed in single compartment tank trucks or railroad tank cars the entire contents of the tank truck or tank car must be consigned to the same consignee and destination.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.570 *Multiple compartment trucks and cars.* When wine is shipped in multiple compartment tank trucks or railroad tank cars, the contents may be consigned by compartments to different consignees and destinations: *Provided,* That each compartment is given a separate serial number and separate marks, and a separate route board is attached to the truck or car for each compartment. Where the entire contents of a multiple compartment tank truck or tank car consists of the same kind of wine consigned to the same consignee at the same destination, one serial number and one set of marks will be given to the entire truck or car.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.571 *Tank ships, barges, and deep tanks of vessels.* Tank ships, barges, and deep tanks of vessels, used for the transportation of wine, whether in bond, tax-free, or taxpaid, must be equipped with route boards similar in construction to those prescribed in § 240.568. Such route board must be affixed to each compartment (if any) of such tank ship, barge, or deep tank or tanks of a vessel. The compartments of tank ships, barges, or deep tanks of vessels shall be marked in the manner provided in § 240.562, insofar as applicable, and in addition shall bear the marks prescribed in § 240.611 where the wine is transferred in bond. The required marks must be destroyed or otherwise obliterated immediately the compartment is emptied. Such in-bond shipments may be made only where the premises of both the consignee and consignor are equipped with suitable facilities, and where the wine is run directly from the storage tanks on the consignor premises into the tank ship, barge, or deep tank of a vessel, and directly from the tank ship, barge, or deep tank of a vessel into storage tanks on the consignee's premises. The provisions of §§ 240.569 and 240.570 concerning the consigning of wine by compartments of tank trucks or tank cars to more than one consignee will govern the consigning of wine in bond in tank ships, barges, or deep tanks of vessels.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.572 *Application for authority to use tank ships, barges and deep tanks of vessels.* A proprietor desiring to transfer wine in tank ships, barges, and deep tanks of vessels, shall make application therefor, in duplicate, to the assistant regional commissioner. The application may cover a specific lot of wine, or be for continuing authority. Where shipment is to be made to more than one consignee or premises, separate application must be submitted for each such premises. The application must state:

(a) The name and address of the consignee;

(b) The name, serial number, registry number, or other identifying symbol or mark, of each tank ship, barge, or vessel to be used;

(c) The name and address of the carrier;

(d) The course or route to be followed from consignor to consignee premises; and

(e) Whether the premises of both the consignor and consignee are equipped with suitable dock facilities and the wine is to be run directly from storage tanks on the consignor premises into the tank ship, barge, or deep tank or tanks of a vessel and directly from the tank ship, barge, or deep tank or tanks of a vessel into storage tanks on the consignee's premises.

§ 240.573 *Sealing of tanks.* Where wine is transferred in bond in tank ships, barges, and deep tanks of vessels, the manhole covers, outlet valves, and all other openings of the tanks containing the wine shall be equipped with facilities for sealing so that the contents cannot be removed without showing evidence of tampering. Serially numbered seals, dissimilar in marking from cap seals used by the Internal Revenue Service, shall be furnished and affixed by the carrier or proprietor. The serial numbers of the seals used on each shipment shall be reported by the consignor on the Form 703 prepared in accordance with § 240.613.

§ 240.574 *Reused barrels.* Barrels previously used for the storage of distilled spirits may be used by proprietors as storage and shipping containers for wine, provided the barrels are treated to remove distilled spirits from the heads and staves before deposit of wine therein. The spirits extracted from the barrels must be destroyed in each instance. This authorization to use such barrels should not be construed as relieving proprietors from tax liability in event the barrels are not treated to remove distilled spirits therefrom. A person mixing distilled spirits with wine incurs rectification tax liability of 30 cents per proof gallon, and additional wine tax liability if the mixing changes the taxable grade of the wine.

(68A Stat. 616; 26 U. S. C. 5082)

§ 240.575 *Remarking containers received from other premises.* When it is desired to remove for a taxable purpose containers of wine received in bond from other premises, the marks of the premises from which received may be obliterated and replaced with the marks of the taxpaying premises, or the original marks may be allowed to remain in lieu of the marks of the taxpaying premises if the word "Taxpaid," followed by registry number and State of the taxpaying premises, is placed on the same side of the container as the original marks. When containers of wine received in bond are reshipped in bond, the marks of the premises from which received must be canceled or obliterated.

§ 240.576 *Pipeline to or from tank cars or ships.* A pipeline may be used to convey wine from a bonded wine cellar to ships or railroad tank cars or from such conveyances to a bonded wine cellar. The premises of the bonded wine cellar need not be extended to include the entire pipeline. The pipeline may be under ground.

(68A Stat. 680; 26 U. S. C. 5552)

§ 240.577 *Shipments by tank car to and from premises without railroad siding facilities.* If shipment is made in a railroad tank car and the premises of the consignor or consignee, or both, are not equipped with railroad siding facilities, each tank truck or package in which the wine is conveyed to or from the railroad tank car must have affixed thereto a tag giving the name, registry number and address of the consignor, the kind and quantity of wine contained in the tank truck or package, the symbols and number of the railroad tank car to or from which the wine is being transported, whether the wine is taxpaid or shipped in bond, and the name and address of the consignee. The shipping proprietor shall also maintain at the premises a memorandum of all removals from the wine cellar by tank truck to tank cars on the noncontiguous railroad siding. Entry will be made at the time the tank truck is filled; the record shall show the tank car serial number. Remnants returned will be credited to the record so that there will be available to inspecting officers a record covering any wine lost enroute between the wine cellar and a tank car on a noncontiguous railroad siding. Proprietors making shipments to noncontiguous railroad sidings, or receiving from such sidings, shall file a consent of surety on Form 1533 extending the terms of the wine cellar bond, Form 700, to cover the transfer of wine from the bonded wine cellar to and from tank cars on noncontiguous railroad sidings while such cars are being loaded and until all wine is properly laden into the tank cars or returned to the bonded wine cellar premises.

§ 240.578 *Contents of packages and bottles.* Proprietors of bonded wine cellars will be held strictly responsible for the correct determination of the quantity and alcohol content of wine removed. As required by § 240.173, appropriate and accurate measures and instruments for measuring and testing the wine must be provided at each wine cellar. Bottles must be filled as nearly as possible to conform to the amount shown on the label or blown in the bottle to be contained therein, but in no event may the amount of wine contained in any bottle, due to lack of uniformity of the bottles, vary more than two percent from the amount stated to be contained therein; and further in such case there shall be substantially as many bottles overfilled as there are bottles underfilled for each lot of wine bottled.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.579 *Labeling bottled wine.* When wine is bottled the bottler shall securely affix to each bottle a label showing:

(a) The name and address of the premises, or the name, registry number, and state where the premises are located;

(b) Kind of wine (class and type);

(c) The alcohol content by volume; and

(d) The net contents of the bottle, unless legibly blown in the bottle.

The alcohol content may be stated and the kind shall be stated in accordance with Part 4, Title 27, of the Code of Federal Regulations. When wine is bottled under an authorized trade name, such trade name may be stated as the name of the proprietor as provided in § 240.562. Where wine is bottled for aging, or other storage purposes, the labels need not be affixed until the wine is to be removed, provided the bins or containers in which the bottled wine is stored are marked to show the kind (class and type) and alcohol content of the wine.

(68A Stat. 666, 695; 26 U. S. C. 5368, 5662)

LABELS AND MARKS SUBJECT TO APPROVAL

§ 240.580 *Certificates of approval or exemption.* All persons bottling or packing wine in a bonded wine cellar are required by Part 4, Title 27 of the Code of Federal Regulations, to obtain a certificate of label approval, Form 1649, or a certificate of exemption from label approval, Form 1650, covering the label for the wine. This requirement is applicable to all wine bottled in containers of one gallon or less, and to all wine packaged in barrels, casks, kegs, or other closed containers, for use for sale at retail. The requirement is equally applicable to wine bottled or packaged before or after taxpayment, and to wine packed in barrels, casks, or other large containers, which are marked by stenciling or otherwise instead of being labeled, as such marks are held to constitute the label.

§ 240.581 *Certificates to be exhibited.* All persons holding certificates of label approval, or certificates of exemption from label approval, are required by Part 4, Title 27 of the Code of Federal Regulations, to exhibit upon request such certificates to an internal revenue officer. The original certificate, or duplicate original certificate, must be exhibited to the officer; photoprints, or other copies, are not acceptable for this purpose.

§ 240.582 *Relabeling bottled wine.* Where it is desired to relabel bottled wine received in bond from other bonded premises, application for permission to relabel the wine must be made to the assistant regional commissioner in accordance with Part 4, Title 27 of the Code of Federal Regulations.

§ 240.583 *Proprietor's responsibility.* Full responsibility rests upon the proprietor of a wine cellar to see that all wine bottled or packed by him is labeled in conformity with Part 4, Title 27, of the Code of Federal Regulations, and with this part.

(68A Stat. 666; 26 U. S. C. 5368)

SUBPART AA—TAXPAYMENT OF WINE

§ 240.590 *Time for determination of tax liability.* The tax on wine is to be determined at the time of removal from the bonded wine cellar premises (or transfer to a taxpaid room on the premises) for consumption or sale. Upon determination, the quantity of wine removed will be entered on the record prescribed by § 240.920.

(68A Stat. 609; 26 U. S. C. 5041)

§ 240.591 *Time for payment of tax.* The tax on wine shall be paid by return, Form 2050, which will be filed with remittance for the full amount of tax due as shown by the return. Form 2050 will be prepared in accordance with § 240.901 and the instructions printed on the form or issued in respect thereto, and shall be filed with the district director of internal revenue before the close of the first day succeeding the day covered by the return: *Provided,* That if the first succeeding day is a Saturday, Sunday or legal holiday, the return shall be considered timely filed if it is filed on the next succeeding day which is not a Saturday, Sunday or legal holiday. "Filed" shall mean delivered to the office of the proper district director of internal revenue and by that office received: *Provided,* That if a return is delivered by United States mail, the postmark (if made by a United States post office) on the cover in which such return is mailed, shall be deemed to be the date of delivery. If the tax on wine removed for a taxable purpose on any day is not more than $10, and there are no adjustments increasing the tax so that the total due is more than $10, Form 2050 will not be prepared covering that day's removals. The tax due will be allowed to accumulate until the total for successive days is more than $10, when Form 2050 will be prepared and filed. Before the close of the first day following the end of each month Form 2050 will be prepared and filed with remittance covering the last day or days of the next preceding month even though the amount of tax due is less than $10. Tax may be prepaid, as provided in § 240.593, but the amount so prepaid must be included in the return, Form 2050.

(68A Stat. 614, 895, 896; 26 U. S. C. 5061, 7502, 7503)

§ 240.592 *Failure to pay tax or file return at the time required.* The law provides penalties for failure to pay tax at the time required, for willful refusal to pay such tax and for fraudulent nonpayment of tax. In addition to such penalties, there is a penalty for the delinquent filing of tax returns imposed as an addition to the tax shown by such returns, amounting to 5 percent for each month or fraction thereof of delinquency, not exceeding 25 percent in the aggregate, unless it is shown that such delinquency is due to reasonable cause and not to willful neglect.

(68A Stat. 695, 699, 821; 26 U. S. C. 5061, 5684, 6651)

§ 240.593 *Prepayment of tax.* Where an approved tax deferral bond, Form 2053, is not on file with the assistant regional commissioner, the proprietor must, prior to removal of wine for a taxable purpose, pay the tax due thereon: *Provided,* That tax need not be prepaid where the amount unpaid at any one time does not exceed $100. Where an approved Form 2053 is on file and the proprietor desires to prepay tax in order to remove for a taxable purpose wine, the tax on which is in an amount in excess of the penal sum stated in such form, such payment must be made before the wine is removed: *Provided,* That tax need not be prepaid where the amount unpaid at any one time does not exceed $100 plus the penal sum of the tax deferral bond, Form 2053. Payment must be made by forwarding or delivering to the district director of internal revenue cash, certified check, cashier's check, Treasurer's check, or money order together with the original and one copy of Form 2052, as provided in § 240.902. For the purpose of complying with this section the term "forwarding" shall mean deposit in the United States mail properly addressed to the district director of internal revenue. Prepayment may be made only in respect to wine on which the tax will be determined on the business day covered by the prepayment.

(68A Stat. 614; 26 U. S. C. 5061)

§ 240.594 *Tax on wine.* The following are the rates of tax on wine:

(a) On still wine containing not more than 14 percent of alcohol by volume, 17 cents per wine gallon;

(b) On still wine containing more than 14 percent and not exceeding 21 percent of alcohol by volume, 67 cents per wine gallon;

(c) On still wine containing more than 21 percent and not exceeding 24 percent of alcohol, $2.25 per wine gallon;

(d) On champagne and other sparkling wine, $3.40 per wine gallon; and

(e) On artificially carbonated wine, $2.40 per wine gallon. Wine containing more than 24 percent of alcohol by volume shall be classed as distilled spirits and taxed accordingly. The tax shall be determined and paid on the quantity of wine marked on the containers as provided in §§ 240.562 and 240.567, or (in case of pipeline removals)

on the quantity determined as provided in § 240.597.

(68A Stat. 609; 26 U. S. C. 5041)

§ 240.595 *Marking of containers.* All containers of wine removed taxpaid, except cases, will be marked with the word "Taxpaid" in addition to the marks required by § 240.562: *Provided,* That cases must be so marked when required by § 240.575.

(68A Stat. 666; 26 U. S. C. 5368)

REMOVAL FOR TAXPAYMENT BY PIPELINE

§ 240.596 *General.* The assistant regional commissioner may authorize the removal of wine by pipeline for taxpayment from a bonded wine cellar to a taxpaid distilled spirits bottling house, rectifying plant, or taxpaid wine bottling house, contiguous to, or in the immediate vicinity of the wine cellar. Authorization will be given only if the proprietor has installed pipelines and tanks as prescribed by §§ 240.170 and 240.171.

(68A Stat. 609; 26 U. S. C. 5041)

§ 240.597 *Procedure for determination of tax.* When the proprietor desires to transfer wine to the taxpayment tank, he will make certain that the outlet valve is closed, and open the inlet valve of the taxpayment tank. When the tank is filled, or the desired quantity of wine has been run into the tank, the proprietor will close the inlet valve, accurately determine the quantity of wine in the tank, make entry in his cellar record showing the date, the wine taxpayment tank number; the kind, quantity, and alcohol content of the wine; and the plant to which the wine will be transferred. Immediately the tank has been emptied the proprietor must close the outlet valve. The quantities of wine so removed will be shown in Form 2056 as taxable removals. The quantity of wine removed by pipeline will be recorded to the nearest whole gallon, 5 tenths gallon being converted to the next full gallon.

SUBPART BB—TRANSFER OF WINE IN BOND TO OTHER BONDED WINE CELLARS

§ 240.610 *General.* Wine may be removed for transfer in bond, from one bonded wine cellar to another bonded wine cellar, as provided in this subpart.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.611 *Marking containers.* In addition to the marks required by § 240.562, each container, except cases, of wine transferred in bond from one bonded wine cellar to another shall be plainly marked "Transferred," followed by the registry number and state of the bonded premises to which the wine is shipped. The transfer marks may be abbreviated, as "Trans. BW 100–NY."

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.612 *Transfer of wine by pipeline.* Wine may be transferred in bond between contiguous or adjacent wine cellars by a pipeline constructed and approved as provided in § 240.172, provided one or more accurately calibrated tanks for measuring the wine have been installed in at least one of the bonded wine cellars. The quantity of wine transferred by pipeline will be recorded to the nearest whole gallon, 5 tenths gallon being converted to the next full gallon.

(68A Stat. 665, 680; 26 U. S. C. 5362, 5552)

§ 240.613 *Use of Form 703.* When wine is transferred in bond to other premises the proprietor will prepare Form 703, showing the date of transfer; name, address and registry number of the consignee and of the consignor; the number of cases, packages or tanks; serial numbers; gallons; percentage of alcohol, and kind of wine shipped: *Provided,* That where wine (including distilling material and vinegar stock) is transferred in bond by pipeline to adjacent premises, and commercial records are kept to show details of each such shipment as would appear on a separate Form 703, a monthly Form 703 may be prepared for shipments to each such premises instead of a separate Form 703 for each shipment. The alcohol content of the wine shall be stated on Form 703 as 13 percent, 18 percent, etc., rather than by taxable grade, and the kind of wine shall be stated according to class and type, including vintage and varietal designation if applicable, except in the case of unfinished grape wine, distilling material, or vinegar stock.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.614 *Preparation and handling of Form 703.* Where shipments are made to other premises in the same region, the proprietor will prepare three copies of Form 703 and forward on the date of shipment one copy to the assistant regional commissioner of his region, and two copies to the consignee. Upon receipt of the shipment the consignee will note on both copies of the form any loss in transit or other discrepancy, sign the form, retain one copy, and forward one copy to the assistant regional commissioner before the close of the following business day. When wine is shipped in bond to premises in another region, the consignor will prepare four copies of Form 703, and forward on the date of shipment one copy to the assistant regional commissioner of his region, one copy to the assistant regional commissioner of the region to which the wine is shipped, and two copies to the consignee, who will note on the form any loss in transit or other discrepancy, sign the form, retain one copy, and forward one copy to the assistant regional commissioner of his region.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.615 *Receipt of wine in bond.* When wine is received in bond from other bonded premises, the proprietor of the receiving premises will check the shipment against his copy of Form 703, and will determine by measure or weight the quantity received, and note on his records, as provided in Subpart UU of this part, the quantity actually received, together with the serial numbers, etc.: *Provided,* That packages received without apparent loss need not be measured or weighed. The proprietor shall file his copy of Form 703 at the wine cellar as a permanent record available for inspection by internal revenue officers.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.616 *Losses in transit.* The proprietor of the premises to which the wine is shipped in bond shall be liable under his bond for the tax on the wine lost in transit. The tax on wine lost in transit between bonded wine cellars will be assessed or remitted, in accordance with the provisions of Subpart NN of this part. Where there is a loss in transit from any package or other container, including tank trucks and railroad tank cars, in excess of one percent, or two percent in the case of transcontinental shipments, of the quantity shipped in such container, the consignee shall make application for allowance of the entire quantity lost, in accordance with § 240.785.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.617 *Reconsignment of in-bond shipments of wine.* When wine is shipped in bond, and while in transit a necessity for reconsignment arises, approval for the reconsignment will be obtained from the assistant regional commissioner, as required by §§ 240.618 and 240.619.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.618 *Reconsignment by consignor.* When the consignor desires to reconsign a shipment of wine, he will obtain the approval of the assistant regional commissioner of the consignor region, then prepare new Form 703 and attach thereto a notice of diversion. The substitute consignee is liable for the tax on all losses sustained in shipment, and must file a consent of surety with the assistant regional commissioner of his region, in accordance with § 240.231, extending the terms of his bond to cover such losses.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.619 *Reconsignment by consignee.* When the consignee desires to reconsign a shipment of wine, he will obtain the approval of the assistant regional commissioner of his region, acknowledge receipt of the full amount on Form 703, at which point the reconsignment is a shipment in bond subject to the requirements of §§ 240.613 to 240.616. The substitute consignee is liable for tax on all losses sustained in shipment, and must file a consent of surety with the assistant regional commissioner of his region, in accordance with § 240.231 extending the terms of his bond to cover such losses.

(68A Stat. 665; 26 U. S. C. 5362)

SUBPART CC—REMOVAL OF WINE FOR USE AS DISTILLING MATERIAL

§ 240.630 *General.* Still wine may be removed free of tax, under the provisions of this subpart, to a fruit distillery, a registered distillery, or an industrial alcohol plant for use as distilling material in the production of spirits. Form 703 will be prepared and handled in accordance with §§ 240.613 through 240.616 for all such removals.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.631 *Pipeline to distillery or alcohol plant.* Where a bonded wine cellar and a fruit distillery, registered distillery or industrial alcohol plant are operated on premises adjacent to a bounded wine cellar, wine for use as distilling material may be transferred by fixed pipeline from tanks in the wine cellar to measuring or storage tanks in the distillery or alcohol plant, or in the case of a fruit distillery, where the distillery measuring tanks are authorized to be installed on the wine cellar premises, the pipeline must extend directly to the chargers of the stills, or to sumps for immediate transfer to the chargers.

(68A Stat. 680; 26 U. S. C. 5552)

§ 240.632 *Special natural wine.* Special natural wine may not be removed for use as distilling material at a fruit distillery.

(68A Stat. 640; 26 U. S. C. 5215)

§ 240.633 *Report of removal.* The removal of wine for use as distilling material will be reported on Form 702. If sparkling wine or artificially carbonated wine is to be used as distilling material, it will be returned to still wine, and so reported on Form 702, and the still wine then removed and reported for use as distilling material.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.634 *Marking of containers.* Each container removed, in addition to bearing the marks required by § 240.562, must be plainly marked "For Distilling Material" and show the kind or nature of the material, as standard grape (apple, peach, etc.) wine, or wine lees, raisin wine, etc., in order that the spirits distilled therefrom may be properly marked as to class and type. Where wine made with sugar other than the kinds, or fermented with sugar in excess of the quantities, authorized for standard wine is removed for distilling material, the composition of the material must be marked on the containers, and such wine may be transferred only to registered distilleries or alcohol plants.

(68A Stat. 640, 666; 26 U. S. C. 5215, 5368)

SUBPART DD—REMOVAL OF STILL WINE FOR MANUFACTURE OF VINEGAR

§ 240.650 *General.* Still wine may be removed from bonded wine cellars, free of tax, for use in the manufacture of vinegar in accordance with provisions of this subpart.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.651 *Removal to adjacent vinegar plant.* Where the proprietor of a bonded wine cellar is also the proprietor of a vinegar plant adjacent to his wine cellar, he may remove still wine free of tax for use in the manufacture of vinegar upon filing of consent of surety, Form 1533, extending the terms of his wine cellar bond to cover removal and use of wine in the manufacture of vinegar.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.652 *Consent of surety.* The required consent of surety, Form 1533, shall be filed in triplicate with the assistant regional commissioner. Upon approval of the consent of surety, removals may be made thereunder from time to time. The reporting of such removals on Form 703 shall be in accordance with §§ 240.613 to 240.616.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.653 *Removal to vinegar plant covered by bond, Form 1676.* Where the proprietor of a vinegar plant files bond on Form 1676 covering the tax on wine shipped to his vinegar plant, and keeps records and makes his vinegar plant premises available for inspection as required in this part, wine may be shipped thereto free of tax. Shipments will be reported on Form 703 in accordance with §§ 240.613 to 240.616.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.654 *Removals by pipeline.* Wine may be transferred from the bonded wine cellar to an adjacent vinegar plant by pipeline constructed as required by § 240.172.

(68A Stat. 665, 680; 26 U. S. C. 5362, 5552)

§ 240.655 *Marking containers.* Each container of wine removed for use in the manufacture of vinegar, in addition to bearing the marks required by § 240.562, will be marked "For Manufacture of Vinegar."

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.656 *Receipt of wine at vinegar plants.* Wine received free of tax for the manufacture of vinegar must be deposited promptly in the vinegar plant. The proprietor of the vinegar plant will execute his receipt on both copies of Form 703, noting any losses in transit, and will forward promptly one copy of Form 703 to the assistant regional commissioner of the region in which the vinegar plant is located. In case the wine is transferred by pipeline, as provided in § 240.654, and a single Form 703 prepared to cover all transfers during the month, Form 703 will be forwarded on or before the tenth day of the following month. The remaining copy of Form 703 will be retained as a part of the vinegar plant records. Losses of wine in transit to wine vinegar plants will be reported as required by Subpart NN of this part.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.657 *Vinegar plant records.* Each proprietor of a vinegar plant to which wine is shipped free of tax for use in the manufacture of vinegar shall keep a record of all wine received and used for the manufacture of vinegar, and of all vinegar produced and disposed of. The record shall show the following data:

(a) The quantity and alcohol content of all wine received, the date of receipt, and the name, registry number, and address of the wine cellar from which received;

(b) The quantity and alcohol content of all wine used in the manufacture of vinegar, and the date of use;

(c) The quantity of vinegar produced, and the date of production. (This quantity will be reported on a 100 grain strength basis and will be determined by multiplying the wine gallons of vinegar produced by the grain strength thereof); and

(d) The names and addresses of all persons to whom vinegar is shipped, the quantity and grain strength thereof shipped to each, and the date of shipment.

"Grain strength" is a measure of the acetic acid content of vinegar, expressed as 10 times the grams of acetic acid per 100 ml.

§ 240.658 *Inspection of vinegar plants.* Proprietors of vinegar plants procuring wine free of tax for use in the manufacture of vinegar must make their premises, and the records kept there in accordance with § 240.657, available for inspection by internal revenue officers during regular business hours.

(68A Stat. 903; 26 U. S. C. 7606)

REMOVAL OF SOURED WINE AS VINEGAR

§ 240.659 *General.* Still wine which has acetified and contains not less than four percent of acetic acid by volume may be removed free of tax pursuant to approved application for use as vinegar, as provided in this subpart.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.660 *Application for removal.* The proprietor of a bonded wine cellar desiring to remove still wine which has acetified and contains not less than four percent of acetic acid by volume will make letter application to the assistant regional commissioner for each lot to be removed, showing the quantity and the acetic acid content. If the application is approved, the soured wine may be removed as vinegar.

§ 240.661 *Marking containers.* Where soured wine is removed as vinegar, the containers will be marked as required by § 240.562, except that in lieu of the kind of wine each container will be marked "Wine Vinegar."

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.662 *Records.* Soured wine removed as vinegar will be so recorded and reported on Form 2056 and Form 702.

(68A Stat. 666; 26 U. S. C. 5367)

SUBPART EE—EXPORTATION OF WINE FREE OF TAX

§ 240.670 *General.* Wine may be removed from bonded wine cellars free of tax for exportation in accordance with the provisions of this subpart. If the proprietor desires to remove wine for exportation free of tax, the wine cellar bond must be in a sufficient penal sum to cover liability for all wine so withdrawn and unaccounted for, as well as other bonded wine cellar operations. If a person other than the proprietor of a bonded wine cellar desires to export such wine, the bond required by § 240.223 shall be filed. For the purposes of this part, wine shall be considered exported when it is removed from bonded wine cellar premises pursuant to an approved application, Form 711, consigned to a foreign destination, laden aboard a vessel or conveyance bound for a foreign destination, the vessel or conveyance has cleared a port of the United States for a foreign destination, and a customs officer has certified to such lading and clearance. The shipment of wine to

foreign trade zones free of tax shall be in accordance with the procedure prescribed in Part 253 of Title 26, Code of Federal Regulations.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.671 *Application and entry, Form 711.* The exporter will execute and file with the assistant regional commissioner an application and entry on Form 711, in quadruplicate, when he desires to withdraw wine for export. Each application, Form 711, must be serially numbered, commencing with "1" on the first day of January of each year. The exporter shall state therein the name, location, and registry number of the premises, a description of the wine to be withdrawn, and the port and shipping route, with request for customs inspection of the wine. If the exporter has complied with the law and regulations in all respects, the assistant regional commissioner will approve each copy of the application and entry, retain one copy, and return three copies to the exporter. Upon receipt of the approved copies of the application and entry, the exporter may withdraw the wine described therein for exportation free of tax. The proprietor of the bonded wine cellar may not ship the wine until the approved Form 711 has been received from the exporter or the assistant regional commissioner.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.672 *Marking containers.* The containers in which the wine is removed must be plainly marked "For Export," in addition to bearing the marks required by § 240.562.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.673 *Delivery or consignment to collector of customs, wine exported by vessel or aircraft.* The proprietor shall deliver or consign the wine to the collector of customs at the port of export for customs examination, inspection, supervision of lading, and report, as provided in § 240.674. When the shipment arrives at the port of exportation, the exporter or his agent shall file immediately with the collector of customs two copies of the entry, Form 711, one of which will be treated as the customs entry. The other copy of the entry will be retained by the exporter. The entry shall specify the vessel or aircraft by which the wine is to be exported, and the pier at which it will be laden. In every case the entry must be filed with the collector of customs at least six hours prior to lading.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.674 *Customs inspection when exported by vessel or aircraft.* The collector of customs will direct an officer to inspect the wine and determine whether the same agrees in all respects with the description thereof in the entry, Form 711, and to superintend the lading of the wine for exportation. Such officer will carefully examine the contents of any packages which are found broken or tampered with, and will report on both copies of the entry any shortage, and the apparent cause thereof. Upon clearance of the vessel or aircraft, the collector of customs will execute his report and certificate of clearance on each copy of the entry, retain one copy for his entry record, and forward one copy to the assistant regional commissioner.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.675 *Evidence of fraud.* If the customs inspection discloses evidence of fraud, the collector of customs will detain the wine and report the facts forthwith to the assistant regional commissioner within whose region the port of export is located. The assistant regional commissioner will make immediate investigation and take such action as the facts may warrant.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.676 *Delay in lading at port.* If the exporting vessel is not prepared to receive the wine at its arrival at the port of exportation, the collector of customs may permit the wine to remain in the possession of the transportation company for a period not exceeding fifteen days. Storage elsewhere for a like cause not exceeding the same period may be approved by the collector of customs. In event of further delay, the facts will be reported to the assistant regional commissioner who approved the entry, Form 711, and who will issue appropriate instructions concerning the disposition of the wine.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.677 *Bill of lading.* The export bill of lading covering shipment of the wine abroad must identify the wine by showing the name and registry number of the premises from which withdrawn, the serial numbers of the containers, and the quantity of wine. Where the shipment is handled at the port of export by a customs broker acting for the exporter, the broker may be shown as the shipper (consignor) in the export bill of lading. Upon clearance, the exporter will forward a copy of the bill of lading to the assistant regional commissioner of the region in which the bonded wine cellar is located.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.678 *Exportation through frontier port, by railway car, motor truck, or other conveyance.* Where wine is to be shipped by railroad car, motor truck, or other conveyance, through a border port, the wine shall be consigned to the foreign consignee at destination in care of the collector of customs, or deputy collector of customs, at the border port. Two copies of the entry, Form 711, will be forwarded or delivered by the exporter or his agent to the collector or deputy collector at the border port, who will direct one of his officers to inspect the wine upon arrival. If the inspector finds that the wine is intact and corresponds to the entry, the collector or deputy collector will allow the railroad car, motor truck, or other conveyance to proceed to its destination. If there is evidence of loss or the wine does not correspond to the description in the entry, the extent and apparent cause of the loss or other discrepancy will be determined before the car, truck, or other conveyance is allowed to proceed. Upon clearance of the conveyance, the collector or deputy collector will execute his report and certification of clearance on each copy of the entry, retain one copy for his entry record, and forward one copy to the assistant regional commissioner who approved it.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.679 *Exportation in sealed railroad cars or trucks from port of entry through another port.* Where wine is to be exported by rail, or in trucks, through a frontier port, and it is desired to avoid delay of customs inspection at such port, the wine may be entered for exportation at an interior customs port and inspected by a customs officer at that port. After inspecting the wine, the customs officer will seal the car or truck with customs seals and note the car number, or license number of the truck, as the case may be, and the serial number of the customs seals if a numbered seal is used, in his report on both copies of Form 711. The collector of customs will then forward both copies to the customs officer at the frontier port. The wine will be consigned to the foreign consignee in care of the customs officer at the frontier port.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.680 *Inspection at frontier port.* If the customs officer at the frontier port finds upon arrival of the car or truck that the seals are intact and there is no evidence of tampering with the contents, he will allow the car or truck to proceed to its destination without opening. If, however, the customs officer finds that the seals are not intact, or there is other evidence of tampering with the contents, he will open the car or truck, inspect the wine, and make report of his findings and of any loss on Form 711. Upon clearance of the car or truck and contents, the customs officer will execute his certificate of clearance on both copies of Form 711 and return the forms to the collector of customs at the port of entry, who will retain one copy as his entry record, and forward one copy to the assistant regional commissioner who approved it.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.681 *Shipment to American possessions.* Wine may be removed free of tax for shipment to the Panama Canal Zone, Puerto Rico, Virgin Islands, Guam and American Samoa. The provisions of this subpart shall be followed and the forms prescribed shall be used when it is desired to ship wine to these possessions.

(68A Stat. 665, 908; 26 U. S. C. 5362, 7653)

SUBPART FF—WITHDRAWAL OF WINE FREE OF TAX FOR USE ON CERTAIN VESSELS AND AIRCRAFT

§240.690 *Withdrawal free of tax.* Wine may be withdrawn in accordance with the provisions of this section and § 240.691 from bonded wine cellars free of tax for use as supplies on vessels and aircraft as follows:

(a) Vessels or aircraft operated by the United States;

(b) Vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions;

(d) Vessels of war of any foreign nation;

(e) Foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(f) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found such foreign country allows, or will allow, substantially reciprocal privileges in respect to aircraft registered in the United States.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.691 *Reciprocating foreign countries.* The Director will advise assistant regional commissioners concerning those foreign countries which will allow, to aircraft registered in the United States and engaged in foreign trade, privileges substantially reciprocal to the privileges allowed herein to aircraft of a foreign country. Assistant regional commissioners may approve applications to withdraw wine for use on aircraft of such countries. Where application is made to withdraw wine free of tax for use on aircraft of other foreign countries, which it is claimed reciprocate similar privileges to aircraft of the United States, the applicant must first establish the right of such withdrawal. In appropriate cases, the applicant should request the Secretary of Commerce to find and advise the Secretary of the Treasury that such foreign country or countries allow, or will allow, substantially reciprocal privileges to aircraft of the United States.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.692 *Procedure.* If wine intended for use on vessels or aircraft is to be removed free of tax by the proprietor of a bonded wine cellar, his bond (Form 700) must be in sufficient penal sum to cover the tax on wine so removed and not accounted for, as well as other bonded wine cellar operations. If wine is to be withdrawn by any other person for such use, he must file bond on Form 186 to cover the tax on wine withdrawn and not accounted for, as well as the tax on wine withdrawn for export under the provisions of Subpart EE of this part. The filing and action on the bond will be as provided in Subpart H of this part.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.693 *Application and entry for use on vessels, Form 711–B.* The applicant will execute and file with the assistant regional commissioner application and entry, Form 711–B, in quadruplicate, when he desires to withdraw wine for use on vessels. The applicant shall state

therein the name, location, and registry number of the premises, a description of the wine to be withdrawn, the name of the vessel and its location, with request for customs inspection of the wine. If the applicant has complied with the law and regulations in all respects, the assistant regional commissioner will approve each copy of the application and entry, retain one copy, and return three copies to the applicant. Upon receipt of the approved copies of the application and entry, the wine may be withdrawn free of tax for the purpose described in the entry.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.694 *Application and entry for use on aircraft, Form 711–B.* The applicant will execute and file with the assistant regional commissioner application and entry, Form 711–B, in quintuplicate, when he desires to withdraw wine for use on aircraft. The applicant shall state therein the name of the airline operating the aircraft and the name and location of the airport from which the aircraft will depart in international travel, with request for customs inspection of the wine. If the applicant has complied with the law and regulations in all respects, the assistant regional commissioner will approve each copy of the application and entry, retain one copy, and return four copies to the applicant. Upon receipt of the approved copy of the application and entry, the wine may be withdrawn free of tax for shipment to the airline at the airport described in the entry.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.695 *Marking of containers.* The containers in which the wine is removed must be plainly marked "For Use on Vessels (or Aircraft) Tax-free," in addition to bearing the marks required by § 240.562.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.696 *Delivery or consignment of supplies for vessels.* The shipper shall deliver or consign the wine to the collector of customs at the port of lading for customs inspection, supervision of lading, and report, as provided in § 240.698. When the wine arrives at the port of lading, the shipper or his agent shall file immediately with the collector of customs two copies of the entry, Form 711–B, one of which will be treated as the customs entry. The other copy of the entry will be retained by the shipper. The entry shall specify the vessel on which, and the pier at which, the wine will be laden. In every case the entry must be filed with the collector of customs at least six hours prior to lading.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.697 *Delivery or consignment of supplies for aircraft.* The shipper shall deliver or consign the wine to the airline at the airport from which the aircraft will depart in international travel, in care of the collector of customs. Upon receipt of the wine it will be stored at the airport under customs custody until laden as supplies on aircraft. The shipper or his agent shall file immediately with the collector of customs two copies of the entry, Form 711–B, one of which will be treated as the customs entry. The remaining copy of Form 711–B will be forwarded to the airline company at the airport.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.698 *Customs inspection of wine laden on vessels.* The collector of customs will direct an officer to inspect the wine and determine whether the same agrees in all respects with the description thereof in the entry, Form 711–B, and to superintend the lading of the wine on board the vessel specified in the entry. Such officer will carefully examine the contents of any packages which are found broken or tampered with, and will report on both copies of the entry any shortage and the apparent cause thereof. Upon lading of the wine the collector of customs will execute his report and certificate of lading on each copy of the entry, retain one copy for his record, and forward one copy to the assistant regional commissioner who approved it. In event the customs inspection discloses evidence of fraud or there is delay in lading, the collector of customs will proceed in accordance with §§ 240.675 and 240.676, respectively.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.699 *Wine for use as supplies on aircraft.* When an airline desires to withdraw wine from its stock being held at the airport under customs custody, as supplies for a particular aircraft, a requisition in triplicate will be prepared for presentation to the customs officer. The requisition shall show the flight number, the registry number of the aircraft on which the wine is to be laden, the date of departure of the aircraft, and the brand, kind, and quantity of wine. Where the wine is contained in kits which have been previously prepared while the wine is under customs custody, the kit number will also be shown on the requisition. Where the kits are not prepared and the wine is withdrawn for direct lading on aircraft, the requisitions shall be serially numbered in lieu of the insertion of the kit number. When the wine is withdrawn and laden aboard the aircraft, the lading will be verified by the customs officer by an appropriate stamp or notation on the requisition. One copy of the requisition will be retained by the customs officer who certifies to the lading for attachment to the outgoing manifest. The other two copies will be delivered to the airline which will retain both copies until the return of the flight. In case any wine is removed from the aircraft upon its return, appropriate notation will be made on both copies of the requisition retained by the airline and one copy will be delivered to the customs officer for attachment to the incoming manifest. The remaining copy will be retained by the airline.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.700 *Certificate of use for wine used as supplies on aircraft.* When all wine represented by any Form 711–B has been withdrawn from customs custody, and laden and used as supplies on aircraft, the airline will prepare a certificate of use on which are itemized all requisitions for such wine. The certificate shall show the name of the exporter,

the entry number, the brand and kind of wine, and the number of bottles to be accounted for; and, as to each requisition, the requisition (or kit) number, the date laden, the registry number of the aircraft, the country for which the aircraft was cleared, and the number of bottles used. The certificate shall be in substantially the following form:

Name of exporter .....; Entry No. .....
Brand and kind of wine ..... Number of bottles to be accounted for ...

No. of requisition (or kit No.)	Date laden	Registry No. of aircraft	Cleared for (country)	Number of bottles used [1]

[1] The number of bottles shown in this column will represent the difference between the number withdrawn for supplies and the number returned unused as shown by the requisition.

CERTIFICATE OF USE

I hereby certify that the above described wine was withdrawn from stock in customs custody and was laden for use as supplies on aircraft as set forth and that the records of the aircraft show such wine was used outside the continental limits of the United States as supplies on aircraft operated by this company in international travel.

Airline Company
By ---

Capacity

When the form has been completed as to all wine laden and used as supplies, the certificates of use will be executed by the authorized representatives of the airline. The form will be presented to the customs officer at the airport who will verify the form and execute the certificate of inspection and lading on Form 711–B, noting thereon exceptions, if any, such as shortages, breakage, etc. The customs officer will forward both copies of Form 711–B, with the certificate of use attached to the original, to the collector of customs.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.701 *Certificate of receipt of wine for use on vessels.* The shipper shall procure a receipt signed by the master or other authorized officer of the vessel or of the steamship company, in the case of withdrawals for use on vessels, certifying to the receipt of the wine and giving the serial numbers of the containers, and the quantity received. The shipper shall file the receipt with the assistant regional commissioner.

(68A Stat. 665; 26 U. S. C. 5362)

SUBPART GG—TRANSFER OF WINE TO CUSTOMS MANUFACTURING BONDED WAREHOUSE

§ 240.710 *General.* Wine may be removed from bonded wine cellars to customs manufacturing bonded warehouses, Class 6, without payment of tax for use in the manufacture of articles for export, or for rectification and export, or shipment in bond to Puerto Rico. Removal will be made pursuant to application and bond filed by the proprietor of the customs manufacturing bonded warehouse, and approved by the assistant regional commissioner, in accordance with the provisions of this part.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.711 *Application and entry, Form 711–A.* After having given the required bond, as provided in § 240.224 the proprietor of the customs manufacturing bonded warehouse will execute and file with the assistant regional commissioner of the region in which the bonded wine cellar is located six copies of the application and entry, Form 711–A, when he desires to withdraw wine for transfer to his warehouse. The proprietor shall state therein whether he has on file valid bond, Form 1580, in sufficient sum, the name, location, registry number of the bonded wine cellar, and a description of the wine to be withdrawn. If the applicant has complied with the law and regulations in all respects, and the available balance of his bond is sufficient to cover the tax on the wine to be withdrawn, the assistant regional commissioner will approve each copy of the application and entry, retain one copy, return four copies to the applicant, and forward one copy to the proprietor of the bonded wine cellar as his authority to ship the wine described therein to the customs manufacturing bonded warehouse without payment of tax.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.712 *Marking containers.* In addition to the marks required by § 240.562, each container removed shall be plainly marked "For Deposit in Bonded Manufacturing Warehouse, Class 6," followed by the name and location (city or town, and state) of the warehouse, and the date of shipment.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.713 *Consignment of wine.* The wine must be consigned to the proprietor of the customs manufacturing bonded warehouse in care of the collector of customs of the district in which the warehouse is located. Upon shipment of the wine the proprietor of the bonded wine cellar shall immediately notify the proprietor of the customs manufacturing warehouse, who shall deliver, or forward immediately to the collector of customs his four copies of the entry, Form 711–A.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.714 *Customs inspection.* The collector of customs will direct the proper officer to inspect and gauge, by volume or by weight, the wine upon its arrival at the warehouse, and supervise its deposit therein. When the wine has been inspected, gauged and deposited in the warehouse, the customs officer will execute his certificate on each copy of Form 711–A, and note thereon any loss or other deficiency on the shipment. The officer will retain one copy of the form for his files, deliver one copy to the proprietor of the customs manufacturing bonded warehouse, and forward one copy to the collector of customs for his entry record, and one copy to the assistant regional commissioner who approved it.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.715 *Evidence of fraud.* If the customs inspection discloses evidence of fraud, the collector of customs will detain the wine and report the facts forthwith to the assistant regional commissioner within whose region the customs manufacturing warehouse is located. The assistant regional commissioner will make immediate investigation and take such action as the facts may warrant.

(68A Stat. 665; 26 U. S. C. 5362)

SUBPART HH—REMOVAL OF WINE FOR FEDERAL OR STATE USE

§ 240.720 *General.* Wine may be removed from bonded wine cellars free of tax for use of the Government of the United States or any agency thereof upon receipt of proper governmental order signed by the officer in charge of the department, institution, station, or similar establishment, to which the wine is to be shipped, or other officer duly authorized to sign such order. Wine may also be removed for use by the governments of the several states and Territories and the District of Columbia, or of any subdivision thereof or by any agency of such governments, free of tax, from bonded wine cellars for analysis, testing, research or experimentation, as provided in §§ 240.723 to 240.726.

(68A Stat. 665; 26 U. S. C. 5362)

USE OF THE UNITED STATES

§ 240.721 *Marking containers.* In addition to bearing the marks required by § 240.562, each container in which the wine is removed must be plainly marked "For Use of the United States."

(68A Stat. 665, 666; 26 U. S. C. 5362, 5368)

§ 240.722 *Bill of lading and report of shipment.* Where the wine is shipped by common carrier, the proprietor shall forward a copy of the bill of lading, covering the shipment, with his monthly report on Form 702 for the month in which the shipment is made. The bill of lading must show the name and address of the United States governmental agency to which the wine is shipped, together with the serial numbers of the packages and the quantity and alcohol content of the wine. The governmental order, or copy thereof, must be filed at the wine cellar available for inspection by internal revenue officers.

(68A Stat. 666; 26 U. S. C. 5367)

USE OF STATES, TERRITORIES, AND DISTRICT OF COLUMBIA

§ 240.723 *Application.* Where it is desired to obtain wine for use of States, Territories or the District of Columbia, letter application, in triplicate, shall be filed with the assistant regional commissioner of the region in which the bonded wine cellar is located, by the governmental agency, listing the name, address, and registry number of the wine cellar; the kind, quantity and alcohol content of the wine desired; and the purpose for which the wine is to be used.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.724 *Approval of application.* If the application is approved, the assistant regional commissioner will forward one copy to the bonded wine cellar as authority to make shipment, and return one copy to the applicant.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.725 *Marking containers.* In addition to bearing the marks required by § 240.562, each container in which the wine is removed must be plainly marked "For Use Of," followed by the name of the government subdivision or agency receiving same.

(68A Stat. 665, 666; 26 U. S. C. 5362, 5368)

§ 240.726 *Bill of lading and report of shipment.* Where the wine is shipped by common carrier the proprietor shall forward a copy of the bill of lading, covering the shipment, with his monthly report on Form 702. Report of the shipment will be made by the proprietor in one of the blank lines of the form modified for that purpose. The bill of lading must show the name and address of the governmental agency to which the wine is shipped, together with the serial numbers of the containers, and the quantity and alcohol content of the wine. The copy of the approved application must be filed at the bonded wine cellar available for inspection by internal revenue officers.

(68A Stat. 665, 666; 26 U. S. C. 5362, 5367)

SUBPART II—OTHER TAX-FREE REMOVALS

§ 240.730 *Removal for family use.* Where the head of a family, as defined in § 240.541, operates a bonded wine cellar as an individual owner, wine of his own production, not exceeding 200 gallons per year, may be removed free of tax for use of his family, the year to be reckoned as commencing on July 1. The proprietor must make entries of quantities so removed in his monthly report, Form 702. Wine in excess of the 200 gallons allowance removed from the wine cellar for family use must be reported as a taxable removal.

(68A Stat. 610; 26 U. S. C. 5042)

REMOVAL OF WINE FOR EXPERIMENTAL OR RESEARCH PURPOSES

§ 240.731 *Application.* If a university, college of learning, or institution of scientific research, desires to procure wine from a bonded wine cellar free of tax for experimental or research purposes, the institution shall file an application, in triplicate, in letter form, with the assistant regional commissioner of the region in which the bonded wine cellar is located. The application shall show the name and address of the institution desiring to receive the wine for experimental or research purposes, the kind, quantity, and alcohol content of wine desired, and the nature of the experiments or research to be conducted. The application shall include a stipulation to the effect that the institution withdrawing the wine will be responsible for the tax on the wine if it should be diverted from the intended purpose, either while in transit from the bonded wine cellar to the institution or after receipt.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.732 *Shipment of wine.* If the application is approved, the assistant regional commissioner will forward one copy to the bonded wine cellar as authority for shipment of the wine and will return one copy to the institution filing the application, where it shall be kept available for inspection by internal revenue officers. If the shipment is made by common carrier, the proprietor will attach a copy of the bill of lading, covering the shipment, to his monthly report, Form 702. The shipment will be reported on Form 702 at a blank line appropriately identified to show the purpose of the removal.

(68A Stat. 665, 666; 26 U. S. C. 5362, 5367)

SUBPART JJ—TAX-FREE SAMPLES OF WINE

§ 240.740 *General.* Wine may be removed free of tax from a bonded wine cellar for use by or for the account of the proprietor or his agents, for analysis or testing, organoleptically or otherwise. Wine may also be used on bonded wine cellar premises for testing, tasting, or sampling, free of tax.

(68A Stat. 665, 667; 26 U. S. C. 5362, 5372)

SAMPLES FOR USE OFF BONDED WINE CELLAR PREMISES

§ 240.741 *Application.* A proprietor desiring to remove samples of wine for analysis or testing by a laboratory shall make application, in duplicate, to the assistant regional commissioner. The application may be for the taking of samples from a specified lot or lots of wine, or it may be for continuing authority. The size of each sample should be limited to one quart from each lot to be analyzed or tested, unless the necessity for a larger quantity is established. The application must state the number of samples to be taken, the size thereof, the kind or kinds of wine, the frequency with which the samples will be taken, and the name and address of the laboratory to which the samples are to be sent. If the application is approved, the assistant regional commissioner will retain one copy, and return the other to the proprietor.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.742 *Disposition of samples.* Remnants or residues of samples remaining after laboratory analysis, and which are not retained for laboratory specimens, must be destroyed or returned to the bonded wine cellar. Taxfree samples or residues thereof may not be consumed or sold.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.743 *Records.* Records must be kept of all samples taken for analysis and testing, showing the date of removal, the size of each sample, the kind of wine, and the name and address of the laboratory to which sent. Entries on the records must be made prior to actual removal of the samples from the bonded premises.

(68A Stat. 665, 666; 26 U. S. C. 5362, 5367)

§ 240.744 *Labeling of samples.* Each sample of wine removed for analysis or testing must be labeled "Sample for Analysis Only," and show the name of the proprietor removing the wine, and the kind of wine.

(68A Stat. 665, 666; 26 U. S. C. 5362, 5368)

SAMPLES FOR USE ON BONDED WINE CELLAR PREMISES

§ 240.745 *For analysis.* The proprietor may take samples of wine free of tax for analysis on his bonded wine cellar premises, or in his adjacent off-bond laboratory.

(68A Stat. 667; 26 U. S. C. 5372)

§ 240.746 *For tasting and testing.* The proprietor may take samples of wine free of tax for tasting and testing in his bonded wine cellar. If a room or area is set aside for tasting purposes, a record shall be maintained showing the quantities and kinds of wine transferred to the room or area for tasting.

(68A Stat. 667; 26 U. S. C. 5372)

SUBPART KK—DESTRUCTION OF WINE

§ 240.750 *General.* Wine in a bonded wine cellar may be destroyed by the proprietor without payment of tax, but the wine must be inspected and the destruction supervised by an internal revenue officer, unless the assistant regional commissioner authorizes the proprietor to destroy the wine without inspection and supervision.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.751 *Application to assistant regional commissioner.* When the proprietor desires to destroy wine and be relieved of tax liability thereon, he will file an application, in duplicate, with the assistant regional commissioner, stating the kind, alcohol content, and approximate quantity of wine which he desires to destroy, and the reason for desiring such destruction. The wine may not be destroyed until authority is received from the assistant regional commissioner.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.752 *Explanation required.* If part of the volume of the material to be destroyed is not wine, the quantity so destroyed will be reported on the basis of actual wine content of the material, excluding any dilution by water or other substance. The proprietor shall furnish such explanation of the condition of the wine as the assistant regional commissioner may require.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.753 *Record of destruction.* The proprietor will maintain a record of the quantity destroyed and include the quantity in his monthly report, Form 702.

(68A Stat. 666; 26 U. S. C. 5367, 5370)

SUBPART LL—DISPOSITION OF LEES, INCLUDING FILTER WASH AND OTHER RESIDUES

§ 240.760 *Removal as by-product.* Where it is desired to remove lees from a bonded wine cellar for use as fertilizer, the manufacture of cream of tartar, or other by-products, all wine must be expressed or drained from the lees before removal from the premises. Lees removed for such purposes must not be used as distilling material or received on fruit distillery premises. Application must be filed as required in § 240.762.

(68A Stat. 664; 26 U. S. C. 5361)

§ 240.761 *Removal as distilling material.* Where it is desired to use lees, including filter wash and other residues, as

distilling material, the lees must be removed and reported in the same manner as wine removed for distilling material. When necessary, water may be added to lees before removal as distilling material. Appropriate entry of the quantity of water added to the lees must be made in the proprietor's records, as provided in § 240.486.

(68A Stat. 665; 26 U. S. C. 5362)

§ 240.762 *Application for destruction or removal.* When the proprietor of a bonded wine cellar has a substantial quantity of lees which he desires to destroy or remove other than for use as distilling material, and obtain special allowance therefor, he shall make written application, in duplicate, to the assistant regional commissioner, or to the internal revenue officer if one is assigned at the premises (or is otherwise available) for permission to do so, stating the approximate quantity and alcohol content of the lees, and the nature of the proposed disposition. The lees may not be destroyed or removed until authority has been received.

(68A Stat. 664, 666; 26 U. S. C. 5361, 5370)

§ 240.763 *Record.* When lees are destroyed or removed under Government supervision or authorization, the quantity shall be entered in cellar records and reported on Form 702 as lees destroyed or lees removed, with an explanatory statement showing that the lees were destroyed or removed under supervision or authority of an internal revenue officer. Lees so destroyed or removed will not be included with losses in calculating the percent of wine lost under § 240.783.

(68A Stat. 664, 666; 26 U. S. C. 5361, 5367, 5370)

SUBPART MM—CHANGE OF SPARKLING AND ARTIFICIALLY CARBONATED WINE INTO STILL WINE

§ 240.770 *Conversion into still wine.* Sparkling wine or artificially carbonated wine may be dumped into other containers for use as still wine. Such sparkling wine or artificially carbonated wine must be dumped, in each instance, so as to permit the loss of any effervescence (carbon dioxide) remaining in the wine. If it is desired to destroy sparkling wine or artificially carbonated wine, the procedure described in Subpart KK of this part will be followed.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.771 *Conversion of 30 gallons or more.* When the proprietor has as many as 30 gallons of effervescent wine which he desires to convert to still wine, he will file application, in duplicate, with the assistant regional commissioner stating the approximate number of gallons and the reason for desiring to convert the wine. The effervescent wine may be converted to still wine when authorized by the assistant regional commissioner.

§ 240.772 *Conversion of less than 30 gallons.* Quantities of less than 30 gallons of effervescent wine may be converted to still wine by the proprietor without notice or supervision: *Provided*, That the assistant regional commissioner may require the proprietor to file applications therefor.

§ 240.773 *Records.* When effervescent wine is converted to still wine, the quantity shall be entered on the proprietor's cellar records and reported on Form 702.

(68A Stat. 666; 26 U. S. C. 5367)

SUBPART NN—LOSSES OF WINE IN BOND

§ 240.780 *Losses by theft.* The tax shall be collected on wine stolen while on bonded wine cellar premises or in transit thereto or therefrom in bond, unless the proprietor, or other person responsible for the tax, establishes to the satisfaction of the assistant regional commissioner that the theft did not occur as the result of connivance, collusion, fraud or negligence on the part of the proprietor or other person responsible for the tax, or the owner, consignor, consignee, bailee, or carrier, or the agents or employees of any of them. Application for allowance of losses of wine by theft shall be filed as provided in this subpart.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.781 *Unauthorized voluntary destruction.* The tax shall be collected on wine voluntarily destroyed while on bonded wine cellar premises or in transit thereto or therefrom in bond, unless the destruction of the wine was effected in accordance with Subpart KK.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.782 *Other losses.* Allowance will be made for wine reported lost, otherwise than by theft or destruction, while on bonded wine cellar premises, or in transit thereto or therefrom in bond, if it is shown to the assistant regional commissioner that such loss was in fact sustained. The assistant regional commissioner may require the proprietor of the bonded wine cellar, or other person responsible for the tax, to file an application for allowance of the loss and submit proof as to the cause or causes of such loss.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.783 *Losses during fiscal year.* Losses on bonded wine cellar premises during the fiscal year, beginning July 1 and ending June 30 will be entered on monthly report, Form 702, as the extent thereof is determined. The proprietor must take actual inventory of all untaxpaid wine on hand in the bonded wine cellar at the close of business June 30 and December 31 of each year. The inventories will be reported on Form 702–C, as required by § 240.903, and losses disclosed by the inventories will be reported on Form 702 for the months of June and December. No application for allowance of loss will be required for losses in production or storage provided (a) there are no circumstances indicating that the wine reported lost, or any part thereof, was unlawfully removed, and (b) that the loss did not exceed three percent of the aggregate quantity of wine on hand at the beginning of the fiscal year and received in bond during the fiscal year, six percent of the still wine produced by fermentation and six percent of the sparkling wine produced by fermentation in bottles, at the bonded wine cellar during the fiscal year.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.784 *Calculation.* The percentage applicable to each taxable grade of wine shall be calculated separately, unless such calculation is impracticable because of the mixture of different grades by addition of wine spirits or blending during the fiscal year, in which case the percentage will be calculated on the aggregate quantity. Wine removed for use as distilling material soon after production and on which the usual racking, clarifying, and filtering losses are not sustained, will not be included in the calculations.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.785 *Losses in transit.* Where the loss of wine in transit from any package, case, tank car, or other container shipped in bond to another bonded wine cellar exceeds one percent (two percent on transcontinental shipments) of the quantity so shipped therein, the proprietor of the receiving wine cellar must file with the assistant regional commissioner for his region an application for allowance of the entire loss. The application shall be prepared in accordance with § 240.787 and be attached to the report, Form 702, for the month in which the wine is received. If the loss does not exceed one percent (two percent on transcontinental shipments), application for allowance of the loss will not be required, provided there are no circumstances indicating that the wine lost, or any part thereof, was diverted to an unlawful purpose.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.786 *Losses by fire or other casualty.* Losses by fire or other casualty, or any other extraordinary or unusual losses, including losses by theft, must be reported immediately to the assistant regional commissioner, or nearest designated internal revenue officer. Such losses shall be entered on Form 702 for the month in which they occur. Application for allowance of loss shall be prepared in accordance with § 240.787, and attached to the report for the month in which the loss is reported.

(68A Stat. 666; 26 U. S. C. 5370)

APPLICATION FOR ALLOWANCE

§ 240.787 *Preparation and submission.* Application for allowance for wine reported lost must be prepared by or at the direction of the proprietor or his duly authorized agent and, except in the case of losses in transit, by fire or other casualty, or any other extraordinary or unusual losses, must be attached to and submitted with report, Form 702, for the month of June, or in the case of discontinuance of the premises or change in proprietorship, attached to the final report. Where for a valid reason the required application cannot be submitted with the Form 702, a statement must be attached to the report setting forth the reason the application cannot be filed at that time, and specifying when it will be filed with the assistant regional commissioner.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.788 *Form of application.* Application for allowance of losses of wine in bond shall be made on letter size

paper, in duplicate, showing the name and address of the proprietor, and setting forth the following information:

(a) The quantity of wine on which the loss was sustained, the taxable grade, the amount of wine lost, and the percentage of the loss;

(b) Where the application covers losses at a bonded wine cellar during a fiscal year or period of operation, there shall also be stated the quantities of wine on hand at the beginning of the fiscal year, received in bond, and produced during the year. If the percentage of loss is calculated separately by taxable grades, such quantities shall be shown separately by taxable grades. If sparkling wine has been produced, the quantity produced by fermentation in bottles will be stated;

(c) Application covering losses in transit in bond shall show the quantity lost from each container, the serial number thereof, if any, the quantity shipped therein, and the points between which the wine was shipped;

(d) The nature, cause and extent of the loss must be stated specifically and in sufficient detail to disclose all the material facts and circumstances surrounding the loss;

(e) If lost by theft, the facts establishing whether the loss occurred as the result of any negligence, connivance, collusion, or fraud on the part of the proprietor, owner, consignor, consignee, bailee, or carriers, or the employees of any of them, shall be stated; and

(f) If lost by fire or other casualty, whether the proprietor is indemnified or recompensed for the loss, and if so, the amount and nature of such indemnity or recompense. If the proprietor is indemnified for the loss, the application must set forth specifically the market value of the wine less the tax, and the amount of indemnity received.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.789 *Supporting documents.* Applications for allowance of losses of wine while being transferred by carrier shall be supported whenever possible by a copy of the bill of lading, and statements of the agents of the carrier having personal knowledge of the loss.

(68A Stat. 666; 26 U. S. C. 5370)

§ 240.790 *Insurance coverage.* The remission, abatement, or refund, or credit of, or other relief from, taxes on wine shall be allowed only to the extent that the proprietor is not indemnified or recompensed for such tax.

(68A Stat. 667; 26 U. S. C. 5371)

SUBPART OO—RETURN OF UNMERCHANTABLE TAXPAID WINE TO BONDED WINE CELLAR

§ 240.800 *General.* Taxpaid foreign or United States wine may be received at any bonded wine cellar for reconditioning and reshipment without retaxpayment, or for destruction, and in the case of unmerchantable sparkling wine or artificially carbonated wine produced in the United States, tax may be refunded or credited in accordance with the provisions of this subpart.

(68A Stat. 609, 664; 26 U. S. C. 5044, 5361)

§ 240.801 *Receipt.* The unmerchantable taxpaid wine shall be received and retained off the bonded premises, or in the taxpaid room on the bonded premises, in the containers (including cases) in which it is received, until it is transferred to the general bonded area for reconditioning or destruction, unless otherwise authorized by the assistant regional commissioner, or unless the wine is to be retaxpaid, as provided in § 240.807. The wine may be so retained until a sufficient quantity has been received for economical handling. The containers of each lot of wine returned must be marked so that they may readily be associated with credit memoranda or similar papers covering return of the wine.

(68A Stat. 611, 664; 26 U. S. C. 5044, 5361)

§ 240.802 *Transfer to general bonded area.* When the proprietor desires to transfer the wine from off-bond storage or the taxpaid room on the bonded premises to the general bonded area for reconditioning or destruction, he will notify the assistant regional commissioner, or officer designated by him, of the kind, quantity and alcohol content (taxable grade) of the wine, the date on which he desires to transfer the wine to the general bonded area, and its proposed disposition. Where thirty gallons or more of unmerchantable sparkling wine or artificially carbonated wine, produced in the United States, have been accumulated on which it is desired to obtain refund of or credit for tax, application shall be filed in quadruplicate showing, in addition to the above information, the name, address and registry number of the bonded wine cellar from which the effervescent wine was removed, and the date of removal or taxpayment. The assistant regional commissioner may assign an officer to inspect the wine and supervise its transfer to the general bonded area and conversion or destruction, or he may authorize the proprietor, except where claim for refund or credit is to be filed, to transfer the wine without such inspection and supervision.

(68A Stat. 611, 664; 26 U. S. C. 5044, 5361)

§ 240.803 *Reconditioning and removal.* The returned wine shall be reconditioned and removed from the bonded premises expeditiously. Foreign wine shall be kept separate from United States wine. If necessary to facilitate handling, the proprietor may be authorized to add to United States wine an additional quantity of previously untaxpaid wine, as provided in § 240.804. The containers in which reconditioned wine is placed shall be marked in accordance with § 240.562; and in the case of foreign wine the country of origin shall be marked thereon.

(68A Stat. 664; 26 U. S. C. 5361)

§ 240.804 *Taxpayment of additional quantity.* Where the quantity of United States wine to be reconditioned is less than 500 gallons of any one kind (class and type) of wine, the proprietor may add thereto a sufficient quantity of the same kind of wine to facilitate reconditioning. For this purpose the proprietor shall provide in the bonded premises an accurately calibrated tank. The proprietor shall submit a letter notice, in duplicate, to the assistant regional commissioner, who may detail an officer to supervise the addition of the wine to the returned wine. The notice will specify the kind and quantity of wine being reconditioned, the additional quantity to be taxpaid, and the date it is proposed to taxpay the additional quantity. A copy of the notice, bearing the approval of the assistant regional commissioner, will be returned to the proprietor as his authority to proceed. The untaxpaid wine will be run into the measuring tank, the proprietor will measure the wine, and will enter in his records as a taxable removal the quantity as measured. The returned wine may then be mingled with the wine so measured. The proprietor will report the details of the transaction in part X of Form 702.

§ 240.805 *Records.* The proprietor shall keep a separate record concerning the reconditioning of returned taxpaid wine showing the date of reconditioning, the quantity and taxable grade of the wine reconditioned, the quantity, if any, of wine specially taxpaid for addition to the wine being reconditioned and the serial numbers or other identification of the containers in which the reconditioned wine was placed. In addition the following information will be shown in respect to wine received for reconditioning and removed:

(a) Name and address of the person from whom the wine is received;

(b) Date of receipt;

(c) The kind, quantity and taxable grade of the wine;

(d) The serial numbers or other identifying marks of the containers in which the wine is received;

(e) The name and address of the persons to whom the reconditioned wine is shipped;

(f) Time of shipment; and

(g) The kind, quantity and taxable grade shipped to each. If the information required in regard to receipts and shipments is shown on the taxpaid room record required by § 240.921 the separate record of reconditioning need not include information as to receipt and disposition of the wine.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.806 *Destruction of returned taxpaid wine.* Taxpaid wine which has been received at the bonded wine cellar may be destroyed. Upon destroying the wine the proprietor will forward to the assistant regional commissioner a notice showing the kind of wine, quantity, taxable grade and date of destruction. Unless records showing the receipt of the wine and the person from whom received have previously been made in connection with the regular taxpaid room records required by § 240.921, separate record showing this information will be prepared.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.807 *Retaxpayment of returned United States wine.* Where, because of the quantity involved, or other reason, the proprietor does not recondition the returned United States wine separately,

cations therefor.

or taxpay an additional quantity for adding thereto to facilitate reconditioning, he may return the taxpaid wine to stock in the bonded premises, subject to retaxpayment if removed for a taxable purpose. When wine is so returned, the procedure described in §§ 240.801 to 240.804 should not be followed. Such returned United States wine will be reported on Form 702 with an explanatory notation in part X of the form.

(68A Stat. 664; 26 U. S. C. 5361)

REFUND OF TAX ON UNMERCHANTABLE WINE

§ 240.808 *General.* The tax paid or determined on any sparkling wine or artificially carbonated wine produced in the United States which has been returned to a bonded wine cellar as unmerchantable shall be refunded, or credited, without interest, or the person liable for the tax relieved of such liability, as provided in this subpart.

(68A Stat. 611; 26 U. S. C. 5044)

§ 240.809 *Refund, credit, or relief.* Where sparkling wine or artificially carbonated wine, produced in the United States and removed subject to tax, has been returned to a bonded wine cellar as unmerchantable and for conversion into still wine in accordance with Subpart MM of this part or for destruction in accordance with Subpart KK of this part the proprietor so converting or destroying the wine may obtain refund or credit or the person liable for the tax relieved of such liability: *Provided*, The quantity so received totals thirty wine gallons or more: *And provided further*, That the wine was removed subject to tax on or after January 1, 1955.

(68A Stat. 611; 26 U. S. C. 5044)

§ 240.810 *Claim for refund or credit.* When the conversion or destruction of sparkling wine or artificially carbonated wine has been completed, pursuant to application in amounts totaling thirty wine gallons or more, a claim on Form 843, in duplicate, may be filed with the assistant regional commissioner by the proprietor requesting refund of tax on the unmerchantable wine so converted or destroyed. There shall be attached to each copy of the claim a copy of the application for destruction or conversion of the unmerchantable wine, bearing the certification of the internal revenue officer supervising the conversion or destruction and showing the date of taxpayment of the wine. If the proprietor desires that the amount of tax on the unmerchantable wine be credited against current taxable removals of wine, instead of refunded, he shall take credit on a wine tax return, Form 2050.

(68A Stat. 611; 26 U. S. C. 5044)

§ 240.811 *Relief.* Where a quantity of sparkling wine or artificially carbonated wine removed upon determination of tax is returned to a bonded wine cellar as unmerchantable pursuant to approved application prior to payment of tax, and is converted or destroyed as provided in § 240.809, the person liable for the tax may be relieved of such liability by taking credit for the amount of tax involved on the tax return, Form 2050, on which the tax would otherwise have been paid.

(68A Stat. 611; 26 U. S. C. 5044)

SUBPART PP—WITHDRAWAL OF WINE SPIRITS FOR WINE PRODUCTION

§ 240.820 *General.* The wine spirits authorized for use in wine production shall be produced from the distilling material authorized for use in distillery operations under section 5215, Internal Revenue Code, but shall not be reduced with water from distillation proof, nor be distilled at less than one hundred forty degrees proof: *Provided*, That commercial brandy aged in wood for a period of not less than two years and barreled at not less than one hundred degrees proof shall be deemed wine spirits for purposes of this part.

(68A Stat. 667; 26 U. S. C. 5373)

§ 240.821 *Who may withdraw.* The proprietor of any bonded wine cellar may withdraw and receive wine spirits without payment of tax from any registered fruit distillery or internal revenue bonded warehouse for use in the production of natural wine, or for addition to concentrated or unconcentrated juice for use in wine production, or for such other uses as are authorized in this part. Application for the withdrawal of wine spirits should not be filed until facilities for the receipt, storage or use of the spirits have been approved by the assistant regional commissioner. The proprietor will advise the assistant regional commissioner, or officer designated by him, sufficiently in advance of withdrawals so that an internal revenue officer may be assigned to supervise the receipt of the wine spirits at the wine cellar.

(68A Stat. 667; 26 U. S. C. 5373)

§ 240.822 *Application, Form 257.* Where it is desired to withdraw wine spirits for wine production, either from a fruit distillery or from an internal revenue bonded warehouse, application will be made by the proprietor on Form 257. The proprietor shall specify in the application the approximate desired date of receipt of wine spirits and whether the wine spirits are to be withdrawn in packages, railroad tank cars, tank trucks, or by pipeline, and (a) if the wine spirits are to be withdrawn in railroad tank cars, whether both the bonded wine cellar and the distillery or warehouse from which the wine spirits are to be withdrawn are equipped with suitable railroad siding facilities, pipelines, and tanks for gauging the wine spirits, (b) if the wine spirits are to be withdrawn in tank trucks, whether both the bonded wine cellar and the distillery or warehouse from which the wine spirits are to be withdrawn are equipped with suitable loading and unloading facilities and tanks for gauging the wine spirits, and (c) if the wine spirits are to be withdrawn by pipeline, whether the wine cellar and the distillery or warehouse from which the wine spirits are to be withdrawn are located on adjacent premises and are equipped with suitable tanks, and whether the pipeline has been inspected and approved as required by § 240.169. He shall state in the application the penal sum of the bond, Form 700. The same application may not include wine spirits from more than one distillery or warehouse, or from both a distillery and a warehouse, nor two or more lots to be removed from the same distillery or warehouse at different times, except where the distillery or warehouse is adjacent to the bonded wine cellar, as provided in § 240.825.

(68A Stat. 667; 26 U. S. C. 5373)

§ 240.823 *Filing of Forms 257.* The application shall be filed in triplicate where the bonded wine cellar and the distillery or warehouse are in the same internal revenue region, and in quadruplicate where they are in different regions. Where the wine cellar and distillery or warehouse premises are located in the same region Form 257 will be submitted to the internal revenue officer if one is assigned to the wine cellar, or to an adjacent fruit distillery or internal revenue bonded warehouse. If an internal revenue officer is not assigned to such premises, the application will be submitted to the assistant regional commissioner or to such officer as he may designate. The assistant regional commissioner will notify each designated internal revenue officer of the amount of the proprietor's bond. He will also notify each proprietor concerned where Forms 257 are to be submitted to a designated internal revenue officer. Forms 257 covering inter-region withdrawals will be submitted direct to the assistant regional commissioner of the region in which applicant wine cellar is located.

(68A Stat. 667; 26 U. S. C. 5373)

§ 240.824 *Transfer of wine spirits.* If an application for withdrawal of wine spirits in the same region is approved, all copies will be forwarded by the approving officer to the fruit distillery or the internal revenue bonded warehouse as authority for release of the wine spirits. Upon receipt of the wine spirits at the bonded wine cellar they will be deposited in the wine spirits storage room or tank. If an internal revenue officer is not assigned to the bonded wine cellar, the proprietor will on receipt of the wine spirits request the assistant regional commissioner or designated officer to detail an officer to supervise the deposit or immediate use.

(68A Stat. 667; 26 U. S. C. 5373)

§ 240.825 *Monthly withdrawals.* If the distillery or warehouse and the wine cellar are located on adjacent premises and wine spirits are to be transferred to the bonded wine cellar from time to time during the month, under supervision of an internal revenue officer, the proprietor's application on Form 257 may cover all wine spirits to be transferred to the wine cellar during the month. In such case, if the bond of the proprietor is not in the maximum penal sum, the proprietor shall specify on Form 257 the maximum quantity of wine spirits that will be removed from the distillery or warehouse on any one day, less the quantity on hand unused at the beginning of the day.

(68A Stat. 667; 26 U. S. C. 5373)

§ 240.826 *Receipt of wine spirits in packages.* When packages of wine spirits are received at the bonded wine cellar the proprietor will examine the packages and satisfy himself that the wine spirits are the same as described in Forms 257 and 1520 (received from the distillery or warehouse) and then will deposit the wine spirits in the wine spirits storage room under the supervision of the internal revenue officer. The proprietor, under the supervision of the officer, will gauge any packages which appear to have been tampered with or from which wine spirits appear to have been abstracted or lost. The details of packages so regauged will be reported on Form 1520, in quadruplicate, by the proprietor with a statement setting forth fully the apparent cause of the loss.

(68A Stat. 666, 667; 26 U. S. C. 5368, 5373)

RECEIPT OF WINE SPIRITS BY PIPELINE

§ 240.827 *General.* Where the distillery or warehouse and the bonded wine cellar are located on adjacent premises wine spirits may be transferred from the distillery or warehouse to the wine cellar by pipeline for immediate use in wine production, or may be transferred to wine spirits tanks for subsequent use.

(68A Stat. 634; 667; 26 U. S. C. 5194, 5373)

§ 240.828 *Transfer of wine spirits by pipeline for immediate use.* Wine spirits transferred by pipeline for immediate use may be gauged either by weight or by volume in the distillery or the warehouse. Where the spirits are gauged in the distillery or warehouse, the pipeline shall be directly connected, as provided in § 240.169, with wine spirits addition tanks. The valves in the pipeline will be closed and locked with a Government lock at all times except when necessary to be opened for the transfer of wine spirits. Where the proprietor has placed wine in a wine spirits addition tank and has ascertained the quantity of wine spirits to be added, the wine spirits may be transferred under the supervision of the internal revenue officer.

(68A Stat. 667; 26 U. S. C. 5373)

§ 240.829 *Transfer of wine spirits by pipeline to wine spirits storage tank in wine cellar.* Where it is desired to transfer wine spirits by pipeline to the bonded wine cellar and store such spirits therein prior to use, there must be provided within the wine cellar a suitable storage tank or tanks for storing the wine spirits. The pipeline from the adjacent distillery or warehouse must empty into such tank or tanks as provided in § 240.169. The wine spirits will be transferred under supervision of the internal revenue officer, and if not gauged in the distillery or warehouse, shall be gauged by weight or volume in the bonded wine cellar.

(68A Stat. 667; 26 U. S. C. 5373)

WITHDRAWAL OF WINE SPIRITS IN TANK CARS AND TANK TRUCKS

§ 240.830 *General.* Wine spirits may be withdrawn in railroad tank cars (where shipping and receiving premises have suitable railroad siding facilities) and tank trucks, provided appropriate weighing tanks or tanks suitable for measuring the spirits are provided in both the distillery or warehouse and the bonded wine cellar for gauging the wine spirits, or the wine spirits are transferred in accurately calibrated tank cars or tank trucks with calibration charts available at the distillery or warehouse and the wine cellar, and a closed storage tank (or tanks) of sufficient capacity to hold the wine spirits is provided in the wine cellar. Pipelines for transfer of wine spirits from the tank car or tank truck to the tank in the bonded wine cellar must be provided in accordance with § 240.169.

(68A Stat. 634, 667; 26 U. S. C. 5194, 5373)

§ 240.831 *Tank car and tank truck requirements.* Railroad tank cars and tank trucks used to transport wine spirits for use in wine production must be constructed, marked, filled, labeled, and inspected, in the manner required by regulations in Part 221 or Part 225, as applicable, of Title 26 of the Code of Federal Regulations.

(68A Stat. 634; 26 U. S. C. 5194)

§ 240.832 *Examination of tank car or tank truck upon arrival at wine cellar.* Upon arrival of the tank car or tank truck at the bonded wine cellar, the seals must not be broken or any wine spirits removed except in the presence of the internal revenue officer, who will first carefully examine the car to see whether the seals are intact and whether there is any evidence of loss by leakage or otherwise. The contents of the tank car or tank truck will be gauged by weight or volume at the time of receipt by the proprietor under the supervision of the internal revenue officer. If the tank car or tank truck has been accurately calibrated, and the calibration chart is available at the wine cellar, the wine spirits may be gauged by volume in the tank car or tank truck. In any case where a volume gauge is made, the actual measurements of the depth of the spirits in the gauging tank, tank car, or tank truck, and the temperature of the spirits, will be recorded on Form 1520. The transfer of the wine spirits from the tank car or tank truck to the wine spirits storage tank must be made under the supervision of the internal revenue officer. The label attached to the tank car or tank truck at the distillery or warehouse shall be destroyed by the proprietor immediately the car or truck is emptied.

(68A Stat. 634, 666; 26 U. S. C. 5194, 5366)

§ 240.833 *Report of gauge at wine cellar.* The proprietor will prepare a report of his gauge on Form 1520, in quadruplicate, of the wine spirits received by tank car or tank truck, and will attach a copy of the form to each copy of Form 257 received from the distillery or warehouse. If there is a loss in excess of one percent the proprietor will submit a report to the internal revenue officer supervising the receipt, stating the apparent cause of the loss and all circumstances having a bearing thereon.

(68A Stat. 634; 26 U. S. C. 5194)

RECORD AND SUPERVISION

§ 240.834 *Disposition of Form 257.* When the wine spirits have been deposited in the wine spirits storage room or storage tank, or run directly into a wine spirits addition tank, the proprietor will execute the certificate of deposit on each copy of Form 257 (in case the form covers a single shipment), forward promptly one copy, with Form 1520 attached, to the assistant regional commissioner, and retain the remaining copy as a part of the bonded wine cellar records. In case Form 257 is for monthly withdrawals, the proprietor will acknowledge receipt of the wine spirits on each copy of Form 1520 received from the distillery or warehouse, and attach a copy of Form 1520 to each copy of Form 257. At the end of the month the proprietor will execute the certificate of deposit on each copy of Form 257, forward one copy, with Forms 1520 attached, to the assistant regional commissioner, and retain the remaining copy as a part of his wine cellar records.

(68A Stat. 666; 26 U. S. C. 5368)

§ 240.835 *Waiver of requirements of supervision.* The assistant regional commissioner may waive the requirements that the receipt and use of wine spirits at a bonded wine cellar be supervised by an internal revenue officer. In such case, the wine spirits so received will be gauged by the proprietor and placed under his lock.

(68A Stat. 666; 26 U. S. C. 5366)

WITHDRAWAL OF WINE SPIRITS FOR USE IN EFFERVESCENT WINE OR SPECIAL NATURAL WINE PRODUCTION

§ 240.836 *Withdrawal from distillery or warehouse.* Proprietors of bonded wine cellars engaged in the production of sparkling wine or artificially carbonated wine, or special natural wine, for which wine spirits are required for dosage, or for the preparation of approved essences or similar approved flavorings on the wine cellar premises, may make application on Form 257 in accordance with § 240.822 to withdraw tax-free wine spirits in a quantity not to exceed two packages or 110 wine gallons. If bottled wine spirits are procured, the quantity shall be limited to two cases. Such wine spirits will be received by the proprietor and placed under his lock in a secure room or locker on the bonded premises, and the receipt on Form 257 acknowledged by him. Use of the wine spirits may be permitted without Government supervision. The quantity on hand at any time shall not exceed three packages or three cases. Record of receipt and use will be kept in accordance with Subpart UU of this part and entered on Form 702.

(68A Stat. 667, 668, 671; 26 U. S. C. 5373, 5382, 5386)

§ 240.837 *Withdrawal from wine spirits storage room.* If a proprietor has wine spirits in packages on hand under Government lock in his wine spirits storage room he may, instead of following the procedure in § 240.836, submit to the

internal revenue officer at the premises a written request, in duplicate, to withdraw from such room a quantity of wine spirits not to exceed two packages. If the request is in order the internal revenue officer will release the spirits, and the proprietor will gauge them and prepare Form 1520, in triplicate, under the supervision of the internal revenue officer. The wine spirits will then be released to the proprietor and placed under his lock in a secure room or locker on the bonded premises. One copy of Form 1520 will be retained by the proprietor, one copy of the proprietor's request with a copy of Form 1520 attached will be forwarded to the assistant regional commissioner, and the remaining copy of the request and Form 1520 will be placed in the Government cabinet. Losses of wine spirits disclosed on regauge will be handled in accordance with Subpart QQ of this part. Use of wine spirits so released to the proprietor may be permitted without Government supervision. Record of such use will be kept in accordance with Subpart UU of this part and entered on Form 702.

(68A Stat. 667, 668; 26 U. S. C. 5373, 5382)

SAMPLES OF WINE SPIRITS

§ 240.838 *Limitations.* Samples of wine spirits may be withdrawn, free of tax, from any bonded wine cellar for analysis or testing. A sample may be withdrawn from each lot of wine spirits received, or from each wine spirits storage tank, or from a package representative of a lot of wine spirits on hand in the wine spirits storage room. Each sample shall be not more than one pint in size, and only one sample may be taken from any lot of wine spirits, unless authority is received from the assistant regional commissioner for larger or additional samples, upon a showing of necessity therefor. All spirits produced at the same distillery on the same day, if received in the same shipment, will be considered as constituting a lot of spirits.

(68A Stat. 667; 26 U. S. C. 5373)

§ 240.839 *Application.* The proprietor shall file application, in triplicate, with the internal revenue officer whenever samples of wine spirits are desired. The application shall identify the lot or lots of spirits from which samples are desired, the size of the sample to be withdrawn from each lot, and the disposition to be made of the samples. Remnants or residues of samples remaining after analysis or testing, and which are not retained for laboratory specimens, must be destroyed or returned to the bonded wine cellar for use in wine production.

(68A Stat. 667; 26 U. S. C. 5373)

SUBPART QQ—LOSSES OF WINE SPIRITS IN BOND

§ 240.850 *Taxable losses.* Tax shall be collected on wine spirits: (a) In the case of loss by theft, unless the assistant regional commissioner shall find that the theft occurred without connivance, collusion, fraud, or negligence on the part of the proprietor or other person responsible for the tax, or the owner, consignor, consignee, bailee, or carrier, or the employees of any of them; and (b) in the case of voluntary destruction, unless the proprietor or other person responsible for the tax destroys the spirits under such supervision as the assistant regional commissioner may require.

(68A Stat. 604; 26 U. S. C. 5011)

§ 240.851 *Insurance coverage.* The remission, abatement, refund, credit, or other relief from taxes on wine spirits lost by theft shall be allowed only to the extent that the claimant is not indemnified or recompensed for such tax, by a valid claim of insurance or otherwise.

(68A Stat. 604; 26 U. S. C. 5011)

§ 240.852 *All other causes.* The tax on wine spirits withdrawn for use in wine production, and lost due to causes other than theft or voluntary destruction while being transferred to the wine cellar, or while in the wine cellar, may be remitted as provided in §§ 240.855 and 240.856.

(68A Stat. 604; 26 U. S. C. 5011)

DETERMINATION OF LOSSES

§ 240.853 *In transit.* Losses in transit will be ascertained at the time the wine spirits are received at the wine cellar, as provided in §§ 240.826 and 240.833.

(68A Stat. 604; 26 U. S. C. 5011)

§ 240.854 *In wine cellar.* Losses by theft, or from other causes, in the bonded wine cellar, will be determined and reported at the time the losses are discovered. A physical inventory of wine spirits storage tanks shall be taken at the close of the month during which wine spirits are used in wine production, or upon completion of such use for the month and at any other time required by the assistant regional commissioner or a designated internal revenue officer. Any losses which have not previously been reported will be determined by the inventory. Where a loss is discovered requiring filing of a claim as provided in § 240.855, the proprietor will gauge the contents of the container from which the loss occurred and prepare a report of gauge on Form 1520, in quadruplicate. Three copies of Form 1520 will be delivered to the internal revenue officer at the premises.

(68A Stat. 604; 26 U. S. C. 5011)

CLAIMS FOR LOSSES

§ 240.855 *When required.* Where any loss by theft occurs, claim for remission of tax must be made by the proprietor. Where the loss from any package or railroad tank car or tank truck in transit to the bonded wine cellar exceeds one percent of the quantity shipped therein, claim for remission of tax on the entire quantity lost from the package or railroad tank car or tank truck must be made by the proprietor. Where the loss on any lot of wine spirits transferred to the wine cellar by pipeline exceeds one percent, claim for remission of tax on the entire quantity lost must likewise be made by the proprietor. Where the loss in the wine cellar from any package exceeds one percent of the quantity contained in the package at the time of receipt, or where the loss from storage tanks exceeds one percent of the total quantity contained in such tanks during the month, claim for remission of tax on the entire quantity lost from each such package or from such storage tanks, must be made by the proprietor.

(68A Stat. 604; 26 U. S. C. 5011)

§ 240.856 *When not required.* Where the loss in transit or in the wine cellar does not exceed one percent, calculated in accordance with § 240.855, claim for remission of tax will not be required, provided there are no circumstances indicating that the loss is not allowable under the law.

(68A Stat. 604; 26 U. S. C. 5011)

§ 240.857 *Form of claim.* No special forms have been prescribed for use in filing claims for remission of tax. Such claims shall be made on letter size paper showing the name and address of the claimant and the registry number of the bonded wine cellar, and shall set forth the following information:

(a) The name, registry number, and location of the distillery which produced the wine spirits;

(b) The serial numbers of the packages or other containers from which the wine spirits were lost, the quantity lost from each, and the total quantity of wine spirits covered by the claim;

(c) The total amount of tax for which claim is filed;

(d) The date of the loss, or if such date is not known, the date on which the loss was discovered, and the nature and cause (if known) of the loss, together with all the known material facts and circumstances surrounding the loss;

(e) The name of the carrier, if any;

(f) If lost by theft, the facts establishing whether the loss occurred as the result of any negligence, connivance, collusion, or fraud on the part of the distiller, warehouseman, owner, consignor, consignee, bailee or carrier, or the employees of any of them; and

(g) If lost by theft, whether the claimant is indemnified or recompensed for the loss, and if so, the amount and nature of such indemnity or recompense; the actual value of the wine spirits, less the tax, must be stated explicitly, and certified copies of all policies of insurance or other documents of indemnity covering the wine spirits, must be furnished where required. The claim will be signed by the proprietor or his authorized agent. Immediately above the signature will appear the following statement: "I declare under the penalties of perjury that this claim (including any accompanying statements) has been examined by me and to the best of my knowledge and belief is true and correct."

(68A Stat. 604, 749; 26 U. S. C. 5011, 6065)

§ 240.858 *Supporting documents.* Claims for remission of tax on wine spirits lost while being transferred to a bonded wine cellar shall, if the transfer was made by public carrier, be supported by statements of the agents of the carrier having personal knowledge of the loss, and whenever possible by a copy of the bill of lading. Claims covering losses in the wine cellar must be supported by statements of persons having personal knowledge of the loss.

(68A Stat. 604; 26 U. S. C. 5011)

§ 240.859 *Filing of claims.* Claims for remission of tax on wine spirits lost in transit, or in the bonded wine cellar, must be filed by the proprietor within 30 days of discovery of the loss with the assistant regional commissioner of the region in which the wine cellar is located.

(68A Stat. 604; 26 U. S. C. 5011)

SUBPART RR—DISPOSITION OF UNUSED WINE SPIRITS

§ 240.870 *General.* Wine spirits withdrawn by the proprietor of a bonded wine cellar and not used in wine production may be disposed of by transfer to an internal revenue bonded warehouse or another bonded wine cellar, or by taxpayment and removal to a person authorized to receive such spirits, or may be voluntarily destroyed without payment of tax as provided in § 240.874.

(68A Stat. 604, 667; 26 U. S. C. 5011, 5373)

§ 240.871 *Application to dispose of wine spirits.* Application for permission to transfer wine spirits to an internal revenue bonded warehouse or bonded wine cellar or to taxpay or destroy wine spirits, shall be filed with the assistant regional commissioner. The application, in duplicate, in letter form shall set forth the serial numbers of the packages or storage tanks in which the wine spirits are contained, the kind and quantity of wine spirits involved, the name and registry number of the distiller of the wine spirits, the date of receipt of the wine spirits in the wine cellar, and the reason it is desired to taxpay, destroy, or transfer the wine spirits.

(68A Stat. 667; 26 U. S. C. 5373)

§ 240.872 *Transfer to bonded warehouse or wine cellar.* When it is desired to transfer wine spirits to a bonded warehouse or bonded wine cellar the application shall specify the name, number and location of such premises, and the means or containers by or in which it is proposed to transfer the wine spirits thereto. The application shall also specify whether the proprietor of the designated warehouse or wine cellar has agreed to receive the wine spirits and file consent of surety on his bond, extending the terms of the bond to cover transfer to his premises and storage thereat.

(68A Stat. 667; 26 U. S. C. 5373)

§ 240.873 *Taxpayment.* When it is desired to taxpay the wine spirits, the application shall describe the containers in which the spirits will be removed upon taxpayment and the name and address of the person or persons to whom the spirits will be shipped and whether the spirits will be used for beverage or nonbeverage purposes.

(68A Stat. 667; 26 U. S. C. 5373)

§ 240.874 *Disposition of spirits.* If the application is approved, the proprietor may dispose of the spirits in accordance with the application. In case the spirits are to be destroyed the destruction will be accomplished under such supervision as the assistant regional commissioner may require. If the spirits are to be transferred to another bonded wine cellar or internal revenue bonded warehouse, or taxpaid, the assistant regional commissioner will advise the proprietor regarding the marking of the containers and the reports to be rendered. Prior to such transfer or taxpayment, the wine spirits will be gauged by the proprietor under the supervision of an internal revenue officer.

(68A Stat. 667; 26 U. S. C. 5373)

SUBPART SS—TAX LIABILITY FOR WINE SPIRITS WITHDRAWN FOR WINE PRODUCTION

§ 240.880 *Charge against proprietor.* Proprietors of bonded wine cellars may become liable for the tax on all wine spirits withdrawn for use in wine production, and their bonds must fully cover the internal revenue tax at the rate imposed by law on such wine spirits on hand or in transit, in addition to the tax on wine as provided in § 240.221.

(68A Stat. 667; 26 U. S. C. 5373)

§ 240.881 *Assessment of tax.* Where it appears that wine spirits withdrawn for use in wine production were unlawfully removed, or that the tax may not be remitted on a loss of wine spirits occurring in transit to or in the bonded wine cellar, the assistant regional commissioner will cause the tax to be assessed. Where wine spirits have been used in violation of the provisions of Subchapter F of Chapter 51 of the Internal Revenue Code and the proprietor of the bonded wine cellar does not satisfactorily show that such wine spirits were not knowingly used in violation of the law, the tax thereon will be assessed.

(68A Stat. 672; 26 U. S. C. 5391)

SUBPART TT—PRODUCTION AND STORAGE OF ALLIED PRODUCTS

§ 240.890 *Application.* A proprietor desiring to produce or prepare for market commercial fruit products, or recover by-products (not including volatile fruit-flavor concentrates) and store such products on bonded wine cellar premises must file application, in triplicate, with the assistant regional commissioner setting forth fully the details of the desired activity. Activities permitted will be limited to those in which fruit or fruit juice is the principal material used in production. Such operation may not be commenced before approval has been obtained from the assistant regional commissioner. Wine may not be used in the production of allied products.

(68A Stat. 664; 26 U. S. C. 5361)

§ 240.891 *Segregation.* Allied products will be produced and stored with such degree of segregation from wine operations as may be required by the assistant regional commissioner to prevent jeopardy to the revenue or conflict with wine operations. Equipment used for bottling or packing wine may not be used for bottling or packing allied products at times when wine is being bottled or packed, unless completely separate facilities are provided and the products are kept separate.

(68A Stat. 664; 26 U. S. C. 5361)

§ 240.892 *Records.* The use of fruit, fruit juice or concentrated fruit juice in the production of allied products will be reported on the record of materials received and used required by § 240.915. Fruit juice and concentrated fruit juice will be fully accounted for on that record. Commercial records must be kept showing the production and disposition of other allied products. If sugar is used in allied products, the receipt and use of the sugar so used will be shown on the sugar record required by § 240.914.

(68A Stat. 664; 26 U. S. C. 5361)

SUBPART UU—RECORDS AND REPORTS

§ 240.900 *Form 702.* The proprietor of each bonded wine cellar shall prepare at the close of each month Form 702, in duplicate, verified and signed under the penalties of perjury and, on or before the tenth day of the succeeding month, will forward the original of the report to the assistant regional commissioner. All operations of the bonded wine cellar will be reported in summaries on Form 702 as indicated by the headings of lines and columns, and in accordance with the instructions printed on the form or issued in respect thereto. The information reported on Form 702 will be obtained from the wine cellar records maintained in accordance with the requirements of this part. Where fractional parts of a gallon are involved, they shall be expressed in decimals to the nearest one-tenth gallon, five hundredths gallon being converted to the next full one-tenth gallon.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.901 *Form 2050.* The proprietor of every bonded wine cellar removing wine subject to tax will prepare Form 2050, in triplicate, showing thereon the number of gallons of wine of each tax class so removed during the day covered by the return, the amount of tax due by tax class, and the total tax due. There shall also be shown any increases or decreases in tax due to errors in previous returns, Form 2050, credits for the conversion or destruction of unmerchantable effervescent wine, credit for the prepayment of tax as shown by Form 2052, and amounts of tax due totaling less than $10 on account of removals on previous days when no return, Form 2050, was prepared as provided in § 240.591. Form 2050 will be serially numbered by the proprietor, commencing with "1" on January 1 of each year. Form 2050 shall contain or be verified by a written declaration that it is made under the penalties of perjury. One copy of the form will be retained by the proprietor and the original and one copy of the form, with remittance, will be filed with the district director as provided in § 240.591.

§ 240.902 *Form 2052.* When the proprietor desires to prepay tax, as provided in § 240.593, he shall first prepare Form 2052, in triplicate, covering a specific quantity of wine to be removed on that day. The original and one copy of Form 2052 shall be delivered to the district director of internal revenue or deposited in the United States mail properly addressed to him, together with a remittance as provided in § 240.593, prior to

removal of the wine. Form 2052 will be serially numbered by the proprietor, commencing with "1" on January 1 of each year. Credit for the amount prepaid on Form 2052 will be taken on the tax return, Form 2050, covering removals for a taxable purpose for the day.

§ 240.903 *Form 702–C.* The proprietor of every bonded wine cellar shall make a detailed report on Form 702–C, in duplicate, of each inventory taken by him of all wine on storage at his wine cellar at the close of business on June 30 and December 31 of each year. The original of Form 702–C shall be attached to Form 702 for the month to which it pertains. If at other times complete actual inventories of wine are taken and losses disclosed thereby are reported on the monthly report, Form 702, Form 702–C will be prepared and the original thereof forwarded with the report on Form 702.

(68A Stat. 666; 26 U. S. C. 5367, 5369)

§ 240.904 *Form 275 and Form 1520.* The proprietor of every bonded wine cellar using wine spirits in the production of wine shall prepare Forms 275 and 1520 at the time wine spirits are gauged and added to wine, as prescribed in §§ 240.376 and 240.379.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.905 *Prescribed forms.* All reports required by this part will be made on forms prescribed by the Director, Alcohol and Tobacco Tax Division. Entries will be made as indicated by the headings of the columns and lines and as required by the instructions printed thereon or issued in respect thereto and by this part. Where forms are prescribed for the keeping of cellar records, entries will be made on such records as instructions may provide, except that where substitute records are approved by the assistant regional commissioner, as provided in § 240.913, entries will be made as the assistant regional commissioner may require. Forms for reports, that is, forms which will be filed with the assistant regional commissioner, will be furnished free of cost by him. Prescribed forms for cellar records must be provided at the expense of the proprietor. Samples of such records may be obtained from the assistant regional commissioner for the use of commercial printers for reproducing the forms.

§ 240.906 *Form 2054, wine fermentation record.* Each proprietor engaged in the production of still wine shall maintain a wine fermentation record on Form 2054 showing the details of the fermentation and amelioration of wine. A separate Form 2054 shall be maintained for each kind of fruit or other primary material used in winemaking. Where no sugar is used in the production of wine from a particular kind of fruit, Form 2054 need not be maintained covering the production of wine from that fruit provided the record of materials received and used required by § 240.915 shows the quantity of fruit, juice, or concentrate used for winemaking each day, and in case water is added as permitted by §§ 241.353, 240 361, and 240.402, the total solids content of the juice in degrees Brix is shown before and after addition of the water, and the quantity of water used is recorded.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.907 *Form 2055, wine reserve inventory record.* Each proprietor engaged in the production of wine from grapes or other fruit, with the use of sugar, who desires to reserve wine of his own production for sweetening or the addition of wine spirits shall maintain a wine reserve inventory record on Form 2055, identifying the wine reserved and showing for the entire inventory the sweetening and wine spirits added and the resultant increases in volume. The inventory account will be balanced at the end of each month and whenever wine is withdrawn from reserve or losses are determined. Upon withdrawal of all wine from reserve inventory the account will be closed and a new inventory account opened when next it is desired to reserve wine for sweetening or the addition of wine spirits. A separate reserve inventory and record will be maintained for each kind of fruit. At the end of each month there will be reported on Form 702 the totals for all wine reserve inventories concerning: (a) Wine deposited in reserve; (b) increases in volume by sweetening; (c) increases in volume by the addition of wine spirits; (d) wine withdrawn from reserve; and (e) losses determined.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.908 *Form 2056, record of still wine.* Each proprietor of a bonded wine cellar who produces or receives still wine, other than distilling material or vinegar stock made with excess water, shall maintain a record of still wine on Form 2056, showing the quantities produced, received, removed, or used in effervescent wine production. A separate Form 2056 shall be maintained for each tax class of still wine. In each tax class, transactions for all still wines (including special natural wine but not including distilling material, vinegar stock, or wine in reserve) shall be entered on a single record. At the end of each month the totals shown by Form 2056 shall be reported on Form 702.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.909 *Form 2057, record of effervescent wine.* Each proprietor engaged in the production or receipt of effervescent wine shall maintain Form 2057 showing the details of production, receipt and removal. Separate records will be kept for sparkling wine fermented in bottles, sparkling wine fermented in bulk and artificially carbonated wine, for each kind of fruit. At the end of each month the still wine used in effervescent wine production and the effervescent wine produced and removed will be reported on Form 702.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.910 *Form 2058, special natural wine production record.* Each proprietor producing special natural wine under § 240.444 shall maintain Form 2058 showing the details of production. At the end of each month the total gains and losses in special natural wine production will be reported in part I of Form 702. In addition a separate record shall be maintained showing the receipt and use or other disposition of all herbs, aromatics, essences, or other flavoring materials received for the production of special natural wine. Entries will be made on the record, for which no form is prescribed, daily as the transactions occur. Proprietors producing special natural wine under § 240.443 will not keep Form 2058, but must maintain the separate record of herbs, etc., and in addition must keep the same records as are required in the production of natural wine.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.911 *Form 2059, record of distilling material or vinegar stock.* Each proprietor producing or receiving wine with excess water expressly for use as distilling material or vinegar stock shall maintain Form 2059 showing the amount and kind produced, received and removed. At the end of each month the proprietor shall record the total transactions in part VI of Form 702. Transactions of wine produced expressly for distilling material or vinegar stock will not be recorded on Form 2056.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.912 *Form 2060, record of wine cases filled.* Each proprietor removing wine in cases shall keep Form 2060, record of wine cases filled, showing the number of cases filled daily and the serial numbers, except that if serial numbers of cases are shown on the record of taxpaid removals, Form 2060 need not be maintained.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.913 *Substitute record.* Proprietors of bonded wine cellars, subject to the approval of the assistant regional commissioner, may maintain cellar records in a form other than that prescribed by this subpart, provided such substitute records contain all required information in a form permitting ready examination by internal revenue officers. Proprietors desiring to maintain a substitute record shall submit two copies of the proposed record, with typical entries thereon, to the assistant regional commissioner for approval. If the record is found to be satisfactory, the assistant regional commissioner will note his approval thereon, retain one copy and return the other copy to the proprietor.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.914 *Sugar record.* Each proprietor receiving, storing, and using sugar shall keep a separate record of such receipt and use. The record shall show the date of receipt, from whom received, and the kind and quantity. Invoices covering purchases shall be retained in support of this record. When sugar is used for ameliorating or sweetening purposes, the record shall show the date, kind, and quantity used, and the tank or lot number of wine in which used, except that when sugar is used for sweetening wine in reserve inventory, the tank or lot number need not be shown. The sugar record shall also show sugar used in the production of allied products or removed from the premises. At the close of each month the account shall be balanced and the quantity of each kind of sugar remaining on hand shall be shown in such record.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.915 *Separate record of materials received and used.* Each proprietor producing wine shall maintain a separate record showing the receipt, use or other disposition of basic winemaking materials, such as fruit, juice or concentrated juice. The record must show the date of receipt, the quantity received, the name and address of the person from whom received, and the date of use of the materials. If Form 2054 (or a substitute therefor) is maintained, the quantity of material used in each lot will be identified by lot number in the materials record. Where materials are received from others, the invoices or commercial papers showing the receipt will be retained in chronological order in support of the record. If materials are received off bonded premises and subsequently transferred to the bonded premises, the record will be maintained only with respect to material received on the bonded premises and will show the date of transfer and quantity transferred, but the invoices or commercial papers covering the purchase of the materials will also be kept available for inspection. Where grapes (or other fruit) received on the bonded premises are used in producing juice to be stored for future use or for removal, the record will show the quantities of grapes used and juice produced. Where fruit or juice is used to produce concentrated juice the record will show the quantity of fruit or juice used and the quantity of concentrated juice produced. The record must also show the use or other disposition of the juice or concentrated juice produced. At the close of each month the materials account will be balanced and the totals reported on Form 702.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.916 *Varietal and vintage wine records.* Where a proprietor desires to account for and dispose of wine under varietal or vintage designations, complete tank records, or similar records, must be maintained so that the origin of the wine may be verified.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.917 *Record of use of acids.* Each proprietor adding acid to correct a natural deficiency in juice or natural wine as provided in §§ 240.364 and 240.404 shall keep a record showing date of use, the kind and quantity of acid used, the kinds and quantities of wine in which used, and the fixed acid content of the juice or wine prior to the addition of acid. Where acid is used for the stabilization of wines as provided in § 240.526, the proprietor shall keep a record showing date of use, kind and quantity of acid used, and the kinds and quantities of wines in which used.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.918 *Other chemicals.* Where chemicals, preservatives, or materials other than acids are used in the cellar treatment of wine, as authorized in this part, a complete record of the purchase and receipt thereof must be kept at the bonded wine cellar premises available for inspection by internal revenue officers. The record shall show the kinds and quantities of chemicals and other materials received, the date of receipt, and the names and addresses of persons from whom purchased. Invoices covering purchases shall be retained in support of the record. Record of use of all chemicals except filter aids, inert fining agents, and sulphur dioxide compounds, and the acids listed in § 240.917, shall be maintained, showing the kind, quantity, and date of use, and kind and quantity of wine in which used.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.919 *Record of wine baked.* Where wine is baked on bonded wine cellar premises the proprietor shall keep a complete and up-to-date record showing (a) the serial number of each tank, (b) date wine is placed in the tank, (c) quantity and alcohol content of the wine, (d) date baking commenced, (e) date baking completed, (f) date wine removed from tank, and (g) quantity of wine removed and alcohol content thereof. In case wine is baked in barrels or puncheons, the record may be maintained on the basis of groups of such containers filled at one time, rather than for each individual container.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.920 *Record of taxpaid removals from bond.* Proprietors of bonded wine cellars removing wine from bond for consumption or sale on determination of tax shall keep a separate record of wine so removed and make entries therein at the time of removal either to the taxpaid room or for direct shipment. The record must show the date of removal, the name and address of the person to whom shipped, the kind (class and type) and quantity of wine, alcohol content (taxable grade), and serial numbers: *Provided*, That if the serial numbers are placed on the cases at the time of filling and Form 2060 is maintained, the assistant regional commissioner may authorize the proprietor to omit serial numbers from the record of tax paid removals as provided in § 240.561. On sales of one case or less the name and address of the consignee need not be shown. Where the proprietor keeps copies of invoices or other commercial records covering shipments as provided above, and they are kept in chronological order available for inspection and in such manner that the required information may be readily ascertained therefrom by internal revenue officers, the separate record may show the total quantity shipped each day in lieu of the details of each shipment.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.921 *Taxpaid room record.* Where a taxpaid room has been provided in accordance with § 240.145 or is maintained off the bonded premises, the proprietor shall maintain a separate record at such taxpaid room, showing the quantities, serial numbers, kind and alcohol content (taxable grade) of wine received thereat and shipped therefrom, including the dates of receipt and shipment, and the names and addresses of the persons to whom shipped, and the quantities, kind and alcohol content (taxable grade) of wine shipped to each: *Provided*, That on sales of one case or less the name and address of the consignee need not be shown. Where the proprietor keeps copies of invoices or other commercial records covering shipments from the taxpaid room as provided above respecting shipments, and they are kept in chronological order available for inspection and in such manner that the required information may be readily ascertained therefrom by internal revenue officers, the separate record may show the total quantity shipped each day in lieu of the details of each shipment. Where shipments of taxpaid wine are made directly from the bonded wine cellar premises and from the taxpaid room, and the sales record (invoices) does not distinguish between such sales, the proprietor shall then maintain a daily record of the balances of wine remaining in the taxpaid room. Where the proprietor has been authorized to omit serial numbers from the record of taxpaid removals, as provided in § 240.561, serial numbers may likewise be omitted from the taxpaid room record.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.922 *Time of making entries.* All operations and transactions must be entered on daily records or commercial papers on the day on which the transaction occurs, except where records are posted from work orders prepared at the time the transaction occurs, entries may be deferred until the next succeeding business day. If required records are posted from other records, the proprietor shall keep the original of the other record.

(68A Stat. 666; 26 U. S. C. 5367)

RETENTION OF RECORDS

§ 240.923 *Filing of forms.* The proprietor shall file his retained copies of reports and records separately by form number, in chronological order, in bound or other secure form. Form 702–C shall be filed with the Form 702 to which it pertains.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.924 *Period of retention.* All records, including all monthly reports and all separate records (or commercial papers kept in lieu thereof) must be retained by the proprietor for a period of three years: *Provided*, That the assistant regional commissioner or the Director, Alcohol and Tobacco Tax Division may require records to be kept an additional period of not exceeding three years in any case where such retention is deemed necessary or advisable.

(68A Stat. 666; 26 U. S. C. 5367)

§ 240.925 *Records available for inspection.* All records required to be kept at the bonded wine cellar shall be subject to inspection by internal revenue officers at any reasonable hour, and shall be filed in such manner that they may be readily inspected by the officers.

(68A Stat. 666; 26 U. S. C. 5367)

SUBPART VV—MISCELLANEOUS PROVISIONS

§ 240.940 *Exceptions to construction and equipment requirements.* The Director, Alcohol and Tobacco Tax Division, may approve details of construction and equipment in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford as much or more security and protection to the revenue as is intended by the specifications prescribed in this part and where such variations will not be contrary to any provision of law. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, prior approval must be obtained in accordance with the provisions of § 240.942.

§ 240.941 *Exceptions to methods of operation.* The Director, Alcohol and Tobacco Tax Division, may, in case of emergency, approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operation other than those provided for by this part, prior approval must be obtained in accordance with the provisions of § 240.942.

§ 240.942 *Application.* A proprietor who proposes to employ methods of operation or construction or to install equipment, other than as provided in this part, shall submit a letterhead application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the need therefor. Where variations in construction and equipment cannot be adequately described in the application, drawings or photographs shall also be submitted. The assistant regional commissioner will make such inquiry as is necessary to determine the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

§ 240.943 *Assessment of tax.* If an investigation or an examination of records discloses that liability for wine tax, distilled spirits tax, rectification tax, or occupational tax, has been incurred by the proprietor of a bonded winery or a bonded wine cellar, the assistant regional commissioner will notify the proprietor by letter of the basis and the amount of the proposed assessment in order to afford him an opportunity to submit a protest, with supporting facts, within thirty days, or to request a conference with regard to the tax liability.

SUBPART WW—EXAMINATION OF PREMISES

§ 240.950 *Officer's right of entry and examination.* Internal revenue officers have authority under the law to inspect at any reasonable hour the records, stocks, and premises of bonded wine cellars (including any portion of the premises designated as bonded wine warehouse) to determine that all provisions of the internal revenue laws and regulations are being complied with. Officers desiring to make inspections will identify themselves by exhibiting credentials. Any denial of or interference with such inspection by the proprietor, his agents, or employees, is a violation of law and will be reported as such for appropriate action.

(68A Stat. 872, 903; 26 U. S. C. 7342, 7606)

SUBPART XX—CALCULATIONS FOR WINE PRODUCTION

§ 240.960 *Limitations on amelioration for fruits and berries other than currants, gooseberries or loganberries.* If the acid of the juice does not exceed 5 grams per thousand ml., no addition of water is allowed, except that sufficient water may be added to reduce the total solids content to 22 degrees Brix, regardless of acid content. The acid content shall be calculated before fermentation and as tartaric acid in the case of grape wine, as malic acid in the case of apple wine, and as citric acid for other fruit and berry wines. If the acid of the juice is in excess of 5 grams per thousand ml., the addition of ameliorating material is allowed in sufficient quantity to reduce the acid to not less than 5 grams per thousand ml: *Provided,* That in no event shall the volume of such ameliorating material exceed 35 percent of the total volume of such ameliorated juice.

§ 240.961 *Volume of ameliorating material allowed for each 1,000 gallons of juice for various acid content (except currants, gooseberries, or loganberries).*

TABLE I

Grams acid per thousand milliliters in juice:	*Gallons ameliorating material allowed for each 1,000 gallons of juice*
5.0 or less	None
5.1	20.0
5.2	40.0
5.3	60.0
5.4	80.0
5.5	100.0
5.6	120.0
5.7	140.0
5.8	160.0
5.9	180.0
6.0	200.0
6.1	220.0
6.2	240.0
6.3	260.0
6.4	280.0
6.5	300.0
6.6	320.0
6.7	340.0
6.8	360.0
6.9	380.0
7.0	400.0
7.1	420.0
7.2	440.0
7.3	460.0
7.4	480.0
7.5	500.0
7.6	520.0
7.69 or over	538.4

§ 240.962 *Limitations on amelioration for currants, gooseberries, or loganberries.* The quantity of ameliorating material allowed for juice of currants, gooseberries, or loganberries shall not reduce the acid to less than 5 grams per thousand ml.: *Provided,* That in no event shall the volume of such ameliorating material exceed 60 percent of the total volume of such ameliorated juice. For acidities below 7.7 grams per thousand ml. the quantity shown in Table I may be used and for greater acidities Table II shows the allowable quantities of ameliorating material.

TABLE II

Grams acid per thousand milliliters in juice:	*Gallons ameliorating material allowed for each 1,000 gallons of juice*
7.7	540
7.8	560
7.9	580
8.0	600
8.1	620
8.2	640
8.3	660
8.4	680
8.5	700
8.6	720
8.7	740
8.8	760
8.9	780
9.0	800
9.1	820
9.2	840
9.3	860
9.4	880
9.5	900
9.6	920
9.7	940
9.8	960
9.9	930
10.0	1,000
10.1	1,020
10.2	1,040
10.3	1,060
10.4	1,080
10.5	1,100
10.6	1,120
10.7	1,140
10.8	1,160
10.9	1,180
11.0	1,200
11.1	1,220
11.2	1,240
11.3	1,260
11.4	1,280
11.5	1,300
11.6	1,320
11.7	1,340
11.8	1,360
11.9	1,380
12.0	1,400
12.1	1,420
12.2	1,440
12.3	1,460
12.4	1,480
12.5 or over	1,500

DETERMINATION OF THE ACIDITY OF JUICE

§ 240.963 *Apparatus necessary.* (a) Burette, 50 ml., graduated to $\frac{1}{10}$ ml.; (b) Burette stand; (c) Transfer pipettes, 5, 10, and 20 ml.; (d) Medicine dropper; (e) Stirring rods; (f) Glass funnels, 90 mm. (approx. 3.6" inside diameter, 160 mm. stem approx. 6.3"); (g) Flasks (Erlenmeyer approx. 500 ml.); (h) Graduated cylinder (100 ml.); (i) Beakers, 250 ml.; (j) Absorbent cotton; (k) Porcelain dishes, 7" or 8" in diameter; and (l) Filter paper (folded, No. 12, 24-0 cms.). (Note.—When pipettes, burettes, or flasks marked "cc.," instead of "ml.," are used, the same quantities should be measured, the units of measure "ml." and "cc." being the same for practical purposes.)

§ 240.964 *Solutions necessary.* (a) N/10 sodium hydroxide, exact.

(b) Indicator, phenolphthalein solution. 1 gram per 100 ml. of neutral alcohol.

§ 240.965 *Use and care of the burette.* Before using the burette the stopcock should be greased while dry with a very little vaseline or stopcock grease. It should then be washed thoroughly inside with a soapy-water solution and rinsed thoroughly, first with water and then twice with the N/10 sodium hydroxide, care being taken that all of the interior of the burette comes in contact with the rinsing liquid. The burette is then filled to the top with N/10 sodium hydroxide, placed in a stand, and after standing for a minute the level of the liquid is brought exactly to the 0 mark by opening the stopcock. The instrument is now ready for use. After using the burette it should be emptied, washed with water, and placed inverted in the stand, with the cock open until needed again. Under no condition should the N/10 sodium hydroxide be permitted to remain in the burette overnight.

§ 240.966 *Use and care of the pipette.* The pipette is used to measure the amount of juice to be used for ascertaining the quantity of acid. The juice is sucked with the mouth into the pipette until the level of the liquid is about an inch above the mark, the finger is quickly placed over the end, and the juice allowed to flow out slowly until the mark is reached. The pipette now holds the amount of juice needed for the acid determination. The contents should then be run into the porcelain dish. A little practice makes the operation of the pipette very easy. Before using the pipette it should always be rinsed thoroughly with the juice to be tested, and after using should be washed with water.

§ 240.967 *Selection of sample.* Endeavor to obtain a sample representative of the whole lot or container of juice to be tested. If the juice can not be mixed thoroughly, take equal portions from different parts of the container and then mix these portions thoroughly. A sufficient amount is then filtered through a small pad of absorbent cotton or filter paper placed in the funnel, using a flask to catch the filtered juice.

§ 240.968 *Measuring the sample of juice.* Before measuring the sample of juice, remove the gas (CO_2) contained in the sample by placing the hand tightly over the mouth of the flask and shaking vigorously for about half a minute. Let the gas escape and repeat the operation several times until the gas has been removed. This is important, for the reason that this gas has acid properties which would affect the result and because it is impossible to measure correctly a juice containing gas.

§ 240.969 *The titration.* Place 250 or 300 ml., or more, of distilled water in the large porcelain dish and neutralize with the N/10 sodium hydroxide solution to a distinct pink color, using 1 medicine dropper of the phenolphthalein indicator solution. The quantity of sample of juice to be measured and titrated depends on the depth of the color of the juice; it is generally 5 ml. for deeply colored red juice and 10 ml. or less for white juice. Measure the sample of juice accurately in the proper pipette and run it into the neutralized distilled water in the porcelain dish. Then titrate rapidly by running the standard N/10 sodium hydroxide solution from the burette into the diluted sample contained in the porcelain dish, stirring continuously, until a distinct pink color has been obtained. The number of ml. of the N/10 sodium hydroxide solution required to produce the desired color should then be read on the burette. To determine the amount of acid, in grams per thousand ml., contained in grape juice, divide the burette reading by the number of ml. of the sample taken and multiply by the factor 7.5. The result is the number of grams of acid calculated as tartaric in 1,000 ml. of the juice. For all berry wines, multiply by the factor 7.0, and for apple wine multiply by 6.7, to obtain the grams of acid calculated as citric and malic, respectively, contained in 1,000 ml. of juice.

§ 240.970 *Examples.* A 10 ml. sample of a white juice (grape) gave a burette reading of 6.4 ml. Calculate the acid content

$6.4 \div 10 \times 7.5 = 4.8$ grams per 1,000 ml.

A 5.0 ml sample of a red juice (grape) gave a burette reading of 4.2 ml. Calculate the acid content

$4.2 \div 5 \times 7.5 = 6.3$ grams per 1,000 ml.

A 5.0 ml. sample of blackberry juice gave a burette reading of 5.8 ml. Calculate the acid content

$5.8 \div 5 \times 7.0 = 8.12$ grams per 1,000 ml.

§ 240.971 *Precautions for the titration.* When placing the N/10 sodium hydroxide solution in the burette read the lowest part of the meniscus (or quarter moon) as the level of the liquid, and take the same level in the final reading. Remember these facts: The bottle containing the N/10 sodium hydroxide must always be kept stoppered when not in use and nothing should be allowed to enter this bottle; if some of the N/10 sodium hydroxide in the burette is not needed, throw it away—do not pour it back into the bottle.

DETERMINATION OF TOTAL SOLIDS AND SUGAR SOLIDS

§ 240.972 *Total solids in juice.* Use a Brix saccharometer. Pour as much juice into a glass cylinder as is necessary to float the saccharometer, which should be carefully lowered into the juice in such a way that the surface of the stem above the liquid is not moistened. The instrument should float freely and not touch the bottom or walls of the cylinder. Read the scale on the stem at the intersection of the surface of the liquid. Remove the saccharometer and determine the temperature of the juice. Make correction for temperature according to Table III.

§ 240.973 *Correction to be applied to the reading of the Brix saccharometer for different temperatures.* This table shows the correction to be applied to the reading of the Brix saccharometer at different temperatures, in case the saccharometer is calibrated to read correctly at 60 degrees Fahrenheit. If the saccharometer is calibrated for a different temperature, other correction tables must be used, or the liquid brought to the proper temperature before using the saccharometer.

TABLE III

	Temperature	Degree Brix																			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	°F																					
To be subtracted from the indicated degree	50	0.17	0.17	0.18	0.19	0.20	0.20	0.21	0.21	0.22	0.22	0.22	0.23	0.23	0.24	0.24	0.24	0.25	0.25	0.25	0.26	0.26
	51	.16	.16	.17	.18	.19	.19	.20	.20	.21	.21	.21	.22	.22	.23	.23	.23	.24	.24	.24	.24	.25
	52	.15	.15	.16	.17	.18	.18	.18	.19	.19	.19	.19	.19	.20	.20	.21	.21	.22	.22	.22	.22	.23
	53	.14	.14	.14	.15	.16	.16	.16	.17	.17	.18	.18	.18	.18	.19	.19	.19	.19	.20	.20	.20	.20
	54	.12	.12	.13	.14	.15	.15	.15	.16	.16	.16	.16	.17	.17	.17	.17	.17	.18	.18	.18	.18	.18
	55	.09	.09	.09	.10	.11	.11	.11	.12	.12	.12	.12	.13	.13	.13	.14	.14	.14	.14	.14	.14	.15
	56	.07	.07	.07	.08	.09	.09	.09	.09	.10	.10	.10	.10	.11	.11	.11	.11	.11	.11	.11	.11	.11
	57	.06	.06	.06	.07	.07	.07	.07	.07	.08	.08	.08	.08	.08	.09	.09	.09	.09	.10	.10	.10	.10
	58	.04	.04	.04	.05	.05	.05	.05	.05	.06	.06	.06	.06	.06	.07	.07	.07	.07	.07	.07	.07	.07
	59	.02	.02	.02	.02	.02	.02	.02	.02	.03	.03	.03	.03	.03	.03	.03	.03	.03	.03	.03	.03	.03
	60																					
To be added to the indicated degree	61	.02	.02	.02	.03	.03	.03	.03	.03	.03	.03	.03	.03	.03	.03	.03	.03	.03	.03	.03	.03	.03
	62	.06	.06	.07	.07	.08	.08	.08	.08	.08	.08	.09	.09	.09	.09	.09	.09	.09	.09	.09	.09	.09
	63	.09	.10	.10	.11	.11	.11	.11	.11	.11	.11	.12	.12	.12	.12	.12	.12	.12	.12	.12	.12	.11
	64	.12	.12	.13	.13	.14	.14	.14	.14	.15	.15	.15	.15	.16	.16	.17	.17	.17	.17	.17	.17	.17
	65	.14	.15	.15	.16	.17	.17	.17	.17	.18	.18	.18	.19	.19	.19	.20	.20	.20	.20	.20	.20	.20
	66	.17	.17	.18	.19	.20	.20	.21	.21	.21	.22	.22	.23	.23	.24	.24	.24	.24	.24	.24	.24	.24
	67	.20	.21	.21	.22	.23	.23	.23	.24	.24	.25	.25	.25	.26	.26	.27	.27	.27	.27	.27	.27	.27
	68	.22	.23	.24	.25	.26	.26	.27	.28	.28	.29	.29	.30	.30	.31	.31	.31	.31	.31	.31	.31	.31
	69	.25	.26	.27	.28	.29	.29	.30	.31	.31	.32	.32	.33	.33	.34	.34	.34	.34	.34	.34	.34	.34
	70	.28	.29	.30	.31	.32	.32	.33	.34	.34	.35	.35	.36	.36	.37	.37	.37	.37	.38	.38	.38	.38
	71	.31	.32	.33	.34	.35	.35	.36	.37	.37	.38	.38	.39	.39	.40	.40	.40	.40	.40	.40	.40	.41
	72	.34	.35	.36	.37	.38	.39	.40	.41	.42	.42	.42	.43	.43	.43	.44	.44	.44	.44	.44	.44	.44
	73	.37	.38	.40	.41	.42	.43	.44	.44	.45	.46	.46	.46	.46	.47	.47	.47	.47	.47	.47	.47	.47
	74	.40	.42	.43	.45	.46	.47	.48	.48	.49	.50	.50	.50	.51	.51	.51	.51	.51	.52	.52	.52	.52
	75	.44	.46	.47	.49	.50	.51	.52	.52	.53	.54	.54	.54	.55	.55	.56	.56	.56	.57	.57	.58	.58
	76	.47	.48	.50	.52	.53	.54	.55	.55	.56	.57	.57	.58	.58	.59	.60	.60	.61	.61	.61	.62	.62
	77	.50	.52	.54	.56	.57	.58	.59	.60	.60	.61	.61	.62	.62	.63	.63	.63	.64	.64	.64	.65	.66
	78	.53	.54	.56	.58	.60	.61	.62	.62	.63	.64	.64	.65	.65	.66	.66	.66	.67	.67	.68	.68	.68
	79	.57	.58	.60	.62	.64	.65	.66	.66	.67	.67	.68	.68	.69	.69	.70	.70	.70	.71	.71	.72	.72
	80	.60	.62	.64	.66	.68	.69	.70	.70	.71	.72	.72	.72	.73	.73	.74	.74	.75	.75	.75	.76	.76
	81	.63	.65	.67	.69	.71	.72	.73	.73	.74	.75	.75	.76	.76	.77	.78	.78	.79	.79	.79	.79	.79
	82	.67	.69	.71	.73	.76	.76	.77	.77	.78	.78	.79	.80	.80	.81	.82	.82	.83	.83	.84	.84	.84
	83	.72	.74	.76	.78	.81	.81	.81	.82	.82	.82	.83	.84	.85	.86	.87	.87	.87	.87	.87	.87	.87
	84	.77	.79	.81	.83	.86	.86	.86	.86	.87	.87	.88	.89	.90	.91	.92	.92	.93	.93	.93	.93	.93
	85	.83	.85	.87	.89	.91	.92	.92	.92	.93	.93	.94	.95	.96	.97	.98	.98	.98	.99	.99	.99	.99
	86	.88	.90	.92	.94	.96	.96	.97	.98	.98	.99	1.00	1.01	1.02	1.02	1.03	1.03	1.04	1.04	1.04	1.05	1.05
	87	.94	.96	.98	.99	1.01	1.02	1.03	1.03	1.04	1.05	1.05	1.06	1.07	1.07	1.08	1.08	1.09	1.10	1.10	1.11	1.11
	88	.99	1.01	1.03	1.04	1.06	1.07	1.08	1.09	1.10	1.11	1.11	1.12	1.12	1.13	1.13	1.14	1.15	1.15	1.16	1.17	1.17
	89	1.05	1.07	1.09	1.10	1.11	1.12	1.13	1.14	1.15	1.16	1.16	1.17	1.17	1.18	1.18	1.19	1.21	1.21	1.22	1.23	1.23
	90	1.11	1.13	1.15	1.16	1.17	1.18	1.19	1.20	1.21	1.22	1.22	1.23	1.23	1.24	1.24	1.25	1.27	1.28	1.29	1.30	1.30
	91	1.15	1.17	1.19	1.20	1.21	1.22	1.23	1.24	1.26	1.27	1.27	1.27	1.28	1.28	1.29	1.30	1.32	1.33	1.34	1.35	1.36
	92	1.20	1.22	1.24	1.25	1.26	1.27	1.28	1.30	1.31	1.32	1.32	1.33	1.33	1.34	1.34	1.35	1.37	1.38	1.39	1.40	1.41
	93	1.24	1.26	1.28	1.29	1.31	1.32	1.33	1.34	1.36	1.37	1.37	1.38	1.39	1.39	1.40	1.40	1.42	1.43	1.44	1.44	1.45
	94	1.29	1.31	1.33	1.35	1.36	1.37	1.39	1.40	1.41	1.42	1.42	1.43	1.44	1.44	1.45	1.45	1.47	1.47	1.48	1.49	1.50
	95	1.33	1.35	1.37	1.39	1.41	1.42	1.44	1.45	1.46	1.47	1.47	1.48	1.49	1.49	1.50	1.50	1.51	1.52	1.53	1.54	1.54
	96	1.38	1.40	1.42	1.44	1.46	1.47	1.49	1.50	1.51	1.52	1.52	1.53	1.54	1.54	1.55	1.56	1.56	1.57	1.57	1.58	1.59
	97	1.42	1.44	1.46	1.48	1.51	1.52	1.54	1.55	1.56	1.57	1.57	1.58	1.59	1.59	1.60	1.60	1.62	1.62	1.63	1.63	1.64
	98	1.47	1.49	1.51	1.54	1.56	1.57	1.58	1.59	1.60	1.62	1.63	1.63	1.64	1.64	1.65	1.65	1.66	1.67	1.67	1.68	1.68
	99	1.51	1.53	1.55	1.58	1.61	1.62	1.63	1.64	1.66	1.67	1.67	1.68	1.68	1.69	1.70	1.71	1.71	1.72	1.73	1.73	1.73
	100	1.55	1.57	1.59	1.62	1.66	1.67	1.68	1.69	1.72	1.72	1.73	1.73	1.74	1.76	1.77	1.77	1.78	1.79	1.79	1.79	1.80

N. B. The correction for indications between 21° and 30° Brix and 50° and 70° F. temperature may be made by adding 0.005 to each correction given in the above table, column 21°, for each increase in degree Brix. For instance, 25° Brix 79° F., correction to be added to column 21° and 70°, 0.02 + 0.38 = 0.40.

§ 240.974 *Explanation of Table III.* Where the temperature of the juice is other than 60 degrees Fahrenheit, the saccharometer reading of the juice must be corrected for temperature according to this table, in order to determine the true Brix of the juice. When the temperature of the juice is below 60 degrees Fahrenheit, the correction shown by the table should be deducted from the saccharometer reading, and when the temperature of the juice is above 60 degrees Fahrenheit the indicated correction should be added to the reading. For example, if the saccharometer reading is 20 degrees Brix and the temperature is 75 degrees F., Table III shows that correction for this reading and temperature is 0.58, which should be added to the reading. Therefore, 20°+0.58°=20.58° total solids.

§ 240.975 *Total solids and sugar solids in wine.* Total solids content of wine means the degrees Brix of the dealcoholized wine, and is approximately equal to the percent of solids by weight in the dealcoholized wine. The total solids may be determined by dealcoholizing a measured volume of wine, restoring to the original volume with water, and determining the degrees Brix of this solution according to the instructions in §§ 240.972 to 240.974. An approximate value for the sugar solids content of wine (percent of sugar by weight of the dealcoholized wine) may be obtained by subtracting 2 from the degrees Brix as determined above. For accurate determination of the sugar solids content of wine, use the method described in Official Methods of Analysis of the Association of Official Agricultural Chemists, Seventh Edition, 1950, Chapter 11.

USE OF DRY SUGAR TO CORRECT JUICE (OTHER THAN GRAPE) TO 23 DEGREES BRIX

§ 240.976 *Instructions.* § 240.978 (Table IV) shows the pounds of dry sugar required to raise the total solids content of one gallon of juice to 23 degrees Brix with commercial dextrose (1 molecule of water of crystallization) or cane or beet sugar. This table should be used in determining the quantity of dry sugar that may be added to fruit and berry juice to correct natural deficiencies in the juice.

§ 240.977 *Example.* Find the amount of dry cane sugar required to raise the total solids content of 500 gallons of juice from 12 degrees Brix to 23 degrees Brix, and the resultant gallonage.

(a) Find the figure 12 in the left hand column of Table IV.

(b) Opposite the figure 12, the pounds of cane sugar required for each gallon of juice is found in the fourth column, and is 1.2475.

(c) 1.2475×500=623.75 pounds of cane sugar.

(d) Opposite the figure 12, the resultant gallonage for each gallon of juice is found in the last column on the right, and is 1.0924.

(e) 1.0924×500=546.2 gallons of corrected juice.

§ 240.978 *Pounds of commercial dextrose or cane or beet sugar required to raise one gallon of juice to 23 degrees Brix and the resultant gallonage.*

TABLE IV

Brix of juice	Pounds dextrose	Resultant gallonage	Pounds cane or beet sugar	Resultant gallonage
0	2.8206	1.2203	2.4877	1.1836
1	2.7084	1.2115	2.3887	1.1753
2	2.5955	1.2027	2.2890	1.1672
3	2.4815	1.1939	2.1886	1.1647
4	2.3589	1.1841	2.0804	1.1536
5	2.2511	1.1759	1.9853	1.1434
6	2.1343	1.1668	1.8823	1.1392
7	2.0168	1.1577	1.7787	1.1316
8	1.8984	1.1485	1.6743	1.1229
9	1.7788	1.1391	1.5688	1.1161
10	1.6584	1.1297	1.4626	1.1083
11	1.5370	1.1203	1.3556	1.1004
12	1.4145	1.1107	1.2475	1.0921
13	1.2852	1.1004	1.1335	1.0838
14	1.1335	1.0877	1.0291	1.0753
15	1.0414	1.0815	.9184	1.0681
16	.9149	1.0716	.8069	1.0598
17	.7875	1.0617	.6945	1.0515
18	.6590	1.0516	.5812	1.0432
19	.5294	1.0415	.4669	1.0346
20	.3986	1.0312	.3516	1.0260
21	.2668	1.0209	.2353	1.0174
22	.1340	1.0105	.1182	1.0087
23		1.0000		1.0000

DILUTION OF CONCENTRATED JUICE

§ 240.979 *Instructions.* Section 240.980 (Table V) shows the gallons of water required to reduce one gallon of concentrated juice to a desired degree Brix, according to the Brix of the concentrated juice and the Brix to which it is desired to reduce the concentrated juice. When it is desired to produce standard wine from concentrated juice in accordance with § 240.353, Table V should be used in calculating the quantity of water required to reduce the concentrate to the original Brix of the juice or to 22 degrees Brix.

§ 240.980 *Gallons of water required to reduce 1 gallon of concentrated juice to a desired degree Brix.*

TABLE V

Explanation.—Reduce concentrate from 70° to 20° Brix. Opposite 70 Brix for concentrate and in column 20 Brix is 3.4791, which is the gallons of water required for each gallon of concentrate.

Brix of concentrate	Brix desired after dilution								
	18	19	20	21	22	23	24	25	26
	Gallons of water required per gallon of concentrate								
62	3.1834	2.9473	2.7349	2.5426	2.3678	2.2083	2.0620	1.9274	1.8032
63	3.2708	3.0298	2.8129	2.6167	2.4382	2.2753	2.1250	1.9887	1.8619
64	3.3590	3.1131	2.8917	2.6914	2.5093	2.3431	2.1907	2.0760	1.9210
65	3.4480	3.1970	2.9711	2.7668	2.5810	2.4114	2.2559	2.1128	1.9807
66	3.5377	3.2817	3.0513	2.8428	2.6553	2.4802	2.3216	2.1757	1.0410
67	3.6282	3.3671	3.1321	2.9195	2.7262	2.5498	2.3880	2.2391	2.1018
68	3.7196	3.4534	3.2138	2.9970	2.7999	2.6199	2.4550	2.2984	2.1631
69	3.8118	3.5404	3.2961	3.0750	2.8741	2.6907	2.5225	2.3678	2.2250
70	3.9047	3.6281	3.3791	3.1538	2.9490	2.7620	2.5906	2.4329	2.2874
71	4.0032	3.7166	3.4629	3.2333	3.0246	2.8341	2.6594	2.4987	2.3504
72	4.0932	3.8059	3.5474	3.3135	3.1009	2.9067	2.7680	2.5650	2.4139
73	4.1886	3.8960	3.6327	3.3944	3.1778	2.9801	2.7988	2.6320	2.4780
74	4.2849	3.9945	3.7187	3.4760	3.2554	3.0540	2.8694	2.6995	2.5427
75	4.3821	4.0786	3.8055	3.5584	3.3337	3.1286	2.9406	2.7676	2.6080

EBULLIOMETERS

§ 240.981 *General characteristics.* Ebulliometers are instruments for determining the percent of alcohol in solution in water, but when proper dilution is made because of dissolved sugar, they can be used to ascertain the alcohol content of wines. Alcoholic solutions boil at lower temperatures than water, and ebulliometers determine differences in boiling points, which are referred to tables or sliding scales to find the corresponding percentage of alcohol. Because boiling points are affected by atmospheric changes, the boiling point of water should be determined several times a day.

§ 240.982 *Kinds of ebulliometers authorized.* The Malligand (with shield), E. B. Torino (with shield), Arnoldo-Sala (with shield), and L'Ebulliometer Levesque (with shield) ebulliometers have been approved for testing wine. All of these ebulliometers are of the Malligand type, and the directions for their use are the same. The Juerst, Tag-Twin (with shield), Lefco, Salleron-DuJardin, and Braun ebulliometers have also been approved for testing wine. Directions for the use of all of these instruments are outlined in the following sections.

§ 240.983 *Dilution of wine.* It is a general rule that all wines should be diluted before testing so that the difference between the boiling point of water and that of the wine is not greater than 4. The error in the indicated percent alcohol will then be less than 0.1 percent regardless of sugar content and for practical purposes is negligible. Dilutions should be made by measuring 100 ml., 50 ml., or 20 ml. of the wine with a pipette and running it into a 200 ml. narrow-necked, volumetric flask. Then add sufficient water of the same temperature as the wine to bring the liquid to precisely the 200 ml. mark on the flask. This gives a sufficient quantity for the test and for rinsing the boiler prior to making the test. The wine and water should be thoroughly mixed. When pipettes or flasks marked "cc.," instead of "ml." are used, the same quantities should be measured, the units of measure "ml." and "cc." substantially being the same. The wine should not be diluted to a greater extent than that necessary to bring the boiling point of the diluted wine within 4 degrees of the boiling point of water, but one of the quantities of wine (100 ml., 50 ml., or 20 ml.) specified above should always be used. The degree of dilution required will depend upon the sugar and alcohol content of the wine. Experience in testing various types of wine will usually indicate the degree of dilution required. When a test shows a difference of more than 4 between the boiling point of water and that of the diluted wine, it is necessary to make another test, using a lesser quantity of wine. In measuring the quantity of wine to be diluted for testing, a pipette of the same size (capacity) as the quantity of wine to be diluted must be used and the wine measured precisely to the mark. In adding water for dilution, care must be used to fill the flask precisely to the 200 ml. line. Inaccurate dilution is one of the principal causes of incorrect tests. Because of the dilution, where 100 ml. of wine is used, the percentage of alcohol indicated by the test must be multiplied by 2; where 50 ml. of wine is used, the result must be multiplied by 4; and where 20 ml. of wine is used, the result must be multiplied by 10.

§ 240.984 *Determining boiling point.* Before each test to determine the boiling point of water or diluted wine, the boiler should first be drained of any liquid that may remain therein and then rinsed with a portion of the liquid (water or diluted wine) to be tested. After such rinsing, the boiler should be thoroughly drained before another portion of the material (water or diluted wine) to be tested is poured into the boiler. The rinsings should not be used to make the test. In determining the boiling point of water, when steam comes out of the top of the instrument, which indicates that the water has started to boil, watch the thermometer. The point at which the mercury remains constant is the boiling point of the water. In determining the boiling point of diluted wine, when the mercury in the thermometer begins to rise, readings should be made every 15 seconds and written on a slip of paper. The point at which the mercury remains stationary for several consecutive observations is the boiling point of the diluted wine. Readings should be estimated between the smallest divisions of the thermometer scale. For example, if the thermometer scale is in tenths of a degree and the top of the mercury column is between two of the lines, the difference should be estimated and read accordingly, as 98.95 degrees, and such reading used in referring to the table or sliding scale. Inaccurate thermometer readings are a principal cause of incorrect results.

§ 240.985 *Care of instrument.* Cleanliness of the boiler is important because scale or residue will cause bumping and produce rapid fluctuations of the thermometer, which make correct readings impossible. The boiler should be flushed several times with water after each determination. After about 50 determinations, an approximately 2 percent solution of caustic soda should be put in the boiler and boiled for about one minute. The boiler should then be flushed thoroughly with water, after which two determinations of the boiling point of water should be made. If these readings do not agree, more washing of the boiler with water is required. When attaching the condenser to the boiler, be sure the washer is placed on the connection between the condenser and the boiler, and see that the condenser is screwed tightly to the boiler before using; otherwise, leakage will occur and the reading will be incorrect.

§ 240.986 *Alcohol lamp.* The alcohol lamp must be kept clean and well filled with denatured alcohol. From time to time the lamp must be emptied, cleaned out, and refilled with clean denatured alcohol. The wick should be kept in good condition. The tip should be trimmed where it becomes burned through a scanty supply of alcohol, and the wick should be replaced as soon as it becomes too short to reach well down into the alcohol. The flame of the lamp (or gas burner, if used instead of the lamp) should be shielded from drafts and should be adjusted so that about eight minutes elapse before the thermometer begins to rise when the boiler contains water or diluted wine. Do not force rapid boiling. Do not continue heating after the condenser has become very warm.

BRAUN EBULLIOMETER

§ 240.987 *General.* The percentage of alcohol content is read by means of the alcohol percentage calculator included with the instrument. The revolving disk of the calculator is graduated in degrees centigrade corresponding to the graduations on the thermometer. The graduations on the outer circle of the calculator represent per-

centages of alcohol by volume. Attach the condenser to the threaded opening on top of the ebulliometer. Place the instrument on a level table and shield it from drafts which may cause unsteady temperature conditions.

§ 240.988 *Determination of boiling point of water.* Fill the graduated measuring glass with water up to the line marked "25 ml." Pour this quantity of water into the instrument through the opening provided for the thermometer at the top of the ebulliometer. Now place the thermometer in this opening, being sure that rubber stopper fits snugly. Fill the condenser jacket with water. Light the alcohol burner and place it in the fork of the ebulliometer directly under the circular chimney. Adjust the length of the lamp wick so that the point of the flame will hit the horizontal tube. The rising temperature of the water will be indicated by the thermometer. When the water reaches its boiling point the thermometer reading will remain constant. Read this boiling point temperature accurately. Take the calculator and set the revolving disk so that the figure on it corresponding to the boiling point of the water is exactly opposite the zero mark on the outer circle. Clamp the disk firmly in this position by means of the screw in the center of the disk. Drain the water completely from the instrument through the petcock at the front. Empty the water from the condenser. Remove the thermometer from the instrument. Cool the instrument and thermometer to room temperature.

§ 240.989 *Determination of boiling point of diluted wine.* Be sure that all water previously used in cylinder is removed before putting in diluted wine. Rinse the instrument thoroughly with a portion of the diluted wine to be tested and drain carefully. Fill measuring cylinder up to 50 ml. mark with another portion of the diluted wine. Pour this 50 ml. of diluted wine into the instrument and replace condenser and thermometer. Fill condenser with cool water and apply heat to instrument by means of the burner as before. Continue heat until thermometer reading becomes constant. Heating should not be continued after the condenser has become very warm. Read thermometer accurately. This reading is the boiling point of the diluted wine.

§ 240.990 *Reading alcohol percentage.* Locate the boiling point of the diluted wine on inner disk. Read exactly opposite this graduation mark the percentage content on the outer circle. This gives the percentage of alcohol by volume in the diluted wine. This result should be multiplied by 2, 4, or 10, according to the ratio of water used to dilute the wine.

§ 240.991 *Precautions.* In using the ebulliometer, the following precautions should be observed:

(a) Always be sure that condenser is screwed tightly to the instrument body, and that rubber stopper on the thermometer is fitted snugly in the proper opening on top of the instrument.

(b) Be sure that exactly 50 ml. of water or diluted wine is accurately measured and that the entire 50 ml. is poured in the instrument.

(c) Always be sure that measuring glass and instrument are clean and free of liquid before adding either water or wine.

(d) Be sure that rotating disk is always clamped securely after setting for boiling point of water and that this setting is not changed before reading the boiling point of diluted wine and the alcohol content.

(e) Be sure that thermometer shows constant temperature before reading boiling points.

JUERST EBULLIOMETER

§ 240.992 *Determination of the boiling point of water.* Rinse the instrument twice with ordinary water. In doing so pour an approximate glass tube full of water through one of the openings into the ebulliometer. Take the instrument in your left hand and close the two openings on top of the instrument with the index and middle fingers, shake slightly and empty. Now measure in the glass tube as much water as is indicated by the top mark and pour it into the ebulliometer. Fasten the empty condenser to the ebulliometer. Place the thermometer into the opening in front of the condenser. The lamp, which is to be filled with denatured alcohol, should now be lit and put under the instrument. In order to protect the thermometer from heat, the little shield should always be fastened to the top of the heating tubes. Within about eight or nine minutes the mercury in the thermometer commences to rise. When steam comes out of the top of the condenser, indicating that the water has commenced to boil, watch the thermometer until the mercury remains stationary. The temperature at which the water boils is then noted.

§ 240.993 *Determination of the boiling point of the wine.* After the boiling point of the water has been determined, remove the thermometer, empty the ebulliometer, drain it through the draining cock and blow out any liquid which may have remained in the condenser and in the instrument. Rinse the ebulliometer twice with 50 ml. of the diluted wine which is to be tested. Drain the instrument through the draining cock. Fill the glass tube to the top mark with the diluted wine, which must be well decarbonated, and pour it into the ebulliometer through the thermometer opening. Insert the thermometer. Fill the condenser with water. Light the alcohol lamp. When the mercury remains stationary, which will be after 10 or 12 minutes from the time the alcohol lamp has been lit, the temperature should be read and noted.

§ 240.994 *Reading of the alcohol table.* Example: The boiling point of water was found to be 10.00 and that of the diluted wine 6.00. Subtract the one figure from the other and look up the corresponding percentage of alcohol by volume in Table VI.

For instance:
10.00—(Boiling point of water).
6.00—(Boiling point of diluted wine).
4.00—(Difference of the two boiling points).

According to the above difference of 4.00, we find in Table VI the corresponding percentage of 4.53 percent alcohol by volume, which, multiplied by 2, because of the dilution (addition of an equal part of water to the wine tested), shows that the wine contains 9.06 percent of alcohol by volume.

§ 240.995 *Alcohol Table for Juerst's ebulliometer.*

TABLE VI

Difference between the boiling points	Percent alcohol by volume	Difference between the boiling points	Percent alcohol by volume
0.05	0.05	0.78	0.79
0.06	.06	0.79	.81
0.07	.07	0.80	.82
0.08	.08	0.81	.83
0.09	.09	0.82	.84
0.10	.10	0.83	.85
0.11	.11	0.84	.86
0.12	.12	0.85	.87
0.13	.13	0.86	.88
0.14	.14	0.87	.89
0.15	.15	0.88	.90
0.16	.16	0.89	.91
0.17	.17	0.90	.92
0.18	.18	0.91	.93
0.19	.19	0.92	.94
0.20	.20	0.93	.95
0.21	.21	0.94	.96
0.22	.22	0.95	.97
0.23	.23	0.96	.98
0.24	.24	0.97	.99
0.25	.25	0.98	1.00
0.26	.26	0.99	1.01
0.27	.27	1.00	1.02
0.28	.28	1.10	1.12
0.29	.29	1.15	1.17
0.30	.30	1.20	1.23
0.31	.31	1.25	1.28
0.32	.32	1.30	1.34
0.33	.33	1.35	1.39
0.34	.34	1.40	1.45
0.35	.35	1.45	1.50
0.36	.36	1.50	1.56
0.37	.37	1.55	1.61
0.38	.38	1.60	1.67
0.39	.39	1.65	1.72
0.40	.40	1.70	1.78
0.41	.41	1.75	1.83
0.42	.42	1.80	1.89
0.43	.43	1.85	1.94
0.44	.44	1.90	1.99
0.45	.45	1.95	2.04
0.46	.46	2.00	2.10
0.47	.47	2.05	2.15
0.48	.48	2.10	2.21
0.49	.49	2.15	2.27
0.50	.51	2.20	2.33
0.51	.52	2.25	2.39
0.52	.53	2.30	2.45
0.53	.54	2.35	2.51
0.54	.55	2.40	2.57
0.55	.56	2.45	2.63
0.56	.57	2.50	2.69
0.57	.58	2.55	2.74
0.58	.59	2.60	2.79
0.59	.60	2.65	2.85
0.60	.61	2.70	2.90
0.61	.62	2.75	2.96
0.62	.63	2.80	3.02
0.63	.64	2.85	3.09
0.64	.65	2.90	3.15
0.65	.66	2.95	3.21
0.66	.67	3.00	3.27
0.67	.68	3.05	3.34
0.68	.69	3.10	3.40
0.69	.70	3.15	3.45
0.70	.71	3.20	3.50
0.71	.72	3.25	3.56
0.72	.73	3.30	3.61
0.73	.74	3.35	3.70
0.74	.75	3.40	3.78
0.75	.76	3.45	3.82
0.76	.77	3.50	3.88
0.77	.78	3.55	3.94

TABLE VI—Continued

Difference between the boiling points	Percent alcohol by volume	Difference between the boiling points	Percent alcohol by volume
3.60	4.00	5.70	6.90
3.65	4.07	5.75	6.98
3.70	4.14	5.80	7.05
3.75	4.21	5.85	7.12
3.80	4.27	5.90	7.19
3.85	4.34	5.95	7.26
3.90	4.41	6.00	7.34
3.95	4.47	6.05	7.42
4.00	4.53	6.10	7.49
4.05	4.60	6.15	7.57
4.10	4.67	6.20	7.65
4.15	4.74	6.25	7.73
4.20	4.80	6.30	7.81
4.25	4.87	6.35	7.89
4.30	4.93	6.40	7.97
4.35	5.00	6.45	8.06
4.40	5.08	6.50	8.14
4.45	5.15	6.55	8.22
4.50	5.22	6.60	8.30
4.55	5.29	6.65	8.38
4.60	5.36	6.70	8.47
4.65	5.43	6.75	8.55
4.70	5.50	6.80	8.63
4.75	5.57	6.85	8.72
4.80	5.64	6.90	8.80
4.85	5.71	6.95	8.89
4.90	5.78	7.00	8.97
4.95	5.88	7.05	9.05
5.00	5.92	7.10	9.13
5.05	5.99	7.15	9.22
5.10	6.06	7.20	9.30
5.15	6.13	7.25	9.39
5.20	6.20	7.30	9.47
5.25	6.27	7.35	9.55
5.30	6.34	7.40	9.63
5.35	6.41	7.45	9.72
5.40	6.48	7.50	9.80
5.45	6.55	7.55	9.89
5.50	6.62	7.60	9.98
5.55	6.69	7.65	10.07
5.60	6.76	7.70	10.16
5.65	6.83	7.75	10.25

LEFCO EBULLIOMETER

§ 240.996 *Determination of the boiling point of water.* Fill the lamp with denatured alcohol. Rinse the ebulliometer boiler with water by pouring through the thermometer opening. Measure in the glass tube the quantity of water indicated by the graduation and pour it into the ebulliometer. Place the thermometer in position. Light the lamp and place it under the small tube. Within about eight or nine minutes the mercury in the thermometer commences to rise. When steam comes out of the top of the instrument (which indicates that the water has commenced to boil) and the mercury becomes stationary, read the thermometer; it is the boiling point of the water. Do not put any water into the condenser jacket while determining the boiling point of the water.

§ 240.997 *Determination of the boiling point of wine.* Open the cock, empty the boiler, rinse it with some of the diluted wine to be tested, and blow out any remaining liquid in the condenser and boiler. The procedure then is the same as given above for determining the boiling point of water, except that in this case water is used in the condenser jacket. Heating should not be continued after the condenser has become very warm.

§ 240.998 *Directions for reading alcohol table.* Determine the boiling point of the water. Determine the boiling point of the diluted wine. Should the observed boiling point of water be greater than 100 degrees centigrade, then subtract 100 degrees from this boiling point. Subtract the difference from the observed boiling point of the diluted wine. This is the corrected boiling point of the diluted wine.

Example:
Boiling point of water=100.50° C.
100.50°−100.00°=0.50° C.
Observed boiling point of the diluted wine=97.70° C.
97.70°−0.50°=97.20° C., the corrected boiling point of the diluted wine.
Refer to Table VII, and opposite 97.20° C. find the alcohol content of the diluted wine, which is 3.06 percent by volume. 3.06 multiplied by 2, 4, or 10, according to the degree of dilution of the wine tested, will give the percent of alcohol in the undiluted wine.

Should the observed boiling point of water be less than 100 degrees centigrade, then subtract this observed boiling point from 100 degrees centigrade. Add this difference to the observed boiling point of the diluted wine. This is the corrected boiling point of the diluted wine.

Example:
Observed boiling point of water=99.70° C.
100.00° C.−99.70° C.=0.30° C.
Observed boiling point of the diluted wine=96.30° C.
96.30°+0.30°=96.60° C., the corrected boiling point of the diluted wine.
Refer to Table VII, and opposite 96.60° C. find the alcohol content of the diluted wine, which is 3.74 percent by volume. 3.74 multiplied by 2, 4, or 10, according to the degree of dilution of the wine tested, will give the percent of alcohol in the undiluted wine.

§ 240.999 *Alcohol table for Lefco ebulliometer.*

TABLE VII

Corrected boiling point ° C.	Percent alcohol by volume	Corrected boiling point ° C.	Percent alcohol by volume
100.00	0.00	98.10	2.00
99.95	.05	98.05	2.06
99.90	.10	98.00	2.11
99.85	.15	97.95	2.17
99.80	.20	97.90	2.22
99.75	.25	97.85	2.28
99.70	.30	97.80	2.33
99.65	.35	97.75	2.39
99.60	.40	97.70	2.45
99.55	.45	97.65	2.50
99.50	.50	97.60	2.56
99.45	.56	97.55	2.63
99.40	.61	97.50	2.69
99.35	.67	97.45	2.75
99.30	.72	97.40	2.81
99.25	.77	97.35	2.87
99.20	.83	97.30	2.93
99.15	.89	97.25	3.00
99.10	.94	97.20	3.06
99.05	1.00	97.15	3.11
99.00	1.05	97.10	3.17
98.95	1.10	97.05	3.22
98.90	1.15	97.00	3.28
98.85	1.20	96.95	3.33
98.80	1.25	96.90	3.39
98.75	1.30	96.85	3.44
98.70	1.36	96.80	3.50
98.65	1.41	96.75	3.56
98.60	1.46	96.70	3.62
98.55	1.52	96.65	3.68
98.50	1.57	96.60	3.74
98.45	1.63	96.55	3.81
98.40	1.66	96.50	3.87
98.35	1.73	96.45	3.94
98.30	1.79	96.40	4.00
98.25	1.84	96.35	4.07
98.20	1.90	96.30	4.12
98.15	1.95	96.25	4.19

TABLE VII—Continued

Corrected boiling point ° C.	Percent alcohol by volume	Corrected boiling point ° C.	Percent alcohol by volume
96.20	4.25	93.65	7.90
96.15	4.33	93.60	7.98
96.10	4.39	93.55	8.06
96.05	4.45	93.50	8.14
96.00	4.52	93.45	8.22
95.95	4.59	93.40	8.30
95.90	4.66	93.35	8.38
95.85	4.73	93.30	8.46
95.80	4.80	93.25	8.59
95.75	4.87	93.20	8.60
95.70	4.93	93.15	8.70
95.65	5.00	93.10	8.78
95.60	5.06	93.05	8.86
95.55	5.14	93.00	8.94
95.50	5.21	92.95	9.02
95.45	5.28	92.90	9.10
95.40	5.37	92.85	9.18
95.35	5.43	92.80	9.26
95.30	5.50	92.75	9.35
95.25	5.57	92.70	9.43
95.20	5.66	92.65	9.51
95.15	5.71	92.60	9.60
95.10	5.77	92.55	9.68
95.05	5.86	92.50	9.77
95.00	5.93	92.45	9.85
94.95	6.00	92.40	9.93
94.90	6.07	92.35	10.02
94.85	6.13	92.30	10.11
94.80	6.19	92.25	10.19
94.75	6.26	92.20	10.28
94.70	6.33	92.15	10.37
94.65	6.39	92.10	10.45
94.60	6.46	92.05	10.54
94.55	6.57	92.00	10.63
94.50	6.60	91.95	10.72
94.45	6.68	91.90	10.81
94.40	6.74	91.85	10.89
94.35	6.82	91.80	10.98
94.30	6.89	91.75	11.07
94.25	6.97	91.70	11.16
94.20	7.04	91.65	11.25
94.15	7.11	91.60	11.34
94.10	7.19	91.55	11.43
94.05	7.27	91.50	11.51
94.00	7.35	91.45	11.60
93.95	7.43	91.40	11.69
93.90	7.51	91.35	11.78
93.85	7.59	91.30	11.87
93.80	7.67	91.25	11.96
93.75	7.75	91.20	12.06
93.70	7.83		

MALLIGAND TYPE EBULLIOSCOPES

§ 240.1000 *Determination of the boiling point of water.* Fill the conical boiler with water to the lower inside ring. Do this carefully, using the pipette which is sent with the instrument. Do not let the thermometer bulb containing the mercury touch the water. Now close the boiler with its cover to which the thermometer is fastened. Screw the cover into the boiler. Fill the lamp with alcohol, set it under the chimney which is fastened to the ring in front, light the lamp and bring the water to a boil. When the water is in full boil, shown by the escaping steam, let the mercury rise until it becomes stationary. Then loosen the screw in the back of the thermometer frame and move the scale so that its "0" line exactly meets the very end of the mercury column, then tighten again the screw in the back so that the scale may not accidentally be moved. The cylindrical cooler is not used during the foregoing part of the process. The "0" point, determined as explained, may be used for two or three hours, unless some atmospheric disturbance should occur in the meantime. Now extinguish the flame, unscrew and remove the cover

and empty the boiler and you are ready to test the wine.

§ 240.1001 *Determination of the boiling point of diluted wine.* First rinse the boiler thoroughly with some of the diluted wine to be tested. Empty the rinsings and then fill with another portion of the diluted wine to the upper ring within the boiler. Screw the cover on again and set the cooler on top, screwing it into the short tube in front of the thermometer frame. Fill the cooler with cold water, but do not pour any water through the narrow tube in the center. Now put the lamp under the chimney again, light it, and bring the diluted wine to a boil. When the mercury column of the thermometer stops rising and has become stationary read from the scale the percentage of alcohol contained in the diluted wine. The test must be stopped if and when the water in the cooler should get warm. The sliding pointer on the thermometer frame helps in easy reading of the scale. After cooler and boiler have been emptied and have cooled off, another test can be made immediately. Again thoroughly rinse the boiler with the diluted wine to be tested and proceed as before. As stated, it is not necessary to determine the "0" point anew for each test. It may for two or three hours remain the same as originally found, unless some atmospheric disturbance has occurred in the meantime. The water in the cooler must not get warm and therefore must be renewed for each test. To prevent foaming of only partly fermented wine, drop one or two drops of oil or a small particle of stearine or tallow on top of the liquid in the boiler before screwing on the cover with the thermometer.

§ 240.1002 *Care of the instrument.* It is most necessary to empty the boiler immediately and thoroughly rinse with clean water and then carefully dry the boiler inside and outside, particularly inside, because wine left in the boiler will form a crust within the heating-ring. The heating-ring is the ring which holds the chimney. It is hollow and open at the two ends where fastened to the boiler. When the boiler is filled the heating-ring also fills. A crust within the heating-ring first slows up and in the end makes impossible the proper working of the instrument. When it takes more and more time to make the liquid boil it is not due to anything else but that a crust has formed within the heating-ring. It is then necessary to thoroughly clean the instrument by boiling water in it, and, while boiling, adding about one-eighth ounce of caustic potash in small pieces to the boiling water. After three or four minutes of boiling, empty the boiler, rinse it several times with clean water, then repeat the caustic-potash treatment and rinsing until the water comes out clear, then finish by carefully and thoroughly drying the boiler inside and outside. Be sure during the entire cleaning process to keep the cover with the thermometer away in a safe place and not to put it on the boiler.

§ 240.1003 *Care of alcohol lamp.* To make sure that the lamp will work properly it must, as far as practicable, be kept well filled with denatured alcohol. When not in use, keep the cap on the lamp. From time to time the lamp must be emptied, cleaned out, and refilled with clean denatured alcohol. Soot may form where the chimney sets on the heating-ring. Remove it, because soot will slow up the working of the instrument. The wick must always be kept in good condition, i. e., at its original height and with plenty of cotton for its entire length.

SALLERON–DUJARDIN EBULLIOSCOPE

§ 240.1004 *Apparatus.* This set of instruments consists of 1 Salleron-DuJardin ebullioscope with reflux condenser, 1 rule with sliding scale for determining the percent of alcohol, 1 alcohol lamp, 1 standardized centigrade thermometer, 1 glass cylinder graduated to read 15 ml., 25 ml., and 50 ml., for accurately measuring the sample to be tested, and 1 plain or mixing glass cylinder of not less than 75 ml. capacity.

§ 240.1005 *Determination of boiling point of water.* Pour 15 ml. of water into the ebullioscope, insert the thermometer, and bring the water to the boiling point. When the mercury becomes stationary, note the temperature and adjust the sliding scale on the rule so that the line indicating the temperature noted will be exactly parallel with the zero mark on the left-hand side of the rule. Now remove the thermometer and empty the water and rinse the ebullioscope thoroughly with some of the diluted wine to be tested.

§ 240.1006 *Determination of alcohol content of wine.* Take 50 ml. of the diluted wine to be tested and pour it into the ebullioscope, fill the reflux condenser with cold water, insert the thermometer, and bring the sample to the boiling point. Heating should not be continued after the condenser has become very warm. When the mercury in the thermometer becomes stationary and the reading noted, refer to the rule, and the reading on the right-hand side parallel with the line on the sliding scale, indicating the temperature noted, will be the alcohol content of the diluted wine, which should be multiplied by 2, 4, or 10, according to the ratio of dilution, to find the alcohol content of the undiluted wine.

TAG-TWIN EBULLIOMETER

§ 240.1007 *Determining boiling points.* Place instrument on a level table and shield from drafts which may cause unsteady temperature conditions. Fill the graduated measuring glass with the diluted wine to be tested up to the top line marked 50 ml. Pour the liquid to be tested in the right-hand receptacle. Now fill the measuring glass up to the 50 ml. mark with water and pour the water into the left-hand container. Fill condenser with water and place it and thermometers in position. The thermometer provided with the sliding scale is for determining the boiling point of the wine, and goes in the right-hand container. The other thermometer, without the scale, is for the water container. Light burner after filling with denatured alcohol. With the chimney in place adjust apparatus so that the flame covers the two circular tubes. Use a low flame in starting, as too rapid boiling may result in a loss of some of the alcohol due to the velocity of the vapor particles. The flame may be increased after the first few minutes, but in no case use the strongest flame. When the temperature indicates that the liquids are near the boiling points, the flame may be reduced again. When the mercury columns in both thermometers reach their highest point and become stationary, and when the readings are steady, observe the mercury column of the thermometer in the receptacle containing the water. Note at what degree the water boils. Then set the sliding scale on the other thermometer so that the zero "0" mark on the sliding scale is at the same reading as the mercury of the thermometer in the receptacle with the boiling water. For instance, if the water registers 100 degrees, move the sliding scale on the other thermometer so that the zero mark of the sliding scale will be at the point of 100 degrees. If the thermometer in the receptacle with the water registers 99.6 degrees, adjust the sliding scale on the other thermometer so that its zero mark will be at 99.6 degrees of the attached thermometer, and so on.

§ 240.1008 *Determining percentage of alcohol.* After the boiling points have been reached, i. e., when the mercury columns in both thermometers have become stationary, keep a small flame burning for about one minute (heating should not be continued after the right-hand condenser has become very warm). Then read on the sliding scale the point corresponding to the top of the mercury column in the right-hand thermometer. That figure on the sliding scale will be the exact percentage of alcohol present in the diluted wine being tested. This figure will then be multiplied by 2, 4, or 10, according to the degree of dilution, to find the percent of alcohol by volume contained in the undiluted wine. The alcohol percentage scale from 1 to 5 percent is graduated in 1/20 parts, each line indicating 1/20 of 1 percent. The remainder of the scale is divided in 1/10 parts, each line indicating 1/10 of 1 percent of alcohol by volume.

CARE OF THERMOMETERS

§ 240.1009 *Precautions.* Thermometers are easily broken. Great care must be exercised in handling and using them to prevent breakage. A thermometer should never be knocked against anything hard, nor dipped into a cold liquid when it is hot or into a hot liquid when it is cold, nor should the bulb

come in contact with a cold surface just after being taken out of the boiler or with a hot surface when it is cold.

§ 240.1010 *Separation of mercury column.* Great care must likewise be used in attempting to reunite the mercury column when it becomes separated, as the thermometer may be broken by any swinging, tapping, chilling, or heating of the instrument employed to unite the separated column. The instructions in §§ 240.1011, 240.1012, 240.1013, and 240.1014 issued by manufacturers for reuniting the mercury columns of thermometers, are quoted for the information of proprietors.

§ 240.1011 *Salleron-DuJardin instructions.* Should the mercury column in the thermometer become separated as a consequence of jolting or handling, it is easy to get the bubbles or portions of mercury back into the proper place by shaking the thermometer like a pendulum, the bulb being held in the hand, the stem upwards against the forearm.

§ 240.1012 *Tag-Twin instructions.* To obtain accurate results, the mercury column in the thermometer must be unbroken. If, for any reason, a separation of the mercury occurs in the column of either thermometer, the mercury can usually be joined in the chamber above the bulb by tapping the thermometer end on a pad of paper or some other solid, but not hard, surface.

§ 240.1013 *Malligand instructions.* Due to rough handling in transportation or some similar cause the mercury column may become divided and portions of it may appear anywhere in the thermometer tube. This can easily be remedied by turning the thermometer upside down and swinging it lightly up and down, to cause the mercury in the tube to move and press forward toward the extreme end of the tube, thus uniting the separated portions on its way. A divided mercury column may sometimes completely fill the bulb at the extreme end of the horizontal tube and if turning and swinging does not unite the mercury, the bulb should be gradually heated by holding it above the flame of the alcohol lamp at a distance of about 2 or 3 inches, slowly moving it a little closer, until the heat makes the mercury rise and the separated portions unite. A little swinging up and down will help. Be careful not to have the flame too high or the bulb too close to the flame, else the bulb will break.

§ 240.1014 *Juerst instructions.* To join mercury column when broken within the capillary:

(a) Warm the bulb in water or oil or in the air high above a gas or alcohol flame. Great care must be taken, especially with high temperature thermometers, not to heat the bulb to a temperature higher than the thermometer is intended to measure. The upper end of a thermometer stem may be warmed over a Bunsen burner, if this is done very gradually. When the thermometer is warmed over a flame, it should be rotated about its axis.

(b) Cool in cold water, ice, a freezing mixture, or CO_2 snow; but such cooling should not be attempted while the thermometer bulb is still hot to the touch.

(c) Tap or strike thermometer on the end. This must be done carefully, particularly when the bulb is only partially filled with mercury and the thermometer is inverted. This tapping may be "soft," as when the thermometer is held vertically and the hand (not the thermometer) is struck on the table, or it may be "sharp," as when the thermometer is held vertically and struck downward on a pad of paper.

(d) Tap on the side of the thermometer "softly" with the hand, or "sharply" with a pencil. Either must be done with care, as there is danger of breaking the stem. Different thermometers require different treatment.

METHOD OF DETERMINING THE QUANTITY OF WINE SPIRITS TO BE ADDED TO WINE TO PRODUCE A DESIRED ALCOHOL CONTENT

§ 240.1015 *Determination of the quantity required in wine gallons.* The quantity of wine spirits required to raise the alcohol content of wine may be determined by use of the following formula:

$$X=\frac{V(C-A)}{B-C}$$

where:

A = the percent of alcohol by volume in the wine before addition of wine spirits;
B = the percent of alcohol by volume in the wine spirits to be used;
C = the desired percent of alcohol by volume in the wine;
V = the number of wine gallons of the wine to be used; and
X = the number of wine gallons of wine spirits to be used.

The percentage of alcohol by volume of wine spirits is one-half the proof of the wine spirits.

§ 240.1016 *Examples of use of formula.*

Example No. 1. How many wine gallons of wine spirits having a percent of alcohol by volume of 90 shall be added to 100 gallons of wine having an alcohol content of 10 percent by volume to produce a wine of 20 percent alcohol by volume?

$A=10$ percent.
$B=90$ percent.
$C=20$ percent.
$V=100$ gallons.

$$X=\frac{100\ (20-10)}{(90-20)}=14.28 \text{ w. g. wine spirits.}$$

Example No. 2. It is desired to increase the alcohol content of 100 gallons of wine containing 11.9 percent alcohol to 20.7 percent with wine spirits containing 90.3 percent alcohol:

$A=11.9$ percent.
$B=90.3$ percent.
$C=20.7$ percent.
$V=100$ gallons.

$$X=\frac{100\ (20.7-11.9)}{(90.3-20.7)}=12.64 \text{ w. g. wine spirits.}$$

§ 240.1017 *Determination of the quantity of wine spirits in pounds.* The pounds of wine spirits required to raise the alcohol content of wine to any percent between 18 and 24 percent, inclusive, with wine spirits of any proof between 167 degrees and 193 degrees, inclusive, may be determined by use of the table in § 240.1018. As indicated by the heading of the table, the percentage of alcohol desired in the wine is shown in the lines in the first column to the left, and the proof of the wine spirits to be used is shown at the top of the other columns.

§ 240.1018 *Table for finding the quantity of wine spirits in pounds.*

TABLE VIII

Proof of wine spirits to be used

Percent alcohol desired in wine	193	192	191	190	189	188	187	186	185	184	183	182	181
18.0	0.08591	0.08668	0.08746	0.08824	0.08902	0.08982	0.09062	0.09142	0.09224	0.09306	0.09389	0.09472	0.09557
18.1	.08602	.08679	.08757	.08835	.08914	.08994	.09074	.09154	.09236	.09318	.09401	.09485	.09570
18.2	.08613	.08690	.08768	.08847	.08926	.09005	.09086	.09167	.09248	.09331	.09414	.09498	.09583
18.3	.08624	.08702	.08780	.08858	.08938	.09017	.09098	.09179	.09261	.09344	.09427	.09511	.09597
18.4	.08635	.08713	.08791	.08870	.08949	.09029	.09110	.09191	.09273	.09356	.09440	.09525	.09610
18.5	.08646	.08724	.08803	.08881	.08961	.09041	.09122	.09204	.09286	.09369	.09453	.09538	.09623
18.6	.08657	.08735	.08814	.08893	.08973	.09053	.09134	.09216	.09298	.09382	.09466	.09551	.09637
18.7	.08669	.08747	.08825	.08905	.08985	.09065	.09146	.09228	.09311	.09395	.09479	.09564	.09650
18.8	.08680	.08758	.08837	.08916	.08997	.09077	.09157	.09241	.09324	.09407	.09492	.09577	.09664
18.9	.08691	.08769	.08848	.08928	.09008	.09089	.09171	.09253	.09336	.09420	.09505	.09591	.09677
19.0	.08702	.08781	.08860	.08940	.09020	.09101	.09183	.09266	.09349	.09433	.09518	.09604	.09691
19.1	.08713	.08792	.08872	.08952	.09032	.09114	.09196	.09278	.09362	.09446	.09531	.09617	.09704
19.2	.08725	.08804	.08883	.08964	.09044	.09126	.09208	.09291	.09375	.09459	.09545	.09631	.09718
19.3	.08736	.08815	.08896	.08975	.09056	.09138	.09220	.09303	.09387	.09472	.09558	.09644	.09731
19.4	.08747	.08827	.08907	.08987	.09068	.09150	.09233	.09316	.09400	.09485	.09571	.09658	.09745
19.5	.08759	.08838	.08918	.08999	.09081	.09163	.09245	.09329	.09413	.09498	.09584	.09671	.09759
19.6	.08770	.08850	.08930	.09011	.09093	.09175	.09258	.09341	.09426	.09511	.09598	.09685	.09773
19.7	.08781	.08861	.08942	.09023	.09105	.09187	.09270	.09354	.09439	.09524	.09611	.09698	.09786
19.8	.08793	.08873	.08954	.09035	.09117	.09200	.09283	.09367	.09452	.09538	.09624	.09712	.09800
19.9	.08804	.08885	.08966	.09047	.09129	.09212	.09296	.09380	.09465	.09551	.09638	.09726	.09814
20.0	.08816	.08896	.08977	.09059	.09141	.09224	.09308	.09393	.09478	.09564	.09651	.09739	.09828
20.1	.08827	.08908	.08989	.09071	.09154	.09237	.09321	.09406	.09491	.09577	.09665	.09753	.09842
20.2	.08839	.08920	.09001	.09083	.09166	.09249	.09334	.09418	.09504	.09591	.09678	.09767	.09856
20.3	.08851	.08932	.09013	.09096	.09178	.09262	.09346	.09431	.09517	.09604	.09692	.09781	.09870
20.4	.08862	.08943	.09025	.09108	.09191	.09275	.09359	.09444	.09531	.09618	.09706	.09794	.09884
20.5	.08874	.08955	.09037	.09120	.09203	.09287	.09372	.09457	.09544	.09631	.09719	.09808	.09898
20.6	.08886	.08967	.09049	.09132	.09216	.09300	.09385	.09470	.09557	.09645	.09733	.09822	.09912
20.7	.08897	.08979	.09061	.09144	.09228	.09313	.09398	.09484	.09570	.09658	.09747	.09836	.09927
20.8	.08909	.08991	.09074	.09157	.09241	.09325	.09411	.09497	.09584	.09672	.09761	.09850	.09941
20.9	.08921	.09003	.09086	.09169	.09253	.09338	.09424	.09510	.09597	.09685	.09774	.09864	.09955
21.0	.08933	.09015	.09098	.09182	.09266	.09351	.09437	.09523	.09611	.09699	.09788	.09878	.09969
21.1	.08944	.09027	.09110	.09194	.09278	.09364	.09450	.09536	.09624	.09713	.09802	.09892	.09984
21.2	.08956	.09039	.09122	.09206	.09291	.09376	.09463	.09550	.09638	.09726	.09816	.09907	.09998
21.3	.08968	.09051	.09135	.09219	.09304	.09389	.09476	.09563	.09651	.09740	.09830	.09921	.10013
21.4	.08980	.09063	.09147	.09231	.09317	.09402	.09489	.09576	.09665	.09754	.09844	.09935	.10027
21.5	.08992	.09075	.09159	.09244	.09329	.09415	.09502	.09590	.09678	.09768	.09858	.09949	.10042
21.6	.09004	.09088	.09172	.09257	.09342	.09428	.09515	.09603	.09692	.09782	.09872	.09964	.10057
21.7	.09016	.09100	.09184	.09269	.09355	.09441	.09529	.09617	.09706	.09795	.09886	.09978	.10071
21.8	.09028	.09112	.09197	.09282	.09368	.09454	.09542	.09630	.09719	.09809	.09901	.09993	.10086
21.9	.09040	.09124	.09209	.09295	.09381	.09468	.09555	.09644	.09733	.09824	.09915	.10007	.10100
22.0	.09053	.09137	.09222	.09307	.09394	.09481	.09569	.09657	.09747	.09837	.09929	.10022	.10115
22.1	.09065	.09149	.09234	.09320	.09407	.09494	.09582	.09671	.09761	.09852	.09943	.10036	.10130
22.2	.09077	.09162	.09247	.09333	.09420	.09507	.09595	.09685	.09775	.09866	.09958	.10051	.10145
22.3	.09089	.09174	.09259	.09346	.09433	.09520	.09609	.09698	.09789	.09880	.09972	.10065	.10159
22.4	.09101	.09186	.09272	.09359	.09446	.09534	.09622	.09712	.09802	.09894	.09987	.10080	.10174
22.5	.09114	.09199	.09285	.09372	.09459	.09547	.09636	.09726	.09816	.09908	.10001	.10095	.10189
22.6	.09126	.09211	.09298	.09384	.09472	.09560	.09650	.09740	.09831	.09922	.10016	.10109	.10204
22.7	.09138	.09224	.09310	.09397	.09485	.09574	.09663	.09753	.09845	.09937	.10030	.10124	.10219
22.8	.09151	.09237	.09323	.09410	.09498	.09587	.09677	.09767	.09859	.09951	.10045	.10139	.10234
22.9	.09163	.09249	.09336	.09423	.09512	.09601	.09691	.09781	.09873	.09966	.10059	.10154	.10250
23.0	.09176	.09262	.09349	.09437	.09525	.09614	.09704	.09795	.09887	.09980	.10074	.10169	.10265
23.1	.09188	.09275	.09362	.09450	.09538	.09628	.09718	.09809	.09901	.09994	.10089	.10184	.10280
23.2	.09201	.09287	.09375	.09463	.09552	.09641	.09732	.09823	.09916	.10009	.10103	.10199	.10295
23.3	.09213	.09300	.09388	.09476	.09565	.09655	.09746	.09837	.09930	.10024	.10118	.10214	.10311
23.4	.09226	.09313	.09401	.09489	.09579	.09669	.09760	.09851	.09944	.10038	.10133	.10229	.10326
23.5	.09239	.09326	.09414	.09503	.09592	.09682	.09774	.09866	.09959	.10053	.10148	.10244	.10341
23.6	.09251	.09339	.09427	.09516	.09606	.09696	.09788	.09880	.09973	.10068	.10163	.10259	.10357
23.7	.09264	.09352	.09440	.09529	.09619	.09710	.09802	.09894	.09988	.10082	.10178	.10275	.10372
23.8	.09277	.09365	.09453	.09543	.09633	.09724	.09816	.09908	.10002	.10097	.10193	.10290	.10388
23.9	.09289	.09378	.09466	.09556	.09646	.09738	.09830	.09923	.10017	.10112	.10208	.10305	.10404
24.0	.09302	.09391	.09480	.09569	.09660	.09752	.09844	.09937	.10031	.10127	.10223	.10321	.10419

Percent alcohol desired in wine	180	179	178	177	176	175	174	173	172	171	170	169	168	167
18.0	0.09642	0.09729	0.09817	0.09905	0.09995	0.10085	0.10177	0.10270	0.10364	0.10460	0.10557	0.10655	0.10751	0.10855
18.1	.09656	.09743	.09830	.09919	.10009	.10100	.10192	.10285	.10380	.10475	.10572	.10671	.10770	.10871
18.2	.09669	.09756	.09844	.09933	.10023	.10114	.10207	.10300	.10395	.10491	.10588	.10687	.10787	.10888
18.3	.09683	.09770	.09858	.09947	.10038	.10129	.10221	.10315	.10410	.10507	.10604	.10703	.10803	.10904
18.4	.09696	.09784	.09872	.09962	.10052	.10144	.10236	.10330	.10426	.10522	.10620	.10719	.10819	.10921
18.5	.09710	.09798	.09886	.09976	.10066	.10158	.10251	.10346	.10441	.10538	.10636	.10735	.10836	.10938
18.6	.09724	.09811	.09900	.09990	.10081	.10173	.10266	.10361	.10457	.10554	.10652	.10752	.10853	.10955
18.7	.09737	.09825	.09914	.10004	.10096	.10188	.10281	.10376	.10472	.10569	.10668	.10768	.10869	.10972
18.8	.09751	.09839	.09928	.10019	.10110	.10203	.10296	.10391	.10488	.10585	.10684	.10784	.10886	.10989
18.9	.09765	.09853	.09943	.10033	.10125	.10217	.10311	.10407	.10503	.10601	.10700	.10801	.10903	.11006
19.0	.09778	.09867	.09957	.10048	.10139	.10232	.10327	.10422	.10519	.10617	.10717	.10817	.10919	.11023
19.1	.09792	.09881	.09971	.10062	.10154	.10247	.10342	.10438	.10535	.10633	.10733	.10834	.10936	.11040
19.2	.09806	.09895	.09985	.10077	.10169	.10262	.10357	.10453	.10551	.10649	.10749	.10850	.10953	.11057
19.3	.09820	.09909	.10000	.10091	.10184	.10277	.10372	.10469	.10566	.10665	.10765	.10867	.10970	.11074
19.4	.09834	.09923	.10014	.10106	.10199	.10293	.10388	.10484	.10582	.10681	.10782	.10884	.10987	.11092
19.5	.09848	.09937	.10028	.10120	.10213	.10308	.10403	.10500	.10598	.10698	.10798	.10900	.11004	.11109
19.6	.09862	.09952	.10043	.10135	.10228	.10323	.10419	.10516	.10614	.10714	.10815	.10917	.11021	.11126
19.7	.09876	.09966	.10057	.10150	.10243	.10338	.10434	.10531	.10630	.10730	.10831	.10934	.11038	.11144
19.8	.09890	.09980	.10072	.10165	.10258	.10353	.10450	.10547	.10646	.10746	.10848	.10951	.11055	.11161
19.9	.09904	.09995	.10086	.10179	.10273	.10369	.10465	.10563	.10662	.10763	.10865	.10968	.11073	.11179
20.0	.09918	.10009	.10101	.10194	.10289	.10384	.10481	.10579	.10678	.10779	.10881	.10985	.11090	.11196
20.1	.09932	.10023	.10116	.10209	.10304	.10399	.10496	.10595	.10695	.10796	.10898	.11002	.11107	.11214
20.2	.09946	.10038	.10130	.10224	.10319	.10415	.10512	.10611	.10711	.10812	.10915	.11019	.11125	.11232
20.3	.09961	.10052	.10145	.10239	.10334	.10430	.10528	.10627	.10727	.10829	.10932	.11036	.11142	.11250
20.4	.09975	.10067	.10160	.10254	.10349	.10446	.10544	.10643	.10744	.10845	.10949	.11054	.11160	.11267
20.5	.09989	.10082	.10175	.10269	.10365	.10461	.10560	.10659	.10760	.10862	.10966	.11071	.11177	.11285
20.6	.10004	.10096	.10190	.10284	.10380	.10477	.10575	.10675	.10776	.10879	.10983	.11088	.11195	.11303
20.7	.10018	.10111	.10205	.10299	.10396	.10493	.10591	.10691	.10793	.10896	.11000	.11106	.11213	.11321
20.8	.10033	.10126	.10220	.10315	.10411	.10509	.10607	.10708	.10809	.10913	.11017	.11123	.11230	.11339
20.9	.10047	.10140	.10235	.10330	.10427	.10524	.10623	.10724	.10826	.10929	.11034	.11140	.11248	.11357
21.0	.10062	.10155	.10250	.10345	.10442	.10540	.10640	.10740	.10843	.10946	.11051	.11158	.11266	.11376
21.1	.10076	.10170	.10265	.10361	.10458	.10556	.10656	.10757	.10859	.10963	.11069	.11176	.11284	.11394
21.2	.10091	.10185	.10280	.10376	.10473	.10572	.10672	.10773	.10876	.10980	.11086	.11193	.11302	.11412
21.3	.10106	.10200	.10295	.10391	.10489	.10588	.10688	.10790	.10893	.10998	.11103	.11211	.11320	.11430
21.4	.10120	.10215	.10310	.10407	.10505	.10604	.10704	.10806	.10910	.11015	.11121	.11229	.11338	.11449
21.5	.10135	.10230	.10326	.10422	.10521	.10620	.10721	.10823	.10927	.11032	.11138	.11247	.11356	.11467
21.6	.10150	.10245	.10341	.10438	.10536	.10636	.10737	.10840	.10944	.11049	.11156	.11264	.11374	.11486
21.7	.10165	.10260	.10356	.10454	.10552	.10652	.10754	.10856	.10961	.11066	.11174	.11282	.11393	.11504
21.8	.10180	.10275	.10372	.10469	.10568	.10668	.10770	.10873	.10978	.11084	.11191	.11300	.11411	.11523
21.9	.10195	.10290	.10387	.10485	.10584	.10685	.10787	.10890	.10995	.11101	.11209	.11318	.11429	.11542
22.0	.10210	.10306	.10403	.10501	.10600	.10701	.10803	.10907	.11012	.11119	.11227	.11337	.11448	.11561
22.1	.10225	.10321	.10418	.10517	.10616	.10717	.10820	.10924	.11029	[illegible]	.11245	.11355	.11466	.11579
22.2	.10240	.10336	.10434	.10533	.10633	.10734	.10837	.10941	.11047	.11154	.11263	.11373	.11485	.11598
22.3	.10255	.10352	.10449	.10548	.10649	.10750	.10853	.10958	.11064	.11172	.11281	.11391	.11503	.11617
22.4	.10270	.10367	.10465	.10564	.10665	.10767	.10870	.10975	.11081	.11189	.11299	.11410	.11522	.11636
22.5	.10285	.10382	.10481	.10580	.10681	.10783	.10887	.10992	.11099	.11207	.11317	.11428	.11541	.11655
22.6	.10301	.10398	.10497	.10596	.10698	.10800	.10904	.11009	.11116	.11225	.11335	.11446	.11560	.11674
22.7	.10316	.10414	.10512	.10613	.10714	.10817	.10921	.11027	.11134	.11243	.11353	.11465	.11578	.11694
22.8	.10331	.10429	.10528	.10629	.10730	.10833	.10938	.11044	.11152	.11261	.11371	.11484	.11597	.11713
22.9	.10347	.10445	.10544	.10645	.10747	.10850	.10955	.11061	.11169	.11279	.11390	.11502	.11616	.11732
23.0	.10362	.10461	.10560	.10661	.10763	.10867	.10972	.11079	.11187	.11297	.11408	.11521	.11635	.11752
23.1	.10378	.10476	.10576	.10677	.10780	.10884	.10989	.11096	.11205	.11315	.11426	.11540	.11654	.11771
23.2	.10393	.10492	.10592	.10694	.10797	.10901	.11006	.11114	.11223	.11333	.11445	.11558	.11674	.11791
23.3	.10409	.10508	.10608	.10710	.10813	.10918	.11024	.11131	.11240	.11351	.11463	.11577	.11693	.11810
23.4	.10424	.10524	.10625	.10727	.10830	.10935	.11041	.11149	.11258	.11369	.11482	.11596	.11712	.11830
23.5	.10440	.10540	.10641	.10743	.10847	.10952	.11058	.11167	.11276	.11388	.11501	.11615	.11732	.11850
23.6	.10456	.10556	.10657	.10760	.10864	.10969	.11076	.11184	.11294	.11406	.11519	.11634	.11751	.11869
23.7	.10471	.10572	.10673	.10776	.10881	.10986	.11093	.11202	.11313	[illegible]	.11538	.11653	.11770	.11889
23.8	.10487	.10588	.10690	.10793	.10898	.11003	.11111	.11220	.11331	[illegible]	.11557	.11673	.11790	.11909
23.9	.10503	.10604	.10706	.10810	.10915	.11021	.11129	.11238	.11349	.11462	.11576	.11692	.11810	.11929
24.0	.10519	.10620	.10723	.10826	.10932	.11038	.11146	.11256	.11367	.11480	.11595	.11711	.11829	.11949

§ 240.1019 *Instructions for use of Table VIII.* To find the pounds of wine spirits required, multiply the factor shown at the line for the percentage of alcohol desired in the column for the proof of the wine spirits to be used, by the difference between the percentage of alcohol of the wine before addition of the wine spirits and the percentage desired, then multiply the product by the number of gallons of wine to which the wine spirits are to be added.

§ 240.1020 *Examples.*

Example No. 1. How many pounds of wine spirits of 180 proof shall be added to 10,000 gallons of wine containing 10 percent alcohol to increase the alcohol content of the wine to 20 percent?

0.09918 × (20 − 10) × 10,000 = 9,918 pounds wine spirits required

Example 2. It is desired to raise the alcohol content of 10,000 gallons of wine containing 11.9 percent alcohol to 20.7 percent with wine spirits of 180.6 proof.

Interpolation between columns 181 and 180 is made as follows:

(0.10018 − 0.09927) × 0.6 = 0.000546 difference.

0.10018 − 0.000546 = 0.099634 factor for 180.6 proof wine spirits.

0.099634 × (20.7 − 11.9) × 10,000 = 8,767.79 pounds of wine spirits required.

RULES FOR FINDING CAPACITY AND CONTENTS OF TANKS

§ 240.1021 *Round tanks of uniform dimensions, standing on end.* Ascertain the inside depth of the tank by accurately measuring the same with a rod or steel tape. Ascertain the diameter of the tank (1) by accurately measuring the inside width of the tank with a rod or steel tape, or (2) by measuring the outside circumference of the tank and dividing the same by 3.1416 and deducting from the quotient twice the thickness of the staves or sides of the tank. The result will be the inside diameter of the tank. After determining the depth and diameter of the tank in inches, multiply the diameter by itself and by the depth and by 0.0034, and the product will be the capacity of the tank in gallons.

§ 240.1022 *Examples.* (a) What is the capacity of a tank 120 inches in diameter and 100 inches in depth?

120 × 120 × 100 × 0.0034 = 4,896 gallons, capacity of tank.

(b) The capacity of the tank for 1 inch of depth can be determined by multiplying the diameter by itself and by 0.0034. What is the capacity per inch of depth of the above tank?

120 × 120 × 0.0034 = 48.96 gallons per inch.

(c) Where the tank is partly filled, the liquid contents can be determined by ascertaining the depth of the wine in inches and multiplying same by the capacity of the tank for 1 inch of depth. (The depth of the wine can be ascertained by measuring the same with a rod or steel tape or by measuring the dry inches in the tank and subtracting same from the depth of the tank.)

(d) What are the liquid contents of the above tank if the depth of the wine in it is 75 inches?

75 × 48.96 = 3,672 gallons of wine in tank.

§ 240.1023 *Round tanks standing on end and larger at bottom than at top, but not bulged in the middle.* Ascertain the inside diameter of the tank at the top and at the bottom and the inside depth of the tank in the manner set forth above. (In ascertaining the depth, the rod or tape should be run straight down and not allowed to follow the course of the staves or sides of the tank. All measurements should be in inches.) Add together the square of the top diameter, the square of the bottom diameter, and four times the square of the midway diameter (ascertained by adding the top and bottom diameters together and dividing by 2), and divide the sum by 6, which gives the square of the true mean diameter; multiply this by the depth of the tank, and the product will be the capacity in cylindrical inches. As there are 294 cylindrical inches in a gallon, divide this last product by 294, and the quotient will be the capacity of the tank in gallons.

§ 240.1024 *Examples.* (a) What is the capacity of a tank 108 inches in diameter at the top, 120 inches in diameter at the bottom, and 100 inches in depth?

(108 + 120) ÷ 2 = 114 inches midway diameter.

(108 × 108) + (120 × 120) + (114 × 114 × 4) ÷ 6 = 13,008.

(13,008 × 100) ÷ 294 = 4,424 gallons, capacity of tank.

(b) The following rule is shorter and, though not mathematically correct, is for all practical purposes sufficiently so, unless the tank is much smaller at the top than at the bottom, and may be used in determining the capacity of such tanks: Add the top and bottom diameters, divide the sum by 2, multiply the quotient by itself and by 0.0034 and by the depth of the tank, the result will be the capacity of the tank in gallons.

(108 + 120) ÷ 2 = 114 inches mean diameter.

114 × 114 × 100 × 0.0034 = 4,418 gallons, capacity of tank.

(c) To find the capacity for each foot of depth, subtract the top diameter from the bottom diameter, and divide the difference by the depth in inches to get the decrease in diameter for each inch of depth; multiply the quotient by 12, which gives the decrease in diameter per foot; subtract the product from the bottom diameter to get the diameter at 1 foot of depth from the bottom; add the bottom diameter and the diameter at 1 foot from the bottom, divide the sum by 2, multiply the quotient by itself and by 0.0034. The result will be the capacity of the tank for the first foot of depth.

(120 − 108) ÷ 100 = 0.12 inches, decrease in diameter per inch of depth.

0.12 × 12 = 1.44 inches, decrease in diameter per foot of depth.

120 − 1.44 = 118.56 inches, diameter 1 foot from bottom.

(120 + 118.56) ÷ 2 = 119.28 inches, mean diameter.

119.28 × 119.28 × 0.0034 = 48.37 gallons per inch for first foot.

48.37 × 12 = 580.44 gallons, capacity first foot.

The capacity for the next foot of depth can be ascertained by the same process of taking the diameter at the top of the first foot as the bottom diameter for the calculation. For example, the bottom diameter of the second foot of depth is 118.56 inches, and the top diameter would be 118.56 − 1.44 (decrease in diameter) = 117.12 inches top diameter. By following the above rule the capacity for the second foot is found as follows:

(118.56 + 117.12) ÷ 2 = 117.84 inches.

117.84 × 117.84 × 0.0034 = 47.21 gallons per inch for second foot.

47.21 × 12 = 566.52 gallons capacity for second foot.

Each other foot of depth can be found in the same way, care being used that each calculation is correct.

(d) To find the liquid contents when partly filled, ascertain the decrease in diameter of the tank per inch of depth by subtracting the top diameter of the tank from its bottom diameter and dividing the difference by the depth in inches of the tank, to get the decrease in diameter per inch of depth. Then ascertain the depth in inches of the liquid, and multiply the same by the decrease in diameter per inch of depth, the product will be the difference between the bottom diameter of the tank and the diameter of the tank at the top of the liquid. Then add these two diameters, divide the sum by 2, multiply the quotient by itself and by 0.0034 and by the depth in inches of the liquid. The result will be the gallons of liquid contained in the tank. What are the liquid contents of the above tank if the depth of the wine in it is 75 inches?

(120 − 108) ÷ 100 = 0.12 inch, decrease in diameter per inch.

0.12 × 75 = 9 inches, difference between the bottom and top of wine.

120 − 9 = 111 inches, diameter at top of wine.

(111 + 120) ÷ 2 = 115.5 inches, mean diameter.

115.5 × 115.5 × 0.0034 × 75 = 3,402 gallons, contents.

§ 240.1025 *Round tanks or casks bulged in the middle.* The capacities of casks bulged in the middle can best be determined by filling them with liquid and measuring such liquid (1) with an accurate meter, or (2) in a measuring tank or in a tank of uniform dimensions. The following rule while not mathematically correct may be used in taking inventories of such casks: Ascertain the inside head and middle diameters in the manner set forth under directions for finding the capacity of "Round Tanks of Uniform Dimensions, Standing on End." In doing this care should be used to get the true diameter at the head and at the center of the cask. Where the diameters are determined by taking the circumference and dividing same by 3.1416, the measurements should be made in the exact center of the cask and at the heads rather than at the end of the staves in cases where the staves extend beyond the heads. Add to the head diameter two-thirds of the difference between the head and middle diameter (if the staves are only slightly curved, add only six-tenths of the difference); this gives the mean diameter; multiply the mean diameter by itself and by the inside length, where the cask is lying on its side, or inside height where the cask is standing on one head, and by 0.0034. The result will be the capacity of the cask in gallons.

§ 240.1026 *Example.* A wine cask is 64 inches long, the head diameter is 36 inches, and the center diameter is 42 inches. What is the capacity of the cask?

42−36=6 inches difference in diameter.
(⅔ of 6)+36=40 inches mean diameter.
40×40×64×0.0034=348.16 gallons, capacity of cask.

§ 240.1027 *Square or rectangular tanks or vats with perpendicular sides.* (a) To find the capacity multiply the inside length by the inside breadth and by the inside height and divide by 231, the number of cubic inches in a gallon, the result will be the capacity in gallons of the tank or vat. For example, a rectangular tank is 120 inches long, 108 inches wide, and 100 inches deep. What is its capacity?

(120×108×100) ÷231=5,610 gallons, capacity of tank.

(b) To find the capacity per inch of depth multiply the inside length by the inside breadth and divide by 231; the result will be the capacity per inch of depth. For example, what is the capacity per inch of depth of the above tank?

(120×108) ÷231=56.10 gallons, capacity per inch.

(c) To find the liquid contents when partly filled multiply the depth of the wine in inches by the capacity per inch. For examle, what are the liquid contents of the above tank if the depth of the wine in it is 75 inches?

75×56.10=4,207.5 gallons, contents of tank.

§ 240.1028 *Square or rectangular tanks or vats larger at the top than at the bottom, or vice versa.* Find the mean length by adding the top length and the bottom length and dividing by 2. Find the mean width by adding the top width and the bottom width and dividing by 2. Multiply the mean length by the mean width and by the depth and divide by 231. The result will be the capacity of the tank in gallons.

§ 240.1029 *Examples.* (a) A rectangular tank is 120 inches long at the top and 108 inches at the bottom, 100 inches wide at the top and 90 inches at the bottom, and 72 inches deep. What is its capacity?

(120+108)÷2=114 inches, mean length.
(100+90)÷2=95 inches, mean width.
(114×95×72)÷231=3,375.5 gallons, capacity of tank.

(b) To find the contents when partly filled subtract the top length from the bottom length and divide the difference by the depth; the result will be the difference in length per inch of depth. Multiply the depth of the wine in inches by the difference in length per inch of depth to get the difference in length at the top of the wine and at the bottom of the tank. Add this difference to the bottom length to get the length at the top of the wine. Add the length at the top of the wine and the bottom length and divide by 2 to get the mean length. Find the mean width in the same way. Multiply the mean length by the mean width and by the depth of the wine and divide by 231; the result will be the contents of the tank in gallons. For example, what are the liquid contents of the above tank if the depth of the wine in it is 48 inches?

(120−108)÷72=⅙ inch, difference in length per inch of depth.
48×⅙=8 inches, difference in length top of wine.
108+8=116 inches, length at top of wine.
(108+116)÷2=112 inches, mean length.

The mean width is found in the same way:

(100−90)÷72×48=6⅔ inches, difference in width at top of wine.
(90+6⅔+90)÷2=93⅓ inches, mean width.
(112×93⅓×48)÷231=2,172 gallons, contents of tank.

[F. R. Doc. 54-9419; Filed, Nov. 24, 1954; 2:36 p. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 907]

[Docket No. AO 212-A8]

HANDLING OF MILK IN THE MILWAUKEE, WISCONSIN, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Milwaukee, Wisconsin, on July 23, 1954, pursuant to notice thereof which was issued on July 15, 1954 (19 F. R. 4478).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service on October 26, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision with respect to certain issues, and an opportunity to file written exceptions thereto. This recommended decision was published in the FEDERAL REGISTER on October 29, 1954 (19 F. R. 6972).

A previous recommended decision (19 F. R. 4998) filed on August 4, 1954, with the Hearing Clerk and a decision of the Secretary filed on August 16, 1954 (19 F. R. 5267), dealt with the issues of this record for a limited period, and provided that further action on the record would be taken for months after November 1954. This decision deals with the same issues with respect to periods following November 1954.

The material issues, findings and conclusions, and general findings of the recommended decision (F. R. Doc. 54-8538; 19 F. R. 6972), are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein, subject to following corrections (paragraphs 1 and 2) and addition (paragraph 3):

1. Delete the last sentence in the first paragraph beginning in column 2, page 6972, and substitute therefor the following: "In recognition of the relationship of the markets, class prices in one should follow closely class prices in the other."

2. In the first paragraph beginning in column 3, page 6972, delete the words "September–November period" and substitute therefor the words, "August–November period."

3. Add the following as the second paragraph in column 3, page 6972:

In the recommended decision of October 26, 1954 (19 F. R. 6972) reference was made to the recent recommended decision on proposed amendments to the Chicago milk order in which it was concluded that (a) the Class II differentials in such market should be 45 cents for the December–July period and 70 cents for the August–November period, and (b) the supply-demand limitation of 24 cents per hundredweight should be continued after November. Such Class II differentials and supply-demand adjustment limitation for the Chicago market have now been affirmed by a final decision on the proposed amendments to the Chicago order.

Ruling on exceptions. There were no exceptions received to the recommended decision.

Determination of representative period. The month of August 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," which have been decided upon as the detailed and appropriate means of effectating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 23d day of November 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby amended as follows:

1. In § 907.51 (a) delete the proviso and substitute: "*Provided,* That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio computed pursuant to paragraph (e) of this section is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents due to the supply-demand ratio."

2. In § 907.51 delete paragraph (b) and substitute:

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amounts as indicated: August, September, October and November, 70 cents; all other months, 45 cents: *Provided,* That such Class II price differentials shall be adjusted by the amount of any adjustment made in the Class I price differential for the same month pursuant to the proviso of paragraph (a) of this section.

[F. R. Doc. 54-9384; Filed, Nov. 26, 1954; 8:51 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 941]

[Docket No. AO-101-A18]

HANDLING OF MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Chicago, Illinois, on June 1–4, 7–11, and 14–15, pursuant to notice thereof which was issued on May 20, 1954 (19 F. R. 3028).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on October 22, 1954 (19 F. R. 6929) filed with the Hearing Clerk, United States Department of Agriculture, a recommended decision with respect to certain issues, and an opportunity to file written exception thereto.

A previous recommended decision (19 F. R. 4730) filed on July 28, 1954, by the Deputy Administrator of the Agricultural Marketing Service, and a decision by the Secretary on August 16, 1954 (19 F. R. 5268), dealt with issue No. 1, as listed herein, and certain aspects of issues No. 2 and No. 3. The recommended decision issued on October 22, 1954, dealt with the remaining matters under issues numbered 2 through 16, except for issue No. 5 (prices for milk picked up at the farm by tank trucks), on which action is deferred.

The material issues, findings and conclusions, and general findings of the recommended decision (19 F. R. 6929; F. R. Doc. 54-8476) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein, except as follows:

1. Delete the fifth paragraph beginning in column 2, page 6931 and substitute therefor the following:

The Class I price differentials should be revised but without significant change in their annual average.

2. Delete the 4th and 5th paragraphs beginning in column 3, page 6931 and substitute therefor the following:

The schedule of Class I differentials contained in the recommended decision were $1.10 for the months of August through November and 80 cents for other months. However, the producer association which submitted the original proposal and an association of handlers representing a large proportion of the milk marketed filed exceptions to the schedule of Class I differentials proposed in the recommended decision and requested a different seasonal pattern of differentials which would result in the same annual average. The differentials requested would be $1.10 through August–November, 70 cents March through June, and 90 cents for other months. It was indicated that the latter seasonal pattern would be preferable to that proposed in the recommended decision because it would result in a maximum change of 20 cents in the differential from any one month to another and a price level in the flush production months more nearly competitive with prices locally paid in those out-of-area markets where Chicago handlers have regular sales of Class I milk. Upon review, it is concluded that the latter pattern of differentials will be appropriate under present market conditions and in relation to other order provisions.

3. In the second line of the second full paragraph beginning on page 6937 delete the words "Class I price" and substitute "class prices."

4. After the first full paragraph beginning in the second column on page 6937 insert a paragraph as follows: "In § 941.50, the exception applying to May, June, and July 1954, is obsolete and should be deleted."

Rulings on exceptions. In arriving at the findings and conclusions included in this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of August 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Chicago, Illinois, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreements and orders. Annexed hereto and made a part hereof are documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Chicago, Illinois,

Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 23d day of November 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area*

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at each hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended, as follows:

1. In § 941.7 (b) delete the word "July" and substitute the word "September."

2. In § 941.40 (b) after the words "plastic cream," delete the words "powdered cream."

3. Delete § 941.40 (c) and substitute the following:

(c) Any milk moved as milk, skim milk, or cream in fluid form from a regulated plant to the establishment of a commercial food or drug processor located within the surplus milk manufacturing area or to an unregulated milk plant so located, which milk plant manufactured during the delivery period butter, cheese, evaporated milk, condensed milk or skim milk, whole milk powder, nonfat dry milk solids, casein, powdered ice cream mix, or powdered cream, shall be classified under § 941.41 as follows:

(1) If the unregulated plant or establishment maintains adequate daily records showing the utilization of the milk, skim milk or cream, it shall be classified according to its use;

(2) If the unregulated plant or establishment maintains adequate daily records showing the utilization of all receipts of milk and milk products, and the milk, skim milk or cream received from the regulated plant are commingled with other receipts, the receipts of milk, or skim milk from the regulated plant shall be allocated according to such daily records, to the available quantity of Class III (a) milk, Class III milk, Class IV milk, Class II milk and Class I milk in that sequence; and any such receipts of cream from the regulated plant shall be allocated to Class IV milk, Class III milk, Class III (a) milk, Class II milk and Class I milk in that sequence;

(3) If such unregulated plant or establishment does not make available to the market administrator adequate utilization records on a daily basis, but does make available to the market administrator adequate utilization records on a monthly basis, the milk or skim milk received from the regulated plant shall be allocated to the available quantity of Class I milk, Class II milk, Class III milk, Class III (a) milk and Class IV milk, in that sequence; and the cream received from a regulated plant shall be allocated to the available quantities of Class II milk, Class III milk, Class III (a) milk, Class IV milk and Class I milk, in that sequence;

(4) If the unregulated plant or establishment described in subparagraphs (1), (2) and (3) of this paragraph, disposes of milk, skim milk or cream in bulk to another unregulated milk plant located within the surplus milk manufacturing area which is engaged in manufacturing one of the products named in this paragraph, the classification of such milk, skim milk or cream shall be ascertained at the second unregulated milk plant in the manner prescribed in subparagraphs (1), (2) or (3) of this paragraph whichever would be applicable to the second unregulated plant; and

(5) If the unregulated plant or establishment described in subparagraphs (1), (2) or (3) of this paragraph, disposes of milk, skim milk or cream in bulk to another unregulated plant located within the surplus milk manufacturing area which is not engaged in manufacturing one of the products named in this paragraph, such milk moved as milk or skim milk shall be classified as Class I milk, and such milk moved as cream in fluid form shall be classified as Class II milk.

4. In § 941.41 (b) after the words "plastic cream," delete the words "powdered cream," and after the words "ice cream mix (liquid" delete the words "or powder."

5. In § 941.51 delete paragraph (d).

6. In § 941.52 (d) delete subparagraph (4).

7. Delete § 941.52 (a) (1) and substitute the following:

(1) The price for Grade A Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: August, September, October, and November, $1.10; December, January, February, and July, $0.90; all others, $0.70: *Provided*, That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of the supply-demand ratio.

8. Delete § 941.52 (b) (1) and substitute the following:

(1) The price for Grade A Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: August, September, October, and November, $0.70; all others, $0.45: *Provided*, That such Class II price differential shall be adjusted by the amount of any adjustment made in the Class I price differential for the same delivery period pursuant to the proviso of paragraph (a) (1) of this section.

9. In § 941.52 delete paragraph (c) and substitute:

(c) *Class III milk.* The price per hundredweight for Class III milk shall be the higher of the prices resulting from the formula set forth in paragraph (d) of this section and the average (adjusted to the nearest full cent) of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator: *Provided*, That the price resulting from the formula set forth in this paragraph shall apply at all times to Class III (a) milk.

Companies and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Clarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

10. In § 941.52 (d) (3) delete the period at the end of the sentence and add the following: "and adjust to the nearest full cent."

11. In § 941.60 delete the words "and from other handlers."

12. In § 941.67 (a) (1) (i) after the words "skim milk" insert the words "concentrated milk, condensed skim milk."

13. In § 941.71 (f) delete the words "4 cents nor more than 5 cents." and substitute therefor the words "6 cents nor more than 7 cents."

14. In § 941.50 change the comma just preceding the word "except" to a period, and delete the rest of the sentence.

[F. R. Doc. 54-9383; Filed, Nov. 26, 1954; 8:51 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 970]

IRISH POTATOES GROWN IN MAINE

NOTICE OF PROPOSED EXPENSES AND RATES OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the establishment of the dates for fiscal periods and of the expenses and rates of assessment hereinafter set forth which were recommended by the Maine Potato Administrative Committee established pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970; 19 F. R. 5469), regulating the handling of Irish potatoes grown in the State of Maine, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments, pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 970.201 *Fiscal period.* The initial fiscal period shall begin on the effective date of this part, August 30, 1954, and end July 31, 1955, both dates inclusive. Thereafter, each fiscal period shall begin on August 1 of each year and end July 31 of the following year, both dates inclusive.

§ 970.202 *Expenses and rates of assessment.* (a) The reasonable expenses that are likely to be incurred by the Maine Potato Administrative Committee, established pursuant to Marketing Agreement No. 122 and Order No. 70, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal period ending July 31, 1955, will amount to $49,895.00.

(b) The rates of assessment to be paid by each handler pursuant to Marketing Agreement 122 and Order No. 70, shall be $1.25 per car, or equivalent thereof, 80 cents per truck load of 25,000 pounds and more, and 50 cents per truck load of less than 25,000 pounds, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 22d day of November 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-9351; Filed, Nov. 26, 1954; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSAL TO AMEND DEFINITIONS AND STANDARDS OF IDENTITY FOR CERTAIN CHEESES AND RELATED PRODUCTS

In the matter of amending the definitions and standards of identity for muenster cheese, munster cheese; monterey cheese; pasteurized process cheese food; pasteurized process cheese food with fruits, vegetables, or meats; pasteurized process cheese spread; pasteurized cheese spread; pasteurized process cheese spread with fruits, vegetables, or meats; pasteurized cheese spread with fruits, vegetables, or meats; cold-pack cheese food; and cold-pack cheese food with fruits, vegetables, or meats:

Notice is hereby given that a petition has been filed by the National Cheese Institute, Inc., whose members include manufacturers of cheeses and processed cheeses and assemblers, wholesalers, and distributors of all types of cheese, setting forth proposals to amend the definitions and standards of identity for the cheeses, cheese spreads, and cheese foods enumerated above. Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, as amended by 68 Stat. 54; 21 U. S. C. 341), the Secretary of Health, Education, and Welfare invites all interested persons to present their views in writing regarding the proposals published in this notice, and to submit such comments in quintuplicate prior to the thirtieth day following the publication of this notice in the FEDERAL REGISTER. Written comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, Washington 25, D. C.

A. The petitioner's proposals are as follows:

1. It is proposed that § 19.550 *Muenster cheese, munster cheese; identity* be amended in the following respects:

a. In paragraph (a), first sentence, delete the word "pasteurized". The first sentence will then read: "Muenster cheese, munster cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used."

b. In paragraph (a), last sentence, change the number "46" to "45". The last sentence will then read: "It contains not more than 45 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c)."

c. At the end of paragraph (a), add a new sentence reading: "If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days."

d. In paragraph (b), first sentence, change the words "is pasteurized" to "may be pasteurized". The first sentence will then read: "Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto."

2. It is proposed that § 19.580 *Monterey cheese; identity* be amended in the following respects:

a. In paragraph (a), delete the second sentence reading: "Monterey cheese is made in sizes not exceeding 12 pounds in weight."

b. In paragraph (b), change the fifth and sixth sentences to read: "The curd is drained and placed in a muslin or sheeting cloth, formed into a ball, and pressed; or the curd is placed in a cheese hoop and pressed. Later, the cloth bandage is removed, and the cheese may be covered with paraffin or dipped in vegetable oil, and may have rice flour sprinkled on the surface."

3. It is proposed that in § 19.765 *Pasteurized process cheese food; identity; label statement of optional ingredients*, paragraph (d) be amended by adding "skim-milk cheese for manufacturing" to the list of optional dairy ingredients. The paragraph would then read as follows:

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of

these, or any of the foregoing from which part of the water has been removed, albumin from cheese whey, and skim-milk cheese for manufacturing.

4. It is proposed that in § 19.775 *Pasteurized process cheese spread; identity; label statement of optional ingredients*, paragraph (d) be amended by adding "skim-milk cheese for manufacturing" to the list of optional dairy ingredients. The paragraph would then read as follows:

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, albumin from cheese whey, and skim-milk cheese for manufacturing.

5. It is proposed that in § 19.787 *Cold-pack cheese food; identity; label statement of optional ingredients*, paragraph (d) be amended by adding "skim-milk cheese for manufacturing" to the list of optional dairy ingredients. The paragraph would then read as follows:

(d) The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, milk, skim milk, cheese whey, or any mixture of two or more of these or any of the foregoing from which part of the water has been removed, skim-milk cheese for manufacturing, and albumin from cheese whey. All optional dairy ingredients used in cold-pack cheese food are pasteurized or made from products which have been pasteurized.

B. The proposed amendments outlined in 3, 4, and 5 would likewise amend the definitions and standards of identity for pasteurized process cheese food with fruits, vegetables, or meats; pasteurized cheese spread; pasteurized process cheese spread with fruits, vegetables, or meats; pasteurized cheese spread with fruits, vegetables, or meats; and cold-pack cheese food with fruits, vegetables, or meats by permitting skim-milk cheese for manufacturing as an optional dairy ingredient. (See §§ 19.770, 19.776, 19.780, 19.781, 19.788, 21 CFR, 1953 Supp.)

The National Cheese Institute also submitted proposals which would permit the bleaching of milk used for making several varieties of cheese and permit the artificial coloring of swiss cheese. These proposals are not published at this time. Additional information has been requested as to the facts that would warrant a conclusion that such proposals would promote honesty and fair dealing in the interest of consumers.

Dated: November 22, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-9348; Filed, Nov. 26, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-142]

FIXING OF RATES TO BE CHARGED BY INDEPENDENT PRODUCERS FOR NATURAL GAS SOLD IN INTERSTATE COMMERCE FOR RESALE

CONSIDERATION OF PRINCIPLES AND METHODS TO BE APPLIED

NOVEMBER 17, 1954.

1. Notice is hereby given that the Federal Power Commission has under consideration principles and methods to be applied in the fixing of rates to be charged by independent producers of natural gas sold in interstate commerce for resale, or transported in interstate commerce.

2. Necessary to a determination of the rates permitted by the Natural Gas Act to be made, demanded or received by a natural-gas company is the choice of methods to be used in determining the just and reasonable rate for any particular sale. The Commission, recognizing the basic differences between the operations of a producer and those of a pipe-line company, is desirous of securing any information, suggestions or proposals bearing upon the possible effect the several approaches might have upon the public interests towards which the Natural Gas Act is directed.

3. The Commission, therefore, is inviting the submission of suggestions as to the principles and methods to be applied by it in its regulation of the rates to be charged by independent producers for the transportation or sale of natural gas subject to the jurisdiction of the Commission. It does not desire and will not consider in this connection any further argument on matters of jurisdiction, since for this purpose it assumes that the question of jurisdiction is not involved. The Commission requests that there be no reargument of the legal questions decided by the United States Supreme Court on June 7, 1954 in Phillips Petroleum Company v. Wisconsin et al., 347 U. S. 672.

4. This is a matter of national importance and the Commission invites members of the industry, producers, gatherers, interstate pipeline companies, distributors, consumers, groups and associations representative thereof, State commissions, municipalities, and any other interested persons to submit information, data, views, comments or suggestions in writing concerning the problem. Submittals should be addressed to the Secretary, Federal Power Commission, Washington 25, D. C., for receipt not later than December 13, 1954. An original and nine copies of submittals should be filed.

5. Oral argument on these matters will be held before the Commission on December 15, 1954, at 10:00 a. m., e. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C. Any person desiring to participate in the oral argument shall notify the Secretary of the Commission on or before December 3, 1954 of such intention and of the amount of time desired for presentation of argument.

[SEAL] J. H. GUTRIDE,
Assistant Secretary.

[F. R. Doc. 54-9347; Filed, Nov. 26, 1954; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 17, 1954.

An application, serial number Anchorage 022363, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on September 8, 1952, by Civil Aeronautics Administration, Department of Commerce. The purposes of the proposed withdrawal: Maintenance of a radio communication repeater station near Lena Point about 17 miles northwest of Juneau, Alaska.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at a point about 3.90 chs. (257.4 ft.) north of the north side of the Lena Point Road, at corner No. 7, U. S. Survey No. 2871; thence N. 86° 24' W., 7.925 chs. (523.05 ft.) to Cor. No. 6, U. S. Survey No. 2871; thence S. 00° 02' E., 2.985 chs. (197.01 ft.) to Cor. No. 5, U. S. Survey No. 2871; thence S. 61° 12' W., 0.395 chs. (26.07 ft.) to Cor. No. 4, U. S. Survey No. 2871; thence S. 00° 45' E., 0.037 chs. (2.44 ft.) on line 3-4, U. S. Survey No. 2871 to a point 50 ft. from the center line of Lena Point Road; thence N. 87° 11' W., 15.70 chs. (1,036.20 ft.); thence North 30.713 chs. (2,027.06 ft.) to intersection with line 3-4, U. S. Survey No. 3264, thence S. 63° 31' 30" E., 3.765 chs. (248.49 ft.) to Cor. No. 3, U. S. Survey No. 3264; thence N. 82° 51' E., 11.812 chs. (779.59 ft.) to cor. No. 2, U. S. Survey No. 3264; thence N. 13° 31' W., 0.92 chs. (60.72 ft.) on line 2-1, U. S. Survey No. 3264; thence East 21.011 chs. (1,386.73 ft.); thence South 28.41 chs. (1,875.06 ft.); thence S. 85° 00' W., 12.00 chs. (792.00 ft.) to cor. No. 7, U. S. Survey No. 2871, and point of beginning, comprising 105.96 acres, more or less.

LOWELL M. PUCKETT,
Area Administrator,
Area 4, Alaska.

[F. R. Doc. 54-9367; Filed, Nov. 26, 1954; 8:48 a. m.]

[Doc. 4; California State Office]

CALIFORNIA

REDELEGATIONS OF AUTHORITY TO SPECIFIED CLASSES OF EMPLOYEES

NOVEMBER 19, 1954.

Pursuant to authority of Departmental Order 2583, as amended, and Order No. 541, of the Director of the Bureau of Land Management, as amended, the following redelegations of authority are made, to become effective immediately upon publication of this notice in the FEDERAL REGISTER. The authority delegated herein, may not be redelegated.

PART I—GOVERNMENT CONTESTS

SECTION 1. (a) The State Lands and Minerals Staff Officer, the Officer in charge of the Southern Field Group, Los Angeles and the Officer in charge of the Northern Field Group, Sacramento, may initiate Government Contests against claims asserted to public lands and take all necessary actions involving the prosecution of such contests except the presentation of the Government's case at the hearings.

PART II—CLASSIFICATION AND WITHDRAWALS

SECTION 1. (a) The State Lands and Minerals Staff Officer, the Officer in charge of the Southern Field Group, Los Angeles, and the Officer in charge of the Northern Field Group, Sacramento, may take all actions authorized by section 2.5 of Order 541 of Director of Bureau of Land Management.

PART III—MINERALS

SECTION 1. (a) The State Lands and Minerals Staff Officer, the Officer in charge of the Southern Field Group, Los Angeles, and the Officer in charge of the Northern Field Group, Sacramento, may take all actions authorized by section 2.6 of Order 541 of the Director of Bureau of Land Management.

L. T. HOFFMAN,
State Supervisor.

[F. R. Doc. 54-9344; Filed, Nov. 26, 1954; 8:45 a. m.]

[Misc. 1609045]

OREGON

OREGON GRAZING DISTRICT NO. 2; MODIFICATION

NOVEMBER 22, 1954.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315, et seq.) as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, section 2.22 (15 F. R. 5645), it is ordered as follows:

The exterior boundaries of Grazing District No. 2, as heretofore established and modified (Misc. 1609045) are hereby modified to exclude the following described lands:

WILLAMETTE MERIDIAN

T. 22 S., R. 24 E.,
Secs. 1, 3, 11 and 12.
T. 21 S., R. 25 E.,
Sec. 9;
Secs. 13 to 16, inclusive;
Secs. 21 to 27, inclusive;
Secs. 33 to 35, inclusive.
T. 22 S., R. 25 E.,
Secs. 3 to 7, inclusive.
T. 21 S., R. 26 E.,
Secs. 7, 18 and 19.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 54-9345; Filed, Nov. 26, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

FIRE-CURED AND DARK AIR-CURED TOBACCO

MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for fire-cured tobacco and a national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1955. A referendum of farmers who were engaged in the production of the 1954 crop of fire-cured tobacco and a referendum of farmers who were engaged in the production of the 1954 crop of dark air-cured tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations, to determine whether such farmers are in favor of or opposed to such quotas and to determine whether such farmers are in favor of or opposed to fire-cured and dark air-cured tobacco marketing quotas for the three-year period beginning October 1, 1955.

Registration. The operator on each farm on which fire-cured or dark air-cured tobacco was produced in 1954 should inform his ASC county office of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1954 crop of fire-cured tobacco are eligible to vote in the fire-cured tobacco marketing quota referendum and farmers who were engaged in the production of the 1954 crop of dark air-cured tobacco are eligible to vote in the dark air-cured tobacco marketing quota referendum. Any person who shares in the proceeds of the 1954 crop of fire-cured or dark air-cured tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1954.

2. If several members of the same family participate in the production of the 1954 crop of fire-cured or dark air-cured tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1954 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of fire-cured or dark air-cured tobacco in 1954.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of fire-cured or dark air-cured tobacco in 1954 may obtain a ballot at the most conveniently located polling place and may cast his ballot by signing his name thereto and mailing it to the office of the county committee in which he engaged in the production of tobacco in 1954 not later than the date of the referendum.

4. There shall be no voting by mail (except as provided in paragraph 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1954 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1954 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1954.

7. In the event two or more persons were engaged in producing tobacco in 1954 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

Time and place for balloting. The fire-cured tobacco and dark air-cured tobacco marketing quota referenda will be held on Tuesday, December 14, 1954. The place of voting and the hours which the polls will be open for voting in each community will be announced by the ASC County Committee.

Done at Washington, D. C., this 22d day of November 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-9353; Filed, Nov. 26, 1954; 8:47 a. m.]

MARYLAND TOBACCO

MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1955. A referendum of farmers who were engaged in the production of the 1954 crop of Maryland tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations, to determine whether such farmers are in favor of or opposed to such quota and to determine whether such farmers are in favor of or opposed to Maryland tobacco marketing quotas for the three-year period beginning October 1, 1955.

Registration. The operator on each farm on which Maryland tobacco was produced in 1954 should inform his ASC county office of the names and addresses of all persons sharing in the proceedings of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1954 crop of Maryland tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1954 crop of Maryland tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1954.

2. If several members of the same family participate in the production of the 1954 crop of Maryland tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1954 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of Maryland tobacco in 1954.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of Maryland tobacco in 1954 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1954 not later than the closing hour on the date of the referendum.

4. There shall be no voting by mail (except as provided in paragraph 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1954 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1954 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1954.

7. In the event two or more persons were engaged in producing tobacco in 1954 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

Time and place for balloting. The Maryland tobacco marketing quota referendum will be held on Friday, December 17, 1954. The place of voting and the hours which the polls will be open for voting in each community will be announced by the ASC County Committee.

Done at Washington, D. C., this 22d day of November 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-9355; Filed, Nov. 26, 1954; 8:47 a. m.]

Farmers Home Administration

DESIGNATION OF ACTING OFFICIALS

Pursuant to authority vested in me in section 116 of the order of the Acting Secretary of Agriculture dated December 24, 1953 (19 F. R. 74), regulations of the Administrator of the Farmers Home Administration dated December 29, 1948, authorizing the designation of acting officials of the Farmers Home Administration (13 F. R. 9378) are hereby revised to read as follows:

I. *Authorities.* The following officials of the Farmers Home Administration are authorized to designate acting officials for positions as indicated:

A. *Offices Other Than State and County Offices.* 1. The Administrator will designate the Acting Administrator and acting officials for any other position on his immediate staff.

2. The official in charge of each organizational unit of the National Office in Washington, D. C., and St. Louis, Missouri, is authorized to designate a subordinate employee to serve in an acting capacity in the position of such official.

B. *State and County Offices.* The State Director is authorized to designate an Acting State Director and acting officials for any other position under his jurisdiction.

C. *County Offices Under County Supervisor-Appraisers.* County Supervisor-Appraisers also are authorized to designate Assistant County Supervisors to serve as Acting County Supervisors during the temporary absences of the County Supervisor-Appraiser from the County Office for more than one work day on official business or leave of absence.

II. *Authority of Acting Officials—A. Extent of Authority.* The employee designated to act in a position will have all rights, privileges, duties, and powers delegated to the position of the regular incumbent, including the authority to execute documents incident thereto, provided that this will not include (1) authorities delegated or redelegated to the regular incumbent of the position by special delegation or redelegation (delegations to individuals by name), or (2) appraisal functions in designations of Acting County Supervisors by County Supervisor-Appraisers.

B. *Duration of Designations.* Designations by County Supervisor-Appraisers of Acting County Supervisors will remain in effect until revoked in writing. Other designations will contain their termination date.

C. *Signature of Acting Official.* Documents executed by acting officials in their acting capacity will be signed in their own names, using their temporary titles; for example, "Acting State Director" or "Acting County Supervisor."

III. *Authority of Regular Incumbent.* During the period of the designation of an acting official, the regular incumbent of the position is not divested of the rights, privileges, duties, and powers delegated to his position, and he may exercise any of the authorities delegated to his position, or specially delegated or redelegated to him, provided he is in a duty status at the time. This includes official travel status, and return to duty status during a period of approved leave.

(R. S. 161; 5 U. S. C. 22)

Issued this 18th day of November 1954.

R. B. MCLEAISH,
Administrator.
Farmers Home Administration.

[F. R. Doc. 54-9387; Filed, Nov. 26, 1954; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 6758, 6876, 6914]

CONTINENTAL FORWARDING SERVICE AND PUBLIC EXPRESS ET AL.

NOTICE OF HEARING

In the matter of the applications of Paul P. Braungart, d/b/a Continental Forwarding Service and Paul B. Braungart, d/b/a Public Express, Docket No. 6876; Harry J. Phieffer, d/b/a Air Cargo Expediters and Air Cargo Consolidators, Docket No. 6758; and A. and R. B. Meyers, Western Transportation Company, Inc., Western Transportation Company, and Echdahl Warehouse Company, Docket No. 6914, for approval of control and interlocking relationships.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing on the above-entitled applications is assigned to be held on November 29, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., November 23, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-9378; Filed, Nov. 26, 1954; 8:50 a. m.]

[Docket No. 6932]

WHEELER AIR LINES LTD.

NOTICE OF HEARING

In the matter of the application of Wheeler Air Lines Ltd. for a foreign air carrier permit issued pursuant to section 402 of the Civil Aeronautics Act, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held December 15, 1954, at 10:00 a. m., e. s. t., in Room 1018, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 23, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-9376; Filed, Nov. 26, 1954; 8:50 a. m.]

[Docket No. 6930]

WHITEHORSE FLYING SERVICES LTD.

NOTICE OF HEARING

In the matter of the application of Whitehorse Flying Services Limited for a foreign air carrier permit issued pursuant to section 402 of the Civil Aeronautics Act, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held December 15, 1954, at 10:00 a. m., e. s. t., in Room 1018, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 23, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-9377; Filed, Nov. 26, 1954; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10379, 11014; FCC 54-1420]

KEY BROADCASTING SYSTEM, INC., AND WAVZ BROADCASTING CORP. (WAVZ)

ORDER AMENDING ISSUES

In re applications of Key Broadcasting System, Incorporated, Bay Shore, New York, Docket No. 10379, File No. BP-8422; the WAVZ Broadcasting Corporation (WAVZ), New Haven, Connecticut, Docket No. 11014, File No. BP-8944; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of November 1954;

The Commission having under consideration a petition filed August 31, 1954, by the Chief, Broadcast Bureau requesting amendment of the hearing issues to take into account the recent changes in the "10 percent rule" as set out in § 3.28 (c) of the rules and to determine whether the proposal of WAVZ Broadcasting Corporation would be in compliance therewith; and having also under consideration the WAVZ opposition filed September 9, 1954;

It appearing, that the amendment of the "10 percent rule," which is the basis of the Bureau's petition, was released subsequent to the time the instant applications were designated for hearing, and that the instant petition was filed and the amendment became effective before any hearings in the proceeding had been held;

It further appearing, that the circumstances differ significantly from those in Latrobe Broadcasters where the original hearing had been held and completed, the record reopened, and the additional hearings completed at the time the Broadcast Bureau's petition to alter the issues and reopen the record to determine compliance with § 3.28 (c) came before the Commission for consideration; and it also appearing that in that case, unlike the present one, the Commission had before it a request for waiver of the rules which was granted for the reasons set forth in the order adopted this date;

It further appearing, that full justification for promulgation of the amended "10 percent rule" and its application to situations like that before us in the instant case has been set out in the Commission's Report and Order released August 11, 1954 in Docket No. 10509 (10 Pike & Fischer RR 1595) and the Memorandum Opinion and Order released November 1, 1954 (FCC 54-1354) in the same proceeding, denying the petition of Western Broadcasting Company, Inc., for a partial stay of the effectiveness of the amended rule;

It further appearing, that the Broadcast Bureau has shown good cause for the late filing of the subject petition to amend the issues;

It is ordered, That the petition of the Broadcast Bureau for amendment of the hearing issues is granted, and the hearing issues are amended by deleting existing Issue No. 7 and substituting the following new Issue No. 7:

7. To determine whether a grant of the application of WAVZ Broadcasting Corporation would be consistent with §§ 3.24 (b) and 3.28 (c) (3) of the Commission's rules.

Released: November 22, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9371; Filed, Nov. 26, 1954; 8:49 a. m.]

[Docket Nos. 11126, 11127; FCC 54-1412]

MILDRED V. ERNST AND THERMOPOLIS BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mildred V. Ernst, Thermopolis, Wyoming, Docket No. 11126, File No. BP-9194; Thermopolis Broadcasting Company, Inc., Thermopolis, Wyoming, Docket No. 11127, File No. BP-9294; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of November 1954;

The Commission having under consideration the above-entitled applications for identical facilities of 1240 kilocycles, 250 watts, unlimited time at Thermopolis, Wyoming; and

It appearing, that both applicants are legally, financially, technically and otherwise qualified to operate the proposed stations; and

It further appearing, that both applications were designated for hearing on August 4, 1954, on issues of whether the proposed operations would cause interference to Station KRAL, Rawlins, Wyoming, and would provide the recommended minimum of interference-free service within their normally protected daytime contours (0.5 mv/m) and that the licensee of Station KRAL was made a party to the proceeding;

It further appearing, that on October 6, 1954, the Commission granted a petition filed by the Thermopolis Broadcasting Company, Inc., for leave to amend its application to specify a frequency of 1050 kilocycles in lieu of 1240; removed the said application from the hearing docket; and retained the application of Mildred V. Ernst in hearing; and

It further appearing, that on October 19, 1954 the Commission granted a petition filed by Mildred V. Ernst for leave to amend her application to submit engineering measurements showing that her proposed operation would cause no interference to Station KRAL and would comply with § 3.28 (c) of the Commission's rules and regulations; and the said application was removed from the hearing docket for further study in light of the

measurements contained in the amendment; and

It further appearing, that the licensee of Station KRAL withdrew its objections to a grant of the application of Mildred V. Ernst because the aforementioned amendment indicated no interference to KRAL; and

It further appearing, that on October 27, 1954, the Thermopolis Broadcasting Company, Inc. amended its application to again request the use of 1240 kilocycles in lieu of 1050; and

It further appearing, that the Commission has made a determination that the above-referenced measurements submitted in the amendment to the application of Mildred V. Ernst are insufficient to show that the subject proposals would not cause interference to Station KRAL; and

It further appearing, that the subject applications are mutually exclusive and that both proposals would cause interference to Station KRAL, Rawlins, Wyoming; and

It further appearing, that the Commission, after consideration of the foregoing, is of the opinion that the subject applications must be redesignated for hearing;

It is ordered, That, pursuant to section 309 (b) of the Communications Act, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed stations would involve objectionable interference with Station KRAL, Rawlins, Wyoming, and, if so, the nature and extent thereof, the areas and population affected thereby, and the availability of other primary service to such areas and population.

3. To determine on a comparative basis, which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the evidence adduced and the record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-mentioned applications.

It is further ordered, That Rawlins Broadcasting Company, licensee of Station KRAL, Rawlins, Wyoming, is made a party to the proceeding.

Released: November 22, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9372; Filed, Nov. 26, 1954; 8:49 a. m.]

[Docket No. 11208; FCC 54M-1430]

HARLINGEN RADIO SYSTEM

ORDER CONTINUING HEARING

In re application of W. R. Carmean, d/b as Harlingen Radio System, Harlingen, Texas, Docket No. 11208, File No. 2243-C2-P-54; for construction permits for base station and associated mobile units in the Domestic Public Land Mobile Radio Service.

The Commission having before it a motion filed by applicant November 15, 1954, requesting that the hearing herein be continued without date; and

It appearing, that applicant intends to file a Petition for Reconsideration and Grant of his application without a hearing and in the event such petition is denied, to request a dismissal of the application; and

It further appearing, that good cause has been shown for a grant of the Motion and no objection thereto has been filed;

It is ordered, This 22d day of November 1954, that the Motion is granted and the hearing herein now scheduled for December 6, 1954, is continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9373; Filed, Nov. 26, 1954; 8:49 a. m.]

[Docket No. 11220]

FEDERAL CONTRACTING CO.

ORDER TO SHOW CAUSE

In the matter of Harold Warren, d/b/a Federal Contracting Co., 16247 Hamilton, Highland Park, Michigan; Order to Show Cause why the License for Special Industrial Radio Station KQD 657 should not be revoked.

There being under consideration the matter of certain alleged violations of the Communications Act of 1934, as amended, and the Commission's Rules in connection with the operation of Station KQD 657 licensed to Harold Warren, doing business as Federal Contracting Co.:

It appearing, that on May 20, 1953, Harold Warren was authorized by the Commission to operate one base station and ten mobile units in the Special Industrial Radio Service governed by Part 11 of the Commission's rules, and was assigned the above call sign; and

It further appearing, that Harold Warren wilfully and knowingly operated station KQD 657 in a manner contrary to the public interest, the terms of the license, the law and the Commission's regulations in the following particulars:

(a) Unauthorized communications in violation of § 11.151 of the rules of the Commission were transmitted on several occasions between August 26, 1954, and August 31, 1954;

(b) The station has been operated in the Detroit Standard Metropolitan Area in violation of § 11.501 of the rules of the Commission; and

It further appearing, that the information coming to the attention of the Commission since the Station KQD 657 was licensed, concerning the purpose for which the Station was intended to be utilized, would have warranted the Commission in refusing to grant the license on the original application;

It is ordered, This 17th day of November 1954 pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Harold Warren, d/b/a Federal Contracting Co., of Highland Park, Michigan show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 17th day of January 1955.

It is further ordered, That the Secretary send a copy of this Order by Registered Mail—Return Receipt requested to the said Harold Warren, d/b/a Federal Contracting Co., 16247 Hamilton, Highland Park, Michigan.

Released: November 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9374; Filed, Nov. 26, 1954; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6592]

MONONGAHELA POWER CO. ET AL.

NOTICE OF APPLICATION

NOVEMBER 18, 1954.

In the matters of Monongahela Power Company, the West Maryland Power Company, Clinchfield Coal Corporation, Fairfax Electric Company.

Take notice that on November 18, 1954, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Monongahela Power Company, incorporated in West Virginia, its subsidiary The West Maryland Power Company, incorporated in Maryland, both with their principal offices at Fairmont, West Virginia, Clinchfield Coal Corporation, incorporated in Virginia with its principal office at Dante, Virginia, and its subsidiary Fairfax Electric Company, incorporated in West Virginia with its principal office at Thomas, West Virginia, seeking an order authorizing the acquisition by Monongahela and West Maryland of all of the electric power transmission and distribution facilities of Clinchfield and Fairfax Companies for the aggregate purchase price stated in the application of $35,000; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before December 1, 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Assistant Secretary.

[F. R. Doc. 54-9346; Filed, Nov. 26, 1954; 8:46 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-846]

EBONY PETROLEUM CORP. OF NEVADA, INC.

ORDER SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 22, 1954.

I. Ebony Petroleum Corp., of Nevada, Inc., 1408½ South Fifth Street, Las Vegas, Nevada, having filed with the Commission on July 19, 1954, a Notification on Form 1-A relating to a proposed public offering of 200,000 shares of its $1 par value common stock at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; the Staff of the Commission having informed the issuer by letters dated July 27 and August 6, 1954, that said Notification and the offering circular filed as part thereof did not appear to comply with the terms and conditions of said Regulation A in the respects therein specified; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in respect of such Notification, in that the offering circular, dated July 1954, filed as part thereof contains untrue statements of material facts and fails to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The accuracy of the statement in next to the last paragraph of page 1 of said offering circular that the company holds leases to: 1,222.95 acres in Newton County, 689.25 acres in Jasper County, and 429.00 acres in Liberty County, all in the State of Texas;

2. The failure to disclose the status of leases held by the company and the amount of royalties or encumbrances to which such leases are subject;

3. The failure to disclose that sales have been made in violation of section 5 of the Securities Act of 1933 and at prices lower than the offering price specified in the offering circular;

4. The failure to reflect correctly in the financial statement which is undated and which was filed as a part of the offering circular, the financial condition of the issuer as required by Rule 219 (c) (6) in that, among other things: (a) the assets of the company as stated cannot be reconciled; (b) the capital account cannot be reconciled and does not show the classes of stock, the number of shares of each class authorized, or the number of shares of each class outstanding; (c) cash expenditures are shown as substantially in excess of the aggregate amount of the receipts and liabilities; (d) the statement fails to reflect a contingent liability for shares sold in violation of the Securities Act 1933;

5. The information in the Notification is not responsive to the items of the form and the Notification does not otherwise comply with the terms and conditions of said Regulation A.

B. That the use of said offering circular in connection with the offering of the issuer's securities would operate as a fraud and deceit upon purchasers of said securities.

C. That the terms and conditions of Regulation A have not been complied with in that an offering circular, containing the information specified by Regulation A and otherwise complying with the provisions of the statute and the rules promulgated thereunder, has not been and is not being delivered to offerees and purchasers of the stock as required by Rule 219 (a).

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 that the exemption under Regulation A be, and it hereby is, suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Ebony Petroleum Corp. of Nevada, Inc., personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-9370; Filed, Nov. 26, 1954; 8:49 a. m.]

[File No. 812-900]

NEW YORK CAPITAL FUND OF CANADA, LTD.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING CERTAIN PROPOSED TRANSACTIONS

NOVEMBER 19, 1954.

Notice is hereby given that New York Capital Fund of Canada, Ltd. ("New York Capital") of Toronto, Ontario, Canada, a corporation organized under the laws of the Dominion of Canada and a registered open-end investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("act") for an order exempting New York Capital from the requirements of section 10 (f) of the act with respect to certain transactions.

New York Capital proposes to purchase 50,000 shares of the capital stock (par value 10 Philippine pesos per share) of Philippine Long Distance Telephone Company, at a price of $4.75 per share, from Anglo-Canadian Telephone Company, of Montreal, Quebec, Canada, one of the principal stockholders of Philippine Long Distance Telephone Company. At or about the same time that the proposed sale is expected to take place, Anglo-Canadian Telephone Company is planning to sell by public offering an additional 310,285 shares of the capital stock of Philippine Long Distance Telephone Company. Such shares are proposed to be offered through a group of underwriters with Carl M. Loeb, Rhoades & Co. as principal underwriter.

The application states that Carl M. Loeb, Rhoades & Co. is an affiliated person of New York Capital in that three partners of that firm (Carl M. Loeb, Armand G. Erpf and Clifford W. Michel) are directors of New York Capital, and Armand G. Erpf is also President of the latter company. The application also states that Carl M. Loeb, Rhoades & Co. may be classed as an investment adviser of New York Capital, because it has a contract with Empire Trust Company, the investment adviser of New York Capital, under which Carl M. Loeb, Rhoades & Co. renders investment research assistance and advice to Empire Trust Company and receives as compensation one-fourth of the investment advisory fee paid by New York Capital to Empire Trust Company.

The application states that the proposed purchases would involve no payment of commissions by New York Capital and that the proposed public offering would be at a higher offering price to the extent of the underwriting commissions or discounts involved in the public offering. The presently proposed public offering price for such shares is stated to be $5 60 per share.

The application states that the proposed investment by New York Capital in the shares of Philippine Long Distance Telephone Company has been recommended both by Empire Trust Company and by Stein Roe & Farnham, which also renders investment research and advice to Empire Trust Company and which has no affiliation with Carl M. Loeb, Rhoades & Co. The proposed purchase has also been approved by the

Board of Directors of New York Capital, at a meeting at which only one of the six directors present and voting was a partner in or affiliate of Carl M. Loeb, Rhoades & Co.

The application represents that the shares of Philippine Long Distance Telephone Company are believed to be an excellent investment for New York Capital for the reasons, among other things, that it has a favorable equity ratio, a substantial current rate of growth, and is allowed a relatively high rate of return. The amount of the proposed investment would constitute approximately 1 percent of the total assets of New York Capital.

Section 10 (f) of the act provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer, director, investment adviser, or an employee of such registered company, or is a person of which any such officer, director, investment adviser or employee is an affiliated person, subject to certain exceptions not here material. This section also provides that the Commission may, by order upon application, conditionally or unconditionally exempt any transaction from any of the provisions of this section, if and to the extent that such exemption is consistent with the protection of investors.

Notice is further given that any interested person may, not later than November 29, 1954, at 2:00 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission:

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-9369; Filed, Nov. 26, 1954; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 40]

FESCUE SEED

INVESTIGATION INSTITUTED

The United States Tariff Commission, on this 23d day of November 1954, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation for the purpose of determining whether, as a result in whole or in part of the customs treatment reflecting concessions granted thereon in the General Agreement on Tariffs and Trade, the following articles are being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles:

Tariff Act of 1930 Par. No.:	*Description*
763------	Grass and forage crop seeds not specially provided for: Red fescue (festuca rubra) seed, including chewings fescue (festuca rubra var. commutata) seed.

On November 15, 1954, the Commission received an application filed in behalf of the Union County Seed Growers Association, La Grande, Oregon, for an investigation under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to creeping red fescue seed provided for in paragraph 763 of the Tariff Act of 1930, as modified. The Commission, however, extended the scope of the investigation to cover imports of all red fescue seed.

Inspection of application. The application for investigation filed in this case is available for public inspection at the office of the Secretary of the Commission, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., and in the New York Office of the Commission located in Room 437 of the Customhouse, where it may be read and copied by interested persons.

I certify that the above investigation was instituted by the United States Tariff Commission on the 23d day of November 1954.

Issued: November 23, 1954.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 54-9388; Filed, Nov. 26, 1954; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29939]

CEMENT FROM LEEDS, ALA., TO DOSAGA, GA.

APPLICATION FOR RELIEF

NOVEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and Central of Georgia Railway Company.

Commodities involved: Cement and related articles, carloads.

From: Leeds, Ala.

To: Dosaga, Ga.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1447, supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9356; Filed, Nov. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29940]

BITUMINOUS FINE COAL FROM WESTERN KENTUCKY TO KRANNERT, GA.

APPLICATION FOR RELIEF

NOVEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Illinois Central Railroad Company, Louisville and Nashville Railroad Company, and Southern Railway Company.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in western Kentucky.

To: Krannert, Ga.

Grounds for relief: Rail competition, circuity, to maintain grouping, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1414, supp. 13; Illinois Central Railroad Company, I. C. C. No. E-1860, supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9357; Filed, Nov. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29941]

WINDOW GLASS FROM SOUTHWEST TO JACKSONVILLE, TAMPA, AND MIAMI, FLA.

APPLICATION FOR RELIEF

NOVEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Window glass, carloads.

From: Fort Smith, Ark., Henryetta and Okmulgee, Okla., and Shreveport, La.

To: Jacksonville, Tampa and Miami, Fla.

Grounds for relief: Competition with rail carriers, competition with water carriers, market competition, and foreign competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4100, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9358; Filed, Nov. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29942]

NAPHTHA FROM PENSACOLA, FLA., TO ANNISTON, ALA.

APPLICATION FOR RELIEF

NOVEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Naphtha or naphtha distillate, in tank-car loads.

From: Pensacola, Fla.

To: Anniston, Ala.

Grounds for relief: Competition with rail carriers, and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, supp. 178.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9359; Filed, Nov. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29943]

PEANUTS FROM NORTH CAROLINA AND VIRGINIA TO OFFICIAL AND WESTERN TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Peanuts, carloads.

From: Weldon, Garysburg, Gumberry, Seaboard, Margaret, N. C., and Branchville, Va.

To: Points in official and western territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 887, supp. 159.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9360; Filed, Nov. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29944]

ALUMINUM ARTICLES FROM CHICAGO, ILL., AND RIVERDALE, IOWA, TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedules shown in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Aluminum articles, viz.: angles, bars, beams, pipe, etc., carloads.

From: Chicago, Ill., and Riverdale, Iowa.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9361; Filed, Nov. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29945]

CAST IRON PIPE FROM IRONTON AND PROVO, UTAH TO MONTANA

APPLICATION FOR RELIEF

NOVEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Union Pacific Railroad Company for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Cast iron pipe and fittings, carloads.

From: Ironton, Utah and Provo, Utah.

To: Destinations in Montana.

Grounds for relief: Rail competition, circuity, to apply over short tariff routes rates constructed on the basis of the short line distance formula, and compliance with decision in docket No. 31141.

Schedules filed containing proposed rates; Union Pacific Railroad Company, I. C. C. No. 5285, supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9362; Filed, Nov. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29946]

SCRAP PAPER FROM ELIZABETH, MONROE AND WEST MONROE, LA., TO NEWARK, OHIO

APPLICATION FOR RELIEF

NOVEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Paper, scrap or waste, carloads.

From: Elizabeth, Monroe and West Monroe, La.

To: Newark, Ohio.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3992, supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9363; Filed, Nov. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29947]

GRAIN FROM MONROE, N. C., TO STAUNTON, VA.

APPLICATION FOR RELIEF

NOVEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Barley, corn, oats and wheat, carloads.

From: Monroe, N. C.

To: Staunton, Va.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1325, supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9364; Filed, Nov. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29948]

GRAIN FROM ROCHELLE, GA., TO MOBILE, ALA., AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

NOVEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Barley, corn, oats, rye, soybeans and wheat, carloads.

From: Rochelle, Ga.

To: Mobile, Ala., and New Orleans, La., for export.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1325, supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9365; Filed, Nov. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29949]

GRAIN FROM MOULTRIE, GA., TO MOBILE, ALA., AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

NOVEMBER 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Barley, corn, oats, rye, soybeans and wheat, carloads.

From: Moultrie, Ga.

To: Mobile, Ala., and New Orleans, La., for export.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1325, supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9366; Filed, Nov. 26, 1954; 8:48 a. m.]

[No. 31660]

SAND AND GRAVEL, ETC.

ARKANSAS INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of November A. D. 1954.

It appearing, that a petition, dated October 11, 1954, has been filed on behalf of the St. Louis-San Francisco Railway Company and other common carriers by railroad operating to, from, and between points in the State of Arkansas, in interstate and intrastate commerce, averring that in Ex Parte No. 166, Increased Freight Rates, 1947, 269 I. C. C. 33, 270 I. C. C. 81, 270 I. C. C. 93, and 270 I. C. C. 403; Ex Parte No. 168, Increased Freight Rates, 1948, 272 I. C. C. 695, and 276 I. C. C. 9, and Ex Parte No. 175, Increased Freight Rates, 1951, 280 I. C. C. 179, 281 I. C. C. 557, 284 I. C. C. 589, and 289 I. C. C. 395; the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States; and that increases under such authorizations have been made;

It further appearing, that the petitioners allege that the Arkansas Public Service Commission, has refused to authorize or permit them to apply to the transportation of the following commodities, moving intrastate by railroad in Arkansas, increases in freight rates and charges thereon corresponding to those approved for interstate application in the proceedings above cited:

Sand and gravel, crushed stone, agricultural limestone in open top cars (per items 30 and 1730, Southwestern Lines Tariff No. 162-T);

Cement, as described in items 5 and 10, Southwestern Lines Tariff No. 168-I;

Asphalt rock, stone, etc., coated as described in item 1165, Southwestern Lines Tariff No. 233-E; and

Silica sand in box cars (per item 25, Southwestern Lines Tariff No. 162-T.)

It further appearing, that the petitioners allege that such refusals cause and result in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate commerce in violation of section 13 (4) of the Interstate Commerce Act;

And it further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Arkansas:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Arkansas, for intrastate transportation of property, made or imposed by authority of the State of Arkansas, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in said Ex Parte Nos. 166, 168, and 175, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Arkansas which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Arkansas be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Arkansas Public Service Commission at Little Rock, Ark.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at a time and place hereafter to be designated.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9325; Filed, Nov. 24, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 231

Washington, Tuesday, November 30, 1954

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 900—GENERAL REGULATIONS

SUBPART—GENERAL REGULATIONS APPLICABLE TO THE IMPORTATION OF LISTED COMMODITIES

Notice was published in the FEDERAL REGISTER issue of October 8, 1954 (19 F. R. 6502, 6587) that the Department was giving consideration to the issuance, pursuant to authority contained in the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act," of proposed general regulations to govern the importation of tomatoes, avocados, mangoes, limes, grapefruit, green peppers, Irish potatoes, cucumbers, and eggplants during periods when regulatory orders are effective under marketing orders, issued pursuant to the act, regulating the handling of such commodities produced in the United States. Currently, only avocados, grapefruit, and Irish potatoes are regulated under marketing order programs but the regulations will be applicable to the other listed commodities when marketing orders become applicable to them.

After consideration of all relevant matters presented including the proposals set forth in the aforesaid notice, the rules and regulations hereinafter set forth, are hereby promulgated.

Sec.

900.150 Definitions.
900.151 General.
900.152 Eligible imports.
900.153 Inspection and certification requirements.
900.154 Reconditioning prior to importation.

AUTHORITY: §§ 900.150 to 900.154 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 900.150 *Definitions* — (a) *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et sec.; 68 Stat. 906, 1047).

(b) *Listed commodity.* "Listed commodity" means each of the following commodities listed in section 8e (7 U. S. C. 608e) of the act:

(1) Tomatoes;
(2) Avocados;
(3) Mangoes;
(4) Limes;
(5) Grapefruit;
(6) Green peppers;
(7) Irish potatoes;
(8) Cucumbers; and
(9) Eggplants.

(c) *Department.* "Department" means the United States Department of Agriculture.

(d) *Administrator.* "Administrator" means the Administrator of the Agricultural Marketing Service of the Department or any other officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 900.151 *General.* (a) The act provides that, whenever a marketing order issued pursuant to section 8c thereof contains any terms or conditions regulating the grade, size, quality, or maturity of any of the agricultural commodities listed in Section 8e thereof that are produced in the United States, the importation into the United States of any such commodity during the period of time such order is in effect shall, with certain exceptions, be prohibited unless it complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated under the act.

(b) Additional provisions regulating imports of the particular commodities listed in the act may be issued from time to time. The provisions will be published in the FEDERAL REGISTER reasonably in advance of the date on which they will become applicable to imports.

§ 900.152 *Eligible imports.* Whenever, and to the extent that, the importation of any listed commodity is regulated pursuant to section 8e (7 U. S. C. 608e) of the act, such commodity shall not be eligible for importation into the United States under said section 8e unless, in accordance with the provisions of this subpart, it is first inspected to ascertain whether it is in compliance with the applicable, grade, size, quality, and maturity requirements and an inspection certificate is issued therefor which states that the commodity meets

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FEDERAL REGISTER

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United States import requirements under said section 8e.

§ 900.153 *Inspection and certification requirements.* (a) Any such inspection may be performed, and an inspection certificate issued, by an inspector of the Federal or Federal-State Inspection Service or of such other governmental inspection service as may be designated, or approved, by the Administrator.

(b) In the event the required inspection is performed prior to the arrival of the commodity at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading the commodity for direct transportation to the United States; and, if the commodity is to be transported by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(c) Inspection certificates shall cover only the quantity of the commodity that is being imported at a particular port of entry by a particular importer.

(d) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any listed commodity to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The name of the importer (consignee);

(4) The commodity inspected;

(5) The quantity of the commodity covered by the certificate;

(6) The principal identifying marks on the containers;

(7) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(8) The following statement, if the facts warrant:

Meets U. S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

§ 900.154 *Reconditioning prior to importation.* Nothing contained in this subpart shall be deemed to preclude any importer from reconditioning prior to importation any shipment of a listed commodity for the purpose of making it eligible for importation under the act.

Effective time. This subpart shall become effective on November 30, 1954.

It is hereby found that good cause exists for making the provisions of this subpart effective upon publication in the FEDERAL REGISTER in that (a) the basic procedure whereby importations of the listed commodities may be effected in accordance with the provisions of section 8e of the act and the provisions of this subpart should be made known to all interested persons as soon as practicable, and (b) the provisions of this subpart will not become applicable to the importation of any such commodity unless and until notice is given of the specified grade, size, quality, and maturity requirements that must be met in order that the importation may be made.

Dated: November 24, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–9424; Filed, Nov. 29, 1954; 8:50 a. m.]

[Docket No. AO–122–A8]

PART 907—MILK IN MILWAUKEE, WIS., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than December 1, 1954 this order amending the order, as amended. This action is necessary in the public interest to reflect the current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date will seriously impair the orderly marketing of milk in the Milwaukee, Wisconsin, marketing area. The provisions of the said amendatory order are well known to handlers, a recommended decision in the matter having been issued October 26, 1954, and a final decision having been issued on November 23, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Milwaukee, Wisconsin, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by by at least two-thirds of the producers who during the determined representative period (August 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 907.51 (a) delete the proviso and substitute: "*Provided*, That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio computed pursuant to paragraph (e) of this section is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents due to the supply-demand ratio."

2. In § 907.51 delete paragraph (b) and substitute:

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amounts as indicated: August, September, October, and November, 70 cents; all other months, 45 cents: *Provided*, That such Class II price differentials shall be adjusted by the amount of any adjustment made in the Class I price differential for the same month pursuant to the proviso of paragraph (a) of this section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of November 1954, to be effective on and after the 1st day of December 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–9467; Filed, Nov. 29, 1954; 8:52 a. m.]

PART 913—MILK IN GREATER KANSAS CITY MARKETING AREA

ORDER SUSPENDING A CERTAIN PROVISION

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended, and as re-enacted and amend-

ed by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area, hereinafter referred to as the "order", it is hereby found and determined that the provision "and for each minus percentage point in excess of 2 in the net utilization percentage the Class I price shall be decreased 4 cents" appearing in § 913.51 (a) (3) of the order does not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order for the delivery period of December 1954.

It is hereby further found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this suspension order affective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote, and maintain the orderly marketing of milk produced for the said marketing area; and (3) this action will serve to maintain the price for Class I milk for December 1954 at approximately present levels. The changes caused by this suspension order will not require of persons affected substantial or extensive preparation prior to its effective date.

It is therefore ordered, That the following provision of the order is hereby suspended with respect to all milk subject to the provisions of the order for the delivery period of December 1954: In § 913.51 (a) (3) the provision "and for each minus percentage point in excess of 2 in the net utilization percentage the Class I price shall be decreased 4 cents".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 26th day of November 1954, to be effective on and after December 1, 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-9465; Filed, Nov. 29, 1954; 8:52 a. m.]

[Docket No. AO-101-A18]

PART 941—MILK IN CHICAGO, ILL., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Chicago, Illinois, on June 1–4, 7–11, and 14–15, 1954, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than December 1, 1954, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date will seriously impair orderly marketing of milk in the Chicago, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held in June 1954, and a final decision having been issued on November 23, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Chicago, Illinois, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (August 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 941.7 (b) delete the word "July" and substitute the word "September."

2. In § 941.40 (b) after the words "plastic cream," delete the words "powdered cream."

3. Delete § 941.40 (c) and substitute the following:

(c) Any milk moved as milk, skim milk, or cream in fluid form from a regulated plant to the establishment of a commercial food or drug processor located within the surplus milk manufacturing area or to an unregulated milk plant so located, which milk plant manufactured during the delivery period butter, cheese, evaporated milk, condensed milk or skim milk, whole milk powder, nonfat dry milk solids, casein, powdered ice cream mix, or powdered cream, shall be classified under § 941.41 as follows:

(1) If the unregulated plant or establishment maintains adequate daily records showing the utilization of the milk, skim milk or cream, it shall be classified according to its use;

(2) If the unregulated plant or establishment maintains adequate daily records showing the utilization of all receipts of milk and milk products, and the milk, skim milk or cream received from the regulated plant is commingled with other receipts, the receipts of milk, or skim milk from the regulated plant shall be allocated, according to such daily records, to the available quantity of Class III (a) milk, Class III milk, Class IV milk, Class II milk and Class I milk, in that sequence; and any such receipts of cream from the regulated plant shall be allocated to Class IV milk, Class III milk, Class III (a) milk, Class II milk and Class I milk, in that sequence;

(3) If such unregulated plant or establishment does not make available to the market administrator adequate utilization records on a daily basis, but does make available to the market administrator adequate utilization records on a monthly basis, the milk or skim milk received from the regulated plant shall be allocated to the available quantity of Class I milk, Class II milk, Class III milk, Class III (a) milk and Class IV milk, in that sequence; and the cream received from a regulated plant shall be allocated to the available quantities of Class II milk, Class III milk, Class III (a) milk, Class IV milk and Class I milk, in that sequence;

(4) If the unregulated plant or establishment described in subparagraphs (1), (2), and (3) of this paragraph, disposes of milk, skim milk or cream in bulk to another unregulated milk plant located within the surplus milk manufacturing area which is engaged in manufacturing one of the products named in this paragraph, the classification of such milk, skim milk or cream shall be ascertained at the second unregulated milk plant in the manner prescribed in subparagraphs (1), (2), or (3) of this paragraph whichever would be applicable to the second unregulated plant; and

(5) If the unregulated plant or establishment described in subparagraphs (1), (2) or (3) of this paragraph, disposes of milk, skim milk or cream in bulk to another unregulated plant located within the surplus milk manufacturing area which is not engaged in manufacturing one of the products named in this paragraph, such milk moved as milk or skim milk shall be classified as Class I milk, and such milk moved as cream in fluid form shall be classified as Class II milk.

4. In § 941.41 (b) after the words "plastic cream," delete the words "powdered cream," and after the words "ice cream mix (liquid" delete the words "or powder."

5. In § 941.51 delete paragraph (d).

6. In § 941.52 (d) delete subparagraph (4).

7. Delete § 941.52 (a) (1) and substitute the following:

(1) The price for Grade A Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: August, September, October, and November, $1.10; December, January, February, and July, $0.90; all others, $0.70: *Provided,* That such Class I price differential shall be increased, or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of the supply-demand ratio.

8. Delete § 941.52 (b) (1) and substitute the following:

(1) The price for Grade A Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: August, September, October, and November, $0.70; all others, $0.45: *Provided,* That such Class II price differential shall be adjusted by the amount of any adjustment made in the Class I price differential for the same delivery period pursuant to the proviso of paragraph (a) (1) of this section.

9. In § 941.52 delete paragraph (c) and substitute:

(c) *Class III milk.* The price per hundredweight for Class III milk shall be the higher of the prices resulting from the formula set forth in paragraph (d) of this section and the average (adjusted to the nearest full cent) of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator: *Provided,* That the price resulting from the formula set forth in this paragraph shall apply at all times to Class III (a) milk.

Companies and Location
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

10. In § 941.52 (d) (3) delete the period at the end of the sentence and add the following: "and adjust to the nearest full cent."

11. In § 941.60 delete the words "and from other handlers."

12. In § 941.67 (a) (1) (i) after the words "skim milk" insert the words "concentrated milk, condensed skim milk."

13. In § 941.71 (f) delete the words "4 cents nor more than 5 cents," and substitute therefor the words "6 cents nor more than 7 cents."

14. In § 941.50 change the comma just preceding the word "except" to a period, and delete the rest of the sentence.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of November 1954, to be effective on and after the 1st day of December 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-9464; Filed, Nov. 29, 1954; 8:52 a. m.]

[Docket No. AO 195-A7]

PART 988—MILK IN KNOXVILLE, TENN., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

Sec.
988.0 Findings and determinations.

DEFINITIONS

988.1 Act.
988.2 Secretary.
988.3 Department of Agriculture.
988.4 Person.
988.5 Knoxville, Tennessee Marketing Area.
988.6 Cooperative association.
988.7 Producer-handler.
988.8 Approved plant.
988.9 Pool plant.
988.10 Nonpool plant.
988.11 Handler.
988.12 Producer.
988.13 Producer milk.
988.14 Other source milk.
988.15 Base milk.
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MARKET ADMINISTRATOR

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988.32 Records and facilities.
988.33 Retention of records.
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988.90 Producer-handlers.
988.91 Plants subject to other Federal orders.
988.92 Handlers operating nonpool plants.
988.93 Rate of payment on unpriced milk.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

988.100 Effective time.
988.101 Suspension or termination.
988.102 Continuing power and duty of the market administrator.
988.103 Liquidation after suspension or termination.

MISCELLANOUS PROVISIONS

Sec.
988.110 Separability of provisions.
988.111 Agents.

AUTHORITY: §§ 988.0 to 988.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 988.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective December 1, 1954. Any delay beyond that date in the effective date of this order would unnecessarily postpone needed changes in the order.

The provisions of the said order are well known to handlers. The recommended decision containing all amendment provisions of this order was issued November 1, 1954 (19 F. R. 7182). The decision of the Secretary concerning the proposed amendments was issued November 18, 1954 (19 F. R. 7583). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective December 1, 1954. (Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended, which is marketed within the Knoxville, Tennessee, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (September 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Knoxville, Tennessee, marketing area shall be in conformity to and in compliance with the following terms of this order as amended, and as hereby further amended to read as follows:

DEFINITIONS

§ 988.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended (7 U. S. C. 601 et seq.).

§ 988.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 988.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 988.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 988.5 *Knoxville, Tennessee, marketing area.* "Knoxville, Tennessee, marketing area," hereinafter called the "marketing area" means all of the territory within the boundaries of Knox County including the territory within the corporate limits of the City of Knoxville, all of the territory within the corporate limits of the Cities of Alcoa and Maryville in Blount County and all of that part of the Development of Oak Ridge which lies within Anderson County, all in the State of Tennessee.

§ 988.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and is authorized by its members to make collective sales or to market milk or its products for the producers thereof.

§ 988.7 *Producer-handler.* "Producer-handler" means any person who produces Grade A milk under a dairy farm inspection permit issued by any duly constituted health authority, and who processes milk from his own production, distributing all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from producers.

§ 988.8 *Approved plant.* "Approved plant" means the premises, buildings and facilities of any milk processing or packaging plant from which Grade A milk or skim milk is shipped during the month to a pool plant, or from which Class I milk is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) in the marketing area: *Provided*, That if the appropriate health authority does not permit a portion of such plant to be used for the handling of milk or milk products to be distributed under a Grade A label, such portion of the plant shall not be considered as part of the approved plant.

§ 988.9 *Pool plant.* "Pool plant" means (a) an approved plant from which a volume of Class I milk equal to not less than 50 percent of its receipts of producer milk and milk and skim milk from other pool plants is disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (including plant stores): *Provided*, That not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area; (b) an approved plant from which at least 50 percent of the hundredweight of its producer milk received during the month is shipped in the form of milk, skim milk or cream to a plant qualified pursuant to paragraph (a) of this section and classified as Class I milk: *Provided*, That if such shipments amount to not less than 65 percent of the producer milk of such plant during each of the preceding months of August through February, such plant may, upon written application to the market administrator on or before March 1 of any year be designated as a pool plant for the months of March through July of such year, or (c) from the effective date hereof, through July 1955, any plant not otherwise qualified as a pool plant pursuant to this section, from which Class I milk was disposed of to retail or wholesale outlets in the marketing area during the month of September 1954, which meets the following conditions for the month: (1) The operator of such plant makes application on or before the 10th day of the month requesting designation of such plant as a pool plant for the month; (2) Class I milk is disposed of during the month to retail or wholesale outlets in the marketing area, and (3) the plant was not a non-pool plant pursuant to this order during the previous month.

§ 988.10 *Nonpool plant.* "Nonpool plant" means any milk receiving, manufacturing, processing or bottling plant other than a pool plant.

§ 988.11 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant, (b) a producer-handler or (c) a cooperative association with respect to milk diverted for its account pursuant to § 988.12.

§ 988.12 *Producer.* "Producer" means any person except a producer-handler who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant: *Provided*, That if such milk is diverted for his account by a handler from a pool plant to a nonpool plant (a) any day during the months of March through August, or (b) on not more than 10 days during the month in any of the other months of the year, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted.

§ 988.13 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from the pool plant to a nonpool plant in accordance with the conditions set forth in § 988.12.

§ 988.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month in the form of products designated as Class I milk pursuant to § 988.41 (a) except (1) such products received from other pool plants, or (2) producer milk; and (b) products designated as Class II milk pursuant to § 988.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 988.15 *Base milk.* "Base milk" means milk received by a handler from a producer during any of the months of April through August which is not in excess of such producer's daily average base computed pursuant to § 988.60 multiplied by the number of days in such month.

§ 988.16 *Excess milk.* "Excess milk" means milk received by a handler from a producer during any of the months of April through August which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from a producer from whom no daily average base can be computed pursuant to § 988.60.

MARKET ADMINISTRATOR

§ 988.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 988.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 988.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 988.87, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 988.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose at his discretion to handlers and producers, unless otherwise directed by the Secretary the name of any person who, after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 988.30 or (2) payments pursuant to §§ 988.80 and 988.82;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce and notify each handler in writing of the following: (1) The 10th day of each month, the Class I price, and the Class I butterfat differential, both for the current month; (2) the 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month; and (3) the 10th day after the end of each month, the uniform price(s), and the producer butterfat differential for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 988.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in producer milk including for the months of April through August a statement of the aggregate quantity of base milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 988.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of products designated as Class I milk pursuant to § 988.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 988.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe:

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) The total pounds of milk received from such producer or cooperative association, including, for the months of April through August, the total pounds of base and excess milk, (ii) the days on which milk was received from such producer, if less than a full month, (iii) the average butterfat content of such milk, and (iv) the net amount of such handler's payment, to each producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his utilization of butterfat and

skim milk as the market administrator may prescribe.

§ 988.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products handled; (c) verify payment to producers; and (d) make such examination of operations, equipment, and facilities, as are necessary and essential to the proper administration of this part or any amendments thereto.

§ 988.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 988.34 *Reports to cooperative associations.* On or before the 15th day after the end of each month, the market administrator shall report to each cooperative association as described in § 988.88 (b), upon request by such association, the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handlers were used in each class.

CLASSIFICATION OF MILK

§ 988.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at pool plants, which is required to be reported pursuant to § 988.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 988.41 through 988.46.

§ 988.41 *Classes of utilization.* Subject to the conditions set forth in §§ 988.42 through 988.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream and any cream product, except frozen cream and ice cream mix; (2) in inventory of products designated as Class I milk pursuant to subparagraph (1) of this paragraph; and (3) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any item other than those specified in paragraph (a) of this section; (2) disposed of and used for livestock feed; and (3) in shrinkage assigned to Class II milk pursuant to § 988.42.

§ 988.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in the pool plant(s) of the handler;

(b) Multiply the pounds of skim milk and butterfat in producer milk (except milk diverted pursuant to § 988.12) and other source milk by 0.025;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk classified pursuant to § 988.41 (a) and (b) (1) and (2) which is in Class II milk. The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II milk pro rata to producer milk and other source milk.

§ 988.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified in Class II.

§ 988.44 *Transfers.* (a) Skim milk and butterfat when transferred or diverted by a handler from a pool plant to a pool plant of another handler (except a producer-handler) in the form of products designated as Class I milk pursuant to § 988.41 (a) of this section shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 988.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 988.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 988.41 (a) (1);

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonpool plant, except that of a producer-handler, unless (1) the handler claims Class II utilization in his report submitted pursuant to § 988.30, (2) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant during the month in the use indicated in such statement: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I milk: *And provided further*, That if such plant disposes of fluid cream to another nonpool plant which conforms with the requirements of subparagraphs (1), (2) and (3) of this paragraph, such cream shall be classified as Class II milk

§ 988.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the monthly report submitted for the pool plant(s) of each handler pursuant to § 988.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 988.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for the pool plant(s) of each handler for each month shall be the pounds in such class allocated to producer milk received by such handler:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 988.42 (d);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of other source skim milk in products defined as Class I milk pursuant to § 988.41 (a) received in consumer packages from a nonpool plant or the pounds of skim milk classified as Class I milk and transferred during the month to such nonpool plant whichever is less.

(3) Subtract from the pounds of skim milk remaining in Class II milk the remaining pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk contained in inventory of products designated as Class I milk pursuant to § 988.41 (a) (1) on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class I milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II milk;

(6) Subtract from the remaining pounds of skim milk in each class the skim milk received from the pool plants of other handlers in the form of products designated as Class I milk in § 988.41 (a) (1), according to its classification as determined pursuant to § 988.44 (a);

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 988.50 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest cent) to be used in determining the price for Class I milk pursuant to § 988.51 (a) shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraph (a), (b), or (c) of this section, or § 988.51 (b).

(a) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

and an amount computed by multiplying the butterfat differential computed pursuant to § 988.85 (a) by 5.

(b) The price per hundredweight computed as follows:

(1) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the month;

(2) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on such Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

(c) The price per hundredweight computed as follows: Multiply by 4.0 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, add 20 percent thereof, and add to such sum 3¾ cents for each full ½ cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture is above 5 cents.

§ 988.51 *Class prices.* Subject to the provisions of §§ 988.52 and 988.53 each handler shall pay producers, at the time and in the manner set forth in §§ 988.80 through 988.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 988.46:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.50;

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than the base utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph or 12, whichever is less, by the appropriate rate as follows:

Pricing months:	Rate (cents)
December through February and August	2
March through July	1
September through November	4

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of from all pool plants for the first and second preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number.

(4) Calculate a "net utilization percentage" by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the appropriate base utilization range in the following table:

Pricing month	First and second preceding months	Base utilization range
January	November-December	111-114
February	December-January	112-115
March	January-February	113-116
April	February-March	114-118
May	March-April	115-119
June	April-May	120-125
July	May-June	120-125
August	June-July	116-120
September	July-August	114-118
October	August-September	113-116
November	September-October	110-112
December	October-November	110-112

(b) *Class II milk price.* For the months of December through August the price for Class II milk shall be the price determined pursuant to subparagraph (1) of this paragraph rounded to the nearest cent. For all other months it shall be the basic formula price or the price determined pursuant to subparagraph (1) of this paragraph, plus 25 cents, whichever is less.

(1) The arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Market Administrator or to the Department of Agriculture on or before the 6th day after the end of the month.

Company and Location

Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greenville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Carnation Co., Galax, Va.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.

§ 988.52 *Butterfat differential to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 988.46, is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such weighted average butterfat test is above or below, respectively, 4.0 percent, a butterfat differential (computed to the nearest 10th of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 0.13 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the immediately preceding month;

(b) *Class II milk.* Multiply by 0.115 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month;

Provided, That such butterfat differential shall not exceed the result obtained

cream and any cream product, except or cream to a nonpool plant, except that the pounds of skim milk in Class I milk,

by dividing the Class II price pursuant to § 988.51 (b) by 40.

§ 988.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the City Hall in Knoxville, Tennessee, by shortest hard-surface highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 988.41 (a) (1) to another pool plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 988.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the city hall in Knoxville (miles):	Rate per hundredweight (cents)
50 but less than 60	15
For each additional 10 miles or fraction thereof, an additional	1.5

Provided, That for purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 988.46 (a) (1) through (4) and the comparable steps in § 988.46 (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

DETERMINATION OF BASE

§ 988.60 *Daily average base.* Subject to the rules set forth in § 988.61, the daily average base for each producer shall be an amount calculated by dividing the total pounds of producer milk received from such producer by all handlers during the months of September through February immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of February, inclusive, but not less than 120 days: *Provided*, That in the case of a producer whose milk is received at a plant which becomes fully subject to regulation for the first time upon the effective date of this amendment, such base shall be that which would have been calculated for such producer for the entire base forming period beginning September 1, 1954, or that which would have been calculated for the period beginning November 1, 1954, whichever is higher.

§ 988.61 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) An entire base may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice: *Provided*, That if the base is held jointly and such joint holding is terminated, the entire base transferable by any joint holder shall be his portion of such jointly held base as indicated by the joint holders.

§ 988.62 *Announcement of established bases.* On or before April 1, of each year, the market administrator shall notify each producer and the handler receiving milk from such producers of the daily base established by such producer.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 988.70 *Computation of value of milk.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to adjust for errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; and (e) add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 988.46 (a) (3) and (b) by the rate of payment on unpriced milk determined pursuant to § 988.93 adjusted where required by the location differential applicable at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the nonpool plant source of any milk or milk product received at a pool plant is not clearly established such milk or product shall be considered to have been received from a source at the location of the pool plant where it is classified.

§ 988.71 *Computation of uniform price.* For each of the months of September through March the market administrator shall compute the uniform price per hundredweight for producer milk, of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the values computed pursuant to § 988.70 for all handlers who made the reports prescribed in § 988.30 for such month, except those in default of payments required pursuant to § 988.82 for the preceding month;

(b) Subtract if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 988.85 (a), and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments pursuant to § 988.80 (b) (2);

(d) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 988.83;

(e) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 988.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through August, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the value computed pursuant to § 988.70 for all handlers who made the reports prescribed in § 988.30 for such month, except those in default of payments required pursuant to § 988.82 for the preceding month;

(b) Subtract, if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 988.85 (a), and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments pursuant to § 988.80 (b) (2).

(d) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 988.83;

(e) Compute the value on a 4.0 percent butterfat basis of the aggregate quantity of excess milk for all handlers included in the computation pursuant to paragraph (a) of this section by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in such computation by the applicable prices for such Class II milk of 4.0 percent butterfat content beginning in series with the lowest price for Class II milk of 4.0 percent butterfat content; multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(g) Subtract the value of excess milk determined by applying the uniform price obtained in paragraph (f) of this section from the value of all milk obtained in paragraph (d) of this section;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations;

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content f. o. b. market.

§ 988.73 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of April through August the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 988.71 and 988.72 and the butterfat differential computed pursuant to § 988.85 (a); and

(d) The amounts to be paid by such handler pursuant to §§ 988.82, 988.87, and 988.88 or § 988.92.

PAYMENTS

§ 988.80 *Time and method of payment for producer milk.* (a) On or before the last day of each month each handler shall make payment to each producer for milk received from him during the first 15 days of such month at not less than the Class II price per hundredweight for the preceding month: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if so requested, pay such cooperative association on or before the 2d day before the end of each month an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) On or before the 15th day after the end of each month each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price computed pursuant to § 988.71, for the months of September through March, or at not less than the uniform price for base milk computed pursuant to § 988.72 with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 988.72 with respect to excess milk received from such producer, for the months of April through August, subject to the following adjustment: (1) The butterfat differential pursuant to § 988.85 (a), (2) less location differentials pursuant to § 988.85 (b), (3) less payment made pursuant to paragraph (a) of this section, (4) less marketing service deductions pursuant to § 988.88, (5) less proper deductions authorized in writing by the producer, and (6) adjusted for any error in calculating payment to such individual producer for past months; *Provided*, That if such handler has not received full payment for such month pursuant to § 988.83 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *Provided further*, That the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator: *And provided further*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall if so requested pay such cooperative association, on or before the 13th day after the end of each month an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

§ 988.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 988.82, 988.84, and 988.92, and out of which he shall make all payments pursuant to §§ 988.83 and 988.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 988.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month each handler shall pay to the market administrator any amount by which the total value of his milk computed pursuant to § 988.70 for such month is greater than the value of milk received by such handler from producers during the month, computed at the applicable minimum uniform prices as specified in §§ 988.71 and 988.72 adjusted for the differentials provided for in § 988.85.

§ 988.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler, any amount by which the total value of his milk computed pursuant to § 988.70 for such month is less than the value of his producer milk received during the month, computed at the applicable minimum uniform prices as specified in §§ 988.71 and 988.72 adjusted for the differentials provided for in § 988.85. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the appropriate funds are available.

§ 988.84 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 988.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 988.83, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 988.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 988.85 *Butterfat and location differentials to producers*—(a) *Butterfat differential to producers.* If, during the month, any handler has received, from any producer or cooperative association, milk having an average butterfat content other than 4.0 percent, such handler, in making payments prescribed in § 988.80 (b), shall add to the uniform price(s) per hundredweight paid to such producer or cooperative association for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or may deduct from the uniform price(s) per hundredweight for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply by 0.12 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month and adjust to the nearest one-tenth of a cent.

(b) *Location differential to producers.* In making payment to producers pursuant to § 988.80, the uniform price to be paid for producer milk and the uniform price for base milk received at a pool plant located 50 miles or more from the City Hall in Knoxville, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the following rate:

Distance from the city hall in Knoxville (miles):	Rate per hundredweight (cents)
50 but less than 60	15
For each additional 10 miles or fraction thereof an additional	1.5

§ 988.86 *Statement to producers.* In making payments required by § 988.80 each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer including for the months of April through August, the pounds of base milk and excess milk;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 988.80 and 988.85;

(d) The rate which is used in making the payment if such rate is more than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 988.88, together with a description of the respective deductions; and

(f) The net amount of payment to the producer or cooperative association.

§ 988.87 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk (including such handler's own production), (b) other source milk at his pool plant(s), and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 988.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 988.80 (b), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 988.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before December 1, 1951, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order, shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 988.90 *Producer-handlers.* Sections 988.40 through 988.46, 988.50 through 988.53, 988.60 through 988.62, 988.70 through 988.73, 988.80 through 988.88 shall not apply to a producer-handler.

§ 988.91 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to §§ 988.30 and 988.31) and allow verification of such reports by the market administrator:

(a) Any pool plant qualified pursuant to § 988.9 (a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that more Class I milk is disposed of from such plant on routes to retail or wholesale outlets in the Knoxville, Tennessee marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

(b) Any pool plant qualified pursuant to § 988.9 (b) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant pursuant to the provisions of § 988.9 (b) during the preceding August through February period.

§ 988.92 *Handlers operating nonpool plants.* Sections 988.42 through 988.46; 988.50 through 988.53; 988.70 through 988.73; 988.80 through 988.83; 988.87 and 988.88 shall not apply to a handler in his capacity as the operator of a nonpool plant, except that such handler shall pay to the market administrator on or before the 12th day after the end of each month for deposit into the producer-settlement fund an amount of money computed by multiplying the hundredweight of Class I milk disposed of from his nonpool plant(s) (except any nonpool plant subject to the classification and pricing provisions of another order issued pursuant to the act) during the month to retail or wholesale outlets in the marketing area (including deliveries by vendors or sales through plant stores) by the rate of payment on unpriced milk calculated pursuant to § 988.93.

§ 988.93 *Rate of payment on unpriced milk.* The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

(a) For the months of March through July, subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential and the Class I location differential.

(b) For the months of August through February, subtract the uniform price to producers from the Class I price.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 988.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 988.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 988.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 988.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 988.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 988.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C. this 26th day of November 1954 to be effective on and after December 1, 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-9466; Filed, Nov. 29, 1954; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 4]

PART 20—PILOT CERTIFICATES

CHANGES IN WRITTEN AND PRACTICAL TEST PROCEDURES AND REPORTS

The purpose of this supplement is to provide a uniform period of 24 months for the acceptance by the Administrator of reports of the successful completion of examinations or tests by applicants for a private or commercial pilot certificate; to relax the experience requirements prerequisite to taking the instrument written examination; to require a commercial pilot who has not taken a practical test on cross-country flying to demonstrate his competence; and to make certain editorial changes throughout the text of CAM 20.

1. Section 20.26–1 as published in 19 F. R. 2386 on April 23, 1954, is amended by adding a new paragraph (d), to read as follows:

§ 20.26–1 *Demonstration of skill; general (CAA interpretations which apply to § 20.26).* • • •

(d) *Flight test before written is passed.* The private pilot flight test may be taken before or after the written examination. An applicant who takes the flight test before passing the written examination will be issued a written report of the result of the test.

2. Section 20.34–1 as published in 19 F. R. 2387 on April 23, 1954, is amended by deleting the last sentence, beginning, "This report, and reports previously • • •".

3. Section 20.34–2 as published in 19 F. R. 2387 on April 23, 1954, is amended by adding the following: "A passing grade of 70 percent is required. Applicants who pass the written examination will be given a report of the grade achieved."

4. Section 20.36–1 as published in 19 F. R. 2387 on April 23, 1954, is revised to read as follows:

§ 20.36–1 *Demonstration of skill; general (CAA policies which apply to § 20.36).* The commercial pilot flight test may be taken either before or after the written examination. An applicant who takes the flight test before the written examination is passed will be given a written report of the result of the test.

5. Section 20.36–2 as published in 19 F. R. 2387 on April 23, 1954, is amended by adding the following item at the end of the list in Phase I of paragraph (b) (1):

§ 20.36–2 *Flight test; airplanes (CAA policies which apply to § 20.36 (a)).* • • •

Cross-country: Applicants who have not passed the private pilot flight test since August 1, 1951, will be required to demonstrate the competence in cross-country flight planning and flying required for a private pilot certificate by passing Phase II of the private pilot flight test, entitled Cross-country.

6. Section 20.42–1 as published in 19 F. R. 2387 on April 23, 1954, is revised to read as follows:

§ 20.42–1 *Demonstration of aeronautical knowledge (CAA policies which apply to § 20.42 (a)).* (a) The applicant must pass, within five hours at one sitting, the written examination furnished by the Administrator, which consists of three sections: Civil Air Regulations, Meteorology, and Radio Navigation. To pass, a grade of 70 percent must be achieved in each section. A written report of the grades achieved will be issued for each examination taken.

(b) An applicant for an instrument rating who is the holder of a private pilot certificate will not be required to take an additional examination to demonstrate compliance with § 20.34 (a). The portions of 43 and 60 pertaining to instrument flight rules, as well as the navigation and meteorology requirements of § 20.34 (a) are included in the instrument rating written examination.

7. Section 20.42–2 as published in 19 F. R. 2387 on April 23, 1954, is revised to read as follows:

§ 20.42–2 *Prerequisites for taking the instrument written examination (CAA policies which apply to § 20.42 (a)).* An applicant for an instrument rating written examination will be required to show that he meets the requirements of § 20.42 (b) (1); and, in addition, either has (a) at least 30 hours of instrument flight time under actual or simulated instrument flight conditions, or (b) if enrolled in an instrument flight course in a certificated instrument flying school, the written recommendation of the chief flight instructor of that school.

8. The following policy is hereby adopted:

§ 20.60–3 *Period of acceptance for reports of successful completion of examinations and tests (CAA policies which apply to § 20.60).* Reports of the results of oral or written examinations, or of flight tests, issued applicants for pilot certificates and ratings subsequent to June 1, 1954, will be accepted by the Administrator for a period of 24 months from the date of the examination or test reported thereon. Reports issued to an applicant on or before May 31, 1954, and acceptable under policies existing on that date, will continue to be accepted until May 31, 1956.

(Sec. 205, 52 Stat. 984, U. S. C. 425. Interpret or apply secs. 602, 608, 52 Stat. 1007, 1011, as amended; 49 U. S. C. 551, 558)

This supplement shall become effective November 30, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-9439; Filed, Nov. 29, 1954; 8:53 a. m.]

PART 48—OPERATION OF MOORED BALLOONS AND LARGE KITES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 24th day of November 1954.

Currently effective Part 48 applies to moored balloons of a certain size and specification, and sets up certain requirements for the operation of these balloons in order to safeguard air traffic. Recently it has been shown that kites when flown in certain locations or at sufficient altitude can also be a hazard to the flight of aircraft. In fact, large size kites having a 12-foot and 24-foot wing span and constructed of wood and nylon are now being manufactured and sold on a national basis. It has been reported that one of these kites was flown recently at an altitude of 5,000 feet on a civil airway. In view of this, the Board determined that there is a present need for amending Part 48 to apply to kites weighing more than five pounds. No change has been made in the moored balloon requirements.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

Inasmuch as 4 of the 5 sections of the present Part 48 are hereby amended, the entire part is set forth below, including appropriate amendments.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 48 of the Civil Air Regulations (14 CFR Part 48, as amended) effective December 29, 1954, to read as follows:

Sec.
48.1 Scope.
48.2 General.
48.3 Operation requiring permit.
48.4 Operation requiring notice.
48.5 Rapid deflation device.

AUTHORITY: §§ 48.1 to 48.5 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

§ 48.1 *Scope.* This part shall apply to moored balloons having a diameter of more than 6 feet or a gas capacity of more than 115 cubic feet and kites weighing more than 5 pounds when operated anywhere in the United States, including the several States, the District of Columbia, and the several Territories and possessions of the United States, including the territorial waters and the overlying airspace thereof.

§ 48.2 *General.* Moored balloons having a diameter of more than 6 feet or a gas capacity of more than 115 cubic feet or kites weighing more than 5 pounds may be operated without permit from or notice to the Administrator when operated below 150 above the surface at a location more than 5 miles from the boundary of an airport. Kites and balloons of smaller size than specified herein are exempt from compliance with the regulations of this subchapter.

§ 48.3 *Operation requiring permit.* Unless operated under the conditions specified in § 48.2, moored balloons or kites subject to the regulations in this part shall be operated under the authority of and in compliance with the terms and conditions of a permit issued by the Administrator when such kites or moored balloons are operated:

(a) Closer than 500 feet to the base of any cloud, or

(b) During the hours of darkness, or

(c) When ground visibility is less than 3 miles, or

(d) At altitudes more than 500 feet above the surface, or

(e) Within 5 miles of the boundary of an airport.

§ 48.4 *Operation requiring notice.* Unless operated under the conditions specified in § 48.2 or § 48.3, written notice must be submitted to the nearest office of the Civil Aeronautics Administration at least 30 days prior to the date of operation when moored balloons or kites subject to the regulations in this part are operated between 150 and 500 feet above the surface. Such notice shall contain the name and address of the owner and person operating such balloon or kite, the date or dates of such proposed operation, and the location and altitude at which the proposed operation will be conducted.

§ 48.5 *Rapid deflation device.* No moored balloon having a diameter of more than 6 feet or a gas capacity of more than 115 cubic feet shall be operated unless it is equipped with a device or means of automatic and rapid deflation in the event of an escape from its moorings.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-9429; Filed, Nov. 29, 1954; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.238]

PART 2—FEES FOR SERVICES

Sec.
2.1 Schedule of fees.
2.2 Authenticating defined.
2.3 Issuance of uncertified copies.
2.4 Requesting services and forwarding remittances.

AUTHORITY: §§ 2.1 to 2.4 issued under R. S. 161, 213; 5 U. S. C. 22, 166.

CROSS REFERENCES: For fees in connection with passport services, see Part 51 and § 103.1 of this chapter. For fees in connection with visa services, see Part 44 and § 103.1 of this chapter. For the tariff of United States Foreign Service fees covering invoice services, passport services, visa services for aliens, services to vessels and seamen, and miscellaneous notarial and other services, see § 103.1 of this chapter. For regulations concerning deposit of funds, see Part 9 of this subchapter.

§ 2.1 *Schedule of fees.*

Item No.	Description of service	Fee
1	For each search for a record of which an authenticated or certified copy or extract is issued, and for each signed statement of negative result of a search. (The routine servicing of requests of persons having permission to do research in the records under section 181.2 of the Manual of Regulations and Procedures of the Department of State is not to be considered as searching within the meaning of this Item, unless an authenticated copy or extract of a record is issued.)	$0.90
2	For making out and authenticating copies of records in the Department of State, i. e., for copying (by photostat or otherwise) and certifying to correctness without affixing official seal, per sheet. (Fees for search and for official seal, if required, are chargeable separately under Items 1 and 4.)	$1.10
3	The same service as described in Item 2, when performed for any officer of the United States (Federal or State) in a matter relating to the duties of his office	No fee
4	For certifying under official seal to the correctness of copies or extracts made by the Department from its records, for each certification regardless of number of sheets in document. (Fees for search and for copying, if required, are chargeable separately under Items 1 and 2.)	$0.50
5	For authenticating Federal, State or Territorial seals, or for certifying to the official character of officers of the Department of State or of foreign diplomatic or consular officers in the United States, on any document submitted to the Department for that purpose.	$1.50
6	For any service as described in Items 1, 4, or 5 above—	
	(a) Required for official use by an agency of the Federal Government or of any of the States or their subdivisions, or of the District of Columbia or of any of the territories and possessions of the United States	No fee
	(b) Required for the official use of any foreign government, or of an international agency of which the Government of the United States is a member, in circumstances where furnishing the service is an appropriate courtesy	No fee
	(c) Performed in response to a subpoena or other order of a court	No fee
	(d) Performed in providing to a party in interest, one copy of the transcript of a hearing held before a panel, board, or other authority of the Department	No fee
	(e) Performed in providing to a party in interest, for delivery to and retention by an agency of the Federal Government, one copy under seal of a personal document (viz., consular form report of birth, certificate of witness to marriage, or death of an American citizen, etc.)	No fee
	(f) Performed in providing to a near relative or legal representative, one copy under seal of a consular form report of death of an American citizen	No fee

§ 2.2 *Authenticating defined.* (a) For the purposes of Items 1, 2, and 3 in § 2.1, "authenticating" is defined in the sense in which the word was employed in the act of September 15, 1789, from which section 213 of the Revised Statutes (5 U. S. C. 166) is derived, that is to say, certifying to the correctness of a copy of a record, without affixing an official seal. In connection with the derivation of 5 U. S. C. 166 it is to be noted that an amending act of April 23, 1856, had abolished a fee of 25 cents which had originally been prescribed for "authenticating" any paper under seal.

(b) Where used elsewhere in this part, the word "authenticating" is defined in conformity with the Department's present usage as certifying to the genuineness of a seal, or to the official character or position of an official. It is an act done with the intention of causing a document to be admitted in evidence in a court of law or in administrative proceedings before other competent authorities.

§ 2.3 *Issuance of uncertified copies.* (a) Item 2 of § 2.1 prescribes a fee for the combined service of copying and certifying to the accuracy of a record. It is for application in all cases where a record must be especially copied or reproduced, in order to comply with a request.

(b) Item 2 of § 2.1 shall not be construed to impose a fee upon the performance of such customary activities as issuance, without certification of correctness, of copies of records (1) from supplies kept for distribution without charge, such as press releases and information leaflets for visitors; (2) as part of normal and generally reciprocal services performed by the Library of the Department at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving clerical costs in preparing mail.

§ 2.4 *Requesting services and forwarding remittances.* (a) Request for services, accompanied by remittance of the exact total fee chargeable (as well as by postage stamps or stamped return envelope if registered mail, air mail, or special delivery mail service is desired), should be addressed to the Authentication Officer, Department of State, Washington 25, D. C.

(b) Fees must be paid in full prior to issuance of requested documents. If, because of uncertainty as to existence of a record or of the number of sheets needing to be copied, the exact fee chargeable in a given case is not known in advance, the Authentication Officer will upon request ascertain it and (by form post card or other suitable means) notify the person requesting the service.

(c) Remittances should be in the form either of (1) cash, (2) check or bank draft drawn on a bank in the continental United States, or (3) postal money order. Remittances should be made payable to the order of the Department of State.

Effective date. The charges hereby established will become effective 30 days from the date of publication in the FEDERAL REGISTER. However, prior to the effective date, consideration will be given to any comments pertaining thereto which are submitted to the Department of State in writing.

Dated: November 22, 1954.

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary of State for Personnel and Administration.

[F. R. Doc. 54-9423; Filed, Nov. 29, 1954; 8:50 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 54-47]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

MISCELLANEOUS AMENDMENTS

A notice regarding proposed changes in the navigation and vessel inspection rules and regulations was published in the FEDERAL REGISTER dated August 20, 1954 (19 F. R. 5315-5319), as Items I to XXVII, inclusive, on the Agenda to be considered by the Merchant Marine Council, and a public hearing was held on September 21, 1954, at Washington, D. C. This document is the second of a series of documents covering the rules and regulations considered at this public hearing.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received certain proposed regulations were revised. However, acknowledgment of the comments received or reasons why the suggested changes were or were not adopted cannot be furnished since personnel is not available to handle the necessary correspondence. This document contains the amendments based on Item II of the Agenda considered by the Merchant Marine Council.

The amendment to 46 CFR 10.02–5, regarding requirements for original licenses, sets up another acceptable means of establishing citizenship, revises required documentary evidence of service, revises the basis on which credit is given for service on foreign vessels, and cancels requirements regarding professional examinations conducted by Merchant Marine Details abroad.

The amendment to 46 CFR 10.02–7, regarding requirements for raise of grade of license, adds the requirements showing the basis on which credit is given for service on foreign vessels for a raise in grade, and cancels the requirements regarding professional examinations conducted by Coast Guard Merchant Marine Details abroad.

The amendment to 46 CFR 10.20–3 (a) (2) and (3), regarding the general requirements for an applicant for a motorboat operator's license, will require applicants for original motorboat operators' licenses to be able to speak, write, and understand English, except in the Commonwealth of Puerto Rico where Spanish is the recognized and legal language, but such operator who is unable to speak English will have his license limited to the navigable waters of the United States in the vicinity of the Commonwealth of Puerto Rico.

The amendment to 46 CFR 10.05–13, regarding professional requirements for master of Great Lakes steam or motor vessels, revises the requirements to show the minimum tonnage acceptable for an unlimited license in a similar manner to that presently established for masters holding ocean licenses.

The amendment to 46 CFR 10.05–39 (a) revises the minimum service required to qualify an applicant for license as pilot of any class by canceling reference to service in a lower grade while holding a license as second class pilot for a raise in grade to first class pilot. A determination has been made that the only requirement for a raise in grade to first class pilot from second class pilot is that the applicant be 21 years of age or over. All other requirements for the two grades of pilotage are identical.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER, except those regulations which provide additional alternate requirements which become effective upon the date of publication of this document in the FEDERAL REGISTER:

SUBPART 10.02—GENERAL REQUIREMENTS FOR ALL DECK AND ENGINEER OFFICERS' LICENSES

1. Section 10.02–5 (c) is amended by revising subparagraph (9) and renumbering to (10) and by adding a new subparagraph (9), which reads as follows:

§ 10.02–5 *Requirements for original licenses.* • • •

(c) *Citizenship.* • • •

(9) For persons deriving citizenship through naturalization of their parents, a Certificate of Citizenship issued by the U. S. Immigration and Naturalization Service is acceptable as documentary evidence of citizenship.

(10) If no one of the requirements set forth in subparagraphs (1) to (9) of this paragraph can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(i) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of the Census, Washington 25, D. C. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district if residing in the country; also the names of parents, or the names of other persons with whom residing on the date specified.

NOTE: A census was taken in the following years: June 1, 1860, 1870, 1880, and 1900; April 15, 1910; January 1, 1920; April 1, 1930; April, 1940, and April, 1950. (Records for 1890 are not available.)

(ii) Affidavits of parents, or relatives; or affidavits by two or more responsible citizens of the United States, stating citizenship; school records; immigration records; or insurance policies.

2. Section 10.02–5 (g) is amended by revising subparagraphs (1) and (4) to read as follows:

(g) *Experience or training.* (1) All applicants for original licenses shall present to the Officer in Charge, Marine Inspection, letters, discharges or other

official documents certifying the amount and character of their experience and the names of the vessels on which acquired. The Officer in Charge, Marine Inspection, must be satisfied as to the bona fides of all evidence of experience or training presented and may reject any evidence that he has reason to believe is not authentic or which does not sufficiently outline the amount, type and character of service. Photstatic or certified copies of the aforementioned evidence may be accepted for the purpose of filing with the application. No license shall be considered as satisfactory evidence of any qualifying experience required herein.

• • • • •

(4) Experience and service acquired on foreign vessels is creditable for establishing eligibility for an original license, subject to evaluation by the Commandant to determine that it is a fair and reasonable equivalent to service acquired on merchant vessels of the United States, with respect to grade, tonnage, horsepower, waters and operating conditions. An applicant who has obtained his qualifying experience on foreign vessels is required to submit satisfactory documentary evidence of such service in the forms prescribed by subparagraph (1) of this paragraph, which certify the amount, character and scope of his service in these respects.

3. Section 10.02–5 (h) (3) is canceled.

4. Section 10.02–7 is amended by canceling paragraph (g) (2) and by revising paragraph (f) (6) and adding paragraph (f) (7), reading as follows:

§ 10.02–7 *Requirements for raise of grade of license.* • • •

(f) *Experience or training.* • • •

(6) Experience and service acquired on foreign vessels while holding a valid U. S. Merchant Marine Officer's license is creditable for establishing eligibility for a raise in grade, subject to evaluation by the Commandant to determine that it is a fair and reasonable equivalent to service acquired on merchant vessels of the United States, with respect to grade, tonnage, horsepower, waters and operating conditions. An applicant who has obtained his qualifying experience on foreign vessels is required to submit satisfactory documentary evidence of such service in the forms prescribed by subparagraph (2) of this paragraph which certify the amount, character and scope of his service in these respects.

(7) The fact that an applicant for a raise in grade of license is on probation as a result of action under R. S. 4450, as amended (46 U. S. C. 239), does not itself make such an applicant ineligible, provided he meets all the requirements for such raise in grade. However, a raise in grade of license issued under these circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under R. S. 4450, as amended. Any such applicant must file an application for license in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for. Nothing in the regulations in this part, however, shall be construed to permit an applicant to be examined for a raise in grade of license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against his license or certificate.

SUBPART 10.05—PROFESSIONAL REQUIREMENTS FOR DECK OFFICERS' LICENSES (INSPECTED VESSELS)

5. Section 10.05–13 is amended to read as follows:

§ 10.05–13 *Master of Great Lakes steam and motor vessels.* (a) The minimum service required to qualify an applicant for a license as master is listed in this paragraph. In order to be eligible for an unlimited license, an applicant must have acquired his service on vessels of 4000 gross tons or over, except as specified herein.

(1) 1 year's service as first class pilot while acting in the capacity of first mate on Great Lakes steam or motor vessels. (No change in existing regulation.)

(2) 2 years' service as first class pilot while acting in the capacity of second mate on Great Lakes steam or motor vessels.

(3) 4 years' service as first class pilot on Great Lakes steam or motor vessels, one year of which shall have been while acting in the capacity of second mate.

(4) 1 year's service as master of Great Lakes steam or motor vessels of 150 gross tons or under while acting under the authority of a first class pilot's license, for a license as master of Great Lakes steam and motor vessels of not over 1000 gross tons.

(5) 1 year's service as master and/or first class pilot on lakes, bays and sounds steam or motor towing vessels, together with 1 year of service as first class pilot on Great Lakes vessels of over 100 gross tons, for a license as master of Great Lakes towing vessels of not over 750 gross tons.

6. Section 10.05–39 *Pilot* is amended by canceling paragraph (a) (1) and by redesignating subparagraphs (2) and (3) to (1) and (2) so that paragraph (a) reads as follows:

§ 10.05–39 *Pilot.* (a) The minimum service required to qualify an applicant for license as pilot of any class, except for special license as pilot of steam vessels of 10 gross tons and under, is:

(1) 3 years' service in the deck department of any vessel; and,

(i) 25 percent of such service shall have been obtained within the 3 years immediately preceding the date of application; and,

(ii) The required service shall include a minimum number of round trips over the particular waters for which the applicant seeks license as pilot as may be fixed by the Officer in Charge, Marine Inspection, having jurisdiction (Experience on motorboats, as defined by statutes, may be accepted by the Officer in Charge, Marine Inspectiton); and,

(iii) One of the required number of round trips shall have been made within the 6 months immediately preceding the date of application; or,

(2) 2 years' service in the deck department of vessels propelled by machinery, which vessels navigate canals and small lakes like Seneca and Cayuga Lakes in New York State, 1 year of which service shall have been within 2 years immediately preceding the date of application, for a license as pilot of steam vessels of limited tonnage and routes.

SUBPART 10.20—MOTORBOAT OPERATORS' LICENSES

7. Section 10.20–3 (a) is amended by adding subparagraphs (2) and (3), reading as follows:

§ 10.20–3 *General requirements.* (a) • • •

(2) An applicant for a motorboat operator's license must demonstrate his ability to speak, read and understand English as found in the pilot rules, aids to navigation publications, emergency equipment instructions and machinery instructions.

(3) An applicant for a motorboat operator's license to operate motorboats on the navigable waters of the United States in the vicinity of Puerto Rico, who speaks Spanish only, will be issued a license restricted to those waters.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4438, as amended; sec. 2, 29 Stat. 188, as amended, secs. 1, 2, 49 Stat. 1544, sec. 7, 53 Stat. 1147, sec. 17, 54 Stat. 166, as amended; 46 U. S. C. 224, 225, 367, 247, 526p)

Dated: November 19, 1954.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 54–9417; Filed, Nov. 29, 1954; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6113; Regs. 118]

PART 39—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

REQUIREMENT FOR FILING INFORMATION RETURNS REPORTING DIVIDENDS PAID BY NATIONAL FARM LOAN ASSOCIATIONS AND PRODUCTION CREDIT ASSOCIATIONS FOR CALENDAR YEARS AFTER 1953

On August 21, 1954, a proposed revision of § 39.148 (a)–1 (b) of Regulations 118 (26 CFR Part 39) appeared in tentative form attached to a notice of proposed rule making published in the FEDERAL REGISTER (19 F. R. 5341). No suggestions having been received from interested persons regarding the proposal, the amendment, as proposed, is hereby adopted, and reads as set forth below.

Section 39.148 (a)–1 (b) of Regulations 118 (26 CFR Part 39), is amended by inserting in the third sentence thereof after the words "described in section 101 (10), (11), (12), or (13)," the following: "or, for calendar years after 1953, in the case of a national farm loan association or a production credit association,".

(53 Stat. 32, 65, 467; 26 U. S. C. 62, 148, 3791)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: November 24, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54–9418; Filed, Nov. 29, 1954; 8:49 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[T. D. 48; Regs. 5]

PART 151—REGULATIONS UNDER THE HARRISON NARCOTIC LAW, AS AMENDED

NEW PROCEDURE FOR CERTIFICATION OF EXEMPT OFFICIALS AND PROCUREMENT OF NARCOTICS BY SUCH OFFICIALS

Narcotic Regulations 5 (26 CFR Part 151), relating to narcotics subject to the Harrison Narcotic Law, but only as prescribed and made applicable to the Internal Revenue Code of 1939 by Treasury Decision 4884, approved February 11, 1939 (26 CFR, Cum. Supp., p. 5875), are amended as follows:

PARAGRAPH 1. Section 151.90 (Article 90) is amended as follows:

(A) By striking subparagraph (4) of paragraph (d) and

(B) By redesignating subparagraph (5) of paragraph (e) as subparagraph (4) of paragraph (d).

PAR. 2. Section 151.92 (Article 92) is amended to read as follows:

§ 151.92 *Military and naval officers.* Each official of the Army, Navy, Air Force, Public Health Service, or National Guard, who is authorized to procure or purchase narcotic drugs or preparations for official use shall file with the district director of internal revenue for the area in which such person is officially located a certificate on Form 1964 from a superior official showing the name, official address and official status of the person claiming exemption. Each such certificate shall be renewed on or before July 1 of each year. With respect to the procurement of narcotic drugs and preparations by officials of the character indicated, see § 151.94, *Procurement of narcotics.* No exemption certificate shall be required under this section for officials who only prescribe, dispense, or administer narcotic drugs in the course of their official duties.

PAR. 3. Section 151.93 (Article 93) as amended by Treasury Decision 44, approved November 24, 1950, is further amended to read as follows:

§ 151.93 *Civil officers.* Each civil officer of the United States, or the District of Columbia, or of any State, Territory, or insular possession of the United States, or any county, municipality, or other political subdivision, who is engaged in any activity mentioned in the act and who claims exemption from registration and tax under the act, shall file with the district director of internal revenue for the district in which he is located a certificate on Form 1964 from a superior official showing the official status and official address of the person claiming exemption and (a) whether he is to purchase the narcotics or obtain from official stocks and (b) whether or not the officer is to administer or dispense narcotics. Each such certificate shall be renewed on or before July 1 of each year and, except in the case of officials of the United States, shall be accompanied by an inventory on the reverse side of Form 1964 of the narcotic drugs and preparations on hand at the time the certificate is filed.

PAR. 4. Section 151.94 (Article 94) is amended to read as follows:

§ 151.94 *Procurement of narcotics.* (a) When properly notified, as provided in § 151.92 relating to military and naval officers, of the right of an official to exemption with authority to purchase narcotics or, as provided in § 151.93, of the right of a civil officer to exempt status, the district director of internal revenue will assign to such official an exemption identification number. The same number shall be retained throughout all the consecutive periods for which the official is entitled to exemption. To each such official who is certified to the district director as an authorized purchaser of narcotics (except an official of a civil defense organization) will be issued without charge and without additional request, a book of official narcotic order blanks at the time of his original certification. Each order for the purchase of taxable narcotic drugs by such official shall be prepared on one of these order blanks which will be similar to, and will be prepared, filled, filed and otherwise handled in the same manner as official opium order forms supplied to persons registered under the law. (See Chapter V, Articles 62 to 90 and the instructions in the order book). Orders for exempt narcotic preparations (see §§ 151.2 and 151.90) shall not be prepared on such blanks but shall be on official stationery of the institution or agency for which they are being purchased, bearing the exemption identification number assigned to the purchasing official by the district director. Each order, whether on a blank supplied by the district director for taxable narcotics or on the stationery of the agency for exempt narcotic preparations, must be signed by the official named in the certificate filed with the district director and to whom the exemption identification number has been assigned. When an exempt official is replaced by another or for any reason is no longer authorized to make purchases of narcotics for the institution or agency for which previously certified to the district director, the unused official order blanks remaining in his possession or custody shall not be used by his successor but shall be returned to the district director for cancellation, and new forms will be issued to the successor. After using the forms in the first book issued to him, an official can procure additional blanks without charge by making application on Form 679, a copy of which is placed in each book of forms issued.

(b) The exempt status of an official of a civil defense organization will be recognized only during a state of civil defense emergency proclaimed by the President or by concurrent resolution of the Congress as provided by law. Such officials will not procure narcotics through the use of official internal revenue order forms but shall use an order form approved by the Federal Civil Defense Administration. The order form shall bear the signature, title, official address, and exemption identification number of the person executing the form, and will otherwise be handled in the manner prescribed for official internal revenue order forms.

(c) If an official is engaged in a private business or privately practices a profession in which narcotics are manufactured, produced, compounded, sold, dealt in, dispensed, prescribed, administered, or given away, such official shall register and pay the special tax for such private activity, and the narcotic drugs for such private purposes shall be secured upon regular order forms purchased under such registration.

PAR. 5. Section 151.95 (Article 95) is amended to read as follows:

§ 151.95 *Prescriptions.* (a) Prescriptions for narcotic drugs and preparations issued by exempt officials as such, in the course of official medical treatment of persons entitled to such official medical treatment, shall be prepared on official blanks if such blanks are provided, or otherwise on official stationery, and shall bear the signature, title, official address and exemption identification number of the person by whom executed. In the case of persons exempt under § 151.92 to whom no exemption identification number has been issued, the prescription shall bear, in lieu of the exemption identification number, the corps and jacket or serial number of the issuing officer. Such prescriptions issued in the course of official professional practice only and otherwise meeting the requirements of the regulations in this part may be filled by a duly registered druggist although they do not bear a registry number of the issuing practitioner.

(b) This procedure shall not apply in the case of prescriptions written by an exempt official in the treatment of a private patient, i. e., a patient not entitled to receive medical treatment from the physician in the course of the latter's official duties. In prescribing and dispensing narcotic drugs to such private persons, the officer is subject to all the requirements of the Federal narcotic law, including registration and payment of tax, as are imposed upon other physicians conducting private medical practice.

PAR. 6. Section 151.96 (Article 96) is amended by inserting the following new sentence after the first sentence thereof: "In time of a civil defense emergency, the Federal Civil Defense Administration order form may, in addition, be filled by local establishments, such as retail stores, and from Federal sources."

Because the purpose of this Treasury decision is merely to change the procedure to be followed by Government and State officials in applying for exemption and in procuring narcotics, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective

date limitation of section 4 (c) of said act.

This Treasury decision shall be effective on the first day of the first month which commences more than sixty days after publication in the FEDERAL REGISTER.

(53 Stat. 270, 277, 283, 383; 26 U. S. C. 2551, 2559, 2606, 3222)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.
H. J. ANSLINGER,
Commissioner of Narcotics.

Approved: November 24, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-9420; Filed, Nov. 29, 1954; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-14]

DMO I-14—ASSIGNMENT OF DEFENSE MOBILIZATION RESPONSIBILITIES TO THE HOUSING AND HOME FINANCE AGENCY

By virtue of the authority vested in me pursuant to the National Security Act of 1947, as amended; Reorganization Plan No. 3, effective June 12, 1953; the Defense Production Act of 1950, as amended; Executive Order 10480 of August 15, 1953; and in order to facilitate the coordination of Federal policies and programs for current defense activities and readiness for any future mobilization, it is hereby ordered:

1. The Housing and Home Finance Administrator will be responsible for the development and administration of preparedness measures relating to housing and those community facilities for which the Agency has responsibility. Such preparedness measures should be undertaken within a work program which is consistent with the defense mobilization assumptions and objectives for the Government as a whole. It should also take account of the delegation of authority and responsibility from Federal Civil Defense Administration. To assure consistency with the mobilization program as a whole, the proposed work program will be submitted to the Director of the Office of Defense Mobilization for review.

2. The measures for which the Housing and Home Finance Administrator is responsible are as follows:

a. Develop requirements for housing and community facilities construction, repair and rehabilitation in event of mobilization or attack on the United States and translate these needs into resources required.

b. Develop plans for and be prepared to undertake such housing and community facilities programs as will be necessary in event of mobilization or attack on the United States.

c. Under the policy direction and coordination of the Office of Defense Mobilization, develop programs and regulations relating to the financing, rent stabilization, and allocation of housing for varying mobilization assumptions.

d. Develop and maintain plans to insure the continuity of the essential functions of the Housing and Home Finance Agency in event of attack on the United States.

3. The work program to be undertaken by the Housing and Home Finance Agency shall indicate the priority and scope of the work to be carried on in the assigned areas. Periodic reports of programs shall be submitted as requested.

4. This order is not intended to affect any delegation of authority heretofore conferred upon the Housing and Home Finance Administrator.

OFFICE OF DEFENSE MOBILIZATION
ARTHUR S. FLEMMING,
Director.

NOVEMBER 26, 1954.

[F. R. Doc. 54-9488; Filed, Nov. 26, 1954; 3:22 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 967]

[Docket No. AO 170-A8]

HANDLING OF MILK IN SOUTH BEND-LA PORTE, INDIANA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at South Bend, Indiana, on July 6-7, 1954, pursuant to notice thereof which was issued on June 29, 1954 (19 F. R. 4040).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on November 5, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto. This recommended decision was published in the FEDERAL REGISTER on November 10, 1954 (19 F. R. 7298).

A previous recommended decision (19 F. R. 4999) filed on August 4, 1954, with the Hearing Clerk, and a decision of the Secretary filed on August 16, 1954 (19 F. R. 5283) dealt with issue No. 1 and with issue No. 2 on a temporary basis. This decision deals with issues No. 2 through No. 5.

The material issues, findings and conclusions, and general findings of the recommended decision (19 F. R. 7298; F. R. Doc. 54-8866) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein, with the following exceptions:

1. Delete in their entirety the findings and conclusions with respect to Class I price differentials beginning in column 2, page 7298, and substitute therefor the following:

4. *Class I differentials.* Class I differentials over the basic formula price should be revised.

With the base-excess plan of producer payment now in effect, seasonal variations in the Class I differentials should be reduced. Also, the seasonal pattern should be aligned closer to that of the Chicago area. These adjustments should not result in any material change in the annual level of the Class I price.

Official notice is taken of current published reports of the market administrator showing the present supply situation. Production for this area in August was 0.39 percent below a year ago. Production has declined from 15 percent above that of a year ago in January 1954 to slightly under the level of last year in August. But, the record shows that supplies last year were ample and that about the same level of production will fully meet the anticipated needs of the market. Class I sales in July this year were about the same as last year and in August they were nearly 5 percent below August 1953. Under these circumstances there should be no material change in the average annual Class I (fixed) differential over the basic formula price.

The chief concern of both producers and handlers was with a seasonal pattern of fixed differentials that would align prices closer with prices paid by handlers in surrounding market areas. While it was recognized that the adoption of the base-excess plan diminished the need for seasonal variation in the Class I price, parties were agreed that it is necessary to have a seasonal change in the differentials in order to keep the price here reasonably competitive throughout the year with prices in areas with adjoining or over-lapping milksheds. Of these, Chicago is the most influential. To be competitive with Chicago as well as with other markets, the $1.30 differential for fall and early winter months must be continued. Shortening this period from seven to five months conforms more closely with Chicago area pricing. For the months of January and February the Class I differential would be $1.10 and for March through July, $0.90. This would continue the average annual differential the same as at present but adjusts the seasonal pattern closer to that of prices in the Chicago area.

2. The proposed amendment to the order contained in the decision of the Secretary issued August 16, 1954, and the amendment to the order issued effective September 1, 1954 (19 F. R. 5574), did not bring § 967.80 (c) into full conformity with other order changes resulting from the adoption of the base and excess method of paying producers. The language for § 967.80 (c) adopted in the amendment effective September 1, 1954 should be deleted, and the language effective prior to that amendment should be substituted, with a slight change, however, in the heading of the schedule therein which sets forth the rate of advance payments. The column of brackets should be entitled "When the uniform price or base price for the preceding delivery period is:".

Rulings on exceptions. In arriving at the findings and conclusions included in this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of August 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for a sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of November 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the South Bend-La Porte, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 967.51 delete paragraph (a) and substitute the following:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: August, September, October, November and December, $1.30; January and February, $1.10; all others $0.90; *Provided,* That such Class I price shall be increased or decreased respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents due to the supply-demand ratio.

2. In § 967.51 delete paragraph (b) and substitute the following:

(b) Add together the amount computed pursuant to § 967.50 (c) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (c), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated: August, September, October, November and December, $13.75; all others, $12.00: *Provided,* That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the proviso of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

3. In § 967.52 delete paragraphs (b) and (c), and insert a new paragraph (b) as follows:

(b) The price of skim milk in Class II milk shall be computed by subtracting the hundredweight price of butterfat computed pursuant to paragraph (a) of this section times 0.035, from the price determined pursuant to § 967.50 (a), and divide the remainder by 0.965.

4. Delete § 967.80 (c) and substitute therefor the following:

(c) On or before the 4th day after the end of such delivery period each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided,* That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on or before the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

When the uniform price or base price for the preceding delivery period is:	*The amount of the partial payment shall be—*
Under $1.00	$0.00
$1.00 to $1.99	1.00
$2.00 to $2.99	2.00
$3.00 to $3.99	3.00
$4.00 to $4.99	4.00
$5.00 to $5.99	5.00
$6.00 to $6.99	6.00
$7.00 and over	7.00

[F. R. Doc. 54-9426; Filed, Nov. 29, 1954; 8:50 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 245]

BEER

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Preamble: 1. These regulations, Part 245, Title 26, of the Code of Federal Regulations, shall, as to facts and circumstances arising on and after January 1, 1955, supersede Regulations 18, 1951 edition (26 CFR (1939) Part 192, 16 F. R. 9382) as amended by Treasury Decisions 6069 (19 F. R. 1929), 6075 (19 F. R. 4025), 6084 (19 F. R. 5059), and 6092 (19 F. R. 5219).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

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AUTHORITY: §§ 245.1 to 245.356 issued under 68A Stat. 917; 26 U. S. C. 7805. Other statutory provisions interpreted or applied are cited to text in parenthesis.

SUBPART A—SCOPE OF REGULATIONS

§ 245.1 *Beer.* The regulations in this part relate to beer and cereal beverages and cover the location, construction, equipment, and operations of breweries and the qualification of such establishments including the ownership, control, and management thereof.

§ 245.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, notices, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 245.5 *Meaning of terms.* When used in this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this subpart.

§ 245.6 *Assistant Regional Commissioner.* "Assistant Regional Commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the Regional Commissioner of Internal Revenue.

§ 245.7 *Beer.* "Beer" shall mean beer, ale, porter, stout and other similar fermented beverages (including saké or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

(68A Stat. 612; 26 U. S. C. 5052)

§ 245.8 *Bottle and bottling.* "Bottle" shall mean a bottle, can, or similar container, and "bottling" shall mean the filling of bottles, cans, and similar containers.

(68A Stat. 676; 26 U. S. C. 5416)

§ 245.9 *Brewer.* "Brewer" shall mean the proprietor of a brewery.

§ 245.10 *Brewery.* "Brewery" shall mean the land and buildings described as such in the brewer's notice on Form 27-C, where beer is to be produced and bottled. "Brewery bottling house" shall mean that portion of the brewery set apart by the brewer, and so described on Form 27-C, where beer is to be bottled.

(68A Stat. 674, 675; 26 U. S. C. 5402, 5411)

§ 245.11 *Brewing.* "Brewing" shall mean the production of beer for sale.

§ 245.12 *Business day.* "Business day" shall mean the 24-hour cycle of operations in effect at the brewery, which, if other than the calendar day, is subject to the approval of the Assistant Regional Commissioner, but in no event shall a closing hour earlier than noon be approved. The business day, having been once established, shall be applicable to all records and operations of the brewery, and shall not be changed without prior approval of the Assistant Regional Commissioner.

§ 245.13 *Cereal beverage.* "Cereal beverage" shall mean malt beverage, either fermented or unfermented, which contains, when ready for consumption, less than one-half of 1 percent of alcohol by volume.

§ 245.14 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 245.15 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 245.16 *District Director.* "District Director" shall mean a District Director of Internal Revenue.

§ 245.17 *Gallon.* "Gallon" shall mean the liquid measure containing 231 cubic inches.

(68A Stat. 612; 26 U. S. C. 5052)

§ 245.18 *Includes and including.* "Includes" and "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 245.19 *Inclusive language.* Words in the plural form shall include the singular and vice versa, and words in the masculine gender shall include the feminine as well as individuals, trusts, estates, partnerships, associations, companies, corporations, and other legal entities.

§ 245.20 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 245.21 *Person.* "Person" shall mean and include an individual, a trust, estate, partnership, association, company, corporation, and other legal entities.

(68A Stat. 911; 26 U. S. C. 7701)

§ 245.22 *Region.* "Region" shall mean an internal revenue region.

§ 245.23 *U. S. C.* "U. S. C." shall mean the United States Code.

SUBPART C—LOCATION AND USE OF BREWERY

§ 245.30 *Restrictions.* A brewery may not be established or operated in any dwelling house, shed, yard, or inclosure connected therewith or on board any vessel or boat, or in any building or on any premises where distilled spirits, alcohol, vinegar, or ether are manufactured, produced, or stored; or where any liquor or beverages (other than beer, cereal beverages, and soft drinks produced and packaged or bottled at the brewery) are kept, sold, or dealt in either at wholesale or retail.

§ 245.31 *Use of brewery.* The brewery shall be used exclusively, except as provided herein, for the purposes of producing and packaging or bottling beer, cereal beverages, soft drinks and other non-alcoholic beverages, vitamins, ice, malt, malt sirup, and other byproducts; of drying spent grain from the brewery; of recovering carbon dioxide and yeast; and of storing bottles, packages, and supplies necessary or incidental to all such operations. The bottling of beer, cereal beverages, soft drinks and other non-alcoholic beverages shall be conducted in the brewery bottling house. Where any brewery was on June 26, 1936, being used by a brewer for purposes other than those described in this subpart, the use of such premises for such other purposes may be continued by such brewer. Subject to such conditions as the Director, Alcohol and Tobacco Tax Division, may prescribe, the brewery may be used for other purposes, not involving the production or storage of alcoholic beverages, which (a) require the use of byproducts or wastage from the production of beer, or utilize buildings, rooms, areas, or equipment not fully employed in the production or bottling of beer, (b) are reasonably necessary to realize the maximum benefit from the premises and equipment and to reduce the overhead of the plant, and (c) will not impede the effective administration of this part: *Provided*, That the Director, Alcohol and Tobacco Tax Division, shall find, upon application made to him through the Assistant Regional Commissioner in each case, that such use will not jeopardize the revenue and is not contrary to the specific provisions of law.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.32 *Storage of bottled beer on which the tax has been paid or determined.* Bottled beer on which the tax has been paid or determined may not be stored in the brewery: *Provided*, That such beer, if it is undelivered, repossessed from a purchaser, or removed from the market by the brewer before transfer of title thereto to any other person, may be held temporarily pending its removal, destruction, reconditioning, or use as material, as provided in §§ 245.240, 245.241 and 245.243.

(68A Stat. 613, 675; 26 I. R. C. 5057, 5411)

SUBPART D—CONSTRUCTION

§ 245.35 *Brewery buildings.* Brewery buildings must be securely constructed of substantial materials and shall be adjacent or contiguous and so arranged and constructed as to afford adequate protection to the revenue and facilitate inspection by internal revenue officers. If there are buildings or parts of buildings which adjoin the brewery but are not part thereof, they must be separated from the brewery by substantial and unbroken walls and floors: *Provided*, That the Assistant Regional Commissioner may authorize doors or other openings when, in his opinion, such openings will not jeopardize the revenue.

§ 245.36 *Division of brewery.* The brewer shall designate the use of each building, cellar, room, or other division of the brewery by placing a plain and durable sign or legend (descriptive of its use) on or near the entrance thereto. If more than one building, room, etc., is used for the same purpose, alphabetical designations shall be used to further identify such divisions.

§ 245.37 *Empty container storage room.* If empty barrels, kegs, bottles, other containers, or other supplies are stored in the brewery, they must be so stored as to be completely segregated from filled containers. A separate room or building may be provided for that purpose.

§ 245.38 *Government cabinet.* The brewer shall provide a metal cabinet of adequate strength and size, suitably equipped for securing with a Government lock or cap seal, for use in safeguarding locks, keys, seals, and other Government property. Each such cabinet is subject to approval by the Assistant Regional Commissioner.

PIPELINE TRANSFERS TO BOTTLING HOUSE

§ 245.39 *General.* All beer and cereal beverage transferred to the brewery bottling house for bottling must pass through the authorized pipelines and meters.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.40 *Pipelines.* The pipeline used for the purpose of transferring beer and cereal beverage to the brewery bottling house for bottling must be constructed of metal and be exposed to view throughout its entire length; no opening will be permitted therein except as provided in §§ 245.42, 245.57 and 245.60. The sections of piping, if more than one section is employed, must be securely connected by brazing, sweating, or welding.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.41 *Other pipelines.* Pipelines for refrigeration, heating, or water, must be so installed that they cannot be used for conveying beer to the brewery bottling house.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.42 *Facilities for cleaning pipeline.* Where it is desired to clean the beer line to the brewery bottling house by the use of brush, ball, or similar device, a return line approved by the Assistant Regional Commissioner must be provided. Petcocks not larger than one-eighth inch may be installed in pipelines to facilitate draining and cleaning.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART E—EQUIPMENT

§ 245.50 *Tanks and vats.* The location and construction of each stationary tank, vat, cask, or other container used, or intended for use, as a receptacle for wort or beer, shall be suitable to the intended use and subject to approval by the Assistant Regional Commissioner. Each such tank, vat, cask, or other container shall be permanently marked to show its designated use or uses, and equipped with a suitable measuring device: *Provided*, That in lieu of equipping each tank or container with an individual measuring device, the brewer may provide meters, portable gauge glasses, or other suitable portable devices.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.51 *Other apparatus and equipment.* All other apparatus and equipment must be so constructed and arranged as to permit ready examination thereof, and shall be marked as to use, serial number, and capacity in barrels of 31 gallons (when applicable) except when specifically exempted from such markings by the Assistant Regional Commissioner.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART F—BEER METERS

§ 245.55 *Meters required.* Brewers shall be required to provide, at their own expense, approved meters for measuring beer to be packaged or transferred to the brewery bottling house, which meters shall be accessible to internal revenue officers at all hours during which the brewery is operating.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.56 *Notice of meter shipment.* On the date a meter is shipped to a brewery, the manufacturer shall so advise the Assistant Regional Commissioner of the region wherein the brewery is located, stating the date of shipment and the manufacturer's serial number of the meter. The brewer shall notify the Assistant Regional Commissioner when a meter has been received and is ready for installation. The meter must not be used until it has been tested by an inspector and installed under his supervision. The manufacturer's seals on the meter must remain intact until removed by an inspector and replaced with Government cap seals.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.57 *Location and installation.* Racking room meters will be installed as near as possible to the racker, and be connected thereto by a metal pipe, in such manner that all beer flowing to the racking machine will pass through the meter. The meter end of the pipe must be welded, sweated, or brazed to a companion flange to be secured to the meter with bolts sealed with Government cap seals. All other joints and fittings in the pipe must be equally secure. Each bottling meter must be installed in such manner that all beer transferred to the brewery bottling house by pipeline, will pass through the meter. The beer line to the brewery bottling house must be brazed, sweated, or welded to a companion flange which shall be fitted to the inlet flange of the meter when the meter is located in the brewery bottling house, and to the outlet flange of the meter when the meter is located elsewhere in the brewery. This companion flange will be bolted to the meter. The flange and all fittings in the pipeline will be sealed with Government cap seals. All meters will be so located that they will be readily accessible for tests and adjustments by internal revenue officers.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.58 *Strainers.* In order to protect meters from injury from foreign matter, a strainer must be placed in the pipeline ahead of each meter. In order that the strainer may be dismantled for cleaning without Government supervision, it shall not be located in the brewery bottling house.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.59 *Tests, repairs and adjustments.* When necessary in the opinion of the Assistant Regional Commissioner, he will detail an inspector to test the meter or supervise its dismantling and reassembling for the purpose of cleaning or repair. If a defective meter cannot be repaired without delay, its use must be discontinued and it must be removed. If a replacement meter is not installed immediately, the inspector will, upon removal of the meter, cause the open beer line to be closed by securing the cutoff valve with a Government seal lock or by affixing a Government cap seal. When the repairs are completed or a new meter is installed, the inspector will test the repaired or newly installed meter with a master meter. Minor repairs to the counter mechanism, such as cleaning to facilitate readings, will not necessitate a master meter check. If repair or adjustment of the meter is made, a copy of the meter test report will be given to the brewer. If the continuous counter of the meter is advanced with water during the test, a report thereof will be made on Form 138, in triplicate. One copy thereof will be given to the brewer, one will be filed in the Government cabinet and one forwarded to the Assistant Regional Commissioner. The use of any meter must be discontinued whenever it appears that the revenue will be jeopardized by the continued use of such meter.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.60 *Facilities for meter test.* The brewer shall provide adequate facilities for master meter tests of all regularly installed meters. The pipelines to all meters will contain removable sections or other facilities, properly secured, to permit the installation of the master meter close to, and in series with, the brewer's meter. The pipelines will also contain an arrangement of valves and by-pass lines for inserting the Government meter and making the test without interfering with pumping operations, unless the brewer elects to stop operations for the meter tests in lieu of making such installations. All such installations must conform with the requirements of § 245.57.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART G—QUALIFYING DOCUMENTS

§ 245.65 *Notice on Form 27–C.* Every person engaged in, or intending to engage in, the business of a brewer, shall give notice of such intention on Form 27–C, in triplicate, to the Assistant Regional Commissioner. Except as provided in § 245.70 in the case of amended or supplemental notices, all information indicated by the lines of the form and the instructions printed thereon, and required by this part or issued in respect thereto, shall be furnished. The notices shall be numbered serially, commencing with "1" for the original, and continuing in sequence for all amended or supplemental notices thereafter filed. All data, written statements, affidavits, and other documents submitted in support of the notice shall be deemed to be a part thereof.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.66 *Description of brewery.* The lot or tract of land comprising the brewery, and the portion of that lot or tract of land occupied by the brewery bottling house, must be separately described on Form 27–C, by courses and distances, in feet and hundredths thereof or inches, with the particularity required in conveyances of real estate. The continuity of the brewery must be unbroken, except that the continuity will not be considered as broken where the brewery is divided by a public street or highway, or by a railroad right-of-way where the railroad is a common carrier, if the parts of the brewery so divided abut on such street, highway or railroad right-of-way and are opposite or adjacent to each other. In such cases each tract of land constituting the brewery shall be described separately. Nothing in this section shall be construed to prevent the separation of the brewery bottling house into two or more parts or sections.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.67 *Description of buildings.* The notice shall contain a description of all buildings on the land comprising the brewery, the purpose for which each will be used, the size of each, and the material of which constructed. If two or more buildings are used for the same purpose, such buildings shall be given alphabetical designations, following the purpose for which used.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.68 *Description of apparatus and equipment.* The brew kettles, mash tubs, fermenting tanks, storage tanks, and other major equipment used in the production of beer shall be described separately in the notice as to use, serial number, and capacity in barrels of 31 gallons (if applicable). All tanks, bottling apparatus, and other major equipment in the brewery bottling house used for bottling beer shall be described in the notice, separately, as to use, serial number, and, in the case of tanks, capacity in barrels of 31 gallons: *Provided*, That bottling equipment such as pasteurizers, fillers, cappers, etc., which comprise bottling lines need not be described separately but the bottling lines shall be described as to use and serial number, such as "Quart line No. 1," "Can line No. 2," etc.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.69 *Statement of title.* The name and address of the owner of the fee and of any mortgagee, judgment creditor, or other encumbrancer of the land, buildings, or equipment comprising the brewery shall be stated in the notice.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.70 *Supplemental notice.* Amended or supplemental notices, Form 27–C, may be executed in skeleton form, except as to those items amended or supplemented. All other items which are correctly set forth in prior notices, and in which there has been no change since the last preceding notice, may be incorporated by reference to the respective notice previously filed. Such incorporation by reference shall be made by entering for each such item in the space provided therefore, the statement: "No change since filing Form 27–C, Serial No. ---------, dated ----------, 19---."

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.71 *Corporate documents.* There shall be submitted with, and made a part of, the original or initial notice on Form 27–C, given by a corporation to engage in

the business of a brewer, properly certified copies, in triplicate, of the following documents:

(a) Articles of incorporation and amended articles of incorporation.

(b) Certificate of incorporation.

(c) Certificate authorizing corporation to operate in State where brewery is located, if other than that in which incorporated.

(d) Extracts of minutes of meetings of stockholders, showing election of directors.

(e) By-laws.

(f) Extracts of the minutes of meetings of the board of directors showing the election of officers.

(g) Extracts of the minutes of meetings of the board of directors authorizing certain officers or other persons to sign for the corporation.

(h) List of the names and addresses of the officers and directors.

(i) List of stockholders, as provided in § 245.72.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.72 *List of stockholders.* In the case of corporations and similar legal entities, there shall be submitted with Form 27–C and be made a part thereof, at the commencement of business and annually thereafter on May 1, a list of the names and addresses of all stockholders and other persons interested in the corporation or other legal entity and the amount and nature of the stockholding or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him: *Provided*, That where more than 20 persons are interested in the corporation or other legal entity as stockholders or otherwise, there need be furnished only the names and addresses and the amounts and nature of the stockholding or other interest of the 20 persons having the largest ownership or other interest in each of the respective classes of stock or other interest, except where more complete information shall be specifically required by the Assistant Regional Commissioner: *And provided further*, That where there has been no change in the stockholders and other persons interested in the corporation or other legal entity, or in the extent of the stockholding or other interest of such persons, the brewer may furnish annually a certified statement, in triplicate, to that effect in lieu of the prescribed list. Where a corporation operates two or more breweries situated in the same region, or wholly owns one or more subsidiaries operating breweries so situated, and in connection with qualifying for the operation of one of such breweries files a list of stockholders and other persons interested, as prescribed in this subpart, the filing of an additional list for each brewery will not be required, *Provided*, That in lieu of such additional list there is submitted with the brewer's notice, Form 27–C, a certificate, in triplicate, definitely identifying the corporation and plant with whose notice the list of stockholders and other persons interested is filed, and giving the date of the filing thereof.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.73 *Affidavit.* In the case of a corporation, there shall be submitted with each list of stockholders an affidavit, in triplicate, executed by an officer of the corporation authorized so to do, showing the number of shares of each class of stock or other evidence of ownership in the corporation, such as voting trust certificates, authorized and outstanding, the par value thereof, and the voting rights of the respective owners or holders and certifying to the correctness of the list of stockholders or the statement authorized to be furnished with the notice in lieu of such list. In the case of an individual owner or partnership, there shall be submitted with Form 27–C, at the commencement of business and annually thereafter on May 1, an affidavit, in triplicate, giving the name of every person interested or to be interested in the brewery, whether such interest appears in the name of the interested party or in the name of another for him.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.74 *Articles of partnership or association.* In the case of a partnership or association, a certified copy, in triplicate, of the articles of partnership or association, if any, and, where the business is to be conducted under a firm or trade name, a trade name certificate or statement in lieu thereof, in accordance with § 245.75, shall be submitted with and constitute a part of the notice, Form 27–C.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.75 *Trade name certificate.* Where the brewer intends to do business under a firm or trade name, there shall be submitted with and made a part of the notice, Form 27–C, certified copies, in triplicate, of the certificate or other document filed with or issued by State officials under the laws of the State to cover the transaction of business under such firm or trade name. If no certificate or other document is required by the laws of the State, the brewer shall furnish a statement, in triplicate, to that effect.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.76 *Bottling or packaging under trade name.* Where a brewer intends to bottle or package beer under a trade name, or names, other than the name under which he is qualified to operate, he shall include such trade name in Form 27–C, furnish the trade name certificate, or statement in lieu thereof required by section 245.75, and obtain appropriate certificates of label approval where such certificates are required by Part 7 of Title 27 of the Code of Federal Regulations.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.77 *Power of attorney, Form 1534.* If the notice or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the partners for a partnership or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in section 245.71 such notice or other qualifying documents shall be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same. Such powers of attorney shall be executed on Form 1534, in triplicate, and submitted to the Assistant Regional Commissioner.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.78 *Execution of power of attorney.* Where the principal giving the power of attorney is an individual, it shall be executed by him in person, and not by an agent. In the case of a partnership or association, powers of attorney authorizing one or more of the partners, or another person, to execute documents on behalf of the partnership or association shall be executed by all of the partners constituting the firm. However, if one or more members less than the whole number constituting the firm have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members, provided it is supported by a duly authenticated copy, in triplicate, of the document conferring authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents shall be supported by triplicate copies of the authorization of such officer so to do, certified by the secretary or assistant secretary of the corporation, under the corporate seal, to be true copies.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.79 *Duration of power of attorney.* Powers of attorney authorizing the execution of documents on behalf of a person engaged in, or intending to engage in, the business of a brewer shall continue in effect until written notice, in triplicate, of the revocation of such authority is received by the Assistant Regional Commissioner.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.80 *Bond, Form 1566.* Every person intending to commence or to continue the business of a brewer shall, upon filing his notice of such intention, Form 27–C, and before proceeding with such business, execute bond on Form 1566, in triplicate, in conformity with the provisions of Subpart H of this part, and file the same with the Assistant Regional Commissioner.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.81 *Penal sum of bond.* The penal sum of the brewer's bond shall be equal to the maximum amount of tax which, in the opinion of the Assistant Regional Commissioner, the brewer may become liable to pay during any one calendar month on beer (a) removed for transfer to the brewery from other breweries owned by him, (b) removed free of tax for export or use as supplies on vessels and aircraft and (c) sold, or removed for consumption or sale, calculated at the rate of tax prescribed by law: *Provided*, That the penal sum of any such bond shall not exceed $150,000 nor be less than $1,000.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.82 *Plat.* Every person intending to engage in the business of a brewer must submit to the Assistant Regional Commissioner with, and to be a part of, his notice, Form 27–C, an accurate plat of the brewery, in triplicate, conforming to the requirements of Subpart I of this part.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.83 *Additional information.* The Assistant Regional Commissioner may at any time, in his discretion, require the brewer to furnish such additional information as he may deem necessary to be a part of the notice.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.84 *Examination of qualifying documents.* All documents required by this subpart of persons intending to qualify as brewers, will be subject to examination by the Assistant Regional Commissioner to determine whether they have been properly executed. Such examination may include an inspection of the brewery to determine whether it is properly described and depicted in the notice and plat. Where discrepancies are found in the qualifying documents, the inaccurate or incomplete documents will be returned to the brewer for correction. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not show compliance with this part, action thereon will be held in abeyance until the omission, or material errors or discrepancies, have been rectified and there has been full compliance with all requirements.

§ 245.85 *Return of qualifying documents to brewer or applicant.* On approval of the qualifying documents the Assistant Regional Commissioner will forward one copy of the bond, notice, plat, and other qualifying documents to the brewer. If the bond or consent of surety is disapproved by the Assistant Regional Commissioner, all copies thereof and all copies of other qualifying documents will be returned to the applicant, or the brewer.

SUBPART H—BONDS AND CONSENTS OF SURETY

§ 245.90 *General requirements.* Every person required to file a bond or consent of surety under this part shall prepare and execute it on the prescribed form, in triplicate, in accordance with this part and the instructions printed on the form, and shall submit it to the Assistant Regional Commissioner.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.91 *Conditions of bond.* The brewer's bond shall be conditioned that the brewer shall pay, or cause to be paid, to the United States according to the laws of the United States and this part, the taxes, including penalties and interest, for which the brewer shall become liable, on all beer, including all beer removed for transfer to the brewery from other breweries owned by the brewer, and all beer removed free of tax for export or removed for use as supplies on vessels or aircraft, which is not exported or otherwise accounted for, and shall in all respects comply without fraud or evasion with all requirements of law and this part relating to the production and sale of beer. The bond, Form 1566, may be drawn in such manner that if beer is not to be transferred to the brewery from other breweries owned by the brewer or withdrawn for export or for use as supplies on vessels or aircraft, either or both of those provisions may, at the time of execution of the bond, be stricken.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.92 *Surety or security.* Bonds required by this part shall be given with corporate surety or collateral security.

(Sec. 1, 28 Stat. 279; 6 U. S. C. 6; 40 Stat. 1148, as amended; 6 U. S. C. 15)

§ 245.93 *Corporate surety.* Surety bonds may be given only with surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356—Revised, and subject to such amendments as may be issued from time to time.

(Sec. 1, 28 Stat. 279; 6 U. S. C. 6)

§ 245.94 *Two or more corporate sureties.* A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability in terms on the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356—Revised. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

§ 245.95 *Powers of attorney.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, Assistant Regional Commissioners.

§ 245.96 *Interest in business.* The surety must have no interest whatever in the business covered by the bond.

§ 245.97 *Deposit of collateral.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of corporate sureties in accordance with the provisions of Department Circular No. 154, revised (31 CFR, Part 225): *Provided*, That United States Savings, Defense Savings, and War Savings Bonds issued under the authority of section 22 of the Second Liberty Bond Act, as amended, and other bonds and notes of the United States, which are nontransferable or the hypothecation of which will not be recognized by the Treasury Department, may not be pledged and deposited as security in lieu of corporate sureties.

(40 Stat. 1148, as amended; 6 U. S. C. 15; 68A Stat. 674; 26 U. S. C. 5401)

§ 245.98 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533 in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the exeeution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. The consent may be executed for the surety company by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate Assistant Regional Commissioner; or the consent may be executed by the home office officials of such corporate surety.

§ 245.99 *Approval required.* No individual, firm, partnership, corporation, or association, intending to commence or to continue the business of a brewer, shall commence or continue such busines until all bonds in respect of such business, required by any provision of law, have been approved by the Assistant Regional Commissioner.

(68A Stat. 680; 26 U. S. C. 5551)

§ 245.100 *Renewal of bond.* No person shall continue in the business of a brewer unless he files a new bond once in four years with the Assistant Regional Commissioner, and the same has been approved. Such bond shall be prepared in accordance with the provisions of this subpart.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.101 *Authority to approve.* Assistant Regional Commissioners are authorized to approve all brewers' bonds and consents of surety relating thereto.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.102 *Cause for disapproval.* Bonds or consents of surety submitted by an individual, firm, partnership, corporation, or association in respect to the business of a brewer may be disapproved if the individual, firm, partnership, corporation, or association giving the same, or owning, controlling, or actively participating in the management of such business of the individual, firm, partnership, corporation, or association giving the same, shall have been previously convicted in a court of competent jurisdiction of:

(a) Any fraudulent noncompliance with any provision of any law of the United States, if such provision related to internal revenue or customs taxation of distilled spirits, wines, or beer, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association on payment of penalties or otherwise; or

(b) Any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting

the manufacture, sale, importation, or transportation of distilled spirits, wine, beer, or other intoxicating liquor.

(68A Stat. 680; 26 U. S. C. 5551)

§ 245.103 *Appeal to Director, Alcohol and Tobacco Tax Division.* Where a bond or consent of surety is disapproved by the Assistant Regional Commissioner, the person giving the bond may appeal from such disapproval to the Director, Alcohol and Tobacco Tax Division, who will grant a hearing in the matter if such is requested by the applicant or brewer.

(68A Stat. 680; 26 U. S. C. 5551)

§ 245.104 *Disapproval of Director, Alcohol and Tobacco Tax Division, final.* The disapproval by the Director, Alcohol and Tobacco Tax Division, of any bond or consent of surety with respect to the commencement or continuance of the business of the brewer shall be final.

(68A Stat. 680; 26 U. S. C. 5551)

§ 245.105 *Additional or strengthening bonds.* In all cases where the penal sum of the bond on file and in effect is not sufficient, computed as prescribed by this part, the principal may give an additional or strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such additional or strengthening bonds, being filed to increase the bond liability of the principal and the surety, are in no sense substitute bonds, and the Assistant Regional Commissioner will refuse to approve any additional or strengthening bond where any notation is made thereon intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond," or "Strengthening Bond."

§ 245.106 *New bond.* A new bond may be required at any time in the discretion of the Director, Alcohol and Tobacco Tax Division, or Assistant Regional Commissioner. A new bond shall be required immediately in the case of the insolvency of a corporate surety. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing, or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of the Director, Alcohol and Tobacco Tax Division, or the Assistant Regional Commissioner, the interests of the Government demand it, or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. Where a bond is found to be not acceptable, the principal shall be required to file immediately a new and satisfactory bond, or discontinue business forthwith.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.107 *Superseding bond.* Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, notice of termination of the superseded bond may be issued as provided in Subpart K of this part. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by obligors at the time of execution, "Superseding Bond."

SUBPART I—PLATS

§ 245.110 *Preparation.* Every plat shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification, and shall show the cardinal points of the compass. The minimum scale of any plat shall be not less than 1/50 inch per foot. Each sheet of the plat shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. The dimensions of plats shall be 15 by 20 inches outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats shall be submitted on sheets of tracing cloth, or sensitized linen and may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct: *Provided*, That reproduction by other equally suitable methods may be approved by the Assistant Regional Commissioner.

§ 245.111 *Description of brewery.* The plat must show the outer boundaries of the brewery and of the portion thereof comprising the brewery bottling house by courses and distances, in feet and hundredths thereof or inches, and the point of beginning of each with respect to its distance and bearings from some near and wellknown landmark, and must contain an accurate depiction of the building, or buildings, located on the premises which comprise the brewery and any driveway, public highway, or railroad right-of-way adjacent thereto or connecting therewith. The brewery bottling house must be distinguished from the other portions of the brewery by a contrasting color or by a legend such as cross hatching, a broken line, etc. When the separation of the brewery bottling house from the remainder of the brewery is not vertical from ground to roof, such additional horizontal and vertical views shall be submitted as will clearly show the separation of the premises. If the premises comprising the brewery are separated by a public highway, or a railroad right-of-way, and the tracts of land comprising such premises, or parts thereof, abut on such highway, or right-of-way, opposite or adjacent to each other, the different tracts will be described separately by courses and distances, in feet and hundredths thereof or inches. If two or more buildings are used, the designated name or use of each will be indicated and all passageways and other openings, if any, and all connecting pipelines used for the conveyance of beer between the same depicted. All pipelines and other connections between the brewery bottling house and other areas of the brewery, or between the brewery and other premises must be indicated on the plat and identified as to use. Where two or more buildings are used for the same purpose, the identification of each building shall include an alphabetical designation, and shall be so shown on the plat. All first floor exterior doors of each building of the brewery will be shown on the plat.

§ 245.112 *Conduits or pipelines.* The conduit or pipeline used for the transfer of beer to the brewery bottling house will be shown in red on the plat, and the details of construction, the manner of securing same, and the location of meters will be shown. All other pipelines connecting the brewery bottling house with other areas of the brewery will be shown on the plat and will be designated as to use. The direction of flow of beer through the pipelines must be indicated by arrows on the plat.

§ 245.113 *Certificate of accuracy.* The plat shall bear a certificate of accuracy in the lower right-hand corner of each sheet signed by the brewer, the draftsman, and the Assistant Regional Commissioner, substantially in the following form:

(Name of brewer)

(Address)

Approved ----------
(Date)

(Assistant Regional Commissioner)

Accuracy certified by:

(Name and capacity—for the brewer)

(Draftsman)

Sheet No. ----------

----------, 19--.
(Date)

§ 245.114 *Revised plats.* A revised sheet of a plat shall bear the same number as the sheet superseded, but will be given a new date. Any additional sheet shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of all sheets in proper sequence.

SUBPART J—CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES, AND EQUIPMENT

Changes in Individual, Firm, or Corporate Name

§ 245.120 *Notice, Form 27–C.* Where there is a change in the individual, firm, or corporate name of the brewer, he must submit to the Assistant Regional Commissioner notice on Form 27–C, in triplicate, setting forth the new name, which notice must be approved before operations may be commenced under the new name.

§ 245.121 *Amended articles of incorporation, etc.* Where the brewer is a corporation and there is a change in the corporate name, the brewer must submit to the Assistant Regional Commissioner certified copies, in triplicate, of the amended articles of incorporation and the amended certificate of incorporation issued under the laws of the State in which incorporated, setting forth the change in the corporate name. If the operations are conducted in a State other than the State in which incorporated, there must also be submitted to the Assistant Regional Commissioner certified copies, in triplicate, of the amended certificate issued under the laws of the State in which the operations are conducted authorizing the corporation to operate under its new name in such State.

§ 245.122 *Amended articles of partnership or association.* Where the brewer is a partnership or association and there is a change in the firm name, the brewer must submit to the Assistant Regional Commissioner certified copies, in triplicate, of the amended articles of partnership or association, if any.

§ 245.123 *Records.* Where there is a change in the individual, firm, or corporate name of the brewer, he must keep records and submit reports covering operations under the new name.

(68A Stat. 675; 26 U. S. C. 5415)

§ 245.124 *Marking and branding.* Where there is a change in the individual, firm, or corporate name of the brewer, he will mark and brand barrels, kegs, and cases with the new name in accordance with the provisions of Subpart O of this part.

(68A Stat. 675; 26 U. S. C. 5412)

Trade Names

§ 245.125 *General.* Where the brewery is to be operated under a new trade name or style, the brewer must comply with the provisions of § 245.120, and, in addition thereto, with the requirements of §§ 245.126–245.128.

§ 245.126 *Trade name certificate.* Where the brewery is to be operated under a trade name or style, other than that previously approved, the brewer must submit to the Assistant Regional Commissioner certified copies, in triplicate, of the certificate or other document filed with or issued by State officials under the laws of the State, to cover the transaction of business under such trade name or style. If no such certificate or other document is required by the laws of the State to be filed with or issued by any State official to cover the transaction of business under a trade name, the brewer shall furnish a statement to that effect.

§ 245.127 *Records.* Where the brewery is to be operated under a trade name or style, other than that previously approved, the brewer must make appropriate entries in the brewer's records covering operations under the new trade name.

(68A Stat. 675; 26 U. S. C. 5415)

§ 245.128 *Marking and branding.* Where the brewery is to be operated under a trade name or style, other than that previously approved, the brewer must mark and brand barrels, kegs, and cases with the new trade name in accordance with the provisions of Subpart O of this part.

(68A Stat. 675; 26 U. S. C. 5412)

Changes in Proprietorship

§ 245.129 *Nonfiduciary successor.* If the change in proprietorship of the brewery is brought about otherwise than by appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must likewise qualify in the same manner as the proprietor of a new brewery, except that he may adopt the plat of the predecessor, as provided in this subpart.

§ 245.130 *Fiduciary.* If the brewery is to be operated by an administrator, executor, receiver, trustee, assignee, or other fiduciary, the fiduciary must comply with the provisions of Subparts G, H, and I of this part, to the extent that such provisions are applicable, except that in lieu of filing a new bond and new plat the fiduciary may furnish a consent of surety, extending the terms of his predecessor's bond, and adopt the plat of such predecessor. The fiduciary must also furnish certified copies, in triplicate, of the order of the court, or other pertinent documents, showing his qualifications as such fiduciary. The effective date of the qualifying documents filed by a fiduciary must be the same as the date of the court order, or the date specified therein, for him to assume control. If the fiduciary was not appointed by the court, the date of his appointment must coincide with the effective date of the qualifying documents filed by him.

§ 245.131 *Consent of surety.* The consent of surety extending the terms of the predecessor's bond to cover operation of the brewery by a fiduciary must conform to the requirements of § 245.98 and be executed by both the fiduciary and the surety.

§ 245.132 *Plats.* The adoption by a successor of the plat of his predecessor shall be in the form of a certificate, in triplicate, to be made a part of the notice, in which shall be set forth the name of the predecessor, the address of the brewery, a description of the brewery, the number of each page comprising the plat covered by such certificate, and a statement that the premises comprising the brewery, and the buildings, connecting pipelines, and meters, are correctly described and depicted on such plat.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.133 *Approval required.* Operations shall not be commenced by the successor until the qualifying documents required by the provisions of this subpart have been approved.

(68A Stat. 678; 26 U. S. C. 5551)

Other Changes in Proprietorship or Control

§ 245.134 *Change in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, except as provided in § 245.135, the death, bankruptcy, or adjudicated insolvency of one or more of the partners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change in proprietorship of the brewery occurs, the successor must qualify in the same manner as a new applicant, except that the successor may adopt the plat of the predecessor as provided in § 245.132. Operations may not be commenced by the successor until the qualifying documents required by the provisions of this subpart have been approved.

§ 245.135 *Exception, change in partnership.* Where, under the laws of the particular State, the partnership is not terminated on the death or insolvency of a partner, but continues until the termination of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to operate the brewery for such purpose under the prior qualification of the partnership, and the bond already on file will be considered sufficient, provided a consent of surety, wherein the surety and the surviving partner agree to remain liable on the bond, is filed. If such surviving partner acquires the business upon completion of the settlement of the partnership, he must qualify in his own name from the date of acquisition and give a new bond on Form 1566. The same rule shall apply where there is more than one surviving partner.

§ 245.136 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of the capital stock of a corporation operating a brewery does not constitute a change in the proprietorship of the brewery. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is any change in the officers or directors, the brewer must give notice thereof, in triplicate, to the Assistant Regional Commissioner within 10 days of such change. Mere changes in stockholders of corporations not constituting a change in control need not be so reported. The Assistant Regional Commissioner must, in the case of changes in officers or directors, be furnished extracts, in triplicate, of the minutes of the meetings showing the election of the new officers within 10 days after such election.

§ 245.137 *Reincorporation.* Where a corporation operating a brewery is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as the new proprietor of a brewery, except that the new corporation may adopt the plat of the predecessor.

§ 245.138 *Transfer of business.* When a transfer is made of a brewer's business and the stock on hand, the beer in stock may be transferred untaxpaid and taken up and accounted for by the successor in business who fully qualifies as a brewer.

Changes in Location, Premises, and Equipment

§ 245.139 *Change in location.* Where there is a change in the location of the brewery, the brewer must comply with all applicable provisions of Subparts G,

H, and I of this part, except that in lieu of the filing of a new bond, Form 1566, the brewer may furnish a consent of surety, Form 1533, in accordance with § 245.98 extending the terms of the brewer's bond given for the former location to cover operation of the brewery at the new location.

(68A Stat. 594, 616, 619, 624, 674, 846; 26 U. S. C. 4905, 5091, 5113, 5144, 5401, 7011)

§ 245.140 *Changes in premises.* Where the brewery (or brewery bottling house) is to be extended or curtailed, the brewer must file with the Assistant Regional Commissioner an amended Form 27–C and amended plat. The additional facilities covered by an extension may not be used for the proposed purposes, and the portion to be excluded by a curtailment may not be used for other than the previously approved purposes, prior to approval of Form 27–C.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.141 *Changes in equipment, or in construction or use of a room or building.* Where the brewer desires to make a change in equipment, or in the construction or use of a room or building, that will affect the accuracy of Form 27–C or of the plat, he will furnish the Assistant Regional Commissioner with written notification, in duplicate, describing specifically the change he proposes to make and when he proposes to commence and complete it: *Provided*, That emergency repairs coming under this category of change may be made without prior notification. Where such emergency repairs are made, the brewer will file immediately a complete report thereof, in duplicate, with the Assistant Regional Commissioner. The Assistant Regional Commissioner may specifically require the immediate filing of an amended Form 27–C and plat where the accuracy of existing documents has been materially affected by any change. The brewer will file an amended Form 27–C and plat on or before May 1 of each year to reflect any changes made during the preceding calendar year which affected the accuracy of Form 27–C and plat and which have not previously been so reported.

(68A Stat. 674; 26 U. S. C. 5401)

SPECIAL TAX STAMPS

§ 245.142 *Liability; change in name.* Where there is a change in the corporate name or firm name, or in the trade name, or names, the brewer must, within 30 days after such change is made, file with the District Director of Internal Revenue an additional return on Form 11, covering the new corporate name, firm name, or trade name or names, as the case may be. The special tax stamp, or stamps, must be forwarded to the District Director for appropriate notation with respect to such change.

(68A Stat. 846; 26 U. S. C. 7011)

§ 245.143 *Liability; change in proprietorship.* Where there is a change in proprietorship of the brewery, the successor must procure the required special tax stamps: *Provided*, That persons having right of succession as provided in § 245.144, may carry on the business for the remainder of the period for which the special tax was paid, if, within 30 days after the date on which such successor begins to carry on the business, a return on Form 11 showing the basis of the succession is filed with the District Director. The person so succeeding to a business for which special tax has been paid and who fails to register such succession as provided in this subpart, is liable for special tax computed from the first day of the calendar month in which he began to carry on such business.

(68A Stat. 624, 846; 26 U. S. C. 5144, 7011)

§ 245.144 *Persons having right of succession.* Under the conditions indicated in § 245.143, the persons having right of succession are as follows:

Death: The widow or child, or executor, administrator, or other legal representative of the taxpayer.

Husband and wife: A husband or wife succeeding to the business of his or her spouse (living).

Insolvency: A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

Withdrawal from firm: The partner or partners remaining after death or withdrawal of a member.

(68A Stat. 624; 26 U. S. C. 5144)

§ 245.145 *Liability; change in location.* Where there is a change in location, the brewer must, within 30 days after such change is made, file with the District Director an amended return on Form 11 covering the new location of the brewery; otherwise, new special tax stamps must be purchased. The special tax stamp, or stamps, must be forwarded to the District Director for endorsement of the change in location.

(68A Stat. 594, 624, 846; 26 U. S. C. 4905, 5144, 7011)

SUBPART K—TERMINATION OF BONDS

§ 245.150 *Termination of brewer's bond.* The brewer's bond, Form 1566, may be terminated as to future liability (a) pursuant to application by the surety as provided in § 245.151, or (b) pursuant to approval of a superseding bond or (c) discontinuance of business by the principal. Application for termination of a brewer's bond upon approval of a superseding bond or discontinuance of the business, must be filed in duplicate with the Assistant Regional Commissioner.

§ 245.151 *Application of surety for relief from bond.* A surety on any bond required by this part may at any time in writing notify the principal and the Assistant Regional Commissioner in whose office the bond is on file that he desires after a date named, which shall be at least 60 days after the date of the notification, to be relieved of liability under said bond. The notice shall be executed in triplicate by the surety, who shall deliver one copy to the principal and the other two to the Assistant Regional Commissioner, who will retain one copy and transmit the remaining copy to the Director, Alcohol and Tobacco Tax Division. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved, in the case of a brewer's bond, Form 1566, from liability for beer produced at, and for beer consigned to, the brewery wholly subsequent to the date named in the notice. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney duly executed by the surety, authorizing him to give such notice, or by a verified statement that such power of attorney is on file with the Treasury Department. The surety must also file with the Assistant Regional Commissioner an acknowledgment, or other proof of service, of such notice on the principal.

§ 245.152 *Action on application for termination of brewer's bond.* Upon receipt of an application for termination of a brewer's bond as to future liability, in a case where a superseding bond has been approved, or the principal has discontinued business, as provided in § 245.160, the Assistant Regional Commissioner will issue a notice of termination of the bond in accordance with § 245.153, if he finds that the bond may be properly terminated. If the Assistant Regional Commissioner finds that taxes are due and payable, that outstanding assessments, demands for payment of taxes, or other outstanding liabilities chargeable against the bond have not been paid or otherwise settled, or that penalties incurred or fines imposed because of violation of the law or this part during the period covered by the bond have not been satisfied, he will notify the applicant of their nature and amount and will withhold action on the application until all such liabilities are settled.

§ 245.153 *Notices, Forms 1490 and 1491.* Upon approval of the application for termination of a brewer's bond, the Assistant Regional Commissioner will execute Form 1490 where a superseding bond has been approved, or Form 1491, where the principal has discontinued business, in quadruplicate (in quintuplicate if there are two sureties) and will forward one copy to each obligor on the bond.

§ 245.154 *Release of collateral.* The release of collateral pledged and deposited to support bonds required by this part, will be in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225), subject to the conditions governing the issuance of notices on Forms 1490 and 1491 of the termination of such bonds. When the Assistant Regional Commissioner determines that there is no outstanding liability against the bond, he will fix the date or dates on which a part or all of the security may be released, which date or dates ordinarily will be not less than six months from the date of such determination. At any time prior to the release of such security the Assistant Regional Commissioner may, in his discretion and for proper cause, further extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

(40 Stat. 1148, as amended; 6 U. S. C. 15)

SUBPART L—NOTICE OF DISCONTINUANCE OF BUSINESS

§ 245.160 *Form of notice.* Where a brewer desires to discontinue business permanently, he will file with the Assistant Regional Commissioner notice thereof on Form 27–C, in triplicate, stating therein the purpose, "Discontinuance of business," and giving the date of the discontinuance. The Assistant Regional Commissioner will, when operations have been properly completed, note his approval on the notice, retain one copy and forward one copy to the Director, Alcohol and Tobacco Tax Division, and one copy to the brewer.

SUBPART M—SPECIAL TAXES

§ 245.165 *Special tax.* Brewers are required to pay, within the calendar month in which they commence operations, the special tax required by section 5091, I. R. C. Special taxes shall become due on the first day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case, the tax is reckoned for 1 year, and in the latter, it is reckoned proportionately from the first day of the month in which the liability to special tax commenced, to and including the 30th day of June following.

(68A Stat. 624; 26 U. S. C. 5142)

§ 245.166 *Special tax return.* Every person liable to special tax shall render his return on Form 11 with remittance to the District Director of the district in which the business is carried on, at such time within the calendar month in which the special tax liability commences as will enable the District Director to receive such return and remittance not later than the last day of such month.

(68A Stat. 624; 26 U. S. C. 5143)

§ 245.167 *Execution of Form 11.* The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by any one of the partners; the return of a corporation shall be signed by any officer. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or in the case of a corporation the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. When a return is signed by an agent or attorney in fact, his signature should be preceded by the name of the principal and be followed by his title. A return signed by a person as agent will not be accepted unless there is filed with the District Director, a power of attorney, authorizing the agent to perform such act. Form 11 must contain or be verified by a written declaration that it has been executed under penalties of perjury.

(68A Stat. 748, 749, 757, 846; 26 U. S. C. 6061, 6065, 6151, 7011)

§ 245.168 *Wholesale and retail special tax exemption.* A brewer is not required to pay special tax as a wholesale or retail dealer in beer if he sells only in hogsheads, barrels, or kegs, whether at the place of production or elsewhere, beer produced by him or purchased and procured by him in his own hogsheads, barrels, or kegs from another brewer, but the quantity of beer so purchased shall be included in calculating the liability to brewers' special tax of both the brewer who manufactures and sells the same and the brewer who purchases the same.

(68A Stat. 619; 26 U. S. C. 5113)

§ 245.169 *Sale of bottled beer.* The special tax liability as brewer does not include the sale of beer in bottles, or the sale of beer produced by other brewers which is not in his own barrels. Brewers who sell such products are required to pay special tax as wholesale or retail dealers in beer, or both, according to the quantities sold.

(68A Stat. 618, 620; 26 U. S. C. 5111, 5121)

§ 245.170 *Wholesale dealer in beer.* Except as provided in Part 194 of this chapter, every person who sells, or offers for sale, beer in quantities of 5 gallons or more, to the same person at the same time, and who does not deal in distilled spirits or wines at wholesale, shall be regarded as a wholesale dealer in beer.

(68A Stat. 618; 26 U. S. C. 5112)

§ 245.171 *Retail dealer in beer.* Except as provided in Part 194 of this chapter, every person who sells, or offers for sale, beer in quantities of less than 5 gallons to the same person at the same time, and does not deal in distilled spirits or wines, shall be regarded as a retail dealer in beer.

(68A Stat. 621; 26 U. S. C. 5122)

§ 245.172 *Posting special tax stamp.* All stamps denoting payment of special tax shall be posted conspicuously in the place of business of the taxpayer.

(68A Stat. 831; 26 U. S. C. 6806)

§ 245.173 *Sale at purchaser's place of business.* Wholesale and retail dealers in beer, who have paid special tax as such, may, without incurring liability for additional special tax, sell beer to wholesale and retail dealers in beer or liquors at the purchaser's place of business.

(68A Stat. 621; 26 U. S. C. 5123)

§ 245.174 *Each place of business taxable.* Liability to special tax is incurred by a brewer at each and every place of business where he carries on any occupation subject to such tax: *Provided*, That, by place of business is meant the entire office, plant or area of the business in any one location under the same proprietorship, and passageways, streets, highways, rail crossings, waterways, or partitions dividing the premises shall not be deemed sufficient separation to require additional special tax, if the various divisions of the premises are otherwise contiguous.

(68A Stat. 624; 26 U. S. C. 5144)

SUBPART N—TAX ON BEER

§ 245.180 *Rate of tax.* All beer brewed or produced and sold, or removed for consumption or sale, is subject to the tax prescribed by section 5051, I. R. C., for every barrel containing not more than 31 gallons, and at a like rate for any other quantity, or for the fractional parts of a barrel authorized and defined by law.

(68A Stat. 611; 26 U. S. C. 5051)

§ 245.181 *Persons liable for tax.* The tax imposed by law on beer (including beer purchased or procured by one brewer from another) shall be paid by the owner, agent, or superintendent of the brewery in which the beer is made: *Provided*, That the tax on beer transferred to a brewery from other breweries owned by the same brewer shall be paid by the owner or his agent or superintendent at the brewery from which the beer is sold or removed for consumption or sale.

(68A Stat. 613, 675; 26 U. S. C. 5054, 5413, 5414)

§ 245.182 *Method of taxpayment.* The tax on beer shall be paid by return on Form 2034, as provided in §§ 245.342–245.344. The tax shall be paid by remittance to the District Director at the time the tax return is rendered and the remittance shall be in cash, or by check or money order made payable to the "District Director of Internal Revenue." In paying the tax a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(68A Stat. 614, 777, 778; 26 U. S. C. 5061, 6311, 6313)

§ 245.183 *Determination of tax on keg beer.* In determining the tax on beer removed in kegs, a barrel shall be regarded as being a quantity of not more than 31 gallons. The authorized fractional parts of a barrel are halves, thirds, quarters, sixths, and eighths. Any keg containing one-eighth or less will be accounted and taxpaid as one-eighth; if more than one-eighth and not more than one-sixth, as one-sixth; if more than one-sixth and not more than one-fourth, as one-fourth; if more than one-fourth and not more than one-third, as one-third; if more than one-third and not more than one-half, as one-half; if more than one-half and not more than one barrel, as one barrel; and if more than one barrel and not more than 63 gallons, as two barrels or a hogshead. The provisions of this section requiring the accounting and taxpayment of kegs at the next higher quantity shall not apply where the excess quantity of beer in any such container over the standard quantity does not exceed two percent by volume. The quantities of keg beer removed subject to tax shall be computed to 5 decimal places. The sum of the quantities so computed for any one day will be reduced to 3 decimal places by dropping the numerals in the 4th and 5th decimal places and the tax shall be calculated and paid on such reduced sum.

(68A Stat. 611; 26 U. S. C. 5051)

§ 245.184 *Determination of tax on bottled beer.* The quantities of bottled beer removed subject to tax shall be computed to 5 decimal places in accordance with the table and instructions in § 245.185. The sum of the quantities so computed for any one day will be reduced

to 3 decimal places by dropping the numerals in the 4th and 5th decimal places and the tax shall be calculated and paid on such reduced sum.

(68A Stat. 611; 26 U. S. C. 5051)

§ 245.185 *Tax computations for bottled beer.* Barrel equivalents for various case sizes are as follows:

Number of bottles per case	Fluid contents (ounces) of each bottle	Barrel equivalent
4	64	0.06452
6	64	.09677
12	6	.01815
12	7	.02117
12	8	.02419
12	12	.03629
12	14	.04234
12	30	.09073
12	32	.09677
24	6	.03629
24	7	.04234
24	8	.04839
24	9	.05444
24	10	.06048
24	11	.06653
24	12	.07258
24	13	.07863
24	14	.08468
24	15	.09073
24	16	.09677
24	6	.05444
36	7	.06351
36	8	.07258
48	12	.14516
50	12	.15120

Since the determination of tax liability is based upon a count of cases of bottles, various sized bottles may not be indiscriminately mixed in a case. This shall not be construed as prohibiting cases or bottles of sizes other than those listed in the above table or cases which contain bottles of more than one size where such cases are uniformly filled with a specific number of bottles of each size: *Provided*, That if beer is to be removed in cases or bottles of sizes other than those listed in the above table, the brewer will notify the Assistant Regional Commissioner in advance and request to be advised of the fractional barrel equivalent applicable to the proposed container.

§ 245.186 *Time of tax determination and payment.* The tax on beer shall be determined on sale or removal for consumption or sale. Except as provided in § 245.187, a brewer shall file the tax return with remittance not later than the close of the business day next succeeding that on which the beer was sold or removed for consumption or sale: *Provided*, That when the last day for filing a tax return and remittance falls on Saturday or Sunday, or on a legal holiday (of the particular State or of the District of Columbia wherein the return is required to be filed), the performance of such acts shall be considered timely if they are performed on the next succeeding day which is not a Saturday, Sunday, or legal holiday (of the particular State or of the District of Columbia wherein the return is required to be filed): *And provided further*, That where the return and remittance are delivered by United States mail to the office of the District Director, the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. Timely mailing (as evidenced by such postmark) will be treated as timely filing. Postmarks not made by the United States Post Office are not acceptable evidence of time of mailing.

(68A Stat. 613, 731, 895, 896; 26 U. S. C. 5055, 6001, 7502, 7503)

§ 245.187 *Handling of a day's gross tax liability of less than $100.* Notwithstanding the provision of § 245.186 regarding the filing of tax returns daily, a return need not be prepared (nor the remittance of tax made) until the total gross tax (for one or more days) reaches $100, when Form 2034 (with remittance) will be prepared and filed. Before the close of the first business day following the last day of each month, Form 2034 will be prepared and filed with remittance covering the last day or days of the next preceding month even though the amount of tax due is less than $100.

(68A Stat. 614, 675, 681; 26 U. S. C. 5061, 5415, 5555)

§ 245.188 *Evasion of or failure to pay tax.* Evasion or attempted evasion of the tax imposed on beer may subject the brewer to proceedings leading to the forfeiture of all the beer made by him or for him, the utensils and apparatus used in making such beer, and the land and buildings constituting the brewery, and to fine and imprisonment. A brewer who fails to pay such tax, or make a return as required by this part, shall in addition to other penalties provided by law be subject to a penalty of not more than $1,000.

(68A Stat. 696, 699; 26 U. S. C. 5671, 5673, 5684)

SUBPART O—MARKS, BRANDS, AND LABELS

§ 245.195 *Barrels and cases.* The brewer's name or trade name and the place of production must be embossed on, indented in, or otherwise permanently marked on (subject to the approval of the Assistant Regional Commissioner) each metal barrel or keg of beer. The same information must be branded by burning on the side, across the staves, and extending over 60 percent, or more, of the circumference, of each wooden barrel or keg. Such branding must be of sufficient depth and size so that it may not be effaced without leaving traces of scraping or other erasure. The brewer's name or trade name and place of production (city and state) must be shown on each case or other shipping container for bottled beer. No statement concerning payment of internal revenue tax shall appear on such shipping container.

(68A Stat. 675; 26 U. S. C. 5412)

§ 245.196 *Bottles.* Where beer is bottled in the brewery bottling house, the bottle shall show by label or otherwise the name or trade name, the place of production (city and state), the net contents of the container and the nature of the product, such as beer, lager beer, ale, stout, etc. No statement as to payment of internal revenue taxes shall be shown. The labels used by the brewer must be covered by certificates of label approval where required by Part 7 of Title 27 of the Code of Federal Regulations.

(68A Stat. 675; 26 U. S. C. 5412)

MORE THAN ONE BREWERY OWNED BY THE SAME PERSON

§ 245.197 *Barrels or kegs.* Where two or more breweries are owned and operated by the same person, firm, or corporation, barrels or kegs with the name of the brewer and the location of one or more of such breweries branded, embossed, or otherwise permanently marked thereon or indented therein may be used for the removal of beer subject to tax from all such breweries: *Provided*, That whenever a barrel or keg so branded is filled with beer for removal subject to tax, the location (city and state) of the brewery at which the beer was produced, shall be marked on the bung or shown on a label securely affixed to the container. If more than one such brewery is located in the same city, such bung or label shall show the location by street number, city and state.

(68A Stat. 675; 26 U. S. C. 5412)

§ 192.198 *Cases.* The place of production (city and state) must be shown on each case: *Provided*, That where two or more breweries are owned and operated by the same person, firm, or corporation the cases may show the addresses (city and state) of all of such breweries and be used interchangeably.

§ 245.199 *Rebranding barrels or kegs.* No barrel or keg which bears the name of more than one brewer may be used as a container for beer: *Provided*, That where barrels or kegs are purchased by one brewer from another or obtained by other legitimate means, and after the Assistant Regional Commissioner has been notified of the proposed action, the brands on such wooden barrels or kegs may be scraped and the barrels or kegs rebranded by the purchasing brewer, and in the case of metal barrels or kegs, the original marks may be covered by a metal plate so welded to the barrel as to become an integral part thereof, and the required marks may be embossed on, or indented in, such metal plates. The successor to a brewer who has discontinued business may place additional marks and brands on the barrels and kegs, in accordance with § 245.195, which indicate the successorship without removing the marks and brands of the predecessor.

(68A Stat. 675; 26 U. S. C. 5412)

§ 245.200 *Tanks, vehicles, and vessels.* Each tank, tank car, tank truck, tank ship, barge, or deep tank of a vessel, used for transferring beer from one brewery to another brewery belonging to the same brewer, as provided in § 245.211, must be plainly and durably marked with the brewer's name, the address of the brewery from which the beer was removed, the address of the brewery to which transferred, the date of shipment, and the quantity transferred (expressed in barrels). The marks may be placed on a suitable label securely affixed to the route board of such containers.

(68A Stat. 675; 26 U. S. C. 5414)

SUBPART P—REMOVAL OF BREWER'S YEAST AND OTHER ARTICLES

§ 245.205 *Containers and records.* Brewer's yeast, in liquid or solid form containing not less than 10 percent solids (as determined by the methods of analysis of the American Society of Brewing Chemists), may be removed from the brewery in barrels, tank trucks, or other suitable containers, or by pipeline. If removed in containers, the containers must bear labels giving the name and location of the brewery, and the words "Brewer's Yeast." If removed by pipeline, the pipeline will be indicated on the plat and described in the Form 27–C, and the premises receiving the product will be subject to inspection by internal revenue officers during ordinary business hours. The brewer must keep records open for inspection by internal revenue officers showing the quantity and date of removal, and the name and address of the consignee. Brewer's yeast may be removed for sale to other brewers for use in the production of beer and to other concerns for the preparation of stock foods and medicinal products, or for any other legitimate purposes.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.206 *Malt sirup.* Records shall be kept by the brewer of all malt and malt sirup removed from the brewery. Such records must show the quantity of each lot removed, together with the name and address of the person to whom shipped or delivered. The records must be available for inspection by internal revenue officers.

(68A Stat. 675; 26 U. S. C. 5411)

SUBPART Q—TRANSFERS TO ANOTHER BREWERY OF SAME OWNERSHIP

§ 245.210 *General.* In accordance with the provisions of this part, beer may be removed from one brewery for transfer to another brewery belonging to the same brewer, without payment of tax, and may be mingled with the beer of the second brewery.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.211 *Kinds of containers.* Beer may be transferred without payment of tax, from one brewery to another brewery belonging to the same brewer (a) in bottles and cases; (b) in the brewer's hogsheads, barrels, or kegs; or (c) in tanks, tank cars, tank trucks, tank ships, barges, or deep tanks of vessels provided the breweries are equipped with suitable railroad siding facilities or dock facilities, as applicable, and subject to such limitations and conditions as may be imposed by the Assistant Regional Commissioner. All such containers shall be marked, branded, or labeled as provided in §§ 245.195 to 245.200.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.212 *Determination of quantity transferred.* The quantity of beer shipped will be determined by the brewer at the time of removal from the consignor brewery and the quantity received will be determined at the time of receipt at the consignee brewery. Before any beer is transferred by tank, tank car, tank truck, tank ship, barge, or deep tanks of vessels, the brewer must satisfy the Assistant Regional Commissioner(s) that both the shipping and receiving breweries are so equipped that the quantities to be shipped and delivered in such bulk conveyances can be accurately determined.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.213 *Losses in transit.* The brewer is liable under the bond of the brewery to which the beer is transferred for the tax on beer lost in transit. Such liability may be remitted if such beer is lost other than by theft.

(a) *Losses allowable without claim.* Where such loss does not exceed 1 percent of the quantity shipped, application for allowance of the loss or report of loss will not be required provided there are no circumstances indicating that the beer lost, or any part thereof, was stolen or otherwise diverted to an unlawful purpose.

(b) *Losses requiring claim.* Where such loss exceeds 1 percent of the quantity shipped, the brewer shall submit an application under the penalties of perjury for remission of the tax on the entire loss to the Assistant Regional Commissioner of the region in which the receiving brewery is located. Such application shall be prepared and submitted in accordance with the provisions of § 245.218.

(c) *Losses requiring immediate report.* A loss by fire or other casualty, or any other unusual loss, including a loss by theft, must be reported to the Assistant Regional Commissioner immediately it becomes known.

(68A Stat. 613, 675; 26 U. S. C. 5057, 5414)

§ 245.214 *Mingling.* Beer transferred without payment of tax from one brewery to another brewery belonging to the same brewer may be mingled with beer of the receiving brewery: *Provided*, That (a) beer transferred in hogsheads, barrels, or kegs must be received in the racking room or keg beer storage room of the receiving brewery; (b) bottled beer must be received in the brewery bottling house; and (c) bulk beer transferred in tanks, vehicles, or vessels must be received in brewery tanks not located in the bottling department: *And provided further*, That such beer having been so received and accounted for in the records of the consignee brewery may be handled thereafter in accordance with the requirements of this part relating to beer produced in such brewery.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.215 *Report of transfers between breweries.* When beer is transferred without payment of tax from one brewery to another brewery belonging to the same brewer, the consignor brewery shall render notice thereof on the date of shipment on Form 2035 as provided in §§ 245.216 and 245.217. The quantity transferred will be entered on Forms 2051 and 103 of the shipping brewery. Similarly, the quantity received will be reported on Forms 2051 and 103 of the receiving brewery. Any discrepancy between the quantity shipped and the quantity received will be reported on Form 2035 in accordance with §§ 245.216 and 245.217.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.216 *Transfers in same region.* When beer is transferred from one brewery to another brewery belonging to the same brewer and located in the same region, the brewer shall prepare Form 2035, in quadruplicate, and forward, on the day of shipment, one copy to the Assistant Regional Commissioner of his region and two copies to the receiving brewery. One copy will be retained in the files of the shipping brewery. When the beer is received, the receiving brewery will enter on the two copies of Form 2035 the actual quantity received and any discrepancy between the quantities shipped and received. One copy of the form will be promptly forwarded to the Assistant Regional Commissioner and the other copy retained in the files of the receiving brewery.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.217 *Transfers to other regions.* When beer is transferred to a brewery located in another region, the brewer shall prepare Form 2035, in quintuplicate, and forward, on the day of shipment, one copy to the Assistant Regional Commissioner of the shipping region, one copy to the Assistant Regional Commissioner of the receiving region, and two copies to the receiving brewery. The remaining copy will be retained in the files of the shipping brewery. When the beer is received, the receiving brewery will enter on the two copies of Form 2035 the actual quantity received and any discrepancy between the quantities shipped and received. One copy of the form will be promptly forwarded to the Assistant Regional Commissioner of the receiving region and the other retained in the files of the brewery. On receipt of the Form 2035 showing the actual quantity received, the Assistant Regional Commissioner of the receiving region will complete the Form 2035 received from the brewer at the time of shipment and forward it to the Assistant Regional Commissioner of the shipping region.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.218 *Application for remission of tax.* Application for remission of tax on beer lost in transit between breweries of the same ownership shall be prepared by the brewer or his duly authorized agent and submitted with Form 103 of the receiving brewery for the month in which the shipment is received. Where the loss is by casualty, the application shall be submitted with the Form 103 for the month in which the loss is discovered. Where, for valid reason, the required application cannot be submitted with such report, a statement shall be attached to the monthly report setting forth the reason why the application cannot be filed at that time and specifying when it will be filed. No claim shall be allowed unless such application is filed with the Assistant Regional Commissioner within 6 months after the date of loss. The application shall set out:

(a) The date and serial number of the shipment (as shown on the transfer paper).

(b) The quantity of beer lost (number and size of packages and their equivalent in barrels).

(c) The percent of loss.

(d) The specific cause of the loss.

(e) The nature of the loss (leakage, breakage, casualty, etc.).

Full details shall be furnished on losses due to casualty or accident, supported if possible, by statements of the carrier or other parties having personal knowledge of the loss.

(68A Stat. 613, 675; 26 U. S. C. 5057, 5414)

SUBPART R—REMOVALS TO CONTIGUOUS ALCOHOL PLANTS

§ 245.225 *Beer removed to contiguous alcohol plants.* Beer to be used as distilling material may be conveyed by pipeline without taxpayment from the brewery where produced to an industrial alcohol plant contiguous to the brewery.

(68A Stat. 658, 675; 26 U. S. C. 5309, 5412)

§ 245.226 *Brewery and alcohol plant separate.* The brewery and the industrial alcohol plant must be separate and distinct. If the industrial alcohol plant is in a portion of a building in which the brewery is situated or is in a separate building immediately adjoining a brewery building, they must be separated by substantial unbroken walls from cellar to roof, on the lines of the premises on all floors, with the exception only that necessary openings will be permissible to allow the conveyance of beer, water, and carbon dioxide gas by pipes, and to permit the use of the same heat, light, and power plants in the conduct of both industries. Necessary openings will also be permitted in such partitions for the passage of pipes for the return of the residue after distillation for finishing as cereal beverage in the brewery.

(68A Stat. 658; 26 U. S. C. 5309)

§ 245.227 *Measuring tanks.* Necessary measuring tanks, with a 24-hour capacity for each, must be provided, either in the brewery or industrial alcohol plant, for the determination of the quantity of beer transferred, and records must be made thereof at the brewery and at the industrial alcohol plant. Each such measuring tank must be calibrated and provided with a suitable measuring device and the outlet must be equipped for locking with a Government seal lock. A meter to be approved by the Assistant Regional Commissioner may be provided in lieu of measuring tanks.

(68A Stat. 658; 26 U. S. C. 5309)

§ 245.228 *Cereal beverage.* The residue, which is to be used in making cereal beverage, may be transferred from the industrial alcohol plant premises to the brewery by means of packages unlike those ordinarily used for containing beer. If like packages are used, they must be equipped in the manner required where beer packages are used for containing nontaxable beverages removed from a brewery. Such residue may be transferred from the industrial alcohol plant to the brewery by means of a separate pipeline which must be visible throughout its entire length. The residue must be kept separate and distinct from taxable products of the brewery, and if the same apparatus is to be used for cereal beverage and beer it must be used at separate and distinct times for the two products.

(68A Stat. 658; 26 U. S. C. 5309)

§ 245.229 *Production report.* The beer conveyed to a contiguous alcohol plant shall be reported as produced by the brewer and so entered on Forms 2051 and 103.

(68A Stat. 658; 26 U. S. C. 5309)

§ 245.230 *Records.* Credit shall be taken on Forms 2051 and 103 for the quantity of beer removed as distilling material. Any residue returned from the industrial alcohol plant to the brewery for finishing as cereal beverage shall be accounted for as received, on Form 66.

(68A Stat. 658; 26 U. S. C. 5309)

§ 245.231 *Supervision by storekeeper-gauger.* The storekeeper-gauger assigned to supervise the operations of the industrial alcohol plant will also supervise the removal of the beer from the brewery to such industrial alcohol plant. Such removals shall be made only at times when the storekeeper-gauger is available to provide the required supervision.

(68A Stat. 658; 26 U. S. C. 5309)

SUBPART S—REMOVAL OF BEER UNFIT FOR BEVERAGE USE

§ 245.235 *Removal of sour or damaged beer.* When beer has become sour or damaged, so as to be incapable of use as such, a brewer may remove such beer from his brewery without payment of tax, for manufacturing purposes, in accordance with the provisions of this subpart.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.236 *Packages.* A brewer may remove sour or damaged beer in casks, or other packages, containing not less than one barrel each and unlike those ordinarily used for packaging beer. The nature of the contents shall be marked on such casks or other packages.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.237 *Application.* Before removing sour or damaged beer, the brewer shall apply to the Assistant Regional Commissioner for permission to make such removal, stating the quantity, type, condition, and proposed disposition of the beer. The Assistant Regional Commissioner, before granting permission for removal, may assign an inspector to inspect and identify the spoiled beer and to secure samples thereof for submission to the Government chemist. If the chemist's report of analysis shows the beer to be unsuitable for use as such, the Assistant Regional Commissioner will notify the brewer in writing that it may be removed. The Assistant Regional Commissioner may authorize such removal without inspection and sampling where he is satisfied that the revenue will not be jeopardized thereby.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.238 *Entry on Form 103.* Sour or damaged beer shall be removed from the brewery without passing through the meter and racking machine. Credit entry therefor must be made in the "Beer Summary" on Form 103.

(68A Stat. 612; 26 U. S. C. 5053)

SUBPART T—BEER RETURNED TO BREWERY

§ 245.240 *Temporary storage of undelivered beer.* Undelivered beer returned to the brewery may be held in temporary storage pending its removal again for sale. Such beer must be kept completely segregated from all other beer and be immediately accessible for examination by internal revenue officers. Undelivered beer must be the first of its kind, type, and container size removed: *Provided,* That beer in barrels and kegs may be held for not more than 5 days for refrigeration, after which it must be the first of its kind, type, and container size removed. Entry will not be made on Form 2051 for such beer while in temporary storage. The brewer must show on his commercial records the quantity of such beer returned to the brewery each day and the quantity remaining on hand. Such records must be supported by credits against loading slips or other commercial papers.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.241 *Temporary storage of repossessed bottled beer.* Bottled beer on which the tax has been determined or paid, and which is repossessed from the purchaser thereof, may be returned to the brewery bottling house and held in temporary storage pending its destruction, reconditioning, or use as material. Such beer must be completely segregated from all other beer, be identified as repossessed beer, and be immediately accessible for examination by internal revenue officers. No refund, credit, or remission of tax will be allowed on such beer, and such beer, after reconditioning, shall again be subject to the tax imposed by law. Immediately upon receipt the quantity of beer must be taken into account in the "Statement of Transactions in Beer" on Form 2051 and upon destruction, reconditioning, or use as material, an entry of the quantity involved must be made in the same statement. Similar special entries must be made in the "Beer Summary" on Form 103. Destruction, reconditioning, or use as material, may be effected only in accordance with the provisions of § 245.354.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.242 *Recasing or relabeling; application.* A brewer desiring to receive bottled beer on which the tax has been paid or determined, for recasing or relabeling in the brewery bottling house, must submit an application, in triplicate, with the Assistant Regional Commissioner, for permission so to do, stating the approximate quantity of beer and the date on which it is to be received for such reconditioning. The Assistant Regional Commissioner may assign an officer to supervise the receipt, recasing or relabeling, and removal of the beer or authorize such actions without supervision where he is satisfied that the revenue will not be jeopardized thereby. The brewer may submit his application directly to an inspector at the brewery, who may thereupon supervise the operation. The beer must be recased or relabeled promptly after receipt at the brewery bottling house, be kept apart from all other beer, and be immediately removed from the bottling house after completion of the recasing or relabeling. If a brewer desires to hold small quantities of beer returned for recasing or relabeling until a sufficient quantity has been accumulated for economical handling, or if it is not otherwise feasible to recase or relabel returned beer immediately, such beer must be stored on premises other than the brewery. The brewer will file at the brewery one copy of the application as completed by the supervising officer or by the Assistant Regional Commissioner when supervision is not required. The quantity of beer so received and disposed of shall not be entered on Forms 2051 or 103.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.243 *Beer removed from market.* Beer on which the tax has been paid or determined, which is removed from the market before transfer of title thereto to any other person, may be returned to the brewery for destruction, reconditioning, or use as brewing material. Immediately upon receipt, the quantity of such beer must be taken into account in the "Statement of Transactions in Beer" on Form 2051, and when destroyed, reconditioned, or used as material, appropriate entries shall be made in the same statement. Similar special entries must be made in the "Beer Summary" on Form 103. When such beer is used as brewing material, the quantity so used must be entered on Form 2051 as materials received, in one of the unused columns, the heading of which should be marked "Returned Beer Salvaged". Entry of the quantity and balling shall also be made on Form 2051 under materials used in an unused column which should be headed "Salvaged Beer". Such salvaged beer used as brewing material shall also be reported in the "Summary of Materials" on Form 103. All such beer received at the brewery may be stored temporarily therein pending its disposition but must be completely segregated from all other beer, be identified as beer removed from the market without transfer of title, and be immediately accessible for inspection by internal revenue officers. The destruction, reconditioning, and use as material, of the beer, may be effected only in accordance with the provisions of §§ 245.251 and 245.252.

(68A Stat. 675; 26 U. S. C. 5411, 5415)

SUBPART U—REFUND AND CREDIT OF TAX OR RELIEF FROM LIABILITY

§ 245.250 *Beer returned for reconditioning, use as material, or destruction.* The tax paid by a brewer on beer produced by him in the United States may be refunded or credited to him (without interest), or, if the tax has not been paid, he may be relieved of liability therefor, if such beer is removed from the market before the transfer of title thereto to any other person, and such beer is returned to the brewery for reconditioning, for use as material, or is destroyed, as required by this part. Such beer may be returned to the brewery and held in temporary storage as provided in § 245.243. The destruction of such beer or its reconditioning or use as material, may be effected only in accordance with the provisions of §§ 245.251 and 245.252.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.251 *Brewer's application: beer removed from market.* When a brewer possesses returned taxpaid beer (or beer on which the tax has been determined) in his brewery or elsewhere, which he desires to destroy, recondition, or use as material, and such beer was removed from the market by the brewer before transfer of title thereto to any other person, he shall make written application, in triplicate, to the Assistant Regional Commissioner for permission so to do: *Provided,* That such application may be submitted directly to an inspector at the brewery who may thereupon supervise the destruction or removal of the beer from its containers for reconditioning or use as material. The application shall contain or be verified by a written declaration that it is made under the penalties of perjury and shall set forth the following information:

(a) The number and sizes of kegs and their total equivalent in barrels; or if in cases, the number of cases, the number and size in ounces of the bottles comprising the cases and the equivalent in barrels of the total contents of the cases.

(b) The date on which the beer was removed subject to tax, and, if the tax has been paid, the date and place of taxpayment.

(c) The date on which the beer was removed from the market.

(d) A statement that title to the beer has never passed to any other person.

(e) A notation with respect to each item or lot indicating whether the beer is to be destroyed, or whether it is to be returned for reconditioning or for use as brewing material.

(f) The percent of alcohol by volume and, if removed for use as material, the percent of balling.

(g) If returned for reconditioning, the reason such reconditioning is necessary.

(h) If to be destroyed, the location at which the brewer desires to accomplish destruction and, if not at the brewery, the reason for destruction elsewhere.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.252 *Assignment of inspector.* Upon receipt of the brewer's application, the Assistant Regional Commissioner will assign an inspector to verify the statements therein and to witness the destruction of the beer or its removal from containers for reconditioning or use as material, unless the Assistant Regional Commissioner determines that such supervision is unwarranted because of the small quantity of beer involved and such action will not jeopardize the revenue. In such case he shall approve the application without the assignment of an inspector. Special assignment of an inspector will not be made unless it is essential to return the beer for immediate reconditioning. If the brewer desires to destroy such beer at some place other than the brewery and such place is not readily accessible to an inspector, the Assistant Regional Commissioner may require that the beer be moved to a more convenient location.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.253 *Beer lost or destroyed by fire, casualty, or act of God.* In accordance with the provisions of this part the tax paid by any brewer on beer produced in the United States may be refunded or credited (without interest), or, if the tax has not been paid, the liability may be remitted, if such beer is lost other than by theft, or is destroyed by fire, casualty, or act of God, before transfer of title thereto to any other person. A brewer who sustains such loss and desires to file a claim for refund, credit, or remission of tax, shall, upon learning of such loss, immediately notify the Assistant Regional Commissioner of the nature, cause, and extent of the loss, and the place where such loss occurred. Statements of witnesses or other supporting documents should be furnished, if available. When such notice, and supporting documents where furnished, are received by the Assistant Regional Commissioner, he will examine the reasons for the described loss and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary for use in connection with the claim when it is submitted. The tax liability on excessive losses of beer from transfers between breweries of the same ownership may be remitted as provided in § 245.213.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.254 *Claims for refund of tax.* A claim for refund of tax paid on beer removed from the market by the brewer before the transfer of title thereto to any other person, which beer has been returned to the brewery for reconditioning or for use as material, or destroyed, as provided in this part, will be made on Form 843. A claim for refund of tax paid on beer lost, other than by theft, or destroyed by fire, casualty, or act of God, before the transfer of title thereto to any other person, will also be filed on Form 843. Any such claim must be filed with the Assistant Regional Commissioner having jurisdiction over the region in which the tax was paid, within 6 month after the date of such removal from the market, loss, or destruction by fire, casualty, or act of God. Such claims will not be allowed if filed after the prescribed time or if the claimant was indemnified by insurance or otherwise in respect of the tax.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.255 *Claims for allowance of credit for tax.* In lieu of filing a claim for refund of tax as provided in § 245.254, a brewer, under the circumstances enumerated in that section, may file with the Assistant Regional Commissioner having jurisdiction over the region in which the tax was paid, a claim for allowance of credit for the tax paid. Any such claim shall be prepared in triplicate, be on the brewer's letterhead, and shall contain or be verified by a written

declaration that it is made under the penalties of perjury. Where the claim concerns beer destroyed or returned to the brewery for reconditioning or for use as material, the claim shall recite the pertinent details in connection with the transaction and shall make specific reference to the application filed in connection therewith pursuant to § 245.251. Where the claim concerns beer lost, other than by theft, or destroyed by fire, casualty, or act of God, the claim must likewise recite the pertinent details in connection with the loss or destruction and make specific reference to the written notification to the Assistant Regional Commissioner required by § 245.253. All such claims shall include a statement of the brewer's reasons for believing that the credit should be allowed. The brewer may not anticipate allowance of a credit or make an adjusting entry therefor in a tax return pending consideration and action on the claim by the Assistant Regional Commissioner. When written notification of allowance of the credit or any part thereof is received from the Assistant Regional Commissioner, the brewer may make a proper adjusting entry and explanatory statement in the next subsequent beer tax return (or returns) to the extent necessary to exhaust the credit. A claim for allowance of credit for tax paid on beer must be filed within 6 months after the date of removal from the market, loss, or destruction by fire, casualty, or act of God. A claim will not be allowed if filed after the prescribed time or if the brewer was indemnified by insurance or otherwise in respect of the tax.

(68A Stat. 613; 26 U. S. C. 5057)

SUBPART V—EXPORTATION

§ 245.260 *General.* An exportation is a severance of goods from the mass of things belonging to the United States with the intention of uniting them to the mass of things belonging to some foreign country. The export character of any shipment will be determined by the intention with which it is made, and it assumes an export character only when destined for use in a foreign country. Evidence of exportation, as provided in § 245.264, is required. In every case where a shipment is made, which is not a bona fide exportation, the tax due thereon will be assessed.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.261 *Exportation of taxpaid beer.* When beer brewed or produced in the United States is exported or used as supplies on the vessels and aircraft described in section 309 of the Tariff Act of 1930, as amended (19 U. S. C. 1309), the brewer thereof shall be allowed a drawback, in accordance with the provisions of Part 252 of this title, equal in amount to the tax found to have been paid on such beer.

(68A Stat. 613; 26 U. S. C. 5056)

§ 245.262 *Exportation without payment of tax.* Beer may be removed from a brewery, without payment of tax, for export to a foreign country. The provisions of this part and the forms prescribed in respect to the removal of beer without payment of tax for exportation to foreign countries, apply to like removals and shipments to Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, and the Panama Canal Zone. Beer removed from a brewery for shipment to Hawaii, Alaska, Kingman's Reef, the Midway Islands, or Wake Island must be taxpaid in the same manner as beer sold or removed for consumption or sale in the United States.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.263 *Foreign trade zones.* Beer may be removed from a brewery without payment of tax for deposit in a foreign trade zone and taxpaid beer, brewed or produced in the United States, may be so deposited by the brewer thereof with benefit of drawback, in accordance with the provisions of Part 253 of this title.

(48 Stat. 999, 68A Stat. 612, 613; 19 U. S. C. 81c, 26 U. S. C. 5053, 5056)

§ 245.264 *Evidence of exportation.* Exportation of beer may be evidenced by (a) a copy of the export bill of lading executed, as described in § 245.271, by the export carrier, or (b) a certificate by the agent or representative of the export carrier, or by a proper United States customs officer showing that the beer has been laden for export, or (c) a certificate signed by the port transportation officer or the commanding officer of a supply base showing that the beer will be delivered only for consumption or use by the Armed Forces of the United States outside the jurisdiction of the internal revenue laws of the United States: *Provided,* That where the evidence of exportation described above is not furnished, or where deemed necessary to protect the revenue, the Assistant Regional Commissioner may require the submission of other evidence of exportation as provided in § 245.278.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.265 *Removal for exportation.* The quantity of beer removed for exportation in kegs or barrels or in bottles pursuant to Form 1689 will be entered on Forms 2051 and 103. Beer may be so removed only for immediate exportation and may not be returned to a brewery unless authorized under the provisions of § 245.272.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.266 *Marks on containers.* In addition to the marks and brands prescribed in § 245.195, each keg, barrel, case, crate, or other package containing beer to be exported under the provisions of this part, without the payment of tax, must plainly and legibly show the words: "Beer for Export—Lot No. --------", in letters and figures of not less than three-fourths of an inch in height. The lot number assigned must correspond with the serial number of Form 1689.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.267 *Consignment to Collector of Customs.* Every shipping container of beer destined for foreign countries or the insular possessions beyond the territorial waters of the United States must be consigned to the Collector of Customs at the port of exportation, and the brewer should notify his agent of such shipment. Where such containers are destined for contiguous foreign territory the shipments shall be consigned to the foreign consignee at destination and must be marked in care of the Collector or deputy collector of customs at the border port of exit: *Provided,* That beer removed for export and intended for the use of, or consumption by, the Armed Services of the United States will be consigned to the commanding officer or supply officer at the supply base or other place of delivery, as provided in § 245.269.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.268 *Notice, Form 1689.* The brewer shall prepare notice on Form 1689, in quadruplicate, for each withdrawal of beer intended for export without payment of tax. Each Form 1689 shall be given a serial number and the details shall be filled in completely and legibly by the brewer in accordance with the instructions on the form. The name or number of the vessel or vehicle on which the shipment will be carried from the exterior limits of the United States, if unknown to the brewer, will be filled in by the agent of the brewer at the port of exportation, who will sign the request for customs inspection as the agent for the exporter. On removing beer for export, the brewer shall file two copies of the notice with the Collector of Customs of the port of exportation, or of the border port through which a shipment is made to contiguous foreign territory, file one copy with the Assistant Regional Commissioner of the region in which the brewery is located, and retain one copy in the files at the brewery. If the place of production is located at some place other than the port of exportation, and the shipment is to be exported by vessel immediately, the brewer shall forward two copies of the Form 1689 to his agent at the port of exportation. The two copies of the Form 1689 must reach the agent in sufficient time for him to file them with the Collector of Customs of the port at least six hours prior to lading. The agent shall see that the name of the exporting vessel is properly entered in the Form 1689 giving the location of the pier where it will be laden, and shall subscribe his name as agent for the exporter.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.269 *Shipment to Armed Services.* On removing beer without payment of tax for export to the Armed Services of the United States, the brewer shall consign the shipment to the commanding officer or supply officer at the supply base or other place of delivery. One copy of the notice on Form 1689 shall be transmitted to such officer and one copy shall be sent to the Assistant Regional Commissioner of the region from which the beer is shipped. Form 1689 will be modified to show that the beer is consigned to a commanding officer or supply officer of the Armed Services of the United States and the location of the supply base or place of delivery. When the beer is received, the officer to whom consigned, or other authorized supply officer, at the supply base or other place of delivery, will, in the space designated "Certificate of Inspection and Lading," on Form 1689, receipt for the number of cases received, and state that "The beer will be shipped or delivered only for consumption or use outside the jurisdiction of the internal revenue laws of the United States." The commanding officer or supply officer will return the Form 1689 direct to the Assistant Regional Commissioner who will credit the brewer's export account for the quantity of beer receipted for on Form 1689.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.270 *Change in consignee.* Where a change of consignee is desired after removal of the beer, the brewer shall notify the appropriate Collector of Customs and forward a copy of such notification to the appropriate Assistant Regional Commissioner.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.271 *Delivery to carrier.* The brewer, upon removal of beer for export without payment of tax, will deliver such beer either to the carrier or directly for customs inspection. If the place of production is located at the port of exportation, he will deliver the beer directly for customs inspection and supervision of lading, and will promptly forward a copy of the export bill of lading to the Assistant Regional Commissioner. If the place of production is located elsewhere than at the port of exportation, he will deliver the beer to the carrier for transportation to the port of exportation, and promptly forward one copy of the bill of lading covering such transportation to the Assistant Regional Commissioner of the region from which the beer was shipped. After the beer has been delivered to the export carrier, the brewer, or his agent, will forward a copy of the export bill of lading to the Assistant Regional Commissioner of the region from which the beer was shipped. The export bill of lading will not be accepted as evidence of exportation unless it has been executed by the export carrier to show that the beer has been accepted by such carrier for delivery to a foreign destination.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.272 *Return of beer.* Beer removed for export without payment of tax may be returned to the brewery from which removed if lading of the beer is delayed more than 30 days, or for such additional time as the Assistant Regional Commissioner may approve, as provided in § 245.275, or where the brewer has other good cause for such return. The brewer will request the Collector of Customs to release the beer for return to the brewery and, upon such release, the Collector of Customs will endorse his approval of the action taken, on both copies of Form 1689 covering the beer, and return the forms to the brewer. Upon return of the beer to the brewery, the brewer will record the quantity of beer as a special entry on Form 2051, mark the two copies of Form 1689 returned by the Collector of Customs, "Cancelled— returned to brewery," and forward one copy to the Assistant Regional Commissioner. The total quantity of beer involved in all export shipments returned during any calendar month shall be reported as a special entry on Form 103.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.273 *Exportation through border port.* In case of exportation through a border port to contiguous foreign territory, the bill of lading will cover transportation to the foreign destination, and must show the routing, particularly the carrier which will deliver the shipment of beer for customs inspection at the border; also that the beer was sent in care of the Collector of Customs or a deputy collector of customs at the border port: *Provided,* That where a through bill of lading is not obtainable, separate bills of lading covering the shipment from the place of production to the border port and from the border port to the foreign destination will be procured. A copy of the through bill of lading, or copies of the separate bills of lading, as the case may be, will be transmitted by the brewer or his agent immediately to the Assistant Regional Commissioner of the region from which the beer was shipped. Where a copy of a separate bill of lading covering the shipment from the border port to the foreign destination, and executed by the export carrier, is not obtainable, the brewer may procure a certificate by an agent of such carrier, as described in § 245.274, and transmit such certificate to the Assistant Regional Commissioner.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.274 *Certificate by export carrier.* A certificate, executed under the penalties of perjury, by an agent or representative of the export carrier, may be furnished by a brewer as evidence of exportation. The certificate must contain a description of the shipment, including the lot number, name of the exporter and of the consignee, date received and place where received by such carrier, and the name of the carrier from which received.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.275 *Delay in lading.* If beer to be exported without payment of tax arrives at the port of exportation before the vessel is prepared to receive it, such beer may remain in the custody of the transportation company, with the consent of such company, for a period of not more than 30 days until released by permit issued by the Collector of Customs. Storage elsewhere for like cause and not exceeding the same period must be with the approval of the Collector of Customs. In the event of any further delay, the facts shall be reported to the Assistant Regional Commissioner of the region from which the shipment was made. If further delay is not approved by the Assistant Regional Commissioner, he will request the Collector of Customs to release the beer for immediate return to the brewery from which removed. Such return shall be in accordance with the provisions of §245.272, insofar as applicable.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.276 *Examination by customs officer.* The Collector of Customs with whom the Form 1689 has been filed shall fill in on each copy of such form the order for inspection and lading. The inspector of customs shall carefully examine the packages of the beer described in the form. He shall examine the contents of such packages as are found broken or tampered with, or which he is led to suspect do not contain the beer originally packed therein, and make a special report thereon. The inspector of customs shall note in his report any deficiency in quantity or discrepancy between the article inspected and that described in the form. After having complied with the order of inspection and after the beer has been duly laden on board the exporting vessel or car, the inspector of customs shall complete and sign the certificate of inspection and lading on each copy of the Form 1689. If the inspector of customs discovers any evidence of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, he shall detain the goods and notify the Collector of Customs, who shall inform the Assistant Regional Commissioner of the region in which the port is located. The Assistant Regional Commissioner shall take appropriate action to dispose of the matter in accordance with the provisions of § 245.277.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.277 *Losses in transit.* Where a large or unusual loss in transit is reported, the Assistant Regional Commissioner will cause an immediate investigation to be made. Unless it is found that such loss resulted from fraud by the brewer or theft, it will be allowed as provided in § 245.282. Where the investigation discloses evidence that the loss resulted from theft or from fraud by the brewer, the Assistant Regional Commissioner will propose an assessment against the brewer as provided in § 245.283.

(68A Stat. 611, 612; 26 U. S. C. 5051, 5053)

§ 245.278 *Other evidence of exportation required.* Where the data submitted as evidence of exportation are not satisfactory to the Assistant Regional Commissioner, or where evidence of exportation as prescribed in § 245.264, is not filed, the Assistant Regional Commissioner of the region from which the beer was shipped will require the brewer to furnish other evidence of exportation or proof of loss on land or at sea, as provided in §§ 245.279 and 245.280.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.279 *Application for relief.* When a brewer, from causes beyond his control, is unable to furnish the evidence of exportation required by § 245.264 within 90 days, he may file an application for relief setting forth the reasons why such evidence cannot be obtained. The application must recite the facts connected with the exportation, showing the date and lot number of the shipment, the kind and quantity of the beer shipped, the name of the consignee, the name of the port to which shipment was made, and the name of the export carrier. The application shall also show

without payment of tax for exportation

toms at the port of exportation, and the

or other place of delivery, will, in the

gional Commissioner. The total quan-

(68A Stat. 612; 26 U. S. C. 5053)

rier. The application shall also show

that failure to furnish the required evidence was not due to any lack of diligence on the part of the applicant or his agents, and that he is unable to produce any better evidence than that submitted with his application.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.280 *Evidence to support application.* Each application for relief shall be supported by such collateral evidence as the brewer is able to submit. The evidence may consist of original or verified copies of letters from consignees acknowledging receipt of the shipment; the sales accounts and payments for the shipments; copies of delivering carriers' bills whereon consignees have acknowledged receipt of shipments; affidavits of insurance companies, masters of vessels, railroad officials, and others having knowledge of losses on land or sea after exportation; or any other competent evidence the brewer is able to obtain. Letters and documents in a foreign language must be accompanied by sworn translations and when the letters fail to identify sufficiently the goods the original sales account must be produced.

(68A Stat 612; 26 U. S. C. 5053)

§ 245.281 *Assistant Regional Commissioner's action on application.* The Assistant Regional Commissioner receiving such application and evidence shall examine same and endorse thereon his approval or disapproval and if satisfied as to its validity will enter proper credit in the export account.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.282 *Assistant Regional Commissioner's account.* The Assistant Regional Commissioner will keep an account of all beer removed by a brewer for export without payment of tax. The brewer will be charged with the internal revenue tax at the rate imposed by law on beer for each lot of beer so removed. Credit will be given on beer for which satisfactory evidence of export is filed with the Assistant Regional Commissioner and for losses of beer in transit where there is no evidence that such losses resulted from fraud by the brewer or theft.

(68A Stat. 611, 612; 26 U. S. C. 5051, 5053)

§ 245.283 *Tax assessed.* If losses which occur in transit are due to fraud by the brewer or theft, or if evidence of exportation or proof of loss on land or at sea, satisfactory to the Assistant Regional Commissioner, is not furnished within a reasonable time (not to exceed 6 months), an assessment shall be made against the brewer in a sufficient amount to cover the tax on the quantity of beer not satisfactorily accounted for.

(68A Stat. 611, 612; 26 U. S. C. 5051, 5053)

§ 245.284 *Brewer's report.* Each brewer shall record on Form 2051 the quantity of beer withdrawn and exported without payment of tax, and report the total quantity of beer so removed during the month, on Form 103.

(68A Stat. 612; 26 U. S. C. 5053)

SUBPART W—SUPPLIES FOR VESSELS AND AIRCRAFT

§ 245.290 *General.* Beer may be removed from breweries without payment of tax for use as supplies on vessels and aircraft as follows:

(a) Vessels or aircraft operated by the United States;

(b) Vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions;

(d) Vessels of war of any foreign nation;

(e) Foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(f) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found such foreign country allows, or will allow, substantially reciprocal privileges in respect to aircraft registered in the United States.

(46 Stat. 690 as amended; 68A Stat. 612; 19 U. S. C. 1309, 26 U. S. C. 5053)

§ 245.291 *Reciprocating foreign countries.* The Director, Alcohol and Tobacco Tax Division, will advise Assistant Regional Commissioners concerning those foreign countries which will allow, to aircraft registered in the United States and engaged in foreign trade, privileges substantially reciprocal to the privileges allowed herein to aircraft of a foreign country. Where a brewer proposes to withdraw beer without payment of tax for use on aircraft of other foreign countries, which it is claimed reciprocate similar privileges to aircraft of the United States, the brewer must first establish to the satisfaction of the Assistant Regional Commissioner the right of such withdrawal. In appropriate cases, the brewer should request the Secretary of Commerce to find and advise the Secretary of the Treasury that such foreign country or countries allow, or will allow, substantially reciprocal privileges to aircraft of the United States.

(46 Stat. 690 as amended; 19 U. S. C. 1309)

§ 245.292 *Procedure applicable.* The removal, shipment, examination by customs officers, and evidence of lading on vessels and aircraft, of beer from a brewery for use as supplies will, so far as applicable, follow the procedure of Subpart V of this part, concerning the exportation, without payment of tax, of beer.

(46 Stat. 690, as amended; 68A Stat. 612; 19 U. S. C. 1309; 26 U. S. C. 5053)

§ 245.293 *Form 1689.* Notice will be filed on Form 1689, for the removal of beer without payment of tax from a brewery for use as supplies on vessels and aircraft.

(46 Stat. 690, as amended; 68A Stat. 612; 19 U. S. C. 1309, 26 U. S. C. 5053)

§ 245.294 *Evidence of lading for use.* When beer has been laden on board a vessel or aircraft for use as ship's supplies or supplies for aircraft, there must be submitted promptly to the Assistant Regional Commissioner an affidavit or statement made under the penalties of perjury, of the master or other officer of the vessel or aircraft on which the articles were laden, having knowledge of the facts, showing that the beer has been laden and will be used on board the vessel or aircraft, and that no portion thereof has been or will be unladen in the United States or any of its territories or possessions: *Provided,* That such affidavit will not be required, in the case of any shipment, where the beer has been laden on vessels of war, or where the amount of tax on the beer does not exceed $100. On receipt of a satisfactory affidavit (if required) the Assistant Regional Commissioner will enter proper credit in the export account. In the case of beer laden on vessels of war, or in the case where the amount of tax on the beer does not exceed $100, credit will be given at the time of receipt of the certificate of inspection and lading executed by the inspector of customs, as provided in § 245.276.

(68A Stat. 612; 26 U. S. C. 5053)

SUBPART X—BEER PROCURED FROM ANOTHER BREWER

§ 245.300 *Notice to Assistant Regional Commissioner.* Upon written notice to the Assistant Regional Commissioner of his intention so to do, a brewer may obtain from another brewer beer finished and ready for sale. The brewer who procures such beer may furnish his own barrels and kegs, branded with his name and the place where his brewery is situated, to be filled with the beer so procured, and to be so removed. The tax on such beer shall be paid by the producing brewer as provided in Subpart N.

(68A Stat. 675; 26 U. S. C. 5413)

§ 245.301 *Producer's entries on Form 103.* The producer of the beer will show in red ink in a footnote on Form 103, or on an attachment thereto, for the month in which the beer is removed, the quantity involved and the name and address of the receiving brewer.

(68A Stat. 675; 26 U. S. C. 5413)

§ 245.302 *Receiving brewer's entries on Form 103.* The receiving brewer will show in a footnote on Form 103, or on an attachment thereto, for the month in which the beer is received, the quantity received and the name and address of the producing brewer. When the beer thus acquired, or any portion thereof, is disposed of, the receiving brewer will make appropriate entries in a footnote on Form 103, or on an attachment thereto, in red ink and in the following form:

Sold, in addition to the above, ---------- barrels of beer received from ----------

---

(Name of brewer) (City) (State)

The transactions will not be taken into account on Forms 2051 or 103 of the receiving brewer. The details of each such transaction will be entered in the daily sales record of each of the brewers.

(68A Stat. 675; 26 U. S. C. 5413)

§ 245.303 *Form of notice.* A brewer who intends to procure beer from another brewer will furnish a notice of such intent to the Assistant Regional Commissioner of the region in which the receiving brewery is located. If the brewer from whom the beer is procured is located in another region, an additional copy of the notice will be prepared and sent to the Assistant Regional Commissioner of the region in which the producing brewer is located. Such notices shall be filed with the respective Assistant Regional Commissioners sufficiently in advance to insure the receipt of the notices before such beer is removed from the producing brewery. The form of such notice should be as follows:

---, ----------, 19 --

(City) (State)

To the Assistant Regional Commissioner, ----------Region, Alcohol and Tobacco Tax, Internal Revenue Service:

Sir: You are hereby notified that I intend to procure not more than ---------- barrels of beer from ----------

(Name of brewer, city and state)

brewer, and that I intend to furnish my own barrels and kegs, branded with my name, for the reception of such beer, said barrels and kegs to be delivered from the premises of said brewer ---------- 19--, and from time to time until ----------, 19--.

(Brewer)

(68A Stat. 675; 26 U. S. C. 5415)

SUBPART Y—CEREAL BEVERAGE

§ 245.305 *Production of cereal beverage.* Duly qualified brewers who produce fermented liquor containing, when ready for consumption, less than one-half of 1 percent of alcohol by volume, may remove such cereal beverage without tax-payment, even though it may at some stage of its manufacture contain alcohol in excess of such amount. Such cereal beverage and any unfermented product prepared from malt, hops, and a grain product may be produced on the same premises where beer is produced.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.306 *Method of production.* The method of producing cereal beverage must be such that the alcoholic content will not increase while in the original package or container after being removed from the place of production. The burden is on the brewer not only to determine that the cereal beverage he removes untaxpaid for consumption or sale is within the alcoholic content limitation, but also to insure that the condition of the product is such that an increase in the alcoholic content cannot take place after its removal from the brewery, sufficient to remove it from the cereal beverage class. In any instance where cereal beverage containing alcohol in excess of the limit is found on the market the producing brewer will be held liable to the tax thereon as beer. A brewer who evades or attempts to evade the tax by removing beer as cereal beverage will be liable to prosecution.

(68A Stat. 611, 675, 696; 26 U. S. C. 5051, 5411, 5671, 5672)

§ 245.307 *Transfer to bottling house.* Cereal beverage transferred to the brewery bottling house must pass through the pipeline and meter used for the transfer of beer. Before making such transfer of cereal beverage the brewer shall submit a letterhead application so to do, in duplicate, to the Assistant Regional Commissioner. Upon receipt of the brewer's application, the Assistant Regional Commissioner may assign an inspector to supervise the transfer or authorize such transfer without supervision where he is satisfied that the revenue will not be jeopardized thereby. If the transfer is made without supervision, the brewer shall record the readings of the continuous counter of the meter, before and after the transfer, and the total quantity (in whole barrels) transferred, on his copy of the approved application. The brewer shall retain such approved application as a part of the file of Forms 138 maintained at the brewery for the use of internal revenue officers.

(68A Stat. 675, 680; 26 U. S. C. 5411, 5552)

§ 245.308 *Supervision by inspector.* Where an inspector is assigned to supervise the transfer of cereal beverage to the brewery bottling house, he will examine such cereal beverage, determine its alcoholic content by ebulliometer test, and record the reading of the continuous counter of the meter, prior to such transfer. The inspector will remain in the brewery during the period of transfer to see that no liquids other than the contents of the tanks of cereal beverage examined and tested are removed to the brewery bottling house. The inspector shall report on Form 138, Part I, prepared in triplicate, the quantity (in whole barrels) of cereal beverage which passed through the meter, noting thereon the continuous counter readings of the meter before and after the transfer. One copy of the form will be placed in the Government cabinet, one copy will be given to the brewer, and one copy will be forwarded immediately to the Assistant Regional Commissioner.

(68A Stat. 675, 680; 26 U. S. C. 5411, 5552)

§ 245.309 *Special taxes.* Persons selling or offering for sale, as cereal beverages, malt liquors containing one-half of 1 percent or more of alcohol by volume, will be held liable to special tax as dealers in beer and the packages with their contents will be subject to seizure and forfeiture.

(68A Stat. 618, 620, 696; 26 U. S. C. 5111, 5121, 5671)

§ 245.310 *Samples for analysis.* Internal revenue officers having reason to suspect that any beverage claimed to be nontaxable as cereal beverage is, in fact, taxable as beer, shall take samples for analysis.

(68A Stat. 903; 26 U. S. C. 7606)

§ 245.311 *Packages.* Cereal beverage when removed from the brewery in bulk must be contained in packages unlike those ordinarily used for packaging beer: *Provided,* That regular beer cooperage may be used, if the head of the barrel is durably painted in a solid color, with conspicuous lettering in a contrasting color, reading: "Nontaxable as beer. Less than half of 1 percent of alcohol by volume." The word "Nontaxable" shall be not less than 1½ inches high and of proportionate width, the remaining words to be not less than one-half inch high and of proportionate width. The name or trade name of the producer and the place of production (city and state) must also be legibly marked on the package. The hoops, or the space between hoops at each end, must be durably painted in white.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.312 *Cases.* The name or trade name of the producer, the place of production (city and state), and the nature of the product must be shown on each case or other similar shipping container for bottled cereal beverage.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.313 *Labels.* Bottles containing cereal beverages not taxable as beer are required to have a label setting forth the following information:

(a) Name of the brewer.

(b) The location of the brewery by city and state, or street number, city, and state, if the brewer operates more than one brewery in the same city.

(c) Distinctive name of the beverage, if any.

(d) "Nontaxable as Beer Under Federal Law."

The label may contain other statements desired by the brewer if they are not inconsistent with the requirements of this section.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.314 *Unlabeled bottles.* The payment of special tax as dealer in beer will be required of all persons selling or offering for sale any unlabeled bottle or other package, the contents of which has the flavor or appearance of beer, and which is manifestly beer or an imitation beer, regardless of the alcoholic content thereof.

(68A Stat. 618, 621; 26 U. S. C. 5112, 5122)

§ 245.315 *Products kept separate.* Brewers who also produce cereal beverages not taxable as beer shall keep the finished products, taxable and nontaxable, separate and distinct one from the other.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.316 *Record and report of materials used.* Materials used at breweries in the production of cereal beverages shall be included in the quantities of materials recorded on Forms 2051 and 103 as used in the production of beer and shall not be shown separately. Breweries producing cereal beverages will

keep records and render reports on Form 66 in accordance with instructions printed thereon.

(68A Stat. 675; 26 U. S. C. 5415)

SUBPART Z—SAMPLES OF BEER

§ 245.320 *General.* Brewers may remove samples of beer from the brewery, without payment of tax, as provided in §§ 245.321–245.325, to a laboratory for analytical purposes (including organoleptic examination) to determine the character or quality of the product.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.321 *Application.* Whenever a brewer desires to remove samples of beer without payment of tax, for analytical purposes, he shall file application, in duplicate, with the Assistant Regional Commissioner. The application shall be serially numbered, beginning with "1" and running consecutively thereafter. The application shall set forth specifically the size, kind, and number of samples to be removed, the period during which the samples will be removed, and the name and address of the laboratory to which the samples will be removed for analysis. Where it is desired to remove samples regularly the application may be made for that purpose. The number and size of the samples must be restricted to the minimum necessary for the purpose. A statement of the necessity for the analysis of samples and for the number and size of such samples shall be incorporated in the application. The brewer shall also incorporate in the application a statement that the samples covered thereby will not be used for purposes other than laboratory analysis.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.322 *Approval of application.* The Assistant Regional Commissioner, on approval or disapproval of the application, shall return one copy to the brewer and retain the original in his office. Any approved application may be terminated if the Assistant Regional Commissioner determines that such action is warranted: *Provided,* That, except in cases involving willfulness or where the public interest requires otherwise, the brewer shall be notified in writing of the facts or conduct warranting such action and be accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.323 *Labeling.* Each bottle or other immediate container of beer to be removed, without payment of tax, for analytical purposes shall be labeled to show the nature and quantity of the contents, the name and address of the laboratory to which it will be removed, and the name and address of the brewer. The label shall bear the statement, "Sample for laboratory analysis only—not for sale or beverage use."

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.324 *Records.* A separate record shall be maintained showing by date, the quantity of beer removed pursuant to an approved application and the serial number of such application. Credit entry for the total quantity so removed during the month must be made in the "Beer Summary" on Form 103.

(68A Stat. 612, 675; 26 U. S. C. 5053, 5415)

§ 245.325 *Residues of samples.* Residues or remnants of samples remaining after laboratory analysis, or unused samples, which are not to be retained as laboratory specimens or for comparative purposes must be destroyed or returned to the brewery. The samples or the residues thereof may not, in any event, be sold, or disposed of otherwise.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.326 *Analysis in brewery.* Applications need not be filed where samples are to be taken for analysis in the brewer's laboratory located in the brewery.

§ 245.327 *Taxpayment.* Any samples of beer removed or used otherwise than as authorized in §§ 245.320–245.326 shall be subject to taxpayment in accordance with this part.

(68A Stat. 611; 26 U. S. C. 5051)

SUBPART AA—MISCELLANEOUS PROVISIONS

§ 245.330 *Officer's right of entry and examination.* An internal revenue officer may enter, in the daytime, a brewery or any place where beer is stored, and when such premises are open at night, he may enter them while so open, in the performance of his official duties. Internal revenue officers will make inspections at such frequency and with such thoroughness as necessary to determine that operations are being conducted in accordance with the law and this part. The owner of any building or place where beer is produced, made, or kept, or person having the agency or superintendence of such premises, who refuses to admit an internal revenue officer, or refuses to permit him to examine such beer, shall, for every such refusal, forfeit $500.

(68A Stat. 872, 903; 26 U. S. C. 7342, 7606)

VARIATIONS FROM REQUIREMENTS

§ 245.331 *Exceptions to construction and equipment requirements.* The Director, Alcohol and Tobacco Tax Division, may approve details of construction and equipment in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford as much or more security and protection to the revenue as is intended by the specifications prescribed in this part and where such variations will not be contrary to any provision of law. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, prior approval must be obtained in accordance with the provisions of § 245.333. Breweries heretofore established may continue to operate if the present construction and equipment afford adequate security and protection to the revenue. The Director, Alcohol and Tobacco Tax Division, or Assistant Regional Commissioner may at any time require the brewer to make changes in construction and equipment conforming to this part, if deemed necessary to protect the revenue.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.332 *Exceptions to methods of operation.* The Director, Alcohol and Tax Division, may, in case of emergency, approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operations other than those provided for by this part, prior approval must be obtained in accordance with the provisions of § 245.333.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.333 *Application.* A brewer who proposes to employ methods of operation or construction or to install equipment, other than as provided in this part, shall submit a letterhead application so to do, in triplicate, to the Assistant Regional Commissioner. Such application shall describe the proposed variations and state the need therefor. Where variations in construction and equipment cannot be adequately described in the application, drawings or photographs shall also be submitted. The Assistant Regional Commissioner will make such inquiry as is necessary to determine the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the Assistant Regional Commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

(68A Stat. 681; 26 U. S. C. 5556)

SUBPART BB—RECORDS, REPORTS, AND RETURNS

§ 245.340 *Form 2051.* The brewer shall keep Form 2051 at the brewery, recording daily thereon the quantity of each kind of material received at the brewery, the quantity used in the production of beer, the quantity of beer produced therefrom, the quantity of beer sold or removed from the brewery for consumption or sale, the quantity of beer bottled and other information as indicated by the headings of the various columns and lines of the form and in accordance with the instructions printed thereon, or issued in respect thereto, and as required by this part. Specimen copies of Form 2051 will be furnished brewers by Assistant Regional Commissioners. Such forms shall be provided by brewers at their own expense but must be in the prescribed form: *Provided,* That Assistant Regional Commissioners may authorize brewers to modify the prescribed record to adapt its use to tabulating or other mechanical equipment, or to the brewer's operations, or to provide additional information, where such modifications do not detract from the clarity and purpose of the record or interfere with its ready interpretation and use by internal revenue officers.

(68A Stat. 675, 681; 26 U. S. C. 5415, 5555)

§ 245.341 *Form 103.* A monthly report of brewery operations shall be prepared by each brewer on Form 103. It will contain a summary of the brewery operations recorded on Form 2051 and will be prepared as indicated by the headings of the various columns and lines of the form and in accordance with the instructions printed thereon, or issued in respect thereto, and as required by this part. Such monthly report shall be prepared in duplicate and each copy signed by the brewer or his duly authorized agent. The original shall be forwarded to the Assistant Regional Commissioner not later than the fifth day of the month succeeding that for which rendered. The duplicate copy will be retained by the brewer and filed as a permanent record at the brewery.

(68A Stat. 675, 681; 26 U. S. C. 5415, 5555)

§ 245.342 *Beer tax return, Form 2034.* The quantities of keg and bottled beer sold or removed for a taxable purpose and the aggregate quantity thereof must be reported in the tax return, Form 2034, prepared in quadruplicate and as indicated by the headings of the various columns and lines of the form and in accordance with the instructions printed thereon, or issued in respect thereto, and as required by this part. All entries in the return must be fully supported by accurate and complete records.

(68A Stat. 614, 681; 26 U. S. C. 5061, 5555)

§ 245.343 *Period for which return is filed.* A tax return on Form 2034 is required for each day on which beer is sold or removed for a taxable purpose: *Provided,* That where the gross tax liability for any one day is less than $100, the preparation of the tax return and the payment of the tax due may be delayed until such day as the total gross tax liability (for one or more days) reaches $100: *And provided further,* That where such gross tax liability is less than $100 at the close of the last business day of a calendar month, the tax return shall be prepared and transmitted to the District Director (together with a remittance for the net tax then due).

(68A Stat. 614, 675, 681; 26 U. S. C. 5061, 5415, 5555)

§ 245.344 *Time and place of filing.* A tax return on Form 2034 must be rendered not later than the close of the business day next succeeding the period for which such return is rendered except as provided in § 245.186. The original and one copy of the return shall be transmitted to the District Director, who will indicate thereon receipt of the remittance, retain the original, and forward one copy to the Assistant Regional Commissioner. The brewer shall send one of his retained copies to the Assistant Regional Commissioner with the appropriate monthly report on Form 103 and file the remaining copy as a part of the Government records at the brewery.

(68A Stat. 614, 675, 681; 26 U. S. C. 5061, 5415, 5555)

§ 245.345 *Pipeline transfer record.* All beer transferred to the brewery bottling house for bottling must be shown in a daily record to be maintained in bound form at the brewery. The quantity of beer transferred will be recorded on the basis of meter readings as shown by the continuous counter. The setback counter may be used by the brewer for checking continuous counter readings, and upon completion of the day's run it shall be set at zero. Credits for water used in meter tests and for cereal beverage transferred shall also be shown in such record.

(68A Stat. 675, 681; 26 U. S. C. 5415, 5555)

§ 245.346 *Inventory of beer in bottling house.* An actual inventory of bulk and bottled beer in the brewery bottling house shall be established as frequently as the brewer's operations may permit, and in any event shall be taken at least once during each calendar month. If the quantities of bulk and bottled beer shown by actual inventory as being on hand are less than the quantities indicated by brewery records as being on hand, the difference must be reported in the "Beer Summary" on Form 103 as a shortage disclosed by actual inventory. If the inventory discloses that the quantities actually on hand are greater than the quantities indicated by brewery records as being on hand, the difference must be reported in the "Beer Summary" on Form 103 as an overage disclosed by actual inventory. The quantities shown as on hand by actual inventory shall also be reported on Form 103. Work sheets used in establishing an actual inventory shall be appropriately identified and retained in the brewery available for examination by internal revenue officers. Undelivered taxpaid beer temporarily held in the brewery bottling house and cereal beverage shall be inventoried at the same time and reported on separate inventories on Form 2051, but the totals thereof shall not be included in the inventory of beer in the bottling house reported on Form 103.

(68A Stat. 675, 681; 26 U. S. C. 5415, 5555)

§ 245.347 *Brewery bottling house losses.* Where a brewer desires to keep shortages disclosed by actual inventory at a minimum by taking credit currently for actual losses sustained in the brewery bottling house due to breakage, casualty, or other unusual cause, a record of daily losses showing the cause or causes thereof must be maintained by the brewer available for ready examination by internal revenue officers: *Provided,* That where a loss in a substantial amount is sustained due to a casualty, an immediate report thereof must be made to the Assistant Regional Commissioner, or to an inspector if one is at the brewery at the time the casualty is discovered. The Assistant Regional Commissioner will cause such investigation to be made as the facts and circumstances warrant. Where the extent of a loss is established, the quantity shall be reported on Forms 2051 and 103.

(68A Stat. 675, 681; 26 U. S. C. 5415, 5555)

§ 245.348 *Purchase record.* Purchase invoices for brewing materials received by the brewer shall be maintained at the brewery for ready examination by internal revenue officers.

(68A Stat. 675, 681; 26 U. S. C. 5415, 5555)

§ 245.349 *Production record.* Each brewer shall keep a daily record of each brew showing the business day on which the brew was started, the quantities of materials used therein by kinds, the quantity of wort produced therefrom as determined by actual measurement in the settling tank, and the balling of such wort. The quantity of water, if any, added after production has been determined, shall also be entered in this record.

(68A Stat. 675, 681; 26 U. S. C. 5415, 5555)

§ 245.350 *Daily record.* Each brewer shall keep a daily record of all packages filled with beer and cereal beverages transferred through the racking meter; the number of packages of each size sold or removed from the brewery for consumption or sale; the quantity of untaxpaid keg and bottled beer set aside for consumption at the brewery; the quantity of untaxpaid beer returned to brewery stock from leaking packages; the quantity of repossessed beer on which the tax has been determined or paid and returned to brewery stock; and the quantity of beer on which the tax has been determined or paid which is returned to brewery stock and which the brewer removed from the market before transfer of title thereto to any other person.

(68A Stat. 675, 681; 26 U. S. C. 5415, 5555)

§ 245.351 *Removal record.* Each brewer must keep at the brewery a daily summary record of the removals of bottled beer and cereal beverage by kind, number and size of container (if cases, the number and size of bottles). This record must show the quantities of such products removed from the brewery, the quantities sold or exported, and the quantities lost by breakage or otherwise after removal while still owned by the brewer. The record must also show the quantities of beer and cereal beverage on hand in off-premises storage: *Provided,* That this requirement shall not be applicable where the brewer maintains at the off-premises place of storage, available for examination, a complete record of receipts and sales at such premises. No separate record need be set up to comply with this section if current commercial records kept by the brewer, showing the required data, are summarized to reflect the totals of each day's transactions in a manner satisfactory to the Assistant Regional Commissioner.

(68A Stat. 675, 681; 26 U. S. C. 5415, 5555)

§ 245.352 *Daily sales record.* Each brewer must keep at the brewery, and available for inspection at all times, a daily sales record, showing in detail the number and kind of packages, such as hogsheads, barrels, half-barrels, cases, etc., of beer and cereal beverages sold or removed, the names and addresses of the purchasers, and the amounts sold to each such purchaser.

(68A Stat. 675, 681; 26 U. S. C. 5415, 5555)

§ 245.353 *Timely entry in records.* All entries in records, reports, and returns, shall be made not later than the close of the business day next succeeding the day on which the transactions occur: *Provided*, That, when the last day for making such entries falls on Saturday, Sunday, or on a legal holiday (of the particular State or of the District of Columbia wherein the brewery is located), such entries shall be considered timely if they are made on the next succeeding day which is not a Saturday, Sunday, or legal holiday (of the particular State or District of Columbia wherein the brewery is located).

(68A Stat. 675, 896; 26 U. S. C. 5415, 7503)

§ 245.354 *Brewer's application to destroy or return beer to brewery.* When a brewer has beer in the brewery bottling house which has not been removed therefrom, or beer which has been repossessed from a purchaser, which he desires to destroy, recondition or use as material, he shall make written application, in triplicate, to the Assistant Regional Commissioner stating the approximate quantity of such beer, whether it is repossessed beer or beer which has not been removed from the bottling house, and what disposition he desires to make of it. Upon receipt of the application the Assistant Regional Commissioner may detail an inspector to supervise the destruction of such beer or its removal from the containers in which packaged for reconditioning or use as material, or authorize such action without supervision where he is satisfied that the revenue will not be jeopardized thereby. The brewer may submit his application directly to an inspector at the brewery, who may thereupon supervise the operation. The brewer will file at the brewery one copy of the application as completed by the supervising officer or by the Assistant Regional Commissioner when supervision is not required. The brewer must report the quantity of beer so destroyed, reconditioned, or used as material, on Forms 2051 and 103.

(68A Stat. 675, 681; 26 U. S. C. 5411, 5415, 5555)

§ 245.355 *Verification.* All records, reports, returns, and forms which require a signature shall contain or be verified by a written declaration that they are made under penalties of perjury.

(68A Stat. 748, 749; 26 U. S. C. 6061, 6065)

§ 245.356 *Retention of records.* A brewer shall retain all records reflecting his operations, at the brewery for a period of not less than two years. Such records shall be readily available for examination and taking abstracts therefrom by internal revenue officers.

(68A Stat. 675; 26 U. S. C. 5415)

[F. R. Doc. 54-9421; Filed, Nov. 29, 1954; 8:50 a. m.]

Bureau of Customs

[19 CFR Part 14]

[643.3]

PROCEDURES UNDER ANTIDUMPING ACT, 1921, AS AMENDED

NOTICE OF PUBLIC HEARING

A proposed amendment to the regulations under the Antidumping Act was published in the FEDERAL REGISTER dated November 4, 1954 (19 F. R. 7157).

All parties interested are hereby notified that they may be present and be heard in connection with this proposed amendment at a public hearing to be held in Room 4121, Treasury Building, Fifteenth Street and Pennsylvania Avenue, NW., Washington, D. C., beginning at 2 p. m., e. s. t., on the 16th day of December 1954.

Interested parties desiring to appear at the public hearing shall notify in writing the Commissioner of Customs at his office in the Bureau of Customs, Washington 25, D. C., stating the name(s) of the person(s) who will appear and the approximate length of time required for presentation of views and opinions. Parties will be heard in the order in which their requests are submitted.

Dated at Washington, D. C., November 26, 1954.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 54-9484; Filed, Nov. 29, 1954; 8:52 a. m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 201]

[Reg. A]

ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

NOTICE OF PROPOSED RULE MAKING

The Board of Governors of the Federal Reserve System is considering the revision of Part 201 (Regulation A) issued pursuant to authority cited at 12 CFR Part 201, relating to advances and discounts by Federal Reserve Banks.

While this revision of Part 201 makes certain changes in the language of the Part itself, the most important change is the revision of the Foreword (General Principles). The revised Foreword is designed merely to restate and clarify certain guiding principles which are observed by the Federal Reserve Banks in making advances and discounts in accordance with the applicable provisions of the Federal Reserve Act and of Part 201. The revision is not intended to further restrict or restrain access by member banks to the credit facilities of the Federal Reserve Banks.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). The proposed changes are authorized under the authority cited at 12 CFR Part 201.

To aid in the consideration of this matter the Board will be glad to receive from interested persons any relevant data, views or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than January 3, 1955.

The proposed revision of Part 201 is as follows:

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Sec.
201.0 Foreword; general principles.
201.1 Introduction.
201.2 Advances to member banks.
201.3 Discount of notes, drafts and bills for member banks.
201.4 General requirements as to advances and discounts.
201.5 Paper acquired from nonmember banks.
201.6 Discounts for Federal Intermediate Credit Banks.

§ 201.0 *Foreword; general principles.* (a) A principal function of the Federal Reserve Banks under the law is to provide credit assistance to member banks, through advances and discounts, in order to accommodate commerce, industry, and agriculture. This function is administered in the light of the basic objective which underlies all Federal Reserve credit policy, i. e., the advancement of the public interest by contributing to the greatest extent possible to economic stability and growth.

(b) The Federal Reserve System promotes this objective largely by influencing the availability and cost of credit through action affecting the volume and cost of reserves available to the member banks. Through open market operations and through changes in reserve requirements of member banks, the Federal Reserve may release or absorb reserve funds in accordance with the credit and monetary needs of the economy as a whole. An individual member bank may also obtain reserves by borrowing from its Federal Reserve Bank at a discount rate which is raised or lowered from time to time to adjust to the credit and economic situation. The effects of borrowing from the Federal Reserve Banks by individual member banks are not localized, as such borrowing adds to the supply of reserves of the banking system as a whole. Therefore, use of the borrowing facility by member banks has an important bearing on the effectiveness of System credit policy.

(c) Access to the Federal Reserve discount facilities is granted as a privilege of membership in the Federal Reserve System in the light of the following general guiding principles.

(d) Federal Reserve credit is generally extended on a short-term basis to a member bank in order to enable it to adjust its asset position when necessary because of developments such as a sudden withdrawal of deposits or seasonal requirements for credit beyond those which can reasonably be met by use of the bank's own resources. Federal Reserve credit is also available for longer periods when necessary in order to assist member banks in meeting unusual situations, such as may result from national, regional, or local difficulties or from exceptional circumstances involving only particular member banks. Under ordinary conditions, the continuous use of Federal Reserve credit by a member bank over a considerable period of time is not regarded as appropriate.

(e) In considering a request for credit accommodation, each Federal Reserve Bank gives due regard to the purpose of the credit and to its probable effects upon the maintenance of sound credit conditions, both as to the individual institution and the economy generally. It keeps informed of and takes into account the general character and amount of the loans and investments of the member bank. It considers whether the bank is borrowing principally for the purpose of obtaining a tax advantage or profiting from rate differentials and whether the bank is extending an undue amount of credit for the speculative carrying of or trading in securities, real estate, or commodities, or otherwise.

(f) Applications for Federal Reserve Credit accommodations are considered by a Federal Reserve Bank in the light of its best judgment in conformity with the foregoing principles and with the provisions of the Federal Reserve Act and this part.

§ 201.1 *Introduction.* This part is based upon and issued pursuant to various provisions of the Federal Reserve Act. The part is applicable to the following forms of borrowing from a Federal Reserve Bank: (a) advances to member banks on their own notes secured (1) by direct obligations of the United States, by paper eligible for discount or purchase by Federal Reserve Banks, or by obligations of certain corporations owned by the United States, or (2) by other security which is satisfactory to the Federal Reserve Bank; (b) discounts for member banks of commercial, agricultural and industrial paper and bankers' acceptances; and (c) discounts for Federal Intermediate Credit banks.

§ 201.2 *Advances to member banks*—(a) *Advances on Government obligations.* Any Federal Reserve Bank may make advances, under authority of section 13 of the Federal Reserve Act, to any of its member banks for periods not exceeding fifteen days [1] on the promissory note of such member bank secured (1) by the deposit or pledge of bonds, notes, certificates of indebtedness, or Treasury bills of the United States, or (2) by the deposit or pledge of debentures or other such obligations of Federal Intermediate Credit banks having maturities of not exceeding six months from the date of the advance.[2]

(b) *Advances on eligible paper.* (1) Any Federal Reserve Bank may make advances, under authority of section 13 of the Federal Reserve Act, to any of its member banks for periods not exceeding ninety days [3] on the promissory note of such member bank secured by such notes, drafts, bills of exchange, or bankers' acceptances as are eligible for discount by Federal Reserve Banks under the provisions of this part or for purchase by such banks under the provisions of the Federal Reserve Act.

(2) In the event notes which evidence loans made pursuant to a commodity loan program of the Commodity Credit Corporation and which comply with the maturity requirements of paragraph (a) of § 201.3 have been deposited in a pool of notes operated by the Commodity Credit Corporation, the certificate of interest issued by the Commodity Credit Corporation which evidences the deposit of such notes may be accepted as security for an advance made to a member bank under this paragraph.

(c) *Advances on other security under section 10 (b) of the Federal Reserve Act.* Any Federal Reserve Bank may make advances, under authority of section 10 (b) of the Federal Reserve Act, to any of its member banks upon the latter's promissory note secured to the satisfaction of such Federal Reserve Bank regardless of whether the collateral offered as security conforms to eligibility requirements under other provisions of this part. The rate on advances made under the provisions of this paragraph shall in no event be less than one-half of 1 percent per annum higher than the highest rate applicable to discounts for member banks under the provisions of sections 13 and 13a of the Federal Reserve Act in effect at such Federal Reserve Bank. Such an advance must be evidenced by the promissory note of such member bank payable either (1) on a definite date not more than four months after the date of such advance, or (2) at the option of the holder on or before a definite date not more than four months after the date of such advance.

§ 201.3 *Discount of notes, drafts and bills for member banks* [4]—(a) *Commercial, agricultural and industrial paper.* Any Federal Reserve Bank may discount for any of its member banks, under authority of sections 13 and 13a of the Federal Reserve Act, any note, draft, or bill of exchange which meets the following requirements:

(1) It must be a negotiable note, draft, or bill of exchange, bearing the endorsement of a member bank, which has been issued or drawn, or the proceeds of which have been used or are to be used, in producing, purchasing, carrying or marketing goods [5] in one or more of the steps of the process of production, manufacture, or distribution, or in meeting current operating expenses of a commercial, agricultural or industrial business, or for the purpose of carrying or trading in direct obligations of the United States (i. e., bonds, notes, Treasury bills or certificates of indebtedness of the United States);

(2) It must not be a note, draft, or bill of exchange the proceeds of which have been used or are to be used for permanent or fixed investments of any kind, such as land, buildings or machinery, or for any other fixed capital purpose;

(3) It must not be a note, draft, or bill of exchange the proceeds of which have been used or are to be used for transactions of a purely speculative character or issued or drawn for the purpose of carrying or trading in stocks, bonds or other investment securities except direct obligations of the United States (i. e., bonds, notes, Treasury bills or certificates of indebtedness of the United States);

(4) It must have a maturity at the time of discount of not exceeding ninety days, exclusive of days of grace, except that agricultural paper as defined in this section may have a maturity of not exceeding nine months, exclusive of days of grace; but this requirement is not applicable with respect to bills of exchange payable at sight or on demand of the kind described in paragraph (b) of this section.

(b) *Bills of exchange payable at sight or on demand.* Any Federal Reserve Bany may discount for any of its member banks, under authority of section 13 of the Federal Reserve Act negotiable bills of exchange payable at sight or on demand which (1) bear the endorsement of a member bank, (2) grow out of the domestic shipment or the exportation of nonperishable, readily marketable staples,[6] and (3) are secured by bills of lading or other shipping documents conveying or securing title to such staples. All such bills of exchange shall be forwarded promptly for collection, and demand for payment shall be made promptly, unless the drawer instructs that they be held until arrival of such staples at their destination, in which event they must be presented for pay-

[1] Under the last paragraph of section 13 of the Federal Reserve Act, a Federal Reserve Bank has authority to make advances for periods not exceeding 90 days to individuals, partnerships, and corporations (including member and nonmember banks) on their promissory notes secured by direct obligations of the United States. However, advances to member banks on the security of direct obligations of the United States are normally for short periods of not exceeding 15 days; and it is not the practice to make advances to others than member banks except in unusual or exigent circumstances.

[2] Such advances may also be made on notes secured by the deposit or pledge of Federal Farm Mortgage Corporation bonds issued under the Federal Farm Mortgage Corporation Act.

[3] However, borrowings by member banks are generally for short periods.

[4] Even though paper is not eligible for discount by a Federal Reserve Bank for a member bank under the provisions of this part, it may be used as security for an advance by a Federal Reserve Bank to a member bank under the terms and conditions of paragraph (c) of § 201.2 if it constitutes security satisfactory to the Federal Reserve Bank.

[5] As used in this part the word "goods" shall be construed to include goods, wares, merchandise, or agricultural products, including livestock.

[6] A readily marketable staple within the meaning of this part means an article of commerce, agriculture, or industry of such uses as to make it the subject of constant dealings in ready markets with such frequent quotations of price as to make (a) the price easily and definitely ascertainable and (b) the staple itself easy to realize upon by sale at any time.

ment within a reasonable time after notice of such arrival has been received. In no event shall any such bill be held by or for the account of a Federal Reserve Bank for a period in excess of ninety days.

(c) *Banker's acceptances.* Any Federal Reserve Bank may discount for any of its member banks a banker's acceptance [7] which bears the endorsement of a member bank and (1) which grows out of transactions involving the importation or exportation of goods, the shipment of goods within the United States, or the storage of readily marketable staples,[8] as such transactions are more fully described in subparagraphs (1), (2), and (3), respectively, of paragraph (a) of § 203.1 [9] of this subchapter or (2) which has been drawn by a bank or banker in a foreign country or dependency or insular possession of the United States for the purpose of furnishing dollar exchange as provided in § 203.2 of this subchapter: *Provided,* That any such acceptance shall have a maturity at the time of discount of not more than 90 days' sight, exclusive of days of grace, except that an acceptance drawn for agricultural purposes and secured at the time of acceptance by warehouse receipts or other such documents conveying or securing title covering readily marketable staples may be discounted with a maturity at the time of discount of not more than six months' sight, exclusive of days of grace: [10] *And provided further,* That acceptances for any one customer in excess of 10 per cent of the capital and surplus of the accepting bank must remain actually secured throughout the life of the acceptance.[11]

(d) *Construction loans.* In addition to paper of the kinds specified above, any Federal Reserve Bank may discount for any of its member banks, under authority of section 24 of the Federal Reserve Act, a negotiable note which (1) represents a loan made to finance the construction of a residential or a farm building whether or not secured by lien upon real estate, (2) is endorsed by such member bank, (3) is accompanied by a valid and binding agreement, entered into by a person [12] acceptable to the discounting Federal Reserve Bank, requiring such person to advance the full amount of the loan upon the completion of the construction of such residential or farm building, and (4) matures not more than six months from the date such loan was made and not more than ninety days from the date of such discount by such Federal Reserve Bank, exclusive of days of grace.

(e) *Agricultural paper.* Agricultural paper, within the meaning of this part, is a negotiable note, draft, or bill of exchange issued or drawn, or the proceeds of which have been or are to be used, for agricultural purposes, including the production of agricultural products, the marketing of agricultural products by the growers thereof, or the carrying of agricultural products by the growers thereof pending orderly marketing, and the breeding, raising, fattening, or marketing of livestock.

(f) *Paper of cooperative marketing associations.* Notes, drafts, bills of exchange, or acceptances issued or drawn by cooperative marketing associations composed of producers of agricultural products are deemed to have been issued or drawn for an agricultural purpose within the meaning of the foregoing definition of "agricultural paper", if the proceeds thereof have been or are to be used by such association in making advances to any members thereof for an agricultural purpose, in making payments to any members thereof on account of agricultural products delivered by such members to the association, or to meet expenditures incurred or to be incurred by the association in connection with the grading, processing, packing, preparation for market, or marketing of any agricultural product handled by such association for any of its members. In addition, any other paper of such associations which complies with the applicable requirements of this part may be discounted. Paper of cooperative marketing associations the proceeds of which have been or are to be used (1) to defray the expenses of organizing such associations, or (2) for the acquisition of warehouses, for the purchase or improvement of real estate, or for any other permanent or fixed investment of any kind, is not eligible for discount, even though such warehouses or other property is to be used exclusively in connection with the ordinary operations of the association.

(g) *Factors' paper.* Notes, drafts, and bills of exchange of factors issued as such for the purpose of making advances exclusively to producers of staple agricultural products in their raw state are eligible for discount with maturities not in excess of ninety days, exclusive of days of grace.

(h) *Collateral securing discounted paper.* Any note, draft, or bill of exchange eligible for discount is not rendered ineligible because it is secured by the pledge of goods or collateral of any nature, including paper ineligible for discount.

(i) *Determination of eligibility.* (1) A Federal Reserve Bank shall take such steps as may be necessary to satisfy itself as to the eligibility of any paper offered for discount. Compliance of paper with the provisions of paragraph (a) (2) of this section may be evidenced by a statement which adequately reflects the borrower's financial worth and evidences a reasonable excess of quick assets over current liabilities, or such compliance may be evidenced in any other manner satisfactory to the Federal Reserve Bank.

(2) The requirement of this section that a note be negotiable shall not be applicable with respect to any note evidencing a loan which is made pursuant to a commodity loan program of the Commodity Credit Corporation and which is subject to a commitment to purchase by the commodity Credit Corporation or with respect to any note evidencing a loan which is in whole or in part the subject of a guarantee or commitment made pursuant to section 301 of the Defense Production Act of 1950 as amended.

(j) *Limitations.* (1) The aggregate of notes, drafts, and bills upon which any person, copartnership, association, or corporation is liable as maker, acceptor, endorser, drawer, or guarantor, discounted for any member bank shall at no time exceed the amount for which such person, copartnership, association, or corporation may lawfully become liable to a national bank under the terms of section 5200 of the Revised Statutes of the United States, as amended.

(2) The law forbids a Federal Reserve Bank to discount for any State member bank notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State member bank in an amount greater than that which could be borrowed lawfully from such State member bank were it a national bank.

§ 201.4 *General requirements as to advances and discounts*—(a) *Applications for advances or discounts.* (1) Every application by a member bank for an advance to such bank or for the discount of paper must contain a certificate of such bank, in form to be prescribed by the Federal Reserve Bank, that the security offered for the advance or the paper offered for discount, as the case may be, has not been acquired from a nonmember bank (otherwise than in accordance with § 201.5) or, if so acquired, that the applying member bank has received permission from the Board of Governors of the Federal Reserve System to obtain advances from the Federal Reserve Bank on security so acquired or to discount with the Federal Reserve Bank paper acquired from nonmember banks.

(2) Every such application shall also contain a notation by the member bank as to whether it has on file a statement which adequately reflects the financial worth of a party primarily liable on the paper offered as security for an advance or for discount or of the person from whom the member bank acquired such paper if such person is legally liable thereon.

(3) Every application of a State member bank for the discount of paper must contain a certificate or guaranty to the effect that the borrower is not liable and will not be permitted to become liable to such bank for borrowed money during the time his paper is under discount with the Federal Reserve Bank in an amount greater than that which could be borrowed lawfully from such State bank were it a national bank.

(b) *Financial statements.* In order to determine whether security offered for an advance or paper offered for discount is eligible and acceptable, any Federal Reserve Bank may require that there be filed with it statements, or certified copies thereof, which adequately reflect the financial worth (1) of one or more parties to any obligation offered as security for an advance or to any note, draft, or bill of exchange offered for discount and (2) of any corporations or firms affiliated with or subsidiary to such party or parties. A Federal Reserve Bank may in any case require such other information as it deems necessary.

(c) *Other information.* Each Federal Reserve Bank is required by law to keep itself informed of the general character and amount of the loans and investments of its member banks with a view to ascertaining whether undue use is being made of bank credit for the speculative carrying of or trading in securities, real estate, or commodities, or for any other purpose inconsistent with the maintenance of sound credit conditions; and, in determining whether to grant or refuse advances or discounts, the Federal Reserve Bank is required to give consideration to such information. Each Federal Reserve Bank may require such information from its member banks as it may deem necessary in order to determine whether such undue use of bank credit is being made and whether the granting of any requested credit accommodation would be consistent with the general principles applicable to extensions of credit under this part.

(d) *Amount of collateral.* In connection with any advance or discount under this part, a Federal Reserve Bank may require such collateral as it may deem advisable or necessary; but it is expected that the Federal Reserve Bank in determining the amount of collateral will give due regard to the public welfare and the general effects that its action may have on the position of the member bank, on its depositors, and on the community; and in general a Federal Reserve Bank should limit the amount of collateral it requires to the minimum consistent with safety.

§ 201.5 *Paper acquired from nonmember banks*—(a) *Prohibition upon acceptance of nonmember bank paper.* Except with the permission of the Board of Governors of the Federal Reserve System, no Federal Reserve Bank shall accept as security for an advance or discount any assets acquired by a member bank from, or bearing the signature or endorsement of, a nonmember bank, except assets otherwise eligible which were purchased by the offering bank on the open market or otherwise acquired in good faith and not for the purpose of obtaining credit for a nonmember bank.

(b) *Applications for permission.* An application for permission to use as security for advances assets acquired from nonmember banks or to discount paper acquired from nonmember banks shall be made by the member bank which desires to offer such assets as security or such paper for discount and shall state fully the facts which give rise to such application and the reasons why the applying member bank desires such permission. Such application shall be addressed to the Board of Governors of the Federal Reserve System but shall be submitted by the member bank to the Federal Reserve Bank of the district, which will forward it promptly to the Board of Governors of the Federal Reserve System with its recommendation.

(c) *Paper acquired from Federal Intermediate Credit banks.* The Board of Governors of the Federal Reserve System hereby grants permission to Federal Reserve Banks to make advances to member banks upon the security of paper or assets bearing the signature or endorsement of, or acquired from, Federal Intermediate Credit banks or to discount for member banks paper bearing such a signature or endorsement or so acquired, if otherwise eligible under the law and this part.

§ 201.6 *Discounts for Federal Intermediate Credit Banks*—(a) *Kinds and maturity of paper.* Any Federal Reserve Bank, under authority of section 13a of the Federal Reserve Act, may, with the permission of the Board of Governors, discount for any Federal Intermediate Credit bank (1) agricultural paper as defined in § 201.3, or (2) notes payable to such Federal Intermediate Credit bank covering loans or advances made by it pursuant to the provisions of section 202 (a) of Title II of the Federal Farm Loan Act, which are secured by notes, drafts, or bills of exchange eligible for discount by Federal Reserve Banks. Any paper discounted for a Federal Intermediate Credit bank must bear the endorsement of such bank and must have a maturity at the time of discount of not more than nine months, exclusive of days of grace.

(b) *Limitations.* No Federal Reserve Bank shall discount for any Federal Intermediate Credit bank any paper which bears the endorsement of any nonmember State bank or trust company which is eligible for membership in the Federal Reserve System under the terms of section 9 of the Federal Reserve Act. In acting upon applications for the discount of paper for Federal Intermediate Credit banks, each Federal Reserve Bank shall give preference to the demands of its own member banks and shall have due regard to the probable future needs of its own member banks.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 54-9407; Filed, Nov. 29, 1954; 8:47 a. m.]

[7] A banker's acceptance within the meaning of this part is a draft or bill of exchange, whether payable in the United States or abroad and whether payable in dollars or some other money, accepted by a bank or trust company or a firm, person, company, or corporation engaged generally in the business of granting bankers' acceptance credits.

[8] In the case of an acceptance growing out of the storage of readily marketable staples, the bill must be secured at the time of acceptance by a warehouse, terminal, or other similar receipt, conveying security title to such staples, issued by a party independent of the customer or issued by a grain elevator or warehouse company duly bonded and licensed and regularly inspected by State or Federal authorities with whom all receipts for such staples and all transfers thereof are registered and without whose consent no staples may be withdrawn; and the acceptor must remain secured throughout the life of the acceptance. If the goods are withdrawn from storage before maturity of the acceptance or retirement of the credit, a trust receipt or other similar document covering the goods may be substituted in lieu of the original document, provided that such substitution is conditioned upon a reasonably prompt liquidation of the credit; and, to this end, it should be required, when the original document is released, either that the proceeds of the goods will be applied within a specified time toward a liquidation of the acceptance credit or that a new document, similar to the original one, will be resubstituted within a specified time.

[9] The bill itself should be drawn so as to evidence the character of the underlying transaction, but if it is not so drawn evidence of eligibility may consist of a stamp or certificate affixed by the acceptor in form satisfactory to the Federal Reserve Bank.

[10] No acceptance discounted by a Federal Reserve Bank should have a maturity in excess of the usual or customary period of credit required to finance the underlying transaction or of the period reasonably necessary to finance such transaction; and no acceptance growing out of the storage of readily marketable staples should have a maturity in excess of the time ordinarily necessary to effect a reasonably prompt sale, shipment, or distribution into the process of manufacture or consumption.

[11] In the case of the acceptances of member banks this security must consist of shipping documents, warehouse receipts, or other such documents, or some other actual security growing out of the same transaction as the acceptance, such as documentary drafts, trade acceptances, terminal receipts, or trust receipts which have been issued under such circumstances, and which cover goods of such a character, as to insure at all times a continuance of an effective and lawful lien in favor of the accepting bank, other trust receipts not being considered such actual security if they permit the customer to have access to or control over the goods.

[12] Such person may be the member bank offering the note for discount or any other individual, partnership, association or corporation.

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53676]

FARRELL LINES, INC.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

NOVEMBER 24, 1954.

The Commissioner of Customs by virtue of the authority vested in him and in accordance with § 3.81 (a), Customs Regulations (19 CFR 3.81 (a)), has registered the house flag and funnel mark of Farrell Lines, Inc., as described below:

(a) *House flag.* The house flag is rectangular in shape, the fly is 1½ times the height of the hoist, the field of the fly consists of a white St. Andrews Cross superimposed upon an alternate blue and red field. The upper and lower segments of the field are red, the inner and outer segments of the field are blue. The width of the St. Andrews Cross is ⅛ the height of the hoist.

(b) *Funnel mark.* The funnel mark is to appear on a round funnel of buff. At the top of the funnel there is a black band which extends from the top of the funnel down a distance equal to ⅛ the width of the funnel. Three feet below

this black band there is superimposed the above-described house flag which is centered in relation to the width of the funnel. The length of the funnel mark is ½ the width of the funnel and the height is ⅔ of the length of the funnel mark. The mark consists of a St. Andrews Cross superimposed upon an alternate blue and red field. The upper and lower segments of the field are red, the inner and outer segments of the field are blue. The width of the St. Andrews Cross is ⅙ the height of the mark.

Colored scale replica drawings of the house flag and funnel mark are on file with the Federal Register Division.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 54-9422; Filed, Nov. 29, 1954; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FOREST SERVICE

ASSIGNMENT OF FUNCTIONS; FEDERAL-STATE RELATIONS

The statement of delegations of authority and assignment of functions (19 F. R. 74), as amended, is further amended by revising section 300i to read as follows:

SEC. 300. *Assignment of functions.*
* * *

i. The responsibility, under such general principles, criteria and procedures as may be established by the Soil Conservation Service, for making preliminary examinations and surveys under the flood prevention program (Flood Control Act of 1936, as amended and supplemented), for conducting surveys and investigations under the small watershed protection program (item for Watershed Protection in the Department of Agriculture Appropriation Act, 1954), for making surveys, investigations and studies under the program for flood prevention and agricultural phases of the conservation, development, utilization, and disposal of water (Watershed Protection and Flood Prevention Act), and for the collection of data necessary to the preparation of comprehensive river basin reports in the watershed or basin for the following: All national forests and other lands administered by the Forest Service; range lands within national forest boundaries and range lands adjacent to national forests which are administered in conjunction with such forests under formal agreement with the owner or lessee; and other forest lands except that the determination as to what lands are to be in forest or woodlands shall be the responsibility of the Soil Conservation Service.

Done at Washington, D. C., this 23d day of November 1954.

[SEAL] RALPH S. ROBERTS,
Administrative Assistant Secretary.

[F. R. Doc. 54-9408; Filed, Nov. 29, 1954; 8:48 a. m.]

SOIL CONSERVATION SERVICE

ASSIGNMENT OF FUNCTIONS; FEDERAL-STATE RELATIONS

The statement of degelations of authority and assignment of functions (19 F. R. 74), as amended, is further amended by revising section 400c to read as follows:

SEC. 400. *Assignment of functions.*
* * *

c. General responsibility for administration of the flood prevention program (Flood Control Act of 1936, as amended and supplemented), the small watershed protection program (item for watershed protection in the Department of Agriculture Appropriation Act, 1954), the program for flood prevention and agricultural phases of the conservation, development, utilization, and disposal of water (Watershed Protection and Flood Prevention Act), and activities in connection with river basin investigations and preparation of reports thereon (with due recognition to the responsibilities otherwise assigned).

Done at Washington, D. C., this 23d day of November 1954.

[SEAL] RALPH S. ROBERTS,
Administrative Assistant Secretary.

[F. R. Doc. 54-9409; Filed,. Nov. 29, 1954; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF ATLANTIC CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 7840-25 between the member lines of the Atlantic Conference, modifies the basic agreement of that conference (No. 7840) to provide (1) that the Secretary will arrange for a periodic examination of the appropriate documents of the member lines connected with passenger traffic for the purpose of determining strict compliance by the lines of the terms and conditions of the agreement; (2) that the confidential report of such examination of the Secretary will be circulated among the members; (3) that in case of finding of an infraction of the terms and conditions of the agreement by any member line, such report will be submitted to three representatives of the member lines to be selected by ballot, for adjudication and penalty as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 24, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-9431; Filed, Nov. 29, 1954, 8:51 a. m.]

AGUSTIN CALVO

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELED

Notice is hereby given that at a session of the Federal Maritime Board held at its office in Washington, D. C., the 17th day of November 1954, the Board entered the following order:

Whereas, Agustin Calvo, pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 879 on July 28, 1950; and

Whereas, the Board has, by registered letter dated September 24, 1954, and by one previous communication requested this registrant to furnish certain information in connection with his forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244); and

Whereas, both communications addressed to this registrant have been returned by the post office as undeliverable; and

Whereas, the Board has no knowledge of the whereabouts of this registrant, and cannot, therefore, exercise proper regulatory authority over him; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at his last known address.

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why his freight forwarder Certificate of Registration No. 879 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this order be sent by registered mail to this registrant at his last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 24, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-9430; Filed, Nov. 29, 1954 8:50 a. m.]

COMMONWEALTH DOMESTIC & OVERSEAS CORP.

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held

at its office in Washington, D. C., the 17th day of November 1954, the Board entered the following order:

Whereas, Commonwealth Domestic & Overseas Corp., pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 339 on August 28, 1950; and

Whereas, the Board has, by registered letter dated September 24, 1954, and by numerous previous communications requested this registrant to furnish certain information in connection with its forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244), and

Whereas, the last communication addressed to this registrant has been returned by the post office as undeliverable and other communications addressed to it beginning on January 7, 1952, have remained unanswered; and

Whereas, the Board has no knowledge of the whereabouts of this registrant, and cannot, therefore, exercise proper regulatory authority over it; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at its last known address;

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why his freight forwarder Certificate of Registration No. 339 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this order be sent by registered mail to this registrant at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 24, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-9432; Filed, Nov. 29, 1954; 8:51 a. m.]

DOCUMENTATION & SERVICE CO.

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its office in Washington, D. C., the 17th day of November 1954, the Board entered the following order:

Whereas, James V. Ferreras, pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 407 on August 22, 1951; and

Whereas, the Board has, by registered letter dated September 27, 1954, and by numerous previous communications requested this registrant to furnish certain information in connection with his forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244); and

Whereas, the last communication addressed to this registrant has been returned by the post office as undeliverable and other communications addressed to him beginning on June 5, 1952, have remained unanswered; and

Whereas, the Board has no knowledge of the whereabouts of this registrant, and cannot, therefore, exercise proper regulatory authority over him; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at his last known address;

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why his freight forwarder Certificate of Registration No. 407 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this orer be sent by registered mail to this registrant at his last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 24, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-9433; Filed, Nov. 29, 1954; 8:51 a. m.]

A. C. HUFF & CO.

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its office in Washington, D. C., the 17th day of November 1954, the Board entered the following order:

Whereas, A. C. Huff & Co., pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 1017 on August 11, 1950; and

Whereas, the Board has, by registered letter dated September 27, 1954, and by four previous communications requested this registrant to furnish certain information in connection with its forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244); and

Whereas, the last communication addressed to this registrant has been returned by the post office as undeliverable and other communications addressed to it beginning on October 13, 1952, have remained unanswered; and

Whereas, the Board has no knowledge of the whereabouts of this registrant, and cannot, therefore, exercise proper regulatory authority over it; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at its last known address;

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why its freight forwarder Certificate of Registration No. 1017 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this order be sent by registered mail to this registrant at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 24, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-9434; Filed, Nov. 29, 1954; 8:51 a. m.]

LUCY IGLESIAS

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its office in Washington, D. C., the 17th day of November 1954, the Board entered the following order:

Whereas, Lucy Iglesias, pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 1450 on March 4, 1952; and

Whereas, the Board has, by registered letter dated August 19, 1954, and by four previous communications requested this registrant to furnish certain information in connection with her forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244); and

Whereas, the last communication addressed to this registrant has been returned by the post office as undeliverable and other communications addressed to her beginning on May 20, 1953, have remained unanswered; and

Whereas, the Board has no knowledge of the whereabouts of this registrant, and cannot, therefore, exercise proper regulatory authority over her; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at her last known address;

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why her freight forwarder Certificate of Registration No. 1450 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this order be sent by registered mail to this registrant at her last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 24, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-9435; Filed, Nov. 29, 1954; 8:51 a. m.]

MERITO'S FORWARDING CO.

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its office in Washington, D. C., the 17th day of November 1954, the Board entered the following order;

Whereas, Merito's Forwarding Company, pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 1355 on August 9, 1951; and

Whereas, the Board has, by registered letter dated September 27, 1954, and by two previous communications requested this registrant to furnish certain information in connection with its forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244); and

Whereas, the last communication addressed to this registrant has been returned by the post office as undeliverable and other communications addressed to it beginning on October 3, 1952, have remained unanswered; and

Whereas, the Board has no knowledge of the whereabouts of this registrant, and cannot, therefore, exercise proper regulatory authority over it; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at its last known address;

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why its freight forwarder Certificate of Registration No. 1355 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this order be sent by registered mail to this registrant at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 24, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-9436; Filed, Nov. 29, 1954; 8:51 a. m.]

QUEEN VANT FORWARDING CO.

NOTICE TO SHOW CAUSE WHY CERTIFICATE OF REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its office in Washington, D. C., the 17th day of November 1954, the Board entered the following order:

Whereas, Queen Vant Forwarding Co., pursuant to General Order 72, was issued freight forwarder Certificate of Registration No. 619 on July 18, 1950; and

Whereas, the Board has, by registered letter dated September 27, 1954, and by one previous communication requested this registrant to furnish certian information in connection with its forwarding activities pursuant to § 244.3, General Order 72 (46 CFR Part 244); and

Whereas, both communications addressed to this registrant have been returned by the post office as undeliverable; and

Whereas, the Board has no knowledge of the whereabouts of this registrant and cannot, therefore, exercise proper regulatory authority over it; and

Whereas, it appears that this registrant is no longer in the business of freight forwarding at its last known address;

It is ordered, That this registrant show cause in writing or, if requested by registrant, at a public hearing within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why its freight forwarder Certificate of Registration No. 619 should not be cancelled for the reasons above stated; and

It is further ordered, That a copy of this order be sent by registered mail to this registrant at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: November 24, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-9437; Filed, Nov. 29, 1954; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6848]

DELTA AIR LINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Delta-C&S application to make Fort Wayne, Ind., an alternate intermediate point to Anderson-Muncie-New Castle, Ind.

In the matter of the application of Delta Air Lines, Inc., for an amendment of its certificate of public convenience and necessity for route no. 54.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding previously assigned to be held on December 1, 1954, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, 15th Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice, is hereby postponed until further notice.

Dated at Washington, D. C., November 24, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-9428; Filed, Nov. 29, 1954; 8:50 a. m.]

[Docket No. 6848]

DELTA AIR LINES, INC.

NOTICE OF REASSIGNMENT OF HEARING

In the matter of Delta-C&S application to make Fort Wayne, Ind., an alternate intermediate point to Anderson/Muncie/New Castle, Ind.

In the matter of the application of Delta Air Lines, Inc., for an amendment of its certificate of public convenience and necessity for route No. 54.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding heretofore assigned to be held on December 1, 1954, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, Fifteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice, is hereby reassigned and will be held on January 5, 1955, at 10:00 a. m., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 26, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-9499; Filed, Nov. 29, 1954; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2671, G-2672, G-2673]

BLALACK & WALTER

NOTICE OF APPLICATION AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

Take notice that Blalack & Walter, a partnership consisting of Joe Blalack and W. R. Walter (Applicant), with a principal office in Longview, Texas, filed on September 7, 1954, applications under Docket Nos. G-2671, G-2672 and G-2673 for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their applications filed therein.

Applicant produces natural gas in (1) Carthage Field, Panola County, Texas, Ivy Gas Unit, (2) Carthage Field, Panola County, Texas, Jernigan Gas Unit and in (3) South Hallsville Field, Harrison County, Texas, which they sell to Arkansas Louisiana Gas Company at the well-head for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The application is on file with the Commission for public inspection.

These matters are ones that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that (1) notice of the applications and order fixing date of hearing be published simultaneously, and (2) the proceedings at Docket Nos. G-2671, G-2672, and G-2673 be consolidated for the purposes of hearing.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, (a) the proceedings at Docket Nos. G-2671, G-2672, and G-2673 be and are hereby consolidated for the purposes of hearing and (b) a hearing be held on December 15, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the applications in the consolidated proceedings: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Assistant Secretary.

[F. R. Doc. 54-9389; Filed, Nov. 29, 1954; 8:45 a. m.]

[Docket No. G-2691]

RODNEY DELANGE AND O. NEATHERY, JR.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Rodney DeLange and O. Neathery, Jr. (Applicants), independent producers of natural gas with a principal office in San Antonio, Texas, filed on September 8, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their application filed herein.

Applicants produce natural gas in Goliad County, Texas (Dreier Lease—Maetze Field) which they sell to Trunkline Gas Company under contract dated October 1952, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 17, 1954, at 10:15 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Assistant Secretary.

[F. R. Doc. 54-9390; Filed, Nov. 29, 1954; 8:45 a. m.]

[Docket No. G-2735]

GLADSTONE GASOLINE CO., INC.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Gladstone Gasoline Company, Inc. (Applicant), a Delaware corporation with its principal office in Shreveport, Louisiana, filed on September 13, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant owns non-operating interests in natural gas produced in the North Lansing Field, Gregg and Harrison Counties, Texas, and which is sold to Arkansas Louisiana Gas Company and in the Willow Springs Gas Field, Gregg County, Texas, which it sells to Texas Eastern Transmission Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that (a) notice of the application and order fixing date of hearing be published simultaneously and (b) the application be disposed of as requested by Applicant in accordance with the shortened procedure rule (§ 1.32) of the Commission's rules of practice and procedure.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 16, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-9391; Filed, Nov. 29, 1954; 8:45 a. m.]

[Docket No. G-2949]

JOHN V. BOYCE, TRUSTEE FOR STEPHENS PETROLEUM CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that John G. Boyce, Trustee for Stephens Petroleum Company, a Delaware corporation with its principal office in Oklahoma City, Oklahoma, filed on September 22, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing John V. Boyce, Trustee for Stephens Petroleum Company to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in an application filed herein.

Applicant produces natural gas in (1) Stephens County, Oklahoma, which is sold to Lone Star Gas Company under contract dated January 1, 1953, (b) Carter County, Oklahoma, which is sold to Lone Star Gas Company under contract dated April 29, 1953, (c) Grady County, Oklahoma, which is sold to Consolidated Gas Utilities Corporation (Aetna), under contract dated February 20, 1953 (Chickasha Gas Field and East Cement (Johnson) Gas Field, (d) Caddo County, Oklahoma, to Ray Stephens, Incorporated, under contract dated August 4, 1954, all sold for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and

participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 17, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Assistant Secretary.*

[F. R. Doc. 54-9392; Filed, Nov. 29, 1954; 8:45 a. m.]

[Docket No. G-2963]

VINCENT & WELCH, INC., ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Vincent & Welch, Inc. (Applicant), a Delaware corporation with its principal office in Lake Charles, Louisiana, filed on September 22, 1954, an application for themselves and National Bulk Carriers, Inc., for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicants to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their application filed herein.

Applicants produce natural gas in the Sweetville Field of Beauregard Parish, Louisiana, which they sell to Trunkline Gas Company under contract dated August 24, 1953, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 17, 1954, at 10:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Assistant Secretary.*

[F. R. Doc. 54-9393; Filed, Nov. 29, 1954; 8:45 a. m.]

[Docket No. G-3001]

PAN-AM SOUTHERN CORP.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Pan-Am Southern Corporation (Applicant), a Delaware corporation with its principal office in New Orleans, Louisiana, filed on September 23, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Simsboro Field, Lincoln Parish, Louisiana, which it sells to Arkansas Louisiana Gas Company under contract on file with the Commission for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 17, 1954, at 11:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, N.W., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Assistant Secretary.*

[F. R. Doc. 54-9394; Filed, Nov. 29, 1954; 8:45 a. m.]

[Docket No. G-3003]

FRANK G. WEIMER AND JOHN R. FITZHUGH

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Frank G. Weimer and John R. Fitzhugh (Applicants), with a principal office in Tulsa, Oklahoma, filed on September 23, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicants produce natural gas in Grayson County, Texas (Big Mineral Creek Field—Oil Creek Sand), which they sell to Lone Star Gas Company under contract dated July 24, 1953, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 17th, 1954, at 11:15 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Assistant Secretary.*

[F. R. Doc. 54-9395; Filed, Nov. 29, 1954; 8.46 a. m.]

[Docket No. G-3052]

DEE FOREHAND

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Dee Forehand (Applicant), with principal office in Crockett, Texas, filed on September 24, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in Blanco Field in San Juan County, New Mexico, which it sells to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 15, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Assistant Secretary.*

[F. R. Doc. 54-9396; Filed, Nov. 29, 1954; 8:46 a. m.]

[Docket No. G-3149]

SINKING CREEK OIL & GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Sinking Creek Oil & Gas Company (Applicant), a partnership with its principal office in Glenville, West Virginia, filed on September 27, 1954, application, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Sinking Creek Field, Dekalb District, Gilmer County, West Virginia, which it sells to Equitable Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 14, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Assistant Secretary.*

[F. R. Doc. 54-9397; Filed, Nov. 29, 1954; 8:46 a. m.]

[Docket No. G-3157]

LAURENCE CORBETT KELLY

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Laurence Corbett Kelly (Applicant), an individual with principal office in Beverly Hills, California, filed on September 27, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application filed herein.

Applicant produces natural gas in the Blanco Field in San Juan County, New Mexico, which he sells to El Paso Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 14, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Assistant Secretary.*

[F. R. Doc. 54-9398; Filed, Nov. 29, 1954; 8:46 a. m.]

[Docket No. G-3167]

RAYMOND KIGHT

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Raymond Kight (Applicant), an individual whose address is Glenville, West Virginia, filed an application on September 27, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant produces natural gas in the Cedar Creek Field, Dekalb District, Gilmer County, West Virginia, which he sells to Carnegie Natural Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 16, 1954, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Assistant Secretary.*

[F. R. Doc. 54-9399; Filed, Nov. 29, 1954; 8:46 a. m.]

[Docket No. G-3215]

P. G. LAKE, INC., ET AL.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that P. G. Lake, Inc., a Delaware corporation, R. H. Hedge, Z. J. Spruiell and the Estate of Sam Gross, deceased (Applicants), as individuals with a principal office in Tyler, Texas, filed on September 27, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicants to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in an application filed herein.

Applicants produce natural gas in the Waskom Field, Harrison County, Texas, which they sell to Arkansas Louisiana Gas Company under contracts on file with the Commission for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 17, 1954, at 11:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Assistant Secretary.*

[F. R. Doc. 54-9400; Filed, Nov. 29, 1954; 8:46 a. m.]

[Docket No. G-3254]

L. E. SMITH & L. G. CAMERON

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that L. E. Smith and L. G. Cameron (Applicants), with a principal office in Shreveport, Louisiana, filed on September 27, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application herein.

Applicant produces natural gas in Braxton County, West Virginia, which it sells to Cumberland & Allegheny Gas Company for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 16, 1954, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Assistant Secretary.*

[F. R. Doc. 54-9401; Filed, Nov. 29, 1954; 8:46 a. m.]

[Docket No. G-3262]

C. F. ENGEL

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that C. F. Engel, agent and partner of C. F. Chrisman, hereinafter called "Applicant", with his principal office in Gassaway, West Virginia, filed on September 27, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application filed herein.

Applicant produces natural gas in Benezette Township, Elk County, Pennsylvania, which is sold to New York State Natural Gas Corporation under contract dated August 12, 1953, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 17, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Assistant Secretary.*

[F. R. Doc. 54-9402; Filed, Nov. 29, 1954; 8:47 a. m.]

[Docket No. G-3565]

JAMES I. SHEARER

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that James I. Shearer (Applicant), an individual with an office in Blairsville, Pennsylvania, filed on September 28, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application filed herein.

Applicant produces natural gas in the Sentell Gas Field of Bossier and Caddo Parishes, Louisiana, which it proposes to sell to Arkansas Louisiana Gas Company under contract dated April 28, 1954, for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules and practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 17, 1954, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Assistant Secretary.*

[F. R. Doc. 54-9403; Filed, Nov. 29, 1954; 8:47 a. m.]

[Docket No. G-3660]

PAN AMERICAN PRODUCTION CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Pan American Production Company (Applicant), a Delaware corporation with its principal office in Houston, Texas, filed on September 29, 1954, application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant produces natural gas in South Bayou Mallet Field, Acadia Parish, Louisiana, which it sells to Texas Northern Gas Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The application is on file with the Commission for public inspection.

Applicant requests that the application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 16, 1954, at 10:15 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE, *Assistant Secretary.*

[F. R. Doc. 54-9404; Filed, Nov. 29, 1954; 8:47 a. m.]

[Docket No. G-3712]

LOUIS J. RONSSEL

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Louis J. Ronssel (Applicant), an individual with his principal office in New Orleans, Louisiana, filed on September 30, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in his application filed herein.

Applicant produces natural gas in South Bayou Mallet Field, Acadia Parish, Louisiana, which it sells to Texas Northern Gas Corporation for resale in interstate commerce.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of December 1954. The application is on file with the Commission for public inspection.

Applicant requests that the application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). Applicants having requested that their application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however,* That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 17, 1954, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Assistant Secretary.

[F. R. Doc. 54-9405; Filed, Nov. 29, 1954; 8:47 a. m.]

[Docket No. G-4373]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, filed an application on October 25, 1954, with the Federal Power Commission, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation and sale of natural gas as hereinafter described and as more fully described in the application on file with the Commission for public inspection.

Applicant proposes to construct and operate: (1) Approximately 1.3 miles of 2⅜-inch pipe line in Cochise County, Arizona, from a point of connection with its Huachuca line to a point adjacent to Fry, Arizona, together with necessary metering facilities at the Fry City Gate; (2) a tap in Maricopa County, Arizona, on Applicant's Phoenix power plant line, together with necessary regulating equipment to deliver gas for the St. John's Indian Mission; and (3) a tap in Pima County, Arizona, on Applicant's 6⅝-inch Tucson line, together with necessary metering facilities at the Alvernon City Gate near Tucson, Arizona.

The proposed facilities will enable Applicant to sell and deliver natural gas: (1) To Arizona Public Service Company for resale at Fry, Arizona, and at the St. John's Indian Mission near Laveen, Arizona; and (2) to the Tucson Gas, Electric Light and Power Company for resale in the suburban area of Estrella adjacent to the City of Tucson, Arizona. The estimated cost of the proposed facilities is $18,843 and their financing is to be out of Applicant's available treasury funds.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to give due notice of the application filed herein, including publication in the FEDERAL REGISTER, and to hold a public hearing in the above-entitled proceeding, all as hereinafter provided and ordered.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicant having requested that its application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however,* That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR, Chapter I), a hearing be held on December 13, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

(C) Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10) on or before December 8, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 17, 1954.

Issued: November 19, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Assistant Secretary.

[F. R. Doc. 54-9406; Filed, Nov. 29, 1954; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 28]

SALEM FISH CULTURAL STATION, SALEM, MAINE

TRANSFER OF PROPERTY

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated October 22, 1954, to the State of Maine, that property known as Salem Fish Cultural Station, Salem, Maine, and more particularly described in said deed, has been transferred from the United States to the State of Maine.

2. The above described property is transferred to the State of Maine for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

P. A. STROBEL,
Commissioner of Public Buildings Service.

NOVEMBER 19, 1954.

[F. R. Doc. 54-9458; Filed, Nov. 26, 1954; 12:48 p. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request 55; DPAV-53]

REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN INTEGRATION COMMITTEE ON CRITICAL QUARTZ CRYSTALS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Integration Committee on Critical Quartz Crystals in accordance with the voluntary plan entitled, "Plan and Regulations of Signal Corps Governing the Integration Committee on Critical Quartz Crystals," was approved by the Attorney General, after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Defense Mobilization, and was accepted by the companies listed below.

This voluntary plan provides for the formation and activities of an Integration Committee on Critical Quartz Crystals to facilitate the exchange of information between the contractors and generally to achieve close cooperation in the solution of production problems by all concerned. The voluntary plan has been approved by the Director of the Office of Defense Mobilization and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of an Integration Committee on Critical Quartz Crystals in accordance with the voluntary plan entitled "Plan and Regulations of Signal Corps Governing the Integration Committee on Critical Quartz Crystals," a copy of which is enclosed.

In my opinion your participation in the activities of this Committee will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I have approved the voluntary plan and have found it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly also send two copies of your acceptance to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G-4, United States Army, Pentagon Building, Washington 25, D. C.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Integration Committee on Critical Quartz Crystals and your participation therein are within the limits set forth in the voluntary plan.

Your cooperation in this matter will be appreciated.

Sincerely yours,

ARTHUR S. FLEMMING,
Director.

ACCEPTANCES

Bliley Electric Company, Union Station Building, Erie, Pa.

Bulova Watch Company, Bulova Park, Flushing 70, N. Y.

Cryco, Inc., 1138 Mission Street, South Pasadena, Calif.

Dalton Corporation, 5066 Santa Monica Boulevard, Los Angeles 29, Calif.

Downing Crystal Company, 921 East Fort Avenue, Baltimore 30, Md.

The Hunt Corporation, 453 Lincoln Street, Carlisle, Pa.

Keystone Electronics Company, 114 Manhattan Street, Stamford, Conn.

McCoy Electronics Company, Mt. Holly Springs, Pa.

Midland Manufacturing Co., Inc., Kansas City 15, Kans.

Pan-Electronics Corporation, 901 West Peachtree Street N. E., Atlanta, Ga.

The Pioneer Electric and Research Corp., Forest Park, Ill.

P. R. Hoffman Company, 321 Cherry Street, Carlisle, Pa.

Reeves-Hoffman Corporation, Cherry and North Streets, Carlisle, Pa.

Research and Development Company, 1512 McGee Street, Kansas City, Mo.

Scientific Radio Products, Inc., 215 South Eleventh Street, Omaha 8, Nebr.

Sherold Crystals, Inc., 1401 Fairfax Trafficway, Kansas City 15, Kans.

Standard Crystal Company, 1714 Locust Street, Kansas City 8, Mo.

Standard Piezo Company, P. O. Box 513, Carlisle, Pa.

Tedford Crystal Labs, 4126 Colerain Avenue, Cincinnati 23, Ohio.

Wright Electronic Development Co., 1519 McGee Street, Kansas City 8, Mo.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, August 14, 1953, 18 F. R. 4939)

Dated: November 26, 1954.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-9487; Filed, Nov. 26, 1954; 3:22 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29950]

DRIED BEANS, PEAS AND LENTILS FROM THE WEST TO SOUTHWESTERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Beans, peas and lentils, dried, carloads.

From: Points in Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Utah, and Wyoming.

To: Destinations in southwestern territory, including Kansas, Missouri, and New Mexico, Vicksburg and Natchez, Miss., and Memphis, Tenn., etc.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4046, supp. 70; W. J. Prueter, Agent, I. C. C. No. A-3885, supp. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9410; Filed, Nov. 29, 1954; 8:48 a. m.]

[4th Sec. Application 29951]

FERTILIZER AND ANHYDROUS AMMONIA FROM SOUTHWESTERN TERRITORY AND KANSAS TO HOWELL'S TRANSFER, GA., AND MAXINE, ALA.

APPLICATION FOR RELIEF

NOVEMBER 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer and fertilizer materials and anhydrous ammonia, carloads.

From: Specified points in southwestern territory, also Military and Parsons, Kans.

To: Howell's Transfer, Ga., and Maxine, Ala.

Grounds for relief: Rail competition, circuity, market competition, to maintain grouping, and additional destinations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4112, supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9411; Filed, Nov. 29, 1954; 8:48 a. m.]

[4th Sec. Application 29952]

SCRAP IRON FROM THE SOUTH TO MT. VERNON, OHIO

APPLICATION FOR RELIEF

NOVEMBER 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap iron and steel, carloads.

From: Points in southern territory.

To: Mt. Vernon, Ohio.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1329, supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emer-

gency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9412; Filed, Nov. 29, 1954; 8:48 a. m.]

[4th Sec. Application 29953]

SCRAP IRON FROM CAIRO, ILL., TO STEELTON, KY.

APPLICATION FOR RELIEF

NOVEMBER 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap iron and steel, carloads.

From: Cairo, Ill.

To: Steelton, Ky.

Grounds for relief: Rail competition, circuitous routes, and additional route.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1329, supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9413; Filed, Nov. 29, 1954; 8:48 a. m.]

[4th Sec. Application 29954]

CRUDE RUBBER FROM TEXAS AND LOUISIANA TO GUNTERSVILLE, ALA.

APPLICATION FOR RELIEF

NOVEMBER 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Crude rubber, viz: artificial, synthetic or neoprene, carloads.

From: Specified points in Texas and Louisiana.

To: Guntersville, Ala.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 405; F. C. Kratzmeir, Agent, I. C. C. No. 4087, supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9414; Filed, Nov. 29, 1954; 8:49 a. m.]

[4th Sec. Application 29955]

BANANAS FROM NEW ORLEANS AND CHALMETTE, LA., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

NOVEMBER 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 4141, pursuant to fourth-section No. 16101.

Commodities involved: Bananas, carloads.

From: New Orleans and Chalmette, La., and points taking same rates.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9415; Filed, Nov. 29, 1954; 8:49 a. m.]

[4th Sec. Application 29956]

BITUMINOUS FINE COAL FROM MINES IN ILLINOIS TO CHICAGO, ILL.

APPLICATION FOR RELIEF

NOVEMBER 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Litchfield and Madison Railway Company for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Illinois.

To: Chicago, Ill., and points taking same rates.

Grounds for relief: Rail competition, circuity, market competition, and to meet intrastate rates.

Schedules filed containing proposed rates: Litchfield and Madison Railway Company, I. C. C. No. 441, supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9416; Filed, Nov. 29, 1954; 8:49 a. m.]